



# City of Fayetteville, Arkansas

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

## Legislation Text

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**File #:** 2024-59

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**RZN-2024-0016: Rezoning (2460 N. OLD WIRE RD./FAYETTEVILLE NATURE SCHOOL, 292): Submitted by MELANEE LAVERY for property located at 2640 N. OLD WIRE RD. in WARD 3. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 1.95 acres. The request is to rezone the property to P-1, INSTITUTIONAL.**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-16 FOR APPROXIMATELY 1.95 ACRES LOCATED AT 2640 NORTH OLD WIRE ROAD IN WARD 3 FROM CPZD, COMMERCIAL PLANNED ZONING DISTRICT TO P-1, INSTITUTIONAL

**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 CPZD, Commercial Planned Zoning District to P-1, Institutional.

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 MAY 21, 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-2024-0016: Rezoning (2460 N. OLD WIRE RD./FAYETTEVILLE NATURE SCHOOL, 292): Submitted by MELANEE LAVERY for property located at 2640 N. OLD WIRE RD. in WARD 3. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 1.95 acres. The request is to rezone the property to P-1, INSTITUTIONAL.**

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**RECOMMENDATION:**

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

**BACKGROUND:**

The subject property is in east Fayetteville approximately 300 feet southwest of Gulley Park along N. Old Wire Rd. The property contains approximately 1.95 acres and is developed with a single-family dwelling constructed in 1988 that was adapted into a preschool in the early 2000s. The property is zoned CPZD, Sunshine House (Ord. No. 5075) which it received in 2007. The PZD entitled the property to be used as a childcare center.

*Request:* The request is to rezone the subject property from CPZD, Commercial Planned Zoning District to P-1, Institutional.

*Public Comment:* At the Planning Commission meeting on April 22, 2024, public comment was given in support of the request as described in the meeting summary below.

*Land Use Compatibility:* Staff finds the proposed rezoning from CPZD, Sunshine House to P-1 to be compatible with the surrounding area. The subject property is adjacent to a variety of properties with community services such as a veterinary clinic, church, and public park. Many RSF-4-zoned single-family properties are nearby to the north and south. The property has been operating as a childcare facility since 2008. A rezoning to P-1 would allow for the continued use of the property as a pre-school and nature school without some of the restrictions on building expansion or student numbers established in the Sunshine House CPZD. The Sunshine House CPZD only has a stated bulk and area for single-family dwellings, and P-1 does not have bulk and area requirements. The CPZD has building height allowance of 45 feet, and P-1 allows a height of up to six stories. The existing structure is meeting setbacks and height limitations for the proposed P-1 district. Staff finds the requested rezoning to be compatible with

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surrounding land uses and provides opportunities for increased services in the neighborhood.

*Land Use Plan Analysis:* Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a Residential Neighborhood area in the City Plan 2040 Future Land Use Map and is located within a Tier Three Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to P-1 would support those designations as a pre-school and elementary school are vital components of a residential neighborhood. Staff also finds the requested rezoning to be aligned with City Goal 3: We Will Make Compact, Complete, and Connected Development the Standard.

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

- Adequate Fire Response (Station 5, 2979 N. Crossover Rd.)
- Near Sewer Main (8-inch main, south of subject property)
- Near Water Main (2-inch water main, East side of North Old Wire Road; 6-inch water main; West side of North Old Wire Road; 36-inch transmission water main; East side on North Old Wire Road)
- Near City Park (Gulley Park)
- Near Paved Trail (N. Old Wire Rd. side-path trail; E. Township St. bike lane)

**DISCUSSION:**

At the April 22, 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 and staff recommendations as noted in the report as reasons for approval. One member of the public spoke in favor of the request citing the school's unique offerings and enjoyment by children.

**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Staff Report (#6)

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**TO:** Fayetteville Planning Commission

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

**FROM:** Kylee Cole, Planner

**MEETING DATE:** April 22, 2024

**SUBJECT:** **RZN-2024-0016: Rezoning (2460 N. OLD WIRE RD./FAYETTEVILLE NATURE SCHOOL, 292):** Submitted by MELANEE LAVERY for property located at 2640 N. OLD WIRE RD. in WARD 3. The property is zoned CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 1.52 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

**RECOMMENDATION:**  
Staff recommend forwarding **RZN-2024-0016** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**  
*"I move to forward **RZN-2024-0016** to City Council with a recommendation of approval."*

**BACKGROUND:**  
The subject property is in east Fayetteville approximately 300 feet southwest of Gulley Park along N. Old Wire Rd. The property contains approximately 1.52 acres and is developed with a single-family dwelling constructed in 1988 that was adapted into a preschool in the early 2000s. The property is zoned CPZD, Sunshine House (Ord. No. 5075) which it received in 2007, which allowed the property to be used as a childcare facility. Surrounding land uses and zoning are listed in *Table 1*.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Old Wire Church of Christ	RSF-4, Residential Single-Family, 4 Units per Acre
West	Commercial (Vet Clinic)	CPZD (Core Pet Wellness)

*Request:* The request is to rezone the subject property from CPZD, Commercial Planned Zoning District to P-1, Institutional.

*Public Comment:* To date, staff have received no public comment.

**INFRASTRUCTURE:**

**Streets:** The subject area has frontage along N. Old Wire Road. North Old Wire Road is a partially improved Neighborhood Link Street with asphalt paving, curb and gutter, sidewalk along the east side, and open ditches on the west side. Any street

improvements required in these areas would be determined at the time of development proposal.

**Water:** Public water is available to the Subject area. Existing 2-inch water main is present on the east side of N. Old Wire Road. Existing 6-inch water main is present on the west side of N. Old Wire Road. Existing 36-inch transmission water main is also present on the east side on N. Old Wire Road.

**Sewer:** Sanitary Sewer is not available to the Subject area. Existing 8-inch sewer main is within 110 feet of the property on the southeast side of the property running in a utility easement. The Utility easement stops 25 feet from the southeast corner of the property.

**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 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately 1.5 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 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 current zoning district of CPZD requires **25% minimum canopy preservation**. The proposed zoning district of P-1, Institutional requires **25% minimum canopy preservation**.

**CITY PLAN 2040 FUTURE LAND USE PLAN:** City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **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 range of **5** for this site with a weighted score of **5.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 5, 2979 N. Crossover Rd.)
- Near Sewer Main (8-inch main, south of subject property)
- Near Water Main (2-inch water main, East side of North Old Wire Road; 6-inch water main;

West side of North Old Wire Road; 36-inch transmission water main; East side on North Old Wire Road)

- Near City Park (Gulley Park)
- Near Paved Trail (N. Old Wire Rd. side-path trail; E. Township St. bike lane)

## **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 the proposed rezoning from CPZD, Sunshine House to P-1 to be compatible with the surrounding area. The subject property is adjacent to a variety of properties with community services such as a veterinary clinic, church, and public park. Many RSF-4-zoned single-family properties are nearby to the north and south. A rezoning to P-1 would allow for the continued use of the property as a pre-school and nature school without some of the restrictions on building expansion or student numbers established in the Sunshine House CPZD. The Sunshine House CPZD only has a stated bulk and area for single-family dwellings, and P-1 does not have bulk and area requirements. The CPZD has building height allowance of 45 feet, and P-1 allows a height of up to six stories. The existing structure is meeting setbacks and height limitations for the proposed P-1 district. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased services in the neighborhood.

*Land Use Plan Analysis:* Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a Residential Neighborhood area in the City Plan 2040 Future Land Use Map and is located within a Tier Three Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to P-1 would support those designations as a pre-school and elementary school are vital components of a residential neighborhood. Staff also finds the requested rezoning to be aligned with City Goal 3: We Will Make Compact, Complete, and Connected Development the Standard.

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

**Finding:** Staff finds that there is sufficient justification to rezone the property from CPZD to P-1 since schools and daycare facilities are a vital part of complete neighborhoods, which supports Goal 3 of City Plan 2040. Further, the proposed rezoning is consistent with the property's future land use designation.

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

**Finding:** A rezoning from CPZD to P-1 is unlikely increase traffic danger and congestion due to limited permitted uses, including the removal of Use Unit 8: Single-Family Dwellings as a permitted use. The property has frontage

along N. Old Wire Rd. and adjacent side-path trail, and any street improvements in the area would be determined at the time of development review.

- 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:** The proposed rezoning is unlikely to alter the population density since it would remove Unit 8: Single-Family Dwellings as permitted use, and only allow institutional development adding public services to the surrounding neighborhood. The property currently has access to public streets, water, but not sewers, and any necessary improvements would be determined at the time of development.

- 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 recommend forwarding RZN-2024-0016 to City Council with a recommendation of approval.

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<b>PLANNING COMMISSION ACTION:</b>	<input checked="" type="checkbox"/> Required	<input checked="" type="checkbox"/> <u>YES</u>	
<b>Date:</b> <u>April 22, 2024</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b>			
<b>Second:</b>			
<b>Vote:</b>			

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**BUDGET/STAFF IMPACT:**  
None

- ATTACHMENTS:**
- Unified Development Code
    - §161.32 District P-1, Institutional
  - Sunshine House CPZD (Ord. No. 5075) – Abridged by Staff for Inclusion in Report
  - Request Letter
  - One Mile Map

- Close-Up Map
- Current Land Use Map
- Future Land Use Map



**161.32 District P-1, Institutional**

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by public and religious institutions. Larger facilities and institutions may still use historical setback regulations, but public and religious institutions may also choose to use urban form with build-to zones and minimum buildable street frontage allowing administrative approval.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 12b	General Business
Unit 20	Commercial recreation, large sites
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

**Urban Form Setback Regulations**

Front	A build-to-zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None

Side and rear, when contiguous to a single-family residential district	15 feet
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(F) *Building Height Regulations.*

Building Height Maximum	6 stories*
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\* If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from side boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §8, 1-18-22)

**ORDINANCE NO. 5075**

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 07-2726 THE SUNSHINE HOUSE, LOCATED AT 2460 NORTH OLD WIRE ROAD, CONTAINING APPROXIMATELY 1.95 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 RSF-4, Residential Single Family, 4 units per acre to C-PZD 07-2726 The Sunshine House 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 of the requirements of the master development plan 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.

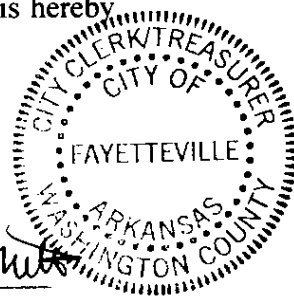
**PASSED and APPROVED** this 6<sup>th</sup> day of November, 2007.

APPROVED:

By:   
DAN COODY, Mayor

ATTEST:

By:   
SONDRA E. SMITH, City Clerk/Treasurer

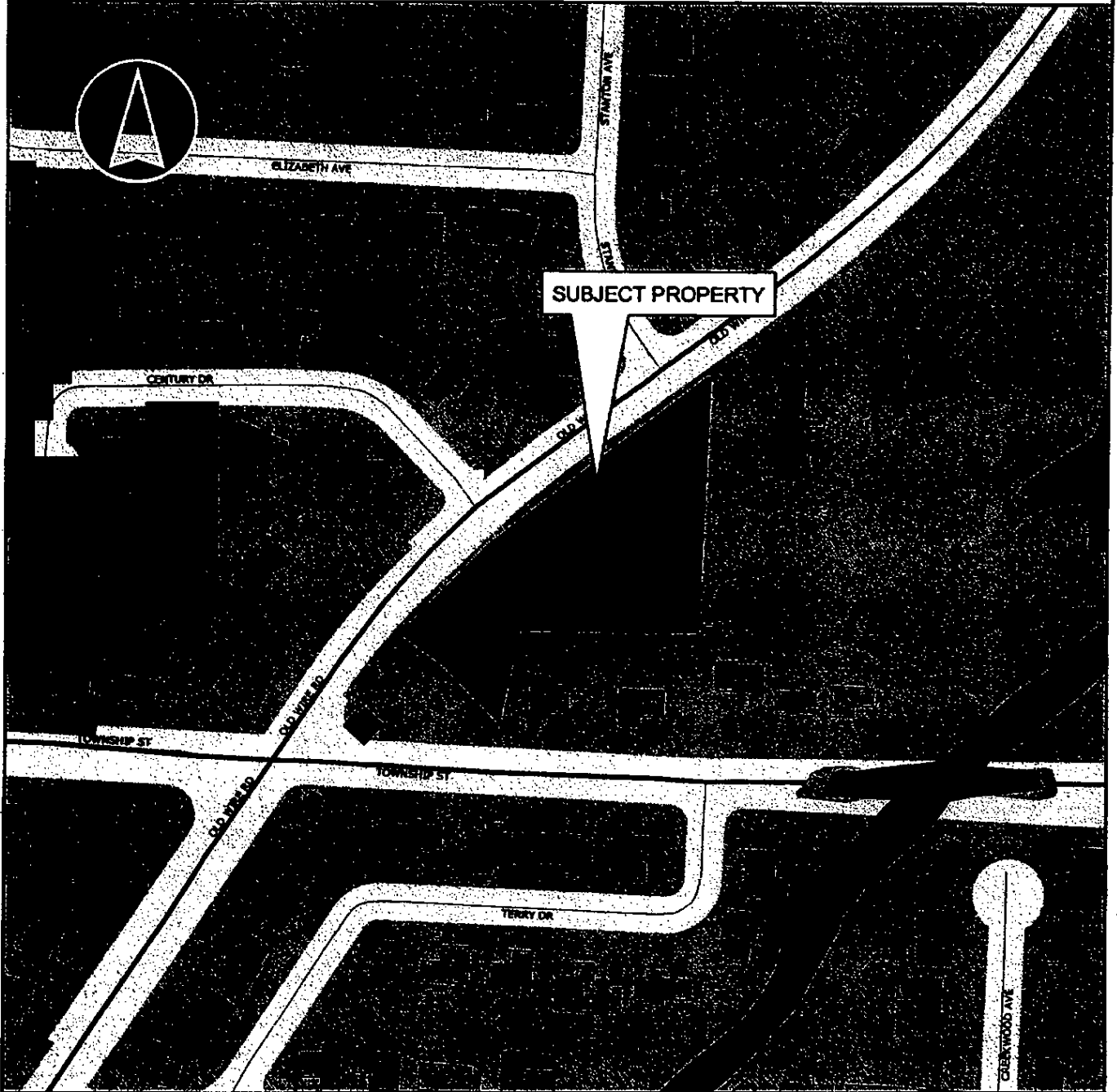


# EXHIBIT "A"

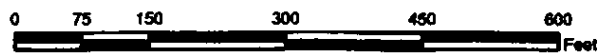
CPZD07-2726

## THE SUNSHINE HOUSE

Close Up View



Overview



**EXHIBIT "B"**  
**C-PZD 07-2726**

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO -WIT: BEGINNING AT A FOUND IRON PIN WHICH IS N01°25'02"E 207.00' FROM A POINT, LOCATED AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°45'15"W 240.91' TO A FOUND IRON PIN, THENCE S11°00'14"W 125.42' TO A FOUND IRON PIN, THENCE N44°41'24"W 103.37' TO A FOUND IRON PIN, THENCE N55°02'06"W 78.88' TO A FOUND IRON PIN, LOCATED ON THE SOUTH RIGHT-OF-WAY OF OLD WIRE ROAD, THENCE ALONG SAID ROAD RIGHT-OF-WAY N42°55'13"E 168.51' TO A FOUND PIN, N51°06'07"E 380.67' TO A FOUND IRON PIN, THENCE LEAVING SAID ROAD RIGHT-OF-WAY S01°25'02"W 357.09' TO THE POINT OF BEGINNING. CONTAINING IN ALL 1.95 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

## CONDITIONS OF APPROVAL:

R-PZD 07-2726

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### Conditions of approval associated with R-PZD 07-2726 (Sunshine House):

1. Determination of street improvements. Based on the vehicular and pedestrian traffic generated from this development with a future maximum of 60 children and 30 employees, staff recommends the following street improvements:
  - a. Street Improvements: Planning and Engineering Staff have evaluated the overall traffic impact that would occur as a result of the proposed Commercial Planned Zoning District use of this site for a daycare facility. The current request would allow up to 40 children (plus the ratio of required employees) at the facility, with up to a maximum of 60 children in the future phases. Based upon ITE trip generation numbers, a 40-child daycare facility will generate approximately 181 24-hour, two-way vehicle trips; a facility with 60 children will generate approximately 271 vehicle trips per day. Staff has compared the traffic volume generated by the proposed use (excluding the assumed 10 trips per day generated by the existing single family house) to the design service volume of Old Wire Road, at 6,000 vehicles per day (VPD). This ratio is then assigned a cost of the required street improvements (widening the street, curb, gutter, sidewalk, etc.). Staff is recommending, based on the applied conservative rational nexus calculation, that with the initial 40-child facility, the applicant must contribute \$10,561.40, prior to Certificate of Zoning Compliance and Occupancy for the first phase of development utilizing the square footage of the existing building, a new 11-space parking lot, and a maximum of 40 children. Should the facility be expanded to the maximum 60 children, the total shall be \$16,120.00 (\$5,558.60 in addition to the previous amount). A memo indicating the calculation is attached.
  - b. Future Phases. If the building and 11-space parking lot expands, or the permit is changed to accommodate greater than 40 children, the project will be required to go through Large Scale Development review. Additional assessments for street improvements will be evaluated and will likely require an additional assessment. The rational nexus calculation currently presented anticipates an additional \$5,558.60 for the addition of 20 children, for a grand total of \$16,120.00 for a 60-child daycare facility.

### City Council determined in favor.

2. Right-of-way dedication in the amount of 35 feet from centerline along Old Wire Road prior to issuance of permits to construct the new parking lot. This may be dedicated by easement plat or separate document.
3. Approval of this C-PZD grants approval for a new 11-space parking lot and 1,809 square foot fenced play area on the property as indicated on the Master Development Plan plat. This initial phase of development grants approval for a daycare to be operated out of the existing square footage of the building with a maximum of 40 children, or the number approved by the State licensing board, whichever is less. The new 11-space parking lot shall be required to obtain parking lot and grading permits in accordance with Fayetteville Unified Development Code requirements for tree preservation, landscaping grading, and parking lot

## **CONDITIONS OF APPROVAL:**

**R-PZD 07-2726**

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design standards.

4. Any development on the property beyond the 11-space parking lot, existing square footage of the house, or 40 children shall be required to go through Large Scale Development review and approval. Expansions on the property shall be limited to providing a child care facility with a maximum of 60 children, under the proposed C-PZD.
5. Prior to issuance of Certificate of Occupancy, the daycare facility shall be inspected and approved by the Fayetteville Fire Department and all requirements of the State and National Fire Codes shall be met. Written verification from the Fire Department shall be provided to the Planning Division.
6. Any expansion of the residential structure on the property shall be reviewed by Planning staff to ensure that the architectural style is consistent and compatible with the existing house.
7. A maximum of 22 children are allowed at one time within the 1,809 sq. ft. outdoor play area. If the play area is expanded, then the maximum number of children allowed will be based on a minimum of 80 square feet per child. A revised site plan shall be submitted for approval prior to expansion of the play area.
8. A 25' greenspace buffer shall be maintained along property lines directly adjacent to single family residences.
9. All trash receptacle(s) utilized by this structure shall be stored within the structures on-site, or, if located outside, it shall be screened on all sides with access not visible from the street or adjacent properties. If a dumpster is required or proposed, screening shall be provided that is constructed of materials that are compatible with and complimentary to the building. Staff shall review the dumpster screen and materials prior to building permit.
10. A Certificate of Zoning Compliance shall be required prior to the start of operations of the child care facility.
11. A Certificate of Zoning Compliance shall not be issued until: the necessary fencing has been installed and inspected to provide a minimum of 1,809 square feet of enclosed, outdoor play space, and the parking lot with a maximum of 11 spaces, sufficient for the number of children and employees approved by the State licensing board, has been constructed and inspected.
12. Prior to the issuance of a Certificate of Zoning Compliance the applicant shall provide a copy of an approved license from the Department of Health and Human Services for a child care facility.
13. Prior to issuance of a Certificate of Zoning Compliance or Occupancy a public sewer line must be extended to the property, the child care facility connected to City sewer service and the sewer service inspected and approved.

**CONDITIONS OF APPROVAL:**

**R-PZD 07-2726**

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14. As indicated in the proposed zoning criteria, signage shall be limited to one sign on the house or in the driveway to list the name of the business and hours of operation on a two-foot by two-foot wooden sign. The sign shall meet the required setbacks for freestanding signs in R-O zoning district from Chapter 174 of the Unified Development Code.
15. 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.
16. Prior to this item being placed on the City Council agenda, comments from the City GIS Division regarding the legal description and State Plane Coordinates shall be adequately addressed.
17. 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).

Washington County, AR

I certify this instrument was filed on  
12/17/2007 11:24:28 AM  
and recorded in Real Estate

File Number 2007-00045812

Bette Stamps - Circuit Clerk





September 28, 2007

PLANNING DIVISION  
CITY OF FAYETTEVILLE  
113 WEST MOUNTAIN ST.  
FAYETTEVILLE, AR 72701

**C-PZD OF THE SUNSHINE HOUSE**

**APPLICANTS: GREG AND ANGIE LANDERS**  
20628 HILLCREST DR.  
SPRINGDALE, AR 72764

Dear Planning,

Please review this letter and the attached plan sheets for our submittal of the conceptual C-PZD for The Sunshine House project.

**SUMMARY:** The Sunshine House will be a PZD located in central Fayetteville near the intersection of Township St. and Old Wire Rd on a parcel containing an existing house, and 2 acres located at 2460 N. Old Wire Rd. We are proposing a Commercial PZD in order to operate a fully functional day-care center out of the existing house on the property.

**GENERAL PROJECT CONCEPT FOR REZONING OF PROPERTY LOCATED IN FAYETTEVILLE AT 2460 N. OLD WIRE ROAD:**

- A. Current ownership: Albert G. and Nancy T. Erbach.  
Existing house and its lot sale is pending.
  
- B. Proposal is to rezone the house and 2 acres to a Commercial PZD to allow the operation of a day-care center out of the existing house on the property to include approximately 40-60 children and approximately 10-30 employees.
  
- C. General project concept:
  - 1) The existing street layout will not change. We will expand the driveway near the house to accommodate a parking area for our employees and customers. We will also add an 1800 square foot privacy fence in the back yard to allow for a safe playing area for the children.
  - 2) The submitted survey plat depicts the single proposed planning area.
  - 3) The lot provides its own natural buffer areas with the tree lines and brush that surround the property.
  - 4) We are not proposing to remove any trees from this property. We want to keep it "as is" as much as possible.
  - 5) The only change that may require some additional storm water drainage areas is with the addition of the parking area.
  - 6) Undisturbed Natural Areas – Not Applicable
  - 7) There will be no change to the existing water and sewer.
  - 8) We are not proposing any "Development and Architectural Design Standards." The house will stay "as is."

9) Building Elevations – Home Pictures (see attachment A)

- D. With the rezoning of this property our intended open date will be early January 2008.
- E. There is only one planning area covering the entire parcel. Please see attached survey for Child Care Facility.
- F. Zoning criteria (see attachment B)
- G. See attachment C comparing the existing and proposed zoning. The house will be brought to code according to DHS, the Fire Department, and the Health Department as outlined in accordance with their requirements to obtain a license for a child care facility. We have already had a preliminary inspection performed by the Fire Department and the Health Department and they have both given their consent to operate a child care center in this house. A final inspection will be required from both departments once we are open in order to obtain our license. The owner/applicant is not aware of any hazardous, sensitive, or natural resource areas, or any other hazards on the property.
- H. Closest park is located next to the property (Gulley Park).
- I. Reason for zoning change – In order to buy an existing house and property for the operation of a neighborhood child care facility. The request for rezoning is due to the fact that in Use Unit 4, a Child Care Facility is allowed as a Conditional Use Permit in RSF-4 zoning district; however, in a residential zoning district a maximum of only 10 children are allowed. I would like to have 40-60 children in this facility; therefore, it will need to be rezoned to a commercial zoning. However, a standard commercial zoning such as C-1 or C-2 is not appropriate due to the surrounding residential neighborhood. The proposed C-PZD zoning will allow for the child care facility, while limiting the uses and character of the project to ensure that it is compatible with the surrounding neighborhood. We feel that there is a definite need for a “quality” facility with a more “home-like” environment that will accommodate the Fayetteville community in the surrounding area. The residential appearance of the homes give the child care facility a “home-like” environment for the children and the natural beauty of the property will provide them with unique learning opportunities that a traditional commercial facility cannot.
- J. The day-care facility will relate well to existing and surrounding properties as there are a few other commercial facilities within 1 mile of the property (i.e. Several churches two of which operate child care facilities within the church, and a law office located at the corner of Township St. and Old Wire Rd.). Also with the C-PZD it will allow us to ensure that the home is still compatible with the surrounding neighborhood. We want to keep the “home-like” feel as much as possible; therefore, preserving the neighborhood environment.
  - 1) Land Use – There is a church located next to the property as well as a city park and we feel this will provide compatibility and harmony that will only enhance the child care center as a commercial facility.
  - 2) Traffic – Old Wire Rd. is coded as a “Collector Street” on the Master Street Plan. We do not foresee any traffic issues with this location.
  - 3) Appearance – The appearance of the property will not change. We want to keep the residential, “home-like” environment as much as possible.
  - 4) Signage – I would like to post a sign on the house or in the driveway to just list our name, hours, etc.

- K. Project's compliance with the Fayetteville City Plan 2025 – we believe a child care center at this location is consistent with the City Plan 2025 Guiding Policies for Residential Neighborhood Areas by:
- 1) Protecting the current residential architecture
  - 2) Encouraging a development scale to maintain compatibility and proportionality between nonresidential and residential land uses.
  - 3) Site new residential areas accessible to community amenities and schools
  - 4) Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
  - 5) Encourage mixed-use development that is sensitive to surrounding residential uses and allows for day and night utilization of available parking.
- L. Traffic study has not been requested by the city.
- M. There will be no impact on city services, including the availability of water and sewer.
- N. "STATEMENT OF COMMITMENTS"
- The statement of commitments shall, in all cases describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:
- 1) Dedication – no parks, streets, water, or sewer lines would be built that would require dedication to the city.
  - 2) On or off site improvements: Any fees associated with the addition of the parking area and privacy fence would be paid at the request of the city.
  - 3) The property contains no land in a floodplain or delineated wetland area, and a tree preservation plan will be drawn at the request of the city.
  - 4) There are no project phasing restrictions anticipated.
  - 5) Fire Protection – The home would be brought to code based on inspection by the City Fire Marshall. A preliminary inspection has already been performed and consent has been given. A final inspection will be performed before opening to issue the license.
  - 6) There are currently no other commitments imposed by the city.
  - 7) Parks/Trails/Open Space Commitments – Not Applicable
  - 8) Proposed Preliminary Building Elevations (see attachment A).
- O. Conceptual Descriptions of Development Standards
- 1) Screening and Landscaping – Addition of Parking Area and home will be professionally landscaped and well maintained. The parking lot will be landscaped in accordance with City ordinance.
  - 2) Traffic and Circulation – The driveway is a circle drive that will allow easy access to and from the property. No traffic impact is expected.
  - 3) Parking Standards – Parking will be provided in accordance with City ordinance. We will provide 1 parking space for each employee and the circle drive will provide adequate area for the dropping off and loading of children.
  - 4) Perimeter Treatment – The parking lot will receive perimeter landscaping in accordance with City ordinance with shrubs screening the parking area and one tree planted every 30 feet along the street.
  - 5) Sidewalks – Not Required
  - 6) Streetlights – Not Applicable
  - 7) Water – Existing water in place

- 8) Sewer – Existing sewer in place
- 9) Streets and drainage – will not change
- 10) Construction of Nonresidential Facilities – We will convert the existing garage into an additional child care room and the back yard will be fenced in for an outdoor play area.
- 11) Tree Preservation – A plan will be drawn, at the request of the city, with the addition of the parking area.
- 12) Architectural Design Standards (see attachment A).
- 13) Proposed Signage - I would like to post a sign on the house or in the driveway to just list our name, hours, etc. (approx. 2ft x 2ft wooden sign)
- 14) View Protection – Not impacted
- 15) Revocations – We understand causes for revocation and will take all necessary measures to avoid revocation.
- 16) Covenants, Trusts, and Homeowner Associations – Not Applicable

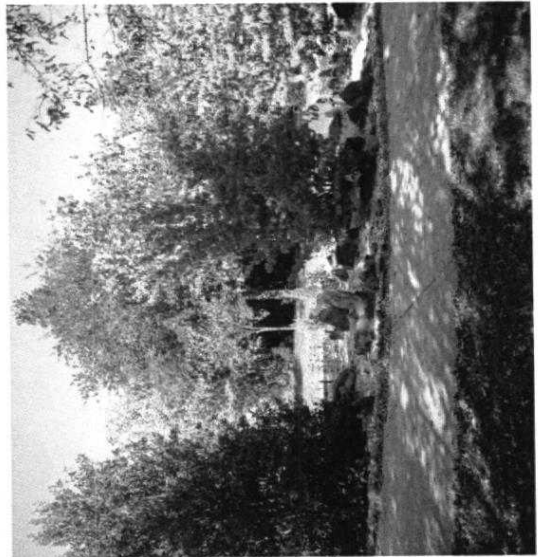
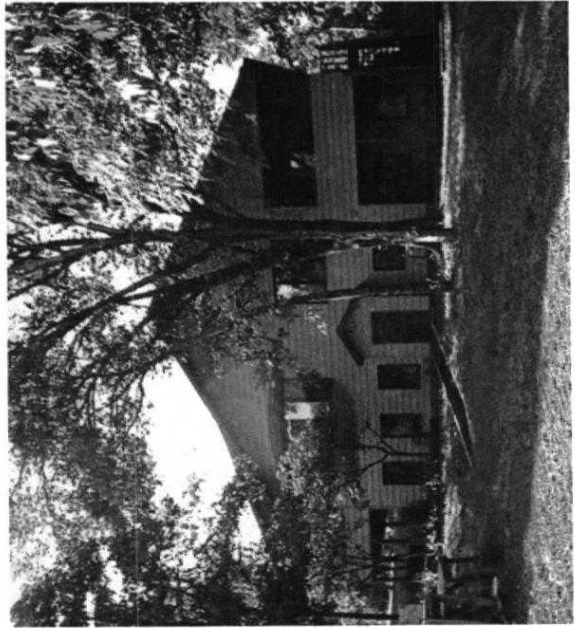
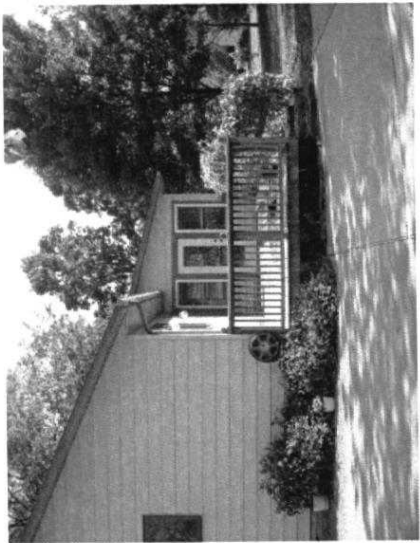
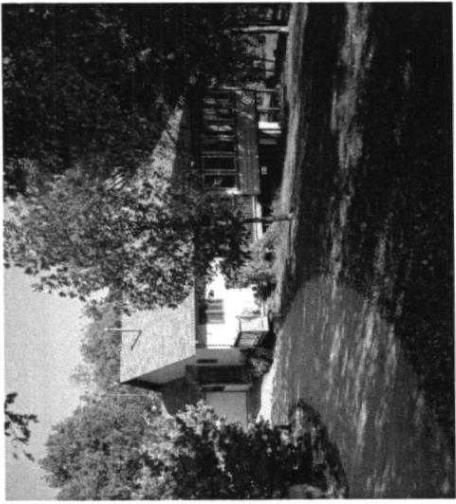
P. RESPONSE AS TO HOW THE PROPOSAL FULFILLS THE INTENT/PURPOSE OF THE PLANNED ZONING DISTRICT:

This development fulfills the intent and purpose of the Planned Zoning District Ordinance by permitting a development with a unique use that is not allowed in any other PZD. The PZD would allow the sale of an existing home, ensuring the existing low density housing found in the present neighborhood. It would also provide compatibility and harmony with the few existing commercial properties surrounding this property as well as the public park at the back of the property.

THANK YOU FOR YOUR CONSIDERATION OF OUR SUBMITTAL. WE LOOK FORWARD TO WORKING WITH YOU TOWARDS A SUCCESSFUL PROJECT. PLEASE FEEL FREE TO CALL ANGIE AT 479-236-3932 IF YOU HAVE ANY QUESTIONS OR COMMENTS.

Respectfully,

Greg and Angie Landers



**ATTACHMENT B**

**PLANNING AREA 1 ZONING CRITERIA**

(A) Purpose. The Planning Area 1 Zoning Criteria is designed to permit and encourage development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) Uses.

(1) Permitted Uses.

Unit 1 City-wide uses by right

Unit 8 Single-family dwelling

Unit 4 Cultural and Recreational Facilities (Child Care Center/Nursery School Only)

(2) Conditional uses.

Unit 2 City – wide uses by conditional use permit

Unit 3 Public protection and utility facilities

Unit 24 Home occupations

(C) Density.

Intensity.

Acreage: 2.00 acres  
Number of dwelling units: 1  
Density: 0.5 units per acre

Non-residential Sq. Footage: 5,000  
Intensity (Non-residential SF/Acre) 2,500

(D) Bulk and area regulations.

	Single-family dwellings
Lot minimum width	70 feet
Lot area minimum	8,000 square feet
Land area per dwelling unit	8,000 square feet

(E) Setback requirements

FRONT	SIDE	REAR
25 ft.	8 ft.	20 ft.

(F) Height. Structures in the Planning area 1 District are limited to a building height of 45 feet. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming structures.

(G) Building Area. On any lot the area occupied by all the buildings shall not exceed 40% of the total area of such lot.

(H) Landscaping. The project will be landscaped in accordance with City ordinance.

(I) Parking. Parking will be provided in accordance with City ordinance.

(J) Architectural Design Standards. See photos of the existing house attached to the PZD booklet.

(K) Signage. One sign on the house or in the driveway to list the name of the business, hours of operation (two-foot by two-foot wooden sign).

Planning Division  
City of Fayetteville  
125 W Mountain St  
Fayetteville, Ar 72701

Rezoning Parkside Properties to P1- Institutional

Please review our reasoning for rezone

SUMMARY:

*A statement explaining the compatibility of this proposed rezoning with neighboring property and explaining why the proposed rezoning will not unreasonably adversely affect or conflict with surrounding land uses.*

Melanee Lavery began the purchase of the property at 2460 N Old Wire Rd in 2018 to continue the operation of a childcare facility. After renovations, she opened as Parkside Playschool which has become a much-loved neighborhood preschool in the east Fayetteville Area. 3 years later, she opened Fayetteville Nature School, a one of its kind outdoor based elementary school.

We believe that rezoning to p1- Institutional is in the best interest of the neighborhood and the school and that there are no adverse effects or conflicts with surrounding land use. The business on site has been a preschool for 15 years and under current ownership and brand for the last 6 years The onsite nature school has been in operation for 2 and half years. Neighbors include a veterinary clinic and a Church. The 27-acre Gully park is one lot away. To the south, neighbors are residents on Township.

The property was converted from residential to a PZD in 2008 and the current owners purchased the property without an understanding of the intricacies of this zoning. As the Nature School has matured, we have found the current requirement of going through Large Scale Development on any future development prohibitive in our efforts to add a 1500 sf shelter and bathrooms on the property. The proposed building does not increase attendance substantially enough to require parking. The property in on the trail and many families use the bike trail to walk or ride to school.

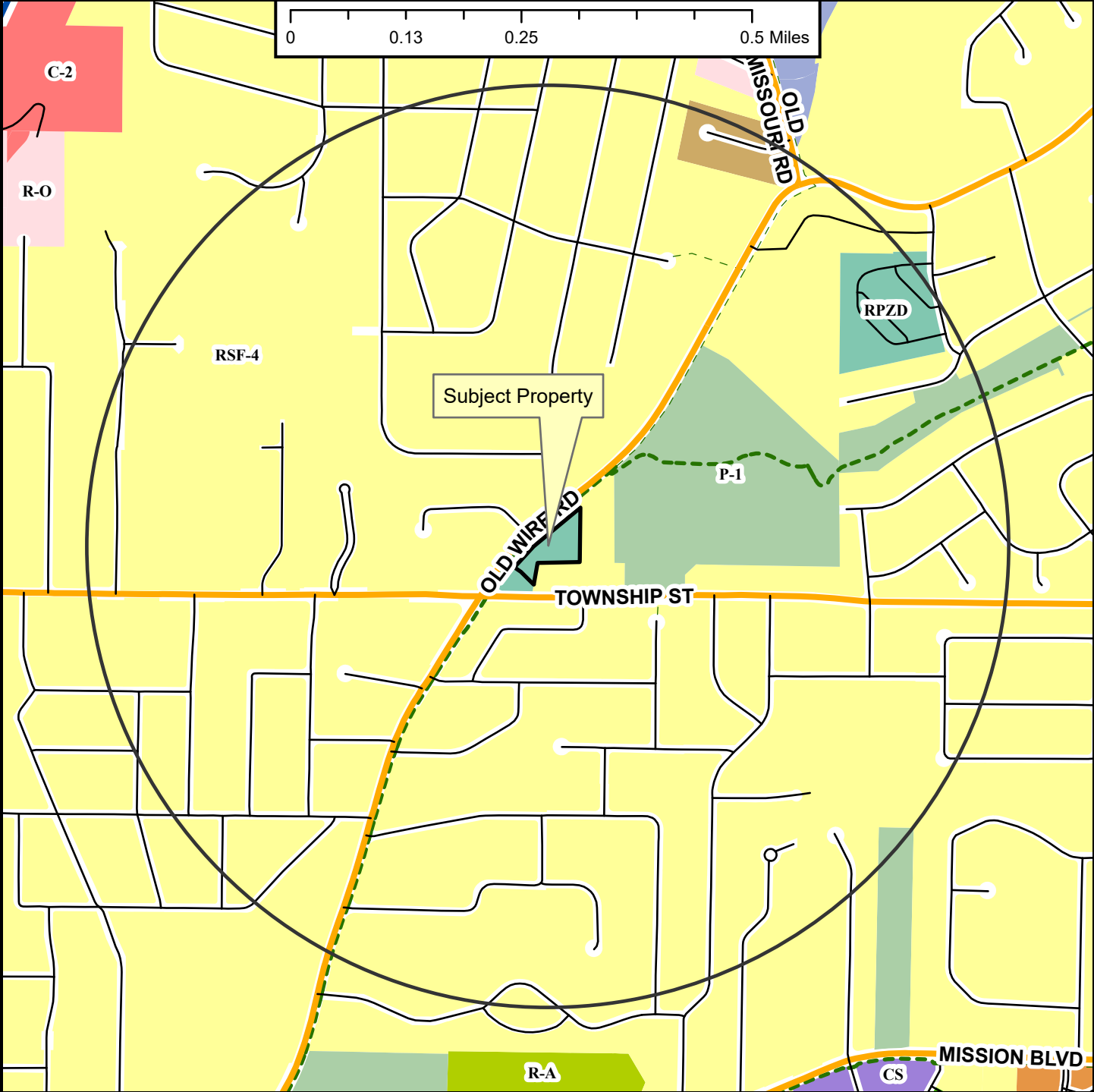
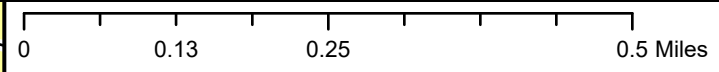
We ask for your support in this rezone to allow for the property to be treated as it is being used and to allow for appropriate, reasonable, and locally compatible development.



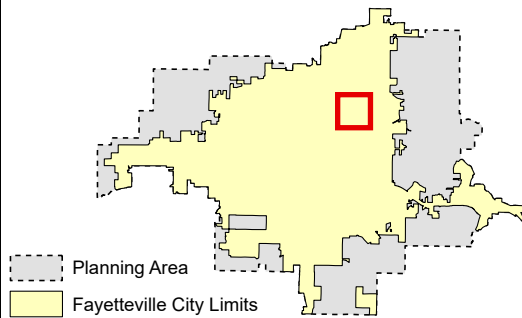
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# 2460 N. OLD WIRE RD

One Mile View



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

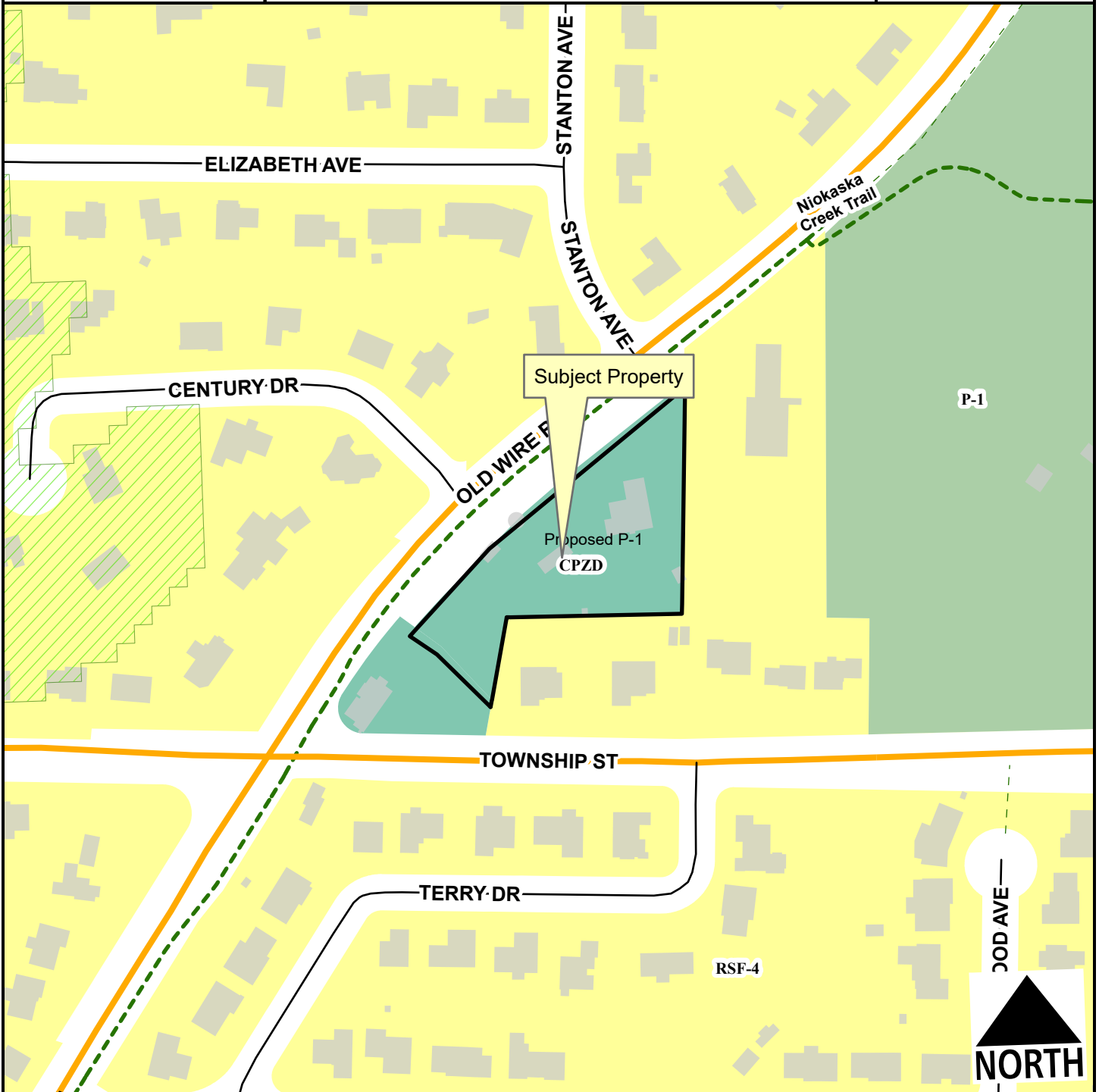


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - NS-G
    - RH-U
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  - INDUSTRIAL**
    - I-1 Heavy Commercial and Light Industrial
    - I-2 General Industrial
  - EXTRACTION**
    - E-1
  - COMMERCIAL**
    - Residential-Office
    - C-1
    - C-2
    - C-3
  - FORM BASED DISTRICTS**
    - Downtown Core
    - Urban Thoroughfare
    - Main Street Center
    - Downtown General
    - Community Services
    - Neighborhood Services
    - Neighborhood Conservation
  - PLANNED ZONING DISTRICTS**
    - Commercial, Industrial, Residential
    - INSTITUTIONAL**
      - P-1

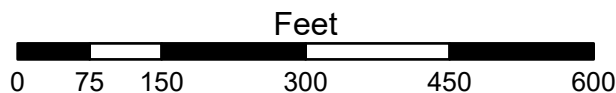
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# 2460 N. OLD WIRE RD

Close Up View



- Neighborhood Link
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



1:2,400

<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
CPZD	1.5	0.0
P-1	0.0	1.5
RSF-4	0.0	0.0

Total 1.5 ac






RZN-2024-0016

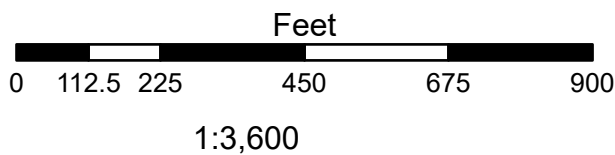
# 2460 N. OLD WIRE RD





Current Land Use



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



### FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

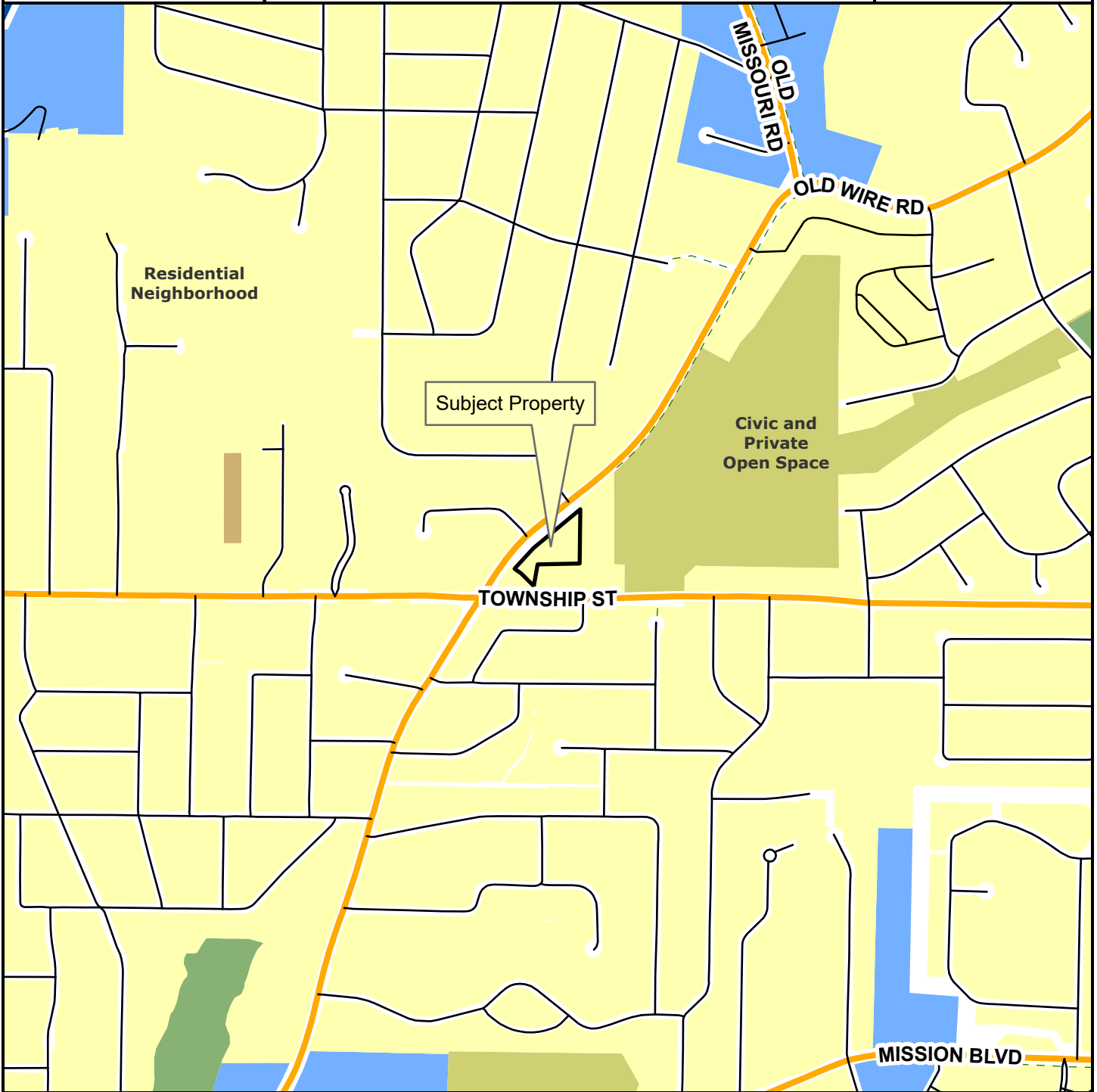


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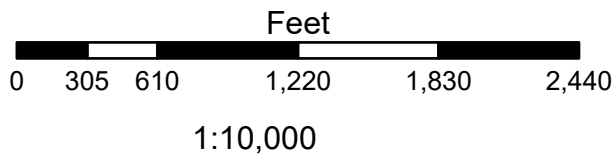
# 2460 N. OLD WIRE RD



Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- 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