

City of Fayetteville Staff Review Form

2019-0497

Legistar File ID

9/3/2019

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

Garner Stoll

8/16/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6750: Rezone (2143 N. RUPPLE RD./WT TRANSFER HOLDING CO., 361): Submitted by JAKE BORN for property located at 2143 N. RUPPLE RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 4.57 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

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 3, 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 16, 2019

SUBJECT: **RZN 19-6750: Rezone (2143 N. RUPPLE RD./WT TRANSFER HOLDING CO., 361):** Submitted by JAKE BORN for property located at 2143 N. RUPPLE RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 4.57 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

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

BACKGROUND:

The subject property is located on the south side of Mount Comfort Road, just west of the newly-opened extension of Ruppel Road. Hamestring Creek and its associated floodplain lie along the property's southern boundary, and the site itself is developed with two warehouse buildings, totaling approximately 10,000 square feet each. In 2011, the City Council approved a rezoning request for the property, amending the zoning map from RSF-1, Residential Single-family, 1 Unit per Acre, to R-O, Residential Office. A conditional use permit was subsequently approved by the Planning Commission to allow a change in an existing nonconforming use to another nonconforming use in the form of a fencing company.

Request: The request is to rezone the subject property from R-O, Residential Office, to CS, Community Services. The applicant has indicated a desire to adapt and reuse the existing buildings for retail, restaurants, or other commercial use.

Land Use Compatibility: Asserting compatibility is challenging given the wide variety of land uses in the area, including large parcels of undeveloped property, a cemetery, and the southern extents of a single-family residential subdivision. Additionally, this property is towards the northwestern extents of Fayetteville, in close proximity to unincorporated Washington County.

That said, staff ultimately finds the proposed zoning to be compatible given the minimal impacts anticipated on nearby, low-density uses, and the potential of undeveloped properties to the south and west to be developed with appropriate transition to the requested CS zoning along this busy transportation corridor. The proposed CS zoning would allow a significant shift in development

patterns in this area of west Fayetteville, permitting high-density residential and non-residential development in a traditional town form pattern. Although this pattern is different, it can be compatible with and would allow uses, goods, and services that support surrounding neighborhoods.

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 CS zoning district. Additionally, the goals of City Plan 2030 include making traditional town form the standard. The CS 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 August 12, 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:

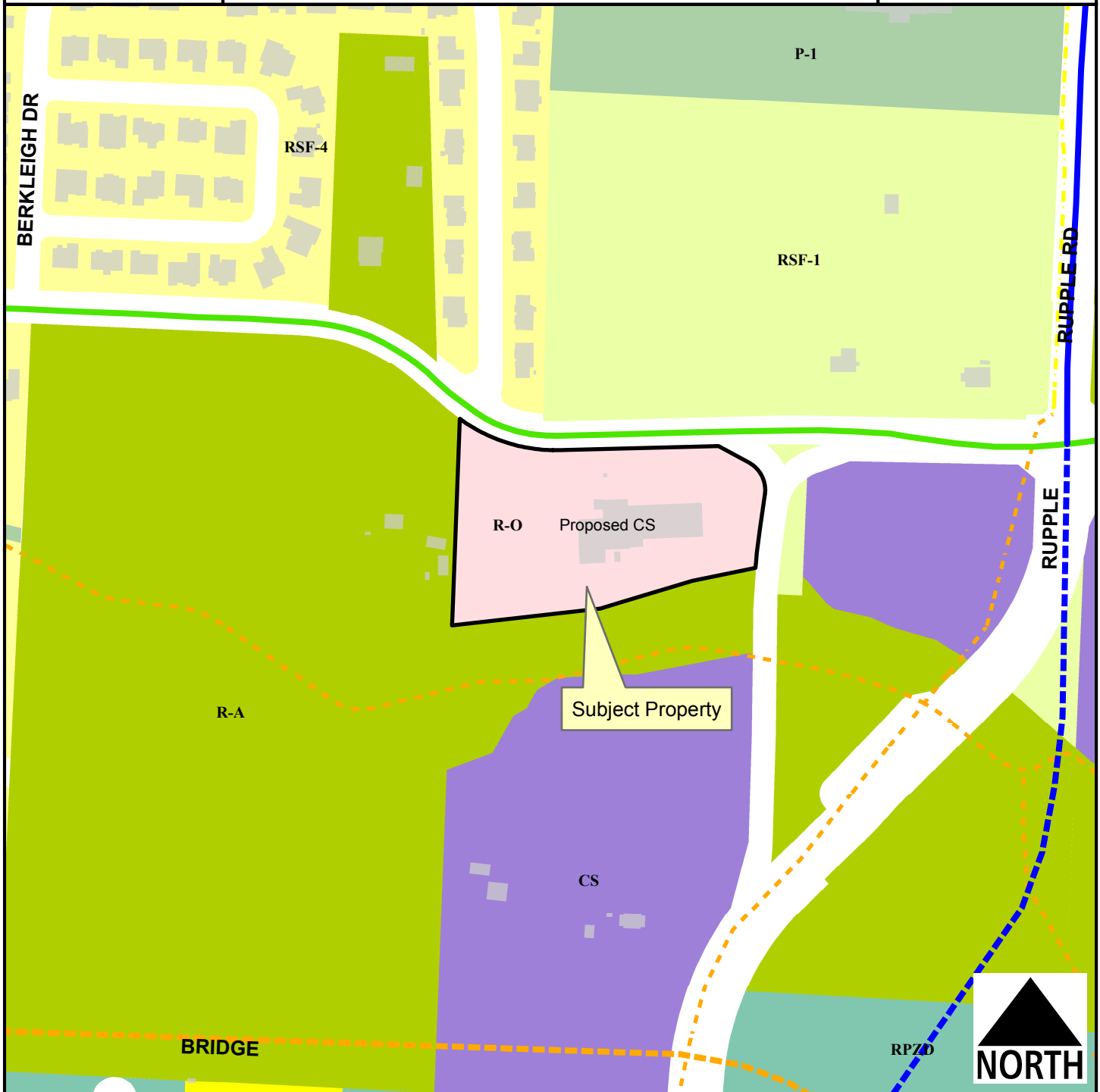
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN19-6750

WT TRANSFER HOLDING CO.

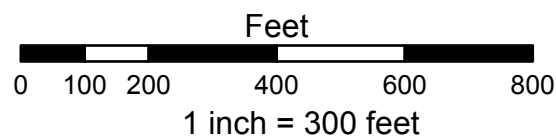
19-6750
EXHIBIT 'A'

Close Up View



Legend

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



Zoning Acres

CS 4.6

Total 4.6

19-6750

EXHIBIT 'B'

A part of the NE 1/4 of the SE 1/4 of Section 1, Township 16 North, Range 31 West, and being more particularly described as follows, to-wit: Beginning at the Northwest corner of the Hamstring Creek Bridge, which is 6.61 chains South and 9.93 chains West of the Northeast corner of said 40 acre tract, and running thence South 76 degrees 20 minutes West 2.30 chains to fence on North side of Hamstring Creek; thence with the fence South 71 degrees 21 minutes West 4.66 chains to a cross fence being on the West line of said 40 acre tract; thence North along the West line of said 40 acre tract 5.68 chains to a point 3.25 chains South of the Northwest corner of said 40 acre tract; thence continuing North along the West line of said 40 acre tract 1.36 chains to the centerline of the Mt. Comfort Road, said point being 1.89 chains South of the Northwest corner of said 40 acre tract; thence in an Easterly direction with the centerline of said road to a point which is 9.485 chains East and 2.45 chains South of the Northwest corner of said 40 acre tract; thence in a Southerly direction with the West line of the County Road to the point of beginning, containing 4.86 acres, more or less.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: August 12, 2019 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 19-6750: Rezone (2143 N. RUPPLE RD./WT TRANSFER HOLDING CO., 361):** Submitted by JAKE BORN for property located at 2143 N. RUPPLE RD. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 4.57 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6750** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN 19-6750** to the City Council with a recommendation of approval."

BACKGROUND:

The subject property is located on the south side of Mount Comfort Road, just west of the newly opened extension of Ruppel Road. Hamestrung Creek and its associated floodplain lie along the property's southern boundary, and the site itself is developed with two warehouse buildings, totaling approximately 10,000 square feet each. In 2011, the City Council approved a rezoning request for the property, amending the zoning map from RSF-1, Residential Single-family, 1 Unit per Acre, to R-O, Residential Office. A conditional use permit was subsequently approved by the Planning Commission to allow a change in an existing nonconforming use to another nonconforming use in the form of a fencing company. 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; Mount Comfort Cemetery	RSF-4, Residential Single-family, 4 Units per Acre; RSF-1, Residential Single-family, 1 Units per Acre
South	Undeveloped	R-A, Residential Agricultural
East	Undeveloped	RSF-1, Residential Single-family, 1 Units per Acre; CS, Community Services
West	Agricultural	R-A, Residential Agricultural

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

Public Comment: Staff has received a public inquiry from a City Council member on behalf of a

constituent, but no statements of support or opposition.

INFRASTRUCTURE:

- Streets:** The property currently has frontage along west Mount Comfort Road and North Ruppel Road. With the completion of the Ruppel Road realignment to the east, the portion of 'old' Ruppel adjacent to this site will be proposed for vacation, becoming a private driveway serving the properties along it. To the north, Mount Comfort is an unimproved Minor Arterial along the property's frontage, with asphalt paving, one lane in each direction, and open ditches on both sides. Any improvements or requirements for drainage will be determined at the time of development.
- Water:** Public water is available to the site. An 8-inch water main runs through the property itself and a 6-inch water main is present on 'old' Ruppel along the property's frontage
- Sewer:** Public sanitary sewer is not available to the site. At the time of development, construction and approval of a sanitary sewer extension to the site is required.
- Drainage:** Although portions of the property lie within the regulatory floodway, 100-year floodplain, and 500-year floodplain associated with Hamstring Creek, 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 but did note that the property will be protected by Station 7, located at 835 North Ruppel Road with an anticipated response time of approximately 5.2 minutes. This is within the response time goal of six minutes for an engine and 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: Asserting compatibility is challenging given the wide variety of land uses in the area, including large parcels of undeveloped***

property, a cemetery, and the southern extents of a single-family residential subdivision. Additionally, this property is towards the northwestern extents of Fayetteville, in close proximity to unincorporated Washington County.

That said, staff ultimately finds the proposed zoning to be compatible given the minimal impacts anticipated on nearby, low-density uses, and the potential of undeveloped properties to the south and west to be developed with appropriate transition to the requested CS zoning along this busy transportation corridor. The proposed CS zoning would allow a significant shift in development patterns in this area of west Fayetteville, permitting high-density residential and non-residential development in a traditional town form pattern. Although this pattern is different, it can be compatible with and would allow uses, goods, and services that support surrounding neighborhoods.

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 CS zoning district. Additionally, the goals of City Plan 2030 include making traditional town form the standard. The CS 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: Staff finds that the proposed zoning is justified and needed to accommodate development of this area that has been anticipated in the City's comprehensive plan for several years. The proposed CS zoning will encourage appropriate commercial or residential development near a future arterial intersection in an area that has seen almost-uniform residential development over the last decade. The CS District is primarily designed to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes.

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

Finding: A CS zoning allows a wide range of commercial activity and unlimited residential density. The proposed rezone would create the potential to generally increase traffic in the area over the existing zoning. However, with the re-alignment of Ruppel Road near the site and the traffic signal at Mount Comfort and Ruppel, increased traffic has been anticipated and will be accommodated. Further, non-residential goods and services that would be

permitted under the CS zoning would not likely be a regional draw but would primarily accommodate people living in the area.

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 CS zoning district allows both residential and nonresidential uses. Additionally, there is no density limit associated with the CS 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 19-6750 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
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Date: <u>August 12, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
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Motion: Johnson, recommending approval.
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Second: Canada

Vote: 9-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.20 – R-O, Residential Office
 - §161.22 – CS, Community Services
- 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)

161.22 - Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services 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-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials

Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	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
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(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)

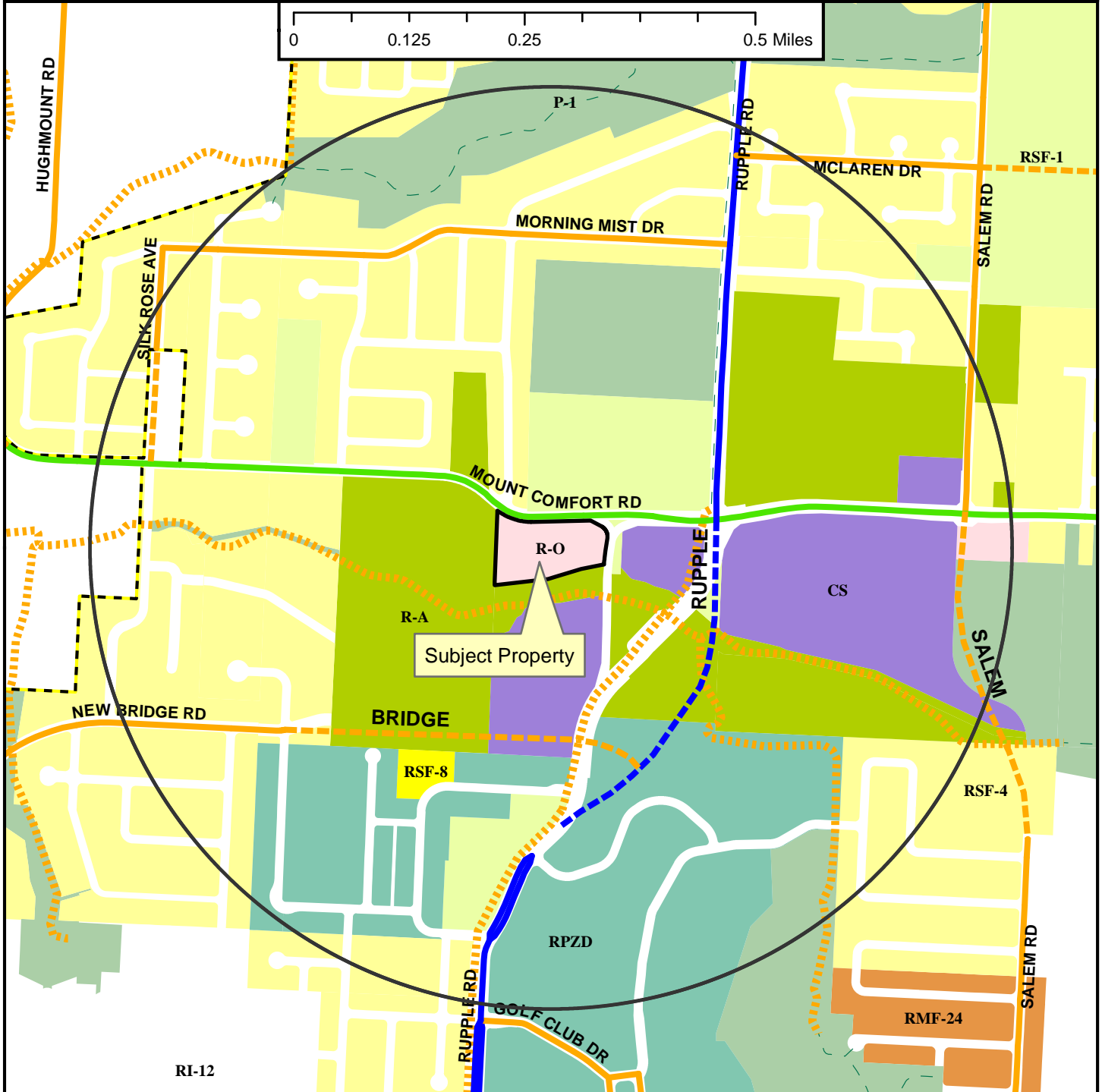
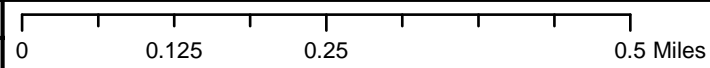
**Request
Letter**Written request to rezone approximately 4.91 acres on N. Ruppel Road

We are requesting to rezone approximately 4.91 acres located at the corner of N. Ruppel Road and Mt. Comfort Road. The subject land is currently zoned Residential Office (R-O). We are requesting that the subject property be rezoned to Community Services (CS). The adjacent property to the east is zoned Community Services (CS) and the property to the south is zoned Community Services (CS). A rezoning of the 4.91-acre property to Community Services (CS) would make it more compatible with the zoning of the surrounding properties and the future development of this part of Fayetteville. There should be no adverse impact on the surrounding properties as the properties to the east and south are zoned CS, a cemetery is to the north on the other side of Mt. Comfort, and there is an undeveloped property zoned R-A to the west.

RZN19-6750

One Mile View

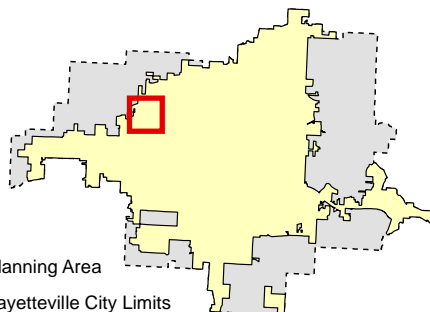
WT TRANSFER HOLDING CO.



Legend

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

- Planning Area
- Fayetteville City Limits



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RI-12
- 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

RZN19-6750

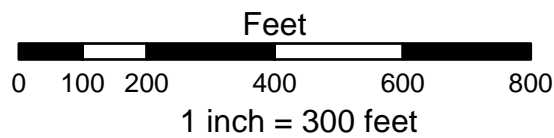
WT TRANSFER HOLDING CO.

Close Up View



Legend

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

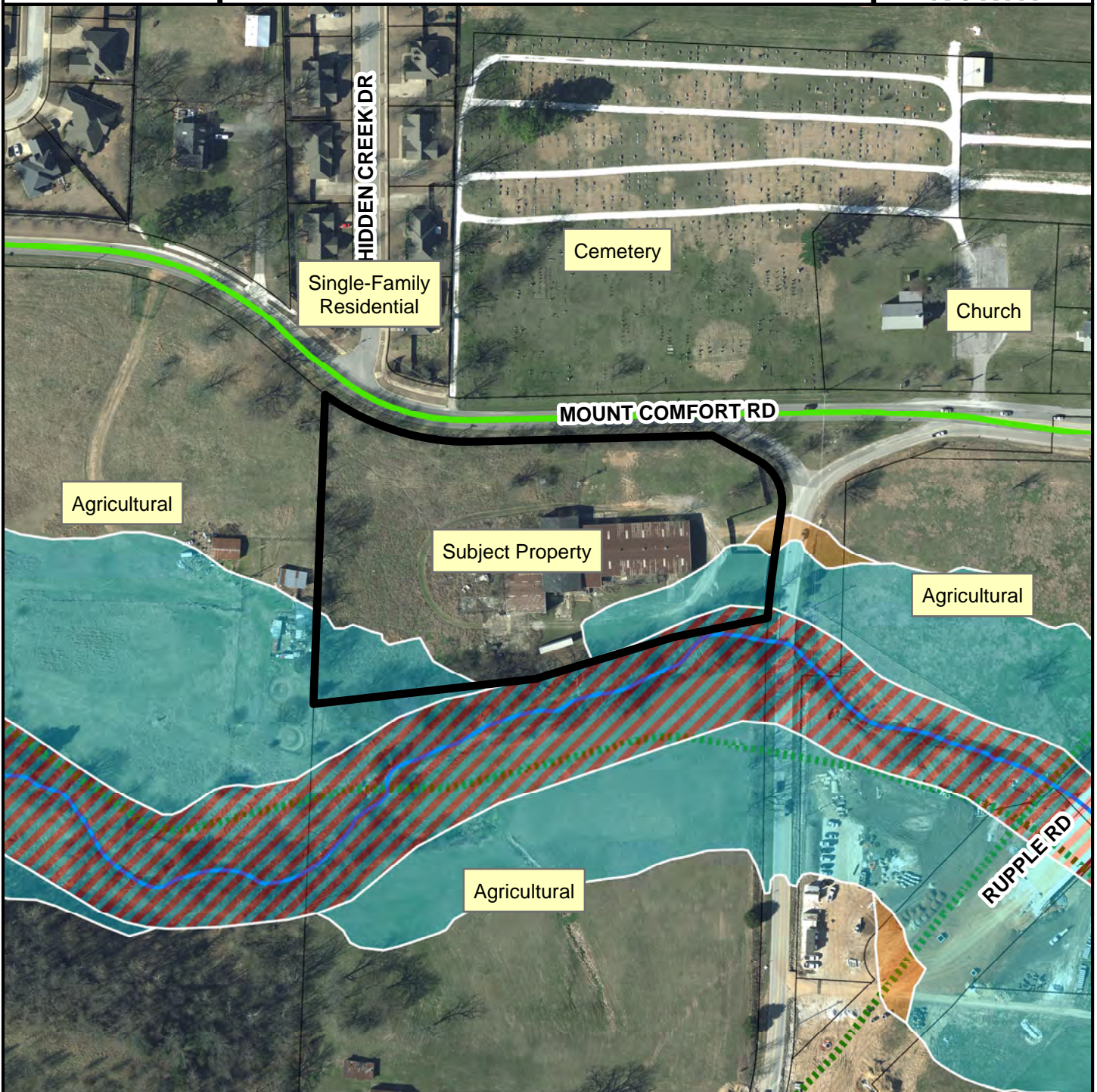


Zoning	Acres
CS	4.6
Total	4.6

RZN19-6750

Current Land Use

WT TRANSFER HOLDING CO.



Streets Existing MSP Class

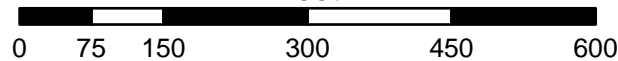
MINOR ARTERIAL

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet



1 inch = 200 feet

FEMA Flood Hazard Data

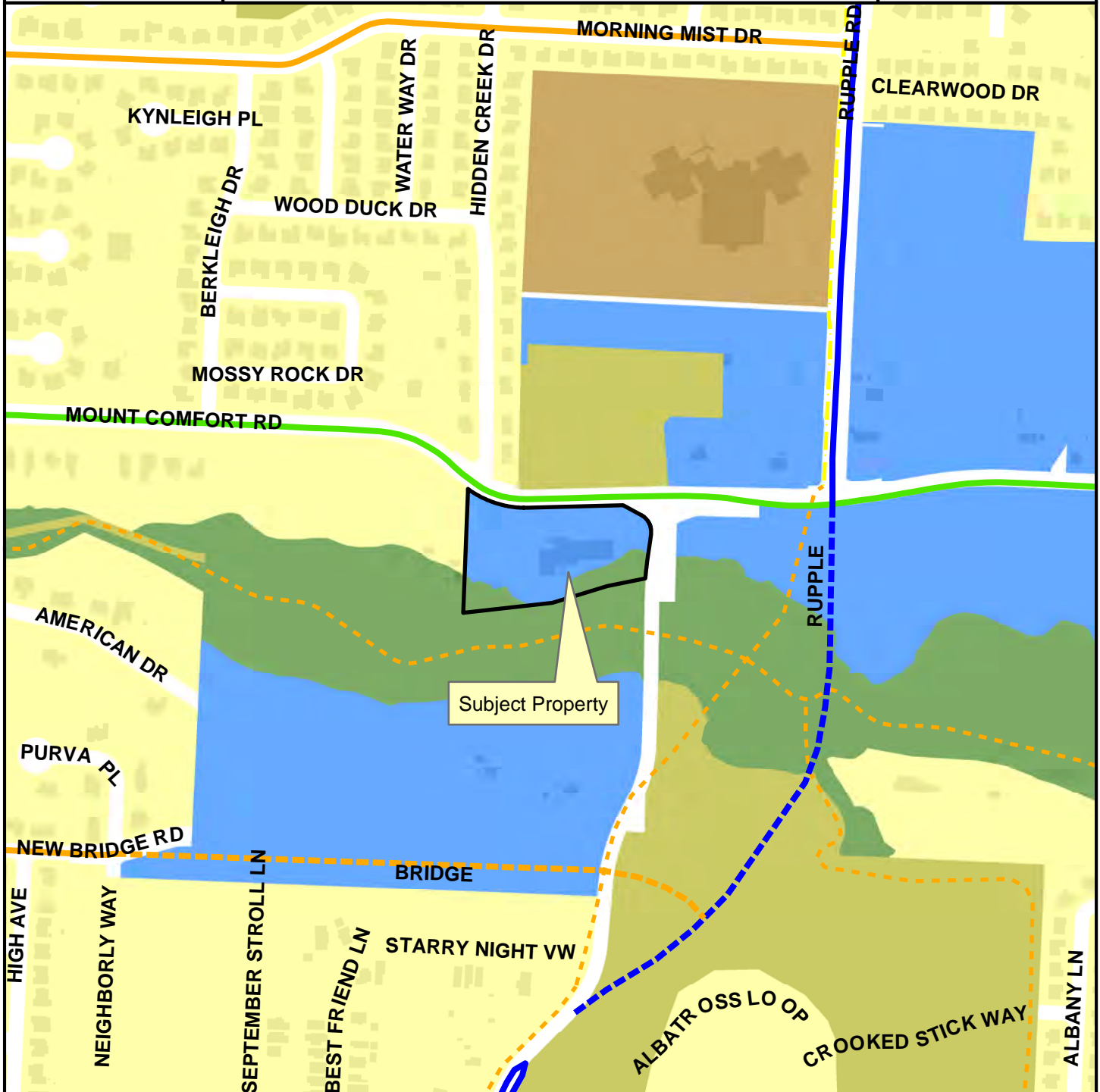
100-Year Floodplain

Floodway

RZN19-6750

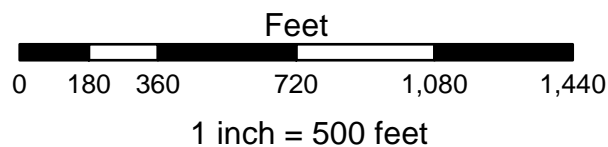
Future Land Use

WT TRANSFER HOLDING



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