



SMALL FISH

CONSTRUCTION • BUILDING • DEVELOPMENT

P.O. Box 4794 Fayetteville, AR 72702
479.871.4835

November 29, 2021

To whom it may concern:

We are requesting to re-zone the listed parcel at 6061 W Dot Tipton Road, Fayetteville, AR 72704 as well as connecting parcels 765-16202-150, 765-16202-600, 765-16202-500, 765-16202-550, 765-16202-450 and 765-20489-100 from their current zoning of R-A to RSF-2.

This land sits inside the limits of the city of Fayetteville and is already surrounded by RSF-1, RSF-2, RSF-4, RMF-6 and close proximity to RSF-8. It is currently an agricultural zone island inside city limits yet is already has 8" water and 8" sewer lines and city sewer life station all on site.

This proposed RSF-2 zoning provides a suitable low density residential zoning that maintains the character of its surroundings and meets the council goal for this land area as specified in Plan 2040 that show this region to be designated as Residential Neighborhood area.

We appreciate your consideration in this matter.

Justin Cullers
Owner, Small Fish, LLC



MEETING OF DECEMBER 21, 2021

TO: Mayor; Fayetteville City Council

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

FROM: Ryan Umberger, Senior Planner

DATE: December 3, 2021

SUBJECT: **RZN-2021-000077: Rezone (SOUTH & EAST OF DOT TIPTON RD. & DOUBLE SPRINGS RD./SMALL FISH, LLC., 474/475):** Submitted by JUSTIN CULLERS for properties located SOUTH & EAST OF DOT TIPTON RD. & DOUBLE SPRINGS RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 39.88 acres. The request is to rezone the properties to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE.

RECOMMENDATION:

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

BACKGROUND:

The subject area includes seven parcels totaling approximately 39.88 acres. The area in question is located on the south side of W. Tipton Rd. near its intersection with N. Double Springs Rd. The subject properties are zoned R-A, Residential Agricultural and are currently undeveloped. A portion of the rezoning request is adjacent to Farmington City limits.

Previous rezoning requests have been considered for the same group of properties. A 2008 Planned Zoning District request sought to construct 182 single-family dwelling units divided into three residential planning areas and include 3.5 acres of public pedestrian trails and green space. The overall proposed density for the project was 4.55 units per acre. Staff and the Planning Commission recommended denial, with the City Council ultimately approving the proposal. In 2015, the City Council reverted the property to its R-A designation once the PZD expired with no development. Another request, in 2020, sought to rezone the property to RSF-4, Residential Single-family, 4 Units per Acre. Staff and the Commission again recommended denial with commissioners citing concerns about density and the project's location on the outskirts of town. The 2020 request was not appealed to Council.

Request: The request is to rezone the property from R-A, Residential Agriculture to RSF-2, Residential Single-family, 2 Units per Acre. The applicant did share a specific development intent but suggested the rezoning would serve as a suitable transition from the more densely zoned properties to the north.

Under State statute 14-56-306(B), a zoning map amendment that is proposed in one municipality on land adjoining the boundary of another municipality is subject to the consideration of both. The western portion of the subject property abuts Farmington's city limits. Accordingly, prior to recordation of an ordinance to rezone the subject property, it shall be considered and approved by the City of Farmington.

Public Comment: Prior to the Planning Commission, staff received public comment in opposition to the requested rezoning. The neighbors' concerns centered around issues associated with increased density including traffic, drainage, and the loss of the rural character of the area. One specific drainage concern suggested that water draining from Dot Tipton Rd. to a pond on the subject property inundated homes during typical storm events. At the meeting two members of the public spoke with mixed opinions about the request. Speakers suggested they were partially supportive of the request based on a lot configuration provided at the meeting, provided that their concerns about exterior landscaping near property lines and drainage were addressed.

Land Use Compatibility: Staff finds the request to be generally compatible with the adjoining land uses. This site, on the west side of Fayetteville, is surrounded by large rural residential lots and agricultural land at very low densities. Properties along N. Double Springs Rd. and to the east and west are composed of residential lots that are generally a few acres in size. The area is experiencing pressure for development and RSF-2 would likely result in lots that are of a size that is smaller but perhaps not significantly different than that of the surrounding properties. Staff acknowledges, though, that the total size of the area proposed to be rezoned may result in a lot configuration that is out of place with the immediately surrounding rural character of the area. Rezoning and development under the proposed density could result in a subdivision that may be appropriate at a later date, however, it is not supported by adequate levels of infrastructure or services currently.

Land Use Plan Analysis: Staff has concerns that the rezoning does not align with several of the primary Goals of City Plan 2040. The request is not considered infill or revitalization and rezoning to RSF-2 is incompatible with aims to discourage suburban sprawl. The subject area is at the furthest west extent of city limits with little proximity to City services. Fayetteville's long-range plans discourage sprawl by supporting revitalization nearer to the urban center and by limiting growth on the edges of the city. The subject area lacks non-residential services and employment centers which would likely result in increased automobile dependence. This condition also contrasts the City's goal of growing a livable transportation network. Whereas other properties in the area are situated to connect to existing street grids, this site is only adjacent to W. Dot Tipton and N. Double Springs Roads, both of which are largely unimproved.

Further, RSF-2 is restricted to single-family dwellings by-right which limits variety in housing stock and diminishing opportunities to create attainable housing. The subject area is designated as a Residential Neighborhood Area on the City's Future Land Use Map. Residential Neighborhood Areas are intended to support a wide variety of housing types of appropriate scale and context. Single-family zoning districts prohibit a mix of residential uses and densities including two-, three-, and four-family dwellings. Attainable housing is jeopardized by both the limitation of housing

variety and the orientation toward vehicular travel. Given the considerations above, staff does not support the proposal, but finds that future development may be appropriate as services and amenities extend towards this portion of the City's periphery.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 0-3 for this site. The following elements of the matrix contribute to the score:

- Near Park (Harmony Pointe Park)
- Near Water Main (N. Double Springs Rd. and south of W. Dot Tipton Rd.)
- Near Sewer Main (N. Double Springs Rd. and south of W. Dot Tipton Rd.)

