

City of Fayetteville Staff Review Form

2022-0082

Legistar File ID

2/15/2022

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

Jonathan Curth

1/28/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2021-000092: Rezone (SOUTH OF 375 N. RUPPLE RD./RIVERWOOD HOMES & MCBRYDE FAMILY, 477/478): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SOUTH OF 375 N. RUPPLE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL & CS, COMMUNITY SERVICES and contain 2 parcels with approximately 35.20 acres. The request is to rezone 5.34 acres from R-A to CS and rezone 0.48 acres from CS to R-A.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? No

Budget Adjustment \$ -

Remaining Budget \$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



**MEETING OF FEBRUARY 15, 2022**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth, Development Services Director

**FROM:** Jessie Masters, Development Review Manager

**DATE:** January 28, 2022

**SUBJECT:** **RZN-2021-000092: Rezone (SOUTH OF 375 N. RUPPLE RD./RIVERWOOD HOMES & MCBRYDE FAMILY, 477/478):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SOUTH OF 375 N. RUPPLE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL & CS, COMMUNITY SERVICES and contain 2 parcels with approximately 35.20 acres. The request is to rezone 5.34 acres from R-A to CS and rezone 0.48 acres from CS to R-A.

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**RECOMMENDATION:**

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The subject property is in west Fayetteville and just to the southwest of Owl Creek School along N. Ruppel Road. Containing 35.20 acres, the property is currently undeveloped. In 2015, the property was rezoned to CS, Community Services and R-A, Residential-Agricultural through a city-initiated rezoning effort in conjunction with the redevelopment of N. Ruppel Road (Ordinance 5775). The intent of that effort was to concentrate density in specified areas along the corridor and help conserve other environmentally-sensitive areas throughout the 642-acre study area.

*Request:* The request is to rezone 5.34 acres from R-A to CS, and 0.48 acres from CS to R-A. The applicant has not submitted any plans for development review, but has submitted a proposal to the Parks and Recreation Advisory Board with an intent to develop a senior-living development and possible associated parkland dedication.

*Public Comment:* Staff did not receive any public comment on the item, and no public comment was offered at the meeting.

*Land Use Compatibility:* The property is situated between a school, a retirement community, and a single-family neighborhood, and has frontage along the redeveloped N. Ruppel Road, generally making a request to expand the area for additional mixed-use density compatible. While CS does allow taller buildings by right (5 stories), the build-to-zone associated with CS is setback slightly from the street to accommodate this. CS also brings additional permitted uses such as eating places and neighborhood shopping that could potentially be of walkable service to the surrounding

area. The downside of the request is that much of the area zoned R-A was intentionally zoned that way in an effort to conserve environmentally-sensitive areas during a city-initiated rezoning effort in 2015. The applicant's request to rezone 5.34 acres of this area to CS is not necessarily in line with this previous intention. That said, expanding the entitlement through rezoning a portion of the area to CS is only one step in the development process; much of the area in question is still protected by the Streamside Protection ordinance, as well as additional regulations surrounding the development in a floodplain that would be reviewed for at the time of a specific development proposal. The presence of a protected stream, floodplain, and hydric soils on the property will limit the size of any future development through additional reviews and approval. Further, the applicant is also downzoning a portion of property (0.48 acres) to R-A.

*Land Use Plan Analysis:* Staff finds that the request is not entirely consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area has several designations on the Future Land Use map, including Natural Area. As stated above, the current R-A zoning is in line with the Future Land Use Map designation as a "Natural Area" and to rezone 5.34 acres of that designation to CS is not necessarily in line with the city's goals. The applicant's request to downzone a portion of CS property to R-A is, however, an effort to maintain some alignment with the Future Land Use Map in this area, though perhaps does not go quite far enough. It is also worth noting that the area deemed "Natural Area" by the Future Land Use Map does not immediately follow the floodplain boundary.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of 5-6 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, located at 835 N. Ruppel Rd)
- Near Water Main (12" PVC, N. Ruppel Road)
- Near Public School (Owl Creek School)
- Near City Park (Centennial Park)
- Near Paved Trail (N. Ruppel Road)
- Near Razorback Bus Stop (Route 35)

#### **DISCUSSION:**

At the January 24, 2022 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Sharp made the motion and Commissioner Winston seconded. Commissioners initially offered concerns about the overall lack of connectivity and access to the site given existing floodplain and streams, lack of consideration for the Enduring Green Network, and had questions about how access may interact with the boulevard along N. Ruppel Road. Commissioners also identified that the property was unusual in shape, but recognized that the existing CS zoning on the site indicated an intent for higher-intensity development to occur at this location, and found the request to be somewhat administrative in nature. No public comment was offered at the meeting.

