

**City Council Agenda Items
and
Contracts, Leases or Agreements**

7/2/2013

City Council Meeting Date
Agenda Items Only

Quin Thompson
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 13-4384: Rezone (1315 N. RUPPLE RD./LEISURE HOMES, 400); Submitted by CIVIL DESIGN ENGINEERS, INC. for property located at 1315 NORTH RUPPLE ROAD. The property is zoned RSF-7. RESIDENTIAL SINGLE-FAMILY, 7 UNITS PER ACRE and contains approximately 6.89 acres. The request is to rezone the property to RSF-8. RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE.

Cost of this request	\$	Category / Project Budget	Program Category / Project Name
Account Number	\$	Funds Used to Date	Program / Project Category Name
Project Number	\$	Remaining Balance	Fund Name
Budgeted Item <input type="checkbox"/>		Budget Adjustment Attached <input type="checkbox"/>	

Quin Thompson 06-11-2013
Department Director Date

Previous Ordinance or Resolution # _____

Ken [Signature] 6-11-13
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Baden 6-12-2013
Finance and Internal Services Director Date

Received in City Clerk's Office 06-11-13 02:35 RCVD
[Signature]

[Signature] 6-13-13
Chief of Staff Date

Received in Mayor's Office
ENTERED 6/11/13
[Signature]

[Signature] 6/17/13
Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*

From: Quin Thompson, Current Planner

Date: June 10, 2013

Subject: RZN 13-4384: Rezone (1315 RUPPLE RD/LEISURE HOMES)

RECOMMENDATION: Staff and the Planning Commission recommend approval of an ordinance to rezone the subject property, consisting of multiple parcels containing approximately 6.89 acres in total, from RSF-7, Residential Single Family, 7 units per acre, to RSF-8, Residential Single Family, 8 units per acre & RMF-12, Residential Multi-family, 12 units per acre.

BACKGROUND: The subject property is located north of Wedington Drive and west of Rupple Road. The property is zoned RSF-7, Residential Single-Family and contains approximately 6.89 acres. As a part of successful 2006 rezoning of a large acreage in this area, a Bill of Assurance (attached) was offered, which limits development on this property to a maximum of 17 single-family homes. Should the current rezoning request be approved, the Bill of Assurance for the 6.89 acres would no longer be applicable.

The property is within the area encompassed by the **Wedington Corridor Plan**, which reflected a desire for a variety of housing options in this area, and a transition from the surrounding single-family residential neighborhoods to the north and west.

WEDINGTON CORRIDOR PLAN: Wedington Corridor Illustrative Plan, approved March 19, 2013 by the City Council, identifies an area northwest of the Rupple Road & Wedington Drive intersection as the future 'heart' of the west Wedington neighborhood, and encourages a walkable residential and commercial destination that would serve as a central node in this expanding part of the City.

Wedington Corridor Plan, pg 37:

At the [Wedington Corridor Design] charrette the public overwhelmingly expressed a desire to see a walkable urban center develop at the intersection of Wedington Drive and Rupple Road. At this time, a number of sizable parcels of land are undeveloped northwest of this intersection. The illustrative plan envisions this area as a complete, compact and connected neighborhood with civic, residential and commercial uses. The utilization of the City's form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are mingled to create a unified, sustainable and cohesive whole.

COMPATIBILITY: Staff feels that the requested zoning is appropriate for this property in that it maintains the opportunity for a variety of land uses and will provide a higher density single-family transition between existing neighborhoods and the higher intensity uses anticipated along Ripple Road.

DISCUSSION: This item was heard at the Planning Commission meeting of June 10, 2013. There was no public comment. Staff recommended in favor of the proposed zoning. The Planning Commission voted 6-2-0 to support the rezoning request, with Commissioners Hoskins and Bunch voting in opposition.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THE PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4384, FOR APPROXIMATELY 6.89 ACRES, LOCATED AT 1315 NORTH RUPPLE ROAD FROM RSF-7, RESIDENTIAL SINGLE-FAMILY, 7 UNITS PER ACRE, TO RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE AND RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described properties from RSF-7, Residential Single-Family, 7 units per acre to RSF-8, Residential Single-Family, 8 units per acre and RMF-12, Residential Multi-Family, 12 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning changes provided in Section 1.

PASSED and APPROVED this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

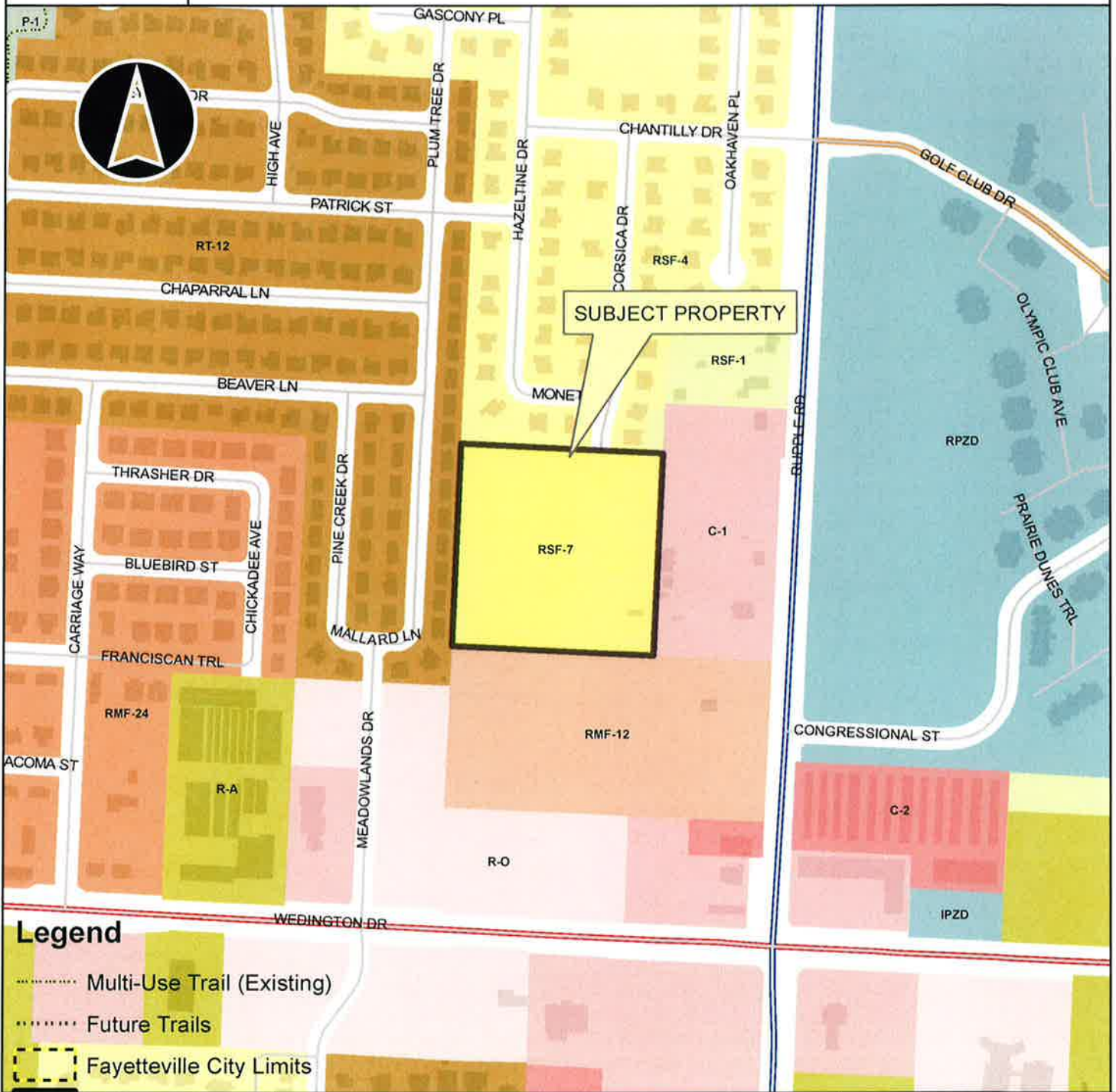
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4384

LEISURE HOMES

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview

RZN13-4384

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT "B"
RZN 13-4384

SURVEY DESCRIPTION RSF-7 TO RMF-12:

A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 12, TOWNSHIP 16 NORTH (T-16-N), RANGE 31 WEST (R-31-W), OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST (NE) CORNER OF SAID 40-ACRE TRACT, SAID POINT BEING A FOUND R.R. SPIKE IN THE PAVEMENT OF NORTH RUPPLE ROAD; THENCE N86°58'17"W A DISTANCE OF 30.00 FEET TO A SET IRON PIN WITH CAP "ESI COA 131", SAID PIN BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH RUPPLE ROAD (30 FEET WEST OF CENTERLINE); THENCE CONTINUING N86°58'17"W A DISTANCE OF 320.16 FEET TO A FOUND IRON PIN WITH CAP "JORGENSEN", THENCE S02°41'06"W A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE S02°44'44"W A DISTANCE OF 397.49 FEET TO A POINT; THENCE N87°01'27"W A DISTANCE OF 445.34 FEET TO A POINT; THENCE N02°43'10"E A DISTANCE OF 396.51 FEET TO A POINT; THENCE S87°09'02"E A DISTANCE OF 445.52 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 4.05 ACRES (176,833 SQ. FT.)

SURVEY DESCRIPTION RSF-7 TO RSF-8:

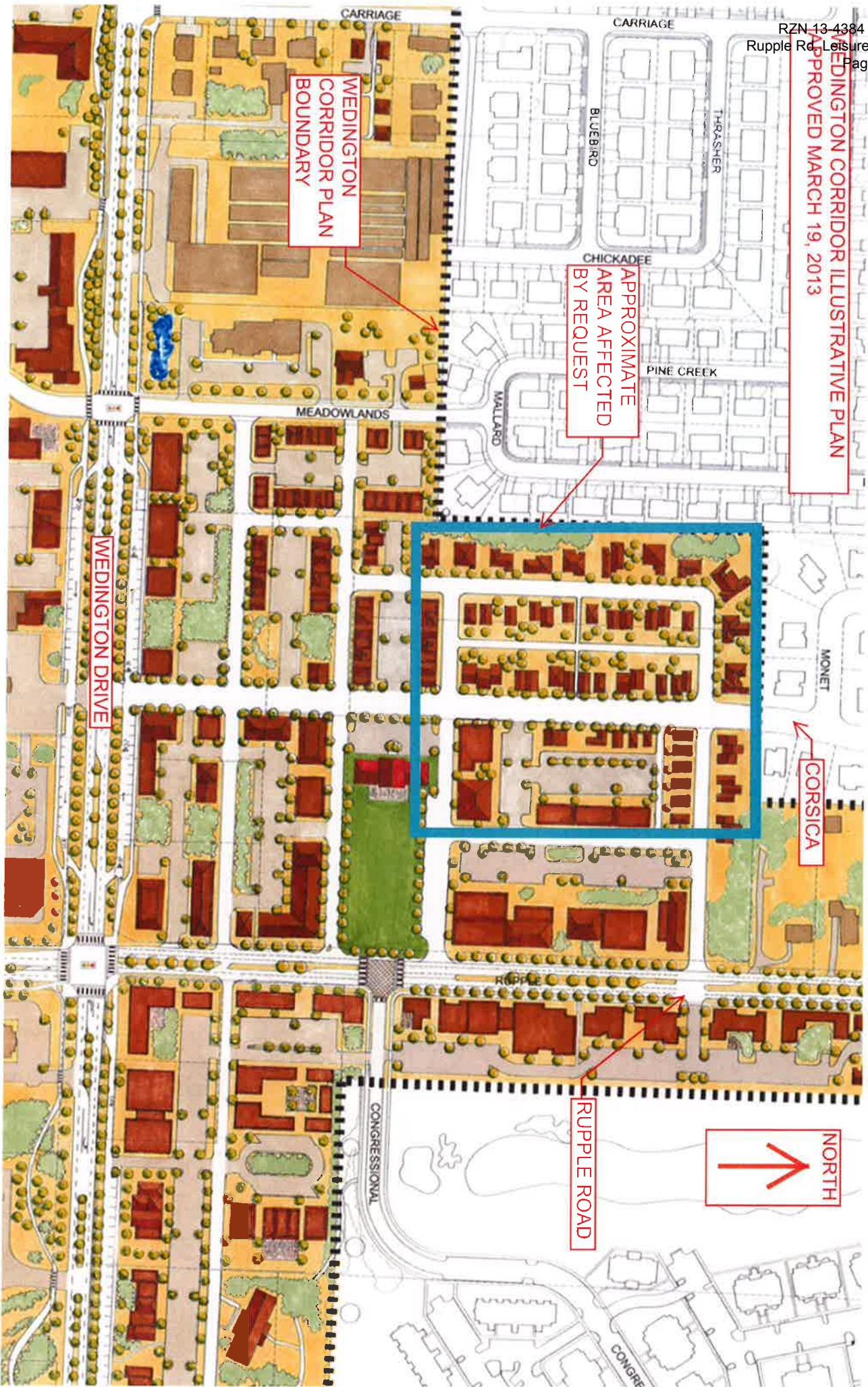
A PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 12, TOWNSHIP 16 NORTH (T-16-N), RANGE 31 WEST (R-31-W), OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST (NE) CORNER OF SAID 40-ACRE TRACT, SAID POINT BEING A FOUND R.R. SPIKE IN THE PAVEMENT OF NORTH RUPPLE ROAD; THENCE N86°58'17"W A DISTANCE OF 30.00 FEET TO A SET IRON PIN WITH CAP "ESI COA 131", SAID PIN BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH RUPPLE ROAD (30 FEET WEST OF CENTERLINE); THENCE CONTINUING N86°58'17"W A DISTANCE OF 320.16 FEET TO A FOUND IRON PIN WITH CAP "JORGENSEN" AND THE POINT OF BEGINNING; THENCE S02°41'06"W A DISTANCE OF 150.00 FEET TO A POINT; THENCE N87°09'02"W A DISTANCE OF 445.52 FEET TO A POINT; THENCE S02°43'10"W A DISTANCE OF 396.51 FEET TO A POINT; THENCE N87°01'27"W A DISTANCE OF 100.00 FEET TO A POINT; THENCE N02°43'10"E A DISTANCE OF 546.29 FEET TO A FOUND IRON PIN WITH CAP " JORGENSEN"; THENCE S87°09'02"E A DISTANCE OF 545.43 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 2.79 ACRES (121,461 SQ. FT.)



RZN 13-4384:Existing & Proposed Zoning



WEDINGTON
CORRIDOR PLAN
BOUNDARY

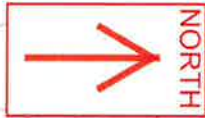
APPROXIMATE
AREA AFFECTED
BY REQUEST

WEDINGTON CORRIDOR ILLUSTRATIVE PLAN
APPROVED MARCH 19, 2013

WEDINGTON DRIVE

CORSICA

RUPPLE ROAD



CONGRESSIONAL

CONGRE



PC Meeting of June 10, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~May 22, 2013~~ UPDATED JUNE 11, 2013

RZN 13-4384: Rezone (1315 N. RUPPLE RD./LEISURE HOMES, 400): Submitted by CIVIL DESIGN ENGINEERS, INC. for properties located at 1315 NORTH RUPPLE ROAD. The property is zoned RSF-7, RESIDENTIAL SINGLE-FAMILY, 7 UNITS PER ACRE and contains approximately 6.89 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE, and RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE.

Planner: Quin Thompson

BACKGROUND:

Property Description & Background: The subject property is located north of Wedington Drive and west of Ripple Road. The property is zoned RSF-7, Residential Single-Family and contains approximately 6.89 acres. As a part of successful 2006 rezoning of this property, a Bill of Assurance was offered, which limits development on this property to 17 single-family homes.

The property is within the area affected by the Wedington Corridor Plan, which indicates that this site should be zoned for a variety of housing options, and provide a transition from the surrounding single-family residential neighborhoods to the north and west. Surrounding land use is shown in Table 1.

**Table 1
Surrounding Zoning and Land Use**

Direction from Site	Land Use	Zoning
North	Residential Single-Family	RSF-4, Single-Family Residential, 4 Units per Acre
South	Undeveloped	RMF-12, Residential Multi-Family, 12 Units Per Acre / R-O, Residential Office
East	Residential Single-Family	C-1, Neighborhood Commercial
West	Residential Single-Family Housing	Rt-12, Residential Two-Family, 12Units Per Acre

Proposal: The request is to rezone approximately 7 acres from RSF-7 to a split zone including 2.84 acres of RSF-8 and 4.05 acres of RMF-12 to allow for the construction of single and multi-family residential housing.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends **forwarding** RZN 13-4384 with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>June 10, 2013</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: <u>WINSTON</u> Second: <u>CHESSER</u>
Vote: _____
Note: <u>Cmmrs Bunch & Hoskins voted against</u>
CITY COUNCIL ACTION: Required <u>YES</u>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Date: _____

INFRASTRUCTURE:

Streets: The site has access to Corsica Drive. Corsica is a fully improved city street in this location. Street improvements within the property will be evaluated at the time of development.

Water: Public water is available to the property. There is an 8" water main stubbed out to this property on Corsica Drive to the north.

Sewer: Sanitary sewer is available to the site. There is an 8" main stubbed out to this property on Corsica Drive to the north.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

Police: Fayetteville Police Department has not expressed concerns with this request.

Fire: The Fayetteville Fire Department has not expressed concerns with this request.

WEDINGTON CORRIDOR PLAN: Wedington Corridor Illustrative Plan, approved March 19, 2013 by the City Council, identifies an area northwest of the Ripple Road & Wedington Drive intersection as the future ‘heart’ of the west Wedington neighborhood, and encourages a walkable residential and commercial destination that would serve as a central node in this expanding part of the City.

Wedington Corridor Plan, pg 37:

At the [Wedington Corridor Design] charrette the public overwhelmingly expressed a desire to see a walkable urban center develop at the intersection of Wedington Drive and Ripple Road. At this time, a number of sizable parcels of land are undeveloped northwest of this intersection. The illustrative plan envisions this area as a complete, compact and connected neighborhood with civic, residential and commercial uses. The utilization of the City’s form based zoning districts will be essential to ensure that the development pattern prescribed here is walkable and urban. Form based zoning districts are also much more flexible in allowing for a variety of residential and commercial densities and intensities. This encourages a diverse mixture of building types, scales and uses that are not separated from each other but instead are co-mingled to create a unified, sustainable and cohesive whole.

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: **The proposed zoning is consistent with planning objectives and policies under the Wedington Corridor Plan, and compatible with adjacent and nearby single-family residential land uses. The RSF-8 zoning would allow appropriate transition in allowable height and density between existing single-family residential use and the proposed RMF-12 zoning district. RMF-12-zoning would allow up to 12 units per acre, and a maximum height of 60 feet, and would meet the planning objective of increased density and intermediate residential density in what has been envisioned as the ‘heart’ of this part of the City. Selections from the approved plan are included in this packet.**

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

Finding: As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the Wedington Corridor Plan. The proposed zoning is more appropriate and compatible with current land use objectives than the current zone, which would allow a maximum density below that recommended by the Wedington Corridor Plan. The proposed RSF-8 zone creates appropriate transition from existing residential neighborhoods to anticipated multi-family development in the proposed RMF-12 zone. Furthermore, the Wedington Corridor Plan calls for medium density housing, which RMF-12 zoning district supports.

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

Finding: The proposed zoning would dramatically increase allowable density in the area, from the current self-imposed limitation created in the 2006 Bill of Assurance, which limits development on this site to 17 single-family homes, a density of approximately 2 units per acre. Access and traffic issues will be considered at the time of future development, but staff does not anticipate increased traffic danger or congestion as Wedington Drive, a designated Principal Arterial and AR State highway is designed to carry large volumes of traffic and Ripple Road, a designated Principal Arterial Parkway.

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

Finding: The proposed zoning would dramatically increase allowable density in the area, from the current self-imposed limitation created in the 2006 Bill of Assurance, which limits development on this site to 17 single-family homes, a density of approximately 2 units per acre. Staff, however, does not foresee undesirable impacts on public services.

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

Finding: N/A

161.08 District RSF-7, Residential Single-Family – Seven Units Per Acre

(A) *Purpose* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

Single-family dwelling units per acre	7 or less
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(D) *Bulk and area regulations.*

(E) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(F) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(G) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(H) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(I) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(J) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(Code 1991, §160.046; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

Cross reference(s)--Variance, Ch. 156

161.09 District RSF-8, Residential Single-Family – 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

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage 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 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building Height Maximum	45 ft.
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(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.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(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-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(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 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.

Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

June 6, 2013

City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701
Phone (479) 575-8267
Fax (479) 575-8202

**Re: Request for Rezone
1315 N. Ripple Road
Fayetteville, AR
CDE Project No. 1064**

Planning Division,

Please find enclosed submittal along with the application to request a portion of the property at 1315 N. Ripple Road to be rezoned from RSF-7 (Residential Single-Family) to RSF-8 (Residential Single-Family) and RMF-12 (Residential Single Family). The property currently consists of the following zoned areas:

C-1 – Neighborhood Commercial	:	4.67 Acres
RSF-7 – Residential Single Family – Seven units per acre	:	6.89 Acres
RMF-12 – Residential Multi-Family – Twelve units per acre	:	8.41 Acres


The property is currently owned by Mohuma, LLC., of which Mr. Brian Moore of Springdale, Arkansas, is a Principal. There a pending sales contract for this property between Mohuma, LLC. and Leisure Homes Corp. of Mountain Home, Arkansas. The sale of this property is contingent upon this request to rezone the RSF-7 area, and other requirements as listed in the Sales Contract.

In the future, Leisure Homes Corp. intends to propose a Large Scale Development that will include a mixture of land use on the residential zoned area of the property. Specifically the land use will focus on middle housing types, which may include triplex and four-plex buildings with garages, townhomes, condominiums and landscaped courts. Although final plans for this proposed development is not complete, it has been suggested that we may be able to get 100-units in the total residential zoned 15.30-acre area.

The north easterly 4.67-acre area is zoned C-1 Neighborhood Commercial and will not be affected by this request.

Please let me know if you have any questions.

Sincerely,



Ferdi Fourie, P.E.
Project Engineer

EXHIBIT "E"
Page 1 of 7

**BILL OF ASSURANCE
FOR
DUNNERSTOCK REZONING REQUEST**

The owner of the property (said property being located west of Ripple Road and south of Bellwood Subdivision Phase 1 and being described on Exhibit A) is currently requesting a rezoning of said property and is offering this bill of assurance which shall accompany the rezoning.

The subject property consists of three parcels as follows;

- 1) Parcel #1 to be rezoned from RSF-1 to RSF-7 and contains 6.89 Acres. This RSF-7 rezoning would allow 48 lots but our plan will limit the lots to 17 (single family).
- 2) Parcel #2 to be rezoned from R-A & C-2 to RMF-12 and contains 8.41 Acres. This RMF-12 rezoning would allow 100 units.
- 3) Parcel #3 to be rezoned from RSF-1 to C-1 and contains 4.67 Acres. This C-1 rezoning would allow for neighborhood commercial. More specifically this zoning would allow for a small market district, which would include eating places, shops, professional offices.

Each parcel shall be submitted to the City Planning Division for review after it is rezoned. For Parcel #1 this would be standard preliminary plat/final plat process. For Parcel #1 and #2 this would require a Large Scale Development process.

This Bill of Assurance shall accompany each parcel of land (#1, 2, &3) and shall include the following;

- 1) Access to parcel #1 shall be to the north through Bellwood Subdivision Phase 1 and to Ripple Road through Parcel #3. The street in Parcel 1 will connect to Parcel #2 for access.
- 2) Parcel #2 shall have public access through the property and shall provide connectivity to the west, south and to Ripple Road.
- 3) Parcel #2 shall have the buildings arranged to avoid a grid layout or "row" houses. Buildings shall be staggered to help avoid this grid layout.
- 4) Pedestrian access shall be required in all 3 parcels to provide and encourage residents of this community to walk to the market district.
- 5) Waterlines & sewerlines will be extended through Parcel #1 to Parcel #2 and 3. Parcels 2 and 3 will also extend their waterline sewer to Ripple Road.
- 6) Stormwater will be detained in Parcel #1 and #2 and will be sized for all three parcels.
- 7) Two trees shall be planted on each lot of Parcel #1 by the builder.

EXHIBIT "E"
Page 2 of 7

- 8) Architectural design shall be reviewed by the Planning Commission for all three parcels. The review shall include type of material, color, arrangement of windows, doors, etc. Each parcel shall be reviewed separately at the time each parcel is developed. (Parcel #1 will be developed first).
- 9) The developer of Parcel #1 will provide improvements to Ripple Road as required by the City at the time Parcel #1 is developed.
- 10) Each parcel shall be compatible with the Wellspring Community to the east. This compatibility shall include architectural design & building arrangement. The City Planning Dept. shall review each development plan to determine that it is compatible with Wellspring.

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

The Owner hereby voluntarily offers assurances that Owner and Owners property shall be restricted as follows IF Owners rezoning is approved by the Fayetteville City Council.

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

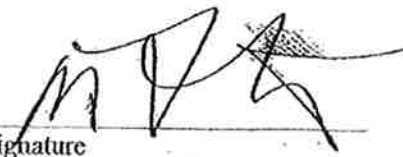
IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, Mark Foster, as the owner, voluntarily offer all such assurances and sign below.

7/19/06
Date

MARK FOSTER
Printed Name

PO Box 9087
Address

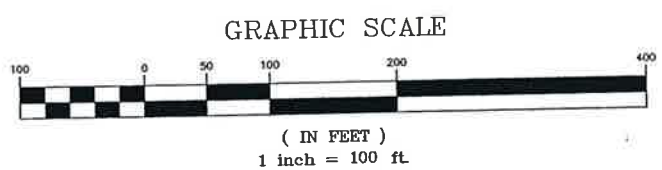
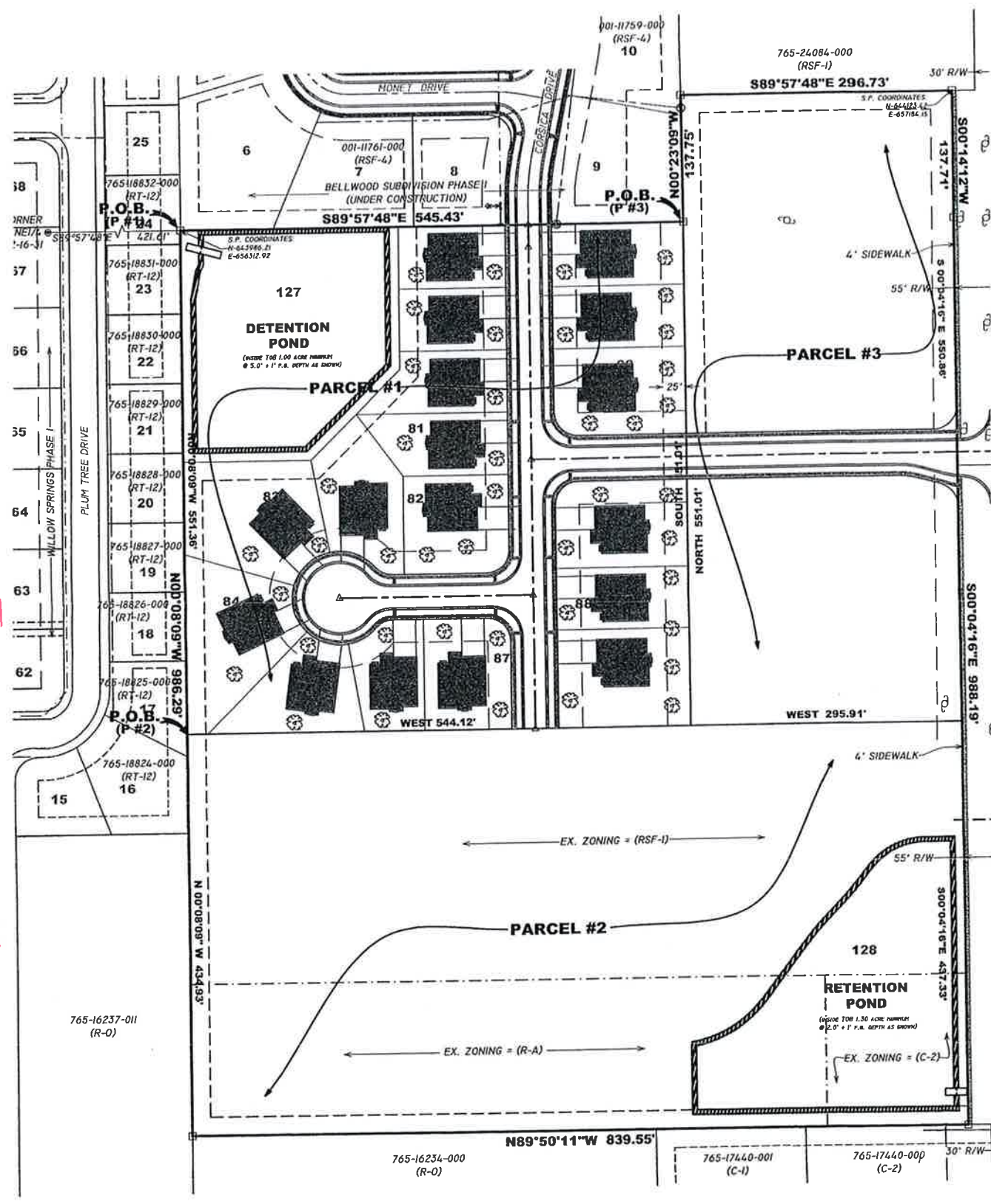
FAYETTEVILLE, AR 72705


Signature

BILL OF ASSURANCE THAT ACCOMPANIES THIS REZONING REQUEST STATES THAT EACH PLANNING AREA SHALL BE REVIEWED BY THE PLANNING STAFF & PLANNING COMMISSION & SHALL BE COMPATIBLE WITH THE WELLSRING PROJECT TO THE EAST. REFER TO BILL OF ASSURANCE FOR ADDITIONAL DETAILS.

RZN 13-4384 (1315 N. Ripple Rd. Leisure Homes) Page 23 of 28

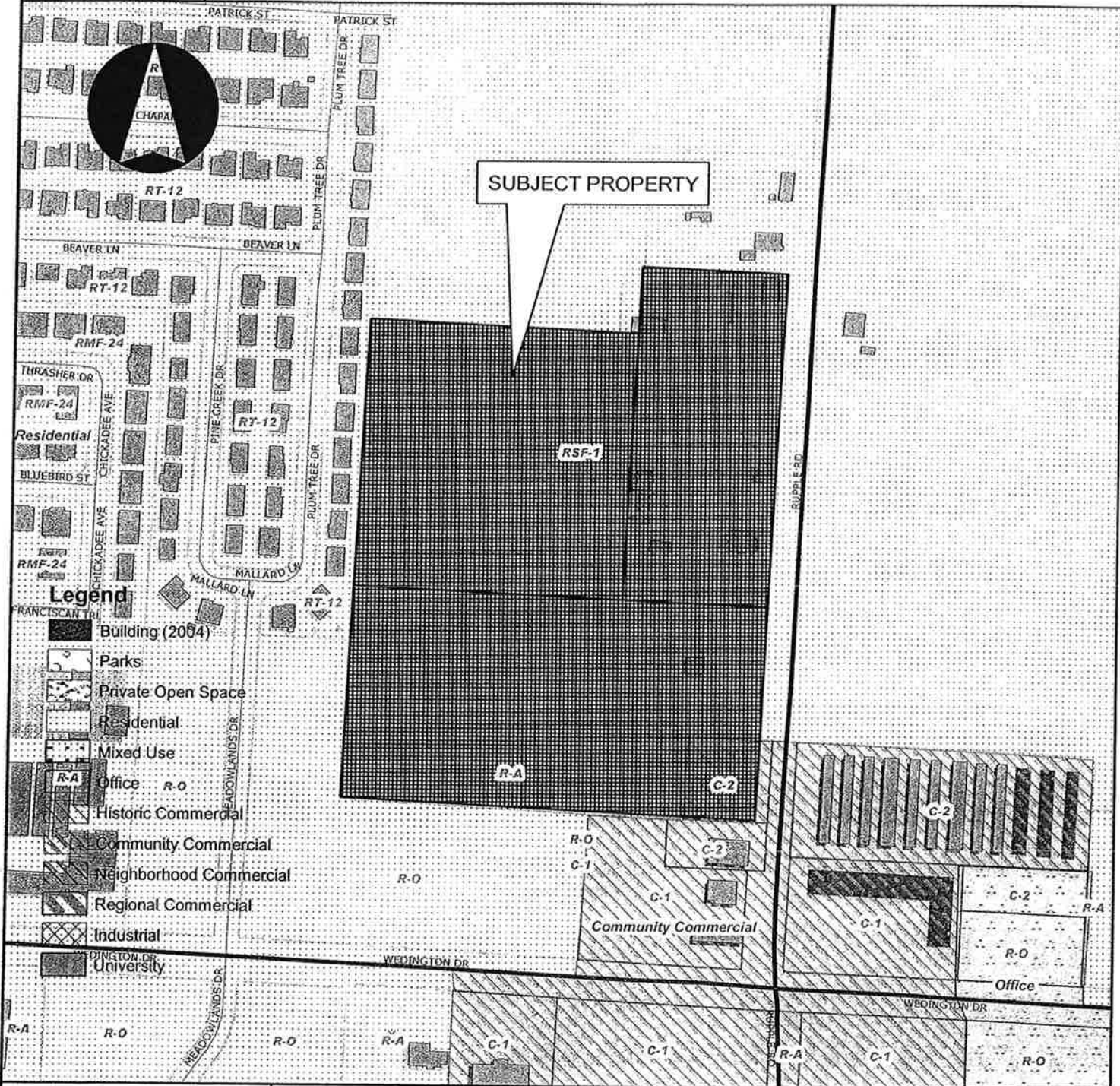
[RZN 06-2172]



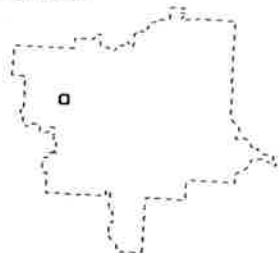
RZN06-2172

Future Land Use

DUNNERSTOCK



Overview



Legend

- Subject Property**
- RZN06-2172
- Streets**
- Existing
- Planned
- Boundary**
- Planning Area
- Overlay District
- Outside City

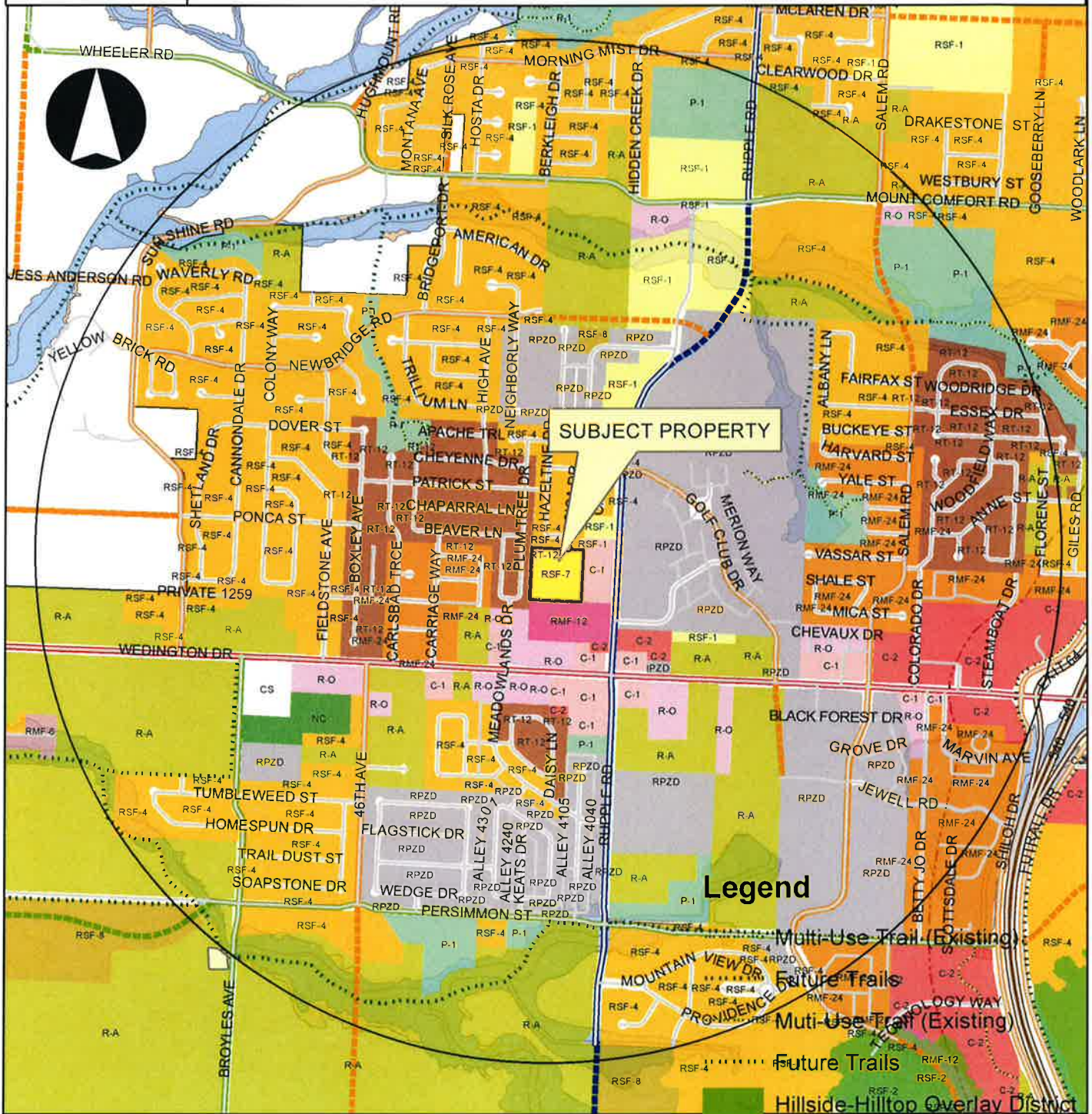
Legend



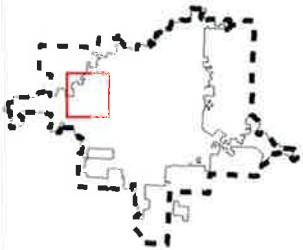
RZN13-4384

LEISURE HOMES

One Mile View



Overview



Legend

Subject Property
 RZN13-4384

Boundary

0 0.25 0.5

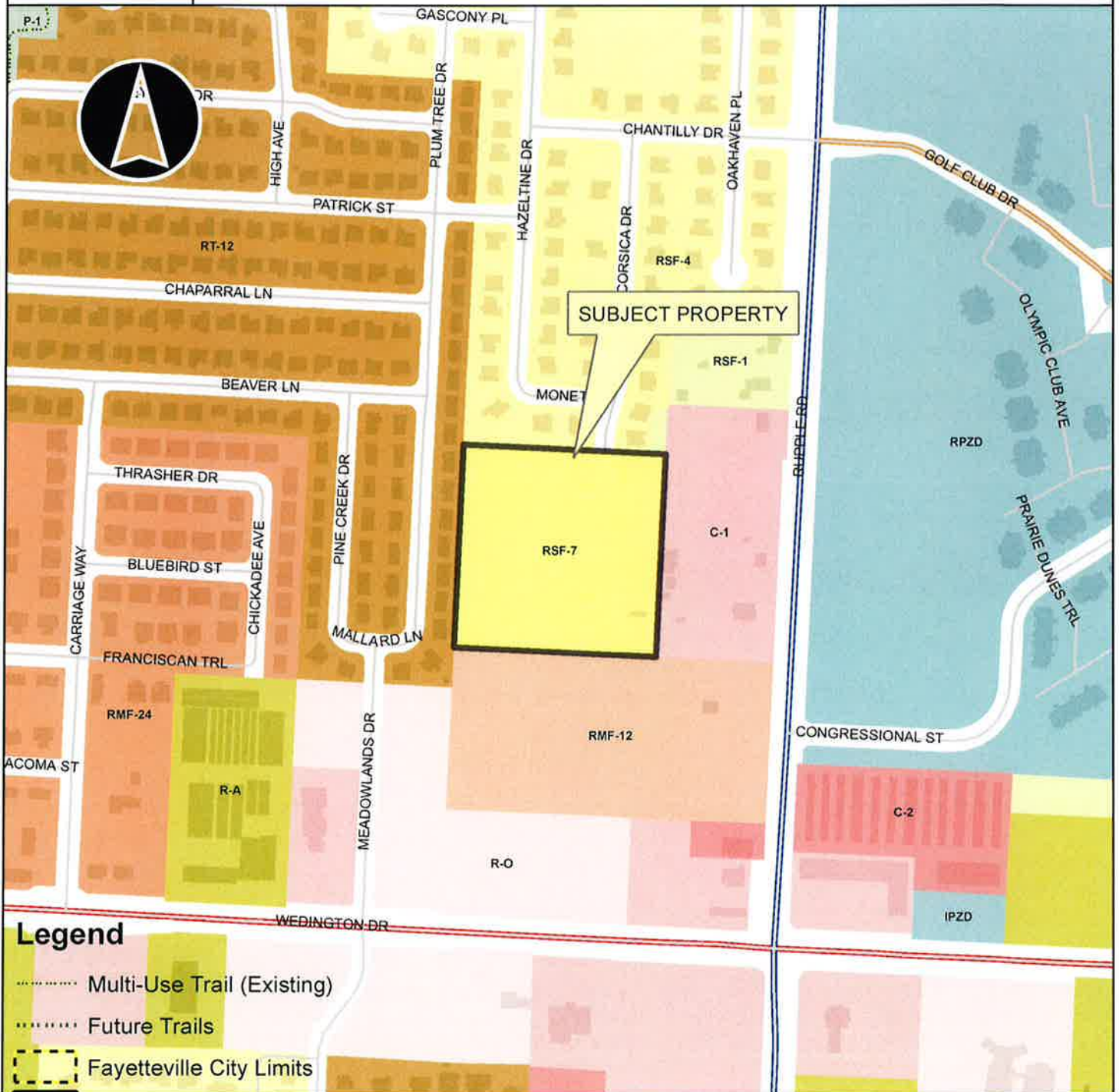
1 Miles

- RZN13-4384
- Design Overlay District
- Planning Area
- Fayetteville

RZN13-4384

LEISURE HOMES

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4384

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4384

LEISURE HOMES

Current Land Use



Overview RZN13-4384

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

0 150 300 600 900 1,200 Feet

