

City of Fayetteville Staff Review Form

2019-0496

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 19-6747: Rezone (1140 N. COLLEGE AVE./FHA DEVELOPMENT, 407): Submitted by ANGELA BELFORD for property located at 1140 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.61 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 19-6747: Rezone (1140 N. COLLEGE AVE./FHA DEVELOPMENT, 407):**  
Submitted by ANGELA BELFORD for property located at 1140 N. COLLEGE AVE.  
The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains  
approximately 0.61 acres. The request is to rezone the property to CS,  
COMMUNITY SERVICES.

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**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 east side of College Avenue/71B, just north of College's intersection with North Street. College is designated in the City's Master Street Plan as a Principal Arterial, and the subject property accesses the street with two driveways. The property is currently developed with two buildings, a hotel and restaurant which, according to Washington County records, were built in 1950.

*Request:* The request is to rezone the subject property from C-2, Thoroughfare Commercial, to CS, Community Services. The applicant proposes to leverage the property's proximity to the nearby Veterans Affairs medical center by redeveloping the property with residential housing for veterans.

*Land Use Compatibility:* This area has been a primary commercial corridor in the City for many decades and as such, rezoning to allow the continuation of commercial use with the addition of mixed-use and multi-family is appropriate and compatible in the busy core of the City, within walking distance to many destinations.

*Land Use Plan Analysis:* The proposed zoning is fully consistent with the Future Land Use Map (FLUM) of the City Plan 2030 and the City's adopted land use goals and policies, as well as the policies and illustrations in the draft 71B Corridor Plan. This area has long been indicated on the City's adopted land use plans to remain an intense commercial corridor. Over the last decade or so the City's land use policies have changed to encourage mixed use and form-based zoning,

instead of single-use commercial areas. Staff's proposal is to rezone the area to form-based, mixed use zoning, consistent with the FLUM and city's current land use policies. Similarly, City Plan 2030's goals are complimented by the proposed rezoning. The CS zoning district supports a wide variety of uses, densities, and intensities, with development required in a traditional town form that encourages infill at an appropriate location and complimentary to a livable transportation network.

