



Legislation Text

File #: 2018-0203, Version: 1

RZN 18-6122: (SE & SW OF RUPPLE RD. & MT. COMFORT RD./HAZEN):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6122 FOR APPROXIMATELY 56.02 ACRES LOCATED AT SOUTHEAST AND SOUTHWEST OF RUPPLE ROAD AND MOUNT COMFORT ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, AND R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND R-A, RESIDENTIAL AGRICULTURAL

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 RSF-4, Residential Single Family, 4 units per acre, RSF-1, Residential Single Family, 1 unit per acre, and R-A, Residential Agricultural to about 41.8 acres of CS, Community Services and about 13.8 acres of R-A, Residential Agricultural.

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.

City of Fayetteville Staff Review Form

2018-0203

Legistar File ID

3/30/2018

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

Garner Stoll

4/17/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 18-6122: Rezone (SE & SW OF RUPPLE RD. & MT. COMFORT RD./HAZEN, 361-362): Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, and R-A, RESIDENTIAL AGRICULTURAL and contain approximately 56.02 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES and R-A, RESIDENTIAL AGRICULTURAL.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF APRIL 17, 2018

TO: Mayor, Fayetteville City Council

THRU: Garner Stoll, Development Services Director

FROM: Quin Thompson, Planner

DATE: March 30, 2018

SUBJECT: **RZN 18-6122: Rezone (SE & SW OF RUPPLE RD. & MT. COMFORT RD./HAZEN, 361-362):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, and R-A, RESIDENTIAL AGRICULTURAL and contain approximately 56.02 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

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

BACKGROUND:

In 2016, the owner requested a similar rezone of the subject property. At the City Council meeting of December 12, 2016, a motion to approve the rezoning failed by a vote of 3-3.

The proposed rezoning request is for approximately 56 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings. Surrounding land use and zoning is depicted on *Table 1*.

Request: The request is to rezone the property to CS, Community Services (41.8 acres) and R-A, Residential Agricultural (13.8 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Public Comment: One neighboring landowner spoke in favor of the rezoning at the Planning Commission hearing on March 26, 2018.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that result in realizing this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks basic goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal at this future intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 14 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would allow uses, goods, and services that support surrounding neighborhoods.

DISCUSSION:

On March 26, 2018, the Planning Commission forwarded the proposal to City Council with a recommendation for approval of the applicant's request by a vote of 8-0-0. Public comment is included with the Planning Commission report.

BUDGET/STAFF IMPACT:

N/A

Attachments:

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

RZN 18-6122

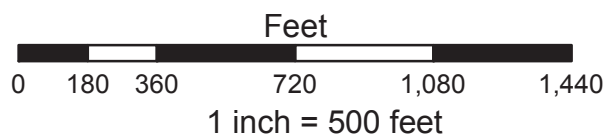
Close Up View

HAZEN

18-6122
EXHIBIT 'A'

Legend

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



Zoning Total Acreage:

R-A = 13.8 acres

C-S = 41.8 acres

18-6122
EXHIBIT 'B'

LEGAL DESCRIPTION: (PARCEL A RSF-4 TO C-S)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said NW1/4, SW1/4, thence N89°59'34"W 176.50 feet, thence N00°00'26"E 27.76 feet, thence along a curve to the left 50.10 feet, said curve having a radius of 215.00 feet and a chord bearing and distance of N06°40'04"W 49.98 feet to the end of the curve, said point being the POINT OF BEGINNING, thence N83°16'06"W 175.24 feet, thence N67°16'00"W 754.49 feet, thence N79°51'00"W 525.87 feet, thence N67°38'50"W 44.07 feet, thence N79°43'00"W 306.10 feet, thence S88°20'17"W 11.46 feet, thence N51°32'47"W 44.52 feet, thence N00°10'53"W 393.48 feet, thence along a non tangent curve to the left 102.09 feet, said curve having a radius of 563.50 feet and chord bearing and distance of N05°22'16"E 101.95 feet, thence N00°10'53"E 69.53 feet, thence N84°10'51"E 4.81 feet, thence N20°18'36"E 33.58 feet, thence N79°39'29"E 72.67 feet, thence N77°50'56"E 155.60 feet, thence N75°46'13"E 124.30 feet, thence N79°58'10"E 48.00 feet, thence N85°56'54"E 137.61 feet, thence S89°48'56"E 381.70 feet, thence S86°59'51"E 245.81 feet, thence S89°47'44"E 130.48 feet, thence S44°13'42"E 34.31 feet, thence S89°47'44"E 2.93 feet, thence South 694.60 feet, thence along a curve to the left 350.93 feet, said curve having a radius of 285.00 feet and a chord bearing and distance of S35°16'32"E 329.18 feet, thence S70°33'04"E 116.66 feet, thence along a curve to the right 214.67 feet, said curve having a radius of 215.00 feet and a chord bearing and distance of S41°56'49"E 205.87 feet to the POINT OF BEGINNING: Containing 26.9530 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL B RSF-4 TO R-A)

