

City of Fayetteville Staff Review Form

2018-0085

Legistar File ID

2/20/2018

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

Garner Stoll

2/2/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-6052: Rezone (EAST OF ROLLING HILLS DR. & OLD MISSOURI RD./KEENAN, 253-254): Submitted by JORGENSEN & ASSOCIATE, INC. for property EAST OF ROLLING HILLS DR. & OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 22.59 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 20, 2018

TO: Mayor, Fayetteville City Council

THRU: Garner Stoll, Development Services Director

FROM: Jonathan Curth, Senior Planner
Andrew Garner, Planning Director

DATE: February 2, 2018

SUBJECT: RZN 17-6052: Rezone (EAST OF ROLLING HILLS DR. & OLD MISSOURI RD./KEENAN, 253-254): Submitted by JORGENSEN & ASSOCIATE, INC. for property EAST OF ROLLING HILLS DR. & OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 22.59 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to NC, Neighborhood Conservation, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is an approximately 22.59-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Farr Lane to the north and portions of the Strawberry Hill subdivision to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along the southern extent of the proposed rezoning, the City's Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest.

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, to NC, Neighborhood Conservation, in order prepare the parcel for development.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of residential and non-residential development of generally low-intensity. Despite the greater density allowed under the proposed zoning district, staff finds that the single-family character of NC will complement the overwhelmingly detached dwelling development pattern of the area. Further bolstering staff's support of the request is the existing NS-G, Neighborhood Services, General, property to the west and the extension of Rolling Hills through the site. Although currently undeveloped, the property zoned NS-G allows low-intensity,

non-residential uses along with some attached residential building types. If developed, a logical transition would result from greater densities along Old Missouri Road in the west to the lower-density single-family to the north, south, and east.

Another consideration is the terrain of the area proposed for rezoning as it relates to surrounding land uses. As noted, the subject property slopes downward significantly from southeast to northwest. This gradient creates a natural transition of elevation just as the zoning transitions from the greater density of the proposed NC zoning district to the lower densities of the adjacent RSF-4 zoning districts.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. Along with the recently-rezoned NS-G land to the west, development under the NC zoning on the subject property will encourage traditional neighborhood development in a compact form that is both complemented by nonresidential development to the west and complimentary of existing, low-density single-family developments to the east.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although extensions of infrastructure are likely needed to facilitate development, adjacent City facilities and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NC zoning district and its associated build-to zone encourage patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians.

DISCUSSION:

On January 22, 2018, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-0. Several members of the public spoke in opposition to the request, citing concerns about the Master Street Plan extension of Rolling Hills from Old Missouri to Crossover and Old Wire, and how the site would be developed appropriately given the terrain. Additionally, opposition was expressed regarding the potential that development under the proposed zoning district may cause traffic congestion, unsafe traffic conditions, adverse stormwater runoff, and dangers to pedestrians and school children at the adjacent Butterfield Elementary.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

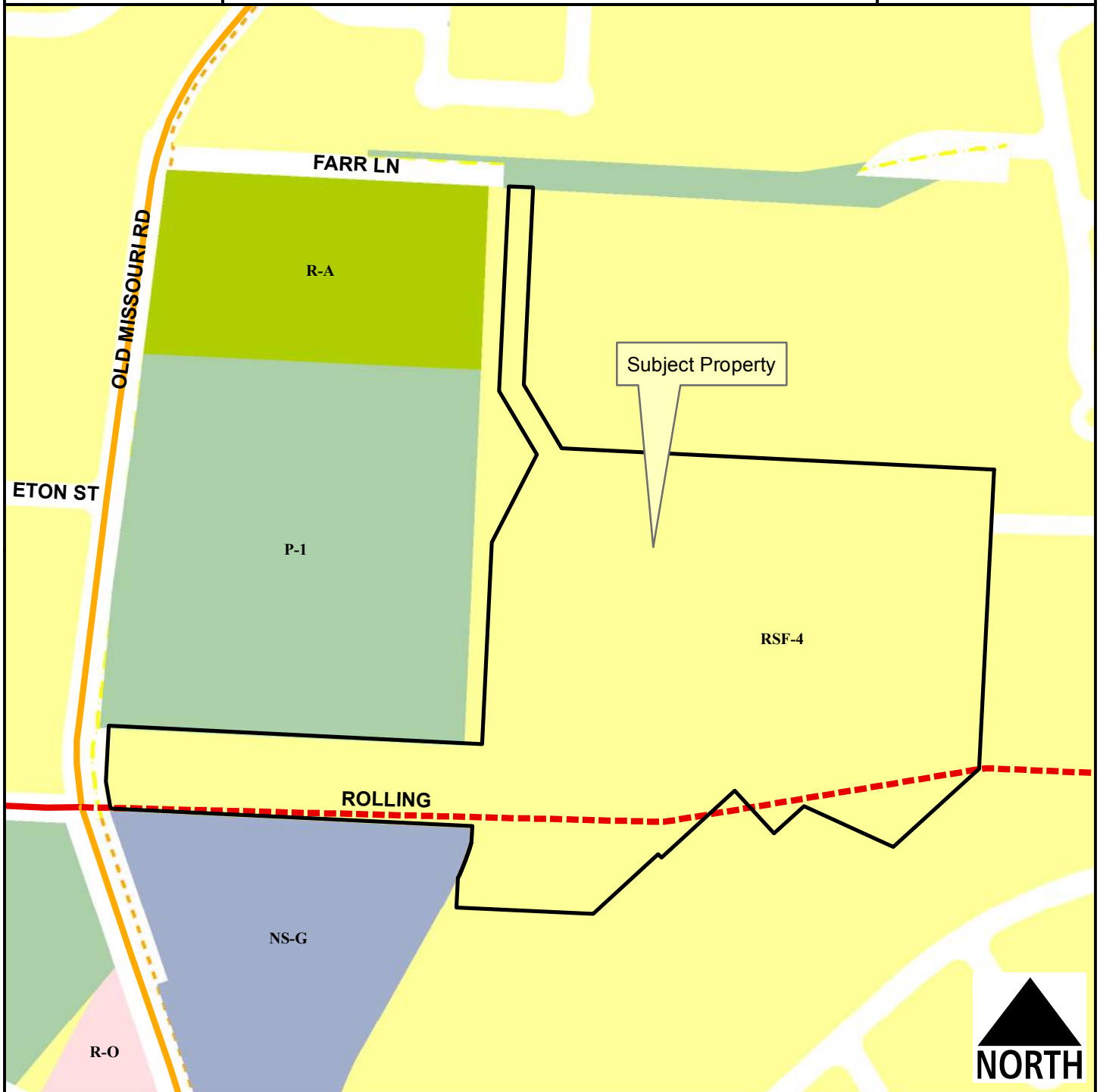
RZN17-6052

KEENAN

EXHIBIT 'A'

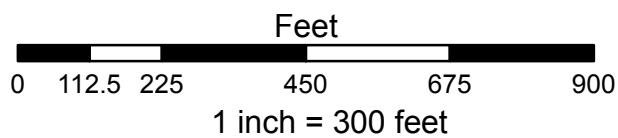
Close Up View

17-6052



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office
- Neighborhood Services - Gen.
- P-1

EXHIBIT 'B'
17-6052

LEGAL DESCRIPTION - TO BE REZONED TO NC:

A part of the NW1/4 of the NE1/4, a part of the SW1/4 of the NE1/4, and a part of the SE1/4 of the NW1/4, of Section 36, T17N, R30W in Washington County, Arkansas and being described as follows: Beginning at the SE Corner of said NW1/4, NE1/4, said point being the POINT OF BEGINNING, thence S47°39'53"W 239.26 feet, thence N65°30'44"W 202.53 feet, thence S47°30'13"W 83.43 feet, thence N42°29'47"W 120.00 feet, thence S47°30'13"W 205.00 feet, thence N42°29'47"W 10.00 feet, thence S47°30'13"W 182.29 feet, thence N87°14'50"W 282.64 feet, thence N02°45'10"E 59.37 feet, thence along a non tangent curve to the left 82.00 feet, said curve having a radius of 538.69 feet and chord bearing and distance of N20°31'18"E 81.92 feet, thence N02°45'10"E 32.12 feet, thence N87°14'50"W 745.99 feet, thence N19°07'21"W 4.42 feet, thence N09°45'53"W 52.11 feet, thence N02°47'04"E 115.12 feet, thence S87°11'51"E 770.82 feet, thence N02°45'46"E 416.18 feet, thence N27°12'39"E 204.31 feet, thence N30°53'35"W 152.48 feet, thence N02°45'58"E 422.44 feet, thence S86°58'37"E 50.00 feet, thence S02°45'58"W 407.09 feet, thence S30°53'35"E 153.08 feet, thence S87°10'56"E 892.40 feet, thence S02°50'27"W 617.45 feet to the POINT OF BEGINNING, Containing 22.59 acres, more or less, subject to easements and right of ways of record.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:
Date Accepted as Complete:
Case / Appeal Number:
Public Hearing Date:

FEE: \$325.00
Sign Fee: \$5.00

S-I-R:
PP#:
Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: ___ Applicant [X] Representative

Applicant (person making request):

Name: James Keenan

Address: PO Box 9600
FAYETTEVILLE, AR 72703

E-mail:

Phone:
()

()

Fax:
()

Representative (engineer, surveyor, realtor, etc.):

Name: Jorgensen & Assoc

Address: 124 W. Sunbridge
FAYETTEVILLE, AR 72703

E-mail: dave@jorgensenassoc.com

Phone:
() 442-9227

()

Fax:
()

Site Address / Location: FARR LN / OLD MISSOURI RD

Current Zoning District: Requested Zoning District: NC

Assessor's Parcel Number(s) for subject property: 765-16065-012

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

Blank lines for listing financial interests.

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): James Keenan Date: _____

Signature: _____

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

Property Owners of Record (attach additional info if necessary):

Name (printed): James Keenan Address: PO Box 9600
FAYETTEVILLE, AR 72703

Signature: _____ Phone: _____

Date: _____ ()

Name (printed): _____ Address: _____

Signature: _____ Phone: _____

Date: _____ ()

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: January 8, 2018 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 17-6052: Rezone (EAST OF ROLLING HILLS DR. & OLD MISSOURI RD./KEENAN, 253-254):** Submitted by JORGENSEN & ASSOCIATE, INC. for property EAST OF ROLLING HILLS DR. & OLD MISSOURI RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 49.60 acres. The request is to rezone approximately 22.59 acres to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-6052** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The proposed rezoning request is an approximately 22.59-acre portion of a larger 50-acre parcel to the east of Old Missouri Road, between Farr Lane to the north and portions of the Strawberry Hill subdivision to the south. The property is currently undeveloped and zoned RSF-4, Residential Single-family, 4 Units per Acre. Along with 11,000 acres of other property on the periphery of the City’s boundaries, the subject property was annexed in to Fayetteville in 1967. Along the southern extent of the proposed rezoning, the City’s Master Street Plan indicates a Planned Principal Arterial link connecting Rolling Hills Drive in the west with Old Wire and Crossover Roads to the east. Although not identified as being within Hillside-Hilltop Overlay District, the property is heavily-vegetated with a significant downward grade from southeast to northwest. Surrounding land use and zoning is provided on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Butterfield Trail Elementary School; Large Lot Single-family Residential	P-1, Institutional; RSF-4, Residential Single-family, 4 Units per Acre
South	Undeveloped; Single-family Residential	NS-G, Neighborhood Services, General; RSF-4, Residential Single-family, 4 Units per Acre
East	Large Lot Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Butterfield Trail Elementary School; Single-family Residential	P-1, Institutional RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NC, Neighborhood Conservation, in order prepare the parcel for development.

Public Comment: Staff has been contacted by two individuals. One is considering buying a home in the area, but is concerned about prospective development and the planned extension of Rolling Hills Drive. The second individual inquired about the differences between the proposed and existing zoning districts, and expressed concerns that the NC zoning district will have a greater impact on the natural resources of the property.

Additionally, the Development Services Department has held one neighborhood meeting to gain input on a potential downgrade of Rolling Hills from an Arterial to a Collector Street and to discuss the potential street alignment. This neighborhood meeting was not directly related to the zoning.

INFRASTRUCTURE:

Streets: The subject portion of this parcel has access to Farr Lane to the north and Old Missouri Road to the west, an improved Collector-classified street with full right-of-way, curb, and gutter. Sidewalk however, is not present along any portion of the subject property's frontage. Although any street improvements required in this area will be determined at the time of development proposal, the existing, un-built right-of-way for future Farr Lane extension will likely be included.

Water: Public water is available to the site. A 36-inch water main and associated easement bi-sects the property from north-to-south, and 6-inch water mains are present on both the Farr Lane and Old Missouri Road frontages. The 36-inch main is not available for service connections, but existing hydrants on this line may be used for main extension tie-in points.

Sewer: Sanitary Sewer availability is limited for this property. There is an existing 6-inch sanitary sewer main near the northwest corner of the intersection between Rolling Hills Boulevard, and Old Missouri Road. However, this connection would require a main extension, and given that it is only a 6-inch diameter line, it may have limited capacity available. There is also an existing 8-inch main to the north along the Farr Lane right-of-way. This would also require a main extension however, including relocation of service lines that connect to the manhole in this area.

Drainage: No portion of this property is identified as containing FEMA regulated floodplain, nor are there any protected streams on site. Per the City's GIS Division data, Hydric Soils are likely present on site, therefore further wetlands evaluation may be required. The property lies outside the Hilltop-Hillside Overlay District (HHOD), but portions of the site include areas of 15% slope or greater, which may indicate further development restrictions. Any additional improvements, assessments, or requirements for drainage, slope, or other related issues will be determined at time of development.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as Residential Neighborhood Area.*

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and row-houses. 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. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

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 surrounding land use patterns in this area, which includes a mixture of residential and non-residential development of generally low-intensity. Despite the greater density allowed under the proposed zoning district, staff finds that the single-family character of NC will complement the overwhelmingly detached dwelling development pattern of the area. Further bolstering staff's support of the request is the existing NS-G, Neighborhood Services, General, property to the west and the extension of Rolling Hills through the site. Although currently undeveloped, the property zoned NS-G allows low-intensity, non-residential uses along with some attached residential building types. If developed, a logical transition would result from greater densities along Old Missouri Road in the west to the lower-density single-family to the north, south, and east.

Another consideration is the terrain of the area proposed for rezoning as it relates to surrounding land uses. As noted, the subject property slopes downward significantly from southeast to northwest. This gradient creates a natural transition of elevation just as the zoning transitions from the greater density of the proposed NC zoning district to the lower densities of the adjacent RSF-4 zoning districts.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) and consistent with the Residential Neighborhood Area designation of the subject property and surrounding area. Along with the recently-rezoned NS-G land to the west, development under the NC zoning on the subject property will encourage traditional neighborhood development in a compact form that is both complemented by nonresidential development to the west and complimentary of existing, low-density single-family developments to the east.

Among the goals in City Plan 2030, the proposed rezoning represents the potential for appropriate infill development, development in a traditional town form pattern, and a means of discouraging suburban sprawl. Although

a extensions of infrastructure are likely needed to facilitate development, adjacent City facilities and amenities are already in place and available for access, thereby reducing the strain on City infrastructure and amenities that would result from similar development in a sprawl location. Similarly, the requested NC zoning district and its associated build-to zone encourage patterns of development that result in realizing the City's goal of making traditional town form the standard. This includes the expectation that buildings be located at the street and on corners, thereby creating an environment appealing to pedestrians.

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

Finding: The applicant has requested the zoning change to allow for development at a greater density than that allowed under the existing RSF-4 zoning district. The proposed NC zoning will encourage appropriate density on a parcel with access to major connecting corridors.

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

Finding: The NC zoning district allows a residential density that is greater than that allowed under the current RSF-4 zoning district: 10 units per acre versus 4. Given the property's undeveloped state, any development would invariably create the potential for increased traffic in the area. That said, and as previously noted, the property is located with access to Old Missouri Road, a Collector-classified street, and in close proximity to Rolling Hills Drive and Old Wire Road, Arterial and Collector streets respectively. There are not currently any signalized intersections in the immediate vicinity of the subject property, but this may change and be required in association with a proposed development submittal. While there will be an appreciable increase in traffic with any development, direct access to Old Missouri Road will likely limit the intrusion of through traffic into adjacent neighborhoods.

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: Due to the property being currently undeveloped, development under the current zoning or the proposed zoning will result in an increase in the load on public services. That said, this increase has the potential to be greater under NC than the existing RSF-4 zoning. NC allows for 10 units per acre, while RSF-4 allows 4 units per acre. Despite the potential for greater density, the subject property has access to existing infrastructure, and is an area where staff does not feel a development would have significant adverse impacts on public services or facilities. Additionally, neither the Police nor Fire Departments have expressed objections to the proposal.

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: Staff recommends forwarding RZN 17-6052 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

RECOMMENDED MOTION: "I move to forward RZN 17-6052 to the City Council with a recommendation of approval."

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 22, 2018</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Quinlan			
Second: Scroggin			
Vote: 7-0-0			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>February 20, 2018 (planned)</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07, RSF-4, Residential Single-family, 4 Units per Acre
 - §161.29, NC, Neighborhood Conservation
- Request letter
- Rezone Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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.

161.29 - 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.
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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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JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

RZN 17-6052

**Request
Letter**

12/11/17

City of Fayetteville
113 W Mountain
Fayetteville, AR. 72701

Att: Planning Dept.
Re: Rezoning part of Keenan Property

Attached please find information pertaining to a rezoning request. This property extends from Farr Lane on the North to Old Missouri Rd to the West. The current zoning is RSF-4 and the request is to rezone to NC neighborhood conservation. Butterfield Elementary School is to the North, RSF-4 to the West, NSG to the South and RSF-4 to the East. Access to this property will be from Old Missouri Rd to the West, Farr Lane to the North and eventually Rolling Hills Drive will connect to the East.

City water and sewer service will be off of Farr Lane and Old Missouri Rd.

Please review and let me know of any questions you may have.

Thank you.

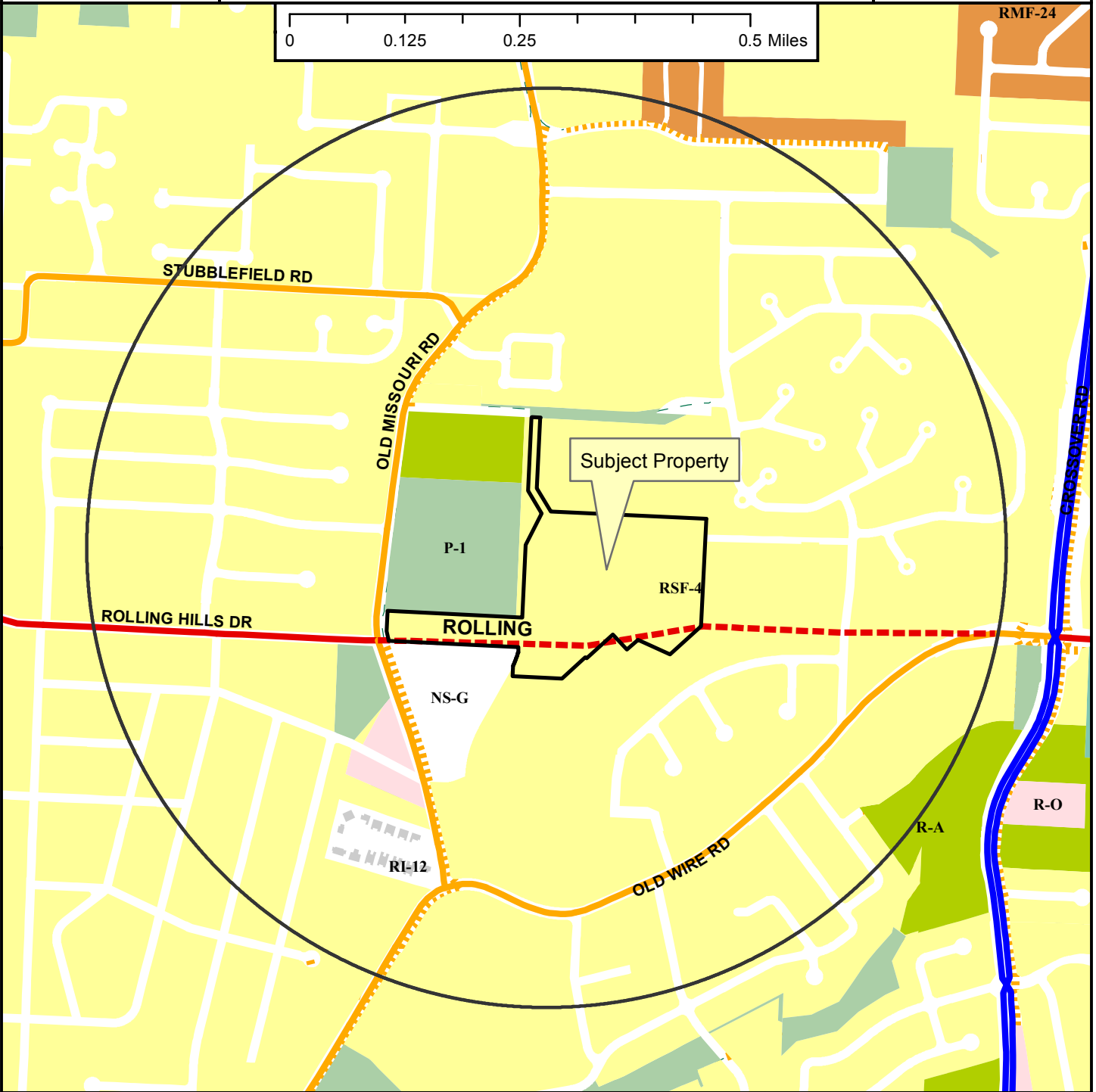
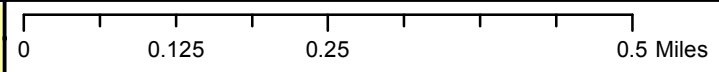
Sincerely;

David L. Jorgensen, P.E.

RZN17-6052

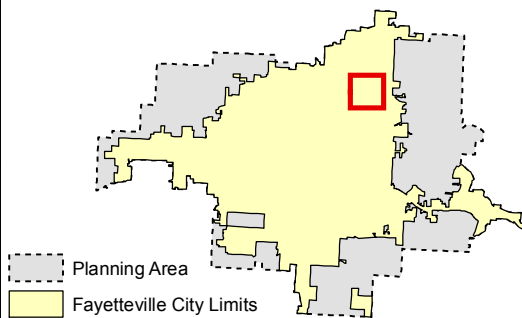
KEENAN

One Mile View



Legend

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

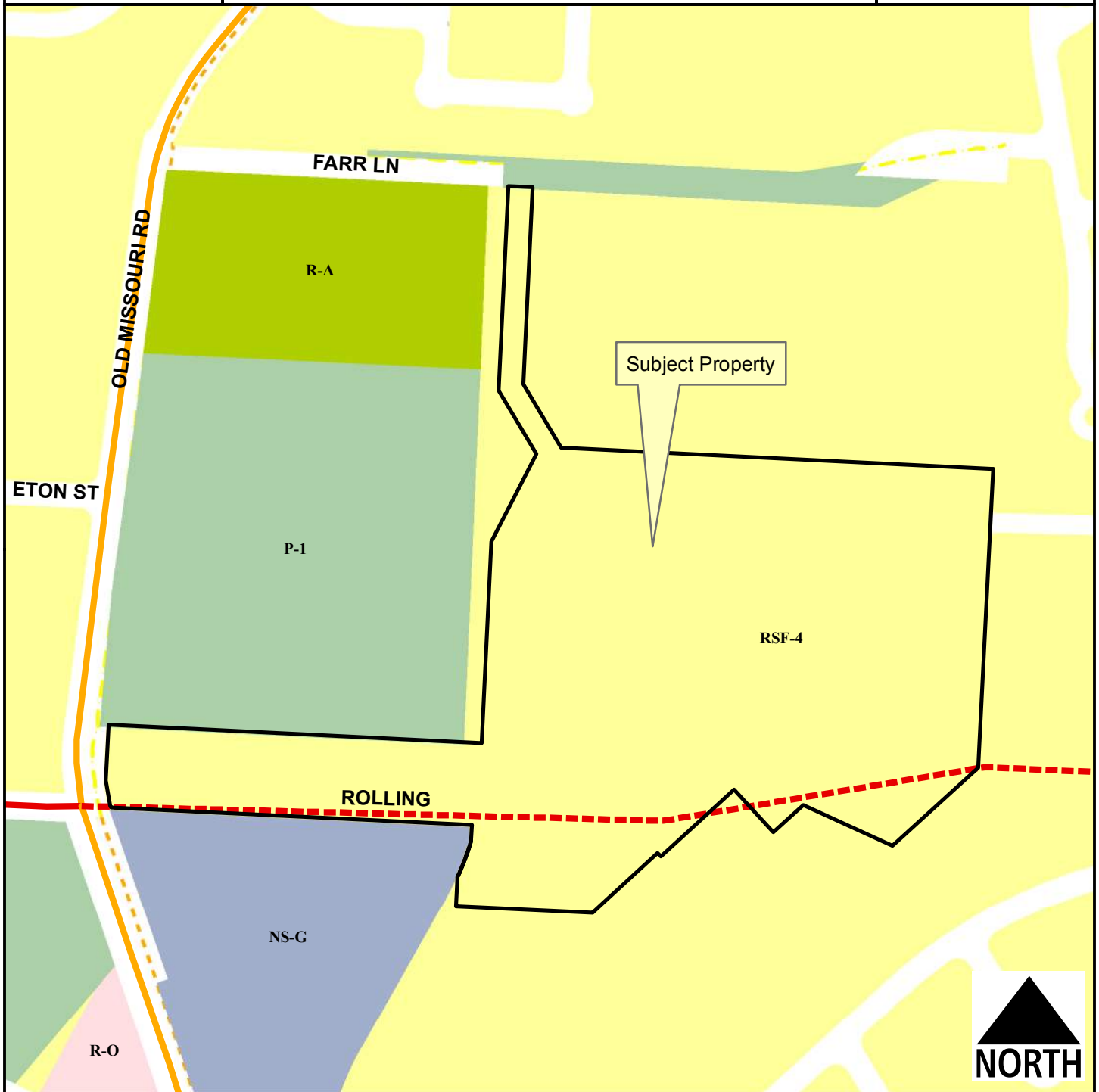


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - 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

RZN17-6052

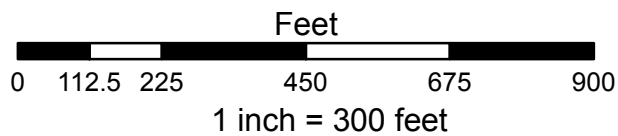
KEENAN

Close Up View



Legend

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



- Residential-Agricultural
- RSF-4
- Residential-Office
- Neighborhood Services - Gen.
- P-1

RZN17-6052

KEENAN

Current Land Use



Streets Planned

MSP Class

PRINCIPAL ARTERIAL

Streets Existing

MSP Class

COLLECTOR

PRINCIPAL ARTERIAL

Trail (Proposed)

Planning Area

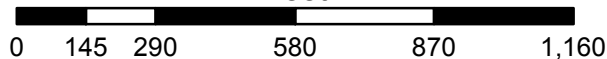
Fayetteville City Limits

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

Feet



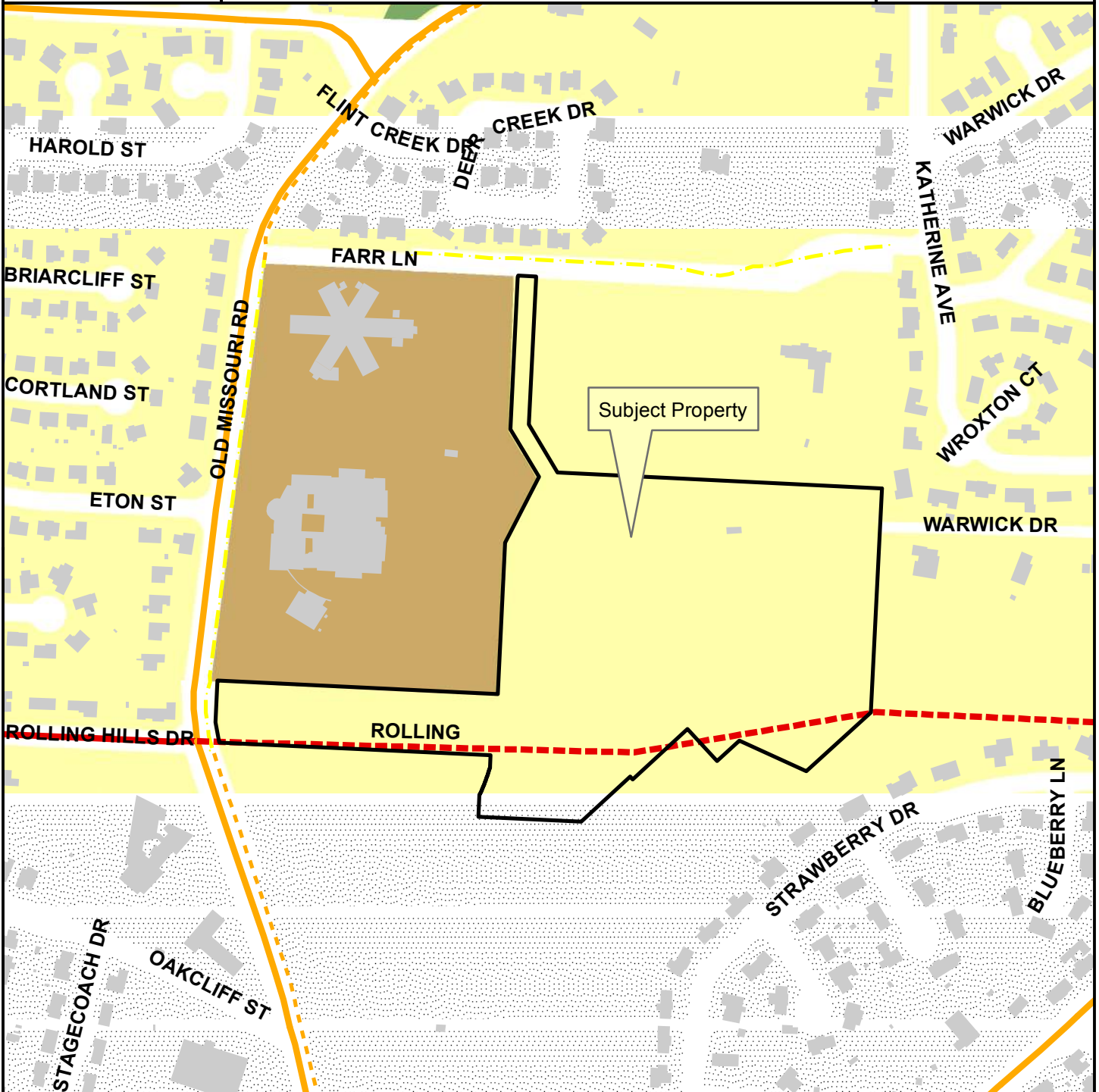
1 inch = 400 feet

RZN17-6052

KEENAN



Future Land Use

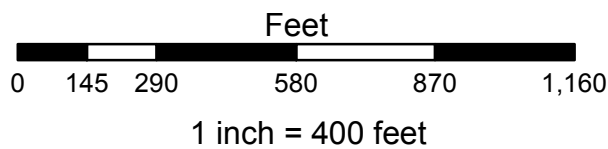


Legend

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

FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- Civic Institutional



CityClerk

From: Mayor
Sent: Tuesday, February 20, 2018 8:18 AM
To: City_Clerk-old
Cc: Jordan, Lioneld; Marr, Don
Subject: FW: RZN 17-6052 Application to Rezone Property East of Rolling Hills Drive and Old Missouri Road
Attachments: image2018-02-19-115709.pdf

fyi

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

From: Leigh Anne Yeargan [mailto:leighanneyeargan@yahoo.com]

Sent: Monday, February 19, 2018 12:58 PM

To: Mayor <Mayor@fayetteville-ar.gov>; Gray, Adella <ward1_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Petty, Matthew <ward2_pos2@fayetteville-ar.gov>; Tennant, Justin <ward3_pos1@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; ward4_pos1@fayetteville-ar.gov; Smith, Kyle <ward4_pos2@fayetteville-ar.gov>; Kinion, Mark <ward2_pos1@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>
Subject: RZN 17-6052 Application to Rezone Property East of Rolling Hills Drive and Old Missouri Road

Dear Mayor and Council Members -

Please see the attached letter regarding the above-referenced zoning application. I would appreciate it if this letter is included as part of the record.

Thank you for your consideration.

Leigh Anne Yeargan

Leigh Anne Yeargan
3349 Picadilly Lane
Fayetteville, AR 72703

February 19, 2018

Mayor Lionel Jordan (mayor@fayetteville-ar.gov)
Ms. Adella Grey (ward1_pos1@fayetteville-ar.gov)
Ms. Sarah Marsh (ward1_pos2@fayetteville-ar.gov)
Mr. Mark Kinion (ward2_pos1@fayetteville-ar.gov)
Mr. Matthew Petty (ward2_pos2@fayetteville-ar.gov)
Mr. Justin Tenant (ward3_pos1@fayetteville-ar.gov)
Ms. Sarah Bunch (ward3_pos2@fayetteville-ar.gov)
Mr. John LaTour (ward4_pos1@fayetteville-ar.gov)
Mr. Kyle Smith (ward4_pos2@fayetteville-ar.gov)

Re: RZN 17-6052 - Application to Rezone Property East of Rolling Hills Road Drive and Old Missouri Road

Dear Mayor and Esteemed Council Members:

I am writing to request that the City Council vote against the application to rezone approximately 23 acres of land located East of Rolling Hills Drive and Old Missouri Road from RSF-4 - Residential Single Family - 4 - to NC - Neighborhood Conservation.

My parents built the first house on Stanton Avenue in 1970. Both my brother and I attended Butterfield Elementary School, and we rode our bikes to and from school. Even then, there was a crossing guard at the intersection of Rolling Hills Drive and Old Missouri Road to ensure that students traveling to and from school were safe when crossing that intersection because of the heavy traffic.

When I had the opportunity to move back to Fayetteville in 2009, I bought a house on Tartan Way in Huntingdon because I love this area so much. I moved two years ago to another house in the neighborhood, again because of my love for this area. Many of the people who I grew up with have also bought houses in the same neighborhoods where they lived.

I recently discovered that the City Council voted on July 18, 2017 to rezone approximately 11 acres adjacent to Butterfield Elementary School from RSF-4 to NS-G - Neighborhood Services - General. According to the July 18, 2017 City Council minutes, the City Council voted to do so because of the belief that the rezoning would benefit the neighborhood and make it more "walkable." Had I been aware of the application to rezone this area at the time, I would have requested that the City Council deny the application. Fortunately, I was made aware of the most recent petition prior to it being approved by the City Council.

To my knowledge, the area in question has been zoned residential for at least fifty years. The area mainly consists of single family homes built on a quarter of an acre of land. If the proposed NC zoning is approved, as many as 230 single family residents or 230 four family dwellings (with a conditional use) could be built. This would allow for 920 families as opposed to 92 which is what is allowed under the current RSF-4 zoning.

The land in question is owned by one landowner, who also lives in a house adjacent to the property. The land owner recently placed his personal residence for sale in addition to the recently rezoned 11 acres. The landowner has also listed 43 acres of land for sale which includes the 11 NS-G acres and the proposed NC acres. Both the personal residence and other land are listed with the same realtor.

A City Council vote to approve RZN 17-6052 would be arbitrary and capricious because the applicant has failed to provide the information required for rezoning approval. An applicant seeking rezoning must fill out the application provided by the Planning Commission. The application states, “[y]our application will not be placed on the Planning Commission agenda until this information is furnished.” (emphasis in the original). Section five of the application requires the following:

A written description of this request addressing the following issues:

- a. Current ownership information and any proposed or pending property sales.
- b. Reason (need) for requesting the rezoning change.
- c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.
- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
- 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.
- f. Whether the proposed zoning is justified and/or needed at the time of the request.
- g. Whether the proposed zoning will create or appreciably increase traffic danger and 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.
- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The applicant in question provided *none* of the information required above.

When questioned about why the staff submitted for approval the proposed rezoning without the above information, the staff replied that the “written description portion of the rezoning application are [sic] not a requirement enshrined in code; those are points the applicant can make to support their

request before staff, the Planning Commission, and City Council.” February 9, 2018 email from Jonathan Curth to Nicole Claesen. After additional inquiry, the staff explained that the staff does not have “backing in the city code” to require those items. However, the staff has the authority to recommend whether a rezoning application should be approved and, as part of that authority, has the authority to require the information necessary to make that decision.

Even if the applicant is not required to provide this information, the staff and Planning Commission are required to analyze whether proposed rezoning is needed or justified. Instead of doing so, the staff indicates that “the applicant has requested the zoning changes to allow for development ...” See January 8, 2018 Planning Commission Memo, p. 4, no. 2. A landowner’s request for rezoning alone is not a basis for rezoning. There must be some evidence that the change is justified or needed.

Rezoning is not appropriate based on the staff and Planning Commission’s own findings regarding increased danger and congestion and alterations in population density. The staff and Planning Commission concede that there will be an appreciable increase in traffic due to this development. They justify the rezoning, however, by stating that any development would result in increased traffic. This is not a basis for rezoning property. Furthermore, the staff did no analysis of how much traffic would increase with RSF-4 development as opposed to NC development.

Similarly, the staff’s own statements regarding the increase of population density and its effects further support a denial of rezoning. The staff recognizes that the increase in the load on public services has the potential to be greater under NC zoning rather than RSF-4, but falls back on the position that since any development will increase the load, rezoning should be approved. Again, there is no analysis of what impact development under RSF-4 versus NC zoning will have on public services.

The staff recognizes that sewer availability for the property is limited regardless of the type of development allowed. The staff notes that the two existing sewer connections would have to be extended including “relocation of service lines that connect to the manhole in this area.”

I can speak from personal experiences that there are significant drainage and soil issues in the proposed rezoning area. When I first moved to Tartan Way – which is on the same terrain as the proposed development - I had to put in a French drain. When I placed my house on the market, I had to install 13 piers due to foundation shifting in order to sell the house. I can only assume that more housing units per property will increase the drainage and soil issues.

The staff avoids having to determine whether it would be impractical to use the land as currently zoned by concluding that there are no considerations which would warrant such an analysis. But, as stated previously, the staff failed to determine that the rezoning was justified or needed. Therefore, the staff must analyze whether the land can be used under the current RSF-4 zoning which it failed to do.

Additionally, the staff did absolutely no analysis on how the proposed zoning would impact Butterfield Elementary School. The impact on a school that is close to the proposed zoning is reason enough to deny rezoning. See *Little Rock v. Parker*, 241 Ark. 381 (1966). The staff concedes there will be increased traffic which necessarily imposes additional risks to children traveling to and from school and playing outside at recess. It is my understanding that during the Council’s site visit this past summer,

the Mayor had to stop traffic in order to allow children on bikes to cross the intersection – and this was when school was not in session. “Walkability” for both students and residents will severely be impacted by increased traffic.

There is also no analysis on how the proposed zoning would impact adjacent land owners and property values. Many residents bought their homes based on the current zoning and make-up of the neighborhood. The staff’s findings are merely conclusory and not supported by any substantial evidence.

The proposed rezoning is inconsistent with the purpose of the Neighborhood Conservation zoning district and the City’s goals for growth and development. The zoning district Neighborhood Conservation was first proposed in the Fayetteville Downtown Master Plan adopted in 2004. It was adopted as part of the zoning code in 2006. It is also mentioned in the Walker Park Neighborhood Plan adopted in 2008. Both plans were adopted after significant public input.

One of the fundamental goals of the Downtown Master Plan was Inclusionary Zoning. As defined by the Downtown Master Plan, Inclusionary Zoning “will set forth a minimum percentage of units to be provided in a specific development affordable to households at a particular income level, generally defined as a percentage of the median household income.” The Downtown Master Plan recognizes that more residents are needed in the Downtown area, and that it is “important to encourage and provide more opportunities for people to live Downtown” and to revitalize Downtown Fayetteville so that it becomes “a primary, first-choice residential option.”

The Walker Park Neighborhood Plan recognizes that “[c]hanges over time have shaped the neighborhood’s development plan as the area shifted from a predominantly rural area to a modest extension of downtown neighborhoods to an area zoned for multi-family housing.” One of the guiding principles of the Walker Park Neighborhood Plan is to retain a balance of uses and housing emphasizing connectivity and walkability. In order to accomplish these goals, the City proposed rezoning a substantial portion of the Walker Park neighborhood as NC. It is clear from both the Downtown Master Plan and the Walker Park Neighborhood Plan that the NC zoning district is designed for the purpose of revitalizing areas in which residential options have declined or become unfavorable by providing additional housing options.

The 2030 City Master Plan – also adopted after significant public input – while acknowledging the adoption of form based zoning districts, contemplates the future use of the Rolling Hills area solely as residential. No neighborhood plan has been developed for the Rolling Hills area because it is not an area similar to Downtown or the Walker Park neighborhood in need of revitalization to attract more residents. The housing in the area is in high demand because of the reasonable housing prices and proximity to Butterfield Elementary School. In fact, I recently received a blind letter from a realtor at Lindsey & Associates, Inc. representing a client looking for a homeowner in the Butterfield school district willing to sell her property.

The staff and Planning Commission’s recommendation to now approve NC zoning in the Rolling Hills area is inconsistent with the purpose of that zoning district as exemplified by the Downtown Master Plan and Walker Park Neighborhood Plan. It also circumvents public input regarding what is desired by the community as expressed in the 2030 City Master Plan.

One of the goals expressed by the City Council for development is to allow for infill to prevent sprawl and increase walkability. These goals can readily be accomplished by the current zoning – RSF-4. There is no evidence that they cannot be accomplished by the current zoning, or that NC zoning will better accomplish these goals.

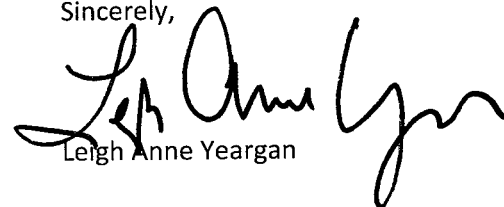
Significantly, the proposed NC rezoning as well as the previously approved NS-G zoning are spot zoning which is clearly impermissible. Spot zoning “departs from the comprehensive treatment or privileges not in harmony with the other use classifications in the area and *without any apparent circumstances which call for different treatment.*” *PH, LLC v. City of Conway*, 344 S.W.3d 660, 668 (Ark 2009) (citation omitted) (emphasis in the original). There is absolutely no evidence that circumstances have changed which would warrant changing the current RSF-4 zoning to NC. The 2030 Master Plan contemplates that the property shall remain zoned solely as residential.

Finally, the circumstances surrounding the applications for rezoning of this land are extremely curious. Although there are 43 acres of undeveloped land for sale, the owner first sought to rezone only 11 acres as NS-G (shortly after the NS-G zoning district was adopted by the City Council). Once that was approved, the owner sought to rezone 23 acres as NC. The prior NS-G rezoning was a substantial reason cited by the staff in support of its finding that an NC zoning was compatible with the neighboring land. The staff is bootstrapping the NC zoning recommendation on the prior NS-G zoning approval. If both are compatible with the neighborhood, then why were two separate rezoning applications submitted at different times? Why was the applicant not required to provide the information in the application which must be provided before the staff will place the matter on the Planning Commission agenda? And, if the proposed rezoning is beneficial, why is the land owner selling his personal residence which is adjacent to the proposed rezoning?

I am not opposed to development. Fayetteville’s population has doubled since I grew up here, and I recognize the need for additional housing. I just do not want new development at the expense of existing neighborhoods that are the reason people move to Fayetteville to live. The current RSF-4 zoning is appropriate for future development.

Thank you for your consideration.

Sincerely,



Leigh Anne Yeargan