

City of Fayetteville Staff Review Form

2019-0459

Legistar File ID

8/20/2019

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

Garner Stoll

8/2/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6737: Rezone (4195 & 4245 W. MLK BLVD./HANCOCK, 595): Submitted by BRAD HANCOCK for property located at 4195 & 4245 W. MLK BLVD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.81 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

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 AUGUST 20, 2019

TO: Mayor; Fayetteville City Council

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

FROM: Jonathan Curth, Senior Planner

DATE: August 2, 2019

SUBJECT: **RZN 19-6737: Rezone (4195 & 4245 W. MLK BLVD./HANCOCK, 595):**
Submitted by BRAD HANCOCK for property located at 4195 & 4245 W. MLK BLVD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.81 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to UT, Urban Thoroughfare, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property includes two parcels which are located on the south side of Martin Luther King Boulevard/Highway 16. Martin Luther King is designated in the City's Master Street Plan as a Principal Arterial. The property is currently developed with a single-family dwelling which was built in 1941 with vehicular access to the property from a residential driveway on to Martin Luther King.

Request: The request is to rezone the subject property from R-O, Residential Office, to UT, Urban Thoroughfare. The applicant has not stated any development intent for the property.

Land Use Compatibility: The proposed zoning is generally compatible with existing land uses to the north, east, and west, where, despite being largely undeveloped, the existing zoning allows for density and intensity greater than currently permitted on the subject property. To the south, a significant upward slope constrains the feasibility of site improvement and will likely contribute to limited development in to the near future, thus limiting potential for incompatibility with properties zoned agriculturally.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of City Plan 2030. As outlined above, properties designated as City Neighborhood Area are to support a wide variety of uses, densities, and intensities, as are permitted under the UT zoning district. Additionally, the goals of City Plan 2030 include making traditional town form the standard. The UT zoning district encourages patterns of development that result in realizing this

goal, including a requirement that buildings be located close to the street with parking to the side or rear and creating an environment more appealing to pedestrians than the development patterns allowed by a suburban commercial zoning district such as C-1 and C-2. A mixture of residential and commercial uses is typical in a traditional urban form, with buildings addressing the street.

DISCUSSION:

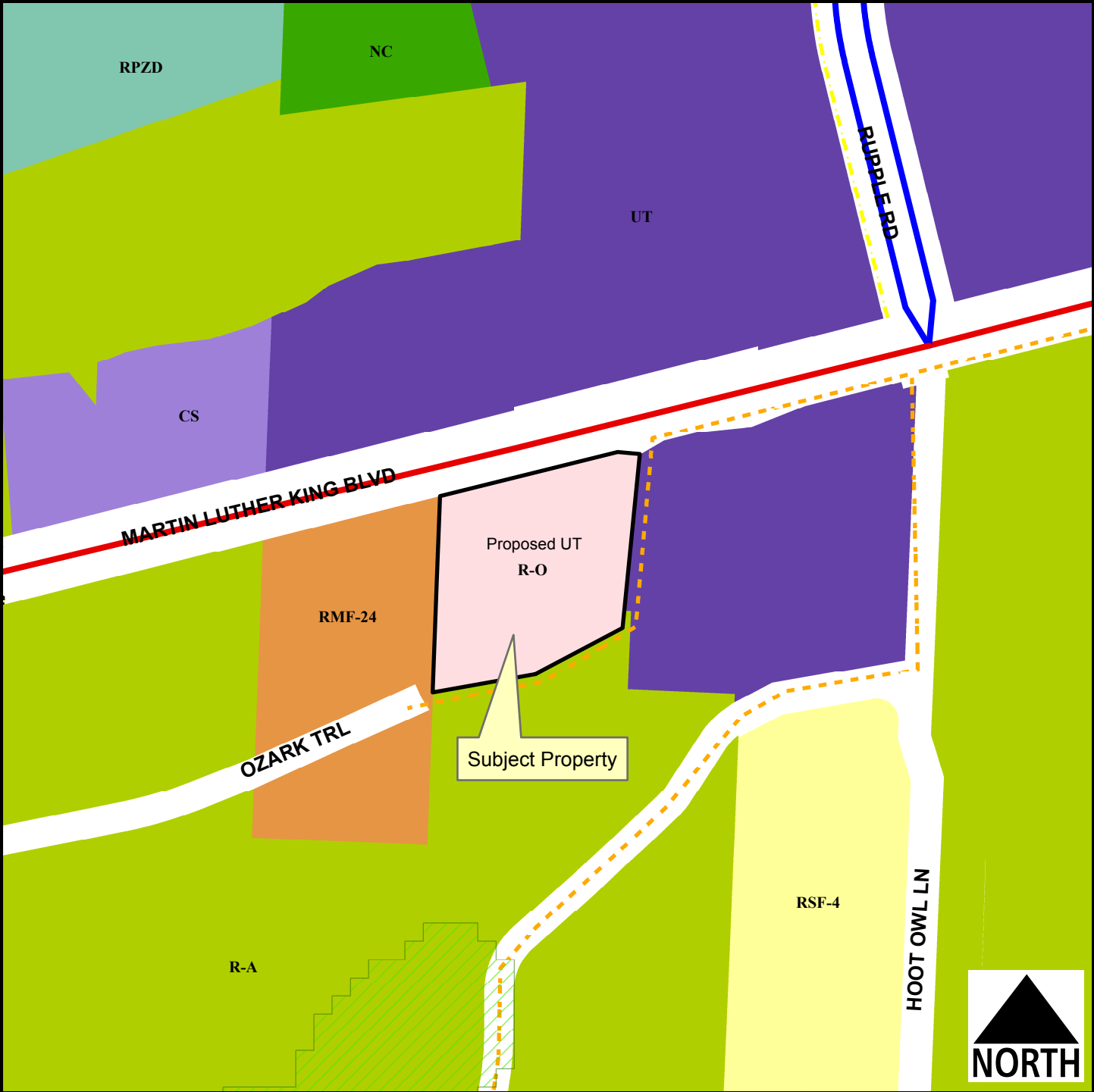
On July 22, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-0. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



<p>Legend</p> <ul style="list-style-type: none"> Hillside-Hilltop Overlay District Shared Use Paved Trail Trail (Proposed) Planning Area Fayetteville City Limits Building Footprint 	<p>Feet</p> <div style="border: 2px solid black; width: 300px; height: 10px; margin: 0 auto; position: relative;"> <div style="position: absolute; left: 0; width: 25%; height: 100%; background: linear-gradient(to right, black 49%, white 49% 51%, white 51% 53%, black 53%);"></div> </div> <p>0 75 150 300 450 600</p> <p>1 inch = 200 feet</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Zoning</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Acres</u></th> </tr> <tr> <td>UT</td> <td>1.63</td> </tr> <tr> <td>Total</td> <td>1.63</td> </tr> </table>	<u>Zoning</u>	<u>Acres</u>	UT	1.63	Total	1.63
<u>Zoning</u>	<u>Acres</u>							
UT	1.63							
Total	1.63							

19-6737
EXHIBIT 'B'

TRACT 1:

A part of the West Half (W ½) of the Northwest Quarter (NW ¼) of the Southeast quarter (SE ¼) of Section 24, Township 17 North, Range 31 West, Washington County, Arkansas, described as follows: Beginning at a point in the center of a ditch 323 feet North and 2.83 chains West of the SE corner of said 20 acre tract and running thence N 07° E with the centerline of said ditch 4.40 chains to the centerline of U.S. Highway No. 62; thence S 74° W with the centerline of said highway 2.17 chains; thence S 3 ½° W, 4.85 chains to the South line of the 2 acre tract conveyed by Clyde and W.N. Holland to O. Kay Holland; thence Northeasterly in a direct line to the Place of Beginning, containing 1 acre, more or less.

TRACT 2:

A part of the West Half (W ½) of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 24, Township 16 North, Range 31 West, Washington County, Arkansas, more particularly described as follows, to-wit: Beginning at a point in the centerline of U.S. Highway No. 62, which point is S 74° W and 4.57 chains from a point 657 feet North of the SE corner of said 20 acre tract, and running thence S 03°30' W with the West line of a one acre tract conveyed by O. Kay Holland to Elmer W. Keen 4.85 chains to the SW corner of said Keen tract; thence in a Southwesterly direction 125 feet, more or less, to a point 185 feet due North of the South line of said 40 acre tract, said point being the SW corner of a 2 acre tract conveyed by W.N and Clyde Holland to O. Kay Holland; thence North 5.30 chains or to the centerline of U.S. Highway No. 62; thence N 74° E, 2.17 chains to the Place of Beginning, containing 1 acre, more or less.

NOW MORE ACCURATELY DESCRIBED AS:

A part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 24, Township 16 North, Range 31 West, Washington, County, Arkansas, and being more particularly described as follows: Beginning at the SW corner of Said NW1/4 SE1/4, thence East 251.36 feet; thence North 127.20 feet to the Point of Beginning; thence North 249.46 feet; thence N 75°44'41" E, 282.87 feet; thence S 07°00'00" W, 280.69 feet; thence S 59°51'20" W, 140.87 feet; thence S 59°25'54" W, 137.20 feet to the Point of Beginning, containing 1.81 acres, more or less. Subject to easements and rights-of-way of record.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: July 22, 2019 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 19-6737: Rezone (4195 & 4245 W. MLK BLVD./HANCOCK, 595):**
Submitted by BRAD HANCOCK for property located at 4195 & 4245 W. MLK BLVD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 1.81 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6737** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN 19-6737** to the City Council with a recommendation of approval."

BACKGROUND:

The subject property includes two parcels which are located on the south side of Martin Luther King Boulevard/Highway 16. Martin Luther King is designated in the City's Master Street Plan as a Principal Arterial. The property is currently developed with a single-family dwelling which was built in 1941 with vehicular access to the property from a residential driveway on to Martin Luther King. Surrounding land use and zoning is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped; Offices/Retail	UT, Urban Thoroughfare
South	Undeveloped	R-A, Residential-Agricultural
East	Single-family Residential; Non-residential Garage	UT, Urban Thoroughfare
West	Retail/Small-scale Production	RMF-24, Residential Multi-family, 24 Units per Acre

Request: The request is to rezone the subject property from R-O, Residential Office, to UT, Urban Thoroughfare. The applicant has not stated any development intent for the property.

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

INFRASTRUCTURE:

- Streets:** The property has frontage along Martin Luther King Boulevard/Highway 16. Martin Luther King is a partially-improved Principal Arterial with asphalt paving, curb and gutter, and sidewalk on both sides. 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 12-inch water main runs along the Martin Luther King right-of-way.
- Sewer:** Public sanitary sewer is available to the site. A 6-inch sanitary sewer main runs along the Martin Luther King right-of-way.
- Drainage:** No portion of the subject property lies within a FEMA designated 100-year floodplain, the Hillside-Hilltop Overlay District (HHOD), or a Streamside Protection Zone, but hydric soils are present. Improvements or requirements for drainage would be determined at the time of development.
- Fire:** The Fire Department did not express any concerns with this request but did note that the property will be protected by Station 6, located at 900 South Hollywood Avenue with an anticipated response time of approximately 7.2 minutes. This is outside the response time goal of six minutes for an engine but within the response time goal of eight minutes for a ladder truck.
- 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 Plan designates the majority of the property as **City Neighborhood Area**. These are 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, from single family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.*

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 generally compatible with existing land uses to the north, east, and west, where, despite being largely undeveloped, the existing zoning allows for density and intensity greater than currently permitted on the subject property. To the south, a significant upward slope constrains the feasibility of site improvement and will likely contribute to limited development in to the near future, thus limiting potential for incompatibility.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM) of City Plan 2030. As outlined above, properties

designated as City Neighborhood Area are to support a wide variety of uses, densities, and intensities, as are permitted under the UT zoning district. Additionally, the goals of City Plan 2030 include making traditional town form the standard. The UT zoning district encourages patterns of development that result in realizing this goal, including a requirement that buildings be located close to the street with parking to the side or rear and creating an environment more appealing to pedestrians than the development patterns allowed by a suburban commercial zoning district such as C-1 and C-2. 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 zoning would align the allowable land uses with the City Plan 2030 Future Land Use Map near the intersection of two Principal Arterial streets: Martin Luther King Boulevard and Ruppel Road. The current R-O, Residential Office zoning is no longer appropriate for this increasingly urban location. The proposed zoning provides flexibility with unlimited density that is an appropriate development pattern at this location along a Principal Arterial and near the intersection with Ruppel Road, itself a Principal Arterial street and a major north-south connection.

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

Finding: The site has access to Martin Luther King, a Principal Arterial. Although the proposed UT zoning district allows uses that can increase traffic over the existing R-O zoning district, staff finds that direct access to an improved state highway will reduce the potential for an increase in traffic danger and congestion. The necessity for street improvements or modifications to site access will be reviewed with future development submittals.

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 applicant's requested UT zoning district allows both residential and nonresidential uses. Additionally, there is no density limit associated with the UT zoning district. Although potentially higher than the current R-O zoning district's allowance of 24 units per acre, staff finds that no adverse impacts on services are anticipated given the size of the property, the lack of Fire and Police Department objection, and adjacency to City infrastructure.

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 19-6737 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 22, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Brown			
Second: Paxton			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.20 – R-O, Residential Office
 - §161.24 – UT, Urban Thoroughfare
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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
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(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 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 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 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)

161.24 - Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
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 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *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	5 stories/7 stories*
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* A building or a portion of a building that is located between 10 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 portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) 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 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) *Minimum buildable street frontage.* 50% of the lot width.

(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, 8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

June 8, 2019

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

RE: 4545 & 4195 W. MLK Blvd Rezoning

To whom it may concern:

I'm requesting to rezone this property located on West MLK from its current RO zoning to Urban Thoroughfare. Properties to the east and north of this property are already zoned Urban Thoroughfare. The property to the south is wooded and, I think, zoned agricultural. I feel this is the highest and best use for this property.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Hancock", written over a horizontal line.

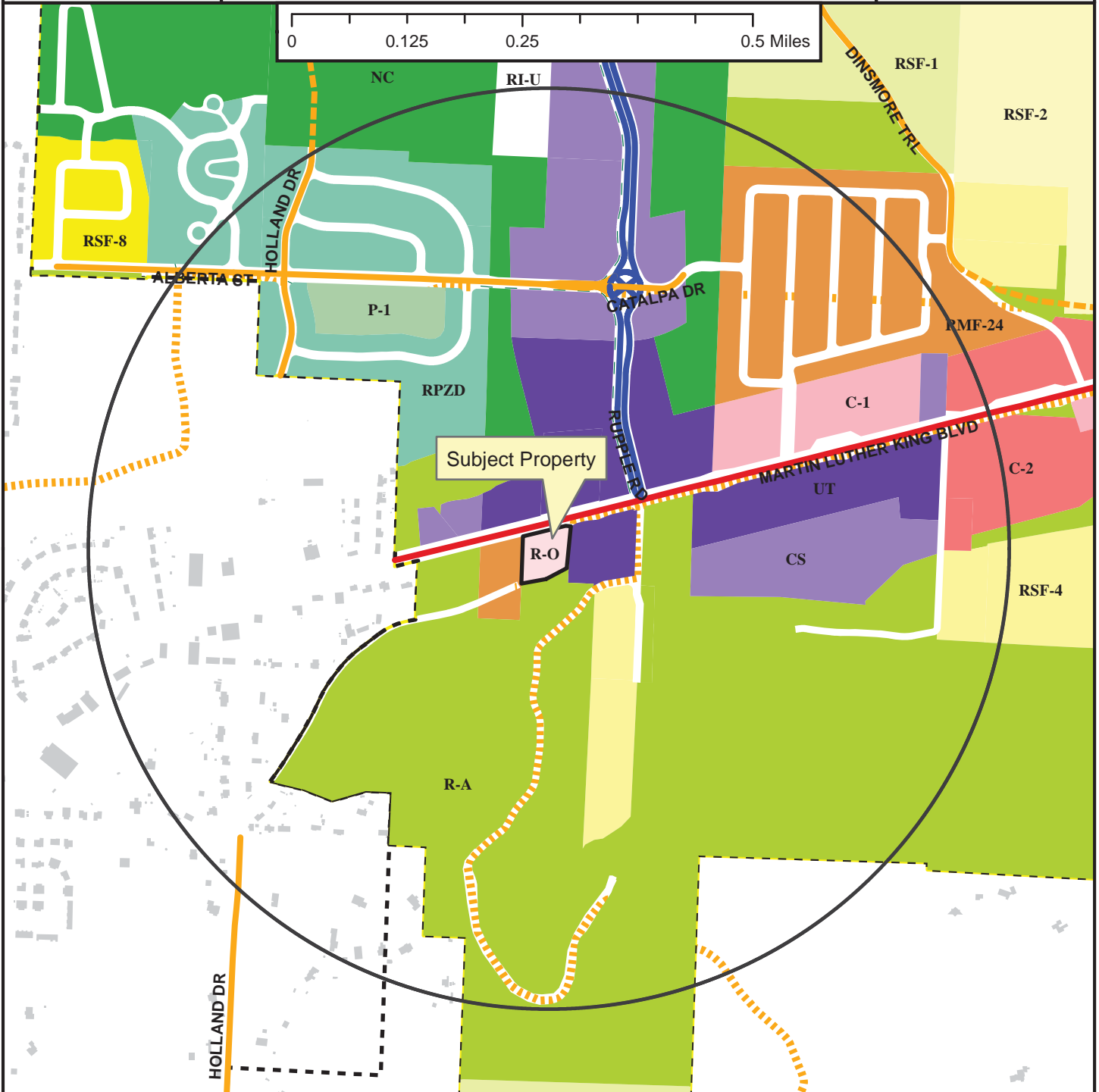
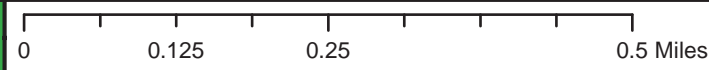
Brad Hancock

479-841-0095

RZN19-6737

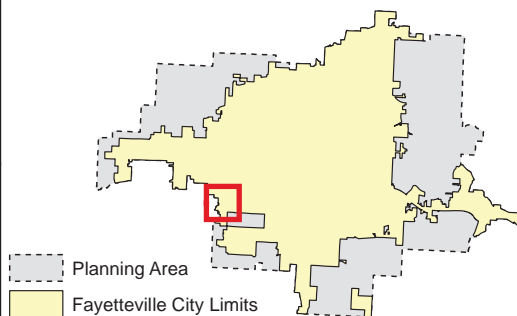
HANCOCK

One Mile View



Legend

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

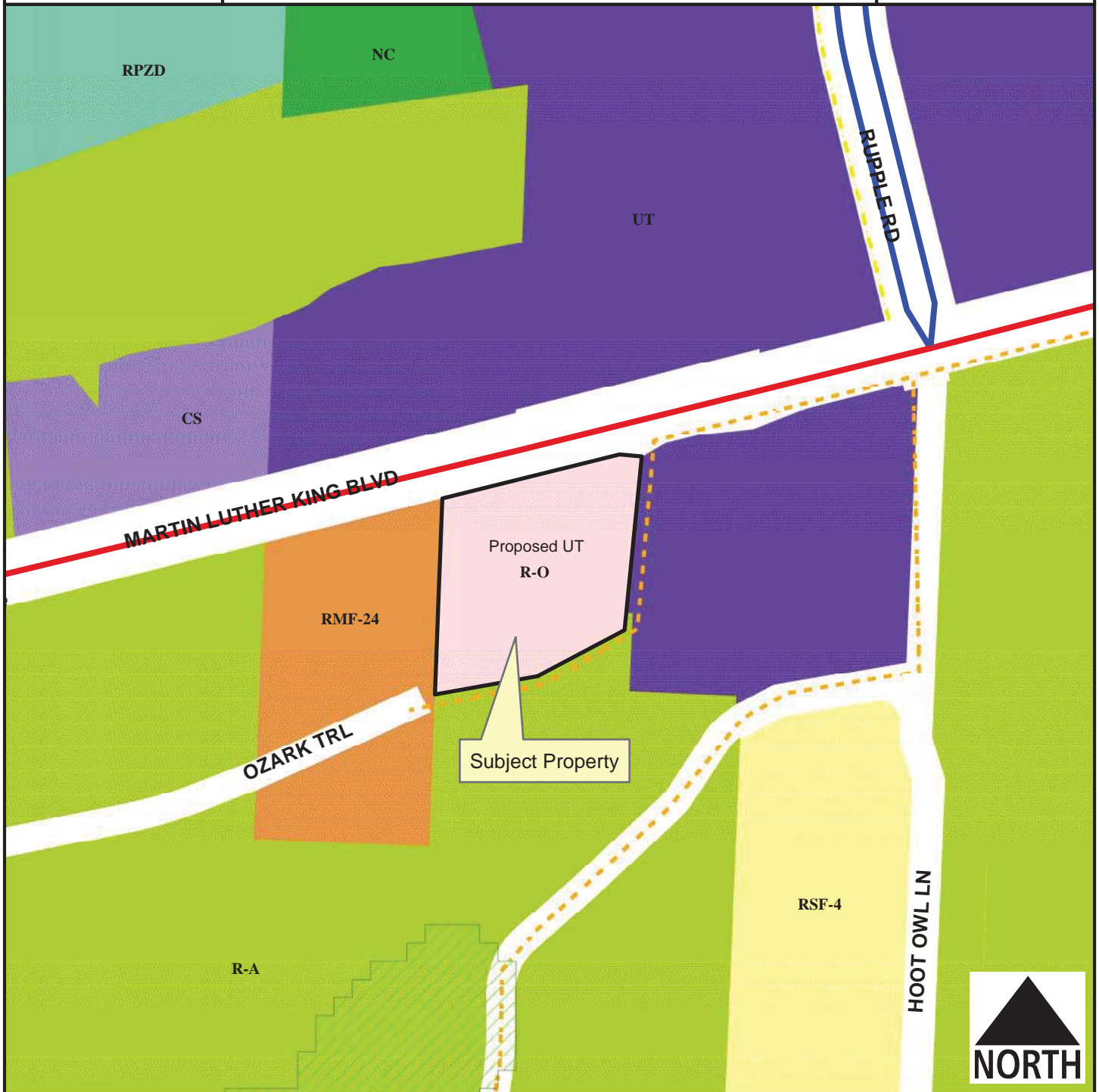


- | | |
|--|--|
| Zoning
RESIDENTIAL SINGLE-FAMILY
RSF-5 Residential-Agricultural
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18
RESIDENTIAL MULTI-FAMILY
RT-12 Residential Two and Three-family
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40
INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial | EXTRACTION
E-1
COMMERCIAL
C-1 Residential-Office
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 |
|--|--|

RZN19-6737

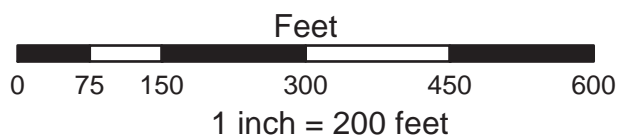
HANCOCK

Close Up View



Legend

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



Zoning Acres

UT 1.63

Total 1.63

RZN19-6737

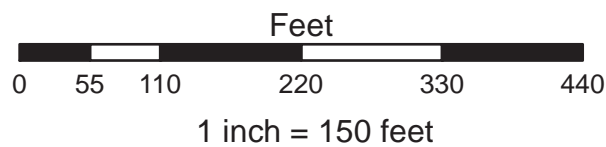
Current Land Use

HANCOCK



Streets Existing MSP Class

- PRIN ARTERIAL PKWY
- PRINCIPAL ARTERIAL
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

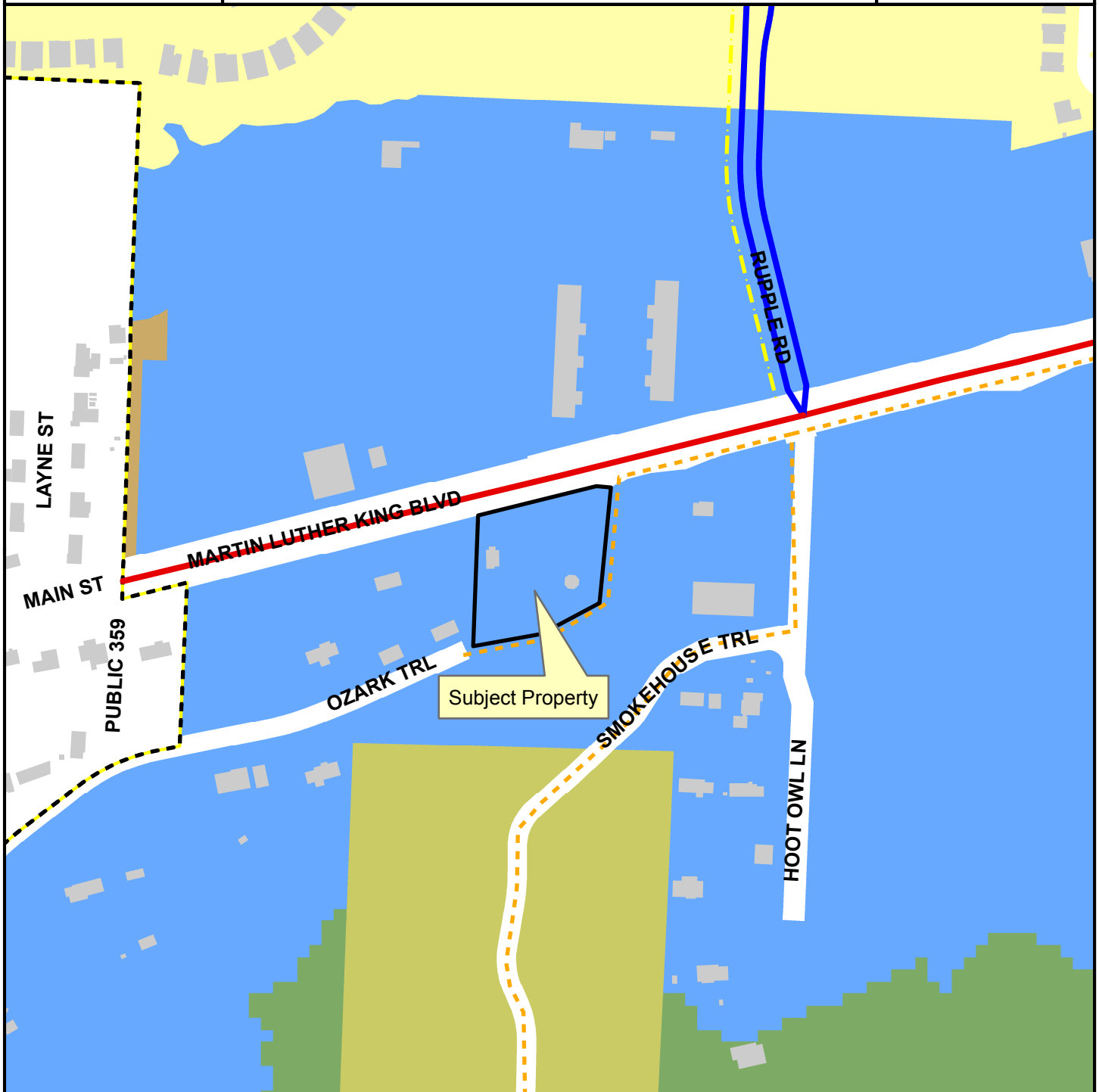
- 100-Year Floodplain
- Floodway

RZN19-6737

HANCOCK

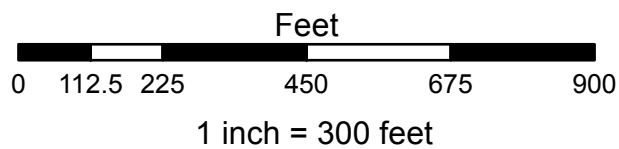


Future Land Use



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional