

City of Fayetteville Staff Review Form

2019-0089

Legistar File ID

2/19/2019

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

Garner Stoll

2/1/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 18-6488: Rezone (825 W. MONTGOMERY ST./BALLARD, 678): Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located at 825 W. MONTGOMERY ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.42 acres. The request is to rezone the property to NS-G, Neighborhood Services-General.

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 \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 19, 2019

TO: Mayor; Fayetteville City Council

THRU: Don Marr, Chief of Staff
Garner Stoll, Development Services Director
Andrew Garner, City Planning Director

FROM: Harry Davis, Current Planner

DATE: February 1, 2019

SUBJECT: **RZN 18-6488: Rezone (825 W. MONTGOMERY ST./BALLARD, 678):** Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located at 825 W. MONTGOMERY ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.42 acres. The request is to rezone the property to NS-G, Neighborhood Services-General

RECOMMENDATION:

The Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services-General, as shown in the attached Exhibits 'A' and 'B'. Staff recommends denial of the request.

BACKGROUND:

The subject property is located at 825 W. Montgomery Street in the Kinwood Addition neighborhood in south Fayetteville. The property totals approximately 0.42 acres, is zoned RSF-4, Residential Single-Family Four Units per Acre, and is currently developed with a single-family home. The neighborhood has 32 homes generally constructed in the ranch-house style of the 1960's. The neighborhood was built out decades ago and is characterized by a narrow loop street system with a stream and wooded riparian flood zone in the central portion of the loop. The neighborhood is accessed from a narrow access road that is separated from S. School Avenue with a 25-foot landscape buffer.

Request: The request is to rezone the property from RSF-4 to NS-G. The applicant has stated that this is needed to facilitate development of the property with duplexes.

Land Use Compatibility: The proposal would introduce one parcel of NS-G near the entrance of this established and stable RSF-4 neighborhood. NS-G zoning has different bulk and area requirements than the rest of the neighborhood that were platted and built with lots much larger than allowed under NS-G. The minimums in the NS-G district are 35-foot lot width and 4,000 SF lot area; compared to 70-foot and 8,000 SF, respectively, in the RSF-4 district. Further, the NS-G

district has a front build-to zone requiring buildings close to the street, and allows buildings to be placed with a zero-foot front setback. This is out of character with this neighborhood where most homes are set back 30 feet or more from the adjacent street. Additionally, the NS-G district allows for three story commercial and mixed use buildings of up to 8,000 SF and associated parking lots, along with duplexes, triplexes, and quadplexes that may be up to three stories tall and built at the street edge.

Land Use Plan Analysis: City Plan 2030 states that “appropriate infill” is a priority. The City’s comprehensive plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it “reflects the existing community character.” The pattern of NS-G zoning does not reflect the community character of the surrounding, stable neighborhood that is fully built out. While the rezoning could further some of the city’s goals, this neighborhood is not in need of revitalization or redevelopment that would be encouraged with this rezoning. Infill can be more appropriately accomplished on this property using existing tools in the RSF-4 district such as accessory dwelling units or a conditional use permit for a duplex or small business. Goal 3 of City Plan describes how neighborhoods should be built following an orderly transect, not overly focused on building type but on form. As indicated above, the NS-G district would be inconsistent with the form of this older neighborhood.

DISCUSSION:

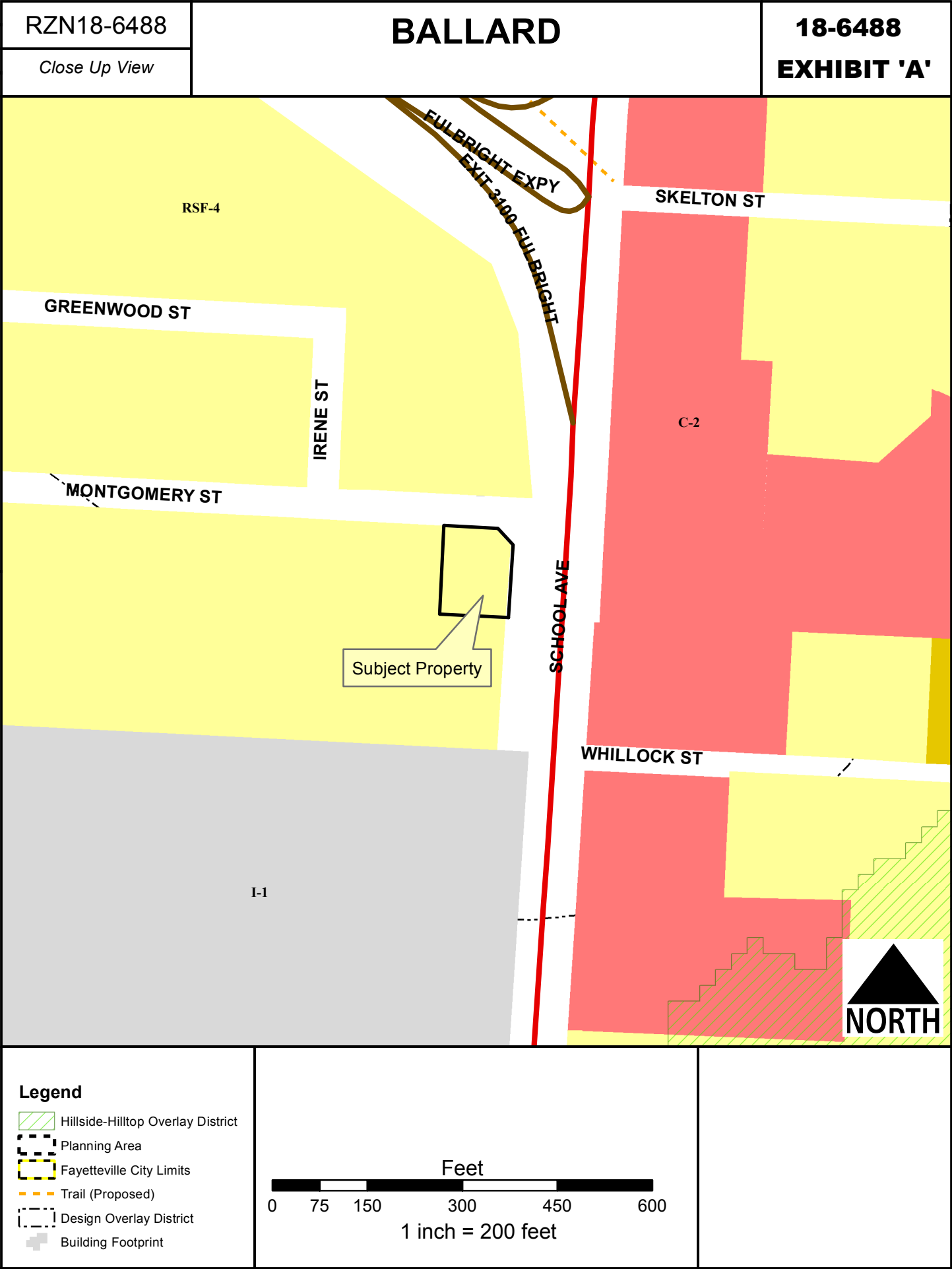
On January 14, 2019, the Planning Commission discussed and tabled the item requesting the applicant consider a mixed use, form-based zoning instead of the initial request to rezone the property to RMF-6, Residential Multi-Family Six Units per Acre. At the January 28, 2019 Planning Commission meeting the applicant agreed with the commissions’ recommendation to rezone the property to NS-G, instead of their original proposal for RMF-6. The Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. The neighborhood submitted a petition and some emails to the Planning Commission opposed to the rezoning and several residents spoke against the application at the meetings.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



18-6488
EXHIBIT 'B'

A part of Lot Numbered One (1) in Block Numbered Three (3) of Kinwood Addition to the City of Fayetteville, Washington County, Arkansas, as designated upon the recorded plat of said addition, being more particularly described as follows: Beginning at the Southeast corner of said Lot One (1), said point being a set 1/2" iron rebar; thence West along the South line of said Lot One (1) 108.35 feet to a set 1/2" iron rebar; thence North 00 degrees 17 minutes 00 seconds West 139.88 feet to a set 1/2" iron rebar on the North line of said Lot One (1); thence South 89 degrees 54 minutes 40 seconds East along the North line of said Lot One (1) 85.62 feet to an existing right-of-way monument; thence South 45 degrees 09 minutes 11 seconds East 35.03 feet to an existing right-of-way monument; thence South 00 degrees 42 minutes 15 seconds West 115.05 feet to the point of beginning, containing 15,005 square feet, more or less, Fayetteville, Arkansas.

And

PT LOT 2 0.77 A FURTHER DESCRIBED FROM 2014-2357 AS: Part of Lot Numbered Two (2) in the Seamster Place Subdivision in the City of Fayetteville, as designated upon the recorded plat of said subdivision, described as follows: Beginning at the Southwest corner of said Lot Numbered Two (2), and thence running South 89 degrees 28 minutes East 179.6 feet; thence North 0 degrees 12 minutes East 159 feet; thence North 89 degrees 28 minutes West 127.7 feet to the East right-of-way of Gregg Avenue; thence South bearing West 162 feet, more or less, to the point of Beginning, except that portion along the West side embraced in said Gregg Avenue.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: January 28, 2019 *(Updated with Planning Commission results)*

SUBJECT: **RZN 18-6488: Rezone (825 W. MONTGOMERY ST./BALLARD, 678):**
Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located at 825 W. MONTGOMERY ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.42 acres. The request is to rezone the property to RMF-6, RESIDENTIAL MULTI-FAMILY, 6 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of **RZN 18-6488**, based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to deny RZN 18-6488."

JANUARY 28, 2019 PLANNING COMMISSION MEETING:

This project was heard at the January 14, 2019 Planning Commission meeting where it was tabled to allow the applicant to consider other zoning options. We have not received any additional information or a change of proposed zoning from the applicant, but we have received additional public comment (attached) in favor of rezoning the parcel to the NC, Neighborhood Conservation zoning district. Staff is still recommending in denial of the proposed RMF-6.

BACKGROUND:

The subject property is located northwest of the intersection between School Avenue and Whillock Street on the west side of School Avenue. The property totals approximately 0.42 acres, is zoned RSF-4, and is currently undeveloped. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Industrial	RSF-4, Residential Single-family, 4 Units per Acre
East	Commercial	C-2, Commercial Thoroughfare
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the parcel from RSF-4 to RMF-6, Residential Multi-family, 6 Units per Acre. The applicant stated the rezoning will allow for duplex development on the property.

Public Comment: Staff has not received public comment as of writing this report.

INFRASTRUCTURE:

Streets: The subject parcel has frontage access along West Montgomery Street and South State Access Road. West Montgomery Street is an unimproved, paved asphalt, local street with open ditches on either side. South State Access Road is a partially improved, paved asphalt local street with curb and sidewalk on the east side of the street and an open ditch on the west side of the street. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject parcel. There is an existing 6-inch water main along West Montgomery Street.

Sewer: Sanitary Sewer is available to the subject parcel. There is an existing 8-inch sanitary sewer main along West Montgomery Street.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA regulated floodplains. There are no protected streams present in the subject parcel. No portion of this parcel lies within the Hillside-Hilltop Overlay District. There are Hydric Soils present in the subject parcel.

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

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

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

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 Plan Analysis:*** City Plan 2030 states that “appropriate infill” is a priority. The City’s comprehensive plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it “reflects the existing community character.” The pattern of RMF-6 zoning does not reflect the existing community character of the surrounding, stable neighborhoods that are fully built out. While the rezoning could further some of the city’s goals, this neighborhood is not in need of revitalization or redevelopment that would be encouraged with this rezoning. Infill can be more appropriately accomplished on this property using existing tools in the RSF-4 district such as accessory dwelling units

or a conditional use permit for a duplex. Goal 3 of City Plan describes how neighborhoods should be built following an orderly transect, not overly focused on building type but on form. As indicated below, the RMF-6 district would be inconsistent with the transect and pattern language of this older neighborhood.

Land Use Compatibility: The proposed RMF-6 zoning is not compatible with the surrounding properties. The proposal would result in an isolated parcel of RMF in the midst of this established and stable RSF-4 neighborhood. RMF-6 zoning has much different bulk and area requirements than surrounding properties that are fully platted and built, where the surrounding RSF-4 lots are larger than the base requirements for lot dimensions under RMF-6. Furthermore, the RMF-6 district has a front build-to zone requiring buildings close to the street, and allows buildings to be placed with a zero-foot front setback. This is out of character with the transect of this well-established neighborhood where most homes are set back 30 feet or more from the street. The proposed zoning would introduce a different typology and an inconsistent development pattern into this older neighborhood. This rezoning is not comparable to recent rezonings to form-based districts in other neighborhoods such as Walker Park that were originally developed with narrow lots and dwellings built closer to the street.

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

Finding: Staff believes that there is insufficient justification for rezoning the property to RMF-6. The property could be developed for duplexes, the applicant's intended land use, under a conditional use permit in RSF-4.

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

Finding: Rezoning the property to RMF-6 would increase traffic to this location above the potential of the current zoning district, but the impact is not expected to be significant given the surrounding road network.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property to RMF-6 would increase the load on public services above the potential of the current zoning district, but the impact is not expected to be significant given the evaluation by the various city divisions.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even

though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends denial of RZN 18-6488.

PLANNING COMMISSION ACTION: Required YES

Date: January 14, 2019

☐ Tabled

☒ Forwarded

☐ Denied

Motion: Autry

Second: Brown

Note: Recommend approval of rezoning to
NS-G, Neighborhood Services-General

Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.13 - District RMF-6, Residential Multi-Family - Six (6) Units Per Acre
- **Public Comment**
- Request letter
- 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

(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)

161.13 - District RMF-6, Residential Multi-Family - Six (6) Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	50 feet
Two (2) family	50 feet
Three and more	90 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	6,000 square feet
Two-family	7,000 square feet
Three or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	25 feet	5 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

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.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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

(Ord. No. 4325, 7-3-01; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 06-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 8, 9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

Davis, Harry

From: DAVID TRUAX <mtruax1@cox.net>
Sent: Sunday, January 13, 2019 7:18 PM
To: Davis, Harry
Subject: Rezoning RSF-4 TO RFS- 6

Dear Mr Davis,

We the people of neighborhood Montgomery & Greenwood St are against any two story structures in our neighborhood. We are all single family homeowners in an old neighborhood that has a dangerous access to Hwy 71 South. We only have one access in and out of neighborhood; with no sidewalks and drainage issues.

Almost everyone in our neighborhood are against this issue and have signed the petition. We have four school buses coming in and out of our area from Greenland and Fayetteville.

Thanks for your help in this issue.

Sincerely,

David Truax

Everett Watkins 3147 June Fay AR 72701
 Lawrence Adams 931 W. Montgomery St

Janice Oliver 871 W. Montgomery St.
 James Oliver 871 W. Montgomery St.

John Bradshaw 7 W. Montgomery

John Bradshaw 8 W. Montgomery

John Moore 1032 W Montgomery

Shirley S. Hamilton 100 W. Greenwood St.

Colby LHM 941 W Montgomery St.

Robert Davis 1 W Montgomery St.

Carol Baker 30 W Greenwood St Fayetteville

Linda M. Baker (homeowner) 30 W Greenwood St Fayetteville

Lorraine Nash 890 Greenwood
 890 Greenwood St Fayetteville

Thyl Hux

Ann Tew 915 W. Greenwood St Fayetteville, AR

John Wilson 80 W. Greenwood St Fayetteville, AR

Gale Weathers 3145 Alta Ave Fayetteville, AR.

Hunt A Weath 3145 Alta Ave Fayetteville, AR

Trans

Daniel & Marian Tway 90 Greenwood
M. M. Tway 60 Greenwood

Teresa Youngblood 40 Greenwood St.

Betty Ulm 941 W Montgomery St Fayetteville AR 72701

John Burke 60 W Greenwood St Fayetteville AR 72701

Rhyna Caville 60 Greenwood St. Fayetteville Ar. 72701

Patsy Gravette 953 W Greenwood, Fayetteville

From: [DAVID TRUAX](#)
To: [Harrison, Andy](#)
Subject: rezoning
Date: Tuesday, January 29, 2019 3:59:08 PM

Dear Andy Harrison,

We are in support of rezoning neighborhood conservation concerning the property at 825 W Montgomery St in Fayetteville, Ar..

Buildings must be single family or one story.

Single family is most consistent with our neighborhood. We have lived in same home since 1984 and have had good neighbors and we would like to keep it this way.

Thanks for your time.

Sincerely,

David & Marian Truax

90 W Greenwood St

Fayetteville, Ar. 72701

Davis, Harry

From: Harrison, Andy
Sent: Wednesday, January 23, 2019 2:48 PM
To: Davis, Harry
Subject: FW: Rezoning of property 825 w Montgomery Street

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov)
T 479.575.8267 | F 479.575.8202
Website | Facebook | Twitter | Instagram | YouTube

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

From: Carolbaker3 [mailto:carolbaker3@gmail.com]
Sent: Wednesday, January 23, 2019 2:43 PM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: Rezoning of property 825 w Montgomery Street

Dear Mr. Harrison,

My name is Carol Baker and I live in the neighborhood where the mentioned property is located. I live at 30 w Greenwood Street. I, and the whole neighborhood, are in support of rezoning this neighborhood NC, neighborhood conservation. This means they must be single family or accessory (like a mother in law cottage.) This is important because this is consistent with the whole neighborhood's character. We are our own little community. We look out for each other and always stop for little chats with the older folks walking their dogs around the block to stay active and mobile or with the kids who are checking out the little storm stream that runs through the neighborhood. Houses here are affordable for buying and that's how I can live here in this amazing place! I also believe this will allow for smart infill into this neighborhood that is in line with the city's 2030 plan. I'm writing because this is important to me. We want to keep the safety and community and character of this great neighborhood for others to enjoy for years to come.

Thank you so much for your time,

Davis, Harry

From: Harrison, Andy
Sent: Wednesday, January 23, 2019 3:03 PM
To: Davis, Harry
Subject: FW: Rezoning of property 825 W Montgomery St

Andy Harrison
Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov)
T 479.575.8267 | F 479.575.8202
Website | Facebook | Twitter | Instagram | YouTube

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

From: Linda Baker [mailto:lindamariebaker@gmail.com]
Sent: Wednesday, January 23, 2019 2:59 PM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: Rezoning of property 825 W Montgomery St

Dear Mr. Harrison,

My name is Linda Baker and I am the homeowner of 30 W Greenwood St. I am writing about the rezoning of the above address. I spoke at the most recent rezoning meeting about how special my neighborhood is and why it shouldn't be Multi family. The issue was tabled until the next meeting and so it is important to me to voice my support for Neighborhood Conservation zoning. I believe NC would be especially suitable because single family is consistent with the current neighborhood while still allowing for smart, appropriate infill in line with 2030 plan. As a fayetteville citizen, I support affordable housing and homeownership and that is exactly why I believe NC zoning would be best to allow growth and infill in our approximately 25 home, pocket neighborhood. We have such a sweet community; we walk our dogs and take the neighbors' dog back home when they get out of their yard, keep an eye on the kids playing in the street, remind new homeowners to shut our vents in winter and leave the faucet dripping. I hope to live and thrive in this home and would like to give everyone who ends up living here the same special community. Thank you for your time.

-Linda Baker

Davis, Harry

From: Harrison, Andy
Sent: Thursday, January 24, 2019 8:21 AM
To: Davis, Harry
Subject: FW: public comment, property on Montgomery Street

Andy Harrison

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

aharrison@fayetteville-ar.gov

T 479.575.8267 | F 479.575.8202

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Teresa Honey Youngblood [mailto:teresa.youngblood@gmail.com]
Sent: Wednesday, January 23, 2019 6:57 PM
To: Harrison, Andy <aharrison@fayetteville-ar.gov>
Subject: public comment, property on Montgomery Street

Hi, Andy.

So, I found out that you might know my husband--Joshua Youngblood? he was on the historic district commission for a couple of years.

I am almost certain to be able to attend the meeting of the zoning commission on the 28th, but in case something came up, I wanted to make sure you had my comments.

I am in favor of the neighborhood conservation (NC) zoning for the property on Montgomery Street--and for the whole neighborhood, for that matter--because it seems to offer the greatest opportunity for smart in-fill in line with the 2030 plan to keep this area residential, while also preserving the character of the neighborhood. While on a map it looks as if the neighborhood is located in a rather marginal area, in fact it has a truly quaint and quiet quality since it's protected by tall fences, tree breaks, and that wonky, single little hair-pin entrance, at the end of which the property in question is located. All the homes here are single family. All the homes are occupied by single families or extended families. Traffic is low, fitting to the tight streets and children and elderly dog-walking

folks living here. The neighborhood reads as stable, intimate, and modest, and we occupants like that. We're hoping for a zoning that is consistent with this character, and that will allow us to stay here for a long time.

Thanks for your help, again, and I hope to be there to offer comments in person on the 28th.

Be well,

Teresa Youngblood

--

Life is the school, love is the lesson.



P.O. Box 1647 Fayetteville, Ar 72702

GC: Brock Posey

479-236-4858

Southern Brothers Construction and its client Mr. Tim Ballard wishes to rezone 825 W. Montgomery from RSF-4 to a slightly denser RMF-6. We do note, that even though it's not common to use RMF- 6 we are not looking to greatly increase the density just the minimum for project goals of 2 – Two story Duplexes. With the lots size and two street frontages we believe it shouldn't adversely affect the current properties surrounding to the North, West or South that are currently and still zoned RSF-4. The properties further South and further North are zoned Industrial and across the street is C-2 zoning. I do not foresee any access complications as both properties will be serviced from the existing driveways off both roads. We look to bring a quality product that fits within the current neighborhood's capacity in size and style while bringing up the density for a large lot that is otherwise underutilized with a single-family home needing major repair or full demolition.

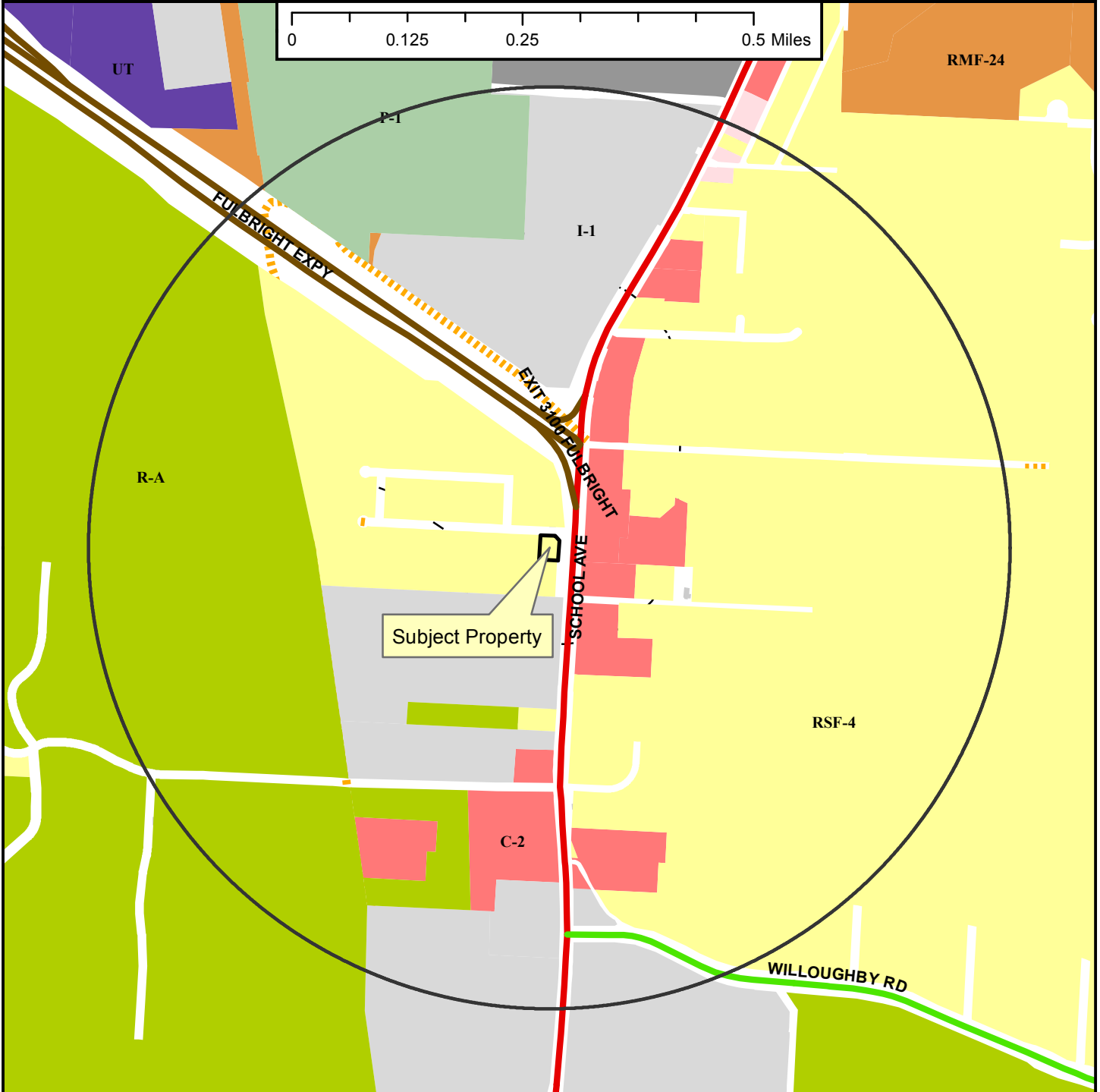
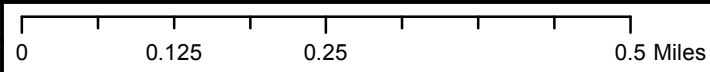
Southern Brothers and its client thank you for your time and consideration

G.C. – Brock Posey

RZN18-6488

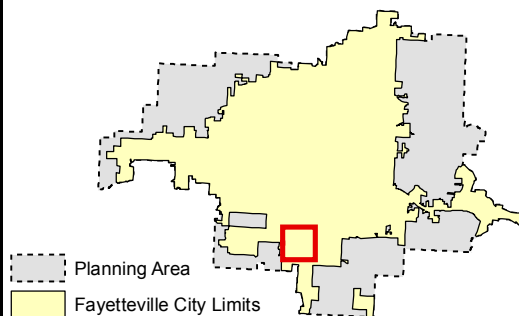
BALLARD

One Mile View

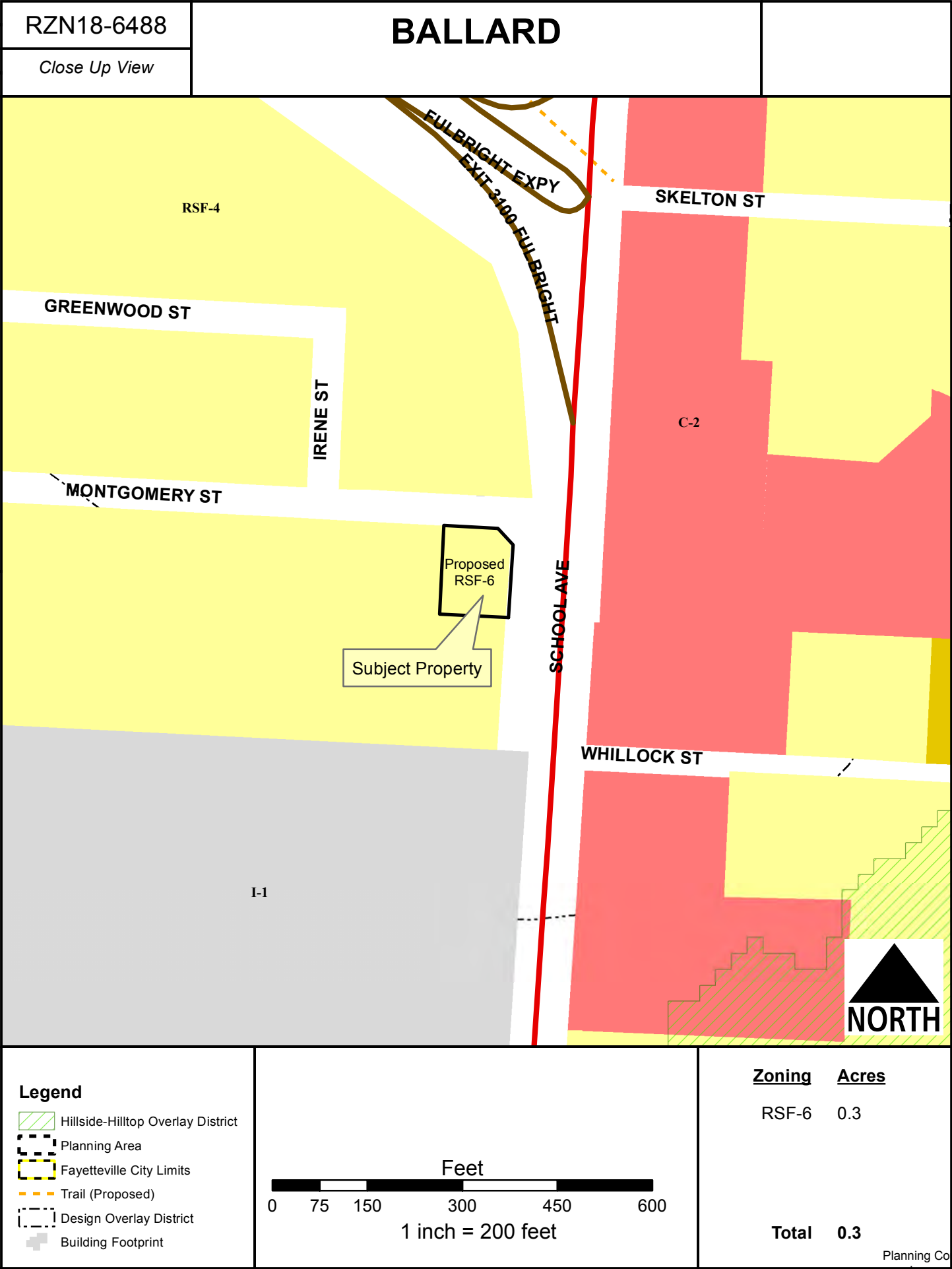


Legend

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



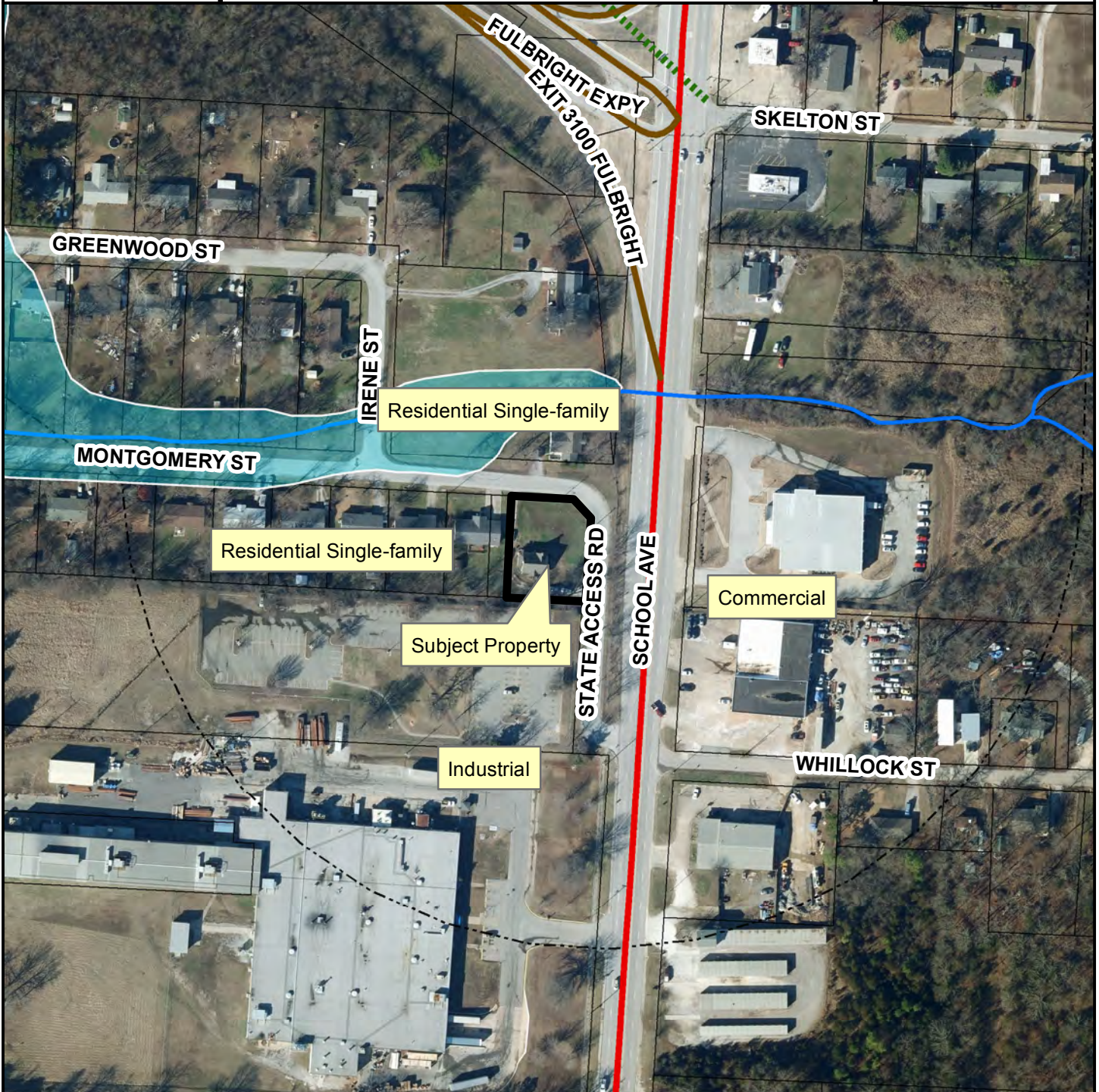
- | | |
|---|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RT-12 Residential Two and Three-family RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial I-2 General Industrial | <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> Residential-Office C-1 C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
|---|---|



RZN18-6488

Current Land Use

BALLARD

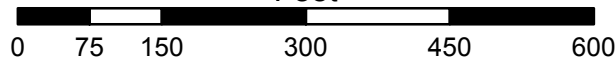


Streets Existing

MSP Class

- FREEWAY/EXPRESSWAY
- PRINCIPAL ARTERIAL
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet



1 inch = 200 feet

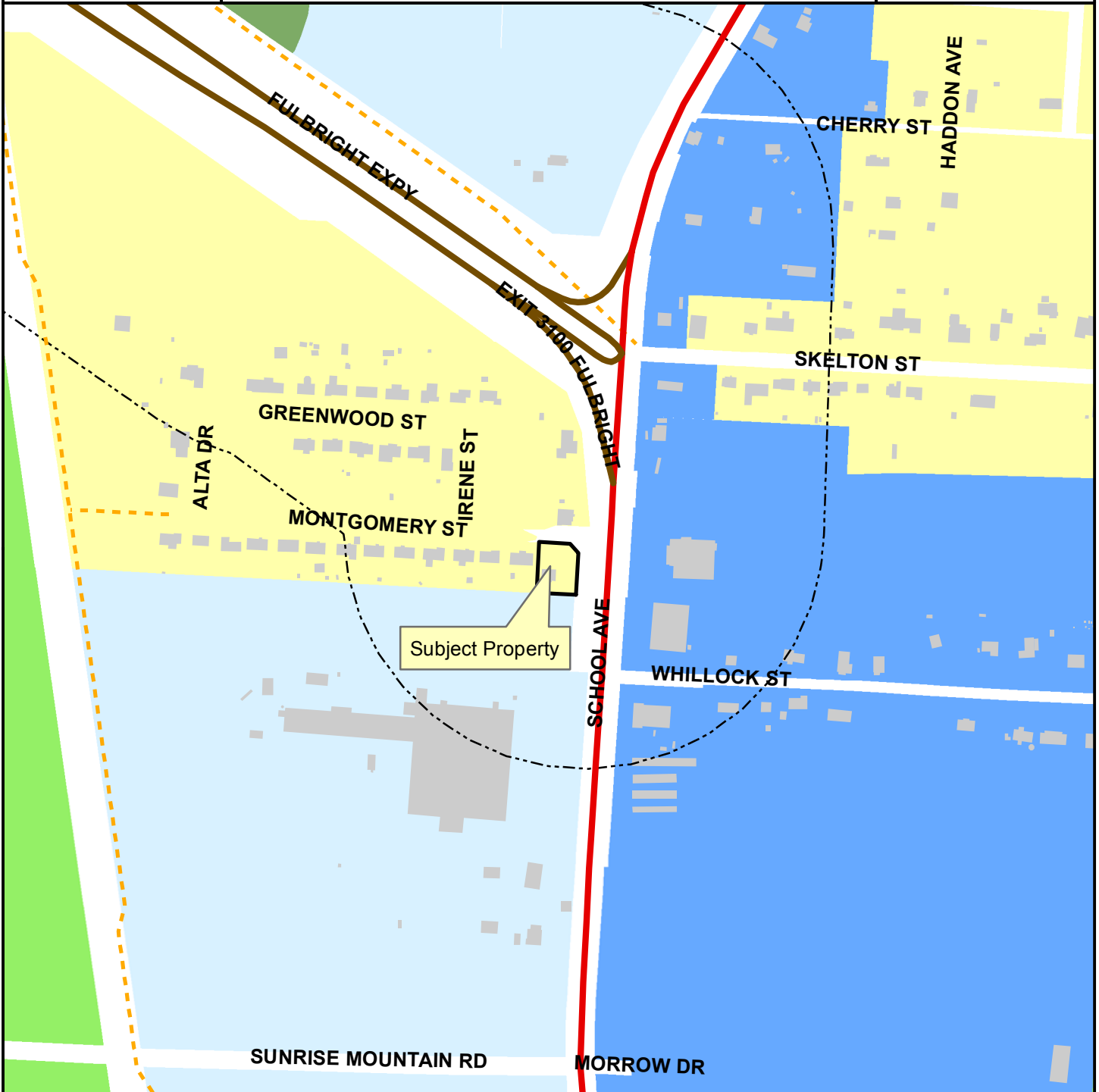
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN18-6488

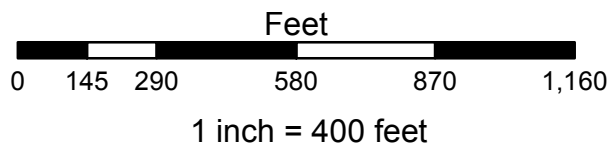
Future Land Use

BALLARD



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Industrial

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Ballard/Smith Rentals LLC, Timothy D. Ballard (Manager), hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to the following:

- a. Two Single Family Homes and accessory dwelling units or Two Duplexes.**
- b. Single Family Homes and accessory dwelling units or Two Duplexes will not be more than two stories in height.**
- c. Single Family Homes and accessory dwelling units or Two Duplexes will not be built closer than 15 feet to the street right of way to substantially align with existing houses.**

2. Other restrictions including number and type of structures upon the property are limited to: Two single-family homes and accessory dwelling units or two duplexes that fit the category of RMF-6, Residential Multi-Family.

3. Specific activities will not be allowed upon petitioner's property include:
None.

4. (Any other terms or conditions: **None**)

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development, which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Timothy D. Ballard, as the owner, developer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

3/8/2019
Date

Timothy D. Ballard; Manager
Printed Name

424 Crested Ridge Lane
Fort Worth, TX 76108
Address

Timothy D. Ballard
Signature

NOTARY OATH

STATE OF TEXAS }
COUNTY OF HUNT }

And now on this the 8th day of March, 2019, appeared before me, Tim Ballard, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Jamie D. Prince
NOTARY PUBLIC

My Commission Expires:

09/17/2020

