

July 31, 2020

VIA E-MAIL cityclerk@fayetteville-ar.gov

Kara Paxton, City Clerk  
City of Fayetteville  
113 W. Mountain Street, Rm. 308  
Fayetteville, Arkansas 72701

Re: RZN20-7140 (5152 W. Wedington Drive) Appeal Request  
Addendum to Appeal Letter Dated July 29, 2020

Dear Ms. Paxton:

Pursuant to correspondence from Assistant City Attorney Blake Pennington please accept this addendum to our appeal and place this as part of the appeal record.

The Petitioner believes the Planning Commission's refusal to recommend approval of the rezoning was in error and contrary to Unified Development Code 154.03 in that the rezoning request was compatible with neighboring property in light of the future plans of the City and recommendation of the Planning Department.

I thank you in advance.

Sincerely yours,

*/s/ Robert K. Rhoads*

Robert K. Rhoads

RKR:slt

Cc: Jonathan Curth  
Jessie Masters  
Blake Pennington



**MEETING OF SEPTEMBER 1, 2020**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Jessie Masters, Senior Planner

**DATE:** August 14, 2020

**SUBJECT:** **RZN 20-7140: Rezone (5152 W. WEDINGTON DR./DEDUSHAJ, 437):** Submitted by ENGINEERING SERVICES, INC. for property located at 5152 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 6.91 acres. The request is to rezone 0.97 acres of the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL and 4.79 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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**RECOMMENDATION:**

City Planning staff recommends approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'. The Planning Commission denied the proposal and the applicant has appealed the decision to City Council.

**BACKGROUND:**

The subject property is located in west Fayetteville on the south side of W. Wedington Drive, about 1 mile west of N. Ruple Road. The subject property is a residential lot containing approximately 6.91 acres, is zoned R-A, Residential Agricultural, and currently has one single-family dwelling on site that was built in 1956. The property has approximately 250 feet of frontage along W. Wedington Drive, and is currently surrounded by low-density residential and agricultural land. The property is adjacent to the western-most boundary of the Wedington Corridor Planning Area, but no part of the parcel in question actually falls within the stated boundary. In 2019, the Planning Commission forwarded a proposed planned zoning district for mini-storage on the property to the City Council. This was subsequently withdrawn before final Council action was taken.

*Request:* The request is to rezone portions of the property from R-A, Residential-Agricultural, to NS-G, Neighborhood Services – General, RI-U, Residential Intermediate – Urban. The remaining portions will stay R-A, Residential-Agricultural.

*Public Comment:* Staff has received no public comment on the item.

*Land Use Compatibility:* The property in question is currently flanked on all sides by low-density, single-family residential and agricultural land, so any request to upzone the area may seem out-

of-scale given the current built environment. Despite the rural surroundings, staff feels comfortable supporting the updated request given the long-term land use plans for the area. The property is located on the fully-improved Regional Link of W. Wedington Drive, which has a design service volume of 17,600 vehicles per day, leading staff to believe that the existing infrastructure can absorb an increased vehicle load. Even with some commercial by-right uses, for noise ordinance and zoning intent purposes, NS-G is considered by code to be a residential zoning district, in alignment with future land use plans for the area, and does offer the advantage of a build-to-zone and additional flexibility in uses as opposed to strictly residential single-family districts. The location along Wedington makes some commercial activity such as those uses permitted by-right in NS-G appropriate, and limiting the scope of the request for NS-G to 0.97 acres also prevents the entire site from being developed commercially. Placing RI-U zoning behind, or to the south of NS-G zoning allows for a gradient approach to the site, and provides potential walkable amenities to any residential development that should come through in the portion zoned RI-U.

*Land Use Plan Analysis:* Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types and low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. Given this property's location along W. Wedington Drive, staff finds that the by-right non-residential uses permitted in NS-G are in alignment with the long-term land use designation for the area. Additionally, the site is located approximately 600 feet from a City Neighborhood land use designation as part of the Wedington Corridor Planning Area, a distance that is easily walkable from the proposed site. Bringing more rooftops to the area will help support any future commercial uses that may come forward as associated with the nearby City Neighborhood designation. Although the infill matrix score is low, staff still finds that the area and its infrastructure can support future development. Staff is also in support of keeping the area to the farthest south zoned R-A to protect Owl Creek, and maintain compatibility with the Future Land Use Map designation of Natural Area for that portion of the site. Given the future land use plans for the area, staff finds this to be a compatible zoning request.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates a varying score between 2 and 4 for the subject property. The following elements of the matrix contribute to the score:

- Near Sewer Main (W. Wedington Drive)
- Near Paved Trail (W. Wedington Drive)
- Near Water Main (W. Wedington Drive)
- 4 Minute Fire Department Response time (Fire Station #7, 835 N. Ruppel Road)

