

City of Fayetteville Staff Review Form

2019-0638

Legistar File ID

10/15/2019

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

Garner Stoll

9/27/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6809: Rezone (NE OF GREGG AVE. & VAN ASCHE DR./FITZROY FAYETTEVILLE, LLC., 172): Submitted by HARRISON FRENCH ARCHITECTS for properties located NE OF GREGG AVE. & VAN ASCHE DR. The properties are zoned P-1, INSTITUTIONAL and contain approximately 20.71 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

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

\$ -

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF OCTOBER 15, 2019

TO: Mayor; Fayetteville City Council

THRU: Don Marr, Chief of Staff
Garner Stoll, Development Services Director
Andrew Garner, Planning Director

FROM: Abdul R. Ghous, Planner

DATE: September 27, 2019

SUBJECT: **RZN 19-6809: Rezone (NE OF GREGG AVE. & VAN ASCHE DR./FITZROY FAYETTEVILLE, LLC., 172):** Submitted by HARRISON FRENCH ARCHITECTS for properties located NE OF GREGG AVE. & VAN ASCHE DR. The properties are zoned P-1, INSTITUTIONAL and contain approximately 20.71 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to UT, Urban Thoroughfare, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located east of Gregg Avenue, and north of Van Asche Drive. The property zoned P-1, Institutional zoning district and is currently undeveloped. The east and north boundaries of the site are bounded by Scull Creek and Mud Creek. These riparian corridors are owned by the City of Fayetteville and are developed with the Scull Creek/Razorback Greenway paved trail. The Razorback Greenway is comprised of 36 miles primarily of off-road shared use trail connecting from south Fayetteville to Bella Vista. The subject property is almost entirely covered with the Scull Creek 100-year floodplain. City Engineering Department issued a grading permit in 2007 and the site was raised out of the floodplain. Additionally, FEMA issued letter of map revision for this parcel in 2008, stating "The Minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonable safe from flooding.". The property is within 1,000 feet of the boundary between the City of Fayetteville and the City of Johnson.

Request: The applicant requests to rezone the property as depicted in the attached rezoning exhibit. The request is to rezone the property, from P-1, Institutional, to UT, Urban Thoroughfare, to allow for future urban development on the site.

Land Use Compatibility: The property is generally compatible with the proposed zoning, having industrial uses to the west and undeveloped commercial properties and City park land on the remaining sides. The area is appropriate for commercial and dense residential development.

Land Use Plan Analysis: City Plan 2030 designates the subject properties as an Urban Center Area. This designation supports a wide spectrum of residential and commercial uses, encouraging mixed-use and traditional neighborhood design for all housing types and an emphasis on large, regional commercial developments. The proposed Urban Thoroughfare zoning accommodates many of the guiding policies of the Urban Center Area. Among these are the encouragement of intensive, and mixed uses and the realization of Fayetteville's market potential. Additionally, the geographic location of the subject properties and their proximity to many of the City's transportation amenities can allow future development to align with several other goals associated with an Urban Center Area, including, but not limited to, shared parking, connectivity, promotion of alternative modes of transportation, and the creation of a regional commercial center. Urban Thoroughfare would allow numerous uses that are a compatible fit. From single-family and multi-family dwellings to hotels, offices, and retail of varying sizes, Urban Thoroughfare permits the necessary land uses that can both fulfill compatibility with neighboring uses, and achieve the principles of an Urban Center Area set forth in City Plan 2030.

Staff finds that the proposed zoning is justified and needed to accommodate planned development of this area. The applicant has requested the zoning change in order to make the property more attractive for development. The P-1 zoning district does not allow commercial or residential use, severely limiting opportunity for the parcel.

DISCUSSION:

On September 23, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report
- FEMA Map Revision

RZN19-6809

FITZROY FAYETTEVILLE, LLC

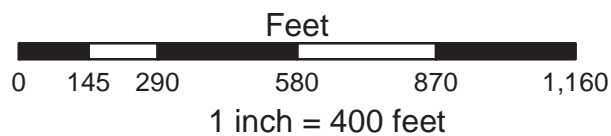
19-6809
EXHIBIT 'A'

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



Zoning Acres

UT 17.3

Total 17.3

19-6809
EXHIBIT 'B'

Lot 20 and a part of Lot 21 of a Lot Split recorded in Book 2008 Page 39711 and being a part of Phase III of the CMN Business Park II to the City of Fayetteville, Washington County Arkansas, being more particularly described as follows:

Commencing at the Southwest Corner of said Lot 21; thence along the East Right-of-Way Line of Gregg Avenue, N01°33'44"E 195.88 feet to the Point of Beginning (POB); thence continuing along said East Line, the following seven courses: N01°33'44"E, 641.66 feet; N03°29'02"E, 193.99 feet; N01°22'17"E, 306.46 feet; N03°16'50"E, 117.28 feet; N02°24'45"E, 275.23 feet; N16°32'02"E, 225.44 feet; and N13°03'47"E, 20.81 feet; thence leaving said East Line, the following eight courses: S87°13'50"E, 60.67 feet; S41°52'55"E, 94.83 feet; S53°06'40"E, 115.81 feet; S71°54'49"E, 194.56 feet; S02°00'29"W, 783.10 feet; S06°37'47"W, 230.20 feet; S02°32'29"E, 286.90 feet; and S06°00'59"E, 48.90 feet to the North Right-of-Way Line of Van Asche Drive; thence along said North Line, along a non-tangent curve to the left, an arc distance of 143.93 feet, said curve having a radius of 455.00 feet, and a chord bearing and distance of S56°20'14"W, 143.33 feet; thence continuing along said North Line, S47°16'30"W, 118.91 feet; thence continuing along said North Line, along a tangent curve to the right, an arc distance of 277.28 feet, said curve having a radius of 345.00 feet, and a chord bearing and distance of S70°23'45"W, 269.88 feet; thence continuing along said North Line, along a tangent curve to the right, an arc distance of 46.15 feet, said curve having a radius of 30.00 feet, and a chord bearing and distance of N42°30'31"W, 41.73 feet to the Point of Beginning (POB) containing 753012.86 square feet, 17.29 acres as surveyed. Subject to any easements rights-of-way or covenants of record.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Abdul R. Ghous, Planner

MEETING DATE: September 23, 2019 **PC Updated 9.24.2019**

SUBJECT: **RZN 19-6809: RZN 19-6809: Rezone (NE OF GREGG AVE. & VAN ASCHE DR./FITZROY FAYETTEVILLE, LLC., 172):** Submitted by HARRISON FRENCH ARCHITECTS for properties located NE OF GREGG AVE. & VAN ASCHE DR. The properties are zoned P-1, INSTITUTIONAL and contain approximately 20.71 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6809** to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward **RZN 19-6809** to City Council with a recommendation for approval."

BACKGROUND:

The subject property is located east of Gregg Avenue, and north of Van Asche Drive. The property zoned P-1, Institutional zoning district and is currently undeveloped. The east and north boundaries of the site are bounded by Scull Creek and Mud Creek. These riparian corridors are owned by the City of Fayetteville and are developed with the Scull Creek/Razorback Greenway paved trail. The Razorback Greenway is comprised of 36 miles primarily of off-road shared use trail connecting from south Fayetteville to Bella Vista. The subject property is almost entirely covered with the Scull Creek 100-year floodplain. City Engineering Department issued a grading permit in 2007 and the site was raised out of the floodplain. Additionally, FEMA issued letter of map revision for this parcel in 2008, stating "The Minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonable safe from flooding.". The property is within 1,000 feet of the boundary between the City of Fayetteville and the City of Johnson. Surrounding land use and zoning is provided on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Scull Creek Trail/Razorback Greenway	C-1, Neighborhood Commercial
South	Undeveloped / Single family residential	C-1, Neighborhood Commercial / RSF-4 Residential Single-Family Four Units Per Acre
East	Scull Creek Trail/Razorback Greenway	C-1, Neighborhood Commercial

West	Concrete Plant/Undeveloped	R-A, Residential Agricultural/City of Johnson
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Request: The request is to rezone the property, from P-1, Institutional, to UT, Urban Thoroughfare, to allow for future urban development on the site.

Public Comment: Staff has received public comment regarding this request, which is attached in the staff report.

INFRASTRUCTURE:

- Streets:** The subject area has frontage to West Van Asche Drive and North Gregg Avenue. West Van Asche Drive is an improved principal arterial with asphalt paving, curb and gutter, and sidewalk along the subject area's frontage. North Gregg Avenue is an improved minor arterial with asphalt paving, curb and gutter, and sidewalk along the subject area's frontage.
- Water:** Public water is available to these parcels. An existing 12-inch watermain is present along North Gregg Avenue and an existing 8-inch watermain is present within the subject area that can serve these parcels.
- Sewer:** Sanitary sewer is not available to these parcels. City of Fayetteville property adjoins both parcels to the east where sanitary sewer is available, approximately 150 feet from the subject area. It would be feasible to get easements to extend sanitary sewer from the City of Fayetteville property to serve the subject area.
- Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. The majority of these parcels lie within the FEMA designated 100-yr floodplain. No protected streams are present on this parcel, but just east thereof. No portion of this parcel lies within the HHOD.
- Fire:** The site will be protected by Station 4, located at 3385 Plainview. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- 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 property within the proposed rezone as **Urban Center Area**. These areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including largescale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development

centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

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 property is generally compatible with the proposed zoning, having industrial uses to the west and undeveloped commercial properties and City park land on the remaining sides. The area is appropriate for commercial and dense residential development.

Land Use Plan Analysis: City Plan 2030 designates the subject properties as an Urban Center Area. This designation supports a wide spectrum of residential and commercial uses, encouraging mixed-use and traditional neighborhood design for all housing types and an emphasis on large, regional commercial developments. The proposed Urban Thoroughfare zoning accommodates many of the guiding policies of the Urban Center Area. Among these are the encouragement of intensive, and mixed uses and the realization of Fayetteville's market potential. Additionally, the geographic location of the subject properties and their proximity to many of the City's transportation amenities can allow future development to align with several other goals associated with an Urban Center Area, including, but not limited to, shared parking, connectivity, promotion of alternative modes of transportation, and the creation of a regional commercial center. Urban Thoroughfare would allow numerous uses that are a compatible fit. From single-family and multi-family dwellings to hotels, offices, and retail of varying sizes, Urban Thoroughfare permits the necessary land uses that can both fulfill compatibility with neighboring uses, and achieve the principles of an Urban Center Area set forth in City Plan 2030.

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

Finding: The applicant has requested the zoning change in order to make the property more attractive for development. The P-1 zoning district does not allow commercial or residential use, severely limiting opportunity for the parcel.

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

Finding: The site has access to two improved, high capacity roadways. Uses allowed under a P-1 zoning can generate large amounts of traffic; an urban zoning is not likely to appreciably increase traffic danger or congestion, in staff's opinion.

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

Finding: Rezoning the 20.71 acre property from P-1 to UT would not likely alter future population density and should not undesirably affect load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN 19-6809 to City Council, with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 23, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Belden</u>	Motion forwarded to City Council with a recommendation of approval.		
Second: <u>Johnson</u>			
Vote: <u>8-0-0</u>			

BUDGET/STAFF IMPACT:

None

Attachments:

Unified Development Code:

- o §161.18 - District P1, Institutional
- o §161.24 - District UT, Urban Thoroughfare
 - Request Letter
 - Public Comment
 - One Mile Map
 - Close-up Map
 - Current Land Use Map
 - Future Land Use Map

161.32 - District P-1, Institutional

- (A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.
- (B) *Uses.*
 - (1) *Permitted Uses .*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

- (2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

- (C) *Density.* None.
- (D) *Bulk and Area Regulations.* None.
- (E) *Setback Regulations.*

Front	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet

Rear, from center line of public alley	10 feet
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(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5945](#), §§ 5, 7, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.24 - Urban Thoroughfare

(A) *Purpose .* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses .*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods

Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls

Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

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

(F) *Building Height Regulations .*

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 7, 8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)



To: City of Fayetteville – Planning Commission
From: Harrison French & Associates
Date: August 14, 2019
Subject: Rezone 20.71 acres from P1 to UT

Dear Planning Commission,

On behalf of the Owner, Steele Crossing Investment III LLC, Harrison French & Associates, acting as the applicant, is hereby requesting a Rezone for parcels 756-15773-010 & 765-15773-015. We request to rezone these combined 20.71 acres from the existing P1 - Institutional to UT – Urban Thoroughfare.

The subject property is located at the northeast corner of N Gregg Ave & W Van Asche Dr. and is bordered by C-1 (Neighborhood Commercial), R-A (Residential Agricultural), R-O (Residential Office), and the City of Johnson. The subject property is part of the CMN Business Park and has remained undeveloped for several years.

We feel rezoning of the property from P-1 to UT is compatible with the surrounding areas as the proximity of this site to Fayetteville's "Uptown" district is less than 1 mile. This area is designated as "Urban Center Area" on the City's 2030 Future Land Use Map and the UT zoning falls right in-line with that use. Additionally, Razorback Greenway Trail borders this site along the Eastern boundary, and we feel this will be a tremendous asset to the future development of this site. If the rezone is approved, the client will be looking to develop this property into a project that will deliver on the city's 2030 Future Land Use Plan.

Please don't hesitate to contact me should you have any questions or concerns.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Kelsey Kreher", is positioned below the "Respectfully Submitted," text.

Kelsey Kreher
Client Lead /Civil Designer
(479)273-7780x255
Kelsey.krehe@hfa-ae.com

September 10, 2019

Jordan and Bethany Rosenbaum
356 W Wren Circle
Fayetteville, AR 72704

To the Fayetteville Planning Division:

This letter is in response to the rezone request by Steele Crossing Investment III LLC for the property located at the Northeast corner of N Gregg Ave and W Van Asche Dr. (parcel #765-15773-015). We also spoke on the phone with Fayetteville Planner Abdul Ghous on September 10, 2019.

We recommend the rezone from P-I (Institutional) to UT Urban Thoroughfare as it is consistent with the Future Land Plan for Fayetteville and also seems appropriate for the growth and development of the area. While no plans have been presented yet, we believe the permissible use under the Urban Thoroughfare is appropriate for that area that has been vacant for some time. Given the mixed-use development of the UT zone, we would like to see a combination of residential and commercial opportunities that will favor the Razorback Greenway and proximity to restaurants, theater, and shopping. It is a prime location in Fayetteville. If variances are requested for any reason, we ask the Planning Commission to consider alternatives in negotiating the expansion of green space, landscaping, or additional street lights that will enhance the function and appearance along North Gregg Ave and the newly expanded Van Asche Dr.

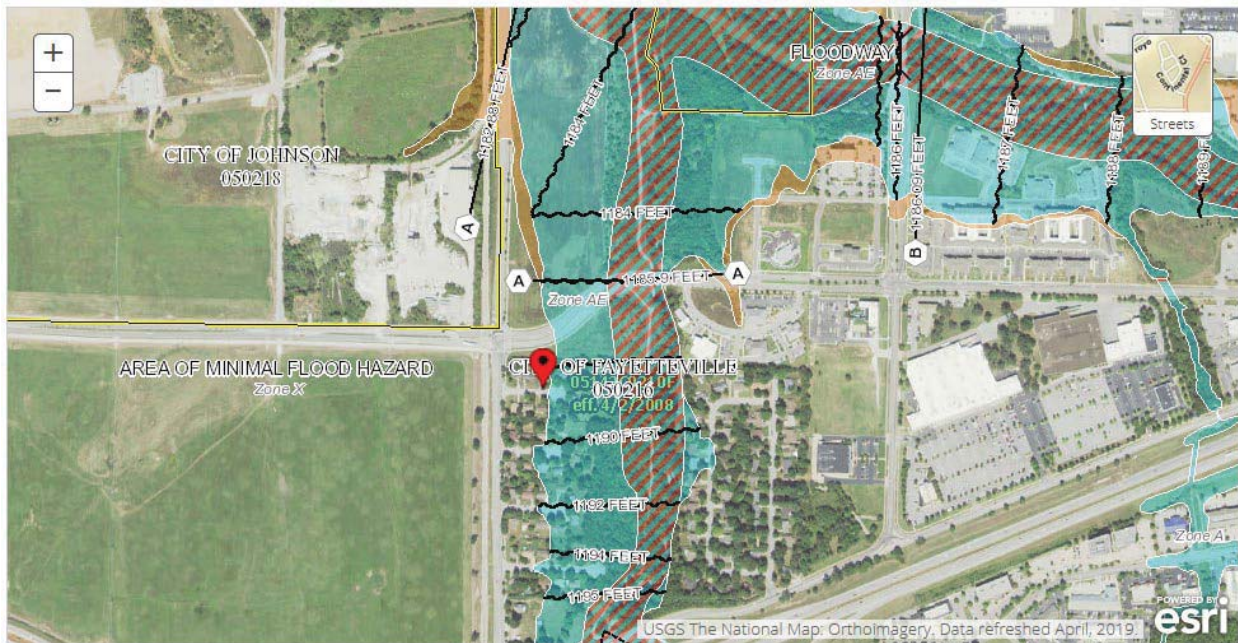
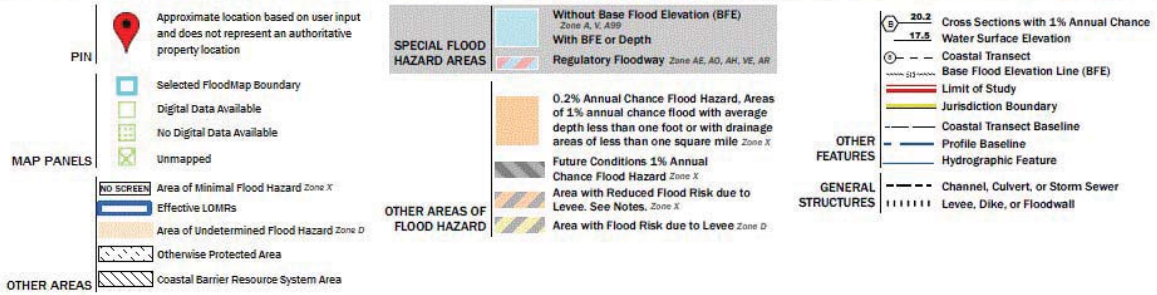
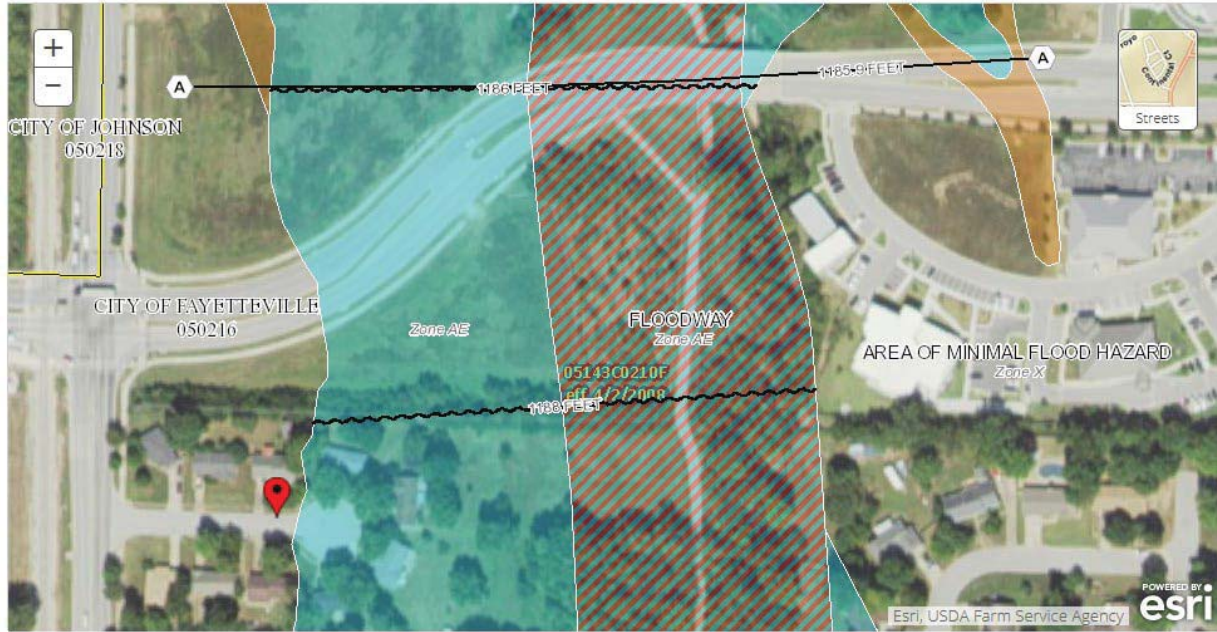
However, our main concern is the flooding issue. As property owners of a residential home south of the proposed rezone (and a backyard that buttresses the southern portion of Steele Crossing Investment holdings), we can speak first-hand that while the 2008 FEMA map does not show this area in the floodzone, the area does indeed flood. The existing homes on Wren Circle just south of the proposed rezone experience frequent flood damage to yards, driveways, and garages to the point we are now facing significant home foundation issues. All of these issues have stemmed from natural topography, Van Asche Dr road expansion, and the Razorback Greenway. We are aware the applicant submitted documentation of flood mitigation that has since removed the property from the FEMA flood Zone AE but the reality is, these parcels still flood. Without sufficient water drainage in the residential area, we ask the Planning Commission and City Staff to seriously consider the practical applications of a large scale development to the surrounding residential area.

Thank you for your time, consideration, and service to making Fayetteville the best area to live.

Jordan and Bethany Rosenbaum

Enclosed: FEMA maps

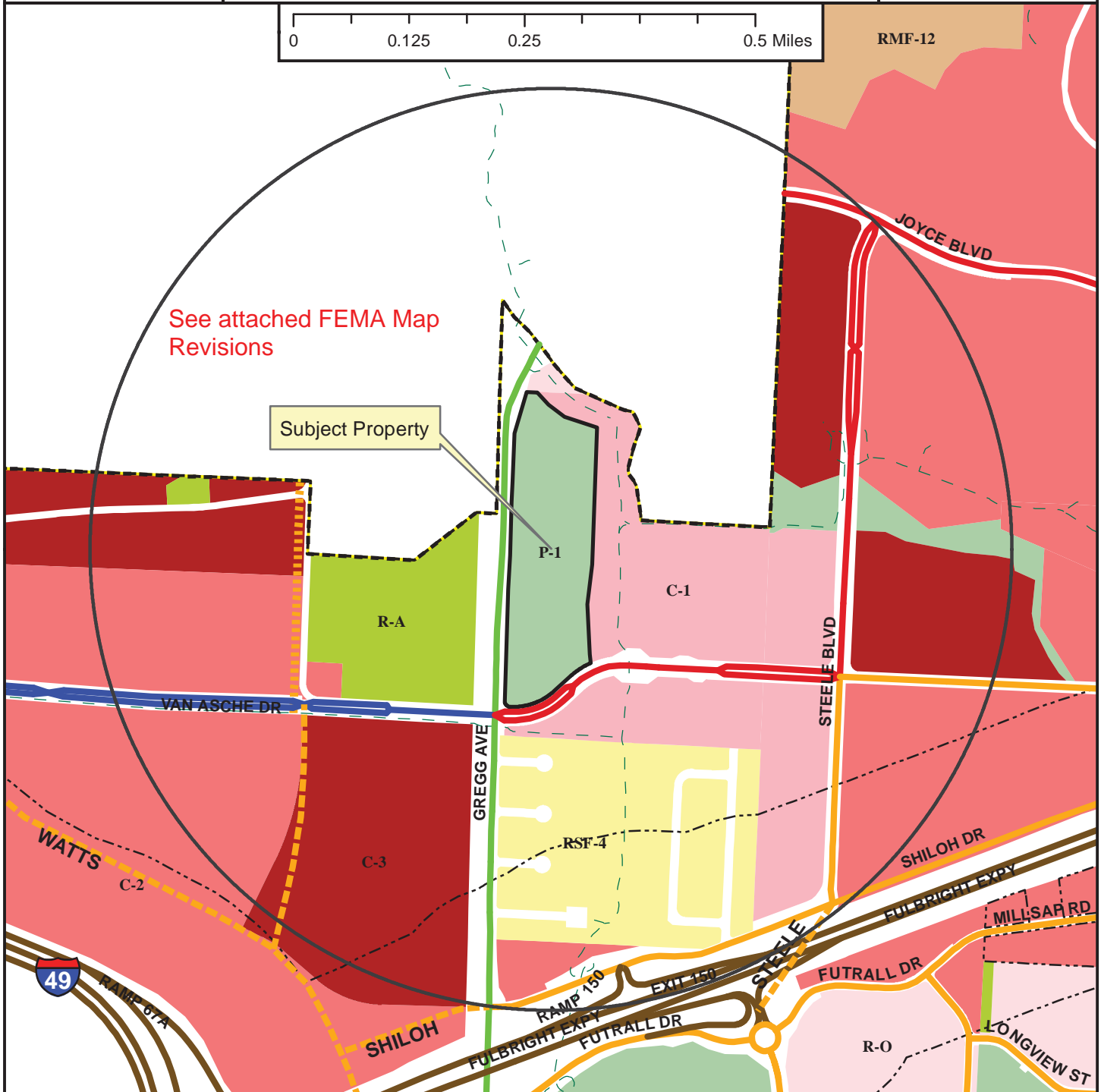
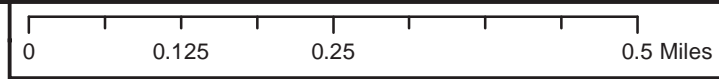
See attached FEMA Map
Revisions








RZN19-6809
One Mile View






One Mile View

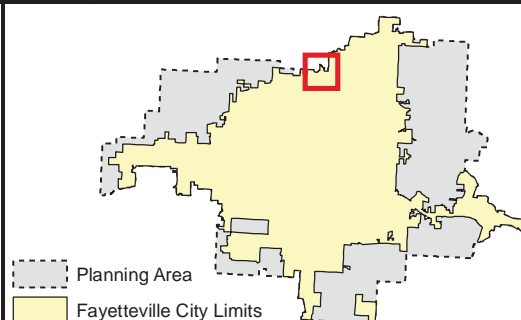
FITZROY FAYETTEVILLE, LLC



Legend

-  Planning Area
-  Fayetteville City Limits
-  Shared Use Paved Trail
-  Trail (Proposed)
-  Design Overlay District

