

City of Fayetteville Staff Review Form

2019-0551

Legistar File ID

9/17/2019

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

Garner Stoll

8/30/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6787: Rezone (3313 W. MT. COMFORT RD./COOPER, 362): Submitted by ANDREW COOPER for property located at 3313 W. MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.60 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:



MEETING OF SEPTEMBER 17, 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 30, 2019

SUBJECT: **RZN 19-6787: Rezone (3313 W. MT. COMFORT RD./COOPER, 362):** Submitted by ANDREW COOPER for property located at 3313 W. MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

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 subject property is located on the south side of Mount Comfort Road, between Salem Road to the west and Hatterly Lane to the east. Development on the site is limited to one single-family home built in 1995 which accesses Mount Comfort Road by a residential driveway.

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to NS-G, Neighborhood Services-General. The applicant would like to use the property as a professional office.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in the area, which contain a mixture of low-density residential subdivisions, existing, larger lot residential properties that predate Mount Comfort's widening, and institutional uses. The immediately adjoining property to the west, east, and south is nonresidential in use and associated with Pathway Baptist Church and Mount Comfort Church of Christ. The NS-G zoning district allows incrementally increasing residential allowances, to include 2-, 3-, and 4-family dwellings, and nonresidential uses in a manner that compliments the current land uses and the increasingly-busy corridor.

Land Use Plan Analysis: Staff finds the proposed NS-G zoning to be compatible with the Future Land Use Map and its designation of the subject area as Residential Neighborhood Area. As noted above and throughout this report, the Residential Neighborhood Area designation makes explicit reference to incorporating nonresidential uses into residential areas at appropriate

locations for the benefit of surrounding neighborhoods. This area of the City has many residents in low-density developments that lack nonresidential goods and services. This has created a conflict with the City's goal to create complete, compact, and connected neighborhoods that can, in turn, encourage a livable transportation network. Although a smaller property relative to others along Mount Comfort, rezoning the applicant's site could help alleviate a lack of services in the area and begin redressing decades of single-use development.

DISCUSSION:

On August 26, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-0. Prior to the meeting, staff received public comment objecting to the request, expressing concern that Mount Comfort Road is shifting from residential to a commercial character, and that nonresidential uses ought to be centered on Mount Comfort's intersections with Ruppel and Interstate 49. No public comment was made at the August 26th Planning Commission meeting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

