

**City of Fayetteville Staff Review Form**

**2021-0760**

**Legistar File ID**

**10/19/2021**

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

Jonathan Curth

10/1/2021

DEVELOPMENT REVIEW (630)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

RZN-2021-000065: Rezone (481 S. HAPPY HOLLOW RD./FULTON, 525): Submitted by DCI, INC. for property located at 481 S. HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE.

**Budget Impact:**

|  |   |
|--|---|
| Account Number                                   | Fund  |
| Project Number                                   | Project Title   |
| <b>Budgeted Item?</b> <u>  No  </u>              | Current Budget        \$            -   |
|  | Funds Obligated        \$            -  |
|  | Current Balance <span style="border: 1px solid black; background-color: #f0f0f0;">\$            -</span>  |
| <b>Does item have a cost?</b> <u>  No  </u>      | Item Cost                \$            -  |
| <b>Budget Adjustment Attached?</b> <u>  No  </u> | Budget Adjustment     \$            -   |
|  | Remaining Budget <span style="border: 1px solid black; background-color: #f0f0f0;">\$            -</span> |

V20210527

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

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

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

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

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

**Comments:**



**MEETING OF OCTOBER 19, 2021**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth, Development Services Director

**FROM:** Ryan Umberger, Senior Planner

**DATE:** October 1, 2021

**SUBJECT:** **RZN-2021-000065: Rezone (481 S. HAPPY HOLLOW RD./FULTON, 525):** Submitted by DCI, INC. for property located at 481 S. HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE.

---

**RECOMMENDATION:**

Planning Commission and City staff recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The subject property is in southeast Fayetteville, at the northwest corner of S. Happy Hollow Road's intersection with E. 5<sup>th</sup> Street. The property is roughly ½ acre in size and currently developed with a single-family dwelling that County records indicate was constructed in 1961. The property slopes from a high point near the northwest corner to the southeast at a gradual, 8% slope.

*Request:* The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, to RSF-18, Residential Single-Family, 18 Units per Acre. This is an amendment to the original request to rezone the property to RI-U, Residential Intermediate, Urban. Though the applicant has not submitted a specific development plan, the request letter suggests they would like to divide the parcel into four separate lots for the development of single-family residences.

*Public Comment:* Staff received phone call inquiries and emails in opposition to the request to rezone the property to RI-U. The neighbors indicated concerns about traffic, increased density, and compatibility with the neighborhood. One neighbor met with staff about the revised request to rezone the property to RSF-18. After discussing the changes to the request, the neighbor did not express support or opposition of the request during the meeting but later submitted a letter opposing the rezoning. Among other questions specific to the rezoning the neighbor mentioned issues with the 8-inch water main in the S. Happy Hollow Road right-of-way occasionally breaking and causing flooding issues.

*Land Use Compatibility:* The proposed zoning is generally compatible with the surrounding residential land uses. The property is surrounded almost entirely by single-family residential dwellings with a single duplex located south of the subject property, across E. 5<sup>th</sup> Street. The lot pattern in the area is irregular with lot shapes and sizes varying greatly. Given the lot's size, street frontage, and density allowances staff finds that the current RSF-4 zoning designation would allow for the property to be split once, for the addition of a single-family dwelling. Rezoning to RSF-18, Residential Single-Family, 18 Units per Acre would increase the developable potential of the subject property. RSF-18 generally allows lots with a minimum area of 2,500 square feet and 30 feet of lot width. Considering the half-acre size of the lot and its approximately 300 feet of street frontage, the property could theoretically be subdivided to allow up to nine units, though staff finds required access, parking, and other realities of development would inhibit the property from being developed to the maximum extent. In short, staff finds it unlikely that the property would be split in a way that differs significantly from other properties in the area. From a use perspective, the by-right and conditional use allowances in RSF-4 and RSF-18 are identical. Infrastructure available to the site, nearby services, and proximity to Happy Hollow Elementary and Fire Station #3 reinforce staff's opinion that the location could support additional density.

*Land Use Plan Analysis:* Staff finds that the request is mostly consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. RSF-18 has an associated build-to requirement which encourages form-based development where buildings address the street. Redevelopment of the property would likely require improvements to the streetscape including, but not limited to, street trees, sidewalks, and greenspace. The subject area is designated as a Residential Neighborhood Area, which calls for a mix of housing types in appropriate areas. Single-use zoning districts are not consistent with the aims of the future land use designation. While the single-use nature of the single-family zoning district will help to ensure that development of the site is of an appropriate scale in context with the existing neighborhood, the lack of by-right variation in residence types inhibits diversity in housing types. The rezoning does, however, contribute to bringing greater diversity to lot sizes in the neighborhood. The property has a moderate infill score and is roughly 800 feet north of a Tier 3 Center at the intersection of S. Happy Hollow and E. Huntsville Roads. On the balance of things, staff finds the proposed rezoning to be appropriate in this instance.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 6 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Road)
- Near Sewer Main (S. Happy Hollow Road & E. 5<sup>th</sup> Street)
- Near Water Main (S. Happy Hollow Road & E. 5<sup>th</sup> Street)
- Near Public School (Happy Hollow Elementary)
- Near City Park (Mt. Sequoyah Woods)
- Near ORT Bus Stop (Route 20, S. Happy Hollow Road)

## **DISCUSSION:**

At the September 13, 2021 Planning Commission meeting, staff recommended denial of a previous proposal to rezone the property to RI-U. The applicant requested that Commissioners

table the request, which the Planning Commission did by a vote of 7-0-0. Afterwards, the applicant amended their request to RSF-18.

