

City Council Agenda Items  
and  
Contracts, Leases or Agreements

4/3/2012

City Council Meeting Date  
Agenda Items Only

Andrew Garner  
Submitted By

Planning  
Division

Development Services  
Department

Action Required:

RZN 12-4042: Rezone (1700 OLD WIRE ROAD/COOPER AND WILLIAMS, 369): Submitted by Tim Cooper and Jackson Williams for property located at 1700 OLD WIRE ROAD. The property is zoned RSF-4, Residential Single Family, 4 units per acre and contains approximately 4.90 acres. The request is to rezone the subject property to NC, Neighborhood Conservation, subject to a Bill of Assurance.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

*[Signature]*  
Department Director

03-14-2012  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

*[Signature]*  
City Attorney

3-14-12  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

*Paul A. Bunker*  
Finance and Internal Services Director

3-15-2012  
Date

Received in City Clerk's Office  
03-14-12 P04:51 RCVD  
*King J.*

*Don Man*  
Chief of Staff

3-16-12  
Date

Received in Mayor's Office  
ENTERED  
3/15/12  
PTT

*Lionel Jordan*  
Mayor

3/17/12  
Date

Comments:



www.accessfayetteville.org

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## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan, City Council  
**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director ✂  
**From:** Andrew Garner, Senior Planner  
**Date:** March 13, 2012  
**Subject:** RZN 12-4042 (1700 Old Wire Road/Cooper and Williams)

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### RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property from RSF-4, Residential Single-family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

### BACKGROUND

The property is zoned Residential Single-Family Four Units Per Acre (RSF-4), and contains 4.9 acres located at 1700 Old Wire. The site is an undeveloped pasture with access off of Old Wire Road and secondary access off of a long driveway to Old Wire Road that provides access to the adjacent property to the north. The western portion of the property adjacent to Old Wire Road is located within the floodplain of Niokaska Creek.

On December 20, 2011 the City Council approved RZN 11-3960 (Cooper and Williams) to rezone approximately 8.60 acres to NC, Neighborhood Conservation, subject to a Bill of Assurance. This 8.60-acre site is immediately adjacent to the east and north of the subject property.

The applicant has submitted an application to rezone the site, approximately 4.9 acres, from RSF-4 to NC, Neighborhood Conservation. The applicant has stated that the intent is to develop the property for smaller single family lots than permitted by the underlying RSF-4 zoning. The applicant has offered a Bill of Assurance that would limit the use to 20 single family residences, multi-family or duplex units will not be allowed.

### DISCUSSION

On March 12, 2012 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 5-0-0.

### BUDGET IMPACT

None.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 12-4042, FOR APPROXIMATELY 4.90 ACRES, LOCATED AT 1700 OLD WIRE ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION, SUBJECT TO A BILL OF ASSURANCE.

**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 following described property from RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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.

Section 3: That this property is subject to a Bill of Assurance offered by the property owner and runs with the land, which limits the use of the property to exclude duplexes and multi-family dwellings and the number of single family lots to 20 as shown in Exhibit "C" attached hereto and made a part thereof.

**PASSED and APPROVED** this    day of    , 2012.

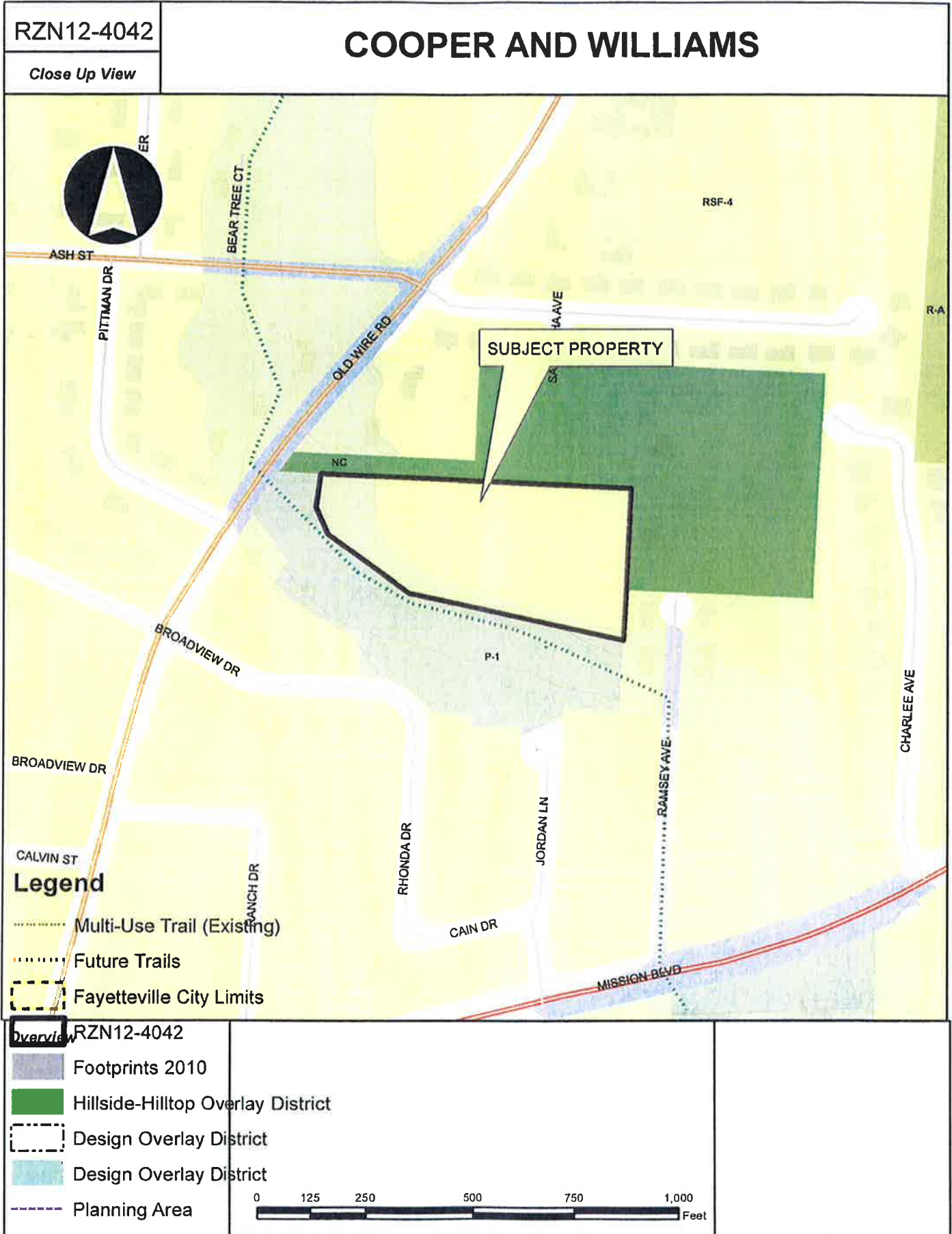
APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

# EXHIBIT "A"



**EXHIBIT "B"**  
**RZN 12-4042**

A PART OF THE S ½ OF THE SE 1/4 OF SECTION 3, AND A PART OF THE N ½ OF THE NE 1/4 OF SECTION 10, ALL LOCATED IN T-16-N, R-30-W, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS COMMENCING AT A STONE MARKING THE SOUTH-QUARTER CORNER OF SAID SECTION 3, AND CONTINUING THENCE ALONG THE COMMON BOUNDARY OF SAID SECTION 3 AND 10, S 86°33'51" E 953.19 FEET TO A POINT IN THE CENTERLINE OF OLD WIRE ROAD, AND CONTINUING ALONG CENTERLINE OF SAID ROAD N 32°38' 46" E 159.08 FEET AND N 34° 35' 57" E 118.87 FEET TO A POINT IN THE CENTERLINE OF SAID ROAD, AND THENCE LEAVING SAID ROAD S 87°20' 06" E 136.15 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID PARCEL OF LAND, SAID POINT BEING AN IRON PIN AND THE POINT-OF-BEGINNING;

THENCE S 87°20'06" E 743.48 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND; THENCE ALONG THE EAST BOUNDARY OF SAID PARCEL OF LAND, S 02°52'43" W 242.08 FEET TO THE NORTHWEST CORNER OF RAMSEY ADDITION; THENCE ALONG THE WEST BOUNDARY OF SAID RAMSEY ADDITION S 03°17'30" W 123.51 FEET TO THE NORTHEAST CORNER OF CITY PARK DEDICATION AREA DESCRIBED ON THE FINAL PLAT OF HIDDEN LAKE ESTATES; THENCE ALONG THE NORTHERN BOUNDARY OF SAID CITY PARK DEDICATION AREA N 77°48'42" W 534.94 FEET, N 52°39'31" W 232.71 FEET, N 22°27'14" W 70.26 FEET AND N 07°58'58" E 81.41 FEET TO THE POINT-OF-BEGINNING, CONTAINING 4.90 ACRES, MORE OR LESS.

# Exhibit "C" RZN 12-4042 page 1 of 2

## BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") W-Bar Investments, LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

**The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance** in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

**Petitioner hereby voluntarily offers assurances** that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to Single Family Detached units. Multi Family and or Duplex units will not be allowed.
2. Other restrictions including number and type of structures upon the property are limited to a maximum of 20 single family lots with no more than two stories.
3. Specific activities will not be allowed upon petitioner's property include the development and or construction of Multi Family and or Duplexes.
4. (Any other terms or conditions) None.
5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

**Exhibit "C"**  
**RZN 12-4042**  
**page 2 of 2**

**IN WITNESS WHEREOF** and in agreement with all the terms and conditions stated above, I, Jackson Williams, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

3-12-12  
Date

Jackson Williams  
Printed Name

P.O. Box 366  
Address  
Fayetteville, AR  
72702

[Signature]  
Signature

**NOTARY OATH**

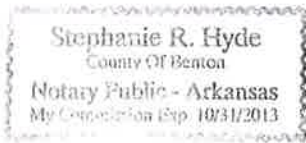
STATE OF ARKANSAS                    }  
  }  
  }  
COUNTY OF Benton                }  
  }  
  }  
  }  
COUNTY OF ~~WASHINGTON~~    }

And now on this the 12th day of March, 2012, appeared before me, Stephanie R. Hyde, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Stephanie R. Hyde  
NOTARY PUBLIC

My Commission Expires:

10-31-2013





PC Meeting of March 12, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.  
Fayetteville, AR 72701  
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission  
FROM: Andrew Garner, Senior Planner  
THRU: Jeremy Pate, Development Services Director  
DATE: ~~March 5, 2012~~ Updated March 14, 2012

**RZN 12-4042: Rezone (1700 OLD WIRE ROAD/COOPER AND WILLIAMS, 369):** Submitted by TIM COOPER AND JACKSON WILLIAMS for property located at the 1700 OLD WIRE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE and contains approximately 4.90 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION. Planner: Andrew Garner

**BACKGROUND:**

*Property Description:* The property is zoned Residential Single-Family Four Units Per Acre (RSF-4), and contains 4.9 acres located at 1700 Old Wire. The site is an undeveloped pasture with access off of Old Wire Road and secondary access off of a long driveway to Old Wire Road that provides access to the adjacent property to the north. The surrounding zoning and land use is depicted in *Table 1*. The western portion of the property adjacent to Old Wire Road is located within the floodplain of Niokaska Creek.

*Background:* On December 20, 2011 the City Council approved RZN 11-3960 (Cooper and Williams) to rezone approximately 8.60 acres to NC, Neighborhood Conservation, subject to a bill of assurance. This site is immediately adjacent to the east and north of the subject property and was rezoned by the same applicant as the subject rezoning request.

**Table 1  
Surrounding Zoning and Land Use**

Direction from Site	Land Use	Zoning
North	Single family and rural residential	NC, Neighborhood Conservation; RSF-4, Residential Single-Family Four Units Per Acre
South	Clarence Craft Park (City parkland)	P-1, Institutional
East	Rural residential	NC, Neighborhood Conservation
West	Clarence Craft Park (City parkland)	P-1, Institutional



*Proposal:* The request is to rezone the property from RSF- 4, Residential Single Family Four Units per Acre, to NC, Neighborhood Conservation. The applicant has stated that the intent is to develop the property for smaller single family lots than permitted by the underlying RSF-4 zoning.

