

City of Fayetteville Staff Review Form

2017-0207

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /  
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099): Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

**MEETING OF MAY 2, 2017**

**TO:** Mayor, Fayetteville City Council  
**THRU:** Andrew Garner, Planning Director  
**FROM:** Jonathan Curth, Senior Planner  
**DATE:** April 14, 2017

**SUBJECT: RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

---

**RECOMMENDATION:**

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services, General, as shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The proposed rezoning request is for two parcels, totaling approximately 1.79 acres to the south of Hearthstone Drive and east of Crossover Road/Highway 265. The properties are currently split-zoned, with the northern portion as R-O, Residential Office, and the southern portion as RSF-4, Residential Single-family, 4 Units per Acre. The subject property and approximately 500 acres of additional land largely paralleling Crossover Road were annexed in to the City of Fayetteville in November of 1977. Subsequently, the subject property was platted as part of the larger Stonewood Subdivision in 2001, which includes approximately 100 single-family lots and 14 lots intended for residential or office development. The subject property is among the latter, but remains undeveloped.

*Request:* The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, and R-O, Residential-Office, to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

*Land Use Compatibility:* The proposed zoning is compatible with surrounding land use patterns in this area, which include a mixture of suburban residential development to the east, office uses to the north, and a City park and botanical gardens to the west. The proposal of NS-G zoning on the corner of a largely-improved Local Street, and a high-volume, improved Principal Arterial can create a transitional area that may be developed in a commercial or mixed-use pattern that compliments both the existing adjacent uses and existing infrastructure. Furthermore, the NS-G

zoning requirements allow a lower density, generally smaller building size, and lower allowed building height than the existing R-O zoning district.

*Land Use Plan Analysis:* The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. This location is consistent with the guidelines of City Plan 2030 for higher intensity non-residential use in corner locations and along connecting corridors. This is a corner property with a traffic signal on a busy arterial highway.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for both infill development and development in a traditional urban form pattern. Although less than one mile from Fayetteville's northern city boundary with Springdale, and thereby not generally thought of as an infill site, commercial or mixed-use development on the subject property can take full advantage of City facilities at the adjacent City park and the existing utility and road infrastructure. Similarly, despite being on a state highway (Crossover Road), the subject property's proximity to both a significant City park and a single-family subdivision presents an opportunity to create a mix of uses where residents can live, work, and play all in the same neighborhood. The NS-G zoning district encourages patterns of development that result in realizing this goal, including an expectation that buildings will be located at the corner, creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents, with approximately 300 single-family homes accessing Crossover Road by way of Hearthstone Drive, but lacks non-residential goods and services within walking distance. This development pattern has resulted in residents being required to drive to meet any daily needs. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and the applicant's proposal for NS-G at this corner location could help alleviate the lack of services in the area.

The proposal appears to be well-justified from staff's point of view. The applicant has requested the zoning change to develop the property in manner that can serve the surrounding community, which is generally not as feasible under the existing RSF-4 and R-O zoning districts. The proposed NS-G, Neighborhood Services, General, zoning will encourage appropriate commercial or residential development on this corner parcel in an area that has seen limited, and largely-residential development over the last two decades. The NS-G zoning district is designed primarily to promote complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses.

#### **DISCUSSION:**

This item was discussed at the March 27, 2017 Planning Commission meeting, where the applicant had previously requested CS, Community Services. During the meeting a very large number of residents, predominantly from the adjacent Stonewood subdivision, spoke in opposition to the rezoning. Concern was expressed over the potential for noise, odor, and light intrusion on to their properties, in addition to the possibility of decreased property values along with increased crime and traffic through the subdivision. Others cited that home purchases were made under the guise of the existing zoning on the subject property, and what could be developed within its permitted residential, office, and small-scale retail uses. Following discussion about the public comment and opposition to some of the permitted uses under the CS zoning district, the Planning

Commission tabled the item in order to afford the applicant the opportunity to reconsider their request.

In response to Commission and resident feedback, the applicant revised the proposal on April 6, 2017 from CS, Community Services, to NS-G, Neighborhood Services, General. Large numbers of residents again spoke in opposition to the rezoning request, citing concerns similar to those shared at the March 27, 2017 meeting. The Planning Commission forwarded the applicant's request for NS-G to the City Council with a recommendation for approval by a vote of 8-1-0. Commissioner Brown voted 'no'.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

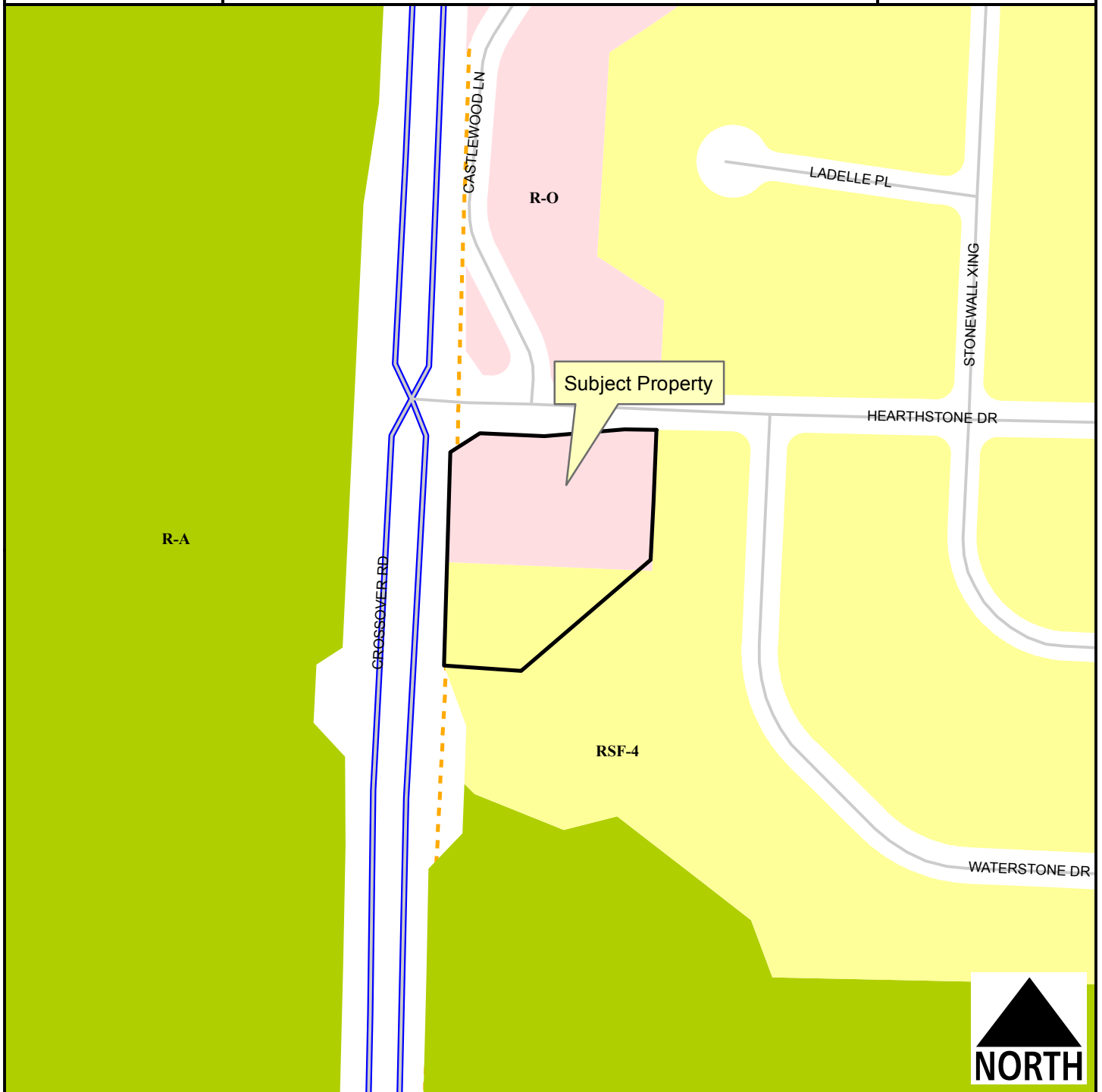
- Exhibit A
- Exhibit B
- Approved and Draft Planning Commission Meeting Minutes
  - 3/27/2017 Planning Commission
  - 4/10/2017 Planning Commission
- Application
- Planning Commission Staff Report

RZN 17-5733

Close Up View

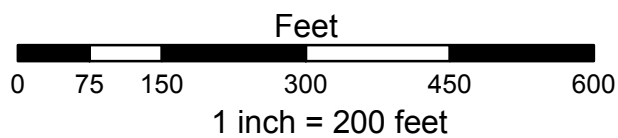
# CP PROPERTIES

**17-5733**  
**EXHIBIT 'A'**



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- Residential-Office

**17-5733**  
**EXHIBIT 'B'**

LEGAL DESCRIPTION: (PROPOSED ZONING: CS)

Lots 1 & 2 of Final Plat of Stonewood Subdivision, Fayetteville, Arkansas, as per the recorded plat in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to restrictions, easements and right-of-ways of record.

**Approved and Draft Planning Commission  
Meeting Minutes**

**Approved Meeting Minutes from the  
3/27/2017 Planning Commission Meeting**

**RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

**Jonathan Curth, Senior Planner:** Gave the staff report.

**Blake Jorgensen, Applicant's Representative, Jorgensen & Associates:** Recognizes that there is a significant amount of public comment incoming, and will strive to be brief. Notes that there is a vacation of easements proposed along Crossover and Hearthstone to ensure compliance with the zoning district's build-to-zone. Also notes that a Bill of Assurance is being considered.

**Kit Williams, City Attorney:** States that a Bill of Assurance is not open for discussion without a property owner's signature.

**Public Comment:**

**Bob Anderson, Stonewood POA, Neighbor:** Has been conducting a poll of residents in the Stonewood Subdivision about support to the rezoning. The commercial lots are unanimously supporting the rezoning while the residential properties are almost unanimously opposed. While this may look like a case of "not-in-my-backyard" it is not. Everyone who bought their homes in the subdivision understood that the properties on Crossover could be developed as office, and not retail or residential. Contends that the commercial property owners will not be at a loss if the rezoning does not go through.

**Peter Thomason, Neighbor:** While not a resident of Stonewood, lives in an adjacent subdivision. Attended the open house where the developer stated that a pizzeria was being proposed and that it would be of a high quality. Notes that an eatery is allowed by conditional use under the current zoning district. Goes on to note that the proposed CS zoning will allow for outdoor music which will remove many of the resident's property protections. States that there is nothing commercial about this area, and that it is not a commercial corridor. It is currently just grass and is compatible with the Botanical Gardens. The existing zoning does not attract a lot of traffic and does not create a lot of noise. Comments that restaurants have a high failure rate, with pizza restaurants being particularly prone to failure. Shares an article to this effect.

**Kyle Cook, Commissioner:** Notes that this is not a discussion of pizza restaurants.

**Thomasson:** Insists that this is important as the developer told the neighbors that this is what is proposed. Addresses that the existing location of the proposed pizza restaurant is adjacent to a liquor store and behind gas station pumps. Comments that the applicant told residents there would be a Bill of Assurance and it was not presented.

**Williams:** Comments that a Bill of Assurance has not been officially offered, but may be.

**Thomasson:** Questions the circumstances that a conditional use permit could be granted, noting that this may allow compatibility.

**Andrew Garner, Planning Director:** Notes that the conditions of a conditional use permit can be tailored to the request.

**Thomasson:** Outlines the requirements he feels would be appropriate in a conditional use permit, including utilizing similar architecture and not adversely affecting traffic. Shares that the families in this neighborhood have clearly made a decision to locate where they are, and are not interested in an urban form. Contends that no business within 2 miles is built to the street or corner. States that it is inconsistent visually and architecturally to encourage this type of development.

**Paul Johnson, Neighbor:** Has a question about traffic. Notes that traffic was re-routed through this neighborhood during construction of Crossover. Multiple times during this period there were safety concerns with children playing in the street. Knows that with this rezoning there will be a times when people utilize the neighborhood to travel through quickly and dangerously.

**Heather Hutchins, Neighbor:** Lives immediately adjacent to the subject property and has significant amounts of litter to deal with. States that she is also concerned about odor, noise, and light. Provides some examples of traffic issues, particularly when the Botanical Gardens has events and parking overflows on to Hearthstone.

**Rosanna Zamora, Neighbor:** Has serious concerns with litter on her property and there is only a fence between her land and the subject property, rather than a wall as is in place for some other adjacent properties.

**Robert Stevens, Neighbor:** Traffic is a concern as it is difficult to get on to Hearthstone sometimes. Notes that there are already sufficient amounts of commercial spaces on Joyce and in Springdale. The dynamics of the entire site will be changed despite what the developer told the neighbors. Is certain that property values will be harmed and does not understand why the developer cannot go elsewhere.

**Jeff Canton, Neighbor:** Wants to echo some of the same comments about noise, traffic, and congestion concerns. Notes that the existing signal at Hearthstone and Crossover is not highly visible and results in a lot of near accidents. Shares that he is allergic to garlic and would be negatively impacted by the smells of a restaurant. Repeats the previous residents' comments about why the developer does not go elsewhere. Suspects the developer is just looking to make money and it should not come at the loss of their property value. Property owners will not be compensated for their loss. Thinks property owners should have been consulted earlier.

