

City of Fayetteville Staff Review Form

2019-0379

Legistar File ID

7/2/2019

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

Garner Stoll

6/14/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6666: Rezone (119 & 127 S. WEST AVE./CANFIELD, 523): Submitted by CAL CANFIELD for properties located at 119 & 127 S. WEST AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.40 acres. The request is to rezone the properties to MSC, MAIN STREET/CENTER.

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:



MEETING OF JULY 2, 2019

TO: Mayor, Fayetteville City Council

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

FROM: Jonathan Curth, Senior Planner

DATE: June 14, 2019

SUBJECT: **RZN 19-6666: Rezone (119 & 127 S. WEST AVE./CANFIELD, 523):** Submitted by CAL CANFIELD for properties located at 119 & 127 S. WEST AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.40 acres. The request is to rezone the properties to MSC, MAIN STREET/CENTER.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to MSC, Main Street/Center, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject properties are located on the west side of West Avenue, between Mountain Street to the north and South Street to the south. Both properties are developed with single-family dwellings, built in 1886 and 1916 according to Washington County records. In 2004, the property was rezoned to NC, Neighborhood Conservation, as a part of the Downtown Master Plan.

Request: The request is to rezone the subject properties at 118 and 127 West Avenue from NC, Neighborhood Conservation, to MSC, Main Street/Center. The applicant has stated in their request letter that this rezoning is necessary to expand the development options of the property, including the potential for an art gallery, office, restaurant, or bar. Although the NC zoning district does allow UU-12a, Limited Business, which includes small offices, restaurants, and retail as conditional uses, there is no allowance for bars or similar facilities.

Public Comment: Staff has received public comment in support of the request from the adjacent property owner to the north.

Land Use Compatibility: A rezoning to MSC will allow for residential and commercial development that is generally comparable to other housing and businesses in the vicinity. Furthermore, while the MSC zoning district allows for commercial activities of greater intensity than would generally be appropriate at this location, the size and terrain of the property can limit the scale of any new development.

On the other hand, the Fayetteville Downtown Master Plan and its associated rezoning were deliberately enacted to preserve pockets of single-family housing that have existed for decades, and in some cases over a century. In addition to the Mount Nord area along Lafayette Street, the block of single-family homes that range southward from the subject property along West Avenue were deliberately zoned NC, Neighborhood Conservation. The Illustrative Master Plan (attached) indicated preservation of the subject property as two single-family dwellings. A rezoning to MSC comes with no density requirements, no side setbacks, and a higher building height maximum than the requirements in an NC district. Coupled with multi-family dwellings and numerous commercial uses being permitted in the DG zoning district, the requested rezoning has the potential to dramatically change the character of this portion of downtown.

That said, there are numerous properties in close proximity to the subject address that are not single-family in use or appearance. Although there are several single-family homes to the north, the Razorback Greenway Trail passes to the west along the future Cultural Arts Corridor, large duplexes are being developed to the south, and to the east is the Fayetteville Public Library and its approximately 100,000 square foot expansion that is under construction. Other uses along West Avenue vary, including many residential structures that have been modified to house multiple tenants or businesses. Given the variety of surrounding land uses, staff finds the MSC zoning would be compatible.

Land Use Plan Analysis: The Downtown Master Plan led to the current zoning that was approved by City Council with the support of many Downtown residents. This NC zoning seeks to preserve the existing single-family housing stock in pockets of the downtown area. The Neighborhood Conservation zoning currently applied to the subject property and those south of it are evidence of that objective.

The Downtown Master Plan also identified the goal of pursuing redevelopment opportunities along West Avenue. Classified in the Plan as a “signature connection” in downtown, West Avenue is called-out as important to the area’s pedestrian network with redevelopment needed to fully leverage amenities like the Frisco Trail, the library, and future Cultural Arts Corridor. The Plan goes even further by outlining an implementation strategy that involves a policy to “target properties along West Avenue for infill development.” Rezoning the subject property to the proposed Main Street/Center district can support this goal by allowing for increased housing opportunities through redevelopment to a greater density or, alternatively, permitting a greater spectrum of retail and service uses that can serve the neighborhood or greater downtown.

While the goals of infill redevelopment and preservation may often seem at odds, in this instance they are complementary. Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, so to can the Main Street/Center zoning district preserve the character of the Fayetteville downtown. Both are designed with build-to-zones that complement the area’s historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District’s architectural standards. On the balance, staff finds that the proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan. Finally, the City Council has recently rezoned similar properties along West Avenue to allow

mixed-use and higher density. These decisions aid staff in recommending that this rezoning is consistent with the Council's vision for the Downtown Master Plan.

