



MEETING OF JUNE 20, 2023

TO: Mayor Jordan and City Council
THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
FROM: Jessica Masters, Development Review Manager
DATE:

SUBJECT: **RZN-2023-0014: Rezoning (SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD/RIVERWOOD HOMES, 606, 607, 645, 646): Submitted by HALL ESTILL LAW FIRM for property located at SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD in WARD 1. The property is split zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 205.2 acres. The request is to rezone a portion of the property to NC, NEIGHBORHOOD CONSERVATION AND CS, COMMUNITY SERVICES.**

RECOMMENDATION:

City Planning staff recommend denial 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 south Fayetteville, southeast of the intersection of S. Dead Horse Mountain Road and E. Goff Farm Road. The overall site adds up to approximately 205.2 acres, is currently minimally developed with low-density residential structures and also incorporates the Stonebridge Meadows Golf Club. The property is currently zoned R-A, Residential Agricultural and RSF-4, Residential Single-Family, 4 Units per Acre. The RSF-4 section of the property has a Bill of Assurance that limits the property to a density of 2.5 units per acre. The property has a long development history, though multiple plans have failed to come to fruition. It was previously part of the Villas at Stonebridge Planned Zoning District, which expired in 2015. Upon the project's expiration, staff recommended the property revert back to its original zoning of R-A, Residential-Agricultural. The property was eventually rezoned to its current RSF-4 designation with an associated Bill of Assurance limiting the density to 2.5 units per acre (RZN 15-5194, Ordinance 5842). In February 2018, a preliminary plat for Meadows at Stonebridge Subdivision was approved on a portion of this property (PPL18-6063), which was not built. After two additional failed rezoning attempts in 2021, one a Planned Zoning District that was denied by City Council in March, and the other a request to remove the Bill of Assurance which was denied by Council in December, another preliminary plat received approval on 51.32 acres of the site from Planning Commission in July 2022 (PPL-2022-0006).

Proposal: The request is to rezone 95.17 acres to NC, Neighborhood Conservation, and 17.81 acres to CS, Community Services. The remainder of the site, as shown in the applicant's provided exhibit and totaling approximately 92.22 acres, is to remain R-A, Residential Agricultural.

Mailing address:

113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Public Comment: Staff received public comment on the request, both ahead of the meeting and at Planning Commission. Limited primarily to inquiries, staff received comment in support as well as opposition to the request. Those members of the public who were in support mentioned the benefit of added commercial development and possibility for affordable housing; those against had concerns about existing drainage issues and traffic problems.

Land Use Compatibility: Staff finds that the updated proposal is partially incompatible with surrounding land uses. There are some benefits to the proposal; the combination of R-A and NC will concentrate density to a smaller portion of the site, rather than would a request for a blanket rezoning to something like RSF-4. From a use perspective, adding additional single-family homes near single-family homes is inherently compatible. NC, Neighborhood Conservation, is a single-family zoning district that allows for a density of 10 units per acre with 40-foot lot widths. At such a large acreage, and from a density perspective, however, potentially 950 single-family lots could be created in the NC portion of the site. While this number does not account for necessary right-of-way dedication, tree preservation, or drainage requirements that would also accompany any subdivision of land, the large site would still allow for a large number of units (potentially within the 600-800 range). At this intensity, staff does not find that existing infrastructure could support this without significant investment. Most traffic would flow and concentrate to the north towards Huntsville Road, and water and sewer capacity are limited to two 6-inch mains in S. Dead Horse Mountain Road and E. Goff Farm Road, and a 3-inch sewer main on the south side of E. Goff Farm Road.

The area to the west, though generally rural in nature, has seen recent development, and the inclusion of CS zoning in the northwestern portion of the site could help insert additional services in an area that is currently lacking in available amenities. However, while allowing for an insertion of non-residential uses, the CS zoning district does not require it. With no stated density maximum and minimal lot width and area sizes, the potential impact of additional residential units, whether multi-family or single-family on that portion of the site could be too much too soon. Because CS does not require offices, retail, or other amenities to be offered on the northwest corner of the site, staff cannot support a rezoning to that district.

