

City of Fayetteville Staff Review Form

2018-0053

Legistar File ID

2/6/2018

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Garner Stoll

1/19/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-6034: Rezone (2468 N. CROSSOVER RD./JONES, 294): Submitted by JERRY JONES for properties at 2468 N. CROSSOVER RD. The properties are zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contain approximately 4.40 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 6, 2018

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Harry Davis, Current Planner

DATE: January 19, 2018

SUBJECT: **RZN 17-6034: Rezone (2468 N. CROSSOVER RD./JONES, 294):** Submitted by JERRY JONES for properties at 2468 N. CROSSOVER RD. The properties are zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contain approximately 4.40 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Planning Commission recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services-General, as shown in the attached Exhibits 'A' and 'B'. City Planning staff recommend approval of the original request of NS-L, Neighborhood Services-Limited.

BACKGROUND:

The subject property totaling approximately 4.40 acres is located near the intersection of Crossover Road and Township Street. The parcel is zoned RSF-2, Residential Single-family, 2 Units per Acre and is mostly undeveloped, except for one existing home.

Request: The request is to rezone the parcel from RSF-2, Residential Single-family, 2 Units per Acre to NS-G, Neighborhood Services-General. The applicant stated the rezoning is needed to allow small offices to be developed on the property after unsuccessfully marketing the property for 11 years as residential. The original request before Planning Commission was for NS-L, Neighborhood Services-Limited. The request was proposed to be modified to NS-G, Neighborhood Services-General, by the Planning Commission and the applicant agreed.

Land Use Compatibility: The originally proposed zoning of NS-L is compatible with the surrounding properties along a busy state highway. Neighborhood Services-Limited contains a number of different residential and non-residential uses that are intended to be low in impact on nearby residential properties. Commercial uses will have a maximum amount of 3,000 square feet, measured as gross-floor area, allowed in one building. This maintains a bulk and area pattern language compatible with single-family detached dwellings. NS-G would move away from typologies and building footprints that could become incompatible with nearby properties by allowing commercial buildings up to 8,000 square feet in size.

Land Use Plan Analysis: Staff believes that the NS-L proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Area, is intended to be residential in nature, but does encourage some commercial uses at major intersections and along connecting corridors. Furthermore, NS-L promotes traditional neighborhood development by providing services within walking distance of residents in the area and requiring new buildings be located closer to the street. NS-G would be out of context with the surrounding building scale and mass. This is in contrast to City Plan Goal #1 “We will make appropriate infill and revitalization our highest priority”.

DISCUSSION:

On January 8, 2018, the Planning Commission forwarded the proposal to City Council with a recommendation for approval of NS-G (not the applicant’s initial request for NS-L) by a vote of 7-1-0. Commissioner Brown dissented to the motion and the applicant stated agreement with the Commission’s recommendation. Significant public comment was made against the proposal citing safety, traffic, and general incompatibility. Public comment sent to the Planning Division after the Planning Commission meeting has been attached to this report.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Application
- Public Comment
- Planning Commission Staff Report

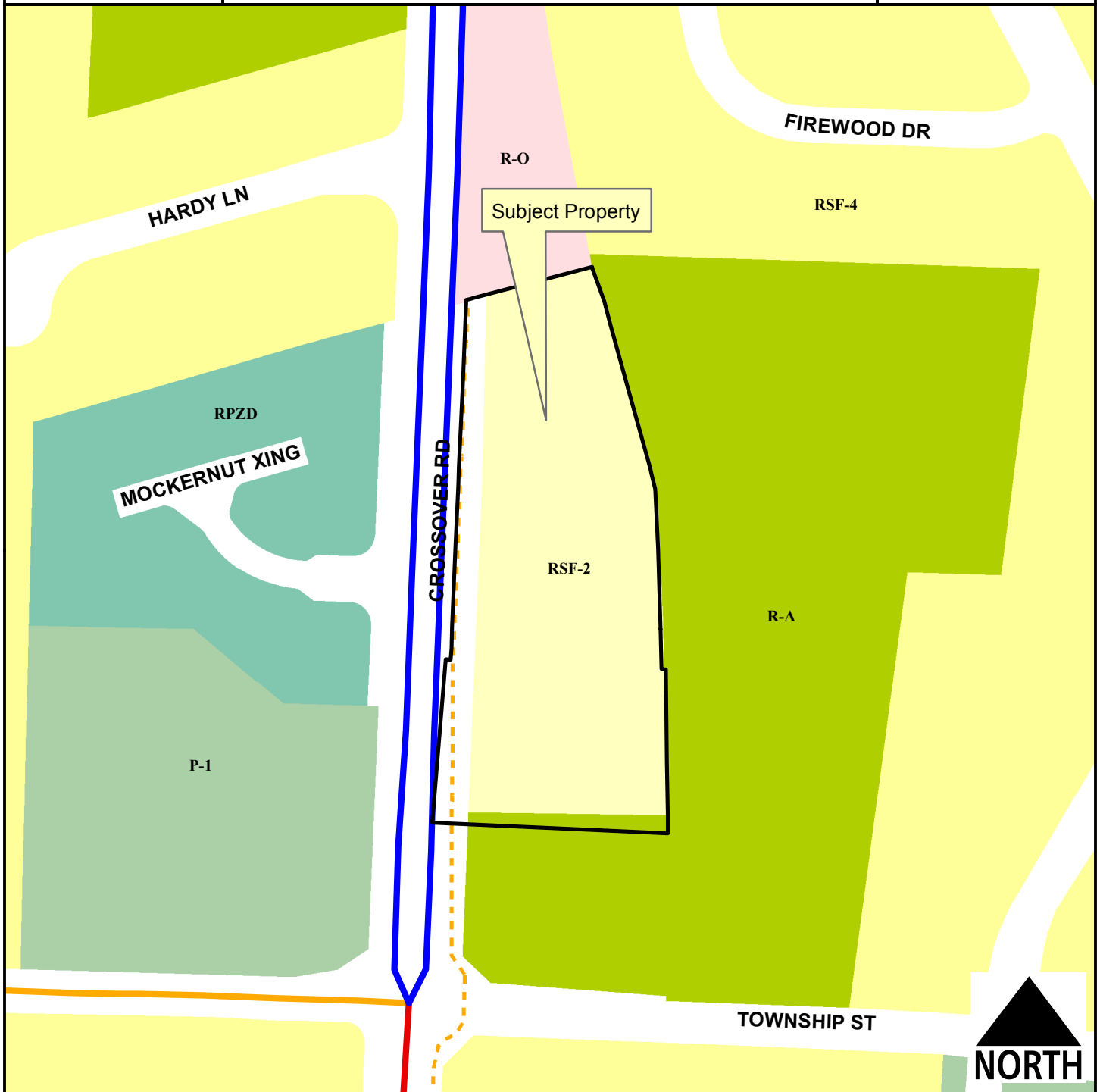
RZN17-6034

JERRY JONES

17-6034

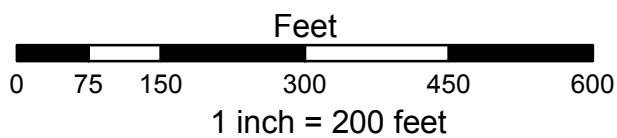
Close Up View

EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-2
- RSF-4
- Residential-Office
- Commercial, Industrial, Residential
- P-1

