

City of Fayetteville Staff Review Form

2019-0641

Legistar File ID

10/15/2019

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

Garner Stoll

9/27/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6810: Rezone (1961 N. PORTER RD./PARADIGM DEVELOPMENT, LLC., 363): Submitted by TRACY HOSKINS for property located at 1961 N. PORTER RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.92 acres. The request is to rezone the property to CS, Community Services.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF OCTOBER 15, 2019

TO: Mayor; Fayetteville City Council

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

FROM: Abdul Ghous, Planner

DATE: September 27, 2019

SUBJECT: **RZN 19-6810: Rezone (1961 N. PORTER RD./PARADIGM DEVELOPMENT, LLC., 363):** Submitted by TRACY HOSKINS for property located at 1961 N. PORTER RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.92 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 borders I-49 to the west and north and is across North Porter Road from University of Arkansas agricultural land to the east. The property totals approximately 0.92 acres, is zoned R-A, Residential Agricultural, and contains a single-family residential dwelling.

Request: The request is to rezone the property from R-A, Residential Agricultural to CS, Community Services. The goal is to have the best potential use for this property.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding properties. The CS, Community Services District is a better fit for this area transitioning from residential uses to the south. Bordering I-49 to the west and north justifies density in this area.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map (FLUM), which designates the subject and surrounding properties as *Residential Neighborhood Area*. The CS zoning district, with its allowance for mixed uses in a more urban pattern in a Residential Neighborhood Area is a better fit with city land use policies for complete, compact, and connected development patterns.

DISCUSSION:

On September 23, 2019, the Staff and Planning Commission suggested CS, Community Services district as the appropriate zoning and the applicant agreed to change the original request of C-2, Thoroughfare Commercial to CS, Community Services. The Planning Commission forwarded the

proposal to City Council with a recommendation for approval by a vote of 8-0-0. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

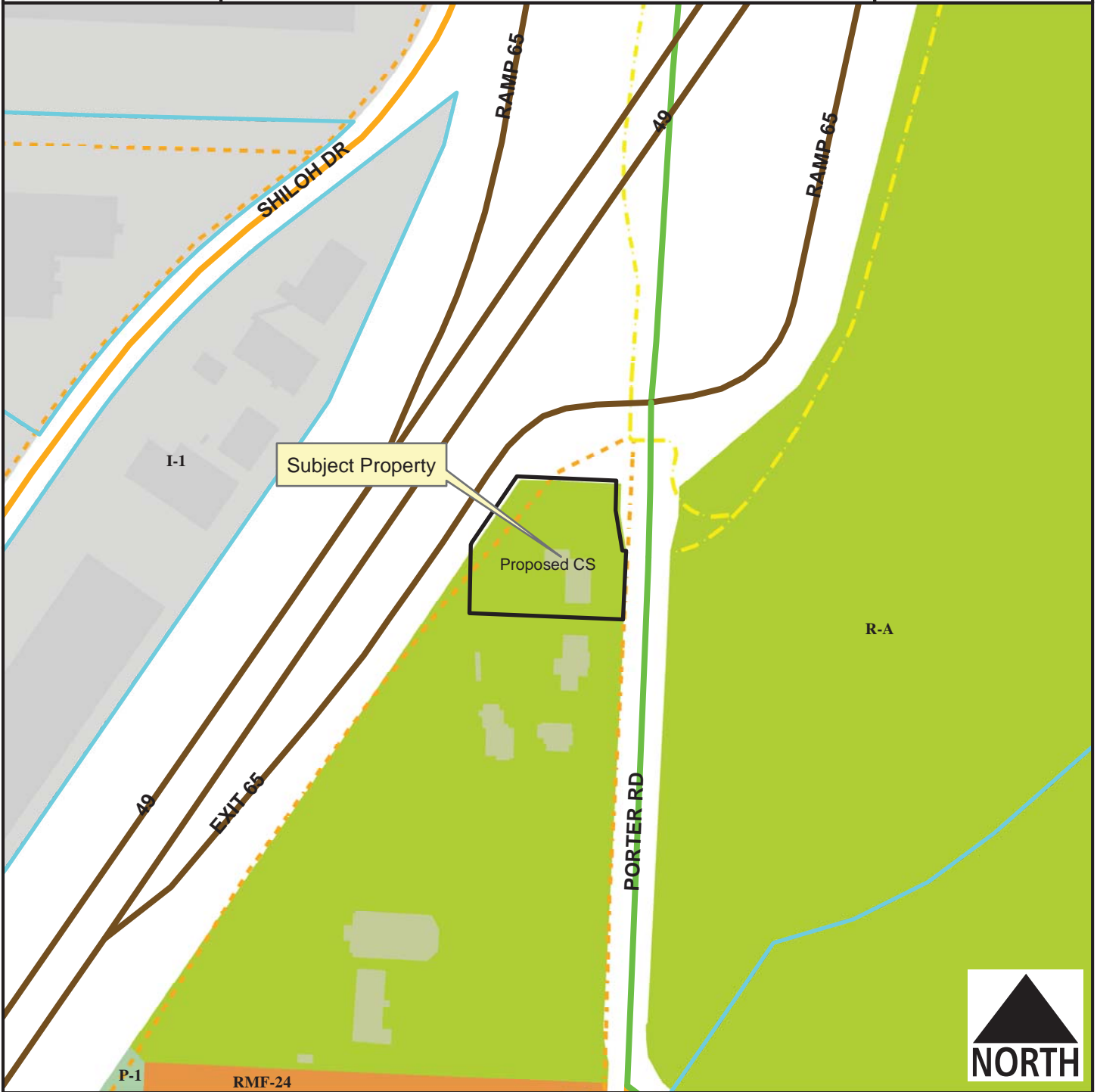
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN19-6810

PARADIGM DEVELOPMENT

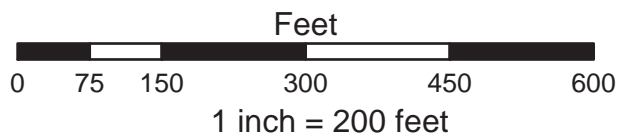
EXHIBIT
'A'

Close Up View



Legend

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



Zoning Acres

CS 0.8

Total 0.8

19-6810
EXHIBIT 'B'

Property Legal Descriptions

765-13628-100

Part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section Six (6), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas and being more particularly described as follows, to wit: Beginning at a point on the West right-of-way line of Porter road, said point being North 01 degrees 26 minutes 44 seconds East 1035.15 feet and North 88 degrees 48 minutes 28 seconds West 30.00 feet from the Southeast corner of said forty acre tract, and running along a garden fence North 88 degrees 48 minutes 28 seconds West 211.78 feet; thence continuing along said fence line North 94.04 feet; thence continuing along said fence line South 88 degrees 56 minutes 53 seconds East 214.15 feet to the West right-of-way line of said Porter Road; thence along said right-of-way line South 01 degree 26 minutes 44 seconds West 94.54 feet to the point of beginning, containing 0.46 of an acre, more or less. Subject to the right-of-way of Porter Road along the East side thereof.

Subject to easements, right-of-ways, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

765-13634-000

TRACT 4: A part of the SE1/4, SE1/4, Section 6, T-16-N, R-30-W, described as beginning at a point N 01-26-44 E 1035.15 feet and N 88-48-28 W 15.00 feet of the SE Corner of said 40 acre tract; thence N 01-26-44 E 94.54 feet; thence N 88-56-53 W 214.15 feet; thence N 25-45-29 E 3.72 feet to a Highway Right-of-way marker; thence N 33-07-32 E 109.74 feet; thence S 88-47-47 E 137.12 feet; thence S 00-27-00 W 41.00 feet; thence S 10-46-49 E 51.00 feet; thence N 00-29-13 E 90.90 feet; thence S 88-47-47 E 22.87 feet; thence S 01-26-44 W 190.52 feet to the Point of Beginning, containing 0.46 acres, more or less,

Fayetteville, Washington County, Arkansas.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Abdul R. Ghous, Planner

MEETING DATE: September 23, 2019 **PC Forwarded 9.24.2019**

SUBJECT: **RZN 19-6810: Rezone (1961 N. PORTER RD./PARADIGM DEVELOPMENT, LLC., 363):** Submitted by TRACY HOSKINS for properties located at 1961 N. PORTER RD. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL and contain approximately 0.92 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL.

RECOMMENDATION:

Staff recommends denial of RZN 19-6810 based on the findings discussed throughout this report. Staff would recommend in favor of rezoning the property to CS, Community Services.

RECOMMENDED MOTION:

"I move to deny RZN 19-6810."

BACKGROUND:

The subject property borders I-49 to the west and north and is across north Porter Road from University of Arkansas agricultural land to the east. The property totals approximately 0.92 acres, is zoned R-A, Residential Agricultural, and contains a single-family residential dwelling. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	I-49	N/A
South	Single-family residential	R-A, Residential Agricultural
East	Single-family residential	R-A, Residential Agricultural
West	Industrial	I-1, Heavy Commercial and Light Industrial

Request: The request is to rezone the parcel from R-A, Residential Agricultural to C-2, Thoroughfare Commercial. The goal is to rezone the property and have the best potential use for this parcel.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE:

Streets: The subject area has frontage to North Porter Road. North Porter Road is an unimproved Minor Arterial with asphalt paving and open ditches along the subject

area's frontage. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to these parcels. An existing 12-inch watermain is present along the east side of the subject area that can serve these parcels.

Sewer: Sanitary sewer is available to these parcels. An existing 6-inch sanitary sewer main is present within North Porter Road on the east side of both parcels that can serve the subject area.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA regulated floodplains. There are no protected streams present in the subject parcel. No portion of this parcel lies within the Hillside-Hilltop Overlay District. No portion of this property contains Hydric soils.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. The site will be protected by Station 2, located at 708 N Garland. The property is located approximately 1.9 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department expressed no concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

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:*** Although some commercial uses may be generally compatible with the subject property, the intensity and breadth of uses within the requested C-2 zoning district are not appropriate or compatible at this location. The CS, Community Services District is a better fit for this area transitioning from residential uses to the south.

Land Use Plan Analysis: The proposed zoning is not consistent with the

Future Land Use Map (FLUM), which designates the subject and surrounding properties as *Residential Neighborhood Area*. The C-2 zoning district, with its allowance for a wide array of heavy commercial uses in a suburban pattern in a Residential Neighborhood Area is incongruous with city land use policies for complete compact, and connected development patterns.

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 not justified or needed to accommodate development of the property in accordance with goals outlined in the city's comprehensive or neighborhood plans. The proposed zoning district does not encourage development in a traditional town form and is intended to provide retail goods and services to highway travelers rather than for persons living in the surrounding residential areas. At this location, the C-2 zoning district will not act as a connection between lower- and greater-density areas, as would be appropriate given the future land use map, but may act as a new node of highway commercial strip development. Further, the property could reasonably be utilized under CS, Community Services zoning, which is a mixed-use zoning that allows convenience goods and personal services as well as residential uses.

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

Finding: Given the permitted uses under the proposed C-2 zoning district, an increase in traffic is possible when compared to the existing R-A zoning. While the R-A zoning district does permit residential uses, the C-2 allows a wide range of non-residential uses of varying scale and intensity. Any proposed development would be required to comply with the City's access management ordinance, including its provisions to design safe vehicular and pedestrian interactions. Given this property's close proximity to I-49 and Porter Road adverse traffic congestion is not anticipated.

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: Given the lack of permitted residential uses in the C-2 zoning district, it is unlikely that development under the requested rezoning will adversely increase population densities, nor is it likely to create an undesirable load on other public services. That said, the intensity of non-residential development under the C-2 zoning district is much greater than under the existing R-A zoning district, and some non-residential uses can have greater impacts on City facilities than residential uses. The Police and Fire Departments have expressed no objections to the proposal.

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 denial of RZN 19-6810. If the applicant is agreeable, staff would recommend rezoning the property to CS, Community Services.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 23, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Johnson	Motion forwarded to City Council with a recommendation of approval.		
Second: Canada	Note: Rezoning R-A to CS, Community Services, as recommended by staff, applicant agreed to change the request to CS zoning district.		
Vote: 8-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 - District R-A, Residential Agricultural
 - §161.23 - District C-2, Thoroughfare Commercial
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 - District R-A, Residential-Agricultural

(A) *Purposes* . The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses* .

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional Uses* .

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. [5945](#), §3, 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
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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)

Rezoning Statement, 1965 N Porter Road -

Paradigm Development Enterprises Inc. requests the rezoning of the .92 mol acres at 1965 North Porter Road (which lies between Interstate 49 and N. Porter Road), from the current RA zoning to C2. The parcel numbers included on the proposed rezoning are 765-13628-100 and 765-13634-000.

Over many years this area of Fayetteville has grown around this property and access has subsequently changed to the point that it is not viable to maintain the current residential zoning. The reason for this request is to move the property to a zoning that now represents the land's highest and best use potential along Interstate Highway I-49.

The proposed rezoning is bordered by I-49 to the west and north, across N Porter Road from University of Arkansas agricultural land to the east, and adjacent to aged rental property to the south. It is unlikely the U of A property across N Porter Road will ever be developed. The property is in an area of older multifamily housing in need to nearby services. Right across N Porter Road from the city's Meadow Valley trail, commercial property at the exit ramp from I-49 could help fulfill that need, and therefore the rezoning is compatible for the area.

Though the local infrastructure is more than adequate, due to the relatively small size of the parcels, any large scale commercial development would not be possible and therefore the proposed zoning would not appreciably increase traffic.

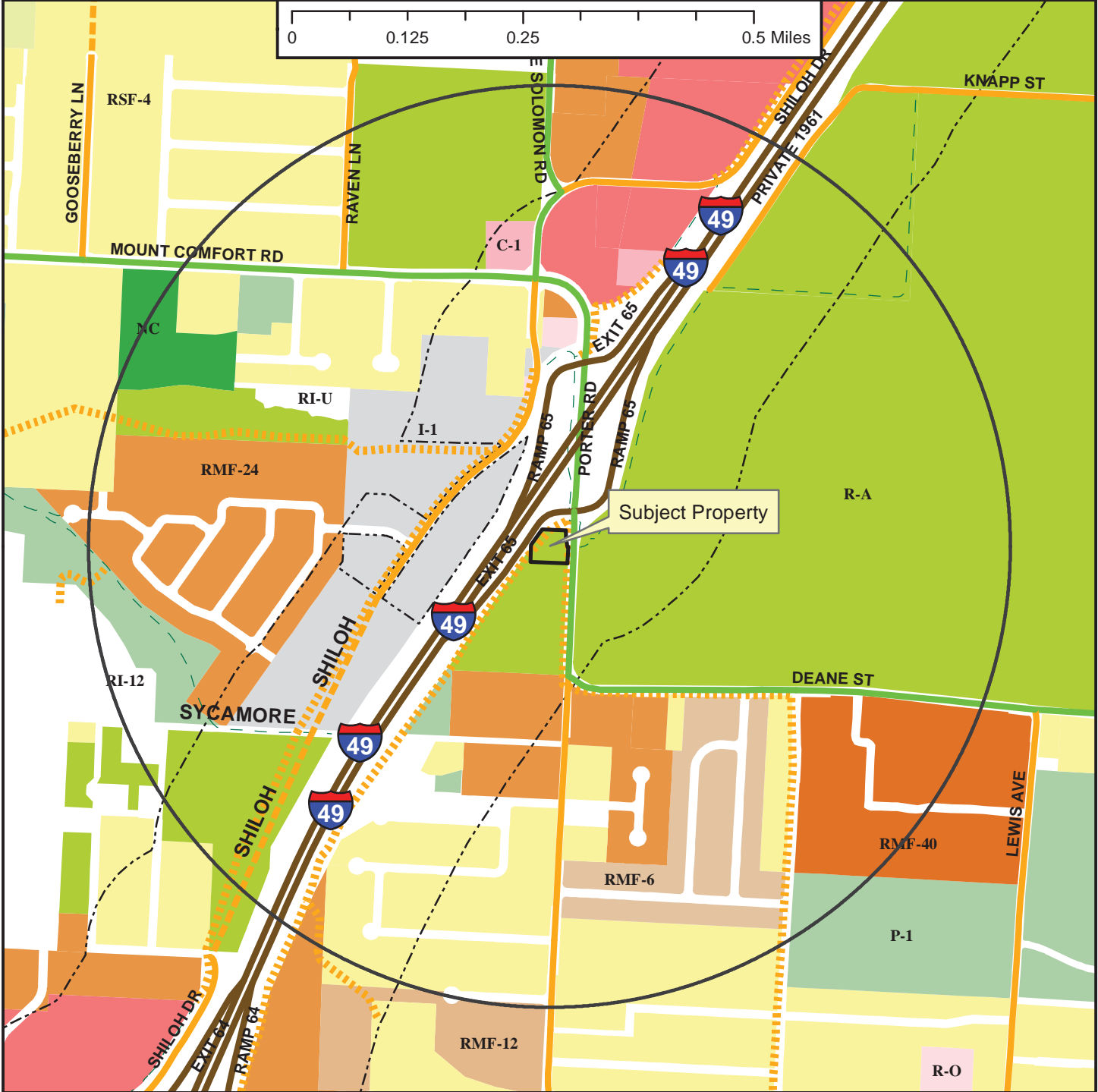
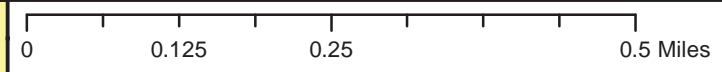
Thank you,

