



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2024-1821

RZN-2024-0004: Rezoning (LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8/OAKBROOKE SUBDIVISION, 361): Submitted by TRACY HOSKINS for property located at LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8 in WARD 4. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 11.67 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and NC, Neighborhood Conservation.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0004 FOR APPROXIMATELY 11.67 ACRES LOCATED IN THE OAKBROOKE AND BRIDGEPORT SUBDIVISIONS IN WARD 4 FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT AND RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION

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 RPZD, Residential Planned Zoning District and RSF-4, Residential Single-Family, Four Units Per Acre to RI-12, Residential Intermediate, 12 Units Per Acre and NC, Neighborhood Conservation.

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.



MEETING OF APRIL 2, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Kylee Cole, Planner

SUBJECT: **RZN-2024-0004: Rezoning (LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8/OAKBROOKE SUBDIVISION, 361): Submitted by TRACY HOSKINS for property located at LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8 in WARD 4. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 11.67 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and NC, Neighborhood Conservation.**

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 approximately 0.15 miles east of Ruppel Rd. The property consists of 53 parcels in the Oakbrooke Subdivision and 1 parcel in the Bridgeport Subdivision, totaling approximately 11.67 acres. The lots are undeveloped. Parcels within the Oakbrooke Subdivision received their current zoning with the creation of the Oakbrooke residential planned zoning district (R-PZD) in 2010 (Ord. 5303). Under the old PZD ordinance, in place when this project was approved, construction permits had to be secured within a specific timeframe. If permits were not obtained, then the development rights were null and void. As a result, the remaining undeveloped lots have no development rights, and a rezone is required. Lot 25 of Bridgeport Subdivision is owned by the same developer and received its zoning in 2003 with the approval of the new city-wide zoning map.

Request: The request is to rezone the subject property in the expired Oakbrooke RPZD and a lot in the Bridgeport Subdivision from RPZD and RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential Intermediate, Twelve Units per Acre and NC, Neighborhood Conservation

Public Comment: To date, staff has received public comment from three neighbors with concerns and questions about the rezoning, one neighbor in opposition, and one inquiry.

Land Use Compatibility: Staff finds that the requested rezoning is consistent with the existing development and closely matched to the original RPZD. Approximately half of the neighborhood has been constructed in a new

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traditional neighborhood style, including rear alleys and homes that typically fall within 14 feet to 25 feet of the right-of-way. The build-to-zone requirements of the proposed form-based districts require homes to be constructed in a similar form. Undeveloped lots range between approximately 47.70 feet to 68.50 feet in width and are generally consistent with the bulk and area requirements of either the NC or RI-12 zoning districts. As some areas of the former RPZD permitted up to four-family dwellings by-right in the RPZD, and finding similar conditions to the previous RPZD's approval, staff recommends that undeveloped parcels (Oakbrooke lots 1-17, 79-108, and Bridgeport lot 25) are zoned RI-12 in order to maintain consistent entitlement. Oakbrooke lots 67-70 do not meet the width requirements for RI-12, as they measure approximately 47.70 feet, and the applicant is requesting NC for these lots to make them conforming. Per the RPZD, density could range from a high of 19 units per acre to a low of 6 units per acre depending on dwelling type (up to six attached townhomes permitted in some areas of the RPZD). The requested rezoning represents a comparable density of 12 units per acre (RI-12) and 10 units per acre (NC).

Land Use Plan Analysis: Staff finds that the request is consistent with adopted land use policies and the Future Land Use Map designation of Residential Neighborhood Area. Staff finds that the NC and RI-12 zoning districts substantially align with previously permitted bulk and area requirements as well as land uses and would restore development rights on the undeveloped parcels. The future land use plan encourages “a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units.” The proposed zoning would allow the neighborhood to complete development with a mix of residential uses (Goal 6: To Create Opportunities for Attainable Housing) while maintaining the approximately 3 acre area of tree preservation and common space, aligning with City Goal 5: To Assemble an Enduring Green Network.

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

- Adequate Fire Response (Station 7, 835 N. Ruppel Rd.)
- Near Sewer Main (8-inch main, N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane)
- Near Water Main (8-inch main, N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane.)
- Near City Park (Red Oak Park)
- Near Paved Trail (N. Ruppel Rd. Side-Path Trail; Red Oak Park Trail)
- Near Razorback Bus Stop (The Links)

DISCUSSION:

At the March 11, 2024 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. The Commissioners cited future land use compatibility, similarity to the original RPZD, and staff recommendations as noted in the report as reasons for approval. Four members of the public spoke in opposition to the rezoning citing perceived concerns about reduction in property values, concerns about multi-family development, and deviation from the original Oakbrooke neighborhood design. One member of the public spoke in favor addressing the neighborhood's unique feeling of place and need for housing.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Staff Report (#6), Oakbrooke CC Tour (#7)

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0004: Rezoning (LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8/OAKBROOKE SUBDIVISION, 361):** Submitted by TRACY HOSKINS for property located at LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 11.67 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and NC, Neighborhood Conservation.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0004** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*“I move to forward **RZN-2024-0004** to City Council with a recommendation of approval.”*

BACKGROUND:

The subject property is in west Fayetteville approximately 0.15 miles east of Ruppel Rd. The property consists of 53 parcels in the Oakbrooke Subdivision and 1 parcel in the Bridgeport Subdivision, totaling approximately 11.67 acres. The lots are undeveloped. Parcels within the Oakbrooke Subdivision received their current zoning with the creation of the Oakbrooke RPZD in 2010 (Ord. 5303). Under the old PZD ordinance, in place when this project was approved, construction permits had to be secured within a specific timeframe. If permits were not obtained, then the development rights were null and void. As a result, the remaining undeveloped lots have no development rights, and a rezone is required. Lot 25 of Bridgeport Subdivision is owned by the same developer and received its zoning in 2003 with the approval of the new city-wide zoning map. Surrounding land uses and zoning are listed in *Table 1*.

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

Direction	Land Use	Zoning
North	Single-Family Residential; Undeveloped	RSF-4, Residential Single-Family – Four Units per Acre; R-A, Residential-Agricultural
South	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
East	Single-Family Residential	Oakbrooke RPZD; RSF-8, Residential Single-Family, Eight Units per Acre

West	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
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Request: The request is to rezone the subject property from RPZD, Residential Planned Zoning District and RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential Intermediate, Twelve Units per Acre and NC, Neighborhood Conservation

Public Comment: To date, staff has received public comment from three neighbors with concerns and questions about the rezoning, one neighbor in opposition, and one inquiry.

INFRASTRUCTURE:

Streets: The subject parcels have frontage along N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane, all partially improved Residential Link streets with asphalt paving, curb, gutter, and sidewalk (sidewalk along one side of street). Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing eight-inch water main is present along N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane.

Sewer: Public sanitary sewer is available to the subject property. An existing eight-inch sewer main is present along N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 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 six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district of RI-12, Residential Intermediate, Twelve Units per Acre requires **20% minimum canopy preservation**. The current zoning district 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 rezoned as **Residential Neighborhood**.

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.

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

- Adequate Fire Response (Station 7, 835 N. Ruppel Rd.)
- Near Sewer Main (8-inch main, N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane)
- Near Water Main (8-inch main, N. Neighborly Way, W. Winter Evening Place, and N. September Stroll Lane.)
- Near City Park (Red Oak Park)
- Near Paved Trail (N. Ruppel Rd. Side-Path Trail; Red Oak Park Trail)
- Near Razorback Bus Stop (The Links)

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 requested rezoning is consistent with the existing development and closely matched to the original RPZD. Approximately half of the neighborhood has been constructed in a new traditional neighborhood style, including rear alleys and homes that typically fall within 14 feet to 25 feet of the ROW. The build-to zone requirements of a form-based district would require homes to be constructed in a similar form. Undeveloped lots range between approximately 47.70 feet to 68.50 feet in width and are generally consistent with the bulk and area requirements of either the NC or RI-12 zoning districts. As some areas permitted up to four-family dwellings by right in the RPZD, staff recommends that undeveloped parcels (Oakbrooke lots 1-17, 79-108, and Bridgeport lot 25) are zoned RI-12 in order to maintain the opportunity to provide for missing middle housing. Oakbrooke lots 67-70 do not meet the width requirements for RI-12, as they measure approximately 47.70 feet, and the applicant is requesting NC for these lots to make them conforming. Per the RPZD, density could range from a high of 19 units per acre to a low of 6 units per acre depending on dwelling type (up to six attached townhomes permitted in some areas of the RPZD). The requested rezoning a moderate density of 12 units per acre (RI-12) and 10 units per acre (NC).

Land Use Plan Analysis: Staff finds that the request is consistent with adopted land use policies and the Future Land Use Map designation. Staff finds that the NC and RI-12 zoning districts substantially align with previously permitted bulk and area requirements as well as land uses and would restore development rights on the undeveloped parcels. The future land use plan encourages “a wide variety of housing types of appropriate

scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units.” The proposed zoning would allow the neighborhood to complete development with a mix of residential uses (Goal 6: To Create Opportunities for Attainable Housing) while maintaining the approximately 3 acre area of tree preservation and common space, aligning with City Goal 5: To Assemble an Enduring Green Network. The affected parcels are between ½ and ¾ of a mile from three Tier Centers: a Tier 2 node located at the S. Crossover Rd. and E. Huntsville Rd. intersection, a Tier 3 node located at the S. Crossover Rd. and E. Peppervine Dr. intersection, and a Tier 3 center located at the E. Huntsville Rd. and S. Happy Hollow Rd. intersection. The affected parcels are approximately ½ of a mile from two Tier 2 centers: one at the N. Ruppel Rd. and W. Wedington Dr. intersection, and one at the N. Ruppel Rd. and W. Mount Comfort Rd. intersection.

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

Finding: Staff finds that rezoning the subject property to RI-12 and NC is justified since it contains parcels that do not currently have any development rights due to an expired PZD.

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

Finding: A rezoning from PZD to RI-12 and NC is unlikely to increase traffic danger or congestion. The proposed rezoning districts are substantially compatible with the existing development patterns and uses permitted under the expired PZD. Lots are platted and infrastructure in place which makes a total redevelopment of the site less likely, reducing the potential for dramatic increases in traffic.

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 properties will not substantially increase the potential population density or load on public services. The proposed rezoning district is substantially compatible with the existing development patterns and uses permitted under the expired PZD, and existing utility and street infrastructure is present on site. The Fire Department expressed no objections to the proposal. Fayetteville Police Department and Public Schools did not comment on this request.

