



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1878

RZN-2024-0006: Rezoning (5916 W. WEDINGTON DR./LEGACY VENTURES NWA, INC., 397): Submitted by LEGACY VENTURES NWA, INC. for property located at 5916 W. WEDINGTON DR. in WARD 4. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.28 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES - GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0006 FOR APPROXIMATELY 1.28 ACRES LOCATED AT 5916 WEST WEDINGTON DRIVE IN WARD 4 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES GENERAL

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 RSF-4, Residential Single-Family, Four Units Per Acre to NS-G, Neighborhood Services General.

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 APRIL 16, 2024

TO: Mayor Jordan and City Council

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

FROM: Donna Wonsower, Planner

SUBJECT: **RZN-2024-0006: Rezoning (5916 W. WEDINGTON DR./LEGACY VENTURES NWA, INC., 397): Submitted by LEGACY VENTURES NWA, INC. for property located at 5916 W. WEDINGTON DR. in WARD 4. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.28 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES - GENERAL.**

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 west Fayetteville along W. Wedington Dr. at the northwest corner of its intersection with N. 59th Ave. The property contains roughly 1.28 acres and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. The southern portion of the property is currently developed with a 1,549 sq. ft. single-family home, constructed in 1959. The property also contains an existing non-conforming 28'x43' garage that appears to be within the front setbacks and an 8'x10' outbuilding. While no protected stream, FEMA floodplain, or hydric soils are identified on site, nearly all the property falls within the Enduring Green Network.

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre to NS-G, Neighborhood Services-General.

Public Comment: One member of the public spoke at the March 11, 2024, Planning Commission meeting. Their comments are summarized in the discussion section of this memo.

Land Use Compatibility: Staff finds the request to be compatible with the surrounding, transitioning context. While the surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural or RSF-4, Residential Single-Family, Four Units per Acre, additional residential development appears to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, RI-12, Residential Intermediate, 12 Units per Acre to the northeast, and an RI-U development recently submitted for review to the south. There are few non-residential services available in the area, especially within close walking distance, which can be addressed by the allowance for small- and medium-scale services of the NS-G zoning district. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff does find that a rezoning to a higher density

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and potential for mixed uses is merited at the site. NS-G has a stated density maximum of 18 units per acre and allows up to three- and four-family dwellings by-right. Given by-right allowances in the development to the south and the property's location along a major corridor, staff finds that three- and four-family dwellings are likely compatible in this location.

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 area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types as well as low-intensity nonresidential uses on corners and along connecting corridors. The property is approximately 1,700 feet east of a Tier 3 Center, which the City Plan 2040 describes as "intended to serve the immediately surrounding residential areas" with a variety of development patterns. All centers are intended to be mixed-use nodes that are pedestrian-friendly areas served by current or future transit services. It is worth noting that the infill score for this neighborhood is low; however, the area is experiencing growth as shown by numerous recent rezoning requests and ongoing development. Additionally, staff finds the proposed zoning of NS-G can provide additional variety of housing types with by-right allowances up to three- and four-family dwellings while also permitting limited commercial uses in an area of the city that is currently lacking nonresidential services within a walkable or bikeable distance.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of **4-5** for this site. The following elements of the matrix contribute to the score:

- 4-Minute Fire Response (Station #7, 835 N. Ruppel Rd.)
- Near Sewer Main (6-inch main, W. Wedington Dr. & N. 59th Ave.)
- Near Water Main (2-inch main & 18-inch main, W. Wedington Dr.)
- Near City Park (Bundrick Park)
- Near Paved Trail (W. Wedington Dr. Side-Path Trail)

DISCUSSION:

The rezoning was originally heard at the March 11, 2024, Planning Commission meeting, where a vote of 9-0-0 tabled the item to the March 25, 2024 meeting. The applicant originally requested the CS, Community Services zoning district. Staff recommended denial of this request due to the intensity of the proposed district, finding it incompatible with this location. There was extensive discussion about whether the intended uses could be captured in either conditional use permits under the existing district or a rezoning to a lower intensity district, and what discussions had occurred with the applicant regarding other districts. Several commissioners noted that while commercial would likely be appropriate in this location, they felt that some of the permitted uses in CS such as fuel stations would be too intense for this location. One member of the public spoke at the March 11, 2024 Planning Commission meeting, stating that while she would be opposed to a high-density residential development with apartments, she would be supportive of commercial uses. She also stated that the applicant has maintained the property well since they purchased it, which had been an issue with the previous owner. After clarifying bulk and area requirements of the NS-G and NS-L districts as they apply to commercial uses, the item was tabled to provide time for the applicant to coordinate with staff regarding an alternative zoning district request. Commissioner Brink made the motion and Commissioner Payne seconded.

At the March 25, 2024, Planning Commission meeting, a vote of 7-0-0 forwarded the revised request of NS-G, Neighborhood Services - General to City Council with a recommendation of approval. Commissioner Garlock cited the high traffic corridor, need for commercial and mixed-use in this location, and staff recommendations as reasons for approval. There was no additional discussion and no public comment at this meeting. Commissioner Garlock made the motion and Commissioner Winston seconded.

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BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: March 25, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2024-0006: Rezoning (5916 W. WEDINGTON DR./LEGACY VENTURES NWA, INC., 397):** Submitted by LEGACY VENTURES NWA, INC. for property located at 5916 W. WEDINGTON DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.28 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0006** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward RZN-2024-0008 to City Council with a recommendation of approval."

MARCH 11, 2024, PLANNING COMMISSION MEETING:

At the March 11, 2024, Planning Commission meeting, the item was tabled to provide time for the applicant to coordinate with staff after it was determined that a lower-intensity zoning classification would be likely to garner staff support while still meeting the needs of the applicant. Since that meeting, the applicant revised their zoning request from CS, Community Services to NS-G, Neighborhood Services- General after discussing options with staff.

BACKGROUND:

The subject property is in west Fayetteville along W. Wedington Dr, at the northwest corner of the intersection with N. 59th Ave. The property contains roughly 1.28 acres and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. The southern portion of the property is currently developed with a 1,549 sq. ft. single-family home, constructed in 1959. The property also contains an existing non-confirming 28'x43' garage that appears to be within the front setbacks and an 8'x10' outbuilding. Nearly all of the property falls within the Enduring Green Network. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

| Direction | Land Use | Zoning |
|-----------|---|---|
| North | Undeveloped / Single-Family Residential | R-A, Residential Agricultural RSF-4, Residential Single-Family, 4 Units per Acre |
| South | Undeveloped / Agricultural | RI-U, Residential-Intermediate Urban |
| East | Single-Family Residential | R-A, Residential Agricultural |
| West | Undeveloped / Single-Family Residential | RSF-4, Residential Single-Family, 4 Units per Acre |

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre to NS-G, Neighborhood Services-General.

Public Comment: One member of the public spoke at the March 11, 2024 Planning Commission meeting, stating that while she would be opposed to a high-density residential development, she would be supportive of commercial uses. She also stated that the applicant has maintained the property well since they purchased it, which had been an issue with the previous owner.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along W. Wedington Dr., a fully improved regional link street with asphalt paving, sidewalk, and curb and gutter. The subject area also has frontage along N. 59th Ave., a partially improved residential link street with asphalt paving, and open ditches. Any street or drainage improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject area. An existing 2-inch water main is present on the north side of W. Wedington Dr. and an existing 18-inch water main is present on the south side of W. Wedington Dr.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present on the north side of W. Wedington Dr. and an existing 6-inch sewer main is present on the east side of N. 59th Ave.

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 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 1.8 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 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 or the Hillside-Hilltop Overlay District. The property does not have hydric soil and a protected stream is not present in the area.

Tree Preservation:

The proposed zoning district of NS-G, Neighborhood Services-General 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 rezoned area as **Residential Neighborhood**.

Residential Neighborhoods 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 nonresidential 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 ranging score of **4-5** for this site, with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #7, 835 N. Ruppel Rd.)
- Near Sewer Main (6-inch main, W. Wedington Dr. & N. 59th Ave.)
- Near Water Main (2-inch main & 18-inch main, W. Wedington Dr.)
- Near City Park (Bundrick Park)
- Near Paved Trail (W. Wedington Dr. Side-Path Trail)

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. The surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural or RSF-4, Residential Single-Family, Four Units per Acre. Additional residential development appears to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, RI-12, Residential Intermediate, 12 Units per Acre to the northeast, and an RI-U development recently submitted for review to the south. There are few non-residential services available in the area, especially within close walking distance. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff does find that a rezoning to a higher density and potential for mixed uses is merited at the site. NS-G has a stated density maximum of 18 units per acre and allows up to three- and four-family dwellings by-right. Given by right allowances in the development to the south and the property's location along a major corridor, staff finds that three- and four-family dwellings are likely compatible in this location. Additionally, NS-G allows for an incremental infusion of commercial uses of a limited size. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding areas dedicated to residential uses. Other permitted commercial uses include Use Unit 24: Home Occupations and Use Unit 40: Sidewalk Cafes, both of which are limited in scale and impact.

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 area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types as well as low-intensity nonresidential uses on corners and along connecting corridors. The property is approximately 1,700 feet east of a Tier 3 Center, which the City Plan 2040 describes as “intended to serve the immediately surrounding residential areas” with a variety of development patterns. All centers are intended to be mixed-use nodes that are pedestrian-friendly areas served by current or future transit service. It is worth noting that the infill score for this neighborhood is low; however, the area is experiencing growth as shown by numerous recent rezoning requests. Additionally, staff finds the proposed zoning of NS-G could likely fill both roles of providing additional variety of housing types with by-right allowances up to three- and four-family dwellings while also permitting limited commercial in an area of the city that is currently lacking nonresidential services within a walkable or bikeable distance.

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

Finding: A rezone to a higher density than RSF-4, Residential Single-Family, Four Units per Acre is justified, given its proximity to a Tier 3 center, and the future land use plans designating this area as Residential Neighborhood. Staff finds the current request to be an incremental increase that could facilitate needed nonresidential services in the area.

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

Finding: Rezoning the property to NS-G at this site would increase traffic at this site, though staff finds that it may not be out of scale or create a dangerous traffic condition in the area. W. Wedington Drive has a typical vehicle count of 13,000 vehicles per day, and is an improved Regional Link with a design service volume of 17,600 vehicles per day. Staff also finds that the site is located 1000 feet east of a Tier 3 center (W. Wedington Drive and N. Double Springs Road). Additionally, only four traffic accidents were reported within 250 feet of this intersection based on traffic records from 2011-2021.

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 NS-G could certainly have the potential to increase population density in this area as permitted maximum density would increase from four units per acre to eighteen units per acre. However, the available infrastructure, water and sewer, and the service volume of W. Wedington Drive, would likely support an increase in population density. 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-2024-0006 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required YES

Date: March 25, 2024 Tabled Forwarded Denied

WITH A RECOMMENDATION OF APPROVAL

Motion: **GARLOCK**

Second: **WINSTON**

Vote: **7-0-0**

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.19 District NS-G, Neighborhood Services- General
- Applicant Request Letter
- Staff Exhibit
 - Traffic Accident Maps
 - Proximity to Tier Centers
- 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."

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General 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-family dwellings |
| Unit 10 | Three (3) and four (4) family dwellings |
| Unit 12b | General 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 permit |
| Unit 3 | Public protection and utility facilities |
| Unit 4 | Cultural and recreational facilities |
| Unit 5 | Government facilities |
| Unit 13 | Eating places |
| Unit 16 | 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.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

| | |
|----------------|---------|
| All dwellings | 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 per dwelling unit |
| All other uses | None |

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

| | |
|-------------------------|-----------|
| Building Height Maximum | 3 stories |
|-------------------------|-----------|

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

(Ord. No. 5945 , §7(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending 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, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

March 14, 2024

City of Fayetteville Planning Commission / City Council
125 West Mountain Street
Fayetteville, AR 72701

RE: 5916 W Wedington | Rezone Request

Dear Planning Commission, City Council and City Staff;

Please accept this written request to rezone parcel 765-16188-002 comprised of approximately 1.2976 acres and more commonly referred to 5916 W Wedington Drive. The subject property is currently zoned Residential Single Family Four (4) Units per Acre and our desire is to rezone to Neighborhood Services – General (NS-G).

There is no disputing the Wedington corridor has experienced tremendous growth! With the current, and planned, infrastructure improvements in this area, this will continue to be the case for the foreseeable future. With the subject property being located on the northwest corner of N 59th Street and W Wedington Drive, this property is positioned well to become a commercial use. The business exposure resulting from a high traffic count with frontage on Wedington make this a viable commercial space now and highly desirable in the near future based on growth models.

All of the same reasons that make it a highly desirable commercial location, make it very undesirable for a residence as the current residential single family four units per acre zoning dictates.

We are currently seeking a commercial tenant to occupy the newly remodeled 1600 square foot structure on the property. This structure was originally built as a home, but the layout lends itself more to a childcare facility, therapist, attorney's office or other small professional office use. Our plan is to lease the existing space to a use like this, continue to clean up the property, and ultimately develop further plans for the property to bring before the City.

This zoning request is compatible with current deployment trends in the area. Immediately to the south of this property is a large portion of RI-U property soon to be developed. Slightly to the west is the commercial intersection of N Double Springs and Wedington Drive with C2 zoning. Slightly to the east is a portion of Community Services property being developed into townhomes and they do not even have the hard corner that the subject property does. There are many other parcels with CS, RI-U and other zonings popping up in this area in various new developments.

With the explosion of rooftops in this area, we feel the need for commercial services to support such extreme growth is necessary. Along with the high traffic count associated with direct frontage on Wedington make the Neighborhood Services – General zoning the best choice. This zoning designation will not in any way negatively impact adjoining property owners but on the contrary pave the way for future development at this growing corner location.



We are looking forward to developing this commercial corner in a way that exemplifies urban planning and together leaving our **Legacy** one **Venture** at a time.

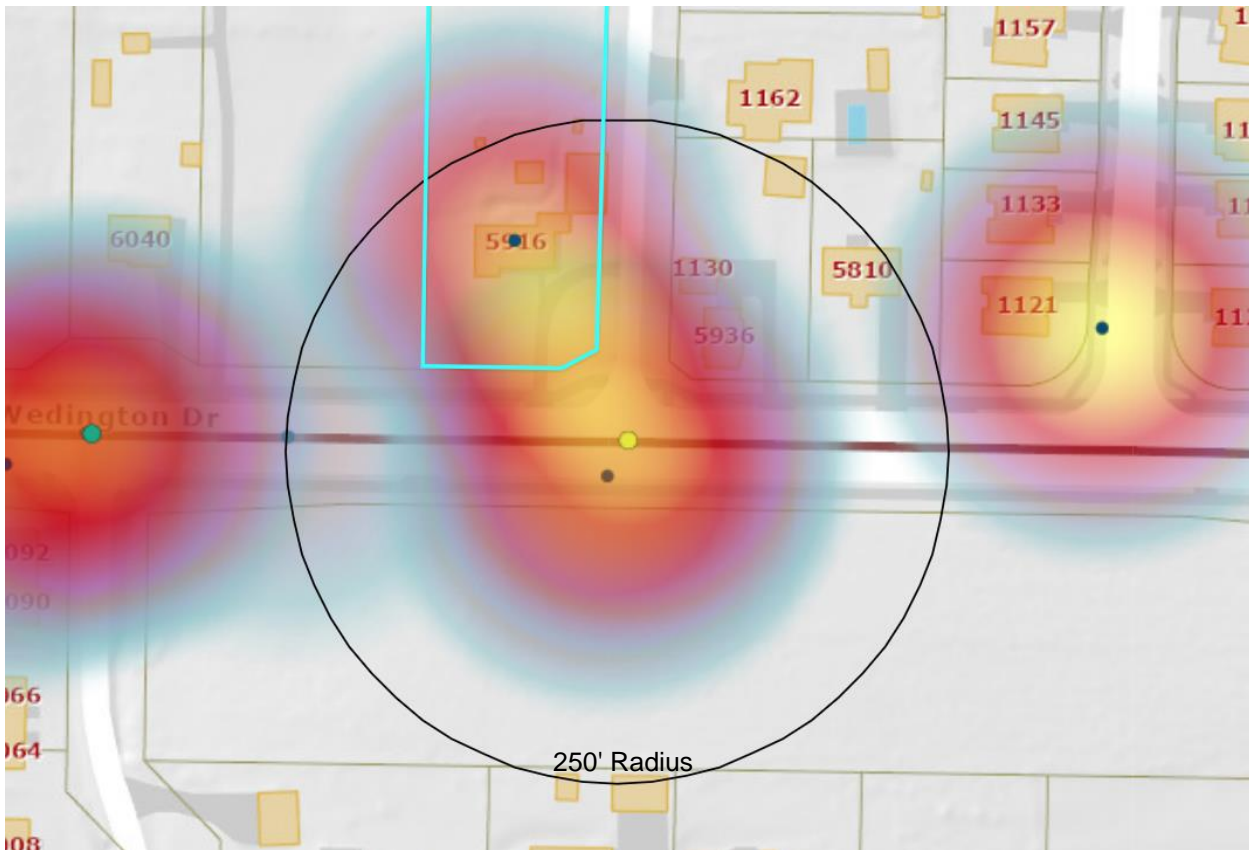
Sincerely,



Tim Brisiel



STAFF EXHIBIT: TRAFFIC ACCIDENT MAPS



Crash

| | |
|------------------------|--------------------|
| Severity | No apparent injury |
| Date/Time | 6/14/2013, 7:00 PM |
| Non-Motorist Involved? | No |

Crash

| | |
|------------------------|---------------------------|
| Severity | Non-incapacitating injury |
| Date/Time | 6/3/2013, 7:00 PM |
| Non-Motorist Involved? | No |

Crash

| | |
|------------------------|--------------------|
| Severity | No apparent injury |
| Date/Time | 5/11/2016, 5:10 AM |
| Non-Motorist Involved? | No |

Crash

| | |
|------------------------|--------------------|
| Severity | No apparent injury |
| Date/Time | 7/2/2018, 3:11 PM |
| Non-Motorist Involved? | Unknown |

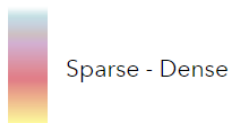
Traffic Crashes

2017-2021 Crashes

Crash (2017-2021)

- + Fatal injury
- Incapacitating Injury
- Non-incapacitating injury
- Possible injury
- No apparent injury

Crash Density (2017-2021)



High Injury Network Corridor



Average Daily Traffic

| | |
|-------------|--------|
| Current ADT | 13,000 |
| Truck % | |
| 2022 ADT | 13,000 |
| 2021 ADT | 12,000 |
| 2020 ADT | 11,000 |
| 2019 ADT | 11,000 |
| 2018 ADT | 11,000 |
| 2017 ADT | 11,000 |
| 2016 ADT | 12,000 |
| 2015 ADT | 10,000 |
| 2014 ADT | 9,800 |
| 2013 ADT | 10,000 |

***Map shows traffic accident data from 2011-2021**

STAFF EXHIBIT: PROXIMITY TO TIER CENTER

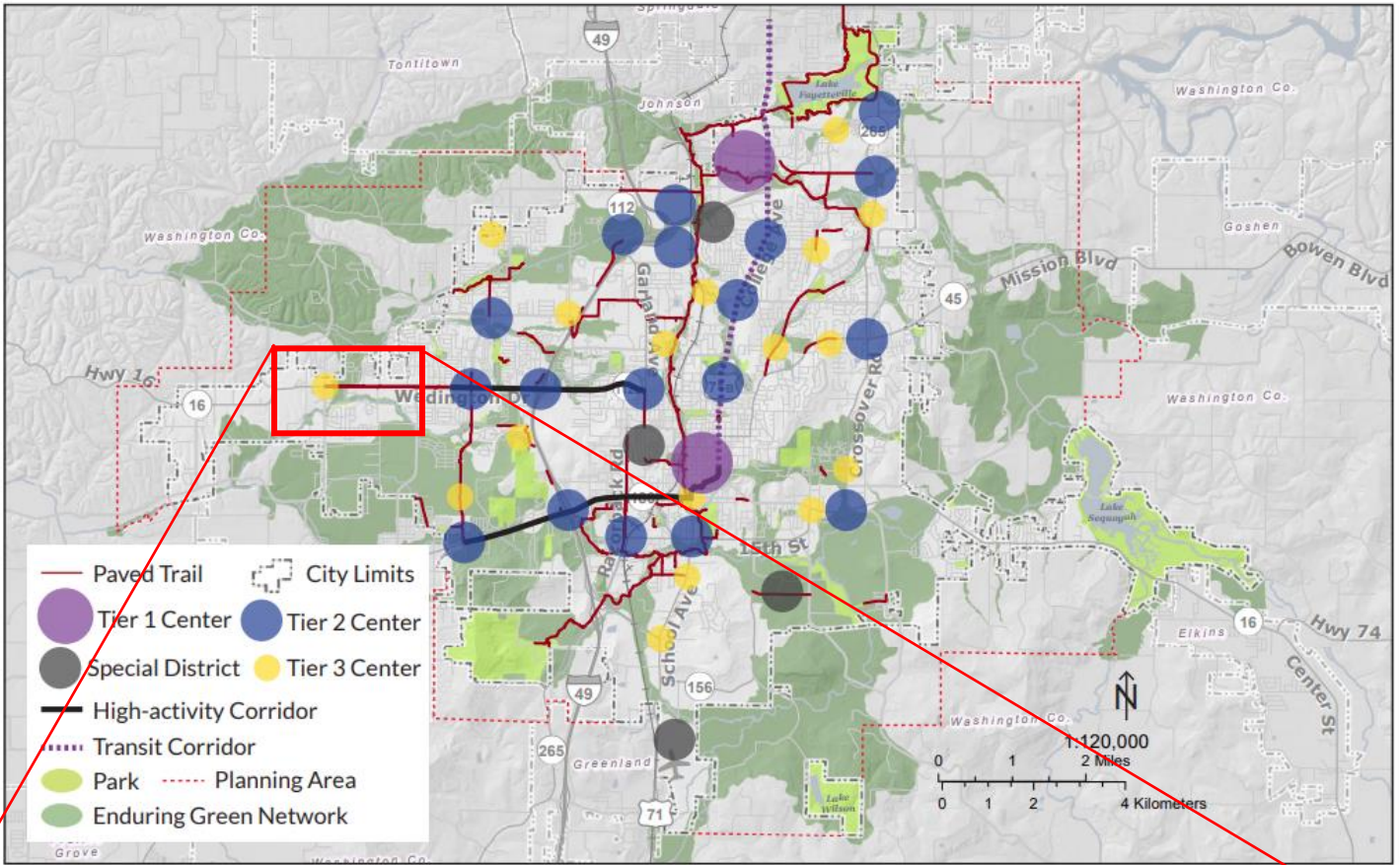


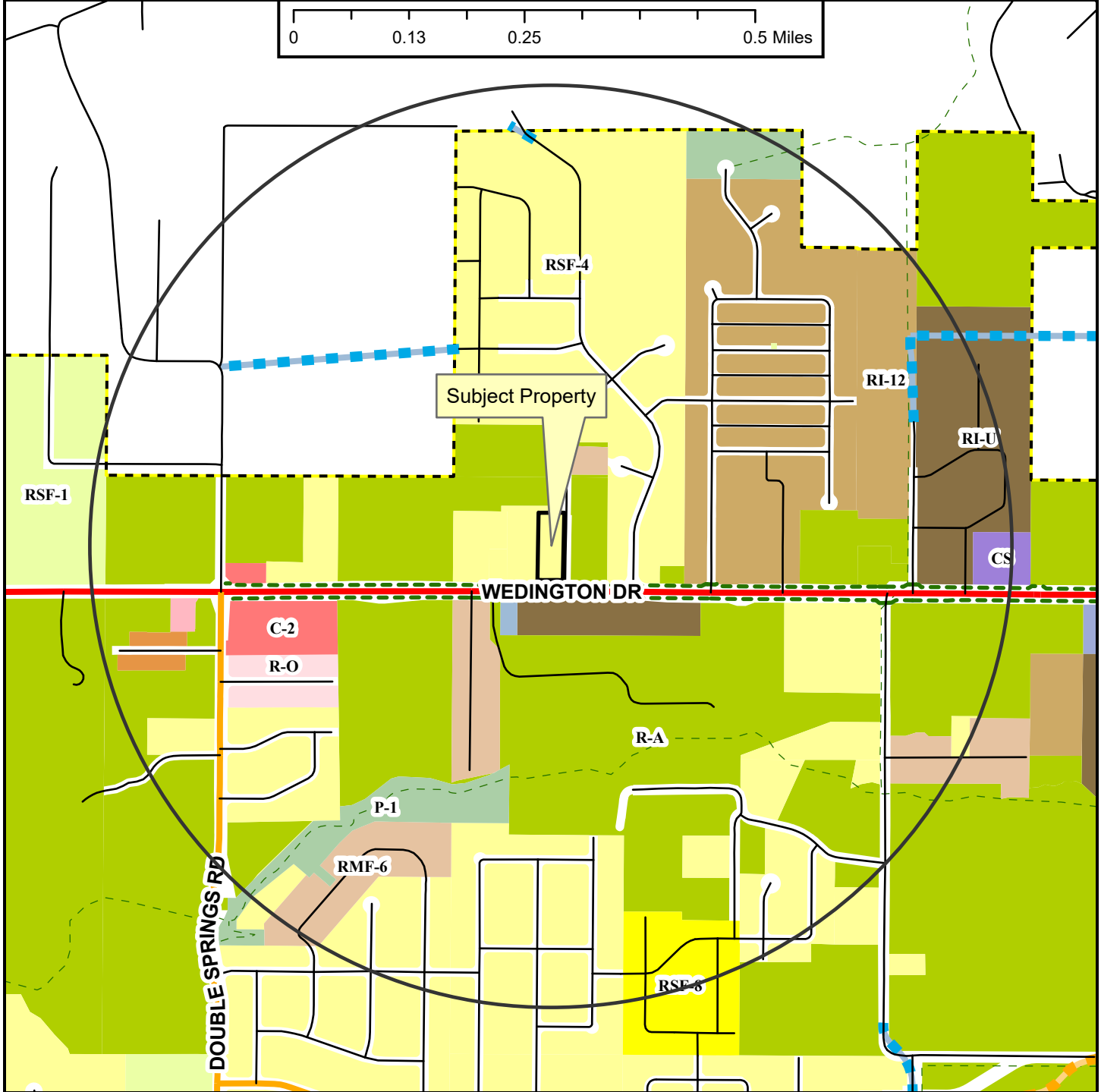
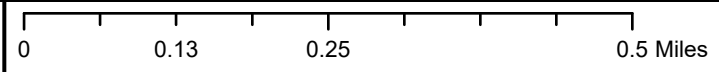
Figure 2.0 - Growth Concept Map



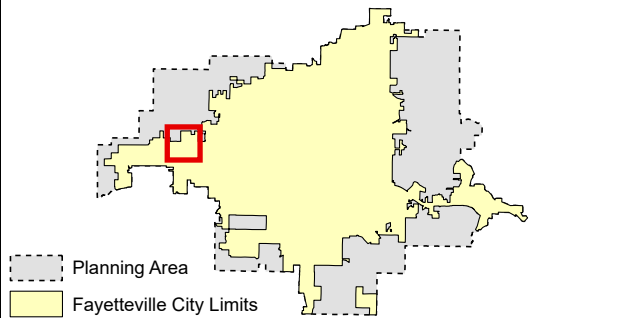
RZN-2024-0006

5916 W. WEDINGTON DR

One Mile View



- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

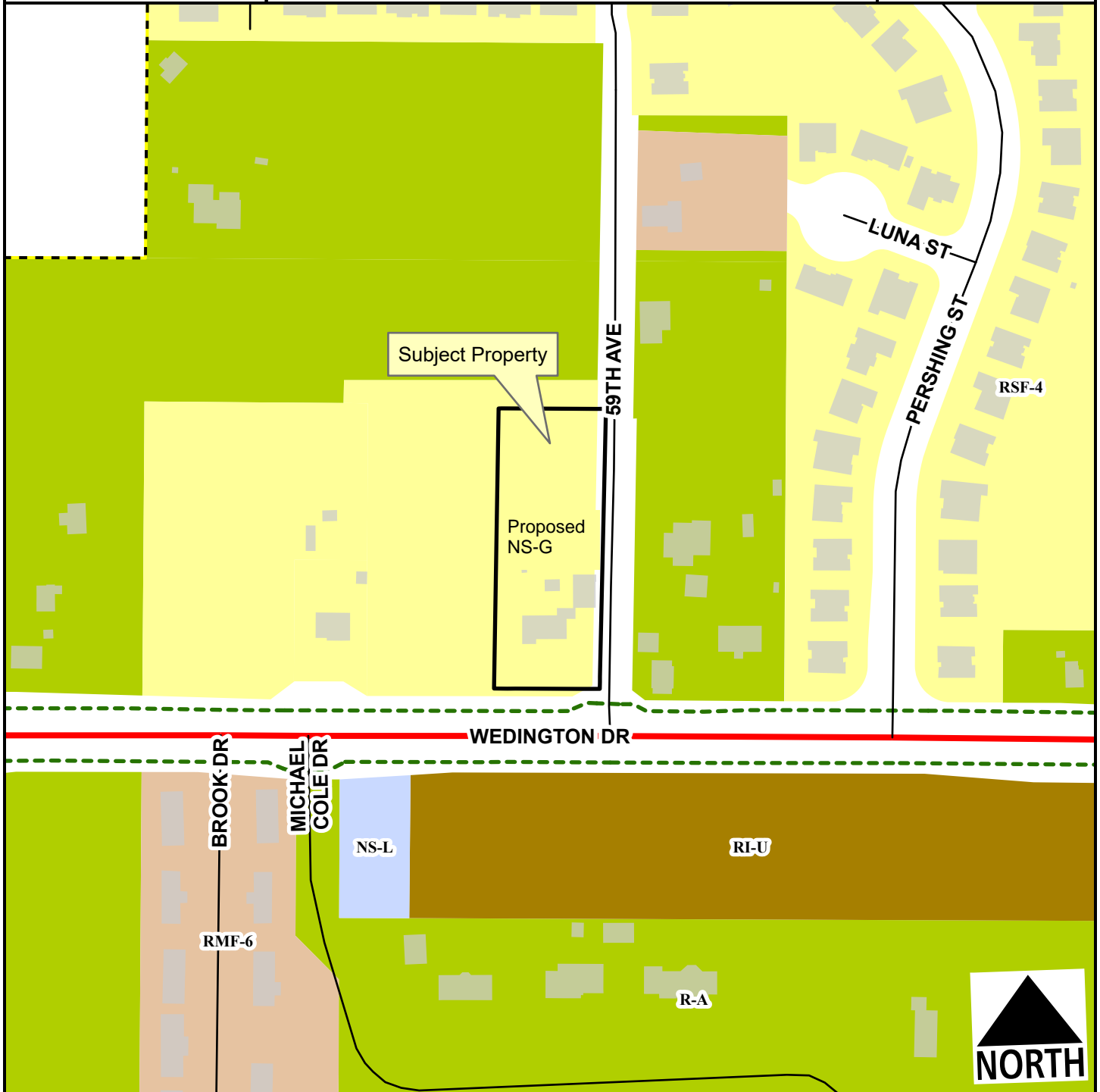



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
 - E-1
- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

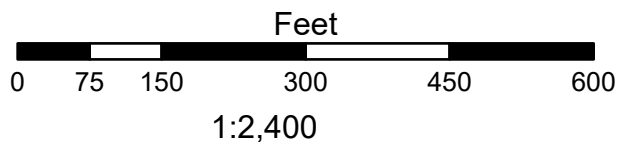
RZN-2024-0006

5916 W. WEDINGTON DR

Close Up View



-  Regional Link
-  Unclassified
-  Residential Link
-  Planning Area
-  Fayetteville City Limits



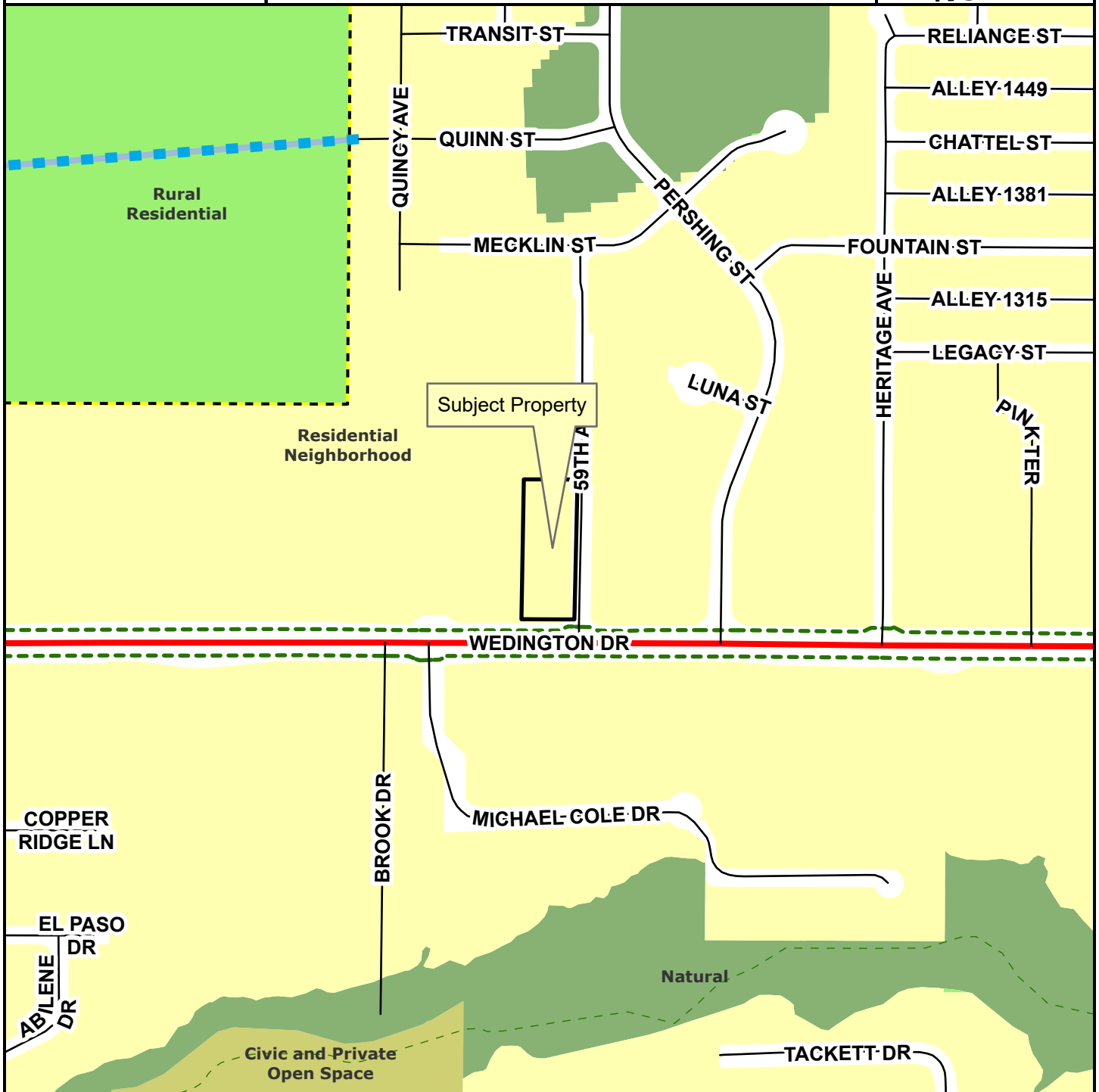
| <u>Zone</u> | <u>Current</u> | <u>Proposed</u> |
|--------------|----------------|-----------------|
| NS-G | 0.0 | 1.3 |
| RSF-4 | 1.2 | 0.0 |
| Total | | 1.3 ac |

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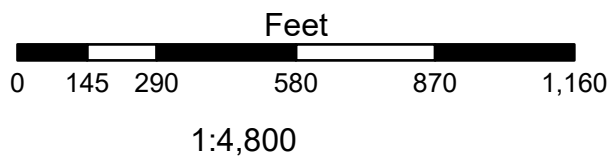
5916 W. WEDINGTON DR



Future Land Use



- Regional Link
- Unclassified
- Alley
- Residential Link
- Planned 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

Planning Commission

March 25, 2024

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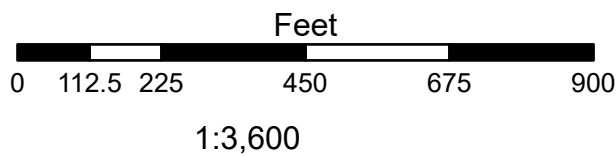
5916 W. WEDINGTON DR





Current Land Use



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



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway