

City of Fayetteville Staff Review Form

2020-0265

Legistar File ID

4/7/2020

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

Garner Stoll

3/20/2020

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 20-6984: Rezone (2160 N. CROSSOVER RD./SALMON-KLINGER, 333-372): Submitted by JORGENSEN & ASSOCIATES, INC. for property located at 2160 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, R-O, RESIDENTIAL-OFFICE, AND C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.25 acres. The request is to rezone portions of the property from R-O to CS and from RSF-4 to NS-G.

Budget Impact:

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

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF APRIL 7, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director

FROM: Jonathan Curth, Development Review Manager

DATE: March 20, 2020

SUBJECT: **RZN 20-6984: Rezone (2160 N. CROSSOVER RD./SALMON-KLINGER, 333-372):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located at 2160 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, R-O, RESIDENTIAL-OFFICE, AND C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.25 acres. The request is to rezone portions of the property from R-O to CS and from RSF-4 to NS-G.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located on the east side of Crossover Road/Highway 265, between Kantz and Citizens Drive to the north and south. Overall, the property includes one parcel split zoned R-O, Residential Office, and C-1, Neighborhood Commercial, and a portion of second parcel to the north zoned RSF-4, Residential Single-family 4 Units per Acre. The property is currently undeveloped and used periodically for firework sales and as mobile vendor location, Despite the appearance of substantial lot depth from Crossover Road, the side is encumbered with extensive right-of-way and easement near the street and floodplain with associated streamside protection zones along Flynn Creek to the east.

Request: The request is to rezone the 2.25-acre property to a mixture of NS-G and CS. The southern portion of the property, totaling 1.94 acres is proposed as CS, while the remaining 0.31 acres is proposed as NS-G. The applicant has indicated that the request is to encourage nonresidential development, including for drive-thru use.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding mixture of existing nonresidential and residential uses. The immediate area contains a range of development types, including single-family to the north and east, multi-family to the northwest, mixed-use office-residential and auto-oriented businesses to the west, and bank offices to the south. The proposal of CS compliments all the adjacent nonresidential uses while segueing to the

lower-intensity, nonresidential development allowances in NS-G adjacent to the residential uses to the north.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding property is a mixture of Residential and City Neighborhood Areas. One of the primary goals of City Plan 2040 is for zoning decisions to be made that help create complete neighborhoods and make compact, complete, and connected neighborhoods the standard. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This policy is embedded in the description of both the Residential and City Neighborhood Areas by supporting a wide variety of uses and densities, particularly along connecting corridors, like Crossover Road. The proposed rezoning to CS and NS-G on the subject property address this goal by permitting a wide spectrum of residential and non-residential uses. Both districts accommodate the potential for mixed-use developments that encourage walkability and less dependence on vehicles for transportation.

The proposed rezoning also addresses City Plan 2040's prioritization of appropriate infill and the discouragement of suburban sprawl. While development under either the existing or proposed zoning districts may reduce the need to extend water and sewer service, or stretch existing fire and police department resources, the CS and R-O zoning districts and their variety of allowed uses can reduce the firm separation of land uses that result in sprawling development.

DISCUSSION:

On March 9, 2020, the Planning Commission inquired if the applicant if they would entertain modifying their request from a zoning designation of R-O to NS-G. The applicant agreed and forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. Additionally, the Commission recommended the portion of the property to remain R-O, Residential Office, be considered for rezoning to NS-G. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

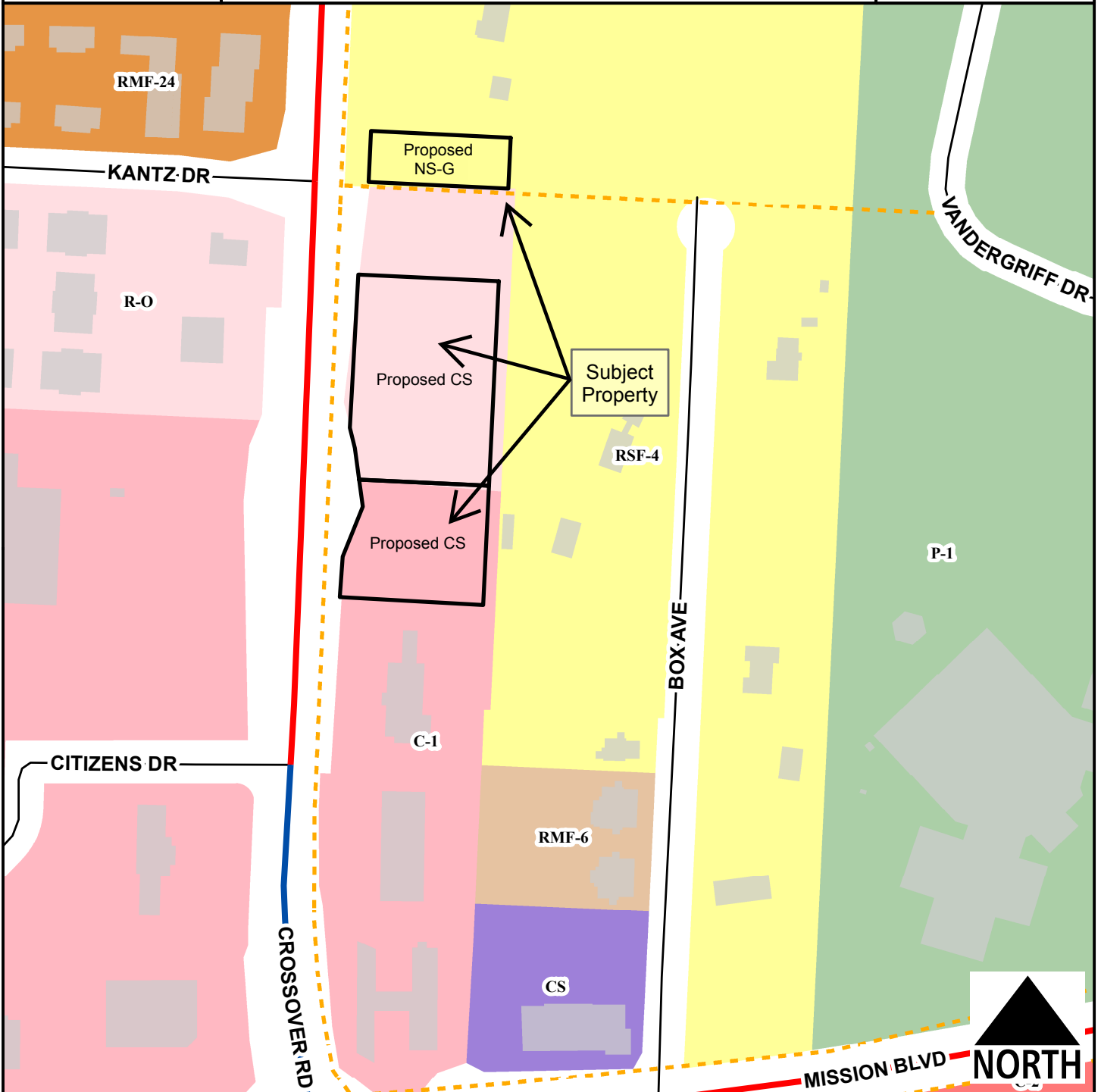
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN20-6984

KLINGER

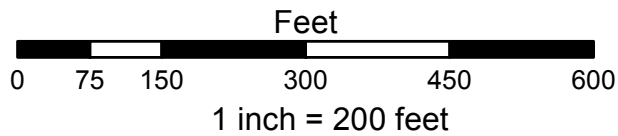
**20-6984
EXHIBIT 'A'**

Close Up View



Legend

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



Zoning Acres

CS	1.9
R-O	0.3

Total	2.2
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20-6984
EXHIBIT 'B'

LEGAL DESCRIPTION – Parcel # 765-13321-001 Lot 2 (C-1 to CS):

PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 1 AND PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 2, ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 1, AS SHOWN ON THE RECORDED PLAT 2005-45594 IN THE OFFICE OF THE CIRCUIT CLERK FOR WASHINGTON COUNTY, ARKANSAS; THENCE S03-11-40W 340.50 FEET THENCE, S13-47-37E 28.65 FEET THENCE, S07-49-09-E 43.70 FEET TO THE P.O.B.; THENCE S87-13-45E 178.69 FEET THENCE, S02-45-23W 164.10 FEET THENCE, N86-47-38-W 197.44 FEET THENCE, N04-06-23E 55.58 FEET THENCE, N21-56-44E 74.10 FEET THENCE, N07-49-09W 37.69 FEET TO THE P.O.B. CONTAINING 0.70 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LEGAL DESCRIPTION – Parcel # 765-13321-001 Lot 2 (R-O to CS):

PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 1 AND PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 2, ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 1, AS SHOWN ON THE RECORDED PLAT 2005-45594 IN THE OFFICE OF THE CIRCUIT CLERK FOR WASHINGTON COUNTY, ARKANSAS; THENCE S03-11-40W 129.47 FEET TO THE P.O.B.; THENCE S87-13-45E 193.25 FEET, THENCE S02-45-23W 281.48 FEET, THENCE N87-13-45W 178.69 FEET TO THE EAST RIGHT OF WAY OF HWY 265, THENCE ALONG SAID RIGHT OF WAY N07-49-09W 43.69 FEET, THENCE N13-47-37W 28.65 FEET, THENCE N03-11-40E 211.08 FEET TO THE P.O.B. CONTAINING 1.24 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

LEGAL DESCRIPTION – Parcel #765-04570-000 Lot 4 (RSF-4 to R-Q): NS-G, per the March 9, 2020 Planning Commission meeting

A PART OF LOT 4 OF CROSSROADS EAST IN BLOCK 2 IN FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND Ex-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SW

CORNER OF SAID LOT 4, SAID POINT BEING THE POINT OF BEGINNING, THENCE N02-46-30E 69.98 FEET, THENCE S87-13-45E 192.26 FEET, THENCE S02-46-15W 70.00 FEET, THENCE N87-13-45W 192.26 FEET, TO THE P.O.B., CONTAINING 0.308 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



TO: Fayetteville Planning Commission

FROM: Jonathan Curth, Development Review Manager

MEETING DATE: March 9, 2020 (Updated with Planning Commission Results)

SUBJECT: **RZN 20-6984: Rezone (2160 N. CROSSOVER RD./SALMON-KLINGER, 333-372):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located at 2160 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, R-O, RESIDENTIAL-OFFICE, AND C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 2.25 acres. The request is to rezone portions of the property from R-O to CS and from RSF-4 to R-O.

RECOMMENDATION:

Staff recommends forwarding **RZN 20-6984** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN 20-6984** to the City Council with a recommendation of approval."

BACKGROUND:

The subject property is located on the east side of Crossover Road/Highway 265, between Kantz and Citizens Drive to the north and south. Overall, the property includes one parcel split zoned R-O, Residential Office, and C-1, Neighborhood Commercial, and a portion of second parcel to the north zoned RSF-4, Residential Single-family 4 Units per Acre. The property is currently undeveloped and used periodically for firework sales and as mobile vendor location, Despite the appearance of substantial lot depth from Crossover Road, the side is encumbered with extensive right-of-way and easement near the street and floodplain with associated streamside protection zones along Flynn Creek to the east. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Nonresidential (Largely Undeveloped)	C-1, Neighborhood Commercial
East	Hiland Dairy Processing Plant	RSF-4, Residential Single-family, 4 Units per Acre
West	Multi-family Residential; Single-family Residential; Mixed-use Office/Residential; Drive-thru Restaurant (under construction)	RMF-24, Residential Multi-family, 24 Units per Acre; R-O, Residential Office; C-1, Neighborhood Commercial

Request: The request is to rezone the 2.25-acre property to a mixture of R-O and CS. The southern portion of the property, totaling 1.94 acres is proposed as CS, while the remaining 0.31 acres is proposed as R-O. The applicant has indicated that the request is to encourage nonresidential development, including for drive-thru use.

Public Comment: Staff has received no public comment regarding this request.

INFRASTRUCTURE:

Streets: The subject parcel has direct access to North Crossover Road/Highway 265. Crossover is a fully-improved Regional Link with asphalt paving, curb and gutter, and sidewalk along the property's frontage. Any drainage or street improvements required would be determined at the time of development proposal.

Water: Public water is available to the site. Existing 2-inch and 12-inch water mains run along the property's Crossover Road frontage.

Sewer: Public sanitary sewer is available to the site from an existing 8-inch sewer main that runs along the property's eastern boundary. A variance of the streamside protection ordinance will have to be granted to connect to the main on this property given it must cross Flynn Creek. The City would prefer connection to be made on or near the northernmost manhole.

Drainage: No portion of the site lies within the Hilltop-Hillside Overlay District. With the presence of Flynn Creek along the eastern extents of this property, portions of the property are within FEMA floodway and floodplain, and protected Streamside Protection Zones. Additionally, hydric soils have been identified on the subject property. Improvements or requirements for drainage would be determined at the time of development.

Fire: The site will be protected by Station 5, located at 2979 North Crossover Road, which is approximately 1.0 mile from the subject property. The anticipated response time would be approximately 4.2 minutes. This is within the response time goal of 6 minutes for an engine but within the 8-minute response time goal for a ladder truck.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area** and **City 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, multi-family, and rowhouses. Development is encouraged to be highly-connected, with compact blocks, grid street pattern and reduced setbacks. Low-intensity non-residential uses are encouraged at appropriate locations, such as on corners and connecting corridors.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.

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 generally compatible with the surrounding mixture of existing nonresidential and residential uses. The immediate area contains a range of development types, including single-family to the north and east, multi-family to the northwest, mixed-use office-residential and auto-oriented businesses to the west, and bank offices to the south. The proposal of CS compliments all the adjacent nonresidential uses while segueing to the lower-intensity, nonresidential development allowances in R-O adjacent to the residential uses to the north.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates the subject and surrounding property is a mixture of Residential and City Neighborhood Areas. One of the primary goals of City Plan 2040 is for zoning decisions to be made that help create complete neighborhoods and make compact, complete, and connected neighborhoods the standard. A complete neighborhood should provide a mix of uses and housing types where residents can live, work, and play all in the same neighborhood. This policy is embedded in the description of both the Residential and City Neighborhood Areas by supporting a wide variety of uses and densities, particularly along connecting corridors, like Crossover Road. The proposed rezoning to CS and R-O on the subject property address this goal by permitting a wide spectrum of residential and non-residential uses. Both districts accommodate the potential for mixed-use developments that encourage walkability and less dependence on vehicles for transportation.

The proposed rezoning also addresses City Plan 2040's prioritization of appropriate infill and the discouragement of suburban sprawl. While development under either the existing or proposed zoning districts may reduce the need to extend water and sewer service, or stretch existing fire and police department resources, the CS and R-O zoning districts and their variety of allowed uses can reduce the firm separation of land uses that result in sprawling development.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate development of the property in accordance with the goals outlined in the City's comprehensive plan. Also, the proposed zoning district can beneficially increase residential densities along a major corridor and provide convenience goods and personal services for persons living in the surrounding residential areas, or even in mixed-use development on the subject property itself. Lastly, the reduced building setbacks of the proposed zoning districts can offer flexibility to developers who are encumbered with large easements and the need to observe streamside protection areas.

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

Finding: The site has access to Crossover Road, a state highway and Regional Link under the Master Street Plan. Given access to the nearby traffic light at Mission Boulevard and the required review of any future development under the access management standards, staff finds that the potential for traffic danger and congestion is limited.

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 from RAF-4 and C-1 to R-O and CS may increase the future population density, particularly given the allowance for greater density under R-O and the full spectrum of residential uses under the CS zoning district. That said, the subject property is in an area where increased density is appropriate and desired. Additionally, the subject property has limited potential for adverse impact on infrastructure given impediments to out-sized development that include significant easements along Crossover and streamside protection requirements associated with Flynn Creek.

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 20-6984 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>March 9, 2020</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: Johnson, forwarding the request to the City Council and recommending NS-G, #1 Neighborhood Services, General, in place of the proposed R-O.
Second: Belden
Vote: 8-0-0 <i>See Page 5 for Motion #2</i>

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-family, 4 Units per Acre
 - §161.20 – R-O, Residential-Office
 - §166.21 – C-1, Neighborhood Commercial
 - §161.22 – CS, Community Services
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

Motion: Johnson, recommending that the portion of parcel #765-13321-001 #2 currently zoned R-O and not proposed for rezoning, be considered for zoning to NS-G.

Second: Belden

Vote: 8-0-0



161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses .*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-2019)

161.20 - District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses .*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development

(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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density .*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum .*

Manufactured home park	3 acres
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Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; 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, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6164](#), §§1, 2, 3, 4-2-19; [Ord. No. 6245](#), §2, 10-15-2019)

161.21 - District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses .*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None

Side, when contiguous to a residential district	10 feet
Rear	20 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations* .

Building Height Maximum	5 stories
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If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories 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 two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area*. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; 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, 7, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6164](#), §§1, 4, 5, 4-2-19; Ord. No. [6223](#), §1, 9-3-19; [Ord. No. 6245](#), §2, 10-15-2019)

161.22 - Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

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 permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods

Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density* . None.

(D) *Bulk and Area Regulations* .

(1) *Lot Width Minimum*.

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum*. None.

(E) *Setback regulations* .

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage*. 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; 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, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6223](#), §1, 9-3-19)



February 19, 2020

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

RZN 20-6984
**Request
Letter**

Attn: Development Services
Re: Klinger Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-13321-001 (Timothy & Christine Klinger)
 - b. 765-04570-000 (Salmon Family Trust)
- B. Currently this property is zoned C-1 & R-O. The south half of this parcel is C-1 and the north half is R-O. The reason for the requested CS zoning is to allow this property to be suitable for development for commercial for the intended tenants. The proposed tenants would not be able to develop this piece under R-O due to drive thru requirements and allowed uses under R-O zoning. The parcel to the north is zoned RSF-4 and 70' of this parcel is being proposed to be rezoned to R-O to allow development.
- C. The property due west is zoned both C-1 & R-O. The property to the north and west is R-SF4 and due south is C-1. The proposed use of Zone C-1 will not adversely impact adjacent land uses and would be similar uses & traffic that are already in this area.
- D. Existing water and sewer already installed to serve these lots.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development.
- F. CS & R-O are the only zoning's that would allow development for the proposed tenants.
- G. Crossover Road has ample capacity to get cars to the north and south as well as east and west via the light at the intersection of Hwy 45 & 265.
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services.
- I. R-O or RSF-4 is not the appropriate zoning for the needed commercial development.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

Jorgensen + Associates

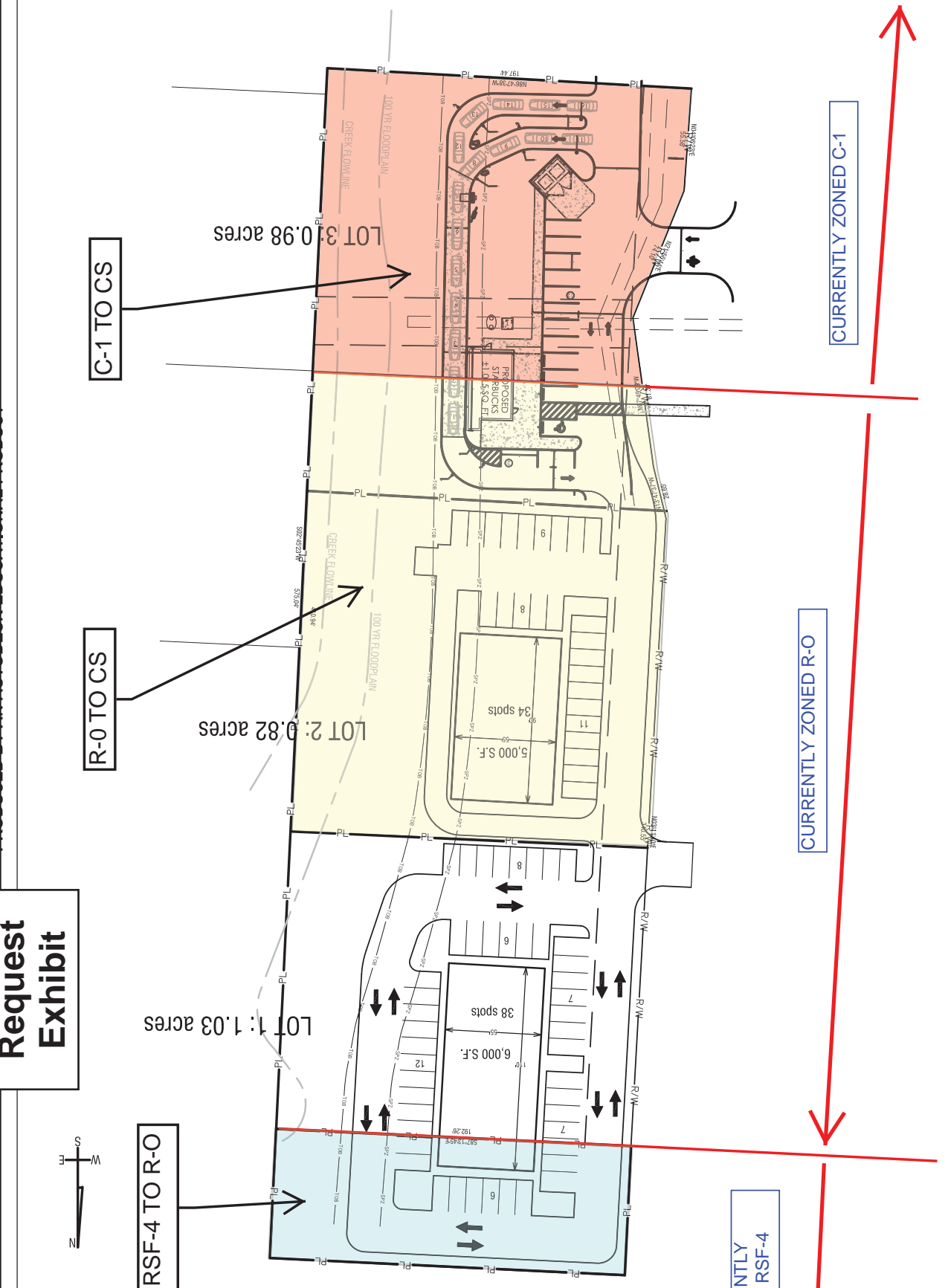


JORGENSEN + ASSOCIATES
Civil Engineering - Surveying
Landscape Architecture Services
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

PROJECT TITLE: 124 W Sunbridge Drive, Suite 5
LOCATION: FAYETTEVILLE, AR
SHEET TITLE:
SHEET SCALE: 1"=50'
DATE: 1.1.2015
PROJECT FILE: ZLS/D/PRVFR

SHEET # 1

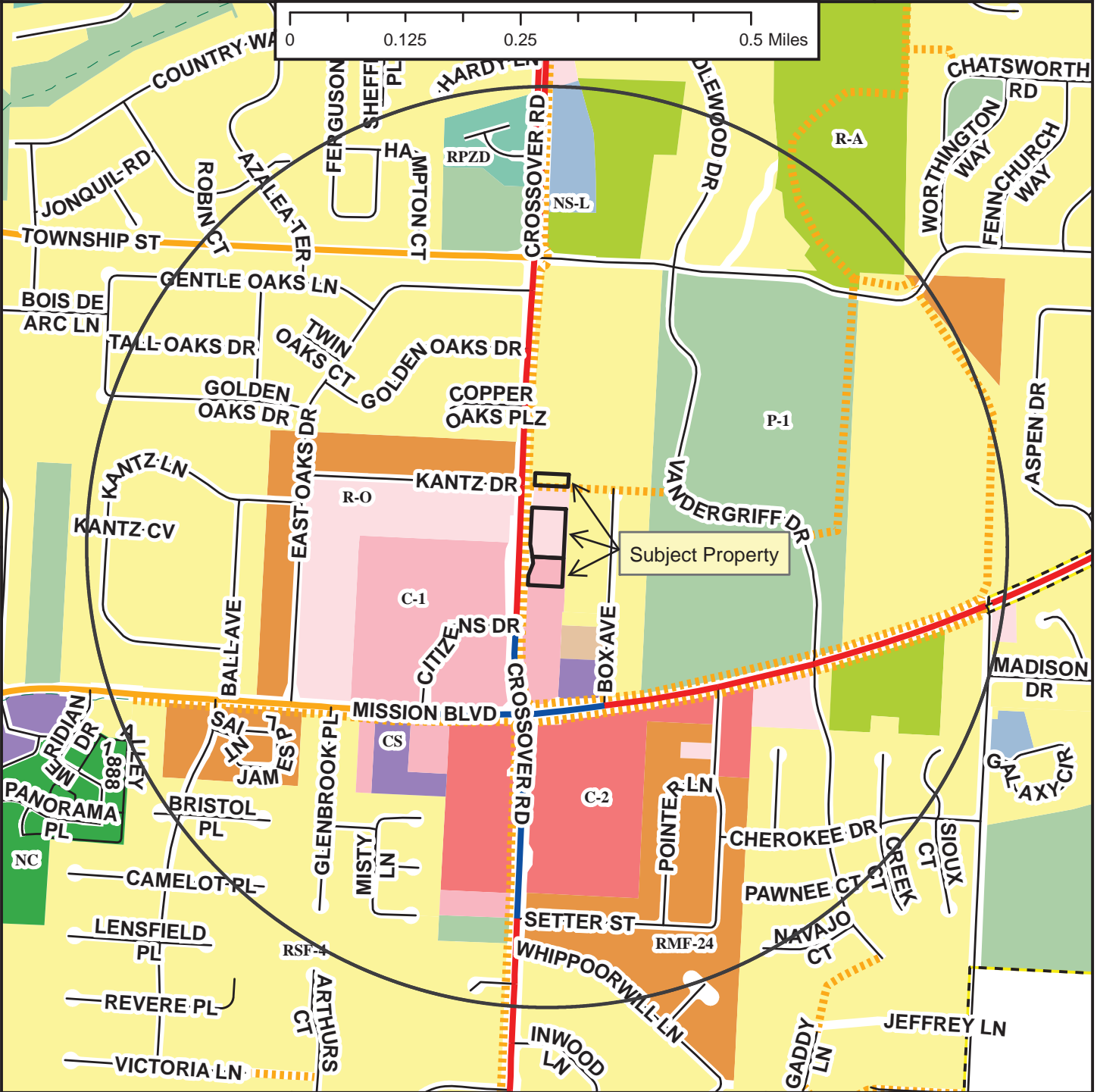
**RZN 20-6984
Request
Exhibit**



RZN20-6984

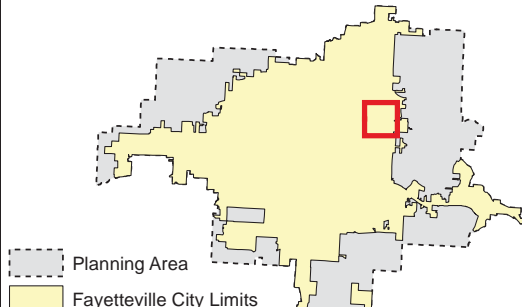
KLINGER

One Mile View



Legend

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

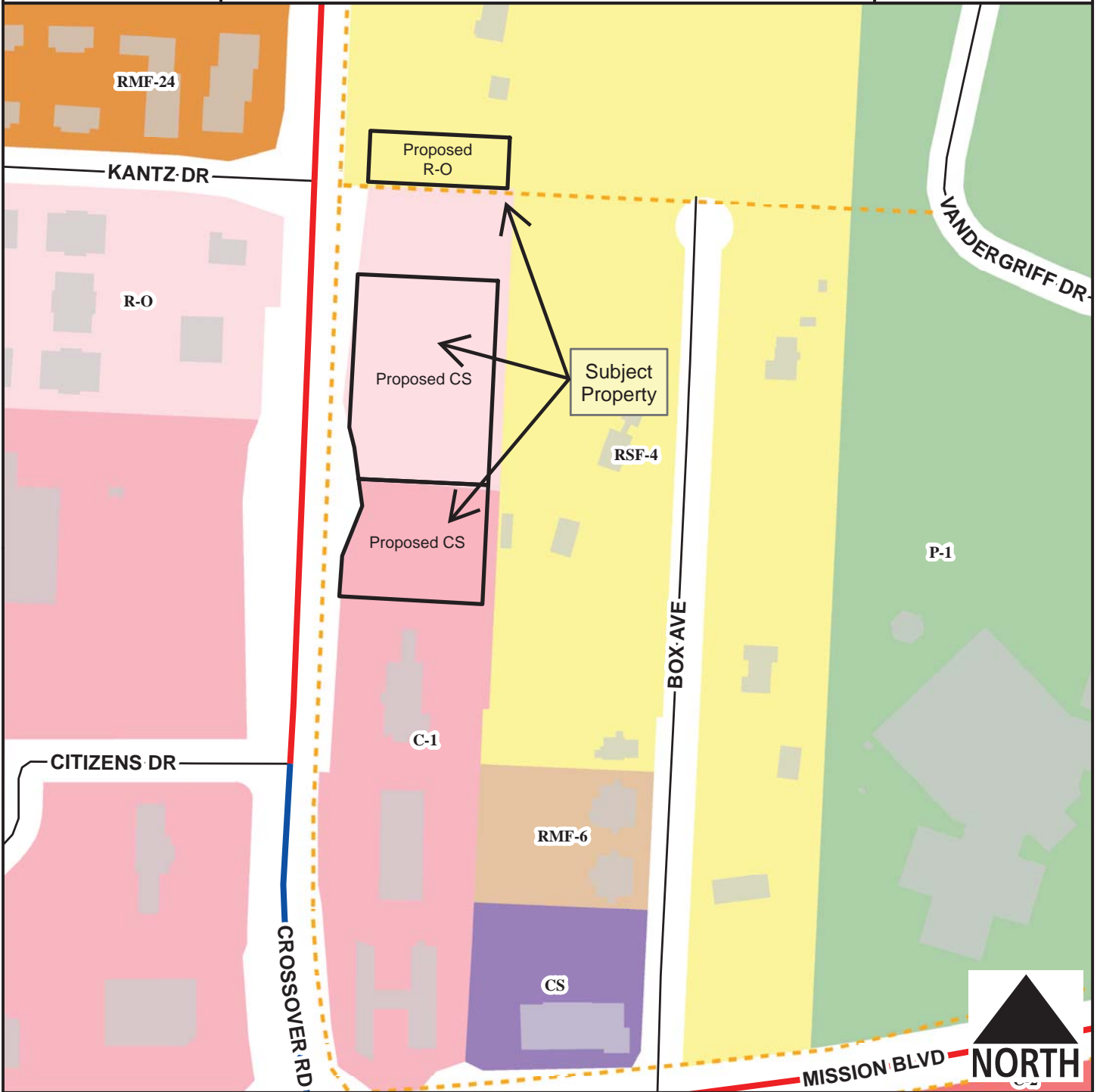


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - R1-U
 - R1-2
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-16
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
 - E-1
- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
 - INSTITUTIONAL**
 - P-1

RZN20-6984

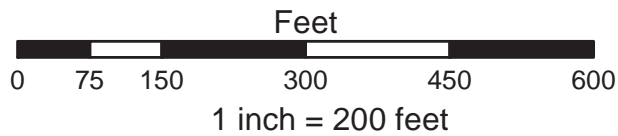
KLINGER

Close Up View



Legend

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



Zoning Acres

CS	1.9
R-O	0.3

Total	2.2
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RZN20-6984

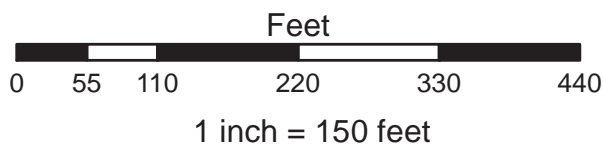
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Current Land Use



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



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway