

City of Fayetteville Staff Review Form

2022-0039

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-2021-000081: Rezone (3373 N. COLLEGE AVE./LEWIS FORD, 213): Submitted by CLARK LAW FIRM for property located at 3373 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 6.98 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

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-2021-000081: Rezone (3373 N. COLLEGE AVE./LEWIS FORD, 213):**
Submitted by CLARK LAW FIRM for property located at 3373 N. COLLEGE AVE.
The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains
approximately 6.98 acres. The request is to rezone the property to UT, URBAN
THOROUGHFARE.

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 is in north Fayetteville and is approximately 1500 feet to the southwest of the intersection of N. College Avenue and the N. Fulbright Expressway. Containing just shy of 7.0 acres, the property is divided into two portions: a 5.7-acre area currently home to a portion of the Lewis automotive dealership, and a 1.3-acre area that is currently undeveloped. The majority of the property in question is within the 71B Corridor Master Planning Area.

Request: The request is to rezone the property to UT, Urban Thoroughfare. The applicant has not submitted any additional associated development plans.

Public Comment: Staff has not received any public comment on this item.

Land Use Compatibility: Rezoning the property to UT is generally consistent with surrounding land uses; the existing property on the eastern side of N. Plainview is an existing auto-sales facility. Rezoning the property to UT would provide for a similar suite of nonresidential uses as are currently entitled on the site, with heightened design restrictions towards a more urban form including a build-to-zone, as well as nonresidential design standards that would have to be met with any development. A benefit of UT zoning over the existing C-2 zoning is also the introduction of residential uses to the area.

Land Use Plan Analysis: Staff finds that the request is consistent with the 71B Corridor Master Plan, adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. Though the property does not have immediate frontage to College Avenue, the property is

located within the 71B Corridor Master Planning area. This Master Plan specifies an intent to establish regulations that improve the compatibility of auto dealerships and outdoor display areas by implementing form-based standards to improve street definition and introduce opportunities for mixed-use development. The area is also designated as an Urban Center area, which indicates an intent for the highest intensity of uses, tallest building heights, and regional retail, as well as more densely developed residential in close, connected proximity to commercial and neighborhood services. The infill score is high, which also matches the applicant's request. This zoning request has the potential to meet goals outlined by City Plan 2040 by encouraging density and development towards the urban center, and will allow for the creation of compact, complete and connected neighborhoods by bringing the potential for multi-family and mixed-use development.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of 9-10 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 4, located at 3385 N. Plainview Avenue)
- Near Sewer Main (N. Plainview Avenue, E. Longview Street)
- Near Water Main (N. Plainview Avenue, E. Longview Street)
- Near Grocery Store (Harps Grocery Store and Whole Foods)
- Near City Park (Lake Fayetteville, Gulley Park)
- Near Paved Trail (Mud Creek Trail)
- Near ORT Bus Stop (Route 30)
- Near Razorback Bus Stop (Route 26)
- Appropriate Future Land Use (Urban Center Area)
- Near 71B Corridor

DISCUSSION:

At the January 10, 2022 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Belden made the motion and Commissioner Sparkman seconded. Commissioners did express reservations about rezoning the westernmost portion of the site to UT; however, given current entitlements on the site with C-2 zoning, Commissioners ultimately found the request was compatible with current and future land uses on the site, and were encouraged by the inclusion of residential uses in UT zoning. No public comment was issued on the item.

BUDGET/STAFF IMPACT:

N/A

Attachments:

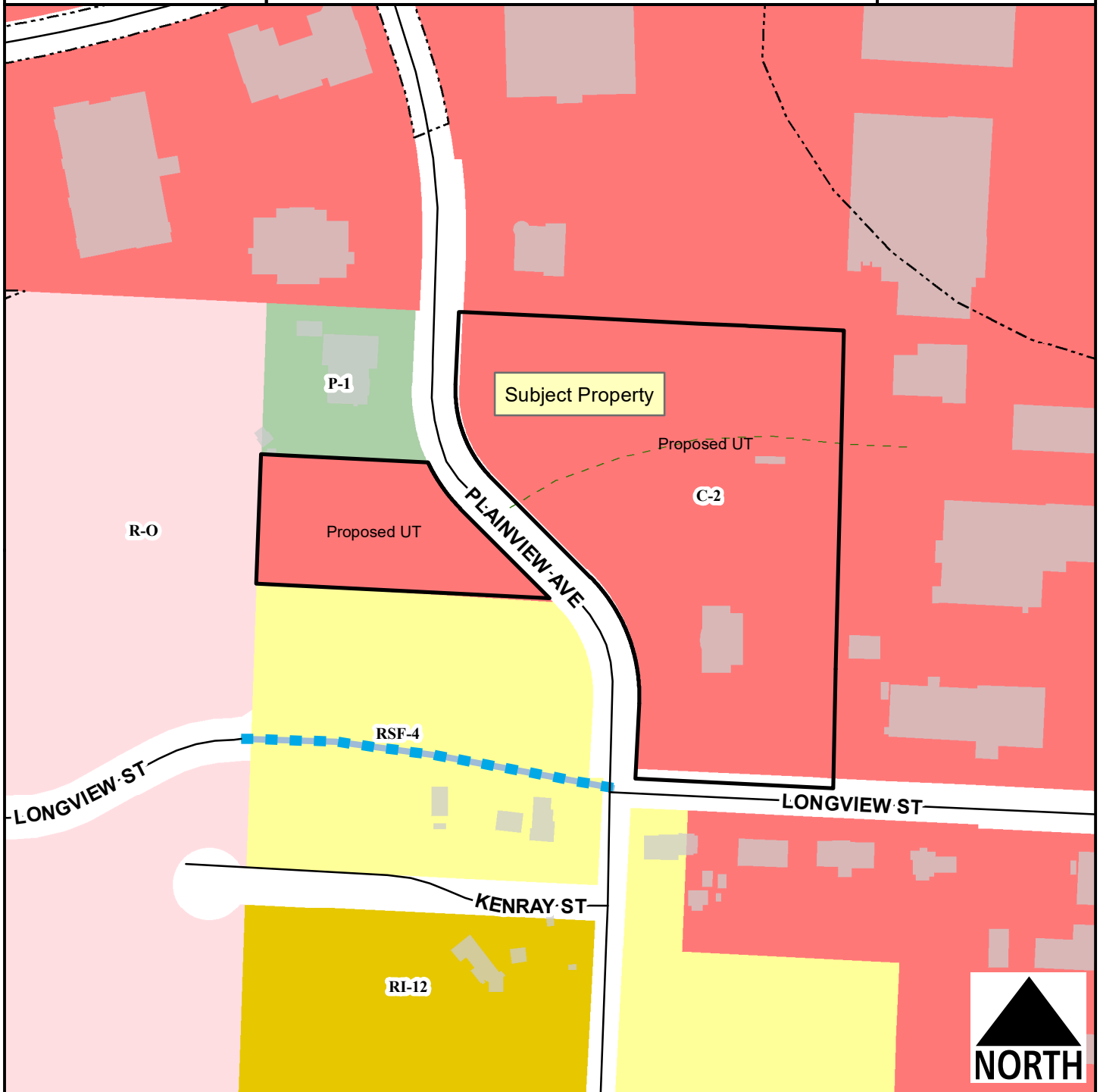
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000081

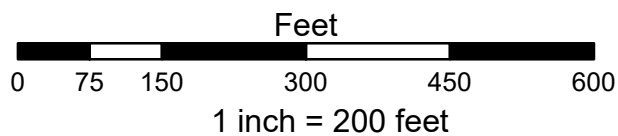
Lewis Ford

RZN-2021-000081
EXHIBIT 'A'

Close Up View



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



<u>Zoning</u>	<u>Acres</u>
UT	7.0
Total	7.0

RZN-2021-000081
EXHIBIT 'B'

*SURVEY DESCRIPTION - AREA OF TRACT 1 LYING EAST OF PLAINVIEW AVENUE TO BE REZONED A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING AN EXISTING IRON BAR; THENCE S87°13'34"E 265.14 FEET ALONG THE NORTH LINE OF SAID 40 ACRE TRACT TO AN EXISTING IRON REBAR ON THE EAST RIGHT-OF-WAY LINE OF PLAINVIEW AVENUE FOR THE TRUE POINT OF BEGINNING; THENCE S87°12'38"E 400.00 FEET TO AN EXISTING IRON REBAR; THENCE S87°23'07"E 129.71 FEET TO AN EXISTING IRON REBAR AT THE WEST BOUNDARY OF LAND PARCEL #765-15753-000; THENCE S01°21'09"W 173.79 FEET TO AN EXISTING IRON REBAR AT THE SOUTHWEST CORNER OF SAID PARCEL #765-15753-000; THENCE S01°21'09"W 456.21 FEET TO A SET 1/2" IRON REBAR; THENCE N87°08'47"W 271.90 FEET TO AN EXISTING IRON REBAR AT THE EAST RIGHT-OF-WAY LINE OF SAID PLAINVIEW AVENUE; THENCE N02°47'22"E 103.39 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID PLAINVIEW AVENUE TO AN EXISTING IRON REBAR AT THE BEGINNING OF A 230.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY 191.58 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING N21°04'53"W 186.09 FEET, TO AN EXISTING IRON REBAR AT THE POINT OF TANGENCY; THENCE N44°55'44"W 192.82 FEET ALONG SAID RIGHT-OF-WAY LINE TO AN EXISTING IRON REBAR AT THE BEGINNING OF A 170.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY 141.60 FEET ALONG SAID CURVE AND RIGHT-OF-WAY LINE, THE CHORD FOR WHICH BEING N21°04'53"W 137.54 FEET, TO AN EXISTING IRON REBAR AT THE POINT OF TANGENCY; THENCE N02°47'53"E 99.99 FEET TO THE POINT OF BEGINNING, CONTAINING 5.71 ACRES, MORE OR LESS.

*SURVEY DESCRIPTION - AREA OF TRACT 1 LYING WEST OF PLAINVIEW AVENUE TO BE REZONED A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING AN EXISTING IRON BAR; THENCE S02°03'48"W 208.70 FEET ALONG THE WEST LINE OF SAID 40 ACRE TRACT TO AN EXISTING IRON REBAR AT THE SOUTHWEST CORNER OF LAND PARCEL #765-15767-002 FOR THE TRUE POINT OF BEGINNING; THENCE S87°11'04"E 229.90 FEET ALONG THE SOUTH LINE OF SAID PARCEL #765-15767-002 TO AN EXISTING IRON REBAR AT THE WEST RIGHT-OF-WAY LINE OF PLAINVIEW AVENUE,

SAID POINT BEING ON A 230.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHEAST; THENCE SOUTHEASTERLY 78.21 FEET ALONG SAID CURVE AND RIGHT-OF-WAY LINE, THE CHORD FOR WHICH BEING S35°12'07"E 77.83 FEET TO THE POINT OF TANGENCY; THENCE S44°56'36"E 173.55 FEET ALONG SAID RIGHT-OF-WAY LINE TO A POINT; THENCE LEAVING THE WEST RIGHT-OF-WAY LINE OF PLAINVIEW AVENUE, N87°11'04"W 403.99 FEET TO A POINT ON THE WEST LINE OF SAID 40 ACRE TRACT; THENCE N02°03'48"E 178.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.27 ACRES, MORE OR LESS.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: January 10, 2021 ~~2021~~ **2022 Updated with PC hearing results from 1/10/2022**

SUBJECT: **RZN-2021-000081: Rezone (3373 N. COLLEGE AVE./LEWIS FORD, 213):** Submitted by CLARK LAW FIRM for property located at 3373 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 6.98 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding RZN-2021-000081 to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward RZN-2021-000081 to City Council with a recommendation of approval."

BACKGROUND:

The subject property is in north Fayetteville and is approximately 1500 feet to the southwest of the intersection of N. College Avenue with the N. Fulbright Expressway. Containing just shy of 7.0 acres, the property is currently home to a portion of the Lewis Ford automotive dealership, and the other portion is currently undeveloped. The majority of the property in question (approximately 5.7 acres) is within the 71-B Overlay District. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial; Fire Station	C-2, Thoroughfare Commercial; P-1 Institutional
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre; C-2, Thoroughfare Commercial
East	Commercial	C-2, Thoroughfare Commercial
West	Undeveloped; Single-Family Residential	R-O, Residential Office; RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the property to UT, Urban Thoroughfare. The applicant has not submitted any additional associated development plans.

Public Comment: Staff has not received any public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along N. Plainview Avenue, which is a fully improved Residential Link street with asphalt paving, sidewalk and curb and gutter. The subject area also has frontage along E. Longview Street. E. Longview Street is a

fully improved Residential Link street with asphalt paving, sidewalk, and curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. An existing 8-inch water main is present along the west side of N. Plainview Avenue. An existing 6-inch water main is present along the south side of E. Longview Street.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sanitary sewer main is present along the west side of N. Plainview Avenue. An existing 6-inch sanitary sewer main is present along the south side of E. Longview Street. An existing 6-inch sanitary sewer main is present along the east side of parcel 765-15754-000.

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 4, located at 3385 N. Plainview Ave., protects this site. The property is located approximately 0.3 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.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of the site is located within the Hillside-Hilltop Overlay District or a FEMA floodplain. Nor is there a protected stream present, and no hydric soils are present on the site.

Tree Preservation:

The proposed zoning district of UT, Urban Thoroughfare requires **15% minimum canopy preservation**. The current zoning district of C-2, Thoroughfare Commercial requires **15% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Urban Center**.

Urban Center Areas contain the most intense and dense development patterns within the City and allow for the tallest and greatest variety of buildings. Urban Center accommodates rowhouses, apartments, local and regional retail, hotels, clean technology industries and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility. Although Urban Center Areas recognize the conventional big box and strip retail centers existing along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same area. Additionally, infill of underperforming or undervalued existing big box and strip centers should be strongly encouraged since there is a greater return on investment for redevelopment of these areas that have existing public infrastructure such as streets, sidewalks, trails, water, sewer and parklands.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of 9-10 for this site, with a weighted score of 13. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 4, located at 3385 N. Plainview Avenue)
- Near Sewer Main (N. Plainview Avenue, E. Longview Street)
- Near Water Main (N. Plainview Avenue, E. Longview Street)
- Near Grocery Store (Harps Grocery Store)
- Near City Park (Lake Fayetteville, Gulley Park)
- Near Paved Trail (Mud Creek Trail)
- Near ORT Bus Stop (Route 30)
- Near Razorback Bus Stop (Route 26)
- Appropriate Future Land Use (Urban Center Area)
- Near 71B Corridor

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 divided into two portions; one is located at the northeast corner of N. Plainview Avenue and E. Longview Street, and the other is to the west across the street. Rezoning the property to UT is generally consistent with surrounding land uses; the existing property on the eastern side of N. Plainview is an existing auto-sales facility. Rezoning the property to UT would provide for a similar suite of uses as are currently entitled on the site, with heightened design restrictions towards a more urban form including a build-to-zone, as well as non-residential design standards that would have to be met with any development. A benefit of UT zoning over the existing C-2 zoning is also the introduction of residential uses to the area.

Land Use Plan Analysis: Though the property does not have immediate frontage to College Avenue, the property is located within the 71B Corridor Master Planning area. Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area is designated as an Urban Center area, which indicates an intent for the highest intensity of uses, tallest building heights, and regional retail, as well as more densely developed residential in close, connected proximity to commercial and neighborhood services. The infill score is high, which also matches the applicant's request. This zoning request has the potential to meet goals outlined by City Plan 2040 by encouraging density and development towards the urban center, as will allow for the creation of compact, complete and connected neighborhoods by bringing the potential for multi-family and mixed-use development.

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

Finding: A rezone from C-2 to UT is justified to bring the area into agreement with the “Urban Center” designation at this site, which would allow for residential uses by right and lead to a more compact, complete, and connected neighborhood in this area.

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

Finding: Rezoning the property from C-2 to UT does have the potential to appreciably increase traffic at this site with the potential for added residential density. That said, the location is within proximity to walkable services such as grocery stores and restaurants, and is also located close to existing transit lines, bringing with it a potential reduction on automobile trips. Further, redevelopment of the 71B corridor is currently underway. Any development proposed on the site would be required to contribute roughly proportional infrastructure improvements reflective of impact.

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 C-2 to UT could increase the population density in the area. C-2 does not currently allow for residential development where UT does. Given available infrastructure to the area, staff does not find this increase however would be undesirable. Fayetteville Public Schools did not offer comment on the request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends approval of RZN-2021-000081.

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: Belden	with a recommendation of approval		
Second: Sparkman			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.23 District C-2, Thoroughfare Commercial
 - §161.24 Urban Thoroughfare
- Applicant Request Letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form 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	6 stories*
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* 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 side boundary line of an adjacent residential 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.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No.

4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6164, §§1, 6, 7, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-19)

161.24 Urban Thoroughfare

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

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

Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot area minimum.* None

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

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

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

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7, 8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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



244 West Dickson Street, Suite 201
PO Box 4248
Fayetteville, Arkansas 72702-4248

Tel: (479) 856-6380
Fax: (479) 856-6381

Suzanne G. Clark
sclark@clark-firm.com

DECEMBER 15, 2021

City of Fayetteville
113 West Mountain Street
Fayetteville, Arkansas 72701

Re: Rezoning Application RZN 2021-000081 – College/Plainview

Attn: Development Services/Planning

This correspondence serves to modify the applicant's original rezoning request to remove any contingency to the approval of Lewis Brothers Leasing Company, Inc.'s application RZN – 2021-000073. This application now stands on its own, with no requested consideration of the outcome of RZN-2021-000073.

This application requests rezoning the described property from C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare. The described property totals approximately seven (7) acres. It is consistent with the surrounding neighborhood and will not unreasonably or adversely affect or conflict with the surrounding land uses. City Plan 2030 includes plans to extend Plainview Drive south to Fiesta Square and zoning this land UT will have no negative impact on traffic or load on public services. This rezone is very much in line with the goals of City Plans 2030 and 2040.

Thank you for your consideration and please let me know you have any questions.

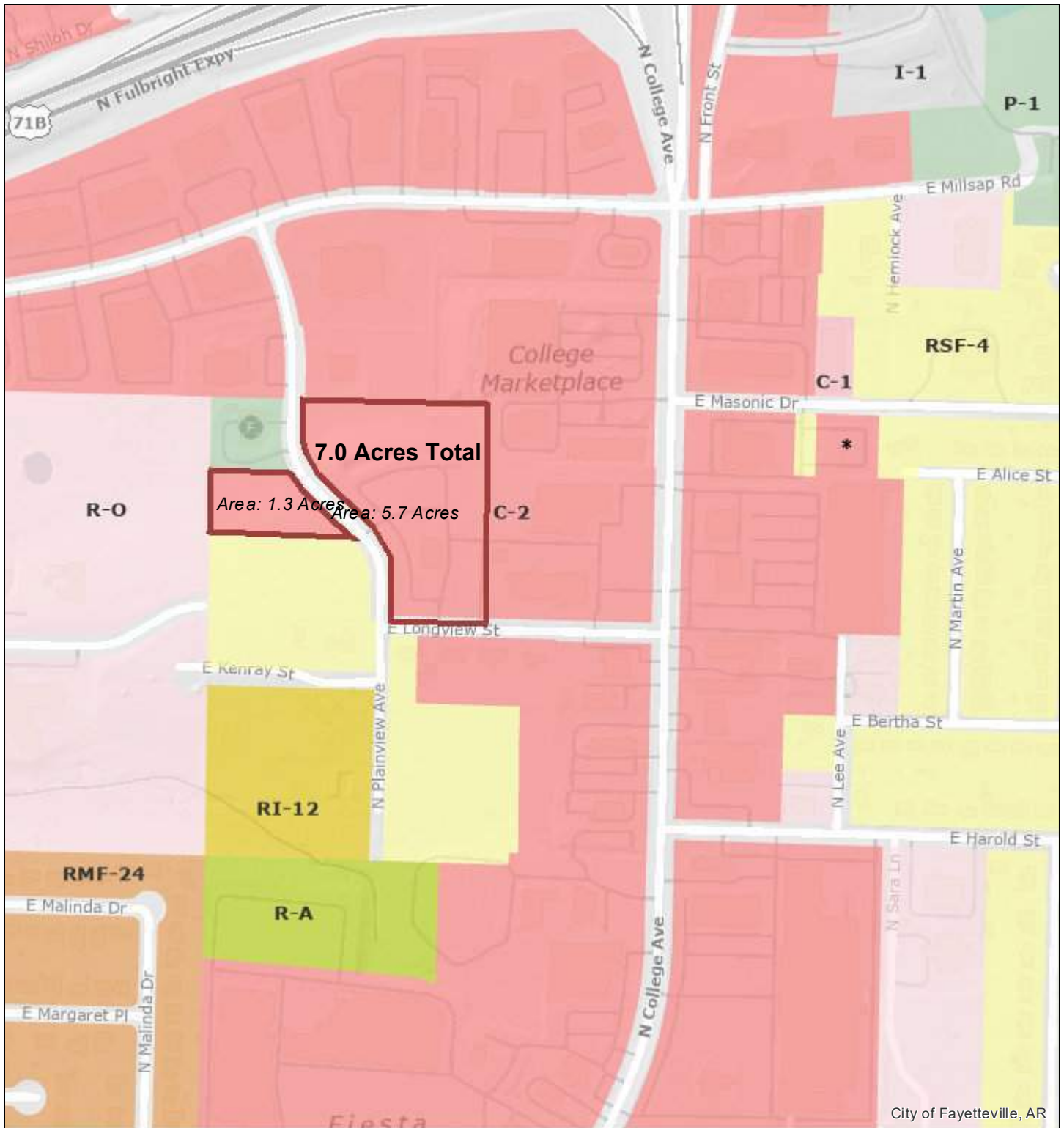
Sincerely,

/s/ Suzanne G. Clark

Suzanne G. Clark

cc. Matt Lewis

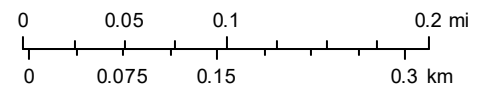
Fayetteville, AR



10/29/2021, 2:51:50 PM

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

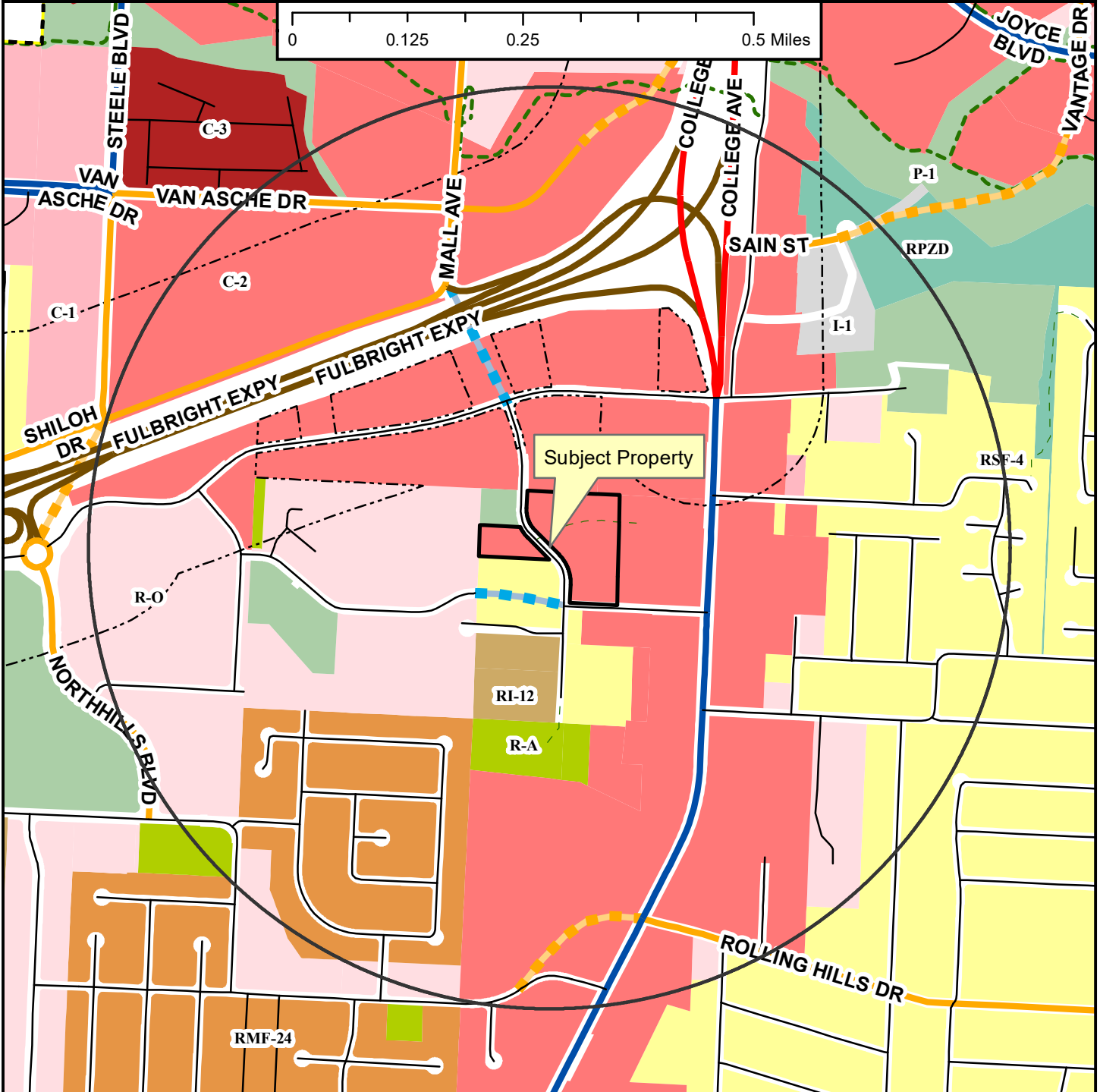
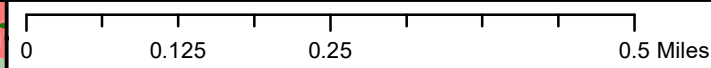


The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of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

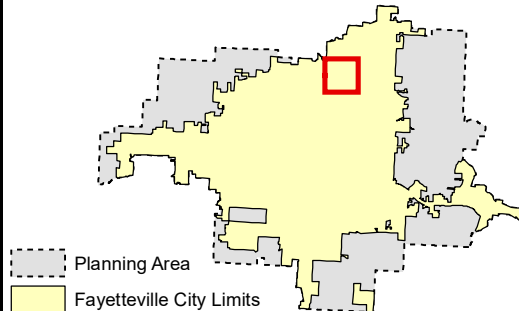
RZN-2021-000081

Lewis Ford

One Mile View



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



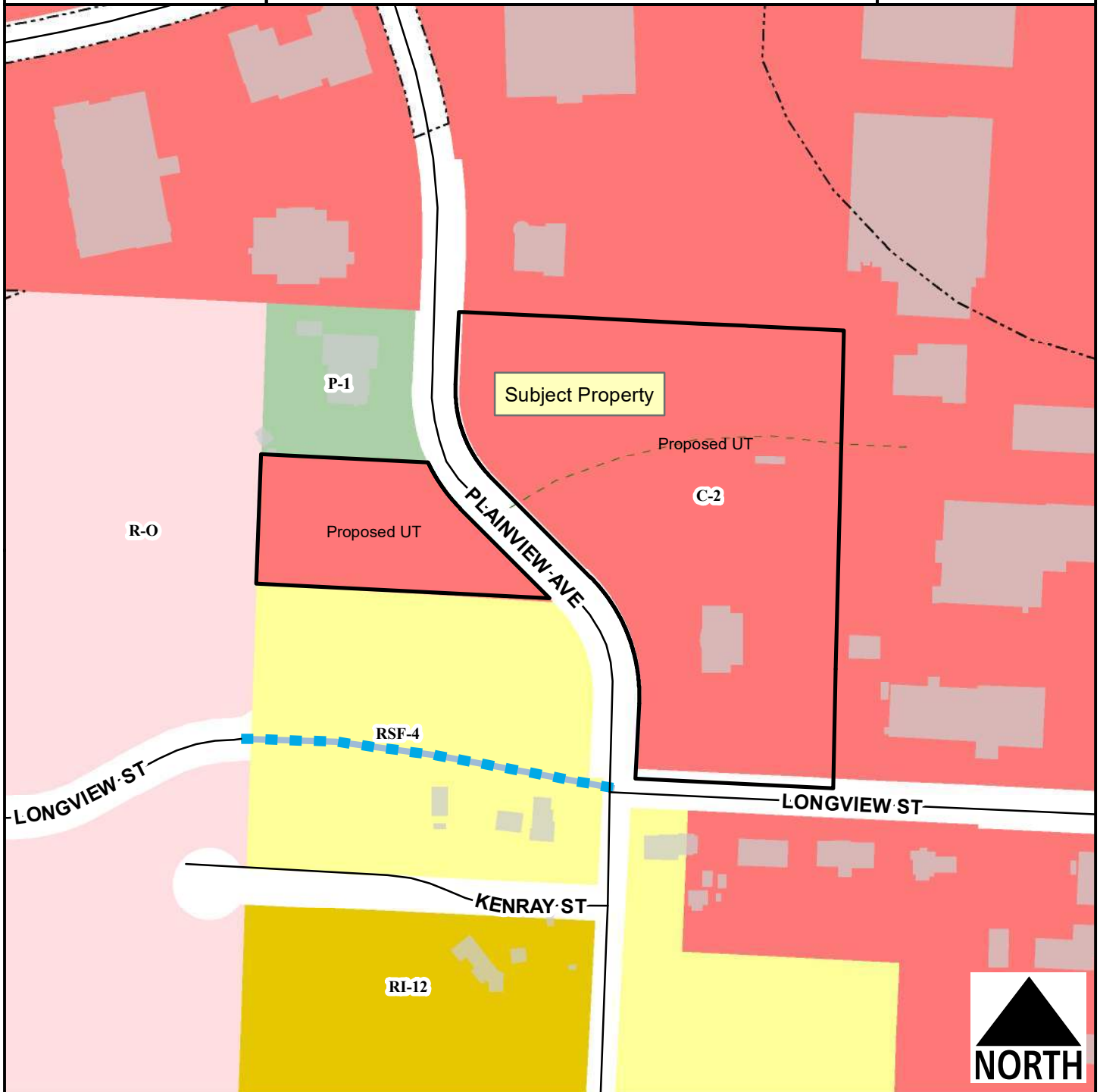
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial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

Planning Commission
January 10, 2022

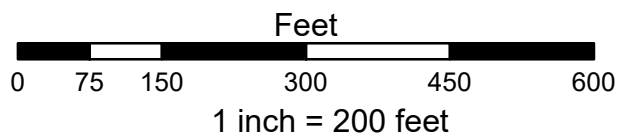
RZN-2021-000081

Lewis Ford

Close Up View



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



Zoning	Acres
UT	7.0
Total	7.0

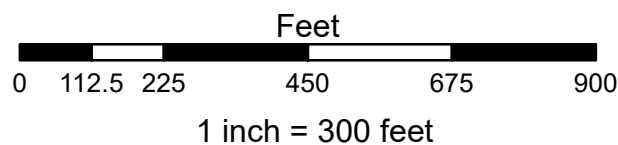
RZN-2021-000081

Lewis Ford

Current Land Use



- Regional Link
- Regional Link - High Activity
- Freeway/Expressway
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



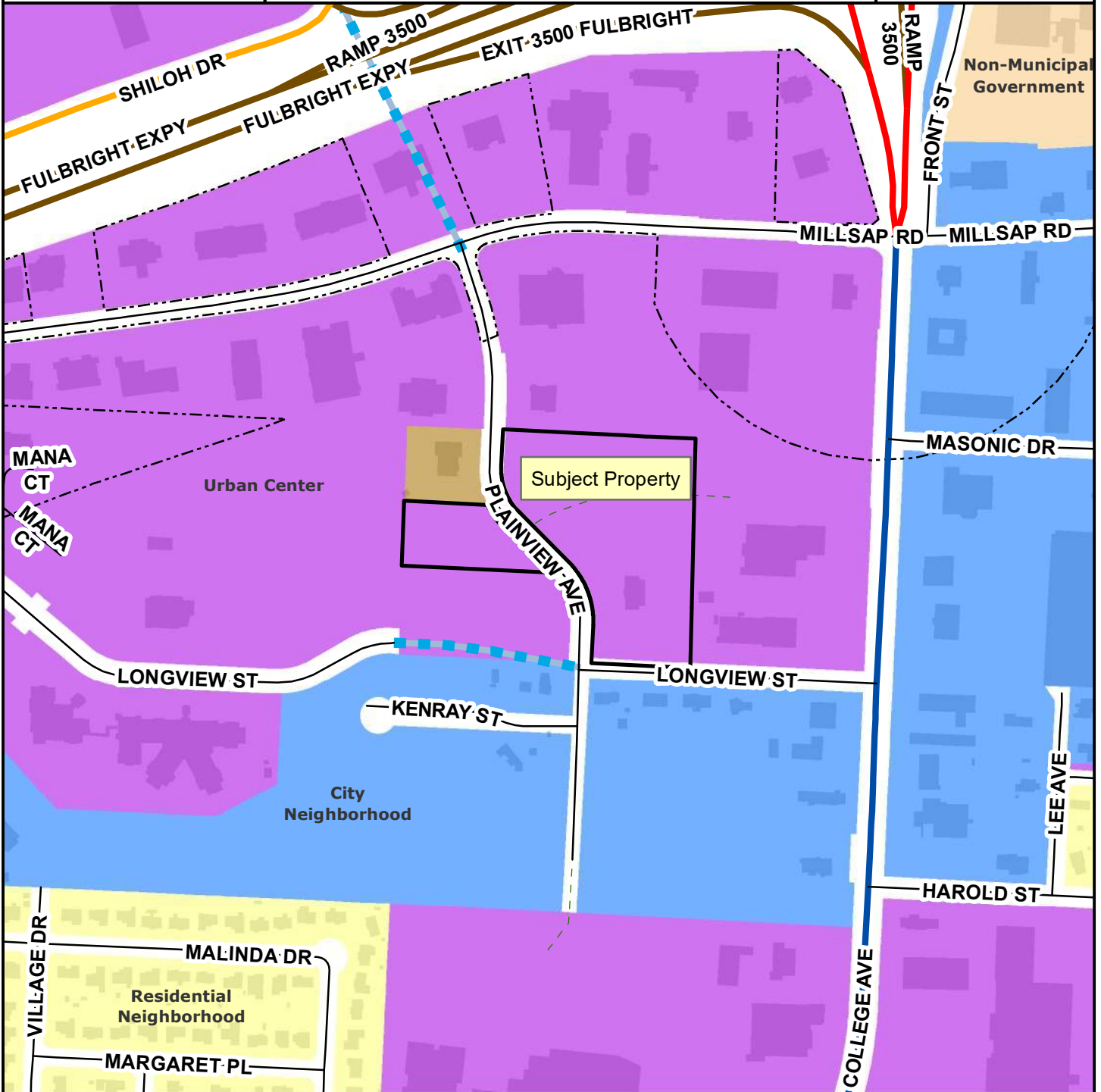
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

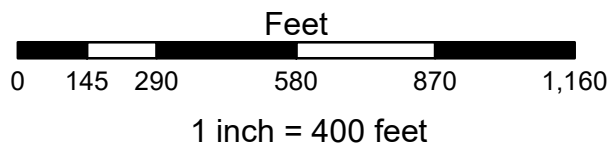
RZN-2021-000081

Lewis Ford

Future Land Use



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



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