17-6034
EXHIBIT 'B'

REZONING APPLICATION PARCEL INFORMATION

Legal Description:

PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 31, TOWNSHIP 17 NORTH, RANGE 29 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE RIGHT-OF-WAY OF STATE HIGHWAY #265, SAID POINT BEING 555.02 FEET EAST AND 257.3 FEET NORTH OF THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT. RUNNING THENCE EAST 324.56 FEET. THENCE ALONG AN EXISTING FENCELINE NORTH 3 DEGREES 32 MINUTES 17 SECONDS WEST 225.30 FEET, THENCE WEST 303.0 FEET TO A POINT ON THE RIGHT-OF-WAY OF STATE HIGHWAY #265, THENCE SOUTH 1 DEGREE 57 MINUTES WEST 225.0 FEET TO THE POINT OF BEGINNING, CONTAINING 1.62 ACRES.

AND

LOTS 001, 002, 003, 004, 005, AND 006, LYNNWOOD ESTATES, AN ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

FEE: \$325.00**Sign Fee: \$5.00**

S-T-R:

PP#:

Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:Indicate one contact person for this request: ☒ Applicant ☐ Representative***Applicant (person making request):***Name: Jerry W. JonesLynn RogersAddress: 2468 N. Crossover Rd.Fayetteville, AR 72703E-mail: wdyjerry@cox.net

Phone:

(479) 841-8748(479) 841-8759

Fax:

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Representative (engineer, surveyor, realtor, etc.):Name: Rick SheltonAddress: 3589 N. College AveFayetteville, AR 72703E-mail: rick@ricksheltonrealtor.com

Phone:

(479) 530-6989

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Fax:

(479) 444-7546Site Address / Location: 3468 N. Crossover Rd.Fayetteville, AR 72703Current Zoning District: RSF-2Requested Zoning District: NS-LAssessor's Parcel Number(s) for subject property: 765-25915-000, 765-25916-000, 765-25917-000765-25918-000, 765-25919-000, 765-25920-000***FINANCIAL INTERESTS***

The following entities and / or people have financial interest in this project:

Property Owner (Applicant) Only

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Jerry W. Jones; Lynn Rogers

Date: 12/1/2017

Signature: Jerry W. Jones Lynn Rogers

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Property Owners of Record (attach additional info if necessary):

Name (printed): Jerry W. Jones

Address: 2468 N. Crossover Rd.
Fayetteville, AR 72703

Signature: Jerry W. Jones

Phone:
(479) 841-8748

Date: 12/1/17

Name (printed): Lynn Rogers

Address: 2468 N. Crossover Rd.
Fayetteville, AR 72703

Signature: Lynn Rogers

Phone:
(479) 841-8759

Date: 12/1/17

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

- (5) A written description of this request addressing the following items:
- a. Current ownership information and any proposed or pending property sales.
 - b. Reason (need) for requesting the zoning change.
 - c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.
 - d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
 - e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.
 - f. Whether the proposed zoning is justified and/or needed at the time of the request.
 - g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.
 - h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.
 - i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.
- (6) The applicant is responsible for meeting the public notification requirements for a Rezoning listed on the Notification Requirements pages in this application.

Notice: Resources including current zoning regulations, City Plan 2030, Future Land Use Plan, Master Street Plan and Zoning maps are available for review on our website, www.accessfayetteville.org and in the Planning Office.

All applicants should meet with a staff Planner prior to completing a Rezoning application.

From: [Planning](#)
To: [Davis, Harry](#)
Cc: [Curth, Jonathan](#); [Thompson, Quin](#)
Subject: FW: Oppose Rezoning 2468 N. Crossover to NS-L
Date: Tuesday, January 09, 2018 10:57:52 AM
Attachments: [image001.png](#)
[image002.png](#)

FYI

Andy Harrison

Development Coordinator
Planning Division
125 W. Mountain
City of Fayetteville, Arkansas 72701
aharrison@fayetteville-ar.gov
T 479.575.8267 | F 479.575.8202
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Klaus, Richard [mailto:klaus.ra@pg.com]
Sent: Tuesday, January 09, 2018 9:04 AM
To: Planning <planning@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; City_Attorney <city_attorney@fayetteville-ar.gov>; Tennant, Justin <ward3_pos1@fayetteville-ar.gov>; Garner, Andrew <agarner@fayetteville-ar.gov>
Cc: KLAUS, Andrea <klaus.am@pg.com>; Mayor <Mayor@fayetteville-ar.gov>
Subject: RE: Oppose Rezoning 2468 N. Crossover to NS-L

Dear Planning Commission, Justin, Kit, and Sarah – I am very dissapointed that the area at 2468 N. Crossover was rezoned from Residential to Neighborhood Services-General (which is even more broad then the Posted Hearing request for NS-L) at last night's Planning Commission. I strongly support maintaining the approved City Plan 2030 scope to maintain this land use as Residential.

Can you please help me to understand how this type of decision is possible when it goes against the City Plan 2030 (see Future Land Use Plan below)? If we are not going to follow the City Plan 2030, but only use it as a loose guideline, then whey was all the energy put into this by the community in 2011? This is a very slippery slope that can have much broader impacts to our community.

Kindly seeking to understand both this decision and your commitments to the City Plan 2030? Also, seeking to understand how the Planning Commission can approve a more broad rezoning when this was not even posted / communicated in advance of the Planning Commission meeting?

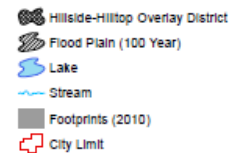
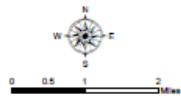
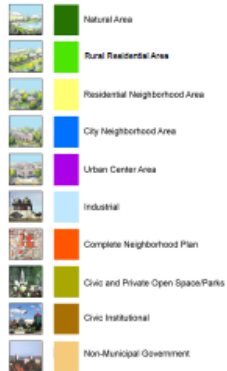
City Plan 2030

Future Land Use Plan

City of Fayetteville, AR
Adopted: July 5, 2011
Resolution No. 116-11



Future Land Use 2030 CLASS



Richard Klaus

NA Customer Supply

(513) 288-1800 Mobile | (513) 715-8058 Fax

rklaus.ra@pg.com

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From: Klaus, Richard

Sent: Monday, January 08, 2018 1:31 PM

To: planning@fayetteville-ar.gov

Cc: KLAUS, Andrea <klaus.am@pg.com>; ward3_pos2@fayetteville-ar.gov

Subject: Oppose Rezoning 2468 N. Crossover to NS-L

Planning Commission – I am writing to share my Opposition to Rezoning 2468 N. Crossover to NS-L from currently being Residential (vs. current RSF-2). I cannot attend the Planning Commission meeting today and would appreciate your inclusion of my opposition.

My opposition is based on the following:

Rezoning to NS-L is not in alignment with the City Plan 2030

1. Plan stresses an "increase in economic value" – Adding additional commercial space is not warranted based on current excess available commercial space available throughout the city (especially in the immediate area of Crossover-Joyce + Crossover-Mission). There are ~250 commercial properties available for sale or lease in Fayetteville, many in the immediate area being discussed.
2. In the 2030 Plan Residential Guiding Policies – "e. Encourage a development scale to maintain compatibility, use and proportionality between a variety of residential and nonresidential land uses." – There is sufficient non-residential space (build

and open land) available a short walking or biking distance at the Crossover intersections of Mission / Joyce with sidewalks already connecting. Adding additional commercial space between these key hubs does not meet the intent to maintain "... compatibility, use and proportionality..."

Additionally:

1. A clear plan has not been laid out for the use of this land if rezoned.
2. This topic is being revisited with the Planning Dept + Commission and has already been denied previously by the City Council.

Thank you very much for your time and consideration in this matter

Richard Kjaus

NA Customer Supply

☎ (513) 288-1800 Mobile | (513) 715-8058 Fax

✉ rkjaus.ra@pg.com

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PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: January 8, 2018 **UPDATED W RESULTS**

SUBJECT: **RZN 17-6034: Rezone (2468 N. CROSSOVER RD./JONES, 294):**
Submitted by JERRY JONES for properties at 2468 N. CROSSOVER RD. The properties are zoned RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE and contain approximately 3.90 acres. The request is to rezone the properties to NS-L, NEIGHBORHOOD SERVICES-LIMITED.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-6034** to City Council with a recommendation for approval based upon the findings herein.

BACKGROUND:

The subject property totaling 3.90 acres is located near the intersection of Crossover Road and Township Street. The parcel is zoned RSF-2, Residential Single-family, 2 Units per Acre and is mostly undeveloped, except for one existing home. The surrounding land use and zoning is in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential	R-O, Residential Office
South	Residential	R-A, Residential Agricultural
East	Residential	R-A, Residential Agricultural
West	Residential; Church	R-PZD, Residential Planned Zoning District; P-1, Institutional

Request: The request is to rezone the parcel from RSF-2, Residential Single-family, 2 Units per Acre to NS-L, Neighborhood Services - Limited. The applicant stated the rezoning is needed to allow small offices to be developed on the property after unsuccessfully marketing the property for 11 years as residential.

Public Comment: Staff has not received any public comment as of writing this report.

Public comment was received prior to PC and has been attached to this report. Public comment, both prior to and at PC, was generally in opposition to the proposal for safety, traffic, and compatibility issues.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to North Crossover Road. Crossover Road is an improved four lane asphalt street with sidewalk, curb and gutter, and storm drains. A multi-use trail is planned for the east side of Crossover Road along these parcels' frontage. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the site. There is a 24-inch transmission main and 2-inch water main along the subject parcels' frontage on Crossover Road. The 24-inch line is not available for service connections, but existing hydrants on this line may be used for main extension tie-in points.
- Sewer:** Sanitary Sewer is available to the site. There is an existing 8-inch main along the subject parcels' frontage on Crossover Road.
- Drainage:** No portion of this property is identified as FEMA regulated floodplains. No part of the parcel lies within the HHOD and there are no 15% slope areas identified onsite. There are no protected streams on this parcel. There are no hydric soils identified on this parcel. Any additional improvements or requirements for drainage will be determined at time of development.
- Fire:** The Fire Department expressed no concerns with this request.
- Police:** The Police Department expressed no concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**. These 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 encourages 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.*

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:*** The proposed zoning is compatible with the surrounding properties along a busy state highway. Neighborhood Services Limited, contains a number of different residential and non-residential uses that are intended to be low in impact on nearby residential properties. Commercial uses will have a maximum amount of gross-floor area allowed in one building. This maintains a bulk and area pattern language compatible with single-family detached dwellings. Any uses in the proposed zoning district must meet Fayetteville's noise ordinances for residential properties.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential

Area, is intended to be residential in nature, but does allow for some commercial uses at major intersections and along connecting corridors. Furthermore, NS-L promotes traditional neighborhood development by providing services within walking distance of residents in the area and requiring new buildings be located closer to the street.

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

Finding: Staff does believe the applicant has given sufficient justification for rezoning the property to NS-L.

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

Finding: Rezoning the property to NS-L has the potential to increase traffic in this area as the site develops. Given the size of the property and uses allowed in NS-L districts, lower intensities of uses would not create or exacerbate dangerous traffic situations. Crossover Road (Highway 265) has been fully improved as a boulevard arterial section.

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 this property from RSF-2 to NS-L would potentially increase the population density and use of city services at this location, but staff does not believe this would have a burdensome impact.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN 17-6034 to City Council with a recommendation for approval.

RECOMMENDED MOTION: "I motion to forward RZN 17-6034 to City Council with a recommendation for approval."

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 8, 2018</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Hoffman	Motion to forward to CC with a recommendation for NS-G		
Second: Quinlan			
Vote: 7-1-0	Motion passes; Commissioner Brown dissenting		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.06, 161.18, and 162.01(L)
- Request letter
- Rezone exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map



PLANNING COMMISSION MEMO

- **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

(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
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(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	45 feet
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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.

(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)

• **161.18 - NS-L, Neighborhood Services - Limited**

(A) *Purpose.* The NS-L Neighborhood Services - Limited district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes
Unit 45	Small scale production

(C) *Density.*

Units per acre	Ten (10) or less
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(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
Two (2) family	35 feet
Three or more	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback Regulations.*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height Regulations.*

Building Height Maximum	45 feet
-------------------------	---------

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 6, 8, 1-17-17)



PLANNING COMMISSION MEMO

- (L) *Unit 12a. Limited Business.*

(1) *Description.* Unit 12a consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less excluding areas dedicated to residential uses.