**Michael Brown, Neighbor:** Is new to the neighborhood, and made much of their decision to buy in the subdivision on the existing uses.

**Davis, Doris, Neighbor:** Wants to draw the Commission's attention to the City's goals of creating an enduring green network, and that she feels this area ought to be protected along with the Botanical Gardens.

**Joe Draper, Neighbor:** Shares that in other cities where he lived this same thing happened, and it adversely impacted residents.

**Carmen Tabor, Neighbor:** Compares the displacement of families from the rezoning discussed earlier in the night to the current situation for neighbors. These residents may not have a lot of equity in their homes, and a loss of property value could be devastating.

**Mike Parker, Owner:** Owns several of the properties along Crossover along this subdivision, and is somewhat astonished that people are upset about this rezoning. Feels that adding services to this area would improve the community and the property values. Residents have to travel over a mile to reach any services. Feels that the quality of the proposal means it will be an improvement.

**Zara Niederman, Resident:** Although does not live in this neighborhood, he frequents the Botanical Gardens and feels that there is a value in offering services at this corner.

**John Logan, Neighbor:** Notes that placing a pizza restaurant across from the Botanical Gardens does not create continuity. It is his opinion that services are not needed in this neighborhood, and that people can go elsewhere for their needs.

**Elizabeth Wilhelm, Botanical Gardens of the Ozarks representative:** Appreciates the comments of residents. Notes that the Garden's events are large but do strive to end at a reasonable time. Her concerns with the proposed rezoning are with congestion. That said, guests and visitors often request coffee or restaurants and there are not a lot of options in this part of town. Moving forward, she sees a need for food in the area, but is not sure if the proposed rezoning will meet that need. In an effort to grow, they want to both serve visitors and be respectful of their neighbors to the east.

**Clay Henry, Neighbor:** Feels that the subject property may be appropriate for a smaller restaurant, but not one the size of what is proposed.

**Max Parker, Owner:** Notes that the property will eventually be developed, but as someone paying taxes on it, he would like to do something with it. Asks that the Commission consider this opportunity to rezone and develop the property in a way that accommodates City Plan 2030. At the same time, he wants to be conscientious of developing the property.

**Ryan Parrish, Neighbor:** Wants to note that a liquor store is located by the proposed pizza restaurant's other location. Also wants to know why staff says the R-O zoning district is "impractical."

**Gary Huey, Neighbor:** Has concerns with traffic and children playing in the street on Hearthstone.

**Steve Val, Neighbor:** Wants clarity where the access to the subject property will be. Although he is not adjacent to the subject property, he is concerned with utilizing the traffic signal at Hearthstone and Crossover. Developing the subject property will pull more vehicles on to this road, and if they cannot make their desired turns, they will travel in to the subdivision.

**No More Public Comment was presented.**

**Leslie Belden, Commissioner:** Notes that she lives in an urban setting, and chose to live there so she can walk to other locations. There is a part of her that assumes everyone wants that, and that makes this request difficult. While she feels that the subdivision would benefit from services and business, she also understands that people deliberately moved to this area to escape the

traffic of Crossover Road. Realizes that it's not appropriate to impose the Commission's values and preferences on the subdivision. Likes the CS zone but realizes that it is not appropriate in all locations. Is leaning more towards maintaining the R-O zoning, but wants to hear the comments of others. Supporting the CS would be turning the businesses back on the subdivision.

**Ron Autry, Commissioner:** Notes that any number of uses create odor, and all areas have litter. Acknowledges traffic concerns, but this is a fact of being on a major route. The size of the property will limit the intensity of use. Any use is going to attract traffic. There are commercial uses all over town, and people contend with it everywhere. He cannot support this one community being protected from any development. Is not certain that development will result in the traffic concerns that residents fear. Will maintain an open mind in the meantime.

**Matthew Hoffman, Commissioner:** Expresses appreciation to the residents for coming. Feels that there are 2 outcomes for Highway 265, and neither will look like what it is. R-O will not protect the property from development under the enduring green network. The R-O district would place any buildings closer to the neighborhood, not further. One outcome can be that AHTD will see 265 as a highway, and not a City street, and will lead to a development pattern that will see a large sound wall built near their neighborhood. Alternatively, the CS zoning may prevent AHTD from widening 265 even more, and place a building at the corner, where it can be accessed by foot and by bike. The Lake Fayetteville trail is one of the most heavily trafficked in the City if not the area. Contends that placing the building at the corner will serve the Botanical Gardens, trail users, and even residents.

**Tom Brown, Commissioner:** Offers thanks to the residents who attended. Does support appropriately requested infill and form-based zoning requests. One tool to determine these is the neighborhood planning process. Residents can create a vision to help determine decisions like the current one. The Commission can take public comment like tonight's as a decision making tool. Contends that commercial areas are appropriate in certain nodes along major corridors. Offers a tutorial on the City's Future Land Use Map. Does not feel that CS zoning is appropriate in areas with residential neighborhood designations, but rather it should be NS, Neighborhood Services. Reiterates that he is supportive of the proper application of mixed-use zones, but perhaps not in this instance. Goes on to comment that this is the third rezoning case in this corridor that he has seen, and he is likely to vote against it too, rather than see another College Avenue.

**Hoffman:** Questions staff about other zoning options.

**Garner:** Responds that NS-G, Neighborhood Services-General, may be an option, but clarifies that it allows for only 8,000 square foot buildings for commercial business.

**Kyle Cook, Commissioner:** Asks if a Bill of Assurance is still being considered.

**Jorgensen:** It is, but was not finalized. The allowed uses under CS fit the goals of the developer. There are unfortunately not a lot of zoning districts that support the proposed uses at this location, including a pizza restaurant and a drive-thru coffee shop. They hope a Bill of Assurance can assuage concerns.

**Tracy Hoskins, Commissioner:** There is a lot that he agrees with and disagrees with. Notes that there is no assurance that services will devalue a property. It is often the exact opposite, with efforts to include residential and services in close to help neighborhoods along major

corridors. As far as having services on the corner, he sees that as a benefit, but there is a difference in the intensity. He would not however, support a drive-thru location. He has no problem with the uses, and thinks it would enhance the neighborhood. As far as the drive-thru, he would not support it. As far as music and noise, thinks he remembers that there is still a requirement for a conditional use permit.

**Garner:** Confirms that this is the case.

**Brown:** Follows up on his previous comments that the scale of allowed services be appropriate to the Future Land Use Plan. Reiterates his desire to see a neighborhood plan. Would support a neighborhood services zoning district typically, but after public comment, will likely not. Notes that the neighbors were told what they were buying in to, and the City should support that along with City Plan 2030.

**Hoffman:** Questions staff about the zoning requirements under R-O, and whether it could be an unlimited-size office.

**Garner:** Confirms that there are no building square footage requirements.

**Hoffman:** Also notes that it could be six stories. Expresses his support for a form-based zoning district and that it would lead to a much safer and attractive development.

**Belden:** Asks whether the item should be tabled.

**Jorgensen:** Is willing to be tabled to review other options.

**Motion:**

**Commissioner Hoskins** made a motion to **table RZN 17-5733** for two weeks. **Commissioner Selby** seconded the motion. **Upon roll call the motion passed with a vote of 8-0-0.**

## **Draft Meeting Minutes from the 4/10/2017 Planning Commission Meeting**

**RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

**Jonathan Curth, Senior Planner:** Gave the staff report.

**Blake Jorgensen, Applicant's Representative, Jorgensen & Associates:** Acknowledges the concerns with the request, and after meeting with staff, the revised request to the NS-G zoning district seem to be the most appropriate, and will not necessitate a Bill of Assurance.

**Max Parker, Property Owner:** Thanks the Commission for the consideration and notes that the proposed rezoning was not available at the time of the area's development, and may have been advisable. Notes his bias as the property owner. Comments on the traffic volumes and the area features and amenities and that the property deserves a zoning that is appropriate for all residents.

### **Public Comment:**

**Bob Anderson, Neighbor:** Notes that those who will benefit from the rezoning and development will be visitors, and not residents. They will bear the burden of any adverse effects. Recalls Commissioner Hoffman's comments about one of two futures for Highway 265, and states that most residents will still prefer that the highway be widened than this rezoning to occur. Also notes that if this is approved, the Commission will be obligated to rezone other properties along this area, resulting in the possibility of another College Avenue. Describes the Residential Neighborhood Area designation in City Pan 2030 and that it notes that noncommercial development "should" be encouraged, but not required. Goes on to cite Kit William's memo to the Commissioners about compatibility and rezoning decisions. Shares communications he subsequently had with Kit Williams that the subdivision's approval ought to represent a reassurance of what will be there. Summarizes the Attorney's memo with "if it doesn't fit, listen to Kit."

**Peter Tonnessen, Neighbor:** Notes that he has worked with staff in gaining information, and has several items he would like to enter in to the record, including photographs, and a spreadsheet outlining the proposed uses and districts. Has spent approximately 200 hours of research on the property owner and their transactions. Mister Parker and his brother own eleven of the fourteen properties that are adjacent to Crossover. Goes in to details on transactions of specific lots, and also in to the property owner's interactions with Jorgensen and Associates. Does not feel that it is accurate to review these two properties as discrete properties separate of the others. Shares that a possible tenant of the subject property does not even own their business' name. Shares that a more appropriate zoning district would likely be NS-L given the requirement that a restaurant have a conditional use permit. Cites the City's long-range plans and that they were well-created by staff's predecessors. Notes the size of Lake Fayetteville, and compares it to Central Park and its associated land values. Argues that the development

patterns over the last decades have created a framework where the subject properties and those around them had their uses established. Continues on to discuss legal history and the expectation of residents that the city will continue to maintain the current zoning.

**Mark Scalise, Neighbor:** Shares that he has lived in eight states and lived in many neighborhoods. He was very aware of what was allowed on the subject property at that time. Feels that what is allowed on the subject property is reasonable, and he has no problem with development under the R-O requirements. Notes that the property owners bought the land understanding what was allowed, and while he respects their desire to make a profit, he does not agree with “changing the rules.”

**Dena Young, Neighbor:** Notes her status as a new resident in the Stonewood subdivision. Shares that she chose the subdivision because it is quiet and has ready access to the park and trails. Moved to Fayetteville from Little Rock and Rogers, Arkansas. Notes that she was shocked to hear that the Commission was approving the request. Appreciates comments by other residents and the City’s Attorney. Is convinced that the restaurant will lead to lower property values in addition to increased crime and bad odors. Does not feel that a Commission should vote in the interest of other residents, but for those living adjacent to the subject property. States that there will be a decrease in the number of professionals living in the area. Researched the case law shared by the City’s Attorney, and feels that they indicate why the Commission should support the neighbors.

**Robert Stevens, Neighbor:** Among the first homeowners in the subdivision, he is concerned with late hours of business operation and traffic. Is concerned that traffic pulling in and the neighbors trying to leave the subdivision will create a potentially dangerous traffic condition. With regards to City Plan 2030, he does not feel that the revised request will serve the needs of the neighborhood, despite the developer’s contention. Given the overwhelming opposition, this shows the rezoning will not meet the needs of the neighborhood.

**Andy Taylor, Neighbor:** Has all his money tied up in to this property, and any land value decrease will hurt him. Suspects that people will travel through his neighborhood in Copper Creek from the east to access any services on the subject property.

**Adaly Malone, Neighbor:** Agrees with all previous comments, and notes that the residents bought in good faith. Rezoning this property would not be “right” and she requests that the Commission should do what is “right.” Situations like this are not appropriate where the property values of many people suffer to benefit a few, just because certain people know the “right” people.

**Susan White, Neighbor:** Notes that her family was one of the first in the subdivision. Shares that her parents recently moved to this subdivision and are elderly. Points out that there are several other elderly families and families with children. In response to the comment about the possibility of there being a six-story building, she disagrees, saying there is not enough room for parking.

**Jeff Cantu, Neighbor:** Introduces himself as the POA president for the Stonewood subdivision. Disagrees that the proposed rezoning is compatible with the City Plan. Feels that the R-O zoning is what homeowners bought in to. States that the Planning Commission needs to vote in harmony with the City’s plan, and that there is no overriding need to change the zoning. Lives 200-feet from the subject property and will not like the odors.

**Karen Stevens, Neighbor:** Spoke with potential homebuyers about noise in the neighborhood and said at the time that it was not bad. Believes that developing the property will create a lot of noise and hurt property values.

**No More Public Comment.**

**Leslie Belden, Commissioner:** Requests that Mr. Tonnessen's spreadsheet be shared on the screens for the public. Reads the provided description of the NS-G zoning district, noting that the request is effectively a down-zoning. Notes that if the subject property was zoned NS-G, she can understand why people are upset if the request was for R-O. The request to go from R-O to NS-G is actually a downzoning. Feels that the NS-G is better for the residents and more compatible, and is in support of the request.

**Matthew Hoffman, Commissioner:** Appreciates everyone coming out and discusses how when it comes down to it, everyone wants what is best for Fayetteville. Agrees with Commissioner Belden's comments. In addressing Mrs. Stevens comments about noise, contends that the buildings being placed near the street is the most effective way to block noise. Cites his site design experience noting that dumpsters are typically located near buildings, and with a form-based zone this will be at the street. The parking will then be the buffer. Also contends that this request is a down-zoning, and is increasing compatibility. One of the best ways to look at compatibility is to look at the bulk, size, and area of a building. The worst case scenario in R-O is unlimited floor area, where as in NS-G it is 8,000. Addresses the City Attorney's memo, and its comment about spot zoning. Almost all of the commercial lots on Highway 265 is undeveloped. A decision tonight will have an impact on development in the future, and where buildings will be placed. Does not understand how something can be spot zoning in an undeveloped area. Recognizes fears about continued development up highway 265, but notes that it is valuable for it to develop in a traditional town form pattern.

**Allison Thurmond Quinlan, Commissioner:** Appreciated comments from neighbors and other Commissioners. Notes that development will occur in this area and that traffic will continue grow given Highway 265's high capacity and low volume. Shares background of the NS-G zoning district's creation. Agrees with other Commissioners that this constitutes a down-zoning. Speaks to how R-O resulted from the 1970s and that NS-G is an improvement. Appreciates Mr. Tonnessen's spreadsheet graphic and agrees that NS-G has more favorable uses than either CS or the R-O districts. Is supportive of the request.

**Tom Brown, Commissioner:** Expresses appreciation to the neighbors for speaking. Disagrees somewhat with the differences stated between R-O and NS-G. Feels that many of the uses allowed in NS-G would generate more traffic than the R-O district. States that a lot more traffic would go to a location with the uses allowed under NS-G, and the business hours would likely be wider. At the same time, he feels that at this location, an office would develop at a lower intensity. Conceptually, he agrees that the Neighborhood Services zoning designations may be applicable on this property, but only if it does not have a negative effect on the functioning of Highway 265, existing neighborhood plans, and existing neighborhoods. Notes that the City's Master Transportation Plan call for factoring in traffic impacts in decisions. Shares data he has collected on traffic, and what amount of traffic it would take to result in a traffic. Compares College Avenue and Highway 265, noting that the number of vehicle trips before an accident occurs is much lower on College due to its intensity and number of curb cuts. Supporting rezonings that increase intensity will increase the number of traffic incidents. Shares that this is the third rezoning that he has considered for a commercial land use outside of the city Neighborhood designation. Counted 44 intersections on the highway corridor and only 11 were

in the City Neighborhood Area. If three more rezonings are approved a year with a curb cut on Highway 265 for each rezoning, it will lead to a new College Avenue.

**Zara Niederman, Commissioner:** Thanks residents for coming to speak. In response to Commission Brown's comments, he notes that there are indeed preferred locations to concentrate the curb cuts and developments but not all non-residential development has to be in certain nodes, and it is acceptable to have smaller nodes. Agrees with other Commissioners that the request is a down-zoning. Outlines some of the uses that are allowed in the existing and proposed zoning districts. Feels that the location across from the Botanical Garden also makes this more appropriate than other properties to the north and south. Rezoning the subject property would not necessarily result in other similar rezonings in this area. Inquires from staff about buffer requirements.

**Andrew Garner, Planning Director:** Informs the Commission that there are screening requirements between residential and commercial development. This is a typical standard.

**Niederman:** Asks what the setback is.

**Garner:** The typical buffer can be 10-12 feet wide with a fence and vegetation.

**Niederman:** Inquires that with the buildings being closer to Crossover, is it possible to require an additional buffer or screening.

**Kit Williams, City Attorney:** Clarifies that conditions may not be placed on a rezoning.

**Quinlan:** Asks staff about what access would be permitted on to the subject property at the time of development.

**Garner:** Responds that the access management ordinance requires that access to a property be by way of a lower classification street, but accessing the higher classification street may be permitted by Planning Commission variance.

**Quinlan:** Asks what form of development submittal this item will go through.

**Garner:** Is not certain, but due to this zoning district being form-based, development may come through as a Large Site Improvement Plan which may be approved administratively.

**Quinlan:** Questions whether any development will have to comply with the City's commercial design standards.

**Garner:** Responds that development in build-to-zones are subject to a higher degree of design guidelines, including for architectural articulation and glazing.

**Quinlan:** Moves to forward the item to the City Council.

**Williams:** Interjects that he wants to clarify that this may or may not be a downzoning. The current R-O zoning would only allow a eating place of 2,000 square feet, while the proposed NS-G zoning district will allow a building of 8,000 square feet. In the R-O zoning a duplex is allowed, while in the NS-G zoning, residential housing is allowed up to tri- and quad-plexes. Also shares the height setback requirements under R-O, and that it would be difficult to develop to the maximum allowed height, while NS-G's setbacks allow more height near a property line.

Understands that this vote may move forward, but wants it to be clear that he does not feel that this is a downzoning. Lastly, the intensity is classified as medium rather than low.

**Garner:** Due to the proposed zoning district being new and unfamiliar to some, clarifies that the NS-G zoning district only allows for a restaurant to fill 2,000 square feet of the 8,000 square feet non-residential building size permitted.

**Brown:** States he will not support this rezoning request as it will lead to commercial development outside the designated areas. Requests that the Future Land Use Map of City Plan 2030 be pulled up for discussion, as it may be valuable for the newer Commissioners. Notes that the Plan deliberately designated certain areas along Highway 265 to be City Neighborhood Area with non-residential uses, but designated the subject property as Residential Neighborhood Area. Also, cannot support the request due to traffic concerns along with the City Attorney's comments that the subdivision's approval constitutes a neighborhood plan. Furthermore, he notes that the existing R-O zoning district allows for limited commercial development with a conditional use permit that requires a developer to work with neighbors and the Planning Commission.

**Hoffman:** Appreciates the Director's clarification and comments about the NS-G zoning district. With regards to the comparison of districts, he will support the one that promotes smaller buildings further from homes. In response to Commissioner Brown's comments about traffic, he contends that the problems with traffic on College are a result of zoning at the time, more than the uses themselves. The type of development that occurred on College is a result of sprawl-oriented zoning districts like the existing R-O on the subject property.

**Motion:**

**Commissioner Quinlan** made a motion to **forward RZN 17-5733**. **Commissioner Hoffman** seconded the motion. **Upon roll call the motion passed with a vote of 8-1-0. Commissioner Brown voted 'no'.**

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

**FOR STAFF USE ONLY**

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

**FEE: \$325.00**

**Sign Fee: \$5.00**

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.  
**Your application will not be placed on the Planning Commission agenda until this information is furnished.**

**Application:**

Indicate one contact person for this request: \_\_\_\_\_ Applicant X Representative

**Applicant (person making request):**

Name:

Max Parker  
for CP Properties

Address:

1680 E. Shadowcreek Dr  
Fayetteville Arkansas  
72701

E-mail:

gm1x32@gmail.com

Phone:

(479) 799-6918

( )

Fax:

( )

**Representative (engineer, surveyor, realtor, etc.):**

Name: Blake Jorgensen

Jorgensen & Assoc.

Address: 124 W. Sunbridge Dr. Suite 5

Fayetteville, AR 72703

E-mail: blake@jorgensenassoc.com

Phone:

( ) 479-442-9127

( )

Fax:

( ) 479-582-4807

Site Address / Location: SE corner of Crossover Rd. & Hearthstone Dr.

Current Zoning District: R-O & RSF-4

Requested Zoning District: CS

Assessor's Parcel Number(s) for subject property: Parcel: 765-22244-000 & 765-22245-000

**FINANCIAL INTERESTS**

The following entities and / or people have financial interest in this project:

CP Properties

**APPLICANT / REPRESENTATIVE:** I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): MAX PARKER / CP Properties Date: 2-14-17  
Signature: Max Parker

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

**Property Owners of Record (attach additional info if necessary):**

Name (printed): MAX PARKER Address: 1680 E. Shadowridge Dr  
CP PROPERTIES, INC Fayetteville, AR 72701  
Signature: Max Parker  
Date: 2-14-17 Phone: (479) 799-6918

Name (printed): Philip Cameron Address: 1663 Viewpoint  
Signature: Philip Cameron Fayetteville AR 72701  
Date: 2-14-17 Phone: (479) 263-3815

### Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:  
\$325.00 application fee  
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website ([www.co.washington.ar.us](http://www.co.washington.ar.us)). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

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

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** April 10, 2017 (Updated with Planning Commission Results)

**SUBJECT:** **RZN 17-5733: Rezone (SE OF CROSSOVER RD. & HEARTHSTONE DR./CP PROPERTIES, 099):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties at the SE CORNER OF CROSSOVER RD. & HEARTHSTONE DR. The properties are zoned R-O, RESIDENTIAL OFFICE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 1.79 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES, GENERAL.

---

**RECOMMENDATION:**

Staff recommends forwarding **RZN 17-5733** to the City Council with a recommendation of approval, based on the findings herein.

**BACKGROUND:**

**March 27, 2017 Planning Commission Meeting:** *The previous request by the applicant was to rezone the subject property to CS, Community Services, with an intention to develop the area with a restaurant and drive-thru coffee shop. This item was tabled at the March 27, 2017 Planning Commission meeting to give the applicant time to reconsider and possibly revise their request according to comments and concerns expressed by both area residents and the Planning Commission. In order to address these concerns, the applicant is now proposing to rezone the property to NS-G, Neighborhood Services, General. The NS-G zoning district limits the size of commercial buildings to a maximum of 8,000 square feet and does not allow drive through restaurants.*

The proposed rezoning request is for two parcels, totaling approximately 1.79 acres to the south of Hearthstone Drive and east of Crossover Road/Highway 265. The properties are currently split-zoned, with the northern portion as R-O, Residential Office, and the southern portion as RSF-4, Residential Single-family, 4 Units per Acre. The subject property and approximately 500 acres of additional land largely paralleling Crossover Road were annexed in to the City of Fayetteville in November of 1977. Subsequently, the subject property was platted as part of the larger Stonewood Subdivision in 2001, which includes approximately 100 single-family lots and 14 lots intended for residential or office development. The subject property is among the latter, but remains undeveloped. Surrounding land use and zoning is depicted on *Table 1*.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Undeveloped; Property Management Offices	R-O, Residential Office
South	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Lake Fayetteville Park/ Botanical Garden of the Ozarks	R-A, Residential Agricultural

*Request:* The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, and R-O, Residential-Office, to NS-G, Neighborhood Services, General, in order prepare the parcel for development.

*Public Comment from the March 27, 2017 Planning Commission:* The Planning Commission received numerous comments regarding the proposed rezoning, with the significant majority stating firm opposition to a rezoning. Those that contacted staff before the meeting, as well as those that spoke at the meeting cited concerns with litter, odor, noise, and lighting, including the prospect that a dangerous traffic condition could result and that crime would increase. Numerous individuals insisted that the rezoning would decrease the property values of the adjacent neighborhood, while the existing zoning districts were part of their decision to purchase homes in this area, and are perceived to have been a promise of the subdivision's developer.

*Public Comment:* Staff has continued to receive a significant number of comments in opposition to the rezoning request, although, given the very recent nature of the change in proposed zoning district, none have been directly in opposition to NS-G, Neighborhood Services, General. Some commentary in support of rezoning the property has also been received, stating a preference for the availability of services in closer proximity to their residential neighborhood.

## **INFRASTRUCTURE:**

**Streets:** Both subject parcels have direct access to Hearthstone Drive, a two-lane, partially-improved Local street, with curb and storm drain. Sidewalks would be required to be constructed at the time of development.

The western of the two parcels also has access to Crossover Road, which is a fully-improved principal arterial and a state highway that is signalized at Hearthstone Drive. City access management requirements mandate that properties shall access a lower classification street when present, as Hearthstone Drive does in this instance.

**Water:** Public water is available to the site. An 8-inch water main runs along the property frontage of Hearthstone Drive.

**Sewer:** Public sewer is available to the site. An 8-inch sewer main runs along the property frontage of Hearthstone Drive.

**Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of these parcels lie within the FEMA designated 100-yr floodplain or the Hillside-Hilltop Overlay District (HHOD). A protected stream, Hilton Creek, runs south of these parcels. Hydric Soils have been identified on portions of these parcels and would require a wetlands determination to be provided at the time of development proposal.

**Fire:** The Fire Department did not express any concerns with this request.

**Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **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 row-houses. 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:** ***Land Use Compatibility:*** The proposed zoning is compatible with surrounding land use patterns in this area, which include a mixture of suburban residential development to the east, office uses to the north, and a City park and botanical gardens to the west. The proposal of NS-G zoning on the corner of a largely-improved Local Street, and a high-volume, improved Principal Arterial can create a transitional area that may be developed in a commercial or mixed-use pattern that compliments both the existing adjacent uses and existing infrastructure. Furthermore, the NS-G zoning requirements allow a lower density, smaller building size and lower height than the existing R-O zoning district.

