



**MEETING OF NOVEMBER 7, 2023**

**TO:** Mayor Jordan and City Council

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

**FROM:** Gretchen Harrison, Senior Planner

**DATE:**

**SUBJECT:** **RZN-2023-0026: Rezoning (5839 W. DOT TIPTON RD./MARTINEZ, 475): Submitted by JAIRO MARTINEZ for property located at 5839 W. DOT TIPTON RD. in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.27 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE-FAMILY, TWO UNITS PER ACRE.**

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**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 is located in west Fayetteville on the south side of Dot Tipton Road about a quarter of a mile west of the street's intersection with 54<sup>th</sup> Avenue. The property includes three parcels totaling 5.27 acres. Each parcel is developed with a single-family dwelling and associated outbuildings, and currently zoned R-A, Residential-Agricultural.

**Request:** The request is to rezone the subject property from R-A, Residential-Agricultural to RSF-2, Residential Single-Family, Two Units per Acre.

**Public Comment:** Staff has not received public comment regarding this request.

**Land Use Compatibility:** Staff finds the proposed rezoning from R-A to RSF-2 to be generally compatible with the surrounding area. The intent of the RSF-2 zoning district is to provide a transition zone between small and large residential properties, particularly those containing less than 8,000 square feet or more than an acre. The three parcels in question currently have less lot width and area than what is required by the R-A zoning district, and they're located between large, agricultural properties to the south and west, and smaller residential properties to the east and north. Staff finds the requested rezoning to be compatible since the size and location of the parcels in question appear to be better aligned with the purpose, spirit, and intent of the RSF-2 zoning district, and since the rezoning would allow three nonconforming lots that do not fully meet the requirements of the R-A zoning district to be brought into conformity. Further, staff finds that the requested rezoning is not likely to result in development that is incompatible with the surrounding area since the subject property is relatively small and has limited access to public infrastructure, and since the land uses and lot sizes permitted in the

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RSF-2 zoning district are largely similar to those nearby. By-right development in the RSF-2 zoning district is primarily restricted to single-family residences and all lots are required to maintain a minimum width of 100 feet and a minimum area of 17,860 square feet.

Land Use Plan Analysis: Staff finds the proposed rezoning to be somewhat consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to RSF-2 could allow for the creation, or maintenance, of residential properties with slightly reduced lot sizes and building setbacks. While a similar rezoning on a larger property may potentially encourage suburban sprawl and thus run afoul with Goal 2 of City Plan 2040, staff finds that the requested rezoning would allow for the continued use of the existing lots or creation of new lots and single-family dwellings that would be similar in both size and character to other residential properties along Dot Tipton Road. Though the property has a very low infill score ranging between 0 and 1, staff finds the requested rezoning to be relatively appropriate since it would bring the three parcels within the subject property into conformity while not allowing for development that is out of scale with the surrounding neighborhood.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a rating between 0 and 1 for this site. The following element of the matrix contributes to the score:

- Near Water Main (two-inch main, Willow Avenue)

#### **DISCUSSION:**

At the October 9, 2023 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Garlock made the motion and Commissioner McGetrick seconded it. Commissioners offered little comment, finding the applicant's request to be compatible with surrounding land uses and consistent with the City's land use plans and policies. Commissioner McGetrick asked whether City Engineering would review new septic systems on the property, and staff confirmed that septic would be reviewed by the Arkansas Department of Health, with City Engineering making a determination on the feasibility of connecting to sanitary sewer. No public comment was offered at the meeting.

#### **BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

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# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Legislation Text

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**File #:** 2023-1182

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**RZN-2023-0026: Rezoning (5839 W. DOT TIPTON RD./MARTINEZ, 475): Submitted by JAIRO MARTINEZ for property located at 5839 W. DOT TIPTON RD. in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.27 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE-FAMILY, TWO UNITS PER ACRE.**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-026 FOR APPROXIMATELY 5.27 ACRES LOCATED AT 5839 WEST DOT TIPTON ROAD IN WARD 4 FROM R-A, RESIDENTIAL-AGRICULTURAL, TO RSF-2, RESIDENTIAL SINGLE-FAMILY, TWO UNITS PER ACRE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from R-A, Residential-Agricultural, to RSF-2, Residential Single-Family, Two Units per Acre.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.



**TO:** Fayetteville Planning Commission

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

**FROM:** Gretchen Harrison, Senior Planner

**MEETING DATE:** October 9, 2023 (updated with results)

**SUBJECT:** **RZN-2023-0026: Rezoning (5839 W. DOT TIPTON RD./MARTINEZ, 475):** Submitted by JAIRO MARTINEZ for property located at 5839 W. DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.27 acres. The request is to rezone the property to RSF-2, RESIDENTIAL SINGLE-FAMILY, TWO UNITS PER ACRE.

**RECOMMENDATION:**

Staff recommends forwarding **RZN-2023-0026** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*“I move to forward **RZN-2023-0026** to City Council with a recommendation of approval.”*

**BACKGROUND:**

The subject property is located in west Fayetteville on the south side of Dot Tipton Road about a quarter of a mile west of the street’s intersection with 54<sup>th</sup> Avenue. The property includes three parcels totaling 5.27 acres. Each parcel is currently developed with a single-family dwelling and associated outbuildings and is zoned R-A, Residential-Agricultural. The property received its current zoning designation as a result of its annexation into the City of Fayetteville in 2006. Surrounding land uses and zoning are listed in *Table 1*.

**Table 1:  
Surrounding Land Uses and Zoning**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Single-Family Residential	RSF-1, Residential Single-Family, One Unit per Acre
South	Agricultural	R-A, Residential-Agricultural
East	Single-Family Residential	RSF-1, Residential Single-Family, One Unit per Acre
West	Agricultural	R-A, Residential-Agricultural

*Request:* The request is to rezone the subject property from R-A, Residential-Agricultural to RSF-2, Residential Single-Family, Two Units per Acre.

*Public Comment:* Staff has not received any public comment regarding this request.

**INFRASTRUCTURE:**

**Streets:** The subject property has frontage along Dot Tipton Road, a partially improved Residential Link street with asphalt paving and open ditches. Any street

improvements required in this area would be determined at the time of development proposal.

**Water:** Public water is available to the subject property. An existing two-inch water main is present on the north side of Dot Tipton Road. City Engineering has indicated that no new irrigation meters would be allowed on this property, though meters for new residences may be permitted if septic approval from the Arkansas Department of Health is first provided.

**Sewer:** Sanitary sewer is not available to the subject property.

**Drainage:** No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

**Fire:** Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 2.2 miles from the fire station with an anticipated drive time of approximately five minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus one 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 six minutes for an engine and eight 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 did not comment on this request.

**Tree Preservation:**

The proposed zoning district of RSF-2, Residential Single-Family, Two Units per Acre requires **20% minimum canopy preservation**. The current zoning district of R-A, Residential-Agricultural 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**.

**Residential Neighborhood** areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. 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. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates a score range between **0 and 1** for this site with a weighted score of **1** at the highest level. The following elements of the matrix contribute to the score:

- Near Water Main (two-inch main, Willow Avenue)

**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 proposed rezoning from R-A to RSF-2 to be somewhat compatible with the surrounding area. The intent of the RSF-2 zoning district is to provide a transition zone between small and large residential properties, particularly those containing less than 8,000 square feet or more than an acre. The three parcels in question currently have less lot width and area than what is required by the R-A zoning district, and they're located between large, agricultural properties to the south and west, and smaller residential properties to the east and north. Staff finds the requested rezoning to be compatible since the size and location of the parcels in question appear to be better aligned with the spirit and intent of the RSF-2 zoning district, and since the rezoning would allow three nonconforming lots that do not fully meet the requirements of the R-A zoning district to be brought into conformity. Further, staff finds that the requested rezoning is not likely to result in development that is incompatible with the surrounding area since the subject property is relatively small and has limited access to public infrastructure, and since the land uses and lot sizes permitted in the RSF-2 zoning district are largely similar to those nearby. By-right development in the RSF-2 zoning district is primarily restricted to single-family residences and all lots are required to maintain a minimum width of 100 feet and a minimum area of 17,860 square feet.

*Land Use Plan Analysis:* Staff finds the proposed rezoning to be somewhat consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to RSF-2 could allow for the creation, or maintenance, of residential properties with slightly reduced lot sizes and building setbacks. While a similar rezoning on a larger property may potentially encourage suburban sprawl and thus run afoul with Goal 2 of City Plan 2040, staff finds that the requested rezoning would allow for the creation of new lots and single-family residences that would be similar in both size and character to other residential properties along Dot Tipton Road. Though the property has a very low infill score ranging between 0 and 1, staff finds the requested rezoning to be relatively appropriate since it would bring the three parcels within the subject property into conformity while not allowing for development that is out of scale with the surrounding neighborhood.

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

**Finding:** Staff finds that rezoning the subject property to RSF-2 is somewhat justified since it contains three parcels that do not currently comply with the bulk and area regulations of the underlying R-A zoning district.

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

**Finding:** A rezoning from R-A to RSF-2 has the potential to increase traffic at this location when considering that RSF-2 would allow for residential development at a greater density than the existing R-A zoning. However, staff finds that a rezoning is not likely to create or appreciably increase traffic danger or congestion given the relatively small size of the lot and its limited access onto Dot Tipton Road.

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:** The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, staff finds that the proposed rezoning would not undesirably increase the load on public services. City Engineering has indicated that water meters for additional residences may be permitted if septic approval from the Arkansas Department of Health is first provided. The property does not currently have access to public sewer and any necessary improvements to Dot Tipton Road would be determined at the time of development review. Fayetteville Public Schools did not comment on this 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 forwarding RZN-2023-0026 to City Council with a recommendation of approval.

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<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>			
Date: <u>October 9, 2023</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded with a recommendation of approval	<input type="checkbox"/> Denied
Motion: <b>Garlock</b>			
Second: <b>McGetrick</b>			
Vote: <b>9-0-0</b>			

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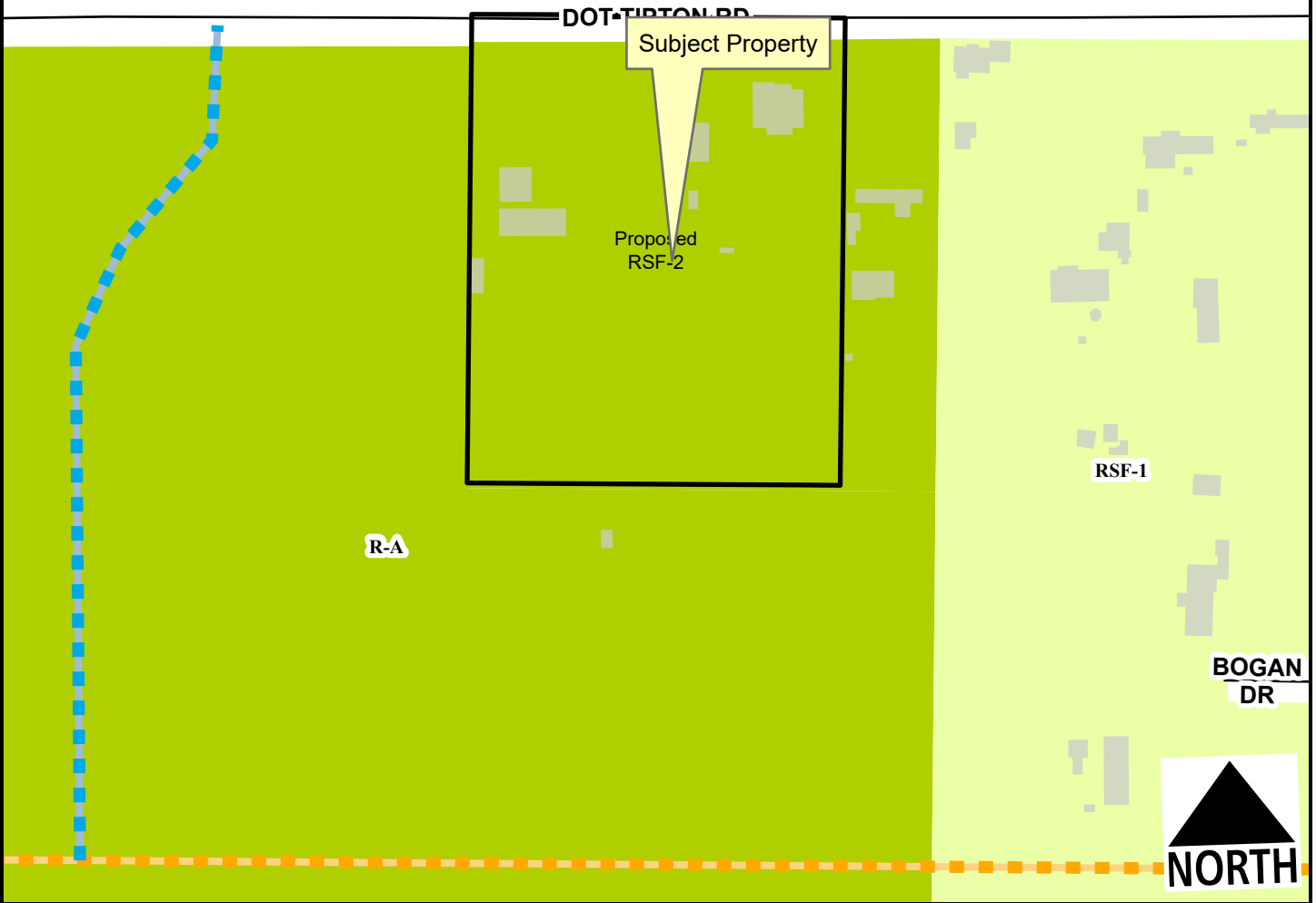
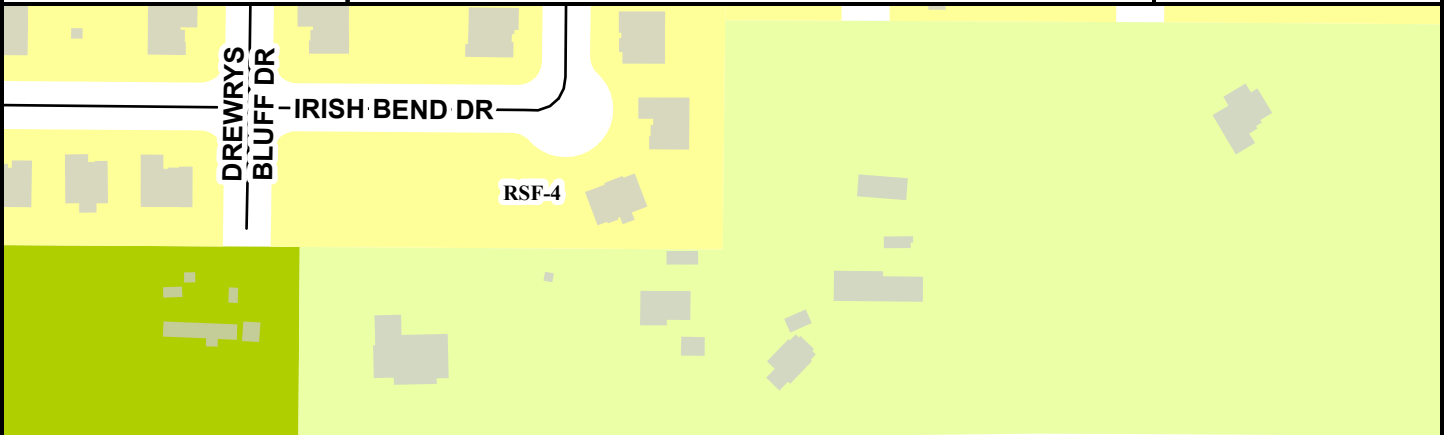
**BUDGET/STAFF IMPACT:**  
None

RZN-2023-0026

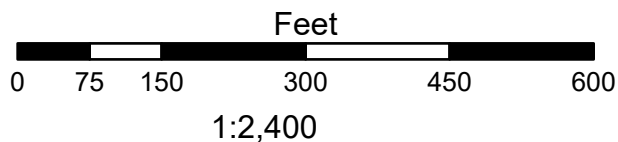
# 5839 W. DOT TIPTON RD

RZN-2023-0026  
EXHIBIT 'A'

Close Up View



- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
R-A	5.0	0.0
RSF-2	0.0	5.3

Total 5.3 ac



RZN-2023-0026

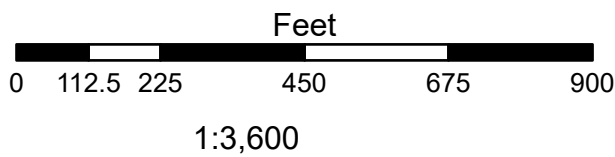
# 5839 W. DOT TIPTON RD



Current Land Use



- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits



### FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway