



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: September 22, 2014

SUBJECT: **CUP 14-4834: Conditional Use (1021 WEST SYCAMORE STREET/TRI-CYCLE FARMER’S MARKET, 405):** Submitted by DONALD BENNETT for property located at 1021 WEST SYCAMORE ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 1.66 acres. The request is for a farmer’s market (Use Unit 2) in a RMF-24, Residential Multi-Family zoning district.

RECOMMENDATION:
Staff recommends approval of **CUP 14-4834** with conditions.

BACKGROUND:

The subject property is located at the southeast corner of Garland Avenue and Sycamore Street and is currently utilized by Trinity United Methodist Church. The church has been located on the property since the 1960’s and has expanded several time through the decades. In addition to the main church property and parking lot, the church also owns several adjoining lots and a large gravel parking lot to the east of the building. The co-applicant Tri-Cycle Farms, is located across Garland Avenue from the church. Surrounding land uses are listed in *Table 1*.

**Table 1
Surrounding Land Use/Zoning**

Direction from Site	Land Use	Zoning
North	Single-family/Two-family	RMF-24, Residential Multi-family
South	Single-family/Two-family	RMF-24, Residential Multi-family
East	Multi-family	RMF-24, Residential Multi-family
West	Single-family	RMF-24, Residential Multi-family

FUTURE LAND USE PLAN DESIGNATION: *City Neighborhood Area*

DISCUSSION:

Request: The operators of Tri-Cycle Farms and Trinity United Methodist are requesting approval to operate a neighborhood farmer’s market in the east parking lot of Trinity Church. The market will sell produce from Tri-Cycle Farms, local farmers and neighborhood gardeners. The market will be open two days per week and utilize up to 10 pop-up tents and tables to display produce. During winter months and inclement weather the market will be operated from the church fellowship hall adjacent to the parking lot.

Public Comment: Staff has not received any public comment..

Recommendation: Staff recommends approval of **CUP 14-4834** subject to the following conditions:

1. Planning Commission determination of allowing Use Unit 2 City wide uses by conditional use permit for the operation of a farmer's market. *Staff recommends in favor of this request finding that the operation will have a positive impact on local farming and citizens by increasing awareness and sources of locally grown produce.*
2. Operation of the farmer's market shall be coordinated with the church to not conflict with church services or activities where the east parking area is required to be open for parking.
3. The farmer's market shall be limited in nature to that described in the applicant's letter:
 - a) Days of operation: 3 days per week when church does not hold regular services.
 - b) Hours of operation: 11:00 AM to 9:00 PM (evening hours dependent on time of year).
 - c) Retail sales of local produce and occasional workshops and demonstrations.
4. The tents and sales areas shall be limited to the areas away from Sycamore Street as indicated on the site plan.

Planning Commission Action: **Approved** **Forwarded** **Denied**

Meeting Date: September 22, 2014

Motion:
Second:
Vote:

FINDINGS OF THE STAFF

Section 163.02. **AUTHORITY; CONDITIONS; PROCEDURES.**

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

- C. A conditional use shall not be granted by the Planning Commission unless and until:
1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted an application requesting conditional use permit approval to allow Use Unit 2 for the operation of an outdoor farmer's market in the RMF-24 zoning district.

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
 - (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: The Planning Commission is empowered under UDC Section 161.14 to grant a conditional use permit to allow an outdoor farmer's market (Use Unit 2).

- (b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: In staff's opinion, granting approval for the operation of local farmer's market on a church property will not adversely affect the public interest. In fact the market should provide a positive impact on the public, particularly those in nearby neighborhoods. The market is intended to provide a retail outlet for local farmers and a shopping location that provides healthy, local foods to surrounding neighborhoods. Providing a shopping option in close proximity to housing also increases the potential for residents to participate in healthy activities such as walking and biking.

- (c.) The Planning Commission shall certify:
 - (1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are no specific rules governing this use.

- (2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:
 - (a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience,

traffic flow and control and access in case of fire or catastrophe;

Finding: Ingress/egress into the property is provided from Sycamore Street. The two existing parking areas have been in use for decades and the existing driveways will not be modified with this request.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: The existing parking lots have been in use for decades and will continue to be utilized to support church members and patrons of the market. No substantial economic, noise, glare or odor effects of the special exception on adjoining properties are anticipated.

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: Refuse and service areas will not be affected.

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Utilities will not be affected.

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: Screening is not required.

(f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Signage will be permitted in accordance with the sign ordinance.

(g.) Required setbacks and other open space; and

Finding: All separation and setback requirements will be met.

(h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds that the sale of local produce within a church parking lot provides an excellent opportunity to provide income for local farmers, healthy food for nearby residents and a gathering place for neighbors. Most of the time

the parking lot area is underutilized, so the addition of a secondary use makes great use of the existing space. The market should be a benefit to the neighborhood and a compatible land use with adjacent properties.

BUDGET/STAFF IMPACT:

None

Attachments:

- Chapter 161.14
- Applicant's letter
- Site plan
- Photograph
- Land Use map
- Close up map
- One mile map

TITLE XV UNIFIED DEVELOPMENT CODE

161.14 District RMF-24, Residential Multi-Family – Twenty-Four 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-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage 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 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
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 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.

Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45/60ft.*
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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 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet 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 60 feet.

Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(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. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

Written Description of Conditional Use Request:

Crossroads Market:

Through collaboration with Trinity United Methodist Church and a grant from Energize NWA/Endeavor Foundation and Arkansas Coalition for Obesity Prevention (ARCop), Tri Cycle Farms is developing a neighborhood farmer's market to increase our neighborhood's access to locally grown food and provide fresh produce to an area of the city that lacks easy access to other markets. This market will be an outlet for our farm and will demonstrate the economy of food. We have invited other local farmers and neighborhood gardeners to join our market which will provide a wide variety of fresh produce. The market will operate one to two days per week, with a projected customer base of 30, utilizing 3-9 pop-up canopy tents, tables provided by the church and will be located in the southernmost section of the east parking lot of Trinity United Methodist Church at 1021 W. Sycamore Av. providing ~300-900 square feet of operating space and more than 50 parking spaces. Two employees will be assisted by scheduled volunteers to assist patrons and conduct garden related educational activities. Our collaborative market will operate on days when the church is closed avoiding parking conflicts. During the winter months and inclement weather the market will move inside to the 2400 sq. ft. Fellowship Hall adjacent to the east parking lot currently used for church and community meals (i.e Sunday Supper), Cooking Matters classes, the Fayetteville Seed Exchange and food panel discussions, etc. Ingress and egress to Sycamore are extant and adequate. All outdoor operations will be tree shaded and screened by distance and vegetation from the street and all neighbors. Outdoor lighting and trash/refuse services will be provided by Trinity United Methodist Church. This market will follow all state, county and municipal regulations for operations.

The Crossroads Market will:

- Provide a neighborhood market near Tri Cycle Farms for local residents to buy healthy and affordable fresh produce.
- Be a collaborative effort of Tri Cycle Farms, other local farmers and Trinity United Methodist Church to create an inviting site with parking and signage to bring attention to the market and shade to provide comfort.
- Offer workshops and demonstrations on topics such as preparing seasonal produce, container gardening, etc.
- Apply to be WIC, SNAP and Senior benefits eligible.
- Follow all rules and regulations regarding food quality and safety.

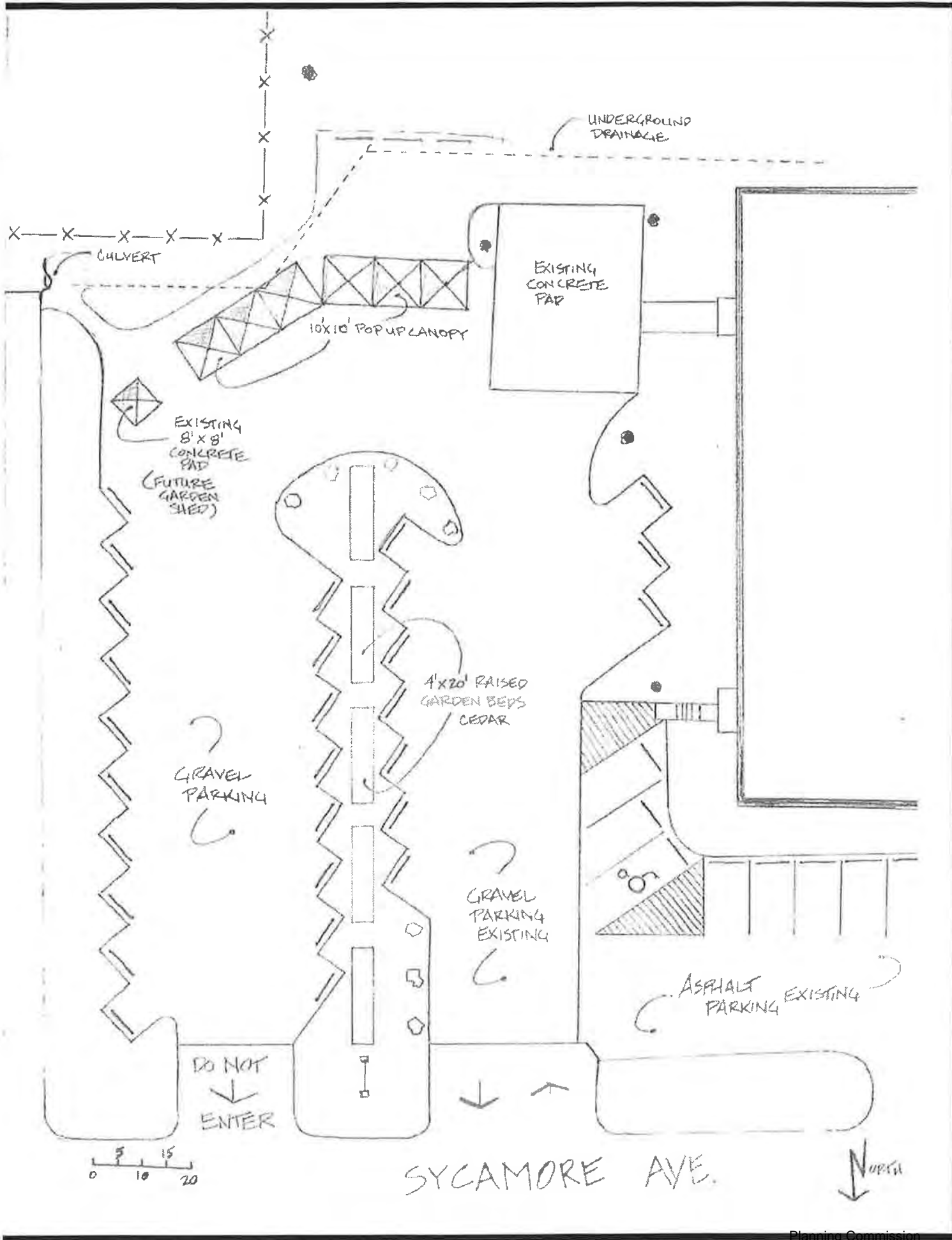
Neighborhood Context/Support:

Tri Cycle Farms is a non-profit organization operating under the fiscal umbrella of the OMNI Center for Peace, Justice and Ecology's 501(c) 3 status. Our mission is to grow community through soil as we steward food awareness, education and empowerment. We have a vision of a world with food security, sovereignty and sustainability for everyone. Through community engagement TCF is creating a sustainable, urban farm-park in the geographic center of Fayetteville. In the three years since the TCF endeavor began TCF staff and community leaders have worked alongside hundreds of university faculty and students, community members and other non-profit organizations, as well as civic and clergy leaders to accomplish our goal of building community. Through these collaborations with our neighbors and the larger community we are creating a unique place where the primary objective is to reconnect: to each other, our soil and our health. Within a one-mile radius of TCF forth-three percent of our neighbors are living in poverty and regularly experience food insecurity. Of these ~7,000 residents, ~2,700 live below the poverty level and ~650 households receive SNAP benefits. Many of these community members possess a lack of knowledge and/or resources to grow their own food and have limited access to healthy, affordable, locally grown produce.

The market is addressing four distinct needs identified in the community:

1) easy access to affordable, locally grown produce, 2) individual and community need for local food security, 3) access to healthy activity through alternative transportation, and 4) education and demonstration of sustainable urban farming.

Tri Cycle Farms has conducted a feasibility study to gauge the support of and need for a neighborhood market. The consensus from other local farmers, Tri Cycle Farms neighbors, members of Trinity United Methodist congregation and the community at large has revealed overwhelming, enthusiastic support for the Crossroads Market. Letters of support from neighbors adjacent to Tri Cycle Farms and Trinity United Methodist can be made available upon request.





CUP14-4834

TRI-CYCLE FARMER'S MARKET

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails
- CUP14-4834

Overview Fayetteville City Limits

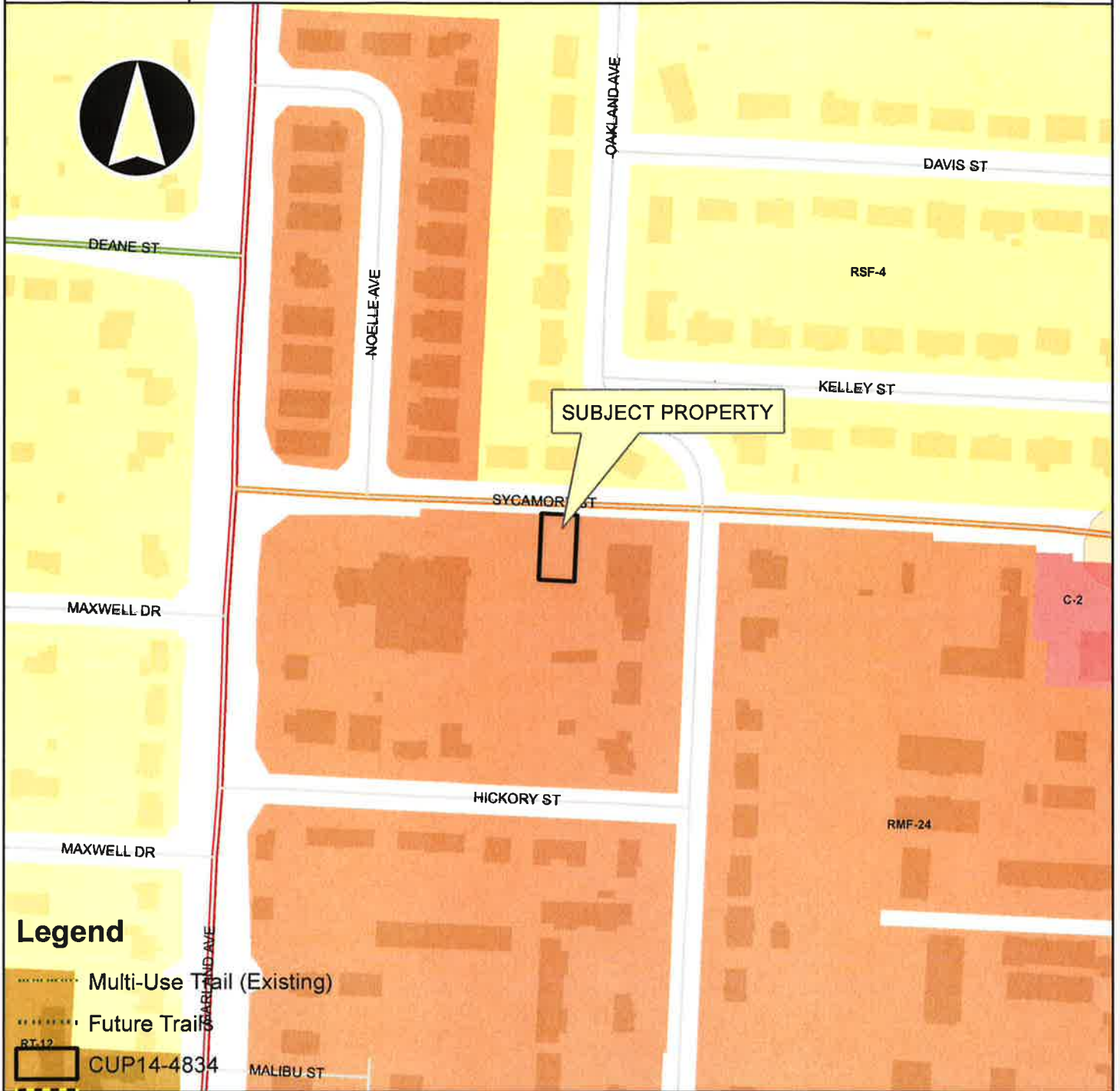
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



CUP14-4834

TRI-CYCLE FARMER'S MARKET

Close Up View



Legend

..... Multi-Use Trail (Existing)

..... Future Trails

RT-12 CUP14-4834

Overview Fayetteville City Limits

■ Footprints 2010

■ Hillside-Hilltop Overlay District

□ Design Overlay District

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--- Planning Area

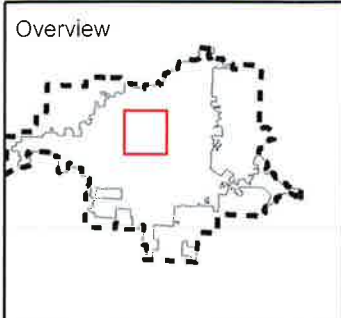
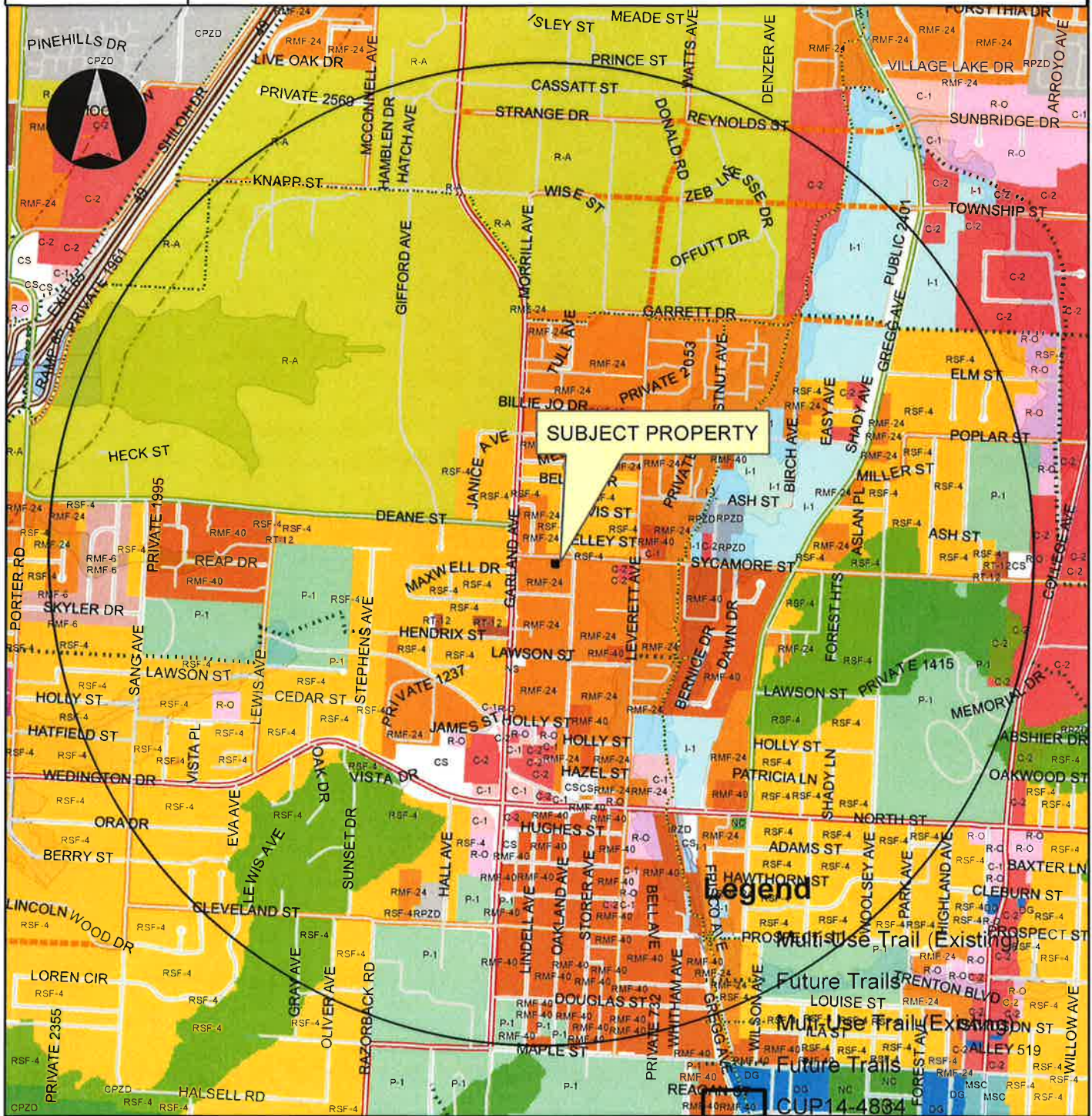


Planning Commission
September 22, 2014

CUP14-4834

TRI-CYCLE FARMER'S MARKET

One Mile View



Legend

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

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Miles