JORGENSEN
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February 1, 2021

Kara Paxton, City Clerk
City of Fayetteville
113 W Mountain Street, Room 308
Fayetteville, AR 72701

Re: RZN 2020-000028

Please accept this appeal of the decision of the Planning Commission on January 25th, 2021, to deny the rezoning request for RZN 2020-000028. Our original request at Planning commission was to rezone this to RMF-18 but after discussion with the city and the owner it was our desire to hear discussion from Planning Commission and change our request to RI-U and NS-L as noted in the staff report which they stated they would support. We requested to table this item so we could discuss options with staff, but we were denied that opportunity so that is the reason for this appeal.

This appeal is made pursuant to Section 155.05 of the Uniform Development Code. We understand that Planning Commission has to make a lot of tough decisions and we certainly appreciate their hard work and time. However, in this instance, we feel that the applicant has presented a reasonable zoning request that is in conformity with the surrounding properties. We are kindly asking that the City Council please place this item on the next agenda, so that we can further discuss this matter.

Sincerely;

Justin Jorgensen

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF MARCH 2, 2021

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessie Masters, Development Review Manager

DATE: February 12, 2021

SUBJECT: **RZN 2020-000028: Rezone (EAST OF W. MICHAEL COLE DR & W. WEDINGTON DR./KIDDER, 436):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located EAST OF W. MICHAEL COLE DR. & W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 5.00 acres. The request is to rezone the properties to RMF-18, RESIDENTIAL MULTI FAMILY, 18 UNITS PER ACRE.

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

BACKGROUND:
The property, parcel 765-16221-000, is in west Fayetteville, at the corner of W. Wedington Drive and W. Michael Cole Drive, just east of N. Double Springs Road. Containing approximately 5.0 acres, the property is undeveloped, zoned R-A, Residential-Agricultural, and has approximately 1100 feet of frontage along W. Wedington Drive.

Request: The request is to rezone the property to RMF-18, Residential Multi-Family, 18 Units per Acre. No development plans have been submitted by the applicant.

Public Comment: Staff received phone call inquiries and a petition containing 50 signatures from neighbors expressing opposition to the request. The specific concerns and full signatures are attached to staff's original report on the item.

Land Use Compatibility: Staff did not find the request to be compatible with surrounding land uses. The surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural. Additional residential development does appear to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, and RI-12, Residential Intermediate, 12 Units per Acre to the northeast. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff finds that rezoning to a higher density is merited at the site. However, staff does not find the request to RMF-18 to be compatible with surrounding land uses, and would recommend in favor instead towards a request for RI-U, Residential Intermediate – Urban, with potentially a

consideration for NS-L, Neighborhood Services – Limited at the site's western corner at the intersection with W. Michael Cole Drive. The provision of limited services at the corner could help mitigate concerns about the availability of walkable services to the area. While RI-U does not have a stated density maximum, it does place limits on the types of dwellings permitted, and would not permit larger, out of scale apartment buildings. Staff also finds that rezoning the property to RMF-18 would appreciably increase traffic at the site, potentially resulting in an additional 90 housing units at the 5 acre site, potentially 2-3 additional vehicles per unit, with almost no viable transportation alternative.

Land Use Plan Analysis: Staff finds that the request is not fully consistent with adopted land use policies, the Future Land Use Map designation, or goals of City Plan 2040. On the one hand, the area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types, so staff does recognize the need for an upzone for additional housing and supportive services in the area, rather than the land remaining agricultural. However, the infill score for this property is low, which would demonstrate that the area is not currently ready for higher density housing, especially housing which would not necessarily be developed to support compact, complete, and connected neighborhoods. Understanding that rooftops help bring services to an area, staff would support a request to a district such as RI-U, Residential Intermediate – Urban, to support an increase in density to the area, but through the limited and more compatible housing types of single-, two-, three-, and four-family dwellings. Further, staff finds that the potential provision of a walkable service at the corner of W. Michael Cole Drive through a consideration for NS-L, Neighborhood Services – Limited, would better complete the neighborhood.

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

- Adequate Fire Response (Station 7, 835 N. Rupple Road)
- Near Sewer Main (North side of W. Wedington Drive; Southeast side of subject property)
- Near Water Main (South side of W. Wedington Drive)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (W. Wedington Drive)

DISCUSSION:
At the January 25, 2021 Planning Commission meeting, and following a failed vote to table the request, commissioners voted to deny the item as requested with a vote of 7-1-0; Commissioner Canada made the motion, with Commissioner Paxton seconding. Commissioner Brown, in favor of the item, brought forth consideration for the property's proximity to a Tier 3 center, and supported staff's recommendation for a consideration of RI-U and NS-L at the site, rather than RMF-18. Commissioners against the proposal found the request to be sprawl, and offered a suggestion that further comprehensive planning should be undertaken for the west side of Fayetteville along Wedington. One member of the public offered comment at the meeting, but it was regarding a previous, unrelated item.

BUDGET/STAFF IMPACT:
N/A

Attachments:

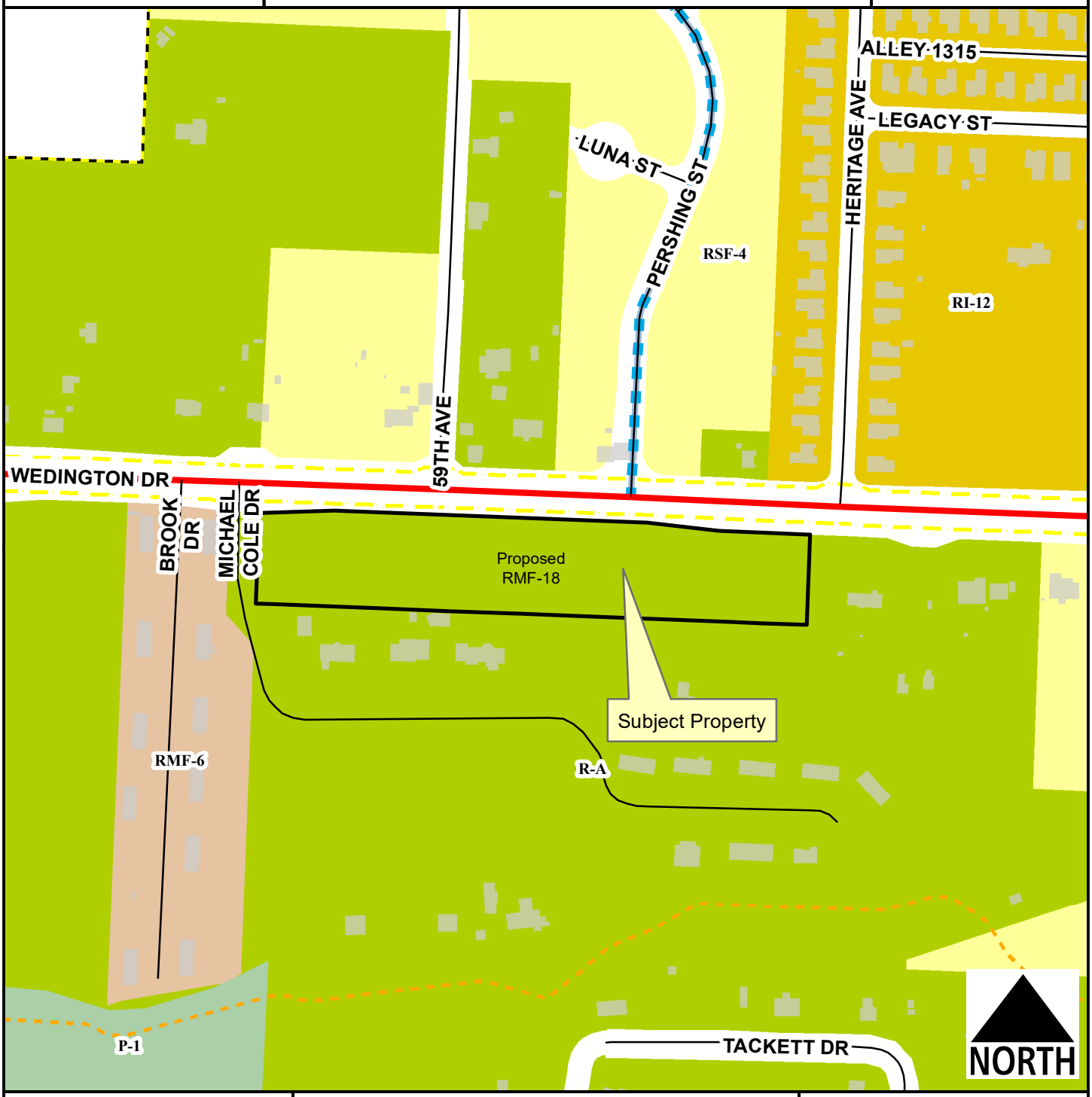
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2020-000028

Close Up View

Kidder

EXHIBIT 'A'
RZN-2020-000028



- Shared Use Paved Trail
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Building Footprint
- Regional Link
- Planned Residential Link

Feet

0 112.5 225 450 675 900

1 inch = 300 feet

Zoning	Acres
RMF-18	5.1
Total	**5.1**

EXHIBIT 'B'

RZN-2020-000028
LEGAL DESCRIPTION

Beginning at a point 270 feet East of the Northwest Corner of the NW/4 of the SW/4, section 11, T16N, R31W, and running thence East 1225 feet; thence South 244 feet; thence West 1225 feet; thence North 244 feet to the place of beginning. Less and except parcels listed in the attached Exhibit A and Exhibit B.

EXHIBIT A

A part of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of Section Eleven (11), Township Sixteen (16) North, Range Thirty One (31) West, and being more particularly described as follows, to-wit: Beginning at a point which is 94.66 feet East of the Northwest corner of said 40 acre tract, and running thence South 244.0 feet, thence East 80.34 feet, thence North 244.0 feet to the North line of said 40 acre tract,thence West 80.34 feet to the point of beginning. Containing 0.45 acres, more or less. Subject to that portion in highway right-of-way on the North side of described tract.

EXHIBIT B

Part of the Northwest Quarter of the Southwest Quarter of Section 11, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows:

Starting at a 16 penny nail being used as the common corner of Sections 10, 11, 14, and 15; thence North 02° 24' 15" East along the East line of the Southwest Quarter of Section 10 a distance of 2,604.39 feet to a point on the Southerly right of way line of Arkansas State Highway 16 as established by the Plat of Mildred Lee Estates; thence South 87° 59' 46" East along said right of way line a distance or 271.00 to a point on the Easterly right of way line of Michael Cole Drive as established by the plat of Mildred Lee Estates for the point of beginning; thence North 02° 18' 13" East along said right of way line a distance of 4.91 feet to a point on the Southerly prescriptive right of way line of Arkansas State Highway 16 as established by AHTD Affidavit dated November 16, 2004; thence South 87° 45' 36" East along said right of way line a distance of 1,144.40 feet to a point; thence South 02° 15' 07" West a distance of 24.81 feet to a point on the Southerly right of way line of Arkansas State Highway 16 as established by AHTD Job 040423; thence North 87° 22' 19" West along said right of way line a distance of 189.03 feet to a point; thence North 83° 33' 26" West along said right of way line a distance of 150.33 feet to a point; thence North 87° 51' 09" West along said right of way line a distance of 649.55 feet to a point; thence South 88° 27' 00" West along said right of way line a distance of 156.25 feet to a point on the Easterly right of way line of Michael Cole Drive as established by Mildred Lee Estates; thence North 02° 18' 13" East along said right of way line a distance of 18.98 feet to the point of beginning and containing 0.43 acres more or less as shown on plans prepared by the AHTD referenced as Job 040423.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Services Director

FROM: Jessie Masters, Senior Planner

MEETING DATE: January 25, 2021 Updated with PC hearing results from January 25, 2021

SUBJECT: **RZN 2020-000028: Rezone (EAST OF W. MICHAEL COLE DR & W. WEDINGTON DR./KIDDER, 436):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located EAST OF W. MICHAEL COLE DR. & W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 5.00 acres. The request is to rezone the properties to RMF-18, RESIDENTIAL MULTI FAMILY, 18 UNITS PER ACRE.

RECOMMENDATION:
Staff recommends denial of RZN 2020-000028.

RECOMMENDED MOTION:
"I move to deny RZN 2020-000028."

BACKGROUND:
The property, parcel, 765-16221-000, is in west Fayetteville, at the corner of W. Wedington Drive and W. Michael Cole Drive, just east of N. Double Springs Road. Containing approximately 5.0 acres, the property is undeveloped, zoned R-A, Residential-Agricultural, and has approximately 1100 feet of frontage along W. Wedington Drive. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	R-A, Residential-Agricultural; RSF-4, Residential Single-Family, 4 Units per Acre; RI-12, Residential Intermediate, 12 Units per Acre
South	Undeveloped/Single-Family Residential	R-A, Residential-Agricultural
East	Single-Family Residential	R-A, Residential-Agricultural
West	Two-Family Residential	RMF-6, Residential Multi-Family, 6 Units per Acre

Request: The request is to rezone the property to RMF-18, Residential Multi-Family, 18 Units per Acre. No development plans have been submitted by the applicant.

Public Comment: Staff has received a petition containing 50 signatures from neighbors expressing opposition to the request. The specific concerns and full signatures are attached to this report.

INFRASTRUCTURE:

Streets: The subject area has frontage to W. Wedington Drive, which is a fully improved Regional Link with asphalt, curb, gutter, and trail. The property also has frontage to W. Michael Cole Drive, which is classified as a Residential Link Street, with asphalt, but no curb, gutter, greenspace, or sidewalk. Any street improvements required in these areas would be determined at the time of development proposal, as well as any requirements for drainage.

Water: Public water is available to the subject area. An existing 2-inch water main that segues into an 8-inch water main is present along the north side of W. Wedington Drive and an existing 18-inch water main is present along the south side of W. Wedington Drive. An existing 6-inch water main is also present along the west side of W. Michael Cole Drive.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sanitary sewer main is present on the north side of W. Wedington Drive and existing 6-inch sanitary sewer main is present in the southeast corner of the subject property.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of the property is within the Hillside-Hilltop Overlay District. Hydric soils appear to be present in the south east corner of the property. The property does not lie within a FEMA floodplain, nor is there a protected stream in the area.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Rupple Road, protects the site. The property is located approximately 1.7 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department expressed no concerns with this request.

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

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 5 for this site, with a weighted score of 4.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Road)
- Near Sewer Main (North side of W. Wedington Drive; Southeast side of subject property)
- Near Water Main (South side of W. Wedington Drive)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (W. Wedington Drive)

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:*** **The surrounding property is characterized by low-density residential, and is primarily zoned R-A, Residential-Agricultural. Additional residential development does appear to be on the rise in the area, with duplexes in RMF-6, Residential Multi-Family, 6 Units per Acre zoning to the west, and RI-12, Residential Intermediate, 12 Units per Acre to the northeast. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff does find that a rezoning to a higher density is merited at the site. However, staff does not find the request to RMF-18 to be compatible with surrounding land uses, and would recommend in favor instead towards a request for an RI-U, Residential Intermediate – Urban, with potentially a consideration for NS-L, Neighborhood Services – Limited at the site's western corner at the intersection with W. Michael Cole Drive. The provision of limited services at the corner could help mitigate concerns about the availability of walkable services to the area. While RI-U does not have a stated density maximum, it does place limits on the types of dwellings permitted, such as single-family to 4-family, and would not permit larger, out of scale apartment buildings.**

Land Use Plan Analysis: **Staff finds that the request is not fully consistent with adopted land use policies, the Future Land Use Map designation, or goals of City Plan 2040. On the one hand, the area is designated as a Residential Neighborhood Area, which encourages a wide variety of housing types, so staff does recognize the need for an upzone for additional housing and supportive services in the area, rather than the land remaining agricultural. However, the infill score for this neighborhood is low, which would demonstrate that the area is not currently ready for higher density housing, especially housing which would not necessarily be developed to support compact, complete, and connected neighborhoods. Understanding that rooftops help bring services to an area, staff would support a request to a district such as RI-U, Residential Intermediate – Urban, to support an increase in density to the area, but through the limited and more compatible housing types of single-, two-, three-, and four-family dwellings. Further, staff finds that a consideration of the potential provision of a walkable service at the corner of W. Michael Cole Drive through a consideration for NS-L, Neighborhood Services – Limited, would lead the site in the direction towards better connectivity.**

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

Finding: **A rezone to a higher density than R-A, Residential-Agricultural is justified, given its proximity to a Tier 3 center, and the future land use plans designating this area as Residential Neighborhood. However, staff finds the current request to be out of scale, and would recommend a softer, more incremental increase on this site at this time.**

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

Finding: **Rezoning the property to RMF-18 at this site would appreciably increase traffic at this site. Staff finds that the lack of available walkable services or access to transit routes makes this request out of scale at this time. W. Wedington Drive has a typical vehicle count of 11,000 vehicles per day, and is an improved Regional Link with a service volume of 17,600 vehicles per day. Staff also finds that the site is located 1000 feet east of a Tier 3 center (W. Wedington Drive and N. Double Springs Road). However, staff finds that an increase in density to RMF-18 at this 5-acre site may negatively contribute to traffic counts along W. Wedington Drive given the overall lack of walkable services in the area; the allowable density associated with this request could result in 90 additional housing units, potentially 2–3 additional vehicles per unit, with almost no viable transportation alternative.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from R-A to RMF-18 would certainly have the potential to increase population density in this area at this time. While the available infrastructure, water and sewer, and the service volume of W. Wedington Drive, would likely support an increase, staff finds the requested increase to be too much too soon for the area, and recommends a lower density request, such as RI-U.**

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: **Based on the reasons outlined above, staff finds the request to be undesirable, and is recommending denial of the current request.**

RECOMMENDATION: Planning staff recommends denisl of RZN-2020-000028.

PLANNING COMMISSION ACTION:	**Required**	**YES**
Date: January 25, 2021	❒ **Tabled** ❒ **Forwarded**	☒ **Denied**
Motion:	**Motion #1: To Deny**	**Motion #2: To Table**
Second:	Canada Paxton	Winston Brown
Vote:	7-1-0 (superceded, then carried)	3-5-0 (Motion Failed)

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §161.03 - District R-A, Residential-Agricultural
  - §161.15 - District RMF-18, Residential Multi-Family - Eighteen (18) Units Per Acre
  - §161.12 - District RI-U, Residential Intermediate – Urban
  - §161.18 - NS-L, Neighborhood Services - Limited
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 - District R-A, Residential-Agricultural

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

(B) *Uses*.

(1) *Permitted Uses.*

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

(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.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945 , §3, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17)

161.15 - District RMF-18, Residential Multi-Family - Eighteen (18) Units Per Acre

(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development

(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 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Eighteen (18) or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	40 feet
Two (2) family	40 feet
Three (3) and more	75 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,000 square feet
Two (2) family	5,000 square feet
Three (3) or more	7,500 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 4325, 7-3-01; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 8, 9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19)

161.12 - District RI-U, Residential Intermediate – Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development

(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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 5945 , §5(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19)

161.18 - NS-L, Neighborhood Services - Limited

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited Business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 45	Small scale production

(C) *Density.*

Units per acre	Ten (10) or less

(D) *Bulk and Area.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(E) *Setback Regulations.*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 6, 8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6245 , §2, 10-15-19)

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

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Fayetteville, AR 72703

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Fax: 479.582.4807
www.jorgensenassoc.com

December 16, 2020

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Kidder Rezoning

This letter is in regards to a proposed rezoning and the following required information:

A. The current owner of this site is as follows:
    a. 765-16221-000 (Lee Kidder & Jean Collins)
B. Currently this property is zoned R-A. The reason for the requested *RMF-18* zoning is to allow this property to be suitable for development for residential multi-family development.
C. The properties to the north across W Wedington Drive are a mix of RSF-4 & R-A. Due west is zoned RMF-6. The property to the south and east are R-A. Although not directly adjacent to this property there are numerous properties nearby that are zoned RI-12 & RI-U which are similar zonings in use and intensity. We feel the proposed use of RMF-18 will not adversely impact adjacent land uses and will help create as a transition from W Wedington, which is classified as a Regional Link, to lesser intense residential zonings surrounding. It would be a similar use & traffic that are already in this area.
D. Existing water and sewer already installed to serve these lots.
E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development.
F. RMF-18 is one of the zoning's that would allow development for the proposed tenants.
G. W Wedington Drive is classified as a Regional Link and has capacity to get cars to the west and east eventually to 49 in order to go north and south.
H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services.
I. RMF-18 is an appropriate zoning for the needed residential multi-family development.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

Jorgensen + Associates

Petition Opposing Rezone Request for West Wedington Drive

The undersigned are all City of Fayetteville residents and respectfully oppose a rezone request by Aria Holdings, LLC David Fender, for 5.15 acres on West Wedington Drive, Fayetteville, AR. All signatures on this petition are of property owners and/or residents who either adjoin this property in consideration for rezone, or who live in close proximity. All of us could be negatively affected for this high density development on Wedington Drive. This rezone request is to be considered at the Planning Commission meeting which is virtual by Zoom on January 25, 2021 at 5:30 pm.

We strongly oppose rezone of 5.15 acres on Wedington Drive from RA to RMF18 for the following reasons:

1. Negative traffic impact and safety concerns for car, pedestrian, and bike traffic.
2. Potential drainage problems onto Wedington Drive that could negatively impact nearby properties.
3. Increase of problems with the water and sewage system which is already inefficient and problematic at times for neighborhood residents with the recent housing growth and construction in this area.
4. Possibility of reduced adjoining and area property values.
5. Safety concerns for domestic animals and livestock on adjoining or nearby properties.
6. Weariness of years long construction traffic, trash, noise, and other negative impacts in our neighborhood from Creek View development to the south, Woodridge Subdivision to the north, and Brooke Drive construction to the west, which have all been simultaneous and all remain ongoing and are within close proximity to this property considered for rezone.
7. Increased potential for excessive noise and litter in the neighborhood which has already been an issue.

It seems to us that The Planning Commission and The Fayetteville City Council created a prescedent for rezone for high density in this neighborhood at this time with rejection of a very similar high density rezone request at 6040 and 6074 West Wedington within the last 6 months. The property under current rezone request is just across Wedington from those properties which were denied rezone to RMF-18 or RMF-12 in the last six months of 2020. The Planning Commission (July, 2020) and the City Council (Sept. 2020) both carefully considered and thoughtfully discussed the past rezone request and appeal with respect to the long term growth plan as well as united neighborhood opposition to any high density at this time.

A rezone to RMF-18 at this property appears to us to be in conflict with the RA Code 161.03 section of "orderly transition of growth." We appreciate and agree with council member's remarks from past rezone considerations that concentrated high density in our neighborhood does not blend with the long term growth "hamlet" approach and is "too much, too fast." The lack of services in this area was also a factor of concern.

We hope that the Commission will appreciate and consider the limitations to communicate because of Covid 19. We respectfully ask the Planning Commission to consider our opposition. Please know that not all residents who have signed this petition have internet access to join the meeting in Zoom format. If our signature is on this petition, we state that our absence from the 1/25/21 Zoom meeting does not signify a lack of interest and/or lack of strong opposition to this rezone request.

We, the undersigned, oppose the rezone request for 5.15 acres on Wedington Drive with our signatures, addresses, and/or phone or email contact information.

This rezone request is to be decided by the City of Fayetteville Planning Commission on 1/25/21.

Michael Paul	5901 W. Michael Cole Dr.	479-409-4754
Samuel Sookop	5866 W Michael Cole Dr	479-422-8337
Virginia Martin	5870 W. Michael Cole Dr	479-466-3788
Brady L Jones	5916 W. Wedington Dr	479-799-7346
Holly Paul	5901 W. Michael Cole Dr.	479-251-9550
Kate Chapman	5925 W. Michael Cole Dr.	215-990-5313
[illegible]	6480 Wedington Dr	479-466-2110
Alison Harris	6480 Wedington Dr	479-530-0833
[illegible]	6236 Wedington Dr	479-530-5667
Teresa Dutton	6136 W Wedington Dr	479-466-2657
Linda Brumley	6164 Wedington Dr	479-841-7045
Roy Lovell	6250 Wedington Dr	479-200-4702
Amy McMurdy	6255 Wedington Dr.	479-435-3700
Tammi Nelm	1133 N Pershing St	918-587-5940
Jazmin Rosa	5709 W Michael Cole Dr	479 256 5163
Jonathan Morden	5693 W. Michael Cole Dr	870-904-3712
Ashlea Morden	5693 W. Michael Cole Dr.	870-299-2680
Robbie Powell	5773 W. Michael Cole Dr	951-742-0803
Harrison Jones	5642 Michael Cole Dr.	479-225-2939
Eric Radman	5668 W. Michael Cole Dr	479-225-5066
Angie Svebek	5694 W Michael Cole Dr	479-1644-1824

21 signatures

We, the undersigned, oppose the rezone request for 5.15 acres on Wedington Drive with our signatures, addresses, and/or phone or email contact information.

This rezone request is to be decided by the City of Fayetteville Planning Commission on 1/25/21.

DAVIS MICHAELSEN	843-952-3883 ⟷	5706 W MICHAEL COLE DR
Jennica Michaelsen	(291) 935-3889	5706 W Michael Cole Dr
Spencer Sagely	479-601-7752 →	2147 W Loren Circle
Sadie Stark	(479) 438-3995 →	1069 Olympic Pl
Ethan Strobel	(479) 518-0540 →	5900 Michael Cole Dr
Evan Strobel	479-518-6291 -	5900 Micheel Cole Dr.
Colton Wilbanks	479-841-8363 -	5800 Michael Cole dr.
Diane Aday	479-220-8282	5920 W. Wedington Dr.
Juana Zavala	479 231 5985	1272 N 59th Ave
Luis Zavala	870 582 5930	1272 N 59th Ave
Richard FORCH	318 415 9816	5654 W. [illegible]
Talmadge Jenkins	479-595-2548	5810 Wedington Dr. Fayetteville
Karen Crawford	479-445-9580	1162 N. 59th. Wedington, AR.
Sophie Watson		1162 N. 59th Wedington, Fayetteville AR
Robert watson		1162 N 59th wedington Fayetteville AR
Fred Gulley	479-595-1814	5745 Wedington Dr.
Tripp Cheney	479-530-4852	5703 Wedington Dr. Fayetteville
Clifford Mosier	479 521-5285	5563 W. Wedington Dr.
STERMAN DRAIN	571-215-3377	5590 WEDINGTON DR
[illegible]	479-530-6128	5598 W. Wedington DR

20 signatures

We, the undersigned, oppose the rezone request for 5.15 acres on Wedington Drive with our signatures, addresses, and/or phone or email contact information.

This rezone request is to be decided by the City of Fayetteville Planning Commission on 1/25/21.

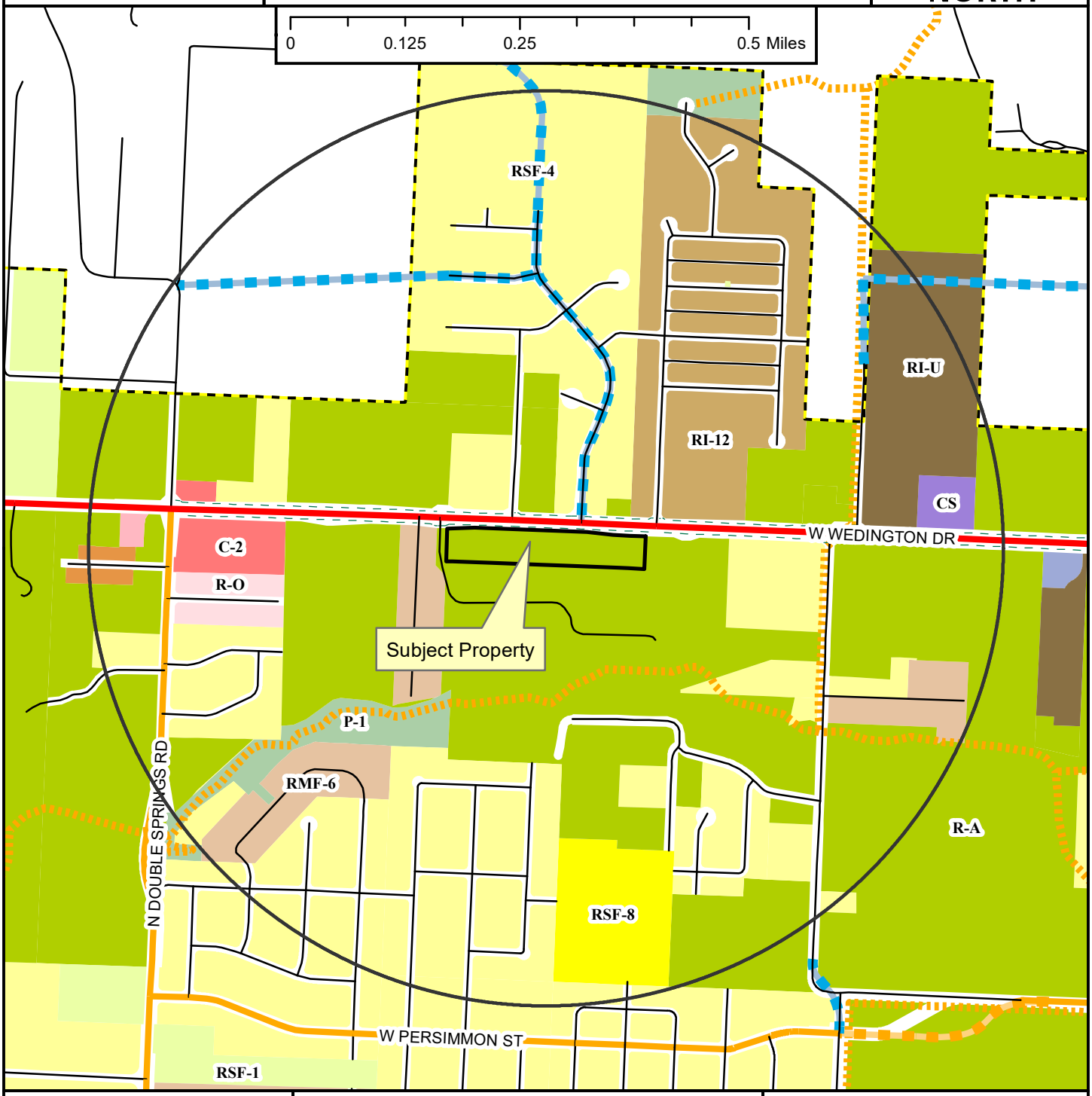
Stephenia Armer 1121 N. Heritage Ave 479.320.0842
Norma Dickerson 1272 N. Double Springs Rd 479-422-2046
Connie Lamb 5936 Wedington Dr. Fayetteville 72704 479-249-0353
Carlos Bailey 1130 N. 59th Fayetteville 72704 479-21-4292
APRIL PROSSER 1130 N59th Fayetteville 479-343-0696
Emma Foley 1121 N Pershing St Fayetteville 251-656-4403
TYRON HAYNES 1156 N PERSHING ST. FAYETTEVILLE 256-654-1266
Brendan Snieski 1144 N Pershing st Fayetteville (479) 426-0299
Danielle Gibson 1132 N Pershing St 951-821-0965

RZN-2020-000028

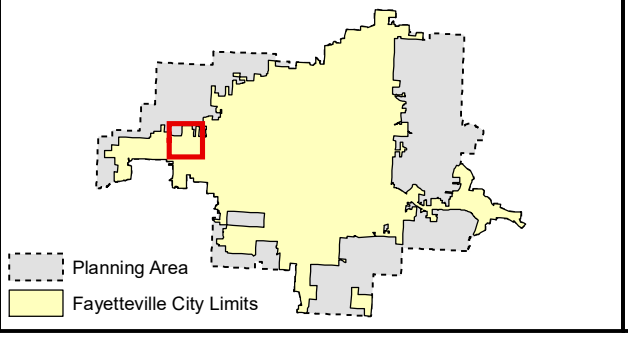
One Mile View

Kidder

NORTH



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



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
- I-2 General Industrial

EXTRACTION
- E-1

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

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

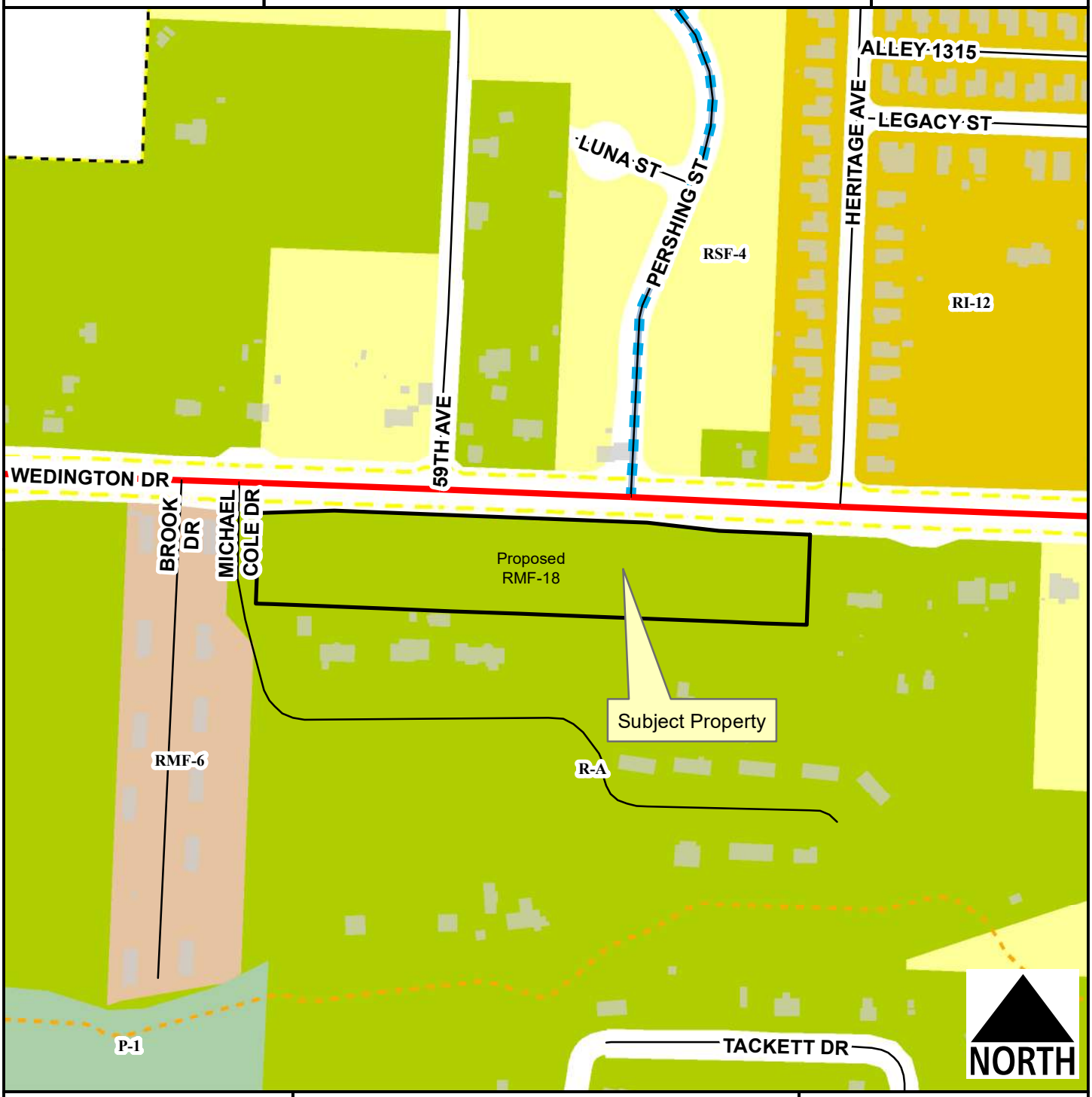
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2020-000028

Close Up View

Kidder



- Shared Use Paved Trail
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Building Footprint
- Regional Link
- Planned Residential Link

Feet

0 112.5 225 450 675 900

1 inch = 300 feet

Zoning	Acres
RMF-18	5.1
Total	**5.1**

RZN-2020-000028

Current Land Use

Kidder

NORTH

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

Feet

0 75 150 300 450 600

1 inch = 200 feet

FEMA Flood Hazard Data

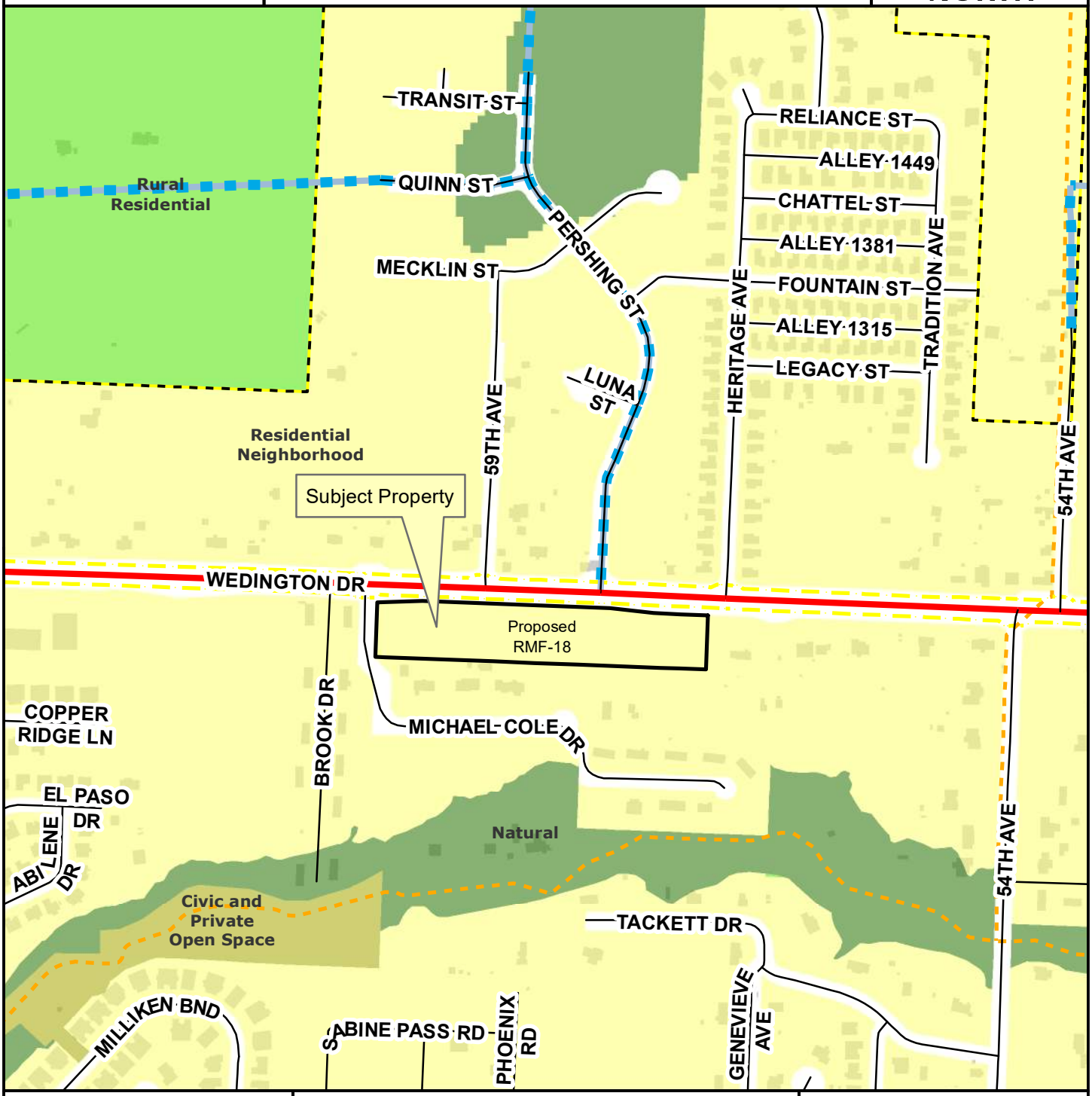
- 100-Year Floodplain
- Floodway

RZN-2020-000028

Future Land Use

Kidder

NORTH



- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint
- Regional Link
- Planned Residential Link

Feet

0 180 360 720 1,080 1,440

1 inch = 500 feet

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center