**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:**

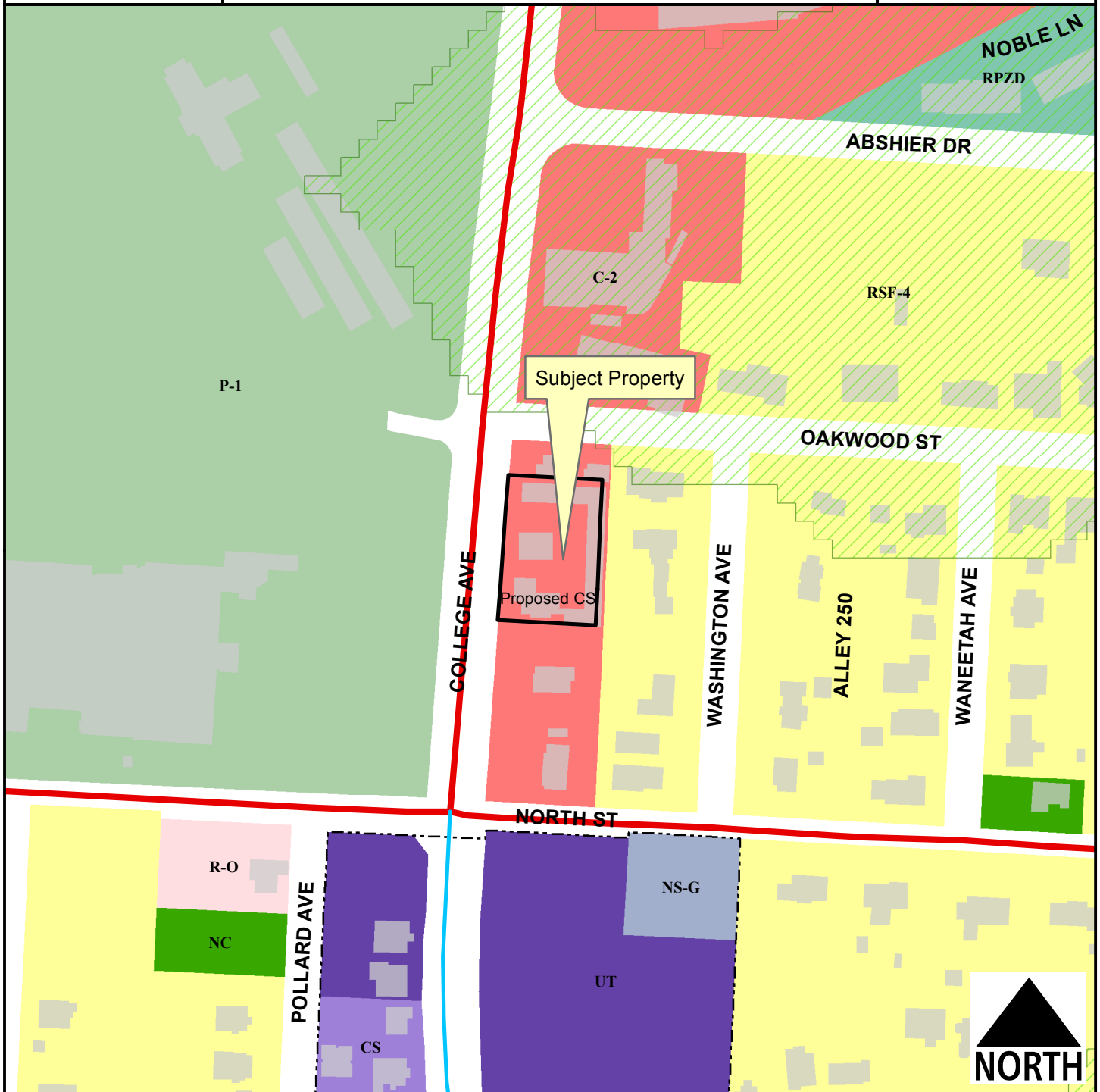
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN19-6747

# FHA DEVELOPMENT, INC.

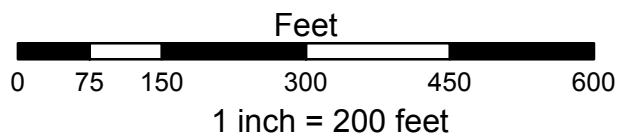
**19-6747**  
**EXHIBIT 'A'**

Close Up View



## Legend

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



## Zoning Acres

CS 0.6

**Total 0.6**

**19-6747**  
**EXHIBIT 'B'**

Property Description – 1140 N. College Ave

Lots 6 through 9, Block 1, Wahneetah Heights Addition to the City of Fayetteville, Washington County, Arkansas containing 0. 64 of an acre or 27,972.52 square feet and subject to any Easements of Record.

Parcel #765-13905-000



**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 19-6747: Rezone (1140 N. COLLEGE AVE./FHA DEVELOPMENT, 407):** Submitted by ANGELA BELFORD for property located at 1140 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.61 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN 19-6747** to the City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

"I move to forward **RZN 19-6747** to the City Council with a recommendation of approval."

**BACKGROUND:**

The subject property is located on the east side of College Avenue/71B, just north of College's intersection with North Street. College is designated in the City's Master Street Plan as a Principal Arterial, and the subject property accesses the street with two driveways. The property is currently developed with two buildings, a hotel and restaurant which, according to Washington County records, were built in 1950. Surrounding land use and zoning is depicted in Table 1.

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Offices	C-2, Thoroughfare Commercial
South	Offices	C-2, Thoroughfare Commercial
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Fayetteville V.A. Hospital	P-1, Institutional

*Request:* The request is to rezone the subject property from C-2, Thoroughfare Commercial, to CS, Community Services. The applicant proposes to leverage the property's proximity to the nearby Veterans Affairs medical center by redeveloping the property with residential housing for veterans.

