



## Legislation Text

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**File #: 2015-0356, Version: 1**

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### **R-PZD 04-06.00 (RUPPLE ROW)**

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 04-06.00, RUPPLE ROW, CONTAINING APPROXIMATELY 41.70 ACRES, TO MODIFY THE ZONING OF THE DUPLEXES AND TRIPLEXES ON WORDSWORTH LANE TO ALLOW UP TO FOUR UNRELATED PERSONS TO LIVE IN EACH DWELLING UNIT

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

Section 1. That the change to R-PZD 04-06.00 Ruppel Row to modify the zoning of the duplexes and triplexes on Wordsworth Lane to allow up to four unrelated persons to live in each dwelling unit is hereby approved.

Section 2. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, for R-PZD 04-06.00 Ruppel Row as passed and approved by the City Council on June 15, 2004 with Ordinance No. 4580 shall be modified with the revisions as described in Section 1 above.

**City of Fayetteville Staff Review Form**

**2015-0356**

**Legistar File ID**

**8/18/2015**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Jeremy Pate

7/31/2015

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

ADM 15-5135: Administrative Item (RUPPLE ROW SUBDIVISION PZD AMENDMENT, 439): Submitted by ROB KIMBEL for properties located in the RUPPLE ROW SUBDIVISION. The properties are zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT RUPPLE ROW (R-PZD 04-06.00) and contain approximately 41.70 acres. The request is an amendment to the PZD to modify the zoning of the duplexes and triplexes on Wordsworth Lane to allow up to four unrelated persons to live in each dwelling unit.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>  No  </u>	Current Budget        \$                    -
	Funds Obligated        \$                    -
	Current Balance <span style="border: 1px solid gray; padding: 2px;">\$                    -</span>
<b>Does item have a cost?</b> <u>  No  </u>	Item Cost
<b>Budget Adjustment Attached?</b> <u>  NA  </u>	Budget Adjustment
	Remaining Budget <span style="border: 1px solid gray; padding: 2px;">\$                    -</span>

V20140710

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

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

Approval Date: \_\_\_\_\_

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF AUGUST 18, 2015

**TO:** Mayor and City Council

**THRU:** Jeremy Pate, Development Services Director

**FROM:** Andrew Garner, City Planning Director

**DATE:** January 29, 2015

**SUBJECT: ADM 15-5135: Administrative Item (RUPPLE ROW SUBDIVISION PZD AMENDMENT, 439):** Submitted by ROB KIMBEL for properties located in the RUPPLE ROW SUBDIVISION. The properties are zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT RUPPLE ROW (R-PZD 04-06.00) and contain approximately 41.70 acres. The request is an amendment to the PZD to modify the zoning of the duplexes and triplexes on Wordsworth Lane to allow up to four unrelated persons to live in each dwelling unit.

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### RECOMMENDATION:

The Planning Commission recommends approval and staff recommends denial of **ADM 14-4930**.

### BACKGROUND:

*Property Description and History:* The Ruppel Row subdivision contains 41.70 acres located south of Wedington Drive and west of Ruppel Road. In 2004 the City Council rezoned the property to R-PZD 04-6.00 for the Ruppel Row project. This master planned neighborhood was proposed in a Traditional Neighborhood Development (TND) pattern and approved for 182 single-family detached lots, 37 two-family lots subdivided into townhouse lots, and two three-family lots. All homes are rear alley loaded in typical TND fashion with homes built close to the street with prominent front porches.

### DISCUSSION:

*Background:* Within the past year the applicant has become aware of the City's code regulating the number of unrelated persons being able to live in one dwelling unit. Because the Ruppel Row PZD was approved as a single family planned zoning district (even though other uses are also permitted), a maximum of three unrelated persons are allowed to live in each dwelling unit (UDC Chapter 151, definition of *Family*). This is similar to an RSF district, where the predominant use is single family, but either uses such as duplexes can be permitted as well. Regardless of the use, however, the number of occupants is based upon the zoning district, not the type of unit.

In zoning districts 'other than single family' up to four unrelated persons may live in in one dwelling unit. The applicant discussed with staff that they thought their property (Lots 145-183) allowed up to four unrelated people to live in each dwelling because they are two-family/townhomes. However, the applicant's original assumption is not consistent with the adopted ordinance requirements. As stated previously, **the number of unrelated persons is based on the**

**underlying zoning district and not the dwelling unit type.** In the case of the Ruppel Row PZD, it is classified as a 'single family zoning district' because a majority of the dwellings are single family homes. The Ruppel Row PZD was never proposed or adopted by the City Council as a multi-family zoning district.

To further explain how this ordinance is applied throughout the city, city code allows a two-family dwelling located in the RSF-4 zoning district to have up to three unrelated persons because RSF-4 is a single family zoning district. City Code allows a two-family dwelling located in the RMF-24 zoning district to have up to four unrelated persons because RMF-24 is not a single family zoning district.

*Proposal:* The applicant proposes to amend the Ruppel Row R-PZD to reclassify the zoning of lots 145-183 (both sides of Wordsworth Lane) as 'other than single family zoning' to allow up to four unrelated persons to live in each dwelling unit.

The subject area of Wordsworth Lane is developed with 37 two-family attached townhomes on either side of the street that are located approximately 10 feet from the street, rear alley loaded with two-car garages and driveways off of the alley. There are also two three-family homes located on the cul-de-sac at the north end of the street. There are no single family detached homes within the area in question. To staff's knowledge these homes have been developed with four bedrooms in each unit.

*Public Comment:* Staff received two letters in favor of the applicant's request (attached).

*Discussion:* The Ruppel Row subdivision was approved and developed as a TND with single family detached homes and one internal street of townhomes in the central portion of the neighborhood. Consistent with TND and adopted City policy, this neighborhood was intended to serve a variety of home owners within walking distance of a school, community center and future commercial corridor along Wedington Drive.

The Ruppel Row neighborhood was developed with infrastructure including streets, driveways, alleys, and garages for individual owner occupancy, not rentals with occupancy for up to four unrelated people in each dwelling. A greater density of individuals living together, particularly adults, can pose safety and nuisance issues if the neighborhood was not designed to accommodate that density.

For instance, there is not enough parking for each dwelling on the subject properties to accommodate four cars with individual occupancy. This will result in residents parking on the street. However, Wordsworth Lane was not built to accommodate the number of vehicles associated with residency of four unrelated people per dwelling. Wordsworth Lane is a 28-foot wide street and only allows parking on one side. Because both sides of the street are developed with two-family townhomes, continuous parking on both sides of the street is needed to accommodate the number of vehicles generated by the proposed occupancy. Continuous parking on both sides of the street leaves only a 12-foot travel lane that would be in violation of the fire code that requires a 20-foot clear unobstructed fire access road. A lack of adequate on-site and on-street parking can result in other violation issues such as parking in the grass or in alleys.

Staff disagrees with the applicant's parking analysis where they indicate that there are no parking problems for the occupancy proposed. The applicant assumes that four unrelated individuals will park two vehicles in the two-car garages and two cars immediately behind the garages in the driveway. This would effectively block two cars in the garage. In reality with four unrelated adults

living in these units it is unlikely that cars will be parked in the garages on a regular basis resulting in two cars for every dwelling having to park elsewhere at various times during the day or night as noted above. With a total of 80 dwellings in this area approximately 160 off-street parking spaces are needed and only approximately 75 are provided on Wordsworth Lane. This is a substantial parking deficit that could negatively affect the safety and welfare of the immediate and surrounding neighborhood.

An additional negative aspect of this proposal is that allowing up to four unrelated people in each dwelling would likely push this street and other surrounding homes permanently into the rental market where dwellings are rented by up to four unrelated people. This is not in line with the intent of the original PZD and may be counter to the public neighborhood interest in the long-term viability of this neighborhood. It is staff's opinion that this is not an appropriate location for a large section of student housing rentals, or general rentals with four unrelated people in each dwelling. This type of land use pattern is more appropriate closer to the University of Arkansas and the core of the city, not in this suburban neighborhood in west Fayetteville with inadequate parking infrastructure. The original intent of this neighborhood, consistent with current city policy, was to allow a variety of individual owner occupancy and price points within the neighborhood. This proposal is inconsistent with that policy.

The Planning Commission voted 7-1-0 (Commissioner Brown voted 'no') at the July 27, 2015 meeting to recommend approval of the request as proposed.

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Ordinance
- Planning Commission staff report ADM 15-5135
- Applicant's Planning Commission presentation



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**FROM:** Andrew Garner, City Planning Director

**MEETING DATE:** July 27, 2015 *Updated with Planning Commission results*

**SUBJECT:** **ADM 15-5135: Administrative Item (RUPPLE ROW SUBDIVISION PZD AMENDMENT, 439):** Submitted by ROB KIMBEL for properties located in the RUPPLE ROW SUBDIVISION. The properties are zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT RUPPLE ROW (R-PZD 04-6.00 and contain approximately 41.70 acres. The request is an amendment to the PZD to modify the zoning of the duplexes and triplexes on Wordsworth Lane to allow up to four unrelated persons to live in each dwelling unit.

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**RECOMMENDATION:**

Staff recommends denial of **ADM 15-5135**.

**BACKGROUND:**

*Property Description and History:* The Ruppel Row subdivision contains 41.70 acres located south of Wedington Drive and west of Ruppel Road. In 2004 the City Council rezoned the property to R-PZD 04-6.00 for the Ruppel Row project. This master planned neighborhood was proposed in a Traditional Neighborhood Development (TND) pattern and approved for 182 single-family detached lots, 37 two-family lots subdivided into townhouse lots, and two three-family lots. All homes are rear alley loaded in typical TND fashion with homes built close to the street with prominent front porches.

**DISCUSSION:**

*Background:* Within the past year the applicant has become aware of the City's code regulating the number of unrelated persons being able to live in one dwelling unit. Because the Ruppel Row PZD was approved as a single family zoning district, a maximum of three unrelated persons are allowed to live in each dwelling unit (UDC Chapter 151, definition of *Family*).

In zoning districts 'other than single family' up to four unrelated persons may live in in one dwelling unit. The applicant discussed with staff that they thought their property (Lots 145-183) allowed up to four unrelated people to live in each dwelling because they are two-family/townhomes. However, the applicant's original assumption is incorrect. The number of unrelated persons is based on the underlying zoning district and not the dwelling unit type. In the case of the Ruppel Row PZD, it is classified as a 'single family zoning district' because a majority of the dwellings are single family homes. The Ruppel Row PZD was never proposed or adopted by the City Council as a multi-family zoning district.

For example, city code allows a two-family dwelling located in the RSF-4 zoning district to have up to three unrelated persons because RSF-4 is a single family zoning district. City Code allows a two-family dwelling located in the RMF-24 zoning district to have up to four unrelated persons because RMF-24 is not a single family zoning district.

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*Public Comment:* Staff received two letters in favor of the applicant's request (attached).

*Discussion:* The Ruppel Row subdivision was approved and developed as a TND with single family detached homes and one internal street of townhomes in the central portion of the neighborhood. Consistent with TND and adopted City policy, this neighborhood was intended to serve a variety of home owners within walking distance of a school, community center and future commercial corridor along Wedington Drive.

The Ruppel Row neighborhood was developed with infrastructure including streets, driveways, alleys, and garages for individual owner occupancy, not rentals with occupancy for up to four unrelated people in each dwelling. A greater density of individuals living together can pose safety and nuisance issues if the neighborhood was not designed to accommodate that density, as in this case.

For instance, there is not enough parking for each dwelling on the subject properties to accommodate four cars with individual occupancy. This will result in residents parking on the street. However, Wordsworth Lane was not built to accommodate the number of vehicles associated with residency of four unrelated people per dwelling. Wordsworth Lane is a 28-foot wide street and only allows parking on one side. Because both sides of the street are developed with two-family townhomes, continuous parking on both sides of the street is needed to accommodate the number of vehicles generated by the proposed occupancy. Continuous parking on both sides of the street leaves only a 12-foot travel lane that would be in violation of the fire code that requires a 20-foot clear unobstructed fire access road. A lack of adequate on-site and on-street parking can result in other violation issues such as parking in the grass or in alleys.

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**RECOMMENDATION:** Staff recommends denial of ADM 15-5135 based on the findings that the streets, alleys, and parking in this neighborhood were not designed or built to safely or efficiently support up to four unrelated persons in each dwelling. The proposal would also be counter to the original intent of the PZD adopted by City Council for a variety of individual home ownerships within the neighborhood.

**Planning Commission Action:**     Approved                     Forwarded                     Denied  
(recommend approval)

**Meeting Date:** July 27, 2015

**Motion:** Autry

**Second:** Selby

**Vote:** 7-1-0 (Commissioner Brown voted 'no')

**BUDGET/STAFF IMPACT:**

None.

**Attachments:**

- UDC Chapter 151 definition of 'family'
- Applicant's letter
- Public comment
- Example two-family townhome plan
- Ruppel Row Subdivision final plat
- Close up map
- Current land use map
- Future land use map
- One mile map



## **Fayetteville UDC Chapter 151**

*Family.* (Zoning) In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a “family” is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a “family” is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of “family” as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as applying the parking requirements of §172.11 (even though this is a multifamily PZD), requiring that each five person unit must be placed within a freestanding structure of not more than two stories and be buffered from other residential districts outside the Planned Zoning District. The City Council shall consider whether an applicant’s PZD with one or more five unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. Persons are “related” for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of “family” does not include fraternities, sororities, clubs or institutional groups.

July 8, 2015

Planning Commissioners and City Council Members,

I currently own 80 attached townhome units in the Ruppel Row PZD. When I purchased these lots, my intent was, and in fact I did, build the units to lease to upper class and graduate school college students. Before I purchased the lots and started construction, I checked the zoning on my specific lots on the plat, met with the POA as well as the architectural review committee who knew and understood exactly what I was going to build and they were in support of it. These lots are zoned "unit 9 two-family dwelling" and "unit 10 three-family dwelling," so I built them with the intent to house four students per unit in a more family like setting. Our units are 1850 sf with 4 bedroom, 3 baths and a 2 car garage. There are 2 parking spots on the street as well as spots in the garage and 2 on the driveway, so parking is not an issue.

Over the last three years, we have been operating under these assumptions with the support of our local PZD and neighbors. We have been great neighbors within our PZD, to the point that they asked me to serve on the board. To my knowledge, we have never had a complaint pertaining to over-occupancy nor have we had complaints of traffic congestion. Lastly, I would point out that we have developed a financial and mentoring partnership with the Boys and Girls Club and they have been very appreciative and supportive of our students.

After speaking with city officials, it appears that there is some gray area and contradicting information pertaining to zoning and the definition of family. In the Unified Development Code, family is defined as 3 or less unrelated parties in a single-family district (unit 8). In all other districts, a family is no more than 4 unrelated parties. (My assumption is "all other" would include "unit 9 two-family dwelling" and "unit 10 three family dwelling.") Even in the definition of dwellings, there are two distinct definitions for "attached single-family dwelling" and "attached two-family dwelling."

As the owner of lots 145-183 in the Ruppel Row PZD, I would like to formally request a clarification and update of the underlying zoning to facilitate what is already occurring on my properties and that my properties be recognized as a unique within the Ruppel Row PZD. In particular, this Planning Area would recognize my properties as 'other than single-family' for the purposes of the definition of "Family" in the Fayetteville Unified Development Code.

Thank you for your consideration.



Rob Kimbel



July 20, 2015

To whom it may concern,

As the Chief Professional Officer and a representative of the Boys and Girls Club of Fayetteville, we want to show our support for Spring Creek Rentals and specifically their partnership with our organization. The representatives from Spring Creek have taken strides to promote community well-being through their partnership with our organization as well as the community as a whole.

It is my understanding that there may be a concern over allowing four college students in each townhome. From our perspective, we have not noticed any negative effects of this arrangement. We are in support of allowing the Ruppel townhomes to operate in the same way they have for the last three years.

Regards,

A handwritten signature in blue ink that reads "E.J. Schuldt".

Eric Schuldt  
Boys and Girls Club of Fayetteville

Donald W. Reynolds Boys & Girls Club of Fayetteville  
560 North Ruppel Road • Fayetteville, AR 72704 • Tel 479-442-9242 • Fax 479-442-6192  
[www.fayettevillekids.org](http://www.fayettevillekids.org)

*Great Futures Start Here.*

July 10, 2015

To whom it may concern,

I am writing in my capacity as president of the Ruppel Row Property Owners Association regarding the duplex homes on Wordsworth Ln. that Mr. Kimbel has built and rented since 2013. To date, I am not aware of any major violations of the POA covenants or city code related city services, and to my knowledge, Mr. Kimbel's duplex homes have operated well within our established neighborhood covenants.

In more recent phases of building, Mr. Kimbel has been mindful to include extra space for tenant parking, which when coupled with the available on-street parking, has alleviated any potential parking issues. Moreover, Mr. Kimbel employs a rental manager to ensure that residents comply with neighborhood regulations. Our experience with Mr. Kimbel's management team has been nothing but positive and we have found them to be very responsive.

It is the opinion of the POA that Mr. Kimbel's properties have not only been a significant positive impact to the neighborhood, they have also strengthened our community. With his support, the POA has been able to pursue a number of important improvement projects, including the purchase and placement of new mailboxes and the installation of trees throughout the entire PZD. His investment in the neighborhood have also invigorated interest in the Ruppel Row PZD, and as such, we have been fortunate to see a number of new homes completed within the last two years.

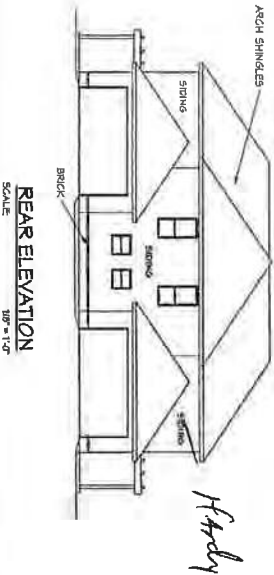
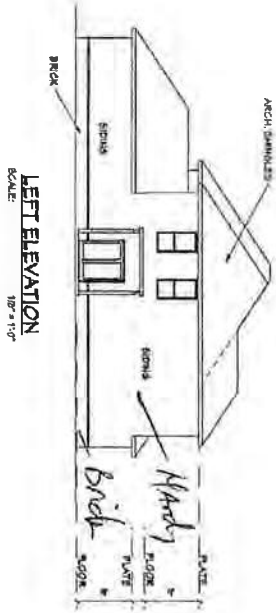
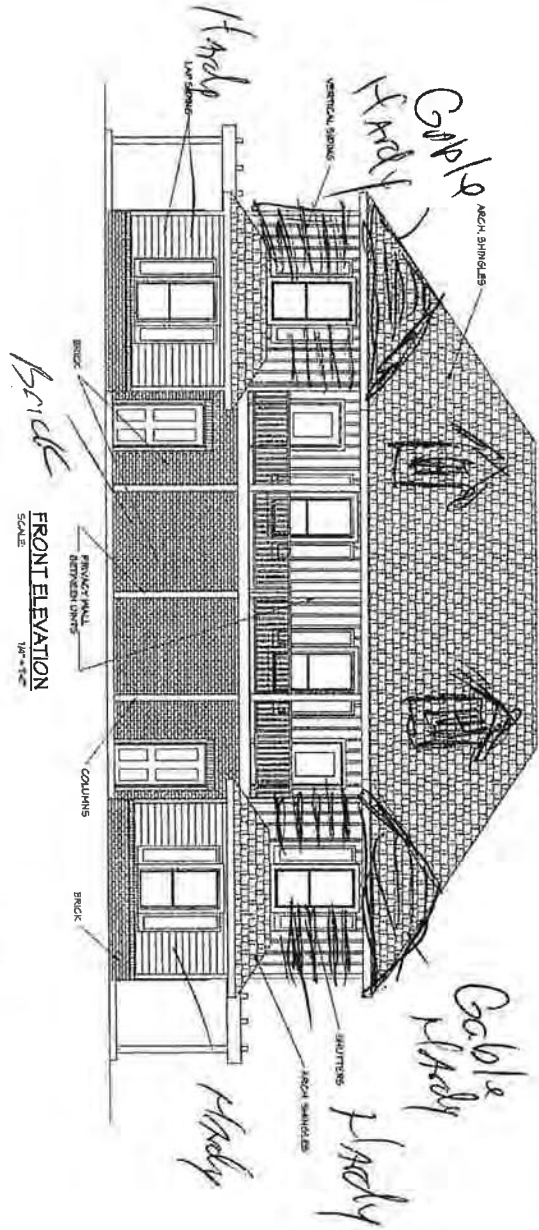
From my perspective, as POA President, there is no question that Mr. Kimbel's properties should be allowed to continue to operate, as they have for some time, within the Ruppel Row PZD. Should you have further questions about Mr. Kimbel's properties or about the Ruppel Row POA, please do not hesitate to contact me.

Sincerely,

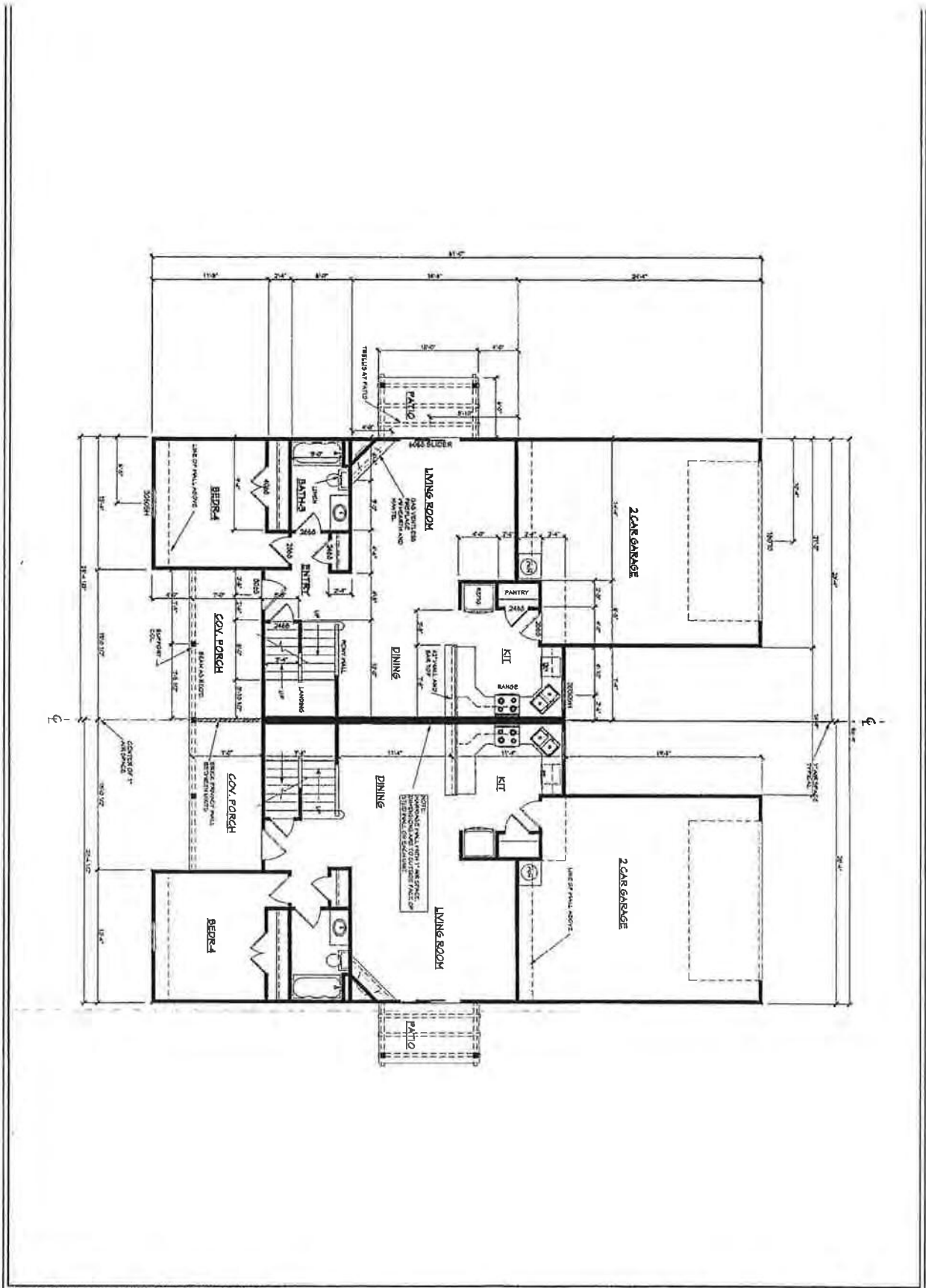
  
Ted Belden, Ruppel POA President

58499

Lot 151 - 589-591 Woods with



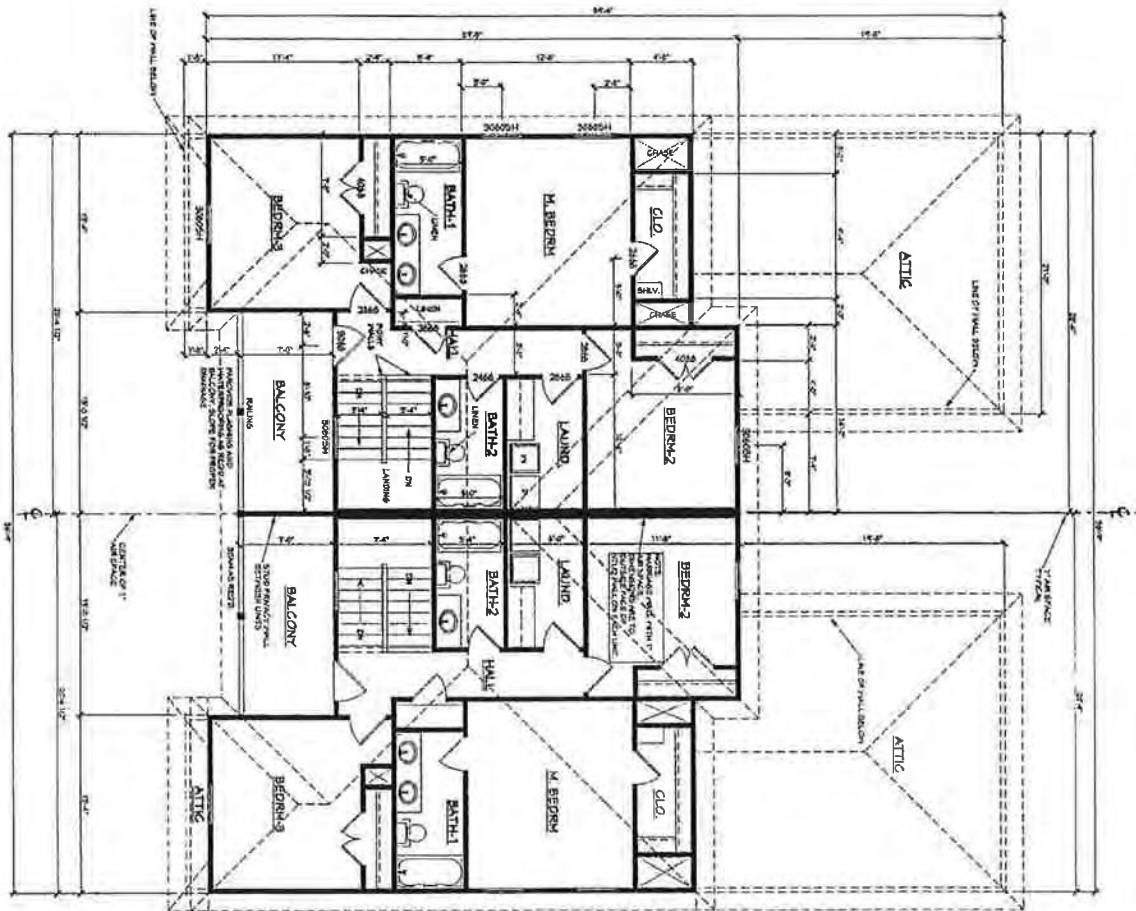
		PROJECT DESCRIPTION: <b>ADR ROTH HOME - LLC</b> <b>R 8 14 DUPLEX</b>	DRAWINGS PROVIDED BY: <b>QUYE DESIGNS</b> ROGERS, ARKANSAS (479) 248-4292 quye@quyedesigns.com
SHEET TITLE: <b>ELEVATIONS</b>		DATE: 7/27/15	DRAWING NO.: 1184
SCALE: 1/8" = 1'-0"		PROJECT NO.: 58499	SHEET NO.: 5
NOTES: 1. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED.		CLIENT: ADR ROTH HOME - LLC	TOTAL SHEETS: 6



SHEET TITLE: <b>FIRST FLOOR PLAN</b>	PROJECT DESCRIPTION: <b>ADR ROTH HOME - LLC          R 8 14 DUPLEX</b>	DRAWINGS PROVIDED BY: <b>GUYE DESIGNS</b> ROSSIE, ARKANSAS (419) 244-2252 garye@guyedesigns.com	REVISIONS:
			NO. OF SHEETS: 6

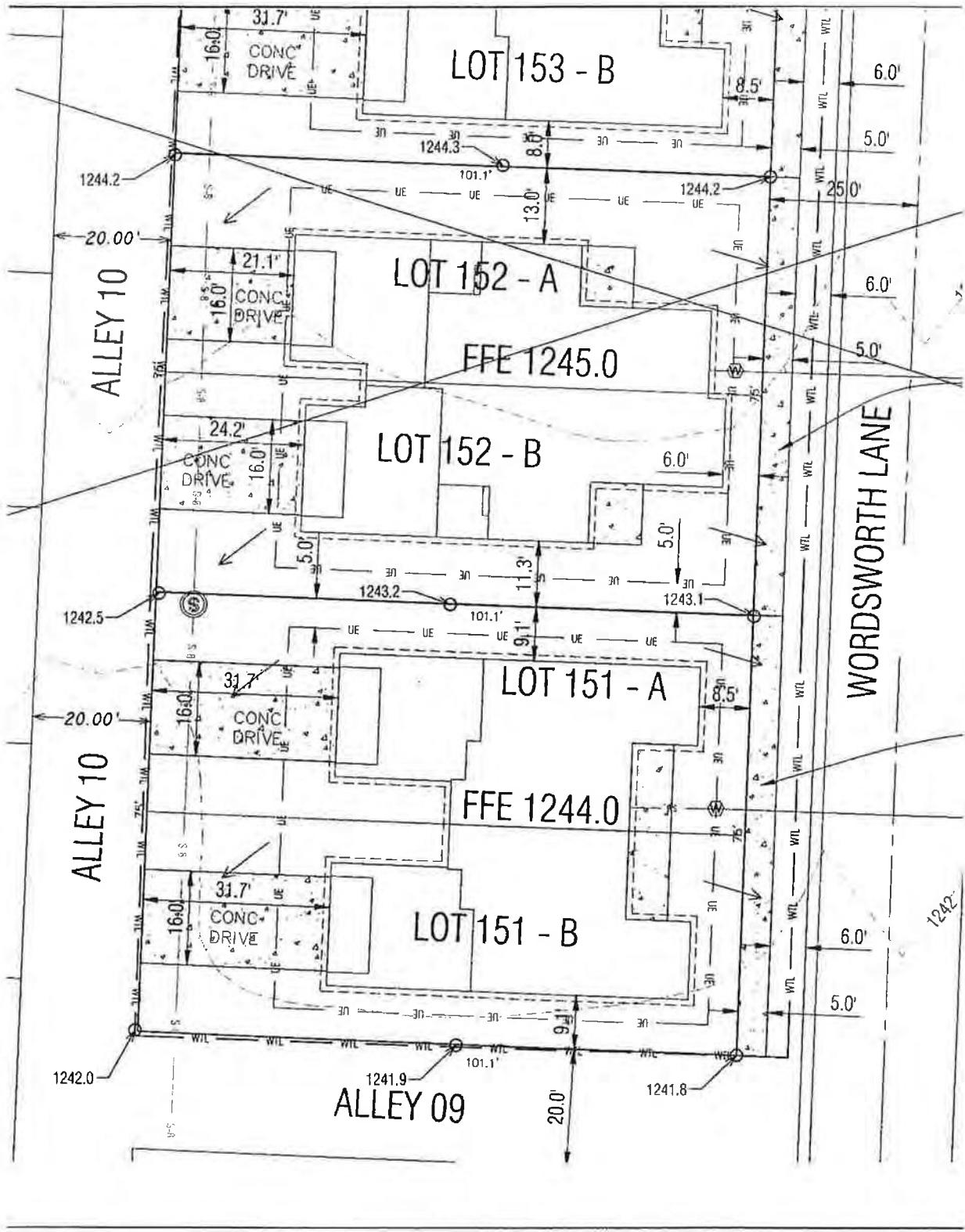


58499



<p>DATE: 7/27/15          DRAWN BY: [Signature]          CHECKED BY: [Signature]          PROJECT NO: 15-135</p>		<p>PROJECT DESCRIPTION:  <b>ADR ROTH HOME - LLC</b>  <b>R 8 14 DUPLEX</b></p>	<p>DRAWINGS PROVIDED BY:  <b>QUYE DESIGNS</b>          ROGERS, ARKANSAS          (479) 244-3252          QUYEDESIGNS@GMAIL.COM</p>
<p>NOTES:          1) SEE ALL NOTES ON ALL SHEETS.          2) ALL DIMENSIONS UNLESS OTHERWISE NOTED.          3) ALL FINISHES TO BE AS SHOWN ON ALL SHEETS.          4) ALL WORK TO BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.          5) ALL WORK TO BE IN ACCORDANCE WITH ALL APPLICABLE CONTRACT DOCUMENTS.</p>		<p>SHEET TITLE:  <b>SECOND FLOOR PLAN</b></p>	<p>DATE: 7/27/15          DRAWN BY: [Signature]          CHECKED BY: [Signature]          PROJECT NO: 15-135</p>
<p>NO. 3</p>	<p>DATE: 7/27/15</p>	<p>NO. 6</p>	<p>DATE: 7/27/15</p>

58499

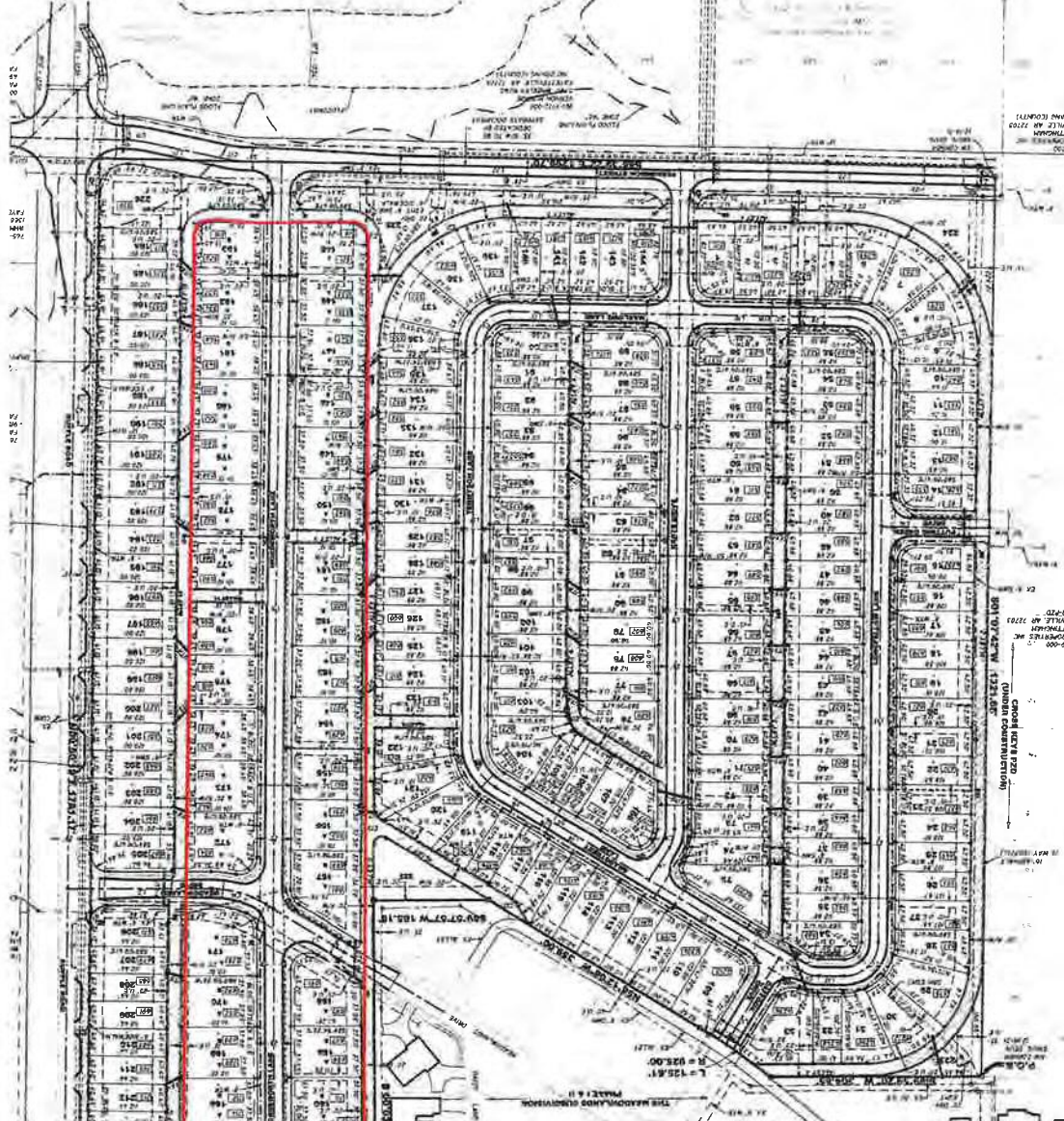




DATE: 10/11/16  
 PROJECT: 15-5136  
 PLANNING COMMISSION  
 AMT'S REVISION SHEET: PARK PLAYERS  
 DATE: 10/11/16  
 PROJECT: 15-5136  
 PLANNING COMMISSION  
 AMT'S REVISION SHEET: PARK PLAYERS  
 DATE: 10/11/16  
 PROJECT: 15-5136  
 PLANNING COMMISSION  
 AMT'S REVISION SHEET: PARK PLAYERS



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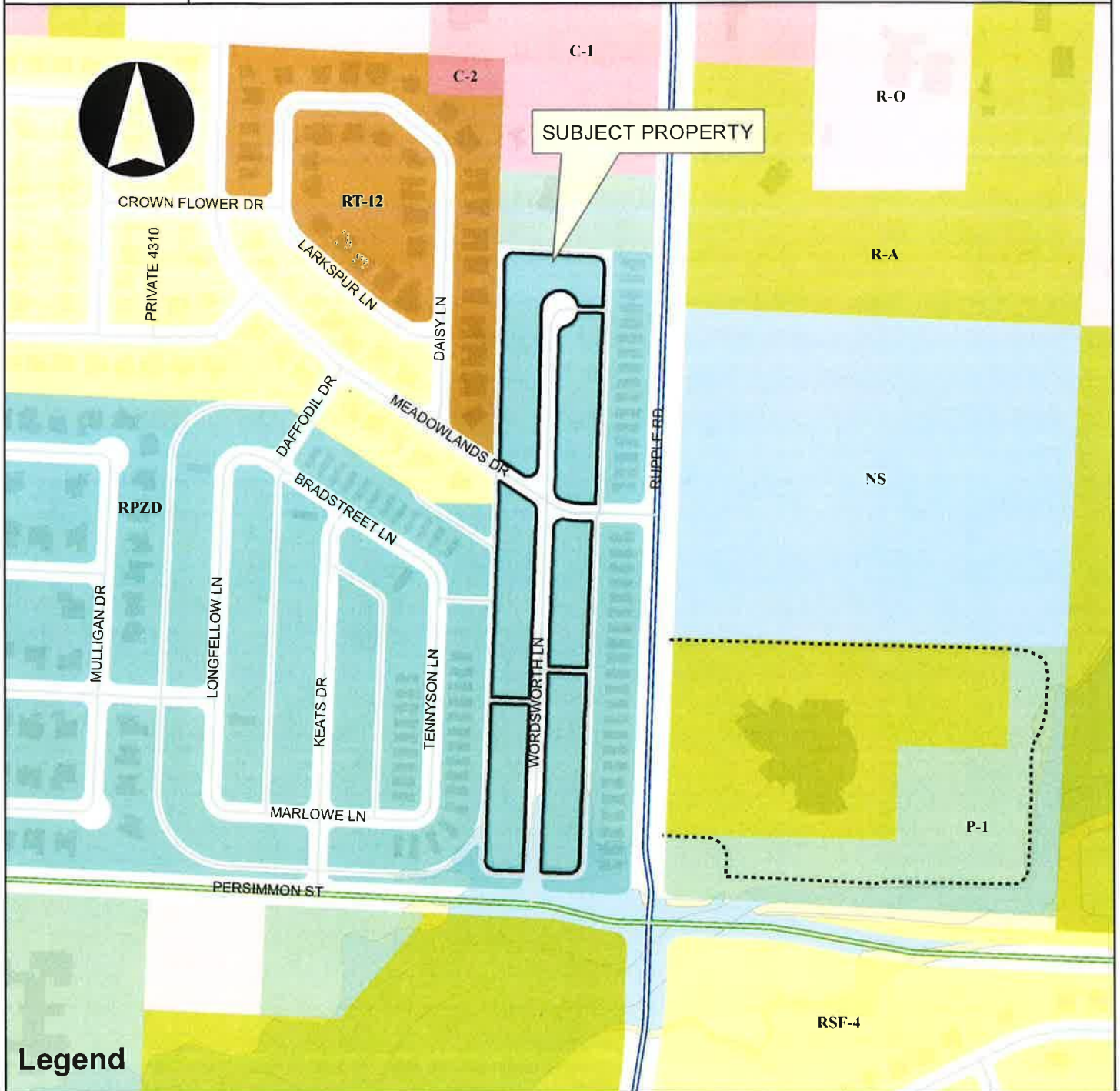
**LEGEND**

- SET IRON PIN
- SEWER MANHOLE
- ★ STREET LIGHT
- ✱ FIRE HYDRANT
- STREET ADDRESS
- CENTERLINE STREET
- UTILITY EASEMENT
- BUILDING SETBACK
- ACCESS EASEMENT
- NEW #1 SEWER LINE
- NEW WATERLINE
- EXISTING WATERLINE
- EXISTING SEWER LINE
- STORM DRAIN
- 5' SIDEWALK
- UTILITY CROSSING







- NOTES**
- 1) THESE ARE NO DIMENSION RETIANCE ON THIS PROPERTY
  - 2) REFERENCE SHALL BE MAINTAINED BY THE P.O. AT EACH STREET CORNER
  - 3) ALL UTILITY CROSSINGS SHALL BE 6" x 6" PVC PIPES SAVED MINIMUM 4" DEEP
  - 4) LOTS 150-152 AND 154 ARE CONVEYED TO BE MAINTAINED BY THE P.O. THESE
  - 5) ALL LOTS TO ACCESS ALLEYS ONLY. NO ACCESS SHALL BE PERMITTED ONTO
  - 6) PERMITS SHALL BE OBTAINED FROM THE CITY OF CHICAGO FOR ALL
  - 7) ALL LOTS TO ACCESS ALLEYS ONLY. NO ACCESS SHALL BE PERMITTED ONTO
  - 8) PERMITS SHALL BE OBTAINED FROM THE CITY OF CHICAGO FOR ALL
  - 9) ZONING - R-200
  - 10) NONE OF THE LOTS SHOWN ON THIS PLAN HAVE SLOPES GREATER THAN 8%

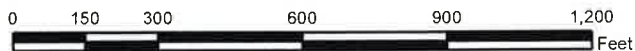
# RUPPLE ROW PZD AMENDMENT

Close Up View



## Legend

-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail
-  ADM15-5135
-  Footprints 2010
-  Design Overlay District



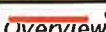





ADM15-5135

# RUPPLE ROW PZD AMENDMENT

Current Land Use



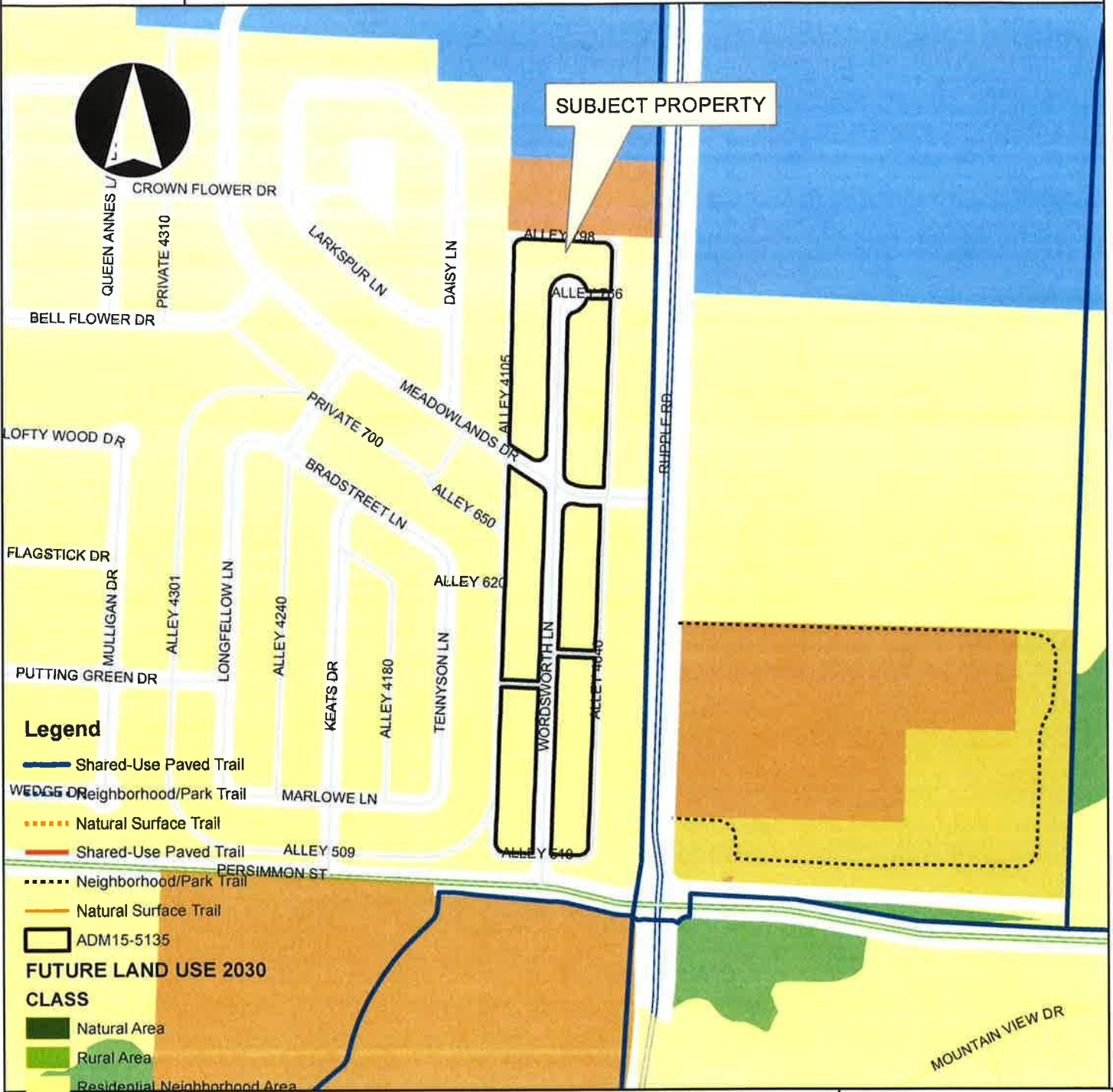
## Legend

-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail
-  ADM15-5135
-  Footprints 2010
-  Design Overlay District



# RUPPLE ROW PZD AMENDMENT

Future Land Use



### Legend

— Shared-Use Paved Trail

--- Neighborhood/Park Trail

..... Natural Surface Trail

— Shared-Use Paved Trail

--- Neighborhood/Park Trail

..... Natural Surface Trail

□ ADM15-5135

### 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

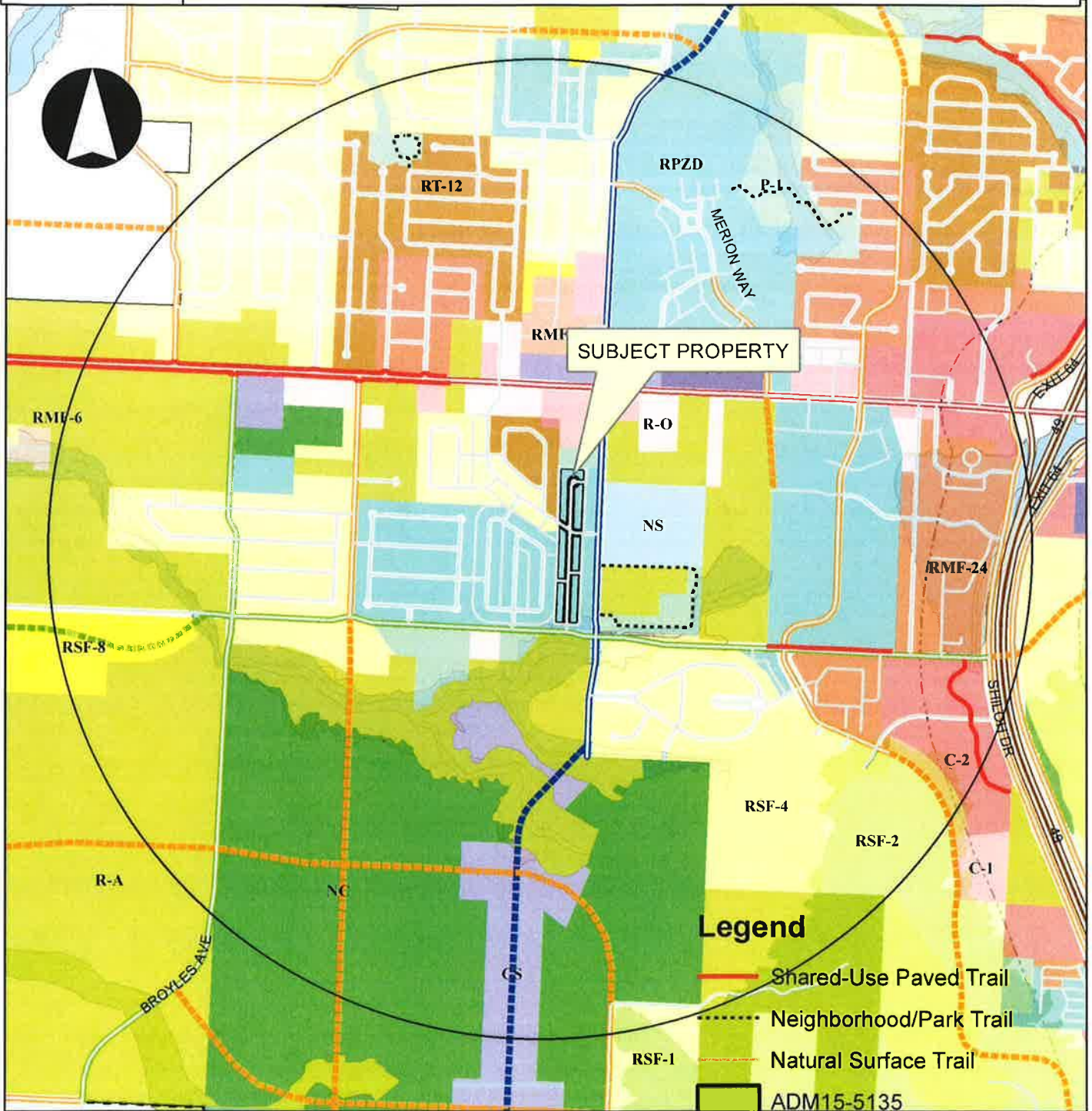
ROW



ADM15-5135

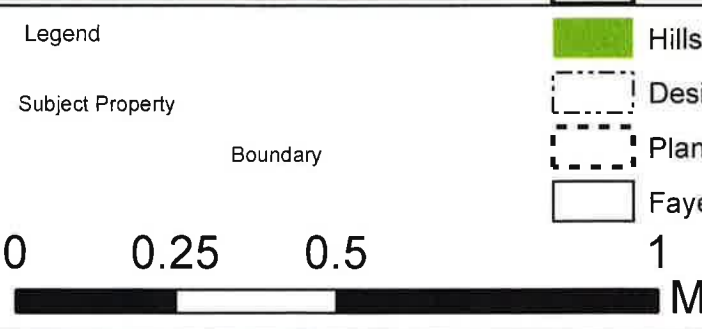
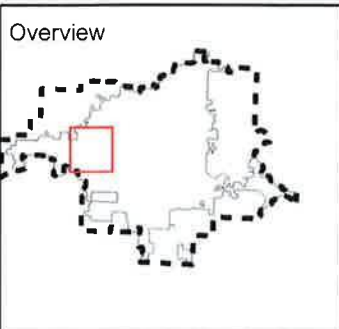
# RUPPLE ROW PZD AMENDMENT

One Mile View



## Legend

- Shared-Use Paved Trail
- ⋯ Neighborhood/Park Trail
- - - Natural Surface Trail
- ADM15-5135



- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

---

## Fwd: Ruppel Row

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Rob Kimbel <rob.kimbel@kimbelmechanical.com>

Mon, Jul 27, 2015 at 12:54 PM

Begin forwarded message:

**From:** gene dresel <gdresel@sbcglobal.net>  
**Date:** July 27, 2015 at 12:50:58 PM CDT  
**To:** Rob Kimbel <rob.kimbel@kimbelmechanical.com>  
**Subject:** Ruppel Row  
**Reply-To:** gene dresel <gdresel@sbcglobal.net>

Rob,

Please let this email serve as a reminder of our conversation during our initial meeting regarding the construction of the four bedroom townhouses in the Ruppel Row Subdivision.

In 2012 I was serving the Ruppel Row POA as a board member and the Chairman of the Architectural Review Committee.

In April of 2012 the Ruppel Row Architectural Review Committee met with Rob Kimbel at my previous house at 4149 Bradstreet Ln in Fayetteville AR. The purpose of the meeting was to discuss the upcoming construction and review the plans for the townhouses in the Ruppel Row Subdivision. During the course of this meeting it was discussed that Rob's intention was to lease the townhouses to four students per unit. Rob's understanding of the zoning criteria was that the single family residences in the neighborhood were limited to 3 unrelated people where the multifamily residences allowed for 4.

Over the course of time Rob submitted a number of different plan types. It was always understood by the ARC/POA that Rob intended to have four students residing in each unit.

Feel free to contact me at anytime to discuss.

Thank you



SC Meeting of September 01, 2005

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

TO: Subdivision Committee Members  
FROM: Jeremy Pate, Director of Current Planning  
Brent O'Neal, Staff Engineer  
DATE: August 30, 2005

**FPL 05-1547: Final Plat (RUPPLE ROW R-PZD, 439):** Submitted by DAVE JORGENSEN for property located at W OF RUPPLE RD., N OF PERSIMMON PL. The property is zoned R-PZD, RESIDENT. PLANNED ZONING DIST. and contains approximately 41.70 acres. The request is to approve the final plat of a Residential Planned Zoning District.

Property Owner: NOCK INVESTMENTS      Planner: JEREMY PATE

**Findings:**

*Proposal:* The applicant is requesting final plat approval of Ruppel Row Subdivision located at the northwest corner of Persimmon Place and Ruppel Road. The proposed use of the site is for a "neo-traditional" development consisting of 182 single-family residential dwelling units and 78 two-family residential units, for a total of 260 dwelling units. The proposed density for the R-PZD is **6.24 DU/acre**. In June of 2004, the City Council approved R-PZD 04-06.00 for development of Ruppel Row Subdivision. This approval constituted a rezoning and preliminary plat approval to construct necessary infrastructure. A final inspection has occurred, and necessary infrastructure has been installed or will be guaranteed, pursuant to city ordinances. The subdivision contains 182 single family lots and 78 two-family lots.

*Existing Development:* The site is located in west Fayetteville across from the Boys and Girls Club on Ruppel Road. Meadowlands Subdivision Phases I & II lie to the northwest, to the west is Cross Keys Subdivision, to the south the Fayetteville School District is construction a new elementary/middle school, and to the north is Fire Station #7.

*Surrounding Land Use/Zoning:*

Direction	Land Use	Zoning
North	Meadowlands S/D (duplex, SF) , Fire Station #7	RSF-4, Single Family Res. 4 DU/Acre RT-12, Res. 2 & 3 Family, 12 DU/Acre R-A, Residential Agricultural
South	Fayetteville School	RSF-4
East	Boys & Girls Club, vacant property	RMF-24, Res. Multi-family, 24 DU/Acre, R-A, Residential Agricultural
West	Cross Keys Subdivision PZD	R-PZD

Water & Sewer: Water and sewer has been extended to serve the development.

*Request:* The applicant requests final plat approval for a residential subdivision within a unique R-PZD zoning district to allow for the recording of the plat, sale of lots and construction of homes.

**ZONING CRITERIA: R-PZD Ruppel Row**

(A) *Proposed Uses.*

LOTS	USE UNIT	ALLOWABLE USES
Lots 1-226	Unit 1	City-wide uses by right
Lots 1-226	Unit 2	City-wide uses by conditional use
Lots 1-144	Unit 8	Single-family dwelling
Lots 145-183	Unit 9	Two-family dwelling
Lots 164-165	Unit 10	Three-family dwelling
Lots 1-221	Unit 24	Home Occupations

*All other uses allowed within the R-PZD zoning district shall not be permitted.*

(B) *Density.*

Units for entire Subdivision	Number of Acres	Units Per Acre
260	41.70	6.24

(C) *Bulk and area regulations.*

	All lots
Lot minimum width	37 feet minimum per dwelling/lot; lot width on curves and cul-de-sacs measured as required by code.
Lot area minimum	3,700 SF minimum per dwelling/lot
Land area per dwelling unit	Varies. Only one dwelling unit per lot permitted, with exception of lots 164-165.

*\* The typical lot size for lots ranges from approximately 40-45 feet wide x 110-120 feet deep. The designated three family lots are proposed to be approximately 70 feet wide by 100 feet deep.*

(D) *Setback requirements.*

Front Building Setback: 5'  
 Rear Building Setback: 20'  
 Side Building Setback: 0'. *All detached units shall have a minimum 16-foot separation. Attached units may have a 0-foot setback on its common wall, but shall maintain a 16-foot separation from adjacent units.*

(E) *Height.* None.

(F) *Building area.* On any lot the area occupied by all buildings shall not exceed 70% of the total area of such lot. The range of home sizes shall be from 1600 SF to 2200 SF, as noted in the associated covenants.



# FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

SC Meeting of January 29, 2004

113 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: 501-575-8264

## PLANNING DIVISION CORRESPONDENCE

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TO: Subdivision Committee Members  
FROM: Suzanne Morgan, Associate Planner  
Matt Casey, Staff Engineer  
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator  
DATE: January 28, 2004

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**R-PZD 04-02.00: Residential Planned Zoning District (Cross Keys, pp 438)** was submitted by Chris Brackett of Jorgensen & Associates on behalf of Charles Sloan and Sloan Properties for property located south of Wedington Drive at the corner of N. 46<sup>th</sup> and Persimmon Street. The property is currently zoned R-A, Residential Agricultural and contains approximately 38.48 acres. The request is to rezone the subject property to a Residential Planned Zoning District to allow for the development of a residential subdivision with 108 single family dwellings proposed. Planner: Suzanne Morgan

### Findings:

*Proposal:* The applicant requests a rezoning and preliminary plat approval for a residential development within an R-PZD zoning district. **The proposed use is single-family residential, with 108 lots proposed.** A detention pond is to be located off-site to the south, on property also owned by the applicant. Density for the entire site is 2.81 units per acre. The development is currently zoned R-A, Residential Agricultural. The site is located on the northeast corner of the intersection of Persimmon Street and 46<sup>th</sup> Street. The applicant has proposed to erect a fence along these two rights-of-way. The preliminary plat for Persimmon Place Subdivision, located west of 46<sup>th</sup> St., was approved with a condition that a privacy fence six feet in height be constructed as required in the Bill of Assurance filed when this property was rezoned. This item must be heard at City Council pursuant to the requirements for a PZD.

*Background:* This item was approved at the Subdivision Committee meeting on December 30, 2003. It was tabled to Subdivision Committee at the January 12, 2004 Planning Commission meeting due to lack of proper notification from the developer prior to the Subdivision Committee and Planning Commission meetings.

### Surrounding Land Use / Zoning:

Direction	Land Use	Zoning
North	Single family residential	RSF-4, Residential Single-family – 4 units per acre R-A, Residential Agricultural
South	One single-family home	Planning Area

East	Vacant	RSF-4, Residential Single-family – 4 units per acre
West	Vacant (Persimmon Place PPL is under construction)	RSF-4, Residential Single-family – 4 units per acre

*Right-of-way being dedicated:* 50' for all interior rights-of-way, 70' along Persimmon St., and 50' along 46<sup>th</sup> St.

*Connectivity:* Connectivity from this proposed residential subdivision is being provided west to 46<sup>th</sup> Street, south to Persimmon St., and east to a vacant tract of land for connectivity to future development.

*Street Improvements:* Construction of Persimmon Street along southern property line and a recommendation from Engineering Division to cost share for the developer to overlay the entire width of 46<sup>th</sup> Street for the length of the project.

*Adjacent Master Street Plan Streets:*

- North: Wedington Drive (principal arterial) approximately ½ mile north
- South: Persimmon Street (collector) planned for construction with this development
- East: 46<sup>th</sup> Street (local street)
- West: 54<sup>th</sup> Ave. (collector) is approximately ¾ mile west

*Tree Preservation:*

Existing canopy:	0.13 %
Preserved canopy:	0.08 %
Mitigation:	\$1,050 payment into the City's Tree Escrow Account prior to final plat approval.

**Recommendation:** Forward to the full Planning Commission with the following conditions:

**Conditions of Approval:**

1. Planning Commission recommendation to the City Council regarding the rezoning of the subject property to the unique district for R-PZD 04-02.00 with all conditions of approval as determined by the Planning Commission.
2. An ordinance creating this R-PZD shall be approved by City Council.
3. A Final Plat is required to legalize the lot configuration, filed pursuant to City of Fayetteville requirements.
4. Interior street names shall be approved by the City 9-1-1 Coordinator.
5. Planning Commission determination of appropriate fence material, if desired, and appropriate timing for installation. *Cannot encroach upon ROW or easement.*
6. Planning Commission determination of street improvements. *Staff recommends 14' from the centerline of 46<sup>th</sup> Street including curb, gutter, and storm sewer.*

EXHIBIT B  
SUBDIVISION DESIGN CRITERIA

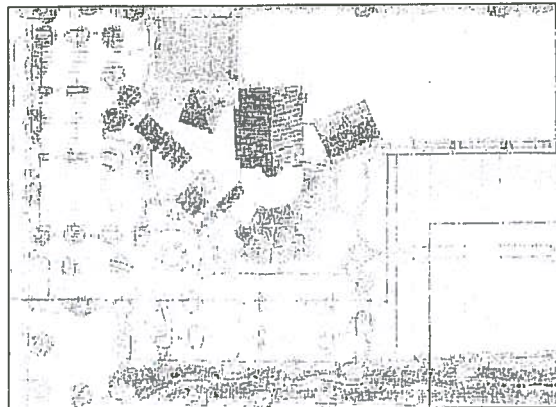
The Ruppel Row neighborhood is designed to enhance the quality of life of those who will call it home. A neo-traditional neighborhood such as Ruppel Row is a unique design approach that takes its inspiration from the "township" planning model that prevailed in the United States early in the Twentieth Century. Key components of neo-traditional neighborhoods include land development in a more compact and human scale, with homes clustered within walking distance of parks, recreation facilities, schools and a central meeting place.

Although the following information discusses neo-traditional developments in general the developer reserves the right define and refine the intent and execution of any planning and design.

Design Elements of Neo-traditional/new Urbanist developments include:

Limited Size: A village or neighborhood is limited to a ¼ mile radius (up to 200 acres), or a five minute walk from the center to a clearly defined edge.

Convenience to Services: The inclusion of recreational and commercial activity near residential areas brings services and attractions within walking distance for all ages and social groups.



Mixed Uses: A variety of housing types is a standard element, including single family, duplex, townhouses, and apartments.

**Erosion.** (Stormwater Management, Drainage and Erosion Control) The removal of soil particles by the action of water, wind, ice or other geological agents.

**Evergreen.** (Physical Alteration of Land) A plant that retains leaves or needles year-round.

**Excavation.** (Physical Alteration of Land) The mechanical removal of earth material from water or land.

## E

**FAA.** (Airport Zone) The Federal Aviation Administration.

**Facilities emitting odors.** (Zoning regulations) Any function that involves a process which emits or has the potential for emitting odor.

**Facilities handling explosives.** (Zoning) Any function that involves a process dealing with a product with explosive potential.

**Fall zone.** (Wireless Communications Facilities) The area within which a tower or antenna might cause damage to persons or property should the tower or antenna be knocked down, blown over or fall on its own.

**Family.** (Zoning) In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as applying the parking requirements of §172.11 (even though this is a multifamily PZD), requiring that each five person unit must be placed within a freestanding structure of not more than two stories and be buffered from other residential districts outside the Planned Zoning District. The City Council shall consider whether an applicant's PZD with one or more five unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of "family" does not include fraternities, sororities, clubs or institutional groups.

**FCC.** (Wireless Telecommunications Facilities) The Federal Communications Commission.

**FEMA.** (Physical Alteration of Land) Federal Emergency Management Agency.

**Fenestration.** (Development) An exterior opening in the surface of a structure, such as a window, door, clerestory window, curtain wall, etc.

**Fill.** (Physical Alteration of Land) A deposit of earth material placed by artificial means.

**First or ground floor.** (DDOD). The finished floor facing a street right of way.

**Flashing sign.** (Signs) An illuminated sign on which artificial or reflected lights is not maintained stationary and constant in intensity and color at all times when in use.

**Flood or flooding.** (Flood Damage Prevention) A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of flood waters, or the unusual and rapid accumulation or run-off of surface water from any source.

**Flood boundary and floodway map.** (Flood Damage Prevention) The official map on which the Federal Insurance Administration has delineated both the areas of flood hazards and the floodway.

**Flood Insurance Rate Map (FIRM).** (Flood Damage Prevention) The official map on which the Federal Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the Floodway.

**Flood Insurance Study.** (Flood Damage Prevention) The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**Floodplain.** (Stormwater Management, Drainage and Erosion Control) For a given flood event, that area of land that is temporarily covered by water and that adjoins a watercourse. In FEMA regulated, or established floodplains, the floodplains shall mean the area subject to inundation from any source during the regulatory event.

**Floodplain or flood-prone area.** (Flood Damage Prevention) Areas that are subject to, or are exposed to, flooding and flood damage.

# ZONING CRITERIA: R-PZD RUPPLE ROW

## PROPOSED USES

Applicant's Presentation

July 27, 2015 Planning Commission

Page 8 of 17

(A)

LOTS	USE UNIT	ALLOWABLE USES
1 - 226	UNIT 1	CITY-WIDE USES BY RIGHT
1 - 226	UNIT 2	CITY-WIDE USES BY CONDITIONAL USE
1 - 144	UNIT 8	SINGLE-FAMILY DWELLING
145 - 183	UNIT 9	TWO-FAMILY DWELLING
164 - 165	UNIT 10	THREE-FAMILY DWELLING
1 - 221	UNIT 24	HOME OCCUPATIONS

**ALL OTHER USES ALLOWED WITHIN THE R-PZD ZONING DISTRICT SHALL NOT BE PERMITTED.**

**CERTIFICATE OF APPROVAL OF WATER & SEWER SYSTEM:**

I HEREBY CERTIFY THAT THE WATER DISTRIBUTION SYSTEM AND SEWAGE COLLECTION SYSTEM INSTALLED IN THE SUBDIVISION FULLY MEET THE REQUIREMENTS OF THE ARKANSAS STATE BOARD OF HEALTH AND THE CITY OF FAYETTEVILLE.

DATE 1/9/06

Karl B. B...  
CITY ENGINEER

**CERTIFICATE OF APPROVAL OF STREETS AND DRAINAGE:**

I HEREBY CERTIFY THAT THE STREET AND DRAINAGE SYSTEMS INSTALLED IN THIS SUBDIVISION FULLY MEET REQUIREMENTS OF THE CITY OF FAYETTEVILLE.

DATE 1/9/06

R. O. S. R...  
CITY ENGINEER

**CERTIFICATE OF APPROVAL OF PARK LAND DEDICATION OR MONEY IN-LIEU:**

I HEREBY CERTIFY THAT THIS FINAL PLAT COMPLIES WITH SECTION 159.30(K) WITH THE OWNER(S) DEDICATION OF \_\_\_\_\_ ACRES OR PAYING IN-LIEU \$ 8,378.75

**WARRANTY DEED FOR PARK LAND RECORDED AS FOLLOWS:**

BOOK #: \_\_\_\_\_ PAGE #: \_\_\_\_\_  
DATE 01/6/06

Matt Michelini  
"PARKS & RECREATION DIRECTOR" PARK PLANNER

**CERTIFICATE OF APPROVAL OF BUILDING SET-BACK DIMENSIONS:**

I HEREBY CERTIFY THAT ALL BUILDING SETBACK DIMENSIONS SHOWN ON THIS PLAT ARE IN ACCORDANCE WITH THE CURRENT SETBACK REQUIREMENTS.

DATE 01.10.06

James W. ...  
ZONING & DEVELOPMENT ADMINISTRATOR

**CERTIFICATE OF APPROVAL FOR RECORDING:**

THIS PLAT WAS APPROVED BY THE FAYETTEVILLE PLANNING COMMISSION AT A MEETING HELD Sept 01, 2005

DATE 9.05

Mary ...  
SECRETARY

**CERTIFICATE OF SURVEY AND ACCURACY:**

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE 8/3/05

Mary ...  
REGISTERED LAND SURVEYOR / PROFESSIONAL LAND SURVEYOR

**CERTIFICATE OF APPROVAL OF TREE PROTECTION & PRESERVATION:**

I HEREBY CERTIFY THAT THIS PLAT HAS COMPLIED WITH THE REQUIREMENTS OF THE TREE PROTECTION AND PRESERVATION ORDINANCE OF THE CITY OF FAYETTEVILLE CODE.

DATE 1/9/06

Suzanne Patterson  
LANDSCAPE ADMINISTRATOR

**CERTIFICATE OF OWNERSHIP & DEDICATION:**

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE 10/7/05

[Signature]  
OWNER

DATE 10/7/05

Mary ...  
OWNER

**CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:**

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS, INCLUDING CABLE TELEVISION EASEMENTS, PLATTED IN THIS SUBDIVISION ARE SHOWN AS REQUESTED AND WERE APPROVED BY THE UNDERSIGNED UTILITIES OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE 8/31/05

[Signature]  
ELECTRIC

DATE 8/31/05

Johnny Bolos  
GAS SERVICE

DATE 8/31/05

Susan K. House  
TELEPHONE

DATE 8/31/05

[Signature]  
CABLE TELEVISION

DATE 1/9/06

[Signature]  
CITY OF FAYETTEVILLE

**CERTIFICATE OF APPROVAL OF SIDEWALKS:**

CONSTRUCTION OF ALL SIDEWALKS SHALL BE INSPECTED BY THE CITY SIDEWALK AND TRAILS COORDINATOR TO COMPLY WITH THE CITY SPECIFICATIONS. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE CONSTRUCTION AND COMPLETION OF ALL SIDEWALKS SHOWN ON THIS FINAL PLAT.

DATE 1/9/06

[Signature]  
CITY ENGINEER

**SIDEWALK/DRIVEWAY NOTES:**

1. Sidewalks shall be installed by individual lot owner as building permits are issued for each lot.
2. The sidewalk shall be continuous through driveways with a maximum of 2% cross slope and elevated 2% above top of curb.
3. All utility pedestals, manholes and risers shall be installed outside of the proposed sidewalk alignment.
4. All residential driveways shall have a maximum width of 24' measured at the right-of-way line.
5. Driveway approaches shall be constructed of Portland Cement Concrete with a broom finish. Textured, stamped or exposed aggregate concrete is not allowed within the street right of way.
6. All retaining walls shall be set back a minimum of 2 feet from the right of way or sidewalk. All retaining wall construction shall be on the building permit and have the approval of the city Engineer.
7. New sidewalks, driveway approaches, or access ramps constructed in the right of way shall meet Unified Development Ordinance Section 171.13 (a.k.a Ord. # 4005). An inspection is required prior to the concrete pour.
8. Access ramps shall be installed as per this plat.
9. A 24 in wide strip of detectable warning (truncated domes) should be installed at the bottom of a curb ramp to indicate the transition from the sidewalk to the street.
10. Full depth expansion joints are required at intervals of 50 feet or less. Saw joints or tool joints (1 inch depth) are required at regular intervals not greater than 10 feet.



Doc ID: 009535010001 Type: REL  
Recorded: 01/10/2006 at 04:06:50 PM  
Fee Amt: Page 1 of 1  
Washington County, AR  
Bette Stamps Circuit Clerk

File **023A-00000196**

<p><b>JORGENSEN &amp; ASSOCIATES</b> CIVIL ENGINEERS • SURVEYORS</p> <p>124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807</p>	SCALE: 1"=100'	DATE REVISED: 30AUG05	CHECKED BY: CBB	DRAWN BY: BJR	<p>PLAT PAGE # 430</p>
	DATE: 12AUG05	30AUG05	<p><b>RUPPLE ROW SUBDIVISION</b></p> <p><b>FINAL PLAT</b></p>		

**FAYETTEVILLE**  
**THE CITY OF FAYETTEVILLE, ARKANSAS**

**113 W. Mountain St.**  
**Fayetteville, AR 72701**  
**Telephone: 479-444-3472**

TO: Jeremy Pate, Director of Planning  
FROM: Matt Mihalevich, Park Planner  
DATE: August 30, 2005  
SUBJECT: Parks & Recreation Subdivision Committee Comments

\*\*\*\*\*

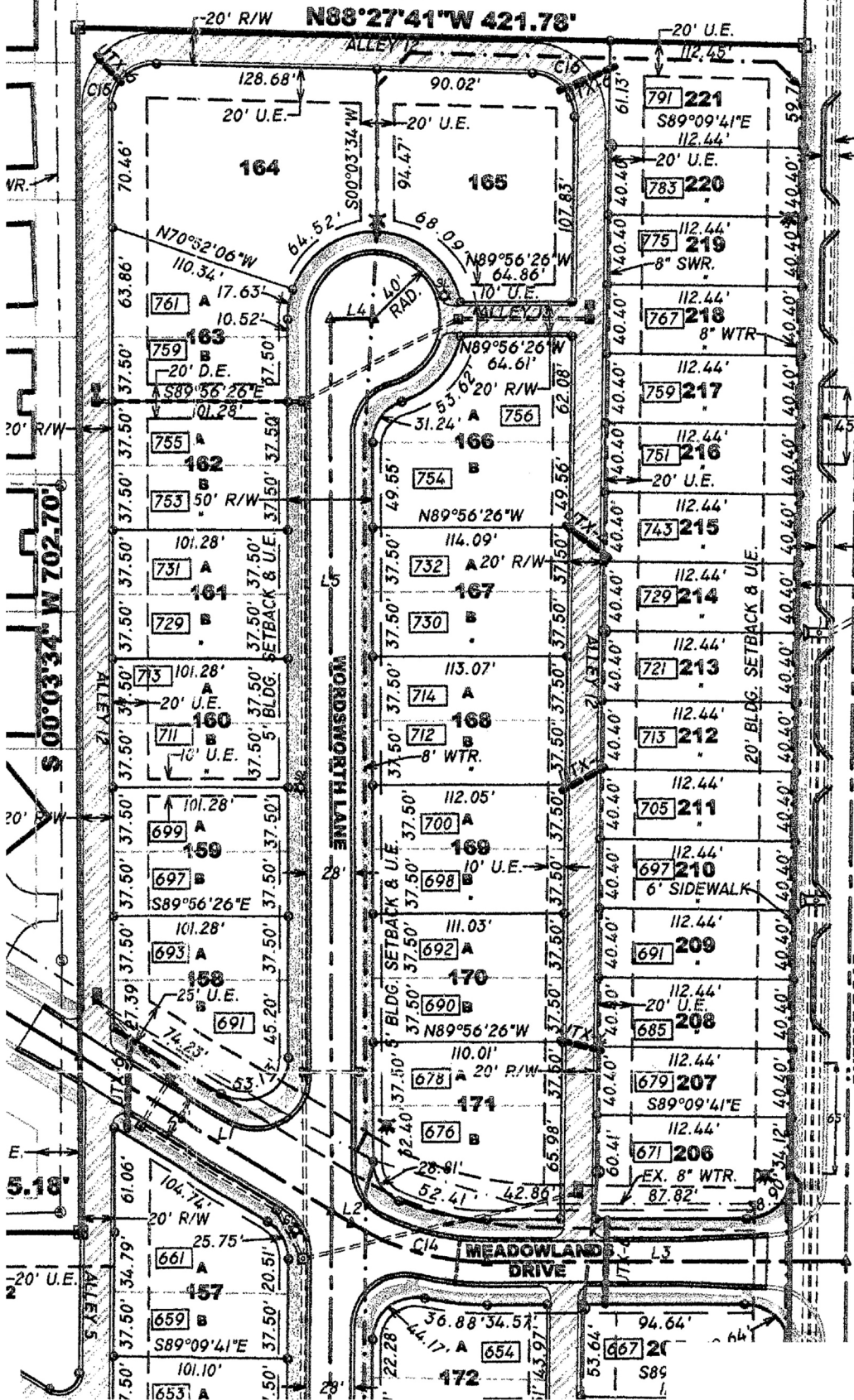
Meeting Date: September 1, 2005  
Item: FPL 05-1547 Ruppel Row, pp 439  
Park District: SW  
Zoned: R-PZD  
Billing Name & Address: Nock Investments, LLC One East Center Street #301 Fay, AR 72701

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	182 @ .024 acre per unit = 4.368 acres	@ \$555 per unit = \$
Multi Family	80 @ .017 acre per unit = 1.36 acres	@ \$393 per unit = \$
Mobile Home	@ .024 acre per unit = acres	@ \$555 per unit = \$
Lot Split		@ \$555 per unit = \$
	Total = 5.728 acres	
	-5.37 previously dedicated	
	.358 acres x 23,125 = \$8,278.75	

COMMENTS:

- In October 2001, the developer banked 5.37 acres toward future development in the SE quadrant. This banked land was used to locate the Boys and Girls club and Dale Clark Park.
- Ruppel Row includes 182 Single Family units, 74 multi family duplex units and 6 multifamily triplex units. Based on these unit numbers, the Park Land Ordinance requires a total 5.728 acres. After subtracting the 5.37 acres already dedicated, .358 acres remains. Using the current cost per acre of \$23,125 for .358 acres leaves parks fees in the amount of \$8,278.75.
- Fees are due before signing of final plat.

A-1



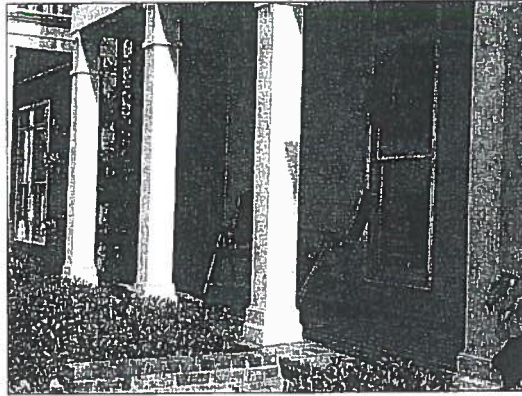
Doc ID: 009535010001 Type: REL  
 Recorded: 01/10/2006 at 04:06:50 PM  
 Fee Amt: Page 1 of 1  
 Washington County, AR  
 Bette Stamps Circuit Clerk  
 File **023A-00000196**

**JORGENSEN & ASSOCIATES**  
 CIVIL ENGINEERS • SURVEYORS  
 124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

SCALE: 1"=100'	DATE REVISED: 30AUG05	CHECKED BY: CBB	DRAWN BY: BJR
DATE: 12AUG05	30AUG05		
RUPPLE ROW SUBDIVISION			1
FINAL PLAT			1

PLAT PAGE # 4/50

Porches: Create spaces for a sociable transition from the public street to the private home and provide shelter and shade.



Building Types: Designed for adaptation from one use to another, as the market dictates, emphasizing local historical style.



New Urbanist subdivisions usually feature narrower lots that range from 16 to 40 feet in width. Row houses (horizontally attached townhomes) may be constructed on adjacent individual lots, as may narrow single family detached homes. Consequently, most neighborhoods will feature a wider variety of house sizes, densities and affordabilities than standard subdivisions. In most cases, garages for homes in Neo-traditional developments are located on the back of the house and accessed via an alley. The result is that street scenes feature porches, windows and front yards rather than garages and driveways.



Notwithstanding the foregoing, each Single Family Residence must have constructed adjacent to it and imbedded in its front yard fencing an approved pergolas in substantially that form that is more fully illustrated and described on EXHIBIT D, attached hereto.

Section 8.13 Antennas and Other Projections. No television, radio, citizen's band, short wave or other antenna, satellite dish, flag pole, solar panel, clothes line, pole (exclusive of permitted basketball goals for Single Family Residences only) or other unsightly projection shall be visible from the exterior of any Single Family Residence, including any such item attached thereto or located in a yard or the Common Area. The Architectural Review Committee may, in its sole discretion, approve satellite dishes which are twenty inches (20") or less in diameter or otherwise in size attached to a Single Family Residence permitted by applicable laws and regulations subject to all conditions which the Architectural Review Committee attaches to such approval, including the location and applicable screening of the satellite dish, which conditions shall comply with all applicable laws and regulations. To the extent that this restriction may be inconsistent with the regulations of the Federal Communications Commission (the "FCC"), as amended from time to time, this restriction shall be deemed modified to the extent necessary to comply with such FCC regulations and still provide such limitations as are consistent with the intent of this restriction.

Section 8.14 Holiday Decorations. Christmas and other holiday lights and decorations may be displayed on the exterior of a Single Family Residence on any Lot only during the period beginning forty-five (45) days prior to and ending twenty-one (21) days after such holiday and they must be removed at the expiration of such period. The method and means of installation of such lights and decorations shall be only as established or permitted by the Architectural Review Committee.

Section 8.15 Storage Tanks. No tank for storage of oil, propane, liquefied gas or other product may be maintained in or adjacent to any Single Family Residence, garage or on any Lot, whether above or below the surface of the ground.

Section 8.16 Refuse. No trash, ashes or other refuse may be thrown, dumped, stored or burned on any Lot, the Common Area, except during construction of a Single Family Residence or any addition thereto or remodeling thereof. The storage or burning of trash, garbage, old appliances, junk or other refuse is prohibited on the Property outside of a Single Family Residence, except such items may be set out for collection after 6:00 p.m. on the day before the scheduled collection day. If there is an alley in the rear of a Single Family Residence, such items set out for collection shall be placed along such alley.

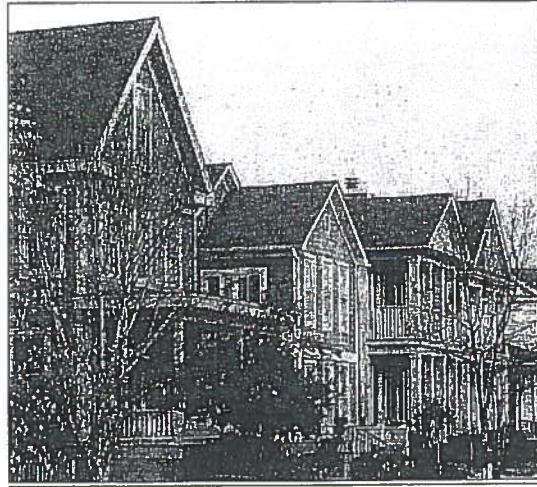
Section 8.17 Signs; Advertising. Except as provided below, no signs, billboards or advertising structures of any kind may be placed on any Lot or in or on any Single Family Residence or be visible from the interior of any Single Family Residence or building on the Lot. Signs advertising the lease or sale of an individual Lot, which do not exceed five (5) square feet in size, may be erected or placed on the Lot being sold or leased. The Developer may erect or place "bill board" type signs related to the Subdivision on any Lot owned by it or on any Common Area.

Section 8.18 Nuisances. No activity shall be carried on in, on or from any Lot, Single Family Residence which is noxious or offensive or an annoyance or nuisance to the neighborhood.



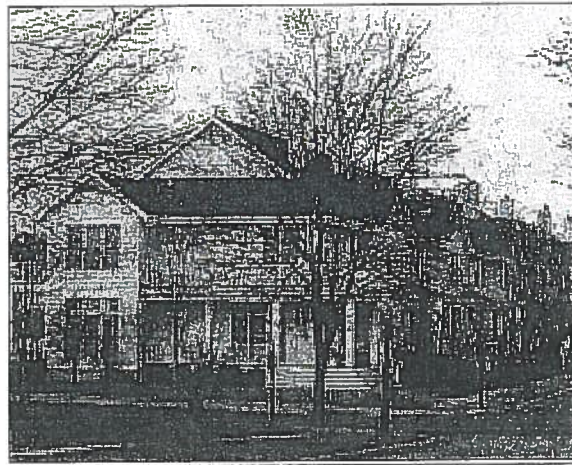
PARKING AT UNITS	356
ON STREET	75
MAX TENANTS	320
TOTAL AVAILBLE PARKING	431





On-Street Parking: Helps to slow down traffic, acts as a buffer between pedestrians and moving traffic, and increases opportunities for drivers to find convenient parking.

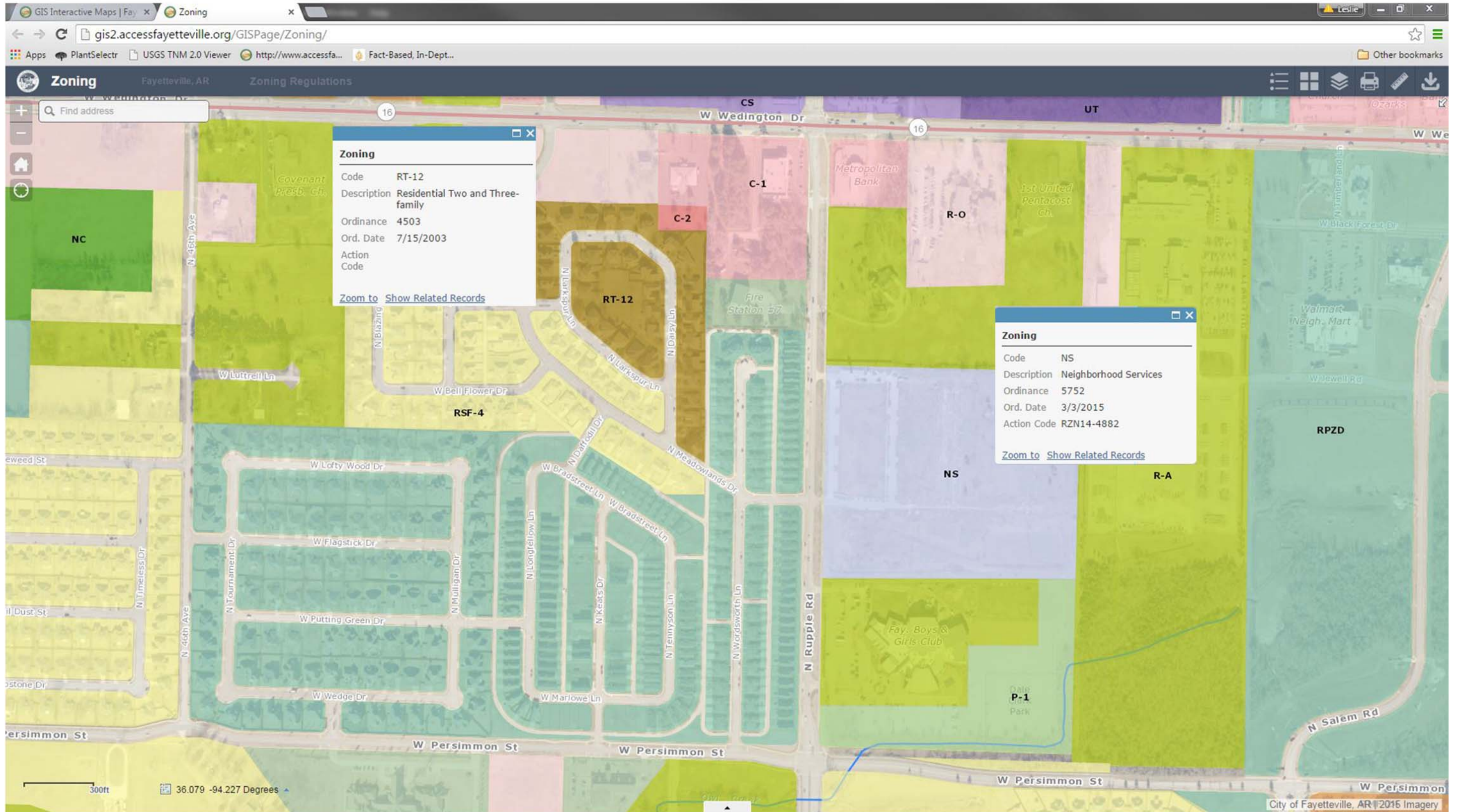
Shallow Setbacks: Placing buildings close to sidewalks creates a friendlier "outdoor room".



Alleys and Lanes: Give secondary access to property for deliveries: locating parking garages, utilities and garbage collection here preserves the beauty of the streetscape.

Street Network: A traditional grid or web pattern creates a more understandable system and more choices for travel routes, which is effective for pedestrians as well as the automobile.

Sidewalks and Pedestrian Paths: An emphasis on "walkability", or the needs of the pedestrian, makes destinations accessible to residents, including children and the elderly. New Urbanism separates sidewalks from the curb by a landscape strip of five to 10 feet in width. Within the landscape strip, street trees are planted that create a canopy of shade over the sidewalk and often even over the road itself. Curbside parking in a project is used as a means of further buffering pedestrians from passing traffic. The result is that people find the experience of walking in these environments to be safer and more enjoyable.



July 10, 2015

To whom it may concern,

I am writing in my capacity as president of the Ruppel Row Property Owners Association regarding the duplex homes on Wordsworth Ln. that Mr. Kimbel has built and rented since 2013. To date, I am not aware of any major violations of the POA covenants or city code related city services, and to my knowledge, Mr. Kimbel's duplex homes have operated well within our established neighborhood covenants.

In more recent phases of building, Mr. Kimbel has been mindful to include extra space for tenant parking, which when coupled with the available on-street parking, has alleviated any potential parking issues. Moreover, Mr. Kimbel employs a rental manager to ensure that residents comply with neighborhood regulations. Our experience with Mr. Kimbel's management team has been nothing but positive and we have found them to be very responsive.

It is the opinion of the POA that Mr. Kimbel's properties have not only been a significant positive impact to the neighborhood, they have also strengthened our community. With his support, the POA has been able to pursue a number of important improvement projects, including the purchase and placement of new mailboxes and the installation of trees throughout the entire PZD. His investment in the neighborhood have also invigorated interest in the Ruppel Row PZD, and as such, we have been fortunate to see a number of new homes completed within the last two years.

From my perspective, as POA President, there is no question that Mr. Kimbel's properties should be allowed to continue to operate, as they have for some time, within the Ruppel Row PZD. Should you have further questions about Mr. Kimbel's properties or about the Ruppel Row POA, please do not hesitate to contact me.

Sincerely,

  
Ted Belden, Ruppel POA President



**BOYS & GIRLS CLUB**  
OF FAYETTEVILLE

July 20, 2015

To whom it may concern,

As the Chief Professional Officer and a representative of the Boys and Girls Club of Fayetteville, we want to show our support for Spring Creek Rentals and specifically their partnership with our organization. The representatives from Spring Creek have taken strides to promote community well-being through their partnership with our organization as well as the community as a whole.

It is my understanding that there may be a concern over allowing four college students in each townhome. From our perspective, we have not noticed any negative effects of this arrangement. We are in support of allowing the Ruppel townhomes to operate in the same way they have for the last three years.

Regards,

A handwritten signature in blue ink that reads "E.J. Schuldt". The signature is written in a cursive style.

Eric Schuldt  
Boys and Girls Club of Fayetteville

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