



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1880

APPEAL: RZN-2024-0002: Rezone (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522): Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. in WARD 2. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN-2024-0002 FOR APPROXIMATELY 0.24 ACRES LOCATED AT 740 WEST STONE STREET IN WARD 2 FROM RI-U, RESIDENTIAL INTERMEDIATE-URBAN TO DG, DOWNTOWN GENERAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the 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 RI-U, Residential Intermediate-Urban to DG, Downton General.

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



MEETING OF APRIL 16, 2024

TO: Mayor Jordan and City Council

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

FROM: Jessica Masters, Development Review Manager

SUBJECT: **APPEAL: RZN-2024-0002: Rezone (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522): Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. in WARD 2. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.**

RECOMMENDATION:

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

BACKGROUND:

The subject property, which contains parcels 765-09786-000 and 765-09786-002, is located near downtown, just northeast of Fayetteville High School, between Hill and Duncan Avenues on the north side of Stone Street. The property contains approximately 0.24 acres and is currently undeveloped. The property was rezoned from RMF-40, Residential Multi-Family, 40 Units per Acre to RI-U, Residential Intermediate - Urban in September 2021 (RZN-2021-000059).

Request: The request is to rezone the property from RI-U, Residential Intermediate – Urban to DG, Downtown General. The applicant has included a Bill of Assurance to limit development to strictly residential uses allowed in the DG zoning district (1, 8, 9, 10, 26, 41, 44, and 46) and to limit the overall building heights to three stories, as opposed to five.

Public Comment: Staff have received inquires as well as one comment in opposition to the request. Comment in opposition cited a concern that while there were no issues with the density limitations proposed in DG along with concerns about increasing building heights and allowable uses. The member of the public also had concerns about limited parking in the neighborhood, and ongoing enforcement issues with the nearby high school.

Land Use Compatibility: The property in question is fully surrounded by RMF-40 zoning. While staff supported a request to rezone the property to RI-U, the request to DG is a request for more uses, building height, and buildable area than would be permitted with either the RI-U zoning district, or the previous RMF-40 zoning district, allowing for non-residential uses, and up to 5 stories in building height. The applicant's provision of a Bill of Assurance limits the uses strictly to residential, and limits the building height to a maximum of three stories. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land, but can be difficult to enforce) would be to work within the existing zoning district regulations, which allows a

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conditional use permit for a 5-unit townhome structure. Staff recognizes that RMF-40 allows for larger scale apartment buildings by-right, but there are setbacks (20-foot rear rather than 5-foot) and building height limitations that keep those structures from being too overwhelming to the surrounding structures. Staff also recognizes that a mixture of uses within a neighborhood is typically a good thing to increase walkability and create complete neighborhoods, and limiting DG zoning district to solely residential uses may not promote the desired outcome of that district. That said, the uses typically allowed in Downtown General may be more in line with a request along a prominent corner, rather than directly within a residential block, and with or without a Bill of Assurance, may not be completely in line with the current land use surroundings.

Land Use Plan Analysis: Staff finds that the request is inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 13.5, so rezoning to a high-density zoning district is appropriate in this location, and it was previously zoned in the highest density residential zoning district the City currently has: RMF-40. A high infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. In this regard, the request meets Goals 1 and 6 of City Plan 2040, by potentially providing infill development and the possibility for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing. The request also aligns with Goal 3, since the mixed-use potential in the DG zoning district and its adjacency to residential uses allows for the development of a complete neighborhood that is connected and compact.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 10 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center Street)
- Near Sewer Main (6", located in W. Stone Street)
- Near Water Main (6", located in W. Stone Street)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Main Campus
- Near Paved Trail (Frisco Trail, Razorback Greenway)
- Near ORT Bus Stop (Hill & Stone, Route 20)
- Near Razorback Bus Stop (Hill & Stone, Route 13/44/48)
- Appropriate Future Land Use (City Neighborhood Area)

DISCUSSION:

At the March 11, 2024 Planning Commission meeting, a motion to forward with a recommendation of approval failed with a vote of 3-6-0, with Commissioners Sparkman, Garlock, Madden, Gulley, Winston, and McGetrick opposed. Commissioners were primarily concerned by the Bill of Assurance offered and remarked that it signaled a lack of compatibility. They felt that the existing zoning gave the applicant the ability to build many units by-right and found that rezoning was not the correct or applicable tool to redevelop the site. Given RI-U's lack of a density maximum and the ability to request a conditional use permit for multi-family under that district, the Commission found that would have been more appropriate, and would not have required any further City Council action. Commissioners in favor noted that while DG is an intense zoning district, they found that limiting the story height and the uses made the request compatible. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: Appeal Request Letter (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff

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Report (#6), Revised Bill of Assurance Submittal 04-09-2024 (#7)

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113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

RECEIVED

APR 12 2024

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Sasi Sundaram / Apex property ventures llc, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to the following residential uses as defined by the city of Fayetteville Unified development code: use units 1,8,9,10,26,41,44 and 46

2. Other restrictions including number and type of structures upon the property are limited to buildings that contain 5 or less dwelling units per building.

3. Specific activities will not be allowed upon petitioner's property include

4. (Any other terms or conditions) the height of the building(s) shall not exceed 3 stories

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the

Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, **Sasi Sundaram/ Apex property ventures llc** , as the owner, developer, buyer, (Petitioner) voluntarily offer all such assurances and sign my name below.

4/12/24
Date

Sasi Sundaram
Printed Name
Owner
Sasi Sundaram

1543 Fianna place terrace
Fort Smith AR 72908
Address

Title (if on behalf of business entity)
S. Sundaram

Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

On this, the 12th day of April, 2024, before me, the undersigned notary, personally appeared Sasi Sundaram, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon his/her/their oath, swore or affirmed that he/she/they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the same for the purposes therein contained.

Brooklyn Cantrell
NOTARY PUBLIC

My Commission Expires:
07/08/2031





TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 11, 2024

SUBJECT: **RZN-2024-0002: Rezone (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522):** Submitted by SASI SUNDARAM for property located at 740 W. STONE ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.24 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:
Staff recommend denial of **RZN-2024-0002**.

RECOMMENDED MOTION:
"I move to deny RZN-2024-0002."

BACKGROUND:
The subject property, which contains parcels 765-09786-000 and 765-09786-002, is located near downtown, just east of Fayetteville High School at the intersection of W. Stone Street and S. Duncan Avenue. The property contains approximately 0.24 acres and is currently undeveloped. The property was rezoned from RMF-40, Residential Multi-Family, 40 Units per Acre to RI-U, Residential Intermediate - Urban in September 2021 (RZN-2021-000059). Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
South	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
East	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre
West	Single-Family Residential	RMF-40, Residential Multi-Family - 40 Units per Acre

Request: The request is to rezone the property from RI-U, Residential Intermediate – Urban to DG, Downtown General. The applicant has included a Bill of Assurance to limit the uses to strictly those residential uses allowed in the DG zoning district (1, 8, 9, 10, 26, 41, 44, and 46) and to limit the overall building heights to 3 stories, as opposed to 5.

Public Comment: Staff have received inquires about the request, as well as one comment in opposition to the request, citing a concern that while there were no issues with the density limitations proposed in DG, there were concerns about increasing building heights and allowable uses in the residential zoning district. The member of the public also had concerns about limited parking in the neighborhood, and ongoing enforcement issues with the nearby high school.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along W. Stone Street, which is a partially improved Residential Link street with asphalt paving, curb, and gutter. Any street improvements required in this area would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at the time of development.

Water: Public water is available to the subject area. An existing 6-inch water main is present in the center of W. Stone Street.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sanitary sewer main is present on the south side of W. Stone Street.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 3 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 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department expressed no concerns with this request.

Drainage: Any additional improvements or requirements for drainage will be determined at the time of development. There are no hydric soils present in the subject area, and no portion of the property is within the Hillside-Hilltop Overlay District, a FEMA Floodplain, or a Streamside Protection Zone.

Tree Preservation:

The proposed zoning district of DG, Downtown General requires **10% minimum canopy preservation**. The current zoning district of RI-U, Residential Intermediate - Urban requires **15% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **10** for this site, with a weighted score of **13.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center Street)
- Near Sewer Main (6", located in W. Stone Street)
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- Appropriate Future Land Use (City Neighborhood Area)

FINDINGS OF THE STAFF

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

Finding: *Land Use Compatibility:* The property in question is fully surrounded by RMF-40 zoning. While staff supported a request to rezone the property to RI-U, the request to DG is a request for more uses, building height, and buildable area than would be permitted with either the RI-U zoning district, or the previous RMF-40 zoning district, allowing for non-residential uses, and up to 5 stories in building height. The applicant's provision of a Bill of Assurance limits the uses strictly to residential, and limits the building height to a maximum of three stories. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land, but can be difficult to enforce) would be to work within the existing zoning district regulations, which allows a conditional use permit for a 5-unit townhome structure. Staff recognizes that RMF-40 allows for larger scale apartment buildings by-right, but there are setbacks (20-foot rear rather than 5-foot) and building height limitations that keep those structures from being too overwhelming to the surrounding structures. Staff also recognizes that a mixture of uses within a neighborhood is typically a good thing to increase walkability and create complete neighborhoods, and limiting DG zoning district to solely residential uses may not promote the desired outcome of that district. That said, the uses typically allowed in Downtown General may be more in line with a request along a prominent corner, rather than directly within a residential block, and with or without a Bill of Assurance, may not be completely in line with the current land use surroundings.

Land Use Plan Analysis: Staff finds that the request is inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 13.5, so rezoning to a high-density zoning district makes sense in this location, and it was previously zoned in the highest density residential zoning district the City currently has. A high infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. The request meets Goals 1 and 6 of City Plan 2040, by potentially providing infill development and the possibility for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing. The request also aligns with Goal 3, since the mixed-use

potential in the DG zoning district and its adjacency to residential uses allows for the development of a complete neighborhood that is connected and compact.

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 to DG, Downtown General is not justified. Staff finds that a more appropriate route than providing a Bill of Assurance (which runs with the land) would be to work within a formalized mechanism within an existing zoning district, and either request a conditional use permit for a 5-unit townhome structure under the currently zoning designation.

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

Finding: Rezoning to DG has an associated potential to increase traffic at this location. While RI-U currently does not have a stated density maximum, neither does DG. However, the uses that are permitted in DG include multi-family apartment buildings that are 5 units or more, so a larger multi-family structure could be constructed by-right under DG. Further, typically commercial or non-residential uses are permitted in DG as well, with little limitation as far as scale or scope. Both of these elements could increase traffic to the site. The applicant has submitted a Bill of Assurance, which somewhat alleviates this concern.

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 RI-U to DG could increase population density and therefore the load on public services; however, the impact is not expected to be detrimental. Adequate water and sewer connections are available to the site, suggesting the area can support the increase and avoid costly extensions to services. Fayetteville 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 denial of RZN-2024-0002. If Planning Commission choose to forward the item, staff recommends in favor of the inclusion of the applicant's offering of a Bill of Assurance.

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:
 - §161.12 District RI-U, Residential Intermediate - Urban
 - §161.28 Downtown General
- Applicant Request Letter
- Bill of Assurance
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(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 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 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 60% 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.

(Ord. No. 5945 , §5(Exh. A), 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."

161.28 Downtown General

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
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 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

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

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

(G) *Building Height Regulations.*

Building Height Maximum	5 stories
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(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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a. Current ownership and pending property sales information - The subject property is owned by Apex property ventures llc .

b. Reason (need) for requesting the zoning change -

The DG zoning district offers more flexibility with its lot standards than the current zoning and it allows for multi-family dwellings by right. The DG zoning district encourages and enables the development of smaller scaled multi-family buildings that supports and compliments the growing housing need for U of A. This is in alignment with the six goals of City Plan 2040 which talks about by-right development in infill locations which can result in more efficient development and approval process. The proposed zoning is needed to allow for the permitting and approval of a new 5-unit multi-family building by-right.

c. Statement of how the proposed rezoning will relate to the surrounding properties in terms of land use, traffic appearance and signage -

The proposed rezoning is consistent with the surrounding properties include a mix of larger apartment buildings, smaller scaled apartment buildings, townhomes, and single-family houses.. In general , the proposed zoning would allow for slightly higher-density by-right as encouraged by land use designation while at the same time encouraging smaller-scaled multi family buildings . In terms of traffic, the proposed rezoning from RI-U to DG would not change things. In terms of appearance and signage, the design standards of DG will ensure that any new development is contextually sensitive to the existing neighborhood character.

d. Availability of water and sewer (state size of lines) - Water and sewer is available. A 6” water main runs east to west at the street on W stone street . A 6” sewer main runs east to west across the street from the property on W stone street.

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans -

The proposed zoning is consistent with City Plan 2040 and In alignment with the existing zoning and surrounding land uses, DG allows for appropriate infill and advances Fayetteville’s goal to provide easier access to amenities and walkability. This lot is in very close proximity to Tier 1 center on the Growth concept map of the city plan 2040.

Written description of request per the city of Fayetteville rezoning application

f. Whether the proposed zoning is justified and/or needed at the time of request -

The proposed zoning is needed to allow for the permitting and approval of a new 5-unit multi-family building by-right.

G. whether the proposed zoning will create or appreciably increase traffic danger and congestion - the proposed rezoning will not change or increase traffic danger or congestion.

H. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water and sewer facilities - rezoning the property as requested will not change or increase the load to public services.

I. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification - The current zoning does not allow for the construction of a 5-unit multi-family building by-right.

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

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Sasi Sundaram / Apex property ventures llc , hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to the following residential uses as defined by the city of Fayetteville Unified development code: use units 1,8,9,10,26,41,44 and 46

2. Other restrictions including number and type of structures upon the property are limited to _____

3. Specific activities will not be allowed upon petitioner's property include _____

4. (Any other terms or conditions) the height of the building(s) shall not exceed 3 stories

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution

of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, **Sasi Sundaram/ Apex property ventures llc**, as the owner, developer, buyer, (Petitioner) voluntarily offer all such assurances and sign my name below.

March 6, 2024

Date

Sasi Sundaram

Printed Name

Owner

APEX PROPERTY VENTURES LLC

1543 Fianna place terrace
Fort Smith AR 72908
Address

Title (if on behalf of business entity)

Signature

NOTARY OATH

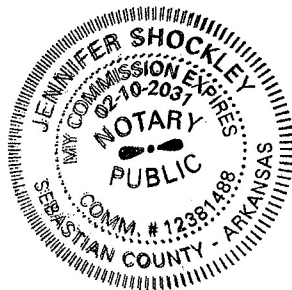
STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

On this, the 6 day of March, 2024 before me, the undersigned notary, personally appeared Sasi Sundaram, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon his/her/their oath, swore or affirmed that he/she/they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the same for the purposes therein contained.

NOTARY PUBLIC

My Commission Expires:

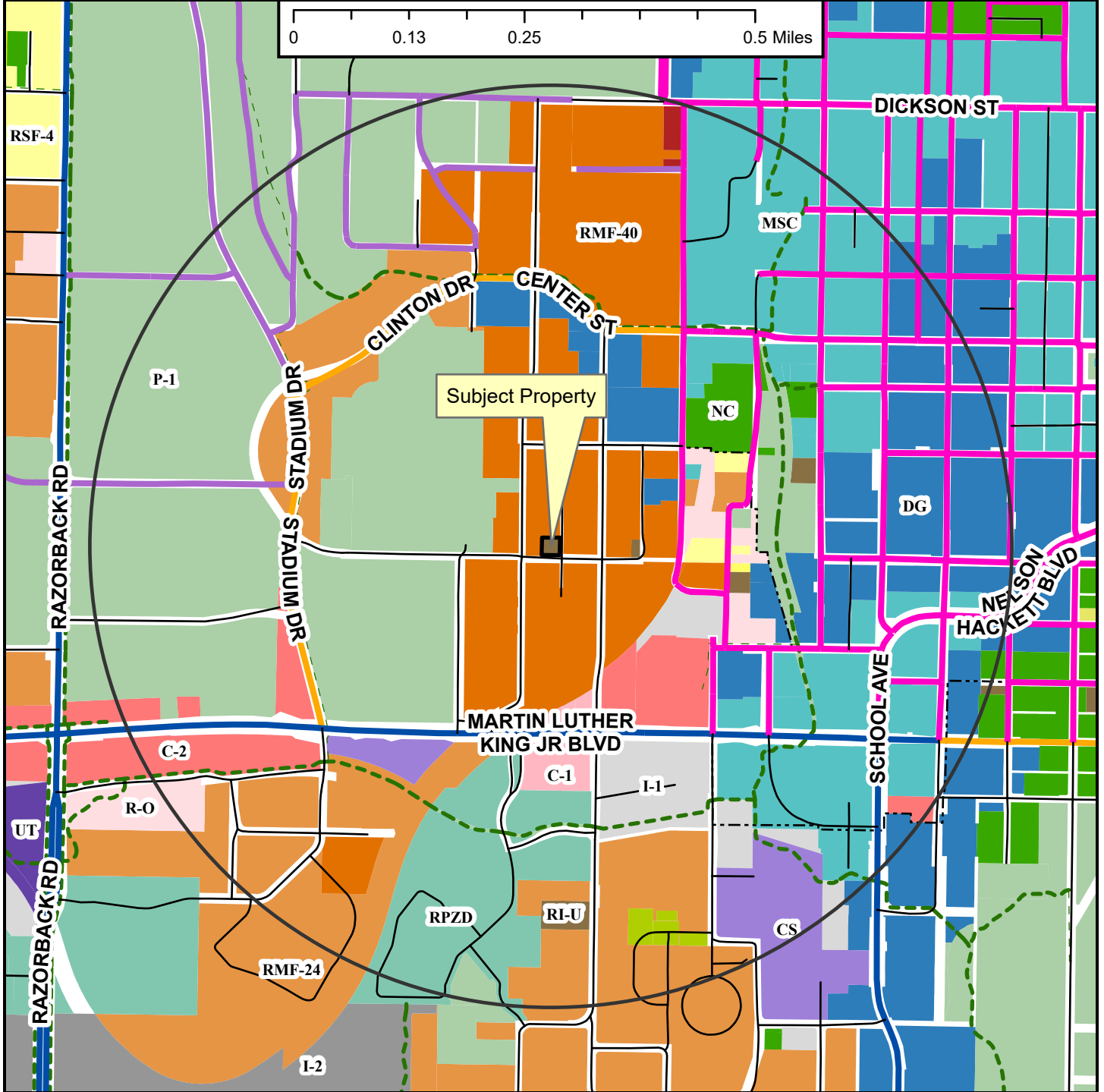
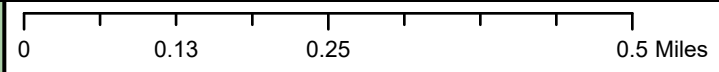
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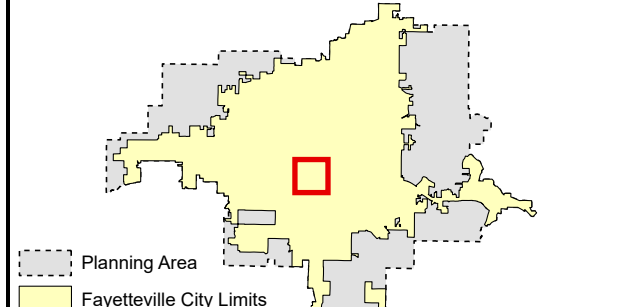
RZN-2024-0002

740 W. STONE ST

One Mile View



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

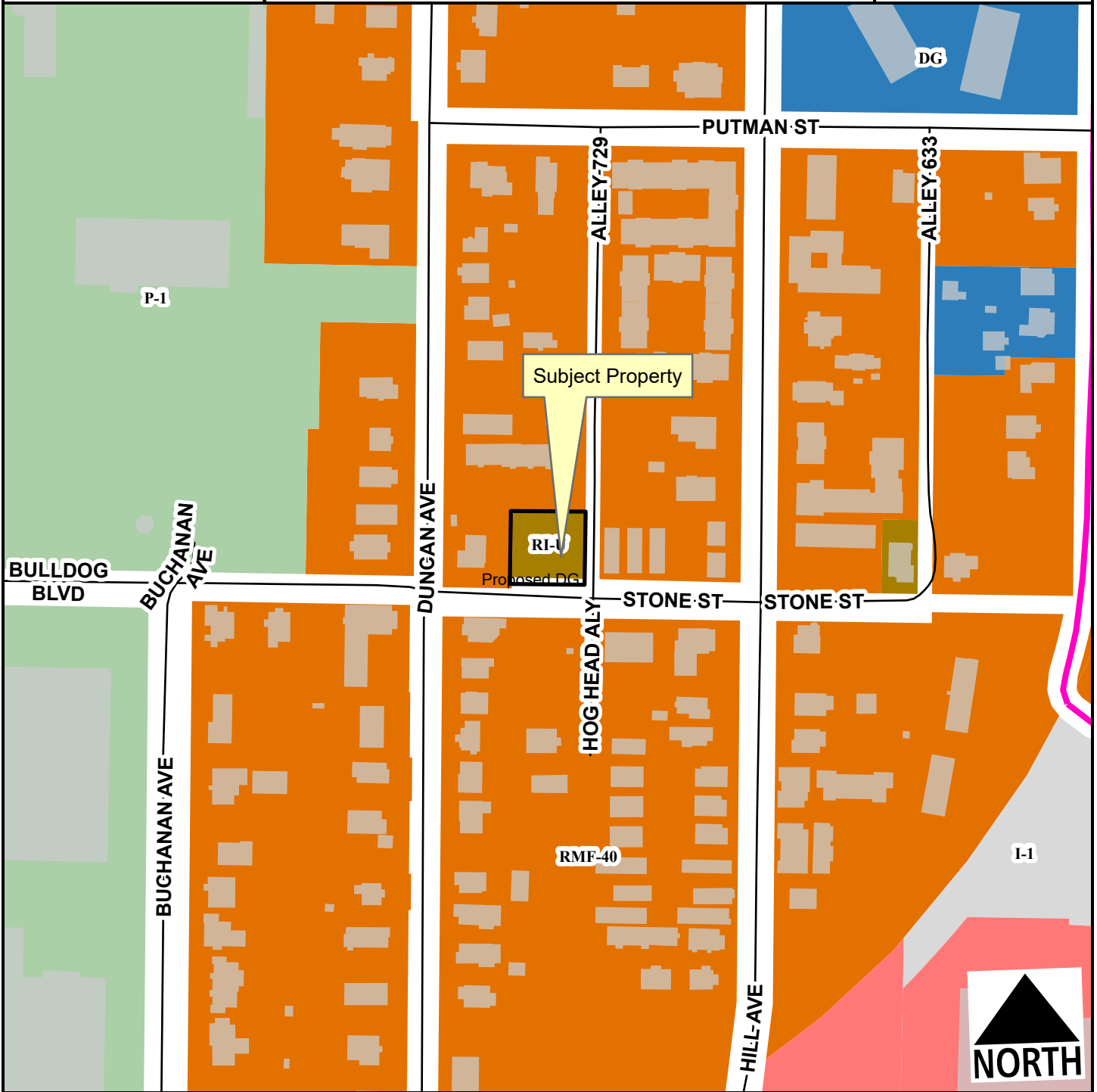


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial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

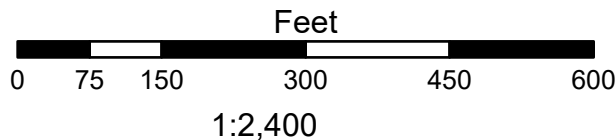
RZN-2024-0002

740 W. STONE ST

Close Up View



-  Urban Center
-  Alley
-  Residential Link
-  Planning Area
-  Fayetteville City Limits



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
DG	0.0	0.2
RI-U	0.2	0.0
RMF-40	0.0	0.0










Total 0.2 ac

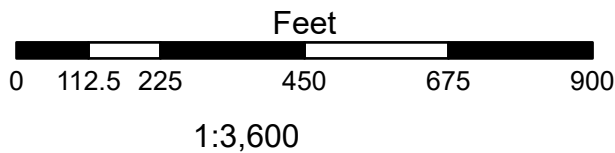
RZN-2024-0002

740 W. STONE ST



Current Land Use



-  Neighborhood Link
-  Regional Link - High Activity
-  Urban Center
-  Alley
-  Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District



FEMA Flood Hazard Data

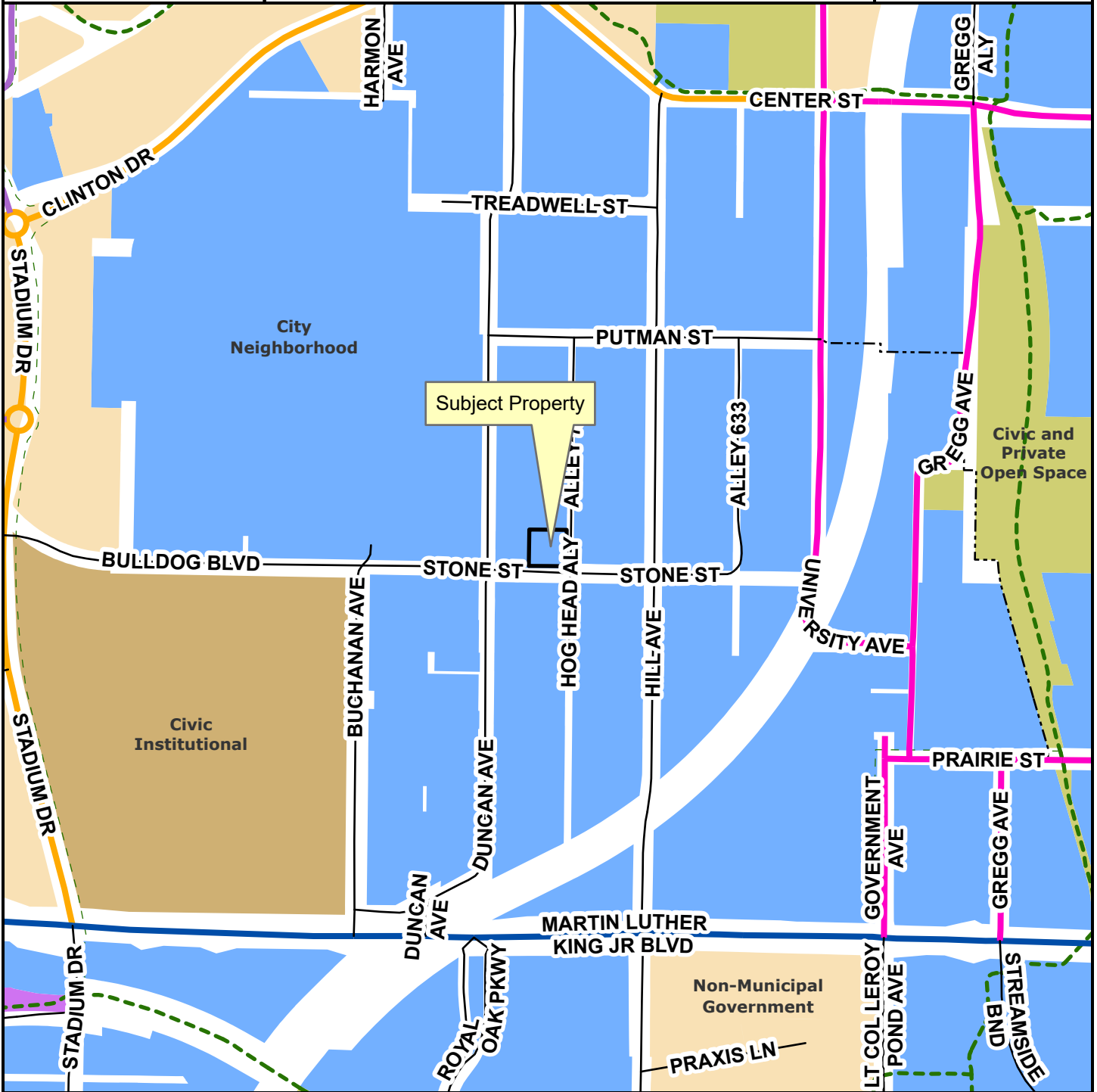
-  100-Year Floodplain
-  Floodway

RZN-2024-0002

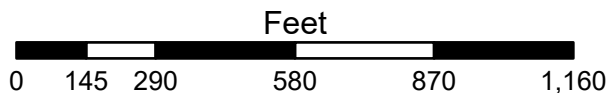
740 W. STONE ST



Future Land Use



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



1:4,800

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

Planning Commission

March 11, 2024

RZN-2024-0002 (APEX PROPERTY VENTURES LLC)

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