Paradigm Development Enterprises, Inc.

RZN19-6810

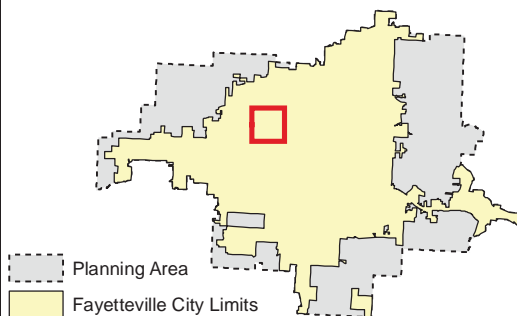
PARADIGM DEVELOPMENT

One Mile View



Legend

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

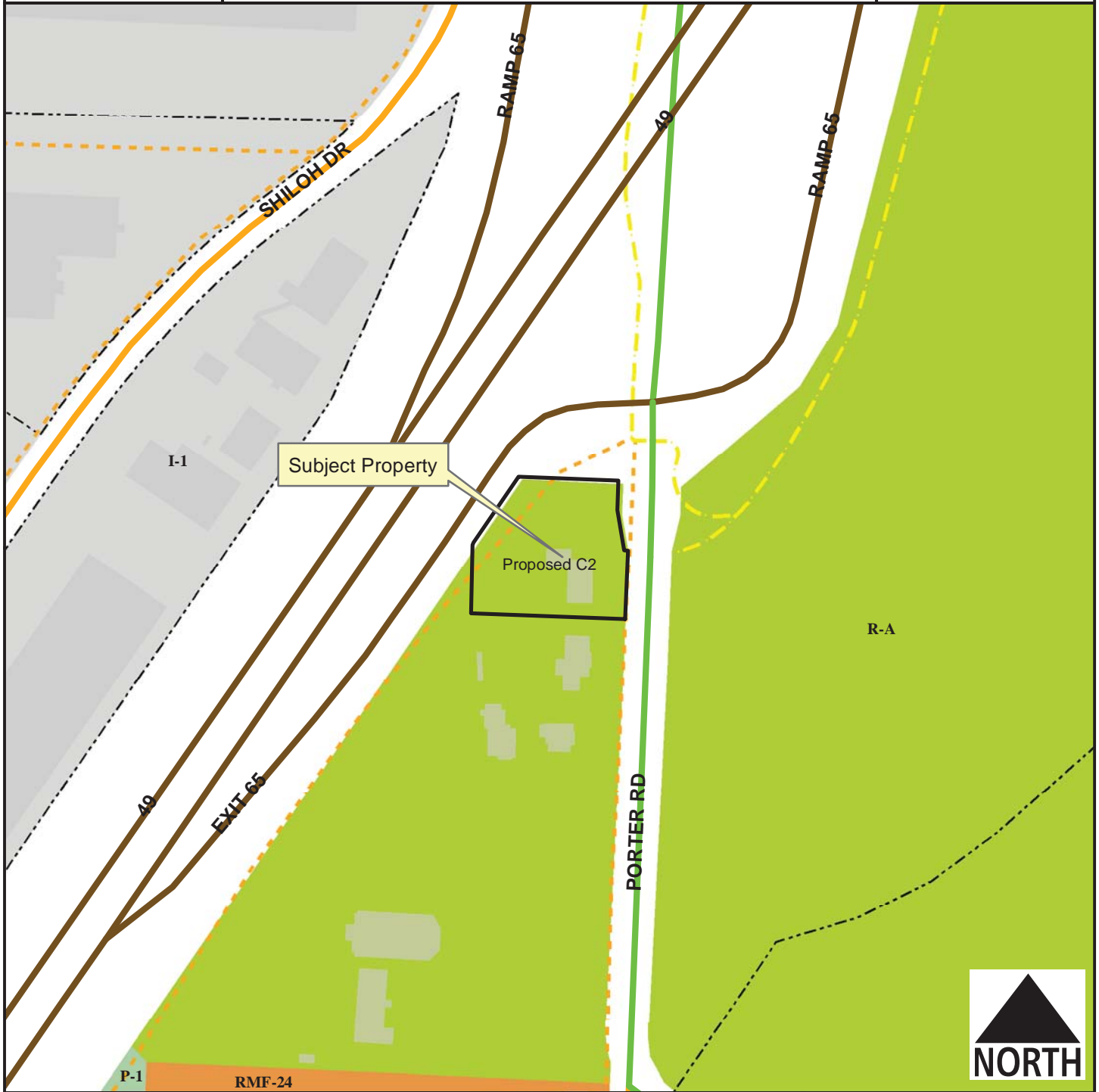


- | | |
|---|---|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> Residential-Agricultural RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RT-12 Residential Two and Three-family RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial I-2 General Industrial | <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> Residential-Office C-1 C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
|---|---|

RZN19-6810

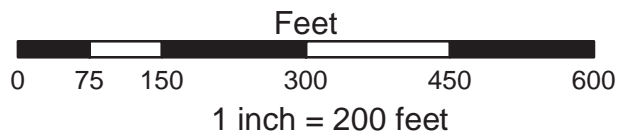
PARADIGM DEVELOPMENT

Close Up View



Legend

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



Zoning	Acres
C2	0.8
Total	0.8

RZN19-6810

PARADIGM DEVELOPMENT

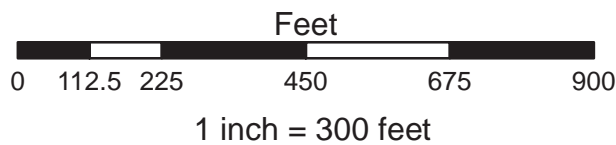
Current Land Use



- Streets Planned**
MSP Class
- COLLECTOR
- Streets Existing**
MSP Class
- COLLECTOR
 - FREEWAY/EXPRESSWAY
 - MINOR ARTERIAL
 - Shared Use Paved Trail
 - Trail (Proposed)
- Planning Area
 - Fayetteville City Limits
 - Design Overlay District

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



RZN19-6810

PARADIGM DEVELOPMENT



Future Land Use



Legend

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

FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Industrial
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government

