City of Fayetteville, Arkansas

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

Planning Commission Tentative Agenda

Wednesday, July 3, 2024

4:30 PM

City Hall Room 326

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 June 24, 2024 Planning Commission. - Mirinda Hopkins, Development Coordinator

Unfinished Business

2. CUP-2024-0018: Conditional Use Permit (1607 N. COLLEGE AVE/BRASS POLE PROPERTIES LLC, 407):

Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 1607 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.74 acres. The request is for a wireless communications facility.

THIS ITEM WAS TABLED AT MAY 28, 2024 AND THE JUNE 24, 2024 PLANNING COMMISSION MEETINGS. APPLICANT HAS REQUESTED TO TABLE UNITL THE AUGUST 12, 2024 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

3. CUP-2024-0021: Conditional Use Permit (3450 N. HEMLOCK AVE/WASHINGTON MASONIC LODGE #1, 213):

Submitted by SMITH COMMUNICATIONS for property located at 3450 N. HEMLOCK AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.13 acres. The request is for a wireless communications facility.

THIS ITEM WAS TABLED AT THE JUNE 10, 2024 PLANNING COMMISSION MEETING. - Kylee Cole, Planner

4. RZN-2024-0030: Rezoning (N. FUTRALL DR BETWEEN WEDINGTON DR & MLK BLVD/WATSON, 480):

Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located on N. FUTRALL DR BETWEEN WEDINGTON DR & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 6.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

THIS ITEM WAS TABLED AT THE JUNE 24, 2024 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

New Business

5. ADM-2024-0031: Administrative Item (615 W. CHESHIRE CT/ALIGHT FAYETTEVILLE, 561 562):

Submitted by CROUCH, HARWELL, FRYAR & FERNER, PLLC for property located at 615 W. CHESHIRE CT. The property is zoned CS, COMMUNITY SERVICES and contains approximately 12.10 acres. The request is for an appeal to an administrative determination of a violation of UDC Section 176.05. - Gretchen Harrison, Senior Planner

6. LSD-2024-0005: Large Scale Development (NORTH OF N. TRUCKERS DR/THE LENNON, 208):

Submitted by ENGINEERING SERVICES INC for property located NORTH OF N. TRUCKERS DR. The property is zoned RMF-18, RESIDENTIAL MULTI-FAMILY, 18 UNITS PER ACRE and contains approximately 20.23 acres. The request is for a 324-unit multi-family residential development and associated parking and for an addition to the Fellowship Bible Church parking lot. - Donna Wonsower, Planner

7. VAC-2024-0012: Vacation (EAST OF 1202 E. SAIN ST/TRAILS ON THE CREEKS APARTMENTS, 174):

Submitted by BLEW AND ASSOCIATES for property located EAST OF 1202 E. SAIN STREET. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.60 acres. The request is to vacate 0.94 acres of street right-of-way. - Jessica Masters, Development Review Manager

8. RZN-2024-0035: Rezoning (1831 & 1835 W. MITCHELL ST/NWARECO LLC, 520):

Submitted by RMP LLP for property located at 1831 & 1835 W. MITCHELL ST. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.22 acres. The request is to rezone the property RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE. - Donna Wonsower, Planner

9. RZN-2024-0031: Rezoning (2400 N. CROSSOVER RD/TAYLOR, 294):

Submitted by MARK TAYLOR for property located at 2400 N. CROSSOVER RD. The property is zoned R-A, RESIDENTIAL – AGRICULTURAL and contains approximately 1.43 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL. - Kylee Cole, Planner

10. RZN-2024-0032: Rezoning (439 S. CHURCH AVE/PBS PROPERTIES LLC,

523):

Submitted by SITEWISE CIVIL ENGINEERING PLLC for property located at 439 S. CHURCH AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.32 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Kylee Cole, Planner

11. RZN-2024-0033: Rezoning (1919 S. ASHWOOD AVE/ARNOLD, 599):

Submitted by CRAFTON TULL for property located at 1919 S. ASHWOOD AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.40 acres. The request is to rezone the property to RI-12, RESIDENTIAL - INTERMEDIATE, 12 UNITS PER ACRE. - Gretchen Harrison, Senior Planner

12. RZN-2024-0034: Rezoning (1731, 1815 & 1837 W 18TH ST/ARNOLD, 598 & 599):

Submitted by CRAFTON TULL for property located at 1731, 1815 & 1837 W. 18TH ST. The property is zoned RSF-4, RESIDENTIAL-SINGLE FAMILY, FOUR UNITS PER ACRE and contains approximately 9.10 acres. The request is to rezone the property to RI-12, RESIDENTIAL - INTERMEDIATE, 12 UNITS PER ACRE. - Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff

13. LSIP-2023-0009: Large Site Improvement Plan (SOUTH OF 2801 W. MCMILLAN DR/THE AXIS APARTMENTS, 441):

Submitted by CRAFTON TULL for property located SOUTH OF 2801 W. MCMILLAN DR. The property is zoned UT, URBAN THOROUGHFARE and CS, COMMUNITY SERVICES and contains approximately 13.66 acres. The request is for a 232-unit multi-family development, clubhouse, maintenance building, and 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, Telecomminications Device for the Deaf, are available for all public hearings, 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

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

(pg. 1) Planning Commission	Monday, 06/24/2024					
Time:	**5:30 PM**					
Staff :	☒ Melissa Evans ☐ John Scott ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☒ Kylee Cole					
	☐ Britin Bostick ☒ Josh Boccaccio ☐ Melissa Boyd ☒ Fire Marshal/Andrew Horton ☐ Chris Brown ☒ Alan Pugh					
	Roll Call	**1) Minutes (06/10/2024)**	**2) CCP-2024-0004 (WOOD CAPITAL GROUP)**	**3) CCP-2024-0006 (MTC TRUST)**	**4) ADM-2024-0025 (AMEND UDC CHAPTERS 170.02, 170.06, 170.08 & 170.09)**	**5) VAR-2024-0023 (PARKER INVESTMENTS)**
Werner	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**0**					
McGetrick	**0**				**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Castin	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Cabe	**1**	**1**	**1**	**1**	**1**	**1**
Agenda		**Consent**	**Consent**	**Consent**	**Old**	**Old**
Motion By		Garlock	Garlock	Garlock	Cabe	Garlock
Motion 2nd		Werner	Werner	Werner	Castin	Cabe
Vote		7-0-0	7-0-0	7-0-0	8-0-0	8-0-0
Action		Approve	Approve	Approve	Forward	Approve
Time		5:33 PM	5:33 PM	5:33 PM	5:36 PM	5:43 PM
Motion Detail					With a recommendation of approval.	With all conditions as recommended by staff.
Public Comment		0	0	0	0	0

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/8451?site=1

	6) CUP-2024-0018 (BRASS POLE PROPERTIES)	7) VAR-2024-0027 (STERLING HOLDINGS LLC)	8) VAR-2024-0028 (GERLT VENTURES)	9) ADM-2024-0028 (AMEND UDC CHAPTERS 155, 166.02, 166.23 & 167.04)	10) VAR-2024-0026 (FAYETTEVILLE OFFICE PORTFOLIO)	11) VAC-2024-0009 (FAYETTEVILLE OFFICE PORTFOLIO)
Werner	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**0**	**0**	**1**	**1**	**1**
Madden						
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**0**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Castin	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Cabe	**1**	**1**	**1**	**1**	**1**	**1**
Agenda	**Old**	**New**	**New**	**New**	**New**	**New**
Motion By	Werner	Castin	McGetrick	Garlock	Castin	Werner
Motion 2nd	Garlock	Cabe	Cabe	Cabe	Werner	McGetrick
Vote	8-0-0	7-1-0	7-1-0	7-1-0	8-0-0	8-0-0
Action	Table	Approve	Approve	Forward	Approve	Forward
Time	5:44 PM	6:04 PM	6:18 PM	6:55 PM	7:23 PM	7:27 PM
Motion Detail	Until the July 8, 2024 Planning Commission meeting.	In favor of all conditions as recommended by staff.	In favors of all conditions as recommended by staff.	With a recommendation of approval.	With added condition regarding elevations being substantially compliant, and all other conditions as recommended by staff.	With a recommendation of approval.
Public Comment	0	0	0	1	2	0

	12) LSD-2024-0010 (SMYTH)	13) CUP-2024-0023 (G&C FIREWORKS)	14) RZN-2024-0030 (WATSON)	15) RZN-2024-0026 (LIVINGSTON SUBDIVISION)	16) RZN-2024-0027 (BURT HANNA LLC)	17) RZN-2024-0028 (MODUS STUDIO)
Werner	**1**	**1**	**1**	**1**	**1**	**0**
Garlock	**1**	**0**	**1**	**0**	**1**	**0**
Madden						
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Castin	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Cabe	**1**	**1**	**1**	**1**	**1**	**1**
Agenda	**New**	**New**	**New**	**New**	**New**	**New**
Motion By	Werner	Payne	Werner	Werner	McGetrick	Cabe
Motion 2nd	McGetrick	Gulley	Garlock	McGetrick	Cabe	Castin
Vote	8-0-0	7-1-0	7-0-0	7-1-0	8-0-0	6-2-0
Action	Approve	Approve	Table	Forward	Forward	Forward
Time	8:02 PM	8:18 PM	8:20 PM	8:55 PM	9:01 PM	9:33 PM
Motion Detail	In favor of all variances and with all conditions as recommended by staff.	With all conditions as recommended by staff. Motion by Garlock and second by Werner to shift driveway location and trim hedges for visibility was withdrawn.	Until the July 8, 2024 Planning Commission meeting.	With a recommendation of approval.	With a recommendation of approval.	With a recommendation of approval.
Public Comment	**2**	**0**	**0**	**6**	**0**	**3**

	18) RZN-2024-0029 (LUTHER)					
Werner	**1**					
Garlock	**1**					
Madden						
McGetrick	**1**					
Brink	**0**					
Payne	**1**					
Castin	**1**					
Gulley	**1**					
Cabe	**Recuse**					
Agenda	**New**					
Motion By	Garlock					
Motion 2nd	Werner					
Vote	6-1-1					
Action	Deny					
Time	10:35 PM					
Motion Detail						
Public Comment	**0**					

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: July 8, 2024

SUBJECT: **CUP-2024-0018: Conditional Use Permit (1607 N. COLLEGE AVE/BRASS POLE PROPERTIES LLC, 407):** Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 1607 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.74 acres. The request is for a wireless communications facility.

RECOMMENDATION:
Staff recommends tabling **CUP-2024-0018** until the August 12 Planning Commission meeting at the applicant's request.

May 28, 2024 and June 24, 2024 PLANNING COMMISSION MEETING
The applicant has requested to table themselves at previous Planning Commission meetings while still collecting necessary information to complete the application. In the interim, the applicant has been working with staff to ensure the correct documentation is provided, but the applicant requests one more tabling to finalize documents and present final proposals. In the interim, the applicant requests one final tabling until the August 12, 2024 Planning Commission meeting to finalize the application to comply with ordinance. Staff recommends that if a complete application is not received in advance of that meeting, that the application shall be tabled indefinitely.

RECOMMENDED MOTION:
*"I move to table **CUP-2024-0018** until the August 12, 2024 Planning Commission meeting."*

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

Date: **July 8, 2024** ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: July 08, 2024

SUBJECT: **CUP-2024-0021: Conditional Use Permit (3450 N. HEMLOCK AVE./WASHINGTON LODGE #1, 213):** Submitted by SMITH COMMUNICATIONS for property located at 3450 N. HEMLOCK AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.13 acres. The request is for a wireless communications facility.

RECOMMENDATION:
Staff recommends approval of **CUP-2024-0021** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **CUP-2024-0021** with conditions, determining:*

- *In favor of compatibility of Use Unit 36: Wireless Communications Facilities;*
- *In favor of variances to UDC:*
  - *§163.13(B)(4) Camouflaging or Stealth Technology for New Towers;*
  - *§163.13(B)(6) Information Required to Process New Tower Requests;*
  - *§163.13(B)(7) Required (After Condition) Balloon Test and Crane Test Photographs;*
  - *§163.13(B)(8) Sight Line Representation; and*
- *In favor of all other conditions as recommended by staff."*

JUNE 10, 2024 PLANNING COMMISSION MEETING:
At the June 10, 2024 Planning Commission meeting, the item was tabled to allow the applicant to provide additional information regarding the feasibility of a stealth flag-pole style tower. Since then, the applicant has provided new plans for a 181-foot-tall stealth canister pole, which would require an additional variance to height limitations (reviewed by the Board of Adjustment). The applicant has provided the requested documentation and reaffirmed their original request.

BACKGROUND:
The subject property is located in north Fayetteville, approximately 0.12 miles east of N. College Ave. between E. Millsap Rd. to the north and E. Masonic Dr. to the south. Although part of a larger 2.96-acre parcel developed with Washington Masonic Lodge #1, the subject area involves a 5,600-square-foot lease space in the northwest portion of the property, just southeast of N. Hemlock Ave.

A conditional use permit (CUP 09-3284) for the existing stealth cell tower located on the subject

property was previously approved in May 2009. Citing technological advancements and capacity issues which have changed the size and configuration requirements for the antennas and associated equipment, the existing tower is no longer able to accommodate antennas within its 26" diameter. These changes have prompted the current request for a new monopole tower on the existing property. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Institutional (Christian Life Cathedral)	R-O, Residential-Office
South	Single-family Residential	R-O Residential-Office; RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to erect a 150-foot monopole tower with an area at the base for equipment shelters and wireless equipment. The new monopole will replace an existing stealth pole located on the site in an approximately 5,600-square-foot lease space. The tower would support AT&T, T-Mobile, and the City's Emergency Dispatch Communications.

Following ordinance requirements, notification was provided to all property owners within a 500-foot radius of the center of the proposed tower. The tower is not located within 181 feet of a residential structure and does not, as a result, require associated property owner approval. The applicant provided all documentation required by §163.13 to process a conditional use request (see attached), except for four variances requested, below.

Variance #1: §163.13(B)(4) Camouflaging or Stealth Technology for New Towers. Towers shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees. The applicant requested to vary from this standard to not provide stealth technology or additional camouflaging.

Staff recommendation: Staff is supportive of this variance request. As outlined in the applicant's letter, larger antenna equipment is needed to meet current capacity requirements and no longer fit within the stealth concealment tower. The proposed 140' monopole tower with additional 10' antenna meets the requirements of other portions of UDC 163.13(B) and would eliminate the need for additional towers nearby. The applicant has added a proposal to paint the monopole tower white to better blend with the sky. As illustrated in the applicant's additional exhibits, although a stealth canister pole is feasible, it would require an overall tower height of 181 feet, approximately a 21% increase to maximum height requirements. This increased height would require additional FAA review and would also place three institutional or commercial structures within the fall zone. There are only two outbuildings within the fall zone for a 150-foot tower. Staff finds that potential threats to life and property from a taller stealth canister tower outweigh the adverse visual impacts of a non-stealth monopole tower.

Variance #2: §163.13(B)(6) Information Required to Process New Tower Requests. This section is intended to outline the application requirements for a new tower. The applicant requested to vary from this requirement to not provide some of this information including a coverage map (a), map of other existing or planned carrier facilities (b), other locations explored (c), and description of colocation efforts (f).

Staff recommendation: Staff is supportive of this variance request finding that the

information in this section is requested to evaluate proposals for new cell towers where none currently exists. As this request is to replace the existing tower with a new tower, staff finds that much of this information is duplicative and has been provided with the original conditional use permit for the site. Further, the proposed pole is proposed to provide opportunities for future co-location of cellular facilities.

Variance #3: §163.13(B)(7) Required (After Condition) Balloon Test and Crane Test Photographs. This requirement is intended to illustrate the height of the proposed tower. The applicant requested to vary from this requirement and only provide photographic mock-ups of the proposed tower.

Staff recommendation: Staff is supportive of this variance request. Typically, the primary intent of a balloon or crane test is to illustrate the height of a proposed tower. However, in this case, the existing tower is the best representation of the proposed tower height. Further, the applicant provided photographic simulations of the proposed tower to further illustrate the new design, which are included in this submittal. The second purpose of the balloon test is to notify the public during the test to provide a visual representation of the proposed tower. For the purposes of this application, the applicant was required to provide written notice and a public notice sign. This public notice and the existing tower meets the intent of this requirement.

Variance #4: §163.13(B)(8) Sight Line Representation. A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings. The applicant requested a variance from this requirement and to only provide photographic mockups of the proposed tower.

Staff recommendation: Staff is supportive of this variance request finding that photographic simulations of current site conditions and using the existing and proposed tower as a model is a sufficient representation of the project.

Public Comment: To date, staff has received one comment in opposition to the request.

RECOMMENDATION: Staff recommends approval of **CUP-2024-0021,** subject to the following conditions:

<u>Conditions of Approval</u>:

1. **Planning Commission determination of compatibility for Use Unit 26: Wireless Cellular Facilities.** *Staff finds the proposed wireless cellular facility to be compatible with the neighborhood based on the findings in this report;*

2. **Planning Commission determination of a variance to UDC §163.13(B)(4) Camouflaging or Stealth Technology for New Towers.** *Staff does not recommend in favor of this variance for the reasons stated above;*

3. **Planning Commission determination of a variance to UDC §163.13(B)(6) Information Required to Process New Tower Requests.** *Staff recommends in favor of this variance for the reasons stated above;*

4. **Planning Commission determination of a variance to UDC §163.13(B)(7) Required (After Condition) Balloon Test and Crane Test Photographs.** *Staff recommends in favor of this variance for the reasons stated above;*

5. **Planning Commission determination of a variance to UDC §163.13(B)(8) Sight**

Line Representation. *Staff recommends in favor of this variance for the reasons stated above;*

6. The existing 6-foot wooden privacy fence and vegetation shall be retained for screening of the facility. If any portion of the privacy fence or vegetation is removed or damaged during construction, it shall be immediately replaced. Staff will determine if additional screening is needed after the facility has been constructed. The species and location shall be approved by the Urban Forester;

7. The applicant shall submit a copy of the proposed cellular tower to the Fayetteville Municipal Airport (Drake Field) administration for review and approval with Fayetteville Airport Zoning law. Written verification from airport administration is required prior to issuance of a building permit. Should the proposal not comply with the Airport Zoning, the Conditional Use Permit shall be null and void;

8. The tower and associated equipment shall be located within the general area as shown on the attached site plans. Construction of the tower shall comply with Chapter 167, Tree Preservation and Protection;

9. A Commercial Building Permit shall be required to review the site development details and screening;

10. The structure and surrounding site should be designed to resist the forces of water. Any structure built along with the tower would be required to be elevated or flood-proofed (non-residential structures only) per Chapter 168. Any utilities below the base flood elevation would be required to be constructed per Chapter 168. Any construction within the Floodway in the area would require other requirements as enforced by the Floodplain Administrator;

11. The applicant shall comply with all applicable federal regulations;

12. Equipment used in conjunction with the tower shall not generate noise which can be heard beyond the site per Chapter 163.13 (A)(1);

13. Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base of the tower provided that that the lighting is compliant with Chapter 176 Outdoor Lighting of the Unified Development Code. No lighting shall be installed at a height greater than 6 feet above surrounding grade;

14. Unless otherwise permitted by Chapter 163.13, the tower shall be no taller than 150' (including all antennas, arrays, or other appurtenances);

15. The utility equipment at the base of the tower shall be surrounded by a 6-foot tall wooden security fence as required by 163.13(B)(10);

16. Any connection to existing utilities to provide power to this site shall be located underground. If additional electric lines are required to be extended to provide service to this development, they shall be extended and shall be placed underground at the cost of the applicant;

17. The minimum distance from the base of the tower to any residential dwelling unit shall

be the tower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in writing to the construction of the tower, pursuant to UDC Section 163.13(B)(3);

18. Only warning, site identification and FCC signs shall be permitted as provided by Chapter 163.13 (A)(3) and in no case shall any sign exceed 4 square feet. Signs shall be limited to the fence structure;

19. Co-location shall be permitted for additional carriers, allowing other wireless providers to locate on the facility;

20. When technology becomes available and economically viable to allow the height of cell tower to be reduced by 50 percent or more or to allow the site to be eliminated altogether, such facilities shall be upgraded or eliminated within 24 months of a request by the City;

21. At such time that the licensed carrier(s) abandons or discontinues operation of a wireless facility, the carrier(s) shall physically remove the wireless facility and all associated equipment within 90 days from the date of abandonment or discontinuation, pursuant to Chapter 163.13(G);

22. Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within 30 days to the Planning Department, pursuant to Chapter 163.13(H); and

23. The tower and supporting equipment shelter shall be located outside of the required building setbacks for the RSF-4, Residential Single-Family, Four Units per Acre, zoning district.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 08, 2024	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02, AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 36: Wireless Communications Facilities on property zoned RSF-4, Residential Single-Family, Four Units per Acre.**

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

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

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

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

Finding: **The Planning Commission is empowered under §161.07 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use permit should not adversely affect public interest. The new tower and surrounding base equipment will be located approximately 60 feet from the nearest public street and over 245 feet from the nearest residential use. The existing privacy fence and vegetative screen around the existing equipment will be retained, reducing visual impact while providing an important service to the community.**

Pursuant to §163.13, where an applicant demonstrates that it is not feasible to co-locate on an existing structure, a new tower should be camouflaged to the greatest extent possible. Although there are other cell facilities within

one mile of this location, the proposed location is the current site of an existing, but insufficient, 150-foot stealth tower. The applicant has requested a variance to §163.13(B)(4), as discussed above. Staff is supportive of this variance request, finding that the proposed tower will not be substantially more visually impactful than the existing tower facility.

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing Use Unit 36: Wireless Communication Facilities, as follows:**

§163.13 WIRELESS COMMUNICATION FACILITIES

(A) The following general requirements shall apply to all new wireless communications facilities.

(1) Noise Requirements. Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air condition units no noisier than ordinary residential units or generator used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

Finding: **Equipment used in connection with the tower shall not generate noise which can be heard beyond the site per §163.13. The applicant has noted that noise generation will be limited to that associated with commercial HVAC equipment.**

(2) Compliance with Federal Regulations. Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the City Planner.

Finding: **The applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided prior to issuance of a building permit.**

(3) Lighting and Signage.

(a) Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communications facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or right-of-way.
(b) Signs shall be limited to those needed to identify the property and tower and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.

Finding: **Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base**

of the tower, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way. All outdoor lighting shall meet lighting ordinance requirements and shall not be located higher than 6' above surrounding grade.

(B) New Towers. New wireless communications towers shall meet the following requirements:

(1) Type of Towers Allowed. New towers shall be limited to monopole type structures or alternative tower structures.

Finding: **The applicant is proposing a monopole.**

(2) Tower or antenna height limitations. Towers or alternative tower structures are permitted to a maximum height of 150 feet.

Finding: **The maximum tower height (including antenna, lighting rod, and all other appurtenances) permitted by the Unified Development Code is 150 feet. The applicant is currently proposing a 150-foot tall tower.**

(3) Fall Zone. The minimum distance from the base of any tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residences or the land on which said residences are located consent in a sign writing to the construction of said tower. This setback is considered a "fall zone." In the event that an existing structure is proposed as a mount for a wireless communication facility, a fall zone shall not be required.

Finding: **There are no residential dwelling units located within 150' of the base of the tower, within the 'fall zone'. Although not regulated by ordinance, portions of a building housing institutional use (the Washington Masonic Lodge #1) and two outbuildings are located within the 150' fall zone radius.**

(4) Camouflaging or Stealth Technology for New Towers. If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designated to be camouflaged to the greatest extent possible, including but not limited to: use of a compatible building materials and colors, screening, landscaping and placement within trees.

Finding: **The applicant's proposal is for typical monopole style tower with antenna externally mounted and painted white. Due to new technology and increased size of antenna, the antennas can no longer fit within the 26" diameter stealth tower. The applicant is requesting a variance from this requirement, as discussed above. Staff finds that the proposed facility is camouflaged to the greatest extent possible at this particular site with screening and trees.**

(5) Color of Towers. To the extent that any antenna extends above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.

Finding: **As proposed, the pole would be painted white and would have minimal visual impact to the area.**

(6) Information Required to Process New Tower Requests.

(a) Provide a map of the geographic area that your project will serve.

(b) Provide a map that shows other existing or planned facilities that will be used by the wireless communication service provider who is making the application.

(c) Provide a map that shows other potential stand-alone locations for your facility that have been explored.

(d) Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specification on proposed lighting of the facility

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks and proximity to single family residences.

(f) Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

(1) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;

(2) Contact with all the other wireless communications licensed carriers operating in the City and Washington County; and

(3) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

(4) Letter from tower owner stating why co-location is not feasible.

(g) Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

Finding: **The applicant has requested a variance to this requirement, as discussed above. Co-locating new carriers on existing cellular towers or existing structures is the first and best option available from a community perspective. Since the existing tower in this location can no longer accommodate the increasingly large cell antenna, the applicant is proposing a replacement tower in the same area. Staff finds that this would have minimal impacts from a community perspective as the community is accustomed to seeing a tower in this location. As stated within the applicant's request, this new tower would continue to support AT&T, T-Mobile, and City Emergency Dispatch services, permit the proposed Verizon co-location, and have capacity for a future fourth carrier.**

(7) Required (after condition) and Balloon Test or Crane Test Photographs. The proposed tower shall be photographed from four locations taken 90 degrees apart

and 300' from the center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four locations. The time period, not to exceed one week, within which the test will be performed, shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test. The four locations shall be approved by the City Planner.

Finding: **The applicant has requested a variance to this requirement, as discussed above.**

(8) Sight Line Representation. A sight line representation shall be drawn from four points 90 degrees apart and 100 degrees from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

Finding: **The applicant has requested a variance to this requirement, as discussed above.**

(9) Structural Integrity and Inspection of Towers

(a) The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.
(b) If a tower fails to comply with the requirements and criteria above and constitutes a danger to person or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within thirty (30) days, the City may terminate that owner's conditional use permit and/or cause the removal of such tower (at the owner's expense).
(c) By making an application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by the applicant which are located in the City. The applicant further agrees to conduct inspections of all such facilities not less frequently than every 12 months. The applicant agrees that said inspections shall be conducted by one or more designated persons holding a combination of education ad experience so that they are reasonably capable of identifying functional problems with the facilities.

Finding: **The applicant has provided this information.**

(10) Security Fencing and Anti-climbing Device. Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than six (6) feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing", "High Voltage" or other pertinent information on the outside of the fence, unless it is decided that the goals of this ordinance would be better served by waiving this provision in a particular instance. <u>Barbed wire fencing or razor wire shall be prohibited.</u>

Finding: **The applicant shall retain the existing 6-foot-tall wood privacy fence with an vegetative buffer around the equipment at the base of the tower. Staff recommends a condition of approval requiring the retention or replacement of all fencing and vegetative screening. The applicant has indicated in their application that existing signage will remain and indicates ownership and warnings.**

(11) Vegetative Screening Requirements. Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or combination of both.

Finding: **The location of the facility is within an area that is currently vegetated. Additional screening may be required to provide adequate screen between the facility and neighboring properties. Staff will determine if additional screening is needed after the facility has been constructed. The species and location shall be approved by the Urban Forester.**

(12) Setback from Property Lines. Wireless communications facilities shall meet current setbacks as required by zoning.

Finding: **The proposed facility and accessory structures shall comply with RSF-4 setback requirements.**

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

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

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

Finding: **Access is proposed via an existing gravel driveway from the adjacent N. Hemlock Ave. to the subject property to access the tower facility. Traffic and pedestrian access will not be adversely impacted given the minimal amount of traffic to the tower site.**

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

Finding: **No parking or loading areas are required for this use.**

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

street parking and loading,

Finding: **No refuse generation is anticipated with this use.**

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

Finding: **Utilities to the site shall be located underground and on-site utilities shall be screened from public view except for the proposed cellular tower. Any electric lines that must be extended or provided to the site shall be done so at the cost of the applicant, and all lines shall be located underground at the cost of the applicant.**

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

Finding: **Screening is proposed in the form of an existing 6-foot, wood privacy fence on all sides of the facility with extensive vegetative screening. Staff will evaluate the proposed screening after the site has been developed. Any additional screening shall be permitted by the Urban Forester and shall fully screen the facility from adjacent property boundaries.**

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

Finding: **Only warning, site identification, and FCC signs are permitted on the subject facility. All required signs shall be located on the fence structure.**

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

Finding: **The location for the proposed ground equipment is outside of the required setbacks for the RSF-4 zoning district.**

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

Finding: **Complete compatibility with adjacent uses is difficult to achieve when erecting any type of tall tower structure. However, to the extent possible the applicant has provided screening and chosen a location to reduce the visual impact on nearby residential areas. Staff finds that the color of the tower and location of the tower mentioned above result in general compatibility.**

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

Finding: **Staff finds that the proposal is compatible with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.**

BUDGET/STAFF IMPACT:
None

Attachments:
- Unified Development Code
  - §163.13, Wireless Communications Facilities
- Applicant Exhibits
  - Updated Request Letter
  - Variance Request Letter
  - Site Plan and Construction Drawings
  - Photo Simulations
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

163.13 - Wireless Communications Facilities

(A) The following general requirements shall apply to all new wireless communications facilities.

(1) *Noise Requirements.* Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generator used in emergency situations where regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

(2) *Compliance with Federal Regulations.* Applicant shall comply with all applicable federal regulations. Proof of compliance shall be provided upon request of the Zoning and Development Administrator.

(3) *Lighting and Signage.*

(a) Wireless communications facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Security lighting or motion-activated lighting may be used around the base of a tower and within the wireless communication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

(b) Signs shall be limited to those needed to identify the property and the owner and warn of any danger. No signs, symbols, identifying emblems, flags, or banners shall be allowed on towers.

(B) *New Towers.* New wireless communications towers shall meet the following requirements:

(1) *Type of Towers Allowed.* New towers shall be limited to monopole type structures or alternative tower structures.

(2) *Tower or Antenna Height Limitations.* Towers or alternative tower structures are permitted to a maximum height of 150 feet.

(3) *Fall Zone.* The minimum distance from the base of any tower to any residential dwelling unit shall be the lower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in a sign writing to the construction of said tower. This setback is considered a "fall zone." In the event that an existing structure is proposed as a mount for a wireless communication facility, a fall zone shall not be required.

(4) *Camouflaging or Stealth Technology for New Towers.* If the applicant demonstrates that it is not feasible to locate on an existing structure, towers shall be designed to be camouflaged to the greatest extent possible including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees.

(5) *Color of Towers.* To the extent that any antenna extending above the height of the vegetation immediately surrounding it, they shall be a neutral color, painted or unpainted, unless the FAA requires otherwise.

(6) *Information Required to Process New Tower Requests.*

(a) Provide a map of the geographic area that your project will serve;

(b) Provide a map that shows other existing or planned facilities that will be used by the wireless communication service provider who is making the application;

(c) Provide a map that shows other potential stand alone locations for your facility that have been explored;

(d) Provide a scaled site plan containing information showing the property boundaries, proposed tower, existing land use, surrounding land uses and zoning, access road(s) location and surface material, existing and proposed structures and topography. The plan shall indicate proposed landscaping, fencing, parking areas, location of any signage and specifications on proposed lighting of the facility;

(e) Describe why the proposed location is superior, from a community perspective, to other potential locations. Factors to consider in the community perspective should include: visual aspects, setbacks, and proximity of single-family residences;

(f) Describe your efforts to co-locate your facility on one of the poles or towers that currently exists, or is under construction. The applicant should demonstrate a good faith effort to co-locate with other carriers. The Planning Commission may deny a permit to an applicant that has not demonstrated a good faith effort to provide for co-location. Such good faith effort includes:

(i) A survey of all existing structures that may be feasible sites for co-locating wireless communications facilities;

(ii) Contact with all other wireless communications facilities;

(iii) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and

(iv) Letter from tower owner stating why co-location is not feasible.

(g) Describe how you will accommodate other antenna arrays that could co-locate on your facility. Describe how this accommodation will impact both your pole or tower, and your ground mounted facilities. Provide documentation of your provider's willingness to accommodate other providers who may be able to co-locate on your facility.

(7) *Required (After Condition) Balloon Test and Crane Test Photographs.* The proposed tower shall be photographed from four (4) locations taken 90° apart and 300 feet from the center of the tower. The proposed tower shall be superimposed on the photographs. A balloon or crane test shall be performed to illustrate the height of the tower and photographed from the same four (4) locations. The time period, not to exceed one (1) week, within which the test will be performed, shall be advertised in a newspaper of general circulation in the city at least fourteen (14) days, but not more than twenty-one (21) days prior to the test. The four (4) locations shall be approved by the Zoning and Development Administrator.

(8) *Sight Line Representation.* A sight line representation shall be drawn from four points 90° apart and 100 feet from the proposed tower. Each sight line shall be depicted in profile, drawn at one inch equals 40 feet. The profiles shall show all intervening trees and buildings.

(9) *Structural Integrity and Inspections of Towers.*

(a) The applicant shall provide a certification letter that states the tower meets or exceeds design criteria and all local, state, and federal requirements regarding the construction, maintenance, and operation of the tower.

(b) If a tower fails to comply with the requirements and criteria above and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such requirements and criteria. If the owner fails to bring such tower into compliance within thirty (30) days, the city may terminate the owner's conditional use permit and/or cause the removal of such tower (at the owner's expense).

(c) By making application hereunder, the applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the city. The applicant further agrees to conduct inspections of all such facilities not less frequently than every twelve (12) months. The applicant agrees that said inspections shall be conducted by one (1) or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

(10) *Security Fencing and Anti-Climbing Device.* Through the use of security fencing, towers and equipment shall be enclosed by wood board fencing not less than 6 feet in height. The tower shall also be equipped with an appropriate anti-climbing device. The facility shall place signs indicating "No Trespassing," "High Voltage," or other pertinent information on the outside of the fence, unless it is decided that the goals of this

ordinance would be better served by waiving this provisions in a particular instance. Barbed wire fencing or razor wire shall be prohibited.

(11) *Vegetative Screening Requirements.* Wireless communications facilities shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Trees and vegetation may be existing on the subject property or installed as part of the proposed facility or a combination of both.

(12) *Setbacks from Property Lines.* Wireless communication facilities shall meet current setbacks as required by zoning.

...

(E) *Exemptions.*

…

(3) *Existing Towers.* All existing towers may be replaced with the same type and height of tower structure as currently exists. All replacement towers shall comply with §163.14(A) and (B) regarding color of towers, structural integrity and inspections of towers, security fencing and anti-climbing device, and vegetative screening requirements. All existing guyed towers shall also be subject to the following conditions:

(a) A demolition permit shall be issued prior to a building permit being issued for the replacement tower;

(b) The demolition permit shall expire within ninety (90) days and shall require the existing tower to be demolished within ninety (90) days from issuance of the building permit for the replacement tower;

(c) The new tower shall be constructed as close as technically feasible to the existing tower;

(d) The replacement structure may be increased in width to a maximum of 36 inches. Existing guyed towers over 36 inches shall not be increased in width with a replacement tower.

…

(F) *Municipal Profits from Towers.* The City of Fayetteville should actively market its own property and existing structures as suitable co-location sites. As noted above, the review process is shortened and simplified when co-location on city property is submitted by applicant. An annual lease amount should be charged according to the fair market value of the location. In cases where the company no longer needs the tower, the city may require it to be removed. Applicants can provide co-location space for city-owned antenna.

(G) *Abandoned Antennas and Towers.* At such time that a licensed carrier abandons or discontinues operation of a wireless communication facility, such carrier will notify the city of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that licensed carrier fails to give such notice, the wireless communications facility shall be considered abandoned upon such discontinuation of operations. Upon abandonment or discontinuation of use, the carrier shall physically remove the wireless communications facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of antenna, equipment shelters and security barriers from the subject property;

(2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations;

(3) Restoring the location of the wireless communications facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

(H) *Notification of Change of Ownership/Operator.* Upon assignment or transfer of a conditional use permit, or any of the rights thereunder to a new wireless telecommunications operator, the owner or operator shall provide written notice within thirty (30) days to the Zoning and Development Administrator.

…

Smith Communications, LLC.
520 N College Ave. Fayetteville, AR 72701
Ph 479-443-7777 Fax 479-443-5677

July 1, 2024

City of Fayetteville
Planning Commission & Staff

RE: Smith Communications Proposal to Replace Existing Tower at 3450 N Hemlock Ave

Smith Communications, LLC proposes to replace the existing 140-foot stealth concealment tower with a new 140-foot monopole tower. The underlying parcel is still zoned RSF-4 and still owned by the Washington Masonic Building Corporation. The adjacent parcels to the north and west are owned by Cathedral of Christian Life and zoned RO and RSF-4 respectively. The existing tower was constructed with the approval of Conditional Use Permit 09-3284 issued on May 26, 2009. Since then, technological advancements have changed the size and configuration requirements for the antennas and associated equipment. The antenna sections of the existing tower are only 26" in diameter which will no longer accommodate the new equipment required by the current carrier tenants to continue to provide quality service. The existing tower currently supports AT&T and T-Mobile as well as the City's Emergency Dispatch Communications. Verizon has recently inquired about collocating equipment on this site.

We have revised our proposal to offer the proposed new 140' monopole tower to be painted white to better align with camouflage requirements. As requested during the meeting held on June 10, 2024, we are also submitting for planning commission review a revised tower design for a larger stealth canister pole to replace the existing canister pole that will no longer accommodate the carriers' needs. The proposed larger canister pole design will need to maintain the city's dispatch microwave dish at a centerline elevation of 94 feet above finished grade. This will require the antenna concealment canisters to start at an elevation of 99 feet above finished grade. To fully accommodate three carriers, there will need to be six concealment canister sections (two per carrier). Each concealment canister section will need to be 12 feet tall and have a diameter of 48 inches. This is 6 inches larger in diameter and the same concealment canister section height of the tower most recently installed at Holt Middle School. This will make the top of tower structure 171 feet above finished grade. Overall height with the city's antenna on the top of the tower will be 181 feet. The change in height will require approval from the FAA and the helicopter traffic from the nearby Washington Regional Medical Center will have to be reviewed. A new FAA study will take 45 to 60 days for determination so we cannot say for certain at this time that we will be allowed by the FAA to extend the height by this amount.

The existing facility is positioned on the property so that it takes full advantage of distancing itself from street traffic. The proposed new 140-foot monopole will still meet all the building setbacks

for a WCF project. While there are no residential structures within 181 feet of the proposed tower location, portions of the Masonic Lodge building to the southeast and of the church building to the northeast will lie within the 181-foot radius required for the larger (taller) stealth canister pole.

The proposed new 140' monopole tower will be designed for four full carriers plus the existing City of Fayetteville equipment. This would allow the current tenants to upgrade their equipment and accommodate the proposed new Verizon equipment without the need to extend the tower in height or build an additional communications facility nearby. The alternative 181-foot stealth canister pole design will only be able to accommodate three carriers. Even with this larger 48-inch diameter, the tower may require modification again in the future depending on technological evolution of the carriers' equipment.

I would like to address the concern of setting precedent for replacement of stealth canister poles with standard monopoles and remind that any such request would be required to go through the Conditional Use Permit process. We feel this site is unique in hardship due to the unusually small size of the existing pole. The existing tower and foundation are not structurally sufficient to support installing larger expanded canisters. The normal adjustments that would be made to manage the height of the tower are restricted at this site by the city's dispatch communications equipment currently located on the tower. Our stealth canister pole located next to the Washington Regional Medical Center will need to be modified to accommodate proposed equipment changes, but that pole is newer and will only require minor modifications to support larger diameter canisters.

With this in mind, we bring this project forward with the strong belief that the monopole tower proposal is compatible and consistent with the current and future land uses and is still the best solution to meet these needs while providing an excellent piece of infrastructure so that the community may continue to depend on having the best possible wireless services while in the College Avenue-Fulbright Expressway interchange area of Fayetteville.

Respectfully,

Lisa Taylor

Lisa R. Taylor
Program Manager
Smith Communications
501-317-6851

Smith Communications, LLC.
520 N College Ave. Fayetteville, AR 72701
Ph 479-443-7777 Fax 479-443-5677

June 24, 2024

City of Fayetteville
Planning Commission & Staff

RE: CUP-2024-0021 - Smith Communications Proposal to Replace Existing Tower at 3450 N Hemlock Ave

Smith Communications, LLC is requesting a variance from the following Use Conditions for Wireless Communications Facilities to be added to application CUP-2024-0021 and to appear on the Agenda for the upcoming Planning Commission meeting:

163.13(B)(2) *Tower or Antenna Height Limitations.* Towers or alternative tower structures are permitted to a maximum height of 150 feet.

As requested during the meeting held on June 10, 2024, we are submitting for planning commission review, a revised tower design for a larger stealth canister pole to replace the existing canister pole that will no longer accommodate the carriers' needs. The proposed design will need to maintain the city's dispatch microwave dish at a centerline elevation of 94 feet above finished grade. This will require the antenna concealment canisters to start at an elevation of 99 feet above finished grade. To fully accommodate three carriers, there will need to be six concealment canister sections (two per carrier). Each concealment canister section will need to be 12 feet tall. This will make the top of tower structure 171 feet above finished grade. Overall height with the city's antenna on the top of the tower will be 181 feet. This design will require a variance of the maximum height allowed. There are no residential structures within 181 feet of the proposed tower location.

Respectfully,

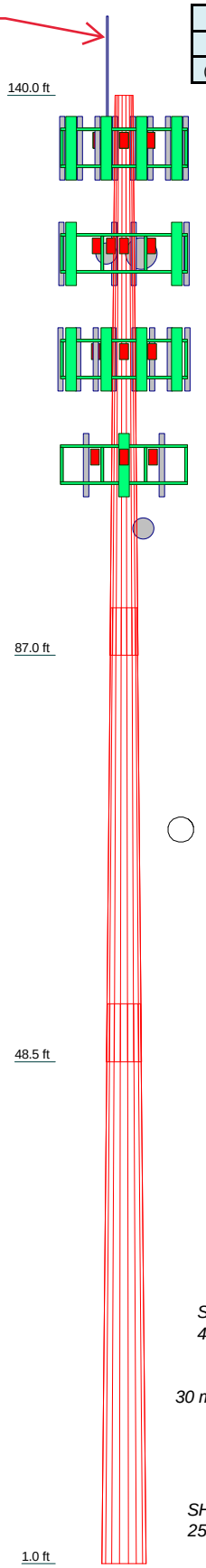
Lisa Taylor

Lisa R. Taylor
Program Manager
Smith Communications
501-317-6851

10' city antenna, overall height not to exceed 150' AGL

Structural Top Plate:
1.25" x 28" A572 Gr. 50
(12) 3/4" Bolts on a 24" B.C.

Section	Length (ft)	Number of Sides	Thickness (in)	Socket Length (ft)	Top Dia (in)	Bot Dia (in)	Grade	Weight (K)
1	53.00	18	0.1875	4.50	20.0000	31.7725		2.8
2	43.00	18	0.2500	5.50	30.3979	39.9492	A572-65	4.1
3	53.00	18	0.3125		38.2275	50.0000		7.8
								14.6



ALL REACTIONS ARE FACTORED

AXIAL 77 K

SHEAR 4 K *MOMENT 455 kip-ft*

TORQUE 1 kip-ft
30 mph WIND - 2.0000 in ICE

AXIAL 38 K

SHEAR 25 K *MOMENT 2822 kip-ft*

TORQUE 7 kip-ft
REACTIONS - 107 mph WIND

DESIGNED APPURTENANCE LOADING

TYPE	ELEVATION	TYPE	ELEVATION
Sinclair SC432D-HF6LDF	140	(3) Nokia AHLOA	125
Pipe Mounts	140	(2) Nokia HCS 2.0 Junction Box	125
(2) Kathrein 800-10798	135	Ceragon FibeAir RFU-C	125
Ericsson AIR6449 B77D/ C-Band w/ mount pipe	135	Ceragon FibeAir RFU-C	125
		PV-LPPGS-12M-HR2-AP2	125
Ericsson AIR6419 B77G w/ mount pipe	135	Commscope VHLP2-11PW	125
CCI TPA65R-BU8D	135	Commscope VHLP800-11	125
(2) Kathrein 800-10798	135	Samsung RT4423-48A / RF4423-48B	115
Ericsson AIR6449 B77D/ C-Band w/ mount pipe	135	(2) JMA MX10FRO660-xx w/ mount pipe	115
Ericsson AIR6419 B77G w/ mount pipe	135	Samsung MT6413-77A w/ mount pipe	115
CCI TPA65R-BU8D	135	Samsung RT4423-48A / RF4423-48B	115
(2) Kathrein 800-10798	135	(2) JMA MX10FRO660-xx w/ mount pipe	115
Ericsson AIR6449 B77D/ C-Band w/ mount pipe	135		
		Samsung MT6413-77A w/ mount pipe	115
Ericsson AIR6419 B77G w/ mount pipe	135	Samsung RT4423-48A / RF4423-48B	115
CCI TPA65R-BU8D	135	(6) Samsung RF4439d-25A	115
(6) Ericsson RRUS-32 B2	135	(3) Samsung RF4461d-13A	115
(3) Ericsson RRUS-32 B66A	135	(2) Raycap RVZDC-6627-PF-48	115
(3) Ericsson RRUS-32 B30	135	PV-LPPGS-12M-HR2-AP2	115
(3) Ericsson 4478 B14	135	(2) JMA MX10FRO660-xx w/ mount pipe	115
(3) Ericsson 4449 B5/B12	135		
(3) Ericsson RRUS-32	135	Samsung MT6413-77A w/ mount pipe	115
(3) Raycap DC9-48-60-24-8C-EV	135	JMA MX08FRO665-21 w/ mount pipe	105
PV-LPPGS-12M-HR2-AP2	135	(3) Fujitsu TA08025-B604	105
Commscope FFHH-65C-R3	125	(3) Fujitsu TA08025-B605	105
Nokia AEHC w/ mount pipe	125	Raycap RDIDC-9181-PF-48	105
Commscope FFHH-65C-R3	125	PV-LPPGS-12M-HR2-AP2	105
Nokia AEHC w/ mount pipe	125	JMA MX08FRO665-21 w/ mount pipe	105
Commscope FFHH-65C-R3	125	JMA MX08FRO665-21 w/ mount pipe	105
Nokia AEHC w/ mount pipe	125	Pipe Mounts	99
(3) Nokia AHFIG	125	2 ft standard	99

MATERIAL STRENGTH

GRADE	Fy	Fu	GRADE	Fy	Fu
A572-65	65 ksi	80 ksi			

TOWER DESIGN NOTES

1. Tower designed for Exposure C to the TIA-222-H Standard.
2. Tower designed for a 107 mph basic wind in accordance with the TIA-222-H Standard.
3. Tower is also designed for a 30 mph basic wind with 2.00 in ice. Ice is considered to increase in thickness with height.
4. Deflections are based upon a 60 mph wind.
5. Tower Risk Category II.
6. Topographic Category 1 with Crest Height of 0.00 ft
7. TOWER RATING: 99.7%

Preliminary Design

Not For Fabrication

Estimated Total Structure Wt. = 15571 lbs

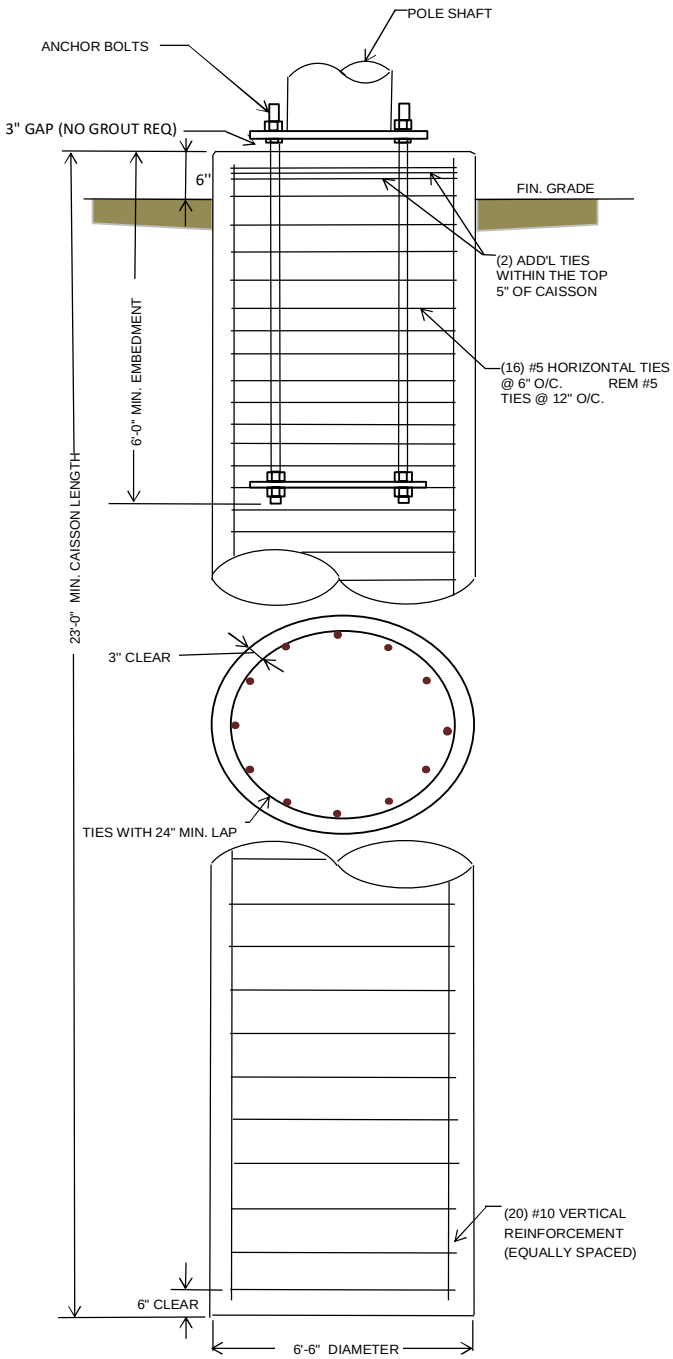
TAPP
QUALITY STEEL POLES. DELIVERED.

Design may not be used without written permission from Michael F. Plahovinsak, PE

BASE PLATE:	1.75" x 63" ROUND (55 KSI)
ANCHOR BOLTS:	(16) ANCHORS ON 57" B.C
	2.25 in. A615 GR. 75 X 7'-0"

Michael Plahovinsak, P.E.
18301 State Route 161
Plain City, OH 43064
Phone: 614-398-6250
FAX: mike@mfpeng.com

Job: *140-ft Monopole - MFP #23524-159*		
Project: *AR201001 Fulbright*		
Client: 24-0344	Drawn by: Mike	App'd:
Code: TIA-222-H	Date: 04/04/24	Scale: NTS
Path: C:\Users\Mike\Dropbox\MFP Engineering Files\Projects\23524-TAPP\23524-159\Ren		Dwg No. E-1



FOUNDATION NOTES:

1. FOUNDATION DESIGN IS BASED ON GEOTECHNICAL REPORT PROVIDED BY:

GEOTECH:	KLEINFELDER
REPORT NO.:	84764-17
REPORT DATE:	7/13/09

2. FOUNDATION CONCRETE STRENGTH SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4500 PSI .

3. ESTIMATED CONCRETE VOLUME = 28 CUBIC YARDS.

4. ANCHOR RODS: 2 1/4"ø x 7'-0" LONG, WITH MIN.6'-0" EMBEDMENT INTO CONCRETE.

5. THE FOUNDATION WAS DESIGNED FOR THE FOLLOWING LOADS:

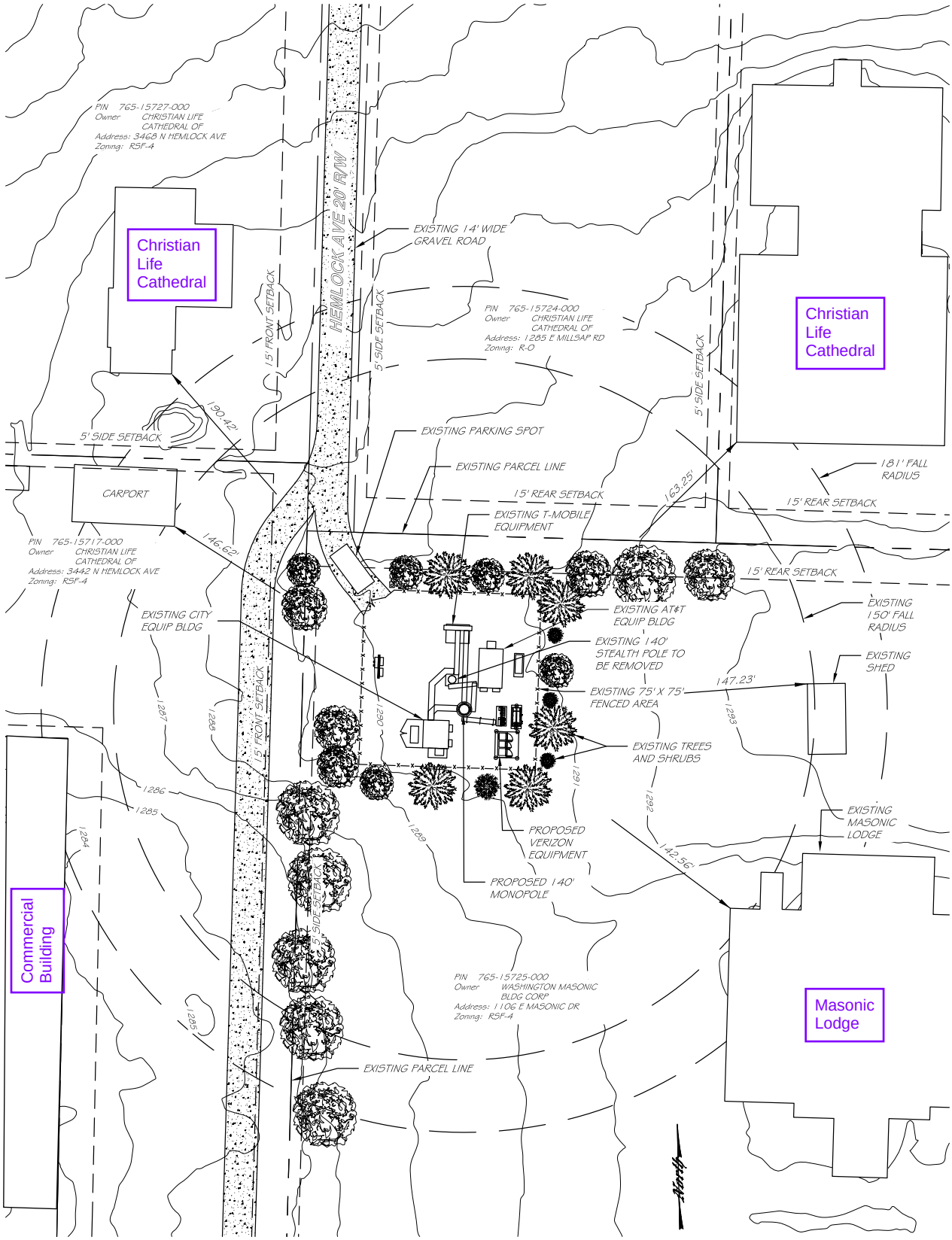
MOMENT:	2822	FT-KIPS
SHEAR:	25	KIPS
AXIAL:	38	KIPS

6. GEOTECHNICAL REPORT INDICATES GROUNDWATER MAY BE ENCOUNTERED AT 26.9 FT BELOW GRADE.

- PRELIMINARY FOUNDATION DESIGN -
NOT FOR CONSTRUCTION

Michael F. Plahovinsak, P.E.
18301 State Route 161 W
Plain City, OH 43064
Phone: 614-398-6250
email: mike@mfpeng.com

140-ft monopole - MFP #23524-159		
AR201001 Fulbright		
TAPP	Mike	
TIA-222-H	04/01/2024	
PRELIMINARY FOUNDATION		



OVERALL SITE PLAN

SCALE: 1" = 40'

SHEET NUMBER: OSP

REVISION: A

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

REV	DATE	DRWN	DESCRIPTION
A	04/17/24	LRT	CUP REVIEW
B	06/21/24	LRT	CUP REVIEW

ISSUED FOR:

CHECKED BY: LRT

FULBRIGHT

3450 HEMLOCK AVE
FAYETTEVILLE, AR 72701

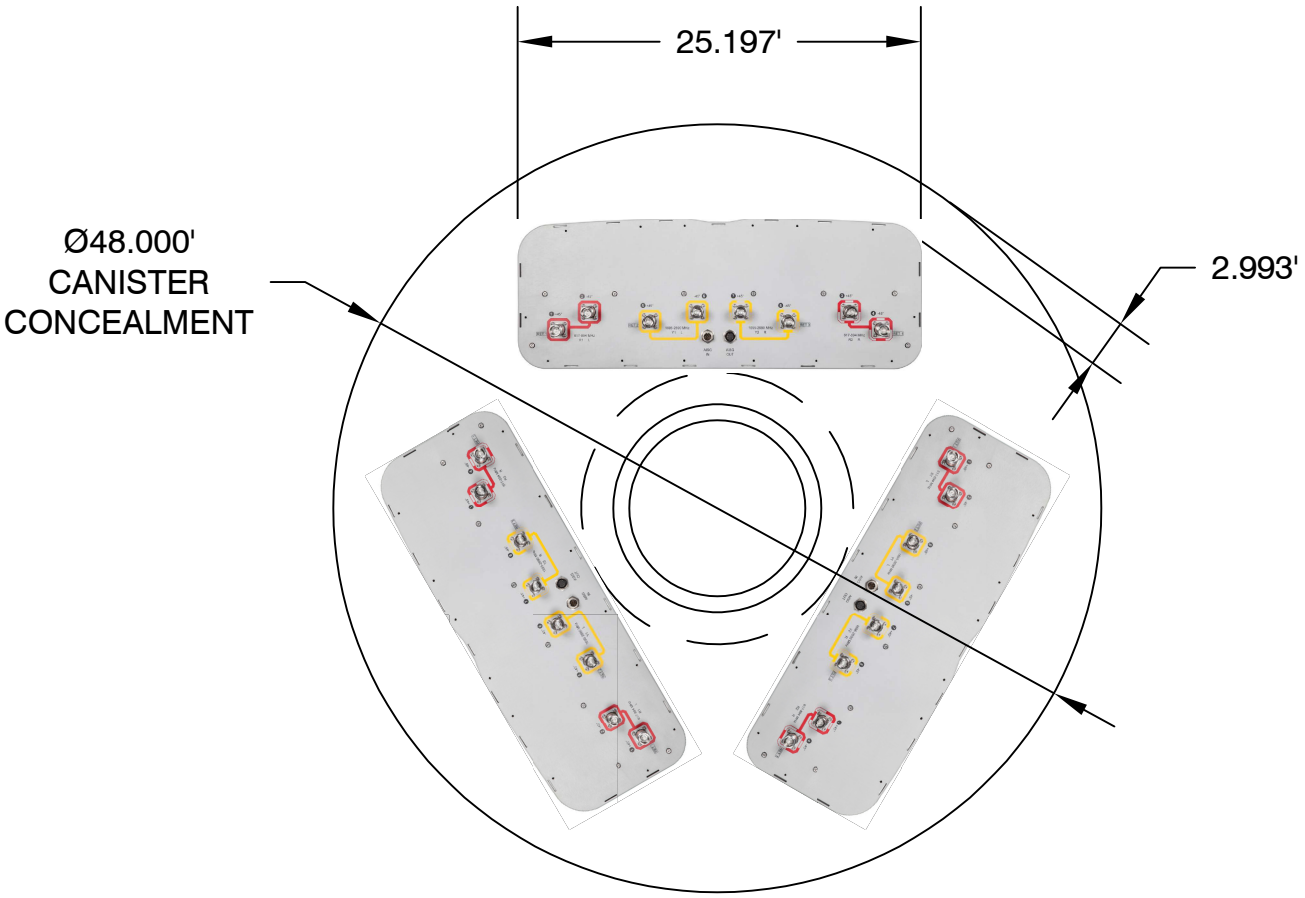
SMITH COMMUNICATIONS

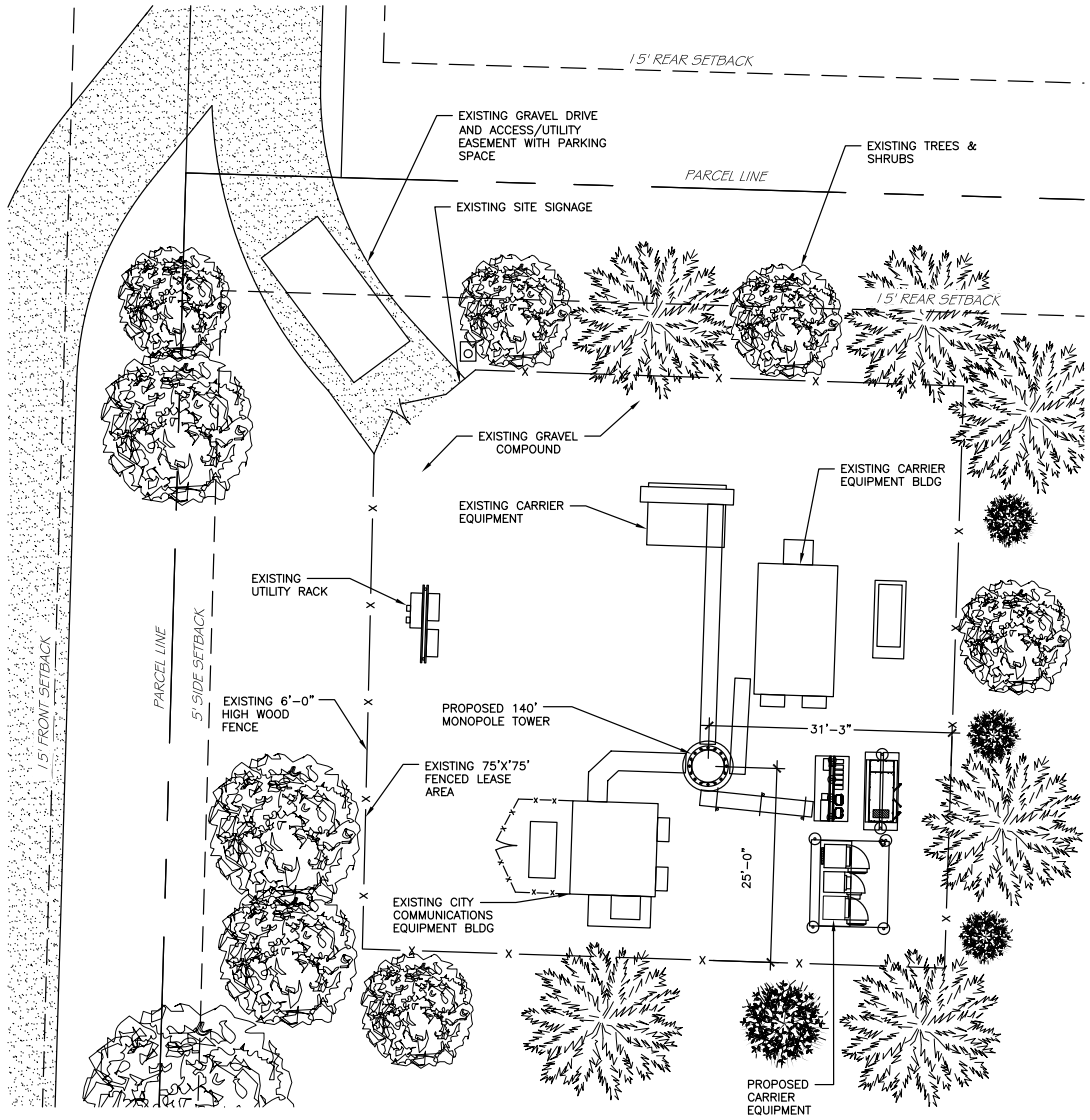
Smith Communications, LLC

520 N College Ave, Fayetteville, Arkansas 72701
(479)443-3222
ltaylor@smithradio.com

FULBRIGHT
Site Name

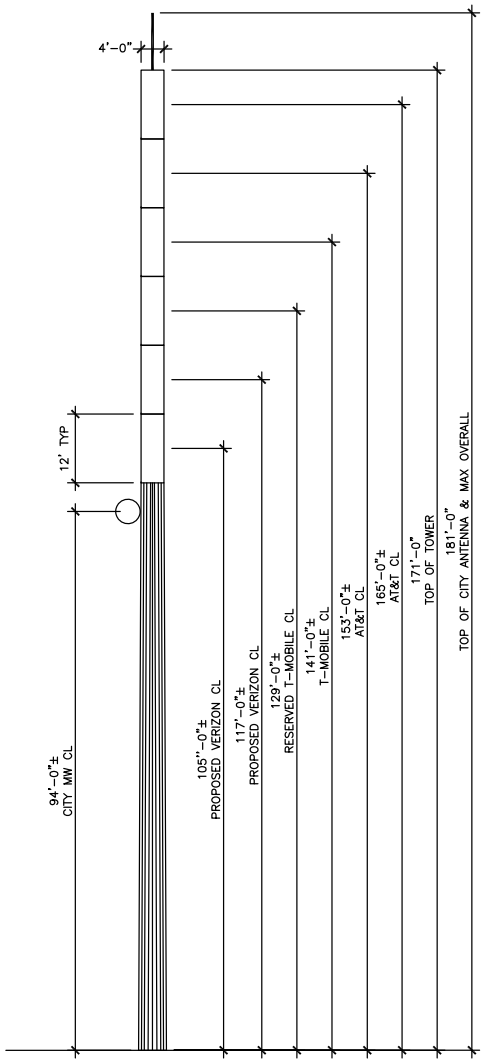
T-Mobile's proposed antennas Commscope FFVV-65C-R3-V1 at 25.2" x 9.23" x 95.5" tall.





1 PROPOSED SITE PLAN
SCALE: 0' 5' 10' 20' 40'

N



1 PROPOSED TOWER PROFILE
SCALE: NTS

SMITH COMMUNICATIONS

FULBRIGHT
3450 HEMLOCK AVE
FAYETTEVILLE, AR 72701

CHECKED BY: LRT

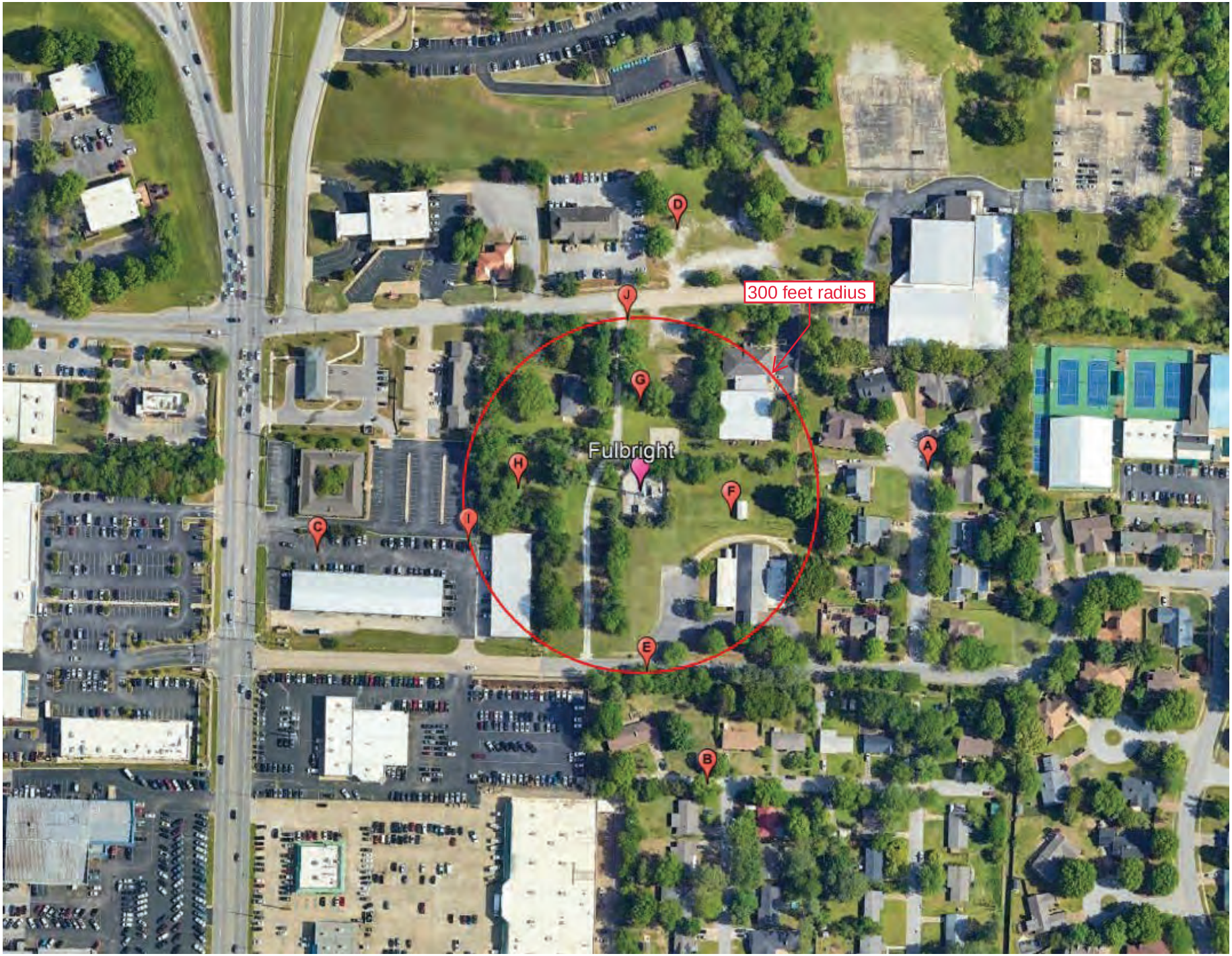
ISSUED FOR:

REV	DATE	DRWN	DESCRIPTION
A	04/17/24	LRT	CUP REVIEW
B	06/21/24	LRT	CUP REVIEW

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

SHEET NUMBER: SP-3
REVISION: A

Photo Location Map



Existing tower was not visible from the north at 300 feet so additional photos were taken at 500 feet and 150 feet.

Location J - Existing tower - North @ 300'

Location D - Existing tower - North @ 500'

Proposed monopole tower - North @ 500'

Location D - Proposed White Monopole - North @ 500'

Proposed Stealth Tower - North @ 500'

Location G - Existing tower - North @ 150'

Proposed monopole tower - North @ 150'

Location G - Proposed White Monopole - North @ 150'

Proposed Stealth Tower - North @ 150'

Unable to take photo from the east at 300 feet as that location was inside the fence of a private residence. Additional photos were taken at 500 feet and 150 feet.

Location A - Existing tower - East @ 500'

Proposed monopole tower - East @ 500'

Location A - Proposed White Monopole - East @ 500'

Proposed Stealth Tower - East @ 500'

Location F - Existing tower - East @ 150'

Proposed monopole tower - East @ 150'

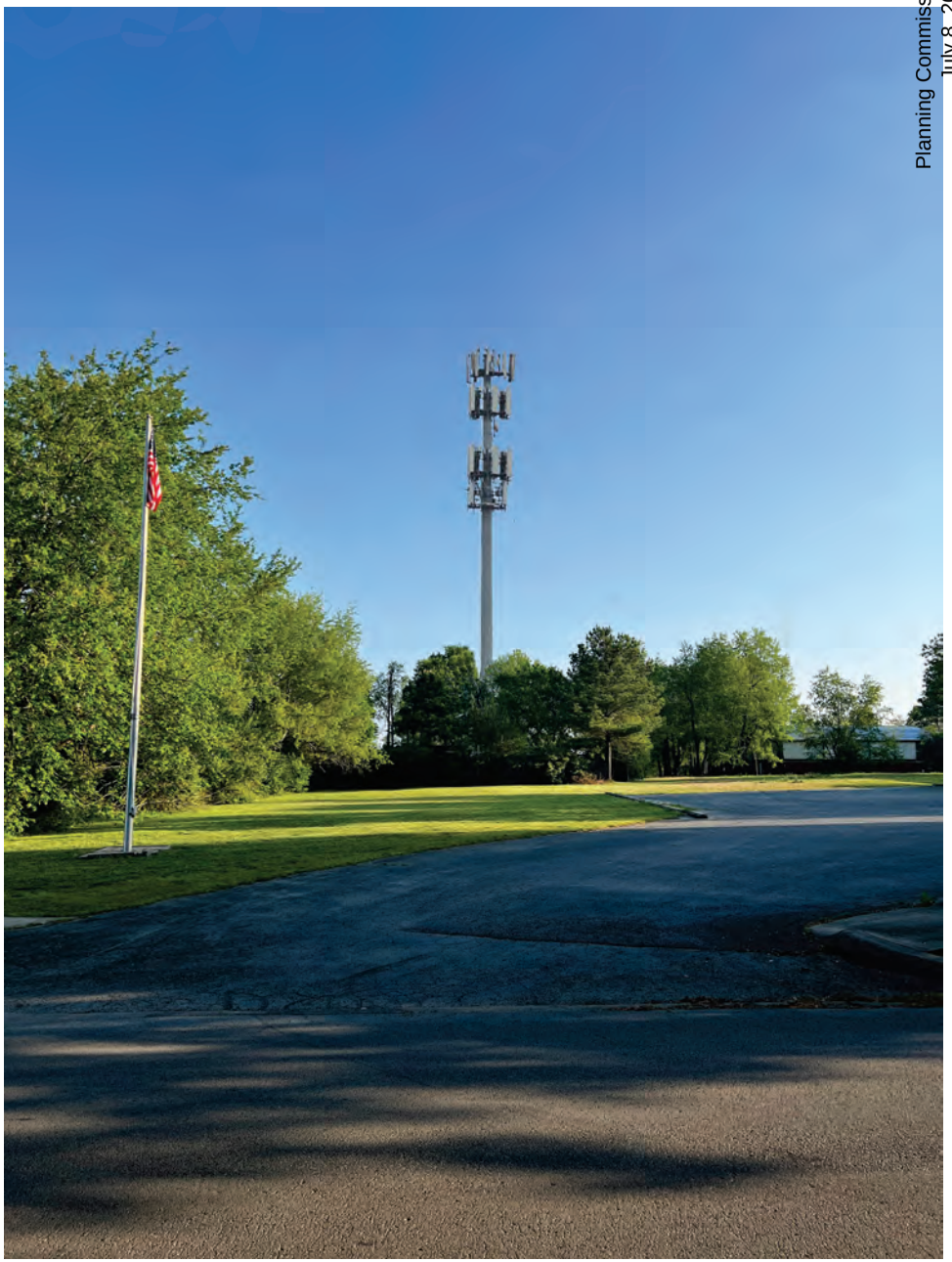
Location F - Proposed White Monopole - East @ 150'

Proposed Stealth Tower - East @ 150'

Photo taken from the south at 300 feet shows existing tower clearly. Additional photo taken from 500 feet to keep in context with other views.

Location E - Existing tower - South @ 300'

Proposed monopole tower - South @ 300'

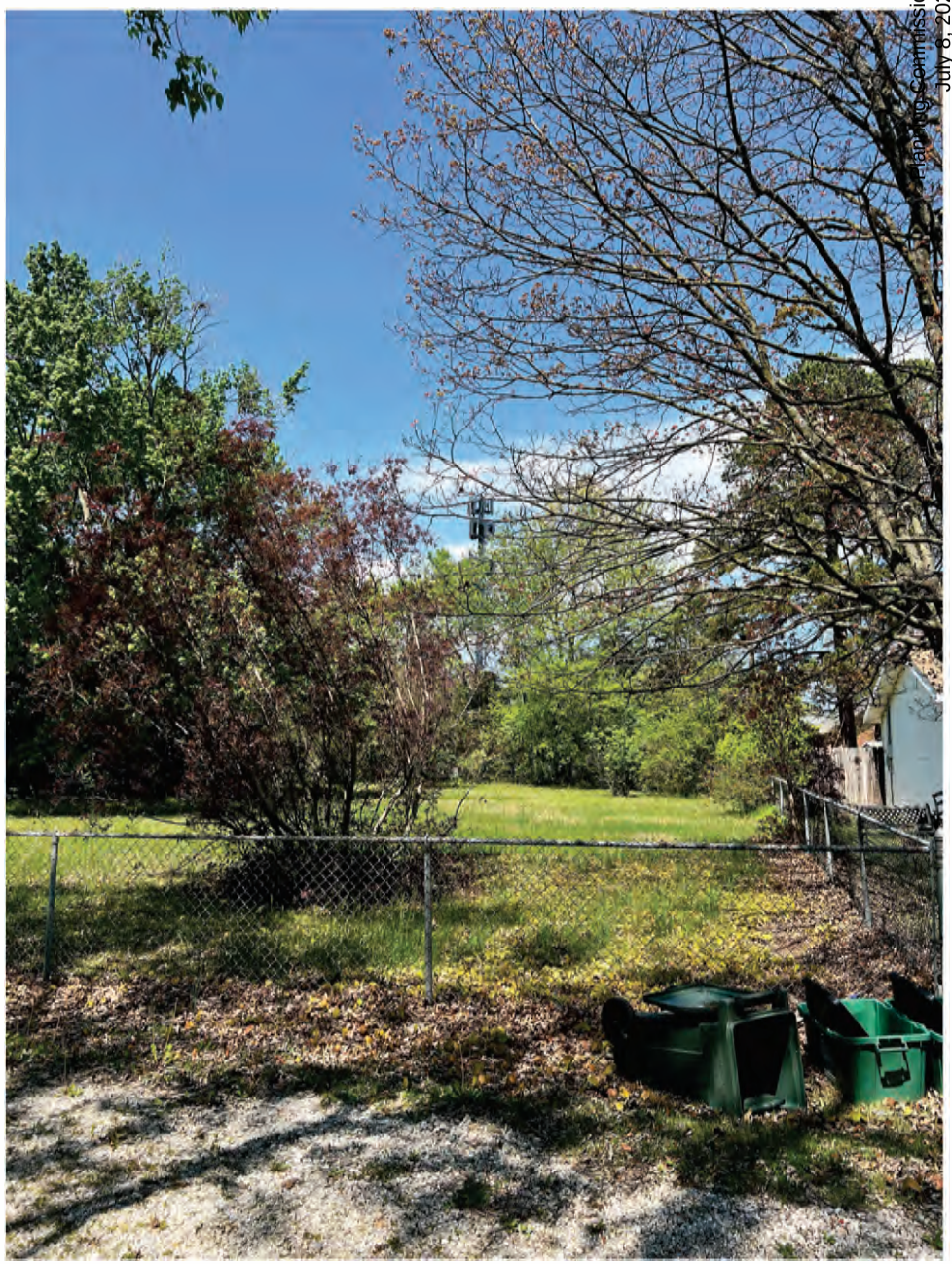


Location E - Proposed White Monopole - South @ 300'

Proposed Stealth Tower - South @ 300'

Location B - Existing tower - South @ 500'

Proposed monopole tower - South @ 500'



Location B - Proposed White Monopole - South @ 500'

Proposed Stealth Tower - South @ 500'

Existing tower was not visible from the west at 300 feet so additional photos were taken at 500 feet and 200 feet.

Location I - Existing tower - West @ 300'

Location C - Existing tower - West @ 500'

Proposed monopole tower - West @ 500'

Location C - Proposed White Monopole - West @ 500'

Proposed Stealth Tower - West @ 500'

Location H - Existing tower - West @ 200'

Proposed monopole tower - West @ 200'

Location H - Proposed White Monopole - West @ 200'

Proposed Stealth Tower - West @ 200'

Cole, Kylee

From: Curth, Jonathan
Sent: Tuesday, July 2, 2024 8:55 AM
To: Cole, Kylee
Subject: CUP-2024-0021

Kylee,

Good morning! The below was forwarded to me regarding the wireless facility associated with CUP-2024-0021. Will you please incorporate it in to your report if it is not too late?

Thanks,

Jonathan Curth, AICP
Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

Website l Facebook l Twitter l Youtube

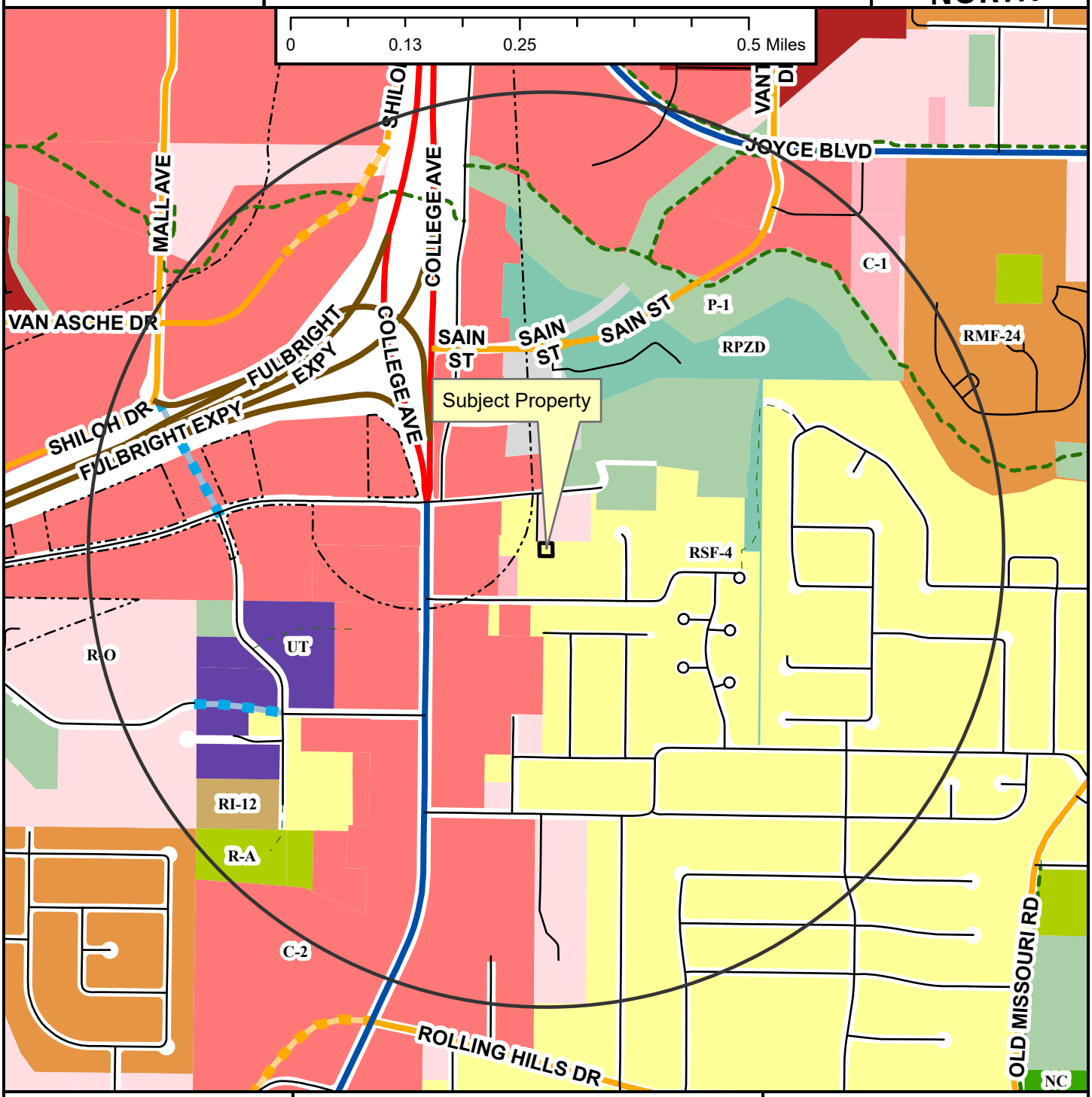
MAYOR JORDAN, I WOULD APPRECIATE YOUR HELP HAVING THE CELL TOWER REMOVED AND NOT HAVING ANOTHER ONE INSTALLED IN ITS PLACE.
THE AREA HAS GROWN SINCE THE CURRENT CELL TOWER WAS PLACED.
A CELL TOWER SHOULDN'T BE IN A RESIDENTIAL AREA FOR VARIOUS REASONS.
PLEASE DO NOT ALLOW A MONOPOLE TO BE INSTALLED AT THE CURRENT LOCATION.
THANKS FOR YOUR SUPPORT, VICKIE CAMPBELL

CUP-2024-0021

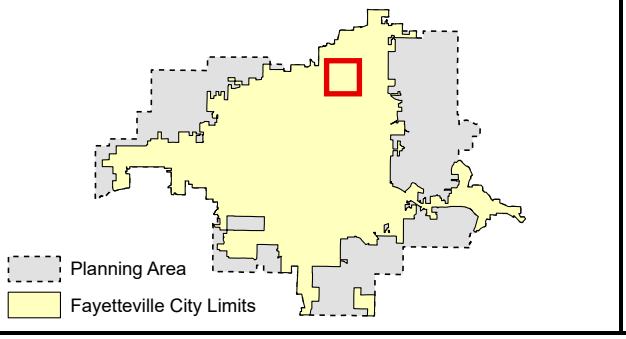
One Mile View

3450 N. HEMLOCK AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

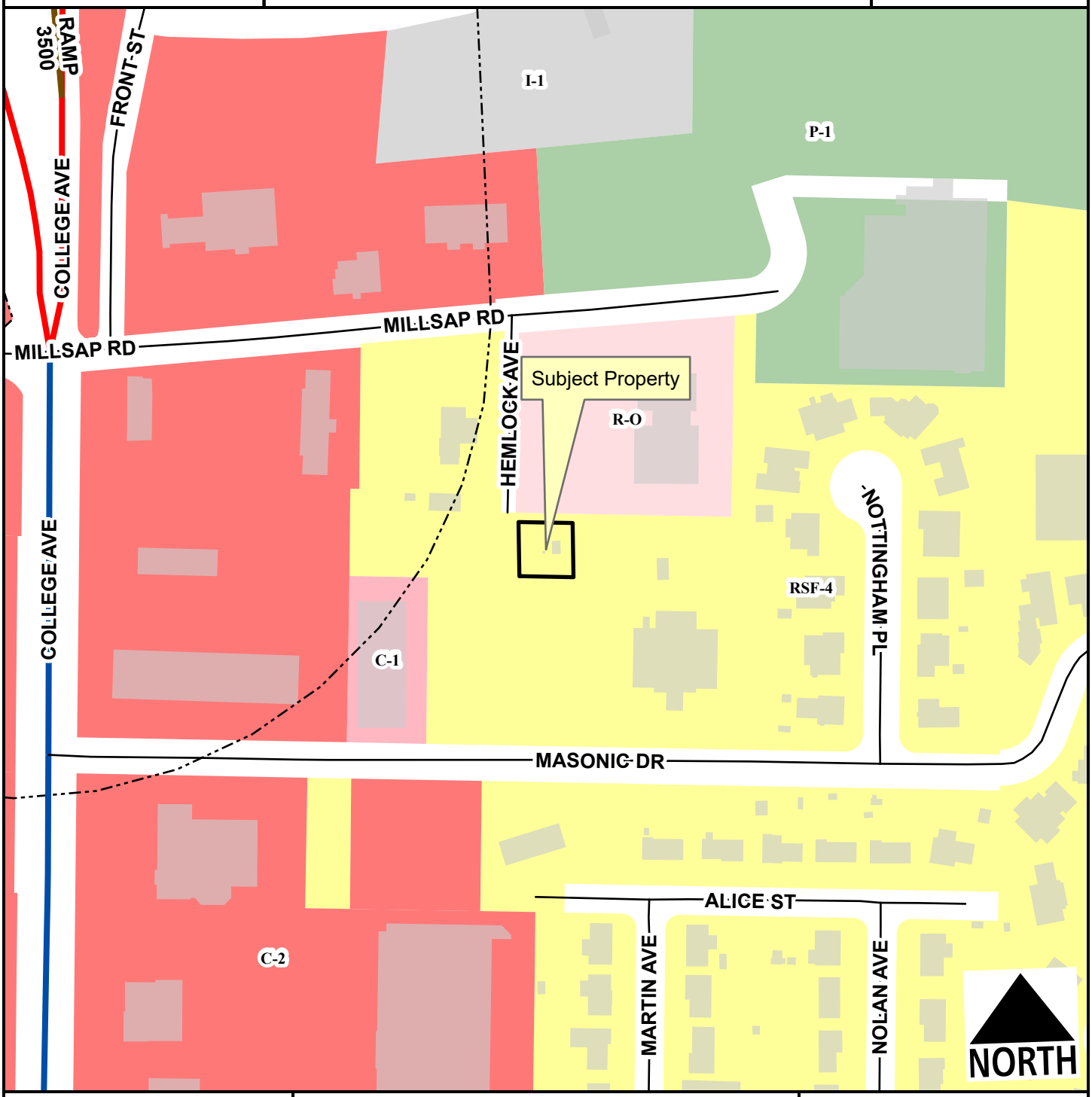
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2024-0021

Close Up View

3450 N. HEMLOCK AVE



Regional Link
Regional Link - High Activity
Freeway/Expressway
Residential Link
Planning Area
Fayetteville City Limits
Design Overlay District

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

RSF-4
I-1 Heavy Commercial and Light Industrial
Residential-Office
C-1
C-2
P-1

CUP-2024-0021

Current Land Use

3450 N. HEMLOCK AVE

NORTH

- Regional Link
- Regional Link - High Activity
- Freeway/Expressway
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: July 8, 2024

SUBJECT: **RZN-2024-0030: Rezoning (N. FUTRALL DR BETWEEN WEDINGTON DR & MLK BLVD/WATSON, 480):** Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located on N. FUTRALL DR BETWEEN WEDINGTON DR & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 6.62 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends denial of RZN-2024-0030.

RECOMMENDED MOTION:
"I move to deny RZN-2024-0030."

JULY 8, 2024 PLANNING COMMISSION MEETING
Due to scheduling unavailability, the applicant requested to table themselves until the July 8 Planning Commission meeting in order to be present. No additional information or public comment has been provided or updated since that meeting.

BACKGROUND:
The subject property, parcel 765-14601-000, is immediately east of I-49 and approximately ¾ mile north of the intersection with E. Martin Luther King Jr. Blvd. The property has frontage along N. Futrall Drive, which is a one-way street heading north and is ARDOT right-of-way. The parcel contains 6.62 acres, and is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre. The site is currently undeveloped and has almost 100% tree canopy coverage. The property is located within the I-540 Overlay District and a small portion of the site is within the Hillside-Hilltop Overlay District. An identical rezoning request was submitted to the Planning Commission in January 2022, where it was denied. No appeal was heard by the City Council following the denial. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
South	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped	R-A, Residential Agricultural; (Bill of Assurance requiring zero homes to be built)
West	Interstate (I-49)	R-A, Residential-Agricultural (across the interstate)

Request: The request is to rezone the property to CS, Community Services. The applicant has not submitted any additional development plans.

Public Comment: To date, staff have not received any public comment on the item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along S. Futrall Drive. S. Futrall Drive is a partially improved Neighborhood 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 not available to the subject area.

Sewer: Sanitary sewer is not available to the subject area.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of the site falls within a FEMA floodplain, nor is there a protected stream in the area. There are also no hydric soils on the property.

A small portion of the southeast corner of the property falls within the Hillside-Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation.** The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

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

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve

the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **4** for this site, with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood)
- Near City Park (Markham Hill Woods)
- Near Paved Trail (Shiloh Trail, across I-49, Fayetteville Traverse (unpaved)
- Near Razorback Bus Stop (Route 44)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the request from RSF-4, Residential Single-Family, 4 Units per Acre to CS, Community Services to be incompatible at this location. Much of the surrounding property is undeveloped in nature, and the site lacks basic utility and infrastructure access such as public water and public sewer. CS allows for buildings up to 5 stories tall, as well as more intense uses that the surrounding landscape and available infrastructure may not be ready for. The property does currently have the entitlement to develop 4 units per acre; given the property's size, this would allow for the development of up to 26 single-family dwellings. Staff recognizes that strictly single-family uses may not be the highest and most efficient use of the property at this location and may still negatively affect traffic flow along Futrall Drive. Staff suggests that a more nuanced, fine-grained, and lower-density approach to zoning at this location may make more sense, with potentially a request for Neighborhood Services – Limited (NS-L) or Neighborhood Services – General (NS-G) to be more compatible and incremental at this location.**

Land Use Plan Analysis: **Staff finds that the request is not consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The site has a low infill score and is called out as a Residential Neighborhood Area, with the implication that any development at this location is intended to be primarily residential, rather than commercial uses. CS is a commercial zoning district, though it does allow for many residential uses by-right. While there is not a stated neighborhood or comprehensive plan for this specific area, recent policy decisions in the surrounding area indicate an intention for this area to remain zoned as-is; a previous identical rezoning request was denied by the Planning Commission in 2022. To the east of the property, a Bill of Assurance was granted with a downzoning to R-A in 2018 to conserve the area with no allowable home construction associated with that rezoning. To the north, the City of Fayetteville acquired approximately 61 acres of land from the University of**

Arkansas for the preservation of the Markham Hill Woods. On the balance on considerations, staff is unable to support a rezoning to a higher intensity zoning district at this location.

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

Finding: **A rezone from RSF-4 to CS is not justified at this time; the Future Land Use Designation as a "Residential Neighborhood," coupled with the lack of available infrastructure and undeveloped surroundings that may remain that way in perpetuity lead staff to find that the request is too much, too soon for this portion of Futrall.**

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

Finding: **Rezoning the property from RSF-4 to CS does have the potential to appreciably increase traffic at this site. Under its current entitlement, the 6.62-acre property could be developed with a density of 26 single-family dwellings. CS zoning does not have a density maximum, and allows for multi-family residential by-right, which could add a significant amount of traffic and congestion to S. Futrall, which is currently a one-way street and does not have direct access to the interstate. Future connectivity to the east would also be nearly impossible at this point, given the undevelopable area immediately adjacent. The benefit of CS zoning, however, over RSF-4 zoning, is the potential for a mix of uses, which could potentially contribute to a decrease in need for auto-oriented trips.**

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

Finding: **Rezoning the property from RSF-4 to CS would have the potential to alter the population density at this location, and could potentially place an undesirable burden on public services at this location. The property does not currently have direct access to water, so extensions to water service would be required prior to any redevelopment of the site, though those initial costs would be borne by the developer. Fayetteville Public Schools did not comment on the request.**

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

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

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

Finding: **N/A**

RECOMMENDATION: Planning staff recommends denial of RZN-2024-0030.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 8, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.22 Community Services
- Applicant Request Letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business

Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

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

Editor's note(s)—Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of

residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None

Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21)

WATKINS, BOYER,
GRAY & CURRY, PLLC
ATTORNEYS AT LAW

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

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

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

May 14, 2024

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

RE: Rezoning Parcel No. 765-14601-000 from RSF-4, Residential Single-Family - Four Units Per Acres, to CS, Community Services

Dear Planning Staff:

My firm has been retained to represent the applicant, Winfred E. Watson Family Trust, with respect to this rezoning request. The applicant is requesting that Parcel No. 765-14601-000 (hereinafter "the Property"), be rezoned from RSF-4, Residential Single-Family - Four Units Per Acre, to CS, Community Services.

The proposed rezoning will not unreasonably adversely conflict or affect the surrounding land uses. Currently, the property is bordered by RSF-4 and R-4 zonings to the North, East and South, and is bordered by Interstate 49 and N. Futrall Drive to the West. However, along the broader corridor of I-49 in this area, there are a large mix of zones, such as R-A, P-1, RSF-4, RMF-18, RMF-24, C-2, CS, UT.

Granted that this property is more or less adjacent to I-49, it is ripe for a higher intensity zoning, and in particular, one that allows for a mix of uses. This is exemplified by the fact that several properties along I-49 have already been zoned to CS or the similar UT, or to multi-family or commercial designations. The property is also adjacent to the East to the area frequently referred to as "Markham Hill." Notably, however, the topography of the property, the build-to and tree preservation requirements of CS, and the Hillside-Hilltop Overlay make it such that the any development on the property under a CS zoning would almost necessarily have to be shifted towards I-49, and leave a buffer of trees on the East side, which is adjacent to Markham Hill.

Lastly, this property should be rezoned because RSF-4 simply is not a proper zoning for this Property, for a variety of reasons. RSF-4 zoning allows, more or less, for exclusively single family homes, at a max density of four (4) units per acre. As mentioned earlier, the Property is adjacent to a busy interstate, and is not a desirable parcel for building single family homes, nor

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

would doing so be the best or most efficient use of the Property. The cost of site work and the density cap would make it such that any single family homes that were to be built on the site would have to be large, custom, and expensive, single family homes in order for an investor to recoup their upfront costs. This type of product would not help to provide attainable housing, and would not be appropriate for a site so centrally located within the City. Accordingly, *any* zoning other than RSF-4 would be an improvement–and with the recent trends along this corridor of I-49, CS seems to be the most appropriate.

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

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ *Will A. Kellstrom*

Will A. Kellstrom

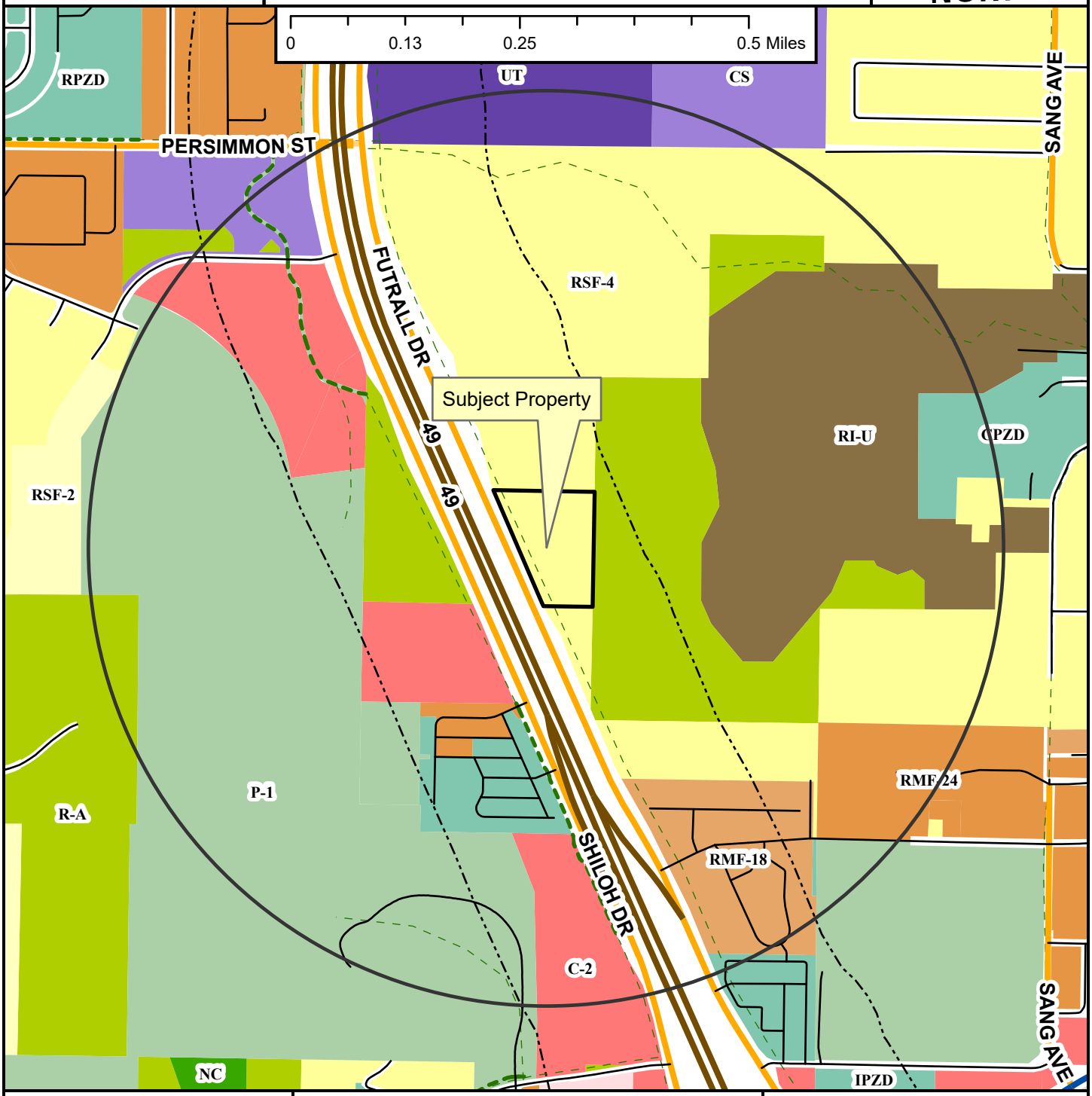
WK:
pc:

RZN-2024-0030

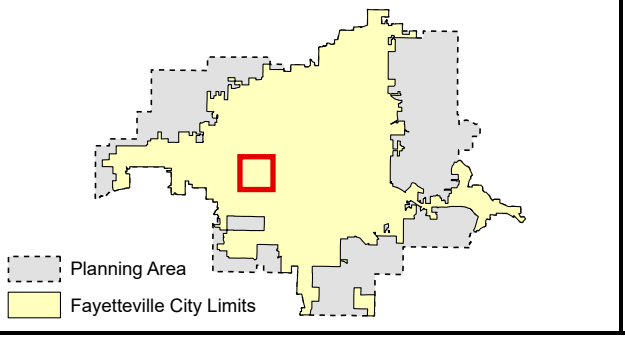
One Mile View

S. FUTRALL DR

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

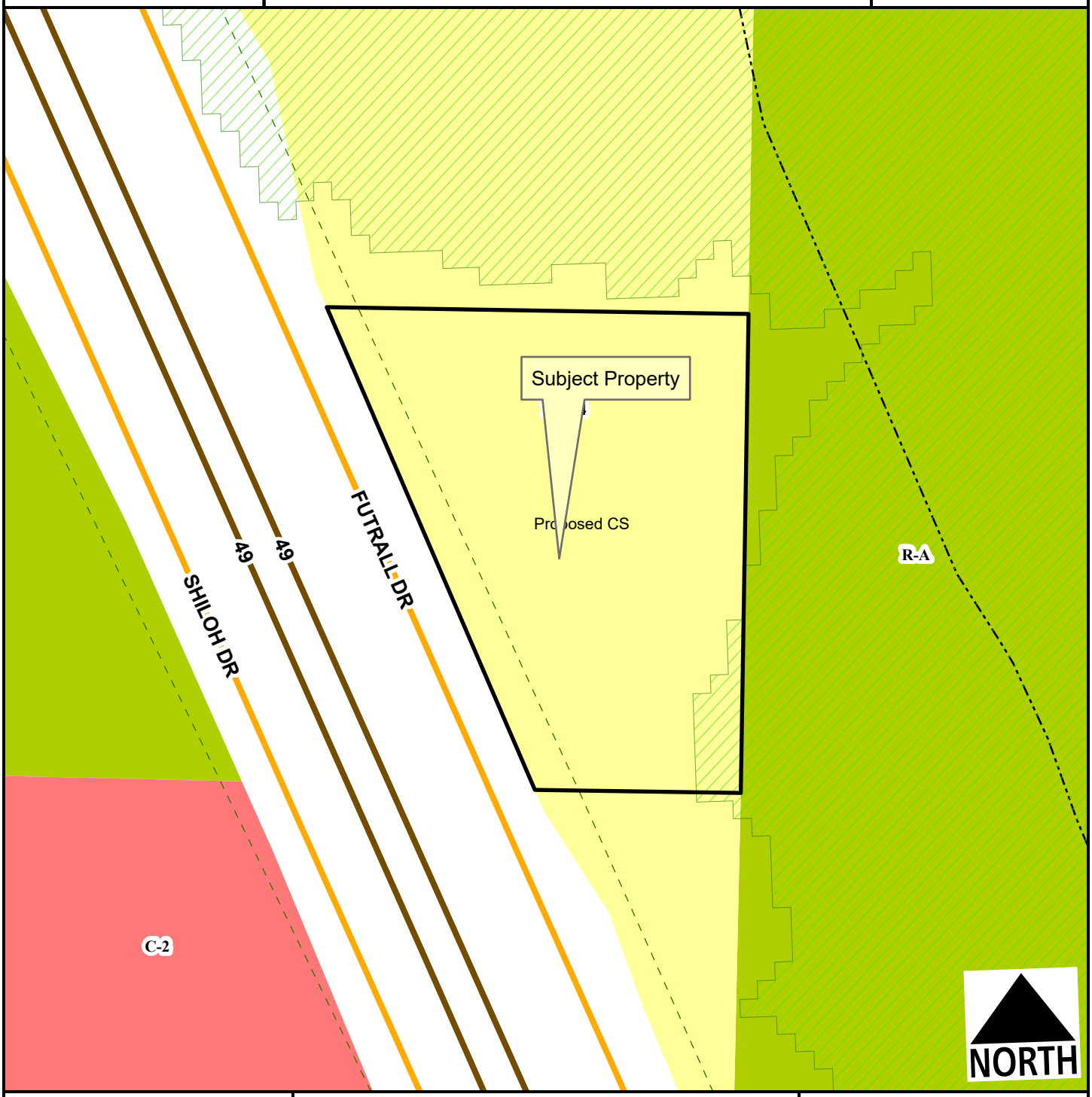
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0030

Close Up View

S. FUTRALL DR



- Neighborhood Link
- Freeway/Expressway
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

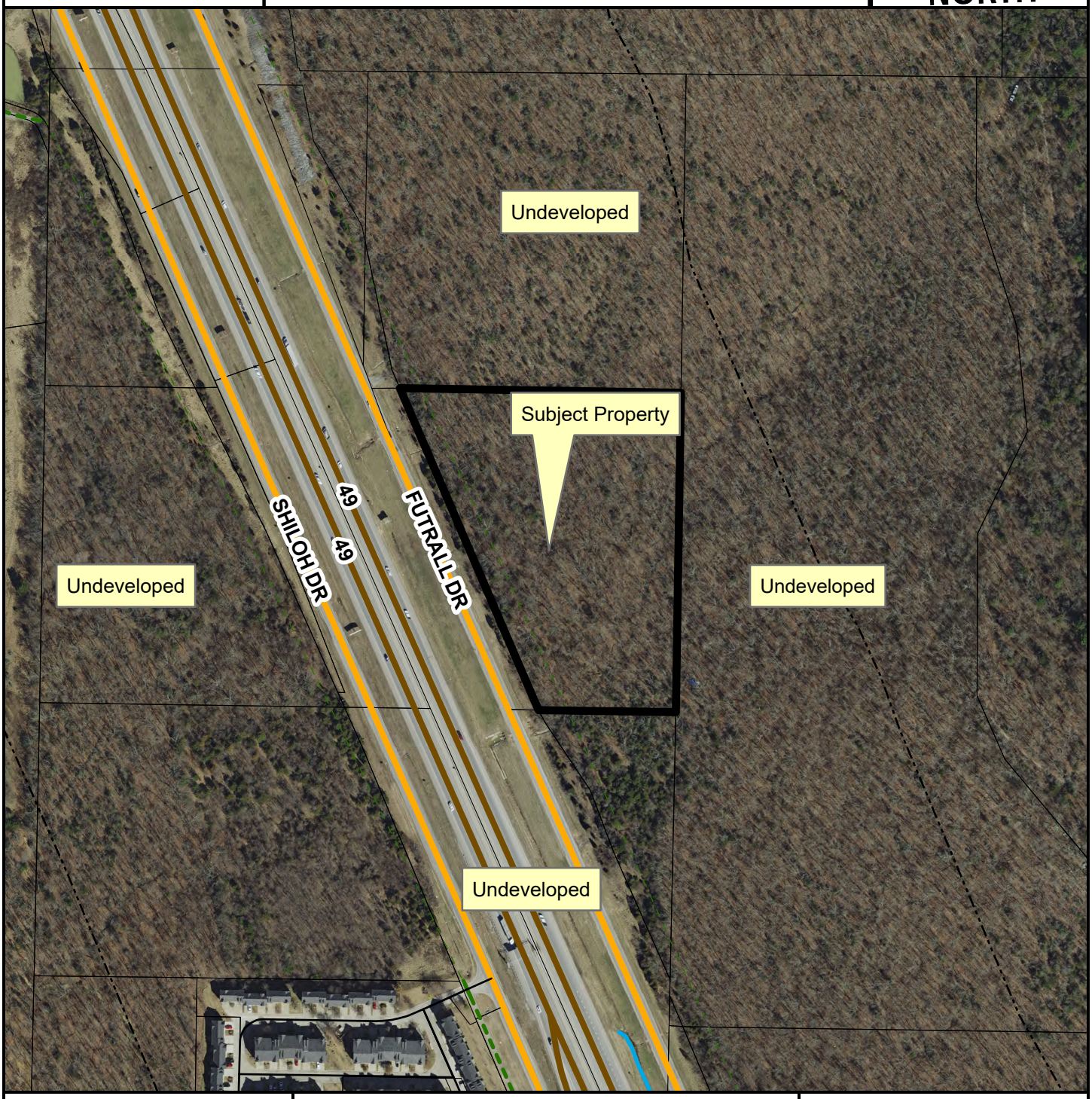
Zone	Current	Proposed
CS	0.0	6.6
RSF-4	6.6	0.0
Total	**6.6 ac**	

RZN-2024-0030

Current Land Use

S. FUTRALL DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

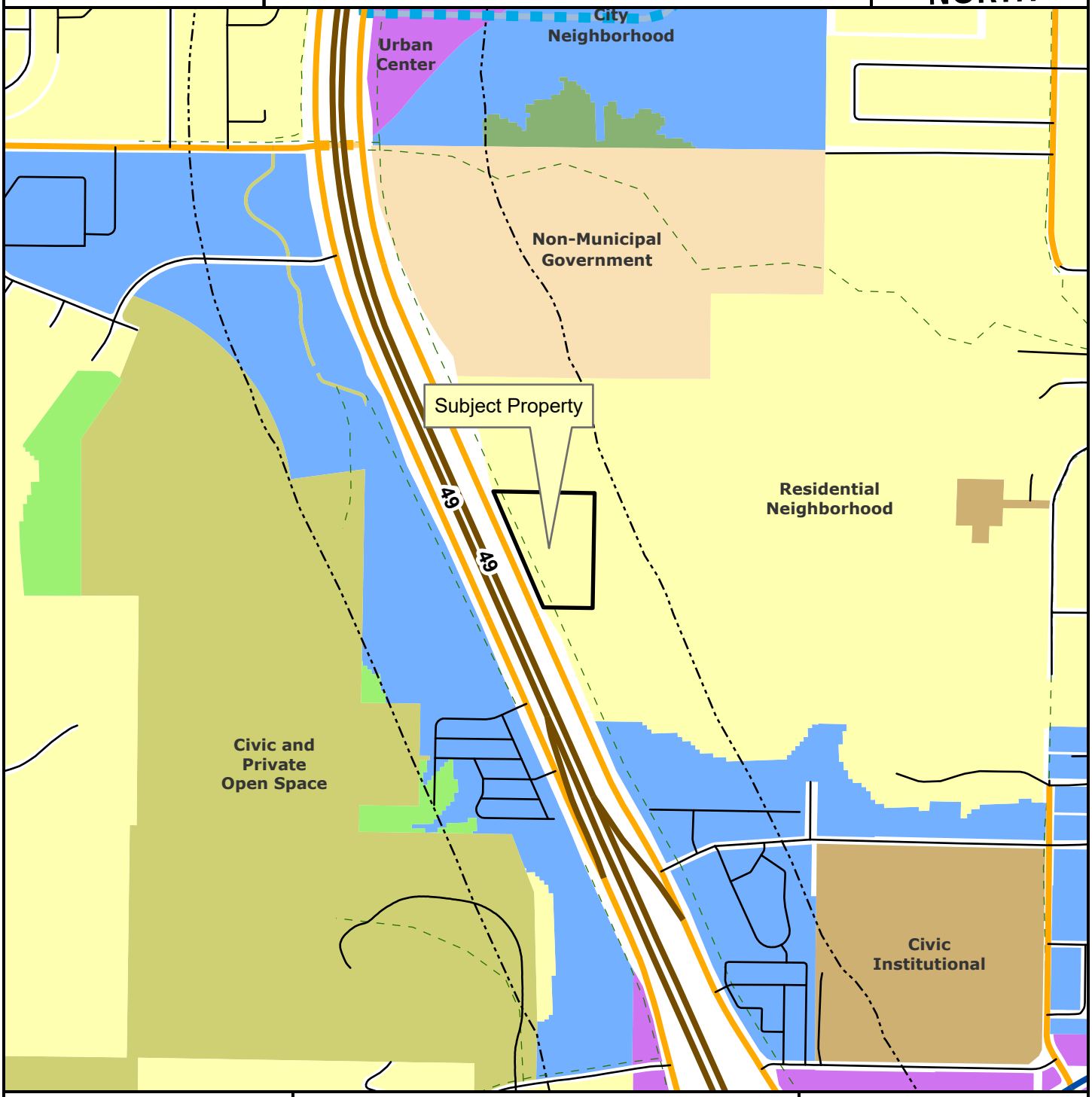
- 100-Year Floodplain
- Floodway

RZN-2024-0030

Future Land Use

S. FUTRALL DR

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: July 8, 2024

SUBJECT: **ADM-2024-0031: Administrative Item (615 W. CHESHIRE CT./ALIGHT FAYETTEVILLE, 561 562):** Submitted by CROUCH, HARWELL, FRYAR & FERNER, PLLC for property located at 615 W. CHESHIRE CT. The property is zoned CS, COMMUNITY SERVICES and contains approximately 12.10 acres. The request is for an appeal to an administrative determination of a violation of UDC Section 176.05.

RECOMMENDATION:
Staff recommends denial of **ADM-2024-0031**.

RECOMMENDED MOTION:
"I move to deny **ADM-2024-0031**, upholding planning staff's determination of a violation of the City's outdoor lighting ordinance."

BACKGROUND:
The subject property is the site of Alight Fayetteville, an apartment complex in south Fayetteville located on the west side of School Avenue about a quarter of a mile south of the street's intersection with Martin Luther King Jr. Boulevard. The property is zoned CS, Community Services and is comprised of multiple parcels totaling 12.10 acres. The property was developed with apartments in 2012. In April 2023, city staff received a complaint that light fixtures had been installed on the property which did not appear to be meeting the City's outdoor lighting ordinance and were directly illuminating adjacent properties. Staff completed their investigation in May 2024 and confirmed that light fixtures had been installed which were not properly hooded, shielded, or aimed downward and sent a violation notice to the property owner on May 14, 2024. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Industrial	I-1, Heavy Commercial and Light Industrial
South	Fayetteville National Cemetery	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Multi-Family Residential	CS, Community Services
West	Multi-Family Residential Fayetteville National Cemetery	RMF-24, Residential Multi-Family, 24 Units per Acre R-A, Residential-Agricultural

Proposal: The applicant requests to appeal an administrative determination of a violation of UDC §176.05 – Outdoor Lighting, General Standards.

DISCUSSION:
The applicant has provided an attached letter which describes why they are requesting an appeal and why they would like to keep the lighting on the property as-is. They stated that the fixtures were installed in response to safety concerns arising from criminal activity on adjacent properties. However, staff finds that a violation of the City's lighting ordinance is still present and not necessary. City code exempts security lighting of any wattage from having to comply with the hooding/shielding provisions of the outdoor lighting ordinance, so long as the lights are controlled by a motion-sensor switch and do not remain on longer than 12 minutes after activation. Staff finds that lighting could still be installed on the property for security purposes so long as the fixtures that are installed comply with those standards. Staff has determined that the parking lot and wall pack fixtures shown in the attached images and currently installed on the property do not comply with the City's outdoor lighting ordinance since they are not controlled by a motion sensor, hooded or shielded to mask the horizontal surface of the light source, or aimed downward onto the ground surface. Staff recommends that the Planning Commission uphold staff's determination that the fixtures installed are in violation of the City's outdoor lighting ordinance for those reasons. The applicant may petition the Planning Commission for a variance from the requirements of that ordinance if they believe that the strict application of it would cause undue hardship and may adversely affect the public interest.

Public Comment: Staff received a phone call from one member of the public who shared their support for the applicant's request and stated that the light fixtures that were installed are necessary for security purposes.

RECOMMENDATION: Staff recommends denial of ADM-2024-0031.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 8, 2024	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - Chapter 176: Outdoor Lighting
- Notice of Violation Letter
- Photos of Light Fixtures
- Applicant's Appeal Letter
- One Mile Map
- Close-up Map
- Current Land Use Map

CHAPTER 176: OUTDOOR LIGHTING

176.01 Purpose

This chapter is intended to:

(A) Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;

(B) Protect drivers, pedestrians, senior citizens, and the visually impaired from the glare of non-vehicular light sources that can impair safe travel;

(C) Promote efficient and cost effective lighting;

(D) Allow for flexibility in the style of light fixtures;

(E) Reduce atmospheric light pollution.

176.02 Applicability

(A) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance shall not apply to single or two (2) family residential dwellings.

(B) All outdoor lighting fixtures existing and legally installed and operative before the adoption of Ord. #4714, June 21, 2005, are exempt from these requirements unless they are determined to create a disabling glare as defined by this ordinance.

(C) When an existing fixture is replaced, the replacement fixture shall meet the requirements of this article.

(D) Compliance with this ordinance shall be administered by the City of Fayetteville Planning Department.

(E) In the event of a conflict with any other section of this article, the more stringent requirement shall apply

(F) Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.

(G) A developer may petition the Planning Commission for a variance from the requirements of this chapter pursuant to the Unified Development Code, Chapter 156 Variances.

176.03 Exemptions

The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

(A) Single and two (2) family residential uses.

(B) Navigation lights (i.e. airports, heliports, radio/television towers).

(C) Seasonal decorations with individual lights in place no longer than sixty (60) days.

(D) Other special situations approved by the city for temporary or periodic events (i.e. parades, festivals, etc.)

(E) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than twelve (12) minutes after activation.

(F) Emergency lighting only as necessary and required by the adopted Building Code of the City of Fayetteville.

(G) Flags displaying national, state, or local governmental bodies. Flags advertising businesses are not exempt from the provisions of this ordinance.

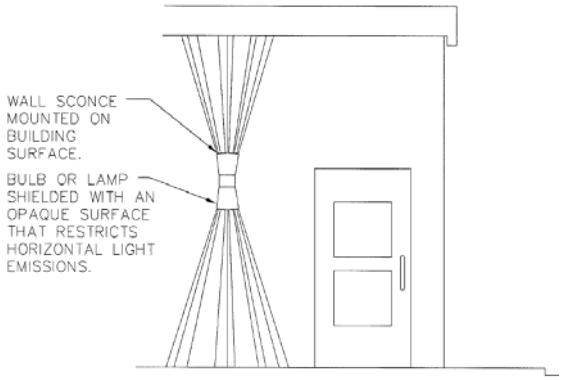
(H) Decorative street lighting located within the Downtown Master Plan boundary.

(I) Fossil fuel lighting.

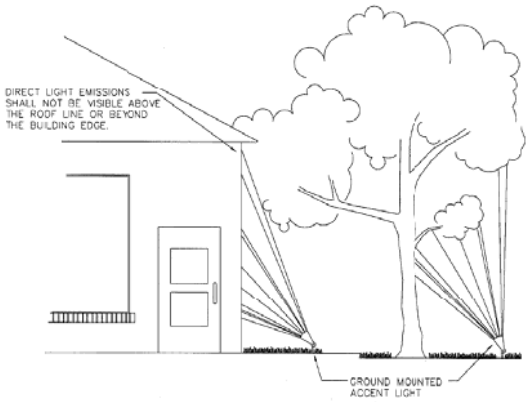
(J) Accent lighting.

(1) Landscape Elements. Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that

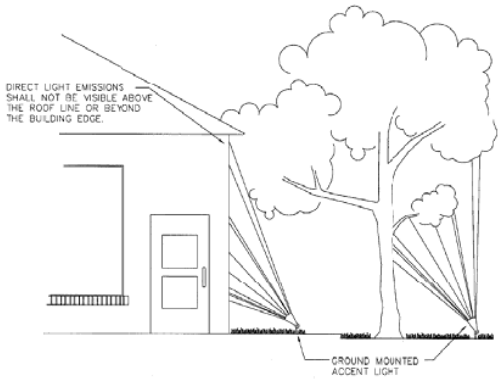
they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.



(2) Building Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.



(3) Ground Mounted Accent Lighting. Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.



(4) Pole Mounted Accent Lighting. Pole mounted accent lighting for a building is not permitted.

(5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.

(6) Neon and Light Emitting Diode (LED) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures as long as it meets the following requirements:

(a) Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.

(b) Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.

(c) Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

(d) Neon or LED used in signs shall be regulated pursuant to the sign ordinance.

(e) Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear façade length.

(7) Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.

(Ord. No. 5483, 2-21-12)

176.04 Submittals

(A) Applications for building permits or applications for review by the Planning Commission which include the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the requirements of this ordinance. The submittal shall contain the following information and shall be submitted as part of the site plan to the Planning Department.

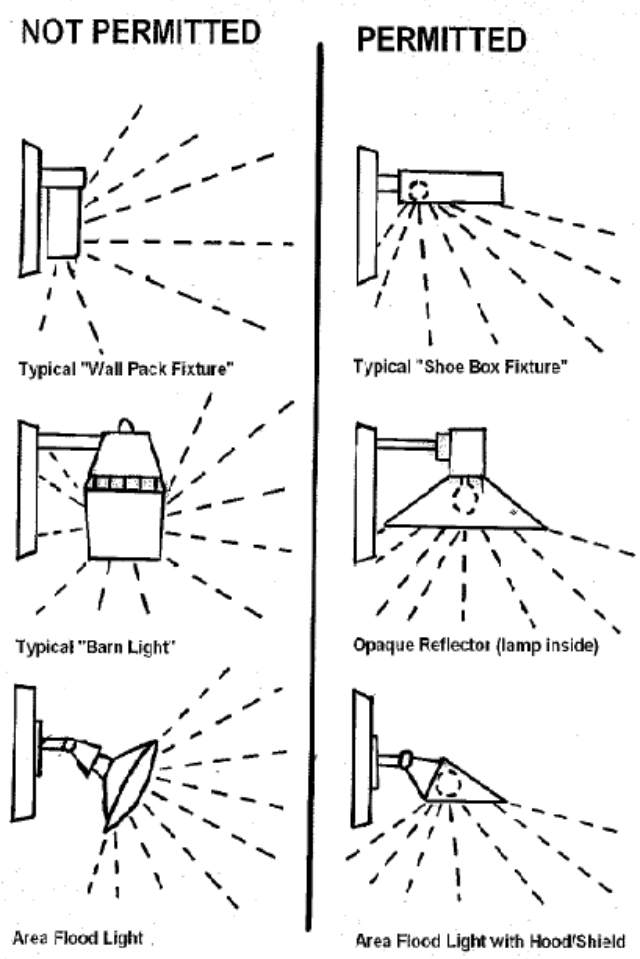
Outdoor Lighting Plan

(1) Plans indicating the location, type, and height of the luminary including both building and ground mounted fixtures;

(2) A description of the luminary, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

(3) Photometric data, such as that furnished by the manufacturer; and

(4) Any additional information as may be required by the City Planning Department in order to determine compliance with this Ordinance.



176.05 General Standards

The following standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

(A) Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of acceptable and unacceptable light pollution control shielding and hooding are shown in exhibit "C," attached herein. Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.

(B) The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to insure that the illumination is only pointing downward onto the ground surface.

(C) Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.

(D) All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

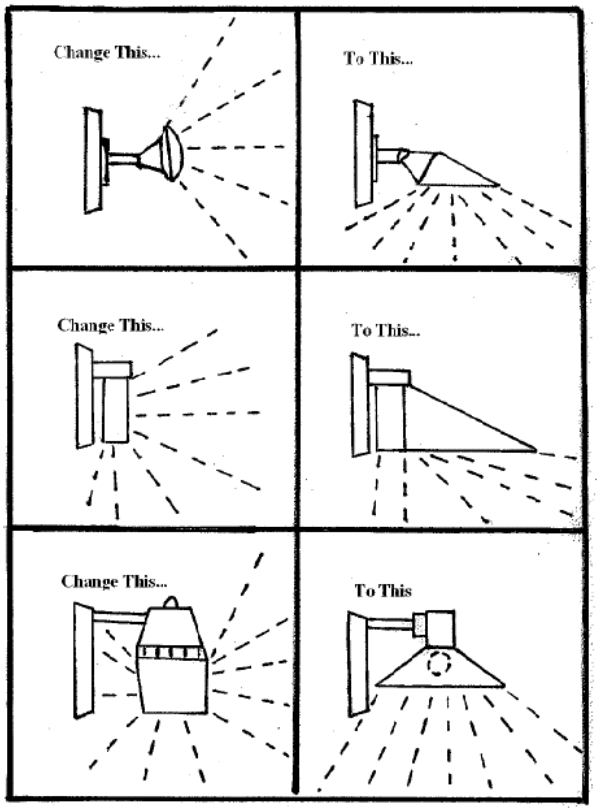
(E) This section may be enforced on the basis of a formal complaint filed in with the Planning Department.

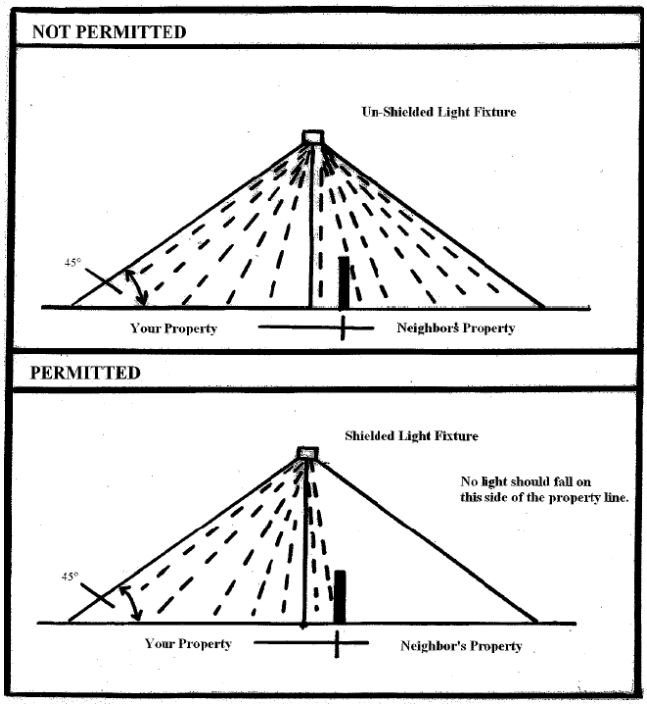
(F) Sports field lighting shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting.

176.06 Prohibited Outdoor Lighting Installations

(A) Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.

MODIFYING EXISTING FIXTURES





(Ord. No. 4714, 6-21-05; Ord. No. 4981, 2-06-07)

CITY OF
FAYETTEVILLE
ARKANSAS

VIOLATION NOTICE

5/14/2024

SZ FAYETTEVILLE APARTMENTS
C/O CARISSA ZIDELL, ROBERT BRONSTEIN, or other responsible party
444 N MICHIGAN AVE STE 2600
CHICAGO, IL 60611

RE: ZONING VIOLATION CVZD-2023-0262

Dear Property Owner,

It appears that your property (Alight Fayetteville AKA Varsity House Apartments) located at 1005 S SCHOOL AVE contains violations of the Fayetteville Code of Ordinance. It is our goal to notify and assist property owners to correct violations of city ordinances before taking actual enforcement actions. If you need clarification of this notice or advice on how to correct these problems, please call our office at 479-444-3443 or email ztamijani@fayetteville-ar.gov.

Violations:
§176.05 of the City of Fayetteville Unified Development Code.

Remedial Action(s) needed for compliance:

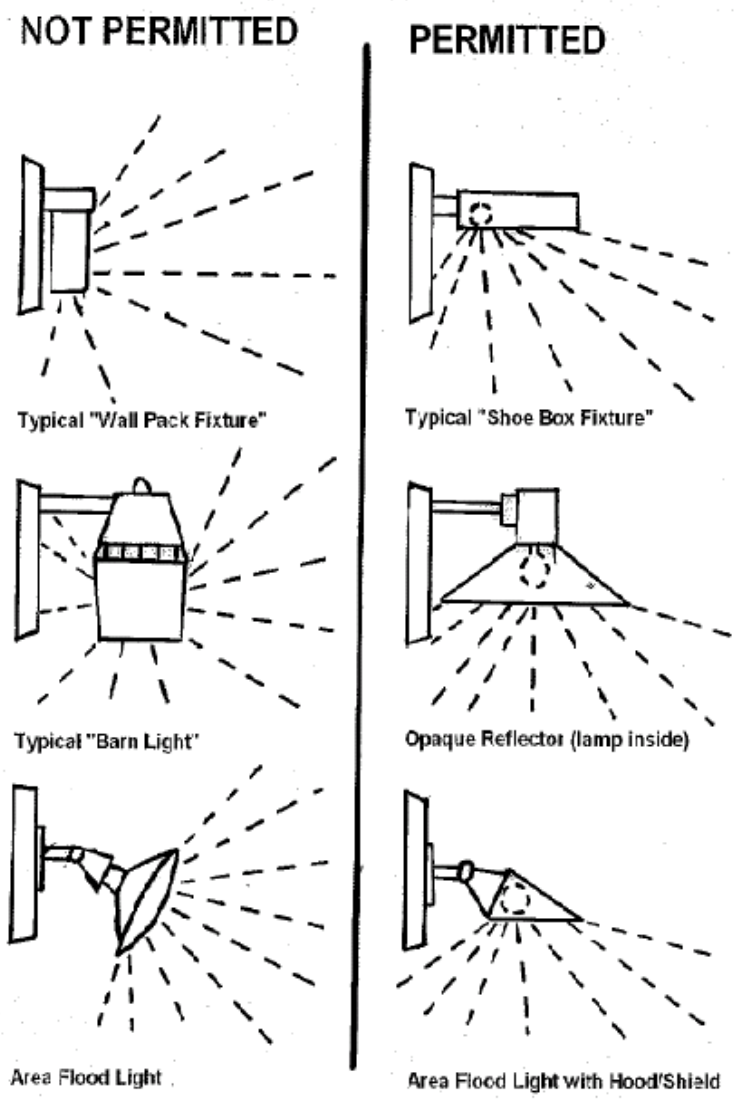
1. Exterior lighting highlighted is shining into neighboring properties and must be hooded, shielded, and aimed downward to prevent this condition; or
2. Remove any light fixture which substantially casts its beam beyond the bounds of the property.

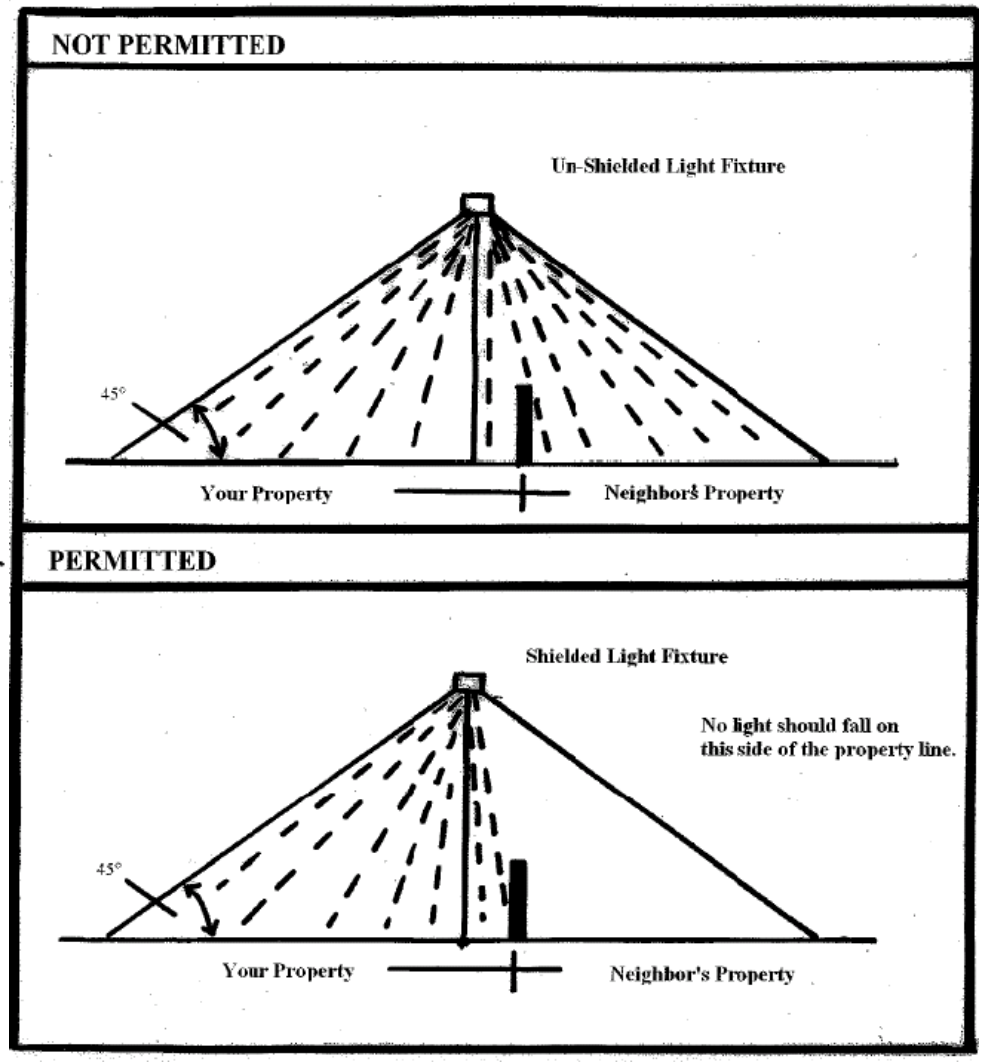
See the reverse side of this letter for reference pictures.

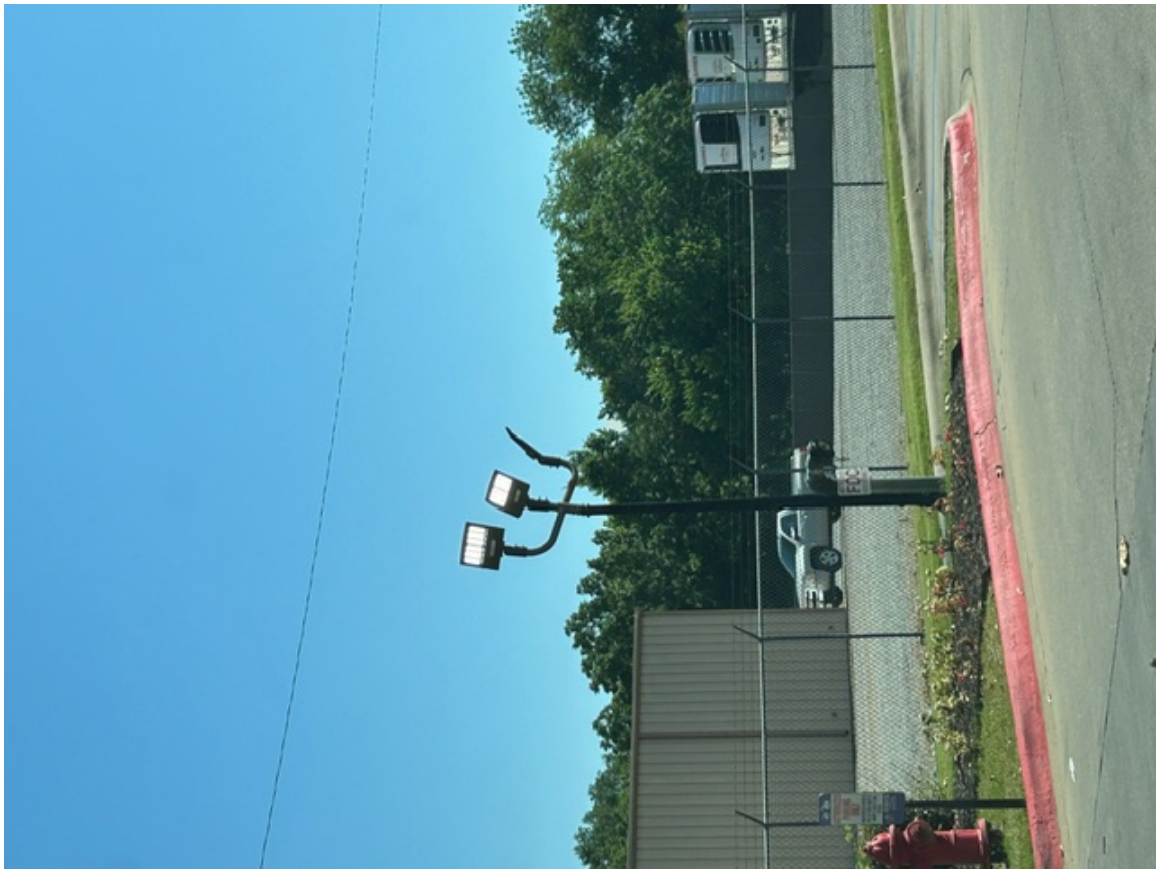
Penalty:
If this violation is not corrected within ten (10) days from the service of this notice, this notice and all documents related to this case shall be turned over to the City Prosecutor's Office. If you disagree with our conclusion that your property contains a violation of our ordinances, you have the right to an appeal. Please see Chapter 155 of the Unified Development Code.
The City of Fayetteville is a truly beautiful and unique place to live and work and we rely on all our citizens and the business community to help us to maintain the high quality of life we have all come to expect. Thank you for your contributions to that quality of life and for resolving the violation in a timely manner.

Sincerely,

Zak Tamijani
Planning Technician


NOT PERMITTED
PERMITTED
Typical "Wall Pack Fixture"
Typical "Shoe Box Fixture"
Typical "Barn Light"
Opaque Reflector (lamp inside)
Area Flood Light
Area Flood Light with Hood/Shield


NOT PERMITTED
Un-Shielded Light Fixture
45°
Your Property
Neighbor's Property
PERMITTED
Shielded Light Fixture
No light should fall on
this side of the property line.
45°
Your Property
Neighbor's Property



1701

CROUCH | HARWELL | FRYAR | FERNER

ESTABLISHED 1947

June 6, 2024

City of Fayetteville
ATTN: Development Services
SUBMITTED VIA City Government Portal: https://egov.fayetteville-ar.gov/energov_prod/selfservice#/plan/apply/159/0/0

RE: APPEAL CVZD 2023-0262

To Whom It May Concern:

My name is Steve Zega. I am an attorney and I represent SZ Fayetteville Apartments, LLC, the owner of Alight Fayetteville. My client received a Notice of Violation received on May 17, 2024. Pursuant to the Fayetteville Unified Development Code, Section 155.06, my client wishes to appeal the staff determination that the lighting in question mentioned in the violation notice is, in fact, in violation of UDC Section 176.05.

I include the following statement from my client's Regional Manager, Esther Sanford, in support of the appeal.

Thank you.

> In response to the violation notice received on 5/17/2024 regarding violations of the lighting on property.
>
> In regard to the complaint about the wall pack lights facing west on building 615 and the "light tree" at the northwest corner of the property; we are electing to dispute this violation. We have had multiple safety concerns from the house across the street from where these lights are located. As a result of the activity from this house we have had vehicles broken into, vandalism to our property, resident and staff have been assaulted, and several other safety concerns due to the trespassers from traffic coming and going to this property. We feel that though these lights may shine out onto the road they are crucial to providing a well-lit area near this home of constant criminal activity. Based on the conversation we had in my office today, you yourself stated that even city inspectors will not enter that property without police presence due to safety concerns and even with police there it's very unsafe. We have also contacted the property owner next door to the white house, Denise Youngblood, who is in full support of these lights staying as it adds additional safety for her property. That being said, until the city is willing to do more to ensure the safety of the

James E. Crouch
Charles L. Harwell
Matthew L. Fryar
Laura K. Ferner
Steven S. Zega †
James M. Graves ¤
Michael A. Moats, Jr.

P.O. Box 1400 • 111 Holcomb Street
Springdale, AR 72765-1400
479-751-5222 tel • 479-751-5777 fax
www.nwa.law
szega@nwa.law

Courtney C. Crouch (1912-1975)
James D. Cypert (1934-2020)

† Licensed in AR and OK
¤ Licensed in AR and MO

residents surrounding this property, it is our request that the city make an exception based on extenuating circumstances of safety concerns and continuous criminal activity to allow us to keep the lighting as-is in this area.

Additionally, we have spoken to the Mad Rooster and Farmer's Table Café who are also fighting the same safety concerns and continuous criminal activity stemming from the white house. They too are asking that all the lighting on our property remain as-is, until the known criminal activity is stopped by the city.

Our property has recently had to invest almost a half a million dollars in installing security features for our property due to the extensive level of crime from the nearby property and high level of foot traffic from the homeless community to and from that property. We feel our request to approve this exception is well within our rights as residents of this city to expect safety features such as well-lit areas in proximity of properties with safety concerns of this level and we would like to believe the city would equally be concerned with its citizens' safety.

Thank you for your time and attention to this.

Sincerely,

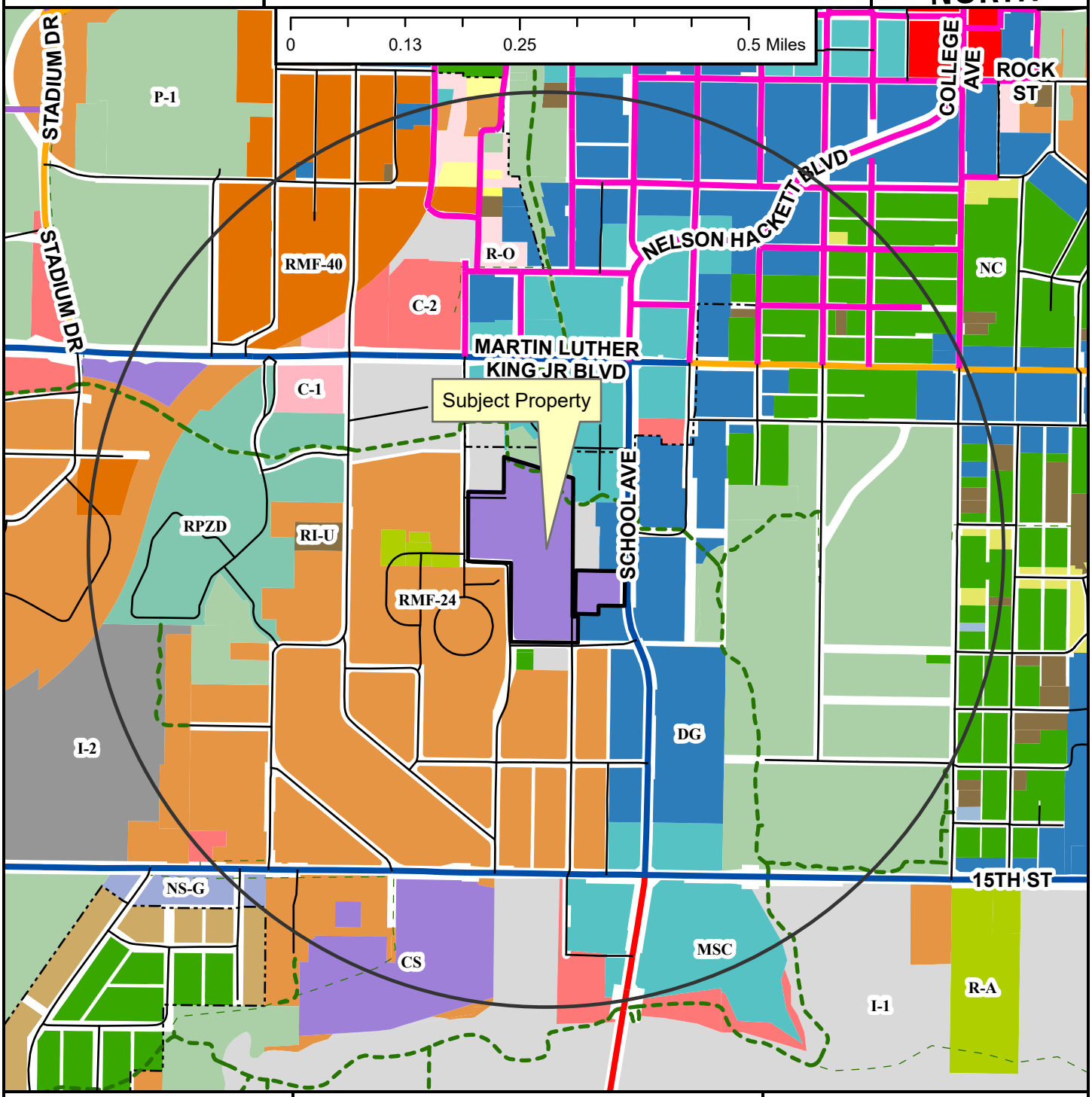
Steven S. Zega
Attorney at Law

ADM-2024-0031

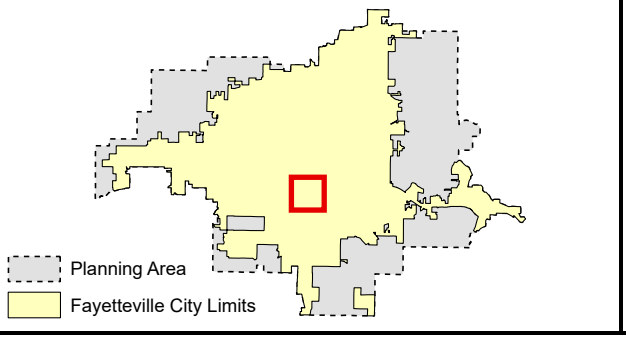
One Mile View

ADM-2024-0031

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

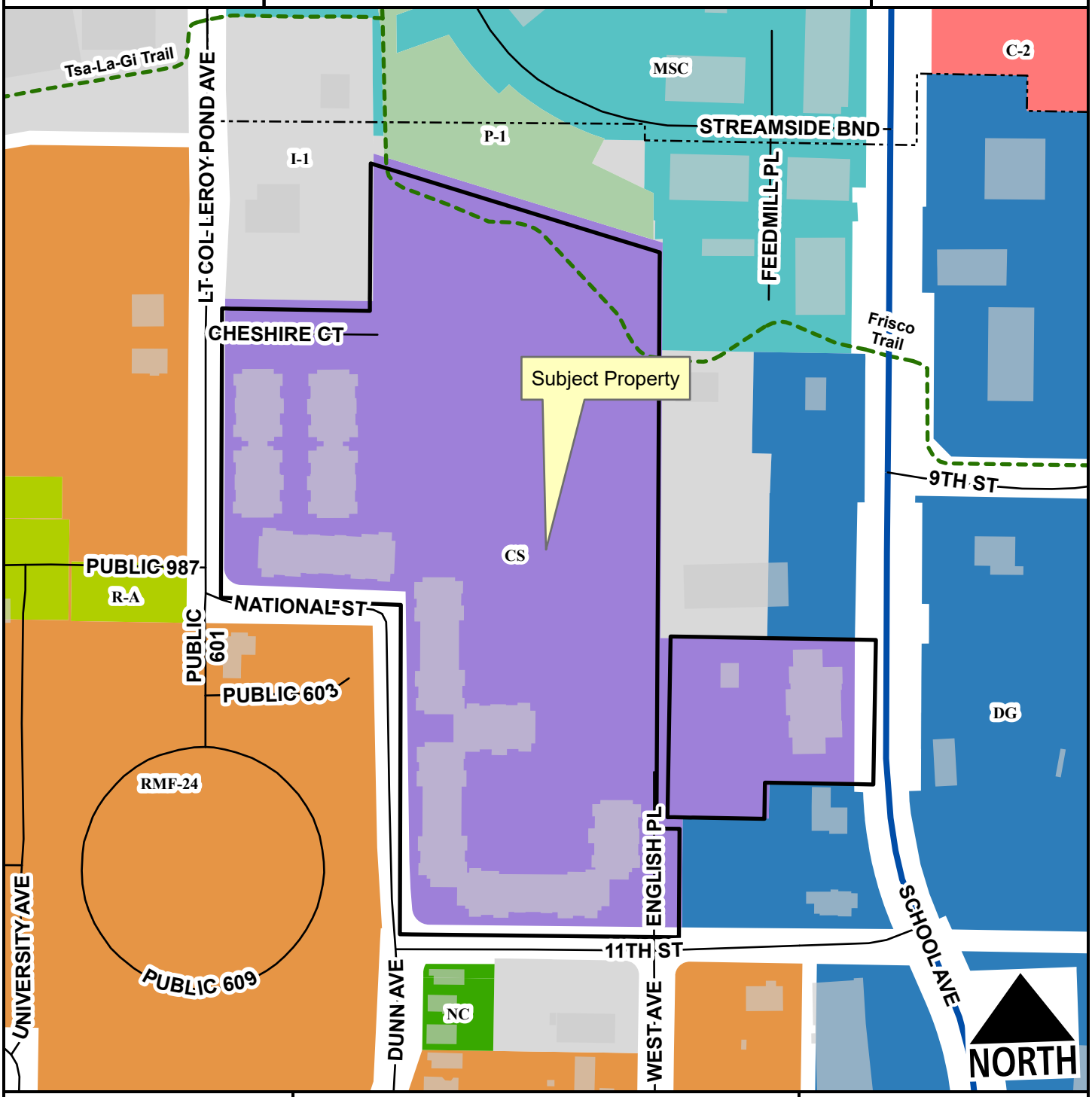
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2024-0031

Close Up View

ADM-2024-0031



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

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

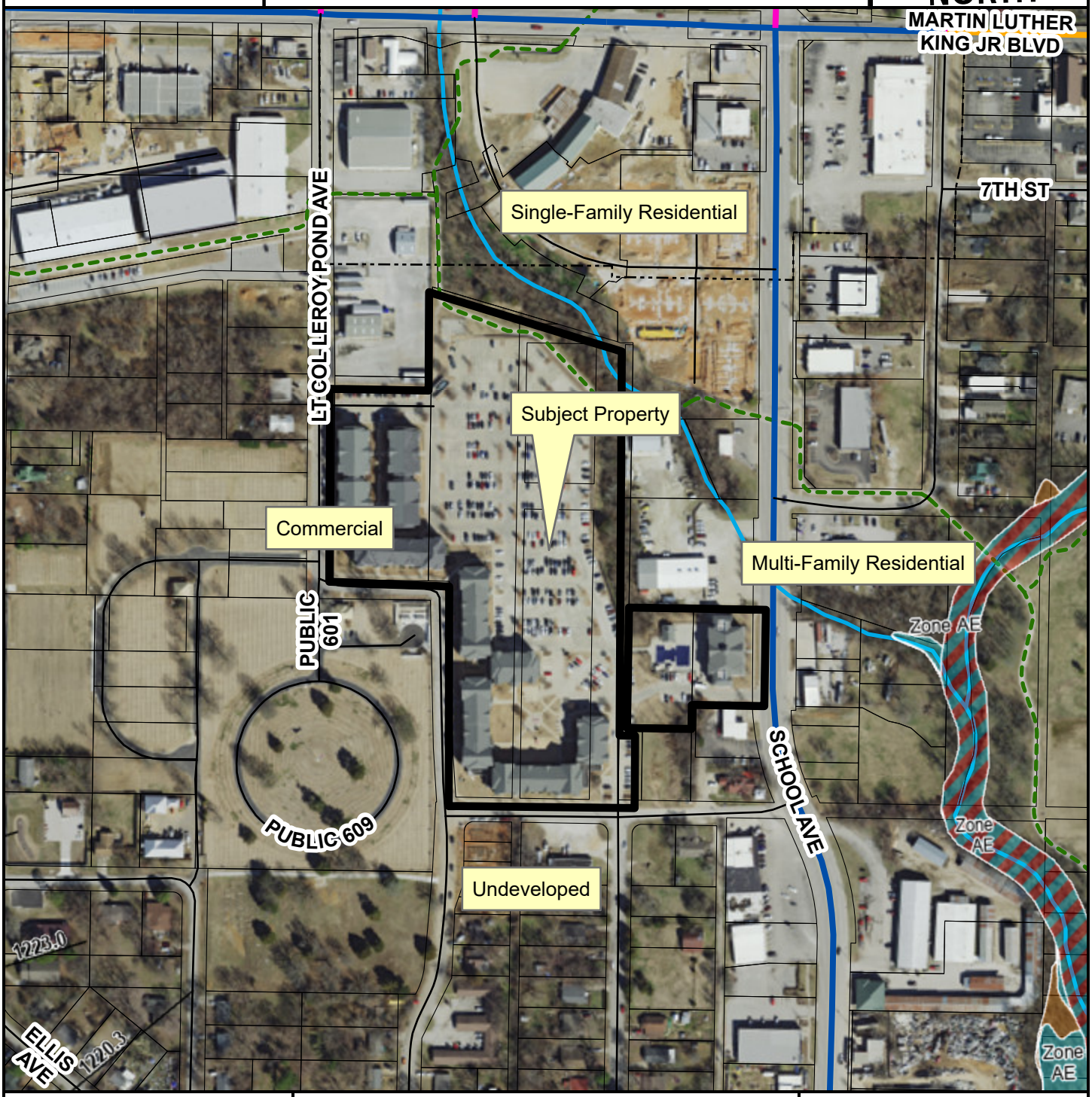
Residential-Agricultural
RMF-24
I-1 Heavy Commercial and Light Industrial
C-2
Main Street Center
Downtown General
Community Services
Neighborhood Conservation
P-1

ADM-2024-0031

Current Land Use

ADM-2024-0031

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner
Josh Boccaccio, Engineering Development Review Manager
Melissa Evans, Urban Forester

MEETING: July 8, 2024

SUBJECT: **LSD-2024-0005: Large Scale Development (NORTH OF N. TRUCKERS DR/THE LENNON, 208):** Submitted by ENGINEERING SERVICES INC for property located NORTH OF N. TRUCKERS DR. The property is zoned RMF-18, RESIDENTIAL MULTI-FAMILY, EIGHTEEN UNITS PER ACRE and contains approximately 20.23 acres. The request is for a 324-unit multi-family residential development and associated parking and for an addition to the Fellowship Bible Church parking lot.

RECOMMENDATION:
Staff recommends tabling of **LSD-2024-0005** to the July 22 Planning Commission due to missing consent of owner forms.

RECOMMENDED MOTION:
*"I move to table **LSD-2024-0005** to the July 22, 2024, Planning Commission meeting."*

BACKGROUND:
The subject property is located in north Fayetteville between Hwy 112 and Deane Solomon Road and contains one 20.23-acre parcel that was originally part of the mixed-use Park West RPZD, Residential Planned Zoning District approved by the City Council in 2006 (ORD 4820). The RPZD zoning expired in 2011 without development and the property was successfully rezoned from RPZD, Residential Planned Zoning District to RMF-18, Residential Multi-Family, 18 Units per Acre in late 2023. A protected stream bisects the property approximately 275 feet from the western property line. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Religious Facility	CS, Community Services
South	Assisted Living Facility	RMF-12, Residential Multi-Family, 12 Units per Acre
East	Undeveloped	RPZD, Residential Planned Zoning District
West	Undeveloped Single-family Residential	R-A, Residential Agricultural

Proposal: The applicant requests large scale development approval to develop the subject property with seven multifamily structures totaling 324 residential units. Also proposed are a clubhouse and six garage structures, with various off-site improvements proposed to properties directly north and east. Four variances and one appeal of staff interpretations have been requested with the proposal, though staff notes that additional variances will likely be required as discussed in the report. Staff recommends tabling the item as a signed consent of owner form

has not been provided for either adjacent property owner where off-site work and right-of-way dedication are proposed.

Variance #1: §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.
N. Salem Rd. and N. Truckers Dr. are partially improved Residential Link streets, which typically includes a six-foot greenspace. The existing portion of N. Salem Rd. includes approximately sixteen feet of green space between the proposed sidewalk and existing asphalt road.

> *Staff recommendation: Staff recommends in favor of the variance. The variance request is needed solely where the development abuts an existing portion of N. Salem Rd. as the existing green space exceeds that which is required by a typical Residential Link. Given the amount of required infrastructure improvements required on this property given the presence of two planned street connections, staff finds that requiring the existing portion of N. Salem Dr. to be widened to meet master street plan could exceed the impact of the proposed development.*

Variance #2: §166.23(C)(4), The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk. The proposal includes three pedestrian crossings to the public sidewalk along W. Salem Rd. with separations of approximately 141 feet, 308 feet, and 308 feet. The applicant states that their intent is to minimize crossings of the 48" water main to be installed by the city.

> *Staff recommendation: Staff recommends in favor of the variance with an added condition. While these distances are significantly greater than those permitted by ordinance, staff finds that minimizing impact to the 48" water main by large numbers of pedestrian crossings also serves a public benefit. A parallel sidewalk is located between nineteen feet to forty feet (19'-40') from the public sidewalk, which can also serve as open space for the residents.*

Variance #3: §168.21(E): Regulated Uses, Structures and Activities Within the Streamside Protection Zones. The proposal includes two retention ponds located to the east and west of the streamside protection zone as well as a private street crossing. Proposed grading impacts both the streamside protection and streamside management zones. The applicant states that their intent is to install drainage improvements to permit flow between detention ponds.

> *Staff recommendation: Staff recommends in favor of the variance with the added condition that the applicant provide a revegetation plan for staff to review and approve during the grading permit process. The revegetation plan shall include native plants and shrubs typically seen in a riparian area as outlined in the Streamside Protection Best Management Practices Manual.*
>
> *Per the last review, an additional variance is required for the proposed parking within the protection zone. The boundaries of the top of bank and streamside protection zone have changed since the last submittal in a way that removed the parking from within the boundaries, but it is unclear why this change was made. An updated engineering memo has not yet been received for this project.*

Variance #4: §177.03(D)(2)(a), Landscape Area Required for Property Lines Adjacent to Street Right-of-Way. Residential developments are required to be landscaped for a uniform width of fifteen feet (15') parallel to and adjacent to the right-of-way with the exception of permitted entry drives. The southeast corner of Building 1 includes 10'-9" of green space between the

building and the right-of-way. The applicant has indicated that the site is constrained by tying into the existing road with a smooth transition creating the pinch point for greenspace.

> *Staff recommendation: Staff recommends approval of the variance. The area requiring a variance is located where the curvature of the road and the building configuration create a pinch point of 10'-9" between the building corner and ROW, rather than the required 15' to accommodate all of the greenspace. Street trees are not located in that area and there is an additional twelve feet (12') of greenspace located interior to the sidewalk. Staff finds the request meets the intent of the ordinance.*

Right-of-Way to be Dedicated: The subject property currently has partial street frontage along N. Truckers Dr. and N. Salem Rd., both of which are Residential Links requiring fifty-two feet (52') of total right-of-way. The master street plan calls for extensions to both streets, which the applicant proposes to coordinate with adjacent property owners along the northern and eastern property boundaries in line with Residential Link typical standards.

Street Improvements: N. Salem Rd. is a partially constructed public street currently being used as a private driveway for the Fellowship Baptist Church, with gated access from N. Deane Solomon Rd. As the applicant proposes to extend both N. Salem Rd. and N. Truckers Dr., this gate must be removed to enable full use of the public right-of-way.

N. Salem Road:

- Existing Street: The applicant intends to install a 6-foot sidewalk at the back of the right-of-way, streetlights and street trees in line with typical requirements for a Residential Link. The proposed green space exceeds the typical 6-foot requirement, requiring a variance as discussed above. An existing headwall shall be relocated south of the proposed sidewalk.

- Extension per Master Street Plan: The applicant proposes to extend N. Salem Rd. from the existing pavement to the northeast corner of the property where it will intersect with the extension of N. Truckers Dr. The applicant proposes a 6-foot sidewalk, 6-foot green space, street trees, and streetlights in line with typical requirements for a Residential Link. A 20-foot drive area with curb and gutter on both sides is proposed.

N. Truckers Drive: The existing portion of N. Truckers Dr. ends at the southern boundary of the property. The applicant proposes a street extension to the north in line with master street plan requirements, including a 6-foot sidewalk, 6-foot green space, streetlights, and street trees in line with typical requirements for a Residential Link. Two ten-foot drive lanes and one seven-foot parallel parking lane are proposed.

Access Management/Connectivity: Staff has determined that the proposed development is compliant with the City's access management and connectivity standards. Access is proposed via one driveway onto N. Truckers Dr. and one driveway onto N. Salem Rd. The existing driveway for Fellowship Bible Church is being relocated along N. Salem Rd.

Design Standards: Staff finds that a substantial amount of the parking within the proposed multifamily complex are not required aerial apparatus routes and are thus subject to §172.04 Parking Lot Design Standards. As all drive aisles are currently shown as twenty-six feet (26') wide, these aisles must either be reduced to twenty-four feet (24') or a variance must be requested for Planning Commission consideration. Proposed off-site improvements to the Fellowship Bible Church parking lot substantially comply with applicable parking standards.

Staff found that several architectural elevations and overall information on proposed building materials and color which were previously included are no longer provided in the plans. This information is necessary to determine compliance with §166.23(D)(2)(a)(i) Architectural Design Standards, including architectural variation standards and limits to the number of times a building may be used. These standards also apply to ancillary structures such as carports and garages.

Of note, a variance request for minimum buildable street frontage was included within one of the Planning Commission variance requests. This request is subject to administrative approval; thus, no Planning Commission determination is needed.

Water and Sewer System: The applicant is proposing to install 8" sewer lines and an 8" water line through the development to provide sewer access, domestic water service and fire protection. This water line only has one point of connection to the overall water distribution system. With the addition of 324 units across 10 buildings, Engineering recommends the developer install an offsite water line to add a second point of connection to the overall water distribution system. This second connection will maintain water quality and service in the event of a water line break.

The Water and Sewer Division is currently working on a major capital improvement project that will see a 48" water line installed across a 50' easement near the northern property line of this development. No water connections to this transmission main will be permitted from the pump station to its connection to the existing distribution system.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on March 11, 2024. The Parks and Recreation Advisory Board recommended a fee-in-lieu of parkland dedication. Based on current information, fees for 324 multifamily residential units would be required in the amount of $308,448, with final fees to be determined and paid prior to the issuance of any building permits.

Tree Preservation:
PID 765-15830-007 (Lennon Property)
Canopy minimum requirement: 20.0%
Existing Canopy: 6.9%
Preserved canopy: 4.6%
Mitigation required: 98 two-inch caliper trees

PID 765-15830-004 (Fellowship Bible Church of Northwest Arkansas)
Canopy minimum requirement: 25.0%
Existing Canopy: 13.4%
Preserved canopy: 12.8%
Mitigation required: 12 two-inch caliper trees

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

RECOMMENDATION: Staff recommends tabling of **LSD-2024-0005** to the July 22, 2024, Planning Commission meeting due to missing consent of owner forms. If approved, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of variance to §166.11(A), Conformance to Plans and Regulations.** *Staff recommends approval of the requested variance with no added conditions:*

   Subdivision Committee recommended in favor.

2. **Planning Commission determination of variance to §166.23(C)(4), Pedestrian Connections.** *Staff recommends approval of the requested variance with no added conditions:*

   Subdivision Committee had no recommendation.

3. **Planning Commission determination of variance to §168.21(E): Regulated Uses, Structures and Activities Within the Streamside Protection Zones.** *Staff recommends approval of the requested variance with the following conditions:*
   a. The applicant shall provide a revegetation plan for staff to review and approve during the grading permit process. The revegetation plan shall include native plants and shrubs typically seen in a riparian area as outlined in the Streamside Protection Best Management Practices Manual.

   Subdivision Committee recommended in favor.

4. **Planning Commission determination of variance to §177.03(D)(2)(a), Landscape Area Required for Property Lines Adjacent to Street Right-of-Way.** *Staff recommends approval of the requested variance with no added conditions.*

   Subdivision Committee had no recommendation.

5. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the following amounts.:*
   a. Fifty-two feet (52') of right-of-way dedication for N. Salem Rd.
   b. Fifty-two feet (52') of right-of-way dedication for N. Truckers Dr.

   Subdivision Committee recommended in favor.

6. **Planning Commission determination of street improvements.** *Staff recommends street improvements as described below:*
   a. N. Salem Rd. (existing): 6-foot sidewalk and variable width greenspace.
   b. N. Salem Rd. (extension): 6-foot sidewalk and 6-foot green space per typical Residential Link section. Twenty-foot asphalt paving with curb and gutter.
   c. N. Truckers Dr.: 6-foot sidewalk and 6-foot green space per typical Residential Link section. Twenty-foot-wide street with 7-foot parallel parking lane.
   d. The existing gate across N. Salem Rd. adjacent to N. Deane Solomon shall be removed to enable full use of the public right-of-way.
   e. Existing headwall on N. Salem Rd. shall be relocated south to the sidewalk.
   f. The developer shall install an offsite water line to add a second point of connection to the overall water distribution system to maintain water quality and maintain water service in the event of a water line break.
   g. Streetlights and street trees are required for all public streets.

Subdivision Committee recommended in favor.

7. Parks fees shall be determined and paid prior to building permit issuance. Based on current information, fees for 324 multifamily residential units would be required in the amount of $308,448.

8. Remaining comments from Planning shall be addressed, including:
    a. Address remaining plan comments
    b. The consent of owner form must be signed by all affected property owners prior to Planning Commission approval.
    c. All portions of the proposed parking lots and drive aisles not required to meet minimum aerial apparatus access must be updated to comply with §172.04 Parking Lot Design Standards or a variance must be requested.
    d. All missing elevations must be provided prior to Planning Commission for review of compliance with §166.23, Urban Residential Design Standards.
    e. A corrected street table shall be provided.

9. Conditions of approval from Engineering, Fire, and Urban Forestry are included in the official conditions of approval, attached hereto;
    a. Address remaining plan comments
    b. Streamside Protections Zones are not shown correctly on the plan.
    c. The geometry of the Truckers Dr. connection to the south shall be required to meet minimum street standards. The transition from the previous section to the current should be smooth and consistent.
    d. Sidewalk along Salem Rd currently shown below street grade must be installed per the City's standard detail. If this is desired an administrative variance must be submitted and the City Engineer will evaluate the request.
    e. Applicant shall provide verification of coordination with adjacent property owner regarding potential impact to off-site trees.
    f. Parking lot trees must be installed where parking space runs exceed 12 or more spaces.
    g. Additional variances must be requested per staff comments, or plans addressed to comply with UDC.

<u>Standard Conditions of Approval:</u>

10. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;

11. Technical Plat Review and Subdivision Committee comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

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

13. Large scale development approval shall be valid for one year;

14. Prior to the issuance of a building permit, the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include any tree preservation areas and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;
    d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
    e. A cost estimate for all required landscaping shall be submitted to the Landscape Administrator. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants which will be held until the improvements are installed and inspected; and
    f. Project Disk with all final revisions; and
    g. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: ❒ **Approved** ❒ **Tabled** ❒ **Denied**

Meeting Date: **July 8, 2024**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Memos
    - Engineering Memo
    - Urban Forestry Memos
    - Fire Marshal's Office Memo
    - Parks Memo
- Applicant Exhibits
    - Cover Letter
    - Planning Variance Request Letters #1 and #2
    - Streamside Variance Request Letter
    - Appeal Letter
    - Site Plans
    - Architectural Elevations
- Staff Exhibit: Proposed Aerial Apparatus Access
- One Mile Map
- Close-Up Map
- Current Land Use Map

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: June 26, 2024

SUBJECT: **Subdivision Committee Engineering Comments for LSD-2024-0005 The Lennon**

Water: The applicant is proposing to extend an 8" water line through the development to provide domestic service and fire protection. This water line only has one point of connection to the overall water distribution system. There have been 2 developments that have occurred along Truckers over the past 15 years that did not have to make a second connection. However, the most recent development, Grand Village was approved with an offsite water connection to Warbler. That connection appears to not have been made with the first phase of construction. The second phase was approved with LSD-2021-000017 and a grading permit submitted in 2022. The permit eventually expired having only gone through one review.

With the addition of 324 units, across 10 buildings, Engineering staff is recommending the developer install an offsite water line to add a second point of connection to the overall water distribution system to maintain water quality and maintain water service in the event of a water line break.

The Water and Sewer Division is currently working on a major capital improvement project that will see a 48" water line installed from Hwy 112, across a 50' easement near the northern property line of this development and ultimately tying into a new Beaver Water District pump station. There will be no water connections made to this transmission main from the pump station to its connection to the existing distribution system.

Sewer: The applicant is proposing to install 8" sewer lines to provide sanitary sewer to the development.

Natural Features: The property is located in an area where hydric soils appear to be present. Based on this, a wetland delineation will have to be provided at or before grading permit submittal to determine if there may be wetlands on-site. If there appear to be wetlands on-site a wetland determination will have to be made by the US Army Corps of Engineers.

There is a protected stream that runs through the western portion of the site. A variance to grade within the streamside protection zones (SPZ) in order to provide an outflow of the 2 ponds has been received. Staff is supportive of this variance with the following condition:

1. The applicant provide a revegetation plan for staff to review and approve during the grading permit process. The revegetation plan shall include native plants and shrubs typically seen in a riparian area as outlined in the Streamside Protection Best Management Practices Manual.

An additional variance must be requested for the proposed parking that is shown within the SPZ.

A “no feasible alternative” determination was made by the City Engineer for the proposed crossing of the stream. Staff is making the determination that box culverts buried below the bottom of the stream will not be accepted based on the Streamside Protection Best Management Practices Manual guidance on stream crossings. A 3-side box or bottomless arch should be used to span the stream and allow for some dry ground or an artificial ledge beneath the structure. If the applicant desires to use a conventional culvert they may appeal staff’s determination to the Planning Commission.

Drainage: The proposed development is increasing impervious area by more than 10,000 square feet and must meet the 4 minimum standards outlined in the Drainage Criteria Manual. The applicant has proposed 2 ponds to meet these standards. The east pond will be a wet pond which will provide water quality through its permanent pool. The west pond will use a proprietary device to meet water quality. There is an additional study point that will also use a proprietary device for water quality. Channel protection and peak flow attenuation are proposed to be met through the sizing of the outlet structures for the ponds and the change in drainage area for the southeastern study point.

Plan Comments:

1. The geometry of the Truckers Dr connection to the south does not meet Minimum Street Standards. Curve radii and tangent between curves must meet these standards. The transition from the previous section to the current should be smooth and consistent.
2. Streamside Protections Zones are not shown correctly on the plan.
3. Sidewalk along Salem Rd must be installed per the City’s standard detail. Currently it is shown below street grade. If this is desired an administrative variance must be submitted and the City Engineer will evaluate the request.
4. Walls over 4’ in height must be designed, inspected, and certified by an Arkansas licensed professional engineer.

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/developers 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 <u>existing</u> 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 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:	Jonathan Schmitz, Engineering Services, Inc.
From:	Melissa Evans, Urban Forester
CC:	Donna Wonsower, Planner
Meeting Date:	July 8, 2024
Subject:	LSD-2024-0005 Lennon Apartments (North of N. Truckers Dr., 208)

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

2.	**Parking Lot Requirements** 1 Tree : 12 Parking Spaces	**Yes**	**No**	**N/A**
a.	Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*	**X**		
b.	Wheel Stops/Curbs *UDC Chapter 177.04B1*	**X**		

c.	Narrow Tree Lawn (8’ min. width, 37.5’ length) *UDC Chapter 177.04C*			**X**
d.	Tree Island (8’ min. width, 18.7’ min length, 150 square feet) *UDC Chapter 177.04C*		**X**	
e.	Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*	**X**		

3.	**Perimeter Landscaping Requirements**	**Yes**	**No**	**N/A**
a.	Front Property Line (15’ wide landscape) and 5’ on sides and rear. *UDC Chapter 177.04D2a*	**X**		
b.	Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*	**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 *UDC Chapter 177.05B1a*	**X**		
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30’ (planted in greenspace) *UDC Chapter 177.05B2a*			**X**
c.	Urban Tree Well – Urban Streetscapes Trees every 30’ (8’ sidewalk) *UDC Chapter 177.05B3a-f*			**X**
d.	Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*			**X**
e.	Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			**X**
f.	Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			**X**

5. Landscape Requirement Totals	Amount
Mitigation Trees	**98 required,**
	97 provided
Parking Lot Trees	**39 required,**
	37 provided
Street Trees	**61 required,**
	61 provided
Detention Pond – Large Trees (1 Tree/3,000 square feet)	**36 required,**
	36 provided
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**142 required,**
	142 provided
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**212 required,**
	212 provided

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**5-29-24**	**6-25-24**	**7-08-2024**
Approved			
Tabled	**03-12-24**		
	04-17-24		
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 specify understory trees for any required aerial apparatus routes. Trees shall not be taller than a mature height of 15’ there. Indicate aerial apparatus route in plans.
3. One (1) tree shall be planted for every twelve (12) parking spaces with this option, <u>with a maximum run of twelve (12) parking spaces permitted without a tree island.</u> Several runs exceed this maximum allowance. Additionally, required parking lot trees may not be double-counted as mitigation trees.
4. Tree island shown northwest of building 6 does not meet minimum size requirements.

To: Jonathan Schmitz, Engineering Services, Inc.

From: Melissa Evans, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: July 8, 2024

Subject: LSD-2024-0005 Lennon Apartments (North of N. Truckers Dr., 208)

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		
The Lennon Property	**Square Feet**	**Percent of site**
Total Site Area *Minus Right of Way and Easements	839,723	100%
*Zoning Designation * Select Below with drop down arrow*		
RMF-18 Multi-Family Residential-Eighteen Units Per Acre	167,945	20%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	167,945	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	57,830	6.9%
Tree Canopy Preserved	38,595	4.6%
Tree Canopy Removed *On Site	19,798	2.4%
Tree Canopy Removed *Off Site	5,602	
Tree Canopy Removed Total	24,907	3.0%
Removed Below Minimum	**129,350**	
Mitigation Requirements	**25,400**	

Tree Preservation Calculations		
Fellowship Church Parking Lot	**Square Feet**	**Percent of site**
Total Site Area *Minus Right of Way and Easements	514,297	100%
*Zoning Designation * Select Below with drop down arrow*		
P-1, Institutional	128,574	25%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	128,574	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	68,740	13.4%
Tree Canopy Preserved	66,080	12.8%
Tree Canopy Removed *On Site	2,660	0.5%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	2,660	0.5%
Removed Below Minimum	**62,494**	
Mitigation Requirements	**2,660**	

3. Mitigation Requirements	**Canopy below requirement**	**Number of 2" caliper trees to be planted**
High Priority	20,677	79
Low Priority	8,124	19
Total Mitigation Trees Required	**28,801**	**98**

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 *UDC Chapter 167.04H1and 167.04L1*	**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)	**No**	**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)	**Yes**	**Yes**	**?**
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)	**Yes**	**Yes**	**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	**No**	**Yes**	**Yes**
Tree Protection Methods				
a.	Tree Protection Fencing	**Yes**	**Yes**	**Yes**
b.	Limits of Root Pruning	**Yes**	**Yes**	**Yes**
c.	Traffic flow on work site	**Yes**	**Yes**	**Yes**
d.	Location of material storage	**Yes**	**Yes**	**Yes**
e.	Location of concrete wash out	**Yes**	**Yes**	**Yes**
f.	Location of construction entrance/exit	**Yes**	**Yes**	**Yes**
6.	**Site Analysis Report (if required)** *UDC Chapter 167.04H4*	**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	**03-13-24**	**06-25-24**	**07/08/2024**
		05-29-24		
	Approved			
	Tabled	**04/17/24**		
	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. Have adjacent property owners will need to be notified about potential impacts to trees on their lots?
3. Why is group E2 now shown to be removed?
4. Why has streamside protection boundary changed between submittals?

CITY OF FAYETTEVILLE ARKANSAS

Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Donna Wonsower, Planner

FROM: Melissa Evans, Urban Forester

MEETING DATE: July 8, 2024

SUBJECT: **LSD-2024-0005: Variance (The Lennon Apartments, North of N. Truckers Drive):** Submitted by ESI for property located North of N. Truckers Dr. The property is zoned RMF-18, Multi-family Residential, and contains approximately 20.2 acres. The request is for a variance to the perimeter landscaping requirement along property lines adjoining street right-of-way.

RECOMMENDATION:
Urban Forestry Staff recommends approval of VAR-2022-0042 which would allow the property owner to have less than the required 15' of greenspace along the property line adjacent N. Truckers Drive. Per Chapter 177.04(D)(2)(a) of the UDC, Property Lines Adjoining Street Right-of-Way, "A 15-foot wide landscape area shall be provided along the front property line exclusive of and adjacent to the Master Street Plan right-of-way. Points of access (entrance drives, exit drives) and sidewalks area allowed to cross the 15' landscaped area provided the integrity of the landscaped area is maintained." This is located in an area where the curvature of the road and the building configuration create a pinch point of 10'-9" between the building corner and ROW, rather than the required 15' to accommodate all of the greenspace, and no trees are required to be planted directly in that area.

BACKGROUND:
The southeast corner of Building 1 at the southeast corner of the site has 10'-9" to the ROW line which is greenspace. From that point there is a 6' sidewalk and almost 12' of greenspace from the sidewalk to street curb that is in the ROW. The applicant has indicated that the site is constrained by tying into the existing road with a smooth transition creating the pinch point for greenspace. Street trees are not located in that area as they have been located north between the sidewalk and street curb so there is no conflict, hence Staff supports the variance request.

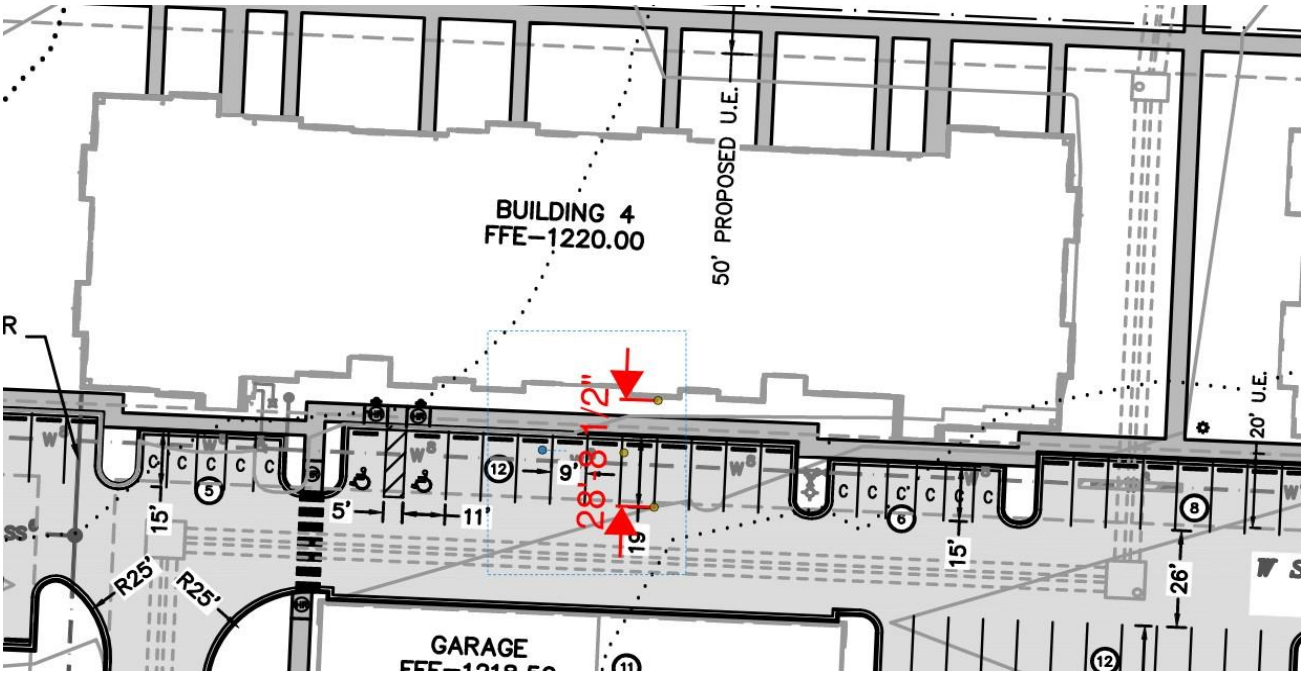
June 25, 2024

Project: The Lennon; Review #: LSD-2024-0005

Reviewed by: Division Chief J. Ashley

During the 5/29/2024 Tech Plat meeting the Fayetteville Fire Marshals Office commented on two items relating to the project that needed additional information.

1. Building 4 did not meet the setbacks required for the aerial apparatus access. This item was addressed by moving the building towards the parking lot to meet the required setbacks. See attachment below.



2. Designer was requested to indicate the aerial apparatus accesses on the plans for **all buildings.** Comments received back from designer stated that they were on page 25, however aerial apparatus accesses were not found and we were not able to discern which accesses were intended to be the designated aerial accesses. Please mark on a site plan the required aerial apparatus access for each building that is in excess of 30ft in height and verify that each of those buildings meet the required setbacks for an aerial apparatus access.

CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: March 11, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

****

PRAB Meeting Date:	March 4, 2024
Project Title:	The Lennon
Project Number:	LSD-2024-0005
Project Location:	North of N Truckers Dr and S of Fellowship Bible Chuch
Plat Page:	208
Park Quadrant:	NW
Billing Name & Address:	Willow Bend Optionco LLC 1207 S Old Missouri Rd, Springdale, AR 72762

☐ **Land Dedication** ☒ **Fee-in-Lieu** ☐ **Combination**

LAND DEDICATION

									TOTAL Acres
Single Family:		units	x	0.023	acres per unit =	0.00	acres		0.0
Multi Family:		units	x	0.020	acres per unit =	0.00	acres		

FEE-IN-LIEU

							TOTAL Fees
Single Family:		units	x	$1,089	per unit =	$ 0	$496,944
Multi Family:	522	units	x	$952	per unit =	$496,944	

SUMMARY:

- Project proposes 0 SF units and 522 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 this project.
- 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.

ENGINEERING SERVICES INC.
1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282 Ph: 479-751-8733 • Fax: 479-751-8746

APPLICANT EXHIBIT
COVER LETTER

April 2, 2024

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

RE: Overall Narrative
The Lennon
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a narrative to accompany the complete submittal for The Lennon. The proposed development is located just south of Fayetteville's Fellowship Church and north of Grand Retirement Village. It is Washington County Parcel Number 765-15830-007. This property is owned by Willow Bend Optionco LLC and is currently zoned RMF-18. No change in zoning is requested. There are 9 apartment buildings, 1 management building, and a mix of multifamily family units, totaling up to 324 residential units, and two retention pond areas. In addition, an extension to Fayetteville's Fellowship church's parking lot is being proposed in tandem with the multi-family development. This extension will include an additional 70 parking spaces, including all street and storm improvements.

Utilities

This site has access to public 8" water main and access to 10" and 12" sewer mains.

Traffic

It is not anticipated that this development will cause any traffic issues as ArDOT is improving Highway 112 to have additional lanes and roundabouts. This project will also provide street improvements to N Truckers Drive and connect to the existing drive on the north of the property, thus providing access to N Deane Solomon Rd.

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
- Warranty Deed
- Legal Description

Please let me know if I can answer any questions.

Keren Ramírez
Project Engineer

ENGINEERING SERVICES INC.
1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282 Ph: 479-751-8733 • Fax: 479-751-8746

July 1, 2024

APPLICANT EXHIBIT
VARIANCE REQUEST LETTER #1

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

RE: Variance Requests
The Lennon – LSD 2024-0005
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a variance request to serve The Lennon, given the Large Scale Development identifier LSD 2024-0005, which is an approximately 20.23 acre residential development on parcel number 765-15830-007. The development is located west of Arkansas highway 112, off Truckers Lane, in Fayetteville.

Variance

With the revised plans, a variance is needed for greater open space along W Salem Rd. UDC, Chapter 166.23 – Urban Residential Design Standards, Paragraph (C) Site Development Standards, (4) Pedestrian Circulation – states that, "Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk."

This variance is requested for the following reason:

1. There is a proposed 50-foot utility easement for the City of Fayetteville's watermain improvement which does not allow our development to meet with the maximum 12 feet of pedestrian connection to the public sidewalk. In discussion with the City's Utility Department, we are trying to limit the amount of sidewalk crossings over the proposed 48" watermain.

Variance

With the revised plans, a variance is needed for the landscaped area along the public Right-of-Way along N Truckers Dr. UDC, Chapter 177.04 – Site Development and Parking Lot Landscape Standards, Paragraph (D) Perimeter Landscaping Requirement, (2) Property Lines Adjoining Street Right-of-Way, (a) Landscape Area Required – states that, "A 15-foot wide landscaped area shall be provided along the front property line exclusive of and adjacent to the Master Street Plan right-of-way. Points of access (entrance drives, exit drives) and sidewalks are allowed to cross the 15-foot landscaped area provided the integrity of the landscaped area is maintained."

This variance is requested for the following reason:

1. N Truckers Drive has an existing Right-of-Way of 59-feet (24A-168), with the proposed improvements we are meeting the current MSP requirements for a residential link street section, which requires 52-feet of Right-of-Way. Based on this, the street layout has been modified to provide a smooth transition to tie into the existing road and thus limit the available greenspace area along the southeast corner of Building 1.

Please let me know if I can answer any questions.

Jason Appel, P.E.
Secretary / Treasurer

ENGINEERING SERVICES INC.
1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282 Ph: 479-751-8733 • Fax: 479-751-8746

APPLICANT EXHIBIT
VARIANCE REQUEST LETTER #2

June 5, 2024

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

RE: Variance Requests
The Lennon – LSD 2024-0005
Fayetteville, AR

To whom it may concern,

Please let this letter serve as a variance request to serve The Lennon, given the Large Scale Development identifier LSD 2024-0005, which is an approximately 20.23 acre residential development on parcel number 765-15830-007. The development is located west of Arkansas highway 112, off Truckers Lane, in Fayetteville.

Variance

With the revised plans, a variance is needed for greater open space along W Salem Rd. UDC, Chapter 166.11 – Conformance to Plans and Regulations, Paragraph (A) – states that, "The subdivision shall conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Future Land Use Plan, the Master Street Plan, access control, setback ordinances, the Community Facilities Plan and Zoning, Chapters 160 through 164."

This variance is requested for the following reason:

1. Per the MSP's Residential Link Street section cannot be met as our project is tying into an existing street with an existing R.O.W of 62' (BK & PG 2018-27931) and is constrained by the existing pond on Fellowship Church. Our development is proposing the 52' R.O.W, as stated on the MSP street section, and extending the existing street to the east along our property line. We are also providing the necessary improvements to the existing street, drainage infrastructure and sidewalks within the north boundary line of our property.

Variance

With the revised plans, a variance is needed for the reduction and supplemental elements along a build-to-zone. UDC, Chapter 164.06 – Minimum Buildable Street Frontage, Paragraph (D) Corner Lot, (1)-(3).

This variance is requested for the following reason:

1. The 718' of frontage along W. Salem Rd is unable to be located within the 25' B.T.Z due to a 50'

proposed utility easement required by the City of Fayetteville for their watermain improvements.

Please let me know if I can answer any questions.

Jason Appel, P.E.
Secretary / Treasurer

ENGINEERING SERVICES INC.
1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282 Ph: 479-751-8733 • Fax: 479-751-8746

APPLICANT EXHIBIT
VARIANCE REQUEST LETTER
STREAMSIDE PROTECTION

June 5, 2024

Mr. Josh Boccaccio, P.E.
City Engineer, City of Fayetteville
Development Services Building
125 W. Mountain Street
Fayetteville, AR 72701

RE: Graded Channel within Streamside Protection Zone
The Lennon – LSD 2024-0005

Dear Mr. Boccaccio,

On behalf of our client, we are submitting revised plans for a proposed Large Scale Development on Washington County Parcel Number 765-15830-007, which is a 20.23 acre tract located north of Truckers Lane in north Fayetteville, west of Arkansas Highway 112.

A stream qualifying for streamside protection zone regulations runs north to south through the subject property. The proposed development will include a streamside protection zone buffer area along this stream, as well as numerous other features, such as biorention ponds, intended to ensure stormwater quality meets the requirements set forth in the City of Fayetteville's ordinances. However, in order to discharge the water from the ponds we are requesting authorization from you to install small channels within the streamside protection zone to allow for discharge into the stream at 1 foot above its flowline. The proposed grading will be around the 36" flared end section that discharges from the east retention pond and an 18" flared end section that discharges from the west pond. Without installation of these small channels, or installation of pipe in the same alignment which would also require your authorization, it would be necessary to raise the grade of much of the subject property by several feet.

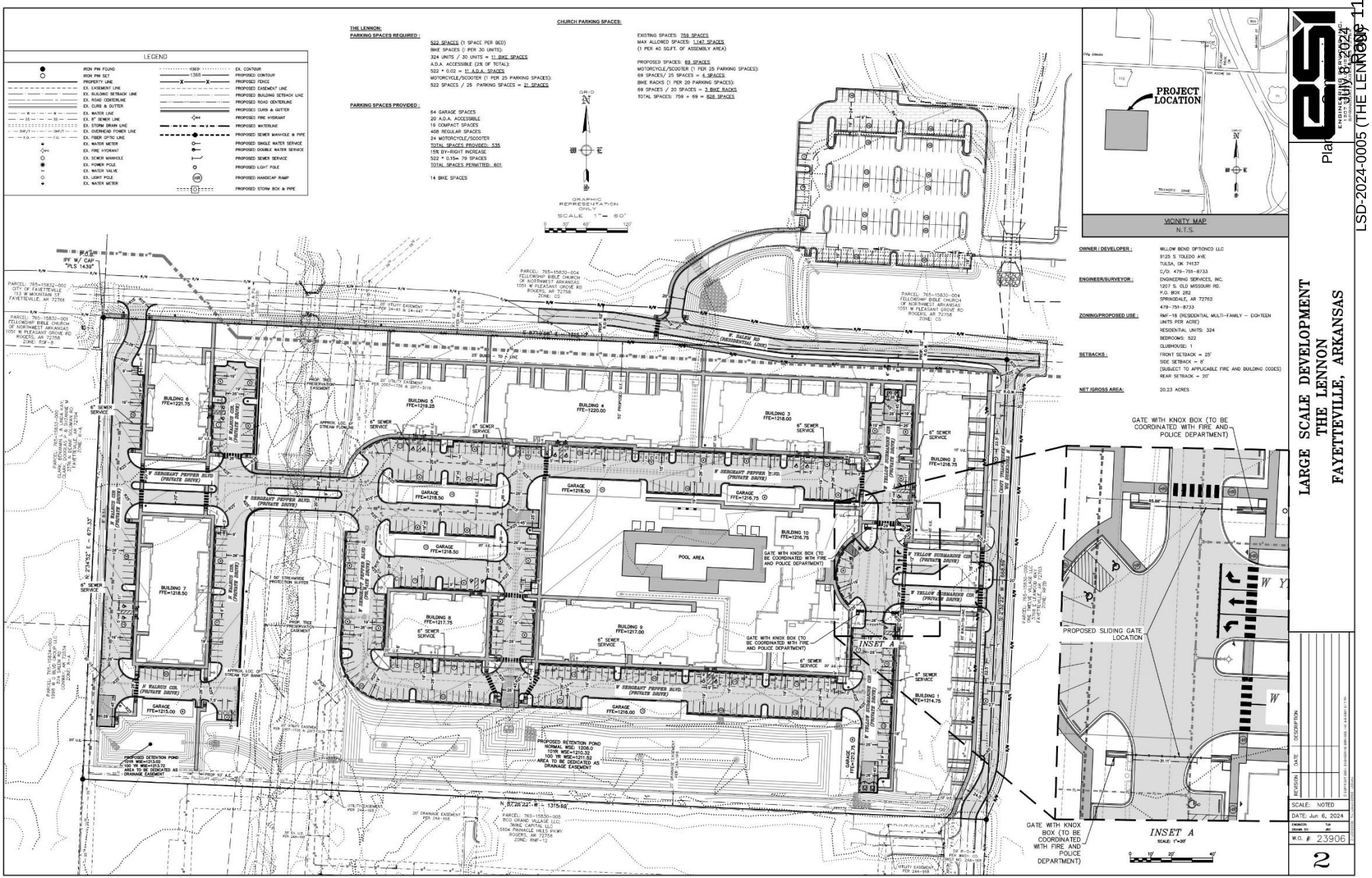
By ordinance, these improvements can not be installed unless it is determined that there is no practical and feasible alternative. Although there are alternatives to the precise design/configuration of the channel shown (grass-lined, concrete-lined, underground pipe, etc.), all would qualify as new stormwater conveyances within the streamside protection zone and require your authorization.

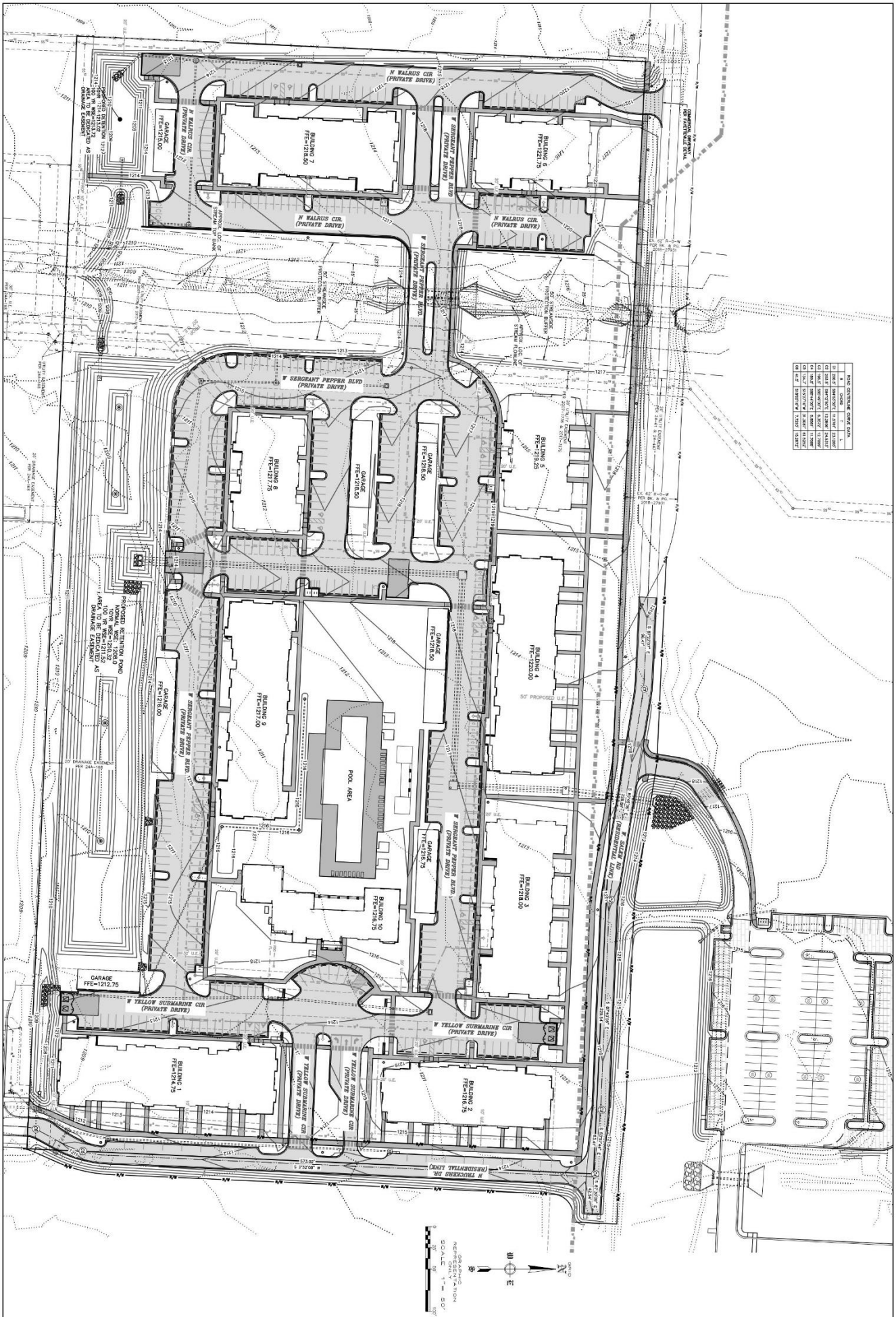
If possible, I would like to meet with you to discuss this request and answer any questions you may have regarding the proposed project and the need to install the proposed conveyances within the streamside protection zone.

Please do not hesitate to contact me if you have any questions regarding this application or need anything further.

Thank you,

Jason Appel, P.E.
Project Engineer


LEGEND
IRON PIN FOUND
IRON PIN SET
PROPERTY LINE
EX. EASEMENT LINE
EX. BUILDING SETBACK LINE
EX. ROAD CENTERLINE
EX. CURB & GUTTER
EX. WATER LINE
EX. 8" SEWER LINE
EX. STORM DRAIN LINE
EX. OVERHEAD POWER LINE
EX. FIBER OPTIC LINE
EX. WATER METER
EX. FIRE HYDRANT
EX. SEWER MANHOLE
EX. POWER POLE
EX. WATER VALVE
EX. LIGHT POLE
EX. WATER METER
EX. CONTOUR
PROPOSED CONTOUR
PROPOSED FENCE
PROPOSED EASEMENT LINE
PROPOSED BUILDING SETBACK LINE
PROPOSED ROAD CENTERLINE
PROPOSED CURB & GUTTER
PROPOSED FIRE HYDRANT
PROPOSED WATERLINE
PROPOSED SEWER MANHOLE & PIPE
PROPOSED SINGLE WATER SERVICE
PROPOSED DOUBLE WATER SERVICE
PROPOSED SEWER SERVICE
PROPOSED LIGHT POLE
PROPOSED HANDICAP RAMP
PROPOSED STORM BOX & PIPE
THE LENNON:
PARKING SPACES REQUIRED :
522 SPACES (1 SPACE PER BED)
BIKE SPACES (1 PER 30 UNITS):
324 UNITS / 30 UNITS = 11 BIKE SPACES
A.D.A. ACCESSIBLE (2% OF TOTAL):
522 * 0.02 = 11 A.D.A. SPACES
MOTORCYCLE/SCOOTER (1 PER 25 PARKING SPACES):
522 SPACES / 25 PARKING SPACES = 21 SPACES
PARKING SPACES PROVIDED :
64 GARAGE SPACES
20 A.D.A. ACCESSIBLE
19 COMPACT SPACES
408 REGULAR SPACES
24 MOTORCYCLE/SCOOTER
TOTAL SPACES PROVIDED: 535
15% BY-RIGHT INCREASE
522 * 0.15= 79 SPACES
TOTAL SPACES PERMITTED: 601
14 BIKE SPACES
CHURCH PARKING SPACES:
EXISTING SPACES: 759 SPACES
MAX ALLOWED SPACES: 1,147 SPACES
(1 PER 40 SQ.FT. OF ASSEMBLY AREA)
PROPOSED SPACES: 69 SPACES
MOTORCYCLE/SCOOTER (1 PER 25 PARKING SPACES):
69 SPACES/ 25 SPACES = 4 SPACES
BIKE RACKS (1 PER 20 PARKING SPACES):
69 SPACES / 20 SPACES = 3 BIKE RACKS
TOTAL SPACES: 759 + 69 = 828 SPACES
GRAPHIC REPRESENTATION ONLY
SCALE: 1" = 60'
PROJECT LOCATION
VICINITY MAP
N.T.S.
OWNER / DEVELOPER : WILLOW BEND OPTIONCO LLC
9125 S TOLEDO AVE
TULSA, OK 74137
C/O: 479-751-8733
ENGINEER/SURVEYOR : ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI RD.
P.O. BOX 282
SPRINGDALE, AR 72762
479-751-8733
ZONING/PROPOSED USE : RMF-18 (RESIDENTIAL MULTI-FAMILY - EIGHTEEN UNITS PER ACRE)
RESIDENTIAL UNITS: 324
BEDROOMS: 522
CLUBHOUSE: 1
SETBACKS : FRONT SETBACK = 25'
SIDE SETBACK = 8'
(SUBJECT TO APPLICABLE FIRE AND BUILDING CODES)
REAR SETBACK = 20'
NET /GROSS AREA: 20.23 ACRES
W. SERGEANT PEPPER BLVD. (PRIVATE DRIVE)
W. YELLOW SUBMARINE CIR. (PRIVATE DRIVE)
W. WALRUS CIR. (PRIVATE DRIVE)
W. SALEM RD. (RESIDENTIAL LANE)
POOL AREA
PROPOSED RETENTION POND
PROPOSED DETENTION POND
GATE WITH KNOX BOX (TO BE COORDINATED WITH FIRE AND POLICE DEPARTMENT)
PROPOSED SLIDING GATE LOCATION
INSET A
SCALE: 1"=20'
LARGE SCALE DEVELOPMENT
THE LENNON
FAYETTEVILLE, ARKANSAS
REVISION
DATE
DESCRIPTION
SCALE: NOTED
DATE: Jun 6, 2024
W.O. # 23906
2



REVISION	DATE	DESCRIPTION

SCALE: 1"=50'

DATE: Jun 4, 2024

DRAWN BY: Sa

CHECKED BY:

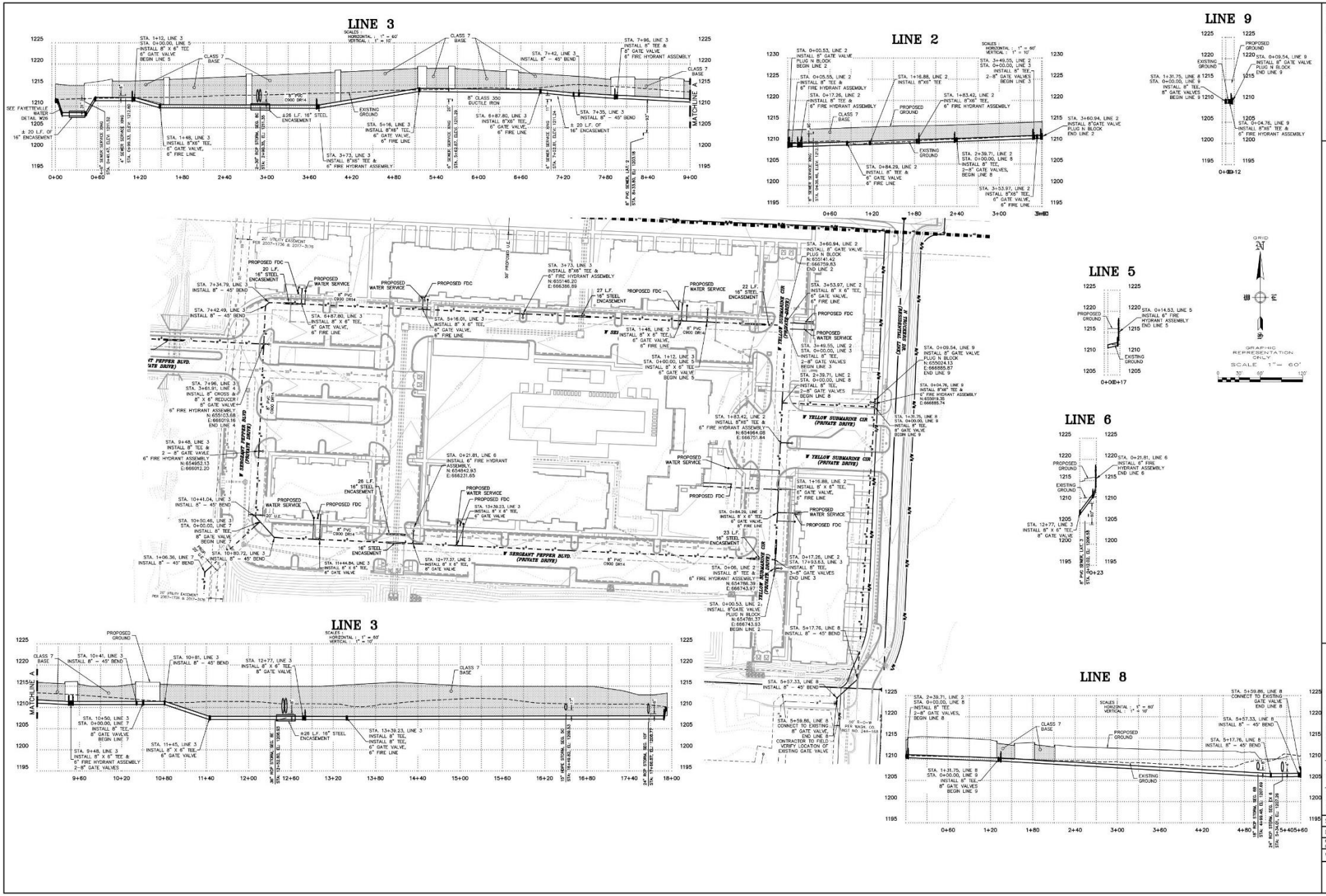
W.O. # 23906

4

GRADING PLAN
THE LENNON
FAYETTEVILLE, ARKANSAS

Planning Commission
June 13, 2024
LSD-2024-0005 (THE LENNON)

CSI
CLARK, SNOW & ASSOCIATES
2307 SOUTH 3RD MISSOURI RD.
FAYETTEVILLE, ARKANSAS 72704



WATER PLAN & PROFILE
THE LENNON
FAYETTEVILLE, ARKANSAS

Plan Review Comments
July 8, 2024

REVISION	DATE	DESCRIPTION

SCALE: 1"=60'
DATE: Jun 7, 2024
ENGINEER: DRAWN BY: JRC
W.O. #: 23906

33

CITY OF FAYETTEVILLE LANDSCAPE NOTES:

1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE-CALL TO CONFIRM ALL UTILITIES.
2. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
3. STANDARDS SET FORTH IN AMERICAN STANDARD FOR NURSERY STOCK REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
4. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
5. ALL REQUIRED TREES SHALL BE 2" MINIMUM CALIPER, WITH A SINGLE DOMINATE CENTRAL TRUNK. MULTI-TRUNK TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.
6. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED ON PLANS.
7. ALL PLANTS MUST BE PLANTED AND INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER CONSTRUCTION.
9. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL BE NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE.
10. ALL PROPOSED PLANTING AREAS COVERED BY GRASS SHALL HAVE THE SOD COMPLETELY REMOVED BELOW THE MULCH LAYER.
11. ALL PLANTING BEDS SHALL BE CONTAINED BY EDGING MATERIAL OTHER THAN VEGETATION.
12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE IMPROVEMENTS, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
14. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.
15. ALL PLANTS SHALL BE GUARANTEED BY THE CONTRACTOR FOR A PERIOD OF ONE (1) YEAR DEPENDING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
16. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE, AND MEETING ALL PLANT LIST SPECIFICATIONS.
17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY CONSTRUCTION. ALL PLANTS SHALL BE LOCATED AS SHOWN ON THE PLANS UNLESS OTHERWISE DIRECTED.
18. ALL DISTURBED AREAS SHALL BE SEEDED WITH A GRASS SEED MIX CONSISTING OF TCR TURF TYPE FESCUE, 20% PERENNIAL RYE, AND 10% BERMUDA GRASS AT 5 POUNDS PER 1,000 SQUARE FEET.
19. ALL AREAS TO BE SEEDED SHALL RECEIVE 4" OF TOPSOIL AND BE GRADED PER THE GRADING PLAN.
20. IRRIGATION SHALL BE EITHER AN UNDERGROUND AUTOMATIC SYSTEM OR SHALL UTILIZE HOSE BIBS EVERY 100' AS REQUIRED BY FAYETTEVILLE LANDSCAPE ORDINANCE.
21. MAINTENANCE OF ALL LANDSCAPING ON THE PROPERTY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF REQUIRED LANDSCAPING.
22. REPLACEMENT LANDSCAPING: REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED SHALL BE REMOVED AND REPLACED BY THE CURRENT OWNER OF THE PROPERTY; THE OWNER SHALL HAVE 60 DAYS FROM THE RECEIPT OF WRITTEN NOTICE ISSUED BY THE CITY TO REMOVE AND REPLACE ANY REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED.
23. ALL PRIOR TO THE 3-YEAR MAINTENANCE SURETY SHALL BE DEPOSITED FOR EACH REQUIRED STREET AND INTERIOR TREE.
24. ANY STRUCTURAL SOIL REQUIRED MUST BE INDICATED ON PLAN, HAVE CERTIFIED DOCUMENTATION, AND BE INSPECTED BY URBAN FORESTER AT TIME OF INSTALLATION.
25. MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN TREE PLANTINGS AND UTILITY LINES.
26. ALL PLANTING DETAILS ARE ACCORDING TO FAYETTEVILLE LANDSCAPE MANUAL.

Landscape Requirements for Stormwater Facilities (Detention Ponds)

Area of Storm Water Facility SQ. FT.	Trees Required (Deciduous or Evergreen)	Shrubs (Large Shrubs or Small Trees 3 gal.)	Grasses (Shrubs or Grasses 1 gal.)
11675	4	16	23

Landscape Requirements for Stormwater Facilities (Detention Ponds)

North detention pond

Area of Storm Water Facility SQ. FT.	Trees Required (Deciduous or Evergreen)	Shrubs (Large Shrubs or Small Trees 3 gal.)	Grasses (Shrubs or Grasses 1 gal.)
17542	6	23	35

Landscape Requirements for Stormwater Facilities (Detention Ponds)

Area of Storm Water Facility SQ. FT.	Trees Required (Deciduous or Evergreen)	Shrubs (Large Shrubs or Small Trees 3 gal.)	Grasses (Shrubs or Grasses 1 gal.)
77058	26	103	154

Mitigation Requirements — The Lennon Property

Canopy Below Requirements Sq. Ft.	Preservation Priority Type	Forestation Base Density/Acre	Number of 2" Caliper Trees to be Planted
18,017	High Priority	200	**83**
8,124	Low Priority	100	19

Landscape Reqirements for Parking Lot Trees

The Lennon

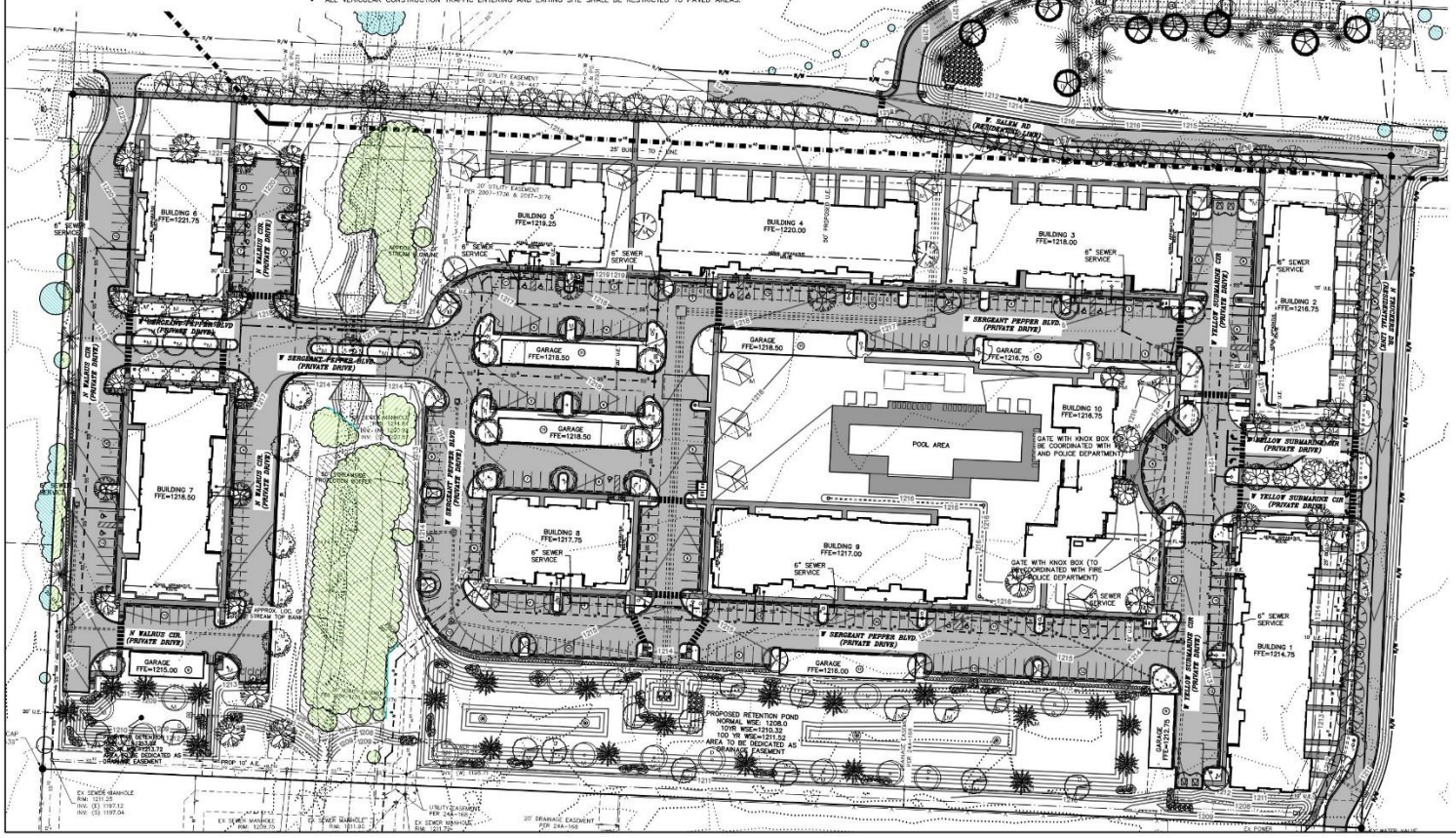
Number of Parking Stalls	Number of ADA Spaces	Number of ADA Loading Zones	Number of Motor Cycle/Scooter	Required Trees
445	16	8	16	39

Street Tree Requirements	North private drive	**Street Tree Requirements**	N Truckers Dr.
Linear Feet minus driveways	Required Trees	Linear Feet minus driveways	Required Trees
1225	41	588	20

REGISTERED LANDSCAPE ARCHITECT — Jonathan Schmitz — License No. 1913 — STATE OF ARKANSAS

SITE SPECIFIC NOTES:

- PRIOR TO CERTIFICATE OF OCCUPANCY, A 3-YEAR MAINTENANCE PLAN MUST BE SUBMITTED WITH A 3-YEAR SURETY (LETTER OF CREDIT, BOND OR CASH) AND COMPLETED LANDSCAPE SURETY FORM.
- PRIOR TO GRADING PERMIT, ALL TREE PRESERVATION MEASURES SHALL BE IN PLACE PER APPROVED TREE PRESERVATION PLAN.
- AN EASEMENT PLAT DEPICTING TREE PRESERVATION AREAS MUST BE SIGNED BY URBAN FORESTRY AND FILED PRIOR TO BUILDING PERMIT (APPLIES TO PRESERVATION AREAS OUTSIDE OF EXISTING TREE PRESERVATION EASEMENT).
- PRIOR TO BUILDING PERMIT APPROVAL, ALL REQUIRED LANDSCAPING WILL REQUIRE A PERFORMANCE BOND AND A COMPLETED LANDSCAPE SURETY FORM. SUBMIT A LANDSCAPE ESTIMATE FOR REVIEW AT TIME OF CONSTRUCTION PLAN REVIEW.
- NO TREES SHALL BE DISTURBED DURING STAGING OR ON-SITE STORAGE OF MATERIALS. A STORM WATER POLLUTION PREVENTION PLAN WILL BE PROVIDED WITH FINAL CONSTRUCTION PLANS SHOWING STORAGE AREA'S, TRUCK WASHOUT AND CONSTRUCTION ENTRANCES.
- ALL VEHICULAR CONSTRUCTION TRAFFIC ENTERING AND EXITING SITE SHALL BE RESTRICTED TO PAVED AREAS.



Landscape Reqirements for Parking Lot Trees

Fellowship Church

Number of Parking Stalls	Number of ADA Spaces	Number of ADA Loading Zones	Number of Motor Cycle/Scooter	Required Trees
69	0	0	0	6

Mitigation Requirements	Fellowship Church Parking lot		
Canopy Below Requirements Sq. Ft.	Preservation Priority Type	Forestation Base Density/Acre	Number of 2" Caliper Trees to be Planted
2,660	High Priority	200	**12**
	Low Priority	100	0

CHURCH PARKING LOT INDEX OF TREES & SHRUBS

SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # PLANTS	SIZE
(1)	Ginkgo	Ginkgo biloba	7	2" Cal B & B
(2)	Swamp White Oak	Quercus Bicolor	8	2" Cal B & B
(3)	Bald Cypress	Taxodium distichum	10	2" Cal B & B
(4)	ARROWWOOD	Viburnum dentatum	9	3 GAL.
(5)	WINTERBERRY	Ilex glabra	33	3 GAL.
(7)	CORALBERRY	Symphoricarpos orbiculatus	20	3 GAL.
(9)	AMERICAN HOLLY	Ilex opaca	22	3 GAL.
(12)	PALM SEDGE	Carex muskingumensis	17	1 GAL.
(18)	SWITCHGRASS	Panicum virgatum	7	1 GAL.
(21)	LITTLE HENRY SWEETSPIRE	Itea virginica 'Little Henry'	20	3 GAL.

INDEX OF SHRUBS

SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # PLANTS	SIZE
(1)	LITTLE BLUESTEM	Schizachyrium scoparium	50	1 GAL.
(2)	SWAMP MILKWEED	Asclepias incarnata	37	1 GAL.
(3)	PALM SEDGE	Carex muskingumensis	32	1 GAL.
(4)	SWITCHGRASS	Panicum virgatum	58	1 GAL.
(5)	American beautyberry	Callicarpa americana	41	3 GAL.
(6)	WINTERBERRY	Ilex verticillata	25	3 GAL.
(7)	Sharrowen Inkberry	Ilex glabra 'Shamrock'	31	3 GAL.
(8)	Little Henry® Sweetspire	Ilex virginica	22	3 GAL.
(9)	Oakleaf fire hydrangea	hydrangea quercifolia	25	3 GAL.
(10)	Fine Molly grass	Muhlenbergia capillaris	42	3 GAL.
(11)	Fragrant sumac	Rhus aromatica 'Gro-low'	50	3 GAL.
(12)	Emerald Arborvitae	Thuja occidentalis 'Emerald Green'	16	3 GAL.

TREE COUNT KEY

TYPE	REQ.	PROVIDED
MITIGATION	102	102
STREET	61	61
DETENTION	36	36
PARKING	39	39
PARKING CHURCH	6	6
MITIGATION CHURCH	12	12

INDEX OF TREES

TREE SYMBOL	COMMON NAME	BOTANICAL NAME	TOTAL # TREES	SIZE
	Allee Elm	Ulmus americana 'Allee'	17	2" Cal B & B
	Chinkapin Oak	Quercus muehlenbergii	12	2" Cal B & B
	Upright English oak	Quercus robur 'Fastigiata'	6	2" Cal B & B
	Princeton Elm	Ulmus Americana 'Princeton'	21	2" Cal B & B
	Jefferson Elm	Ulmus Americana 'Jefferson'	13	2" Cal B & B
	Shumard Oak	Quercus shumardii	16	2" Cal B & B
	Northern Red Oak	Quercus rubra	11	2" Cal B & B
	Sangria Nutall oak	Quercus nutalli 'Sangria'	18	2" Cal B & B
	Willow Oak	Quercus phellos	32	2" Cal B & B
	Loblolly Pine	Pinus taeda	6	2" Cal B & B
	Bald Cypress	Liquidambar styraciflula	21	2" Cal B & B
	Swamp White Oak	Quercus bicolor	16	6" H B & B
	Water Oak	Quercus nigra	15	2" Cal B & B
	Eastern Redbud	Cercis candensis	19	2" Cal B & B
	Southern Magnolia	Magnolia grandiflora	10	2" Cal B & B

ESI ENGINEERING SERVICES, INC.
1 SOUTH 6TH STREET, FAYETTEVILLE, AR 72701
501-521-2183 www.esi-inc.com

Plan

LANSCAPE PLAN
THE LENNON
FAYETTEVILLE, ARKANSAS

REVISION	DATE	DESCRIPTION

SCALE: 1"=60'
DATE: Jun 4, 2024
ENGINEER: TJH
DRAWN BY: AS
W.O. #: 23906

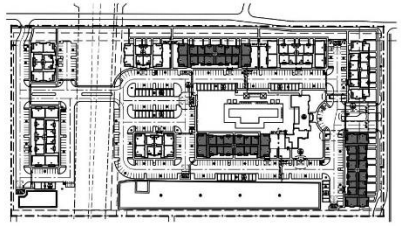
41

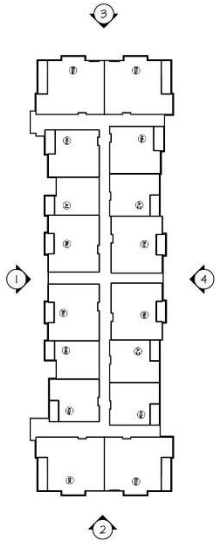
REAR ELEVATION 4

LEFT ELEVATION 3

RIGHT ELEVATION 2

FRONT ELEVATION 1





0 10' 20' 30' 40' 50'

EXTERIOR ELEVATIONS
BUILDING #1, 4, 9 - TYPE I

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

TCWG THE CLERKLEY WATKINS GROUP
ARCHITECTURE | PLANNING | INTERIOR DESIGN

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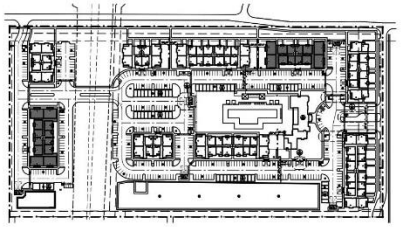
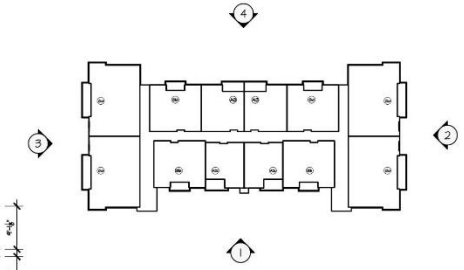
REAR ELEVATION 4

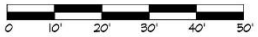
LEFT ELEVATION 3

RIGHT ELEVATION 2

FRONT ELEVATION 1







EXTERIOR ELEVATIONS
BUILDING #3, 7 - TYPE 2

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

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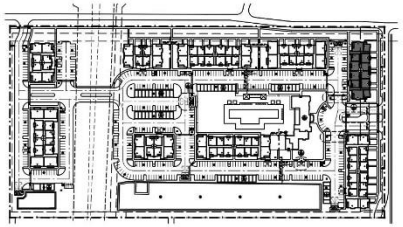

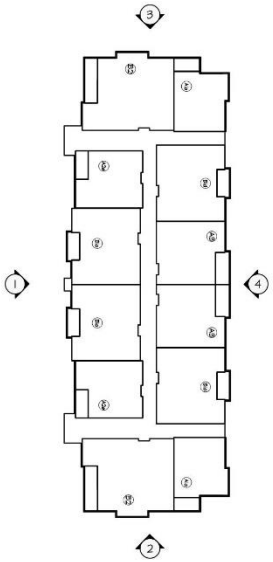

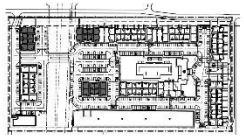

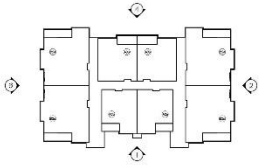

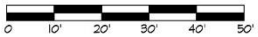

EXTERIOR ELE
BUILDING #2 - TYPE

EXTERIOR ELEVATIONS
BUILDING #5, 6, 8 - TYPE 4

THE LENNON
THE GILCO GROUP LLC
FAYETTEVILLE, ARKANSAS

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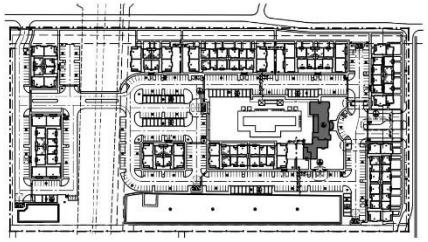
REAR ELEVATION 4



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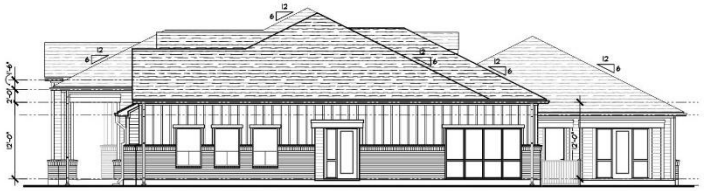
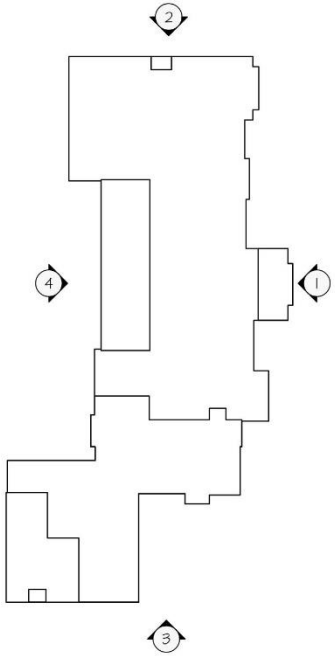


RIGHT ELEVATION 2



FRONT ELEVATION 1

EXTERIOR ELEVATIONS
BUILDING #10 - CLUBHOUSE

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

TCWG THE CLERKLEY WATKINS GROUP

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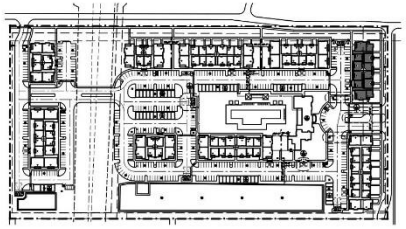
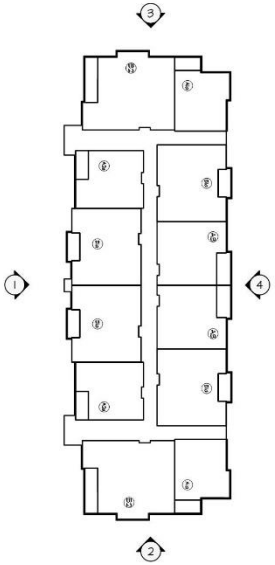
REAR ELEVATION 4

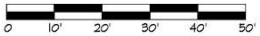


LEFT ELEVATION 3

RIGHT ELEVATION 2



FRONT ELEVATION 1



EXTERIOR ELEVATIONS
BUILDING #2 - TYPE 3

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

TCWG THE CLERKLEY WATKINS GROUP
ARCHITECTURE | PLANNING | INTERIOR DESIGN

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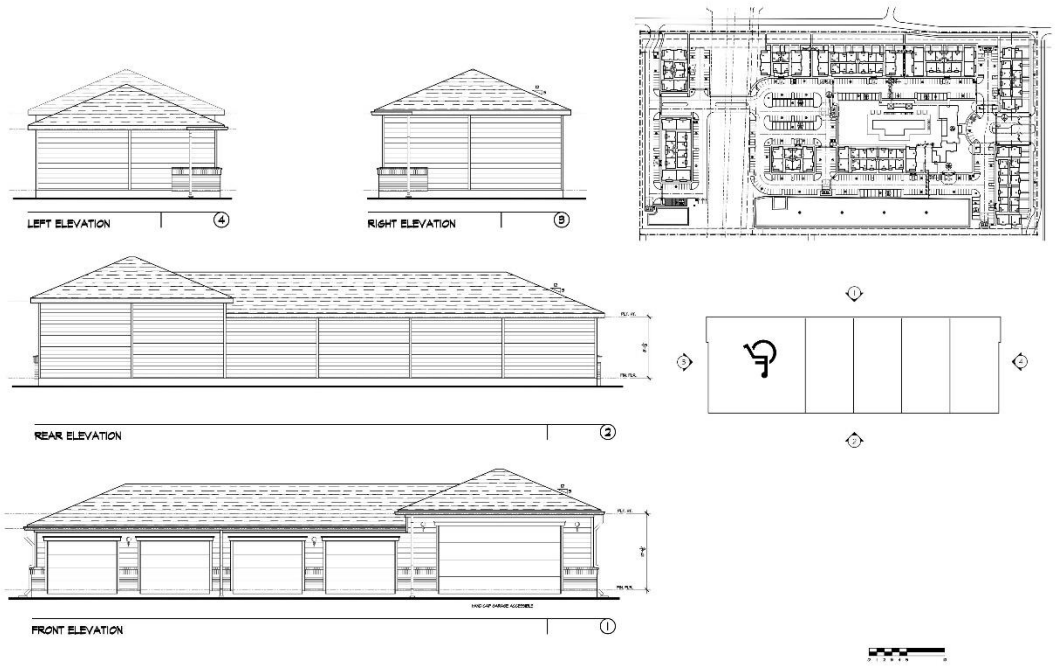

EXTERIOR ELEVATIONS
BUILDING #17 - 6 CAR GARAGE W/ HC

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

TCWG THE CLERKLEY WATKINS GROUP
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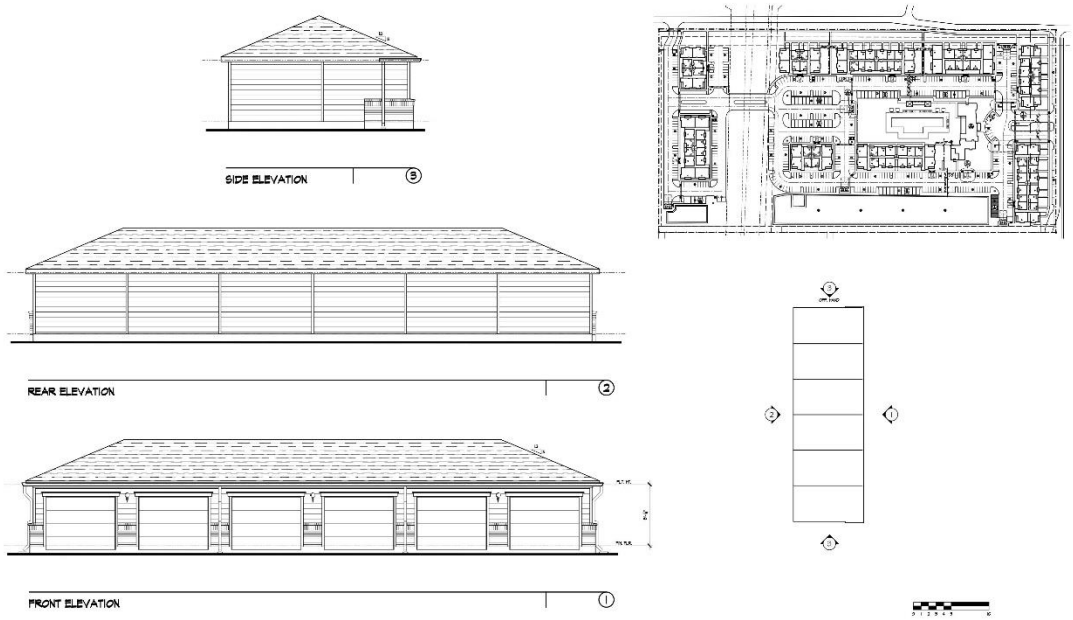

EXTERIOR ELEVATIONS
BUILDING #11 - 6 CAR GARAGE

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

TCWG THE CLERKLEY WATKINS GROUP
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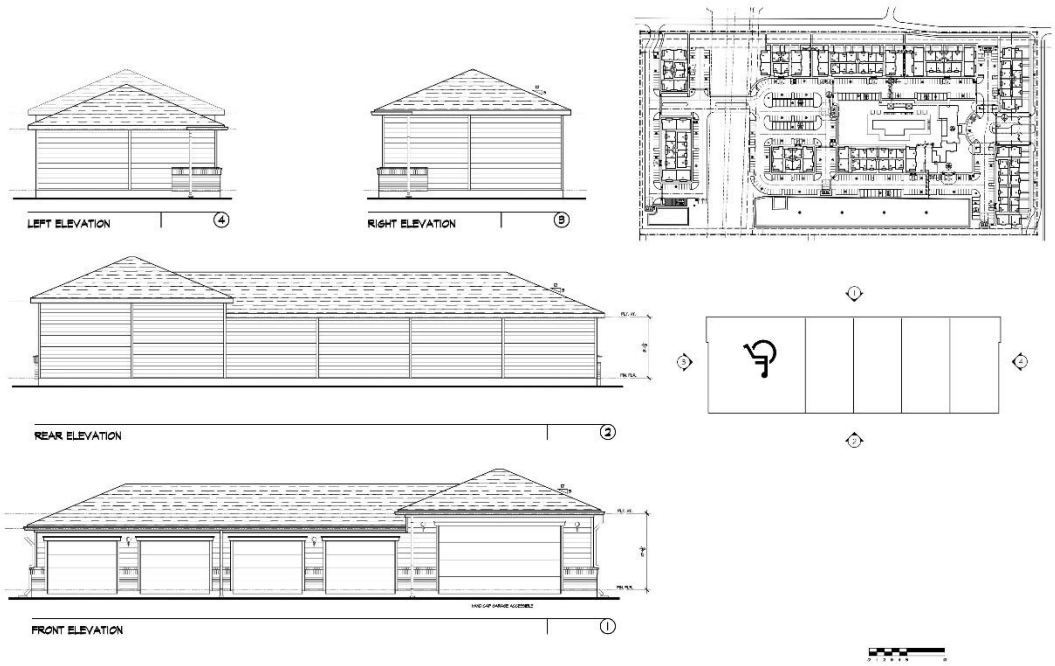

EXTERIOR ELEVATIONS
BUILDING #17 - 6 CAR GARAGE W/ HC

THE LENNON
THE GILCO GROUP LLC
FAYETTEVILLE, ARKANSAS

TCWG THE CLERKLEY WATKINS GROUP
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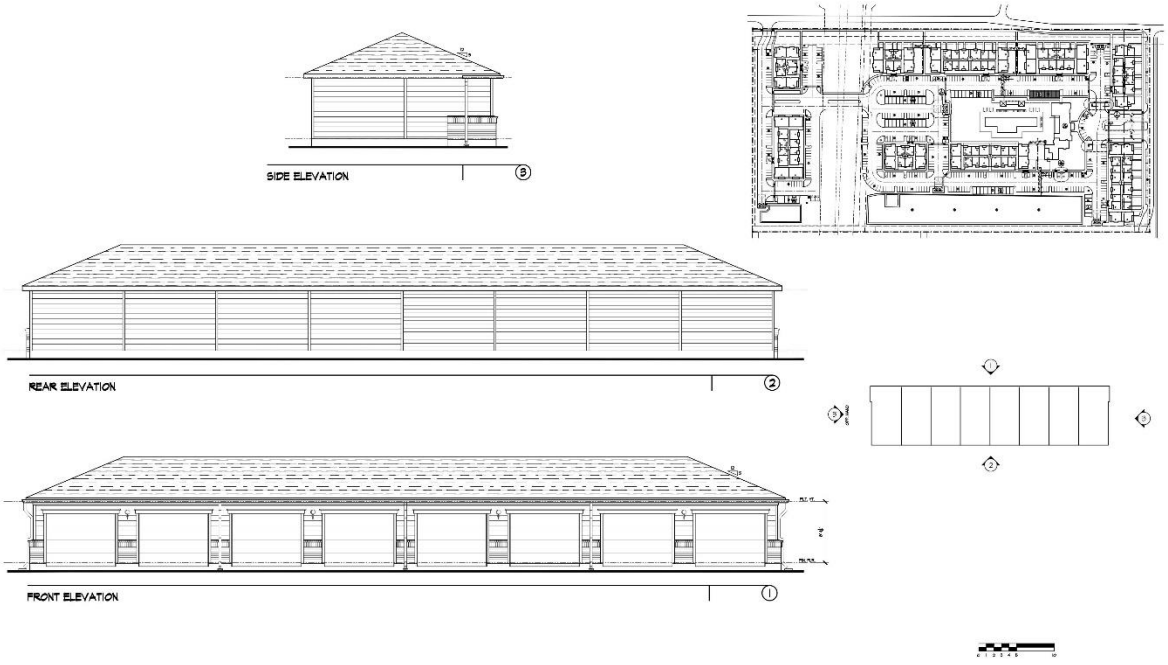

EXTERIOR ELEVATIONS
BUILDING #12 - 8 CAR GARAGE

THE LENNON
THE GILCO GROUP LLC
FAYETTEVILLE, ARKANSAS

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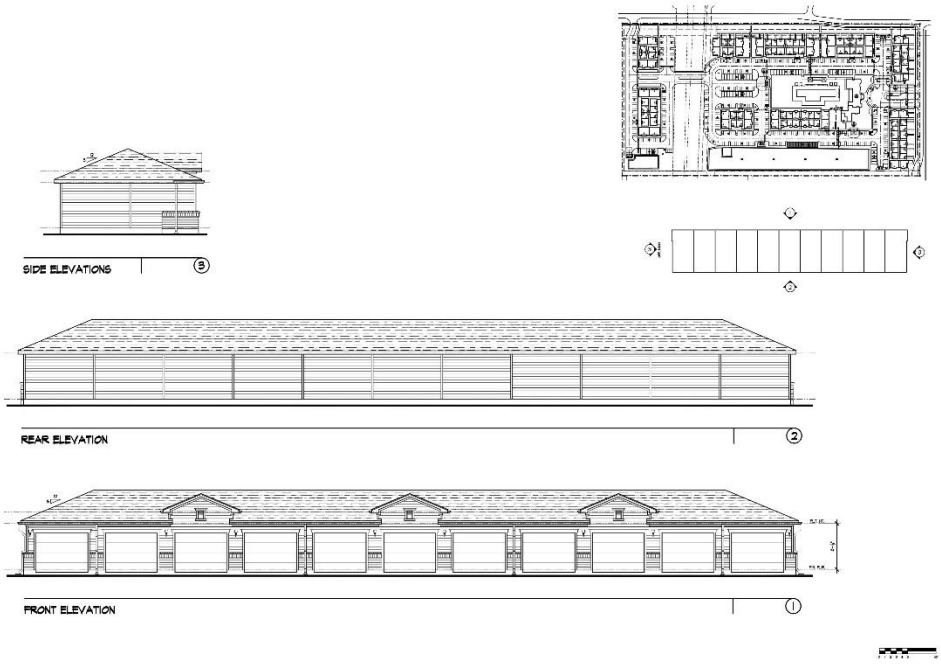

EXTERIOR ELEVATIONS
BUILDING #16 - 11 CAR GARAGE

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

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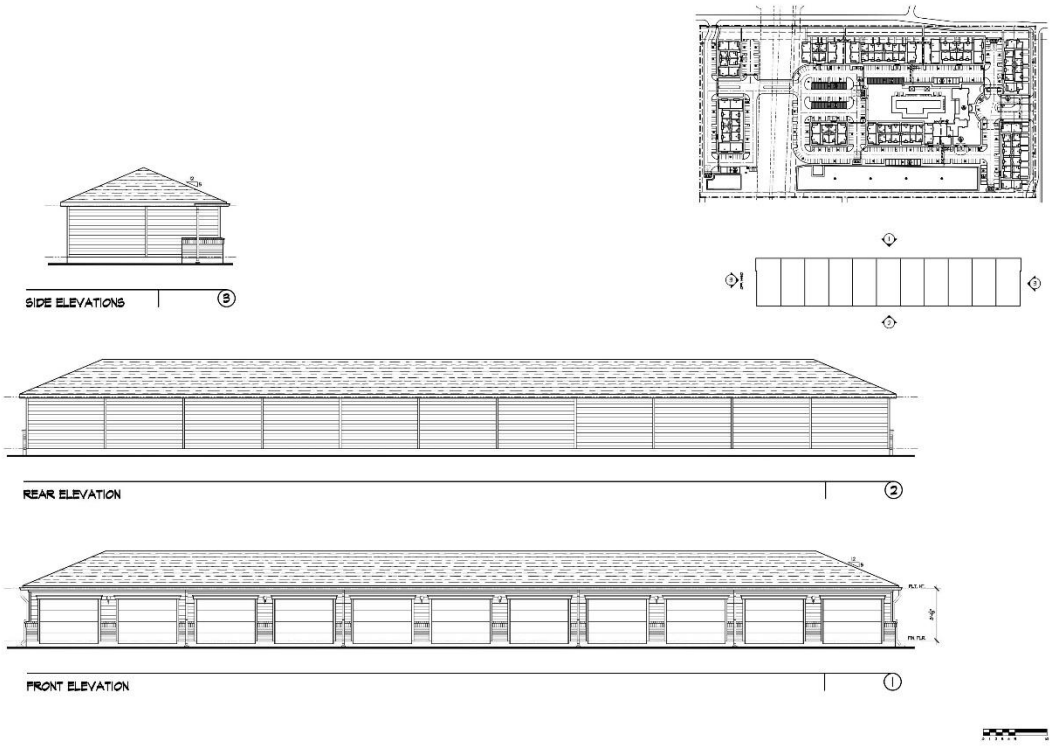

EXTERIOR ELEVATIONS
BUILDING #13, 14, 15 - 11 CAR GARAGE

THE LENNON

THE GILCO GROUP LLC

FAYETTEVILLE, ARKANSAS

TCWG THE CLERKLEY WATKINS GROUP
ARCHITECTURE | PLANNING | INTERIOR DESIGN

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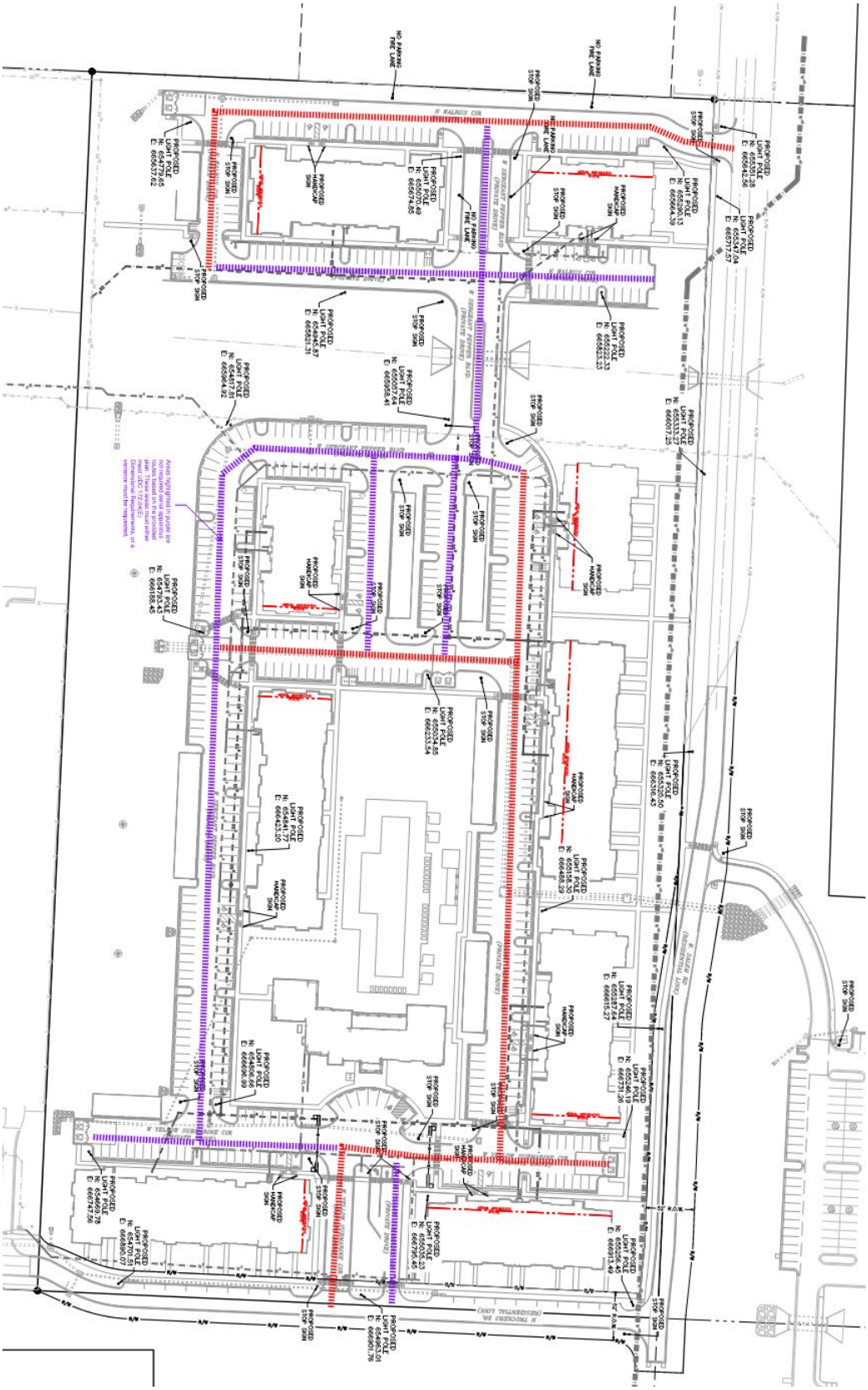
STAFF EXHIBIT: AERIAL APPARATUS ACCESS



AERIAL APPARATUS ACCESS

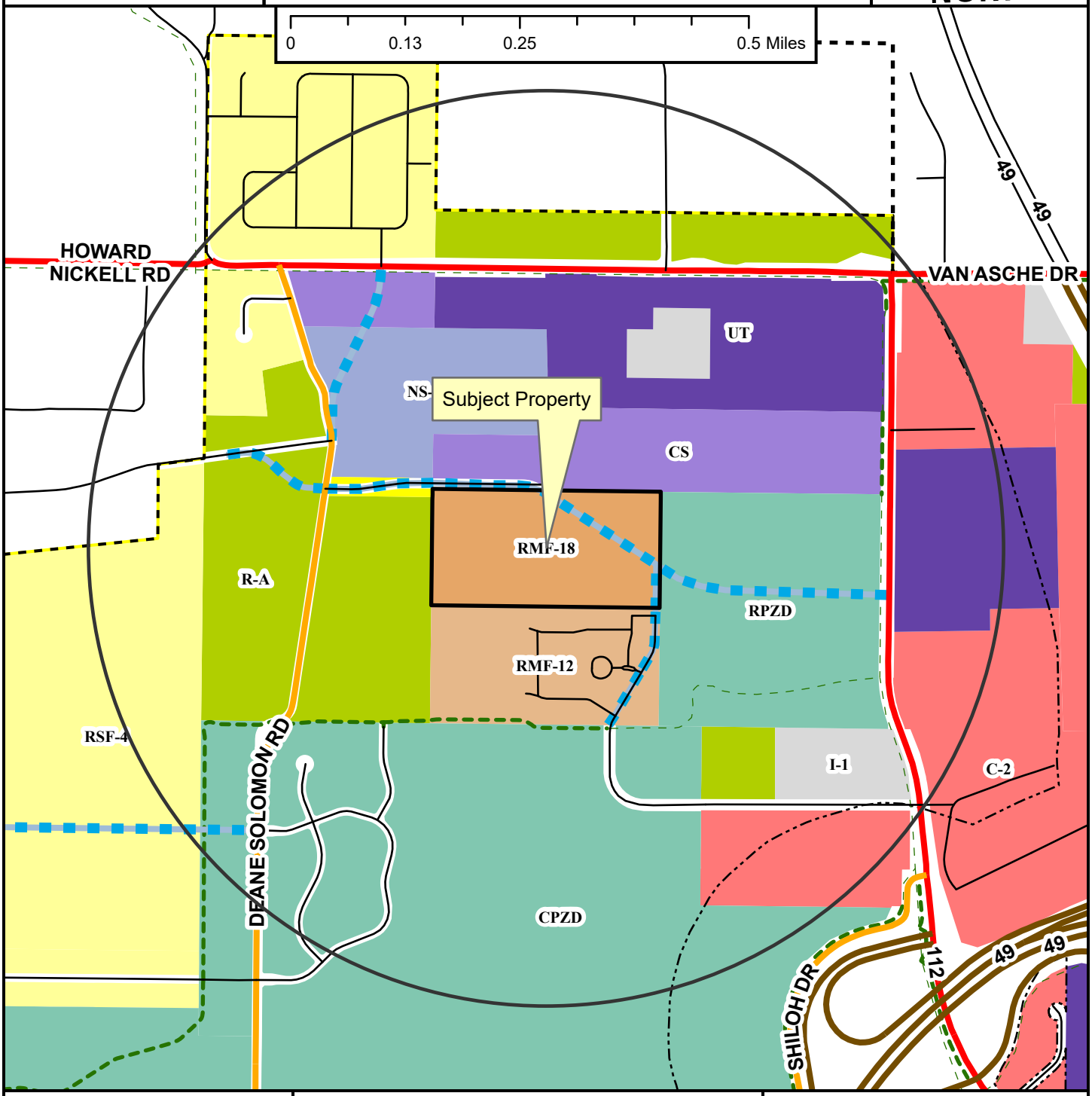
SUBJECT TO UDC 172.04 PARKING STANDARDS

LSD-2024-0005

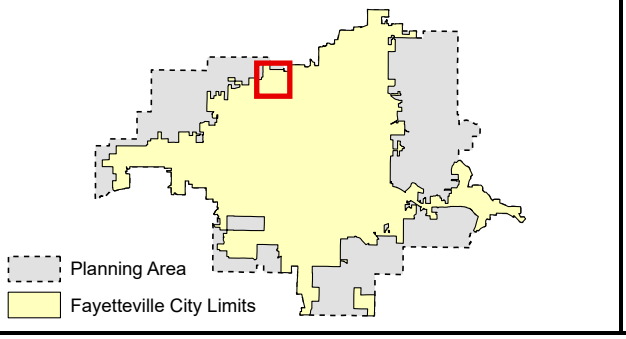
One Mile View

NORTH OF N. TRUCKERS DR

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

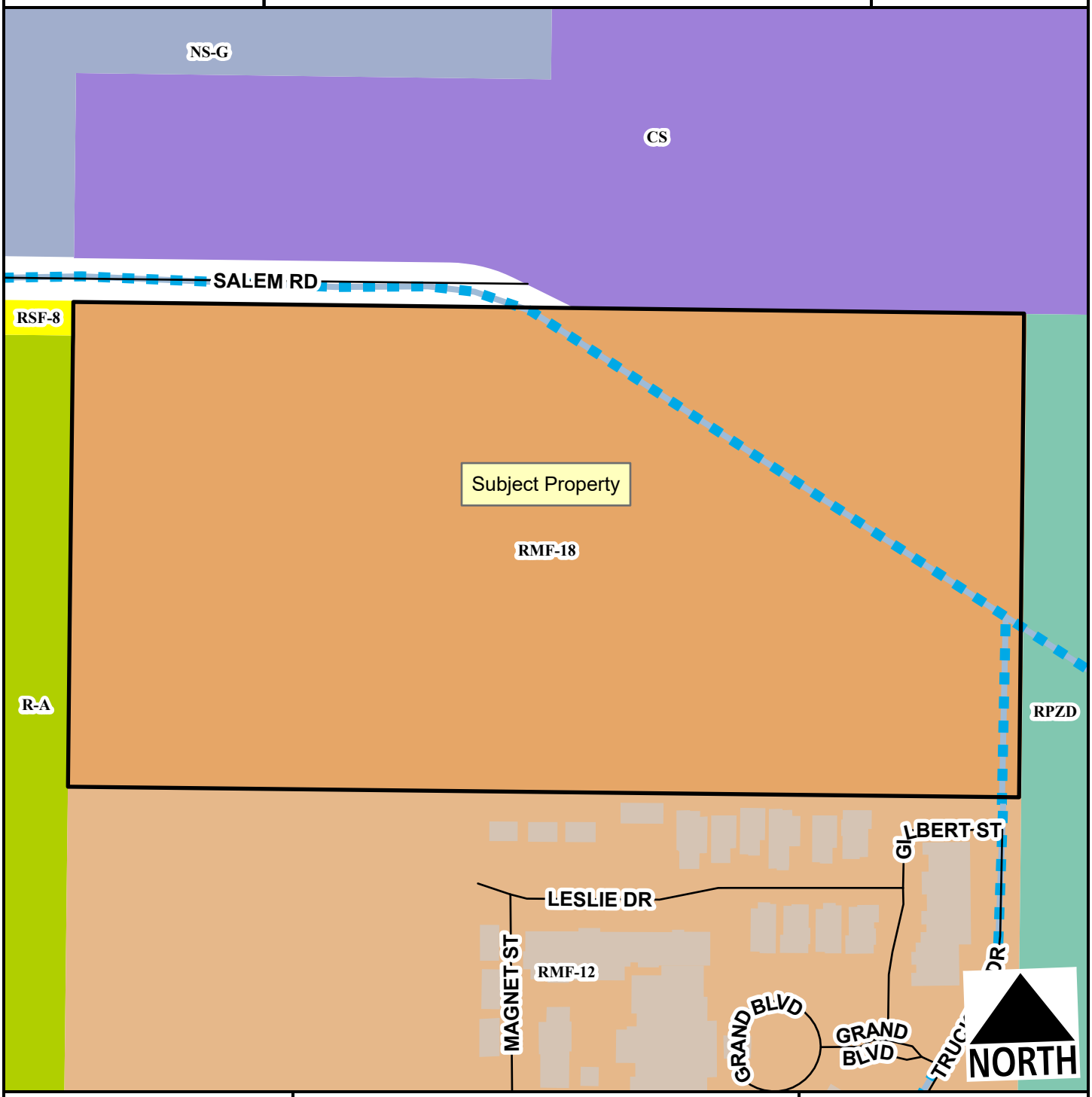
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

LSD-2024-0005

Close Up View

NORTH OF N. TRUCKERS DR



Unclassified
Residential Link
Planned Residential Link
Planning Area
Fayetteville City Limits

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

Residential-Agricultural
RSF-8
RMF-12
RMF-18
Community Services
Neighborhood Services - Gen.
Commercial, Industrial, Residential

LSD-2024-0005

Current Land Use

NORTH OF N. TRUCKERS DR

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: July 8, 2024

SUBJECT: **VAC-2024-0012: Vacation (EAST OF 1202 E. SAIN STREET/TRAILS ON THE CREEK APARTMENTS, 174):** Submitted by BLEW AND ASSOCIATES for property located EAST OF 1202 E. SAIN STREET. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 10.60 acres. The request is to vacate 0.94 acres of street right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC-2024-0012** to the City Council with a recommendation of approval, with conditions.

RECOMMENDED MOTION:
*"I move to forward **VAC-2024-0012** to the City Council with a recommendation of approval, with conditions as outlined by staff."*

BACKGROUND:
The subject property is in north Fayetteville, south of Mud Creek, and west of Butterfield Trail Village. The property received its current zoning designation of RPZD on November 5, 2020 with the passage of Ordinance 6377 by City Council. An associated large-scale development for multi-family housing was approved by the Planning Commission on November 28, 2022 and is currently working its way through the permitting process. Previous easement and right-of-way vacation requests were heard and approved by City Council on February 21, 2023 (Ordinance 6645 and 6646, respectively). An additional drainage easement was vacated by City Council on May 21, 2024 (Ordinance 6752). Finally, a utility easement vacation was heard by City Council on July 2, 2024, where it was ultimately approved. Final ordinance is still pending on that request. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential (Under development)	RPZD, Residential Planned Zoning District
South	Multi-Family Residential (Under development)	RPZD, Residential Planned Zoning District
East	Multi-Family Residential (Under development)	RPZD, Residential Planned Zoning District
West	Multi-Family Residential (Under development)	RPZD, Residential Planned Zoning District

Proposal: The applicant proposes to vacate 0.94 acres of right-of-way that was platted in 1989 with the Vantage Square final plat. The subdivision was never developed, and the applicant requests its vacation to record an easement plat and finalize building permits for approved multi-family development.

DISCUSSION:
City of Fayetteville staff recommends in favor of the requested right-of-way vacation, since all final documents have been received by City staff with no objections or issues identified. Following the construction and the opening of the Sain Street connection, staff finds that this platted right-of-way will no longer continue to serve a public purpose, and supports its full vacation.

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

Utility	Response
Cox Communications	No objections, provided any damage or relocation of existing facilities will be at the property owner/developer's expense.
AEP/SWEPCO	No objections and no comment.
Black Hills Energy AR	No objections and no comment.
AT&T	No objections and no comment.
Ozarks Electric	No objections and no comment.

City of Fayetteville	Response
Water/Sewer	No objections, provided any and all conflicting water or sewer lines must be relocated and accepted by the City of Fayetteville.
Solid Waste & Recycling	No objections and no comment.
Transportation	No objections and no comment.

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

RECOMMENDATION: Staff recommends forwarding **VAC-2024-0012** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;

2. Any and all conflicting water or sewer lines must be relocated and accepted by the City of Fayetteville.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 8, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Final Plat – Vantage Square Unit 2
- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be vacated
- One Mile Map
- Close-up Map
- Current Land Use Map

VAC-2024-0012 (TRAILS ON THE CREEKS APARTMENTS)

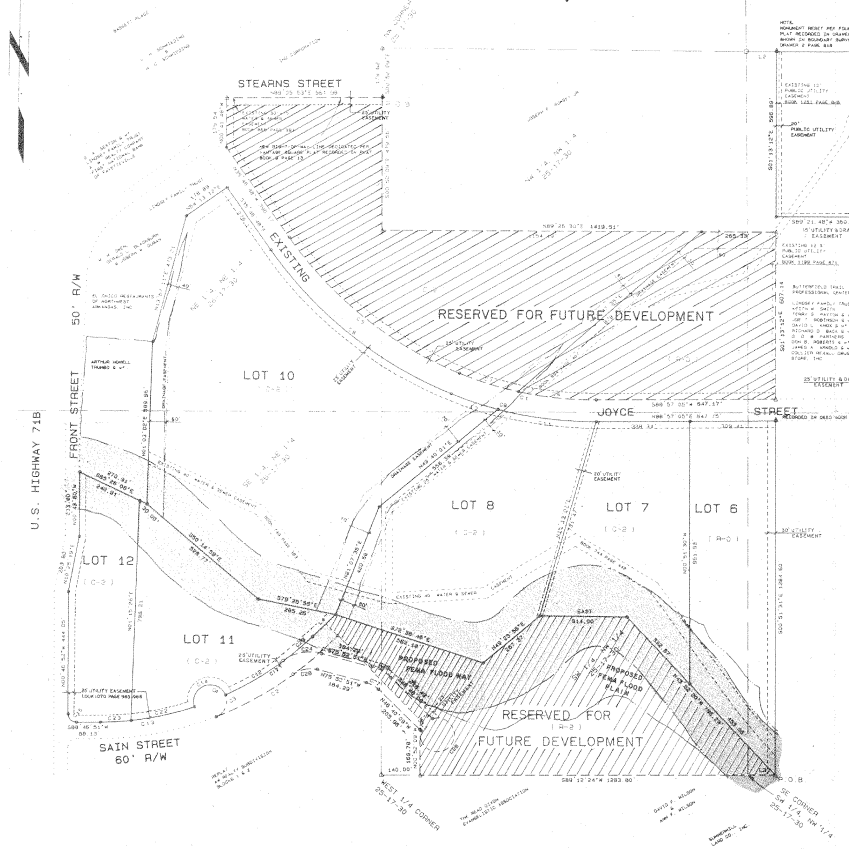
"We, the undersigned owners of the real estate shown and described herein do hereby dedicate to the public all streets, alleys, parks and other public lands shown upon this plat and do hereby establish the easements shown upon this plat. Said easements shall be for the benefit of the City of Fayetteville and all utility companies, including cable television companies, and said easements shall be for the purpose of construction, maintaining, repairing and replacing utility lines, cable television lines, and drainage structures. The City of Fayetteville, and all utility companies, and all cable television companies shall have the right of ingress and egress to said easements and shall have the right to remove or trim trees within the said easements and the right to prohibit the erection of buildings, structures, or fences within said easements.

10-10-89
Date

Owner(s)

LEGEND

FOUND MONUMENT
SET MONUMENT
FOUND IRON PIN
SET IRON PIN
FOUND STONE



CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
1	23°13'35"	1290.45	508.10	504.63	257.39	N79°46'58"W
2	15°40'56"	1175.51	321.74	320.74	161.68	N60°03'58"E
3	91°32'27"	60.00	95.86	85.99	61.64	N22°08'15"E
4	208°27'30"	60.00	281.13	85.89	51.64	N66°19'21"W
5	23°16'05"	1403.27	801.10	795.26	411.79	N52°08'04"W
6	12°46'52"	1290.45	293.02	292.25	147.49	N84°44'52"W
7	9°53'29"	1290.45	224.28	224.03	112.42	N73°26'04"W
8	32°42'32"	1403.27	835.31	823.57	435.27	S52°08'04"E
9	22°33'35"	1370.45	539.65	536.26	273.34	S79°46'08"E
10	7°52'25"	1370.45	188.42	188.26	94.34	S52°15'38"E
11	15°35'05"	1370.45	359.16	358.15	180.62	S38°23'38"E
12	12°55'50"	1115.51	249.31	248.82	125.15	N58°31'53"E
13	17°47'30"	1115.51	346.39	345.00	174.80	S79°53'06"W
14	176°55'03"	60.00	185.27	119.95	2229.93	S67°54'25"W
15	90°26'15"	30.00	47.35	42.52	30.23	N46°08'03"W
16	89°49'43"	25.00	39.20	35.30	24.93	S46°08'03"E
17	19°33'39"	1115.51	373.54	371.71	189.65	S55°04'41"W
18	90°26'15"	25.00	39.45	35.50	24.93	N46°08'03"W
19	90°10'17"	25.00	39.34	35.41	25.07	S43°51'57"W
20	89°49'43"	25.00	39.20	35.30	24.93	S46°08'03"E
21	12°05'12"	1115.51	235.33	234.89	118.10	S77°01'58"W
22	5°42'18"	1115.51	111.06	111.02	55.58	S85°55'43"W
23	51°59'39"	150.00	144.92	140.01	77.85	N79°10'20"E
24	34°18'42"	150.00	81.57	80.59	41.69	S81°18'30"E
25	300°37'42"	60.00	314.16	60.00	34.64	S43°19'51"W
26	99°10'42"	100.00	50.98	50.43	26.06	N81°18'30"W
27	51°59'39"	100.00	90.53	87.51	48.95	S79°10'20"W
28	8°53'39"	1115.51	134.25	134.14	67.19	N48°45'41"E

LINE	BEARING	DISTANCE
1	N46°40'09"W	9.53
2	S89°12'28"W	109.66
3	N89°12'24"E	39.41
4	N45°19'51"E	119.32
5	N79°19'50"E	35.14

ACREAGE CHART

25-17-30
NE,NE 0.84
SE,NE 23.29

25-17-30
NW,NW 0.84
SW,NW 25.64
NE,NW 30.00
SE,NW 2.81

TOTAL 92.42 ACRES

SCALE 1"=200 FEET

ENGINEER

Crafton, Tull & Associates, Inc.
2900 N. 2nd Street
Rogers, Arkansas

OWNER - DEVELOPER

VANTAGE SQUARE JOINT VENTURE
3900 FRONT STREET
FAYETTEVILLE, ARKANSAS 72701

Total No. Lots 12
Total Acreage 92.42
Zoning - As Shown

ADDITIONAL EASEMENTS/RIGHT-OF-WAY GRANTS NOT SHOWN

TO	FOR	
The Arkansas Western Gas Company	Pipelines	Book 504 Page 121
The City of Fayetteville	Waterlines	Book 451 Page 425
The City of Fayetteville	Waterlines	Book 451 Page 375

CERTIFICATE OF APPROVAL OF WATER AND SEWER SYSTEM:

"I hereby certify that the water supply and sewage disposal utility systems installed or proposed for installation in this subdivision fully meet the requirements of the Arkansas State Board of Health and the City of Fayetteville.

10/10/89
Date

Water & Sewer Superintendent

CERTIFICATE OF APPROVAL OF BUILDING SETBACK DIMENSIONS:

"I hereby certify that all the building setback dimensions shown on this plat are in accordance with the current building setback requirements.

10-10-89
Date

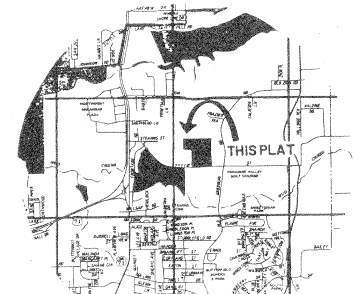
Building Inspector

CERTIFICATE OF APPROVAL OF STREETS, DRAINAGE, & UTILITY EASEMENTS:

"I hereby certify that all streets, drainage, grading, utility easements and other improvements installed or proposed to be installed and platted in this subdivision fully meet requirements of the City of Fayetteville. Construction of all sidewalks should be inspected by the City Street Superintendent to comply with City Specifications.

10/10/89
Date

City Engineer



CERTIFICATE OF SURVEY AND ACCURACY:

"I hereby certify that the plan shown and described hereon is a true and correct survey and that the monuments have been placed as stated hereon as required by the subdivision regulations of the City of Fayetteville, Arkansas.

9-29-89
Date

Land Surveyor

REGISTERED LAND SURVEYOR STATE OF ARKANSAS NO. 94

LEGAL DESCRIPTION

A PART OF THE E 1/2 OF THE NE 1/4 OF SECTION 26 WHICH INCLUDES A PART OF BLOCK 2 OF THE REPLAT OF A.W. PEALTY SUBDIVISION, BLOCKS 1 AND 2 AND A PART OF THE NW 1/4 OF SECTION 25, WHICH INCLUDES TRACTS 2 AND 3 OF VANTAGE SQUARE AS RECORDED IN DRAWER L, SLDT 90, ALL IN TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS DESCRIBED AS:

BEGINNING AT THE N 1/4 CORNER OF THE AFORESAID SECTION 25; THENCE S 00°50'32" E 1252.18 FEET ALONG THE QUARTER SECTION LINE TO THE NORTHERLY RIGHT-OF-WAY LINE OF JOYCE STREET; THENCE S 88°57'05" W 866.66 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY LINE; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE N 01°13'12" W 650.01 FEET; THENCE S 89°31'48" W 360.00 FEET; THENCE N 01°13'12" W 594.89 FEET TO THE NORTH LINE OF SAID SECTION 25; THENCE N 89°17'28" E 1334.27 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING CONTAINING 30.00 ACRES MORE OR LESS.

AND:

FROM THE SE CORNER OF THE SW 1/4, NW 1/4 OF THE AFORESAID SECTION 25 RUN N 89°12'24"E 99.41 FEET ALONG THE 1/4 SECTION LINE TO THE POINT OF BEGINNING; THENCE N 43°52'20"W 786.23 FEET; THENCE WEST 314.00 FEET; THENCE S 49°23'55" W 267.37 FEET; THENCE N 72°38'45" W 502.18 FEET TO A POINT IN LINE WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAIN STREET; THENCE TO AND ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES; S 45°19'51"W 115.32 FEET; THENCE 379.54 FEET ALONG A 1115.51 FOOT RADIUS RIGHT CURVE WITH A 19°29'39" DELTA ANGLE TO A NONTANGENTIAL POINT OF REVERSE CURVE; THENCE 185.27 FEET ALONG A 60.00 FOOT RADIUS CURVE TO THE LEFT WITH A S 67°54'25"W 119.96 FOOT CHORD TO A NONTANGENTIAL POINT OF REVERSE CURVE; THENCE 346.39 FEET ALONG A 1115.51 FOOT RADIUS RIGHT CURVE WITH A 17°47'30" DELTA ANGLE; THENCE S 68°46'51" W 88.13 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE 47.35 FEET ALONG A 30.00 FOOT RADIUS RIGHT CURVE TO THE EASTERLY RIGHT-OF-WAY LINE OF FRONT STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES, N 00°46'52" W 444.05 FEET; THENCE N 10°25'19" E 203.80 FEET; THENCE N 00°43'50" W 233.90 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE S 65°20'06" E 270.91 FEET; THENCE N 01°03'02" E 599.96 FEET; THENCE N 13°57'11" E 403.21 FEET; THENCE N 08°13'12" E 178.89 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF JOYCE STREET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES, S 35°46'48" E 276.17 FEET; THENCE 846.71 FEET ALONG A 1403.27 FOOT RADIUS LEFT CURVE WITH A 32°42'32" DELTA ANGLE; THENCE 539.60 FEET ALONG A 1370.45 FOOT RADIUS LEFT CURVE WITH A 22°33'35" DELTA ANGLE; THENCE N 88°57'05" E 647.75 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE S 00°51'31" E 1284.60 FEET TO THE POINT OF BEGINNING CONTAINING 62.42 ACRES MORE OR LESS.

IN ALL CONTAINING 92.42 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL FOR RECORDING:

"This plat was approved by the Fayetteville Planning Commission at a meeting held on June 26, 1989.

July 14, 1989
Date

Secretary

900-17-30-0-26-300-04-0790
900-17-30-0-25-400-04-0790

10-79

FINAL PLAT

VANTAGE SQUARE
UNIT 2

FAYETTEVILLE, ARKANSAS

Crafton, Tull & Associates, Inc.
Architects & Engineers Rogers, AR.

REVISIONS		
DATE	BY	DESCRIPTION
6-13-89	RK	1st Final Plat
8-14-89		Revised Lot 7
9-29-89	RK	Add Utility Comments

DRAWN/DATE	SCALE
RK 6-3-89	1"=200'
CHECK/DATE	DRAWING NO
9-29-89	87117

Book 10 Page 79

BLEW

Surveying | Engineering
Environmental

May 14, 2024

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

SUBJECT: Right-of-way Vacation for Trails on the Creek

Dear Council Members:

We are requesting to vacate the obsolete right-of-way south of the right-of-way of Sain Street. This right-of-way was established before the area was developed. The area is under development and new right-of-way has been dedicated. Please see the attached exhibit.

Sincerely,

Cody Sexton
Blew & Associates, PA

PETITION

PETITION TO VACATE A RIGHT-OF-WAY LOCATED IN PART OF LOT 11, VANTAGE SQUARE, UNIT II,, CITY OF FAYETTEVILLE, ARKANSAS.

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

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 11, Vantage Square, Unit II, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE S87°23'08"E 140.00', THENCE N02°36'52"E 168.78' TO THE POINT OF BEGINNING, THENCE S43°11'08"E 9.53', THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 60.00', WITH A CHORD BEARING OF N46°48'52"E, AND AN ARC LENGTH OF 314.16', THENCE N43°11'08"W 215.49', THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 160.00', WITH A CHORD BEARING AND DISTANCE OF N57°47'29"W 80.69', THENCE N72°23'50"W 184.29', THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 160.00', WITH A CHORD BEARING AND DISTANCE OF N74°07'10"W 9.62', THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1175.51', WITH A CHORD BEARING AND DISTANCE OF S52°46'47"W 119.90', THENCE WITH ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00', WITH A CHORD BEARING AND DISTANCE OF N81°39'21"E 87.51', THENCE S72°23'50"E 184.29', THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00', WITH A CHORD BEARING AND DISTANCE OF S57°47'29"E 50.43', THENCE S43°11'08"E 205.96' TO THE POINT OF BEGINNING. CONTAINING 0.94 ACRES, MORE OR LESS.

That the abutting real estate affected by said abandonment of the alley are Lot 11, Vantage Square, Unit II, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

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

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

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

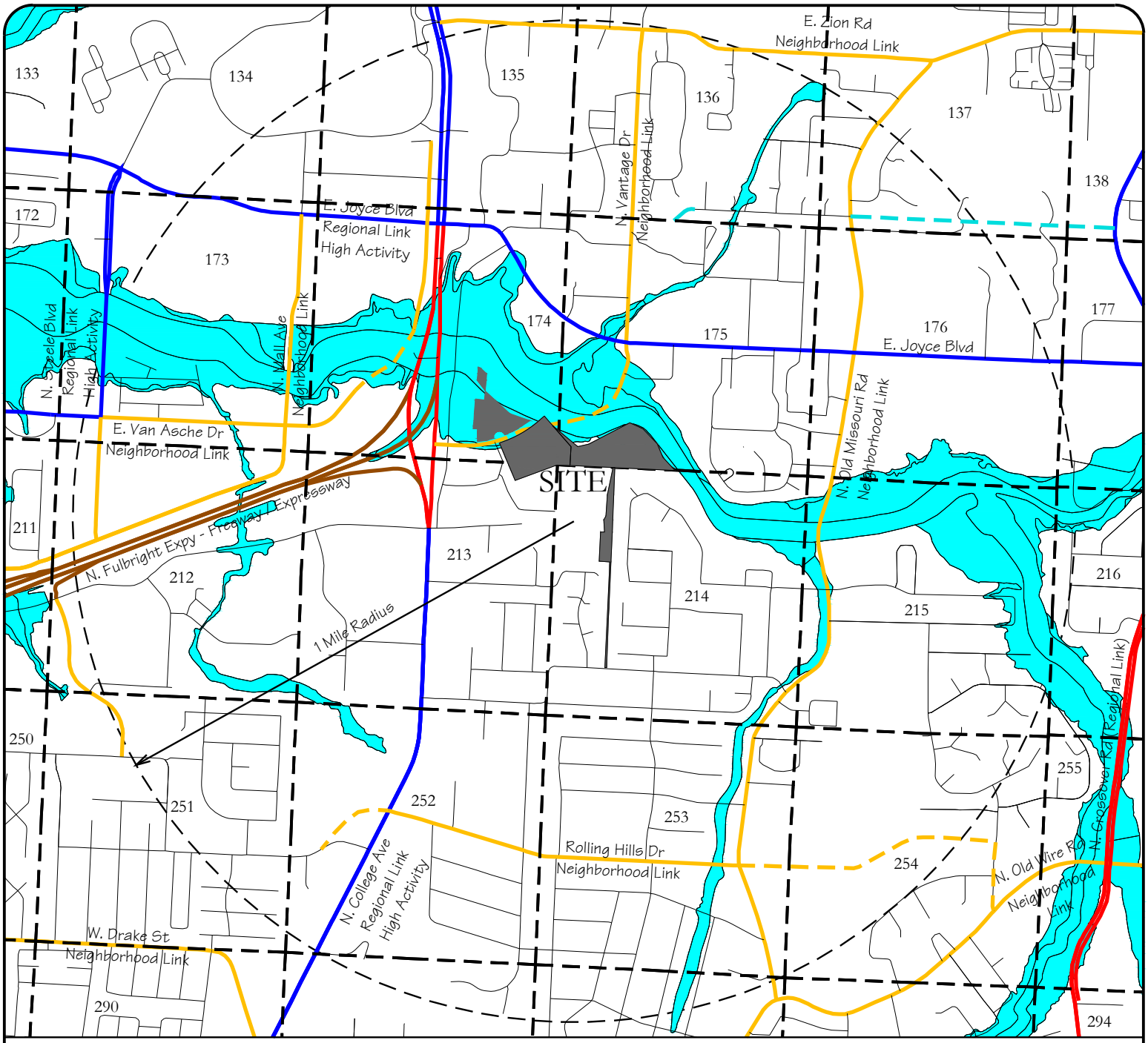
Dated this 15TH day of MAY, 2024.

JAMES EARL "LYNDY" LINDSEY, PRES. OF GP
Printed Name

Signature

Printed Name

Signature



VICINITY MAP

N.T.S.

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

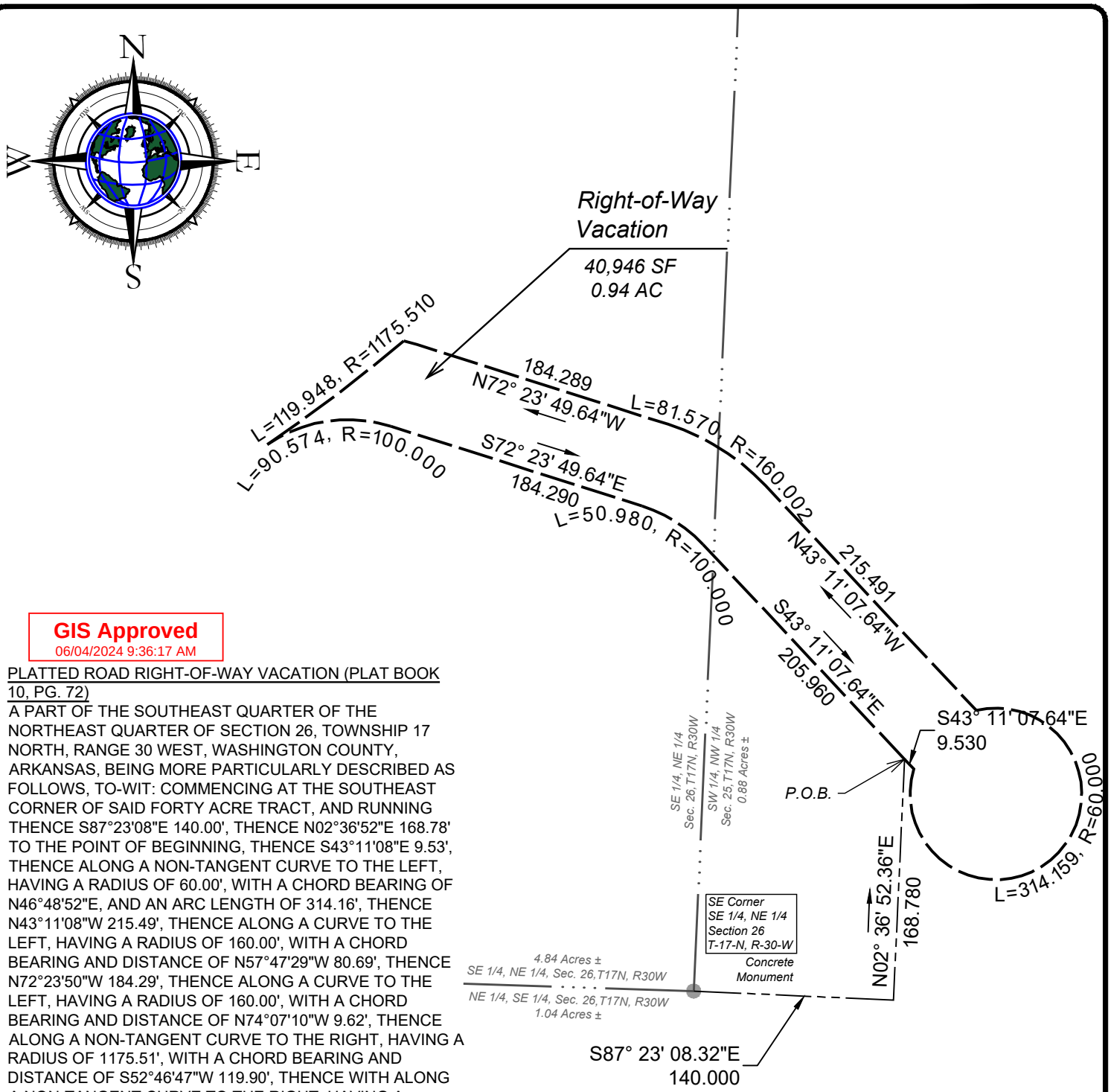
Vicinity Map

Project Number:
19-3732

Certificate of Authorization № 1534

Date: 05/14/2024

3825 N. Shiloh Drive ♦ Fayetteville, Arkansas 72703 ♦ 479.443.4506 Office ♦ 479.582.1883 Fax



GIS Approved
06/04/2024 9:36:17 AM

PLATTED ROAD RIGHT-OF-WAY VACATION (PLAT BOOK 10, PG. 72)

A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE S87°23'08"E 140.00', THENCE N02°36'52"E 168.78' TO THE POINT OF BEGINNING, THENCE S43°11'08"E 9.53', THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 60.00', WITH A CHORD BEARING OF N46°48'52"E, AND AN ARC LENGTH OF 314.16', THENCE N43°11'08"W 215.49', THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 160.00', WITH A CHORD BEARING AND DISTANCE OF N57°47'29"W 80.69', THENCE N72°23'50"W 184.29', THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 160.00', WITH A CHORD BEARING AND DISTANCE OF N74°07'10"W 9.62', THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1175.51', WITH A CHORD BEARING AND DISTANCE OF S52°46'47"W 119.90', THENCE WITH ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00', WITH A CHORD BEARING AND DISTANCE OF N81°39'21"E 87.51', THENCE S72°23'50"E 184.29', THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.00', WITH A CHORD BEARING AND DISTANCE OF S57°47'29"E 50.43', THENCE S43°11'08"E 205.96' TO THE POINT OF BEGINNING. CONTAINING 0.94 ACRES, MORE OR LESS.

Right-of-Way Vacation Exhibit

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

100 0 50 100
(in feet) 1 inch = 100 ft.

Project Number:
20-4434 Trails on the Creek

Certificate of Authorization № 1534

Date: 05/14/2024

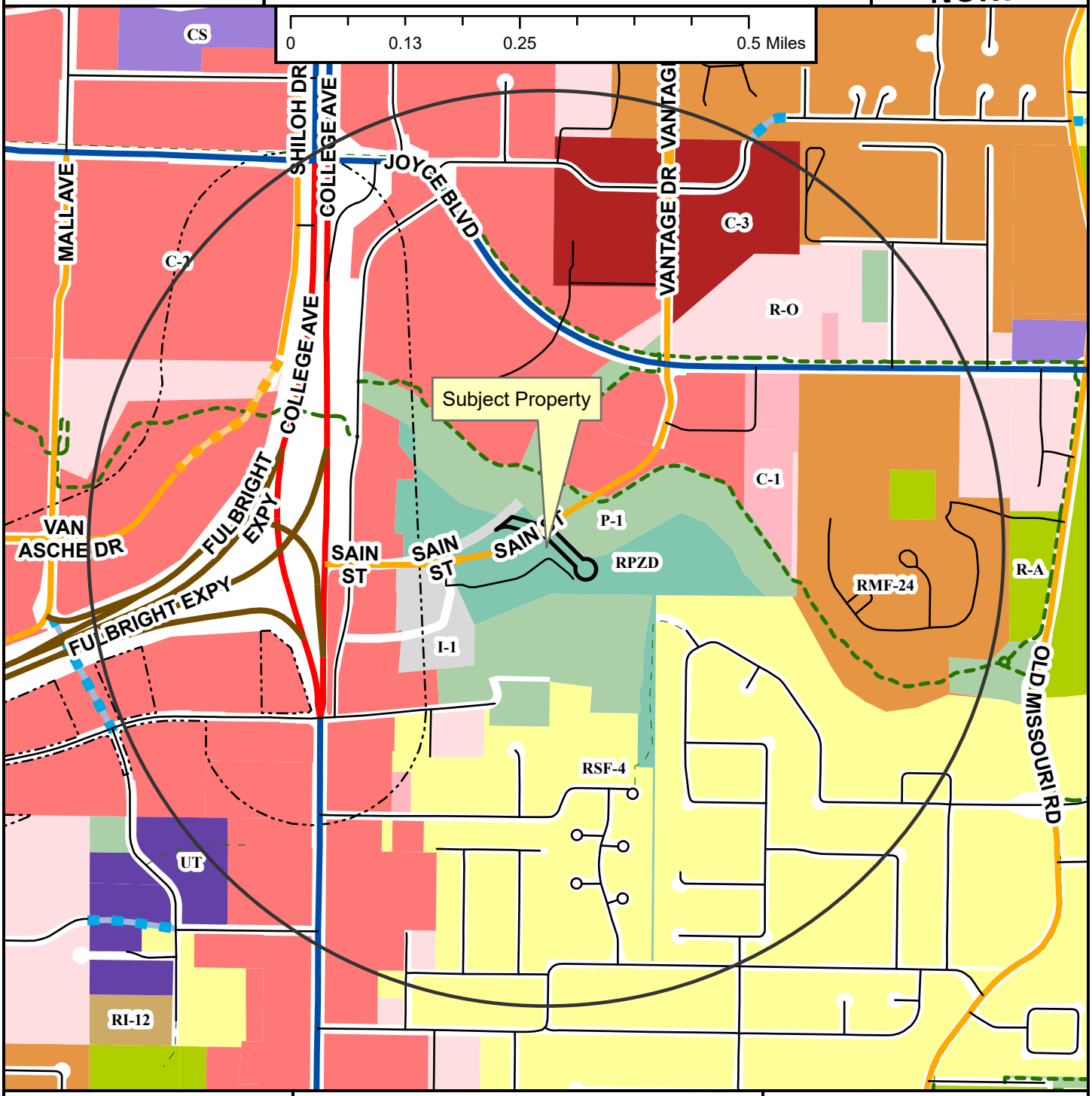
5104 S. Pinnacle Hills Pkwy ♦ Rogers, Arkansas 72758 ♦ 479.443.4506 Office ♦ 479.582.1883 Fax

VAC-2024-0012

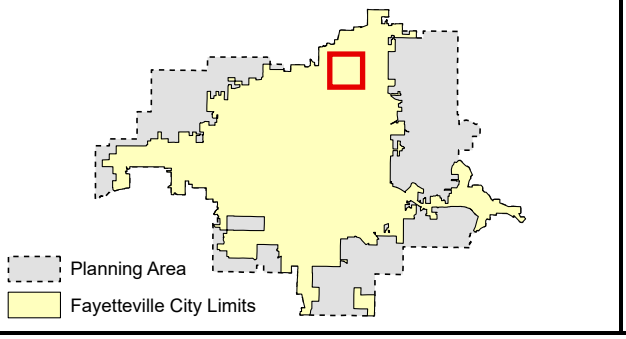
One Mile View

1202 E. SAIN ST

NORTH



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



Zoning

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

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

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

EXTRACTION
E-1

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

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

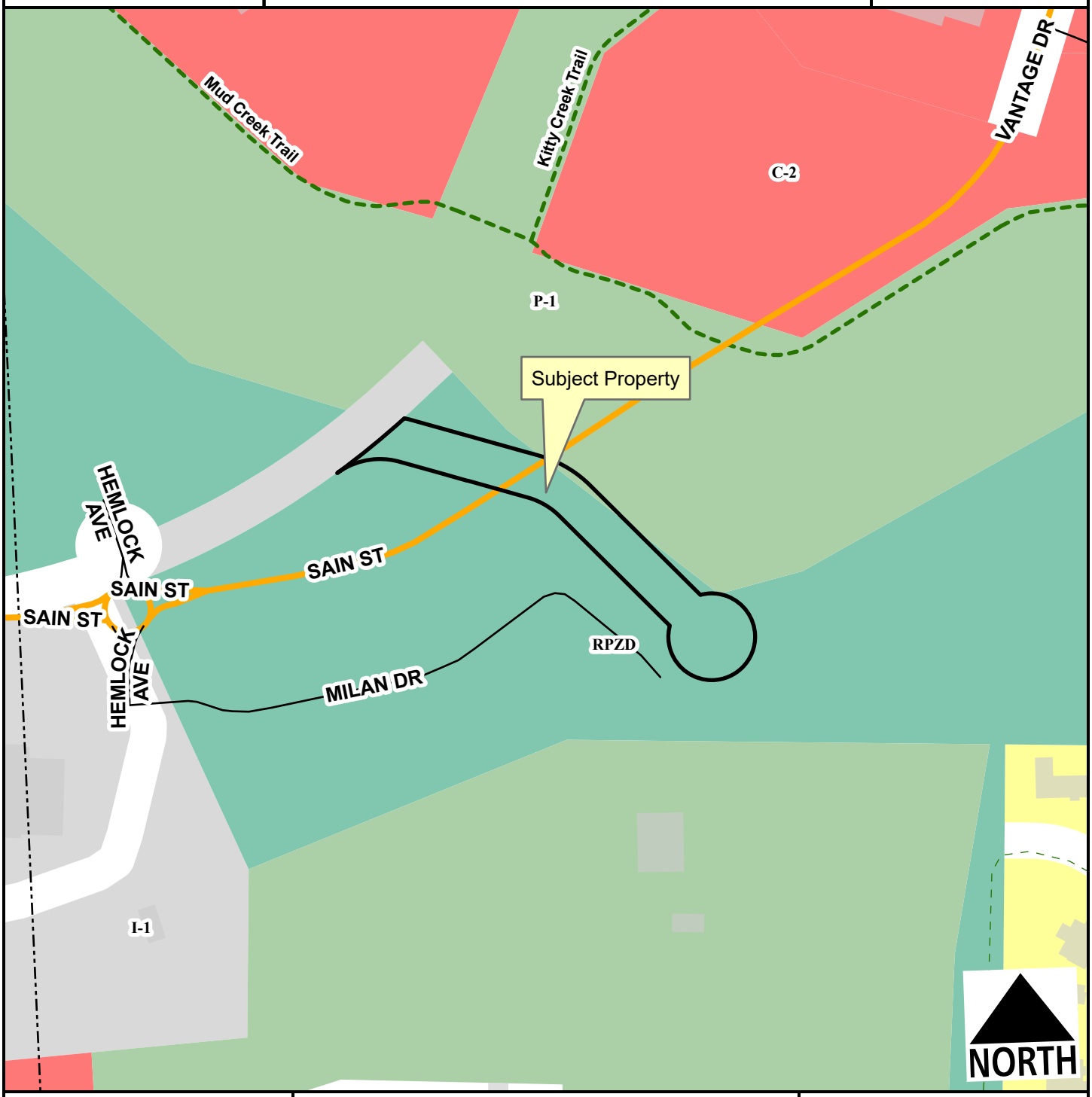
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

VAC-2024-0012

Close Up View

1202 E. SAIN ST



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

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

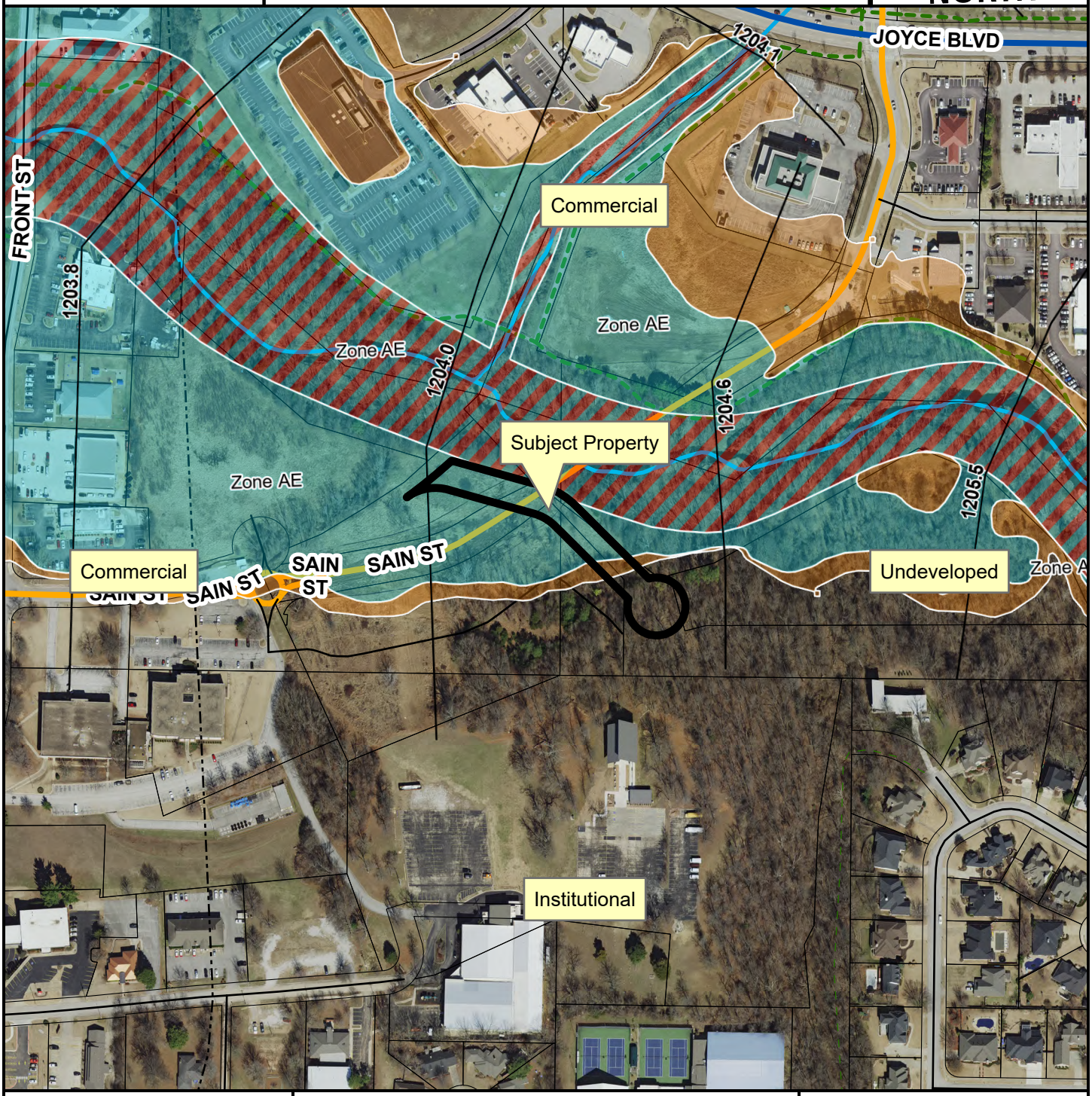
RSF-4
RMF-24
I-1 Heavy Commercial and Light Industrial
C-2
Commercial, Industrial, Residential
P-1

VAC-2024-0012

Current Land Use

1202 E. SAIN ST

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: July 8, 2024

SUBJECT: **RZN-2024-0035: Rezoning (1831 & 1835 W. MITCHELL ST/ NWARECO LLC, 520):** Submitted by RMP, LLC for property located at 1831 & 1835 W. MITCHELL ST. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and contains approximately 0.22 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULYI-FAMILY, TWENTY-FOUR UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0035** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
"I move to forward **RZN-2024-0035** to City Council with a recommendation of approval."

BACKGROUND:
The subject property is located in central Fayetteville, roughly 1/3 of a mile west of the intersection of S, Razorback Rd. and W. Martin Luther King Jr. Blvd. The property was previously zoned RMF-24 but was rezoned to its current designation of RSF-8, Residential Single-Family, Eight Units per Acre by the City Council in 2015 (ORD 5788). The parcels currently contain one 912 square foot single-family home constructed in 1987 and one 874 square foot single-family home constructed in 1939. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

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

Request: The request is to rezone 0.22 acres from RSF-8, Residential Single-Family, Eight Units per Acre to RMF-24, Residential Multi-Family, Twenty-Four Units per Acre.

Public Comment: Staff has not received any comments on the request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along W. Mitchell St., a partially improved

Residential Link with asphalt paving, curb and gutter, and sidewalk along the north side. Any drainage or street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available. An existing 6-inch water main is present on the south side of W. Mitchell St.

Sewer: Sanitary sewer is available. An existing 8-inch sewer main is present on the north side of W. Mitchell St.

Fire: Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 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 lies within the Hillside-Hilltop Overlay District. The subject area does not include FEMA floodplain, streamside protection, or hydric soils.

Tree Preservation:

The proposed zoning district of RMF-24, Residential Multi-Family, Twenty-Four Units per Acre requires **20% minimum canopy preservation.** The current zoning district of RSF-8, Residential Single-Family, Eight Units per Acre also 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 a **City Neighborhood.**

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of **9-10** for this site, with a weighted score of 13. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #6, 900 S. Hollywood Ave.)
- Near Sewer Main (8" sewer main, W. Mitchell St.)
- Near Water Main (6" water main, W. Mitchell St.)
- Near Public School (Ramay Junior High School)
- Near University of Arkansas

- Near City Park (Hotz Park)
- Near Paved Trail (W. Mitchell St. (On-street) and W. Martin Luther King Jr. Blvd (Trail))
- Near ORT Bus Stop
- Near Razorback Bus Stop
- Appropriate Future Land Use

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the request to be compatible with the surrounding context. It is not immediately clear why the property was previously rezoned to RSF-8. The staff report for this rezoning indicates that the intent was to permit the construction of an additional single-family residence and associated lot split. However, as the subject property contains only 0.22 acres of RSF-8, a maximum of one unit is permitted under RSF-8 where up to five would be permitted under RMF-24. Additionally, RSF-8 requires a minimum lot size of 5,000 square feet which the lots do not appear to meet. Therefore, while the lots were conforming with zoning requirements under the previous (and now proposed) RMF-24 district, they are not conforming under the current RSF-8 zoning district.**

Residential uses and densities located near the subject property vary, though with large numbers of multifamily structures ranging from two-, three-, and four-family structures and large apartment complexes. Neighboring properties are of a variety of sizes but generally follow a block development pattern. Given the predominance of multi-family structures in the area and the sites' previous zoning designation as RMF-24, staff finds that returning to this zoning designation is not likely to result in negative impacts to the surroundings.

The existing zoning district includes traditional setbacks, while the proposed zoning district includes an urban form build-to-zone of 0-25 feet. Staff finds that restoring this build-to-zone would likely contribute to more consistent development with neighboring properties by requiring structures to be located at a similar distance from the street. When compared to RSF-8, rezoning to RMF-24 will decrease the minimum lot size for single and two-family uses from 5,000 sf to 3,000 or 4,000 square feet. RMF-24 also includes a range of other uses with varying lot width requirements, ranging from 2,000 square feet to three acres. Minimum lot widths would also be reduced from 50 feet to 35 feet for single-family dwellings. RSF-8 has a blanket three-story height limit, while RMF-24 would limit heights to two, three, or five stories depending on distance from the property lines. Any future development would be subject to, and limited by, minimum parking requirements, tree preservation, drainage, and access management standards.

Land Use Plan Analysis: **Staff finds the proposal is consistent with the goals in City Plan 2040 and the future land use designation for this location. Rezoning from RSF-8 to RMF-24 serves to contribute towards City Plan 2040**

Goals #1 – Appropriate Infill, Goal #2 – We will discourage suburban sprawl, Goal #4 – Growing a Livable Transportation Network, and Goal #6 – Create Opportunities for Attainable Housing. The site has a high infill score and is close to Fayetteville Schools, the University of Arkansas, and other services. The subject parcels are surrounded by existing RMF-24 zoning on all sides, and the Future Land Use Map designates this portion of the site as "City Neighborhood Area" – a designation which encourages density in all housing types, from single family to multi-family.

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

Finding: **Staff finds that rezoning to RMF-24 is justified. The parcels do not conform with either density or lot size requirements under the current RSF-8 zoning district, therefore a rezoning is needed at this time.**

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

Finding: **Rezoning to RMF-24 has an associated potential to increase traffic at this location. RMF-24 permits development at 24 units per acre where it is currently limited to eight units per acre (five units versus one). Staff finds the increase in density is marginal and unlikely to result in increased traffic danger or congestion. The subject property has access to W. Mitchell St., an improved Residential Link and future development would be required to meet the City's applicable access management and parking standards.**

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

Finding: **Rezoning the property to RMF-24 may increase the load on public services, but the impact is not expected to be detrimental. The size of the property and access to existing water and sewer infrastructure means future development will likely avoid the need for costly extensions to services. Fayetteville Public Schools did not comment on this request.**

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

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

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

Finding: **N/A**

RECOMMENDATION: Planning staff recommends approval of RZN-2024-0035.

PLANNING COMMISSION ACTION: Required YES

Date: July 8, 2024 ❒ **Tabled** ❒ **Forwarded** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
  - §161.09 RSF-8, Residential Single-Family, Eight (8) Units per Acre
  - §161.16 RMF-24, Residential Multi-Family, Twenty-Four (24) Units per Acre
- Applicant Request Letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(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.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit*.

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 4783, 10-18-05; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 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.

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) Permitted Uses.

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two (2) family	35 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	3,000 square feet
Two (2) family	4,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, 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(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; 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, §6(Exh. E), 5-2-23)

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Established 2005
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T 479 443 2705 | F 479 443 2718

June 23, 2024

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

Re: Rezoning Application for 1831 and 1835 W Mitchell St., Fayetteville, AR

To Whom It May Concern:

I represent Nan Ginger, Manager of NWARECO, LLC. NWARECO, LLC is applying to rezone the above-referenced properties from RSF-8 to RMF-24. Please see attached documents for the Rezoning Application for 1831 and 1835 W Mitchell St., Fayetteville, AR. Those documents include:

- Legal Description of both properties.
- Statement of Compatibility
- Consent of Owner Form
- GIS Map of the property and surrounding area
- GIS Map of the neighboring properties and relation to the above properties

Please let me know if there is any additional information needed at this time. I am also available to discuss this matter if that would be helpful. Thank you for your assistance.

Sincerely,

/s/ Larry McCredy

Larry McCredy

LMc/rab
Encls.

Statement of Compatibility

The owner of Parcels 765-11667-000 and 765-11667-001 (collectively the "Property") is seeking to rezone her lots. The Property is currently zoned as RSF-8, Residential Single Family, under City of Fayetteville, Arkansas Code of Ordinances. The Applicant wishes to rezone the Property to RMF-24, Residential Multi-Family.

Rezoning the property to RMF-24 would be compatible with the surrounding 30+ acres of properties that are zoned RMF-24. Currently the Property is being used for Single-Family Dwellings which is an authorized use under RMF-24. The Property complies with all other restrictions and regulations that apply to RMF-24. Rezoning the property will not unreasonably adversely affect or conflict with surrounding land use as the Property, if rezoned, would match the surrounding land use.

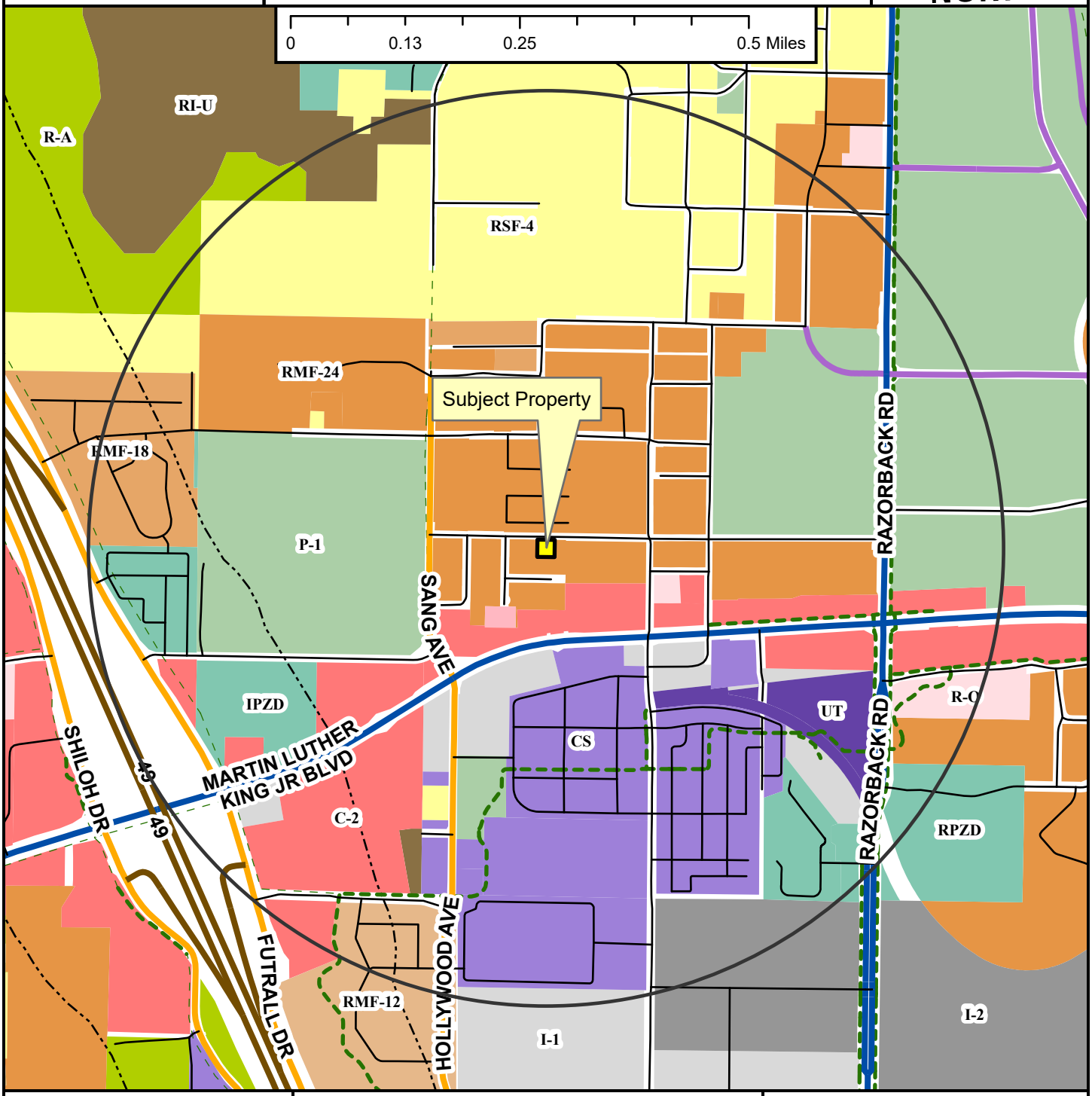
The setback requirements for RMF-24 are 25 feet from the front of the property line while the front setback requirements for RSF-8 are 15 feet. Both RMF-24 and RSF-8 have side and rear setback requirements of 5 feet for single family dwellings. The structures on the Property meet the current setback requirements and would remain in compliance once rezoned. Rezoning the Property would allow the Property to the zoning classification of all properties that surround it in every direction. In addition, this Property more closely applies to the purpose of RMF-24, as "*[t]he RMF-24 Multi-Family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.*" By contrast, the "*[t]he RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of a new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area*". RSF-8 no longer fits to the Property as it is currently the only property of that type in the immediate area.

RZN-2024-0035

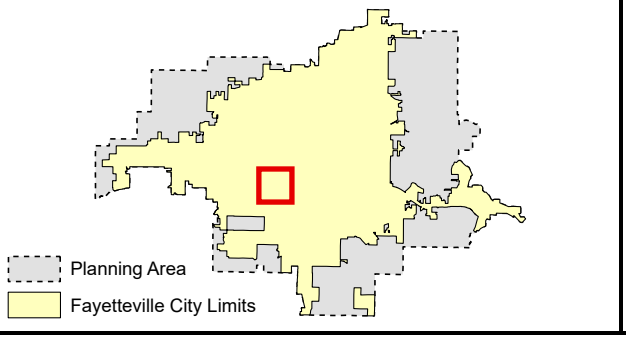
One Mile View

1831 & 1835 W. MITCHELL ST

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

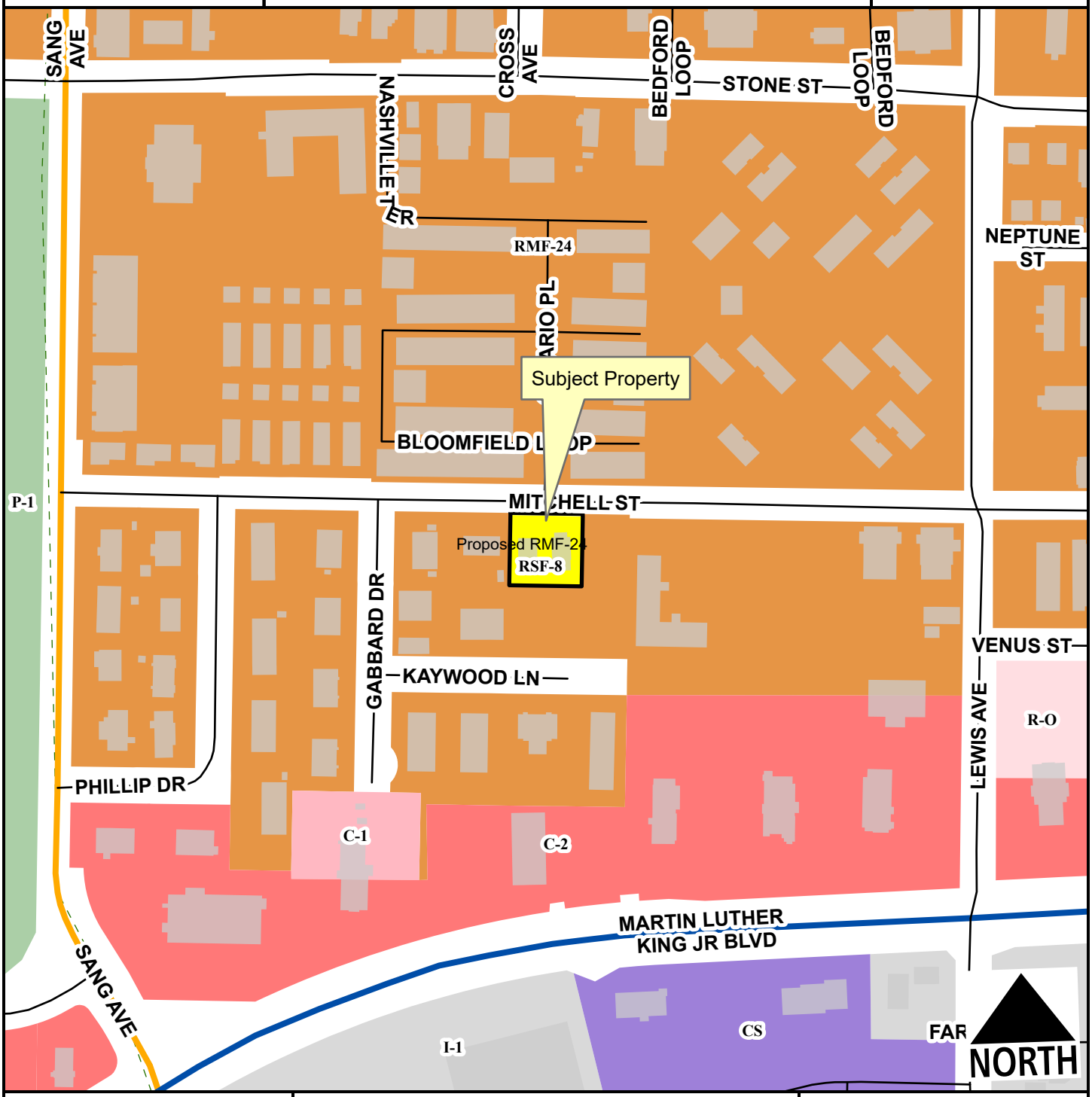
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0035

Close Up View

1831 & 1835 W. MITCHELL ST



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RMF-24	0.0	0.2
RSF-8	0.2	0.0
Total	**0.2 ac**	

RZN-2024-0035

Current Land Use

1831 & 1835 W. MITCHELL ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

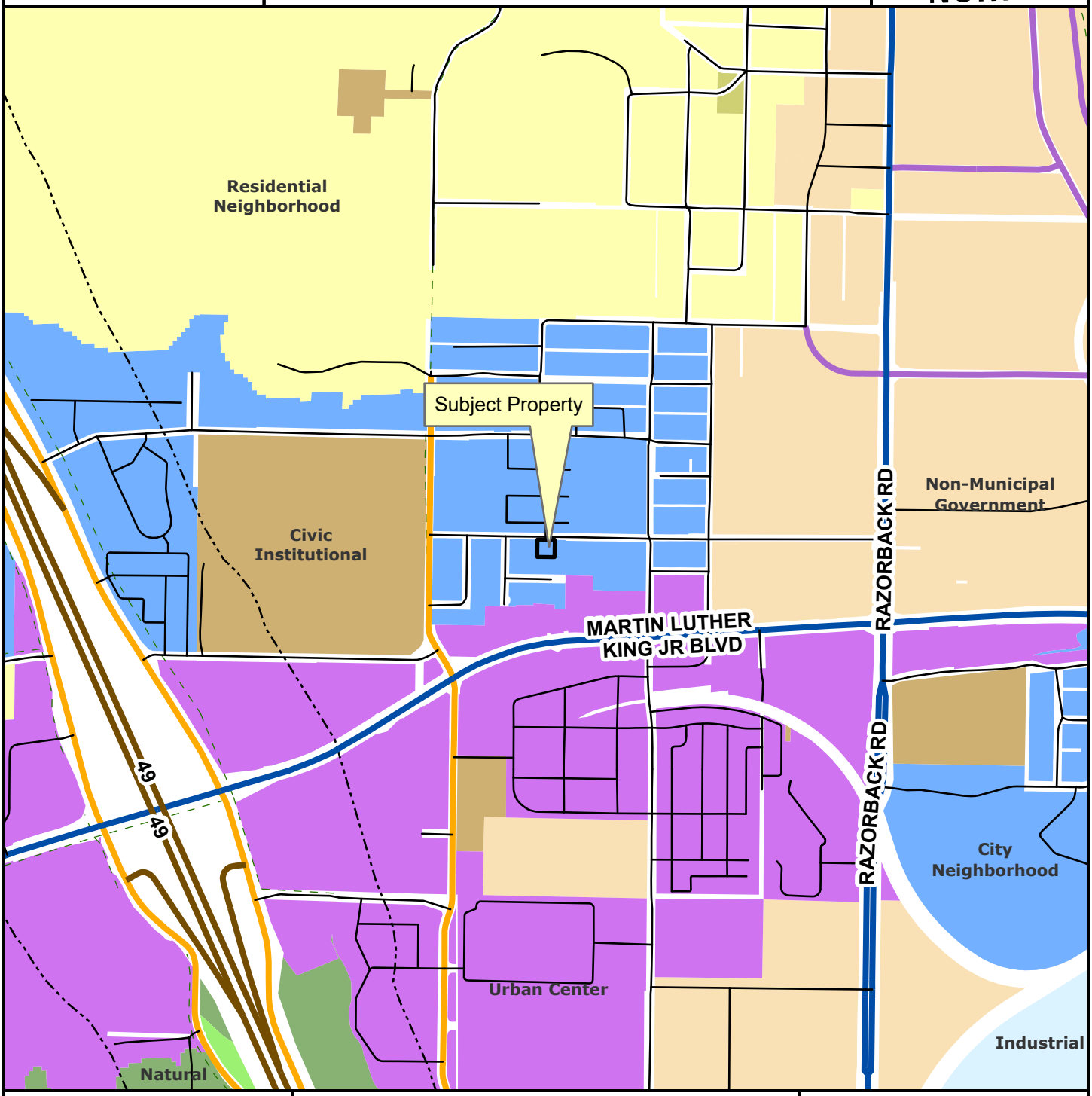
- 100-Year Floodplain
- Floodway

RZN-2024-0035

Future Land Use

1831 & 1835 W. MITCHELL ST

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: July 8, 2024

SUBJECT: **RZN-2024-0031: Rezoning (2400 N. CROSSOVER RD./TAYLOR, 294):** Submitted by MARK TAYLOR for property located at 2400 N. CROSSOVER RD. The property is zoned R-A, RESIDENTIAL – AGRICULTURAL and contains approximately 1.43 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL

RECOMMENDATION:
Staff recommend forwarding **RZN-2024-0031** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0031** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in east Fayetteville at the northeast corner of the intersection of E. Township St. and N. Crossover Rd. The property is zoned R-A, Residential-Agricultural and contains approximately 1.43 acres and is developed with a single-family dwelling constructed in 1990. 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	NS-L, Neighborhood Services - Limited
South	Single-Family Residential/Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
East	Agricultural	R-A, Residential-Agricultural
West	Church	P-1, Institutional

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to NS-G, Neighborhood Services – General.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along N. Crossover Rd., a fully improved Regional Link Street with asphalt paving, curb and gutter, and sidewalks. The property also has frontage along E. Township St., a partially improved Residential Link Street with asphalt paving, curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.

asphalt paving, curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. An existing 2-inch water main and 24-inch transmission water line is present on the east side of N. Crossover Rd. An existing 6-inch water main is present on the south side of E. Township St.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present on the north side of E. Township St.

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. Crossover Rd., protects this site. The property is located approximately 0.8 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 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 NS-G, Neighborhood Services - General, requires **20% minimum canopy preservation.**

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **7** for this site with a weighted score of **7.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 5, 2979 N. Crossover Rd.)
- Near Sewer Main (8-inch main, E. Township St.)
- Near Water Main (2-inch main and 24-inch transmission line, N. Crossover Rd.; 6-inch main, E. Township St.)
- Near Grocery Store (Walmart Neighborhood Market, 2690 E. Citizens Dr.)

- Near Public School (Vandergriff Elementary School; McNair Middle School)
- Near City Park (Braden Park, Gulley Park)
- Near Paved Trail (N. Crossover Rd. and E. Township St. bike lanes)

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 NS-G to be compatible with the surrounding area. The subject property is adjacent to NS-L-zoned single-family properties to the north and P-1-zoned St. John's Lutheran Church to the west across N. Crossover Rd. To the west and south are single-family properties zoned R-A and RSF-4, respectively. A rezoning to NS-G would allow for the by-right development of single- to four- family dwellings with a density of up to eighteen units per acre. NS-G would also permit some moderately-intense commercial uses (less than 8,000 square feet in floor area). The property's location at the intersection of E. Township St. and N. Crossover Rd. is a logical location for small-scale commercial uses that serve the surrounding neighborhood. It also provides a transition from the slightly less intense NS-L zoned properties to the north to the intersection. R-A and NS-G have significantly different bulk and area requirements. Lot width minimum in R-A is 200 feet, but in NS-G is only 35 feet for all dwelling types. Lot area in R-A is a minimum of two acres, but in NS-G is 4,000 square feet (.09 acres) for single-family development. Staff finds the requested rezoning to be compatible with surrounding land use.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to NS-G could allow for the creation of residential properties with reduced lot sizes and offer some flexibility in housing types. The property has a moderate infill score, with access to trails, parks, public schools, and grocery stores and other infill elements that make it appropriate for higher density infill development. Staff finds that the requested rezoning could allow for the creation of missing middle housing and neighborhood services that meets City Goals 1 (appropriate infill), 3 (compact, complete and connected development), and 6 (opportunities for attainable housing).**

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

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

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

Finding: **A rezoning from R-A to NS-G does have the potential to increase traffic danger and congestion due to increased density. Potential development could connect to both N. Crossover Rd. and E. Township St. which would disperse traffic. 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-2024-0031 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 8, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.03 District R-A, Residential-Agricultural
  - §161.19 NS-G, Neighborhood Services - General
- 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.

161.19 NS-G, Neighborhood Services - General

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

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

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

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

Mark and Rick Taylor
Trustees

May 15, 2024
Fayetteville Planning Department
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Re: Request letter to rezone property at 2400 N. Crossover Rd. Fayetteville, AR

We are writing to formally submit a rezoning request for the property located at 2400 N. Crossover Rd.

Current Zoning: R-A, Residential Agricultural

Proposed Zoning: NS-G, Neighborhood Services – General

Statement of Compatibility:

This property received its current zoning designation of R-A Residential-Agricultural in 2003. Since that time, this area has continued to develop and this zoning is no longer appropriate. The 3.9 acre property to the north is zoned NS-L, Neighborhood Services Limited and to the west is the P-1-zoned St. John's Lutheran Church. Rezoning this property to NS-G is appropriate given the property's location on the northeast corner of the intersection of N. Crossover and E. Township. This is an ideal location for medium intensity uses permitted in NS-G and provides a logical transition from the NS-L zoned property to the north.

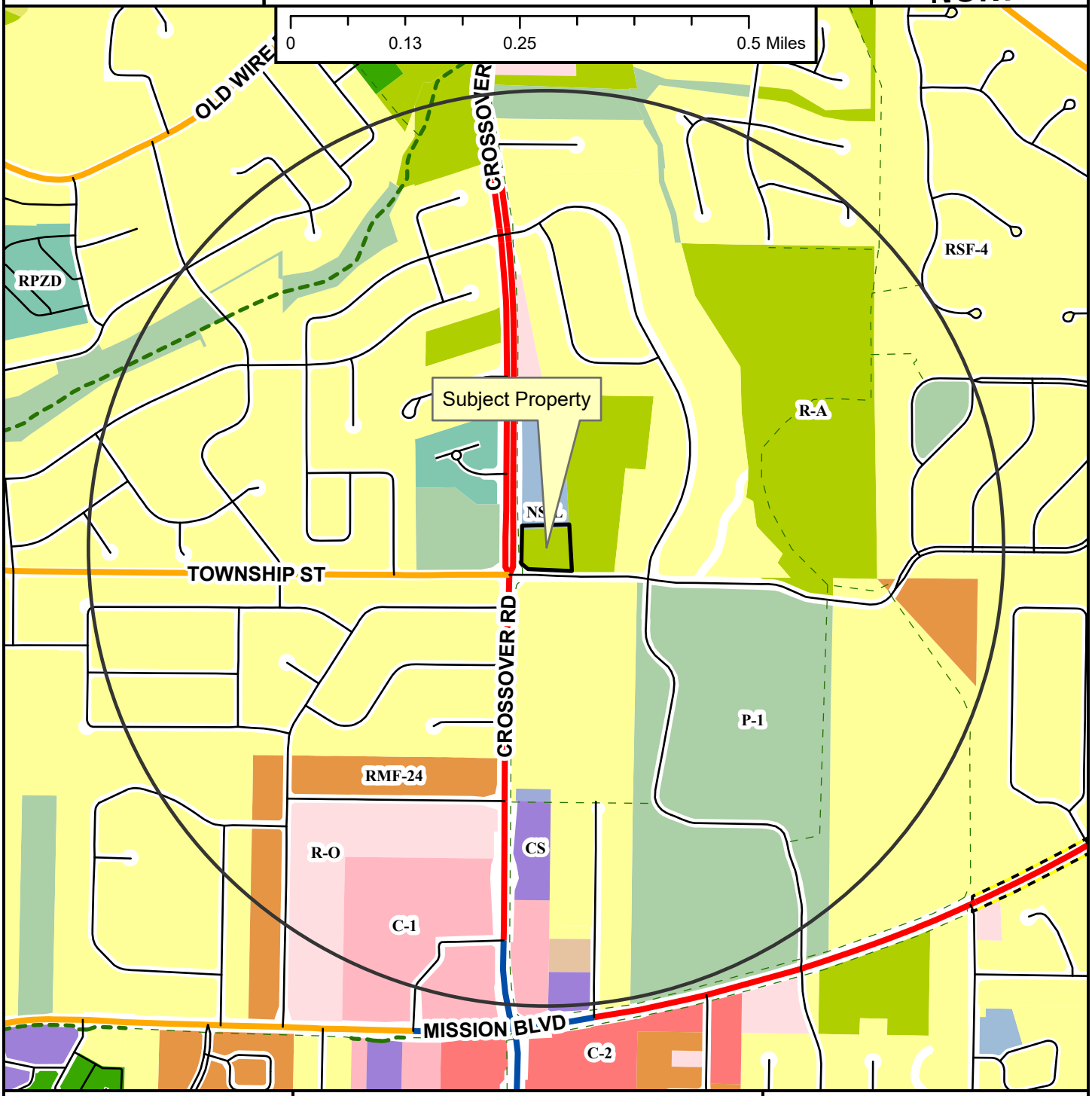
There are no anticipated adverse affects associated with this request. Any future traffic would have direct access to the property from the adjacent streets and would avoid routing through adjacent neighborhoods. No single-family residential properties immediately abut the property lines, so any potential noise or traffic associated with the permitted uses would be buffered by streets or other undeveloped property, trees, and other vegetation.

RZN-2024-0031

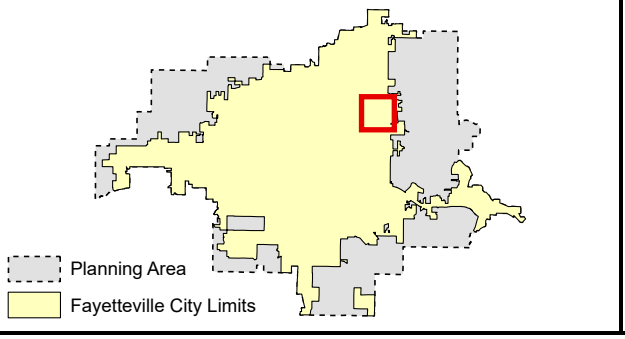
One Mile View

2400 N. CROSSOVER RD

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
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RESIDENTIAL MULTI-FAMILY
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INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

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

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

PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
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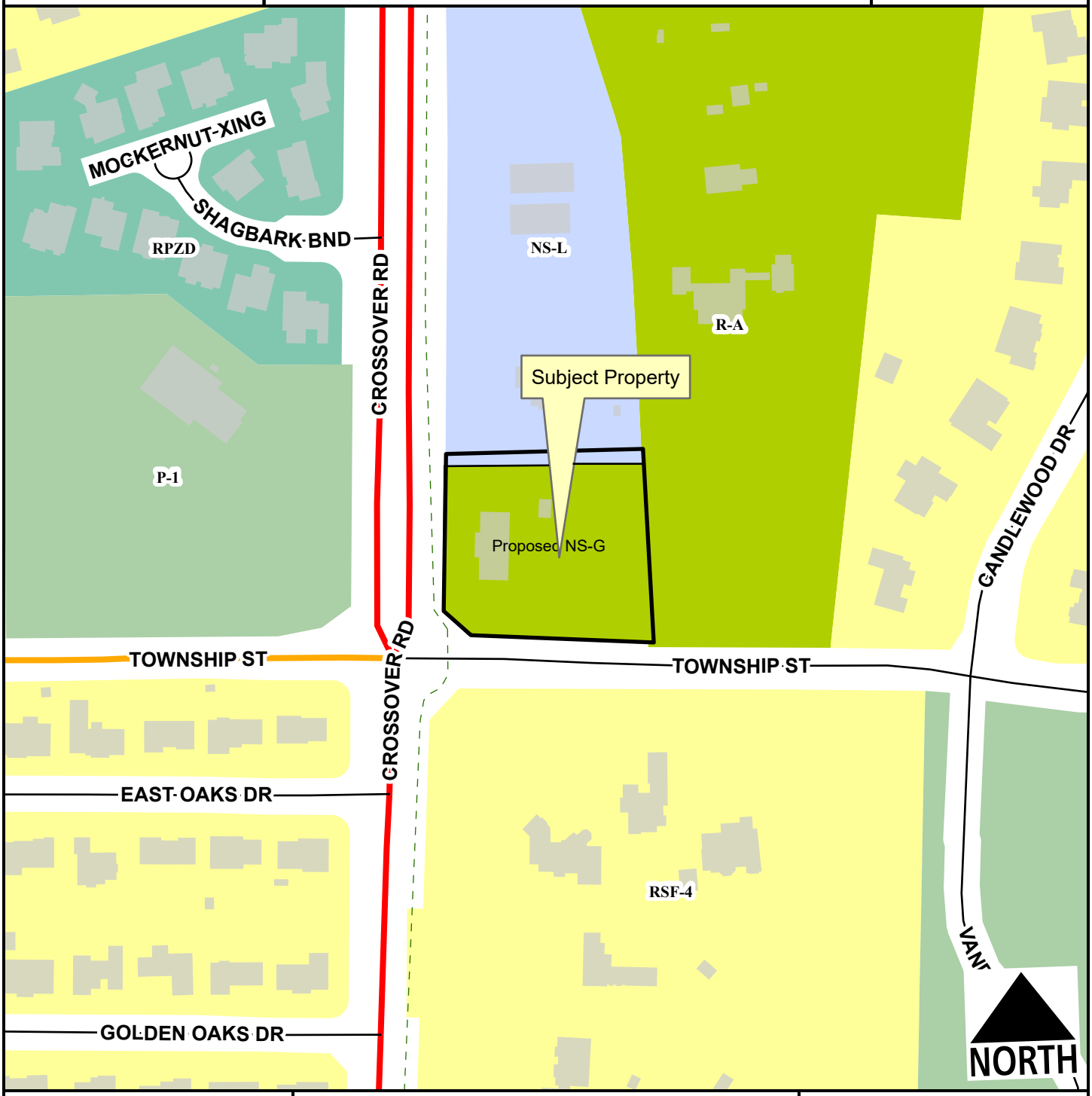
RZN-2024-0031

Close Up View

2400 N. CROSSOVER RD



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
NS-G	0.0	1.43
R-A	1.43	0.0

Total 1.43 ac

RZN-2024-0031

Current Land Use

2400 N. CROSSOVER RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

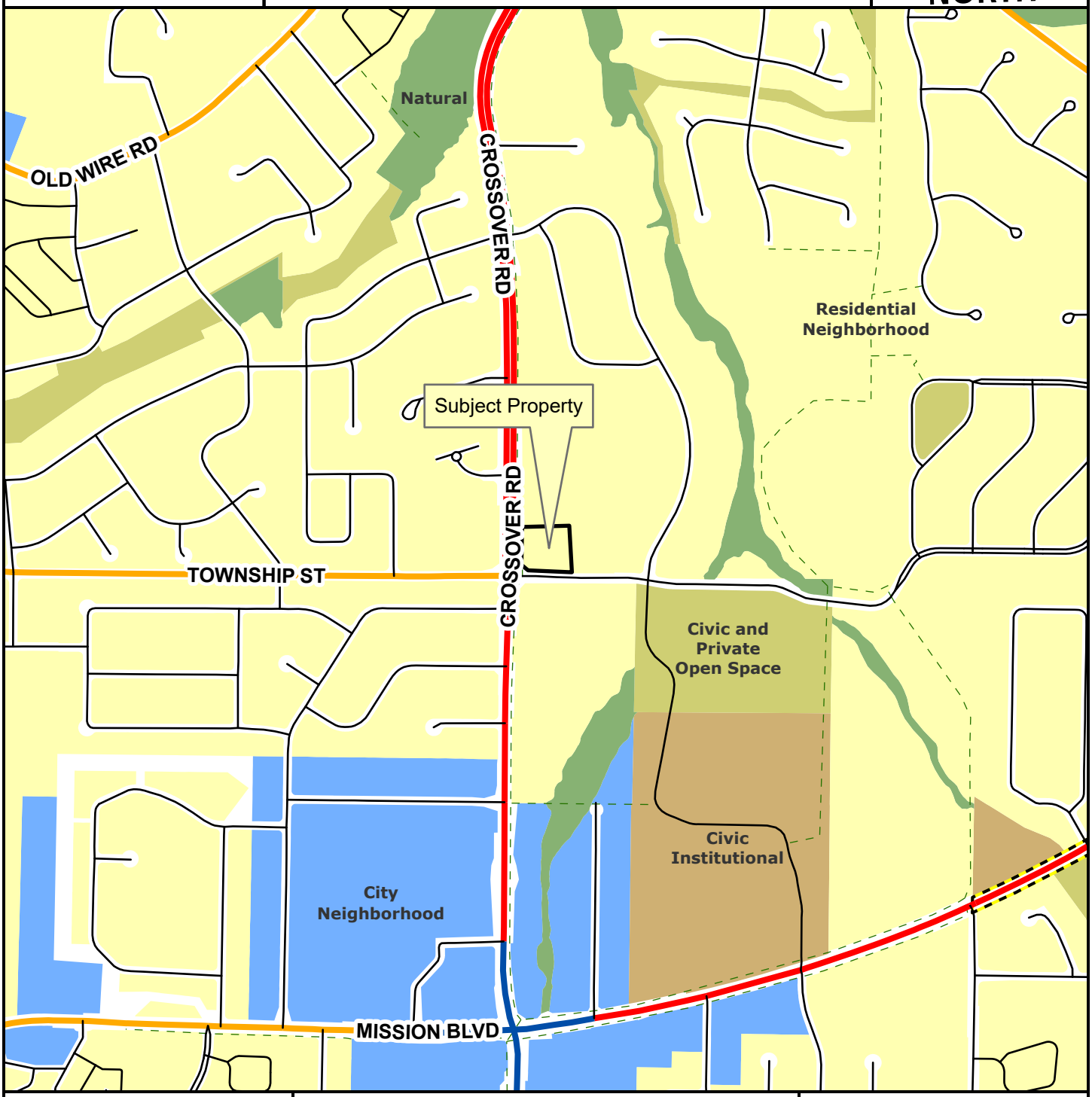
- 100-Year Floodplain
- Floodway

RZN-2024-0031

Future Land Use

2400 N. CROSSOVER RD

NORTH



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1:10,000

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: July 8, 2024

SUBJECT: **RZN-2024-0032: Rezoning (439 S. CHURCH AVE./PBS PROPERTIES LLC, 523):** Submitted by SITEWISE CIVIL ENGINEERING PLLC for property located at 439 S. CHURCH AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.32 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommend forwarding **RZN-2024-0032** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0032** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in south Fayetteville approximately 350 feet north of the intersection of S. Church Ave. and W. Martin Luther King Jr. Blvd. The property contains approximately 0.32 acres and is developed with a single-family dwelling constructed around 1940, according to Washington County Assessor records. The property is in the 71B Corridor Plan and Downtown Master Plan areas, and it received its current zoning designation of NC, Neighborhood Conservation as a result of the latter plan in 2006. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	NC, Neighborhood Conservation
South	Single-Family Residential	RI-U, Residential Intermediate - Urban
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	DG, Downtown General

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

Public Comment: To date, staff has received no public comment on this item, but did receive one general inquiry via phone.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along S. Church Ave., a partially improved Downtown/Urban Street with asphalt paving, curb and gutter, and sidewalk along

the east side. Any additional street improvements would be determined at the time of development proposal.

Water: Public water is available to the subject area. An existing 6-inch water main is present on the west side of S. Church Ave.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present on the west side of S. Church Ave.

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 1, located at 303 W. Center St., protects this site. The property is located approximately 0.6 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

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

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **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 **10** for this site with a weighted score of **13.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (8-inch main, S. Church Ave.)
- Near Water Main (6-inch main, S. Church Ave).
- Near Grocery Store (Walmart Neighborhood Market, 660 W. Martin Luther King Jr. Blvd.)
- Near UA Campus

- Near City Park (Walker Park, Lower Ramble)
- Near Paved Trail (W. 7th St. Bike Lane; Razorback Greenway)
- Master Plan Area (Downtown Master Plan; 71B Corridor Plan)
- 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 rezoning from NC to RI-U to be compatible with the surrounding area. The intent of the RI-U zoning district is to encourage development of attached and detached dwellings to provide a range of housing types and meet the demands for walkable urban living. The subject property is adjacent to single-family properties to the east, south, and west and undeveloped property to the north. Properties to the north and east are zoned NC, properties to the west are zoned DG, and the property to the south is zoned RI-U. There are also nearby commercial uses. While the immediate vicinity is currently developed with single-family dwellings, a rezoning to RI-U could allow for higher density residential development consisting of single- to four-family dwellings. The property itself is of a relatively small size and located mid-block with public right-of-way platted to the south. Rezoning to RI-U would reduce the bulk and area requirements from 40-feet-wide lots with a 4,000 square-foot minimum area, to 18-foot-wide lots with no minimum area. to Essential City services are available to the site, and other public amenities are located nearby. Given the size of the site, proximity to public services and amenities, and the availability of public right-of-way, staff finds the proposed rezoning to be appropriate.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's adopted land use plans. The proposed zoning complements the property's Future Land Use Map designation as Residential Neighborhood area since it would support a variety of housing types of appropriate scale and context. A rezoning to RI-U would meet several goals of City Plan 2040 by encouraging appropriate infill development (Goals 1, 2, and 6). While the current zoning of NC is intended to encourage low-density, single-family residential development, RI-U allows higher density residential development that could bridge the gap between 5th Street through the platted right-of-way to the south of the property, which would support Goal 3 of City Plan 2040.**

The subject property is in the Mill Subdistrict of the 71B Corridor Plan. Establishing a commercial/residential edge between School and Locust Avenue and encouraging moderate-density attainable urban housing between Locust and Church Avenue were guiding principles identified for this subdistrict. The subject property is also located within the Downtown Master Plan area. Rezoning to RI-U would support downtown living and walkability, key principles of the Downtown Master Plan.

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 NC to RI-U since the rezoning would be consistent with the property's future land use designation and supports several goals of City Plan 2040 and relevant master plans.**

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

Finding: **A rezoning from NC to RI-U does have the potential to increase traffic danger and congestion due to increased density. Potential development would have frontage along S. Church Ave., a Downtown/Urban Street, and platted right-of-way. Access management will be reviewed at the time of development. The property is also in proximity to Ozark Regional Transit bus stops and other walkable amenities, which may mitigate some traffic.**

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

Finding: **The proposed rezoning has the potential to 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-2024-0032 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 8, 2024	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

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

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

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

(E) *Setback Regulations*.

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

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

May 24, 2024

Jessica Masters
Development Review Manager
125 W Mountain Street
Fayetteville, AR 72701

RE: 439 S Church Ave – Rezone Application

We are requesting to rezone the property addressed 439 S Church Ave (Parcel # 765-07131-000) from NC, Neighborhood Conservation to RI-U, Residential Intermediate – Urban. The intent of this rezone request is to afford flexibility in housing types and density while maintaining compatibility in scale with the surrounding single-family housing in neighboring NC-zoned properties.

The subject property is located near the intersection of W Martin Luther King Jr. Blvd and S Nelson Hackett Blvd. The 0.3-acre site is currently zone NC, Neighborhood Conservation and contains a single-family residence. The property is situated within the Downtown Neighborhood Plan and 71B Corridor plan. The Future Land Use according to the City Plan 2040 is Residential Neighborhood.

The rezone from NC to RI-U will provide the opportunity for increased residential density that we believe is appropriate given the surrounding land uses. With DG, Downtown General zoning to the West and NC, Neighborhood Conservation to the east, RI-U acts as a natural transition zone. An infill score of 12 suggests that this property is an appropriate location for strategic density in our growing city. We believe the adjacent alley right-of-way adjacent to the south further complements this rezone request by providing additional opportunities for improved site access and traffic control.

Thank you for your consideration. If I can be of any further assistance please contact me at zhixson@sitewisecivil.com.

