



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-162

RZN-2024-0021: Rezoning (3390 W. MARTIN LUTHER KING JR BLVD/CATHCART RENTALS LLC, 557): Submitted by HALL ESTILL for property located at 3390 W. MARTIN LUTHER KING JR BLVD in WARD 1. The property is zoned R-O, RESIDENTIAL-OFFICE, C-2, THOROUGHFARE COMMERCIAL, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.54 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-21 FOR APPROXIMATELY 1.54 ACRES LOCATED AT 3390 WEST MARTIN LUTHER KING JR. BOULEVARD IN WARD 1 FROM R-O, RESIDENTIAL-OFFICE, C-2, THOROUGHFARE COMMERCIAL, AND RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO 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 R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units Per Acre to 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 JUNE 18, 2024

TO: Mayor Jordan and City Council

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

FROM: Kylee Cole, Planner

SUBJECT: **RZN-2024-0021: Rezoning (3390 W. MARTIN LUTHER KING JR BLVD/CATHCART RENTALS LLC, 557): Submitted by HALL ESTILL for property located at 3390 W. MARTIN LUTHER KING JR BLVD in WARD 1. The property is zoned R-O, RESIDENTIAL-OFFICE, C-2, THOROUGHFARE COMMERCIAL, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.54 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.**

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 southwest Fayetteville approximately 0.77 miles west of I-49 along W. Martin Luther King Jr. Blvd. The property contains three parcels totaling approximately 1.54 acres and is developed with a 1,984-square-foot commercial structure constructed in 1975, according to Washington County Assessor records. The property is zoned a mixture of R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units per Acre which it received in 2003 with the adoption of a new city-wide zoning map.

Request: The request is to rezone the subject property from R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units per Acre to UT, Urban Thoroughfare.

Public Comment: To date, staff have received no public comment.

Land Use Compatibility: Staff finds the proposed rezoning from R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units per Acre to UT, Urban Thoroughfare to be compatible with the surrounding area. The subject property is adjacent to a variety of commercially-zoned properties to the east and west. To the south, across W. Martin Luther King Jr. is a large tract zoned UT, Urban Thoroughfare. To the north and northeast, there are several single-family homes along the south side of W. Old Farmington Rd. and Centennial Park along the north side. A rezoning to UT would allow for a wider variety of commercial and residential uses than those permitted under the property's current zoning designation. Specifically, a rezoning to UT would permit the development of a greater variety of dwellings, including the by-right development of single-family, two-family, three- and four-family dwellings, and multi-family dwellings. The portion of the property currently zoned R-O has variable bulk and area requirements depending on the

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development type. A rezoning to UT would have no bulk and area requirements, which is consistent with the C-2 zoning for a portion of the property. R-O and C-2 districts permit a building height of five and six stories, respectively, with additional setback requirements for portions of a building that exceed two stories in height and are adjacent to single-family districts. UT provides a similar height limitation for proximity to single-family districts but permits up to seven-story development. While both R-O and C-2 provide an Urban Form option for buildings to locate near adjacent streets, UT requires it. The existing structure is meeting the Urban Form setbacks (with the potential for right-of-way dedication associated with future development) and height limitations for the proposed UT district. Further, the property's location along a Regional Link – High Activity Street and a corner lot is an ideal location for mixed use or commercial development. With consideration for the on-site stream, a tributary of the Farmington Branch, staff finds that existing zoning exemptions and streamside development standards will ensure sensitive development. Accordingly, the requested rezoning is compatible with surrounding land uses and provides opportunities for increased commercial services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a City Neighborhood area in the City Plan 2040 Future Land Use Map and is located approximately midway between two Tier Two Centers: one at the intersection of I-49 and W. Martin Luther King Jr. Blvd. and the other at the intersection of S. Ruppel Rd. and W. Martin Luther King Jr. Blvd. as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to UT would support those designations as both City Neighborhoods and Tier Two Centers exist to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 1 (encouragement of appropriate infill), 2 (discouragement of urban sprawl), 3 (compact, complete development), and potentially 6 (opportunities for attainable housing).

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (8-inch main, on subject property)
- Near Water Main (8-inch water main, west side of W. Old Farmington Rd.; 6-inch water main, north side of W. Old Farmington Rd.)
- Near Grocery Store (Aldi)
- Near City Park (Centennial Park)
- Near Paved Trail (Old Farmington Trail)
- Near Razorback Bus Stop (ORT Route 44)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:

At the May 28, 2024 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

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

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: May 28, 2024 [updated w/ meeting results](#)

SUBJECT: **RZN-2024-0021: Rezoning (3390 W. MARTIN LUTHER KING JR BLVD/CATHCART RENTALS LLC, 557):** Submitted by HALL ESTILL for property located at 3390 W. MARTIN LUTHER KING JR BLVD. The property is zoned R-O, RESIDENTIAL-OFFICE, C-2, THOROUGHFARE COMMERCIAL, and RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.62 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:
Staff recommend forwarding **RZN-2024-0021** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0021** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in southwest Fayetteville approximately 0.77 miles west of I-49 along W. Martin Luther King Jr. Blvd. The property contains three parcels totaling approximately 1.62 acres and is developed with a 1,984-square-foot commercial structure constructed in 1975, according to Washington County Assessor records. The property is zoned a mixture of R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units per Acre which it received in 2003 with the adoption of a new city-wide zoning map. Surrounding land uses and zoning are listed in *Table 1*.

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

Direction	Land Use	Zoning
North	Centennial Park	P-1, Institutional
South	Undeveloped	UT, Urban Thoroughfare
East	Commercial; Single-Family Residential	C-2, Thoroughfare Commercial; RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Residential	C-2, Thoroughfare Commercial

Request: The request is to rezone the subject property from R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units per Acre to UT, Urban Thoroughfare.

Public Comment: To date, staff have received no public comment.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject area has frontage along W. Martin Luther King Jr. Blvd. and W. Old Farmington Rd. W. Martin Luther King Jr. Blvd. is a partially improved Regional Link – High Activity Street with asphalt paving, curb and gutter, and noncontiguous sidewalks along the north and south sides. W. Old Farmington Rd. is a partially improved Neighborhood Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the subject area. An existing 8-inch water main is present on the west side of W. Old Farmington Rd. An existing 6-inch water main is present on the north side of W. Old Farmington Rd.
- Sewer:** Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present on the subject property.
- Drainage:** No portion of the subject property lies within the Hillside/Hilltop Overlay District. A portion of the subject property is within a FEMA-designated floodplain. A floodplain 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. A protected stream runs along the southern portion of the property. 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 50ft 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 also present on the site, which is 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. Any improvements or requirements for drainage would be determined at the time of development submittal.
- Fire:** Station 6, located at 990 S. Hollywood Ave. protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately 4 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 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. 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 current zoning districts of R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units per Acre require **20%, 15%, and 25% minimum canopy preservation, respectively.** The proposed zoning district of UT, Urban Thoroughfare 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 Neighborhood 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 score range of **8** for this site with a weighted score of **9.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (8-inch main, on subject property)
- Near Water Main (8-inch water main, west side of W. Old Farmington Rd.; 6-inch water main, north side of W. Old Farmington Rd.)
- Near Grocery Store (Aldi)
- Near City Park (Centennial Park)
- Near Paved Trail (Old Farmington Trail)
- Near Razorback Bus Stop (Walmart MLK)
- Appropriate Future Land Use (City 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 proposed rezoning from R-O, Residential-Office, C-2, Thoroughfare Commercial, and RSF-4, Residential Single-Family, Four Units per Acre to UT, Urban Thoroughfare to be compatible with the surrounding area. The subject property is adjacent to a variety of commercially-zoned properties to the east and west. To the

south, across W. Martin Luther King Jr. is a large tract zoned UT, Urban Thoroughfare. To the north and northeast, there are several single-family homes along the south side of W. Old Farmington Rd. and Centennial Park along the north side. A rezoning to UT would allow for a wider variety of commercial and residential uses, than those permitted under the property's current zoning designation. Specifically, a rezoning to UT would permit the development of a greater variety of dwellings, including the by-right development of two-family, three- and four-family dwellings, and multi-family dwellings. The portion of the property currently zoned R-O has variable bulk and area requirements depending on the development type. A rezoning to UT would have no bulk and area requirements, which is consistent with the C-2 zoning for a portion of the property. R-O and C-2 districts permit a building height of five and six stories, respectively, with additional setback requirements for portions of a building that exceed two stories in height and are adjacent to single-family districts. UT provides a similar height limitation for proximity to single-family districts but permits up to seven-story development. While both R-O and C-2 provide an Urban Form option, UT would require future development in Urban Form. The existing structure is meeting the Urban Form setbacks (with the addition of right-of-way dedication along W. Old Farmington Rd. to meet the MSP requirements) and height limitations for the proposed UT district. Further, the property's location along a Regional Link – High Activity Street and a corner lot is an ideal location for mixed use or commercial development in Urban Form. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased commercial services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a City Neighborhood area in the City Plan 2040 Future Land Use Map and is located approximately midway between two Tier Two Centers, one at the intersection of I-49 and W. Martin Luther King Jr. Blvd. and the other at the intersection of S. Ruppel Rd. and W. Martin Luther King Jr. Blvd. as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to UT would support those designations as both City Neighborhoods and Tier Two Centers exist to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 1 (infill), 2 (discourage urban sprawl), 3 (compact, complete development), and potentially 6 (opportunities for attainable housing).

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

Finding: Staff finds that there is sufficient justification to rezone the property from R-O, C-2, and RSF-4 to UT since it would provide the opportunity for a variety of commercial and housing development options which support multiple goals of City Plan 2040. Further, the proposed rezoning is consistent with the property's future land use designation and clarifies zoning that does not follow parcel lines.

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

Finding: A rezoning from R-O, C-2, and RSF-4 to UT has some potential to increase traffic danger and congestion due to the addition of denser residential uses. The property has frontage along both W. Martin Luther King Jr. Blvd. and W. Old Farmington Rd. and is near a paved trail and bus stop which may mitigate some of the potential for increased traffic. Any street improvements in the area would be determined at the time of development review.

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: A rezoning from R-O, C-2, and RSF-4 to UT has some potential to increase population density due to the addition of denser residential uses up to multi-family dwellings with no density limitation. The property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development.

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 recommend forwarding RZN-2024-0021 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>May 28, 2024</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded w/ recommendation of approval	<input type="checkbox"/> Denied
Motion: Garlock			
Second: Castin			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.20 – District R-O, Residential Office
 - §161.23 – District C-2, Thoroughfare Commercial
 - §161.24 – Urban Thoroughfare
- Request Letter
- Exhibit: BTZ & Minimum Buildable Street Frontage
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet

Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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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 side 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) *Building Area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
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 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units

Unit 42	Clean technologies
Unit 43	Animal boarding and training

- (C) *Density*. None.
- (D) *Bulk and Area Regulations*. None.
- (E) *Setback Regulations*.

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form 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	6 stories*
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* 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 side 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*. On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

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

(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.

April 30, 2024

VIA PORTAL DELIVERY

City of Fayetteville Planning Commission and Planning Department
125 West Mountain St.
Fayetteville, AR 72701

RE: RZN '24-21 **AMENDED** Petition for Rezoning of Parcels No. 765-14796-001,
3399 & 3425 W. Old Farmington Rd. & 765-14797-000, 3390 W. Martin Luther
King, Jr. Blvd. From R-O and C-2 to UT (both)

To whom it may concern:

Please consider this letter as an Amended Petition to request the rezoning of the above referenced parcels from their current designation of R-O and C-2 to UT. The UT district is designated to provide areas for commercial enterprise surrounding communities and encourages concentration of commercial and mixed-used development along major thoroughfares which would include automobile-oriented development with a wide range of commercial uses permitted.

Further, UT is compatible with the surrounding properties. Further, UT would fit into the future land use of this area. Lastly, this rezoning will not unreasonably affect in any adverse way the surrounding land uses.

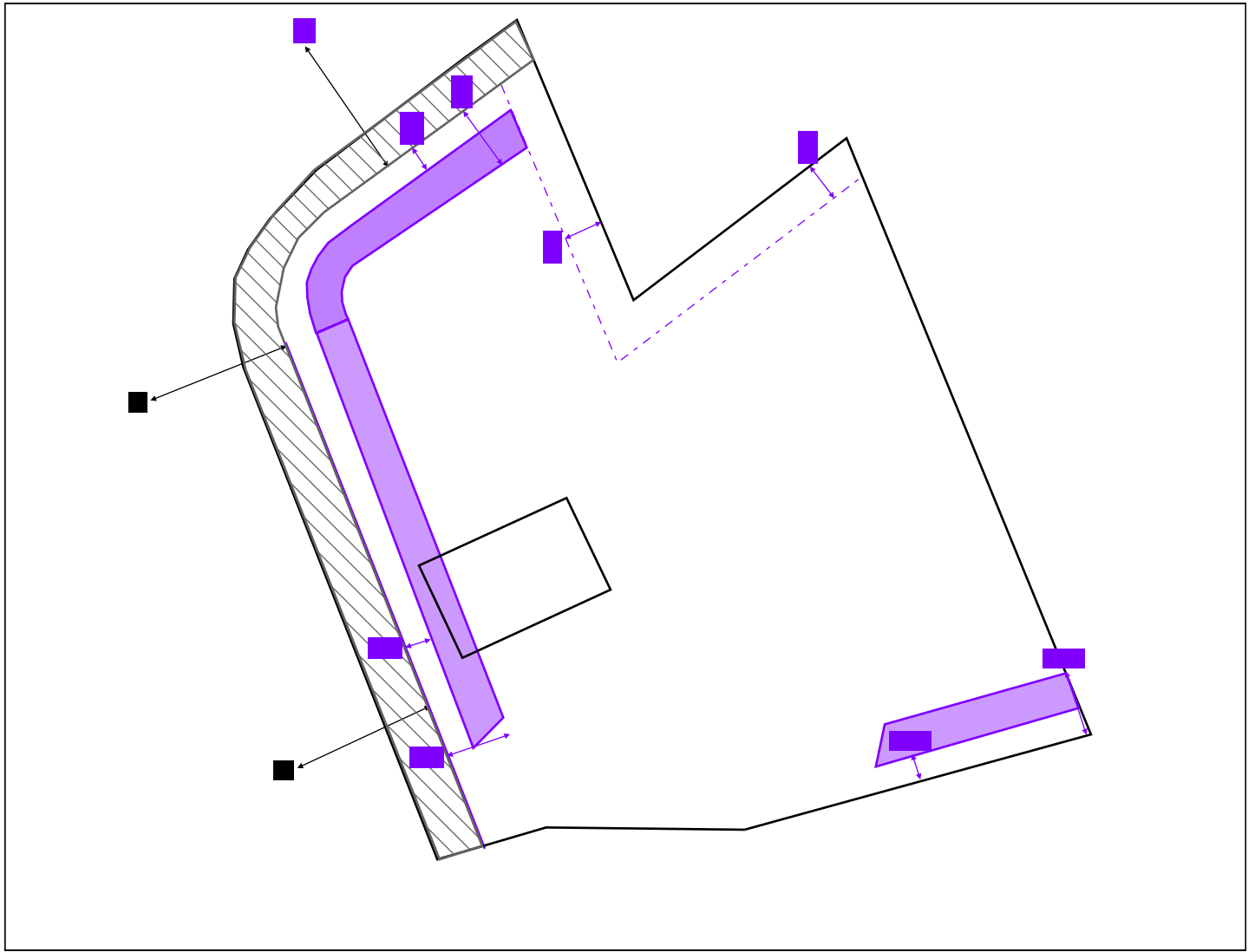
Sincerely,

/s/ Robert K. Rhoads

Robert K. Rhoads

RKR:yn
20293625.1:013715.00001

Exhibit BTZ & Minimum Buildable Street Frontage



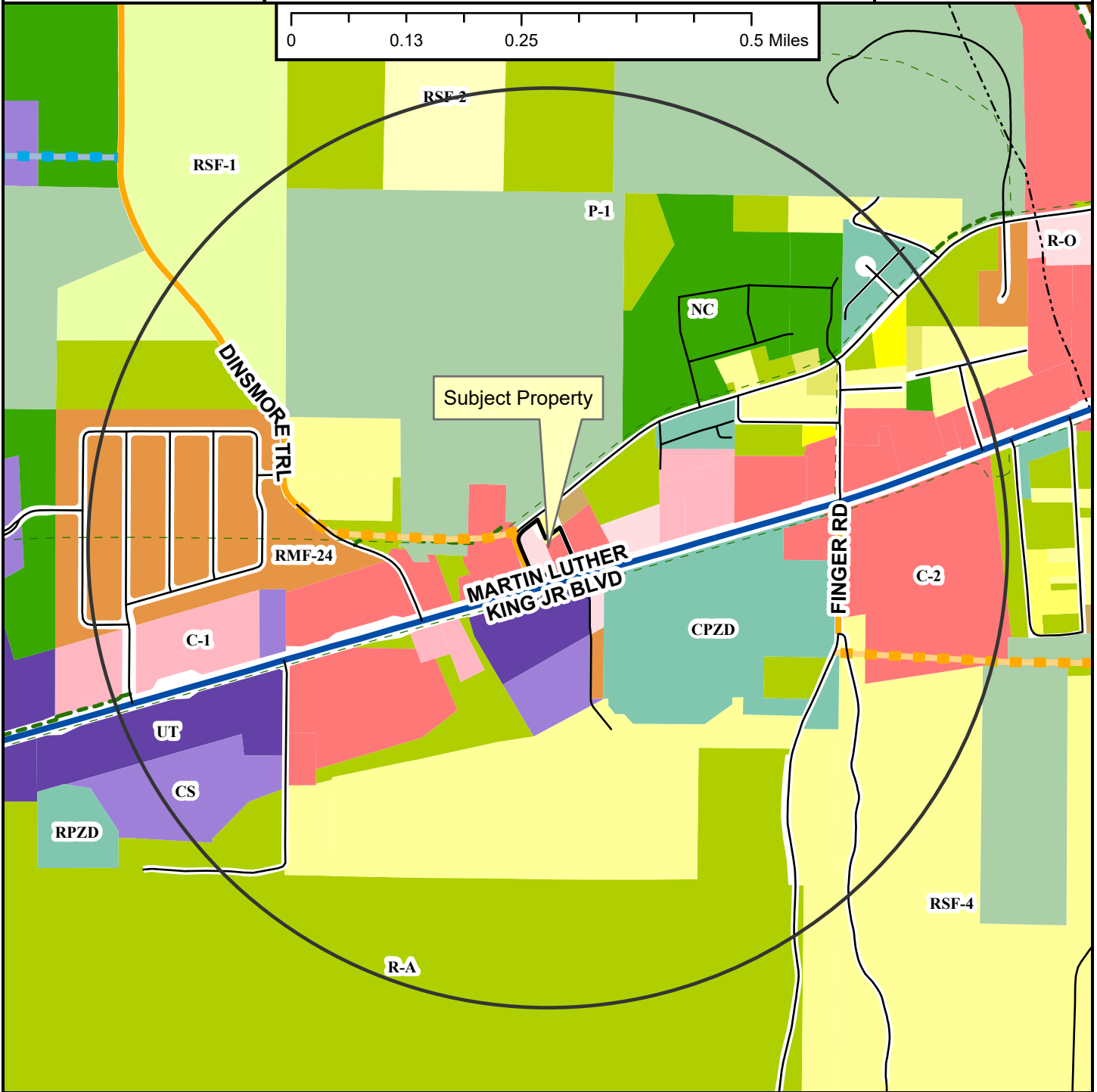
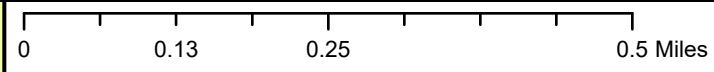
■ Build-To Zone

□ Additional MSP R/W

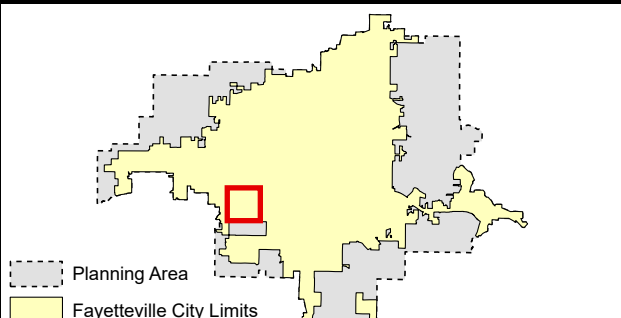
RZN-2024-0021

3390 W. MARTIN LUTHER KING JR BLVD

One Mile View



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

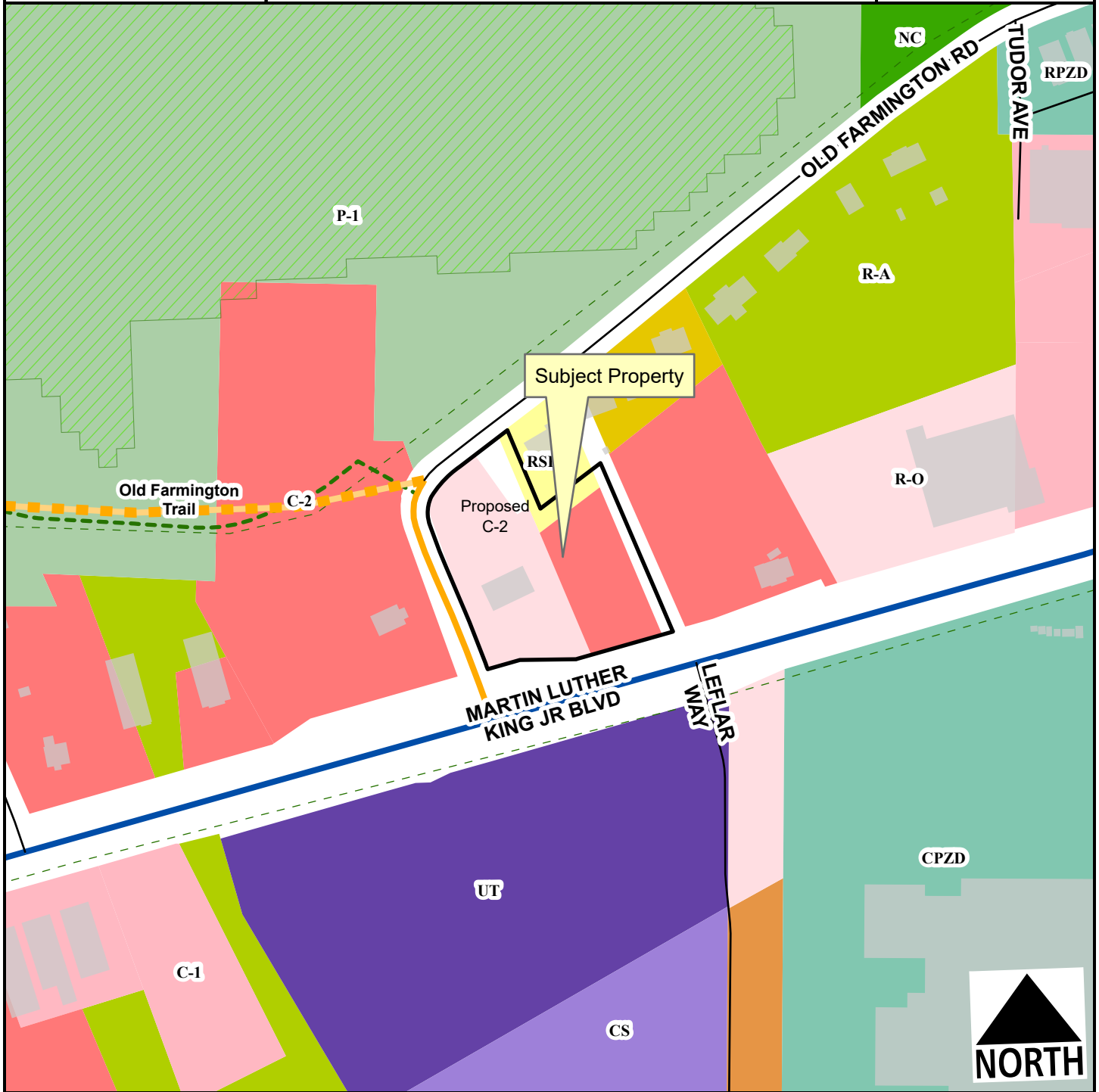











- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-5
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
 - EXTRACTION**
 - E-1
 - COMMERCIAL**
 - C-1 Residential-Office
 - 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

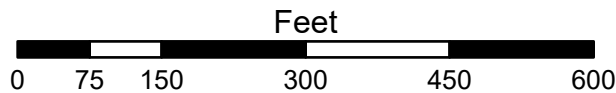
RZN-2024-0021

3390 W. MARTIN LUTHER KING JR BLVD

Close Up View



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



1:2,400

Zone	Current	Proposed
C-2	0.5	1.5
R-O	0.8	0.0
RSF-4	0.1	0.0

Total 1.5 ac









RZN-2024-0021

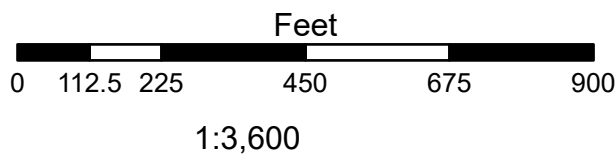
3390 W. MARTIN LUTHER KING JR BLVD





Current Land Use



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



FEMA Flood Hazard Data

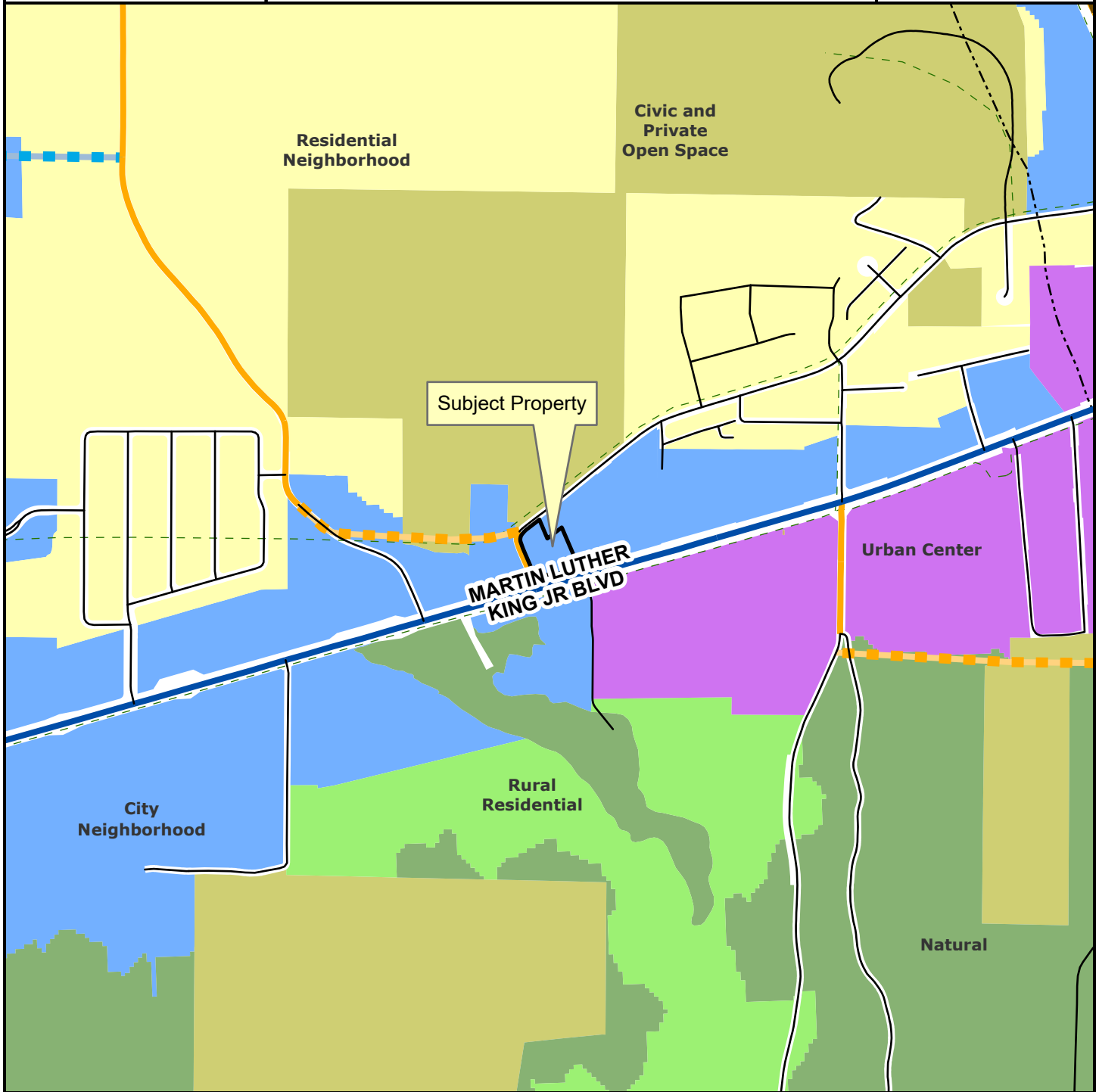
-  100-Year Floodplain
-  Floodway

RZN-2024-0021

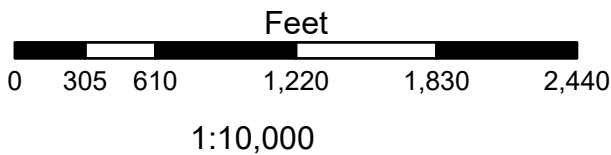
3390 W. MARTIN LUTHER KING JR BLVD



Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned 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