City of Fayetteville Staff Review Form

2020-0406

Legistar File ID

6/2/2020

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

		N/A for Non-Agenda Item		
Garner Stoll		5/15/2020	CITY PLANNIN	G (630)
Submitted By S		Submitted Date	Division / Dep	artment
	Acti	ion Recommendation:		
RZN 20-7074: Rezone (SOUTH OF 421 INC. for property located SOUTH OF 4 COMMERCIAL and contains approxim SERVICES.	1210 N. FF	RONTAGE RD. The property is zor	ed C-2, THOROUG	HFARE
		Budget Impact:		
Account Number	er		Fund	
Project Numbe	r		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	\$	-
Purchase Order Number:		Previous Ordinance	or Resolution #	V20180321
Change Order Number:		Approval Date:	_	
Original Contract Number:				

Comments:



CITY COUNCIL MEMO

MEETING OF JUNE 2, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff

Garner Stoll, Development Services Director

FROM: Jonathan Curth, Development Review Manager

DATE: May 15, 2020

SUBJECT: RZN 20-7074: Rezone (SOUTH OF 4210 N. FRONTAGE RD./LINDSEY, 135):

Submitted by CRAFTON TULL ENGINEERS, INC. for property located SOUTH OF 4210 N. FRONTAGE RD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.81 acres. The request is to rezone

the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains 0.81 acres on the east side of North Frontage Road, approximately one-fifth of a mile northeast of College Avenue's intersection with Joyce Boulevard. The property includes two discrete parcels that are undeveloped, with the southernmost including an access drive to the larger 6.40-acre property to the east.

Request: The request is to rezone the property from C-2, Thoroughfare Commercial, to CS, Community Services. The applicant has not shared specific development plans other than to say that approval of this request will allow for a logical and coherent development in association with the property to the east that is currently zoned CS.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of commercial, office, and multi-family land uses to the north, south, and west. An amendment to the zoning map to CS zoning would allow for residential density and potential for commercial and mixed-uses in this transitional area between purely commercial and residential property.

Land Use Plan Analysis: Staff finds the proposed rezoning is consistent with many of the goals and tenets of City Plan 2040 and the property's Future Land Use Map designation of Urban Center Area. Primary tenets of City Plan 2040 include encouraging appropriate infill, promoting transportation opportunities, and building complete neighborhoods. Approval of the CS zoning district at this location addresses each of these through permitting a broad array of residential and nonresidential uses in an area with access to transit, trails, sidewalks, and public services. By creating the potential for housing in addition to services in a major node of Fayetteville, existing

and prospective residents can live, work, and recreate with limited vehicle-dependence. Additionally, and as a compliment to other City goals, the proposed zoning can reduce the pressure for peripheral, sprawl development that stretches municipal infrastructure liabilities while increasing vehicle miles travelled.

City Plan 2040's Infill Matrix indicates a score of eight for the subject property. The following elements of the matrix contribute to the score:

- Appropriate Future Land Use Map (Urban Center Area/71B Corridor)
- Near a Grocery Store (Natural Grocers)
- Near ORT Bus Stop (Route 10 & 30)
- Near Razorback Transit Bus Stop (Bus 20)
- Near Trail (Mud Creek & Lake Fayetteville)
- Near Park (Veterans Park/Lake Fayetteville)
- Near Water Main (Frontage Road)
- Near Sewer Main (Frontage Road)
- Note: The property is within the matrix's prescribed distance from Hass Hall, but this is not classified as a public school.

DISCUSSION:

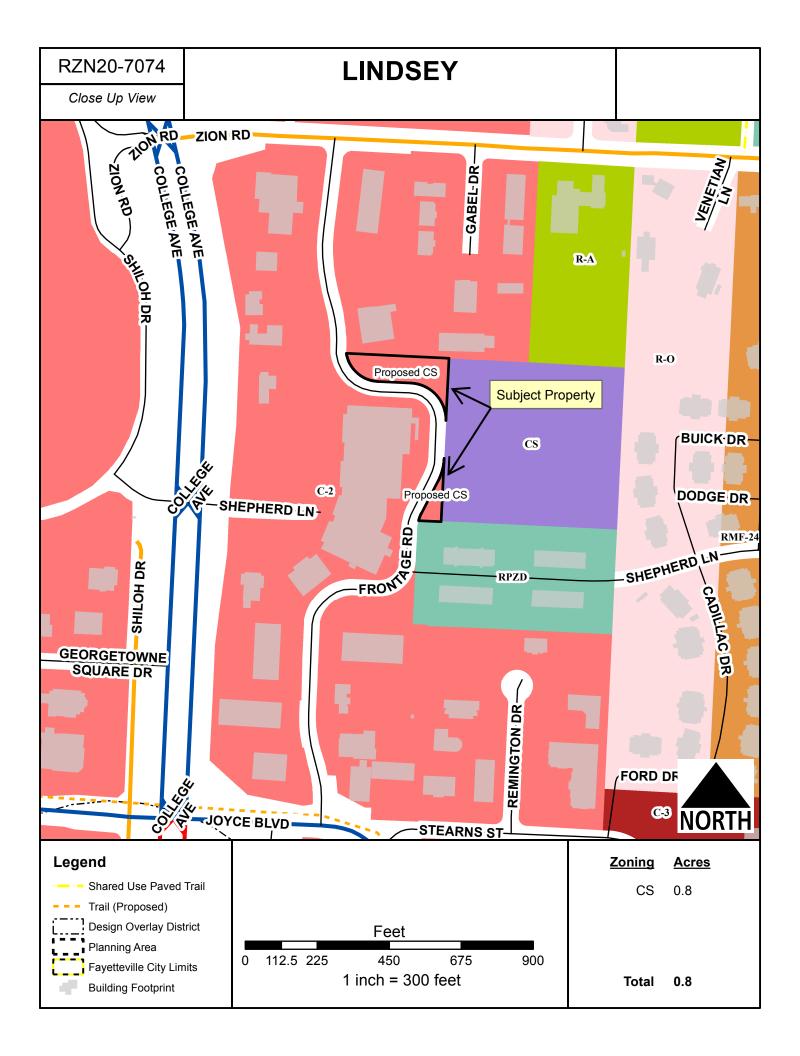
On May 11, 2020, the Planning Commission forwarded the rezoning request to the City Council with a recommendation of approval. The Commission voted unanimously in favor of the motion and no public comment was presented.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



PART OF NORTHWEST VILLAGE ADDITION, AS PER PLAT RECORD 14-70 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST VILLAGE ADDITION;

THENCE ALONG THE EAST LINE THEREOF S02°44'22"W 198.00 FEET TO THE EASTERLY RIGH-OF-WAY OF NORTH FRONTAGE ROAD;

THENCE ALONG SAID EASTERLY RIGHT-OF WAY THE FOLLOWING THREE COURSES:

THENCE 180.64 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 115.00 FEET AND A LONG CHORD OF N42°15'38"W 162.63 FEET;

THENCE N87°15'38"W 103.07 FEET;

THENCE 142.78 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 105.00 FEET AND A LONG CHORD OF N48°18'28"W 132.03 FEET TO THE NORTH LINE OF SAID NORTHWEST VILLAGE ADDITION; THENCE ALONG SAID NORTH LINE S87°15'38"E A DISTANCE OF 320.74 FEET TO THE POINT OF BEGINNING, CONTAINING 0.63 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

ALSO

PART OF NORTHWEST VILLAGE ADDITION, AS PER PLAT RECORD 14-70 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST VILLAGE ADDITION;

THENCE ALONG THE EAST LINE THEREOF S02°44'22"W 313.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EAST LINE S02°44'22"W 198.20 FEET;

THENCE N87°15'38"W 70.38 FEET TO THE EASTERLY RIGH-OF-WAY OF NORTH FRONTAGE ROAD; THENCE ALONG SAID EASTERLY RIGHT-OF WAY THE FOLLOWING THREE COURSES:

THENCE 26.24 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 125.00 FEET AND A LONG CHORD OF N21°22'30"E 26.19 FEET:

THENCE N27°22'58"E 110.50 FEET;

THENCE 75.25 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 175.00 FEET AND A LONG CHORD OF N15°03'45"E 74.67 FEET TO THE POINT OF BEGINNING, CONTAINING 0.14 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

MEETING DATE: May 11, 2020 (Updated with Planning Commission Results)

SUBJECT: RZN 20-7074: Rezone (SOUTH OF 4210 N. FRONTAGE RD./LINDSEY,

135): Submitted by CRAFTON TULL ENGINEERS, INC. for property located SOUTH OF 4210 N. FRONTAGE RD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.81 acres. The request is to rezone the property to CS, COMMUNITY

SERVICES.

