

March 5, 2020

**VIA US MAIL & E-MAIL** [cityclerk@fayetteville-ar.gov](mailto:cityclerk@fayetteville-ar.gov)

Kara Paxton, City Clerk  
City of Fayetteville  
113 W. Mountain Street, Rm. 308  
Fayetteville, Arkansas 72701

Re: ANX-20-6995 & RZN-20-6996 Appeal Request

Dear Ms. Paxton:

The above referenced annexation and rezoning requests were heard before the Planning Commission on February 24<sup>th</sup> 2020. The Planning Commission voted to neither recommend the annexation nor the rezoning; therefore I write you this letter on behalf of the Petitioners to formally appeal that decision and ask that the appeal of both the annexation and rezoning be put on the next appropriate City Council Agenda.

I thank you for your consideration concerning this request and if this letter is lacking anything to be officially considered a formal request please let me know immediately. The applicants will submit their reasons why they believe the City Council should approve the annexation and rezoning when these two (2) requests are placed on the agenda. I thank you in advance.

Sincerely yours,



Robert K. Rhoads

RKR:slt

Cc: Johnthan Curth  
Blake Pennington

4401338.1:005377:00001



**MEETING OF MAY 19, 2020**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Garner Stoll, Development Services Director

**FROM:** Jonathan Curth, Development Review Manager

**DATE:** May 1, 2020

**SUBJECT:** **RZN 20-6996: Rezone (HUGHMOUNT RD. NORTH OF MT. COMFORT/HUGHMOUNT REZONE, 282):** Submitted by HALL ESTILL ATTORNEYS, INC. for properties located along HUGHMOUNT RD. NORTH OF MT. COMFORT. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 152.00 acres. The request is to rezone the properties, in conjunction with an annexation, to R-A, RESIDENTIAL AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE, RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE, NC, NEIGHBORHOOD CONSERVATION, & NS-G, NEIGHBORHOOD SERVICES-GENERAL.

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**RECOMMENDATION:**

The City Planning staff recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B', excluding parcel #001-16799-000, described by the applicant as "Hughmount North". The Planning Commission denied the proposal and the applicant has appealed the decision to City Council.

**BACKGROUND:**

The subject property is northwest of Fayetteville in unincorporated Washington County. The overall property includes numerous parcels on both the east and west sides of Hughmount Road, between Weir and Mount Comfort Roads. The property is generally level, sloping gradually downward towards the Clabber Creek corridor to the south. Although significant areas of the property remain largely undeveloped, approximately 54 acres was platted as the Hughmount Village subdivision.

In 2012, City Council approved Resolution 183-12 allowing the extension of Fayetteville's sewerage system to the Hughmount Village subdivision. Subsequently, in 2013 City Council approved Resolution 144-13 amending the previous agreement to ensure the property's development subject to the requirements of Fayetteville's Unified Development Code, including tree preservation, drainage, building permitting, and other associated fees and dedications. A clause within the resolution required developers or owners to seek annexation when legally possible. Annexation was not legal in 2013 due to the lack of contiguous boundaries between Hughmount Village and incorporated Fayetteville. Staff evaluation indicates that development requirements have been met.

*Request:* The request is to rezone the overall 152-acre property to a mixture of zoning districts, including R-A, Residential Agricultural, RSF-1, Residential Single-family, 1 Unit per Acre, RSF-8, Residential Single-family, 8 Units per Acre, NC, Neighborhood Conservation, and NS-G, Neighborhood Services, General (see attached exhibit). Areas of R-A, totaling approximately 47.86 acres, include the southernmost properties and land designated as FEMA floodplain. One 1.19-acre property, developed with a single-family residential property east of Hughmount Road has requested RSF-1. To the north, south, and southeast of this, 8.68 acres is proposed as NC. Further south along Hughmount Road, an area that includes 2.48 acres on the west side of the street is proposed as NS-G. The remainder of the overall property, totaling approximately 91.79 acres is proposed as RSF-8.

*Land Use Compatibility:* The proposed zoning is generally compatible with the surrounding land use patterns. Coupled with the existing Hughmount Village subdivision, residential uses are present to the south and east of the subject property. The small area proposed as NS-G represents potential non-residential uses that can serve the surrounding neighborhoods with limited to no potential for nuisance.

*Land Use Plan Analysis:* Staff finds the proposed rezoning to be generally in agreement with the Future Land Use Map and its designation of the property as Residential Neighborhood Area. Property classified as Residential Neighborhood Area is appropriately developed with a large spectrum of residential uses, including single-family. This is complimented by the proposed RSF-1, RSF-8, and NC zoning requests. Similarly, the 2.28 acres of the property proposed as NS-G allows for appropriately-scaled nonresidential along a connecting corridor, Hughmount Road.

That being said, staff does not find the proposal to rezone the northernmost portion of the property to RSF-8 to be consistent with the Rural Residential Area designation applied to that property. This designation is not intended to support typical suburban development. Instead, properties designated Rural Residential Area ought to maintain their rural character or, if developed, be proposed in a conservation subdivision pattern, with sensitive areas preserved and density concentrated.

Regarding City Plan 2040 and its adopted goals, the request is complimentary of the aspiration to assemble an Enduring Green Network. The applicant's proposal to rezone floodplains areas of Clabber Creek and its tributary to R-A will limit development of these sensitive areas and not adversely affect the proposed future trail connection along the riparian corridor. Lacking a true open space zoning designation, Fayetteville Planning staff, the Commission, and Council have utilized R-A as a tool for sensitive areas, such as floodplains.

While the request compliments the Enduring Green Network, staff does not find elements of the proposal to be consistent with other goals of City Plan 2040. Firstly, and with due consideration for the presence of existing water and sewer, and de facto Fayetteville Fire Department response, the property's peripheral location is largely inappropriate for infill, and is, in turn, arguably sprawl. Secondly, the property's location has inherent transportation costs for residents that can make any future residential development unattainable. Lastly, although construction of the Clabber

Creek Trail along this property's southern extent will facilitate active transportation, public transit will likely not be available to the site in the near- or long-term.

Given all of these considerations, and with the exception of the northernmost portion of property proposed as RSF-8, staff supports the request for two primary reasons: the alignment of the proposal with the property's Future Land Use Map's designation and compatibility of the proposed permitted uses with neighboring property.

City Plan 2040's Infill Matrix indicates a varying score for the subject property, ranging from one along the northwestern extent of the property to five further south and near Hughmount Road. The following elements of the matrix contribute to the score:

- Near an Public School (Holt)
- Near Park (Hughmount Village & Clabber Creek)
- Near Trail (Clabber Creek Trail)
- Near Water Main (Hughmount Road and Hughmount Subdivision)
- Near Sewer Main (Hughmount Road and Hughmount Subdivision)

**DISCUSSION:**

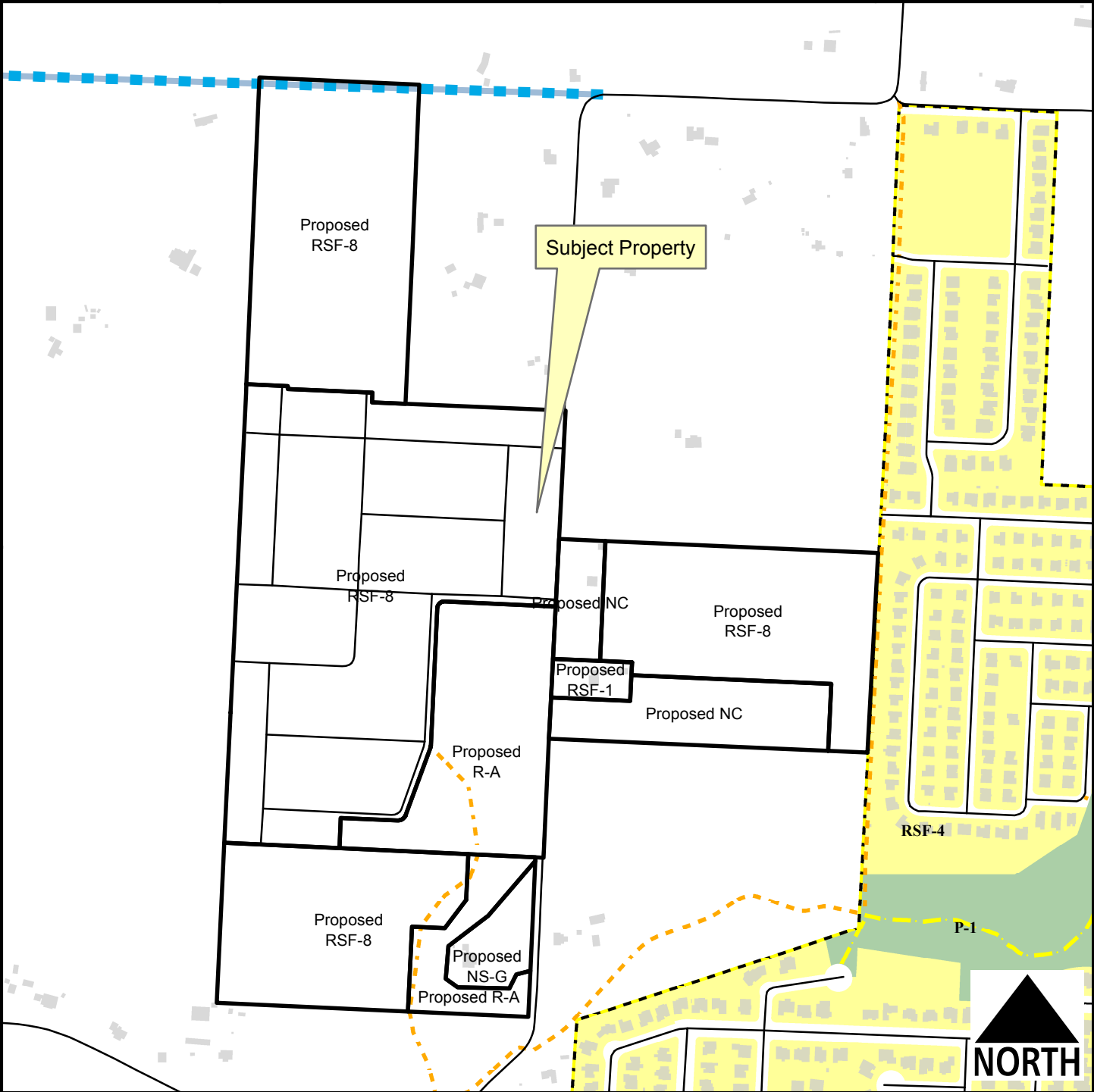
On February 24, 2020, the Planning Commission denied the proposal by a vote of 8-0-0. Public comment was made from several nearby residents and a Housing Authority representative. Nearby residents were in favor of the annexation request, but opposed to the concurrently-submitted rezoning, citing concerns about excess density, increased traffic, and potentially inadequate infrastructure. The Housing Authority representative supported the request, but at a higher density than currently present in adjacent incorporated areas, and with the potential benefit of added sales tax revenue from online purchases.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



| <div><div>Legend</div><div><div><div><div></div></div><div>Shared Use Paved Trail</div></div><div><div><div></div></div><div>Trail (Proposed)</div></div><div><div><div></div></div><div>Planning Area</div></div><div><div><div></div></div><div>Fayetteville City Limits</div></div><div><div><div></div></div><div>Building Footprint</div></div></div></div> | <div><div>Feet</div><div><div><div></div></div><div>02204408801,3201,760</div></div><div>1 inch = 600 feet</div></div> | <table><tr><th>Zoning</th><th>Acres</th></tr><tr><td>NS-G</td><td>2.5</td></tr><tr><td>NC</td><td>8.7</td></tr><tr><td>R-A</td><td>16.5</td></tr><tr><td>RSF-1</td><td>1.2</td></tr><tr><td>RSF-8</td><td>91.2</td></tr><tr><td>Total</td><td>120.1</td></tr></table> | Zoning | Acres | NS-G | 2.5 | NC | 8.7 | R-A | 16.5 | RSF-1 | 1.2 | RSF-8 | 91.2 | Total | 120.1 |
|--|--|---|--------|-------|------|-----|----|-----|-----|------|-------|-----|-------|------|-------|-------|
| Zoning   | Acres  |   |        |       |      |     |    |     |     |      |       |     |       |      |       |       |
| NS-G   | 2.5  |   |        |       |      |     |    |     |     |      |       |     |       |      |       |       |
| NC   | 8.7  |   |        |       |      |     |    |     |     |      |       |     |       |      |       |       |
| R-A  | 16.5   |   |        |       |      |     |    |     |     |      |       |     |       |      |       |       |
| RSF-1  | 1.2  |   |        |       |      |     |    |     |     |      |       |     |       |      |       |       |
| RSF-8  | 91.2   |   |        |       |      |     |    |     |     |      |       |     |       |      |       |       |
| Total  | 120.1  |   |        |       |      |     |    |     |     |      |       |     |       |      |       |       |

LEGAL DESCRIPTION – HUGHMOUNT NORTH:

A part of the W1/2 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, SW1/4, thence N02°45'51"E 1,317.63 feet, thence N02°25'58"E 37.66 feet to the POINT OF BEGINNING; thence continue Northerly N02°25'58"E 1,266.65 feet, thence S87°24'26"E 659.72 feet, thence S02°22'02"W 658.76 feet, thence S02°33'39"W 658.76 feet, thence N87°34'04"W 138.59 feet, thence N02°36'40"E 40.32 feet, thence N87°34'04"W 349.42 feet, thence N02°36'40"E 12.40 feet, thence N87°34'04"W 171.15 feet to the POINT OF BEGINNING, containing 19.44 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION: SLAPE PROPERTY:

A part of the NE1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4, thence S03°06'00"W 1,021.81 feet, thence N87°31'12"W 989.27 feet to the POINT OF BEGINNING, thence S02°48'49"W 159.46 feet, thence N87°30'13"W 325.83 feet, thence N02°54'04"E 159.37 feet, thence S87°31'12"E 325.59 feet to the POINT OF BEGINNING, Containing 1.19 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION: KILGORE SURVEY:

A part of the Fr. NW1/4 of Section 1, T16N, R31W and a part of the SE1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the SW Corner of the NE1/4, Fr. NW1/4, thence N03°00'49"E 802.33 feet, thence N86°59'11"W 257.27 feet to the POINT OF BEGINNING, thence N40°05'31"E 289.73 feet, thence N47°49'16"E 70.86 feet, thence N57°19'59"E 67.83 feet, thence N15°48'39"E 86.91 feet, thence N71°55'45"E 140.86 feet, thence S03°47'29"W 354.75 feet, thence S79°34'28"W 437.56 feet to the POINT OF BEGINNING, Containing 2.07 acres, more or less, subject to easements and right of ways of record.

HUGHMOUNT VILLAGE (PER FILE 0024-00000056):

A PART OF THE W1/2 OF THE SW1/4 OF SECTION 31, T17N, R30W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A FOUND IRON PIN AT THE NW CORNER OF THE SW1/4 OF THE SW1/4 OF SECTION 31, T17N, R30W, THENCE N02°45'51"E 1317.63 FEET, THENCE N02°25'58"E 37.66 FEET, THENCE S87°34'04"E 171.15 FEET, THENCE S02°36'40"W 12.40 FEET, THENCE S87°34'04"E 349.42 FEET, THENCE S02°36'40"W 40.32 FEET, THENCE S87°34'04"E 798.45 FEET TO A POINT ON HUGHMOUNT ROAD, THENCE ALONG SAID ROAD S02°54'04"W 1308.53 FEET, THENCE CONTINUING ALONG ROAD S02°36'40"W 537.12 FEET, THENCE LEAVING HUGHMOUNT ROAD N87°18'47"W 1317.23 FEET, THENCE N02°45'51"E 537.22 FEET TO THE POINT OF BEGINNING, CONTAINING 56.25 ACRES, MORE OR LESS.

LEGAL DESCRIPTION - HUGHMOUNT VILLAGE R-A:

A PART OF THE W1/2 OF THE SW1/4 OF SECTION 31, T17N, R30W IN WASHINGTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW1/4, SW1/4, THENCE S02°45'51"W 537.22 FEET, THENCE S87°18'47"E 474.94 FEET TO THE POINT OF BEGINNING, THENCE N02°36'40"E 124.61 FEET, THENCE S87°21'30"E 232.89 FEET TO A POINT OF CURVE TO THE LEFT 45.54 FEET, SAID CURVE HAVING A RADIUS OF 36.00 FEET AND A CHORD BEARING AND DISTANCE OF N56°23'55"E 42.57 FEET, THENCE N20°09'20"E 291.34 FEET TO A POINT OF CURVE TO THE LEFT 16.84 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF N11°23'00"E 16.78 FEET, THENCE N02°36'40"E 562.73 FEET TO A POINT OF CURVE TO THE RIGHT 45.55 FEET, SAID CURVE HAVING A RADIUS OF 29.00 FEET AND A CHORD BEARING AND DISTANCE OF N47°36'39"E 41.01 FEET, THENCE S87°23'21"E 458.20 FEET, THENCE S02°54'04"W 499.73 FEET, THENCE S02°36'40"W 537.12 FEET, THENCE N87°18'47"W 842.29 FEET TO THE POINT OF BEGINNING, CONTAINING 12.92 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION - HUGHMOUNT VILLAGE RSF-8:

A PART OF THE W1/2 OF THE SW1/4 OF SECTION 31, T17N, R30W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A FOUND IRON PIN AT THE NW CORNER OF THE SW1/4 OF SECTION 31, T17N, R30W, THENCE N02°45'51"E 1,317.63 FEET, THENCE N02°25'58"E 37.66 FEET, THENCE S87°34'04"E 171.15 FEET, THENCE S02°35'52"W 12.40 FEET, THENCE S87°34'02"E 349.42 FEET, THENCE S02°36'25"W 40.32 FEET, THENCE S87°34'03"E 798.45 FEET, THENCE S02°54'04"W 808.80 FEET, THENCE N87°23'21"W 458.20 FEET TO A POINT OF CURVE TO THE LEFT 45.55 FEET, SAID CURVE HAVING A RADIUS OF 29.00 FEET AND A CHORD BEARING AND DISTANCE OF S47°36'39"W 41.01 FEET, THENCE S02°36'40"W 562.73 FEET TO A POINT OF CURVE TO THE RIGHT 16.84 FEET, SAID CURVE HAVING A RADIUS OF 55.00 FEET AND A CHORD BEARING AND DISTANCE OF S11°23'00"W 16.78 FEET, THENCE S20°09'20"W 291.34 FEET TO A POINT OF CURVE TO THE RIGHT 45.54 FEET, SAID CURVE HAVING A RADIUS OF 36.00 FEET AND A CHORD BEARING AND DISTANCE OF S56°23'55"W 42.57 FEET, THENCE N87°21'30"W 232.89 FEET, THENCE S02°36'40"W 124.61 FEET, THENCE N87°18'47"W 474.94 FEET, THENCE N02°45'51"E 537.21 FEET TO THE POINT OF BEGINNING, CONTAINING 43.33 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION – HUGHMOUNT SOUTH:

A part of the SW1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, thence S02°46'50"W 1,854.85 feet to the POINT OF BEGINNING, thence S87°18'47"E 1,283.73 feet, thence S02°38'17"W 657.71 feet, thence N87°24'55"W 1,285.37 feet, thence N02°46'50"E 660.00 feet to the POINT OF BEGINNING:

Containing 19.43 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: RSF-8 REZONE:

A part of the SW1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, SW1/4, thence S02°46'50"W 1,854.85 feet to the POINT OF BEGINNING, thence S87°18'47"E 1,006.16 feet, thence S02°41'13"W 188.50 feet, thence S37°18'06"W 145.81 feet, thence N87°18'47"W 135.00 feet, thence S02°41'13"W 350.09 feet, thence N87°24'55"W 789.42 feet, thence N02°46'50"E 660.00 feet to the POINT OF BEGINNING, Containing 13.37 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION: R-A REZONING:

A part of the SW1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, SW1/4, thence S02°46'50"W 1,854.85 feet, thence S87°18'47"E 1,006.16 feet to the POINT OF BEGINNING; thence S87°18'47"E 277.57 feet, thence S02°38'17"W 14.24 feet, thence S40°38'46"W 297.78 feet, thence S52°50'36"W 206.87 feet, thence S04°30'46"W 135.59 feet, thence S54°33'45"E 60.42 feet, thence S88°37'37"E 213.21 feet, thence N26°35'47"E 64.92 feet, thence N74°30'14"E 59.39 feet, thence S02°38'17"W 190.71 feet, thence N87°24'55"W 495.95 feet, thence N02°41'13"E 350.09 feet, thence S87°18'47"E 135.00 feet, thence N37°18'06"E 145.81 feet, thence N02°41'13"E 188.50 feet to the POINT OF BEGINNING, Containing 3.58 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION: NS-G REZONING:

A part of the SW1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, SW1/4, thence S02°46'50"W 1,854.85 feet, thence S87°18'47"E 1,283.73 feet, thence S02°38'17"W 14.24 feet to the POINT OF BEGINNING; thence S02°38'17"W 452.76 feet, thence S74°30'14"W 59.39 feet, thence S26°35'47"W 64.92 feet, thence N88°37'37"W 213.21 feet, thence N54°33'45"W 60.42 feet, thence N04°30'46"E 135.59 feet, thence N52°50'36"E 206.87 feet, thence N40°38'46"E 297.78 feet to the POINT OF BEGINNING, Containing 2.48 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION – HUGHMOUNT EAST:

A part of the E1/2 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4, thence S03°06'00"W 528.00 feet to the POINT OF BEGINNING; thence S03°06'00"W 823.65 feet, thence N87°31'05"W 1,313.49 feet, thence N02°49'40"E 170.42 feet, thence S87°30'13"E 325.83 feet, thence N02°48'49"E 159.46 feet, thence N87°31'12"W 325.58 feet, thence N02°54'04"E 495.00 feet, thence



S87°28'03"E 1,316.56 feet to the POINT OF BEGINNING, Containing 23.69 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION: NC ZONE:

A part of the NE1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4, thence S03°06'00"W 528.00 feet, thence N87°28'03"W 1,125.87 feet to the POINT OF BEGINNING, thence S02°31'57"W 494.81 feet, thence N87°31'12"W 193.87 feet, thence N02°54'04"E 495.00 feet, thence S87°28'03"E 190.69 feet to the POINT OF BEGINNING, Containing 2.18 acres, more or less, subject to easements and right of ways of record.

ALSO:

A part of the E1/2 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4, thence S03°06'00"W 1,351.65 feet, thence N87°31'05"W 161.91 feet to the POINT OF BEGINNING; thence N87°31'05"W 1,151.58 feet, thence N02°49'40"E 170.42 feet, thence S87°30'13"E 325.83 feet, thence N02°43'00"E 106.15 feet, thence S87°28'03"E 824.53 feet, thence S02°31'57"W 275.75 feet to the POINT OF BEGINNING, Containing 6.50 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION: RSF-8 ZONE:

A part of the E1/2 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said NE1/4, SW1/4, thence S03°06'00"W 528.00 feet to the POINT OF BEGINNING; thence cS03°06'00"W 823.65 feet, thence N87°31'05"W 161.91 feet, thence N02°31'57"E 275.75 feet, thence N87°28'03"W 824.53 feet, thence N03°00'23"E 53.31 feet, thence N87°31'12"W 131.71 feet, thence N02°31'57"E 494.81 feet, thence S87°28'03"E 1,125.87 feet to the POINT OF BEGINNING, Containing 15.00 acres, more or less, subject to easements and right of ways of record.

LEGAL DESCRIPTION - HEYLIGER:

A part of the SE1/4 of the SW1/4 of Section 31, T17N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NE Corner of said SE1/4, SW1/4, thence S03°06'00"W 38.24 feet to the POINT OF BEGINNING; thence S03°06'00"W 725.10 feet, thence S71°56'45"W 1,406.67 feet, thence N03°00'49"E 1,218.57 feet, thence S87°31'05"E 1,313.80 feet to the POINT OF BEGINNING, Containing 29.29 acres, more or less, subject to easements and right of ways of record.



**TO:** Fayetteville Planning Commission

**FROM:** Jonathan Curth, Development Review Manager

**MEETING DATE:** February 24, 2020 (Updated with Planning Commission Results)

**SUBJECT:** **RZN 20-6996: Rezone (HUGHMOUNT RD. NORTH OF MT. COMFORT/HUGHMOUNT REZONE, 282):** Submitted by HALL ESTILL ATTORNEYS, INC. for properties located along HUGHMOUNT RD. NORTH OF MT. COMFORT. The properties are in the FAYETTEVILLE PLANNING AREA and contain approximately 152.00 acres. The request is to rezone the properties, in conjunction with an annexation, to R-A, RESIDENTIAL AGRICULTURAL, RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE, NC, NEIGHBORHOOD CONSERVATION, NS-G, NEIGHBORHOOD SERVICES-GENERAL, & RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER ACRE.

**RECOMMENDATION:**

Staff recommends forwarding **RZN 20-6996** to the City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward **RZN 20-6996** to the City Council with a recommendation of approval."

**BACKGROUND:**

The subject property is northwest of Fayetteville in unincorporated Washington County. The overall property includes numerous parcels on both the east and west sides of Hughmount Road, between Weir and Mount Comfort Roads. The property is generally level, sloping gradually downward towards the Clabber Creek corridor to the south. Although large areas of the property remain largely undeveloped, approximately 54 acres was platted as the Hughmount Village subdivision. In 2012, City Council approved Resolution 183-12 allowing the extension of Fayetteville's sewerage system to the subdivision. In exchange, the property was developed subject to the requirements of the Fayetteville's Unified Development Code, including tree preservation, drainage, building permitting, and other associated fees and dedications. This resolution was amended in 2014 under Resolution 17-14 to address development modifications. Among the changes to the agreement, the homeowners of Hughmount Village are to petition for annexation when legally possible. Surrounding land uses and zoning is depicted in *Table 1*.

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

| <b>Direction</b> | <b>Land Use</b>   | <b>Zoning</b>   |
|------------------|---|---|
| North            | Undeveloped   | AG/SF Res 1 (Unincorporated Washington County)  |
| South            | Undeveloped/Large Lot Residential;<br>Single-family Residential | AG/SF Res 1 (Unincorporated Washington County);<br>RSF-4, Residential Single-family, 4 Units per Acre |
| East             | Single-family Residential                                       | RSF-4, Residential Single-family, 4 Units per Acre  |
| West             | Undeveloped/Large Lot Residential                               | AG/SF Res 1 (Unincorporated Washington County)  |

*Request:* The request is to rezone the overall 152-acre property to a mixture of zoning districts, including R-A, Residential Agricultural, RSF-1, Residential Single-family, 1 Unit per Acre, RSF-8, Residential Single-family, 8 Units per Acre, NC, Neighborhood Conservation, and NS-G, Neighborhood Services, General (see attached exhibit). Areas of R-A, totaling approximately 47.86 acres, include the southernmost properties and land designated as FEMA floodplain. One 1.19-acre property, developed with a single-family residential property east of Hughmount Road has requested RSF-1. To the north, south, and southeast of this, 8.68 acres is proposed as NC. Further south along Hughmount Road, an area that includes 2.48 acres on the west side of the street is proposed as NS-G. The remainder of the overall property, totaling approximately 91.79 acres is proposed as RSF-8.

*Public Comment:* Staff has received public inquiries regarding this request and its associated rezoning (ANX 20-6995), but no statements of support or opposition.

## **INFRASTRUCTURE:**

**Streets:** The subject properties have direct access to Hughmount Road. Per the 2040 Master Street Plan, Hughmount Road is not designated and would generally be considered a Residential Link. Properties proposed for annexation to the north and south of Hughmount village have access to public streets built in association with Hughmount Village. These were required to meet Fayetteville's block length and connectivity requirements, and were stubbed out for future connectivity. Any drainage or street improvements required would be determined at the time of development proposal.

**Water:** Public water is available to the subject property. An existing, looped 6-inch water main provides service along Hughmount Road while 8-inch mains are installed throughout Hughmount village. Mains within Hughmount Village are stubbed out at five locations to facilitate future service.

**Sewer:** Sanitary Sewer is available to portions of the subject property. An existing 8-inch sanitary sewer main serves the Hughmount Village subdivision. Mains within Hughmount Village are stubbed out at five locations to facilitate future service. Future development in this area will require sewer capacity analysis as this line may not be adequate to support additional impact.

**Drainage:** No portion of the site lies within the Hilltop-Hillside Overlay District. Given the presence of Clabber Creek and an unnamed tributary along the southern portion of the subject property, FEMA-designated floodplains, streamside protection zones, and hydric soils are all present.

**Fire:** The property will be protected by Station 7, located at 835 North Rupple Road, which is approximately 2.8 miles from the subject property. The anticipated response time would be approximately nine minutes. This is outside the response time goal of six minutes for an engine and eight minutes for a ladder truck.

