

**City of Fayetteville Staff Review Form**

**2020-0452**

**Legistar File ID**

**6/16/2020**

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

Garner Stoll

5/29/2020

CITY PLANNING (630)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

RZN 20-7086: Rezone (1278 W. HENDRIX ST./OAK EQUITY PARTNERS, 404): Submitted by BILL FUGITT for property located at 1278 W. HENDRIX ST. The property is zoned RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget      \$            -
	Funds Obligated      \$            -
	Current Balance <span style="border: 1px solid black; padding: 2px;">\$            -</span>
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget <span style="border: 1px solid black; padding: 2px;">\$            -</span>

V20180321

Purchase Order Number: \_\_\_\_\_

Previous Ordinance or Resolution # \_\_\_\_\_

Change Order Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Comments:



**MEETING OF JUNE 16, 2020**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Garner Stoll, Development Services Director  
Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

**DATE:** May 29, 2020

**SUBJECT: RZN 20-7086: Rezone (1278 W. HENDRIX ST./OAK EQUITY PARTNERS, 404):**  
Submitted by BILL FUGITT for property located at 1278 W. HENDRIX ST. The property is zoned RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

---

**RECOMMENDATION:**

The Planning Commission recommends approval of an ordinance to rezone the subject property to RI-U, Residential Intermediate, Urban, as shown in the attached Exhibits 'A' and 'B'. Staff recommends denial of the request to keep the property zoned RSF-8, Residential Single-Family, 8 Units per Acre, or would support a rezone to RSF-18, Residential Single-Family, 18 Units per Acre.

**BACKGROUND:**

The subject property is a 0.51 acre residential lot on the north side of W. Hendrix Street, located between N. Addington Avenue and N. Garland Avenue and is part of the Hendrix Addition. The property has a small one-story, residential single-family home that was built in 1951. W. Hendrix Street is a primarily single-family neighborhood with two pockets of multi-family between N. Garland Avenue and Addington Ave. The property in question was recently rezoned in late 2019 to RSF-8, Residential Single Family, 8 Units per Acre, and the applicant is coming forward again with a request to rezone to RI-U, Residential Intermediate – Urban.

The street has a complicated zoning history, and the multi-family dwellings at N. Garland Avenue and at N. Addington Avenue came to fruition following a clerical error during the city-wide rezone in the early 2000s. Accordingly, City Council has been sensitive to requests on Hendrix Street, with a 2019 rezoning proposal on the subject property to RI-U having been amended to the current RSF-8 prior to approval. A recent request to rezone a property to the west, on the south side of Hendrix Street to RI-U was approved by the City Council on May 19, 2020. Additionally, five properties directly across the street on the south side of W. Hendrix Street are also under a rezone request from RSF-4, Residential Single-Family, 4 units per Acre, to RI-U from a separate property owner.

*Request:* The request is to rezone the property from RSF-8, Residential Single-Family, 8 units per Acre, to RI-U, Residential Intermediate – Urban. The property owner wishes to demolish the current structure and construct three to four single family dwellings on site.

*Land Use Compatibility:* The surrounding neighborhood of the property in question is comprised mostly of low-density single-family dwellings. There is existing diversity in housing type on the street, especially on the northern side of W. Hendrix Street, with multi-family to the immediate west and multi-family to the east at the corner of W. Hendrix Street and N. Garland Avenue; however, staff is aware of the clerical error from the early 2000s that brought these dwellings into existence. There is also diversity in setbacks on this portion of W. Hendrix, with no clear set regulating pattern in place. Building heights also tend to vary slightly, though the primary characteristic consists of one-story single-family homes. RI-U and RSF-8 differ in that RI-U does not cap density and allows for more uses by-right than RSF-8. These uses would promote a significant density increase in the neighborhood, which staff does feel would mark a significant change to W. Hendrix Street. Staff advocates for the site to remain at its current zoning district of RSF-8 to promote a more gradual level of infill and density. The RSF-8 zoning allows for single-family dwellings and accessory dwelling units by-right and additional residential development types and densities through the conditional use permit process, including 2-family dwellings and cluster housing. The conditional use permit process allows for additional development entitlement, but with higher degree of review for compatibility with the existing neighborhood. Further, under RSF-8, the property can be redeveloped by-right with two dwellings and two associated accessory dwelling units each. This allows for an incremental increase in density that can complement the existing neighborhood while also providing access to nearby amenities and services. An alternative option to consider could be RSF-18, which would allow for three single family dwellings with three accessory dwelling units, and an identical use schedule to the current zoning district of RSF-8. Additionally, staff would not support a Bill of Assurance because there is value in having the potential for attached residential through conditional use.

Given the concern for neighborhood change that a rezone of this nature would place on the neighborhood, staff believes that a gradual increase in density would be compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. A promotion of appropriate infill development is Goal 1 of City Plan 2040, which the current zoning district of RSF-8 would provide for. Staff also believes another alternative compatible zoning district may be RSF-18, which provides for 18 units per acre, identical use schedule as RSF-8, and similar build-to-zone requirements as RI-U. The infill score of 7 (8.5 weighted) for this neighborhood also implies that it could be served by a soft increase of density, which staff believes can be achieved through the property's current zoning, or with RSF-18.

City Plan 2040's Infill Matrix indicates a score of 7 for the subject property. The following elements of the matrix contribute to the score:

- Near Grocery Store (Harp's at Garland Avenue)
- Near Public School (Asbell Elementary School)
- Near Razorback Bus Stop (N Garland Avenue, Route 21; Mt. Comfort Road, Route 33)

- Near Sewer Main (W. Hendrix Street)
- Near Paved Trail (Razorback Greenway)
- Near Water Main (W. Hendrix Street)
- 4 Minute Fire Department Response time (Fire Station #2, 708 N. Garland)

Note: In December 2019 a deal to split ownership of Lewis Park between the City and Fayetteville Public School District was reached. Although County records indicate University of Arkansas ownership, this will be partially transferred with the property's score revising upward to 8.

**DISCUSSION:**

On May 26, 2020, the Planning Commission forwarded the rezoning request to the City Council with a recommendation of approval by a vote of 5-3-0. Commissioners Garlock, Sharp, and Paxton were the dissenting votes, citing the single-family nature of the neighborhood, and lack of appropriate pedestrian infrastructure in place to support this level of upzone. Commissioners in favor appreciated RI-U's ability to create missing middle housing and the site's location with relation to a Tier Two Center as identified by City Plan 2040's Growth Concept Map. Ample public comment in opposition was made prior to the meeting in phone call discussions with staff and through email. A property owner in the neighborhood spoke against the rezone proposal at the meeting.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

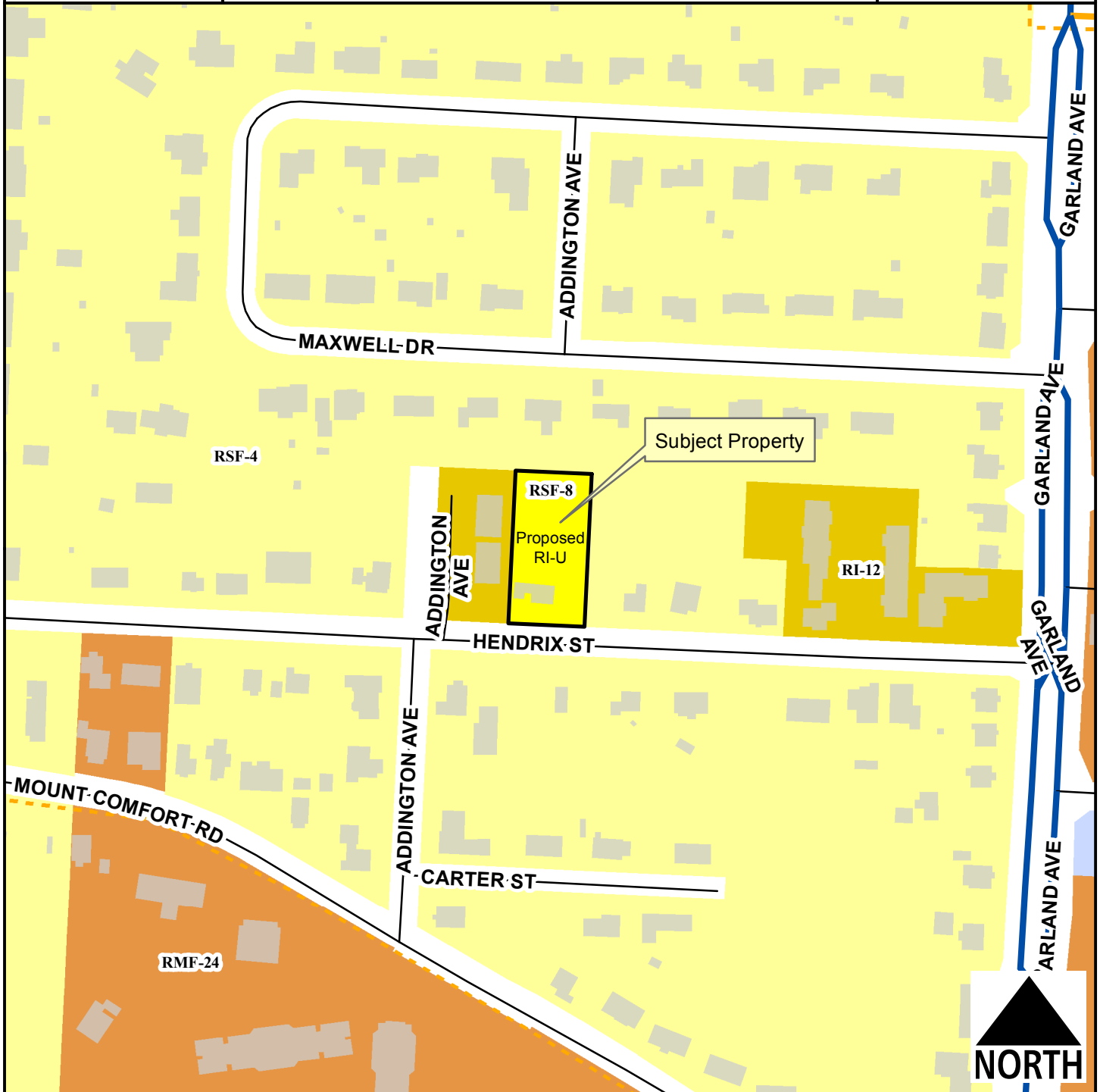
RZN20-7086

# OAK EQUITY PARTNERS

20-7086

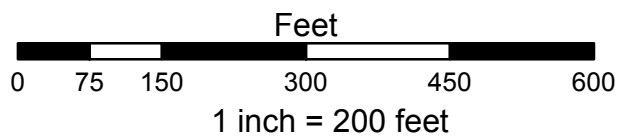
Close Up View

**EXHIBIT 'A'**



### Legend

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



Zoning	Acres
RI-U	0.5
<b>Total</b>	<b>0.5</b>

**20-7086**  
**EXHIBIT 'B'**

LEGAL DESCRIPTION: FURTHER DESCRIBED FROM 2019-19249 AS: Part of the South Half of the Northeast Quarter of the Northeast Quarter of Section Eight (8), Township Sixteen (16) North, Range Thirty (30) West, described as beginning at the Northeast corner of said twenty (20) acre tract, and running thence West 630 feet for the place of beginning, thence South 210 feet, thence West 105 feet, thence North 210 feet, thence East 105 feet to the point of beginning, same being known as Lot Five (5) in Block One (I), Hendrix Addition, Fayetteville, Arkansas.



