



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-113

RZN-2024-0019: Rezoning (1830 E. 13TH ST./KELLAR, 565): Submitted by BOBBY, PAUL, AND ANGEL KELLAR for property located at 1830 E. 13TH ST. in WARD 1. The property is zoned C-2, THOROUGHFARE COMMERCIAL AND I-2 GENERAL INDUSTRIAL and contains approximately 1.86 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-19 FOR APPROXIMATELY 1.86 ACRES LOCATED AT 1830 EAST 13TH STREET IN WARD 1 FROM C-2, THOROUGHFARE COMMERCIAL AND I-2, GENERAL INDUSTRIAL TO CS, COMMUNITY SERVICES

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 C-2, Thoroughfare Commercial and I-2, General Industrial to CS, Community Services.

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 JUNE 4, 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-2024-0019: Rezoning (1830 E. 13TH ST./KELLAR, 565): Submitted by BOBBY, PAUL, AND ANGEL KELLAR for property located at 1830 E. 13TH ST. in WARD 1. The property is zoned C-2, THOROUGHFARE COMMERCIAL AND I-2 GENERAL INDUSTRIAL and contains approximately 1.86 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 area includes four parcels totaling approximately 1.86 acres in southeast Fayetteville, at the intersection of E. 13th St. and S. Warford Dr. It is approximately 0.10 miles northeast of a large complex of City of Fayetteville facilities. The parcels are currently split between C-2, Thoroughfare Commercial, and I-2, General Industrial, and are developed with a 1,296 square foot single-family dwelling constructed in 1922. The area received its current designation with the passage of Fayetteville's original zoning map in 1970 (Ordinance 1747). No overlay districts or Master Plan areas apply.

Request: The request is to rezone the property from I-2, General Industrial, and C-2, Thoroughfare Commercial, to CS, Community Services.

Public Comment: Staff have received no public comment.

Land Use Compatibility: On the balance of considerations, staff finds the request to be compatible with the surrounding context and recent development patterns. Staff finds that the rezoning is effectively a downzoning given the intensity of uses permitted in the I-2 and C-2 districts. CS would permit a mix of uses while also allowing the applicant to improve or expand the existing residential structure. Although the property does not currently have access to sewer, a 12" main located approximately 140 feet to the west could potentially support a future extension.

While a property line adjustment could increase the limited buildable area, the parcels' small size and hydric soil could potentially restrict industrial development. Neither the existing nor proposed zoning districts have bulk and area regulations for nonresidential uses, though CS requires minimum lot widths of 18 feet for

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residential dwellings. I-2 has no building height limitation and C-2 has a maximum height of 6 stories. Both provide additional setback requirements for buildings over 2 stories in height. CS has a building height maximum of 5 stories. The proposed rezoning would reduce the existing 50- or 100-foot front setback to a build-to-zone between 10 and 25 feet. Rear setbacks for I-2 are 25 feet, with variable 25- or 50-foot side setbacks. C-2 has a rear setback of 20 feet. The rear and side setbacks for CS are 15 feet when adjacent to residential zoning and zero feet when adjacent to nonresidential.

Staff finds the existing industrial uses are primarily geared towards manufacturing, warehousing, and the provision of critical city services which are unlikely to be relocated or sold. While residential uses in the area may not be strictly compatible, staff finds the rezoning is in line with a gradual shift away from conventional industrial uses towards services and residences. Since 2015, nearby properties have been rezoned to mixed use districts such as CS and more intensive residential districts such as RI-U, Residential Intermediate – Urban.

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 received its current industrial zoning approximately 54 years ago in 1970. City Plan 2040 designates this area as “City Neighborhood” rather than “Industrial,” indicating industrial uses are no longer considered an appropriate land use. City Plan 2040 specifically calls for industrial zones that are inconsistent with the Future Land Use Plan to be rezoned.

While separated by multiple intervening properties, the subject property is near the White River and Combs Park, which is currently completing community outreach for potential improvements. While the infill scores are generally low (5-6), they are likely to increase with the construction of park improvements and adjacent services. Staff finds that the provision of additional permitted uses could help contribute to city goals to create complete, compact, and connected neighborhoods in an area rich in employment opportunities, but limited in housing. The closest Tier Center is located approximately ¼ mile north at the intersection of S. Happy Hollow Rd. and E. Huntsville Rd (Tier 3).

CITY PLAN 2040 INFILL MATRIX: City Plan 2040’s Infill Matrix indicates a score range of 5-6 for this site. The following elements of the matrix contribute to the score:

1. Adequate Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
2. Near Sewer Main (12” Sewer Main, S. Happy Hollow Rd., and a portion of E. 13th St.)
3. Near Water Main (12” Water Main, S. Happy Hollow Rd. | 2.25” Water Main, E. 13th St.)
4. Near City Park (White River Park and Combs Park)
5. Near ORT Bus Stop (E. 15th St. and S. Happy Hollow Rd. intersection)
6. Appropriate Future Land Use

DISCUSSION:

At the May 13, 2024, Planning Commission meeting, a vote of 7-0-0 forwarded the request to City Council with a recommendation of approval. There was no discussion, and no public comment was provided at the meeting.

BUDGET/STAFF IMPACT:

NA

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

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: May 13, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **RZN-2024-0019: Rezoning (1830 E. 13TH ST./KELLAR, 565):** Submitted by BOBBY, PAUL, AND ANGEL KELLAR for property located at 1830 E. 13TH ST. The property is zoned C-2, THOROUGHFARE COMMERCIAL AND I-2 GENERAL INDUSTRIAL and contains approximately 1.86 acres. The request is to rezone the property to CS, COMMUNITY SERVICES

RECOMMENDATION:

Staff recommends **RZN-2024-0019** be forwarded to the City Council with a recommendation for approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0019** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject area is in southeast Fayetteville at the intersection of E. 13th ST. and S. Warford Dr. It is approximately 1/10 of a mile northeast of a large complex of city institutions including transportation and fleet operations, the parks and recreation offices, the animal shelter, and trash, recycling, and composting facilities. The subject area contains four parcels containing roughly 1.86 acres. The parcels are currently split between C-2, Thoroughfare Commercial and I-2, General Industrial. The property is currently developed with a 1,296 square foot single-family dwelling constructed in 1922. The property received its current designation with the passage of Fayetteville's original zoning map in 1970 (ORD 1747). It does not fall within any overlay districts or Master Plan areas. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Retail	I-1, Heavy Commercial and Light Industrial
South	Automotive Repair Shop	I-2, General Industrial
East	Undeveloped	I-2, General Industrial C-2, Thoroughfare Commercial
West	Undeveloped	I-2, General Industrial C-2, Thoroughfare Commercial

Request: The request is to rezone the property from I-2, General Industrial to CS, Community Services.

Public Comment: Staff has not received any public comments.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along E. 13th St., a partially improved residential link 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 2.25-inch water main is present on the south side of E. 13th St.

Sewer: Sanitary sewer is not available to the subject area.

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 0.3 miles from the fire station with an anticipated drive time of approximately 1 minute using existing streets. The anticipated response time would be approximately 3.2 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, the Hillside-Hilltop Overlay District or includes a protected stream.

Hydric soils are present on the property. 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 are 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.

Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation**. The current zoning district of I-2, General Industrial requires **15% 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**.

City Neighborhoods 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 5-6 for this site, with a weighted score of 7. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (12" Sewer Main, S. Happy Hollow Rd. and a portion of E. 13th St.)
- Near Water Main (12" Water Main, S. Happy Hollow Rd. | 2.25" Water Main, E. 13th St.)
- Near City Park (White River Park and Combs Park)
- Near ORT Bus Stop (E. 15th St. and S. Happy Hollow Rd. intersection)
- Appropriate Future Land Use

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:* On the balance of considerations, staff finds the request to be somewhat compatible with the surrounding context and recent development patterns. Staff finds that the rezoning request is effectively a downzoning given the intensity of uses permitted in the I-2 district. While the applicant has indicated an intent for single-family dwelling(s) to remain the primary use, staff finds that CS would also permit more intensive development and mixed uses in the future while allowing the applicant to meet their immediate needs to improve or expand the existing structure.

The subject area is composed of four parcels of 0.1, 0.1, 0.8, and 0.8 acres. While there are no bulk and area requirements under the I-2 districts, this district has some of the largest setbacks of any of Fayetteville zoning districts. The two smaller parcels are rendered effectively unbuildable due to overlapping front and rear setbacks. While a property line adjustment could increase the buildable area of the affected parcels, staff finds that the small size of the subject area and presence of hydric soils over nearly the entire subject area could limit potential industrial development on these parcels. While the surrounding area has been primarily developed with industrial uses, staff finds that these uses are generally geared towards provision of critical city services such as trash collection and recycling and the operation of city fleets, which would also be permitted city-wide under Use Unit 2: City-Wide Uses by Conditional Use Permit. Staff notes that these city facilities are unlikely to be relocated or sold and that undeveloped industrial parcels are generally small, which limits their potential for intensive industrial uses that could be disruptive to adjacent residents.

Additionally, while the insertion of residential uses in the area may not be strictly compatible, the future land use plan indicates this area as a city neighborhood and City Plan 2040 specifically calls for industrial zones that

are inconsistent with the Future Land Use Plan to be rezoned. Staff notes that the area is beginning to see redevelopment. Several properties have been rezoned to mixed use districts such as CS, Community Services and NS-G, Neighborhood Services – General, and more intensive residential districts such as RI-U. Residential Intermediate – Urban and RMF-24, Residential Multifamily, 24 Units per Acre since 2015, including a current request to NS-L and RI-U approximately ¼ mile to the northeast (RZN-2024-0012). This indicates the area is beginning to shift away from strictly low-density residential or industrial uses. Staff finds that, although this rezoning is relatively small and is disconnected from other recent rezonings, it is in line with this gradual shift to more mixed-use, permissive zoning districts.

Neither the existing I-2 nor proposed CS zoning districts have bulk and area regulations for non-residential uses, though CS requires a minimum lot frontage of 18 feet for residential dwellings. I-2 has no building height limitation but provides additional setback requirements for buildings over 2 stories in height. CS has a straight building height maximum of 5 stories. I-2 has restrictive setbacks depending on adjacent zoning districts. The proposed rezoning would reduce the existing 50- or 100-foot front setback to a build-to-zone between 10-25 feet. Current rear setbacks are 25 feet, with variable 25- or 50-foot side setbacks. The rear and side setbacks for CS are both 15 feet when adjacent to a residential zoning and zero feet when located next to nonresidential districts.

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 received its current industrial zoning designation approximately 54 years ago with the passage of an amended zoning ordinance in 1970. This area was designated as a “City Neighborhood” rather than an “Industrial” area in the development of City Plan 2040, indicating that industrial uses are no longer considered an appropriate use in this area of the city and that the area should begin to transition away from industrial zoning districts. In fact, City Plan 2040 specifically calls for industrial zones that are inconsistent with the Future Land Use Plan to be rezoned.

The parcel is approximately 1/3 of a mile north of White River Park and just over ½ mile north of Combs Park as the bird flies. Based on the existing sidewalk network, the property is approximately 2/3 mile from White River Park. The city is currently completing community outreach regarding potential improvements to Combs Park. Per the city’s website, “Combs Park will become Fayetteville’s first true river access park designed for water recreation and nature appreciation. It will provide access for picnicking, hiking, swimming, wading, fishing, and paddling.” While the parcels’ infill scores are generally low (5-6), staff finds that it is likely to increase with the construction of park improvements such as trails and increased demand for services in the vicinity of the park. The closest Tier Center is located approximately ¼ mile north at the intersection of S. Happy Hollow Rd. and E. Huntsville Rd (Tier 3).

Staff also notes that although the property does not currently have access to sewer, there is a 12" sewer main approximately 140 feet to the west which could potentially support a future main extension.

Staff finds that the proposed rezoning will bring the area in closer alignment with the future land use plan and that allowing the existing zoning to remain runs counter to the future land use designation. City Plan 2040 calls for the city to “encourage new development that supports and compliments the unique characteristics and economic values of employment clusters in and around downtown, the U of A, the north end, the rail corridor, Drake Field and the Industrial Park” as a Goal 1 objective. Staff finds that the uses permitted by right in I-2 and CS have little overlap and that the provision of these additional uses around the existing industrial park could better support both existing residents and employees in the area, which has one of the larger clusters of jobs located in southeast Fayetteville (see attached exhibit). The addition of uses could help contribute to city goals to create complete, compact, and connected neighborhoods.

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

Finding: Staff finds the proposed zoning is justified and necessary at this time. Under the existing zoning, no residential uses are permitted. The future land use plan calls for this area to be developed as a “City Neighborhood” which is not feasible under existing zoning. City Plan 2040 specifically calls for industrial zones that are inconsistent with the Future Land Use Plan to be rezoned. Further, staff finds the existing residential structure pre-dated the original zoning ordinance and that rezoning to CS would allow the property to be developed with mixed uses while also permitting the current property owner expand their existing dwelling.

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

Finding: A rezoning from I-2 to CS is unlikely to increase traffic at this location when considering typical trip generation rates for industrial uses (0.12 - 2.27 per 1,000 gross square feet) to those for residential uses (0.16 – 0.69 per 1,000 gross square feet) as defined by the Institute of Transportation Engineers Trip Generation Manual. The lots under consideration have direct access to a short, dead end public street which connects to a Regional Link – High Activity Street. Regional Link – High Activity streets have a design service volume of 17,600 vehicles per day. S. Happy Hollow Rd. currently has 14,000 vehicles per day based on the most recent counts, indicating the street can likely support additional traffic. Any necessary street improvements and potential traffic impacts would be determined 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: The proposed rezoning has the potential to alter the population density since no residential uses are currently permitted. However, the property is in close proximity to public streets and existing water and sewer mains. Any necessary upgrades or improvements to the existing infrastructure would 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-2024-0019 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>May 13, 2024</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: CABE FORWARDED WITH A RECOMMENDATION OF APPROVAL
Second: BRINK
Vote: 7-0-0

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
 - §161.31 I-2 General Industrial
 - §161.22 CS, Community Services
- Applicant Request Letter
- Staff Exhibits
 - 1970 Zoning Map
 - Current Setback Analysis
 - City Plan 2040 Excerpts
 - Residential Density and Job Map
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.31 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 13	Eating places
Unit 16	Shopping goods
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 46	Short-term rentals
Unit 47	Data centers

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback Regulations.*

Front, when adjoining A or R districts	100 feet
Front, when adjoining C, I or P districts	50 feet
Side, when adjoining A or R districts	50 feet
Side, when adjoining C, I or P districts	25 feet
Rear	25 feet

- (F) *Height Regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.
- (G) *Building Area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 5982, §1, 6-20-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6521, §7, 1-18-22; Ord. No. 6678, §3, 9-5-23)

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
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(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. 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 22, 2024

Updated April 19, 2024

We are writing this letter on behalf of our family, The Kellar Family.

The property in consideration for rezoning has been a part of our family for generations. Bobby Kellar is the current owner and he has lived on the property his entire life. He was married to his wife Rita and they raised two children on the property.

Bobby's son Paul grew up on the property through his childhood and early adult years. Paul was married to his wife Angel and they had two children while living on the property. Unfortunately, Paul and Angel, with their children had to move due to the size of home and no option to expand or build.

Currently Bobby is the only one residing in the home because there is not adequate space for the additional family members. The reasoning for the rezoning request is to bring the family back together. Bobby has been residing alone since October 2021 when his wife unfortunately passed away. He has experienced some medical issues and it would be beneficial for him to have family there if they are needed.

With a rezoning, we would be able to apply for a permit to add additional space to the current home, or in the future build an additional home as the family grows. Having that opportunity would be so much more dynamic for the family.

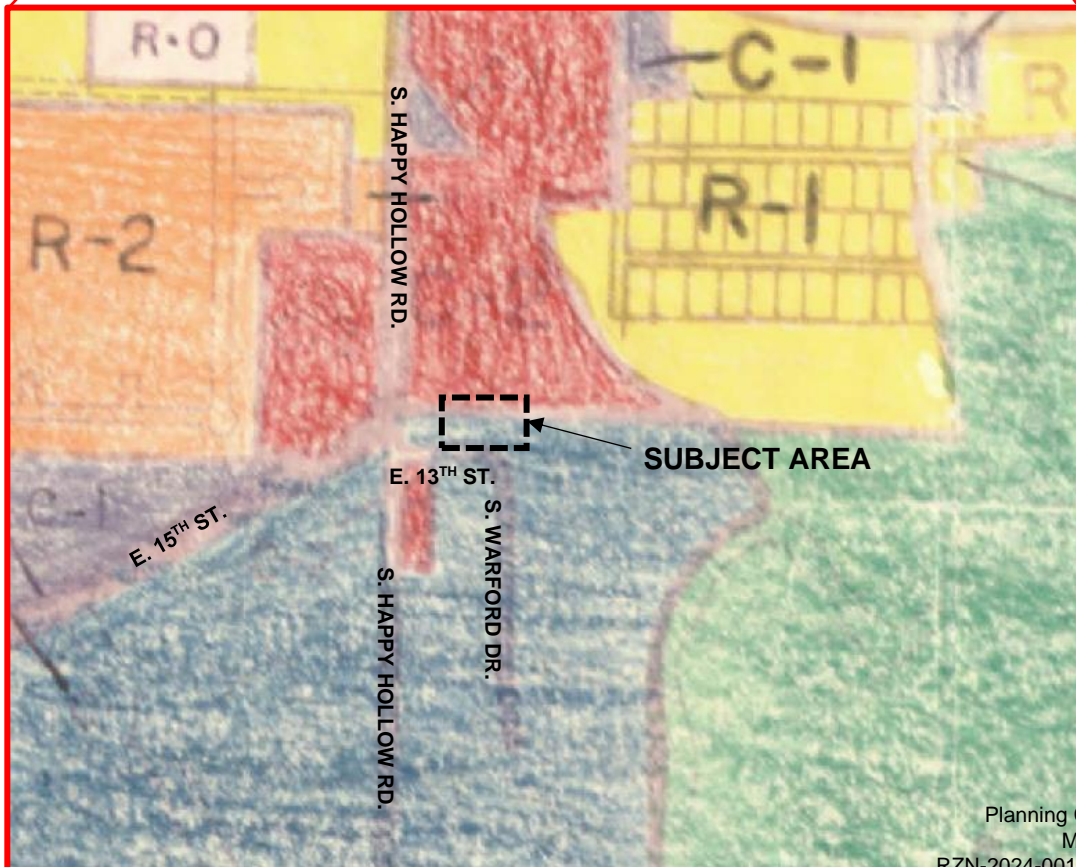
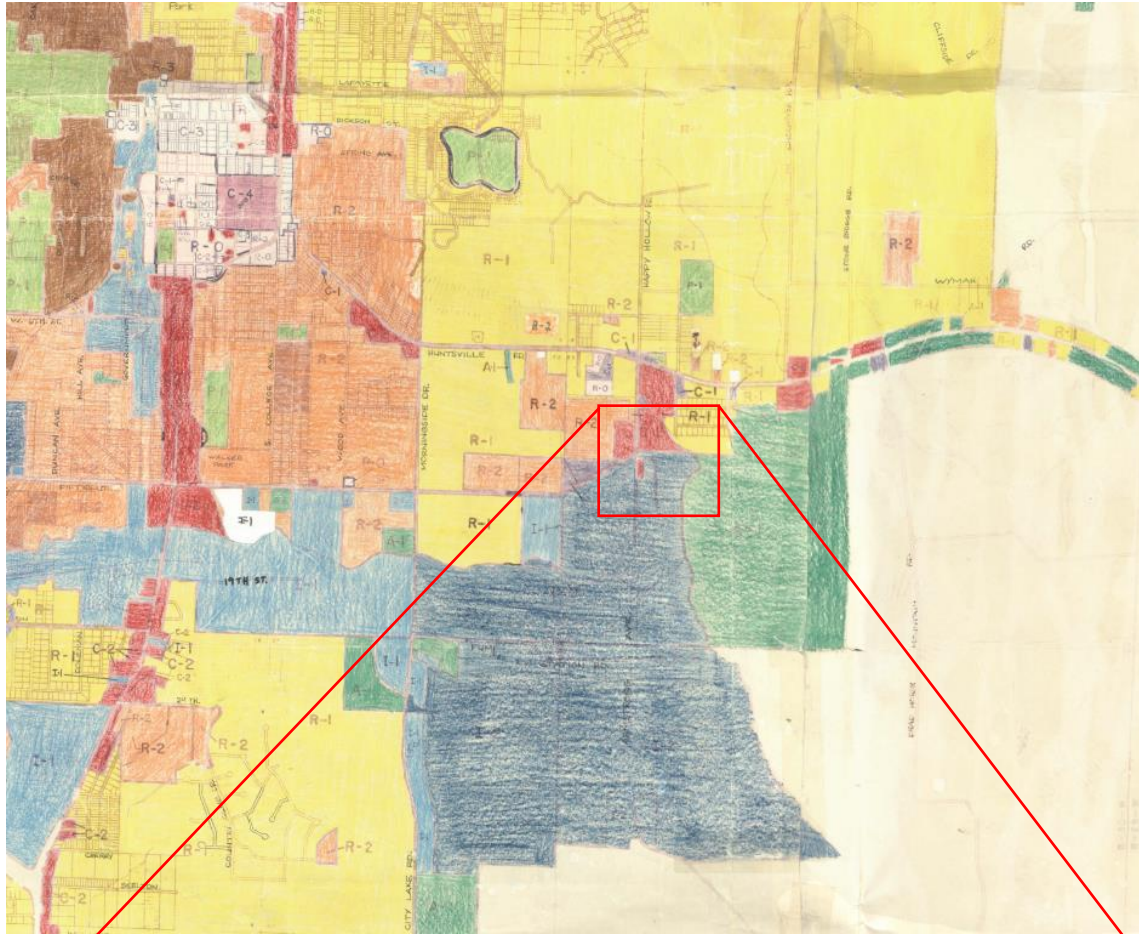
We are requesting that the property be rezoned to CS, Community Services.

We appreciate your time and consideration in helping us move toward our future.

Sincerely,

The Kellar Family

**STAFF EXHIBIT:
ORIGINAL ZONING MAP**



STAFF EXHIBIT: CURRENT SETBACK ANALYSIS



STAFF EXHIBIT: CITY PLAN 2040 EXCERPTS

3.1.8 Encourage new development that supports and compliments the unique characteristics and economic values of employment clusters in and around downtown, the U of A, the north end, the rail corridor, Drake Field and the Industrial Park.

There are two emerging central places in Fayetteville that contain a mixture of residential and commercial land uses, alternative transportation linkages, and employment centers in proximity to each other. At a neighborhood scale, this mixture of uses is often described as a “complete, compact and connected” place. The downtown/university area of the central city is rapidly redeveloping with residential and commercial activities and the uptown area is filling-in with medium-density residential to complement some of the existing commercial and office uses. Both districts have street network needs that should be addressed to encourage the efficient use of land and transportation improvements for each are described as recommendations in the Fayetteville Mobility Plan.

The Infill Assessment Map tool that staff developed as part of this plan update

provides a general locational framework for identifying parcels and areas that have proximity to existing utilities, infrastructure and services. Undeveloped or underutilized lands that score highly on the Infill Assessment Map should be considered prime candidates for future development with uses and building forms that are complementary to the existing neighborhood.

The Growth Concept Map is also useful for encouraging the development of mixed-use and neighborhood-scaled central places that provide nearby residents with some of their daily needs in proximity.

3.1.9 Determine feasibility of a tiered impact fee system.

A tiered impact fee system requires new development to pay its proportionate share

of the costs to the municipality associated with providing necessary public services to the development based on its location. Tiered impact fees are based on the general acknowledgement that parcels and locations that are near the core of the city would have less impact, and areas on the urban fringe have more impact. Development on the fringe of the city will cost the City more over time to provide street infrastructure, water and sewer, and life-safety services. Therefore, development on the fringe should pay a higher impact fee upfront for these utilities, infrastructure and services. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.



Photo 3.8 - Construction in Downtown Fayetteville



Photo 12.29 - Industrial Complex



Future Land Use Map Designations (contd.)

Industrial Areas are those areas where buildings by their intrinsic functions, disposition or configuration, cannot conform to one of the other designated areas and/or its' production process requires the area to be separated from other uses. The guiding policies of Industrial Areas are:

1. Noise, visual, air, water and other pollution shall be minimized through performance standards.
2. New industry shall be recruited and encouraged to locate within the existing industrial park unless rail access is necessary to the industry.
3. Industrial zones that are not consistent with the Future Land Use map should be rezoned to more appropriate uses.
4. Encourage the use of “green” technologies to minimize noise, air and water pollution.



Photo 12.30 - Tyson Plant



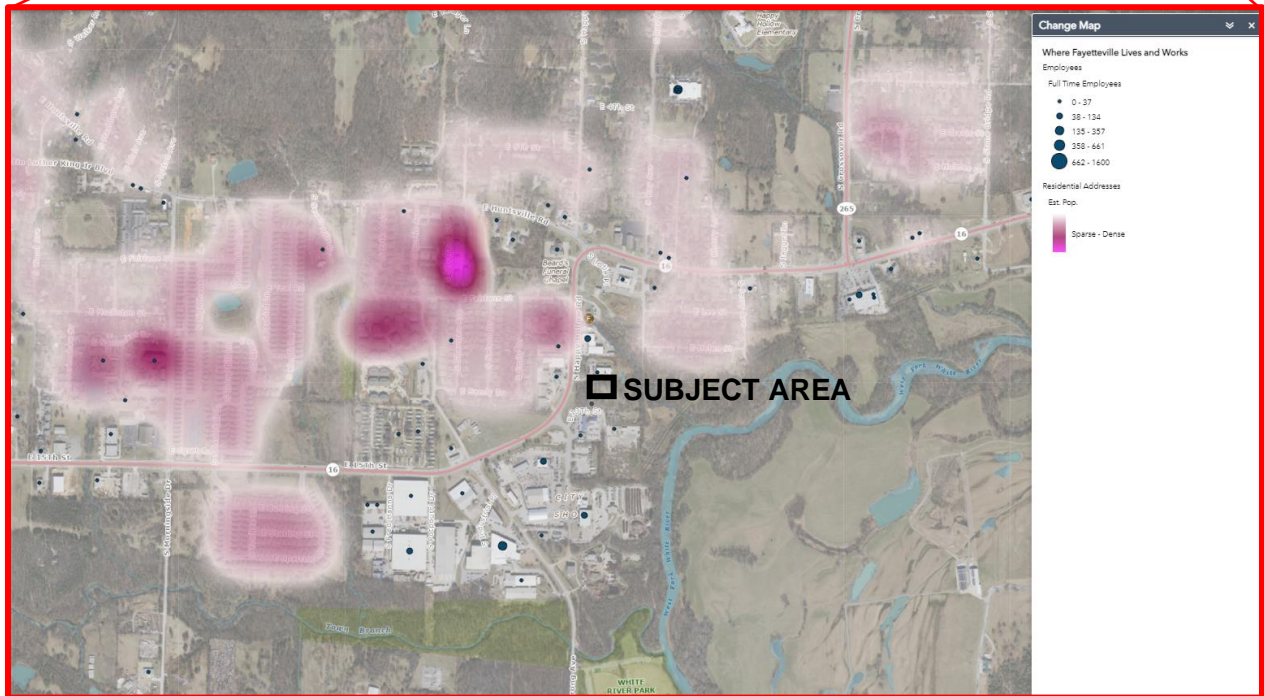
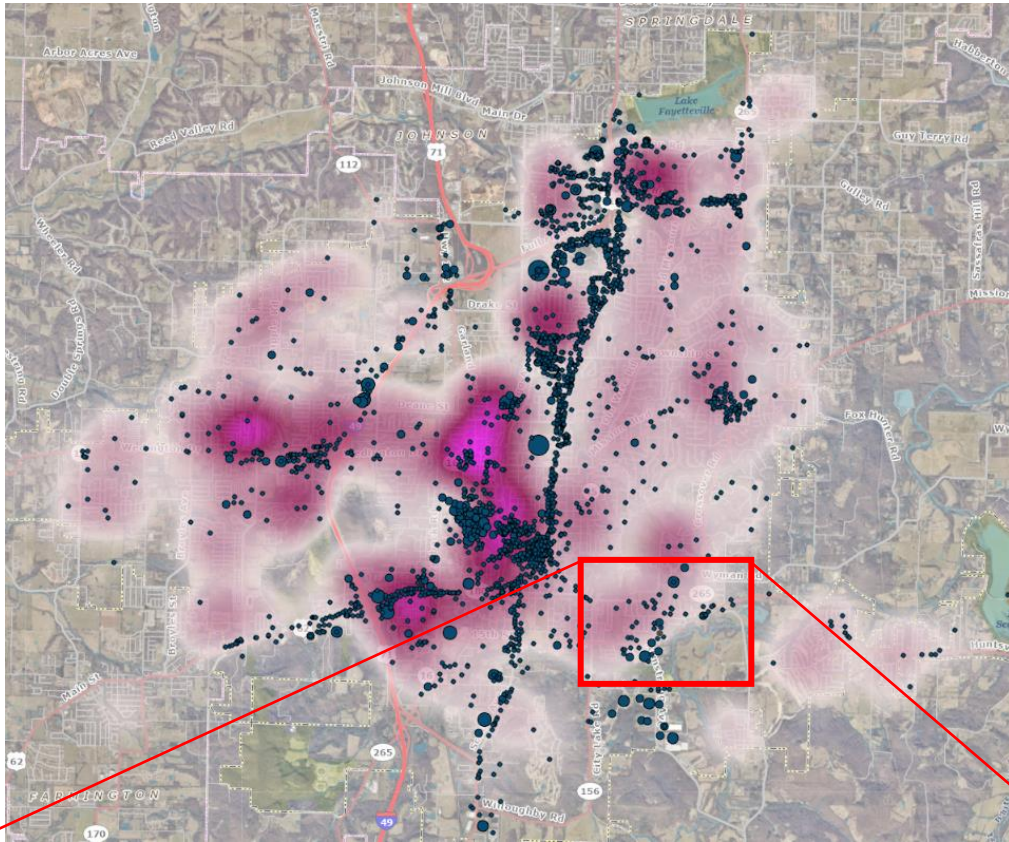
Photo 12.31 - Clean Technology Building



Photo 12.32 - Arkansas Research and Technology Park (ARTP)



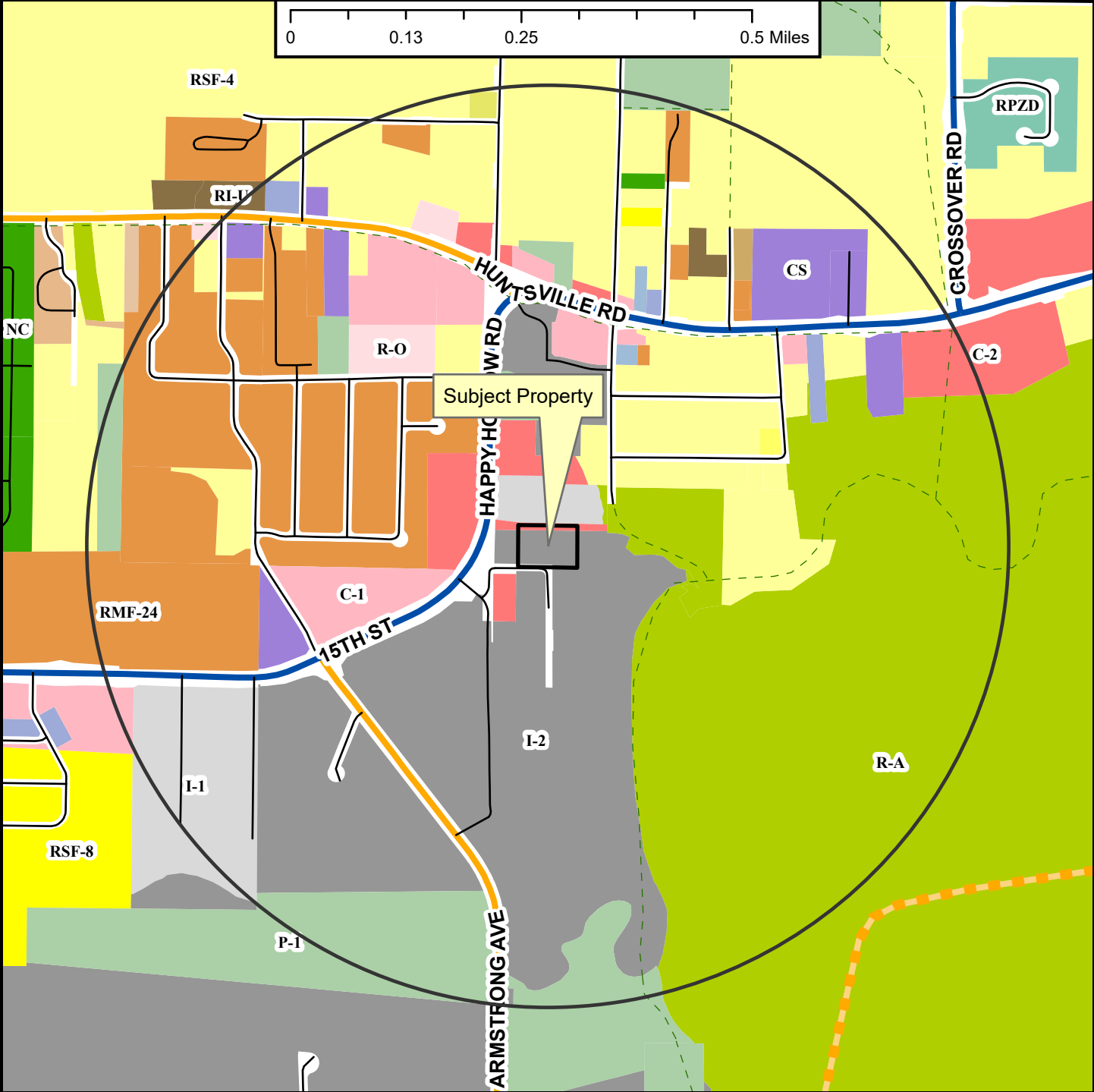
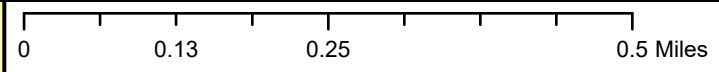
**STAFF EXHIBIT:
RESIDENTIAL DENSITY AND JOBS**



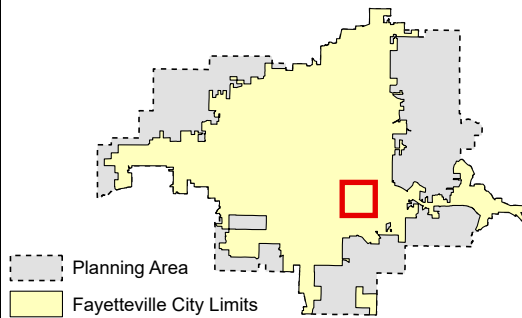
RZN-2024-0019

1830 E. 13TH ST

One Mile View



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

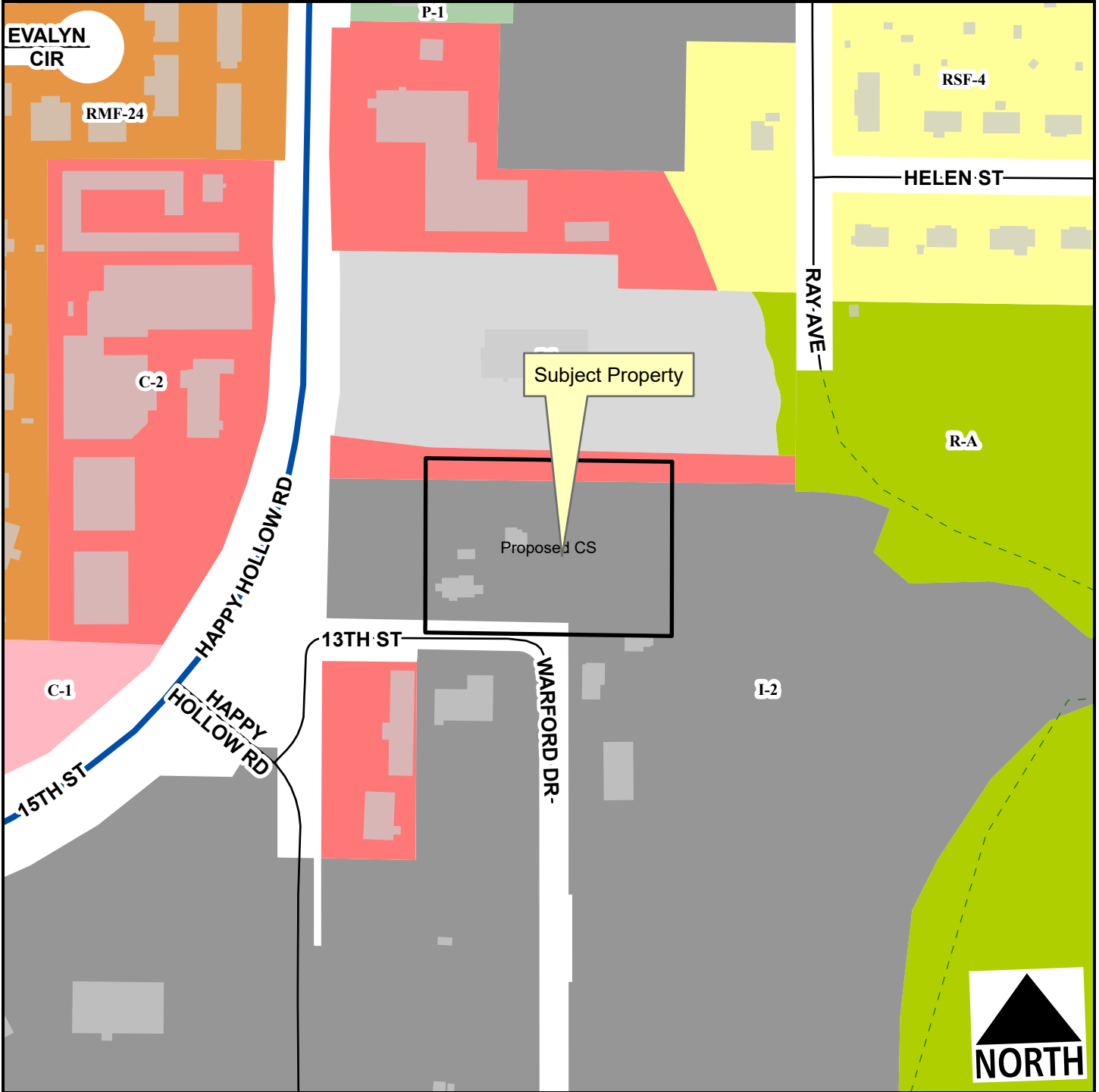







- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RS-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial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

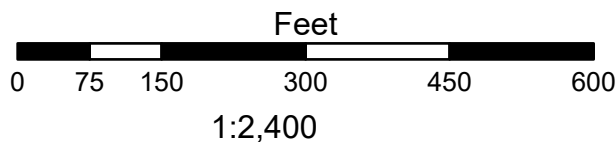
RZN-2024-0019

1830 E. 13TH ST

Close Up View



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



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
C-2	0.2	0.0
CS	0.0	1.9
I-2	1.6	0.0


Total 1.9 ac

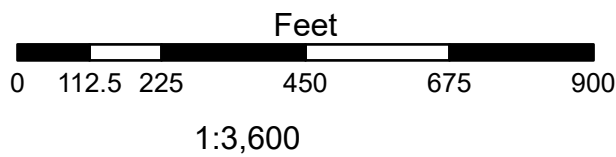
RZN-2024-0019

1830 E. 13TH ST



Current Land Use



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



FEMA Flood Hazard Data

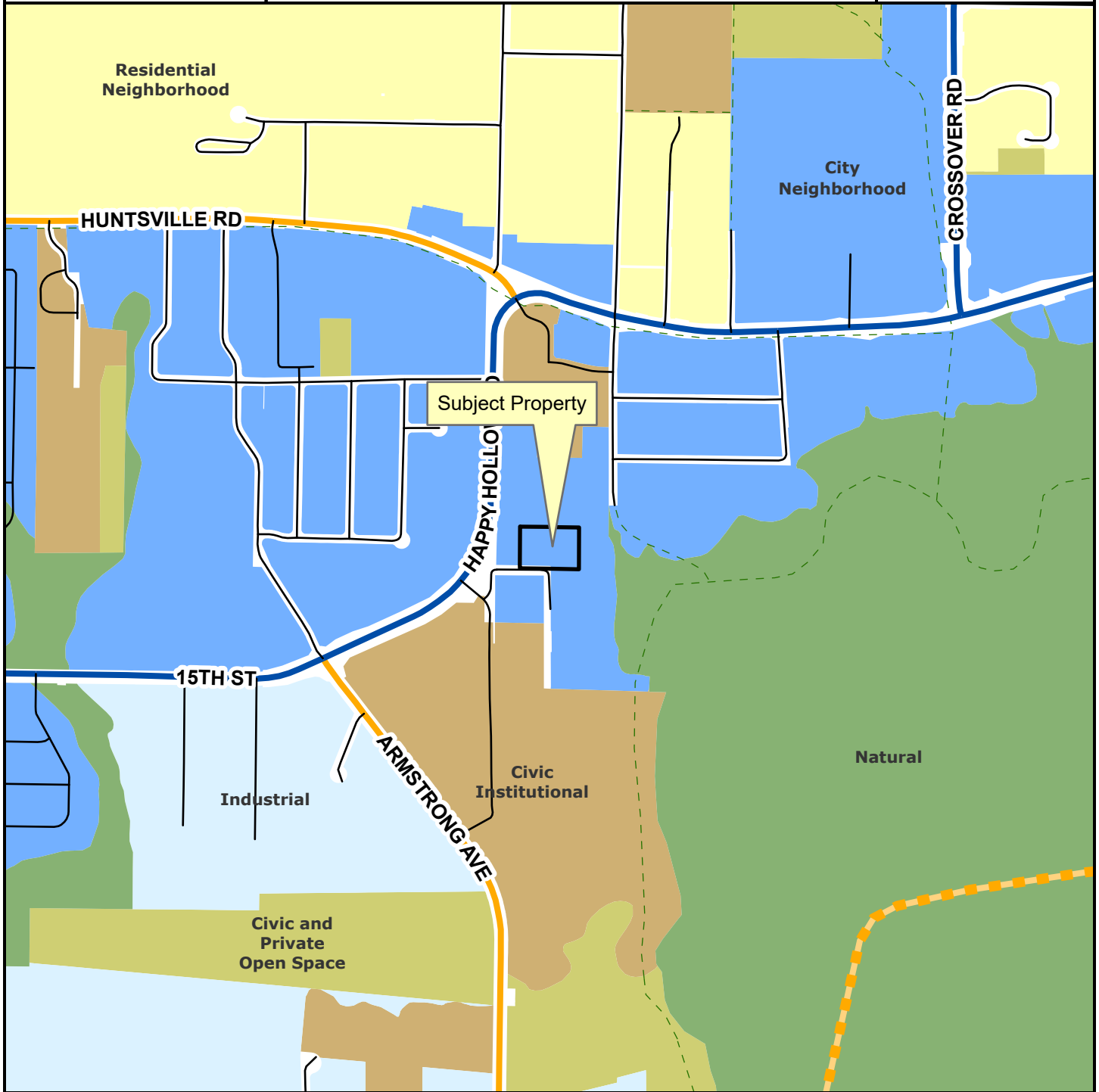
-  100-Year Floodplain
-  Floodway

RZN-2024-0019

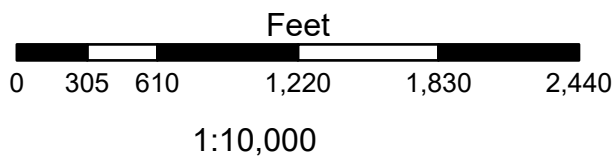
1830 E. 13TH ST



Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Neighborhood 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