

**City of Fayetteville Staff Review Form**

**2022-0183**

**Legistar File ID**

**3/15/2022**

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

Jonathan Curth

2/25/2022

DEVELOPMENT REVIEW (630)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

RZN-2022-000002: Rezone (WEST OF N. PLAINVIEW AVE. & E. LONGVIEW ST./CITY CENTER NORTH, LLC., 480): Submitted by HALL ESTILL LAW FIRM for properties located WEST OF N. PLAINVIEW AVE. & E. LONGVIEW ST. in Ward 3. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE & RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contain 7 parcels with approximately 5.85 acres. The request is to rezone the properties to UT, URBAN THOROUGHFARE.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>  No  </u>	Current Budget            \$            -
	Funds Obligated            \$            -
	Current Balance <span style="border: 1px solid black; padding: 2px;">\$            -</span>
<b>Does item have a cost?</b> <u>  No  </u>	Item Cost                      \$            -
<b>Budget Adjustment Attached?</b> <u>  No  </u>	Budget Adjustment            \$            -
	Remaining Budget <span style="border: 1px solid black; padding: 2px;">\$            -</span>

V20210527

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



**MEETING OF MARCH 15, 2022**

**TO:** Mayor; Fayetteville City Council

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

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

**DATE:** February 25, 2022

**SUBJECT:** **RZN-2022-000002: Rezone (WEST OF N. PLAINVIEW AVE. & E. LONGVIEW ST./CITY CENTER NORTH, LLC., 480):** Submitted by HALL ESTILL LAW FIRM for properties located WEST OF N. PLAINVIEW AVE. & E. LONGVIEW ST. in Ward 3. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE & RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contain 7 parcels with approximately 5.85 acres. The request is to rezone the properties to UT, URBAN THOROUGHFARE.

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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 is in north Fayetteville and is west of the intersection of N. Plainview Avenue with E. Longview Street. Containing approximately 5.85 acres, the property is sparsely developed. The southernmost portion of the site (Tract 3) is developed with a single-family dwelling that was constructed in 1950; Tracts 2 and 1 are mostly undeveloped. While located approximately 800 feet west of N. College Avenue, the property is not identified as part of the 71B Master Plan Area.

*Request:* The request is to rezone the property to UT, Urban Thoroughfare. The applicant has submitted an intent to develop the site with a mix of uses, including a hotel, restaurant and bar, multi-family residential, and office space.

*Public Comment:* Staff received one item of public comment in opposition to the request ahead of the Planning Commission meeting. This is included within the attached Planning Commission staff report. No public comment was offered on the item at the meeting.

*Land Use Compatibility:* The property is currently minimally developed, as well as are the immediate surroundings, but it is clear that development in a more commercial or mixed-use direction is forthcoming. Located just 800 feet west of N. College Avenue and centered around a planned street connection and extension of N. Plainview Avenue into the Fiesta Square shopping center to the south, the site is an ideal location to increase the entitlement beyond strictly residential uses. UT is one of the highest intensity zoning districts within the City, allowing for

auto-oriented uses, building heights of up to 7 stories, and mixed-use development. The form-based nature of the zoning district, as well as additional heightened architectural design standards that accompany the district help make the allowed uses compatible with the surrounding areas.

*Land Use Plan Analysis:* 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 northern portion of the site 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 high intensity of 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 mixed-use development. The southern portion of the area is identified as a City Neighborhood Area, which indicates an intent for more densely developed residential in close, connected proximity to commercial and neighborhood services. While UT may not always be in perfect alignment with the City Neighborhood designation, which is typically meant to serve more local uses, in this instance, given the future planned street connections, proximity to regional infrastructure connections, and transit, staff finds the request is compatible here.

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

- Adequate Fire Response (Station #4, 3385 N. Plainview Avenue)
- Near Sewer Main (E. Longview Avenue and N. Plainview Avenue)
- Near Water Main (E. Longview Avenue and N. Plainview Avenue)
- Near Grocery Store (Harps and Whole Foods)
- Near City Park (Gordon Long Park)
- Near Paved Trail (Mud Creek Trail, Razorback Greenway)
- Near ORT Bus Stop (Route 30)
- Near Razorback Bus Stop (Route 26)
- Appropriate Future Land Use (Urban Center Area)

**DISCUSSION:**

At the February 14, 2022 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Winston made the motion and Commissioner Sparkman seconded. Commissioners offered little comment, finding the high infill score and proximity to N. College Avenue made the request appropriate for additional development in the area. No public comment was offered at the meeting.

**BUDGET/STAFF IMPACT:**  
N/A

**Attachments:**

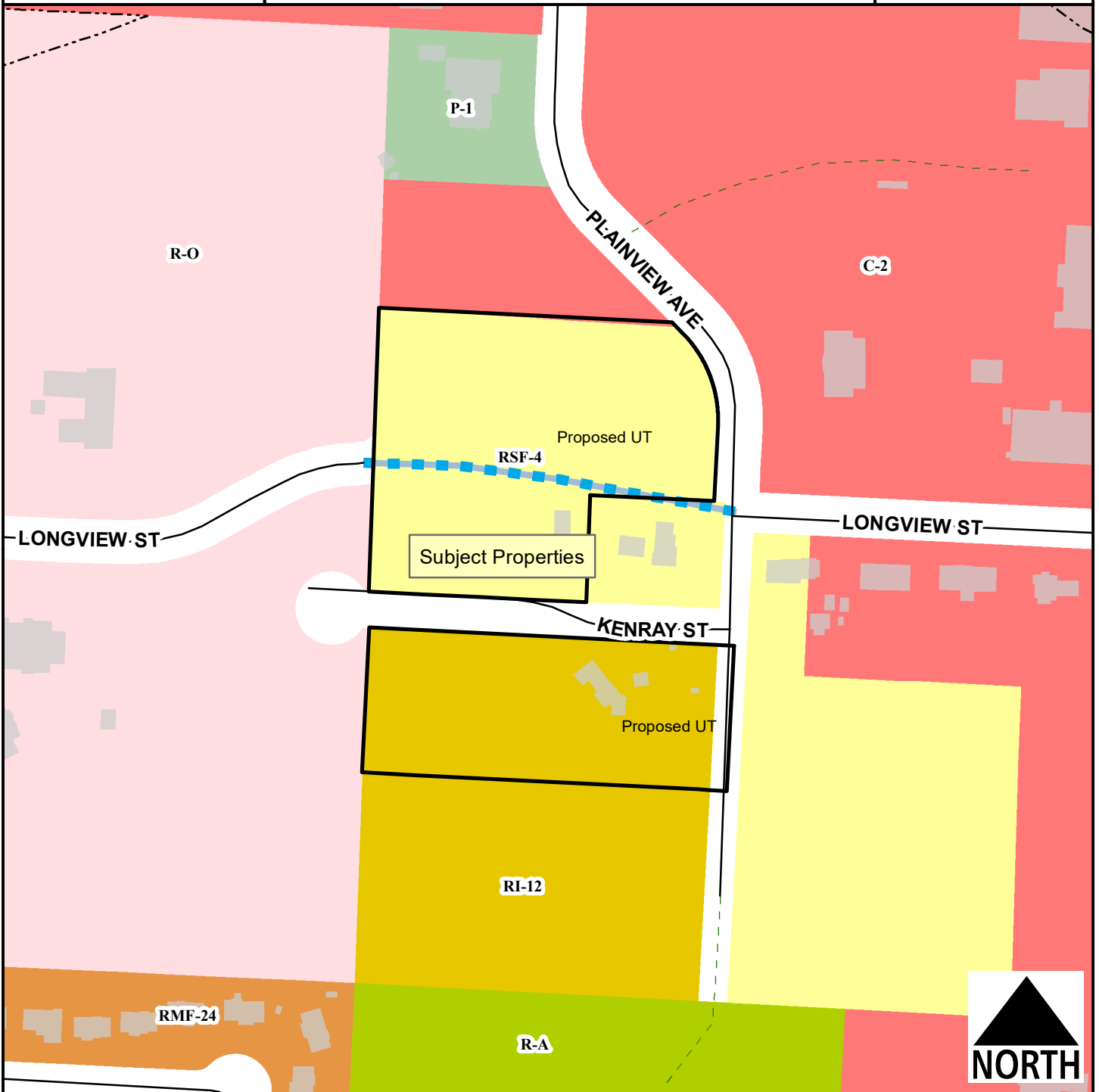
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2022-000002

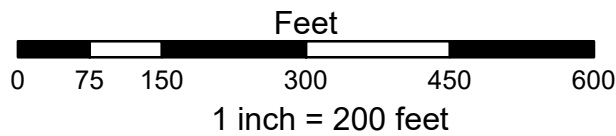
# City Center North, LLC

RZN-2022-000002  
EXHIBIT 'A'

Close Up View



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



Zoning	Acres
UT	5.9
<b>Total</b>	<b>5.9</b>

**EXHIBIT 'B'**  
**RZN-2022-000002**

**TRACT 1 DESCRIPTION**

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 THENCE S02°03'48"W 178.00 FEET FOR THE TRUE POINT OF BEGINNING; THENCE S87°11'04"E 403.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF PLAINVIEW AVENUE, THENCE S44°56'36"E 19.35 FEET ALONG RIGHT-OF-WAY LINE TO THE BEGINNING OF A 170.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY 141.60 FEET ALONG SAID CURVE AND RIGHT-OF-WAY LINE THE CHORD FOR WHICH BEING S21°04'53"E 137.54 FEET, TO THE POINT OF TANGENCY; THENCE S02°46'50"W 103.48 FEET TO A SET 1/2" IRON REBAR; THENCE LEAVING THE WEST RIGHT-OF-WAY LINE OF PLAINVIEW AVENUE, N87°11'43"W 470.91 FEET TO A POINT ON THE WEST LINE OF SAID 40 ACRE TRACT; THENCE N02°03'48"E 242.35 FEET TO THE POINT OF BEGINNING, CONTAINING 2.55 ACRES, MORE OR LESS.

**TRACT 2 DESCRIPTION**

LOT 4 DESCRIPTION

LOTS 1-4, LAZENBY'S FIRST ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER THE PLAT OF ADDITION RECORDED IN THE PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

**TRACT 3 DESCRIPTION**

A PART OF THE SW1/4 OF THE SE1/4 OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 290 FEET NORTH OF THE SW CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE NORTH 200 FEET; THENCE EAST 502.5 FEET TO THE CENTERLINE OF A FORTY FOOT ROAD; THENCE SOUTH WITH THE CENTERLINE OF SAID ROAD 200 FEET; THENCE WEST 502.5 FEET TO THE PLACE OF BEGINNING, CONTAINING 2.3 ACRES, MORE OR LESS.



**TO:** Fayetteville Planning Commission

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

**MEETING DATE:** February 14, 2022 **Updated with PC hearing results from 2/14/2022**

**SUBJECT:** **RZN-2022-000002: Rezone (WEST OF N. PLAINVIEW AVE. & E. LONGVIEW ST./CITY CENTER NORTH, 480):** Submitted by HALL ESTILL LAW FIRM for properties located WEST OF N. PLAINVIEW AVE. & E. LONGVIEW ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE & RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contain 7 parcels with approximately 5.85 acres. The request is to rezone the properties to UT, URBAN THOROUGHFARE.

**RECOMMENDATION:**

Staff recommends forwarding **RZN-2022-000002** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward **RZN-2022-000002** to City Council with a recommendation of approval."

**BACKGROUND:**

The subject property is in north Fayetteville and is west of the intersection of N. Plainview Avenue with E. Longview Street. Containing approximately 5.85 acres, the property is sparsely developed. The southernmost portion of the site (Tract 3) is developed with a single-family dwelling that was constructed in 1950; Tracts 2 and 1 are mostly undeveloped. While located approximately 800 feet from N. College Avenue, the property is not identified as part of the 71B Master Plan Area. A recent rezoning request was heard by Planning Commission on Surrounding land uses and zoning is depicted in *Table 1*.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Undeveloped	C-2, Thoroughfare Commercial
South	Single-Family Dwelling	RI-12, Residential Intermediate, 12 Units per Acre
East	Commercial (Car Dealership); Single-Family Dwellings	C-2, Thoroughfare Commercial; RSF-4, Residential Single-Family, 4 Units per Acre
West	Undeveloped/Commercial	R-O, Residential-Office

**Request:** The request is to rezone the property to UT, Urban Thoroughfare. The applicant has submitted an intent to develop the site with a mix of uses, including a hotel, restaurant and bar, multi-family residential, and office space.

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

## INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

**Streets:** Tract 1 has frontage along N. Plainview Avenue which is a fully improved Residential Link street with asphalt paving, multi-use trail, and curb and gutter. Tract 1 also has frontage at the end East Longview Street. East Longview Street is a fully improved Residential Link with asphalt paving, sidewalk, and curb and gutter. Tract 2 has no frontage. Tract 3 has frontage along North Plainview Avenue is a partially improved Residential Link street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.

**Water:** Public water is available to Tract 1. An existing 8-inch water main is present along the west side of N. Plainview Avenue. An existing 8-inch water main is present at the end of E. Longview Street. Public water is available to Tract 2, parcel #765-07401-000 via an existing 8-inch water main present at the end of East Longview Street. Public Water is not available to the remaining Parcels of Tract 2. Public water is available to Tract 3. An existing 6-inch water main is present along the center of North Plainview Avenue.

**Sewer:** Sanitary Sewer is available to the Tract 1, parcel 765-15751-000 via an existing 6-inch sanitary sewer main located at the corner of E. Longview Street and N. Plainview Avenue. Sanitary Sewer is not available to Tract 2. Sanitary sewer is available to the Tract 3. An existing 6-inch sanitary sewer main is present along the east side of N. Plainview Avenue.

**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. There are no hydric soils or protected streams on the site, nor is any portion of the site located within a FEMA floodplain or within the Hillside-Hilltop Overlay District.

### Tree Preservation:

The proposed zoning district of UT, Urban Thoroughfare requires **15% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre is **25% minimum canopy preservation**; the current zoning district of RI-12, Residential Intermediate, 12 Units per Acre is **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 **Urban Center Area and City Neighborhood Area**.

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

**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.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of **6-9** for this site, with a weighted score of **11.5** at the highest level. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #4, 3385 N. Plainview Avenue)
- Near Sewer Main (E. Longview Avenue and N. Plainview Avenue)
- Near Water Main (E. Longview Avenue and N. Plainview Avenue)
- Near Grocery Store (Harps 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)

## 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 property is currently minimally developed, as well as are the immediate surroundings, but it is clear that development in a more commercial or mixed-use direction is forthcoming. Located just 800 feet west of N. College Avenue, and centered around a planned street connection and extension of N. Plainview Avenue into the Fiesta Square shopping center to the south, the site is an ideal location to increase the entitlement beyond strictly residential uses. UT is one of the highest**

intensity zoning districts within the City, allowing for auto-oriented uses, building heights of up to 7 stories, and mixed-use development. The form-based nature of the zoning district, as well as additional heightened architectural design standards that accompany the district help make the allowed uses compatible with the surrounding areas.

*Land Use Plan Analysis:* 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 northern portion of the site 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 mixed-use development. The southern portion of the area is identified as a City Neighborhood Area, which indicates an intent for more densely developed residential in close, connected proximity to commercial and neighborhood services. While UT may not always be in perfect alignment with the City Neighborhood designation, which it typically meant to serve more local uses, in this instance, given the future planned street connections, proximity to regional infrastructure connections, and transit, staff finds the request is compatible here.

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

**Finding:** A rezone from RSF-4 and RI-12 at this area to UT, Urban Thoroughfare is justified to help bring the area into alignment with the Future Land Use Map designations as an Urban Center Area and City Neighborhood Area.

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

**Finding:** Rezoning the property to UT would certainly increase traffic at this site. While the current street infrastructure in the area is minimal, there are plans for a Plainview Drive extension through the Fiesta Square shopping center in conjunction with the 2019 Bond Projects. The added connection through this area mitigates concerns about any appreciable traffic increase to the area. The property also has close access to transit stops through both Ozark Regional Transit and Razorback Transit.

- 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 to UT would increase the potential population density, though given the available water and sewer infrastructure to the site, and the planned improvements to the area, staff does not find that this would be to

**an undesirable degree. The Fayetteville school district did not comment on this 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-2022-000002.**

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>
Date: <u>February 14, 2022</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: <b>Winston</b> with a recommendation of approval.
Second: <b>Sparkman</b>
Vote: <b>9-0-0</b>

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
  - §161.24 Urban Thoroughfare
- Street Connection Exhibit
- Applicant Request Letter
- Applicant Site Exhibit
- Applicant Exhibit – Development Illustration
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

Public Comment was received after staff report initially published and has been inserted.

**161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre**

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
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 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 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."

**161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre**

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12
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(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 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*
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\* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 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(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; 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. 5592, 06-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Ex. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§4, 8, 9, 1-17-17; Ord. No. 6015, §1(Ex. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Ex. C), 2, 4-20-21)

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-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21)

**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*
-------------------------	----------------------

\* 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."



January 4, 2022

**VIA CITY OF FAYETTEVILLE PORTAL**

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

Re: Rezoning of Parcels Portion of 765-15767-000, 765-15751-000, 765-07401-000,  
765-07402-000, 765-07403-000, 765-07404-000, & 765-15757-000

To Whom It May Concern:

Portion of 765-15767-000,  
765-15751-000, 765-07401-000,  
765-07402-000, 765-07403-000,  
765-07404-000

This letter is in regard to rezoning parcel 765-15757-000 from its current designation of RSF-4 and parcel 765-15757-000 from RI-12 to Urban Thoroughfare (UT). I represent the owners (City Center North, LLC) of said parcels. These properties are located west of College Avenue next to the Lewis Chrysler Ford Dealership.

UT is designed to provide goods and services for persons living in the surrounding communities. UT encourages a concentration of commercial and mixed use development along major thoroughfares. Automobile-oriented development is prevalent within UT and a wide range of commercial uses is permitted.

Further the UT district is considered to be in a line with future land use plans for this area and which is Urban Center and City Neighborhood.

With the projected changes in this area, the extension of Plainview Avenue and the future land use plans we feel the proposed rezoning is in line and very compatible with the future plans of the city and will not unreasonably affect, in any adverse way the surrounding land uses.

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



Robert K. Rhoads

City Center North, LLC

By: 

ZACHARY WOOD, Managing Member

5123579 1:009919,00001

**From:** Planning Shared <planning@fayetteville-ar.gov>  
**Sent:** Monday, February 14, 2022 10:22 AM  
**To:** Harrison, Gretchen <gharrison@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Subject:** FW: Planning meeting feb 14, agenda item RZN-22-000001

Jessie,

I believe this should be RZN-2022-000002. Thank you.

**Andy Harrison**  
Development Coordinator  
Planning Division  
125 W. Mountain  
City of Fayetteville, Arkansas 72701  
[aharrison@fayetteville-ar.gov](mailto:aharrison@fayetteville-ar.gov)  
T 479.575.8267 | F 479.575.8202  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



**From:** Marilyn Miller [<mailto:mm13egm@gmail.com>]  
**Sent:** Monday, February 14, 2022 10:11 AM  
**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
**Subject:** Planning meeting feb 14, agenda item RZN-22-000001

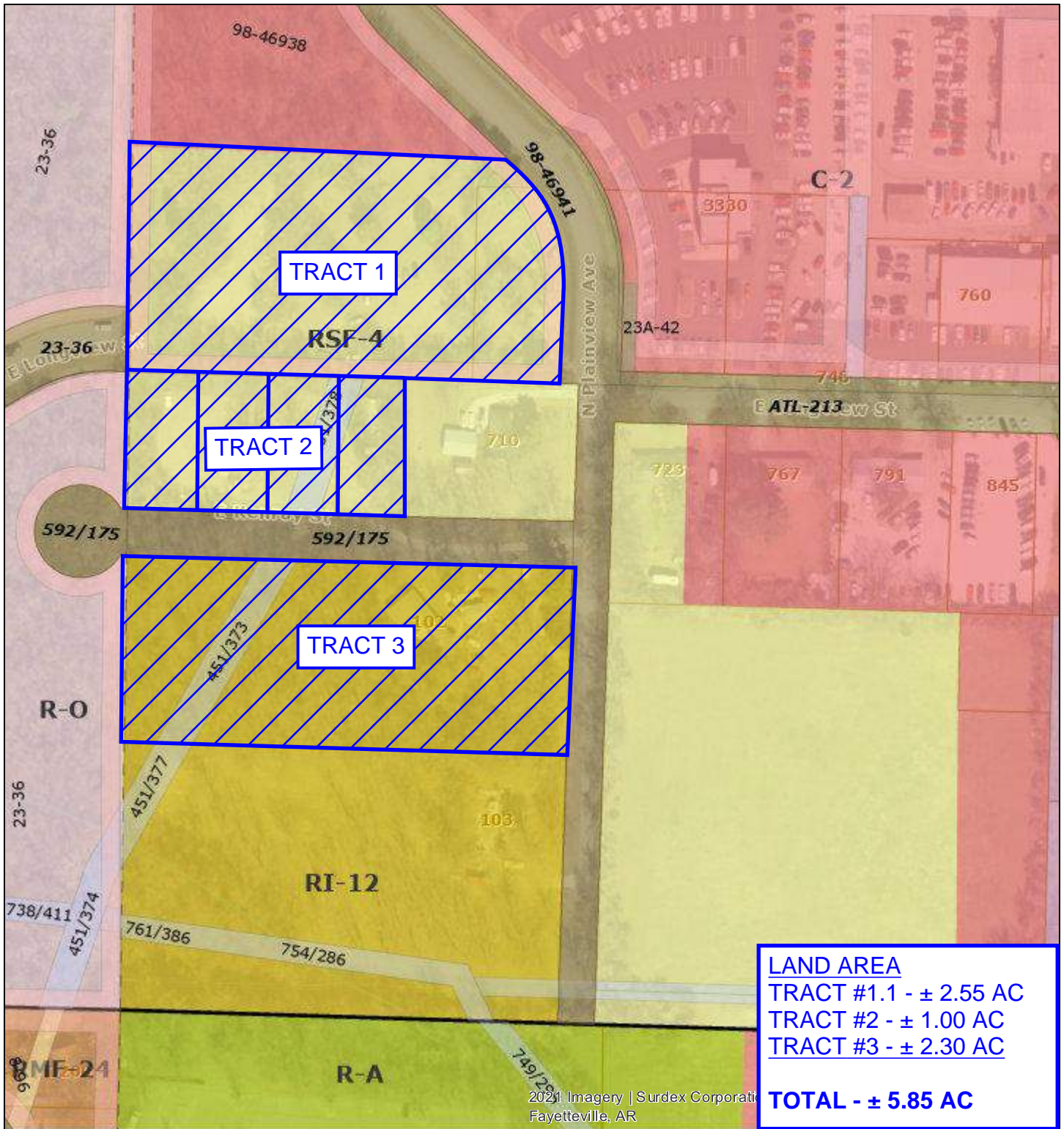
**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good day folks,

I am writing to put in a protest with regard to this agenda. My Mom, a WWII Army Veteran lives at 710 E. Longview and is directly impacted by the proposed rezoning. R-S4 is a much lower density than the proposed R-12. Kenray St is not a street, but a dirt track leading to an open area, Tract 2. My Mom's house is currently surrounded by this open space which could be maintained as such providing relief for the surrounding neighborhoods and the wildlife in this remaining area. My Mom has been in her house for over 60 years and has enjoyed this special area of town. Yes, she is just one person, but due to past rezoning decisions, an entire neighborhood was removed from existence. Please consider that this rezoning request adds another neighborhood to the list of previous residential areas, especially the small quiet areas of Fayetteville. Why does Fayetteville feel tearing down trees, ripping up open space and building architectural boxes enhance the quality of life?

Marilyn Miller  
[mm13egm@gmail.com](mailto:mm13egm@gmail.com)

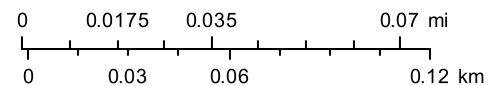
# Rezoning Vicinity Map



12/28/2021, 8:29:10 AM

1:2,257

- |                     |                          |                            |
|---------------------|--------------------------|----------------------------|
| <b>Right-of-Way</b> | Private                  | Avigation Easement         |
| AHTD                | RR                       | Drainage Easement          |
| Farmington          | Springdale               | Conservation Easement      |
| Fayetteville        | University of Arkansas   | Landscape Easement         |
| Goshen              | Washington County        | Sidewalk Easement          |
| Greenland           | General Utility Easement | Trail Easement             |
| Johnson             | Access Easement          | Tree Preservation Easement |



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. The City of Fayetteville does not express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.





**NOT FOR CONSTRUCTION**

**LEWIS FORD MASTER PLAN**

FAYETTEVILLE, AR

**buf**  
STUDIO

PLANNING & ARCHITECTURE

1000 WEST 10TH AVENUE  
FAYETTEVILLE, AR 72701

PH: 479.781.1111  
WWW.BUFSTUDIO.COM

**CLIENT NAME:** CITY CENTER NORTH, LLC

**PROJECT NUMBER:** SD001

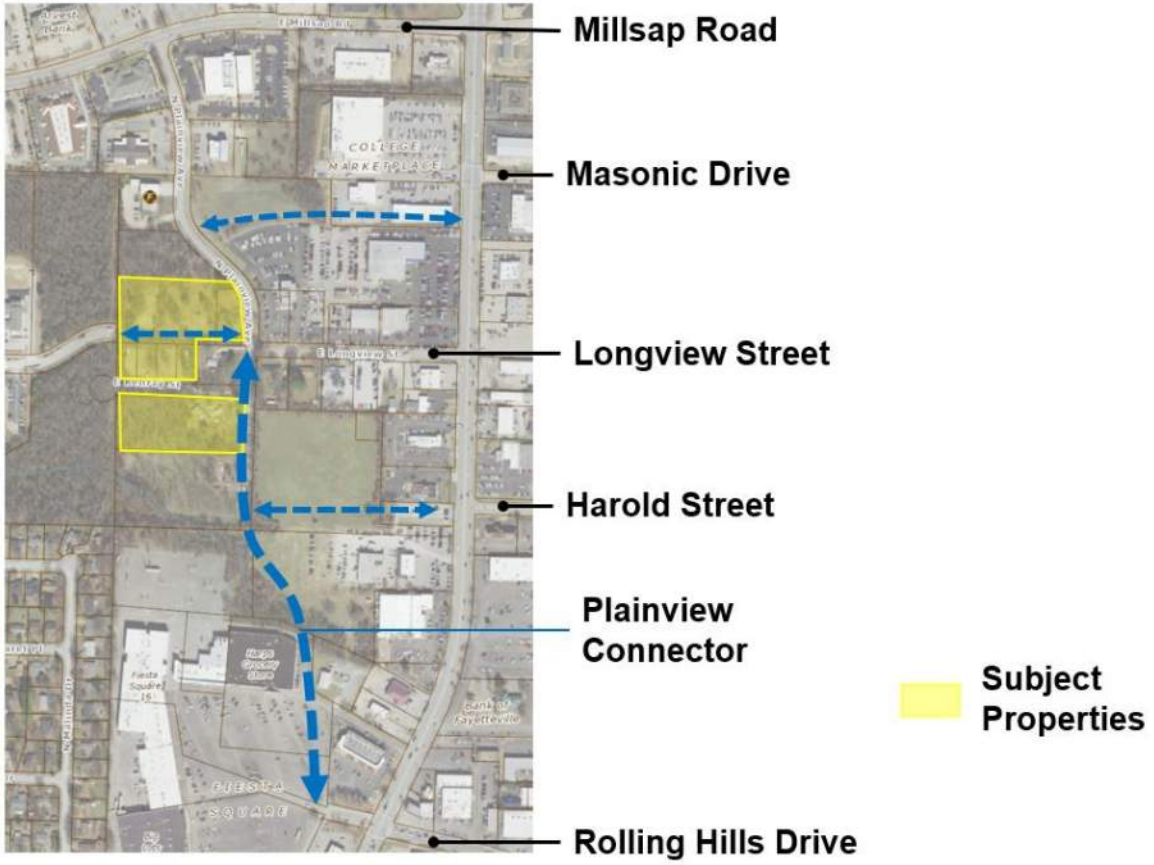
**DATE:** 02/14/2022

**SCALE:** AS SHOWN

**DATE:** 02/14/2022

**SCALE:** AS SHOWN

**STAFF STREET CONNECTION EXHIBIT**  
RZN-2022-000002



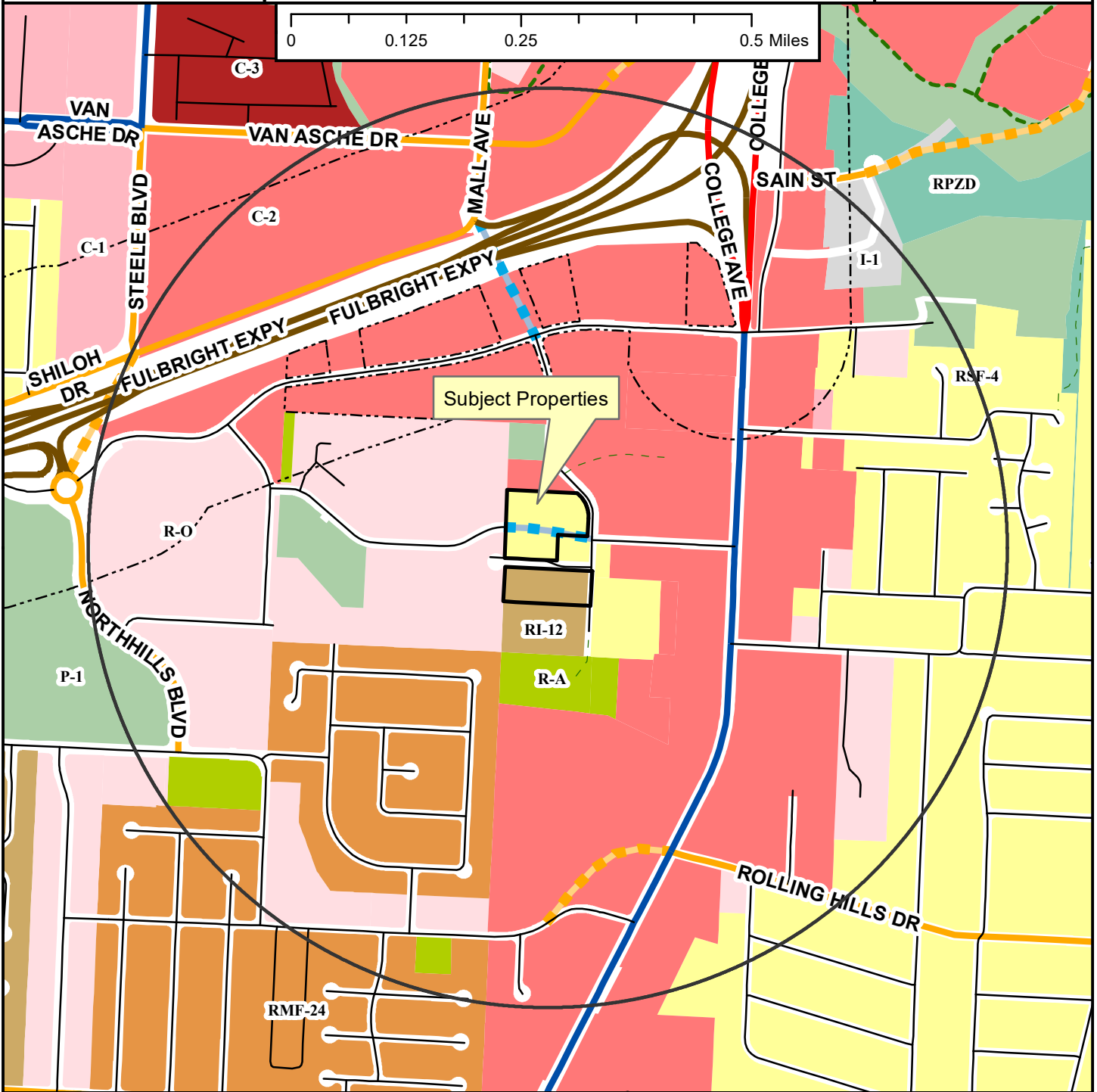
RZN-2022-000002

# City Center North, LLC

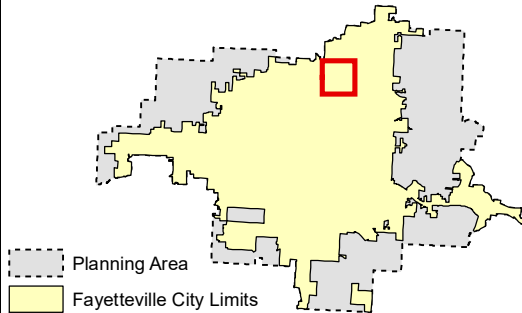
One Mile View



0 0.125 0.25 0.5 Miles



- 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



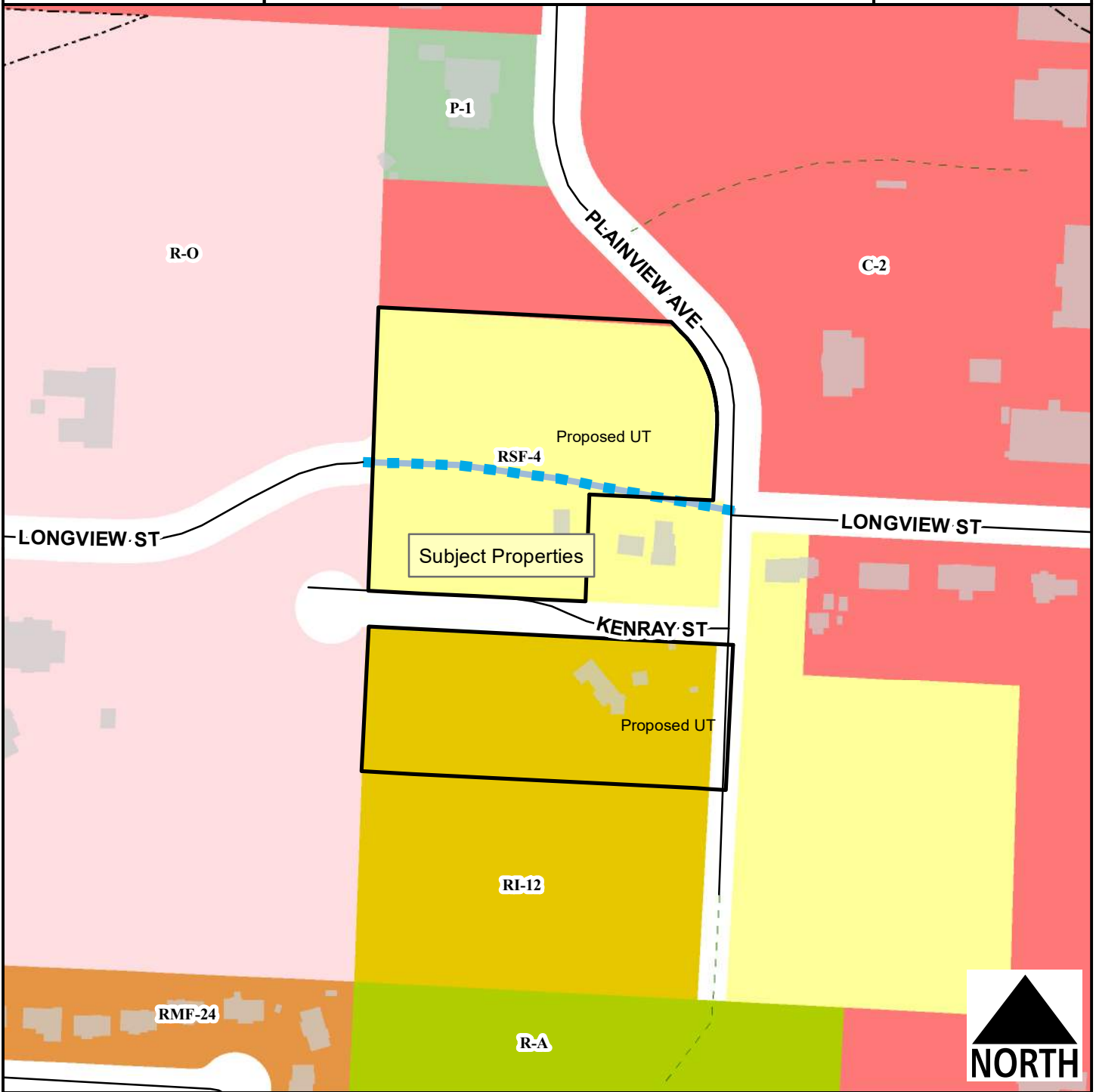
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
  - RI-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light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



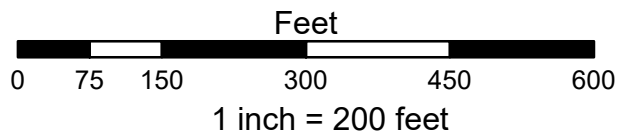
RZN-2022-000002

# City Center North, LLC

Close Up View



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



Zoning	Acres
UT	5.9
<b>Total</b>	<b>5.9</b>

RZN-2022-000002

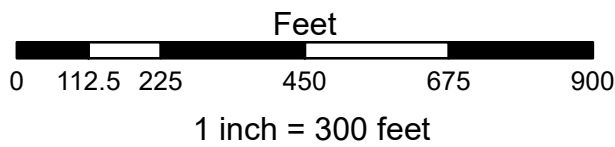
# City Center North, LLC



Current Land Use



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



### FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

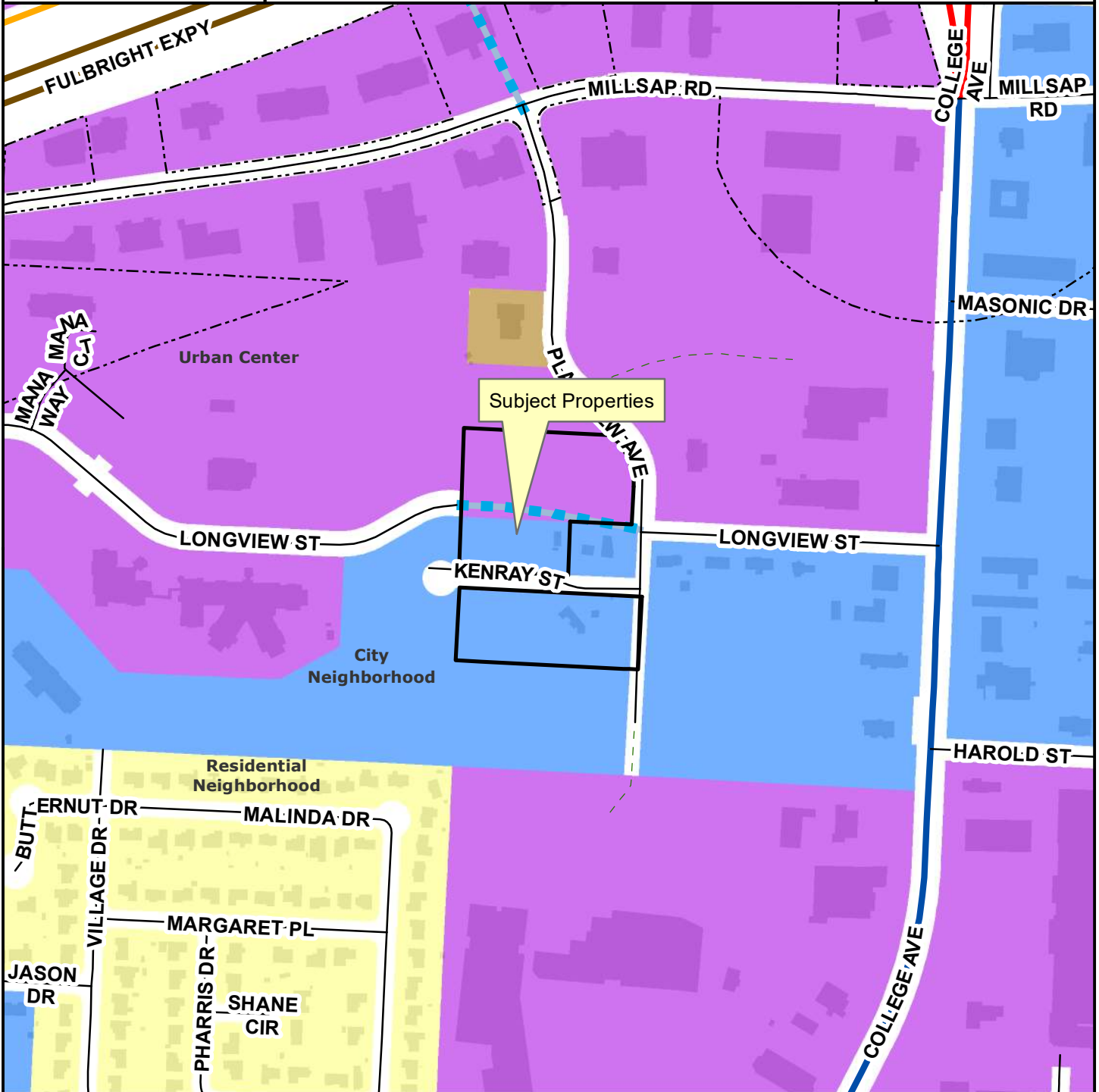


RZN-2022-000002

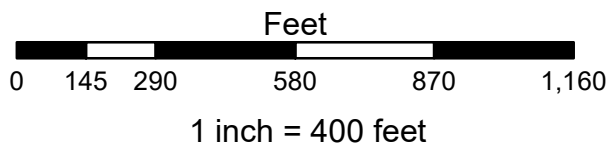
# City Center North, LLC



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

Planning Commission  
February 14, 2022