**TO:** Fayetteville Planning Commission

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

**FROM:** Jessie Masters, Senior Planner

**MEETING DATE:** May 26, 2020 **Forwarded by Planning Commission at 5/26/2020 meeting**

**SUBJECT:** **RZN 20-7086: Rezone (1278 W. HENDRIX ST./OAK EQUITY PARTNERS, 404):** Submitted by BILL FUGITT for property located at 1278 W. HENDRIX ST. The property is zoned RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

**RECOMMENDATION:**  
Staff recommends denial of RZN 20-7086.

**RECOMMENDED MOTION:**  
"I move to deny RZN 20-7086."

**BACKGROUND:**  
The subject property is a 0.51 acre residential lot on the north side of W. Hendrix Street, located between N. Addington Avenue and N. Garland Avenue and is part of the Hendrix Addition. The property has a small one-story, residential single-family home that was built in 1951. W. Hendrix Street is a primarily single-family neighborhood with two pockets of multi-family between N. Garland Avenue and Addington Ave. The property in question was recently rezoned in late 2019 to RSF-8, Residential Single Family, 8 Units per Acre, and the applicant is coming forward again with a request to rezone to RI-U, Residential Intermediate – Urban.

The street has a complicated zoning history, and the multi-family dwellings at N. Garland Avenue and at N. Addington Avenue came to fruition following a clerical error during the city-wide rezone in the early 2000s. Accordingly, City Council has been sensitive to requests on Hendrix Street, with a 2019 rezoning proposal on the subject property to RI-U having been amended to the current RSF-8 prior to approval. A recent request to rezone a property to the west, on the south side of Hendrix Street to RI-U was approved by the City Council on May 19, 2020. Additionally, five properties directly across the street on the south side of W. Hendrix Street are also under a rezone request from RSF-4, Residential Single-Family, 4 units per Acre, to RI-U from a separate property owner. 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	Single-Family Residential	RSF-4, Residential Single-Family, 4 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	Multi-Family Residential	RI-12, Residential Intermediate – Twelve Units per Acre

**Request:** The request is to rezone the property from RSF-8, Residential Single-Family, 8 units per Acre, to RI-U, Residential Intermediate – Urban. The property owner wishes to demolish the current structure and construct three to four single family dwellings on site.

**Public Comment:** Staff has received public comment on this request, by both email and phone. One neighbor cites a concern for the low-lying nature of the street and that an increase in density will promote more stormwater runoff, create crowded living conditions, and change the character of the neighborhood. The neighbor also expressed concern with an increase in density given the current health crisis. Another neighbor expressed concern that an increase in density and infill will negatively affect the quality of life for existing residents on the street. Email comments are attached to this report.

## **INFRASTRUCTURE:**

**Streets:** This property has frontage to W. Hendrix Street. W. Hendrix Street is a partially improved Residential Link with asphalt paving and open ditches along the property's frontage. Any street improvements or requirements for drainage in these areas would be determined at the time of development proposal.

**Water:** Public water is available to this parcel. An existing 6-inch watermain is present along W. Hendrix Street that can serve parcel 765-06282-000.

**Sewer:** Sanitary Sewer is available to this parcel. An existing 6-inch sanitary sewer main is present along West Hendrix Street that can serve this parcel.

**Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Hydric soils appear to be present within the entire subject area. No portion of the property is within the Hillside-Hilltop Overlay District, FEMA floodplain, nor is there a protected stream present in the subject area.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 2, located at 708 N. Garland, protects this site. The property is located approximately 1 mile 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 2040 FUTURE LAND USE PLAN:** City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area**.

**Residential Neighborhood Areas** are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices,



on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for the subject property, with a weighted score of 8.5. The following elements of the matrix contribute to the score:

- Near Grocery Store (Harp's at Garland Avenue)
- Near Public School (Asbell Elementary School)
- Near Razorback Bus Stop (N Garland Avenue, Route 21; Mt. Comfort Road, Route 33)
- Near Sewer Main (W. Hendrix Street)
- Near Paved Trail (Razorback Greenway)
- Near Water Main (W. Hendrix Street)
- 4 Minute Fire Department Response time (Fire Station #2, 708 N. Garland)

Note: In December 2019 a deal to split ownership of Lewis Park between the City and Fayetteville Public School District was reached. Although County records indicate University of Arkansas ownership, this will be partially transferred with the property's score revising upward to 8 (9.5 weighted).

#### 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 surrounding neighborhood of the property in question is comprised mostly of low-density single-family dwellings. There is existing diversity in housing type on the street, especially on the northern side of W. Hendrix Street, with multi-family to the immediate west and multi-family to the east at the corner of W. Hendrix Street and N. Garland Avenue; however, staff is aware of the clerical error from the early 2000s that brought these dwellings into existence. There is also diversity in setbacks on this portion of W. Hendrix, with no clear set regulating pattern in place. Building heights also tend to vary slightly, though the primary characteristic consists of one-story single-family homes. RI-U and RSF-8 differ in that RI-U does not cap density and allows for more uses by-right than RSF-8. These uses would promote a significant density increase in the neighborhood, which staff does feel would mark a significant change to W. Hendrix Street. Staff advocates for the site to remain at its current zoning district of RSF-8 to promote a more gradual level of infill and density. The RSF-8 zoning allows for single-family dwellings and accessory dwelling units by-right and additional residential development types and densities through the conditional use permit process, including 2-family dwellings and cluster housing. The conditional use permit process allows for additional development entitlement, but with higher degree of review for compatibility with the existing neighborhood. Further, under RSF-8, the property can be redeveloped by-right with two dwellings and two associated accessory dwelling units each. This allows for an incremental increase in density that can compliment the existing

neighborhood while also providing access to nearby amenities and services. An alternative option to consider could be RSF-18, which would allow for three single family dwellings with three accessory dwelling units, and an identical use schedule to the current zoning district of RSF-8.

