



**JORGENSEN**  
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Civil Engineering · Surveying

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Established 1985

May 28, 2020

Kara Paxton, City Clerk  
City of Fayetteville  
113 W Mountain Street, Room 308  
Fayetteville, AR 72701

Re: RZN 20-7080

Please accept this appeal of the decision of the Planning Commission on May 26<sup>th</sup>, 2020, to deny the rezoning request for RZN 20-7080.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We understand that Planning Commission has to make a lot of tough decisions and we certainly appreciate their hard work and time. However, in this instance, we feel that the applicant has presented a reasonable zoning request that is in conformity with the surrounding properties. We are kindly asking that the City Council please place this item on the next agenda, so that we can further discuss this matter.

Sincerely;

  
Blake Jorgensen



**MEETING OF JUNE 16, 2020**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Garner Stoll, Development Services Director  
Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

**DATE:** May 29, 2020

**SUBJECT: RZN 20-7080: Rezone (360 N. ARKANSAS AVE./SIGMA PHI EPSILON, 483):**  
Submitted by JORGENSEN & ASSOCIATES, INC. for property located at 360 N. ARKANSAS AVE. The property is zoned RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

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**RECOMMENDATION:**

The City Planning staff recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'. The Planning Commission denied the proposal at the May 26, 2020 Planning Commission meeting and the applicant has appealed the decision to City Council.

**BACKGROUND:**

The subject property had a multi-family residential structure that was constructed in 1911 and is located at 360 N. Arkansas Avenue, directly across the street from the University of Arkansas. The structure was demolished in early 2020. The subject property has been home to the Sigma Phi Epsilon fraternity house since at least 2008, when it transferred to its current owner, the Arkansas Alumni Corporation of Sigma Phi Epsilon. The property is currently zoned RMF-40 and is approximately 0.20 acres.

*Request:* The applicant wishes to rezone the subject property from RMF-40, Residential Multi-Family – Forty (40) Units per Acre to DG, Downtown General, to redevelop the Sigma Phi Epsilon fraternity house.

*Land Use Compatibility:* Land uses in immediate and general adjacency to the subject property consist of the University of Arkansas and multi-family residential. The property is surrounded on three sides by RMF-40 zoning. Across the street is zoned P-1 and is essentially the front steps to the University of Arkansas. The property sits in the middle of the block between Lafayette and Reagan Streets. This property would be the first rezone to Downtown General on the block, but other properties further south have been rezoned to DG, so the request is not entirely unprecedented. DG is a flexible zone that permits the full range of residential uses allowed in the RMF-40 zoning district, along with limited commercial activity such as sidewalk cafes, small-scale

retail, offices and other related uses. These uses are compatible with the stated City Plan designation of City Neighborhood Area, as well as with the close proximity to the University.

Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. As noted above, this property is designated as a City Neighborhood Area, and the uses and requirements of DG are well-aligned with the designation. Regardless of the intended redevelopment plans of a fraternity house, a rezone to DG opens up the potential for mixed-use and commercial development beyond the western side of Gregg Avenue and the Arkansas-Missouri Railroad tracks, and is an indicator of growth in the downtown core of Fayetteville. The close proximity of the site to the University of Arkansas is also an ideal location for additional student housing and services for residents along with Fayetteville's largest employer.

City Plan 2040's Infill Matrix indicates score of 11 for the subject property. The following elements of the matrix contribute to the score:

- Sufficient Intersection Density
- Appropriate Land Use (RMF-40, Multi-family)
- Near ORT Bus Stop
- Near Park (Old Main Lawn, Wilson Park)
- Near Public School (University of Arkansas, Washington Elementary School)
- Near Razorback Bus Stop
- Near Sewer Main
- Near Paved Trail (Razorback Greenway)
- Near U of A Campus
- Near Water Main
- 4 Minute Fire Response (Fire Station #1)

**DISCUSSION:**

The item was originally heard at the May 11, 2020 Planning Commission meeting where it was tabled by a vote of 8-0-0 to allow the applicant time to present some additional information for the Planning Commission to consider. At the May 11<sup>th</sup> meeting, the applicant went beyond the zoning request to share development details, upon which the discussion became centered. Commissioners felt the proposed development did not respect the existing setbacks along Arkansas Avenue, or the historic nature of the street. The property is not located within the Downtown Design Overlay District, nor does the property's current zoning of RMF-40 require the building to be setback at a certain distance from the street; RMF-40 has a build-to-zone that is similar to the proposed zoning district of Downtown General, though the zoning districts differ in side and rear setback requirements. RMF-40 also has a height requirement which requires a step-back from the front property line the higher a building goes, which Planning Commission took into consideration.

Ample public comment was presented in opposition to the proposal at the May 11, 2020 Planning Commission meeting, ahead of the May 26, 2020 meeting, and during the May 26, 2020 Planning

Commission meeting. Public comment received by city staff following the initial publication of staff's report is included as Exhibit 'C'. Primary concerns include tree preservation, historic nature of Arkansas Avenue, overcrowding of the site, and noise and disturbance from the proposed use of a fraternity house. The University of Arkansas also issued a statement that they have control over Arkansas Avenue, and any parking or frontage improvements would need to be approved by them with regards to the street. Additionally, the University indicated that they had no long-term land use plans for Arkansas Avenue to demolish buildings or redevelop Arkansas Avenue in a mixed-use or commercial capacity, and that recently University-constructed buildings along Arkansas Avenue had been placed on their sites with respect to the existing scale and alignment of the historic homes. Planning Commissioners voted 8-0-0 to deny the proposal. Along with the denial, Commissioners included a recommendation that the City Council consider an overlay district for the area between W. Maple Street, the current boundary of the Downtown Design Overlay District, Arkansas Avenue, and the Arkansas & Missouri Railroad in the case that the applicant were to appeal.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

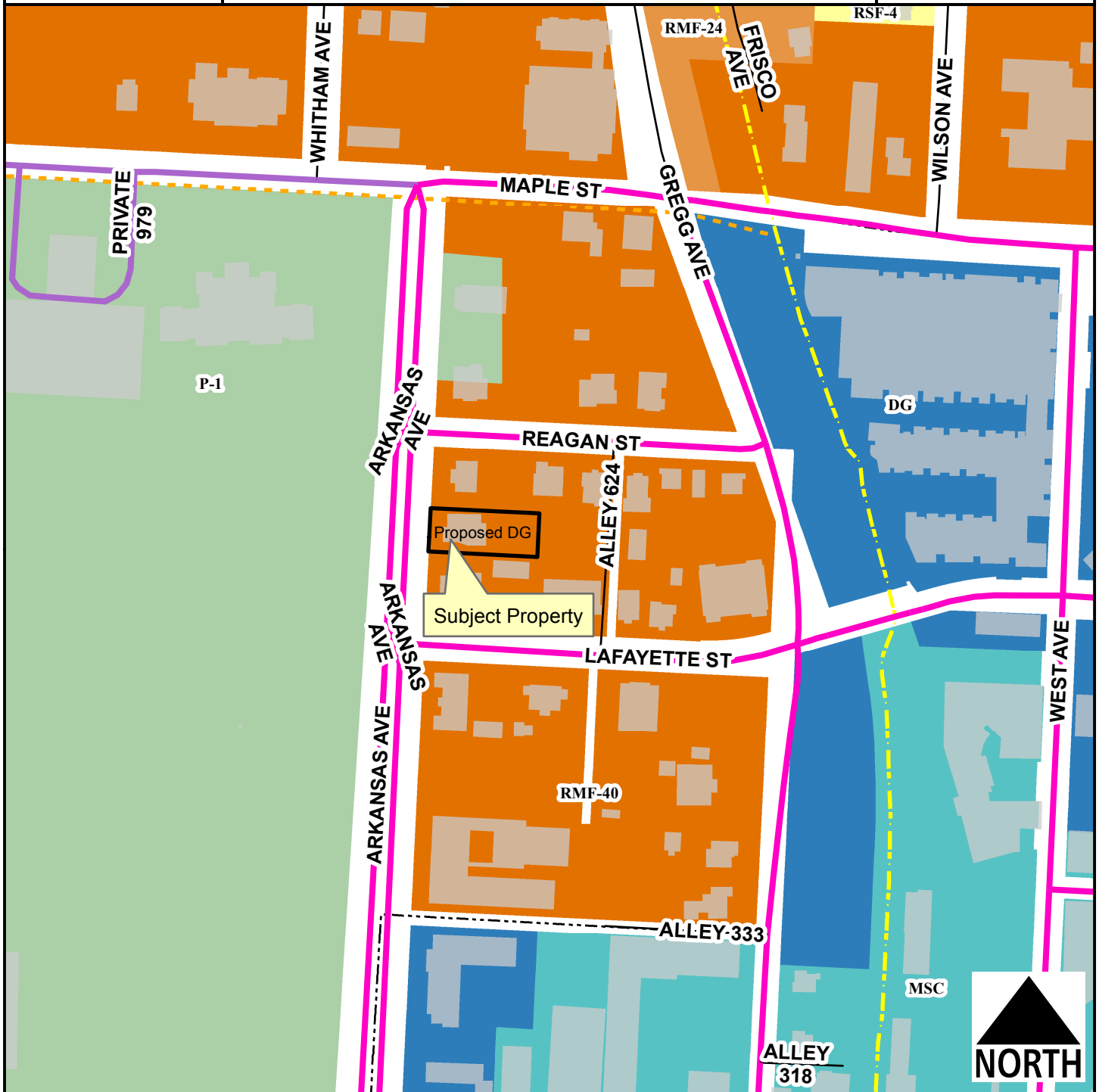
- Exhibit A
- Exhibit B
- Exhibit C – Additional Public Comment received after publication of staff's report.
- Planning Commission Staff Report

RZN20-7080

# SIGMA PHI EPSILON HOUSE

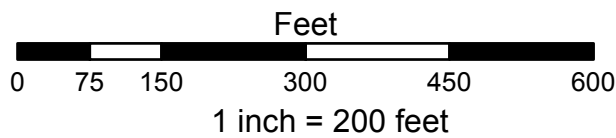
20-7080  
EXHIBIT 'A'

Close Up View



### Legend

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



### Zoning Acres

DG 0.2

**Total 0.2**

**20-7080**  
**EXHIBIT 'B'**

LEGAL DESCRIPTION:

Forty (40) feet of equal and uniform width off the South end of Lots 3, 4 and 5, and 20 feet of equal and uniform width off the north end of lots 6, and 8, all in block 2 of Gregg's addition to the City of Fayetteville, Arkansas, as per plat of said addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being described as follows: Beginning at the NW corner of said Lot 6, thence N02°53'36"E 40.00 feet, thence S87°06'24"E 150.00 feet, thence S02°53'36"W 60.00 feet, thence N87°06'24"W 150.00 feet, thence N02°53'36"E 20.00 feet to the POINT OF BEGINNING, Containing 9,000 square feet, more or less, subject to easements and right of ways of record.

**Masters, Jessica**

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**From:** Block, Jeffrey <JBLOCK@elliman.com>  
**Sent:** Thursday, May 21, 2020 3:19 PM  
**To:** Curth, Jonathan  
**Subject:** Rezoning vote for 360 Arkansas Ave

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Curth,

My sister, Diane Block, and I are the owners of 370 Arkansas Ave., 621-623 Reagan St. and 619 Reagan St. Our family has owned these properties since 1909. We are strongly opposed to the rezoning of 360 Arkansas Ave. From RMF-40 to Downtown General (DG). Our main opposition is that DG zoning would allow the new structure to be built to within five feet of the sidewalk. To allow 360 to build that close to the Senior Walk when no other building along Arkansas Ave. is closer than 15-20 feet will destroy the welcoming vista to the entrance of the University and Old Main. In the past week the names of the 2019 graduates have been etched into the walk in front of 360 & 370. The University has spent much time and money planning, designing and creating the beautiful flow of Arkansas Ave. If the 5/26/15 Planning Commission Memo is still in effect the planned building will uncomfortably and aggressively loom over the Senior Walk. The historic and graceful avenue will be destroyed.

In the 5/26/15 memo the plans were for 12 bedrooms. In the 5/11/20 Planning Commission meeting it was stated there would be 40. Under the requirements that there be 1 parking spot for each bedroom there would need to be 40 spaces. On a 0.2 acre lot it would have been tight for 12 cars to park but 40 is impossible.

Another concern are the trees on our land near the property line. Our neighbor at 358 Arkansas Ave, Evelyn Stilwell concisely described the city of Fayetteville's law on protecting the trees. I couldn't say it better so I've cut and pasted her points for protecting our trees and the great value they add to the entrance to the University:

2. **Trees.** Our city has ordinances in place to preserve the tree canopy. Our 8 trees ON or CLOSE TO the property line of the proposed new construction are at risk if the proposed building is built, or if the DG zoning for this ONE property is granted. Many of these 8 trees providing shade and a buffer from the elements and noise may likely be lost due to root damage. We have trimmed and nurtured these trees since we bought our property in 1991. The following points are significant qualities which we appreciate from our trees and Fayetteville's tree code:

(1)

**To preserve existing tree canopy;**

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(2)

**To create a healthful environment for Fayetteville residents, businesses, and industries;**

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(3)

**To moderate the harmful effects of sun, wind, and temperature changes;**

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(4)

**To buffer noise, air, and visual pollution;**

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(5)

To filter pollutants from the air that assist in the generation of oxygen;

(6)

To reduce stormwater runoff and the potential damage it may create; plus six further reasons.

The PRIMARY principle for enforcing this code is:

**"Preservation shall be the first, best, and standard approach."** This is quoted from Fayetteville's Code of Ordinances, Chapter 167. This can be achieved if the City Commissioners act in accordance with this code, and in consultation with the Urban Forestry office.

Loss of these 8 trees would be harmful to the value, beauty, and comfort of our property, as well as this historic avenue. The City of Fayetteville should observe their written code in order to maintain these mature trees existing beautifully on our property, adjacent to the property at [360 Arkansas Ave.](#)

Therefore we strongly urge you to vote NO on the rezoning. By allowing 360 to jut out and break the beautiful flow of Arkansas Ave. the damage is permanent. It can never be recovered.

Thank you for the opportunity to express our views and concerns.

Sincerely,

Jeff Block

PS: Are there newer plans other than the 5/26/15 set? May we get any new plans? It would be much appreciated so we may understand what current plans are proposed. Thank you.

Sent from my iPhone



**JEFFREY BLOCK**

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## Masters, Jessica

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**From:** Diane <dianewblock@earthlink.net>  
**Sent:** Tuesday, May 26, 2020 3:46 PM  
**To:** Curth, Jonathan  
**Cc:** Block Jeffrey; Evelyn Stilwell; Marinoni  
**Subject:** Rezoning meeting tonight for new Sigma Phi Epsilon fraternity

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Curth,

I'm writing to you and the Planning Department to express my family's strong opposition to the rezoning of the Sigma Phi Epsilon fraternity property on Arkansas Avenue from RMF-40 to DG (Downtown General).

Their request will come before the Planning Commission tonight for the second time this year. My brother, Jeff Block, and I spoke in opposition at the Commission's May 11, 2020 meeting, as did our neighbor, Evelyn Stilwell. We own the property at #370, next to the fraternity to its north, and the Stilwell family owns #358, on the other side of the fraternity to its south. We were all very appreciative of having the opportunity to speak, as the Planning Department did not inform the neighborhood, or the general public, before its earliest meeting concerning the Sig Ep plans, which occurred in 2015.

My family has been a part of Arkansas Avenue, "the front door of the University," for over 100 years. Our great-great grandfather, Fayetteville County Judge J. T. Hight, purchased our property in 1909. We have maintained our property ownership, unbroken, as a continued presence in our historic area, as have several other families, whose presence goes back even further than ours to 1871.

If granted a rezoning to Downtown General, Sig Ep's new house will be the only building on the Avenue that will not have a traditional setback of 15-20 feet. They plan their front facade to be only 3 feet (less than an arm's length) from the edge of the University's newly completed extension of Senior Walk, forever disrupting the wide, historic vista of Arkansas Avenue. It will stick out inappropriately, like a sore thumb, interrupting the welcoming view from Maple Street to Dickson, and will set a harmful precedent that will open this historic Avenue to further intrusion and destruction.

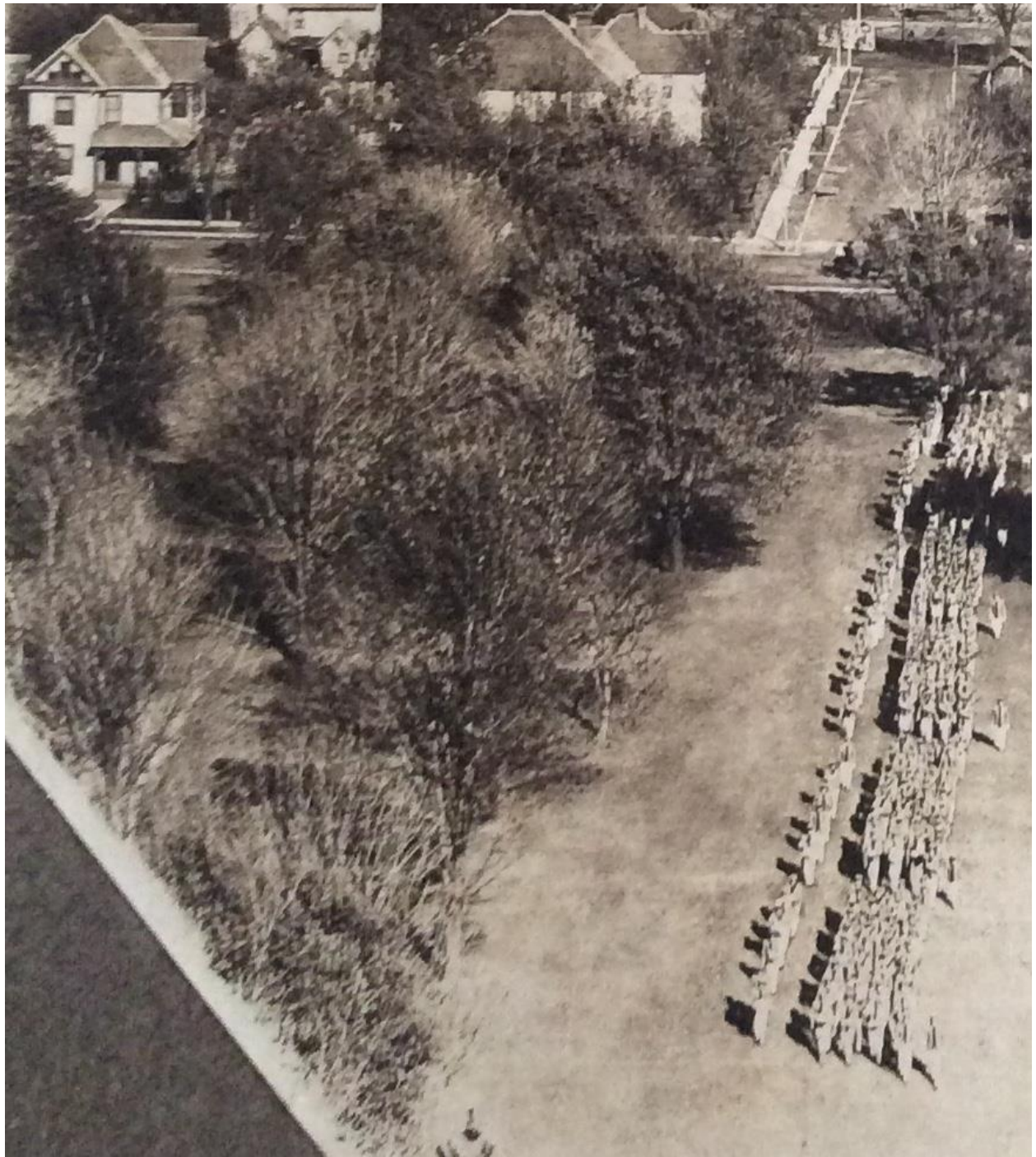
My brother and I grew up with family stories about the Avenue and University life. Our grandmother, Lillian Lawson Wood (granddaughter of J. T. Hight), lived at #360 from 1911-1914 while attending the University. We have a trove of early related documents, diaries, and family photographs that reach, like an outstretched hand, across four generations to connect the Arkansas Avenue they knew to the one we know and love today.

My mother, who grew up in Fayetteville, and her friends were instrumental in saving Old Main from demolition. We, the Planning Commission, the City Council, and the Planning Department owe it to succeeding generations to save and preserve an irreplaceable Arkansas Avenue, so richly historical and evocative, for them to savor and enjoy for many years to come.

Thank you for your careful consideration of this important, and consequential, decision. Please deny the fraternity rezoning to DG.

Sincerely,

Diane W. Block  
1320 Cerro Gordo Road  
Santa Fe, NM 87501  
(505) 984-0687









## Masters, Jessica

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**From:** Hogan, Maureen <MHOGAN@elliman.com>  
**Sent:** Saturday, May 23, 2020 11:46 AM  
**To:** Curth, Jonathan  
**Subject:** 360 Arkansas Ave 3 foot set back from Senior Walk

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr Curth ,

My name is Maureen Hogan Block and I also reside next to the proposed Fraternity at [360 Arkansas Ave](#) directly across from Old Main and the historic heart of the University of Arkansas.

This week the University finished etching the names of the 2019 Graduates in the Student Walk that will touch the proposed Black looming , mostly windowless 40 ft tall wall of the Frat.

3 feet ! ( the size of a moving box, dresser , or end table ) is all that will separate the students we now hear exclaiming as they find and photograph their names .

The university has spent money , time and creative vision to expand the historic street lamps and landscaping on both sides of Arkansas Ave and the boulevard median . The university recognizes this as a de facto Landmark .

This spring we have watched from our porch at [370 Arkansas ave](#) the socially isolated graduates of the class of 2020 as they pose in cap and gown with small family units along Arkansas Ave , on the great lawn and in carefully posed photos of them near the un- scaffolded parts of Old Main.

Some groups have broken my heart by posing in facemasks and 6 feet away from what were clearly their Sorority sisters , Frat Brothers and roommates of 4 years and hopefully their lifelong friends .

These graduates and their families have chosen this stretch of Arkansas Ave near Old Main and Historic Landmark Carnall Hall to parade in their gowns and pose for pictures while memorializing their suddenly aborted college experience.

In fairness, Graduates also posed near the peace fountain or the stadium . But I would wager the photos that end up framed in Mom's living room are from the historic entrance to the university , along Arkansas Ave .

Over the years , tourists stroll Arkansas Ave, Artists set up their stools and watercolors and paint our row of houses . Now families of Alumni look for names on the Arkansas Ave Senior Walk .

Fayetteville has been blessed by individual choices over the years that preserved , by happy accident , the beauty of Arkansas Ave

While never officially been deemed a landmark ( like Mt Nord or other Historic Districts ) this stretch of Arkansas Ave is one.

The homes are either late Victorian in appearance ( as was the old Frat and the new Sorority ) or like the Edward Durrell Stone section closer to Dickson , a nod to the mid century Modern legacy of University Alumni such as Fay Jones



The university and Fayetteville in general benefit from the beauty of this corridor . I would urge that the Frat be obliged to redesign their Black Cube so that it is set back the standard 20 feet , and has some architectural features and color that echo elements of nearby structures such as Carnall Hall, Old Main, The limestone honors building , or any nearby housing .