A part of the NW1/4 of the SW1/4 of Section 6, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said NW1/4, SW1/4, thence N89°59'34"W 176.50 feet, thence N00°00'26"E 27.76 feet to the POINT OF BEGINNING, thence N83°40'33"W 193.85 feet, thence N67°16'00"W 756.00 feet, thence N79°51'00"W 517.91 feet, thence N88°21'00"W 369.64 feet, thence N62°37'11"W 13.47 feet, thence N00°10'53"W 131.57 feet, thence S51°32'47"E 44.52 feet, thence N88°20'17"E 11.46 feet, thence S79°43'00"E 306.10 feet, thence S67°38'50"E 44.07 feet, thence S79°51'00"E 525.87 feet, thence S67°16'00"E 754.49 feet, thence S83°16'06"E 175.24 feet, thence along a non tangent curve to the right 50.10 feet, said curve having a radius of 215.00 feet and chord bearing and distance of S06°40'04"E 49.98 feet to the POINT OF BEGINNING: Containing 2.4645 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL C RSF-1 TO R-A)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas and being described as follows: Beginning at the SE Corner of said NE1/4, SE1/4, said point being the POINT OF BEGINNING, thence N89°30'32"W 659.85 feet, thence along a non tangent curve to the right 213.83 feet, said curve having a radius of 542.00 feet and chord bearing and distance of N31°31'21"E 212.45 feet, thence N43°20'43"E 73.21 feet, thence N46°39'17"W 12.50 feet, thence N43°20'43"E 150.27 feet, thence N39°42'50"E 55.22 feet, thence N42°58'23"E 308.22 feet, thence along a non tangent curve to the left 29.13 feet, said curve having a radius of 550.00 feet and chord bearing and distance of N41°49'54"E 29.13 feet, thence S51°32'47"E 176.14 feet, thence S00°10'53"E 538.02 feet to the POINT OF BEGINNING: Containing 6.1032 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL D RSF-1 TO C-S)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said NE1/4, SE1/4, thence N00°10'53"W 538.02 feet to the POINT OF BEGINNING, thence N51°32'47"W 176.14 feet, thence along a non tangent curve to the left 120.03 feet, said curve having a radius of 550.00 feet and chord bearing and distance of N34°03'44"E 119.80 feet, thence along a non tangent curve to the left 198.40 feet, said curve having a radius of 563.50 feet and chord bearing and distance of N20°38'51"E 197.38 feet, thence S00°10'53"E 393.48 feet to the POINT OF BEGINNING: Containing 0.5261 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL E RSF-1 TO C-S)

A part of the NE1/4 of the SE1/4 and a part of the SE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Beginning at the SW Corner of said NE1/4, SE1/4, said point being the POINT OF BEGINNING, thence N00°08'03"W 425.71 feet, thence N67°21'40"E 100.84 feet, thence N26°27'53"E 86.09 feet, thence N33°49'55"E 3.68 feet, thence N59°15'27"E 29.79 feet, thence N25°13'07"E 34.52 feet, thence N37°50'40"E 11.24 feet, thence N57°26'48"E 46.44 feet, thence N84°24'19"E 158.81 feet, thence N77°00'35"E 240.09 feet, thence S81°50'03"E 19.48 feet, thence S01°47'11"E 166.22 feet, thence S00°48'27"E 216.75 feet, thence along a curve to the right 114.77 feet, said curve having a radius of 425.00 feet and a chord bearing and distance of S06°55'43"W 114.42 feet, thence along a non tangent curve to the left 389.85 feet, said curve having a radius of 655.50 feet and chord bearing and distance of S19°27'47"W 384.13 feet, thence S02°25'30"W 71.50 feet, thence N89°41'13"W 492.99 feet, thence N00°08'03"W 235.71 feet to the POINT OF BEGINNING: Containing 11.2811 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL F RSF-1 TO R-A)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of said NE1/4, SE1/4, thence N00°08'03"W 425.71 feet to the POINT OF BEGINNING; thence N00°08'03"W 312.67 feet, thence N82°27'57"E 307.21 feet, thence N73°05'57"E 88.90 feet, thence N68°22'57"E 109.10 feet, thence N46°15'57"E 68.10 feet, thence N85°12'57"E 90.24 feet, thence along a non tangent curve to the left 108.50 feet, said curve having a radius of 1,225.00 feet and chord bearing and distance of S00°45'04"W 108.46 feet, thence S01°47'11"E 99.24 feet, thence N81°50'03"W 19.48 feet, thence S77°00'35"W 240.09 feet, thence S84°24'19"W 158.81 feet, thence S57°26'48"W 46.44 feet, thence S37°50'40"W 11.24 feet, thence S25°13'07"W 34.52 feet, thence S59°15'27"W 29.79 feet, thence S33°49'55"W 3.68 feet, thence S26°27'53"W 86.09 feet, thence S67°21'40"W 100.84 feet to the POINT OF BEGINNING: Containing 2.8416 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL G RSF-1 TO R-A)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said NE1/4, SE1/4, thence N89°30'32"W 707.70 feet, thence along a non tangent curve to the right 55.81 feet, said curve having a radius of 595.00 feet and chord bearing and distance of N23°02'47"E 55.79 feet, thence N25°44'00"E 52.26 feet, thence along a curve to the left 182.35 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of N14°44'08"E 181.23 feet to the POINT OF BEGINNING; thence continue Northerly along said curve through a central angle of 04°32'43", a distance of 37.68 feet, thence N00°48'27"W 217.17 feet, thence N01°47'11"W 265.88 feet, thence along a curve to the right 29.98 feet, said curve having a radius of 1,175.00 feet and a chord bearing and distance of N01°03'19"W 29.98 feet, thence East 50.40 feet, thence North 38.91 feet, thence S44°18'07"E 77.56 feet, thence S55°39'31"E 15.26 feet, thence S79°48'14"E 78.84 feet, thence S68°01'04"E 56.27 feet, thence S76°59'25"E 86.03 feet, thence S60°42'59"E 74.91 feet, thence S43°20'43"W 101.46 feet, thence N46°39'17"W 7.15 feet, thence S76°01'56"W 51.77 feet, thence S41°18'18"W 239.29 feet, thence along a non tangent curve to the left 62.91 feet, said curve having a radius of 41.00 feet and chord bearing and distance of S02°39'00"E 56.92 feet, thence S46°34'32"E 3.65 feet, thence S43°20'43"W 156.49 feet to the POINT OF BEGINNING: Containing 2.3435 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (PARCEL H RSF-1 TO C-S)

A part of the NE1/4 of the SE1/4 of Section 1, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the SE Corner of said NE1/4, SE1/4, thence N89°30'32"W 707.70 feet, thence along a non tangent curve to the right 55.81 feet, said curve having a radius of 595.00 feet and chord bearing and distance of N23°02'47"E 55.79 feet, thence N25°44'00"E 52.26 feet, thence along a curve to the left 220.03 feet, said curve having a radius of 475.00 feet and a chord bearing and distance of N12°27'47"E 218.07 feet, thence N00°48'27"W 217.17 feet, thence N01°47'11"W 265.88 feet, thence along a curve to the right 29.98 feet, said curve having a radius of 1,175.00 feet and a chord bearing and distance of N01°03'19"W 29.98 feet, thence East 50.40 feet, thence North 38.91 feet to the POINT OF BEGINNING; thence North 205.49 feet, thence along a non tangent curve to the right 22.82 feet, said curve having a radius of 95.00 feet and chord bearing and distance of N61°17'56"E 22.76 feet, thence N68°10'46"E 71.00 feet, thence N88°42'46"E 361.85 feet, thence S37°32'42"E 36.91 feet, thence N84°10'51"E 7.27 feet, thence S00°10'53"W 58.28 feet, thence along a curve to the right 343.90 feet, said curve having a radius of 456.50 feet and a chord bearing and distance of S21°45'48"W 335.83 feet, thence S43°20'43"W 10.14 feet, thence N60°42'59"W 74.91 feet, thence N76°59'25"W 86.03 feet, thence N68°01'04"W 56.27 feet, thence N79°48'14"W 78.84 feet, thence N55°39'31"W 15.26 feet, thence N44°18'07"W 77.56 feet to the POINT OF BEGINNING: Containing 3.5184 acres more or less subject to easements and right of way 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-T-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 ☒ Representative

Applicant (person making request):

Name: JIM HAZEN

Address: 2160 N. Ruppel Rd
FAYETTEVILLE, AR 72704

E-mail: _____

Phone: _____
() _____
() _____

Fax: _____
() _____

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

Name: Jorgensen & Assoc

Address: 124 W. Soudridge
FAYETTEVILLE, AR 72703

E-mail: dave@jorgensenassoc.com

Phone: _____
() 442-9127
() _____

Fax: _____
() _____

Site Address / Location: Ruppel Rd / Mt. Comfort

Current Zoning District: R-A, RST-4, RST-1 Requested Zoning District: R-A to South
C-S to North & West

Assessor's Parcel Number(s) for subject property: 705-13648-000

13649-000
24063-000
24067-000
24068-000

FINANCIAL INTERESTS


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

JIM & JODY HAZEN

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): JIM HAZEN

Date

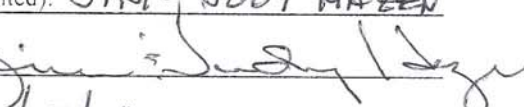
Signature: 

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): JIM & JUDY HAZEN

Address:

Signature: 

Date: 4/13/18

Phone:

()

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:

\$330

\$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: Quin Thompson, Planner

MEETING DATE: ~~March 26, 2018~~ **UPDATED 3-29-2018**

SUBJECT: **RZN 18-6122: Rezone (SE & SW OF RUPPLE RD. & MT. COMFORT RD./HAZEN, 361-362):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties SE & SW OF RUPPLE RD. & MT. COMFORT RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, and R-A, RESIDENTIAL AGRICULTURAL and contain approximately 56.02 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES and R-A, RESIDENTIAL AGRICULTURAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 18-6122** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

In 2016, the owner requested a similar rezone of the subject property. At the City Council meeting of December 12, 2016 a motion to approve the rezoning failed by a vote of 3-3.

The proposed rezoning request is for approximately 56 acres, located on the east and west sides of Ruppel Road, south of the intersection of Mount Comfort Road. The property is currently within the RSF-4, RSF-1, and R-A zoning districts, and is in agricultural use with two single-family homes and assorted accessory buildings. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential; agricultural; church; cemetery	RSF-1; R-A; CS
South	Links at Fayetteville golf course; Oakbrooke Subdivision	R-PZD (Links at Fayetteville); R-PZD (Oakbrooke)
East	Pathway Baptist Church	R-O; P-1
West	Agricultural	R-A

Request: The request is to rezone the property to CS, Community Services (41.8 acres) and R-A, Residential Agricultural (13.8 acres). The applicant has indicated the rezoning is needed for the property to be developed.

Public Comment: No public comment as of writing this report.

INFRASTRUCTURE:

Streets: The subject parcels have access to North Ruple Road and West Mount Comfort Rd. North Ruple Road is an unimproved two-lane asphalt street with no sidewalk, no curb and gutter, and no storm drains. West Mount Comfort 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" water main on the south side of Mount Comfort Road and an existing 6" water main on the east side of Ruple Road.

Sewer: Sanitary Sewer is available to the site. There is an existing 24" sewer main available running through the properties along Hamestring Creek. There is also an 8" sewer main bisecting the property and another running on the west side of Ruple Road. A 24" sewer force-main also follows Hamestring Creek, but is not available for connections.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. Large portions of these properties are identified as FEMA regulated floodplains and floodways. Floodplain Development permits would be required at time of development. Hamestring Creek is a protected stream that runs east-west through these parcels. No portions of these parcels lie within the Hillside-Hilltop Overlay District. However, large areas of these parcels contain 'Hydric soils' which can be an indicator of wetlands. At time of development a wetland delineation would be required to ensure compliance with all Army Corps of Engineers regulations.

Fire: The site will be protected by Ladder 7, located at 835 N. Ruple Road. The property is located approximately 1.2 miles from the fire station with an anticipated response time of approximately 3 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 did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the majority of the property as **City Neighborhood Area**, with the Hamestring Creek riparian corridor as **Natural Area**, area south of Hamestring Creek as **Civic and Private Open Space/Parks** (assumed that the Links at Fayetteville golf course might expand into this area), and a small portion of **Residential Area** in the southeastern portion of the site. City Plan 2030 generally defines these designations as follows:*

- **Natural 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.
- **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 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. 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.
- **City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.
- **Civic and Private Open Space/Parks Areas** are sites that are permanently dedicated to open space or park land.

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 in this area, which contains a mixture of church/cemetery uses to the north and east, and medium – high density residential developments to the south, and undeveloped land to the west. The proposed CS zoning would allow in a significant shift in development patterns in this area of west Fayetteville. CS would permit high density residential and non-residential development in a traditional town form pattern. This pattern is different, but can be compatible with and would allow uses, goods, and services that support surrounding neighborhoods.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of the City Plan 2030.

The goals of City Plan 2030 include making the traditional town form the standard. The CS zoning district encourages patterns of development that result in realizing this goal, including an expectation that non-residential buildings will be located close to the street with parking to the side or rear, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

This area of the City has a large number of residents, but lacks basic goods and services, requiring those residents to drive long distances to meet their daily needs. The FLUM designation of this area as City Neighborhood recognizes this issue and the applicant's proposal at this future intersection could help alleviate the lack of services in the area. The proposal to rezone the Hamestring Creek riparian corridor to R-A (over 14 acres) as it extends east-west across the site ensures that sensitive environmental areas will either be conserved or developed at a very low density. The proposal would allow higher density and intensity in more developable areas, and conservation and low density in sensitive areas identified as desirable to establishing the City's Enduring Green Network.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate development of this area that has been anticipated in the City's comprehensive plan for several years. The proposed CS zoning will encourage appropriate commercial or residential development at a future arterial intersection in an area that has seen intense residential development over the last decade. The CS District is primarily designed to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes.

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

Finding: A CS zoning allows a wide range of commercial activity and unlimited residential density. The proposed rezone would create the potential to substantially increase traffic in the area over the existing zoning. However, with the re-alignment of Ruppel Road through the site and the future traffic signal at Mount Comfort/Ruppel, increased traffic has been anticipated will be able to be accommodated. Further, non-residential goods and services that would be permitted under the CS zoning would not likely be a regional draw but would primarily accommodate people living in the area.

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 a majority of the property to CS could significantly alter population density in the area. CS zoning allows a wide range of commercial activity and unlimited residential density. The rezone request is not likely to undesirably increase load on public services given the existing and anticipated infrastructure improvements, as discussed throughout this report. This rezoning application was sent to the Fayetteville School District, as is every rezoning request. The school district did not provide comment, which is typical of rezoning requests.

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 18-6122** to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

RECOMMENDED MOTION: "I move to forward RZN 18-6122 to the City Council with a recommendation of approval, finding the request compatible with surrounding land uses and consistent with the Future Land Use Map."

Planning Commission Action: ☒ Forward ☐ Tabled ☐ Denied

Meeting Date: March 26, 2018

Motion: Hoffman

Second: Scroggin

Vote: 7-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.03 (R-A); 161.05 (RSF-1); 161.07 (RSF-4); 161.20 (CS)
- Fire Marshal Comments
- Request letter
- Rezone exhibit
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

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, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. [5945](#), §3, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.05 - District RSF-1, Residential Single-Family - One (1) Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted Uses .*

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

(D) *Conditional Uses .*

Unit 2	City-wide uses by conditional use permit
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Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(E) *Density.*

Units per acre	1
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(F) *Bulk and Area Regulations.*

Lot width minimum	150 feet
Lot area minimum	35,720 square feet
Land area per dwelling unit	35,720 square feet

(G) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(H) *Building Height Regulations.*

Building Height Maximum	3 stories
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(I) *Building Area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.20 - District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses .*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
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	Manufactured home park*

11	
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density* .

Units per acre	24 or less
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(D) *Bulk and Area Regulations*. (Per dwelling unit for residential structures)

(1) *Lot Width Minimum*.

Manufactured home park	100 feet
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Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum .*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet

Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 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 any side boundary line of an adjacent single family 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.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5735 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

RZN18-6122

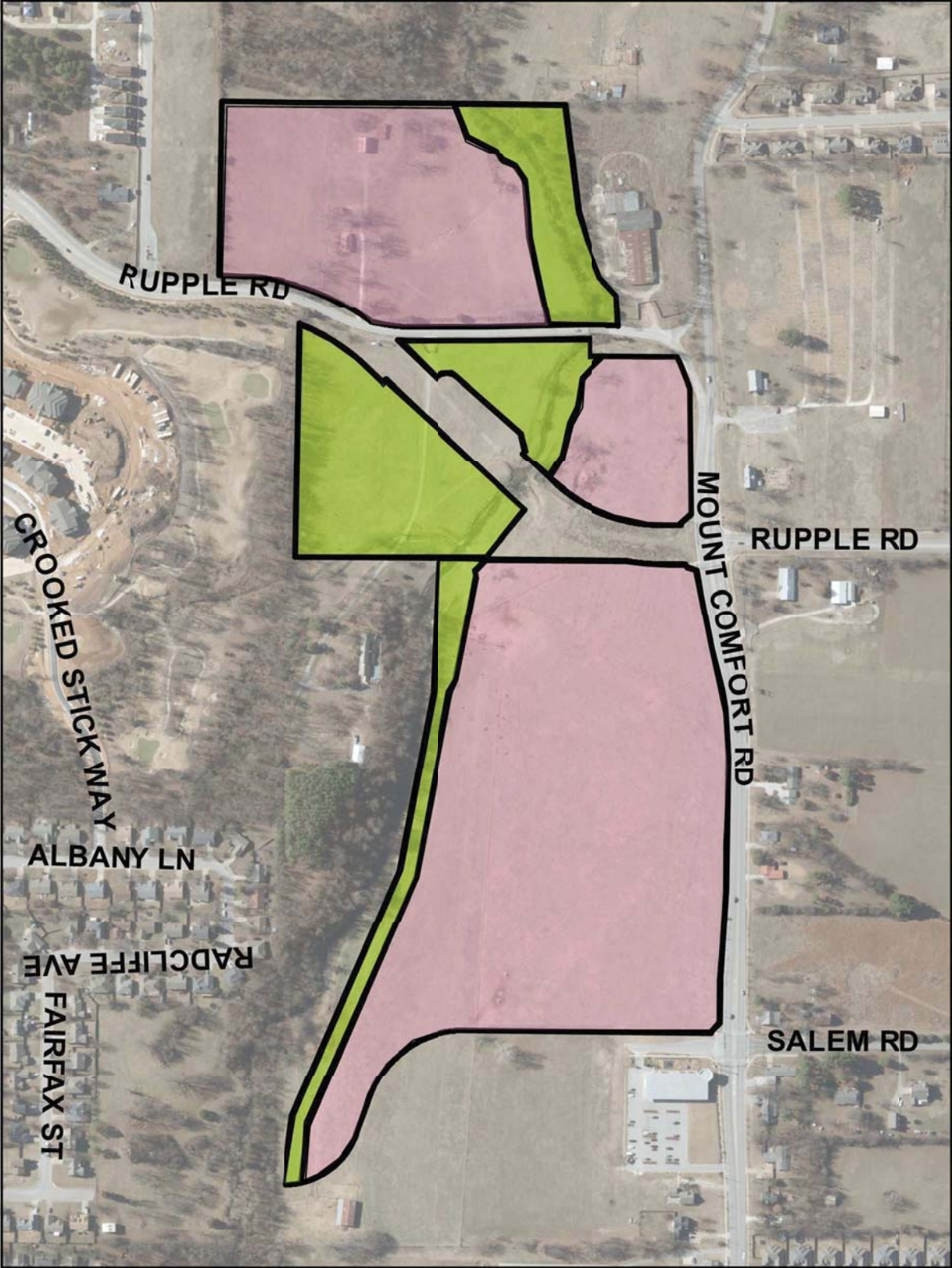
**Rezone to R-A and
CS**

PROPOSED ZONING LEGEND

 **CS, COMMUNITY SERVICES
(41.8 ACRES)**

 **R-A, RESIDENTIAL
AGRICULTURAL (13.8 ACRES)**

N.T.S





TO: Quin Thompson, Planner

CC: Assistant Chief Harley Hunt, Fire Marshal
Battalion Chief Brian Sloat, Deputy Fire Marshal

FROM: Rodney Colson, Fire Protection Engineer

DATE: February 20, 2018

SUBJECT: RZN 18-6122: Rezone (SE & SW of Ruppel Rd. & Mt. Comfort Rd./Hazen, 361-362)

The Fire Department has no comments regarding the rezoning request. Fire apparatus access, water supply and fire protection will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

The site will be protected by Ladder 7, located at 835 N. Ruppel Road. The property is located approximately 1.2 miles from the fire station with an anticipated response time of approximately 3 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.



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

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Fax: 479.582.4807
www.jorgensenassoc.com

February 14, 2018

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Planning Dept.

Re: Rezoning Hazen Property

Attached please find information pertaining to the rezoning request for the Hazen property located at the intersection of Ruggle Road and Mt. Comfort. This property is currently zoned R-A, RSF-4 and RSF-1.

The request is to rezone the property north of the creek to C-S (currently it is zoned RSF-4).

We request the property to the south of the creek to be rezoned to R-A.

We request the property west of Ruggle Road to be rezoned to C-S (south of the creek) with a portion next to the creek to be zoned to R-A.

Ruggle Road is planned to be relocated to the east and after completion of the new section the old road and right of way will be removed / abandoned.

The property to the west of the property is zoned R-A, to the south RPZD, to the north is R-O, RSF-1 and R-A.

The property to the east is P-1 and R-O.

Water and sewer currently exists on the property.


We feel that the requested zonings are in line with goals of the 2030 plan.

Utilities are currently available and with the planned improvements to Ruggle Road we feel this rezoning request will not adversely impact the existing infrastructure.

Please review and call concerning any questions you may have.

Thank you.

Sincerely;



David L. Jorgensen, P.E.



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Civil Engineering · Surveying
Landscape Architecture Services

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Fayetteville, AR 72703

Office: 479.442.9127
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www.jorgensenassoc.com

February 12th, 2018

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

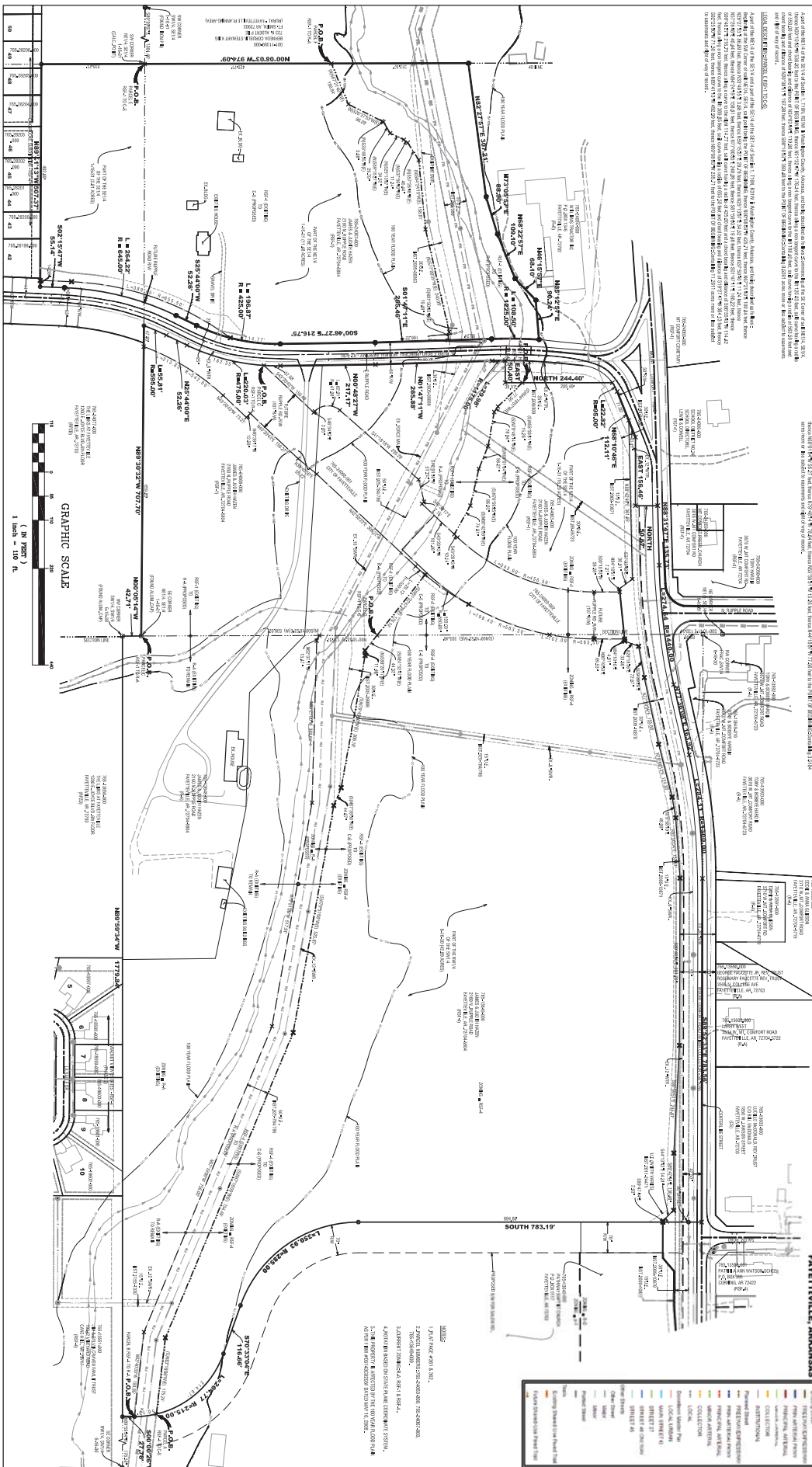
Attn: Development Services
Re: Hazen Property Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-13648-000 (James & Judith Hazen)
 - b. 765-13649-000 (James & Judith Hazen)
 - c. 765-24063-000 (James & Judith Hazen)
 - d. 765-24067-000 (James & Judith Hazen)
 - e. 765-24068-000 (James & Judith Hazen)
- B. Currently these properties are zoned RSF-1, RSF-4, and R-A. The reason for the requested C-S zoning is to allow this property to be developed under C-S conditions. We are also requesting R-A zoning along the creek to help create a natural buffer.
- C. There are various zoning districts around these properties. The property due west is zoned R-A. The property due south is zoned RPZD (The Links at Fayetteville). The properties due north are zoned R-O, RSF-1, R-A, and the recently rezoned C-S (proposed Dollar General at the NW corner of Salem and Mount Comfort). The properties due east are zoned R-O and P-1 (Pathway Church).
- D. Existing water and sewer are already at this site. There is an existing 12-inch water line on the south side of Mount Comfort and an existing 6-inch on the east side of Ruppel Rd. There is an existing 24-inch Hobas sewer line and 12-inch ductile iron pipe available running through the properties along the creek. There is also an 8-inch sewer bisecting the property and another running on the west side of Ruppel Rd.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development in the future to be compatible the adjacent developments.
- F. Per the city's future land use plan this area is called out to be a City Neighborhood Areas which C-S is a form based zoning under this umbrella.
- G. Adjacent streets have been or are planned to be improved in the near future allow this area to grow. Mount Comfort was recently widened with traffic signal and the Ruppel Road realignment and widening is planned in the near future.
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services. The properties at question lie at the intersection of two master planned roads where significant improvements have been or will be made, and will allow for increased loads. Utilities are currently available and at a significant size to where we do not believe any adverse impacts to the existing system would occur.
- I. R-A is not conducive to any future developments in this area.

Sincerely,

Justin L. Jorgensen, PE



ALCOHOL-DEPENDENT DRINKERS	
35-39:20-400	35-39:1-1,000:000
40-44:20-400	40-44:1-1,000:000
45-49:20-400	45-49:1-1,000:000
50-54:20-400	50-54:1-1,000:000
55-59:20-400	55-59:1-1,000:000
60-64:20-400	60-64:1-1,000:000
65-69:20-400	65-69:1-1,000:000
70-74:20-400	70-74:1-1,000:000
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410-414:20-400	410-414:1-1,000:000
415-419:20-400	415-419:1-1,000:000
420-424:20-400	420-424:1-1,000:000
425-429:20-400	425-429:1-1,000:000



VICINITY MAP

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@ CALCULATED POINT
 @ FOUND ALTERNATIVE CAP
 @ FOUND MIN. P.M.
 @ SET MIN. P.M. & CAP
 @ SERVER MANHOLE
 EXISTING 12" DRAINER
 EXISTING 12" DRAINER
 EXISTING SEWER RIMLOCK
 EXISTING 6" WATER
 EXISTING 6" WATER
 EXISTING 12" WATER
 CENTRAL RE STREET
 UTILITY EASEMENT
 EXISTING 20" MAN HOLE
 PROPOSED 20" MAN HOLE
 100 YEAR FLOOD PL

PROJECT TITLE:
HAZEN REZONE

ATE1214.18
RAWN EV1.BJR
PROJECT # 2016087
BLE PATH\ZALOTS\2016087
HEET SIZE: 22" X 34"
CALE11#110

SHEET TITLE

REZONE

SHEET NUMBER

C1.04

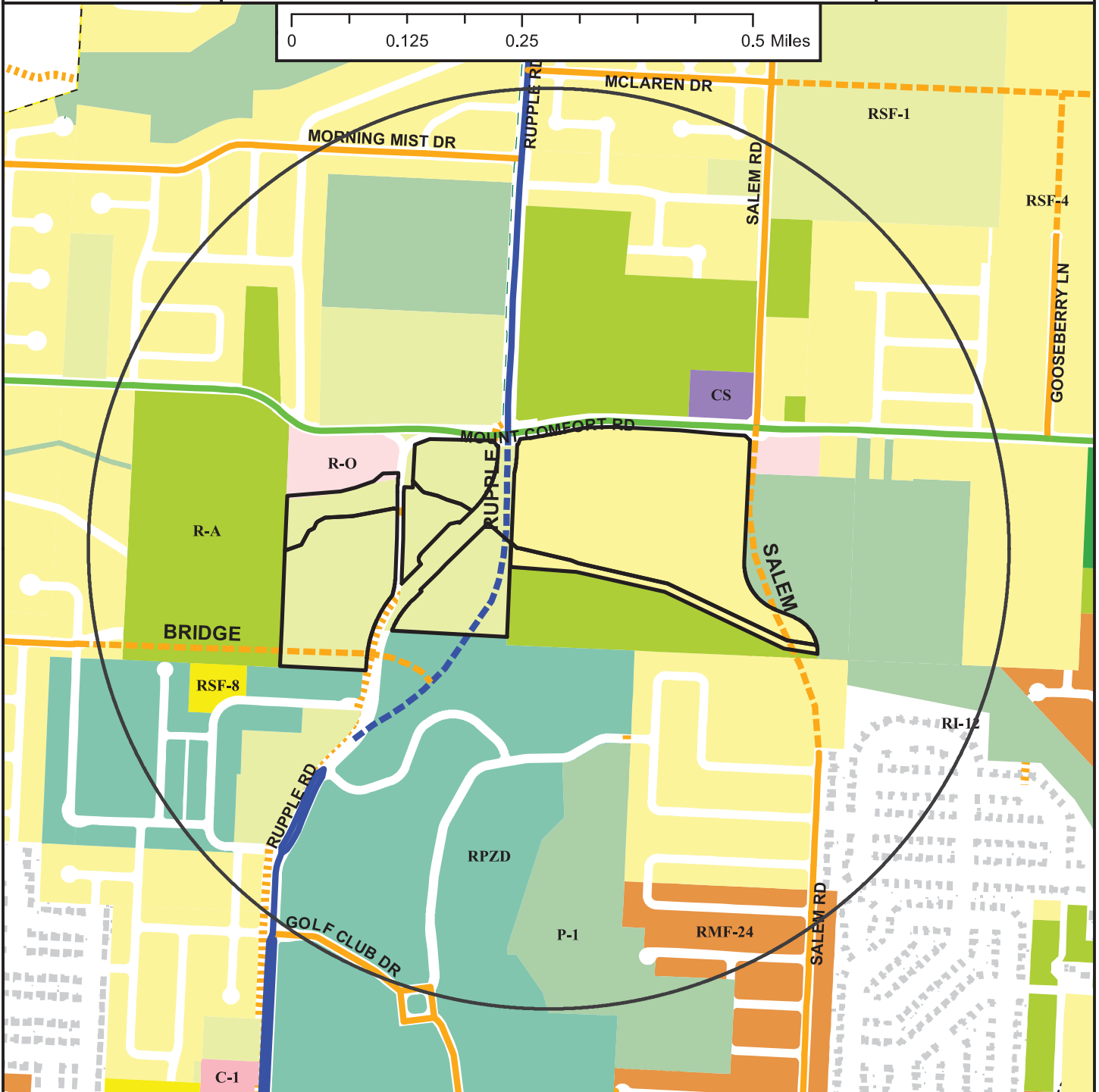
RZN18-6122

One Mile View

HAZEN

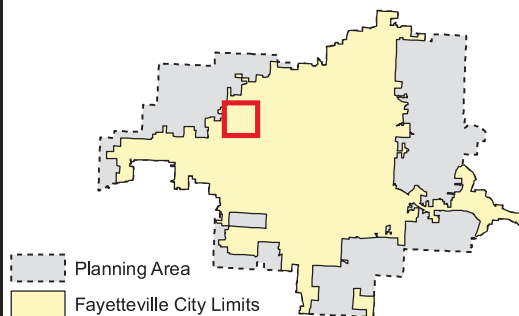


0 0.125 0.25 0.5 Miles



Legend

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



Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 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

COMMERCIAL

- Commercial-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

INSTITUTIONAL

- P-1

Planning Commission

March 26, 2018

Agenda Item 7

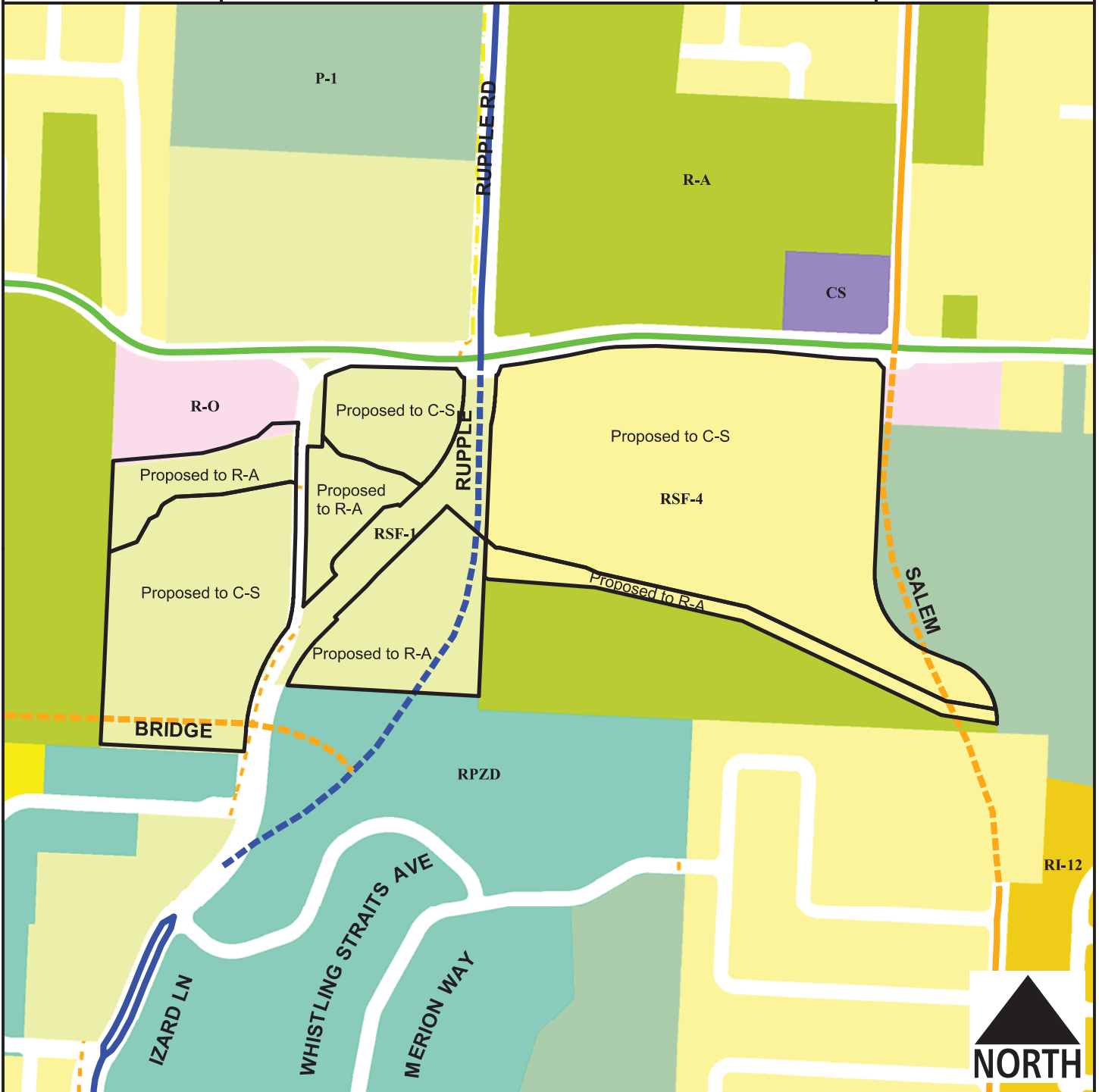
18-0122 Hazen

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RZN 18-6122

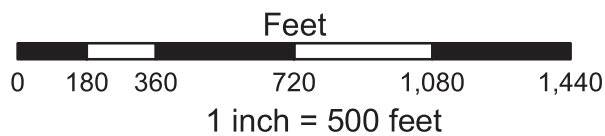
HAZEN

Close Up View



Legend

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



Zoning Total Acreage:

R-A = 13.8 acres

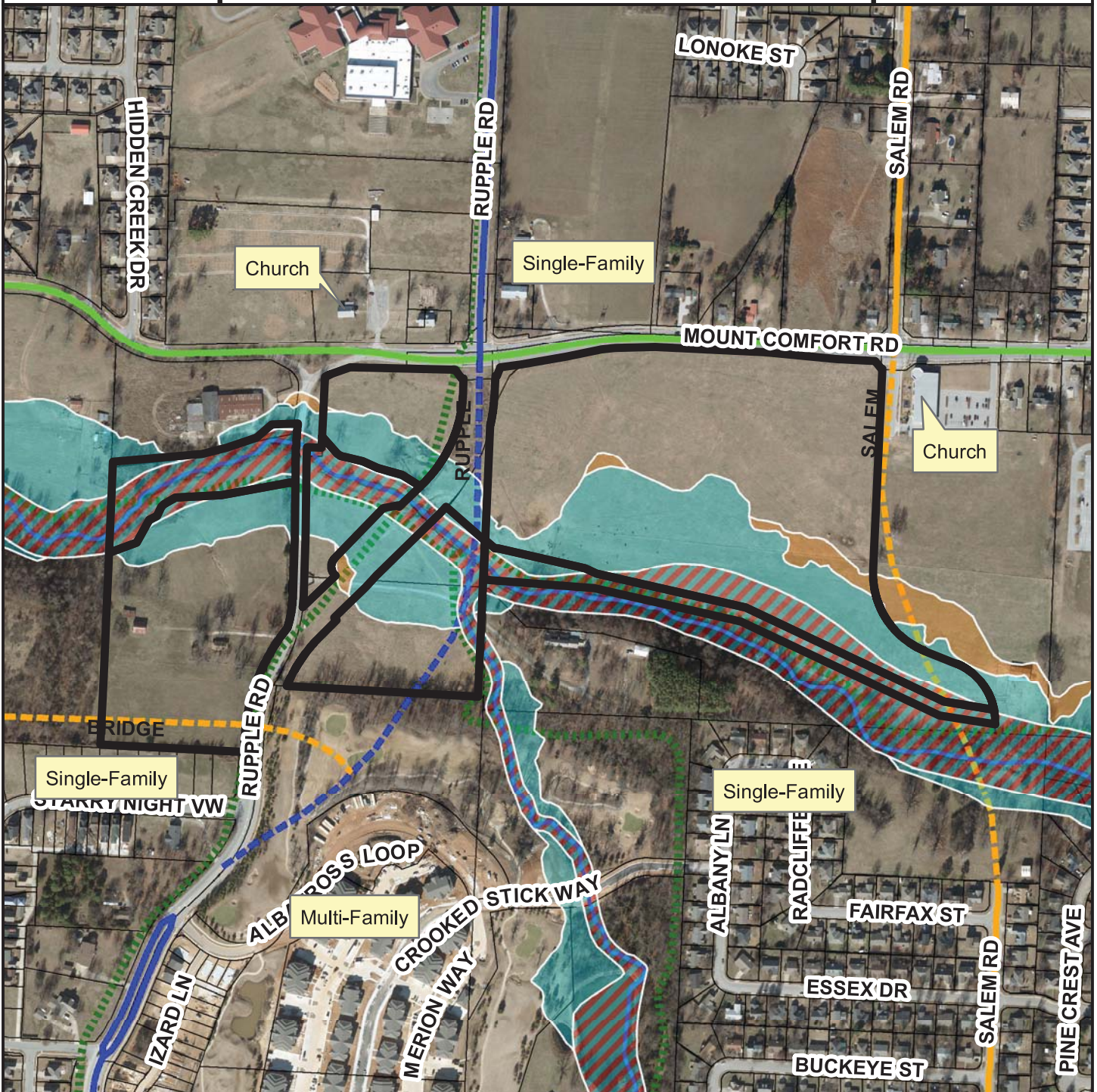
C-S = 41.8 acres

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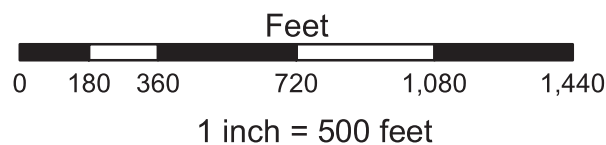
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Current Land Use

HAZEN



- Streets Planned**
MSP Class
- COLLECTOR
 - PRIN ARTERIAL PKWY
- Streets Existing**
MSP Class
- COLLECTOR
 - MINOR ARTERIAL
 - PRIN ARTERIAL PKWY
 - Trail (Proposed)
 - Planning Area
 - Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

