



# City of Fayetteville, Arkansas

113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

## Legislation Text

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**File #:** 2024-1669

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**RZN-2023-0034: Rezoning (WEST OF S. RAZORBACK RD./LOONEY, 599): Submitted by COMMUNITY BY DESIGN for property located WEST OF S. RAZORBACK RD. in WARD 1. The property is zoned NS-L, NEIGHBORHOOD SERVICES - LIMITED and contains approximately 3.06 acres. The request is to rezone the property to R-A, RESIDENTIAL-AGRICULTURAL and UT, URBAN THOROUGHFARE.**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-034 FOR APPROXIMATELY 3.06 ACRES LOCATED WEST OF SOUTH RAZORBACK ROAD NEAR THE TOWN BRANCH TRAIL IN WARD 1 FROM NS-L, NEIGHBORHOOD SERVICES – LIMITED TO R-A, RESIDENTIAL-AGRICULTURAL AND UT, URBAN THOROUGHFARE

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department’s Agenda Memo from NS-L, Neighborhood Services – Limited to R-A, Residential-Agricultural and UT, Urban Thoroughfare.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.



**MEETING OF FEBRUARY 6, 2024**

**TO:** Mayor Jordan and City Council

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

**FROM:** Gretchen Harrison, Senior Planner

**DATE:**

**SUBJECT:** **RZN-2023-0034: Rezoning (WEST OF S. RAZORBACK RD./LOONEY, 599): Submitted by COMMUNITY BY DESIGN for property located WEST OF S. RAZORBACK RD. in WARD 1. The property is zoned NS-L, NEIGHBORHOOD SERVICES - LIMITED and contains approximately 3.06 acres. The request is to rezone the property to R-A, RESIDENTIAL-AGRICULTURAL and UT, URBAN THOROUGHFARE.**

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**RECOMMENDATION:**

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The subject property is in south Fayetteville on the west side of Razorback Road, just south of Town Branch and about one-fifth of a mile south of the street's intersection with 15<sup>th</sup> Street. The property contains one parcel totaling 3.06 acres which, with the exception of the Town Branch Trail that bisects the northern portion of the property, is undeveloped. It received its current zoning designation of NS-L, Neighborhood Services – Limited, as the result of a staff-initiated rezoning associated with the implementation of the Fayette Junction Neighborhood Plan (RZN 11-3892). Portions of the property are located within a FEMA-designated floodplain and hydric soils and a protected stream are present on site.

**Request:** The request is to rezone the subject property from NS-L, Neighborhood Services - Limited to R-A, Residential-Agricultural and UT, Urban Thoroughfare.

**Public Comment:** Staff received no public comment regarding this request prior to Planning Commission.

**Land Use Compatibility:** Staff finds the requested rezoning to be mostly compatible with existing land use and zoning patterns in the surrounding area. The subject property is bordered to the north, east, and west by multi-family dwellings, and it's bordered to the south by smaller lots which are either undeveloped or developed with single-family dwellings. Access to the property is limited with a portion of Razorback Road that is owned and maintained by the Arkansas Department of Transportation (ARDOT) being the only public street adjacent to the site. Platted right-of-way is present to the south which could eventually be developed to provide access to the site from Sligo Street. Opportunities for cross connectivity are otherwise limited due to the presence of a protected stream, Town Branch, which roughly serves as the north and west boundary of the site. Rezoning

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0.73 acres of land along the north side of the property to R-A, Residential-Agricultural could help to conserve that protected stream and the land surrounding it by limiting the scale and nature of development in that area. Rezoning the remainder of the site to UT, Urban Thoroughfare, could allow for increased development outside sensitive areas which may be comparable to, and compatible with, adjacent residential uses. While the applicant has indicated an intent to develop the southern half of the site with a mixture of single-, two-, three-, and four-family dwellings and potentially some commercial uses, staff acknowledges that a rezoning to UT would allow for a greater variety of land uses by right, including gasoline service stations, transportation trades and services, and liquor stores. Those uses are not permitted or conditional uses in the existing NS-L zoning district. The applicant has also indicated that, while the land uses permitted in the NS-L zoning district are generally aligned with their development plans for the site, they are pursuing a rezoning to UT in order to provide greater flexibility in terms of lot size, density, and setbacks. While a rezoning to CS, Community Services may be more appropriate, since that zoning district has comparable lot size, density, and setback requirements with more restrictive land use allowances, staff finds UT to be generally compatible with the zoning and development patterns in the surrounding area.

Land Use Plan Analysis: Staff finds the applicant's request to be mostly consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood and Natural Area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to R-A and UT could support those designations since a rezoning to R-A could help conserve natural areas, and a rezoning to UT could support the development of a mixed-use center along a major thoroughfare. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage increased development in an area that has a relatively high infill score ranging between 6 and 9, and since it would allow for the creation of additional housing units near a paved trail and bus routes. Staff finds that the requested rezoning may run afoul with Goal 3 of City Plan 2040, though, since it would allow for increased development on a site that currently has limited opportunities for cross connectivity.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a score range between 6 and 9 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (12-inch and 24-inch main, on site)
- Near Water Main (six-inch main, Razorback Road)
- Near U of A Campus
- Near City Park (Town Branch Trail Corridor)
- Near Paved Trail (Town Branch Trail)
- Near Razorback Bus Stop (Route 48)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Fayette Junction Neighborhood)

#### **DISCUSSION:**

At the January 8, 2024, Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Payne made the motion and Commissioner Brink seconded it. Commissioners found the applicant's request to be consistent with the goals outlined in City Plan 2040 and the Fayette Junction Neighborhood Plan and offered little comment on the item. One member of the public spoke in support of the rezoning and stated that they found it to be aligned with the City's future land use plans. Another member of the public spoke up to ask the applicant how he intends to preserve natural areas on site. The applicant responded by saying that, at the time of development, he will preserve the portion of the site that is proposed to be rezoned to R-A, Residential-Agricultural.

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**BUDGET/STAFF IMPACT:**

N/A

**ATTACHMENTS:** SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6), RZN-2023-0034 2024 FEMA Map Exhibit (#7)

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**TO:** Fayetteville Planning Commission

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

**FROM:** Gretchen Harrison, Senior Planner

**MEETING DATE:** January 8, 2024 (updated with results)

**SUBJECT:** **RZN-2023-0034: Rezoning (WEST OF S. RAZORBACK RD./LOONEY, 599):** Submitted by COMMUNITY BY DESIGN for property located WEST OF S. RAZORBACK RD. The property is zoned NS-L, NEIGHBORHOOD SERVICES - LIMITED and contains approximately 3.06 acres. The request is to rezone the property to R-A, RESIDENTIAL-AGRICULTURAL and UT, URBAN THOROUGHFARE.

**RECOMMENDATION:**

Staff recommends forwarding **RZN-2023-0034** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*“I move to forward **RZN-2023-0034** to City Council with a recommendation of approval.”*

**DECEMBER 11, 2023 PLANNING COMMISSION MEETING:**

On December 11, 2023, the Planning Commission voted to table this item until January 8, 2024 at the request of the applicant. Their original request was to rezone the property from NS-L to R-A and RI-U, though they asked to table their request to give themselves time to consider alternative zoning designations.

**BACKGROUND:**

The subject property is in south Fayetteville on the west side of Razorback Road, just south of Town Branch and about one-fifth of a mile south of the street’s intersection with 15<sup>th</sup> Street. The property contains one parcel totaling 3.06 acres which, with the exception of the Town Branch Trail which bisects the northern portion of the property, is undeveloped. It received its current zoning designation of NS-L, Neighborhood Services – Limited as the result of a staff-initiated rezoning associated with the implementation of the Fayette Junction Neighborhood Plan (RZN 11-3892). Portions of the property are located within a FEMA-designated floodplain and hydric soils and a protected stream are present on site. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:  
Surrounding Land Uses and Zoning**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Town Branch Creek and Trail	P-1, Institutional
South	Undeveloped	NS-L, Neighborhood Services - Limited CS, Community Services RMF-24, Residential Multi-Family, 24 Units per Acre
East	Multi-Family Residential	NS-G, Neighborhood Services - General
West	Town Branch Creek and Trail	P-1, Institutional

*Request:* The request is to rezone the subject property from NS-L, Neighborhood Services - Limited to R-A, Residential-Agricultural and UT, Urban Thoroughfare.

*Public Comment:* To date, staff has received no public comment regarding this request.

## **INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:**

**Streets:** The subject property has frontage along Razorback Road, a partially improved Regional Link 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 not available to the subject property. A water main extension would be required at the time of development.

**Sewer:** Sanitary sewer is available to the subject property. An existing 12-inch sewer main is present, running east to west along the south side of the property. An existing 24-inch sewer main is also present along the north side of the site.

**Drainage:** Any improvements or requirements for drainage will be determined at the time of development submittal. No portion of the subject property lies within the Hillside/Hilltop Overlay District, though it is located within a FEMA-designated floodplain and protected streams and hydric soils are present on site. A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Streamside Protection Zones generally consists 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, it will be 50 feet wide as measured from the top of bank but depending on the shape and extents 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.

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.

**Fire:** Station 6, located at 990 S. Hollywood Ave., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time

of approximately four minutes using existing streets. The anticipated response time would be approximately 6.2 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 the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

**Tree Preservation:**

The proposed zoning districts, R-A, Residential-Agricultural and UT, Urban Thoroughfare, require **25% and 15% minimum canopy preservation**, respectively. The current zoning district of NS-L, Neighborhood Services - Limited requires **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 **City Neighborhood** and **Natural Areas**.

**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. City Neighborhood Areas encourage complete, compact, and connected neighborhoods and non-residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

**Natural Areas** consist of lands approximating or reverting to a wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **6-9** for this site with a weighted score of **9.5** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (12-inch and 24-inch main, on site)
- Near Water Main (six-inch main, Razorback Road)
- Near U of A Campus
- Near City Park (Town Branch Trail Corridor)
- Near Paved Trail (Town Branch Trail)
- Near Razorback Bus Stop (Route 48)
- Appropriate Future Land Use (City Neighborhood)
- Within Master Plan Area (Fayette Junction Neighborhood)

## 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 requested rezoning to be mostly compatible with existing land use and zoning patterns in the surrounding area. The subject property is bordered to the north, east, and west by multi-family dwellings and it's bordered to the south by smaller lots which are either undeveloped or developed with single-family dwellings. Access to the property is limited with a portion of Razorback Road that is owned and maintained by the Arkansas Department of Transportation (ARDOT) being the only public street adjacent to the site. Platted right-of-way is present to the south which could eventually be developed to provide access to the site from Sligo Street. Opportunities for cross connectivity are otherwise limited due to the presence of a protected stream, Town Branch, which roughly serves as the north and west boundary of the site. Rezoning 0.73 acres of land along the north side of the property to R-A, Residential-Agricultural could help to conserve that protected stream and the land surrounding it by limiting the scale and nature of development in that area. Rezoning the remainder of the site to UT, Urban Thoroughfare could allow for increased development outside of sensitive areas which may be comparable to, and compatible with, adjacent residential uses. While the applicant has indicated an intent to develop the southern half of the site with a mixture of single-, two-, three-, and four-family dwellings and potentially some commercial uses, staff acknowledges that a rezoning to UT would allow for a greater variety of land uses by right, including gasoline service stations, transportation trades and services, and liquor stores. Those uses are not permitted or conditional uses in the existing NS-L zoning district. The applicant has also indicated that, while the land uses permitted in the NS-L zoning district are generally aligned with their development plans for the site, they are pursuing a rezoning to UT in order to provide greater flexibility in terms of lot size, density, and setbacks. While a rezoning to CS, Community Services may be more appropriate, since that zoning district has comparable lot size, density, and setback requirements with more restrictive land use allowances, staff finds UT to be generally compatible with the zoning and development patterns in the surrounding area.

*Land Use Plan Analysis:* Staff finds the applicant's request to be mostly consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood and Natural Area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to R-A and UT could support those designations since a rezoning to R-A could help conserve natural areas, and a rezoning to UT could support the development of a mixed-use center along a major thoroughfare. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage increased development in an area that has a relatively high infill score ranging between 6 and 9, and since it would allow for the creation of additional housing units near a paved trail and bus routes. Staff finds that the requested rezoning may run afoul with Goal 3 of City Plan



**2040, though, since it would allow for increased development on a site that currently has limited opportunities for cross connectivity.**

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 proposed rezoning from NS-L to R-A and UT is justified since it would encourage the conservation of natural resources and the development of denser residences along a major thoroughfare. The existing NS-L zoning district has more limited bulk and area and setback regulations, and it does not allow multi-family dwellings by right.**

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

**Finding: A rezoning from NS-L to R-A and UT has the potential to increase traffic at this location when considering that UT would allow for development that is greater in density and intensity than the existing NS-L zoning. Staff also finds that allowing denser development on a property that has limited opportunities for cross access and only has frontage along a Regional Link Street could potentially result in the creation of increased traffic danger and congestion. However, staff finds that increased traffic danger and congestion could be offset by the property's proximity to the Town Branch Trail and a Razorback Transit bus stop.**

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: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets and sanitary sewer. A water main extension will be required, and any necessary upgrades or improvements to existing infrastructure will be determined, at the time of development. 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-2023-0034 to City Council with a recommendation of approval.**

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<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>
Date: <u>January 8, 2024</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded with a recommendation of approval <input type="checkbox"/> Denied
Motion: Payne
Second: Brink
Vote: 8-0-0

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**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Unified Development Code
  - §161.03 District R-A, Residential-Agricultural
  - §161.18 NS-L, Neighborhood Services – Limited
  - §161.24 Urban Thoroughfare
- Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

**161.03 District R-A, Residential-Agricultural**

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story 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 one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

**161.18 NS-L, Neighborhood Services - Limited**

(A) *Purpose.* The NS-L Neighborhood Services - Limited district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(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 12a	Limited Business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 45	Small scale production

(C) *Density.*

Units per acre	Ten (10) or less
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(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

Single-family	35 feet
Two (2) family or more	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback Regulations.*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	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 60% of the total area of the lot. Accessory ground mounted solar energy systems shall not be considered buildings.

## 161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None

Non-residential	None
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(2) *Lot area minimum.* None

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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\* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

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

(G) *Minimum buildable street frontage.* 50% of the lot width.

December 8, 2023

Via Email: [jmasters@fayetteville-ar.gov](mailto:jmasters@fayetteville-ar.gov)

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

**RE: Razorback Road Parcel 765-14877-000 – Rezone Request – RZN 2023 0034**

Ms. Masters,

I am writing to modify the rezone request previously submitted for this property on November 1, 2023. After further consideration, the Owner wishes to modify the request and replace the originally requested Residential Intermediate Urban (RI-U) proposed area with Urban Thoroughfare (UT). The originally requested Residential Agricultural (R-A) Zoning area remains a part of the proposal. Please find the following revised documents required for processing the rezoning request:

- One (1) copy of Exhibit #1 – Survey Descriptions of Property to be Rezoned
- One (1) copy of Exhibit #2 – Description Map of Property to be Rezoned
- One (1) copy of Exhibit #3 – Written Description of Request per City of Fayetteville Rezoning Application

The Owner of the property is making plans to build single, two, three, and four-family buildings and potentially mixed-use buildings on the property. The primary reason for the zoning change request is that the owner would like to utilize more flexible bulk, area, and setback regulations that other zoning districts offer. Along with an encouragement for mixed-use, the UT district provides the more flexible bulk, area, and setback regulations. Making possible a more compact development which will help to preserve trees and streamside in the area proposed for R-A zoning.

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

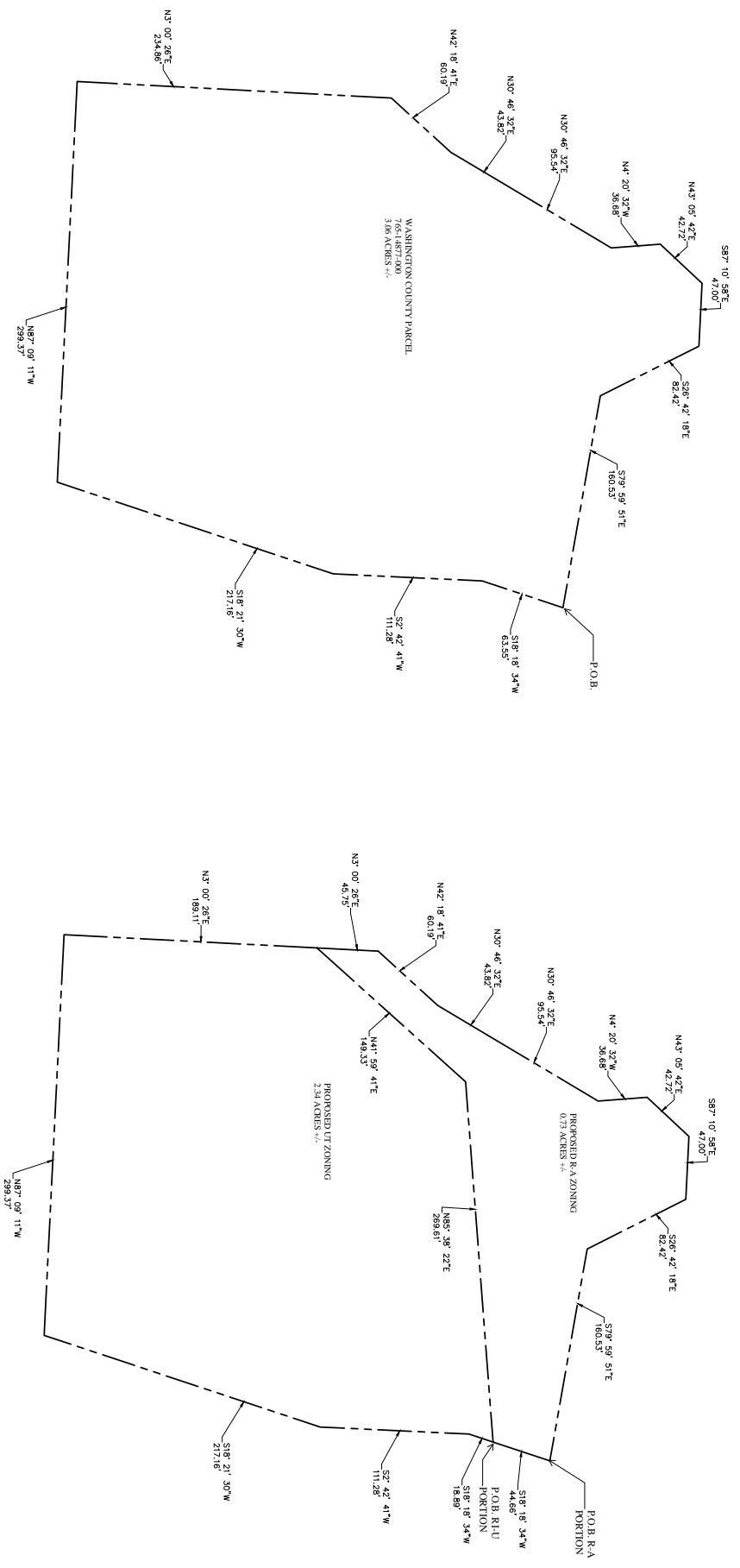
Sincerely,



Brian Teague  
Community By Design



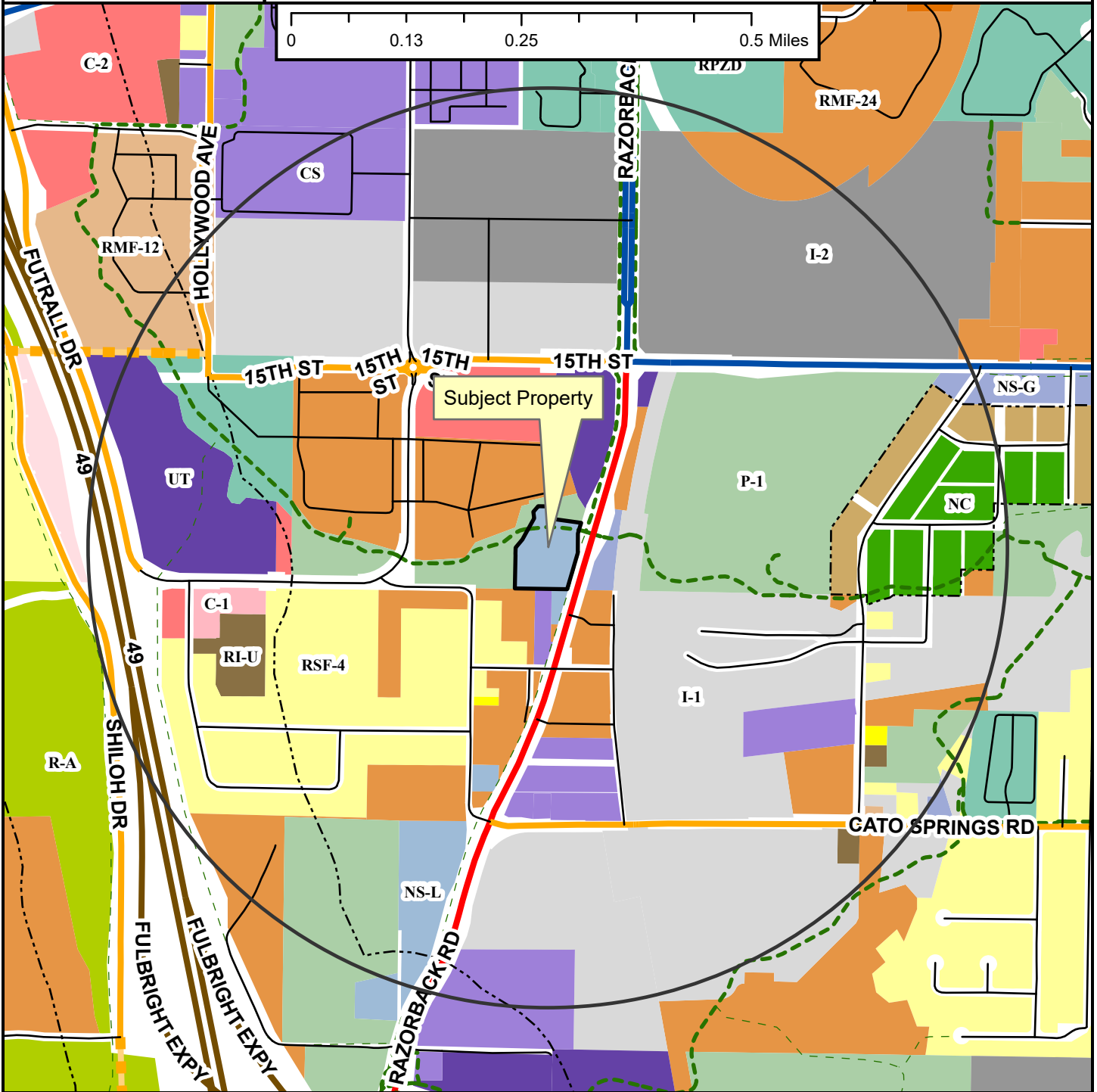
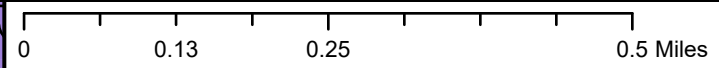
EXHIBIT 2 - DESCRIPTION MAP



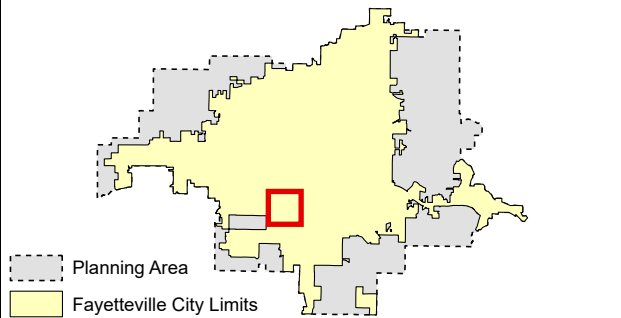
RZN-2023-0034

One Mile View

# S. RAZORBACK RD & W. NEATHERLAND WAY



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

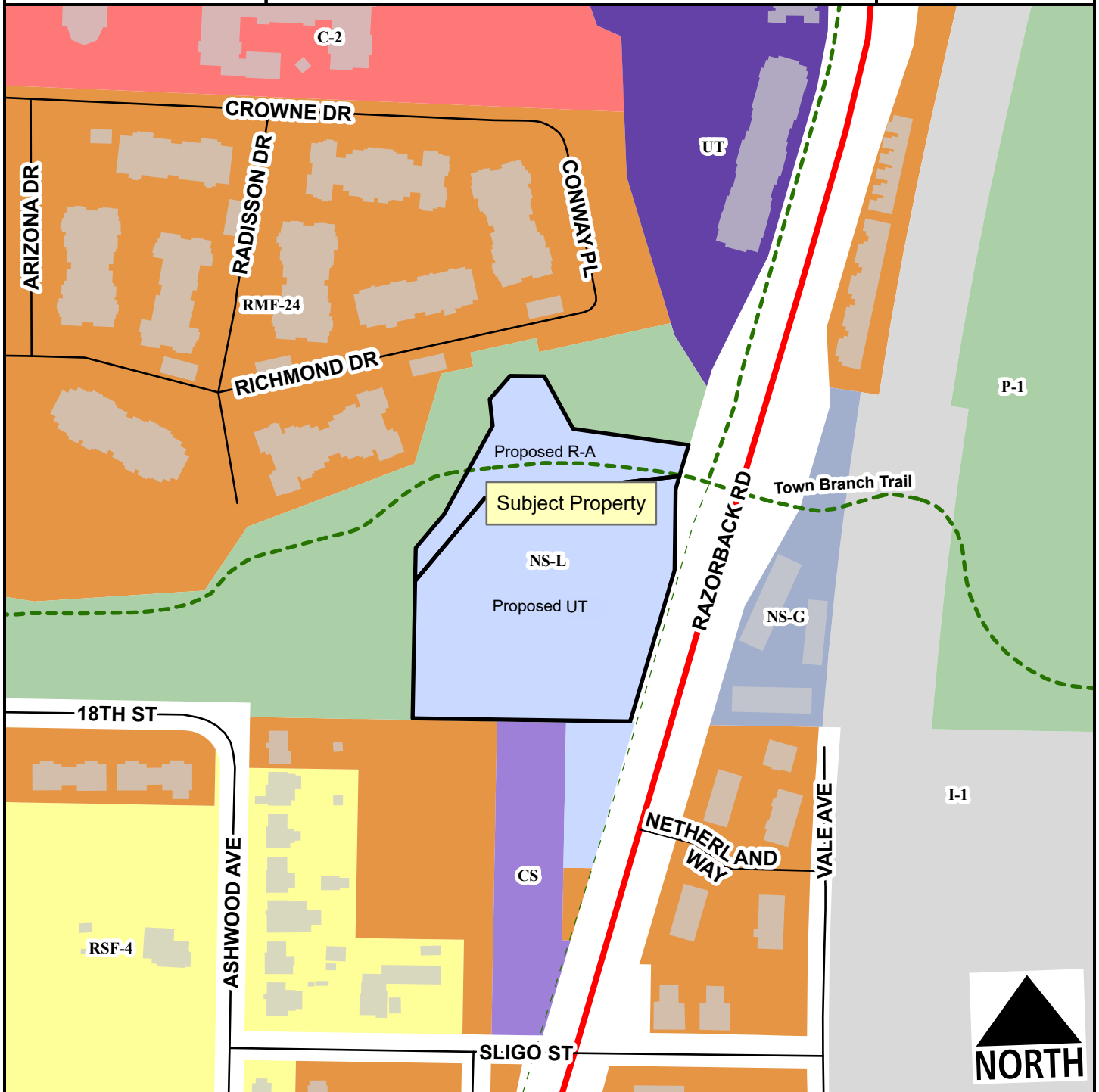


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
  - RH-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light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

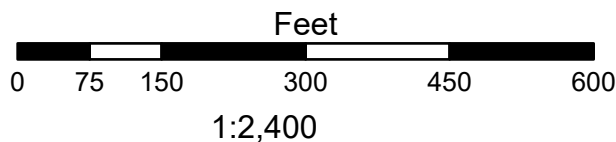
RZN-2023-0034

# S. RAZORBACK RD & W. NETHERLAND WAY

Close Up View



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



Zone	Current	Proposed
NS-L	3.1	0.0
UT	0.0	2.3
R-A	0.0	0.7

Total 3.0 ac



RZN-2023-0034

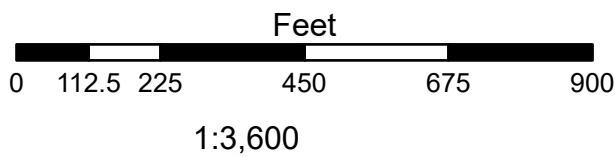
# S. RAZORBACK RD & W. NEATHERLAND WAY



Current Land Use



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



### FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



RZN-2023-0034

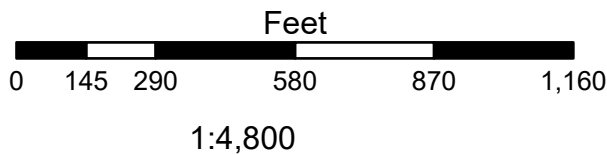
# S. RAZORBACK RD & W. NETHERLAND WAY



Future Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- 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