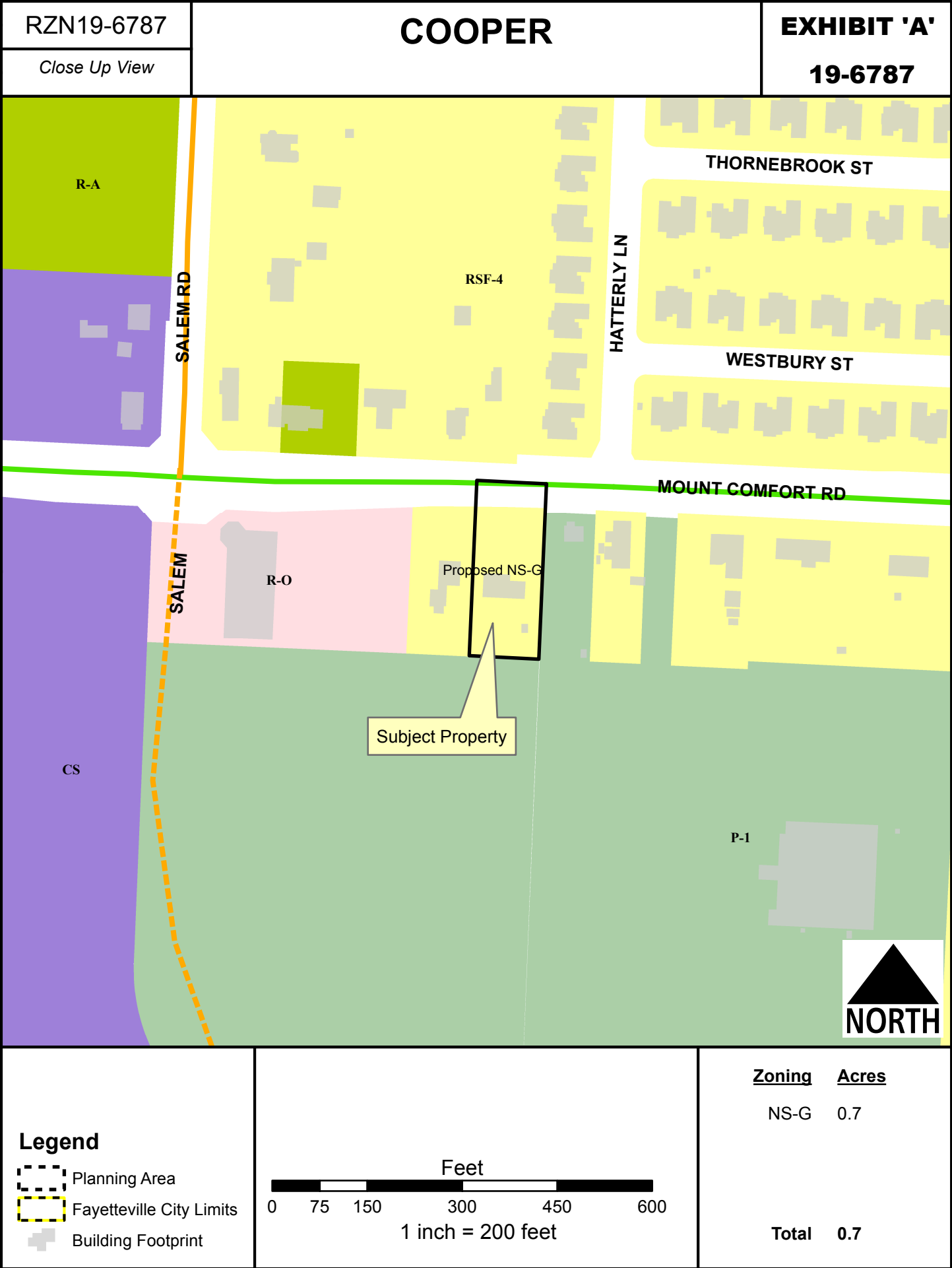


EXHIBIT 'B'
19-6787

Partial Legal: PT NW SW 0.60 AC FURTHER DESCRIBED FROM 2017-36523 AS:
Part of the NW/4 of the SW/4 of Section 6, Township 16 North, Range 30 West,
Washington County, Arkansas, being more particularly described as follows:
Commencing at the Northeast Corner of said 40 acre tract, said point being in
Mt. Comfort Road and from Which a 1/2 inch reference set on the South right of way line
of said road bears South 00 degrees, 03 minutes, 12 seconds West 30.00 feet; thence
South 00 degrees, 00 minutes, 03 seconds West 276.70 feet to an existing fence corner
post; thence North 89 degrees, 59 minutes, 26 seconds West 110.00 feet to an existing
fence corner post; thence North 00 degrees, 03 minutes, 12 seconds East 276.94 feet to a
point on the North line of said 40 acre tract, said point being in Mt. Comfort Road and
from which an existing reference iron on the South right of way line of said road bears
South 00 degrees, 03 minutes, 12 seconds West 30.00 feet; thence South 89 degrees, 51
minutes, 56 seconds East 110.0 feet to the Point of Beginning. LESS AND EXCEPT Part
of the Fractional NW/4 of the SW/4 of Section 61 Township 16 North, Range 30 West,
Washington County, Arkansas, being more particularly described as follows: beginning
at the Northeast Corner of said Fractional NW/4 of the SW/4; thence South 02 degrees,
34 minutes 44 seconds West 37.96 feet; thence North 88 degrees, 24 minutes, 58 seconds
West 62.94 feet; thence North 89 degrees, 27 minutes, 53 seconds West 47.09 feet;
thence North 02 degrees, 34 minutes, 44 seconds East 40.18 feet; thence South 87
degrees, 23 minutes, 45 seconds East 110.00 feet to the Point of Beginning, containing
4,303 square feet or 0.10 acres, more or less



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: August 26, 2019 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 19-6787: Rezone (3313 W. MT. COMFORT RD./COOPER, 362):**
Submitted by ANDREW COOPER for property located at 3313 W. MT. COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6787** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN 19-6787** to the City Council with a recommendation of approval."

