

City of Fayetteville Staff Review Form

2022-0787

Legistar File ID

9/20/2022

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

Jonathan Curth

9/2/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2022-0037: Rezoning (SE OF W. 18TH ST & W. CUSTER LN/SOUTHERN LIVING CONSTRUCTION LLC, 598): Submitted by COMMUNITY BY DESIGN for property located SE OF W. 18TH ST & W. CUSTER LN in WARD 1. The property is split-zoned RMF-24, RESIDENTIAL MULTI-FAMILY - TWENTY-FOUR UNITS PER ACRE and C-1, NEIGHBORHOOD COMMERCIAL and contains approx. 3.10 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE - URBAN.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u> No </u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u> No </u>	Item Cost \$ -
Budget Adjustment Attached? <u> No </u>	Budget Adjustment \$ -
	Remaining Budget \$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF SEPTEMBER 20, 2022

TO: Mayor; Fayetteville City Council

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

FROM: Ryan Umberger, Senior Planner

DATE: September 2, 2022

SUBJECT: **RZN-2022-0037: Rezoning (SE OF W. 18TH ST & W. CUSTER LN/SOUTHERN LIVING CONSTRUCTION LLC, 598):** Submitted by COMMUNITY BY DESIGN for property located SE OF W. 18TH ST & W. CUSTER LN in WARD 1. The property is split-zoned RMF-24, RESIDENTIAL MULTI-FAMILY - TWENTY-FOUR UNITS PER ACRE and C-1, NEIGHBORHOOD COMMERCIAL and contains approx. 3.10 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE - URBAN.

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 southwest Fayetteville along W. Custer Lane, approximately 300 feet south of its intersection with W. 18th Street. The property contains three lots totaling roughly 3.10 acres and is split-zoned RMF-24, Residential Multi-family - Twenty-Four Units per Acre and C-1, Neighborhood Commercial. It is included in the Fayette Junction planning area. Aside from overhead electric lines the site is entirely undeveloped and largely covered by mature tree canopy. An unnamed tributary of the Town Branch, part of the Beaver Reservoir, bisects the eastern half of the property. The stream is protected per the streamside protection ordinance and its associated protection zone encumbers roughly half of the site. Each half of the property slopes gradually to the stream channel.

Request: The request is to rezone the property from RMF-24, Residential Multi-family - Twenty-Four Units per Acre and C-1, Neighborhood Commercial, to RI-U, Residential Intermediate-Urban. The applicant has not submitted an associated development proposal but suggests the rezoning will facilitate a development of single- and two-family dwellings on the property.

Public Comment: Prior to the August 22nd Planning Commission meeting staff received some inquires and public comment on the item. No specific comments were offered in favor or opposition to the subject request, though many were concerned about development of the property in general. Neighbors had issues with the property's current zoning entitlements, limited

street frontage, the streamside protection zone, and a desire to maintain a portion of the existing vegetation as a buffer. Several members of the public spoke during the Planning Commission meeting. Specific development concerns were identified by neighbors but, again, comments were not in favor or opposition to the subject request. Commenters spoke of the character of the neighborhood – that residences are affordable and attainable for young families and those affected by disabilities, the implication of the term “residential” as it applies to the existing zoning and future land use map designation, narrow frontage on W. Custer Lane, additional traffic associated with a potential future development, flooding and stormwater runoff, and natural sensitivities on the property.

Land Use Compatibility: Staff finds the request to be mostly compatible with the neighboring land uses. Except for a commercial building to the northwest and two- and four-family dwellings immediately to the north, the subject property is surrounded entirely by single-family residences. Rezoning to RI-U permits a variety of housing types but effectively reduces use entitlements because Use Unit 26, Multi-family dwellings would no longer be a permitted use. All other by-right uses allowed under RI-U zoning are identical to RMF-24. RI-U allows multi-family dwellings as a conditional use and otherwise has similar conditional uses apart from Use Unit 11, Manufactured Home Park and Use Unit 25, Professional Offices which are allowed in RMF-24 but not in RI-U. Slightly over an acre of the northern extents of the property is currently zoned C-1 which is a mostly commercial district allowing restaurants, neighborhood shopping, gas stations, and offices by-right.

On the other hand, the bulk and area, and density regulations in RI-U are considerably different than both current entitlements and the surrounding neighborhood. RI-U allows lots to be developed with an 18-foot width, no lot area minimum, and no density limitation. RMF-24 prescribes lot width and area based on use, allowing a 35-foot minimum for single-family dwellings up to a 70-foot minimum for multi-family dwellings. Single-family dwellings require a minimum lot size of 3,000 square feet; for multi-family dwellings 7,000 square feet is required. As the name suggests, development in RMF-24 zoning limits density to 24 units or fewer per acre. C-1 has no bulk and area regulations or density limitations. Most of the surrounding neighborhood is zoned RSF-4, Residential Single-family, Four Units per Acre which allows only single-family dwellings by-right. Single family lots in RSF-4 properties require a 70-foot lot width, 8,000 square foot lot area, and limit density to four units per acre. Staff finds that rezoning to RI-U provides flexible bulk and area regulations and compatible housing types which may facilitate appropriate and contextually sensitive development of the site. Tree canopy, hydric soils, a streamside protection zone, and slopes exceeding 15% along the stream bank suggest a conservation-style subdivision could perhaps be the highest appropriate use of the property. This development pattern is likely more achievable in RI-U zoning considering the lot’s narrow street frontage, approximately 90 feet, and overhead utility lines encumbering much, if not all, of its frontage.

Land Use Plan Analysis: Staff finds that the request is consistent with the Future Land Use Map designation, adopted land use policies, and goals of City Plan 2040. The area is designated as a Residential Neighborhood Area, which calls for a mix of housing types in appropriate areas. Staff finds two-, three-, and four-family dwellings as a permitted use is consistent with the future land use designation. The infill score is moderate for the area, which indicates an intermediate zoning

district may be the most suitable. Since it is within a half-mile radius of the subject property, Finger Park contributes to the score however, I-49 separates the park from the subject property, and it therefore is not an easily accessible amenity for residents. Staff finds that rezoning from the current multi-family and commercial entitlements would better align a potential development pattern with the accessible services. Lastly staff finds the rezoning contributes towards City Plan 2040 Goals #1 – Appropriate Infill, 2 – Discourage Suburban Sprawl, and 6 – Create Opportunities for Attainable Housing.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates 6-7 attributes for this site that may contribute to appropriate infill. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Avenue)
- Near Sewer Main (W. Custer Lane)
- Near Water Main (W. Custer Lane)
- Near City Park (Finger Park)
- Near City Trail (Town Branch Trail; W. 18th Street Bike Lane)
- Near ORT Bus Stop (Route 48 Peak, W. 15th Street)
- Within Master Plan Area (Fayette Junction Neighborhood Plan)

DISCUSSION:

At the August 22, 2022, Planning Commission meeting, a vote of 7-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Johnson made the motion and Commissioner Brink seconded. Commissioner Sparkman suggested rezoning the property would bring it into better alignment with the comments offered by the public. Commissioner McGetrick agreed and felt existing easements would inhibit a dense development pattern. Commissioner Johnson agreed. Commissioner Winston also spoke in support of the request, noting that it aligned with the Fayette Junction Master Plan. Commissioner Garlock offered support for the request but said he would not support variances, if they were requested, involving the protected stream. Several members of the public spoke during the August 22nd Planning Commission meeting. Their comments are summarized in the Public Comment section of the report above.

BUDGET/STAFF IMPACT:

N/A

Attachments:

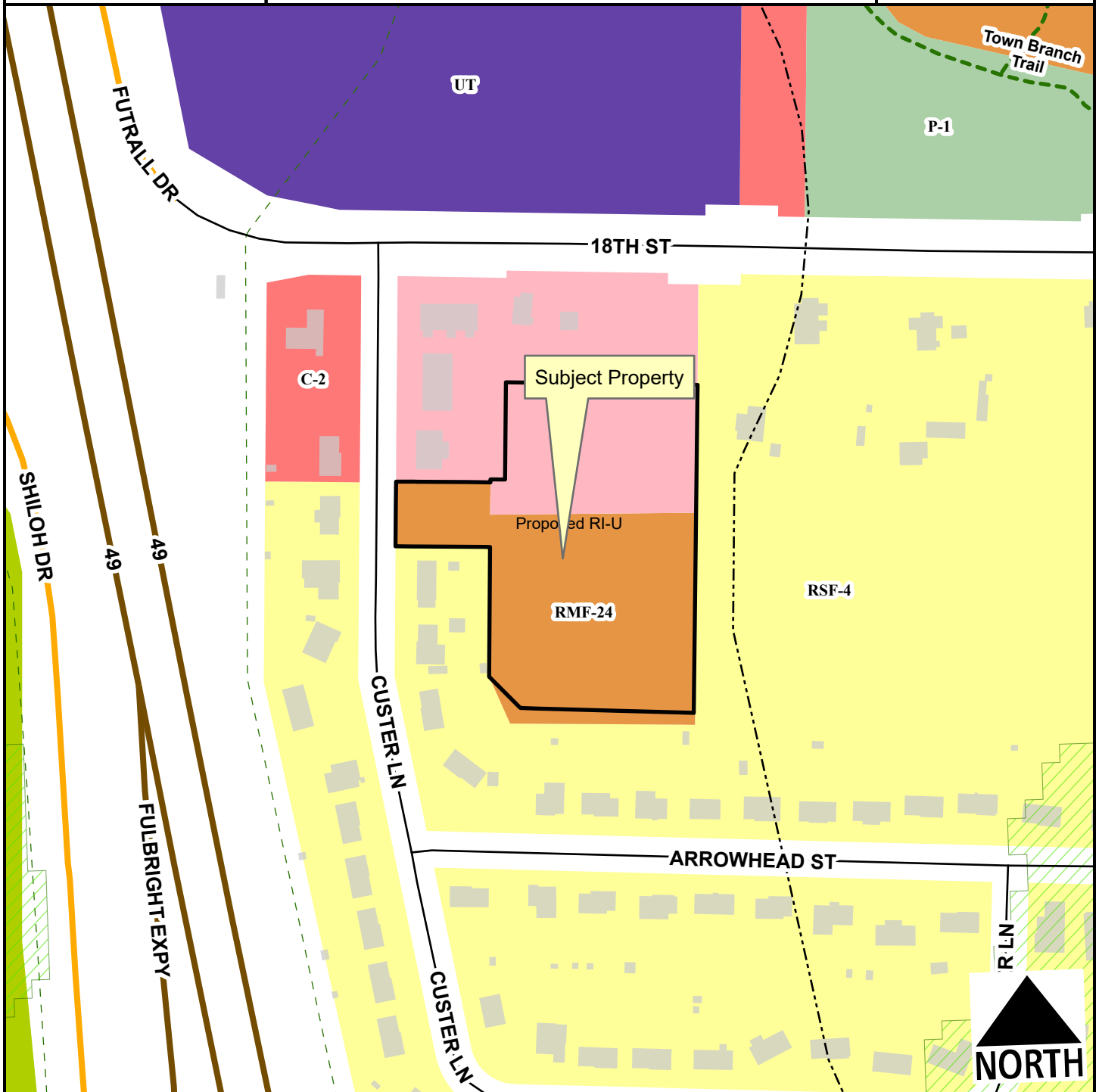
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2022-0037

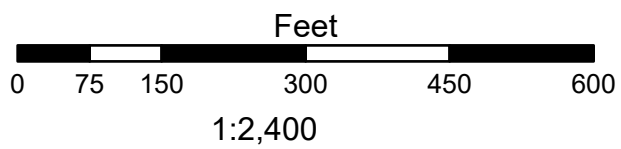
W. 18TH ST & W. CUSTER LN.

RZN-2022-0037
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Freeway/Expressway
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits



Zoning	Acres
RI-U	3.1
Total	3.1

PARCEL #765-04067-000

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" CAPPED REBAR PLS #1005 MARKING THE SOUTHEAST CORNER OF LOT 6, BLOCK 1, RED ARROW NO. 2 SUBDIVISION AS SHOWN ON PLAT BOOK 3, PAGE 234, AND RUNNING THENCE ALONG THE EAST LINE OF BLOCK 1 OF SAID SUBDIVISION N02°29'30"E, PASSING THROUGH A FOUND 1/2" CAPPED REBAR PLS #1005 MARKING THE SOUTHEAST CORNER OF LOT 4, BLOCK 1 AT A DISTANCE OF 178.36', CONTINUING A DISTANCE OF 89.23' TO A FOUND 1/2" CAPPED REBAR PLS #1005 MARKING THE NORTHEAST CORNER OF LOT 4, BLOCK 1 AND CONTINUING FOR A TOTAL DISTANCE OF 271.71' TO A FOUND 1/2" CAPPED REBAR PLS #1005; THENCE LEAVING SAID EAST LINE S87°13'09"E, PASSING THROUGH A FOUND 1/2" CAPPED REBAR PLS #1005 MARKING THE SOUTHEAST CORNER OF LOT 3, BLOCK 1 AT A DISTANCE OF 19.93' AND CONTINUING FOR A TOTAL DISTANCE OF 153.90' TO A FOUND 1/2" REBAR; THENCE N02°34'49"E 133.66' TO A FOUND 1/2" REBAR; THENCE S87°14'48"E 129.52' TO A FOUND 5/8" REBAR; THENCE S02°41'10"W 451.51' TO A FOUND 1/2" REBAR LOCATED ON THE NORTH LINE OF LOT 12, BLOCK 1 OF SAID SUBDIVISION, AND RUNNING ALONG SAID NORTH LINE N86°22'55"W, PASSING THROUGH A FOUND 1/2" REBAR AT A DISTANCE OF 232.46' AND CONTINUING FOR A TOTAL DISTANCE OF 238.73' TO A FOUND 1/2" CAPPED REBAR PLS #1005; THENCE N42°54'14"W 60.97' TO THE POINT OF BEGINNING, CONTAINING 2.425 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

PARCEL #765-04068-000

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" CAPPED REBAR PLS #1005 MARKING THE SOUTHEAST CORNER OF LOT 3, BLOCK 1, RED ARROW NO. 2 SUBDIVISION AS SHOWN ON PLAT BOOK 3, PAGE 243, AND RUNNING THENCE ALONG THE EAST LINE OF LOTS 2 AND 3, BLOCK 1, OF SAID SUBDIVISION N02°33'36"E 133.60' TO A FOUND 1/2" CAPPED REBAR PLS #1005; THENCE LEAVING SAID EAST LINE S87°14'48"E 134.01' TO A FOUND 1/2" REBAR; THENCE S02°34'49"W 133.66' TO A FOUND 1/2" REBAR; THENCE N87°13'09"W 133.97' TO THE POINT OF BEGINNING, CONTAINING 0.411 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

PARCEL #765-09853-000

LOT 4, BLOCK 1, RED ARROW NO. 2, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 3, PAGE 243 OF THE PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Ryan Umberger, Senior Planner

MEETING DATE: August 22, 2022 (Updated with Planning Commission Results)

SUBJECT: **RZN-2022-0037: Rezoning (SE OF W. 18TH ST & W. CUSTER LN/SOUTHERN LIVING CONSTRUCTION LLC, 598):** Submitted by COMMUNITY BY DESIGN for property located SE OF W. 18TH ST & W. CUSTER LN. The property is split-zoned RMF-24, RESIDENTIAL MULTI-FAMILY - TWENTY-FOUR UNITS PER ACRE and C-1, NEIGHBORHOOD COMMERCIAL and contains approx. 3.10 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE - URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2022-0037** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2022-0037** to City Council with a recommendation of approval."

BACKGROUND:

The subject property is in southwest Fayetteville along W. Custer Lane, approximately 300 feet south of its intersection with W. 18th Street. The property contains three lots totaling roughly 3.10 acres and is split-zoned RMF-24, Residential Multi-family - Twenty-Four Units per Acre and C-1, Neighborhood Commercial. It is included in the Fayette Junction planning area. Aside from overhead electric lines the site is entirely undeveloped and largely covered by mature tree canopy. An unnamed tributary of the Town Branch, part of the Beaver Reservoir, bisects the eastern half of the property. The stream is protected per the streamside protection ordinance and its associated protection zone encumbers roughly half of the site. Each half of the property slopes gradually to the stream channel. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	C-1, Neighborhood Commercial.
South	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre; C-2, Thoroughfare Commercial
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the property from RMF-24, Residential Multi-family - Twenty-Four Units per Acre and C-1, Neighborhood Commercial, to RI-U, Residential Intermediate-

Urban. The applicant has not submitted an associated development proposal but suggests the rezoning will facilitate a development of single- and two-family dwellings on the property.

Public Comment: Staff has received some inquires and public comment on the rezoning but no comments in favor or opposed to the specific request. Residents expressed opposition to the property's current zoning entitlements, issues with the limited street frontage, the streamside protection zone, and a desire to maintain a portion of the existing vegetation as a buffer.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along the east side of W. Custer Lane. W. Custer Lane is a partially improved Residential Link street with asphalt paving, curb and gutter, but no sidewalks. 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 6-inch water main is present along the west side of W. Custer Lane.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present along the east side of W. Custer Lane. Another existing 8-inch sewer main is present across the northern portion of the property.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 990 S. Hollywood Avenue, protects this site. The property is located approximately 0.9 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: No portion of the property is within the Hillside-Hilltop Overlay District, nor does the property lie within a FEMA floodplain.

Hydric soils are present on the subject property. They 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 is 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. Hydric soils are present throughout the entirety of the subject property.

A protected stream is present in the subject area. Streamside Protection Zones generally consist of a protected area on each side of a stream or creek. This protected area is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, the protected area will be 50 feet wide as measured from the top of bank but, depending on the shape and extent of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. The streamside protection area is present on the west side of the subject property. Any additional improvements or requirements for drainage will be determined at time of development.

Tree Preservation:

The proposed zoning district of RI-U requires **15% minimum canopy preservation**. The current zoning districts, RMF-24, Residential Multi-Family, 24 Units per Acre and C-1 Neighborhood Commercial require a **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 **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **6-7** for this site, with a weighted score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Avenue)
- Near Sewer Main (W. Custer Lane)
- Near Water Main (W. Custer Lane)
- Near City Park (Finger Park)
- Near City Trail (Town Branch Trail; W. 18th Street Bike Lane)
- Near ORT Bus Stop (Route 48 Peak, W. 15th Street)
- Within Master Plan Area (Fayette Junction Neighborhood Plan)

FINDINGS OF THE STAFF

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

Finding:

Land Use Compatibility: Staff finds the request to be mostly compatible with the neighboring land uses. Except for a commercial building to the northwest and two- and four-family dwellings immediately to the north, the subject property is surrounded entirely by single-family residences. Rezoning to RI-U permits a variety of housing types but effectively reduces use entitlements because Use Unit 26, Multi-family dwellings would no longer be a permitted use. All other by-right uses allowed under RI-U zoning are identical to RMF-24. RI-U allows multi-family dwellings as a conditional use and otherwise has similar conditional uses apart from Use Unit 11, Manufactured Home Park and Use Unit 25, Professional Offices which are allowed in RMF-24 but not in RI-U. Slightly over an acre of the northern extents of the property is currently zoned C-1 which is a mostly commercial district allowing restaurants, neighborhood shopping, gas stations, and offices by-right. On the other hand, the bulk and area, and density regulations in RI-U are considerably different than both current entitlements and the surrounding neighborhood. RI-U allows lots to be developed with an 18-foot width, no lot area minimum, and no density limitation. RMF-24 prescribes lot width and area based on use, allowing a 35-foot minimum for single-family dwellings up to a 70-foot minimum for multi-family dwellings. Single-family dwellings require a minimum lot size of 3,000 square feet; for multi-family dwellings 7,000 square feet is required. As the name suggests, development in RMF-24 zoning limits density to 24 units or fewer per acre. C-1 has no bulk and area regulations or density limitations. Most of the surrounding neighborhood is zoned RSF-4, Residential Single-family, Four Units per Acre which allows only single-family dwellings by-right. Single family lots in RSF-4 properties require a 70-foot lot width, 8,000 square foot lot area, and limit density to four units per acre. Staff finds that rezoning to RI-U provides flexible bulk and area regulations and compatible housing types which may facilitate appropriate and contextually sensitive development of the site. Tree canopy, hydric soils, a streamside protection zone, and slopes exceeding 15% along the stream bank suggest a conservation-style subdivision could perhaps be the highest appropriate use of the property. This development pattern is likely more achievable in RI-U zoning considering the lot's narrow street frontage, approximately 90 feet, and overhead utility lines encumbering much, if not all, of its frontage.

Land Use Plan Analysis: Staff finds that the request is consistent with the Future Land Use Map designation, adopted land use policies, and goals of City Plan 2040. The area is designated as a Residential Neighborhood Area, which calls for a mix of housing types in appropriate areas. Staff finds two-, three-, and four-family dwellings as a permitted use is consistent with the future land use designation. The infill score is moderate for the area, which indicates an intermediate zoning district may be the most suitable. Since it is within a half-mile radius of the subject property, Finger Park contributes to the score however, I-49 separates the park from the subject property, and it therefore is not an easily accessible amenity for residents. Staff finds that rezoning from the current multi-family and commercial entitlements would better align a potential development pattern with the accessible services. Lastly staff finds the rezoning contributes towards City Plan 2040 Goals #1 – Appropriate Infill, 2 – Discourage Suburban Sprawl, and 6 – Create Opportunities for Attainable Housing.

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 current entitlements are not reflective of the current land use surroundings. Rezoning to RI-U is justified because it better aligns the permitted uses of the property while offering a flexible development pattern.

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

Finding: Rezoning the property from RMF-24 and C-1 to RI-U has an associated potential to increase traffic generation beyond existing entitlements due to an unlimited density maximum. Staff finds, however, that other protections offered by the development code including parking, tree preservation, and drainage regulations will serve to limit development in a way that does not negatively impact danger and congestion in the area.

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 RI-U has the potential to increase population density. Staff finds that this request is still compatible with the location and would not place an undue burden on public services.

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-2022-0037.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(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 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 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 60% 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.

(Ord. No. 5945 , §5(Exh. A), 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."

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

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

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

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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

161.21 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas. 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 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 25	Offices, studios, and related services
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(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	10 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	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 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 40% 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(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; 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. 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, 4, 5, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §4, 1-18-22)

July 13, 2022
Via EnerGov

Ms. Jessica Masters
Zoning and Development Administrator
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: **Custer Lane – Rezone Request
Submittal Package**

Ms. Masters,

As a representative of the owner of Washington County Parcels 765-09853-000, 765-04067-000, and 765-04068-000, I respectfully request the City of Fayetteville to approve an ordinance to rezone the subject properties from the existing zoning classifications of C-1 and RMF-24 to the Residential Intermediate Urban (RI-U) Zoning District. Please find the following documents required for processing the rezoning request:

- One (1) copy of Exhibit #1 – Survey Description of Property to be Rezoned
- One (1) copy of Exhibit #2 – County Parcel Map
- One (1) copy of Exhibit #3 – Written Description of Request per City of Fayetteville Rezoning Application
- One (1) copy of a consent of owner form

The owner of the property is making plans to build single or two-family buildings on the property. The primary reason for the zoning change request is that the owner would like to utilize the more flexible bulk, area, and setback regulations that the RI-U zoning district offers. The RI-U district encourages a more compact development area making possible more tree and streamside preservation. Compared to the existing C-1 and RMF-24 zoning districts, buildings will be smaller scaled and much more in accordance with the building typology found elsewhere in the neighborhood.

Please let me know if you have any questions or if you need additional information in order to process this request.

Sincerely,



Brian Teague
Community By Design

573 Rockcliff Rd.
Fayetteville, AR 72701
August 15, 2022

Ryan Umberger, Senior Planner
125 W. Mountain St
Fayetteville, AR 72701

Dear Mr. Umberger:

I write regarding Lot 4, Block 1 in Red Arrow secondsubdivision in Fayetteville. This lot is currently zoned RMF-24, Residential Multi-family, twenty-four units per acre. I believe this is an inappropriate zoning for that parcel which I explain below.

This lot is original to the Red Arrow Subdivision which extends south and east to Ashwood St. and north to Eighteenth St. Red Arrow Subdivision was built as primarily single-family dwellings. There are two two-family dwellings on West Custer north of this lot and two two-family dwellings on Arrowhead near East Custer Lane. The dwellings across the street from this lot are single family homes.

I recently spoke to AEP regarding this lot. As you know AEP has a large electric transmission pole on the lot. AEP tells me **no structure** can be built on the lot other than their pole.

For these reasons the current zoning on Lot 4, Block 1 is misleading and incorrect.

A new property owner purchased Lot 4, Block 1 in May of this year. This new property owner also purchased the larger parcel adjoining Lot 4 to the east, also zoned RMF-24. The larger parcel has no other access to an existing street; this larger parcel is landlocked. I understand this new owner has plans to develop both parcels, perhaps using Lot 4, Block 1 as a roadway to the larger parcel.

I think using a small platted vacant lot as the **only** roadway for many vehicles is a disservice to this old established modest neighborhood. This is an older neighborhood where homes range in size from mostly 900 square feet to one recent-build that is 1493 square feet. There are no sidewalks in Red Arrow; residents taking an afternoon stroll use the street. There are currently at least 13 young children living in Red Arrow; they use the street to play and visit friends. These children will certainly be at risk with additional traffic.

I own a vacant lot at the south end of West Custer. I contemplated building a house and hired an architect to design plans for me. The architect reported that the City's Stream Side Protection Ordinance meant most of the lot was unbuildable because of the stream running along the east side of the lot. The design she submitted to me showed a long, skinny house aligned against the western boundary of the property. I have held off building for now.

If my vacant lot is severely restricted by the Stream Side Protection Ordinance then surely Lot 4 is similarly restricted by the same ordinance.

For all of the reasons above I believe Lot 4 should not be used as an entrance to a much higher density development. Fayetteville has a serious shortage of modestly-priced housing suitable for family living; let's protect this lovely neighborhood.

Sincerely,

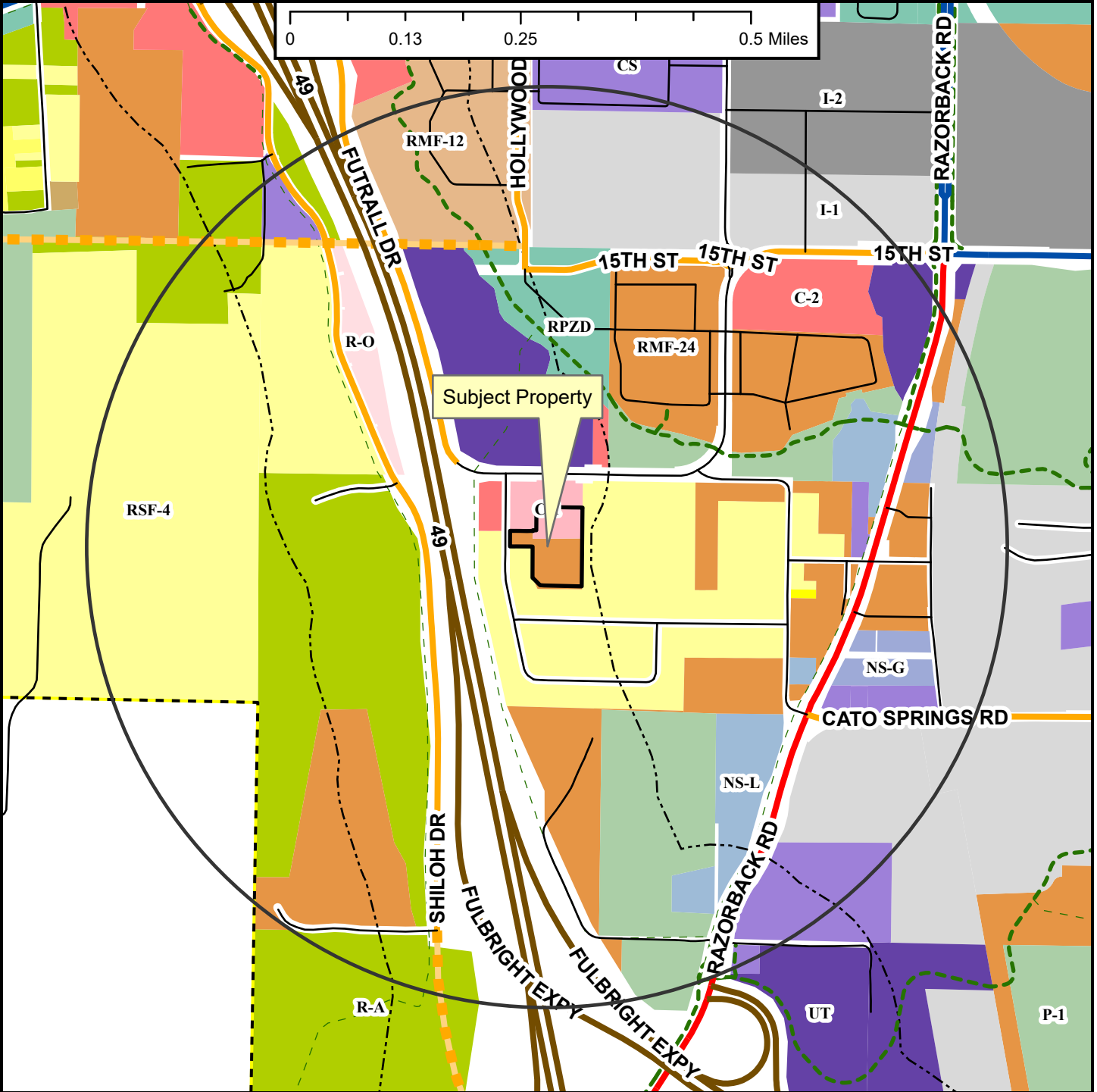
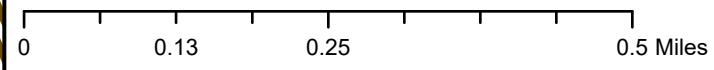


Sue Madison

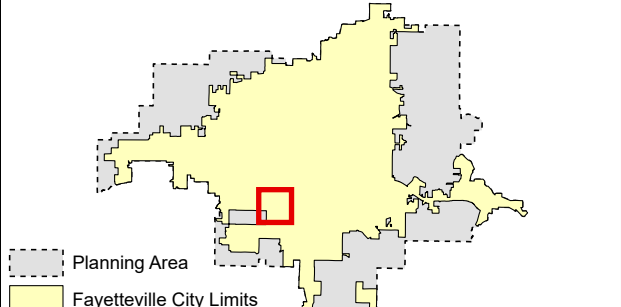
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W. 18TH ST & W. CUSTER LN.

One Mile View



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



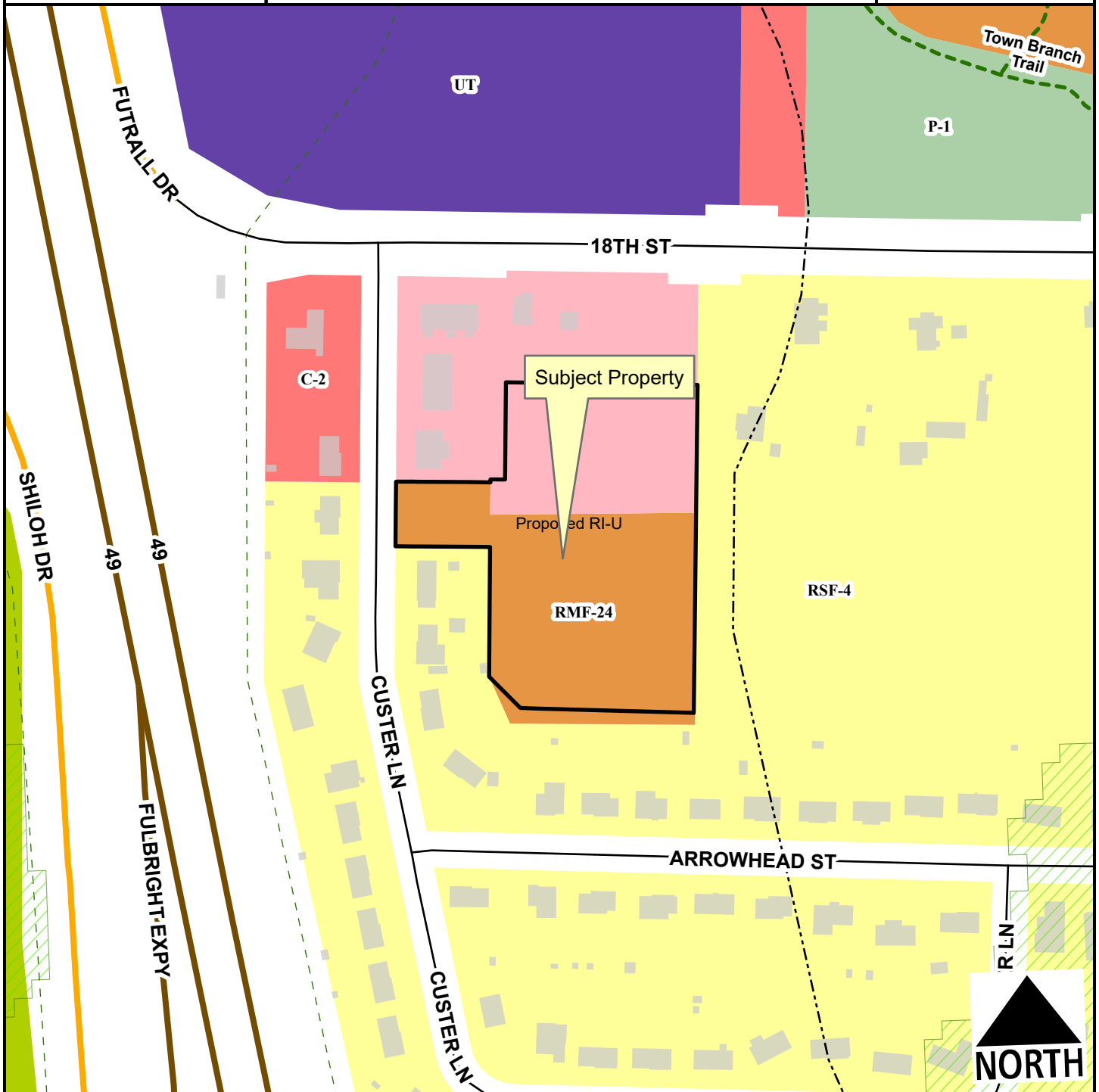
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RM-12
 - NS-L
 - Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
 - E-1
- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

Planning Commission August 22, 2022

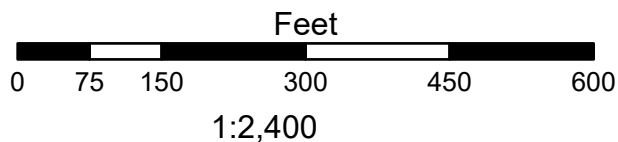
RZN-2022-0037

W. 18TH ST & W. CUSTER LN.

Close Up View



- Neighborhood Link
- Freeway/Expressway
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits



Zoning	Acres
RI-U	3.1
Total	3.1

RZN-2022-0037

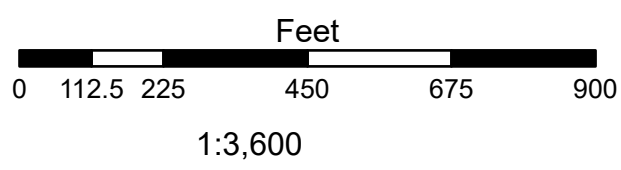
W. 18TH ST & W. CUSTER LN.



Current Land Use



- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Planning Commission
August 22, 2022

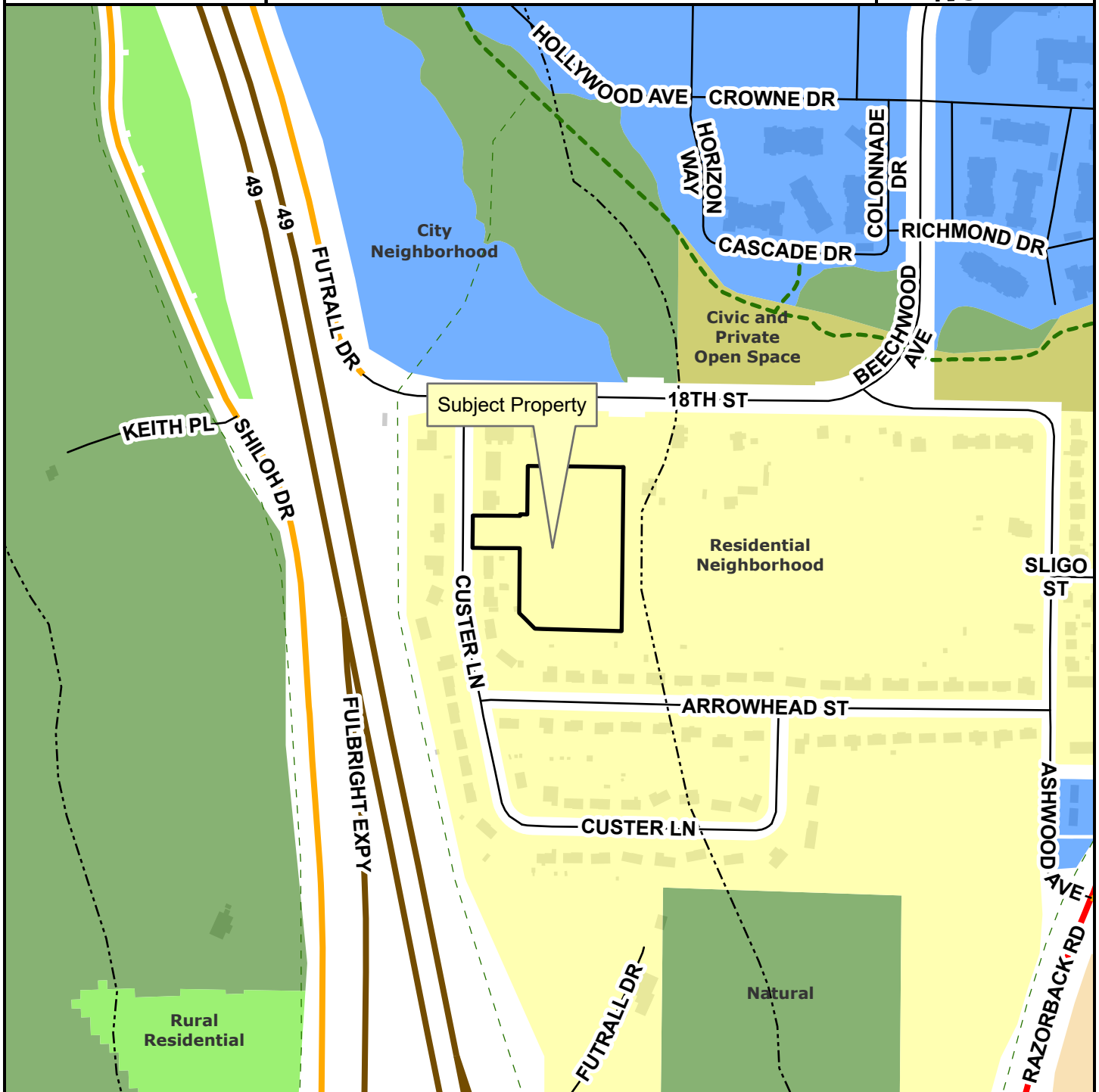
Agenda Item 14

RZN-2022-0037

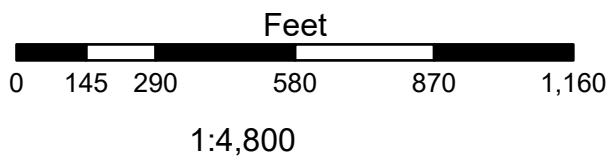
W. 18TH ST & W. CUSTER LN.



Future Land Use



- Regional Link
- Neighborhood Link
- Freeway/Expressway
- Unclassified
- 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