**Land Use Plan Analysis:** Given the concern for neighborhood change that a rezone of this nature would place on the neighborhood, staff believes that a gradual increase in density would be compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. A promotion of *appropriate* infill development is Goal 1 of City Plan 2040, which the current zoning district of RSF-8 would provide for. Staff also believes another alternative compatible zoning district may be RSF-18, which provides for 18 units per acre, identical use schedule as RSF-8, and similar build-to-zone requirements as RI-U. The infill score of 7 (8.5 weighted) for this neighborhood also implies that it could be served by a soft increase of density, which staff believes can be achieved through the property's current zoning, or with RSF-18.

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

**Finding:** Staff finds that alternative zoning districts may be more compatible with the neighborhood, and conducive to fulfilling the applicant's request. The applicant has requested this rezone in order to build an additional 3-4 single family dwellings on the property. There is likely enough space to build this in terms of minimum lot size requirements, but a potential redevelopment of the site would be subject to the 50' lot width requirement associated with RSF-8. (The subject property currently has a lot width of approximately 105'). An RI-U zoning would permit the applicant to take advantage of the build-to-zone, smaller lot width minimum, and no minimum lot size requirement, entitling the property owner to many more units than are proposed. Should the applicant wish to explore RSF-18 zoning, this would entitle the property owner to 30' lot widths, allowing for three lots with single-family homes and accessory dwellings units.

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

**Finding:** Rezoning the property to RI-U does have the ability to increase traffic on the street. The neighborhood does have two major points of entry, one from N. Garland Avenue and the other to W. Mount Comfort via N. Addington Avenue, or via N. Stephens Avenue. The property is also within close walking distance to active bus routes along N. Garland Avenue, so alternative forms of transportation are available to surrounding services. Any proposed development would have to adhere to City parking minimums for residential construction, and any necessary street improvements would be required at time of development.

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 RSF-8 to RI-U has the potential to alter the population density, especially given the consideration for the lack of density maximum associated with an RI-U zoning. However, access to schools, water, and sewer facilities do not lead staff to believe that this would place an undue burden on those public services.

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:** Staff believes the current zoning district of RSF-8, or an alternative of RSF-18 may be more compatible with adjacent land uses and neighborhood form.

**RECOMMENDATION:** Planning staff recommends denial of RZN 20-7086.

<b>PLANNING COMMISSION ACTION:</b>	Required	<u>YES</u>	
<b>Date:</b> <u>May 26, 2020</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b>	Belden, Forwarded with a recommendation of approval		
<b>Second:</b> Hoffman	FOR: Johnson, Hoffman, Belden, Brown, Winston AGAINST: Garlock, Sharp, Paxton		
<b>Vote:</b> 5-3-0	ABSENT: Canada		

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.09 - District RSF-8, Residential Single-Family – 8 Units Per Acre
  - §161.09 - District RSF-18, Residential Single-Family – 18 Units Per Acre
  - §161.12 - District RI-U, Residential Intermediate - Urban
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**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, 10-15-19)

**161.10 - District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre**

(A) *Purpose.* The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(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.*

Units per acre	Eighteen (18) or less
----------------	-----------------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet on both sides	A setback of less than five 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.	5 feet

\* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

\*\* At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations.*

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

(G) *Building Area.* 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.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width for two-family dwellings.

(Ord. No. [5800](#), §2(Exh. B), 10-6-15; Ord. No. [5824](#), §2, 11-17-15; 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, 10-15-19)

**161.12 - District RI-U, Residential Intermediate - Urban**

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None



(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
-------------------------	----------------------

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

(G) *Building Area.* 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.

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

(Ord. No. [5945](#), §5(Exh. A), 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-19)

## **Compatibility Statement**

I am requesting that my lot located at 1278 W Hendrix St, parcel # 765-06282-000 be rezoned from RSF-8 to RI-U. Should this rezone be approved, my plan is to remove the existing structure and build 3 to 4 single family homes similar to the existing homes on the street. The existing structure is foundationally challenged, deteriorating quickly and has become an eye sore for the neighborhood. I believe new homes would improve the character of the neighborhood and aligns with the City's goal of providing more affordable housing through infill and will help reduce urban sprawl. The designated future land use of this property is Residential Neighborhood Area and there are already some variations in residential land uses adjacent to the property with the adjoining lot to the west and the lots on the corner of Hendrix to the east, already being zoned RI-12 as well as recent approval of RI-U zoning on another Hendrix St lot to the west. There are utilities already available to the site as well.

## Masters, Jessica

---

**From:** Carmen Osburn <car\_osburn2013@yahoo.com>  
**Sent:** Friday, May 8, 2020 5:42 PM  
**To:** Masters, Jessica  
**Subject:** Rezoning on W.Hendrix-Fugitt and Marks.

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I oppose changing the current zoning of all properties on W. Hendrix. Increasing the density is not compatible with current single family housing. Overfill in a low area will cause increased runoff; afford crowded living conditions, and change the character of the neighborhood. Having extra greenspace on a lot promotes water absorption and aids in control of erosion, adds to the enjoyment of the property, and adds to people's physical and mental health. Larger lots allow for addition of more trees to provide oxygen and remove Co2 for the good of ALL.

One RSF-8 was allowed on this street due to a clerical error and seems to be creating a domino effect of unwanted housing. I do not support the City's long term plans for dense housing in this area.

Who do you serve--the developers who are only interested in capital gains or the taxpayers whose lives are effected by your decisions to change their environment ? Many property owners were here first. We don't deserve to be pushed aside as insignificant so you can achieve your dense housing!

The results of crowded living conditions should be evident by the current world situation.

M.C.Osburn

## Masters, Jessica

---

**From:** Masters, Jessica  
**Sent:** Tuesday, May 19, 2020 8:22 AM  
**To:** Terri Phelan  
**Subject:** RE: the consequences of your decisions - reality

Terri,

Yes, I did receive this email thread and it will be included as a public comment item in my staff report for these rezones.

Please let me know if you have any additional questions.

Jessie

### Jessie Masters

Senior Planner

City of Fayetteville, Arkansas

(479) 575-8239

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

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



---

**From:** Terri Phelan <tlp02@uark.edu>  
**Sent:** Monday, May 18, 2020 5:11 PM  
**To:** Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Subject:** FW: the consequences of your decisions - reality

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica....thanks again for the conversation this afternoon.

btw....did you ever receive my email thread below?

I'd like to know.

-- Terri L. Phelan  
email: [TLP02@uark.edu](mailto:TLP02@uark.edu)

**Spay/neuter your pets and do not let them roam.**

---

**From:** Terri Phelan  
**Sent:** Tuesday, May 05, 2020 5:02 PM  
**To:** Stoll, Garner <[gstoll@fayetteville-ar.gov](mailto:gstoll@fayetteville-ar.gov)>  
**Cc:** Kinion, Mark <[ward2\\_pos1@fayetteville-ar.gov](mailto:ward2_pos1@fayetteville-ar.gov)>; Teresa Turk <[teresa\\_turk@hotmail.com](mailto:teresa_turk@hotmail.com)>; Mayor <[Mayor@fayetteville-ar.gov](mailto:Mayor@fayetteville-ar.gov)>  
**Subject:** FW: the consequences of your decisions - reality

Garner Stoll.....I meant to include you but forgot to add your email.

Please forward this to each and every city planner in your department.

-- Terri L. Phelan  
email: [TLP02@uark.edu](mailto:TLP02@uark.edu)

**Spay/neuter your pets and do not let them roam.**

---

**From:** Terri Phelan  
**Sent:** Tuesday, May 05, 2020 4:59 PM  
**To:** 'Mayor' <[Mayor@fayetteville-ar.gov](mailto:Mayor@fayetteville-ar.gov)>; 'ward1\_pos1@fayetteville-ar.gov' <[ward1\\_pos1@fayetteville-ar.gov](mailto:ward1_pos1@fayetteville-ar.gov)>; 'ward1\_pos2@fayetteville-ar.gov' <[ward1\\_pos2@fayetteville-ar.gov](mailto:ward1_pos2@fayetteville-ar.gov)>; 'ward2\_pos1@fayetteville-ar.gov' <[ward2\\_pos1@fayetteville-ar.gov](mailto:ward2_pos1@fayetteville-ar.gov)>; 'citycouncil@matthewpetty.org' <[citycouncil@matthewpetty.org](mailto:citycouncil@matthewpetty.org)>; 'ward3\_pos1@fayetteville-ar.gov' <[ward3\\_pos1@fayetteville-ar.gov](mailto:ward3_pos1@fayetteville-ar.gov)>; 'ward3\_pos2@fayetteville-ar.gov' <[ward3\\_pos2@fayetteville-ar.gov](mailto:ward3_pos2@fayetteville-ar.gov)>; 'ward4\_pos1@fayetteville-ar.gov' <[ward4\\_pos1@fayetteville-ar.gov](mailto:ward4_pos1@fayetteville-ar.gov)>; 'ward4\_pos2@fayetteville-ar.gov' <[ward4\\_pos2@fayetteville-ar.gov](mailto:ward4_pos2@fayetteville-ar.gov)>  
**Cc:** Zola Moon ([zmoon@cox.net](mailto:zmoon@cox.net)) <[zmoon@cox.net](mailto:zmoon@cox.net)>; Joyce Richards ([joyari4372@outlook.com](mailto:joyari4372@outlook.com)) <[joyari4372@outlook.com](mailto:joyari4372@outlook.com)>  
**Subject:** the consequences of your decisions - reality

Mayor, City Council members, and planning staff,

Please read the letter below -- it describes the very real impacts that your decisions about infill and rezoning have on residents in existing RSF-4 neighborhoods. The concerns in the letter are just as valid and current as they were in 2008.

- The decisions you make are NOT just a sterile exercise in numbers -- they impact RSF-4 residents in their daily life.
- Infill to accommodate statistical models of future population subordinates **\*\*existing\*\*** residents.
  - Where is the concern about the quality of life of **\*\*existing\*\*** residents in RSF-4 neighborhoods because of infill?
  - Where is the concern about the impact rezoning/infill has on **\*\*our\*\*** investments in the neighborhood? A house is typically the single largest investment that regular people make, and your decisions about infill impact that real value as well as the intrinsic value of the quality of life.

I agree that infill has its place -- but it seems that the concept of infill is the blindly served to the exclusion of the wants/needs of the neighborhood.

Some of you will not care about this. Some of you would rather serve population models.

Since the letter below was originally sent to Council members, I believe that makes it a public document, and so I do not hesitate to re-send it in the hopes that it causes some of you to reconsider your priorities in every future vote.

-- Terri L. Phelan

Hendrix-Maxwell-Stephens Neighborhood Assn.  
email: [TLP02@uark.edu](mailto:TLP02@uark.edu)

**Spay/neuter your pets and do not let them roam.**

---

**From:** Joyce Richards [<mailto:joycerichards@hotmail.com>]  
**Sent:** Wednesday, April 02, 2008 10:22 AM  
**To:** Ifisher <[lfisher@uark.edu](mailto:lfisher@uark.edu)>; phelan <[tlp02@uark.edu](mailto:tlp02@uark.edu)>; tlphelan <[tlphelan@arkansasusa.com](mailto:tlphelan@arkansasusa.com)>  
**Subject:** FW: Hendrix rezoning

---

Date: Tue, 1 Apr 2008 19:49:24 -0600  
From: [purlow7@gmail.com](mailto:purlow7@gmail.com)  
To: [ward2\\_pos2@ci.fayetteville.ar.us](mailto:ward2_pos2@ci.fayetteville.ar.us); [ward2\\_pos1@ci.fayetteville.ar.us](mailto:ward2_pos1@ci.fayetteville.ar.us)  
Subject: Hendrix rezoning  
CC: [joycerichards@hotmail.com](mailto:joycerichards@hotmail.com)

Hello,

I live on S. Maxwell, and my property backs up to the duplexes on the corner of Hendrix. I was informed of the neighborhood meeting about the Hendrix rezoning request on April 2, but am unable to attend due to a conflict at church. I do however want to offer some information that may be useful to you in your discussions about this issue.

I have lived on S. Maxwell for nearly 3 years now, and have endured countless noise and nuisance issues from the aforementioned duplexes since I moved here. My observations lead me to the conclusion that most of the tenants there are around college student age. The noise issues are constant during nice weather, with multiple units having outdoor parties regularly, many times during the week and always well past midnight. There are also frequent nights of noise when the residents return from the bars in the middle of the night. My school-age child and I have lost much sleep over their noise. I have attempted to nicely ask them to keep the noise down, and was rewarded by obscenities and added noise, as well as beer bottles being thrown into my yard, some at my dog. I was actually forced to find another home for my dog, as the police were unable or unwilling to help me resolve this issue. I regularly pick up and discard bottles and other trash that has been thrown over my fence.

I have called and reported the disturbances to the police numerous times, usually with little or no effect. I have spoken to employees of the real estate firm that owns the duplexes, again to no avail. It is a very frustrating issue, since these duplexes are located in an otherwise quiet, respectful neighborhood, and most of the residents there seem to have no regard whatsoever for anyone around them.

I am highly concerned that any changes that may create more pockets of transitory residents will further devalue this area. Although RSF-8 is considered a single family zone, it also would allow for twice as many homes per acre, which could result again in lower-cost housing for students. I would appeal to you as our lawmakers to preserve the remaining integrity of our neighborhood by keeping it primarily a place for families.

Thank you for your time.

Lee Ann Kendrick  
1135 S. Maxwell

--

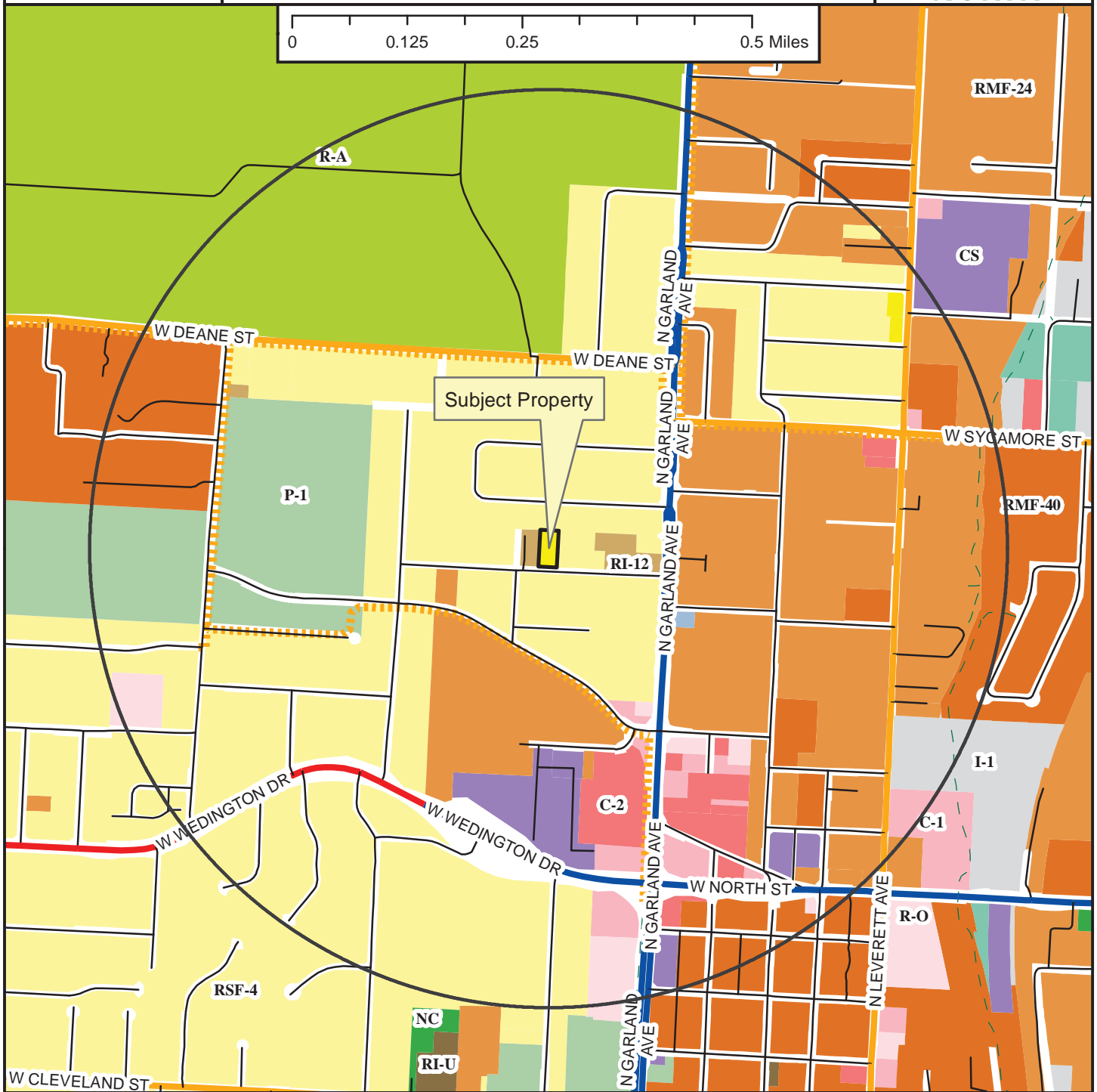
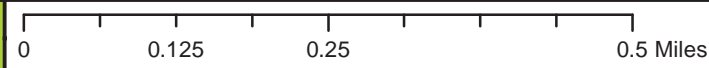
Lake Designs Associates  
479-444-3377



RZN20-7086

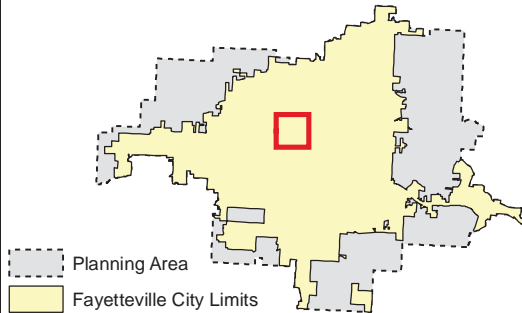
# OAK EQUITY PARTNERS

One Mile View



## Legend

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



- Planning Area
- Fayetteville City Limits

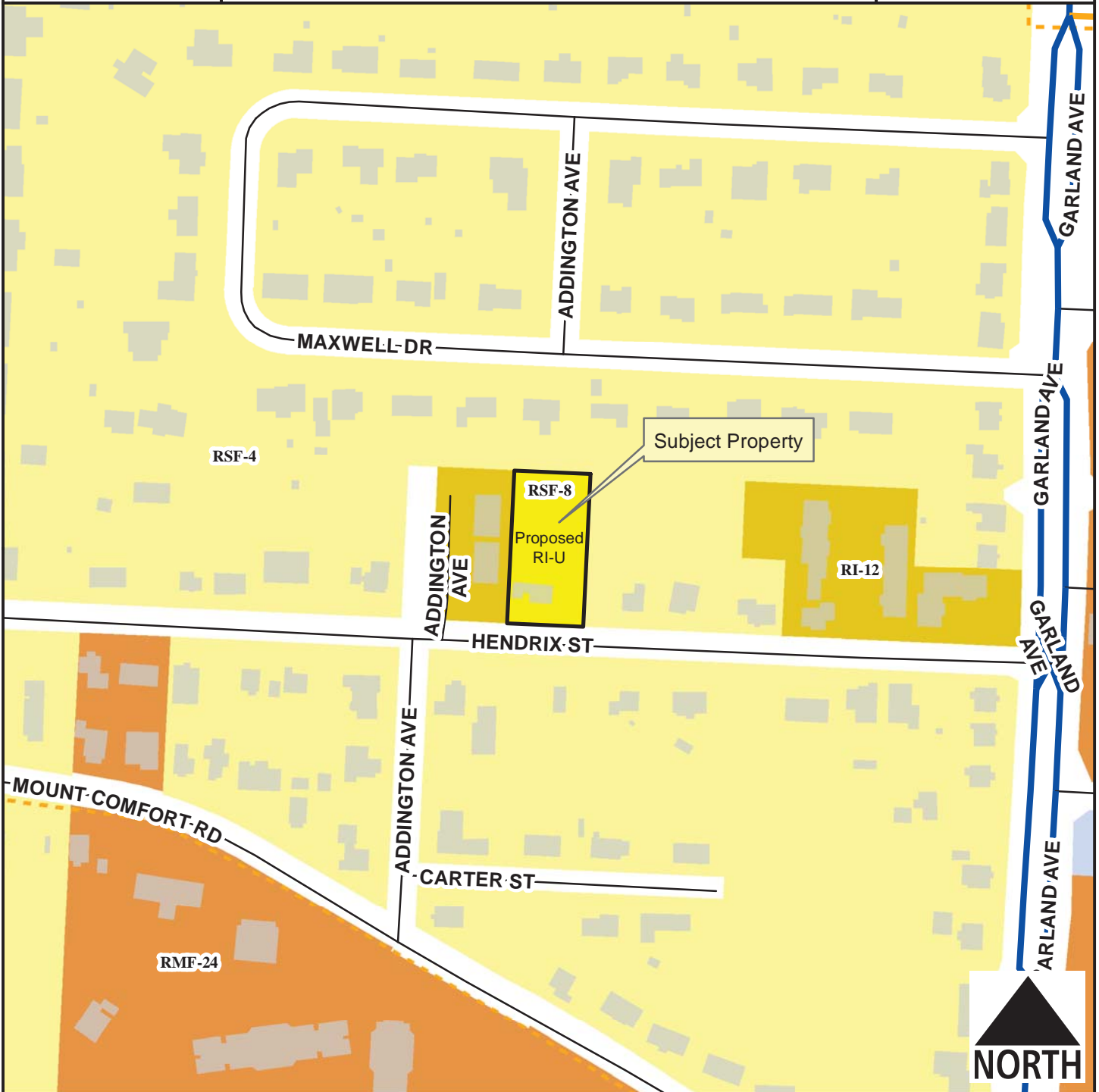
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RH-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-16
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial and Light Industrial
  - I-2 General Industrial
- EXTRACTION**
  - E-1
- COMMERCIAL**
  - Residential-Office
  - C-1
  - C-2
  - C-3
- FORM BASED DISTRICTS**
  - Downtown Core
  - Urban Thoroughfare
  - Main Street Center
  - Downtown General
  - Community Services
  - Neighborhood Services
  - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
  - Commercial, Industrial, Residential
  - INSTITUTIONAL
  - P-1



RZN20-7086

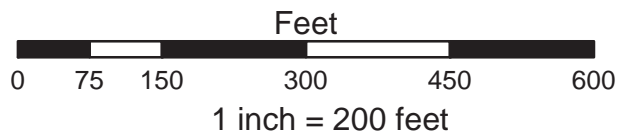
# OAK EQUITY PARTNERS

Close Up View



### Legend

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

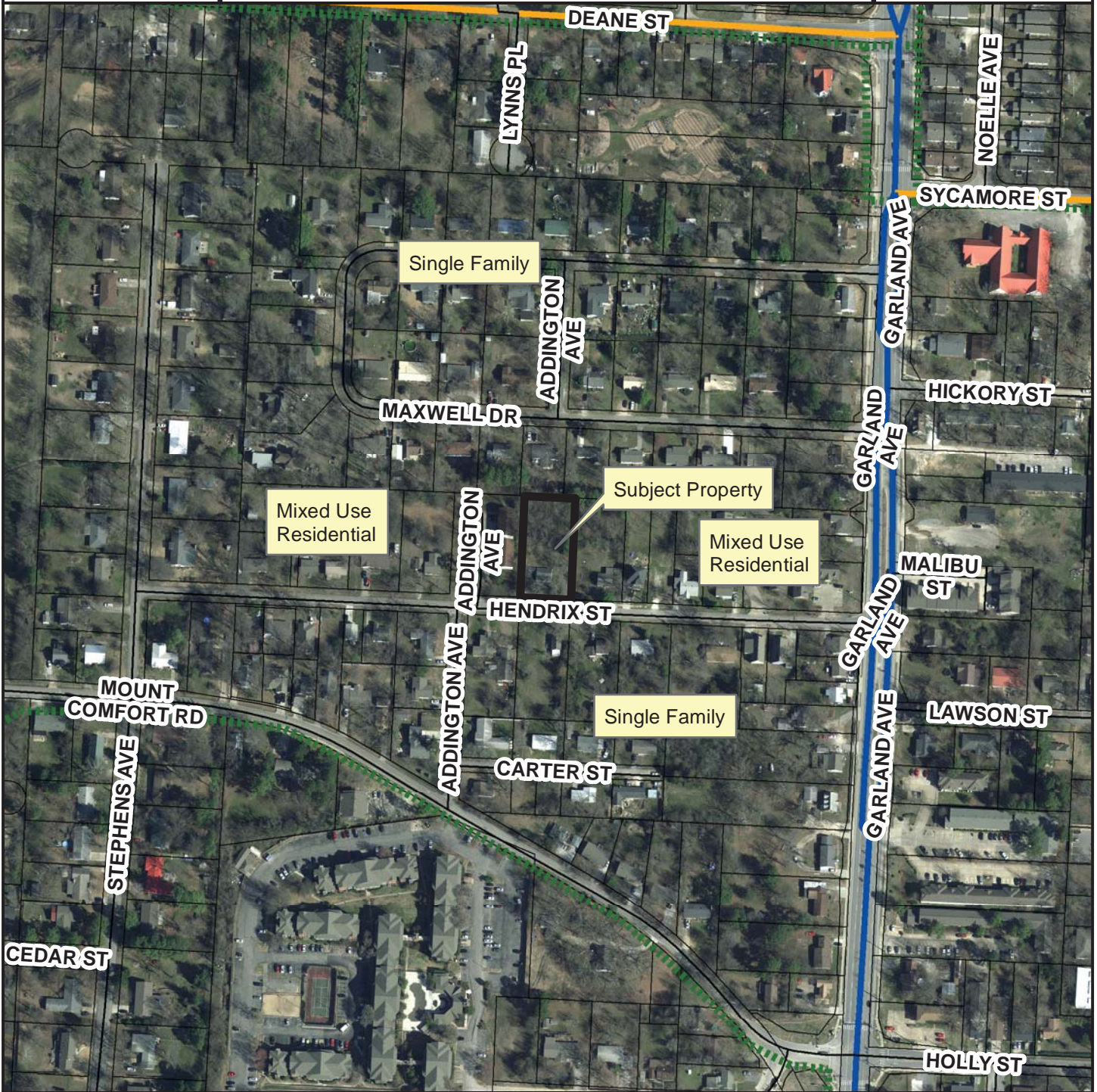





Zoning	Acres
RI-U	0.5
<b>Total</b>	<b>0.5</b>

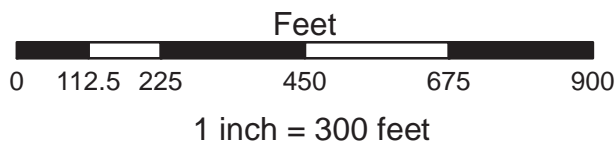
RZN20-7086

# OAK EQUITY PARTNERS



Current Land Use



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



### FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

# OAK EQUITY PARTNERS

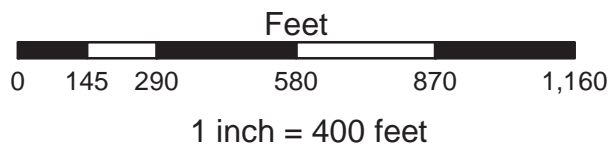


Future Land Use



### Legend

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



### Legend