



# City of Fayetteville, Arkansas

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

## Legislation Text

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**File #:** 2024-1636

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**RZN-2023-0030: Rezoning (WEST OF 2558 W. VALLEY DR./REDBRIDGE DEVELOPMENT LTD., 402):** Submitted by SWOPE CONSULTING for property located WEST OF 2558 W. VALLEY DR in WARD 2. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-0030 FOR APPROXIMATELY 0.60 ACRES LOCATED WEST OF 2558 WEST VALLEY DRIVE IN WARD 2 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT 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 RSF-4, Residential Single-Family, Four Units Per Acre to RSF-8, Residential Single-Family, Eight 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.



**MEETING OF FEBRUARY 6, 2024**

**TO:** Mayor Jordan and City Council

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

**FROM:** Donna Wonsower, Planner

**DATE:**

**SUBJECT:** **RZN-2023-0030: Rezoning (WEST OF 2558 W. VALLEY DR./REDBRIDGE DEVELOPMENT LTD., 402):** Submitted by SWOPE CONSULTING for property located WEST OF 2558 W. VALLEY DR in WARD 2. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

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**RECOMMENDATION:**

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

**BACKGROUND:**

The subject property includes two parcels located in west Fayetteville, approximately ¼ mile northeast of the I-49/W. Wedington Dr. intersection. The overall property is approximately 0.60 acres and is zoned RSF-4, Residential Single-Family, Four Units per Acre. It is currently undeveloped. While there is a significant history of flooding in the neighborhood, including during the major flood events of April of 2017 and May of 2022, the subject property is not within FEMA floodplain or floodway. The nearest floodplain and floodway is associated with Hamestring Creek, and can be found approximately 200 feet to the north, east, and west of the parcel boundaries.

*Request:* The request is to rezone 0.60 acres of the property from RSF-4, Residential Single-Family, Four Units per Acre to RSF-8, Residential Single-Family, Eight Units per Acre.

*Public Comment:* Staff received one phone call and letter from a neighbor concerned about flooding, drainage, and the potential for additional impervious surfaces to be added to this parcel. Staff also received an email from a neighbor against the request, citing the history of flooding in the area, increased impact of drainage and flooding on adjacent properties, and potential impact on adjacent solar panels due to the installation of tall buildings. Photos of flooding in the area were provided and are attached to this report.

*Land Use Compatibility:* On the balance of considerations, staff finds the request to be incompatible with the surrounding context. Other lots along the street are highly regular in lot width and size consistent with the requirements of the RSF-4 zoning district, and a single-parcel zoned RSF-8 may stand out based on existing development patterns. The subject property, as currently zoned, would allow for the construction of two residential dwelling units on 0.6 acres. The proposed zoning district would increase the maximum permitted

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density to four dwelling units and would reduce required street frontage from 70 feet to 50 feet for single-family structures. Additionally, the minimum lot size would be reduced from 8,000 square feet to 5,000 square feet for single-family structures. The maximum percentage of lots that may be covered by a building would increase from 40% to 50% with no change in the permitted building height. The rear setback would be reduced from 15 feet to 5 feet. Other setbacks would remain the same. From a use perspective, the uses allowable in the proposed zoning district are identical to the allowable uses of the current zoning district, which does not in and of itself represent an incompatibility. The lot has approximately 160 linear feet of street frontage which could allow for future subdivision of the land, though none has currently been proposed.

Staff finds that the proposed rezoning would not be a substantial upzoning considering the similarities between the current and proposed zoning districts and relatively low proposed density. The subject property is however, less than 200 feet to FEMA regulated flood areas to the north, east, and west. Given the history of flooding in the area, the recent purchase of the West End Apartments by the City, and continuing efforts to mitigate flooding and drainage issues in the area, staff has concerns that additional density, although small, may negatively impact surrounding properties. However, staff also notes that any development would be subject to §168 Flood Damage and Prevention and §170 Stormwater Management and Drainage and that any future development would be reviewed for compliance with the City's drainage performance criteria.

*Land Use Plan Analysis:* Staff finds the proposal is somewhat inconsistent with the goals in City Plan 2040. The Future Land Use Map identifies this area as a Residential Neighborhood Area, which is primarily residential in nature and supports a wide variety of housing types of appropriate scale and context. Staff finds the proposal is consistent with this future land use designation. While this request would allow additional development within an existing neighborhood, encouraged by Goal #1, the 2040 Plan also acknowledges the risks, challenges, and expense associated with flooding within the city. The proposed location, while not within floodplain and floodway is within a section of the city designated as a repetitive loss area which received some of the highest requests for emergency services during the April 2017 flood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **7** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8, 2266 W. Deane St.)
- Near Sewer Main (6" Main, W. Valley Dr.)
- Near Water Main (2.25" Main, W. Valley Dr.)
- Near Public School (Asbell Elementary School)
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (Marked Shared Roadway on W. Valley Dr, Porter Rd., and W. End Ave; Futrall Trail (Incomplete)
- Near Razorback Bus Stop (W. Wedington Stops 12378 & 15368, Porter Rd. & W. Lawson St. intersection)

## **DISCUSSION:**

At the January 8, 2024, Planning Commission meeting, a vote of 7-1-0 forwarded the request to City Council with a recommendation of approval. The commissioners cited the incremental increase in density, appropriateness of the allowed uses, and City Plan 2040 goals for infill and more compact development near services. There was discussion regarding the proximity of the floodplain/floodway and its potential effect on the parcel. Commissioners voting in favor noted the property's location outside the flood areas. Commissioner Garlock voted against the request, citing concerns with flooding in the neighborhood and the need for infill that aligns with the City Plan 2040. There was no additional public comment at the meeting.

