

**City of Fayetteville Staff Review Form**

**2018-0116**

**Legistar File ID**

**3/6/2018**

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

Garner Stoll

2/16/2018

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

RZN 18-6062: Rezone (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST, 363): Submitted by BLEW & ASSOCIATES, INC. for property SOUTH OF 2901 MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contains approximately 16.76 acres. The request is to rezone approximately 7.47 acres to NC, NEIGHBORHOOD CONSERVATION, 1.93 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN, and approximately 7.32 acres to R-A, RESIDENTIAL AGRICULTURAL.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>NA</u>	Current Budget            \$            -
	Funds Obligated            \$            -
	Current Balance            \$            -
<b>Does item have a cost?</b> <u>No</u>	Item Cost
<b>Budget Adjustment Attached?</b> <u>NA</u>	Budget Adjustment
	Remaining Budget            \$            -

V20140710

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF MARCH 6, 2018

**TO:** Mayor, Fayetteville City Council

**THRU:** Garner Stoll, Development Services Director

**FROM:** Harry Davis, Current Planner

**DATE:** February 16, 2018

**SUBJECT:** **RZN 18-6062: Rezone (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST, 363):** Submitted by BLEW & ASSOCIATES, INC. for property SOUTH OF 2901 MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, and contains approximately 16.76 acres. The request is to rezone approximately 7.47 acres to NC, NEIGHBORHOOD CONSERVATION, 1.93 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN, and approximately 7.32 acres to R-A, RESIDENTIAL AGRICULTURAL.

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### RECOMMENDATION:

Staff and Planning Commission recommend approval of an ordinance to rezone property as depicted in Exhibits 'A' and 'B'.

### BACKGROUND:

The subject property totaling 16.76 acres is located south and southeast of the intersection of Mount Comfort Road and Woodlark Lane. The parcel is zoned RSF-4, Residential Single-family, 4 Units per Acre and is mostly undeveloped, except for one existing accessory structure. The southern portion of the site is encompassed with the riparian corridor and floodplain of an unnamed tributary to Hamestring Creek.

*Request:* The request is to rezone approximately 7.47 acres to NC, Neighborhood Conservation, 1.93 acres to RI-U, Residential Intermediate-Urban, and approximately 7.32 acres to R-A, Residential Agricultural.

*Land Use Compatibility:* The proposed zoning is compatible with the surrounding properties at this location. Neighborhood Conservation does have a higher density of single-family homes allowed compared to surrounding properties on Mount Comfort, but staff finds no reason why the two zoning districts would be in conflict with each other. RI-U is relegated to a small part of the subject property, which ensures that the limited amount of area and access to a public street will effectively limit the number of potential dwellings and associated traffic. The small residential scale of buildings allowed in both districts would ensure an appropriate level of compatibility with surrounding properties.

*Land Use Plan Analysis:* Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, is intended to have multiple types of residential development, which the combination of surrounding zoning and the proposed zoning accomplishes different development typologies and densities. Furthermore, the area designated as Natural Area is protected best under the proposed R-A district, which requires large areas of land and street frontage per dwelling to develop. There are similar situations across Fayetteville where R-A has been used to limit development in floodplains. While the applicant could fill the floodplain and develop it under the existing RSF-4 zoning district, they propose to downzone this environmentally sensitive portion of the site and concentrate development in higher densities in the least sensitive areas.

Rezoning the property to NC and RI-U will increase traffic in this area as the site develops, but staff believes that the surrounding road network can handle the influx of potential new residents. Mount Comfort road has been recently improved as a Minor Arterial section. The attached proposal would potentially increase the population density and use of city services at this location, but staff does not believe this would have a burdensome impact given the existing infrastructure and service coverage in the area.

**DISCUSSION:**

On February 12, 2018, the Planning Commission forwarded the proposal to City Council with a recommendation for approval of the applicant's request by a vote of 7-0-0. Public comment was made against the proposal during the meeting, citing safety, traffic, and density incompatibility. Additional public comment is included with the Planning Commission report.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

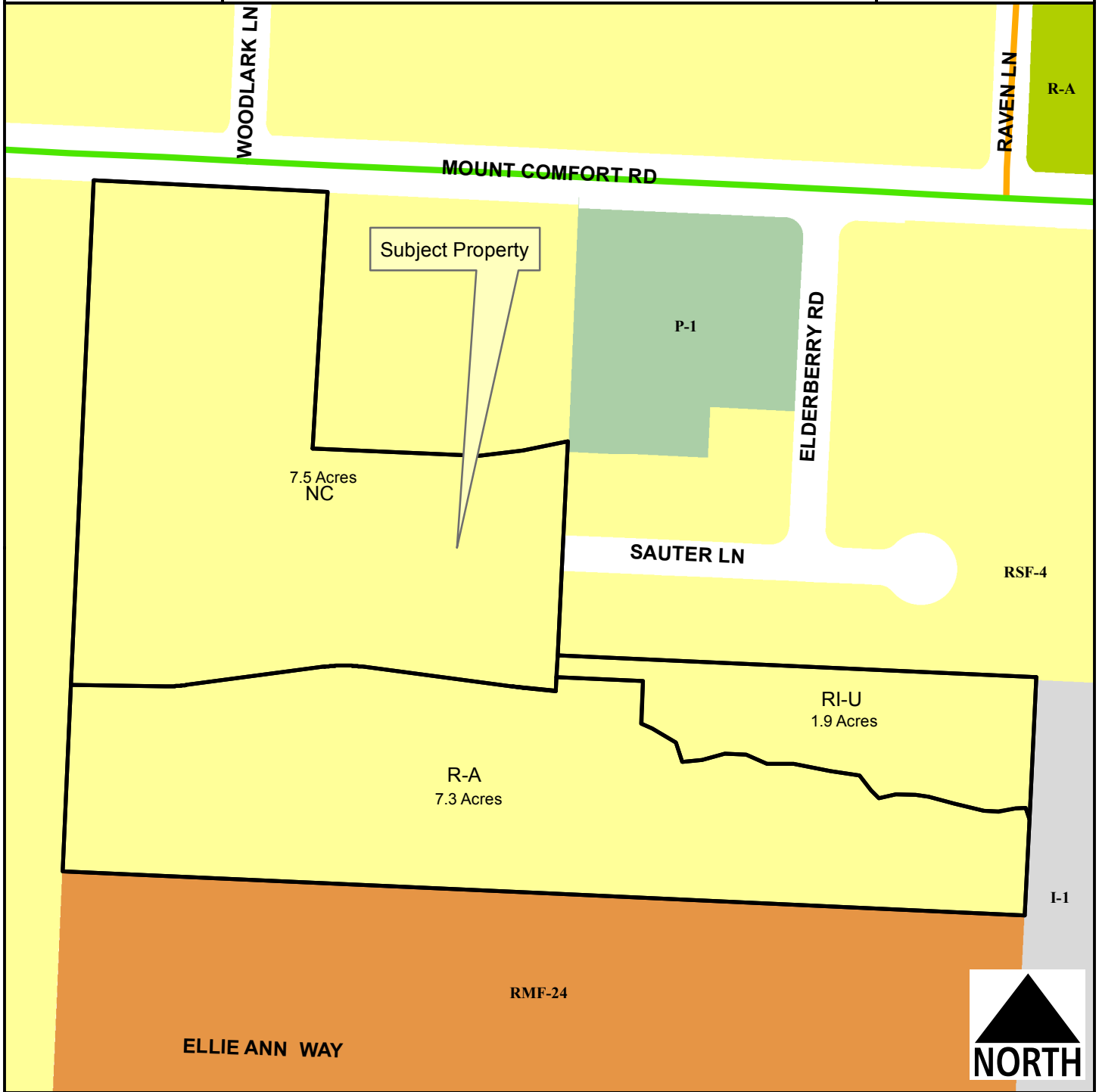
RZN18-6062

# B. BAUER

18-6062

EXHIBIT 'A'

Close Up View



Subject Property

7.5 Acres  
NC

P-1

ELDERBERRY RD

SAUTER LN

RSF-4

RI-U  
1.9 Acres

R-A  
7.3 Acres





RMF-24

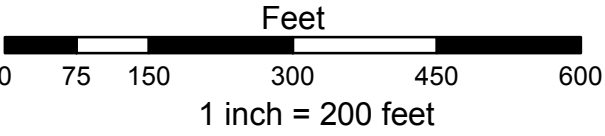
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



Total Acreage: 16.7

### Legend

-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)
-  Building Footprint



-  Residential-Agricultural
-  RSF-4
-  RMF-24
-  I-1 Heavy Commercial and Light Industrial
-  P-1

# 18-6062

## EXHIBIT 'B'

### ZONE R-A DESCRIPTION

BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND 1/2 INCH REBAR BEING N02°48'40"E 329.40 FEET FROM A FOUND STONE BEING THE SOUTHEAST CORNER OF SAID FORTY AND RUNNING THENCE N87°22'28"W 661.79' TO A CAPPED 1/2 INCH REBAR, THENCE N87°22'49"W 663.70', THENCE N02°33'25"E 256.35', THENCE S89°14'07"E 129.17', THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 29.14', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF N86°35'24"E, WITH A CHORD LENGTH OF 29.12', THENCE N82°24'55"E A 192.10', THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 52.84', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF N89°59'02"E, WITH A CHORD LENGTH OF 52.68', THENCE S82°26'51"E 206.57', THENCE S84°00'45"E 15.94', THENCE S84°10'11"E 45.43', THENCE N03°12'17"E 19.26', THENCE S87°25'59"E 119.56', THENCE S02°34'01"W 58.93', THENCE S65°13'51"E 16.37', THENCE S59°58'48"E 38.07', THENCE S18°01'20"E 28.32', THENCE N84°31'33"E 26.98', THENCE N74°29'36"E 32.54', THENCE S88°21'51"E 29.42', THENCE S65°51'08"E 31.88', THENCE S89°58'52"E 36.07', THENCE S78°57'19"E 52.17', THENCE S81°20'42"E 40.41', THENCE S37°21'17"E 25.62', THENCE S46°16'48"E 15.10', THENCE N77°26'12"E 23.98', THENCE S88°12'38"E 27.39', THENCE S80°32'29"E 18.01', THENCE S75°09'43"E 35.92', THENCE S76°59'45"E 42.34', THENCE S86°16'35"E 20.03', THENCE N79°36'10"E 23.82', THENCE N86°23'18"E 14.32', THENCE S16°52'40"E 16.88', THENCE S02°49'16"W 131.94' TO THE POINT OF BEGINNING. HAVING AN AREA OF 318702.96 SQUARE FEET, 7.32 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

### RI-U ZONE DESCRIPTION

BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS N02°48'40"E 461.34' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N16°53'46"W 16.89', THENCE S86°23'18"W 14.32', THENCE S79°36'10"W 23.82', THENCE N86°16'35"W 20.03', THENCE N76°59'45"W 42.34', THENCE N75°09'43"W 35.92', THENCE N80°32'29"W 18.01', THENCE N88°12'38"W 27.39', THENCE S77°26'12"W 23.98', THENCE N46°16'48"W 15.10', THENCE N37°21'17"W 25.62', THENCE N81°20'42"W 40.41', THENCE N78°57'19"W 52.17', THENCE N89°58'52"W 36.07', THENCE N65°51'08"W 31.88', THENCE N88°21'51"W 29.42', THENCE S74°29'36"W 32.54', THENCE S84°31'33"W 26.98', THENCE N18°01'20"W 28.32', THENCE N59°58'48"W 38.07', THENCE N65°13'51"W 16.37', THENCE N02°34'01"E 58.93', THENCE N87°25'55"W 119.56', THENCE N03°12'17"E 30.09', THENCE S87°23'51"E 659.59' TO A FOUND IRON PIN, THENCE S02°49'16"W 196.47' TO THE POINT OF BEGINNING. HAVING AN AREA OF 84645.45 SQUARE FEET, 1.94 ACRES. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

### NC ZONE DESCRIPTION

BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS N02°48'40"E 329.40', N87°22'28"W 661.79' AND N03°12'17"E 278.84' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N84°09'14"W 61.37', THENCE N82°26'51"W 206.57', THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 52.84', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF S89°59'02"W, WITH A CHORD LENGTH OF 52.68', THENCE S82°24'55"W 192.10', THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 29.14', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF S86°35'24"W, WITH A CHORD LENGTH OF 29.12', THENCE N89°14'07"W 129.17', THENCE N02°33'25"E 695.38', THENCE S87°14'04"E 322.92', THENCE S03°21'17"W 354.35', THENCE S87°36'16"E 228.96', THENCE N83°22'40"E 60.80', THENCE N78°08'07"E 63.59', THENCE S02°46'44"W 295.00' TO A FOUND IRON PIN, THENCE S03°12'17"W 49.35' TO THE POINT OF BEGINNING. HAVING AN AREA OF 326499.99 SQUARE FEET, 7.50 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY.



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Harry Davis, Planner

**MEETING DATE:** February 12, 2018 **UPDATED W PC RESULTS**

**SUBJECT:** **RZN 18-6062: Rezone (SOUTH OF 2901 MT. COMFORT RD./BAUER-HENBEST, 363):** Submitted by BLEW & ASSOCIATES, INC. for property SOUTH OF 2901 MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 16.76 acres. The request is to rezone approximately 7.47 acres to NC, NEIGHBORHOOD CONSERVATION, 1.93 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN, and approximately 7.32 acres to R-A, RESIDENTIAL AGRICULTURAL.

**RECOMMENDATION:**

Staff recommends forwarding **RZN 18-6062** to City Council with a recommendation for approval based upon the findings herein.

**BACKGROUND:**

The subject property totaling 16.76 acres is located south and southeast of the intersection of Mount Comfort Road and Woodlark Lane. The parcel is zoned RSF-4, Residential Single-family, 4 Units per Acre and is mostly undeveloped, except for one existing accessory structure. The southern portion of the site is encompassed with the riparian corridor and floodplain of an unnamed tributary to Hamestrung Creek. The surrounding land use and zoning is in *Table 1*.

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

Direction from Site	Land Use	Zoning
North	Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Residential; Floodplain; Undeveloped	RMF-24, Residential Multi-family, 24 Units per Acre
East	Industrial	I-1, Heavy Commercial and Light Industrial
West	Residential; Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre

*Request:* The request is to rezone approximately 7.47 acres to NC, Neighborhood Conservation, 1.93 acres to RI-U, Residential Intermediate-Urban, and approximately 7.32 acres to R-A, Residential Agricultural. The applicant stated the rezoning is needed for a future preliminary plat at this location.

*Public Comment:* Staff has received public comment generally opposed to the request. Concerns noted are an increase in traffic on Mount Comfort Road and the density allowed by-right in NC and RI-U.

## INFRASTRUCTURE:

**Streets:** The subject parcel has access to West Mount Comfort Road. West Mount Comfort Road is an improved four lane asphalt street with sidewalk, curb and gutter, and storm drains. Any street improvements required in these areas would be determined at the time of development proposal.

**Water:** Public water is available to the site. There is an existing 12-inch main along West Mount Comfort Road

**Sewer:** Sanitary Sewer is available to the site. There is an existing 8-inch main along West Mount Comfort Road

**Drainage:** A portion of this property is identified as FEMA regulated floodplains. No part of the parcel lies within the HHOD. There are protected streams on this parcel. There are hydric soils identified on this parcel. Any additional improvements or requirements for drainage will be determined at time of development.

**Fire:** The Fire Department has reviewed the rezoning request and has no comments.

The site will be protected by Ladder 7, located at 835 N. Ruppel Road. The property is located approximately 2 miles from the fire station with an anticipated response time of approximately 5 minutes to the beginning of the development. The Fayetteville Fire Department has a 6-minute response time goal for all development. Since the response time for this property is less than 6 minutes, the Fire Department does not feel this development will negatively impact response time averages for this area.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**.* These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

The southern portion of this site is classified as **Natural Area**. These areas consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

## 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 proposed zoning is compatible with the surrounding properties at this location. Neighborhood Conservation does have a higher density of single-family homes allowed compared to surrounding properties on Mount Comfort, but staff finds no reason why the two zoning districts would be in conflict with each other. RI-U is relegated to a small part of the subject property, which ensures that the limited amount of area and access to a public street will effectively limit the number of potential dwellings and associated traffic. The small residential scale of buildings allowed in both districts would ensure an appropriate level of compatibility with surrounding properties.

*Land Use Plan Analysis:* Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, is intended to have multiple types of residential development, which the combination of surrounding zoning and the proposed zoning accomplishes different development typologies and densities. Furthermore, the area designated as Natural Area is protected best under the proposed R-A district, which requires large areas of land and street frontage per dwelling to develop. There are similar situations across Fayetteville where R-A has been used to limit development in floodplains. While the applicant could fill the floodplain and develop it under the existing RSF-4 zoning district, they propose to downzone this environmentally sensitive portion of the site and concentrate development in higher densities in the least sensitive areas.

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

**Finding:** Staff does believe the applicant has given sufficient justification for rezoning the property. The proposed zoning districts are necessary to achieve the flexibility and variety of lot sizes and building types not afforded by the existing zoning.

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

**Finding:** Rezoning the property to NC and RI-U will increase traffic in this area as the site develops, but staff believes that the surrounding road network can handle the influx of potential new residents. Mount Comfort road has been recently improved as a Minor Arterial section.

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 this property from RSF-4 to NC and RI-U would potentially increase the population density and use of city services at this location, but staff does not believe this would have a burdensome impact given the existing infrastructure in the area.

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 18-6062 to City Council with a recommendation for approval.

**RECOMMENDED MOTION:** "I motion to forward RZN 18-6062 to City Council with a recommendation for approval."

<b>PLANNING COMMISSION ACTION:</b>	Required	<u>YES</u>	
Date: <u>February 12, 2018</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <b>Quinlan</b>	Motion to forward to CC with recommendation of approval		
Second: <b>Brown</b>	Motion passes		
Vote: <b>7-0-0</b>			

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code sections 161.03, 161.07, 161.12, and 161.29
- Request letter
- Rezone exhibit
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses* .

(1) *Permitted Uses*.

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

(2) *Conditional Uses* .

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

Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density*.

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

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

(E) *Setback Requirements*.

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements*. There shall be no maximum height limits in the R-A District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area*. None.

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

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

to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses .*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses .*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet

Land area per dwelling unit	8,000 square feet	6,000 square feet
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(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

Building Height Maximum	45 feet
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*Height Regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

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

**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

(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	30/45 feet
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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 30 feet. 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 45 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area.

(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

(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.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

(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	45 feet
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**BLEW & ASSOCIATES, PA**  
**CIVIL ENGINEERS & LAND SURVEYORS**

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January 2, 2018

City of Fayetteville  
Planning Commission

SUBJECT: Parcel 765-13625-001, 765-13626-000 and 765-13627-000  
W. Mount Comfort Road

To Whom It May Concern:

- a. Current ownership information and any proposed or pending property sales.

Henbest, Jack & Juanita Rev Trust  
C/O Debbie Cawood  
4124 Front Porch View  
Fayetteville, Ar 72704-6520

Pending Property Sale to:

Mr. Bart Bauer  
1417 N. Addington Avenue  
Fayetteville, AR 72703

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

Mr. Bauer is planning on submitting a preliminary plat that requires a zoning change to Neighborhood Conservation that allows for structures and lot sizes that the current zoning (RSF-4) does not allow for including but not limited to 40' minimum width lots.

The property in the flood plain will be rezoned to R-A to allow for Agricultural Uses in a difficult area to develop.

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

The surrounding zoning contains properties that have an Industrial Zoning (I-1), Residential Single Family Zoning (RSF-4), Residential Multi Family Zoning (RMF-24) and Institutional Zoning (P-1). The Future Land Use Plan denotes the area that is being requested zoned to NC as "Residential Neighborhood Area". The Area in the Flood Plain is listed as "Natural Area". Accordingly, the requested zoning classification appear to conform with the surrounding zoning as well as the Future Land Use Plan.

Mt Comfort Road will be used as the primary entrance into the subdivision. Mt. Comfort Road is a Minor Arterial 4 Lane Street Section. The additional traffic generated by the property should not negatively impact Mt. Comfort Road.



