

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, November 21, 2024

4:30 PM

City Hall Room 111

Planning Commission Members

Andrew Brink, Chair

Mary McGetrick, Vice Chair

Brad Payne, Secretary

Matthew Cabe

Nick Castin

Jimm Garlock

Fred Gulley

Mary Madden

Nick Werner

Senior Assistant City Attorney Blake Pennington

Call to Order**Roll Call****Consent****1. MINUTES:**

Approval of the minutes from the November 12, 2024 Planning Commission. -
Mirinda Hopkins, Development Coordinator

Unfinished Business**New Business****2. ADM-2024-0048: Administrative Item (SOUTH OF 2861 N. RAVEN LN/RAVEN LANE EXTENSION, 285):**

Submitted by HALL ESTILL for property located SOUTH OF 2861 N. RAVEN LN. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and CPZD, COMMERCIAL PLANNED ZONING DISTRICT and contains approximately 48.50 acres. The request is to modify the Master Street Plan.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Gretchen Harrison, Senior Planner

3. VAR-2024-0046: Planning Commission Variance (1640 S. HANSHEW RD/KESSLER CREEK SUBDIVISION, 596):

Submitted by ODYSSEY ENGINEERING for property located at 1640 S. HANSHEW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 43.70 acres. The request is for a variance to street design and block length standards. - Donna Wonsower, Planner

4. VAR-2024-0047: Planning Commission Variance (1006 N. MARVIN AVE/MCEVER LAUNDRY, 440):

Submitted by ODYSSEY ENGINEERING for property located at 1006 N. MARVIN AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.26 acres. The request is for a variance to street design and cross access standards.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Donna Wonsower, Planner

5. VAR-2024-0048: Planning Commission Variance (254 N. OLIVE AVE/LAW, 485):

Submitted by BAJA OZARKS LLC for property located at 254 N. OLIVE AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.66 acres. The request is for a variance to block layout standards. - Gretchen Harrison, Senior Planner

6. VAR-2024-0049: Planning Commission Variance (E. 4TH ST & S. COLLEGE AVE/WILLIAMS, 524):

Submitted by MBL PLANNING for property located at E. 4TH ST & S. COLLEGE AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.22 acres. The request is for a variance from access management and streamside protection zone requirements. - Gretchen Harrison, Senior Planner

7. RZN-2024-0053: Rezoning (15 W. SOUTH ST/SZABO, 523):

Submitted by WESLEY BATES for property located at 15 W. SOUTH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.10 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

- Kylee Cole, Long Range & Preservation Planner

8. RZN-2024-0054: Rezoning (NORTHWEST OF W. WATSON ST & N. ROLLSTON AVE/40 PLUS LLC & ELKINS REAL ESTATE HOLDINGS LLC, 484):

Submitted by BLEW & ASSOCIATES for property located at NORTHWEST OF W. WATSON ST & N. ROLLSTON AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.65 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Donna Wonsower, Planner

9. RZN-2024-0055: Rezoning (WEST OF 3296 E. HUNTSVILLE RD/PAIR, 528):

Submitted by DAVID PAIR for property located WEST OF 3296 E. HUNTSVILLE RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.60 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE. - Wesley Frank, Planner

Items Administratively Approved by Staff

Agenda Session Items

Announcements**Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested parties may appear and be heard at the public hearings. If you wish to address the Planning Commission on an agenda item, please queue behind the podium when the Chair asks for public comment. Once the Chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate appointed official, staff, or others for response. Please keep your comments brief, to the point, and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters of TDD, Telecommunications Device for the Deaf, are available for all public hearings, 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

(pg. 1) Planning Commission Tuesday, 11/12/2024							
Time: 5:30 PM							
Staff : ☐ Willa Thomason ☐ John Scott ☐ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☒ Wesley Frank							
☒ Britin Bostick ☐ Kylee Cole ☒ Melissa Boyd ☐ Chris Brown ☒ Alan Pugh ☒ Fire Marshal/Clint Price							
	Roll Call	1) Minutes (10/28/2024)	2) VAR-2024-0043 (NWA PEDIATRIC DENTISTRY)	3) CCP-2024-0008 (PAM ANGUS LIMITED PARTNERSHIP)	4) CCP-2024-0010 (LIGHTHOUSE HOSPITALITY)	5) LSD-2024-0020 (UNDERWOOD PARK)	6) VAR-2024-0044 (CHASE BANK)
Werner	1	1	1	1	1	1	1
Garlock	1	1	1	1	1	0	1
Madden	1	1	1	1	1	1	1
McGetrick	1					1	1
Brink	1	1	1	1	1	1	1
Payne	1	1	1	1	1	1	1
Castin	1	1	1	1	1	1	1
Gulley	1	1	1	1	1		1
Cabe	1	1	1	1	1	1	1
Agenda		Consent	Consent	Consent	Consent	Old	New
Action		Approve	Approve	Approve	Approve	Approve	Approve
Motion By		Cabe	Cabe	Cabe	Cabe	Werner	Cabe
Motion 2nd		Castin	Castin	Castin	Castin	Payne	Payne
Vote		8-0-0	8-0-0	8-0-0	8-0-0	7-1-0	8-0-0
Time		5:33 PM	5:33 PM	5:33 PM	5:33 PM	5:45 PM	5:58 PM
Motion Detail						recommended by staff, striking the conditions about right-of-way dedication.	With conditions as recommended by staff.
Public Comment						1	0

(pg. 2) Planning Commission			Tuesday, 11/12/2024			
	7) VAR-2024-0045 (KUM & GO)	8) PZD-2024-0007 (BUFFALO LEASING LLC)				
Werner	1	1				
Garlock	1	1				
Madden	1	1				
McGetrick	1	1				
Brink	1	1				
Payne	1	1				
Castin	1	1				
Gulley	1	1				
Cabe	1	1				
Agenda	New	New				
Action	Approve	Forward				
Motion By	Payne	Payne				
Motion 2nd	Werner	Madden				
Vote	9-0-0	9-0-0				
Time	6:06 PM	6:17 PM				
Motion Detail	With conditions as recommended by staff.	With a recommendation of approval.				
Public Comment	0	0				



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: November 25, 2024

SUBJECT: **VAR-2024-0046: Planning Commission Variance (1640 S. HANSHEW RD/KESSLER CREEK SUBDIVISION, 596):** Submitted by ODYSSEY ENGINEERING for property located at 1640 S. HANSHEW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS OPER ACRE and contains approximately 43.70 acres. The request is for a variance from street design and block length standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0046** with conditions.

RECOMMENDED MOTION:

"I move to approve VAR-2024-0046, recommending:

- *In favor of the requested variance to UDC §166.08(E) Block Length and Connectivity;*
- *In favor of the request for an Alternative Residential Link section; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in southwest Fayetteville, roughly 650 feet south of the intersection of W. Martin Luther King Jr. Boulevard and S. Leflar Way. The site is at the southern terminus of S. Leflar Way, totals roughly 43.70 acres, and is almost entirely undeveloped. The Farmington Branch, which is in the Illinois River watershed, bisects the easternmost portion of the site and there are steep grades south and west of the stream. A FEMA designated Floodplain Zone A associated with the stream encumbers roughly 7.5 acres of the site. The approximately 43.70-acre property is almost entirely covered in tree canopy with approximately four acres near the south property line falling within the Hillside Hilltop Overlay District. An approximately 1,100-square-foot single-family residence was constructed in 1951 near S. Hanshew Rd. along with several outbuildings.

On January 10, 2022, the Planning Commission approved a conditional use permit (CUP-2021-000051) allowing the property to be used as an RV park in an RSF-4 zoned property. On October 10, 2022, the applicant submitted a request to amend the conditional use permit and extend its approval (ADM-2022-0052). An additional extension was approved on January 8, 2024, extending approval of the conditional use permit was extended through January 10, 2025. No additional extensions are available for the conditional use permit. The associated large-scale development (LSD-2022-0031) was administratively renewed through February 27, 2024.

The applicant now seeks to develop the property as a single-family subdivision. No development

plans have been received at this time for the revised use. Surrounding land use and zoning is depicted in Table 1.

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

Direction	Land Use	Zoning
North	Undeveloped/Lowe's	R-A, Residential Agricultural/RMF-24, Residential Multi-family, 24 Units per Acre/CPZD, Commercial Planned Zoning District
South	Undeveloped/Conservation Easement	R-A, Residential Agricultural
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Undeveloped/Single-family Residential	R-A, Residential Agricultural/RSF-4, Residential Single-family, 4 Units per Acre

Request: The applicant is requesting two variances from the Unified Development Code in association with proposed single-family subdivision. Each variance is described further below alongside staff's recommendations.

DISCUSSION

Variance #1: §166.08(E), Block Length and Connectivity. For residential link streets, intersections are required at a minimum of one every 660 feet. The applicant is proposing three areas of the site that do not meet this requirement.

Staff recommendation: Staff supports the variance request with conditions. The first location proposed that does not comply with block length requirements is the eastern side of the street directly west of the floodplain. This side of the street has a block length of approximately 1,400 linear feet. The applicant notes that the only way to provide connectivity across the floodplain, thus shortening the block length, would be to construct a bridge. A cost estimate provided by the applicant for this bridge totals \$973,960.40. Staff finds that this expense is not proportional to the anticipated impact of the development and recommend in favor a block length variance in this location with no added conditions.

The second location exceeding block length standards is the internal side of the street loop proposed west of the floodplain. While no specific hardship is provided for this portion of the site, staff finds that slopes in this area are significant, with most of the internal portion of this loop exceeding 10% grade. The applicant proposes an internal "community feature" with two sidewalk connections proposed to the north, one to the east, and one to the south. Staff finds that these sidewalk connections will provide for pedestrian connectivity and that limiting vehicular access to this internal feature could provide a safer pedestrian environment that serves the larger community. Staff recommends a condition that sidewalk connections shall be installed within the common open space in substantially similar locations as the attached plans, and that the internal common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the preliminary plat for approval. Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space.

The third location that does not meet block length standards is located on the north side of the S. Leflar Way extension to S. Finger Road. Staff finds that the property north of the street is encumbered either by an existing detention pond serving the Lowes property or a large tree preservation easement. Given this, staff finds that a street connection to the

north is not feasible, and recommend in favor of the variance for the third location with no added conditions.

Variance #2: Alternative Residential Link Section. The alternative residential link section shall require Planning Commission approval in areas other than the Hillside / Hilltop Overlay District. The applicant is proposing to utilize the alternative residential link section throughout the entire site.

Staff recommendation: Staff partially supports the variance request with an added condition. Considerations for use of this section outside of the Hillside/ Hilltop Overlay district include 1) block lengths less than or equal to 400 feet, 2) environmental reasons where no other section is applicable, 3) historic streets for small infill projects, 4) streets with less than 250 vehicles per day, and 5) alley-loaded developments. While staff finds that items 1, 3, and 5 do not apply to this property, it is unclear if item 4 will apply. Staff does find that item 2 may be applicable. The site contains steep slopes throughout, with a large portion of the site at 10% or greater. Some portions of the site exceed 20% grade, largely adjacent to the Farmington Branch Creek. Related, the site is bisected by a large area of floodplain, floodway, and streamside protection zones. Staff finds that allowing the alternative street section will generally reduce the amount of impervious surface on a property with extensive floodplain, and that this section could provide additional flexibility with steeper grades. That being said, it appears that the portion of the lot east of the floodplain is generally less steep. Staff recommends full Residential Link Street requirements in this portion of the property. If the Planning Commission elects to approve an alternative Residential Link section for the entire property, staff recommends a condition that the sidewalk along the loop east of the floodplain shall be located internal to the loop. Doing so will directly serve six lots rather than three as currently shown, while also reducing the linear feet of sidewalk required thus minimizing additional impervious surface.

Public Comment: Staff has received one inquiry regarding the proposed variances, but no comments specifically in support or opposition.

RECOMMENDATION: Staff recommend approval of VAR-2024-0046 with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.08(E), Block Length and Connectivity.** Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:
 - a. Sidewalk connections shall be installed within the common open space in substantially similar locations as the attached plans;
 - b. The internal common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the preliminary plat for approval. Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space.

2. **Planning Commission determination of the use of an alternative residential link street section outside the HHOD.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
 - a. *Development on the east side of the floodplain shall use the full residential link sections. If approved for the alternative residential link, sidewalk along the loop shall be located internal to the loop.*
3. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 25, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Developed Code:
 - §166.08, Street Design and Access Management Standards
 - Master Street Plan Alternative Residential Link Section
- Staff Exhibit: Recommended Conditions
- Applicant Exhibits
 - Request Letter
 - Floodplain Exhibit
 - Bridge Cost Estimate
 - Existing Topography Exhibit
 - Soil Map
 - Pigskin Park Bridge Location
- One Mile Map
- Close-up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

- (A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

....

- (E) *Block Layout/Connectivity.*

- (1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.

- (a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.

- (b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.

- (c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.

- (d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

...

- (3) *Connectivity.* Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

- (4) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

...

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §§1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-20; Ord. No. 6658, §9, 5-2-23)

Alternative Residential Link Street - Desired Operating Speed: 15-20 mph

The alternative residential link street section is intended to reduce the footprint of the residential street scape while keeping a safe environment for all modes and abilities. Storm drainage infrastructure should have adequate depth or be offset to avoid conflicts with street tree plantings. Low-Impact Development (LID) features in green spaces are recommended best practices to incorporate alternative stormwater treatment techniques.

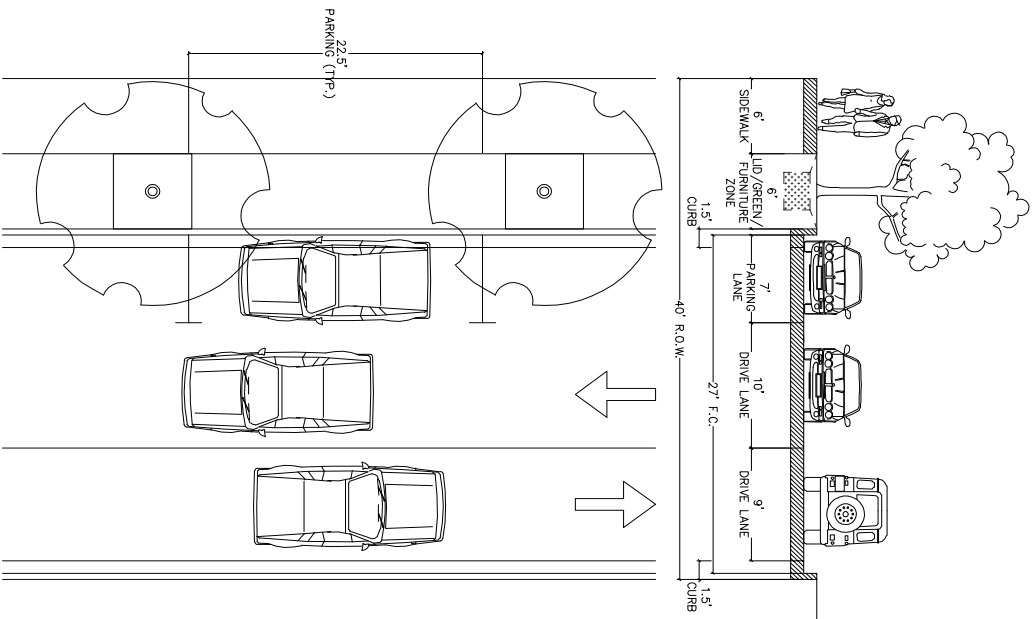


Figure 12.9 - Alternative Residential Link Street

- The alternative residential link street section shall require Planning Commission approval in areas other than the Hilltop-Hillside Overlay District and the following should be taken into consideration:
- Block lengths less than or equal to 400-feet
 - Environmental reasons where no other section is applicable
 - Historic streets for small infill projects
 - Streets with less than 250 vehicles per day
 - Alley-loaded development

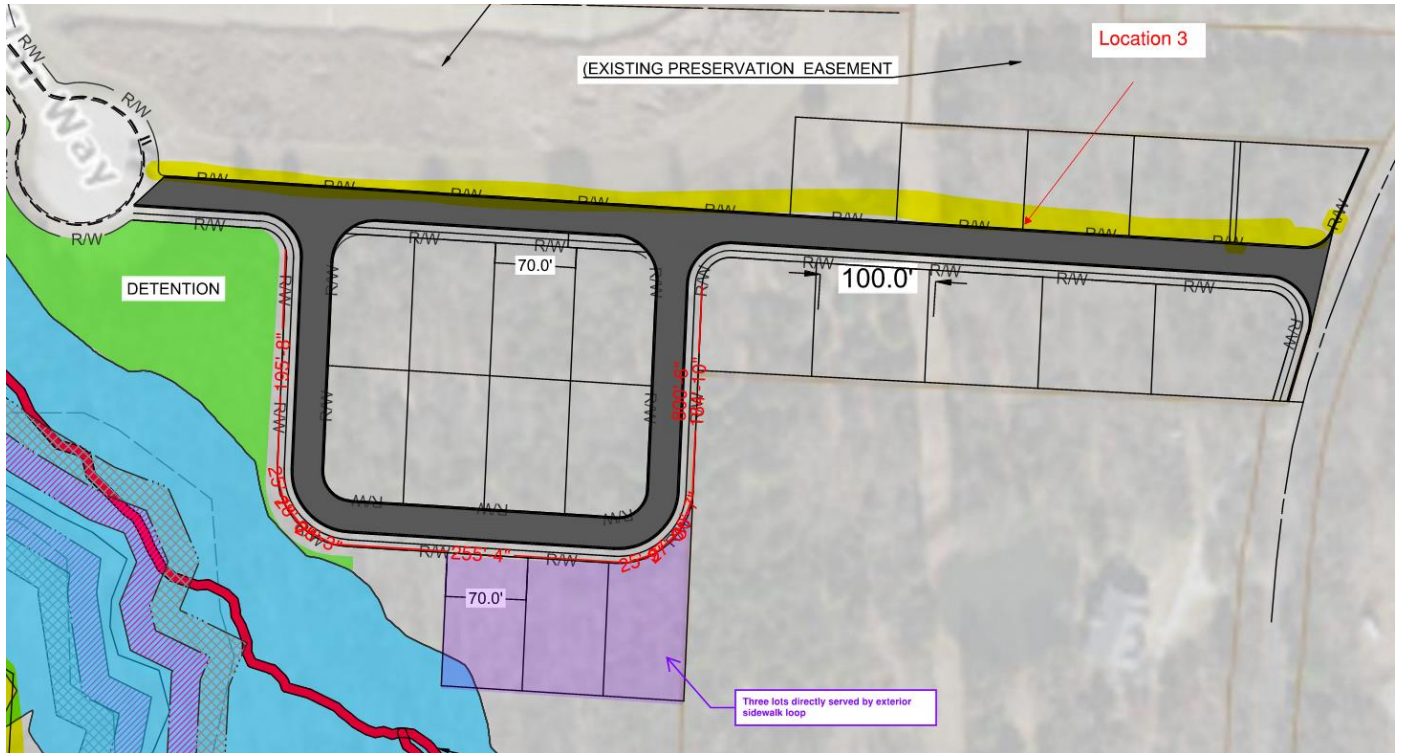
- As determined by city staff, additional roadway elements may be required and include:
- An additional 2-ft frontage zone where buildings abut right-of-way. This may be accomplished with setbacks or additional right-of-way.
 - Streets planned with on street bike facilities as shown on the Active Transportation Plan, shall accommodate one 10-ft sidewalk by increasing right-of-way by 4-ft.

