

City of Fayetteville Staff Review Form

City Council Agenda Items  
and  
Contracts, Leases or Agreements

8/6/2013

City Council Meeting Date  
Agenda Items Only

Andrew Garner  
Submitted By

Planning  
Division

Development Services  
Department

Action Required:

RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294): Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres. The request is to rezone the property to R-O, RESIDENTIAL OFFICE, subject to a Bill of Assurance.

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

Budget Adjustment Attached

James C. Pate  
Department Director 8-10-2013  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

Ken Kasper  
City Attorney 7-12-13  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Paul A. Babin  
Finance and Internal Services Director 7-12-2013  
Date

Received in City Clerk's Office 07-11-13 12:07 RCVD  
dm

Don Man  
Chief of Staff 7-15-13  
Date

Received in Mayor's Office  
ENTERED 7/12/13  
PA

Leonard Jordan  
Mayor 7/16/13  
Date

Comments:

Amended & left on the 2<sup>nd</sup> reading 8/20/13 c/c mtg.  
left on the 1<sup>st</sup> reading at the 8/6/13 CC mtg.





www.accessfayetteville.org

## CITY COUNCIL AGENDA MEMO

**To:** Mayor Jordan, City Council

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

**From:** Andrew Garner, Senior Planner

**Date:** July 9, 2013

**Subject:** RZN 13-4410 (2468 N. Crossover/Lynnwood Estates)

### RECOMMENDATION

The Planning Commission recommends approval of an ordinance to rezone the property to R-O, Residential Office, subject to a Bill of Assurance. Planning Division staff recommends denial of the request.

### BACKGROUND

The subject property is located at 2468 Crossover Road and contains approximately 4.66 acres with a single family residence and five undeveloped single family lots that were platted in 2006 with the Lynnwood Estates Final Plat.

The applicant has submitted an application to rezone the property from RSF-2 to R-O, Residential Office. The applicant has offered a Bill of Assurance with the rezoning with several restrictions that would apply to the property if it is rezoned to R-O. A copy of the Bill of Assurance is attached and addresses issues such as land use, building size and appearance, noise, and landscaping. Staff has also included a copy of the R-O zoning code highlighting restrictions offered by the applicant in their Bill of Assurance.

Staff has concerns that this rezoning to R-O, Residential Office would be incompatible with the surrounding, primarily single family land uses, and would potentially conflict with City Plan 2030. The rezoning would start to compromise the primarily residential nature of this vicinity of Crossover Road, when the Future Land Use Plan map concentrates the more intense, non-residential uses at the busier intersections of Mission, Joyce, Zion, and Huntsville, not mid-block at the subject property.

### DISCUSSION

On July 8, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-1-0 (Commissioner Honchell voted 'no'). There were three members of the public that spoke against the rezoning at the Planning Commission meeting, discussing issues such as land use compatibility, future commercial uses along the corridor, and traffic issues.

### BUDGET IMPACT

None.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4410, FOR APPROXIMATELY 4.66 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE, TO NS, NEIGHBORHOOD SERVICES SUBJECT TO A BILL OF ASSURANCE.

**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 property from RSF-2, Residential Single-Family, 2 units per acre to NS, Neighborhood Services, 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 change provided in Section 1.

Section 3: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in Exhibit "C" attached hereto and made a part hereof.

PASSED and APPROVED this     day of     , 2013.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

**EXHIBIT "B"**  
**RZN 13-4410**

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 31, TOWNSHIP 17  
NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON  
COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS,

TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT  
RUNNING THENCE N90°00'00"E A DISTANCE OF 555.26 FEET, THENCE N03°13'15"E  
245.07 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN  
ON THE EXISTING RIGHT OF WAY OF ARKANSAS HIGHWAY 265, AND RUNNING  
THENCE N03°13'15"E 700.59 FEET, THENCE N74°00'39"E 189.44 FEET, THENCE  
S19°46'00"E 49.79 FEET, THENCE S15°11'33"E 31.97 FEET, THENCE S15°14'58"E 92.68  
FEET, THENCE S15°30'03"E 121.08 FEET, THENCE S13°21'29"E 22.02 FEET, THENCE  
S02°37'00"E 82.44 FEET, THENCE S01°54'36"E 110.11 FEET, THENCE S01°15'39"E 110.06  
FEET, THENCE S01°20'29"E 151.20 FEET; THENCE N88°43'45"W 321.99 FEET TO THE  
POINT OF BEGINNING CONTAINING 4.66 ACRES MORE OR LESS SUBJECT TO  
RIGHT OF WAY ALONG ARKANSAS HIGHWAY 265

**VOID**

VOID

This Ordinance  
was amended.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4410, FOR APPROXIMATELY 4.66 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE, TO R-O, RESIDENTIAL OFFICE, SUBJECT TO A BILL OF ASSURANCE.

**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 property from RSF-2, Residential Single-Family, 2 units per acre to R-O, Residential Office, 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 change provided in Section 1.

Section 3: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in Exhibit "C" attached hereto and made a part hereof.

**PASSED and APPROVED** this    day of    , 2013.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN, Mayor**

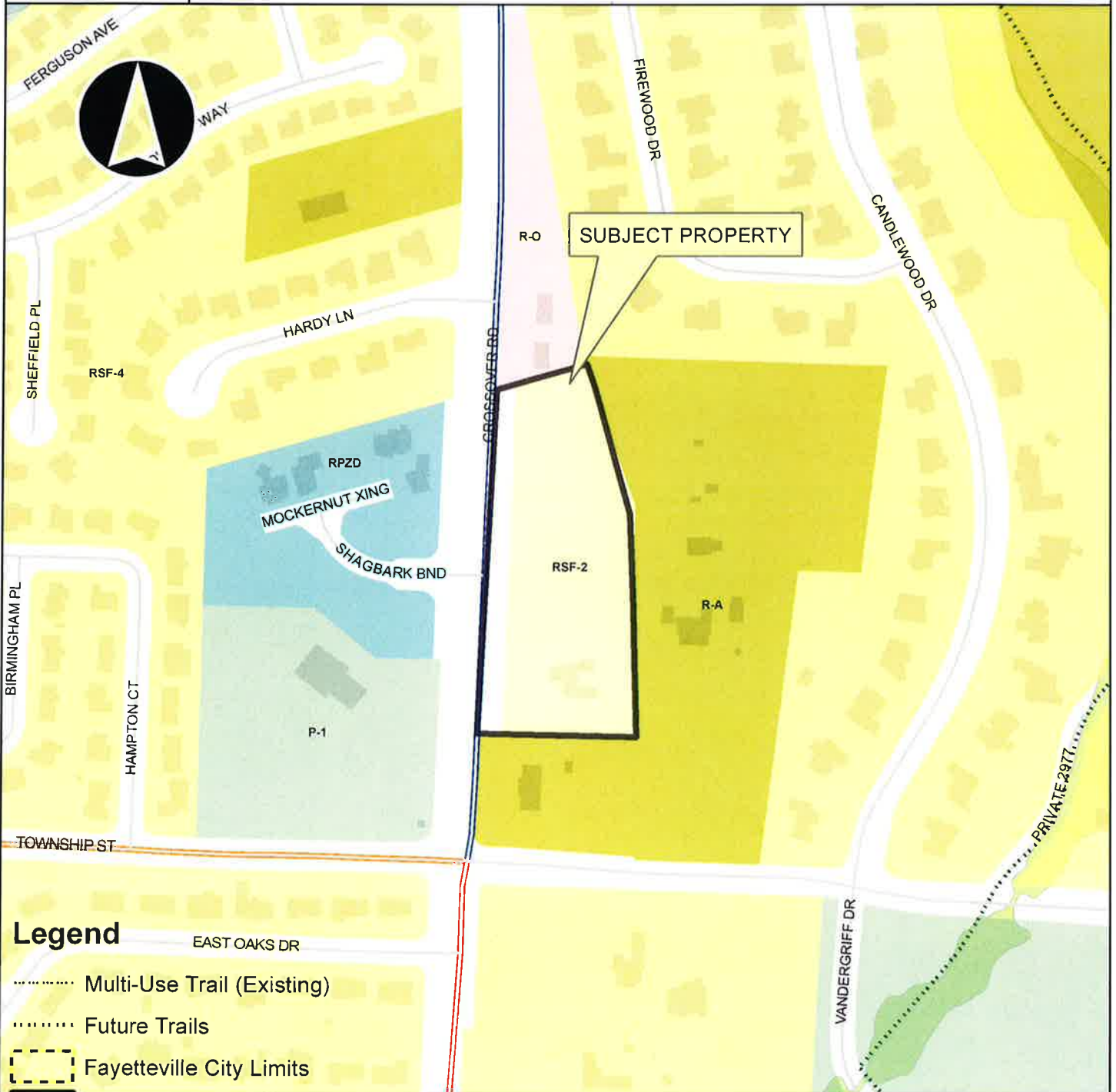
By: \_\_\_\_\_  
**SONDRA E. SMITH, City Clerk/Treasurer**

# EXHIBIT "A"

RZN13-4410

## LYNNWOOD ESTATES

Close Up View

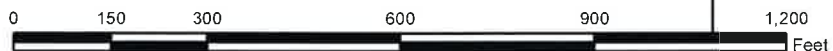


### Legend

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

### Overview

- RZN13-4410
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



**EXHIBIT "B"**  
**RZN 13-4410**

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT RUNNING THENCE N90°00'00"E A DISTANCE OF 555.26 FEET, THENCE N03°13'15"E 245.07 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN ON THE EXISTING RIGHT OF WAY OF ARKANSAS HIGHWAY 265, AND RUNNING THENCE N03°13'15"E 700.59 FEET, THENCE N74°00'39"E 189.44 FEET, THENCE S19°46'00"E 49.79 FEET, THENCE S15°11'33"E 31.97 FEET, THENCE S15°14'58"E 92.68 FEET, THENCE S15°30'03"E 121.08 FEET, THENCE S13°21'29"E 22.02 FEET, THENCE S02°37'00"E 82.44 FEET, THENCE S01°54'36"E 110.11 FEET, THENCE S01°15'39"E 110.06 FEET, THENCE S01°20'29"E 151.20 FEET; THENCE N88°43'45"W 321.99 FEET TO THE POINT OF BEGINNING CONTAINING 4.66 ACRES MORE OR LESS SUBJECT TO RIGHT OF WAY ALONG ARKANSAS HIGHWAY 265



# EXHIBIT "C"

Page 1 of 2

## BILL OF ASSURANCE

### FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. **The use of Petitioner's property shall be limited to Professional Office Space or Single Family Residences**
2. **Other restrictions including number and type of structures upon the property are limited to:**
  - a. **Height of any building constructed is not to exceed 40 feet**
  - b. **Materials used will be brick, stone or similar material**
  - c. **Structures must have no less than a 6/12 roof pitch**
  - d. **Fencing will separate the property on the east side from adjoining neighbors and must be approved by Petitioner.**
3. **Specific activities will not be allowed upon Petitioner's property include:**
  - a. **No loud or obnoxious noise**
  - b. **No outdoor animals**
  - c. **No bars or alcohol serving businesses including clubs etc.**
  - d. **No late night businesses**
  - e. **No sexual related businesses**
  - f. **No residential rentals**
  - g. **No multi-family dwellings**
4. **(Any other terms or conditions) Street side landscaping plus landscaped yards, parking and other outside lighting will be minimal height and not disturbing to neighbors.**
5. **Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.**

# EXHIBIT "C"

Page 2 of 2

6. **IN WITNESS WHEREOF** and in final agreement with all the terms and conditions stated above, we Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, as the owner (Petitioner) **voluntarily offer** all such assurances and sign our names below.

**Jerry W. Jones & Lynn B. Rogers Trustees**

Date June 24, 2013

Jerry W. Jones  
Lynn B. Rogers

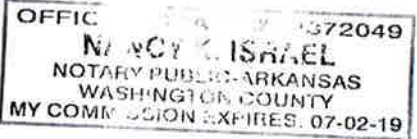
Address

2468 Crossover Road  
Fayetteville, AR 72703

**NOTARY OATH**

STATE OF ARKANSAS            } .ss  
COUNTY OF WASHINGTON    }

And now on this the 24<sup>th</sup> day of June, 2013 appeared before me, Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.



Nancy K. Israel

**NOTARY PUBLIC**

My Commission Expires:  
July 02, 2019

**Bill of Assurance Associated with RZN 13-4410 applied to the R-O zoning district shown in ~~strikeout~~-highlight**

**161.17 District R-O, Residential Office**

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
<del>Unit 5</del>	<del>Government facilities</del>
Unit 8	Single-family dwellings
<del>Unit 9</del>	<del>Two family dwellings</del>
<del>Unit 12</del>	<del>Limited business</del>
Unit 25	Offices, studios, and related services
<del>Unit 44</del>	<del>Cottage Housing Development</del>

(2) *Conditional uses.*

<del>Unit 2</del>	<del>City-wide uses by conditional use permit</del>
<del>Unit 3</del>	<del>Public protection and utility facilities</del>
<del>Unit 4</del>	<del>Cultural and recreational facilities</del>
<del>Unit 11</del>	<del>Manufactured home park*</del>
<del>Unit 13</del>	<del>Eating places</del>
<del>Unit 15</del>	<del>Neighborhood shopping goods</del>
<del>Unit 24</del>	<del>Home occupations</del>
<del>Unit 26</del>	<del>Multi family dwellings</del>
<del>Unit 36</del>	<del>Wireless communications facilities*</del>
<del>Unit 42</del>	<del>Clean technologies</del>

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*  
(Per dwelling unit for residential structures)

(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 or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured	4,200 sq. ft.

home park	
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(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.

**Maximum building height of 40 feet**

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

**Bill of Assurance Associated with RZN 13-4410 applied to Use Unit 25  
shown in ~~strikeout-highlight~~**

(Y) Unit 25. Offices, studios and related services.

(1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) *Included uses.*

Medical Clinic:	<ul style="list-style-type: none"> <li>• Dental office/clinic</li> <li>• Medical office/clinic</li> </ul>
Professional office:	<ul style="list-style-type: none"> <li>• Accountant</li> <li>• Architect</li> <li>• Attorney</li> <li>• Broker</li> <li>• Engineer</li> <li>• Realtor</li> </ul>
<del>Sale of supplies and equipment</del>	<ul style="list-style-type: none"> <li><del>• Architecture, drafting, and art supplies</del></li> <li><del>• Office furnishings and supplies</del></li> <li><del>• Medical, optical, and dental supplies</del></li> <li><del>• Scientific instruments</del></li> </ul>
Services:	<ul style="list-style-type: none"> <li>• Advertising agency</li> <li><del>• Animal daycare (10 animals or less)</del></li> <li><del>• Auto parking garage</del></li> <li><del>• Bail bonding agency</del></li> <li>• Business or management consultant</li> <li>• Computing service</li> <li>• Consultant</li> <li>• Data processing service</li> <li>• Drafting service</li> <li>• <del>Employment agency</del></li> <li><del>• Financial institution</del></li> <li><del>• Funeral home</del></li> <li>• Insurance sales</li> <li>• Interior decorator</li> <li>• <del>Photocopying or printing</del></li> <li><del>• Social and welfare agencies</del></li> <li>• Travel agency</li> <li>• <del>Veterinary small animal out-patient clinic</del></li> </ul>
Studios:	<ul style="list-style-type: none"> <li>• Artist's studio</li> <li>• Photography studio</li> <li>• Studio for teaching any of the fine or liberal arts</li> </ul>



Kit Williams  
City Attorney

Jason B. Kelley  
Assistant City Attorney

TO: Mayor Jordan  
City Council

CC: Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director  
Andrew Garner, Senior Planner - Current Planning

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: July 12, 2013

RE: Bill of Assurance offered by Petitioner seeking rezoning of 4.66 acres at  
2468 North Crossover Road

I want to thank Planning for its explanation of all the use units normally allowed for Residential Office which Petitioners are seeking to forfeit through their Bill of Assurance. However, their Bill of Assurance does not appear to allow many of the uses all in *Use Unit 25 Offices, Studios and Related Services*. Attached is a copy of all the uses allowed in Use Unit 25. I believe the Bill of Assurance would allow the uses shown for Medical Clinics, Studios and Professional Office, but not most of those listed for Sale of supplies and equipment nor for Services. Some of those activities I believe would be excluded would be Animal daycare, Bail bonding agency, Funeral home, Office furnishings and supplies, Social and welfare agencies, Photocopying or printing and Veterinary Small Animal out-patient clinic.

The applicant needs to be asked whether the Bill of Assurance is intended to exclude all but the Medical Clinic, Studios and Professional Office uses and, if not, what other uses in Use Unit 25 do they intend to be allowed to exercise. We cannot negotiate or request certain uses be excluded. However, we should understand exactly what the applicant means by his offered Bill of Assurance.



TITLE XV. UNIFIED DEVELOPMENT CODE

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines

	<ul style="list-style-type: none"> <li>• Interior decorator</li> <li>• Photocopying or printing</li> <li>• Social and welfare agencies</li> <li>• Travel agency</li> <li>• Veterinary small animal out-patient clinic</li> </ul>
Studios:	<ul style="list-style-type: none"> <li>• Artist's studio</li> <li>• Photography studio</li> <li>• Studio for teaching any of the fine or liberal arts</li> </ul>

(Z) *Unit 26. Multi-family dwellings.*

(1) *Description.* Unit 26 is provided in order that multi-family dwellings and more than three attached units may be located in appropriate residential areas.

(2) *Included areas.*

Apartments
Convalescent home
Dormitory
Fraternity/Sorority houses
Multi-family attached dwellings
Rooming/boarded house
Townhouse, more than three attached units

(Y) *Unit 25. Offices, studios and related services.*

(1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) *Included uses.*

Medical Clinic:	<ul style="list-style-type: none"> <li>• Dental office/clinic</li> <li>• Medical office/clinic</li> </ul>
Professional office:	<ul style="list-style-type: none"> <li>• Accountant</li> <li>• Architect</li> <li>• Attorney</li> <li>• Broker</li> <li>• Engineer</li> <li>• Realtor</li> </ul>
Sale of supplies and equipment	<ul style="list-style-type: none"> <li>• Architecture, drafting, and art supplies</li> <li>• Office furnishings and supplies</li> <li>• Medical, optical, and dental supplies</li> <li>• Scientific instruments</li> </ul>
Services:	<ul style="list-style-type: none"> <li>• Advertising agency</li> <li>• Animal daycare (10 animals or less)</li> <li>• Auto parking garage</li> <li>• Bail bonding agency</li> <li>• Business or management consultant</li> <li>• Computing service</li> <li>• Consultant</li> <li>• Data processing service</li> <li>• Drafting service</li> <li>• Employment agency</li> <li>• Financial institution</li> <li>• Funeral home</li> <li>• Insurance sales</li> </ul>

(AA) *Unit 27. Wholesale bulk petroleum storage facilities with underground storage tanks.*

(1) *Description.* Unit 27 is provided in order that wholesale bulk petroleum storage facilities with underground storage tanks may be located in the appropriate industrial areas.

(2) *Included uses.*

Wholesale bulk petroleum storage facilities with underground storage tanks
--

(BB) *Unit 28. Center for collecting recyclable materials.*

(1) *Description.* Unit 28 is provided in order that centers for collecting recyclable material may be located in appropriate commercial and industrial areas.

(2) *Included uses.*

Center for collecting recyclable materials
--

(CC) *Unit 29. Dance halls. \**

(1) *Description.* Unit 29 is provided in order that establishments that provide areas for dancing may be located in an appropriate environment and as not to negatively impact adjacent properties.

**RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294):** Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres. The request is to rezone the property to R-O, RESIDENTIAL OFFICE, subject to a Bill of Assurance.

**Andrew Garner**, Senior Planner, gave the staff report.

**Ben Israel**, applicant's representative, discussed the request, that the property to the north was recently zoned R-O. He described the various land uses along Crossover Road from Lake Fayetteville south to Mission Boulevard.

**Public Comment:**

**Brian Runnels**, 2396 Crossover Road, adjacent neighbor to the east of the subject property. Discussed that we should preserve the 265 corridor. We should prevent further commercial encroachment into this area between Mission and Joyce/Zion Road. He discussed that because of a lack of a left turn will limit commercial viability.

**Lynn Lorrimer**, 2320 Crossover Road, lives about one block south. Discussed changes over Crossover Road over the years. The property in question will have a median and not be able to turn left. I bought this land 23 years ago because it was a beautiful area. It is still a quiet, residential area. He is against any kind of commercial or offices in this area. It will increase traffic flow and the noise.

**Paul Henry**, live on Township just south. Crossover is a double-wide lane now. He is concerned with traffic ingress. The lot on the southern corner is left out. Casey's and Kum and Go may now look at this corner if R-O is approved. The applicant has a nice sized property. He discussed letting commercial use creep into this area, and that C-1 is usually near R-O and that would be the next logical step which would not be appropriate. Change is good, but this type of change in this area of Crossover Road would not be good.

**No more public comment was presented.**

**Commissioner Hoskins** asked about the property to the north that was rezoned last year.

**Garner** discussed the property to the north was a very different situation. He described the state taking a large portion of this property making it not viable with a single family residence. Staff agreed with the applicant that because of the close proximity the state highway close to his house, it would be more viable and appropriate to allow a small office use.

**Commissioner Hoskins** discussed the limited intensity on that property to the north because of the small triangular shape. This is a different situation than the proposed property that is quite a bit bigger and would allow more development.

**Commissioner Winston** asked about the Bill of Assurance and about a worst case scenario development.

**Garner** discussed the applicant's Bill of Assurance limiting the use, the roof height, could potentially be a three-story office building with a pitched roof.

**Commissioner Winston** asked about the median affecting the use of the property.



**Garner** discussed that with the improvements to Crossover Road including a median, left turn in or out would not be permitted. Safe access would not be an issue and the road is capable of supporting the traffic. It is a land use plan and compatibility issue from staff's perspective.

**Commissioner Winston** asked about the median being set in stone, or could it be modified.

**Garner** indicated that it was set as-is.

**Kit Williams**, City Attorney, discussed that the City asked the state whether or not they would be willing to look at a change for a new street coming in and the state said 'no'.

**Commissioner Cook** pointed out that Residential Neighborhood Areas in the Future Land Use Plan does speak about residential, but also encourages non-residential uses along corridors and connecting corridors. He asked for staff's opinion.

**Garner** responded discussed that the intent it not to segregate residential from non-residential. The big picture of City Plan 2030 it is provide complete communities, where people are not isolated from non-residential. Staff's concern was more looking along the corridor and the opinion that this stretch of Crossover Road was more appropriate for residential land uses.

**Commissioner Hoskins** asked about utilizing other form-based zoning districts such as Community Services.

**Garner** discussed potential issues with Community Services because it would allow much more intensive uses and multi-family apartments.

**Commissioner Hoskins** about other less intensive zoning districts.

**Garner** discussed the Neighborhood Services zoning district would permit non-residential uses in structures of up to 3,000 square feet, which would be a step below R-O zoning.

**Commissioner Hoskins** asked the applicant about utilizing the Neighborhood Services zoning district.

**Ben Israel**, applicant, indicated that 'no' he hadn't considered other zoning districts. He asked what assurances Commissioner Hoskins would want to get the zoning approved. He discussed that the property owners offered these to make the neighbors happy. I think it is an excellent area for a stand-alone office, such as a 3,000 square foot dental office. There is no where else out there to accommodate that in this area of the city.

**Commissioner Winston** discussed that he felt comfortable with the proposed rezoning with the Bill of Assurance and felt that it met the goals of City Plan 2030.

**Motion:**

**Commissioner Winston** made a motion to forward **RZN 13-4410** to the City Council with a recommendation for approval, **Commissioner Bunch** seconded the motion. **Upon roll call the motion passed with a vote of 6-1-1 (Commissioner Honchell voted 'no' and Commissioner Chesser abstained).**



## PC Meeting of July 8, 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: Andrew Garner, Senior Planner  
Matt Casey, Assistant City Engineer  
THRU: Jeremy Pate, Development Services Director  
DATE: July 1, 2013 Updated July 9, 2013

**RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294):** Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres, subject to a Bill of Assurance. The request is to rezone the property to R-O, RESIDENTIAL OFFICE. Planner: Andrew Garner

#### BACKGROUND:

The subject property is located at 2468 Crossover Road and contains approximately 4.66 acres with a single family residence and five undeveloped single family lots that were platted in 2006 with the Lynnwood Estates Final Plat. Surrounding land uses are shown in Table 1.

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

Direction from Site	Land Use	Zoning
North	Single family/ two-family residential	R-O, Residential Office
South	Single family residential	R-A, Residential Agricultural
East	Rural residential	RSF-4, Residential Single Family Four Units Per Acre; R-A, Residential Agricultural
West	Single-family residential; church	R-PZD, Hickory Park; P-1, Institutional

*Proposal:* The applicant has submitted an application to rezone the property from RSF-2 to R-O, Residential Office. The applicant has offered a Bill of Assurance with the rezoning with several restrictions that would apply to the property if it is rezoned to R-O. A copy of the Bill of Assurance is attached to the staff report addressing issues such as land use, building size and appearance, noise, and landscaping.

*Public Comment:* Staff has not received public comment.

<b>PLANNING COMMISSION ACTION:</b>		<b>Required</b>	<b><u>YES</u></b>
<b>Date:</b> <u>July 8, 2013</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> <u>Winston</u>	<b>Second:</b> <u>Bunch</u>	<b>Vote:</b> <u>6-1-0 (Honchell voted 'no')</u>	
<b>CITY COUNCIL ACTION:</b>		<b>Required</b>	<b><u>YES</u></b>
<b>Date:</b>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

**RECOMMENDATION:**

Staff has concerns that this rezoning to R-O, Residential Office would be incompatible with the surrounding, primarily single family land uses, and would potentially conflict with City Plan 2030. The rezoning would start to compromise the primarily residential nature of Crossover Road, when the Future Land Use Plan map concentrates the more intense, non-residential uses at the busier intersections of Mission, Joyce, Zion, and Huntsville, not at the subject property. Staff recommends denial of **RZN 13-4410** based on findings stated herein.

**INFRASTRUCTURE:**

**Streets:** The site has access to Crossover Rd. Crossover Rd. is a 3-lane state highway in this location. The AHTD is improving this highway to a 4-lane boulevard section.

**Water:** Public water is available to the property. There is a 12” public main located along the east side of Crossover Rd. adjacent to this property. Public water main improvements may need to be extended through the property to provide domestic and fire flow for any proposed development.

**Sewer:** Sanitary sewer is available to the site. There is an 8” public main located along the east side of Crossover Rd. adjacent to this property. Public mains may need to be extended through the property to serve any proposed development. The capacity of the existing mains may need to be evaluated with any proposed development.

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

**Police:** The Fayetteville Police Department has not objected to this request.

**Fire:** This property would be protected by Fire Engine 5 which is one mile from the station with an anticipated response time of two minutes. The Fire Department has not objected to this request

**CITY PLAN 2025 FUTURE LAND USE PLAN:** *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area**, which is almost exclusively residential in*

*nature, but incorporates low-intensity non-residential uses primarily at corner location and along connecting corridors.*

## **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 rezoning is not consistent with current land use planning objectives and policies. The property is designated Residential Neighborhood Area on the Future Land Use Plan and is currently zoned RSF-2. The current zoning designation is compatible with the Future Land Use plan. The Future Land Use Plan designates the majority of the Crossover Road corridor as residential, with the more intense and non-residential uses at the busy intersections of Huntsville Road, Mission Boulevard, and Joyce Boulevard and Zion Road. The proposed R-O zoning would introduce a primarily non-residential zoning in the midst of a residential area on this corridor. The types of uses permitted under R-O may not be compatible with the surrounding residential uses and residential character of this stretch of Crossover Road.

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

**Finding:** The property is zoned RSF-2 and platted for low density single family residential dwellings. The existing zoning is an acceptable zoning that is consistent with the large-lot residential development pattern along much of Crossover Road. There is not adequate justification to rezone this property to R-O at this time.

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

**Finding:** It is expected that a rezoning from RSF-2 to R-O could create an increase in traffic compared with that allowed under the existing zoning. The property is adjacent to a Principal Arterial street, State Highway 265/Crossover Road. This road carries high volume and high speed traffic. Development of the property for an office or other nonresidential use permitted under R-O will result in an increase in traffic to this site. Access to and from this site shall be reviewed at the time of development in compliance with the City's Access Management Ordinance to ensure that it will not create or compound a dangerous traffic condition. Access would likely be restricted to one or two access points in compliance with City ordinance. The improvements to Crossover Road would place a median directly in front of this property which would limit this property to right-in, right-out only turning movements. This would reduce potentially

**dangerous left turning movements into or out of the property. The increase in turning movements to an office development will increase congestion.**

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 not substantially alter the population density in the area. The property is developed for two single family residences. Rezoning the property R-O, with the applicant's Bill of Assurance will allow the development of a single family or office use only. Under the proposed zoning the property could be further subdivided into 60-wide lots resulting in a slight increase in density. Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. Staff does not anticipate any adverse impacts to provision of public services that would result from this rezoning.**

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;

**Finding: It is practical to use the land for the permitted under the existing zoning.**

- 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: There are not extenuating circumstances that justify the rezoning.**

**161.06 District RSF-2, Residential Single-Family – Two Units Per Acre**

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and 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.*

(C) *Permitted uses.*

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

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	2
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(F) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

*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).

(I) *Building area.* None.

(Code 1991, §160.045; 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. 5462, 12-6-11)

**161.17 District R-O, Residential Office**

- (A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.
- (B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services

(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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

- (C) *Density.*

Units per acre	24 or less
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- (D) *Bulk and area regulations.*  
(Per dwelling unit for residential structures)

(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 or more	90 ft.

(2) *Lot area minimum.*

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

Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
-------------------------	--------

*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.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)





THE CITY OF FAYETTEVILLE, ARKANSAS



POLICE DEPARTMENT  
100-A West Rock Street  
Fayetteville, AR 72701

P (479) 587-3555 F (479) 587-3522

www.accessfayetteville.org

**M E M O R A N D U M**

To: Jeremy Pate

From: Captain Kenny Yates

Date: 6/17/13

Subject: RZN 13-4410

This document is in response to the request for comments on proposed RZN 13-4410 (2468 N. Crossover Road / Lynnwood Estates): submitted by Ben Israel, for property located at 2468 N. Crossover Road.

It is the opinion of the Fayetteville Police Department that this RZN (13-4410), will not substantially alter the population density. This RZN will not create an appreciable or undesirable increase in the load on police services and will not create an appreciable increase in traffic danger and congestion.

## Required Information for Application to the City of Fayetteville Re-Zoning Requirements

The property is currently owned by Jerry W. Jones and Lynn B. Rogers. There are currently 6 Lots zoned RSF-2 in Lynnwood Estates.

With the widening of Highway 265 (Crossover Rd.) the owners decided to re-zone their property to R-O since it is the highest and best use of the property. It will also be the most acceptable and should be welcomed by adjacent property owners and the overall neighborhood. R-O tends to be less noisy with little if any activity before 8:00 AM and after 6:00 PM and mostly closed on the weekend.

The property adjacent to and north of these lots was re-zoned to R-O over the past three years. Directly across the street is a large parcel owned by St. John's Lutheran Church.

There are no pending sales but owner desires to sell the property for residential or office construction. Limitations will be placed on the property as to the architectural approval by the current owners of any and all plans including lighting, materials, height of structure, usage and landscaping. In addition, there will be certain uses that will be banned by covenants of the six (6) lots.

There is not an abundance of R-O zoning within a reasonable distance of the subject property. It is a beautiful setting for physicians, psychologist, other medical professionals, etc.

Residential-Office Zoning should create the lowest concentration of increased traffic. Since the widening of Crossover Rd. is being completed there should be less congestion of traffic instead of increasing traffic congestion or flow.

Schools and other services should not be affected by the approval of this tract to R-O

All utilities are at the site with very minor increases caused by these six (6) lots if zoned R-O.

Services for water seems to be supplied by a 24" to 42" main line

Services for Sewer seems to be supplied by a 16" to 32" line

Since R-O allows for office use there is an expectation by the current owners of increased equity realization out of the sale of the property.



FL10JU23-00000243

CORNER  
 1/4, SW 1/4  
 -T17N--R29W

PARCEL: 765-16744-000  
 CRAIG K. & KAREN P. VAUGHN  
 2795 E. HARDY LANE  
 FAYETTEVILLE, AR 72703  
 ZONING: RFS-4

PARCEL: 765-24590-000  
 L & L BUILDERS, INC.  
 1200 ALLEN DR  
 FAYETTEVILLE, AR 72703  
 ZONING: R-P20

PARCEL: 765-24590-000  
 COLBYAN CHRISTOPHER G & DEBORAH  
 1005 S. LIBERTY  
 FAYETTEVILLE, AR 72703  
 ZONING: R-P20

PARCEL: 765-24590-000  
 FLEIP, US LIS PROPERTIES, LLC  
 2442 TROBERGLEN LANE  
 FAYETTEVILLE, AR 72703  
 ZONING: R-P20

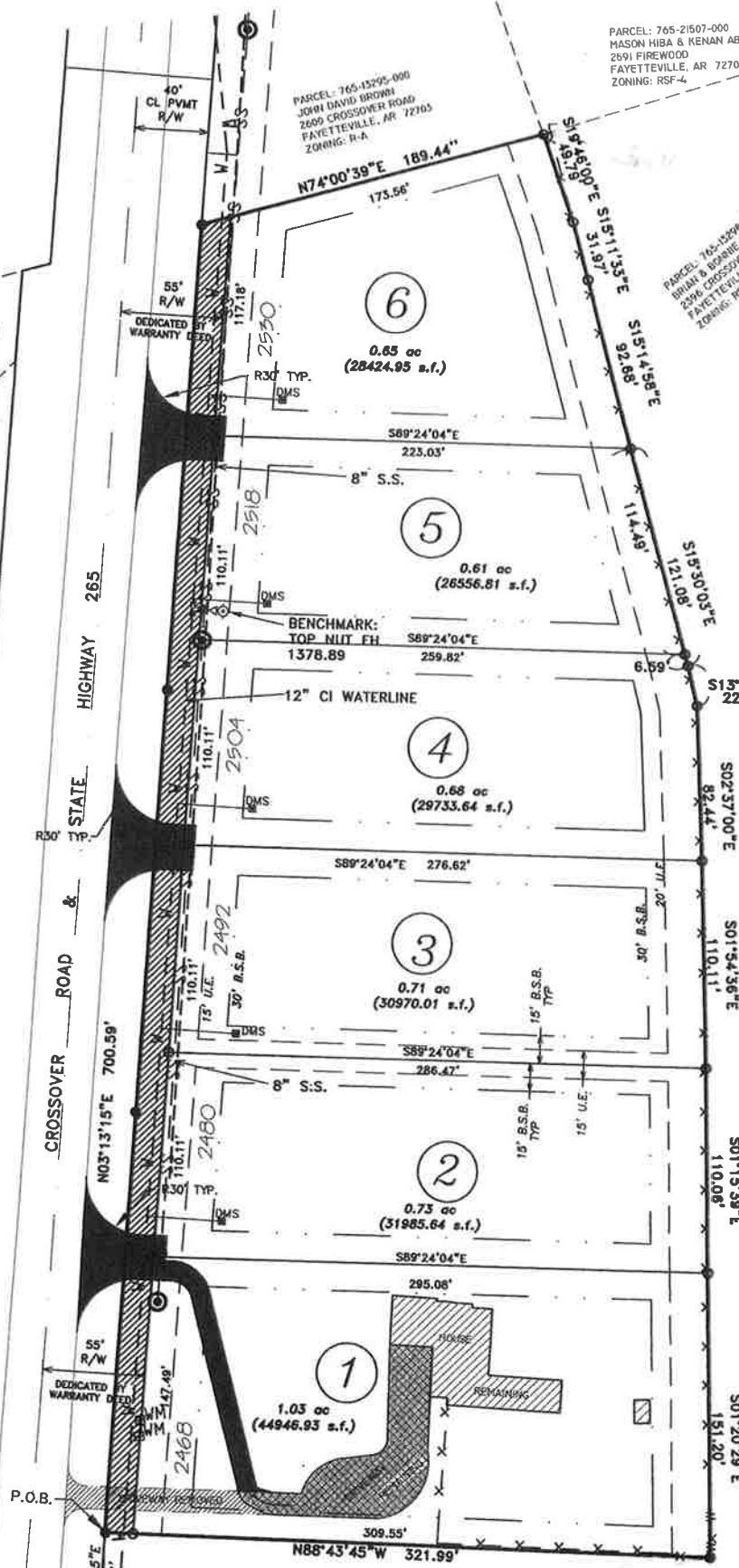
PARCEL: 765-24590-000  
 L & L BUILDERS, INC.  
 1200 ALLEN DR  
 FAYETTEVILLE, AR 72703  
 ZONING: R-P20

PARCEL: 765-13304-002  
 ST. JOHNS LUTHERAN CHURCH  
 2710 E. TOWNSHIP RD.  
 FAYETTEVILLE, AR 72703  
 ZONING: R-P1

PARCEL: 765-43295-000  
 JOHN DAVID BROWN  
 2609 CROSSOVER ROAD  
 FAYETTEVILLE, AR 72703  
 ZONING: R-A

PARCEL: 765-21507-000  
 MASON HIBA & KENAN ABOZNAK  
 2591 FIREWOOD  
 FAYETTEVILLE, AR 72704  
 ZONING: RSF-4

PARCEL: 765-13309-000  
 RHIAN & BONNIE HOPKINS  
 2596 CROSSOVER ROAD  
 FAYETTEVILLE, AR 72703  
 ZONING: RFS-4



**CERTIFICATE OF APPROVAL**  
 I HEREBY CERTIFY THAT  
 INSTALLED IN THE SUBC  
 BOARD OF HEALTH AND  
8/24/06  
 DATE

**CERTIFICATE OF APPROVAL**  
 I HEREBY CERTIFY THAT  
 FULLY MEET REQUIREME  
8/24/06  
 DATE

**CERTIFICATE OF APPROVAL**  
 I HEREBY CERTIFY THAT  
 OWNER(S) DEDICATION O  
 WARRANTY DEED FOR PA  
 BOOK #:  
8-7-06  
 DATE

**CERTIFICATE OF APPROVAL**  
 I HEREBY CERTIFY THAT  
 ACCORDANCE WITH THE  
08.24.06  
 DATE

**CERTIFICATE OF APPROVAL**  
 THIS PLAT WAS APPROVE  
May 11 20  
8/27/06  
 DATE

**CERTIFICATE OF SURVEY**  
 I HEREBY CERTIFY THAT  
 SURVEY AND THAT THE I  
 THE SUBDIVISION REGULA  
7-31-06  
 DATE REG.

**CERTIFICATE OF OWNERS:**  
 WE, THE UNDERSIGNED ON  
 THE REAL ESTATE SHOWN  
 OWNERSHIP, ALL STREETS  
 PRESCRIBED BY LAW, TH  
 PUBLIC UTILITY COMPANIE  
 GRANTED BY THE CITY OF  
 PURPOSE OF INSTALLATIO  
 ESTABLISHED HEREBY IS  
 TO PROHIBIT THE ERRECTO  
 AND THE RIGHT TO REMO  
8-1-06  
 DATE  
8-1-06  
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**CERTIFICATE OF APPROVAL**  
 WE HEREBY CERTIFY THAT  
 PLATTED IN THIS SUBDIVI  
 UNDERSIGNED UTILITIES OI  
8-02-06  
 DATE  
8/2/06  
 DATE  
8-2-06  
 DATE  
8/24/06  
 DATE

**CERTIFICATE OF APPROVAL**  
 CONSTRUCTION OF ALL SI  
 COORDINATOR TO COMPLY  
 RESPONSIBLE FOR THE CO  
 FINAL PLAT,  
8/24/06  
 DATE

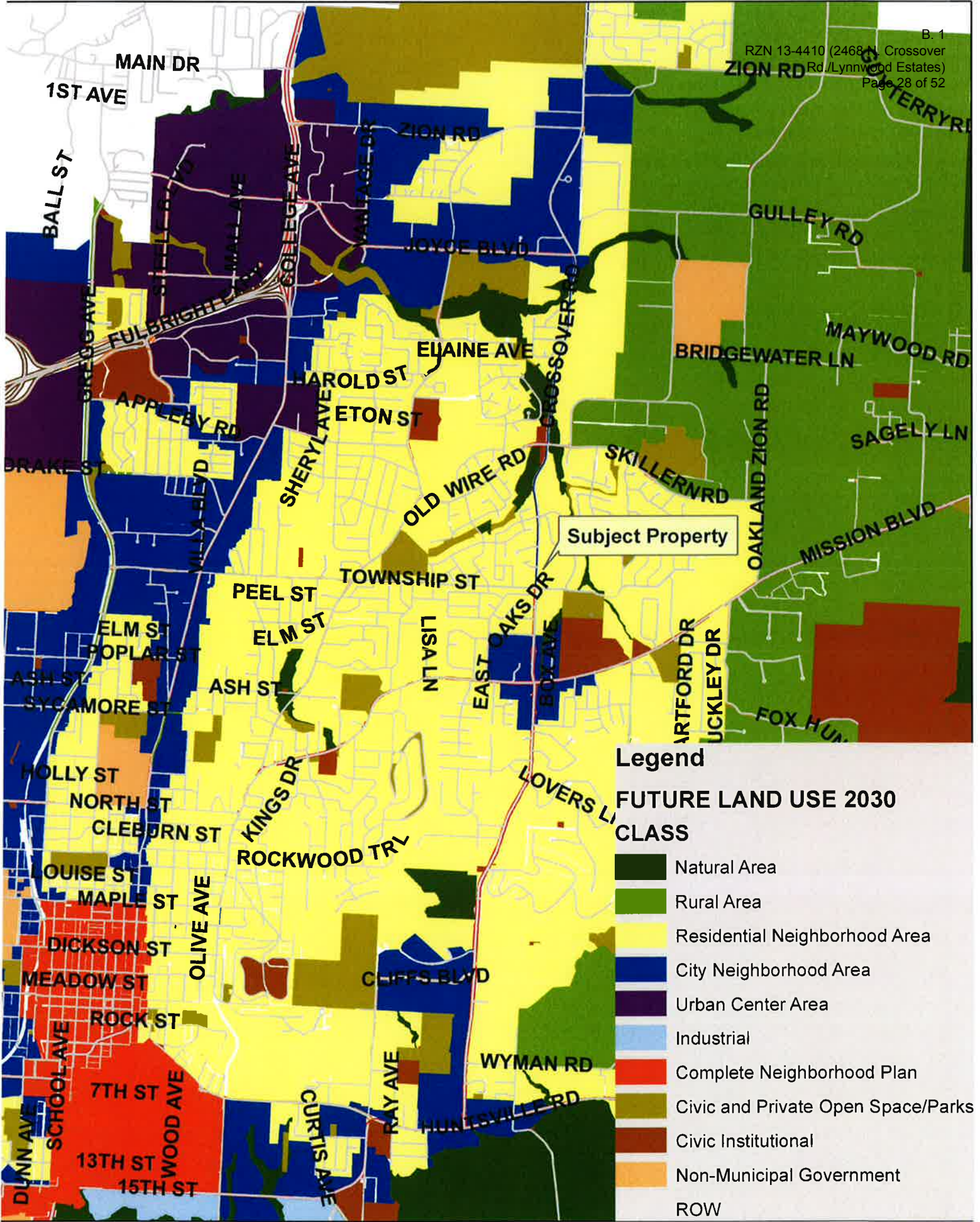
**CERTIFICATE OF APPROVAL**  
 I HEREBY CERTIFY THAT T  
 PROTECTION AND PRESERV  
8/24/06  
 DATE

GRAPHIC SCALE



( IN FEET )  
 1 inch = 60 ft





Subject Property

**Legend**

**FUTURE LAND USE 2030 CLASS**

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW





RZN13-4410

# LYNNWOOD ESTATES

Current Land Use



**Legend**

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

**Overview**

RZN13-4410

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

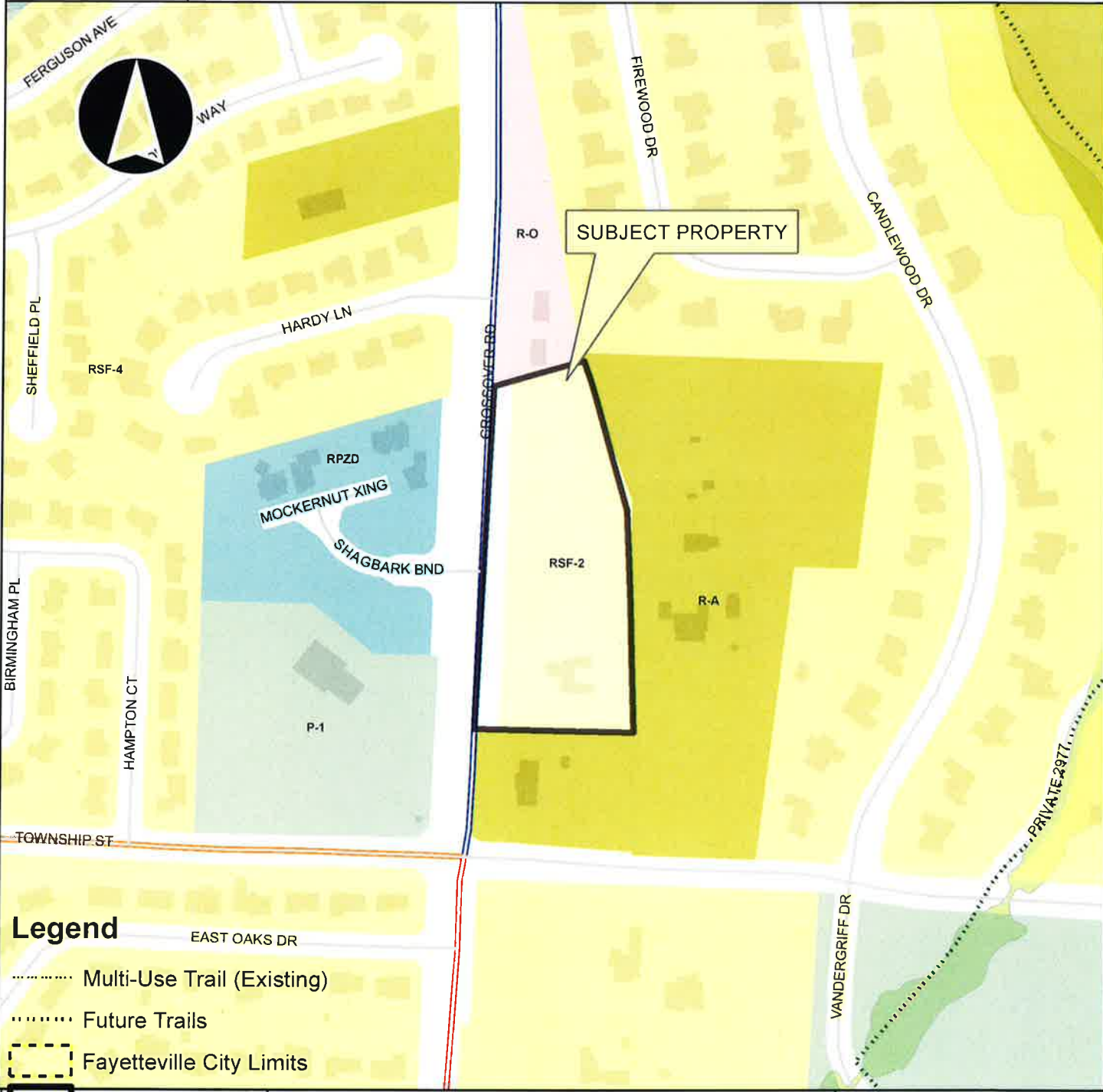




RZN13-4410

# LYNNWOOD ESTATES

Close Up View

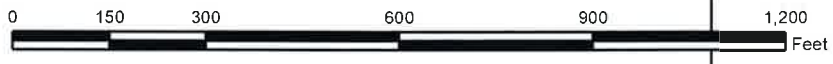


### Legend

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

Overview RZN13-4410

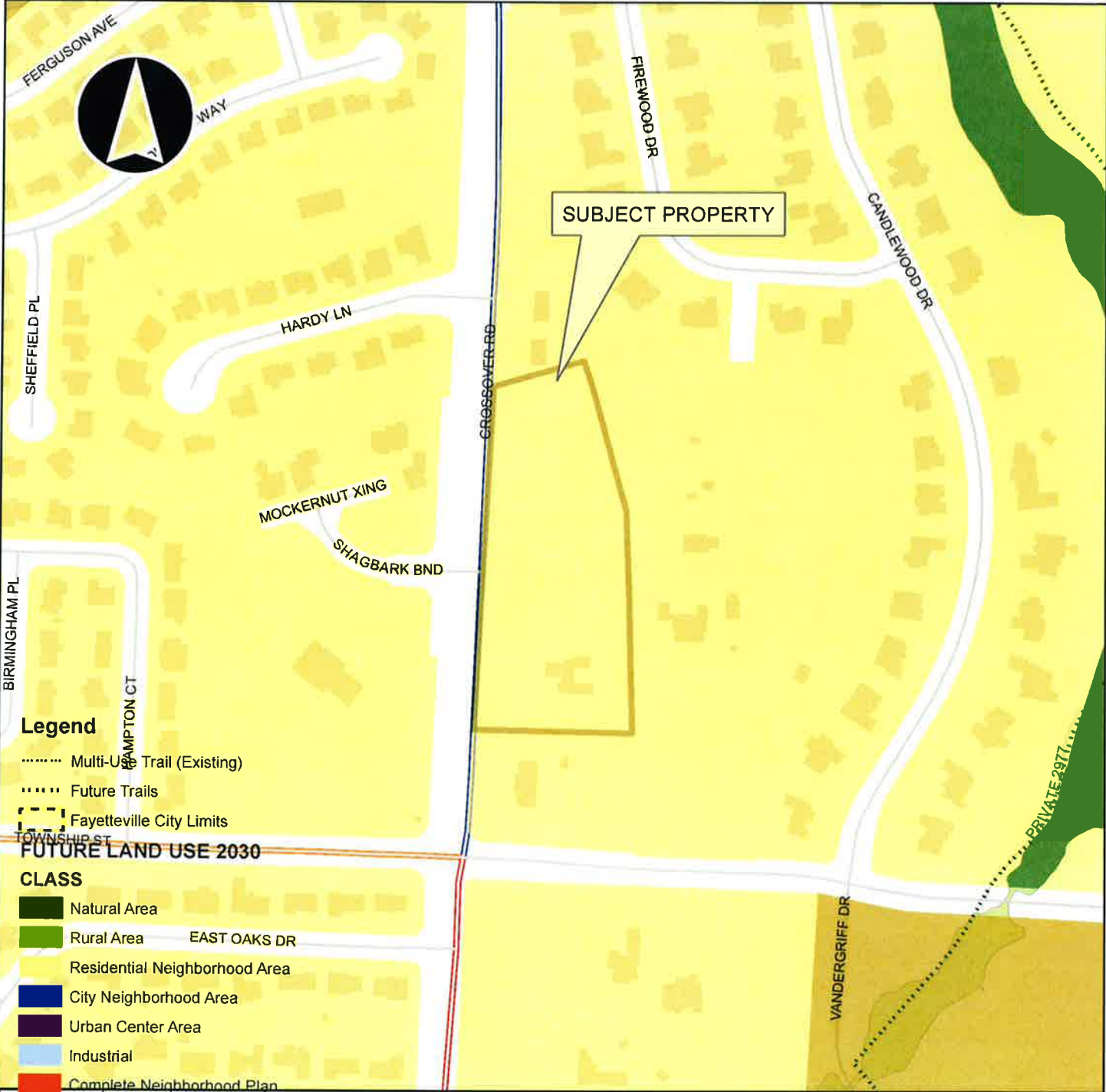
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4410

# LYNNWOOD ESTATES

Future Land Use



**Legend**

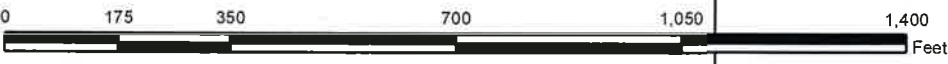
- ..... Multi-Use Trail (Existing)
- ..... Future Trails
- Fayetteville City Limits
- TOWNSHIP ST

**FUTURE LAND USE 2030**

**CLASS**

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- RZN13-4410
- Design Overlay District
- Design Overlay District
- Planning Area

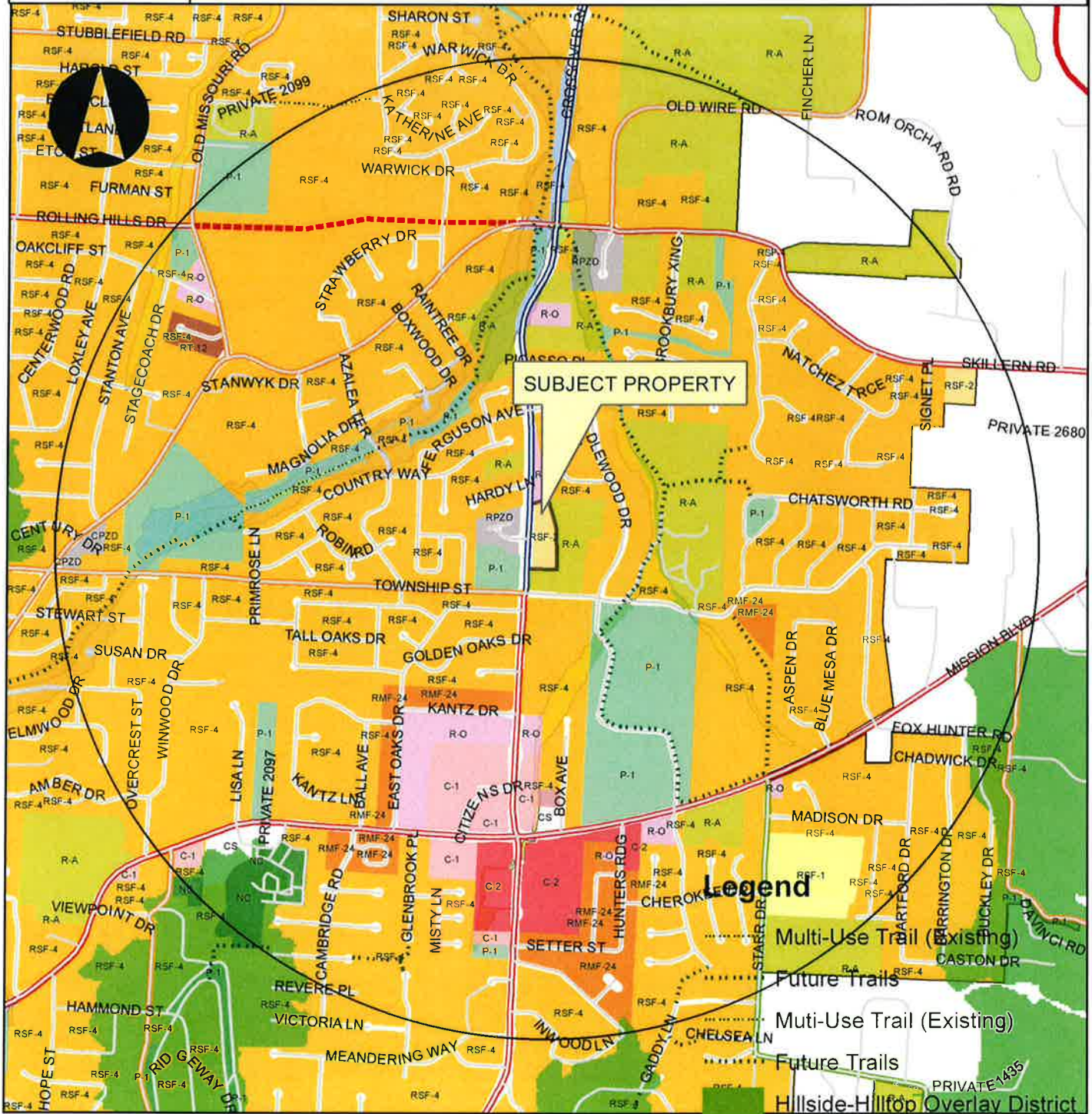




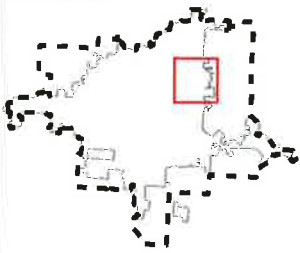
RZN13-4410

# LYNNWOOD ESTATES

One Mile View



Overview



Legend

Subject Property  
 RZN13-4410

Boundary

0 0.25 0.5

1 Miles

- RZN13-4410
- Design Overlay District
- Planning Area
- Fayetteville



RECEIVED

AUG 02 2013

CITY OF FAYETTEVILLE CITY CLERK'S OFFICE

# Petition

We the undersigned, willingly sign this petition objecting to the rezoning of the property at 2468 N. Crossover Rd. The property is currently zoned RSF-2 (Residential Single Family, 2 units / acre). Rezoning to RO (Residential Office) would place commercial businesses on this property in the middle of a high end residential neighborhood which would create a very bad mix. The reclassification of this land would decrease the property values of all the surrounding residential land owners. Putting a business on this property would increase the traffic to an intersection (Township/Crossover) that is already too busy. There is only one exit from two schools (Vandergriff and McNair) and it is through this intersection. The speed limit on this state highway 265 is 45 mph and by adding perhaps several hundred more cars per day turning in and out of driveways on this busy highway would certainly create a major safety hazard. To avoid the above problems and more we ask that the Fayetteville City Council reject this request to rezone this property.

Print Name	Signature	Address	Date
DIANE Modisette	Diane Modisette	1925 E. Joyce Blvd.	7/12/13
JUNE Hays	June Hays	2595 Firwood Dr.	7-12-13
Beverly Harrison	Beverly Harrison	2424 Boston Mtn View	7/12/13
Phyllis Edkins	Phyllis Edkins	1925 E. Joyce Blvd	7/12/13
Kent Fields	Kent Fields	2855 E. North Oaks Lane	7/12/13
Danette Fields	Danette Fields	2855 E. North Oaks Lane	7/12/13
John A. Dominick	John A. Dominick	2340 N. Crossover	7/12/13
Linda Dominick	Linda Dominick	2340 N. Crossover Rd.	7/12/13
Betty F. Marinoni	Betty F. Marinoni	1370 E. Harold St	7/30/13
John Marinoni	John Marinoni	1370 E Harold St.	7/30/13
Marka Blake	Marka Blake	1125 E. 4th St	
Marka Blake	Marka Blake	1125 E. 4th St	8-1-2013





# Petition

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Print Name	Signature	Address	Date
EL. LORIMER	<i>E. Lorimer</i>	2320 N. CROSSOVER, FAY, AR	7/11/13
RAMONA LORIMER	<i>Ramona Lorimer</i>	2320 N Crossover Rd Fay, AR	7-11-13
Catherine Kilgore	<i>Catherine Kilgore</i>	1690 N. Ramsey Ave., Fay, AR	7-11-13
Debbie Beckwith	<i>Debbie Beckwith</i>	1541 N. Star Ln Fay, AR	7/11/13
Brian Wood	<i>Brian Wood</i>	2232 N. Aspen Dr. Fay, AR	7/13/13
JAMES SALMON	<i>James Salmon</i>	2250 N. CROSSOVER, Fay, AR	7/13/13
JULIE WOOD	<i>Julie Wood</i>	2232 N. Aspen Dr. Fay, AR	7/13/13
LARRY FRENCH	<i>Larry French</i>	2913-17 E. Shaddock Pt.	7-13-13
Ann French	<i>Ann French</i>	2791 Shagbark Bend	7-13-13
Nes Coates	<i>Nes Coates</i>	2290 N. Crossover Rd	8-1
Matthew Kamine	<i>Matthew Kamine</i>	2270 N CROSSOVER	8-1
Lester Kamine	<i>Lester Kamine</i>	2712 Mockernut Xing 72703	8-1
M. Kamine	<i>M. Kamine</i>	2715 E Mockernut	8-1-13

# Petition

We the undersigned, willingly sign this petition objecting to the rezoning of the property at 2468 N. Crossover Rd. The property is currently zoned RSF-2 (Residential Single Family, 2 units / acre). Rezoning to RO (Residential Office) would place commercial businesses on this property in the middle of a high end residential neighborhood which would create a very bad mix. The reclassification of this land would decrease the property values of all the surrounding residential land owners. Putting a business on this property would increase the traffic to an intersection (Township/Crossover) that is already too busy. There is only one exit from two schools (Vandergriff and McNair) and it is through this intersection. The speed limit on this state highway 265 is 45 mph and by adding perhaps several hundred more cars per day turning in and out of driveways on this busy highway would certainly create a major safety hazard. To avoid the above problems and more we ask that the Fayetteville City Council reject this request to rezone this property.

Print Name	Signature	Address	Date
V.B. Runnels m.d.		2396 Crossover Rd	7-21-2013
Paul Henry		2885 E township	7/22/13
Mary Jo Henry	Mary Jo Henry	2885 E. Township	7/22/13
BONNIE RUNNELS Bonnie Runnels	Bonnie Runnels	2396 N. Crossover Rd	7/21/13
Nancy E BOBBAS	Nancy E Bobbas	825 Park Ave	7/25/13
Nancy L. Bobbas		1227 E 13th	7/25/13
MARSHA CRITTENDEN	Marsha Crittenden	1408 ELMWOOD	7-21-13
MARTHA SUTHERLAND	Martha Sutherland	1928 W. Haskell Hts	7/23/13
Gabriele Schafer	G. Schafer	828 Skypine Dr	7/27/2013
JOAN TRAFFAS		117 N. Skyline Dr	7/27/2013
Ceri Wilkin		318 ULA ST	7/27/2013
Kay DuVal	Kay DuVal	1131 N. Eastwood Dr.	7/27/2013
JUDY BRITTENUM	Judy Brittenum	2208 N. Sunway Terrace	7/27/2013
Joseph Candido		15 West Davidson St.	7/27/2013
Anne Marie Candido	Anne Marie Candido	15 West Davidson St.	7/27/2013
Paul LeBlanc	Paul LeBlanc	2842 N S Stanton Ave	7/27/2013
MAXINE LEBLANC	Maxine LeBlanc	2842 N. Stanton Ave.	7/27/2013
Sara Ward	Sara Ward	617 N. Fallin Ave	7/30/2013
Mike Yates		2431 N. Candlewood	7/31/2013
Sandy Yates	Sandy Yates	2431 N. Candlewood	7/31/2013
Murphy R. Taylor	Murphy R. Taylor	21400 Crossover	7/31/2013
Betty N. Taylor	BETTY N. TAYLOR	1400 CROSSOVER Rd.	7/31/2013
TED RUNNELS		2396 CROSSOVER Rd	7/31/2013
CASS RUNNELS	Cass Runnels	2396 CROSSOVER Rd	7/31/2013

# Petition

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Print Name	Signature	Address	Date
KATHY DAVIS	Kathy Davis	2339 N Twelve Oaks	8/1/13



# Petition

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Print Name	Signature	Address	Date
Jeremiah Niteled	<i>[Signature]</i>	3747 E. Lexus Dr Fayetteville AR	7/24/13
Tana White	<i>Tana White</i>	1341 N. Eastwood Dr. Fayetteville	72703 07/24/13
John Henley	<i>John Henley</i>	6425 West Pagosa Pl	72704
Will Lassiter	<i>Will Lassiter</i>	3796 West Lilac Dr, Fayetteville, AR	72704
PAUL PROVAZNIK	<i>[Signature]</i>	1100 N. College. Fayetteville AR	72703
David Williams	<i>[Signature]</i>	890 S. Washington Ave	72701
LONA FOX	<i>Lona Fox</i>	3031 N. APATITE DR	72704
Chris Dillon	<i>Chris Dillon</i>	1923 W. Ora Fayetteville, AR	72701
John D. Ginger	<i>John D. Ginger</i>	4447 E Bridgewater Ln. Fayetteville	
Doliza Blyes-Bibbs	<i>Doliza Blyes-Bibbs</i>	2415 N. Candlewood Drive Fayetteville	72705
Jenny Brandt	<i>Jenny Brandt</i>	2581 N. Firwood DR	72703 7/24/13
William Sarratt	<i>William Sarratt</i>	2537 S. Firwood DR	72703 7/24/13



# Petition

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Print Name	Signature	Address	Date
WALLY MATTHEWS	<i>Wally Matthews</i>	1000 S. COLLEGE	7/28
Kyra Ramsey	<i>Kyra Ramsey</i>	2458 W. WASHINGTON AVE	7/28
Susan Lane	<i>Susan Lane</i>	1602 E. DEVONSHIRE A	7/29
Linda Fritz	<i>Linda Fritz</i>	1625 E. DEVONSHIRE P. FAY	7/30
JOHN BORBAS	<i>John Borbas</i>	825 PARK AVE FAY AR	7/31
Barb Singleton	<i>Barb Singleton</i>	1793 E. MANCHESTER	7/31
E. Mitchell Singleton	<i>E. Mitchell Singleton</i>	1793 E MANCHESTER DR 72703	7/31





# Petition

AUG 05 2013

CITY OF FAYETTEVILLE  
 CITY CLERK'S OFFICE

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Print Name	Signature	Address	Date
STEVEN GARRISH	<i>[Signature]</i>	2265 N. COLUMBIA PARK	8/4/13
Leif Nilsson	<i>[Signature]</i>	5408 E. Appalachian Way, 72703	8/4/13
Kurt Wallace	<i>[Signature]</i>	1380 E. Ash St. Fayette, 72703	8/4/13
Tammy Garish	<i>[Signature]</i>	2265 N. Lexington Park Fayette 72703	8/4/13
Ronnie Cason	<i>[Signature]</i>	3757 E <sup>CROSS</sup> <del>WINDY</del> FAY 72701	8/4/13
Andy Cason	<i>[Signature]</i>	3451 E. Caster Fayette 72701	8/4/13
Carray Nilsson	<i>[Signature]</i>	5408 E Appalachian Way Fayette 72703	8/4/13
Craig Stotts	<i>[Signature]</i>	621 N. Razzback Rd. 72701	8/4/13
Matt Henderson	<i>[Signature]</i>	415 W Holly St 72703	8/4/13
Colin Morris	<i>[Signature]</i>	1308 Crestwood Dr 72701	8/4/13
Natalie Morris	<i>[Signature]</i>	1308 Crestwood 72701	8/4/13
<del>Cass Runnels</del>	<del><i>[Signature]</i></del>	<del>1308 Campbell Lane 72703</del>	<del>8/4/13</del>
DARREN BECKHAM	<i>[Signature]</i>	849 E. WINDY HILL 72703	8/4/13

*From duplicate  
 another page*



Bonnie Runnels <bonnierunnels@gmail.com>

RECEIVED

AUG 05 2013

CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE

## Zoning Change on Crossover Rd.

4 messages

Bonnie Runnels <bonnierunnels@gmail.com>

Sat, Aug 3, 2013 at 1:11 PM

To: ~~pherry@nwork.com~~ *Mayor Lionel Jordan and Aldermen.*

I am writing about my concerns in the attempt for rezoning on Crossover Rd. near the Township intersection. As you are all aware of the traffic problems that exist here with the backed up lanes and turning problems it is a dangerous area now. I feel that putting offices or businesses in this residential area will bring more problems. We hear screeching sounds many times during the day from cars who are speeding and slamming on their brakes to avoid accidents. Of course when school is in session the traffic is more of a problem and the safety issues are increased.

It seems that there are plenty of empty office buildings, restaurants, etc. in this town so this doesn't seem to be a great need in our area. It also is not compatible with neighborhoods who have enough congestion on their streets where many children are walking to and from school. The turning out of businesses with the boulevard involved (turnings lanes) will add to the already heavy congestion.

Another concern of mine is why the planning commission would go against the paid professional planners who suggested this not be approved. I would like to know their reasoning for their decision.

I appreciate the design of the highway to have a boulevard look and some greenspace. It makes a more pleasant look for our town rather than some of our busy thoroughfares where upkeep and empty buildings are not maintained. If you will look at what has happened (see attached photo) where rezoning has already taken place it has turned a once lovely roadway into a used car lot. Possible two or three story businesses with dumpsters, etc. backing up to our homes does not seem compatible with family neighborhoods.

I thank you for listening to my concerns and appreciate the time you put in to help our town and neighborhoods grow into a more pleasant and well thought out community.

Bonnie Runnels

RECEIVED  
AUG 05 2013  
CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE



**From:** Jeremy Pate  
**To:** Smith, Sondra  
**Date:** 8/6/2013 8:19 AM  
**Subject:** Fwd: Petition on rezoning acreage on 265

Sondra,  
I just wanted to let you know this, since your office received the actual petition.

-Jeremy

>>> John Marinoni <[tibbolt@sbcglobal.net](mailto:tibbolt@sbcglobal.net)> 8/5/2013 7:25 PM >>>

Dear Mr. Pate:

We recently signed a petition opposing the rezoning of acreage on 265. We have since learned more of the facts surrounding the issue and we both want to withdraw our names from that petition.

The property in question is the Jerry Jones property. Let us know if you need any more information or if we need to contact someone else about this.

John and Betty Marinoni

**Sondra Smith - Convington signatures of petition**

---

**From:** paul henry <phenry@nwark.com>  
**To:** Justin Tennant <ward3\_pos1@ci.fayetteville.ar.us>  
**Date:** 8/19/2013 9:19 PM  
**Subject:** Convington signatures of petition  
**Attachments:** rezonepetition.docx

---

Mr Tennant

This is an attempt to get the information to you from 44 more of your constituents in your ward regarding the proposed zoning change on crossover.

I have collated the names that were submitted back and copied it to the petition that was sent to them

I am not sure how valid that they are in this digital age but did not feel that any more of their personal info i.e. emails addresses need to go further than my box at this point. I also edited out some personal comments that were included in the responses.

In light of the change in request from RO to neighborhood district, I suspect that we will have to get new signatures because this is protesting RO, but wonder if it does not mean Mr Israel has to go back to the starting point also, back to the planning commission?

Thanks for you time and interest



# Petition

We the undersigned, willingly sign this petition objecting to the rezoning of the property at 2468 N. Crossover Rd. The property is currently zoned RSF-2 (Residential Single Family, 2 units / acre). Rezoning to RO (Residential Office) would place commercial businesses on this property in the middle of a high end residential neighborhood which would create a very bad mix. The reclassification of this land would decrease the property values of all the surrounding residential land owners. Putting a business on this property would increase the traffic to an intersection (Township/Crossover) that is already too busy. There is only one exit from two schools (Vandergriff and McNair) and it is through this intersection. The speed limit on this state highway 265 is 45 mph and by adding perhaps several hundred more cars per day turning in and out of driveways on this busy highway would certainly create a major safety hazard. To avoid the above problems and more we ask that the Fayetteville City Council reject this request to rezone this property.

Print Name	Signature	Address	Date

If you and/or your spouse would like to support this petition,

please send a response to this email along with the following info.

1. This statement: Via this email, I/we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.
2. Your name and/or your spouse's name
3. Your address

Responses below

1,2,

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Matt and Kristen Trantham  
3446 N. Sassafras Hill Rd.  
Fayetteville, AR 72703

3,4

We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Jerry and Tammy Fussell  
2292 Covington Park Blvd  
Fayetteville, AR 72703

5,6

Via this email, We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Dan and Misty Halberg  
3784 Chatsworth Rd  
Fayetteville, AR 72703

7,8

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Kayla and Oscar Mendoza  
3582 E. Township St  
Fayetteville AR 72703

9,10

We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Mark & Janell Elser  
2467 Worthington Way

11,12

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Gerald and Debbie Johnson  
3848 E. Chatsworth Rd.  
Fayetteville, AR 72703

13

Via this email, I support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Ya-Jane Wang  
2490 N. Worthington Way, Fayetteville, AR 72703

14,15

Via this email, I/we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

William A. and Elizabeth S. Walker  
3372 E Township St.  
Fayetteville, AR 72703

16,17



We support the petition objecting to the rezoning of the property at 2468 N Crossover Rd. Fayetteville ,Ar 72703. Timothy G. Stults and Amber Beckham-Stults 2463 Riverwater Lane Fayetteville , Ar 72703

18,19

We, Amy and Mike Driver, support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Our address is 2530 Kittery Lane, Fayetteville, AR 72703.

20,21

Scott and Cathey Roberts 3704 E. Chatsworth Fayetteville AR 72703 We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

22

Proposed zoning change at Township and Crossover

Was just talking to Devin about this! Add my name: Jill Graham, 3741 E Township St.

Jill

23,24

Joe Garrett Whiteside

Carmen Michelle Trumbo

3415 East Township St.

Fayetteville, Ar 72703

25,26

Via this e-mail, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

1. Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.
2. Sarah Green & Danny Green
3. 3600 Chatsworth Rd., Fayetteville, AR 72703

27,28

Via this email, we strongly support the petition objecting to the rezoning of the property at 2468 N Crossover Road, Fayetteville, AR 72703.

Edward Gray & Andrea Gray

2517 N Kittery Lane, Covington Park Subdivision  
Fayetteville, AR 72703 479-769-0971

29,30

Thx for heads up here  
Add me and Swati Sharma to petition list  
3388 e chatsworth

31,32

1. Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR
2. Jim & Jennifer Ragsdale
3. 2504 N Middleton Way, Fayetteville, AR 72703

33,34

Via this email, I/we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Kent and Amy Keith  
2449 Middleton Way  
Fayetteville, AR 72703

35,36

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover in Fayetteville, AR. Elisabeth and Chris Schach 3680 Chatsworth Rd. Covington Park

37,38

1. We support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.
2. Lawton & Amy Garrett
3. 2460 N Fennchurch Way, Fay, 72703

39,40

Via this email, we support the petition objecting to the rezoning of the property at 2468 N. Crossover Rd, Fayetteville, AR.

Angie and Tim Madigan  
2280 Covington Park Blvd  
Fayetteville, AR 72703

41,42

My wife, Ann Rose Bailey, and I wish to strongly express our opposition to the rezoning of the property at 2428 N. Crossover Road, and we endorse the petition circulated to oppose rezoning. We live in the Hickory Park neighborhood directly opposite this property on Crossover Road, and consequently, it will directly affect the value of our property and of those about us on Shagbark, Mockernut, and Hardy.

Dennis Lee Bailey  
Ann Rose Bailey  
2748 E. Mockernut Crossing  
Fayetteville, Arkansas 72703

43,44


We support the petition objecting to the rezoning of the property  
at 2468 N. Crossover Rd, Fayetteville, AR.

Todd & Laura Marble  
2472 N Worthington Way  
Fayetteville, AR

## CITY COUNCIL AGENDA MEMO

---

**To:** Mayor Jordan, City Council

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

**From:** Andrew Garner, Senior Planner

**Date:** August 23, 2013

**Subject:** Revised Request for RZN 13-4410 (2468 N. Crossover/Lynnwood Estates)

---

The applicant for the subject rezoning has revised their request to rezone to NS, Neighborhood Services. While the NS zoning district would likely result in lower impacts compared with the previous R-O request in terms of building size and scale and the potential for reduced traffic volume, staff still has similar concerns with the current request and recommends denial of the rezoning. Staff's primary concerns with the NS zoning request at this location are as follows:

- The proposal is not consistent with the Future Land Use Plan Map (FLUM) designation of this area of Crossover Road. When staff proposed the FLUM as part of City Plan 2030, which was adopted by City Council in 2011, we anticipated a nodal plan for the build-out of Crossover Road implementing transect planning, an important part of traditional neighborhood development. The Transect is an ordering system, ranging from natural space to the most urban. Along Crossover Road, this plan, as opposed to a continuous corridor build-out, concentrates mixed use and non-residential development primarily at the major intersections of Crossover Road. In particular, the intersections of Huntsville Road, Mission Boulevard, Joyce Boulevard, and Zion Road are all planned with a high potential for mixed use development, redevelopment, and infill. The intent is to maintain the typology of the neighborhoods, with the distinct character of the urban areas at the intersections quickly transitioning into general residential neighborhoods, and the more rural residential and open space character of Crossover Road. The subject property is not in the vicinity of any of these nodes, or 'urban' neighborhoods. The zoning introduces a new non-residential zoning and building type in the middle of an established residential area. This potentially pulls future development, redevelopment, and infill opportunities away from the major intersections, and starts to spread it out along Crossover Road, which then reduces the capacity of these nodes to redevelop more densely over time.
- The proposal would introduce a non-residential zoning into a section of Crossover Road that is predominantly single family and estate lot in nature with deep setbacks, low intensity, and a residential and rural-residential character in certain areas. While staff does not anticipate that all undeveloped areas of Crossover Road will remain rural, the general character of the subject area is anticipated to remain primarily residential, and helps create a certain sense of place, and the unique character to this area of east Fayetteville.
- The NS zoning is not appropriate in this location, being sensitive to the context of the corridor. While non-residential, mixed use and form-based zoning codes are appropriate in many areas of the City, they are not always appropriate in others. Sub-urban and rural environments also exist within cities, and at

times along major thoroughfare corridors. With a high-speed state highway (45-50 mph) being recently redeveloped and widened, traffic speeds and traffic volume will likely increase in this area. The NS zoning has a build-to zone between 10 and 25 feet from the right-of-way. Placing a building in close proximity to Crossover Road may not be appropriate in terms of safety, scale, or use, and would be out of character with the building setbacks of much of this vicinity, without a coordinating plan for a larger area in context with this site. Non-residential form-based zonings are appropriate when attempting to create a pedestrian-friendly, mixed use, and traditional neighborhood environment. This area of Crossover Road does not appear to meet the general criteria for this type of zoning, nor does the context of the environment surrounding it support it at this time.

It should be noted that staff does not share some of the concerns cited by the neighborhood as reasons for denial of the rezoning. The gating of neighborhoods, creating areas of exclusivity or making decisions on land use policy based on home or property value as a primary factor is not something that is supported by City Council policies or general planning policy for connectivity, openness and neighborliness. The traffic generated by this development as proposed is also not a concern, based on the infrastructure in place to accommodate vehicles in the area. In fact, the median that is being constructed will provide safer turning movements and reduce the potential for vehicle crashes, as a proven access management tool.

emailed to Aldermen 8/23/13

2468 N. Crossover Rd.

Fayetteville, AR 72703

August 21, 2013

The Honorable Mayor Lionel Jordan

Members, Fayetteville City Council

City Administration Building

113 West Mountain St.

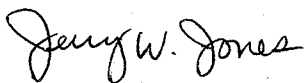
Fayetteville, AR 72701

Re: Rezoning of LynnWood Estates at 2468 N. Crossover Rd., Fayetteville, AR 72703

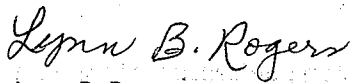
Dear Mayor Jordan and City Council Members:

This letter is to serve as an amendment to our previous zoning request: changing from Zone R-O to Zone NS (Neighborhood Services). Our Bill of Assurances will continue to apply to NS. Thank you for your attention in this matter.

Sincerely,



Jerry W. Jones



Lynn B. Rogers

**BILL OF ASSURANCE**

**FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. **The use of Petitioner's property shall be limited to Professional Office Space or Single Family Residences**
2. **Other restrictions including number and type of structures upon the property are limited to:**
  - a. **Height of any building constructed is not to exceed 40 feet**
  - b. **Materials used will be brick, stone or similar material**
  - c. **Structures must have no less than a 6/12 roof pitch**
  - d. **Fencing will separate the property on the east side from adjoining neighbors and must be approved by Petitioner.**
3. **Specific activities will not be allowed upon Petitioner's property include:**
  - a. **No loud or obnoxious noise**
  - b. **No outdoor animals**
  - c. **No bars or alcohol serving businesses including clubs etc.**
  - d. **No late night businesses**
  - e. **No sexual related businesses**
  - f. **No residential rentals**
  - g. **No multi-family dwellings**
4. **(Any other terms or conditions) Street side landscaping plus landscaped yards, parking and other outside lighting will be minimal height and not disturbing to neighbors.**
5. **Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.**



6. **IN WITNESS WHEREOF** and in final agreement with all the terms and conditions stated above, we Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, as the owner (Petitioner) **voluntarily offer** all such assurances and sign our names below.

Jerry W. Jones & Lynn B. Rogers Trustees

Date June 24, 2013

Jerry W. Jones  
Lynn B. Rogers

Address

2468 Crossover Road

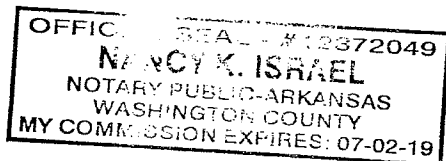
Fayetteville, AR 72703

NOTARY OATH

STATE OF ARKANSAS            }.ss

COUNTY OF WASHINGTON    }

And now on this the 24<sup>th</sup> day of June, 2013 appeared before me, Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.



Nancy K. Israel

NOTARY PUBLIC

My Commission Expires:

July 02, 2019

unmpled to Alderman  
8/27/13

## City Clerk - Fwd: Rezoning hearing on hwy 265 near Township

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**From:** Andrew Garner  
**To:** City Clerk  
**Date:** 8/27/2013 11:46 AM  
**Subject:** Fwd: Rezoning hearing on hwy 265 near Township

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To be added to the packet for this rezoning for the next council meeting.

—  
Andrew M. Garner, AICP  
Senior Planner  
City of Fayetteville  
125 West Mountain Street  
Fayetteville, Arkansas 72701  
Tel.479.575.8262  
Fax.479.575.8202  
agarner@ci.fayetteville.ar.us  
[www.accessfayetteville.org](http://www.accessfayetteville.org)

Telecommunications Device for the Deaf: (479) 521-1316

>>> Mike Yates <myates@us.ibm.com> 8/27/2013 10:58 AM >>>

We live at 2431 Candlewood Dr  
For many reasons I urge you to vote against rezoning the parcel. The area should remain Residential given that the entire area is residential.

Mike and Sandy Yates  
Sent from my iPhone

Mike Yates  
Sent from my iPhone