

City of Fayetteville Staff Review Form

2022-0726

Legistar File ID

9/6/2022

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

Jonathan Curth

8/19/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2022-0030: Rezone (2178 E. HUNTSVILLE RD./ALBAN, 566): Submitted by CAPSTONE REAL ESTATE for property located at 2178 E. HUNTSVILLE RD in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and R-O, RESIDENTIAL-OFFICE and contains approximately 6.01 acres. The request is to rezone the property 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 SEPTEMBER 6, 2022

TO: Mayor; Fayetteville City Council

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

FROM: Gretchen Harrison, Planner

DATE: August 19, 2022

SUBJECT: **RZN-2022-0030: Rezone (2178 E. HUNTSVILLE RD./ALBAN, 566):** Submitted by CAPSTONE REAL ESTATE for property located at 2178 E. HUNTSVILLE RD in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and R-O, RESIDENTIAL-OFFICE and contains approximately 6.01 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

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 east Fayetteville on the north side of East Huntsville Road/Highway 16 about 700 feet west of Crossover Road/Highway 265. The property contains two parcels totaling 6.01 acres and is developed with one single-family dwelling built in 1895. The site has a gentle slope with an open stormwater channel and a pond on the eastern side of the property.

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre and R-O, Residential-Office to CS, Community Services. The applicant has shared an intent to develop the property with a mixed-use development containing multi-family residential and commercial uses.

Public Comment: Staff received one inquiry about the request from a neighboring property owner, though no clear support for, or opposition to, the request was offered.

Land Use Compatibility: While many properties in the area are undeveloped or contain low-density residential and agricultural uses, staff finds the proposed zoning to be generally compatible with land use patterns and development trends along the wider Huntsville Road corridor. The proposed zoning of CS, Community Services would allow for development of a suitable intensity that could act as a transition between lower density residences to the west and nonresidential uses along Huntsville and Crossover to the south and east. While the proposed zoning is not immediately compatible with existing land uses, staff finds that CS would complement the underlying zoning and development potential of adjacent properties. The current zoning of RSF-4 only allows single-family residential development by right at a density of four

units per acre with a front and rear setback of 15 feet and a side setback of five feet. The other zoning district present, R-O, allows one- and two-family dwellings by right along with a limited number of nonresidential uses such as professional offices and limited businesses. A residential density of 24 units per acre and both traditional and urban form setbacks are permitted in the R-O zoning district. The proposed zoning of CS would allow more uses by right, including multi-family dwellings, restaurants, neighborhood shopping goods, and small-scale production, while requiring urban form setbacks and having no residential density limitation.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with the City's land use and zoning plans. CS would allow for development that could complement the property's Future Land Use Map designation as a City Neighborhood Area by allowing for increased density and a mix of nonresidential and residential uses. Further, the location of the property within a Tier 2 Center, as indicated by the City Plan 2040 Growth Concept Map, suggests that greater density and land use variety is appropriate for this site. Regarding the general goals of City Plan 2040, a rezoning to CS could support Goals 2 and 3 by discouraging a single-use, low-density land use pattern and promoting the creation of complete, compact, and connected places. A rezoning to CS could also support Goal 6 by encouraging a mixture of housing types and sizes in close proximity to transit.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range between 4-7 for this site. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (8-inch main, East Huntsville Road)
- Near Water Main (12-inch mains, East Huntsville Road)
- Near Public School (Happy Hollow Elementary School)
- Near City Park (Doc Mashburn Park, Mount Sequoyah Woods)
- Near ORT Bus Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood Area)

DISCUSSION:

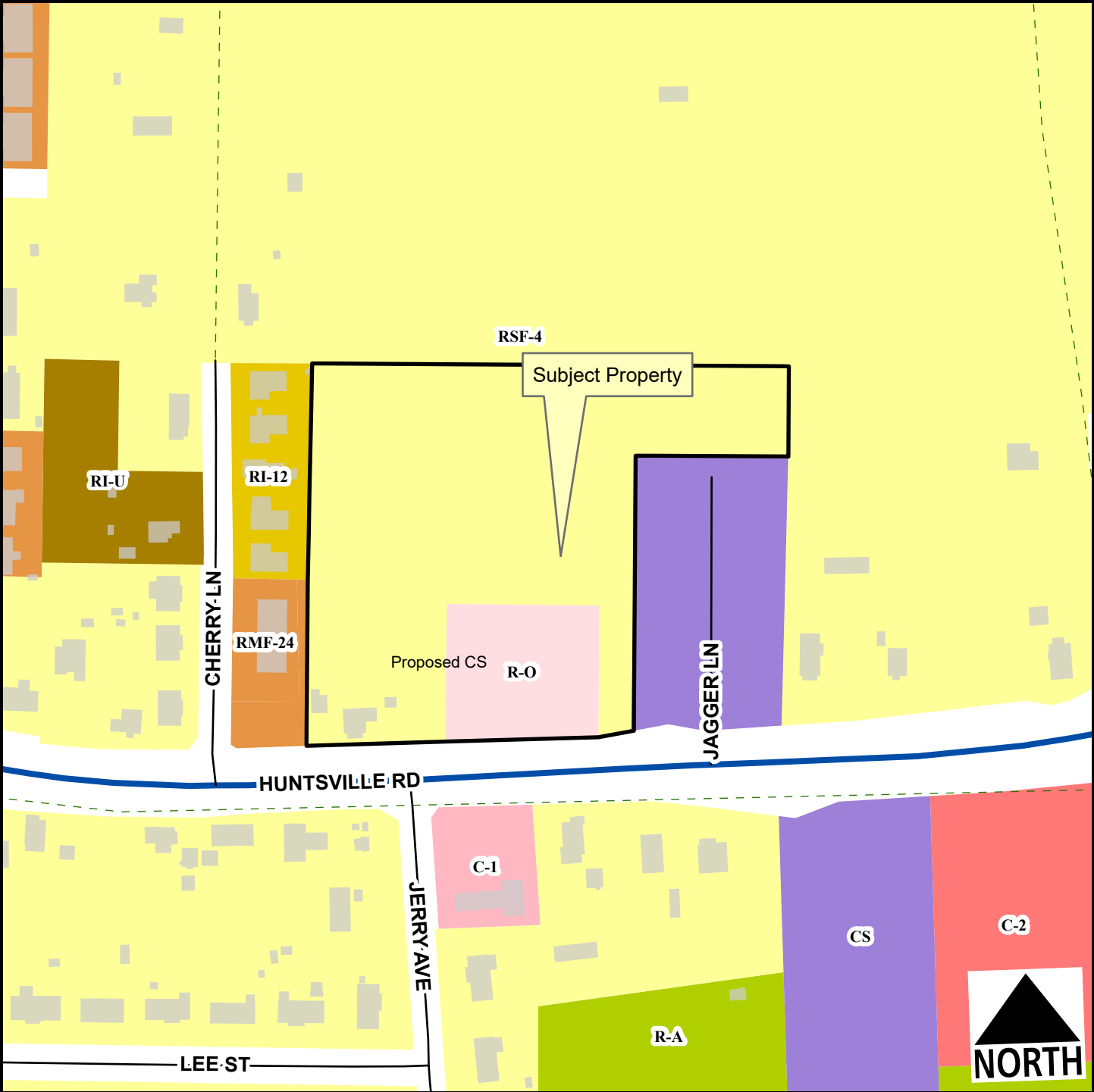
At the August 8, 2022 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Winston made the motion and Commissioner Johnson seconded. Commissioners offered little comment, finding the request to be consistent with the City's land use plans and policies. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



<div> <div></div> <div>Regional Link - High Activity</div> </div> <div> <div></div> <div>Residential Link</div> </div> <div> <div></div> <div>Trail (Proposed)</div> </div> <div> <div></div> <div>Planning Area</div> </div> <div> <div></div> <div>Fayetteville City Limits</div> </div>	<div>Feet</div> <div> <div>0</div> <div>75</div> <div>150</div> <div>300</div> <div>450</div> <div>600</div> </div> <div>1:2,400</div>	<div>Zoning</div> <div>Acres</div>
		<div>CS</div> <div>5.9</div>
		<div>Total</div> <div>5.9</div>

RZN-2022-0030
EXHIBIT 'B'

REZONE DESCRIPTION:

Parcel 765-16187-000

PT NW NE 0.93A FURTHER DESCRIBED FROM 2011-35969 AS: A PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, DESCRIBED AS BEGINNING 326.26 FEET SOUTH AND 334.77 FEET EAST OF THE NORTHWEST CORNER OF THE SAID NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4), THENCE EAST 210 FEET, THENCE SOUTH 192.6 FEET TO THE NORTH RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 16, THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 85 DEGREES 15 MINUTES 46 SECONDS WEST 210.72 FEET, THENCE NORTH 210 FEET TO THE POINT OF BEGINNING, CONTAINING 0.97 ACRES, MORE OR LESS

Parcel 765-15185-000

PT NW NE 4.99 AC FURTHER DESCRIBED FROM 2013-29221 AS: A part of the NW 1/4 of the NE 1/4 of Section 23, T-16-N, R-30-W, Washington County, Arkansas, and being more particularly described as follows: Beginning at a point which is N89°12'34" E, 144.80 feet from the NW corner of said 40-acre tract and running thence N89°12'34" E 655.20 feet, thence S00°47'26"E 124.00 feet; thence S89°12'34" W, 210.00 feet; thence S00°47'26" E 384.74 feet to the North Right-of-way of Highway 16; thence S82°27'36" W, along said right-of-way 45.54 feet; thence leaving said right-of way, N00°54'15" w, 187.85 feet; thence S89°12'18" w, 209.65 feet; thence S00°41' 09" E, 203.70 feet to the North right-of-way of Highway 16; thence S85°24'07" w, along said right-of-way 194.71 feet; thence leaving said right-of-way, N00°39'03" W, 245.47 feet; thence North 297.45 feet to the Point of Beginning, containing 5.08 acres, more or less. LESS AND EXCEPT: Part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 16 North, Range 30 West, Washington County, Arkansas starting at the Northwest corner of the Northwest Quarter of the Northeast Quarter of Section 23; thence N85°16'44" East along the North line thereof a distance of 793.11 feet to a point; thence South 04°40'55" East a distance of 323.19 feet to a point; thence South 04°47'30" East a distance of 187.83 feet to a point on the Northerly existing right of way line of Arkansas State Highway 16; thence South 82°42'45" West along an existing right of way line a distance of 207.17 feet for the point of beginning; thence continue South 82°4'45" West along the Northerly existing right of way line of Arkansas State Highway 16 a distance of 40.74 feet to a point; thence South 82 ° 40 '49" West along said existing right of way line a distance of 4.63 feet to a point; thence North 04° 23'56" West a distance of 4.50 feet to a point on the Northerly proposed right of way line of U.S. Highway 16, thence North 78°41'01" East along said proposed right of way line a distance of 45.55 feet to a point; thence South 05°00'22" East a distance of 7.70 feet to the point of beginning and containing 0.01 acre more or less. ALSO LESS & EXCEPT: Part of the Northwest Quarter of the Northeast Quarter of Section 23, Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at a State Monument being used as the Quarter Corner of Section's 14 and 23; thence South 02° 42' 42" West along the East line of the Northeast Quarter of the Northwest Quarter of Section 23 a distance of 549.79 feet to a point; thence South 88° 42' 05" East a distance of 39.52 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 9424; thence in and Northeasterly direction along said right of way line on a curve to the left having a radius of 1,602.02 feet a distance of 36.59 feet having a chord

bearing of North 89° 56' 16" East a distance of 36.58 feet to a point; thence North 89° 13' 15" East along said right of way line a distance of 64.07 feet to the POINT OF BEGINNING; thence North 02° 42' 42" East a distance of 19.42 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 040578; thence South 89° 59' 23" East along said right of way line a distance of 100.88 feet to a point; thence South 89° 36' 36" East along said right of way line a distance of 93.28 feet to a point; thence South 02° 51' 22" West a distance of 16.12 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 9424; thence South 89° 13' 15" West along said right of way line a distance of 194.29 feet to the point of beginning and containing 0.08 acres or 3,478 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040578. AND ALSO: Commencing at a state monument being used as the Quarter Corner of Section's 14 and 23; thence South 02° 42' 42" West along the East line of the Northeast Quarter of the Northwest Quarter of Section 23 a distance of 549.79 feet to a point; thence South 88° 42' 05" East a distance of 39.52 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 9424; thence in an Northeasterly direction along said right of way line on a curve to the left having a radius of 1,602.02 feet a distance of 36.59 feet having a chord bearing of North 89° 56' 16" East a distance of 36.58 feet to a point; thence North 89° 13' 15" East along said right of way line a distance of 469.19 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 4999; thence North 02° 40' 08" East along said right of way line a distance of 4.84 feet to the POINT OF BEGINNING; thence continue North 02° 40' 08" East a distance of 6.98 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 040578; thence North 81° 31' 24" East along said right of way line a distance of 42.41 feet to a point; thence South 02° 14' 07" West a distance of 10.13 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 4999; thence South 85° 46' 07" West along said right of way line a distance of 41.99 feet to the point of beginning and containing 0.01 acres or 356 square feet more or less as shown on plans prepared by the AHTD referenced as Job 040578.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: August 8, 2022 (Updated with results from PC hearing)

SUBJECT: **RZN-2022-0030: Rezone (2178 E. HUNTSVILLE RD./ALBAN):**
Submitted by CAPSTONE REAL ESTATE for property located at 2178 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and R-O, RESIDENTIAL-OFFICE and contains approximately 6.01 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2022-0030** to City Council with a recommendation of approval based on the findings herein.

RECOMMENDED MOTION:

*"I move to forward **RZN-2022-0030** to City Council with a recommendation for approval."*

BACKGROUND:

The subject property is in east Fayetteville on the north side of East Huntsville Road/Highway 16 about 700 feet west of Crossover Road/Highway 265. The property contains two parcels totaling 6.01 acres and is developed with one single-family dwelling built in 1895. The site has a gentle slope with an open stormwater channel and a pond on the eastern side of the property. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Agricultural	RSF-4, Residential Single-Family, 4 Units per Acre
South	Commercial; Residential	C-1, Neighborhood Commercial; RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped	CS, Community Services; RSF-4, Residential Single-Family, 4 Units per Acre
West	Residential	RI-12, Residential Intermediate, 12 Units per Acre; RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre and R-O, Residential-Office to CS, Community Services. The applicant has shared an intent to develop the property with a mixed-use development containing multi-family residential and commercial uses.

Public Comment: Staff has received no public comment regarding this request.

INFRASTRUCTURE:

Streets: The subject property has frontage along East Huntsville Road. East Huntsville Road is a fully-improved Regional Link – High Activity street with asphalt paving, sidewalk, curb, and gutter. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. Existing 12-inch water mains are present on the north and south side of East Huntsville Road.

Sewer: Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present along the north side of East Huntsville Road.

Drainage: While the property is not within the Hillside-Hilltop Overlay District, a FEMA-designated floodplain, or streamside protection zone, hydric soils are present. 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 would be determined at the time of development.

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately one minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The requested zoning district, CS, Community Services, requires **20% minimum canopy preservation**. The current zoning districts, RSF-4, Residential Single-Family, 4 Units per Acre and R-O, Residential-Office, require **25% and 20% minimum canopy preservation**, respectively.

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

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 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 score range between **4-7** for this site with a weighted score of **8.5** at the highest level. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (8-inch main, East Huntsville Road)
- Near Water Main (12-inch mains, East Huntsville Road)
- Near Public School (Happy Hollow Elementary School)
- Near City Park (Doc Mashburn Park, Mount Sequoyah Woods)
- Near ORT Bus Stop (Route 20)
- Appropriate Future Land Use (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:*** While many properties in the area are undeveloped or contain low-density residential and agricultural uses, staff finds the proposed zoning to be generally compatible with land use patterns and development trends along the wider Huntsville Road corridor. The proposed zoning of CS, Community Services would allow for development of a suitable intensity that could act as a transition between lower density residences to the west and nonresidential uses along Huntsville and Crossover to the south and east. While the proposed zoning is not immediately compatible with existing land uses, staff finds that CS would complement the underlying zoning and development potential of adjacent properties. The current zoning of RSF-4 only allows single-family residential development by right at a density of four units per acre with a front and rear setback of 15 feet and a side setback of five feet. The other zoning district present, R-O, allows one- and two-family dwellings by right along with a limited number of nonresidential uses such as professional offices and limited businesses. A residential density of 24 units per acre and both traditional and urban form setbacks are permitted in the R-O zoning district. The proposed zoning of CS would allow more uses by right, including multi-family dwellings, restaurants, neighborhood shopping goods, and small-scale production, while requiring urban form setbacks and having no residential density limitation.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with the City's land use and zoning plans. CS would allow for development that could complement the property's Future Land Use Map designation as a City Neighborhood Area by allowing for increased density and a mix of

nonresidential and residential uses. Further, the location of the property within a Tier 2 Center, as indicated by the City Plan 2040 Growth Concept Map, suggests that greater density and land use variety is appropriate for this site. Regarding the general goals of City Plan 2040, a rezoning to CS could support Goals 2 and 3 by discouraging a single-use, low-density land use pattern and promoting the creation of complete, compact, and connected places. A rezoning to CS could also support Goal 6 by encouraging a mixture of housing types and sizes in close proximity to transit.

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

Finding: Staff finds that the contradiction between the property's primary zoning of RSF-4 and its Future Land Use Map designation as a City Neighborhood Area justifies the proposed rezoning to CS. Since multi-family dwellings and neighborhood shopping goods are conditional uses in the R-O zoning district, staff also finds that CS would better support the applicants stated intent to develop the property with a mix of multi-family residential and commercial uses when compared to the current zoning.

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

Finding: The subject property has direct access to a Residential Link street, Jagger Lane, and a Regional Link – High Activity street, Huntsville Road. Depending on how the site is developed, access onto Huntsville Road may require a variance from the City's access management standards. Regardless, Huntsville Road is a major arterial street that is suited to accommodate increased vehicular traffic, and any increase in traffic danger or congestion would be fully evaluated and mitigated at the time of development review.

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 RSF-4 and R-O to CS has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The property has access to existing water and sanitary sewer infrastructure and is close to other public services and amenities. Fayetteville Public Schools 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 forwarding RZN-2022-0030 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required YES

Date: August 8, 2022

☐ Tabled

☒ Forwarded
with a recommendation
of approval.

☐ Denied

Motion: Winston

Second: Johnson

Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-Family – Four (4) Units per Acre
 - §161.20 – R-O, Residential Office
 - §161.22 – CS, Community Services
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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."

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. 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 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet

Fraternity or Sorority	1 acre
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(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 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 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.* 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 No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; 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. 6164 , §§1, 2, 3, 4-2-19; 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 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6497 , §1, 10-19-21)

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Parcel 765-15187-000 2220 E Huntsville Road - 0.933 acres
Current Zoning – RO Proposed Zoning – CS

Parcel 765-15185-000 2178 E Huntsville Road – 5.08 acres
Current Zoning – RSF4 Proposed Zoning – CS

June 17, 2022

Dear Fayetteville Planning Commission,

I represent Gina Alban, the owner of the property being considered for rezone. I am a licensed real estate agent with Capstone Real Estate, acting as a development consultant (Developer).

Our initial meeting with Fayetteville Planning occurred on June 16, 2022, with Gretchen Harrison. We were seeking guidance to what the Future Land Use designation of City Neighborhood might mean for a potential rezone of the property. It is currently zoned 5.08 acres RSF4 and 0.933 acres RO.

The vision and goal for the property we have is a mixed use development consisting of attractive but affordable rental units. Along Huntsville would be the commercial area with the multifamily to the north. Once rezoned, we will begin work with engineers to develop some preliminary plans for the project.

Thank you for your consideration. Gretchen was very helpful and professional.

We are excited about the opportunity to add to a great community.

Warm regards,



Christopher M. Jones
Developer
cjones@capstonenwa.com

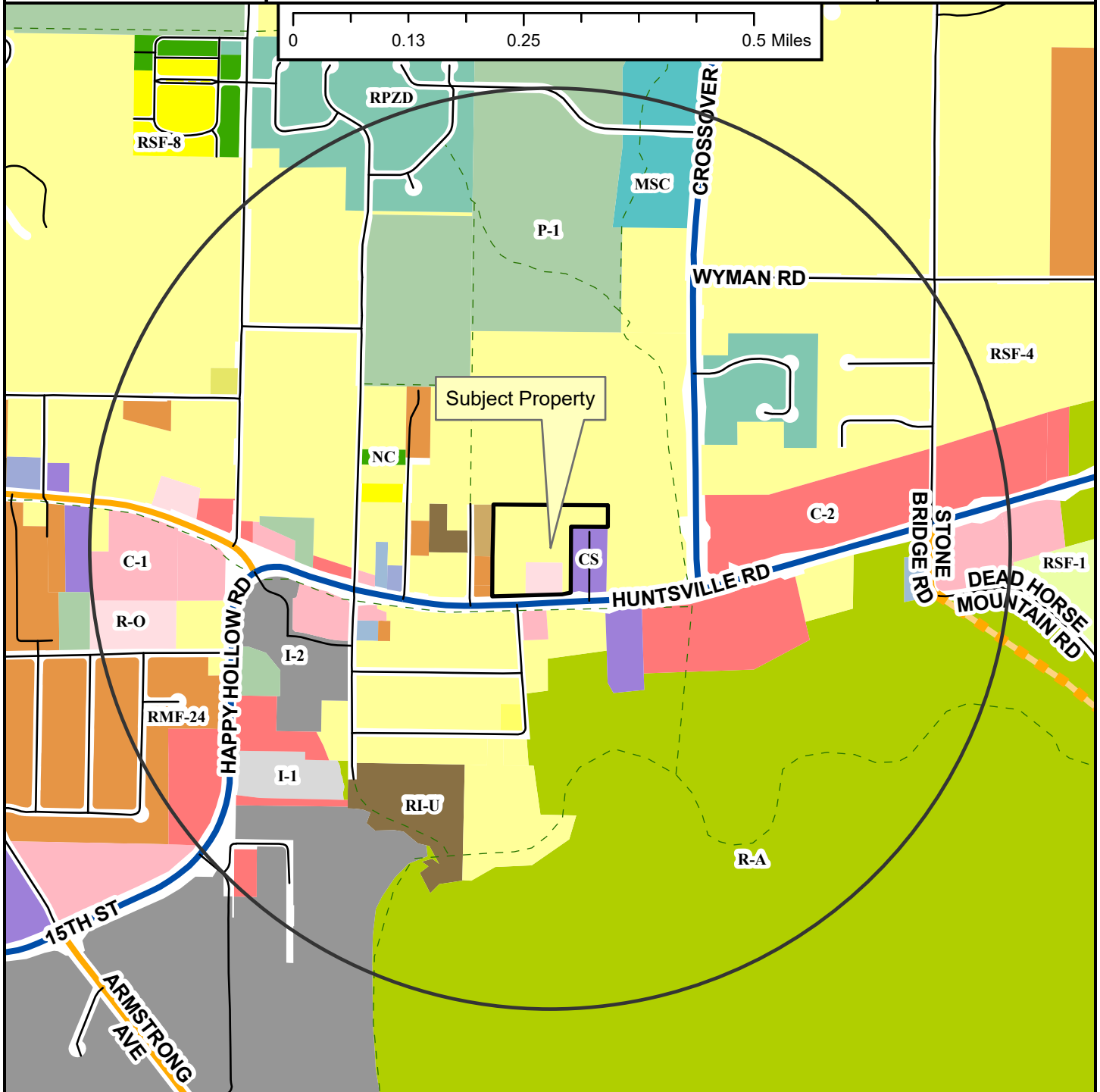
RZN-2022-0030

2178 E HUNTSVILLE RD

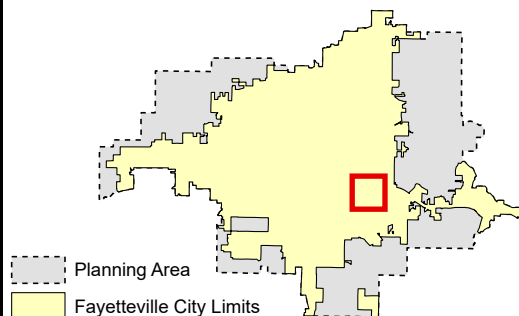
One Mile View



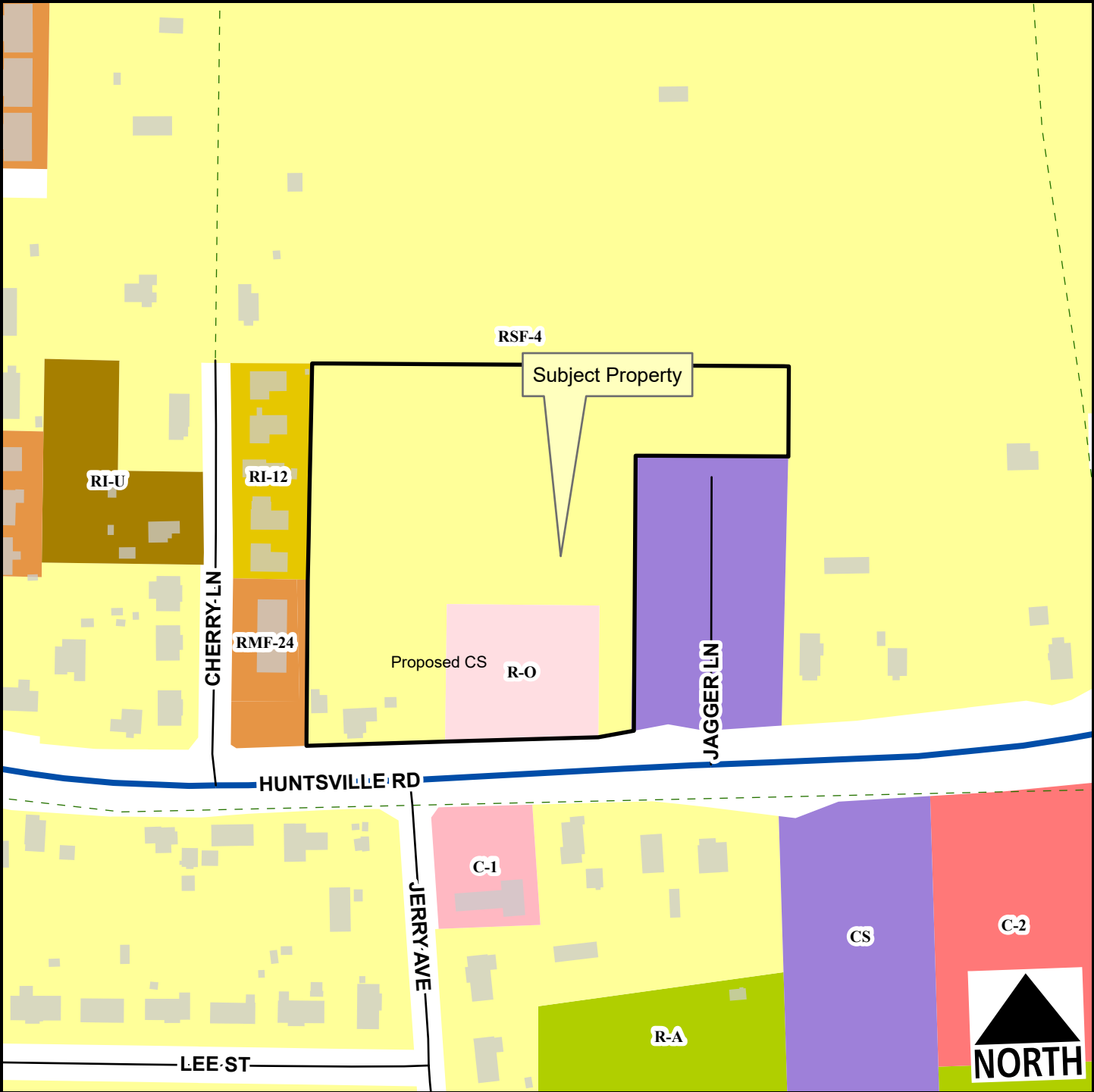
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- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



- 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-13
 - 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



Regional Link - High Activity

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0

75

150

300

450

600

1:2,400

Zoning	Acres
CS	5.9
Total	5.9

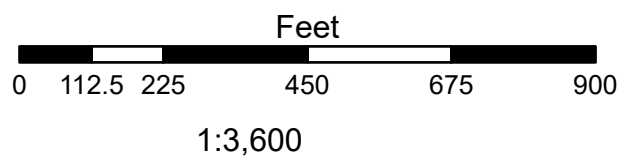
RZN-2022-0030

2178 E HUNTSVILLE RD

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