*Public Comment:* Staff has received an email from a property own in the vicinity who is opposed to the rezoning.

**RECOMMENDATION:**

Staff recommends forwarding RZN 12-4042 to the City Council with a recommendation for approval based on findings stated herein.

<b>PLANNING COMMISSION ACTION:</b>	<b>Required</b>	<u><b>YES</b></u>	
<b>Date:</b> <u>March 12, 2012</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> <u>Earnest</u>	<b>Second:</b> <u>Chesser</u>		
<b>Vote:</b> <u>5-0-0</u>			
<b>Note:</b> <u>Recommendation for approval.</u>			
<b>CITY COUNCIL ACTION:</b>	<b>Required</b>	<u><b>YES</b></u>	
<b>Date:</b>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

**INFRASTRUCTURE:**

**Streets:** The site has access to Old Wire Road. Old Wire Road is an unimproved two lane residential city street. Street improvements will be evaluated at the time of development.

**Water:** Public water is not directly available to the property. There is a 6” water main on a property to the west of this parcel. Public water main improvements will need to be extended through the property to provide domestic and fire flow for any proposed development.

**Sewer:** Sanitary sewer is available to the site. There is a 12” main that runs through this property. The capacity of the existing sewer may need to be evaluated at the time of development to ensure adequate capacity.

**Drainage:** Standard improvements and requirements for drainage will be required for any development. The design engineer will be responsible for addressing any drainage

issues at this location with the development design. An increase in peak flow will not be allowed with any development of this property. This property is affected by the 100-year floodplain and the Streamside Protection Zones associated with Niokaska Creek.

**Police:** The Fayetteville Police Department has not expressed concerns with this request.

**Fire:** The Fayetteville Fire Department has not expressed concerns with this request.

**CITY PLAN 2030 FUTURE LAND USE PLAN:** *City Plan 2030 Future Land Use Plan designates a majority of this site as **Residential Neighborhood Area** and a small portion of the site associated with the Niokaska Creek floodplain as **Natural Area**.*

#### **FINDINGS OF THE STAFF**

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

**Finding:** **Staff finds the proposal is highly consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for Residential Areas this proposal meets including Residential Area Policy F to:**

*“Site new residential areas accessible to roadway, alternative transportation modes, community amenities, schools, infrastructure, and retail and commercial goods and services.”*

**This site is surrounded by existing roads. The site is in the core of the City and within walking distance of an elementary school, a church, and close proximity to downtown.**

**The proposed rezoning is also highly consistent with the six major goals of City Plan 2030 as follows:**

City Plan 2030 Goals	RZN 11-3960 Compliance With City Plan 2030
Goal 1: We will make appropriate infill and revitalization our highest priorities.	This proposed rezoning would allow infill in a well-developed area of Fayetteville. The property is surrounded by existing development and infrastructure within walking distance of an elementary school. Future development of this site permitted under the proposed zoning district would provide the opportunity for improvements and revitalization to existing infrastructure. The proposal would allow 'appropriate' residential infill compatible with the surrounding primarily single-family neighborhoods.
Goal 2: We will discourage suburban sprawl.	By permitting infill development at a slightly higher density than the existing zoning, the proposed rezoning discourages suburban sprawl on the perimeter of the City. Future development allowed because of this rezoning would be able to take advantage of proximity to existing utility and public infrastructure and services more than a sprawling development on the periphery.
Goal 3: We will make traditional town form the standard.	The NC zoning district is a form-based district with a build-to zone that would require development in a traditional town form.
Goal 4: We will grow a livable transportation network.	The requirements under the City's development codes for street connections would improve connectivity in this area of the City, providing more options to residents and those traveling through the area.
Goal 5: We will assemble an enduring green network.	Preservation of greenspace would be reviewed and required during development.
Goal 6: We will create opportunities for attainable housing.	The variety of lot sizes allowed because of the rezoning could lead to a mixed-income neighborhood in this area of the City. Consistent with the intent of this goal, the proposed rezoning is not an isolated attainable housing project all under one zoning district, but rather reflects the opportunity to create a more traditional urban neighborhood with households of varying types, sizes, and economic means.

**Rezoning the property will accommodate both the future land use plan for residential uses, and also allow for a variety of uses and housing types, sizes and development pattern, thus providing more choices for more citizens. The proposed zoning that would permit single and two-family residences is also compatible with the existing land uses and zoning in the immediate area. Adjacent zoning to the north and east is also NC, Neighborhood Conservation, and the property adjacent to the south is a City park. The NC zoning will allow for smaller lots than surrounding largely RSF-4 neighborhoods. This zoning will introduce the potential for variety of residential housing types in this infill location within walking distance of Root Elementary School. The Charleston Place neighborhood is approximately 1,500 feet to the northeast of this site and is developed in a traditional pattern with similar lot sizes as would be allowed in the proposed NC zoning. The NC zoning is a form-based zoning that requires a**

**traditional design and the opportunity for narrow lots and houses closer to the street, consistent with land use planning policies, and common in other developed areas of the City.**

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

**Finding: As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan. The property could be developed under the existing zoning regulations, however the NC zoning is justified in order to provide variety in lot sizes and to meet market demand for smaller lots.**

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

**Finding: The proposed zoning will generate the potential for additional traffic on the surrounding street system over the existing RSF-4 zoning. The NC zone would permit a total of 49 single family lots (a density of 10 units per acre), subject to preliminary plat approval. The street improvements required as part of the development should be adequate to account for these additional vehicle trips, but would be evaluated at the time of preliminary plat.**

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 zoning would potentially increase population density. The proposed zoning would allow for a total of 29 additional single family lots on this property over the existing zoning. However, this increase in single-family residences is consistent with land use, zoning, and development patterns in the immediate vicinity. This site is located within the core of the City with adequate surrounding infrastructure.**

**Increased load on public services was taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. Significant adverse impacts to public services would not result with the incorporation of standard improvements as part of the development.**

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

**161.07 District RSF-4, Residential Single-Family – Four 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

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

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

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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*Height regulations.* Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. (Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)

**161.26 Neighborhood Conservation**

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 41	Accessory dwellings

(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 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 40% of lot width.

(G) *Height regulations.* Maximum height is 3 stories or 45 feet which ever is less.

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10)

Rezoning Request  
Written Description  
1700 N Old Wire Road  
Fayetteville, Arkansas 72703  
Parcel Numbers:  
765-13428-000  
765-14066-000

These two parcels encompassing 4.9 acre MOL are currently owned by Harry O and Hope Cain Jackson. The property is currently pending purchase by W-Bar Investments, LLC, Jackson Williams, Member.

The current zoning on these parcels is RSF-4 which the minimums allow for single family 70 ft / 8000 sq ft / setbacks of 15 front / 5 sides / 15 rear on the lots. The current estimated development cost coupled with the land cost premium on such a well located parcel directly dictates the need for a Neighborhood Conservation zone. Neighborhood Conservation serves to promote and protect neighborhood character and is duly suited for these residential parcels. The Neighborhood Conservation zone allows for minimums on single family 40 ft / 4000 sq ft / setbacks of within 25' in front / 5' on the side / 5' in the rear and 12' from the center alley line in the rear. The NC zone specifically meets the needs and characteristics for the development plan for this parcel. The current proposed development plan for this parcel includes only single family detached homes designed for smaller families who are not interested in having a large yard to maintain; rather their interest lay in having a well kept small footprint in a highly desirable location.

These parcels are bordered on the North and East by an 8.5 Acre parcel that was recently rezoned to a Neighborhood Conservation Zone with a Bill of Assurance restricting the homes to be single family detached with a maximum of 50 homes. The Southeast corner of this property abuts two single family parcels located on Ramsey Street. The South and West borders join land owned by the City of Fayetteville which contains Clarence Craft Park.

These parcels are located between the existing Principal Arterial thoroughfare of Mission Blvd to the South and the existing Collector thoroughfares of Old Wire Road and Ash Street to the West. The appearance



and signage of this proposed development will mesh with the existing residential feel and function and will serve to only enhance the desirability of the area.

There is an existing 12" gravity flow sewer line within the Eastern property line of these parcels. There is also a 36" sewer line to the West at Old Wire Road, an 8" line on Ash Street to the North, a 6" line on Charlee Avenue to the West and a 10" line in the creek to South, all of which are gravity flow. There is an existing 36" water line located at Old Wire Road, and 8" on both Ash Street and Charlee Avenue thus there should be no significant or undesirable increase on the load of the water and sewer facilities.

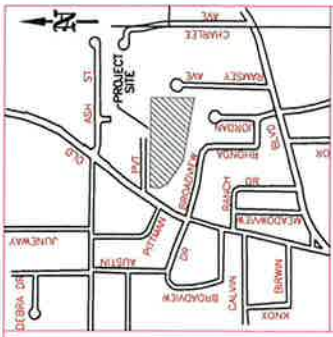
Neighborhood Conservation by definition is a residential zone and is compatible with the surrounding properties current uses as well as those detailed in the Future Land Use 2030 plan as a Residential Neighborhood Area. The goal of this rezoning matches the existing goals of the current City Plan 2025 long range master plan in the areas of infill, encompassing the traditional town form, having a low impact on the existing transportation system, maintaining a green focus as well as filling a need in Fayetteville for a smaller, well located home for small families. The location of these subject parcels are such that there are many opportunities for connectivity to existing dead end streets, sidewalks and bike paths when coupled with the existing Neighborhood Conservation Zone parcel to the North and East.

This zoning request is justified and needed at this time as the small families in Fayetteville have very limited options for small footprint single family homes located near the Fayetteville City Centers, shopping, entertainment, schools, art and culture.

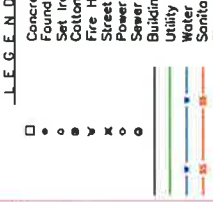
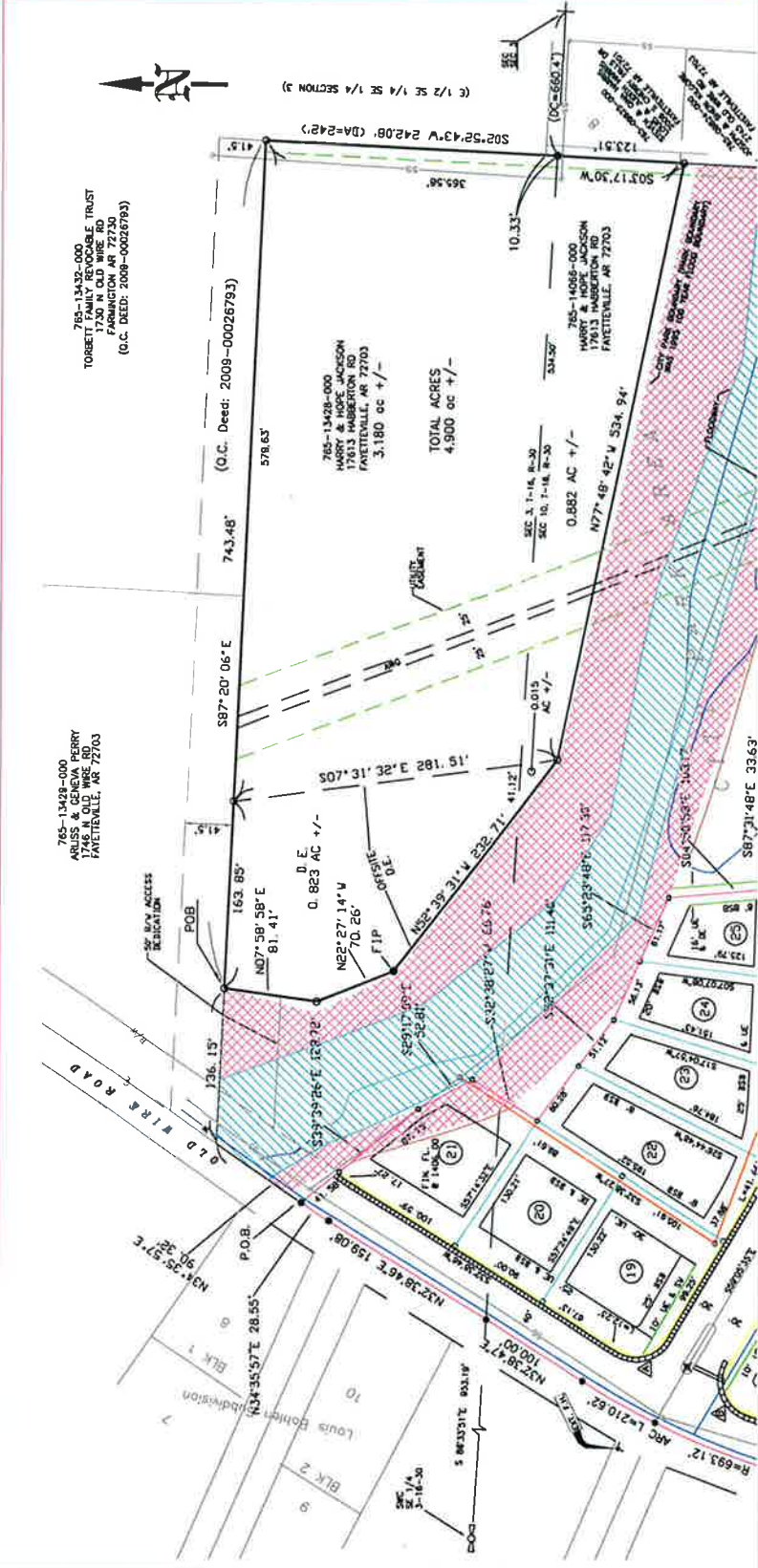
When one considers the location of these parcels being adjacent to Neighborhood Conservation Zone to the North and the East and the goals of the Fayetteville City Plan 2025, Future land Use Plan and Master Street Plan the conclusion can be made that this proposed rezoning coupled with the development plans will stand to support the overall goals of these plans and NOT appreciably increase traffic danger, congestion, or the load on the existing schools.

The ever escalating cost of new subdivision infrastructure designed and built to the thorough City of Fayetteville standards coupled with the premium for well located, undeveloped infill property dictates the need for a change in

this property's existing zoning classification. The effort set forth in making this zoning change will benefit and fill a much needed and currently unfulfilled niche for the smaller families in Fayetteville who choose to live on a well located smaller footprint in town.



VICINITY MAP



Scale: 1" = 100'

**SURVEYOR DISCLAIMER:**  
SURVEYOR DISCLAIMS ANY LIABILITY THAT COULD RESULT FROM THE KNOWLEDGE PROVIDED BY ANY ONE OF THE FOLLOWING:  
1. SERVICES PROVIDED BY "ARKANSAS ONE CALL."  
2. THE PERFORMANCE OF AN ALTA SURVEY.  
3. THE PERFORMANCE OF A DRAINAGE SURVEY.  
A LOCAL ABSTRACTOR,  
THE OWNER DID NOT REQUEST ANY OF THE ABOVE THREE (3) ITEMS.

**SURVEYOR CERTIFICATION:**  
THIS IS TO CERTIFY THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON TO THE BEST OF MY KNOWLEDGE AND ABILITY.  
MELVIN L. MILHOLLAND, PLS  
ARKANSAS REGISTRATION NO. 648  
MILHOLLAND COMPANY

**FLOOD DATA:**  
ACCORDING TO THE FLOOD INSURANCE RATE MAP, EFFECTIVE SEPTEMBER 16, 1991, MAP NUMBER 1746-A, OLD WIRE, ARKAS DRAINAGE DISTRICT IS IN ZONE A. AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ALSO ZONE AE. BASE FLOOD ELEVATIONS DETERMINED.

**SURVEY DESCRIPTION:**  
A PART OF THE SOUTH HALF (SH) OF THE SOUTHEAST 1/4 (SE1/4) OF SECTION 3, AND A PART OF THE NORTH HALF (NH) OF THE NORTHEAST 1/4 (NE1/4) OF SECTION 10, ALL LOCATED IN T-16-N, R-30-W, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS COMMENCING AT A STONE MARKING THE CORNER OF SAID SECTION 3, AND CONTINUING THENCE ALONG THE COMMON BOUNDARY OF SAID SECTION 3 AND 10, S86°33'51"E 953.19 FEET TO A POINT IN THE CENTER LINE OF OLD WIRE ROAD, AND CONTINUING ALONG CENTERLINE OF SAID ROAD N32°38'46"E 159.08 FEET AND N34°35'57"E 118.87 FEET TO A POINT IN THE CENTERLINE OF SAID ROAD, AND THENCE LEAVING SAID ROAD S87°20'06"E 136.15 FEET TO A POINT ON THE NORTH SIDE OF SAID PARCEL OF LAND, SAID POINT BEING AN IRON PIN AND THE POINT OF BEGINNING; THENCE S87°20'06"E 743.48 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE EAST BOUNDARY OF SAID PARCEL OF LAND, S02°52'43"W 242.08 FEET TO THE NORTHWEST CORNER OF RAMSEY ADDITION;  
THENCE ALONG THE WEST BOUNDARY OF SAID RAMSEY ADDITION S03°17'30"W 123.51 FEET TO THE NORTHEAST CORNER OF CITY PARK DEDICATION AREA DESCRIBED ON THE FINAL PLAT OF HIDDEN LAKE ESTATES;  
THENCE ALONG THE NORTHERN BOUNDARY OF SAID CITY PARK DEDICATION AREA N77°48'46"W 354.94 FEET, N52°39'31"W 232.71 FEET, N22°27'14"W 70.26 FEET AND N52°39'31"W 232.71 FEET, N22°27'14"W 70.26 FEET, AND N07°58'58"E 81.41 FEET TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 4.90 ACRES, MORE OR LESS.

