

City of Fayetteville Staff Review Form

2022-0081

Legistar File ID

2/15/2022

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

Jonathan Curth

1/28/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2021-000087: Rezone (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD./BARNES SOUTH, 519):
Submitted by CLARK LAW FIRM for property located at N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD.
The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 9.40
acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

\$ -

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF FEBRUARY 15, 2022

TO: Mayor; Fayetteville City Council

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

FROM: Jessie Masters, Development Review Manager

DATE: January 28, 2022

SUBJECT: **RZN-2021-000087: Rezone (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD./BARNES SOUTH, 519):** Submitted by CLARK LAW FIRM for property located at N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 9.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

City Planning staff and the Planning Commission 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, parcel 765-14618-000, is immediately east of I-49 and approximately ½ mile north of the interchange with W. Martin Luther King Jr. Blvd. The property has frontage along S. Futrall Drive, which is a one-way street heading north and is ARDOT right-of-way. The parcel contains 9.20 acres, and is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre. The site is currently undeveloped and has almost 100% tree canopy coverage. The property has a steep grade, and a significant portion is located within the Hillside-Hilltop Overlay District, as well as the I-540 Overlay District. A previous rezoning request to UT, Urban Thoroughfare was denied in 2021 (RZN-2021-000051).

Request: The request is to rezone the property to CS, Community Services. The applicant has not submitted any additional development plans.

Public Comment: Staff received comment from several members of the public expressing opposition to the request, as well as to associated rezoning requests to the north (RZN-2021-000085, -86, -88). Those opposed were interested in seeing the property remain undeveloped. No public comment was offered at the meeting.

Land Use Compatibility: Staff finds the request from RSF-4, Residential Single-Family, 4 Units per Acre to CS, Community Services to be compatible at this location. Much of the surrounding property is undeveloped, though there are multi-family dwellings immediately to the south. The property is zoned for residential multi-family to the immediate east, which would allow up to 24

units per acre with structures up to 5 stories tall. Similarly, CS allows for buildings up to 5 stories tall, with associated form-based design standards. Differing from similar requests to the north along Futrall Drive, the property also has potential connectivity along the east side of the property through available right-of-way along S. Root Avenue.

Land Use Plan Analysis: Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. A portion of the area is designated as a City Neighborhood Area, which indicates an intent for a more densely developed mix of commercial and residential uses in connected proximity to each other. By allowing a mix of residential uses and non-residential uses, a request to CS zoning is in line with the City's goal of making this type of development the standard. Though the property has a varying infill score, staff finds that the adjacency to existing development and potential development through associated zoning entitlements makes this request compatible. The zoning district's allowance for increased density with proximity to transit routes is also in line with City Plan 2040 goals of growing a livable transportation network, and it also creates opportunities for attainable housing by adding additional housing type entitlement.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 5-9 for this site. The following elements of the matrix contribute to the score:

- Appropriate Fire Response (Station 6, 990 S. Hollywood)
- Near Sewer Main (N Futrall Drive)
- Near Water Main (W. Orlando Drive)
- Near Public School (Ramay Jr. High School)
- Near City Park (Centennial Park, across I-49)
- Near Paved Trail (Shiloh Trail, across I-49)
- Near ORT Bus Stop (Route 490)
- Near Razorback Bus Stop (Route 44)
- Appropriate Future Land Use (City Neighborhood Area)

DISCUSSION:

At the January 24, 2022 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Sharp made the motion and Commissioner Sparkman seconded. Agreeing with staff's findings on the issue, Commissioners offered little comment on the item and location in question. However, at the same meeting, the Commissioners had engaged in a discussion regarding the appropriateness of the associated rezoning requests to the north (RZN-2021-000085, -86, and -88); those were ultimately denied by the Commission. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A