RECOMMENDATION:

Staff recommends forwarding RZN 20-7074 to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward RZN 20-7074 to City Council with a recommendation for approval."

BACKGROUND:

The subject property contains 0.81 acres on the east side of North Frontage Road, approximately one-fifth of a mile northeast of College Avenue and Joyce Boulevard. The property includes two discrete parcels that are undeveloped, with the southernmost including an access drive to the larger 6.40-acre property to the east. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Retail Service	C-2, Thoroughfare Commercial
South	Multi-family Residential	R-PZD, Residential Planned Zoning District
East	Undeveloped	CS, Community Services
West	Multi-tenant Commercial Strip Development	C-2, Thoroughfare Commercial

Request: The request is to rezone the property from C-2, Thoroughfare Commercial, to CS, Community Services. The applicant has not shared specific development plans other than to say that approval of this request will allow for a logical and coherent development in association with the property to the east that is currently zoned CS.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The property has frontage on North Frontage Road, a fully-improved Residential

Link with asphalt paving, curb and gutter, greenspace, and sidewalk along the length of the property's frontage. Any street improvements required in these areas

would be determined at the time of development proposal.

Water: Public water is available to the subject area. An existing 8-inch water main is

present along North Frontage Road.

Sewer: Sanitary Sewer is available to the subject area. Existing 8-inch sanitary sewer

main is present along North Frontage Road.

Drainage: The property is not within the Hillstop-Hillside Overlay District, a FEMA-designated

floodplain, or streamside protection zone, and hydric soils are not present. Any additional improvements or requirements for drainage will be determined at time

of development.

Fire: The property is protected by Station 4, located at 3385 North Plainview, which is

approximately 1.4 miles away with an anticipated drive time of approximately 5

minute using existing streets. The anticipated response time would be

approximately 7.2 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 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Urban Center Area**.

Urban Center Areas contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. These areas accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean technology industry, and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility. Although Urban Center Areas recognize the conventional big box and strip retail centers existing along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8** for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents a score of **11**. The following elements of the matrix contribute to the score:

- Appropriate Future Land Use Map (Urban Center Area/71B Corridor)
- Near a Grocery Store (Natural Grocers)
- Near ORT Bus Stop (Route 10 & 30)
- Near Razorback Transit Bus Stop (Bus 20)
- Near Trail (Mud Creek/Lake Fayetteville)
- Near Park (Veterans Park/Lake Fayetteville)
- Near Water Main (Frontage Road)
- Near Sewer Main (Frontage Road)
- Note: The property is within the matrix's prescribed distance from Hass Hall, but this is not classified as a public school.

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 the surrounding mixture of commercial, office, and multi-family land uses to the north, south, and west. An amendment to the zoning map to CS zoning would allow for residential density and potential for commercial and mixed-uses in this transitional area between purely commercial and residential property.

Land Use Plan Analysis: Staff finds the proposed rezoning is consistent with many of the goals and tenets of City Plan 2040 and the Future Land Use Map designation of Urban Center Area. Primary tenets of City Plan 2040 include encouraging appropriate infill, promoting transportation opportunities, and building complete neighborhoods. Approval of the CS zoning district at this location addresses each of these through permitting a broad array of residential and nonresidential uses in an area with access to transit, trails, sidewalks, and public services. By creating the potential for housing in addition to services in a major node of Fayetteville, existing and prospective residents can live, work, and recreate with limited vehicle-dependence. Additionally, and as a compliment to other City goals, the proposed zoning can reduce the pressure for peripheral, sprawl development that stretches municipal infrastructure liabilities while increasing vehicle miles travelled.

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

Finding:

Staff agrees with the applicant's assertion that the requested rezoning is necessary to develop the subject property in conjunction with the undeveloped land to the east. The conflicting patterns of the two zoning districts may result in development that is disjointed and not complimentary to the streetscape or area.

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 Frontage Road, a Residential Link. Despite the proposed CS zoning district allowing residential uses where the existing C-2 zoning does not, the mixed-use allowances of the CS district and the proximity of the property to many nonresidential services will facilitate reduced need for vehicle trips. Additionally, Frontage Road is a fully-improved public street with adequate vehicle and pedestrian facilities. Regarding traffic danger, three traffic accidents were logged on Frontage Road between 2015 and 2017, with only one immediately adjacent to the subject property, suggesting that a hazard does not currently exists.

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:

Rezoning the property to CS may lead to an increased density over the current C-2. However, there are adequate water and sanitary sewer services to support development. Additionally, neither the Police or Fire Departments, nor the Fayetteville Public School District expressed concerns with the rezoning.

- 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 20-7074 to the City Council with a recommendation for approval.

PLANNING COMMISS	ON ACTION:	Required	YES		
Date: <u>May 11, 2020</u>	□ Tabled	⊠ Forwar	ded	□ Denied	
Motion: Belden					
Second: Hoffman					
Vote: 9-0-0					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.22 CS, Commercial Services
 - o §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 40	Sidewalk Cafes
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 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.

<u>. , , </u>	
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.

(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. $\underline{5800}$, $\S1(\text{Exh. A})$, 10-6-15; Ord. No. $\underline{5921}$, $\S1$, 11-1-16; Ord. No. $\underline{5945}$, $\S5$, 7—9, 1-17-17; Ord. No. $\underline{6015}$, $\S1(\text{Exh. A})$, 11-21-17; Ord. No. $\underline{6223}$, $\S1$, 9-3-19)

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 40	Sidewalk Cafes
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 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*
-------------------------	------------

- * 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. Accessory ground mounted solar energy systems shall not be considered buildings.
- (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, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-2019)



March 27, 2020

Request Letter

City of Fayetteville Planning Department 125 West Mountain St. Fayetteville, AR 72701

Re: Links at Fayetteville Rezoning Request

Dear Planning Staff,

On behalf of our client, Links at Fayetteville a Limited Partnership, please consider this correspondence as an official request to rezone Parcel 765-20260-001, approximately 0.7 acres east of, and adjacent to Frontage Road, north of East Shepherd Lane from C-2 to CS.

This parcel is immediately adjacent to a 6.4 acre parcel owned by a separate Limited Partnership, but ultimately the same family. The adjacent 6.4 acres is currently zoned CS. This requested action would "clean up" the zoning map and ultimately create one area of 7.1 acres all zoned CS.

If approved, this action will not unreasonably adversely affect or conflict with surrounding land uses.

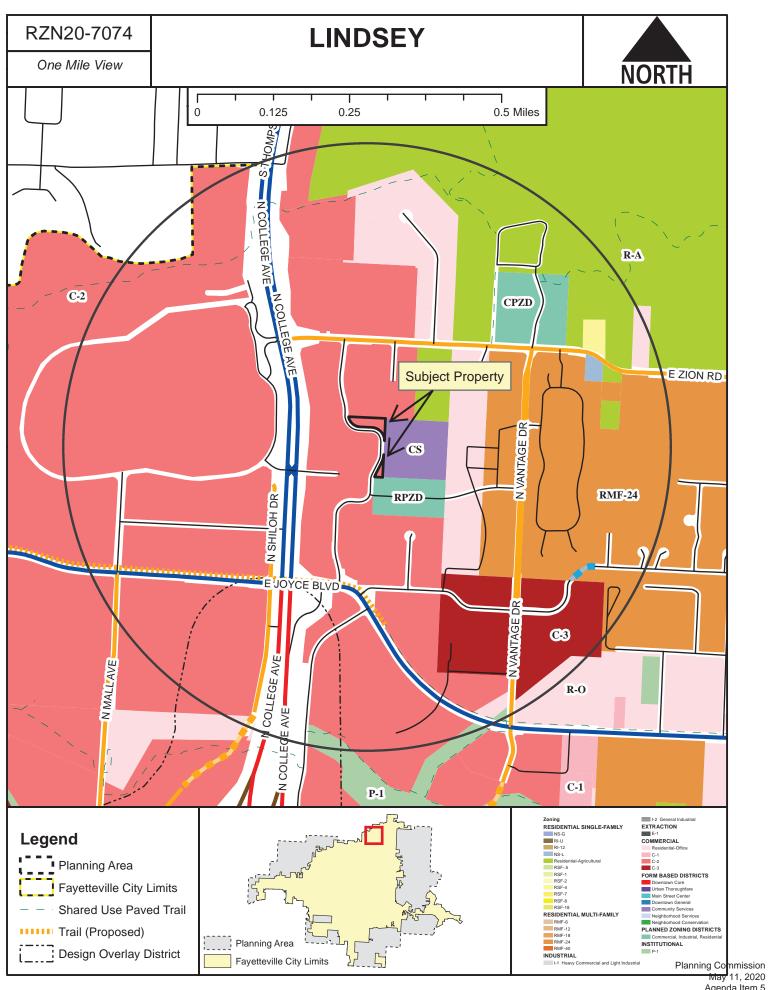
We appreciate your favorable recommendation.