#### **DISCUSSION:**

This item was originally heard at the July 13 Planning Commission meeting, where it was tabled by a vote of 9-0-0 to allow the applicant time to discuss alternatives with staff. The initial request was to rezone the property NS-L, Neighborhood Services limited. Discussion at that meeting centered around what type of commercial land use would be appropriate at that site, given its

location between Tier 2 and Tier 3 centers of City Plan 2040's Growth Concept Map and its designation as a Residential Neighborhood Area. Commissioners tended toward a proposal that was nuanced and finer-grained, rather than one zoning district on the whole site. On July 27, 2020, the Planning Commission unanimously denied the revised rezoning request by a vote of 9-0-0. Commissioners had several comments about the proposal. Though they appreciated the applicant's attempt at a more nuanced approach to the site, they primarily expressed concern about appropriate commercial activity along Wedington Drive in between Tier 2 and Tier 3 centers, about compatibility with adjacent land uses, the lack of density cap associated with RI-U zoning, and a lack of reliability in the design without a proposed PZD. No public comment was issued on the request.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

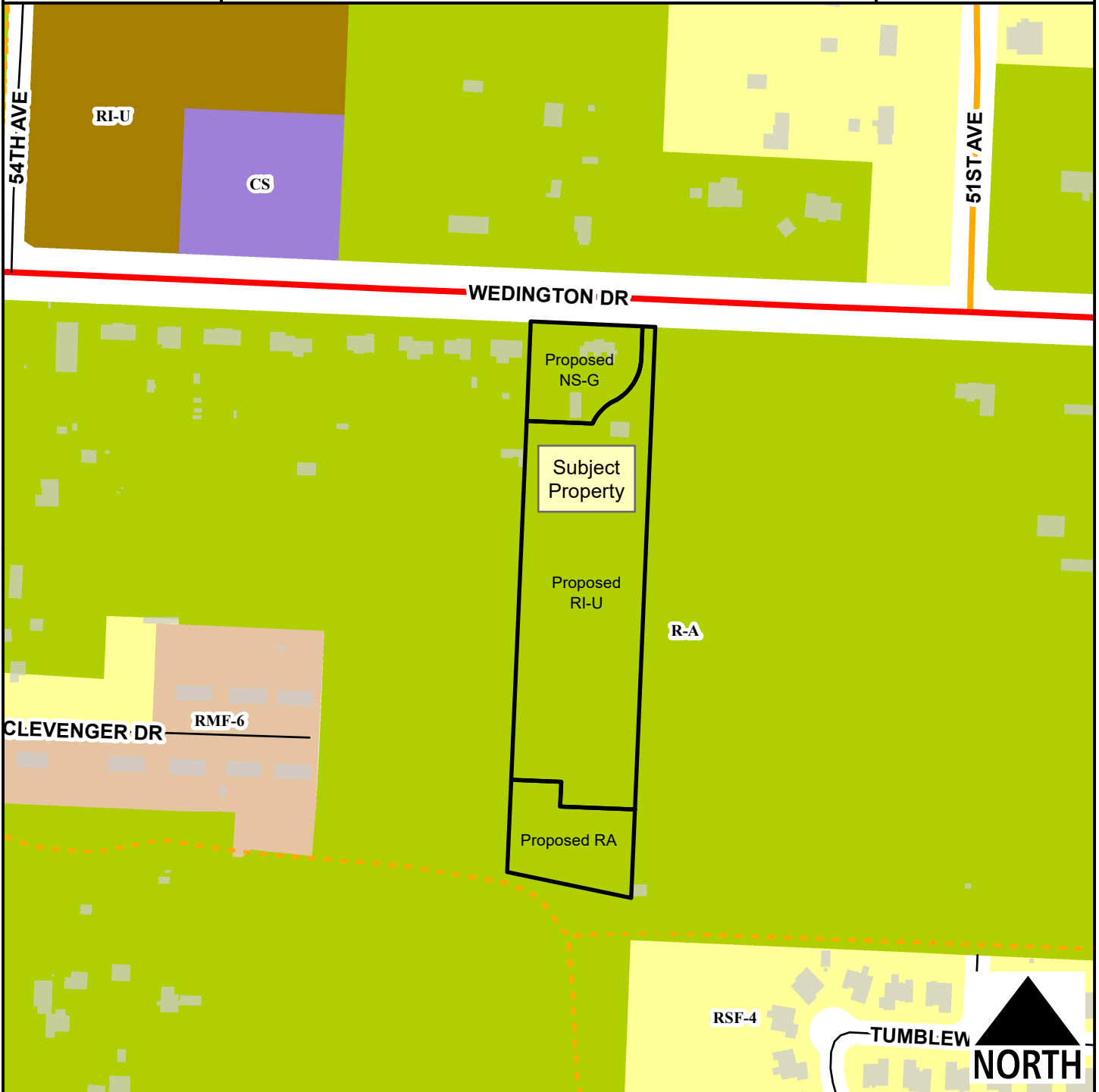
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN20-7140

# DEDUSHAJ

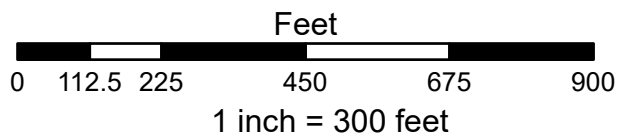
**20-7140  
EXHIBIT 'A'**

Close Up View



### Legend

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



### Zoning Acres

RI-U	4.8
NS-G	1.0
R-A	1.1

**Total 6.9**

**20-7140**  
**EXHIBIT 'B'**

**ZONING DESCRIPTION – R-A TO RI-U:**

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION ELEVEN (11), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 11; THENCE S02°25'19"W A DISTANCE OF 52.9 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST WEDINGTON DRIVE AND THE **POINT OF BEGINNING**; THENCE LEAVING SAID RIGHT OF WAY LINE, S02°25'19"W A DISTANCE OF 996.20 FEET; THENCE N87°46'27"W A DISTANCE OF 154.15 FEET; THENCE N02°37'13"E A DISTANCE OF 51.12 FEET; THENCE N87°35'18"W A DISTANCE OF 103.23 FEET; THENCE N02°26'51"E A DISTANCE OF 740.76 FEET; THENCE S87°33'09"E A DISTANCE OF 135.94 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, AN ARC LENGTH OF 59.59 FEET AND A CHORD BEARING AND DISTANCE OF N41°37'22"E – 58.71 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 103.71 FEET, AN ARC LENGTH OF 114.45 FEET AND A CHORD BEARING AND DISTANCE OF N34°33'00"E – 108.73 FEET; THENCE N02°25'19"E A DISTANCE OF 67.34 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST WEDINGTON DRIVE; THENCE ALONG SAID RIGHT OF WAY LINE, S87°34'49"E A DISTANCE OF 26.00 FEET TO THE **POINT OF BEGINNING**, CONTAINING 4.79 ACRES, MORE OR LESS.

**ZONING DESCRIPTION – R-A TO NS-G:**

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION ELEVEN (11), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 11; THENCE S02°25'19"W A DISTANCE OF 52.9 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST WEDINGTON DRIVE; THENCE ALONG SAID RIGHT OF WAY LINE N87°34'49"W A DISTANCE OF 26.00 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID RIGHT OF WAY LINE, S02°25'19"W A DISTANCE OF 67.34 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 103.71 FEET, AN ARC LENGTH OF 114.45 FEET AND A CHORD BEARING AND DISTANCE OF S34°33'00"W – 108.73 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET, AN ARC LENGTH OF 59.59 FEET AND A CHORD BEARING AND DISTANCE OF

S41°37'22"W – 58.71 FEET; THENCE N87°33'09"W A DISTANCE OF 135.94 FEET; THENCE N02°26'51"E A DISTANCE OF 204.85 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST WEDINGTON DRIVE; THENCE ALONG SAID RIGHT OF WAY LINE, S87°34'49"E A DISTANCE OF 230.78 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.97 ACRES, (42,117 SQUARE FEET) MORE OR LESS.

**ZONING DESCRIPTION – R-A (NO CHANGE):**

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION ELEVEN (11), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 11; THENCE S02°25'19"W A DISTANCE OF 52.9 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF WEST WEDINGTON DRIVE; THENCE LEAVING SAID RIGHT OF WAY LINE, S02°25'19"W A DISTANCE OF 996.20 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUING S02°25'19"W A DISTANCE OF 182.59 FEET; THENCE N78°04'56"W A DISTANCE OF 260.86 FEET; THENCE N02°26'51"E A DISTANCE OF 190.14 FEET; THENCE S87°35'18"E A DISTANCE OF 103.23 FEET; THENCE S02°37'13"W A DISTANCE OF 51.12 FEET; THENCE S87°46'27"E A DISTANCE OF 154.15 FEET TO THE **POINT OF BEGINNING**, CONTAINING 1.07 ACRES, MORE OR LESS.



**TO:** Fayetteville Planning Commission

**THRU:** Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

**MEETING DATE:** July 27, 2020 **Updated with July 27, 2020 PC hearing results**

**SUBJECT:** **RZN 20-7140: Rezone (5152 W. WEDINGTON DR./DEDUSHAJ, 437):** Submitted by ENGINEERING SERVICES, INC. for property located at 5152 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 6.91 acres. The request is to rezone 0.97 acres of the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL and 4.79 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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**RECOMMENDATION:**

Staff recommends forwarding RZN 20-7140 to City Council with a recommendation for approval.

**RECOMMENDED MOTION:**

"I move to forward RZN 20-7140 to City Council with a recommendation for approval."

**JULY 13, 2020 PLANNING COMMISSION:**

This item was last heard at the July 13<sup>th</sup> Planning Commission meeting, where it was tabled by a vote of 9-0-0 to allow the applicant time to discuss alternatives with staff. The initial request was to rezone the entire property to NS-L, Neighborhood Services - Limited. Discussion at that meeting centered around what type of commercial land use may be appropriate at that site, given its location between Tier 2 and Tier 3 centers, and is a designated Residential Neighborhood Area per City Plan 2040. Commissioners tended towards a proposal that was nuanced and finer-grained, rather than one zoning district applied to the whole site. No public comment was given on this item. The applicant came to staff in the interim with an updated proposal that is outlined in the subject of this memo and staff is recommending approval.

**BACKGROUND:**

The subject property is located in west Fayetteville on the south side of W. Wedington Drive, about 1 mile west of N. Ruppel Road. The subject property is a residential lot containing approximately 6.91 acres, is zoned R-A, Residential Agricultural, and currently has one single-family dwelling on site that was built in 1956. The property has approximately 250 feet of frontage along W. Wedington Drive, and is currently surrounded by low-density residential and agricultural land. The property is adjacent to the western-most boundary of the Wedington Corridor Planning Area, but no part of the parcel in question actually falls within the stated boundary. In 2019, the Planning Commission forwarded a proposed planned zoning district for mini-storage on the property to the City Council. This was subsequently withdrawn before final Council action was taken. Surrounding land uses and zoning is depicted in *Table 1*.



**Table 1  
Surrounding Land Use and Zoning**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Single-Family Residential/ Agricultural	R-A, Residential-Agricultural
South	Single-Family Residential/ Agricultural	R-A, Residential-Agricultural
East	Single-Family Residential/ Agricultural	R-A, Residential-Agricultural
West	Single-Family Residential/ Undeveloped	R-A, Residential-Agricultural

**Request:** The request is to rezone portions of the property from R-A, Residential-Agricultural, to NS-G, Neighborhood Services – General, RI-U, Residential Intermediate – Urban. The remaining portions will stay R-A, Residential-Agricultural.

**Public Comment:** Staff has received no public comment.

**INFRASTRUCTURE:**

**Streets:** This property has frontage to W. Wedington Drive. W. Wedington Drive is a fully improved Regional Link with asphalt paving, curb and gutter, and trail along the property’s frontage. Any street improvements or requirements for drainage will be determined at time of development.

**Water:** Public water is available to this parcel. An existing 18-inch water main is present along W. Wedington Drive that can serve parcel 765-16190-000.

**Sewer:** Sanitary Sewer is available to this parcel. Existing 6-inch and 12-inch sanitary sewer mains are present on this parcel.

**Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. Hydric soils appear to be present throughout portions of the subject area. No portion of the property is within the Hillside-Hilltop Overlay District. The southern portion of the subject area lies within a FEMA Regulated Floodway and 100-year Floodplain. There is also a protected Stream present in the subject area, Owl Creek.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7 located at 835 N. Ruple Road protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

**Police:** The Police Department expressed no concerns with this request.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Area**.

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 2-4 for this site, with a weighted score of 3.5 at the highest level. The following elements of the matrix contribute to the score:

- Near Sewer Main (W. Wedington Drive)
- Near Paved Trail (W. Wedington Drive)
- Near Water Main (W. Wedington Drive)
- 4 Minute Fire Department Response time (Fire Station #7, 835 N. Ruppel Road)

#### 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 property in question is currently flanked on all sides by low-density, single-family residential and agricultural land, so any request to upzone the area may seem out-of-scale given the current built environment. Despite the rural surroundings, staff feels comfortable supporting the updated request given the long-term land use plans for the area. The property is located on the fully-improved Regional Link of W. Wedington Drive, which has a design service volume of 17,600 vehicles per day, leading staff to believe that the existing infrastructure can absorb an increased vehicle load. Even with some commercial by-right uses, for noise ordinance and zoning intent purposes, NS-G is considered by code to be a residential zoning district, in alignment with future land use plans for the area, and does offer the advantage of a build-to-zone and additional flexibility in uses strictly residential single-family districts. The location along Wedington makes some commercial activity such as those uses permitted by-right in NS-G appropriate, and limiting the scope of the request for NS-G to 0.97 acres also prevents the entire site from being developed commercially. Placing RI-U zoning behind, or to the south of NS-G zoning allows for a gradient approach to the site, and provides potential walkable amenities to any residential development that should come through in the portion zoned RI-U.

**Land Use Plan Analysis:** Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use

designation for this location. This area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types and low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. Given this property's location along W. Wedington Drive, staff finds that the by-right non-residential uses permitted in NS-G are in alignment with the long-term land use designation for the area. Additionally, the site is located approximately 600 feet from a City Neighborhood land use designation as part of the Wedington Corridor Planning Area, a distance that is easily walkable from the proposed site. Bringing more rooftops to the area will help support any future commercial uses that may come forward as associated with the nearby City Neighborhood designation. Although the infill matrix score is low, staff still finds that the area and its infrastructure can support future development. Staff is also in support of keeping the area to the farthest south zoned R-A to protect Owl Creek, and maintain compatibility with the Future Land U Map designation of Natural Area for that portion of the site. Given the future land use plans for the area, staff finds this to be a compatible zoning request.

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

**Finding:** At its current zoning of R-A, the property is currently under-zoned given its long-term land use designation as a Residential Neighborhood area. A combined rezone to NS-G and RI-U would increase allowable density and help meet the long-term land use plans for its intended designation.

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

**Finding:** Rezoning a portion of the property to NS-G and RI-U does have the potential to increase traffic along W. Wedington Road. However, W. Wedington Road is a fully improved Neighborhood Link with asphalt paving, off-street bike lanes, curb and gutter, storm drain, and sidewalk along the property's frontage. Traffic generated by a rezone of this nature would likely be absorbed by the existing infrastructure; W. Wedington Road has a current average daily traffic count of 14,000 observed to the east near Broyles Avenue. Staff does not find that the number of units would appreciably increase traffic danger along a Regional Link street, but recognizes that any necessary street improvements would be evaluated at the time of development. Any non-residential uses that may come through as a result of the rezone could also increase traffic to the area, but the by-right commercial uses are limited in nature; for instance, Use Unit 12b, General Business is limited to a building of 8000 sq. ft. Staff also feels that a nuanced approach to the site allows for the potential of walkability from the residential zoning of RI-U to the potentially limited commercial activity provided by NS-G.

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 a portion of the property from R-A to NS-G and RI-U would certainly increase the population density. However, the property currently has access to water and sewer, and other public services that would eliminate the need for costly extensions or stretched fire or police service associated with development on the urban periphery.

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 20-7140 to the City Council with a recommendation for approval.

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>
Date: <u>July 27, 2020</u> <input type="checkbox"/> Tabled <input type="checkbox"/> Forwarded <input checked="" type="checkbox"/> Denied
Motion: Hoffman
Second: Garlock
Vote: 9-0-0

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.03 - District R-A, Residential-Agricultural
  - §161.12 - District RI-U, Residential Intermediate - Urban
  - §161.19 - NS-G, Neighborhood Services - General
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**161.03 - District R-A, Residential-Agricultural**

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

**161.12 - District RI-U, Residential Intermediate - Urban**

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(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 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 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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\* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. [5945](#), §5(Exh. A), 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-19)



**161.19 - NS-G, Neighborhood Services - General**

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General 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-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
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 permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	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 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	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 per dwelling unit
All other uses	None

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. [5945](#), §7(Exh. A), 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6223](#), §1, 9-3-19)

July 22, 2020

City of Fayetteville Planning Department  
125 W Mountain Street  
Fayetteville, AR 72701

RE: Rezone Application 5152  
W Wedington Dr.  
Parcel ID: 765-16190-000

To whom it may concern,

Please let this letter serve as a narrative to accompany a rezone request. The project area requested to be rezoned is located at 5152 W Wedington Dr. and is parcel number 765-16190-000. It is located approximately 1300 linear feet west of S Broyles Avenue. The parcel is approximately 6.83 acres, and is currently zoned Residential Agricultural (R-A). The request is to rezone the parcel to a combination of Neighborhood Services – General (NS-G), Residential Intermediate – Urban (RI-U), and to leave a remainder along the southern border of the property as R-A.

At the previous planning commission, the rezone was tabled due to the following issues:

1. Desired residential development
2. Traffic concerns
3. Lack of commercial service to the area

#### **Desired Residential Development**

On the previous planning commission packet, it was stated that the desired residential development for this land was a duplex subdivision. There were preliminary discussions of this with our developer and city personnel, but this development style is not set at this time. RI-U allows the flexibility for all housing styles, while also meeting the Residential Neighborhood Area classifications.

#### **Traffic Concerns**

For traffic concerns, this land is unfortunately unable to connect to the adjacent parcels as they are not developed. The project area is only one parcel away from being able to connect to Broyles Road. Any future development will have a street stub-out to the east and to the west to allow for future connectivity. At initial build-out, the traffic will flow onto Wedington Dr., but once other properties begin to develop, residents will have other options. This parcel is unfortunately the first to develop in this area. While connectivity is always desired for streets and utilities, it cannot occur until somebody goes first.

#### **Lack of Commercial Service to the Area**

It is also proposed to have a small portion of NS-G along Wedington. Based on the previous planning commission, it was desired for the site to offer some form of a commercial service to the surrounding areas. Half of the commissioners appeared to be in favor of that, while the other half were hesitant. Because of this, only a small parcel is proposed as NS-G, which would likely be developed as a general business or a restaurant.

## *Future Land Use Map and Compliance*

The future land use map classifies this area as Residential Neighborhood Area, which supports single family, multifamily, and row-houses. This classification supports compact blocks with reduced street setbacks. Residential Intermediate – Urban (RI-U) appears to be compliant with this future land use classification, as it supports single family dwellings, as well as 2, 3, and 4 family dwellings. It also has a build-to-zone for proposed structures to be within 0 and 25 feet of the front property line, which is in compliance with the reduced street setback statement of Residential Neighborhood Area.

## *Adjacent Land*

This property is surrounded by Residential-Agriculture properties to the east and west. Southwest of this property is RSF-4. East of N Broyles Avenue, there is CS, NC, R-O, and RMF-12 zoning districts. North of Wedington, there is R-A and RSF-4 zoning with RI-U and CS zoning districts northwest of the site. NS-L appears to be compliant with current zoning districts as it primarily focuses on residential developments, which will match the surrounding areas. There is no current site plan for this property, but the desire is for a residential development.

It should also be noted that this project area is just outside of the Wedington Corridor Plan. While this parcel is not subject to those requirements the requested zoning districts seem to be an appropriate rezone request based on the exterior limits of that corridor plan, which largely consist of Residential Neighborhood area, and city neighborhood area.

## *Utilities*

This site has access to existing public utility infrastructure for water and sewer. There is an existing 18" water main along the south side of W Wedington Dr. which this development would connect into for service. For sanitary sewer, there is an existing 6" sewer main on the northern half of the property, as well as a 12" sewer main on the southern property line. As this site slopes from north to south, toward Owl Creek, most of the development will connect into the 12" main. There are no known capacity problems in any of the existing utility infrastructure.

## *Floodplain*

This site is adjacent to Owl Creek on the southern end of the property. Owl creek is an engineer studied (Zone AE) floodplain with established base flood elevations. Any development within or adjacent to the floodplain fringe would be in compliance with Fayetteville's development code and within FEMA regulations. The streamside protection criteria would also be observed and met with any development proposed. It is requested that the majority of land within this flood zone designation remain as R-A.

If you have any questions, please do not hesitate to contact me.

Sincerely,



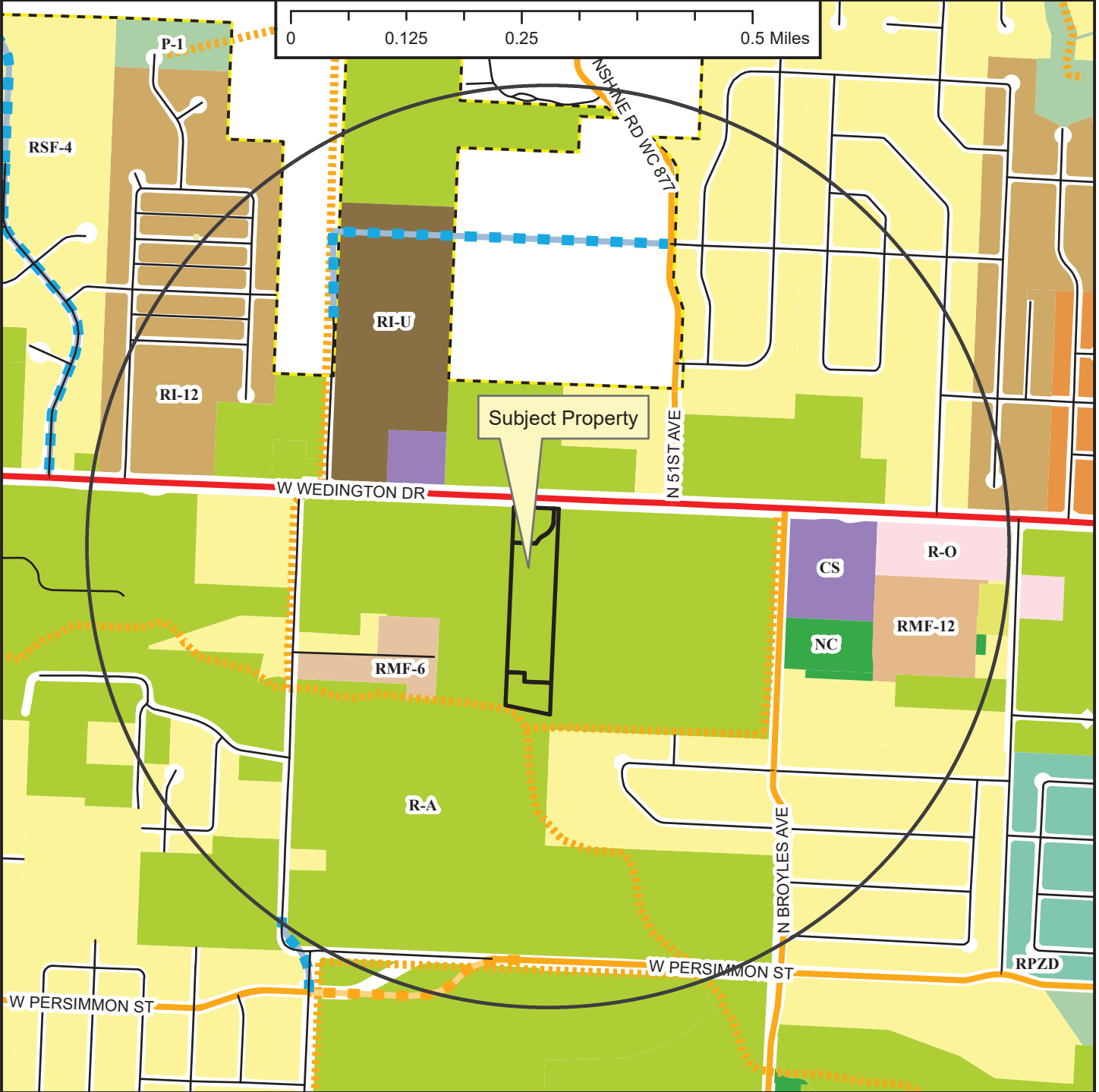
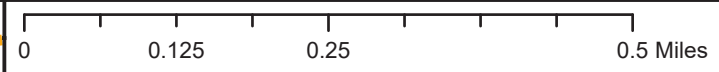
Blake Murray, P.E., CFM

Project Engineer

RZN20-7140

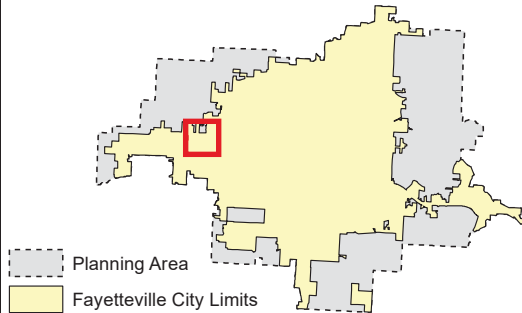
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One Mile View



## Legend

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



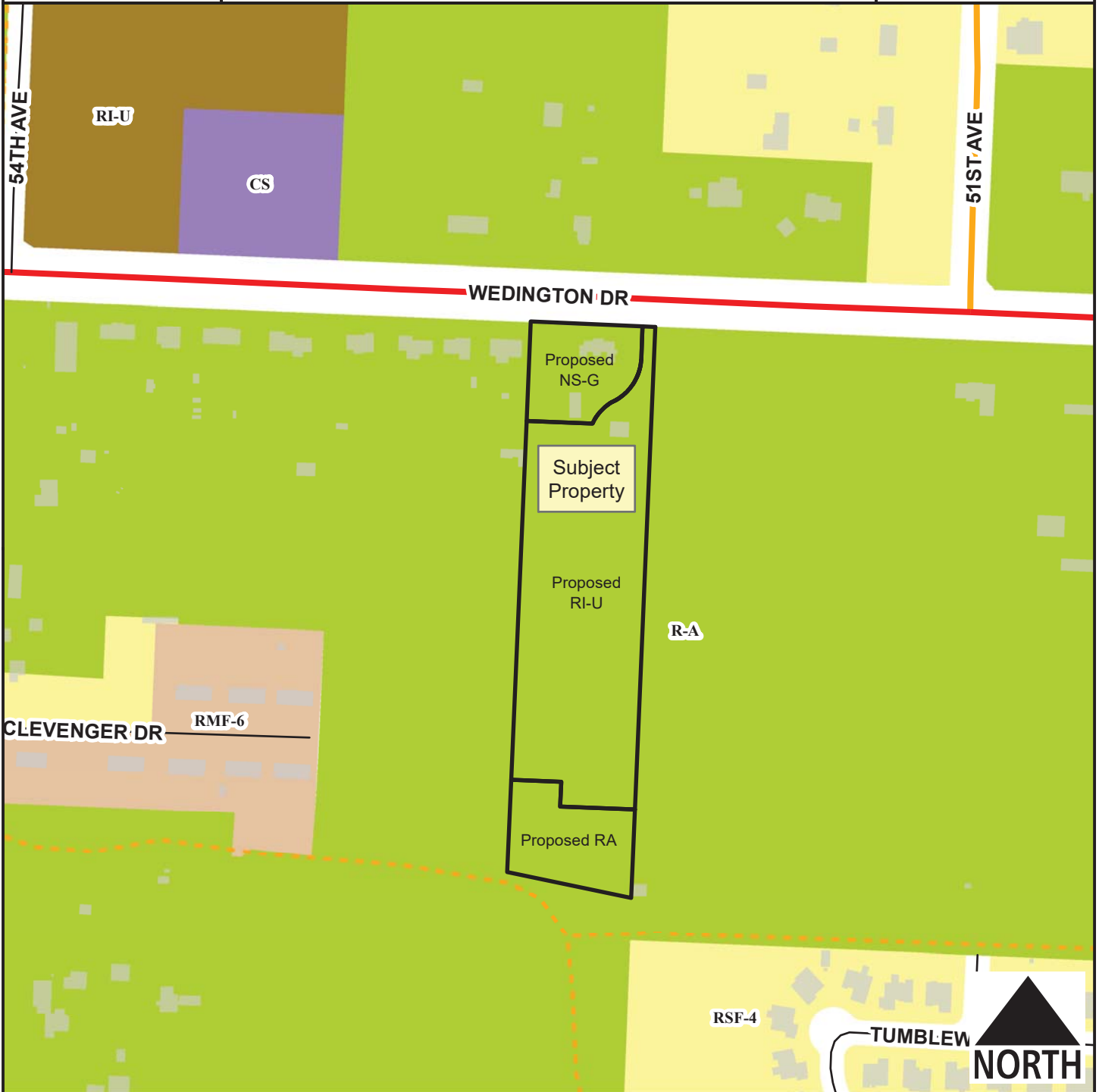
- Planning Area
- Fayetteville City Limits

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

RZN20-7140

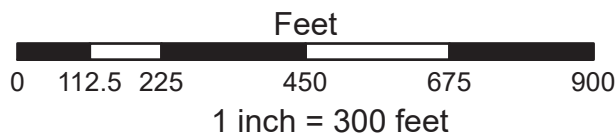
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Close Up View



## Legend

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



Zoning	Acres
RI-U	4.8
NS-G	1.0
R-A	1.1
<b>Total</b>	<b>6.9</b>



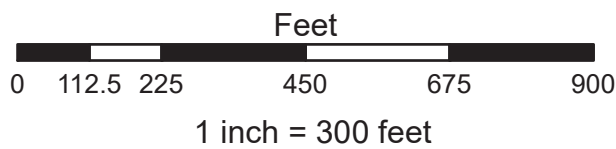
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Current Land Use



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



### FEMA Flood Hazard Data

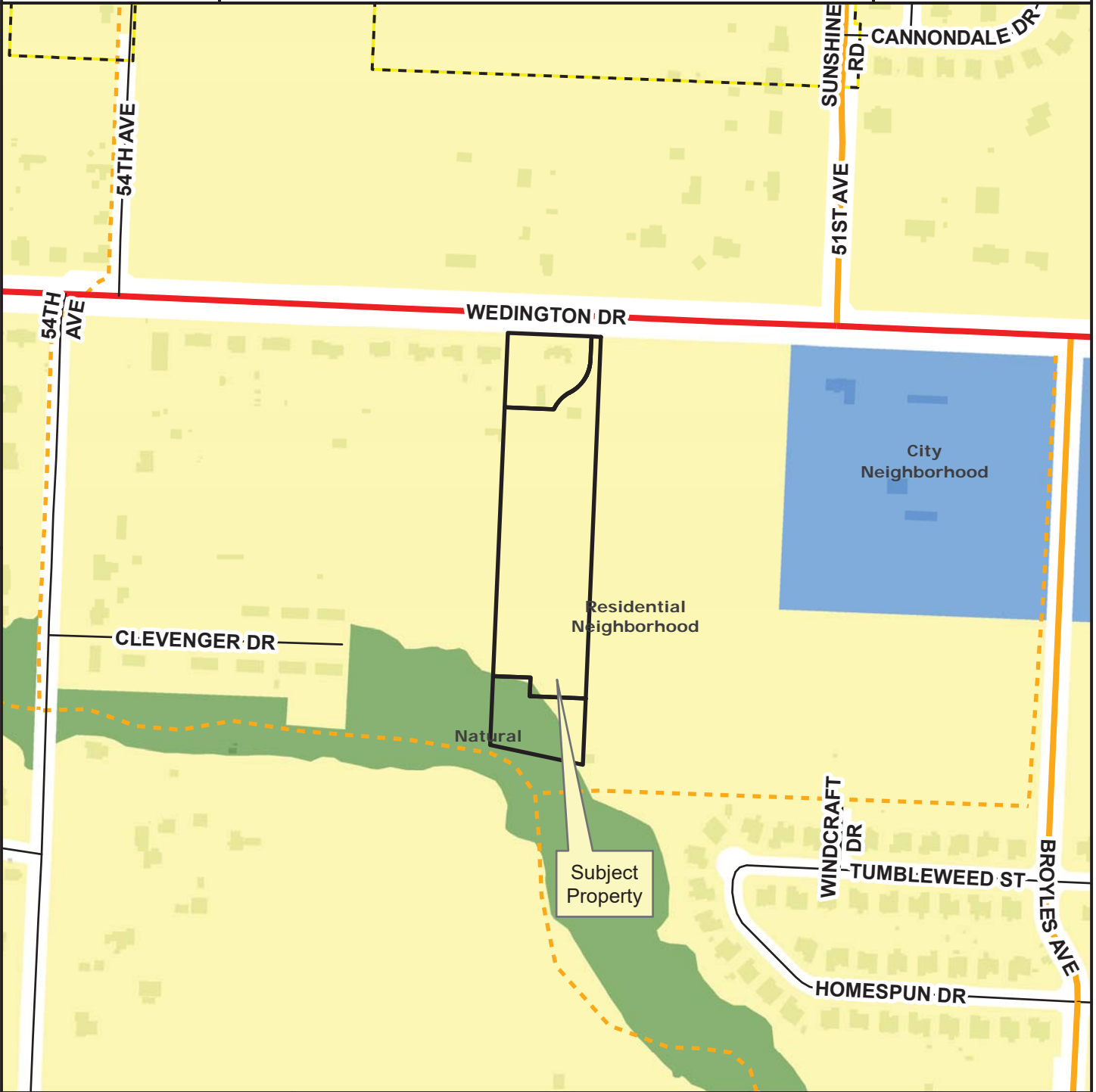
- 100-Year Floodplain
- Floodway

RZN20-7140

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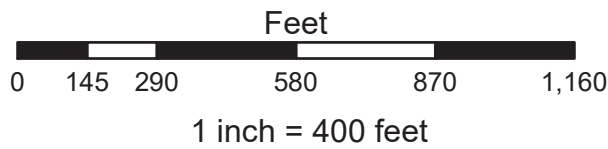


Future Land Use



### Legend

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



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