(2) *Included Uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	• Day care
	• Dry Cleaning
	• Salon/Barber shop
	• Tailoring
Specialized Retail: (Maximum gross floor area of 2,000 square feet)	• Antique/home decor sales
	• Apparel
	• Art/architectural supplies
	• Bakery, Pastry shops
	• Bicycle Shops
	• Book store
	• Coffee shop
	• Delicatessen
	• Drugstore
	• Food specialty stores
	• Florist
	• Grocery
	• Hardware
	• Health food store
	• Hobby/Craft Stores
	• Ice cream
	• Meat Market
	• Restaurant/café
	• Small appliance repair
	• Stationary Store
	• Toy store
	• Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	• Accountant
	• Architect
	• Attorney
	• Broker

	• Business/Mgmt Consultant
	• Doctor
	• Dentist
	• Engineer
	• Insurance Sales
	• Interior Designer
	• Optometrist
	• Realtor
	• Welfare agency
Studios for: (Maximum gross floor area of 3000 square feet)	• Art
	• Dance
	• Music
	• Photography
	• Pottery

From: [Garner, Andrew](#)
To: [Davis, Harry](#)
Subject: FW: Opposing rezoning 2468 N Crossover to NS-L
Date: Monday, January 08, 2018 2:00:48 PM

Harry,

Please save this email in the subject project file, forward it to the commissioners, and print hard copies to distribute to commissioners at tonight's meeting.

Thanks,
Andrew

Andrew Garner, AICP
City Planning Director
City of Fayetteville, Arkansas
479.575.8262
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

From: Stoll, Garner
Sent: Monday, January 8, 2018 12:48 PM
To: Garner, Andrew <agarner@fayetteville-ar.gov>
Subject: FW: Opposing rezoning 2468 N Crossover to NS-L

fyi

From: Mayor
Sent: Monday, January 8, 2018 11:27 AM
To: Jordan, Lioneld <ljordan@fayetteville-ar.gov>
Cc: Marr, Don <dmarr@fayetteville-ar.gov>; Stoll, Garner <gstoll@fayetteville-ar.gov>
Subject: FW: Opposing rezoning 2468 N Crossover to NS-L

fyi

From: KLAUS, Andrea [<mailto:klaus.am@pg.com>]
Sent: Monday, January 08, 2018 11:22 AM
To: Mayor <Mayor@fayetteville-ar.gov>
Cc: Klaus, Richard <klaus.ra@pg.com>
Subject: Opposing rezoning 2468 N Crossover to NS-L

Mayor Jordan,

I am writing you to share my concern and opposition to rezoning 2468 N Crossover to anything besides residential.

In addition to the standard concerns about impact to area value, traffic, noise, etc...; I have 2 specific data points to share.

1. There are currently 242 commercial properties for sale or lease in Fayetteville AR. Many are already on Crossover road (or very close) at Mission, Joyce, Huntsville and Zion Rd. These are in already commercial areas. There is no reason to disrupt our residential area with that much unused commercial property currently available.
2. Risk of increased crime when mixing residential and commercial. We have already seen an increase in neighborhood crime to the point I just installed security camera's this weekend. In my research, I found a 2013 study from behavioral scientist [James Anderson](#) at RAND [that find mixing commercial with residential zones increases crime.](#) They found that zoning indeed predicted the criminal activity of a neighborhood, with residential areas safest, followed by mixed-use residential and commercial zones, followed by commercial-only places. Their findings, published in the *University of Pennsylvania Law Review* [[PDF](#)], lend support to the idea that city officials can improve the safety of a neighborhood by doing something as simple as zoning part of it for residential living.

Can I have your support on in opposing this zoning change?

We opposed this same rezoning a few years ago and it was voted down. I am disappointed this keeps coming back to the agenda.

I live in the neighborhood behind, Candlewood.

Thank you,
Andrea

Andrea Klaus
WGCT Customer Service Operations Channel Leader
479-571-5553 Work | 513-288-1600 Cell | 513-277-6900 Fax
klaus.am@pg.com

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The information is intended for the use of the individual or entity named above. If you are not the intended recipient and have received this electronic transmission in error, please notify sender then delete immediately."**

From: [Planning](#)
To: [Davis, Harry](#)
Subject: FW: Oppose Rezoning 2468 N. Crossover to NS-L
Date: Monday, January 08, 2018 2:33:05 PM
Attachments: [image001.png](#)

Just found this.

Andy Harrison

Development Coordinator

Planning Division

125 W. Mountain

City of Fayetteville, Arkansas 72701

aharrison@fayetteville-ar.gov

T 479.575.8267 | F 479.575.8202

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



From: Klaus, Richard [mailto:klaus.ra@pg.com]

Sent: Monday, January 08, 2018 1:31 PM

To: Planning <planning@fayetteville-ar.gov>

Cc: KLAUS, Andrea <klaus.am@pg.com>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>

Subject: Oppose Rezoning 2468 N. Crossover to NS-L

Planning Commission – I am writing to share my Opposition to Rezoning 2468 N. Crossover to NS-L from currently being Residential (vs. current RSF-2). I cannot attend the Planning Commission meeting today and would appreciate your inclusion of my opposition.

My opposition is based on the following:

Rezoning to NS-L is not in alignment with the City Plan 2030

1. Plan stresses an “increase in economic value” – Adding additional commercial space is not warranted based on current excess available commercial space available throughout the city (especially in the immediate area of Crossover-Joyce + Crossover-Mission). There are ~250 commercial properties available for sale or lease in Fayetteville, many in the immediate area being discussed.
2. In the 2030 Plan Residential Guiding Policies – “e. Encourage a development scale to maintain compatibility, use and proportionality between a variety of residential and nonresidential land uses.” – There is sufficient non-residential space (build and open land) available a short walking or biking distance at the Crossover intersections of Mission / Joyce with sidewalks already connecting. Adding additional commercial space between these key hubs does not meet the intent to maintain “...compatibility, use and proportionality...”

Additionally:

1. A clear plan has not been laid out for the use of this land if rezoned.
2. This topic is being revisited with the Planning Dept + Commission and has already been denied

previously by the City Council.

Thank you very much for your time and consideration in this matter

Richard Klaus

NA Customer Supply

☎ (513) 288-1800 Mobile | (513) 715-8058 Fax

✉ rklaus.ra@pg.com

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The information is intended for the use of the individual or entity named above. If you are not the intended recipient and have received this electronic transmission in error, please notify sender then delete immediately."

To: Ron Autry
Chair, Fayetteville Planning Commission

From: Lowell Grisham, 310 N. Washington Ave.

Subject: Agenda Item 17-6034; 2468 N. Crossover Road

Dear Ron:

I would like to offer a personal word of confidence on behalf of Jerry Jones whose re-zoning proposal is coming to the Planning Commission at the upcoming meeting. (17-6034; 2468 N. Crossover Rd.) I've known Jerry for over 20 years. He is an active parishioner at St. Paul's Church, and we've become friends as well, making regular times for lunch visits.

I know Jerry to be an honest, conscientious man of integrity. I've been to his home several times, and I am familiar with the tract of land he wishes to re-zone. It seems to me appropriate for commercial development – professional office, etc. The property is on the divided 4-lane thoroughfare of Crossover. I can't imagine anyone wanting to build a house on that busy location.

My main purpose is not to argue the particular merits of his proposal, but just to say that Jerry is a good guy. I've found him to be trustworthy and good-hearted.

Thank you for your public service on the commission. It is a hard job. You've got my appreciation.

Gratefully,

A handwritten signature in dark ink, appearing to read 'L. Grisham', written in a cursive style.

(The Rev.) Lowell Grisham
310 N. Washington Avenue

To: Neighbors of Lynnwood Estates Subdivision

From: Jerry Jones and Lynn Rogers, 2468 N Crossover Rd., Fayetteville, AR 72703

Date: December (TBD)

Re: New Zoning for Lynnwood Estates

Dear Neighbor,

My wife, Lynn, and I have decided to return to the City of Fayetteville to request rezoning of Lynnwood Estates from RSF-2 (Residential Single Family – 2 Dwellings per Acre) to NS-L (Neighborhood Services – Limited).

After visiting with the City of Fayetteville Planning Staff and our Realtor®, we believe that this is the highest and best use of the property. Our main purpose all along has been to sell lots and have beautiful homes built. We had no idea that the widening of Crossover Road would have such a negative effect on selling the property. We have had developers and potential buyers look at the property numerous times, but they have shown no interest. All say they don't feel people would want to live on the highway. We haven't even had anyone make an offer or commitment in the over 11 years we have been attempting to sell. Can you imagine trying to sell your home for that long with no success?

Lynn and I want this property to have something built on it that we can all be proud of, therefore we believe Neighborhood Services Limited will encourage professional weekday, daytime business services to locate here, such as dentists, attorneys, CPA's or a pleasant coffee shop. Offices that each of us can walk to for services that will have little to no impact on the traffic.

Please look at this rezoning request as an opportunity for all of us. We have the support of the City of Fayetteville staff, and we sincerely ask for you to support us, too. We believe when the land is sold and the development opportunities are implemented, under strict City of Fayetteville and Planning Services oversight, we will all have something to be proud of.

You will receive another letter from us about the time and place of the Planning Commission meeting to take comments from the general public. . Please call me with any questions or stop by. My mobile number is 479-841-8748. Thank you.

Highest Regards,

Your Neighbors,


Jerry Jones


Lynn Rogers

REZONING APPLICATION DETAILS

(5) a. Current ownership information and any proposed or pending property sales.

The property is currently owned by Jerry W. Jones and Lynn B. Rogers. There are no sales pending.

b. Reason (need) for requesting the zoning change.

After Highway 265 was widened, which lasted from 2011 to its October 2013, interest in building a home on the busy highway became non-existent. We have listed our property with different realty companies, with no results. Coldwell Banker has been very aggressive, but the main objection has always been that people don't want to build a home on a busy highway. Three different developers and multiple potential buyers have looked at the property. All say the highway is the problem. Pricing hasn't been an issue, but we haven't had a single offer. You can see our predicament.

c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance and signage.

The property adjacent to and north of Lynnwood Estates was rezoned to RO approximately four years ago. Directly across the street is a large parcel owned by St. John's Lutheran Church. We counseled with our realtor and decided to ask the city to rezone our property from RSF-2 (2 houses per acre) to Neighborhood Services Limited. We feel this zoning will encourage weekday, daytime businesses to locate here (dentist, attorney, CPA etc.) Offices that each of us can walk to for services that will have little to no impact on traffic. The appearance of the offices will be similar to residential and the signage will meet all of the City's requirements.

d. Availability of water and sewer (state size of lines) info is available from the City Engineering Division.

Water and sewer lines are already laid on the west side of the property.

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans.

There isn't any Neighborhood Services Limited zoning within a reasonable distance of the property. This site is a beautiful setting for professional office buildings.

f. Whether the proposed zoning is justified and/or needed at the time of the request.

The area needs some professional services that are in walking distance of residents.

g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

Since the widening of Crossover Road and changing it to one-way North, the NS-Limited zoning shouldn't increase the current traffic congestion or danger.

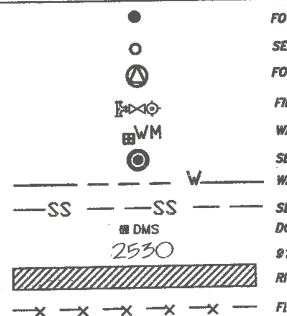
h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services, including schools, and water and sewer facilities.

Since so few buildings can be built on the limited space of 4.41 acres of Lynnwood Estates property, there should not be any load increase on public services.

i. Why would it be impractical to use the land for any of the uses permitted under its existing zoning classification?

The present zoning of RSF-2 has failed to realize a willing buyer in years of attempts, making zoning that allows for professional offices and services the only truly viable option to sell the property.

LEGEND



CERTIFICATE OF APPROVAL OF WATER & SEWER SYSTEM:

I HEREBY CERTIFY THAT THE WATER DISTRIBUTION SYSTEM AND SEWAGE C INSTALLED IN THE SUBDIVISION FULLY MEET THE REQUIREMENTS OF THE A BOARD OF HEALTH AND THE CITY OF FAYETTEVILLE.

DATE 8/24/06 CITY ENGINEER

CERTIFICATE OF APPROVAL OF STREETS AND DRAINAGE:

I HEREBY CERTIFY THAT THE STREET AND DRAINAGE SYSTEMS INSTALLED I FULLY MEET REQUIREMENTS OF THE CITY OF FAYETTEVILLE.

DATE 8/24/06 CITY ENGINEER

CERTIFICATE OF APPROVAL OF PARK LAND DEDICATION OR MONEY IN-LIEU

I HEREBY CERTIFY THAT THIS FINAL PLAT COMPLIES WITH SECTION 159.34 OWNER(S) DEDICATION OF ACRES OR PAYING IN-LIEU \$2

WARRANTY DEED FOR PARK LAND RECORDED AS FOLLOWS: BOOK # PAGE #

DATE 8-7-06 COMMUNITY REPRESENTATIVE PARKS & RECREATION REPRESENTATIVE

CERTIFICATE OF APPROVAL OF BUILDING SET-BACK DIMENSIONS:

I HEREBY CERTIFY THAT ALL BUILDING SETBACK DIMENSIONS SHOWN ON I ACCORDANCE WITH THE CURRENT SETBACK REQUIREMENTS.

DATE 08.24.06 ZONING & DEVELOPMENT ADMINISTRATOR

CERTIFICATE OF APPROVAL FOR RECORDING

THIS PLAT WAS APPROVED BY THE FAYETTEVILLE PLANNING COMMISSION, MAY 11, 2006.

DATE 8-23-06 SECRETARY

CERTIFICATE OF SURVEY AND ACCURACY:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEA THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

DATE 7-31-06 REGISTERED LAND SURVEYOR / PROFESSIONAL LAND

CERTIFICATE OF OWNERSHIP & DEDICATION:

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR P PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF F PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EX ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID I TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WI AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

DATE 8-4-06 OWNER

DATE 8-4-06 OWNER

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS, INCLUDING CABLE T PLATTED IN THIS SUBDIVISION ARE SHOWN AS REQUESTED AND WERE A UNDERSIGNED UTILITIES OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE 8-02-06 ELECTRIC

DATE 8/2/06 GAS SERVICE

DATE 8-2-06 TELEPHONE

DATE 8-2-06 CABLE TELEVISION

DATE 8/24/06 CITY OF FAYETTEVILLE

CERTIFICATE OF APPROVAL OF SIDEWALKS:

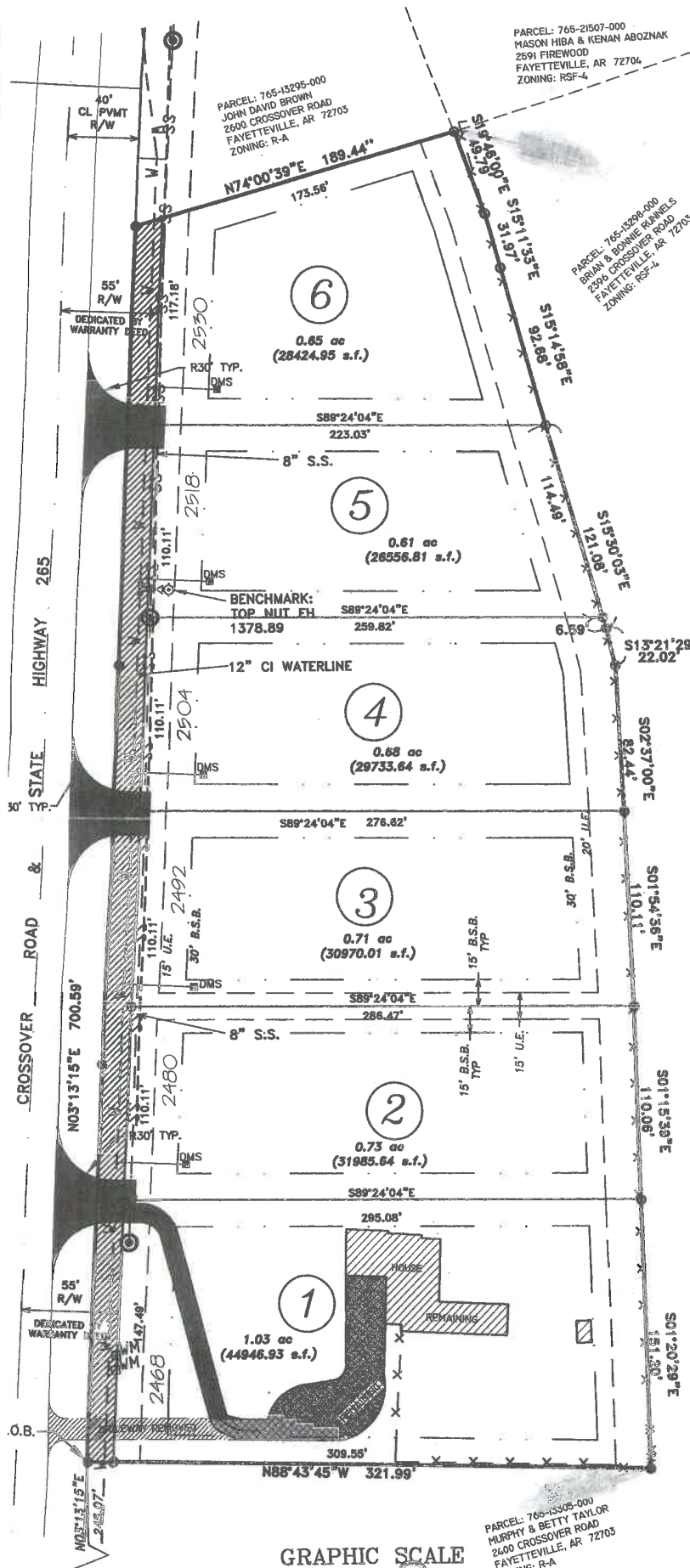
CONSTRUCTION OF ALL SIDEWALKS SHALL BE INSPECTED BY THE CITY COORDINATOR TO COMPLY WITH THE CITY SPECIFICATIONS. THE DEVEL RESPONSIBLE FOR THE CONSTRUCTION AND COMPLETION OF ALL SIDEW FINAL PLAT

DATE 8/24/06 CITY ENGINEER

CERTIFICATE OF APPROVAL OF TREE PROTECTION & PRESERVATION:

I HEREBY CERTIFY THAT THIS PLAT HAS COMPLIED WITH THE REQUIRE PROTECTION AND PRESERVATION ORDINANCE OF THE CITY OF FAYETTE

DATE 8/24/06 LANDSCAPE ADMINISTRATOR



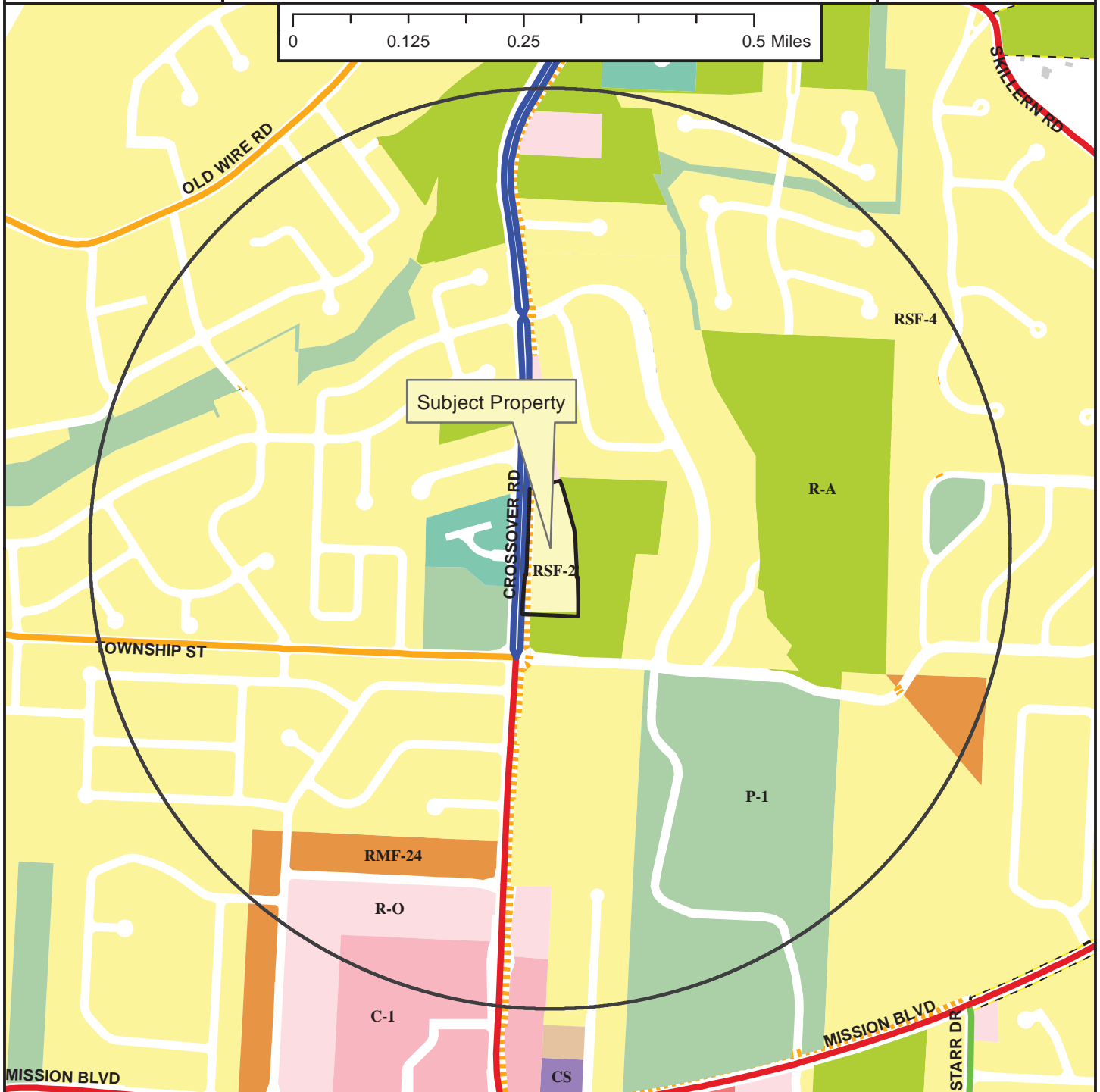
RZN17-6034

One Mile View

JERRY JONES

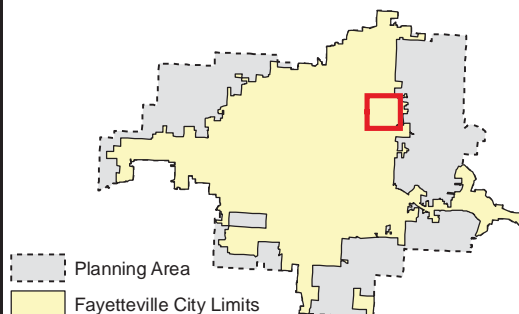


0 0.125 0.25 0.5 Miles



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



Zoning

RESIDENTIAL SINGLE-FAMILY

- Residential-Agricultural
- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY

- RT-12 Residential Two and Three-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
- INDUSTRIAL
- P-1

RZN17-6034

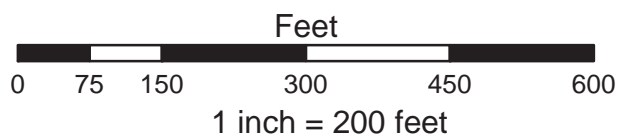
JERRY JONES

Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint

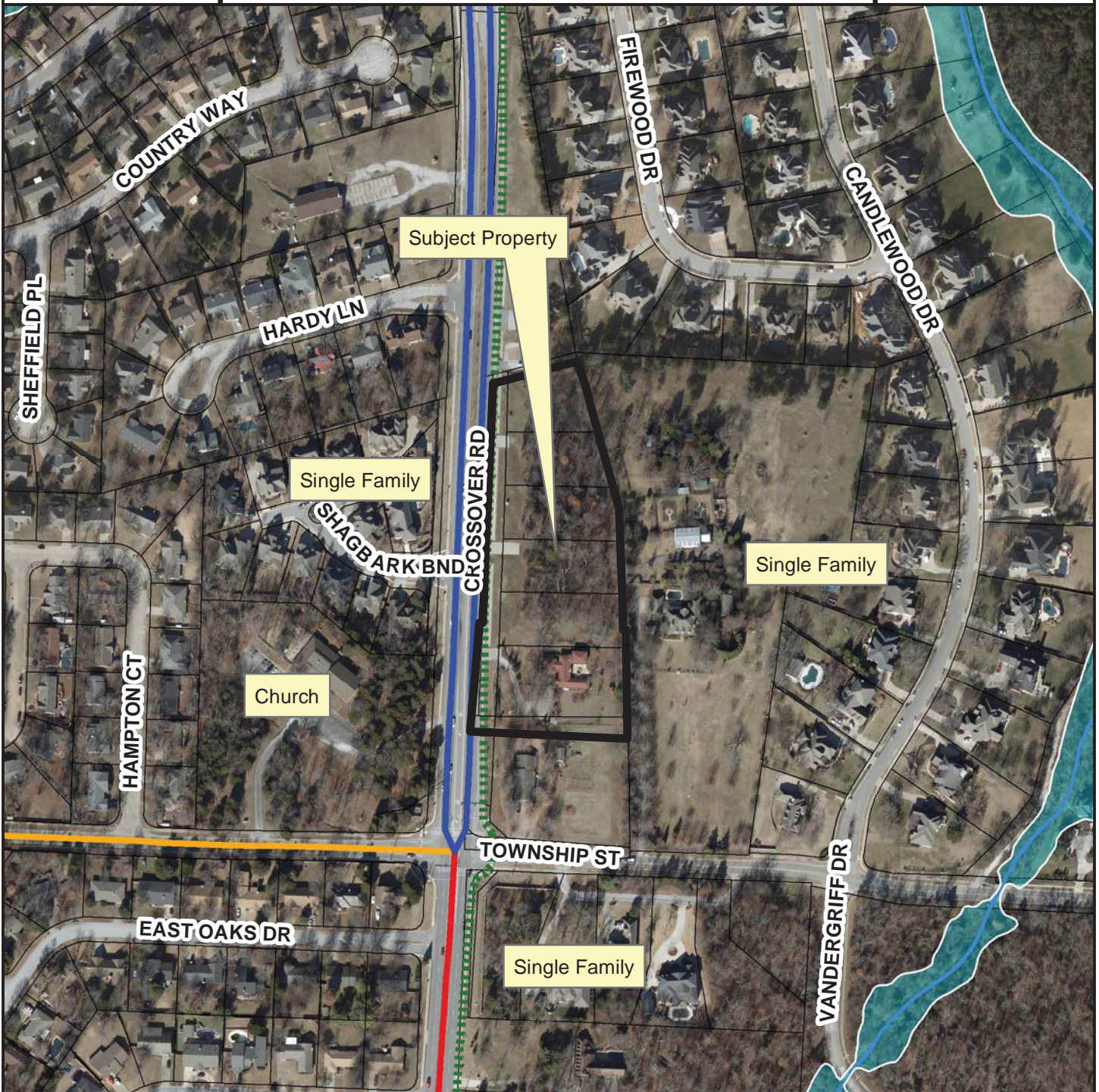


- Residential-Agricultural
- RSF-2
- RSF-4
- Residential-Office
- Commercial, Industrial, Residential
- P-1

RZN17-6034







Current Land Use

JERRY JONES



Streets Existing

MSP Class



-  COLLECTOR
-  PRIN ARTERIAL PKWY
-  PRINCIPAL ARTERIAL
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits

Feet



1 inch = 300 feet

FEMA Flood Hazard Data

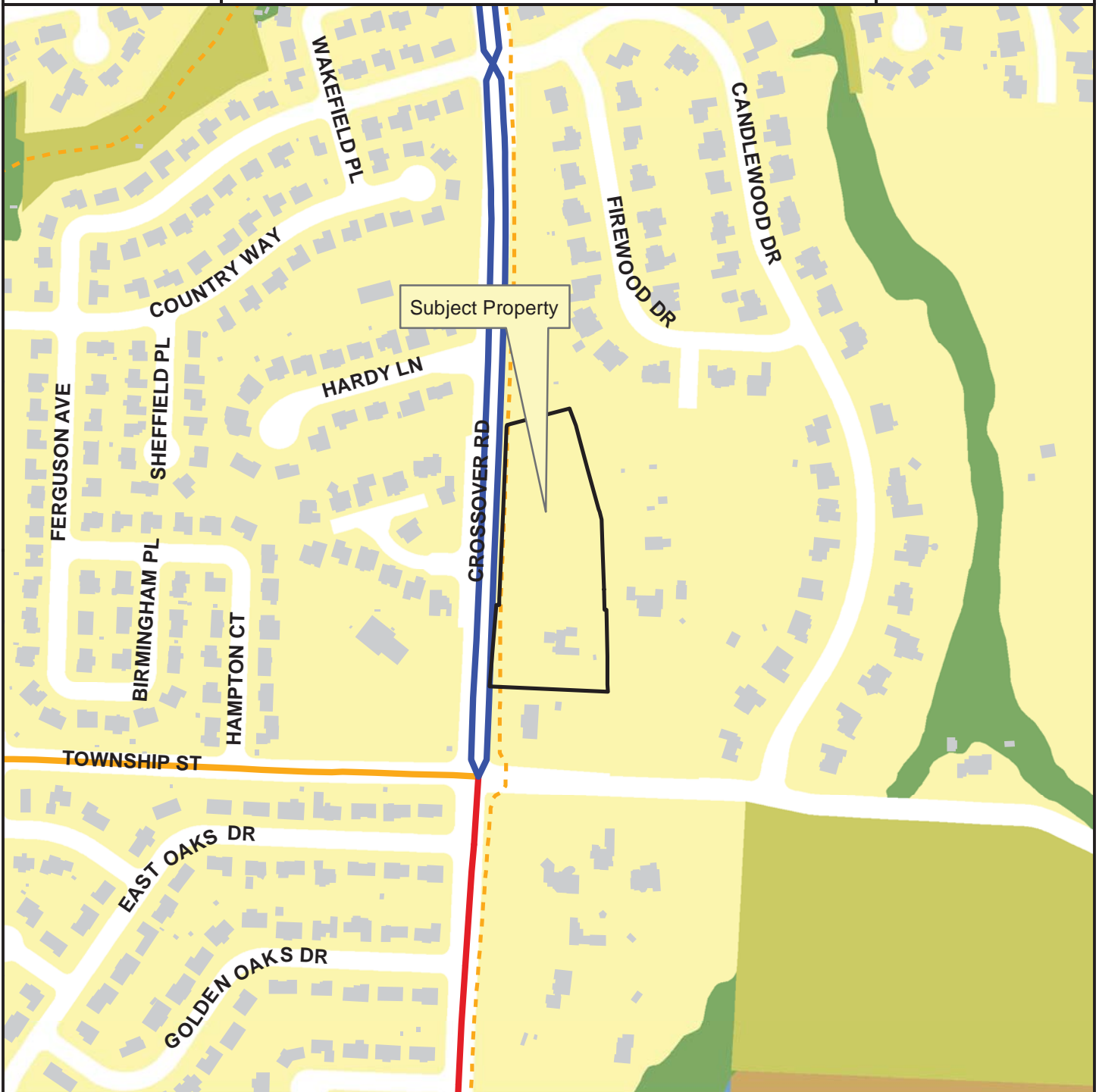
-  100-Year Floodplain
-  Floodway

RZN17-6034

JERRY JONES

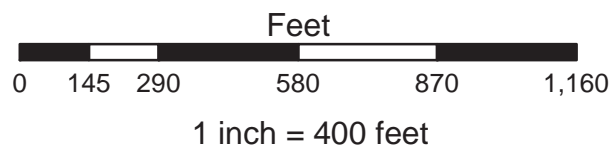


Future Land Use



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional