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MAY 13 2021

CITY OF FAYETTEVILLE  
CITY CLERK'S OFFICE

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May 13, 2021

**VIA E-MAIL**

[cityclerk@fayetteville-ar.gov](mailto:cityclerk@fayetteville-ar.gov)

Kara Paxton, City Clerk

City of Fayetteville

113 W. Mountain Street, Rm. 308

Fayetteville, Arkansas 72701

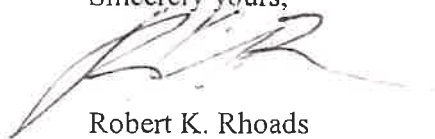
Re: RZN 2020-000028 Kidder Rezoning

Dear Ms. Paxton:

The above referenced rezoning request was heard before the Planning Commission on May 10, 2021. The Planning Commission voted to not recommend the rezoning to the City Council; therefore I write you this letter on behalf of the Petitioners to formally appeal that decision and ask that the appeal of the rezoning be put on the next scheduled appropriate City Council Agenda.

I thank you for your consideration concerning this request and if this letter is lacking anything to be officially considered a formal request please let me know immediately. The Petitioners 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. The applicants will submit additional reasons why they believe the City Council should approve the rezoning when this request is placed on the Agenda. I thank you in advance.

Sincerely yours,



Robert K. Rhoads

RKR:slt

Cc: Justin Jorgenson  
Clients  
Jonathan Curth  
Kit Williams



**MEETING OF JUNE 15, 2021**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth, Development Services Director

**FROM:** Jessie Masters, Development Review Manager

**DATE:** May 28, 2021

**SUBJECT:** **RZN 2020-000028: Rezone (EAST OF W. MICHAEL COLE DR & W. WEDINGTON DR./KIDDER, 436):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located EAST OF W. MICHAEL COLE DR. & W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 5.10 acres. The request is to rezone the properties to RI-U, Residential Intermediate – Urban and NS-L, Neighborhood Services – Limited.

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**RECOMMENDATION:**

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

**BACKGROUND:**

The property, parcel, 765-16221-000, is in west Fayetteville, at the corner of W. Wedington Drive and W. Michael Cole Drive, just east of N. Double Springs Road. Containing approximately 5.0 acres, the property is undeveloped, zoned R-A, Residential-Agricultural, and has approximately 1100 feet of frontage along W. Wedington Drive. The applicant previously submitted a request to rezone the property to RMF-18, Residential Multi-Family, 18 Units per Acre, which was denied by Planning Commission. The applicant appealed that denial to City Council, where an amended request was submitted. City Council remanded the item to Planning Commission for a full review and recommendation. At the April 26, 2021 Planning Commission meeting, Commissioners voted to table the item at the applicant's request. At the May 10, 2021 Planning Commission meeting, Commissioners voted to deny the item with a 4-5-0 vote. More information about that meeting is below.

*Request:* The request is to rezone the property to RI-U, Residential Intermediate – Urban and NS-L, Neighborhood Services – Limited. The applicant has not submitted any formal development plans, but has indicated an intent to develop townhomes on the property.

*Public Comment:* Staff received a petition expressing opposition to the original request of RMF-18 containing 50 signatures from neighbors. Staff received a phone call inquiry regarding the updated proposal, but no specific comment was issued in support or opposition to the updated request. No public comment was issued on the item previously at City Council; one member of

the public spoke in opposition to the request at the May 10, 2021 Planning Commission meeting. Staff has since received a phone call inquiry about the project's status, but no formal opposition or support was offered.

*Land Use Compatibility:* The surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural. Additional residential development appears to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, and RI-12, Residential Intermediate, 12 Units per Acre to the northeast. There are few non-residential services available nearby, especially within close walking distance. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff recognizes that rezoning to a higher density is merited at the site. The provision of limited services at the corner through a request to NS-L, Neighborhood Services – Limited for this area could help mitigate concerns about the availability of walkable services. While RI-U does not have a stated density maximum, it does place limits on the types of dwellings permitted, such as single-family to 4-family, and would not permit larger, out of scale apartment buildings. RI-U also has a height maximum of 3 stories, which also places limitations on the potential for a large, out-of-scale apartment building.

*Land Use Plan Analysis:* Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types, so staff recognizes the city's goal for additional housing and supportive services in the area, rather than the land remaining agricultural. It is worth noting that the infill score for this neighborhood is low, which would demonstrate that the area is not currently ready for higher density housing, especially housing which would not necessarily be developed to support compact, complete, and connected neighborhoods. Understanding that rooftops help bring services to an area, staff would support a request to a district such as RI-U, Residential Intermediate – Urban, to support an increase in density to the area, but through the limited housing types of single-, two-, three-, and four-family dwellings. Further, staff finds that a consideration of the potential provision of a walkable service at the corner of W. Michael Cole Drive through a consideration for NS-L, Neighborhood Services – Limited, would lead the site in the direction towards a more connected neighborhood.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates a score of 5 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Ruppel Road)
- Near Sewer Main (North side of W. Wedington Drive; Southeast side of subject property)
- Near Water Main (South side of W. Wedington Drive)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (W. Wedington Drive)

## **DISCUSSION:**

At the May 10, 2021 Planning Commission meeting, and following a failed vote to table the request, a motion to forward the item recommending approval failed with a vote of 4-5-0; Commissioner Winston made the motion and Commissioner Canada seconded. During the applicant's presentation, they elected to share conceptual plans for attached residential housing.

Commissioners in opposition to the request identified issues with the illustrative plans that were submitted by the applicant, including conflicts and inconsistencies with both zoning and development codes. The Assistant City Attorney clarified that the submitted plans were not legally bound to the rezoning request, and city staff clarified that the plans had not been reviewed for any form of code compliance. Other Commissioners opposed to the item suggested that the density of the request was still too high for the area compared to the previous request and were concerned that the proposal still represented sprawl. Commissioners in support of the rezoning request appreciated the form-based nature of the zoning districts, and were encouraged that the use of RI-U would require buildings to be placed along W. Wedington. One member of the public offered comment at the meeting in opposition to the proposal citing concerns with the low infill score and wondered if this was the highest and best use for the land in this area.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

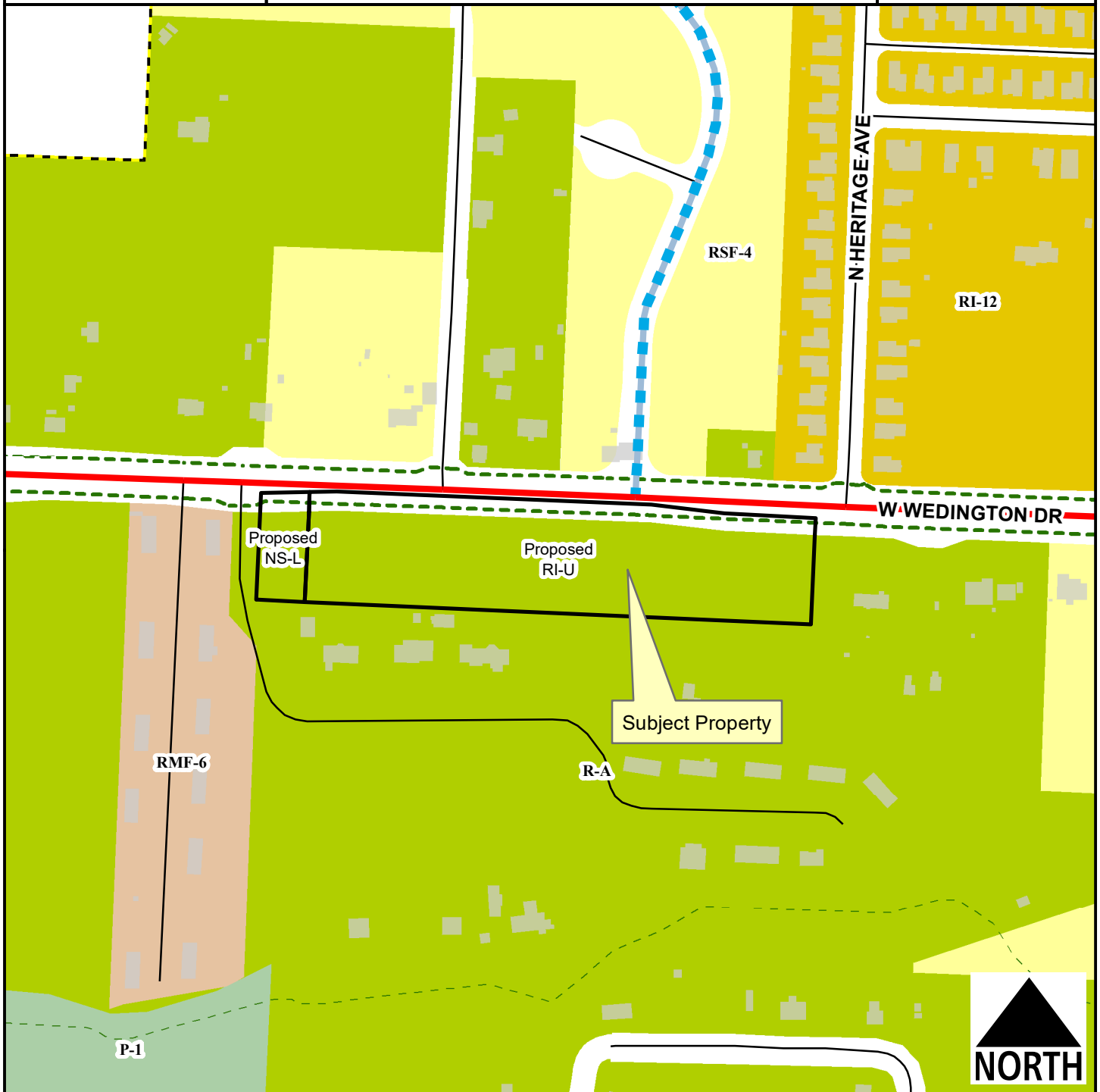
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2020-000028

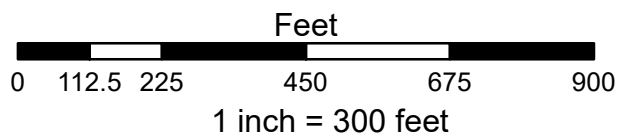
## Kidder

EXHIBIT 'A'  
RZN-2020-000028

Close Up View



- Regional Link
- - - Planned Residential Link
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Building Footprint

**Zoning   Acres**

RMF-18   5.1

**Total   5.1**

**EXHIBIT 'B'**  
RZN-2020-000028  
Legal Descriptions

LEGAL DESCRIPTION: (R-A TO RI-U)

A part of the NW1/4 of the SW1/4 and a part of the NE1/4 of the SW1/4 of Section 11, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence East 270.00 feet, thence South 23.89 feet, thence N86°12'36"E 100.22 feet to the POINT OF BEGINNING, thence N86°12'36"E 56.03 feet, thence N89°54'27"E 649.55 feet, thence S85°47'50"E 150.33 feet, thence S89°36'43"E 189.28 feet, thence South 219.19 feet, thence West 1,044.66 feet, thence North 226.74 feet to the POINT OF BEGINNING: Containing 5.47 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (R-A TO NS-L)

A part of the NW1/4 of the SW1/4 of Section 11, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said NW1/4, SW1/4, thence East 270.00 feet, thence South 23.89 feet to the POINT OF BEGINNING, thence N86°12'36"E 100.22 feet, thence South 226.74 feet, thence West 100.00 feet, thence North 220.11 feet to the POINT OF BEGINNING: Containing 0.51 acres more or less subject to easements and right of way of record.



**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** May 10, 2021 **Updated with PC hearing results from 5/10/2021**

**SUBJECT:** **RZN 2020-000028: Rezone (EAST OF W. MICHAEL COLE DR & W. WEDINGTON DR./KIDDER, 436):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located EAST OF W. MICHAEL COLE DR. & W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 5.10 acres. The request is to rezone the properties to RI-U, Residential Intermediate – Urban and NS-L, Neighborhood Services – Limited.

**RECOMMENDATION:**

Staff recommends forwarding RZN-2020-000028 to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward RZN-2020-000028 to City Council with a recommendation of approval."

**BACKGROUND:**

The property, parcel, 765-16221-000, is in west Fayetteville, at the corner of W. Wedington Drive and W. Michael Cole Drive, just east of N. Double Springs Road. Containing approximately 5.0 acres, the property is undeveloped, zoned R-A, Residential-Agricultural, and has approximately 1100 feet of frontage along W. Wedington Drive. The applicant previously submitted a request to rezone the property to RMF-18, Residential Multi-Family, 18 Units per Acre, which was denied by Planning Commission. The applicant appealed that denial to the City Council, where an amended request was submitted. City Council recommended the item be sent back to Planning Commission for a full review and recommendation. 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             | R-A, Residential-Agricultural;<br>RSF-4, Residential Single-Family, 4 Units per Acre;<br>RI-12, Residential Intermediate, 12 Units per Acre |
| South     | Undeveloped/Single-Family Residential | R-A, Residential-Agricultural   |
| East      | Single-Family Residential             | R-A, Residential-Agricultural   |
| West      | Two-Family Residential                | RMF-6, Residential Multi-Family, 6 Units per Acre   |

**Request:** The request is to rezone the property to RI-U, Residential Intermediate – Urban and NS-L, Neighborhood Services – Limited. The applicant has not submitted any additional development plans, but has indicated an intent to develop townhomes on the property.

**Public Comment:** Staff received a petition containing 50 signatures from neighbors expressing

opposition to the original request of RMF-18. The specific concerns and full signatures are attached to this report. Staff received a phone call inquiry regarding the updated proposal, but no specific comment was issued in support of opposition to the updated request. No public comment was issued on the item at City Council.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

**Streets:** The subject area has frontage to W. Wedington Drive, which is a fully improved Regional Link with asphalt, curb, gutter, and trail. The property also has frontage to W. Michael Cole Drive, which is classified as a Residential Link Street, with asphalt, but no curb, gutter, greenspace, or sidewalk. Any street improvements required in these areas would be determined at the time of development proposal, as well as any requirements for drainage.

**Water:** Public water is available to the subject area. An existing 2-inch water main that segues into an 8-inch water main is present along the north side of W. Wedington Drive and an existing 18-inch water main is present along the south side of W. Wedington Drive. An existing 6-inch water main is also present along the west side of W. Michael Cole Drive.

**Sewer:** Sanitary sewer is available to the subject area. An existing 6-inch sanitary sewer main is present on the north side of W. Wedington Drive and existing 6-inch sanitary sewer main is present in the southeast corner of the subject property.

**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 1.7 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.

**Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portion of the property is within the Hillside-Hilltop Overlay District. The property does not lie within a FEMA floodplain, nor is there a protected stream in the area.

Hydric Soils appear to be present along the Southeast side of the subject property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the



property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required.

### **Tree Preservation:**

The proposed zoning district of RI-U, Residential Intermediate – Urban requires **15% minimum canopy preservation**, and the proposed zoning district of NS-L, Neighborhood Services - Limited has a **10% minimum canopy preservation**.

The current zoning district of R-A, Residential- Agricultural requires **25% minimum canopy preservation**.

**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 5 for this site, with a weighted score of 4.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Ruppel Road)
- Near Sewer Main (North side of W. Wedington Drive; Southeast side of subject property)
- Near Water Main (South side of W. Wedington Drive)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (W. Wedington Drive)

### **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 surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural. Additional residential development appears to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, and RI-12, Residential Intermediate, 12 Units per Acre to the northeast. There are few non-residential services available in the area, especially within close walking distance. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff does find that a rezoning to a higher density is merited at the site. The provision of limited services at the corner through a request to NS-L, Neighborhood

**Services – Limited for this area could help mitigate concerns about the availability of walkable services. While RI-U does not have a stated density maximum, it does place limits on the types of dwellings permitted, such as single-family to 4-family, and would not permit larger, out of scale apartment buildings. RI-U also has a height maximum of 3 stories, which also places limitations on the potential for a large, out-of-scale apartment building.**

***Land Use Plan Analysis:* Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types, so staff recognizes the need for an upzone for additional housing and supportive services in the area, rather than the land remaining agricultural. It is worth noting that the infill score for this neighborhood is low, which would demonstrate that the area is not currently ready for higher density housing, especially housing which would not necessarily be developed to support compact, complete, and connected neighborhoods. Understanding that rooftops help bring services to an area, staff would support a request to a district such as RI-U, Residential Intermediate – Urban, to support an increase in density to the area, but through the limited and more compatible housing types of single-, two-, three-, and four-family dwellings. Further, staff finds that a consideration of the potential provision of a walkable service at the corner of W. Michael Cole Drive through a consideration for NS-L, Neighborhood Services – Limited, would lead the site in the direction towards a more connected neighborhood.**

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

**Finding: A rezone to a higher density than R-A, Residential-Agricultural is justified, given its proximity to a Tier 3 center, and the future land use plans designating this area as Residential Neighborhood. The request to RI-U and NS-L allows for an incremental increase in density in the area, while still being compatible with overall future land use plans.**

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

**Finding: Rezoning the property to RI-U and NS-L at this site would increase traffic at this site, though staff does not find that it would be out of scale or create a dangerous traffic condition in the area. W. Wedington Drive has a typical vehicle count of 11,000 vehicles per day, and is an improved Regional Link with a service volume of 17,600 vehicles per day. Staff also finds that the site is located 1000 feet east of a Tier 3 center (W. Wedington Drive and N. Double Springs Road).**

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

**Finding: Rezoning the property from R-A to RI-U and NS-L would certainly have the**

potential to increase population density in this area. However, the available infrastructure, water and sewer, and the service volume of W. Wedington Drive, would likely support an increase in population density. The school district did not comment on this request.

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 approval of RZN-2020-000028.

|  |  |                                    |  |          |            |
|--|--|------------------------------------|--|----------|------------|
| <b>PLANNING COMMISSION ACTION:</b>   |  |                                    |  | Required | <u>YES</u> |
| <b>Date:</b> <u>May 10, 2021</u>   | <input type="checkbox"/> Tabled                | <input type="checkbox"/> Forwarded | <input checked="" type="checkbox"/> Denied |          |            |
| <b>Motion:</b> Winston   | (Motion #2 to table failed for lack of second) |                                    |  |          |            |
| <b>Second:</b> Canada  |  |                                    |  |          |            |
| <b>Vote:</b> 4-5-0 (Commissioners Garlock, Johnson, Sharp, Wiederkehr, Sparkman opposed) |  |                                    |  |          |            |

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.03 - District R-A, Residential-Agricultural
  - §161.12 - District RI-U, Residential Intermediate - Urban
  - §161.18 - NS-L, Neighborhood Services - Limited
- Applicant Request Letter
- Applicant Provided Exhibit
- Public Comment
- 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) |
|----------------|--------------|

(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<br>(all types) |
| Lot width minimum | 18 feet                 |
| Lot area minimum  | None                    |

(E) *Setback Requirements.*

| Front   | Side<br>Other<br>Uses | Side Single<br>& Two (2)<br>Family | Rear<br>Other<br>Uses | Rear, from<br>centerline of an<br>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* |
|-------------------------|----------------------|

\* 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)

### 161.18 - NS-L, Neighborhood Services - Limited

(A) *Purpose.* The NS-L Neighborhood Services - Limited district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

|          |   |
|----------|---|
| Unit 1   | City-wide uses by right                 |
| Unit 8   | Single-family dwellings                 |
| Unit 9   | Two (2) family dwellings                |
| Unit 10  | Three (3) and four (4) family dwellings |
| Unit 12a | Limited Business                        |
| Unit 24  | Home occupations                        |
| Unit 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        |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 5  | Government facilities                    |
| Unit 13 | Eating places                            |
| Unit 15 | Neighborhood shopping goods              |
| Unit 19 | Commercial recreation, small sites       |
| Unit 25 | Offices, studios and related services    |
| Unit 26 | Multi-family dwellings                   |
| Unit 36 | Wireless communication facilities*       |
| Unit 45 | Small scale production                   |

(C) *Density.*

|                |                  |
|----------------|------------------|
| Units per acre | Ten (10) or less |
|----------------|------------------|

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

|               |         |
|---------------|---------|
| Single-family | 35 feet |
|---------------|---------|



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

(2) *Lot Area Minimum.*

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

(E) *Setback Regulations.*

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

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 3 stories |
|-------------------------|-----------|

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

(Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. [5800](#), §1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§5, 6, 8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6223](#), §1, 9-3-19; [Ord. No. 6245](#), §2, 10-15-19)



**JORGENSEN**  
**+ASSOCIATES**  
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5  
Fayetteville, AR 72703  
Office: 479.442.9127  
[www.jorgensenassoc.com](http://www.jorgensenassoc.com)  
Established 1985

February 1, 2021

Kara Paxton, City Clerk  
City of Fayetteville  
113 W Mountain Street, Room 308  
Fayetteville, AR 72701

Re: RZN 2020-000028

Please accept this appeal of the decision of the Planning Commission on January 25<sup>th</sup>, 2021, to deny the rezoning request for RZN 2020-000028. Our original request at Planning commission was to rezone this to RMF-18 but after discussion with the city and the owner it was our desire to hear discussion from Planning Commission and change our request to RI-U and NS-L as noted in the staff report which they stated they would support. We requested to table this item so we could discuss options with staff, but we were denied that opportunity so that is the reason for this appeal.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We understand that Planning Commission has to make a lot of tough decisions and we certainly appreciate their hard work and time. However, in this instance, we feel that the applicant has presented a reasonable zoning request that is in conformity with the surrounding properties. We are kindly asking that the City Council please place this item on the next agenda, so that we can further discuss this matter.

Sincerely;

Justin Jorgensen



# Kidder Place Townhomes

Structure Framing Co.





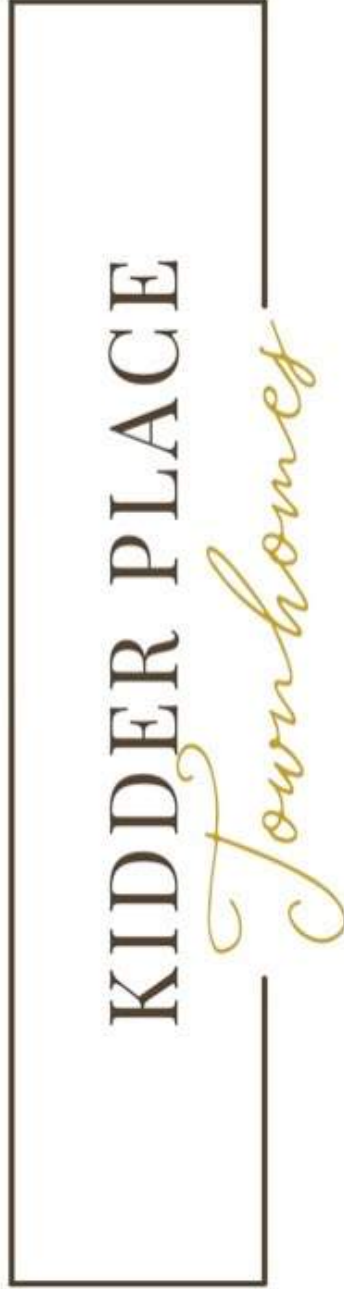
Just Minutes to:

- Interstate 49
- U of A Campus
- Retail Outlets
- Public Transit
- Dining





# LOGO OPTIONS



# MODERN & LUSH

## THE LIFE AT KIDDER PLACE

A crafted townhome community designed for neighbors, friends, and families seeking convenience and solace.



Structure Framing Co. • Mar. 2021





For Conceptual Purposes Only





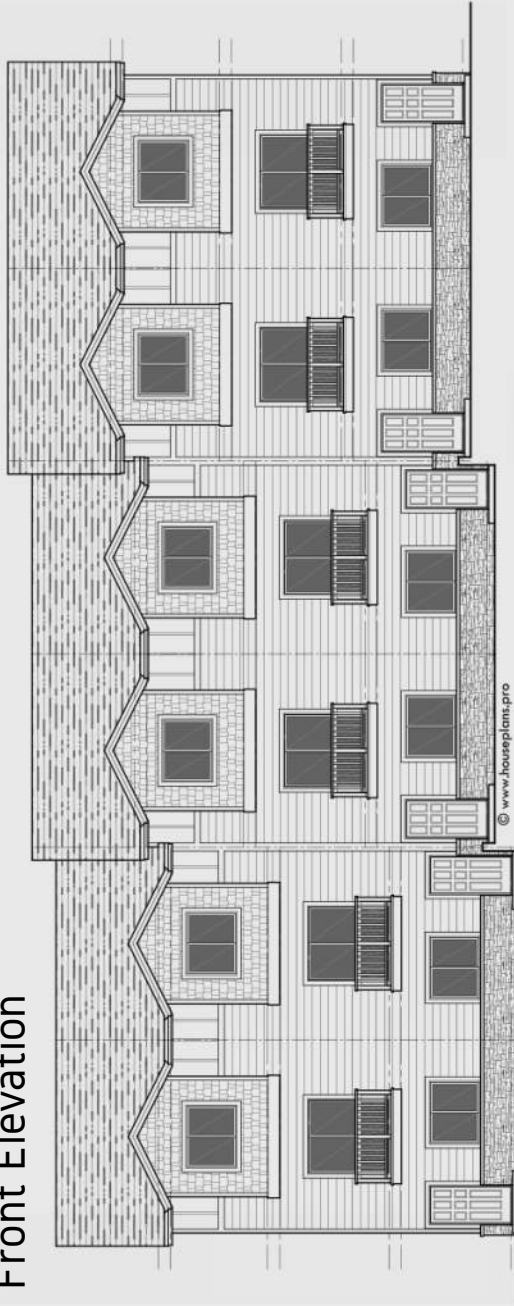
For Conceptual Purposes Only



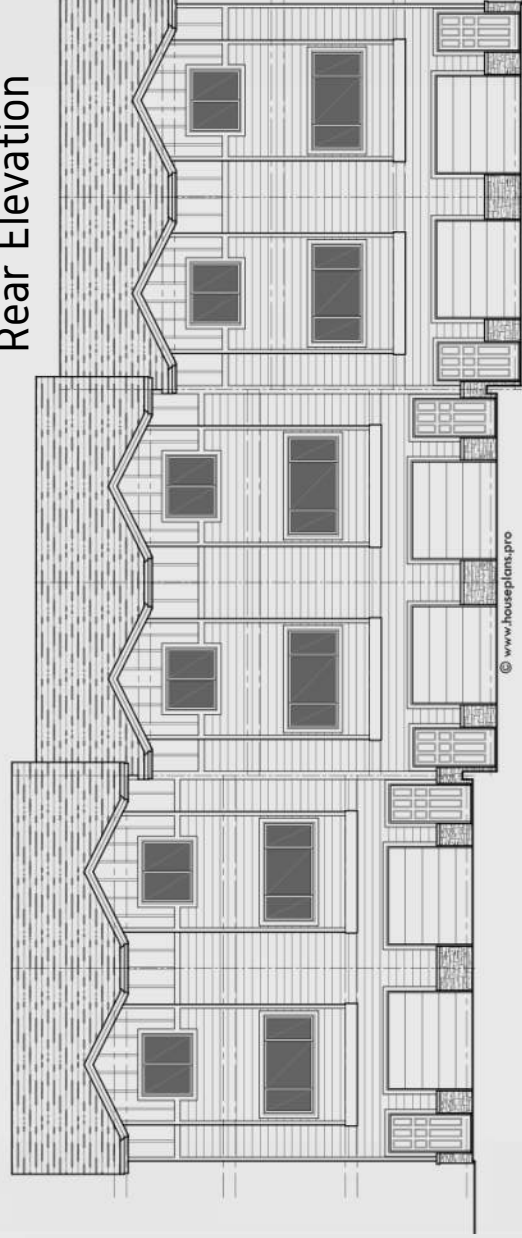


For Conceptual Purposes Only

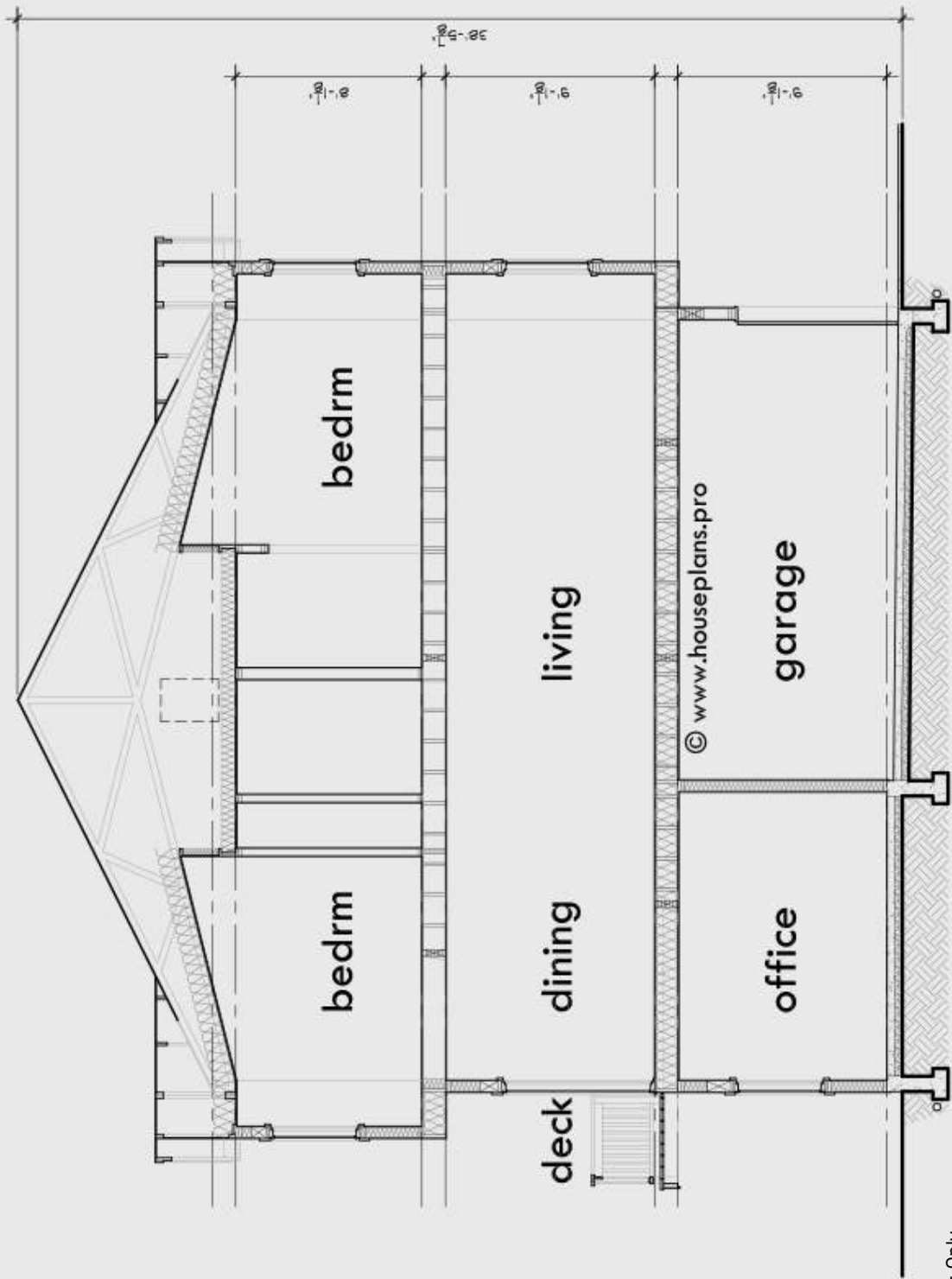
Front Elevation



Rear Elevation

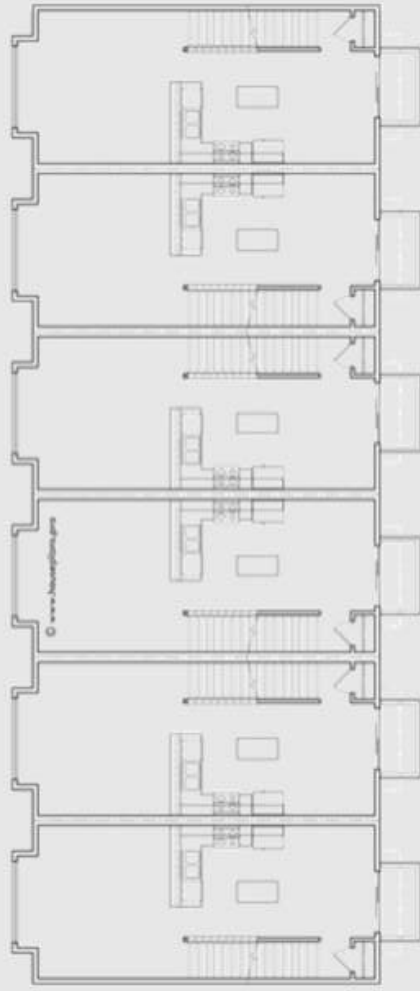


For Conceptual Purposes Only

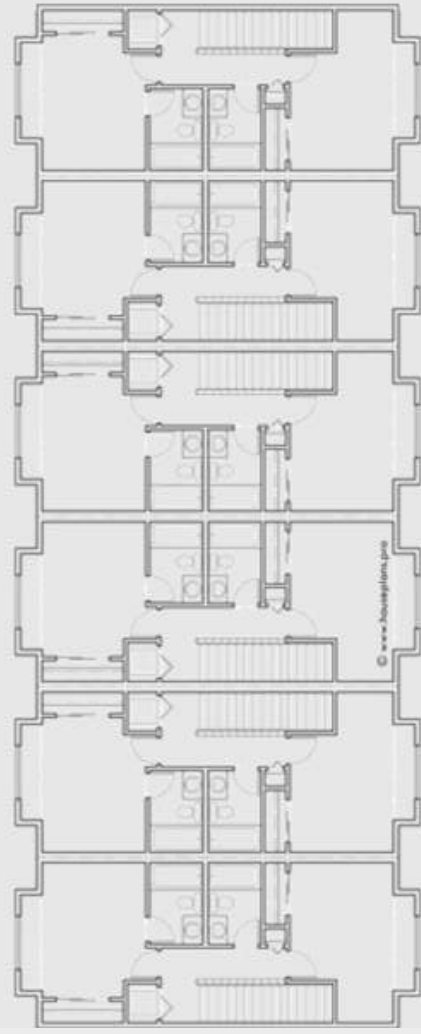


For Conceptual Purposes Only

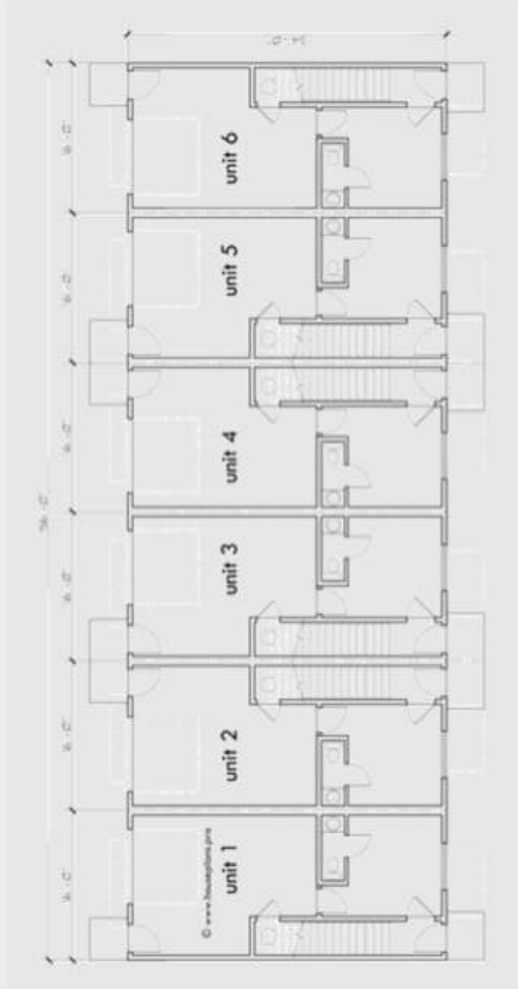
Second Level



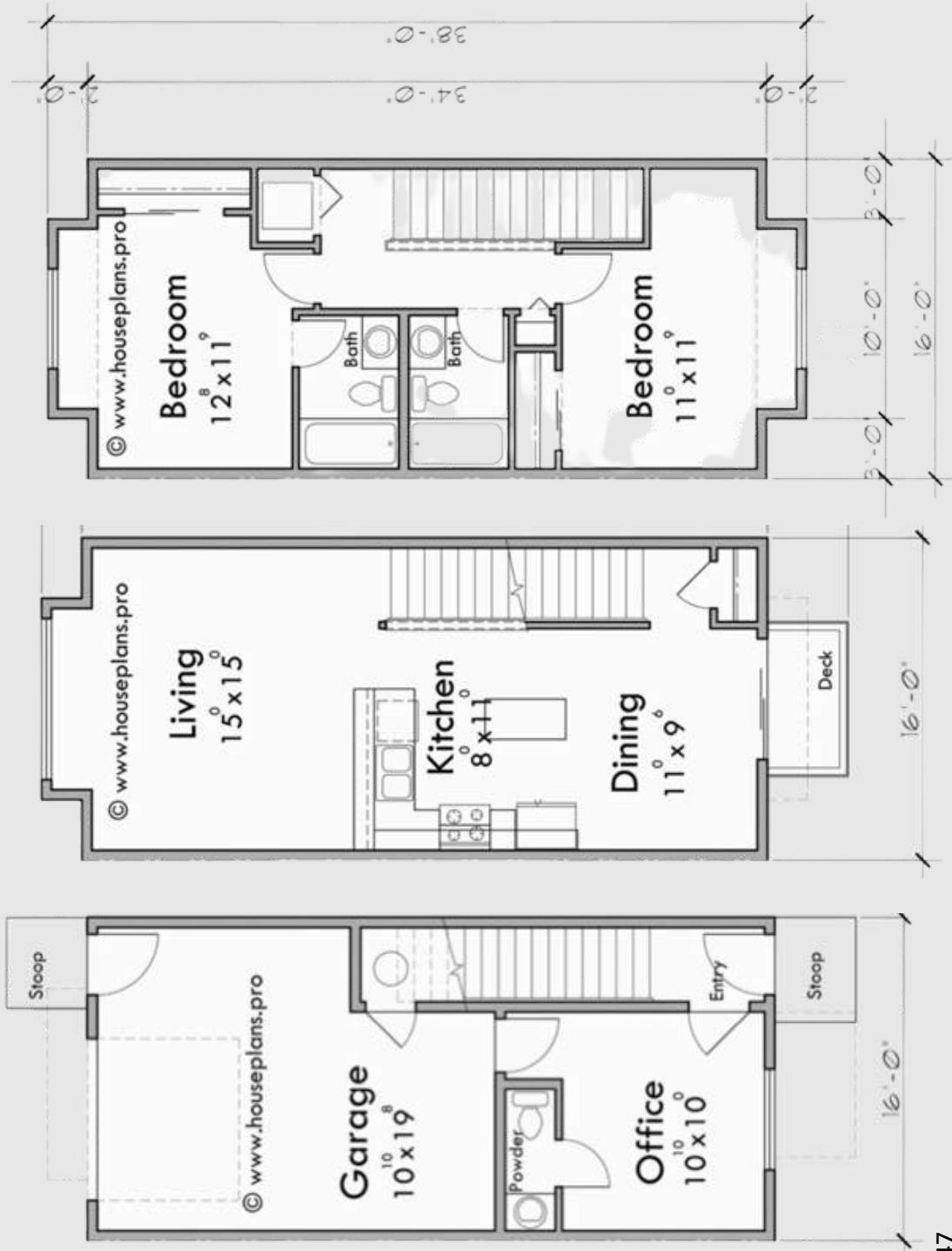