Respectfully, Maureen Hogan Block

**MAUREEN HOGAN**

LICENSED ASSOCIATE REAL ESTATE BROKER

**DOUGLAS ELLIMAN REAL ESTATE**

***THE BEST COMPLIMENT IS A REFERRAL***

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**TO:** Fayetteville Planning Commission

**THRU:** Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

**MEETING DATE:** May 26, 2020 **Denied by PC at 5/26/2020 Meeting**

**SUBJECT:** **RZN 20-7080: Rezone (360 N. ARKANSAS AVE./SIGMA PHI EPSILON, 483):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located at 360 N. ARKANSAS AVE. The property is zoned RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

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**RECOMMENDATION:**

Staff recommends forwarding RZN 20-7080 to City Council with a recommendation for approval.

**RECOMMENDED MOTION:**

"I move to forward RZN 20-7080 to City Council with a recommendation for approval."

**MAY 11, 2020 PLANNING COMMISSION:**

This item was last heard at the May 11<sup>th</sup> Planning Commission meeting, where it was tabled by a vote of 8-0-0 to allow the applicant time to present some additional information for the Planning Commission to consider. At that meeting, several neighbors spoke in opposition to the proposal. Since then staff has discussed changes with the applicant, and they have submitted proposed development plans. Staff is still recommending approval of the rezoning request, with the understanding that the submitted development plans would still be subject to the typical development review process, and would not formally tie the applicant to the proposed development.

**BACKGROUND:**

The subject property had a multi-family residential structure that was constructed in 1911 and is located at 360 N. Arkansas Avenue, directly across the street from the University of Arkansas. The property was demolished in early 2020. The subject property has been home to the Sigma Phi Epsilon fraternity house since at least 2008, when it transferred to its current owner, the Arkansas Alumni Corporation of Sigma Phi Epsilon. The property is currently zoned RMF-40 and is approximately 0.20 acres. Surrounding land uses and zoning is depicted in *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Residential Multi-family	RMF-40, Residential Multi-Family – Forty (40) Units per Acre
South	Residential Multi-family	RMF-40, Residential Multi-Family – Forty (40) Units per Acre
East	Residential Multi-family	RMF-40, Residential Multi-Family – Forty (40) Units per Acre
West	Institutional/ University	P-1, Institutional

**Request:** The applicant wishes to rezone the subject property from RMF-40, Residential Multi-Family – Forty (40) Units per Acre to DG, Downtown General. The applicant wishes to redevelop the existing Sigma Phi Epsilon fraternity house.

**Public Comment:** Public comment was heard at the time of the May 11<sup>th</sup> Planning Commission meeting, and staff has received public comment in the form of an email opposing the request.

**INFRASTRUCTURE:**

**Streets:** This property has frontage to North Arkansas Avenue. North Arkansas Avenue is classified as Urban Center and is fully improved with asphalt paving, curb and gutter, and sidewalk along the property’s frontage. Any street improvements or requirements for drainage in these areas would be determined at the time of development proposal.

**Water:** Public water is available to this parcel. An existing 4-inch watermain is present along the east side of North Arkansas Avenue that can serve parcel 765-06031-000.

**Sewer:** Sanitary Sewer is not available to this parcel. A sanitary sewer main extension to existing facilities in West Reagan Street or West Lafayette Street will be required at time of development to serve this parcel.

**Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Hydric soils appear to be present within the entire subject area. No portion of the property is within the Hillside-Hilltop Overlay District, FEMA floodplain, nor is there a protected stream present in the subject area.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center, protects this site. The property is located approximately 0.7 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 expressed no concerns with this request.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood Area**.

**City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates score of 11 for the subject property. The weighted rubric indicates a score of 15.5. The following elements of the matrix contribute to the score:

- Sufficient Intersection Density
- Appropriate Land Use (RMF-40, Multi-family)
- Near ORT Bus Stop
- Near Park (Old Main Lawn, Wilson Park)
- Near Public School (University of Arkansas, Washington Elementary School)
- Near Razorback Bus Stop
- Near Sewer Main
- Near Paved Trail (Razorback Greenway)
- Near U of A Campus
- Near Water Main
- 4 Minute Fire Response (Fire Station #1)

#### 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:* Land uses in immediate and general adjacency to the subject property consist of the University of Arkansas and multi-family residential. The property is surrounded on three sides by RMF-40 zoning. Across the street is zoned P-1 and is essentially the front steps to the University of Arkansas. The property sits in the middle of the block between Lafayette and Reagan Streets. This property would be the first rezone to Downtown General on the block, but other properties further south have been rezoned to DG, so the request is not entirely unprecedented. DG is a flexible zone, and while it is considered a dense residential zone and allows for multi-family dwellings, it also does allow for limited commercial activity through uses such as sidewalk cafes, small-scale retail, and offices and other related uses. These uses are compatible with the stated City Plan designation of City Neighborhood Area, as well as with the close proximity to the University.

**Land Use Plan Analysis:** Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This area is designated as a City Neighborhood Area, and the uses and requirements of DG are well-aligned with the designation. Regardless of the intended redevelopment plans of a fraternity house, a rezone to DG opens up the potential for mixed-use and commercial development beyond the western side of Gregg Avenue and the Arkansas-Missouri Railroad tracks, and is an indicator of growth in the downtown core of Fayetteville. The close proximity of the site to the University of Arkansas is also an ideal location for additional student housing.

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

**Finding:** Based on the request letter, the requested rezoning is justified and needed at this time for the applicant's proposed use. The proposed use does not meet most bulk and area regulations of RMF-40, including the lot width minimum of 70' for three or more units of housing, the lot area minimum for fraternity or sorority (1 acre), and the land area per dwelling unit of 500 square feet per resident for fraternity or sorority, based on the applicant's desired number of residents.

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

**Finding:** Rezoning the property under DG does have the potential to increase traffic on Arkansas Street. However, Arkansas Street is a fully-redeveloped Urban Center street according to the Master Street Plan, which is designed and intended to be used within Fayetteville's downtown core. The possibility of increased traffic danger and congestion will not be appreciable.

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

**Finding:** Rezoning the property from RMF-40 to Downtown General does have the potential to increase the population density given that there is no density maximum in the DG zoning district. However, staff believes it will not undesirably increase the load on facilities and services in this area. The 0.20-acre property has access to existing water, but does not have direct access to sewer. A sanitary sewer main extension to existing facilities in West Reagan Street or West Lafayette Street will be required at time of development to serve this parcel. Fire and police also adequately cover this area.

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

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

**Finding:** N/A

**RECOMMENDATION:** Planning staff recommends forwarding RZN 20-7080 to the City Council with a recommendation for approval.

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>			
Date: <u>May 26, 2020</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded	<input checked="" type="checkbox"/> Denied
Motion: <b>Belden</b>	If appealed, PC recommends the city consider an overlay district for the area between Maple, the DDOD, Arkansas Avenue, and the A&M Railroad.		
Second: <b>Brown</b>			
Vote: <b>8-0-0</b>			

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.17 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
  - §161.28 - Downtown General
- Request letter
- Applicant development proposal
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**161.17 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre**

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
----------------	--------------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit .*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*



Building Height Maximum	2 stories/3 stories/5 stories*
----------------------------	-----------------------------------

\* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 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 side 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) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), §1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§5, 8, 9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-2019)

**161.28 - Downtown General**

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services

Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density* . None.

(D) *Bulk and Area Regulations* .

(1) *Lot Width Minimum*.

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum*. None.

(E) *Setback Regulations* .

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

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

(G) *Building Height Regulations*.

Building Height Maximum	5 stories
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(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; 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—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6223](#), §1, 9-3-19)



**JORGENSEN**  
**+ASSOCIATES**  
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5  
Fayetteville, AR 72703  
Office: 479.442.9127  
[www.jorgensenassoc.com](http://www.jorgensenassoc.com)  
Established 1985

City of Fayetteville  
113 W. Mountain  
Fayetteville, AR 72701  
ATTN: Planning Department

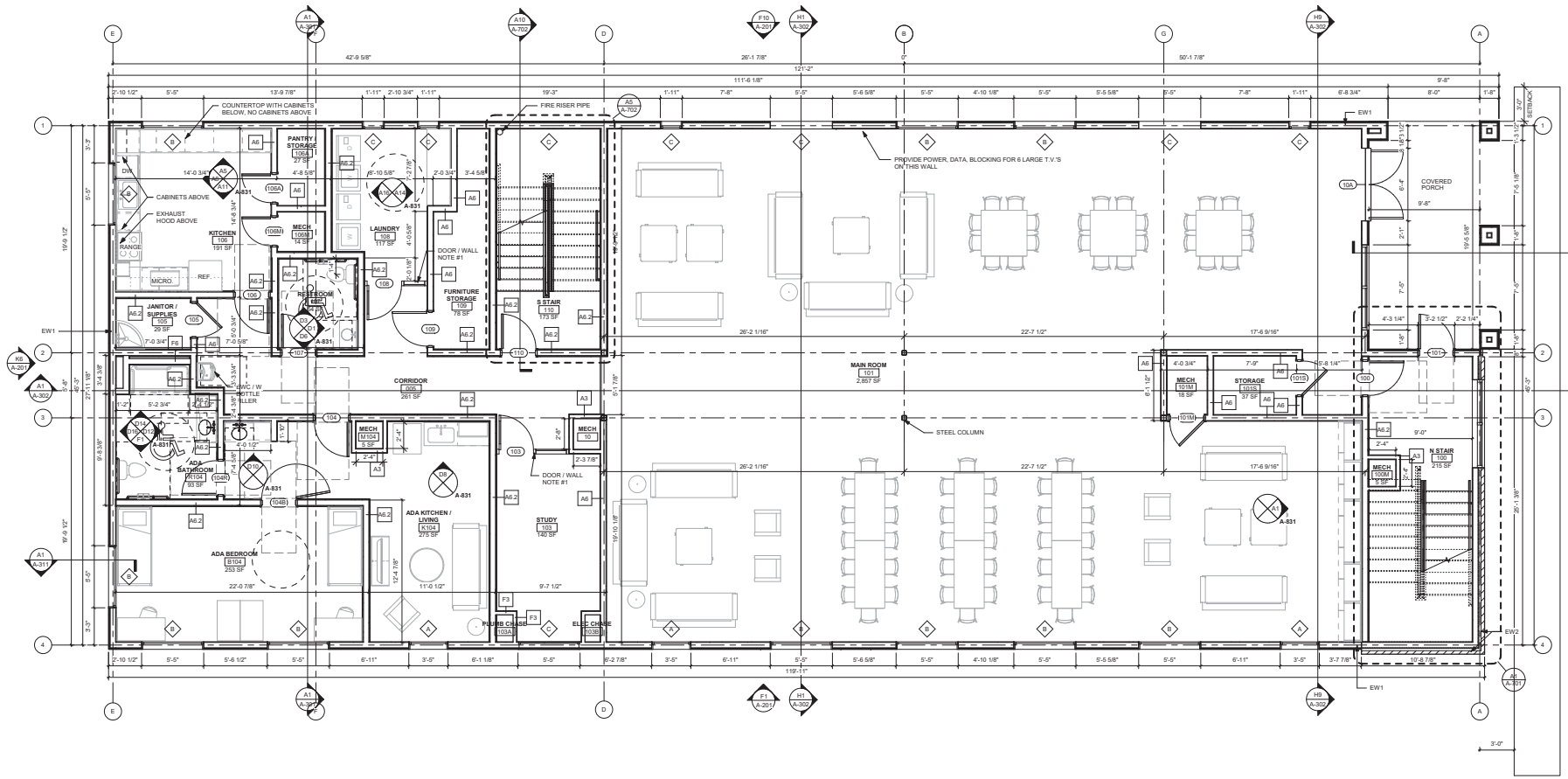
RE: Rezoning for Sigma Phi Epsilon

Attached please find information pertaining to a rezoning request for Arkansas Alumni Corp of Sigma Phi Epsilon. This is for approximately 0.2 Acres on the east side of Arkansas Avenue. To the West is Old Main (P-1) and to the South, East, and North is RMF-40. City water and City sewer are already available. The property is currently zoned RMF-40 and the request is to zone to DG. This lot has historically had a residence on the premise that served as a fraternity, the current zoning however will not allow the fraternity to be rebuilt due to the limited lot size. This rezoning will allow the fraternity to be built by-right and will be compatible with surrounding zonings and land uses considering the diverse zonings and housing types currently surrounding the property. DG is currently within 500 feet to the south and east of this property and given the limited lot size, the impacts of development to this area will be negligible.

Please review and contact us concerning any questions you may have.

Sincerely,

Blake E. Jorgensen, P.E.

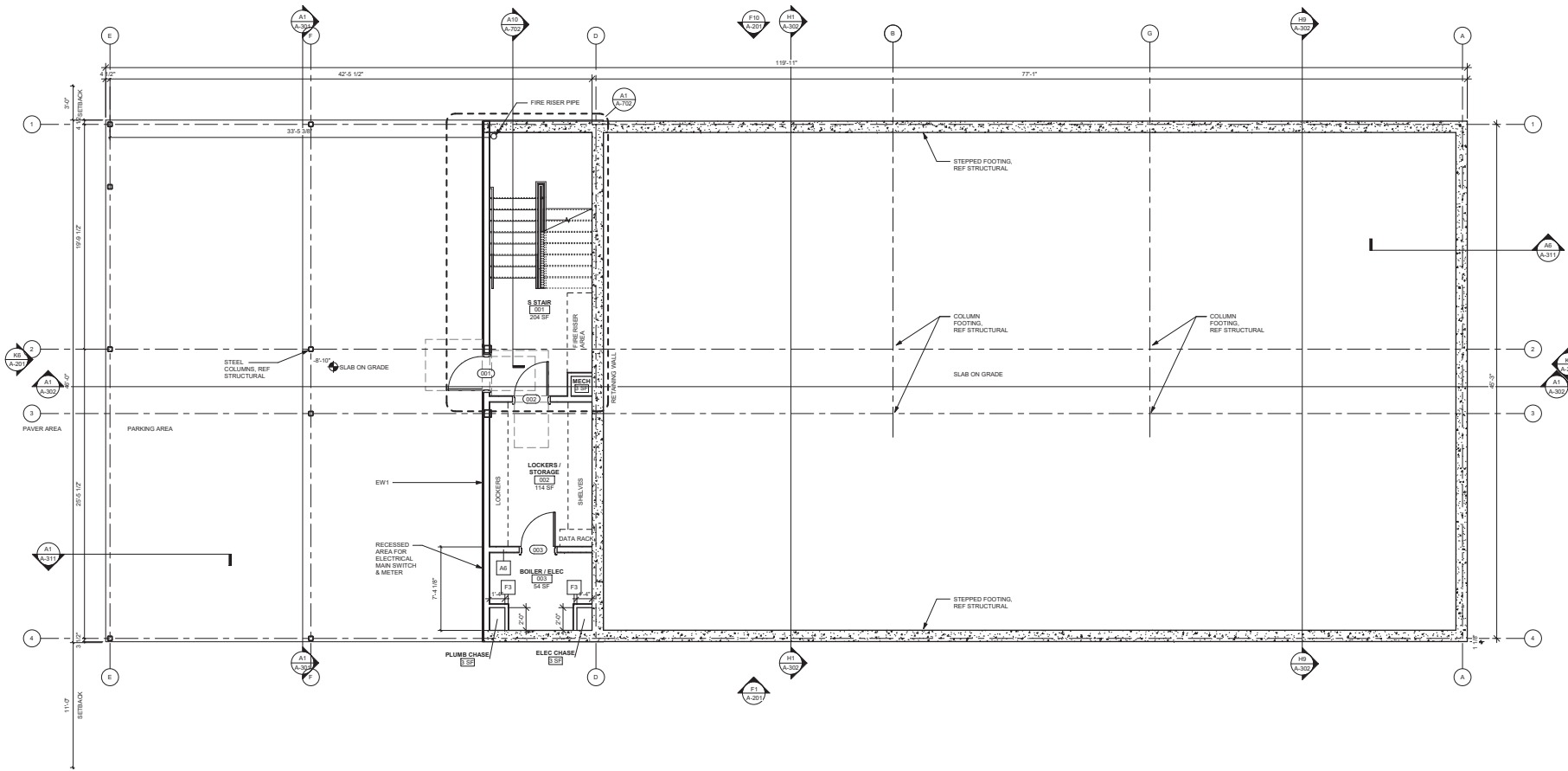


FIRST FLOOR PLAN 1

SIGMA PHI EPSILON - ARKANSAS ALPHA CHAPTER | DESIGN PRESENTATION

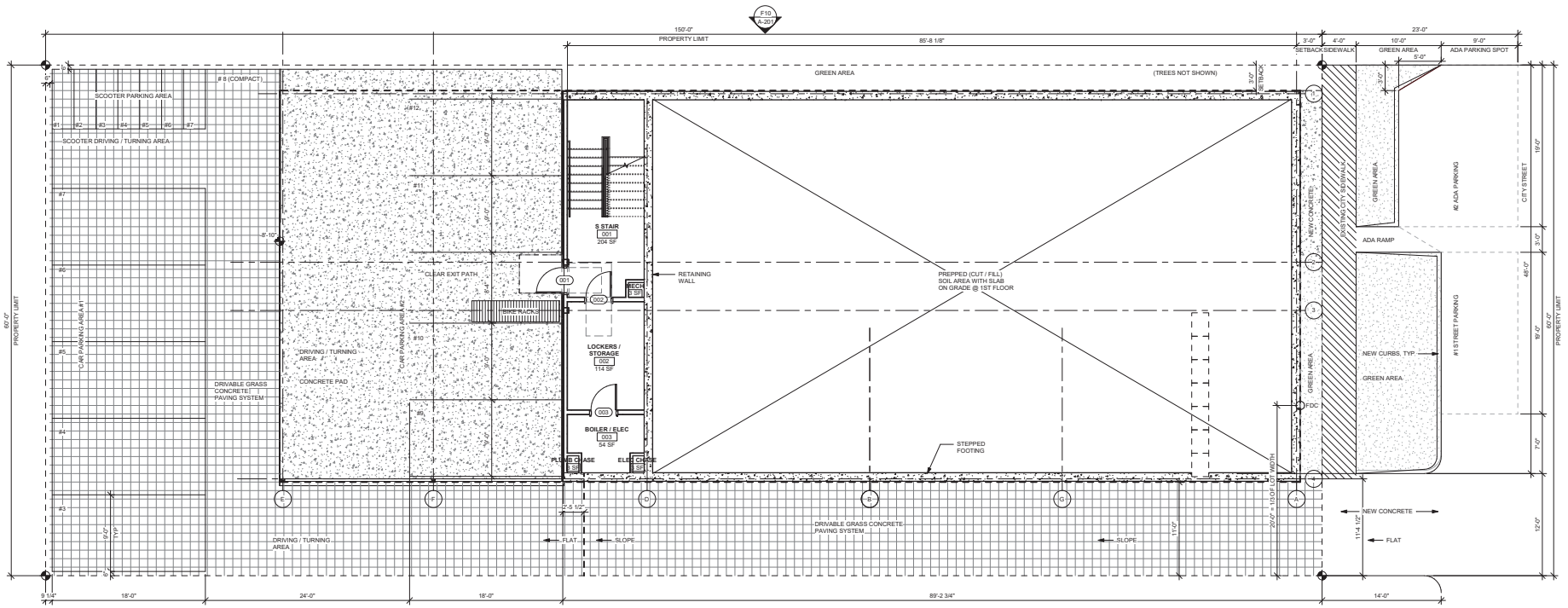
APRIL 22, 2020





**SIGMA PHI EPSILON - ARKANSAS ALPHA CHAPTER | DESIGN PRESENTATION**

APRIL 22, 2020



SIGMA PHI EPSILON - ARKANSAS ALPHA CHAPTER | DESIGN PRESENTATION

APRIL 22, 2020





ksq  
SigEp

**SIGMA PHI EPSILON - ARKANSAS ALPHA CHAPTER | DESIGN PRESENTATION**

APRIL 22, 2020

EXTERIOR PERSPECTIVE 5



**SIGMA PHI EPSILON - ARKANSAS ALPHA CHAPTER | DESIGN PRESENTATION**

APRIL 22, 2020

EXTERIOR PERSPECTIVE (NORTH) 6



ksq  
SigEp

**SIGMA PHI EPSILON - ARKANSAS ALPHA CHAPTER | DESIGN PRESENTATION**

APRIL 22, 2020

FRONT ENTRY (WEST ELEVATION) 7



ksq  
SigEp

**SIGMA PHI EPSILON - ARKANSAS ALPHA CHAPTER | DESIGN PRESENTATION**

APRIL 22, 2020

EXTERIOR PERSPECTIVE (SOUTH) 8

DESIGN IDEAS

THREE COLUMNS REPRESENT SIGMA PHI EPSILON PRINCIPLES - **VIRTUE, DILIGENCE, AND BROTHERLY LOVE**

**RED DOOR** TO CELEBRATE THE HISTORY AND CARRY ON THE TRADITION FOR CURRENT AND FUTURE MEMBERS

**BRICK** IS UTILIZED TO MAKE A CONNECTION WITH THE ORIGINAL ARKANSAS ALPHA CHAPTER HOUSE

**BALCONY** PAYS RESPECTS TO PREVIOUS HOUSE ON CURRENT SITE





**From:** [Evelyn Stilwell](#)  
**To:** [Planning Shared](#)  
**Subject:** Planning Commission Meeting May 11, 2020 RE: Input on proposed rezoning of property at 360 Arkansas Ave.  
**Date:** Thursday, May 14, 2020 5:28:53 PM

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**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Planning Commission members,

I and we (my husband and neighbors) are very appreciative of the careful consideration you gave to the proposed rezoning of the property next door to our home at 358 Arkansas Ave, Fayetteville, AR this week. I am an owner-occupant of the house next door to where Sig Ep wants to rebuild their fraternity house. We also host international students while they complete degrees. Currently, we have a recent graduate of the Grad program in Journalism, a PhD candidate from India, and a grad student from Timor Leste. We also often have grandchildren here, as well as a family with young children living in the rear apartment

Our opposition to rezoning this lone lot on Arkansas Avenue to DG, and to any concessions which would violate the intent of current zoning of RMF-40 include:

1. **Too small for proposed use.** The .20 lot is inadequate to house 40 young men and provide parking for them. I'm sure that is why the normal zoning of RMF-40 requires one acre for a fraternity house. Many of the zoning commissioners became aware that this historic avenue should not have one lone stand-out building, built up near the front property line when all other buildings on the street have 15 to 20 ft setbacks. It would stick out like a sore thumb. Or, another analogy which is apt for this location is that it's "Like trying to put a size 12 foot into a size 6 shoe." It simply doesn't work.

2. **Trees.** Our city has ordinances in place to preserve the tree canopy. Our 8 trees ON or CLOSE TO the property line of the proposed new construction are at risk if the proposed building is built, or if the DG zoning for this ONE property is granted. Many of these 8 trees providing shade and a buffer from the elements and noise may likely be lost due to root damage. We have trimmed and nurtured these trees since we bought our property in 1991. The following points are significant qualities which we appreciate from our trees and Fayetteville's tree code:

- (1) To preserve existing tree canopy;
- (2) To create a healthful environment for Fayetteville residents, businesses, and industries;
- (3) To moderate the harmful effects of sun, wind, and temperature changes;
- (4) To buffer noise, air, and visual pollution;
- (5) To filter pollutants from the air that assist in the generation of oxygen;
- (6) To reduce stormwater runoff and the potential damage it may create; plus six further reasons.

The PRIMARY principle for enforcing this code is:

**"Preservation shall be the first, best, and standard approach."** This is quoted from Fayetteville's Code of Ordinances, Chapter 167. This can be achieved if the City Commissioners act in accordance with this code, and in consultation with the Urban Forestry

office.

Loss of these 8 trees would be harmful to the value, beauty, and comfort of our property, as well as this historic avenue. The City of Fayetteville should observe their written code in order to maintain these mature trees existing beautifully on our property, adjacent to the property at 360 Arkansas Ave.

3. **Noise and indecency.** I have learned that past behavior is the best predictor of future behavior. Past classes of Sig Ep students living next door have frequently violated city decency and city noise ordinance parameters. Yes, we call the police and *at times* they have reined in the offensive behavior, but this has continued too frequently over the years. I realize this is most likely an issue that the Pan-Hellenic Office at the UA should address, but it makes us as neighbors less eager for this group to have more members living on the too-small lot next door.

Please, Commissioners, recognize that the huge edifice proposed to house this fraternity is inappropriate for this small, .2 acre lot. I would surmise that the previous years' occupancy by a fraternity was allowed only because other fraternities do have their houses on this street. However, originally it was a house similar to ours. A house the size needed to actually provide what this fraternity needs will require a lot far bigger than the one currently being considered.

Again, thank you for your careful consideration of factors which should lead to our City becoming even greater and more beautiful than it is already.

Sincerely,

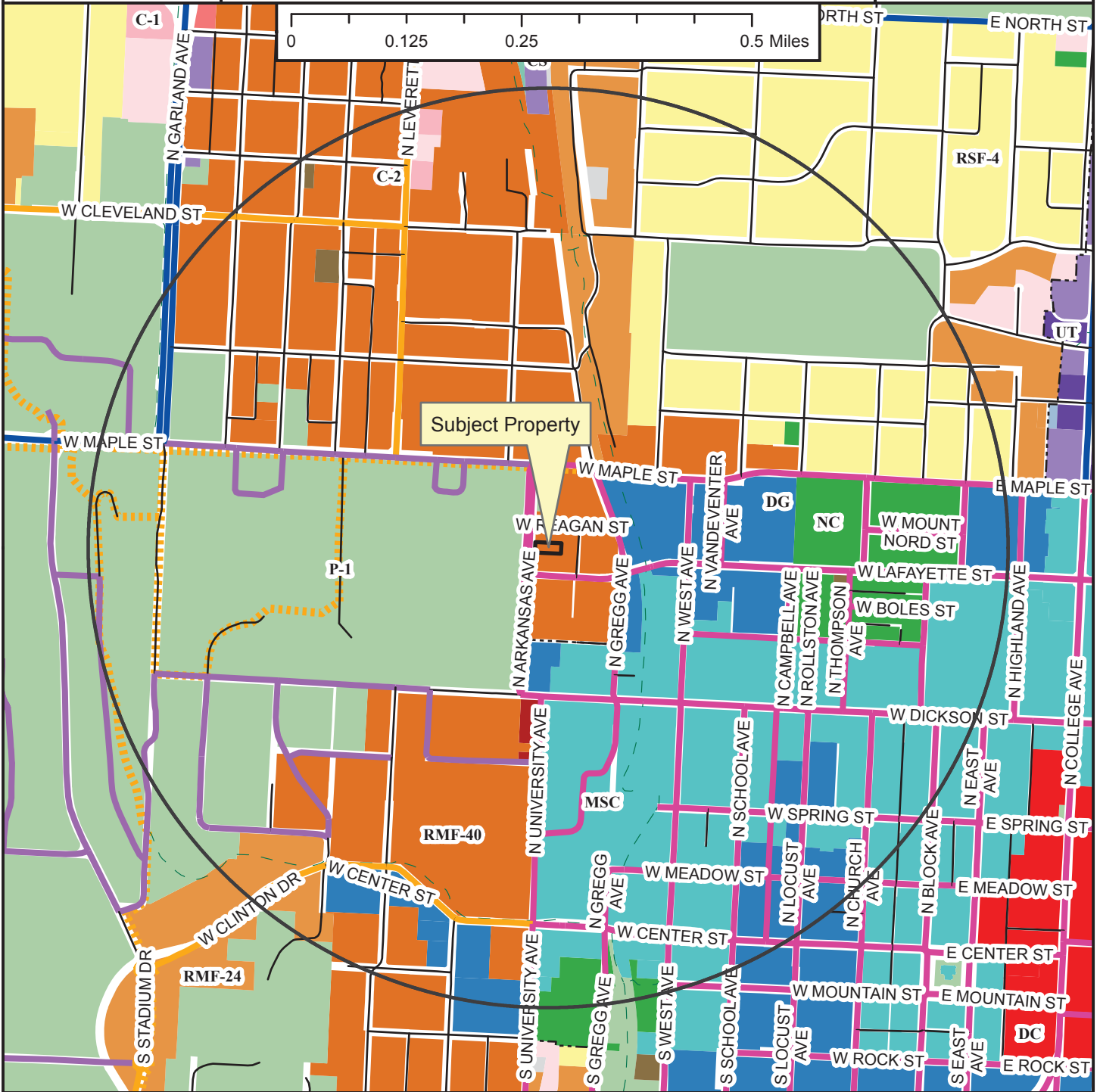
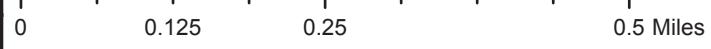
Evelyn Stilwell  
358 Arkansas Avenue,  
Fayetteville, AR  
479-790-1735



RZN20-7080

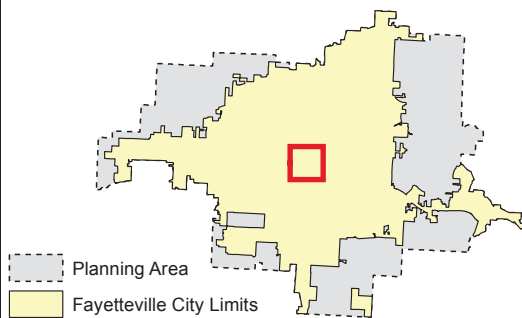
# SIGMA PHI EPSILON HOUSE

One Mile View



## Legend

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

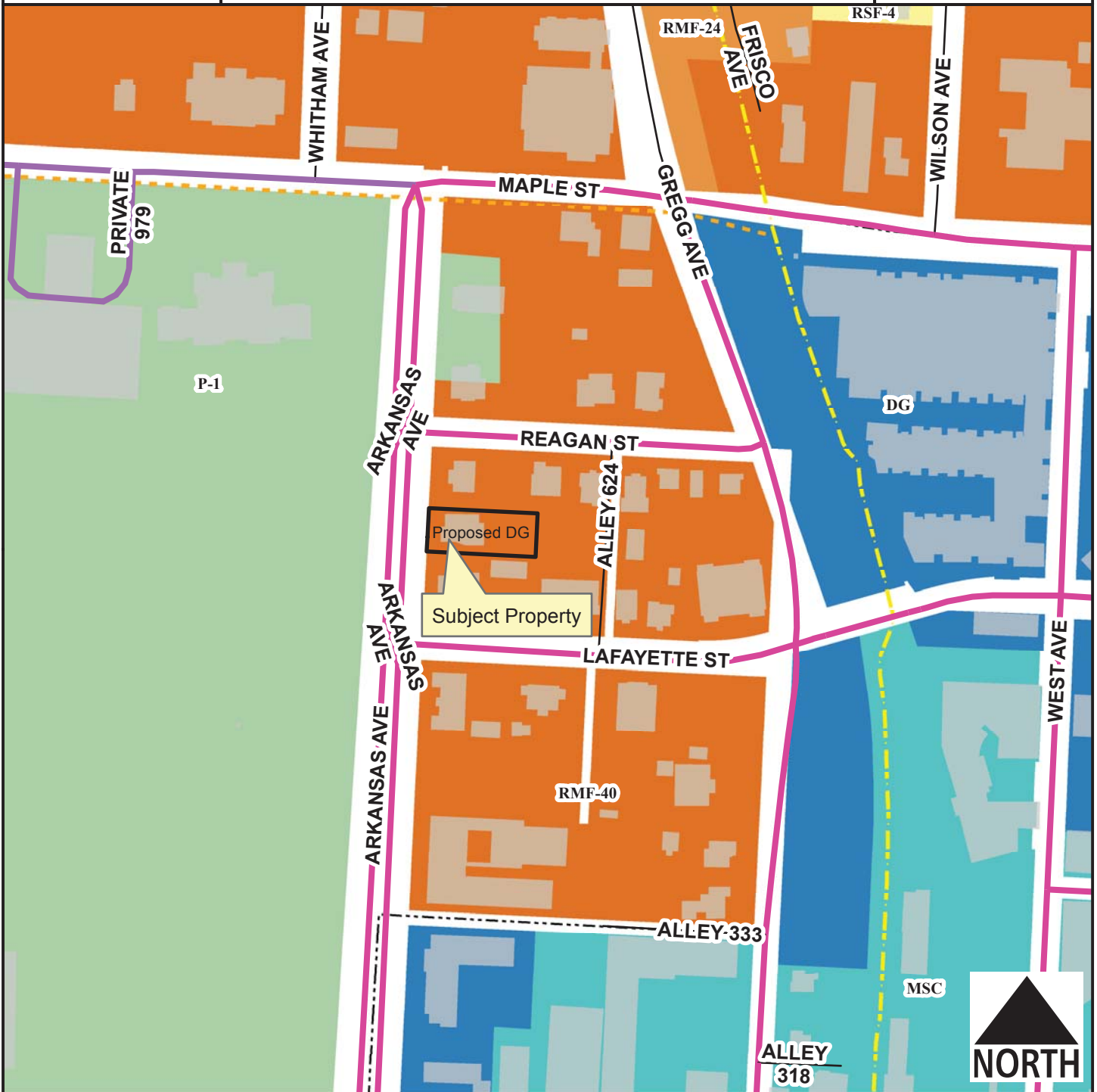


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RH-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial 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

RZN20-7080

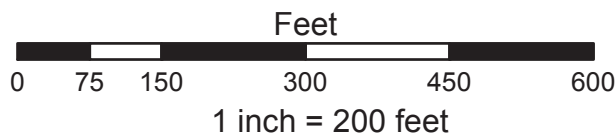
# SIGMA PHI EPSILON HOUSE

Close Up View



### Legend

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



### Zoning Acres

DG 0.2

**Total 0.2**



RZN20-7080

# SIGMA PHI EPSILON HOUSE

Current Land Use



U of A

ARKANSAS AVE

REAGAN ST


Mixed-Density Residential

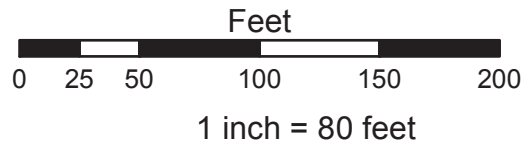
Subject Property

ALLEY 624



Mixed-Density Residential

LAFAYETTE ST

 Planning Area  
 Fayetteville City Limits



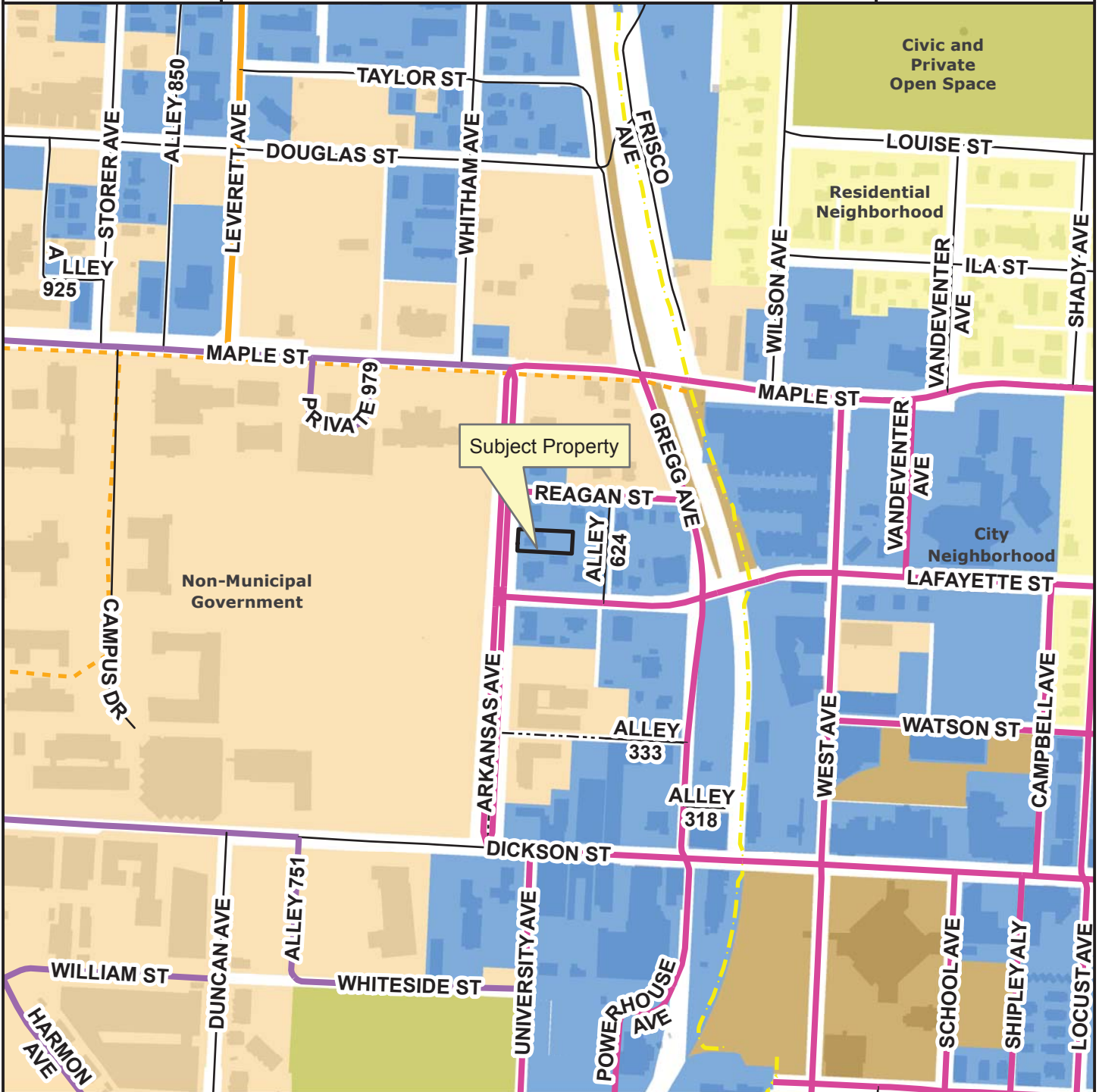
### FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN20-7080

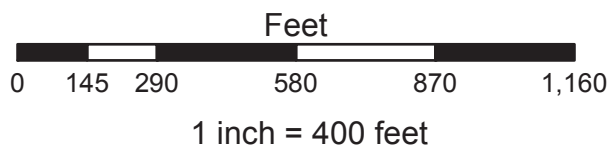
# SIGMA PHI EPSILON HOUSE

Future Land Use



### Legend

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



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

## CityClerk

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**From:** Paxton, Kara  
**Sent:** Monday, June 8, 2020 12:00 PM  
**To:** Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Mathis, Jeana; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle  
**Cc:** CityClerk  
**Subject:** FW: Re-zoning request for 360 Arkansas Ave.

Good morning,

Please see the email shown below for Agenda item C.4 from Evelyn Stilwell, 358 Arkansas Ave.

ITEM Information for Reference:

**2020-0458**

**APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON):**  
AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7080 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 360 NORTH ARKANSAS AVENUE FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO DG, DOWNTOWN GENERAL

Thank you,

*Kara Paxton*

**City Clerk Treasurer**

City of Fayetteville, Arkansas

[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)

T 479.575.8323



---

**From:** Pennington, Blake <bpennington@fayetteville-ar.gov>  
**Sent:** Monday, June 8, 2020 11:53 AM  
**To:** Williams, Kit <kwilliams@fayetteville-ar.gov>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>; Stoll, Garner <gstoll@fayetteville-ar.gov>  
**Cc:** Evelyn Stilwell <evelynstilwell@gmail.com>  
**Subject:** RE: Re-zoning request for 360 Arkansas Ave.

Kara, this is item C.4 on the next agenda. Only Council Members Petty and Kinion were copied so will you please send Ms. Stilwell's comments to the full City Council?

--

**Blake E. Pennington**

Assistant City Attorney

Tele: (479) 575-8313

[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)

---

**From:** Evelyn Stilwell <[evelynstilwell@gmail.com](mailto:evelynstilwell@gmail.com)>

**Sent:** Monday, June 08, 2020 11:50 AM

**To:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>; Jordan, Lioneld <[ljordan@fayetteville-ar.gov](mailto:ljordan@fayetteville-ar.gov)>; Pennington, Blake <[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)>; Kinion, Mark <[ward2\\_pos1@fayetteville-ar.gov](mailto:ward2_pos1@fayetteville-ar.gov)>; Petty, Matthew <[ward2\\_pos2@fayetteville-ar.gov](mailto:ward2_pos2@fayetteville-ar.gov)>; Paxton, Kara <[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)>; Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>; Stoll, Garner <[gstoll@fayetteville-ar.gov](mailto:gstoll@fayetteville-ar.gov)>

**Subject:** Re-zoning request for 360 Arkansas Ave.

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regarding the requested re-zoning of ONE small 0.2-acre lot, 360 Arkansas Avenue, from RMF-40, which requires a fraternity to have at least a *one ACRE lot* for a house for their members, to DG (Downtown General) by Jorgensen and Associates, Civil Engineering, on behalf of Sigma Phi Epsilon fraternity.

On May 26 the planning commission rejected 8-0, their request after it had been tabled at the first meeting on May 11. I understood that the purpose of "tabling" it was to give the architect time to address the problems.

However, the problems remained, as the issues that the neighbors originally had are unalterable: the lot is simply TOO SMALL for what they propose to build in our historic neighborhood. The architect did not/could not offer changes that rectify the problem.

The Sig Ep fraternity wants to build a structure on this lot which is out of character and incompatible with our neighborhood in two ways:

1. The requested re-zoning to DG would allow a structure to be built on this one lot OUT OF PROPORTION with the designated zone of the neighborhood. The proposed building would be the ONLY house on the two blocks of Arkansas Avenue which has less than a 25' set-back from the front sidewalk. The side setbacks will also be too close for the neighboring houses and tree canopy, including ours next door. We are family/owner occupants living at this address since 1991.
2. The historic beauty and aesthetic visual impact of the Avenue is important for the grandeur of the approach to Old Main and Senior Walk, which also is highlighted by classical street lamps and matching Princeton Elms (recently added). The new "Senior Walk," is already admired and photographed by many visitors. Beyond this, the fact that this historic avenue was beautified by a

generous gift from the actor/cowboy-comedian Will Rogers in 1931. A plaque commemorating that bequest to the City stands in the avenue. We should NOT re-zone this single lot and lose the historic value that has been maintained for 100 years. Once it's gone, it will be gone forever. Let's not degrade, but rather preserve this heritage.

Other issues:

- Trash; many overflowing and unsightly trash containers will be left on Senior walk for days.
- There is no provision or place for parking, which will be a problem for all of us. If 48-50 residents live in separate apartments in the proposed house and the rest of the 200 members come for events and recruiting, the nuisance of such a massive building upon the neighbors will highlight the reason our small enclave of a historic neighborhood should remain wholly RMF 40, with no lone exceptions.

Recently, besides buildings renovated on Arkansas Avenue, the University has further enhanced the avenue with matching Princeton Elms, lamp posts on both sides, and wider sidewalks being engraved as a

Our neighborhood **chose in 2006 to be excluded from the Downtown Master Plan.** The proposed structure would not fit with the style and beauty of this unique historic neighborhood, nor the grandness of the Avenue. We should keep it and improve it. We should not change the standard for one group which wants the zone changed for ONE lot. The zoning should not be changed to allow one over-sized structure.

Thank you for hearing me. Sincerely,

Evelyn Stilwell  
358 Arkansas Ave.

## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 9, 2020 7:55 AM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Hogan, Maureen; Stoll, Garner; Curth, Jonathan  
**Subject:** FW: Letter from Jeff Block re: 360 Arkansas Ave / with data charts

To Fayetteville City Council ,

Thank you for your time . My name is Jeff Block and I live at [370 Arkansas Ave](#) next to the proposed very large Fraternity Building at [360 Arkansas Ave](#) .

I am writing to ask you to deny Downtown General zoning variance for their proposed building on a small lot on a Historic Street in a historic district .

I would like to recognize and applaud the council for its many actions to preserve this historic area , specifically the work done to obtain National Historic Registry for the entrances to the Gregg Addition . ( Lafayette and Maple St bridges )

Also I applaud your hard work within current zoning of RMF40 on recent buildings and renovations in the area between Gregg Ave and Arkansas Ave to assure suitable set backs , heights and building materials were used . We need you to continue to help us with our neighborhood 's preservation.

Therefore ,

1- I am opposed to DTG variance in this area

A variance for current plan would allow only a 3 foot set back from the Senior Walk , on a street with an average set back of 28 ft from Senior Walk to facade ; and an average of 40 ft from curb to Facade . ( chart provided at bottom )

DTG and commercial zoning has not been used in this Historic Area and the precedent would destroy the work the City has done to Preserve this area, and the Bridge entrance to it .

2- I am opposed to the scale of building on a very small lot . The Fraternity has only a 0.2 Acre lot . They removed a 4000 to 5000 sq ft building . ( sources vary on stated size and original building was removed before formal sq footage established or final rebuilding plans approved )

Fraternity zoning requires much larger lots and parking on a per bedroom basis . The bedroom # has changed in Fraternity plans over time .

Additionally , by building essentially lot line to lot line , it creates logistical problems with water drainage , adequate additional sewer demands, trash build up and collection , protection of trees' roots on adjoining properties and potential fire containment due to massing building to side lot lines .



Please See Chart 2 below for Sq footage of buildings on size of lots , which shows the inappropriate massing of the Fraternity's proposal .

3- Suggested building is not compatible with Historic area , which is still predominantly a family area. Many homes are listed on national and city historic websites . ( see chart 2 below ) All have deep setbacks and green landscaped spaces .

Thank you for your ongoing work to preserve historic Fayetteville.

Sincerely , Jeff Block

Chart 1: Set Back info

Address.	Distance curb / facade
<a href="#">410 Ark Ave</a>	<u>43</u> ft
<a href="#">402 Ark Ave</a>	<u>39</u> ft
<a href="#">370 Ark Ave.</a>	<u>47</u> ft
<a href="#">358 Ark Ave</a>	46 Ft
<a href="#">348 Ark Ave</a>	<u>35</u> ft main entrance ( 18. 8 ft closest spot )
<a href="#">340 Ark Ave.</a>	45.8 ft
Stone House	41 ft ( 19 feet to Fencing )
TKA	34.6 ft
Church.	32.8 ft

The Senior walk , another measurement , is useful :

Senior walk inner edge to facade is :

<a href="#">410 Ark Ave</a>	<u>28</u> ft
<a href="#">402 Ark Ave</a>	<u>28</u> ft
<a href="#">370 Ark Ave.</a>	<u>32</u> ft
<a href="#">360 Ark Ave</a> proposal :	3 ft
<a href="#">358 Ark Ave.</a>	32ft
<a href="#">348 Ark Ave.</a>	20ft
<a href="#">340 Ark Ave</a>	<u>30</u> ft

Stone House	28 ft
Sculptural brick Fence	3 . 8 ft
TKA.	28.8 ft
Church.	28 ft

An aerial Google view shows consistent setbacks maintained along Lafayette St , Maple and Reagan St .

Chart 2 : sq footage of buildings on size of lots :

[358 N. Arkansas Avenue – Neighbor](#) to the South

**Historic Arkansas House**

**Home to the Stillwell family since 1991.**

5,026 Square feet

.36 acre

[370 N. Arkansas Avenue – Neighbor](#) to the North

**Historic Block House**

**Block family-owned since 1909.**

Two story 2 unit home

.44 acre

[617 W. Lafayette St. Neighbor](#)

**Villa Rosa, Listed on the National Register of Historic Places**

**Home to the Marinoni Family since 1905.**

3,000 square feet

.26 acre

[339 N. Gregg Ave. Neighbor](#)

**The Gregg House, Listed on the National Register of Historic Places**

**Home to the Gregg family since 1848.**

5,100 square feet

.88 acre

615 W. Lafayette

**Historic Monterey Apartments**

11,151 square feet

.26 acre

[330 N. Arkansas Avenue](#)

**[Historic Sigma Nu House](#) designed by Edward Durrell Stone**

Currently the Phoenix House

.97 acre

[348 N. Arkansas Avenue](#)

**[Historic Farm House Fraternity](#)**

Originally Campus View Apartments

8,700 square feet  
.3 acre

360 N. Arkansas Avenue  
Former Sigma Phi Epsilon house  
4,045 square feet on  
.21 acre

Delta Gamma Sorority  
Corner of Arkansas Avenue and Maple  
Almost 2 acres

402 N. Arkansas Avenue  
Church of Jesus Christ of Latter Day Saints  
4,728 square feet  
.39 acre

410 N. Arkansas Avenue  
Speech and Hearing Clinic  
.23 acre

320 N Arkansas Avenue  
Pi Kappa Alpha Fraternity  
.66 acre

340 N. Arkansas Avenue  
Kappa Alpha Fraternity  
.54 acre

Has about the same as what the Sigma Phi Epsilon is asking for  
They have about 50 in the house and about 220 members with two and a half times the land. .54 versus .21 acre

610 W. Lafayette  
Lafayette Gregg Apartments  
Successfully built with RMF-40 zoning, sensitive to historic area  
14,706 square feet  
.59 acre

620 W. Lafayette  
Lafayette Street Apartments  
Successfully built with RMF-40 zoning, sensitive to historic area  
7,900 square feet  
.29 acre

**MAUREEN HOGAN**

LICENSED ASSOCIATE REAL ESTATE BROKER

**DOUGLAS ELLIMAN REAL ESTATE**

***THE BEST COMPLIMENT IS A REFERRAL***

DIRECT: 718.780.8132

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156 MONTAGUE STREET, BROOKLYN, NY 11201

[MY LISTINGS](#)

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## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 9, 2020 11:26 AM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Jeff Block; Stoll, Garner; Curth, Jonathan  
**Subject:** FW: 360 Arkansas Ave proposed spot rezoning.

City Clerk, would you please forward to the all the relevant parties. I had sent previously but my technology is spotty today and I'm not sure that the Mayor, City Planner, City Attorney and all the City Council members received this. My apologies for doubling up the emails. Thank you.

Good morning,

Two photos to show how close the proposed Sig Ep house will loom over the Senior Walk. Please note the great difference between the setback for 370 and the proposed 3 foot distance for 360. The 3 story flat, rectangular building will eliminate the historic, open and gracious flow of Arkansas Ave to the entrance of the University and Old Main. Thank you.

Best,

Jeff Block





Sent from my iPhone

## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 9, 2020 12:00 PM  
**To:** Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Mathis, Jeana; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle  
**Cc:** Hogan, Maureen; Stoll, Garner; Curth, Jonathan  
**Subject:** Fwd: Opposition to DTG variance for 360 Arkansas Ave

Dear members of City Council ,

Will Rogers in [1931 dedicated Arkansas Ave](#) in the Gregg's Addition to the city of Fayetteville . In the heart of a depression , and as the world marched reluctantly towards war ....he exhibited optimism for the future of this beautiful city

In my previous letter to the planning commission, I addressed my personal recent observations of this stretch of Arkansas Ave which demonstrated to me that it is indeed a historic touchstone for not just university Alumni but all Fayetteville citizens .

In that letter , I described how people interacted within the space in what we pray were the worst days of this pandemic, and I argued that the Gregg Addition is a de facto historic district , as well as a restorative space for people .

Through careful choices city has preserved this beautiful boulevard and the residential nature of the Gregg Addition . This I believe is at the heart of the Unanimous City Planning vote on 5/26 against giving the Sigma Phi Epsilon a variance to enable them building an oversized building without a set back from the Senior Walk .

Cities all over Arkansas , other states and the world are struggling to rebuild historic areas and build walkable zones in their cities. This brings not only tourism but joy , pride and health to the residents .

Fayetteville was already blessed with being the jewel of Northeast Arkansas .

Thanks to community efforts to save Old Main , the old Washington County Court House, the graceful Town Square, the Post Office , the historic Maple st and Lafayette st Bridges and Carnall Hall , it has remained so .

An influx of funding from area donors has restored cultural and performing art centers to the city . The university has recently invested in lovely trees and vintage lamp posts along the Senior walk . The city council fought for National Historic Registry for bridges .

For Decades, All renovations (Farm House , fraternities, sororities , apartment houses and the historic Stilwell house at [358 Arkansas Ave](#)) have consulted and cooperated with city planning's aesthetic rules to preserve the historic nature of both the district and the



boulevard .( There does exist down in the "Edward Durell Stone section " near Dickson an homage to Arkansas's midcentury Architectural fame and one short brick fence wall there has a slightly smaller set back . )

The Downtown General expansion into the Gregg Addition was previously rejected by the community , and should not be allowed in the Gregg Addition .

I invite members to come spend time on our porch at [370 Arkansas Ave](#) and observe all ages of people strolling the area , or painting and Instagram-ing within its block . These very walkable streets are beloved by and an asset to the City .

An additional note :

The original published Fraternity plan of 2015 was to build a building with 12 bedrooms for 24 of their 200 members .

Since then , This zero point 2 acre lot has behaved like a petite slipper presented to Cinderella's step sisters. The Fraternity has progressively tried to squeeze into a small footprint by building larger and larger .

The lot , of course, remained 0.2 acre .

The current enlarged plan basically touches the new Senior walk . Only a 3 foot set back . An arms length . Less .

The Fraternity assumes that the city will cede some road to it to build ADA parking bump outs that they call "green space " and is therefore measuring "set back " from that spot . I believe the set back must be measured from inner Sidewalk not a parking space carved out of donated city roadway. And it should match adjoining properties set back .

Their plan to additionally push the building closer to side lot lines and digging down for ever more parking will destroy roots of historic trees and defoliate the neighboring yards . Looming taller will shadow trees and shrubs .

Without an approved plan , they had the hubris to demolish the existing historic (although badly used ) building in January .

In summary : ( sorry to be so long-winded)

#### 1- NON COMPLIANT WITH AREA

The building should meet historic set back precedent of 20 to 30 ft .

FROM THE SENIOR WALK . Not the ADA bump out .

Aside from set back , Their current plan is NOT , as they claim , compatible with the area . It destroys a boulevard , a tree lined strolling area, and the historic residential area ( Gregg Addition ) by bringing in large scale commercial , and most importantly a heritage that belongs to the entire city .

#### 2- MASSIVE BLDG ON A SMALL LOT

This presents numerous logistical problems that city boards will struggle to overcome in later development stages .

If protecting this valuable streetscape means a return to the Fraternity 's original smaller building suggested in 2015 but with a proper pushback , this might be creating a loss of parking . I would argue that would no hardship for the Fraternity :

On their webpage they tout their location "right across from Old Main " so (with the exception of ADA parking , which they assume city is ceding to them ) the 24 people living across from campus can walk to classes ; and walk to nearby parking lots if any of those 24 students brought a car to school . The square is also walkable distance .

Insistance on a large building on a very small lot , however pushed back the set back is , only highlights other inherent irresolvable problems . To grant variance will NOT RESOLVE their admitted problems : now wanting 48 parking spaces , sewer enlargement (asking to replace an ~5000 sq foot house with over 14,000 sq ft ) trash build up and access near the ADA bump out , tree damage , noise , water drainage , other nuisances . It is too much mass on area .

3- Downtown Zoning not consistent with Gregg Addition housing , and unnecessary

There is adequate nearby commercial properties on Dickson and West St , the massing of large buildings in this area is an unnecessary and an unreasonable destruction of City Heritage .

I fear variance to DTG given to house only a small portion of the Fraternity members will be the Trojan horse that destroys what Will Rogers dedicated in 1931 to the City , and the City has had the wisdom to preserve faithfully .

Thank you !

Maureen Hogan Block

**MAUREEN HOGAN**

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## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 9, 2020 1:45 PM  
**To:** Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Mathis, Jeana; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle  
**Cc:** Diane Block; Stoll, Garner; Curth, Jonathan  
**Subject:** FW: Rezoning Request for Sigma Phi Epsilon Fraternity, 360 Arkansas Avenue  
**Attachments:** FBD2C26F-B65E-42C9-BC86-FCDB9E776C22.jpeg; DDB198C0-08DD-4A9F-887D-13AB021F3811.jpeg; 6945CA26-6122-4BC6-8DA5-BC0E352AA579.jpeg; 1E9C431B-11BA-4B8F-AF89-A064D9D690EC.jpeg; F38B0731-BFE3-4FE2-85A3-D6BBAA51B6E2.jpeg

Dear Fayetteville City Council,

I'm writing to express my family's opposition to the rezoning of the Sigma Phi Epsilon Fraternity property, 360 Arkansas Avenue, from its current RMF-40 designation to "Downtown General."

I ask that the Council vote to deny the DG rezoning of this 0.21 acre lot on Arkansas Avenue, "the front door of the University," allowing the construction of a massive 14,000 sq. ft. fraternity house whose front facade will begin only 3 feet from the recently completed sections of Senior Walk.

In 2006, the entire Gregg Addition voted against being rezoned to DG. We have always been a residential neighborhood and we continue to oppose the Downtown General designation. And we specifically want to keep our RMF-40 zoning with the deep setbacks, green spaces, and welcoming tree canopy that have been present since its beginning.

My brother, Jeff Block, and I own the house at 370 Arkansas Avenue, which is next door to the fraternity property. We thank you for your time and consideration in evaluating the significant impact such a rezoning would have, and appreciate the opportunity to share reasons for valuing the preservation of the Avenue's unique and irreplaceable historic vista, which has existed in front of the Old Main campus for well over 130 years.

My family has been part of this wonderful tradition since 1909, when our great-great grandfather, Fayetteville County Judge J. T. Hight, purchased our property in the Gregg Addition. We've had the good fortune to continue passing this property down through four generations so far, and we're honored to be in the company of several other families whose presence in the neighborhood goes back as far as 1848.

I want to thank and applaud the Council for the many actions it has taken to preserve the beauty and historic character of our neighborhood. We are proud of the recent restoration of the Lafayette and Maple Street bridges, which you championed, and of your hard work to secure them a place on the National Historic Registry. They are the gateway to the historic Gregg Addition and Arkansas Avenue.

You have continued to work with architects, builders and neighborhood families to assure that renovations and new structures will retain the aesthetics and character for which it is known: appropriate and graceful setbacks, non-intrusive heights, compatible building designs and materials, landscaping and preservation of existing trees.

Now we need the City Council to help us preserve the aesthetic and historic integrity of what people actually see as they stroll our neighborhood and Arkansas Avenue, the jewel of the University and of our City. Here are the reasons that your help is so crucial and urgent:

**1. DG zoning would open our residential area to incompatible buildings that could be massive in scale and height, and**

would trigger the influx of commercial businesses such as stores, cafes, and music venues, which are already abundant on Dickson Street.

2. The proposed Sigma Phi Epsilon fraternity house of 14,000 sq. ft., with 50 occupants from its 200+ membership, is too enormous and impractical for a 0.21 acre lot with virtually no parking beyond 8 cars and several, small motor scooters.

3. The unreasonable mass of this 50-resident building and its inadequate parking, plus the fraternity recruitment and frequent parties which in past years have been attended by hundreds of students at a time, will create a nuisance for its neighbors in terms of:

Trash build up on Senior Walk; impacts to water drainage; the destruction of trees and landscaping of adjacent homes during construction; the large shadow its 3 to 4 stories will cast upon homes behind and to the side; the additional sewer demands for 50 occupants, plus the guests during parties when there is only one public restroom on the ground floor; potential for a fire to spread to nearby family homes and fraternities due to close side lot lines.

4. The wide vista, and aesthetic and historic character of Arkansas Avenue, will be obstructed and marred by a single building jutting out within 3 feet of Senior Walk. The new trees, lampposts and landscaping demonstrate the University's commitment to honor the historic setback line and unique beauty of the Avenue.

Recently, for example, the project description for Delta Gamma sorority's new house at Maple St. and Arkansas Ave. stated that its design

"must establish a significant and welcoming presence....to ensure that the building creates a memorable entrance statement for visitors entering campus from the east... [with] existing houses along the row that are fine examples of well-proportioned and correctly detailed Classical architecture, and for the design to be successful it must continue this campus tradition in a purposeful way."

5. Arkansas Avenue and the Gregg Addition constitute one of the last pieces of the original Fayetteville still remaining. The proposed DG rezoning would set in motion the irretrievable loss of this beautiful residential area and City showplace.

My mother and her friends were instrumental in saving Old Main from demolition. Succeeding generations may not have the connection this unique and culturally symbolic area that I do, but I want to do my part to save an irreplaceable Arkansas Avenue and its nearby streets, so richly historical and evocative, for them to learn from and savor for many years to come.

I urge the City Council to join me and our neighbors in celebrating this piece of our heritage, and in preserving the RMF-40 zoning that provides Fayetteville families, and thousands of students and visitors, with a continuance of the meaningful, iconic history we love.

Sincerely,

Diane W. Block  
1320 Cerro Gordo Road  
Santa Fe, NM 87501  
(505) 984-0687

**Note:** I am attaching a few of my family's photographs, c. 1910 - 1916, of Arkansas Avenue and University life. They, like the stories my brother and I grew up with, reach like an outstretched hand across four generations to connect the Arkansas Avenue they knew to the one we know and cherish today.

To wit:

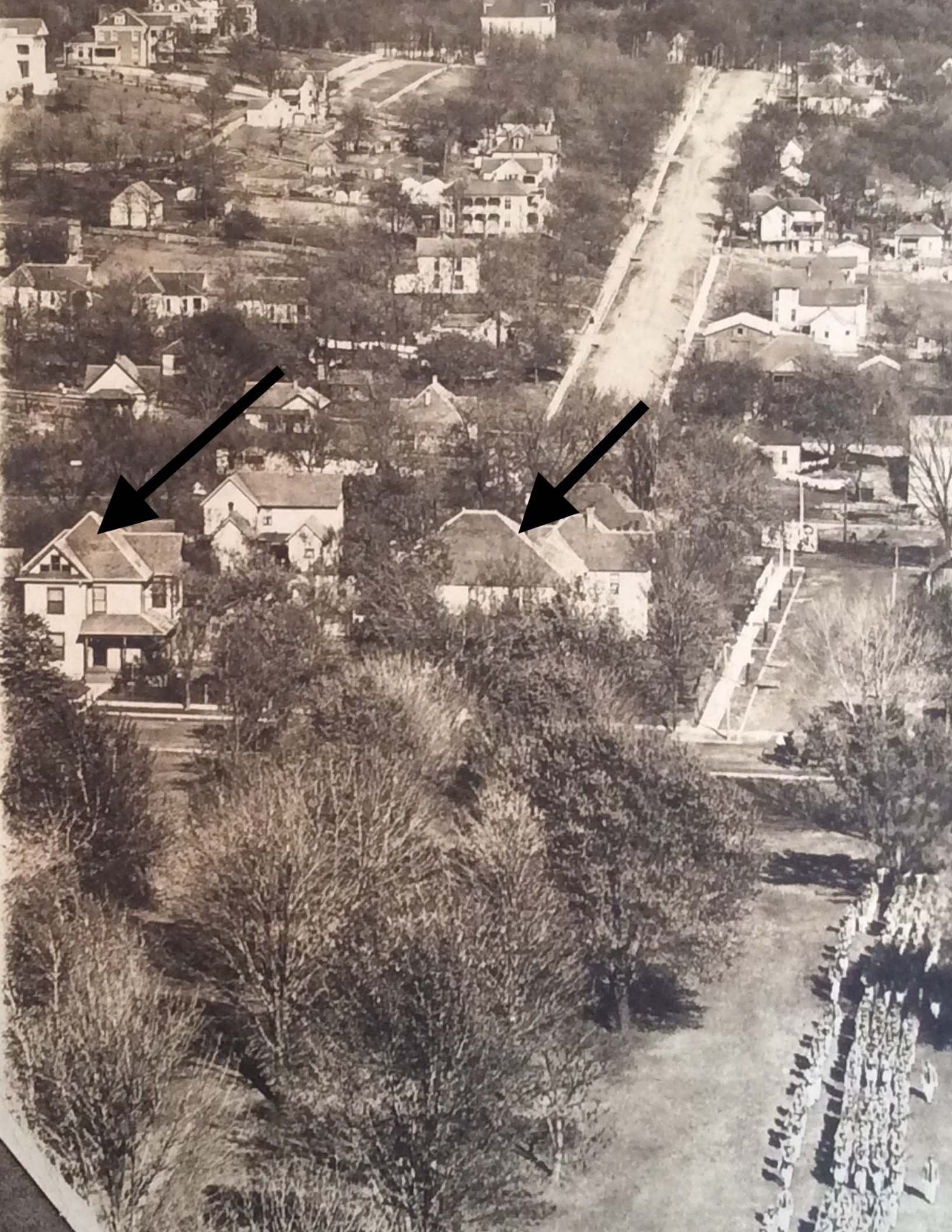
1. **View of campus and Arkansas Avenue from North Tower of Old Main, c. 1910.** On the far left is #360, the house that formerly stood on the Sigma Phi Epsilon's current property. #358, its neighbor to the right, with the hipped roof showing above the trees, has been the home of Evelyn Stilwell's family since 1991. She is one of our neighbors who have sent letters opposing the rezoning to DG.

**2. My grandmother, Lillian Lawson Wood, c. 1912, in the side yard of #360, bordering the Stilwell property.** In the distance is the University's stone wall on Arkansas Avenue; also shown are some of the trees on the Sitwell property before they had attained their present height and girth. The family is anxious to preserve their carefully nurtured trees from root damage and destruction during the building of the proposed fraternity house next door.

**3. Hazel Jones Hight with her daughter, Garland, c. 1912-1913, near our house on Arkansas Avenue.** Note the tree canopy, plus historic Carnall Hall in the background.

**4. My grandmother, Lillian Lawson, on Arkansas Avenue, U of A Graduation Day, 1913.** She poses for her father, C. M. Lawson, in the buggy filled with roses that he gave her for her graduation. This family keepsake illustrates the tradition of taking photographs of graduating seniors on Arkansas Avenue, a tradition which continues to the present day—and even more so now, as students pose for photographs beside their names on the recently completed extension of Senior Walk.

**5. Me and my father, Jere Block, 1952, on the lawn of our house at 370 Arkansas Avenue.** The maple tree at the corner of our property and Regan Street is still thriving 66 years later. The University worked with us to assure its health and preservation during the construction of the adjacent Senior Walk, illustrating so well its commitment to working with residents to ensure that the aesthetics and historical nature of the Avenue are sensitively addressed and preserved.













## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 9, 2020 2:27 PM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Planning Shared; pm@paulamarinoni.com  
**Subject:** FW: sigma phi epsilon : proposed rezoning on arkansas avenue  
**Attachments:** Sigma Phi Epsilon Variance in 2008 and 1985.pdf

To Kara Paxton – Please distribute to Mayor, City Attorney, City Planners and all City Council Members

Note below in the letter from the University, #4.

And note in the attached Variances granted to Sigma Phi Epsilon (or owner for their use) in 2008 and 1985 that they couldn't meet the requirements of the RMF-40 even with 12 members. The variances were for the small house that was torn down (enlarged to about 4,000 square feet). They are not "rebuilding" the old house, they are taking it from a 4,000 to 14,000 square foot building on 2 tenths of an acre. Note also that the RMF-40 zoning requirements have changed. See on the attached from 2008 that it was a 25' front setback, with 8' side and 20' rear setbacks. This was tied also to the height as shown in "(F) *Height regulations*. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet." This is the zoning for RMF-40 that was followed by the buildings at 610 and 620 West Lafayette. As you can see they turned out nicely. This was one of the reasons that in 2006 our whole little 3 block historic neighborhood demanded to be taken out of the Downtown Master Plan area and that we wanted to be left at RMF-40. As you can see with the proposal, even with major changes in setbacks and height, it still protects this neighborhood better than Downtown General.

We do not want Downtown General zoning in our neighborhood. Others were required to use the RMF-40 zoning and did so successfully.

If anyone has any questions or would like a tour of our little historic neighborhood, please feel free to contact me.

Grateful for your support!

Paula Marinoni

*Paula Marinoni*  
[pm@PaulaMarinoni.com](mailto:pm@PaulaMarinoni.com)  
479-466-4128

-----Original Message-----

From: Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
To: Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
Cc: Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>  
Sent: Tue, May 26, 2020 4:19 pm  
Subject: FW: sigma phi epsilon : rezoning on arkansas avenue

Dear Commissioners,

Please see below as well for additional comment from the University of Arkansas Facilities Management Department regarding the rezone request 20-7080 on Arkansas Ave for your consideration.

Many thanks,

Jessie

**Jessie Masters**

Senior Planner  
City of Fayetteville, Arkansas  
(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



---

**From:** Todd E. Furgason <[toddf@uark.edu](mailto:toddf@uark.edu)>  
**Sent:** Tuesday, May 26, 2020 2:33 PM  
**To:** Masters, Jessica <[jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)>  
**Cc:** Curth, Jonathan <[jcurth@fayetteville-ar.gov](mailto:jcurth@fayetteville-ar.gov)>; Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
**Subject:** sigma phi epsilon : rezoning on arkansas avenue

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica,

Thanks for calling me just now to discuss the [proposed rezoning of the Sigma Phi Epsilon property on Arkansas Avenue](#). I appreciate your clarification that the site plan included in the application packet is for reference only, does not indicate a final design, and that the project will still go through development review regardless of whether the rezoning is approved.