Of note, a new fire station is proposed near the intersection of Deane Street and Porter Road which would serve the subject property. The response time from the new station would be approximately seven minutes. This is outside the response

time goal of six minutes for an engine, but within the response time goal of eight minutes for a ladder truck.

**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 properties within the proposed rezone as **Residential Neighborhood Area** and **Rural Residential Area**.

- Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family, and rowhouses. Development is encouraged to be highly-connected, with compact blocks, grid street pattern and reduced setbacks. Low-intensity, non-residential uses are encouraged at appropriate locations, such as on corners and connecting corridors.
- Rural Residential Areas are primarily large lot residential and agricultural in nature. If developed, land use should follow a conservation or cluster pattern to preserve surrounding rural areas.

#### 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 generally compatible with the surrounding land use patterns. Coupled with the existing Hughmount Village subdivision, residential uses are present to the south and east of the subject property. The small area proposed as NS-G represents potential non-residential uses that can serve the surrounding neighborhoods with limited to no potential for nuisance.

***Land Use Plan Analysis:*** Staff finds the proposed rezoning to be generally in agreement with the Future Land Use Map and its designation of the property as Residential Neighborhood Area. Property classified as Residential Neighborhood Area is appropriately developed with a large spectrum of residential uses, including single-family. This is complimented by the proposed RSF-1, RSF-8, and NC zoning requests. Similarly, the 2.28 acres of the property proposed as NS-G allows for appropriately-scaled nonresidential along a connecting corridor, Hughmount Road.

That being said, staff does not find the proposal to rezone the northernmost portion of the property to RSF-8 to be consistent with the Rural Residential Area designation applied to that property. This designation is not intended to support typical suburban development. Instead, properties designated Rural Residential Area ought to maintain their rural character or, if developed, be proposed in a conservation subdivision pattern, with sensitive areas preserved and density concentrated.

Regarding City Plan 2040 and its adopted goals, the request is complimentary of the aspiration to assemble an Enduring Green Network. The applicant's proposal to rezone floodplains areas of Clabber Creek and its tributary to R-A will limit development of these sensitive areas and not adversely affect the proposed future trail connection along the riparian

corridor. Lacking a true open space zoning designation, Fayetteville Planning staff, the Commission, and Council have utilized R-A as a tool for sensitive areas, such as floodplains.

While the request compliments the Enduring Green Network, staff does not find elements of the proposal to be consistent with other goals of City Plan 2040. Firstly, the property's peripheral location is largely inappropriate for infill, and is, in turn, arguably sprawl. Secondly, the property's location has inherent transportation costs for residents that can make any future residential development unattainable. Lastly, although construction of the Clabber Creek Trail along this property's southern extent will facilitate active transportation, public transit will likely not be available to the site in the near- or long-term.

On the balance of issues, and with the exception of the northernmost portion of property proposed as RSF-8, staff supports the request for two primary reasons: the alignment of the proposal with the property's Future Land Use Map's designation and compatibility of the proposed permitted uses with neighboring property.

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

**Finding:** Staff contends that the applicant's rezoning request is justified given the request's general consistency with the Future Land Use Map and compatibility with surrounding land uses, and the presence of City utilities.

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

**Finding:** The site has access to Hughmount Road, which in turn has direct access to Mount Comfort to the south, and will have access to the future connection of Ruppel Road to the east. Although traffic accident data is unavailable for unincorporated areas, existing data for streets immediately inside the City limits indicate no traffic danger that will be exacerbated. Further, any development of the subject properties will be subject to staff review, including but not limited to adherence to the Unified Development Code. Development review may necessitate on- or off-site street improvements to ensure minimization of congestion and safe movement for vehicles and pedestrians.

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 from the current Washington County AG/SF Res 1 zoning designation will almost certainly lead to greater density on the subject property than would otherwise occur. That being said, adjacency to existing water, sewer, and street infrastructure will limit the potential for density having an adverse impact. Further, the Police Department has expressed objection to the proposal and, no comment has been received

from the Fayetteville Public School District. However, the Fire Department has advised that serving this area is beyond the current response time goal of the existing station on Ruppel Road. A proposed new fire station at Deane and Porter will reduce this, but it may still fall outside response time goals.

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 20-6996 to the City Council with a recommendation of approval.

|  |                                 |                                    |  |
|--|---------------------------------|------------------------------------|--|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u> |                                 |                                    |  |
| Date: <u>February 24, 2020</u>                         | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input checked="" type="checkbox"/> Denied |
| Motion: Canada   |                                 |                                    |  |
| Second: Paxton   |                                 |                                    |  |
| Vote: 8-0-0  |                                 |                                    |  |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.03 – R-A, Residential Agricultural
  - §161.05 – RSF-1, Residential Single-family, 1 Unit per Acre
  - §161.09 - RSF-8, Residential Single-family, 8 Unit per Acre
  - §161.19 – NS-G, Neighborhood Services, General
  - §161.29 – NC, Neighborhood Conservation
- Request letter
- Rezoning Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

### 61.03 - District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses .*

|         |  |
|---------|--|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 4  | Cultural and recreational facilities     |
| Unit 5  | Government facilities                    |
| Unit 20 | Commercial recreation, large sites       |
| Unit 24 | Home occupations                         |
| Unit 35 | Outdoor Music Establishments             |
| Unit 36 | Wireless communications facilities       |
| Unit 42 | Clean technologies                       |

(C) *Density.*

|                |              |
|----------------|--------------|
| Units per acre | One-half (½) |
|----------------|--------------|

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

|         |         |         |
|---------|---------|---------|
| Front   | Side    | Rear    |
| 35 feet | 20 feet | 35 feet |



(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, 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 |
| 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 |
|----------------|---|

(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 |
|-------------------------|-----------|

(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)

### 161.09 - 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 |
| Two-family    | 5,000 square feet |

(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 |
|-------------------------|-----------|

- (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. Accessory ground mounted solar energy systems shall not be considered buildings.

(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; [Ord. No. 6245](#), §2, 10-15-2019)

## 161.19 - NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(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 12b | General business                        |
| Unit 24  | Home occupations                        |
| Unit 40  | Sidewalk cafes                          |
| Unit 41  | Accessory dwelling units                |
| Unit 44  | Cluster housing development             |

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(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 13 | Eating places                            |
| Unit 16 | Shopping goods                           |
| Unit 19 | Commercial recreation, small sites       |
| Unit 25 | Offices, studios and related services    |
| Unit 26 | Multi-family dwellings                   |
| Unit 36 | Wireless communication facilities        |
| Unit 45 | Small scale production                   |

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                |         |
|----------------|---------|
| All dwellings  | 35 feet |
| All other uses | None    |

(2) *Lot Area Minimum.*

|               |                   |
|---------------|-------------------|
| Single-family | 4,000 square feet |
|---------------|-------------------|

|                        |                                     |
|------------------------|-------------------------------------|
| Two (2) family or more | 3,000 square feet per dwelling unit |
| All other uses         | None                                |

(E) *Setback regulations.*

| Front  | Side   | Side-Zero Lot Line*   | Rear | Rear when contiguous to a single-family residential district |
|--|--------|---|------|--|
| A build-to zone that is located between the front property line and a line 25 feet from the front property line. | 5 feet | A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet. | None | 15 feet  |

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 3 stories |
|-------------------------|-----------|

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

(Ord. No. [5945](#), §7(Exh. A), 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6223](#), §1, 9-3-19)

## 161.29 - Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

|          |  |
|----------|--|
| Unit 2   | City-wide uses by conditional use permit   |
| Unit 3   | Public protection and utility facilities   |
| Unit 4   | Cultural and recreational facilities       |
| Unit 9   | Two (2) family dwellings                   |
| Unit 10  | Three (3) and four (4) family dwellings    |
| Unit 12a | Limited business*                          |
| Unit 24  | Home occupations                           |
| Unit 25  | Offices, studios, and related services     |
| Unit 28  | Center for collecting recyclable materials |
| Unit 36  | Wireless communication facilities          |
| Unit 44  | Cluster Housing Development                |

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                    |         |
|--------------------|---------|
| All dwelling types | 40 feet |
|--------------------|---------|

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

|                                    |  |
|------------------------------------|--|
| Front                              | A build-to zone that is located between the front property line and a line 25 feet from the front property line. |
| Side                               | 5 feet   |
| Rear                               | 5 feet   |
| Rear, from center line of an alley | 12 feet  |

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 3 stories |
|-------------------------|-----------|

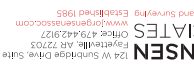
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**Request  
Letter****REZONING STATEMENT**

The Petitioners desire to simultaneously rezone their property while they also petition to annex the property into the city. Please see the attached hereto Exhibit "A" a plat with the specific requested zones per parcel. These parcels designated RSF-8, N-C and NS-G will make those properties developable in accordance with and in a compatible way with the surrounding properties. Specifically, ZONING to the South and East of these parcels are RSF-4 and the existing subdivision of Hughmount Village Estates is currently built out at a density quite compatible to RSF-4. There is one parcel of land on Exhibit "A" that we are requesting to be brought in at RSF-1. There are two (2) parcels not shown on Exhibit "A", Heyliger and Kilgore, that we ask to be brought in R-A. All of these zoning requests are compatible with the surrounding properties but also are in line with the goals of City Plan 2030 in that these zonings would permit the appropriate infill without producing suburban sprawl. It also will be easily connectable to both a livable transportation network and an enduring green network and will lend itself to affordable housing as well.



# Rezoning Exhibit



**RSF-8 (Residential Single family):**  
 - Lot width min=50'  
 - Lot area min = 5,000 sq ft  
 - Front: 15'  
 - Side: 5'  
 - Rear: 5'

**N-C (Neighborhood Conservation):**  
 -Lot width min=40'  
 -Lot area min = 4,000 sq ft  
 -Front: 0'-25" build to zone  
 -Side: 5'  
 -Rear: 5'  
 -Rear from center alley: 12'

NS-G (Neighborhood Services):

- Lot width min=35'
- Lot area min = 4,000 sq.ft
- Front: 0'-25' build to zone
- Side: 5'
- Rear: 0' (15' adjacent to SF-R)

**R-A (Residential Agricultural):**  
 -Lot width min=200'  
 -Lot area min = 2 acres  
 -Front: 35'  
 -Side: 20'  
 -Rear: 35'

**RSF-1 (Residential Single family):**

- Lot width min=150'
- Lot area min = 35,720 sq ft
- Front: 35'
- Side: 20'
- Rear: 35'

PROJECT TITLE:  
HUGHMOUNT

## REVISIONS

DATE: 1.6.2020  
DRAWN BY: PNM  
PROJECT # 2019110  
FILE PATH: Z:\SUD\2019110\  
OVERALL  
SHEET SIZE: 22" x 34"

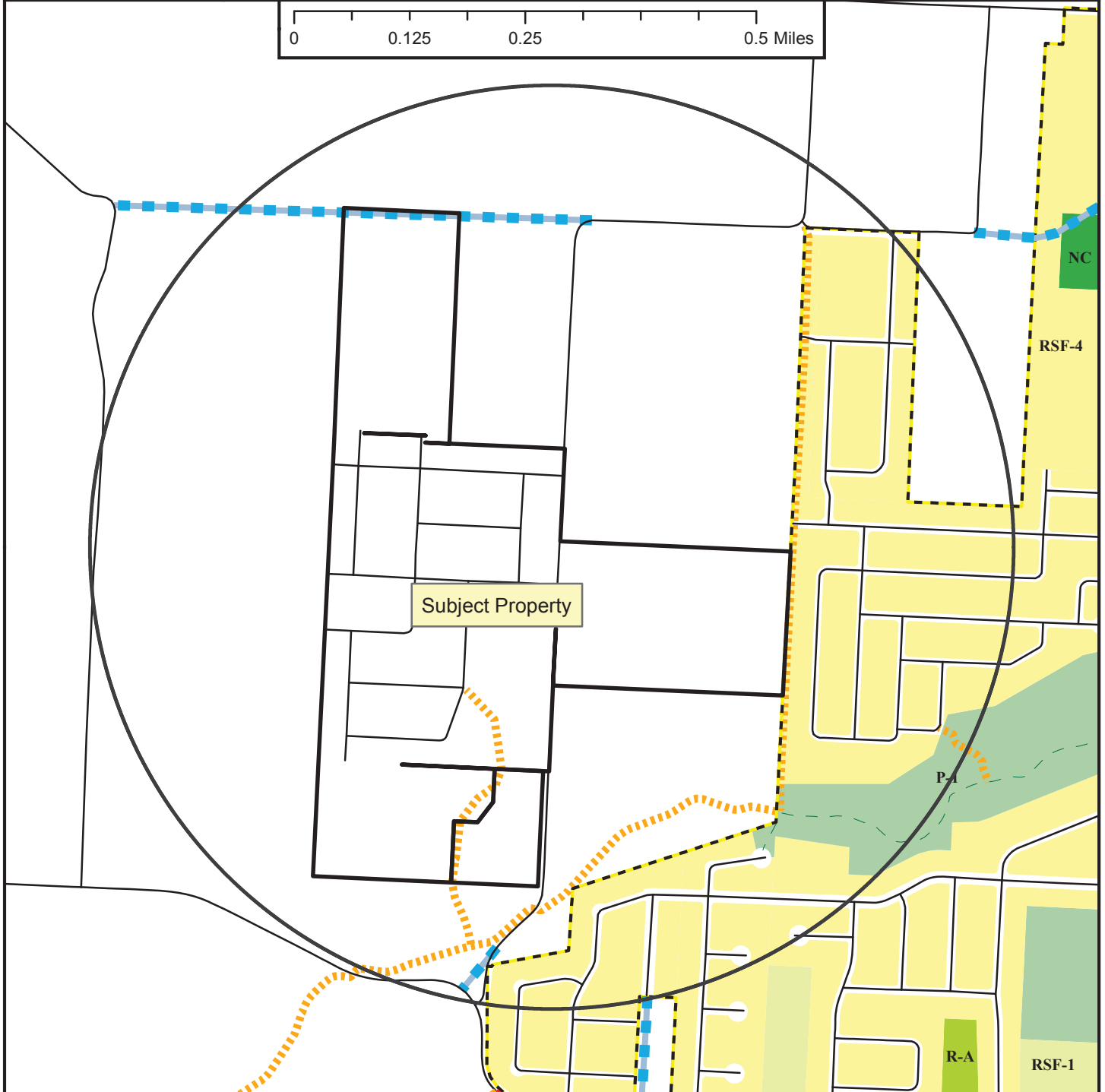
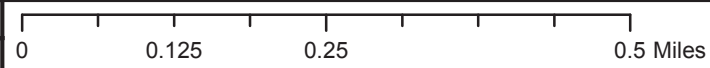


| SHEET TITLE | SHEET NUMBER |
|-------------|--------------|
| REZONING    |              |

RZN20-6996

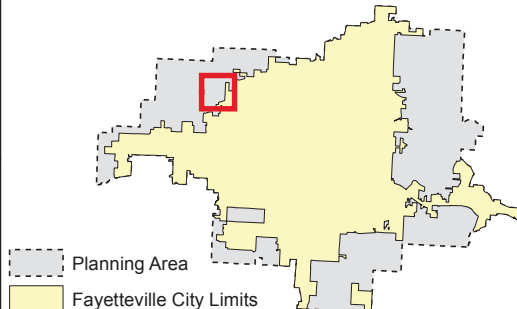
# HUGHMOUNT RD. AREA

One Mile View



## Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - NS-G
    - RI-U
    - RI-12
    - NS-L
    - Residential-Agricultural
    - RSF-5
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  - INDUSTRIAL**
    - I-1 Heavy Commercial and Light Industrial
  - EXTRACTION**
    - E-1
  - COMMERCIAL**
    - Residential-Office
    - C-1
    - C-2
    - C-3
  - FORM BASED DISTRICTS**
    - Downtown Core
    - Urban Thoroughfare
    - Main Street Center
    - Downtown General
    - Community Services
    - Neighborhood Services
    - Neighborhood Conservation
  - PLANNED ZONING DISTRICTS**
    - Commercial, Industrial, Residential
    - INSTITUTIONAL
    - P-1

