

City of Fayetteville Staff Review Form

2021-0657

Legistar File ID

9/7/2021

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

Jonathan Curth

8/20/2021

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2021-000056: Rezone (2699 W. MLK BLVD./ABAILAT, 558): Submitted by HAMZA ABAILAT for property located at 2699 W. MLK BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL, & R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.43 acres. The request is to rezone the entire property to C-2, THOROUGHFARE COMMERCIAL.

Budget Impact:

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

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF SEPTEMBER 7, 2021

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

DATE: August 20, 2021

SUBJECT: **RZN-2021-000056: Rezone (2699 W. MLK BLVD./ABAILAT, 558):** Submitted by HAMZA ABAILAT for property located at 2699 W. MLK BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL, & R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.43 acres. The request is to rezone the entire property to C-2, THOROUGHFARE COMMERCIAL.

RECOMMENDATION:

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

BACKGROUND:

The subject property is located on the south side of W. Martin Luther King Jr. Boulevard, between I-49 to the east and E. Farmers Drive to the west. It is roughly 0.43 acres and split-zoned C-2, Thoroughfare Commercial and R-A, Residential Agricultural. The property is presently developed with a commercial structure which was built in 1957. The topography is relatively flat, except for a small natural trench which bisects the southern portion of the property. The entirety of the property is located within either the 100-year floodplain or floodway.

Request: The request is to rezone the southern half of the property at 2699 W. Martin Luther King Jr. Boulevard from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. The applicant states in their request letter the property is not used for agricultural purposes and is located among a commercial section of W. Martin Luther King Jr. Boulevard that is heavily developed with commercial buildings and offices.

Public Comment: Staff has not received any public comment.

Land Use Compatibility: Rezoning the entire subject property to C-2 will allow for commercial development that is partially compatible with other uses in the area. The property is located at an intersection on a prominent commercial thoroughfare within a quarter mile of I-49 which is typically ideal for the C-2 zoning district. A wide array of commercial uses would be available across the

entirety of the property similar to the adjacent properties and those on the north side of Martin Luther King Jr. Boulevard.

Conversely, rezoning would remove density and side setback requirements for the subject property which may afford future development an opportunity to expand to the southern property line. This portion of the property is vegetated and located within a FEMA floodplain. If the property were to be rezoned to C-2, the presence of the floodplain will reduce the development potential of the area unless multiple variances to the streamside protection ordinance are granted. The current R-A zoning district serves the function of limiting development in floodplains to a degree that is appropriate to its sensitive nature. Further, the area acts as a de facto buffer between the heavily commercial corridor and the neighboring single- and two-family residences to the south. Given that any future development of the site is unlikely to meet streamside protection requirements, staff finds the incompatibilities of the proposed rezoning make the request incongruent with natural features present on-site.

Land Use Plan Analysis: Staff finds that the proposed C-2 zoning is mostly inconsistent with the overall goals and policies of City Plan 2040. The Future Land Use Map designates this property as an Urban Center Area which encourages the most intense development patterns. The property is within the shed of a Tier 2 Center, and it scores high on the infill assessment map. Allowing more concentrated development and a greater spectrum of retail and service uses would potentially serve the neighborhood or the greater region. It could be construed that rezoning the subject property to C-2 would support Goal #1, making appropriate infill and revitalization our highest priority. Staff finds however, the proposed rezoning would do little to promote infill and is ultimately inappropriate in this case. The amount of floodplain and floodway on the property lends itself to less-urban development and aligns more closely with the description of a natural area as described in City Plan 2040. Natural Areas include, "...lands with limited development potential due to topography, hydrology, vegetation, or its value as an environmental resource. An environmental resource could include stream and wildlife corridors..." Staff finds the increased intensity of a commercial development, without an evaluation of how a development would address substantial environmental concerns is not advisable and finds the request to be in contrast to the City's land use planning objectives and principles.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a mixed score of 8-9 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 900 S. Hollywood Avenue)
- Near Sewer Main (spans property)
- Near Water Main (W. Martin Luther King Jr. Boulevard)
- Near Grocery Store (Aldi Grocery Store)
- Near Public School (Ramay Junior High School)
- Near City Park (Finger Park, Centennial Park)
- Near Paved Trail (Shiloh Trail)
- Near Razorback Bus Stop (On Demand 1, Route 44)
- Appropriate Future Land Use (Urban Center Area)

DISCUSSION:

At the August 9, 2021 Planning Commission meeting, a vote of 6-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Sparkman made the motion and Commissioner Sharp seconded. Commissioners found the rezoning to be compatible with the surrounding area due to its proximity near a heavily commercial strip and major thoroughfare. Commissioners suggested it would be incumbent on the applicant to meet the City's standards for development, should they seek to build under the proposed C-2 zoning. Commissioners felt the existing development requirements and streamside protection would serve to limit development in a way that is sensitive to the floodplain. No public comment was offered on the item.

BUDGET/STAFF IMPACT:

N/A

Attachments:

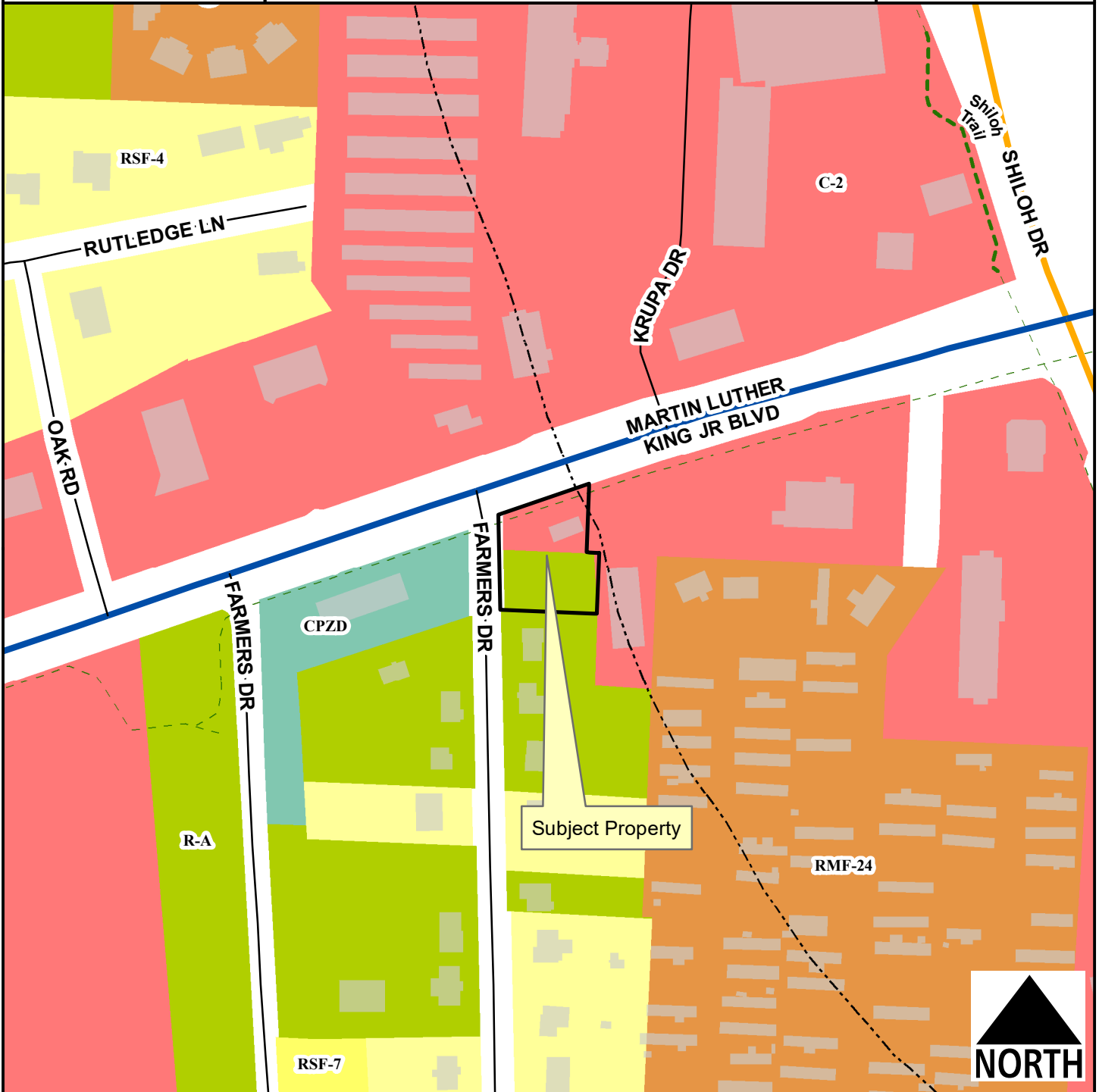
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000056

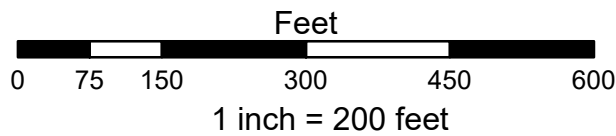
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RZN-2021-000056
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



- Residential-Agricultural
- RSF-4
- RSF-7
- RMF-24
- C-2
- Commercial, Industrial, Residential

RZN-2021-000056
EXHIBIT 'B'

Part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) and a part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Nineteen (19), Township sixteen (16) North, Range Thirty (30) West, being more particularly described as follows, to-wit: Beginning at a point 1154.40 feet North 89 degrees 30 minutes West of the Southeast corner of said Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) and running thence North 89 degrees 30 minutes West 16.95 feet; thence North 94.64 feet to a point in the South right-of-way of U.S. Highway 62; thence running along said right-of-way South 68 degrees 58 minutes West 131.80 feet to a point in the East right-of-way of East Farmers Drive; thence South 03 degrees 15 minutes East 130.60 feet along said right-of-way; thence leaving said right-of-way South 89 degrees 34 minutes East 132.57 feet; thence North 83.95 feet to the point of beginning.

Less & Except that portion deeded to the Arkansas State Highway Commission in deed of record 2010-12105, being more particularly described as follows:

Part of the Northeast Quarter of the Northeast Quarter of Section 19, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at a point being used as the Northeast Sixteenth Corner of Section 19; thence South 86°54'56" East along the South line of the Northeast Quarter of the Northeast Quarter of Section 19 a distance of 32.53 feet to a point on the Easterly right of way line of East Farmers Drive as established by the City of Fayetteville Master Street Plan; thence North 01°26'35" West along said right of way line a distance of 36.15 feet to a point on the Southerly right of way line of U.S. Highway 62 as established by AHTD Job 040485 for the POINT OF BEGINNING, thence continue North 01°26'35" West along the Easterly right of way line of East Farmers Drive as established by the City of Fayetteville Master Street Plan a distance of 2.16 feet to a point on the Southerly right of way line of U.S. Highway 62 as established by AHTD Job 4705 Sec. 2; thence North 52°36'34" East along said right of way line a distance of 9.33 feet to a point; thence North 71°02'40" East along said right of way line a distance of 68.00 feet to a point; thence North 71°49'46" East along said right of way line a distance of 49.37 feet to a point; thence South 03°27'43" West a distance of 7.80 feet to a point on the Southerly right of way line of U.S. Highway 62 as established by AHTD Job 040485; thence South 74°29'05" West a distance of 44.88 feet to a point; thence South 71°10'38" West along said right of way line a distance of 79.10 feet to the point of beginning and containing 0.02 acres more or less (677 Sq Ft more or less) as shown on plans prepared by the AHTD referenced as Job 040485.



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

MEETING DATE: August 9, 2021 Updated with Planning Commission Results

SUBJECT: **RZN-2021-000056: Rezone (2699 W. MLK BLVD./ABAILAT, 558):** Submitted by HAMZA ABAILAT for property located at 2699 W. MLK BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL, & R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.43 acres. The request is to rezone the entire property to C-2, THOROUGHFARE COMMERCIAL.

RECOMMENDATION:

Staff recommends denial of **RZN-2021-000056** based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to deny **RZN-2021-000056**."

BACKGROUND:

The subject property is located on the south side of W. Martin Luther King Jr. Boulevard, between I-49 to the east and E. Farmers Drive to the west. It is roughly 0.43 acres and split-zoned C-2, Thoroughfare Commercial and R-A, Residential Agricultural. The property is presently developed with a commercial structure which was built in 1957. The topography is relatively flat, except for a small natural trench which bisects the southern portion of the property. The entirety of the property is located within either the 100-year floodplain or floodway. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Self-Storage, Retail Commercial	C-2, Thoroughfare Commercial
South	Single-family Residential	R-A, Residential Agricultural
East	Halbert Veterinary & Pet Supply	C-2, Thoroughfare Commercial
West	Retail Commercial	CPZD

Request: The request is to rezone the southern half of the property at 2699 W. Martin Luther King Jr. Boulevard from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. The applicant states in their request letter the property is not used for agricultural purposes and is located among a commercial section of W. Martin Luther King Jr. Boulevard that is heavily developed with commercial buildings and offices.

Public Comment: Staff has not received any public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

- Streets:** The property has frontage on a fully improved W. Martin Luther King Jr. Boulevard and partially improved E. Farmers Road. Any additional street improvements required in this area will be determined at the time of development proposal.
- Water:** Public water is available to the subject area. An existing 12-inch PVC water main is present along W. Martin Luther King Jr. Boulevard.
- Sewer:** Public sanitary sewer is available to the subject area. An existing 8-inch VCP sewer main spans the width of the property.
- Drainage:** No part of the parcel lies within the Hillside Hilltop Overlay District (HHOD). A portion of the subject area is within a FEMA floodplain, has hydric soils, and a protected stream is present in the area.

The portion of the subject area within the FEMA floodplain will necessitate the need for a floodplain development review at the time of permit or plan submittal. This will restrict the type of development and impact allowed in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA. floodplain is present throughout the entirety of the subject property.

Hydric soils are also present on the subject property. They 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 is 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 at the time of development submittal.

A protected stream is present in the subject area. Streamside Protection Zones generally consist of a protected area on each side of a stream or creek. This protected area is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, the protected area will be 50 feet wide as measured from the top of bank but, depending on the shape and extent of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. The streamside protection area is present on the east side of the subject property. Any additional improvements or requirements for drainage will be determined at time of development.

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 6, located at 900 S. Hollywood Avenue, protects this site. The property is located approximately 0.6 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 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 did not express any concerns with this request.

Tree Preservation:

The proposed zoning district of C-2 Thoroughfare Commercial, requires **15% 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 properties within the proposed rezone as an *Urban Center Area*.

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 PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a mixed score of **7-8** for this site with a weighted score of **9.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 900 S. Hollywood Avenue)
- Near Sewer Main (spans property)
- Near Water Main (W. Martin Luther King Jr. Boulevard)
- Near Grocery Store (Aldi Grocery Store)
- Near Public School (Ramay Junior High School)
- Near City Park (Finger Park, Centennial Park)
- Near Paved Trail (Shiloh Trail)
- Near Razorback Bus Stop (On Demand 1, Route 44)
- Appropriate Future Land Use (Urban Center Area)

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:* Rezoning the entire subject property to C-2 will allow for commercial development that is partially compatible with other uses in the area. The property is located at an intersection on a prominent commercial thoroughfare within a quarter mile of I-49 which is typically ideal for the C-2 zoning district. A wide array of commercial uses would be available across the entirety of the property similar to the adjacent properties and those on the north side of Martin Luther King Jr. Boulevard.

Conversely, rezoning would remove density and side setback requirements for the subject property which may afford future development an opportunity to expand to the southern property line. This portion of the property is vegetated and located within a FEMA floodplain. If the property were to be rezoned to C-2, the presence of the floodplain will reduce the development potential of the area unless multiple variances to the streamside protection ordinance are granted. The current R-A zoning district serves the function of limiting development in floodplains to a degree that is appropriate to its sensitive nature. Further, the area acts as a de facto buffer between the heavily commercial corridor and the neighboring single- and two-family residences to the south. Given that any future development of the site is unlikely to meet streamside protection requirements, staff finds the incompatibilities of the proposed rezoning make the request incongruent with natural features present on-site.

Land Use Plan Analysis: Staff finds that the proposed C-2 zoning is mostly inconsistent with the overall goals and policies of City Plan 2040. The Future Land Use Map designates this property as an Urban Center Area which encourages the most intense development patterns. The property is within the shed of a Tier 2 Center, and it scores high on the infill assessment map. Allowing more concentrated development and a greater spectrum of retail and service uses would potentially serve the neighborhood or the greater region. It could be construed that rezoning the subject property to C-2 would support Goal #1, making appropriate infill and revitalization our highest priority. Staff finds however, the proposed rezoning would do little to promote infill and is ultimately inappropriate in this case. The amount of floodplain and floodway on the property lends itself to less-urban development and aligns more closely with the description of a natural area as described in City Plan 2040. Natural Areas include, "...lands with limited development potential due to topography, hydrology, vegetation, or its value as an environmental resource. An environmental resource could include stream and wildlife corridors..." Staff finds the increased intensity of a commercial development, without an evaluation of how a development would address substantial environmental concerns is not advisable and finds the request to be in contrast to the City's land use planning objectives and principles.

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

Finding: The rezoning is not justified or needed at this time. The subject area is located almost entirely in a FEMA designated floodway which will severely

inhibit development of the property. Approving the rezoning would provide by-right commercial uses that cannot meet streamside protection requirements which is a direct conflict of City policy. Further, expansion of commercial uses to the southern property line would likely be objection to the neighboring residences to the south.

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

Finding: The proposed rezoning is unlikely to create an appreciable increase in traffic danger. The size of the area to be rezoned will limit congestion caused by the site. Traffic volumes on Martin Luther King Jr. Boulevard are high, though and any future development on the site would be required to address safe access and cross access at the time of a development.

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: The proposed rezoning is unlikely to undesirably increase the load on public services. Staff finds the existing water, sewer, and street infrastructure can support increases associated with a rezoning at the site.

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 denial of RZN-2021-000056.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date: <u>August 9, 2021</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded
Motion: Sparkman	<input type="checkbox"/> Denied	
Second: Sharp		
Vote: 6-0-0		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 – R-A, Residential Agricultural
 - §161.23 – C-2, Commercial Thoroughfare
- Applicant Request Letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

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

161.23 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)

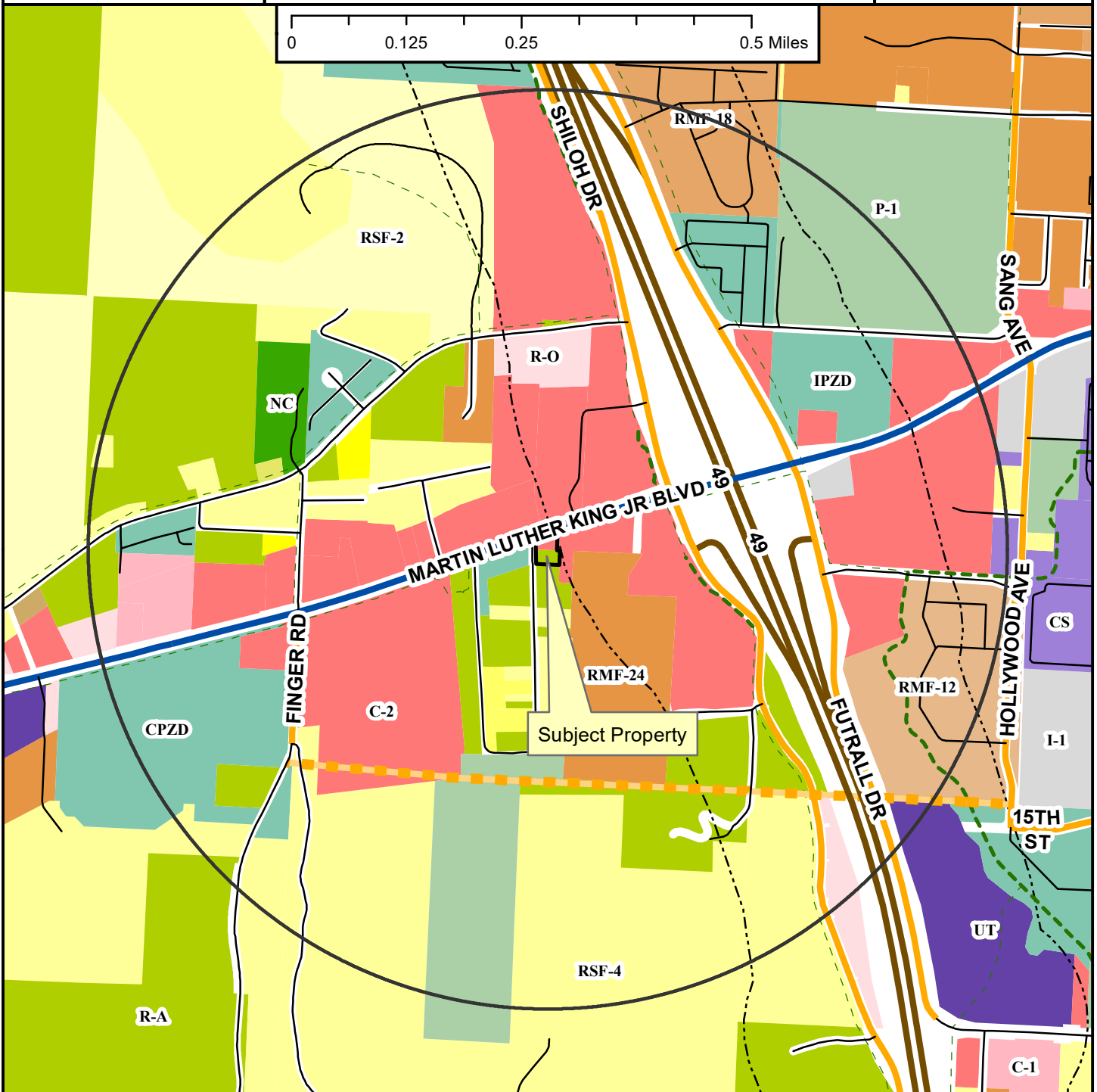
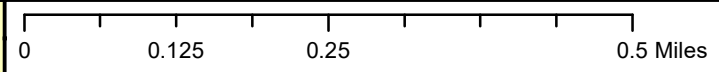
Request letter

To Whom It May Concern,

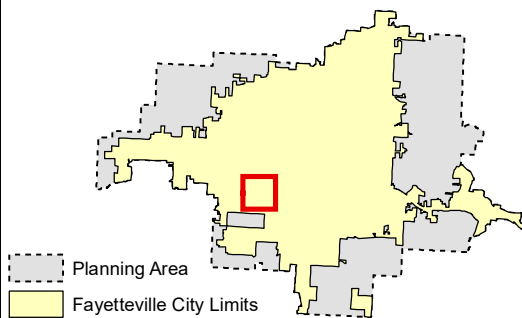
The intention for rezoning is to zone the remaining portion of the property that is currently zoned agriculture over to commercial. The area is no longer in use for agricultural purposes and sits together with the portion of my property that is zoned c2. The area sits on a commercial strip on w. martin luther king jr blvd. We believe our rezoning request is compatible because of the existing surroundings, Our neighbors are large commercial buildings and offices. According to the plan for the city of Fayetteville, our request goes hand in hand with the future plans as the intentions for future use is an urban center in the teir 1 and teir 2 area. Thank you for reviewing my request.

Sincerely

Hamza Abailat



- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

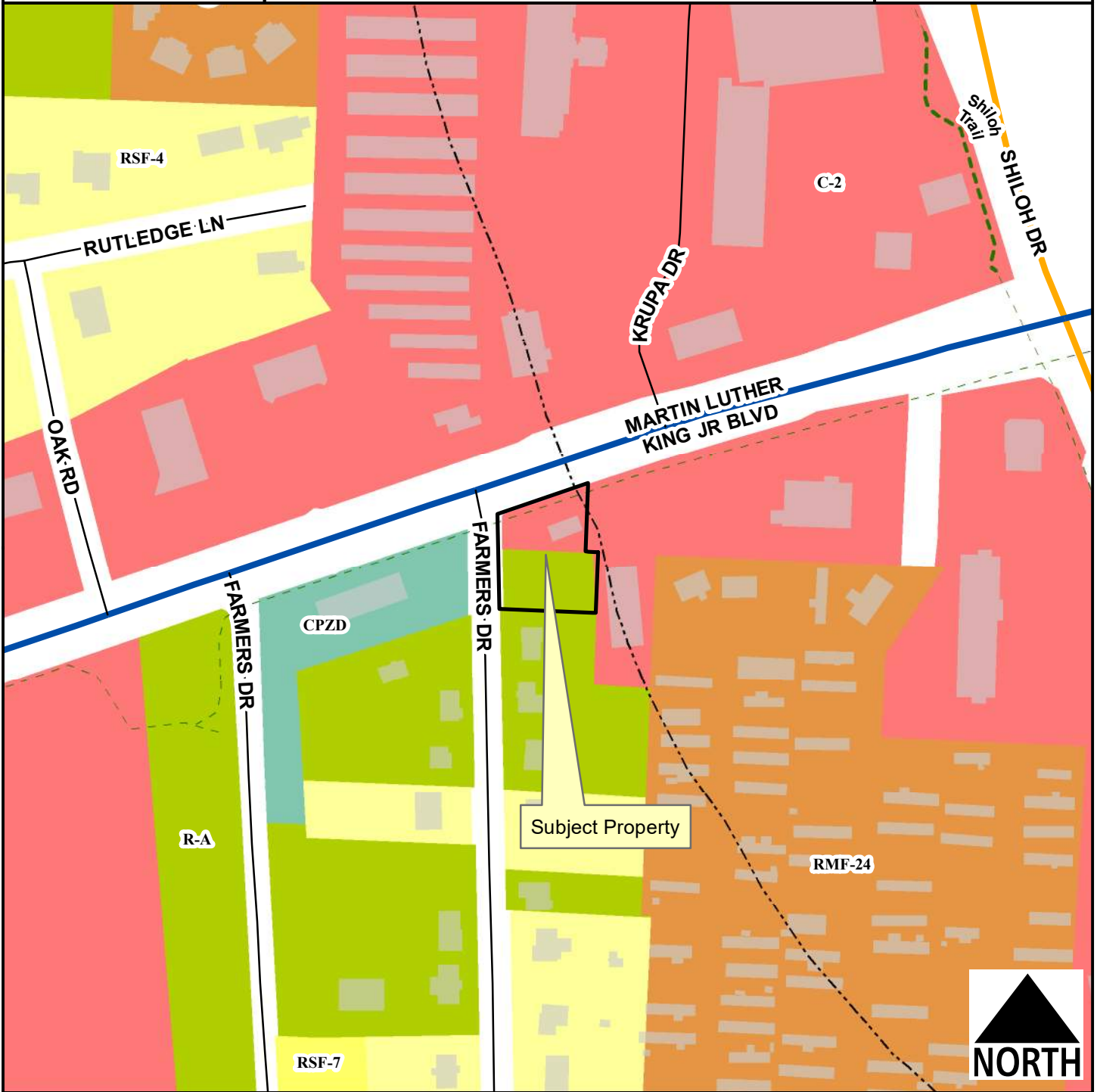


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - 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

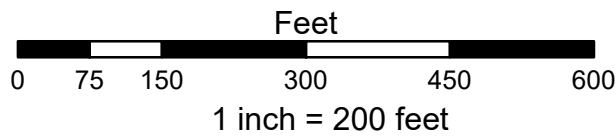
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Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



- Residential-Agricultural
- RSF-4
- RSF-7
- RMF-24
- C-2
- Commercial, Industrial, Residential

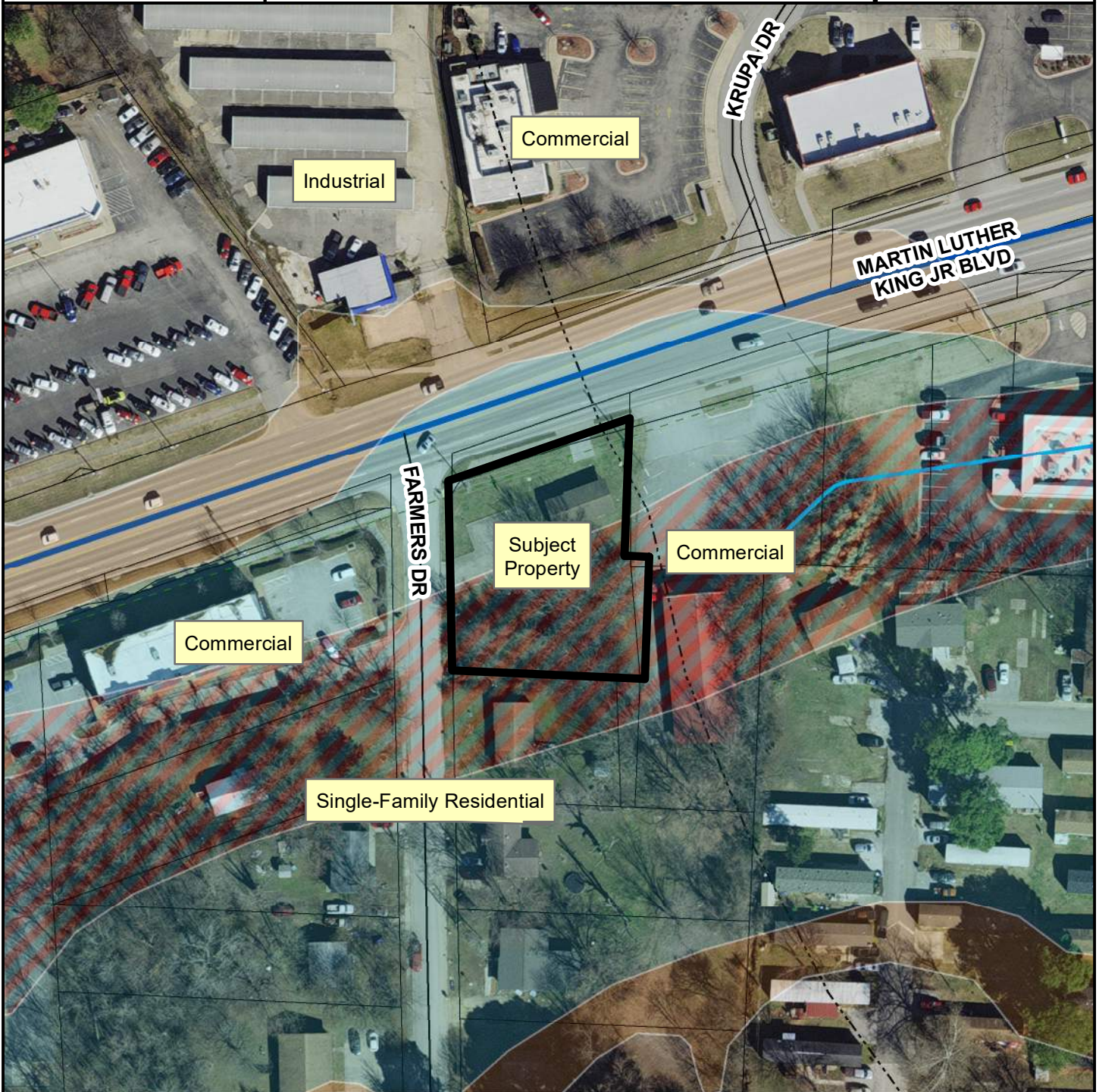







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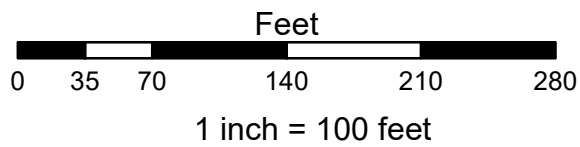
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Current Land Use



-  Regional Link - High Activity
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District



FEMA Flood Hazard Data

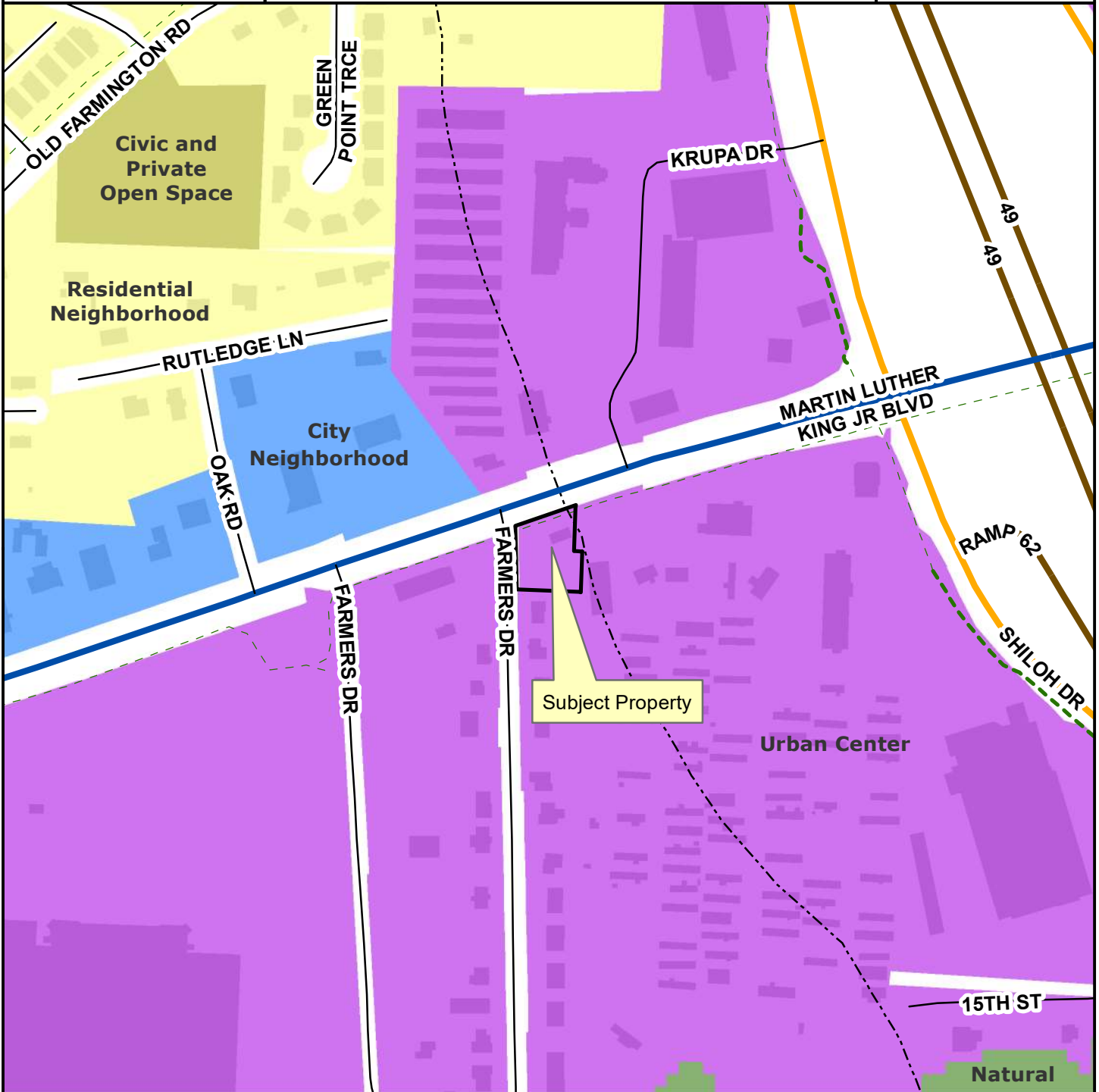
-  100-Year Floodplain
-  Floodway

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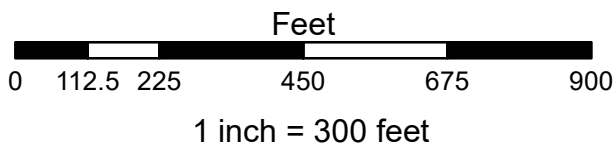
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Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



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