**DRAINAGE EASEMENT DESCRIPTION:**  
A DRAINAGE EASEMENT AS DEPICTED ON THE FINAL PLAT OF HIDDEN LAKE ESTATES, DESCRIBED AS A PART OF THE SOUTH 1/4 OF SECTION 3, AND A PART OF THE NORTH 1/4 OF SECTION 10, ALL LOCATED IN T-16-N, R-30-W, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS COMMENCING AT A STONE MARKING THE CORNER OF SAID SECTION 3, AND CONTINUING THENCE ALONG THE CENTERLINE OF OLD WIRE ROAD AND CONTINUING ALONG CENTERLINE N32°38'46"E 159.08 FEET AND N34°35'57"E 118.87 FEET TO A POINT IN THE CENTERLINE OF SAID ROAD, AND THENCE LEAVING SAID ROAD S87°20'06"E 136.15 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID PARCEL OF LAND, SAID POINT BEING AN IRON PIN AND THE POINT OF BEGINNING; THENCE S07°31'39"E 281.51 FEET TO THE NORTH BOUNDARY OF SAID PARK DEDICATION AREA;  
THENCE ALONG THE NORTHEASTERN BOUNDARY OF SAID PARK DEDICATION AREA, N52°39'31"W 232.71 FEET, N22°27'14"W 70.26 FEET, AND N07°58'58"E 81.41 FEET TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 0.823 ACRES, MORE OR LESS.  
THE AREA IS SUBJECT TO THE CITY PARK DEDICATION AREA.

**BOUNDARY SURVEY**

CLIENT:	HARRY & HOPE JACKSON 17613 HARBERTON RD FAYETTEVILLE, AR 72703
DATE:	01-08-2012
REVISIONS:	
CLOSED BY:	12/18/2012
SCALE:	1" = 100'
CITY:	FAYETTEVILLE
PROJECT:	17613 HARBERTON RD
BLK:	10
LOT:	24
OWNER:	HARRY & HOPE JACKSON
PREPARED BY:	MELVIN L. MILHOLLAND
REGISTERED:	648

**PROFESSIONAL ENGINEERS**

**Milholland & Company**

208 W. Center Street, Fayetteville, Arkansas 72701  
Phone: (479) 343-1594 Fax: (479) 343-4500  
CSC# 00000000000000000000

**SURVEYING SPECIALISTS**

**SUBJECT TO:**

- A 50 FOOT UTILITY EASEMENT (AWG), AND OTHER EASEMENTS OF RECORD NOT LISTED.
- LOCATION OF 100 YEAR FLOOD WAS NOT DELINEATED NOR AND IS NOT DEPICTED HEREON.
- DRAINAGE EASEMENT DESCRIPTION. (Continue)

500-16N-30V-0-03-200-0678  
500-16N-30V-0-10-100-0678

**From:** Amy Rossetti <ahrmdr@aol.com>  
**To:** <agamer@ci.fayetteville.ar.us>  
**Date:** 3/5/2012 12:35 PM  
**Subject:** Re: 3-12-12 Planning Commission Agenda

Andrew,

Thank you for the information. The NC regulation says there can be 10 units per acre and also permits 2-family dwellings. Does a 2-family dwelling count as 2 units or 1 unit?

I really think this much development in the area is unwise. I plan to oppose the idea and encourage others to do as well. There is such a great traffic problem in the area and this will only make it worse. It will bring a total of 100 units to an already overcrowded portion of the city. The Parks & Recreation 10 year Master Plan recommends that the city acquire the land adjacent to Clarence Craft Park. I believe the land being considered for rezoning is adjacent to that park. Isn't it okay to have some green space or is that objective of the city plan being abandoned?

Amy Rossetti

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

**From:** Andrew Garner <agamer@ci.fayetteville.ar.us>  
**To:** Amy Rossetti <ahrmdr@aol.com>  
**Sent:** Mon, Mar 5, 2012 12:04 pm  
**Subject:** Re: 3-12-12 Planning Commission Agenda

The Planning Commission only make a recommendation to the City Council. We will publish our formal recommendation on this request the Thursday. I think we will recommend in favor. See the attached Neighborhood Conservation zoning regulations.

>>> Amy Rossetti <ahrmdr@aol.com> 3/5/2012 10:42 AM >>>  
Do you plan to recommend that the Planning Committee approve it?

Please refresh my memory, what does Neighborhood Conservation zoning mean?

Thank you,  
Amy Rossetti

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

**From:** Andrew Garner <agamer@ci.fayetteville.ar.us>  
**To:** Amy Rossetti <ahrmdr@aol.com>  
**Sent:** Mon, Mar 5, 2012 10:29 am  
**Subject:** Re: 3-12-12 Planning Commission Agenda

Ms. Rossetti,

No, the applicant has not submitted a Bill of Assurance for this request.

Andrew

Andrew M. Garner, AICP  
Senior Planner  
City of Fayetteville

125 West Mountain Street  
Fayetteville, Arkansas 72701

Tel.479.575.8262  
Fax.479.575.8202  
agarner@ci.fayetteville.ar.us  
www.accessfayetteville.org

Telecommunications Device for the Deaf: (479) 521-1316

>>> Amy Rossetti <ahrmdr@aol.com> 3/5/2012 9:49 AM >>>  
Mr. Garner.

Is there a Bill of Assurance that accompanies this request?

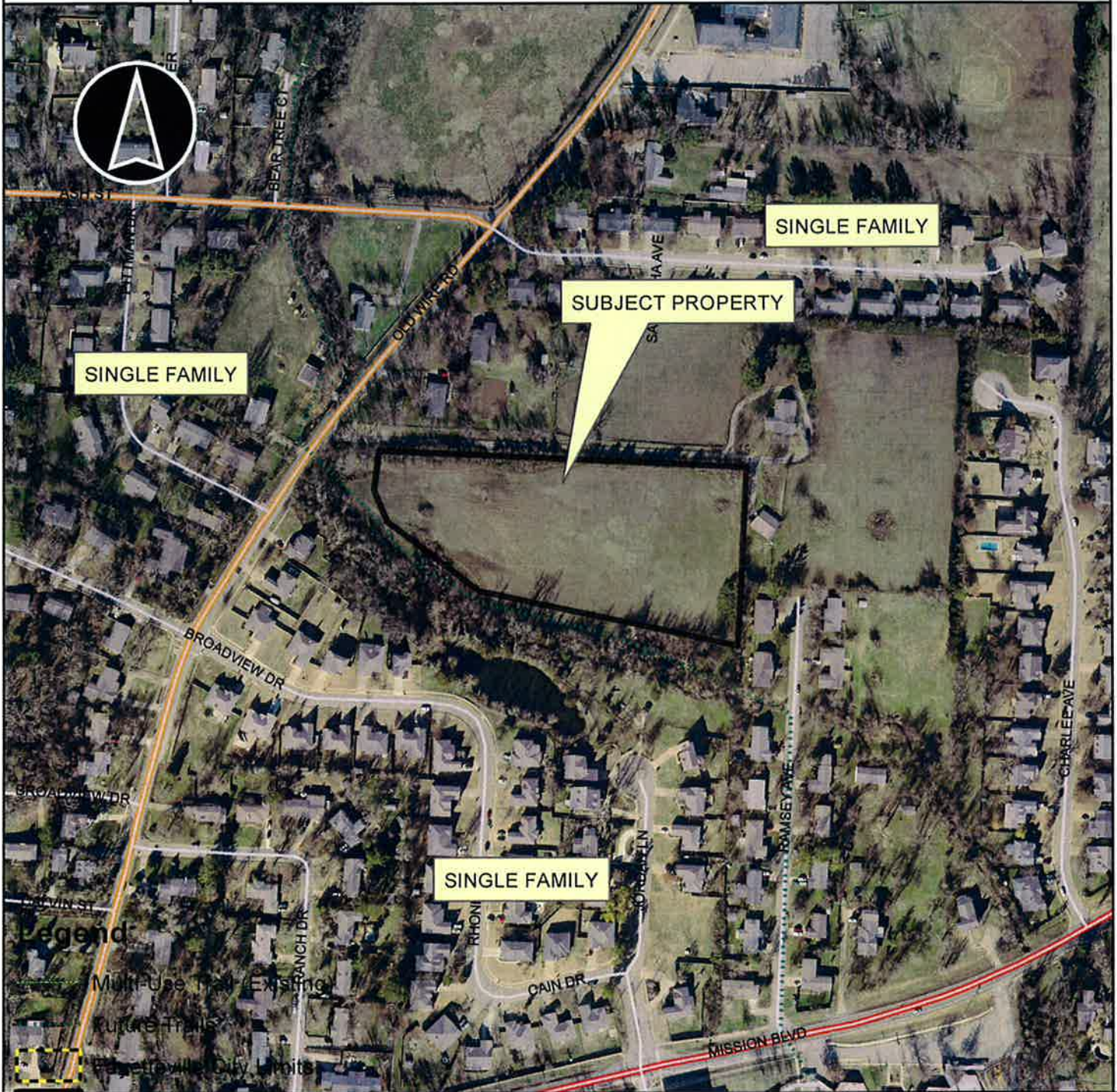
RZN 12-4042: Rezone (1700 OLD WIRE ROAD/COOPER AND WILLIAMS, 369): Submitted by TIM COOPER AND JACKSON WILLIAMS for property located at the 1700 OLD WIRE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE and contains approximately 4.90 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.  
Planner: Andrew Garner

Thank you,  
Amy Rossetti


RZN12-4042

# COOPER AND WILLIAMS

Current Land Use



**Overview** RZN12-4042

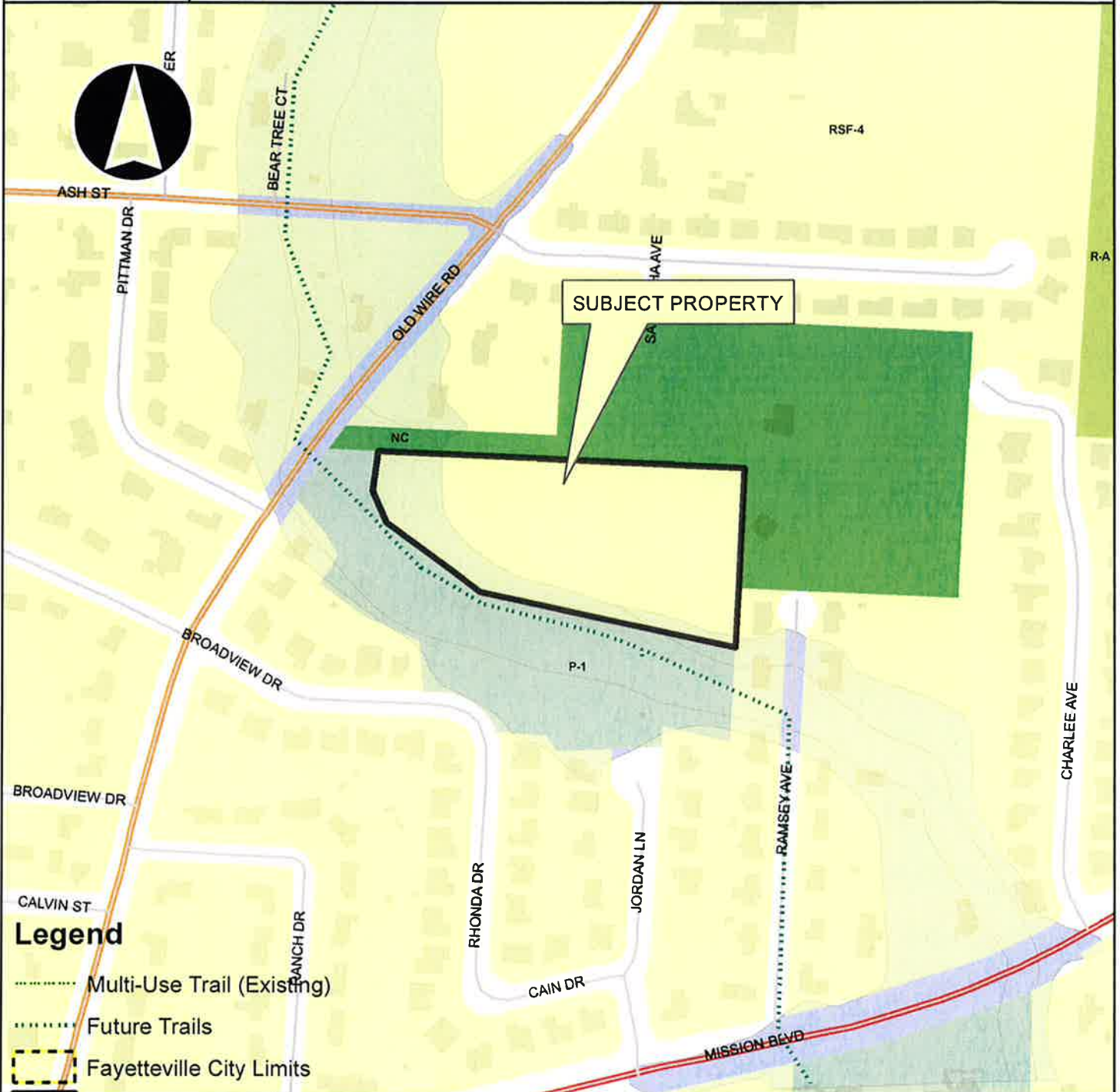
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area



RZN12-4042

# COOPER AND WILLIAMS

Close Up View



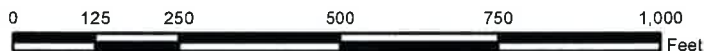
## Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

## Overview

RZN12-4042

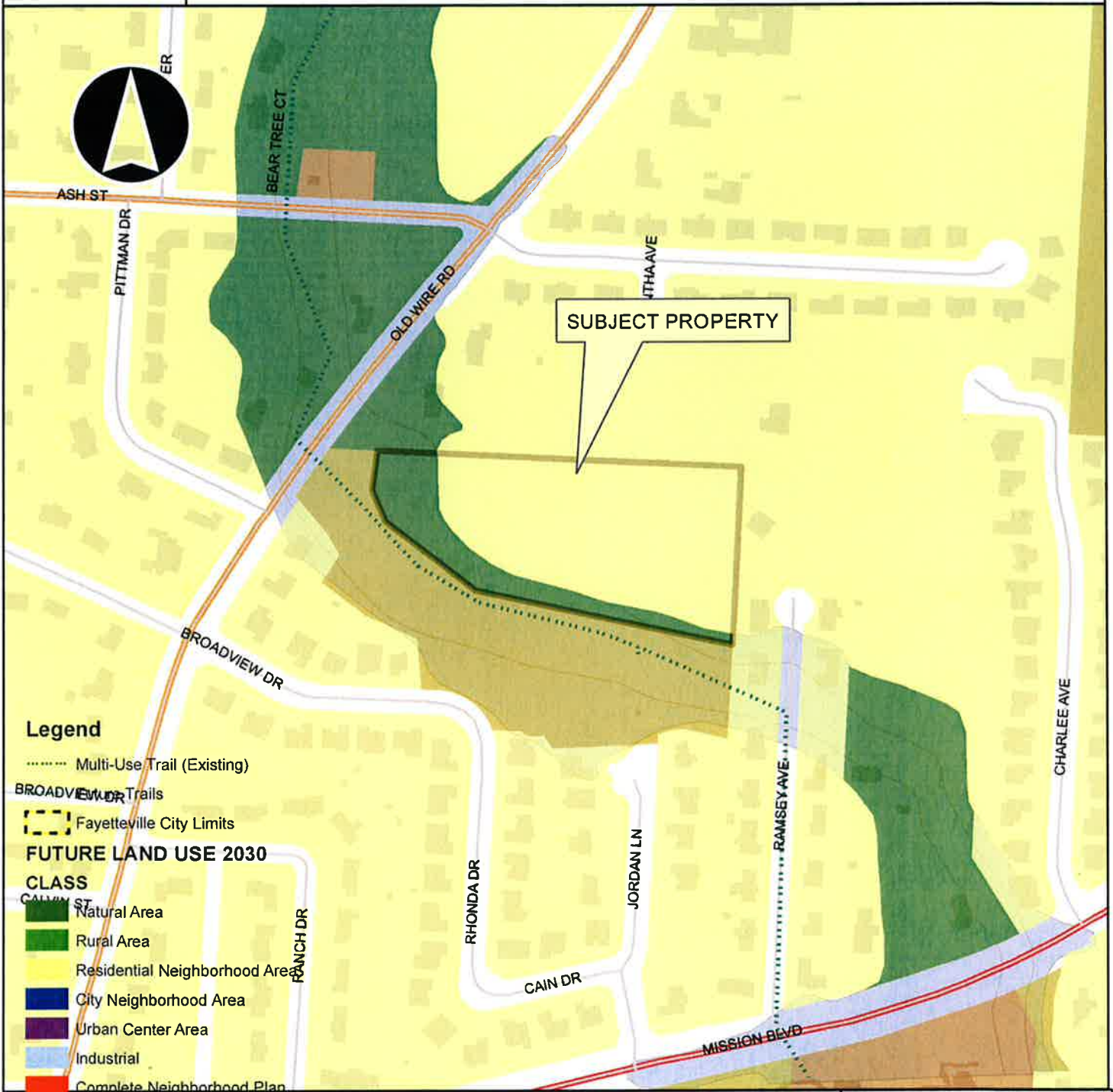
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN12-4042

# COOPER AND WILLIAMS

Future Land Use



### Legend

- ..... Multi-Use Trail (Existing)
- ..... Trails
- ..... Fayetteville City Limits
- FUTURE LAND USE 2030**
- CLASS**
- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

- ..... Civic and Private Open Space/Parks
- ..... Civic Institutional
- ..... Non-Municipal Government
- ..... ROW
- ..... RZN12-4042
- ..... Design Overlay District
- ..... Design Overlay District
- ..... Planning Area