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**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6), RZN-2023-0030 2024 FEMA Map Exhibit (#7)



**TO:** Fayetteville Planning Commission

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

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** January 8, 2024

**SUBJECT:** **RZN-2023-0030: Rezoning (WEST OF 2558 W. VALLEY DR./REDBRIDGE DEVELOPMENT LTD., 402):** Submitted by SWOPE CONSULTING for property located WEST OF 2558 W. VALLEY DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

**RECOMMENDATION:**  
Staff recommends denial of **RZN-2023-0030**.

**RECOMMENDED MOTION:**  
"I move to deny **RZN-2023-0030**." (UPDATED WITH MEETING RESULTS)

**BACKGROUND:**  
The subject property is in west Fayetteville approximately ¼ mile northwest of the I-49/W. Wedington Dr. intersection. The overall property is approximately 0.60 acres and is zoned RSF-4, Residential Single-Family, Four Units per Acre. It is currently undeveloped.

While there is a significant history of flooding in the area, including during the flood major events of April of 2017 and May of 2022, the subject property is located outside of the floodplain and floodway. Floodplain and floodway are both located less than 200 feet from the parcel boundaries to the north, east, and west. City Council passed a resolution on June 6, 2023, for to hire Fresse and Nichols, Inc. for assistance in developing a solution for flooding in the Hamestring Creek Watershed, one of Fayetteville’s Repetitive Loss Areas, and in seeking grant funding in order to implement a solution. The study is currently underway (see Hamestring Repetitive Loss Memo attached). 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	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

**Request:** The request is to rezone 0.60 acres of the property from RSF-4, Residential Single-Family, Four Units per Acre to RSF-8, Residential Single-Family, Eight Units per Acre.

*Public Comment:* Staff received one phone call and letter from a neighbor concerned about flooding, drainage, and potential for additional impervious surface to be added to this parcel. Staff also received an email from a neighbor against the request, citing the history of flooding in the area, increased impact of drainage and flood on adjacent properties, and potential impact to adjacent solar panels due to the installation of tall buildings. Photos of flooding in the area were provided and are attached to this report.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

- Streets:** The subject area has frontage on W. Valley Dr., a partially improved residential link street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.
- Water:** Public water is available to the subject area. An existing 2.25-inch water main is present on the south side of West Valley Drive.
- Sewer:** Sanitary Sewer is available to the subject area. Existing 8-inch and 6-inch sewer mains are present on the north side of W. Valley Dr.
- 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 8, located at 2266 W. Deane St., protects this site. The property is located approximately 0.9 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 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:** No portion of the property lies within the Hillside-Hilltop Overlay District and there are no protected streams present in the subject area. Hydric soils are present on 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 are 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 RSF-8, Residential Single-Family, Eight Units per Acre requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre Institutional 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 a **Residential Neighborhood**.

**Residential Neighborhood Areas** are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040’s Infill Matrix indicates a score of **7** for this site, with a weighted score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8, 2266 W. Deane St.)
- Near Sewer Main (6” Main, W. Valley Dr.)
- Near Water Main (2.25” Main, W. Valley Dr.)
- Near Public School (Asbell Elementary School)
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (Marked Shared Roadway on W. Valley Dr, Porter Rd., and W. End Ave; Futrall Trail (Incomplete)
- Near Razorback Bus Stop (W. Wedington Stops 12378 & 15368, Porter Rd. & W. Lawson St. intersection)

**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:* **On the balance of considerations, staff finds the request to be incompatible with the surrounding context. Other lots along the street are highly regular in lot width and size consistent with the requirements of the RSF-4 zoning district, and a single-parcel zoned for RSF-8 may stand out based on those existing development patterns. The subject property, as currently zoned, would allow for the construction of two residential dwelling units on 0.6 acres. The proposed zoning district would increase the maximum permitted density to four dwelling units and would reduce required street frontage from 70 feet to 50 feet for single-family structures. Additionally, minimum lot size would be reduced from 8,000 square feet to 5,000 square feet for single-family structures. The maximum percentage of lots that may be covered by a building would increase from**

40% to 50% with no change in the permitted building height. The rear setback would be reduced from 15 feet to 5 feet. Other setbacks would remain the same. From a use perspective, the uses allowable in the proposed zoning district are identical to the allowable uses of the current zoning district. The lot has approximately 160 linear feet of street frontage which could allow for future subdivision of the land, though none has currently been proposed.

