

City of Fayetteville Staff Review Form

2019-0321

Legistar File ID

6/4/2019

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Garner Stoll

5/17/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6644: Rezone (125 W. SUNBRIDGE DR./SUNBRIDGE CENTER, 289-290): Submitted by BATES & ASSOCIATES, INC. for property located at 125 W. SUNBRIDGE DR. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.30 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

Budget Impact:

|                                |                       |
|--------------------------------|-----------------------|
| Account Number                 | Fund                  |
| Project Number                 | Project Title         |
| Budgeted Item? NA              | Current Budget \$ -   |
|                                | Funds Obligated \$ -  |
|                                | Current Balance \$ -  |
| Does item have a cost? No      | Item Cost             |
| Budget Adjustment Attached? NA | Budget Adjustment     |
|                                | Remaining Budget \$ - |

V20180321

Purchase Order Number: \_\_\_\_\_

Previous Ordinance or Resolution # \_\_\_\_\_

Change Order Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF JUNE 4, 2019

**TO:** Mayor; Fayetteville City Council

**THRU:** Don Marr, Chief of Staff  
Garner Stoll, Development Services Director

**FROM:** Andrew Garner, Planning Director

**DATE:** May 17, 2019

**SUBJECT:** **RZN 19-6644: Rezone (125 W. SUNBRIDGE DR./SUNBRIDGE CENTER, 289-290):** Submitted by BATES & ASSOCIATES, INC. for property located at 125 W. SUNBRIDGE DR. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.30 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

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### RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to NS-G, Neighborhood Services-General, as shown in the attached Exhibits 'A' and 'B'.

### BACKGROUND:

The proposed rezoning request is for approximately 1.30 acres at 125 W. Sunbridge Drive, and west of North Hiram Davis Place. The property is currently within the R-O, Residential-Office zoning district, and has three office building structures. The Master Street Plan classifies West Sunbridge Dr. as a Collector Street.

*Request:* The request is to rezone the parcel (approximately 1.30 acres) from R-O, Residential-Office to NS-G, Neighborhood Services – General. The applicant indicated the rezoning is needed to allow the property owner to subdivide the property. Currently, there are three buildings on one parcel and each of the buildings is owned by a separate entity. The owners would like to create three lots so they may individually own their building and lot. The primary difference between the two zonings are the setback/build-to zone requirements. The smaller side setbacks in the NS-G district would allow the proposed subdivision. If the property were rezoned as proposed, the existing buildings that are located outside of the front build-to zone would be legal non-conforming structures and would be permitted to be improved and expanded pursuant to *Fayetteville Unified Development Code Section 164.12(A), Nonconforming Structures*.

*Land Use Compatibility:* The proposed zoning is compatible with surrounding land use patterns in this area, which contains a mixture of offices and neighborhood commercial uses. Parcels to the north, east and south are zoned R-O, Residential-Office and the parcel to the west is zoned C-1, Neighborhood Commercial.

*Land Use Plan Analysis:* The proposed zoning is consistent with the Future Land Use Map designation of this property as a City Neighborhood Area.

The goals of City Plan 2030 include making traditional town form the standard. The NS-G zoning district encourages patterns of development that result in realizing this goal over time, including an expectation that non-residential buildings will be located near streets and at corner locations, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

**DISCUSSION:**

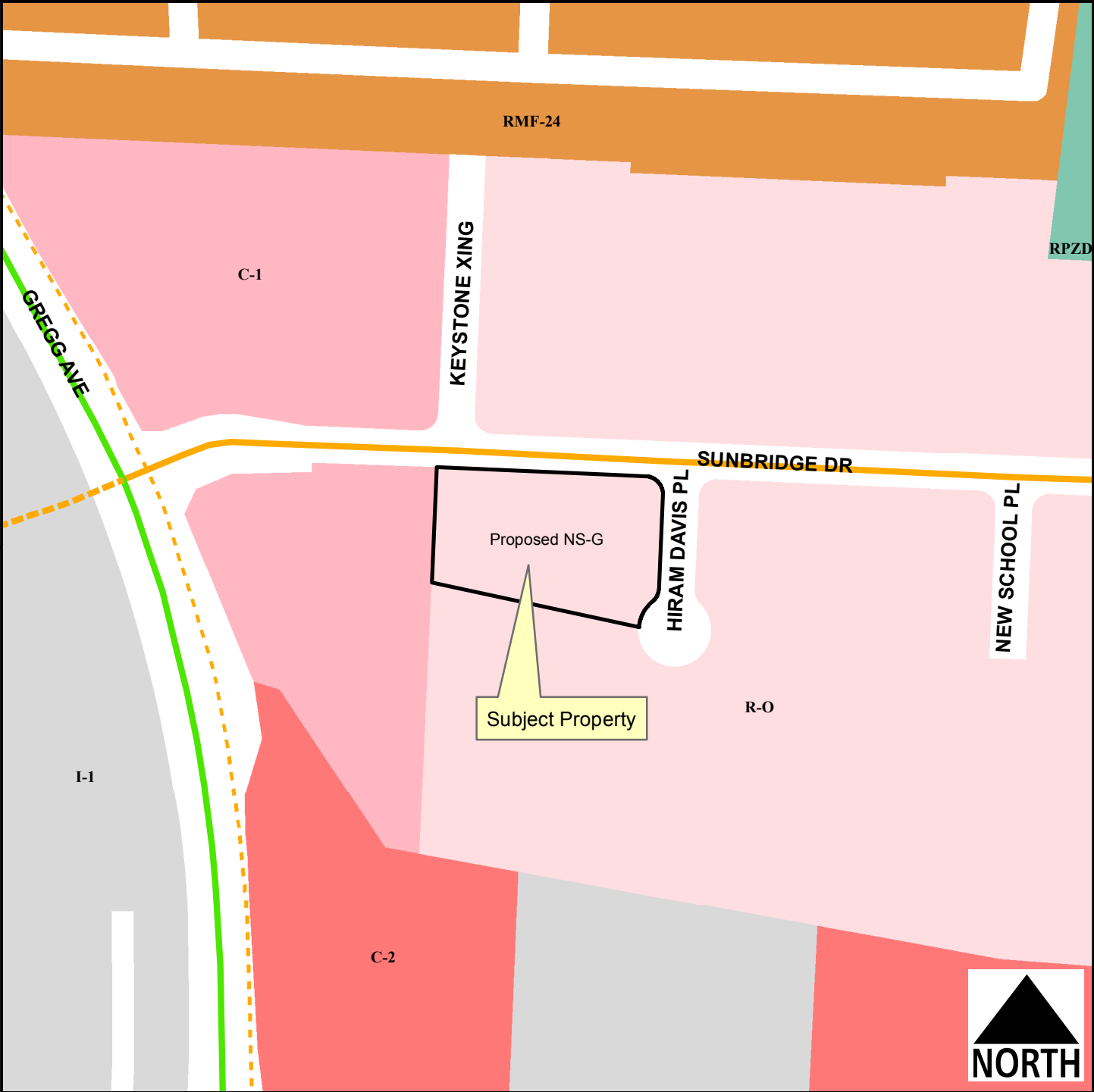
On May 13, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 9-0-0. No public comment was made.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



|  |  |  |
|--|--|--|
| <b>Legend</b><br>Planning Area<br>Fayetteville City Limits<br>Trail (Proposed)<br>Building Footprint | <div>Feet</div> <div>0 75 150 300 450 600</div> <div>1 inch = 200 feet</div> | <b>Zoning</b> <b>Acres</b><br>NS-G   1.3 |
|  |  | <b>Total</b> <b>1.3</b>                  |

**19-6644**  
**EXHIBIT 'B'**

**Sunbridge Center Lot 16 Rezoning Request – LEGAL DESCRIPTION**

LOT 16, SUNBRIDGE CENTER, A SUBDIVISION TO THE CITY OF  
FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT  
BOOK 13, AT PAGE 60, PLAT RECORDS OF WASHINGTON COUNTY,  
ARKANSAS.



**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Abdul R. Ghous, Planner

**MEETING DATE:** May 13, 2019 *(Updated with Planning Commission results)*

**SUBJECT:** **RZN 19-6644: Rezone (125 W. SUNBRIDGE DR./SUNBRIDGE CENTER, 289-290):** Submitted by BATES & ASSOCIATES for property at 125 W. SUNBRIDGE DR. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.30 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

**RECOMMENDATION:**

Staff recommends forwarding **RZN 19-6644** to the City Council with a recommendation of approval, based on the findings herein.

**RECOMMENDED MOTION:**

"I move to forward **RZN 19-6644** to City Council with a recommendation for approval."

**BACKGROUND:**

The proposed rezoning request is for approximately 1.30 acres east of North Greg Avenue, and west of North Hiram Davis Place. The property is currently within the R-O, Residential-Office zoning district, and has three office building structures.

The Master Street Plan classifies West Sunbridge Dr. as a collector street in the future, whereas North Gregg Avenue is a Minor Arterial.

Surrounding land use and zoning is depicted on *Table 1*.

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

| Direction from Site | Land Use   | Zoning                       |
|---------------------|------------|------------------------------|
| North               | Offices    | R-O, Residential Office      |
| South               | Offices    | R-O, Residential Office      |
| East                | Offices    | R-O, Residential Office      |
| West                | Commercial | C-1, Neighborhood Commercial |

*Request:* The request is to rezone the parcel (approximately 1.30 acres) from R-O, Residential-Office to NS-G, Neighborhood Services – General, in order to do a lot split. Currently, there are three buildings on one parcel, and each of the building is owned by a separate entity. The owners would like to create three parcels so they could individually own their building and lot. The main

difference between the two zonings are the setback requirements. Additionally, NS-G zoning will not adversely affect the existing land areas due to the similar uses allowed in NS-G.

*Public Comment:* Staff has received no public comment.

## INFRASTRUCTURE:

**Streets:** The parcel currently has driveway access to West Sunbridge Drive and North Hiram Davis Place. West Sunbridge Drive is a fully improved collector street with asphalt paving that has designated bike lanes, curb, gutter, and sidewalks along both sides of the street. North Hiram Davis Place is a cul-de-sac and a fully improved local street with asphalt paving that has curb, gutter, and sidewalk throughout. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

**Water:** Public water is available to the site. An existing 2-inch pipe lies within a general utility easement which connects to an existing 6-inch water main on North Hiram Davis Place.

**Sewer:** An existing 8-inch sewer main on West Sunbridge Drive currently serves this parcel. The sanitary sewer connections to each building on the parcel do not lie within an existing utility easement.

**Drainage:** Any additional improvements or requirements for drainage would be determined at time of development. No portion of this parcel lies within the FEMA designated 100-yr floodplain. No part of the parcel lies within the HHOD.

**Fire:** The Fayetteville Fire Department did not express any concerns with this request.

**Police:** The Police Department did not express any concerns with this request.

**CITY PLAN 2025 FUTURE LAND USE PLAN:** *City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**. These areas are expected to be more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

## 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 proposed zoning is compatible with surrounding land use patterns in this area, which contains a mixture of offices and neighborhood commercial districts. Parcels to the north, east and south are zoned R-O, Residential-Office and parcel to the west is zoned C-1, Neighborhood Commercial.

***Land Use Plan Analysis:*** The proposed zoning is fully consistent with the Future Land Use Map (FLUM) designation of this property as a City Neighborhood Area.

The goals of City Plan 2030 include making traditional town form the standard. The NS-G zoning district encourages patterns of development that result in realizing this goal over time, including an expectation that non-residential buildings will be located near streets and at corner locations, creating an environment appealing to pedestrians and reducing the visual impact of parking areas. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

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

**Finding:** The proposed NS-G, Neighborhood Services - General zoning will allow certain businesses to operate closer to the street. The NS-G District is designed primarily to provide goods and personal services for persons living in the wider regional community and is intended to provide for adaptable mixed use centers located along commercial corridors such as Sunbridge Drive.

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

**Finding:** The NS-G zoning allows a wide range of commercial activity and up to four residential family dwellings. The proposed rezone would create the potential for increased traffic in the area over the existing R-O zoning. The property is located on the corner of Sunbridge Drive, a fully improved 'Collector' street. The capacity of Sunbridge Drive will allow future development of this parcel without creating or significantly increasing traffic danger and congestion. Further, the signalized intersection at Sunbirdge/Gregg Ave. should help to accommodate increased traffic to this site.

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-O to NS-G could significantly alter population density in the area. NS-G zoning allows a wide range of commercial activity and up to four residential dwellings. The rezone request is not likely to undesirably increase load on public services.

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:** Staff recommends forwarding RZN 19-6644 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code sections 161.20 and 161.19
- Request letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

|  |                                   |   |                                 |
|--|-----------------------------------|---|---------------------------------|
| <b>PLANNING COMMISSION ACTION: Required <u>YES</u></b> |                                   |   |                                 |
| <b>Date:</b> <u>May 13, 2019</u>                       | <input type="checkbox"/> Tabled   | <input checked="" type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| <b>Motion:</b> <u>Canada</u>                           |                                   |   |                                 |
| <b>Second:</b> <u>Brown</u>                            | Note: Recommend approval          |   |                                 |
| <b>Vote:</b> <u>9-0-0</u>                              |                                   |   |                                 |
| <b>CITY COUNCIL ACTION: Required <u>YES</u></b>        |                                   |   |                                 |
| <b>Date:</b>   | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied               |                                 |



#### 161.19 - NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General 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-family dwellings                    |
| Unit 10  | Three (3) and four (4) family dwellings |
| Unit 12b | General business                        |
| Unit 24  | Home occupations                        |
| 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 permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 5  | Government facilities                    |
| Unit 13 | Eating places                            |
| Unit 16 | 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 40 | Sidewalk cafes                    |
| Unit 45 | Small scale production            |

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                |         |
|----------------|---------|
| All dwellings  | 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 per dwelling unit |
| All other uses         | None                                |

(E) *Setback regulations.*

| Front  | Side   | Side-Zero Lot Line*   | Rear | Rear when contiguous to a single-family residential district |
|--|--------|---|------|--|
| A build-to zone that is located between the front property line and a line 25 feet from the front property line. | 5 feet | A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet. | None | 15 feet  |

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 3 stories |
|-------------------------|-----------|

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

(Ord. No. [5945](#), §7(Exh. A), 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.20 - District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses .*

|          |  |
|----------|--|
| Unit 1   | City-wide uses by right                |
| Unit 5   | Government facilities                  |
| Unit 8   | Single-family dwellings                |
| Unit 9   | Two-family dwellings                   |
| Unit 12a | Limited business                       |
| Unit 25  | Offices, studios, and related services |
| Unit 41  | Accessory dwellings                    |
| Unit 44  | Cluster Housing Development            |

(2) *Conditional Uses .*

|         |  |
|---------|--|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 11 | Manufactured home park*                  |
| Unit 13 | Eating places                            |
| Unit 15 | Neighborhood shopping goods              |
| Unit 24 | Home occupations                         |
| Unit 26 | Multi-family dwellings                   |

|         |                                     |
|---------|-------------------------------------|
| Unit 36 | Wireless communications facilities* |
| Unit 42 | Clean technologies                  |
| Unit 45 | Small scale production              |

(C) *Density*.

|                |            |
|----------------|------------|
| Units per acre | 24 or less |
|----------------|------------|

(D) *Bulk and Area Regulations*. (Per dwelling unit for residential structures)

(1) *Lot Width Minimum*.

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

(2) *Lot Area Minimum*.

|                                     |                    |
|-------------------------------------|--------------------|
| Manufactured home park              | 3 acres            |
| Lot within a manufactured home park | 4,200 square feet  |
| Townhouses:                         |                    |
| Development                         | 10,000 square feet |
| Individual lot                      | 2,500 square feet  |
| Single-family                       | 6,000 square feet  |
| Two (2) family                      | 6,500 square feet  |

|                        |                   |
|------------------------|-------------------|
| Three (3) or more      | 8,000 square feet |
| Fraternity or Sorority | 1 acre            |

(3) *Land Area Per Dwelling Unit.*

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

(E) *Setback Regulations.*

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

|  |            |
|--|------------|
|  | feet       |
| Rear, in the Hillside Overlay District | 15<br>feet |

(F) *Building Height Regulations.*

|                         |           |
|-------------------------|-----------|
| Building Height Maximum | 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.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; 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—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)





**Bates &  
Associates, Inc.**

**Civil Engineering & Surveying**

7230 S. Pleasant Ridge Drive/ Fayetteville, AR 72703  
PH: 479-442-9350 \* FAX: 479-521-9350

April 2, 2019

Jonathan Curth  
Senior Planner  
City Planning Division  
City of Fayetteville, Arkansas

**Re: Sunbridge Center Lot 16 Rezoning (Parcel #765-19422-000)**

Dear Mr. Curth,

The property owners would like to rezone the property to Neighborhood Services-General (NS-G) in order to do a lot split. Currently, there are three buildings on one parcel and each of the partners in the LLC own a building. The owners would like to create three parcels so they could individually own their building and lot. The current owners did not create this situation.

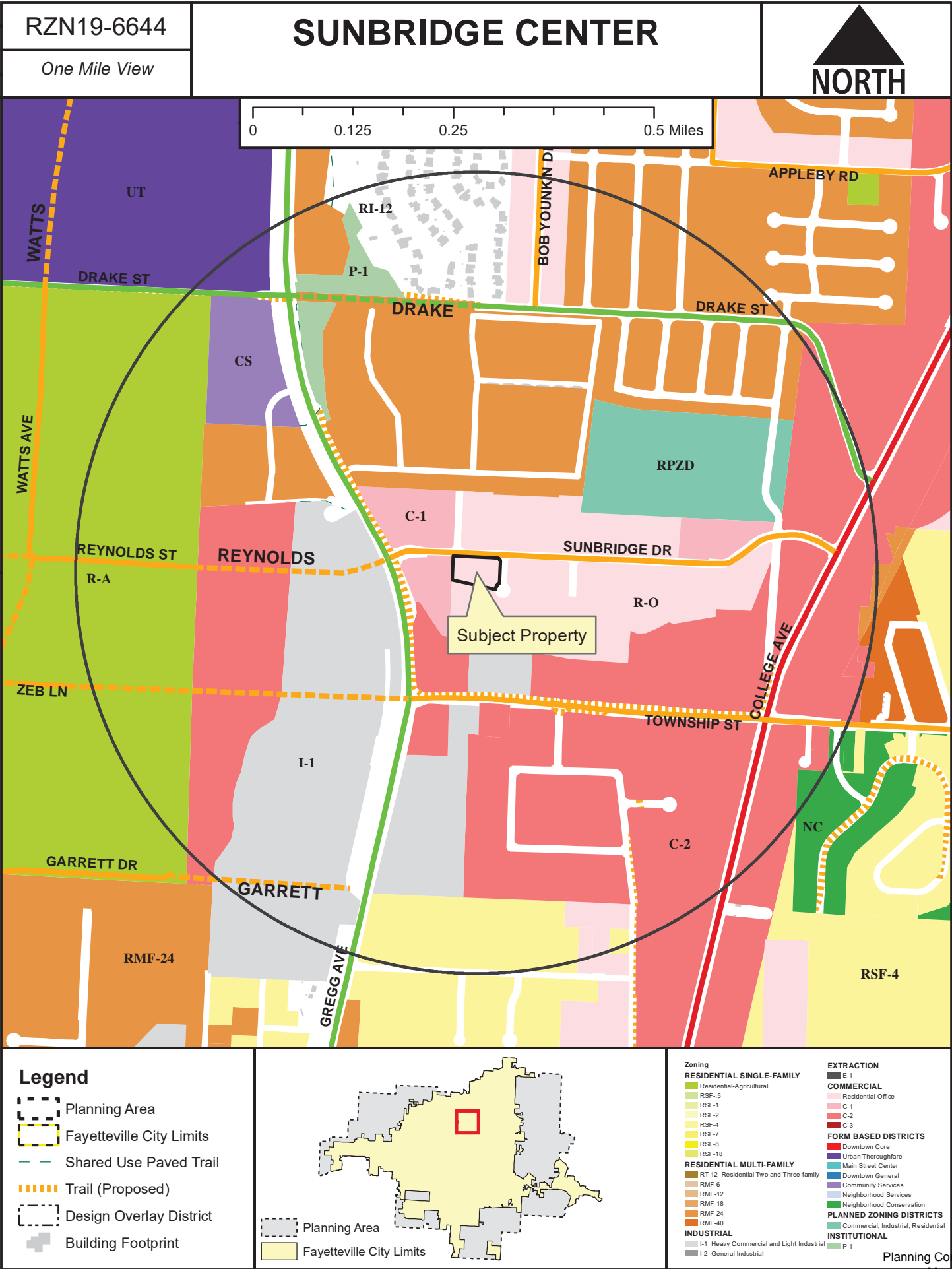
Currently, the property is zoned R-O. The properties to the north, east and south are R-O and the property to the west is C-1. The NS-G zoning will not adversely affect the existing land areas due to the similar uses allowed in NS-G. The main difference between the two zonings are the setback requirements.

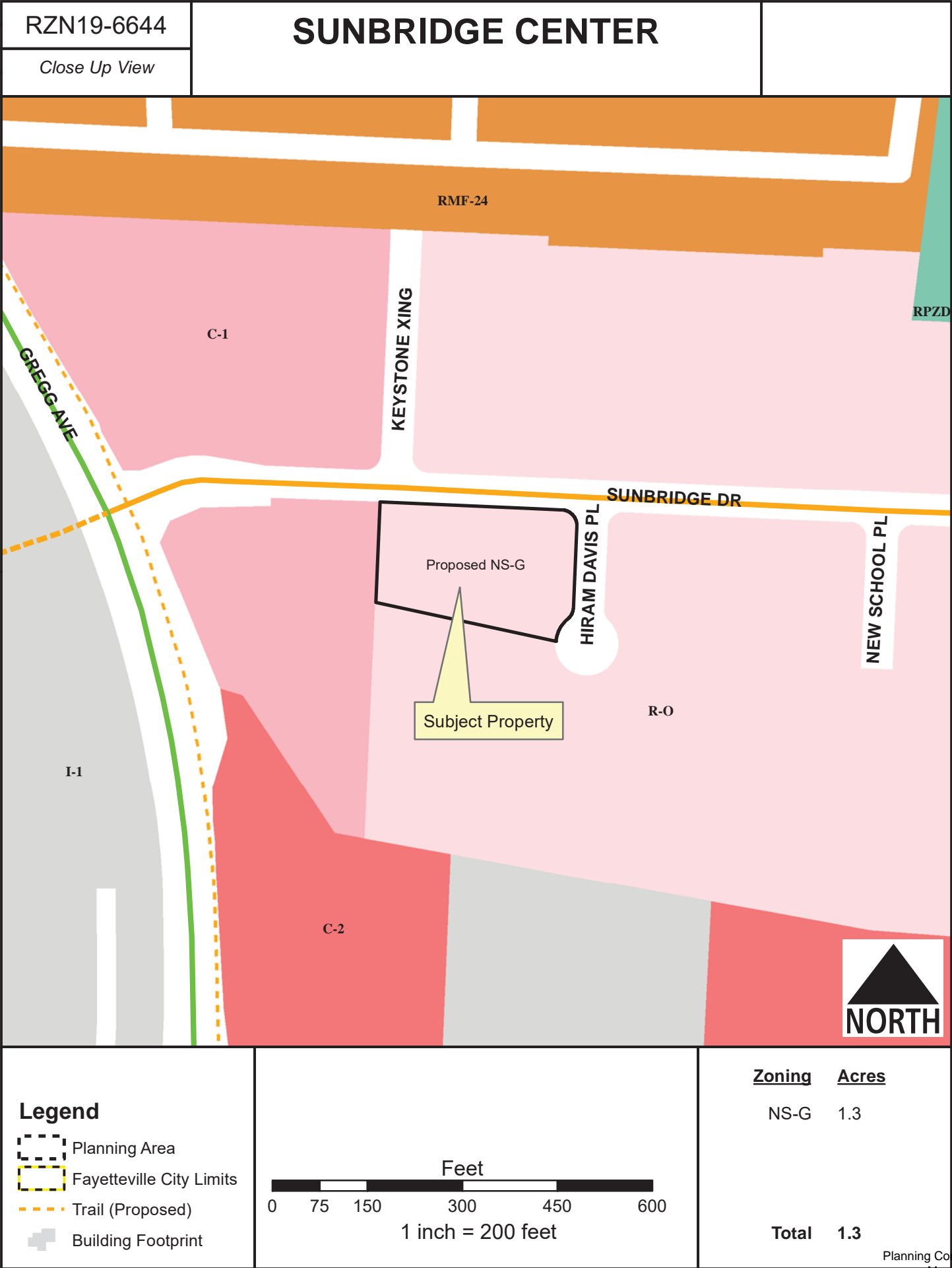
If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

**Bates & Associates, Inc.**

Geoffrey H. Bates, P.E.  
President of Engineering












RZN19-6644

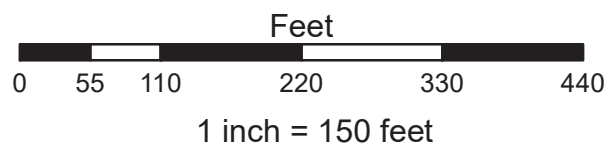
Current Land Use

# SUNBRIDGE CENTER





## Streets Existing MSP Class

-  COLLECTOR
-  MINOR ARTERIAL
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



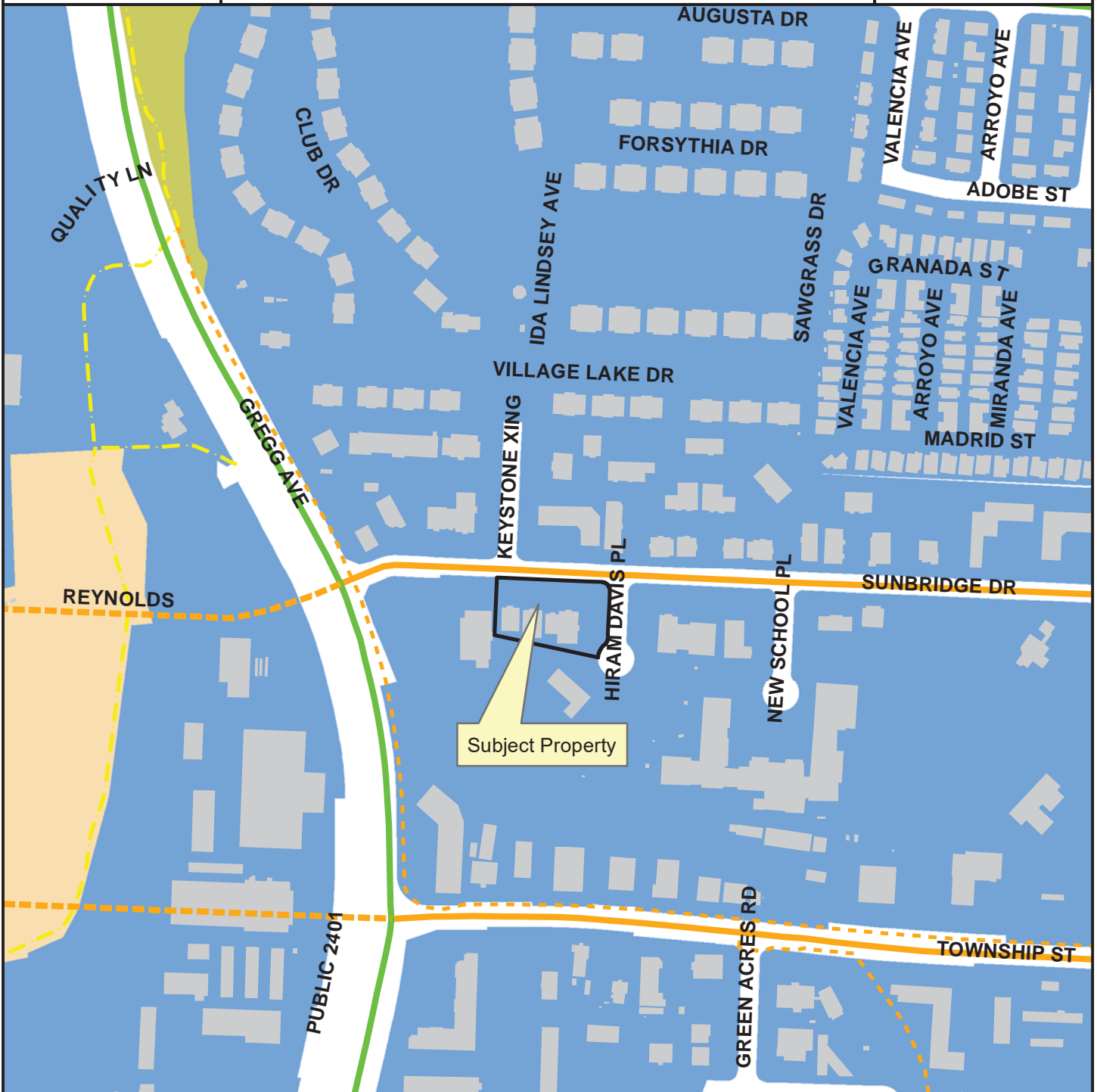
## FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN19-6644

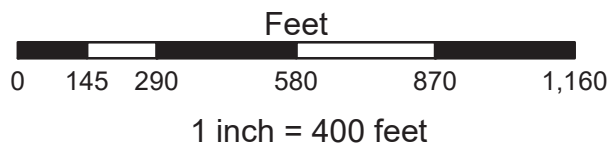
Future Land Use

# SUNBRIDGE CENTER



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



## FUTURE LAND USE 2030

- City Neighborhood Area
- Civic and Private Open Space/Parks
- Non-Municipal Government