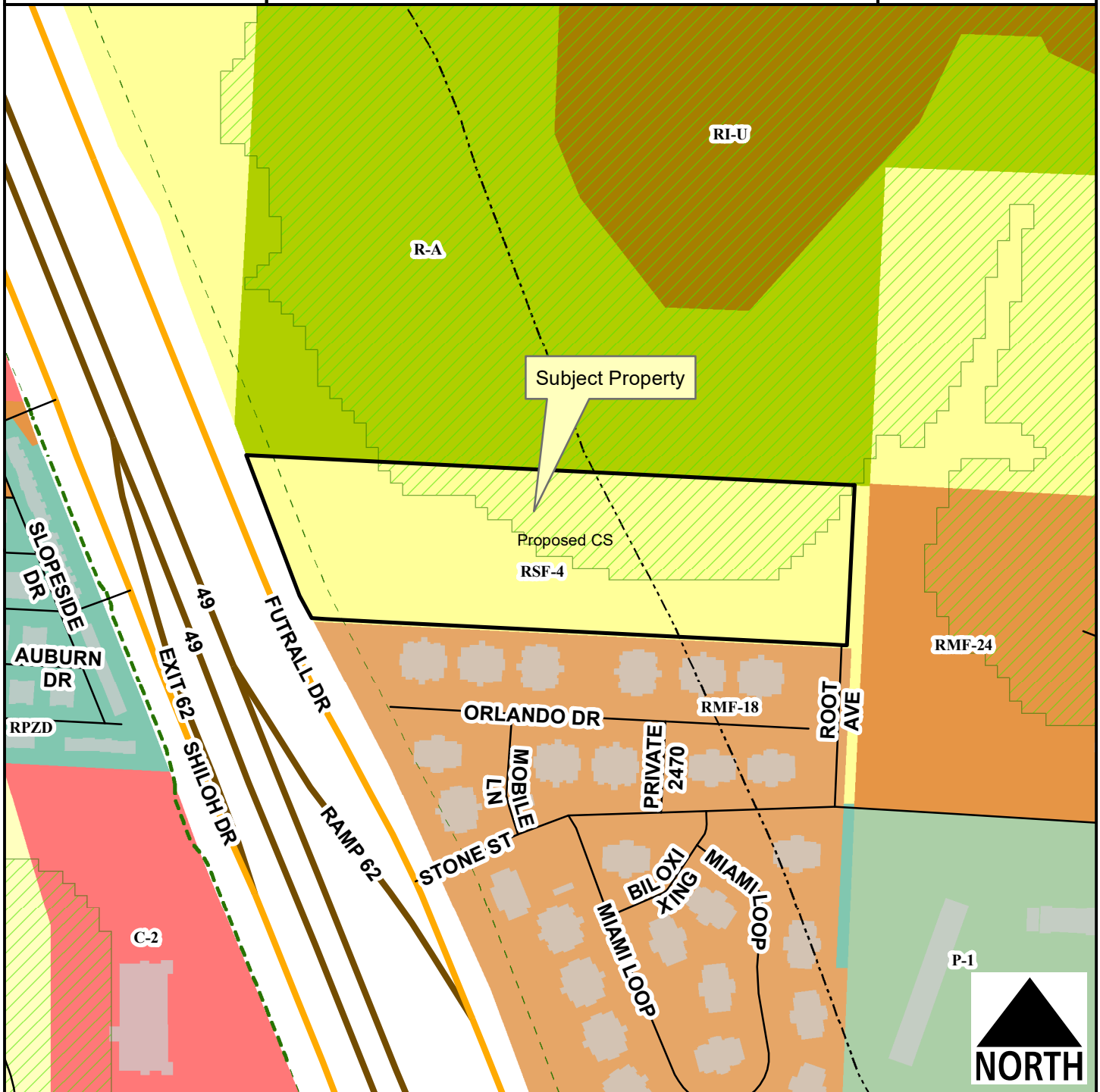
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000087

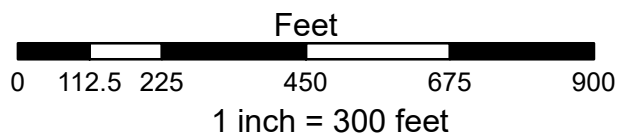
Barnes South

RZN-2021-000087
EXHIBIT 'A'

Close Up View



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

Zoning Acres

CS 9.4

Total 9.4

RZN-2021-000087
EXHIBIT 'B'

Property Description – Barnes 3

North Half of the South Half of the northeast Quarter of the Southeast Quarter in Section Eighteen (18), Township Sixteen (16), Range Thirty (30), containing ten (10) acres. Less and except a strip thirty (30) feet wide off of the east side of the above tract for road; also except two (2) tracts taken by Highway I-540. In 1940, the date of that Deed, also reserved all timber and rock on the same for personal use during lifetime and this life has probably terminated, now 9.4 acres.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: January 24, 2022 **Updated with PC hearing results from 1/24/2022**

SUBJECT: **RZN-2021-000087: Rezone (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD.//BARNES SOUTH, 519):** Submitted by CLARK LAW FIRM for property located at N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 9.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding RZN-2021-000087 to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward RZN-2021-000087 to City Council with a recommendation of approval."

BACKGROUND:

The subject property, parcel 765-14618-000, is immediately east of I-49 and approximately ½ mile north of the intersection with E. Martin Luther King Jr. Blvd. The property has frontage along S. Futrall Drive, which is a one-way street heading north and is ARDOT right-of-way. The parcel contains 9.20 acres, and is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre. The site is currently undeveloped and has almost 100% tree canopy coverage. The property has a steep grade, and a significant portion is located within the Hillside-Hilltop Overlay District, as well as the I-540 Overlay District. A previous rezoning request to UT, Urban Thoroughfare was denied in 2021 (RZN-2021-000051). Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	R-A, Residential Agricultural (Bill of Assurance requiring zero homes to be built)
South	Residential Multi-Family	RMF-18, Residential Multi-Family, 18 Units per Acre
East	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Interstate (I-49)	RPZD (across the interstate)

Request: The request is to rezone the property to CS, Community Services. The applicant has not submitted any additional development plans.

Public Comment: Staff has received comment from one member of the public on the request in opposition. The member of the public is interested in this property maintaining its current state.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

- Streets:** The subject area has frontage along S. Futrall Drive, which is a partially improved Neighborhood Link street with asphalt paving and curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is not available to the subject area.
- Sewer:** Sanitary Sewer is available to the subject area. Existing 21-inch sanitary sewer main is present on the east side of S. Futrall Drive.
- 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 6, located at 990 S. Hollywood Ave., protects this site. The property is located approximately 0.8 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- Police:** The Police Department expressed no concerns with this request.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. There is not a protected stream in the area, and no portion of the site lies within a FEMA floodplain.

