



**MEETING OF MARCH 7, 2023**

**TO:** Mayor Jordan and City Council

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

**FROM:** Ryan Umberger, Senior Planner

**DATE:**

**SUBJECT:** **RZN-2023-0002: Rezoning (SE OF N. GREGG AVE AND W. ELM ST/LEGACY VENTURES LLC, 367): Submitted by COMMUNITY BY DESIGN for properties located SE OF N. GREGG AVE AND W. ELM ST in WARD 2. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contain approximately 1.71 acres. The request is to rezone 0.76 acres of the subject property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and 0.95 acres to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

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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 properties are immediately southeast of the intersection of N. Gregg Avenue and W. Elm Street. The site is composed of two lots totaling 1.71 acres and is zoned RSF-4, Residential Single-family, 4 Units per Acre. No existing structures occupy the property, though there are overhead transmission lines along the south boundary. There is dense vegetation throughout the site but no zoning overlays or special regulations apply.

*Request:* The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre to RI-12, Residential Intermediate, 12 Units per Acre RI-U, Residential Intermediate-Urban.

*Public Comment:* Staff has received public comment in favor and opposed to the rezoning. A letter of support states they are agreeable due to prior high-quality development that has been completed by the applicant. A letter opposing the rezoning states a preference for single-family development and identified issues with vehicular and bicycle safety. Staff also received a pair of phone calls opposing the rezoning identifying issues with tree removal and degradation of wildlife habitats, exacerbating dangerous traffic conditions, increased density, and that there is no assurance that affordable housing would be developed. Additional public comment in opposition to the request was heard at the February 13th Planning Commission meeting. Those who spoke said rezoning would cause or worsen issues with traffic, site access, increased density, and tree removal.

*Land Use Compatibility:* Staff finds the request to rezone the subject properties to RI-12 and RI-U is compatible given the surrounding context. Properties in the near vicinity are primarily used for residential purposes with

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some non-residential uses further afield to the north or separated by street and railroad right-of-way to the west. Two-family up to multi-family dwellings are present to the south along N. Gregg Avenue; to the north, west, and east properties are mostly developed with single-family homes. RSF-4 limits the use of the property to single-family dwellings and accessory uses. Rezoning broadens the permitted housing types, allowing everything from single- up to four-family dwellings by-right. RI-12 and RI-U prescribe the inclusion of a build-to-zone which requires that buildings address the public street where RSF-4 has a 15-foot front setback. Cluster housing developments are permitted by-right in RI-12 and RI-U zoning where they are a conditional use in RSF-4. The proposed rezoning would increase the permitted density at the site. RI-12 limits density to 12 units per acre and RI-U has an unlimited density.

Of the overall lot area, 0.76 acres of the east and south sides of the property are proposed to be rezoned to RI-12; 0.95 acres along the west side of the property is proposed to be rezoned to RI-U. Staff also finds that the bulk and area regulations are suitable and not out of context with the surrounding properties. The east and south extents are proposed to be rezoned to RI-12. In RI-12 zoning single family developments are permitted the smallest lot size with 50-foot minimum widths and 5,000 square foot minimum areas. Two-family dwellings have the same minimum lot width but require 7,260 square feet in area, and three-family dwellings and above require 90-foot lot widths and 10,890 square foot lots. RI-12 zoning merely requires an 18-foot lot width minimum for residential uses, meaning the higher density development pattern would be likeliest to occur along N. Gregg Avenue where there are other mixed density residential developments. The inclusion of a build-to-zone with the RI-12 and RI-U zoning districts also requires that buildings address N. Gregg Avenue which promotes walkability and pedestrian friendliness along a street lacking comfortable amenities.

*Land Use Plan Analysis:* Staff finds the proposal is consistent with the goals in City Plan 2040 and the future land use designation for this location. Rezoning to RI-12 and RI-U serves to contribute towards City Plan 2040 goals #1 – Appropriate Infill, 4 – Growing a Livable Transportation Network, and 6 – Create Opportunities for Attainable Housing. First, the site scores moderately on the Infill Scoring Matrix. Rezoning would put added residential density on properties with ready access to basic development needs such as public streets, water, and sanitary sewer. The property is also proximate to multiple schools including a Woodland Junior High, The New School, and the Fayetteville Montessori School. Rezoning aligns with Goal #4 since additional residential density would be located near multiple transit routes, non-residential uses and employment centers like the VA Medical Center.

Last, rezoning allows more diverse housing options than its current entitlements. A range of single- to four-family dwellings provides more opportunity for affordable options than a strictly single-family district. The request is consistent with the future land use map which designates the site as split between a Residential Neighborhood and City Neighborhood Area. Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. City Neighborhood Areas encourage density in all housing types provide and provide a varying mix of nonresidential and residential uses. Staff finds the subject rezoning will help facilitate redevelopment of an infill site rather than contributing to suburban sprawl, create opportunities for diverse and attainable housing, and promotes residential development that is connected to non-residential services.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates 7-9 attributes for this site that may contribute to appropriate infill. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #2, 708 N. Garland Avenue)
- Near Sewer Main (8" sewer main, N. Gregg Avenue & W. Elm Street)
- Near Water Main (18" sewer main, N. Gregg Avenue & W. Elm Street)
- Near Public School (Woodland Junior High)

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- Near City Park (Gregory Park)
- Near ORT Bus Stop (Route 10)
- Near Razorback Transit Stop (Route 26 Peak)
- Near Paved Trail (Woodland Poplar Trail & Scull Creek Trail)
- Appropriate Future Land Use (City Neighborhood Area)

**DISCUSSION:**

At the February 13, 2023, Planning Commission meeting, a vote of 7-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner Brink made the motion and Commissioner Canada seconded. Commissioners in favor of the rezoning found the request aligned with the surrounding context and the future land use map designation. Commissioner Garlock opposed the rezoning citing traffic and increased density among his concerns. Three members of the public spoke in opposition to the request during the meeting. Those who spoke asserted that rezoning would worsen traffic, especially without understanding how the site would be accessed. They also identified issues with increased density and tree removal.

**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** Corrected SRF, Exhibit A, Exhibit B, Corrected PC Report

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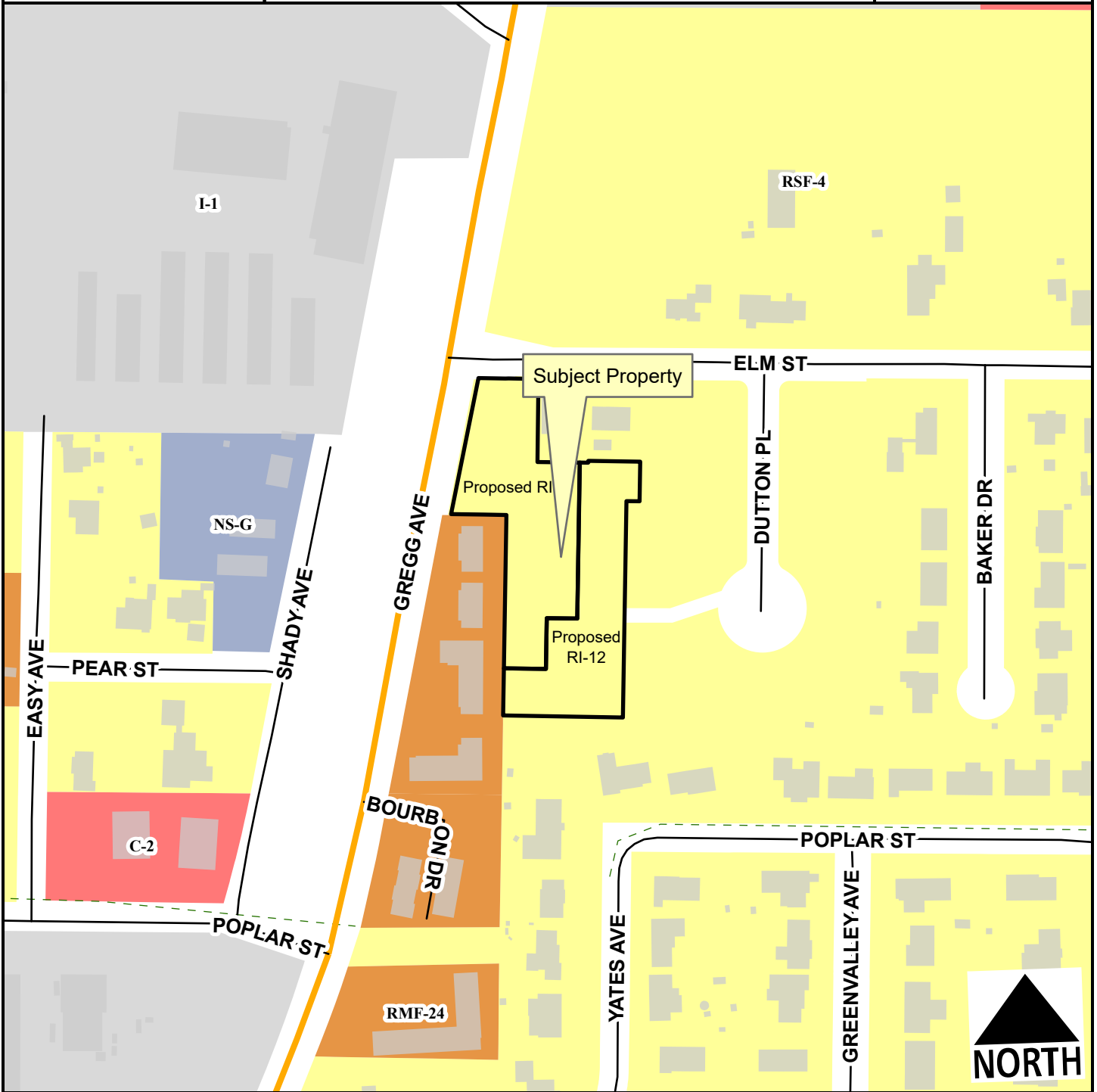
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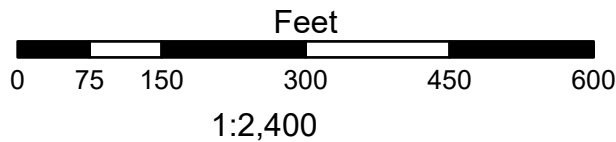
# N. GREGG AVE AND W. ELM ST

RZN-2023-0002  
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
RI-U	0.0	1.7
RSF-4	1.7	0.0

Total 1.7 ac