***Land Use Plan Analysis:*** The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. This location is consistent with the guidelines of City Plan 2030 for higher intensity non-residential use in corner locations and along connecting corridors. This is a corner property with a traffic signal on a busy arterial highway. Among the goals in City Plan 2030, the proposed rezoning represents the potential for both infill development and development in a traditional urban form pattern. Although less than one mile from Fayetteville's northern city boundary with Springdale, and thereby not generally thought of as an infill site, commercial or mixed-use development on the subject property can take full advantage of City facilities at the adjacent City park and the existing utility and road infrastructure. Similarly, despite being on a state highway (Crossover Road), the subject property's proximity to both a significant City park and a single-family subdivision presents an opportunity to create a mix of uses where

residents can live, work, and play all in the same neighborhood. The NS-G zoning district encourages patterns of development that result in realizing this goal, including an expectation that buildings will be located at the corner, creating an environment appealing to pedestrians and reducing the visual impact of parking areas, while also limiting permitted uses to those that are complementary to adjacent neighborhoods. A mixture of residential and commercial uses, which is permitted by the NS-G zoning district, is typical in a traditional urban form, with buildings addressing the street.

Lastly, this area of the City has many residents, with approximately 300 single-family homes accessing Crossover Road by way of Hearthstone Drive, but lacks non-residential goods and services within walking distance. This development pattern has resulted in residents being required to drive to meet any daily needs. The FLUM designation of this area as Residential Neighborhood recognizes this issue in encouraging appropriate non-residential uses, and the applicant's proposal for NS-G at this corner location could help alleviate the lack of services in the area.

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

**Finding:** The applicant has requested the zoning change to develop the property in manner that can serve the surrounding community, which is generally not as feasible under the existing RSF-4 and R-O zoning districts. The proposed NS-G, Neighborhood Services, General zoning will encourage appropriate commercial or residential development on this corner parcel in an area that has seen limited, and largely-residential development over the last two decades. The NS-G zoning district is designed primarily to promote complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses.

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

**Finding:** A NS-G zoning allows a limited range of commercial activity and a residential density that is currently lower than that allowed under the R-O zoning district. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area, but not necessarily greater than could result from the existing RSF-4 and R-O zoning districts. The property is located on the southeast corner of Crossover Road and Hearthstone Drive, a fully-improved Principal Arterial and partially-improved Local Street respectively. The intersection adjacent to the subject property is signalized, and includes pedestrian crosswalks. While there will be an appreciable increase in traffic with any development, Hearthstone Drive does not connect to any significant transportation routes to the east, and, as a result, any increase in vehicular movement will likely move westward through the existing traffic signal to Crossover Road. As such, traffic danger and congestion is not expected to increase appreciably.

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:** Although the property is currently undeveloped, development under the current zoning or the proposed zoning will likely result in a comparable increase in the load on public services and may increase population density in the area. The NS-G zoning allows a range of commercial activity but a lower residential density than R-O. Despite this, the subject property has access to existing infrastructure, and is an area where development would not have significant adverse impacts on public services or facilities. Additionally, neither the Police nor Fire Departments have expressed objections to the proposal.

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

**Finding:** N/A

**RECOMMENDATION:** Staff recommends forwarding RZN 17-5733 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>			
Date: <u>April 10, 2017</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Quinlan			
Second: Hoffman			
Vote: 8-1-0, Commissioner Brown voted 'no'.			
<b>CITY COUNCIL ACTION:</b> Required <u>YES</u>			
Date: <u>May 2, 2017 (planned)</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.03, RSF-4, Residential Single-family, 4 Units per Acre
  - §161.18, R-O, Residential-Office
  - §161.20, NS-G, Neighborhood Services – General
  - §162.01, Unit 12b, General Business
- Revised Request letter
- Public Comment
  - Public Comment leading up to the March 27, 2017 Planning Commission meeting
  - Public Comment leading up to the April 10, 2017 Planning Commission meeting
- Memo and Spreadsheet from Commissioner Brown
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

#### **161.07 - District RSF-4, Residential Single-Family - Four (4) 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	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet

Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

*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.

(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. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16)

### 161.18 - District R-O, Residential Office

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet

Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet

Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	60 feet
-------------------------	---------

*Height Regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of 1 foot for each foot of height in excess of 20 feet.

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

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5735 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16)

### 161.19 - Neighborhood Services, General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Service, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster Housing Development

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 16	Shopping Goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

All Dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback Regulations.*

Front:	Side	Side-Zero Lot Line	Rear	Rear, when contiguous to a single-family residential district
A build-to-zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed. The remaining side setback shall be 10 feet.	None	15 feet

(F) *Building height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

**§162.01 – Establishment/Listing**

**(M) Unit 12b. General Business,**

- (1) *Description.* Unit 12b consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding area dedicated to residential uses.

- (2) *Included Uses.*

Personal services	•Day Care
	• Dry cleaning
	• Salon/Barber shop
	• Tailoring
Retail	• Antique/home décor sales
	• Apparel
	• Art/Architectural supplies
	• Bakery/Pastry shops
	• Bicycle shop
	• Bookstore
	• Coffee shop
	• Delicatessen
	• Drugstore
	• Florists
	• Food specialty stores
	• Grocery
	• Hardware store
	• Health food store
	• Hobby/Craft shop
	• Ice cream
	• Meat market
	• Restaurant/Café
	• Small Appliance Repair

	• Stationary store
	• Toy store
	• Video rental
Professional Offices	• Accountant
	• Architect
	• Attorney
	• Broker
	• Business/Mgmt. Consultant
	• Doctor



**JORGENSEN**  
**+ASSOCIATES**  
Civil Engineering · Surveying  
Landscape Architecture Services

**CUP 17-5733**  
**Request Letter**

124 W Sunbridge Drive, Suite 5  
Fayetteville, AR 72703

Office: 479.442.9127  
Fax: 479.582.4807  
[www.jorgensenassoc.com](http://www.jorgensenassoc.com)

April 6, 2017

City of Fayetteville  
113 W. Mountain Street  
Fayetteville, AR 72701  
Attn: Development Services

Re: Hearthstone Properties Rezoning

To Planning Commission/Planning Staff

Please accept this request to alter the previous rezoning from Community Services (CS) to Neighborhood Services-General (NS-G). After meeting with staff and the owners of the property, we feel that this zoning classification is the optimal zoning request and that it is a downzone in regards to both CS as well as RO. This zoning classification would eliminate any concerns that have been brought up associated with the CS request in regards to gasoline service stations as well as drive through restaurants. This zoning classification would also have reduced building heights, as well as limit the by-right foot print of the building(s).

We appreciate both the community's and the staff's time and input on this matter and look forward to discussing this rezoning with the Planning Commission.

Jorgensen + Associates

**Public Comment  
for 3/27/2017 Planning  
Commission Meeting**

We, the undersigned owner and residents of Stonewood, are strongly inclined to support the requested zoning change from Max Parker. For decades we have enjoyed the higher property values and enhanced city services provided by Fayetteville's adherence to a strict policy of planned development. Evidenced by Fayetteville's repeated listings as one of the top ten places to live in the US...a distinction not awarded to our neighbors.

The stringent signage, greenspace, parking, etc. codes, requirements and ordinances have continued to make Fayetteville a desirable place to live although other cities in our area may be more attractive from a property price point view only.

We trust the planning commission and other regulatory bodies to allow only a tasteful commercial establishment that would enhance the neighborhood. We believe that an attractive, unobtrusive restaurant/coffee shop between our neighborhood and the Botanical Gardens would be very desirable.

As for the future risks, any business would require design, elevation and building permit approval. History has proven that Fayetteville protects both its residential and commercial areas by a policy considering aesthetical, environmental and service support availability.

Thank you,

Janet Watkins, Elizabeth Blackburn, Barbara George

**Public Comment for RZN 17-5733 (CP Properties)**

**3/25/2017**

---

Mr. Curth,

I understand there is a question of rezoning property that is at the front entrance of Stonewood from office, and the like, to one that would allow for the building of restaurants. In particular, there is the building of a pizza shop being currently considered. I would like to let you know that I, and my family, are strongly against this change. When property is purchased, there is an expectation of maintaining value and a level of comfort. Nuisances like this restaurant destroy that value and comfort. It materially alters the initial purchase agreement. The restaurant will produce noise, smells and dangers that were not presented to the current owners when they first agreed to purchase the property. In addition, there is a safety issue when you place a business in with homes. Business often request and received liquor licenses. In addition to provided this to there customers there is parking and increased traffic or congestion. The two combined can be dangerous to not only the people living in the neighborhood but visitors to the Botanical Garden across the street. Many people walk, bike and move back and forth across that intersection. I think you all should be on notice of these danger and nuisance issues when you are considering these zoning changes. Any changes you make and the consequences that might occur should be carefully considered. Thank you for your consideration of this matter,

Monika Szakasits  
Resident of Stonewood Subdivision

**3/26/2017**

---

Hello Mr. Curth:

I'm a new resident to the Stonewall community. My property directly abuts the R-O zoned properties along Crossover.

Recently it has come to my attention that there is the potential for the R-O zoned lots in front of Stonewall to be rezoned to allow an eatery of some type.

While I like the convenience of another great food joint nearby, I certainly wouldn't welcome the lights, sounds and smells that would come along with it, staring right into my backyard.

I have voiced my opposition to our POA President, but thought it wouldn't hurt to let you know how I feel as well.

I am against the proposed rezoning.

Thanks for listening!

**Vic Kennett**  
Founder / CEO



Phone: 870-423-6242

Web Site: [www.kerusso.com](http://www.kerusso.com)

*"One Team - One Mission!"*

CONFIDENTIALITY STATEMENT:

This message, from Kerusso Inc., contains information which is privileged and confidential and is

solely for the use of the intended recipient. If you are not the intended recipient, be aware that any review, disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this in error, please destroy it and notify us immediately at: 800-424-0943

**3/27/2017**

---

Mr. Curth:

I write this email to register my objection to the proposed rezoning of Lots 1 & 2 of Stonewood from R/O to CS. I understand that the planning commission will consider this rezoning request at their meeting at 5:30 this afternoon. I plan to attend. Thank you.

***Stevan E. Vowell***

Taylor Law Partners, LLP

303 E. Millsap

P. O. Box 8310

Fayetteville, AR 72703

(479) 443-5222

(479) 443-7842

[svowell@taylorlawpartners.com](mailto:svowell@taylorlawpartners.com)

---

Dear sir,

As I understand the present proposal for the property on Hearthstone and 265 across from the Botanical Gardens there are positive aspects to the proposal. My concern is as planned another pizza parlor will be there. Should the council not take into consideration multiple ones in close proximity? I would hope the council would consider what is best for the community. In addition, a major reason I chose to purchase a home in Copper Creek subdivision was the location of the Botanical Gardens and the hiking trail. Another fast food place is not in concert with those amenities. If it is at all possible to take into consideration this great local asset and what would enhance rather than detract from it, I would sincerely recommend the council doing so.

Margret Walker

3441 Peppermill Place

Fayetteville, AR

Sent from my iPhone

---

Hello Mr. Curth,

I'm a resident of the Copper Creek neighborhood and will attend this hearing to learn more about the rezoning request. Would you please provide a copy of the comprehensive plan for this area?



I look forward to seeing the comprehensive plan.

My thanks,

~Susan Holmes  
 3404 Jasper Lane Fayetteville AR 72764  
 479-225-6175 [susanholmes95@gmail.com](mailto:susanholmes95@gmail.com)

Dear Mr. Curth,

My husband and I would like to voice our opinions \*against\* the proposed rezoning for Stonewood Lots 1 and 2 (RZN 17-5733). One of the benefits of this neighborhood is privacy. Bringing commercial property to the front entrance of the neighborhood will undoubtedly bring increased traffic to the area. There are other downfalls as well, which will be shared by Stonewood POA. Thank you for your consideration.

Sincerely,  
 Jennifer & Michael Moffitt  
 4652 Stonewall Xing  
 Fayetteville, AR 72764

Jonathan,

Attached is a spreadsheet showing the responses to the proposed rezoning of Lots 1 and 2 in the Stonewood subdivision. As you will readily see, there are clearly two sides to this proposal. The developers are all for it, and the homeowners are almost 100% against it. I don't need to repeat the

reasons the homeowners oppose the rezoning - you've seen multiple emails from them already. I trust that you will include this spreadsheet information in the package that you provide to the Planning Commission.

Bob Anderson  
Treasurer  
Stonewood P.O.A.

*The subject spreadsheet is attached to this packet of public comment.*

---

Mr. Curth:

I am opposed to the rezoning of the 1.79 acres east of Crossover and south of Hearthstone.

My plan to attend tonight's meeting has been foiled. Therefore, here is why I am opposed to the rezoning from "Residential Office" to "Community Service."

1. Crossover's median prevents easy access.
2. Gridlock at Crossover and Hearthstone would be inevitable.
3. The Botanical Garden's beauty and purpose would be in jeopardy.
4. CS zoning will likely impact the existing residential environment and property values.

Honestly any savvy commercial/retail developer (independent or franchise) would see these same concerns and would not pursue this land in question.

Thank you for including my concerns in tonight's meeting and subsequent decision. Also, we really appreciate the work that you and the Planning Commission do to make Fayetteville a great place to live!

Best regards,

Daniel Hocklander  
Past President  
Copper Creek Homeowners' Association

---

TO: Jonathan Curth  
Fayetteville City Planning Department

I am opposed to the rezoning of Lots 1 and 2 in the Stonewood Division for the proposed development of the lots.

Current property owners have bought lots and built their residents with the knowledge of the current written commercial zone guidelines (residential office building). I am also concerned about the effect this might open up for the other commercial zoned property fronting the Highway.

I would appreciate the planning board taking my opinion into consideration.

Stonewood Division property owner

Jo Ann Woodward

# Stonewood Subdivision Responses to a POA Survey

## Stonewood Subdivision Rezoning Proposal for Lots 1 & 2

Commercial Lots

92.9% Percentage of lots voting  
**13** For the rezoning  
**0** Against the rezoning

Homeowner Lots

72.4% Percentage of lots voting  
**1** For the rezoning  
**75** Against the rezoning

Lot	Parcel	Name	Address
1	22244	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
2	22245	C P Properties, LLC	Crossover Road (Vacant Commercial Lot)
3	22246	Kjune LLC	Crossover Road (Vacant Commercial Lot)
4	22247	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
5	22248	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
6	22249	Parker Investments, LLC	Castlewood Ln. (Commercial Lot)
7	22250	Parker Investments, LLC	4790 Castlewood Ln. (Commercial Lot)
8	22251	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
9	22252	Fochtman, Earl & Gayle	Crossover Road (Vacant Commercial Lot)
10	22253	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
11	22254	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
12	22255	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
13	22256	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
14	22257	Parker Investments, LLC	Crossover Road (Vacant Commercial Lot)
15	22258	Ellison, Frances Anita	4843 Lavendon Pl.
16	22259	Ingram, Justin & Andrea	4857 Lavendon Pl.
17	22260	Watson, Gaye F.	4869 Lavendon Pl.
18	22261	Olive Trust Joshua Hicks	4881 Lavendon Pl.
19	22262	Stevens, Robert & Karen	3116 High Meadows Dr.
20	22263	Liu, Pu & Li-Chuan Chang	3140 High Meadows Dr.
21	22264	Oswald, Robert & Anne	3162 High Meadows Dr.
22	22265	Roberts, Barbara	3186 High Meadows Dr.
23	22266	Szakasits, Monika	3200 High Meadows Dr.
24	22267	Nielson, Bradley & Michelle Roberts	3224 High Meadows Dr.
25	22268	Murphy, Rong Yan	3246 High Meadows Dr.
26	22269	Hicklin, Michael & Lynda	4884 Trails End Ln.
27	22270	Vowell, Stevan & Peggy	4868 Trails End Ln.
28	22271	Hopkins, Wade & Sharon	4856 Trails End Ln.
29	22272	Aldridge, Bret & Barbara	4842 Trails End Ln.
30	22273	Hubbard, Thomas & Shareinea	4830 Trails End Ln.
31	22274	Zimmerman, Brent & Cassandra	3229 High Meadows Dr.
32	22275	Woodward, Billy Ray & Joann	High Meadows Dr. (Vacant Lot)
33	22276	Scarbrough, Troy & Amy	3191 High Meadows Dr.
34	22277	Cox, Winfred M. & Clarice W.	3163 High Meadows Dr.
35	22278	Caldwell, Nelson & Terrie	3141 High Meadows Dr.
36	22279	Augustine, Merlin & Beverly	4862 Lavendon Pl.
37	22280	Anderson, Bob	4844 Lavendon Pl.
38	22281	Parker, Terry & Ellen	3142 Greystone Dr.
39	22282	McLaughlin, Gary & Susan	3164 Greystone Dr.
40	22283	Mitzel, Marvin & Christel	3190 Greystone Dr.
41	22284	Welker, Juanita M.	3204 Greystone Dr.
42	22285	White, Bryan & Susan F.	3228 Greystone Dr.
43	22286	Davis, Jerry & Brenda	4808 Trails End Ln.
44	22287	Marley, Mark & Cheryl	4792 Trails End Ln.

# Stonewood Subdivison

## Rezoning Proposal for Lots 1 & 2

### Commercial Lots

92.9%	Percentage of lots voting
<b>13</b>	For the rezoning
<b>0</b>	Against the rezoning

### Homeowner Lots

72.4%	Percentage of lots voting
<b>1</b>	For the rezoning
<b>75</b>	Against the rezoning

Lot	Parcel	Name	Address
45	22288	Mize, Andrew M. & Page Ann	4774 Trails End Ln.
46	22289	Salsbury, Randy & Shana	4758 Trails End Ln.
47	22290	Ashley, Larry & Martha	4749 Trails End Ln.
48	22291	Bunn, Richard & Margaret Werner	4773 Trails End Ln.
49	22292	Bradbury, Michael & Sharon Etchinson	4791 Trails End Ln.
50	22293	Glenn, Ryan & Maranda	4807 Trails End Ln.
51	22294	Wynne, Thomas B. & Marley M.	3203 Greystone Dr.
52	22295	Rigo, Gilson & Vania	3189 Greystone Dr.
53	22296	Basnett, Erin	4790 Stonewall Crossing
54	22297	Crawford, John & Beverly	4772 Stonewall Crossing
55	22298	Davis, Doris & Kim	4754 Stonewall Crossing
56	22299	Hughey, Gary & Sandra	4738 Stonewall Crossing
57	22300	Gillihan, Betty Kaye	3202 Hearthstone Dr.
58	22301	Jezewski, Jeffery & Jennifer	3226 Hearthstone Dr.
59	22302	Matthews, Andy & Cheryl	3244 Hearthstone Dr.
60	22303	Scalise, Mark & Jacqueline	3268 Hearthstone Dr.
61	22304	Malone, Noel & Ada Lee	3077 Greystone Dr.
62	22305	Smith, Virginia	3103 Greystone Dr.
63	22306	Mueller, Phuong & Ellen Gebhart-Mueller	3119 Greystone Dr.
64	22307	Mosby, Keith & Katherine	4807 Stonewall Crossing
65	22308	Stephens, George L. III	3144 Ladelle Pl.
66	22309	Alisha Sutton	3120 Ladelle Pl.
67	22310	LaGrone, Dean	3102 Ladelle Pl.
68	22311	Kennett, Vic & Melody	3078 Ladelle Pl.
69	22312	Flynn, Mike & Courtney	3063 Ladelle Pl.
70	22313	Henry, Clay & Jean Ann	3079 Ladelle Pl.
71	22314	Wright, Warren & Linda	3101 Ladelle Pl.
72	22315	Draper, Joe & Nancy	3145 Ladelle Pl.
73	22316	Draper, Joe & Nancy	3145 Ladelle Pl.
74	22317	Draper, Joe & Nancy	3145 Ladelle Pl.
75	22318	Draper, Joe & Nancy	3145 Ladelle Pl.
76	22319	Davis, Rick & Shawna	3100 Hearthstone Dr.
77	22320	Pianalto, Nick	3080 Hearthstone Dr.
78	22321	Hudgens, Patricia	3081 Hearthstone Dr.
79	22322	Ashby, Charles & Debbie	3033 Waterstone Dr.
80	22323	Busken, Gerard & Tammy	3057 Waterstone Dr.
81	22323-001	Collins, Craig & Bethany	3089 Waterstone Dr.
82	22324	Cantu, Jeffrey	3123 Hearthstone Dr.
83	22325	MacDade Properties LLC	3044 Waterstone Dr.
84	22326	Watkins, Janet & Catherine Vantine	3072 Waterstone Dr.
85	22327	Head, Steven & Hillary	3104 Waterstone Dr.
86	22328	Stancil, Jim & Susan	3130 Waterstone Dr.
87	22329	Forge, Maxine	3152 Waterstone Dr.
88	22330	Mazili, Christine A.	3186 Waterstone Dr.

# Stonewood Subdivison

## Rezoning Proposal for Lots 1 & 2

### Commercial Lots

<b>92.9%</b>	<b>Percentage of lots voting</b>
<b>13</b>	<b>For the rezoning</b>
<b>0</b>	<b>Against the rezoning</b>

### Homeowner Lots

<b>72.4%</b>	<b>Percentage of lots voting</b>
<b>1</b>	<b>For the rezoning</b>
<b>75</b>	<b>Against the rezoning</b>

<b>Lot</b>	<b>Parcel</b>	<b>Name</b>	<b>Address</b>
89	22331	Andrade, Juan & Ana	3208 Waterstone Dr.
90	22332	Levy, Lynn Revocable Trust	3224 Waterstone Dr.
91	22333	Green, Cynthia K.	4657 Stonewall Crossing
92	22334	Moore, Jennifer Paige	4665 Stonewall Crossing
93	22336	Young, Dena	4673 Stonewall Crossing
94	22335	Young, Alex Alden	4687 Stonewall Crossing
95	22337	Wilson, Hugh E. & Audrey A.	4695 Stonewall Crossing
96	22338	Serrano, Jose & Maria	3147 Hearthstone Dr.
97	22339	Porter, Kenneth B. & Andrea	3267 Hearthstone Dr.
98	22340	Zavaleta, Julio Cesar	3243 Hearthstone Dr.
99	22341	Taylor, Lawrence & Brandy	3225 Hearthstone Dr.
100	22342	Moore, Samuel & Margaret	3201 Hearthstone Dr.
101	22343	Collins, Randall	3185 Hearthstone Dr.
102	22344	Hardcastle, Andrea	4692 Stonewall Crossing
103	22345	Kyle & Caitlin Pennington	4664 Stonewall Crossing
104	22346	Bowlin, Philip & Brenda	4658 Stonewall Crossing
105	22347	Moffitt, Jennifer & Michael	4652 Stonewall Crossing
106	22348	Brown, Michael & Ana	4646 Leiston Pl.
107	22349	Demarest, Chris & Alicia	4640 Leiston Pl.
108	22350	Antoine, Ronald & Zenarea	4632 Leiston Pl.
109	22351	Rhodes, Amy S.	4624 Leiston Pl.
110	22352	Chamberlain, Carol Jean	3267 Waterstone Dr.
111	22353	Locey, Ryan & Monica	3245 Waterstone Dr.
112	22354	McCarley, Timothy	3223 Waterstone Dr.
113	22355	Morris, Nicholas & Lydia	3209 Waterstone Dr.
114	22355	Sandlin, James & Renee	3187 Waterstone Dr.
115	22355	Carrasco-Quezada, Erika	3165 Waterstone Dr.
116	22356	Black, Nancy	Waterstone Dr. (Vacant Lot)
117	22357	Mathias, David & Ashley	3129 Waterstone Dr.
118	22357-001	Siebert, Eric & Katlyn	2111 Waterstone Dr.
119	22358	Zamora, Rosanna	3352 Waterstone Dr.

## Public Comment for 4/10/2017 Planning Commission Meeting

3/28/2017

---

Thank you for your response. We attended the planning meeting last night and were so disappointed the issue of rezoning our neighborhood was tabled instead of being voted down. We retired four years ago and moved to this area from NE Arkansas. One of our prime reasons for choosing this subdivision was because of its beauty and cleanliness. My husband is in bad health, so we felt the neighborhood afforded us safety with proximity to doctors and the hospital. We knew it was zoned R/O but believed office type buildings would be built in the frontage area with day hours, not a lot of congestion, or loud noise. With so many of the homeowners in Stonewood voting not to change the zone to CS, my prayer is that the planning commission will vote the will of the people. The fact that the 2030 goals of the city have this area marked to remain residential impressed me that the city felt it important to protect some residential areas and not turn everything into commercial. Thank you for your work. If my husband is able, we will attend the next meeting.

Sandy Hughey  
4738 Stonewall Crossing

3/30/2017

---

Jonathan,

As I did at the hearing Monday night, I would like to again voice my opposition to the rezoning of Lots 1 and 2 in the Stonewood subdivision from R-O to CS or any other zoning designation other than what they have always been. I am disappointed that the Planning Department would recommend approval when the rezoning clearly doesn't fit the City's own master plan, Plan 2030. When you drive the length of Crossover within the city limits, you can clearly see the commercial areas at the intersections identified by Thomas Brown at the hearing. What you don't see when you drive north of Zion is anything resembling a commercial area, just as Plan 2030 indicates. Doesn't the Planning Department look at Plan 2030 when they are deciding to recommend approval for a rezoning?

Bob Anderson  
Treasurer  
Stonewood P.O.A.

---

Dear Jonathan,

Please accept this correspondence as a vehement objection to the proposed rezoning of the 2 lots adjacent to the Hearthstone Drive entrance. It was accepted when we all elected to build our homes, and invest substantial monies to do so, that **there would eventually be office buildings at the entrance**. That was the accepted deal. Be assured it **was an arrangement we were all aware of and accepted**. Why is this relevant? Because we were also aware of what was NOT allowed to be built at the entrance, namely convenience stores or fast food or any number of high traffic / high-volume business of those type.

If the deal when we build houses and moved to the neighborhood was that there would be a convenience store or McDonald or etc. at the entrance, MOST if not **ALL** of the present tenants would have elected to forego building or moving into Stonewood or Copper Creek, and would have established our homes and neighborhoods elsewhere. Myself absolutely! It was a **CONSCIOUS** decision, not something that had

not been considered until now! That is a fact. A rezoning would be an unfair change of rules mid-game. Not fair. Not equitable. It completely fails the "Do Right" rule!

**It was NEVER part of the deal that those lots would be allowed to be rezoned in a manner that would allow fast food or convenience stores or any number of high traffic / high-volume businesses or retailers to clog the intersection and attract persons of every ilk to our neighborhood!!** It is simply not acceptable to the residents who have made this neighborhood their home to suddenly allow it.

**Please respect this request to deny the rezoning** and request the opinions of the residents. Consider for a minute and **take into account the extremely negative impact this rezoning would have on a population of citizens that more than pulls its weight paying the taxes** which fund the activities and salaries of the employees of this city.

We trust you will pass along these sentiments to the Commissioners hearing this request.?! Your, and their **consideration in this regard would be greatly appreciated!!**

Best,  
Mark Scalise

Mark N. Scalise  
3268 Hearthstone Drive  
Fayetteville, AR 72764  
(479) 466-7712

---

Dear Jonathan, the letter you received from Mark Scalise is exactly what I wish to convey regarding my feelings about the rezoning of Stonewood property. My husband and I relocated here 2 years ago and we were assured the rezoning was for RO and told that was for office buildings. My husband had complete faith that this was the case. He passed away last year after a sudden illness but he loved living in Fayetteville. Please do the right thing and do not disappoint us. Thank you. Anita Ellison 4843 Lavendon Place. 870 919 5965 Sent from my iPhone

---

Mr. Curth:

My husband and I live in the Stonewood Subdivision on Trails End Lane. We are opposed to rezoning the lots in the front of our neighborhood from RO to CS. We have several concerns, most of which were addressed by our neighbors at the meeting on March 27. However, I do have a few comments I would like to make.

First of all, I cannot understand how the Commission can say that the addition of the proposed restaurant (which would be allowed under the CS zoning) would not increase the traffic in our neighborhood. I think it is logical and commonsense that if this establishment is successful, traffic will increase in our neighborhood. Steve Vowell told the Commission about the heavy traffic in the mornings trying to exit our neighborhood. What I don't think the Commission appreciates is that between the hours of 7 a.m. to 9 a.m. at many times there is a line of between 7 to 9 cars waiting to turn left (South) at the light at Hearthstone and 265. If you add a coffee shop with a drive thru at the location with the only entrance and exit to that coffee shop being on Hearthstone, it will create a traffic issue. I believe the busiest hours for

the coffee shop would also be between the hours of 7 a.m. and 9 a.m. I have no doubt that many of the people exiting the coffee shop will see the line of cars waiting to turn and decide to take a right onto Hearthstone to try to find a different and quicker exit. Since they are not familiar with our neighborhood, they will not know that the Hearthstone exit is the only exit from the neighborhood which allows you to exit and travel South. Those people will end up driving through the side streets until they realize their only exit is on Hearthstone.

The comment that the rezoning is needed so the restaurant can build on the street as opposed to a setback as required to keep AHTD from widening 265 further is ridiculous. AHTD has no plans in the foreseeable future to widen 265 to more than the four lanes it already has. Further widening is not on any of AHTD plans.

A major concern is the safety of the crosswalk at Hearthstone and 265. If the Commission wants to put in restaurants/shops, etc. to encourage people from the trail system to cross the road to visit those establishments, the crosswalk will need to somehow be made safer. We utilize the trail system regularly. It is one of the reasons we like our neighborhood so much is that we have convenient access. However, the crosswalk is not safe. I cannot tell you the number of times someone traveling South has run the red light. If a pedestrian is unfamiliar with the safety issues and simply steps out into the crosswalk thinking they have the right of way, the likelihood of someone getting injured is very high. Also, the traffic coming out of the BGO cannot see traffic or pedestrians because of the slope of the hill as they exit. They do not see anything until they get to the top of the hill and have started to make their turn. There have been several times that bicyclists have almost been hit by cars turning out of the BGO. Also, vehicles that stop in the crosswalk or beyond the cross walk far outnumber the vehicles the stop before the crosswalk. Plain and simple – to be safe, pedestrians at that crosswalk have to wait to make sure the vehicles are going to stop at the light, and also that they are not going to stop in or beyond the crosswalk.

When the current owners of the RO lots purchased them, they knew that they were zoned RO. When the people in the neighborhood bought their houses, they knew that the zoning was RO. It is completely unfair at this point to change the zoning from RO to CS so that the owners of those lots can sell them. The rezoning benefits the owners of the 14 RO lots to the detriment of the 105 owners of the houses in the Stonewood Subdivision. If the lots are going to be rezoned, a far more appropriate and fair rezoning would be to Neighborhood Services.

Thank you for your time.

Sharon Hopkins  
Cox, Cox & Estes, PLLC  
3900 Front Street, Suite 203  
P. O. Box 9630  
Fayetteville, AR 72703  
P: 479-251-7900  
F: 479-251-7910

---

Dear Mr. Curth :

We are owners in Stonewood. We were in attendance @ the City Planning meeting on Monday, 3/27/17. It was encouraging to note the civility & good order , especially in these times. There were some most tender issues addressed in a very respectful manner by you & the commissioners. It was nice to see. Thanks.

However, the commissioners seem to be much disposed to approve the above cited proposal to rezone & know what is to follow .This is not good.

And that persuasion, despite cogent & honest testimony by a multitude of residents to indicate the predictable harm rezoning will bring.

This includes, & is not limited to, increased commercial traffic, pedestrian adults & kids struck / injured by vehicles, trash, vermin, food odors, noxious, mephitic smells, dumpster drawbacks, decreased home & property value, reduction in the solace, comfort, & peace of the Stonewood home environment, general discontent, excessive unneeded transients passing through with the probable chance for increased crime in Stonewood & the area .

Folks did not buy there to be degraded & marginalized in such a way. The effort seems invidious .Land owners & developers on Lots 1 & 2 will benefit mightily; the merchants & beaneries that establish there may do OK ; the city will surely benefit from the lucre of more tax income , and development will creep on up the road & down it soiling all in its path . The 14th Amendment says a lot indeed.

Respectfully, it is venal, selfish ,biased, & improper to do this without equal consideration of Stonewood and sentient consideration of its position. A sense of decency here is hard to spot presently . The spirit & intent of the rezoning effort is surely incompatible with good citizenry & consideration of the decent people of Stonewood. I hope the commissioners do not share that view of us. We pay our bills, keep your city alluring , and dignify yourselves and Springdale as a fine place to be. Please do consider us.

Sad to say, at this juncture we are meat for your grinder.

And it's for a purpose that defiles the common good of the area, the common weal, and even yourselves as advocates for something which, in the long view , is detrimental for the surround & us.

It was somewhat surprising to hear the nice Nature Center spokeswoman's comments last Monday. "Neutrality" noted in her stance.

There is solid irony in favoring some beaneries to be close by , feeding their patrons after a healthy heart ramble in the Center . And knowing that these food places are established on , & adjacent to , clean salubrious neighborhoods that are being soiled by the enabling rezoning & planned development. These are juxtaposed to the healthiness & good stuff of her nature unit. Ugh. Well, opinions are that way, and no hypocrisy is suggested.

I am hopeful that all of you will put your political & mercenary hats aside to consider what you are doing to some of your very own good ones in this fine multicultural neighborhood. It is improper , & tends to do real harm. I trust Homo sapiens would never eat its own. We should all have that confidence.

Thank you.

Sincerely,

Albert Mac Dade  
Owner- Stonewood

3/31/2017

---

WE HAVE LIVED IN STONEWOOD FROM DEVELOPING FIRST BEGAN. WE BOUGHT LOTS 72,73,74,75. WE MOVED HERE FROM THE KANSAS CITY AREA AND PREVIOUSLY TO THAT LIVED IN HOUSTON WITHIN BOTH NICE BEGINNING SUB-DIVISIONS. AFTER BEING IN EACH AREA FOR 21 AND 16 YEARS RESPECTIVELY, THEY WENT THROUGH A REZONING PROCESS FROM RO. THEY BUILT A ALDI FOOD STORE IN KANSAS CITY AND A CONVENIENCE STORE IN HOUSTON. BOTH SUB-DIVISIONS STARTED GOING DOWN HILL AND DEFINITELY DE-VALUED THE PROPERTIES. BY THE TIME WE SOLD AND MOVED.

WE WERE ON OUR WAY FROM KANSAS CITY TO TEXAS TO RELOCATE FROM RETIREMENT IN 2001. WE STOPPED IN FAYETTEVILLE AND AFTER LOOKING OVER THE AREA, DECIDED TO SETTLE HERE. WE CHOSE STONEWOOD WITH ALL THE PROMISES FROM THE DEVELOPER, MARK FOSTER, WHICH HE FAILED TO CARRY OUT. WE'D LIKE TO REMAIN IN STONEWOOD, BUT IF HOME VALUES START GOING DOWN, WE WON'T STAY. WE'VE BEEN THERE AND DONE THAT. WE KNOW WHAT CAN HAPPEN. I FEEL THE ENTIRE SUB-DIVISION FEELS THE SAME WAY. IF THAT HAPPENS, I CAN SEE FAYETTEVILLE HAVING A LOW CLASS HOUSING AREA WHICH COULD ALSO HURT THIS ENTIRE SIDE OF FAYETTEVILLE INCLUDING THE BOTANICAL GARDENS.

WE OPPOSE THE REZONING. HOPE THIS WILL BE PASSED ONTO THE CITY COMMISSIONERS. THANK YOU.  
JOE DRAPER

---

Hi Jonathan,

I own property in the Stonewood Subdivision. There is no reason for commercial work or business to be on Crossover across from the Botanical Gardens. The strip that Mike Parker owned was always meant to be R/O. Please work to make that the case moving forward.

Nobody wants the Pizza Place.

Please do whatever you can to stop this rezoning and keep the area Residential / Office.

Thanks and let me know how I can help you. We are counting on you to help.

Regards,

Mike Flynn  
Central Garden and Pet  
Walmart Business Development Team  
[mflynn@central.com](mailto:mflynn@central.com)  
479-268-7202 (O)  
479-616-0707 (M)

Disclaimer: This communication and any attachments contain private, confidential, privileged and/or proprietary information intended solely for the Recipient(s) named above. If you are not the intended Recipient, any use, dissemination, distribution or copying of the communication is strictly prohibited. If received in error, we apologize and ask that you please notify the Sender by returning this e-mail and permanently deleting this communication from your computer, including destruction of any printed

copies. Any views expressed herein are not necessarily those of the Company represented by this e-mail source. No contracts, agreements or legally binding understandings may be entered into solely by an e-mail communication.

---

Dear Jonathan,

Please accept this correspondence as a vehement objection to the proposed rezoning of the 2 lots adjacent to the Hearthstone Drive entrance. It was accepted when we all elected to build our homes, and invest substantial monies to do so, that **there would eventually be office buildings at the entrance**. That was the accepted deal. Be assured it **was an arrangement we were all aware of and accepted**. Why is this relevant? Because we were also aware of what was NOT allowed to be built at the entrance, namely convenience stores or fast food or any number of high traffic / high-volume business of those type.

If the deal when we build houses and moved to the neighborhood was that there would be a convenience store or McDonald or etc. at the entrance, MOST if not **ALL** of the present tenants would have elected to forego building or moving into Stonewood or Copper Creek, and would have established our homes and neighborhoods elsewhere. Myself absolutely! It was a **CONSCIOUS** decision, not something that had not been considered until now! That is a fact. A rezoning would be an unfair change of rules mid-game. Not fair. Not equitable. It completely fails the "Do Right" rule!

**It was NEVER part of the deal that those lots would be allowed to be rezoned in a manner that would allow fast food or convenience stores or any number of high traffic / high-volume businesses or retailers to clog the intersection and attract persons of every ilk to our neighborhood!!** It is simply not acceptable to the residents who have made this neighborhood their home to suddenly allow it.

**Please respect this request to deny the rezoning** and request the opinions of the residents. Consider for a minute and **take into account the extremely negative impact this rezoning would have on a population of citizens that more than pulls its weight paying the taxes** which fund the activities and salaries of the employees of this city.

We trust you will pass along these sentiments to the Commissioners hearing this request.?! Your, and their **consideration in this regard would be greatly appreciated!!**

Thanks,  
Mike

Regards,

Mike Flynn  
Central Garden and Pet  
Walmart Business Development Team  
[mflynn@central.com](mailto:mflynn@central.com)  
479-268-7202 (O)  
479-616-0707 (M)

Disclaimer: This communication and any attachments contain private, confidential, privileged and/or proprietary information intended solely for the Recipient(s) named above. If you are not the intended Recipient, any use, dissemination, distribution or copying of the communication is strictly prohibited. If received in error, we apologize and ask that you please notify the Sender by returning this e-mail and

permanently deleting this communication from your computer, including destruction of any printed copies. Any views expressed herein are not necessarily those of the Company represented by this e-mail source. No contracts, agreements or legally binding understandings may be entered into solely by an e-mail communication.

**4/3/2017**

---

Mr. Curth,

I wish to comment on the meeting of 03/27/2017 concerning the rezoning of property and the intersection of Hearthstone and Crossover.

I will reiterate my opposition to permitting the rezoning of that property. Again, if the government decides to interfere with a contractual agreement between members of the public (who have not been under coercion or misinformation) there must be a substantial benefit to the citizen received from such interference. Even in takings of personal property, the public use benefit must be considerable.

The committee response did not assure anyone of a significant benefit from the zoning change. There is no benefit from rezoning as would be received from things like new roads to reduce traffic, signs for security, an easement for better infrastructure, or any other advantage. It will only help one person sell his property to the detriment of many homeowners.

It was repeatedly mentioned that a nice business or small shop would be permitted under current zoning for this property. This current zoning protects the owners of the property from nuisance. Smells, noise, order and other problems that might occur could be addressed under these ordinances. Changes would deprive owners of these protections from businesses that failed to keep up an amicable existence in the subdivision and negatively affect property values.

I understand the planning committee is a voice for business in Fayetteville. However, they are also a part of the city government and need to recognize and rights they would be compromising. I urge them to reconsider.

Monika

Resident of Stonewood Subdivision

---

I recently sent you an email stating that if certain assurances could not be met, my wife and I would be opposed to rezoning the front lots. In our opinion, those assurances can not be met. We want to go on record as specifically being opposed to the rezoning that is being proposed!

Samuel and Margaret Moore

**4/5/2017**

---

Mr. Curth,

Prior to your revised report that will be sent to the Planning Commission on 4/6, I wanted to reiterate my opposition to RZN 17-5733. Many concerns were well communicated and supported in the last planning meeting; however, I wanted to highlight only a few for continued consideration.

1. 74 of 75 Stonewood Residents are against rezoning according to a poll conducted by the Stonewood POA Treasurer. If Copper Creek and Embry Acre residents were polled, you would see the number of residents opposed increase significantly.
2. Both the developer and Stonewood homeowners bought property and adjacent properties with the understanding that the entrance to Stonewood would be zoned RO. I disagree with staff finding 5b in the original memo regarding this matter which states "It would be impractical to use the land for any of the uses permitted under its existing zoning classifications." The office park north of Hearthstone appears to be fully leased/owned, making this a practical development for RO zoning.
3. I fully support Commissioner Brown's comments that rezoning to CS does not support the 2030 Comprehensive Plan for this neighborhood.
4. I fully support Commissioner Hoskin's comment that the plan for an end use with a drive thru window application does not fit the adjacent properties and should not be considered.
5. I fully agree with the Commissioner's comments that in order to vote to rezone this property to CS the Commission would have to turn their backs on all the residents opposed to the rezoning.

Thank you for considering these points as to draft your revised report for the Planning Commission.

Best regards,  
Ryan Parrish  
Copper Creek Home Owner

---

My name is Joe Rocko, I am a resident of the Embry Acres/Stonewood/Copper Creek subdivision in Fayetteville, Arkansas. I think having local businesses in that area is a no brainer. It increases the value of the houses and can offer the neighborhood much needed restaurants. I can't begin to tell you how often our Facebook page shows people asking for more restaurants in the area. Personally that would be amazing. I also can't help but think that a pharmacy, restaurants, bike shop, or coffee shop would be amazing. A few of our neighbors seem to be upset by this possible rezoning. Honestly though what did they think would go there?

No one would buy that land to put a house on it. It's too close to 265 and it would be a bad spot for a small group of houses to be on. When thinking about this area I always thought about how great it would be to have local businesses within walking distances from the park and neighborhood.

Thank you for letting us speak out on this topic

Joe Rocko

---

Dear Mr. Curth,

My family and I live on Waterstone Drive in Copper Creek. We are **strongly opposed** to the rezoning of the SE Crossover Rd & Hearthstone Dr. We moved to this location to enjoy the lovely & quiet access to The Botanical Gardens as well as Lake Fayetteville, not to mention the feeling of **"Safety"** in our neighborhood. The proposed rezoning would create unwanted noise (live music into the late evenings @ MJ's Pizzeria) would you want to have to listen to this from your back yard or even inside your home when trying to relax after work or put your children/grandchildren to bed. I am actually wondering why would ANOTHER pizza place want to go in within such a small proximity to Jim's Razorback on corner of Joyce and Crossover, Marco's just down road at corner of Don Tyson and Crossover, then there is Papa Murphys a the next intersection of Hwy 412 and Crossover... seems like a possible front to me... once they get the rezoning they switch things up! This is not to mention the extra traffic and possible cut thrus

into the subdivision and create unwanted mischief. We are **ALL** (Copper Creek, Stonewood and Embry Acres) worried that this will cause many issues and unhappy residents. The current property's on Castlerwood Ln where Elder Management, Prime Real Estate & Development & the new office for financial planning are wonderful and welcome additions to the front of the neighborhoods! Please keep the areas zoned for businesses such as this in order to maintain the peaceful tranquility of the front of the subdivision as well as the lovely Botanical Gardens across the street.

Thank you for your time & consideration,

Renee Rogers  
3373 Waterstone Drive  
Fayetteville, AR 72764

## **Memo from Commissioner Brown**

Fellow Commissioners

The Guiding Policies of the 2030 Master Transportation Plan encourage the Planning Commission to consider the impacts of land use decisions on the the transportation network.

Using 2011 to 2015 Average Daily Traffic Count Data supplied by the Arkansas State Highway and Transportation Department and 2011 to 2015 Traffic Accident data supplied by the Fayetteville Police Department through the City GIS, I have calculated the level of traffic volume needed to produce a traffic accident (see attached Traffic Volume and Accidents.xlsx) on the following two Principal Arterials:

- Crossover/Hwy265 - 39,815 vehicles.
- College Avenue/ 71B - 13,737 vehicles.

The lower Traffic Volume needed to produce an accident on College Avenue/71B compared to Crossover /Hwy265 is a result of land use, road design and the access management policy differences.

For example, College Avenue has more curb cuts, intersections and bordering retail commercial land uses than Crossover/Hwy265.

Therefore, reducing traffic accidents and insuring the effective functioning of this Principal Arterial should be a major reason why we need to avoid continually approving retail commercial land uses outside the designated City Neighborhood Areas within the Crossover/ Hwy265 Corridor and thereby setting precedence that may eventually result in another College Avenue along Crossover/Hwy265.

Tom Brown

### Traffic Volume per Accident Calculation

Hwy71B/College Ave Corridor						
Station	Annual Ave Daily Traffic Est <sup>1</sup>					Station
	2011	2012	2013	2014	2015	
304	34000	33000	32000	36000	32000	283
303	37000	37000	38000	37000	37000	282
302	39000	39000	39000	37000	36000	281
299	32000	30000	30000	32000	31000	280
298	30000	28000	28000	28000	29000	279
297	28000	26000	27000	27500	28000	277
296	26000	26000	22000	24000	25000	276
295	26000	29000	23000	27000	28000	278
294	23000	24000	23000	25000	25000	
293	15000	15000	15000	16000	17000	
292	17000	19000	18000	18000	19000	
291	12000	13000	12000	12000	13000	
290	11000	12000	10000	11000	12000	
289	9000	9400	8500	9050	9600	
234	9400	9900	9600	9900	10000	
Average	23227	23353	22340	23297	23440	Average
Annual Total Traffic Volume					23131	
2011 thru 2015 Average					8442937	

Hwy71B/College Ave Corridor						
Station	Annual Ave Daily Traffic Est <sup>1</sup>					Station
	2011	2012	2013	2014	2015	
283	18000	18000	18000	18666	19332	20000
282	18000	18000	15000	17000	17000	19000
281	16000	15000	13000	16000	16000	18000
280	17000	17000	17000	19000	19000	22000
279	18000	17000	17000	19000	19000	22000
277	22000	22000	21000	24000	25000	25000
276	19000	21000	21000	23000	22000	22000
278	16000	17000	18000	16000	16000	16000
Average	18000	18125	17583	19167	20500	
Annual Total Traffic Volume					18675	
2011 thru 2015 Average					6816357	

Traffic Accident Variables						
Traffic Accident Variables						
Traffic Volume	Different per road					
Weather Condition	Same for both roads					
Vehicle Condition	Same for both roads					
Driver Behavior	Same for both roads					
Road Design	Different per road					
Land Use	Different per road					
Access Management Policy	Different per road					

Traffic Accident Variables						
Traffic Accident Variables						
Traffic Volume	Different per road					
Weather Condition	Same for both roads					
Vehicle Condition	Same for both roads					
Driver Behavior	Same for both roads					
Road Design	Different per road					
Land Use	Different per road					
Access Management Policy	Different per road					

References:

1 [https://www.arkansashighways.com/System\\_Info\\_and\\_Research/traffic\\_info/traffic\\_map.aspx](https://www.arkansashighways.com/System_Info_and_Research/traffic_info/traffic_map.aspx)

2 Source: Fayetteville Police Department data reprocessed by GIS

Note:

27500 Missing data, used average of earlier year and later year.

CUP 17-5733

Spreadsheet from

Commissioner Brown

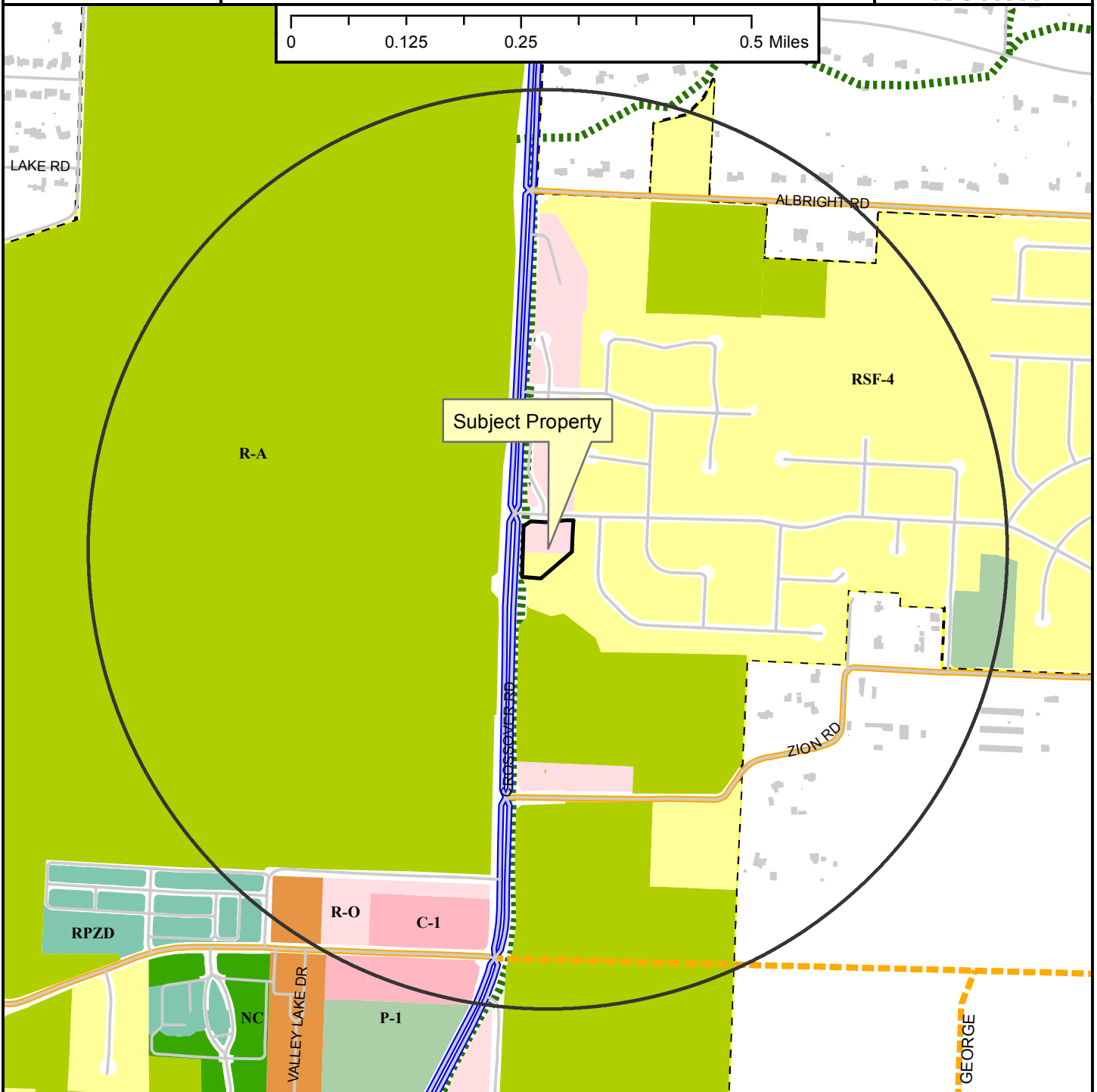
RZN 17-5733

One Mile View

# CP PROPERTIES

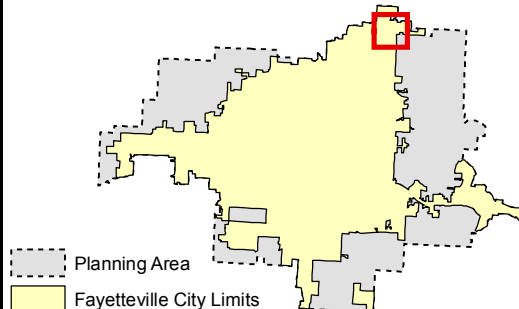


0 0.125 0.25 0.5 Miles



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

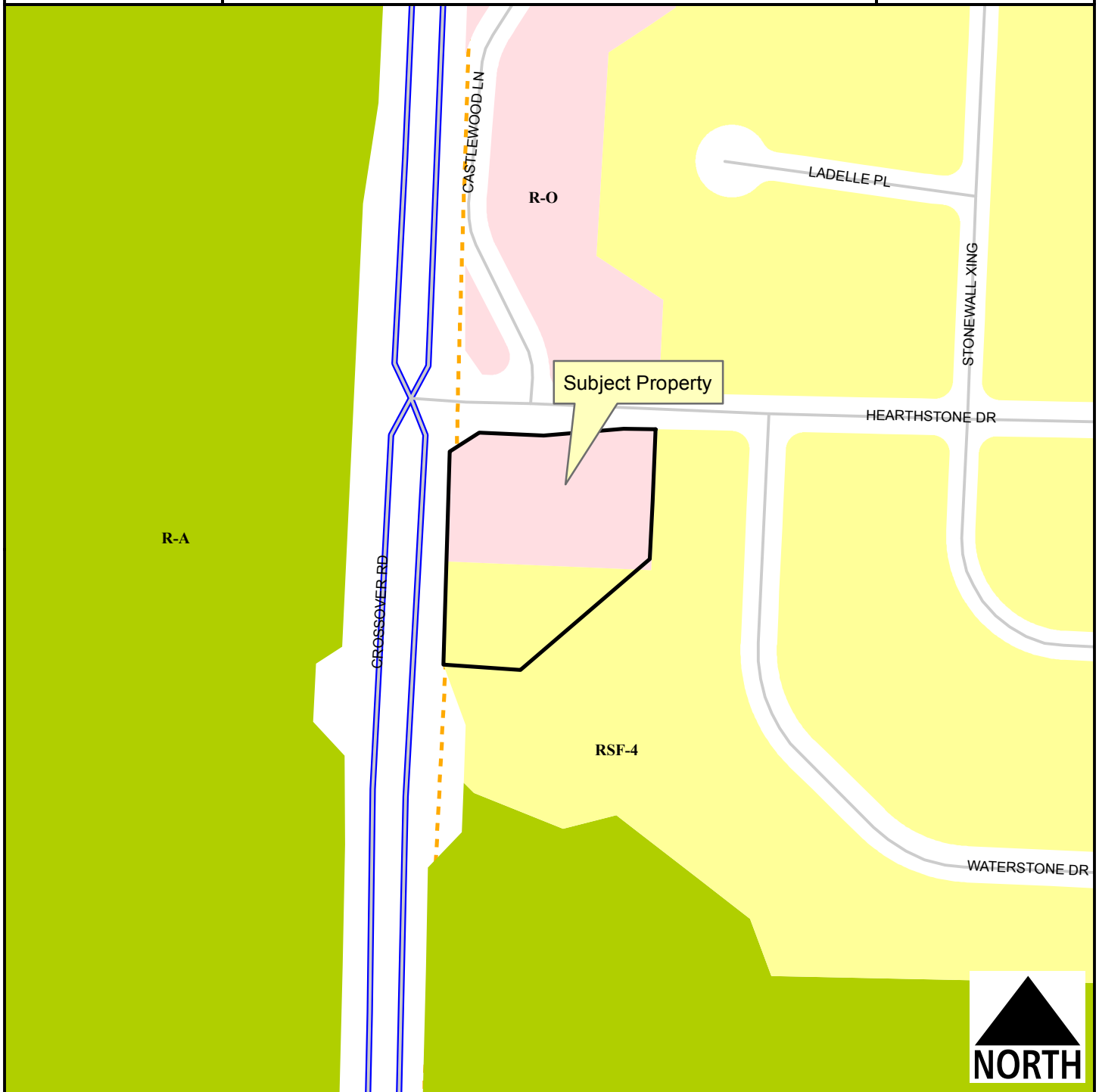


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - RSF-Agricultural
    - RSF-5
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RT-12 Residential Two and Three-family
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  - INDUSTRIAL**
    - I-1 Heavy Commercial and Light Industrial
    - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
  - C-1
  - C-2
  - C-3
- FORM BASED DISTRICTS**
- Downtown Core
  - Urban Thoroughfare
  - Main Street Center
  - Downtown General
  - Community Services
  - Neighborhood Services
  - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

RZN 17-5733

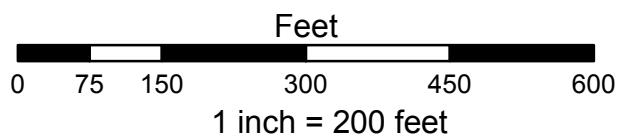
# CP PROPERTIES

Close Up View



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

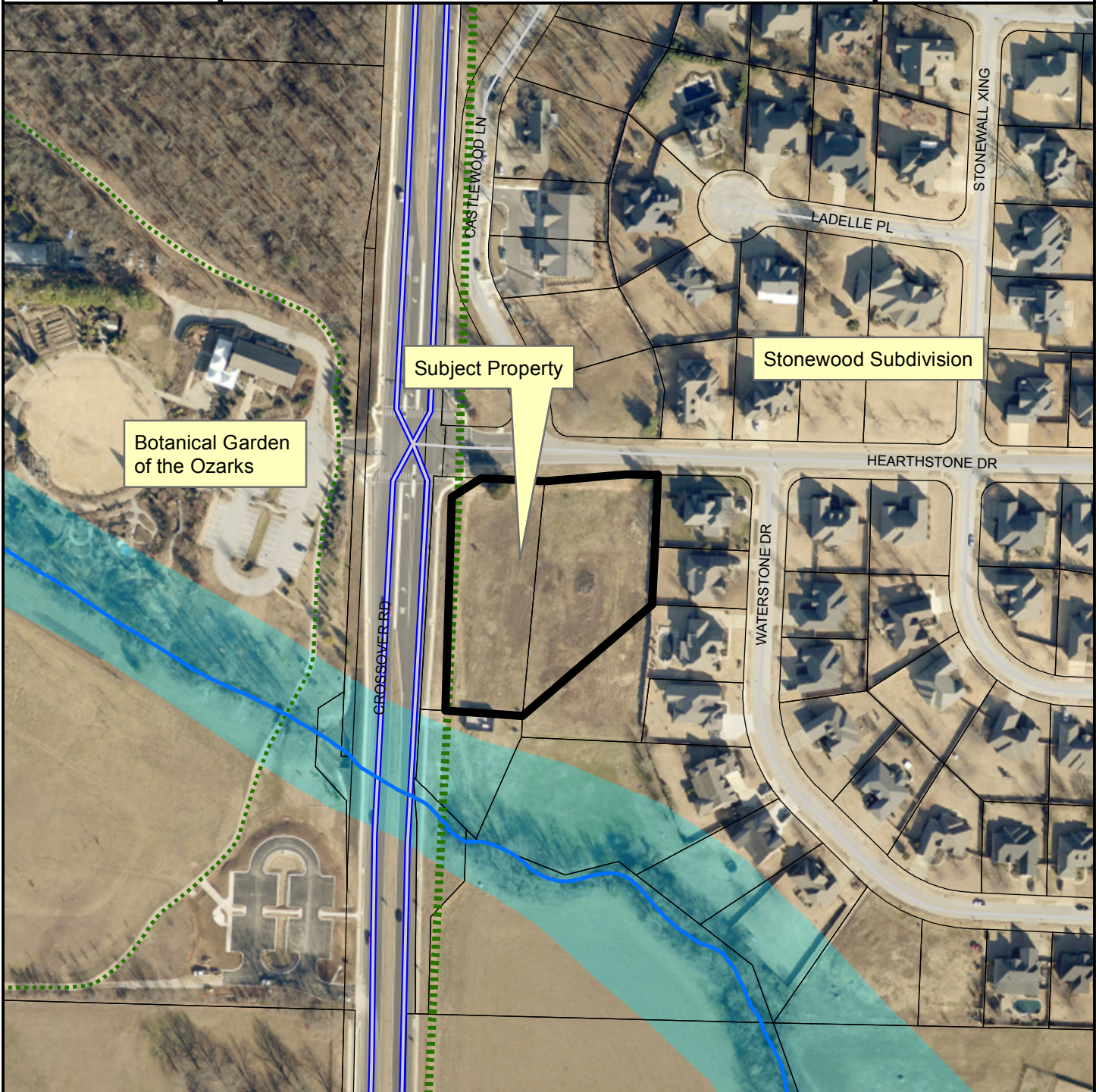


- Residential-Agricultural
- RSF-4
- Residential-Office

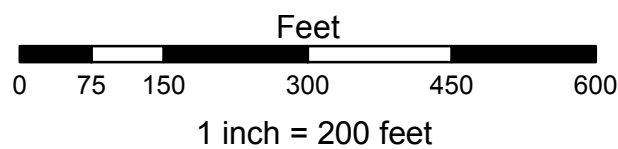
RZN 17-5733

Current Land Use

# CP PROPERTIES



- RZN17-5733
- Streams
- Street
- PRIN ARTERIAL PKWY
- Shared Use Paved Trail
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits



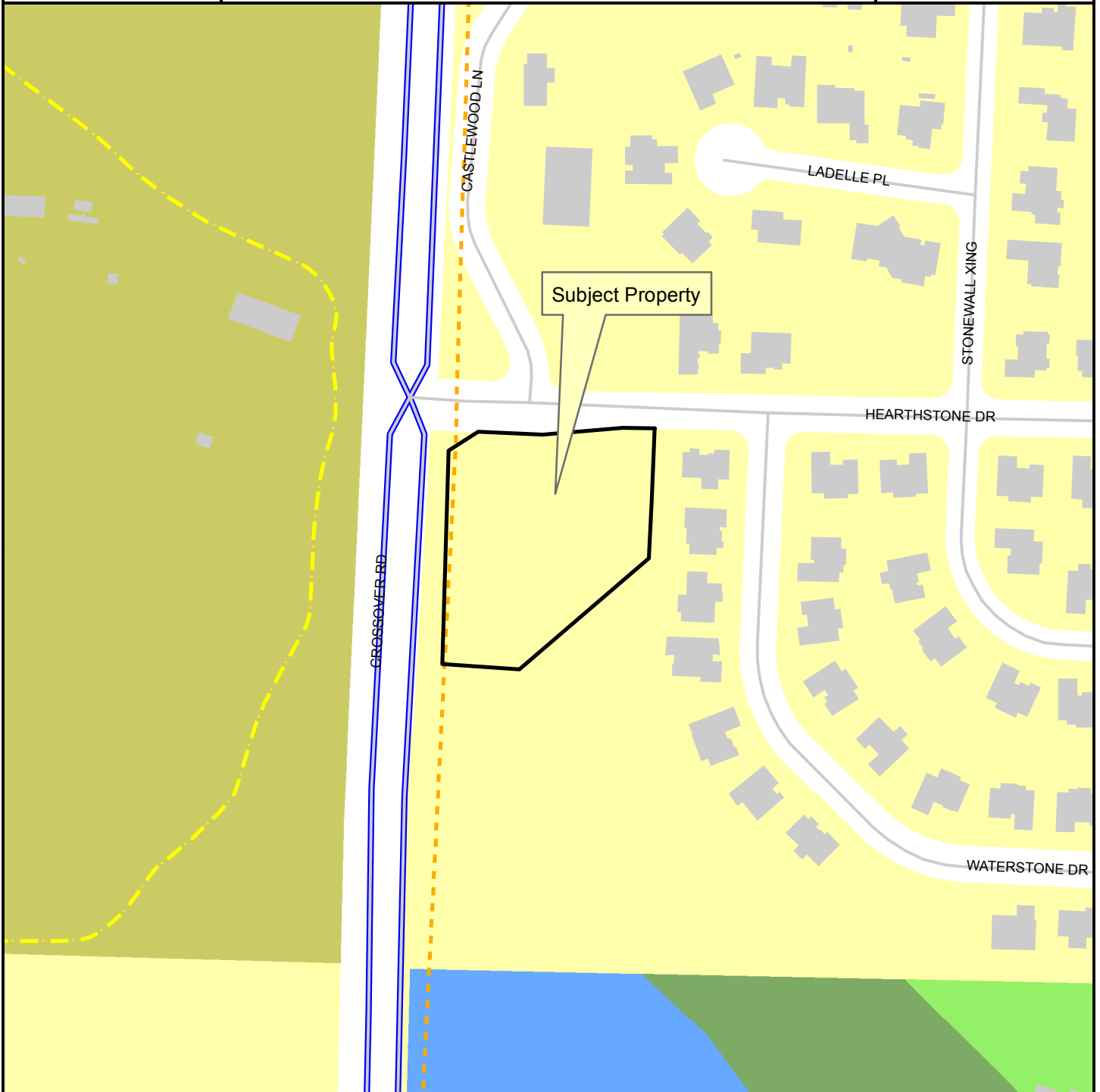
## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5733

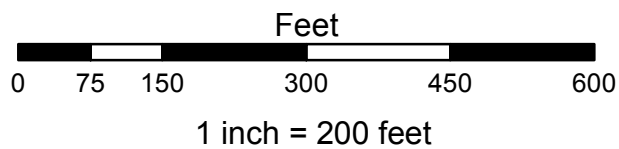
Future Land Use

# CP PROPERTIES



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



## FUTURE LAND USE 2030

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks