

City of Fayetteville Staff Review Form

2022-0030

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-2021-000080: Rezone (S. LEFLAR WAY & W. MLK BLVD./COBB-WESTPHAL, 596): Submitted by CRAFTON TULL & ASSOCIATES, INC. for property located at S. LEFLAR WAY & W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE, RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, & RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 53.06 acres. The request is to rezone the RMF-24 zoned portion of the property totaling 3.83 acres 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 FEBRUARY 1, 2022**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Jessie Masters, Development Review Manager

**DATE:** January 14, 2022

**SUBJECT:** **RZN-2021-000080: Rezone (S. LEFLAR WAY & W. MLK BLVD./COBB-WESTPHAL, 596):** Submitted by CRAFTON TULL & ASSOCIATES, INC. for property located at S. LEFLAR WAY & W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE, RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, & RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 53.06 acres. The request is to rezone the RMF-24 zoned portion of the property totaling 3.83 acres to CS, COMMUNITY SERVICES.

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**RECOMMENDATION:**

City Planning staff and the Planning Commission 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 includes 3.83 acres of a larger 53.06 acre parcel located on the south side of W. Martin Luther King Jr. Boulevard, between S. Finger and S. Hanshew Roads to the east and west respectively. Along with over 11,000 acres of additional land, this property was annexed into Fayetteville by election in 1967 and zoned agriculturally. In 1987, the property was split-zoned to C-2, Thoroughfare Commercial, and R-1, a corollary to current zoning's RSF-4 Residential Single-family, 4 Units per Acre. Subsequently, the property underwent other rezonings, with the most recent being in 2019, where the area of C-2 was designated UT, Urban Thoroughfare. Today, the overall parcel is split-zoned three ways, UT, RSF-4, and RMF-24, Residential Multi-Family, 24 Units per Acre. The entirety of the parcel remains undeveloped, with the specific, 3.83 acre subject property largely under tree canopy. A small portion at the southwest corner of the property is within the Streamside Protection Zone associated with the Farmington Branch, a tributary of Goose Creek which ultimately feeds the Illinois River.

*Request:* The request is to rezone 3.83 acres of a 53.06 acre property from UT, Urban Thoroughfare, RMF-24, Residential Multi-Family, 24 Units per Acre, RSF-4, Residential Single-Family, 4 Units per Acre and R-A, Residential-Agricultural to CS, Community Services. The overall majority of the 3.83 acre property is zoned RMF-24. The applicant has not submitted any additional development plans.

*Public Comment:* Prior to the initial December 13, 2021 Planning Commission meeting, staff

received public comment in opposition to this request and a concurrent proposal for an RV park on the southern portion of the larger property. Comments largely revolved around concern for natural preservation, large vehicles using Finger Road, and increased congestion. Staff did not receive any updated comments ahead of the January 10, 2022 meeting.

*Land Use Compatibility:* Staff finds that the updated request is generally compatible with the overall mix of surrounding land uses. While the undeveloped UT-zoned property to the north and Lowe's CPZD to the east represent limited potential to be adversely impacted by development under the applicant's request, the low-density residential and agricultural areas to the south and west do. That said, CS permits several uses that can complement a low-density area, like small-scale services and other housing. Staff finds that the major difference in a request for UT as compared to a request to CS in the minimized allowances for auto-centered uses, and the more limited nature of permitted commercial uses. Staff maintains that the existing multi-family zoning on the property affords an opportunity for housing near services and employment, while also presenting a logical transition from the activity of a state highway to the existing and potential low-density residential properties to the south. CS permits multi-family housing and staff finds that developing the property under CS zoning rather than RMF-24 zoning has the added benefit of the potential to incorporate limited non-residential uses to the site.

*Land Use Plan Analysis:* Staff finds that the request is somewhat consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. Beginning with the Future Land Use Map, the property is divided in designation as Natural Area and City Neighborhood Area. The Natural Area reflects the approximately one-quarter of the subject property which lies within floodplain along the Farmington Branch. Conversely, the portion of City Neighborhood Area is indicative of the property's location near a major, developed corridor. Accordingly, rezoning a portion of the property may be appropriate.

In considering the request in terms of City Plan 2040 and its goals, the request is more consistent. The property is close to numerous services, large employers, and transportation routes. Although amenities like schools and trails are not currently present, when taken in conjunction with the existing UT property adjacent to West Martin Luther King Blvd., the request does represent infill more than sprawl. Similarly in the request's favor, rezoning a greater extent of the overall property to CS can encourage creation of a compact and complete project where land uses can intermingle. That said, the property's current zoning arrangement affords a similar possibility, albeit with a discrete segregation of uses and without increasing entitlements in an area designated as Enduring Green Network.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix for the 3.83 acre subject property indicates a rating of 3-6 for this site. The following elements of the matrix contribute to the score, but vary where they contribute based on the specific location within the property:

- Adequate Fire Response (Station #6, S. Hollywood)
- Near Water Main (12-inch, along Martin Luther King Blvd.)
- Near City Park (Centennial Park)
- Grocery Store (Aldi)

- Razorback Transit (Route 44 – Walmart Stop)
- Future Land Use Map (City Neighborhood Area)

**DISCUSSION:**

At the December 13, 2021 Planning Commission meeting, the applicant originally requested to rezone the property to UT, Urban Thoroughfare. Staff recommended denial of that request, finding that the intensity of uses allowed with that zoning district were too high, including the lean towards auto-centric uses. Commissioners voted to table the item and commented that a PZD may make sense for the area. They also expressed a lack of support toward a Bill of Assurance for the site. In the interim, the applicant responded with a change in the request to a CS, Community Services zoning.

At the January 10, 2022 Planning Commission meeting, a vote of 8-0-0 forwarded the item with a recommendation of approval to rezone the property from RMF-24, Residential Multi-Family, 24 Units per Acre, to CS, Community Services. Commissioner Belden made the motion, with Commissioner Sharp seconding. Commissioners found the request compatible, and the permitted land uses more transitional in nature, with the highest intensity of uses located along the MLK frontage and less intense as the property moved south. No public comment was offered on the item at the meeting.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

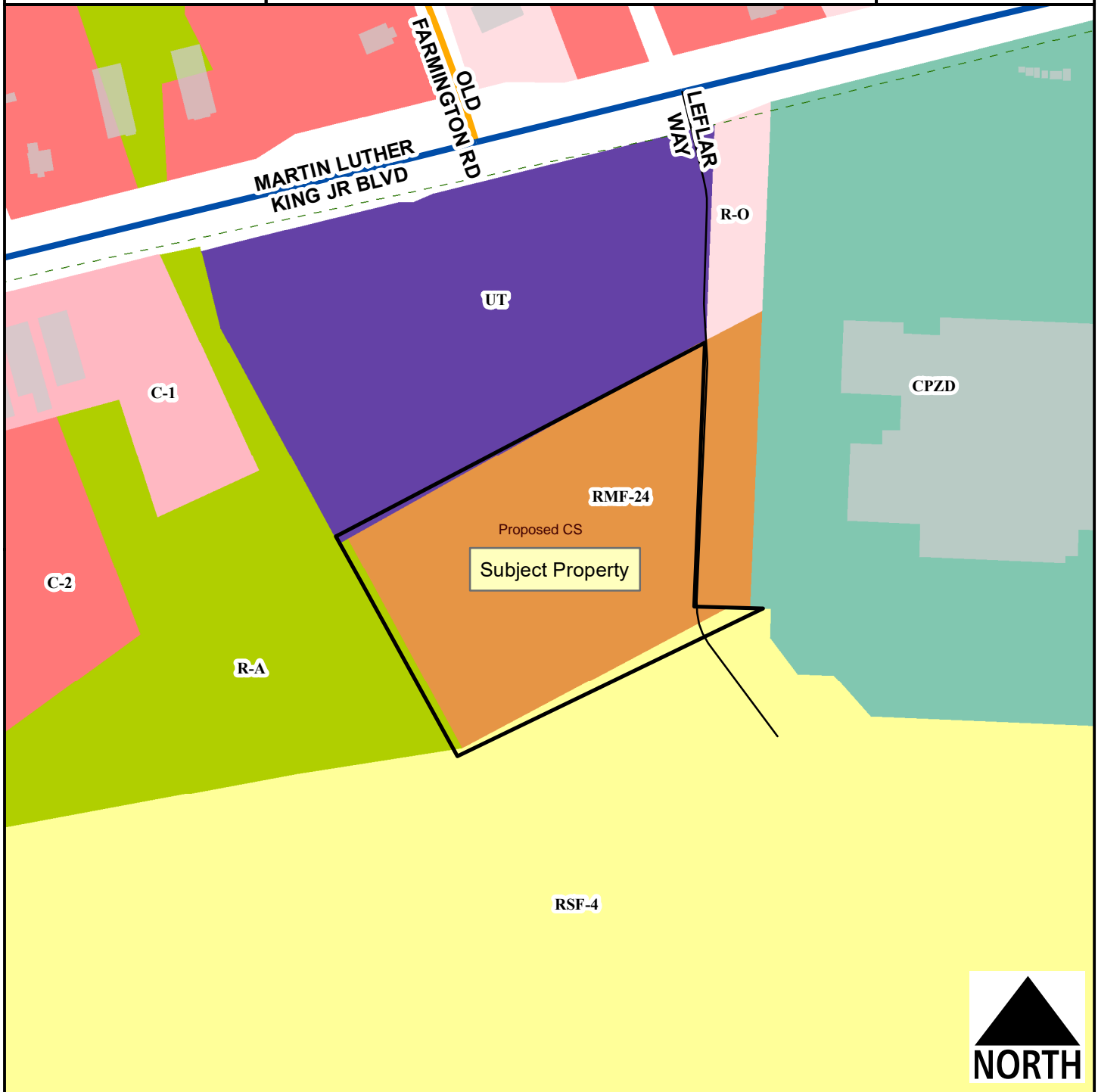
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000080

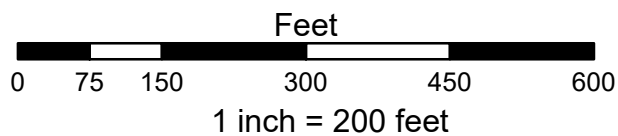
## Cobb-Westphal

RZN-2021-000080  
EXHIBIT 'A'

Close Up View



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



| Zoning       | Acres      |
|--------------|------------|
| CS           | 3.8        |
| <b>Total</b> | <b>3.8</b> |

**RZN-2021-000080**  
**EXHIBIT 'B'**

A PART OF LOT 3 OF CONCURRENT PLAT FOR COBB & WESTPHAL TO THE CITY OF FAYETTEVILLE, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A SET 5/8" REBAR (PS#1674) COMMON TO LOT 3 AND LOT 1 ON THE SOUTH RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR. BOULEVARD (A.K.A. US HIGHWAY 62); THENCE S00°55'07"W, 292.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S00°55'07"W, 363.89 FEET TO A SET PK NAIL; THENCE N89°55'17"E, 94.5 FEET; THENCE S62°44'28"W, 466.97 FEET TO A SET 5/8" REBAR (PS#1674); THENCE N30°19'40"W, 345.85 FEET, FROM WHICH A SET 5/8" REBAR (PS#1674) BEARS N30°19'40"W, 324.87 FEET; THENCE N60°53'06"E, 573.55 FEET TO THE POINT OF BEGINNING, CONTAINING 3.83 ACRES, MORE OR LESS. THIS DESCRIPTION IS BASED ON INFORMATION DERIVED FROM A SURVEY BY HAWKINS-WEIR ENGINEERS, INC FOR THE WESTPHAL GROUP DATED OCTOBER 20, 2017 AND SEALED BY J. KYLE SALYER PS#1874.



**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** January 10, 2022 **Updated with PC hearing results from 1/10/2022**

**SUBJECT:** **RZN-2021-000080: Rezone (S. LEFLAR WAY & W. MLK BLVD./COBB-WESTPHAL, 596):** Submitted by CRAFTON TULL & ASSOCIATES, INC. for property located at S. LEFLAR WAY & W. MLK BLVD. The property is zoned UT, URBAN THOROUGHFARE, RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, & RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 53.06 acres. The request is to rezone the RMF-24 zoned portion of the property totaling 3.83 acres to CS, Community Services.

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**RECOMMENDATION:**

Planning staff recommends forwarding **RZN-2021-000080** to the City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward **RZN-2021-000080** to City Council with a recommendation of approval."

**December 13, 2021 Planning Commission Meeting:**

At the December 13, 2021 Planning Commission meeting, the applicant originally requested to rezone the property to UT, Urban Thoroughfare. Staff recommended denial of that request, finding that the intensity of uses allowed with that zoning district were too high, including the lean towards auto-centric uses. Planning Commissioners commented that a PZD may make sense for the area, and also expressed a lack of support toward a Bill of Assurance for the site. In the interim, the applicant has responded with a change in the request to a CS, Community Services zoning.

**BACKGROUND:**

The subject property includes 3.83 acres of a larger 53.06 acre parcel located on the south side of W. Martin Luther King Jr. Boulevard, between S. Finger and S. Hanshaw Roads to the east and west respectively. Along with over 11,000 acres of additional land, this property was annexed into Fayetteville by election in 1967 and zoned agriculturally. In 1987, the property was split-zoned to C-2, Thoroughfare Commercial, and R-1, a corollary to current zoning's RSF-4 Residential Single-family, 4 Units per Acre. Subsequently, the property underwent other rezonings, with the most recent being in 2019, where the area of C-2 was designated UT, Urban Thoroughfare. Today, the overall parcel is split-zoned three ways, UT, RSF-4, and RMF-24, Residential Multi-family, 24 Units per Acre. The entirety of the parcel remains undeveloped, with the specific, 3.83 acre subject property largely under tree canopy. A small portion at the southwest corner of the property is within the Streamside Protection Zone associated with the Farmington Branch, a tributary of Goose Creek which ultimately feeds the Illinois River. Surrounding land uses and zoning is depicted in Table 1.

**Table 1: Surrounding Land Use and Zoning**

| Direction | Land Use                  | Zoning   |
|-----------|---------------------------|--|
| North     | Undeveloped               | UT, Urban Thoroughfare                             |
| South     | Undeveloped               | RSF-4, Residential Single-Family, 4 Units Per Acre |
| East      | Large Box Retail (Lowe's) | C-PZD, Commercial Planned Zoning District          |
| West      | Undeveloped               | R-A, Residential-Agricultural;                     |

**Request:** The request has been updated to rezone the property, totaling 3.83 acres of the 53.06 acre overall parcel, from RMF-24 to CS, Community Services. The applicant has not submitted any additional development plans.

**Public Comment:** Staff has received public comment in opposition to this request and a concurrent proposal for an RV park on the southern portion of the larger property. Comments are attached to this report and largely revolve around concern for natural preservation, large vehicles using Finger Road, and increased congestion. Staff has not received any updated comments since the December 13, 2021 Planning Commission meeting.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW**

**Streets:** The overall subject area has frontage along W. Martin Luther King Jr. Blvd. W. Martin Luther King Jr. Blvd. is a partially improved Regional Link - High Activity street with asphalt paving, curb and gutter, four-foot asphalt path at back of curb and a mix of open ditch and formal stormwater sewer. Any street or drainage 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 12-inch water main is present on the south side of W. Martin Luther King Jr. Blvd.

**Sewer:** Sanitary sewer is not currently 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 1.3 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:** While the subject property is not designated as within the Hillside-Hilltop Overlay District (HHOD), the larger parcel does include areas of HHOD.

As noted above, a protected stream, the Farmington Branch, is in the area. It bisects the larger property from southeast to northwest. Streamside Protection Zones generally consist of a protected area on each side of a stream or creek.



This “protected area” is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50-foot wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be 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.

Also in association with the Farmington Branch, portions of the subject property fall within FEMA designated floodplain. 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.

Hydric soils are present along the Farmington Branch creek within the property. 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/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.

Any additional improvements or requirements for drainage will be determined at time of development.

### **Tree Preservation:**

The current zoning district of RMF-24 requires 20% minimum canopy preservation.  
The proposed CS zoning district requires 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 as a mix of **Natural** and **City Neighborhood Areas**.

**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 Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network

should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix for the 3.83 acre subject property indicates a rating of 3-6 for this site, with a weighted rating of 7.5. The following elements of the matrix contribute to the score, but vary where they contribute based on the specific location within the property:

- Adequate Fire Response (Station #6, S. Hollywood)
- Near Water Main (12-inch, along Martin Luther King Blvd.)
- Near City Park (Centennial Park)
- Grocery Store (Aldi)
- Razorback Transit (Route 44 – Walmart Stop)
- Future Land Use Map (City Neighborhood Area)

#### FINDINGS OF THE STAFF

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

**Finding:** ***Land Use Compatibility:*** Staff finds that the updated request is generally compatible with the overall mix of surrounding land uses. While the undeveloped UT-zoned property to the north and Lowe's CPZD to the east represent limited potential to be adversely impacted by development under the applicant's request, the low-density residential and agricultural areas to the south and west do. That said, CS permits several uses that can complement a low-density area, like small-scale services and other housing. Staff finds that the major difference in a request for UT as compared to a request to CS in the minimized allowances for auto-centered uses, and the more limited nature of permitted commercial uses. Staff maintains that the existing multi-family zoning on the property affords an opportunity for housing near services and employment, while also presenting a logical transition from the activity of a state highway to the existing and potential low-density residential properties to the south. CS permits multi-family housing and staff finds that developing the property under CS zoning rather than RMF-24 zoning has the added benefit of the potential to incorporate limited non-residential uses to the site.

***Land Use Plan Analysis:*** Staff finds that the request is somewhat consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. Beginning with the Future Land Use Map, the property is divided in designation as Natural Area and City Neighborhood Area. The Natural Area reflects the approximately one-quarter of the subject property which lies within floodplain along the Farmington Branch. Conversely, the portion of City Neighborhood Area is indicative of the property's location near a major, developed corridor. Accordingly, rezoning a portion of the property may be appropriate, but the overall request does not align with the Future Land Use Map.

In considering the request in terms of City Plan 2040 and its goals, the request is more consistent. The property is close to numerous services, large employers, and transportation routes. Although amenities like schools and trails are not currently present, when taken in conjunction with the existing UT property adjacent to West Martin Luther King Blvd., the request does represent infill more than sprawl. Similarly in the request's favor, rezoning a greater extent of the overall property to CS can encourage creation of a compact and complete project where land uses can intermingle. That said, the property's current zoning arrangement affords a similar possibility, albeit with a discrete segregation of uses and without increasing entitlements in an area designated as Enduring Green Network.

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

**Finding:** Staff finds the updated request to be justified, and is generally in line with long-term land use plans for the area. The property has remained undeveloped for the 54 years since its annexation, despite increasingly broad entitlements. That said, given the lack of detail from the applicant, it is unclear why the proposed rezoning is necessary to accommodate reasonable development of the site.

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

**Finding:** Rezoning the property from RMF-24 to CS represents some potential for increased traffic, but possibly in a complimentary manner. While residential traffic tends to elevate in the morning, noon, and evening hours, nonresidential traffic tends to occur throughout the day. Developing a mixture of uses could 'level' the pace of traffic to and from the site. Altering the request from UT to CS also alleviates staff's initial concerns about the auto-oriented uses that are permitted by-right in UT, since those uses are only permitted conditionally in CS.

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 RMF-24 to CS is unlikely to increase the potential density of the site over what is currently allowed, with comparable impacts to water and sewer whether it is developed residentially, non-residentially, or in a mixed-use fashion. The Fayetteville School District that serves this property has not submitted any comments.

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 approval of RZN-2021-000080.

|  |   |   |                                 |
|--|---|---|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u> |   |   |                                 |
| Date: <u>January 10, 2022</u>                          | <input type="checkbox"/> Tabled                     | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion: <b>Belden</b>                                  | Recommendation of approval (CS, Community Services) |   |                                 |
| Second: <b>Sharp</b>                                   |   |   |                                 |
| Vote: <b>8-0-0</b>                                     |   |   |                                 |

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.16, RMF-24, Residential Multi-Family, 24 Units Per Acre
  - §161.22 Community Services
- Applicant Request Letter
- Public Comment
- 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 |
|----------------|------------|

(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 |
|-------------------|-------------------|

(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* |
|-------------------------|--------------------------------|

\* 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."

## 161.22 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 |
|-------------------------|-----------|

(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)

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."





January 3, 2022

City of Fayetteville  
Attn: Planning Commission  
113 West Mountain St  
Fayetteville, AR 72701

Re: MLK Commercial Rezone

To whom it may concern,

The request made herein is for the property located at West Martin Luther King, Jr. BLVD and South Leflar Way. The area requested to be rezoned is a 3.83 acre portion of Washington County parcel 765-22968-000. Parcel 765-22968-000 is currently zoned UT, RMF-24, and RSF-4. It is requested that the 3.83 acres zoned RMF-24 be rezoned to Community Services.

The subject tract is surrounded by property zoned R-A, RSF-4, CPZD, and UT. The requested rezoning of the RMF-24 to CS will not adversely affect the surrounding land uses, as the density between the two zoning classifications are similar. The CS zoning will still help the transition from UT to the north, and RSF-4 to the south.

Rezoning the property from RMF-24 to CS is not believed to have any negative impacts on existing utility or drainage infrastructure. Upgrades or extensions to the utilities will be constructed to meet the demands of the development.

Sincerely,

Connor Threet  
Crafton Tull

Remarks on Cobb and Westphal request for conditional use permit to clear a natural area (woods with stream, glade and mature trees) for 217 RV hook-ups and attendant facilities and rezoning to Urban Thoroughfare to build access for same to/from MLK via 2-lane sparsely populated Finger Road – Planning Commission Dec. 13 2021

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This is just part of a bigger picture. Traffic is unbelievable on 6<sup>th</sup> street. You're being asked to approve 217 RV hookups on a highway where traffic is already a nightmare. Yes, of course, we'll widen the road, put in elaborate expensive hair-raising loops and overpasses at the intersection with I-49. And it'll only get worse. As you know and as students of urban sprawl traffic mayhem have said for years, to mention only the pioneering Jane Jacobs, adding or widening roads increases traffic. And adding 217 RV stations will eventually lead to more road building and more traffic.

Before each rewidening of MLK (starting from a 2-lane asphalt) traffic was awful and it's a lot worse now after that last one. It will go on getting more stressful for drivers and worse for climate unless you listen to what nature and much of the world are saying: we have to stop rampant random growth. We need cheap, clean, attractive reliable convenient non-polluting public transport. We need separate parallel protected lanes for pedestrians, electric buses, bikes, and cars.

But I think we're counting on the old formula, counting on widening roads and building more of them to accommodate increased traffic from continuous development. This 217 slot RV park fits that grim prescription perfectly.

The proposed development will increase traffic.

It will degrade the surrounding environment even more than it's already been degraded, because it will affect a stream, a glade, a wetland and a floodplain.

It will eventually put more stress on the health of the woods.

And more strain on the grid.

And more strain on plants, animals, landscape generally.

And more strain on drivers putting up with intense traffic.

What's left of the natural world is minimal or on the road to minimal. (One Canadian provincial government study found that forest patches ¼ mile in one direction contain almost no habitat at all.) Where we preserve, we do it only with short term immediate pleasure of taxpayers in mind. Over the long haul, we citizens will suffer because of bad planning that considers only the one objective, profit from business, entertainment, tourism, and shopping.

Fayetteville boasts of walkable, bikeable, cultural attractions, lovely urban/natural and ersatz scenery, environmentally benevolent and anti-sprawl. But now look west and south and you'll see – if you can see through all the new multi-story box buildings -- nothing BUT sprawl. The more chic and unaffordable the center gets, the more sprawl, less livable the outskirts.

Years ago a PC member said in a related hearing, in response to a defense of natural landscape, that he wanted commercial sprawl all the way to Farmington. We're just about there. But I hope the Commission can begin to see what's becoming terribly obvious and urgent.

I think upcoming young generations in some parts of the world would see my point of view.

To be specific, in the present request for conditional use, as it relates to adjacent property, I see no consistency and compatibility. I care for adjacent land immediately south of what's being proposed and I own the property deed. A land trust owns the conservation deed. No one could look at this land and say honestly that a large RV park on an intensively traveled highway will be in harmony with this. I've put together an incomplete list of roughly 375 species observed on this mostly wooded, nearly 90-acre natural landscape that is considered significant enough to be acknowledged by a national land trust, by the Federal government and by a local land trust. Over the years my family, friends and paid environmental landscape help have worked hard and tirelessly to minimize presence of invasive species naturally, to safeguard wild native plants, to define old paths, to invite people to study and enjoy the surroundings and to hope this space will be a resource and a joy to future generations. There is absolutely no compatibility between this protected natural greenspace and a "park" for 217 RVs.

I urge you to consider helping to safeguard this bit of the older natural landscape and refuse the request for conditional use.

With respect to the Urban Throughfare request, an RV exit / entry for more traffic via Finger Road will definitely have an undesirable effect on surrounding property. At the present time, Finger Road is (as it has been for decades) a 2-lane road through property more rural than urban. This is a one-way dead end road lined with cedars and pines (growing largely on city right of way) and without adequate access to water for fire protection. I believe it is a basic guideline in handbooks on protecting residences from fire that this type of roadway should not be blocked. A new east-west roadway joining Finger Road close to Walmart and Lowes and MLK will create a bottleneck that will be not just inconvenient but dangerous.

Again, I ask you to say no to these 2 requests that will mean damage to our way of life and will diminish the natural appeal of the area.

Barbara Moorman

3444 and 3450 Finger Road

blmoorman@sbcglobal.net

## Curth, Jonathan

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**From:** Margot Martin <margot527@att.net>  
**Sent:** Saturday, December 4, 2021 11:53 AM  
**To:** Curth, Jonathan; Umberger, Ryan  
**Subject:** Planning Commission meeting 12/13/21

**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Curth,

I am writing to express concerns about the rezoning of land west of Lowe's on Hi 62 (MLK Blvd.) for the development of an RV park (214 lots). An exit onto Finger Rd. is included in the proposal.

This property, on its north boundary, is contiguous to land in a conservation easement for the protection of wildlife and natural habitat. The development very much puts into jeopardy these goals.

Furthermore the proposal of an exit road from the park onto Finger Rd. would also seem unwise due to the nature of the road, its narrowness and congestion at its exit onto MLK.

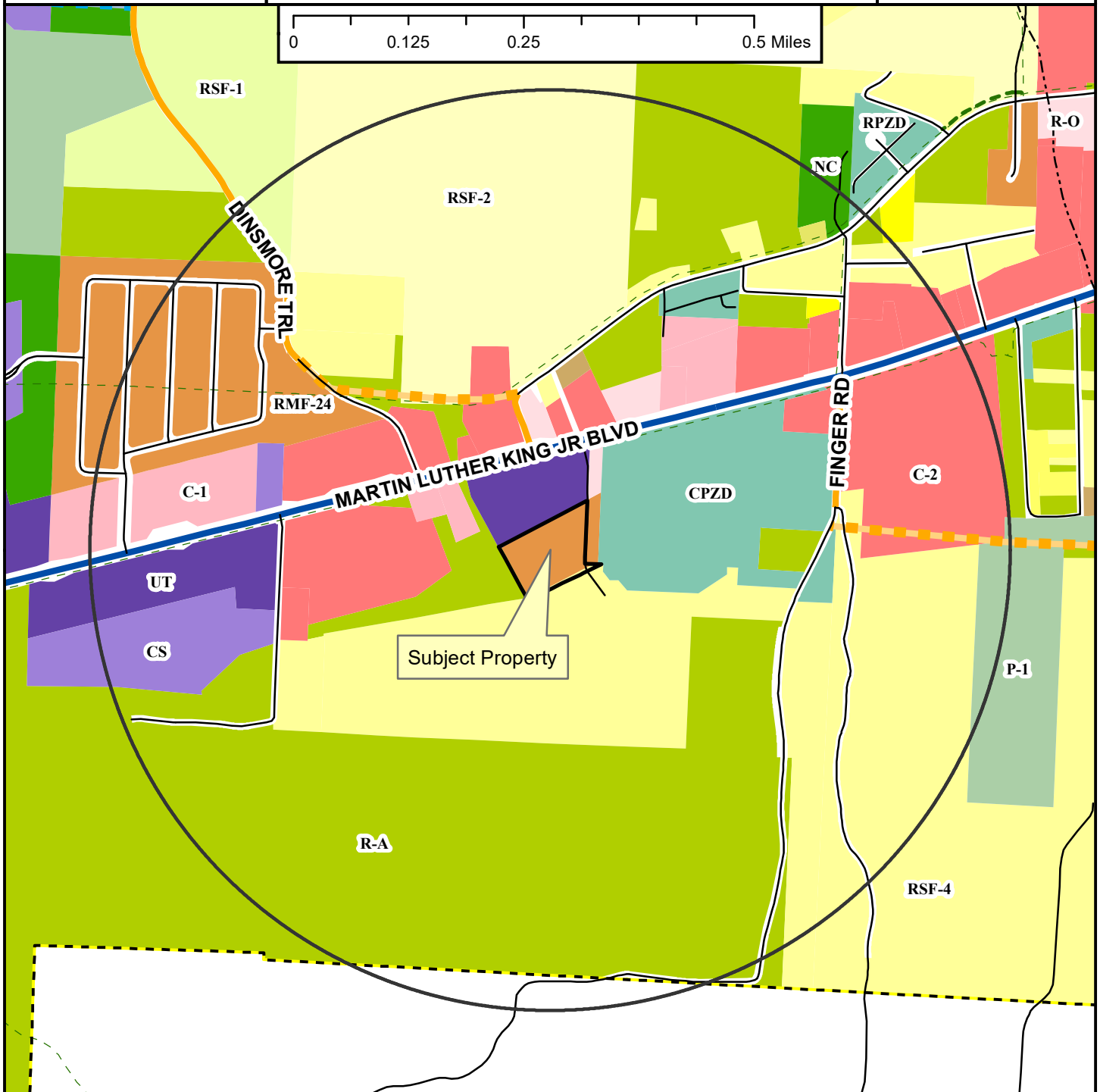
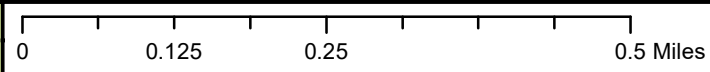
Preservation of our landscape even within our city limits continues to be a desire of our city yet more infringement upon these areas of natural habitat and beauty (e.g. an area in a conservation easement) will be decidedly and irrevocably endangered by this proposed development.

Sincerely,  
Margot K. Martin  
3570 W. Finger Rd.  
Fayetteville, AR 72701

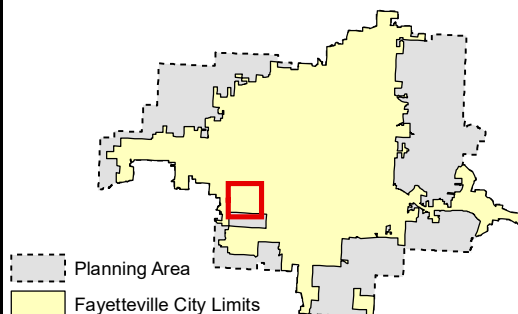
RZN-2021-000080

# Cobb-Westphal

One Mile View



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



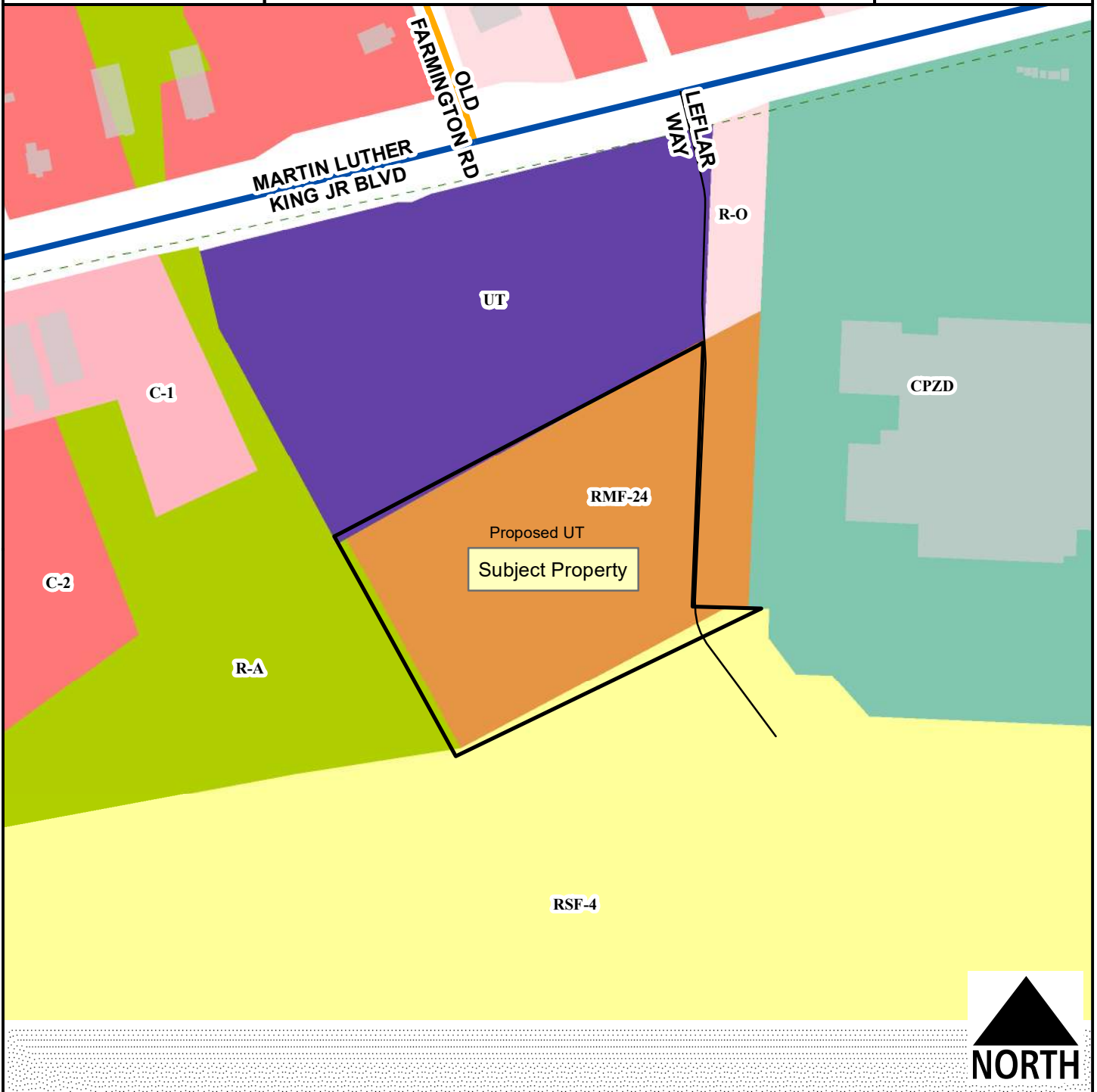
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - NS-G
    - RI-U
    - RI-12
    - NS-L
    - Residential-Agricultural
    - RSF-5
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RMF-6
    - RMF-12
    - RMF-18
    - RMF-24
    - RMF-40
  -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

Planning Commission  
January 10, 2022

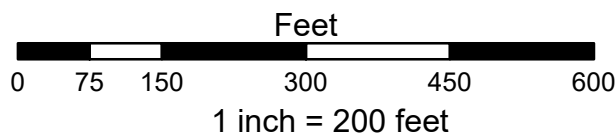
RZN-2021-000080

# Cobb-Westphal

Close Up View



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



| Zoning       | Acres      |
|--------------|------------|
| UT           | 3.8        |
| <b>Total</b> | <b>3.8</b> |



RZN-2021-000080



# Cobb-Westphal

### Current Land Use



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

### FEMA Flood Hazard Data

-  100-Year Floodplain  
 Floodway

Feet

0 112.5 225 450 675 900

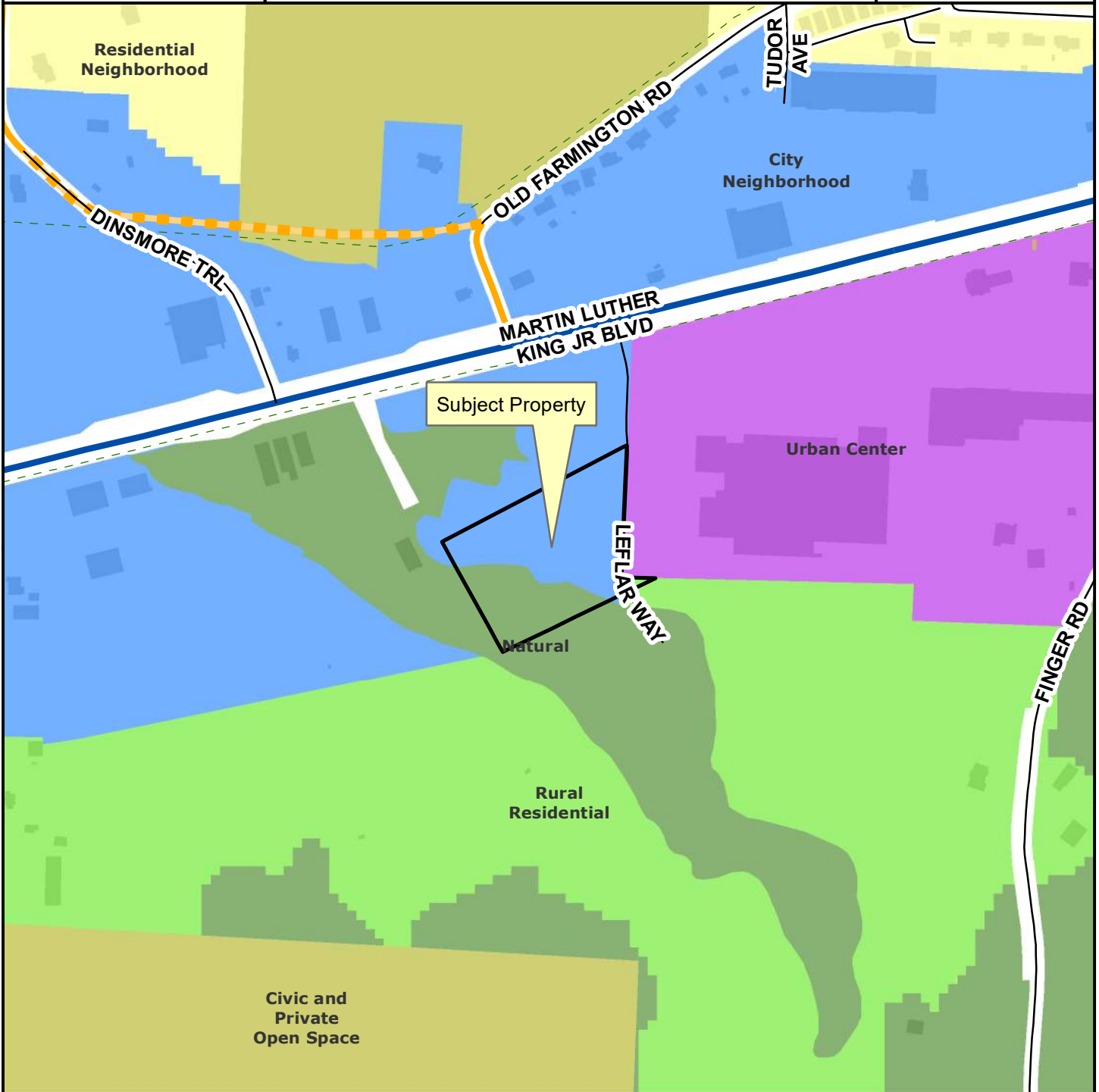
1 inch = 300 feet

RZN-2021-000080

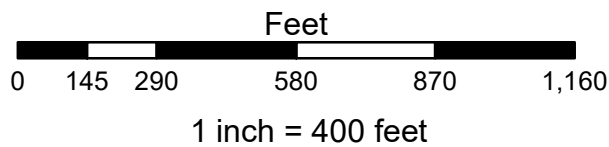
# Cobb-Westphal



Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Planned 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

Planning Commission  
January 10, 2022