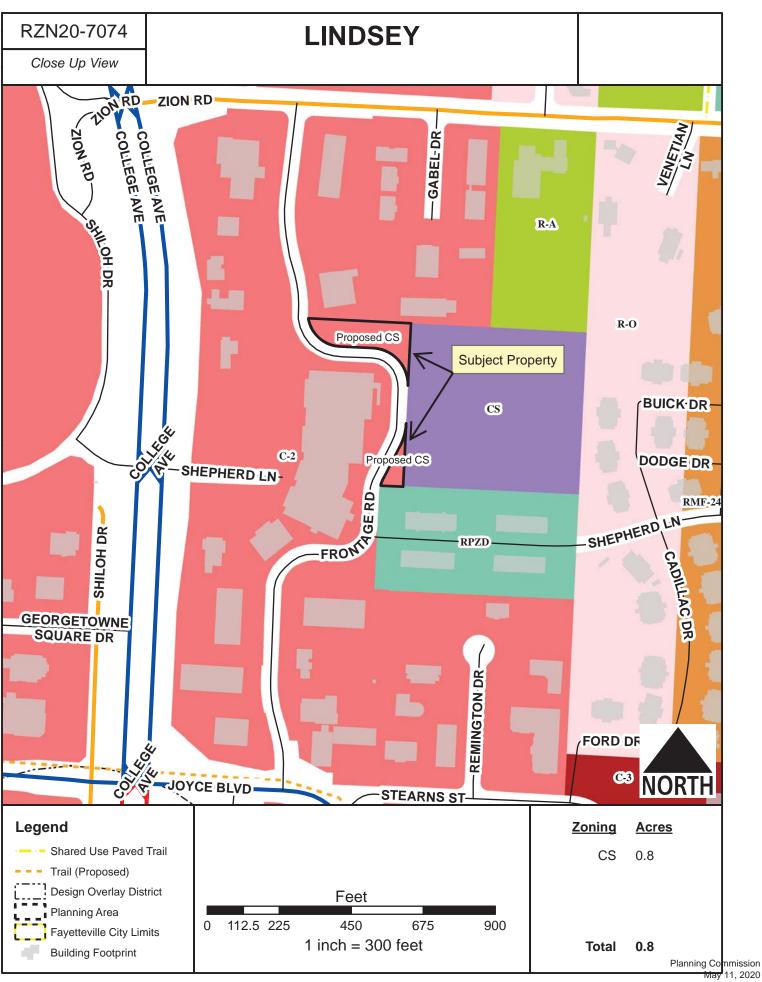
Sincerely,

Thomas A. Hennelly, PE

Vice President Crafton Tull

Exhibit A





RZN20-7074

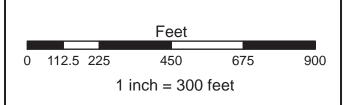
Current Land Use

LINDSEY





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



FEMA Flood Hazard Data



Planning Commission May 11, 2020

