

City of Fayetteville Item Review Form

2013-0246

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

RZN 13-4552: Rezone (PARK WEST, 209): Submitted by ENGINEERING SERVICES for property located at HWY 112, NORTH OF TRUCKERS DRIVE. The property is zoned R-PZD PARK WEST and contains approximately 25.90 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Does this item have a cost?  No

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

\$0.00

V20130812

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

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

Comments:



12-18-13 24 12:50

*dm*

*Kuffner* 12-18-13


Paul a. Bisher 12-19-2013

*Tom Man* 12-19-13

*Frank Jaden* 12/20/13

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan, City Council  
**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director   
**From:** Jesse Fulcher, Senior Planner  
**Date:** December 16, 2013  
**Subject:** RZN 13-4553 (WEDINGTON CIRCLE)

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### RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the property to CS, Community Services.

### BACKGROUND

The subject property is located on Hwy 112, one lot north of Sam's Club. On January 17, 2006 the City Council approved the Park West Residential Planned Zoning District on 140 acres, including the subject property (R-PZD 05-1796). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted a total of 1,700 dwelling units and 856,000 square feet of commercial space. Construction permits for the project were never obtained and the R-PZD approval has expired. The subject 25.90 acres is located at the north end of the Park West property.

**CITY PLAN 2030 FUTURE LAND USE MAP:** City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

**COMPATIBILITY:** Rezoning the property to Community Services will allow for a similar development pattern and density as permitted by the original Planned Zoning District. This includes intense uses along Highway 112, and likely less dense residential uses on the west side of the property.

In addition, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that allows multiple land uses that can serve existing surrounding residences and future residential properties.

### DISCUSSION

On December 9, 2013 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

### BUDGET IMPACT

None.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4552, FOR APPROXIMATELY 25.90 ACRES, LOCATED AT HWY 112, NORTH OF TRUCKERS DRIVE FROM R-PZD PARK WEST, TO CS, COMMUNITY SERVICES

**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 R-PZD Park West to CS, Community 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.

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

APPROVED:

ATTEST:

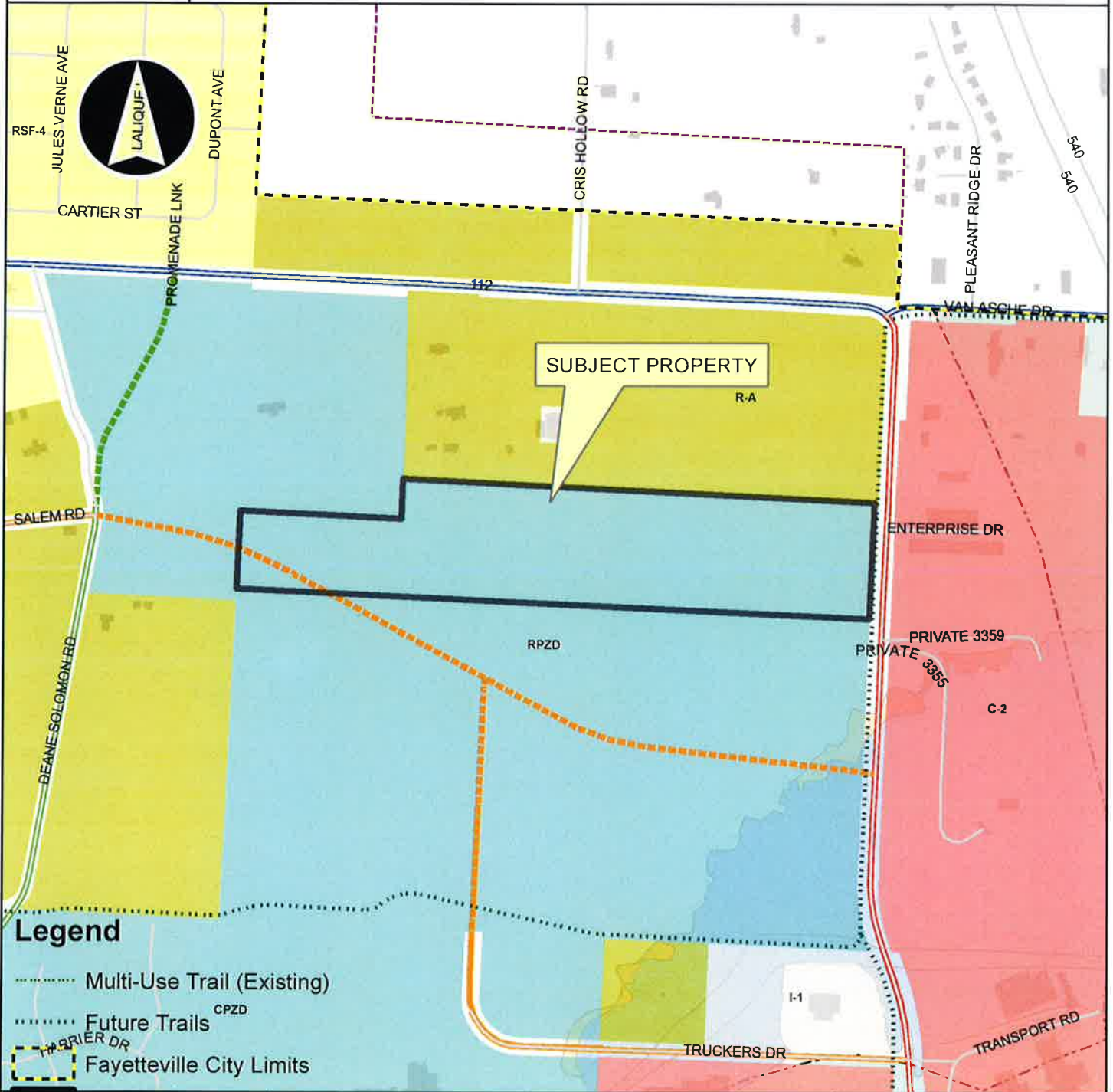
By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

