

City of Fayetteville Staff Review Form

2019-0124

Legistar File ID

3/5/2019

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

Garner Stoll

2/15/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6524: Rezone (2827 E. WHIPPOORWILL LN./ROTH FAMILY PARTNERSHIP, 411): Submitted by BATES & ASSOCIATES, INC. for properties located at 2827 E. WHIPPOORWILL LN. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 2.14 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

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 MARCH 5, 2019

TO: Mayor, Fayetteville City Council

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

FROM: Harry Davis, Planner

DATE: February 15, 2019

SUBJECT: **RZN 19-6524: Rezone (2827 E. WHIPPOORWILL LN./ROTH FAMILY PARTNERSHIP, 411):** Submitted by BATES & ASSOCIATES, INC. for properties located at 2827 E. WHIPPOORWILL LN. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 2.14 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to RSF-8, Residential Single-family, 8 Units per Acre, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is comprised of two parcels located near the southeast corner of Crossover Road and Whippoorwill Lane. The property totals approximately 2.14 acres, is zoned RSF-4, Residential Single-Family, 4 Units per Acre, and is currently developed with a single-family home on the easternmost lot. The westernmost parcel has a small pond.

Request: The request is to rezone the property from RSF-4 to RSF-8, Residential Single-family, 8 Units per Acre. The applicant stated they may want to subdivide the property and build new single-family homes.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. RSF-8 is limited in size, density, and single-family only by-right. Since this zoning district has a front setback, future development can be located at a similar distance from the road like adjacent homes. Due to the location of the property being somewhat isolated at the entrance at this subdivision, the size of the property, and a mix of surrounding residential types, staff does not anticipate an 8 unit per acre density to be detrimental to surrounding properties and uses.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This

property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations. RSF-8 would allow higher range of residential density not allowed in the current zoning district. For this location in particular, having a greater density of residential development would contribute to a transect of density and intensity from Crossover Road into adjacent neighborhoods.

DISCUSSION:

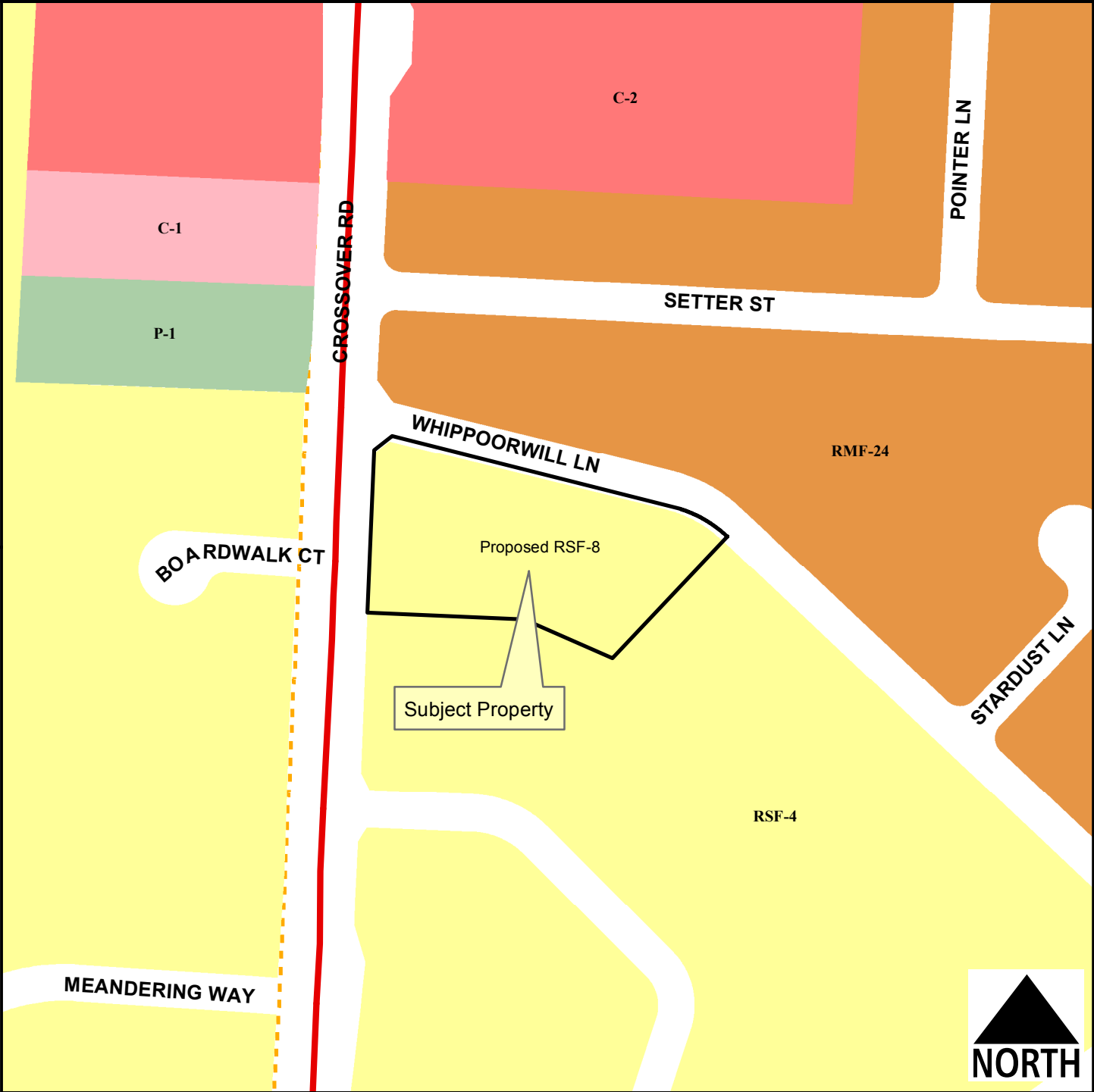
On February 11, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-1, with Commissioner Winston dissenting. As a part of discussion, several members of the public spoke in opposition to the proposal citing concerns over pedestrian safety, increased traffic, decrease property values and neighborhood character, drainage impacts, and objection to an increased density. For the dissenting Commissioner, they wished to have more information available about the existing pond on the subject property with a determination on its importance for stormwater management and drainage for the surrounding neighborhood.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



Legend <div> <div></div> Planning Area </div> <div> <div></div> Fayetteville City Limits </div> <div> <div></div> Trail (Proposed) </div> <div> <div></div> Building Footprint </div>	<div> <div>Feet</div> <div> </div> <div>1 inch = 200 feet</div> </div>	<div> <div><u>Zoning</u></div> <div><u>Acres</u></div> </div>
		<div> <div>RSF-8</div> <div>2.1</div> </div>
		<div> <div>Total</div> <div>2.1</div> </div>

EXHIBIT 'B'
19-6524

LEGAL DESCRIPTION OF PROPERTY OF PROPOSED REZONE:

LOT 14 & 15, GLENDALE ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON LOT LINE ADJUSTMENT FILED IN BOOK 2015 AT PAGE 29196, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING PIPE MARKING THE NORTHEAST CORNER OF SAID LOT 14 AND RUNNING THENCE S43°27'50"W 230.00' TO AN EXISTING REBAR, THENCE N66°23'44"W 132.32' TO AN EXISTING REBAR, THENCE N87°29'42"W 215.39' TO THE EAST RIGHT-OF-WAY OF ARKANSAS HIGHWAY #265, THENCE ALONG SAID RIGHT-OF-WAY N02°24'48"E 223.75' TO AN EXISTING REBAR, THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N52°50'05"E 31.16' TO AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF EAST WHIPPOORWILL LANE, THENCE LEAVING SAID ARKANSAS STATE HIGHWAY #265 EAST RIGHT-OF-WAY ALONG SAID EAST WHIPPOORWILL LANE SOUTH RIGHT-OF-WAY S75°51'00"E 408.45', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 164.74' FOR A CHORD BEARING AND DISTANCE OF S59°26'19"E 74.72' TO THE POINT OF BEGINNING, CONTAINING 2.14 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: February 11, 2019 **UPDATED W PC RESULTS**

SUBJECT: **RZN 19-6524: Rezone (2827 E. WHIPPOORWILL LN./ROTH FAMILY PARTNERSHIP, 411):** Submitted by BATES & ASSOCIATES, INC. for properties located at 2827 E. WHIPPOORWILL LN. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 2.14 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6524** to City Council, based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to forward RZN 19-6524 to City Council with a recommendation for approval."

BACKGROUND:

The subject property is comprised of two parcels located near the southeast corner of Crossover Road and Whippoorwill Lane. The property totals approximately 2.14 acres, is zoned RSF-4, Residential Single-Family, 4 Units per Acre, and is currently developed with a single-family home on the easternmost lot. The westernmost parcel has a small pond. 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; Duplex	RMF-24, Residential Multi-family, 24 Units per Acre
South	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
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 RSF-8, Residential Single-family, 8 Units per Acre. The applicant stated they may want to subdivide the property and build new single-family homes.

Public Comment: Staff has met with several members of the public about this request that have made general inquiries about the proposal. Several neighbors did submit a list of concerns (see attached) that included pedestrian safety, the concept that this proposal would lead to more requests for rezoning, a decrease in neighborhood character as a result of the proposed rezone, traffic, and objections to greater density.

INFRASTRUCTURE:

- Streets:** The subject area has frontage access to East Whippoorwill Lane, a partially improved local street with asphalt paving and curb and gutter. In addition, the property has frontage access to Crossover Road, a fully improved principal arterial and state highway. 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 area. An existing 2.25-inch watermain is present along East Whippoorwill Lane that could serve the eastern portion of the site. An extension of this main might be required at the time of development to serve the western portion of the site.
- Sewer:** Sanitary sewer is available to the subject area. An existing 8-inch sanitary sewer main runs along the southern boundary of the subject area.
- 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. Hydric soils appear to be present in a small portion of the property. There is an existing pond located in this area.
- Fire:** The site will be protected by Ladder 5, located at 2979 N. Crossover Road. The property is located approximately 1.6 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- 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:*** Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of

complimentary building types and configurations. RSF-8 would allow higher range of residential density not allowed in the current zoning district. For this location in particular, having a greater density of residential development would contribute to a transect of density and intensity from Crossover Road into adjacent neighborhoods.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. RSF-8 is limited in size, density, and single-family only by-right. Since this zoning district has a front setback, future development can be located at a similar distance from the road like adjacent homes. Due to the location of the property being somewhat isolated at the entrance at this subdivision, the size of the property, and a mix of surrounding residential types, staff does not anticipate an 8 unit per acre density to be detrimental to surrounding properties and uses.

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 sufficient justification for rezoning the property to RSF-8. This justification includes diversifying the mix of residential types close to Crossover Road through allowing varied lot sizes and densities by-right.

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

Finding: Rezoning the property to RSF-8 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 improved 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 RSF-8 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 forwarding RZN 19-6524 to City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>February 11, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Niederman	Motion to forward to CC with recommendation for approval		
Second: Sharp			
Vote: 7-0-1	Motion passes; Winston dissenting		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.09 - District RSF-8, Residential Single-Family - Eight (8) 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)

161.09 - District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(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.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
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Two-family	5,000 square feet
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(3) *Land Area Per Dwelling Unit .*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. No. 4783, 10-18-05; 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)

Davis, Harry

From: Blake Herrmann <bherrm@me.com>
Sent: Thursday, February 07, 2019 8:50 AM
To: Davis, Harry
Subject: RZN-19-6525

I appose this rezoning. It is not fitting for the neighborhood and would cause serious traffic and parking issues with that many people.

Thank you,

Blake Herrmann
Senior Sales Executive
Fayetteville, AR

TSI Healthcare
20 Years of Excellence in Service
Since 1997

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Chapel Hill, NC 27517
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Davis, Harry

From: Cindy Murray <murrast@gmail.com>
Sent: Wednesday, February 06, 2019 9:18 PM
To: Davis, Harry
Subject: RZN-19-6524

Hi Harry,

Thank you for taking the time to read our email. We have several concerns regarding the plan of putting 6 houses next to the 2827 E. Whippowill house.

1. Safety of our children. We moved here almost 2 years ago so we could walk our children to school. Even though there is no sidewalk on Whippowill, the neighborhood traffic is currently very minimal.
2. Greenspace. If they take away the pond and trees, what will they add to replace the greenspace?
3. Having 6 narrow houses next to each other will not match up with its existing neighborhood.

