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CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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Suzanne G. Clark
sclark@clark-firm.com

FEBRUARY 2, 2022

Via Email (cityclerk@fayetteville-ar.gov)

Ms. Kara Paxton
City Clerk
City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

**Re: APPEAL of Planning Commission Decision
RZN 2021-000088 - Rezoning Application - Watson Trust**

Dear Ms. Paxton,

Pursuant to Unified Development Code 155.05(A)(1)(b), on behalf of the Watson Trust, I am appealing the decision of the Fayetteville Planning Commission denying my client's rezoning application, RZN 2021-000088, during the January 24, 2022 meeting. We would request the matter be placed on the City Council's agenda for hearing.

As noted in the application, the property is located N. Futrall Drive adjacent to I-49 and is approximately 6.6 acres. The property is currently zoned RSF-4 and my client applied to zone the property CS, Community Services. The western border is the interstate, and the other side of the interstate is a mix of R-A and C-2.

We believe the denial of the rezoning application is erroneous because CS is the proper zone for this property. CS is the highest and most efficient use of the property. The Fayetteville zoning regulations state that the purpose of CS is to be "located along commercial corridors that connect denser development nodes." See 161.22 of Title XV Unified Development Code, This property is located between two denser commercial nodes of MLK, Jr. Blvd to the south and Wedington Dr to the north.

Though the City's Future Land Use map shows this property as Residential Neighborhood, its proximity to I-49 demonstrates a disconnect between the City goals and realistic development opportunities for the property. The Commissioners and the Planning Staff all acknowledged that the property is not suited for its current zone of RSF-4. The Commissioners also commented at the January 24, 2022 meeting that rezoning the property to CS would benefit the City because the developer would pay the bulk of the cost to bring sewer and water to the property.

Of significant concern to my client was discussion at the January 24, 2022 meeting that several Commissioners did not believe the property should be developed. Comments included: 1) the longer the Commissioners can keep property from being developed, the greater likelihood the property would be conserved; 2) if the property is developed with minimal infrastructure, it would cost more for a conservation entity to purchase the property; 3) the City sets aside money annually to purchase real property for the purpose of conserving it, so perhaps that should be considered. These comments demonstrate a desire to prohibit development by the property owner, rather than allowing development consistent with the City's plans for real property located along a major thoroughfare.

I would respectfully request the City Council reverse the decision of the Planning Commission and grant the rezone to CS on appeal. Please advise if you require any additional information, and we will look forward to presenting the matter to the City Council.

Sincerely,

/s/ Suzanne G. Clark

Suzanne G. Clark



MEETING OF MARCH 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: February 25, 2022

SUBJECT: **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. in Ward 4. 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.

RECOMMENDATION:

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

BACKGROUND:

The subject property, parcel 765-14601-000, is immediately east of I-49 and approximately ¾ mile north of the intersection with E. Martin Luther King Jr. Blvd. The property has frontage along N. Futrall Drive, which is a one-way street heading north and is ARDOT right-of-way. The parcel contains 6.60 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 is located within the I-540 Overlay District and a small portion of the site is within the Hillside-Hilltop Overlay District.

Request: The request is being heard on appeal following the Planning Commission's denial. The request is to rezone the property to CS, Community Services. The applicant has not submitted any development plans.

Public Comment: Staff has received comment from several members of the public expressing opposition to the request, as well as to the associated rezoning requests to the north and south (RZN-2021-000085, -86, and -87). 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 incompatible at this location. Much of the surrounding property is undeveloped in nature, and the site lacks some basic utility and infrastructure access such as public water and public sewer. CS allows for buildings up to 5 stories tall, as well as more

intense uses that the surrounding landscape and available infrastructure may not be ready for. The property does currently have the entitlement to develop 4 units per acre; given the property's size, this would allow for the development of up to 26 single-family dwellings. Staff recognizes that strictly single-family uses may not be the highest and most efficient use of the property at this location and may negatively affect traffic flow along Futrall Drive. Staff suggests that a more nuanced, fine-grained, and lower-density approach to zoning at this location may make more sense, with potentially a request for Neighborhood Services – Limited (NS-L) or Neighborhood Services – General (NS-G) on a more restricted portion of the site being more compatible and incremental at this location.