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

## INFRASTRUCTURE:

- Streets:** The property has frontage along North College Avenue. College is a partially-improved Principal Arterial with asphalt paving, curb and gutter, and sidewalk at back-of-curb along the property's frontage. 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 2-inch and an 8-inch water main run along the College Avenue right-of-way.
- Sewer:** Public sanitary sewer is available to the site. A 6-inch sanitary sewer main runs along the College Avenue 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. Similarly, no hydric soils are present on the property. 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 1, located at 303 W. Center Street with an anticipated response time of approximately 7.2 minutes. This is not within the response time goal of six minutes for an engine but is 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:*** This area has been a primary commercial corridor in the City for many decades and as such, rezoning to allow the continuation of commercial use with the addition of mixed-use and multi-family is appropriate and compatible in the busy core of the City, within walking distance to many destinations.

***Land Use Plan Analysis:*** The proposed zoning is fully consistent with the Future Land Use Map (FLUM) of the City Plan 2030 and the City's adopted land use goals and policies, as well as the policies and illustrations in the

draft 71B Corridor Plan. This area has long been indicated on the City's adopted land use plans to remain an intense commercial corridor. Over the last decade or so the City's land use policies have changed to encourage mixed use and form-based zoning, instead of single-use commercial areas. Staff's proposal is to rezone the area to form-based, mixed use zoning, consistent with the FLUM and city's current land use policies. Similarly, City Plan 2030's goals are complimented by the proposed rezoning. The CS zoning district supports a wide variety of uses, densities, and intensities, with development required in a traditional town form that encourages infill at an appropriate location and complimentary to a livable transportation network.

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

**Finding:** As with the City-initiated rezoning approved along College Avenue from Maple to North Streets in 2017, staff finds that the proposed zoning is highly justified and needed. Not excepting the subject property, many of the buildings along this corridor are at, or past, their expected lifespan. The proposed rezoning would facilitate redevelopment of the subject property in a pedestrian-oriented and traditional pattern, consistent with adopted land use policy. The existing C-2 zoning is inconsistent with long-range plans for this area and inappropriate given the property's location and proximity to many walkable destinations.

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

**Finding:** This rezoning should not result in a large volume of increased traffic or impacts to public infrastructure and services compared to the existing C-2 district. The site has direct access to College Avenue, a Principal Arterial, and in close proximity to College's intersection with North Street, another Principal Arterial. Additionally, the request may reduce overall congestion compared to the existing single-use zoning by allowing a mixture of uses, where not all destinations require vehicle trips from outside the neighborhood.

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 proposed rezoning will substantially increase potential population density over the current single use zoning that forbids residential dwellings as a primary use. However, the potential population density increase will not be undesirable. This is an ideal location for development and redevelopment for commercial and mixed use. The proposed rezoning should not increase potential impacts to public services over the existing zoning.

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 19-6747 to the City Council with a recommendation of approval.**

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**PLANNING COMMISSION ACTION:** Required YES

Date: August 12, 2019      ☐ Tabled      ☒ Forwarded      ☐ Denied

**Motion:** Belden, recommending approval.

**Second:** Johnson

**Vote:** 9-0-0

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.22 – CS, Commercial Services
  - §161.23 – C-2, Thoroughfare Commercial
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

## 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)

### 161.23 - District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cluster Housing Development
Unit 45	Small scale production

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications 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.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form 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	6 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 side boundary line of an adjacent residential 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.

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; 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, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6164](#), §§1, 6, 7, 4-2-2019)

## Request Letter

Rezoning Request - FHA Development, Inc. 1140 N. College Ave. Fayetteville, AR

### *Definitions*

**HUD** - *Housing and Urban Development*

**HQS** - *Housing Quality Standards*

**VASH** - *Veteran's Administration Subsidized Housing*

FHA Development, Inc., a non-profit created by the Fayetteville Housing Authority to expand affordable housing in NWA, is requesting rezoning of property at 1140 N. College Ave, Fayetteville, AR from C-2 to CS-Commercial Services.

Once rezoned, the 24 motel rooms will be converted to studio apartments by adding kitchenettes and necessary upgrades to pass HUD's HQS to allow veteran housing with an emphasis on those veterans with a VASH vouchers. The close proximity to the VA Hospital will make this property an asset to our community.

The rezoning request fits with surrounding zoning because it matches other zoning areas along the 71B Corridor especially in areas where the city has already widened the sidewalks. This property has operated as a motel and restaurant since the 1950's so we believe that making the property more residential will stabilize the area and the planned upgrades will create a more appealing property frontage for an important thoroughfare in the city.

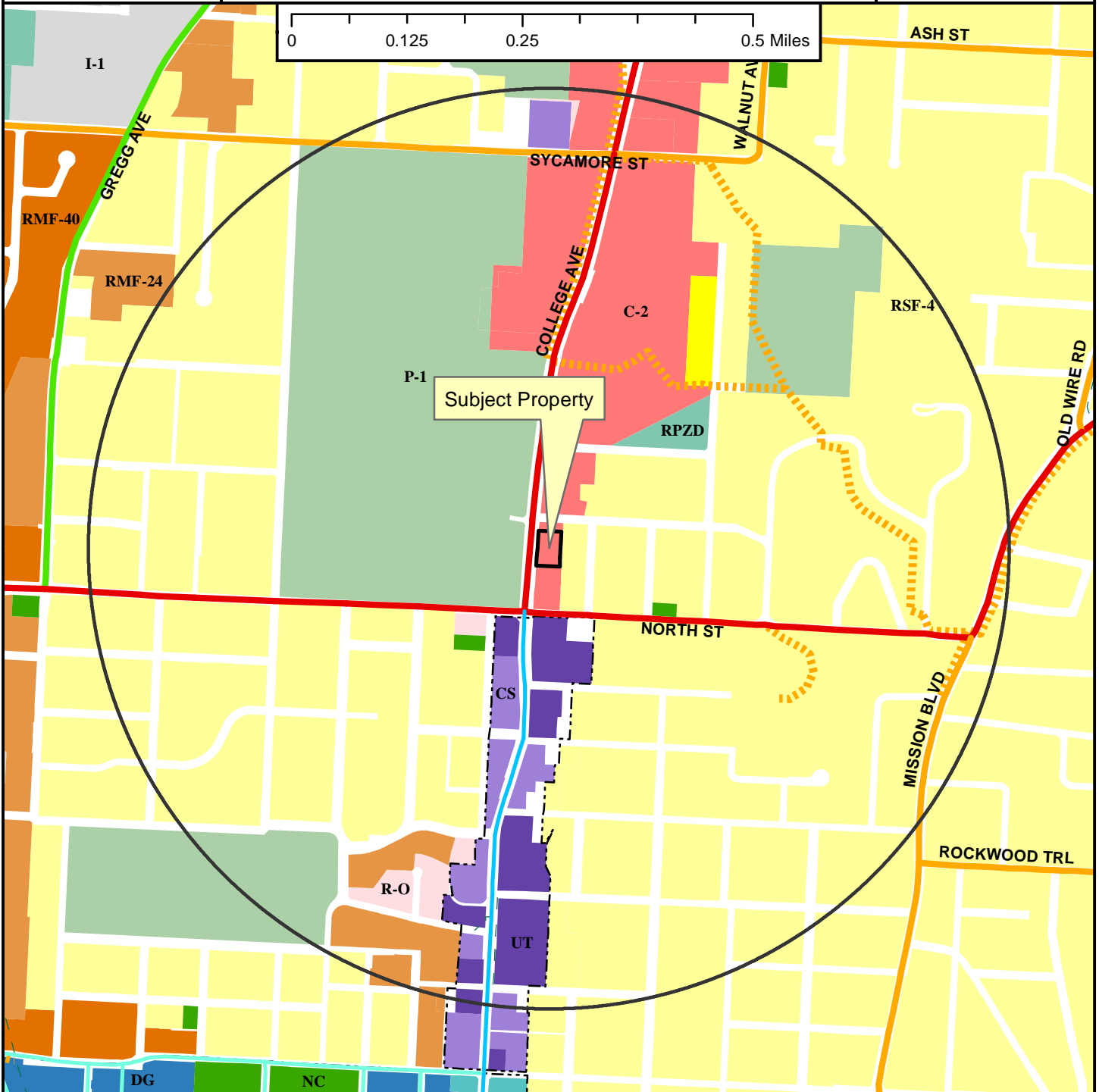
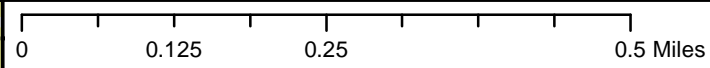
The current zoning of C-2 allows commercial buildings without size limitation that may not be compatible with the single-family residential to the east. C-2 does not allow residential uses which would limit the usability of the current property.

CS is limited to commercial buildings of 25,000 and allows single and attached residential that is more complimentary of not only the commercial thoroughfare, but also the single family neighborhood to the east.

RZN19-6747

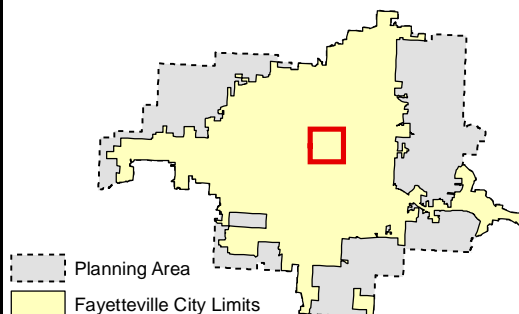
# FHA DEVELOPMENT, INC.

One Mile View



## Legend

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

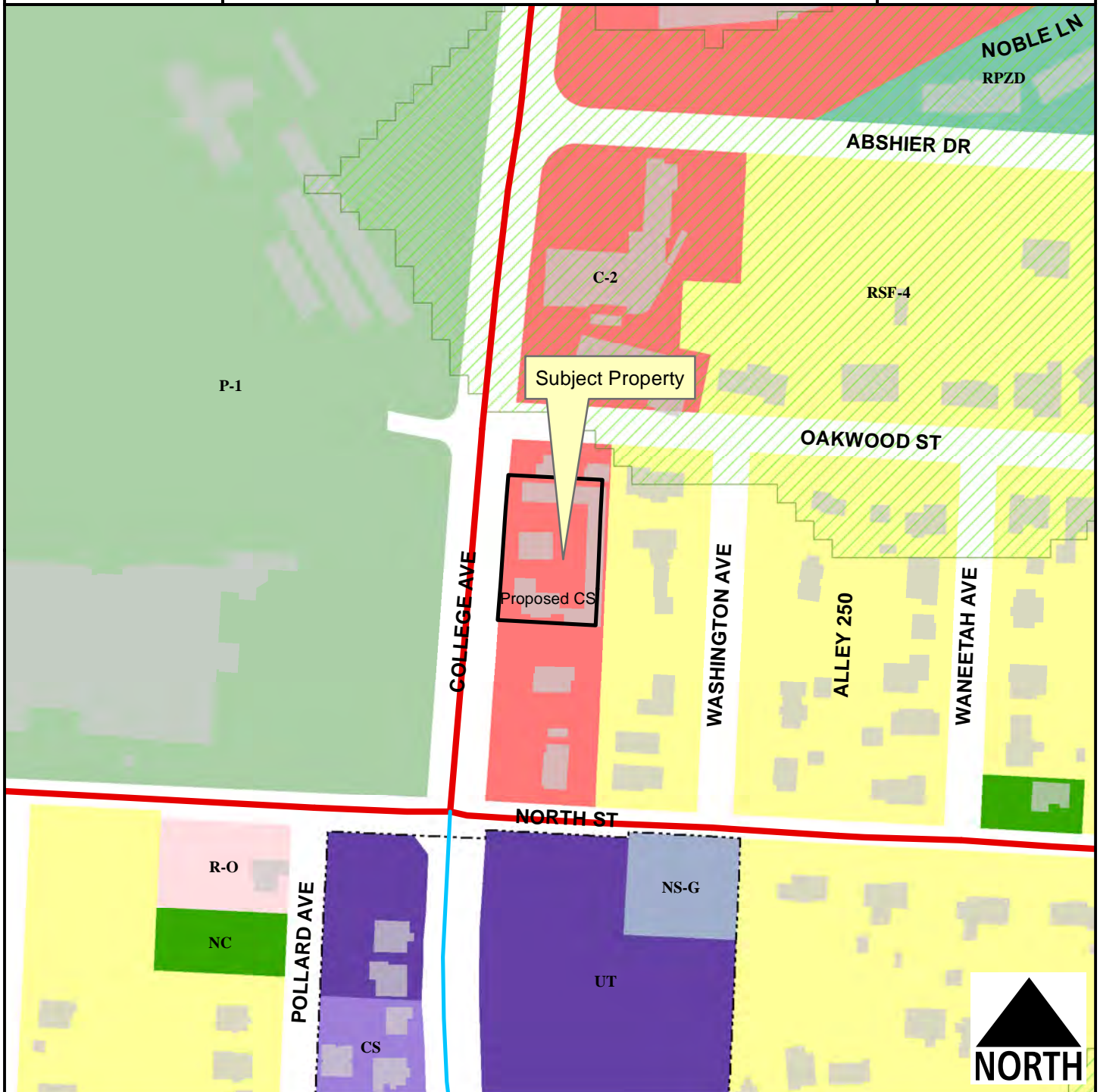


- |   |   |
|---|---|
| <b>Zoning</b><br><b>RESIDENTIAL SINGLE-FAMILY</b><br>RSF-5<br>RSF-1<br>RSF-2<br>RSF-4<br>RSF-7<br>RSF-8<br>RSF-18<br><b>RESIDENTIAL MULTI-FAMILY</b><br>RT-12 Residential Two and Three-family<br>RMF-6<br>RMF-12<br>RMF-18<br>RMF-24<br>RMF-40<br><b>INDUSTRIAL</b><br>I-1 Heavy Commercial and Light Industrial<br>I-2 General Industrial | <b>EXTRACTION</b><br>E-1<br><b>COMMERCIAL</b><br>Residential-Office<br>C-1<br>C-2<br>C-3<br><b>FORM BASED DISTRICTS</b><br>Downtown Core<br>Urban Thoroughfare<br>Main Street Center<br>Downtown General<br>Community Services<br>Neighborhood Services<br>Neighborhood Conservation<br><b>PLANNED ZONING DISTRICTS</b><br>Commercial, Industrial, Residential<br><b>INSTITUTIONAL</b><br>P-1 |
|---|---|

RZN19-6747

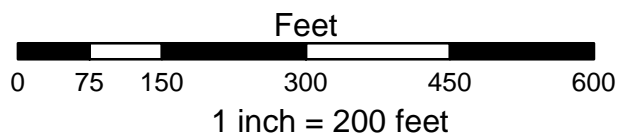
# FHA DEVELOPMENT, INC.

Close Up View



## Legend

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



## Zoning Acres

CS 0.6

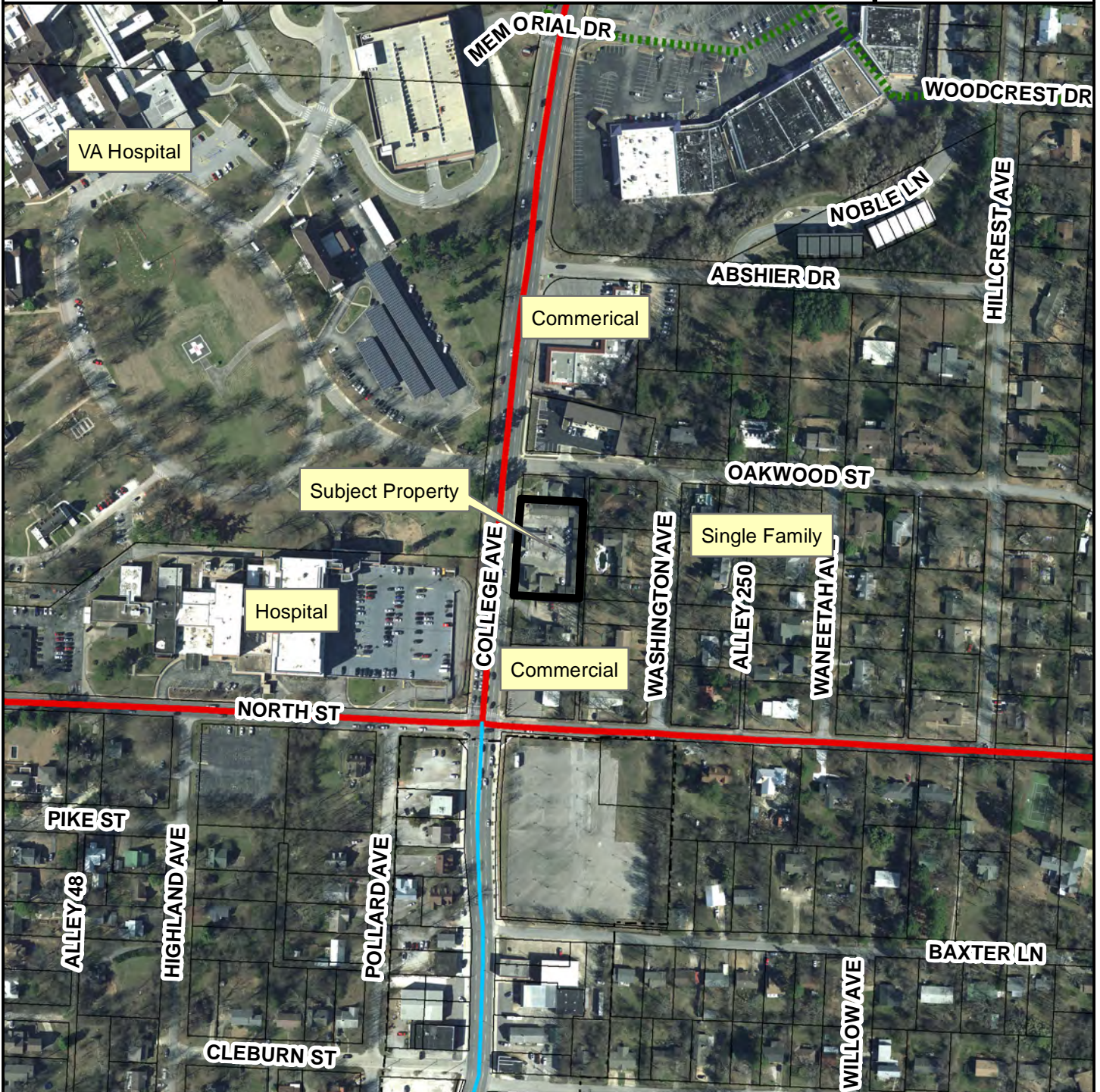
**Total 0.6**



RZN19-6747

Current Land Use

# FHA DEVELOPMENT, INC.



## Streets Existing

### MSP Class

PRINCIPAL ARTERIAL

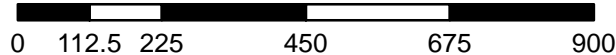
Trail (Proposed)

Planning Area

Fayetteville City Limits

Design Overlay District

Feet



1 inch = 300 feet

## FEMA Flood Hazard Data

100-Year Floodplain

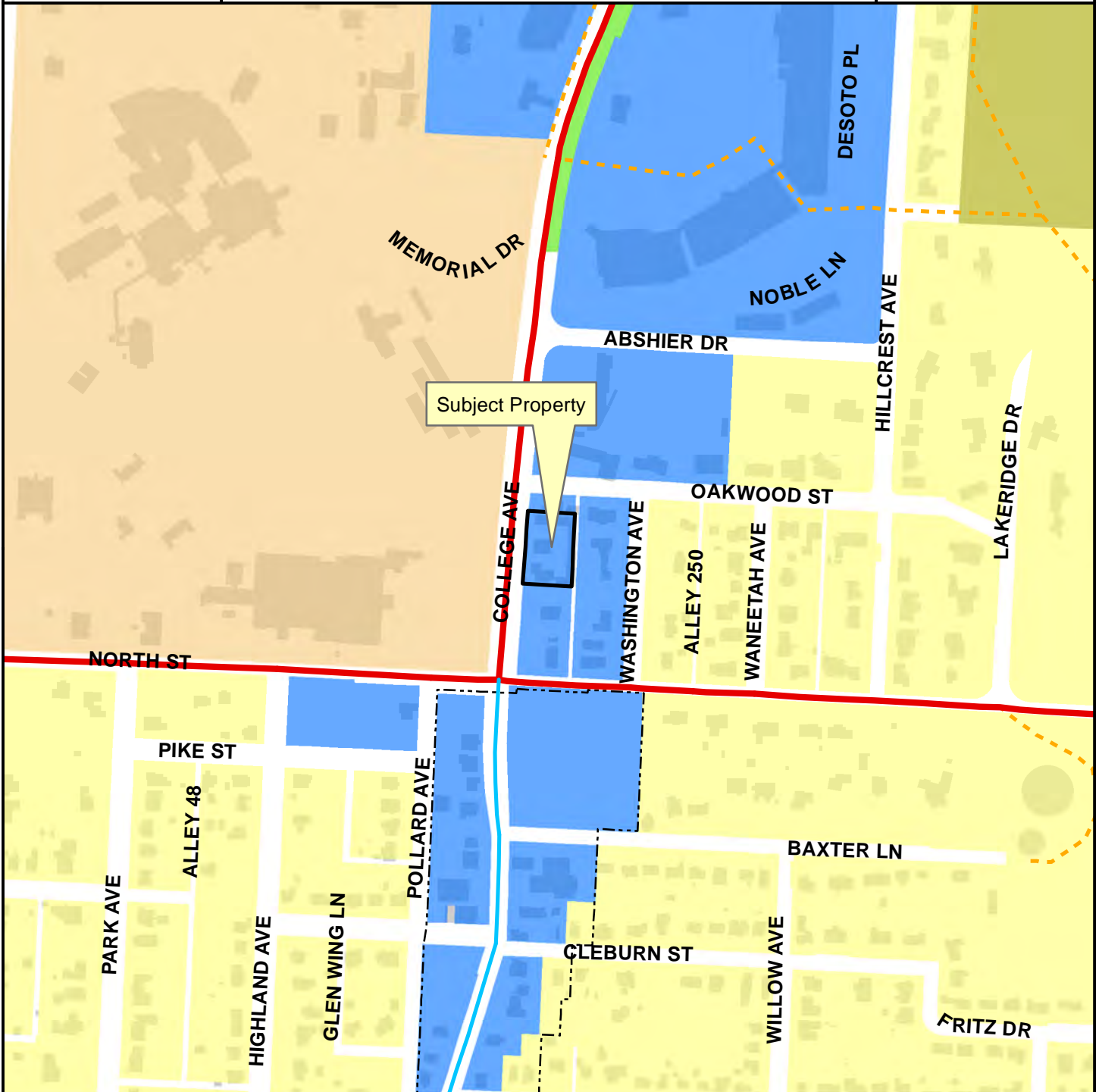
Floodway



RZN19-6747

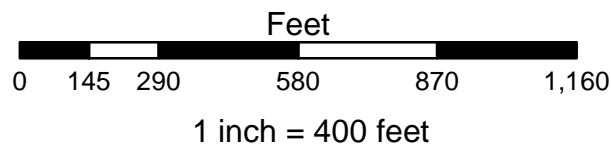
Future Land Use

# FHA DEVELOPMENT, INC.



## Legend

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



## FUTURE LAND USE 2030

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