Respectfully submitted,

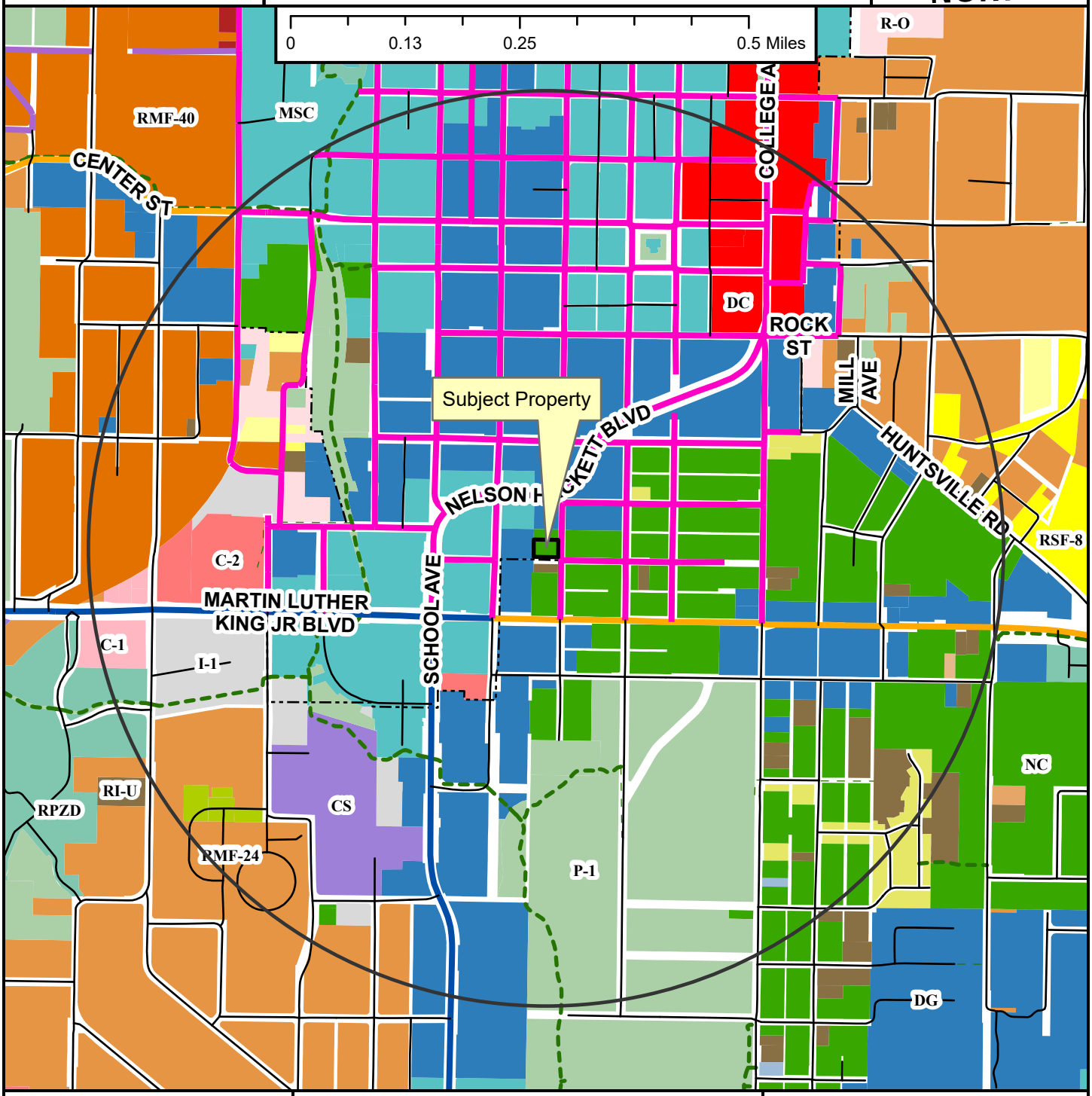
Zach Hixson, PE

RZN-2024-0032

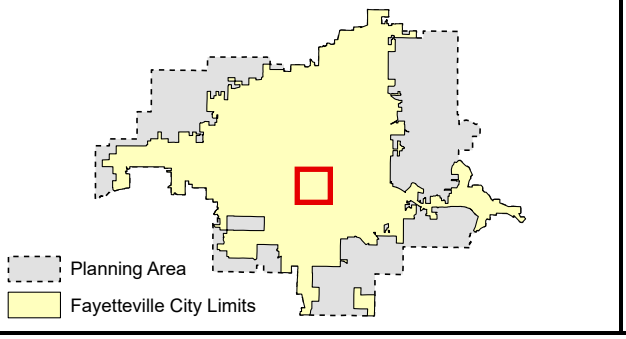
One Mile View

439 S. CHURCH AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

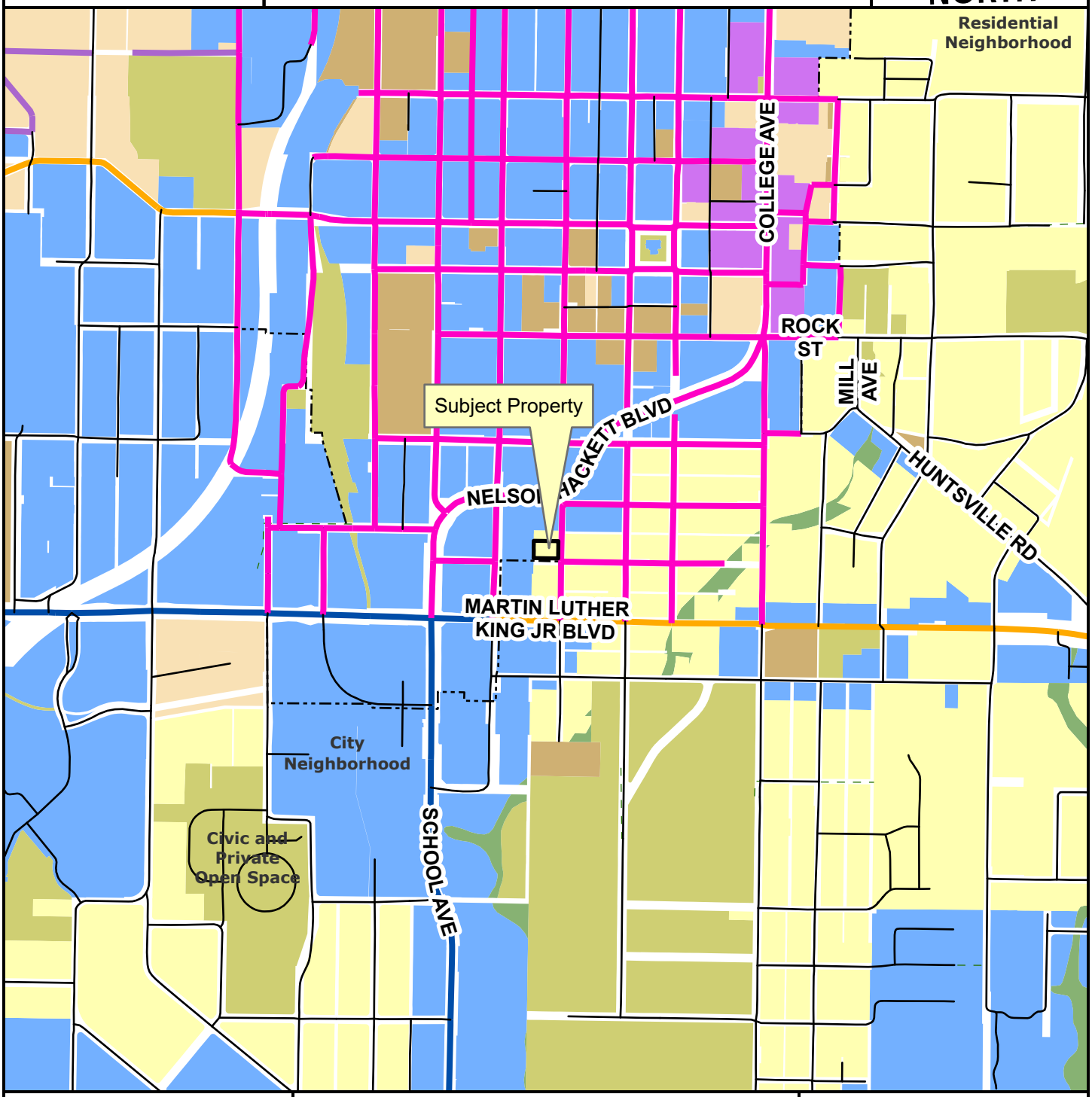
INSTITUTIONAL
- P-1

RZN-2024-0032

Future Land Use

439 S. CHURCH AVE

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

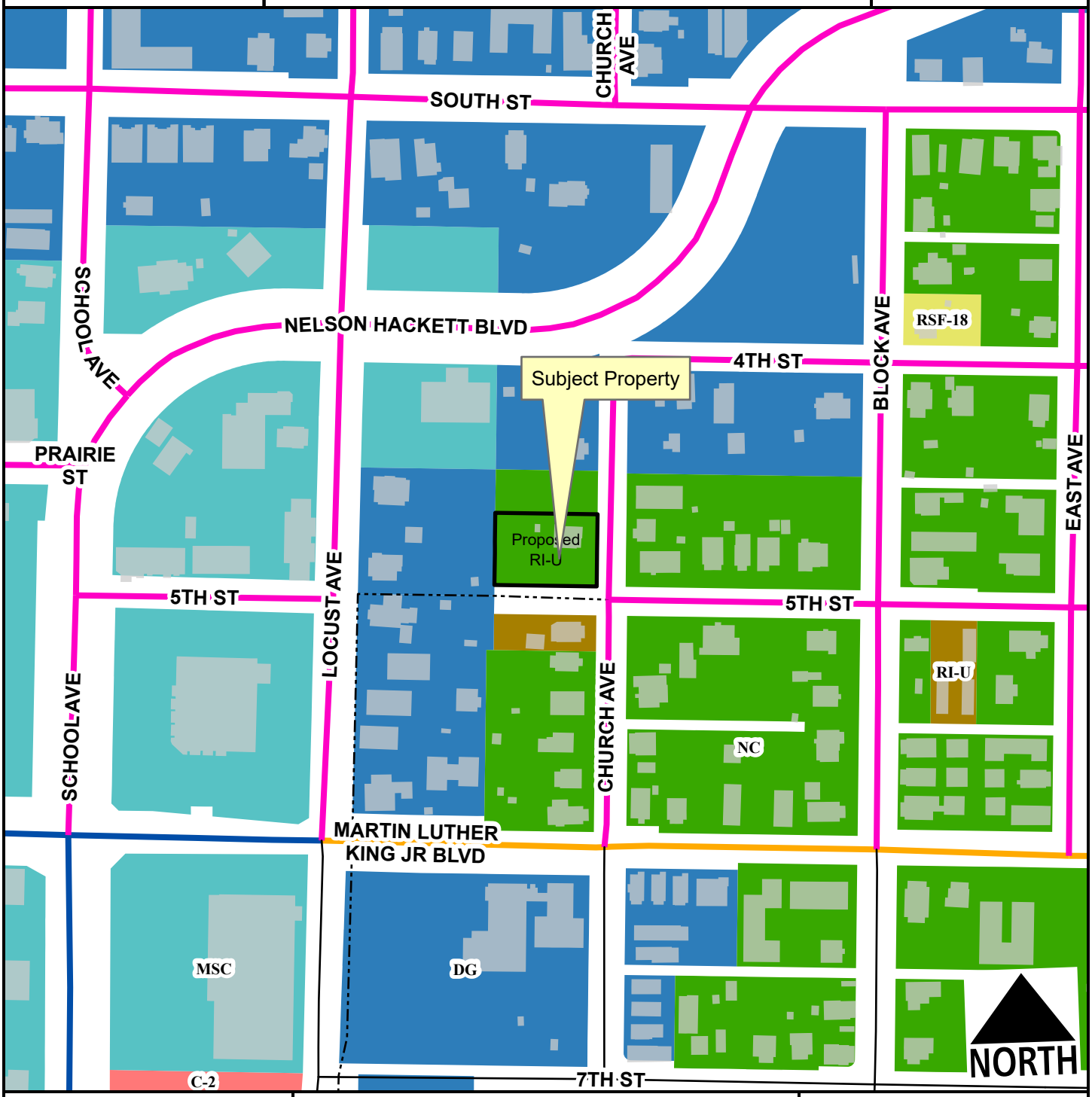
1:10,000

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

RZN-2024-0032

Close Up View

439 S. CHURCH AVE



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Residential Link
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

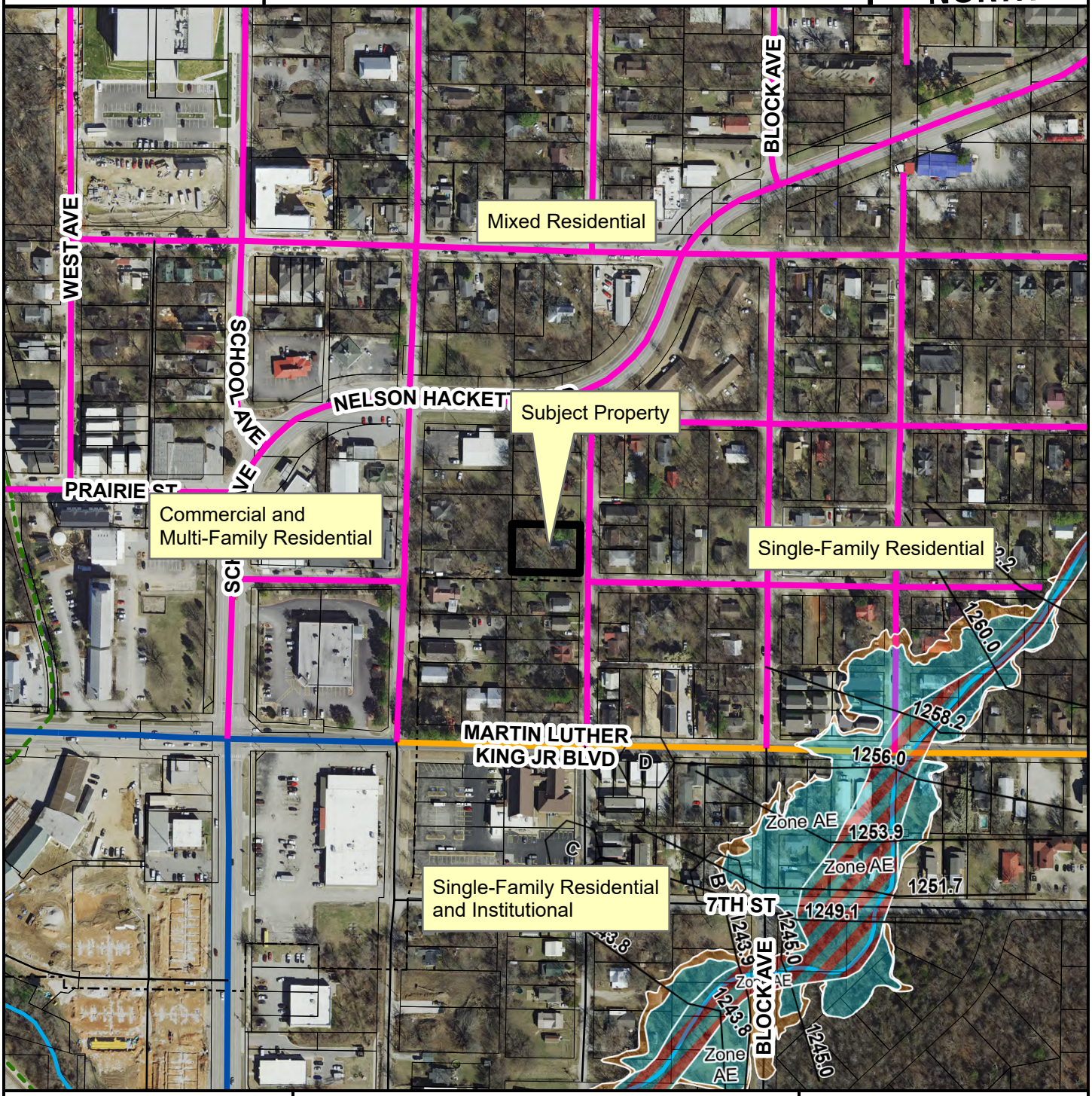
Zone	Current	Proposed
NC	0.3	0.0
RI-U	0.0	0.3
Total	**0.3 ac**	

RZN-2024-0032

Current Land Use

439 S. CHURCH AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: July 8, 2024

SUBJECT: **RZN-2024-0033: Rezoning (1919 S. ASHWOOD AVE./ARNOLD, 598 599):** Submitted by CRAFTON TULL for property located at 1919 S. ASHWOOD AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.40 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0033** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0033** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in southwest Fayetteville on the west side of Ashwood Avenue about 700 feet north of the street's intersection with Razorback Road. The property contains one parcel totaling 2.40 acres which is currently zoned RSF-4, Residential Single-Family, Four Units per Acre, and developed with a single-family dwelling that Washington County records indicate was built in 1951. The property received its current zoning designation as a result of a neighborhood-initiated rezoning in 2006 which downzoned the property from RMF-24, Residential Multi-Family, 24 Units per Acre. The subject property is within the boundaries of the Fayette Junction Master Plan which was adopted in 2009 as part of City Plan 2025. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre RSF-8, Residential Single-Family, Eight Units per Acre
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

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

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along Ashwood Avenue. Ashwood Avenue is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing six-inch water main is present on the east side of Ashwood Avenue.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present along the west side of Ashwood Avenue.

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 will be determined at the time of development submittal.

Fire: Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district, RMF-24, Residential Multi-Family, 24 Units per Acre, requires **20% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

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

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

The **Fayette Junction Master Plan** is the City's second complete neighborhood plan, adopted in the Spring of 2009, as part of City Plan 2025. The plan aims to integrate the built and natural

environment to support a clean tech cluster, a multi-modal transit hub, and support the protection of, and expansion to, the neighborhoods within the Fayette Junction area.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **6-9** for this site with a weighted score of **10** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 900 S. Hollywood Ave.)
- Near Water Main (6-inch main, Ashwood Avenue)
- Near Sewer Main (6-inch main, Ashwood Avenue)
- Near U of A Campus
- Near City Park (Town Branch Trail Corridor)
- Near Paved Trail (Town Branch Trail)
- Near ORT Bus Stop (Baum Stadium Stop)
- Near Razorback Bus Stop (Route 48)
- Within Master Plan Area (Fayette Junction Neighborhood Plan)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the requested rezoning to be compatible with the surrounding area. The property is directly surrounded by single-family residences and there are duplexes, multi-family dwellings, and nonresidential uses nearby. The proposed rezoning would allow for the by-right development of single-family to four-family dwellings at a density of 12 units per acre. Staff finds that a rezoning to RI-12 could complement the zoning pattern in the area which contains a variety of residential and mixed use districts such as RSF-4, RMF-24, NS-L, and CS. Where RSF-4 would currently allow for the creation of lots with a minimum width of 70 feet and a minimum area of 8,000 square feet, a rezoning to RI-12 would allow lots with a minimum width of 50 feet and a minimum area of 5,000 square feet. With regard to setbacks, RSF-4 requires a 15-foot front and rear setback while RI-12 requires a 25-foot build-to zone and a five-foot or 20-foot rear setback.**

Land Use Plan Analysis: **Staff finds the applicant's request to be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood Area and its Infill Matrix indicates a score range of 6-9. Staff finds that a rezoning to RI-12 would be aligned with those designations since Residential Neighborhood Areas are intended to encourage a wider variety of building types of appropriate scale and context, and since the property is in close proximity to public services and infrastructure. A rezoning from RSF-4 to RI-12 could also support Goal 1 of City Plan 2040 by encouraging infill, and it could support the Fayette Junction Neighborhood Plan by allowing for a gradual increase in residential density between the single-family neighborhood to the south and multi-family dwellings and nonresidential uses to the north.**

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

Finding: **Staff finds that there is sufficient justification for rezoning the property from RSF-4 to RI-12 since the proposed rezoning would be consistent with the property's future land use designation as Residential Neighborhood Area and be aligned with the goals of City Plan 2040 and the Fayette Junction Neighborhood Plan.**

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

Finding: **A rezoning from RSF-4 to RI-12 has the potential to increase vehicular traffic in the area when considering that RI-12 would allow for more dense residential development. However, staff finds that the property's proximity to nonresidential uses, bus routes, and trails may help reduce the number of vehicle trips generated by future development and limit impacts on vehicular traffic congestion and danger.**

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

Finding: **Rezoning the property from RSF-4 to RI-12 has the potential to alter the population density since RI-12 would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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

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

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

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0033 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 8, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §161. 1 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; 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, 06-18-13; 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, §§4, 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, §2(Exh. A), 5-2-23)

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

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

June 27, 2024

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

RE: RZN-2024-0033

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-04059-000, located at 1919 Ashwood Ave, near the intersection of S. Ashwood Avenue and W. Sligo Street in South Fayetteville.

The parcel is currently zoned RSF-4, Residential Single Family – 4 Units per Acre. The applicant is requesting that it be rezoned to RI-12, Residential Intermediate–Twelve (12) Units Per Acre. This request is in line with many of the surrounding zoning districts. To the West, East, Southeast, and North of the site, there properties which have already been rezoned to RMF-24, with other zoning districts nearby such as RI-U, C-1, C-2, UT, CS, RSF-8 and RSF-4. Further, a rezoning to RI-12 would act as a buffer between the single family housing to the South and the multiple student oriented multi-family properties to the North.

This property is near both Interstate 49 (Freeway/Expressway) and Razorback Road (Regional Link) and in a prime location for a higher density development. This parcel is also part of the Fayette Junction Neighborhood Plan adopted in Spring of 2009, which shows this area as higher density single-family residential.

This rezoning would encourage infill and development of missing middle housing and would provide the opportunity to diversity housing stock in an area that is largely comprised of student-oriented multi-family and single family housing.

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

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ *Will A. Kellstrom*

Will A. Kellstrom

WK:
pc:

1106 WEST POPLAR STREET
ROGERS, AR 72756
PH: 479-636-2168
FX: 479-636-6098
WWW.WATKINSLAWOFFICE.COM

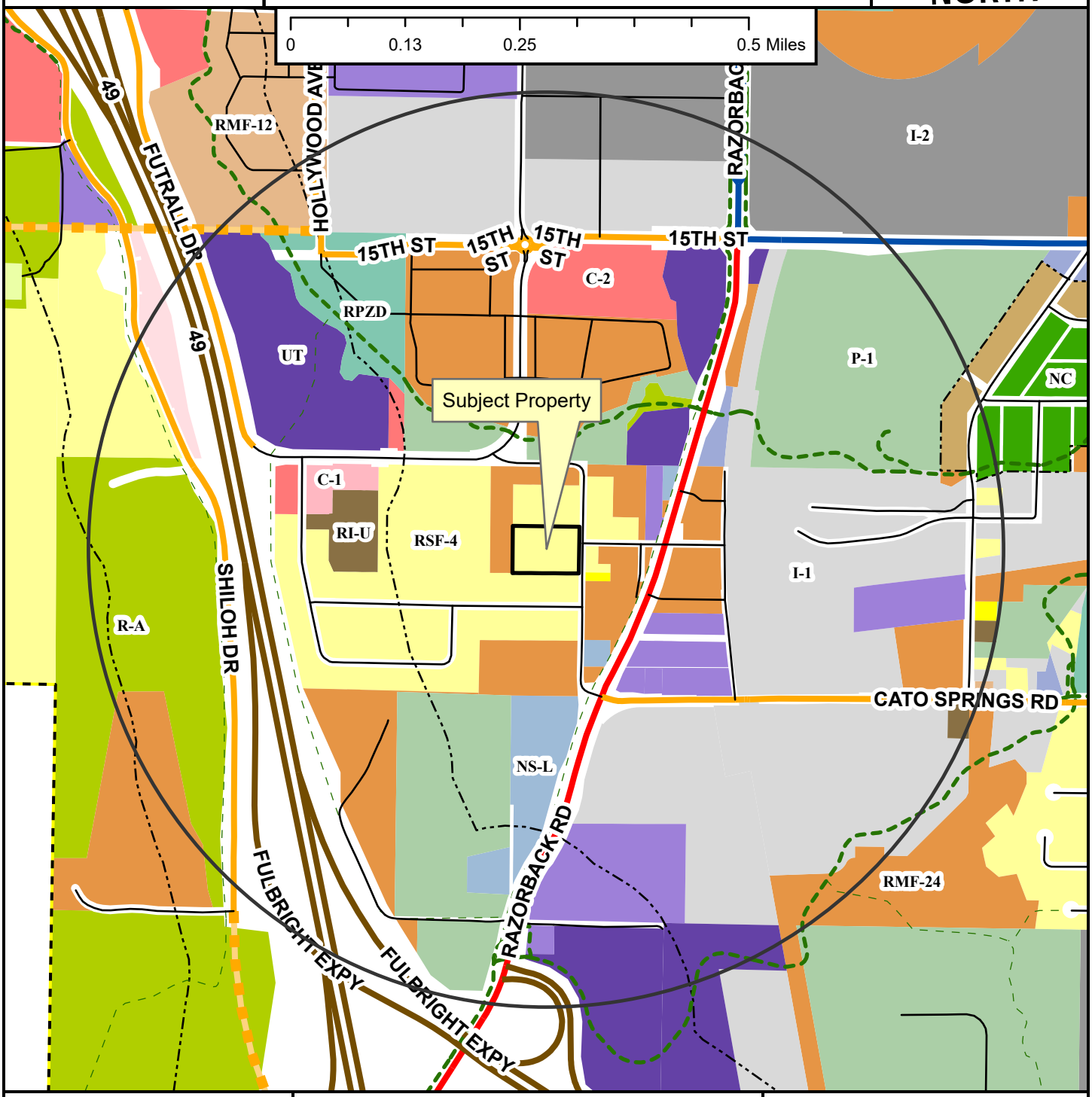
REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

RZN-2024-0033

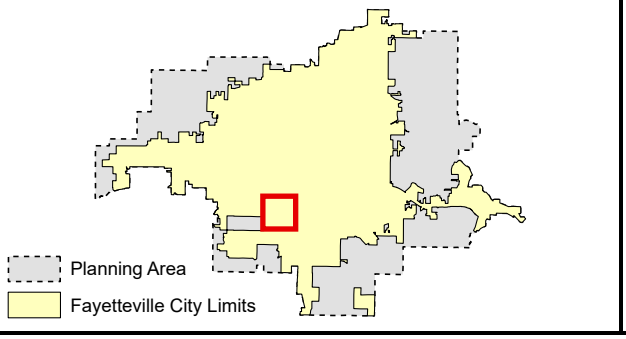
One Mile View

1919 S. ASHWOOD AVE

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

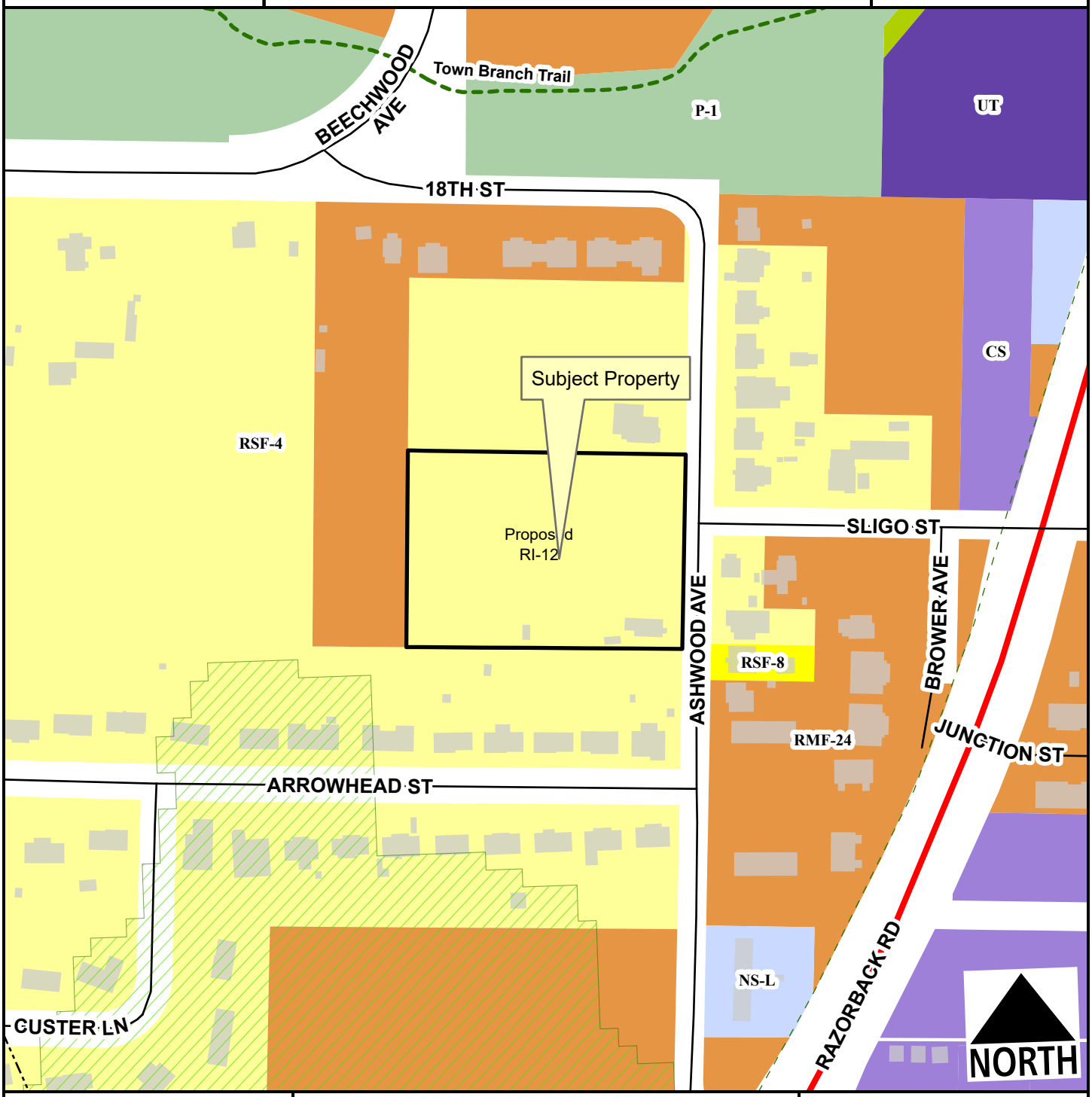
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0033

Close Up View

1919 S. ASHWOOD AVE



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-12	0.0	2.4
RSF-4	2.4	0.0
Total	**2.4 ac**	

RZN-2024-0033

Current Land Use

1919 S. ASHWOOD AVE

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

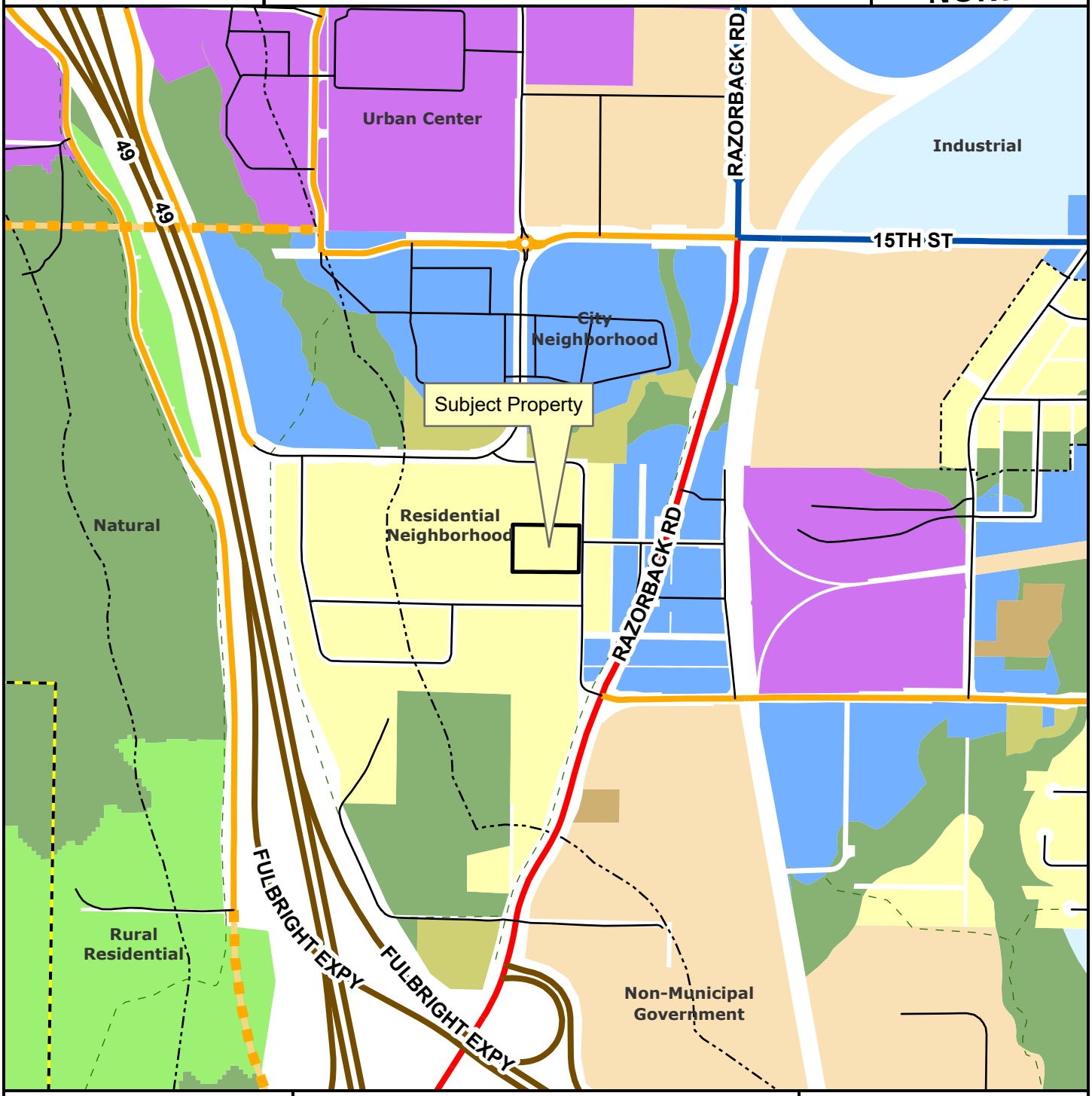
- 100-Year Floodplain
- Floodway

RZN-2024-0033

Future Land Use

1919 S. ASHWOOD AVE

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: July 8, 2024

SUBJECT: **RZN-2024-0034: Rezoning (1731, 1815, & 1837 W. 18TH ST./ARNOLD, 598):** Submitted by CRAFTON TULL for property located at 1731, 1815, & 1837 W. 18TH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 9.10 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0034** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0034** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is just southwest of the intersection of 18th Street and Beechwood Avenue in southwest Fayetteville. The property contains three parcels totaling 9.10 acres which are currently zoned RSF-4, Residential Single-Family, Four Units per Acre, and developed with single-family residences. The property received its current zoning designation as a result of a neighborhood-initiated rezoning in 2006 which downzoned the property from RMF-24, Residential Multi-Family, 24 Units per Acre. The subject property is within the boundaries of the Fayette Junction Master Plan which was adopted in 2009 as part of City Plan 2025. An unnamed tributary of the Town Branch, part of the Beaver Reservoir, bisects the far northwest corner of the property. The tributary is protected per the streamside protection ordinance, and its associated protection zone encumbers a portion of the site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Town Branch Trail Corridor Undeveloped	P-1, Institutional C-2, Thoroughfare Commercial UT, Urban Thoroughfare
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Single-Family Residential Undeveloped	C-1, Neighborhood Commercial RI-U, Residential Intermediate-Urban

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

Public Comment: To date, staff has not received any public comment on the request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along 18th Street. 18th Street is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing 12-inch water main is present on the south side of 18th Street.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present on the south side of 18th Street.

Drainage: Any improvements or requirements for drainage will be determined at the time of development submittal. No portion of the subject property lies within the Hillside/Hilltop Overlay District though a FEMA-designated floodplain, protected stream, and hydric soils are present on site. Since a FEMA-designated floodplain is present, a floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones and may require additional documentation, such as flood studies or elevation certificates, depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

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

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

Fire: Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response

time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 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, RMF-24, Residential Multi-Family, 24 Units per Acre, requires **20% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

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

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

The **Fayette Junction Master Plan** is the City's second complete neighborhood plan, adopted in the Spring of 2009, as part of City Plan 2025. The plan aims to integrate the built and natural environment to support a clean tech cluster, a multi-modal transit hub, and support the protection of, and expansion to, the neighborhoods within the Fayette Junction area.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **6-9** for this site with a weighted score of **10** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 900 S. Hollywood Ave.)
- Near Water Main (12-inch main, 18th Street)
- Near Sewer Main (6-inch main, 18th Street)
- Near U of A Campus
- Near City Park (Town Branch Trail Corridor)
- Near Paved Trail (Town Branch Trail)
- Near ORT Bus Stop (Baum Stadium Stop)
- Near Razorback Bus Stop (Route 48)
- Within Master Plan Area (Fayette Junction Neighborhood Plan)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the requested rezoning to be compatible with the surrounding area. The property is surrounded by single-family dwellings to the south and multi-family dwellings to the north. The proposed rezoning would allow for the by-right development of single-family to four-family dwellings at a density of 12 units per acre. Staff finds that a rezoning to RI-12 could complement the zoning pattern in the area which contains a variety of residential and mixed use districts such as RSF-4, RMF-24, NS-L, and CS. Where RSF-4 would currently allow for the creation of lots with a minimum width of 70 feet and a minimum area of 8,000 square feet, a rezoning to RI-12 would allow lots with a minimum width of 50 feet and a minimum area of 5,000 square feet. With regard to setbacks, RSF-4 requires a 15-foot front and rear setback while RI-12 requires a 25-foot build-to zone and a five-foot or 20-foot rear setback. A small portion of the north and west sides of the property are encumbered by a protected stream and floodplain, and hydric soils are present on site. Any impacts to those areas would be fully evaluated at the time of development review. Staff finds that the proposed rezoning is not likely to adversely affect those areas given its relatively limited density allowance and the City's development regulations.**

Land Use Plan Analysis: **Staff finds the applicant's request to be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood Area and its Infill Matrix indicates a score range of 6-9. Staff finds that a rezoning to RI-12 would be aligned with those designations since Residential Neighborhood Areas are intended to encourage a wider variety of building types of appropriate scale and context, and since the property is in close proximity to public services and infrastructure. A rezoning from RSF-4 to RI-12 could also support Goal 1 of City Plan 2040 by encouraging infill, and it could support the Fayette Junction Neighborhood Plan by allowing for a gradual increase in residential density between the single-family neighborhood to the south and multi-family dwellings and nonresidential uses to the north.**

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

Finding: **Staff finds that there is sufficient justification for rezoning the property from RSF-4 to RI-12 since the proposed rezoning would be consistent with the property's future land use designation as Residential Neighborhood Area and be aligned with the goals of City Plan 2040 and the Fayette Junction Neighborhood Plan.**

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

Finding: **A rezoning from RSF-4 to RI-12 has the potential to increase vehicular traffic in the area when considering that RI-12 would allow for more dense residential development. However, staff finds that the property's proximity to nonresidential uses, bus routes, and trails may help reduce the number of vehicle trips generated by future development and limit impacts on vehicular traffic congestion and danger.**

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

Finding: **Rezoning the property from RSF-4 to RI-12 has the potential to alter the population density since RI-12 would allow for increased residential development. Given the property's proximity to public streets, water, and sewer, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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

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

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

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0034 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: July 8, 2024	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - §161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; 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, 06-18-13; 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, §§4, 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, §2(Exh. A), 5-2-23)

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
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WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

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

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

June 27, 2024

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

RE: RZN-2024-0034

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel Nos. 765-04064-000, 765-04065-000, and 765-04066-000, located at 1731 W. 18th St., 1815 W. 18th St., and 1837 W. 18th St. in South Fayetteville ("the Property").

The Property is currently zoned RSF-4, Residential Single Family – 4 Units per Acre. The applicant is requesting that it be rezoned to RI-12, Residential Intermediate–Twelve (12) Units Per Acre. This request is in line with many of the surrounding zoning districts. To the West of the site is RI-U and, to the East, is RMF-24. Additionally, there is UT, C-1 and C-2 just Northwest of the site, as well as RMF-24 north of the site. RSF-4 is located to the South of the site. Further, a rezoning to RI-12 would act as a buffer between the single family housing to the South and the multiple student oriented multi-family properties to the North.

This property is near both Interstate 49 (Freeway/Expressway) and Razorback Road (Regional Link) and in a prime location for a higher density development. This parcel is also part of the Fayette Junction Neighborhood Plan adopted in Spring of 2009, which shows this area as higher density single-family residential.

This rezoning would encourage infill and development of missing middle housing and would provide the opportunity to diversity housing stock in an area that is largely comprised of student-oriented multi-family and single family housing.

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

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ *Will A. Kellstrom*

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REAL ESTATE, CONSTRUCTION & LIEN LAW, LAND USE & PLANNING
CORPORATE & COMMERCIAL LAW, BANKING, BANKRUPTCY
CRIMINAL LAW, FAMILY LAW, GUARDIANSHIPS, LANDLORD-TENANT
ESTATE PLANNING, ELDER LAW, PROBATE, TRUST LITIGATION
CIVIL LITIGATION, COMMERCIAL & CONSUMER DEBT COLLECTION

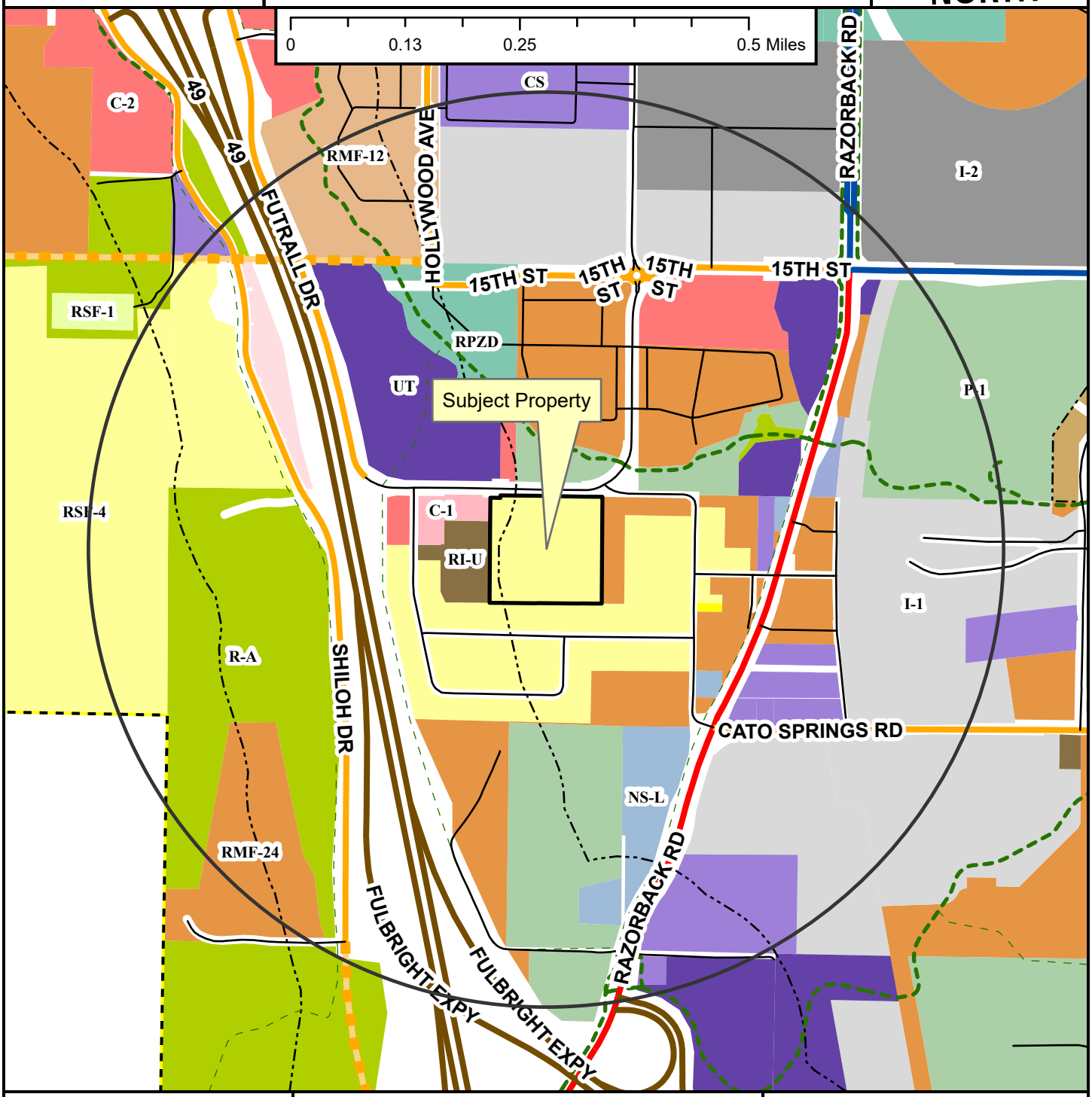
pc:

RZN-2024-0034

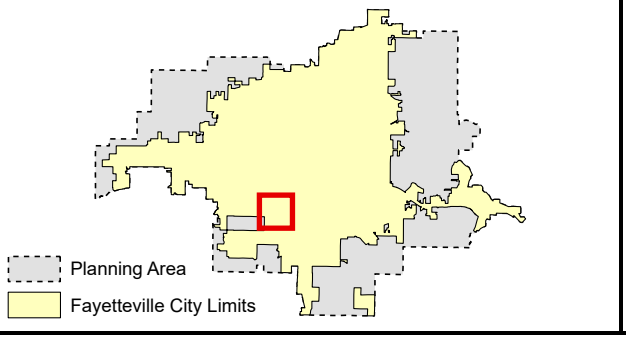
One Mile View

1731, 1815 & 1837 W. 18TH ST

NORTH



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



Zoning

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

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

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

EXTRACTION
- E-1

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

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

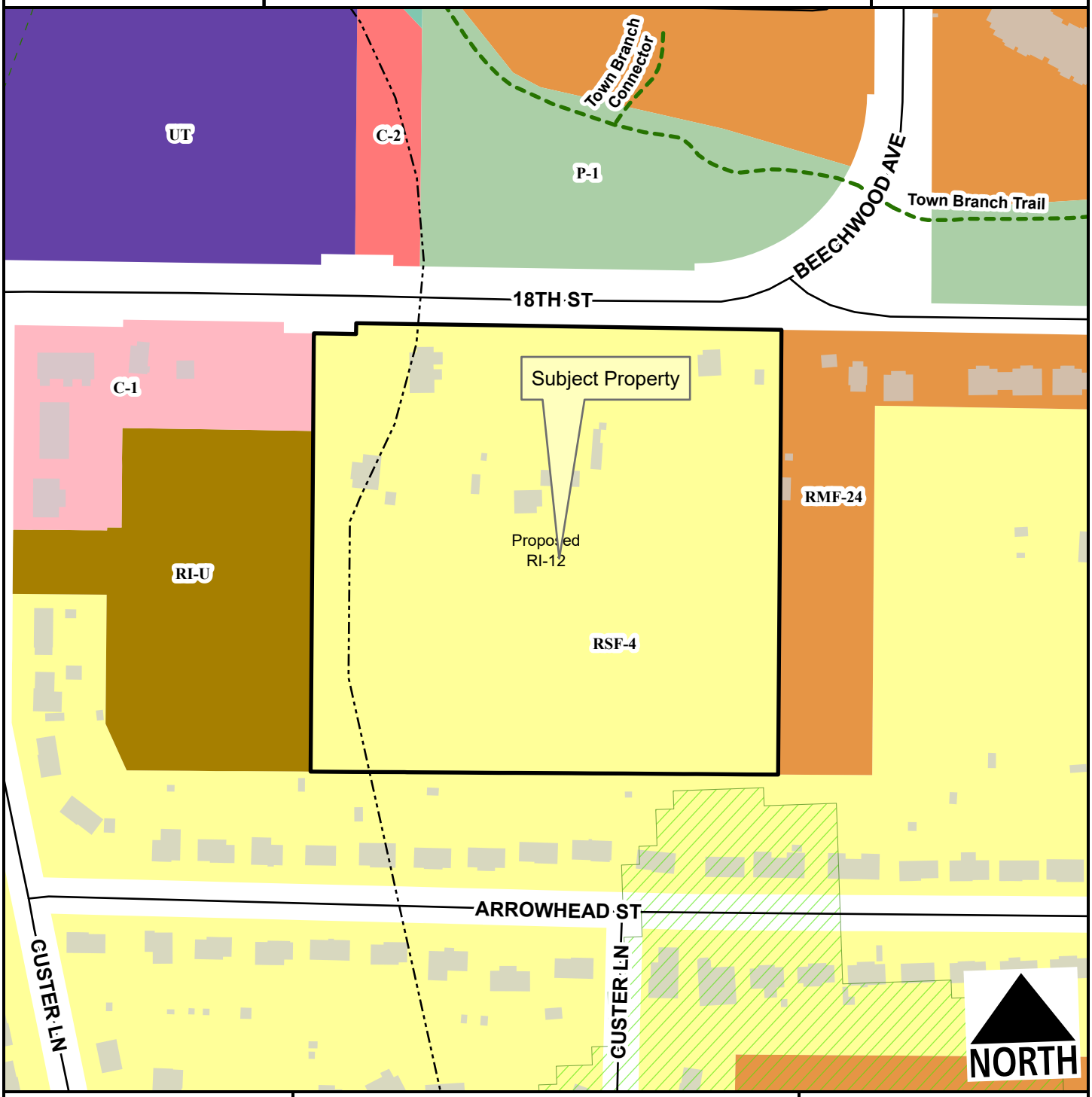
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2024-0034

Close Up View

1731, 1815 & 1837 W. 18TH ST



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-12	0.0	9.2
RI-U	0.0	0.0
RSF-4	9.2	0.0
Total	**9.2 ac**	

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Current Land Use

1731, 1815 & 1837 W. 18TH ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

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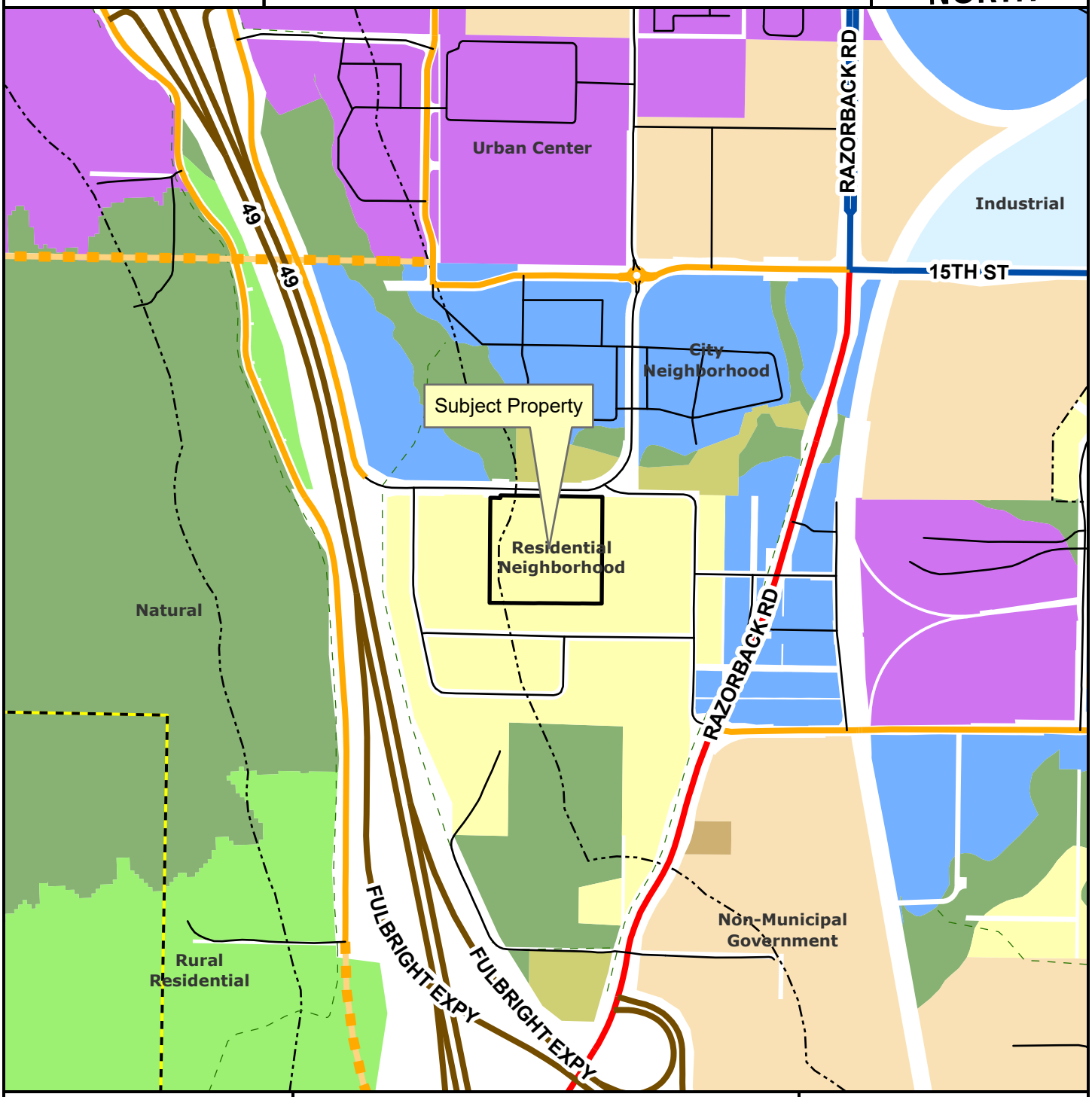
Future Land Use

1731, 1815 & 1837 W. 18TH ST

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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