Land Use Plan Analysis: Staff finds that the request is not consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The site has a low infill score and is called out as a Residential Neighborhood Area, with the implication that any development at this location is intended to be primarily residential, rather than commercial uses. CS is considered to be a commercial zoning district, though it does allow for many residential uses by-right.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood)
- Near City Park (Centennial Park, across I-49)
- Near Paved Trail (Shiloh Trail, across I-49)
- Near Razorback Bus Stop (Route 44)

DISCUSSION:

At the January 24, 2022 Planning Commission meeting, a vote of 7-2-0 denied the applicant's request to rezone the property as requested. Commissioners did not have much conversation on this item specifically, referring back to conversation that was had on concurrent rezoning requests (RZN-2021-000085 and -86). Those conversations were centered around what would potentially be an appropriate use of land at this area; many of the Commissioners agreed that single-family residential was not likely the best use of land, but also found that spread-out commercial uses along the interstate frontage road was not a desirable outcome. Commissioners also discussed potential conservation efforts, and encouraged private entities to explore that option. Commissioners opposed ultimately agreed with staff's findings; Commissioners in favor felt the development potential would be naturally limited by the property's features, such as the hillside. Commissioners Winston and Johnson voted in favor of the request. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:
N/A

Attachments:

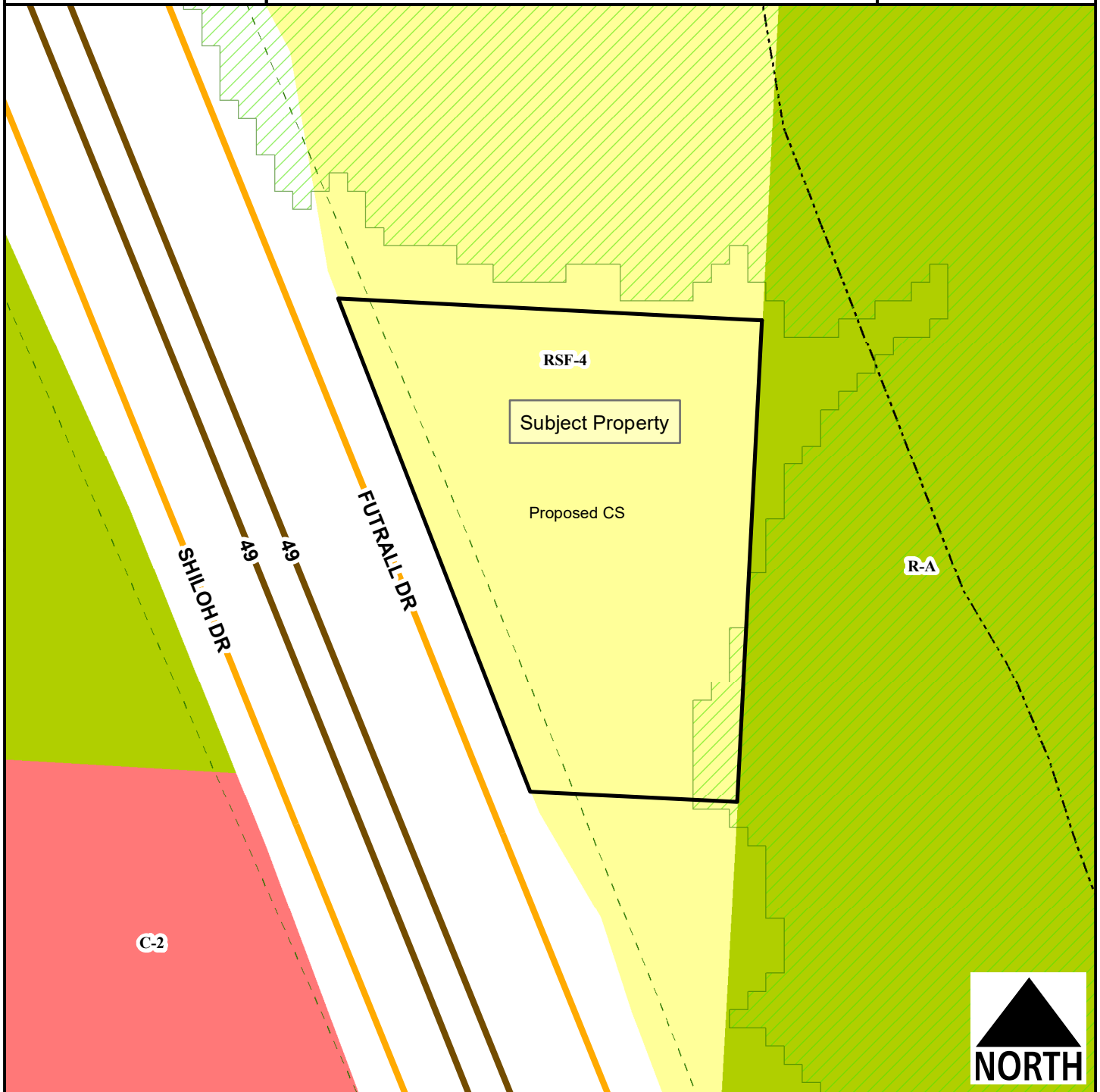
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000088