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-2024-0004 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>March 11, 2024</u> <input type="checkbox"/> Tabled <input type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion:
Second:
Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.11 District RI-12, Residential Intermediate – Twelve Units per Acre
 - §161.29 District NC, Neighborhood Conservation
- Ord. 5303 – Oakbrooke PZD (Abridged)
- Request Letter
- Rezoning Exhibit
- Zoning Comparison Tables
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12
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(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(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*
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* 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. Buildings or portions of the

building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) 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.

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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ORDINANCE NO. 5303

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 09-3439, OAKBROOKE PHASE III, LOCATED WITHIN OAKBROOKE PHASE I AND OAKBROOKE PHASE II; CONTAINING APPROXIMATELY 29 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-PZD 05-1463 Oakbrooke Phase I and R-PZD 05-1555 Oakbrooke Phase II to R-PZD 09-3439 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

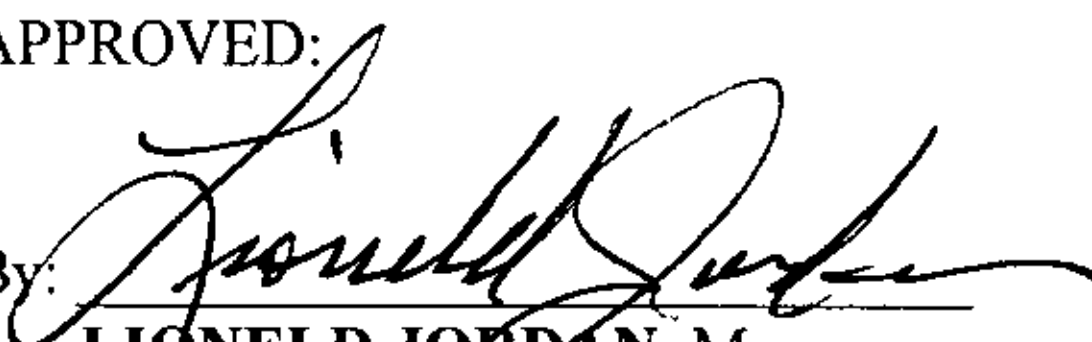
Section 3: That this ordinance shall take effect and be in full force at such time as all above requirements of the master plan and conditions of approval have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

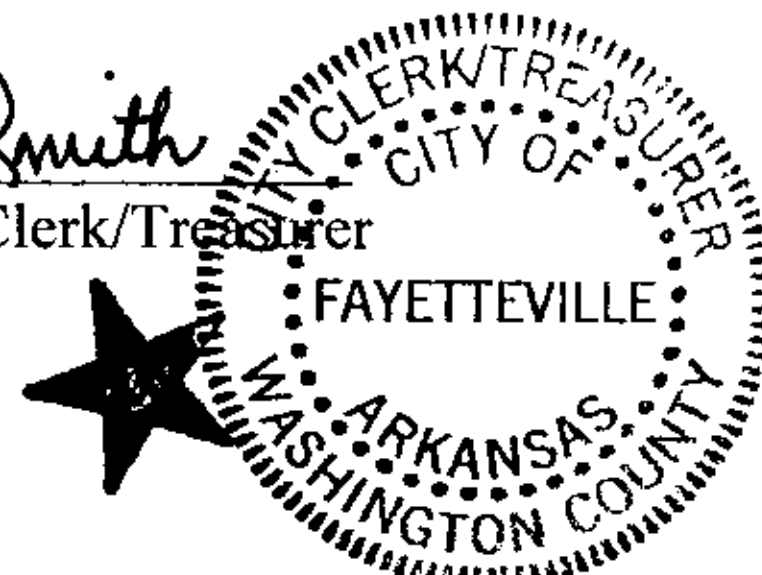
PASSED and APPROVED this 19th day of January, 2010.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



CONDITIONS OF APPROVAL

JANUARY 19, 2010

R-PZD 09-3439

Page 1 of 4

Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

Amended by City Council 12-19-09

1. City Council determination of zoning criteria: building area. *The maximum building area for Planning Areas 1-4 shall be 60%.*
2. City Council determination of signage for the PZD. *Wall signs shall be permitted in accordance with the Residential Office zoning district, which allows two 16 sq. ft. wall signs per business, and a maximum size of the one permitted monument sign shall be limited to 50 sq. ft. Projecting signs shall be permitted in accordance with Ch. 174.11.*
3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.
4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. and are subject to the standards of Chapter 164.19.
5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:
 - a. All units shall be detached single-family dwellings.
 - b. Maximum height shall be 32'.
 - c. As shown on the conceptual site plan, all units shall have a primary entry consisting of a porch, patio or other clearly delineated entry feature oriented to the common open space, or walkway connecting to the common open space. Entry features shall have minimum dimensions of 6' x 6'.
 - d. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - e. The development shall include a variety of building styles, features, colors and site design elements. The same front façade shall not be permitted more than three times and may not be used adjacent to one another.
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.
6. PA-3. A minimum of forty-two (42) detached single-family dwellings and a maximum of thirty-four (34) two-family and three-family townhouses may be permitted in Planning Area 3. Twenty one (21) of the attached units shall be permitted on Lots 53-60, 82-89 and 99-103. The remaining thirteen (13) attached units may be located throughout PA-3 (with the exception of lots 1-10, where no attached units shall be permitted), but an attached dwelling shall be separated from another attached dwelling by a minimum of two single-family detached dwellings.
7. PA-4. Only detached single-family dwelling units shall be permitted on Lot 11-21 and 33-37. Attached housing, in a townhouse form, shall be restricted to Lots 22-26 and 29-32.
8. PA-5. The minimum buildable street frontage along Ruppel Rd. shall be increased to 40%.

CONDITIONS OF APPROVAL

JANUARY 19, 2010

R-PZD 09-3439

Page 2 of 4

9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards unless otherwise varied by the Planning Commission.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provided adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses, such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.
19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

CONDITIONS OF APPROVAL

JANUARY 19, 2010

R-PZD 09-3439

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21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
23. The following revisions shall be made to the final booklets and plats:
 - a. Plats. Page 3. Complete land use table.
 - b. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - c. The note in PA-3 stating "no more than 5 units attached" shall be removed. This planning area is limited to single-family dwellings and two and three-family townhouses.
 - d. Update PA-3 to reflect City Council determination.

Urban Forester Conditions of Approval:

24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

29. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

CONDITIONS OF APPROVAL

JANUARY 19, 2010

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30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
31. Signs indicating the future extension of right-of-way shall be posted at the end of all street stub-outs prior to signing the final plat.
32. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.
36. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

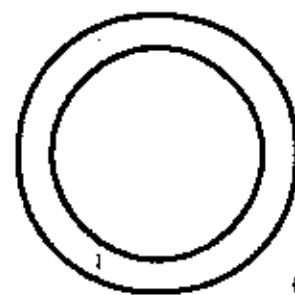
ADDITIONAL CONDITION OFFERED BY APPLICANT, ADDED BY CITY COUNCIL:

37. The property owner that submits each planning area for development review shall technically evaluate the feasibility of rain gardens and other alternative stormwater measures for water quality and attenuation where appropriate, and shall submit the associated analyses to the city to review for construction.



Oakbrooke Family (1 thru 7), LLCs
Family Jewels, LLC
Fayetteville, AR
Tracy K. Hoskins – Manager
Fayetteville, AR 72703

Representative
Paradigm Development Enterprises Inc
3155 N College, 201
Fayetteville, AR 72703



OAKBROOKE 3 PLANNED ZONING DISTRICT

NOVEMBER 25, 2009 REVISION 4

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Oakbrooke 3 Planned Zoning District

Ownership / Applicant Information

Family Jewels, LLC
3155 N College, Suite 201
Fayetteville, Arkansas
Tracy K, Hoskins - Manager

Representative

Paradigm Development Enterprises, Inc.
3155 N College, Suite 201
Fayetteville, Arkansas 72703
Tracy K, Hoskins - President

A) Development Information



is a 32+/- acre sustainable community along the west side of Ruppel Road, north of Highway 16 west, and south of Mt Comfort Road. Paradigm Development Enterprises, Inc., of Fayetteville will handle the design and development of the revised Oakbrooke project.

It has always been our desire to create an authentic neighborhood of traditional American architecture, offering a variety of housing options to a variety of residents. Larger homes for growing families will be intermingled with more modest homes for those on a tighter budget; younger families; civil servants who protect our families; the teachers who educate our families; and those ready for a more simple way of life, having raised their families. The Oakbrooke community is the first *legitimate* inclusion of "homes within reach" that aren't segregated by class, income level, or social background.

Just as the surrounding developments and as currently permitted, Oakbrooke is primarily a single family residential neighborhood of attached and detached homes. However, Oakbrooke will strive for character which is lacking in many developments. By not using stock plans but specifically designing each home for each Lot, Oakbrooke strives to raise the standard of residential development in the Ruppel Road area.

Our goal is to create a sustainable neighborhood of viable housing options that will stand the test of time...

- ✓ Reduce public costs by making more efficient use of infrastructure
- ✓ Protect the environment through reduced land consumption, preservation of on-site environmental features, and reduced automobile travel
- ✓ Increase public safety and welfare through street design that results in slower driver speeds and reduced accidents, injuries and fatalities
- ✓ Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings
- ✓ Promote sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs
- ✓ Create a sense of "place" in an authentic "community"

B) Scope of Project –

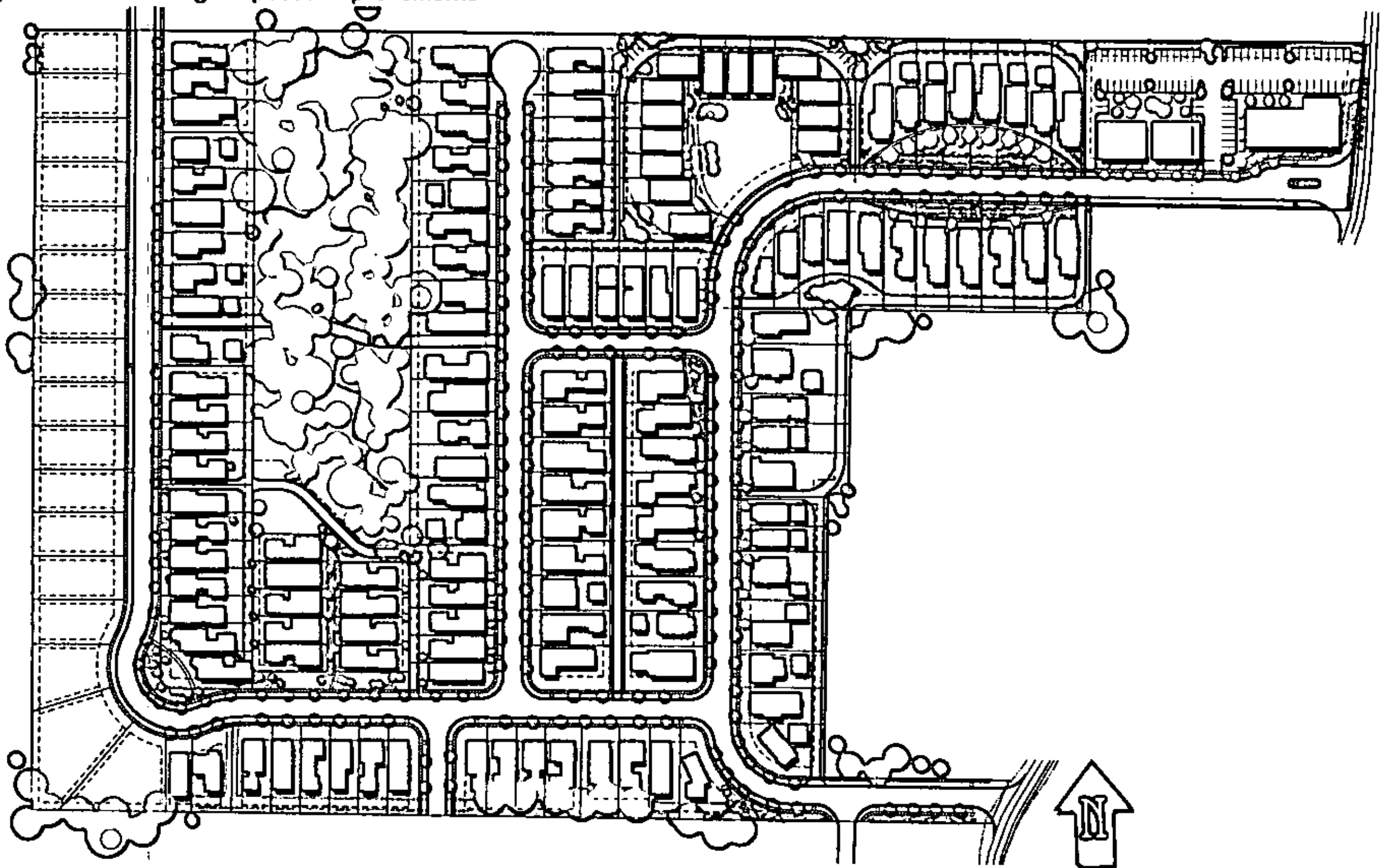
For the most part, Oakbrooke 3 is a redesign of portions of the constructed Oakbrooke Community. Short of the addition of some additional utility services, all necessary infrastructures have been constructed to accommodate the redesign. Revisions to the original PZD will give the opportunity to offer high quality, more "affordable" homes on somewhat smaller Lots including Cottages, Southern Vernacular Homes, and Courtyard or Patio Homes. Larger Lots are adjusted and divided to provide more affordable, more easily maintained, compact Lots, and provide opportunities for additional common and greenspace and highly landscaped elements, public gardens and places for neighbors to gather.

With the proposed redesign, the community store currently located on Lots 52 thru 54 is moved to a more appropriate area along the reconstructed Ruppel Road, directly across from The Links apartment and golf course project; and as per the CityPlan 2025, it takes on more of a Mixed Use character. In turn, the homes once slated for this area will be appropriately relocated further away from what will soon become a highly traveled divided arterial road.

C) General Project Concept –

1) **Streets** - All roads lead home in Oakbrooke. There are no permanent "dead end" streets, and friendly access is given to all areas. Connectivity is supplied to all surrounding developments, both existing and future. The constructed, but temporary cul-de-sac at the north end of September Stroll is a direct connection to future development to the north. Intersections and streets are designed to be as convenient to pedestrians as they are to automobiles. Sidewalks are located on both sides on the street to allow interaction among friends and provide safe passage for children and other pedestrians. Spaces for public gardens and landscaping will be included to create community pride among neighbors and to help establish a sense of "place" and "arrival". Custom signage and lighting will help establish the individual character of Oakbrooke. No additional public streets will need to be constructed.

2) Site Plan Showing Proposed Improvements -



3) **Buffer Areas** - Oakbrooke is adjoined on three sides by single family homes and apartments; and one side by agricultural land. The current PZD zoning and the requested PZD, Oakbrooke 3 maintains its urban fabric by continuing the single family theme. The mixed use area of the community is moved to a more logical location along Ruppel Road; closer to the large multifamily PZD across Ruppel. Within the proposed Oakbrooke 3 community, density increases toward the center and at the far northeast area; adjacent to what is currently undeveloped pasture and again, across from The Links apartment project. The perimeter of the project remains at a density very close to that of adjacent developments, only slightly higher than the typical RSF4 zoning; offering a seamless and friendly transition from the higher density core, to the lower density perimeter.

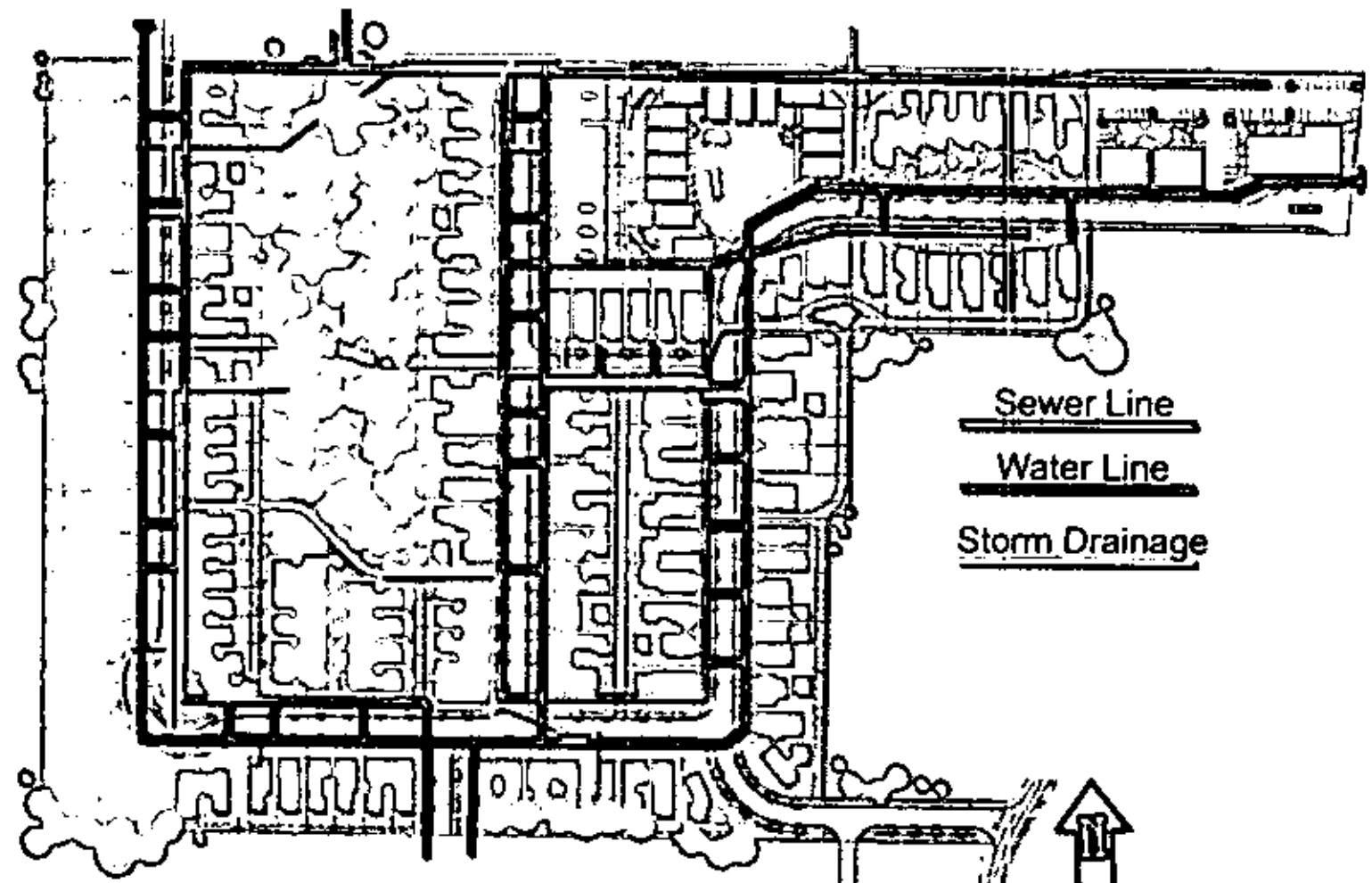
Where practical, garages, some with elevated lofts, are located to the rear of the Lots to move the blank garage door "face" away from the home. Private space is created in the back and side yards by using the garages as screening devices. Existing fence row vegetation will be maintained as much as possible between existing projects and the Oakbrooke community.

4) **Natural and Tree Preservation** - Maintaining existing trees has been fundamental to the Oakbrooke community. Located at the core of the neighborhood, is a park-like setting of expansive sylvan reserve. Within the boundaries of Oakbrooke 3, all existing trees shall remain. Therefore, no tree mitigation will be required.

5) **Detention and Drainage** - Adequate underground storm water facilities are currently located throughout the development. Generally, drainage flows north to Clabber Creek through a natural drainage feature located within the previously described open/tree area located at the core of Oakbrooke. If necessary, an existing detention pond will be carefully reshaped and naturally enhanced to provide a detention area that will host a park-like environment for residents, and make a seamless transition into adjacent undeveloped property.

6) **Undisturbed Areas** - Other than grooming and maintenance of landscaping, and the installation of private driveways, we don't anticipate having to disturb any of the existing area. As this is an existing neighborhood, there are no environmentally sensitive features within the project.

7) **Utilities** - New utilities have recently been constructed throughout Oakbrooke Phases I and II, in accordance with



OAKBROOKE 3 PLANNED ZONING DISTRICT

the previously approved PZD (R-PZD 05-1463 and 05-1555). These utilities link existing developments and provide connection for undeveloped properties to the north. Other than adjustments of some existing services, a limited number of new service connections (taps) will need to be installed.

8) Development and Architectural Design Standards – The following architectural design standards shall be consistent throughout each planning area of Oakbrooke.

Architectural Ideals - The inspiration behind the Oakbrooke 3 is the desire to create a neighborhood of "old fashioned" character, as opposed to a typical "snout-house" or "McMansion" subdivision. Oakbrooke 3 will offer homes available to a wider range of families from varied social/economic backgrounds. Large family homes will not over-power beginner, or more affordable homes.



The architectural review process is set up to interpret, administer and enforce the guidelines. Since Oakbrooke 3 has been designed with compact building Lots in order to set aside more green space and to make the community more walkable, in addition to unique guidelines, careful design is necessary for a successful project. While "mail-order" or "stock" plans used elsewhere are permitted, it is expected that most homes will require custom designs, most likely will require significant adjustments in order to meet the Oakbrooke guidelines. Each design will be limited to a single use within Oakbrooke. However, a successful plan may be used on more than one Lot if the exterior has been modified sufficiently as to not be mistaken as a duplication of another structure; unless intentionally developed as a community design element as illustrated (left).

In order to allow a mix of scale and style, Oakbrooke has consciously rejected the idea of a pre-designed portfolio of home plans that a buyer must choose from. A variety of design sources will result in a rich organic community of various home styles and sizes, and will result in increased value of all homes.

Oakbrooke 3 homes will take their architectural style from time tested American home design. The Craftsman, Prairie, and American Folk Tudor homes of the early 1900's through the 1950's are used as design prototypes. History will meet technology as well-designed, comfortable elevations house the latest in environmentally friendly building practices, materials and certifications.

The design standards for Oakbrooke 3 are intended to offer a palette of design techniques and materials rather than a prescribed "style". The pre-war houses of Southern United States area in particular are used as inspiration for materials, forms and techniques that have proven to respond well to the unique environmental and cultural characteristics of the region, including large operable windows that recall the time before air conditioning, when the cool summer breezes were drawn into and through the house. Simple roof lines with an expressed hierarchy of steeper primary roofs with shallower pitched ancillary roofs or dormers add to expand the roof volume and to allow windows in upper levels. Restraint should be practiced in the use of complex rooflines, arched windows, and other features that can be seen as showy or gratuitous. Broad overhangs that shed water away from the building and offer summer shading should be incorporated. Oakbrooke 3 encourages the "honest use" of materials and construction techniques. Exterior materials should wrap around the house, rather than be applied only to the front facade for "curb appeal" purposes.

Residences are encouraged to include a functional front porch or stoop that allows an extension of the living space outdoors for the enjoyment of summer breezes and conversations with neighbors. The front porch is an important part of a house in Oakbrooke. The narrower setbacks are intended to define an active "outdoor room" along the public environment known as "the street". The front porch will act as an outdoor foyer that makes a transition from public to private space, and allows residents to converse with pedestrians and neighbors. The front porch should be of functional size and configuration; a minimum of 6 feet deep, to allow circulation and the placement of furniture.

The front of the house should allow activities on the porch to be connected through doors and windows to activities within the house. Living spaces, rather than stairs, bathrooms or bedrooms, should be located adjacent to the porch or the front of the home. Each home should have usable rooms at the front, as opposed to locating gathering rooms to the rear of the structure. This gives the neighborhood "eyes on the street" and creates a safer and friendlier environment.

Homes are located forward on the Lot, or closer to the sidewalk, to create an exterior neighborhood "room" in the street. Smaller side-setbacks and zero Lot line placements of structures help create the exterior public space by decreasing the amount of negative space in the unused side yards. Automobiles are moved from the front of the Lot to the rear. The homes of Oakbrooke say, "People live here; not cars".

- ✓ Materials shall be appropriate for the particular architectural style -
- ✓ Human scale architecture and beautiful surroundings that nourish the human spirit -
"Human scale architecture" refers to scale, designed to be pleasing to walking pedestrians as opposed to the high speed driver.
- ✓ Buildings are located closer to the street -
- ✓ Sidewalks, trails and street trees are utilized -
- ✓ Building facades are articulated and are not overbearing -
- ✓ Cornice lines and banding at the various floor levels emphasize and define actual interior space -
- ✓ Fenestration patterns, cantilevered balconies, awnings and entrances are inviting, protective, and not foreboding -
- ✓ Traditional Neighborhood Structure -
- ✓ Importance of quality public realm; quality public open space -

9) Building Elevations – Proposed building elevations for each planning area are depicted in section "F) Proposed Zoning and Development Regulations" below.

D) Proposed Development Phasing -

Oakbrooke 3 is planned in five phases to be constructed over a seven year period. All required permits necessary to complete the construction will be obtained within five years from City Council approval of the PZD. Anticipated timing for construction of public improvements for each phase is as follows...

- PA 1 - All permits necessary to complete construction will be obtained within one year from City Council approval. Final Plat approval shall be obtained within two years of Preliminary Plat approval.
- PA 2 - All permits necessary to complete construction will be obtained within two years from City Council approval. Final Plat approval shall be obtained within three years of Preliminary Plat approval.
- PA 3 - All permits necessary to complete construction will be obtained within three years from City Council approval. Final Plat approval shall be obtained within five years of Preliminary Plat approval.*
- PA 4 - All permits necessary to complete construction will be obtained within four years from City Council approval. Final Plat approval shall be obtained within five years of Preliminary Plat approval.
- PA 5 - All permits necessary to complete construction will be obtained within four years from City Council approval. Certificate of Occupancy shall be obtained within two years of the building permit approval**

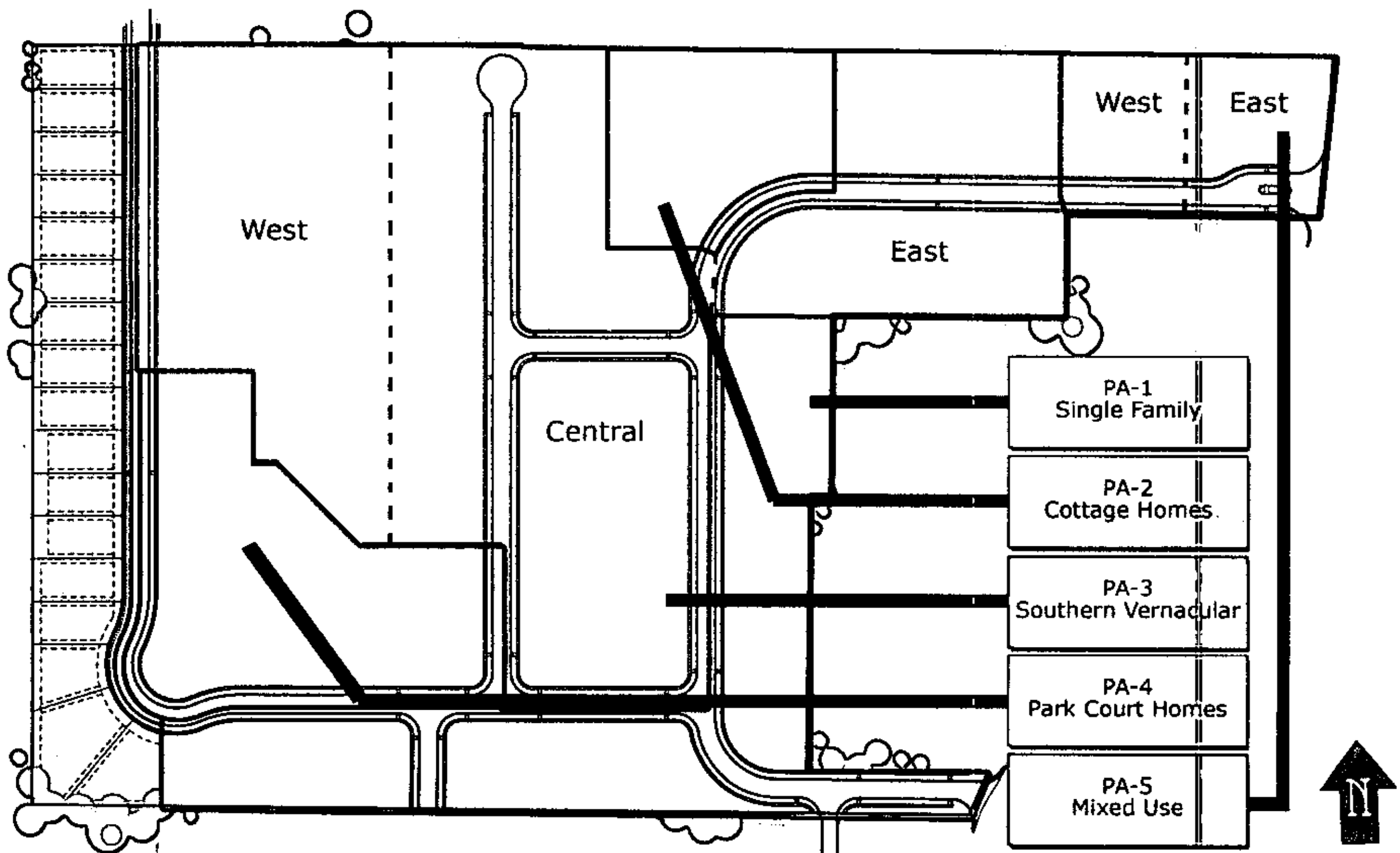
* PA3, which the largest of the PAs is divided into three areas; East, Central and West. Due to the size of PA3, in effort to minimize costs and condense construction areas, PA3 could be submitted in three individual Preliminary Plats.

** PA5 will likely be constructed as Large Scale Developments. As we do not expect construction of both areas to occur simultaneously, PA5 is made up of two areas which are designated Mixed Use East and Mixed Use West.

E) Proposed Planning Areas -

Oakbrooke 3 offers several types of residential living, home-based business, neighborhood shopping and eating places (though limited), and open/botanical areas, as depicted on sheet 2, the "Conceptual Site Plan". The community will offer Single Family Residential (attached and detached), Cottage Homes, and Southern Vernacular Homes, along with Neighborhood Mixed Use.

Proposed Planning Areas -



OAKBROOKE 3 PLANNED ZONING DISTRICT

F) Proposed Zoning and Development Standards -

Architectural Control - No ranch, contemporary, modern, a-frame, log, or gambrel style structures will be permitted. Oakbrooke is considered to be a traditional Americana community with an emphasis on TRADITIONAL AMERICAN STYLING. All floor plans, elevations, specifications, plot-plan showing the orientation of any structure, driveway and sidewalks, contractor, and proposed materials and colors must be submitted and approved by Tracy Hoskins representative, Oakbrooke Architectural Committee (OARC), prior to starting construction. Once construction commences, revisions are discouraged, and must be approved by the OARC. The OARC will keep in its file the original plans and specs as reference material. Post certificate of occupancy; any modification to the exterior of the home must be approved by the OARC, including but not limited to any color, hardware, lighting, or cladding changes.

As required by the PZD ordinance, Use Units 9, 10, and 26 are incorporated within planning areas 2, 3 and 4 for the purpose of permitting the construction of Townhouses as defined in Chapter 151 of the UDC -

Townhouse (Zoning) - Two or more single-family dwelling units constructed in a series of attached units with property lines separating each unit.

Townhouse Lots shall be subject to the regulations of Chapters 151, 164, and 166 of the UDC. No "duplexes" or "triplexes" are proposed. Further, other than within the boundaries of PA5 (Mixed-Use), no multifamily is proposed.

Though each planning area is unique in form and types of housing, they maintain very similar development regulations. Each home will have a private Lot for personal exterior space. Front setbacks are typically delineated within a "build to zone". However, for those Lots fronting a public street, it is the intent for the front of the structure to be set at 14 ft. from the front property line wherever it is practical to do so. For side setbacks, a "Zero Lot Line" regulation is incorporated. The purpose for zero side setbacks is to allow the structure to be shifted to one side of the Lot, thereby creating more usable exterior space within the side and rear yards, as opposed to dividing the side yard into two narrow strips down both sides of the structure as is typical, which are unusable for any practical purpose and often become storage areas. 10 ft. of separation must be maintained between homes; therefore orientation of each home is monitored as to not eventually create an unbuildable Lot. Garage structures which are not attached to or incorporated into the primary structure are not subject to separation requirements and may share a common wall with their neighbor, however, appropriate fire protection (separation) or firewall must be incorporated into the structure.

Parking - Each dwelling shall incorporate parking for a minimum of two (2) cars. Garage openings may face a public or private street. However, they should be accessed from the rear or side where practical. Where space permits; garages should be detached and located to the rear of the Lot, as close to the rear property setback as possible. Under special conditions, this covenant may be modified by the OARC.

Yard Space Restrictions and Building Locations - The most forward point on the front of the house, inclusive of porches, shall be constructed at the property's front building setback line. Under special conditions, this covenant may be modified by the OARC.

Roofs - All structures must use tile, wood shake, architectural metal or 20-year composition architectural shingles, and must have a minimum of a 4/12 pitch. Any roof less than a 4/12 pitch, and metal roofing must be approved by the OARC.

Exteriors - The foundations must be constructed of substantial materials such as brick or stone. Concrete block foundations should be veneered with brick, stone, or dressed with landscaping. Exteriors of all structures should be wood or concrete board siding, brick or stone, or other natural materials. Incorporation of recycled materials is strongly encouraged. All chimneys should be brick, stone, or stucco. No vinyl or metal (excluding gutters, downspouts, roof edging or trim), will be permitted. Exterior Insulation and Finish Systems (EIFS) may be used only with specific prior approval of the OARC. Though vinyl windows are permitted, the OARC encourages the use of wood type windows. Finish floor elevation must be a minimum of eighteen inches (18") above finished grade at the front of the structure, exclusive of garages.

Yards and Landscaping - All yards shall be fully seeded and strawed, or sodded within sixty (60) days of a Certificate of Occupancy being issued by the City of Fayetteville. In effort to promote year-round green lawns, Fescue Plus or similar grass is encouraged; while Bermuda grass is discouraged, and must be specifically approved by the OARC. All dwellings shall be landscaped with a landscaping package that is appropriate in design and color for the design of the dwelling. Each Lot shall have a minimum of one "street tree" located on center between the back of curb and the public sidewalk. The OARC shall determine the species of all street trees.

Common and Garden Areas - There will be various Common Areas, Pocket Parks, and Botanical Gardens throughout the Oakbrooke Community. These areas will boast highly landscaped gardens, lawns, and features such as Gazebos and possibly mail kiosks. Some of these areas will be owned by the Oakbrooke Property Owners Association (OPOA), while others will be in the form of dedicated Landscape Easements located on private Lots. In either case, these areas shall be maintained by the OPOA and under the direction of the OARC.

Lot Maintenance - All Lots shall be kept in a sanitary and attractive condition, and the Owner or occupant shall keep weeds controlled and grass thereon cut and neatly maintained. In no event shall any Lot be used for storage of material or equipment except for normal residential purposes (except for during construction of residences or other structures.) Construction sites shall be kept neat, safe, and clear of debris at all times. Construction materials should be kept to the rear of the Lots, obstructed from view, whenever possible. No burning of garbage, trash, or refuse is allowed (except for during construction of residences or other structures as permitted).

Sight Distances at Intersections - No fence, wall, hedge, or shrub which obstructs sight lines at intersections in the subdivision shall be permitted.

Visual Screening - All clotheslines, equipment, garbage cans, woodpiles, refuse containers, storage piles, and household projects such as equipment repair shall be screened by fencing, so as to conceal them from view of neighboring Lots or streets. All rubbish, trash, and garbage shall be kept in sanitary refuse containers with tightly fitting lids and shall be regularly removed from the Lots and not allowed to accumulate thereon.

Temporary Structures - No trailer, tent, shack, garage, barn, recreational vehicle, mobile home, or other outbuilding shall be placed, constructed, erected or allowed to remain on a Lot if it is being used for human habitation either temporarily or permanently. *This regulation excludes temporary Lemonade Stands, which are HIGHLY encouraged.*

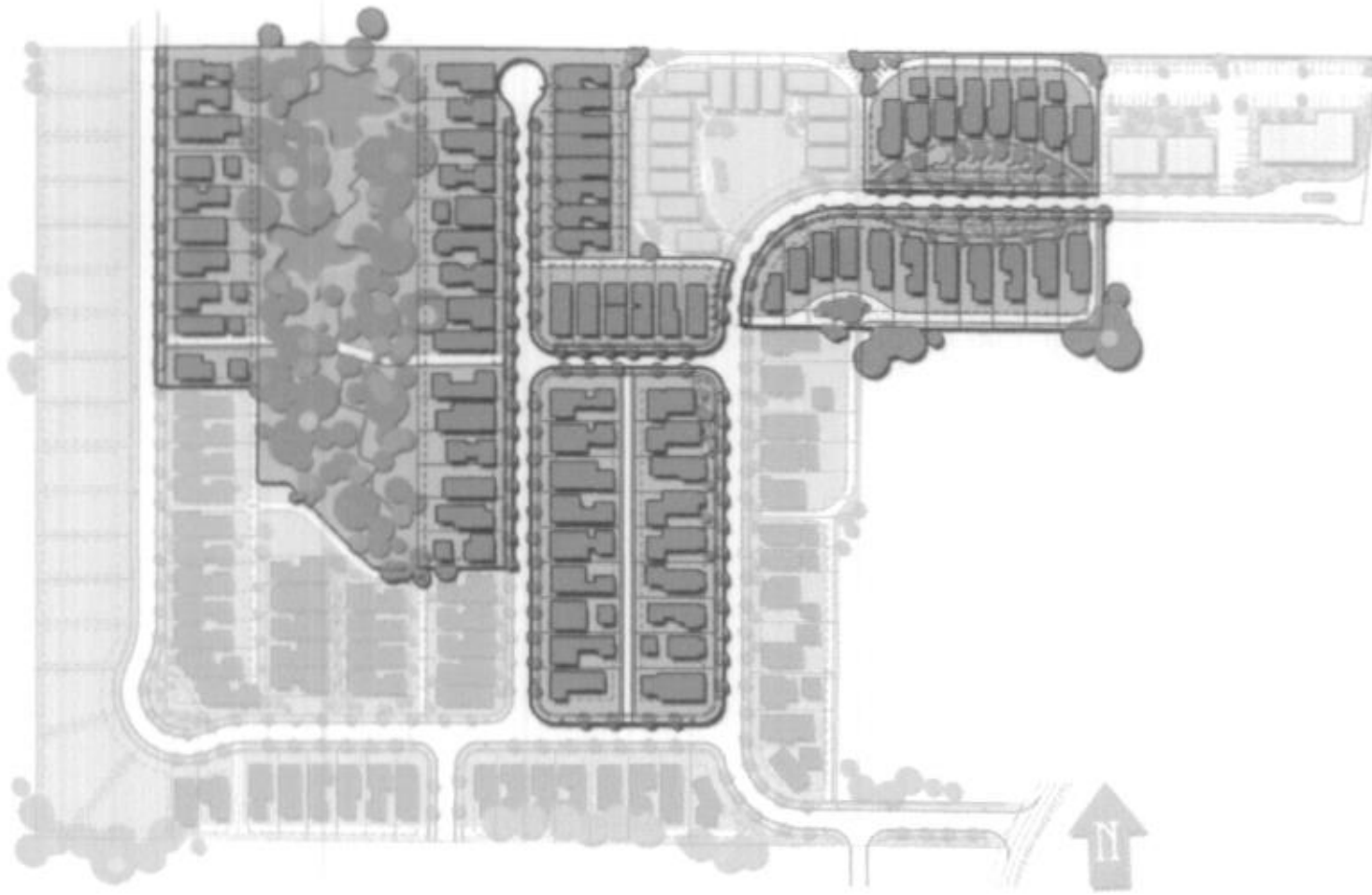
Storage Buildings - No detached outbuildings may be constructed without prior written consent of the OARC. If consent is granted, detached storage buildings may only be placed to the rear of the house, no closer to side Lot lines than the sides of the primary structure. All storage buildings shall use same roof and wall materials as used on the house and be of similar design.

Fencing - Fencing of front yard is prohibited, other than decorative fences or landscape walls. Front fences shall not to exceed forty-two inches above finished grade. Chain link or wire fencing shall be permitted only with prior approval from the OARC. All chain link or wire fencing must be screened by landscaping when visible from any street. All wood privacy fences shall have the good side turned toward the outside of the Lot. That is; the framework that supports the fence is to be facing inward toward the back yard. No privacy fencing shall exceed six feet in height. Any fencing, walls, or landscape walls located between the street and structure must be constructed of brick, stone, iron, or wood (picket type); complementary of the structure, and must be approved by the OARC.

Heating and Cooling Devices - No structure on any Lot shall be permitted to have a heating or cooling device located in a window or any other opening which can be viewed from the street or adjoining Lots, or adjoining land owners. This restriction does not apply during the construction of the structure.

Mailboxes - Mailboxes will be installed upon each property. The particular design shall be designated by the OARC.

Planning Area 3 – Southern Vernacular Homes



The Southern Vernacular Home planning area is designed to permit and encourage the developing of single family detached and attached homes in a more regimented row house pattern. Each home will have a private Lot for personal exterior space and will front a public street. Front setbacks are delineated within a "build to zone" of 0 ft to 25 ft. However, for those Lots fronting a public street, it is the intent for the front of the structure to be set at 14 ft. from the front property line wherever it is practical to do so. Rear access is not provided to those Lots where significant tree removal would be necessary in order to provide a rear drive configuration.

Images Appropriate for PA3



OAKBROOKE 3 PLANNED ZONING DISTRICT

PA3 - Southern Vernacular Homes

(a) Permitted uses.

- Unit 1 City-wide uses by right
- Unit 8 Single-family dwelling

*Townhomes (no more than 3 units attached) -
Restricted to Lots 53-66, 82-89 and ...*

- Unit 9 Two-family dwellings
Restricted to townhouses, no more than one unit per lot
- Unit 10 Three-family dwellings
Restricted to townhouses, no more than one unit per lot
- Unit 41 Accessory Dwelling
In accordance with 164.19 of the UDC

(b) Conditional uses.

- Unit 2 City-wide uses by cond. use permit
- Unit 4 Cultural and recreational facilities
- Unit 24 Home occupations

(c) Density.

Acreage	- 15.63 Acres
Number of dwelling units	- 76 Units
Density per acre	- 4.86 Max.

Bulk and area regulations

(d) Lot width minimum per dwelling. (ft)

Single family	- 32 ft
Townhomes	- 24 ft
All Other Uses	- None

(e) Lot area minimum per dwelling. (sq. ft.)

Single-family	- 3700 sf
Townhomes	- 2700 sf
Other Uses	- None

(f) Land area per dwelling unit. (sq. ft.)

Single-family	- 3700 sf
Townhomes	- 2700 sf
Other Uses	- None

(g) Setback requirements. (ft)

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
	0 ft to 25 ft*	10 ft**	10 ft

*The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 14 ft. from the front property line.

**Detached structures may be located at the side property line, or "Zero Lot Line" side setback. 10' minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.

(h) Height regulations - - 45 ft

(i) Building area - - 65%

Site Planning

(j) Landscaping - Per Chapter 177 of the UDC

(k) Parking. - Per Chapter 172 of the UDC

(l) Architectural Design Standards -
Refer to section C (8) of this booklet.

(m) Signage -

As may be allowed for home occupations or per Chapter 174 of the UDC

Images Appropriate for PA4

Attached Homes – Interior



Detached Home – Street Front



City of Fayetteville Planning Commission and City Council -

This rezoning request is submitted in cooperation of the remaining Oakbrooke PZD property owners and City of Fayetteville Planning Department.

In Staff's continued effort to clean up old PZDs, which have been troublesome over the years due to unclear regulations and various changes over the years, this request is to rezone the remaining properties within all Oakbrooke PZDs to a modern zoning which was not available at the time of the Oakbrooke PZD approval. Per Staff's recommendation, we are requesting the properties be rezoned to RI-12, under which development regulations are nearly identical to the approved conditions and development intent of the original Oakbrooke PZDs and subsequent construction of the Oakbrooke Community.

Tracy K Hoskins - President
Paradigm Development Enterprises, Inc.

Exhibit: Zoning Comparison Tables

Current Zoning – RSF-4				Proposed Zoning – RI-12							
Lot width min.	SF		2F		Lot width min.	SF		2F		3-4F	
	70		80			50		50		90	
Lot area min. [per dwelling unit]	8000		6000		Lot area min. [total]	5000		7260		10890	
Setbacks	F	S	R		Setbacks	F	S	R			
	15	5	15			BTZ 0-25	5	5			
Height	3				Height	2/3*					
Building Area	40				Building Area	50%					
Min. Buildable Street Frontage	N/A				Min. Buildable Street Frontage	50%					
Density	SF		2F		Density	12/ac.					
	4/ac.		7/ac.								

Current Zoning – PA 3 of PZD				Proposed Zoning – RI-12							
Lot width min.	SF		2-3F		Lot width min.	SF		2F		3-4F	
	32		21			50		50		90	
Lot area min. [per dwelling unit]	3700		2700		Lot area min. [total]	5000		7260		10890	
Setbacks	F	S	R		Setbacks	F	S	R			
	BTZ 0-25	10**	10			BTZ 0-25	5	5			
Height	45'				Height	2/3*					
Building Area	65%				Building Area	50%					
Min. Buildable Street Frontage	N/A				Min. Buildable Street Frontage	50%					
Density	4.86/ac.				Density	12/ac.					

Current Zoning – PA 4 of PZD				Proposed Zoning – RI-12			
Lot width min.	SF	2-6*F		Lot width min.	SF	2F	3-4F
	38	24			50	50	90
Lot area min. [per dwelling unit]	3500		2250	Lot area min. [total]	5000	7260	10890
Setbacks	F	S	R	Setbacks	F	S	R
Fronting: Street	BTZ 0-25	10**	20		BTZ 0-25	5	5
Fronting: Garden	0	10**	2				
Height	45'			Height	2/3*		
Building Area	65%			Building Area	50%		
Min. Buildable Street Frontage	N/A			Min. Buildable Street Frontage	50%		
Density	4.86/ac.			Density	12/ac.		

*Up to six attached units permitted.

Current Zoning – PA 3 of PZD				Proposed Zoning – NC			
Lot width min.	SF	2-3F		Lot width min.	ALL		
	32	21			40		
Lot area min. [per dwelling unit]	3700		2700	Lot area min. [total]	4000		
Setbacks	F	S	R	Setbacks	F	S	R
	BTZ 0-25	10**	10		BTZ 0-25	5	5
Height	45'			Height	2/3*		
Building Area	65%			Building Area	50%		
Min. Buildable Street Frontage	N/A			Min. Buildable Street Frontage	50%		
Density	4.86/ac.			Density	10/ac.		

**Detached structures may be located at the side property line, or “Zero Lot Line” side setback. 10' minimum distance between detached homes. Does not apply to garages which are detached from the primary structure.

RZN-2024-0004 Public Comment Summary

February 29, 2024 – Received call from Daniel Golden. He was upset about the rezone and assumed the rezone was to permit the construction of MFDs or townhomes. He has concerns about the potential impacts on his property value.

March 1, 2024 – Received email from Allison Bell. She wanted additional information about the requested rezoning. I replied with application information and addressed her specific questions directly.

March 4, 2024 – Received call from Karen Tyler. She said several neighbors were concerned about the rezoning and wanted more information. They want to meet in person so we scheduled a meeting for today at 11:00 am. At the meeting I provided the neighbors with information about the request, use changes, and bulk/area changes. I informed them of ways to attend the meeting and submit public comments in writing or at the meeting.

Hevrdejs, Kylee

From: Allison Bell <allisonwhitneybell@gmail.com>
Sent: Friday, March 1, 2024 1:43 PM
To: Hevrdejs, Kylee
Subject: Oakbrooke subdivision rezoning

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.

Kylee,

Good afternoon. I received a letter concerning the Oakbrooke subdivision rezoning. I have Mr. Hoskins letter to the City of Fayetteville Planning Commission and City Council. He mentions the current zoning (R-PZD residential) has been troublesome over the years. Do you have any examples of what has been troublesome? Also, will duplexes, apartments or any other multi-family dwellings be allowed in the new zoning? If Mr. Hoskins decides to sell the property, will the new zoning be held to the same single family home standard? Can you tell me exactly which street the acreage is off of?

If Mr. Hoskins provides the planning commission any other information prior to the March 11th meeting, can you provide that to me as well? Unfortunately, residents are at a disadvantage when they attend meetings because we don't have all of the information.

Thank you in advance for your response,
Allison Bell

Hevrdejs, Kylee

From: Hopkins, Mirinda
Sent: Friday, March 8, 2024 12:44 PM
To: Cole, Kylee
Subject: FW: RZN-2024-0004

Yours

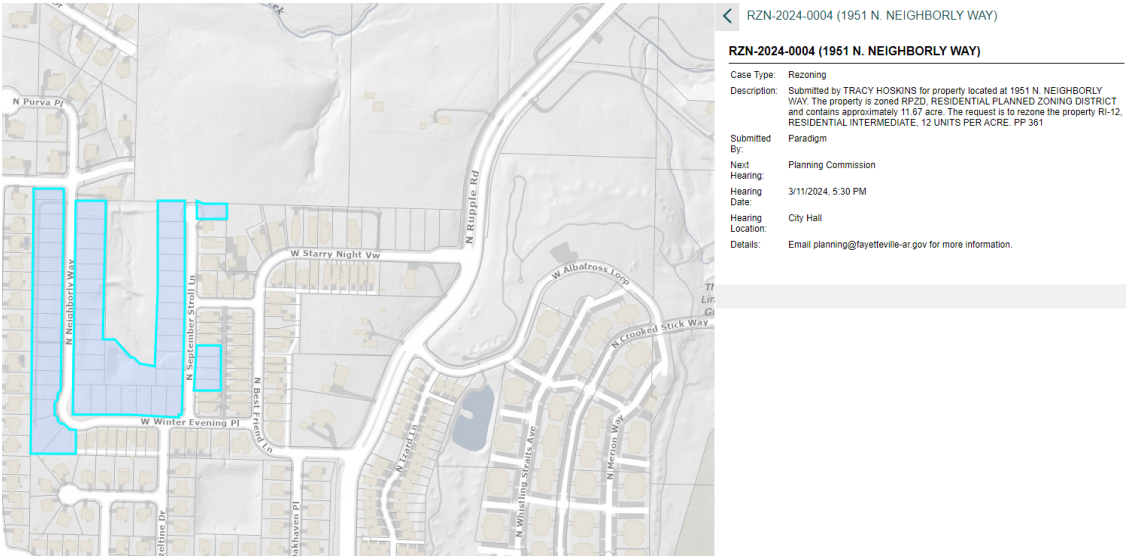
Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: David Criswell <david.t.criswell@gmail.com>
Sent: Friday, March 8, 2024 12:39 PM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Cc: Planning Shared <planning@fayetteville-ar.gov>
Subject: Re: RZN-2024-0004

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Miranda,
Thanks for reaching out. Is the image below from the [City's website](#) the correct location for RZN-2024-0004? It appears to be about a half-mile away from the intersection I referenced (about a 10-minute walk). If that's the right spot, I sure consider it close by and of great benefit to provide increased housing options in this area.



Cheers,
David Criswell

On Fri, Mar 8, 2024 at 11:58 AM Hopkins, Mirinda <mhopkins@fayetteville-ar.gov> wrote:

David, RZN-2024-0004 isn't that close to Mount Comfort so we are not clear if you meant to comment on that item or another one that we have in review (like PZD-2024-0001 or RZN-2024-0008). RZN-2024-0004 is a rezoning associated with the Oakbrooke Subdivision which is farther south on Ruppelle, PZD-2024-0001 is associated with a large new residential subdivision just northeast of Ruppelle and Mount Comfort, and RZN-2024-0008 is associated with a small rezoning just northwest of Salem and Mount Comfort.

Please confirm, and I will forward your comments to the planner assigned to that project.

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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



From: David Criswell <david.t.criswell@gmail.com>
Sent: Friday, March 8, 2024 10:56 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2024-0004

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Hello,

As a Ward 4 resident, I look forward to increased walkable amenities at and near the Rurple Rd & Mount Comfort Rd intersection as supported by City Plan 2040. Given this neighborhood's proximity to this area and our City's need for missing middle housing, I support the rezone request for RZN-2024-0004.

Cheers,

David Criswell

Hevrdejs, Kylee

From: Planning Shared
Sent: Friday, March 8, 2024 1:04 PM
To: Masters, Jessica; Cole, Kylee; Harrison, Gretchen
Subject: FW: Rezoning and CUPs

This one is for everyone.

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

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



From: DeLani B <d.r.bartlette@gmail.com>
Sent: Friday, March 8, 2024 12:17 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Rezoning and CUPs

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.

Good morning,

I am writing to express support for the proposed rezonings RZN-2024-0004, RZN-2024-0005, and RZN-2024-0008. I think these will help move us toward more housing options and the gentle density that we need.

And while I understand the reservations about the rezoning of RZN-2024-0006 on W. Wedington, I hope that you will find a comparable rezone for it so that it could support light retail and other non-residential uses, so as to better serve the residents of that neighborhood, which otherwise seems extremely car-dependent.

I also support CUP-2024-0005. This would definitely help increase our housing stock, which we desperately need.

And I support CUP-2024-0004 as well. I think that we should do whatever we can to allow people to live in a variety of dwellings - including RVs - as long as they are kept

clean and in compliance with safety codes. This is not only for the safety of those residents and their neighbors, but also from a basic human dignity perspective.

Thank you so much for all your work on these and all the other projects. I hope that these changes you are leading will help move Fayetteville in the direction of progress.

DeLani Bartlette

president and founder, Fayetteville Strong

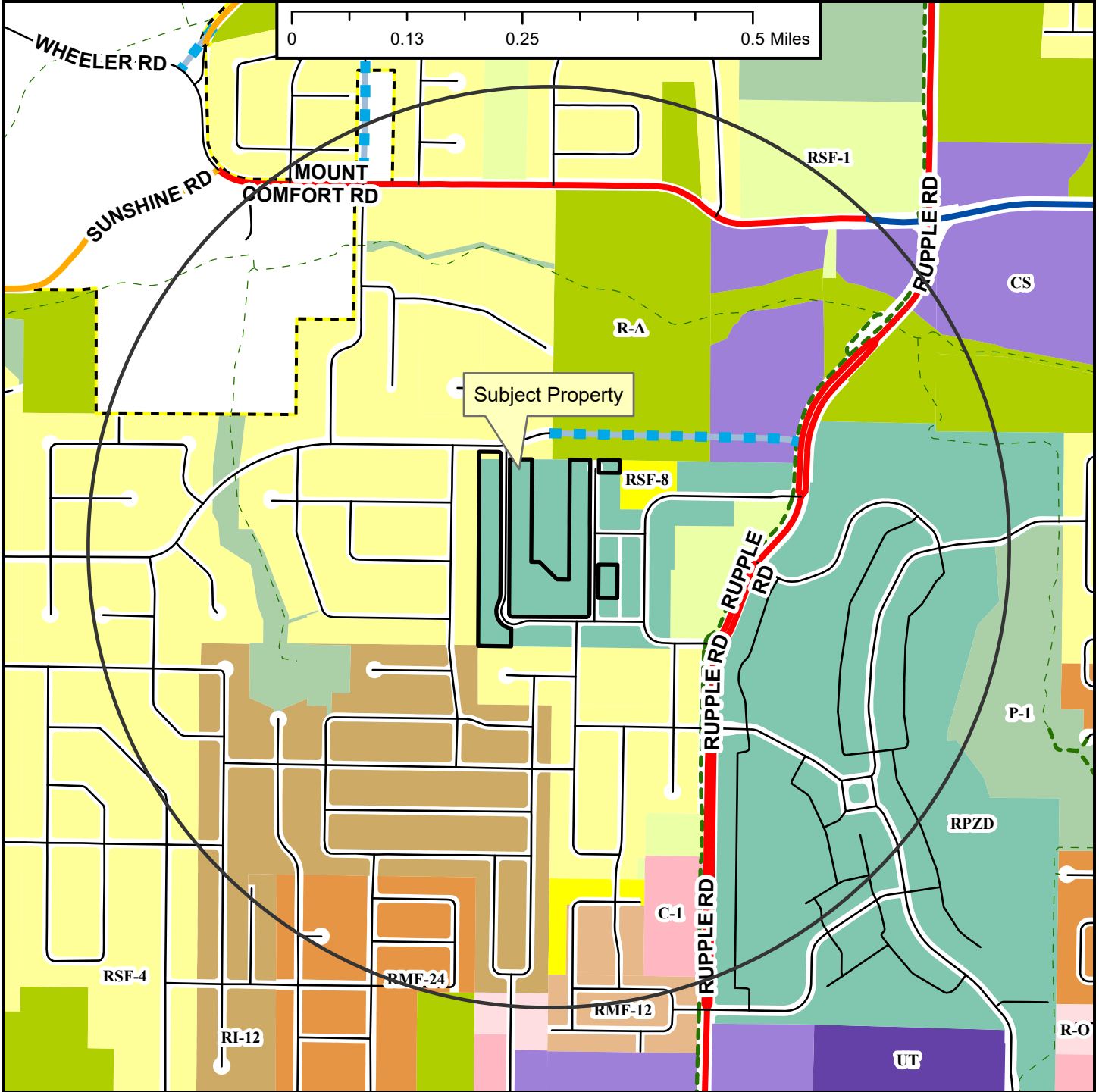
RZN-2024-0004

1951 N. NEIGHBORLY WAY

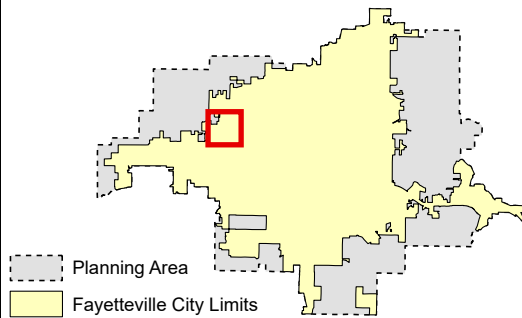
One Mile View



0 0.13 0.25 0.5 Miles



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

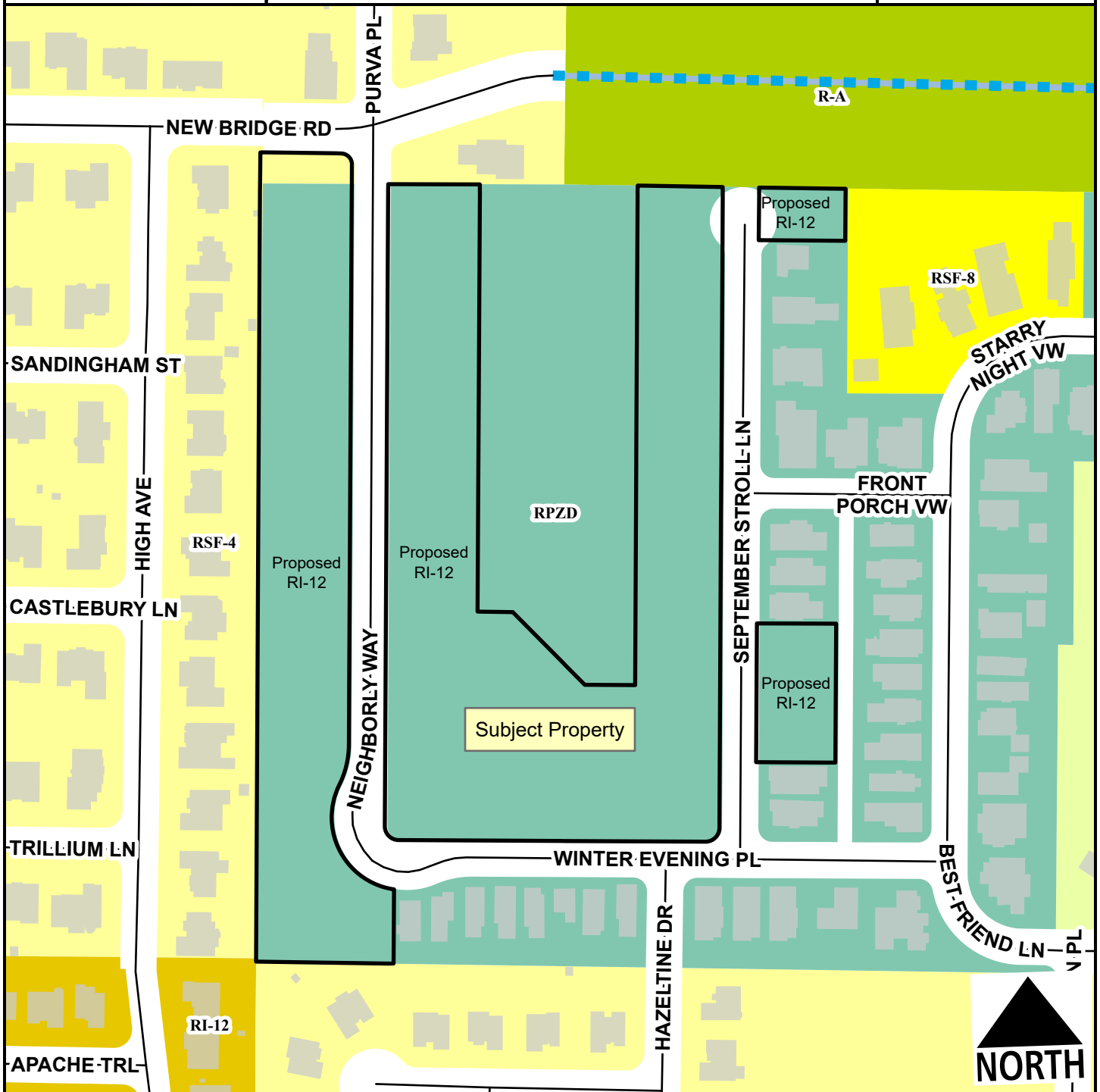


- | | |
|--|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> NS-G RH-U RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial | <ul style="list-style-type: none"> I-2 General Industrial <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> C-1 Residential-Office C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INDUSTRIAL</p> <ul style="list-style-type: none"> P-1 |
|--|---|

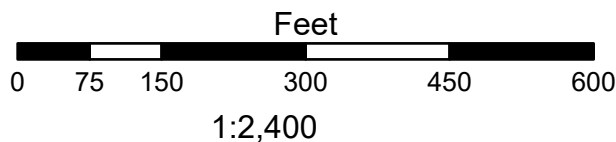
RZN-2024-0004

1951 N. NEIGHBORLY WAY

Close Up View



- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits



Zone	Current	Proposed
RI-12	0.0	10.3
RPZD	10.0	0.0
RSF-4	0.2	0.0

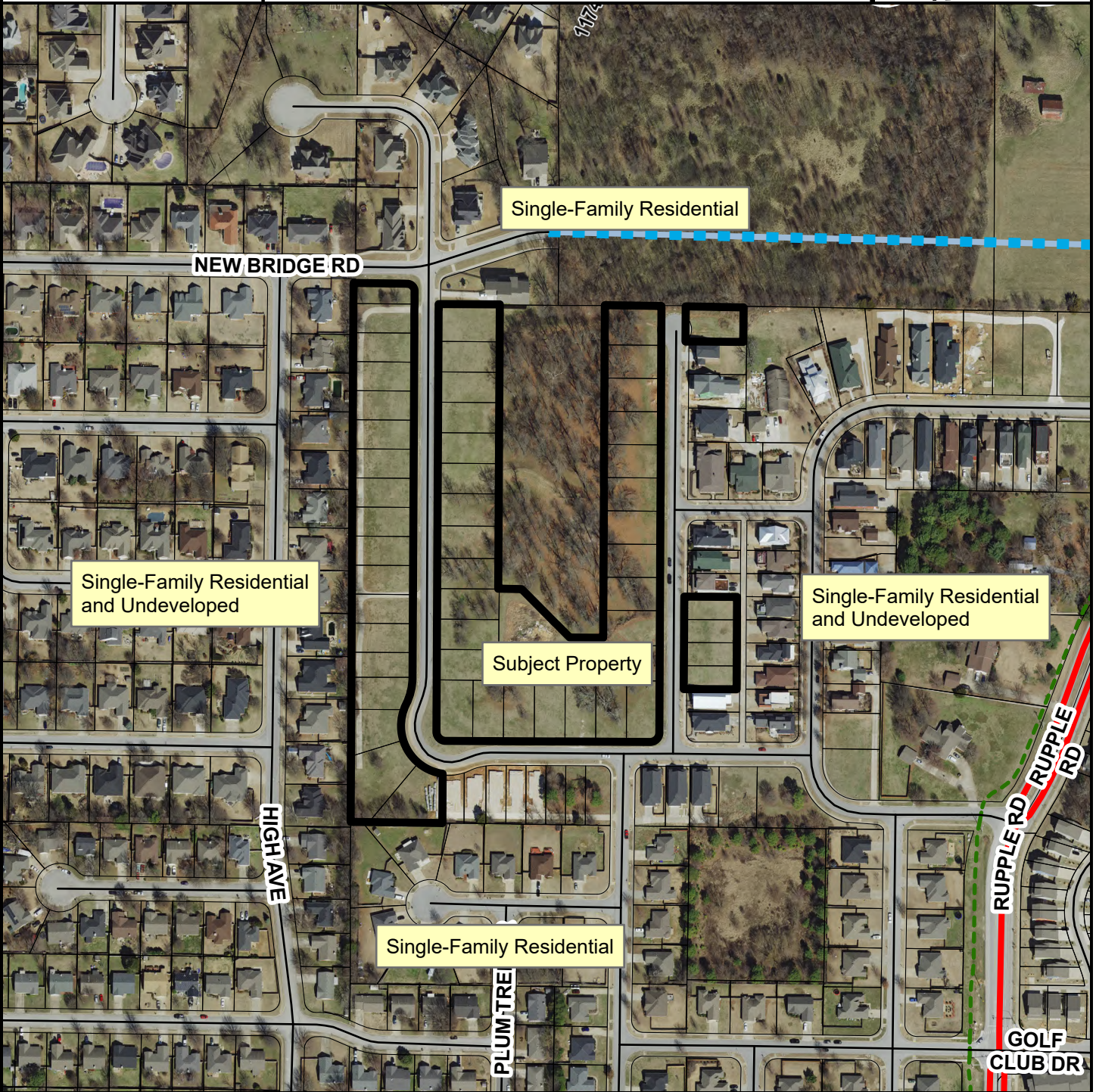
Total 10.3 ac







RZN-2024-0004

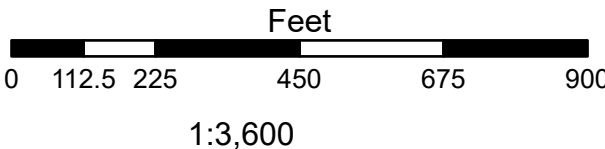
1951 N. NEIGHBORLY WAY





Current Land Use



-  Regional Link
-  Unclassified
-  Residential Link
-  Planned Residential Link
-  Planning Area
-  Fayetteville City Limits



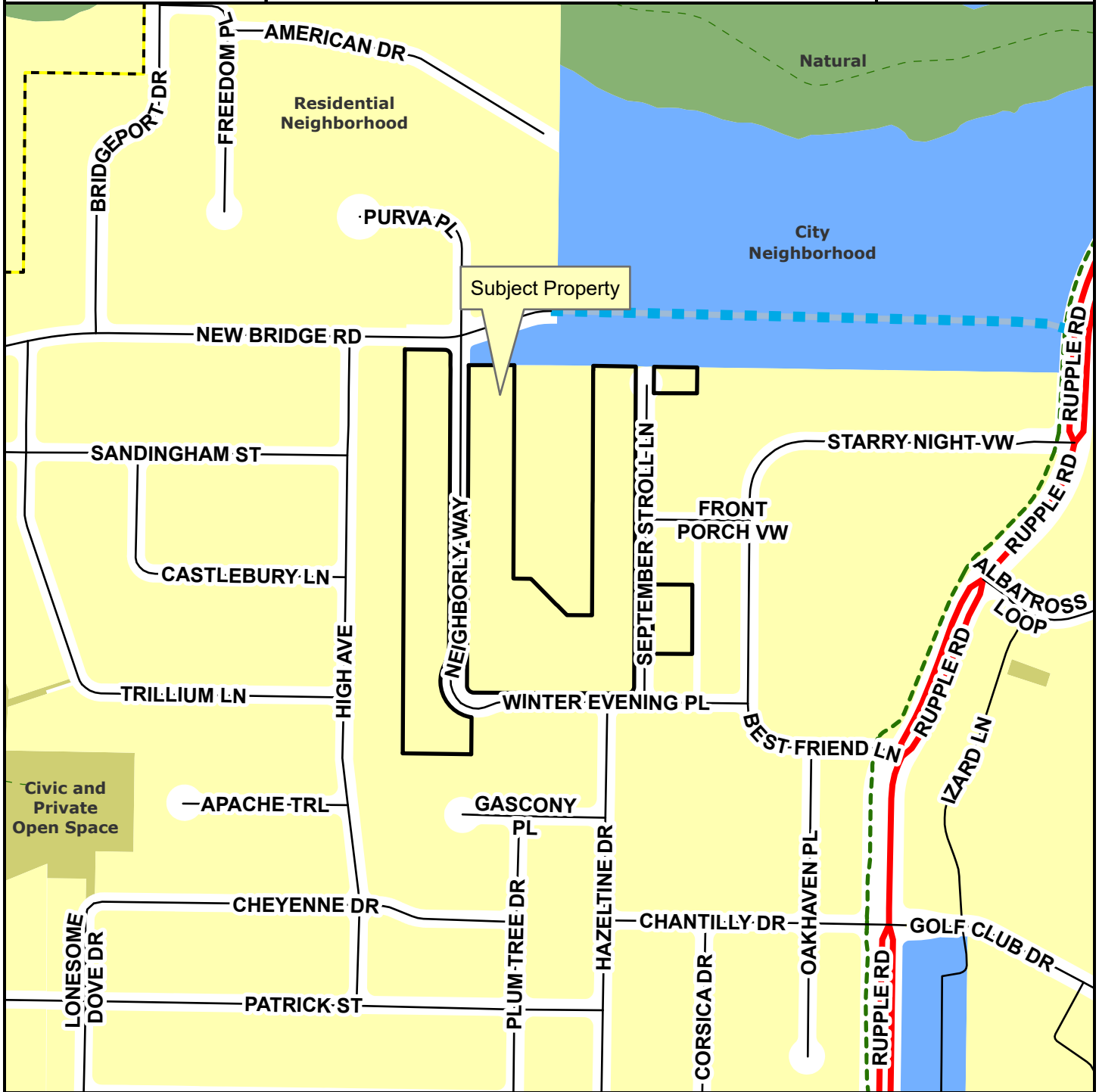
- FEMA Flood Hazard Data**
-  100-Year Floodplain
 -  Floodway

RZN-2024-0004

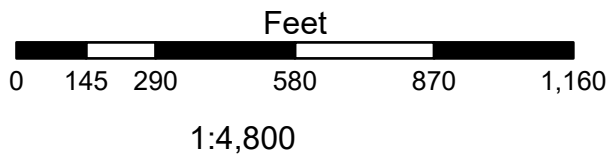
1951 N. NEIGHBORLY WAY



Future Land Use



- Regional Link
- Unclassified
- 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