

**City of Fayetteville Staff Review Form**

**2015-0438**

\_\_\_\_\_  
Legistar File ID

**10/6/2015**

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

Jeremy Pate

9/18/2015

City Planning /  
Development Services Department

\_\_\_\_\_  
**Submitted By**

\_\_\_\_\_  
**Submitted Date**

\_\_\_\_\_  
**Division / Department**

**Action Recommendation:**

RZN 15-5179: Rezone (324 N. HORNSBY DR./MARKHAM HILL REZONE, 482): Submitted by BRIAN REINDL for properties located at 324 & 334 N. HORNSBY DR. AND 309, 325, & 333 N. SMITH RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.39 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION, and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>NA</u>	<b>Current Budget</b> \$            -
	<b>Funds Obligated</b> \$            -
	<b>Current Balance</b> \$            -
<b>Does item have a cost?</b> <u>No</u>	<b>Item Cost</b>
<b>Budget Adjustment Attached?</b> <u>NA</u>	<b>Budget Adjustment</b>
	<b>Remaining Budget</b> \$            -

V20140710

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

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

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

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF OCTOBER 6, 2015

**TO:** Fayetteville City Council

**FROM:** Jesse Fulcher, Senior Planner

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

**DATE:** September 18, 2015

**SUBJECT:** **RZN 15-5179: Rezone (324 N. HORNSBY DR./MARKHAM HILL REZONE, 482):** Submitted by BRIAN REINDL for properties located at 324 & 334 N. HORNSBY DR. AND 309, 325, & 333 N. SMITH RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.39 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION, and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

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### RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to NC, Neighborhood Conservation and RSF-8, Residential Single Family, 8 Units per Acre subject to a Bill of Assurance.

### BACKGROUND:

The subject property is between Hornsby Drive and Smith Avenue, which are located across Razorback Road from the University of Arkansas football stadium and football practice facilities. The University owns the properties to the east and south and the properties to the west are developed with privately owned single-family homes.

The request is to rezone Lots 2 and 3 of the Hornsby Addition to RSF-8, Residential Single-family, 8 Units per Acre (0.50 acres) and Lots 1-4 and 6 of the Smiths' Addition to NC, Neighborhood Conservation (0.73 acres). The applicant intends to demolish the existing homes and subdivide the property for development of new single-family homes. The applicant has also submitted a Bill of Assurance restricting the use of the properties to single-family detached units only.

### Land Use Compatibility:

In staff's opinion, the zoning request is compatible with surrounding land uses, which are single-family homes to the north and west and University owned parking and sports facilities to the east.

### Land Use Plan Analysis:

*City Plan 2030 Future Land Use Plan designates this site as Residential Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in all housing types. The RSF-8 and Neighborhood Conservation zoning districts allow 4,000 and 5,000 square foot lots, which is compatible with surrounding properties and continues to expand on the diversity of single-family lot sizes in the neighborhood, a primary goal of City Plan 2030.*

**DISCUSSION:**

On September 14, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 9-0-0. At the meeting one adjoining property owner spoke against the request, discussing that the rezoning would adversely impact the character of the neighborhood.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

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

**FROM:** Jesse Fulcher, Senior Planner

**MEETING DATE:** ~~September 14, 2015~~ September 16, 2015

**SUBJECT:** **RZN 15-5179: Rezone (324 N. HORNSBY DR./MARKHAM HILL REZONE, 482):** Submitted by BRIAN REINDL for properties located at 324 & 334 N. HORNSBY DR AND 309, 325, & 333 N. SMITH RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.39 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION, and RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

**RECOMMENDATION:**

Staff recommends forwarding **RZN 15-5179** to the City Council with a recommendation for approval.

**BACKGROUND:**

The subject property is between Hornsby Drive and Smith Avenue, which are located across Razorback Road from the University of Arkansas football stadium and football practice facilities. The University owns the properties to the east and south and the properties to the west are developed with privately owned single-family homes. Surrounding land use and zoning is depicted on *Table 1*.

Table 1  
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family
South	Single-Family Residential	RSF-4, Residential Single-Family
East	University of Arkansas	RSF-4, Residential Single-Family
West	Single-Family Residential	RSF-4, Residential Single-Family

*Request:* The request is to rezone Lots 2 and 3 of the Hornsby Addition to RSF-8, Residential Single-family, 8 Units per Acre (0.50 acres) and Lots 1-4 and 6 of the Smiths' Addition to NC, Neighborhood Conservation (0.73 acres). The applicant intends to demolish the existing homes and subdivide the property for development of new single-family homes. The applicant has also submitted a Bill of Assurance restricting the use of the properties to single-family detached units only.

*Public Comment:* Staff has received no public comment.

## INFRASTRUCTURE:

- Streets:** The properties have direct access to Hornby Drive, Markham Road and Smith Avenue. Hornsby is a partially improved road with existing curb and gutter and sidewalk at the back of the curb. Smith is essentially unimproved with only one small section of sidewalk. Markham is fully improved on the south side of the street, but there is no curb and gutter or sidewalk on the north side of the street. Any required street improvements will be determined at the time of development.
- Water:** Public water is available to the site. There is a 6" public main along Hornsby, a 1.5" main along Markham, a 1" main along Smith and a 1.5" main between the subject lots.
- Sewer:** Sanitary sewer is available to the site. There are 8" mains along all three streets.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain. This property does not contain any protected streams per the Streamside Protection map.
- Fire:** This development will be protected by Engine 2 located at 708 N. Garland Avenue. It is 1.1 miles from the station with an anticipated response time of 2.5 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.
- Police:** The Police Department did not express any concerns with this request.

**CITY PLAN 2025 FUTURE LAND USE PLAN:** The property is designated as a **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

## 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:** **Surrounding Land Use Compatibility:** In staff's opinion, the zoning request is compatible with surrounding land uses, which are single-family homes to the north and west and University owned parking and sports facilities to the east.

**Land Use Plan Analysis:** City Plan 2030 Future Land Use Plan designates this site as Residential Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in all housing types. The RSF-8 and Neighborhood Conservation zoning districts allow

**4,000 and 5,000 square foot lots, which is compatible with surrounding properties and continues to expand on the diversity of single-family lot sizes in the neighborhood, a primary goal of City Plan 2030.**

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 at this time, as the proposed zoning will allow appropriate infill development in an area adjacent to high-intensity land uses. The applicant has also indicated in the application that the desire is to construct up to 10 new single-family homes on the properties**

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

**Finding: Rezoning the property RSF-8 and Neighborhood Conservation will not likely increase traffic danger or congestion in this location, although the request is for a zone that will allow a higher density of development than the low density development that is currently allowed under RSF-4 zoning.**

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

**Finding: Rezoning the property from RSF-4 to RSF-8 and Neighborhood Conservation will increase the potential population density, but is unlikely to undesirably increase the load on public services. The Police Department expressed no objections to the proposal. The Fire Department does not feel that this zoning will negatively affect service times to area.**

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

**Finding: N/A**

**RECOMMENDATION:** Staff recommends forwarding RZN 15-5179 to City Council with a recommendation for approval.

<b>PLANNING COMMISSION ACTION:</b>	Required	<u>YES</u>	
Date: <u>September 14, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Chesser	Second Selby	Vote: 9-0-0	
<b>CITY COUNCIL ACTION:</b>	Required	<u>YES</u>	
Date: <u>October 6, 2015</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code sections 161.07, 161.09 and 161.26
- Bill of Assurance
- Site Plan and Request Packet
- Plats for Hornsby and Smith's Additions
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

TITLE XV UNIFIED DEVELOPMENT CODE

**161.07 District RSF-4, Residential Single-Family – Four Units Per Acre**

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

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

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
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15 ft.	5 ft.	15 ft.
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(F) *Building height regulations.*

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

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

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



**161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre**

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

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

(3) *Land area per dwelling unit.*

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

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(E) *Setback requirements.*

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

(F) *Height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

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

## 161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



## Zoning Review

**To:** Jesse Fulcher  
**From:** Harley Hunt, Fire Marshal  
**Date:** September 8, 2015  
**Re:** RZN 15-5179

This development will be protected by Engine 2 located at 708 N. Garland. It is 1.1 miles from the station with an anticipated response time of 2 1/2 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.

Fayetteville Fire Department

**EXHIBIT**

**BILL OF ASSURANCE  
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Brian Reindl hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas

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

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

1. The use of the Petitioners property shall be limited to Single Family Detached units. Multifamily and or Duplex units will not be allowed.
2. Other restrictions including number and type of structures upon the property are limited to 10 single family houses.
3. Specific activities will not be allowed upon petitioner's property including the development and or construction of Multifamily Buildings and Duplexes.
4. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Brian Reindl, as the owner, developer, or buyer (Petitioner) voluntarily offer such assurances and sign my name below.

\_\_\_\_\_  
Date Printed Name

\_\_\_\_\_  
Address Signature

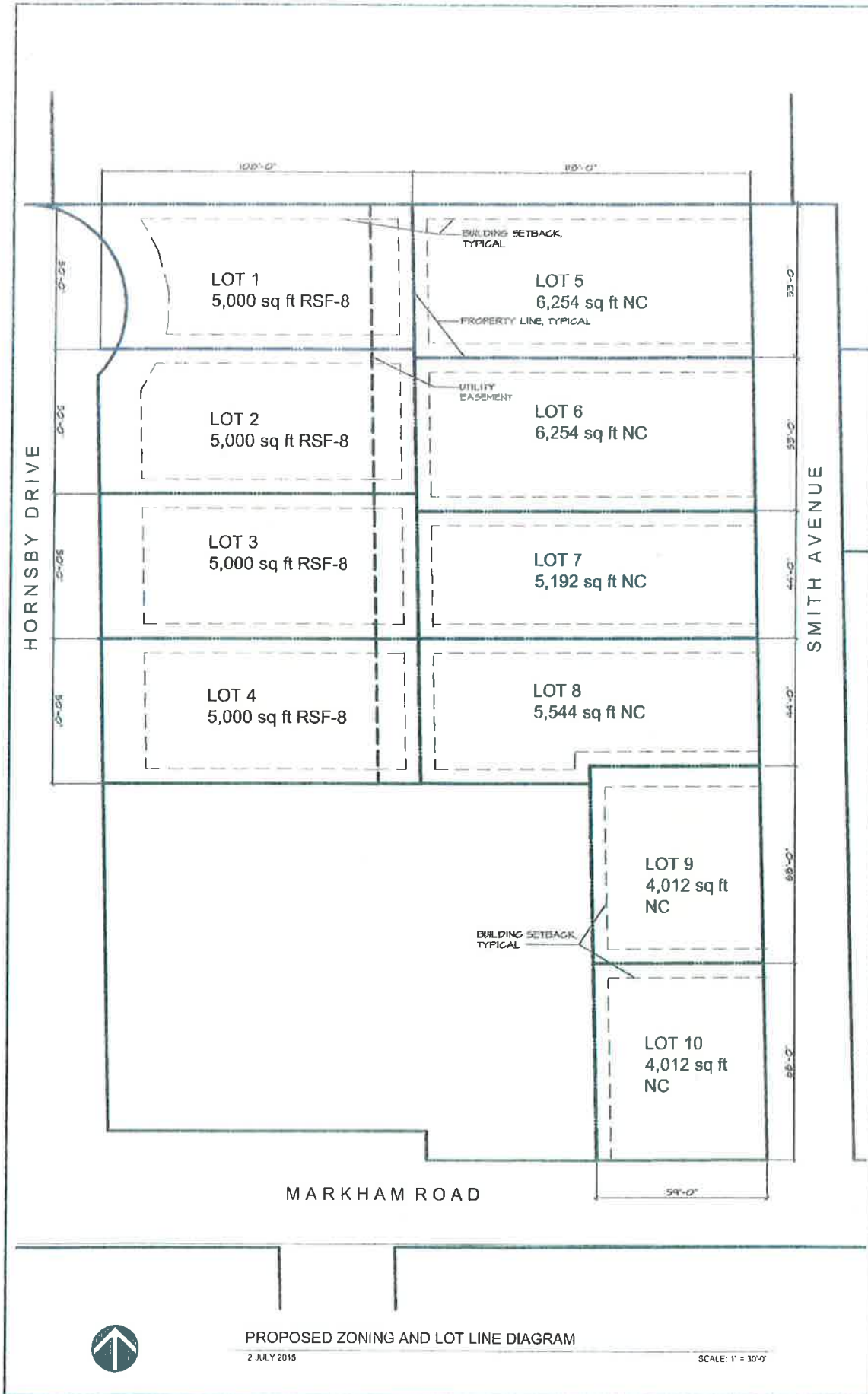
Notary Oath

State of Arkansas :  
:  
County of Washington :

And now on this the \_\_\_\_ day of \_\_\_\_\_, 2015, appeared before me \_\_\_\_\_ a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the Bill of Assurance and signed his/her name above.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_



PROPOSED ZONING AND LOT LINE DIAGRAM

2 JULY 2015

SCALE: 1" = 30'-0"

August 6, 2015

**WRITTEN DESCRIPTION  
PROPOSED REZONING FOR  
MARKHAM HILL HOUSES**



The purpose of this written description is to provide information about proposed rezoning in the vicinity of Smith Avenue and Hornsby Drive, North of Markham Road.

*Current Ownership of the Property:* Property is currently owned by Brian and Melissa Reindl, either personally or via entities controlled by Brian Reindl such as UA Properties LLC, JRL Properties LLC. No sales are pending or contemplated for the property.

*Reason for the Rezoning:* The existing houses on the property were constructed in the late 1960s and 1970s and are reaching the end of their useful life. The existing houses require major foundation work and/or replacement of the electrical and mechanical systems, in addition to extensive general rehabilitation. Rather than spending money on outmoded houses, the owner proposes to build new houses that meet the needs of current buyers. The owner wishes to construct single-family homes in the style of the best houses in the Mt. Nord, Washington-Willow, and Wilson Park Historic Districts. The houses will be offered for sale and are designed to be owner-occupied. At the request of the Neighbors, the owner of the property has agreed to a Bill of Assurance that will limit the use to single family dwellings.

*Relation of Proposed Use to Existing Properties:* The proposed single family use is completely consistent with the land uses to the west of the property. The use to the east of the property is surface parking lots owned by the University of Arkansas. Property to the south of the property is a fraternity house that appears to be vacant that is owned by the University of Arkansas. North of the proposed rezoning is primarily single family houses.

*Availability of Water and Sewer Services:* Robert Sharp has met with City of Fayetteville Staff Engineer Water and Sewer are available to the site along Hornsby Drive, Markham Road, and Smith Avenue. There is also an easement that includes a 2" waterline in an easement between the parcels facing Hornsby and the parcels facing Smith Avenue. This 2" waterline may need to be replaced or upgraded.

*Consistency with city land use principles:* The City Plan 2030 gives us guidance as to the type and character of develop that is desired for this area. Future Land Use Plan indicates that this area is to be "Residential Neighborhood Area" which encourages highly connected, compact blocks and reduced building setbacks. The proposed use is entirely consistent with the City of Fayetteville's goal of encouraging infill development while maintaining the character of existing neighborhoods.

*Is the proposed rezoning justified and/or needed at the time of the request:* The existing houses have reached the end of their useful life and the current owner of the property is willing to build new high quality houses in this area. Current zoning would not allow the property to be developed to the level of intensity that would allow the houses to be built in an economical manner due to the cost of the land. This land cost is driven by the proximity to the University of Arkansas and the natural character of Markham Hill.

*Will the proposed rezoning increase traffic in an appreciable manner?* The existing zoning allows five single family houses. The proposed rezoning will allow ten single family houses. The amount of additional trips will be minimal when compared to the existing traffic volume on Markham adjacent to Razorback Drive.

*Will the proposed rezoning alter the population density and increase the load on public services?* Most public services have a high fixed cost; additional users actually make the public infrastructure more efficient. Any increased burden on public infrastructure from the five additional houses will be more than offset by increased tax collection.

*Why is it impractical to use the current zoning?* Current zoning would not allow the property to be developed to the level of intensity that would allow the houses to be built in an economical manner due to the cost of the land. This land cost is driven by the proximity to the University of Arkansas and the natural character of Markham Hill.

*For more information:*

Additional information, including maps, context photos, and design sketches follows. As you have questions, comments, or thoughts on how to improve the Markham Hill Houses project, please contact Robert Sharp via e-mail at [rob@sharparch.net](mailto:rob@sharparch.net)

Sincerely,

A handwritten signature in black ink, appearing to read 'R Sharp', with a stylized flourish at the end.

Robert Sharp  
Robert Sharp, Architect

cc: File

July 12, 2015

**INFORMATION REGARDING  
PROPOSED REZONING FOR MARKHAM HILL HOUSES**

The purpose of this letter is to provide information for neighbors, City of Fayetteville staff, and elected officials about a proposed rezoning of a 1.22 acre parcel bounded by Smith Avenue, Markham Road, and Hornsby Drive. The proximity to the University of Arkansas and the natural character of Markham Hill present an opportunity to make this location as iconic as Fayetteville's most sought-after neighborhoods. The developer wishes to construct single-family homes in the style of the best houses in the Mt. Nord, Washington-Willow, and Wilson Park Historic Districts. The proposal is to rezone the property RSF-8 and Neighborhood Conservation (see attached **Proposed Zoning Diagram**), both of which prohibit commercial and multifamily development.



Establishing new owner-occupied single family houses at this east boundary of the University Heights Neighborhood will help to reinforce the single family character of the neighborhood and will help to reduce future development pressure for multi-family and commercial development in this area.

The owner has elected to construct new houses on this property, because the existing houses require major foundation work and/or replacement of the electrical and mechanical systems, in addition to extensive general rehabilitation.

*Proposed Rezoning:*

The rezoning would allow the construction of 10 single family houses on the 1.22 acre parcel. As currently designed, the sizes of the lots would range from 4,000 sq ft to 6,200 sq ft, with most of the lots being 5,000 sq ft. Lots widths would range from 45' to 69' feet, with most lots being 50' wide. Please see attached **Illustrative Site Plan** for more complete information about the proposed disposition of the lots.

*For more information:*

Additional information, including maps, context photos, and design sketches follows. As you have questions, comments, or thoughts on how to improve the Markham Hill Houses project, please contact Robert Sharp via e-mail at [rs@sharparch.net](mailto:rs@sharparch.net)





VICINITY MAP, MARKHAM HILL HOUSES  
1.22 acre parcel, bounded by Hornsby, Smith, and Markham

*Developer:*

The owner of the property is Brian Reindl. He will also oversee construction of the houses. Brian Reindl has a track record of creating high quality buildings such as the Metro District Building and Metro District Lofts. Please see attached images:



*Architect:*

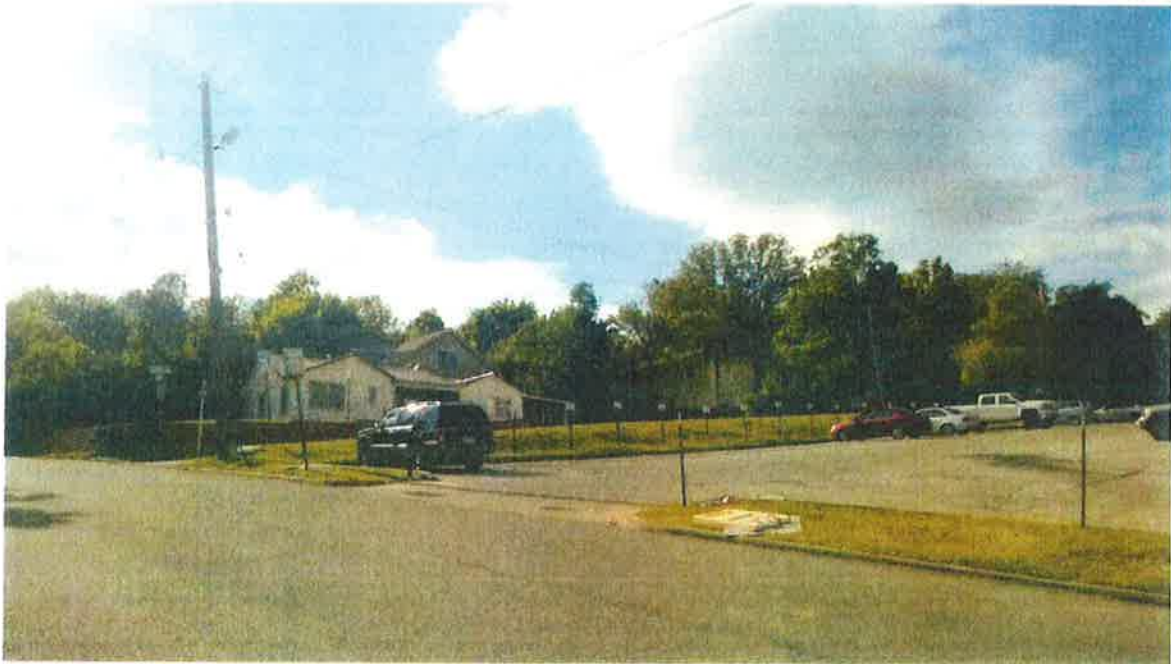
The architect for the project is Robert Sharp. He has designed multiple houses in Fayetteville and the surrounding area, including Charleston Place off of Old Wire Road and the Buckley House next to Mount Nord:



*Context and Neighborhood Character:*

The immediate context of the area is extremely mixed. The football stadium and practice facilities are immediately adjacent and are enormous institutional buildings. There is a large amount of surface parking on the University of Arkansas property in the area. Housing in the immediate area is typically 1960's and 1970's era single story ranch houses, many of which are occupied by renters. The area is gently sloping and has extensive mature tree canopy which creates a beautiful natural setting for the neighborhood. Please see images below and on the following pages.





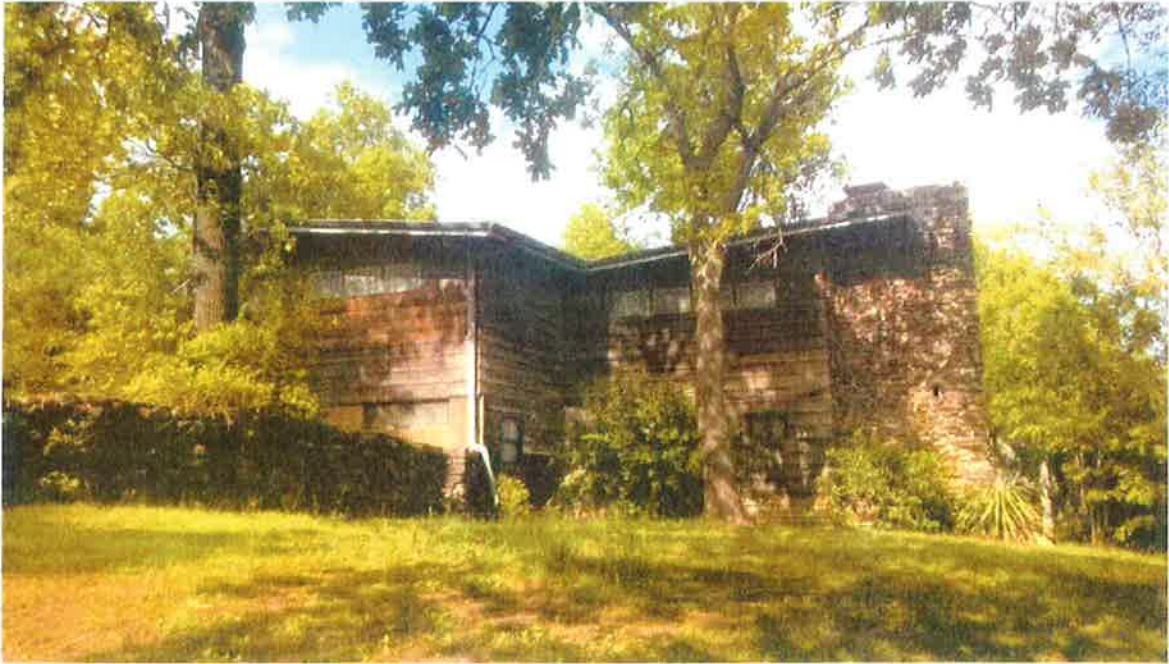
ADJACENT TO PROPOSED REZONING



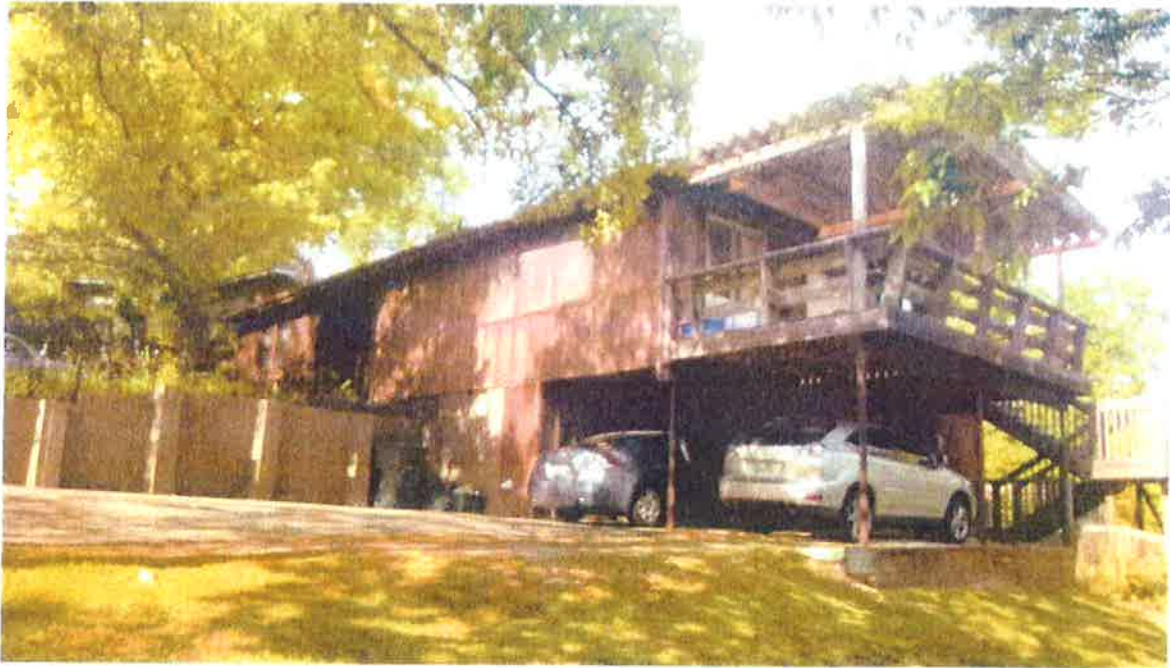
MARKHAM AVENUE IMMEDIATE CONTEXT



MARKHAM AVENUE IMMEDIATE CONTEXT



HORNSBY EXISTING HOUSES





HORNSBY IMMEDIATE CONTEXT




*Future Land Use Plan:*


**The City of Fayetteville City Plan 2030** identifies this area as “Residential Neighborhood Area”, which envisions the following uses: “Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily, and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.” Please see page 12-5 of City Plan 2030 for complete information and images.


 


*Residential Neighborhood Areas*


*Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.*

  
Brookhaven Neighborhood

  
Lakewood Neighborhood

  
Charleston Place

  
Wilson Park Neighborhood

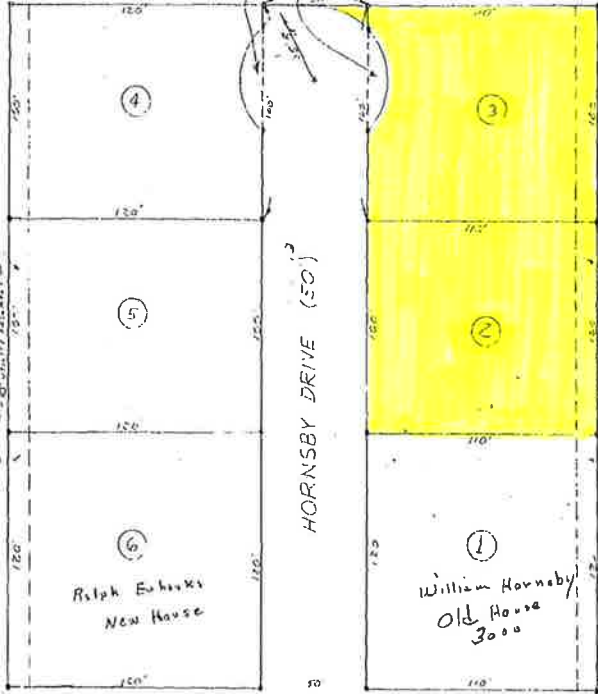


12-5 [www.cityoffayetteville.org/government/planning/City\\_Plan\\_2030](http://www.cityoffayetteville.org/government/planning/City_Plan_2030)

# 308 Hornsby Addition

NOTE: Limit required for fire ground shall revert to respective 50' wide street is opened

OK Set up



SCALE: 1" = 40' & DIMENSIONS IN FEET

FILED FOR RECORD  
WARRICK COUNTY ARCHIVES  
JAN 11 1959  
AT 2:00 P.M.  
By William D. Williams  
SURVEYOR

### OWNER'S CERTIFICATE & DEDICATION

We the undersigned hereby certify that we are the sole owners of the above plotted lots and hereby dedicate the streets and easements as shown for the use of the public.

Ralph Eubanks William Hornsby  
William Eubanks James Hornsby

Subscribed and sworn to before me this 24<sup>th</sup> day of Dec 1958  
Richard D. Davis  
Notary Public  
Exp. 2-14-62

### ACCEPTANCE

Accepted this 5<sup>th</sup> day of Jan 1959 by Fayetteville City Council  
William D. Davis  
Clayton Yarb

### APPROVED AND RECOMMENDED

By Fayetteville City Planning Commission this 2<sup>nd</sup> day of Dec 1958.  
Clayton Yarb  
Chairman

### SURVEYOR'S CERTIFICATE

Certified to be correct by John E. Mahaffey  
Dec 22 1958

HORNSBY ADD'N		
CITY OF FAYETTEVILLE		
JOHN E. MAHAFFEY		
CITY CLERK		
FAYETTEVILLE		
Deputy JAC	One 11	Jan 24
1959	10-10-58	295

CERTIFIED CORRECT: John E. Mahaffey  
Dec 22 1958

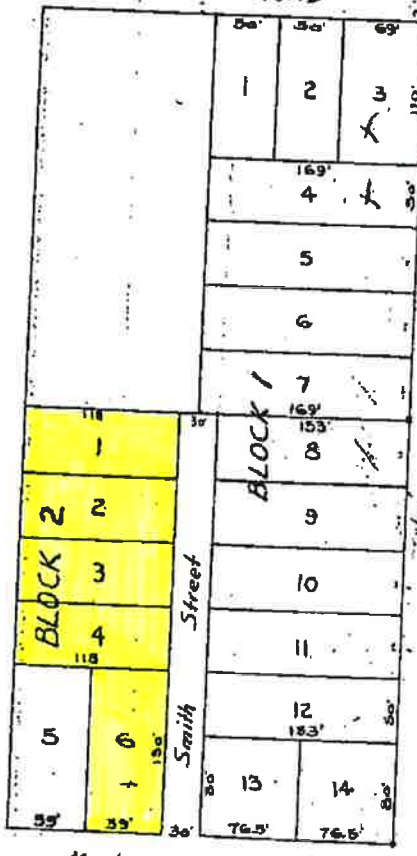
243

7

PUBLIC ROAD

Corner of Smith's Plat  
17-16-30

N



**SMITHS' ADDITION**  
 TO  
 THE CITY OF  
 FAYETTEVILLE, ARKANSAS.  
 SCALE 1"=100'

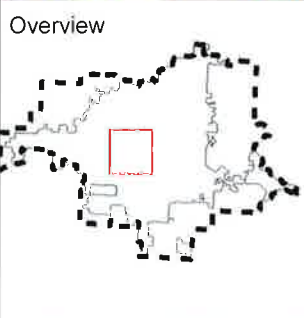
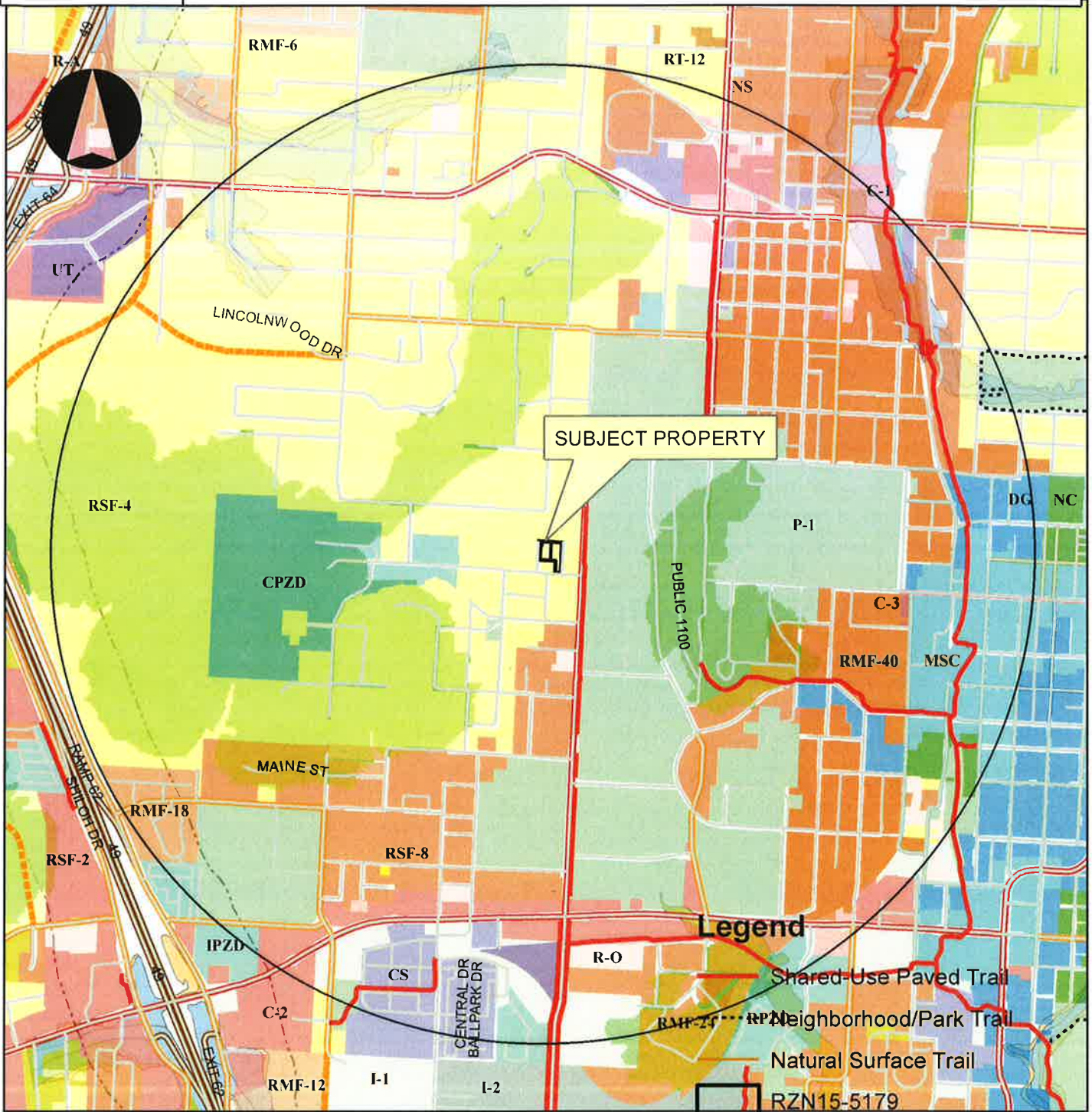
FILED,

18 day of April 1946  
*W. L. ...*

RZN15-5179

# MARKHAM HILL REZONE

One Mile View



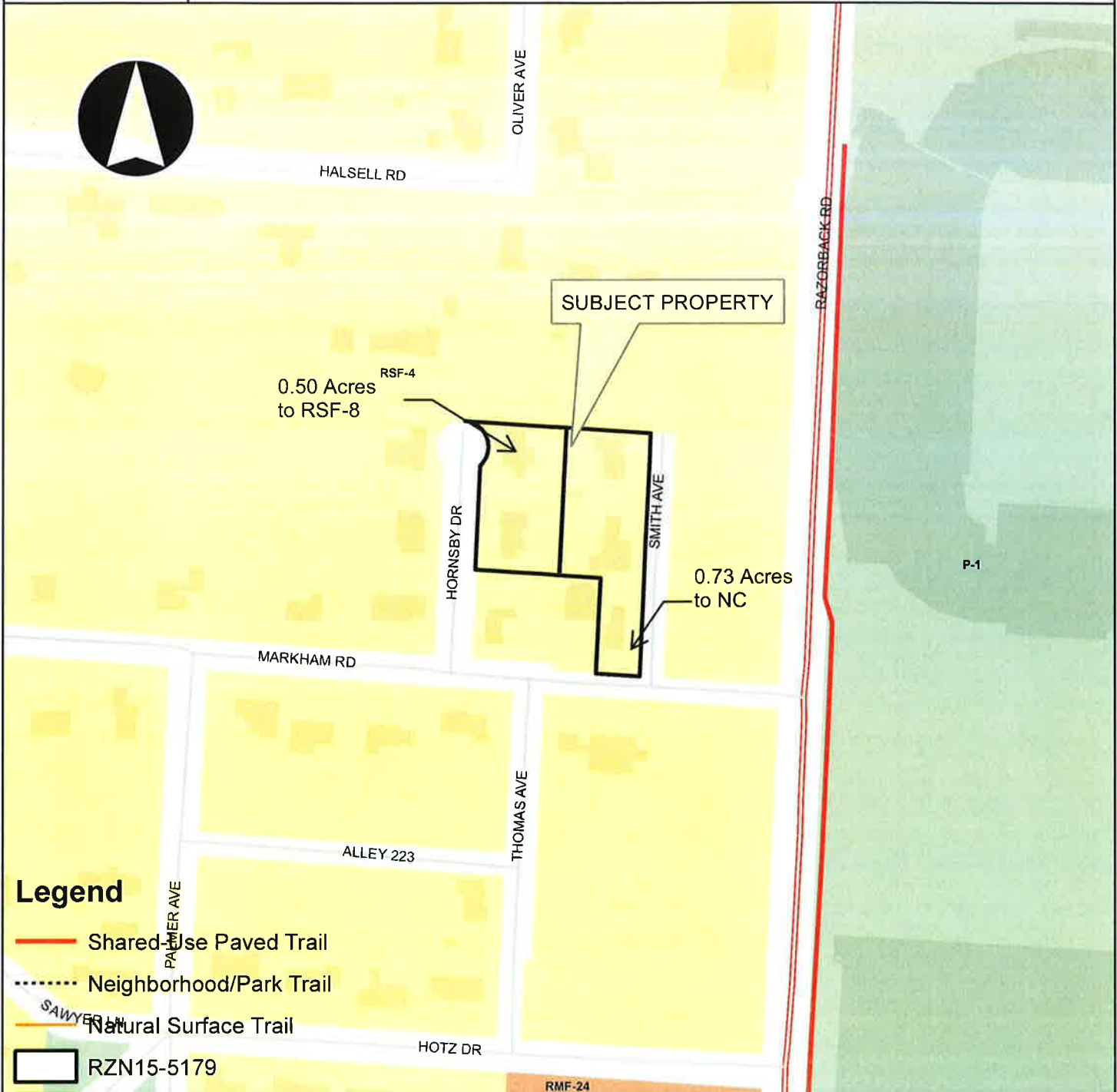
Legend	Hillside-Hilltop Overlay District
Subject Property	Design Overlay District
Boundary	Planning Area
	Fayetteville
	Shared-Use Paved Trail
	Neighborhood/Park Trail
	Natural Surface Trail
	RZN15-5179

0 0.25 0.5 1 Miles

RZN15-5179

# MARKHAM HILL REZONE

Close Up View



## Legend

Shared Use Paved Trail

Neighborhood/Park Trail

Natural Surface Trail

RZN15-5179

Hillside-Hilltop Overlay District

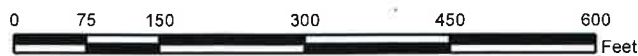
Fayetteville City Limits

Footprints 2010

Design Overlay District

Design Overlay District

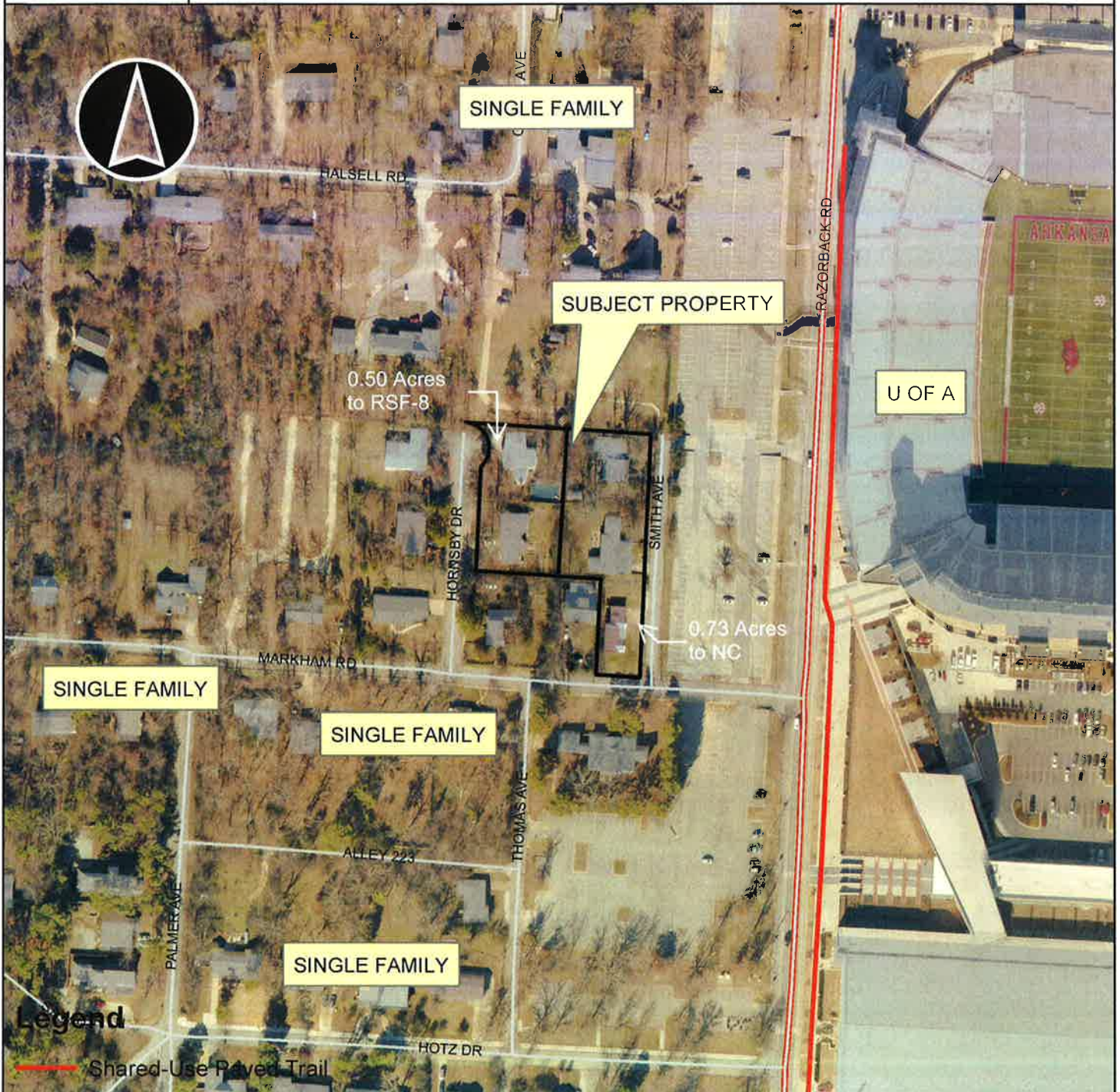
Planning Area



RZN15-5179

# MARKHAM HILL REZONE

Current Land Use



## Legend

Shared-Use Paved Trail

Neighborhood/Park Trail

Natural Surface Trail

RZN15-5179

Hillside-Hilltop Overlay District

Footprints 2010

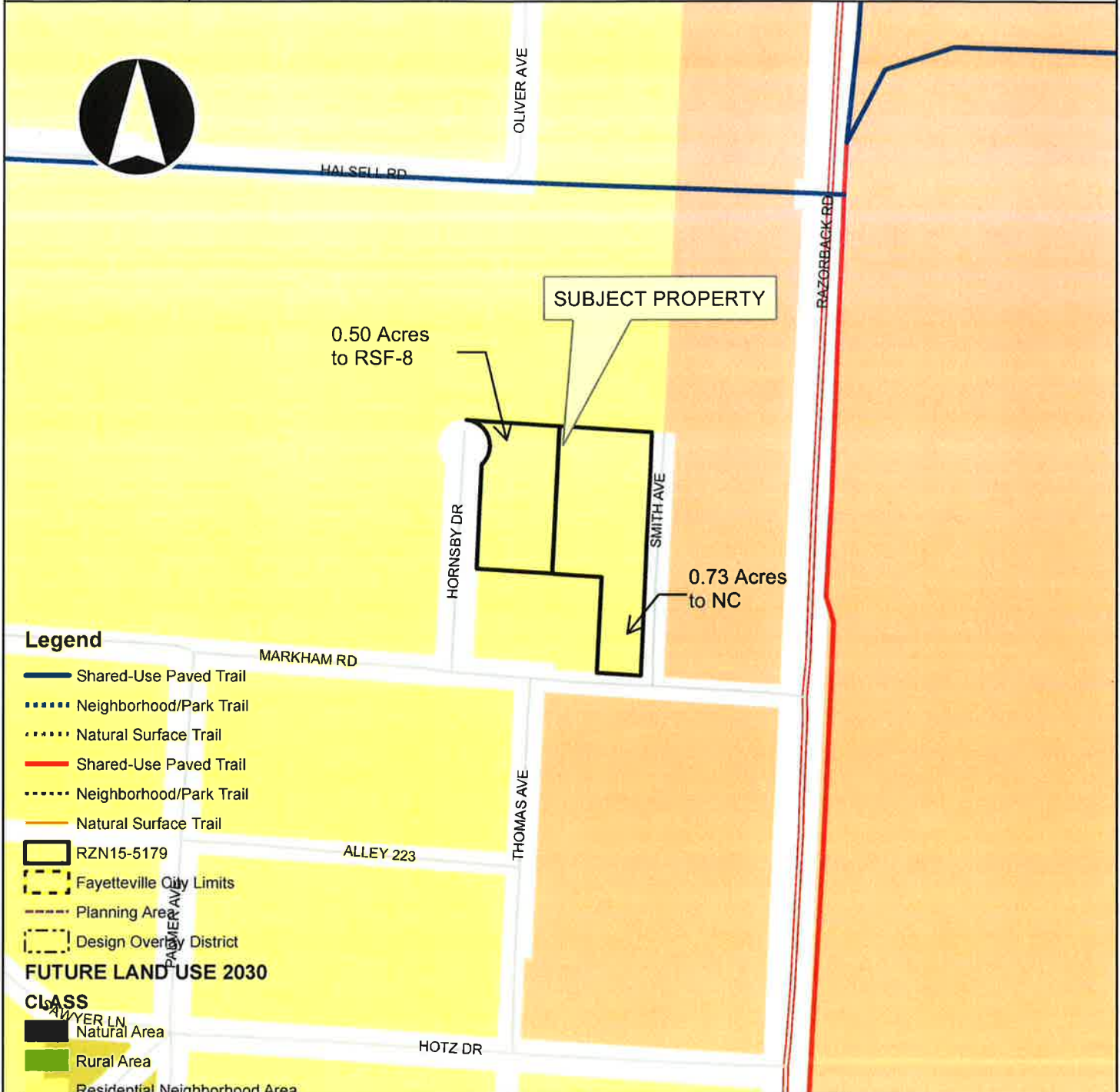
Design Overlay District



RZN15-5179

# MARKHAM HILL REZONE

Future Land Use



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

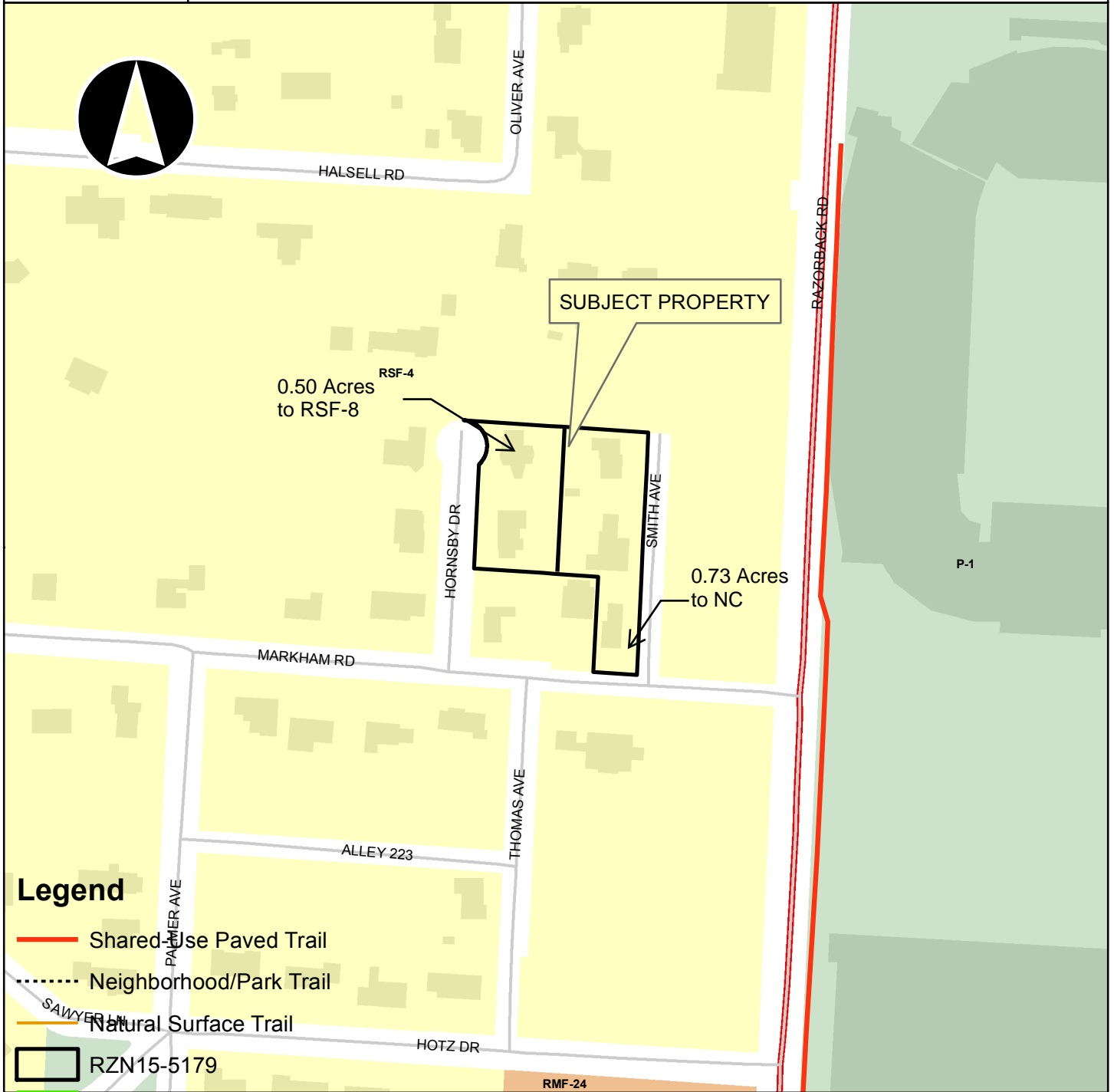


**EXHIBIT 'A'**  
**15-5179**

RZN15-5179

**MARKHAM HILL REZONE**

Close Up View



**Legend**

— Shared Use Paved Trail

..... Neighborhood/Park Trail

— Natural Surface Trail

▭ RZN15-5179

▭ Hillside-Hilltop Overlay District

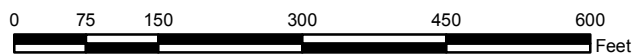
▭ Fayetteville City Limits

▭ Footprints 2010

▭ Design Overlay District

▭ Design Overlay District

▭ Planning Area





**EXHIBIT 'B'**  
**15-5179**

Legal Description of Markham Hill Houses:

**Rezone to RSF-8**

Lot 3, Hornsby Addition; Lot 2, Hornsby Addition

**Rezone to Neighborhood Conservation**

Lots 1&2, Block 2, Smith Addition; Lot 3, Block 2, Smith Addition; Lot 4, Block 2, Smith Addition; and Block 2, Lot 6, Smith Addition.

**EXHIBIT "C"**  
**EXHIBIT**

**BILL OF ASSURANCE**  
**FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Brian Reindl hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas

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

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

1. The use of the Petitioners property shall be limited to Single Family Detached units. Multifamily and or Duplex units will not be allowed.
2. Other restrictions including number and type of structures upon the property are limited to 10 single family houses.
3. Specific activities will not be allowed upon petitioner's property including the development and or construction of Multifamily Buildings and Duplexes.
4. Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Brian Reindl, as the owner, developer, or buyer (Petitioner) voluntarily offer such assurances and sign my name below.

9/9/15                      BRIAN REINDL  
Date                              Printed Name

509 W. SPRING ST, STE. 310  
FAYETTEVILLE, AR 72701                      [Signature]  
Address                              Signature

Notary Oath

State of Arkansas :  
County of Washington :



And now on this the 9<sup>th</sup> day of September, 2015, appeared before me Micheal Smith a Notary Public, and after being placed upon his/her oath sworn or affirmed that he/she agreed with the terms of the Bill of Assurance and signed his/her name above.

[Signature]  
Notary Public

My Commission Expires:  
5/10/25