

September 27, 2021

VIA EMAIL

City Council
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701
cityclerk@fayetteville-ar.gov

Re: *City Planning 575-8267*
Rezoning: RZN-2021-0000064
R-A to RI-12 – 1287 N. 54th St.

To Whom It May Concern:

Please accept this letter as an appeal request from the denial of the applicant's request for rezoning from R-A to RI-12. The above-mentioned property was recently annexed into the city, as such, was required to enter into the city with a R-A zoning designation. I have attached to this appeal the zoning map describing the property and adjacent properties. See *Exhibit "A"*. As you will see from the map, the applicant's property is the narrow piece of property located between over 20 acres of RI-U and over 40 acres of RI-12. Any zoning designation less than RI-12 would be considered "down zoning" or "spot zoning" of the property. As you are aware, "spot zoning, by definition, is invalid because it amounts to an arbitrary, capricious and unreasonable treatment of a limited area within a particular district." *PH, LLC v. City of Conway*, 2009 Ark. 504, 5, 344 S.W.3d 660, 664 (2009). "Spot zoning is arbitrary because it departs from the comprehensive treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances which call for different treatment." *Id.*

There is no factual basis for the denial of RI-12 in this location. This is the very reason why the Planning Department recommended that property be rezoned RI-12. However, the Planning Commission rejected the Planning Department's recommendation and denied the rezoning. Pursuant to generally accepted zoning principles, the applicant's property qualifies for step down or transition zoning to allow the property to transition from RI-U to the east of the property to R-12 to the west. Consequently, this property would be more align with RMF-18, RMF-24, or RMF-40 given the 20-acre high-density project approved abutting the applicant's property. The City of Fayetteville every month receives requests for rezoning from RMF-40 or RMF-24 to RI-U due to increase density requests of the applicant. This is also why neither the

KUTAKROCK

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applicant, nor the city received any complaints or criticisms of the rezoning to RI-12, because there is no increase in density compare to the surrounding properties. The only comment received by the applicant was by an adjacent landowner that requested the property not be rezoned RI-U.

The 40 acres of RI-12 was rezoned over 18 years ago, and the over 20 acres of RI-U was rezoned last year. Consequently, the City of Fayetteville must believe that this area should be designated for this type of zoning. The applicant is not trying to have its property rezoned to a zoning out of the ordinary to the surrounding 60 acres on both sides of it. In fact, the request is for the minimum density zoning in relation to its neighbors directly to the east and west. The property owner cannot be expected to have a lower zoning use than RI-12 given the fact that either side of its property is at least RI-12 combining the fact that adjacent to its property is a 20 acre RI-U development. The City of Fayetteville should review the density of the RI-U development project abutting the applicant's property to determine what is appropriate for the applicant's piece of property. Moreover, once the RI-U project is complete the infill score for the applicant's property will greatly increase. As part of the RI-U project there are several acres that are zoned Community Services and you can expect the bus route that already has numerous stops along Wedington to stop at this location as it does for The Links development.

In conclusion, the applicant is entitled to have its property treated the same as the comprehensive treatment in the area, and there are no circumstances which would call for different treatment. This is why it was recommended by the Planning Department, and provides a textbook example of spot zoning by the planning commission.

Sincerely,

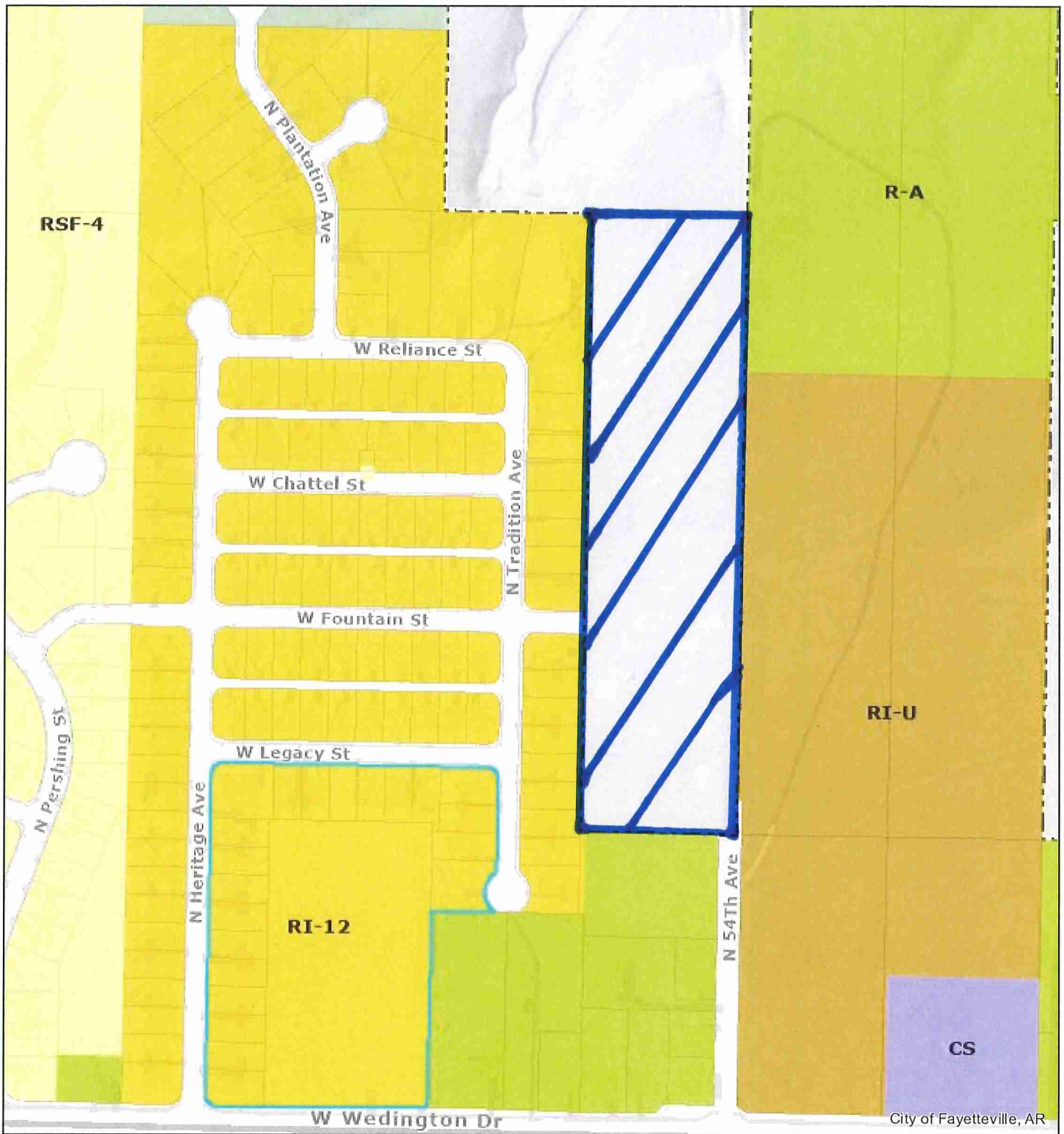
/s/ J.R. Carroll

J.R. Carroll

Encl.































Fayetteville, AR

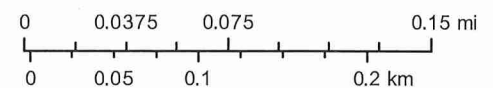
EXHIBIT A



9/13/2021, 3:59:51 PM

1:4,514

Zoning									
	R-A		RSF-8		RMF-24		C-2		NS-L
	RSF-.5		RSF-18		RMF-40		C-3		NS-G
	RSF-1		RI-12		I-1		DC		NC
	RSF-2		RI-U		I-2		UT		PZD
	RSF-4		RMF-6		E-1		MSC		P-1
	RSF-7		RMF-12		R-O		DG		
			RMF-18		C-1		CS		



The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.



MEETING OF OCTOBER 19, 2021

TO: Mayor; Fayetteville City Council

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

FROM: Ryan Umberger, Senior Planner

DATE: October 1, 2021

SUBJECT: **RZN-2021-000064: Rezone (1287 N 54TH ST./NORTHSTAR CONSTRUCTION, 397):** Submitted by KUTAK ROCK, LLC. for property located at 1287 N. 54TH ST. The property contains approximately 12.18 acres and is partially zoned R-A, RESIDENTIAL AGRICULTURAL with the remainder in the FAYETTEVILLE PLANNING AREA. The portion of the property proposed to be annexed into City Limits would be incorporated under R -A, RESIDENTIAL AGRICULTURAL. The request is to rezone from R-A, RESIDENTIAL AGRICULTURAL to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:

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

BACKGROUND:

The subject property is in west Fayetteville, approximately 600-feet north of the intersection of W. Wedington Drive and N. 54th Avenue. The subject property is composed of two parcels totaling 12.18 acres. The northern 10.25-acre parcel was incorporated into Fayetteville City limits at the City Council meeting on September 21st (ANX-2021-000002). The property is developed with a single-family dwelling, which county records indicate was built in 1955, and four outbuildings. Although largely level, the northern extents of the property, which are excluded from the request, include areas of increasing slope as it nears the Hamestring Creek riparian corridor.

Request: The request is to rezone the property from R-A, Residential Agricultural to RI-12, Residential Intermediate 12 Units per Acre. An associated annexation request is scheduled to be heard at the City Council meeting on September 21st. The applicant has not submitted a related development proposal.

Public Comment: Staff has received no public comment to date.

Land Use Compatibility: The proposed zoning is partially compatible with the immediately surrounding agricultural and residential land uses. Presently large agricultural lots adjoin the property to the east, north, and south. The Heritage Village subdivision adjoins the property to the

west. The adjacent subdivision is zoned RI-12, Residential Intermediate, 12 Units per Acre and developed with single- and two-family residences in a manner that reflects the underlying zoning. With due consideration for development trends staff finds it is likely that this area near Wedington Drive will continue to develop as Fayetteville's population grows. It is unlikely that the large, agricultural lots near the subject property will remain open space or pasture, and staff anticipates that the applicant's request will compliment future development. The presence of RI-12, RI-U, Residential Intermediate-Urban, and CS, Community Services zoning in the vicinity reinforces the finding that development of the adjoining properties will likely align with the proposed RI-12 zoning. Under R-A zoning properties are allowed a single unit on lots of two acres in size with a minimum width of 200 feet. Uses are limited to single- and two-family dwellings and activities that are agricultural in nature. Under the proposed RI-12 zoning minimum lot sizes and widths range based on the density of the unit but generally exceed 5,000 square feet in area and 50 feet in width.

Land Use Plan Analysis: Staff finds the proposed rezoning to be generally in agreement with the Future Land Use Map and consistent with the goals of City Plan 2040. Incorporating the property into the City under the R-A, Residential Agricultural zoning district does not align with the future land use map which supports a wide variety of housing types. Alternatively, staff finds that the diversity in allowed housing types under RI-12 zoning, including single-, 2-, 3-, and 4-family dwellings, is complimentary to the Residential Neighborhood Area designation. The flexibility in lot sizes and building types permitted in RI-12 zoning district allows for greater potential to develop a variety of housing types than a typical, single-use zoning district. Further, form-based zoning districts encourage developments to address the street and encourage rear-loaded properties which benefits the streetscape and pedestrian realm.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 3-5 for this site. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #7 at 835 N. Ruppel Road)
- Near Water Main (W. Fountain Street)
- Near Sewer Main (W. Fountain Street)
- Near City Park (Bundrick Park)
- Near Paved Trail (Wedington Side Path Trail)

DISCUSSION:

At the September 13, 2021 Planning Commission meeting, staff recommended forwarding the rezoning request to the City Council with a recommendation of approval. By a vote of 6-1-0 the Planning Commission voted to deny the request. Commissioner Garlock made the motion and Commissioner Sparkman seconded. Commissioners opposed to the request found the infill matrix score to be too low for the requested density. They also suggested the rezoning would contribute to suburban sprawl. Commissioner Canada voted against denial of the request. Commissioner Canada said he would begrudgingly support the request due to the opportunity to get more diverse housing, though he also expressed apprehension about adding residential density so far out on W. Wedington.

BUDGET/STAFF IMPACT:
N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000064

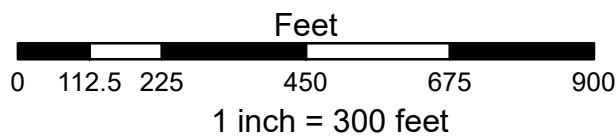
NorthStar Const.

RZN-2021-000064
EXHIBIT 'A'

Close Up View



- Planned Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



Zoning **Acres**

RI-12 12.2

Total **12.2**

RZN-2021-000064
EXHIBIT 'B'

LEGAL DESCRIPTION

PART OF THE EAST HALF (E 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION ELEVEN (11), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NW 1/4 OF THE NW 1/4 OF SAID SECTION 11, SAID POINT BEING A FOUND STONE; THENCE S87°34'17"E A DISTANCE OF 661.38 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S87°34'17"E A DISTANCE OF 661.11 FEET TO A FOUND 5/8 INCH REBAR; THENCE S02°18'03"W A DISTANCE OF 668.09 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE CONTINUING S02°18'03"W A DISTANCE OF 1552.01 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N87°42'15"W A DISTANCE OF 340.91 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG THE EAST LINES OF HERITAGE VILLAGE SUBDIVISION PHASES I AND II, N02°17'45"E

A DISTANCE OF 1552.97 FEET TO A FOUND MONUMENT IN CONCRETE "PLS 1274"; THENCE LEAVING SAID EAST LINES, S87°32'32"E A DISTANCE OF 341.05 FEET TO THE POINT OF BEGINNING, CONTAINING 12.15 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHT OF WAY OF NORTH 54th AVENUE ON THE EAST SIDE THEREOF AND ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

MEETING DATE: September 13, 2021 (Updated with PC Results)

SUBJECT: **RZN-2021-000064: Rezone (1287 N. 54TH ST./NORTHSTAR CONSTRUCTION, 397):** Submitted by KUTAK ROCK, LLC. for property located at 1287 N. 54TH ST. The property contains approximately 12.18 acres and is partially zoned R-A, RESIDENTIAL AGRICULTURAL with the remainder in the FAYETTEVILLE PLANNING AREA. The portion of the property proposed to be annexed into City Limits would be incorporated under R-A, RESIDENTIAL AGRICULTURAL zoning. The request is to rezone from R-A, RESIDENTIAL AGRICULTURAL to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2021-000064** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:

"I move to forward **RZN-2021-000064** to City Council with a recommendation for approval."

BACKGROUND:

The subject property is in west Fayetteville, approximately 600-feet north of the intersection of W. Wedington Drive and N. 54th Avenue. The subject property is composed of two parcels. An approximately 1.93-acre tract is currently within Fayetteville limits and roughly 10.25 acres lies in Washington County, though an annexation request (ANX-2021-000002) is under consideration to have the larger tract incorporated. The property currently has a single-family dwelling, which county records indicate was built in 1955, and four outbuildings. Although largely level, the northern extents of the property, which are excluded from the request, include areas of increasing slope as it nears the Hamstring Creek riparian corridor. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	Washington County: AG/SF Res 1, Agricultural Single-family Residential (1 units per acre)
South	Single-Family Residential	R-A, Residential Agricultural
East	Undeveloped/Agricultural	R-A, Residential Agricultural; RI-U, Residential Intermediate-Urban
West	Single-Family Residential	RI-12, Residential Intermediate, 12 Units per Acre

Request: The request is to rezone the property from R-A, Residential Agricultural to RI-12, Residential Intermediate 12 Units per Acre. An associated annexation request is scheduled to be heard at the City Council meeting on September 21st. The applicant has not submitted a related development proposal.

Public Comment: Staff has received no public comment to date.

INFRASTRUCTURE:

Streets: The property has frontage on W. Fountain Street a fully improved City street, and N. 54th Street, an unimproved street with City and County right-of-way. Any street improvements required in these areas would be determined at the time of development proposal. As a result of the construction/mining activity on the north portion of the property, many dump trucks drive along N. 54th Street and the condition of the road and roadside has deteriorated significantly.

Water: Public water is available to the site through an existing 8-inch PVC water main present along W. Fountain Street. Another 8-inch PVC water main is located along the north side of W. Wedington Drive. A main extension would be required with a future development.

Sewer: Sanitary sewer is available to the site through an existing 8-inch sewer main present along W. Fountain Street. Another 8-inch main is located along the west side of N. 54th Street. A main extension would be required with a future development.

Drainage: No part of the parcel lies within the Hillside Hilltop Overlay District (HHOD) or within a FEMA floodplain. Hydric soils and/or a protected stream are not present in the area. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: The property will be protected by Station 7, located at 835 N. Ruppel Road, which is approximately 1.6 miles from the subject property. The anticipated response time would be approximately 5.2 minutes. This is within the response time goal of six minutes for an engine and eight minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district of Residential Intermediate, 12 Units per Acre requires **20% 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 3-5 for this site, with a weighted score of 4.5 at the highest level. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #7 at 835 N. Ruppel Road)
- Near Water Main (W. Fountain Street)
- Near Sewer Main (W. Fountain Street)
- Near City Park (Bundrick Park)
- Near Paved Trail (Wedington Side Path Trail)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning is partially compatible with the immediately surrounding agricultural and residential land uses. Presently large agricultural lots adjoin the property to the east, north, and south. The Heritage Village subdivision adjoins the property to the west. The adjacent subdivision is zoned RI-12, Residential Intermediate, 12 Units per Acre and developed with single-family residences in a manner that reflects the underlying zoning. With due consideration for development trends staff finds it is likely that this area near Wedington Drive will continue to develop as Fayetteville's population grows. It is unlikely that the large, agricultural lots near the subject property will remain open space or pasture, and staff anticipates that the applicant's request will compliment future development. The presence of RI-12, RI-U, Residential Intermediate-Urban, and CS, Community Services zoning in the vicinity reinforces the finding that development of the adjoining properties will likely align with the proposed RI-12 zoning. Under R-A zoning properties are allowed a single unit on lots of two acres in size with a minimum width of 200 feet. Uses are limited to single- and two-family dwellings and activities that are agricultural in nature. Under the proposed RI-12 zoning minimum lot sizes and widths range based on the density of the unit but generally exceed 5,000 square feet in area and 50 feet in width.

Land Use Plan Analysis: Staff finds the proposed rezoning to be generally in agreement with the Future Land Use Map and consistent with the goals of City Plan 2040. Incorporating the property into the City under the R-A, Residential Agricultural zoning district does not align with the future land use map which supports a wide variety of housing types. Alternatively, staff finds that the diversity in allowed housing types under RI-12 zoning, including single-, 2-, 3-, and 4-family dwellings, is complimentary to the Residential Neighborhood Area designation. The flexibility in lot sizes and building types permitted in RI-12 zoning district allows for greater potential

to develop a variety of housing types than a typical, single-use zoning district. Further, form-based zoning districts encourage developments to address the street and encourage rear-loaded properties which benefits the streetscape and pedestrian realm.

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

Finding: Staff contends that the applicant's rezoning request is justified. This is based on the presence of existing and adequate infrastructure and the alignment of the proposal with the City's adopted planning goals.

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

Finding: The site has access to N. 54th Avenue and W. Fountain Street, both Residential Link Streets under the Master Street Plan. Locating higher residential density along a major transportation corridor like Wedington generally increases the feasibility of various forms of transportation, whether vehicular, public transit, bicycle, or other. Given existing traffic accident data which shows limited vehicle collisions in the area and the ability of the property to access Wedington staff anticipates that potential for traffic danger and congestion is limited.

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

Finding: Rezoning the property from R-A and the current Washington County AG/SF Res 1 zoning designation will certainly lead to greater density on the subject property than would otherwise occur. That being said, adjacency to existing water, sewer, and street infrastructure will limit the potential for density having an adverse impact. Further, neither the Police nor the Fire Department have expressed objection to the proposal. Similarly, no comment has been received from the Fayetteville Public School District.

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-2021-000064 to the City Council with a recommendation of approval.

BUDGET/STAFF IMPACT:

None

PLANNING COMMISSION ACTION: Required YES

Date: September 13, 2021

☐ Tabled

☐ Forwarded

☒ Denied

Motion: Garlock

Second: Sparkman

Vote: 6-1-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 – R-A, Residential-Agricultural
 - §161.11 – RI-12, Residential Intermediate, 12 Units per Acre
- 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
Unit 46	Short-term rentals

(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; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(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
Unit 46	Short-term rentals

(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 36	Wireless communications facilities

(C) *Density.*

Units per acre	12
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(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

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

- (G) *Building Area.* The area occupied by all buildings shall not exceed 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(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; 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. 5592, 06-18-13; 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, §§4, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

July 27, 2021

Planning Department
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

To Whom It May Concern:

My name is J.R. Carroll, and I represent the property owner with regard to this rezoning request. The rezoning request is for approximately 12.18 acres of county property that is a peninsula of county property that is bordered to the west, east, and south by the City of Fayetteville and will come into the city with a R-A Zoning.

The applicant requests that this property be zoned RI-12 as it is the natural and proper progression of zoning for this property. The adjacent property to the east which is approximately 20 acres and is zoned RU which is the highest density for the City of Fayetteville. There is a single-family neighborhood to the west of the proposed property that was created by ordinance on July 15, 2003. Additionally, as part of this single-family development, the City of Fayetteville zoned 5 acres RI-12 that borders on three sides of this single-family subdivision as a buffer between the subdivision and Wedington Drive.

The proposed zoning before the City follows the City of Fayetteville's zoning for this area of Fayetteville. Just as the City of Fayetteville created a RI-12 buffer between the single-family zoning and Wedington Drive the current zoning request creates a step-down buffer between the 20 acres of RI-U and the single family zoning. This proposed zoning for the applicant's property follows the same principles for the zoning already created by the City of Fayetteville for this area. Lastly, there is approximately less than 5 acres between the proposed property and Wedington Drive which is zoned R-A. However, there are already 7 homes located on this zoning which is just over 4 acres.

In conclusion, by zoning the applicant's property RI-12, the City of Fayetteville would be creating a buffer between the almost 20 acres of RI-U directly to the West and the single family zoning which is directly to the East, which would be uniform with the City's RI-12 zoning provided directly to the south of the single family zoning.

KUTAKROCK

July 27, 2021

Page 2

Sincerely,

/s/ J.R. Carroll

J.R. Carroll

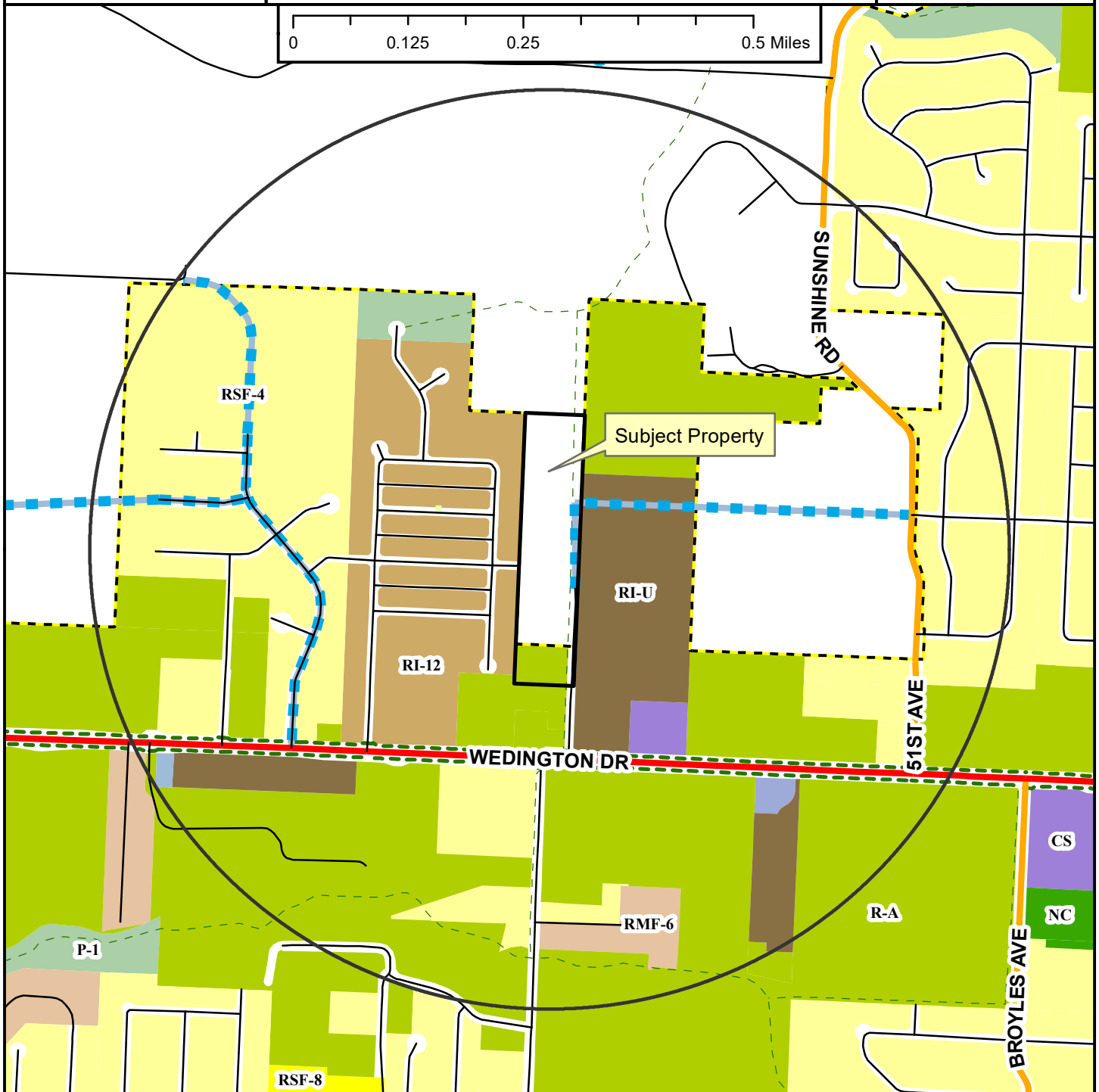
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NorthStar Const.

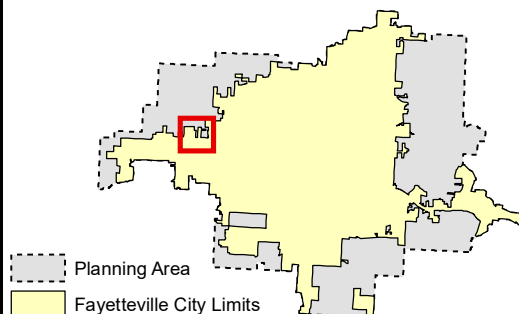
One Mile View



0 0.125 0.25 0.5 Miles



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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - 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

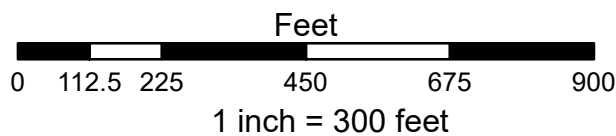
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Close Up View



- Planned Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits







Zoning	Acres
RI-12	12.2
Total	12.2

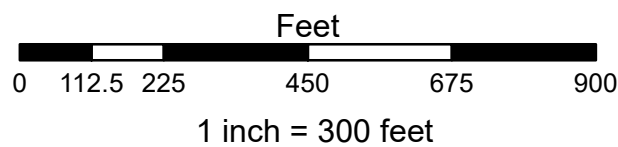
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Current Land Use



-  Planned Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



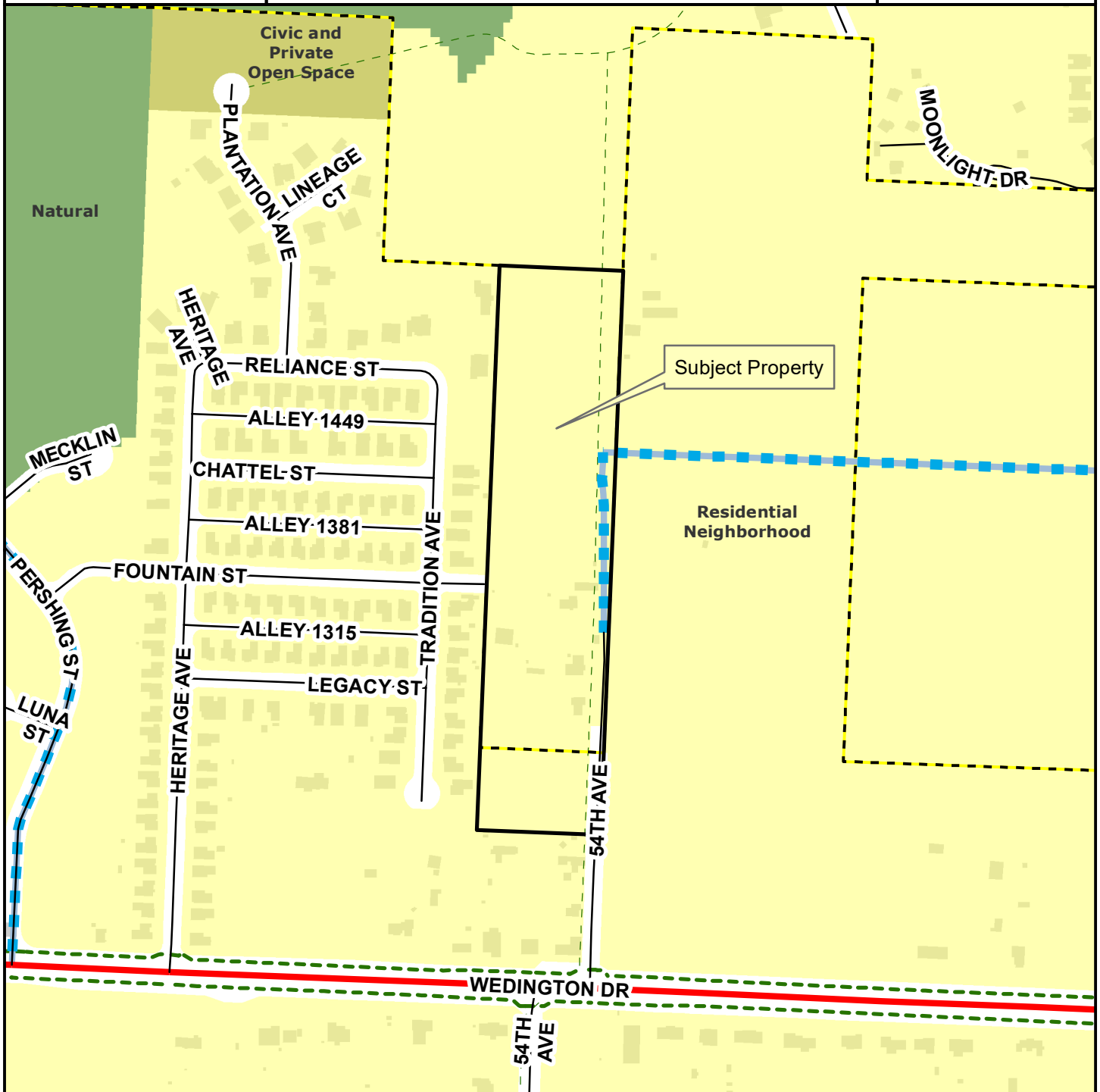
FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

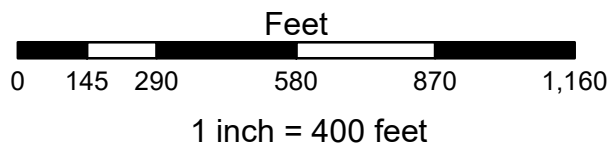
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NorthStar Const.

Future Land Use



- Regional Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



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