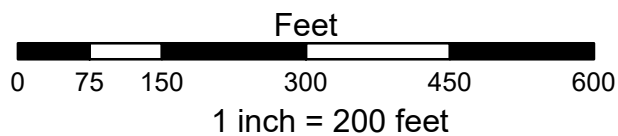
Watson

RZN-2021-000088
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
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CS	6.6
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Total	6.6
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EXHIBIT 'B'
RZN-2021-000088

Winfred E Watson Family Trust – Property Description

Part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 18, Township 16 North, Range 30 West, being more particularly described as follows, To-Wit: Beginning at the Southeast corner of said forty acre tract, and running thence N0°39'32"E 662.85', thence N89°20'28"W 641.83' to a point on the East Right-of-Way of U.S. Highway #71, thence S23°00'54"E 723.76', thence S89°20'28"E to the Point of Beginning, containing 7.56 acres.

Less and except the following described tract taken for highway purposes:

Part of the Southwest Quarter of the Northeast Quarter of Section 18, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Starting at the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 18; thence South 89° 19' West along the South line thereof a distance of 351.7 feet to a point on the Easterly existing right of way line of U.S. Highway #71; thence North 24° 42' West along said existing right of way line a distance of 32.8 feet to the point of beginning; thence continue North 24° 42' West along said existing right of way line a distance of 210.6 feet to a point; thence North 25° 05' West along said existing right of way line a distance of 323.2 feet to a point; thence North 21° 54' West along said existing right of way line a distance of 156.4 feet to a point; thence North 89° 19' East a distance of 58.8 feet to a point on the Easterly proposed right of way line of U.S. Highway #71; thence South 24° 51' East along said proposed right of way line a distance of 693.3 feet to a point; thence South 89° 19' West a distance of 66.7 feet to the point of beginning and containing 0.96 Acre, more or less.



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-2021-000088: 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.

RECOMMENDATION:

Staff recommends denial of RZN-2021-000088.

RECOMMENDED MOTION:

"I move to deny RZN-2021-000088."

BACKGROUND:

The subject property, parcel 765-14601-000, is immediately east of I-49 and approximately ¾ mile north of the intersection with E. Martin Luther King Jr. Blvd. The property has frontage along N. Futrall Drive, which is a one-way street heading north and is ARDOT right-of-way. The parcel contains 6.60 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 is located within the I-540 Overlay District and a small portion of the site is within the Hillside-Hilltop Overlay District. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
South	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped	R-A, Residential Agricultural; (Bill of Assurance requiring zero homes to be built)
West	Interstate (I-49)	R-A, Residential-Agricultural (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 N. Futrall Drive. N. Futrall Drive 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 not available to 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 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. No portion of the site falls within a FEMA floodplain, nor is there a protected stream in the area. There are also no hydric soils on the property.

A small portion of the southeast corner of the property falls within the Hillside-Hilltop Overlay District. 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.

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 **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 ranging score of 4 for this site, with a weighted score of 4.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood)
- Near City Park (Centennial Park, across I-49)
- Near Paved Trail (Shiloh Trail, across I-49)
- Near Razorback Bus Stop (Route 44)

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.

Land Use Compatibility: Staff finds the request from RSF-4, Residential Single-Family, 4 Units per Acre to CS, Community Services to be incompatible at this location. Much of the surrounding property is undeveloped in nature, and the site lacks some basic utility and infrastructure access such as public water and public sewer. CS allows for buildings up to 5 stories tall, as well as more intense uses that the surrounding landscape and available infrastructure may not be ready for. The property does currently have the entitlement to develop 4 units per acre; given the property's size, this would allow for the development of up to 26 single-family dwellings. Staff recognizes that strictly single-family uses may not be the highest and most efficient use of the property at this location and may still negatively affect traffic flow along Futrall Drive. Staff suggests that a more nuanced, fine-grained, and lower-density approach to zoning at this location may make more sense, with potentially a request for Neighborhood Services – Limited (NS-L) or Neighborhood Services – General (NS-G) to be more compatible and incremental at this location.