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

# EXHIBIT "A"

RZN13-4552  
Close Up View

## PARK WEST

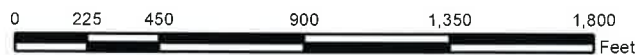


### Legend

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

### Overview

- RZN13-4552
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



**EXHIBIT "B"**  
**RZN 13-4552**

**PROPOSED PROPERTY REZONE SURVEY DESCRIPTION:**

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER ALL IN SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 28 BEING A FOUND MAGNAIL IN ASPHALT ROADWAY; THENCE S87°34'31"E A DISTANCE OF 631.02 FEET TO A POINT; THENCE S00°23'08"W A DISTANCE OF 628.16 FEET TO A FOUND STEEL FENCE POST; THENCE S02°10'40"W A DISTANCE OF 178.19 FEET TO A FOUND ½ INCH IRON PIN AND THE POINT OF BEGINNING; THENCE S87°11'04"E A DISTANCE OF 1926.85 FEET TO A FOUND ½ INCH IRON PIN AND THE WESTERN RIGHT OF WAY FOR U.S. HIGHWAY 112 BEING FIFTY-FIVE (55) FEET WEST OF CENTERLINE; THENCE ALONG SAID WESTERN RIGHT OF WAY, S02°43'18"W A DISTANCE OF 474.95 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID WESTERN RIGHT OF WAY, N87°19'58"W A DISTANCE OF 2582.01 FEET TO A SET IRON PIN WITH CAP "PLS 1439" AND THE WEST BOUNDARY OF THE EAST HALF (E ½) OF THE SW ¼, N02°34'52"E A DISTANCE OF 318.11 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE LEAVING SAID WEST BOUNDARY, S87°13'55"E A DISTANCE OF 656.51 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N02°31'13"E A DISTANCE OF 162.98 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 25.90 ACRES (1,128,075 SQUARE FEET), MORE OR LESS.



PC Meeting of December 9, 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: Jesse Fulcher, Senior Planner  
THRU: Andrew Garner, City Planning Director  
DATE: ~~December 9, 2013~~ Updated December 10, 2013

**RZN 13-4552: Rezone (PARK WEST, 209):** Submitted by ENGINEERING SERVICES for property located at HWY 112, NORTH OF TRUCKERS DRIVE. The property is zoned R-PZD PARK WEST and contains approximately 25.90 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jesse Fulcher

**BACKGROUND:**

*Property and Background:* The subject property is located on Hwy 112, one lot north of Sam's Club. On January 17, 2006 the City Council approved the Park West Residential Planned Zoning District on 140 acres, including the subject property (R-PZD 05-1796). The property was originally zoned R-A, Residential Agricultural. The R-PZD zoning permitted a total of 1,700 dwelling units and 856,000 square feet of commercial space. Construction permits for the project were never obtained and the R-PZD approval has expired. The subject 25.90 acres is located at the north end of the Park West property. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Manufacturing/Residential	I-1, Heavy Commercial and Light Industrial/R-A, Residential Agricultural
South	Undeveloped	R-PZD Park West
East	Commercial	C-2, Thoroughfare Commercial
West	Undeveloped/Single-family	R-PZD Park West

*PZD Revocation:* If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is removed and a new, valid zoning district is assigned.

*Request:* The request is to rezone the 25.90 acres from Park West R-PZD to CS, Community Services.

*Public Comment:* Staff has received questions from two adjoining land owners, but no comments against or in support of the request. Staff also received a phone call from the Ozark Regional Land Trust expressing concerns with the impact that any development on the Park West property could have on sensitive environmental lands they manage adjacent to the overall Park West property.

**RECOMMENDATION:**

Staff recommends forwarding RZN 13-4552 to the City Council with a recommendation for **approval** based on findings stated herein.

<b>PLANNING COMMISSION ACTION:</b>	<b>Required</b>	<b><u>YES</u></b>	
<b>Date:</b> <u>December 9, 2013</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> Chesser <b>Second:</b> Autry <b>Vote:</b> 8-0-0			
<b>CITY COUNCIL ACTION:</b>	<b>Required</b>	<b><u>YES</u></b>	
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
<b>Date:</b>			

**INFRASTRUCTURE:**

- Streets:** The site has access to State Highway 112. Highway 112 is a two-lane, unimproved road with no curb and gutter and open ditches. Street improvements would be determined at the time of development.
- Water:** Public water is available to the property. There is a 6" water main along the east side of Highway 112.
- Sewer:** Sanitary sewer is available to the site. There is a 10" sewer main that runs through the western extent of the parcel and an 8" along the east side of Highway 112.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain, however, there is a creek that runs north-south at the west end of the property that falls within the Streamside Protection Zone.
- Fire:** This development will be protected by Engine 2 located at 708 N. Garland. It is 4 miles from the station with an anticipated response time of 5 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect calls for service or response times.