We would not approve rezoning to RSF-8. We think if they put 3 to 4 houses instead of 6 that would be more appropriate. We are not against developing the land but would like to have a more balanced approach.

Kindly,
Steve & Cindy Murray

Davis, Harry

From: Danielle Allen <justicegirl82@gmail.com>
Sent: Wednesday, February 06, 2019 9:07 PM
To: Davis, Harry
Subject: RZN-19-6524

Dear Mr. Davis,

I live in the Whippoorwill/Inwood neighborhood that would be affected by the proposed rezoning scheduled to be discussed on Feb. 11th.

My husband and I have three children and were drawn to this neighborhood because of the neighborhood's spacing, large lots, and quiet streets.

I just wanted to state for the record that we are strongly opposed to this rezoning.

We feel that adding that many houses to the bottom of the street would greatly change the dynamic of our quiet neighborhood. It would affect traffic and property values.

We do not believe that it would add to or enhance the neighborhood in any way. Please consider our opposition to this rezoning when considering your recommendation to the city.

Thank you for your time and consideration.

Sincerely,

Danielle Allen

Davis, Harry

From: Curth, Jonathan
Sent: Monday, January 28, 2019 11:51 AM
To: Davis, Harry
Subject: Roth RZN Public Comment
Attachments: Message from Unknown sender (18478949563)

HD,

I spoke with the Eileen McGarry on Whippoorwill (voicemail attached) and she has significant concerns about the rezoning request, including:

- No sidewalks in the neighborhood. This is dangerous for pedestrians and it could get worse with more traffic;
- Approval could lead to a 'domino effect' of subsequent rezonings through the neighborhood;
- People in this neighborhood invest in their homes and it would be difficult for them to move if the character of the area changed;
- Who would want to live right next to Crossover? It will be probably be renters which is a problem issue;
- Traffic backs up all the way from Mission and Crossover and makes turning out on to Crossover exceedingly dangerous;
- Additional dwellings will aggravate the bottleneck of the overall subdivision;
- The potential for eight dwellings is too many; three or four would be okay.

I think that summarizes our conversation, but I sent her your contact information in case there is anything else.

Jonathan Curth
Senior Planner
City Planning Division
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

Davis, Harry

From: Eileen McGarry <mem4754@gmail.com>
Sent: Thursday, February 07, 2019 10:21 AM
To: Davis, Harry
Subject: Urgent- input for your report on RZN 6524 -19
Attachments: Shortlist.rtf

Hi Harry,

Attached is a bullet point list of concerns and objections to the rezoning submitted to me by other homeowners and also include my own. This is for the purpose of getting those objections on record in your report before today's noon deadline. Homeowners will continue, of course, to send their individual input.

Please acknowledge receipt of this document.

Thank you,
Eileen McGarry
2976 E Whippoorwill Ln, Fayetteville, AR 72701

February 7, 2019

Mr. Harry Davis
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

RE: RZN-6524-19

Dear Mr. Davis,

This is in reference to our phone conversation yesterday afternoon. During this conversation you told me that in order for homeowners to have their input on this rezoning proposal be part of the record and included in your report to the Planning Commission, they needed to send this input to you by no later than noon today. However, we were not previously informed of this deadline. I made an attempt to reach as many homeowners as possible with this information but was not able to contact them all. After discussion with several other homeowners, we decided to list our major concerns as a group so that you can include them in your report. These are the main concerns and objections to the proposed rezoning:

- Proposed rezoning seeking high density is incompatible with the low density of existing neighborhood lots
- Vehicular traffic bottlenecks at intersections which are the only two access points to the neighborhood
- Increased vehicular traffic around the Whippoorwill-Inwood loop, which lacks sidewalks
- Neighborhood pedestrian and child safety
- Setting a precedent for future continued rezoning of other neighborhood parcels to higher density
- Deterioration of neighborhood environmental surroundings and ambiance
- Greater noise pollution from Crossover Road due to the removal of a large number of trees
- Flooding in rezoned lots due to their location and the removal of a large number of trees
- Failure to sell proposed homes, resulting in those homes becoming rentals
- Negative impact on existing homeowner property values

As we discussed, neighborhood homeowners may continue to submit their input individually through email, phone conversations, and the February 11th public meeting, before the Planning Commission makes its recommendation to the City Council.

Sincerely,
Eileen McGarry
2976 E. Whippoorwill Ln.
Fayetteville, AR 72701

Davis, Harry

From: Allen, Jared <Jared.Allen@tyson.com>
Sent: Thursday, February 07, 2019 10:59 AM
To: Davis, Harry
Subject: RZN-19-6524

Mr. Davis,

My name is Jared Allen, and I am a resident of the Whippoorwill/Inwood area in Fayetteville. I would like to voice my disapproval of the rezoning proposal on Whippoorwill Lane.

The planned addition of six houses in such a small area will negatively impact the neighborhood. As you are no doubt aware, there are fewer than six houses total right now on the south side of Whippoorwill Lane. Adding such a large number of residences so close to the intersection of a major highway could cause serious issues related to traffic flow. I regularly jog past this location, often times with one or more of my young daughters. We ride bicycles along this stretch of road as well. Increasing the number of vehicles driving through the area to such a degree would not only be a nuisance for the current residents, but could potentially lead to serious harm.

I recognize that Fayetteville is a wonderful community to live in, that we will continue to grow, and that development is necessary to meet the increasing housing demands. But growth and development can continue with the existing zoning plan, with no need for such a drastic change to the look, feel, and activities of the neighborhood. Please consider the needs and desires of the current residents of this area, and recommend that this rezoning proposal be denied.

Thank you for your time and consideration.

Jared Allen
479-290-1656

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Davis, Harry

From: Jessica Auxier <jauxier430@gmail.com>
Sent: Thursday, February 07, 2019 9:14 AM
To: Davis, Harry
Subject: RZN-19-6524

Good morning, I am writing in regard to the proposed re-zoning on East Whippoorwill Lane. My family and I purchased and moved into our house the last weekend in September, 2018. My husband and I rented a townhouse in South Springdale and an apartment in Overland Park, Kansas. We decided to put our roots down in Fayetteville permanently so the house hunt began. We looked at about 30-50 houses over a period of about 5 months. We were looking for something special. Something that would be completely different than the rental lifestyle we had know and wanted to get away from. We were the first people to view this house the first day it went on the market and also the first people to put in an offer. It all worked out so perfectly and we were so proud and relieved to start our lives in such a unique, quiet, and beautiful neighborhood. If we had known then that in several months that potentially 6-8 townhouse like homes would be built right beside the west side of our yard, we would not have considered this house. That's exactly what we were trying to get away from. This is the kind of neighborhood that you know your neighbors, but you don't always see them. We have our space, but the re-zoning would change the whole dynamic. Most of the houses on Whippoorwill Lane and Inwood have large plots of land between each house. The pond is a place that we like to take our children. They love the wildlife and I feel safe letting my son play around our neighborhood. If that many houses are built I would not feel safe any longer. It would bring more traffic congestion especially since it's right at the beginning of the road. During rush hours it's already difficult to get off whippoorwill onto Crossover. Also, being a stay at home mom, I get my exercise by walking with my baby in a stroller up whippoorwill, down Inwood, to Crossover, and then back up Whippoorwill. I would not feel safe any longer due to the increased traffic. We love our quiet neighborhood. We also love our our space, which is why we moved here in the first place. The re-zoning would change everything for us, and not for the better. We completely understand the demand for smaller closer together housing, as we were renters for many years, but I also think there are plenty for places around Fayetteville where that is practical. It just doesn't make sense on this street. Aside from our children, our home is something we are most proud of. We love Fayetteville and feel lucky to live in such a wonderful community. Please consider our family and our reasoning for moving here as you are trying to make your decision. Thank you for your time.

Jessica Teall and Family

Davis, Harry

From: Jon Teall <jonteall@yahoo.com>
Sent: Thursday, February 07, 2019 11:00 AM
To: Davis, Harry
Subject: RZN-19-6524

My name is Jon Iain Teall, and my family and I reside next door to the lots that are up for the possible rezoning under RZN-19-6524. I am asking for you to deny the rezoning request for our neighborhood. We recently purchased our house and of the major reasons was the tranquility of our neighborhood. We love our neighborhood!! We could have purchased a house almost anywhere in Fayetteville, but we wanted space for our young family to grow, and play. I am afraid that if we expand this section of our neighborhood, we will be set up to loose more than we gain. The tranquility will be lost, the traffic will increase, and the overall feeling of of e whippoorwill In will be forgotten. I would like to expand on my statement, but I am under a time crunch to get this sent to you. I hope you hear our cries, and deny the rezoninh.

Thank you,

Jon Iain Teall

Davis, Harry

From: Ray Allen Parker <ray.a.parker.jr@gmail.com>
Sent: Wednesday, February 06, 2019 11:02 PM
To: Davis, Harry
Subject: Request# RZN 19-6524

Mr. Davis,

I wish to statement my objection to this proposed zoning change.

The addition of six townhouses to Whippoorwill St. will change the character of the neighborhood, add additional traffic to an already crowded street and disrupt ingress & egress to the neighborhood while this huge building project is going on. This in turn will force speeding, unwanted traffic onto my street, E. Inwood Lane, which completes a loop with Whippoorwill.

I hope you will revoke or at least amend this proposed change.

Sincerely,

Ray Parker
2965 E. Inwood Lane
214-336-7452

Davis, Harry

From: Rick <big_smile_2u@yahoo.com>
Sent: Thursday, February 07, 2019 9:16 AM
To: Davis, Harry
Cc: lindy churchill; Gutierrez, Sonia; Marsh, Sarah
Subject: RZN-19-6524

Dear Mr. Davis,

My wife and I want to let you know we are against the rezoning of these parcels.

Our reasons are:

1. High density lots would diminish the visual appeal of the neighborhood.
2. The increase of traffic at the mouth of Whippoorwill would be undesirable. (Roughly a 30 percent increase, 25 houses to 32).
3. If approved, it would set precedence for converting more of the larger lots on Whippoorwill to high density zoning.
4. Once approved, what guarantee do we have that the proposed plan will be executed? None to my limited knowledge. The owner could sell the property and what happens then? Mission Heights comes to mind at this moment.
5. The construction phase would be twice as long under these conditions. Large trucks choking the traffic flow. Where are the workers going to park? There are no sidewalks on Whippoorwill. I can foresee real traffic problems.
6. The developer stated in their letter that high density zoning was " ... in an area where it is encouraged. ". Who is encouraging this? Is the city actually encouraging this?

I guess my dilemma is why change the zoning at all? The city has a master plan and made the decision for the current criteria. We bought in this area because of the vision reflected in the master plan. My analogy is: It seems like a person walked up to a poker game, bought a seat at the table after seeing the hand they were to play and then announced they want different select cards to be wild. They know the change will improve their hand but where does that leave everyone else at the table?

So we are hopeful that the current master plan for our neighborhood will be honored and not allowed to suffer from piecemeal erosion.

Respectfully,
Richard and Linda Churchill
1681 N Stardust Ln

Sent from [BlueMail](#)

Davis, Harry

From: Eileen McGarry <mem4754@gmail.com>
Sent: Thursday, February 07, 2019 11:57 AM
To: Davis, Harry
Subject: URGENT - my personal input for your report on RZN6524-19
Attachments: McGarryRezoneInput.rtf

Hi Harry,

This is our personal input on the rezoning . Please acknowledge receipt. Thanks.

Mike & Eileen McGarry
2976 E Whippoorwill Ln, Fayetteville, AR 72701

February 7, 2019

Mr. Harry Davis
City of Fayetteville Planning Division
125 W. Mountain Street
Fayetteville, AR 72701

RE: RZN-6524-19

Dear Mr. Davis,

The following is a list of our objections to the proposed rezoning as homeowners that will be negatively impacted if the rezoning is permitted.

Setting a precedent for future continued rezoning of other neighborhood parcels to higher density

We are not against additional development in this neighborhood. In fact, building single family homes on these parcels might help prevent future rezoning of this area into commercial zoning at some time in the future, due to the nature of Crossover Rd. in general. However, we object to the **number** of tract splits being proposed which is the *stated reason* for the rezoning request by the developer, i.e. reducing minimal lot frontage from 70 to 50 feet. This is an attempt to shoehorn an unreasonable number of houses into tiny lots. We fear that if this is accomplished, a domino effect will occur as future parcels come up for sale. In fact, sales may occur in addition to the usual reasons *because* of other homeowners wanting to flee this development and the resulting traffic problems (see below) it adds. By domino effect, we mean similar future rezoning requests which can then point to this rezoning as a precedent. This would completely destroy the character of our present neighborhood, which is rustic, open, wooded, relatively quiet, and safe. These are the reasons we as retirees bought our current home. We bought it as much for the character of the neighborhood as for the house.

Traffic Problems

We have only two access points in and out of this neighborhood... the intersections at Crossover and Whippoorwill, and at Crossover and Inwood. As we have stated in our phone conversation, there is *already* a problem in that we regularly have bumper to bumper traffic jams from the light at the Mission/Crossover intersection all the way back past Inwood Lane. This makes a left turn impossible at those times, and a right turn possible only if cars on Crossover yield. Putting this many homes right at the stress point, at the intersection of Crossover and Whippoorwill, with their driveways emptying onto Whippoorwill will exacerbate this problem. It will also increase vehicular traffic around the Whippoorwill-Inwood loop, as drivers seek to find the best route in and out. This entire problem will increase as more people move to Fayetteville and more commercial and residential infill occurs in our immediate surrounding area. This neighborhood *is and will be* particularly affected because of northbound commuters to Springdale/Rogers/Bentonville, northbound travelers to NWA mall (accessed by Crossover and Joyce) and the major shopping center on the SE corner of Crossover and Mission which is two blocks north of us. The aggregate infill occurring along Crossover near Mission not only affects our neighborhood, but other neighborhoods nearby as well as commuters in general.

Neighborhood pedestrian and child safety

Currently homeowners use the loop to walk dogs, walk with children, push baby carriages, etc. This loop has **no sidewalks**. Therefore, increased vehicular traffic around this loop presents a danger to pedestrians, especially children. We explained in the section on traffic problems why we believe this will occur.

Negative impact on existing homeowner property values

We believe all of these problems listed above will have a negative impact on our property values and decrease the desirability of our property to future prospective buyers.

Thank you for the opportunity to express our concerns in this matter.

Sincerely,

Mike & Eileen McGarry
2976 E. Whippoorwill Ln.
Fayetteville, AR 72701

Davis, Harry

From: Carey Holmes <holmesin1@gmail.com>
Sent: Monday, February 11, 2019 5:27 PM
To: Davis, Harry
Subject: ZN 19-6524
Attachments: Hello.docx

Hi Harry. Please include this response to the rezoning.
Thanks
Carey

Sent from my iPhone

Hello. My name is Carey Holmes and my wife Karen and I have lived in the Crossover Heights subdivision on Stardust Lane for 20 years.

I would like to take a minute to review the letter (no date shown) submitted by Bates & Associates on behalf of Roth Family Partnership and Elite Equity Group of AR for rezoning.

They say their reason for this request is to “take advantage of the minimal lot frontage requirements of RSF-8 zoning”. That’s legal speak for “to build as many buildings as possible”. They’re in the business of making money. They purchased the 2 lots in March 2015 and have tried to sell these properties without success. Instead of building homes in line with the neighborhood, they are asking the citizens of Fayetteville to forgive their bad investment and split the properties so they can build multiple homes or rentals in hopes of recouping their bad investment. They don’t live in this area and don’t care about the affect it has on the neighborhood or the city of Fayetteville.

Speaking of, they also say the rezoning will “not have an adverse effect on the uses and will have little effect on the traffic...”. Every weekday morning, traffic is backed up past Whippoorwill and Inwood to Lovers Lane and beyond. My wife and I both have to wait on someone to allow us to exit our street to enter Hwy 265. Adding an additional 6 homes or rental properties will add on average 18 extra autos to the congestion. More importantly, these new residents parking vehicles along Whippoorwill will deny entry from Hwy 265 when others are exiting. So, the effect is deterioration of neighborhood quality and more congestion at the intersection which makes for a dangerous and somewhat deadly entry onto and exit from Whippoorwill.

They comment that “rezoning would improve the area as a whole”. I find it hard to believe that even they can honestly say that it would improve the area!! Is everyone familiar with the Mission Heights subdivision just west of Park Place on Mission Ave which is less than a mile away from our neighborhood? The developers were allowed a rezoning to build homes/rental properties much like the ones being proposed here and those properties sit empty, an eyesore to the community but mostly a black eye for the Planning Commission and City Council Members that agreed to the zoning. That property sat empty for many, many years and after several tries at a variety of plans with several different developers, they approved a rezoning, just like this property is going through now. A bad investment gone wrong. So, improve the area as a whole they say? I believe our neighbors and community would argue otherwise and Mission Heights is a prime example of why allowing a rezoning will not be an improvement.

In closing, the rezoning request is not in line with the surrounding neighborhoods and communities, would increase the amount of traffic, street side parking, and create overcrowding in a quiet community. It would also deteriorate an existing community by devaluing properties and create an eyesore to an otherwise beautiful and longstanding neighborhood. Therefore, Karen and I would urge the Planning Commission and the City Council to NOT approve the rezoning request.

Davis, Harry

From: Davis, Harry
Sent: Tuesday, February 12, 2019 10:47 AM
To: Rick
Cc: lindy churchill; Garner, Andrew
Subject: RE: RZN-19-6524

Rick,

Thank you for emailing me. Just to make it easier, I have responded to your questions within the original email in red.

Sincerely,
Harry Davis

From: Rick [mailto:big_smile_2u@yahoo.com]
Sent: Tuesday, February 12, 2019 9:39 AM
To: Davis, Harry <hdavis@fayetteville-ar.gov>
Cc: lindy churchill <lindychurchill@yahoo.com>
Subject: RE: RZN-19-6524

Hi Harry,
We attended last night's hearing. It was very educational and also enlightening to observe the hearing process.

We came away with some questions that I hope you can answer for me.

1. Would you please elaborate the criteria for how many times one can split a parcel before a subdivision plan must be filed?

Sure, a lot can be split 3 times resulting in 4 tracts without going through a subdivision platting process.

2. The plan submitted shows one future parcel, tract 4, made up from pieces of the two existing parcels. Is this allowed without "approval" by the Planning Commission?

I am not sure I understand what you mean, but in terms of subdividing lots, a lot split or property line adjustment is a staff-level, administrative review. Going through a concurrent plat or subdivision plat process would require Planning Commission approval.

3. RSF-8 requires a minimum lot width of 50' for a single family home. The proposed plan certainly does that at the street. However tracts 3 and 4 do not maintain that at the rear of tract. So does the minimum lot width only apply "street side"?

This is a good question- lot width is measured at the rear of the front yard, which we have interpreted to be at the setback or build-to zone line. Here is an excerpt from our online code ([UDC 151 Definitions](#)):

Lot width of(zoning). The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of cul-de-sac, where the 80% requirement shall not apply.

4. Should the rezoning request be approved by the City Council, are the current or future owners under any obligation to follow through with the plan as submitted by Bates & Associates, Inc.?

The City Attorney's office has made it clear that proposed development plans cannot be considered as part of a rezoning application. Any plans or ideas presented or discussed by the applicant, unless it is for a Planned Zoning District (PZD), are not tied to the property.

5. The Commissioners and Staff spoke to a concept of high density housing closer to high traffic zones rather than the opposite. This seems counter intuitive as it puts more residents closer to the noise pollution from traffic. I searched the 2030 Future Plan and couldn't find that concept articulated. Can you point me to something that shows the concept as being supported by the City Council?

We discuss concepts and ideas for future development in the Framework and Guiding Policies sections of City Plan 2030.

6. In the 2030 Future Plan, enacted in 2011, the opportunity existed to zone all the properties abutting Crossover Rd to RSF-8 but that wasn't done. Any idea what has changed since then? Should I be directing this question to someone else?

I will be honest, I am not familiar with that idea. It is possible it was considered, but I have no knowledge about that.

6. The pond.. I realize that the property owner normally is under no obligation to maintain such a feature on their property. I say normally because it is in the realm of possibilities that when the original creation of the Glendale Addition it was dictated the pond be maintained. Are there any city records for the approval of the Glendale Addition?

I am not sure if the City would have records about that. The subdivision was platted and created a long time ago. I know all subdivisions are recorded with the County, so I would suggest contacting the County Clerk for records.

7. Runoff.. when any property is developed is there any part of the permit process that assesses the impact of run off? We live with signs that this was not the case in our neighborhood. Water flows down from Glendale into our cul-de-sac and then on to the properties below us. It is what it is for us. I can foresee that the Inwood properties abutting these parcels could begin to get flooded.

I have typically not seen stormwater management be reviewed as part of a building permit. You can contact the Engineering division to ask when stormwater issues are addressed as part of development, but they are in my experience typically tied to larger developments than a single-family home.

Thanks in advance for your time.

Respectfully,
Rick Churchill
1681 N Stardust Ln

Sent from [BlueMail](#)

On Feb 7, 2019, at 10:18, Rick <bjg_smile_2u@yahoo.com> wrote:

Harry,

Thank you for acknowledging our email. We are planning to attend the hearing.

Rick

Sent from [BlueMail](#)

On Feb 7, 2019, at 09:21, "Davis, Harry" <hdavis@fayetteville-ar.gov> wrote:

Hello,

Thank you for emailing your comments. I will be sure to include them in the report. Please consider coming to the Planning Commission on Monday, February 11th at 5:30 PM to speak in front of the Planning Commission. Thank you.

Sincerely,
Harry Davis



**Bates &
Associates, Inc.**
Civil Engineering - Land Surveying - Landscape Architecture

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

REZONING REQUEST:

Roth Family Partnership LLLP
6077 SW Regional Airport RD STE 1
Bentonville, AR 72712 (Mailing)

To the City of Fayetteville Planning Staff:

This rezoning request is being made by the owners of parcels #765-05644-000 and #765-05643-000, located at 2827 East Whippoorwill Lane.

The request is to rezone the above properties from RSF-4 to RSF-8 to accommodate a future tract split with future development on those lots. The reason for this request is to take advantage of the minimal lot frontage requirements of RSF-8 zoning.

Rezoning these parcels will not have an adverse effect on the surrounding uses and will have little effect on the traffic of Whippoorwill Lane. Being residential would limit traffic to residents that live on this property. Rezoning and developing this property would improve the area as a whole. No signs are being proposed.

Water and sewer are available on site and to the west and south of the subject parcels. There is an existing 8" sewer main running along the south and west of the subject properties. There is also an existing 24" Water Main running along the east side of Crossover and an existing 2.25 water line running along the south side of Whippoorwill Lane. The size and location of these facilities would accommodate any future development.

We feel that this rezoning request is justified because it would allow the opportunity to develop denser single-family population growth in an area where it is encouraged.

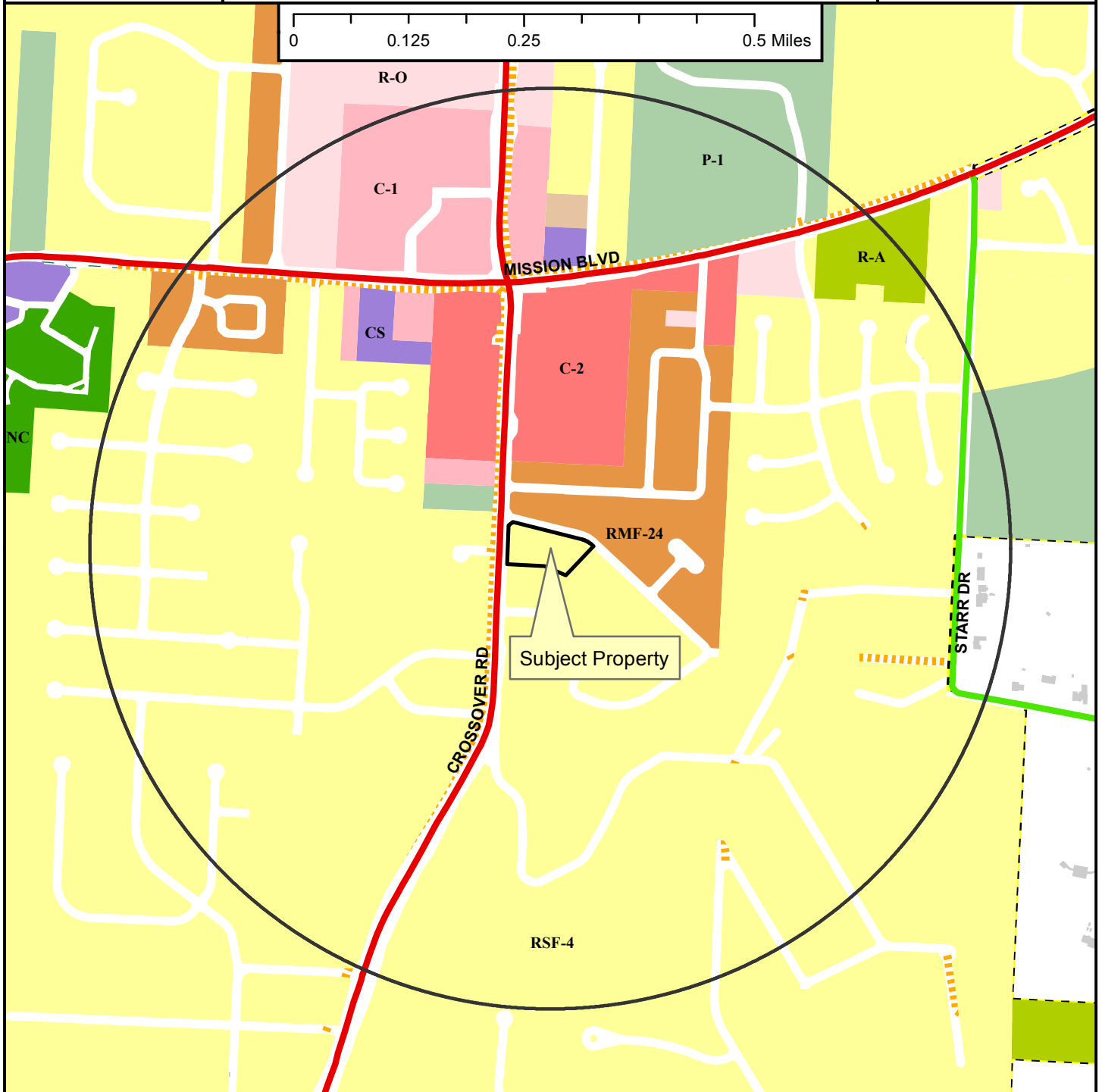
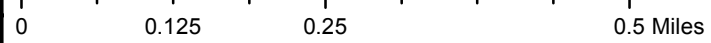
If you have any questions, comments, or concerns please don't hesitate to contact us.

Respectfully,
Justin Reid
Project Manager

RZN19-6524

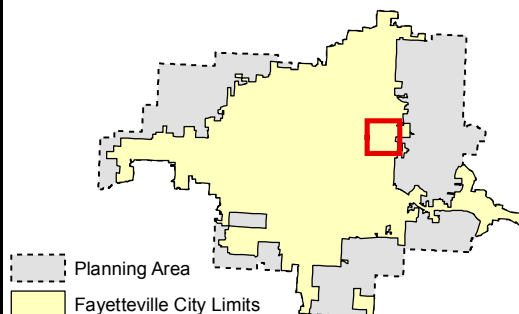
ROTH FAMILY PARTNERSHIP,

One Mile View

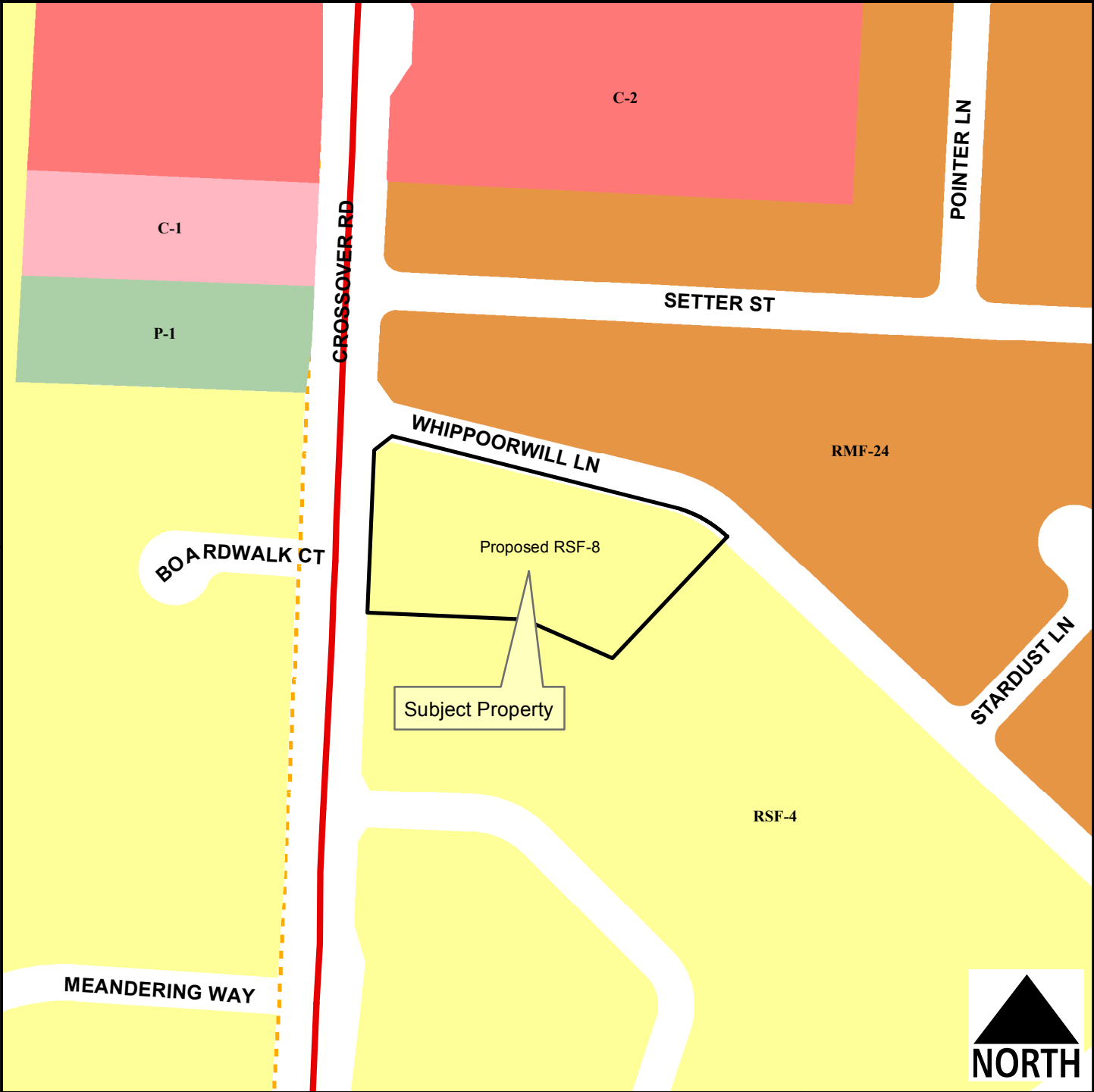


Legend

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



Legend <div> Planning Area </div> <div> Fayetteville City Limits </div> <div> Trail (Proposed) </div> <div> Building Footprint </div>	<div> <div>Feet</div> </div> <div>1 inch = 200 feet</div>	<div> <div>ZoningAcres</div> <div>RSF-82.1</div> </div>
		<div>Total2.1</div>





RZN19-6524

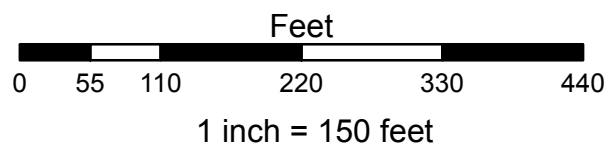
Current Land Use

ROTH FAMILY PARTNERSHIP, LLLP





**Streets Existing
MSP Class**

-  PRINCIPAL ARTERIAL
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

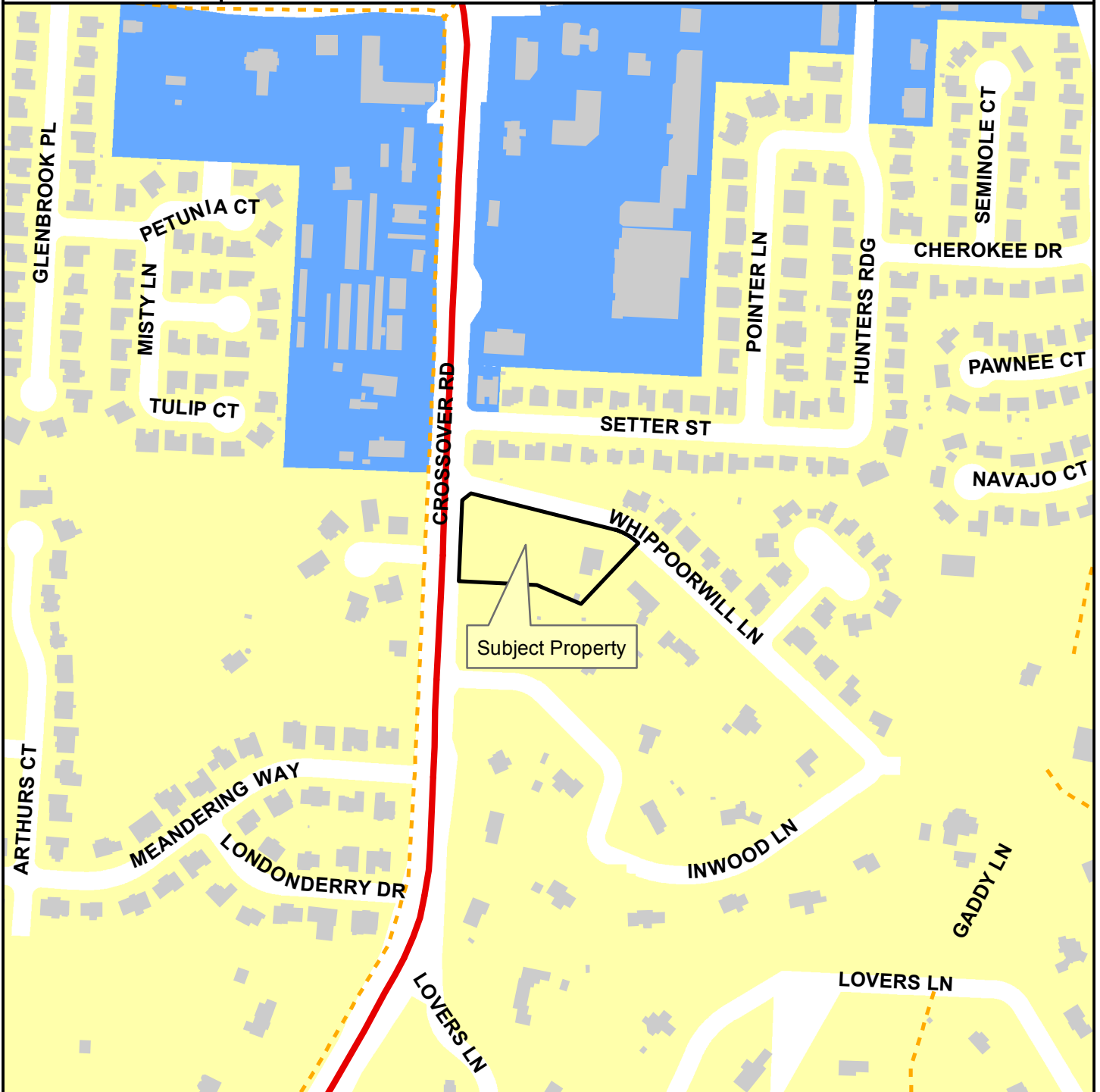
-  100-Year Floodplain
-  Floodway

RZN19-6524

ROTH FAMILY

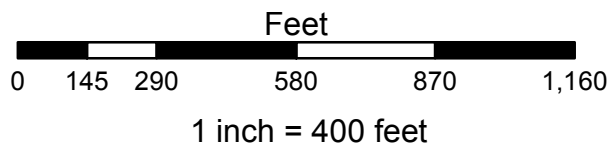


Future Land Use



Legend

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



FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area