Land Use Plan Analysis: Staff finds that the request is not consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The site has a low infill score and is called out as a Residential Neighborhood Area, with the implication that any development at this location is intended to be primarily residential, rather than commercial uses. CS is considered to be a commercial zoning district, though it does allow for many residential uses by-right.

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

Finding: A rezone from RSF-4 to CS is not justified at this time; the Future Land Use Designation as a “Residential Neighborhood,” coupled with the lack of available infrastructure and undeveloped surroundings lead staff to find that the request is too much, too soon for this portion of Futrall.

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 does have the potential to appreciably increase traffic at this site. Under its current entitlement, the 6.60 acre property could be developed with a density of 26 single-family

dwellings. CS zoning does not have a density maximum, and allows for multi-family residential by-right, which could 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. Future connectivity to the east would also be nearly impossible at this point, given the undevelopable area immediately adjacent. The benefit of CS zoning, however, over RSF-4 zoning, is the potential for a mix of uses, which could potentially contribute to a decrease in need for auto-oriented trips.

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 denial of RZN-2021-000088.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>January 24, 2022</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded	<input checked="" type="checkbox"/> Denied		
Motion: Wiederkehr					
Second: Garlock					
Vote: 7-2-0 (Commissioners Johnson and Winston dissenting)					

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
 - 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
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)



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Fayetteville, Arkansas 72702-4248

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Suzanne G. Clark
sclark@clark-firm.com

DECEMBER 3, 2021

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Rezoning Application – Watson Family Trust Rezoning

Attn: Development Services/Planning

I am representing the Winfred E Watson Family Trust regarding its application to rezone the real property described in the attached property description and located in parcel number 765-14601-000 and is approximately 6.6 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 Drive 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.

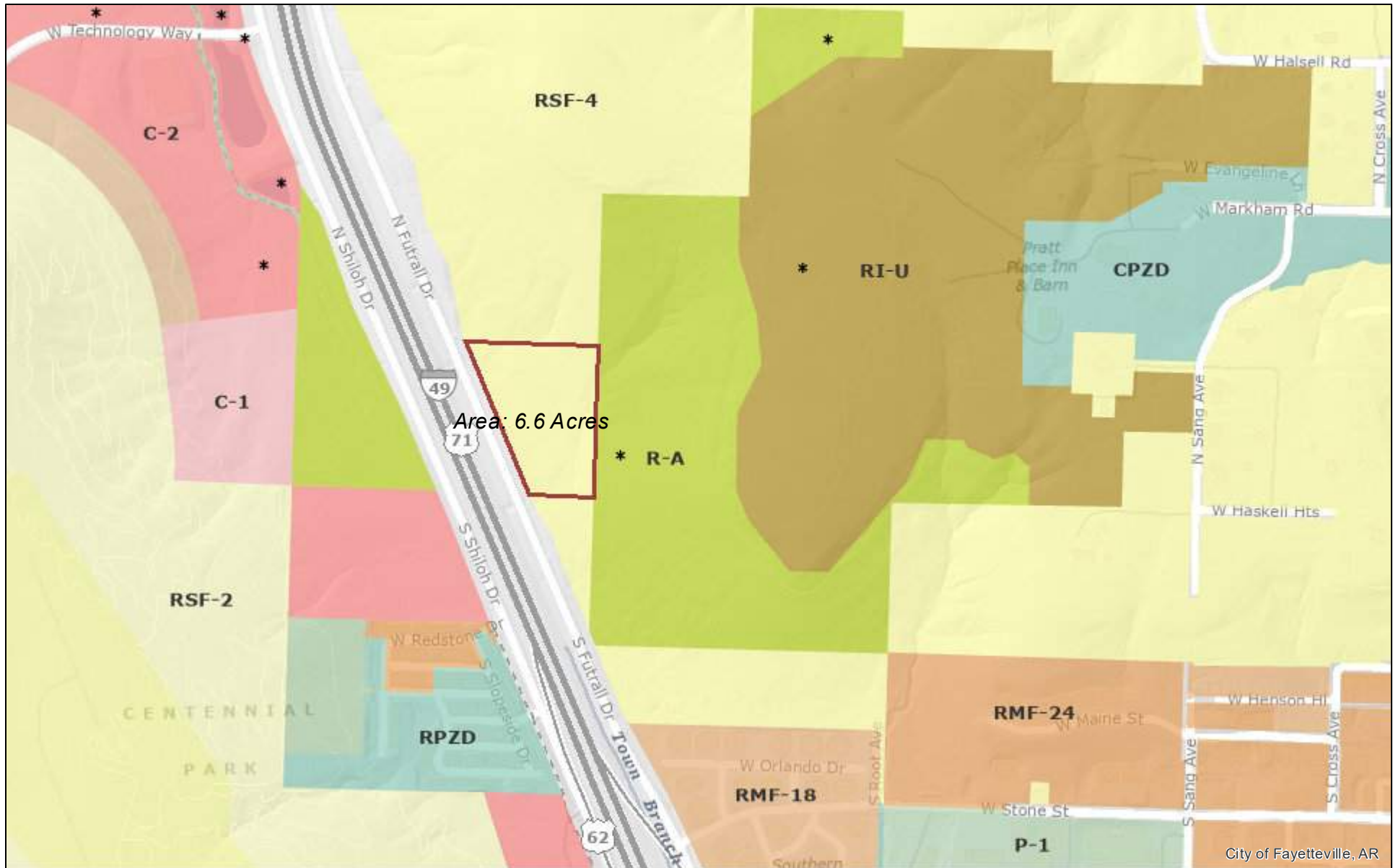
We are happy to provide any additional information that is needed or may be helpful upon your review of this application. Thank you for your consideration and please let me know you have any questions.

Sincerely,

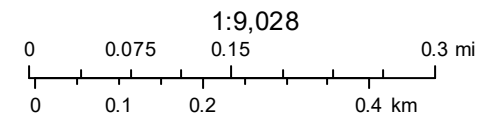
/s/ Suzanne G. Clark

Suzanne G. Clark

Fayetteville, AR



11/4/2021, 11:31:49 AM



The data contained here is compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, costs or damages of any nature included in the city's cost of defense, asserted by or for any other party arising from the use of this data. The City of Fayetteville makes no, express or implied warranties with reference to the data. No word, phrase, or clause found here-in shall be construed to waive the tort immunity set forth in the Arkansas law.

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	
City of Fayetteville, Arkansas		
Page 5		
Printed on 1/18/2022		

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.

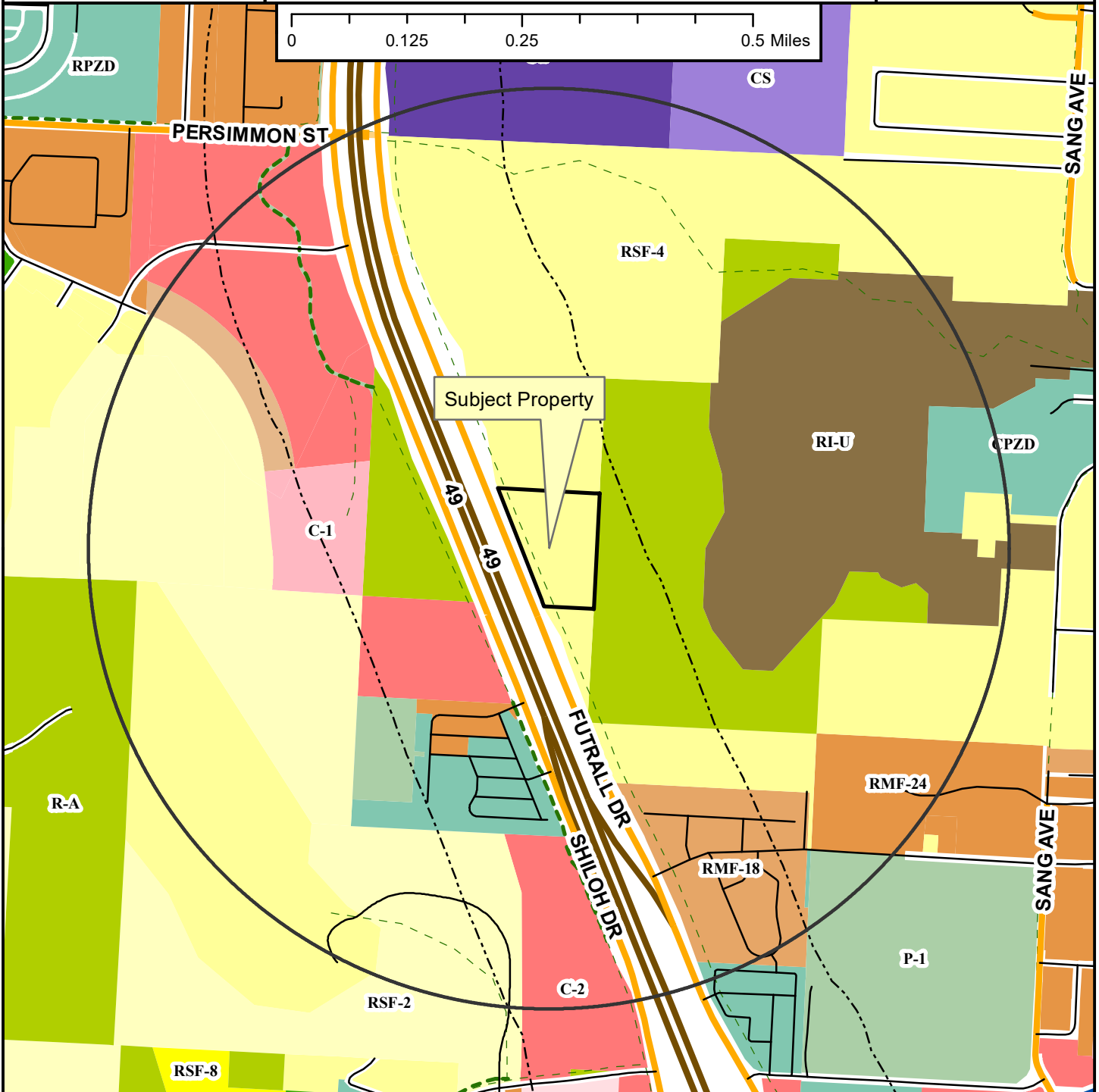
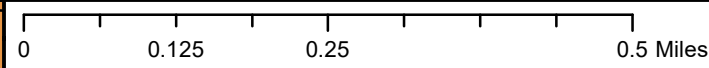
Sincerely,

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

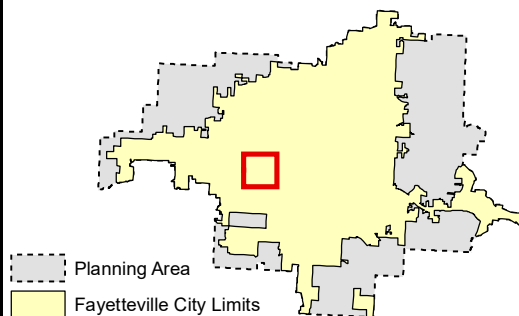
RZN-2021-000088

One Mile View

Watson



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

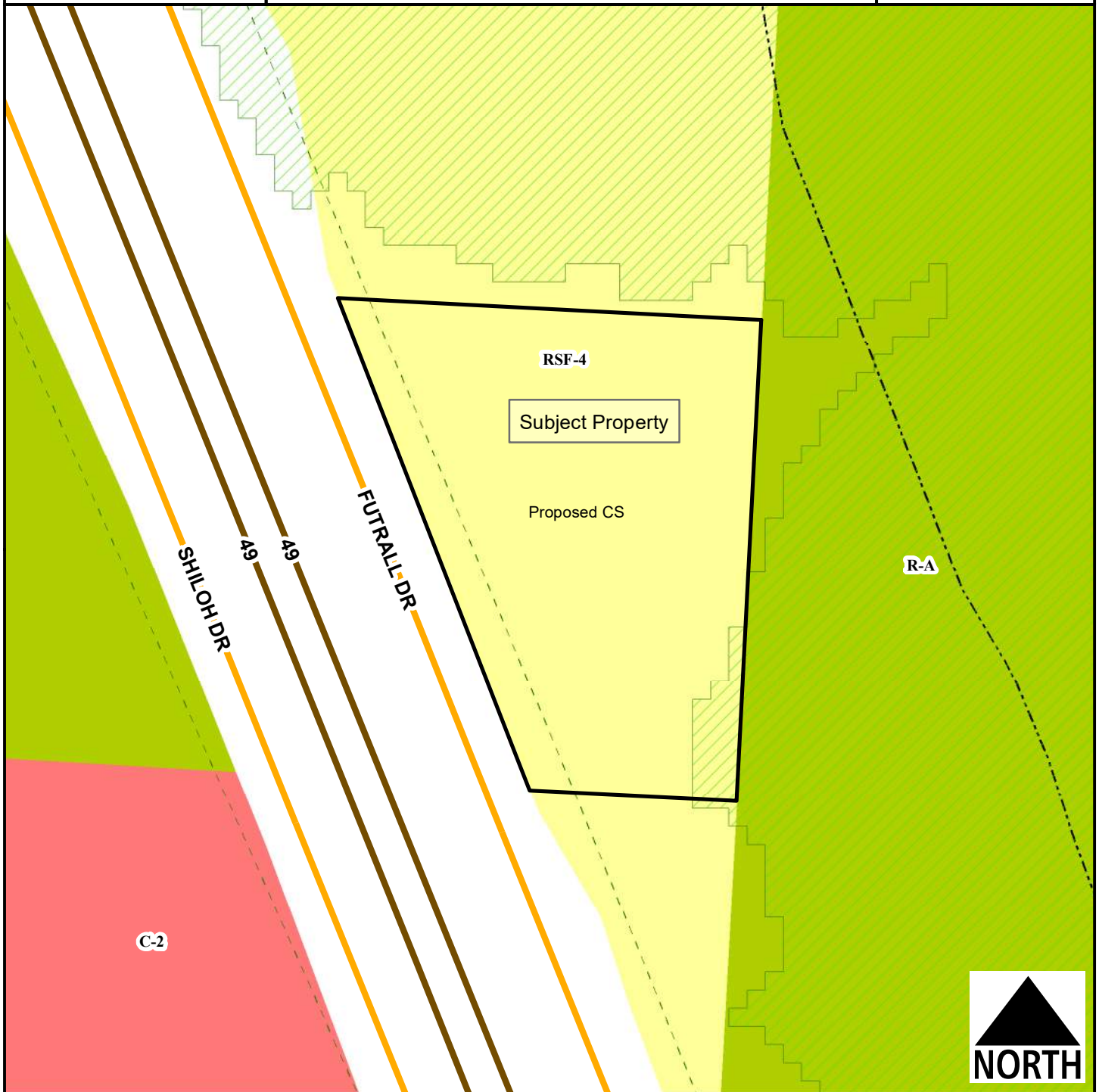


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial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

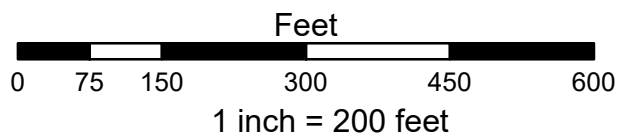
RZN-2021-000088

Watson

Close Up View



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



Zoning **Acres**

CS 6.6

Total 6.6

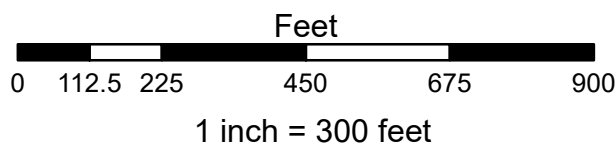
RZN-2021-000088

Watson

Current Land Use



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

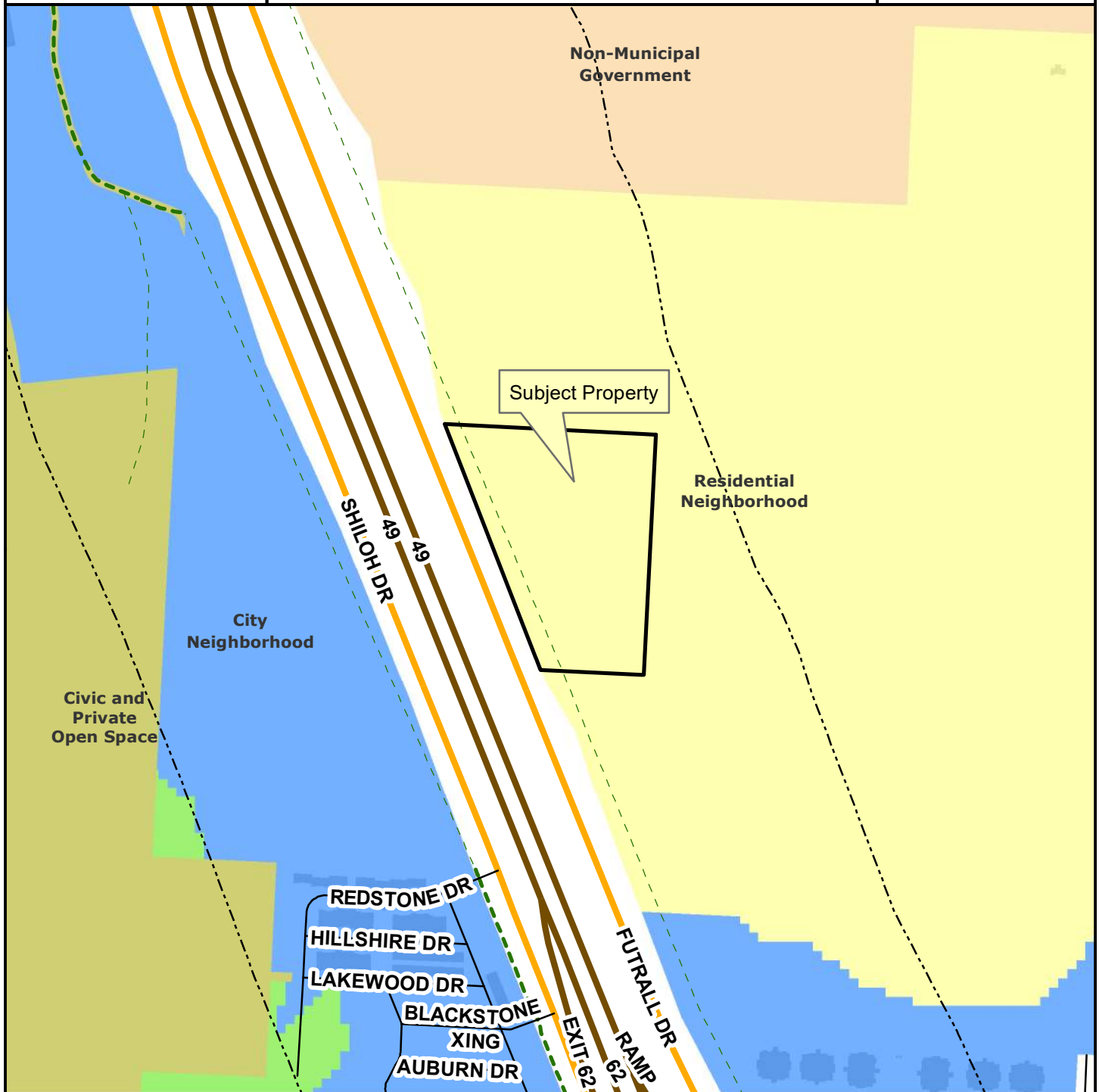


FEMA Flood Hazard Data

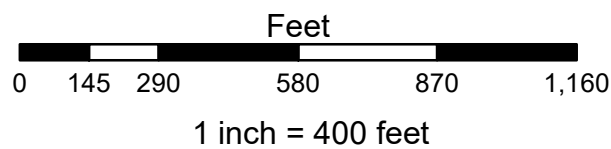
- 100-Year Floodplain
- Floodway



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

CityClerk

From: Curth, Jonathan
Sent: Tuesday, March 8, 2022 4:37 PM
To: Paxton, Kara; CityClerk
Subject: FW: Watson appeal on RZN 2021-000088

Kara,

Please see the request below to withdraw item #2022-0188 from the 3/15 Council agenda. I will be referencing this shortly at Agenda Session.

Thanks,

Jonathan Curth, AICP
Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

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

From: watsonken@nc.rr.com <watsonken@nc.rr.com>
Sent: Tuesday, March 8, 2022 6:28 AM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>; watson2319@gmail.com; 'Erstine, David @ Fayetteville' <DAVID.ERSTINE@cbre.com>
Subject: Watson appeal on RZN 2021-000088

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.

At this time, the Watson family will not be pursuing the *Watson appeal on RZN 2021-000088* at the City Council meeting on March 15th.

Thank you,
Mike Watson
Ken Watson