

City of Fayetteville Staff Review Form

2022-0024

Legistar File ID

2/1/2022

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

Jonathan Curth

1/14/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2021-000078: Rezone (2015 S. VALE AVE./HARRIS, 599): Submitted by WILL KELSTROM for properties located at 2015 S. VALE AVE. The properties are zoned CS, COMMUNITY SERVICES, & RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contain approximately 3.09 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

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 FEBRUARY 1, 2022

TO: Mayor; Fayetteville City Council

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

FROM: Ryan Umberger, Senior Planner

DATE: January 14, 2022

SUBJECT: **RZN-2021-000078: Rezone (2015 S. VALE AVE./HARRIS, 599):** Submitted by WILL KELSTROM for properties located at 2015 S. VALE AVE. The properties are zoned CS, COMMUNITY SERVICES, & RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contain approximately 3.09 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

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

BACKGROUND:

The subject properties are approximately 3.09 acres, located in south Fayetteville, and split-zoned RMF-24, Residential Multi-family 24 Units per Acre and CS, Community Services. The area is developed with a 1,416 square foot single-family dwelling that was built in 1956. The properties received their current zoning designation via a staff-initiated rezoning associated with the implementation of the Fayette Junction Master Plan in 2011 (RZN 11-3892). Unbuilt right-of-way is present on the subject property north of W. Cato Springs Road and connecting S. Razorback Road to S. Vale Avenue. Washington County records suggest the right-of-way was platted in 1924 with the Meadow Vale Subdivision as Hendon Street. There is no indication that it was ever improved or utilized by the public. A request to vacate the right-of-way failed at a City Council meeting on April 20, 2021 (VAC-2021-000015).

Request: The request is to rezone the property to NS-G, Neighborhood Services-General. In the request letter the applicant expresses an intent to develop the property in a similar fashion to other apartments and townhomes nearby. Additionally, the applicant verbally indicated the impetus behind the request is for relief from a 10-foot setback associated with the existing CS zoning.

Public Comment: A member of the public spoke at the Planning Commission meeting on January 10th in opposition to the request. They were concerned about the massing and orientation of buildings that could be located on the property and requested additional information about

setbacks, especially as it pertained to their property.

Land Use Compatibility: Staff finds the proposed zoning to be partially compatible with the existing nearby land uses. The NS-G zoning district is intended to serve as both a means to encourage a small-scale mix of uses into residential areas and to introduce medium density residential developments into existing or single use neighborhoods. Acknowledging that the permitted uses and bulk and area regulations comport with the surrounding area the rezoning represents a detraction from the highest and best use of the property as determined by staff, Planning Commission and City Council. The existing zoning represents a part of the implementation of the Fayette Junction Master plan. The plan, including a charrette process that involved over 100 citizens, largely involved planning around the railway spur to the east with the idea that the area would develop and turn into a significant transportation hub. Though the transportation hub never came to fruition, the subject properties represent an area that could benefit the city from very intense development, especially considering its location along S. Razorback Road with easy access to I-49 and several parks.

Land Use Plan Analysis: The proposed zoning is inconsistent with the Future Land Use Map designation of this property as a City Neighborhood Area. While a mixture of residential and commercial uses is typical and preferred in the traditional urban pattern that informs the City Neighborhood Area designation, staff finds the NS-G district offers this at a smaller scale and lower intensity than what is appropriate for this part of Fayetteville. Further, as a property outside the Hillside-Hilltop Overlay district, no protected streams, and no FEMA floodplain, the site presents an ideal opportunity for appropriately-scaled development. While acknowledging that NS-G maintains entitlements that promote compact, complete, and connected neighborhoods, staff finds rezoning to NS-G lessens the opportunity to reduce vehicle trips and leverage existing infrastructure along a corridor that could otherwise handle a dense development pattern.

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

- Adequate Fire Response (Station #6, 990 S. Hollywood Ave.)
- Near Sewer Main (6-inch main S. Vale Ave., 8-inch main SE of property)
- Near Water Main (6-inch main S. Vale Ave.)
- Near City Park (Greathouse Park)
- Near Paved Trail (Town Branch Trail)
- Near Razorback Bus Stop (Route 48)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Fayette Junction Neighborhood Plan)

DISCUSSION:

At the January 10, 2022 Planning Commission meeting, a vote of 7-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner Belden made the motion and Commissioner Sharp seconded. Commissioners in favor of the rezoning suggested the Fayette Junction Master Plan was obsolete and associated rezoning inhibited development due to the constraints of the lot's irregular shape. Commissioner Garlock, who was opposed to the request,

suggested downzoning was inappropriate as it would remove zoning entitlements from an area that would benefit from added density. One member of the public spoke at the meeting as described above.

BUDGET/STAFF IMPACT:

N/A

Attachments:

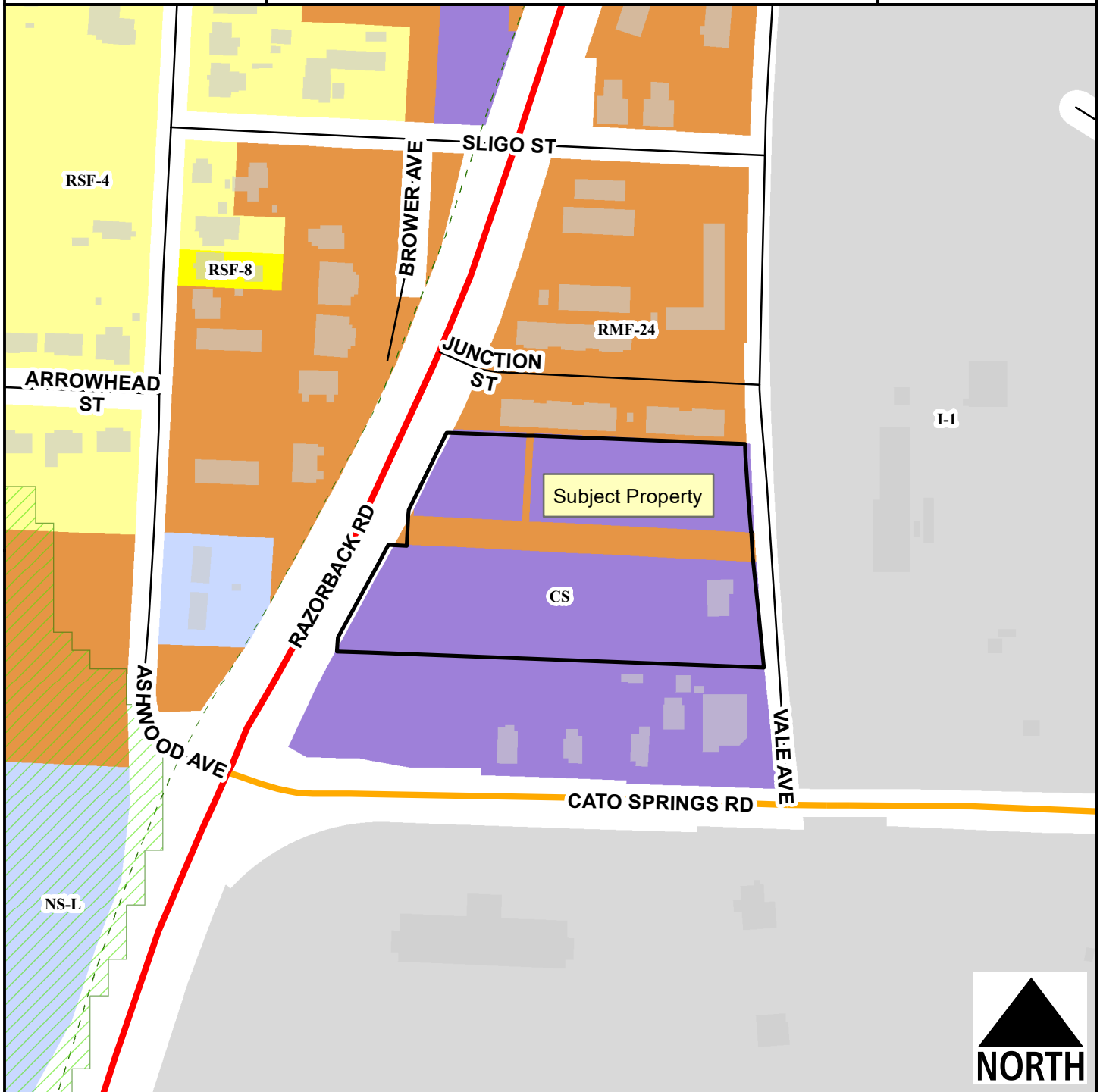
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000078

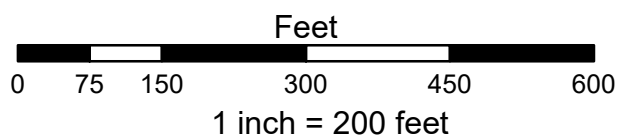
Harris

RZN-2021-000078
EXHIBIT 'A'

Close Up View



- Regional Link
- Neighborhood Link
- ▨ Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- - - Trail (Proposed)



- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Community Services
- Neighborhood Services - Ltd.

RZN-2021-000078
EXHIBIT 'B'

SURVEY DESCRIPTION NEW TRACT 2:

A PART OF BLOCKS 5 AND 6 OF MEADOW VALE SUBDIVISION IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, FILED IN PLAT BOOK 5 AT PAGE 79A OF THE WASHINGTON COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF LOT 2 OF BLOCK 6 IN MEADOW VALE SUBDIVISION, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE ALONG THE SOUTH LINES OF LOTS 2 THROUGH 11, INCLUSIVE, OF SAID BLOCK 6, N87°49'35"W A DISTANCE OF 586.73 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID SOUTH LINES, N03°13'34"E A DISTANCE OF 19.45 FEET TO THE EASTERLY RIGHT OF WAY LINE OF ARKANSAS HIGHWAY 112 (SOUTH RAZORBACK ROAD); AND A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, N28°46'06"E A DISTANCE OF 110.98 FEET TO A FOUND IRON PIN WITH CAP "BATES 1642"; THENCE N28°29'05"E A DISTANCE OF 33.73 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S87°15'06"E A DISTANCE OF 25.36 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N02°44'54"E A DISTANCE OF 49.25 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE N26°03'28"E A DISTANCE OF 118.57 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID RIGHT OF WAY LINE, S87°49'35"E A DISTANCE OF 410.54 FEET TO A FOUND 5/8 INCH PIPE ON THE EAST LINE OF LOT 1, OF SAID BLOCK 5, SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH VALE AVENUE; THENCE ALONG THE EAST LINES OF SAID BLOCKS 5 AND 6 AND ALONG SAID RIGHT OF WAY LINE, S02°16'42"E A DISTANCE OF 17.35 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S03°36'39"E A DISTANCE 50.12 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S04°44'58"E A DISTANCE OF 50.20 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S03°53'45"E A DISTANCE OF 40.11 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE S05°41'42"E A DISTANCE OF 75.43 FEET TO A SET IRON PIN

WITH CAP "PLS 1156"; THENCE S05°41'42"E A DISTANCE OF 75.43 FEET TO THE **POINT OF BEGINNING**, CONTAINING 3.50 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

MEETING DATE: January 10, 2022 (Updated with PC Results)

SUBJECT: **RZN-2021-000078: Rezone (2015 S. VALE AVE./HARRIS, 599):**
Submitted by WILL KELSTROM for properties located at 2015 S. VALE AVE. The properties are zoned CS, COMMUNITY SERVICES, & RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contain approximately 3.09 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL

RECOMMENDATION:

Staff recommends denial of **RZN-2021-000078**.

RECOMMENDED MOTION:

"I move to deny **RZN-2021-000078**."

BACKGROUND:

The subject properties are approximately 3.09 acres, located in south Fayetteville, and split-zoned RMF-24, Residential Multi-family 24 Units per Acre and CS, Community Services. The area is developed with a 1,416 square foot single-family dwelling that was built in 1956. The properties received their current zoning designation via a staff-initiated rezoning associated with the implementation of the Fayette Junction Master Plan in 2011 (RZN 11-3892). Unbuilt right-of-way is present on the subject property north of W. Cato Springs Road and connecting S. Razorback Road to S. Vale Avenue. Washington County records suggest the right-of-way was platted in 1924 with the Meadow Vale Subdivision as Hendon Street. There is no indication that it was ever improved or utilized by the public. A request to vacate the right-of-way failed at a City Council meeting on April 20, 2021 (VAC-2021-000015). The property received its existing zoning designation. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
South	Single-family Residential	CS, Community Services
East	Industrial	I-1, Heavy Commercial and Light Industrial
West	Multi-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre

Request: The request is to rezone the property to NS-G, Neighborhood Services-General. In the request letter the applicant expresses an intent to develop the property in a similar fashion to other apartments and townhomes nearby. Additionally, the applicant verbally indicated the

impetus behind the request is for relief from a 10-foot setback associated with the existing CS zoning.

Public Comment: To date, staff has not received any public comment on the item.

INFRASTRUCTURE:

Streets: The subject area has frontage on S. Vale Avenue, a partially improved Residential Link street with asphalt paving and open ditches. The subject property also has frontage along S. Razorback Road, a fully improved Regional Link Street with asphalt paving, sidewalk, 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 a portion of the subject area. An existing 6-inch water main is present in the center of S. Vale Avenue which serves parcel number 765-08408-000. No Water is available the parcel number 765-08409-001

Sewer: Sanitary Sewer is available to the subject area. Existing 6-inch sanitary sewer mains are present in the center of S. Vale Avenue and along the southwest side of the subject property. Another 8-inch sanitary sewer main is present along the southeast side of the subject property.

Drainage: No part of the parcel lies within the Hillside Hilltop Overlay District (HHOD), a FEMA designated floodplain, or in a Streamside Protection Zone. Hydric soils are present on the property and are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. Located on 100% of the Property. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 990 S. Hollywood Avenue, protects this site. The property is located approximately 1.4 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. Response times do not meet the goal of 6 minutes for an engine but do meet the 8-minute response time goal for a ladder truck.

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

Tree Preservation:

The proposed zoning district of NS-G, Neighborhood Services-General requires **20% minimum canopy preservation**. The current zoning districts, RMF-24, Residential Multi-family, 24 Units per Acre and CS, Community Services require **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone primarily as a **City Neighborhood Area**. The property is also within the **Fayette Junction Master Plan** area.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

The **Fayette Junction Master Plan** is the City's second complete neighborhood plan, adopted in the Spring of 2009, as a part of City Plan 2025. The plan aims to create an integrated natural and built environment, create a clean-tech cluster, and establish a multi-modal transportation network centered around a transit hub.

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

- Adequate Fire Response (Station #6, 990 S. Hollywood Ave.)
- Near Sewer Main (6-inch main S. Vale Ave., 8-inch main SE of property)
- Near Water Main (6-inch main S. Vale Ave.)
- Near City Park (Greathouse Park)
- Near Paved Trail (Town Branch Trail)
- Near Razorback Bus Stop (Route 48)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Fayette Junction Neighborhood Plan)

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 proposed zoning to be partially compatible with the existing nearby land uses. The NS-G zoning district is intended to serve as both a means to encourage small-scale mixed use into residential areas and to introduce purely nonresidential or medium density residential developments into existing or single use neighborhoods.

Conversely, the rezoning is, in effect, a detraction from the highest and best use of the property as determined by staff, Planning Commission and City Council through the prior rezoning action. The existing zoning represents a

part of the implementation of the Fayette Junction Master plan. The plan, including a charette process that involved over 100 citizens, largely involved planning around the railway spur to the east with the idea that the area would develop and turn into a significant transportation hub. Though the transportation hub never came to fruition, the subject properties represent an area that could benefit the city from very intense development, especially considering its location along S. Razorback Road with easy access to I-49 and several parks.

Limited, if any, benefit is provided in terms of the development pattern permitted under the proposed NS-G zoning versus what is allowed under CS. Setbacks in the NS-G zoning district are a 0-25 foot build-to zone located at the front of the property, five feet on the sides and zero feet on the rear for the subject property. Setbacks in the existing CS zoning district are a build-to zone located between 10 and 25 feet from the front property line and zero feet on the rear and sides. In effect, both districts carry an expectation that buildings will address the street and encourage non-residential uses to be located along major corridors. NS-G is also more constraining in terms of the permitted density and bulk and area regulations. Residential uses have a 35-foot lot with minimum and zero feet for nonresidential uses. Lot area for single- and two-family dwellings is required at 4,000 square feet and 3,000 square feet per dwelling unit, respectively; commercial uses have no lot area minimum. CS has a lot width minimum of 18 feet for dwellings and zero for other uses. There is no associated lot width minimum for any use in CS properties. NS-G limits density to 18 units per acre or fewer where CS does not have an associated density cap. NS-G allows residential structures of no more than three stories, no more than four attached units, and heightened setbacks when adjacent to a single-family property. Similarly, nonresidential units are subject to the same height and setback standards and are limited to 8,000 square feet for commercial uses.

Land Use Plan Analysis: The proposed zoning is inconsistent with the Future Land Use Map designation of this property as a City Neighborhood Area. While a mixture of residential and commercial uses is typical and preferred in the traditional urban pattern that informs the City Neighborhood Area designation, staff finds the NS-G district offers this at a smaller scale and lower intensity than what is appropriate for this part of Fayetteville. Further, as a property outside the Hillside-Hilltop Overlay district, no protected streams, and no FEMA floodplain, the site presents an ideal opportunity for appropriately-scaled development. While acknowledging that NS-G maintains entitlements that promote compact, complete, and connected neighborhoods, staff finds rezoning to NS-G lessens the opportunity to reduce vehicle trips and leverage existing infrastructure along a corridor that could otherwise handle a dense development pattern.

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

Finding: Staff believes that there is not sufficient justification for rezoning the property to NS-G. Rezoning would remove entitlements from a more intense district that was determined to be compatible with adjacent properties. The

request does not align with the Future Land Use Map and City Plan 2040's goals, suggesting a rezoning is not justified.

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

Finding: Given the nature of the request, which is a down-zoning, staff anticipates that potential for traffic danger and congestion is lessened with the request. The property's location between multiple streets and undeveloped right-of-way suggest traffic coming to and from this property will be dispersed, thereby limiting congestion.

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: Staff does not find that the proposal would result in an increase in demand for public services. With immediate access to water and sanitary sewer in near proximity, staff does not anticipate a need for lengthy main extensions that may pose a heightened maintenance issue into the future.

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-2021-000078.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>January 10, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Belden</u>			
Second: <u>Sharp</u>			
Vote: <u>7-1-0</u>			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.16 – RMF-24, Residential Multi-family, 24 Units per Acre
 - §161.19 – Neighborhood Services-General
 - §161.22 – Community Services
- Request letter
- Fayette Junction Illustrated Master Plan
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(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 26	Multi-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 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(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/5 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 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 side 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) *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(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; Ord. No. 5592, 6-18-13; 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 , §§5, 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."

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."

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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AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

November 2, 2021

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

RE: Rezoning Parcel Nos. 785-08408-000 & 765-08409-001 from CS, Community Services, to NS-G, Neighborhood Services-General

Dear Planning Staff:

My name is Will Kellstrom and I represent the applicant, Mr. Bransen Harris, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 785-08408-000 and 765-08409-001 (hereinafter "the Property"), be rezoned from CS, Community Services, to NS-G, Neighborhood Services-General.

The proposed rezoning will not unreasonably adversely conflict or affect the surrounding land uses. Currently, the property is bordered by RMF-24 and CS, Community Services. RMF-24 is a moderate to high density residential zoning and CS is a moderate to high density form-based mixed use zoning with no residential density cap. NS-G is intended to create "mixed use areas of medium intensity," and allows for up to eighteen (18) units an acre. In this sense, NS-G is actually a down-zone from what the property is currently zoned. Because the Property is surrounded by zones which allow either for higher density or mixed use development, this rezoning is compatible with the adjacent zones.

As for surrounding uses, the property is adjacent to apartments and townhomes to the North, duplexes to the West, and industrial uses to the East. Moreover, the developer plans to develop the property in the same pattern as other recent developments in the Razorback/15th St./Baum Stadium area. The mixed use development allowed under NS-G would be compatible with all surrounding uses.

Harris Rezone
Page 2

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

A handwritten signature in black ink, appearing to read "W. Kellstrom", written over the printed name.

Will A. Kellstrom

WK:
pc:

Subject area

FAYETTE JUNCTION ILLUSTRATIVE MASTER PLAN

FAYETTEVILLE, ARKANSAS

SEPTEMBER 2008

ADOPTED BY RESOLUTION NO. 95-09

APRIL 21, 2009

- Proposed Parking Structure
- Existing Building
- Proposed Building
- Existing Civic Building
- Study Area Boundary
- ARTP Master Plan Roads

N

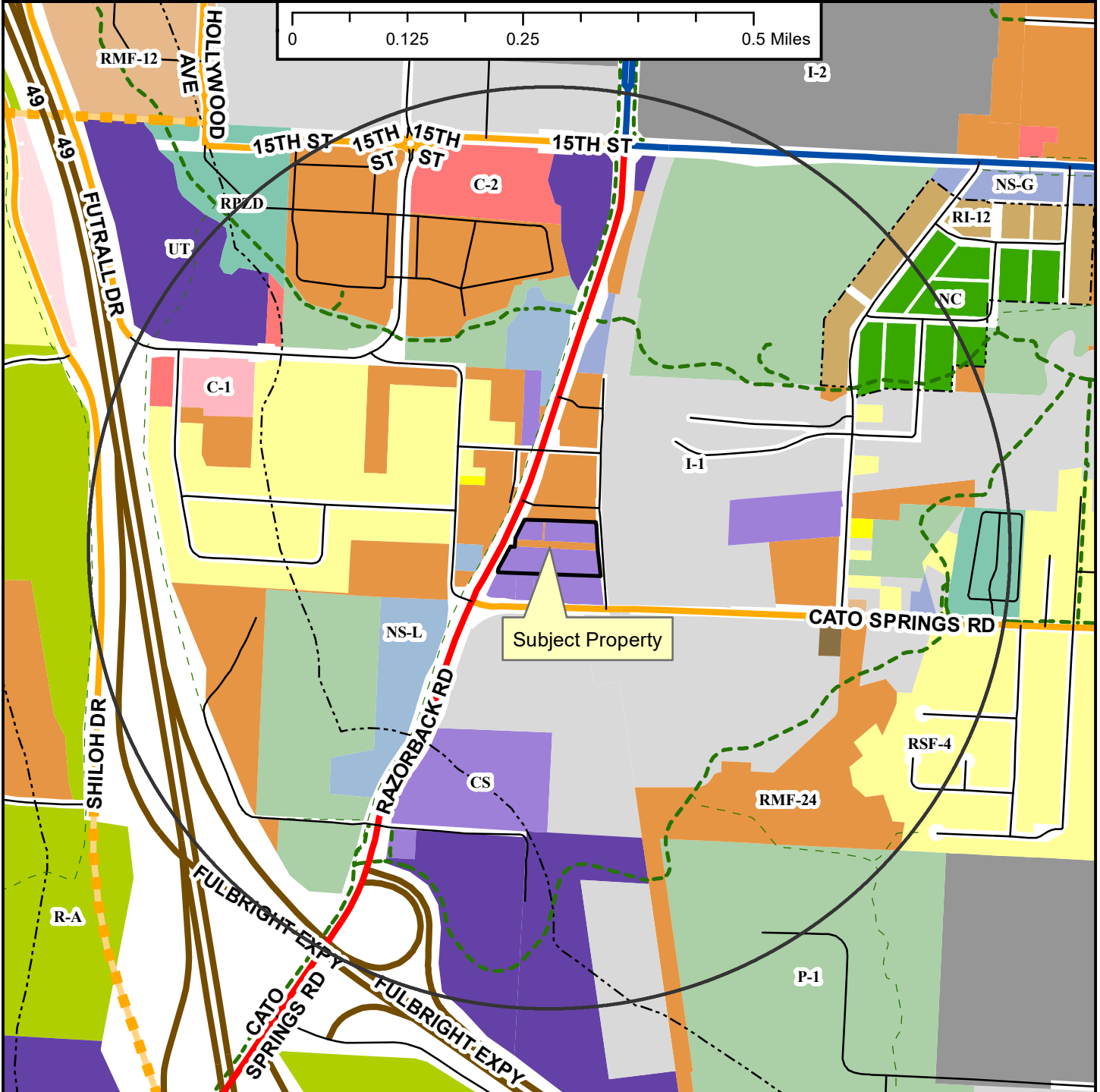
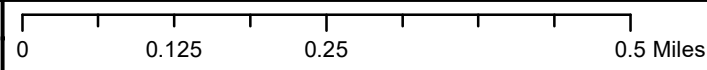


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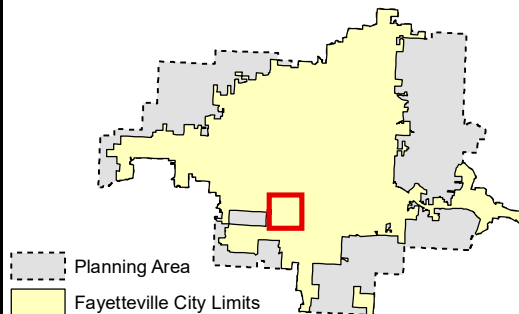
RZN-2021-000078

Harris

One Mile View



- 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

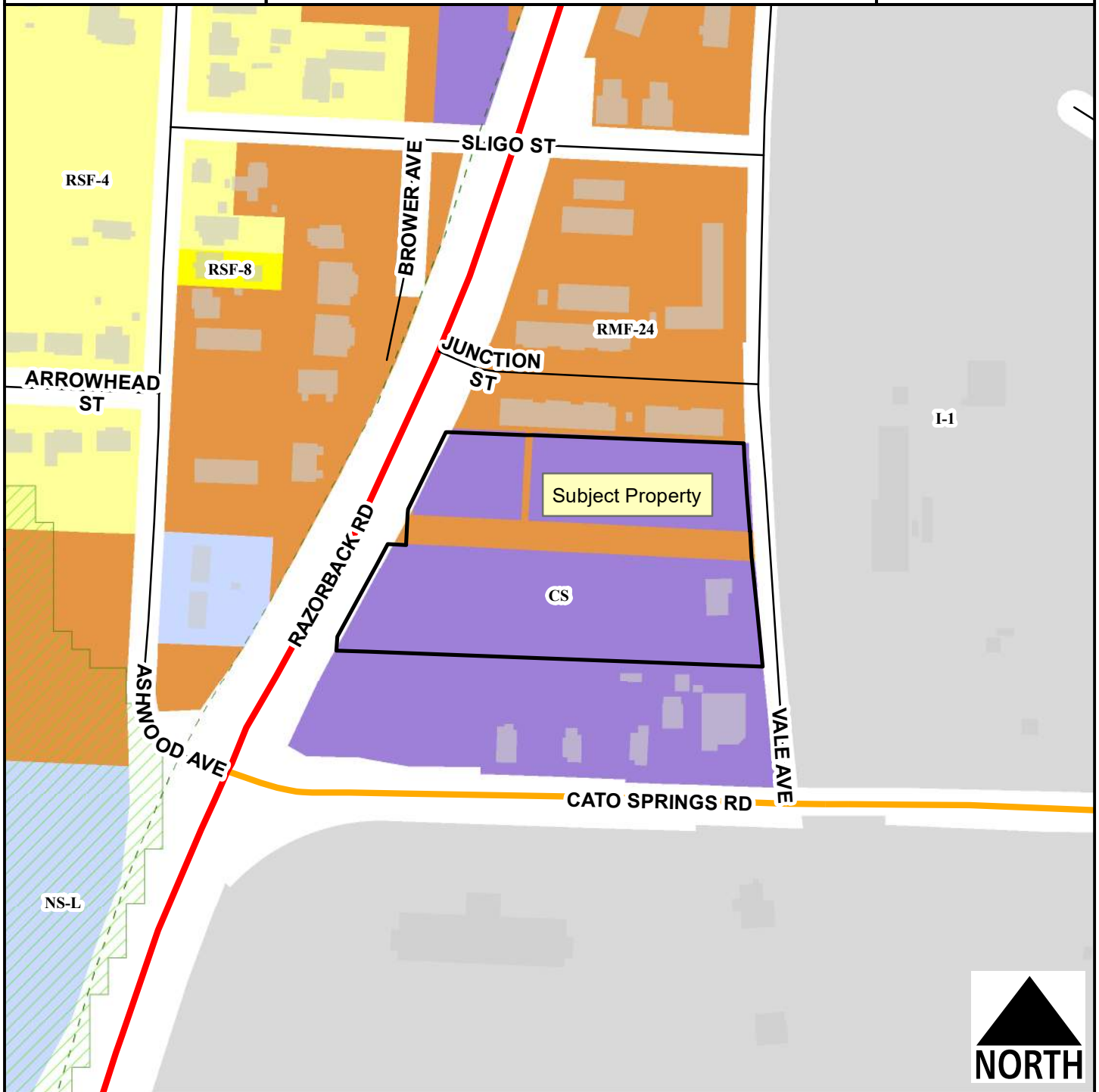


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|---|--|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> NS-G RI-U RI-12 NS-L Residential-Agricultural RSF-5 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial | <ul style="list-style-type: none"> I-2 General Industrial <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> Residential-Office C-1 C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
|---|--|

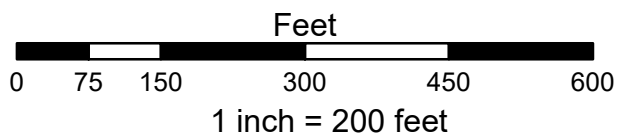
RZN-2021-000078

Harris

Close Up View



- Regional Link
- Neighborhood Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Community Services
- Neighborhood Services - Ltd.



RZN-2021-000078

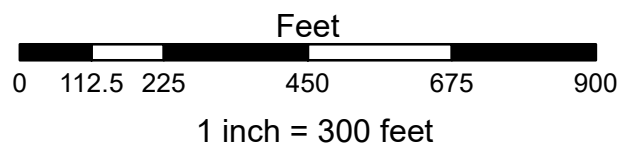
Harris

Current Land Use



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway



RZN-2021-000078

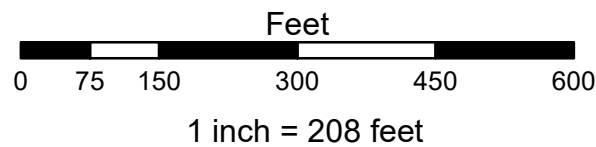
Harris



Future Land Use



- 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