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**NOVEMBER 12, 2021**

Via Email ([cityclerk@fayetteville-ar.gov](mailto:cityclerk@fayetteville-ar.gov))

Ms. Kara Paxton  
City Clerk  
City of Fayetteville  
113 West Mountain Street  
Fayetteville, Arkansas 72701

**Re: APPEAL of Planning Commission Decision  
RZN – 2021-000073 – Monroe/Deane Solomon**

Dear Ms. Paxton,

Pursuant to Unified Development Code 155.05(A)(1)(b), on behalf of Lewis Brothers Leasing Co., Inc, I am appealing the decision of the Fayetteville Planning Commission denying my client's rezoning application, RZN-2021-000073, during the November 8, 2021 meeting. We would request this matter be place on the City Council's agenda at the earliest opportunity.

As noted in the application, the property in question is located at the southeast corner of the intersection of Deane Solomon Road and W. Monroe Lane and is approximately 5.06 acres. The property to be rezoned is currently zoned RMF-24 and the application requested rezoning the property C-2, Thoroughfare Commercial.

The purpose of the rezoning request is to utilize the property for a Lewis Automotive dealership, relocating from its current location on College Avenue. Lewis Automotive is a family-owned business that has operated in Fayetteville for more than seventy-five (75) years. Its contributions to the economic vitality of our community have been, and will continue to be, very substantial. When other businesses have chosen to move north of Fayetteville, the Lewis brothers have remained committed to keeping their business in Fayetteville.

We believe the denial of the rezoning application is erroneous because C-2 is plainly the proper zone for this property's development. The track of property that will house the auto dealership to is roughly 25 acres. Approximately twenty (20) acres of the property is already zoned C-2, and these five (5) acres, contiguous to it, should be zoned consistently with the

remaining property. Though the City’s Future Land Use map shows this property and the property adjacent to it along I-49 as City Neighborhood, the current and developing uses demonstrate that there is a significant disconnect between the City goals and the actual long-term use. This property along I-49 is fast becoming Fayetteville’s auto park, given the proximity of the Subaru and Hyundai dealerships, the Kia dealership in development adjacent to the subject property, and the plans for Lewis Automotive. Despite City Plan 2040, the practical considerations of the actual uses, the economic impact on the City, and the suitability of the use for this property should drive the decision.

We respect the City Planning staff’s recommendation, and understand they are bound by the confines of the City’s long-term goals. It is evident that requests for C-2 zoning are likely to be denied outright in virtually all cases. However, while recommending denial, Planning staff noted: “If conventional, vehicle-dependent zoning is suitable anywhere in Fayetteville, the subject property is likely to be among the most compatible.” While the commissioners agreed that this was a perfect location for the Lewis Brother’s dealership, it denied the application to extend the C-2 zoned property through these five (5) acres. We believe the Commission should have granted the application to rezone and request the City Council grant the application on appeal.

Please advise if you require any additional information, and we will look forward to presenting the matter to the City Council.

Sincerely,

*/s/ Suzanne G. Clark*

Suzanne G. Clark

cc. Matt Lewis  
Blake Pennington



**MEETING OF DECEMBER 7, 2021**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Ryan Umberger, Senior Planner

**DATE:** November 19, 2021

**SUBJECT: RZN-2021-000073: Rezone (2434 N. DEANE SOLOMON RD./LEWIS BROS. LEASING, 286):** Submitted CLARK LAW FIRM for properties located at 2434 N. DEANE SOLOMON RD. The properties are zoned RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contain approximately 5.06 acres. The request is to rezone the properties to C-2, THOROUGHFARE COMMERCIAL.

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**RECOMMENDATION:**

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

**BACKGROUND:**

The subject area is in northwest Fayetteville, less than ½ mile north of the interchange between N. Porter Road and I-49. The property contains 5.06 acres and is currently the site of Process Dynamics, an engineering consulting firm. The property is largely undeveloped with the exception of the roughly 7,700 square foot office building and cell tower on site.

**Request:** The applicant is requesting to rezone the property from RMF-24, Residential Multi-family, 24 Units per Acre to C-2, Thoroughfare Commercial. The applicant describes plans to relocate the Lewis Automotive dealership from its current location on N. College Avenue and suggests the rezoning is proper given the proposed use of the property.

**Public Comment:** A member of the public commented in opposition to the request. The commenter says the request to rezone to C-2 is inappropriate for a property fronting N. Deane Solomon Road, especially with due consideration for the nearby residential uses and dedicated park area north of the site. Prior to the Planning Commission but after staff's report publication, support for the request was received from a property owner on the west side of Deane Solomon. The comment is attached to this report.

**Land Use Compatibility:** Staff finds the request to rezone the property from RMF-24, Residential Multi-family, 24 Units per Acre to C-2, Thoroughfare Commercial to be generally incompatible. Much of the surrounding area is developed for residential uses or undeveloped altogether. Although some commercial uses may be generally compatible with the surrounding area, the intensity and breadth of uses allowed in the requested C-2 zoning district are unlikely to comport

with, or provide service to, the nearby properties. At this location, the C-2 zoning district will not act as a connection between lower- and greater-density areas but may act as a new node of highway commercial strip development. The C-2 zoning district is among the City's highest intensity districts, allowing for buildings up to 6 stories tall, with exclusively commercial uses permitted by-right including auto-oriented services, drive-thru restaurants, and gas stations. On the other hand, the property is located approximately ½ mile north of N. Porter Road's intersection with I-49 and within ¼ of a mile of I-49 itself. If conventional, vehicle-dependent zoning is suitable anywhere in Fayetteville, the subject property is likely to be among the most compatible. Staff finds instead that a low-intensity mixed-use request would be compatible at this location and encourage walkable elements such as a build-to-zone and heightened design requirements.

*Land Use Plan Analysis:* Staff finds that the request to C-2 is not consistent with adopted land use policies, or the Future Land Use Map designation for the area. The C-2 zoning district allows for a wide array of heavy commercial uses in a conventional development pattern. The future land use designation recognizes conventional strip development though suggests those areas should be evaluated for their potential to redevelop in a more efficient, urban layout. Given the future land use designation as a City Neighborhood Area, staff finds the request is incongruous with city land use policies for complete compact and connected development patterns. Future off-street trail connections are proposed approximately 150 feet south of the subject area and along N. Shiloh Drive which would contribute to providing alternative modes of transportation access to the site. The use of the site, though, may negate the enhanced accessibility that might otherwise occur with a form-based zoning district.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of 3-5 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Fire Station #8, *under development*)
- Near Water Main (8- and 6-inch along N. Deane Solomon Road)
- Near City Park (Unnamed Park Along Clabber Creek)
- Near Paved Trail (Clabber Creek Trail)
- Appropriate Future Land Use (City Neighborhood)

#### **DISCUSSION:**

At the November 8, 2021 Planning Commission meeting, a vote of 8-1-0 denied the rezoning request. Commissioner Sparkman made the motion and Commissioner Canada seconded. Commissioners discussed the request at length, with those ultimately opposed to the request acknowledging use of the overall property for the proposed use made sense and would be improvement. In the same vein, Commissioners also recognized that the preponderance of the overall property is already zoned C-2, making the current proposal more compelling. Conversely, Commissioner reluctance to support C-2 revolved around the district's lower design standards, the effect a car dealership will have on an otherwise residential street, and concern with the lack of detail that would otherwise come with a planned zoning district request. Commissioner Johnson voted against the denial. Commissioner Johnson expressed concerns about the permanence of C-2 zoning along N. Deane Solomon Road but ultimately felt a rezoning was warranted, but possibly to a mixed-use district.

**BUDGET/STAFF IMPACT:**  
N/A

**Attachments:**

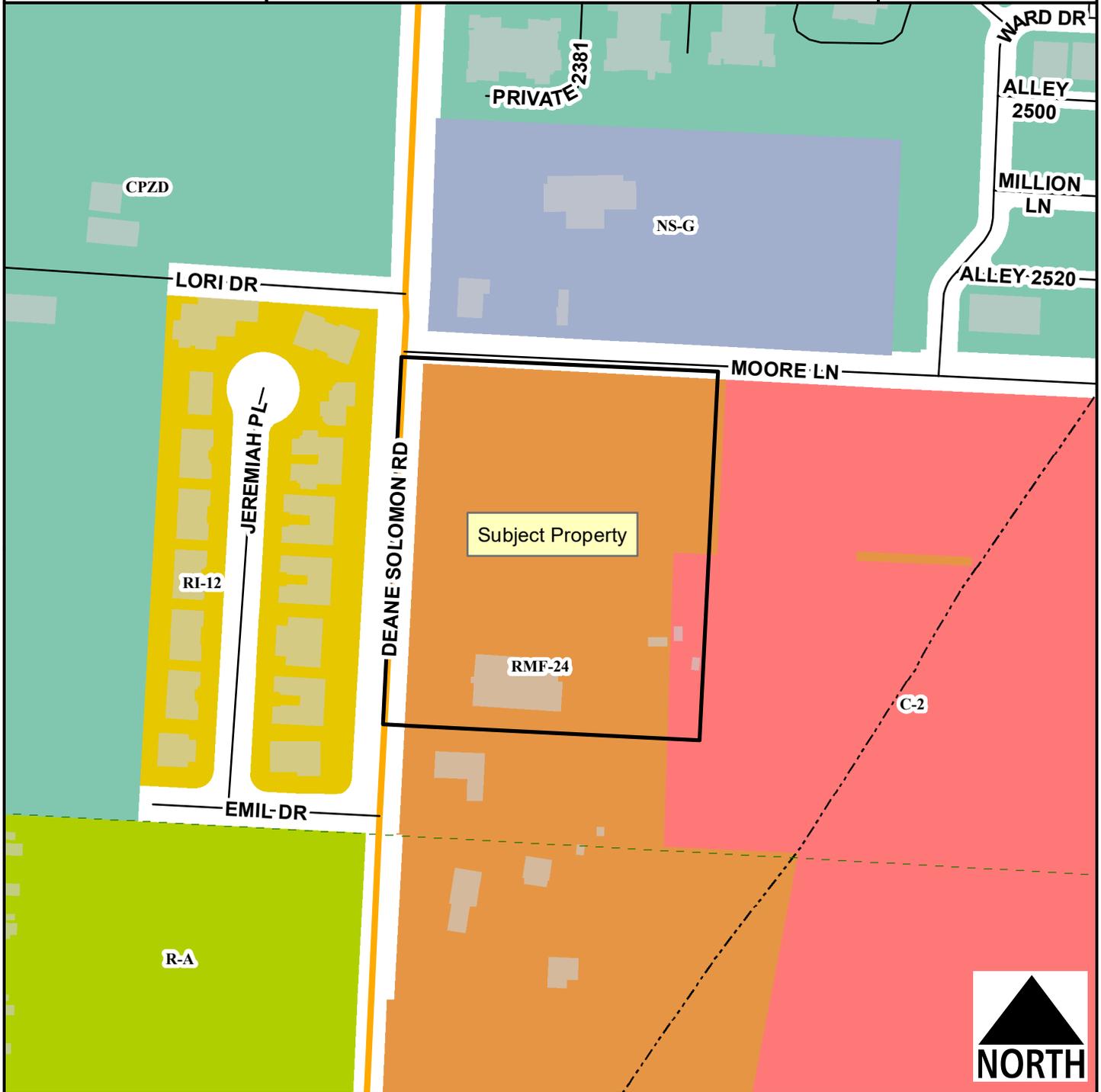
- Exhibit A
- Exhibit B
- Planning Commission Staff Report
- Public Comment Received After Planning Commission Report Publication

RZN-2021-000073

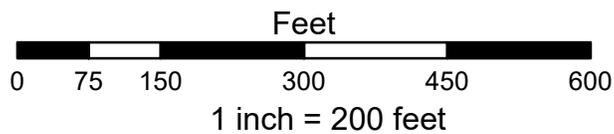
# Lewis Bros. Leasing

RZN-2021-000073  
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



- Residential-Agricultural
- RI-12
- RMF-24
- C-2
- Neighborhood Services - Gen.
- Commercial, Industrial, Residential

**Property Description for W. Monroe/Deane Solomon Rezoning Request**

A part of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section 33, Township 17 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the southwest corner of the SW 1/4 of the SW 1/4;  
thence along the south line of said SW 1/4, S87°05'13"E - 330.00 feet;  
thence leaving said south line, N02°50'39"E - 150.03 feet to the Point of Beginning (POB):

thence N02°50'39"E - 505.46 feet;  
thence S87°21'12"E - 435.11 feet;  
thence S02°52'17"W - 507.39 feet;  
thence along said south line, N87°05'55"W - 434.86 feet  
to the Point of Beginning (POB), containing 220285 sq. ft, or 5.06 acres.



**TO:** Fayetteville Planning Commission

**THRU:** Jonathan Curth, Development Services Director

**FROM:** Ryan Umberger, Senior Planner

**MEETING DATE:** November 8, 2021 (Updated with Planning Commission Results)

**SUBJECT:** **RZN-2021-000073: Rezone (2434 N. DEANE SOLOMON RD./LEWIS BROS. LEASING, 286):** Submitted CLARK LAW FIRM for properties located at 2434 N. DEANE SOLOMON RD. The properties are zoned RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contain approximately 5.06 acres. The request is to rezone the properties to C-2, THOROUGHFARE COMMERCIAL.

**RECOMMENDATION:**  
Staff recommends denial of RZN-2021-000073.

**RECOMMENDED MOTION:**  
"I move to deny RZN-2021-000073."

**BACKGROUND:**  
The subject area is in northwest Fayetteville, less than ½ mile north of the interchange between N. Porter Road and I-49. The property contains 5.06 acres and is currently the site of Process Dynamics, an engineering consulting firm. The property is largely undeveloped with the exception of the roughly 7,700 square foot office building and cell tower on site. 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	NS-G, Neighborhood Services-General
South	Fayetteville Church of Christ	RMF-24, Residential Multi-family, 24 Units per Acre
East	Williams Tractor Farm Equipment Sales	C-2, Thoroughfare Commercial
West	Two-family Residential	RI-12, Residential Intermediate, 12 Units per Acre

**Request:** The applicant is requesting to rezone the property from RMF-24, Residential Multi-family, 24 Units per Acre to C-2, Thoroughfare Commercial. The applicant describes plans to relocate the Lewis Automotive dealership from its current location on N. College Avenue and suggests the rezoning is proper given the proposed use of the property.

**Public Comment:** A member of the public commented in opposition to the request. The commenter says the request to rezone to C-2 is inappropriate for a property fronting N. Deane Solomon Road, especially with due consideration for the nearby residential uses and dedicated park area north of the site.

## INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

**Streets:** The subject area has frontage along N. Deane Solomon Road and W. Moore Lane. N. Deane Solomon Road is a partially improved Neighborhood Link Street with asphalt paving and open ditches. W. Moore Lane is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required would be determined at the time of a development proposal.

**Water:** Public water is available to the subject area. Existing 8- and 6-inch water main stub-outs are present on the east side of N. Deane Solomon Road.

**Sewer:** Sanitary Sewer is not available to the subject area, but access is present to the larger property along W. Moore Lane. There an 8-inch sewer main is present at the north property line.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Ruppel Road, protects this site. The property is located approximately 2.6 miles from the fire station with an anticipated drive time of approximately 7 minutes using existing streets. The anticipated response time would be approximately 9.2 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. Of note, Fire Station #8 is under construction at the corner of Porter and Deane Solomon and will provide reduced response time.

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

**Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portion of the subject area lies within the Hillside-Hilltop Overlay District or within a FEMA floodplain. There is no protected stream present in the subject area, and there are no hydric soils on the property.

### Tree Preservation:

The proposed C-2, Thoroughfare Commercial requires **15% minimum canopy preservation**. The current zoning district, RMF-24, Residential Multi-family, 24 Units per Acre requires **20% minimum canopy preservation**.

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

**City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system

of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of 3-5 for this site, with a weighted score of 7. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Fire Station #8, *under development*)
- Near Water Main (8- and 6-inch along N. Deane Solomon Road)
- Near City Park (Unnamed Park Along Clabber Creek)
- Near Paved Trail (Clabber Creek Trail)
- Appropriate Future Land Use (City Neighborhood)

#### FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

**Finding:** *Land Use Compatibility:* Staff finds the request to rezone the property from RMF-24, Residential Multi-family, 24 Units per Acre to C-2, Thoroughfare Commercial to be generally incompatible. Much of the surrounding area is developed for residential uses or undeveloped altogether. Although some commercial uses may be generally compatible with the surrounding area, the intensity and breadth of uses allowed in the requested C-2 zoning district are unlikely to comport with, or provide service to, the nearby properties. At this location, the C-2 zoning district will not act as a connection between lower- and greater-density areas but may act as a new node of highway commercial strip development. The C-2 zoning district is among the City's highest intensity districts, allowing for buildings up to 6 stories tall, with exclusively commercial uses permitted by-right including auto-oriented services, drive-thru restaurants, and gas stations. On the other hand, the property is located approximately  $\frac{1}{2}$  mile north of N. Porter Road's intersection with I-49 and within  $\frac{1}{4}$  of a mile of I-49 itself. If conventional, vehicle-dependent zoning is suitable anywhere in Fayetteville, the subject property is likely to be among the most compatible. Staff finds instead that a low-intensity mixed-use request would be compatible at this location and encourage walkable elements such as a build-to-zone and heightened design requirements.

*Land Use Plan Analysis:* Staff finds that the request to C-2 is not consistent with adopted land use policies, or the Future Land Use Map designation for the area. The C-2 zoning district allows for a wide array of heavy commercial uses in a conventional development pattern. The future land use designation recognizes conventional strip development though suggests those areas should be evaluated for their potential to redevelop in a more efficient, urban layout. Given the future land use designation as a City Neighborhood Area, staff finds the request is incongruous with city land use policies for complete compact and connected development patterns. Future off-street trail connections are proposed approximately 150 feet south of the subject area and along N. Shiloh Drive which would contribute to providing alternative

**modes of transportation access to the site. The use of the site, though, may negate the enhanced accessibility that might otherwise occur with a form-based zoning district.**

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

**Finding: Staff finds that the proposed zoning is not justified or needed to accommodate development of the property in accordance with goals outlined in the city's comprehensive plan. The proposed zoning district does not encourage development in a traditional town form and is intended to provide retail goods and services to highway travelers rather than for persons living in the surrounding residential areas. Staff acknowledges the subject area's proximity to I-49 makes the property ideal from a visibility perspective but contends that rezoning will limit the area from offering more contextually appropriate services.**

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

**Finding: Rezoning the property from RMF-24 to C-2 could appreciably increase traffic at this site. Given the permitted uses under the proposed C-2 zoning district, an increase in traffic is possible when compared to the existing RMF-24 zoning. That said, the site has frontage onto N. Deane Solomon Drive, a Neighborhood Link Street per the 2040 Master Street Plan, though it is only partially improved. The site is also near to I-49 which would help to facilitate regional travel to the subject area.**

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: Given the lack of permitted residential uses in the C-2 zoning district, it is unlikely that development under the requested rezoning will adversely increase population density. That said, the intensity of non-residential development under the C-2 zoning district is much greater than under the existing zoning and some non-residential uses can have greater impacts on City facilities than residential uses. The Police and Fire Departments have expressed no objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends denial of RZN-2021-000073.

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>
<b>Date:</b> <u>November 8, 2021</u> <input type="checkbox"/> Tabled <input type="checkbox"/> Forwarded <input checked="" type="checkbox"/> Denied
<b>Motion:</b> Sparkman
<b>Second:</b> Canada
<b>Vote:</b> 8-1-0

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.16 RMF-24, Residential Multi-family, 24 Units per Acre
  - §161.23 C-2 Thoroughfare Commercial
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre**

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(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
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 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	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(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/5 stories*
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\* 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 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.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; 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; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

**161.23 District C-2, Thoroughfare Commercial**

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

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

Urban Form Setback Regulations:

Front	A build-to zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	6 stories*
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\* If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from side boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6164, §§1, 6, 7, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-19)



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Fax: (479) 856-6381

Suzanne G. Clark  
sclark@clark-firm.com

**SEPTEMBER 27, 2021**

City of Fayetteville  
113 West Mountain Street  
Fayetteville, Arkansas 72701

**Re: Rezoning Application – Monroe/Deane Solomon**

Attn: Development Services/Planning

I am representing Lewis Brothers Leasing Co., Inc, regarding their application to rezone the real property described in the attached property description and located in parcel numbers 765-15879-000 and 765-15879-002. The property is located at the southeast corner of the intersection of Deane Solomon Road and W. Monroe Lane and is approximately 5.06 acres. The property to be rezoned is currently zoned RMF-24 and the applicant is requesting the property be rezoned to C-2, Thoroughfare Commercial.

The purpose of the rezoning request is to utilize the property for a Lewis Automotive dealership, relocating from its current location on College Avenue. Lewis Automotive is a family-owned business that has operated in Fayetteville for more than seventy-five (75) years. Its contributions to the economic vitality of our community have been, and will continue to be, very substantial. When other businesses have chosen to move north of Fayetteville, the Lewis brothers have remained committed to keeping their business in Fayetteville.

This requested rezoning is compatible with the surrounding neighborhood and will not unreasonably adversely affect or conflict with the surrounding land uses. Though City Plan 2040 does not include C-2 for future uses, the majority of parcel 765-15879-000 is already zoned C-2, this tract of land is immediately adjacent to property that is also zoned C-2, and the property is in very close proximity to other automobile dealerships along I-49. Any residential properties within the neighborhood are separated and defined by the intersection itself. Given the proximity to I-49 and the automotive dealerships in place and in development, C-2 is the proper zone for this property.

A portion of the property on College Avenue, the current Lewis Automotive location, will be the subject of a separate rezoning application that may provide for of a portion of that property

to be rezoned from C-2 to one of the form-based zones prevalent in City Plan 2040. That requested rezone would be in support of this application for the Monroe/Deane Solomon property.

We are happy to provide any additional information that is needed or may be helpful upon your review of this application. Thank you for your consideration and please let me know you have any questions.

Sincerely,

*/s/ Suzanne G. Clark*

Suzanne G. Clark

cc. Matt Lewis

## Umberger, Ryan

---

**To:** Planning Shared  
**Subject:** RE: Items on the Planning Map

---

**From:** Kyle Smith [<mailto:kyle.smith@kyle4fay.org>]  
**Sent:** Tuesday, November 02, 2021 5:30 PM  
**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
**Subject:** Items on the Planning Map

**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.

There are a few items of interest on the planning map that don't yet have staff memos posted. If they're due to be ready in a day or two, I'll just find them there. But if it's longer, I'd love to see the applications that have been submitted in the meantime.

- **VAR-2021-000045 (Variance request for Wedington Place)**
- **RZN-2021-000074 (Rezone request for Double Springs Rd. Rezone)**
- **RZN-2021-000077 (Rezone request for Small Fish, LLC)**
- **RZN-2021-000073 (Rezone request for Lewis Bros. Leasing)**
- **LSD-2021-000042 (Large Scale Development for Village on the Creeks)**
- **LSD-2021-000040 (LSD proposal for Cobblestone Farms)**
- **RZN-2021-000076 (Rezone request for NWA Custom Homes)**

I would also like to proactively submit my opposition to RZN-2021-000073 in it's current form. I realize that C-2 is consistent with the other parcel that they will be building on and expanding, this is not an appropriate zoning to front Deane Solomon. It is especially troubling because it likely represents an intent to this as the distantly forgotten back-end of a very large LSD that I expect will front the interstate. I hope their eventual development proposals for this site will include conditions that the Deane Solomon frontage will be treated with the consideration that the future near-by residential and city park uses deserve. I would fully support a form-based zone here, but C-2 or forgotten back parking lot is unacceptable.

Thanks!

**Kyle Smith**  
[kyle.smith@kyle4fay.org](mailto:kyle.smith@kyle4fay.org)  
479.274.8881  
[Facebook](#) | [Twitter](#) | [Website](#)

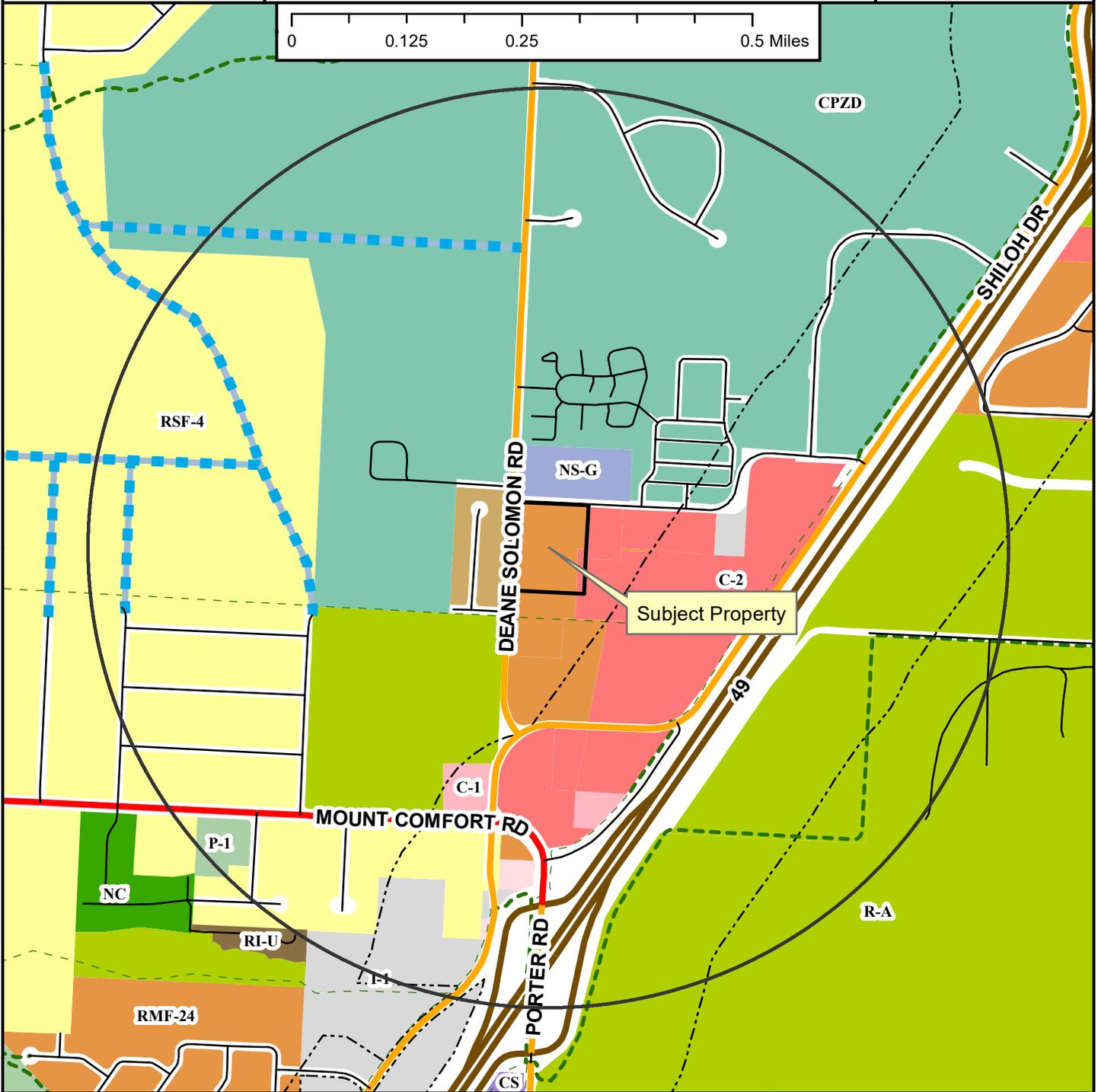
RZN-2021-000073

# Lewis Bros. Leasing

One Mile View



0 0.125 0.25 0.5 Miles



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

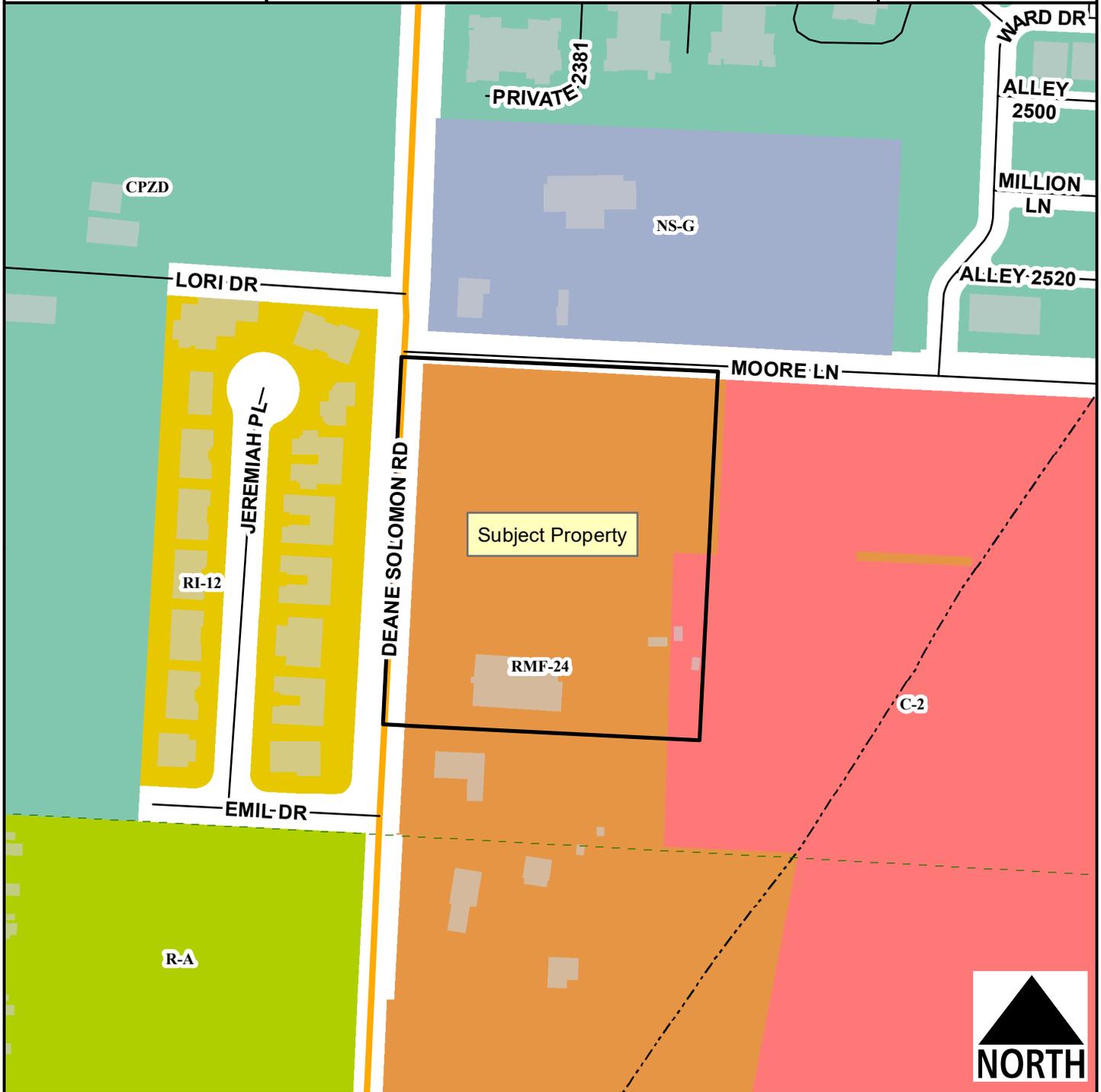


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
  - NS-G
  - RI-U
  - RI-12
  - NS-L
  - Residential-Agricultural
  - RSF-5
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
  - I-1 Heavy Commercial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

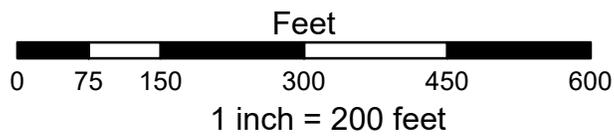
RZN-2021-000073

# Lewis Bros. Leasing

Close Up View



-  Neighborhood Link
-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)
-  Design Overlay District



-  Residential-Agricultural
-  RI-12
-  RMF-24
-  C-2
-  Neighborhood Services - Gen.
-  Commercial, Industrial, Residential

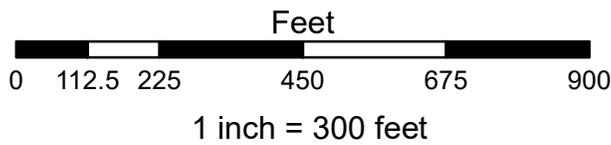
RZN-2021-000073

# Lewis Bros. Leasing

Current Land Use



-  Neighborhood Link
-  Freeway/Expressway
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District



### FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN-2021-000073

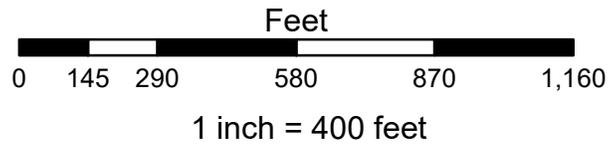
# Lewis Bros. Leasing



Future Land Use



- Neighborhood Link
- Freeway/Expressway
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



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

## Umberger, Ryan

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**To:** Umberger, Ryan  
**Subject:** RE: Lewis Automotive Rezone

---

**From:** Craig Underwood <[craig@underwoods.com](mailto:craig@underwoods.com)>  
**Sent:** Monday, November 8, 2021 1:59 PM  
**To:** Suzanne Clark <[sclark@clark-firm.com](mailto:sclark@clark-firm.com)>  
**Cc:** [laura@underwoods.com](mailto:laura@underwoods.com)  
**Subject:** RE: Lewis Automotive Rezone

Suzanne,

Thank you for the email and the update on your progress with the rezoning.

You are correct that we were not opposed to the rezone. And, upon learning more details about the concept planned by the Lewis family, we are strong supporters of the rezoning. We were happy to learn that attractive, high quality, landscaping and beautiful entrance aesthetics are planned for the portion of the property facing Deane Solomon Road and Moore Lane. Knowing the integrity of the Lewis family and their desire to provide Fayetteville with a high-quality automobile dealership facility, Laura and I strongly support the rezoning request.

Sincerely,  
Craig Underwood

--

**Craig Underwood**  
[craig@underwoods.com](mailto:craig@underwoods.com)



**UNDERWOODS**  
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