Second Level



Lower Level

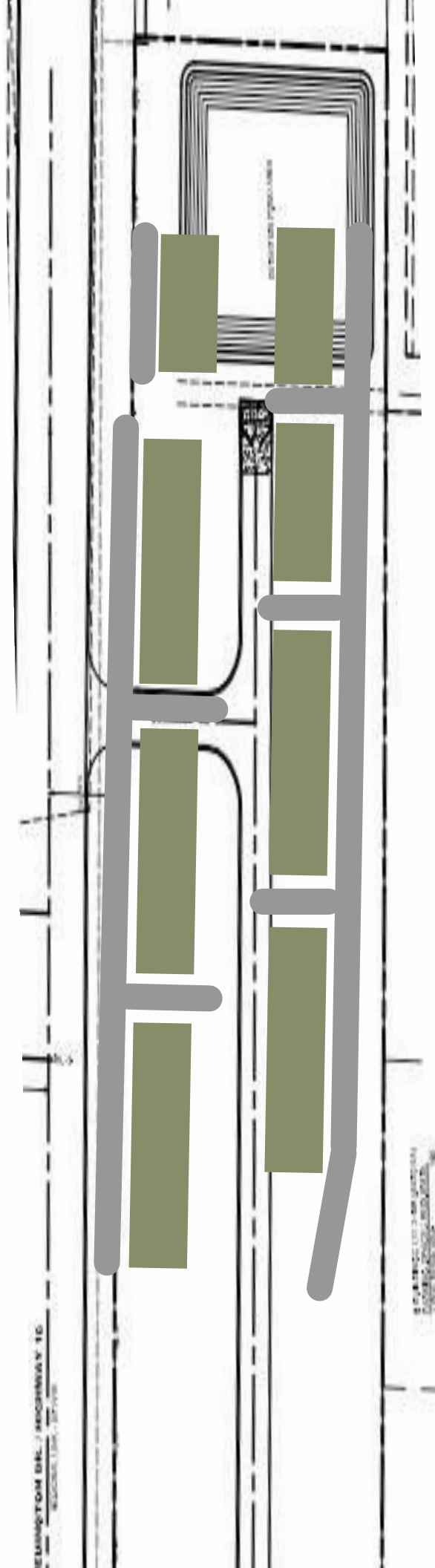


For Conceptual Purposes Only



- Total sq. ft.: 1,338
- Upper Floor sq. ft: 584
- Main Floor sq. ft: 564
- Lower sq. ft.: 190
- Bedrooms: 2
- Bathrooms: 2.5
- Rear Facing Garage Stalls: 1
- Width: 96' 0"
- Depth: 34' 0"
- Ridge Height: 38' 6"

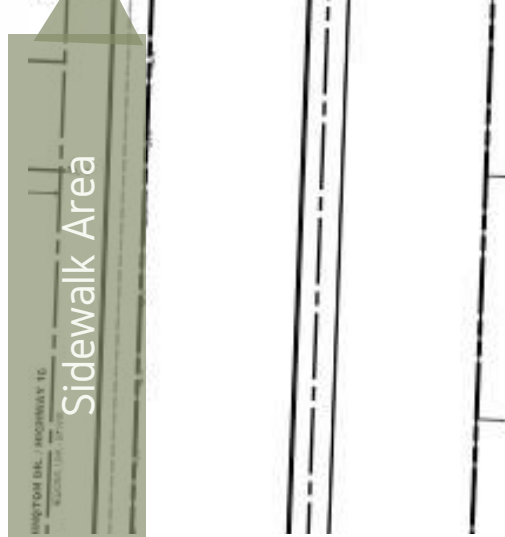
## 8 Townhome Buildings with 8-12 Units per Building (84 Units)



For Conceptual Purposes Only



Berms and naturescapes added along Wedington for privacy and city beautification.



For Conceptual Purposes Only



## **Petition Opposing Rezone Request for West Wedington Drive**

The undersigned are all City of Fayetteville residents and respectfully oppose a rezone request by Aria Holdings, LLC David Fender, for 5.15 acres on West Wedington Drive, Fayetteville, AR. All signatures on this petition are of property owners and/or residents who either adjoin this property in consideration for rezone, or who live in close proximity. All of us could be negatively affected for this high density development on Wedington Drive. This rezone request is to be considered at the Planning Commission meeting which is virtual by Zoom on January 25, 2021 at 5:30 pm.

We strongly oppose rezone of 5.15 acres on Wedington Drive from RA to RMF18 for the following reasons:

1. Negative traffic impact and safety concerns for car, pedestrian, and bike traffic.
2. Potential drainage problems onto Wedington Drive that could negatively impact nearby properties.
3. Increase of problems with the water and sewage system which is already inefficient and problematic at times for neighborhood residents with the recent housing growth and construction in this area.
4. Possibility of reduced adjoining and area property values.
5. Safety concerns for domestic animals and livestock on adjoining or nearby properties.
6. Weariness of years long construction traffic, trash, noise, and other negative impacts in our neighborhood from Creek View development to the south, Woodridge Subdivision to the north, and Brooke Drive construction to the west, which have all been simultaneous and all remain ongoing and are within close proximity to this property considered for rezone.
7. Increased potential for excessive noise and litter in the neighborhood which has already been an issue.

It seems to us that The Planning Commission and The Fayetteville City Council created a precedent for rezone for high density in this neighborhood at this time with rejection of a very similar high density rezone request at 6040 and 6074 West Wedington within the last 6 months. The property under current rezone request is just across Wedington from those properties which were denied rezone to RMF-18 or RMF-12 in the last six months of 2020. The Planning Commission (July, 2020) and the City Council (Sept. 2020) both carefully considered and thoughtfully discussed the past rezone request and appeal with respect to the long term growth plan as well as united neighborhood opposition to any high density at this time.

A rezone to RMF-18 at this property appears to us to be in conflict with the RA Code 161.03 section of "orderly transition of growth." We appreciate and agree with council member's remarks from past rezone considerations that concentrated high density in our neighborhood does not blend with the long term growth "hamlet" approach and is "too much, too fast." The lack of services in this area was also a factor of concern.

We hope that the Commission will appreciate and consider the limitations to communicate because of Covid 19. We respectfully ask the Planning Commission to consider our opposition. Please know that not all residents who have signed this petition have internet access to join the meeting in Zoom format. If our signature is on this petition, we state that our absence from the 1/25/21 Zoom meeting does not signify a lack of interest and/or lack of strong opposition to this rezone request.

We, the undersigned, oppose the rezone request for 5.15 acres on Wedington Drive with our signatures, addresses, and/or phone or email contact information.

This rezone request is to be decided by the City of Fayetteville Planning Commission on 1/25/21.

Michael Paul 5901 W. Michael Cole Dr. 479-409-4754  
Samuel Sookop 5466 W Michael Cole Dr 479-422-8337  
Virginia Martin 5890 W. MICHAEL Cole Dr 479-466-3788  
Grady L Jones 5916 W. Wedington Dr 479-799-7346  
Holly Paul 5901 W. Michael Cole Dr. 479-251-9550  
Kate Chapman 5925 W. Michael Cole Dr. 215-990-5313  
John H. 6480 Wedington Dr 479-466-2110  
Olivia Harris 6480 Wedington Dr 479-530-0833  
James S. 6236 W. Wedington Dr 479-530-5667  
Teresa Dutton 6136 W Wedington Dr 479-466-2657  
Lynda Brumby 6164 Wedington Dr 479-841-7045  
Roy Lovell 6250 Wedington Dr 479-200-4702  
Amy McEachen 6255 Wedington Dr 479-435-3700  
Zammi Nelm 1133 N Pershing St 978-587-5940  
Jazmin Finner 5709 W Michael Cole Dr 479 256 5163  
Jonathan Morden 5693 W. Michael Cole Dr. 870-904-3712  
Ashlea Morden 5693 W. Michael Cole Dr. 870-299-2680  
Dobbie Powell 5773 W. Michael Cole Dr 951-742-0803  
HARRISON JONES 5642 MICHAEL COLE DR. 479-225-2939  
Eric Redman 5668 W. Michael Cole Dr 479-225-5066  
Angie Svek 5494 W Michael Cole Dr 479-644-1824

21 Signatures



We, the undersigned, oppose the rezone request for 5.15 acres on Wedington Drive with our signatures, addresses, and/or phone or email contact information.

This rezone request is to be decided by the City of Fayetteville Planning Commission on 1/25/21.

DAVIS MICHAELSEN 843-952-3883 ↔ 5706 W MICHAEL COLE DR  
Jennica Michaelsen (291) 935-3889 5706 W Michael Cole Dr  
Spencer Sagely 479-601-7752 → 2147 W Loren Circle  
Sadie Stark (479) 438-3995 → 1069 Olympic Pl  
Ethan Strobel (479) 518-0540 → 5900 Michael Cole Dr  
Evan Strobel 479-518-6291 - 5900 Michael Cole Dr.  
Colton Wilbanks 479-841-8363 - 5800 Michael Cole dr.  
Diane Aday 479-220-8282 5920 W. Wedington Dr.  
Juana Zavala 479 231 5985 1272 N 59th Ave  
Luis Zavala 870 582 5930 1272 N 59th Ave  
Richard FORCH 318 415 9816 5656 Cur. Fayetteville  
Jalmar Jenkins 479-595-2548 5810 Wedington Dr.  
Kieren Crawford 479-445-9580 1162 N. 59th Wedington, Fayetteville AR.  
Sephie Watson 1162 N. 59th Wedington, Fayetteville AR  
Robert Watson 1162 N 59th wedington Fayetteville AR  
Fred Gullet 479-545-1814 5745 Wedington Dr.  
Tripp Cheney 479-530-4852 5703 Wedington Dr. Fayetteville  
Clifford Mosier 479 521-5285 5563 W. Wedington Pl.  
STERMAN DRAIN 571-215-3377 5590 WEDINGTON DR  
Michael Bunn 479-530-6128 5598 W. Wedington Dr.

20 signatures

We, the undersigned, oppose the rezone request for 5.15 acres on Wedington Drive with our signatures, addresses, and/or phone or email contact information.

This rezone request is to be decided by the City of Fayetteville Planning Commission on 1/25/21.

Sophemia Ammer 1121 N. Heritage Ave 479-320-0842  
Norma Dickerson 1272 N. Double Springs Rd 479-422-2046  
Carmie Lamb 5936 Wedington Dr. Fayetteville 72704 479-244-0353  
Carlos Bailey 1130 N. 59<sup>th</sup> Fayetteville 72704 479-21-492  
APRIL PROSSER 1130 N 59<sup>th</sup> Fayetteville 479-343-1696  
Emma Foley 1121 N Pershing St Fayetteville 251-656-4403  
Tyron HAYNES 1156 N Pershing St. FAYETTEVILLE 256-654-1226  
Brendan Snieski 1174 N Pershing St Fayetteville (479) 426-0299  
Danielle Gibson 1132 N Pershing St 479-821-0965

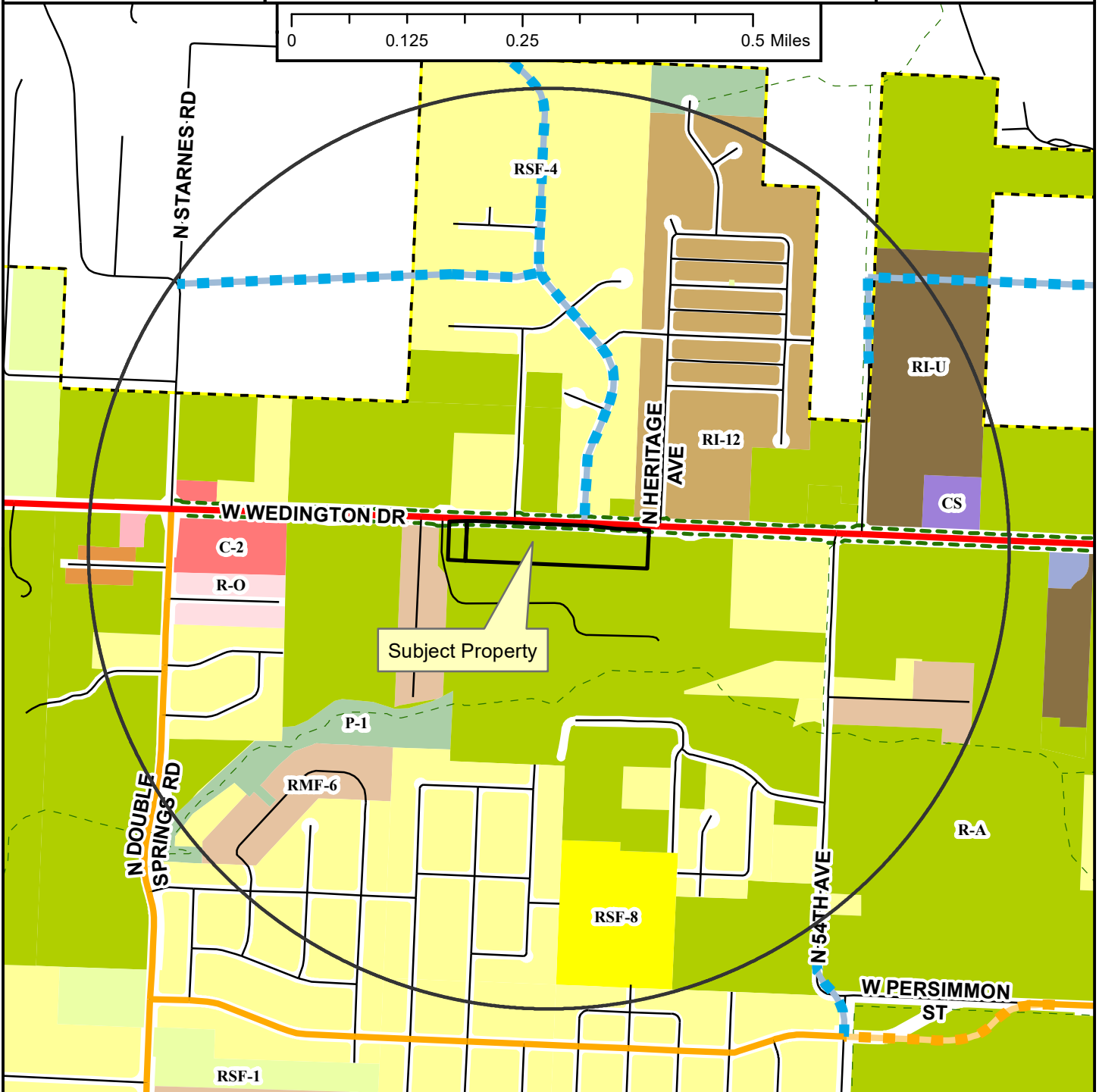
RZN-2020-000028

One Mile View

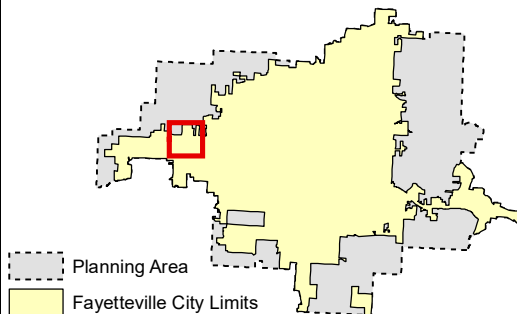
# Kidder



0 0.125 0.25 0.5 Miles



- Regional Link
- Neighborhood Link
- Planned Neighborhood Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits



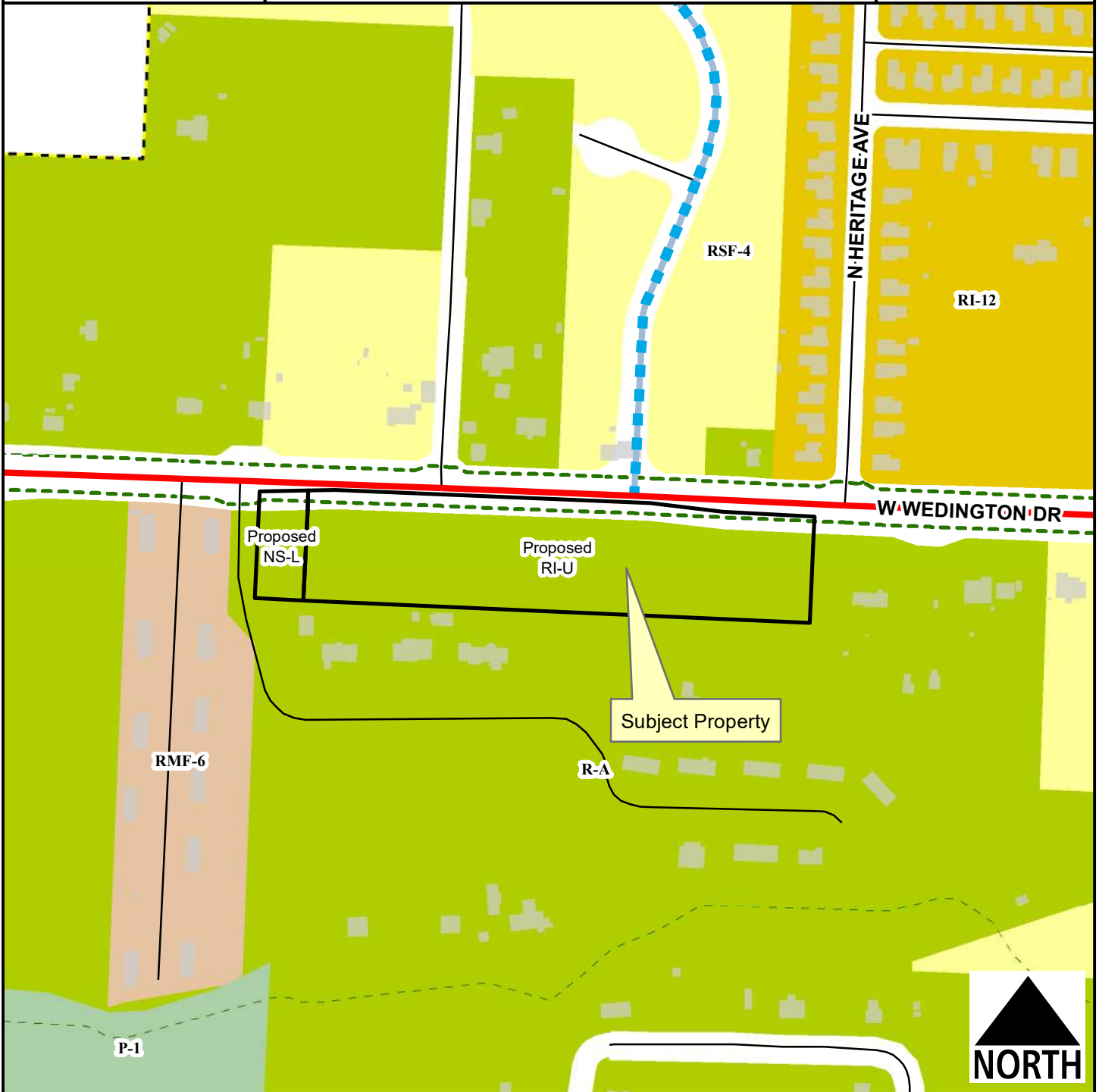
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - NS-G
    - RI-U
    - RI-12
    - NS-L
    - Residential-Agricultural
    - RSF-5
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  -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



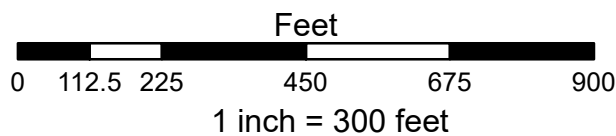
RZN-2020-000028

# Kidder

Close Up View



- Regional Link
- - - Planned Residential Link
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Building Footprint



| Zoning | Acres |
|--------|-------|
| RMF-18 | 5.1   |

**Total   5.1**

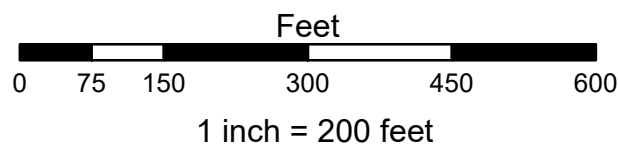
RZN-2020-000028

Kidder

Current Land Use



- Regional Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits



**FEMA Flood Hazard Data**

- 100-Year Floodplain
- Floodway

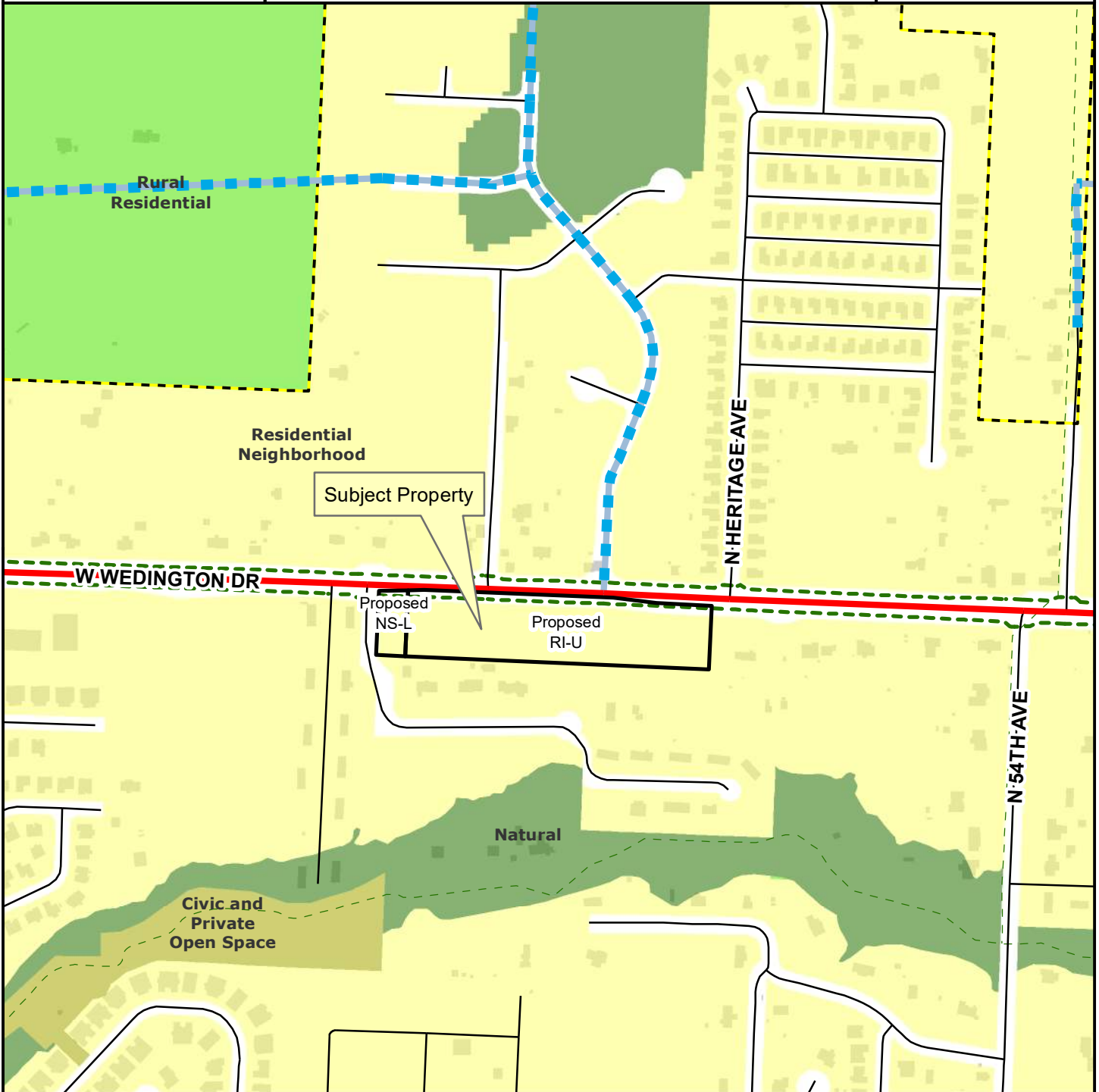


RZN-2020-000028

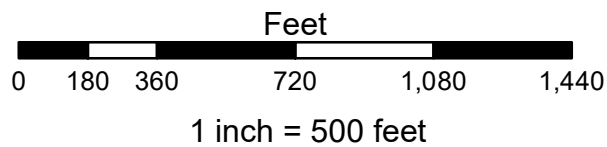
# Kidder



Future Land Use



- Regional Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Building Footprint



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



## CityClerk

---

**From:** RRhoads@HallEstill.com  
**Sent:** Wednesday, June 9, 2021 3:27 PM  
**To:** CityClerk  
**Subject:** Wedington/Kidder RZN Appeal 2020-028  
**Attachments:** Kidder Concept.pdf

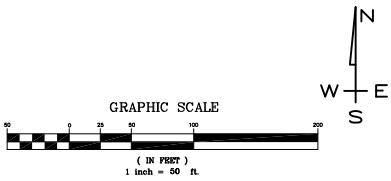
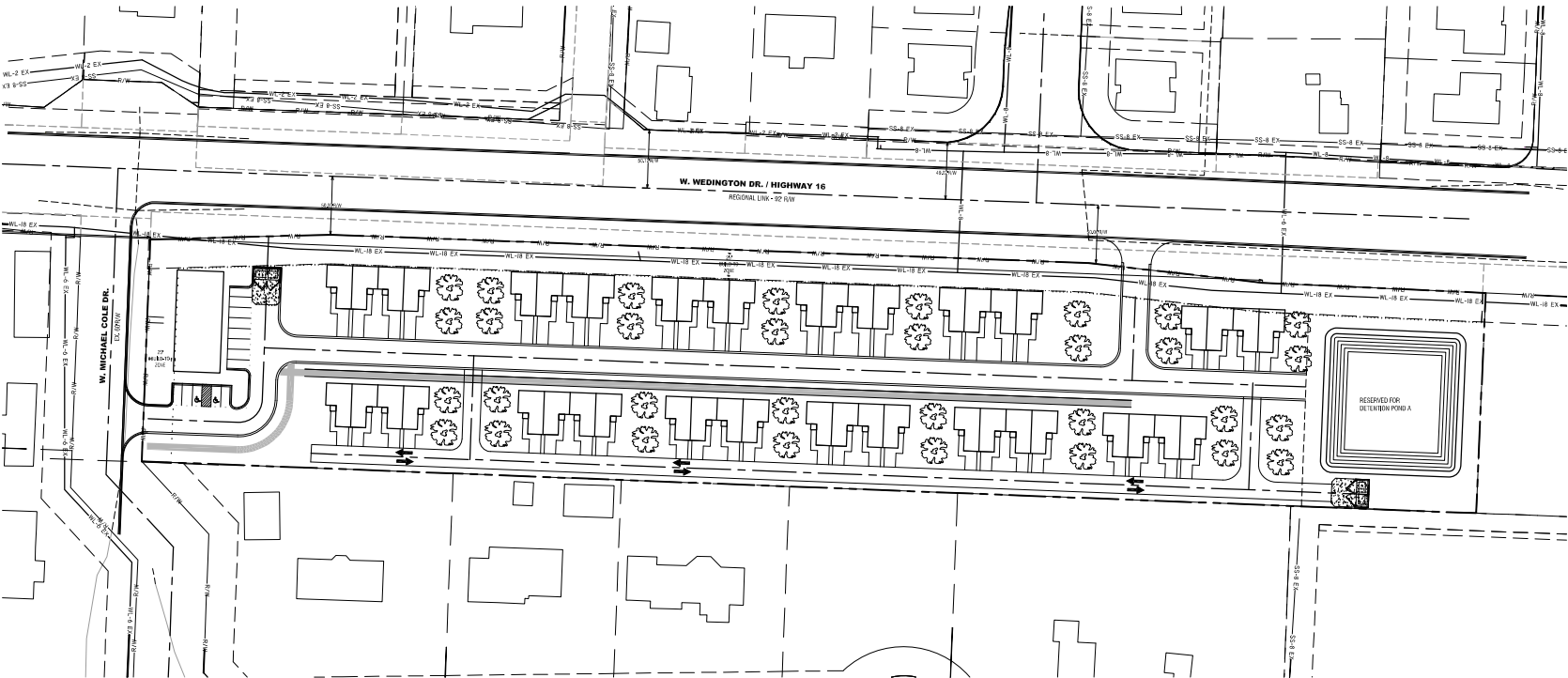
**Categories:** Completed, Saved File, Forwarded


**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.

Lisa, pls send this to council et al as additional info and as a replacement for the site plan that appears on page 31 of the planning commission packet. As always thanks for your help! RKR

|  |  |
|--|--|
|  | <p><b>ROBERT K RHOADS</b>   SHAREHOLDER<br/>75 N. East Ave.   Suite 500   Fayetteville, AR 72701<br/>Office: 479-973-5202   Cell: 479-236-1414   Bio</p> |
|--|--|

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Civil Engineering + Surveying  
24 W. Sunrise Drive, Suite 8  
Fayetteville, AR 72703  
Phone: 479-582-4807  
Fax: 479-582-4807  
www.jorgensenassoc.com

**LEGEND**

- ✕ CALCULATED POINT
- ROUND RAILROAD SPIKE
- SET IRON PIN & CAP
- ⊕ POWER POLE
- △ CENTERLINE MARKER
- ⊙ SEWER MANHOLE
- ⊙ FIRE HYDRANT
- ⊙ STREET LIGHT
- EXISTING SEWER LINE
- PROPOSED SEWER LINE
- EXISTING WATERLINE
- PROPOSED WATERLINE
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- NEW SIDEWALK
- UTILITY CROSSING
- EXISTING CONTOUR
- FINISHED CONTOUR

**PROJECT DETAILS**

**PROJECT TITLE:**  
KIDDER CONCEPT

**PROJECT LOCATION:**  
FAYETTEVILLE, AR.

**REVISIONS**

DATE: 5-13-21  
DRAWN BY: PARM  
PROJECT # 2000089  
FILE PATH: Z:\150-2020089\CONCEPT  
SHEET SIZE: 24" x 36"  
SCALE: 1" = 50'

**SHEET TITLE**  
**CONCEPT**  
**SHEET NUMBER**  
**C1.01**