- Alternative design elements may be approved administratively and include:
- Removal of the 7-ft parking lane will be considered when adequate parking is provided elsewhere.

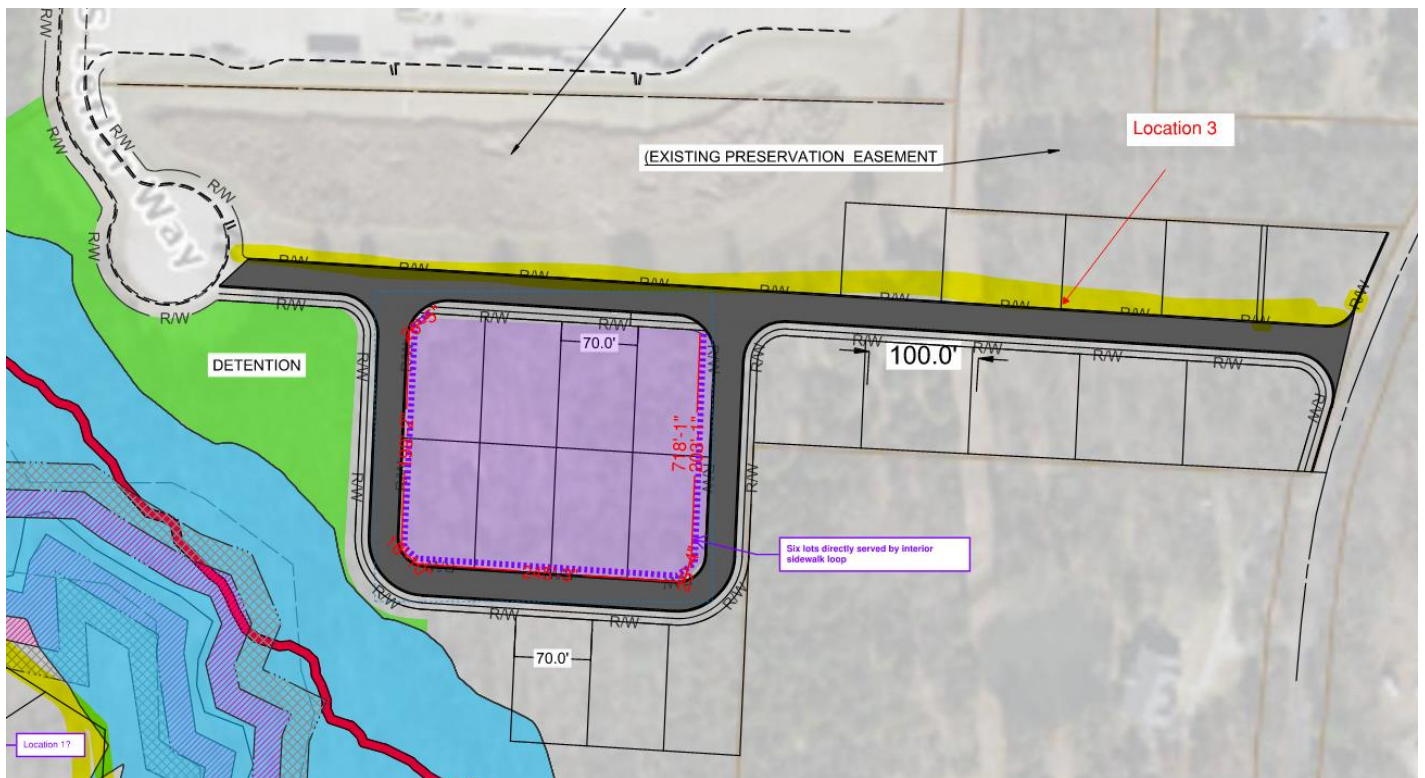
Minimum Right-of-Way: 33-feet
Maximum Right-of-Way: 40-feet



STAFF RECOMMENDED CONDITIONS



Current sidewalk location



Proposed Staff Condition for Internal Sidewalk Location if Approved for Alternative Residential Link

November 7, 2024

Planning Department
City of Fayetteville
125 W Mountain St.
Fayetteville, AR 72701

RE: Kessler Creek Subdivision

City of Fayetteville Planning Staff:

The property owner, Southeastern Tailgate Park LLC, is requesting to build a single-family subdivision (Parcel No. 765-22968-001, 765-14813-000). Odyssey engineering intends to submit this as a preliminary plat to planning commission later this year with proposal on this property for 114 lots on 47 acres.

Before our design work for this large subdivision is complete, we would like to request two variances on the front end of the project, so that our clients know how to proceed with developing this property.

- 1.) Variance from section 166.08 (E)– Street design and access management standards- Block Layout/ connectivity

We are proposing not to connect the east portion of our project to the west portion of the project due to the floodplain and USACE section 404 features. (see exhibit 1) Section 166.08E requires an intersection every 660'. Additionally, wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system. In our conceptual site plan, we are proposing to provide ROW stub outs to the north and south. We are also proposing 3 pedestrian connections to our community feature to help break up the long block lengths we are proposing on this property.

The previous project associated with this property "Pigskin Park RV" was approved with a connection to Lefler Way via a bridge over the floodplain. (exhibit 5) While Crafton Tull was designing the layout, Parcel 765-14813-000, with access off Hanshew, had not been purchased. Thus, access to much of the parcel was only available through a bridge. Southeastern Tailgate Park, LLC now has said property under contract, and with that public access through Hanshew.



479.480.3330



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VAR-2024-0046 (KESSLER CREEK SUBDIVISION)

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Ultimately, what led to the termination of the “pigskin park” project was, in part, the cost associated with building the bridge over the floodplain. I’ve included in this letter a cost estimate from a local contractor per staff request. (see exhibit 2) being required to build this bridge to connect to Lefler would terminate this project as well. The costs associated with the bridge designed for “pigskin park” was essentially 1/10 of the overall budget.

Additionally, building a feature like this has the potential to disrupt floodplain patterns, creating a rise in the Base Flood Elevation, or an increase in downstream velocities. Constructing this feature also could impact wetland features that are under the jurisdiction of the US Army Core of Engineers.

The lot and Block standards require an intersection, measured from the ROW, every 660’ or less. This is for both sides of the any road. We are providing that in all areas of our subdivision except 3 places.

- The east side of the property for the west subdivision located against the flood plain. We see no reason to stub a road out to the east along the floodplain since there will never be a road connection this stub out to the other side. This area is labeled as location 1 on the exhibit 1.
- For the 2nd location, instead of providing street intersections, we propose to add pedestrian intersections every 660’ on the interior roadside loop. There is one pedestrian intersection that is spaced 700’+ instead of 660 due to the low point of the road and drainage needs to direct runoff into the pond.
- Location 3 is located on the east subdivision. We will not be able to meet block length standards here due to the existing detention pond for Lowes, and an existing tree preservation buffer. There would be no point stubbing out an intersection since those areas will never be developable.

2.) Variance from typical residential link street section

It is my understanding that in the Hillside Hilltop Overlay District, developers are allowed to use an “Alternative Street section” consisting of 40’ of ROW with a 28’ Back of curb to back of curb with a 6’ sidewalk and 6’ of greenspace only on one side. This is primarily allowed because of street grades typically associated with HHOD areas.

Though this property is not totally encompassed within HHOD, it does have some HHOD overlay. It is also my opinion that this property shares many similar features as HHOD areas, the most prominent being the steep grades and Soil types. I have provided an exhibit that shows the existing grades overlayed on our site layout. (exhibit 3) and a web soil survey (exhibit 4)



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117 Parkwood St., Suite 101, Lowell, AR 72745

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VAR-2024-0046 (KESSLER CREEK SUBDIVISION)

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In recent Years, planning commission members have set a precedence of approving in this street section on areas with steep grades such as this, without being in HHOD. One example is the Livingston subdivision (PPL-2023-0003) if there is any additional information that was provided with the variance for this subdivision that we have not provided, we're happy to do so. We request the use of this street section through the entire subdivision, east and west sides.

Should you have any questions regarding this submittal, please contact us at **479-480-3330** or **jchavis@odysseynwa.com**. We appreciate your time and review of this project and look forward to hearing from you.

Respectfully,

Jake Chavis
Project Engineer



479.480.3330



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117 Parkwood St., Suite 101, Lowell, AR 72745

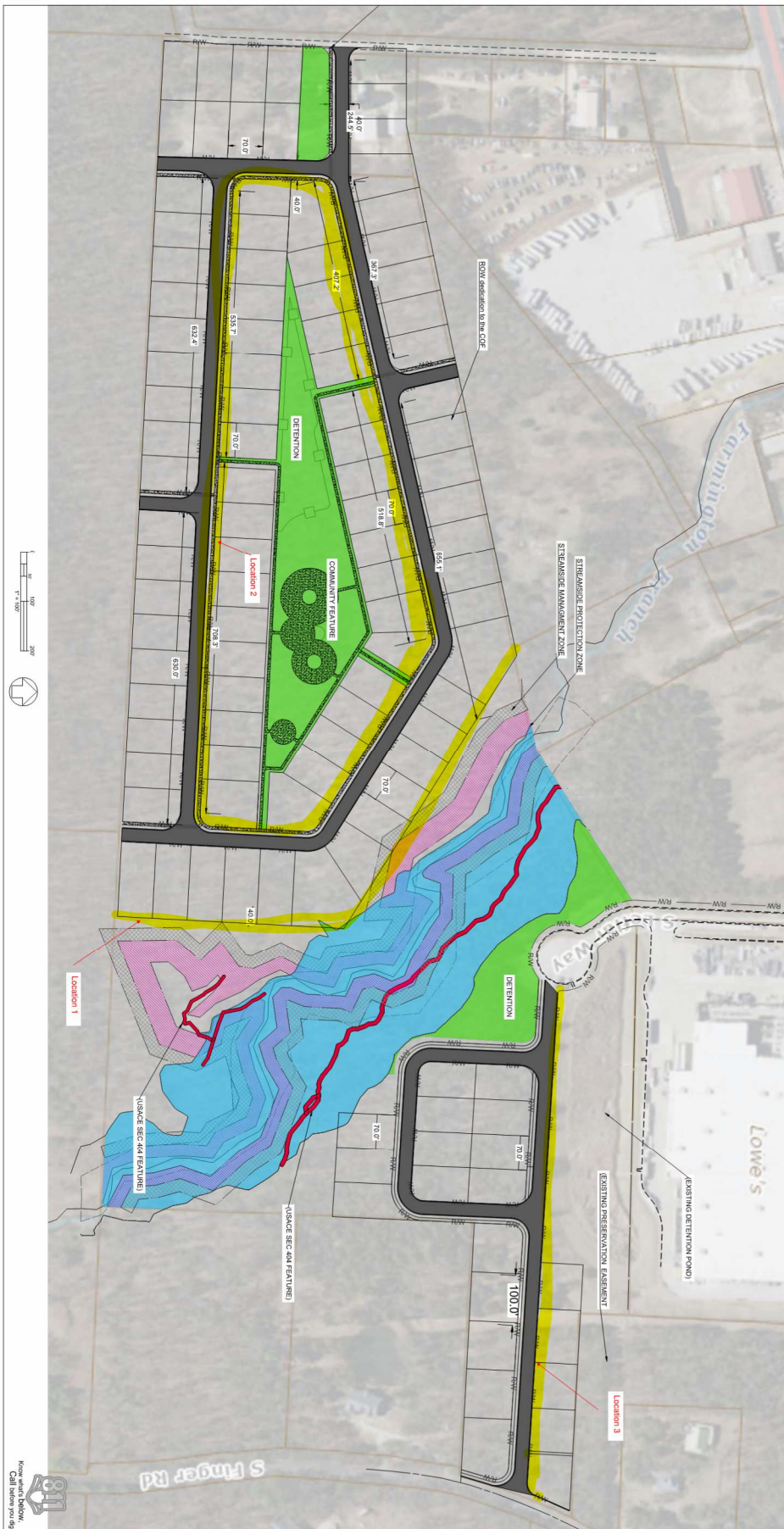
Planning Commission

November 25, 2024

VAR-2024-0046 (KESSLER CREEK SUBDIVISION)

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VICINITY MAP
N.T.S.



Know what's below.
Call before you dig.

KESSLER CREEK
SUBDIVISION
S. LEFLAR WAY
FAYETTEVILLE, AR



**ODYSSEY
ENGINEERING**

117 PARKWOOD STREET, SUITE 101
LOWELL, AR 72745
(479) 480-3330
AR COA # 4188

[illegible]

Planning Commission
November 25, 2024

VAR-2024-0046 (KESSLER CREEK SUBDIVISION)

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Exhibit 2

A-CO A-CO Construction, LLC 117 Parkwood Street Lowell, AR 72745 (479) 717-7474 www.a-coservices.com					
Kessler Creek					
OPC Bridge Connection					
Sitework					
Item #	Description	QTY	Unit	Total	
1	Erosion Control				
a.	SWPPP and streamside protection	1	LS	\$19,685.00	\$19,685.00
b.	Sediment Removal and Disposal	1	LS	\$13,980.00	\$13,980.00
				Erosion Control Total	\$33,665.00
3	Earthwork				
a.	Fill to grade to site and approach with bridge	6,790	CY	\$22.00	\$149,380.00
				Earthwork Total	\$149,380.00
4	Concrete and Walls				
a.	Redirock Wall- retaining walls along bridge	1	LS	\$365,545.00	\$365,545.00
				Concrete Total	\$365,545.00
5	Asphalt Paving				
a.	3" ACHM Surface Course (Type 2)	1,275	SY	\$26.00	\$33,150.00
b.	8" Class 7 Base Course	1,496	SY	\$16.15	\$24,160.40
				Asphalt Total	\$57,310.40
				Sitework Total	\$605,900.40
3	Bridge Construction				
a.	Aluminum Box Culvert- Contech unit with footings	1	LS	\$229,775.00	\$229,775.00
b.	Backfill Gravel	3500	TNS	\$18.00	\$63,000.00
c.	Rip Rap	1	LS	\$20,000.00	\$20,000.00
				Bridge	\$312,775.00
				Total	\$312,775.00
Miscellaneous- included in total					
	Description	QTY	Unit	Unit Price	Total
5	Misc				
a.	Equipment Mobilization- crane	1	LS	\$32,785.00	\$32,785.00
b.	Guard rail	500	LF	\$45.00	\$22,500.00
				Mob & Misc. Total	\$55,285.00
				Total	\$973,960.40

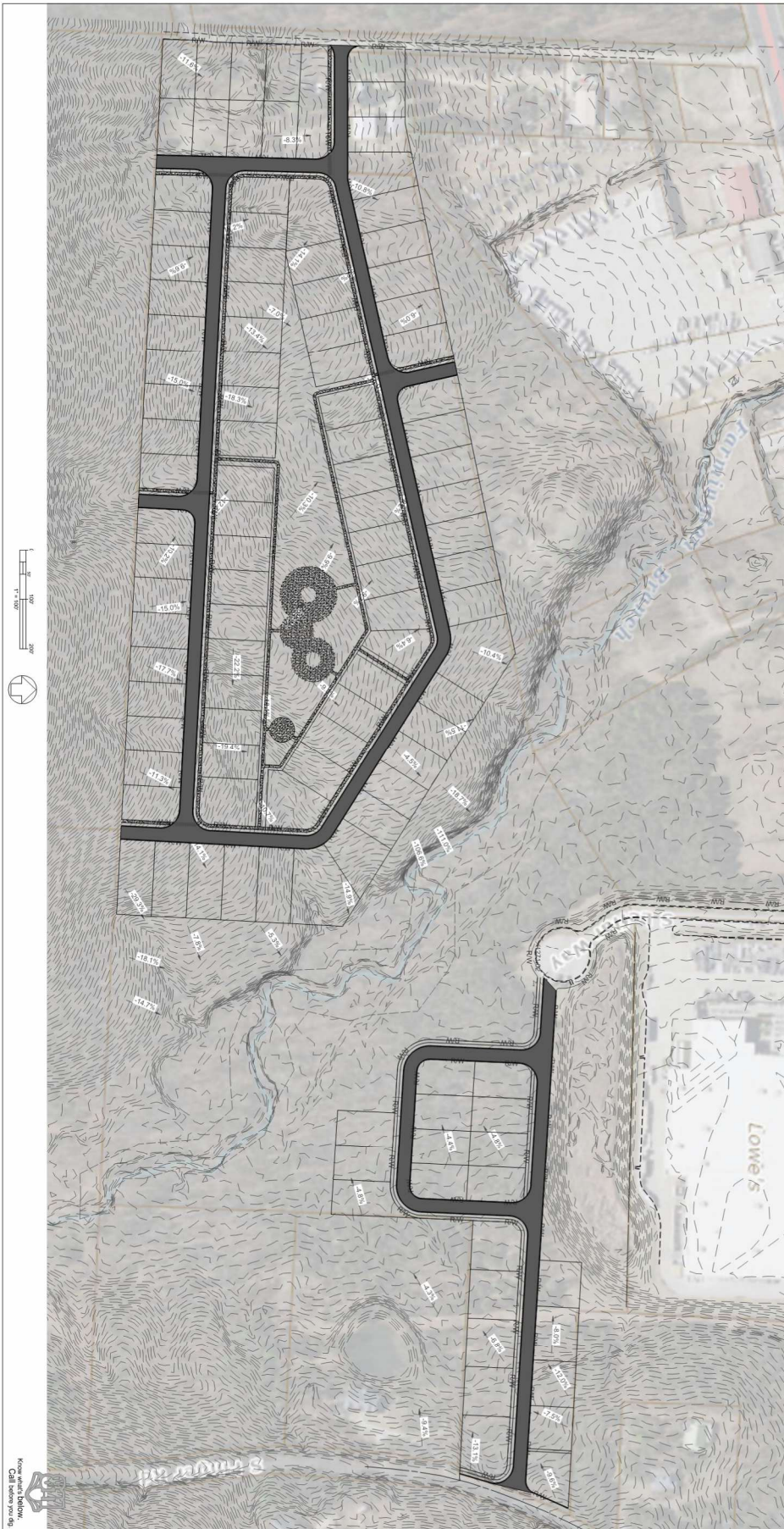


ZONING REQUIREMENTS:

- Tree Preservation is required to be 25% ON majority of site and 30% in HHOD
- HHOD located on site in northern corner
- current zoning is RSF-4
- Setbacks:
 - 15' Front
 - 15' rear
 - 5' Side



VICINITY MAP
N.T.S.



Know what's below.
Call before you dig.



**ODYSSEY
ENGINEERING**

117 PARKWOOD STREET, SUITE 101
LOWELL, AR 72745
(479) 480-3330
AR COA # 4188

PROJECT NO.	DESIGNED BY	REVIEWED BY
ODY00992	JC	
PLAN DATE:	10.14.24	

SHEET NAME:

CONCEPT SITE PLAN

SHEET NO.:

Exhibit 3

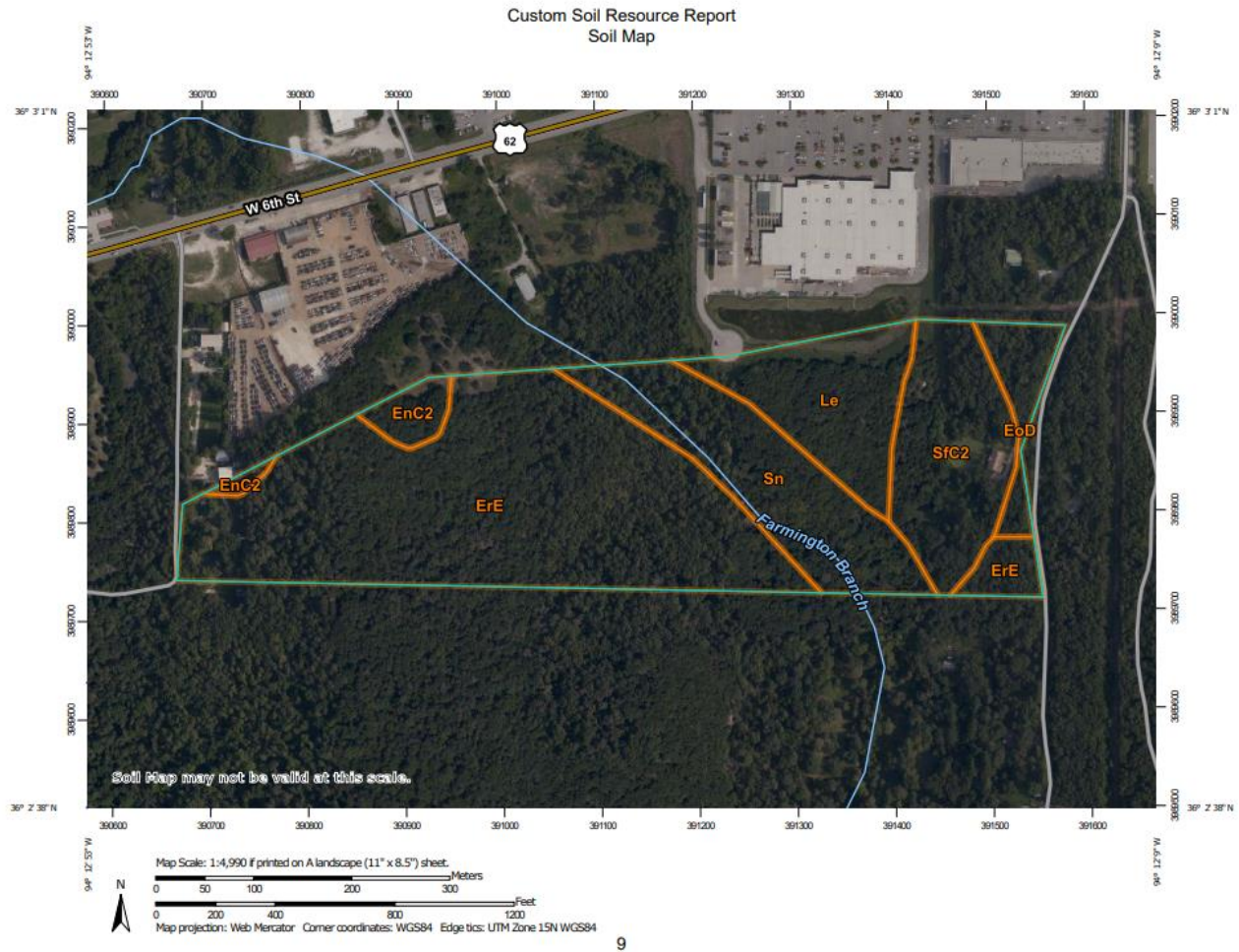
PROFESSIONAL SEAL

NOT FOR CONSTRUCTION

REVISIONS		REVISION
NO.	DATE	

Planning Commission
November 25, 2024

Exhibit 4



Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
EnC2	Enders gravelly loam, 3 to 8 percent slopes, eroded	1.3	2.7%
EoD	Enders stony loam, 3 to 15 percent slopes	1.9	4.0%
ErE	Enders-Leesburg complex, 8 to 20 percent slopes	24.1	51.4%
Le	Leaf silt loam	5.5	11.8%
Sfc2	Savannah fine sandy loam, 3 to 8 percent slopes, eroded	6.6	14.0%
Sn	Sloan silt loam, 0 to 3 percent slopes, occasionally flooded	7.6	16.1%
Totals for Area of Interest		46.9	100.0%



479.480.3330



facebook.com/odysseynw



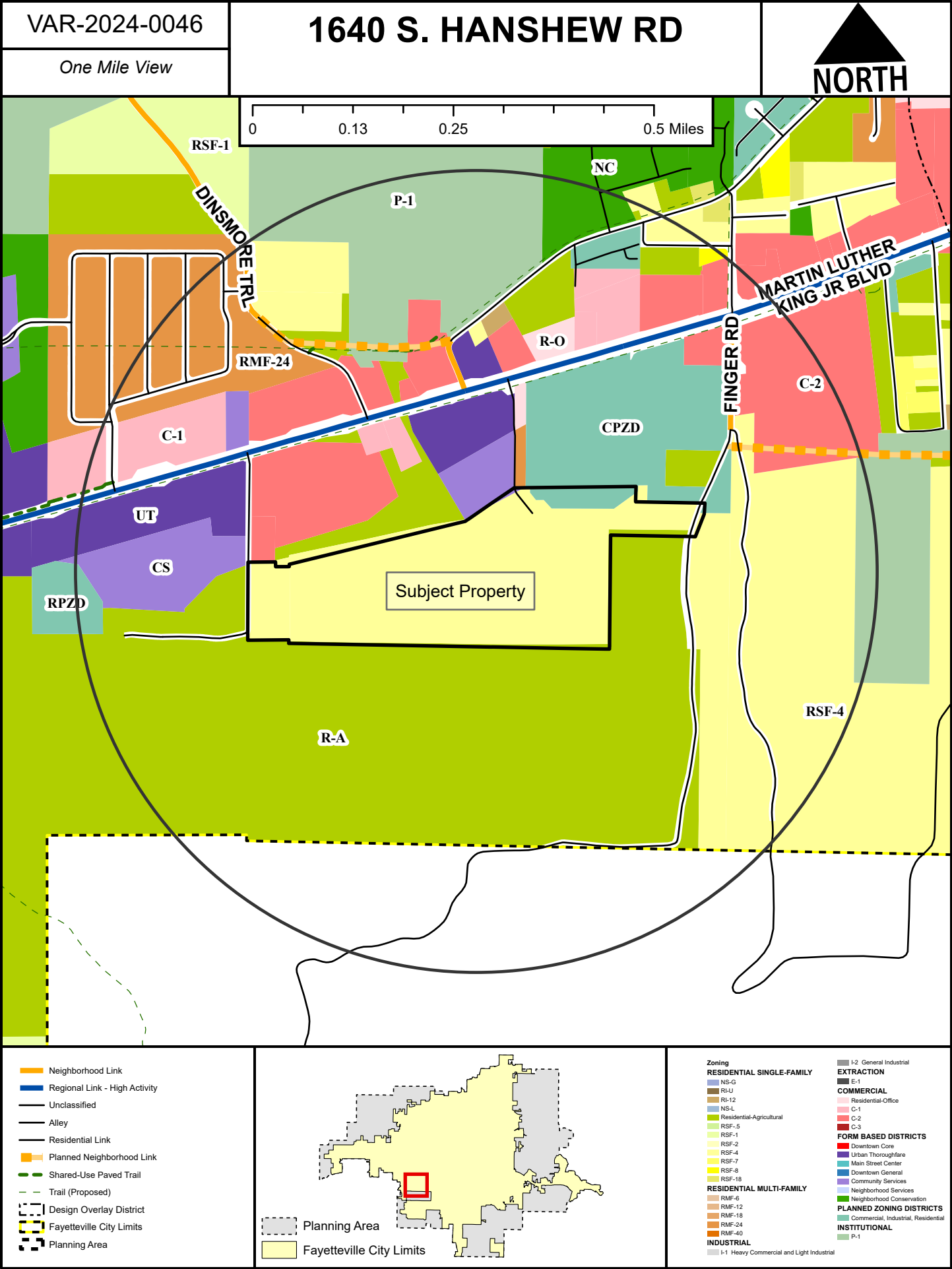
117 Parkwood St., Suite 101, Lower, AR 72445

Planning Commission

November 25, 2024

VAR-2024-0046 (KESSLER CREEK SUBDIVISION)

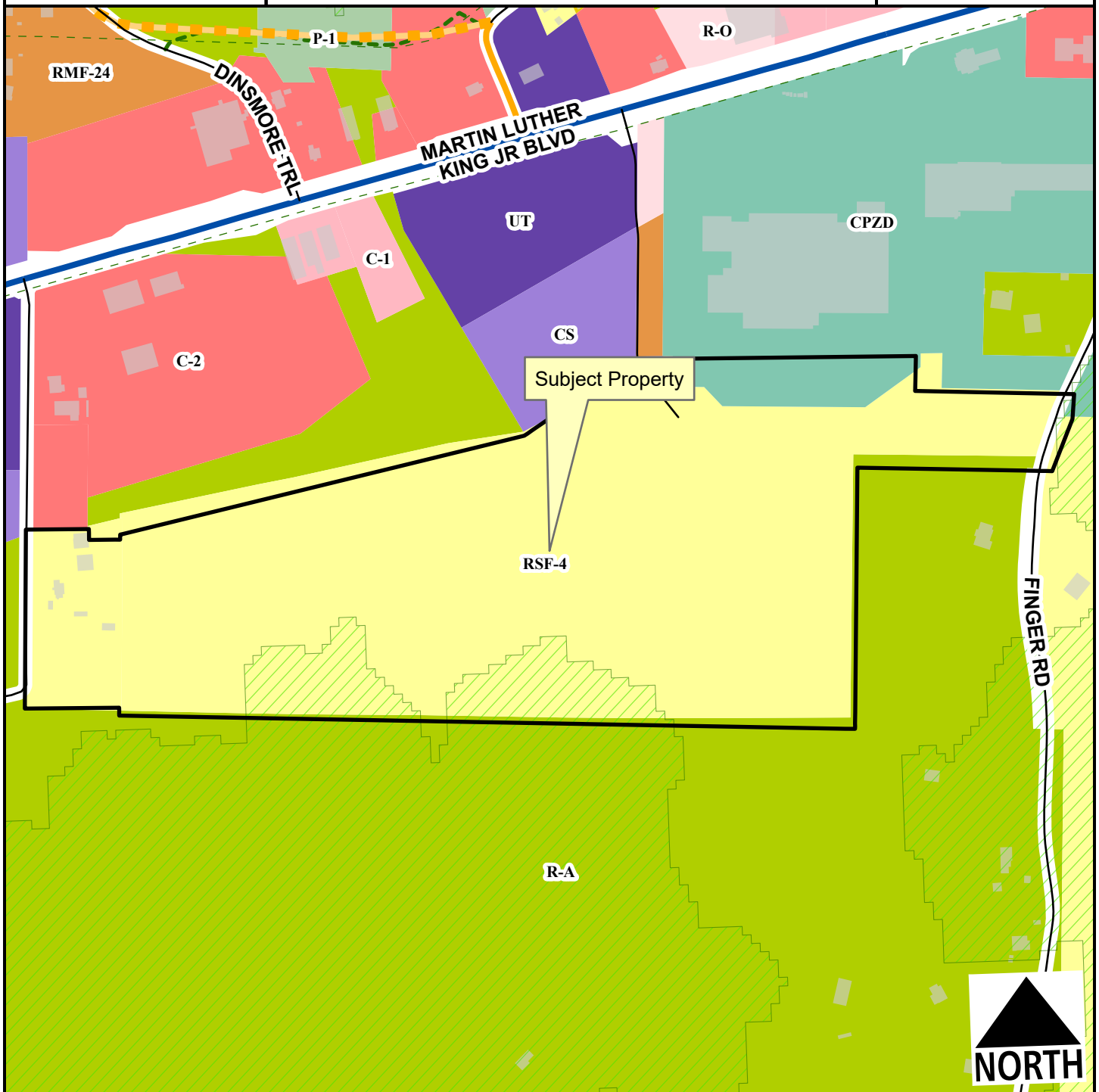
Page 14 of 18



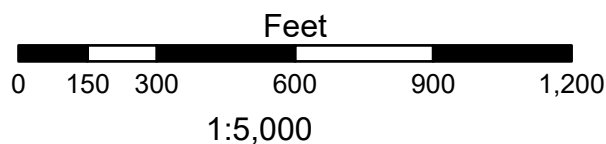
VAR-2024-0046

1640 S. HANSHEW RD

Close Up View



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

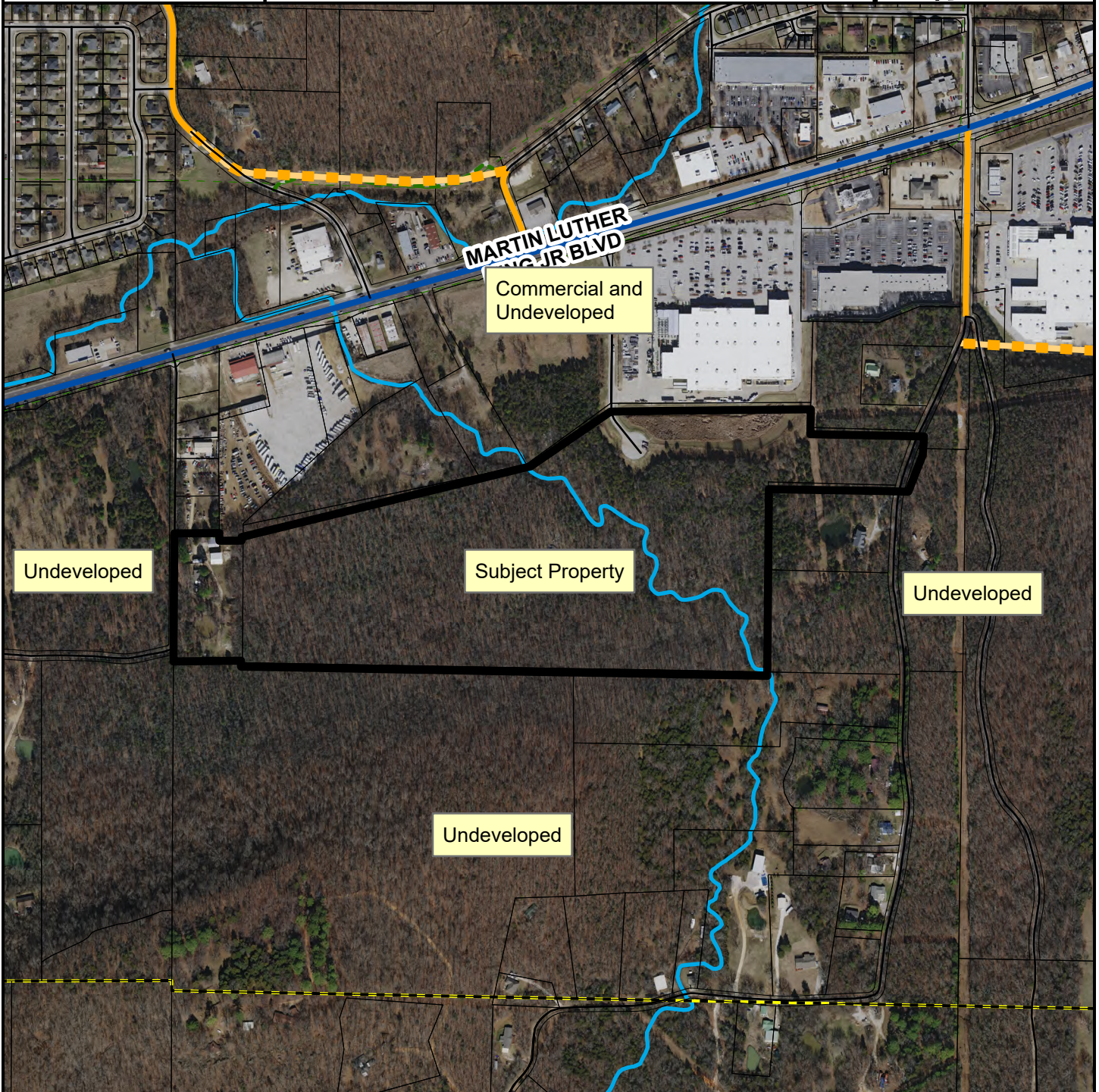


- Residential-Agricultural
- RSF-4
- RI-12
- RMF-24
- Residential-Office
- C-1
- C-2
- Urban Thoroughfare
- Community Services
- Commercial, Industrial, Residential
- P-1

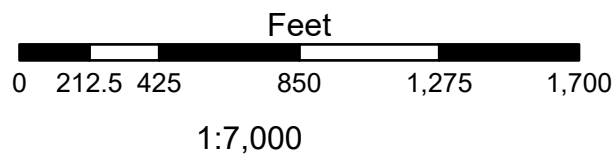
VAR-2024-0046

1640 S. HANSHEW RD

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



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: November 25, 2024

SUBJECT: **VAR-2024-0048: Planning Commission Variance (254 N. OLIVE AVE./LAW, 485):** Submitted by BAJA OZARKS LLC for property located at 254 N. OLIVE AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.66 acres. The request is for a variance to block layout standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0048** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0048**, determining:*

- In favor of a variance to UDC §166.08(E)(2) and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located at the southeast corner of Dickson Street and Olive Avenue. It is zoned RMF-24, Residential Multi-Family, 24 Units per Acre, totals approximately 0.66 acres, and is developed with a single-family home which Washington County records indicate was built in 1946. Earlier this year, a lot split application was submitted to subdivide the property into three lots containing 0.11, 0.13, and 0.42 acres (LSP-2024-0031). This variance request is related to that recent lot split application. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The applicant is requesting a variance from Unified Development Code §166.08(E)(2) which prohibits the creation of double-street frontage lots, or through lots, except when such lots front onto access restricted roadways or if first permitted by the Planning Commission. The request is to create a double-street frontage lot with frontage on two Residential Link Streets: Dickson Street and Olive Avenue.

DISCUSSION:

The subject property contains one 0.66-acre parcel which is a corner lot just southeast of the intersection of Dickson Street and Olive Avenue. The applicant is proposing to subdivide the property into three lots: one corner lot with frontage on both streets at the intersection, a second standard lot with frontage only along Olive Avenue, and a third through lot with frontage on both streets, though not at the intersection. Staff is supportive of the applicant's request to subdivide the property and create a through lot as proposed. The frontage on Olive Avenue for the through lot would function as a flag, providing necessary access for utilities, as there is no water main along the property's Dickson Street frontage. The three proposed lots otherwise comply with the regulations associated with the underlying RMF-24 zoning district.

Public Comment: Staff received one inquiry about this item but no comment in support of or opposition to the applicant's request.

RECOMMENDATION: Staff recommends approval of VAR-2024-0048 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.08(E)(2), Street Design and Access Management Standards.** *Staff recommend approval of this variance for the reasons stated above.*
2. Driveway access for the other tracts associated with the lot split shall be limited to a shared driveway on the proposed tandem lot's Olive Avenue frontage.
3. Approval of this item does not constitute approval of the associated lot split. Review and approval of the lot split shall be required in accordance with city code.

Planning Commission Action: ☐ **Approved** ☐ **Tabled** ☐ **Denied**

Meeting Date: November 25, 2024

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.08 Street Design and Access Management Standards
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

- (A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.
- (B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.
- (C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).
- (D) *Street Design Principles.*
 - (1) *Extensions.* All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.
 - (2) *Substandard Widths.* Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.
 - (3) *Street Names.* Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.
 - (4) *Pedestrian.* Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
 - (5) *Street Standards.* All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.
- (E) *Block Layout/Connectivity.*
 - (1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
 - (b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
 - (c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.
 - (d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.
 - (2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted roadways such as expressways. Alleys are not considered as frontage. Double frontage lots may be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots. Unless otherwise approved by the Planning Commission, all primary structures shall be oriented toward the higher functional classification street.
 - (3) *Connectivity.* Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.
 - (4) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.
 - (5) *Dead-End Streets.* Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

- (F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.
- (1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.
 - (2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.
 - (a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.
 - (b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.
 - (c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.
 - (3) *Separation for Single-Family Homes.*
 - (a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.
 - (b) *Regional and Neighborhood Links.* Individual curb cuts along regional and neighborhood link streets shall be discouraged. When necessary, curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.
 - (4) *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.
 - (5) *Speed.* All streets should be designed to discourage excessive speeds.
- (G) *Non-Conforming Access Features.*
- (1) *Existing.* Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:
 - (a) When new access connection permits are requested;
 - (b) Upon expansion greater than 50% of the property's appraised or market value as established by the Washington County Assessor; or
 - (c) As roadway improvements allow.
 - (d) With development of a new primary structure on the property.
- (H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §§1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-20; Ord. No. 6658, §9, 5-2-23)

I am requesting a variance from section of code: (UDC §166.08(E)(3)) for the following address at 254 N Olive Ave Fayetteville AR, 72701.

Based on the proposed lot split, the lot containing the existing house would have frontage on both Olive and Dickson streets, but it would not be a corner lot. This results in the lot becoming a "double-street frontage lot," which triggers the need for a variance. As I understand it, the frontage on Olive is required to provide water access to the existing house on Tract 'A', since there are no water mains along the property's frontage on Dickson.

Tania Mahoney-Vazquez

11-20-2024

Tania Mahoney-Vazquez
Executive Broker, Realtor
479-650-4975
Tania@collierhomesnwa.com

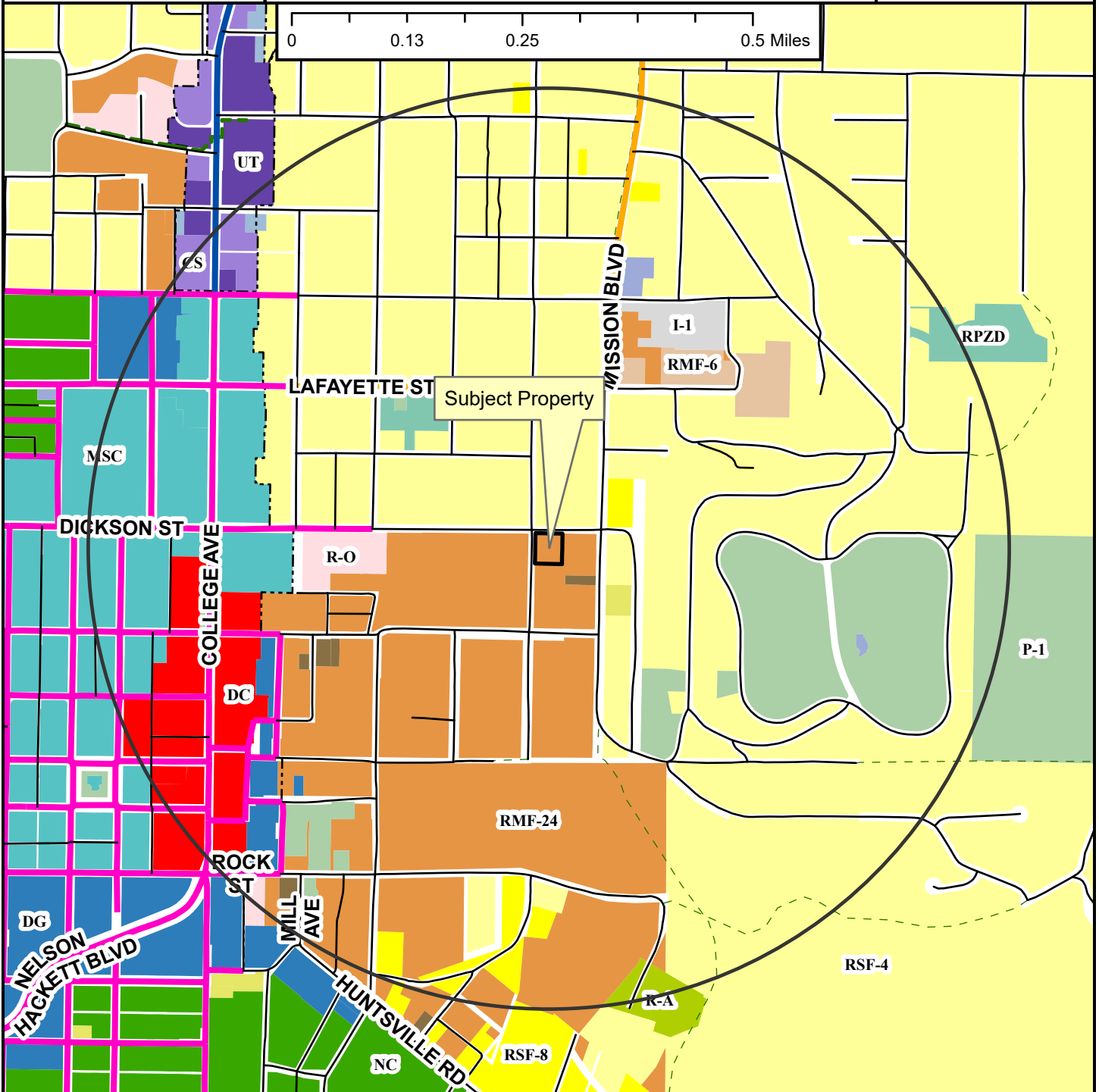
VAR-2024-0048

254 N. OLIVE AVE

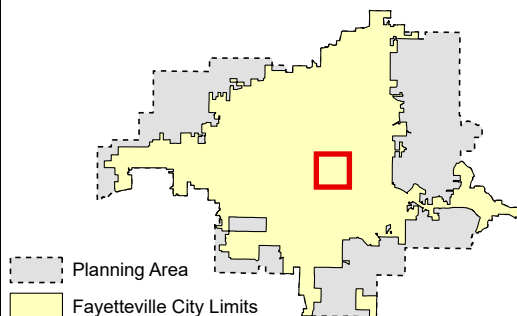
One Mile View



0 0.13 0.25 0.5 Miles



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

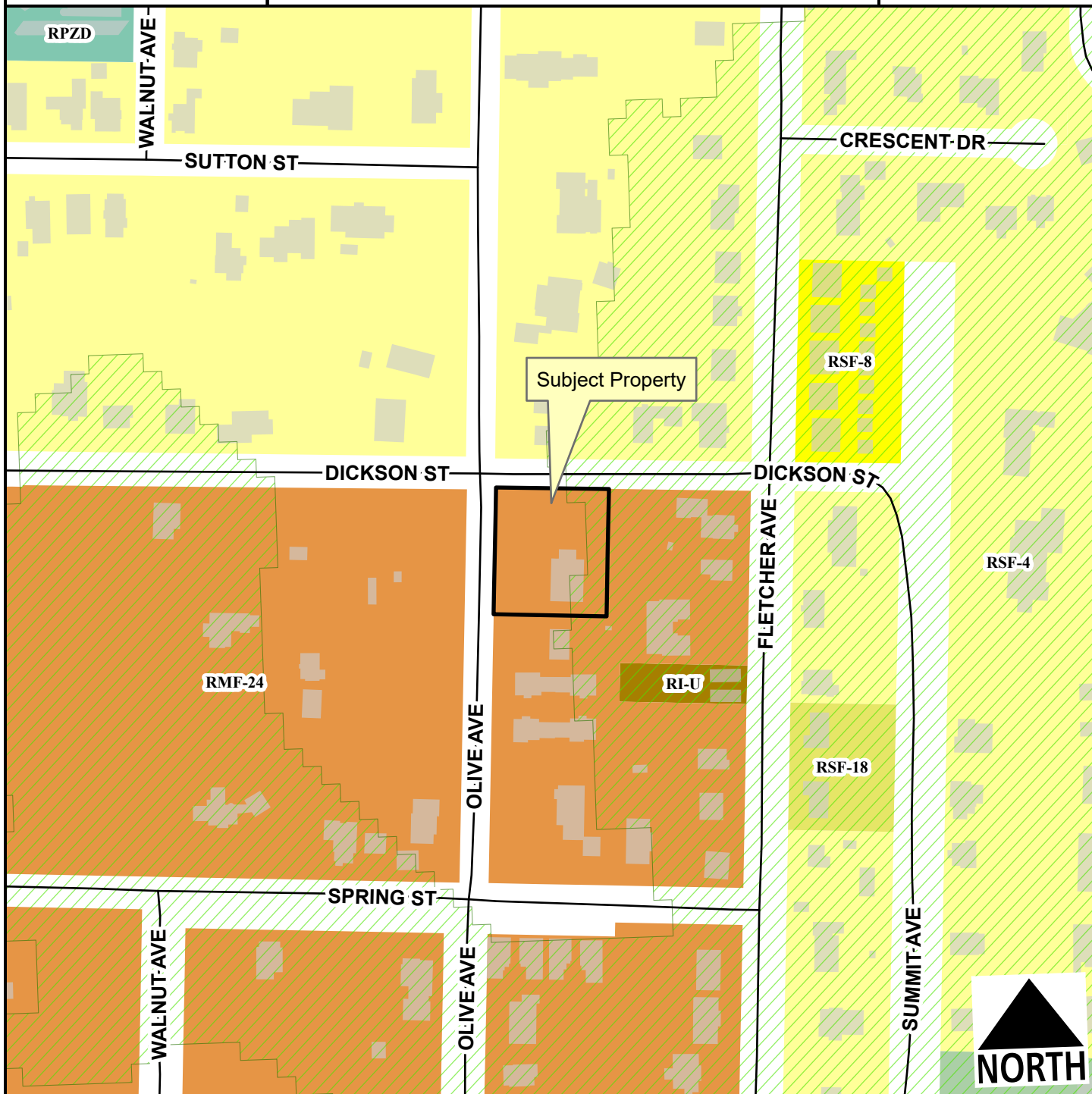


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - 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

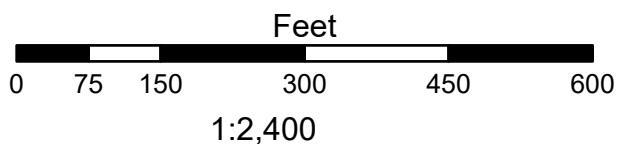
VAR-2024-0048

254 N. OLIVE AVE

Close Up View



- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

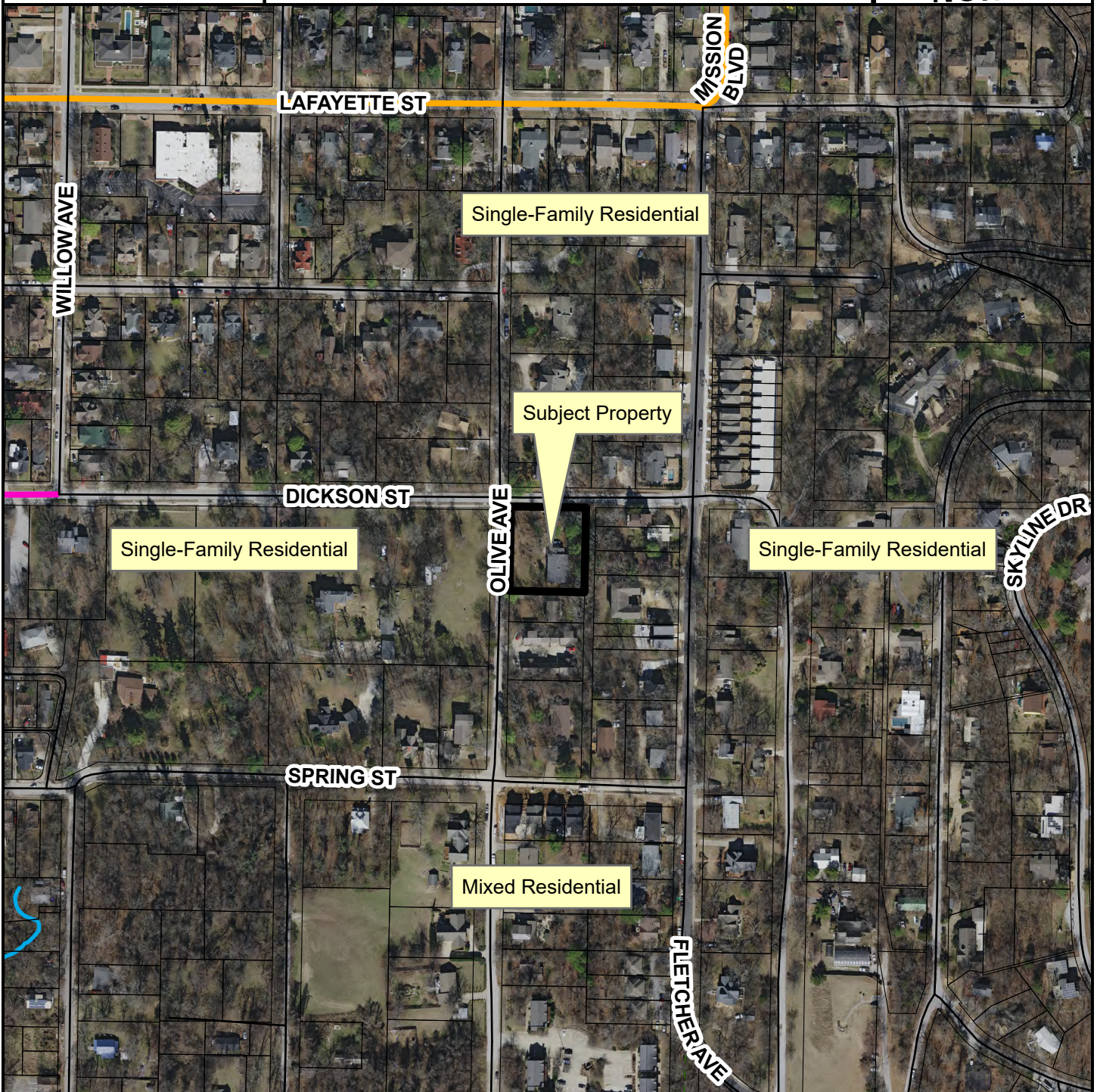


- RSF-4
- RSF-8
- RSF-18
- RI-U
- RMF-24
- Commercial, Industrial, Residential
- P-1

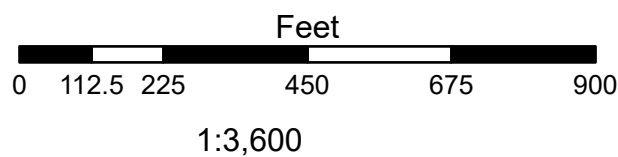
VAR-2024-0048

254 N. OLIVE AVE

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager
Chris Brown, Public Works Director

FROM: Gretchen Harrison, Senior Planner
Alan Pugh, Staff Engineer

MEETING DATE: November 25, 2024

SUBJECT: **VAR-2024-0049: Planning Commission Variance (E. 4th ST & S. COLLEGE AVE./WILLIAMS, 524):** Submitted by MBL PLANNING for property located at E. 4th ST. and S. COLLEGE AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.22 acres. The request is for a variance from access management and streamside protection requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2024-0049**, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **VAR-2024-0049** with conditions, determining:*

- In favor of a variance to UDC §166.08(F)(1),*
- In favor of a variance to UDC §168.12(E)(1), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located on the east side of S College Ave just south of the intersection of E 4th St and S College Ave and is currently vacant property. Spout Spring Branch flows generally northeast to southwest across the southern portion of the property. The creek is on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. The current driveway and previous structure are/were located partially within the adopted streamside zones as the site was developed prior to the ordinance becoming effective. A small portion of the site is located within a FEMA-designated floodway. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Residential	NC, Neighborhood Conservation
South	Residential	NC, Neighborhood Conservation
East	Residential	NC, Neighborhood Conservation
West	Residential	NC, Neighborhood Conservation

Request: The applicant is requesting a variance to access management standards and streamside protection requirements in association with a planned single-family residential

development.

DISCUSSION:

Variance #1: 166.08(F)(1) Access Management: Curb Cut Separation. Curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared. The applicant is requesting a variance to install a driveway with a curb cut that has no separation from the northern property line and is not intended to be shared.

- *Staff recommendation: Staff supports the applicant's request to install a driveway within five feet of the north (side) property line. The property is proposed to be developed with a single-family home, and the applicant has designed the site so that the house and the driveway associated with it are as far away from the streamside protection zone as possible. Shifting the driveway to maintain at least five feet of separation from the side property line would require a curved design that could be difficult for vehicles to navigate. Additionally, shifting the driveway south would place part of the driveway between the house and the street, conflicting with the City's goal of prioritizing side- and rear-loaded parking areas in urban zoning districts. Further, the proposed driveway would still comply with the 10-foot minimum separation requirement for driveways serving single-family homes, as it would be located 14.93 feet from the driveway on the adjacent property to the north, which is currently under construction.*

Variance #2: 168.12(E)(1) Regulated Uses, Structures and Activities Within the Streamside Protection Zones. Uses and structures within Zone 1: Waterside Zone are limited to passive uses, landscaping, and impervious surfaces not exceeding 12 feet in width. Uses and structures within Zone 2: Management Zone include all those permitted in Zone 1 as well as small accessory structures and recreational uses. The applicant is requesting a variance to allow a 23-foot encroachment into the streamside protection zone.

- *Staff recommendation: As shown on the attached exhibit and noted in their request letter, the applicant proposes to construct a single-family residence at this location. This site is the location of a previously approved conditional use permit for a cluster housing development, which has expired. The proposed home has a similar amount of encroachment as was approved with that development. The proposed driveway is being relocated to the north side of the lot, further from the stream, which should help with the reduction of pollutants from vehicles. The proposed development is also avoiding the waterside zone as shown on the attached exhibit. Given the challenges of infill development on small lots, the layout of the proposed residence and detached garage, staff is in support of the request for a variance from the streamside provisions.*

Public Comment: Staff received a few inquiries about this item and one comment in opposition to the requested streamside protection variance. That individual expressed concerns about the variance negatively affecting stormwater quality and volume, potentially increasing the burden on other property owners in the city—especially in light of the new stormwater utility fee.

RECOMMENDATION: Staff recommends approval of **VAR-2024-0049** with the following conditions of approval:

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.08(F)(1), Access Management: Curb Cut Separation.** *Staff recommends in favor of the variance for the reasons outlined above.*
2. **Planning Commission determination of a variance to §168.12(E) Regulated Uses, Structures and Activities Within the Streamside Protection Zones.** *Staff*

recommends in favor of the variance for the reasons outlined above and with the following conditions:

- The applicant shall include additional native plantings within the waterside zone as a portion of the development. This should be in the form of three (3) trees and various shrubs as shown within the streamside best management practices manual or an approved equivalent.
 - The applicant shall preserve the streamside zones outside of the areas of proposed encroachment shown on the attached exhibit.
3. Approval of this variance does not constitute approval of any associated permits or other variances. The applicant shall obtain all necessary permits associated with the development separately.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 25, 2024</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

Section 156.03 Development Variances

Certain variances of the development regulations may be applied for as follows:

(C) Consideration by the Planning Commission

(9) Streamside Protection Zones

- (a) *Undue hardship.* If the provisions of the Streamside Protection Ordinance are shown by the owner or developer to cause undue hardship as strictly applied to the owner or developer's property because of its unique characteristics, the Planning Commission may grant a variance on a permanent or temporary basis from such provision so that substantial justice may be done and the public interest protected, provided that the variance will not have the effect of nullifying the intent and purpose of the Streamside Protection regulations.

As stated in the request letter, much of the lot is taken up by the streamside protection zones. Much of the area of encroachment has been previously disturbed by a residential home that has recently been demolished. With exception of the proposed detached garage, the proposed home has similar encroachment to the previous home and driveway. The driveway has been relocated further from the stream. Some relief would be required for the

current lot to be buildable, however, the commission would determine if an undue hardship exists.

- (b) *Consideration of alternative measures.* The applicant for the variance shall establish that a reasonable rezoning by the City Council or variance request from the Board of Adjustment will not sufficiently alleviate the claimed undue hardship caused by the Streamside Protection regulations.

Rezoning or rulings from the board of adjustments would not change the extent of the streamside protection zone and would not alleviate the need for a variance in this case.

- (c) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to substantially secure the objectives and purpose for the regulations so varied and to mitigate any detrimental effects the variance may cause. The Planning Commission should consider the Streamside Protection Best Management Practices Manual and any mitigation recommendations from the City Engineer.

See staff conditions listed above.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Request Letter
- Proposed Variance Request Exhibit
- One Mile Map
- Close Up Map
- Current Land Use Map



City Administration Building
Attn: Fayetteville Planning Commission Chair
113 West Mountain Street
Fayetteville, AR 72701

RE: Request for relief from the Streamside Protection Zone and Curb Cut Separation requirements for 0.25 acres of property located near the southeast corner of South College Avenue and East 4th Street.

Mr. Chairman,

On behalf of our client, MBL Planning is requesting two variances intended to allow for the development of a single-family home on an infill lot on S. College Ave.

1. Chapter 168.12.E.1: Allowance of a 23-foot encroachment into the 50-foot-wide Streamside Protection Zone.
2. Chapter 166.08.F.1: Relief from the requirement for 5-foot curb cut separation from adjoining property line.

The Spout Spring Branch Tributary crosses the southeastern side of the subject property. There is a 50-foot wide Streamside Protection Zone adjacent to the bank of this waterway. This protection zone extends over the majority of this residential property, leaving a small sliver on the northwest corner to be developed by right. The development of this property to its highest and best use is not possible without minimal encroachment into the outer portion of the Streamside Protection Zone.

We have designed a project that respects the intent of the code while adhering to best practices in residential urban design. Our proposed site plan is context sensitive, connecting to the walkability and character of the surrounding neighborhood. The intent of the Streamside Protection Zones is essential for managing the natural character of Fayetteville. With this intent in mind, we have designed a plan that incorporates the same natural value and character into a future homesite.

The proposed site plan associated with this request locates the home and driveway as far to the north edge of the property and away from the streamside protection zone as possible. This allows for the further reduction to the impact on the Streamside Protection Zone. The deepest point of encroachment is 23 feet into Zone 2, the secondary Management Zone. This proposed variance does not encroach into Zone 1, the primary Waterside Zone.

Located to the south, across the Spout Spring Branch, a property which was constructed in 1974 is entirely located within the Streamside Protection Zones 1 & 2. This property has been non-invasively cohabitating with the stream for 50 years. With a fraction of the encroachment size, the development of a single-family residence on the subject property will cause a negligible impact to the protection of the streamside management zone, and no impact to the waterside zone.

The subject property is in a highly desirable and walkable neighborhood and has an infill score of 10 out of 14. Approval of this variance will continue to support the critical need for additional homes and infill development in the City of Fayetteville, while still maintaining the character and value of the adjacent streamside.

We greatly respect the intent and value of the Fayetteville Code of Ordinances and understand how well these regulations work in most development situations. Due to the aforementioned hardships and high-quality design of this site, meeting the intent of the ordinances, we respectfully request relief from these specified requirements.

Sincerest Regards,

Lindsay Hackett

Lindsay Hackett, AICP

Project Manager

MBL Planning

FAYETTEVILLE, AR 72701
765-07017-001
ZONED NC

E. 4TH ST
(ASPHALT, 40' R/W)

RICHARD A RUSSELL REVOCABLE TRUST
PO BOX 271,
FAYETTEVILLE, AR 72702
765-07025-000
ZONED NC

CHARMED PROPERTIES LLC
4015 CASTLE BANK LN,
FRISCO, TX 75033
765-07027-000
ZONED NC

S. COLLEGE AVE

(ASPHALT, 40' R/W)

(MSP URBAN CENTER 63' R/W)

8" SEWER MAIN

8" VCP SEWER MAIN

8" PVC WATER MAIN

6" CIP WATER MAIN

EXISTING CURB CUT TO BE REMOVED

SIDEWALK CONNECTION

NEW DRIVEWAY / CURB CUT

PROPOSED HOUSE

EXISTING GRAVEL DRIVE

PROPOSED GARAGE

50' STREAMSIDE PROTECTION ZONE

NEW DRIVEWAY / WALKWAY

25' WATERSIDE PROTECTION ZONE

FLOOD ZONE 'X'

FLOOD ZONE 'AE/FLOODWAY'

CREEK BANK

FLOOD ZONE 'SHADED X'

23' MAXIMUM ENCROACHMENT ON STREAMSIDE ZONE

15' UTILITY EASEMENT PER THIS PLAT

0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE

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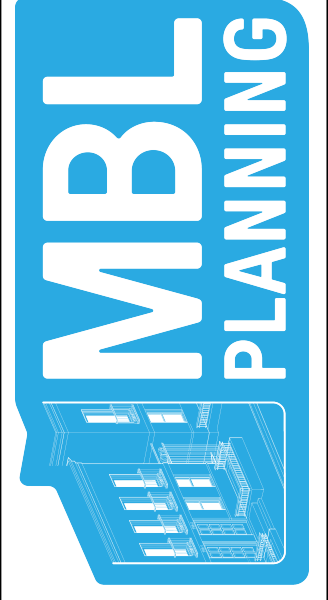
0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE

0'-25' BUILD-TO ZONE



PRELIMINARY
NOT FOR CONSTRUCTION

WILLIAMS HOUSE
321 S. COLLEGE
FAYETTEVILLE, AR

JOB NO.
PL2408
ISSUE DATE
10/23/24
CD

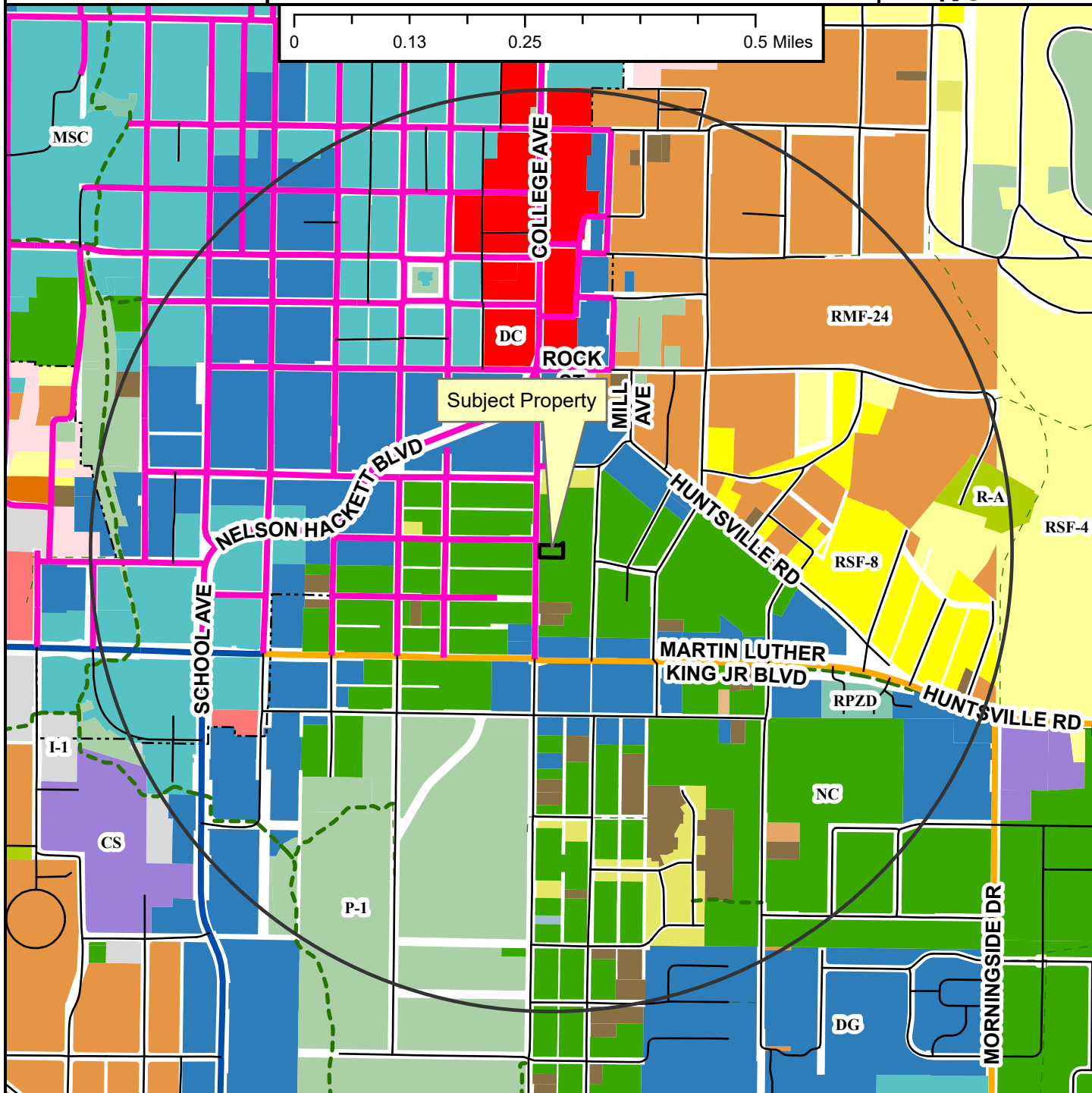
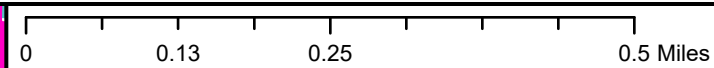
REVISIONS

SHEET
CONTENTS
WILLIAMS SITE
PLAN

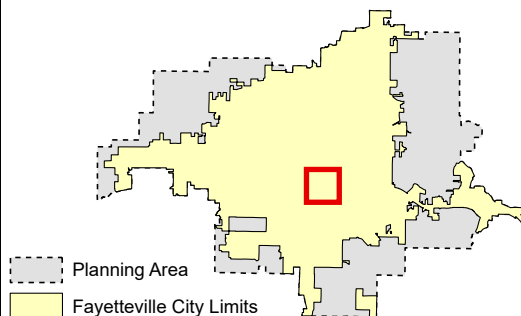
SHEET
A-1

E. 4TH ST & S. COLLEGE AVE

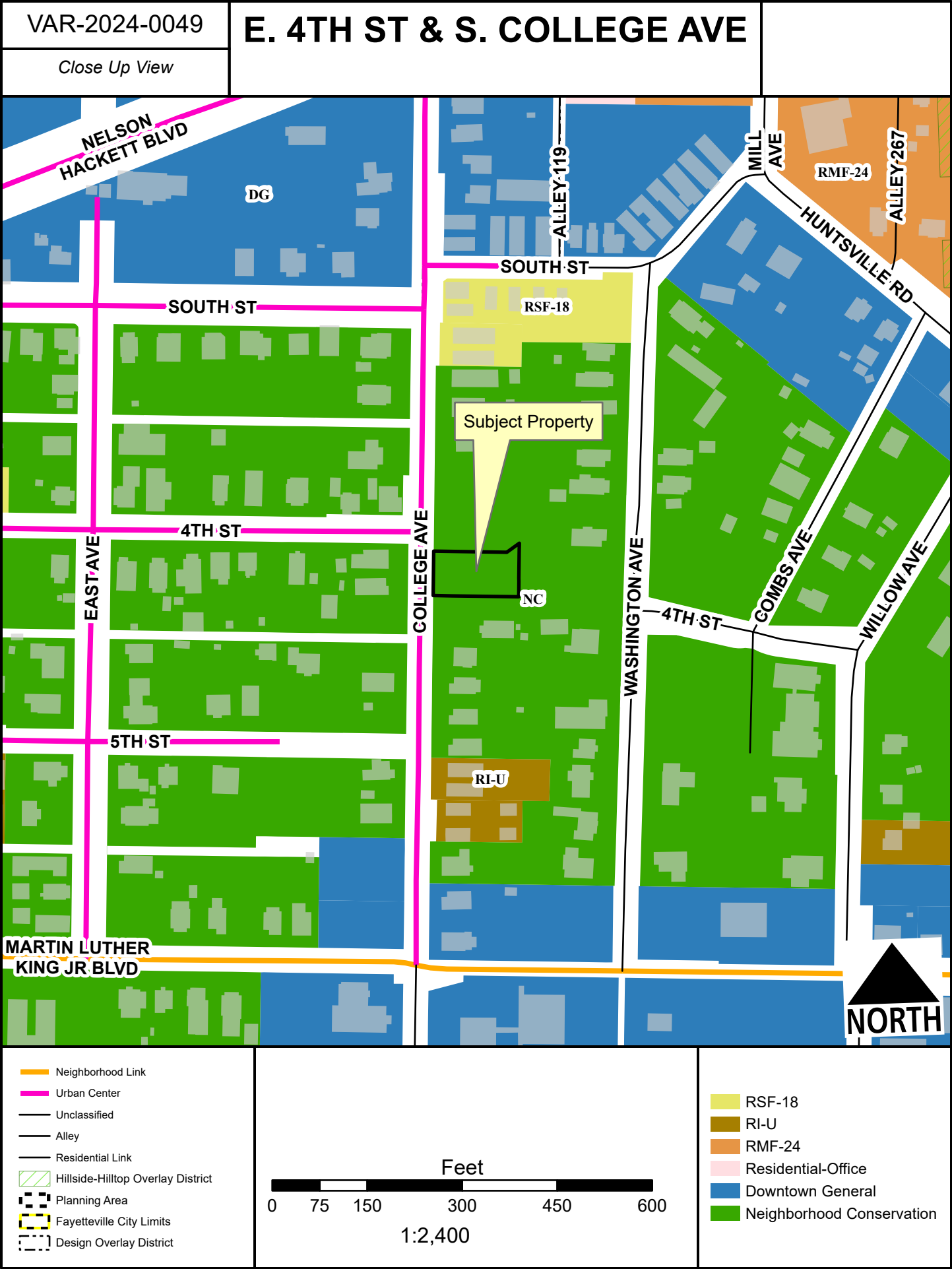
One Mile View



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



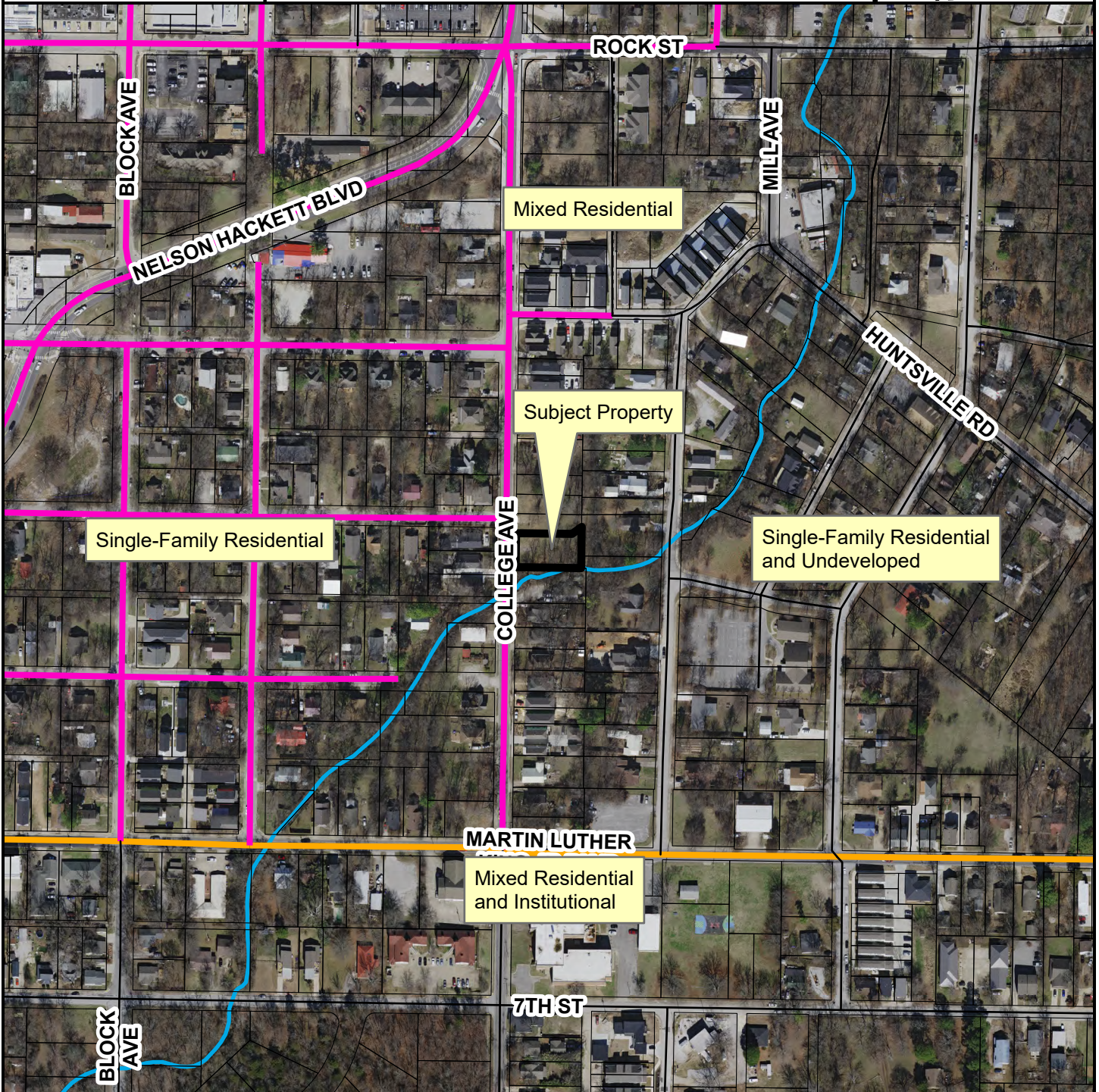
-
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-.5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial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



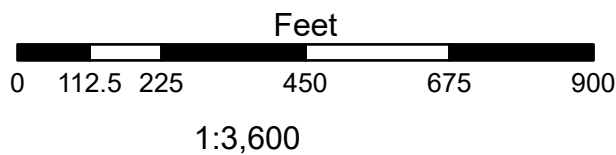
VAR-2024-0049

E. 4TH ST & S. COLLEGE AVE

Current Land Use



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: November 25, 2024

SUBJECT: **RZN-2024-0053: Rezoning (15 W. SOUTH ST/SZABO, 523):** Submitted by WESLEY BATES for property located at 15 W. SOUTH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.10 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0053** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0053** to City Council with a recommendation of approval."*

BACKGROUND:

The subject area contains a 0.10-acre parcel at the southeast corner of the intersection of W. South St. and S. Block Ave. The parcel received its current zoning designation in 2006 with the implementation of the Downtown Master Plan (Ord. 4930). The parcel is currently developed with one dwelling. The property is within the Downtown Master Plan area and 71B Corridor Plan area. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	DG, Downtown General
South	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential	NC, Neighborhood Conservation
West	Undeveloped	DG, Downtown General

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to DG, Downtown General.

Public Comment: To date, staff has received five public comments in opposition to the request. They cited concerns about the potential 5 story height and potential "zone creep" into the residential area but some did not object to small-scale commercial use on the property.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along W. South St. and S. Block Ave., both partially improved Urban Center Streets, with asphalt paving, curb and gutter. 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. There are 6-inch water mains present in W. South St. and S. Block Ave.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present in S. Block Ave. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 230 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Station 1, located at 303 W. Center St. protects this site. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The current zoning district of NC, Neighborhood Conservation requires **20% minimum canopy preservation**. The proposed zoning district of DG, Downtown General, requires **10% 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 **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. 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 non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **12** for this site with a weighted score of **14**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (8-inch main, S. Block Ave.)
- Near Water Main (6-inch main, S. Block Ave. and W. South St.)
- Near Grocery Store (Walmart Neighborhood Market, 660 W. MLK Blvd.)
- Near U of A Campus

- Near City Park (Lower Ramble; Jefferson Park; Buddy Hayes Park; YRCC; Walker Park)
- Near Paved Trail (Nelson Hackett Bike Lane)
- Near ORT Bus Stop (School & Nelson Hackett – 32695)
- Near Razorback Bus Stop (Fayetteville Library)
- Within Masterplan Area (Downtown Master Plan Area; 71B Corridor Plan)
- Near 71B Corridor
- Sufficient Intersection Density

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 to be compatible with the surrounding area, both historically and at present. The subject property is adjacent to DG-zoned single-family and undeveloped properties to the north and west, and NC-zoned single-family properties to the east and south.

Historically, the subject property was used commercially as early as 1930 (Figures 1-3). The commercial use of the property appears to have continued until the property was purchased by the current owner in 2015, when it transitioned to a single-family dwelling.

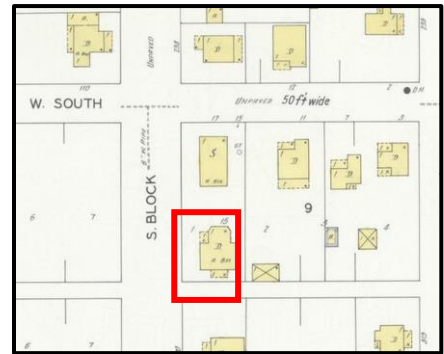


Figure 1. Sanborn Fire Insurance Map, 1930. Note the building is labeled "S," indicating the building was used as a store.



Figure 2. Sanborn Fire Insurance Map, 1948.

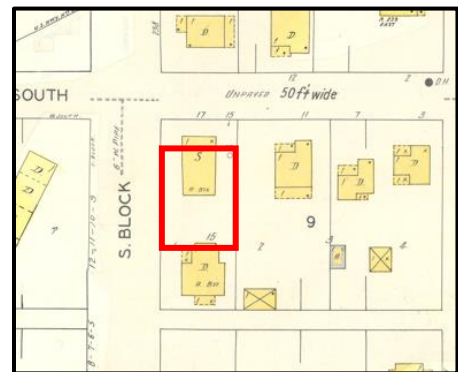


Figure 3. Sanborn Fire Insurance Map, 1955.

Downtown General is a “flexible zone” and “includes properties in the neighborhood that are not categorized as identifiable centers yet are more intense in use than Neighborhood Conservation.” A rezoning to DG would allow for a wider variety commercial and residential uses than those permitted under the property’s current zoning designation. Specifically, a rezoning to DG would permit the development of a greater variety of dwellings, including the by-right development of single- to multi-family dwellings. DG would also provide opportunities for commercial uses, like offices or small-scale retail, which is appropriate on a corner site and in alignment with how the property has been used for nearly 100 years. DG

would permit development on smaller lots but does permit a 5-story height (Table 2), which will be reduced by the provisions outlined in 164.11(C) *Home Protection Requirements* (illustrated in Figure 4).

Table 2. Zoning Comparison

	Current Zoning – NC	Proposed Zoning - DG
Density	10 units/acre	None.
Lot Width Minimum	40'	18'
Lot Area Minimum	4,000 sq. ft.	None.
Setbacks	F: 0'-25' BTZ S: 5' R: 5'	F: 0'-25' BTZ S: None R: 5'
Building height	3 stories	5 stories
Permitted Uses	Single-Family Dwellings	Cultural & Recreational Facilities Single- to Multi-Family Dwellings Eating Places & Shopping Goods Offices Cluster Housing Small-scale production (brewery, coffee roaster, etc.)

Notably, any future redevelopment of the site would be limited by the small size at 0.10-acre and the property’s topography, generally sloping downward from northeast to southwest, with approximately the lower one-half of the site featuring a slope of 15% or greater (Figure 5). On the balance of considerations, staff finds the requested rezoning to be compatible with surrounding land use.

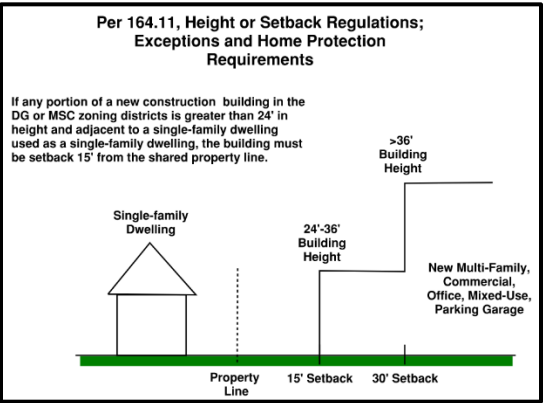


Figure 4

Land Use Plan Analysis: The subject property has had a few different planning approaches applied to it between the Downtown Master Plan, 71B Corridor Plan, and the City Plan 2040 Future Land Use Map.

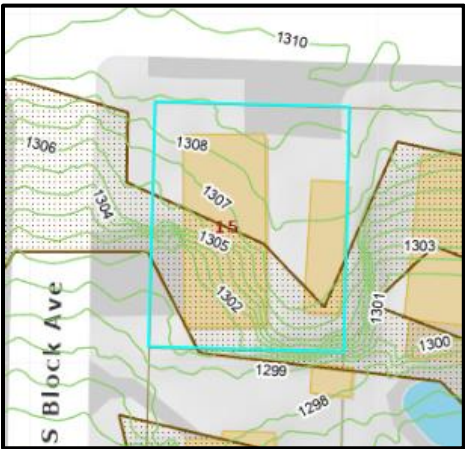


Figure 5. Site topography. Areas with slopes more than 15% shown by brown hatch.

The Downtown Master Plan, adopted in 2004, identifies the subject property as mixed use in the Plan's Future Land Use Map. Specifically, the Plan identified the site as Downtown General on the Proposed Downtown District Regulating Plan (Figure 6). Downtown General "includes residential areas, but also accommodates commercial

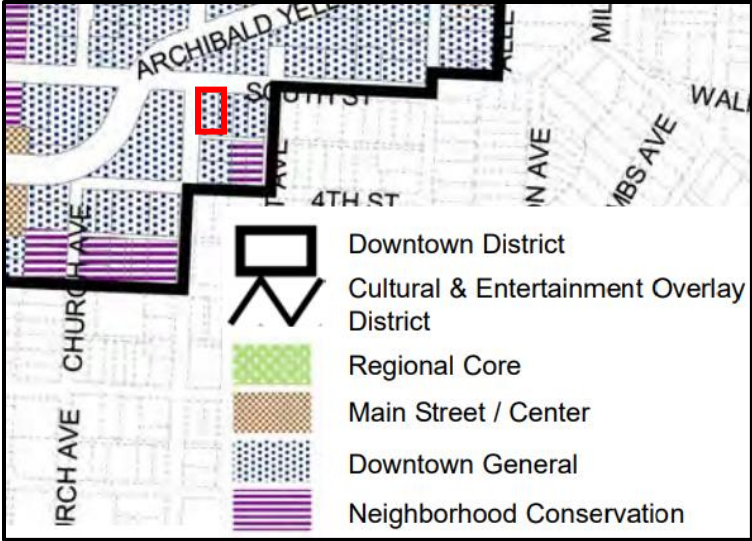


Figure 6. Proposed Downtown District Regulating Plan.

development that respects the scale and building placement of homes" (DMP, pg. 43). Rezoning this property to DG would directly align with Downtown Master Plan, whereas retaining the property's current NC zoning which permits only single-family dwellings by right would not.

A new planning approach was proposed with the 71B Corridor Master Plan, adopted in 2018. The recommendations for this area in the 71B Plan seem somewhat contradictory to those in the Downtown Master Plan. The 71B Plan identified the subject property as an area of single-family conservation, but also included it in an "Urban Node" appropriate for higher density development (Figure 7). Of note, this is after the historically commercial property was sold and the use transitioned to residential for the first time.

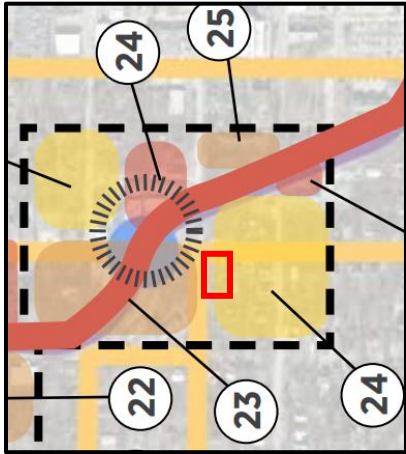


Figure 7. 71B Corridor Plan, pg. 96-97. (North @ top)

23	Medium density residential infill and spot redevelopment on open or distressed sites along Archibald Yell. Focus on southeast corner of South Street
24	Single-family conservation and infill, continuing current development patterns

The illustrative plan for the subject area shows the area in west of the subject property, described as the 4th and Block triangle, as being split between medium density townhomes and small-lot single-family infill (Figure 8). This provides a residential transitional area between the more dense and intense development along Nelson Hackett Blvd. to the northwest and the area delineated for single-family residential to the east. The plan calls for this area to include small-lot single-family infill,

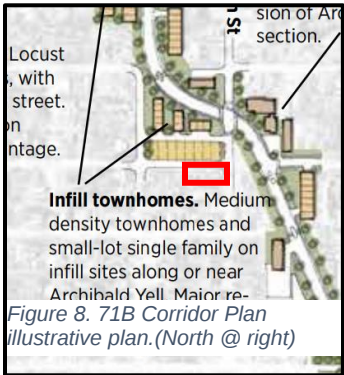


Figure 8. 71B Corridor Plan illustrative plan. (North @ right)

which is development on lots less than 5,000 square feet. Rezoning to DG somewhat aligns with this plan as it would permit single-family residential development on small lots (18 foot lot width minimum and no stated minimum lot area), but it would also permit more intense and dense development than recommended by the 71B Plan for this area. Retaining the property's current NC zoning (denying this proposal) would also somewhat align with this plan, albeit with less flexibility, as it permits single-family residential development on lots with 4,000 square feet in area *minimum*.

In 2019, City Plan 2040 was adopted which outlined additional recommendations for the subject property. The property is within one of the city's two Tier One Centers (located at the Downtown Square) on the Growth Concept Map. Tier One Centers "are the most urban places in the region," and "include multi-story residential and commercial [buildings] with a dense mix of shops, homes, and amenities." This designation seems to signal a swing back toward the Downtown Master Plan's view of the subject area. The site has a high infill score of 12, with a weighted score of 14, indicating that it is a prime site for higher density and intensity infill development. City Plan 2040 also designated the subject property as a Residential Neighborhood Area, which "encourages traditional neighborhood development that incorporates low-intensity non-residential uses." The proposed rezoning is somewhat incompatible with this future land use designation, as it may permit uses that are too intense or development that is out of scale with the surrounding neighborhood context. The Commission may find other zoning districts such as NS-G to be more appropriate due to the lower intensity of uses and reduced height maximum (three stories). However, staff is still ultimately supportive of the request finding that due to the parcel's small size, potential development and subsequent neighborhood impacts will be self-limited as discussed above.

Additionally, City Plan 2040 lays out six goals, four of which can be applicable for staff's recommendation in favor of the proposed rezoning:

1. We will make appropriate infill and revitalization our highest priority
2. We will discourage urban sprawl
3. We will make compact, complete, and connected development the standard
4. We will create opportunities for attainable housing

The proposed rezoning would align with the Tier One designation, high infill score, and goals established in City Plan 2040. On the balance of considerations, staff finds the proposed rezoning to be aligned with most of our land use plans for the area.

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 NC to DG since the rezoning would be consistent with the property's location within a Tier One Center and it supports several goals of City Plan 2040.

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

Finding: A rezoning from NC to DG does have the potential to increase traffic danger and congestion due to a increase in density and/or intensity of use, however the size of the parcel will limit the density on the site. Access management will be reviewed at the time of development. Like other recent projects in this area, parking is a concern. Of note, DG permits a variety of commercial uses that would not have to provide on-site parking. This could cause increased parking issues in the adjacent residential area and would need to be carefully considered at the time of development proposal.

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 slightly alter the population density since it would allow for more intense residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements 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 recommend forwarding RZN-2024-0053 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>November 25, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.28 Downtown General
 - §161.29 Neighborhood Conservation
 - §164.11 Height Or Setback Regulations; Exceptions And Home Protection Requirements
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(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 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials

Unit 36	Wireless communication facilities
---------	-----------------------------------

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum.* None.

(E) *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	None
Rear	5 feet
Rear, from center line of an alley	12 feet

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

(G) *Building Height Regulations.*

Building Height Maximum	5 stories
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161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(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 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
--------------------	---------

(2) *Lot Area Minimum.* 4,000 square feet

(E) *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
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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164.11 Height Or Setback Regulations; Exceptions And Home Protection Requirements

(C) *Home Protection Requirements.* Regardless of any other setback or build-to zone regulations, new multifamily, commercial, office, parking deck, or mixed use construction exceeding 24 feet in height which adjoins or abuts a single family home being used primarily as a single family residence within the Downtown General or Main Street Center Zoning Districts must at a minimum be set back from the side or rear adjoining property line at least 15 feet. The maximum height of the new building from the 15-foot setback shall be 36-feet for an additional 15-foot stepback from the residence's property line. These setback and stepback requirements are minimums so that, if larger setbacks or stepbacks are required by other zoning laws, the larger setback/stepbacks are controlling.

Statement of Compatibility for Proposed Rezoning

The proposed rezoning of this property from Neighborhood Conservation to Downtown General is compatible with surrounding land uses and will not unreasonably adversely affect neighboring properties. Properties across Block and South Street are already zoned as Downtown General, which supports mixed-use development in the immediate area.

Historically, this property operated as a store for at least 25 years, as shown on fire insurance maps, demonstrating a longstanding commercial use in the neighborhood. Currently, it is being used as a residential space without bedrooms, limiting its potential under the existing zoning. The rezoning to Downtown General will allow for a more versatile use of the property, aligning with the adjacent properties that benefit from this zoning designation.

Additionally, the property is in close proximity to Nelson Hackett Boulevard, a key urban thoroughfare that supports increased connectivity and accessibility. The future use of the property could introduce an amenity that benefits the neighborhood, providing services or commercial opportunities that enhance the local quality of life while complementing the surrounding area.

By rezoning, the property can better serve both the economic and social needs of the community, contributing to the growth and vitality of the neighborhood without disrupting its character or conflicting with surrounding land uses.

Cole, Kylee

From: Planning Shared
Sent: Monday, November 18, 2024 8:24 AM
To: Cole, Kylee
Subject: FW: REZONE 2024-053

Concerning RZN-2024-0053

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Tony <twappel@gmail.com>
Sent: Sunday, November 17, 2024 2:58 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: REZONE 2024-053

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

This email is in response to the proposed rezoning of 15 West South Street. I am opposed to this request.

Back in 2007, many residents of this neighborhood participated in preparing a master plan for the Walker Park Neighborhood, of which this is a part. We strongly recommended, and the planning commission concurred, that South Street would be the border between Downtown General and Neighborhood Conservation; the north side being Downtown General and the south side of the street being Neighborhood Conservation. This was a compromise that the neighborhood supported, as we knew back then that there would be some commercial development on the south/southeast side of 71B. These residents, including myself, still live in this neighborhood. We were involved with the planning process back in 2007 so that we could keep our neighborhood from losing its residential character. We did not plan for the neighborhood to become a commercial center. Rezoning this property will go against the neighborhood's wishes and will cause a slow but definite commercial creep in the neighborhood's zone.

If you do not want Fayetteville residents to be a part of the master planning process, don't ask us to partake and then pretend to listen to our wishes. 2007 is less than 20 years ago and our neighborhood spent a lot of time discussing with the city what we wanted. So please keep 15 West

South Street and the rest of the neighborhood south of the south side of South street Neighborhood Conservation.

Thank you.

Anthony J Wappel
11 East South Street

Cole, Kylee

From: Planning Shared
Sent: Monday, November 18, 2024 8:26 AM
To: Cole, Kylee
Subject: FW: Opposition to Re-zoning request by #15 West South Street

Also concerning RZN-2024-0053

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Franklin Evarts <fevarts56@gmail.com>
Sent: Sunday, November 17, 2024 11:58 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to Re-zoning request by #15 West South Street

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear members of the Fayetteville Planning Commission,

My name is Franklin Evarts. My wife Louise and I and our family have lived at 11 West South Street for 40 years. Our home shares a property line with #15 West South Street. I want to go on record as opposing the property owner of #15's re-zoning request from Neighborhood Conservation to Downtown General. Over the past 40 years #15 has housed a couple of small offices and for the past 10 years has been used as a residence. The small offices that have been at this property had maybe 2 or 3 employees and were never any problem. We've liked our neighbors. I am very worried about what can be built on this property if the zoning changes. I am not against change. Our neighborhood is in the process of a pretty drastic change already with the advent of the Urban Lofts project. #15 is on the corner directly across the street from the Urban Lofts property and #15 is now the beginning of our little residential neighborhood. I am not opposed to any of the potential uses of this property allowed in the NC zoning. I'm afraid that if the zoning changes zone "creep" will begin affecting our property and our like minded neighbors properties in the future. This seems to be an unnecessary example of spot zoning. I am very concerned with parking and street safety. I also don't want to potentially be looking at a 5 story building that overlooks our back yard which we've worked so hard to create and enjoy. We love the privacy.

We love our little neighborhood. We raised our family here. Watching it evolve from a mostly rental to a wonderful committed family owned neighborhood has been so nice to live through. Those of us that call it home are proud of its eclectic and friendly vibe. I am afraid that once the genie is out of the bottle bigger changes will become possible.

In closing I want to say please hear us and our neighbors. We are not against change. Once the current owner sells and leaves, he won't be dealing with the negative changes we foresee. We will.

Thank you so much for your time and your work for our city. I truly appreciate it.

Franklin Evarts
11 West South Street.

Cole, Kylee

From: Planning Shared
Sent: Monday, November 18, 2024 8:26 AM
To: Cole, Kylee
Subject: FW: Opposition to RZN 2024 0053

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Louise L Rozier <rozier@uark.edu>
Sent: Sunday, November 17, 2024 11:57 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to RZN 2024 0053

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Planning Commission:

My family and I have lived at 11, West South Street for the past 40 years. It has come to my attention that a rezoning has been requested for the property located at 15, West South Street from Neighborhood Conservation to Downtown General. We share a property line with that property and I am strongly opposed to its rezoning for the following reasons:

1. The property has been residential for the past 10 years. Before that, it housed two offices with fewer than 3 employees each, and both had little interaction with the public. We are not opposed to the previous usage and welcome any office within the Neighborhood Conservation code as a conditional use.
2. The requested zoning doesn't fit and will harm the neighborhood: it will put more pressure on traffic, especially on parking, thus negatively affecting the quality of life of the residents.
3. The commercial corner of the neighborhood is Nelson Hackett and South Street. The property at 15, West South Street marks the corner of Neighborhood Conservation. A zoning change will break the contiguity of the neighborhood, which would be a clear example of spot zoning and zone creep.

We are not opposed to appropriate growth. We are a small residential neighborhood that already faces drastic changes due to the planned construction of the Urban Lofts. Rezoning this property will add additional stresses. Consequently, I respectfully ask that you deny the request.

Sincerely,

Louise Rozier

Cole, Kylee

From: Planning Shared
Sent: Monday, November 18, 2024 11:55 AM
To: Cole, Kylee
Subject: FW: RZN-2024-0053 (15 W. SOUTH ST)

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----

From: Kelley Schwarting <adorned@me.com>
Sent: Monday, November 18, 2024 11:41 AM
To: Planning Shared <planning@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>
Subject: RZN-2024-0053 (15 W. SOUTH ST)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning and City Council,

Please reject zoning change to 15 W South St. I live at 324 S East Ave and I did not buy a house in Downtown General. This will adversely affect my property. I expect this area to remain Neighborhood Conservation protecting the nature of our area.

This zoning change is being requested by the Realtor not for benefit of the current owner or for the future owner? Why?

Urban Lofts has the potential to take all available parking in our neighborhood therefore this should be considered for all future planning.

The City of Fayetteville does not have the resources to enforce current codes. The parking reduction allowances code should be changed in order to grow Fayetteville in a positive way.

Please do not change this property to Downtown General, we need to maintain the single family housing with associated parking that we have in our neighborhoods.

Cole, Kylee

From: Bostick, Britin
Sent: Monday, October 28, 2024 3:07 PM
To: Cole, Kylee
Subject: FW: Resining request # 2024-0053 / 15 West South Street

Here's more communication on the DG zoning on South Street.

Britin Bostick

Long Range Planning/Special Projects Manager
Long Range Planning
City of Fayetteville, Arkansas
479-575-8262
fayetteville-ar.gov



From: Franklin Evarts <fevarts56@gmail.com>
Sent: Monday, October 28, 2024 1:52 PM
To: Bostick, Britin <bbostick@fayetteville-ar.gov>
Cc: Louise L. Rozier <Rozier@uark.edu>
Subject: Resining request # 2024-0053 / 15 West South Street

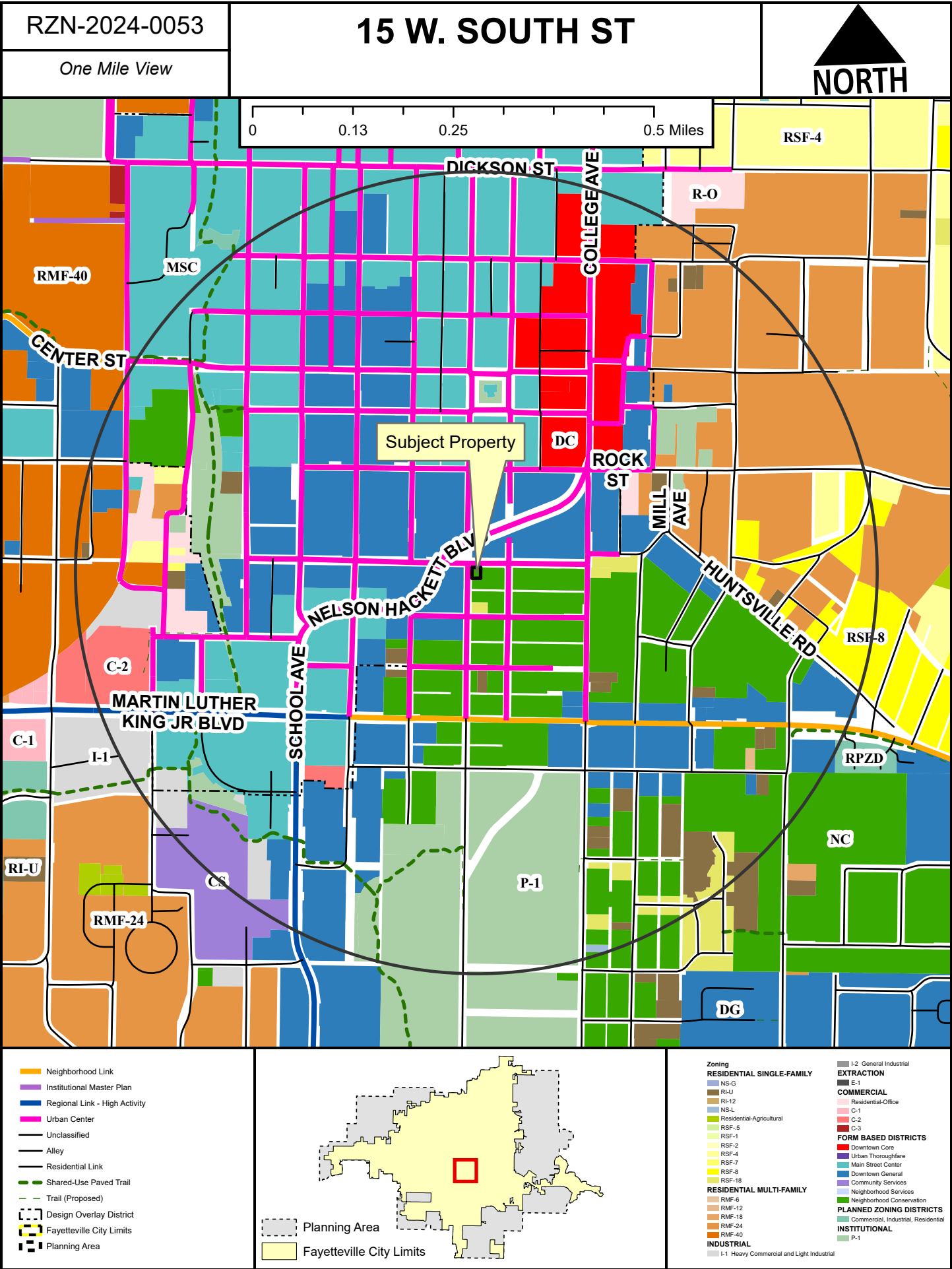
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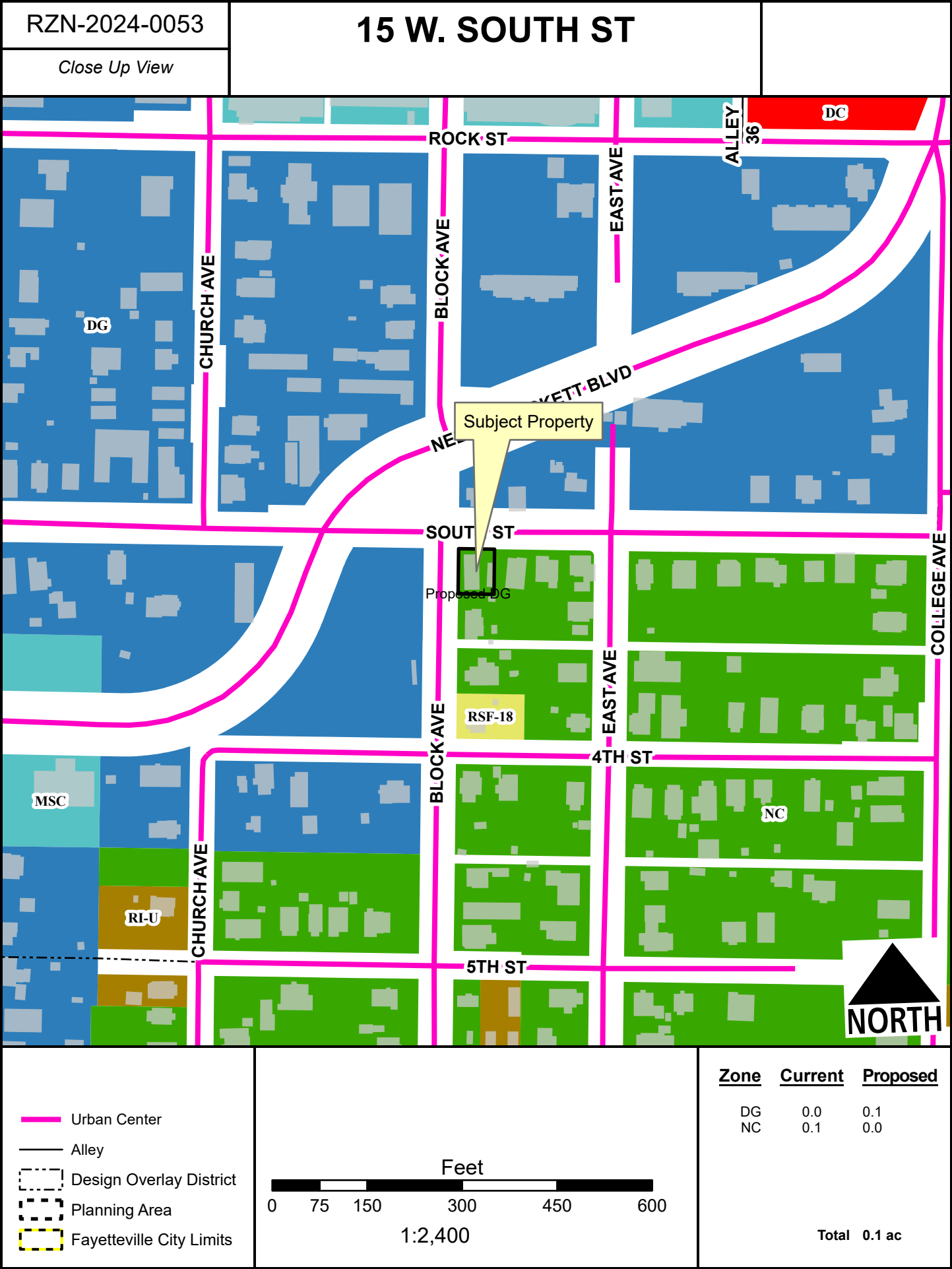
Britin,

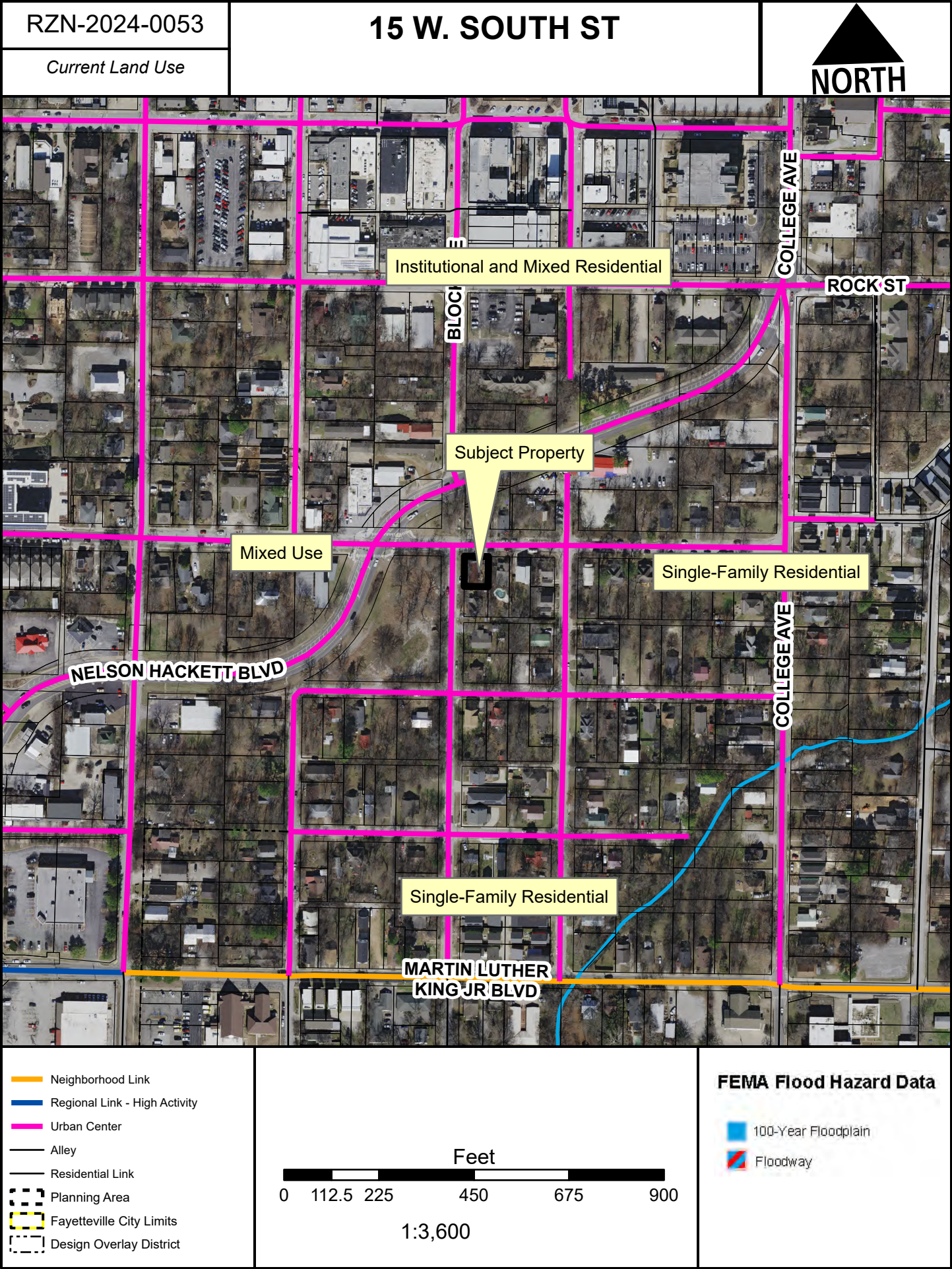
Good afternoon. My name is Franklin Evarts and my wife, Louise Rozier, and I live at 11 West South Street. I just left you a voice mail and plan to talk with you as well. It has come to our attention that our next door neighbor Aaron living at 15 West South street is selling his property and has requested a zoning change request from Neighborhood Conservation to Downtown General. I want to go on record to say that we are strongly against this change as are many of our neighbors. We have lived in our home in this wonderful little neighborhood for over 40 years. I have absolutely no problem with Aaron selling his property but he will not have to deal with the reality of what a change to Downtown General will do to our property and our neighbors property. I am very concerned with this "zone creep" and a so called pocket zone. Aren't streets accepted buffers between different zoning? Aarons property is only .8 acres. We are fine with the multi-uses that NC already provides. I know that the north side of our street is already zoned DG. I don't want a five story business looking into our back yard. #15 has actually housed a couple of small business over the years without any disruption. A small business such the water filter company that used to be there or maybe doctors office would not be objectionable. We as neighbors are already dealing with the Urban Lofts project and the problems we perceive with its current size. Please understand that I am not against change but this seems very unnecessary and I don't want this precedent set so near to our home in this beautiful eclectic neighborhood . I apologize for going on so long and taking up this much of your time.

We love living in this neighborhood even as it changes. This one change seems so unnecessary to those of us that will remain after Aaron has sold. Please let me know who else I can contact. I plan to contact the planning commission and the Council as well if this goes forward. I truly appreciate your time and hard work for our city.

Franklin Evarts



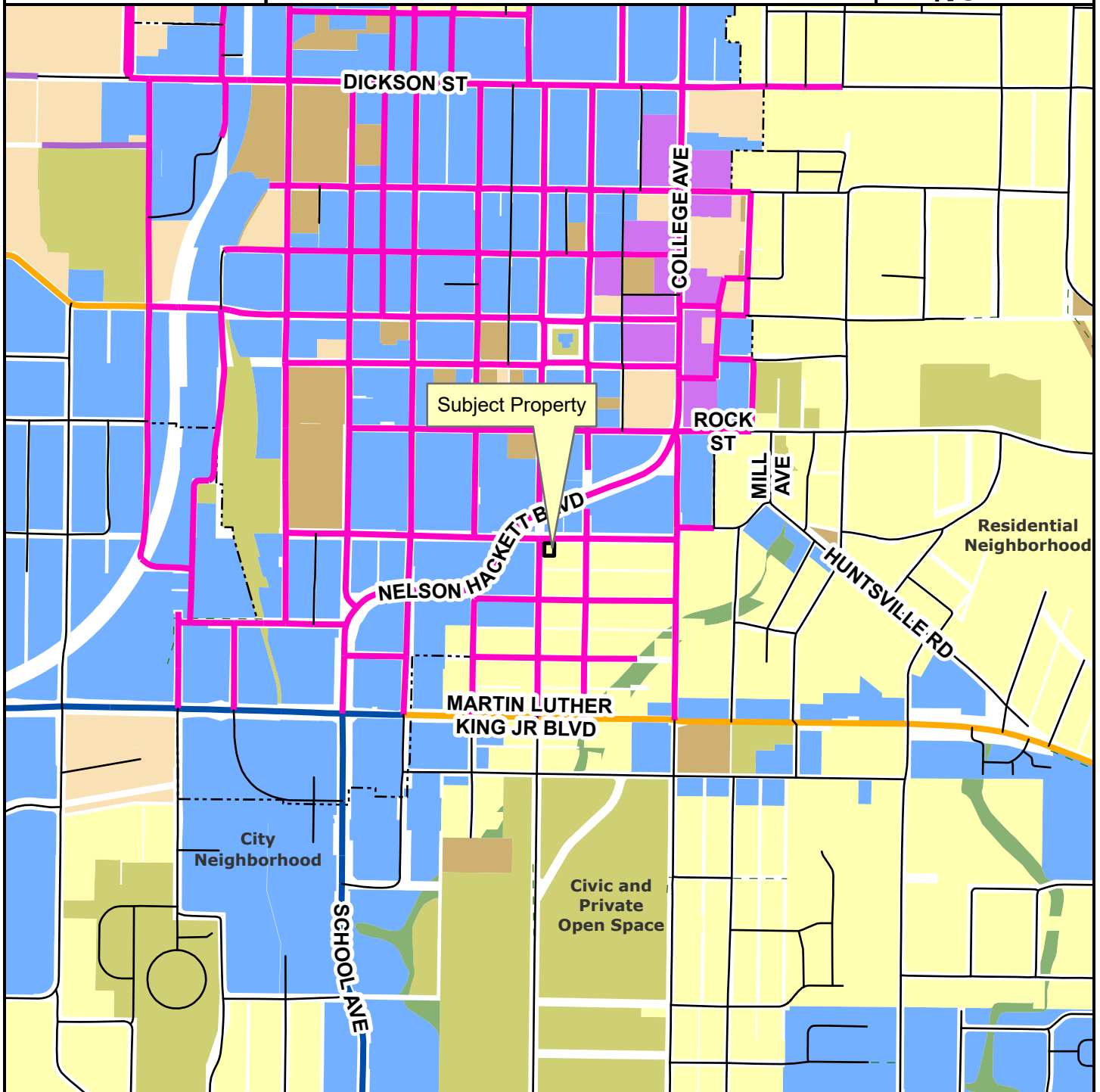




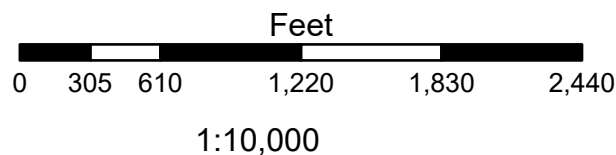
RZN-2024-0053

15 W. SOUTH ST

Future Land Use



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- 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



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: November 25, 2024

SUBJECT: **RZN-2024-0055: Rezoning (WEST OF 3296 E. HUNTSVILLE RD/PAIR, 528):** Submitted by DAVID PAIR for property located WEST OF 3296 E. HUNTSVILLE RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.60 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE.

RECOMMENDATION:

Staff recommend forwarding **RZN-2024-0055** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2024-0055** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in southeast Fayetteville approximately 0.4 miles east of the intersection of S. Stone Bridge Rd and E. Huntsville Rd. The property contains approximately 0.6 acres and is undeveloped. The property is zoned R-A, Residential-Agricultural which it received in 2003 with the adoption of the new city zoning map. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

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

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to RSF-4, Residential Single-Family, Four Units per Acre.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: This property has frontage to East Huntsville Road (Arkansas Highway 16), a regional link street with asphalt paving. Currently, the street has one lane in each direction with paved shoulders and open ditches. The Arkansas Department of Transportation has a major road widening project (040785) that will be widening

the street and providing other infrastructure improvements, including sidewalk, along the property's frontage. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. There is an 18-inch water main on the north side of East Huntsville Road that can provide water to this property.

Sewer: Sanitary Sewer is available to the subject area. There is an 8-inch sewer main present at the southwest corner of the property.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District and a small portion of the southern property lies in a FEMA-designated 500-year floodplain. No protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately 3.0 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. 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 district of R-A, Residential-Agricultural requires **25% minimum canopy preservation**. The proposed zoning district of RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. 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 non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 3 for this site with a weighted score of 2.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (8-inch main, E. Huntsville Rd.)
- Near Water Main (18-inch main, E. Huntsville Rd.)

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-A to RSF-4 to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family property across E. Huntsville Rd. to the north and east. A rezoning to RSF-4 would allow for the by-right development of single-family dwellings with a density of up to four units per acre. Additional housing options providing increased density are available through conditional use, such as two-family dwellings and cluster housing. R-A and RSF-4 have significantly different bulk and area requirements. Lot width minimum in R-A is 200 feet, but in RSF-4 is only 70 feet. Lot area in R-A is a minimum of 2 acres, but in RSF-4 is 8,000 square feet (.18 acres). Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased housing opportunities.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to RSF-4 could allow for the creation, or maintenance, of residential properties with reduced lot sizes and offer some flexibility in housing types. Staff finds that the requested rezoning could allow for the creation of missing middle housing that meets City Goals 1: We Will Make Appropriate Infill and Revitalization our Highest Priority and 6: We Will Create 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-A to RSF-4 since the proposed rezoning would be consistent with the property's future land use designation and supports several goals of City Plan 2040.

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

Finding: A rezoning from R-A to RSF-4 does have the potential to increase traffic danger and congestion due to increased density and additional curb cuts. Courts have established a precedent that properties with frontage to a public street have a legal right to access the street, therefore additional curb cuts could be added and increase traffic danger and congestion along E. Huntsville Rd. However, 166.08(F)(3)(b) does discourage individual curb cuts and states "curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots." Access management will be reviewed 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 it would allow for increased residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements 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 recommend forwarding RZN-2024-0055 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>November 25, 2024</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 District R-A, Residential-Agricultural
 - §161.07 District RSF-4, Residential Single-Family, Four (4) Units Per Acre
- Request Letter
- One Mile Map
- Current Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

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

- (B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

- (C) *Density.*

Units per acre	One-half (½)
----------------	--------------

- (D) *Bulk and Area Regulations.*

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

- (E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

- (F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

- (G) *Building area.* None.

161.07 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.

City of Fayetteville Planning Division
125 West Mountain Street
Fayetteville, AR 72701
479.575.8267

Reference Parcel ID# - 765-02282-000

To Whom it may Concern,

This letter is to ask for a rezoning of the above referenced parcel from Residential/Agricultural (R-A) to Residential Single Family 4 (RSF-4). This parcel is surrounded by RSF-4 zoned area and would not impact development whatsoever if re-zoned. We are currently in the process of selling the parcel, but potential clients would like the ability to build a house on this lot. Please take this into consideration when making a decision to rezone this parcel. Thanks

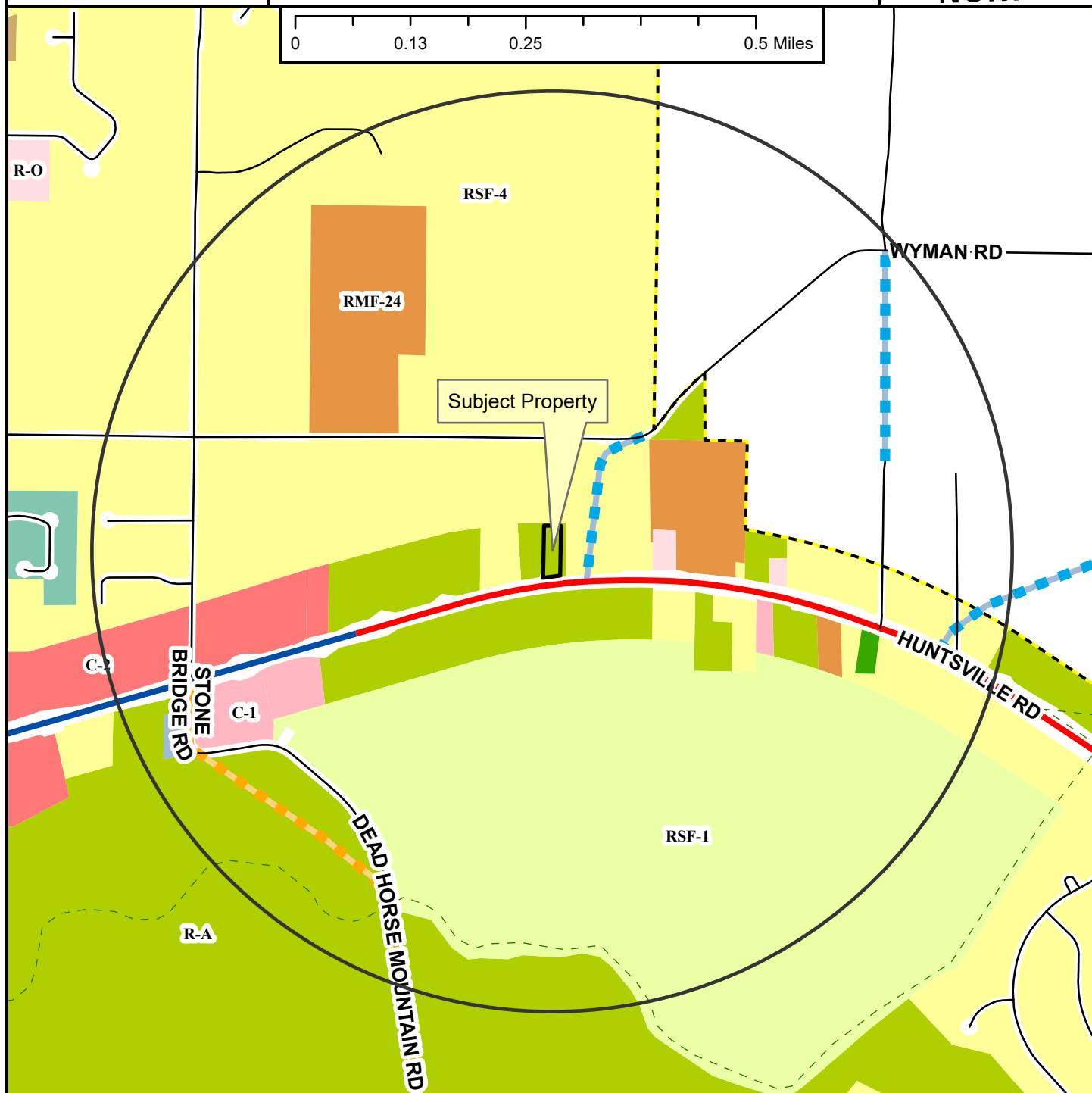
David Pair
paircpa@yahoo.com
(303) 905-1583

RZN-2024-0055

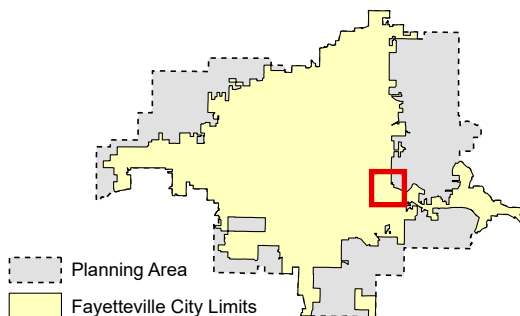
RZN-2024-0055

One Mile View

NORTH



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



- Zoning**

 - 1-2 General Industrial
 - EXTRACTION
 - E-1

COMMERCIAL

 - Residential-Office
 - C-1
 - C-2
 - C-3

FORM BASED DISTRICTS

 - Downtown Core
 - Urban Thighfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1

RESIDENTIAL SINGLE-FAMILY

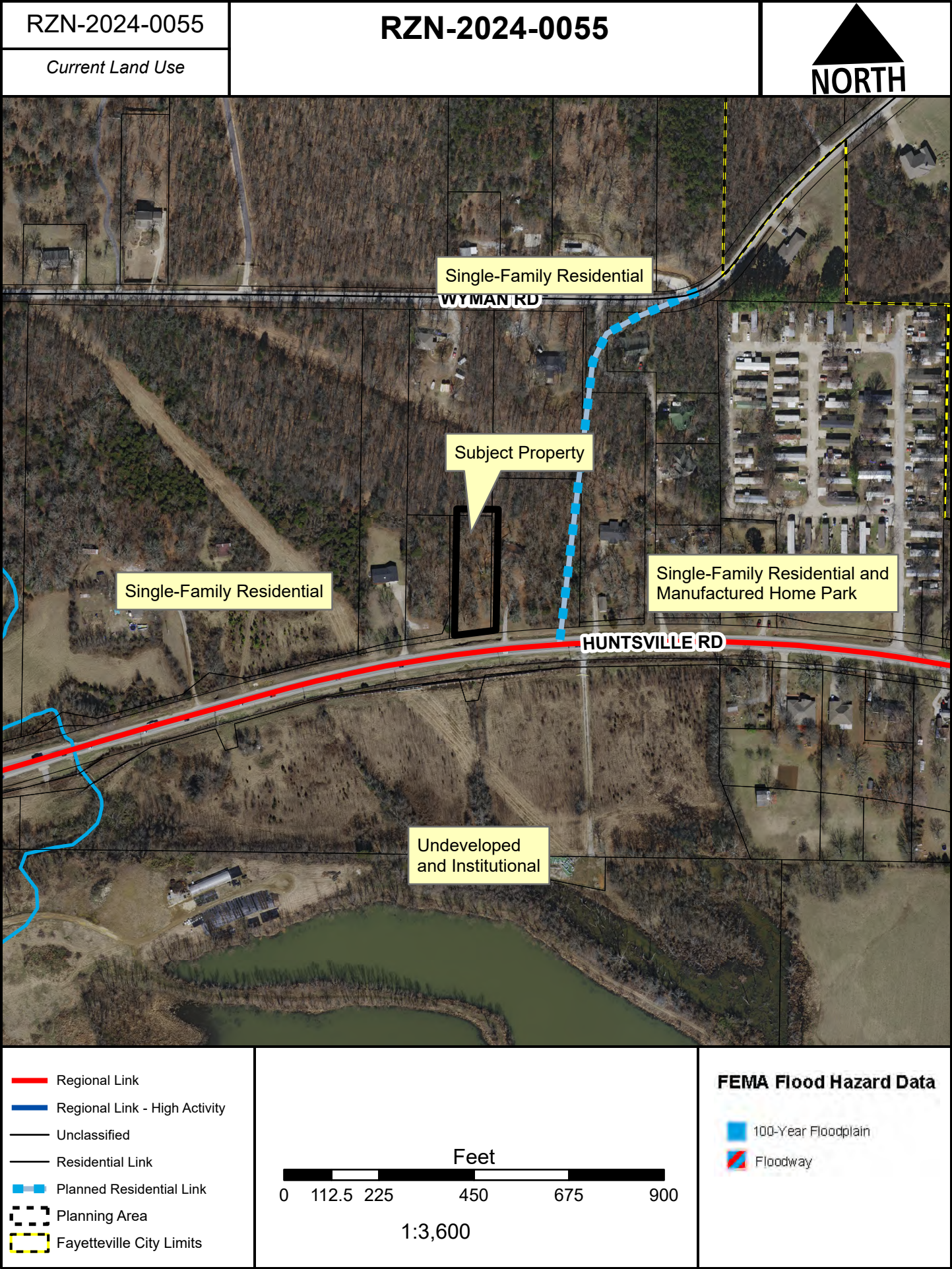
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-.5
 - RSF-1
 - RSF-2
 - RSF-7
 - RSF-8
 - RSF-18

RESIDENTIAL MULTI-FAMILY

 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40

INDUSTRIAL

 - I-1 Heavy Commercial and Light Industrial



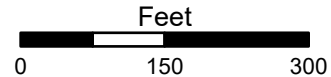


RZN-2024-0055

The request is to
rezone the property
to RSF-4,
**RESIDENTIAL
SINGLE-FAMILY,
FOUR UNITS PER
ACRE.**

Legend

 Fayetteville City Limits



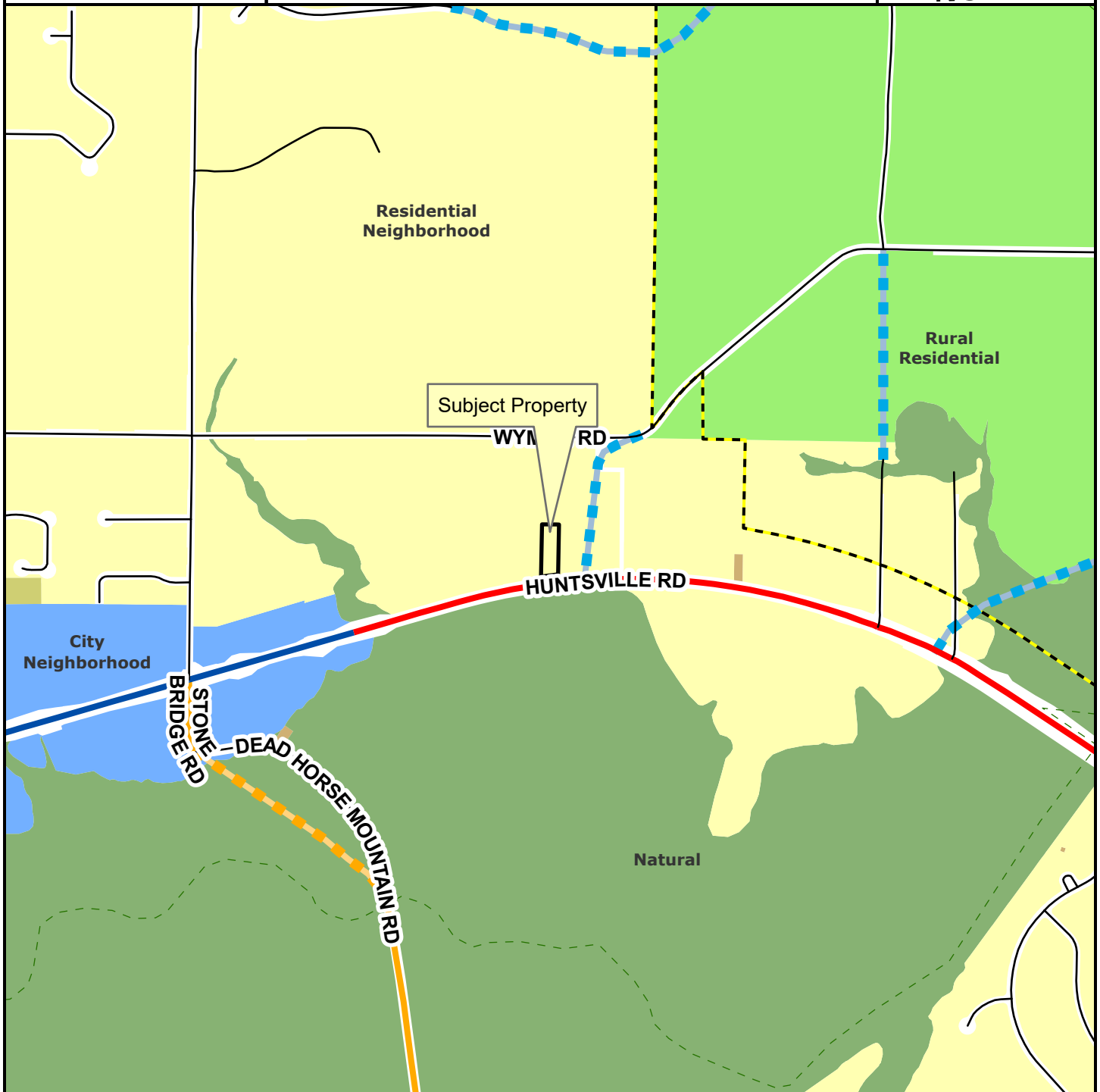
Planning Commission
November 25, 2024
RZN-2024-0055 (P)



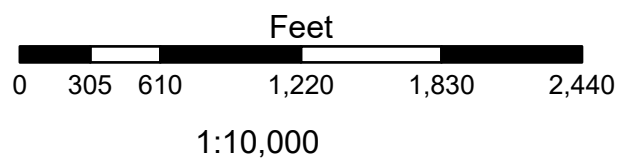
RZN-2024-0055

RZN-2024-0055

Future Land Use



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