DISCUSSION:

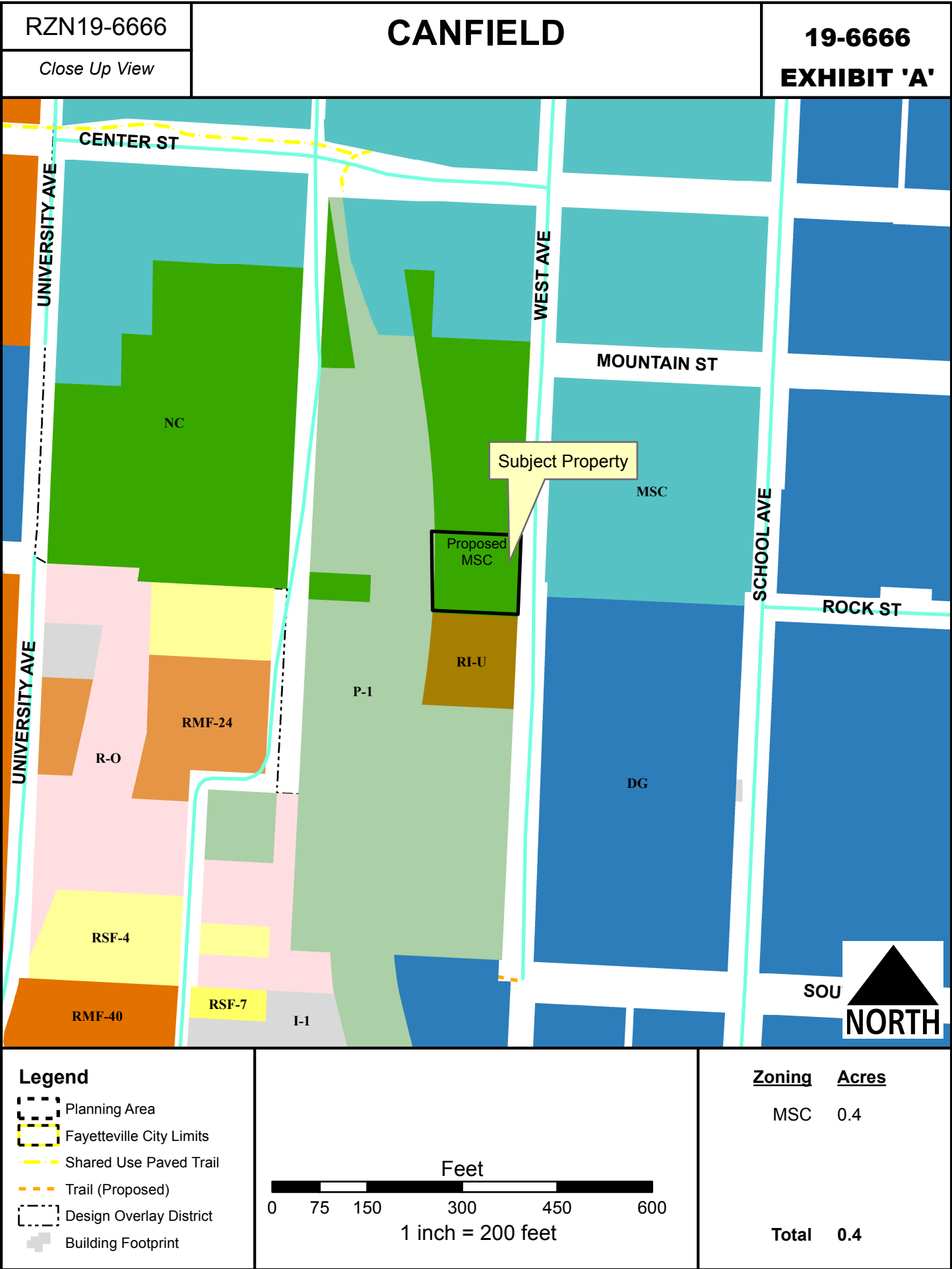
On June 10, 2019, the Planning Commission heard the rezoning request and forwarded the proposal to City Council with a recommendation for approval by a vote of 9-0-0. In addition to recommending approval, the Commission also recommends that Council evaluate a design overlay or broader rezoning in the Cultural Arts Corridor. There was no public comment at the meeting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



19-6666
EXHIBIT 'B'

SURVEY DESCRIPTION #119 S. WEST AVENUE

A PART OF BLOCK NUMBERED THIRTY-FIVE (35) OF THE ORIGINAL TOWN PLAT OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK THIRTY-FIVE (35), SAID POINT BEING AN EXISTING IRON PIPE; THENCE SOUTH 251.35 FEET (DEED=252.5 FEET) ALONG THE EAST LINE OF SAID BLOCK THIRTY-FIVE (35) TO A SET 1/2" IRON REBAR FOR THE TRUE POINT OF BEGINNING, SAID POINT BEING THE POSITION OF A DESTROYED IRON PIPE AS REFERENCED IN SURVEY BOOK "J" AT PAGE 772; THENCE N89°58'43"W 141.39 FEET TO AN EXISTING IRON ON THE EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD; THENCE S03°19'42"E 62.52 FEET ALONG SAID RIGHT-OF-WAY LINE TO AN EXISTING IRON; THENCE LEAVING SAID RIGHT-OF-WAY LINE S89°56'28"E 138.19 FEET TO A SET 1/2" IRON REBAR ON THE EAST LINE OF SAID BLOCK THIRTY-FIVE (35); THENCE N00°23'52"W 62.50 FEET TO THE POINT OF BEGINNING, CONTAINING 0.20 ACRES (8717.0 SQ. FT.), MORE OR LESS.

SURVEY DESCRIPTION #127 S. WEST AVENUE

A PART OF BLOCK NUMBERED THIRTY-FIVE (35) OF THE ORIGINAL TOWN PLAT OF FAYETTEVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK THIRTY-FIVE (35), SAID POINT BEING AN EXISTING IRON PIPE; THENCE SOUTH 251.35 FEET (DEED=252.5 FEET) ALONG THE EAST LINE OF SAID BLOCK THIRTY-FIVE (35) TO A SET 1/2" IRON REBAR, SAID POINT BEING THE POSITION OF A DESTROYED IRON PIPE AS REFERENCED IN SURVEY BOOK "J" AT PAGE 772; THENCE S00°23'52"E 62.50 FEET TO A SET 1/2" IRON REBAR FOR THE TRUE POINT OF BEGINNING; THENCE N89°56'28"W 138.19 FEET TO AN EXISTING IRON ON THE EAST RIGHT-OF-WAY LINE OF THE ARKANSAS & MISSOURI RAILROAD; THENCE S03°19'42"E 62.47 FEET ALONG SAID RIGHT-OF-WAY LINE TO A SET 1/2" IRON REBAR; THENCE LEAVING SAID RIGHT-OF-WAY LINE EAST 135.00 FEET TO AN EXISTING IRON PIPE ON THE WEST RIGHT-OF-WAY LINE OF WEST AVENUE; THENCE N00°23'52"W 62.23 FEET TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES (8468.0 SQ. FT.), MORE OR LESS.

OWNER: JEAN BESCHAUD

ADDRESS: 119, 127 S. WEST AVENUE
FAYETTEVILLE, ARKANSAS



- ⊙ EXISTING IRON PIPE
- SET 1/2" IRON REBAR
- EXISTING IRON PIN
- + COMPLETED CORNER



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: June 10, 2019 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 19-6666: Rezone (119 & 127 S. WEST AVE./CANFIELD, 523):**
Submitted by CAL CANFIELD for properties located at 119 & 127 S. WEST AVE. The properties are zoned NC, NEIGHBORHOOD COMMERCIAL and contain approximately 0.40 acres. The request is to rezone the properties to MSC, MAIN STREET CENTER.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6666** to City Council with a recommendation of approval based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to forward **RZN 19-6666** to City Council with a recommendation for approval."

BACKGROUND:

The subject properties are located on the west side of West Avenue, between Mountain Street to the north and South Street to the south. Both properties are developed with single-family dwellings, built in 1886 and 1916 according to Washington County records. In 2004, the property was rezoned to NC, Neighborhood Conservation, as a part of the Downtown Master Plan. Surrounding land use and zoning is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	NC, Neighborhood Conservation
South	Single-family Residential	RI-U, Residential Intermediate, Urban
East	Fayetteville Public Library	MSC, Main Street Center; DG, Downtown General
West	Razorback Greenway	P-1, Institutional

Request: The request is to rezone the subject properties at 118 and 127 West Avenue from NC, Neighborhood Conservation, to MSC, Main Street Center. The applicant has stated in their request letter that this rezoning is necessary to expand the development options of the property, including the potential for an art gallery, office, restaurant, or bar. Although the NC zoning district does allow UU-12a, Limited Business, which includes small offices, restaurants, and retail as conditional uses, there is no allowance for bars or similar facilities.

Public Comment: Staff has received no public comment regarding the request.

INFRASTRUCTURE:

- Streets:** Both parcels within the subject property have access to South West Avenue, a Master Street Plan-designated ST-45 street. South West Avenue is partially-improved with on-street parking in front of both parcels, but inadequate sidewalk width and without street trees do not meet the Master Street Plan minimums. Any street improvements required in this area will be determined at the time of development proposal.
- Water:** Public water is available to the site. A 6-inch water main runs along the West Avenue right-of-way.
- Sewer:** Public sanitary sewer is available to the site. A 8-inch sanitary sewer main runs along the West Avenue right-of-way.
- Drainage:** Any additional improvements or requirements for drainage would be determined at the time of development. No portion of the subject property lies within a FEMA designated 100-year floodplain, a Streamside Protection Zone, or the Hillside-Hilltop Overlay District (HHOD). Additionally, no hydric soils are present on this site.
- Fire:** The Fire Department has noted that the subject properties are protected by Station 1, located at 303 West Center Street, with an anticipated response time of approximately 3 minutes. This is below the 6 minute response time goal of the Fayetteville Fire Department.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Map* designates the properties as part of a **Complete Neighborhood Plan** Area associated with the Fayetteville Downtown Master Plan.

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: In staff's opinion, the requested rezoning is generally consistent and compatible with both current land use and City land use plans.

Land Use Compatibility: A rezoning to MSC will allow for residential and commercial development that is generally comparable to other housing and businesses in the vicinity. Furthermore, while the MSC zoning district allows for commercial activities of greater intensity than would generally be appropriate at this location, the size and terrain of the property can limit the scale of any new development.

On the other hand, the Fayetteville Downtown Master Plan and its associated rezoning were deliberately enacted to preserve pockets of single-family housing that have existed for decades, and in some cases over a century. In addition to the Mount Nord area along Lafayette Street, the block of single-

family homes that range southward from the subject property along West Avenue were deliberately zoned NC, Neighborhood Conservation. The Illustrative Master Plan (attached) indicated preservation of the subject property as two single-family dwellings. A rezoning to MSC comes with no density requirements, no side setbacks, and a higher building height maximum than the requirements in an NC district. Coupled with multi-family dwellings and numerous commercial uses being permitted in the DG zoning district, the requested rezoning has the potential to dramatically change the character of this portion of downtown.

That said, there are numerous properties in close proximity to the subject address that are not single-family in use or appearance. Although there are several single-family homes to the north, the Razorback Greenway Trail passes to the west along the future Cultural Arts Corridor, large duplexes are being developed to the south, and to the east is the Fayetteville Public Library and its approximately 100,000 square foot expansion that is under construction. Other uses along West Avenue vary, including many residential structures that have been modified to house multiple tenants or businesses. Given the variety of surrounding land uses, staff finds the MSC zoning would be compatible.

Land Use Plan Analysis: The Downtown Master Plan led to the current zoning that was approved by City Council with the support of many Downtown residents. This NC zoning seeks to preserve the existing single-family housing stock in pockets of the downtown area. The Neighborhood Conservation zoning currently applied to the subject property and those south of it are evidence of that objective.

The Downtown Master Plan also identified the goal of pursuing redevelopment opportunities along West Avenue. Classified in the Plan as a “signature connection” in downtown, West Avenue is called-out as important to the area’s pedestrian network with redevelopment needed to fully leverage amenities like the Frisco Trail, the library, and future Cultural Arts Corridor. The Plan goes even further by outlining an implementation strategy that involves a policy to “target properties along West Avenue for infill development.” Rezoning the subject property to the proposed Main Street/Center district can support this goal by allowing for increased housing opportunities through redevelopment to a greater density or, alternatively, permitting a greater spectrum of retail and service uses that can serve the neighborhood or greater downtown.

While the goals of infill redevelopment and preservation may often seem at odds, in this instance they are complementary. Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, so to can the Main Street/Center zoning district preserve the character of the Fayetteville downtown. Both are designed with build-to-zones that complement the area’s historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District’s architectural standards. On the balance, staff finds that the proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan. Finally, the City Council has recently rezoned similar

properties along West Avenue to allow mixed-use and higher density. These decisions aid staff in recommending that this rezoning is consistent with the Council's vision for the Downtown Master Plan.

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

Finding: Based on the applicants' submittal, the rezoning is justified and needed to enhance the development opportunities for the subject property. The existing Neighborhood Conservation zoning only permits development of the property with single-family dwellings, accessory dwellings, and City-wide uses by-right. All other uses allowed in the district, including but not limited to 2- and 3-family dwellings, offices, and limited businesses are only permitted with the approval of a conditional use permit. The applicant feels that a rezoning to Main Street/Center will positively address the goals of City Plan 2030. Staff agrees, finding that despite the conditional use permit process' provision of detail that can assure compatibility, this may not be necessary given the wide variety of existing and potential uses and intensities in close proximity to the site.

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

Finding: The subject property has access to West Avenue, which was classified during the Downtown Master Plan process as ST 45. This classification includes two lanes for traffic movement and one for on-street parking in addition to tree wells and sidewalks. Given this, a rezoning of the property to Main Street/Center, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. However, given the small size of the property, any increase in vehicular trips in the area will likely not appreciably increase traffic danger or congestion.

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

Finding: The MSC zoning district includes no density limitation, as compared to the 10 units per acre of the existing NC zoning district. Despite this, and with due consideration for site constraints such as the size of the property and the 15% to 25% slope along the western third of both parcels, staff does not anticipate an undesirable increase in potential impact on City or Fayetteville Public Schools facilities.

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 forwarding RZN 19-6666 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>June 10, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Hoffman			
Second: Johnson			
9-0-0, recommending in favor and also recommending the City Council evaluate a			
Vote: design overlay district and/or a broader rezoning in the Cultural Arts Corridor.			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.27 – MSC, Main Street/Center
 - §161.29 - NC, Neighborhood Conservation
- Request letter
- Downtown Illustrated Plan Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.27 - Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

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	Gasoline service stations and drive-in/drive
Unit	Center for collecting recyclable materials
Unit	Dance halls
Unit	Outdoor music establishments

Unit	Wireless communication facilities
Unit	Sidewalk Cafes
Unit	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; 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—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.29 - Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet
Three Family	90 feet

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

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
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Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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This rezoning request is being made in the interest of adding options for the property owner. Currently zoned NC – Neighborhood Conservation, this ensures the existing character and fabric of the neighborhood is maintained. Our request does not seek to change that in spirit, but to reinforce it. By allowing uses that can operate in a residential type of setting and structure, are compatible with and complimentary to residential uses, yet are not residences. Some examples would be small professional offices, studios, live/work units, biking and trail-related services and food and beverage options.

Our 'Requested Zoning District' for the purposes of this submittal has been defined as 'MSC' Main Street/Center. On first glance that seems to fit. But it is possible to have a district that supports more diversity by allowing uses compatible with and complimentary to residential uses, and found in that MSC district, while maintaining the desirable character and fabric of the existing streetscape in keeping with the spirit of the NC district. The problem is that I'm not sure that district currently exists in our playbook.

The activity levels on this portion of West avenue are currently high and only going to increase with the current development of both the library and the Arts Corridor along the bike trail. The existing residential character of the neighborhood is desirable to maintain. The people who live in this area do so expecting a dynamic, active, urban experience and thus want services they can access quickly and easily without involving vehicular travel. Could this possibly be addressed by merely expanding the Use by Right category in the NC district? This would ensure the preservation of the current residential character and feel of the street while acknowledging the use and activity levels here are more in keeping with a district allowing opportunity for a more diverse mix of uses.

As with any district aiming to provide a diverse mix of services and activities, it is reasonable to assume that the potential for conflict is always there. That is why we have these codes, ordinances and regulations to ensure that opportunity for those conflicts to arise is minimal. Our zoning regulations have become quite thorough and well thought-out here in Fayetteville because they are constantly evolving and becoming more specialized and defined as our community grows and its wants and needs are further defined and addressed. This portion of West avenue does represent a last remaining vestige of the character and feel of the old town of Fayetteville as it was. And it is important that we preserve that. But there is no reason we cannot maintain that aspect of this area while simultaneously expanding the possibilities and opportunities available to the property owner by expanding the list of allowable uses.

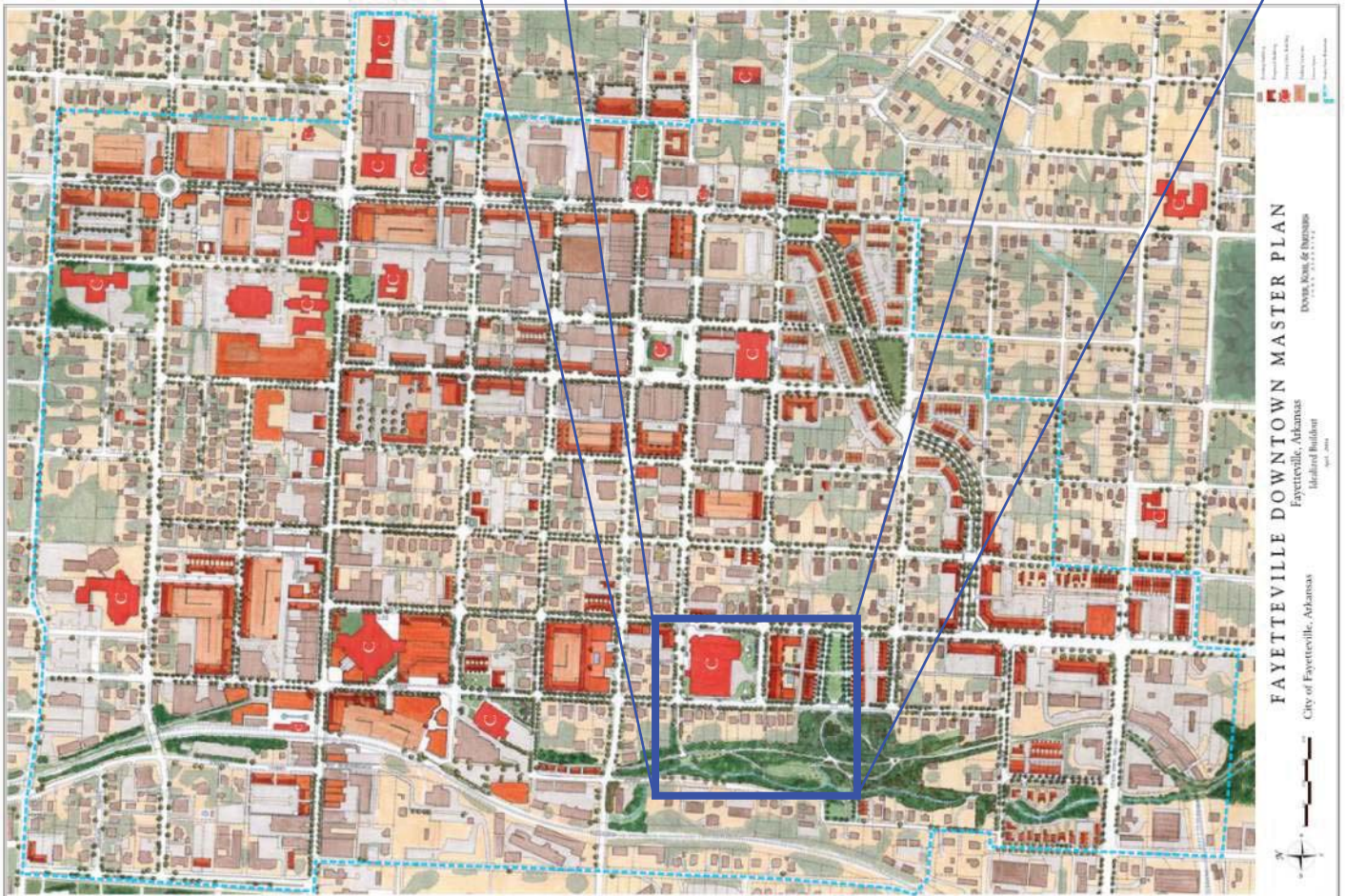
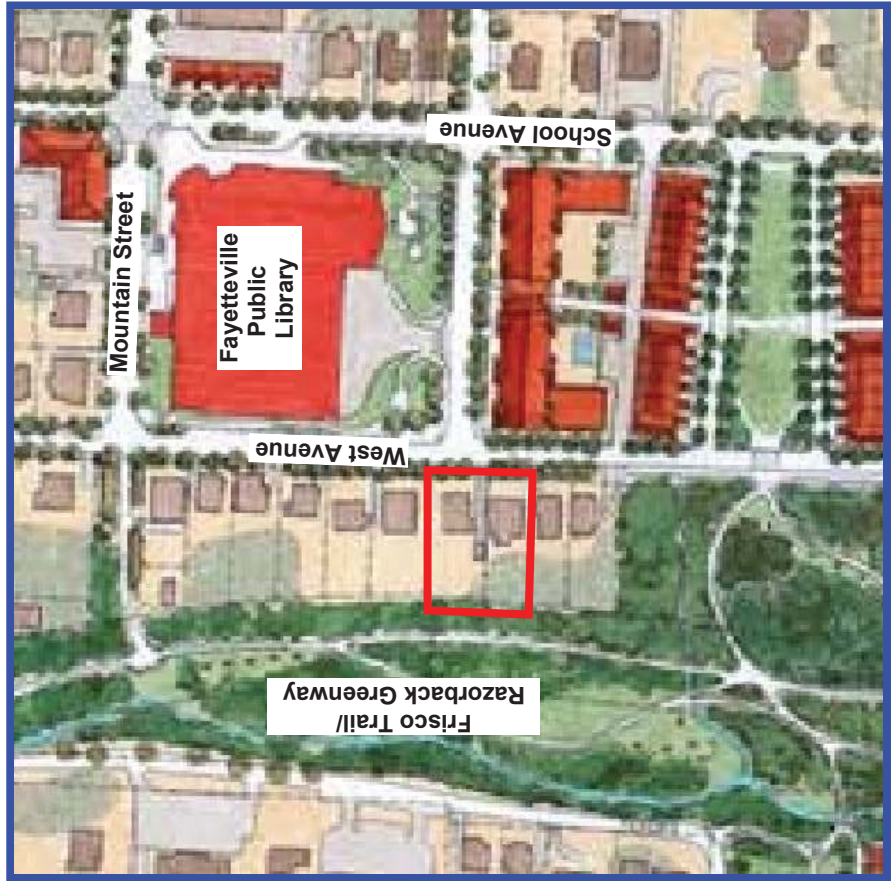
As both a property owner in this community and a licensed Architect in the State of Arkansas, I thank you for the opportunity to bring this matter before the Commission for your consideration.

W. Cal Canfield

RZN 19-6666

Downtown Illustrated Master Plan

 Subject Property



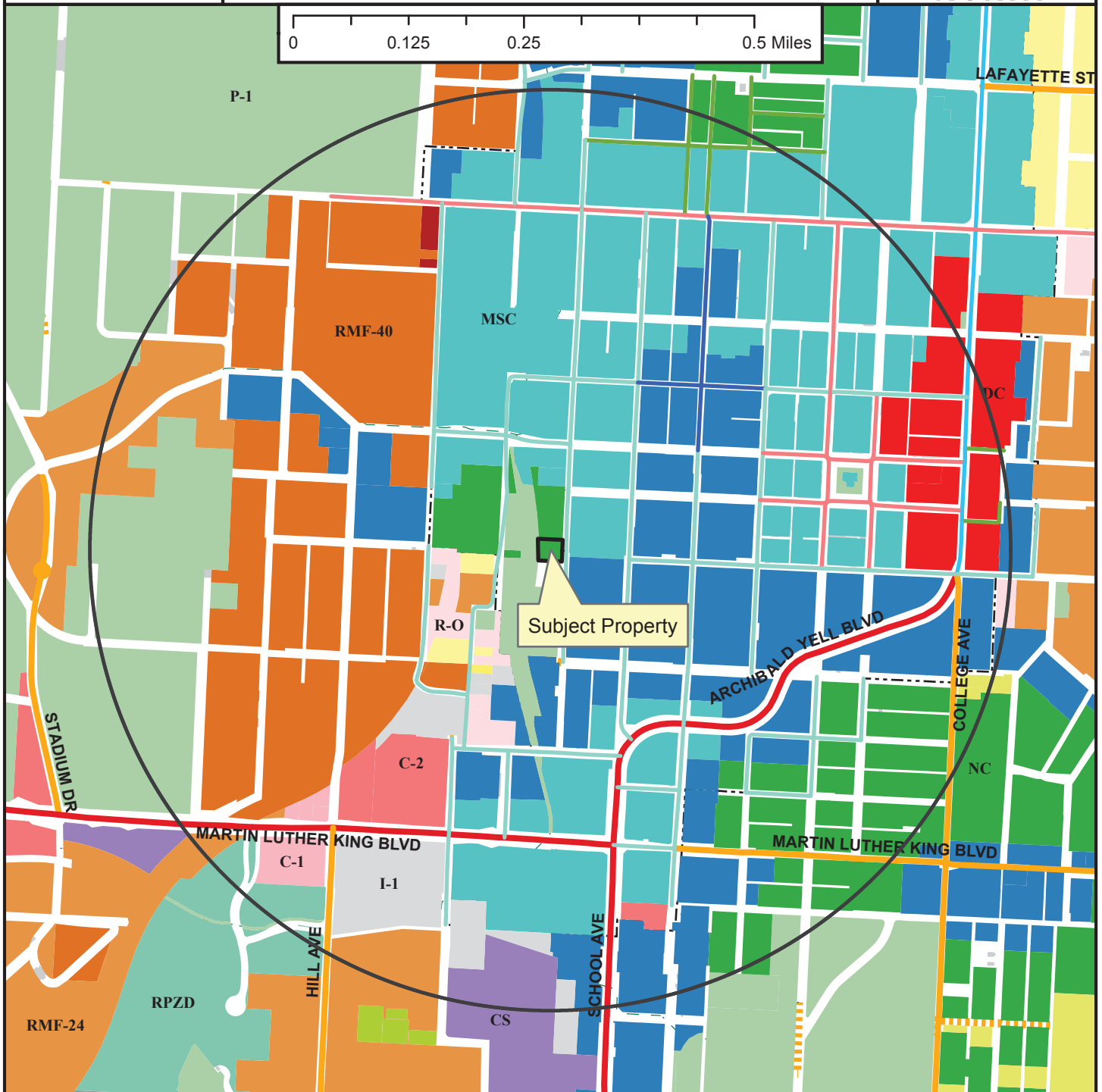
RZN19-6666

One Mile View

CANFIELD

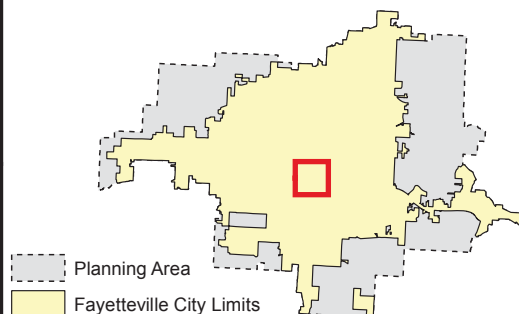


0 0.125 0.25 0.5 Miles



Legend

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



- Planning Area
- Fayetteville City Limits

- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-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

RZN19-6666

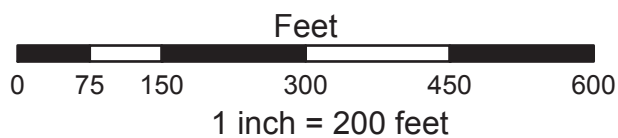
CANFIELD

Close Up View



Legend

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



Zoning Acres

MSC 0.4

Total 0.4

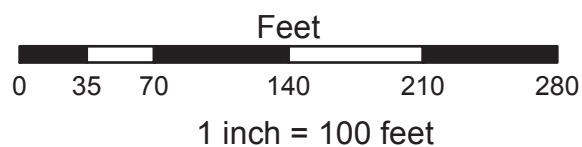
RZN19-6666

Current Land Use

CANFIELD



- Planning Area
- Fayetteville City Limits
- Design Overlay District



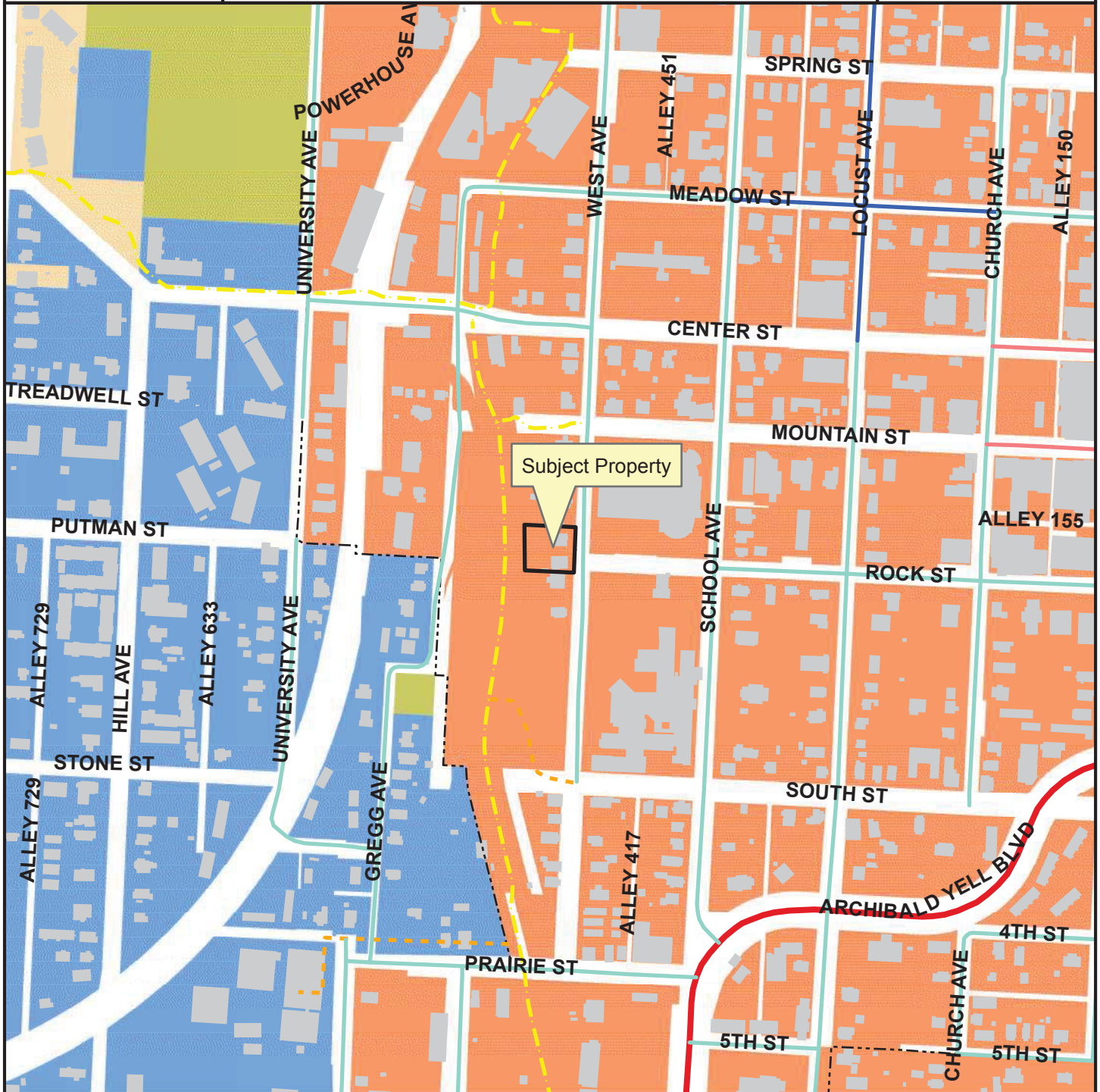
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN19-6666

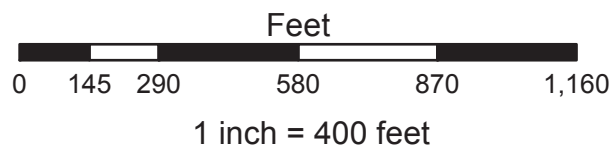
Future Land Use

CANFIELD



Legend

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



FUTURE LAND USE 2030

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



DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Garner Stoll, Development Services Director
Andrew Garner, Planning Director
Blake Pennington, Assistant City Attorney

FROM: **Kit Williams**, City Attorney

DATE: **July 23, 2019**

RE: **Bill of Assurance from William Canfield**

Mr. Canfield has supplied my office with his signed and notarized Bill of Assurance (attached) for his requested rezoning from Neighborhood Conservation to Main Street/Center. As you can see, Mr. Canfield limited his property in two ways by his offered Bill of Assurance. He first stated that:

“(t)he Height of structures shall be limited to 3-story maximum in the established 25’ Build-to Zone as measured from the top of curb. The buildable area outside of said Build-to Zone shall allow the construction of additional stories, but the height of any portion of the building cannot exceed the maximum height established by the portion of the development within the 25’ Build-to Zone.”

Thus, as the land slopes down toward the multiuse trail and creek, an additional story or two can be added as long as the height of the structure as measured from the curb does not surpass the height of the structure within the build-to zone. When I pointed out to Mr. Canfield the potentially incompatible uses for his neighbors allowed in Main Street/Center for Use Unit 17 *Transportation Trades and Services* such as automotive sales, car washes, used car lots, body shops and garages, etc., he agreed that he did not want such uses for his property and expressly excluded all such uses if his property is rezoned to Main Street/Center.

We will need to amend the rezoning ordinance at the next meeting to make it reliant upon Mr. Canfield’s proposed Bill of Assurance if the rezoning is approved by the City Council.



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") William C. Canfield, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to

Only those limitations and restrictions as set forth under the new Zoning Classification - MSC

2. Other restrictions including number and type of structures upon the property are limited to

Only those limitations and restrictions as set forth under the new Zoning Classification - MSC, with the following exceptions:

Exception #1 - Height of structures shall be limited to 3-story maximum in the established 25' Build-to Zone, as measured from the top of curb. The buildable area outside of said Build-to Zone shall allow the construction of additional stories, but the height of any portion of the building cannot exceed the maximum height established by the portion of the development within that 25' Build-to Zone.

Exception #2 - To Exclude Use Unit 17 - Transportation Trades and Services in its entirety

3. Specific activities will not be allowed upon petitioner's property include

Only those limitations and restrictions as set forth under the new Zoning Classification - MSC

4. (Any other terms or conditions) none

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, W. CAL CANFIELD, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

7/23/2019
Date

627 n. Skyline Drive
Address
Fayetteville, Ar
72709

WILLIAM C. CANFIELD
Printed Name

[Signature]
Signature

NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 23rd day of July, 2019, appeared before me, Lynley Vire, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Lynley Vire
NOTARY PUBLIC

My Commission Expires:

4-11-2026