Planning Commission

February 24, 2020

Agenda Item 9

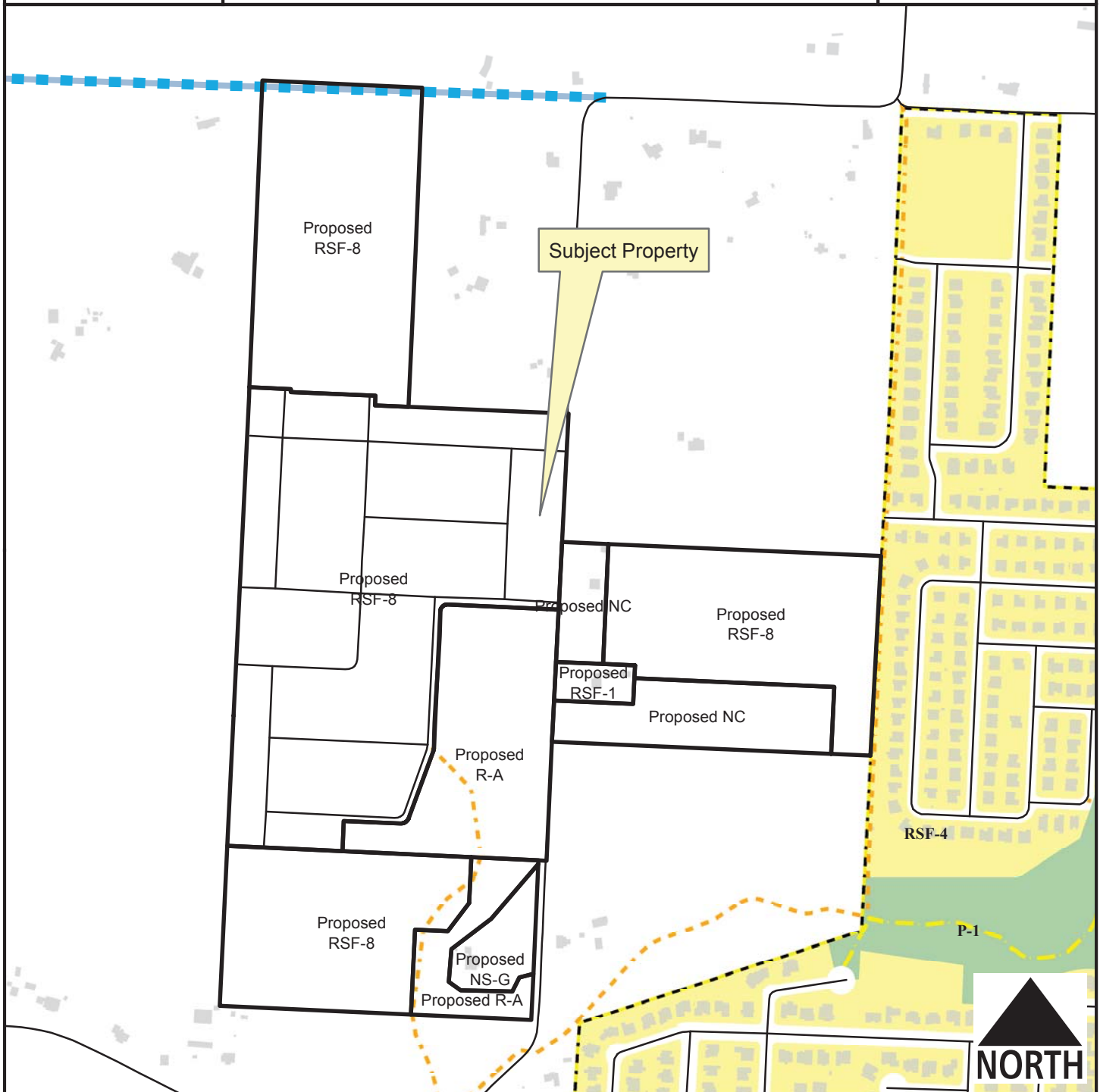
20-6996 Hughmount Rezone

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RZN20-6996

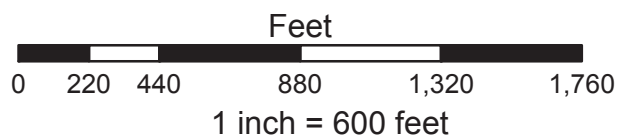
# HUGHMOUNT RD. AREA

Close Up View



## Legend

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



## Zoning   Acres

|       |      |
|-------|------|
| NS-G  | 2.5  |
| NC    | 8.7  |
| R-A   | 16.5 |
| RSF-1 | 1.2  |
| RSF-8 | 91.2 |

**Total   120.1**

Planning Commission

February 24, 2020

Agenda Item 9

20-6996 Hughmount Rezone

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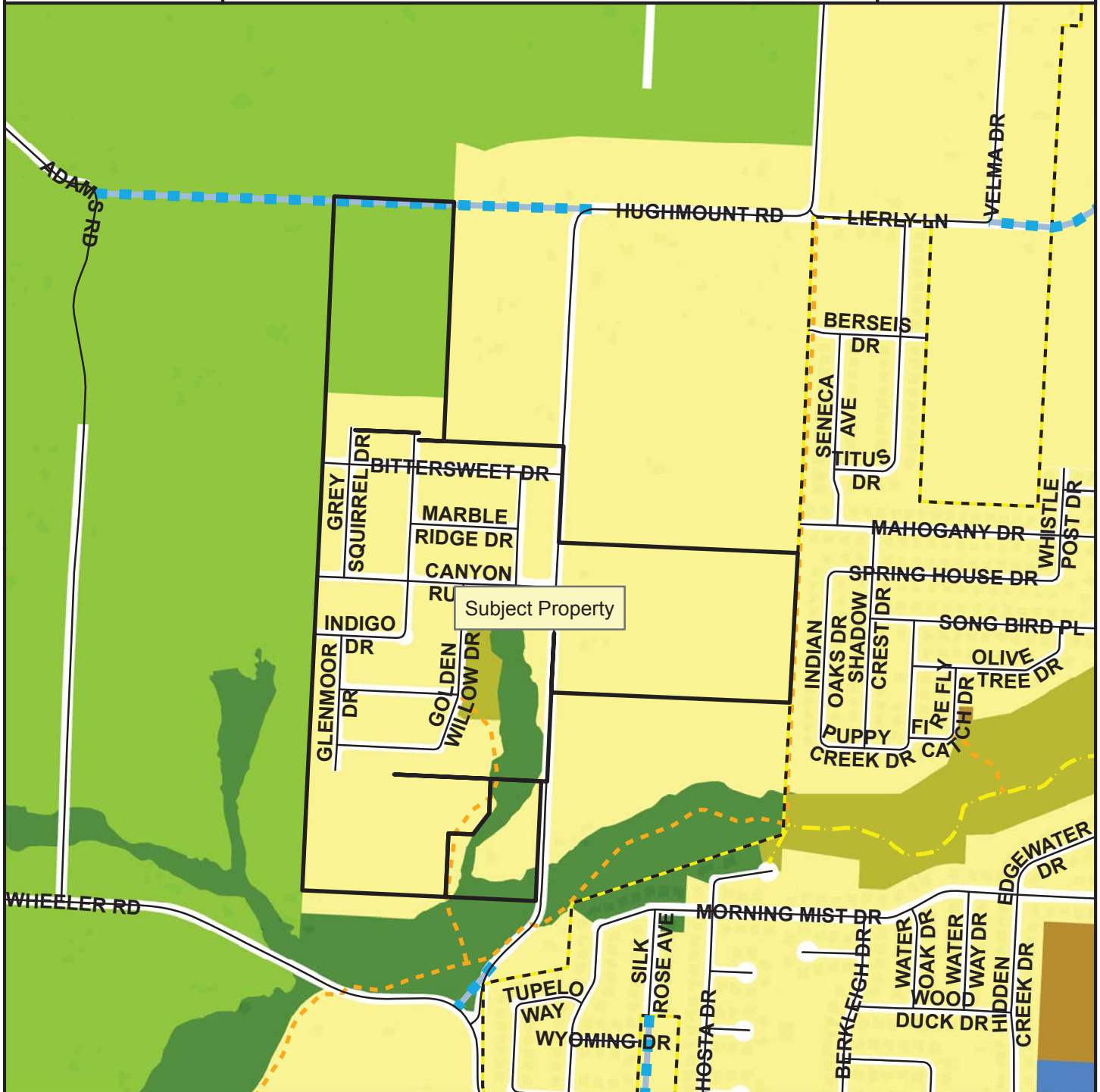




RZN20-6996

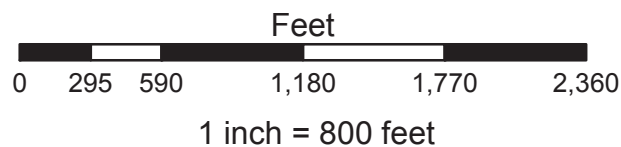
Future Land Use

# HUGHMOUNT RD. AREA



## Legend

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

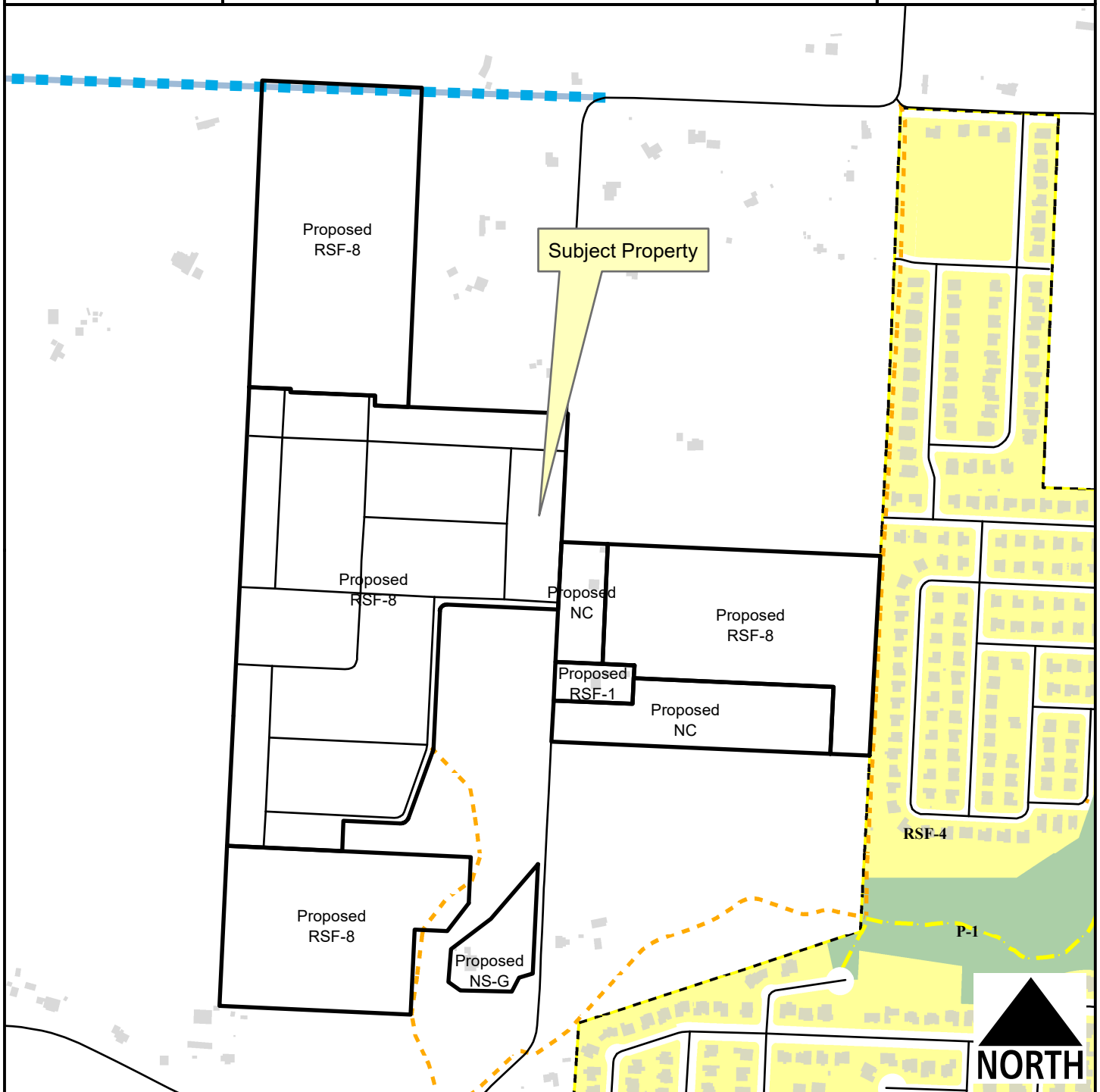




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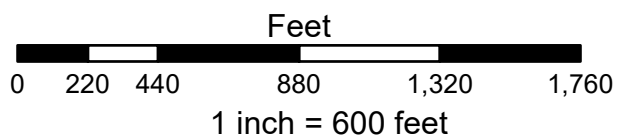
# HUGHMOUNT RD. AREA

Close Up View



## Legend

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



## Zoning Acres

|       |      |
|-------|------|
| NS-G  | 2.5  |
| NC    | 8.7  |
| RSF-1 | 1.2  |
| RSF-8 | 91.2 |

**Total 103.6**



Robert K. Rhoads  
75 N. East Avenue, Suite 500  
Fayetteville, AR 72701-5388  
Direct Dial: (479) 973-5202  
Facsimile: (479) 973-0520  
rrhoads@hallestill.com

May 11, 2020

**VIA E-MAIL**

Garner Stoll  
125 W Mountain  
Fayetteville, AR 72701  
[gstoll@fayetteville-ar.gov](mailto:gstoll@fayetteville-ar.gov)

Re: HUGHMOUNT ANX AND RZN

Dear Garner:

Pursuant to our prior conversations on the above referenced annexation and rezoning, I write this letter in hopes that the City's Planning Department will support both the annexation (in its entirety) and rezoning.

**BACKGROUND:** the subject property of this annexation and rezoning was primarily owned by Ms. Johnelle Hunt and Phil Phillips, when around 2008, the City of Fayetteville inadvertently put sewer lines across the property without the owner's knowledge and without any sort of easement. As a result of that innocent mistake the City agreed to supply water and sewer to the property, see attached Exhibit A, the agreement and accompanying resolutions. As part of this agreement the City wanted the Hughmount Subdivision to be annexed into the City "as soon as legally possible". See Resolution No.17-14, Exhibit A. During the course of developing the subdivision the owners employed Rob Sharp, architect, and attached is a rendering from his file from the summer of 2009 showing a land plat of the subdivision (Exhibit B). Note, this plat shows several phases of Hughmount Village as it was the expressed intent of the owners to have water and sewer supplied by the City for all of Hughmount no matter which phase they developed first and accordingly all phases annexed too, no matter if a peninsula was created. For economic and other practical considerations only the middle phase has been developed so far. During discussions with the City, both the owners and Mr. Sharp made clear, and, the City agreed, that water and sewer would be supplied to all phases of Hughmount Subdivision and it was the understanding of the parties then when the City Council voted and the Mayor signed the contract and the resolution that the entire subdivision (all phases) would be annexed into the City in part because the City did not want to have package or S.T.E.P. waste systems on any of this subject property. Therefore the City required Hughmount Village to be developed by City standards even though it wasn't yet in the City. As to date, the phase which was done first has been built out 100% and the owners now want to do the other phases which would include what is called Hughmount North on Exhibit C.

**REASONS TO ANNEX THE ENTIRE SUBJECT PROPERTY:** Again, the first phase of Hughmount Village, that is currently 100% developed, has truly been built to the City's standards, as a quick drive through it will show. The Developers, at their cost, also improved the intersection of Hughmount Road and Mount Comfort and improved Hughmount Road to City standards, by adding two feet to each side and paving it. Further, the City issued and the owners paid approximately One Hundred Twenty Thousand Dollars (\$120,000) for building and sewer permits. Developers of the existing Hughmount Village also met all other requirements such as but not limited to, planting approximately 333 trees (plus two tree bonds of \$138,375 and \$48,000), putting in trail sub-structure, dedicating park land, and etc.

Regarding Hughmount North, it was to be the next phase and as stated before, was always part of the Hughmount Village Subdivision and was always meant to be serviced with water and sewer and be part of the annexation. As evidence of this you will note that the City has physically built and stubbed out two man holes on Hughmount North, which further shows the City's intent of bringing into the City this subject property including the North. That prior City Council's commitment to annex all of the subject property and the owners' reliance on it far outweigh the issue of creating a peninsula. Also note on Exhibit C about five (5) blocks east, the City already has an existing peninsula (and another one just a block further east) which could over time through future annexations connect to Hughmount North. Further, at the top of Hughmount North is where the City plans to have an east to west street allowing for better traffic flow and less traffic on Mount Comfort Road, which the developer of Hughmount North will keep in mind as he plans the northern boundary. See Exhibit D outlining the City's present and future street plans.

Please see Exhibit E that show the existing Clabber Creek Greenway and Trail System and the future trail system that would go into and be part of this annexation thereby allowing the City to achieve its objective of preserving greenways whenever and wherever possible (the Enduring Green Network).

The City would also have the following advantages by passing this entire annexation: increased sales tax revenue, increased attainable housing, library millage, impact fees, etc. Note, that if any of this subject property develops under a county standards at some point the City will annex it in, and when that happens, since it is already developed, there would be no collection of impact fees. Further, by annexing now the City can make sure the developments are done up to the City's grading, storm water management, tree preservation, building inspection, energy conservation, quality construction standards, and etc. standards.

As noted in Exhibit C the subject property, if rezoned as requested by the owners, would be six (6) different categories: Neighborhood Conservation; there is one area, RSF 1, for the Slape property that is currently in existence; RSF-4; Neighborhood Services along Hughmount Road



Garner Stoll  
May 11, 2020  
Page 3

would by definition provide services to the annexed property; and lastly the Residential Agriculture would help the City in their City Plan 2040 goals and Enduring Green Network goals.

For all the above reasons the petitioners respectfully request the Planning Department to support this entire annexation and rezoning. If I have misstated anything or if there are any questions please contact me as soon as possible so when we go to the City Council at least from a factual standpoint we are all on the same page. I look forward to working with you as always.

Sincerely,

A handwritten signature in black ink, appearing to read 'RKR', followed by a long horizontal line extending to the right.

Robert K. Rhoads

RKR:slt

cc: Mayor  
Kit Williams [kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)  
Clients

4454861.1:005377:00001

Ex A

**RESOLUTION NO. 17-14**

A RESOLUTION TO AMEND RESOLUTION NO. 144-13 WHICH HAD APPROVED AN AMENDED AGREEMENT WITH THE HUGHMOUNT DEVELOPERS TO ALLOW ACCESS TO CITY OF FAYETTEVILLE SEWERAGE SYSTEM IN ORDER TO APPROVE A SECOND AMENDED AGREEMENT

**WHEREAS**, on September 4, 2012, the Fayetteville City Council approved Resolution No. 183-12 which allowed the Hughmount Village Developers access to the City Sewerage System if they fulfilled the terms of the Contract To Allow Access To City Sewerage System; and

**WHEREAS**, the Contract To Allow Access To The City Sewerage System required: "All street frontage, density, lot area requirements, etc. (be the same) as if their property was zoned Residential Single Family, four units per acre;" and

**WHEREAS**, the Washington County Conditional Use Permit granted to Hughmount Village was incompatible with RSF-4 zoning; and

**WHEREAS**, the streets, drainage, sidewalks, water and sewer mains need be built to satisfy both Fayetteville and Washington County standards and the streets and drainage structures need to be dedicated to Washington County all as approved by the Fayetteville Planning Commission; and

**WHEREAS**, the developer needs to remove the alleys from his plat in order to sell the affected house lots, and the Washington County Planning Board has approved this new plat entitled Project #2013-155.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 144-13 to cancel the existing Amended Contract To Allow Access To City of Fayetteville Sewerage System which was approved by Resolution NO. 144-13 on June 18, 2013, and replace it with the Second Amended Agreement To Allow Access To City Sewerage System and To Impose Development Requirements, attached as Exhibit A.

Section 2: The City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign this Agreement.

**PASSED and APPROVED** this 7<sup>th</sup> day of January, 2014.

APPROVED:

ATTEST:

By:   
LIONELD JORDAN, Mayor

By:   
SONDRA E. SMITH, City Clerk/Treasurer



## **EXHIBIT "A"**

### **SECOND AMENDMENT TO AGREEMENT TO ALLOW ACCESS TO CITY SEWERAGE SYSTEM AND TO IMPOSE DEVELOPMENT REQUIREMENTS**

**WHEREAS**, the developers/owners of Hughmount Village, whose project is close to, but outside the Fayetteville city limits, desire to be allowed to connect to and use the City of Fayetteville sewerage system's wastewater facilities for their proposed residential development; and

**WHEREAS**, the City of Fayetteville does not wish to grant owners/developers of Hughmount Village (or any similarly situated development) any advantage over owners/developers who will build and develop property within the City of Fayetteville; and

**WHEREAS**, on September 4, 2012, the City Council of the City of Fayetteville passed Resolution NO. 183-12 permitting such access, but the terms of the Contract were incompatible with the Conditional Use Permit issued for this development by Washington County so that an Amended Agreement was needed and approved by Resolution NO. 144-13 on June 18, 2013; and

**WHEREAS**, the Developer now needs to remove the alleys from his development to be able to sell his lots and so slightly redesigned his plat which was approved by the Washington County Planning Board which granted a new Conditional Use for Project #2013-155, and

**WHEREAS**, the City of Fayetteville is willing to allow developers/owners of Hughmount Village to connect to and utilize the City's wastewater treatment facilities only upon the developers/owners' express agreement to develop their residential project pursuant to all City of Fayetteville requirements for inside the city residential projects including:

- (1) All street frontage, density, lot area requirements, etc. as granted by the Conditional Use Permit approved by the Washington County Planning Board for Project #2013-155.
- (2) Apply for and successfully complete the full preliminary plat/final plat process including payment of all appropriate fees.
- (3) Comply with all grading, stormwater, tree preservation and other development requirements as if this development was occurring within the City of Fayetteville.
- (4) Pay for all normal permits and application fees at the normal time including preliminary/final plat, building fees for each structure, and water, sewer, police, and fire impact fees.
- (5) To satisfy normal parkland dedication requirements, the City of Fayetteville Parks Board approved the dedication of 3.169 acres of land within Common Property 9 at their September 10, 2012 meeting. The exact limits of the park land dedication will be located west of the tree preservation area and will be determined at the Final Plat after drainage and utility improvements are constructed. In addition, the Developer shall dedicate a trail easement

sufficient to connect from the crosswalk at Common Property 8 at Cotton Willow Drive to the southern border of the property to meet a possible trail extension from the south from the Clabber Creek Trail. This trail and parkland shall remain the developer's or Property Owners Association's duty to maintain in good condition (which duty shall be in an irrevocable restrictive covenant in each property's deed until and unless this entire parcel has been annexed into the City of Fayetteville).

- (6) Construct all infrastructure (except alleys which are no longer required to be constructed in Project #2013-155): streets, drainage, sidewalks, water and sewer mains to City of Fayetteville and Washington County standards as previously approved by the Fayetteville Planning Commission on March 25, 2013 (PPL 13-4304) and by the Washington County Planning Board on May 2, 2013 (Project #2013-024) and recently amended by the Washington County Planning Board to Project #2013-155. Water and sewer infrastructure is to be dedicated to the City of Fayetteville, street and drainage infrastructure is to be dedicated to Washington County.

HUGHMOUNT VILLAGE OWNERS/DEVELOPERS, in consideration of being allowed to utilize the City of Fayetteville sewerage system and wastewater facilities for their proposed development, do hereby agree to all terms and conditions stated above and promise to develop their property in full compliance with all requirements of the Unified Development Code as if their development was inside the city limits.

Further developers/owners of Hughmount Village pledge and promise to seek immediate annexation into the City of Fayetteville as soon as it becomes legally possible and to place this requirement within the covenants and deeds for each property within its development. In agreement with all the terms, conditions, pledges and promises above, the City of Fayetteville and the owners/developers of Hughmount Village sign below.

**HUGHMOUNT VILLAGE  
DEVELOPERS/OWNERS**

By: *Phil Phillips*  
Phil Phillips

Title: *Owner*

Date Signed: 12-27-13

**CITY OF FAYETTEVILLE,  
ARKANSAS**

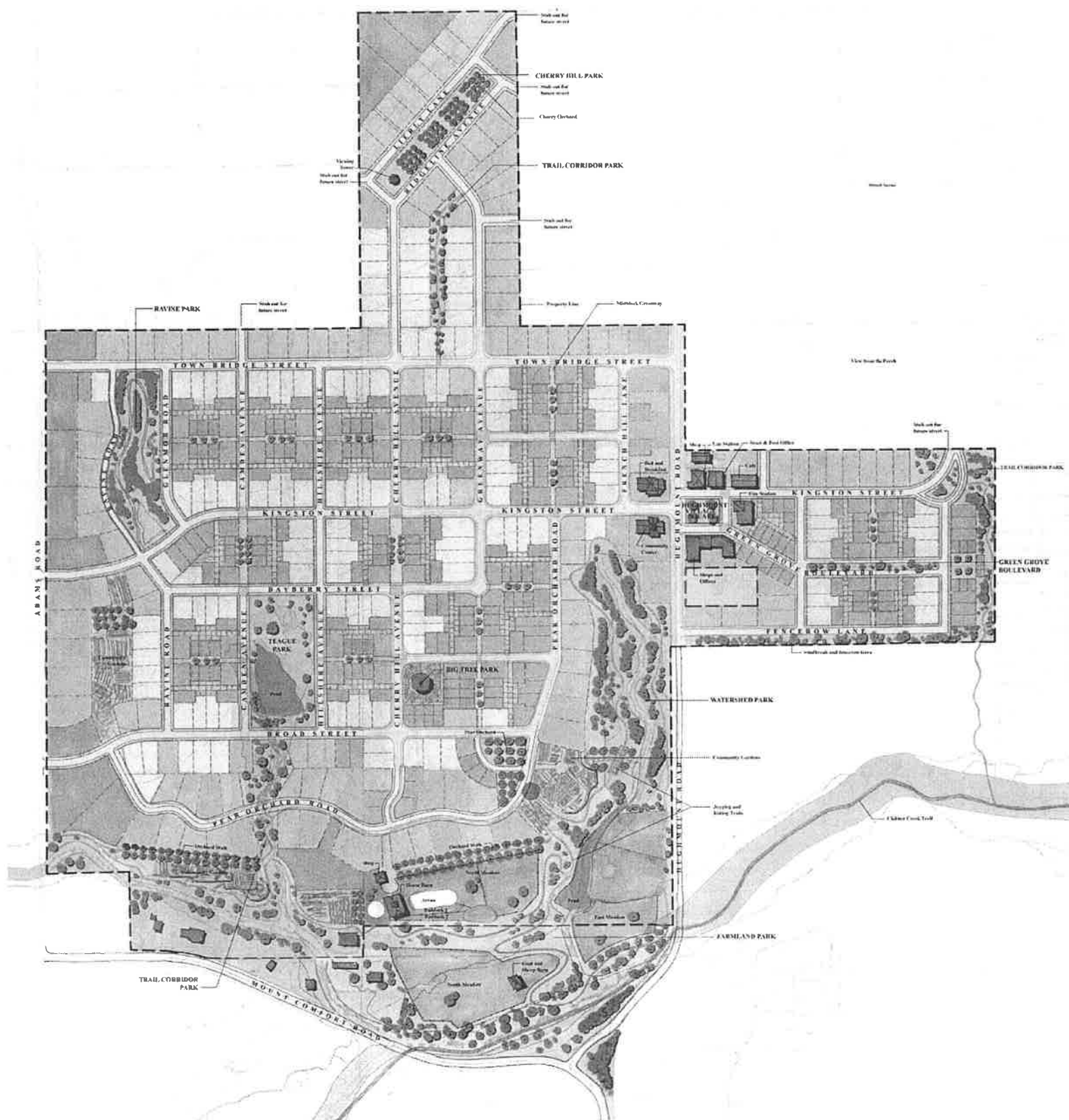
By: *Lionel Jordan*  
Lionel Jordan, Mayor

Attest: *Sondra E. Smith*  
Sondra E. Smith, City Clerk

Date Signed: 01-09-14

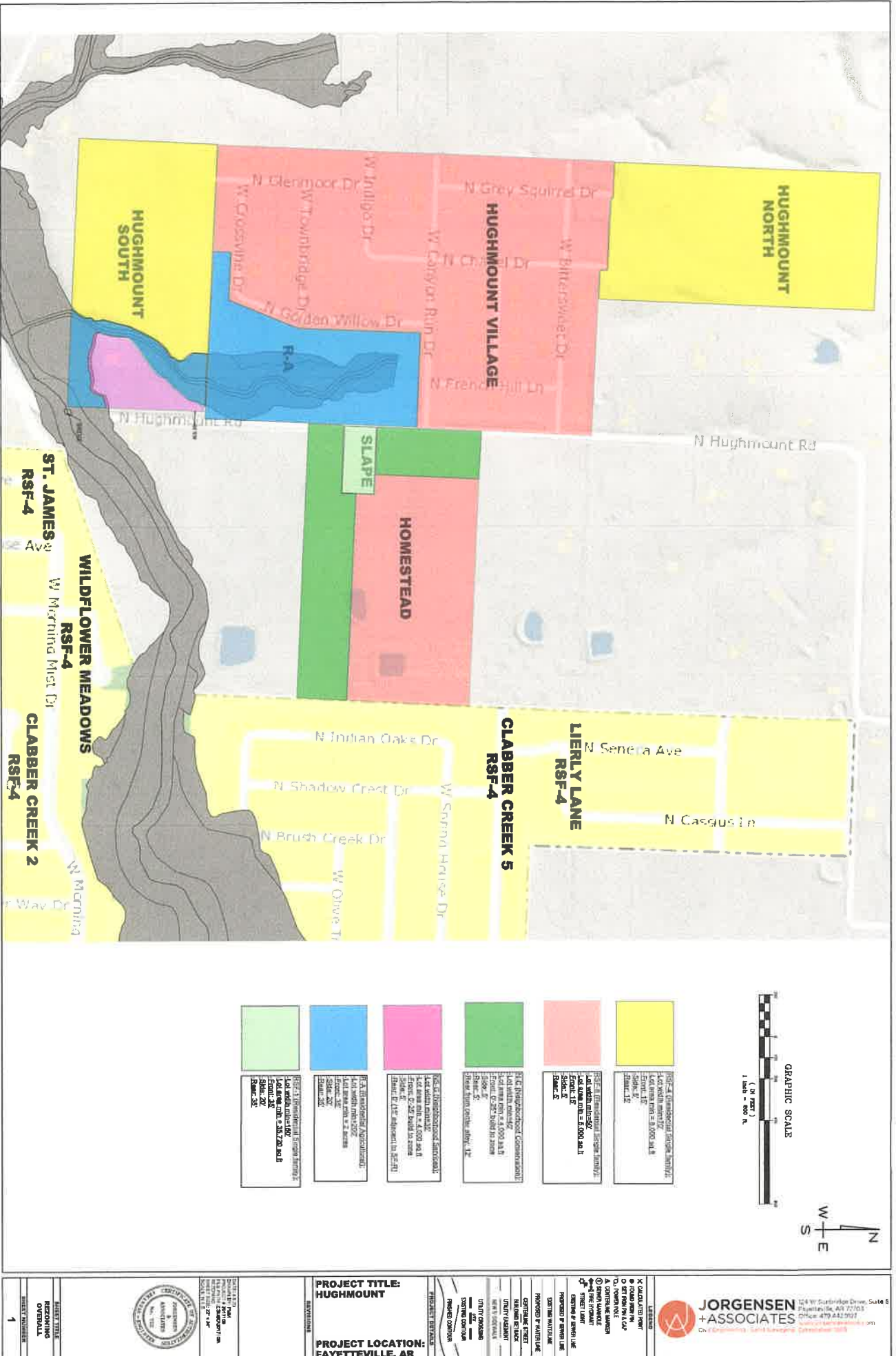


Ex B



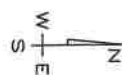
Spring/Summer '09  
US Resolution '14











**PROJECT LOCATION:**  
**FAYETTEVILLE, AR**

CONNECTIVITY

1