

City of Fayetteville Staff Review Form

2021-0952

Legistar File ID

12/21/2022

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

Jonathan Curth

12/3/2021

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2021-000076: Rezone (5295 W. WEDINGTON RD./NWA CUSTOM HOMES, INC., 437): Submitted by HALL ESTILL LAW FIRM for properties located at 5295 W. WEDINGTON DR. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain 2 parcels with approximately 2.43 acres. The request is to rezone approximately 0.62 acres to NS-G, NEIGHBORHOOD SERVICES-GENERAL and approximately 1.81 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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 DECEMBER 21, 2022

TO: Mayor; Fayetteville City Council

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

FROM: Gretchen Harrison, Planner

DATE: December 3, 2021

SUBJECT: **RZN-2021-000076: Rezone (5295 W. WEDINGTON RD./NWA CUSTOM HOMES, INC., 437):** Submitted by HALL ESTILL LAW FIRM for properties located at 5295 W. WEDINGTON DR. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain 2 parcels with approximately 2.43 acres. The request is to rezone approximately 0.62 acres to NS-G, NEIGHBORHOOD SERVICES-GENERAL and approximately 1.81 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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 in west Fayetteville on the south side of W. Wedington Drive about one mile west of N. Ruppel Road. The subject property is a residential lot containing approximately 1.81 acres; is zoned R-A, Residential Agricultural; and currently has one single-family dwelling on site that was built in 1958. The property has about 100 feet of frontage along Wedington and is surrounded by low-density, residential and agricultural land, with the exception of the property to the east where subdivision construction is underway. The property to the east was rezoned to NS-G, Neighborhood Services-General, and RI-U, Residential Intermediate-Urban, last year with a Bill of Assurance. The Bill of Assurance limited density to eight units per acre, dictated a street stub out to the east and west, and removed residential uses from the portion zoned NS-G.

Request: The request is to rezone parcel 765-07377-000 from R-A, Residential-Agricultural, to NS-G, Neighborhood Services – General, and rezone parcel 765-16191-000 from R-A to RI-U, Residential Intermediate – Urban.

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. No public comment was offered at the hearing.

Land Use Compatibility: The subject property is largely surrounded by low-density, single-family, residential and agricultural land. However, the adjacent property to the east is currently being developed as a two-family residential subdivision with a commercial lot fronting W. Wedington Drive. Staff feels comfortable supporting the request given the long-term land use plans for the area, the compatibility with the adjacent property to the east, and the restrictions placed on development near protected streams, hydric soils, and floodplains. The subject area is located on a fully improved Regional Link street, W. Wedington Drive, which has a design service volume of 17,600 vehicles per day, leading staff to conclude that the existing infrastructure can absorb an increased vehicle load, particularly since the two nearest, most recent traffic counts indicate an average daily count of 11,000 near N. Pershing Street to the west and 15,000 near N. Broyles Avenue to the east. Even with some commercial uses, NS-G is considered by code to be a residential-oriented zoning district. NS-G also offers more variety in terms of land use and lot configuration than in single-family residential districts, as it requires a build-to zone and offers a limited number of commercial uses by-right. The location along Wedington makes some commercial activity appropriate and limiting the extent of the NS-G zoning to parcel 765-07377-000 reduces the scope of the request. Placing RI-U zoning to south of that property allows for a gradual approach to the site, and provides potential walkable amenities to any new residential development that should come through in the portion zoned RI-U.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This area is primarily designated as a Residential Neighborhood Area, which encourages a wide variety of housing types and low-intensity non-residential uses intended to serve the surrounding neighborhood. Given the subject area's location along W. Wedington Drive, staff finds that the by-right, non-residential uses permitted in NS-G are aligned with the long-term land use designation for this area. Although the infill matrix score is low, staff finds that the area and its infrastructure can support future development. While a portion of the site is designated as a Natural Area, staff finds that there are regulations in place for protected streams, hydric soils, and floodplain that will limit the impact on natural resources associated with any future development.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 2-4 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response
- Near Sewer Main (W. Wedington Dr. and through property)
- Near Water Main (W. Wedington Dr.)
- Near Paved Trail (Wedington Trail)

DISCUSSION:

At the November 22, 2021 Planning Commission meeting, a vote of 6-0-0 forwarded the request of NS-G, Neighborhood Services-General, and RI-U, Residential Intermediate-Urban, to City Council with a recommendation of approval. Commissioner Belden made the motion and Commissioner Sparkman seconded. Discussion largely centered on the compatibility with the development under construction to the east, and the proposal's consistency with future land use plans and goals. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:
N/A

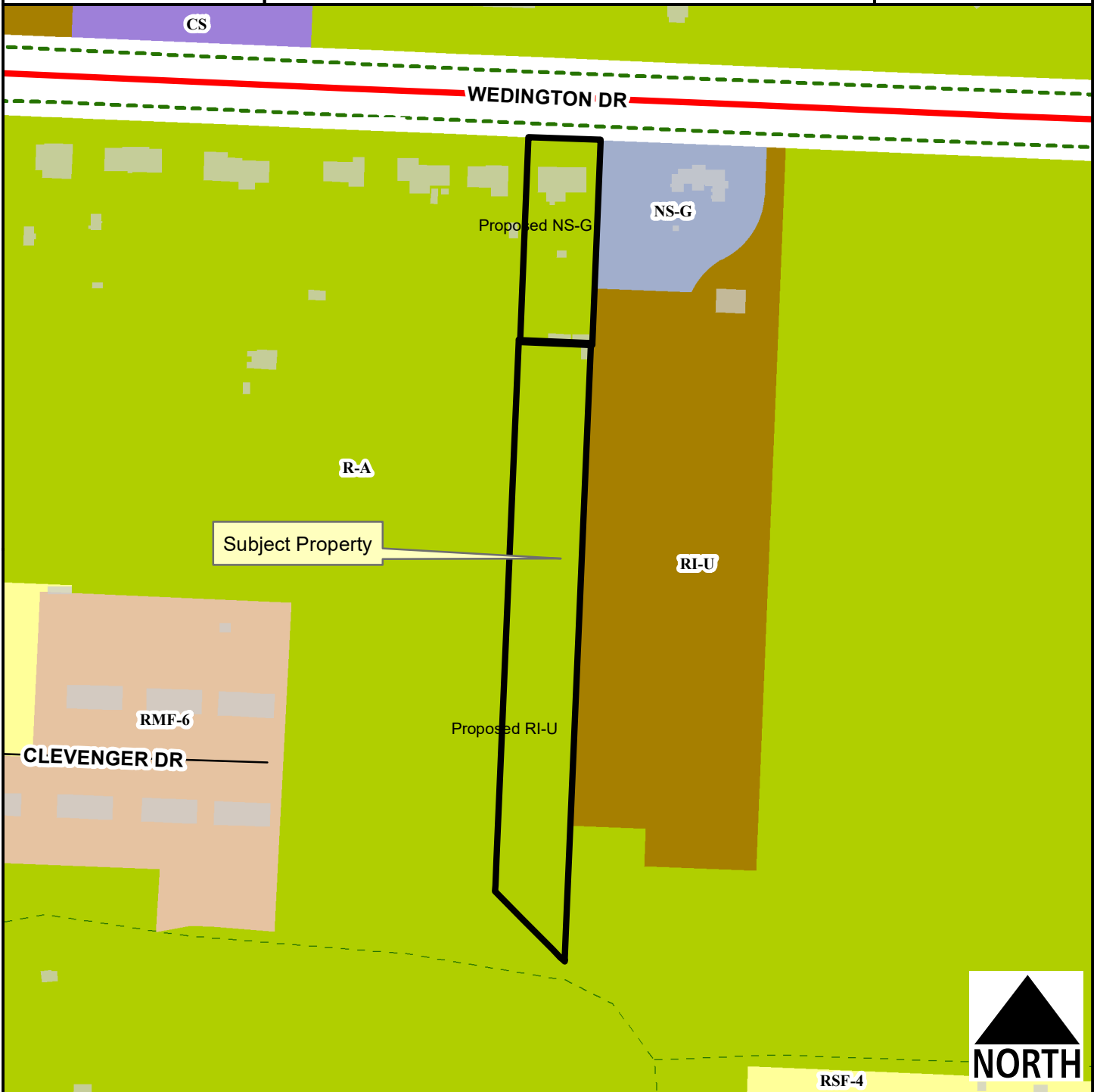
Attachments:





- Exhibit A
- Exhibit B
- Planning Commission Staff Report

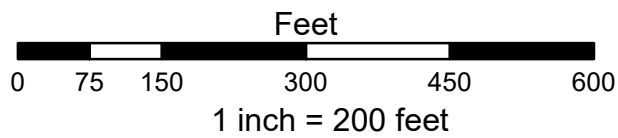
RZN-2021-000076

Rezone request for NWA

Close Up View



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



Zoning	Acres
NS-G	0.6
RI-U	1.8
Total	2.4

RZN-2021-000076
EXHIBIT 'B'

765-07377-000

LEGAL DESCRIPTION:

LOT 1, KJELDSSEN'S SUBDIVISION, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD 1 AT PAGE 10 OF THE WASHINGTON COUNTY RECORDS, LESS AND EXCEPT THAT PORTION OF SAID LOT 1 DEEDED TO THE ARKANSAS STATE HIGHWAY COMMISSION BY WARRANTY DEED FILE 2005-37032 OF THE WASHINGTON COUNTY RECORDS, ALSO BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 PER PLAT RECORD 1 AT PAGE 10; THENCE ALONG THE EAST LINE OF SAID LOT 1, S02°27'11"W A DISTANCE OF 16.46 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A FOUND AHTD MONUMENT ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 16 (WEST WEDINGTON DRIVE); THENCE CONTINUING S02°27'11"W A DISTANCE OF 283.54 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1 AND A FOUND 5/8 INCH REBAR; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID LOT 1, N87°27'14"W A DISTANCE OF 99.70 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID LOT 1, N02°26'43"E A DISTANCE OF 283.24 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY 16 (WEST WEDINGTON DRIVE) AND A FOUND AHTD MONUMENT; THENCE LEAVING SAID WEST LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE, S87°37'31"E A DISTANCE OF 99.74 FEET TO THE **POINT OF BEGINNING**, CONTAINING 0.65 ACRES (28,260 SQUARE FEET), MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.

765-16191-000

SURVEY DESCRIPTION:

PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), OF SECTION NINETEEN (11), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW 1/4 OF THE SE 1/4 OF SAID SECTION 11, SAID POINT BEING AN IRON PIN WITH CAP AS SHOWN ON PROPERTY LINE ADJUSTMENT AND TANDEM LOT SPLIT PLAT BY BLEW & ASSOCIATES, P.A., BUCKLEY D. BLEW, AR PLS 1532, SURVEY FILE 2018-8079 OF THE WASHINGTON COUNTY RECORDS; THENCE ALONG THE EAST LINE OF SAID NW 1/4 OF THE SE 1/4, N02°24'54"E A DISTANCE OF 89.92 FEET TO THE **POINT OF BEGINNING**, SAID POINT BEING A FOUND IRON PIN WITH CAP "BLEW 1532"; THENCE LEAVING SAID EAST LINE, N78°03'15"W A DISTANCE OF 261.28 FEET TO A SET IRON PIN WITH CAP "PLS 1156" AND THE **POINT OF BEGINNING**; THENCE N44°42'26"W A DISTANCE OF 135.83 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N02°26'43"E A DISTANCE OF 760.01 FEET TO A SET IRON PIN WITH CAP, "PLS 1156 TO THE SW CORNER OF LOT 1, KJELDTSEN'S SUBDIVISION; THENCE ALONG SAID SOUTH LINE, S87°27'14"E A DISTANCE OF 99.70 FEET TO A FOUND 5/8" REBAR AT THE SE CORNER OF KJELDTSEN'S SUBDIVISION; THENCE LEAVING SAID SOUTH LINE S02°27'11"W A DISTANCE OF 852.20 FEET TO THE **POINT OF BEGINNING**, CONTAINING 1.84 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.



TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Services Director

FROM: Gretchen Harrison, Planner

MEETING DATE: November 22, 2021 *Updated with results from 11/22/21 PC hearing.*

SUBJECT: **RZN-2021-000076: Rezone (5295 W. WEDINGTON RD./NWA CUSTOM HOMES, INC., 437):** Submitted by HALL ESTILL LAW FIRM for properties located at 5295 W. WEDINGTON DR. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain 2 parcels with approximately 2.43 acres. The request is to rezone approximately 0.62 acres to NS-G, NEIGHBORHOOD SERVICES-GENERAL and approximately 1.81 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2021-000076** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

“I move to forward **RZN-2021-000076** to City Council with a recommendation of approval.”

BACKGROUND:

The subject property is located in west Fayetteville on the south side of W. Wedington Drive about one mile west of N. Ruppel Road. The subject property is a residential lot containing approximately 1.81 acres; is zoned R-A, Residential Agricultural; and currently has one single-family dwelling on site that was built in 1958. The property has about 100 feet of frontage along Wedington and is surrounded by low-density, residential and agricultural land, with the exception of the property to the east where subdivision construction is underway. The property to the east was rezoned to NS-G, Neighborhood Services-General, and RI-U, Residential Intermediate-Urban, last year with a Bill of Assurance. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential/Agricultural	R-A, Residential-Agricultural
South	Single-Family Residential/Agricultural	R-A, Residential-Agricultural
East	Single-Family Residential	NS-G, Neighborhood Services-General; RI-U, Residential Intermediate-Urban; and R-A, Residential-Agricultural
West	Single-Family Residential/Agricultural	R-A, Residential-Agricultural

Request: The request is to rezone parcel 765-07377-000 from R-A, Residential-Agricultural, to NS-G, Neighborhood Services – General, and rezone parcel 765-16191-000 from R-A to RI-U, Residential Intermediate – Urban.

Public Comment: Staff received one inquiry about this item from a neighboring property owner, but no public comment has been offered as of writing this report.

INFRASTRUCTURE:

Streets: The subject area has frontage along W. Wedington Drive. Wedington is a fully improved Regional Link street with asphalt paving, curb and gutter, and multi-use trail. Any street improvements required in these areas will be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at the time of development.

Water: Public water is available to the subject area. An existing 18-inch water main is present on the south side of W. Wedington Avenue.

Sewer: Sanitary Sewer is available to the subject area. An existing 6-inch sanitary sewer main is present running east and west across the middle of the subject property. An existing 12-inch sanitary sewer main is present running east and west across the south side of the subject property.

Drainage: Any additional improvements or requirements for drainage will be determined at the time of development. Hydric soils and a protected stream are present on the property, and a portion of the property lies within a FEMA floodplain. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property, a statement from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Streamside Protection Zones generally consists 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, it will be 50 feet wide as measured from the top of bank but depending on the shape and extents 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.

A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact 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.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located

approximately 1.2 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 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.

Tree Preservation:

The current zoning district, Residential-Agricultural, requires **25% minimum canopy preservation**. The proposed zoning districts, Neighborhood Services – General and Residential Intermediate – Urban, require **20% and 15% minimum canopy preservation**, respectively.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as a *Residential Neighborhood Area* and *Natural 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, multi-family, 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. 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.

Natural Areas consist of lands approximating or reverting to wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation, or value as an environmental resource. A Natural Area designation should 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 an average score of 2-4 for this site with a weighted score of 3.5 at the highest level. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #7, 835 N. Ruppel Road)
- Near Water Main (W. Wedington Drive)
- Near Sewer Main (W. Wedington Drive)
- Near Paved Trail (W. Wedington Drive)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** The subject property is largely surrounded by low-density, single-family, residential and agricultural land. However, the adjacent property to the east is currently being developed as a two-family residential subdivision with a commercial lot fronting W. Wedington Drive.

Staff feels comfortable supporting the request given the long-term land use plans for the area, the compatibility with the adjacent property to the east, and the restrictions placed on development near protected streams, hydric soils, and floodplains. The subject area is located on a fully improved Regional Link street, W. Wedington Drive, which has a design service volume of 17,600 vehicles per day, leading staff to conclude that the existing infrastructure can absorb an increased vehicle load, particularly since the two nearest, most recent traffic counts indicate an average daily count of 11,000 near N. Pershing Street to the west and 15,000 near N. Broyles Avenue to the east. Even with some commercial uses, NS-G is considered by code to be a residential-oriented zoning district. NS-G also offers more variety in terms of land use and lot configuration than in single-family residential districts, as it requires a build-to zone and offers a limited number of commercial uses by-right. The location along Wedington makes some commercial activity appropriate and limiting the extent of the NS-G zoning to parcel 765-07377-000 reduces the scope of the request. Placing RI-U zoning to south of that property allows for a gradual approach to the site, and provides potential walkable amenities to any new residential development that should come through in the portion zoned RI-U.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This area is primarily designated as a Residential Neighborhood Area, which encourages a wide variety of housing types and low-intensity non-residential uses intended to serve the surrounding neighborhood. Given the subject area's location along W. Wedington Drive, staff finds that the by-right, non-residential uses permitted in NS-G are aligned with the long-term land use designation for this area. Although the infill matrix score is low, staff finds that the area and its infrastructure can support future development. While a portion of the site is designated as a Natural Area, staff finds that there are regulations in place for protected streams, hydric soils, and floodplain that will limit the impact on natural resources associated with any future development.

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

Finding: With a current zoning designation of R-A and a future designation as a Residential Neighborhood Area, staff finds that the property is currently under-zoned. A combined rezoning to NS-G and RI-U would allow for an increase in density and help meet the long-term 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 NS-G and RI-U could increase traffic along W. Wedington Road. However, Wedington is a fully improved Neighborhood Link street with asphalt paving, off-street bike lanes, curb and gutter, and sidewalk along the property's frontage. Any traffic generated by future development on this site would be absorbed by the existing infrastructure. Given the limited size of the property and the number of units possible, staff does not believe that rezoning will appreciably increase traffic

danger along Wedington. Any street improvements, if necessary, will be determined at the time of development review. Any non-residential uses on the site could also increase traffic in the area, but the by-right commercial uses permitted in NS-G are limited in nature. Staff also feels that placing an RI-U zoning district near NS-G will allow for potential walkability.

- 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 subject area from R-A to NS-G and RI-U would increase the population density on the site. However, the property has adequate access to water, sewer, and other public services that would eliminate the need for costly extensions or limited services associated with development on the city's periphery.

- 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-2021-000076 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>November 22, 2021</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Belden		with a recommendation of approval.	
Second: Sparkman			
Vote: 6-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 – District R-A, Residential-Agricultural
 - §161.12 – District RI-U, Residential Intermediate – Urban
 - §161.19 – NS-G, Neighborhood Services – General
- 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.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development
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 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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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 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945 , §5(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; 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."

161.19 NS-G, Neighborhood Services - General

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
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A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet
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(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945 , §7(Exh. A), 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."

October 12, 2021

VIA PORTAL DELIVERY

City of Fayetteville Planning Commission and Planning Department
125 West Mountain Street
Fayetteville, Arkansas 72701

Re: Rezoning of Parcels # 765-07377-000 & #765-16191-000

Dear To Whom It May Concern:

This letter is in regard to rezoning parcel 765-07377-000 from its current designation of R-A to NS-G and parcel number 765-16191-000 from R-A to RI-U. I represent the owners of said parcels. These properties are on the west side of Wedington Road. The adjacent property directly east of these two tracks were both recently rezoned NS-G and RI-U.

Residential neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, row houses, multi-family and accessory dwelling units. The RI-U district is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible and in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

Further the NS-G district is considered to be in a line with future land use plans for this area and does offer the advantage of a build-to-zone and additional flexibility in uses as opposed to strictly residential single-family districts. Further by placing the RI-U behind or south of the NS-G zoning allows for a gradient approach to the site, and provides walkable amenities to any residential development that should come through.

With the use of residential neighborhood design principles as well as RI-U zoning guidelines and NS-G guidelines we feel that the proposed rezoning is in line with future land use and very compatible to that use as well as the city's development goals and will not unreasonably effect or conflict in an adverse way the surrounding land uses.

Sincerely yours,

Hall, Estill, Hardwick, Gable, Golden &
Nelson, P.C.



Robert K. Rhoads

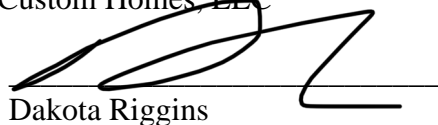
RKR:slt

5040452.1:008683.00001

I hereby consent to have Robert K. Rhoads represent me in this request. I am the owner of parcel number 765-07337-000.

NWA Custom Homes LLC

By:

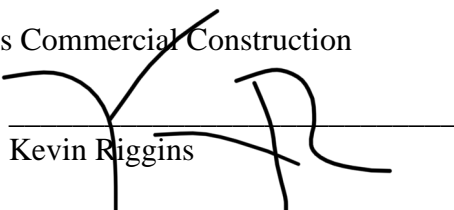


Dakota Riggins

I hereby consent to have Robert K. Rhoads represent me in this request. I am the owner of parcel number 765-16191-000.

Riggins Commercial Construction

By:

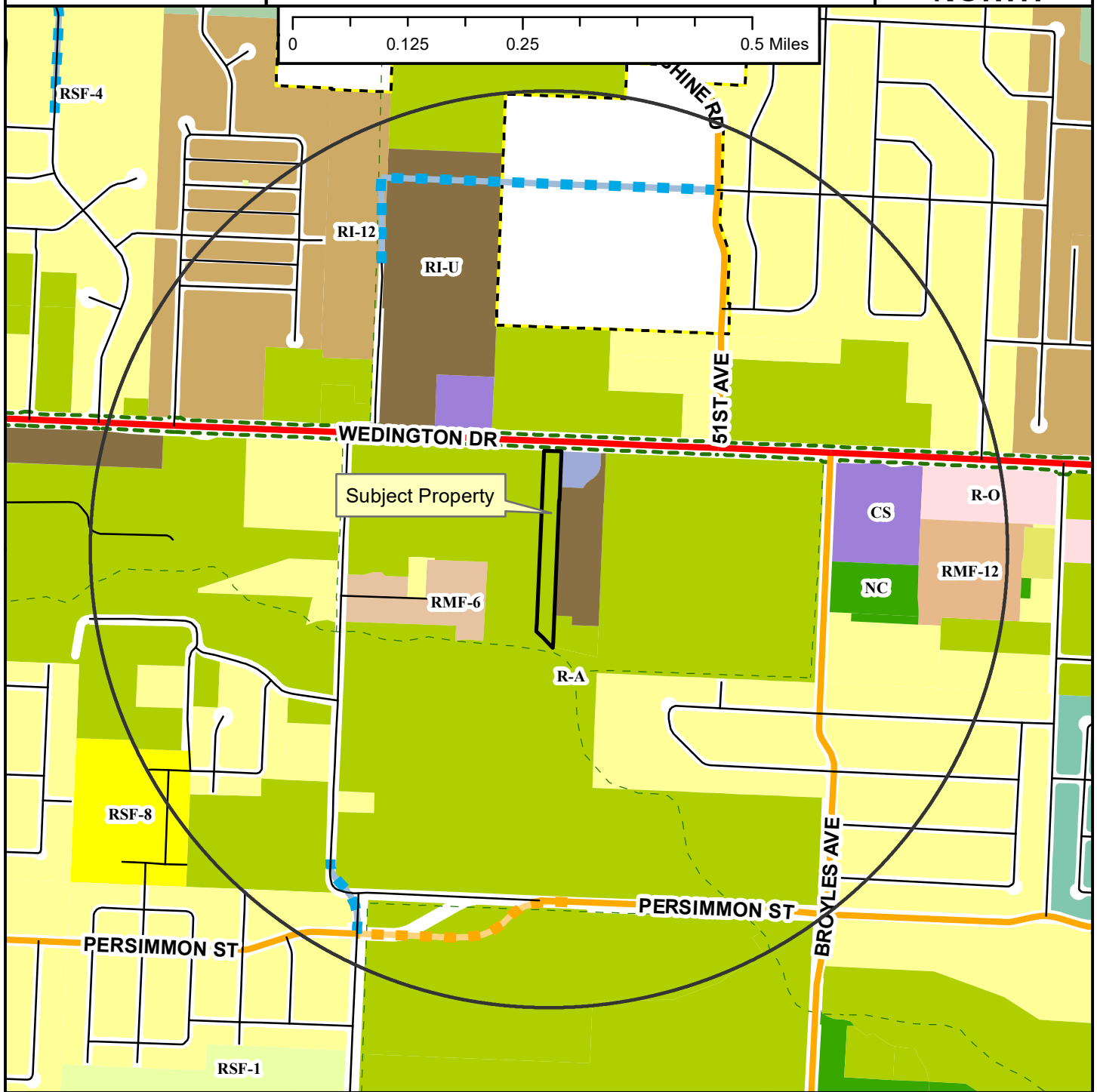
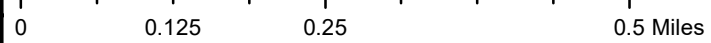


Kevin Riggins

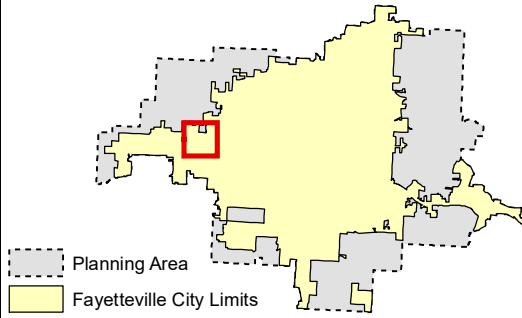
RZN-2021-000076

NWA Custom Homes

One Mile View



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

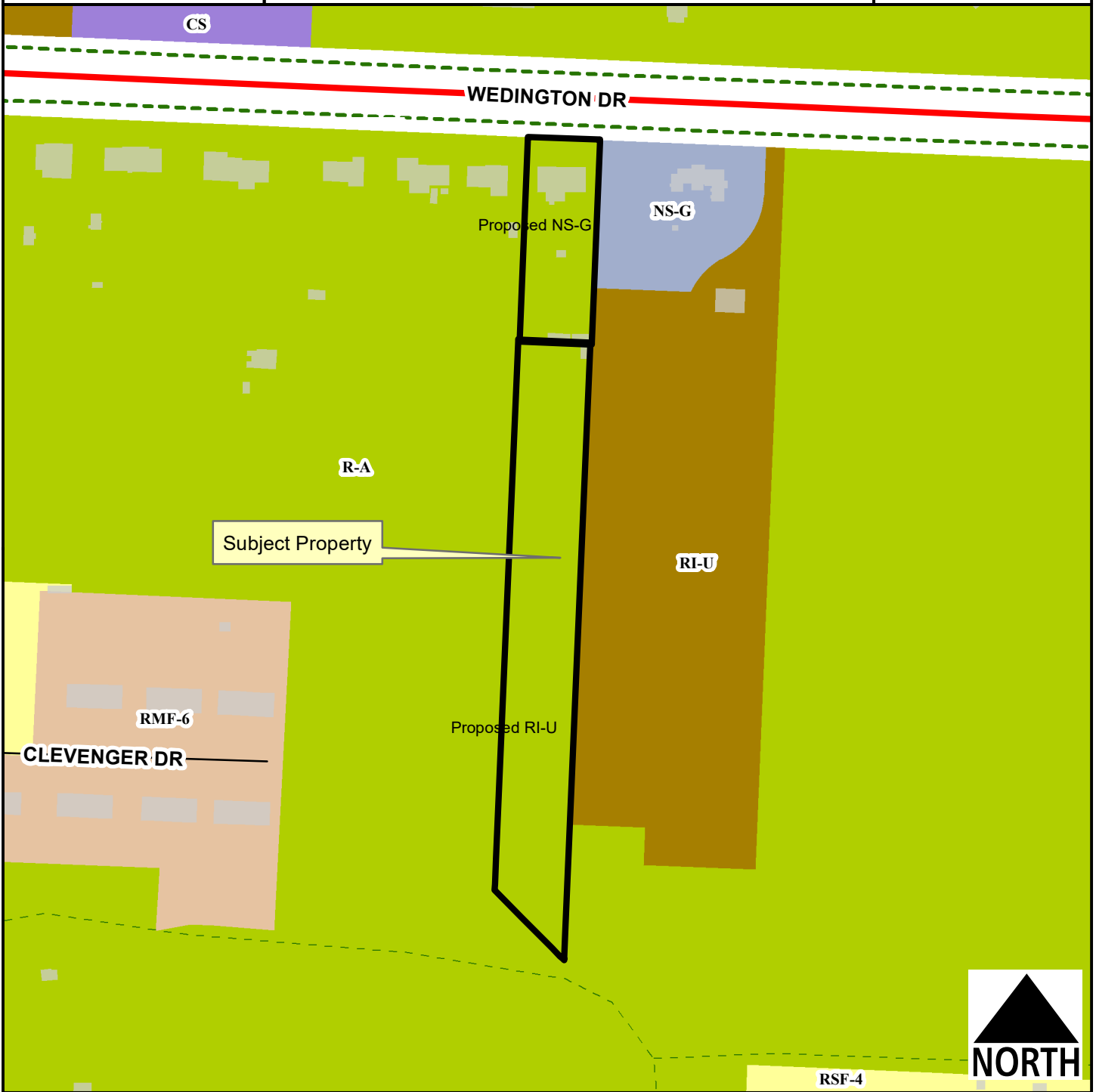






- | | |
|---|-------------------------------------|
| Zoning | EXTRACTION |
| RESIDENTIAL SINGLE-FAMILY | E-1 |
| NS-G | COMMERCIAL |
| RI-U | Residential-Office |
| RI-12 | C-1 |
| NS-L | C-2 |
| Residential-Agricultural | C-3 |
| RSF-5 | FORM BASED DISTRICTS |
| RSF-1 | Downtown Core |
| RSF-2 | Urban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

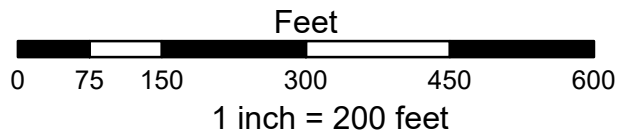
RZN-2021-000076

Rezone request for NWA

Close Up View



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



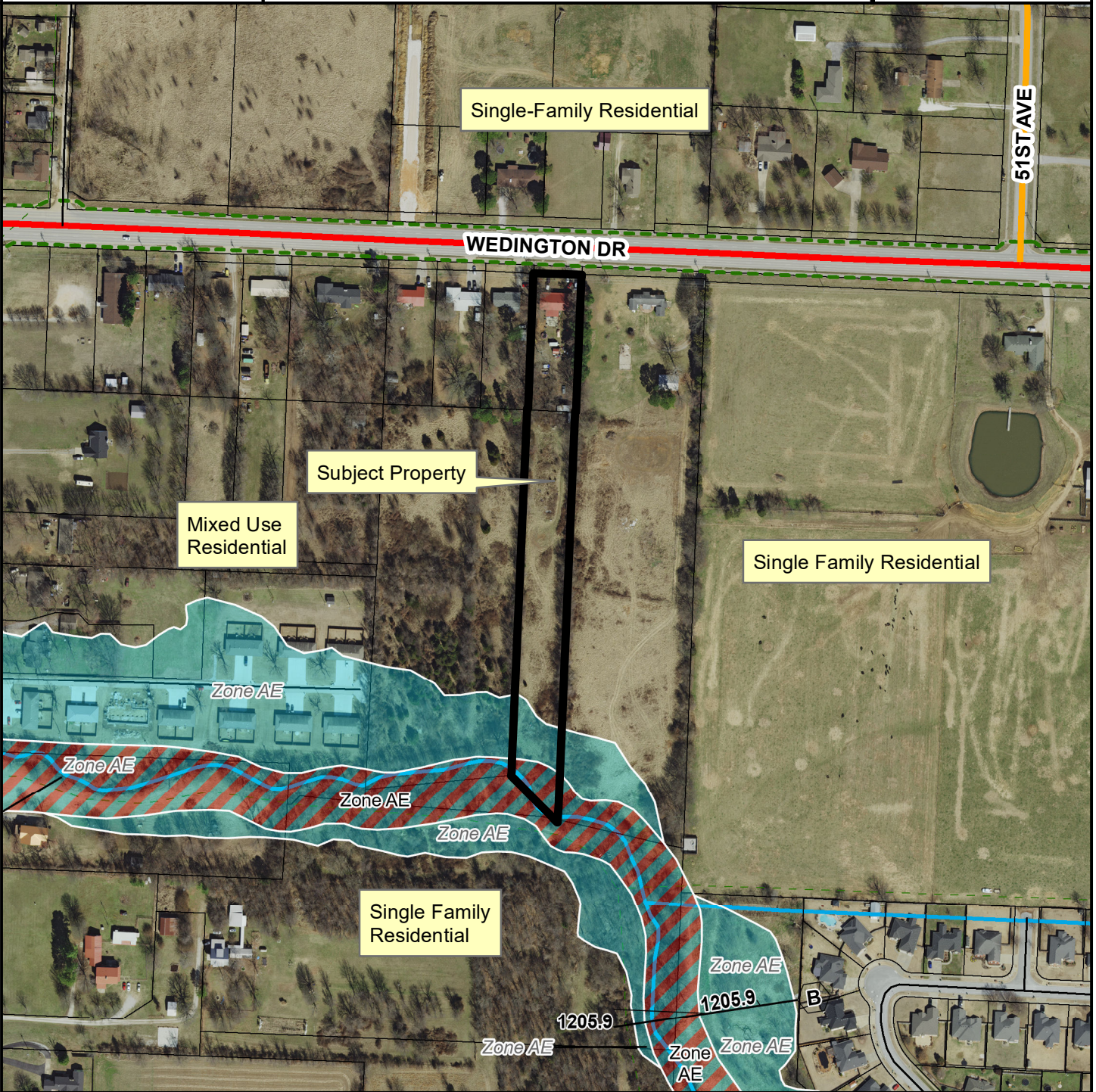
Zoning	Acres
NS-G	0.6
RI-U	1.8
Total	2.4

RZN-2021-000076

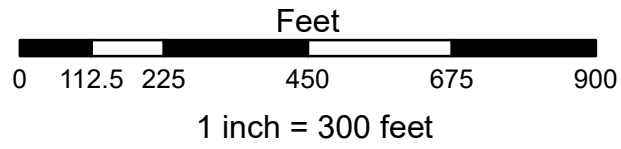
NWA Custom Homes





Current Land Use



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



FEMA Flood Hazard Data

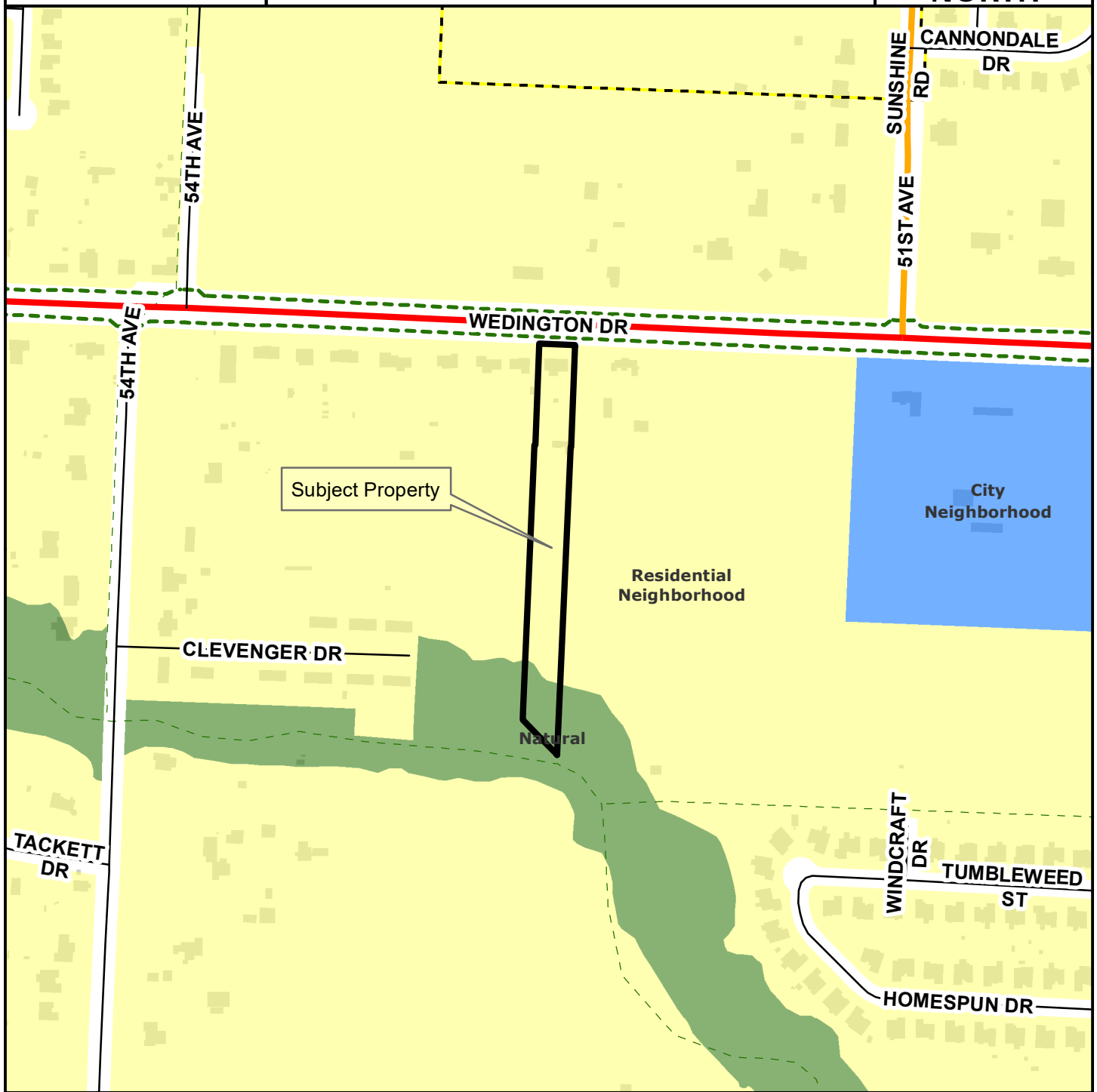
-  100-Year Floodplain
-  Floodway

RZN-2021-000076

NWA Custom Homes



Future Land Use



Subject Property

Residential Neighborhood

City Neighborhood

Natural

CLEVENGER DR

WEDINGTON DR

SUNSHINE RD
CANNONDALE DR

51ST AVE






54TH AVE

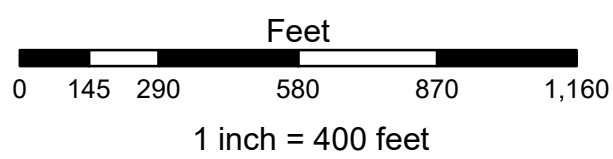
54TH AVE










TACKETT DR

WINDCRAFT DR
TUMBLEWEED ST

HOMESPUN DR

-  Regional Link
-  Neighborhood 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