

City of Fayetteville Staff Review Form

2020-1003

Legistar File ID

12/1/2020

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

Garner Stoll

11/13/2020

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 2020-000014: Rezone (SE OF I-49 & WEDINGTON DR./MARINONI FARM, 441): Submitted by PAULA MARINONI for properties located SE OF I-49 & WEDINGTON DR. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, R-O, RESIDENTIAL OFFICE, and C-2, Thoroughfare Commercial, and contain 4 parcels with approximately 112.85 acres. The request is to rezone the properties to UT, URBAN THOROUGHFARE, & CS, COMMUNITY SERVICES.

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 DECEMBER 1, 2020

TO: Mayor; Fayetteville City Council

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

FROM: Jessie Masters, Senior Planner

DATE: November 13, 2020

SUBJECT: **RZN 2020-000014: Rezone (SE OF I-49 & WEDINGTON DR./MARINONI FARM, 441):** Submitted by PAULA MARINONI for properties located SE OF I-49 & WEDINGTON DR. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, R-O, RESIDENTIAL OFFICE, and C-2, Thoroughfare Commercial, and contain 4 parcels with approximately 112.85 acres. The request is to rezone the properties to UT, URBAN THOROUGHFARE, & CS, COMMUNITY SERVICES.

RECOMMENDATION:

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

BACKGROUND:

The subject property is just east of I-49 at the interchange with Wedington Drive. The property in question is the site of the Marinoni farm, and is primarily rural and agricultural in nature. The site contains four parcels for a total of 112.85 acres, and County records show there is at least one home on the property, constructed in 1926, with associated outbuildings and cattle pastures. The property consists of a variety of zoning districts, ranging from commercial to low-density residential as outlined in the subject of this memo.

Request: The request is to rezone the property from RSF-4, Residential Single Family, 4 Units per Acre, RMF-24, Residential Multi-Family, 24 Units per Acre, R-O, Residential-Office, and C-2, Thoroughfare Commercial to UT, Urban Thoroughfare and CS, Community Services. The applicant has not submitted an associated development proposal, but intends to develop mixed-use.

Public Comment: Staff received public comment on the item prior to both the October 26 Planning Commission meeting, and the November 9 Planning Commission, both in support and opposition to the request. Those in support liked the idea of a live, shop, play area close to this neighborhood, and believed they would see an increase in property value. Those in opposition did not wish to see commercial uses near their property, and another member of the public requested to place

the Marinoni land in a conservation easement.

Land Use Compatibility: The property in question is one of the remaining large acreages of land east of I-49 within the City of Fayetteville limits. Though widely undeveloped, the surrounding area is seeing development, and pieces of the Marinoni farm have previously been split off and developed. The Master Street Plan shows future Residential Link Street connections through the area, which indicate the property is ready for redevelopment. The requested zoning districts of UT, Urban Thoroughfare and CS, Community Services, both offer development patterns in an urban form, with front build-to-zones, taller building heights, and minimum buildable street frontages that would foster urban walkable development in this largely undeveloped area. The request for two separate zoning districts also allows for a step down, more transect-oriented approach which brings the higher intensity development closer to the existing street corridors, and the lower intensity development further inward. The portion of land within the “Natural Area” would likely have limited development due to its location within the Hillside Hilltop Overlay District.

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 an Urban Center Area, a City Neighborhood area, (and a small portion of Natural Area) which encourage high density, mixed-use structures to allow people to live, work, and shop in the same area. Staff does report that the Natural Area portion is likely protected given its location within the Hillside Hilltop Overlay District. Staff finds that this rezone request offers the potential for commercial- and high-density development and brings the area into compliance with City Plan 2040. Encouraging form-based districts allows for a higher scrutiny of design standards than the City’s conventional zoning districts such as C-1 or C-2. The infill score for the area is also on the higher side, and these zoning districts would bring walkable services to this area to nearby residents.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040’s Infill Matrix indicates a varying score of 3 to 8 for this site. The following elements of the matrix contribute to the score:

- Appropriate Land Use (Urban Center, City Neighborhood Area)
- Near Park (Centennial Park)
- Near Public School (Asbell Elementary School)
- Near Razorback Bus Stop
- Near Sewer Main (N. Marinoni Drive and bisecting property)
- Near Paved Trail (Shiloh Trail across I-49)
- Near Water Main (Wedington Drive, Marinoni Drive, Lancelot Avenue)
- Appropriate Fire Response (Station 7, 835 N. Ruppel Road)

DISCUSSION:

This item was first heard at the October 26, 2020 Planning Commission meeting where it was tabled to the subsequent meeting by a vote of 7-1-0. Commissioners expressed concerns about the scale of the proposal, concerns for protections offered for the “Natural Area” Future Land Use Map designation, and desired to see more master planning for the area in question. One member

of the public spoke at the meeting, with questions regarding the uses permitted specifically in the CS, Community Services zoning district.

The applicant did not submit any changes to the request in between meetings. At the November 9, 2020 Planning Commission meeting, commissioners ultimately voted to forward the request with a vote of 6-3-0; Commissioner Brown made the motion which Commissioner Johnson seconded. Commissioners Winston, Garlock, and Canada voted against the proposal. Conversation throughout the meeting was concentrated heavily on the appropriateness of the request in terms of scale, and how much information was included in the applicant's proposal. Commissioners were split on the whether it was appropriate to "blanket zone" the area, or whether additional information through a Planned Zoning District (PZD) or a finer-grained approach would help frame the conversation. Other commissioners reported concerns about traffic, available infrastructure, and the sensitivity of its location next to the planned interchange redevelopment of I-49 and Wedington, the plans of which are included in staff's report. Commissioner Brown also offered up a graphic showing the area in a Tier 2 Center as defined by the Growth Concept Map in City Plan 2040. The graphic shows that almost the entire area fit within the pedestrian shed of that Tier 2 Center, which supported his position in favor of the request. The applicant has requested that Commissioner Brown's graphic be included in this report, and it is attached as Exhibit 'C'. One member of the public spoke at the meeting in opposition to the request, citing a desire to see a PZD, conservation of land, and concerns about building height adjacent to natural areas.

BUDGET/STAFF IMPACT:

N/A

Attachments:

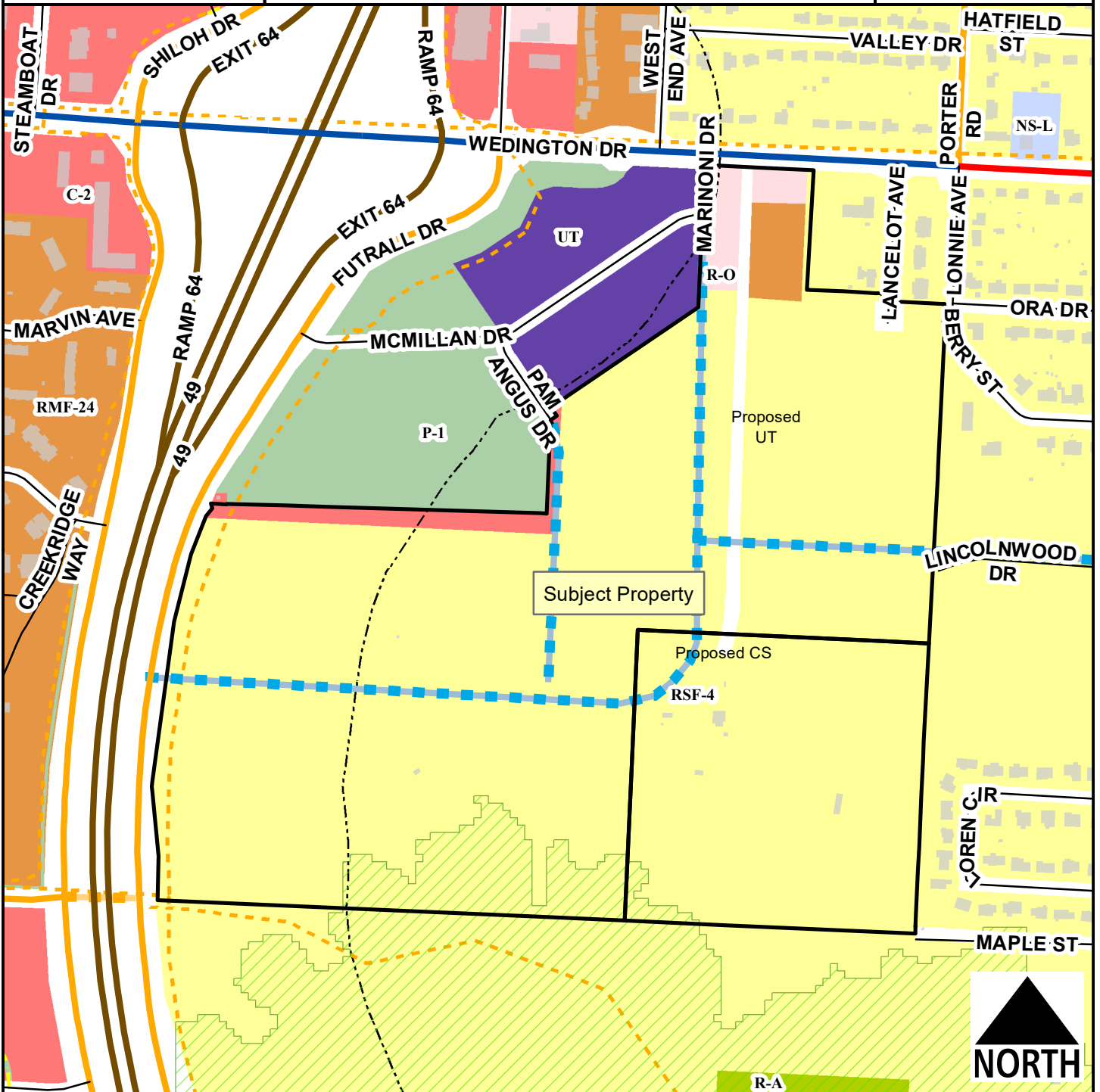
- Exhibit A
- Exhibit B
- Exhibit C – Commissioner Presentation; included at request of applicant
- Planning Commission Staff Report