Land Use Plan Analysis: Staff finds that the proposal is not in line with the goals in City Plan 2040 and adopted land use policies. The infill score for this site is low, which appears to counter the City's stated goal towards making infill development a priority. The area is also called out as both a Rural Residential Area, and a Residential Neighborhood Area. These designations do not lend themselves to the large amount of density and impact that could be added. Staff does find that the smaller lot sizes lean this proposal towards meeting the goal of providing attainable housing and the combination of zoning districts does allow for a more mixed-use area. While staff supports the mix of uses that could be offered by this proposal, it is difficult to gauge whether what could be developed would ultimately be compatible in terms of scale, size, and density given the stated requirements and allowances of each zoning district.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a non-uniform infill score of 1-3 for this site. The following elements of the matrix contribute to the score, at varying points:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Road)
- Near Sewer Main (E. Goff Farm Road)
- Near Water Main (S. Dead Horse Mountain and E. Goff Farm Road)
- Near Paved Trail (Saint Paul Trail)

DISCUSSION:

At the May 22, 2023 Planning Commission meeting, a vote of 5-4-0 forwarded the request to City Council with a recommendation of approval. After a motion to deny failed with a vote of 4-5-0, Commissioner Brink made a

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motion to forward with a recommendation of approval, with Commissioner Holcomb seconding. Those Commissioners opposed to the request found that the proposal was not in line with the goals outlined in City Plan 2040, or with the Growth Concept map. Further, Commissioners issued concerns about the lack of information available about proposed or potential development plans for such a large site. Those Commissioners in favor stated that the traffic and infrastructure concerns could be addressed at the time of development.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF, Exhibit A, Exhibit B, Planning Commission Staff Report, Additional Exhibits

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113 W. Mountain Street
Fayetteville, AR 72701

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TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 22, 2023 **Updated with PC hearing results from May 22, 2023**

SUBJECT: **RZN-2023-0014: Rezoning (SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD/RIVERWOOD HOMES, 606, 607, 645, 646):** Submitted by HALL ESTILL LAW FIRM for property located at SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD. The property is split zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and R-A, RESIDENTIAL AGRICULTURAL and contains approximately 205.2 acres. The request is to rezone a portion of the property to NC, NEIGHBORHOOD CONSERVATION AND CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends denial of **RZN-2023-0014**.

RECOMMENDED MOTION:
"I move to deny RZN-2023-0014."

BACKGROUND:
The subject property is in south Fayetteville, southeast of the intersection of S. Dead Horse Mountain Road and E. Goff Farm Road. The property consists of 10 parcels, and in total adds up to approximately 205.2 acres. It is currently minimally developed with low-density residential structures and also incorporates the Stonebridge Meadows Golf Club. The property is currently zoned R-A, Residential Agricultural and RSF-4, Residential Single-Family, 4 Units per Acre. The RSF-4 section of the property has a Bill of Assurance attached to it that limits the property to a density of . Surrounding land uses and zoning are listed in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Golf Course	R-A, Residential-Agricultural
South	Undeveloped	RSF-2, Residential Single-Family, 2 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Undeveloped/Single-Family Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone 95.17 acres to NC, Neighborhood Conservation, and 17.81 acres to CS, Community Services. The remainder of the site, approximately 92.22 acres, is to remain R-A, Residential Agricultural.

Public Comment: Staff has received inquiries about the request, but no outright support or opposition. One neighbor issued a concern regarding an agreement with a previous property owner regarding the replacement of 20 pine trees that would be impacted by development. Staff

has determined that that is likely a civil matter at this time, and specific tree preservation requirements would be taken into account at the time of development.

INFRASTRUCTURE:

Streets: The subject area has frontage along S. Dead Horse Mountain Rd., which is a partially improved Neighborhood Link street with asphalt paving, curb and gutter, sidewalk on parts, and open ditches on the rest. The subject area also has frontage along E. Goff Farm Rd., which is a partially Residential Link street with asphalt paving and open ditches. 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. An existing 6-inch water main is present on the west side of S. Dead Horse Mountain Rd. An existing 6-inch water main is present on the north side of E. Goff Farm Rd.

Sewer: Sanitary sewer is available to the subject area. An existing 3-inch sewer main is present on the south side of E. Goff Farm Rd. Existing access to across the rest of the subject property.

Drainage: No portion of the property lies within the Hillside-Hilltop Overlay District, or within a FEMA floodplain. However, the property is largely encumbered by hydric soils. Hydric soils are known indicators of wetlands, though 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.

There is also a protected stream on the northeast side of the property. Streamside Protection Zones generally consist 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.

Any additional improvements or requirements for drainage will be determined at the time of development.

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 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time

would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning districts of R-A, Residential-Agricultural and RSF-4, Residential Single-Family, 4 Units per Acre require **25% minimum canopy preservation**. The proposed zoning districts of NC, Neighborhood Conservation and CS, Community Services require **20% 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 **Residential Neighborhood** and **Rural Residential** areas.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. 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. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

Rural Residential Areas recognize existing low-density large lot development but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. These areas may or may not have adequate street and water infrastructure or public services, such as police and fire protection to support urban or suburban densities and development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a non-uniform infill score of **1-3** for this site with a weighted score of **3.5**. The following elements of the matrix contribute to the score, at varying points:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Road)
- Near Sewer Main (E. Goff Farm Road)
- Near Water Main (S. Dead Horse Mountain and E. Goff Farm Road)
- Near Paved Trail (Saint Paul Trail)

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:*** Staff finds that the updated proposal is partially incompatible with surrounding land uses. There are some benefits to the proposal; the combination of R-A and NC will concentrate density to a smaller portion of the site, rather than a blanket rezoning to something like RSF-4, and have the potential to conserve additional land. NC, Neighborhood Conservation, is a single-family zoning district that allows for a density of 10

units per acre with 40-foot lot widths. From a use perspective, adding additional single-family homes near single-family homes is inherently compatible, and staff does not find any issues with this. At such a large acreage, and from a density perspective, however, potentially 950 single-family lots could be created in the NC portion of the site. While this number does not account for necessary right-of-way dedication, tree preservation, or drainage requirements that would also accompany any subdivision of land, the large site would still allow for a large number of units (potentially within the 600-800 range). At this intensity, staff does not find that existing infrastructure could support this without significant investment. Most traffic would concentrate to the north towards Huntsville Road, and water and sewer capacity are also quite limited in this area. The area to the west, though generally rural in nature, has seen recent development, and with the inclusion of CS zoning in the northwestern portion of the site, this could help insert additional services in an area that is currently lacking in available amenities. The CS zoning district proposal, at 17 acres, while allowing for an insertion of uses, does not require it. With no stated density maximum and minimal lot width and area sizes, the potential impact of additional residential units, whether multi-family or single-family on that portion of the site could be too much too soon. Unless there was a guarantee that offices, retail, or other amenities were to be offered on the northwest corner of the site, staff cannot support a blanket rezoning to CS.

Land Use Plan Analysis: Staff finds that the proposal is not in line with the goals in City Plan 2040 and adopted land use policies. The infill score for this site is low, which appears to counter the City's stated goal towards making infill development a priority. The area is also called out as both a Rural Residential Area, and a Residential Neighborhood Area. These designations do not lend themselves to the large amount of density that could be added to this area. Staff does find that the smaller lot sizes lean this neighborhood towards meeting the goal of providing attainable housing and the combination of zoning districts does allow for a more mixed use area. Without assurances of the mix of uses, however, it is difficult to gauge whether what could be developed would ultimately be compatible in terms of scale, size, and density.

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

Finding: Staff finds that the proposed rezoning to NC, Neighborhood Conservation and CS, Community Services, is not necessarily justified. A rezoning of this nature, scale, and intensity may run counter to the long-term land use plans for the area.

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

Finding: The proposed zoning will increase traffic, and to a significant degree. With the addition of potentially anywhere between 600-900 homes in just the portion zoned NC, staff finds this may negatively contribute to traffic counts on Dead Horse Mountain Road, with residents having no viable alternative

transportation option. That said, with the addition of potential walkable services in the area through the CS zoning request, staff finds that this somewhat alleviates this concern. However, since CS also allows for residential uses by-right, there is no guarantee through that zoning district that services would be provided. Staff also finds that there is a possible connection to an existing bike trail, which does work in the development's favor towards the future reduction of traffic counts, but this does little to provide connectivity to the development in the short term. Staff finds that given the proposed unit counts and proposed densities, the applicant should plan to submit a Traffic Impact Study (TIS) with any proposed preliminary plat, should the rezoning at this site be approved.

- 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 its current zoning designation will significantly alter the potential population density in the area. Initial Engineering Division review indicates that utility extensions or upgrades are likely required, especially with regards to current water service to the site, which does not currently have the capacity to serve a development of this size. No comments were received from the Fayetteville Public School district.

- 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-2023-0014 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>May 22, 2023</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied	
Motion:	Motion #1: Garlock 2nd: Madden		Motion #2: Brink 2nd: Holcomb		
Second:	Deny 4-5-0 (Motion failed)		FWD, with a rec. of approval. 5-4-0 (Motion carried)		
Vote:	(Commissioners Brink, Payne, Holcomb, Winston, McGetrick opposed)		(Commissioners Sparkman, Garlock, Madden, Gulley opposed)		

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §161.03 District R-A, Residential-Agricultural
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.29 Neighborhood Conservation
 - §161.22 Community Services
- 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. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services

Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(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	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(Ord. No. 5128, 4-15-08; 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, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6211 , §1, 8-6-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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
Unit 46	Short-term rentals

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
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(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; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6497 , §1, 10-19-21)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

April 12, 2023

City of Fayetteville Planning Commission
and Planning Department
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Rezoning of Parcel Nos. 765-15268-350, 765-15268-451, 765-15269-101, 765-15269-102, 769-15269-150, 769-15269-151, 769-15268-452, 769-15268-400, 769-15268-401, 769-15268-150
ADDRESS: 2858 Dead Horse Mtn. Rd. and 3495 E. Goff Farm Rd.
From RSF-4 and RA to Neighborhood Conservation (NC) and
RA to Neighborhood Services (CS)

To Whom It May Concern:

This letter is in regard to rezoning parcels 765-15268-350, 765-15268-451, and 765-15269-101 from its current designation of RSF-4 and RA to Neighborhood Conservation (NC) and parcels 765-15269-102, 769-15269-150, 769-15269-151, 769-15268-452, 769-15268-400, 769-15268-401, 769-15268-150 from its current designation of RA to Neighborhood Services (CS). The Neighborhood Conservation zone promotes and protects neighborhood character, it is usually residential, but it can also have a mix of uses. CS is designed to give convenience goods and services to the surrounding residents. The future land use for these tracks and surrounding areas is mainly Residential Neighborhood. This designation is primarily residential with a wide variety of housing types of different scale, and it encourages highly connected compact blocks and traditional neighborhood development.

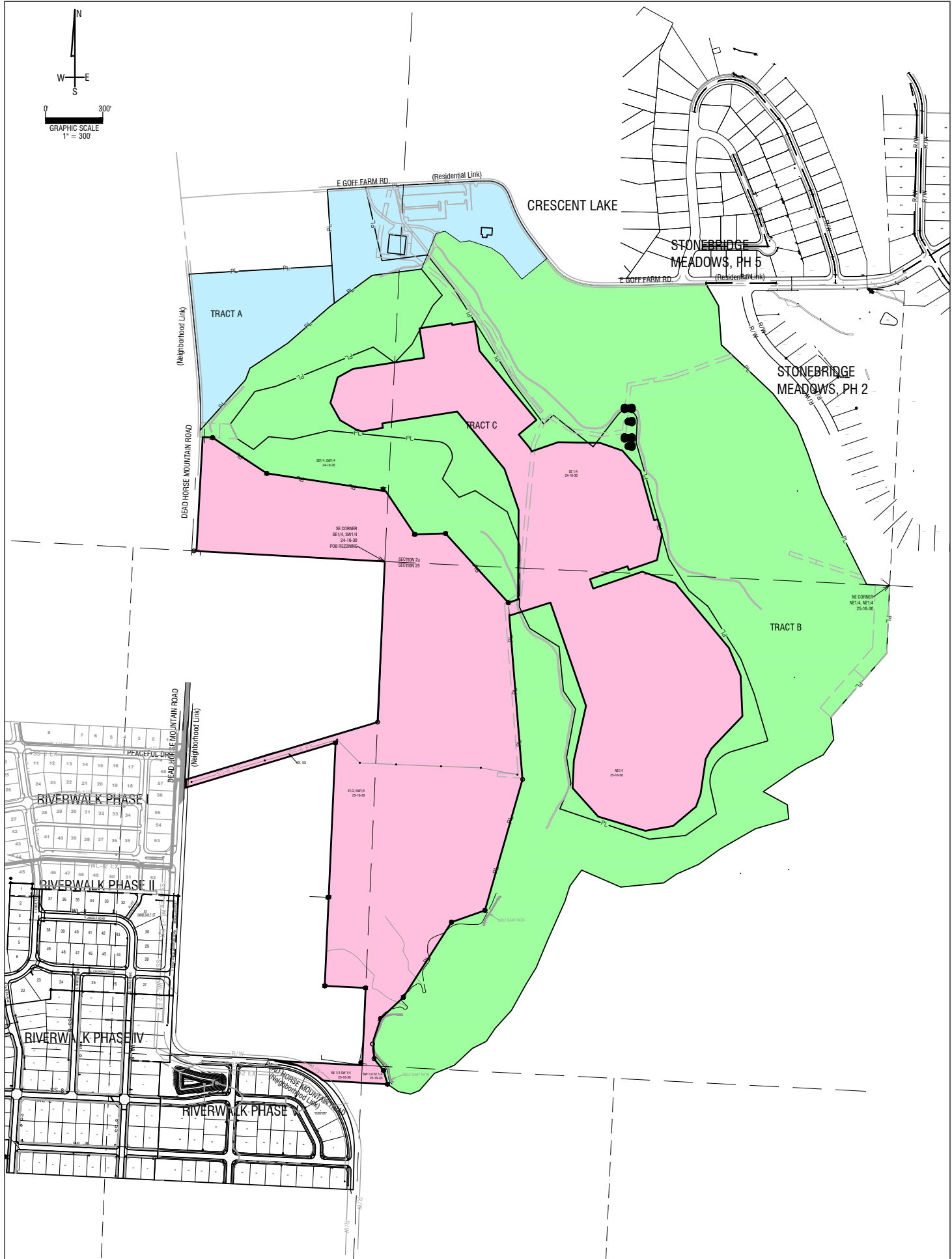
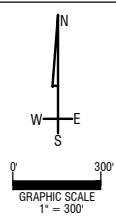
Further, Neighborhood Conservation (NC) is presently compatible and would fit in this area as it currently exists, and the future and this rezoning will not unreasonably affect in any adverse way the surrounding land uses. Also, CS is compatible too and will not unreasonably or adversely impact the surrounding land uses.

Sincerely yours,

/s/ Robert K. Rhoads

Robert K. Rhoads

Cc: Client(s)



LEGEND

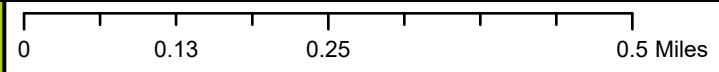
	R-A TO REMAIN
	R-A TO NC
	R-A TO CS

JORGENSEN + ASSOCIATES
 Civil Engineering + Surveying
 124 W Sunbridge Drive, Suite 5
 Fayetteville, AR 72703
 Office: 479.442.9127
 www.jorgensenassoc.com
 Established 1985

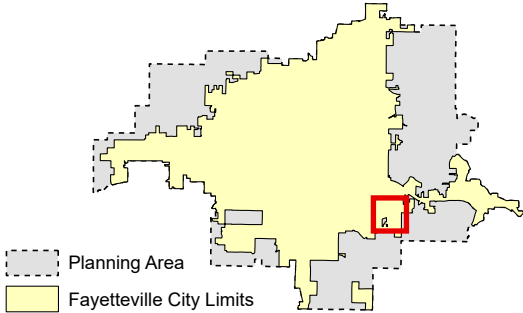
PROJECT TITLE: STONEBRIDGE COTTAGES REZONING
 LOCATION: FAYETTEVILLE, AR
 SHEET # 1
 Planning Commission
 May 22, 2023
 RIVERWOOD HOMES

SHEET # 1

SE OF DEAD HORSE MOUNTAIN ROAD AND E.



- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

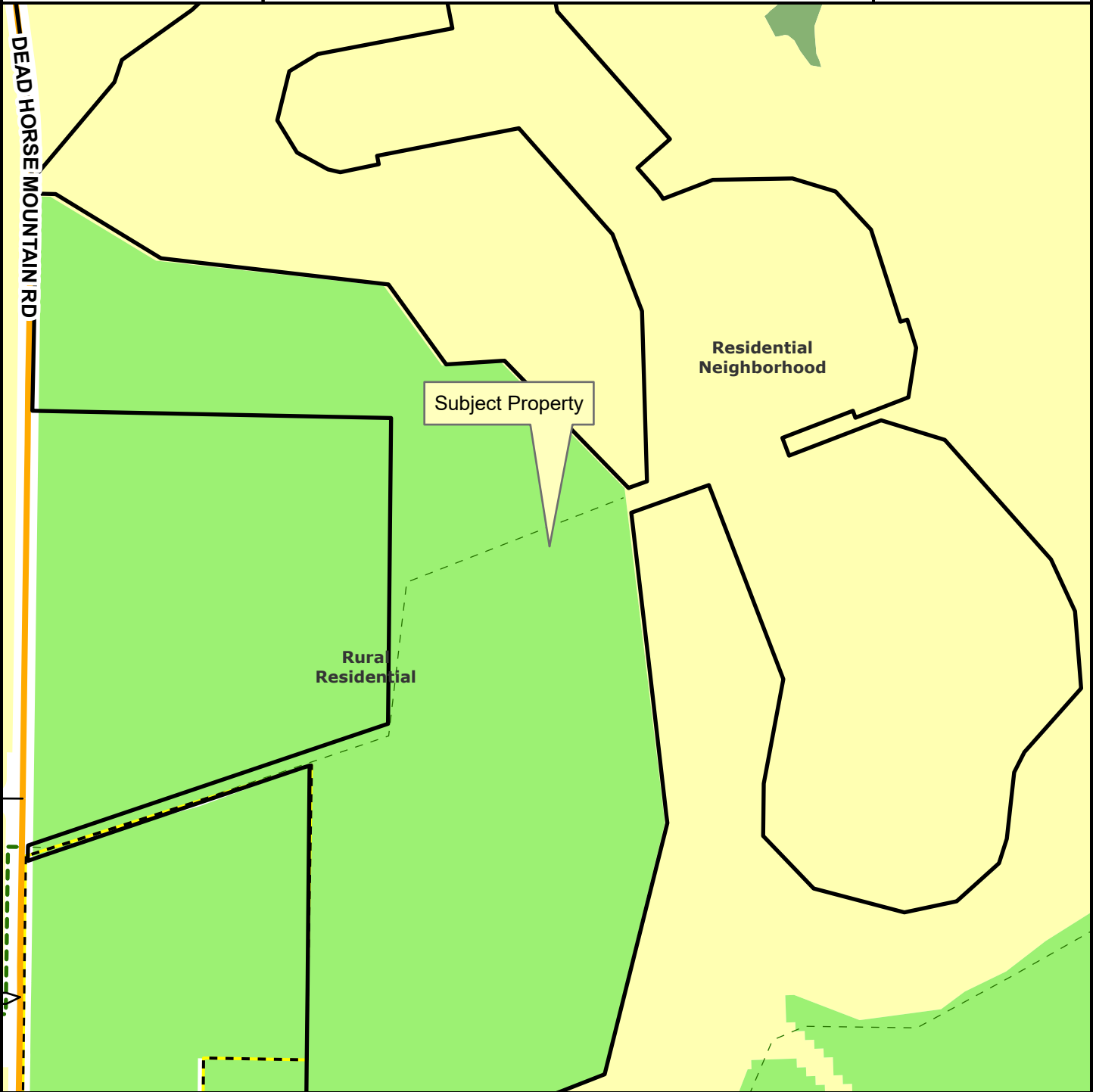


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RH-U
 - RS-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial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

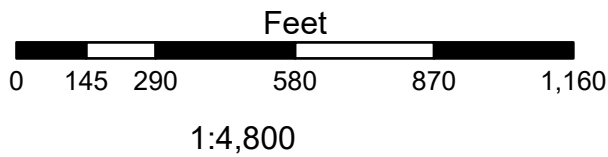
SE OF DEAD HORSE MOUNTAIN ROAD AND E.



Future Land Use



- Neighborhood Link
- Residential Link
- Planned Residential 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

From: Kenneth Webster <fixitall123@att.net>
Sent: Sunday, April 30, 2023 4:27 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RZN-2023-0014

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.

Hello Jessica;
I'm an adjacent landowner.
I know this property sold recently. The last planning was for 50 acres. This is requesting 205 acres, and will surely be a lot more impact.

Can you send me a drop box link for the proposed development.

Also, I had an agreement written with the 2 past land owners. It was for the replacement of 20 pine trees that are 50 ft tall. They are located within 2 to 3 ft of the old, proposed road and will surely be affected by the new road installment. The roots will be impacted and most likely I will lose all 20.

(I've been told by a Horticulturist with the County)

I would like to readdress that with a new proposal that is updated and what I would like to see as a replacement.

If you can direct me to the correct personal for that issue, I would be grateful.

Kenny Webster
2396 S Dead Horse Mountain Road
479-287-9381

Re: rezone number RZN-2023-0014 Stonebridge Meadows Golf Course

Attn: Jessica Masters Fayetteville Planning Commission

Enclosed are photos showing drainage issues from the golf course This was supposed to have been

Taken care of by the bond issue 3 * years ago and to date has not yet been resolved. The property in rezone concerns is the water/pond/stream east of the clubhouse, the drainage indirectly affects the drainage on the 14th tee side of Cherry Hills Drive. Alan Pugh of the Fayetteville Engineering Department is aware of this problem.

I feel that before any rezoning is considered, the present drainage issues on the course should be addressed by the golf course and or the village.

Ronald H Mueller



CELL: 847-227-9123

MUELGH4@GMAIL.COM

1880 S Cherry Hills Drive

Fayetteville, Arkansas 72701









From: Billy Franklin <billyfranklin2020@outlook.com>
Sent: Sunday, May 21, 2023 8:48 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Support For Riverwood Homes Deadhorse development

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.

Hi Jessie, My wife Leslie and I, Billy Franklin, support the Riverwood development in the Stonebridge/Deadhorse Mt area. We live in the Riverwalk Neighborhood and would appreciate all that Riverwood homes has to offer. We have no doubt that the development would enhance the quality, lifestyle, and property values for the people of our area. Please consider our support of the Riverwood Homes development off Goff Farm Rd near Stonebridge and Riverwalk neighborhoods.

From: John Carpenter <johncarpenter@lindsey.com>
Sent: Monday, May 22, 2023 11:40 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Dead Hors Mountain Rd. and Goff Farm Rd.

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. Masters,

I am writing to you about the proposed rezoning of the properties that are coming before you today. I have lived in the community for the past 11 years and have sold real estate for the past 30 plus years. I am in complete support of the applications request to rezone the property.

Best Regards,



John K. Carpenter • Senior Vice President
Lindsey & Associates
Mobile # 479-957-8181 | Direct # 479-527-8715

JohnK Carpenter.com



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

From: Sean McDonald <seanmcdon23@gmail.com>
Sent: Monday, May 22, 2023 11:56 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: tonight's mtg

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.

Hi Jessica,

Unfortunately I am not able to make the commission's meeting this evening, but I wanted to let you know that as a former resident of Stonebridge, that I am in favor of this project.

I believe some additional commercial development will really help the area along with more affordable housing. It seems to make sense that Riverwood and the golf course working together could be a good solution in forward progress that would help accomplish a neighborhood that includes those traits desired by the city.

Respectfully,
Sean M

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

From: James Young <youngjames@cox.net>
Sent: Monday, May 22, 2023 1:37 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RZN -2023-0014

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,

I may be unable to attend tonight's commission session. In light of that, I wanted to email a quick note expressing my support for the above referenced project.

This area in this project needs more commercial development. Furthermore, additional affordable housing in this area is a positive. I think Riverwood working with the golf course is a great approach to accomplishing the type of development with traits desirable to the city.

Kind Regards ,

James S. Young

From: Stacey White <staceyellenwhite@yahoo.com>
Sent: Monday, May 22, 2023 1:59 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RZN-2023-0014

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,

I may not be able to make tonight's commission meeting, but wanted to send a quick note in support of this project.

This area needs more commercial development and additional affordable housing, I think Riverwood working with the golf course makes the most sense to accomplish a neighborhood consisting of those traits desired by the city.

Regards,
Stacey White