At the September 27, 2021 Planning Commission meeting, a vote of 7-0-0 forwarded the request to rezone to RSF-18 to City Council with a recommendation of approval. Commissioner Sparkman made the motion and Commissioner Sharp seconded. Commissioners found the rezoning to be compatible and encourage an appropriate urban design, with parking to the rear of the property and buildings towards the street, similar to recent development further to the west on 5<sup>th</sup> Street. Commissioner Garlock shared photos of the property, existing on-street parking, and adjacent developments. During the hearing one member of the public spoke, asking questions about process, development standards for parking, details of that applicant's plans, and the potential for infrastructure improvements. These were directed to staff at the meeting who responded that the request would go to the City Council if forwarded, that parking standards are land use, not zoning based, that development details are not currently available, and that any necessary improvements depend on the scope of a project.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

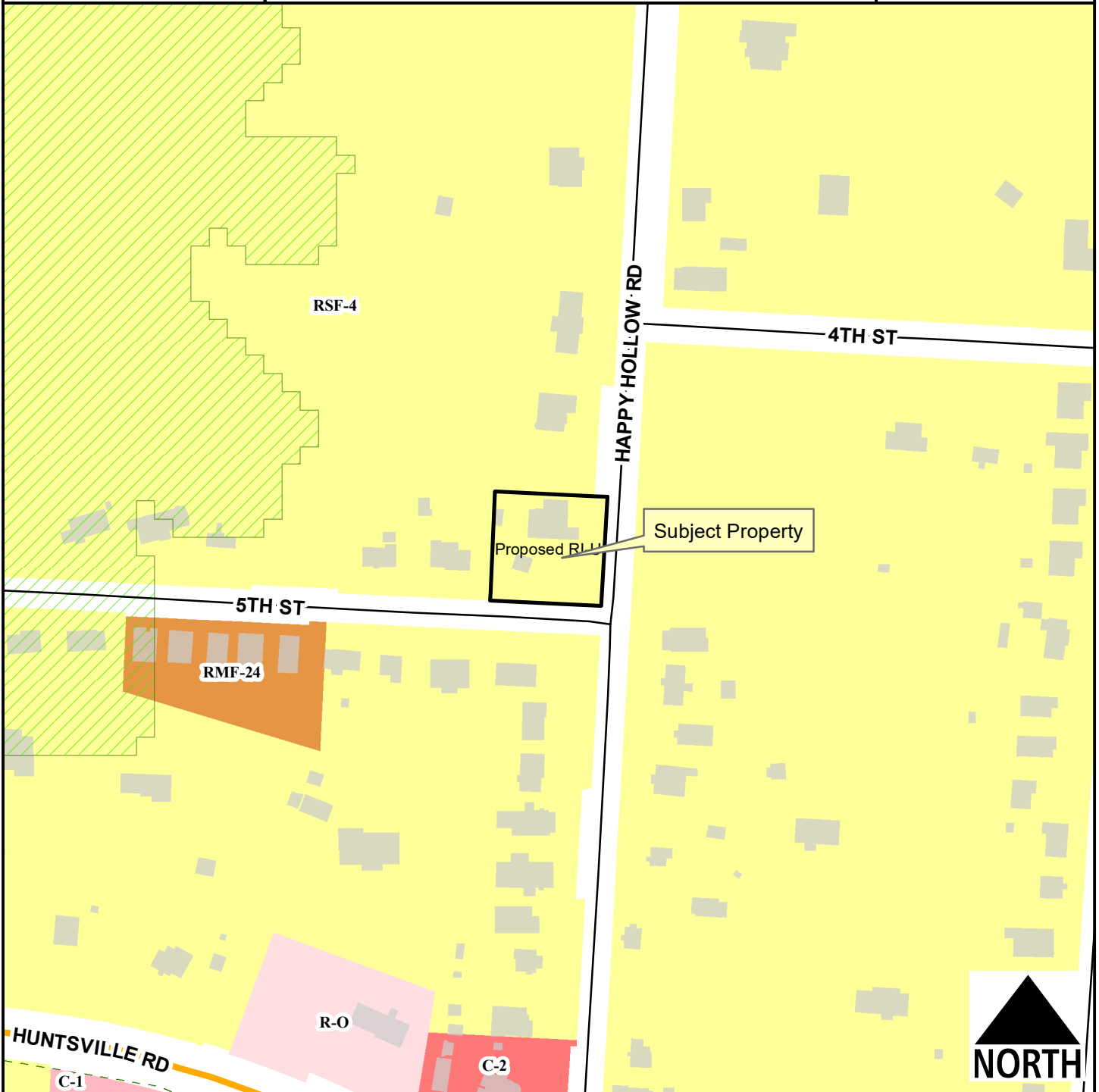
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000065

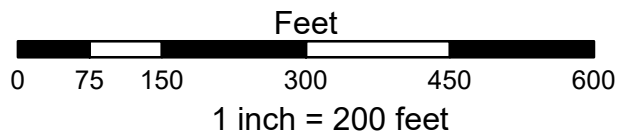
# Fulton

RZN-2021-000065  
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



| Zoning       | Acres      |
|--------------|------------|
| RSF-18       | 0.5        |
| <b>Total</b> | <b>0.5</b> |

**EXHIBIT 'B'**  
**RZN-2021-000065**

SURVEYED PROPERTY DESCRIPTION:

Part of the SW1/4 SW1/4 of Section 14, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Southeast Corner of the said SW1/4 SW1/4; Thence N 02°20'54" E, a distance of 596.42 feet; Thence N 87°39'06" W, a distance of 15.76 feet to a chiseled "X" at the intersection of the Westerly right of way line of S Happy Hollow Road and the Northerly right of way line of East 5th/ Street, said point being the Point of Beginning; Thence continuing N 87°39'06" W along the Northerly right of way line of said East 5th/ Street, a distance of 148.45 feet to a set 5/8" rebar (PLS#1441) at the Southeast corner of the Linn tract as recorded at W.D.: Bk. 2018, Pg. 32954; Thence N 02°20'54" E along the East line of said Linn tract, a distance of 150.00 feet to a found 1" crimped pipe on the South line of the Kelley tract as recorded at W.D.: Bk. 2020, Pg. 28812; Thence S 87°34'39" E along the South line of said Kelley tract, a distance of 150.22 feet to a found 1" crimped pipe on the Westerly right of way line of aforesaid S Happy Hollow Road; Thence S 03°01'43" W along the Westerly right of way line of said S Happy Hollow Road, a distance of 149.82 feet to the Point of Beginning, containing 0.51 acres more or less.



**TO:** City of Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Ryan Umberger, Senior Planner

**MEETING DATE:** September 27, 2021 (Updated with PC Results)

**SUBJECT:** **RZN-2021-000065: Rezone (481 S. HAPPY HOLLOW RD./FULTON, 525):** Submitted by DCI, INC. for property located at 481 S. HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.50 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE.

**RECOMMENDATION:**

Staff recommends forwarding **RZN-2021-000065** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward **RZN-2021-000065** to City Council with a recommendation for approval."

**September 13, 2021 PLANNING COMMISSION MEETING:**

On September 13<sup>th</sup>, the item was requested to be tabled by the applicant until the meeting scheduled for September 27<sup>th</sup>. In light of the findings on a previous request to rezone the property to RI-U, Residential Intermediate-Urban the applicant sought additional time to revise the request to gain staff support. After considering the options which would meet their development intent, the applicant opted to request RSF-18, Residential Single-family, 18 Units per Acre.

**BACKGROUND:**

The subject property is in east Fayetteville, at the northwest corner of the intersection of S. Happy Hollow Road and E. 5<sup>th</sup> Street. The property is roughly ½ acre in size and currently developed with a single-family dwelling that County records indicate was constructed in 1961. The property slopes from a high point near the northwest corner to the southeast at a gradual, 8% slope. 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             | Single-Family Residential | RSF-4, Residential Single-Family, 4 Units per Acre |

**Request:** The request is to rezone the property to RSF-18, Residential Single-Family, 18 Units per Acre. Though the applicant has not submitted a specific development plan, the request letter suggests they would like to divide the parcel into four separate lots for the development of single family residences.

**Public Comment:** Staff has received a few phone call inquiries and emails in opposition to a previous request to rezone the property to RI-U. The neighbors indicated concerns about traffic, increased density, and compatibility with the neighborhood. One neighbor met with staff about the revised request to rezone the property to RSF-18. After discussing the changes to the request the neighbor expressed ambivalence to the current proposal. The neighbor mentioned issues with the 8-inch water main in the S. Happy Hollow Road right-of-way occasionally breaking and causing flooding issues.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

**Streets:** The subject property's frontage on S. Happy Hollow Road and E. 5<sup>th</sup> Street. At the subject location S. Happy Hollow Road is a fully improved Residential Link Street with asphalt paving, sidewalk, and curb and gutter. E. 5<sup>th</sup> Street is a partially improved Residential Link Street along the property's frontage with asphalt paving, curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.

**Water:** Public water is available to the subject property. An existing 8-inch water main is present on the east side of S. Happy Hollow Road and an existing 6-inch water main is present on the north side of E. 5<sup>th</sup> Street.

**Sewer:** Sanitary Sewer is available to the subject property. An existing 6-inch sanitary sewer main is present in the middle of S. Happy Hollow Road and an existing 6-inch sanitary sewer main is present in the middle of E. 5<sup>th</sup> Street.

**Fire:** The site will be protected by Station 3, located at 1050 S Happy Hollow. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately 2 minute using existing streets. The anticipated response time would be approximately 3.2 minutes. 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. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

**Drainage:** No part of the parcel lies within the Hillside Hilltop Overlay District (HHOD) or within a FEMA floodplain. Neither hydric soils nor a protected stream are present in the area. Any additional improvements or requirements for drainage will be determined at time of development.

### **Tree Preservation:**

The proposed zoning district of **RSF-18, Residential Single-Family, 18 Units per Acre** requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre requires **25% minimum**



## canopy preservation.

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 6 for this site, with a weighted score of 7. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Road)
- Near Sewer Main (S. Happy Hollow Road & E. 5<sup>th</sup> Street)
- Near Water Main (S. Happy Hollow Road & E. 5<sup>th</sup> Street)
- Near Public School (Happy Hollow Elementary)
- Near City Park (Mt. Sequoyah Woods)
- Near ORT Bus Stop (Route 20, S. Happy Hollow Road)

## 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 residential land uses. The property is surrounded almost entirely by single-family residential dwellings with a single duplex located south of the subject property, across E. 5<sup>th</sup> Street. The lot pattern in the area is irregular with lot shapes and sizes varying greatly. Given the lot's size, street frontage, and density allowances staff finds that the current zoning designation would allow for the property to be split once, for the addition of a single-family dwelling. Rezoning to RSF-18, Residential Single-Family, 18 Units per Acre would increase the developable potential of the subject property. RSF-18 generally allows lots with a minimum area of 2,500 square feet and 30 feet of lot width. Considering the half-acre size of the lot and its approximately 300 feet of street frontage, the property could theoretically be subdivided to allow up to nine units, though staff finds required access, parking, and other realities of development would inhibit the property from being developed to the maximum extent. In short, staff finds it unlikely that the property would be split in a way that differs significantly from other properties in the area. From a use perspective, the by-right and conditional use allowances in RSF-4 and RSF-18 are identical. Infrastructure available to the site, nearby services, and proximity to Happy Hollow Elementary and**

**Fire Station #3 reinforce staff's opinion that the location could support additional density.**

***Land Use Plan Analysis:* Staff finds that the request is mostly consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. RSF-18 has an associated build-to requirement which encourages form-based development where buildings address the street. Redevelopment of the property would likely require improvements to the streetscape including, but not limited to, street trees, sidewalks, and greenspace. The subject area is designated as a Residential Neighborhood Area, which calls for a mix of housing types in appropriate areas. Single-use zoning districts are not consistent with the aims of the future land use designation. While the single-use nature of the single-family zoning district will help to ensure that development of the site is of an appropriate scale in context with the existing neighborhood, the lack of by-right variation in residence types inhibits diversity in housing types. The rezoning does, however, contribute to bringing greater diversity to lot sizes in the neighborhood. The property has a moderate infill score and is roughly 800 feet north of a Tier 3 Center at the intersection of S. Happy Hollow and E. Huntsville Roads. On the balance of things, staff finds the proposed rezoning to be appropriate in this instance.**

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

**Finding: Staff finds a rezone from RSF-4 to RSF-18 is appropriate and justified for the property. Rezoning to RSF-18 provides an incremental increase in density to an area that is currently experiencing growth and development pressure. Rezoning contributes to Goals 1, 3, and 4 of City Plan 2040.**

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

**Finding: Rezoning the property from RSF-4 to RSF-18 is likely to increase traffic at this location. Traffic volumes and accidents are low along both S. Happy Hollow Road and E. 5<sup>th</sup> Street. Volumes and accidents along E. Huntsville and S. Crossover Roads, where residents would likely facilitate regional travel for residents are considerably higher. Ozark Regional Transit Route 20 currently has a bus stop near the intersection of S. Happy Hollow and E. 4<sup>th</sup> Street, about 300 feet north of the property.**

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-4 to RSF-18 is likely to increase the population density in the area. Adjacency to existing water, sewer, and street infrastructure would limit the adverse impacts of a denser residential pattern. Neither the Police nor the Fire Department have expressed objection to the proposal. Similarly, no comment has been received from the Fayetteville Public School District.**

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-2021-000065** to City Council with a recommendation for approval.

|   |                                 |   |                                 |
|---|---------------------------------|---|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>        |                                 |   |                                 |
| Date: <u>September 27, 2021</u>                               | <input type="checkbox"/> Tabled | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion: Sparkman, amended to RSF-18 and recommending approval |                                 |   |                                 |
| Second: Sharp   |                                 |   |                                 |
| Vote: 7-0-0   |                                 |   |                                 |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.10 District RSF-18, Residential Single-Family – Eighteen (18) Units Per Acre
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre**

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

|          |  |
|----------|--|
| Unit 2   | City-wide uses by conditional use permit |
| Unit 3   | Public protection and utility facilities |
| Unit 4   | Cultural and recreational facilities     |
| Unit 5   | Government facilities                    |
| Unit 9   | Two-family dwellings                     |
| Unit 12a | Limited business                         |
| Unit 24  | Home occupations                         |
| Unit 36  | Wireless communications facilities       |
| Unit 44  | Cluster Housing Development              |

(C) *Density.*

|                |                         |                          |
|----------------|-------------------------|--------------------------|
|                | Single-family dwellings | Two (2) family dwellings |
| Units per acre | 4 or less               | 7 or less                |

(D) *Bulk and Area Regulations.*

|   |                         |                          |
|---|-------------------------|--------------------------|
|   | Single-family dwellings | Two (2) family dwellings |
| Lot minimum width                           | 70 feet                 | 80 feet                  |
| Lot area minimum                            | 8,000 square feet       | 12,000 square feet       |
| Land area per dwelling unit                 | 8,000 square feet       | 6,000 square feet        |
| Hillside Overlay District Lot minimum width | 60 feet                 | 70 feet                  |
| Hillside Overlay District Lot area minimum  | 8,000 square feet       | 12,000 square feet       |
| Land area per dwelling unit                 | 8,000 square feet       | 6,000 square feet        |

(E) *Setback Requirements.*

|         |        |         |
|---------|--------|---------|
| Front   | Side   | Rear    |
| 15 feet | 5 feet | 15 feet |

(F) *Building Height Regulations.*

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

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; 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     |
| Unit 46 | Short-term rentals      |

(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; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

RZN-2021-000064 Public Comment

**From:** s raymond <susiegrace@yahoo.com>  
**Sent:** Sunday, September 5, 2021 9:47 PM  
**To:** Umberger, Ryan <rumberger@fayetteville-ar.gov>  
**Subject:** Fulton Rezoning at 481 S. Happy Hollow Rd. (RZN-2021-000065)

To: Fayetteville Planning Commission:

I oppose the rezoning of the corner lot on Happy Hollow Rd and 5th St. Rezoning one lot to something different from the surrounding established zoning seems unfair to neighbors. Also, traffic and bus stops on Happy Hollow are a concern. The letter from the developer I assume is not a legally binding plan. The neighbors wouldn't have any assurance that their plan wouldn't change under the new zoning.

From: Susan Raymond

**From:** angelinamarie08 <angelinamarie08@yahoo.com>  
**Sent:** Wednesday, September 8, 2021 11:24 AM  
**To:** Umberger, Ryan <rumberger@fayetteville-ar.gov>  
**Subject:** Rezoning request at 481 Happy Hollow Rd

To whom it may concern,

I live on Happy Hollow Rd, here in Fayetteville, AR. I love my neighborhood and my neighbors. It would be awful to see huge apartment buildings right in the middle of our neighborhood. It would devalue our homes and ruin the esthetic of the whole neighborhood. Please help us keep our street with nice family homes.

Thank you

Angelina Cosey

**From:** Lisa Webb <webb.marino@gmail.com>  
**Sent:** Wednesday, September 8, 2021 2:16 PM  
**To:** Umberger, Ryan <rumberger@fayetteville-ar.gov>  
**Subject:** Concerns about Re-zoning on Happy Hollow Rd

Hello Ryan,



I live at 510 Happy Hollow Rd (right across the street from the land that is up for re-zoning next week) and I am concerned about the rush to re-zone the lot before any potential plans for the spot are available.

I am pro-development and increased density as long as there is appropriate off-street parking available.

Please hold off on re-zoning until we can see the developer's plans and make sure there is enough parking.

Thanks,

Lisa Webb

**From:** Beverly Larry <beverlylarry@gmail.com>  
**Sent:** Wednesday, September 8, 2021 2:50 PM  
**To:** Umberger, Ryan <rumberger@fayetteville-ar.gov>  
**Subject:** Rezoning on Happy Hollow Rd.

To the Developers,

I have been a resident of Happy Hollow Rd for over 15 years with my two daughters.

One of the things I found most appealing about the neighborhood was it's rather calm nature. Noise has never really been a problem, and my neighbors have always been considerate of my family and I.

I have a few concerns with the proposed construction and rezoning, which includes the increased amounts of traffic, limited parking space, the size of the property, and the fact that this area of Happy Hollow only consists of single-family homes.

Our neighborhood typically has a high amount of traffic coming from the Cliffs Apartments and Highway 265. The amount of traffic already often presents safety concerns, whether it be when kids are trying to catch the school bus, or when families are trying to enjoy quality time on a nice walk.

With rezoning, in the worst case scenario, there could be dozens of vehicles needing access to parking in a limited amount of space. This could lead to individuals producing potentially dangerous situations to the community in order to park.

The size of the property is also a concern of mine because of what the property currently contains. It's a relatively small size house with a decent sized yard, but it seems to be a stretch in order to fit multiple units and accommodate for the potential future residents.

My last concern is that Happy Hollow Rd strictly consists of single-family homes, and multiple units on a small property will completely disrupt the composition of the neighborhood.

With the concerns I have voiced in mind, I personally would prefer a single-family home or one duplex at most, as I believe that one of these housing solutions are most well-suited for the neighborhood.