#### **BUDGET/STAFF IMPACT:**

N/A

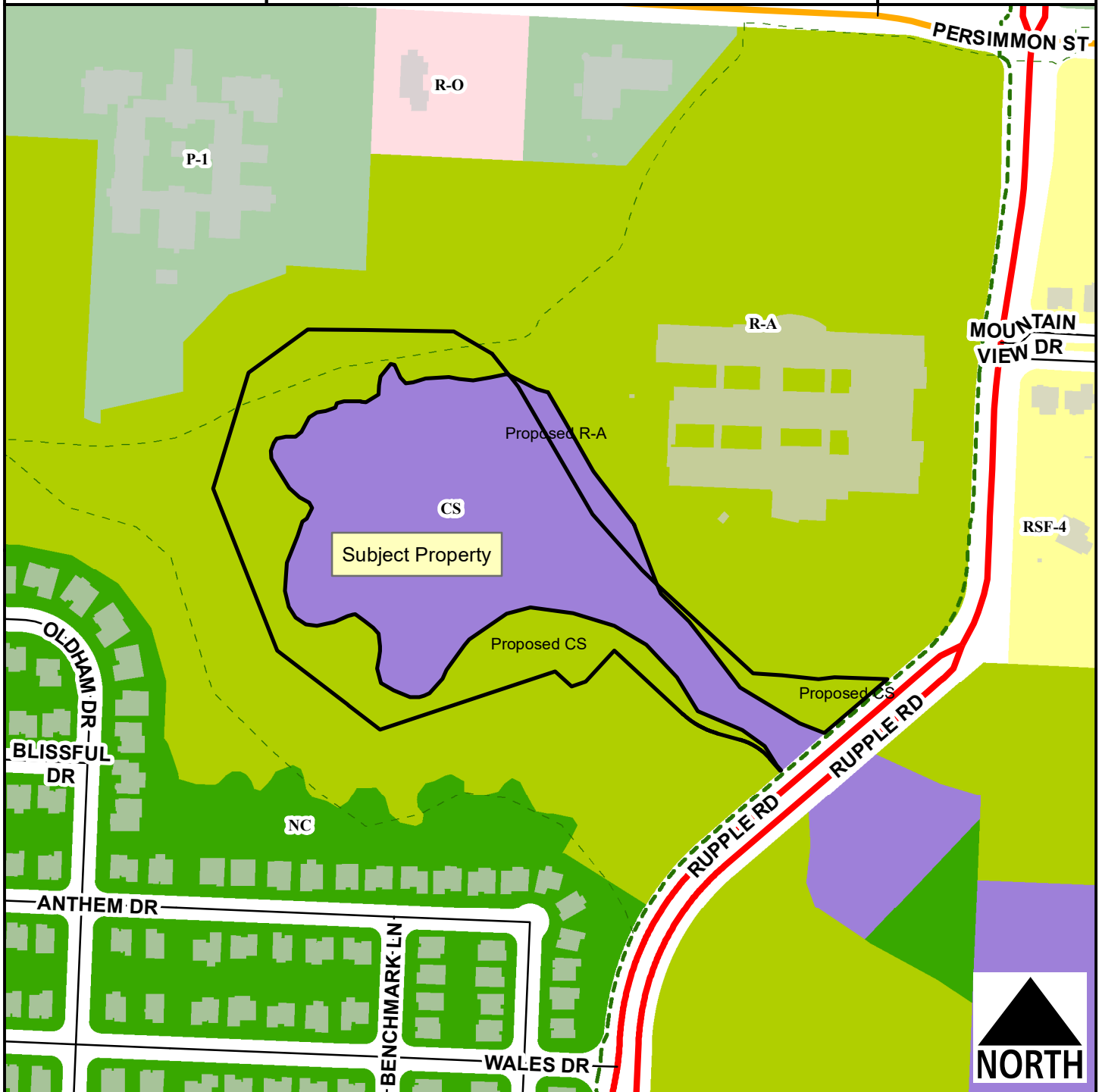
**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

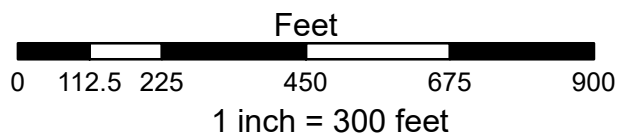
RZN-2021-000092

Close Up View

# Riverwood Homes & McBryde Family

RZN-2021-000092  
EXHIBIT 'A'

- Regional Link
- Neighborhood Link
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## Zoning Acres

CS	5.3
R-A	0.5

<b>Total</b>	<b>5.8</b>
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**RZN-2021-000092**  
**EXHIBIT 'B'**

LEGAL DESCRIPTION: (AREA 1 RA TO CS)

A part of the SW1/4 of the NE1/4, a part of the SE1/4 of the NW1/4, a part of the NE1/4 of the NW1/4 and a part of the NW1/4 of the NE1/4 all in Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, NE1/4, thence S87°10'18"E 55.37 feet to the POINT OF BEGINNING, thence S42°06'33"E 3.43 feet, thence S07°46'48"E 26.08 feet, thence S04°47'04"W 10.58 feet, thence S04°35'48"W 13.75 feet, thence S11°28'46"W 22.69 feet, thence S14°35'14"E 30.96 feet, thence S61°14'06"E 29.76 feet, thence S67°03'38"E 36.73 feet, thence S89°57'43"E 19.53 feet, thence N69°37'34"E 9.92 feet, thence N69°13'58"E 12.35 feet, thence N41°17'27"E 40.47 feet, thence N25°41'08"E 20.03 feet, thence N36°26'14"E 35.38 feet, thence N35°27'38"E 26.99 feet, thence N39°05'13"E 15.52 feet, thence N55°22'55"E 93.23 feet, thence N75°03'13"E 51.50 feet, thence S82°25'46"E 88.17 feet, thence S73°07'57"E 89.55 feet, thence S59°10'44"E 76.64 feet, thence S43°01'55"E 91.62 feet, thence S31°33'43"E 82.38 feet, thence S66°49'07"E 99.85 feet, thence S54°11'23"E 56.65 feet, thence S32°19'36"E 46.53 feet, thence S43°10'26"E 13.65 feet, thence S49°22'52"W 2.36 feet, thence N40°36'51"W 32.48 feet, thence along a curve to the left 75.13 feet, said curve having a radius of 127.50 feet and a chord bearing and distance of N57°29'39"W 74.04 feet, thence N74°22'27"W 47.86 feet, thence along a curve to the right 82.14 feet, said curve having a radius of 172.50 feet and a chord bearing and distance of N60°43'58"W 81.37 feet, thence N47°05'30"W 192.72 feet, thence S42°54'30"W 86.91 feet, thence S69°53'48"W 31.52 feet, thence N47°05'30"W 45.70 feet, thence S71°42'53"W 329.79 feet, thence S71°42'53"W 50.69 feet, thence N52°29'02"W 267.11 feet, thence N21°31'47"W 358.96 feet, thence N16°53'15"E 249.49 feet, thence N53°50'55"E 152.07 feet, thence S89°11'25"E 300.78 feet, thence S59°41'13"E 91.02 feet, thence S38°26'15"E 56.89 feet, thence N63°35'22"W 6.26 feet, thence S77°33'06"W 34.43 feet, thence S80°27'02"W 35.36 feet, thence N84°36'19"W 29.01 feet, thence N77°40'37"W 22.01 feet, thence S86°14'38"W 47.85 feet, thence S71°13'15"W 26.85 feet, thence S82°50'52"W 15.38 feet, thence N43°11'50"W 17.11 feet, thence N24°41'49"W 28.04 feet, thence N71°52'56"W 8.64 feet, thence S38°23'13"W 33.43 feet, thence S09°42'14"W 18.63 feet, thence S03°30'47"W 19.18 feet, thence S58°38'58"W 29.30 feet, thence N84°09'26"W 19.23 feet, thence S89°11'29"W 26.62 feet, thence S76°28'33"W 15.27 feet, thence S19°13'39"W 9.49 feet, thence S68°31'10"W 21.44 feet, thence S80°07'44"W 18.28 feet, thence S58°38'05"W 18.77 feet, thence S28°20'16"W 33.78 feet, thence S51°12'21"W 15.54 feet, thence S89°51'53"W 19.58 feet, thence S77°41'31"W 19.98 feet, thence S32°45'02"W 10.16 feet, thence S20°46'58"W 17.67 feet, thence S05°35'53"E 16.10 feet, thence S29°30'36"E 23.80 feet, thence S31°13'46"E 47.55 feet, thence S48°50'04"E 28.08 feet, thence S61°20'42"E 22.70 feet, thence S31°13'36"E 12.81 feet, thence S26°55'04"W 24.97 feet, thence S55°11'09"W 10.98 feet, thence S19°50'20"W 31.15 feet, thence S21°33'57"W 59.20 feet, thence S03°48'31"W 58.70 feet, thence S13°32'57"E 33.46 feet, thence S32°45'28"E 26.37 feet, thence S55°33'03"E 25.33 feet, thence S83°39'29"E 23.58 feet, thence N77°22'50"E 36.80 feet, thence N66°11'13"E 29.05 feet, thence N74°55'47"E 16.68 feet, thence S53°00'35"E 23.43 feet, thence S52°21'38"E 23.68 feet, thence S42°06'33"E 12.36 feet to the POINT OF BEGINNING: Containing 4.76 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (AREA 2 RA TO CS) A part of the SW1/4 of the NE1/4 and a part of the NW1/4 of the NE1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, NE1/4, thence S87°10'18"E 742.21 feet to the POINT OF BEGINNING, thence N37°32'55"W 70.81 feet, thence N45°39'16"W 81.70 feet, thence N21°03'55"W 21.09 feet, thence S47°05'30"E 269.89 feet, thence S86°44'03"E 59.73 feet, thence S83°25'05"E 76.07 feet, thence N82°35'54"E 32.55 feet, thence S87°59'34"E 109.25 feet, thence S49°23'09"W 171.21 feet, thence N68°01'12"W 54.74 feet, thence N58°58'22"W 144.07 feet, thence N37°34'29"W 85.43 feet, thence N37°32'55"W 14.59 feet to the POINT OF BEGINNING: Containing 0.58 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (AREA 3 CS TO RA) A part of the NW1/4 of the NE1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said NW1/4, NE1/4, thence S87°10'18"E 742.21 feet, thence N37°32'55"W 70.81 feet, thence N45°39'16"W 81.70 feet, thence N21°03'55"W 21.09 feet to the POINT OF BEGINNING, thence N47°05'30"W 43.27 feet, thence N41°32'18"W 153.70 feet, thence N30°11'00"W 303.85 feet, thence N38°26'15"W 30.50 feet, thence S63°35'22"E 63.18 feet, thence S73°50'35"E 24.50 feet, thence S29°45'06"E 185.90 feet, thence S37°41'05"E 138.87 feet, thence S21°03'55"E 133.78 feet to the POINT OF BEGINNING: Containing 0.48 acres more or less subject to easements and right of way of record.



**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** January 24, 2022 **Updated with PC hearing results from 1/24/2022**

**SUBJECT:** **RZN-2021-000092: Rezone (SOUTH OF 375 N. RUPPLE RD./RIVERWOOD HOMES & MCBRYDE FAMILY, 477/478):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties located SOUTH OF 375 N. RUPPLE RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL & CS, COMMUNITY SERVICES and contain 2 parcels with approximately 35.20 acres. The request is to rezone 5.34 acres from R-A to CS and rezone 0.48 acres from CS to R-A.

**RECOMMENDATION:**

Staff recommends forwarding RZN-2021-000092 to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward RZN-2021-000092 to City Council with a recommendation of approval."

**BACKGROUND:**

The subject property is in west Fayetteville and just to the southwest of Owl Creek School along N. Ruppel Road. Containing 35.20 acres, the property is currently undeveloped. In 2015, the property was rezoned to CS, Community Services and R-A, Residential-Agricultural through a city-initiated rezoning effort in conjunction with the redevelopment of N. Ruppel Road (Ordinance 5775). The intent of that effort was to concentrate density in specified areas along the corridor and help conserve other environmentally-sensitive areas throughout the 642-acre study area. Surrounding land uses and zoning is depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Senior Living Facility (Katherine's Place); Undeveloped; Commercial	P-1, Institutional; R-A, Residential-Agricultural; R-O, Residential-Office
South	Single-Family Residential	NC, Neighborhood Conservation
East	Owl Creek School	R-A, Residential Agricultural
West	Single-Family Residential; Undeveloped	NC, Neighborhood Conservation; R-A, Residential-Agricultural

**Request:** The request is to rezone 5.34 acres from R-A to CS, and 0.48 acres from CS to R-A. The applicant has not submitted any additional development plans in direct association with this request, but has submitted a development proposal to the Parks and Recreation Advisory Board with an intent to develop a senior-living development.

**Public Comment:** Staff has not received any public comment on this item.



## INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

- Streets:** The subject area has frontage along N. Ruppel Road. N. Ruppel Road is a fully improved Regional Link Street with asphalt paving, curb, gutter, and trail. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the subject area. Existing 12-inch water main is present along the west side of N. Ruppel Road.
- Sewer:** Sanitary sewer is available to the subject area. Existing 8-inch sanitary sewer main is present along the north side of the subject property.
- 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 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 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.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Floodplain currently surrounds the subject property. A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

There is also a Streamside Protection Zone that surrounds the subject property. Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This “protected area” is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Hydric soils are present throughout the entire site. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a

statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

### **Tree Preservation:**

The zoning district of CS, Community Services requires **20% minimum canopy preservation**. The zoning district of R-A, Residential-Agricultural, requires **25% minimum canopy preservation**.

**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, Residential Neighborhood Area, and Natural 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.

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

**Natural Areas** consist of lands approximating or reverting to a wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates a ranging score of 5-6 for this site, with a weighted score of 7. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, located at 835 N. Ruppel Rd)
- Near Water Main (12" PVC, N. Ruppel Road)
- Near Public School (Owl Creek School)

- Near City Park (Centennial Park)
- Near Paved Trail (N. Ruppel Road)
- Near Razorback Bus Stop (Route 35)

## FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** ***Land Use Compatibility:*** The property is situated between a school, a retirement community, and a single-family neighborhood, and has frontage along the redeveloped N. Ruppel Road, generally making a request to expand the area for additional mixed-use density compatible. While CS does allow taller buildings by right (5 stories), the build-to-zone associated with CS is setback slightly from the street to accommodate this. CS also brings additional permitted uses such as eating places and neighborhood shopping that could potentially be of walkable service to the surrounding area. The downside of the request is that much of the area zoned R-A was intentionally zoned that way in an effort to conserve environmentally-sensitive areas during a city-initiated rezoning effort in 2015. The applicant's request to rezone 5.34 acres of this area to CS is not necessarily in line with this previous intention. That said, expanding the entitlement through rezoning a portion of the area to CS is only one step in the development process; much of the area in question is still protected by the Streamside Protection ordinance, as well as additional regulations surrounding the development in a floodplain that would be reviewed for at the time of a specific development proposal. The presence of a protected stream, floodplain, and hydric soils on the property will limit the size of any future development through additional reviews and approval. Further, the applicant is also downzoning a portion of property (0.48 acres) to R-A.

***Land Use Plan Analysis:*** Staff finds that the request is not entirely consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area has several designations on the Future Land Use map, including Natural Area. As stated above, the current R-A zoning is in line with the Future Land Use Map designation as a "Natural Area" and to rezone 5.34 acres of that designation to CS is not necessarily in line with the city's goals. The applicant's request to downzone a portion of CS property to R-A is, however, an effort to maintain some alignment with the Future Land Use Map in this area, though perhaps does not go quite far enough. It is also worth noting that the area deemed "Natural Area" by the Future Land Use Map does not immediately follow the floodplain boundary.

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

**Finding:** A rezone from R-A to CS as the applicant has requested may not be fully justified given the Future Land Use Map designation of the area. However, further investigation into a proposed development could help identify how the applicant intends to address the environmentally-sensitive areas. The request to rezone a portion of property from CS to R-A is, however, in line

with the City's goals for the area.

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

**Finding:** Rezoning the property as the applicant has requested may not necessarily appreciably increase traffic danger or congestion given the redevelopment of N. Ruppel Road as a Regional Link Street, though there is some concern about overall access to the site; it does not readily appear that connectivity to the north, west, or south could easily be made due to existing floodplain, floodway, and streams.

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 R-A to CS could potentially increase the population density in the area. CS does not have a density maximum, should residential uses be developed on the site, which is greatly different from the R-A density requirement of 1 unit per 2 acres. That said, with the availability of services and infrastructure in the area, as well as the majority of the site already zoned CS, staff does not find that the addition of 5.34 acres of CS zoning at this location would alter the population density to an undesirable degree.

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 approval of RZN-2021-000092.

<b>PLANNING COMMISSION ACTION:</b>			
Required	<u>YES</u>		
Date: <u>January 24, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
with a recommendation of approval			
Motion: Sharp			
Second: Winston			
Vote: 9-0-0			

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.03 District R-A, Residential-Agricultural
  - §161.22 Community Services
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**161.03 District R-A, Residential-Agricultural**

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

- (F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

## 161.22 Community Services

- (A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-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 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
-------------------------	-----------

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; 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; Ord. No. 6409 §1, 2-2-21)



**JORGENSEN**  
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[www.jorgensenassoc.com](http://www.jorgensenassoc.com)

December 15, 2021

City of Fayetteville  
113 W. Mountain  
Fayetteville, AR 72701

Attn: Development Services

Re: Rezoning for Riverwood Homes & McBryde

Attached herewith please find the submittal documents in regards to a rezoning on a piece of property located off of Ruppel Road just south of Owl Creek School. The subject property is made up of the following parcels:

- 765-22366-100 (McBryde Family, 30.60 acres).
- 765-16269-100 (Riverwood Homes, 4.60 acres).

This property is currently zoned C-S (Community Services) and R-A (Residential Agriculture) and is broken up by the floodplain line that surrounds all sides of this property. The reason for the request is we are looking to submit a Preliminary Plat for both pieces and after laying out the streets and lots there are numerous areas & lots that need to be rezoned to C-S to accomodate the subdision as shown on the attached attached Preliminary Plat. The total acreage being requested to be rezoned from R-A to C-S is 5.34 acres and from C-S to R-A is 0.48 acres.

We thank you for your consideration of this proposal and please call with any questions,

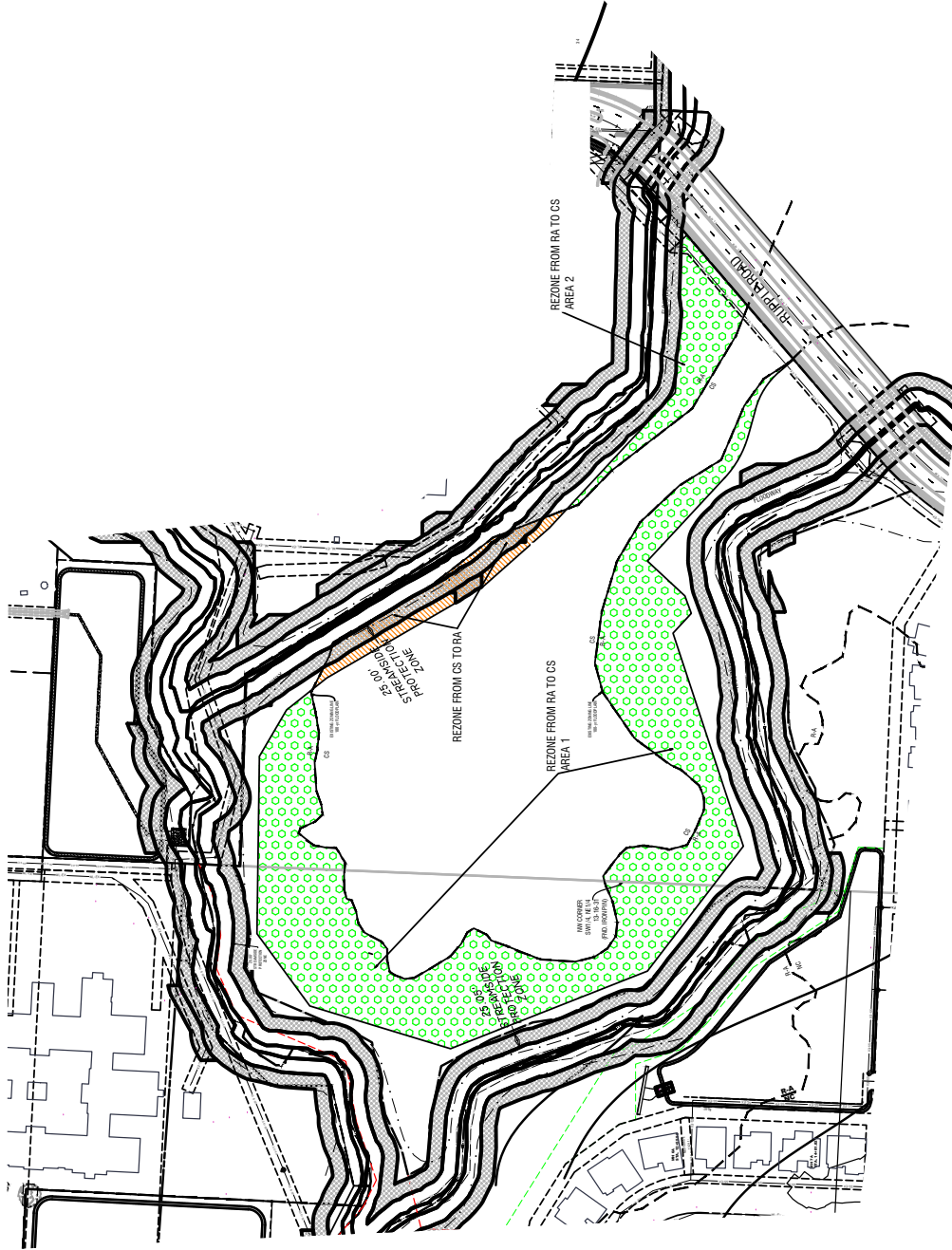
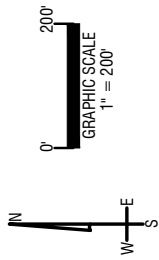
Thank you.

Sincerely;

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Justin L. Jorgensen, P.E.





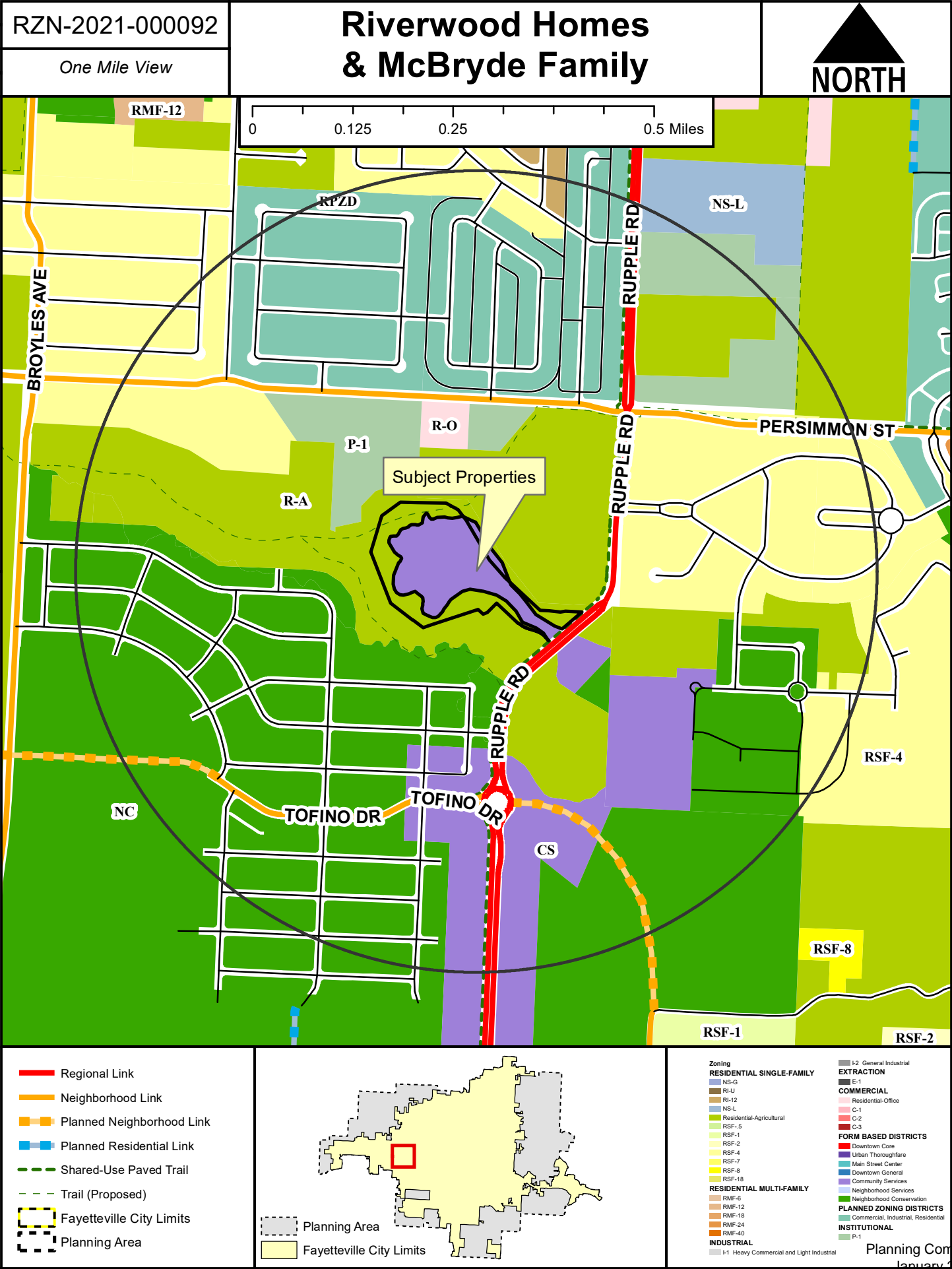
- LEGEND
- × CALCULATED POINT
  - FOUND IRON PIN
  - SET IRON PIN & CAP
  - UTILITY EASEMENT
  - CENTERLINE STREET



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[www.jorgensenassoc.com](http://www.jorgensenassoc.com)  
 Established 1985

PROJECT TITLE: THE COURTYARDS AT OWL CREEK  
 LOCATION: FAYETTEVILLE, AR  
 SHEET TITLE: REZONING EXHIBIT  
 DRAWN BY: PMM  
 SHEET SCALE: 1"=200'  
 DATE: 12.14.2021  
 PROJECT FILE: Z:\Subdivisions\2019016\dwg\EPCON REZONING.dwg

SHEET # 1



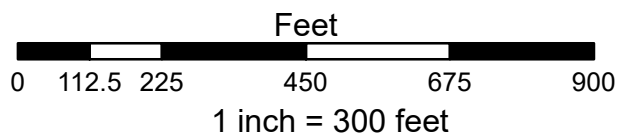
RZN-2021-000092

Close Up View

# Riverwood Homes & McBryde Family



- Regional Link
- Neighborhood Link
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## Zoning    Acres

CS    5.3  
R-A    0.5

**Total    5.8**

Planning Commission  
January 14, 2022

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RZN-21-000092 McBryde-Riverwood Homes

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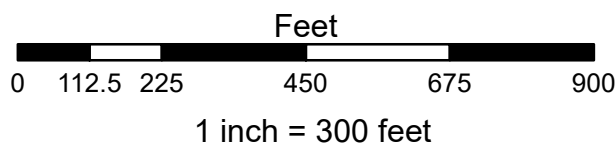
RZN-2021-000092

Current Land Use

# Riverwood Homes & McBryde Family



- Regional Link
- Neighborhood Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



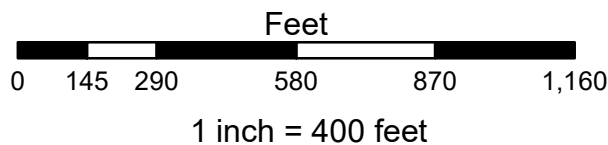
RZN-2021-000092

Future Land Use

# Riverwood Homes & McBryde Family



- Regional Link
- Neighborhood Link
- Planning Area
- Fayetteville City Limits
- - - Trail (Proposed)



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

Planning Commission

January 14, 2022

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