**Police:** The Police Department made no comment.

**CITY PLAN 2025 FUTURE LAND USE PLAN:** *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**.*

*City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.*

## **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 Community Services zoning district is very consistent with land use planning objectives, principles and policies. This district will allow a variety of land uses, densities and intensities to be developed on the property, consistent with the City Neighborhood designation. This includes intense uses along Highway 112, and likely less dense residential uses on the west side of the property. This designation is also consistent with the Park West development plan originally approved for the property.

Further, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that aggregates multiple land uses that can serve existing surrounding residences and future residential properties.

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

**Finding:** The proposed rezoning is justified due to the fact that the current R-PZD zoning for Park West has expired, removing all development rights from the property. Rezoning the property to the Community Services zoning district is justified, because it will allow the property to be developed with a variety of land uses, densities and intensities. This is consistent with the future land use designation, and appropriate for a property that is bounded on one end by a high-volume arterial roadway and on the other by residential land uses.

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



**Finding:** The site access has access to Highway 112, and is located between I-540 and Van Asche Drive. The proposed zoning will allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased over the previously approved Park West PZD, which permitted over 1,700 dwelling units and 850,000 square feet of nonresidential space. As the overall property develops, new connections to Truckers Drive to the south and Deane Solomon Road to the west will be made. Street improvements will be evaluated at the time of development.

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

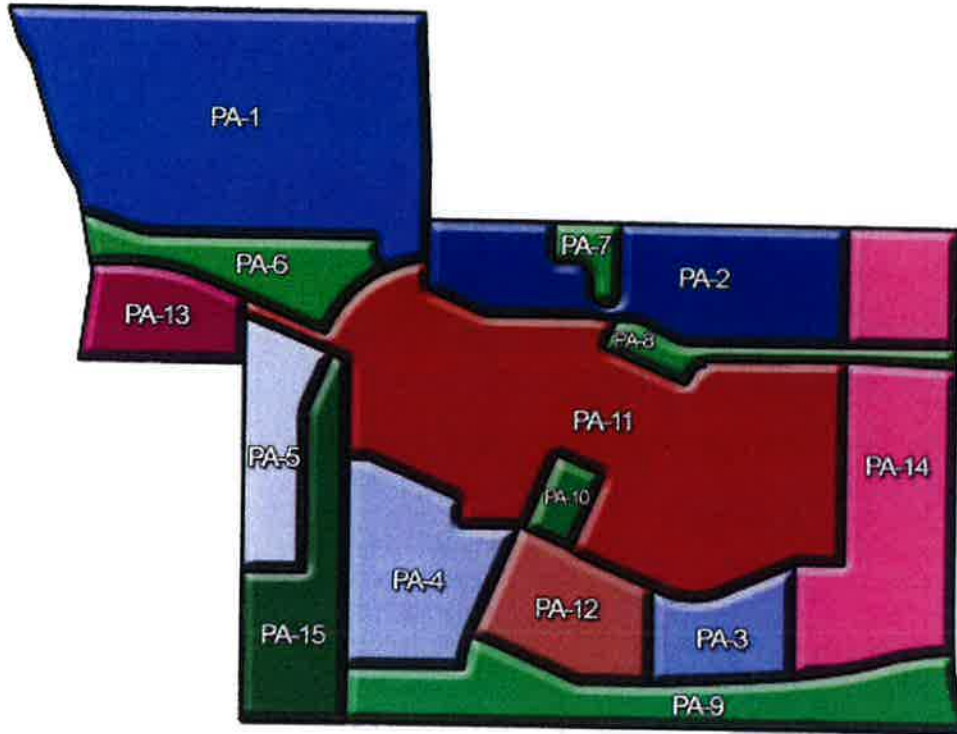
**Finding:** Rezoning the property to Community Services will allow for a similar development pattern and density as permitted by the original Planned Zoning District and should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

**Finding:** N/A

## Proposed Planning Areas - Zoning and Development Standards

The Park West Development offers several types of residential living, office, retail, and preserved/botanical areas, as depicted on sheet 2, the "Conceptual Site Plan". The community will offer Town Homes, Courtyard and Plaza Condos, Multi-family, Single Family Residential (attached and detached), Commercial Mixed Use including Residential Office, Retail, Neighborhood Commercial, and Thoroughfare Commercial. The following is a summary of the proposed planned areas that will be utilized during the design of the PZD.



MAP - Planning Areas



MAP - Conceptual Plan

## Residential Areas

### Overview

For most people, their home is their largest investment. Park West has established guidelines to protect that investment. The Guidelines insure that the thought and quality put into each home will not be compromised by insensitive development. These Design Guidelines, and the Covenants and Restrictions that accompany the property deed, will be the documents that outline regulations to all improvements at Park West. The architectural review process is set up to interpret, administer and enforce the guidelines. Since Park West has been designed with compact building lots in order to set aside more green space and make the community more walk-able, in addition to these unique guidelines, careful design is

necessary for a successful project. While "mail-order" or "stock" plans used elsewhere are permitted, it is expected that most homes will require custom designs. The use of "stock" plans will most likely require adjustments to meet the Park West guidelines. Each design will be limited to a single use within Park West, however, a successful plan may be used on more than one lot if the exterior has been modified sufficiently, and repeated uses are on lots distant from the others. Park West has consciously rejected the idea of a pre-designed portfolio of

**Planning Area 1 (PA-1) – Single Family Residential**

AREA: 26.05 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 24	Home occupations

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
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(C) *Density.*

	Single-family, Two- and Three-family dwellings
Units per acre	4 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft. (per unit)
Three-family	30 ft. (per unit)

(2) *Lot area minimum.*

Townhouse:	
Individual lot	2,500 sq. ft.
Single-family	4,000 sq. ft.
Two-family	2,400 sq. ft. (per unit)
Three-family	2,400 sq. ft. (per unit)

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.

(E) *Setback requirements.*

	Front	Side	Rear
Single-family	14' *	6'	Minimum 10' **
Two- and Three-family	14' *	0'	Minimum 10' **

\* A build-to line.

\*\* The rear building setbacks may range from 10' to 20' depending on the location of utilities. All structures shall be setback 20' from the centerline of any alley or easement.

(F) *Height.* No structure shall exceed three stories, exclusive of the basement.

(G) *Building area.*

Detached dwelling Units: On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Attached dwelling Units: On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 91

(I) *Architectural Design Standards:*

Reference the Project Booklet

**Planning Area 2 (PA-2) – Town Homes/Single Family Attached**

AREA: 12.15 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 24	Home occupations
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
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(C) *Density.*

	Single-family, Two- and Three-family dwellings
Units per acre	6 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft. (per unit)
Three and more	30 ft. (per unit)

(2) *Lot area minimum.*

Townhouse: Individual lot	2,700 sq. ft.
Single-family	2,700 sq. ft.
Two-family	2,700 sq. ft. (per unit)
Three or more	2,700 sq. ft. (per unit)

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

	Front	Side	Rear
Single-family	10' *	0'	Minimum 20'; 30' from centerline of alley or easement
Two- and Three-family	10' *	0'	Minimum 20'; 30' from centerline of alley or easement

\* A build-to line, wherever possible.

(F) *Height.* Minimum two (2) stories.  
Maximum 45 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 72

(I) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 3 (PA-3) – Plaza Condominium**

AREA: 4.01 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 14	Hotel, motel, amusement facilities
Unit 24	Home occupations

(C) *Density.*

Units per acre	40 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.
Non-residential	0 ft

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-Residential	No Minimum

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
20	0'	20'

(F) *Height.* Minimum two (2) stories.  
Maximum seven (7) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 160

(I) *Maximum Bedrooms:* 320

(J) *Maximum Intensity:* 26,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 4 (PA-4) – Courtyard  
Multi-Family**

AREA: 7.83 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family 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 24	Home occupations

(C) *Density.*

Units per acre	40 or less
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(E) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-Residential	No Minimum

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
16' from a public street or alley	16'	16'
10' from a private drive or access easement		

(F) *Height.* Minimum two (2) stories.  
Maximum four (4) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 313

(I) *Maximum Bedrooms:* 626

(J) *Maximum Intensity:* 25,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 5 (PA-5) – Multi-Family Residential**

AREA: 4.79 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 25	Professional offices
Unit 26	Multi-family 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 24	Home occupations

(C) *Density.*

Units per acre	36 or less
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(F) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
30' from a public street	10'	20'
10' from a private drive or access easement		

(F) *Height.* Minimum two (2) stories.  
Maximum 4 stories otherwise.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 172

(I) *Maximum Bedrooms:* 344

(J) *Maximum Intensity:* 10,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 6, 7, 8, 9 (PA-6, PA-7, PA-8, PA-9) – Preserve/Botanical/Detention**

AREA:

- PA-6: 4.85 acres
- PA-7: 1.17 acres
- PA-8: 2.31 acres
- PA-9: 10.47 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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(2) *Conditional uses.*

Unit 4	Cultural and recreational facilities
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(C) *Density.* None (not applicable)

(G) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable



**Planning Area 10 (PA-10) – Civic Lawn**

AREA: 1.29

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
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(2) *Conditional uses.*

Unit 4	Cultural and recreational facilities
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(C) *Density.* None (not applicable)

*Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

**Planning Area 11, 12 (PA-11, PA-12) –  
Mixed Use Districts**

AREA:

PA-11: 31.82 acres  
PA-12: 5.77 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwelling
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 5	Government facilities
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 21	Warehousing and wholesale
Unit 29	Dance halls
Unit 35	Outdoor music establishments

(C) *Density.*

Units per acre	24 or less
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(H) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single family	30 ft.
Two-family	30 ft.
Three and more	30 ft.
Non-residential	0 ft.

(2) *Lot area minimum.*

Townhouse:	
Individual lot	3,000 sq. ft.
Single-family	3,000 sq. ft.
Two-family	3,000 sq. ft.
Three or more	3,000 sq. ft.
Non-residential	0 sq. ft.

(3) *Land area per dwelling unit.*

Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
8' to 12' *	20' from public or private access 0' from internal side property lines	5'

\* A build-to line

(F) *Height.* Structures immediately adjacent to the civic lawn shall have a minimum height of 30'. Structures adjacent to main streets shall be a minimum two-stories in height. Maximum height of four (4) stories otherwise.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:*

PA-11: 783  
PA-12: 138

(I) *Maximum Intensity:*

PA-11: 520,000 sq. ft.  
PA-12: 60,000 sq. ft.

(J) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 13 (PA-13) –  
Neighborhood Commercial**

AREA: 4.21 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Residential Use – None  
Non-residential – None

(2) *Lot area minimum.*

Residential Use – None  
Non-residential – None

(3) *Land area per dwelling unit.*

Townhomes or Apartments:	
•No bedroom	1,700 sq. ft.
•One bedroom	1,700 sq. ft.
•Two bedroom	2,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
50'	0' 25' when contiguous to residential district	20'

(F) *Height.* Maximum 4 stories

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 15

(I) *Maximum Bedrooms:* 30

(J) *Maximum Intensity:* 15,000 sq. ft.

(K) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 14 (PA-14) –  
Thoroughfare Commercial**

AREA: 15.55 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline, service stations, and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Professional offices
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities

(C) *Density.* None

(I) *Bulk and area regulations.* None.

(E) *Setback requirements.*

Front	Side	Rear
40'	0' 25' when contiguous to residential district	20' 25' when contiguous to residential district

(F) *Height.* Maximum 7 stories.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 70% of the total area of such lot.

(H) *Maximum Dwelling Units:* Not Applicable

(I) *Maximum Bedrooms:* Not Applicable

(J) *Maximum Intensity:* 200,000 sq. ft.

(J) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 15 (PA-15) – Parks and Trails**

AREA: 7.18 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
--------	-------------------------

(C) *Density.* None (not applicable)

(D) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

Front	Side	Rear
15'	10'	15'

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

TITLE XV UNIFIED DEVELOPMENT CODE

**161.19 Community Services**

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

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

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



[www.accessfayetteville.org](http://www.accessfayetteville.org)

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT  
303 West Center Street  
Fayetteville, AR 72701  
P (479) 575-8365 F (479) 575-0471

## Zoning Review

**To:** Andrew Garner  
**From:** Harley Hunt  
**Date:** November 13, 2013  
**Re:** RZN 13-4552

This development will be protected by Engine 2 located at 708 N. Garland.  
It is 4 mile from the station with an anticipated response time of 5 minutes to the beginning of the development.  
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Battalion Chief H. Hunt  
Fire Marshal  
Fayetteville Fire Department

# ENGINEERING SERVICES INC.

1207 S. Old Missouri Rd. • P.O. Box 282 • Springdale, Arkansas 72765-0282

Ph: 479-751-8733 • Fax: 479-751-8746

October 29, 2013

Development Services Department  
City of Fayetteville, Arkansas  
125 West Mountain  
Fayetteville, AR 72701

RE: Rezoning Petition - RPZD to Community Services  
Parcel Number 765-15830-000

Dear Mr. Sir or Ma'am,

This letter is intended to serve as a narrative to accompany the rezoning petition for a parcel located in the City of Fayetteville. The property is currently zoned RPZD (Residential Planned Zoning District), and the request is to change the zoning of the property to Community Services. Enclosed, please find the following required materials:

- Completed, Signed Application for Rezoning
- Checks to City of Fayetteville (\$325.00 Application Fee + \$5.00 Sign Fee)
- Legal Description of the Property to be Rezoned
- CD with Legal Description, application, exhibit and adjacent property owner information of Property to be Rezoned.
- Exhibit Showing County Parcel Map and Adjacent Property Owner Information

The following paragraphs address the items required by the rezoning application instructions:

- A) The property is currently owned by Legacy National Bank. The mailing address for the property owner is P.O. Box 6490, Springdale, AR 72766. There is no pending contract for the sale of the property.
- B) The property was rezoned to RPZD in 2007 by a former owner during an attempt to develop the property. The RPZD zoning had a time restriction which has since lapsed, and the approved development plan and RPZD zoning have expired. Any proposed development of the property would therefore require rezoning of the property prior to development.
- C) The proposed rezoning will be consistent with the uses of neighboring properties. The property being rezoned is a portion of an approximately 106 acre tract of land, as shown in the enclosed exhibit. The 106 acre parent tract is vacant pasture land.

The adjacent properties across Highway 112 to the east are zoned C-2 (Thoroughfare Commercial), and the 112 Drive In movie theater is located to the southeast of the property to be rezoned. These properties are commercial uses.

The majority of the property to the north is R-A (Residential-Agricultural), but the primary buildings on this tract are in the I-1 (Light Industrial) district, which is also a commercial use. A portion of the property north of the west end of the 25.9 acres being rezoned is included in the RPZD district.



Jerry W. Martin, P.E.  
Chairman of the Board

Philip C. Humbar, P.E., P.L.S.  
President

Brian J. Moore, P.E.  
Vice President

Tim J. Mays, P.E.  
Secretary/Treasurer

Consulting Engineers and Surveyors

[www.engineeringservices.com](http://www.engineeringservices.com)



Fayetteville Development Services Department  
October 29, 2013  
Page 2

The property adjacent to the northwest and at the west end of the tract being rezoned is also included in the RPZD district.

The property to the southwest of the tract being rezoned which is near but not adjacent to the 25.9 acre tract is a single family use in the R-A (Residential-Agricultural) district.

To the south of the property being rezoned is the remainder of the parent tract, which is included in the RPZD district. This property, as noted previously, is currently vacant. Along the south end of the parent tract is a commercial development along Truckers Drive, with CPZD, R-A, and I-1 zoning. South of that development is Sam's Club, a commercial use.

The majority of properties along Highway 112 near the tract being rezoned are commercial uses, which will relate well to proposed zoning for the property. No conflict with adjacent properties regarding land use is anticipated.

The property will be accessed by Highway 112, a major north-south transportation route. The proposed rezoning is not anticipated to adversely impact traffic conditions. The proposed rezoning will not change the appearance of the subject property or adjacent property, and will also not alter signage on the subject property or adjacent properties.

- D) There are existing water and sewer lines in the area which can serve the property. There is an 8" sewer main along the east side of Highway 112 across from the subject property. There is a sewer manhole near the northeast corner of the property on the west side of Hwy. 112, but it is located at an elevation above the majority of the subject property and utilizing this to serve the property would likely require pumping. An existing 48" sewer main runs along the south property line of the parent tract.

An existing 36" concrete water line runs along the west side of Highway 112 across the frontage of the property to be rezoned. No private service lines are allowed to connect to this line, but water extensions can be connected to it. A 6" water main runs along the east side of Highway 112 as well, across the highway from the subject property.

- E) The Future Land Use 2030 information on the City of Fayetteville's GIS site which indicates the property is intended to be used for a "City Neighborhood Area", which is intended to provide a mix of residential and low-intensity uses. The purpose of the Community Services district provided in the Unified Development Code is as follows:

Purpose. The Community Services district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

The Community Services district is consistent with the City Neighborhood Area.



Jerry W. Martin, P.E.  
Chairman of the Board

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President

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Fayetteville Development Services Department  
October 29, 2013  
Page 3

- F) Any proposed development of the property will require the rezoning of the property. The rezoning is justified now in order to facilitate development or sale of this property.
- G) This property is located along State Highway 112, an alternate north-south route through northwest Arkansas. There are several commercial uses already located along this section of the highway, and the proposed rezoning is not anticipated to appreciably increase traffic danger or congestion.
- H) The proposed rezoning is not anticipated to undesirable increase the load on public services such as schools, water, or sewer. Information regarding the availability of water and sewer infrastructure in the area is included above. The rezoning will not result in high-density residential development which would potentially affect schools.
- I) The property is currently zoned RZD, but the time limit on development under the approved zoning/development plan has expired. Therefore, and development of the property would require the property to be rezoned.

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

Thank you,



Bo Wilkins, P.E.

Enclosures



Jerry W. Martin, P.E.  
Chairman of the Board

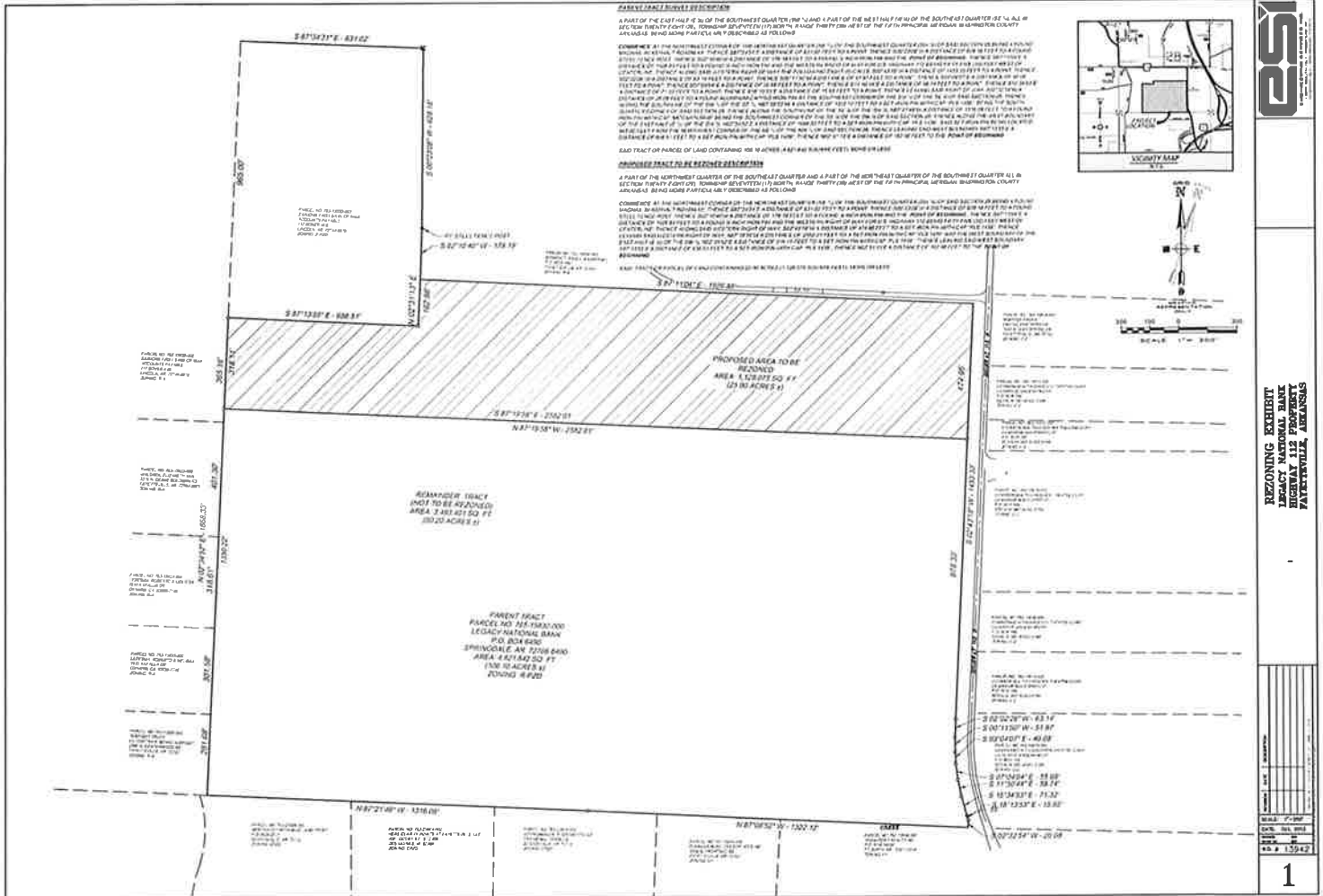
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Approximate  
zoning boundary for  
13-4552.



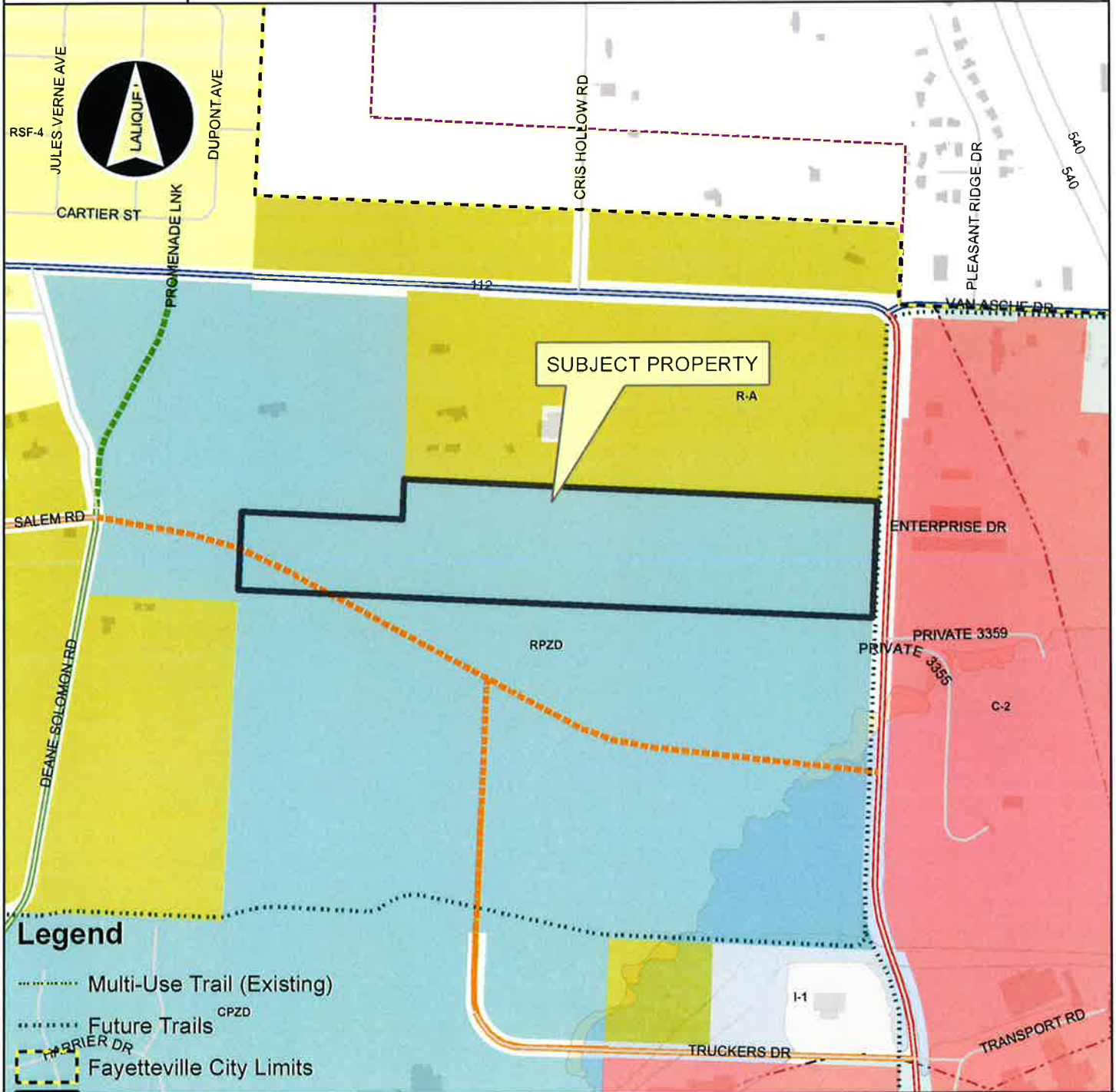
**Paradigm**  
COMPANIES

**"A"**

RZN13-4552

# PARK WEST

Close Up View



## Legend

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

**Overview** RZN13-4552

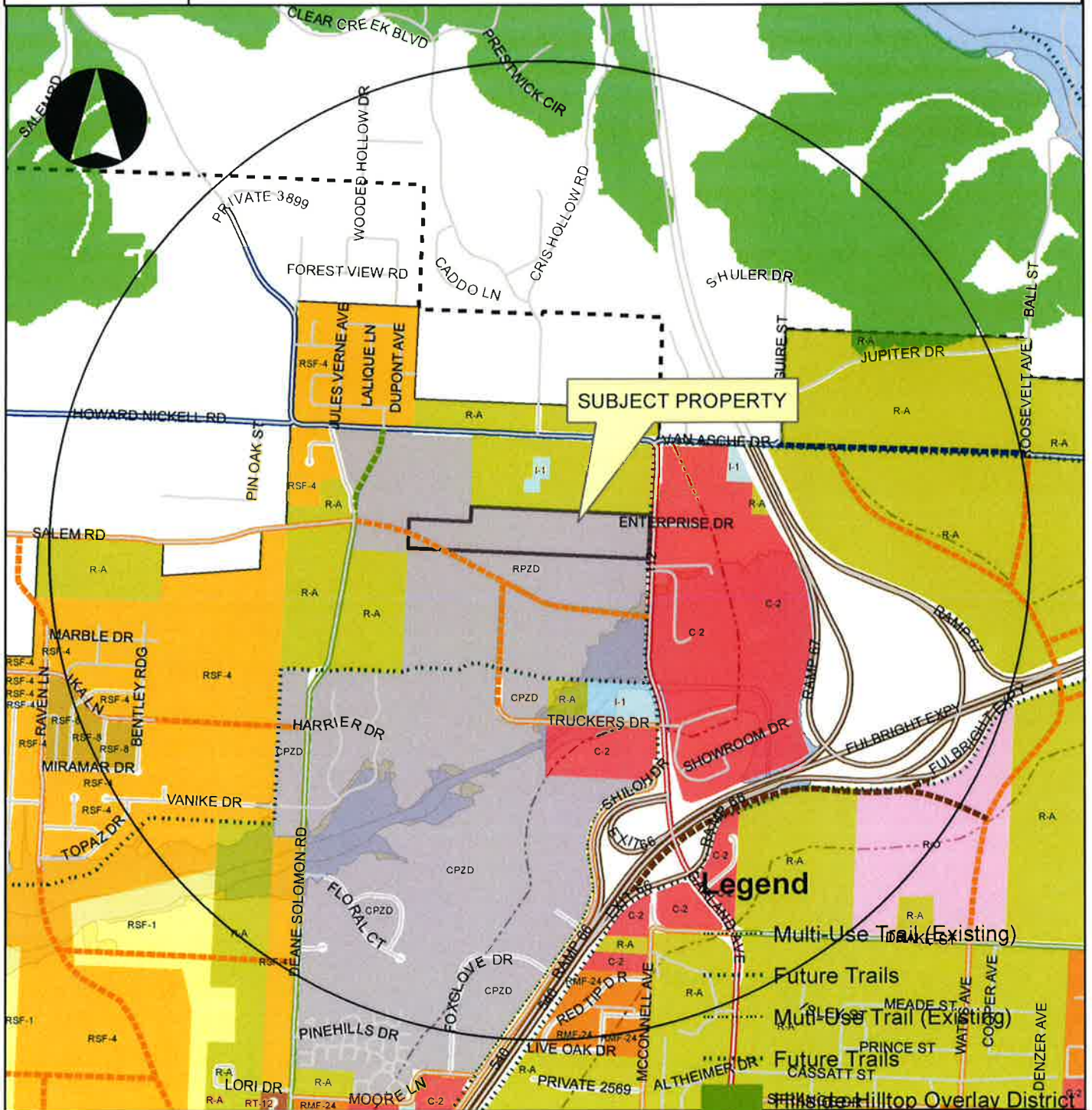
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4552

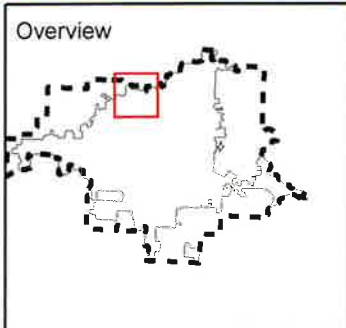
# PARK WEST

One Mile View



## Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Shiloh Hilltop Overlay District



Legend	RZN13-4552
Subject Property	RZN13-4552
Boundary	
	Design Overlay District
	Planning Area
	Fayetteville

0	0.25	0.5	1
Miles			