Staff finds that the proposed rezoning would not be a substantial upzoning considering the similarities between the current and proposed zoning districts and relatively low proposed density. The subject property is less than 200 feet to FEMA regulated flood areas to the north, east, and west. Given the history of flooding in the area, the recent purchase of the West End Apartments by the city, and continuing efforts to mitigate flooding and drainage issues in the area, staff has concerns that additional density, although small, may negatively impact surrounding properties. However, staff also notes that any development would be subject to §168 Flood Damage and Prevention and §170 Stormwater Management and Drainage and that any future development would be reviewed for compliance with the city's drainage performance criteria. Staff further notes that if the rezoning is not granted, the property is still developable under the existing zoning requirements.

**Land Use Plan Analysis:** Staff finds the proposal is somewhat inconsistent with the goals in City Plan 2040. The Future Land Use Map identifies this area as a Residential Neighborhood Area, which is primarily residential in nature and supports a wide variety of housing types of appropriate scale and context. Staff finds the proposal is consistent with this future land use designation. While this request would allow additional development within an existing neighborhood, encouraged by Goal #1, the 2040 Plan also acknowledges the risks, challenges, and expense associated with flooding within the city. The proposed location, while not within floodplain and floodway is within a section of the city designated as a repetitive loss area which received some of the highest requests for emergency services during the April 2017 flood.

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

**Finding:** On balance, staff finds that a rezoning to RSF-8 may not be justified. While the proposed rezoning is incremental in scale, the property is developable based on its current zoning, and could be further densified with the addition of accessory dwelling units. Up to two accessory dwelling units are permitted by right per single-family residence provided their cumulative footprint does not exceed 1,200 square feet. The proposed rezoning would double the permitted density, which could lead to additional future residents being affected by large flood events which would limit access to and from the property from both the east and west.

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



**Finding:** Rezoning to RSF-8 at this location has the possibility to increase traffic to the site, but staff finds that given the size of the request, the intended residential uses are not likely to significantly impact traffic congestion. Staff does note that, while the property is not within floodplain or floodway, W. Valley Dr. is anticipated to be impacted by significant street flooding during both 50- and 100-year storm events, which would limit access to and from the subject property.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

**Finding:** Rezoning the property to RSF-8 may increase the load on public services. The area has been subject to swiftwater rescues during high-flood events, including in 2017, and additional units could increase the load / risk to emergency services during periods of flooding. The size of the property and access to existing water and sewer infrastructure means future development will likely avoid the need for costly extensions to services. 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:** Staff recommends denial of RZN-2023-0030.

<b>PLANNING COMMISSION ACTION:</b>	Required	<u>YES</u>
<b>Date:</b> <u>January 8, 2024</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
<b>Motion:</b>	<u>MOTION TO DENY</u> GARLOCK	<u>MOTION TO FWD WITH A RECOMMENDATION OF APPROVAL</u> SPARKMAN
<b>Second:</b>	GULLEY	BRINK
<b>Vote:</b>	1-7-0 (GARLOCK IN FAVOR)	7-1-0 (GARLOCK AGAINST)

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.07 RSF-4, Residential Single-Family, Four (4) Units per Acre
  - §161.09 RSF-8, Residential Single-Family, Eight (8) Units per Acre
- Applicant Request Letter
- Staff Exhibits
  - Hamestring Creek Repetitive Loss Area Memo
  - Proximity to Transit Map
- 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. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

**161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre**

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted Uses.*

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

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit.*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 4783, 10-18-05; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."



**TO:** City of Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager  
Donna Wonsower, Planner

**FROM:** Alan Pugh, Staff Engineer

**MEETING DATE:** July 24, 2023

**SUBJECT:** **RZN-2023-0030; Hamestring Repetitive Loss Area**

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**BACKGROUND:**

The subject property is located along W Valley Drive between N West End Ave and N Porter Road. Although it has not been assigned an address, the parcel number is 765-11084-000. It is currently shown to be outside of the Special Flood Hazard Area (SFHA) according to Flood Insurance Rate Map (FIRM) Panel number 05143C0205F dated May 16, 2008. The property is located within the Hamestring Creek repetitive loss area.

*Request:* The applicant is requesting to rezone the property from RSF-4, Residential Single Family four units per acre to RSF-8, Residential Single Family eight units per acre.

**DISCUSSION:**

Although significant flooding has occurred in the area surrounding the property in question, as stated above it is outside of the SFHA, commonly referred to as the 100-year floodplain. The areas to both the east and west of the property do have a long history of flooding. However, the property in question is higher in elevation based on both the current FIRM and the City GIS contours and does not have a history of flooding to the best of staff's knowledge. Although it should be noted that during flood events the areas to the east and west of this property would be anticipated to flood including significant street flooding. That would limit access to and from the property during large flood events.

Based on limited information within flood insurance study (FIS) it appears Hamestring Creek would overtop Wedington Drive in the 50-year and 100-year events. Similar flooding would also be expected from the South Fork of Hamestring as it crosses Wedington Drive to the west. Hamestring Creek Tributary HS3 would overtop Porter Road more frequently according to the FIS. Based on this and past flood events, it is anticipated that the larger events such as the 50-year and 100-year storms would generally trigger flooding in which it would be anticipated to flood multiple streets in the area making access difficult.

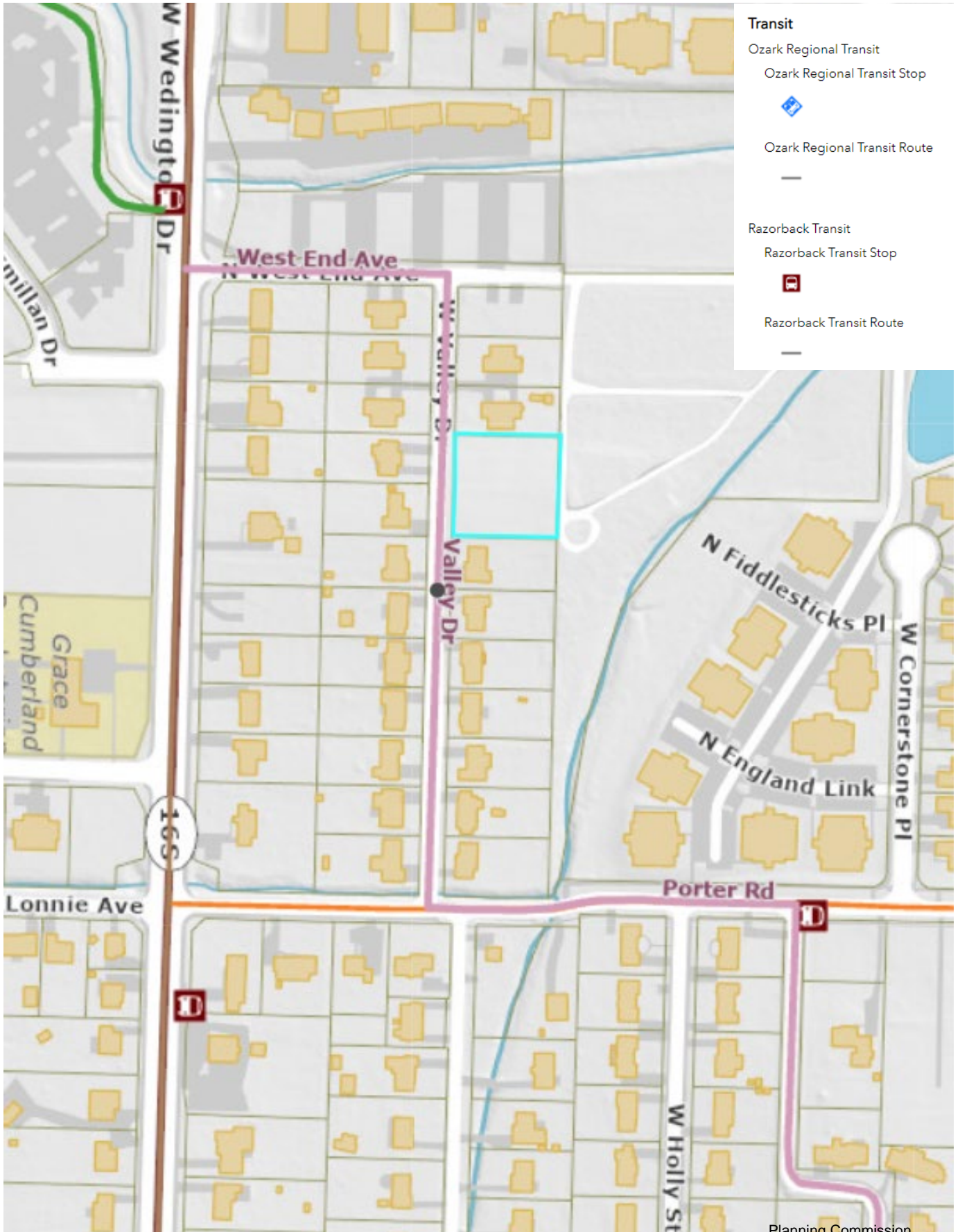
As stated, the surrounding area does have a history of flooding and the City has undertaken projects to reduce flood losses in the area to both the east and west of this property. This includes the purchase and demolition of the West End Apartments to the west of the property and flood studies to determine if improvements to the drainage system could reduce the flooding experienced. To date, a solution has not been identified, however, the City is in the process of

requesting grant funding from FEMA to continue studying potential solutions for the flooding.

Ultimately, due to the fact the property is outside of the SFHA, the regulations regarding lot size in Chapter 168 would not apply and increased density would be a product of the appropriate land use from a planning perspective in the opinion of staff.



STAFF EXHIBIT: PROXIMITY TO TRANSIT



## Wonsower, Donna

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**To:** Barbara Fitzpatrick  
**Subject:** RE: Planning issue RZN-2023-0030

**From:** Barbara Fitzpatrick <bfitz\_1951@yahoo.com>  
**Sent:** Monday, December 4, 2023 11:30 AM  
**To:** Wonsower, Donna <dwnsower@fayetteville-ar.gov>  
**Subject:** RE: Planning issue RZN-2023-0030

**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.

Thank you for getting back with me so quickly. I will contact both Engineering and the developer. I'm glad you're getting better.

bf

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**From:** Wonsower, Donna <[dwnsower@fayetteville-ar.gov](mailto:dwnsower@fayetteville-ar.gov)>  
**Sent:** Monday, December 4, 2023 10:50 AM  
**To:** Barbara Fitzpatrick <[bfitz\\_1951@yahoo.com](mailto:bfitz_1951@yahoo.com)>  
**Subject:** RE: Planning issue RZN-2023-0030

Good Morning,

Please see below for responses to your comments. I will include your email in the Planning Commission packet for the commissioners to review. Please feel free to call or email with any further questions.

Best Regards,  
Donna Wonsower (she/her)  
Planner, Development Services

479-575-8358

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



**From:** Barbara Fitzpatrick <[bfitz\\_1951@yahoo.com](mailto:bfitz_1951@yahoo.com)>  
**Sent:** Monday, December 4, 2023 9:48 AM  
**To:** Wonsower, Donna <[dwonsower@fayetteville-ar.gov](mailto:dwonsower@fayetteville-ar.gov)>  
**Subject:** Planning issue RZN-2023-0030

**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.

Hi Donna,

I was told this is your case but that you're working from home because you've got Covid. First off, I devoutly hope it's a light case with no long-term effects and that you're feeling better. **Thank you for your concern. I did have a light case and am feeling better each day.**

As to the rezoning I have 3 concerns. I'm pretty sure that if this goes through the same mini-developments of ugly multistory houses that are showing up all around this area will be built. Even though all the housing on this block are single story and multistory buildings would be very jarring to see. "Progress" and all that. Two of my concerns are water related. The largest is that the north boundary of this property is about 100 feet from Little Hamestring Creek and there are already flooding issues the city is trying to address. Turning an open field at the highest rise on this block into mostly impervious surface is going to do nothing but increase those flooding issues.

Secondly, my property borders that empty field on the east. Depending on where those houses are placed, there's a very big potential for the runoff from that impervious surface to go hit my house and go underneath it causing ongoing damage. Aside from the fact that such a thing would be just plain wrong, I'm retired on Social Security and can't afford that. The situation would be even worse for the people living on the property bordering the empty property on the west as their house is already on the floodplain (mine is not) and has been flooded before in heavy rains even without a lot of impervious surface uphill from them. **If the rezoning is approved, engineering will review drainage requirements per Chapter 170. In short, depending on the amount of impervious surface added the developer will be required to meet different levels of stormwater management; however development is not permitted to worsen existing stormwater conditions. I recommend reaching out to the [engineering department](#) if you have additional questions relating to drainage or flood.**

Thirdly, and this is "just" an issue for me alone, I have solar panels on my roof. Depending on placement, multistory housing could shade them. Since owning my own house/not having a mortgage payment and having solar panels/not having an electric bill is how I CAN live on my

Social Security, this is very important to me personally. We have not yet seen design plans for the proposed development. The maximum building height is three stories and the building may not be located any closer to the street right-of-way than 15 feet. These requirements are the same as the current zoning. I would recommend reaching out to the project developer regarding your concerns about building height as they seem amenable to working with their neighbors to ensure a compatible development.

IF the houses are placed at the same distance back from the street as are the rest of the houses on this block, my own included, that would resolve the direct impacts on my own property and possibly the neighbor to the west as well. The concern about the creek and flooding, which is most important to the neighborhood and the city, is harder to resolve.

I'd appreciate anything you can tell me about this.

Thank you,  
Barbara Fitzpatrick  
2500 W. Valley Dr.  
Fayetteville, AR 72703  
479-443-4760 (not a cell phone)

Dear Planning Commission Members:

My name is Alessandra Brown and I own a home at 2425 W Valley Drive. I have spoken with Ms. Wonosower from the planning team about my concerns with the rezoning request RZN-2023-0030 west of 2558 W. Valley Drive. I was raised on Valley Drive and my family has lived there for more than 30 years. Our neighborhood is comprised mostly of retired seniors and working families who have found affordable housing in this area. For more than three decades, my family and I have witnessed significant infill changes close to this neighborhood that have added density to meet the demand for housing. Seeing the population increase consistently, one can understand and fully appreciate the complexity involved in deciding the appropriateness of rezoning and the code specifications each zone commands.

The reason I am writing to you is that during the conversation with Ms. Wonosower, there was a distinction made about this specific lot that I humbly request to be further examined. This specific lot is not in the FEMA-designated floodplain but rather is an elevated lot within the floodplain. Not being in a floodplain but rather adjacent to is a technicality with very serious implications for the homeowners in the surrounding neighborhood—my neighborhood.

There are nearly a million square feet of concrete south of Valley Drive designated for institutional rezoning. North of Valley Drive there is also a Lindsey apartment complex. Neither of these projects technically lies within the FEMA-designated floodplains and yet both can contribute significantly to the water runoff into Hamestring Creek which frequently floods. Attached is a picture taken during one such flood. The vantage is from my front porch. I would ask that you take a moment to examine it and its implications as you consider the following questions:

1. Will the planning commission have any part in pursuing accountability for drainage plans for this rezoning request, and if so when and who studies this aspect of the project?
2. Can anyone from Redbridge Development Ltd comment on their knowledge of the flooding in this area? What exactly is their experience building projects next to or within a floodplain? Are their project designs informed by considerations of how to mitigate any flooding their construction may contribute to on adjacent properties? Is there a mechanism in place that could force them to honor such considerations in their project designs?
3. Historically, West Valley Drive has been home to apartments that were frequently out of code compliance, leased at a weekly rate that attracted persons recently released from law enforcement. Police presence was necessary and frequent. Can anyone from Redbridge Development Ltd comment on the style of housing they plan to provide and what customer base they mean to serve?

**PUBLIC COMMENT: FLOOD PICTURES**

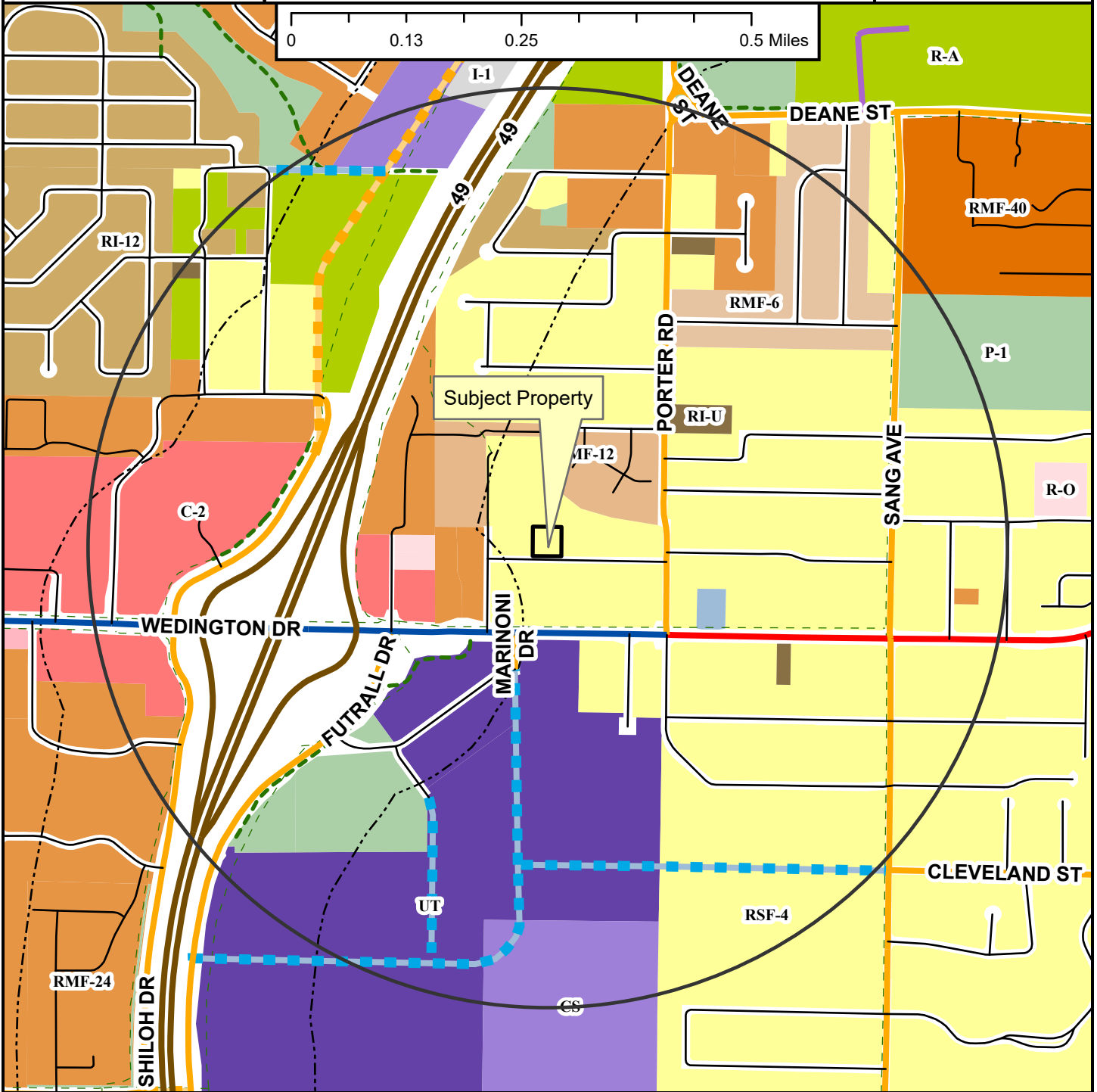
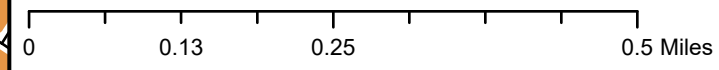




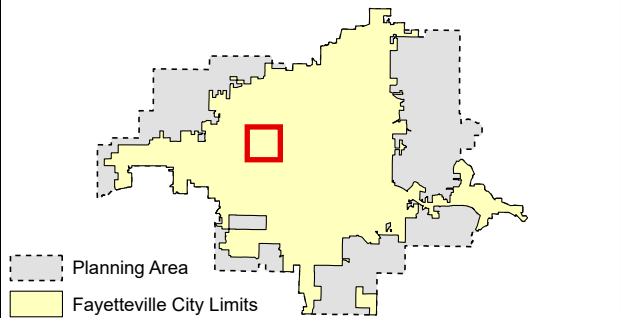
RZN-2023-0030

# WEST OF 2500 W. VALLEY DR

One Mile View



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



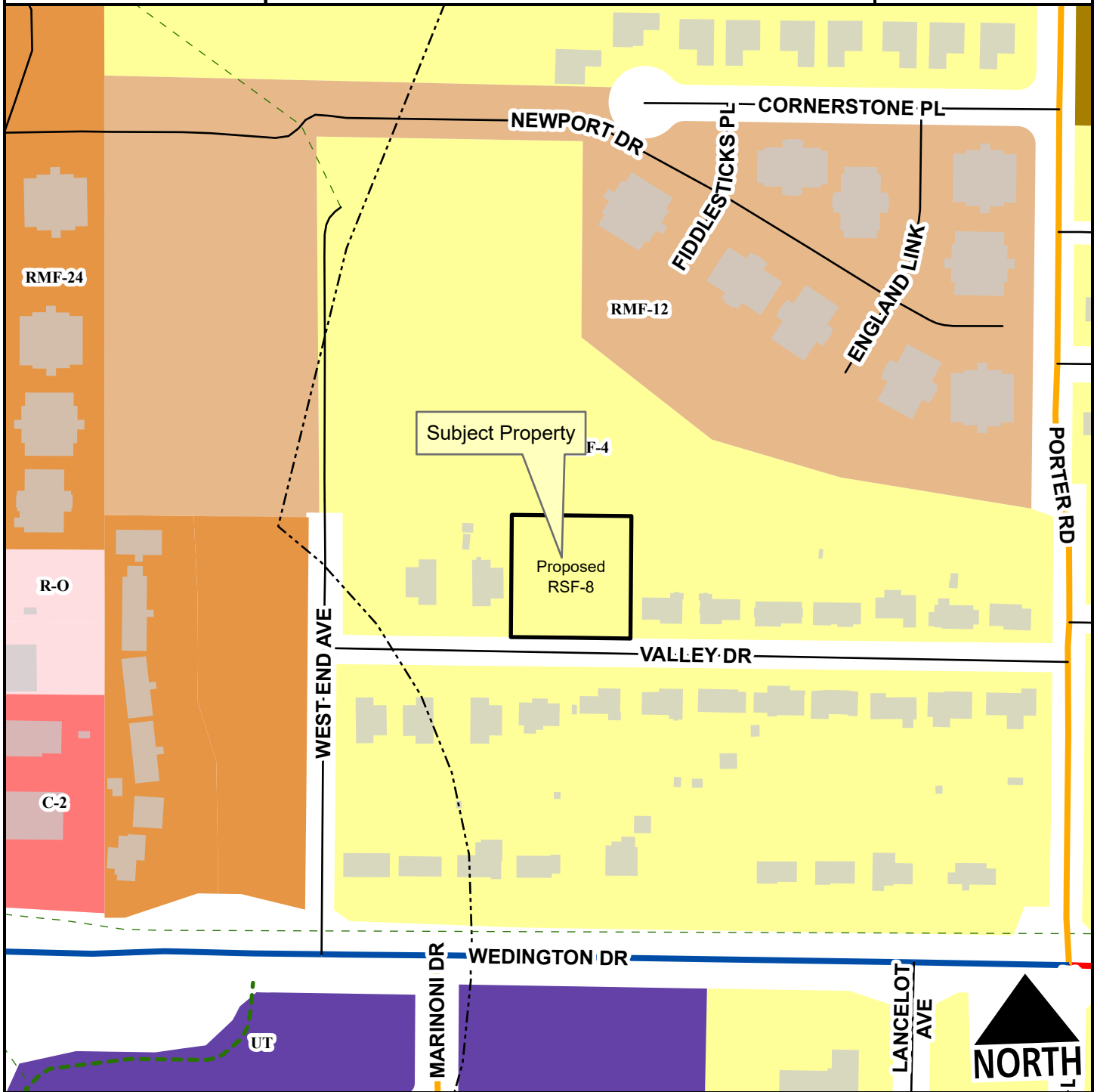
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RH-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial and Light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



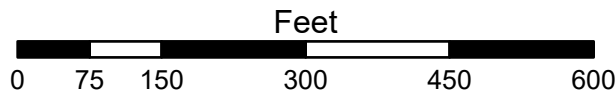
RZN-2023-0030

# WEST OF 2500 W. VALLEY DR

Close Up View



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- - - Trail (Proposed)
- - - Design Overlay District
- - - Planning Area
- - - Fayetteville City Limits



1:2,400

Zone	Current	Proposed
RSF-4	2.5	0.0
RSF-8	0.0	2.5

Total 2.5 ac

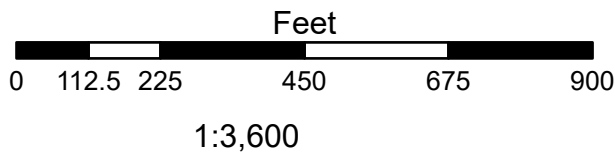




Current Land Use



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

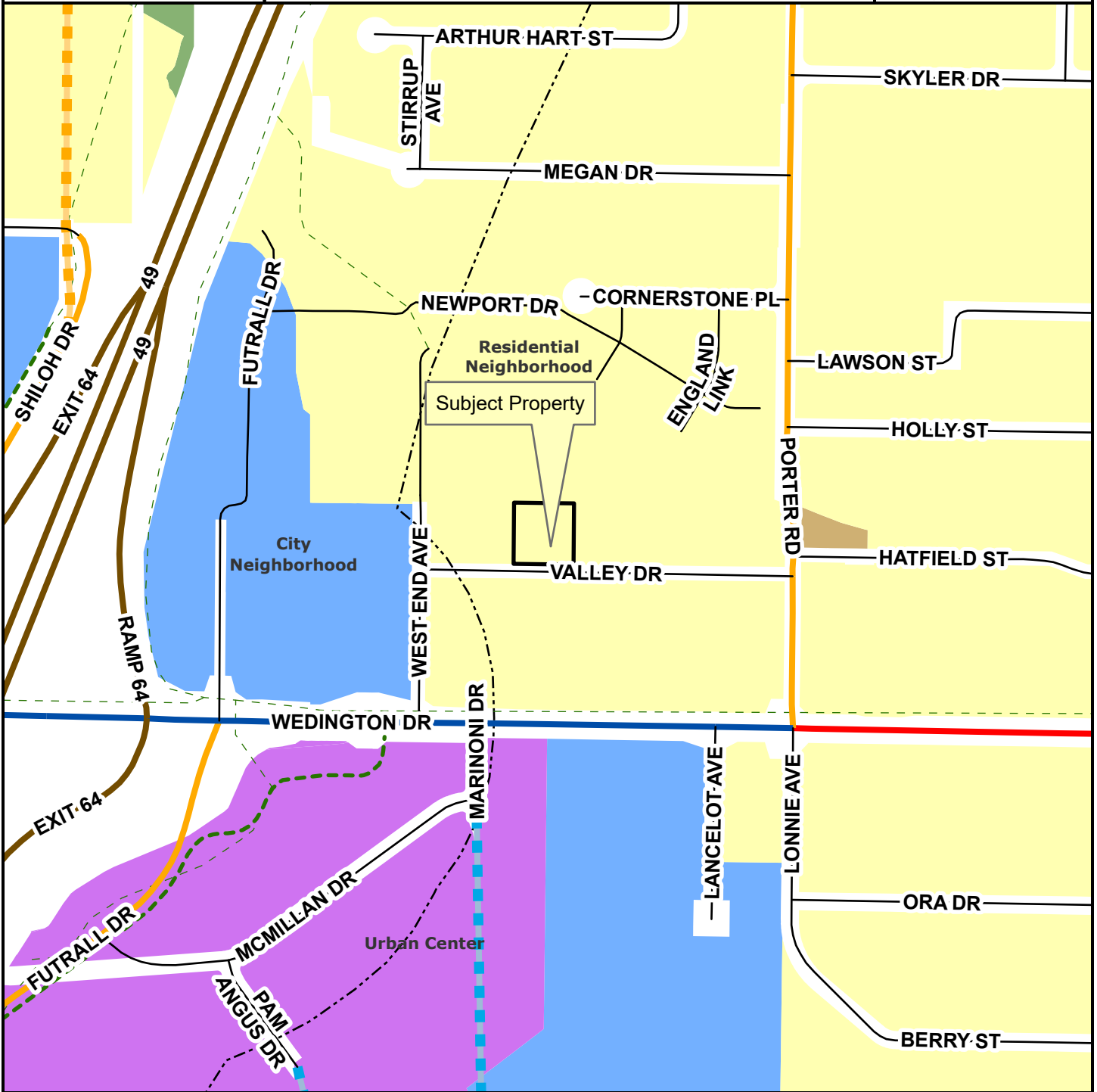


**FEMA Flood Hazard Data**

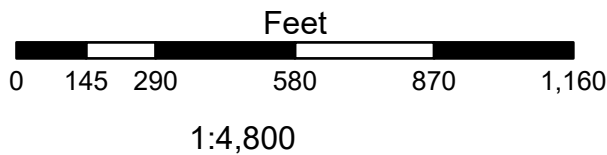
- 100-Year Floodplain
- ▨ Floodway



Future Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- 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