- ## Legend
-  Planning Area
 -  Fayetteville City Limits
 -  Shared Use Paved Trail
 -  Trail (Proposed)
 -  Design Overlay District



- Zoning**

 - RESIDENTIAL SINGLE-FAMILY**
 - Residential-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

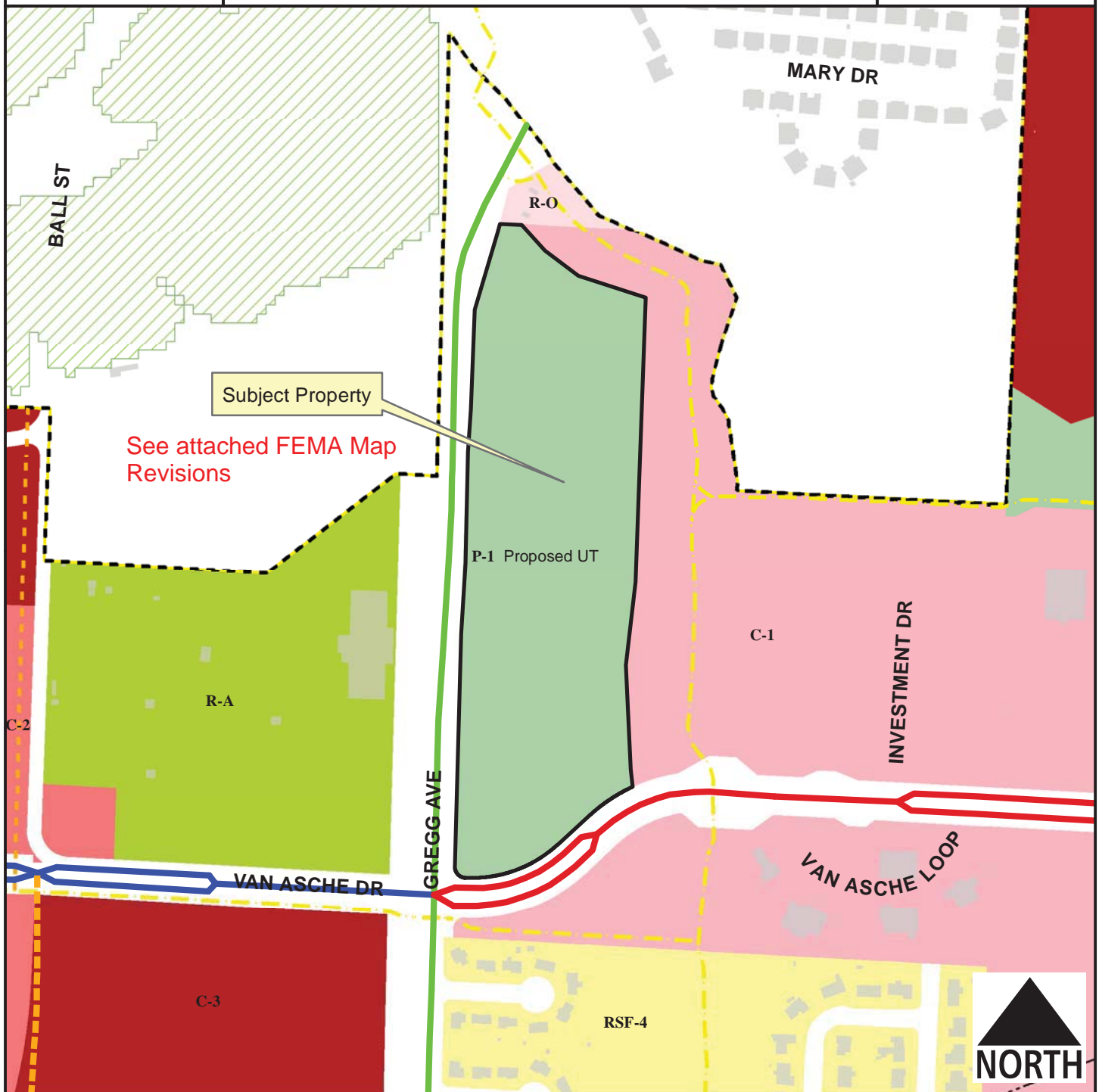
INSTITUTIONAL

 - P-1

RZN19-6809

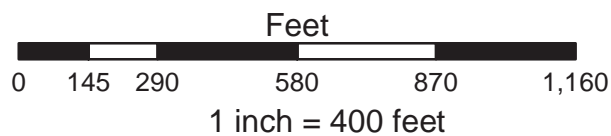
FITZROY FAYETTEVILLE, LLC

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



Zoning Acres

UT 17.3

Total 17.3

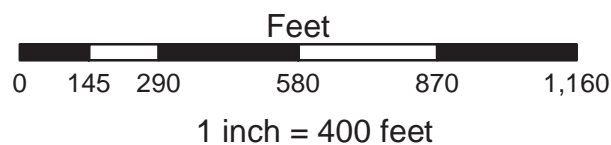
RZN19-6809

Current Land Use

FITZROY FAYETTEVILLE, LLC



Streets Planned
MSP Class
COLLECTOR
Streets Existing
MSP Class
MINOR ARTERIAL
PRIN ARTERIAL PKWY
PRINCIPAL ARTERIAL
Shared Use Paved Trail
Trail (Proposed)
Planning Area
Fayetteville City Limits
Design Overlay District



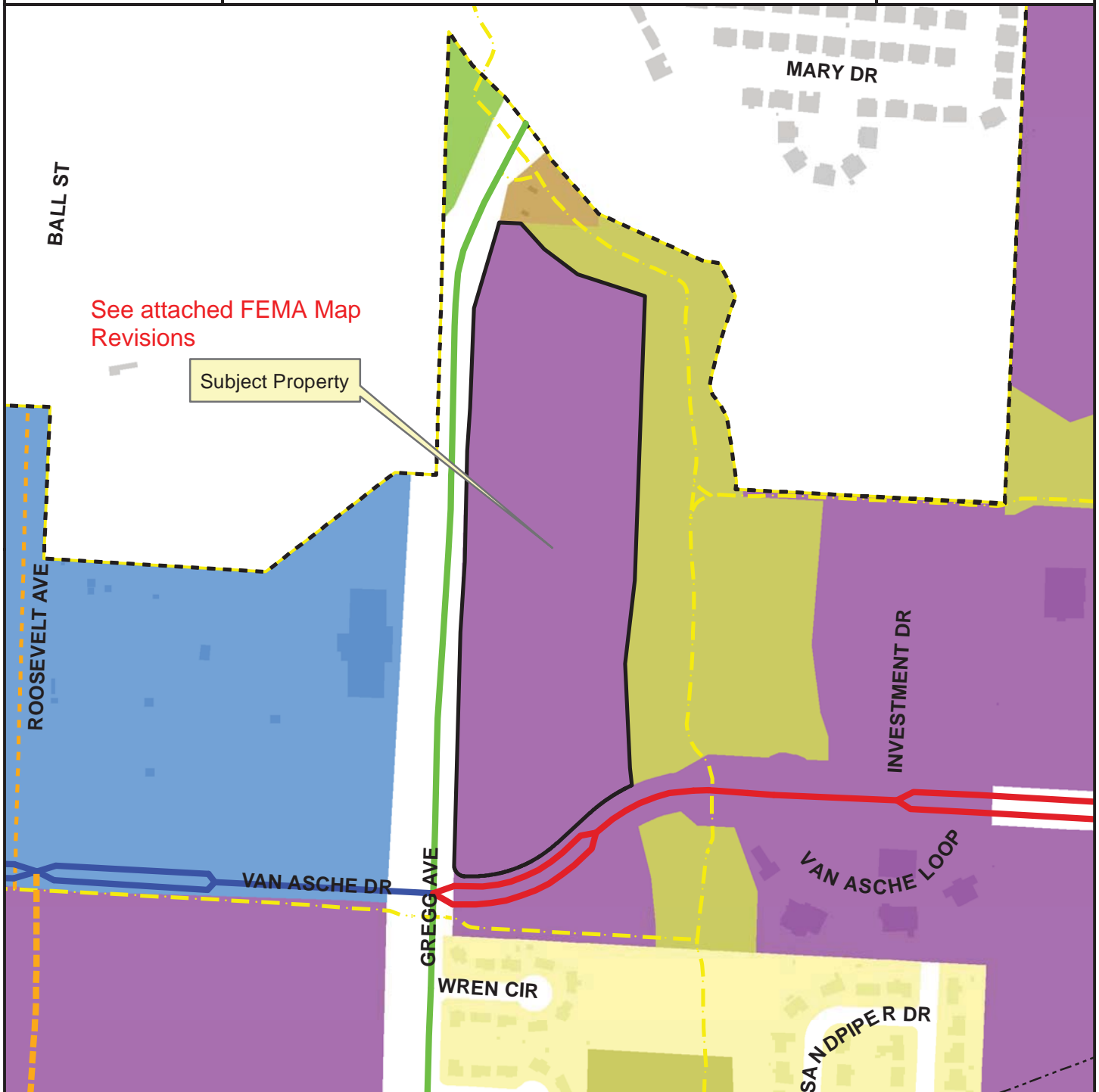
FEMA Flood Hazard Data

100-Year Floodplain
Floodway

RZN19-6809

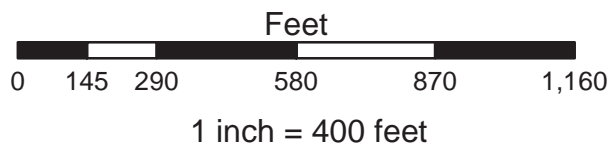
Future Land Use

FITZROY FAYETTEVILLE,



Legend

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



FUTURE LAND USE 2030

- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Civic and Private Open Space/Parks
- Civic Institutional

Date: May 19, 2008

Federal Emergency Management Agency
ATTN: LOMA Manager
FEMA LOMA Depot
3601 Eisenhower Avenue, Suite 130
Alexandria, VA 22304-6439

CASE NO: 08-06-1837C
COMMUNITY: CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS
COMMUNITY NO: 050216

RE: SECOND SUBMITTAL CLOMR-F
CMN BUSINESS PARK II, PHASE III, LOT 20

Enclosed are the following additional requested data:

- 1) Property Information Form
- 2) Elevation Form – data taken to tenths place
- 3) Copy of original FEMA response letter

Please review and let me know if you have any questions / concerns, or need any additional information.

Sincerely,


Michael G. Morgan

Project Manager

McClelland Consulting Engineers

1810 North College Avenue
Fayetteville, Arkansas 72703
Phone (479) 443-2377
Fax (479) 443-9241
Cell (479) 422-7687
mmorgan@mcclelland-engrs.com
[www. McClelland-engrs.com](http://www.McClelland-engrs.com)

enc.



Federal Emergency Management Agency

Washington, D.C. 20472

F4082101

D-F

CMN

May 06, 2008

RECEIVED MAY 12 2008

Mr. Michael G. Morgan
McClelland Consulting Engineers, Inc.
P.O. Box 1229
Fayetteville, AR 72702-1229

IN REPLY REFER TO:
CASE NO: 08-06-1837C
COMMUNITY: CITY OF FAYETTEVILLE, WASHINGTON
COUNTY, ARKANSAS
COMMUNITY NO: 050216
216-AD

RE: CMN BUSINESS PARK, PHASE III, LOT 20 (JMN)

Dear Mr. Morgan:

This is in response to your request for a Conditional Letter of Map Revision based on Fill for the property referenced above.

The Federal Emergency Management Agency (FEMA) uses detailed application/certification forms for revision requests or amendments to the National Flood Insurance Program (NFIP) maps. The forms provide step-by-step instructions for requestors to follow, and are comprehensive, ensuring that the requestors' submissions are complete and more logically structured. Therefore, we can complete our review more quickly and at lower cost to the NFIP. While completing the forms may seem burdensome, the advantages to requestors outweigh any inconvenience.

The following forms or supporting data, which were omitted from your previous submittal, must be provided:

- Please ensure all elevations on the Elevation Form are taken out to the tenths place. (i.e. 123.4)
- Please submit a completed Property Information Form (copy enclosed).

Please note that if all of the required items are not submitted within 90 days of the date of this letter, any subsequent request will be treated as an original submittal and will be subject to all submittal procedures.

When you write to us concerning your request, please include the case number referenced above in your letter. All required items and questions concerning your request are to be directed to LOMA Manager, FEMA LOMA Depot, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

If you have any questions concerning FEMA policy, or the NFIP in general, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 600, Alexandria, VA 22304-6439.

Sincerely,

A handwritten signature in black ink, reading "William R. Blanton Jr." with a stylized flourish at the end.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

**FEDERAL EMERGENCY MANAGEMENT AGENCY
ELEVATION FORM**

*O.M.B. NO. 3067-0147
Expires September 30, 2005*

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1 hour per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0147). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

This form must be completed for requests and must be completed and signed by a registered professional engineer or licensed land surveyor. A **FEMA National Flood Insurance Program (NFIP) Elevation Certificate** may be submitted in addition to this form for single structure requests.

For requests to remove a structure on natural grade OR on engineered fill from the Special Flood Hazard Area (SFHA), submit the lowest adjacent grade (the lowest ground touching the structure), including an attached deck or garage. For requests to remove an entire parcel of land from the SFHA, provide the lowest lot elevation; or, if the request involves an area described by metes and bounds, provide the lowest elevation within the metes and bounds description.

- NFIP Community Number: 05143C0082D Property Name or Address: Lot 20 of the CMN Business Park Phase III
- Are the elevations listed below based on ☐ existing or ☒ proposed conditions? (Check one)
- What is the elevation datum? NGVD 29 If any of the elevations listed below were computed using a datum different than the datum used for the effective Flood Insurance Rate Map (FIRM) (e.g., NGVD 29 or NAVD 88), what was the conversion factor?

Local Elevation +/- ft. = FIRM Datum

- For the existing or proposed structures listed below, what are the types of construction? (check all that apply)
☐ crawl space ☒ slab on grade ☐ basement/enclosure ☐ other (explain)
- Has FEMA identified this area as subject to land subsidence or uplift? (see instructions) ☐ Yes ☒ No
 If yes, what is the date of the current releveling? / (month/year)

Lot Number	Block Number	Lowest Lot Elevation	Lowest Adjacent Grade To Structure	Base Flood Elevation	For FEMA Use Only
20	N/A	1181.0	N/A	1184.0	

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: LAZARO G. PAYA	License No.: 1380 AR	Expiration Date: 06-31-2008
Company Name: PAYA LAND SURVEYING	Telephone No.: 479-696-9138	Fax No.: 866-263-7006
Signature: <i>Lazarus Paya</i>	Date: 05-19-08	

Seal (optional)

FEDERAL EMERGENCY MANAGEMENT AGENCY
PROPERTY INFORMATION FORM

O.M.B. NO. 3067-0147
Expires September 30, 2005

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 1.63 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington DC 20472, Paperwork Reduction Project (3067-0147). Submission of the form is required to obtain or retain benefits under the National Flood Insurance Program. **Please do not send your completed survey to the above address.**

This form may be completed by the property owner, property owner's agent, licensed land surveyor, or registered professional engineer to support a request for a Letter of Map Amendment (LOMA), Conditional Letter of Map Amendment (CLOMA), Letter of Map Revision Based on Fill (LOMR-F), or Conditional Letter of Map Revision Based on Fill (CLOMR-F) for existing or proposed, single or multiple lots/structures. Please check the item below that describes your request:

<input type="checkbox"/> LOMA	A letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural grade) would not be inundated by the base flood.
<input type="checkbox"/> CLOMA	A letter from FEMA stating that a proposed structure that is not to be elevated by fill (natural grade) would not be inundated by the base flood if built as proposed.
<input type="checkbox"/> LOMR-F	A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.
<input checked="" type="checkbox"/> CLOMR-F	A letter from FEMA stating that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

Fill is defined as material from any source placed to raise the ground to or above the Base Flood Elevation (BFE). The common construction practice of removing unsuitable existing material (topsoil) and backfilling with select structural material is not considered the placement of fill if the practice does not alter the existing (natural grade) elevation, which is at or above the BFE. **Fill that is placed before the date of the first National Flood Insurance Program (NFIP) map showing the area in a Special Flood Hazard Area (SFHA) is considered natural grade.**

Has fill been placed on your property? ☒ Yes ☐ No If yes, when was fill placed? 02/2008
month/year

Will fill be placed on your property? ☐ Yes ☐ No If yes, when will fill be placed? /
month/year

- Street Address of the Property (if request is for multiple structures, please attach additional sheet):
Lot 20 of the CMN Business Park II Phase III
- Legal description of Property (Lot, Block, Subdivision) (if a street address cannot be provided):
See Attached
- Are you requesting that the SFHA designation be removed from (check one):
 - ☐ the entire legally recorded property?
 - ☒ a portion of land within the bounds of the property (a certified metes and bounds description and map of the area to be removed, certified by a licensed land surveyor or registered professional engineer, are required)?
 - ☐ structures on the property? What are the dates of construction?
- Is this request for a (check one):
 - ☐ single structure
 - ☒ single lot
 - ☐ multiple structures (How many structures are involved in your request? List the number:)
 - ☐ multiple lots (How many lots are involved in your request? List the number:)

In addition to this form (MT-1 Form 1), ALL requests must include the following:

- Copy of the Plat Map for the property (with recordation data and stamp of the Recorder's Office)
OR
- Copy of the property Deed (with recordation data and stamp of the Recorder's Office), accompanied by a tax assessor's map or other certified map showing the surveyed location of the property relative to local streets and watercourses
- Copy of the effective FIRM panel and/or Flood Boundary and Floodway Map (FBFM) (if applicable) on which the property location has been accurately plotted (property inadvertently located in the NFIP regulatory floodway will require Section B of MT-1 Form 3)
- Form 2 – Elevation Form. If an Elevation Certificate has already been completed for this property, it may be submitted in addition to Form 2.

Please include a map scale and North arrow on all maps submitted.

For LOMR-Fs and CLOMR-Fs, the following must be submitted in addition to the items listed above:

- Form 3 – Community Acknowledgment Form

Processing Fee (see instructions for appropriate mailing address; or, visit http://www.fema.gov/fhm/fm_fees.shtm for the most current fee schedule)

Revised fee schedules are published periodically, but no more than once annually, as noted in the Federal Register. Please note: single/multiple lot(s)/structure(s) LOMAs are fee exempt. The current review and processing fees are listed below:

Check the fee that applies to your request:

- ☐ \$325 (single lot/structure LOMR-F following a CLOMR-F)
- ☐ \$425 (single lot/structure LOMR-F)
- ☒ \$500 (single lot/structure CLOMA or CLOMR-F)
- ☐ \$700 (multiple lot/structure LOMR-F following a CLOMR-F, or multiple lot/structure CLOMA)
- ☐ \$800 (multiple lot/structure LOMR-F or CLOMR-F)

Please submit the Payment Information Form for remittance of applicable fees. Please make your check or money order payable to: National Flood Insurance Program.

All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Applicant's Name: Michael G. Morgan
Please Print or Type

Company: McClelland Consulting Engineers, Inc.

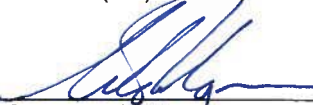
Mailing Address: 1810 North College Avenue
Fayetteville, AR 72702

Daytime Telephone No.: (479) 443-2377

E-Mail Address: MMorgan@McClelland-engrs.com
(optional)

Fax No.: (479) 443-9241

April 28, 2008
Date


Signature of Applicant (required)

If you have any questions concerning FEMA policy, or the NFIP in general, please contact the FEMA Map Assistance Center toll free at 1-877-FEMA MAP (1-877-336-2627), or visit the Flood Hazard Mapping website at <http://www.fema.gov/fhm/>.



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS	A portion of Lot 20, CMN Business Park II, Phase III, as shown on the Plat recorded as File No. 2007-00040606, in the Office of the Circuit Clerk, Washington County, Arkansas The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 050216	
AFFECTED MAP PANEL	NUMBER: 05143C0210F	
	DATE: 5/16/2008	
FLOODING SOURCE: SCULL CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 36.118, -94.162 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
20	--	CMN Business Park II, Phase III	--	Portion of Property (Northern)	X (shaded)	1183.5 to 1187.0 feet	--	1184.0 to 1195.0 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION PORTIONS REMAIN IN THE SFHA
 DETERMINATION TABLE (CONTINUED)
 FILL RECOMMENDATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

Southern Area:

BEGINNING at the southwest corner of Lot 20; thence N01°33'44"E, 25.51 feet; thence 47.72 feet along a curve to the right having a radius of 30.00 feet, a central angle of 91°08'34", and a chord bearing N47°08'01"E, 42.85 feet; thence 360.83 feet along a curve to the left having a radius of 455.00 feet, a central angle of 45°26'14", and a chord bearing N69°59'11"E, 351.45 feet; thence N47°16'04"E, 118.91 feet; thence 44.84 feet along a curve to the right having a radius of 345.00 feet, a central angle of 07°26'58", and a chord bearing N50°59'27"E, 44.81 feet; thence S26°54'58"E, 25.29 feet; thence S86°27'58"E, 17.73 feet; thence S13°53'39"E, 102.12 feet; thence S05°16'57"E, 123.58 feet; thence S17°40'39"W, 15.99 feet; thence 8.82 feet along a curve to the right having a radius of 11.00 feet, a central angle of 45°56'35", and a chord bearing S48°26'33"W, 8.59 feet; thence N87°19'39"W, 313.44 feet; thence S18°35'57"W, 45.43 feet; thence N86°54'28"W, 210.97 feet to the POINT OF BEGINNING

Northern Area:

COMMENCING at the southwest corner of Lot 20; thence N01°33'44"E, 195.56 feet to the POINT OF BEGINNING; thence N01°33'44"E, 635.30 feet; thence S88°24'21"E, 452.98 feet; thence S06°22'45"W, 67.58 feet; thence S02°22'21"E, 290.56 feet; thence S21°39'52"W, 19.82 feet; thence S26°02'57"E, 32.89 feet; thence 135.97 feet along a curve to the left having a radius of 455.00 feet, a central angle of 17°07'19", and a chord bearing S55°49'44"W, 135.47 feet; thence S47°16'04"W, 118.91 feet; thence 277.31 feet along a curve to the right having a radius of 345.00 feet, a central angle of 46°03'14", and a chord bearing S70°17'41"W, 269.90 feet; thence 46.20 feet along a curve to the right having a radius of 30.00 feet, a central angle of 88°14'26", and a chord bearing N42°33'29"W, 41.77 feet to the POINT OF BEGINNING

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
20	--	CMN Business Park II, Phase III	--	Portion of Property (Southern)	X (unshaded)	1186.7 to 1188.0 feet	--	1188.0 to 1195.0 feet

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 2 Properties.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 2 Properties.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

December 16, 2008

THE HONORABLE DAN COODY
MAYOR, CITY OF FAYETTEVILLE
113 WEST MOUNTAIN STREET
FAYETTEVILLE, AR 72701

CASE NO.: 08-06-1837A
COMMUNITY: CITY OF FAYETTEVILLE,
WASHINGTON COUNTY, ARKANSAS
COMMUNITY NO.: 050216

DEAR MR. COODY:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Revision based on Fill (LOMR-F) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMR-Fs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

Sincerely,

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate

LIST OF ENCLOSURES:

LOMR-F DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region
Mr. Michael G. Morgan



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS	A portion of Lot 20, CMN Business Park II, Phase III, as shown on the Plat recorded as File No. 2007-00040606, in the Office of the Circuit Clerk, Washington County, Arkansas The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 050216	
AFFECTED MAP PANEL	NUMBER: 05143C0210F	
	DATE: 5/16/2008	

FLOODING SOURCE: MUD CREEK; SCULL CREEK

APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 36.121, -94.162

SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0

DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
0	--	CMN Business Park II, Phase III	--	Portion of Property	X (shaded)	1183.5 feet	--	1183.5 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
PORTIONS REMAIN IN THE FLOODWAY
FILL RECOMMENDATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

COMMENCING at the southwest parcel corner; thence N01°33'44"E, 830.86 feet to the POINT OF BEGINNING; thence N01°33'44"E, 6.69 feet; thence N03°29'02"E, 193.99 feet; thence N01°22'17"E, 306.46 feet; thence N03°16'50"E, 117.28 feet; thence N02°24'45"E, 275.23 feet; thence N16°32'02"E, 222.69 feet; thence S64°17'03"E, 39.01 feet; thence S49°55'03"E, 172.98 feet; thence S21°14'50"E, 127.41 feet; thence S38°16'15"E, 40.25 feet; thence S49°09'06"E, 55.42 feet; thence S62°53'42"E, 55.28 feet; thence S66°46'16"E, 69.30 feet; thence S02°00'29"W, 285.78 feet; thence S03°15'09"W, 168.37 feet; thence S02°07'03"W, 163.97 feet; thence S06°03'30"W, 140.76 feet; thence N88°24'21"W, 452.98 feet to the POINT OF BEGINNING

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

William R. Blanton Jr.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

FILL RECOMMENDATION (This Additional Consideration applies to the preceding 1 Property.)

The minimum NFIP criteria for removal of the subject area based on fill have been met for this request and the community in which the property is located has certified that the area and any subsequent structure(s) built on the filled area are reasonably safe from flooding. FEMA's Technical Bulletin 10-01 provides guidance for the construction of buildings on land elevated above the base flood elevation through the placement of fill. A copy of Technical Bulletin 10-01 can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/mit/tb1001.pdf>. Although the minimum NFIP standards no longer apply to this area, some communities may have floodplain management regulations that are more restrictive and may continue to enforce some or all of their requirements in areas outside the Special Flood Hazard Area.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

A handwritten signature in black ink, reading "William R. Blanton Jr.", is positioned above the typed name.

William R. Blanton Jr., CFM, Chief
Engineering Management Branch
Mitigation Directorate