BACKGROUND:

The subject property is located on the south side of Mount Comfort Road, between Salem Road to the west and Hatterly Lane to the east. Development on the site is limited to one single-family home built in 1995 and accessing Mount Comfort Road by a residential driveway. 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;	RSF-4, Residential Single-family, 4 Units per Acre;
South	Pathway Baptist Parking Lot	P-1, Institutional
East	Food Bank (Mount Comfort Church of Christ)	P-1, Institutional
West	Residential Office (Pathway Baptist Church)	RSF-4, Residential Single-family, 4 Units per Acre;

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to NS-G, Neighborhood Services-General. The applicant would like to use the property as a professional office.

Public Comment: Staff has received a no formal public comment regarding this request, but has heard concerns from a City Council member in this ward about development pressure in the area.

INFRASTRUCTURE:

- Streets:** The property currently has frontage along west Mount Comfort Road a fully-improved Minor Arterial with asphalt paving, curb and gutter, sidewalk, and bike lanes. Any street improvements or requirements for drainage will be determined at the time of development.
- Water:** Public water is available to the site. A 12-inch water main runs along the property's Mount Comfort frontage.
- Sewer:** Public sanitary sewer is available to the site. An 8-inch water main runs along the property's Mount Comfort frontage.
- Drainage:** No portion of the site lies within floodplain, no hydric soils are present, and no portion of the site resides with the Hillside-Hilltop Overlay District. 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.
- 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 properties within the proposed rezone as **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family, and rowhouses. Development is encouraged to be highly-connected, with compact blocks, grid street pattern and reduced setbacks. Low-intensity non-residential uses are encouraged at appropriate locations, such as on corners and connecting corridors.

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 the area, which contain a mixture of low-density residential subdivisions, existing, larger lot residential properties that predate Mount Comfort's widening, and institutional uses. The immediately adjoining property to the west, east, and south is nonresidential in use and associated with Pathway Baptist Church and Mount Comfort Church of Christ. The NS-G zoning district allows incrementally increasing residential allowances, to include 2-, 3-, and 4-family dwellings, and nonresidential uses in a manner that compliments the current land uses and the increasingly-busy corridor.

Land Use Plan Analysis: Staff finds the proposed NS-G zoning to be compatible with the Future Land Use Map and its designation of the subject area as Residential Neighborhood Area. As noted above and throughout this report, the Residential Neighborhood Area designation makes explicit reference to incorporating nonresidential uses into residential areas at appropriate locations for the benefit of surrounding neighborhoods. This

area of the City has many residents in low-density developments that lack nonresidential goods and services. This has created a conflict with the City's goal to create complete, compact, and connected neighborhoods that can, in turn, encourage a livable transportation network. Although a smaller property relative to others along Mount Comfort, rezoning the applicant's site could help alleviate a lack of services in the area and begin redressing decades of single-use development.

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

Finding: The applicant has requested the zoning change to convert the existing structure and possibly improve the property for professional offices. The proposed zoning district would allow for an appropriate flexibility in permitted land uses along a major corridor where residential densities are low and services are generally inadequate.

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

Finding: The site has direct access to Mount Comfort Road, a fully-improved Minor Arterial. Although the proposed NS-G zoning district allows uses that may increase traffic over the existing RSF-4 zoning district, the size of the property and the associated limitations on development would likely not result in a significant increase in traffic nor appreciably increase 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 NS-G zoning district allows single-, 2-, 3-, and 4-family dwellings at a density of 18 units per acre. Although decidedly higher than the current RSF-4 allowance of four units per acre, staff finds that no adverse impacts on services are anticipated given adjacency to existing 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 19-6787 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required YES

Date: August 26, 2019 ☐ Tabled ☒ Forwarded ☐ Denied

Motion: Johnson, recommending approval

Second: Belden

Vote: 7-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-family, 4 Units per Acre
 - §161.19 – NS-G, Neighborhood Services-General
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(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 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

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
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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
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(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)

Request Letter

Compatibility Statement

Andrew & Selina Cooper
3313 W. Mt. Comfort Rd.
Fayetteville, AR 72704
479-263-7602

Parcel ID 765-13649-020

S-T-R 06-16-30

Partial Legal: PT NW SW 0.60 AC FURTHER DESCRIBED FROM 2017-36523 AS: Part of the NW/4 of the SW/4 of Section 6, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Northeast Corner of said 40 acre tract, said point being in Mt. Comfort Road and from Which a 1/2 inch reference set on the South right of way line of said road bears South 00 degrees, 03 minutes, 12 seconds West 30.00 feet; thence South 00 degrees, 00 minutes, 03 seconds West 276.70 feet to an existing fence corner post; thence North 89 degrees, 59 minutes, 26 seconds West 110.00 feet to an existing fence corner post; thence North 00 degrees, 03 minutes, 12 seconds East 276.94 feet to a point on the North line of said 40 acre tract, said point being in Mt. Comfort Road and from which an existing reference iron on the South right of way line of said road bears South 00 degrees, 03 minutes, 12 seconds West 30.00 feet; thence South 89 degrees, 51 minutes, 56 seconds East 110.0 feet to the Point of Beginning. LESS AND EXCEPT Part of the Fractional NW/4 of the SW/4 of Section 61 Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: beginning at the Northeast Corner of said Fractional NW/4 of the SW/4; thence South 02 degrees, 34 minutes 44 seconds West 37.96 feet; thence North 88 degrees, 24 minutes, 58 seconds West 62.94 feet; thence North 89 degrees, 27 minutes, 53 seconds West 47.09 feet; thence North 02 degrees, 34 minutes, 44 seconds East 40.18 feet; thence South 87 degrees, 23 minutes, 45 seconds East 110.00 feet to the Point of Beginning, containing 4,303 square feet or 0.10 acres, more or less

We believe that our home is compatible with adjacent commercial properties and the purpose of the Neighborhood Services – General zoning. We are the only single-family residence along a stretch of several commercial properties along the South side of Mount Comfort Rd. still being utilized as a residence. Immediately to our East we are neighbors to the Banford House, a food pantry service to the local community. The Banford House sits on the larger property of Mount

Comfort Church of Christ. Immediately to our West is the Residential/Office building for Pathway Baptist Church, which adjoins Pathway Baptist Church. The next property to the West of Pathway has recently been rezoned for Community Services. We also believe that our intent aligns with the purpose of the NS-G zoning request. We plan to use the existing home at our

location to provide a professional office building in which to operate our small business counseling center. We would like to serve the needs of the immediate community by enriching families and individuals, just as our existing business neighbors offer. By using the existing structure we hope to minimize the aesthetic change to the neighborhood feeling, while offering professional services within walking distance to neighbors all along Mount Comfort Rd.

We do not believe that our rezoning request will adversely affect our neighborhood or surrounding land uses. We do not plan to make any external changes to the building, minimizing the aesthetic impact. We do not anticipate any noise issues. The use of our property will mostly be during traditional hours of operation, resulting in no significant activity change after work hours. We do not believe our rezoning will adversely affect the traffic to Mount Comfort. While

we anticipate some clients may come from other parts of Fayetteville, most of our focus will be on serving families who live in 72704. This has been our trend since moving to our current location on Wedington Drive in 2013, and brings us great joy to be located close to where people live, minimizing impact on their life and on city congestion.






RZN19-6787

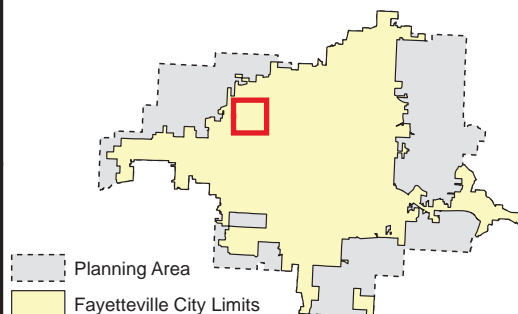
One Mile View

COOPER



Legend

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



- Zoning**

 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial

RESIDENTIAL SINGLE-FAMILY

 - RSF-Agricutural
 - RSF-.5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - 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 Corridor
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

 - Commercial, Industrial, Residential

INSTITUTIONAL

 - P-1

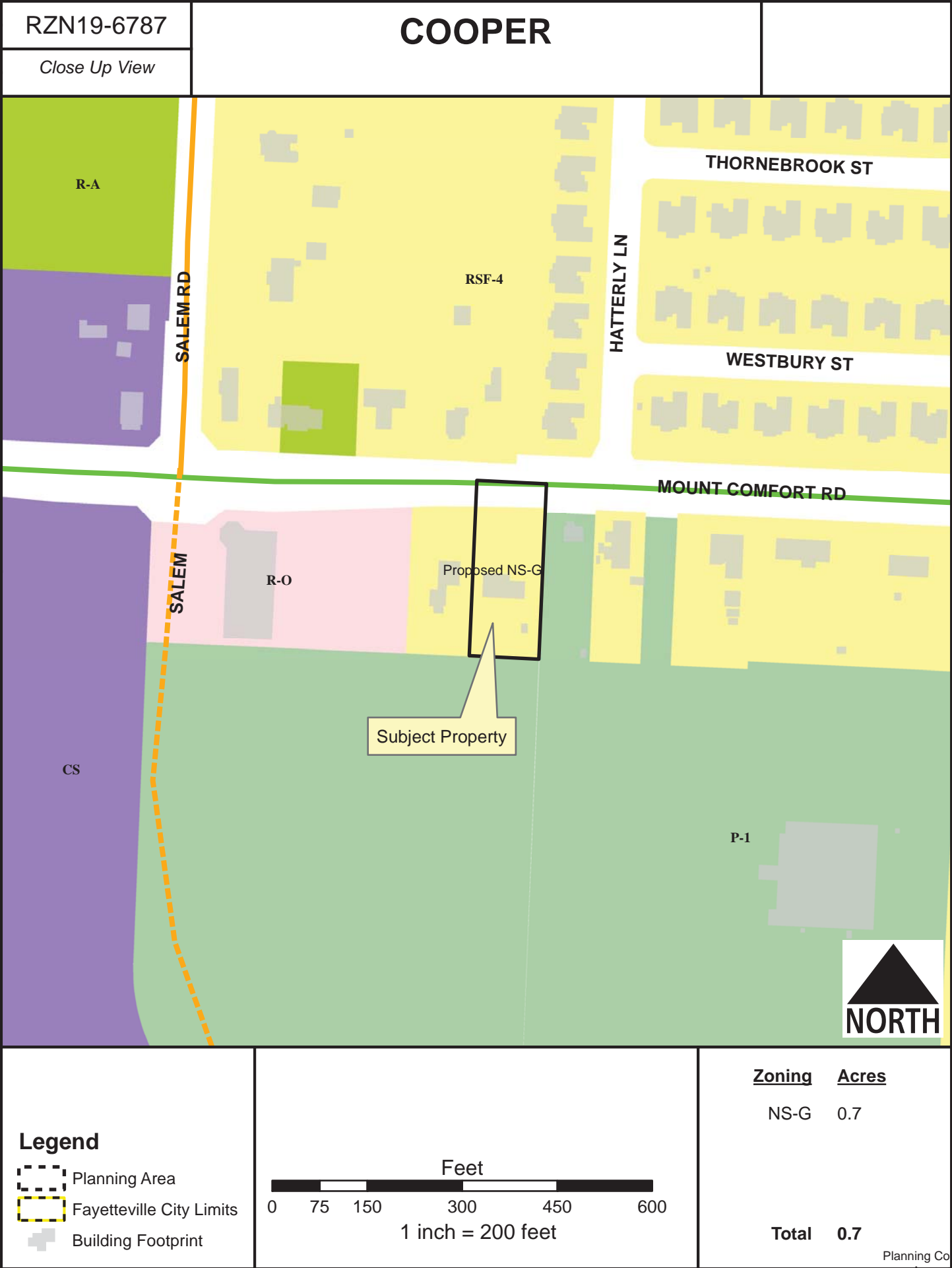
Planning Commission

August 26, 2019

Agenda Item 13

19-6787 Cooper

Page 11 of 14



RZN19-6787

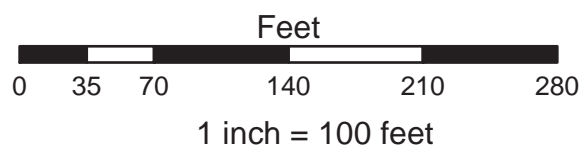
Current Land Use

COOPER



**Streets Existing
MSP Class**

- MINOR ARTERIAL
- Planning Area
- Fayetteville City Limits



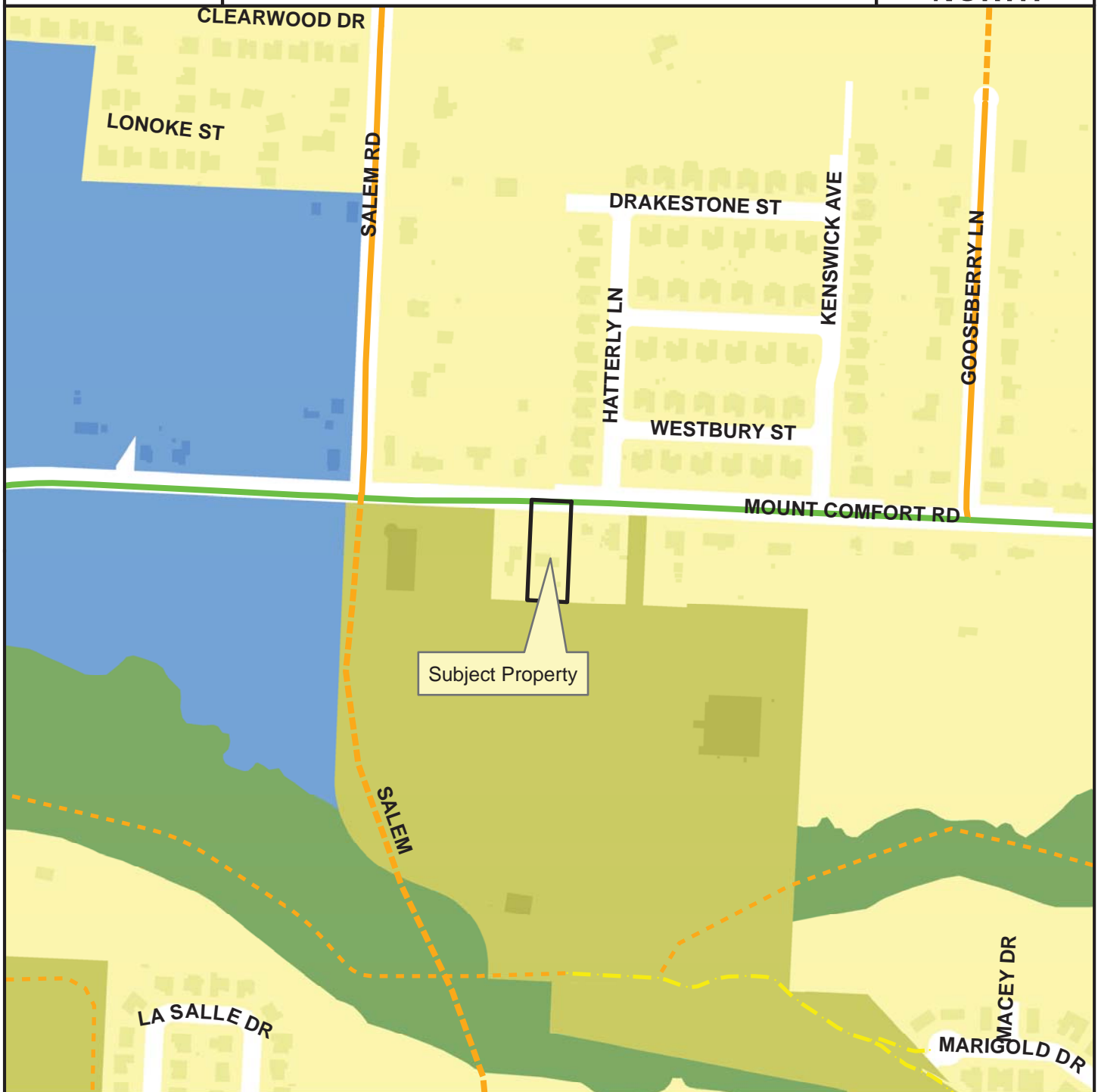
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN19-6787

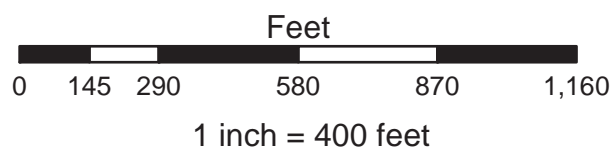
Future Land Use

COOPER



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