

City of Fayetteville Staff Review Form

2021-0764

Legistar File ID

10/19/2021

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

Jonathan Curth

10/1/2021

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2021-000069: Rezone (1471 S. SHILOH DR./LLEJ IX, LLC., 559): Submitted by BLEW & ASSOCIATES, INC. for property located at 1471 S. SHILOH DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 2.09 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

\$ -

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF OCTOBER 19, 2021

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff

FROM: Jessie Masters, Development Review Manager
Jonathan Curth, Development Services Director

DATE: October 1, 2021

SUBJECT: **RZN-2021-000069: Rezone (1471 S. SHILOH DR./LLEJ IX, LLC., 559):**
Submitted by BLEW & ASSOCIATES, INC. for property located at 1471 S. SHILOH DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 2.09 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

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

BACKGROUND:

The subject property is located approximately ¼ mile south of S. Shiloh Drive's intersection with W. Martin Luther King Blvd. The property contains 2.09 acres and is currently undeveloped. The majority of the property is located within the Hillside-Hilltop Overlay District (HHOD), as well as the I-540 Overlay District. While the HHOD standards largely pertain to sensitive and responsible development on sloped terrain, the I-540 Overlay District's standards are largely limited to prohibiting pole signs and requiring higher building design standards for industrial development. Another relevant aspect to the site is the proposed overpass proposed to the southeast that will connect W. 15th Street to S. Shiloh Drive.

Request: The request is to rezone the property from R-A, Residential Agricultural, to CS, Community Services. This is a revision from the original request of UT, Urban Thoroughfare, which staff does not support. The applicant has not submitted any additional development plans.

Public Comment: Prior to the Planning Commission, staff received one phone call inquiry about the proposal, but the member of the public did not issue any specific comments or concerns with the request. At the hearing a nearby resident who bikes and walks along Shiloh expressed concern about the previous request for UT, that it may reduce the aesthetic quality of the property, and that development could result in too much traffic being directed to the area.

Land Use Compatibility: As noted above, staff did not support the request to rezone the property to UT. UT is among the City's zoning districts with the greatest potential for density and intensity. Where previous zoning actions created the stark change from C-2, Thoroughfare Commercial, to

the north into the R-A designation of the subject property, a rezoning to UT would perpetuate this into the next property to the south, where a more gradual transition in to the undeveloped wooded area is more suitable. Accordingly, staff finds CS to be more appropriate and compatible with surrounding properties. Rezoning the property to CS maintains many of the positive aspects of UT, including an allowance for residential and nonresidential use, and the standard to place buildings at the street, while also affording more scrutiny of land uses with larger impacts, like hotels and vehicle-oriented businesses. Additionally, given the property's location within the Hillside-Hilltop Overlay District, staff finds that site development standards include constraints that can further assure moderate and contextual intensity

Land Use Plan Analysis: Staff finds that the request is generally consistent with long-range plans. The area includes a split Future Land Use Map designation of Urban Center Area and Natural Area. While staff finds that the CS zoning district aligns with the intent of an Urban Center Area, including a mixing of uses, higher densities, and, as the name suggests, urban characteristics and design, Natural Areas are the inverse, where land is intended for preservation in its current state. More straightforward is the property's numerous attributes suggesting it is appropriate as infill, ranging from the fundamentals like access to water, sewer, and groceries to amenities like proximity to trail, transit, and parkland. While direct access to these facilities and retail may necessitate additional travel due to terrain, the abundance of services, employment, and infrastructure indicate that rezoning the property can encourage appropriate infill. This is however, juxtaposed with the entirety of the property being within the Enduring Green Network, along with most neighboring properties north to Martin Luther King, south to Kessler Park, west to Walmart, and east to Hollywood Avenue. All told, staff finds that the request to CS will create the aforementioned transition from higher intensity uses to more community-centered ones along with natural and conserved land.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 6-9 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response
- Near Sewer Main (12" north of property on S. Shiloh Drive)
- Near Water Main (1.5" in W. 15th Street)
- Near Grocery Store (Walmart, ALDI, W. Martin Luther King Jr. Blvd.)
- Near Public School (Ramay Jr. High)
- Near City Park (Finger Park)
- Near Paved Trail (Shiloh Trail)
- Razorback Transit Stop (Route 44, W. Martin Luther King Jr. Blvd.)
- Appropriate Future Land Use (Urban Center)

DISCUSSION:

At the September 27, 2021 Planning Commission meeting, a vote of 7-0-0 forwarded the amended request of CS, Community Services, to City Council with a recommendation of approval. Commissioner Belden made the motion and Commissioner Winston seconded. Discussion largely centered on the forthcoming ArDOT proposal to extend W. 15th Street westward across Interstate 49 and linking to S. Shiloh Drive. Commissioners saw this connection as sufficient

reason to reconsider the long-range planning intentions for the property. One member of the public spoke at the meeting as described above.

BUDGET/STAFF IMPACT:

N/A

Attachments:

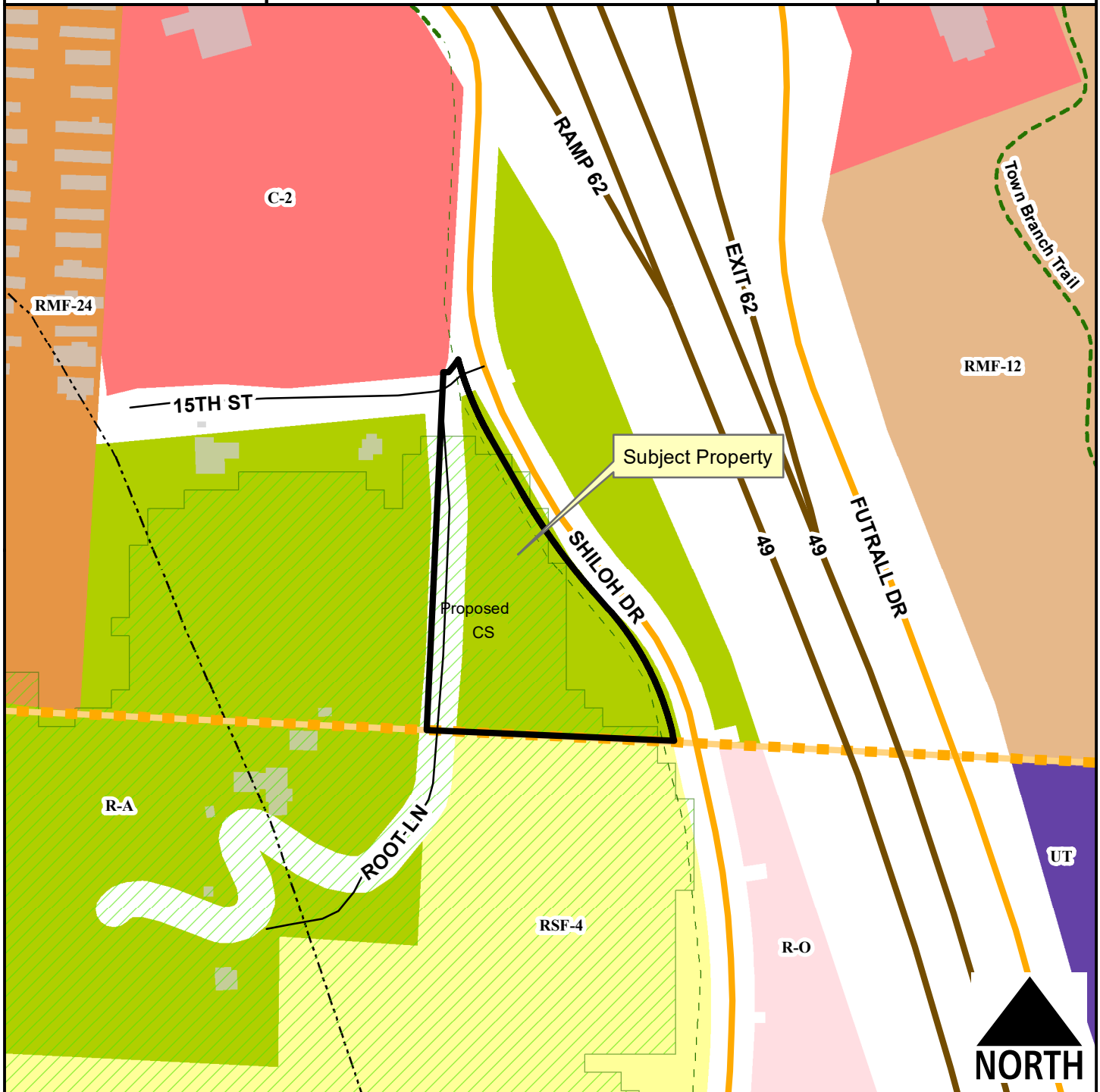
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000069

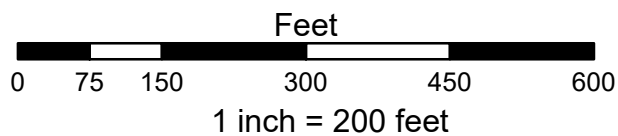
LLEJ, XI, LLC

RZN-2021-000069
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Freeway/Expressway
- Planned Neighborhood Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits



Zoning	Acres
CS	2.1
Total	2.1

RZN-2021-000069

EXHIBIT 'B'

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT, BEING THE SOUTHEAST CORNER OF LAND BELONGING NOW OR FORMERLY TO THE DALE HULET TRUST, AND RUNNING THENCE ALONG THE WEST LINE OF SAID SECTION 20, AND EAST LINE OF SAID DALE HULET TRUST LAND N02°36'54"E 492.47' TO A SET IRON PIN, THENCE DEPARTING SAID DALE HULET TRUST LAND S86°57'30"E 7.20' TO A FOUND IRON PIN, THENCE N37°11'06"E 21.97' TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTH SHILOH DRIVE, THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING SIX (6) COURSES AND DISTANCES: (1) THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 454.41', AN ARC LENGTH OF 115.98', AND A CHORD BEARING AND DISTANCE OF S22°29'19"E 115.67' TO A SET IRON PIN, (2) THENCE S29°48'02"E 84.44' TO A SET IRON PIN, (3) THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 848.51', AN ARC LENGTH OF 172.78', AND A CHORD BEARING AND DISTANCE OF S35°38'02"E 172.48' TO A SET IRON PIN, (4) THENCE S41°28'02"E 28.74' TO A SET IRON PIN, (5) THENCE ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 394.41', AN ARC LENGTH OF 198.37', AND A CHORD BEARING AND DISTANCE OF S27°03'33"E 196.29' TO A SET IRON PIN, (6) THENCE S12°39'02"E 7.32' TO A FOUND IRON PIN AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SOUTH SHILOH DRIVE WITH THE NORTH LINE OF LAND BELONGING NOW OR FORMERLY TO THE JOHNSON FAMILY REVOCABLE TRUST, THENCE DEPARTING SAID WEST RIGHT OF WAY LINE AND ALONG THE NORTH LINE OF SAID JOHNSON REVOCABLE TRUST LAND N87°30'58"W 339.87' TO THE POINT OF BEGINNING. CONTAINING 2.09 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: September 27, 2021 **(Updated with Planning Commission Results)**

SUBJECT: **RZN-2021-000069: Rezone (1471 S. SHILOH DR./LLEJ IX, LLC., 559):**
Submitted by BLEW & ASSOCIATES, INC. for property located at 1471 S. SHILOH DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 2.09 acres. The request is to rezone the property to UT, Urban Thoroughfare.

RECOMMENDATION:
Staff recommends denial of RZN-2021-000069.

RECOMMENDED MOTION:
"I move to deny RZN-2021-000069."

BACKGROUND:
The subject property is located approximately ¼ mile southeast of S. Shiloh Drive's intersection with W. Martin Luther King Blvd. The property contains 2.09 acres and is currently undeveloped. The majority of the property is located within the Hillside-Hilltop Overlay District, as well as the I-540 Overlay District. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Hospital	C-2, Thoroughfare Commercial
South	Undeveloped	R-A, Residential-Agricultural
East	Undeveloped	R-A, Residential-Agricultural
West	Single-Family Residential/Undeveloped	R-A, Residential Agricultural

Request: The applicant initially requested to rezone this property to UT, Urban Thoroughfare. Following public notification to that effect, the applicant submitted an amended request to rezone this property to CS, Community Services. Staff is recommending denial of the first request to UT, Urban Thoroughfare, but recommends in favor of the request to rezone the property to CS, Community Services.

Public Comment: Staff has received one phone call inquiry about the proposal, but the member of the public did not issue any specific comments or concerns with the request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along S. Shiloh Drive. S. Shiloh Drive is a partially improved Neighborhood Link street with asphalt paving and curb and gutter. Any street improvements required in these areas would be determined at the time of

development proposal.

Water: Public water is available to the subject area. An existing 1.5-inch water main is present on the North side of W. 15th Street.

Sewer: Sanitary Sewer is not available to the subject area.

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 990 S. Hollywood Ave., protects this site. The property is located approximately 0.9 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. A portion of the subject area lies within the Hillside-Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

No portion of the site is within a FEMA floodplain, there is no protected stream present in the subject area, and there are no hydric soils on the property.

Tree Preservation:

The proposed zoning district of UT, Urban Thoroughfare requires **15% minimum canopy preservation**. The zoning district of CS, Community Services 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 **Urban Center** and **Natural 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.

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of 6-9 for this site, with a weighted score of 8. The following elements of the matrix contribute to the score:

- Adequate Fire Response
- Near Sewer Main (12" north of property on S. Shiloh Drive)
- Near Water Main (1.5" in W. 15th Street)
- Near Grocery Store (Walmart, ALDI, W. Martin Luther King Jr. Blvd.)
- Near Public School (Ramay Jr. High)
- Near City Park (Finger Park)
- Near Paved Trail (Shiloh Trail)
- Razorback Transit Stop (Route 44, W. Martin Luther King Jr. Blvd.)
- Appropriate Future Land Use (Urban Center)

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:*** Staff finds the request to rezone the property from R-A, Residential-Agricultural to UT, Urban Thoroughfare to be incompatible. Much of the surrounding property to the east, south, and west of the property is currently undeveloped or minimally developed, and the property's frontage along S. Shiloh Drive is underimproved at this time. The property is also currently lacking adequate access and frontage to sewer facilities. To the immediate north, however, is a hospital/emergency center use, and the property is located approximately ¼ mile south of S. Shiloh Drive's intersection with W. Martin Luther King Jr. Blvd and I-49. This indicates to staff that the property is within close proximity to other services and amenities, and therefore a potential to rezone the property to allow additional uses beyond those available in R-A is likely compatible at this location given the surrounding context. The UT zoning district, however, is one of the City's highest intensity districts, allowing for buildings up to 7 stories tall, with automotive uses, drive-thru restaurants and gas stations permitted by-right. Given the current surroundings, staff finds this request may be premature for this site. There are some elements of UT zoning that staff does find would be compatible if the property were to be redeveloped; UT is a form-based zoning district, which would require structures to be developed with walkable elements such as a build-to-zone and heightened design requirements. Staff finds that the benefits of UT zoning would also be available if the property were to be rezoned to CS, Community Services,

which staff finds would overall be a more compatible request at this location. The uses in CS are less intense, with most automotive and higher intensity uses requiring further conditional use permit approval, and permitted building heights maxing out at 5 stories are likely more compatible. Given the site's location within the Hillside-Hilltop Overlay District, staff also finds that a building constructed to 5 stories would not necessarily even be that likely for this location. Staff did receive a formal request from the applicant to consider a CS zoning at this location, which staff finds would be more in line with the future land use plans for the area and its current surroundings.

Land Use Plan Analysis: Staff finds that the request to UT is not consistent with adopted land use policies, or the Future Land Use Map designation for the area. Though a small portion of the property is designated as an "Urban Center," which is meant to accommodate dense and intense development patterns, staff finds that the majority of the site is called out as a "Natural Area." Staff finds that rezoning the property to one of the highest intensity districts in the City is not ultimately compatible with that designation. That said, staff also notes that the southern-most portion of the property has a planned Master Street Plan connection for a Neighborhood Link Street, indicating an intention for future connectivity through the site, and future street frontage. It is possible that maintaining this area as a Natural Area may not be completely in line with eventual long-term land use plans for this area, and a possible reconsideration of this designation may merit further scrutiny at this location. Given the abrupt transition between "Urban Center" and "Natural Area" designations that occurs on this site, staff finds that a request to CS could help transition the site from higher intensity uses to more community-centered ones as the area transitions into a more natural and conserved land-use area to the south of the proposed master street plan connection.

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

Finding: Staff does not find that a rezone from R-A to UT is justified at this location, but would support the applicant's amended request for CS, Community Services, finding that the CS zoning district is compatible with surrounding land uses and potential future land use plans for the area.

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

Finding: Rezoning the property from R-A to UT can appreciably increase traffic at this site, as could a request for CS. That said, planned infrastructure improvements are pending for this area, including ARDOT improvements to I-49 and S. Shiloh Drive indicating a potential overpass connection at this location. Also, the City's Master Street Plan shows a planned Neighborhood Link Street connection at the property's southernmost border. Given additional planned infrastructure improvements on or near this site, staff finds that additional development at this location partially alleviates concern about traffic increases.

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 UT or CS has the potential to alter the population density at this location, and potentially places an undesirable burden on public services. The property does not currently have direct access to sewer, so extensions would be required prior to any redevelopment of the site, though those initial costs would be borne by the developer. Fayetteville Public Schools did not comment on the 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 denial of RZN-2021-000069.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 27, 2021</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Belden, accepting the amended request to CS and recommending approval			
Second: Winston			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 District R-A, Residential-Agricultural
 - §161.22 Community Services
 - §161.24 Urban Thoroughfare
- Applicant Request Letter
- 15th Street & Interstate 49 Overpass Exhibit
- 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."

161.22 Community Services

- (A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services

Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7, 8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; 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."

**Request
Letter**

September 20, 2021

City of Fayetteville
125 W. Mountain Street
Fayetteville, Arkansas
c/o City of Fayetteville's Planning Commission

SUBJECT: Rezoning of Parcel 765-14875-000

Dear Commissioners:

The developer, 1471 South Shiloh, LLC, and the property owner, LLEJ XI, LLC, propose to rezone a tract of land from Residential-Agricultural (R-A) to Community Services (CS). The subject property is located at 1471 S. Shiloh (Parcel 765-14875-000) and is slightly less than 2.0 acres.

Per the City of Fayetteville's Zoning Map, the property is bordered by Commercial Zoning (C-2) to the North and Residential – Office (R-O) to the South. On the opposite side of the Interstate, southeast of the property is a property that is zoned Urban Thoroughfare (UT). East of this property is a property that is zoned High-Density Residential (RMF-12). The remaining area is zoned low and medium density Residential.

The property lies adjacent to the I-49 right of way and is about 1 block away from the MLK Corridor that is one of the major commercial thoroughfares for the City. The applicant submits that this subject property would suffer from the noise pollution resulting from the highly trafficked I-49 corridor making it distasteful for any other type of development on this parcel. The rezoning request would create a good buffer creating additional distance between the noise pollution from the highly trafficked I-49 corridor to the east of the property and residential areas (currently very sparsely developed) to the west of the property.

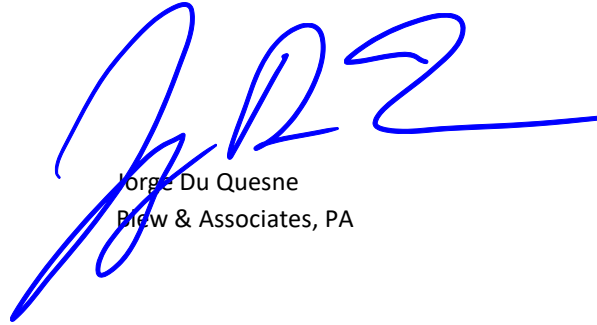
Per conversation with City Staff, we understand that the City's master street plan lays out the connectivity that will follow from the Arkansas Department of Transportation's planned interchange improvement project to construct a new 15th Street overpass over I-49 directly to the south and bordering the subject property. We anticipate that with the interchange improvement, including a future round-about serving the new 15th Street overpass, commercial development on South Shiloh will accelerate.

Per the City's Future Land Use Plan, the subject property is in a designated Natural Area. However, the property lies directly south of an Urban Center area on the Future Land Use Plan, an area that has seen significant commercial development with this site being a natural expansion to that commercial development.

From a review of the City's Contour Maps, the site is on a significant slope with the point of access to this site being at the lowest level. These physical qualities of the site will result in a development that is 10 - 15 feet lower than the surrounding areas thereby minimizing any visual impact to the surrounding properties.

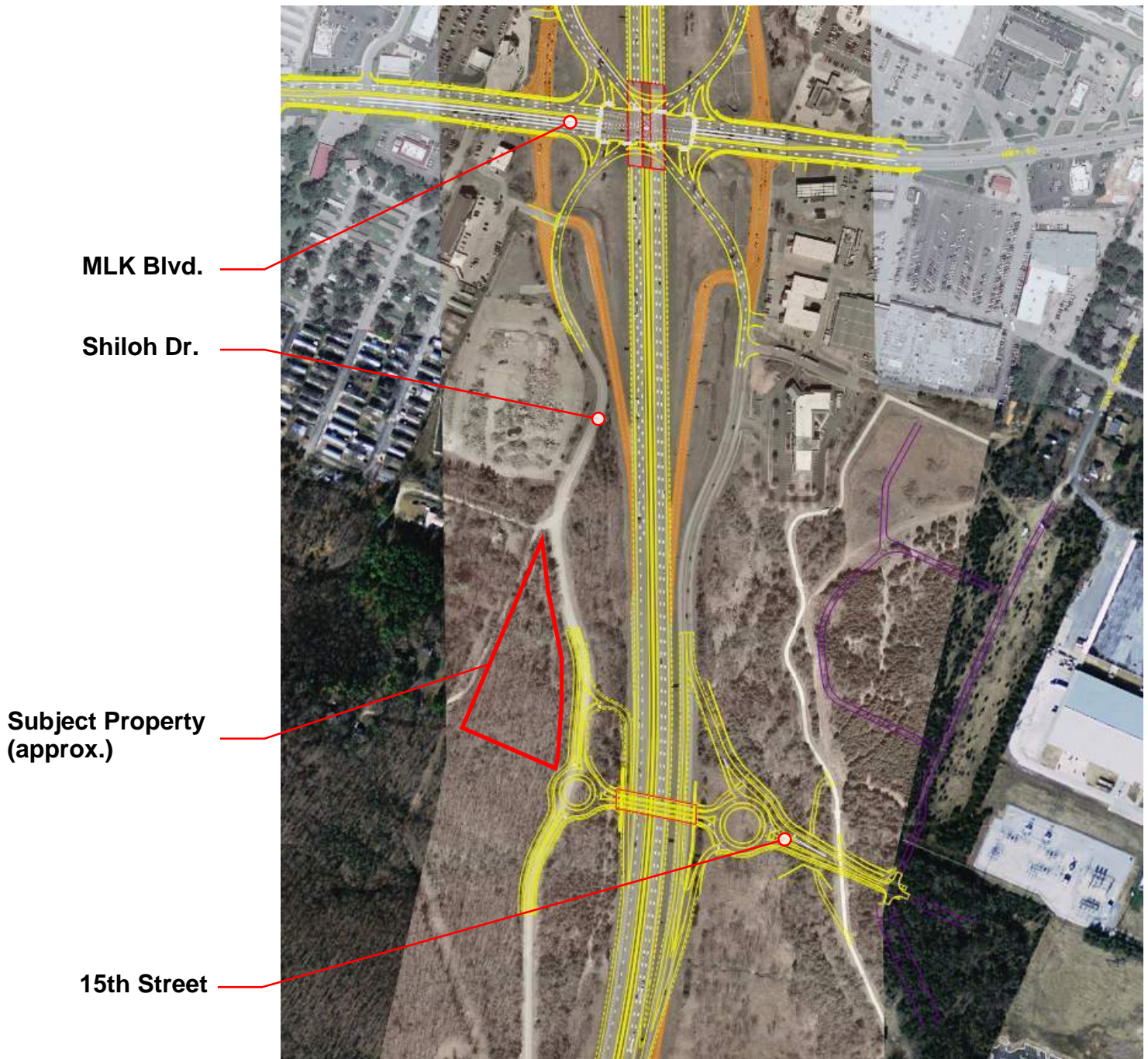
Additionally, adherence to the landscaping requirements of the City, the proposed rezoning and development on the subject property will offer more buffer to the surrounding properties.

Sincerely,



Jorge Du Quesne
Blew & Associates, PA

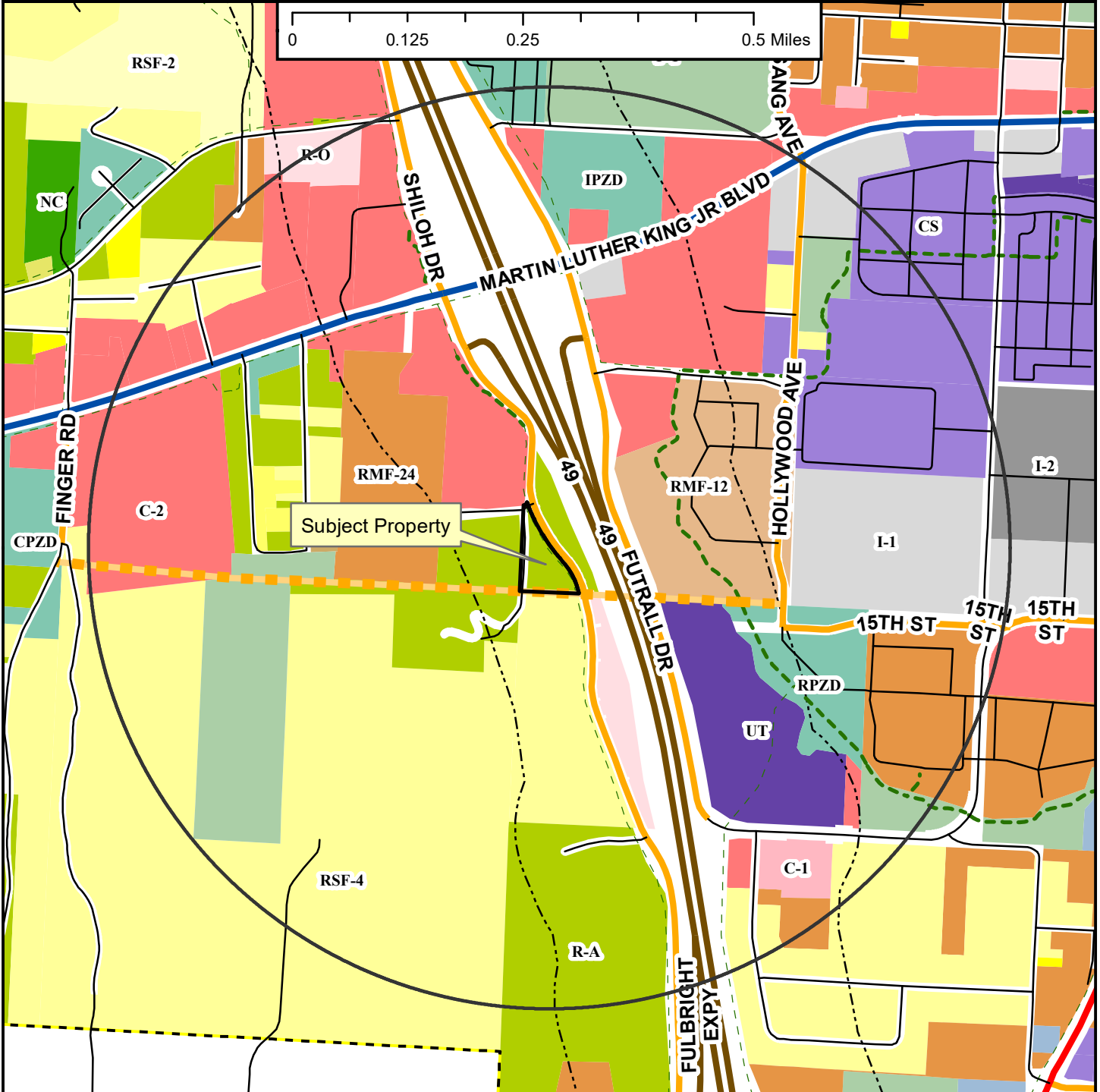
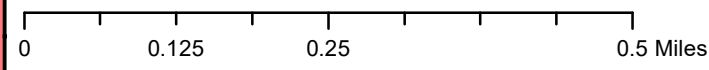
15th Street & Interstate 49 Overpass Exhibit



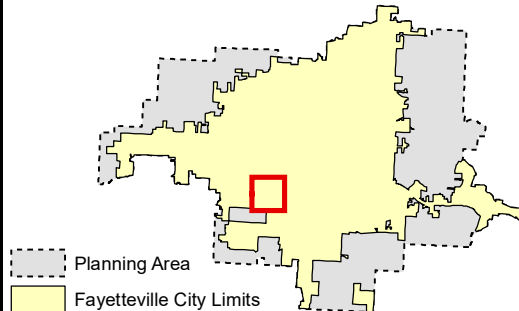
RZN-2021-000069

One Mile View

LLEJ, XI, LLC



- Regional Link
- 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

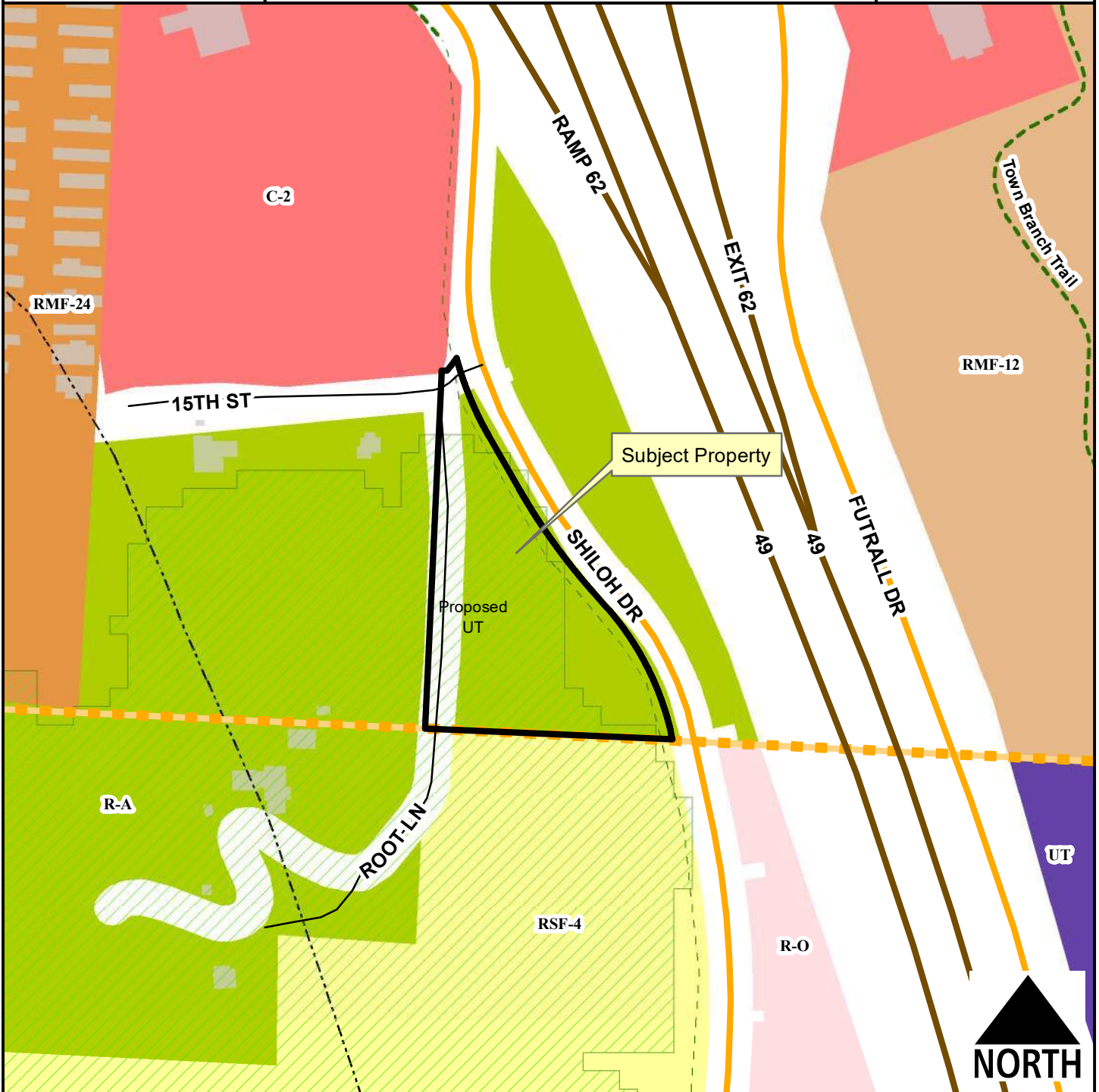


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial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

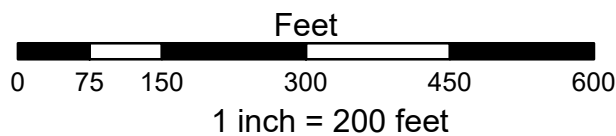
RZN-2021-000069

LLEJ, XI, LLC

Close Up View



- Neighborhood Link
- Freeway/Expressway
- - - Planned Neighborhood Link
- / / / Hillside-Hilltop Overlay District
- - - Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits



Zoning **Acres**

UT 2.1

Total 2.1

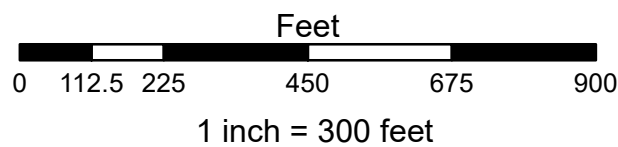
RZN-2021-000069

LLEJ, XI, LLC

Current Land Use



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



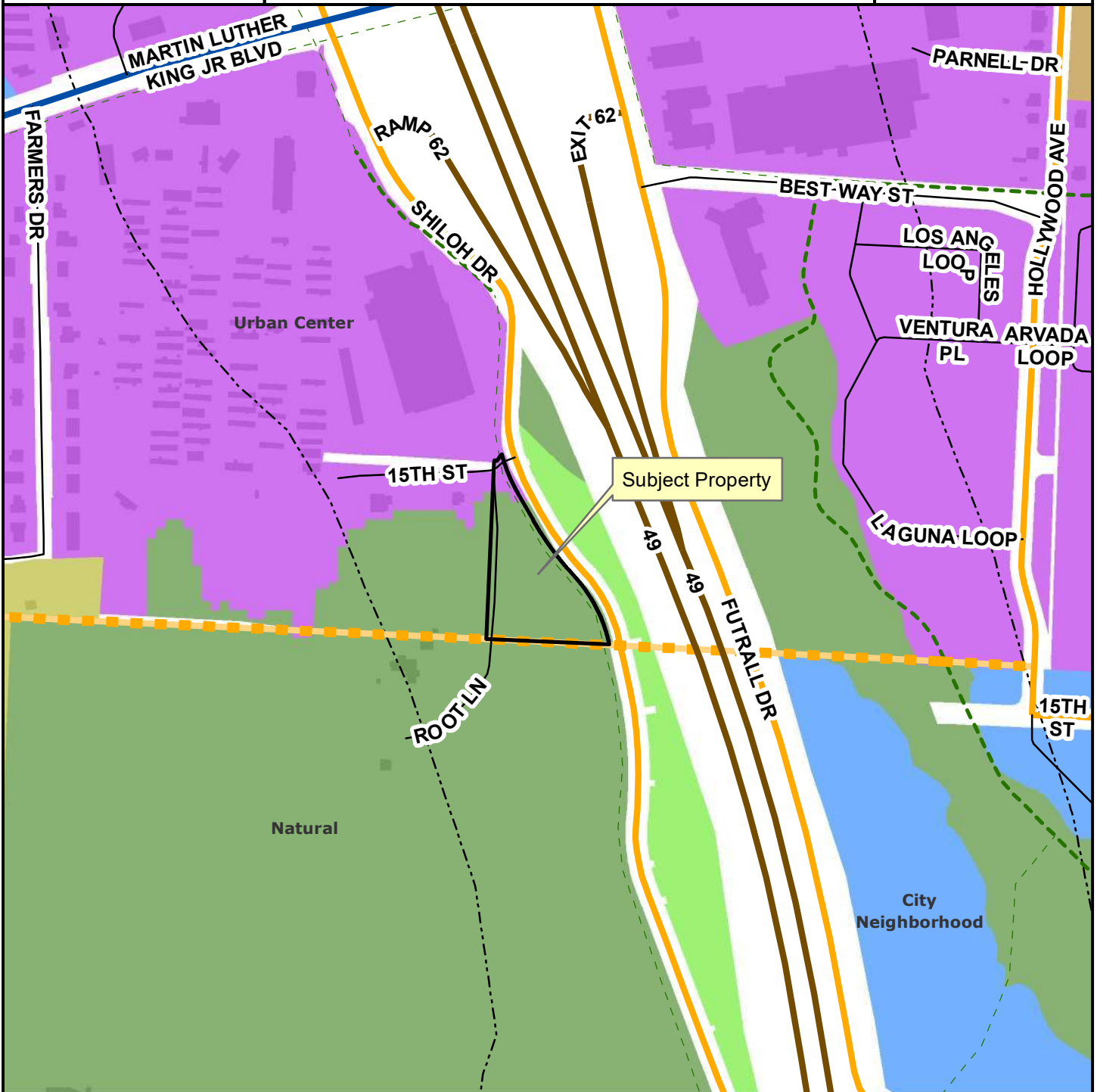
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

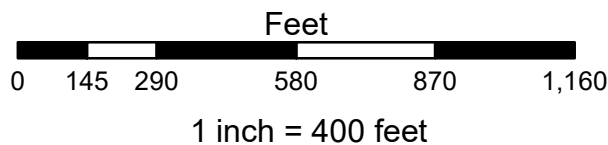
RZN-2021-000069

LLEJ, XI, LLC

Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Planned Neighborhood Link
- 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