



**MEETING OF SEPTEMBER 19, 2023**

**TO:** Mayor Jordan and City Council

**THRU:** Susan Norton, Chief of Staff  
Jonathan Curth

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

**DATE:**

**SUBJECT:** **RZN-2023-0020: Rezoning (741 E. HUNTSVILLE RD/JONES, 564): Submitted by BERT JONES for property located at 741 E. HUNTSVILLE RD in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.34 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 south Fayetteville along E. Huntsville Road, approximately 300 feet east of the intersection with S. Morningside Drive. The property contains roughly 1.34 acres and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. The southern portion of the property is currently developed with a 2,168 sq. ft. single-family home, constructed in 1946. On the north side of the property is a 1,450 sq. ft. accessory structure containing an apartment and carport/workshop. No portion of the property currently falls within an overlay district.

*Request:* The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre to CS, Community Services.

*Public Comment:* Staff received inquiries from the public about the proposal, but no statements in direct opposition to or support of the request.

**DISCUSSION:**

*Land Use Compatibility:* Staff finds the request to be compatible with the surrounding context. While the property is developed with a single-family home and associated outbuildings, the property under its current zoning entitlement could be developed with single-family homes at a density of up to 4 units per acre, which is a lower density allowance than would be permitted in the immediately surrounding properties. To the east and south the property is zoned NC, Neighborhood Conservation, which allows up to 10 units per acre, and is currently under development with the Park Meadows subdivision. To the west is zoned CS, Community Services, and a large site improvement plan was approved on this property in 2022 for 5 multi-family structures. While building permits have not yet been issued on the property, the applicant has an active

---

Mailing address:

113 W. Mountain Street  
Fayetteville, AR 72701

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)

grading permit on the site for this associated development. CS allows for a height requirement of up to 5 stories, with an associated front 10-foot setback and build-to-zone between 10-25 feet from the property line. Approving this rezoning would allow for compatible transition from the property to the west as far as scale, height, and setbacks. As far as use is considered, staff also finds this request to be appropriate. CS allows for anything from single-family to neighborhood amenities such as offices and small scale retail. With the associated development in the surrounding area, staff finds this request is compatible.

*Land Use Plan Analysis:* Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 8, and the appropriate Future Land Use designation as a City Neighborhood Area contributes to this score. A high infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. The request meets Goals 1 and 6 of City Plan 2040 by potentially providing infill development and the possibility for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing. The request also aligns with Goal 3, since the mixed-use potential in the CS zoning district and its adjacency to residential uses allows for the development of a complete neighborhood that is connected and compact. The property is located approximately halfway between two identified Tier 3 centers as outlined in City Plan 2040. While this is not located strictly within a Tier center, staff finds that the proposal still offers the potential for neighborhood-scale and micro-retail locations in a convenient location for surrounding residents.

**CITY PLAN 2040 INFILL MATRIX:** City Plan 2040's Infill Matrix indicates a ranging score of **5-7** for this site. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #3, 1050 S. Happy Hollow)
- Near Sewer Main (6-inch main, E. Huntsville Road)
- Near Water Main (6-inch main, E. Huntsville Road)
- Near City Park (Doc Mashburn Park)
- Near Paved Trail (E. Huntsville Road On-Street Bike Lane)
- Near ORT Bus Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood Area)

**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** SRF, EXHIBIT A, EXHIBIT B, Planning Commission Staff Report, Ord RZN 23-20 - 741 E Huntsville Rd

---

Mailing address:

113 W. Mountain Street  
Fayetteville, AR 72701

[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)



**TO:** Fayetteville Planning Commission

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

**MEETING DATE:** August 28, 2023 **Updated with results from 8/28/2023 PC Meeting**

**SUBJECT:** **RZN-2023-0020: Rezoning (741 E. HUNTSVILLE RD/JONES, 564): Submitted by BERT JONES for property located at 741 E. HUNTSVILLE RD.** The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.34 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

**RECOMMENDATION:**  
Staff recommend forwarding **RZN-2023-0020** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**  
*“I move to forward **RZN-2023-0020** to City Council with a recommendation of approval.”*

**BACKGROUND:**  
The subject property is in south Fayetteville along E. Huntsville Road, approximately 300 feet east of the intersection with S. Morningside Drive. The property contains roughly 1.34 acres and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. The southern portion of the property is currently developed with a 2,168 sq. ft. single-family home, constructed in 1946. On the north side of the property is a 1,450 sq. ft. accessory structure containing an apartment and carport/workshop. No portion of the property currently falls within an overlay district. Surrounding land uses and zoning is depicted in *Table 1*.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre; NC, Neighborhood Conservation
West	Undeveloped (Multi-Family Residential Approved)	CS, Community Services

**Request:** The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre to CS, Community Services

**Public Comment:** Staff have received inquiries from the public about the proposal, but no statements in direct opposition to or support of the request.

## INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

**Streets:** The subject area has frontage along E. Huntsville Road, which is a fully improved neighborhood link street with asphalt paving, curb and gutter, and sidewalk. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

**Water:** Public water is available to the subject area. An existing 6-inch water main is present on the north side of E. Huntsville Road.

**Sewer:** Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present in the South side of E.Huntsville Road.

**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 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 0.8 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 a FEMA floodplain, has hydric soils, nor is a protected stream present in the area. No portion of the site is within the Hillside-Hilltop Overlay District.

### Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre requires **25% 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 **City Neighborhood Area**.

**City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of 5-7 for this site, with a weighted score of 8. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #3, 1050 S. Happy Hollow)
- Near Sewer Main (6-inch main, E. Huntsville Road)
- Near Water Main (6-inch main, E. Huntsville Road)
- Near City Park (Doc Mashburn Park)
- Near Paved Trail (E. Huntsville Road On-Street Bike Lane)
- 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:* Staff finds the request to be compatible with the surrounding context. While the property currently is only developed with a single-family home and associated outbuildings, the property under its current zoning entitlement could be developed with single-family homes at a density of up to 4 units per acre, which is a lower density allowance than would be permitted in the immediately surrounding properties; to the east and south the property is zoned NC, Neighborhood Conservation, which allows up to 10 units per acre, and is currently under development with the Park Meadows subdivision. To the west is zoned CS, Community Services, and a large site improvement plan was approved on this property in 2022 for 5 multi-family structures. While building permits have not yet been issued on the property, the applicant has an active grading permit on the site for this associated development. Given the development surroundings, staff finds that the request is appropriate. CS allows for a height requirement of up to 5 stories, with an associated front 10-foot setback and build-to-zone between 10-25 feet from the property line. Approving this rezoning would allow for compatible transition from the property to the west as far as scale, height, and setbacks. As far as use is considered, staff also finds this request to be appropriate. CS allows for anything from single-family to neighborhood amenities such as offices and small scale retail. With the associated development in the surrounding area, staff finds this request is compatible.

*Land Use Plan Analysis:* Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 8, and the appropriate Future Land Use designation as a City Neighborhood Area contributes to this score. A high infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. The request meets Goals 1 and 6 of City Plan 2040, by potentially providing infill development and the possibility for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing. The request also aligns with Goal 3, since the mixed-use

potential in the CS zoning district and its adjacency to residential uses allows for the development of a complete neighborhood that is connected and compact. The property is located approximately halfway between two identified Tier 3 centers as outlined in City Plan 2040. While this is not located strictly within a Tier center, staff finds that the proposal still offers the potential for neighborhood-scale and micro-retail locations in a convenient location for surrounding residents.

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

**Finding:** Staff finds that a rezoning to CS, Community Services is justified. While the applicant has not submitted any specific development plans for the area, the uses, allowances, and restrictions that accompany the CS zoning district are compatible with existing land uses as well as with future land use goals.

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

**Finding:** Rezoning to CS has an associated potential to increase traffic at this location. CS permits development at an unlimited density where it is currently limited to 4 units per acre. Staff finds that the potential to increase the number of residential units is marginal given the size of the lot and available access, and unlikely to result in increased traffic danger or congestion. Considerations for any necessary improvements to access or street infrastructure would be evaluated at the time of development.

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 to CS could increase population density and therefore the load on public services; however, the impact is not expected to be detrimental. Adequate water and sewer connections are available to the site, suggesting the area can support the increase and avoid costly extensions to services. 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-2023-0020 to City Council with a recommendation of approval.**

---

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>
Date: <u>August 28, 2023</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: <b>Brink</b> with a recommendation of approval
Second: <b>Payne</b>
Vote: <b>9-0-0</b>

---

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.22 Community Services
- Applicant 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
-------------------------	-----------

(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. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend 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
-------------------------	-----------

(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)

Editor's note(s)—Ord. No. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

July 13, 2023

City of Fayetteville  
Planning Commission  
125 W Mountain Street  
Fayetteville, AR 72701

Dear Commissioners,

We are requesting a change in zoning for our property at 741 E Huntsville Road. The property is currently zoned RSF-4 and we are requesting to rezone to CS (Community Services). We don't have any current plans to redevelop the property, but would like to market it to potential developers.

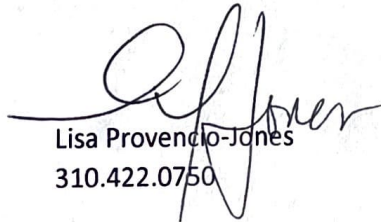
We have spoken to a member of the Planning Department and feel that rezoning this property to CS would not adversely affect the surrounding neighborhood. As you know, the property to our immediate west, owned by Rausch-Coleman, is zoned CS. There is a lot of very exciting development being done to our east, as well.

Please consider our request to rezone our property. Feel free to contact us with any questions.

Warmest regards,



Robert 'Bert' Jones  
479.721.3314

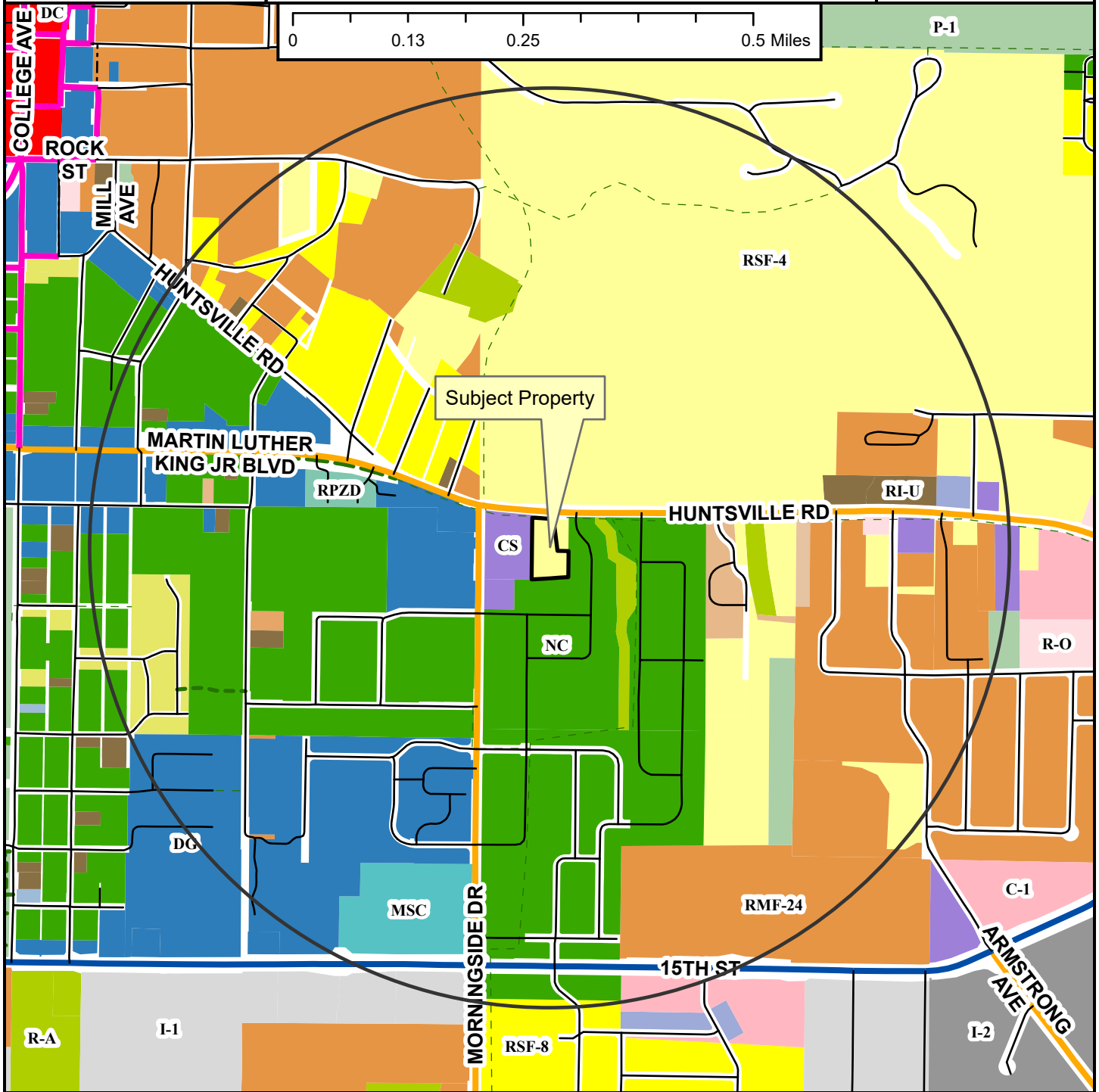
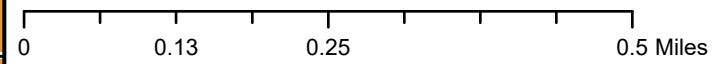


Lisa Provencio-Jones  
310.422.0750

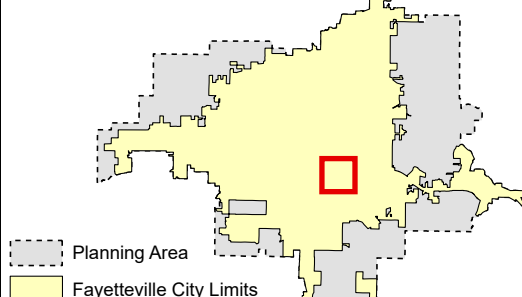
RZN-2023-0020

# 741 E HUNTSVILLE RD

One Mile View

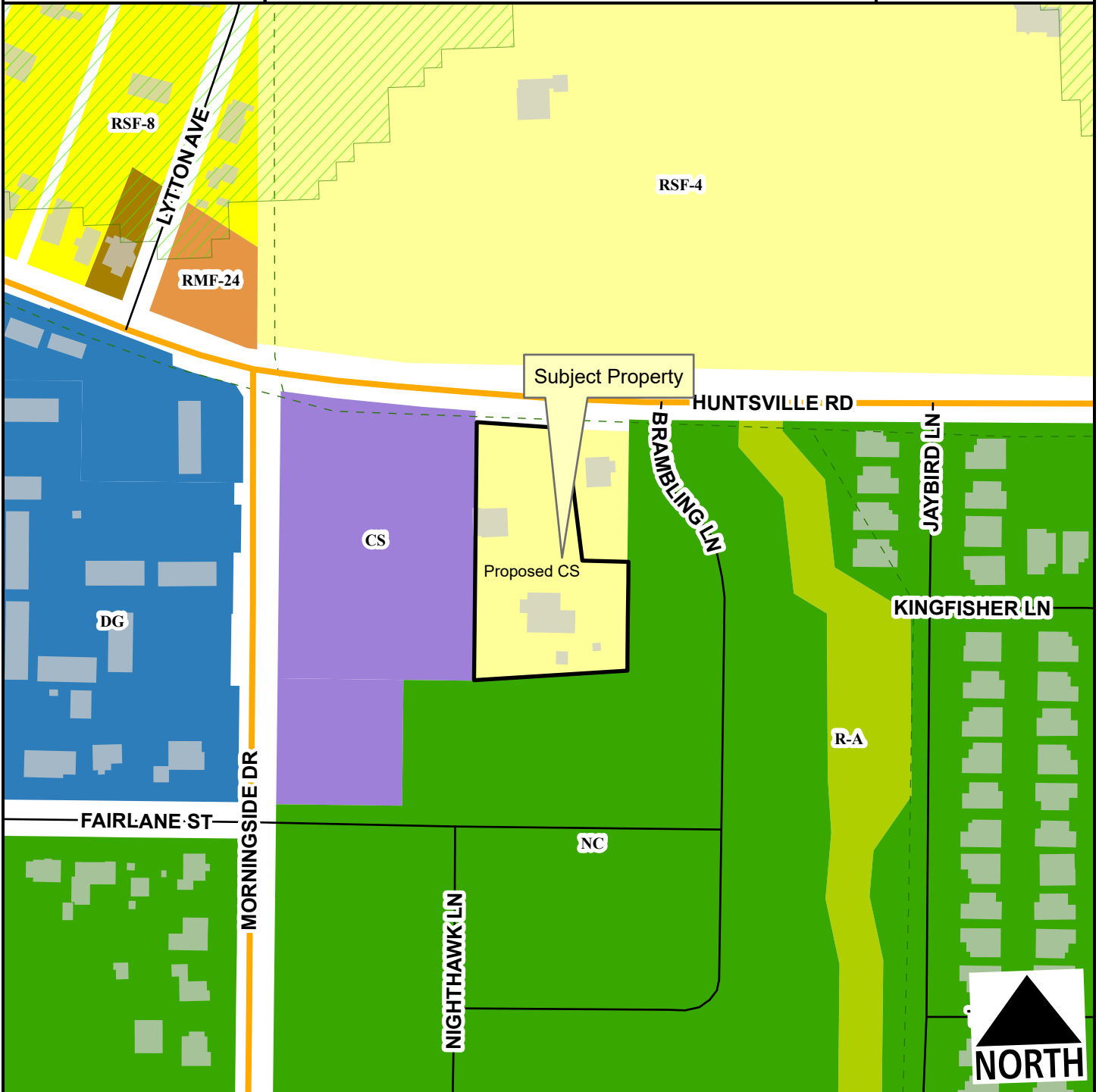


- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

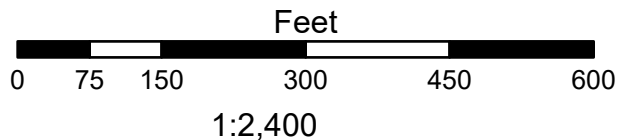


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RH-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial and Light Industrial
  - I-2 General Industrial
- EXTRACTION**
  - E-1
- COMMERCIAL**
  - Residential-Office
  - C-1
  - C-2
  - C-3
- FORM BASED DISTRICTS**
  - Downtown Core
  - Urban Thoroughfare
  - Main Street Center
  - Downtown General
  - Community Services
  - Neighborhood Services
  - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
  - Commercial, Industrial, Residential
- INSTITUTIONAL**
  - P-1

Close Up View



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



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
CS	0.0	1.3
NC	0.0	0.0
RSF-4	1.3	0.0

**Total 1.3 ac**



RZN-2023-0020

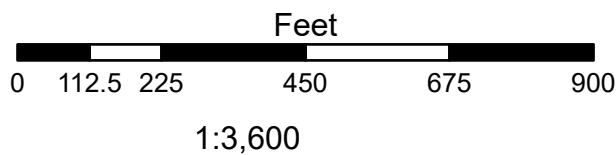
# 741 E HUNTSVILLE RD



Current Land Use



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



### FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

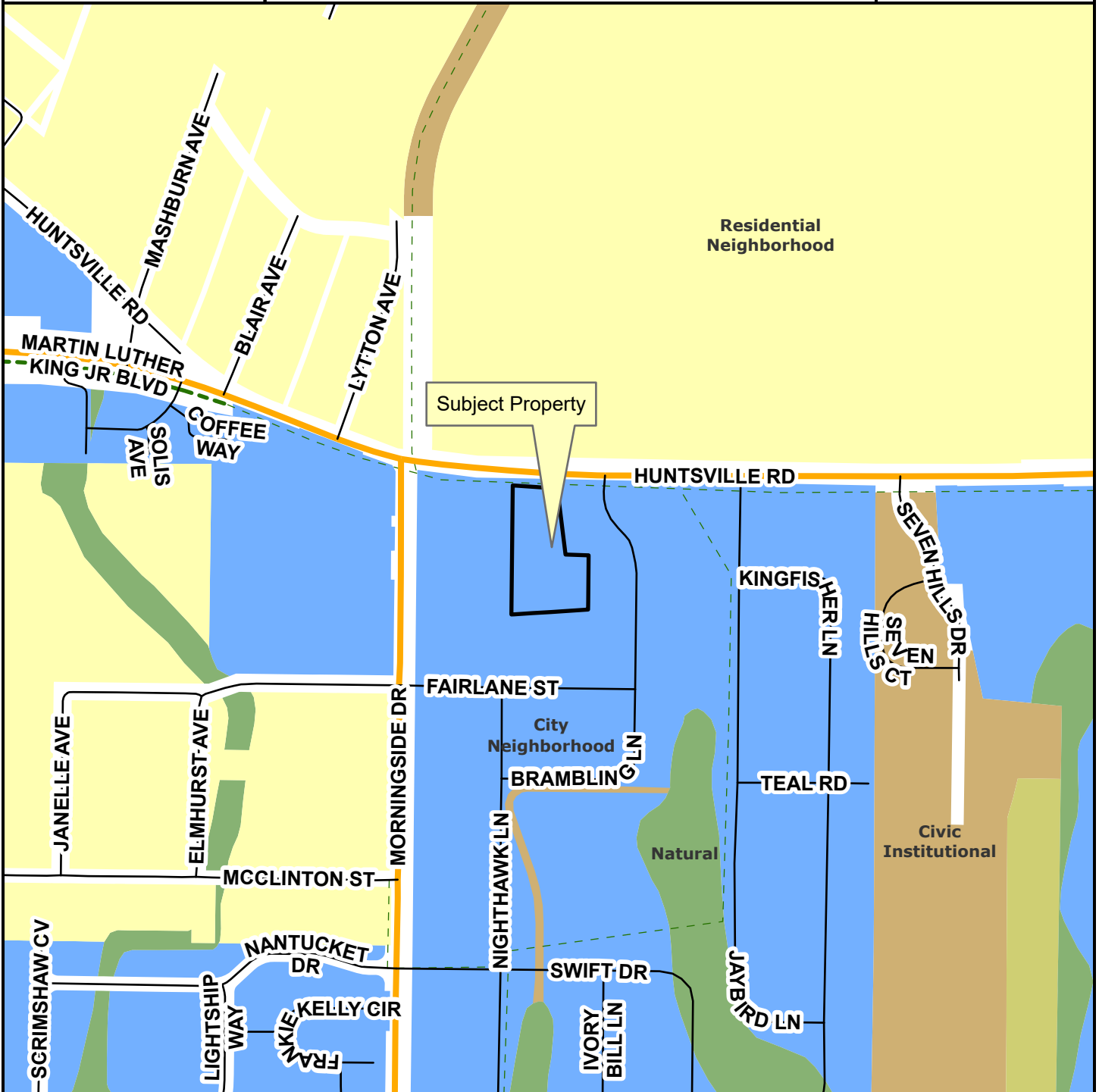


RZN-2023-0020

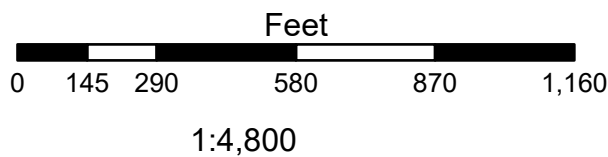
# 741 E HUNTSVILLE RD



Future Land Use



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



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