Signage conforming to City of Fayetteville's ordinances will be requested along Mount Comfort Road.

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

There is a 12" Water Line on the south side of W. Mount Comfort Road and a 8" Sewer Line that runs on the west side of the property.

- 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 planning objectives, principles, and policies and with land use and zoning plans.

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

The proposed zonings will encourage appropriate development of the property to be in further conformance with the City of Fayetteville's Future Land Use Plan.

- g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed zoning is not expected to increase traffic danger or congestion to a significant degree over the existing zoning. The subject property is adjacent to a fully developed Minor Arterial (W. Mount Comfort Road)

- 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.

The development should not undesirably increase the load on public services.

- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The lot width of the current zoning would not work for the proposed development.

Sincerely,

Jorge Du Quesne  
Blew & Associates, PA



**Survey Description**

**ZONE DESCRIPTION**  
 BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER OF SAID FORTY AND RUNNING THENCE S89°14'00" W 14.30' TO THE POINT OF BEGINNING HAVING AN AREA OF 18702.26 SQUARE FEET, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**NC ZONE DESCRIPTION**  
 BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER OF SAID FORTY AND RUNNING THENCE N89°14'00" W 14.30' TO THE POINT OF BEGINNING HAVING AN AREA OF 18702.26 SQUARE FEET, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**R-U ZONE DESCRIPTION**  
 BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER OF SAID FORTY AND RUNNING THENCE N89°14'00" W 14.30' TO THE POINT OF BEGINNING HAVING AN AREA OF 18702.26 SQUARE FEET, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

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**FLOOD PLAIN**  
 BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS THE SOUTHWEST CORNER OF SAID FORTY AND RUNNING THENCE N89°14'00" W 14.30' TO THE POINT OF BEGINNING HAVING AN AREA OF 18702.26 SQUARE FEET, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

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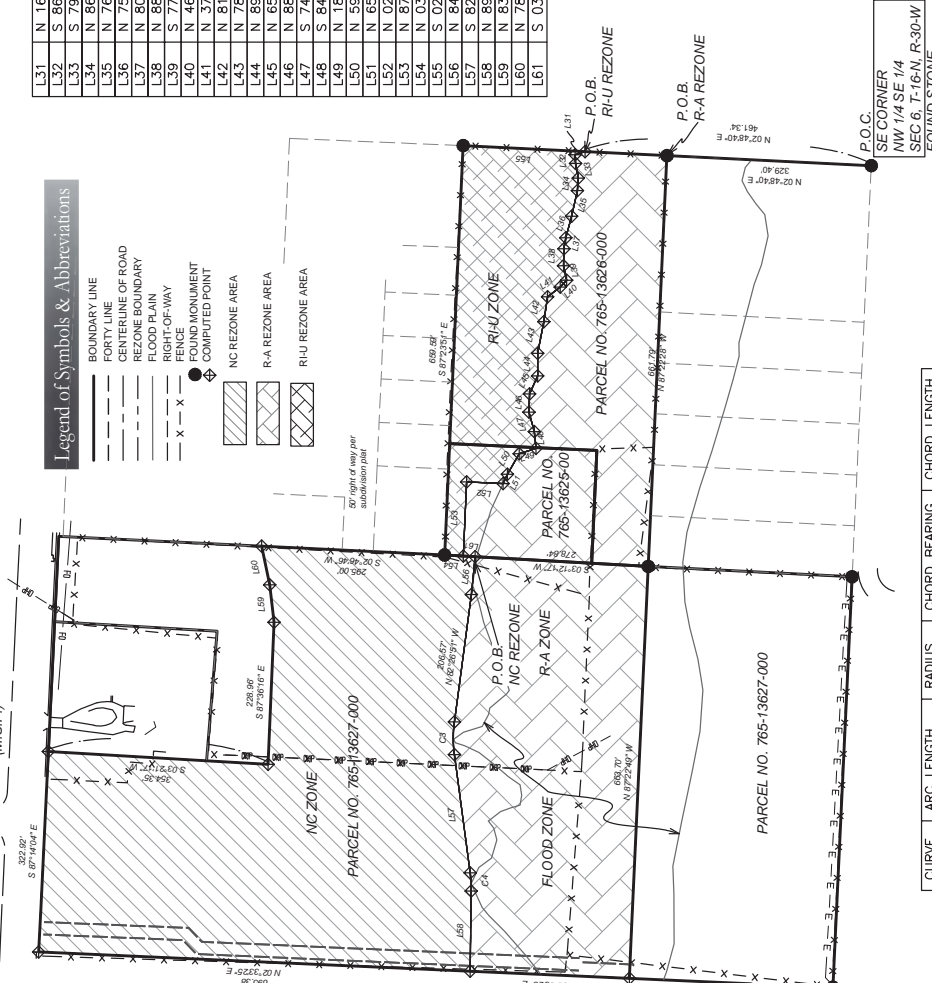
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**Miscellaneous Notes**

SOME FEATURES SHOWN ON THIS PLAN MAY BE SHOWN OUT OF SCALE FOR CLARITY.  
 DIMENSIONS ON THIS PLAN ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS FOUND AT POINTS ARE INDICATED UNLESS OTHERWISE NOTED.

**MOUNT COMFORT RD  
 MINOR ARTERIAL - 77' RIGHT OF WAY  
 (M.S.P.)**



CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C3	52.84'	200.28'	S 83°59'10.3" W	52.68'
C4	29.14'	198.77'	S 86°35'24" W	29.12'

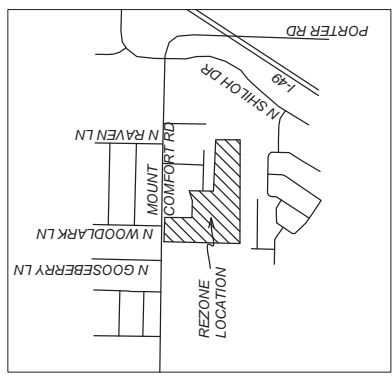


**Legend of Symbols & Abbreviations**

- BOUNDARY LINE
- - - FORTY LINE
- - - CENTERLINE OF ROAD
- - - FLOOD PLAIN
- - - FLOOD PLAIN
- - - RIGHT-OF-WAY
- - - X - - X
- FOUND MONUMENT
- COMPUTED POINT
- ▨ NC REZONE AREA
- ▩ R-A REZONE AREA
- ▧ R-U REZONE AREA

L31	N 16°53'46" W	16.89'
L32	S 66°23'18" W	14.32'
L33	S 79°36'10" W	20.82'
L34	N 86°16'35" W	23.03'
L35	N 76°59'45" W	42.34'
L36	N 75°09'43" W	35.92'
L37	N 80°32'29" W	18.01'
L38	N 88°12'38" W	27.39'
L39	S 77°26'12" W	23.98'
L40	N 46°16'48" W	15.10'
L41	N 37°21'17" W	25.62'
L42	N 81°20'42" W	40.41'
L43	N 78°57'19" W	52.17'
L44	N 89°58'52" W	36.07'
L45	N 65°51'08" W	31.98'
L46	N 88°21'51" W	29.42'
L47	S 74°29'36" W	32.54'
L48	S 84°31'33" W	26.98'
L49	N 18°01'20" W	28.37'
L50	N 59°58'48" W	38.07'
L51	N 85°13'51" W	16.37'
L52	N 82°34'01" E	56.93'
L53	N 03°12'17" E	30.09'
L54	S 02°49'16" W	196.47'
L55	S 84°07'44" W	61.37'
L57	S 82°24'55" W	192.10'
L58	N 89°14'07" W	129.17'
L59	N 83°22'40" E	60.80'
L60	N 78°08'07" E	63.59'
L61	S 03°12'17" W	49.35'

**Vicinity Map**



**BLEW & ASSOCIATES, PA**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 524 W. SYCAMORE ST, SUITE 4  
 FAYETTEVILLE, ARKANSAS 72703  
 OFFICE: 479.443.4506  
 FAX: 479.582.1883  
 www.BLEWINC.com

Certificate of Authorization No. 1534

DRAWN BY & DATE	TKS	REVIEWED BY	JD	DDA
COUNTY & STATE	WASHINGTON COUNTY, ARKANSAS		JOB NUMBER	17-2720
LOCATION	PART OF NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST			
FOR THE USE AND BENEFIT OF				

**BART BAUER**

## **Davis, Harry**

---

**From:** Janet Selby <janet@ibfnwa.com>  
**Sent:** Tuesday, January 23, 2018 3:50 PM  
**To:** Thompson, Quin  
**Cc:** Davis, Harry  
**Subject:** RE: bauer rezone

Hi Quin. Thank you for sending this information.

Harry. Do you have any idea how backed up the traffic is NOW on Mt. Comfort road? You must be in the left lane to turn north onto I49 from Mt. Comfort. At this time, during morning traffic, this lane is backed up well west of Rurple Road. I cannot imagine putting 500 more cars in that mix. It takes me a good 10-12 minutes to pull out of my driveway in the mornings, and I make a point not to have to leave until 9 a.m. Do you really think this is a good idea? NC?? 10 single family lots per acre? Aren't there 20 acres there? Please consider this. It would create havoc and would cause dangerous traffic situations.

I oppose this rezoning request.

Thank you,

Janet Johnston Selby  
Innovative Business Furniture, Inc.  
479-872-2100 ext. 225 office  
479-872-2101 fax  
479-466-9666

**We sell solutions, we just happen to leave furniture behind!**

---

**From:** Thompson, Quin [mailto:qthompson@fayetteville-ar.gov]  
**Sent:** Tuesday, January 23, 2018 3:41 PM  
**To:** Janet Selby <janet@ibfnwa.com>  
**Cc:** Davis, Harry <hdavis@fayetteville-ar.gov>  
**Subject:** bauer rezone

Janet,

Planning Commission  
February 12, 2018  
Agenda Item 9  
18-6062 Bauer-Henbest  
The attached submittal material for the rezone request on Mt. Comfort. Harry Davis is assigned to this item, any comments should be made to him.

Vicky (Bradshaw?) - 1/25/18 Thursday 9:30 AM - (479) 445-8238

- Lives in Salem Heights off Mt. Comfort
- Opposed to more traffic on Mt. Comfort
- Opposed to ~200 homes on 20 acres

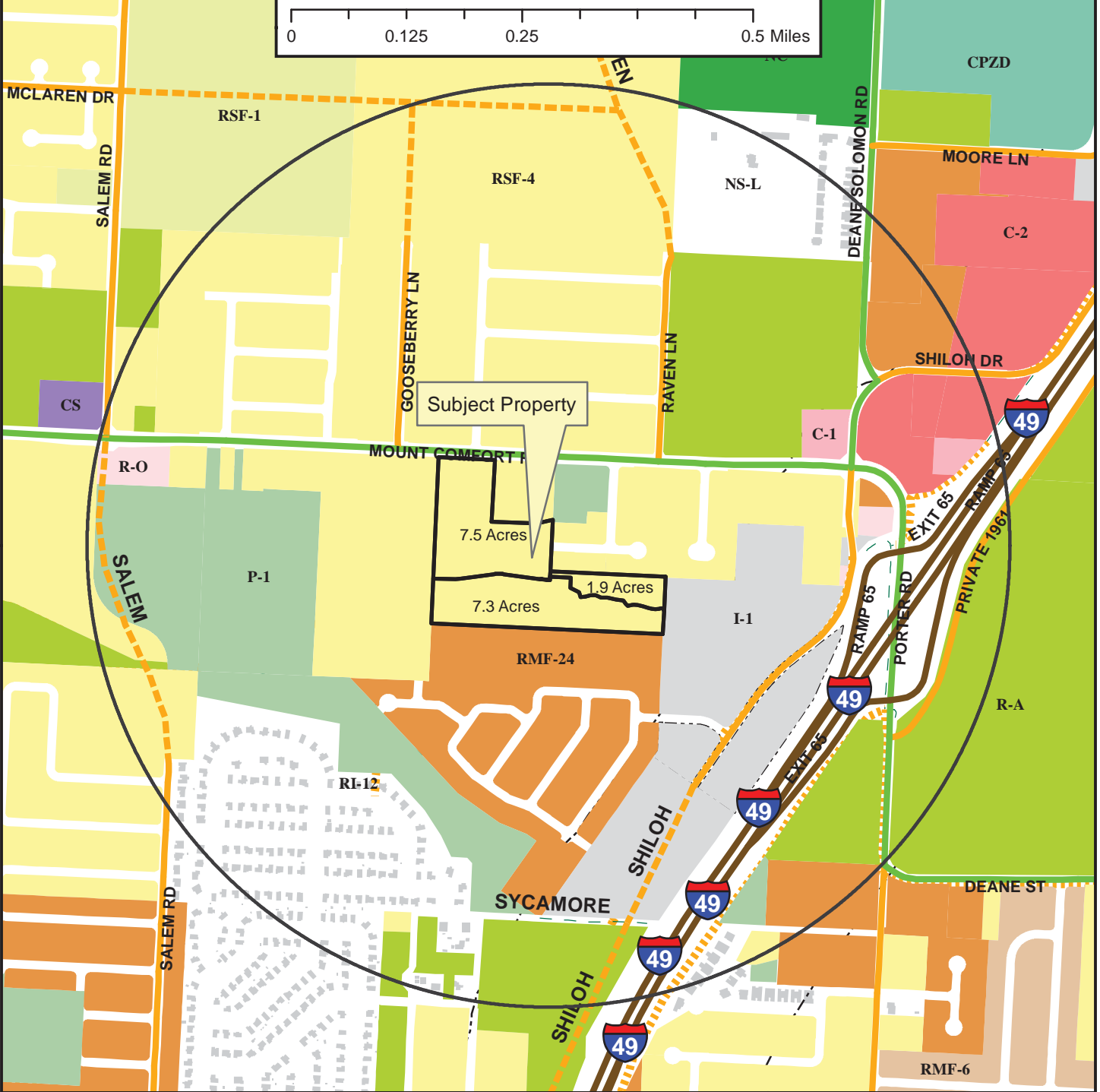
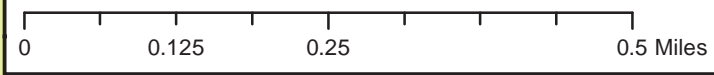
Jeffrey Seidensticker - In-Person  
Jeffrey Seidensticker - In-Person @ 2:00 PM, 1/29/18

- Opposes rezone
- Proposal is too high in density
- Concerned about increased traffic on Mt. Comfort

RZN18-6062

# B. BAUER

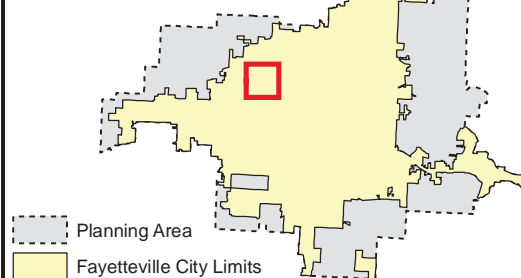
One Mile View



### Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint

Total Acreage: 16.7



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - Residential-Agricultural
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RT-12 Residential Two and Three-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



RZN18-6062

# B. BAUER

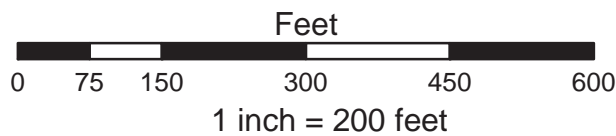
Close Up View



Total Acreage: 16.7

### Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- P-1

RZN18-6062







B. BAUER

Current Land Use



**Streets Existing**

**MSP Class**

-  COLLECTOR
-  MINOR ARTERIAL
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District



Total Acreage: 16.7

Feet



1 inch = 300 feet

**FEMA Flood Hazard Data**

-  100-Year Floodplain
-  Floodway

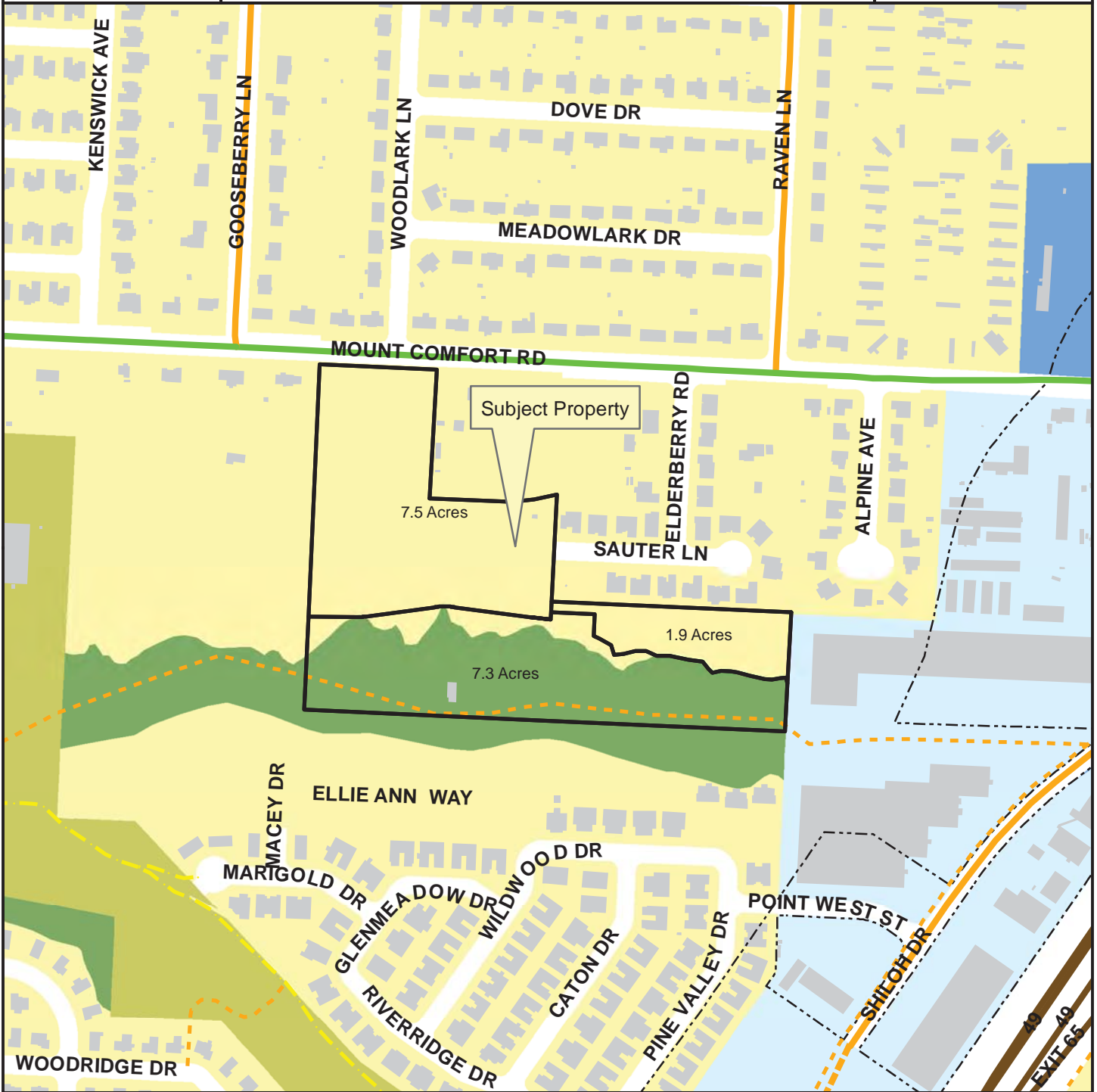


RZN18-6062

# B. BAUER



Future Land Use



Subject Property

7.5 Acres

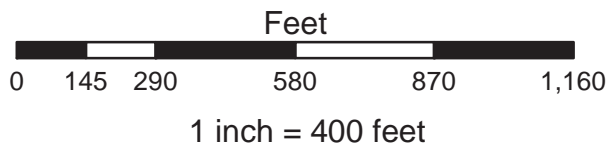
1.9 Acres

7.3 Acres

Total Acreage: 16.7

### Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Building Footprint



### FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Industrial
- Civic and Private Open Space/Parks