RZN-2020-000014

Marinoni Farms Property

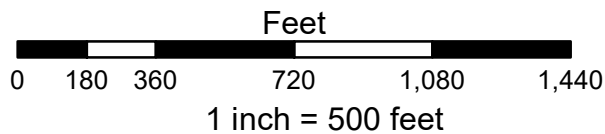
EXHIBIT 'A'
RZN-2020-000014

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



Zoning Acres

CS	23.0
UT	84.7

Total 107.7

EXHIBIT 'B'

RZN-2020-000014

Legal Descriptions

Escrow File No.: 1511092-106

EXHIBIT "1"

Parcel #s 765-13732-000 and 765-13731-000

TRACT 1:

PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SEVEN (7), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION SEVEN (7) AND PROCEEDING TO A POINT 2,168.52 FEET NORTH AND 8.85 FEET EAST; THENCE NORTH 89 DEGREES 30 MINUTES 44 SECONDS WEST A DISTANCE OF 215.10 FEET; THENCE NORTH 0 DEGREES 36 MINUTES 00 SECONDS EAST A DISTANCE OF 25.14 FEET TO THE POINT BEING THE SOUTHEAST CORNER OF CHURCH PROPERTY, THENCE NORTH 89 DEGREES 26 MINUTES 35 SECONDS WEST 259.28 FEET; THENCE NORTH 0 DEGREES 42 MINUTES 37 SECONDS EAST 410.5 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 16; THENCE NORTH 89 DEGREES 30 MINUTES 17 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 374.97 FEET; THENCE DUE SOUTH 491.58 FEET; THENCE SOUTH 53 DEGREES 24 MINUTES 49 SECONDS WEST A DISTANCE OF 613.35 FEET; THENCE DUE SOUTH A DISTANCE OF 365.43 FEET; THENCE SOUTH 89 DEGREES 19 MINUTES 52 SECONDS WEST 1102.24 FEET TO A CITY SEWER PUMP STATION; THENCE DUE SOUTH 7.02 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 0 SECONDS WEST 54.7 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 71 BYPASS; THENCE FOLLOWING SAID RIGHT OF WAY LINE SOUTH TO THE INTERSECTING WITH THE SOUTH SECTION LINE OF SECTION 7; THENCE PROCEEDING EAST ALONG SAID SECTION LINE TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 113.13 ACRES, MORE OR LESS.

LESS AND EXCEPT, A SQUARE PARCEL OF LAND BEING 1,000 FEET ON EACH

SIDE AND SITUATED IN THE SOUTHEAST CORNER OF SAID SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST. SAID PARCEL CONTAINS 22.95 ACRES, MORE OR LESS, AS DESCRIBED IN LAND DOCUMENT NO. 2003-00056815.

ALSO LESS AND EXCEPT PART OF THE NW 1/4 OF THE SE 1/4 OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEGINNING AT A POINT WHICH IS NORTH 89 DEGREES 58 MINUTES EAST 100 FEET AND NORTH 10 DEGREES 38 MINUTES EAST 50 FEET FROM THE SW CORNER OF SAID 40 ACRE TRACT, SAID POINT OF BEGINNING BEING ON THE EASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 71 LOOP; THENCE NORTH 10 DEGREES 38 MINUTES EAST 20 FEET ALONG SAID RIGHT-OF-WAY; THENCE NORTH 27 DEGREES 38 MINUTES EAST 20 FEET ALONG SAID RIGHT-OF-WAY; THENCE NORTH 89 DEGREES 58 MINUTES EAST 90 FEET; THENCE SOUTH 0 DEGREES 02 MINUTES EAST 37.4 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES WEST 102.9 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN DEED BOOK 888 AT PAGE 771 AND IN DEED BOOK 888 AT PAGE 896.

ALSO LESS AND EXCEPT A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 7; THENCE NORTH 89 DEGREES 51 MINUTES 30 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 7 A DISTANCE OF 1,314.30 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 7; THENCE NORTH 00 DEGREES 24 MINUTES 32 SECONDS EAST ALONG THE WEST LINE OF SAID EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 7 A DISTANCE OF 2,612.41 FEET TO A POINT ON THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 112 S; THENCE NORTH 87 DEGREES 51 MINUTES 58 SECONDS EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 51.43 FEET TO A POINT; THENCE SOUTH 88 DEGREES 53 MINUTES 58 SECONDS EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 403.56 FEET TO A POINT FOR THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 37 MINUTES 41 SECONDS EAST ALONG SAID EXISTING RIGHT OF WAY LINE A DISTANCE OF 374.97 FEET TO A POINT; THENCE SOUTH 00 DEGREES 35 MINUTES 13 SECONDS WEST A DISTANCE OF 1.49 FEET TO A POINT ON THE PROPOSED SOUTHERLY RIGHT OF WAY OF SAID STATE HIGHWAY 112 S; THENCE NORTH 89 DEGREES 37 MINUTES 41 SECONDS WEST ALONG SAID PROPOSED RIGHT OF WAY LINE A DISTANCE OF 374.95 FEET TO A POINT; THENCE NORTH 00 DEGREES 07 MINUTES 32 SECONDS WEST A DISTANCE OF 1.49 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRE, MORE OR LESS, AS DESCRIBED IN LAND DOCUMENT NO. 95055596.

ALSO LESS AND EXCEPT ANY PORTION OF THE FOLLOWING DESCRIBED TRACT LYING AND BEING WITHIN THE PERIMETER OF THE FIRST DESCRIBED 113.13 ACRES TRACT: A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 1389.13 FEET

NORTH AND 1327.61 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 7, AND PROCEEDING THENCE NORTH A DISTANCE OF 365.43 FEET; THENCE NORTH 53 DEGREES 24 MINUTES 49 SECONDS EAST A DISTANCE OF 613.35 FEET; THENCE NORTH A DISTANCE OF 491.58 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF HIGHWAY 16; THENCE SOUTH 88 DEGREES 51 MINUTES 40 SECONDS WEST ALONG THE SOUTH RIGHT OF WAY LINE OF HIGHWAY 16 A DISTANCE OF 605.26 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 BYPASS; THENCE SOUTH 31 DEGREES 42 MINUTES 00 SECONDS WEST ALONG THE EAST RIGHT OF WAY LINE OF HIGHWAY 71 BYPASS A DISTANCE OF 196.78 FEET; THENCE SOUTH 54 DEGREES 00 MINUTES 53 SECONDS WEST ALONG HIGHWAY 71 BYPASS A DISTANCE OF 124.73 FEET; THENCE SOUTH 66 DEGREES 42 MINUTES 47 SECONDS WEST ALONG HIGHWAY 71 BYPASS A DISTANCE OF 250.07 FEET; THENCE SOUTH 58 DEGREES 05 MINUTES 36 SECONDS WEST ALONG HIGHWAY 71 BYPASS A DISTANCE OF 118.01 FEET; THENCE SOUTH 31 DEGREES 55 MINUTES 51 SECONDS WEST ALONG HIGHWAY 71 BYPASS A DISTANCE OF 270.30 FEET; THENCE SOUTH 38 DEGREES 05 MINUTES 26 SECONDS WEST ALONG HIGHWAY 71 BYPASS A DISTANCE OF 156.44 FEET; THENCE SOUTH 30 DEGREES 44 MINUTES 51 SECONDS WEST ALONG HIGHWAY 71 BYPASS A DISTANCE OF 493.00 FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 44 SECONDS WEST ALONG HIGHWAY 71 BYPASS A DISTANCE OF 18.00 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 00 SECONDS EAST A DISTANCE OF 42.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 00 SECONDS EAST A DISTANCE OF 28.26 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 52 SECONDS EAST A DISTANCE OF 1102.24 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN LAND DOCUMENT NO. 95034694.

ALSO LESS AND EXCEPT A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT N02°21'40"E 1388.72 FEET AND N87°38'20"W 1326.80 FEET FROM AN ARKANSAS GEOLOGICAL COMMISSION MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 7, THENCE N02°21'40"E 365.43 FEET; THENCE N55°46'29"E 613.35 FEET; THENCE N02°21'40"E 490.34 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE S87°08'06"E 34 FEET; THENCE S02°21'40"W 174.75 FEET; THENCE AROUND A CURVE TO THE LEFT HAVING A RADIUS OF 116.00 FEET, A LENGTH OF 26.13 FEET, AND A DELTA ANGLE OF 12°54'15"; THENCE S79°27'25"W 37.89 FEET; THENCE N02°21'40"E 209.41 FEET TO THE POINT OF BEGINNING, CONTAINING 7.009 SQUARE FEET, AS DESCRIBED IN LAND DOCUMENT NO. 2002052356.

ALSO LESS AND EXCEPT A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT N02°21'40"E 1388.72 FEET AND N87°38'20"W 1326.80 FEET FROM AN ARKANSAS GEOLOGICAL COMMISSION MONUMENT MARKING THE SOUTHEAST CORNER OF SAID SECTION 7, THENCE N02°21'40"E 365.43 FEET TO THE POINT OF BEGINNING AND RUNNING THENCE S34°13'31"E 35.03 FEET; THENCE S55°46'29"W 26.00 FEET; THENCE N02°21'40"E 43.62 FEET TO THE POINT OF BEGINNING, CONTAINING 455

SQUARE FEET, AS DESCRIBED IN LAND DOCUMENT NO. 2002052357.

TRACT 2:

A part of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas, and being more particularly described as follows: Beginning at the SE corner of Section 7 and proceeding to a point 1,000 feet North; thence West, 1000.00 feet; thence South, 1000.00 feet; thence proceeding East along said Section line to the point of beginning, said parcel containing 22.95 acres, more or less.

Tract 2 being less and except the following tract:

A part of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas, more particularly described as follows: Beginning at a point 135 feet North and 90 feet East of the SW corner of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas; thence running North 234 feet; thence East 190 feet; thence South 234 feet; thence West 182 feet to the place of beginning, containing 1 acre, more or less.

TRACT 3:

A part of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas, more particularly described as follows: Beginning at a point 135 feet North and 90 feet East of the SW corner of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas; thence running North 234 feet; thence East 190 feet; thence South 234 feet; thence West 182 feet to the place of beginning, containing 1 acre, more or less.

Escrow File No.: 1804965-106

EXHIBIT "2"

Parcel #s 765-13736-000 and 765-13737-000

TRACT 1:

A part of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas, and being more particularly described as follows: Beginning at the SE corner of Section 7 and proceeding to a point 1,000 feet North; thence West, 1000.00 feet; thence South, 1000.00 feet; thence proceeding East along said Section line to the point of beginning, said parcel containing 22.95 acres, more or less.

Less and Except:

A part of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas, more particularly described as follows: Beginning at a point 135 feet North and 90 feet East of the SW corner of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas; thence running North 234 feet; thence East 190 feet; thence South 234 feet; thence West 182 feet to the place of beginning, containing 1 acre, more or less.

TRACT 2:

A part of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas, more particularly described as follows: Beginning at a point 135 feet North and 90 feet East of the SW corner of the SE 1/4 of the SE 1/4 of the SE 1/4 of Section 7, T-16-N, R-30-W, Washington County, Arkansas; thence running North 234 feet; thence East 190 feet; thence South 234 feet; thence West 182 feet to the place of beginning, containing 1 acre, more or less.

EXHIBIT 1 of Marinoni Rezoning, Less and Except the following:

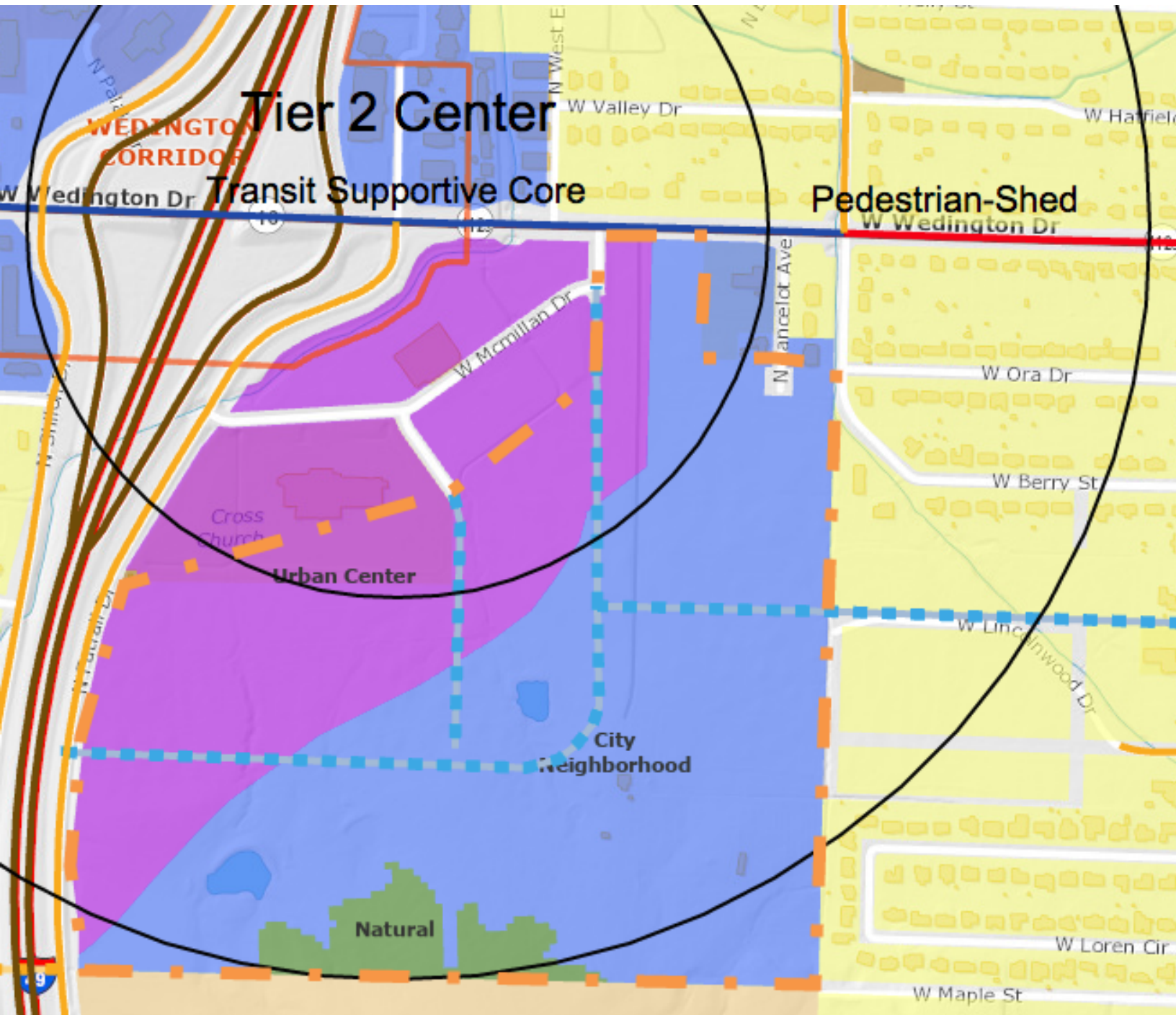
Legal Description for small parcel purchased by ArDOT on 12/11/2019, for Wedington Intersection Improvement.

Property is now County Parcel # 765-13732-007.

Part of the Northwest Quarter of the Southeast Quarter of Section 7, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Center South Sixteenth corner of Section 7; thence South 87 degrees 22'49" East along the South line of the Northwest Quarter of the Southeast Quarter of Section 7 a distance of 134.88 feet to a point being on the East right of way line of U.S. Interstate 49 as established by ArDOT Job 4731 for the POINT OF BEGINNING; thence North 21 degrees 30' 02" East along said right of way line a distance of 45.24 feet to a point on the East right of way line of U.S. Interstate 49 as established by ArDOT Job BB0411; thence South 13 degrees 27'31" East along said right of way line a distance of 16.64 feet to a point; thence South 38 degrees 17'28" West along said right of way line a distance of 33.01 feet to the POINT OF BEGINNING and containing 216 square feet more or less as shown on ArDOT plans referenced as Job BB0411.

EXHIBIT 'C'





TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

FROM: Jessie Masters, Senior Planner

MEETING DATE: November 9, 2020 **Updated with PC hearing results from 11/9/2020**

SUBJECT: **RZN 2020-000014: Rezone (SE OF I-49 & WEDINGTON DR./MARINONI FARM, 441):** Submitted by PAULA MARINONI for properties located SE OF I-49 & WEDINGTON DR. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, R-O, RESIDENTIAL OFFICE, and C-2, Thoroughfare Commercial, and contain 4 parcels with approximately 112.85 acres. The request is to rezone the properties to UT, URBAN THOROUGHFARE, & CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding RZN-2020-000014 to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward RZN-2020-000014 to City Council with a recommendation for approval."

OCTOBER 26, 2020 PLANNING COMMISSION:

This item was last heard at the October 26th Planning Commission meeting, where it was tabled by a vote of 7-1-0. One member of the public spoke at the meeting, requesting additional information about what would be permitted in the requested zoning districts; they did not offer any direct opposition or support. Commissioners expressed concerns about the scale of the proposal, concerns for protections offered for the "Natural Area" Future Land Use Map designation, and desired to see more information and master planning for the area in question. Staff has included additional exhibits from the applicant as well as an exhibit on the proposed changes to the I-49 and Wedington interchange.

BACKGROUND:

The subject property is just east of I-49 at the interchange with Wedington Drive. The property in question is the site of the Marinoni farm, and is primarily rural and agricultural in nature. The site contains four parcels for a total of 112.85 acres, and County records show there is at least one home on the property, constructed in 1926, with associated outbuildings and cattle pastures. The property consists of a variety of zoning districts, ranging from commercial and low-density residential as outlined in the subject of this memo. 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	Undeveloped/Forest	RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped/Parking Lot	CS, Community Services
West	Church/Gym	P-1 Institutional; UT, Urban Thoroughfare

Request: The request is to rezone the property from RSF-4, Residential Single Family, 4 Units per Acre, RMF-24, Residential Multi-Family, 24 Units per Acre, R-O, Residential-Office, and C-2, Thoroughfare Commercial to UT, Urban Thoroughfare and CS, Community Services. The applicant has not submitted an associated development proposal, but intends to developed mixed-use.

Public Comment: For the October 26, 2020 Planning Commission meeting, staff had received three public comments on the item, one by phone and two by email, all in support of the request. The property owners stated they supported the idea of a live, shop, play area close to this neighborhood, and believed they would see an increase in property value. Staff has received additional public comment for this meeting, one with a request to place the Marinoni land in a conservation easement, others in opposition to the proposal who do not wish to see commercial uses near their property, and another in support of the proposal.

INFRASTRUCTURE:

Streets: The subject area has frontage along W. Wedington Drive, N. Marinoni Drive, and N. Futrall Drive. W. Wedington Drive is a fully improved Regional Link-High Activity street with asphalt paving, curb, gutter and sidewalk. N. Marinoni Drive is a partially improved Residential Link street with asphalt paving, curb and gutter. N. Futrall Drive is an unimproved Neighborhood Link Street with asphalt paving and open ditches. Any street improvements or requirements for drainage will be determined at the time of development.

Water: Public water is available to the subject area. A 24-inch water main is present along the north side of W. Wedington Drive, an 8-inch water main is present along the south side of W. Wedington Drive, an 8-inch water main is present on the west side of N. Marinoni Drive, and a 6-inch water main is present along the west side of N. Lancelot Avenue.

Sewer: Sanitary Sewer is available to the subject area. An 8-inch sanitary sewer main is present along the of east side of N. Marinoni Drive, and a 10-inch sanitary sewer main is present from the northeast side to the northwest side of the subject property.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. Hydric soils appear to be present throughout most of the subject area, and FEMA floodplain is present in the northwest corner of the subject property and northeast corner of the subject property. A portion of the property along the southern boundary is within the Hillside-Hilltop Overlay District.

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. Ruppel Road, protects the site. The property is located

approximately 1.4 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 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 **Urban Center, City Neighborhood, and Natural.**

Urban Center Areas contain the most intense and dense development patterns within the City and allow for the tallest and greatest variety of buildings. Urban Center accommodates rowhouses, apartments, local and regional retail, hotels, clean technology industries and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility. Although Urban Center Areas recognize the conventional big box and strip retail centers existing along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same area. Additionally, infill of underperforming or undervalued existing big box and strip centers should be strongly encouraged since there is a greater return on investment for redevelopment of these areas that have existing public infrastructure such as streets, sidewalks, trails, water, sewer and parklands.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

Natural Areas consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a varying score of 3 to 8 for this site, with a weighted score of 9.5 at the highest level. The following elements of the matrix contribute to the score:

- Appropriate Land Use (Urban Center, City Neighborhood Area)
- Near Park (Centennial Park)
- Near Public School (Asbell Elementary School)
- Near Razorback Bus Stop

- Near Sewer Main (N. Marinoni Drive and bisecting property)
- Near Paved Trail (Shiloh Trail across I-49)
- Near Water Main (Wedington Drive, Marinoni Drive, Lancelot Avenue)
- Appropriate Fire Response (Station 7, 835 N. Rurple 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 one of the remaining large acreages of land east of I-49 within the City of Fayetteville limits. Though widely undeveloped, the surrounding area is beginning to see development, and pieces of the Marinoni farm have previously been split off and developed within recent years. The Master Street Plan shows future Residential Link Street connections through the area, which indicate the property is ready for redevelopment. The requested zoning districts of UT, Urban Thoroughfare and CS, Community Services, both offer development patterns in an urban form, with front build-to-zones, taller building heights, and minimum buildable street frontages that would foster urban walkable development in this largely undeveloped area. The request for two separate zoning districts also allows for a step down, more transect-oriented approach which brings the higher intensity development closer to the existing street corridors, and the lower intensity development further inward. Staff does recognize a small portion of the site to the south that is designated as a Natural Area; staff would support down-zoning that portion of land to R-A to limit the development entitlement in that area and help preserve the natural environment. At the same time, the development potential of this area, with its heavy vegetation and significant slope, lends itself to conservation or use in meeting tree preservation standards.

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 an Urban Center and a City Neighborhood area, both of which encourage high density, mixed-use structures to allow people to live, work, and shop in the same area. Staff finds that this rezone request offers the potential for commercial- and high-density development in this area and brings the area into compliance with City Plan 2040. Encouraging form-based districts in the area also allows for a higher scrutiny of design standards than conventional zoning districts such as C-1 or C-2. The infill score for the area is also on the higher side, and these zoning districts would bring walkable services to this area to nearby residents.

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

Finding: The applicant did not indicate or offer a specific development proposal along with this request. Staff does find that this upzone is consistent with long-term land use plans, and brings the site into agreement with City Plan 2040

as an Urban Center and a City Neighborhood area, therefore making this request justified from staff's perspective.

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

Finding: Rezoning the property to UT and CS certainly has the potential to increase traffic along W. Wedington and Futrall Drive. Staff does find that bringing services and amenities to this area, and opportunities for connectivity to existing trails may actually improve walkability in the area. Currently, the land is zoned primarily for single-family dwellings, which, without walkable access to services, would certainly lead to more trips made by vehicles than the proposed mixed-use districts. Staff finds that infrastructure improvements would likely need to be made along Futrall Drive, as additional street networks would need to be expanded throughout the area, likely at the developer's costs.

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

Finding: Rezoning the property to UT and CS would certainly have the potential to increase the population density, since both zoning districts allow for residential uses up to multi-family dwellings. Staff finds that aligning the permitted land uses with the goals in City Plan 2040 would help bring consideration for future infrastructure improvements, and does not find that the request would be detrimental at this time.

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 2020-000014 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 9, 2020</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Brown	SEE BELOW FOR FULL MOTION DETAILS.		
Second: Johnson			
Vote: 6-3-0 (Commissioners Winston, Garlock, and Canada voted 'no.')			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
 - Current Zoning Districts:
 - §161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre
 - §161.20 - District R-O, Residential Office
 - §161.23 - District C-2, Thoroughfare Commercial
 - Proposed Zoning Districts:
 - §161.22 - Community Services
 - §161.24 - Urban Thoroughfare
- Request letter
- Applicant Exhibit
- Staff Exhibit
 - I-49 and Wedington Interchange Improvements
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

Motion #1:
By: Brown
2nd: None
Vote: -
Action: Motion failed for lack of second
Detail: Motion to forward RZN-2020-000014 to City Council with recommendation of approval

Motion #2:
By: Garlock
2nd: Sharp
Vote: 4-5-0
Action: Failed
Detail: Motion to deny RZN-2020-000014. Commissioners Johnson, Hoffman, Belden, Paxton, and Brown voted 'no.'

Motion #3
By: Brown
2nd: Johnson
Vote: 6-3-0
Action: Forwarded
Detail: Motion to forward RZN-2020-000014 to City Council with recommendation of approval. Commissioners Winston, Garlock, and Canada voted 'no.'

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, 10-15-19)

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(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 26	Multi-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 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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.* The area occupied by all buildings shall not exceed 50% 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.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), §1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§5, 8, 9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-19)

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
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, 10-15-19)

161.23 - District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. 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 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
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 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(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	15 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	6 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 side 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 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 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; 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. 5353, 9-7-10; 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, 6, 7, 4-2-19; Ord. No. [6223](#), §1, 9-3-19; [Ord. No. 6245](#), §2, 10-15-19)

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)

161.24 - Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar

Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	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/7 stories*
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* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

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 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) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; 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, 8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6223](#), §1, 9-3-19)

The Marinoni farm will be the centerpiece of a new synergistic energy on the west side of Fayetteville.

A place that is truly a live, work, shop, play area.

Fayetteville, September 15, 2020

Concerning the proposed rezoning of the Marinoni property:

This area when connected to the east, will enable current residents to be able to walk to restaurants and activities and to connect to trails. Residents will be able to have an enhanced access to the newly obtained and much anticipated, City of Fayetteville nature trails park, which stretches the entire width of the Marinoni property. Developments in the Marinoni property will be able to enjoy the amenities of living and working next to the nature trails area. Someone working in the area would be able to take lunch up into the woods and then, walk it off. Residents, in density areas, would be able to look out the window or sit outside and look up into the beautiful woods that Mrs. Markham wished to be left natural for the citizens of Fayetteville to enjoy, honoring her legacy.

Growing up on the Marinoni farm, I personally remember when most of the homes to the east, all the way up Cleveland and over to the stadium, were individually, **one-by-one**, carved out of the fields and mountain, cutting down most of the trees. We hope to have higher density living areas so that more people can have quick access to and enjoy the natural amenities, as well as the resources of the development, the City of Fayetteville, and the region.

I personally, understand the live, work, shop, play benefits because I lived on, or near, the beautiful Country Club Plaza in Kansas City for 21 years. When my husband and I married, I told him that I would live anywhere in Kansas City, as long as it was near the Plaza. The Plaza was the first suburban shopping center established in 1922. It was about 47 blocks from the downtown area, a remote area at that time, and everyone thought the mastermind was out of his mind. But it worked and is the master example for the live, work, shop, play development goal.

It is my opinion and experience as a Realtor, that a live, work, shop, play area on this property will greatly elevate the property values of the neighborhoods to the east, in that it will be possible for someone to own a traditional home with a yard and live in a traditional neighborhood, but it will open up possibilities and many amenities that are not currently available to the neighborhood.

It is also noteworthy to point out that because this property has been owned by the Marinoni family for over 70 years and has been operated as a farm, the entire parcel is available for development. Thus, this area is "infill" and not "sprawl".

In 2006 and 2007, my husband and I attended the ICSC (International Council of Shopping Centers) conference in Las Vegas to learn about the concept and to understand who the players are. There were over 52,000 people attending. The booth area stretched over a mile from one end to the other. We

split up and covered as much ground as possible, talking to developers, brand representatives, architects, and every other related profession there. We understand what we need, and we understand where they need to be and how they want to participate.

Last fall, in response to our entire property being named a Certified Opportunity Zone, I attended national Opportunity Zone Conferences in Chicago; Jackson, Mississippi; Houston and Los Angeles. I listened to days of input from the top participants and even talked personally with the people who wrote the bill, I spoke with many leaders in the new opportunity about coming to Arkansas, to Fayetteville and of course, our property. Working with the support of our Chamber of Commerce and our City's Development Director, I handed out material about this beautiful place we are fortunate to call home and the great opportunities here. It is important to understand that we are considered a remote market and yes, I laughed many times as they joked if we wore shoes here. First of all, they have to stop and think where Arkansas is, then hopefully they will listen to the "FAB", (features, advantages and benefits), of why they should invest here. Let me tell you that if they are to open in a new market, they will want it to be "entitled" and to know they will have the support of the City. They will want to be able to have choices. Do we want those choices to be Fayetteville, Rogers and Bentonville or multiple locations **IN** Fayetteville, with the Marinoni property as one of those top choices?

In being named as an Opportunity Zone, it should be pointed out, that the main criteria that is usually advanced is that it is a "depressed" area. The other, but less often referred to, and even more rare, is an area that is "underdeveloped". This property is clearly not depressed but is underdeveloped. And clearly the State, in their choices on these zones, wants this property developed.

In the City of Fayetteville 2025 Future Land Use Plan discussions, the hired consultants put a big "bullseye" on our property, and they said that it should be developed with emphasis on the regional market. That is what we hope to cooperate with and need the zoning to be able to justify the expense of putting in the streets, which will enable smaller parcels to be able to attract national brands and investors of the highest quality.

Recently, the Marinoni family hired Crafton Tull Engineering firm to draw up our streets, as per the City of Fayetteville Master Street Plan. With the first sale, we will start construction of the streets. The Master Street Plan shows Cleveland extending into our property. The City representatives have made it clear, in past discussions, that there has to be a connection to the east. Previously that connection was Lincolnwood Drive, a street platted and owned by the City, but not built. That street dead-ended into the W. Archer Dr./Waterman Ave. neighborhood, which did not make any sense. By connecting to Cleveland, it will take cut-through traffic off that neighborhood and keep it on the main street.

Additionally, in watching out for the neighbors to the east, we persisted in getting the "overpass" taken off the Master Street Plan. That plan would have dumped traffic into the east and would only be a cut-through.

Alternative to an "overpass", there is the probability of an "underpass". Many years ago, when the Arkansas Department of Transportation was planning on splitting the Marinoni farm in half for the interstate, our Father, Paul A. Marinoni, Sr., negotiated with them, that he needed a tunnel under the highway to be able to get the cows, back and forth, from the "front end" to the "back end". As the highway added access roads and then widened them, the tunnel kept getting longer to accommodate

the cows. We believe that there will come a time, in the not-so-distant future, when our father's tunnel will be enlarged to make possible pedestrian and cycle traffic connecting the west and the east sides of the interstate. This is of major importance now with the opening of the Centennial Park, a 228 acre, world-class cyclocross park on the west side of the bypass, which will host the World Cyclocross Championship in 2022 – only the third time it has been held in the United States. With many pieces of the new synergistic energy of this area of west Fayetteville in place, it is necessary to be ready when the Nation realizes that this is the place to invest. And with that we need the requested zoning.

The neighbors to the east have said in the past that development on our property would devalue their properties. I have told them repeatedly, that it would, actually, greatly increase the value of their properties, in that it would give owners a place to walk, a way to access the nature areas and trails, visit restaurants, etc., that it would add value through increased amenities. In recent years, over half of the residents in the area bordering on Wedington, Sang, Maple and our property have left, and the properties have turned into rentals. The development of our property would reverse this trend and make the 1950's, 60's & 70's neighborhood to our east a hot place to own **and** live, and not the best rental grab in town. It should be noted that of 135 residential homes in this area, 74 are rentals, or 55%. Of the 34 residential properties within 200 feet of our property, 28 are rentals, or 82%! These numbers increase every year.

The Marinoni property, PAM Angus Ranch, has always been a beautiful picture window to Fayetteville for those passing by on the Interstate and on Wedington. It is now, and has always been, oriented to the highway and not to the neighbors to the east. We have no intention of spreading into their neighborhood, but they will want to come into ours.

We intend for this beautiful, picture-window property to evolve into an inviting opportunity for a life-enhancing, live, work, shop, play experience that Fayetteville will be proud of for many years to come.

We are grateful for your support!

Paula Marinoni

Executive Broker, Best Places Realty

Part Owner/Representative

pm@paulamarinoni.com

EXHIBIT
APPLICANT-PROVIDED
IMAGES



**EXHIBIT
I-49 AND
WEDINGTON
INTERCHANGE
IMPROVEMENTS**



Public Meeting Location
Asbell Elementary School (Cafeteria)

Fayetteville

N
0 250 500
Feet
AHTD Environmental GIS - Strawn
Map Date: February 27, 2017
Meeting Date: March 9, 2017
Public Involvement Display



Job BB0411
Hwy. 16/112 Spur
Intchg. Impvts. (I-49)
Washington County

Preliminary
Subject to Revision

Planning Commission
November 9, 2020
Agenda Item 4
RZN 20-00014 Marineri Farm
Photography: W...
Page 26 of 43

Masters, Jessica

From: Zane Chenault <zchenault@fayettevillear.com>
Sent: Wednesday, November 4, 2020 2:12 PM
To: Masters, Jessica
Cc: pm@paulamarinoni.com
Subject: Letter of Support for Paula Marinoni
Attachments: FCOC Letter of Support for P Marinoni NOV 2020.pdf

Importance: High

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

Jessica,

The Chamber of Commerce supports the efforts of Paula Marinoni to rezone the property southeast of the intersection of I-49 and Wedington Drive in Fayetteville.

Please see attached letter of support.

Thank you,

Zane Chenault

Chief Economic Development Officer

Fayetteville Chamber of Commerce

21 W. Mountain St., Ste. 300 / P.O. Box 4216

Fayetteville, AR 72702-4216

Direct Line: (479) 345-8957

www.fayettevillear.com

CHAMBER
FAYETTEVILLE



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CHAMBER

FAYETTEVILLE

November 4, 2020

Mayor Lioneld Jordan
Fayetteville City Council
113 W. Mountain St.
Fayetteville, AR 72701

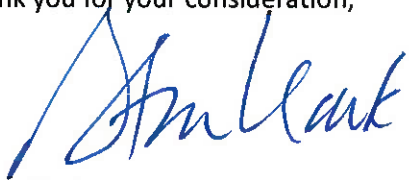
Dear Mayor Jordan and Council Aldermen,

The Fayetteville Chamber of Commerce, acting as the Economic Development agency for the City of Fayetteville strongly supports the rezoning efforts of Paula Marinoni as it relates to the property southeast of the intersection of I-49 and Wedington Drive in Fayetteville.

The correct development on this piece of property would be of great benefit to Fayetteville. Given that development across I-49 has expanded significantly, it is time to allow the landowners to develop their property. By building a connecting tunnel, this would create opportunities for residents to access to the City's nature trails along the width of the property. Developments on the property would also have access to these trails, creating a more walkable city.

It is the belief of the Chamber of Commerce that it is in the best interest of the City of Fayetteville for this re-zoning to take place. The landowner has put forth plans that support the overall growth goals of the City and are in line with the development currently underway in the surround area.

Thank you for your consideration,



Steve Clark
President and Chief Executive Officer
Fayetteville Chamber of Commerce
21 W. Mountain St., Ste. 300 72701

Masters, Jessica

From: Ernie Lucas <lucasec@hotmail.com>
Sent: Friday, October 9, 2020 5:09 PM
To: Planning Shared
Subject: RZN2020-000014-marinoni

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

To the Fayetteville Planning Division,

I'd like to weigh in on the above noted rezoning issues to be discussed (or voted upon) at the October 26, 2020 meeting. To be direct....we support this rezoning. My wife and I own property on West Maple St. just off Sang Ave. and I grew up on Ora Drive. As a child I remember the growth of this neighborhood and that it was entirely family homes. My father worked for the University and many of our neighbors were employees/professors/staff of the U of A. However, when my parents moved from the Ora Drive location, most all the homes were being bought by real estate companies and being turned into rental properties.

The idea of developing the Marinoni property into an area to live, shop and play would be the ideal boost the this side of Fayetteville could use.

We urge you to strongly consider rezoning this land to accommodate this wonderful expansion.

Sincerely,

Ernie and Carole Lucas

Sent from [Mail](#) for Windows 10

To: Fayetteville Planning Commission

Re: Rezoning of Wedington property

To Whom it May Concern,

We recently received notice of plans to rezone the Marinoni farm on Wedington Dr. in Fayetteville. We are the owners of the property at 971 Lancelot Ave, directly adjoining that property. We wanted to voice our *support* for the requested rezoning. Our property is currently situated at a dead end, which limits access and forces residents to only use Wedington. Extending Lancelot would allow residents to walk their dogs and have better access to surrounding streets that are more appealing than Wedington. We also believe that the proposed rezoning will increase our property value, as well as those of our surrounding neighbors and uplift the surrounding area, that has been declining in recent years.

Sincerely,

Jay and Angela Watson, Owners

NWA Heritage Properties

Masters, Jessica

From: CityClerk
Sent: Thursday, October 29, 2020 1:46 PM
To: Masters, Jessica
Subject: FW: Protect Marinoni land from development

Please see email below regarding Marinoni Land.

From: CityClerk <cityclerk@fayetteville-ar.gov>
Sent: Wednesday, October 28, 2020 4:01 PM
To: Bolinger, Bonnie <bbolinger@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>; Eads, Gail <geads@fayetteville-ar.gov>; Roberts, Gina <groberts@fayetteville-ar.gov>; Batker, Jodi <jbatker@fayetteville-ar.gov>; Johnson, Kimberly <kjohnson@fayetteville-ar.gov>; Rogers, Kristin <krogers@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Branson, Lisa <lbranson@fayetteville-ar.gov>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Mathis, Jeana <jmathis@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>; Petty, Matthew <ward2_pos2@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Thurber, Lisa <lthurber@fayetteville-ar.gov>; Gutierrez, Sonia <ward1_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Kinion, Mark <ward2_pos1@fayetteville-ar.gov>; Scroggin, Sloan <ward3_pos1@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; Turk, Teresa <ward4_pos1@fayetteville-ar.gov>; Smith, Kyle <ward4_pos2@fayetteville-ar.gov>
Cc: lisa_m_orton@yahoo.com; Stoll, Garner <gstoll@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: FW: Protect Marinoni land from development

Please see email below from Lisa Orton.

From: Lisa Orton <lisa_m_orton@yahoo.com>
Sent: Wednesday, October 28, 2020 1:47 PM
To: Planning Shared <planning@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>
Cc: University Heights Neighbors <university-heights-na@listserv.uark.edu>
Subject: Protect Marinoni land from development

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Dear Planning Commission and City Council,

I believe that Fayetteville needs to preserve its current natural areas (woods and fields) from development in order to keep Fayetteville's air, water, noise, traffic, etc. healthy and manageable. I believe what makes Fayetteville special is its history, woods, trees, natural areas, trails, arts, and neighborhoods. I believe that "infill" should not be a higher priority than the environment and the emotional, psychological, spiritual, and physical well-being of Fayetteville's residents. There has been too much construction. The infrastructure like traffic, drainage, schools, etc. are behind and continue being behind because of the overzealous attitude toward "infill". If you truly surveyed the residents of Fayetteville, the people of Fayetteville who all live in neighborhoods of one kind or another (not just the people connected to the City, having business with the City like developers, or comfortable with online surveys), I believe you would find that people do not like the "infill" approach and are upset with this direction the City has been taking. We all want affordable housing, but that is not being built in Fayetteville except in 2-3 cases over the past five or more years, that I recall. There needs to be a different approach to increasing affordable housing than to deforest existing woods, creating impervious surfaces on natural land, and upzoning people's neighborhoods and sending more traffic through residential streets.

Specifically, I am against any residential and/or commercial upzoning of the Marinoni property. Not only for the reasons above, but also because the 49 & Wedington intersection is already maxed out and the surrounding residential neighborhoods do not want even more traffic through their streets. The overgrown University with its traffic has disturbed our neighborhoods enough. Any exit onto Sang Ave from a development on the Marinoni property would disrupt and ruin the older neighborhoods there that residents love. It would interfere with Temple Shalom as well.

I would ask that the City request the Marinoni family to donate the land to a conservation easement for a nature preserve, City park, and historical area. This acreage is a part of the history of the area, adjacent to the Markham Hill treasure not yet destroyed by development. I envision the Markham Hill/Marinoni land as Fayetteville's Central Park in the middle of Fayetteville. It would add to the uniqueness of Fayetteville, whereas more development, traffic, crowdedness, noise, exhaust, litter, crime, etc. would not. All that would do is make Fayetteville like all other big cities. Having lived in the Washington DC/Baltimore area for 30 years, I've had enough of that. One reason I moved back to Fayetteville was for its natural areas, trees, and fewer people.

Please vote 'No' to any upzoning of the Marinoni property. Please ask Paula Marinoni and the Marinoni family if they would kindly consider donating the land as a conservation easement. The Marinoni family and their historical contributions to Fayetteville could be honored in this way.

Thank you for your consideration.

Sincerely,
Lisa Orton
1663 W Halsell Rd
Fayetteville
Ward 4

Masters, Jessica

From: Lauren Greenlee <lfaygreenlee@gmail.com>
Sent: Wednesday, November 4, 2020 6:01 AM
To: Masters, Jessica
Subject: resident comments on rezoning request RZW 202-000014

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

Dear Jessie,

I live at 2110 West Loren Circle in Fayetteville and own my house on Loren Circle. I am writing to protest the rezoning request RZW 202-000014, which would rezone the property behind our neighborhood to category CS on Tract 2. We have a quiet and safe residential neighborhood here and we do not want to have the tracts behind our neighborhood rezoned to be open to a wide range of commercial development. We are concerned about our property value and quality of life that we have in our neighborhood and do not want to see that degraded by aggressive development. We also think that if Cleveland St and Maple St are opened up and extended, it would greatly increase traffic around our neighborhood, affecting many residents negatively.

I hope you consider this protest of rezoning in your consideration of RZW 202-000014.

thank you,
Lauren Greenlee
2110 West Loren Circle

Masters, Jessica

From: CityClerk
Sent: Thursday, October 29, 2020 1:45 PM
To: Masters, Jessica
Subject: FW: Marinoni Land

Please see email below from Marquette regarding Marinoni Land.

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

From: CityClerk <cityclerk@fayetteville-ar.gov>
Sent: Thursday, October 29, 2020 1:29 PM
To: Bolinger, Bonnie <bbolinger@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>; Eads, Gail <geads@fayetteville-ar.gov>; Roberts, Gina <groberts@fayetteville-ar.gov>; Batker, Jodi <jbatker@fayetteville-ar.gov>; Johnson, Kimberly <kjohnson@fayetteville-ar.gov>; Rogers, Kristin <krogers@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>; Branson, Lisa <lbranson@fayetteville-ar.gov>; Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Mathis, Jeana <jmathis@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>; Petty, Matthew <ward2_pos2@fayetteville-ar.gov>; Mulford, Patti <pmulford@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>; Thurber, Lisa <lthurber@fayetteville-ar.gov>; Gutierrez, Sonia <ward1_pos1@fayetteville-ar.gov>; Marsh, Sarah <ward1_pos2@fayetteville-ar.gov>; Kinion, Mark <ward2_pos1@fayetteville-ar.gov>; Scroggin, Sloan <ward3_pos1@fayetteville-ar.gov>; Bunch, Sarah <ward3_pos2@fayetteville-ar.gov>; Turk, Teresa <ward4_pos1@fayetteville-ar.gov>; Smith, Kyle <ward4_pos2@fayetteville-ar.gov>
Cc: Rick Jones <birdnurd62@gmail.com>; dinacnash2014@gmail.com; Lisa Orton <lisa_m_orton@yahoo.com>; Marquette Bruce <marquette44@gmail.com>; Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: FW: Marinoni Land

Good afternoon,

Please see the below message from Marquette Bruce. Ms. Marquette also called the City Clerk Treasurer's Office and requested that this email be forwarded to everyone on our Council Member List including Planning Commissioners.

Thank you,

Kara Paxton
City Clerk Treasurer
City of Fayetteville, Arkansas
kapaxton@fayetteville-ar.gov
T 479.575.8323

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

From: Marquette Bruce <marquette44@gmail.com>
Sent: Thursday, October 29, 2020 1:17 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>

Cc: Rick Jones <birdnurd62@gmail.com>; dinacnash2014@gmail.com; Lisa Orton <lisa_m_orton@yahoo.com>
Subject: Marinoni Land

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Please send this to all commissions!

I live in the Markham Hill area and with the development of that area, I am concerned about the environmental changes to the quality of life there. When I go on my daily walks, getting across and walking on CLEVELAND and SANG are becoming less and less desirable. I know developers will continue to do what developers do. Is there anyway the city can take a more active role in moving towards more sustainable development? I know progressive communities have incentives to educate and encourage sustainable development. With the Marinoni's requesting the most density possible in rezoning their land and with the Markham Hill development, University Heights is dying. Surely with the University, city, and the neighborhood working together, protection of the health and spirit of the area can remain and continue to grow with more sustainably? If not, we will become just another congested, polluted, undesirable place to not live! Guess we will all want to move to the country and create more sprawl and an endless cycle of destruction. Please do not approve high density there. Greed versus quality of life. Surely the Marinoni's can sell and the developers can make money and the residents can have a quality of life they deserve all in the same package! I am asking the city to take the lead on this! I do not have the answers, but some urban planners need to come up with something that works for the whole! Marquette Bruce, 741 North Lewis Ave, 522-965-2122 Sent from my iPhone

Planning Commission
City of Fayetteville, AR
113 West Mountain
Fayetteville, AR 72701
RE: 2020-0912 Application
RZN 202-000014

Dear Commissioners,

We are sending this letter to express our opposition to the rezoning of “tract 2” located in the rezoning request RZW 202-000014 from RSF-4 to CS submitted by Paula Marinoni. Our property is located at 2129 West Loren Circle in the Westwood subdivision and is immediately adjacent to tract 2. Our understanding is that a CS zoning would allow just about anything, from a liquor store to a 5-story apartment building, to be developed on this 22-acre tract adjacent to our quiet neighborhood with very little setback.

We called Mrs. Marinoni in the hope of finding out something of the plans for this area of tract 2. Mrs. Marinoni indicated that she did not know what would be developed on this tract, but that previous interest had been show for the building of senior housing in that area. She offered no indication as to how much screening there would be between any future developments and our property.

The lack of any definitive planning makes us very nervous about the rezoning of tract 2 from RSF-4 to such a wide-open zoning category as CS. We might feel differently if somebody could give us an answer to the plans for this tract, but the prospects of a large building abutting our quiet neighborhood is disconcerting.

We request that rezoning of tract 2 be postponed until such time that a plan for the development of this tract is put forward. We are not objecting to the other rezoning in this application as these changes do not directly affect our property.

Robert and Virginia Liner
2129 West Loren Circle
Fayetteville, AR 72701
479-652-6569

Masters, Jessica

From: Ed Baker <edbakercrew@gmail.com>
Sent: Monday, November 2, 2020 10:28 AM
To: Masters, Jessica
Subject: Marinoni rezoning

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My name is Ed Baker. I live directly east of the property that they are wanting to rezone to CS (community services). My wife and I have lived in our house/neighborhood on Loren Circle (2131 Loren Circle) off of Sang Avenue since 2001. We are very much AGAINST the rezoning of that portion of the Marinoni property, especially since there is no clear plan for how the property will be developed. If it were to be designated as parkland and tied in with the university portion of the Markham property that is to be preserved-we could support that. As is currently presented,we do not want a development literally in our backyard. Especially with no plan in place of what could be built. By our understanding, a community services designation could lead to anything from a 5 story building to a liquor store. Please know we are VEHEMENTLY OPPOSED! Thank you.

Sent from my iPhone

Masters, Jessica

From: Pennington, Blake
Sent: Monday, November 2, 2020 11:39 AM
To: Masters, Jessica
Subject: FW: Marinoni rezoning

Jessie, we received the email below at our general office account.

--

Blake E. Pennington

Assistant City Attorney

Tele: (479) 575-8313

bpennington@fayetteville-ar.gov

From: Ed Baker <edbakercrew@gmail.com>
Sent: Monday, November 2, 2020 10:42 AM
To: City_Attorney <city_attorney@fayetteville-ar.gov>
Subject: Marinoni rezoning

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

I'm not sure you can do anything about this, but my name is Ed Baker. I live directly east of the property that they are wanting to rezone to CS (community services). My wife and I have lived in our house/neighborhood on Loren Circle (2131 Loren Circle) off of Sang [Avenue since 2001](#). We are very much AGAINST the rezoning of that portion of the Marinoni property, especially since there is no clear plan for how the property will be developed. If it were to be designated as parkland and tied in with the university portion of the Markham property that is to be preserved-we could support that. As is currently presented,we do not want a development literally in our backyard. Especially with no plan in place of what could be built. By our understanding, a community services designation could lead to anything from a 5 story building to a liquor store. Please know we are VEHEMENTLY OPPOSED! Thank you.

Sent from my iPhone

Masters, Jessica

From: Curth, Jonathan
Sent: Monday, November 2, 2020 11:53 AM
To: Masters, Jessica
Subject: FW: Marinoni rezoning

JM,

More Marinoni-related comment. Please include in your report to share with the Commission.

Thanks,

Jonathan Curth, AICP
Development Review Manager
City Planning Division
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

From: Mayor
Sent: Monday, November 02, 2020 11:07 AM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Cc: Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>
Subject: FW: Marinoni rezoning

fyi

From: Ed Baker <edbakercrew@gmail.com>
Sent: Monday, November 2, 2020 10:39 AM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Marinoni rezoning

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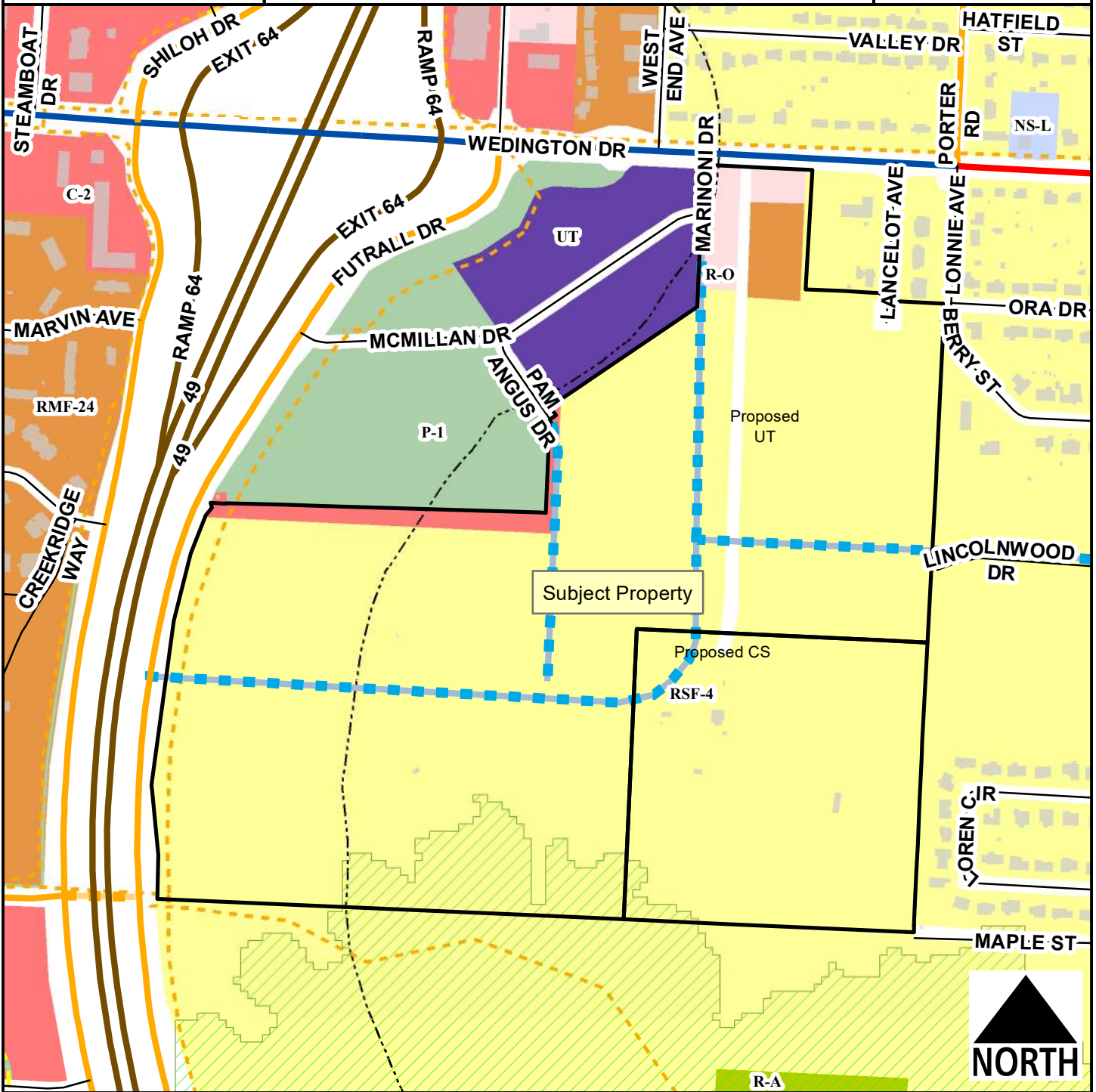
My name is Ed Baker. I live directly east of the property that they are wanting to rezone to CS (community services). My wife and I have lived in our house/neighborhood on Loren Circle (2131 Loren Circle) off of Sang [Avenue since 2001](#). We are very much AGAINST the rezoning of that portion of the Marinoni property, especially since there is no clear plan for how the property will be developed. If it were to be designated as parkland and tied in with the university portion of the Markham property that is to be preserved-we could support that. As is currently presented,we do not want a development literally in our backyard. Especially with no plan in place of what could be built. By our understanding, a community services designation could lead to anything from a 5 story building to a liquor store. Please know we are VEHEMENTLY OPPOSED! Also, it is probably too late now, but we're also not very happy at all with atrocity going on just to the south of us on Markham Hill. Thank you for your time.

Sent from my iPhone

RZN-2020-000014

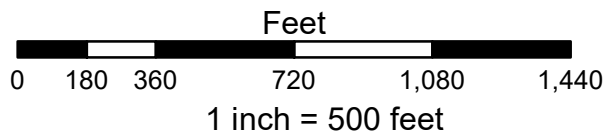
Marinoni Farms Property

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



Zoning Acres

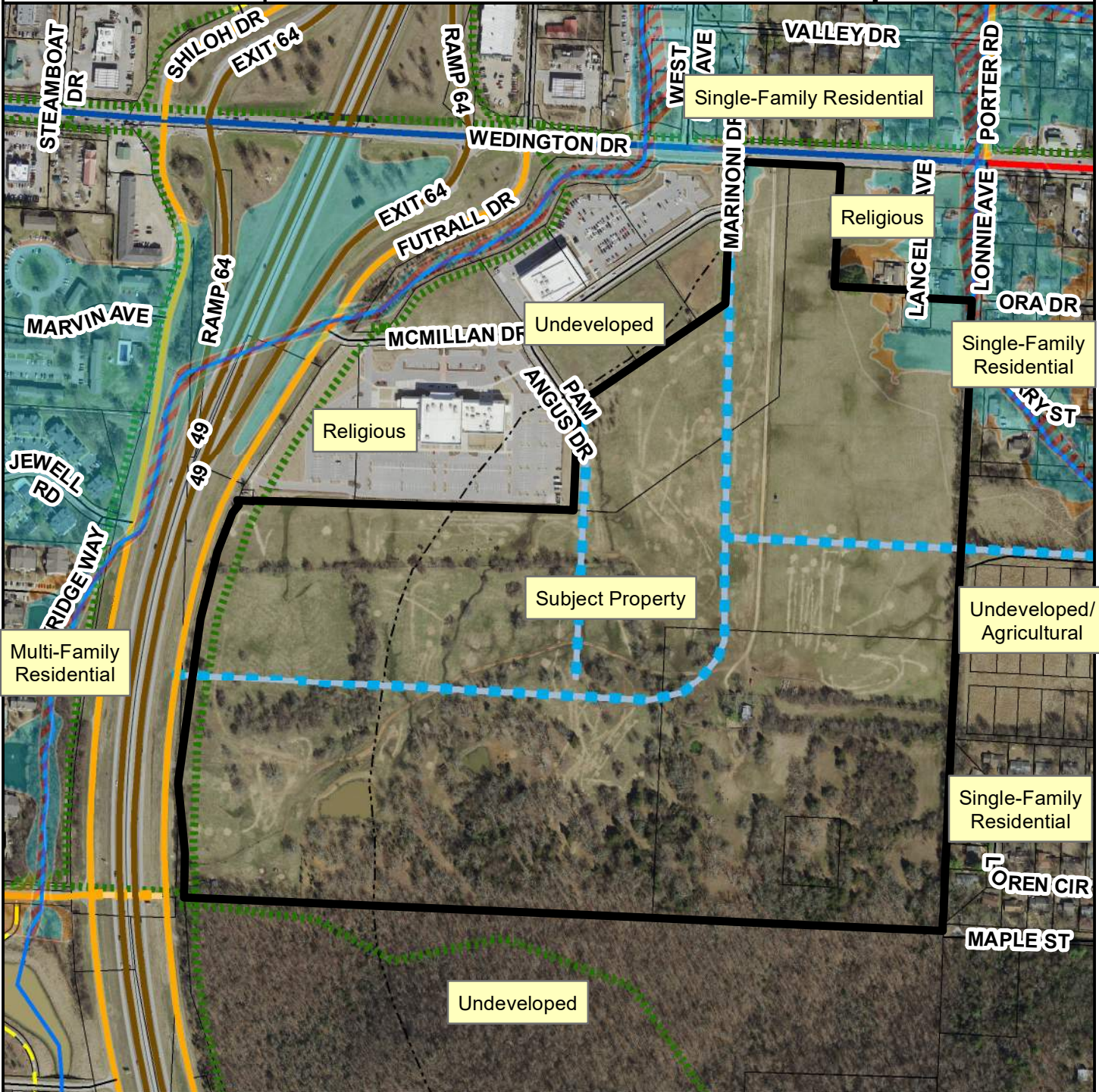
CS	23.0
UT	84.7

Total 107.7

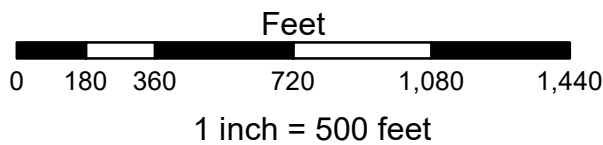
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Marinoni Farms Property

Current Land Use



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



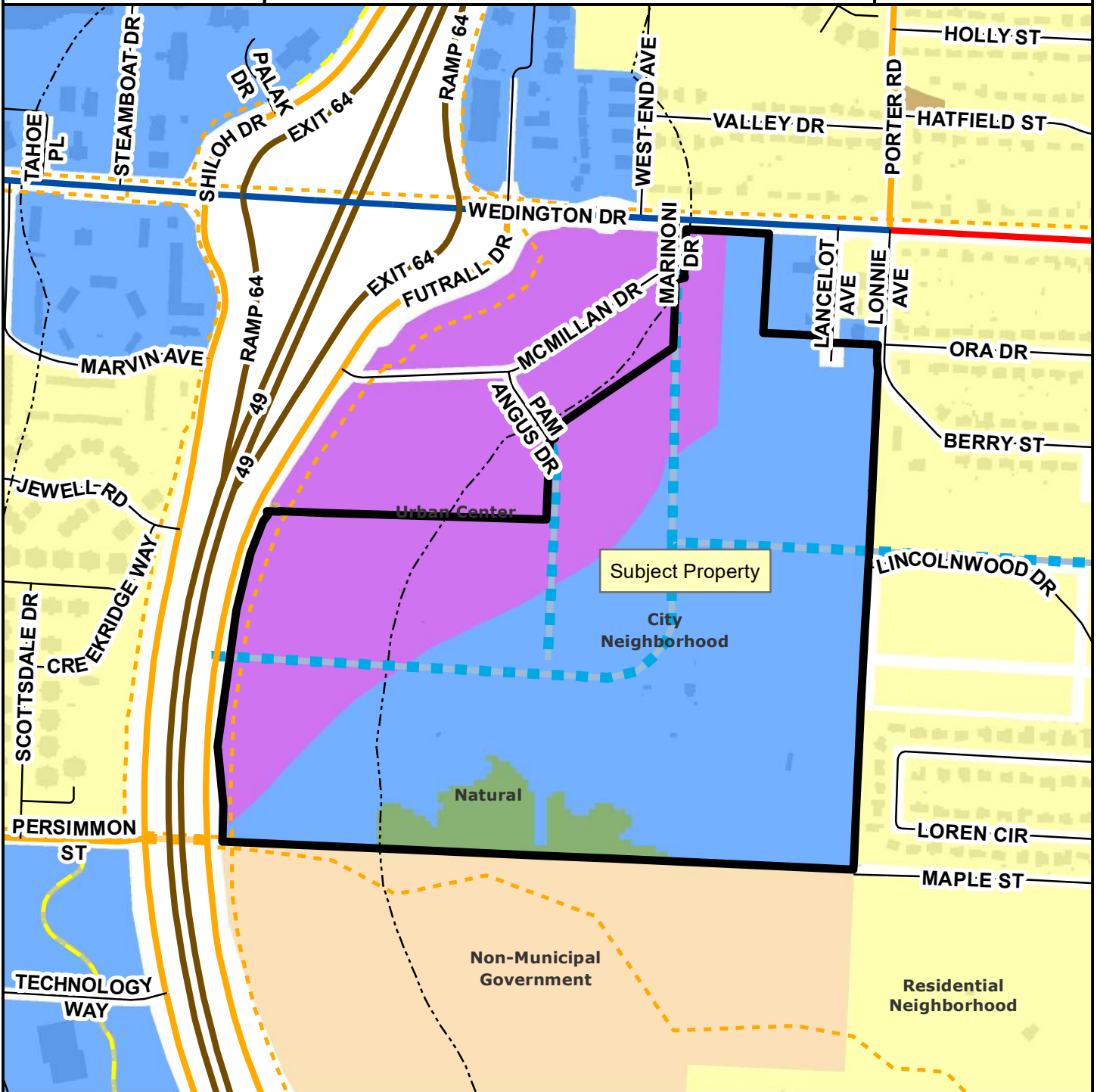
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Marinoni Farms Property

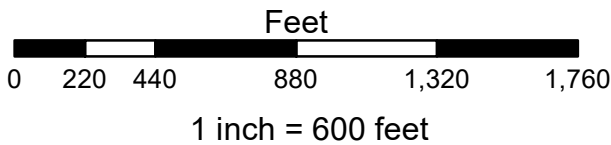


Future Land Use



Legend

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



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