DISCUSSION:

At the November 22, 2021 Planning Commission meeting, a vote of 2-4-0 failed to forward the request to City Council with a recommendation of approval. Commissioner Winston made the motion and Commissioner Sparkman seconded. Commissioners in favor of and opposed to the rezoning expressed mixed opinions about the request. Discussion involved the perceived compatibility with the neighboring property. Commissioners were generally cautious due to concerns with lack of nearby amenities, contribution to suburban sprawl and limited connectivity to prominent thoroughfares. Two members of the public spoke at the meeting as described above.

BUDGET/STAFF IMPACT:

N/A

Attachments:

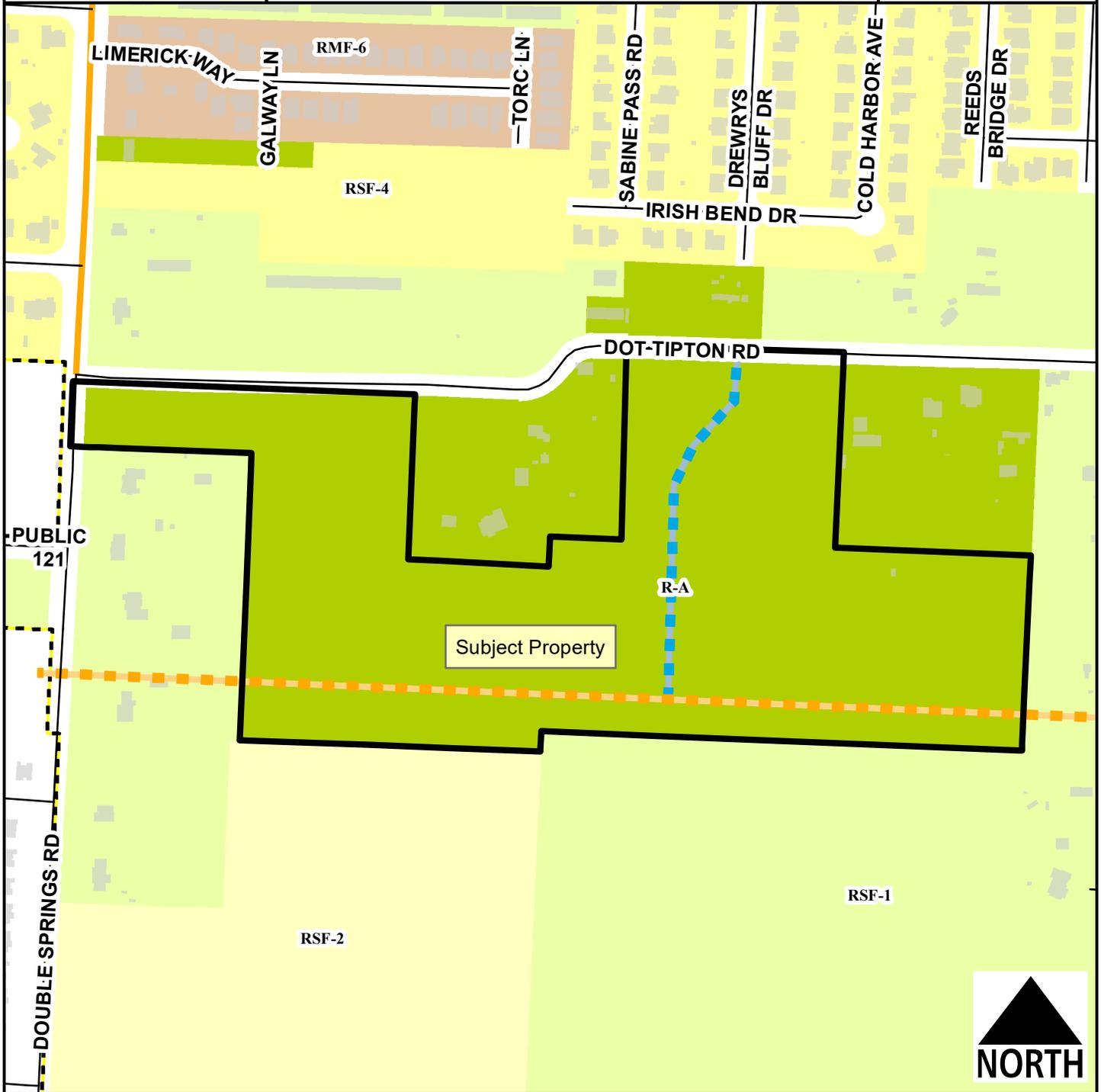
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000077

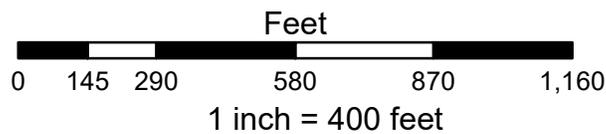
Small Fish, LLC

RZN-2021-000077
EXHIBIT 'A'

Close Up View



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



- Residential-Agricultural
- RSF-1
- RSF-2
- RSF-4
- RMF-6

RZN-2021-000077
EXHIBIT 'B'

Legal Description

**Parent Tract (Parcels # 765-16202-150, #765-16202-650, #765-16202-600, #765-16202-500,
#765-16202-550, #765-16202-450 & #765-20489-100)**

PARENT TRACT (PARCELS # 765-16202-150, #765-16202-650, #765-16202-600, #765-16202-500, #765-16202-550, #765-16202-450 & #765-20489-100)

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 AND A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, ALL BEING LOCATED IN TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N00°13'09"E 55.00' FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14 AND RUNNING THENCE S89°54'14"W 1320.85', THENCE S00°16'33"W 55.08' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, AND RUNNING THENCE S89°54'14"W 1320.85', THENCE LEAVING SAID SOUTH LINE N00°10'16"W 788.86' TO AN EXISTING REBAR, THENCE S89°51'03"W 498.02', THENCE N00°00'21"W 178.49' TO AN EXISTING COTTON SPINDLE, THENCE N89°48'21"E 497.98' TO AN EXISTING REBAR, THENCE S00°05'55"E 453.49' TO AN EXISTING REBAR, THENCE S89°27'42"E 386.81' TO AN EXISTING REBAR, THENCE N00°49'09"E 52.23' TO AN EXISTING REBAR, THENCE N00°15'50"E 30.31', THENCE N89°59'18"E 196.55' TO AN EXISTING REBAR, THENCE N00°57'25"W 531.53' TO THE CENTERLINE OF DOT TIPTON ROAD, THENCE ALONG SAID CENTERLINE N89°18'56"E 591.15', THENCE LEAVING SAID CENTERLINE S00°08'38"W 537.41', THENCE N89°54'27"E 537.07' TO AN EXISTING REBAR, THENCE S00°13'09"W 535.99' TO THE POINT OF BEGINNING, CONTAINING 39.88 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN NORTH DOUBLE SPRINGS ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT, SUBJECT TO THAT PORTION IN DOT TIPTON ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT, AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT 1:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, AND RUNNING THENCE N00°13'09"E 55.00', THENCE S89°54'14"W 1320.85', THENCE S00°16'33"W 55.08' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, THENCE ALONG THE SOUTH LINE THEREOF S89°48'03"W 825.55' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH LINE N00°10'16"W 788.86' TO AN EXISTING REBAR MARKING THE TRUE POINT OF BEGINNING AND RUNNING THENCE S89°51'03"W 498.02', THENCE N00°00'21"W 178.49' TO AN EXISTING COTTON SPINDLE, THENCE N89°48'21"E 497.98', THENCE S00°05'55"E 453.49' TO AN EXISTING REBAR, THENCE S89°27'42"E 386.81' TO AN EXISTING REBAR, THENCE N00°49'09"E 52.23' TO AN EXISTING REBAR, THENCE N00°15'50"E 30.31', THENCE N89°59'18"E 196.55' TO AN EXISTING REBAR, THENCE N00°57'25"W 531.53' TO THE POINT OF BEGINNING, CONTAINING 2.04 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN NORTH DOUBLE SPRINGS ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE, SUBJECT TO THAT PORTION IN DOT TIPTON ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT, AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT 2:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, AND RUNNING THENCE N00°13'09"E 55.00', THENCE S89°54'14"W 1320.85', S00°16'33"W 55.08' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, THENCE ALONG THE SOUTH LINE THEREOF S89°48'03"W 825.55' TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID SOUTH LINE S89°48'03"W 236.96' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH LINE N00°10'16"W 967.69', THENCE N89°48'21"E 233.34', THENCE S00°13'57"E 967.48' TO THE POINT OF BEGINNING, CONTAINING 5.22 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN DOT TIPTON ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT 3:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N00°13'09"E 55.00' AND S89°54'14"W 1320.85' FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, AND RUNNING THENCE S00°16'33"W 55.08' TO AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, THENCE ALONG THE SOUTH LINE THEREOF S89°48'03"W 588.59', THENCE LEAVING SAID SOUTH LINE N00°13'57"W 967.48', THENCE N89°48'21"E 208.05' TO AN EXISTING REBAR, THENCE S00°05'55"E 453.49' TO AN EXISTING REBAR, THENCE S89°27'42"E 386.81' TO AN EXISTING REBAR, THENCE S00°16'33"W 453.59' TO THE POINT OF BEGINNING, CONTAINING 9.10 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN DOT TIPTON ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT 4:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N00°13'09"E 55.00' AND S89°54'14"W 745.37' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°54'14"W 575.48', THENCE N00°16'33"E 453.59' TO AN EXISTING REBAR, THENCE N00°49'09"E 52.23' TO AN EXISTING REBAR, THENCE N00°15'50"E 30.31', THENCE N89°59'18"E 196.55' TO AN EXISTING REBAR, THENCE N00°57'25"W 531.53' TO THE CENTERLINE OF DOT TIPTON ROAD, THENCE ALONG SAID CENTERLINE N89°18'56"E 388.13', THENCE LEAVING SAID CENTERLINE S00°08'38"W 1071.29' TO THE POINT OF BEGINNING, CONTAINING 11.76 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN DOT TIPTON ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TRACT 5:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N00°13'09"E 55.00' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S89°54'14"W 745.37', THENCE N00°16'33"E 1071.29' TO THE CENTERLINE OF DOT TIPTON ROAD, THENCE ALONG SAID CENTERLINE N89°18'56"E 208.02', THENCE LEAVING SAID CENTERLINE S00°08'38"W 537.41', THENCE N89°54'27"E 537.07' TO AN EXISTING REBAR, THENCE S00°13'09"W 535.99' TO THE POINT OF BEGINNING, CONTAINING 11.74 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN DOT TIPTON ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Services Director

FROM: Ryan Umberger, Senior Planner

MEETING DATE: November 22, 2021 **Updated with Planning Commission Results**

SUBJECT: **RZN-2021-000077: Rezone (SOUTH & EAST OF DOT TIPTON RD. & DOUBLE SPRINGS RD./SMALL FISH, LLC., 474/475):** Submitted by JUSTIN CULLERS for properties located SOUTH & EAST OF DOT TIPTON RD. & DOUBLE SPRINGS RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 39.88 acres. The request is to rezone the properties to RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of **RZN-2021-000077**.

RECOMMENDED MOTION:

"I move to deny **RZN-2021-000077**."

BACKGROUND:

The subject area includes seven parcels totaling approximately 39.88 acres. The area in question is located on the south side of W. Tipton Rd. near its intersection with N. Double Springs Rd. The subject properties are zoned R-A, Residential Agricultural and are currently undeveloped. A portion of the rezoning request is adjacent to Farmington City limits.

Previous rezoning requests have been considered for the same group of properties. A 2008 Planned Zoning District request sought to construct 182 single-family dwelling units divided into three residential planning areas and include 3.5 acres of public pedestrian trails and green space. The overall proposed density for the project was 4.55 units per acre. Staff and the Planning Commission recommended denial, with the City Council ultimately approving the proposal. In 2015, the City Council reverted the property to its R-A designation once the PZD expired with no development. Another request, in 2020, sought to rezone the property to RSF-4, Residential Single-family, 4 Units per Acre. Staff and the Commission again recommended denial with commissioners citing concerns about density and the project's location on the outskirts of town. The 2020 request was not appealed to Council. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Large Lot Residential	R-A, Residential Agricultural / RSF-1, Residential Single-family, 1 Units per Acre
South	Large Lot Residential	RSF-1, Residential Single-family, 1 Units per Acre / RSF-2, Residential Single-family, 2 Units per Acre
East	Large Lot Residential	RSF-1, Residential Single-family, 1 Units per Acre
West	Large Lot Residential	RSF-1, Residential Single-family, 1 Units per Acre / Farmington City Limits

Request: The request is to rezone the property from R-A, Residential Agriculture to RSF-2, Residential Single-family, 2 Units per Acre. The applicant did share a specific development intent but suggested the rezoning would serve as a suitable transition from the more densely zoned properties to the north.

Under State statute 14-56-306(B), a zoning map amendment that is proposed in one municipality on land adjoining the boundary of another municipality is subject to the consideration of both. The western portion of the subject property abuts Farmington’s city limits. Accordingly, prior to recordation of an ordinance to rezone the subject property, it shall be considered and approved by the City of Farmington.

Public Comment: Staff has received public comment in opposition to the requested rezoning. The neighbors’ concerns center around issues associated with increased density including traffic, drainage, and the loss of the rural character of the area. A specific drainage concern suggested that water draining from Dot Tipton Rd. to a pond on the subject property inundated homes during typical storm events.

INFRASTRUCTURE:

Streets: The subject area has frontage onto W. Dot Tipton Rd. and about 180 feet of frontage along N. Double Springs Rd. Both streets are partially improved Residential Link streets with asphalt paving and open ditches. Additionally, the property is bisected both north-south and east-west by Master Street Plan planned streets, but no plans exist to construct these connections. Any street improvements required in these areas would be determined at the time of 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 8-inch water main is present on the south side of W. Dot Tipton Road and continues south through the subject property. An existing 8-inch water main is present along N. Double Springs Road on the west side. An existing 6-inch water main is available on the south side of parcel 765-20489-100 at the end of a private road on parcel number 765-16225-400.

Sewer: Sanitary Sewer is available to the subject area. An existing 8-inch sanitary sewer main is present on the south side of W. Dot Tipton Road and continues south through the subject property.

Fire: Station 7, located at 835 N. Ruppel, protects the site. The property is located approximately 2.7 miles from the fire station with an anticipated drive time of

approximately 7 minutes using existing streets. The anticipated response time would be approximately 9.2 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 is within the Hillside-Hilltop Overlay District or FEMA floodplain. There are no protected streams on the property. Hydric soils appear to be present on portions of the subject area.

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 is important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Tree Preservation:

The proposed RSF-2, Residential Single-family, 2 Units per Acre requires **20% minimum canopy preservation**. The current zoning districts, 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 Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood areas encourage highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, 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 in the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a varying score between **0 and 3** for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents a score of **3**. The following elements of the matrix contribute to the score:

- Near Park (Harmony Pointe Park)
- Near Water Main (N. Double Springs Rd. and south of W. Dot Tipton Rd.)
- Near Sewer Main (N. Double Springs Rd. and south of W. Dot Tipton Rd.)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: *Land Use Compatibility:* Staff finds the request to be generally compatible with the adjoining land uses. This site, on the west side of Fayetteville, is surrounded by large rural residential lots and agricultural land at very low densities. Properties along N. Double Springs Rd. and to the east and west are composed of residential lots that are generally a few acres in size. The area is experiencing pressure for development and RSF-2 would likely result in lots that are of a size that is smaller but perhaps not significantly different than that of the surrounding properties. Staff acknowledges, though, that the total size of the area proposed to be rezoned may result in a lot configuration that is out of place with the immediately surrounding rural character of the area. Rezoning and development under the proposed density could result in a subdivision that may be appropriate at a later date, however, it is not supported by adequate levels of infrastructure or services currently.

Land Use Plan Analysis: Staff has concerns that the rezoning does not align with several of the primary Goals of City Plan 2040. The request is not considered infill or revitalization and rezoning to RSF-2 is incompatible with aims to discourage suburban sprawl. The subject area is at the furthest west extent of city limits with little proximity to City services. Fayetteville's long-range plans discourage sprawl by supporting revitalization nearer to the urban center and by limiting growth on the edges of the city. The subject area lacks non-residential services and employment centers which would likely result in increased automobile dependence. This condition also contrasts the City's goal of growing a livable transportation network. Whereas other properties in the area are situated to connect to existing street grids, this site is only adjacent to W. Dot Tipton and N. Double Springs Roads, both of which are largely unimproved.

Further, RSF-2 is restricted to single-family dwellings by-right which limits variety in housing stock and diminishing opportunities to create attainable housing. The subject area is designated as a Residential Neighborhood Area on the City's Future Land Use Map. Residential Neighborhood Areas are intended to support a wide variety of housing types of appropriate scale and context. Single-family zoning districts prohibit a mix of residential uses and densities including two-, three-, and four-family dwellings. Attainable housing is jeopardized by both the limitation of housing variety and the orientation toward vehicular travel. Given the considerations above, staff does not support the proposal, but finds that future development may be appropriate as services and amenities extend towards this portion of the City's periphery.

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

Finding: Staff believes that there is not sufficient justification for rezoning the

property to RSF-2. Conflicts with the Future Land Use Map and City Plan 2040's goals suggest that a rezoning is not justified at this time.

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

Finding: Rezoning the property from R-A to RSF-2 may appreciably increase traffic to this location due to the number of vehicle trips associated with increased residential uses. The area lacks a diverse transportation network as there is no sidewalk or trail connectivity and the main routes to and from the property are along streets that are largely unimproved. Double Springs Road, which would likely facilitate most regional traffic, can support volumes up to 6,000 vehicle trips per day according to the Master Street Plan. In 2016, ArDOT recorded approximately 3,900 AADT about a half-mile north of the site. Staff finds traffic issues may be compounded given that future residents will need to utilize vehicle travel for most goods and services. Development of the area may improve internal connectivity though. The Master Street Plan shows a planned Neighborhood Link and Residential Link to intersect in the middle of the property.

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

Finding: Rezoning the property to RSF-2 will lead to an increased density over the current R-A zoning. Adequate water and sanitary sewer services exist on-site which would support a residential development. The property lies within the Farmington School District. Farmington Schools have not provided comment. In terms of emergency service, the Fire Department has commented that this property is beyond the response time goal for both engines and ladder trucks.

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: Staff finds the development proposal to be premature considering the context of the surrounding area. Staff acknowledges development along Double Springs Rd. will eventually be appropriate but cannot be accommodated with the current level of services and amenities.

RECOMMENDATION: Planning staff recommends denial of RZN-2021-000077.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>November 22, 2021</u> <input type="checkbox"/> Tabled <input type="checkbox"/> Forwarded <input checked="" type="checkbox"/> Denied
Motion: Winston
Second: Sparkman motion to forward recommending approval
Vote: 2-4-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 - District R-A, Residential-Agricultural
 - §161.07 - District RSF-2, Residential Single-Family - Two (2) Units Per Acre
- Request letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 - District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
----------------	--------------

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. [5945](#), §3, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17

161.06 District RSF-2, Residential Single-Family — Two (2) Units Per Acre

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (1 acre and over) and areas that have developed with smaller lot sizes (8,000 square feet), and 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.*

(C) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(E) *Density*

Units per acre	2
----------------	---

(F) *Bulk and Area Regulations.*

Lot width minimum	100 feet
Lot area minimum	17,860 square feet
Land area per dwelling unit	17,860 square feet

(G) *Setback Requirements.*

Front	Side	Rear
30 feet	15 feet	30 feet

(H) *Building Height Regulations.*

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

(I) *Building Area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; 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. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 6015, §1(Exh. A), 11-21-17; 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."



Ladies and Gentlemen of the Planning Commission,

We are requesting a rezoning for the submitted property from its current zoning of R-A to RSF-2. Though this property sits toward the outer limits of Fayetteville its current zoning has created an island in the city. As it sits, it is surrounded by more dense zonings including RSF-1 to the East, Southeast and West, RSF-2 adjacent to the South, and RSF-4 and RMF-6 to the North and Northwest.

We feel that the RSF-2 rezoning would both serve as a suitable and natural transition from the more dense zonings to the North and the make the property more congruent with its surroundings.

Sincerely,

Justin Cullers

Justin Cullers
Small Fish, LLC

Umberger, Ryan

To: Planning Shared
Subject: RE: Dot Tipton Rd

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

From: Alison Ashworth [mailto:aashworth@sdale.org]
Sent: Sunday, November 07, 2021 1:11 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Dot Tipton Rd

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.

To whom it may concern:

Please consider my request to vote NO on the planned subdivision proposal on Dot Tipton Road in Fayetteville. The west side of Fayetteville is being inundated with new developments but our current infrastructure does not support the increased number of people. I would welcome a discussion to use this area for something other than more homes!!

Concerned citizen,
Alison Ashworth

Sent from my iPhone

Umberger, Ryan

To: Planning Shared
Subject: RE: Opposition of Rezoning RA to RSF-2

From: Karee Dowty [<mailto:kareedowty@gmail.com>]
Sent: Saturday, November 06, 2021 10:54 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition of Rezoning RA to RSF-2

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.

Hello Members of the City of Fayetteville Planning Division,

My name is Karee Dowty and I am writing to let you know of my strong opposition to the rezoning of the 40 acres on Dot Tipton Road from RA to RSF-2.

Just last year, another developer tried to have this land rezoned to RSF-4 and I hope the committee's opinion has not changed since then. If I recall correctly, during last September's meeting, you stated this was outside of the "mayor's box" and therefore would not be approved for development as there are plenty of areas available for development closer to town.

More importantly to myself and my neighbors, is the strain that an additional 80 houses would put on this area. If you will take the time to drive out to this area and see where the property is located you will see that the tiny country road cannot possibly handle the addition of 80 homes and at least 160 more cars traveling on it daily. It is not wide enough in many areas for 2 cars to safely pass at the same time.

Also, development of this land will create a drainage problem for the 4-5 landowners whose property backs up to this land. We are concerned about the traffic, sewage, storm water runoff, and many other infrastructural issues. In addition to these issues, there is the concern for our environment, many animals call that 40 acres home. How is Fayetteville supposed to "stay funky" if we keep turning all these beautiful areas that make us so unique into more subdivisions? I'm not opposed to growth, but this area isn't right for it.

Thank you for taking the time to read my email and I hope you will listen to the residents who already live in this area. We all moved here because we wanted to live in a rural area, we do not want it developed and it should not be done.

Umberger, Ryan

To: Planning Shared
Subject: RE: Dot Tipton

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

From: Kristal Joy Wyatt [mailto:kjwyatt7@rocketmail.com]
Sent: Sunday, November 07, 2021 11:24 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Dot Tipton

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 do NOT allow tract housing Double springs & Dot Tipton !! So many reasons Please. I am registered voter !

Kristal joy
479-301-6760
www.ewatkinsjr.com
www.gingerdoss.com
Music That Makes You Better

Umberger, Ryan

To: Planning Shared
Subject: RE: Regarding rezoning on double springs

From: Matthew Carlson [<mailto:MatthewHCarlson@outlook.com>]
Sent: Sunday, November 07, 2021 12:46 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Regarding rezoning on double springs

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.

To whom it may concern,

I live at 6087 w. Irish bend drive. I received a letter that the vacant lot adjacent to my property was up for a rezoning vote to increase the number of houses per acre from 4 to 8.

I am writing to express my disagreement with this rezoning.

First and foremost, parking will be an issue. My neighborhood has very quiet, wide streets with street parking. The new developments that are being built all have narrow "no parking" streets. I don't need people in a high density housing development parking in front of my house, delaying my mail delivery, crowding the street, and increasing traffic on my quiet residential street. The city council allowed two new subdivisions to be built. Neither one has street parking, and neither one has adequate parking. If you go down Sabine Pass into the new subdivision, the drive ways are not long enough to accommodate a pickup truck. Cars are constantly blocking the sidewalk and protruding into the street. I worry that those in the new development will use my street as a parking lot. My POA has rules against repeated street parking but they are only enforceable against residents.

Second, traffic is already a major concern. Wedington and MLK are both parking lots as it is, persimmon is a raceway, and 54th is too narrow as it is. The streets couldn't handle 160+ more cars on them every day. We already have trouble with cars using Persimmon as a through street and speeding. The speed limit is never enforced by our police. I have never once seen a traffic stop in our neighborhood and the city has failed to address our concerns regarding speeding on persimmon. I am concerned that my quiet, dead end street will soon become a dangerous shortcut through the neighborhood. At the very least, I would prefer if Irish Bend remained a dead end street to reduce traffic in our neighborhood and encourage the use of main streets rather than residential streets.

Last, I am extremely concerned about crime. We live in a safe, quiet neighborhood. I don't need a high density housing development turning my street into the next Betty Jo. I want to know what the city's plan is to reduce response time, increase patrols, and address the increase in crime that is sure to come with this kind of housing.

I am concerned that this new development will destroy the quaint, quiet character that we love about our neighborhood. I also worry about the open space being over-developed. There are currently a lot of wildlife that occupy the field. There are eight deer that bed in the tree line and occupy the field every single morning and afternoon that would be uprooted. There are also armadillo, racoons, and opossum. In addition, Killdeer birds use the gravel in the field as nests. I worry that if this area is developed at 8 houses per acre, the wildlife that depends on that open space will be uprooted.

I am looking forward to your responses, and I ask that the city council please vote against the rezoning and keep the current 4 homes per acre.

Thanks,

Matthew Carlson

Get [Outlook for Android](#)

Umberger, Ryan

To: Curth, Jonathan
Subject: RE: Roads and traffic

From: Tracy Bacile [<mailto:tracybacile@gmail.com>]
Sent: Monday, November 08, 2021 5:41 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Roads and traffic

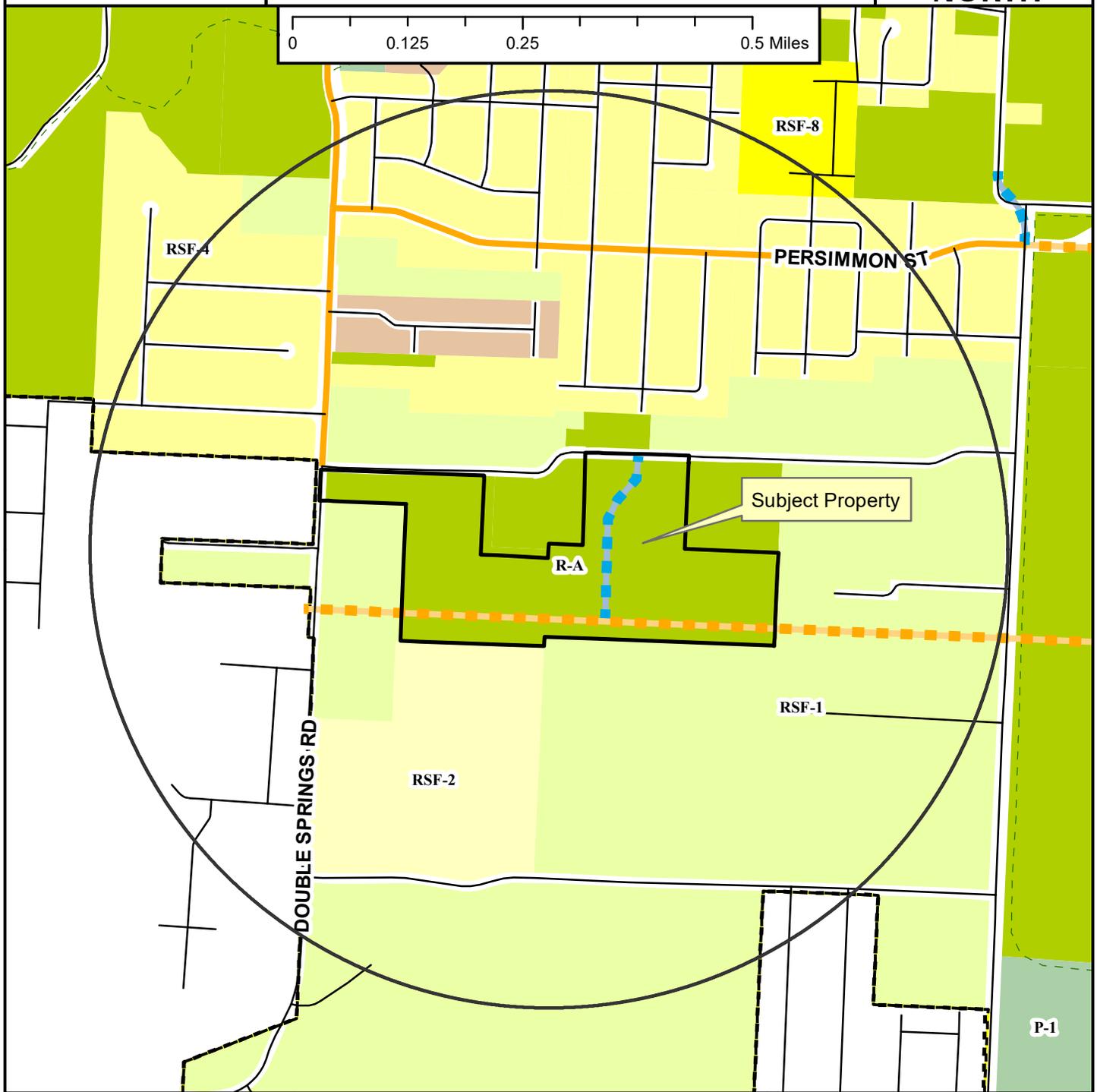
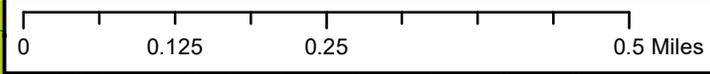
CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

How will the planning commission handle the added traffic for Double Springs, Sellers road, 54th Street and Broyles Road as all of us try to get on hwy 62 and 64 bypass access? Are you planning to add turn lanes and shoulders on these roads? Also, there is a plan to allow 80 single family homes on Dot Tipton. On the corners, this is a gravel one lane road. How are you fixing that since there are homes right on the road? Seems like the city needs to thing about and fix the roads before approving this many more vehicles on congested roads.

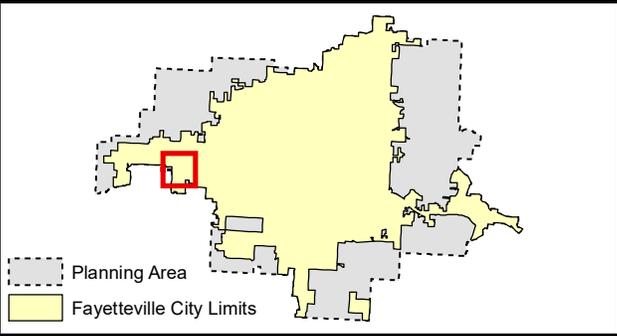
RZN-2021-000077

Small Fish, LLC

One Mile View



- Neighborhood Link
- Planned Neighborhood Link
- Planned Residential Link
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

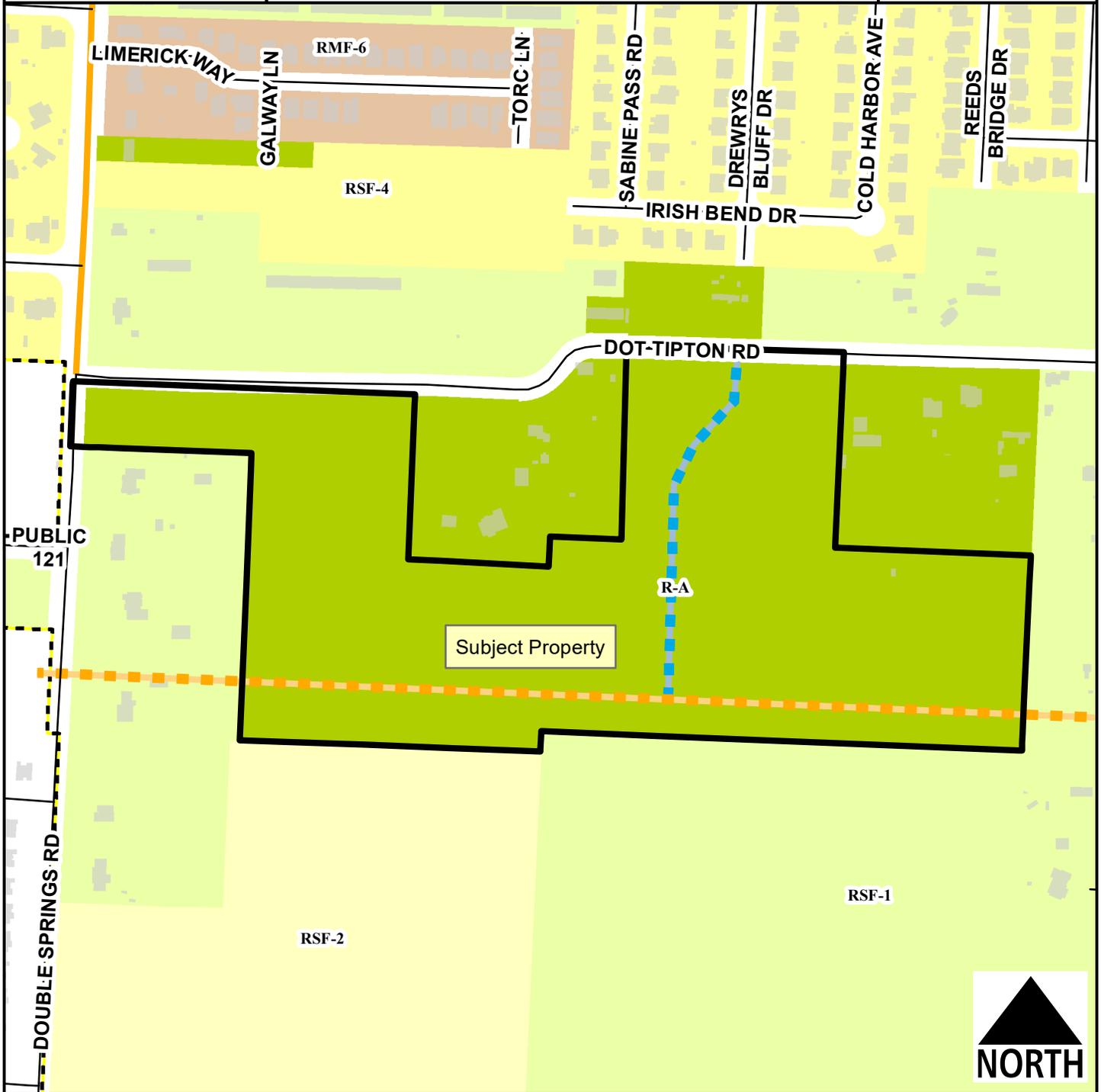


- | | | |
|---|-------------------|---|
| Zoning | EXTRACTION | COMMERCIAL |
| RESIDENTIAL SINGLE-FAMILY | E-1 | Residential-Office |
| NS-G | C-1 | C-2 |
| RH-U | C-3 | FORM BASED DISTRICTS |
| RSF-12 | | Downtown Core |
| NS-L | | Urban Thoroughfare |
| Residential-Agricultural | | Main Street Center |
| RSF-1 | | Downtown General |
| RSF-2 | | Community Services |
| RSF-4 | | Neighborhood Services |
| RSF-7 | | Neighborhood Conservation |
| RSF-8 | | PLANNED ZONING DISTRICTS |
| RSF-18 | | Commercial, Industrial, Residential |
| RESIDENTIAL MULTI-FAMILY | | INDUSTRIAL |
| RMF-6 | | I-1 Heavy Commercial and Light Industrial |
| RMF-12 | | |
| RMF-16 | | |
| RMF-24 | | |
| RMF-40 | | |
| INDUSTRIAL | | |
| I-1 Heavy Commercial and Light Industrial | | |

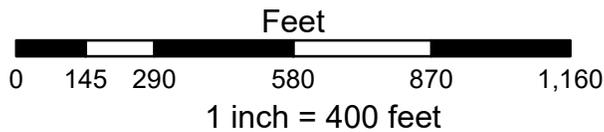
RZN-2021-000077

Small Fish, LLC

Close Up View



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



- Residential-Agricultural
- RSF-1
- RSF-2
- RSF-4
- RMF-6

RZN-2021-000077

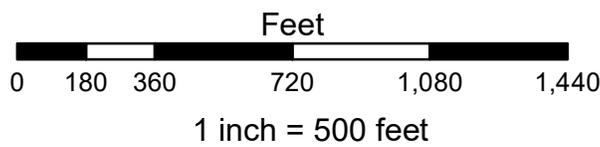
Small Fish, LLC



Current Land Use



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



FEMA Flood Hazard Data

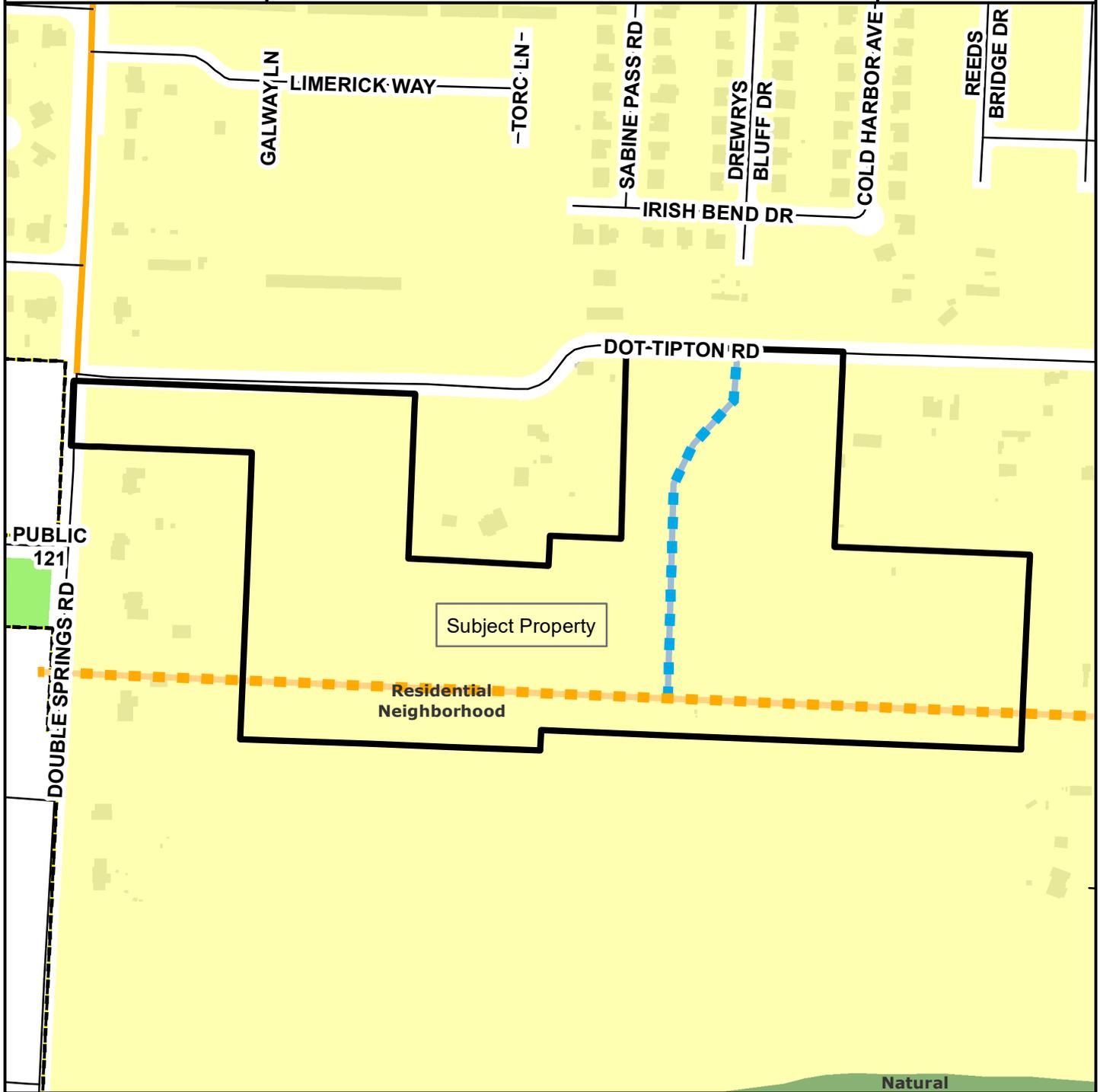
- 100-Year Floodplain
- Floodway

RZN-2021-000077

Small Fish, LLC



Future Land Use

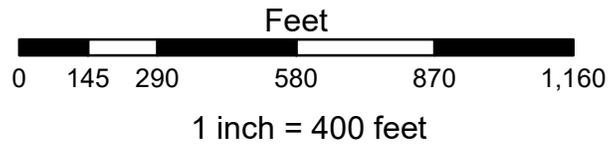


Subject Property

Residential Neighborhood

Natural

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



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