- Beverly Larry

**From:** Susanna Brinnon <susanna.brinnon@gmail.com>

**Sent:** Wednesday, September 8, 2021 4:54 PM

**To:** Umberger, Ryan <rumberger@fayetteville-ar.gov>

**Subject:** Comments on proposed rezone of 481 Happy Hollow Rd, from RSF-4 to RI-U (RZN-2021-000065)

To the Planning Commission:

I live at 528 Happy Hollow Road, across from this property. I am concerned about the proposed rezone, for the following reasons:

- 1) Although developer's Written Request states that neighbors will not be adversely affected by a rezone, we cannot be sure of that with the information given. The 4 residences on the half acre mentioned would either have to be very tiny, or multiple stories, or very close together. It is hard to imagine how they could possibly be in scale with the existing neighborhood.
- 2) The description of the 4 residences is only one of many possibilities under RI-U zoning. The developer does not promise that is what they will build; once a zoning change is granted, a developer is free to consider other possibilities, including quadruplexes and 3-story buildings, both definitely inappropriate and out of scale with existing homes. Not only would that adversely affect neighbors' investments -- it could be an eyesore.
- 3) The corner of 5th Street and Happy Hollow Road is where the school bus stops, and already has heavy traffic, as vehicles coming down the hill from neighborhoods to the north average a speed of 45 mph! (personal communication from the City's Department of Transportation in approximately 2012, when they installed the 2 speed tables on Happy Hollow). This is a street with a 25 mph limit, by the way, and the 2 speed tables do little to lessen those speeds.
- 4) re: traffic -- this is not only a heavily trafficked corner, but it is dangerous in winter weather conditions, as nearby residents can confirm. Coming north on Happy Hollow and turning west (uphill) onto 5th Street has occasioned many winter spin-outs and sometimes serious accidents. Several additional vehicles leaving and entering the driveway along the west side of the property would increase this already difficult traffic situation.
- 5) re: pedestrian traffic -- In addition, Happy Hollow's sidewalk is on the west side of the street -- so residents taking a walk, with children, dogs, etc., would be at additional risk under the higher density allowed under RI-U.

6) There are other differences between RSF-4 and RI-U, such as the width of the buildings in relation to lot size, that could make this development appear very out of scale to the existing neighborhood.

All of these concerns depend on the density proposed by the developer, both of number of residents and number of vehicles -- not to mention a design appropriate to the current residences. The City Plan 2040 holds as high priority "appropriate infill and revitalization". I am in accord with this goal, and believe it can only be met if development is carefully considered. I therefore oppose the rezone request, and propose it be put on hold until more detail is offered -- and confirmed. At that time, residents will be better able to comment.

Susanna Brinnon

**From:** Kelly Linn <kellylinn@gmail.com>  
**Sent:** Wednesday, September 22, 2021 10:48 PM  
**To:** Umberger, Ryan <rumberger@fayetteville-ar.gov>  
**Subject:** Regarding the proposed rezoning on Happy Hollow

To the planning commission,  
My family and I live at 1714 East 5th Street (directly behind the property which is being discussed for rezoning). We feel strongly that no more than 4 single family homes (based on lot size, preserving green space and mature trees, and traffic) should be built on the lot and hope that the rezoning will reflect that. We love the green space around this part of town and it is disappointing seeing so much of it being developed for the same cookie cutter homes that lack any character. This particular property has several large mature trees that would be truly unfortunate to see cut down. We hope that your plans protect these special parts of our city.

Thank you,  
Kelly Linn

From: s raymond [<mailto:susiegrace@yahoo.com>]  
Sent: Wednesday, September 22, 2021 1:35 PM  
To: Umberger, Ryan <[rumberger@fayetteville-ar.gov](mailto:rumberger@fayetteville-ar.gov)>; Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
Subject: Objection to Rezoning of 481 S. Happy Hollow Rd lot -- ATTN: Ryan Umberger

To Planning Department and Commission: I object to rezoning of the lot at 481 S. Happy Hollow Rd. The current zoning of RSF-4 is most compatible with the neighborhood. With concerns about traffic, infrastructure (old water mains, etc), sidewalks & bicycle use, utilities, an approach of randomly rezoning a single lot instead of considering the whole neighborhood makes no sense. It seems that the only motivation for doing so is that a developer wants to maximize the profit on a recently purchased lot. This approach is very short-sighted.

Yours,

Susan Raymond

**From:** Susanna Brinnon <susanna.brinnon@gmail.com>  
**Sent:** Wednesday, September 22, 2021 4:17 PM  
**To:** Umberger, Ryan <rumberger@fayetteville-ar.gov>  
**Subject:** Proposed rezone from RSF-4 to RSF-18, RZN-2021-000065)

Hi Ryan,

I understand the developer has revised his rezone request, to RSF-18 rather than RI-U, for this property. I object to this request.

I've reviewed the requirements and allowances for RSF-18 and believe, from the neighborhood's point of view, there is not much difference. In fact, if I understand the codes correctly, even more density would be allowed under RSF-18 (9 dwellings on this half acre) than under RI-U (4 dwellings).

And that increased density, whichever zone is proposed, is the basis for my problems with a zoning change. As I cited in my email re the requested change to RI-U, there would be problems with

- 1) pedestrian traffic, competing with an increased number of vehicles at that corner;
- 2) a school bus stop right where the developer proposes a driveway for multiple residents' vehicles;
- 3) a dangerous corner in winter conditions right at that same driveway;
- 4) high speeds of traffic on Happy Hollow Road;
- 5) a water main right across from this property that is ancient and has broken and flooded at least 3 times in the last few years; and
- 6) the issue of esthetics -- buildings could be placed right up to the sidewalk, with little green space, and could be much larger than the scale of current homes.

We love our neighborhood, where no one is rich but we do take pride in keeping it well maintained. And I believe our investments would be harmed by an inappropriate, out-of-scale development on this property. I urge the Planning Commission to deny this request.

Thank you,

Susanna Brinnon

528 Happy Hollow Rd.

**Written request and narrative to accompany petition packet for the  
Happy Hollow Rezone Request at 481 S Happy Hollow Rd, City of Fayetteville, Arkansas.**

To: The Fayetteville City Planning Commission and  
The Fayetteville City Council

On behalf of the landowners, I am petitioning the Fayetteville City Planning Commission and the Fayetteville City Council to rezone the property located at 481 S Happy Hollow Rd in the City of Fayetteville, Arkansas from RSF-4 to RSF-18.

This property is currently being used as a single-family residence with a one existing residential home.

Current zoning permits a density of 4 units per acre, which would allow for up to 2 single-family units on this property based on its current size & shape. By re-zoning the property to RSF-18, the parcel could be split into 4 separate lots with a single-family residence on each, while still accounting for required Master Street Plan rights of ways dedications and setback requirements.

Adequate infrastructure is in place for the proposed development without the need for any extensions. The intended land use is in harmony with the use of the surrounding properties in the neighborhood. The proposed development intends to have a single point of vehicular access along the west side of the property from 5<sup>th</sup> Street for all four of the future single-family residential lots.

By granting this rezone request, the current owners would benefit, and no other landowner would be adversely affected.

The public interest and welfare would not be adversely affected by granting this rezone request.

Included in the Petition Packet is:

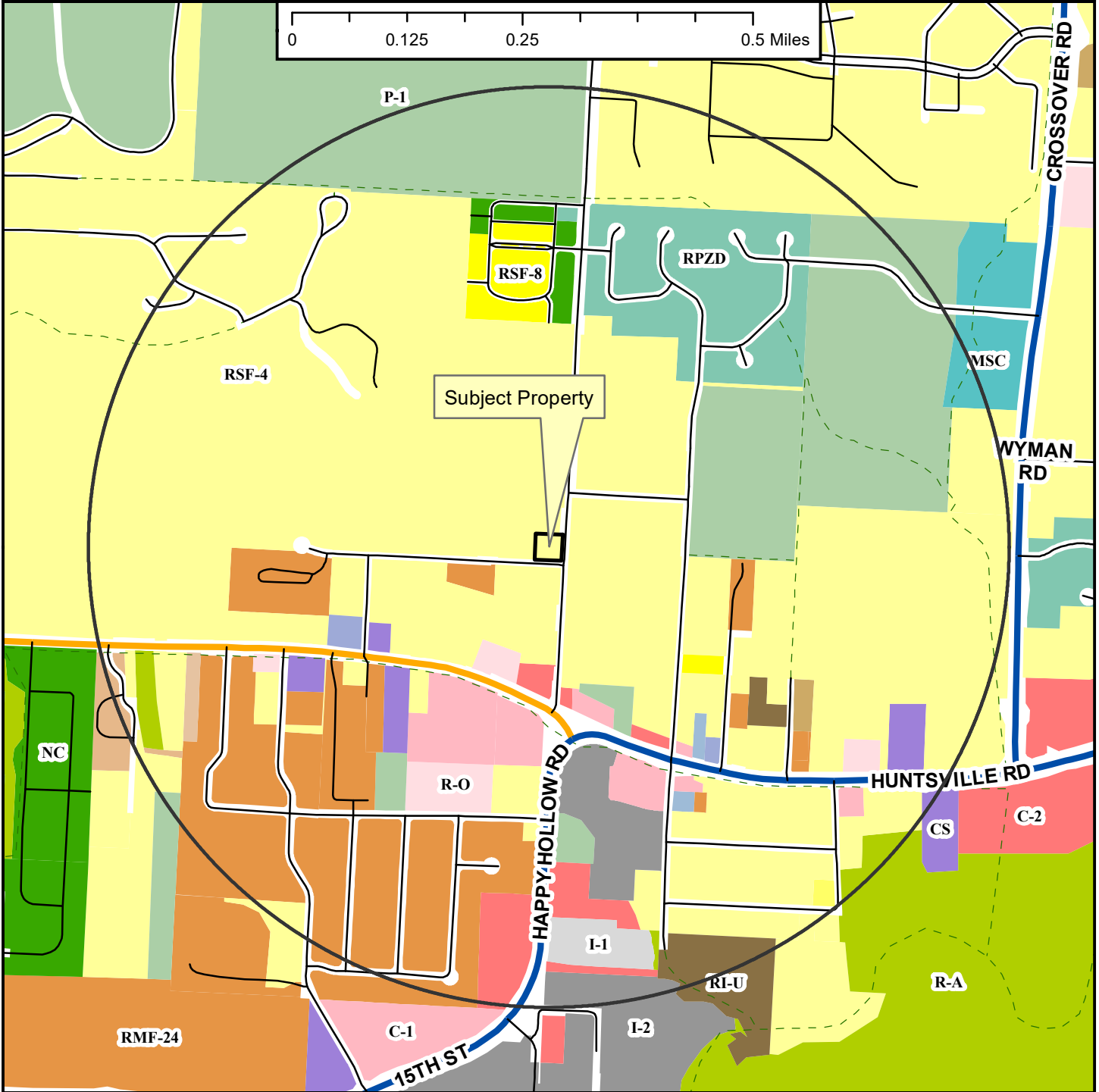
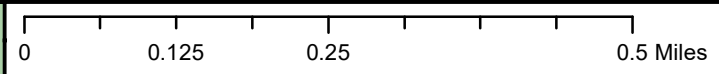
- 1 Application and Payment of applicable fees for processing the application \$330.00.
- 2 This written description.
- 3 Authorization Letter
- 4 Legal description
- 5 Survey
- 6 Assessor's parcel map.
- 7 Adjoining owner list.

  
Allen Jay Young, Development Consultants, Inc.

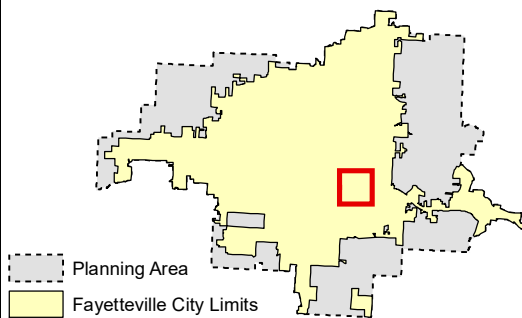
RZN-2021-000065

# Fulton

One Mile View



- Neighborhood Link
- Regional Link - High Activity
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

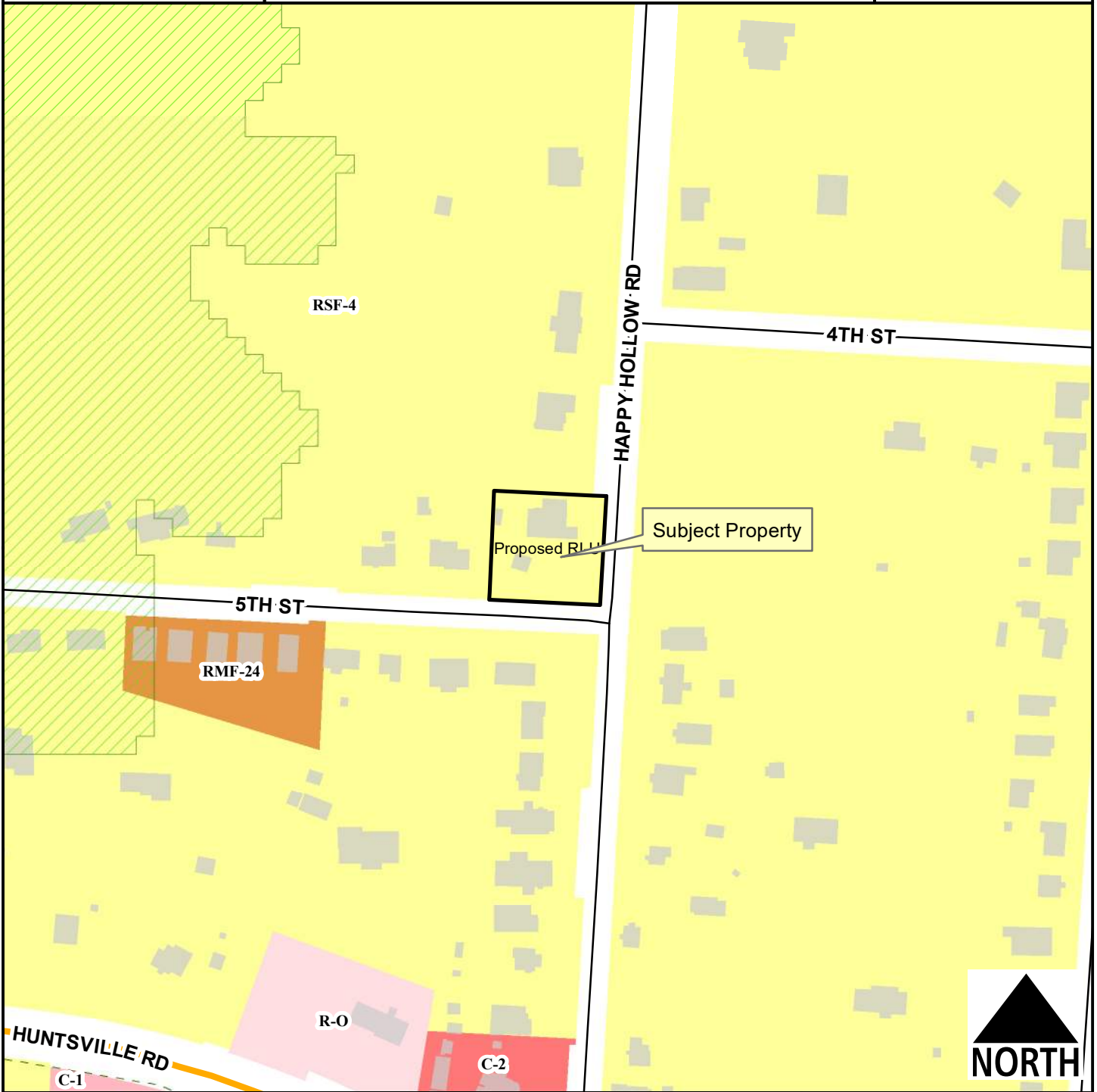







- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RI-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial and Light Industrial
  - 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

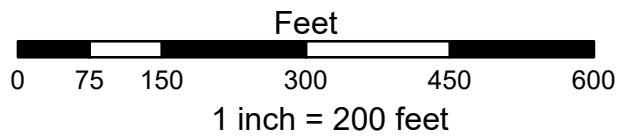
RZN-2021-000065

# Fulton

Close Up View



-  Neighborhood Link
-  Hillside-Hilltop Overlay District
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



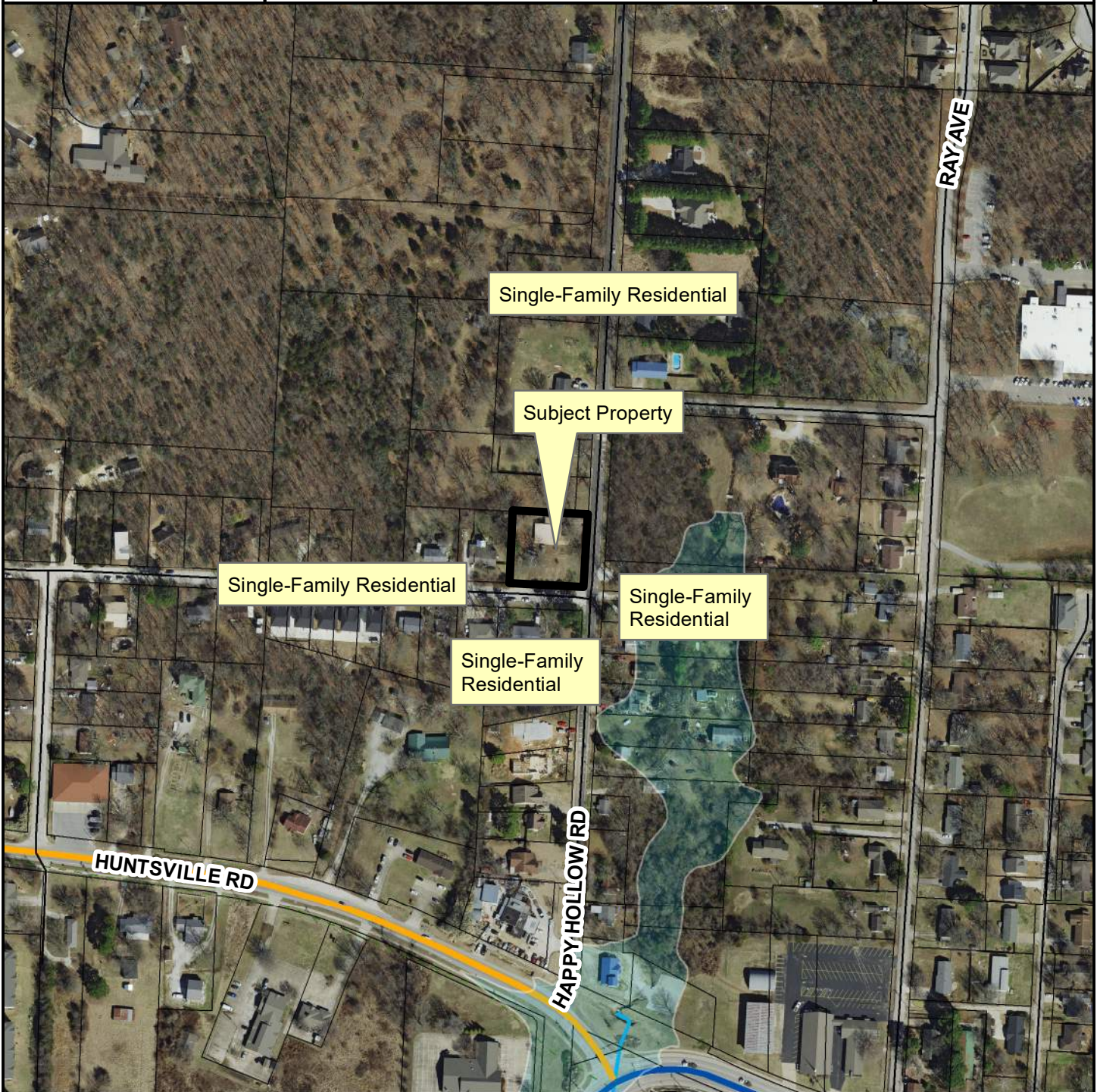
| Zoning       | Acres      |
|--------------|------------|
| RI-U         | 0.5        |
| <b>Total</b> | <b>0.5</b> |

RZN-2021-000065

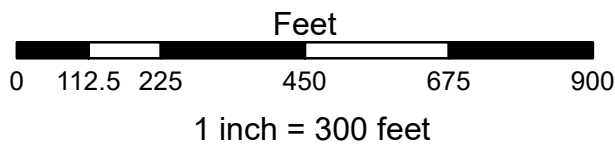
# Fulton





Current Land Use



-  Neighborhood Link
-  Regional Link - High Activity
-  Trail (Proposed)
-  Stream
-  Planning Area
-  Fayetteville City Limits



### FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

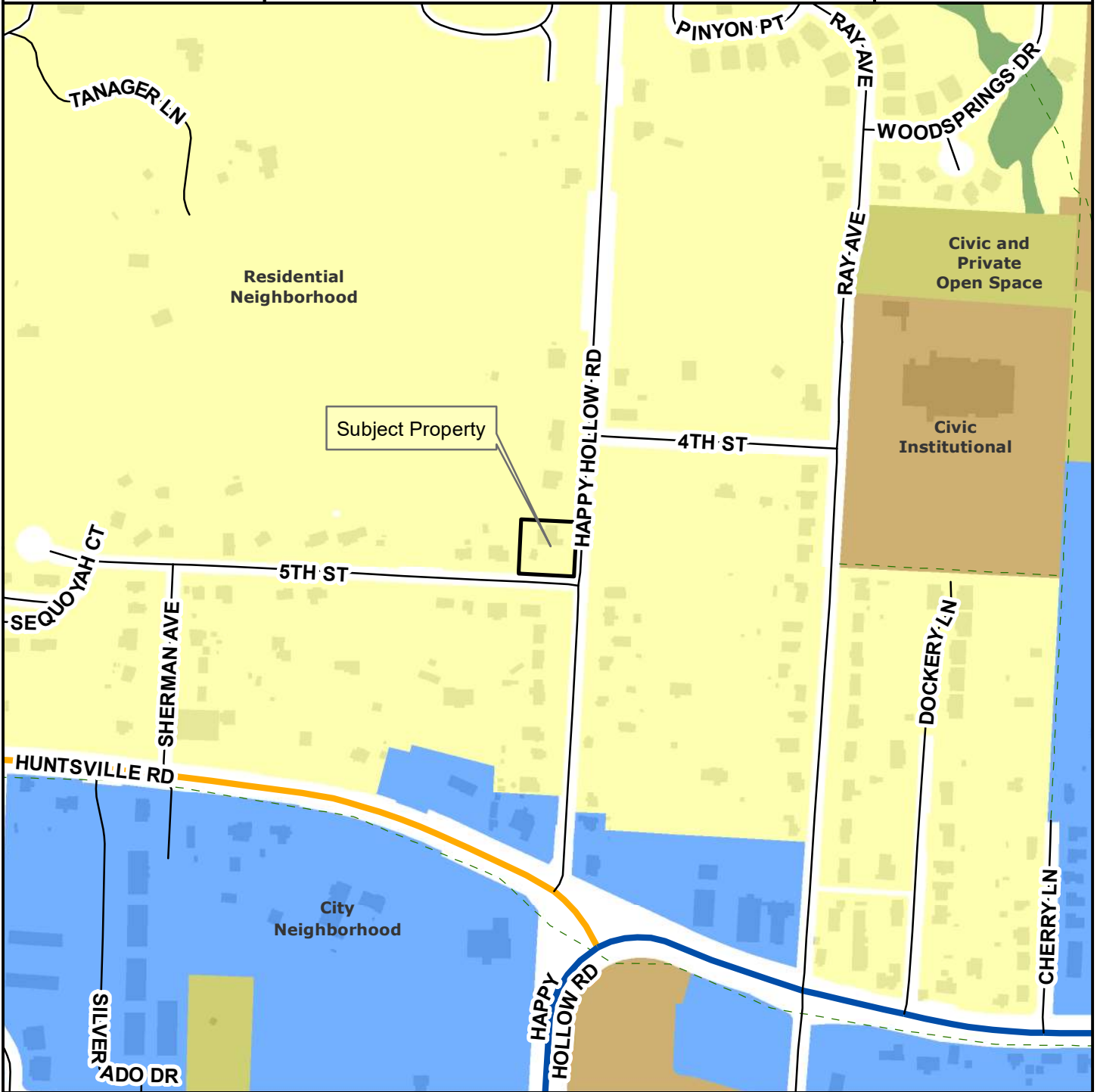


RZN-2021-000065

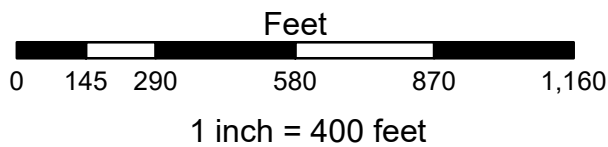
# Fulton



Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center