A portion of the property is within the Hillside-Hilltop Overlay District, so additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

Hydric soils are present on the west side of the subject property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Tree Preservation:

The proposed zoning district of CS, Community Services 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 **City Neighborhood Area** and **Residential Neighborhood Area**.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

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 5-9 for this site, with a weighted score of 11.5 at the highest end. The following elements of the matrix contribute to the score:

- Appropriate Fire Response (Station 6, 990 S. Hollywood)
- Near Sewer Main (N Futrell Drive)
- Near Water Main (W. Orlando Drive)
- Near Public School (Ramay Jr. High School)
- Near City Park (Centennial Park, across I-49)
- Near Paved Trail (Shiloh Trail, across I-49)
- Near ORT Bus Stop (Route 490)
- Near Razorback Bus Stop (Route 44)
- Appropriate Future Land Use (City Neighborhood Area)

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:*** Staff finds the request from RSF-4, Residential Single-Family, 4 Units per Acre to CS, Community Services to be compatible at this location. Much of the surrounding property is undeveloped or residential in nature, though there are multi-family dwellings immediately to the south, and property is zoned for residential multi-family to the immediate east, which would allow up to 24 units per acre with structures up to 3 stories

tall. CS allows for buildings up to 5 stories tall, with associated form-based design standards. Differing from similar requests to the north along Futrall Drive, the property also has potential connectivity along the east side of the property through available right-of-way along S. Root Avenue.

Land Use Plan Analysis: Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. A portion of the area is designated as a City Neighborhood Area, which indicates an intent for more densely developed mix of commercial and residential uses in close, connected proximity to each other. Though the property has a moderate infill score, staff finds that the closer proximity to existing development and proposed development through associated zoning entitlements makes this request compatible.

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

Finding: Rezoning the property from RSF-4 to CS would align with the City's long-term goals for the area, as well as be compatible with current surroundings; staff therefore finds the request to be justified.

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 CS would appreciably increase traffic at this site. RSF-4 zoning would limit the density to 4 units per acre; given the 9 acre site, the property currently has the entitlement for potentially 36 single-family residences. CS zoning does not have a density maximum, and allows for multi-family residential by-right, which would add a significant amount of traffic and congestion to S. Futrall, which is currently a one-way street and does not have direct access to the interstate. That said, the property currently has an additional point of access at the southeast corner through S. Root Avenue, somewhat alleviating staff's concerns.

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 CS would have the potential to alter the population density at this location, and could potentially place an undesirable burden on public services at this location. The property does not currently have direct access to water, so extensions to water service would be required prior to any redevelopment of the site, though those initial costs would be borne by the developer. Fayetteville Public Schools did not comment on the request.

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 approval of RZN-2021-000087.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 24, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
with a recommendation of approval			
Motion: Sharp			
Second: Sparkman			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.22 Community Services
- Applicant Request Letter
- Applicant Exhibit
- 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
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.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. 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; 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."

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21)



244 West Dickson Street, Suite 201
PO Box 4248
Fayetteville, Arkansas 72702-4248

Tel: (479) 856-6380
Fax: (479) 856-6381

Suzanne G. Clark
sclark@clark-firm.com

DECEMBER 3, 2021

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Rezoning Application – Barnes Trust Rezoning (3)

Attn: Development Services/Planning

I am representing the Barnes Family Trust regarding their application to rezone the real property described in the attached property description and located in parcel number 765-14618-000 and is approximately 9.22 acres. The property to be rezoned is currently zoned RSF - 4 and the applicant is requesting the property be rezoned to CS, Community Services in order to develop the site.

This requested rezoning is compatible with the surrounding neighborhood and will not unreasonably adversely affect or conflict with the surrounding land uses. The properties to the north are zoned RSF-4 and to the east are R-A. The western border is the interstate, and the other side of the interstate is a mix of R-A and C-2. Although not directly adjacent to this property there are numerous properties nearby that are zoned C-1, C-2, RPZD, and RFF-24 which are similar zones in use and intensity. Proximity to adequate roads provide ingress and egress. Existing water and sewer are already installed.

We believe the requested zoning is in line with the goals of the City 2030 plan and zone CS will allow development in accordance with the City's Future Land Use Map. I-49 and Futrall Dr are on the west side of this property with ample capacity to carry traffic. Any potential increase in population density because of the rezoning would not undesirably increase load on public services. We believe CS is the appropriate zone for this property.

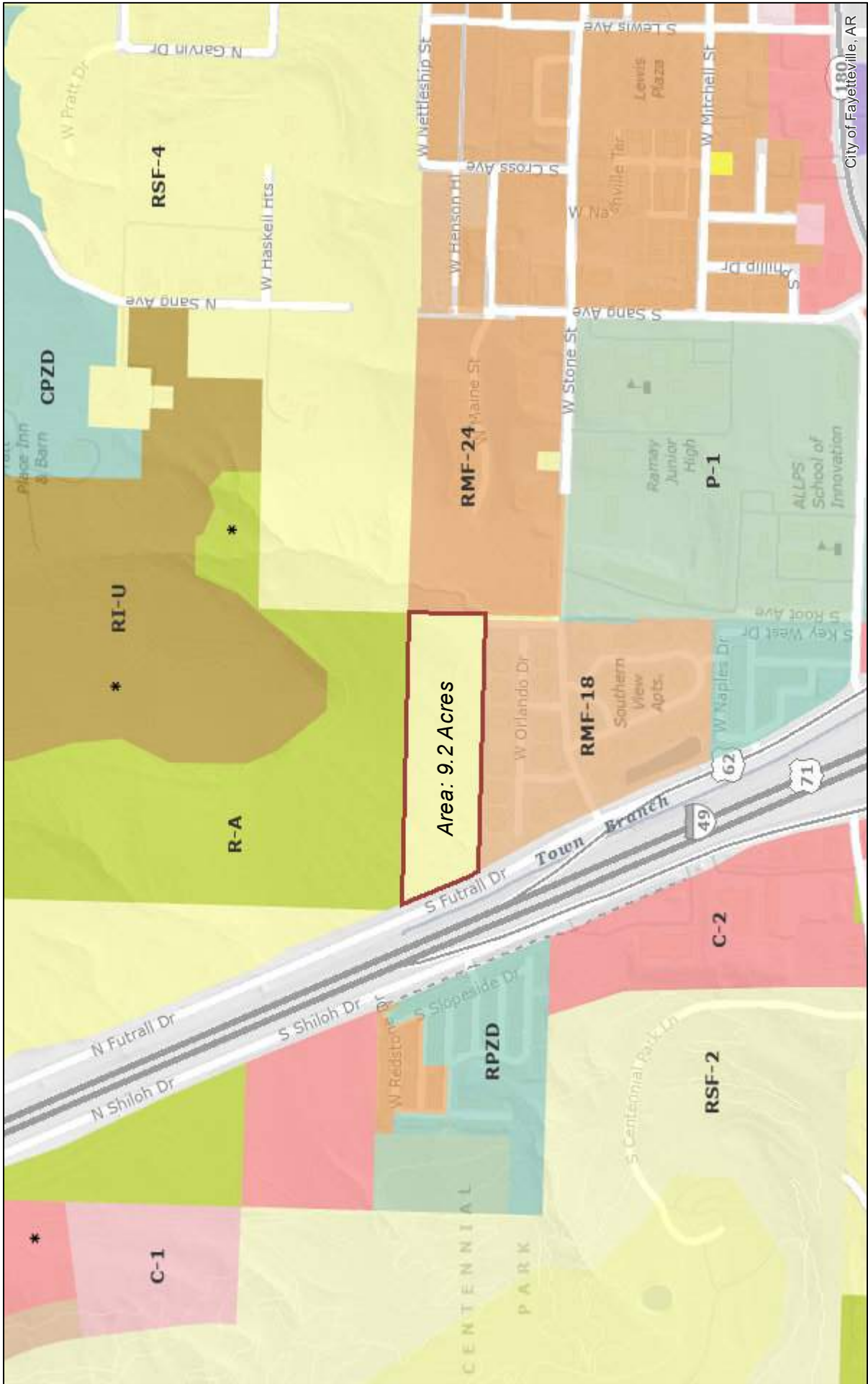
We are happy to provide any additional information that is needed or may be helpful upon your review of this application. Thank you for your consideration and please let me know you have any questions.

Sincerely,

/s/ Suzanne G. Clark

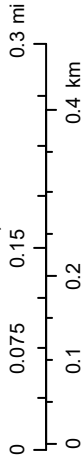
Suzanne G. Clark

Fayetteville, AR



1:9,028

11/4/2021, 2:46:56 PM



The data contained herein was compiled from various sources for the sole use of the City of Fayetteville. No warranty is made by the City of Fayetteville as to the accuracy, completeness, or timeliness of the data. The City of Fayetteville is not responsible for any errors or omissions in the data. The City of Fayetteville is not responsible for any damages or losses resulting from the use of the data. The City of Fayetteville is not responsible for any claims or liabilities arising from the use of the data. The City of Fayetteville is not responsible for any claims or liabilities arising from the use of the data.

From: Lisa Orton <lisa_m_orton@yahoo.com>

Sent: Monday, January 17, 2022 8:44 PM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Cc: Lisa Orton <lisa_m_orton@yahoo.com>; University Heights Neighbors <university-heights-na@listserv.uark.edu>

Subject: Documentation for several rezone requests going to the Planning Commission on Jan 24, 2022

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.

Dear City Clerk,

Please send us the documentation for RZN-2021-000085, RZN-2021-000088, RZN-2021-000086, and any other rezoning request made for acreage along N Futrall Dr between Wedington Dr and MLK Blvd. This is on the west side of Markham Hill next to highway 49, adjacent to the City's 63-acre nature preserve and SREG's 50-acre nature preserve. I believe the Planner is Jessie Masters on all these. It is going before the Planning Commission on January 24. Many people will be interested in these rezoning requests once they know about them. It is inappropriate to rezone these 18-20 acres to CS beside these nature preserves and will ruin the beauty and view of Markham Hill as people drive into Fayetteville along highway 49. It is hillside property. These requests were made in August 2021 and the City Council voted unanimously against them. But the developer hired by the landowners is asking again.

Thank,
Lisa Orton

From: springfieldranch@aol.com <springfieldranch@aol.com>

Sent: Sunday, January 23, 2022 10:09 AM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Subject: Markham Hills

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 am opposed to the rezoning of these parcels. This area needs to be kept in its natural state. Fayetteville is gobbling up green space in the name of development and growth, but this area is not compatible with this rezoning.

Planning Commission	Tentative Agenda	January 24, 2022
10.	2022-0048	
		RZN-2021-000085: Rezone (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD./BARNES NORTH, 480): Submitted by CLARK LAW FIRM for property located at N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 9.77 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jessie Masters
11.	2022-0049	
		RZN-2021-000086: Rezone (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD./BARNES CENTRAL, 519): Submitted by CLARK LAW FIRM for property located at N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 1.37 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jessie Masters
12.	2022-0050	
		RZN-2021-000087: Rezone (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD./BARNES SOUTH, 519): Submitted by CLARK LAW FIRM for property located at N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 9.40 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jessie Masters
13.	2022-0051	
		RZN-2021-000088: Rezone (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD./WATSON, 480): Submitted by CLARK LAW FIRM for property located at N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 6.60 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jessie Masters

Sincerely, T.A. Sampson

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

From: Marquette Bruce <marquette44@gmail.com>

Sent: Sunday, January 23, 2022 9:00 PM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Subject: Planning Commission before the Jan. 24th vote

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.

Please see that the Planning Commission gets this letter before January the 24th's vote on the Markham Hill parcels.

Dear Planners,

I am expressing the highest opposition possible to the rezoning being considered for the Westside of Markham Hill.

The Watson and Barnes parcels are located next to the City's and SREG's Nature Preserves. If this land is opened up to commercial real estate there will be little left to preserve. I walk on Markham often and see how fragile the ecosystem is right above the interstate on the Southwestern slope. The more it is opened up the more devastation will occur. These urban forested areas are irreplaceable for our physical and emotional health as well as natures. (2022-0048,0049, 0050,0051) If you care about Climate Resiliency and preparing our city for the future, your vote must be a resounding, "NO" now and forever.

Marquette Bruce

741 N. Lewis Ave

(In the Markham Hill neighborhood)

You are a wonderfully efficient City Clerk. Thank you for your help in getting this to the Planning Commission before the dye is cast!

Sent from my iPhone

From: Jay Jones <jonesjay62@gmail.com>
Sent: Monday, January 24, 2022 2:10 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>
Subject: Rezoning Opposition

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 the four rezonings on the far west side of Markham Hill concerning the 6.6 acre Watson parcel and the 9.7 acre, 9.22 acre, and 1.68 acre Barnes parcels. They are adjacent to the City's 63 acre nature preserve and SREG's 50 acre nature preserve on Markham Hill. It is inappropriate and incompatible to rezone these parcels to CS (commercial services like gas stations, etc.) because of the adjacent nature preserves. These parcels are part of the wooded Markham Hill urban forest in the middle of Fayetteville.

I as all the city councilors to vote "NO" to the rezoning of these parcels!

Rick Jones
1715 West Reap Drive, Apt B
Fayetteville, AR 72703

From: Dina Nash <dinacnash2014@gmail.com>

Sent: Monday, January 24, 2022 2:17 PM

To: Porter Winston <p.winston@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>;
Curth, Jonathan <jcurth@fayetteville-ar.gov>; Johnson, Matthew <matt.johnson@fayetteville-ar.gov>

Subject: Tonight's Planning Comm. Mtg. re: RZN-2021-000085, -86,-87,-88.

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.

Dear Planning Staff and Commissioners,

We are opposed to re-zoning the Barnes and Watson parcels. Please consider instead having the city purchase those to enlarge the Nature Preserves next to them.

This way we might just have more of the pieces necessary to actually preserve the trees in the preserve. Trees on the edges of preserves where most of the trees are cleared usually die, due to interdependency of trees in forests. Please consider our proposal, on behalf of all those who breathe the air in Fayetteville.

We need to enlarge our urban forest to keep up with the pace of development, not reduce it. Trees and shrubs are our only source of oxygen production to promote climate resilience. These are already existing trees: some of them in the area are old growth pines and oaks. We walk there frequently and enjoy life more in our town because of the cooling and oxygenating effects of our big trees.

Thank you,

Jeff and Dina Nash
501-554-2200
1978 N. Settlement Ln.
Fayetteville, 72704

1978 N. Settlement Ln.
Fayetteville, AR 72704
January 23, 2022

Dear Planning Commissioners and Mayor,

We are writing on behalf of what we believe to be the position of hundreds of our friends and colleagues in Fayetteville who belong to organizations dedicated to the preservation of our long-established areas of trees, our urban forest. There is precious little left of it. Since Dina came to Fayetteville in 1963, the landscape has changed drastically.

We not against reasonable, environmentally responsible growth that, above all preserves the forests which supply our oxygen and uses up our carbon dioxide, the creeks and other natural water flows, the water quality, and the wildlife which has a right to be here: we are taking it from them every day. There are plenty of cleared lots which could have houses placed on them, and plenty of already cut over forests farmland where people can live, and small trees can be re-planted there to make them happy. But we need to be planting trees, not cutting them down to build housing, unless the trees are diseased or too old to be useful for oxygen.

Our urban forest such as that on Markham Hill is a treasure beyond measure! There are still some old growth pines and oaks that were there when Dina was a freshman at the U of A. That hill has been a sanctuary for students at the University of Arkansas, myself included, for decades. Dina came here in 1963, and many of her friends lived in the cabins there, because they loved the woods and the cabins were affordable. She has walked hundreds of miles on the trails there, and we still do walk there frequently, with online written permission of the owners.

What a shame that a high density development is happening to this beautiful mountain that was the symbol of wildness and wonderful outdoor exercise for the people around it for so many years. You could have been famous for preserving it, but you are letting money-hungry developers destroy it. The very idea of rezoning the Watson and Barnes parcels, which are right next to the City's and SREG's nature preserves shows that you do not have regard for urban forestry science:

A forest is a system of roots, microrrhizae, insects, water paths, soil, rocks, etc., not a block of legally described ground. The trees on one side of the property line depend on the trees on the other side. They share nutrients in the order that people do: first, with their family members (other oaks, etc.), then neighbors and friends. When you kill their kith and kin, you damage the trees you left, because they were interdependent for their existence.

We are interdependent with the long-existing trees, too: we get oxygen, they get carbon dioxide. It is crazy that we are wiping out large tracts of established

forest systems. Trees are the ONLY sources of oxygen on our planet, and in Fayetteville, we are not replanting at the same rate trees are being removed, a net loss every year.

We ask you to vote NO on this bid to rezone the Watson and Barnes parcels (2022: 0048, 0049, 0050, and 0051). AND:

Instead, we propose that the City Planning Commission study the feasibility of purchasing those two parcels to add to the Nature Preserves next to them. What would it cost? Could these be two parcels which would conform to the City Council's plan to purchase green space to make the city more Climate Sustainable? Has anyone considered this? Please check on what the market value of those two parcels is and whether that would be feasible to purchase them before you vote on re-zoning for these two parcels.

Thank you very much, and we'd love to hear back about this proposal. We plan to contact some City Council members about this before tonight's meeting.

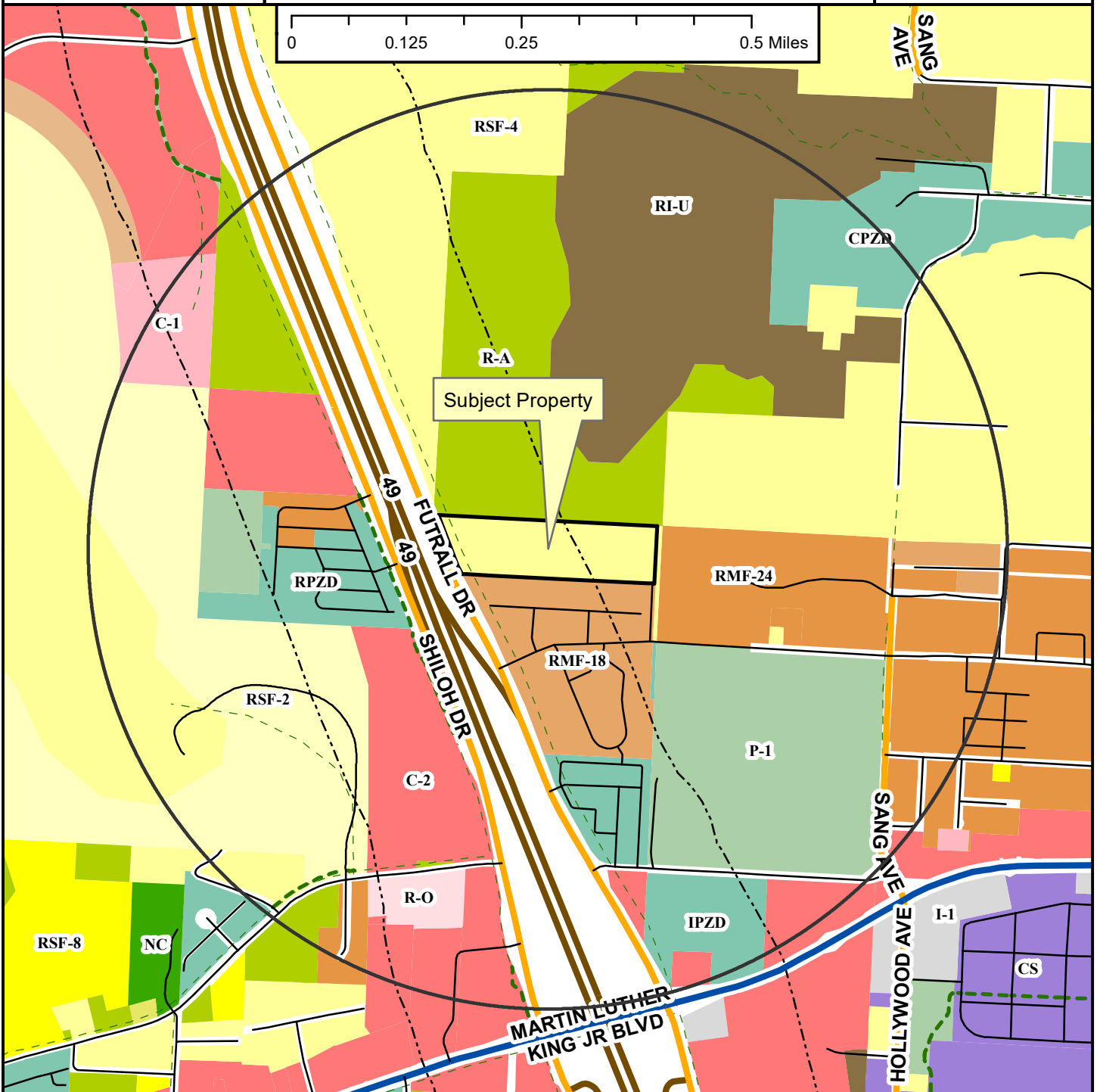
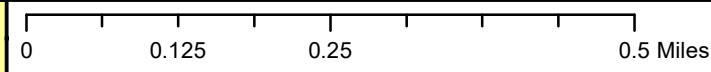
Sincerely,

Dina Nash, retired Community Social Worker/Criminologist
Dr. Jeff Nash, retired Urban Sociologist
501-554-2200
dinacnash2014@gmail.com

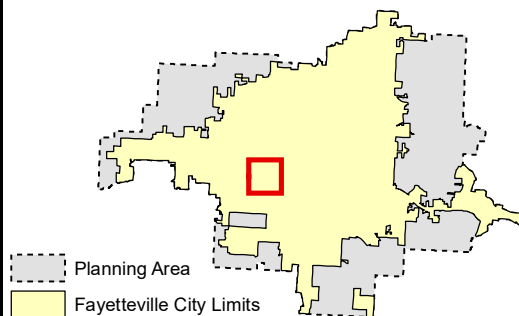
RZN-2021-000087

Barnes South

One Mile View



- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

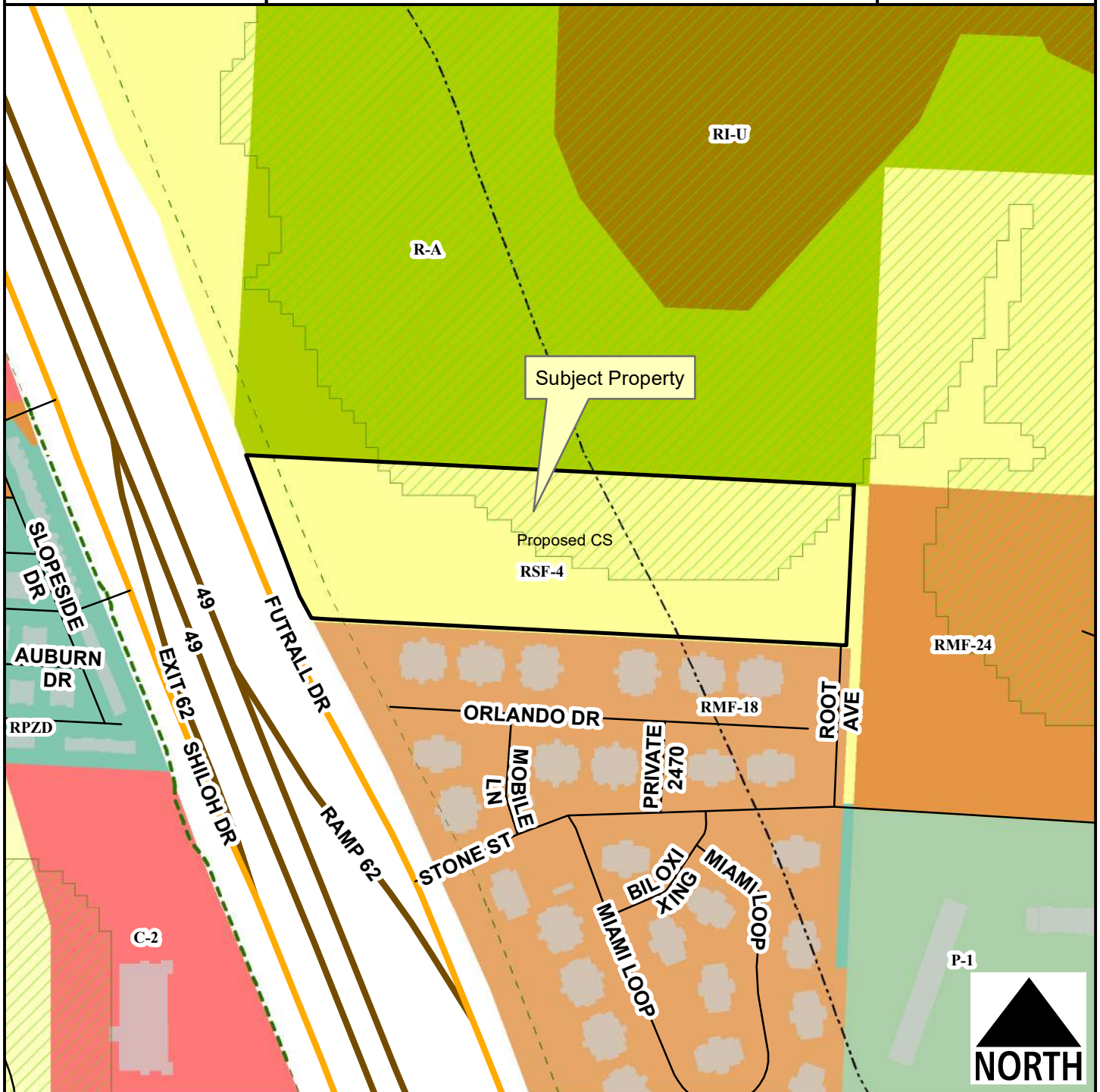


- | | |
|--|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> NS-G RI-U RI-12 NS-L Residential-Agricultural RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL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

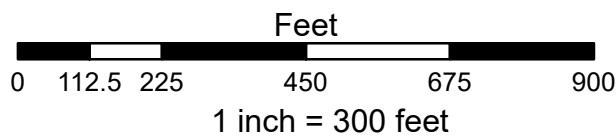
RZN-2021-000087

Barnes South

Close Up View



- Neighborhood Link
- Freeway/Expressway
- ▨ Hillside-Hilltop Overlay District
- - - Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits



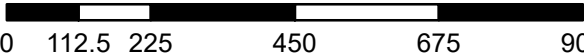
Zoning **Acres**

CS 9.0

Total 9.0

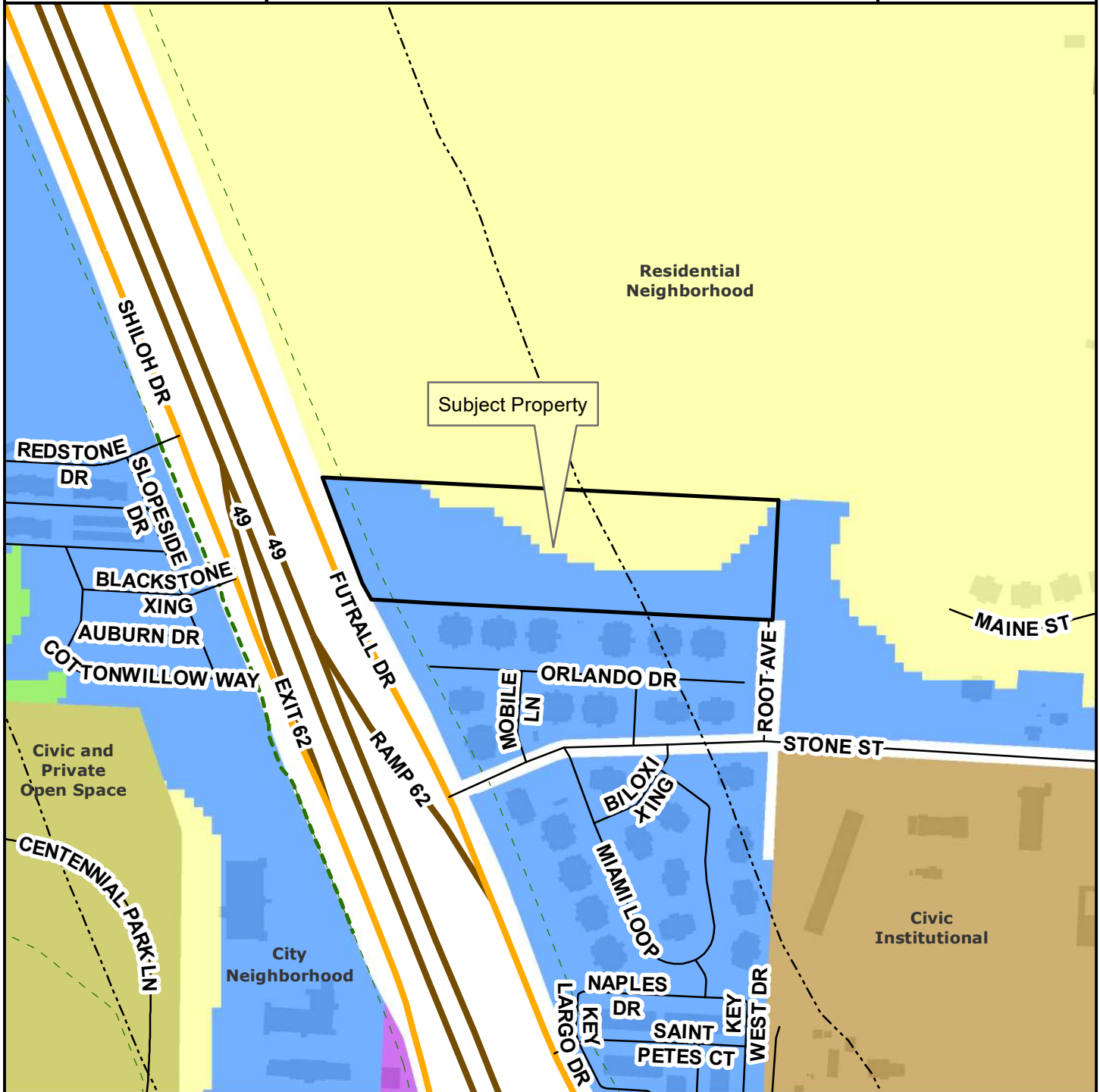
Planning Commission
January 14, 2022



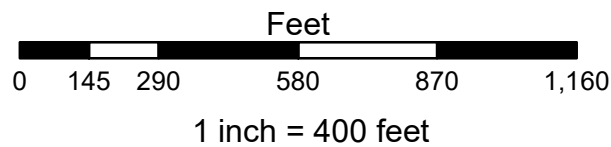
<ul style="list-style-type: none"> Neighborhood Link Freeway/Expressway Trail (Proposed) Planning Area Fayetteville City Limits Design Overlay District 	<p>Feet</p>  <p>0 112.5 225 450 675 900</p> <p>1 inch = 300 feet</p>	<p>FEMA Flood Hazard Data</p> <ul style="list-style-type: none"> 100-Year Floodplain Floodway
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Future Land Use



- Neighborhood Link
- Freeway/Expressway
- Planning Area
- Fayetteville City Limits
- - - Trail (Proposed)
- Design Overlay District



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

Planning Commission

January 24, 2022

Agenda Item 12

RZN-21-000087 Barnes South

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