As we discussed, the university is not taking a position on whether the property is rezoned or not, but there are some issues in the rezoning packet relevant to UA which I'll summarize below:

1. [City notices](#) about adjacent developments aren't making it the relevant UA folks. We'll check internally to see if there's a way to get them consistently routed from the office at *321 Administration Building* to us, but may also ask if the city could send notices directly here to Facilities Management.
2. We want to make sure that the relevant parties are aware that [UA owns Arkansas Avenue](#) all the way to the east side of the eastern sidewalk, so any frontage improvements or demolition must be coordinated with and approved by the University of Arkansas. In addition, Sigma Phi Epsilon granted a perpetual easement east of the new sidewalk which allowed UA to install and service new lightpoles. The site plan in the application packet makes it look like the new house

encroaches into that easement (but as you noted, the site plan is for reference only and may change).

3. Because UA owns and controls the [parking](#) on Arkansas Avenue, any desire for dedicated on-street parking by Sigma Phi Epsilon needs to be coordinated with UA Transit and Parking, not as part of the city development review process.
  
4. The land use plan analysis mentioned that rezoning will open up the neighborhood for [mixed-use and commercial development](#). From the standpoint of the university properties in the area, there is almost no chance that our buildings will be demolished in the foreseeable future to make way for an urban frontage of mixed-use or commercial buildings. Please note that two of the UA buildings on Arkansas Avenue are listed on the National Register of Historic Places, and that there are no plans to replace them with new development. In addition, the buildings UA has constructed recently along the street have been placed on their sites to respect the existing scale and alignment of the neighboring historic homes.

Thanks again for hearing our concerns.

Sincerely,

Todd F.

Todd Furgason, Senior Campus Planner  
University of Arkansas  
**Facilities Management Planning and Design**  
479 575-6983 direct  
<http://planning.uark.edu>





**BOA Meeting of April 7, 2008**

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

THE CITY OF FAYETTEVILLE, ARKANSAS

**BOARD OF ADJUSTMENT CORRESPONDENCE**

TO: Fayetteville Board of Adjustment  
 FROM: Andrew Garner, Senior Planner  
 THRU: Jeremy Pate, Director of Current Planning  
 DATE: March 25, 2008

**BOA 08-2960 (SIGMA PHI EPSILON, 483):** Submitted by SEAN TRUMBO for property located at 360 ARKANSAS AVENUE, NORTH OF LAFAYETTE. The property is zoned RMF-40, MULTI FAMILY - 40 UNITS/ACRE and contains approximately 0.21 acres. The request is for a reduced lot area for the proposed fraternity.

Planner: Jesse Fulcher

**BACKGROUND:**

*Property:* The subject property is located at 360 N. Arkansas Avenue and is zoned RMF-40. There is an existing multi-family building located on the property that was constructed in 1911 according to Washington County parcel records. There are currently 10 apartments, 11 bedrooms and 10 on-site parking spaces. The property was previously used as a fraternity house; however, is currently utilized as an apartment building. The previous use as a fraternity house was allowed after variances for lot area and lot width were approved in 1985 by the Board of Adjustment (see attached minutes). Staff is processing the lot area variance, since the use of a fraternity, which is what required the lot area variance, ceased operation and the building was then used as a multi-family building. Additionally, staff is not processing a lot width variance, since the 90' lot width requirement applies to both multi-family and fraternity uses. The property has continually been used for one of these uses since the variance was granted in 1985.

*Surrounding Land Use and Zoning:*

Direction	Land Use	Zoning
North, East and South	Residential	RMF-40
West	University	P-1

*Proposal:* As shown in *Table 1*, the applicant is requesting a lot area variance to allow for the use of the structure for a fraternity.

**Table 1  
 Variance Request**

Variance Issue	Ordinance Requirement	Applicant's Request
Lot Area	1 acre (43,560 sq. ft.)	9,000 sq. ft. (a 34,560 sq. ft. variance)

CITY PLAN 2025 DESIGNATION: Future Land Use Plan: City Neighborhood Area

**RECOMMENDATION:**

Staff recommends approval of the requested lot area variance as shown on the attached survey subject to the following conditions of approval:

1. No more than 13 bedrooms are permitted in the structure, based on the 10 on-site parking spaces provided, unless conditional use approval is granted by the Planning Commission for reduced parking.
2. Other than the requested variance, development on the property shall comply with all development regulations in the RMF-40 zoning district.

Additional Conditions/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<b>BOARD OF ADJUSTMENT ACTION:</b>	<input checked="" type="checkbox"/> <b>Approved</b>	<input type="checkbox"/> <b>Denied</b>
<b>Motion:</b> _____		
<b>Second:</b> _____		
<b>Vote:</b> _____		
<b>Date:</b> <u>April 7, 2008</u>		

The "CONDITIONS OF APPROVAL" listed in this report are accepted in total without exception by the entity requesting approval of this variance.	
<b>Name:</b> _____	<b>Date:</b> _____

**FINDINGS:**

**City of Fayetteville Unified Development Code  
Section 156.02 ZONING REGULATIONS**

Certain variances of the zoning regulations may be applied for as follows:

- A. **General Regulations/Application.** A variance shall not be granted unless and until an application demonstrates:
  1. **Special Conditions.** That special conditions and circumstances exist which are

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peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

**Finding:** The property and existing structure were platted and constructed in the early 1900's according to Washington County parcel records, well before the current zoning district requirements. Staff has not determined when and for what reasons a one acre minimum was required for a fraternity house, when no such requirement is applied to multi-family dwellings, which provides the same housing style. It is staff's opinion that the one acre lot area minimum required for fraternities and sororities may need to be addressed through an amendment of the zoning ordinances. This requirement was also a point of discussion in 1985 when the original variances were granted.

2. **Deprivation of Rights.** That literal interpretation of the provisions of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning regulations.

**Finding:** The owner could continue using the property as a multi-family dwelling unit, even renting the units to members of a fraternity. The variance would simply not permit the operation of a "fraternity" in the building. Staff finds that there is not a significant difference between a multi-family dwelling and a fraternity, which is comprised of multiple individuals. Therefore, the literal interpretation of the zoning regulations will deprive the applicant of rights commonly enjoyed by other properties in the same district.

3. **Resulting Actions.** That the special conditions and circumstances do not result from the actions of the applicant.

**Finding:** Converting the existing multi-family dwelling into a fraternity house is an action of the applicant. However, the use as a multi-family structure is not changing.

4. **No Special Privileges.** That granting the variance requested will not confer on the applicant any special privilege that is denied by Zoning, Chapters 160-165, to other lands, structures, or buildings in the same district.

**Finding:** Granting the requested lot area variance will not confer on the applicant any special privileges. Rather, it will simply allow the inhabitants of the dwelling to be an organization.

5. **Nonconforming Uses.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

**Finding:** No other nonconformities were considered as a basis of the findings stated in this staff report.

**Section 156.02 C. Consideration by the Board of Adjustment.**

1. **Bulk and Area.**  
Applications for variances of bulk and area requirements shall be considered by and may be approved by the Board of Adjustment.
2. **Public Hearing.** A public hearing shall be held.

**Finding:** A public hearing is scheduled for Monday, April 7, 2008.

3. **Findings.** The Board of Adjustment shall make the following findings:
  - a. **Minimum Variance.** That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

**Finding:** The requested lot area variance is the minimum needed to bring the existing nonconforming structure into compliance.

- b. **Harmony with General Purpose.** The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of Zoning, Chapters 160-165, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**Finding:** The structure has been used as a multi-family building and fraternity for several decades. Granting a variance to allow for fraternity use, which is similar to an apartment building will be in harmony with the general purpose and intent of zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Furthermore, granting the variance will be consistent with the variance that was previously granted for the same property.

- c. **Conditions and Safeguards.** In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with the zoning regulations.

**Finding:** Staff has recommended conditions for this request which are stated on page one of this report.

- d. No Variance Allowed.** Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under Zoning in the district involved, or any use expressly or by implication prohibited by the terms of the zoning regulations in said district.

**Finding: Fraternities and sororities are a use by right in the RMF-40 zoning district.**

**City of Fayetteville Unified Development Code  
161.14 District Rmf-40, Residential Multi-Family – Forty Units Per Acre**

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	16 to 40
----------------	----------

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

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

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

360 Arkansas Ave. Variance request:

We respectfully request a variance to allow a fraternity on a lot less than 1 acre and to allow the current apartment building to be used to house Sigma Phi Epsilon Fraternity. The property is located across the street from the University of Arkansas and Old Main and has been used in the past to house our fraternity.

The current zoning allows a fraternity but the minimum lot requirement is 1 acre. We are requesting a variance to this requirement. The property is 9000 square feet. It is currently zoned properly and is in use as an apartment building, which contains 10 apartments with 11 bedrooms.

A plot plan is attached with ample space for 10 parking places east of the building. There are 3 parking spots in front of the building that are available for additional parking. The parking places will be assigned to residents based on their current GPA at the University of Arkansas. The member with the GPA that is below 10<sup>th</sup> place will have to find suitable parking either at the U of A facilities or legal parking within the city of Fayetteville. Parking will be enforced by a permit system. Violators will be towed.

The north side of the building will continue to be used as a drive. The west and south side of the building will continue to be used as turf or suitable ground cover plant material.

This structure lends itself to house a fraternity with the respect to location and its proximity to other fraternities on Arkansas Avenue. This is an ideal location to allow the students to walk to the University to attend class and participate in related events at the University. This structure would be similar in use with the other structures in close proximity. It is our intention to house 14-16 men in this facility.

Respectfully,

Phillip McKnight

February 11, 2008

To: Chair of the Board of Adjustments, City of Fayetteville  
From: Phillip McKnight, Sigma Phi Epsilon Fraternity, and University of Arkansas.

RE: Variance to City Ordinances concerning lot size minimums and Fraternities.

Property: 360 Arkansas Avenue.

We are currently in process of purchasing the property and have not taken possession of the facility and as such, the special conditions and circumstances did not result from the actions of the applicant.

The literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly used by other properties in the same district based on the 1 acre minimum. The property zoning allows fraternities and sororities but we are a small fraternity and as such, the membership is unable to afford to purchase a house or even an acre of land near or on campus.

Granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district because fraternities and sororities are allowed by right in this zoning district.

Sigma Phi Epsilon is the nation's largest fraternity and has unique programs that separate Sig Ep from the rest of the fraternities on campus.

The University of Arkansas chapter of Sigma Phi Epsilon participate in a nationally recognized program call the Balanced Man. This program is a four year development program that promotes the Healthy Body and Healthy Mind. This program is unique. The emphasis is not only on the importance of having a healthy body but also promotes the interaction of the students with the University and the community. One of our mission statements is: Building Balanced Leaders for Tomorrow's communities. We also plan to install a Residential Learning Community. This program is reviewed and evaluated by our national fraternity. This will involve study facilities on site along with a dedicated computer station to help the students with their studies. We currently have a university professor that will hold seminars and office hours at the facility. Dr. Jeanne McLachlin, Ph.D is currently the chapter advisor. Dr. McLachlin is a professor in the Department of Biological Sciences and is the Assistant Director of the Premedical Program.

Respectfully submitted,

Phillip McKnight

Becker said he saw many non-conforming type problems with this property but still felt that putting it back into single-family ownership was the guiding light.

Allred agreed with Becker noting that the non-conforming structure would still exist whether the variance is granted or not.

Tompkins acknowledged that private ownership would improve the quality of the neighborhood and that the proportion of yard space is about the same as in East Oaks. He said what bothered him is the long-term affect and what the City has determined is an appropriate living space. He said he was inclined to disapprove this request.

Boyd asked if there were any specific parking requirements for this situation and Jones replied that there are but she could not apply them retroactively.

MOTION

Becker moved approval of the request for waivers as stated. Allred seconded and **the motion to approve failed to pass on a tie vote; Mills, Tompkins and Boyd voting "nay".**

**85-18 DAVID LEWIS - 360 N. ARKANSAS  
REQUEST TO VARY LOT AREA AND WIDTH FOR FRATERNITY**

(Approved)

The fifth item on the agenda was appeal 85-18, a request submitted by David Lewis on behalf of Pat Harris, to vary the minimum lot width and lot area required for a fraternity. Property is located at 360 N. Arkansas Avenue and is zoned R-3, high density residential. As noted in the agenda, the ownership of this property is not a fraternity but an individual who wishes to bring the building up to code but cannot obtain a building permit to refurbish unless a variance is granted.

Lewis explained that the owner has a prospective tenant, a group of 10 frat men, but that 90 feet of frontage is necessary to obtain a permit to refurbish the house.

Jones advised that there are two additional requirements for a fraternity that must be addressed: land area per occupant and one parking space per occupant. Becker said he thought that the requirement regarding compacts should be revised as 20% of everything over 25 spaces is not realistic.

Allred asked if there are fraternity houses to the north and south of this dwelling and Lewis replied that there are boarding houses and multi-family housing surrounding.



Tompkins asked about drainage and Lewis explained about the existing brick and earth terraces and agreed that drainage must be considered. Tompkins asked about the access to Reagan Street and Lewis replied that it is not part of this property. Jones advised that the owner would have to clear use of that access with the owner and Tompkins clarified that if the Reagan access is not allowed, the access from Arkansas becomes more important.

Allred asked what the present use of the dwelling is and Lewis replied that the frat men are using it as a boarding house on an individual basis. He said that there are currently three separate apartments. Lewis said the remodeling would add a few more rooms.

Allred asked how many frat houses meet the City's one acre requirement and it was determined that none do, although many of the frat and sorority houses are under State jurisdiction. Becker indicated that he would like to go on record as breaking this regulation as it is unreasonable.

Jones said that, if left as is, the structure could be used as a duplex or sold under the Horizontal Property Regime. Lewis said it would not be worth the investment to renovate the building if only the three existing apartments were allowed.

Tompkins asked if the minimum width in an R-3 District is the major consideration and Jones referred to a note from her on the petitioner's application: Art.5 (IV)(D) Requires that a lot with a fraternity have a minimum of 1 acre; that there be at least 500 sq.ft. of land area per resident in a fraternity; and that a lot containing 3 or more dwelling units have at least 90 ft. of frontage. She said that either one duplex or eight, one or two bedroom condominium apartments could be placed on subject lot at this time. Jones explained the Horizontal Property Regime, noting that proof must be submitted to her that same has been filed.

Allred commented that this house will either be used as a rooming house or a fraternity house and Lewis said he would be accepting of a rooming house status. Jones noted that definitions for a rooming house are rather vague. She said under Use Unit 10 there is no specific parking requirement but she would interpret that there be one space per unit and she added that there is no minimum lot size. She explained the differences between rooming, boarding houses and fraternity houses. It was determined that this operation is most like a rooming house because because meals are not provided.

Allred asked if Lewis could apply for a boarding house permit if this request is denied. Jones replied that she felt the 90 ft. lot width would need to be met or waived, and if not, this Board would be in opposition to her interpretation.

Board of Adjustment  
July 1, 1985  
Page 9

In answer to Tompkins question, Jones replied that the use of fraternity is allowed in this district.

Boyd asked if there are any single family units abutting this property and Lewis replied that nearly everything is multi-family in this area. Jones added that most complaints regarding violation of more than three unrelated people living together come from single-family areas.

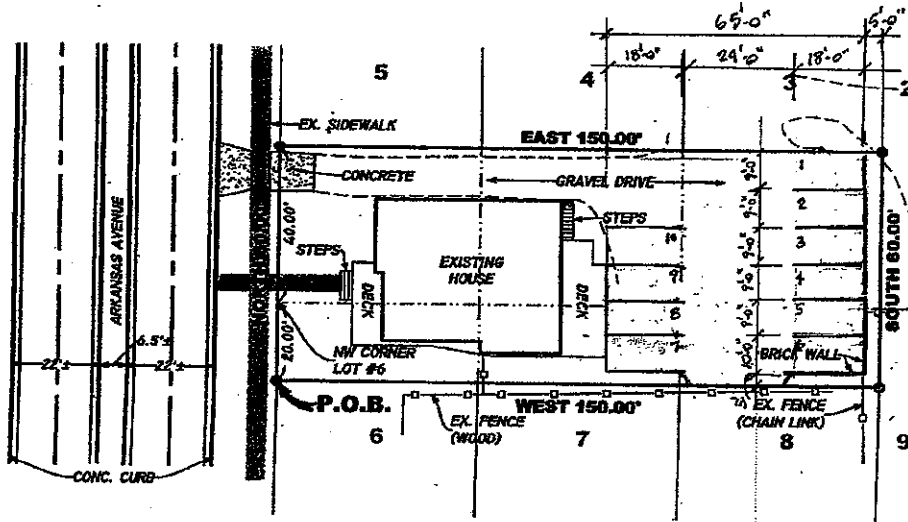
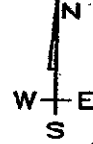
#### MOTION

Becker moved approval of this request. Tompkins seconded, followed by discussion. Tompkins asked how many people would be allowed to occupy this building and Jones replied that 18 would be permitted if the parking requirement was met. Lewis advised that he could not provide more than the 13 parking spaces he has indicated, thereby limiting the number of residents. Tompkins said he would like to see access available from Arkansas Avenue and tenants limited to 11. Becker said he wanted to go on record as breaking the one acre minimum land requirement for fraternities and he amended his motion to allow a maximum of 12 parking spaces. **The amendment was accepted and the amended motion passed 6-0-0.**

There being no further business, the meeting adjourned at 6:10 P.M. upon a motion from Boyd and a second from Mills.

**LEGEND**

- FOUND IRON PIN
- SET IRON PIN
- CENTERLINE STREET
- OLD LOT LINES
- EXISTING WOOD FENCE
- EXISTING CHAIN LINK FENCE



**LEGAL DESCRIPTION:**

40.00 FEET OF EQUAL AND UNIFORM WIDTH OFF THE SOUTH END OF LOTS 3, 4 AND 5, AND 20.00 FEET OF EQUAL AND UNIFORM WIDTH OFF THE NORTH END OF LOTS 6, 7 AND 8, ALL IN BLOCK 2 OF GREGG'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT THAT IS 20.00 FEET SOUTH OF THE NW CORNER OF SAID LOT 6, THENCE NORTH 60.00 FEET, THENCE EAST 150.00 FEET, THENCE SOUTH 60.00 FEET, THENCE WEST 150.00 FEET TO THE P.O.B.; CONTAINING 0.21 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

THIS IS TO CERTIFY THAT THE ABOVE SURVEY WAS PERFORMED UNDER MY SUPERVISION AND ALL CORNERS WERE SET AS SHOWN ON THE PLAT AND TO THE BEST OF MY KNOWLEDGE ARE CORRECT.

*David L. Jorgensen*      *B.L.R.*  
 DAVID L. JORGENSEN, ARLS 1118      DATE



**JORGENSEN & ASSOCIATES**  
 CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 443-8127 • FAX (479) 542-4807

SCALE: 1"=30'	DATE REVISED	CHECKED BY: DLJ	DRAWN BY: B.L.R.
DATE: 24SEPT07			J.E.V.LOTS12007079/HARVEY

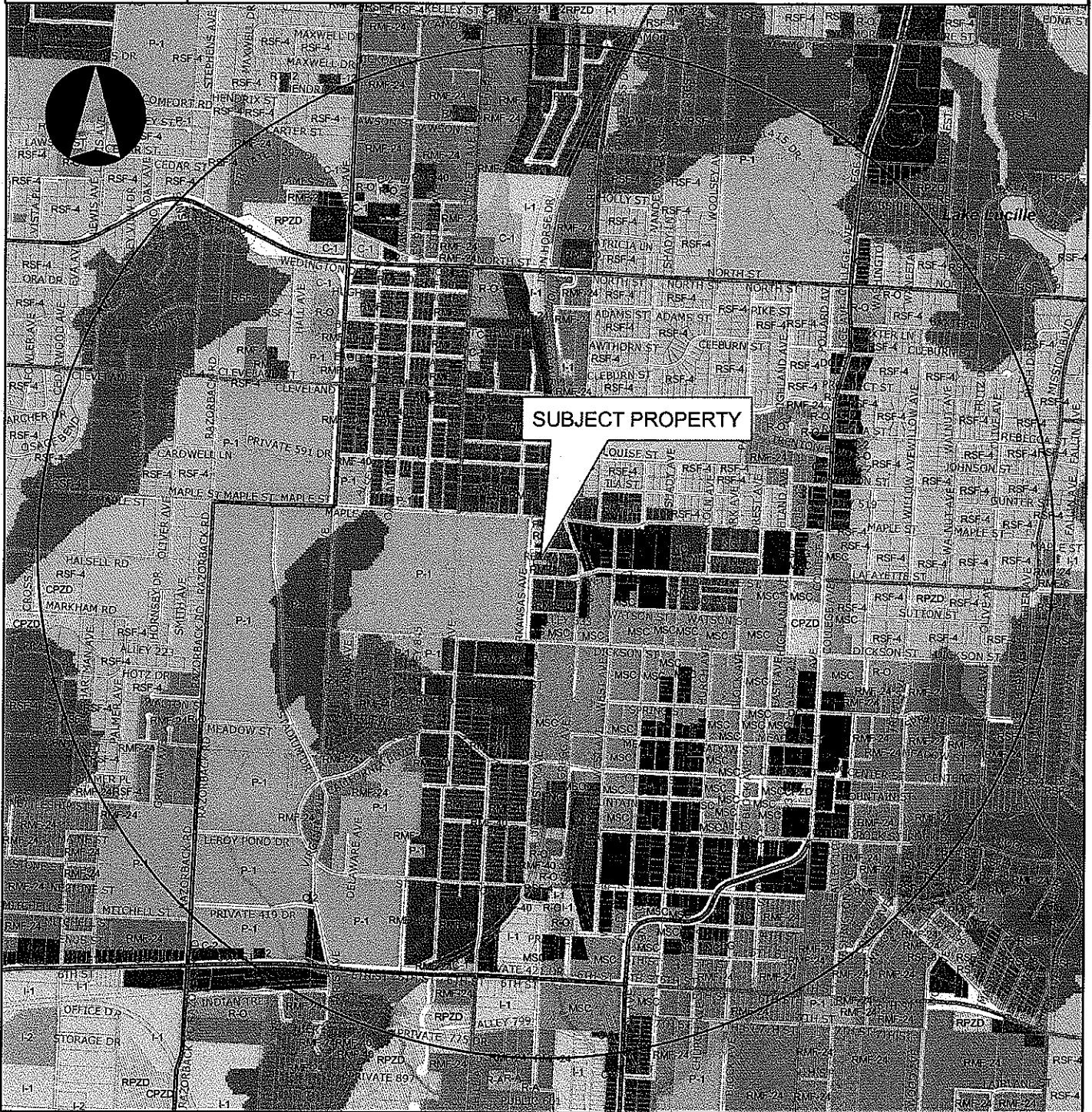
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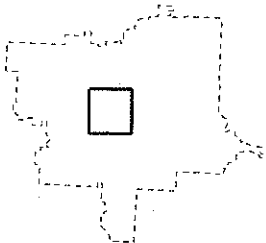
BOA08-2960

# SIGMA PHI EPSILON


One Mile View






Overview



Legend

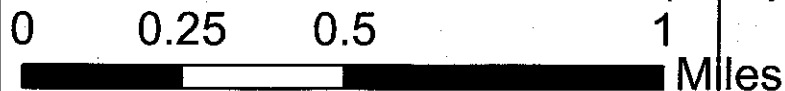
Subject Property  
 BOA08-2960

Boundary

-  Planning Area
-  Overlay District
-  Outside City

Legend

 Hillside-Hilltop Overlay District



## CityClerk

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**From:** CityClerk  
**Sent:** Wednesday, June 10, 2020 7:36 AM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** bethany\_henry@hotmail.com; Curth, Jonathan  
**Subject:** City Council: RZN 20-7080

This email is in regard to the proposed Appeal: RZN 20-7080 located at 360 N Arkansas Ave. We are strongly opposed to the rezone as it does not comply with surrounding areas, it would disturb the historic nature of Arkansas Avenue and the university campus, and is not in the best interest of the community. In addition, it is our understanding the Planning Commission recommended unanimously NOT to approve the request to rezone as well.

We request this email to be circulated among the appropriate Staff and Council. Thank you!

Sincerely,  
Jordan and Bethany Rosenbaum, PhD  
356 W Wren Circle  
Fayetteville, AR 72703

## CityClerk

---

**From:** Trevor Stilwell <Trevor.Stilwell@gmail.com>  
**Sent:** Thursday, June 11, 2020 12:28 AM  
**To:** Sonia Gutierrez; Marsh, Sarah; Kinion, Mark; Matthew Petty; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle; Mayor  
**Cc:** Williams, Kit; CityClerk  
**Subject:** 360 Arkansas Ave. rezone request

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Council Members and Mayor,

Regarding a rezoning request for 360 Arkansas Avenue (Sigma Phi Epsilon) from RMF-40 to Downtown General:

This is a prominent Fayetteville location, facing Carnall Hall and the front of Old Main, and now including part of Senior Walk. As a U of A alumnus, I want any new construction here to honor these surroundings, and I suspect any such building would fit the present zoning.

Complementing Old Main Lawn Arboretum are the trees lining the median and east verge of the avenue, including this lot. As a Fayetteville resident (37 years and counting) who treasures our trees, I hope what's built here won't interfere with nearby trees.

I'm not familiar with every difference a change to Downtown General would entail, but it appears each nearby lot is the same RMF-40, excepting the P-1-zoned Arboretum. The neighbors have agreed to and abided by the current zoning, and I expect your decision will show respect for them.

Thanks for all your work making Fayetteville ever better while preserving gems like Arkansas Avenue.

Best regards,  
Trevor Stilwell  
410 West Adams Street

## CityClerk

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**From:** CityClerk  
**Sent:** Friday, June 12, 2020 2:38 PM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Hogan, Maureen; Stoll, Garner; Curth, Jonathan  
**Subject:** FW: Info about universities with bordering historic overlay districts

Please see email below regarding Info about universities with bordering historic overlay districts.

---

**From:** Hogan, Maureen <MHOGAN@elliman.com>  
**Sent:** Friday, June 12, 2020 2:02 PM  
**To:** CityClerk <cityclerk@fayetteville-ar.gov>  
**Subject:** Info about universities with bordering historic overlay districts

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear city clerk ,

If you could forward this to city council members , I know Ms Turk and Mr Curth had a question about colleges with historic or Landmarked or otherwise aesthetic limits along their borders and entrance areas ?

I can think of so many colleges that have either formal historic districts or designated landmark rules concerning historic residential borders of the their university or college ( usually the " entrance " )

Cornell  
Mount Holyoke  
Kenyon  
Ann Arbor Univ of Michigan  
University of West Virginia  
U Va  
William and Mary  
Princeton  
Hendrix  
Chapel Hill

Fayetteville Arkansas routinely makes the lists of pretty campuses ! Not just the campus for students but for " college town " tourism . Their historic campus district includes University owned Arkansas Ave .

<https://www.collegevaluesonline.com/features/20-most-impressive-historic-college-campuses-in-the-u-s/>



<https://news.uark.edu/articles/13239/university-of-arkansas-historic-district-listed-on-national-register-of-historic-places>

<https://www.bobvila.com/slideshow/35-college-towns-you-have-to-see-in-the-fall-52337#fayetteville-arkansas-college-town>

[As a personal aside , I can name some very pretty walled or fenced campuses that were unfortunately surrounded by ugly areas or predominantly by big apartment buildings :

Bates

Clark

Lehigh

Vassar

These visual barriers did not invite visitors to step off campus , nor venture into or linger in the surrounding city .]

Thank you ! Enjoy weekend, all! Maureen

#### MAUREEN HOGAN

LICENSED ASSOCIATE REAL ESTATE BROKER

DOUGLAS ELLIMAN REAL ESTATE

*THE BEST COMPLIMENT IS A REFERRAL*

DIRECT: 718.780.8132

OFFICE: 718.780.8100

FAX: 212.813.5189

[MHOGAN@elliman.com](mailto:MHOGAN@elliman.com)

156 MONTAGUE STREET, BROOKLYN, NY 11201

[MY LISTINGS](#)

[FACEBOOK](#) / [TWITTER](#) / [YOUTUBE](#) / [INSTAGRAM](#) / [LINKEDIN](#)

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## CityClerk

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**From:** CityClerk  
**Sent:** Friday, June 12, 2020 2:39 PM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Evelyn Stilwell; Stoll, Garner; Curth, Jonathan  
**Subject:** FW: City Council Agenda - Keep Arkansas Avenue Great - File #: 2020-0458, Version: 1

Please see email below regarding Arkansas Avenue.

---

**From:** Evelyn Stilwell <evelynstilwell@gmail.com>  
**Sent:** Friday, June 12, 2020 2:10 PM  
**To:** Rachel Gerner <rachel.lynn.gerner@gmail.com>  
**Cc:** Matthew Petty <citycouncil@matthewpetty.org>; Kinion, Mark <ward2\_pos1@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>  
**Subject:** Re: City Council Agenda - Keep Arkansas Avenue Great - File #: 2020-0458, Version: 1

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re-zoning this lot, solo, would be a huge departure, a degradation of the previously and currently multi-family protections our zoning affords. To change this lot to a different zone would be Wrong. It would be a scoffing at the historical neighborhood; a disregard of the value of maintaining the beauty of Arkansas Ave and the intended use of zoning requirements to protect current resident-owners from such infringement.

Please stand up against this requested re-zoning. Thank you,  
Evelyn Stilwell

On Fri, Jun 12, 2020 at 1:48 PM Rachel Gerner <[rachel.lynn.gerner@gmail.com](mailto:rachel.lynn.gerner@gmail.com)> wrote:

Mr. Petty and Mr. Kinion,

Thank you for your dedication and service to our city.

My name is Rachel Gerner. I currently live at 383 N Fletcher Ave, and in August, my family will live at 358 Arkansas Avenue. Both of these residences are in Ward 2.

I'd like to express my concern about the item of legislation that appears on the agenda for the June 16, 2020 city council meeting (the text of the legislation is below).

It's not appropriate for 360 N. Arkansas to be rezoned for a 40-unit residential multi-family area. Currently, this history-dense neighborhood is zoned for multi-family and requires a full acre to build

such a large structure. Besides the space issues of cramming 40 people into 0.2 acres, parking will be a huge problem.

Sig Ep treated the property so roughly that they needed to raze the house last year. Why should they be allowed to build an even bigger house? What actions will they take to prevent further damage to the neighborhood?

Please help our city maintain the grandeur of the Old Main entrance with historic architecture and 25-ft setbacks from the sidewalk.

Kind regards,  
Rachel Gerner

**File #: 2020-0458, Version: 1**

APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7080 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 360 NORTH ARKANSAS AVENUE FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO DG, DOWNTOWN GENERAL BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RMF-40, Residential Multi-Family, 40 Units Per Acre to DG, Downtown General.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

## CityClerk

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**From:** CityClerk  
**Sent:** Monday, June 15, 2020 8:51 AM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** kw paulso@uark.edu  
**Subject:** FW: June 16 agenda item

Good morning,

Please see the below email from Kathleen Paulson.

Thank you,

*Kara Paxton*

**City Clerk Treasurer**  
City of Fayetteville, Arkansas  
[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)  
T 479.575.8323



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**From:** Kathleen Whitehead Paulson <kw paulso@uark.edu>  
**Sent:** Sunday, June 14, 2020 8:28 AM  
**To:** Paxton, Kara <kapaxton@fayetteville-ar.gov>  
**Subject:** June 16 agenda item

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Petty and Mr. Kinion,

Thank you for the ways you continue to make Fayetteville a great place to live.

We are the Paulson family and we have lived at 115 MT Nord located in Ward 2 for 20 years.

My husband George Paulson and I would like to express our concern about the item of legislation that appears on the agenda for the June 16, 2020 city council meeting (the text of the legislation is below).

We strongly oppose 360 N. Arkansas to be rezoned for a 40-unit residential multi-family area. Currently, this history-dense neighborhood is zoned for multi-family and requires a full acre to build such a large structure. Besides the space issues of cramming 40 people into 0.2 acres, parking will be a huge problem.

There have been so many disturbances from Sig Ep over the years based on reports of their neighbors - whether it is the loud (& often disturbing lyrics of) music late into the night, the blatant destruction of property that is visible for all to see, and often the unsightly trash that is all over their yard. Why should they be allowed to build an even bigger house? We take pride in being a unified neighborhood that tries to represent the University of Arkansas and Ward 2 well.

Please help our city maintain the pride, integrity & beauty of this neighborhood, the Old Main entrance with historic architecture and 25-ft setbacks from the sidewalk.

Sincerely,

Kathleen Paulson MD  
115 Mt Nord St.  
Fayetteville, AR 72701

**File #: 2020-0458, Version: 1**

APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7080 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 360 NORTH ARKANSAS AVENUE FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO DG, DOWNTOWN GENERAL BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RMF-40, Residential Multi-Family, 40 Units Per Acre to DG, Downtown General.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 16, 2020 7:53 AM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Stoll, Garner; Curth, Jonathan; Diane Block; Planning Shared  
**Subject:** FW: Sigma Phi Epsilon rezoning appeal to City Council, June 16, 2020 meeting —letter for distribution

In advance of this Tuesday's City Council meeting, would you please distribute the following letter, concerning my opposition to the rezoning of the Sigma Phi Epsilon property, to:

- Each member of the Fayetteville City Council
- Lioneld Jordan, Mayor
- Susan Norton, Chief Of Staff, Mayor's Office
- Jonathan Curth, Development Review Manager, City Planning Office
- Staff of City Planning Office
- Garner Stoll, Development Services Director
- Kit Williams, City Attorney
- Blake Pennington, Assistant City Attorney

Thank you for your time,

Diane W. Block  
[dianewblock@earthlink.net](mailto:dianewblock@earthlink.net)

Dear Fayetteville City Council members,

On June 9, 2020, I sent the Council a letter regarding the Sigma Phi Epsilon fraternity's rezoning appeal for their property at 360 N. Arkansas Avenue. In that letter, I wrote of my family's 111-year presence as property owners on this beautiful, historic Avenue. I wrote of how honored my brother, Jeff Block, and I are to be counted among the remaining first inhabitants in the Gregg Addition and cited numerous historical, aesthetic and architectural precedents for maintaining the iconic "front door to the University" as an RMF-40 zone.

I cited the fraternity DG rezoning as inappropriate because its facade, a mere 3 feet from the new Senior Walk, would obliterate the avenue's uninterrupted historic vista and traditional setbacks so prized by the University, visitors, and Fayetteville residents. And because an enormous building on a very small lot was impractical and destructive to adjacent properties and for our residential neighborhood, with DG opening it up to future commercial businesses. I thanked the Council for its past actions to restore and secure the historical integrity of our neighborhood, and I thank you once more for your careful consideration of my request that you **vote NO** to the DG spot zoning.

In advance of your Tuesday, June 16 meeting, I want to acquaint you with other important factors that contribute to my strong and reasonable opposition to the Sigma Phi Epsilon fraternity's appeal of the Planning Commission's unanimous denial for a rezoning of their property from RMF-40 to "Downtown General."

- A Council vote to allow the rezoning to DG would allow a **“spot zoning”** disruptive to the residential neighborhood of historic Arkansas Avenue.
- The single most important reason for any City zoning is to assure **COMPATIBILITY** among neighboring properties. The proposed 14,000 sq. ft. fraternity building, housing 50 students on a small, 0.21 acre lot, is too massive and fundamentally incompatible with the adjoining homes, and with the residential neighborhood as a whole.
- Since 2008, Sigma Phi Epsilon has subjected us and our tenants to **behaviors dangerous to our personal security and health, and consistently deprived us of our right to the quiet enjoyment of our property.**
- The following behaviors and actions have been an **unreasonable nuisance** to adjoining properties and **will become exponentially worse** with 50 fraternity members, inadequate parking, drinking at rush and other parties **attended by hundreds of students at a time**, and few available restrooms for hundreds of party guests, **to wit:**
- **Public drunkenness, noise, and threatening arguments** on our own lawns, back steps, and parking areas from 10:00 p.m. until 2:00-3:00 a.m. without warning.
- Fraternity members and guests continually **trespassing on our lawns and parking areas** late at night to **look in tenants’ windows**, to **vomit, urinate and defecate** (photographed by a tenant) **on our property**; and congregate in large groups **sitting in our parking areas to drink alcohol.**
- **Expenses for numerous “No Trespassing” signs. Signs were ignored, kicked over, or destroyed by fraternity.**
- **Break-in** at our property, 370 Arkansas Ave., **by drunken fraternity brother at 2:00 in the morning.**
- In our effort to be neighborly, we had allowed them use of our driveway, but stated that it could be denied at any future time. **They were not good neighbors in return:** Their parking lot was often jammed with fraternity cars, as well as the cars of girlfriends and visitors, so that an overflow of other cars, trucks, motorcycles, and semi vans were left in our driveway, frequently **blocking in the cars of my family and our tenants** so that we couldn't exit to Regan Street. **Owners of cars often couldn't be found** when we asked the fraternity, and cars were left there for hours [despite their **2008 variance request to City Council, stating parking lot is for only 10 students, by permit, and would be enforced and all others towed**]. Despite my polite requests, some members **refused to move their vehicles from our driveway and yelled obscenities at me.** I reported this to the city **police**, to **Greek Life**, and spoke in person to fraternity members, all to no avail. Family expenses for **“No Parking, Tow Zone” signs**, and, eventually, for **legal expenses.**
- **Beer cans and liquor bottles, food, cups, cigarette butts left for days on our lawn after rush week and parties. The proposed design for the new parking area does not include space for the large dumpster necessary for 50 residents.**
- **For 11 years**, we have had no reasonable expectation of relaxation, sleep, or neighborly respect from the fraternity or its guests on any given day or night. The UA will not help us, nor will the police. **We are expected to police our own property.**
- We rent a duplex and one house on Regan Street, near and next to fraternity parking lot, to **adult professionals and graduate students.** We have **lost valued tenants** due to the unsavory trespassing mentioned above; **female tenants** have felt intimidated, highly uncomfortable and reluctant to sit in their own front yards.
- **In the spring and fall**, I spend several weeks **living at 370**, next to the fraternity, **to enjoy my hometown and to conduct family business.** Like the tenants we have lost in recent years, my sleep has been routinely interrupted, my expectation of safety threatened, and I have been deprived of feeling comfortable in my home.

The fraternity's initial variance request in 2015 stated that the new building would house 12 students. The neighbors have reason to expect that by allowing their current plans to increase the mass of the building and quadruple the number of resident fraternity members, the above problems will increase exponentially.

A spot rezoning from RMF-40 to “Downtown General” is not compatible with the neighborhood or with the historic character that residents have repeatedly stated they emphatically want to retain. DG will alter Arkansas Avenue forever and allow Sigma Phi Epsilon to:

Construct a massive fraternity house of 3 or more floors on a tiny, residential lot with inadequate parking for 50 students and no provisions for trash dumpsters; no requirement to adhere to the deep, gracious setbacks of the Avenue; no harmony with the architectural styles of the neighborhood; inadequate side setbacks and probable damage to mature trees on adjacent properties; disruption of airflow and the casting of a deep shadow on the residences immediately behind and on either side; causing undue burdens and the deprivation of the rights of adjacent residents to the quiet enjoyment of their homes.

Please consider both the visual and the human impact that a spot DG zoning such as this will forever have on the unique, historic, and beloved Arkansas Avenue and the entire Gregg Addition. I thank you for your time and attention to this highly important zoning and development proposal. I ask that the City Council vote NO to the DG rezoning to assure that the Arkansas Avenue entrance to the University and Old Main will be preserved, as it has been for over 130 years, for future generations to celebrate and enjoy.

Sincerely,

Diane W. Block  
Santa Fe, NM



## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 16, 2020 7:55 AM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Curth, Jonathan; Stoll, Garner; Planning Shared; Bill Mandrell  
**Subject:** FW: Appeal to City Council Members

Bill Mandrell  
370 Arkansas Avenue  
Fayetteville, Arkansas  
[bill.mandrell@gmail.com](mailto:bill.mandrell@gmail.com)

Fayetteville City Council  
113 West Mountain Street  
Fayetteville, Arkansas 72701

City Council Members:

I am writing to express my opposition to the Sigma Phi Epsilon's request for rezoning the lot at 360 Arkansas Avenue. I have lived next door to this property for the past 37 years, and I have several concerns about the requested rezoning.

First of all, this property sits along historic Arkansas Avenue, across from iconic Old Main at the entrance to the University. The University has recently installed a new section of the Senior Walk along the street and beautified the boulevard with new lighting and new landscaping. All of the stately homes and fraternity houses are set back 20 – 25 feet from the curb, and large old trees provide shade for the walk.

Rezoning the lot at 360 would allow the proposed, 3-story fraternity house to protrude to within 3 feet of the new Senior Walk, destroying the new vistas created along the avenue. The proposed structure does not reflect or blend with the existing houses and buildings, many of which are over 100 years old. Basically, it would ruin the looks of Arkansas Avenue and the surrounding historic area.

The lot (.2 acre) is too small for a fraternity house. In the past, the insufficient space for parties and events has caused problems for the entire neighborhood. Guests spill out into the surrounding area, littering and leaving lawns covered in trash. Parking has been a perpetual problem with continual blocking of neighbors' driveways and parking on neighbors' lawns. The lack of a dumpster has meant that heaping garbage cans line the walk along Arkansas Avenue.

The new plan for the Sig Ep house does not address any of these issues. There are only 9 parking spaces proposed for the entire fraternity, which often has crowds of 150 – 200 people. The neighborhood will continue to be choked with

parked vehicles. In addition, there are no plans for a garbage dumpster, so trash cans will continue to line the new Senior Walk.

Arkansas Avenue is the prominent thoroughfare at the entrance to the University. It is lined with large trees and old, stately houses. It would be a shame to begin to zone this area DG, opening the door for commercial activity.

Sincerely,

Bill Mandrell

## CityClerk

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**From:** CityClerk  
**Sent:** Monday, June 15, 2020 4:26 PM  
**To:** Curth, Jonathan; Harrison, Andy; bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Subject:** FW: Non-Compatibility of Sigma Phi Epsilon with Historic Neighborhood  
**Attachments:** Non-Compatibility of Sigma Phi Epsilon with Historic Neighborhood.docx; KAAO Site plan w trees.pdf

Good afternoon,

Please see the attached documents and the below email from Paula Marinoni.

Thank you,

*Kara Paxton*

**City Clerk Treasurer**

City of Fayetteville, Arkansas

[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)

T 479.575.8323



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**From:** pm@paulamarinoni.com <pmm6170@cox.net>  
**Sent:** Monday, June 15, 2020 3:22 PM  
**To:** CityClerk <cityclerk@fayetteville-ar.gov>  
**Subject:** Non-Compatibility of Sigma Phi Epsilon with Historic Neighborhood

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kara;

Please forward this to the City Council members, Mayor, Planners, City Attorneys and all connected with the City Council meeting Tuesday evening.

Thank you!

Paula Marinoni  
neighbor

*Paula Marinoni*  
[pm@PaulaMarinoni.com](mailto:pm@PaulaMarinoni.com)  
479-466-4128

Paula Marinoni  
617 W Lafayette St.  
Fayetteville, AR 72701

June 15, 2020

To members of the Fayetteville City Council and personnel:

Regarding the Zoning request from Sigma Phi Epsilon on Arkansas Avenue.

There are many issues with this request. One of which is that the building they are envisioning is totally out of character with this historic neighborhood. It reminds me of an episode of StarTrek with the Borg invasion.

I am attaching a plan for the Kappa Alpha Fraternity (the back part of their lot is next to our property) showing parking, the setbacks, and I want to bring your attention, in particular, to the trash dumpster. Look at how much space is needed for a Fayetteville solid waste truck to get in there. In the beginning, at the time of this plan, in May of 2016, they were planning on using the City alley to access the trash pick-up. Later it was determined that the 12 foot alley wasn't big enough to access the dumpster, so they now come in off of Arkansas Avenue, then they have to have room to turn around and then leave out on Arkansas Avenue. (You will notice that they also did tree preservation.)

On the apartments at 620 Lafayette the trash truck and another truck come together, and one has to help the other get in and out of the tight space. That is a total waste of taxpayer money that is going to be never-ending.

At the Sigma Phi Epsilon proposed property of 14,000 square feet, that is on only two tenths of an acre, compare it to the KA house which is 16,000 square feet - 2,000 square feet bigger and two and a half times the property! You will notice on the Sigma Phi Epsilon plans that there is no provision for where the large trash dumpster will go. Later they will come back and claim hardship because they don't have space for it and for what little parking they are planning for.

Which is another issue: If they are granted DG zoning, then they can throw those plans out the window and come back with a zero set-back, 5 story box, with a roof-top party barge. We have learned to put nothing past them.

Which brings up another issue: They are not good neighbors and don't have a history of being a good neighbor either. I was pinned ("going steady") to a Sig Ep back in the early 70's. They had the coolest house! But only a short time later it was trashed beyond repair and it had to be torn down and they went into the first temporary living situation off of Stadium Drive. Then one day, apparently, someone had a black sambo replica out in front of the house and a passing teacher protested and one member threw a chair at him, resulting in them being kicked off campus. At the time that was pretty shocking. Since then it is more common for a fraternity to be kicked off campus. They no longer have adult

supervision in the houses, there are too many members for anyone to be able to control and for those few who think rules don't apply to them, the University Administration and University Police are apparently unable to control them and apparently have no intention of controlling them, thus it comes back on us as neighbors.

We live in the middle of six fraternities and our families have for over a hundred years, until recent years, with Sigma Phi Epsilon and Kappa Alpha fraternities, we all got along, and everyone was a good neighbor. (I have even received two awards from Farmhouse Fraternity over the years, thanking me for being a good neighbor.)

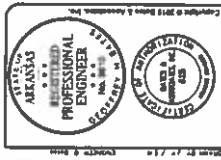
Someone asked why RMF-40 required one acre for a fraternity. Most fraternities have or had that much space. The fraternities on Stadium Drive are all lumped into a University parcel, but they all have about an acre. The recent Delta Gamma sorority was not only built with compatible architecture and setbacks, but they have parking and sit on almost two acres. They need more space! Trust me when I tell you that this is not comparable to an apartment complex either. We're not talking about apartments rented out to individuals. We're talking about a **SWARM** of energy, where someone can at any moment, day or night, decide that something is a great idea and start activity in a drunken-stupor, that is disruptive to the neighborhood as well as, at times, endangering lives. As I said, 4 or the 6 fraternities are good neighbors, but for Kappa Alpha and Sigma Phi Epsilon, I would categorize them as a heinous menacing nuisance.

So, are they compatible with our neighborhood? Absolutely not!

Thank you for your support of our neighborhood!

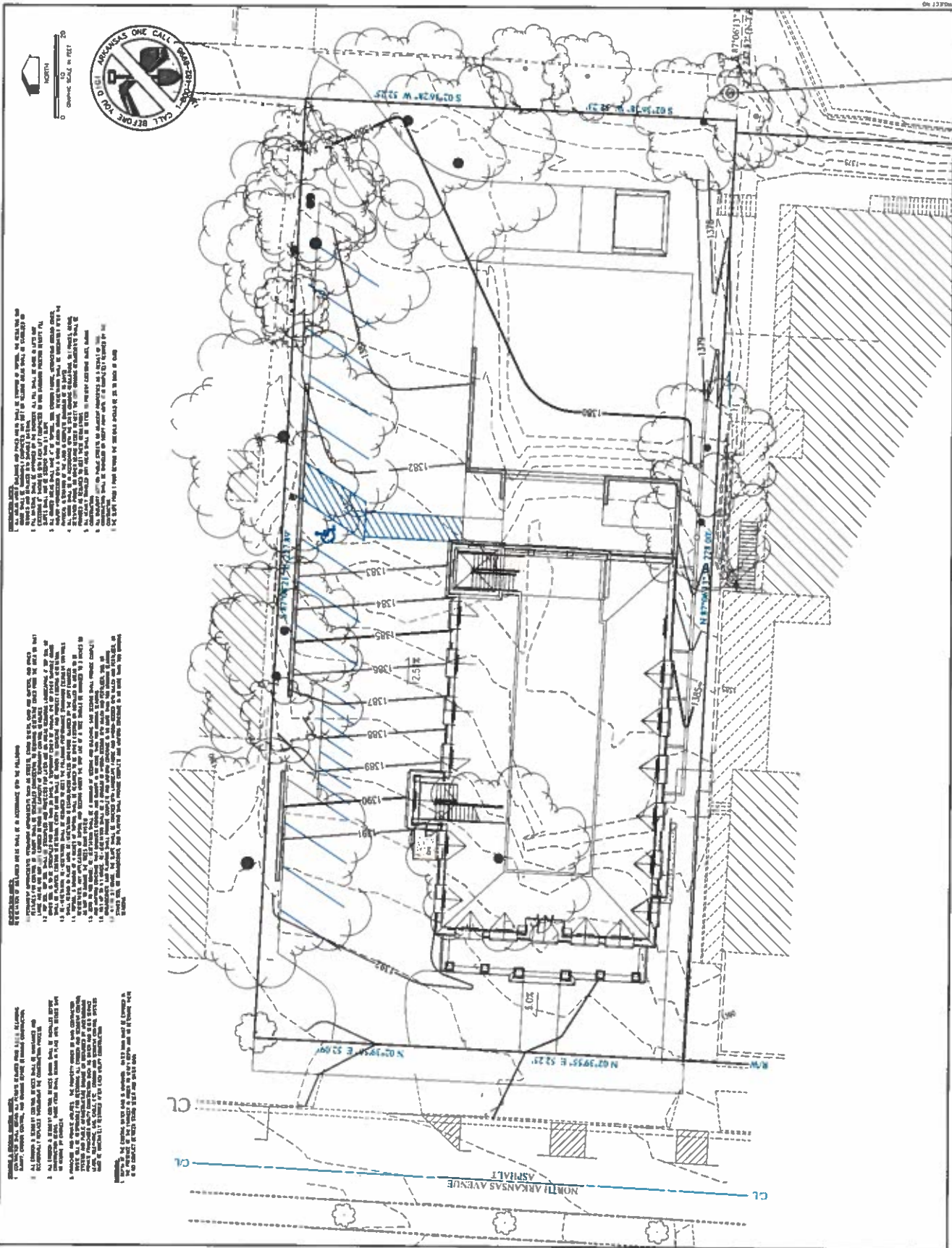
Paula Marinoni

Neighbor



NO.	DATE	REVISIONS

**KAPPA ALPHA HOUSE**  
**LARGE SCALE DEVELOPMENT PLANS**  
**TREE PRESERVATION**  
**FAYETTEVILLE, ARKANSAS**



**REVISIONS:**

1. The site plan shows the location of trees to be preserved. The trees to be preserved are shown in blue. The trees to be removed are shown in red. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
2. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
3. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
4. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
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9. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
10. The trees to be preserved are shown in blue. The trees to be removed are shown in red.

**REVISIONS:**

1. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
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**REVISIONS:**

1. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
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9. The trees to be preserved are shown in blue. The trees to be removed are shown in red.
10. The trees to be preserved are shown in blue. The trees to be removed are shown in red.

## CityClerk

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**From:** CityClerk  
**Sent:** Monday, June 15, 2020 4:23 PM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Evelyn Stilwell  
**Subject:** FW: Zone Change request for 360 Arkansas Ave.

Good afternoon,

Please see the below email from Evelyn Stilwell.

Thank you,

*Kara Paxton*

**City Clerk Treasurer**  
City of Fayetteville, Arkansas  
[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)  
T 479.575.8323



---

**From:** Evelyn Stilwell <evelynstilwell@gmail.com>  
**Sent:** Monday, June 15, 2020 3:14 PM  
**To:** CityClerk <cityclerk@fayetteville-ar.gov>  
**Subject:** Zone Change request for 360 Arkansas Ave.

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Esteemed Mayor and City Council members, and City Clerk,

RE: Zone change request for single lot at 360 Arkansas Ave.

My husband and I are owner-occupants of the house next door and directly across from Old Main on Arkansas Avenue, along with several graduate international students. We do appreciate the quiet enjoyment of our property and outside decks and swings where, absent the Covid social distancing requirements, we have frequent grandchildren visits and group meals with numerous international students. We have done this for many years.



Since the primary consideration when discussing a Zone Change is "General Compatibility with the neighboring parcels," I wish to highlight two ways in which the proposed zone is INcompatible with our property:

1. Its sheer bulk (of a building permitted under DG zone) will interfere with the free circulation of air, and would monopolize the rays of the sun, putting us "in the shade." The huge number of students they propose to house in the over-sized building will put stress on and bring disturbing traffic noise, not to mention overwhelm available street parking. We were required to have 9 parking spaces, paved, to accommodate the residents in our house and apartment, (total no more than 12) which we did. A re-zoning which leaves little space between buildings will damage the historic appeal of this unique avenue facing the entrance to Old Main. The lack of setbacks currently required will be a burden to us and to the neighborhood. Can we please value the historic appeal of the street that the City chose to beautify in 1931 with the gift Will Rogers made to Fayetteville? And which the University has recently beautified again? Remaining RMF-40 would REQUIRE Sig Ep to have a 1 ACRE lot; this lot is .2 acres ONLY: far too small for what they propose to build.

2. Neighborliness: Some Sig Ep members have been respectful, but on the whole, the fraternity is noisy, regardless of the time of day or night, having loud parties or recruitment gatherings that disturb the peace. They play loud, obscene music, are publicly indecent (urinating outside-in view from our house), and leave their premises trashed. Calling the police gives little relief, as they tend to be "hands-off" with university organizations. Of the six fraternities in our neighborhood, all are good neighbors except KA and Sig Ep, which have been repeatedly irritants in many ways.

Please vote NO to the re-zoning request for this single lot. We and others live here peacefully, and the zoning requirements helpfully protect us and the future. Changing one lot would un-do those protections and open the door to more of Downtown General, which we are not! We are near it, but we are a unique historic neighborhood, with ALL buildings on Arkansas Ave set back at least 25 ft from the east side of the sidewalk. Please honor our current zoning. Is that not the PURPOSE of zoning?

Thank you all for your attention to this significant decision.

Sincerely,

Evelyn Stilwell

## CityClerk

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**From:** CityClerk  
**Sent:** Monday, June 15, 2020 4:20 PM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Subject:** FW: Could you please distribute to City Council , Mayor , city Attorney, assistant city Attorney and Asst Mayor ? Thank you !  
**Attachments:** image1.jpeg; ATT00001.htm

Good afternoon,

Please see the below email and the attached image from Maureen Hogan.

Thank you,

*Kara Paxton*

**City Clerk Treasurer**

City of Fayetteville, Arkansas

[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)

T 479.575.8323



-----Original Message-----

From: Hogan, Maureen <MHOGAN@elliman.com>

Sent: Monday, June 15, 2020 3:07 PM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Subject: Could you please distribute to City Council , Mayor , city Attorney, assistant city Attorney and Asst Mayor ?

Thank you !

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council ,

Concerning proposed SPOT RE-ZONING at 360 Arkansas Ave , I wanted as an adjacent neighbor living at 370 Arkansas Ave to ask you to vote NO as it is entirely NONCOMPATIBLE with area.

The Spot re-zoning would allow an oversized property that would disturb the light and airflow of the adjacent properties. It will disturb the peaceful enjoyment of both neighbors and the public . The oversized property proposed on this lot will create trash , sewer , noise and parking problems for neighbors and the university ( which owns 15 ft of this lot for the senior walk plus 2.5 ft from inner edge of senior walk is the Lamppost area ) The historic trees will be damaged . There is no room for a dumpster in front for trash , nor a wide enough driveway to allow trash collectors to access the back . The civil engineer himself Mr Jorgensen states in the proposal that sewer access for tripling the building size and occupancy is no longer available.

MAUREEN HOGAN  
LICENSED ASSOCIATE REAL ESTATE BROKER  
DOUGLAS ELLIMAN REAL ESTATE  
The Best Compliment is A Referral  
DIRECT: 718.780.8132  
OFFICE: 718.780.8100  
FAX:212.813.5189  
MHOGAN@elliman.com  
156 MONTAGUE STREET, BROOKLYN, NY 11201

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classified as Urban Center and is fully improved with asphalt paving, curb and gutter, and sidewalk along the property's frontage. Any street improvements or requirements for drainage in these areas would be determined at the time of development proposal.

**Water:** Public water is available to this parcel. An existing 4-inch watermain is present along the east side of North Arkansas Avenue that can serve parcel 765-06031-000.

**Sewer:** Sanitary Sewer is not available to this parcel. A sanitary sewer main extension to existing facilities in West Reagan Street or West Lafayette Street will be required at time of development to serve this parcel.

**Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Hydric soils appear to be present within the entire subject area. No portion of the property is within the Hillside-Hilltop Overlay District, FEMA floodplain, nor is there a protected stream present in the subject area.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for



## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 16, 2020 8:31 AM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Stoll, Garner; Curth, Jonathan; Planning Shared; Hogan, Maureen  
**Subject:** FW: Could you please distribute to City Council , Mayor , city Attorney, assistant city Attorney and Asst Mayor ? Thank you !

Did this part get cut off my letter ?

I think the attachment interrupted it : here it is cut and pasted :

### MAUREEN HOGAN

LICENSED ASSOCIATE REAL ESTATE BROKER

DOUGLAS ELLIMAN REAL ESTATE

*THE BEST COMPLIMENT IS A REFERRAL*

DIRECT: 718.780.8132

OFFICE: 718.780.8100

FAX: 212.813.5189

[MHOGAN@elliman.com](mailto:MHOGAN@elliman.com)

156 MONTAGUE STREET, BROOKLYN, NY 11201

[MY LISTINGS](#)

[FACEBOOK](#) / [TWITTER](#) / [YOUTUBE](#) / [INSTAGRAM](#) / [LINKEDIN](#)

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Douglas Elliman may engage a third party vendor to answer telephone, email, text, and internet inquiries. This vendor acts as an agent for Douglas Elliman, and keeps all information confidential.

> On Jun 15, 2020, at 3:07 PM, Hogan, Maureen <MHOGAN@elliman.com> wrote:

>

> Obviously the Fraternity had adequate sewer with its previous , recently destroyed 5000 sq ft building .

>

> This creates a hardship for neighbors .

> ( A title search in April 2020 proves there are NO utility easements across our property. )

- >
- > I urge you to vote NO on this spot rezoning .
- >
- > Thank you ! Maureen Hogan Block



**MEETING OF JUNE 16, 2020**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Garner Stoll, Development Services Director

**FROM:** Jonathan Curth, Development Review Manager

**DATE:** June 16, 2020

**SUBJECT:** College Edge Zoning & Development Standards

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**BACKGROUND:**

On May 26, 2020, the Planning Commission denied a proposed zoning amendment for 360 N. Arkansas Avenue. As a part of the denial, the Planning Commission recommended consideration of a zoning or development overlay for the properties between Maple and Dickson Streets to the north and south, and Arkansas and Gregg Avenues to the west and east. At the June 9, 2020 City Council Agenda Session, Councilmember Petty requested examples of similar zoning and development tools from other municipalities.

**DISCUSSION:**

Although not ubiquitous, many cities that play host to institutions of high education have adopted zoning and development ordinances specific to college and university areas. These laws take many forms, ranging from zoning districts and overlays, to building design and development standards. Examples of these can be found below:

**Auburn, AL – College Edge Overlay District (Auburn University):** Includes the mixed-use area northeast of campus. Buildings are to be at the street edge and allow for mixed-uses. A heightened set of building design is required, including glazing minimums, limited color and building material palettes, and minimum screening standards. Parking is flexible to account for downtown location and alternatives to on-site parking.

**Lawrence, KS - Greek Housing District (University of Kansas):** Applied to scattered properties around campus, including in Old West Lawrence and University Heights neighborhoods. Intended to provide Greek Housing in proximity to campus while respecting nearby residential areas. Conversion of existing housing stock to Greek Housing is subject to specific standards for parking location (limited to behind the building), signage, and modification to building footprint or exterior. The district protects Greek Housing as a land use, regardless of demolition, but only if in compliance with development codes. A unique aspect of the district is the requirement to petition for placement on the Local Register of Historic Places if eligible.

**Champaign, IL – Multifamily University District (University of Illinois):** Includes numerous city blocks of property to the north and west of campus. Standards are similar to those applied to

the central business district, with requirements for alley-loading, building articulation, inclusion of entrances, and glazing minimums.

**West Lafayette, IN – University-Proximate Residences (Purdue University):** Includes an overlay area of properties north, east, and south of campus with requirements for new construction or converted dwellings units. These requirements include minimum off-street parking standards, bicycle parking space requirements, and minimum living area to lot area ratios. The overlay applies to all zoning districts within the designated area.

**Ithaca, NY, Collegetown Form (Cornell University):** Encompasses the area immediately south of campus and applies form-based standards on a lot or block basis. Building characteristics, from setbacks and height to lot coverage and parking locations are established to create smooth transition between areas and concentrate development in specific areas. For properties designated as local landmarks, and building permit is subject to preservation commission review.

**Columbus, OH – University Overlay District (Ohio State University):** Totals several hundred acres of land near campus and west of the Olentangy River. The overlay is subdivided in to numerous other subarea overlays with a wide range of standards, ranging from floor area ratio requirements to bulk, area, and building design standards. Subarea requirements are intended to be calibrated to existing development and character.

**Attachments:**

- Ordinance Hyperlinks
  - [Auburn, AL](#) (Page V-37)
  - [Lawrence, KS](#) (Pages 2-9 to 2-11)
  - [Urbana-Champagne, IL](#)
  - [West Lafayette, IN](#) (Various pages)
  - [Ithaca, NY](#)
  - [Columbus, OH](#)



## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 16, 2020 12:02 PM  
**To:** 'bbolinger@fayetteville-ar.gov'; 'bpennington@fayetteville-ar.gov'; 'cityclerk@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'jbatker@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'krogers@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mathis, Jeana; Paxton, Kara; 'pmulford@fayetteville-ar.gov'; 'snorton@fayetteville-ar.gov'; Thurber, Lisa; 'ward1\_pos1@fayetteville-ar.gov'; 'ward1\_pos2@fayetteville-ar.gov'; 'ward2\_pos1@fayetteville-ar.gov'; 'ward3\_pos1@fayetteville-ar.gov'; 'ward3\_pos2@fayetteville-ar.gov'; 'ward4\_pos1@fayetteville-ar.gov'; 'ward4\_pos2@fayetteville-ar.gov'  
**Subject:** FW: Sigma Phi Epsilon fraternity house

Hi all,

Irene Pritchard, resident at 339 N Greg called and wanted a message sent to Mayor and City Council that she strongly opposes the rezoning of the Sig Ep fraternity house.  
She is a longtime Fayetteville resident.

Have a nice day!

Kristin Rogers  
Senior Administrative Assistant  
Office of the Mayor  
City of Fayetteville, Arkansas  
[krogers@fayetteville-ar.gov](mailto:krogers@fayetteville-ar.gov)  
T 479.575.8330 F 479.575.8257



## CityClerk

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**Sent:** Tuesday, June 16, 2020 12:02 PM  
**To:** 'bbolinger@fayetteville-ar.gov'; 'bpennington@fayetteville-ar.gov'; 'cityclerk@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'jbatker@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'krogers@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mathis, Jeana; Paxton, Kara; 'pmulford@fayetteville-ar.gov'; 'snorton@fayetteville-ar.gov'; Thurber, Lisa; 'ward1\_pos1@fayetteville-ar.gov'; 'ward1\_pos2@fayetteville-ar.gov'; 'ward2\_pos1@fayetteville-ar.gov'; 'ward3\_pos1@fayetteville-ar.gov'; 'ward3\_pos2@fayetteville-ar.gov'; 'ward4\_pos1@fayetteville-ar.gov'; 'ward4\_pos2@fayetteville-ar.gov'  
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Have a nice day!

Kristin Rogers  
Senior Administrative Assistant  
Office of the Mayor  
City of Fayetteville, Arkansas  
[krogers@fayetteville-ar.gov](mailto:krogers@fayetteville-ar.gov)  
T 479.575.8330 F 479.575.8257



## CityClerk

---

**From:** CityClerk  
**Sent:** Tuesday, June 16, 2020 1:58 PM  
**To:** 'bbolinger@fayetteville-ar.gov'; 'bpennington@fayetteville-ar.gov'; 'cityclerk@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'jbatker@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'krogers@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mathis, Jeana; Paxton, Kara; 'pmulford@fayetteville-ar.gov'; 'snorton@fayetteville-ar.gov'; Thurber, Lisa; 'ward1\_pos1@fayetteville-ar.gov'; 'ward1\_pos2@fayetteville-ar.gov'; 'ward2\_pos1@fayetteville-ar.gov'; 'ward3\_pos1@fayetteville-ar.gov'; 'ward3\_pos2@fayetteville-ar.gov'; 'ward4\_pos1@fayetteville-ar.gov'; 'ward4\_pos2@fayetteville-ar.gov'  
**Cc:** Block Jeffrey  
**Subject:** FW: Proposed Spot Rezoning of 360 Arkansas Ave

In advance of today's City Council Meeting would you please distribute my letter below concerning my opposition to the spot rezoning of 360 N. Arkansas Ave. to:

Mayor Jordan  
Each member of the City Council  
Jonathan Curth  
Kit Williams  
Blake Pennington

Thank you for your assistance.

Jeff Block

Dear Mayor Jordan and City Council Members,

Thank you for the opportunity to address you regarding the proposed spot rezoning of 360 Arkansas Ave, the Sigma Phi Epsilon house. My sister, Diane Block, and I are owners of 370 Arkansas Ave as well as 623-621 Reagan St and 619 Reagan St. which have been in our family since 1909. This is not just any zoning change request. Your decision will impact the beautiful, open and graceful entrance to the University and Old Main from now and into the future. Hopefully, my and our neighbor's letters to the Planning Commission for their May 11th and 26th meetings have been forwarded to you which have listed our multiple reasons for our opposition to the spot rezoning for 360 from RMF-40 to Downtown General (DG). Allowing DG zoning will destroy a historic neighborhood by wedging a 14,000 square foot building into a 0.2 acre parcel of land where a 4-5,000 square foot home once stood. DG would allow Sig Ep to build virtually on top of the newly engraved 2019 Graduate's names on the Senior Walk. Their plans call for the building to begin THREE feet from the eastern edge of the walk where the average distance of existing buildings on Arkansas Ave. is over 30 feet. The building as designed is a large 3 story cube with virtually no setbacks. If built as proposed, light and air will be severely cut down by the mass of this structure. reducing our enjoyment of our property. This building is just too large and out of place. It would be like dropping in the Frisco apartments right across from Old Main. As Kit Williams, City Attorney, stated in a Jan. 12, 2016 memo to the Planning Commission that his advice has always been: "Probably the most important factor and the underlying reason to have zoning in the first place is to promote COMPATIBILITY among neighboring parcels....I remain convinced COMPATIBILITY with

the neighboring parcels must remain the lodestar in every rezoning consideration " 360's plans are most definitely NOT COMPATIBLE.

Another reason we are opposed to the proposed DG rezoning is our experience with the fraternity as a neighbor. My sister will be commenting on the social problems over the years that we have had with Sig Ep. I want to comment on issues that have placed an undue burden on us in regards to Sig Ep. It is not 100% clear from the statements in the application in regards to sewer connections. Blake Jorgensen states the "City Water and City Sewer are already available." Jessie Masters states in her May 26, 2020 memo on page 2 that "Sanitary Sewer is not available to this parcel. A sanitary sewer main extension to existing facilities in West Reagan St or West Lafayette St will be required at time of development to serve this parcel." Coming through our property will force an undue burden upon our property by possibly creating an easement directly through the middle of our property. This would substantially devalue the property if we choose (we're not) to develop or sell it in the future. And a past experience with Sig Ep makes me less than trusting in their actions. In September of 2019 I was contacted by Phillip McKnight for Sig Ep to tell me that they were going to tear down the existing house to build a new one. He asked if their demolition crew could use our drive from Reagan St for equipment to access 360. He said some trees on our property would need to be minimally trimmed to allow the equipment passage. My sister and I discussed with our attorney as to how we could structure an agreement to allow them temporary use of our drive for demolition. Ideas were proposed to Sig Ep on how we'd consider use of the drive. We could not come to an agreement. To make a long story short, we decided that there would be too much damage to our old trees and plantings and I informed Mr. McKnight of our decision. A week or so later I informed him that we were going to fence off the property line in our backyard. It allowed access from Reagan St to their parking behind their building. The opening had been used with our knowledge and permission. Within days of notifying Mr. McKnight of our decision we received a letter from Sig Ep's attorney claiming Sig Ep had been using our driveway for more than 7 years and, therefore, had acquired a prescriptive easement across our property. They were claiming the property under Adverse Possession. We asserted that any such use had not been adverse to our rights but, instead had been with our permission. We provided Sig Ep's attorney our November 24, 2014 letter to the registered agent for Sig Ep and the Chapter President which stated that the driveway was the Block's private property and that "Any use of the driveway by others has been strictly and exclusively with the Blocks' permission." We would have vigorously rebutted their claim in court but the matter was dropped by Sig Ep. Sometime later the former house was demolished with access from Arkansas Ave. Needless to say, this situation was extremely unpleasant and costly in legal fees. I fear a repeat if Sig Ep is granted the DG rezoning and there is need for a new sewer connection. I fear an undue burden of more legal wrangling and substantial legal fees to protect our property rights.

I urge you to please vote NO to the spot rezoning request for 360 Arkansas Ave. Allowing a massive building similar to the Frisco to be jammed onto a tiny lot will forever change the gracefulness of Arkansas Ave, the entry to the University and Old Main. We are near DG zoning but it's across the railroad tracks. Keep that as the dividing line for larger developments and keep Arkansas Ave and surrounding neighborhood in the RMF-40 zoning. I keep using the word gracefulness to describe our neighborhood. Allowing a huge building to loom and crowd out the sidewalk and vista down Arkansas Ave, the beauty and history is gone forever. Thank you for considering our concerns about this very important zoning and development issue.

Sincerely,

Jeff Block

Owner of 370 Arkansas Ave



**JEFFREY BLOCK**

LICENSED ASSOCIATE REAL ESTATE BROKER

DOUGLAS ELLIMAN REAL ESTATE

DIRECT: 718.780.8107

OFFICE: 718.780.8100

MOBILE: 917.843.7711

FAX: 917.369.1481

[JBLOCK@elliman.com](mailto:JBLOCK@elliman.com)

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## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 16, 2020 2:01 PM  
**To:** bbolinger@fayetteville-ar.gov; bpennington@fayetteville-ar.gov; cityclerk@fayetteville-ar.gov; citycouncil@matthewpetty.org; geads@fayetteville-ar.gov; groberts@fayetteville-ar.gov; jbatker@fayetteville-ar.gov; kjohnson@fayetteville-ar.gov; krogers@fayetteville-ar.gov; kwilliams@fayetteville-ar.gov; lbranson@fayetteville-ar.gov; ljordan@fayetteville-ar.gov; Mathis, Jeana; Paxton, Kara; pmulford@fayetteville-ar.gov; snorton@fayetteville-ar.gov; Thurber, Lisa; ward1\_pos1@fayetteville-ar.gov; ward1\_pos2@fayetteville-ar.gov; ward2\_pos1@fayetteville-ar.gov; ward3\_pos1@fayetteville-ar.gov; ward3\_pos2@fayetteville-ar.gov; ward4\_pos1@fayetteville-ar.gov; ward4\_pos2@fayetteville-ar.gov  
**Cc:** Jeanette Ballard  
**Subject:** FW: Rezoning

Dear City Council Members:

I would like to provide you with my opinion before you vote on rezoning the lot located on Arkansas Ave. I am a resident of Fayetteville and live at 695 North Oliver Ave., which is one block from the Univ. of Ark. I am impacted by changes made around the university, including my daily walks around campus, and I always work with my fellow neighbors and vote.

I understand that city council is considering allowing the lot located on Arkansas Ave., which is across the street from Old Main, to be rezoned at the request of the builder/architect so he can increase the capacity of the new housing from 20 students to 70 students. I am opposed to this change. The requested rezoning would allow the site lines to be changed and allow the builder/architect to build too close to the street and neighboring buildings. All other buildings on Arkansas Ave. must comply with the existing rules, which allows for larger sidewalks and adequate spacing between the buildings. This change will simply make the building appear to be more "commercial" and not a residence, which is expected in this area of the University. Please vote against the request to rezone this lot.

Please reach out to me if you have any questions.

Thank you,  
Jeanette Ballard

## CityClerk

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**From:** CityClerk  
**Sent:** Tuesday, June 16, 2020 2:04 PM  
**To:** 'bbolinger@fayetteville-ar.gov'; 'bpennington@fayetteville-ar.gov'; 'cityclerk@fayetteville-ar.gov'; 'citycouncil@matthewpetty.org'; 'geads@fayetteville-ar.gov'; 'groberts@fayetteville-ar.gov'; 'jbatker@fayetteville-ar.gov'; 'kjohnson@fayetteville-ar.gov'; 'krogers@fayetteville-ar.gov'; 'kwilliams@fayetteville-ar.gov'; 'lbranson@fayetteville-ar.gov'; 'ljordan@fayetteville-ar.gov'; Mathis, Jeana; Paxton, Kara; 'pmulford@fayetteville-ar.gov'; 'snorton@fayetteville-ar.gov'; Thurber, Lisa; 'ward1\_pos1@fayetteville-ar.gov'; 'ward1\_pos2@fayetteville-ar.gov'; 'ward2\_pos1@fayetteville-ar.gov'; 'ward3\_pos1@fayetteville-ar.gov'; 'ward3\_pos2@fayetteville-ar.gov'; 'ward4\_pos1@fayetteville-ar.gov'; 'ward4\_pos2@fayetteville-ar.gov'  
**Cc:** 'Hogan, Maureen'  
**Subject:** FW: Letter about Fraternity at 360 Arkansas ave

Dear City Council members ,

Our home at 370 Arkansas Ave has tried very hard to be a good neighbor to the Fraternity at 360 Arkansas Ave . Despite their misbehavior , We allowed students often blocked by a parked car left over the Arkansas Ave entrance , to access via our driveway on Reagon st.

In 2014 the situation became very abusive and our Attorney was obliged to send the Sig Epsilon a letter explaining that the courtesy we extended would be revoked unless Fraternity members ceased their various abuses . If council requests , our law firm can provide this and subsequent legal letters .

In fall of 2019 , Mr McKnight , representing the Fraternity , asked if they could borrow our driveway to perform demolition. After consideration of trees and other weight and width damage to our drive , and objections of our tenants who would be subjected to noise , dust , and disruption of their parking , we told him they could not cross our property .

We also informed him were repairing the fence on lot line to protect our tenants from construction debris.

Sig Eps response : a letter announcing they would sue us and try to take our land via an Adverse Possession prescriptive easement .

When our attorney told Sig Eps attorney that she did not believe the Sig Eps had acquired an easement and we intend to fight this , she asked him if he was aware of her letter to the fraternity in 2014 or its reply to her , nor of the letter from the architect to the City Planning office in 2015. ( which acknowledges that Fraternity enjoyed a revocable occasional use of our driveway )

The new Sig Eps Attorney was not aware of either letter. Our lawyer promptly sent him copies of those letters with her reply.

The Sig Eps Attorney said he was calling our Attorney because Mr. McKnight had made him aware that we were planning to erect a fence

right away and he said he wanted us to know that the fraternity is claiming an easement. However , no one informed him ( the local attorney ) of previous legal steps and attorney certified letter exchanges of 2014 that established our protection from any adverse possession. We at our lawyers direction informed Mr McKnight that all communications were to be " counsel to counsel "

These episodes of course cost us significant attorney fees , only to result in the matter being dropped and we were informed that Fraternity would do its demolition via its own access at 370 Arkansas Ave .

The angst and expense caused by these episodes when we had extended great courtesy to the Fraternity was furthered this March 2020 when the Fraternity reps spoke directly to our property manager and some employees of the fraternity strolled our property ( not wearing a face coverings and ignoring the no trespassing signs ) saying they planned "utility easements " on our land which they intended to use .

We were again obliged to consult and pay our attorney and additionally hire a title search that informed us there were NO utility easements nor easements of any kind on our property .

A fraternity is welcome here , but as neighbors they should not be constantly so untrustworthy and causing legal problems and expenses . Other letters address the other issues of non compatibility with area .

I urge you to vote no to spot rezoning of 360 N Arkansas Ave .

Thank you , Maureen Hogan Block

#### **MAUREEN HOGAN**

LICENSED ASSOCIATE REAL ESTATE BROKER

**DOUGLAS ELLIMAN REAL ESTATE**

***THE BEST COMPLIMENT IS A REFERRAL***

DIRECT: 718.780.8132

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[MHOGAN@elliman.com](mailto:MHOGAN@elliman.com)

156 MONTAGUE STREET, BROOKLYN, NY 11201

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## CityClerk

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**From:** Shayla Dawson <shayladawson39@gmail.com>  
**Sent:** Tuesday, June 16, 2020 1:25 PM  
**To:** Mayor; Paxton, Kara  
**Subject:** Re-zoning of 360 Arkansas Ave request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Forwarded

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Good evening,

I am emailing to request that you vote NO to the re-zoning of 360 Arkansas Ave. I am currently staying in the house right next to the lot in question. I also received my undergraduate degree from the University of Arkansas and will be attending the law school in the fall. With that being said, I am concerned about the impact that the re-zoning could have on the area. I think that the project that will take place is first too enormous in size and will poorly affect the surrounding neighbors. Secondly, it will disrupt the historic beauty that has existed for over 100 years. This will likely harm the charm of the university, including the famous senior walk. Furthermore, the structure will not comply with the 25+ ft setback or the RMF-40 requirement that fraternity houses be built on one acre of land, which is not available at this location.

Once again, I am requesting that you vote NO to the re-zoning of 360 Arkansas Ave.

Thanks

## CityClerk

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**From:** CityClerk  
**Sent:** Thursday, June 18, 2020 5:22 PM  
**To:** Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Mathis, Jeana; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle  
**Cc:** Evelyn Stilwell  
**Subject:** FW: Requested re-zoning at 360 Arkansas Avenue, PZD?

Good evening,

Please see the email below from Evelyn Stilwell.

Thank you,

*Kara Paxton*

**City Clerk Treasurer**

City of Fayetteville, Arkansas

[kapaxton@fayetteville-ar.gov](mailto:kapaxton@fayetteville-ar.gov)

T 479.575.8323



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**From:** Evelyn Stilwell <evelynstilwell@gmail.com>  
**Sent:** Thursday, June 18, 2020 2:41 PM  
**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>; Matthew Petty <citycouncil@matthewpetty.org>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Evans, Melissa <mevans@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>  
**Subject:** Requested re-zoning at 360 Arkansas Avenue, PZD?

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Greetings Honored Mayor, City Council, City Planning commissioners, Urban Foresters, and Development Manager,

This is Evelyn Stilwell, owner-occupant of 358 Arkansas Ave, the property next door to the lot owned by Sig Ep fraternity which is asking for a re-zoning to DG for their single lot at 360 Arkansas Avenue.

At the June 16 City Council meeting, I noticed that although many council members seem to be opposed to granting DG to this sole lot, as would be appropriate to honor the rest of the long-term neighbors who have invested in improving our properties. And, we would like to believe the city of Fayetteville will not suddenly re-zone a Single Lot. This, because

the owners of 360 Arkansas Ave. want an over-sized structure on a lot not big enough to serve parking needs or a behind-house trash dumpster, but big enough to house 50 male students.

This is a problem. I don't understand what PZD zone is, which someone has suggested as a solution, nor can I find a definition through a link about it in the City website.

We, the neighbors of the RMF-40 zoned neighborhood which includes Arkansas Ave, wish our neighborhood, all of it, to remain Zoned RMF-40. We were required to provide paved and sufficient parking for the number of bedrooms we built when we improved our property in 1994, and again in 2012. ALL the structures in our neighborhood comply with the many zone requirements. We DO NOT want a lot next door, or in the neighborhood, to be given a free pass to build something far too large for their lot in our RMF-40 zone.

Although the architects in the City Council meeting, June 16, addressed the "compatibility" issue by showing they are using red brick and siding, plus columns similar to structures on the Avenue, they failed to address the *key issue*. **Their lot is far too small for a 14,000 sf structure, or for 50 residents!** In our zone the 14,000 sf structure, housing 50 men with tiny 4-person apartments on each floor would be so mammoth that it will obliterate the views of Arkansas Avenue from several vantage points. Also, building 7 feet from my property line will probably be the death knell of our 100-year-old oak tree, which provides the only valuable west-facing shade we still have after the UA removed our mature maples for their renovation of Arkansas Avenue and planted young trees.

The City's Urban Forestry statement demonstrates our value of trees (7 other mature trees I maintain on the property line with 360 would also be endangered):

"Not only do trees add to the aesthetics of our City, shade our trails, and give good homes to wildlife, trees also provide economic, environmental, and behavioral benefits.

Using trees as wind blocks or as shade producers can decrease utility bills. Trees also remove huge quantities of pollutants from the air, aid in erosion control, and decrease stormwater runoff. It has been proven that given a green shady area to relax or play in, a person will stay calmer and remain outdoors longer.

Trees planted where they can be observed from residential dwellings, hospital rooms, or school classrooms can reduce crime rates, quicken patient recovery rates, and increase productivity." <http://www.fayetteville-ar.gov/339/Urban-Forestry>

Their lot is 60' wide and 150' deep; they propose a 14,000 square foot building 3 stories at street level on **2 tenths** of an acre. This is inappropriate given the residents and owners of adjacent properties would be deprived of the peaceful enjoyment of our properties, which our zoning requirements ought to protect. Sig Ep used an old house that WAS beautiful, built in 1911, which they enlarged by adding a 3rd floor on top (taking it to 4,000 sf). This was badly damaged from rough use and is what they demolished this winter.

The Kappa Alpha fraternity house, 2 doors south of me, has a lot 104' wide by 227' deep, and built a 16,000 square foot building, 3 stories at street level, on **.54 acre**. Their building is about 60' wide and 110' deep.

IMAGINE a Sig Ep house, almost the same size in square feet, on a lot LESS THAN HALF THE SIZE. They have seen the only solution to getting the enormous structure they desire onto a too-small lot is to have it re-zoned DG, which will remove the size limitations, but create lasting problems for the neighborhood. More than that, it will be the beginning of the degradation of this beautiful and unique avenue, which I hope the City of Fayetteville will choose to protect.

Vote NO to re-zone lot 360 Arkansas Avenue, Please! Come visit, see for yourself. Sit on my front porch, walk the Avenue and think about it.

Thank you for your careful gathering of information, and looking to the City's interests, and the interest of preserving our historic Avenue and grand entrance to the University.. Sincerely,

Evelyn Stilwell  
Owner-occupant of 358 Arkansas Ave.  
479-790-1735

## CityClerk

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**From:** CityClerk  
**Sent:** Friday, June 26, 2020 10:24 AM  
**To:** Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Mathis, Jeana; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle  
**Cc:** Hogan, Maureen  
**Subject:** FW: Letter of opposition to spot rezoning / please distribute , thanks!

Dear members of the city council , Mr Mayor and City Attorneys,

This is Maureen Hogan Block , of 370 Arkansas Ave , stating my Severe Opposition to DG spot rezoning for the small lot next door at 360 Arkansas Ave .

At the June 16 City Council meeting, We noticed that many council members seem to be opposed to granting DG to this small lot because it is non compliant with the rest of the long-term neighboring properties. It also violates the historic nature and set backs established along the Avenue .

The Fraternity at that meeting promised to the city of Fayetteville , IF and only IF it would re-zone their 0.2 acre lot to DG , they would agree to redesign closer to scale .

To date, We have not seen this plan . Nor , based on history , do we believe they would honor their various promises .

The owners of [360 Arkansas Ave](#) are asking for an massive structure on a lot that was not big enough to serve their previous parking or trash needs for 12 beds but now want a house big enough for 50 students.

There is no consideration given to sewer , defoliation of neighbors lots , ( including historic trees ) nor the damage anticipated to the Senior walk and lampposts . Furthermore, they have not proposed in their newest BOA a matching setback from senior walk NOR even a safe set back on sides . (They will have no driveway possible with only 7 ft on sides . )

The parties will still have up to 400 people with only one public bathroom in their most current online plan . ( It's an invitation to resume their habitual and documented public indecency of urinating and defecating on our properties . )

We, along with the neighbors of the RMF-40 zoned neighborhood which includes Arkansas Ave, wish our neighborhood, all of it, to remain Zoned RMF-40. We all are required to provide sufficient parking and trash pick up for the number of bedrooms . ALL the structures in our neighborhood comply with the many zone requirements. We DO NOT want a lot next door, or in this historic neighborhood, to be given a free pass to build something far too large for their lot in our RMF-40 zone.

Evelyn Stilwell says in best in her letter of last week :

**Their lot is far too small for a 14,000 sf structure, or for 50 residents!** In our zone the 14,000 sf structure, housing 50 men with tiny 4-person apartments on each floor would be so mammoth that it will obliterate the views of Arkansas Avenue from several vantage points. Also, building 7 feet from my property line will probably be the death knell of our 100-year-old oak tree, which provides the only valuable west-facing shade we still have after the UA removed our mature maples for their renovation of Arkansas Avenue and planted young trees.

Neighborhood believes we can work within RMF 40 to help Frat design a Fraternity House that enlarges

their membership , resolving the existing non compatibility with the historic neighborhoods.

( I would add that Neighbors also feel we can help Fraternity transition into a less abusive relationship than they previously had with its neighbors for 11 years . )

But it is key that DG spot rezoning not be allowed for this one party on an undersized lot .

Thank you !

Maureen Hogan Block

**MAUREEN HOGAN**

LICENSED ASSOCIATE REAL ESTATE BROKER

DOUGLAS ELLIMAN REAL ESTATE

*THE BEST COMPLIMENT IS A REFERRAL*

DIRECT: 718.780.8132

OFFICE: 718.780.8100

FAX: 212.813.5189

[MHOGAN@elliman.com](mailto:MHOGAN@elliman.com)

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## CityClerk

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**From:** CityClerk  
**Sent:** Wednesday, July 1, 2020 3:52 PM  
**To:** Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Mathis, Jeana; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle  
**Cc:** Diane Block  
**Subject:** FW: July 7, 2020 City Council meeting re: Sigma Phi Epsilon rezoning request

Please see the below email.

Please note that Public Comment for upcoming agenda items can also be submitted at the below link.

[Submit Public Comment](#)

Thank you,

### Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308  
Fayetteville, AR 72701  
479.575.8323  
[cityclerk@fayetteville-ar.gov](mailto:cityclerk@fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Diane <dianewblock@earthlink.net>  
**Sent:** Wednesday, July 1, 2020 3:16 PM  
**To:** CityClerk <cityclerk@fayetteville-ar.gov>  
**Cc:** Diane Block <dianewblock@earthlink.net>; Block Jeffrey <JBLOCK@elliman.com>; Evelyn Stilwell <evelynstilwell@gmail.com>; Marinoni <pm@paulamarinoni.com>; maureen <MHOGAN@elliman.com>; Bill <bill.mandrell@gmail.com>; Tom Brown <dog13gregg@aol.com>  
**Subject:** July 7, 2020 City Council meeting re: Sigma Phi Epsilon rezoning request

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Dear Ms. Paxton,

Please distribute this letter to Mayor Jordan and his Staff; City Council members; Jonathan Curth and Staff, City Planning Department; and the City Attorney and Assistant Attorney.

Many thanks,  
Diane Block

Dear Mr. Mayor, Members of the City Council, and City Planners,

Thank you for the careful attention you have given concerning our neighborhood's opposition to a Downtown General rezoning for the Sigma Phi Epsilon property on Arkansas Avenue. It is greatly appreciated by all of us.

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“A fraternity house is appropriate for the site; I share the concerns about the setback and how the massing of the building addresses the street.”

[Re: DG] “We’ve exposed what is a real problem; it would be a disaster if a large building were to locate itself on this street and completely wiff on respecting the historic fabric of Arkansas Avenue.”

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now that she was absolutely correct, and she was also correct about saving Carnall Hall. Historic preservation is a piece by piece, lot by lot issue.”

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Sincerely,

Diane W. Block  
Santa Fe, NM  
Part-owner of 370 Arkansas Avenue

## CityClerk

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**From:** CityClerk  
**Sent:** Thursday, July 2, 2020 7:54 AM  
**To:** Bolinger, Bonnie; Pennington, Blake; CityClerk; citycouncil@matthewpetty.org; Eads, Gail; Roberts, Gina; Batker, Jodi; Johnson, Kimberly; Rogers, Kristin; Williams, Kit; Branson, Lisa; Jordan, Lioneld; Mathis, Jeana; Paxton, Kara; Mulford, Patti; Norton, Susan; Thurber, Lisa; Gutierrez, Sonia; Marsh, Sarah; Kinion, Mark; Scroggin, Sloan; Bunch, Sarah; Turk, Teresa; Smith, Kyle  
**Cc:** Bill; Evelyn Stilwell; Block Jeffrey; pm@paulamarinoni.com; Diane; Tom Brown; maureen  
**Subject:** RE: July 7, 2020 City Council meeting re: Sigma Phi Epsilon rezoning request

Please see the below email.

Please note that Public Comment for upcoming agenda items can also be submitted at the below link.

[Submit Public Comment](#)

Thank you,

### Office of the City Clerk Treasurer

113 W. Mountain Street, Suite 308  
Fayetteville, AR 72701  
479.575.8323  
[cityclerk@fayetteville-ar.gov](mailto:cityclerk@fayetteville-ar.gov)

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Evelyn Stilwell <evelynstilwell@gmail.com>  
**Sent:** Wednesday, July 1, 2020 10:21 PM  
**To:** pm@paulamarinoni.com  
**Cc:** Bill <bill.mandrell@gmail.com>; Block Jeffrey <JBLOCK@elliman.com>; Diane <dianewblock@earthlink.net>; CityClerk <cityclerk@fayetteville-ar.gov>; Tom Brown <dog13gregg@aol.com>; maureen <MHOGAN@elliman.com>  
**Subject:** Re: July 7, 2020 City Council meeting re: Sigma Phi Epsilon rezoning request

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I agree! Well done; it should help  
Them see our reasonable position.  
Evelyn

On Wed, Jul 1, 2020 at 6:53 PM [pm@paulamarinoni.com](mailto:pm@paulamarinoni.com) <[pmm6170@cox.net](mailto:pmm6170@cox.net)> wrote:

Really a masterpiece, Diane!! This should really help them understand.

Thank you for your efforts!!

I'll work on a group letter in the morning and run it past everyone.

Paula

*Paula Marinoni*

*Executive Broker*

## "Best Places" Realty

[pm@PaulaMarinoni.com](mailto:pm@PaulaMarinoni.com)

479-466-4128

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**From:** Diane <[dianewblock@earthlink.net](mailto:dianewblock@earthlink.net)>  
**Sent:** Wednesday, July 1, 2020 3:16 PM  
**To:** Kara Paxton <[cityclerk@fayetteville-ar.gov](mailto:cityclerk@fayetteville-ar.gov)>  
**Cc:** Diane Block <[dianewblock@earthlink.net](mailto:dianewblock@earthlink.net)>; Block Jeffrey <[JBLOCK@elliman.com](mailto:JBLOCK@elliman.com)>; Evelyn Stilwell <[evelynstilwell@gmail.com](mailto:evelynstilwell@gmail.com)>; Marinoni <[pm@paulamarinoni.com](mailto:pm@paulamarinoni.com)>; maureen <[MHOGAN@elliman.com](mailto:MHOGAN@elliman.com)>; Bill <[bill.mandrell@gmail.com](mailto:bill.mandrell@gmail.com)>; Tom Brown <[dog13gregg@aol.com](mailto:dog13gregg@aol.com)>  
**Subject:** July 7, 2020 City Council meeting re: Sigma Phi Epsilon rezoning request

**Dear Ms. Paxton,**

**Please distribute this letter to Mayor Jordan and his Staff; City Council members; Jonathan Curth and Staff, City Planning Department; and the City Attorney and Assistant Attorney.**

**Many thanks,**

**Diane Block**

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Santa Fe, NM

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

In order to attempt to obtain approval of a request for a zoning reclassification, for property known as parcel # 765-06031-000 the owner, developer, or buyer of this property, (hereinafter "Petitioner") Arkansas Alumni Corp of Sigma Phi Epsilon, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

The use of Petitioner's property shall be limited to the following

1. The front setback shall be 15', the side setbacks shall be 7', and the rear setback shall be 15'
2. The maximum number of stories for this facility shall be limited to three (3) excluding any basement type space.
3. The architectural elements shall be in similar nature to the attached perspective and elevation.
4. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development/Site Improvement Plan, etc which includes some or all of Petitioner's property.







ΣΦΕ