



MEETING OF NOVEMBER 7, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

DATE:

SUBJECT: **RZN-2023-0028: Rezoning (150 N. SKYLINE DR, UNIT 22/MOUNT SEQUOYAH CENTER INC, 486): Submitted by EMILY GENTRY for property located at 150 N. SKYLINE DR, UNIT 22 in WARD 1. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.14 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.**

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 is in east Fayetteville on Mount Sequoyah and is the site of the Mount Sequoyah Center. The overall property, including the requested rezoning for the 0.14-acre portion, is approximately 26 acres and zoned P-1, Institutional. Established as a Methodist Episcopal Church training and events center in 1922, Mount Sequoyah Center transitioned to a secular cultural and events space in 2016. Earlier in 2023, a Planned Zoning District was proposed for the 26-acre site in its entirety, but the applicant withdrew that request after receiving feedback from the surrounding community. The previously-requested PZD was never heard by the Planning Commission or City Council.

Proposal: The request is to rezone 0.14 acres of the property from P-1, Institutional to NS-G, Neighborhood Services – General.

Public Comment: Staff received public comment in support of the request to rezone a small portion of the site to allow for a coffee shop. Staff received public comment in opposition to the request as a Planned Zoning District; that public comment is not included due to the nature of the new application.

Land Use Compatibility: Staff finds the request to be compatible with the surrounding context. The organization, as it currently operates, is classified as Use Unit 4, a Cultural and Recreational Facility. This designation allows the property to host the existing cultural and recreational events that it does, such as weddings, camps, and art shows. Those uses generally draw members (and traffic) from the general public. However, due to the property's institutional zoning district, Mount Sequoyah has not been opened up for commercial uses or other businesses, aside from a fitness center (also classified as Use Unit 4 in zoning code). From a use perspective, the uses allowable in the proposed zoning district are largely compatible with

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the existing uses on the property. Limited in scale to a building 8000 sq. ft. or less, Use Unit 12b, which allows for commercial businesses, ensures that larger commercial structures are precluded from being constructed on the site with this request. From a setback perspective, the two zoning districts are a bit different; P-1 has a 30-foot front setback, where NS-G follows a build-to-zone. In this case however, less restrictive setbacks are likely compatible with the current surroundings. No subdivision of land is currently proposed for this location, so street frontage and side setbacks are not likely to become an issue. There is no building height maximum in P-1; there is a three-story building height maximum in NS-G. Mount Sequoyah Center has a variety of building types, sizes, scales and uses on the property, and staff finds that the request is compatible with surroundings.

Land Use Plan Analysis: Staff finds the proposal is somewhat consistent with the future land use designation for this location, albeit acknowledging the property's change in ownership. The Future Land Use Map identifies this area as a Civic Institutional Area, which is meant for buildings operated as a non-profit organization or other governmental or institutional use. While this request would open the existing structure for commercial uses, staff finds that the scale of the proposal would not undermine the overall intent of the Future Land Use map classification. The property also has a low infill score, but the request at 0.14 acres means that only 2 dwelling units could be added to the site, and under Use Unit 12b, only a structure with a maximum size of 8000 square feet could be added to the site. The size and location of the request are not likely to alter the primary use of the overall property in a way that would be incompatible. As the request relates to City Plan 2040 goals, staff finds it to be generally complimentary, particularly regarding the potential for retail and services accessible to nearby residents.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (8" S. Skyline Drive, 6" West of Assembly Drive)
- Near Water Main (6" Assembly Drive, 8" South of N. Skyline Drive, 8" E. Skyline Drive)
- Near City Park (Mt. Sequoyah Woods)

DISCUSSION:

At the October 9, 2023 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Madden, who was in favor of the request, offered concerns about how the use units outlined in the Unified Development Code were interpreted for a coffee shop, and wanted to ensure that Mount Sequoyah had the ability to offer food service by a separate business, since it seemed like it would primarily serve those already on site. No members of the public spoke at this meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

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City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2023-1208

RZN-2023-0028: Rezoning (150 N. SKYLINE DR, UNIT 22/MOUNT SEQUOYAH CENTER INC, 486): Submitted by EMILY GENTRY for property located at 150 N. SKYLINE DR, UNIT 22 in WARD 1. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.14 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-028 FOR APPROXIMATELY 0.14 ACRES LOCATED AT 150 NORTH SKYLINE DRIVE IN WARD 1 FROM P-1, INSTITUTIONAL TO NS-G, NEIGHBORHOOD SERVICES-GENERAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from P-1, Institutional, to NS-G, Neighborhood Services-General.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: October 9, 2023 **Updated with results from October 9, 2023 PC Meeting**

SUBJECT: **RZN-2023-0028: Rezoning (150 N. SKYLINE DR, UNIT 22/MOUNT SEQUOYAH CENTER INC, 486):** Submitted by EMILY GENTRY for property located at 150 N. SKYLINE DR, UNIT 22. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.14 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2023-0028** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

“I move to forward **RZN-2023-0028** to City Council with a recommendation of approval.”

BACKGROUND:

The subject property is in east Fayetteville on Mount Sequoyah and is a portion of the Mount Sequoyah Center site. The overall property, including the requested rezoning for the 0.14-acre portion, is approximately 26 acres and zoned P-1, Institutional. Established as a Methodist Episcopal Church training and events center in 1922, Mount Sequoyah Center transitioned to a more secular cultural and events space in 2016. Earlier in 2023, a Planned Zoning District was proposed for the site in its entirety, but the applicant withdrew that request after receiving feedback from the surrounding community. The previously-requested PZD was never heard by the Planning Commission, or City Council. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Cultural and Recreational Facility	P-1, Institutional
South	Cultural and Recreational Facility	P-1, Institutional
East	Cultural and Recreational Facility	P-1, Institutional
West	Cultural and Recreational Facility	P-1, Institutional

Request: The request is to rezone 0.14 acres of the property from P-1, Institutional to NS-G, Neighborhood Services – General.

Public Comment: Staff received some public comment in support of the request to rezone a small portion of the site to allow for a coffee shop. Staff received public comment in opposition to the request as a Planned Zoning District; that public comment is not included due to the nature of the new application.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The overall subject area has frontage along Skyline Drive, which runs a loop around the Mount Sequoyah property. Skyline Drive is a partially improved Residential Link street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of a development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 8-inch water main is present running through the north side of the property in an existing easement. An existing 8-inch water main is present on the northwest side of Fayetteville right-of-way along Assembly Drive. An existing 6-inch water main is present on the southwest side of the Fayetteville right-of-way along the main drive. An existing 8-inch water main is present on the west side of E. Skyline Drive.

Sewer: Sanitary sewer is available to the subject area. A 6-inch sanitary sewer main is present along the west side of the right-of-way along the main drive (Assembly Drive). An existing 8-inch sanitary sewer main is present on the south side of S. Skyline Drive.

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. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately 5 minutes 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.

Drainage: No portion of the property lies within a FEMA floodplain, nor are there hydric soils present on the site. There are no protected streams present in the subject area.

The property is located within the Hillside-Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

Tree Preservation:

The proposed zoning district of NS-G, Neighborhood Services - General requires **20% minimum canopy preservation**. The current zoning district of P-1, Institutional requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as a **Civic Institutional**.

Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4 for this site, with a weighted score of 3.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (8" S. Skyline Drive, 6" West of Assembly Drive)
- Near Water Main (6" Assembly Drive, 8" South of N. Skyline Drive, 8" E. Skyline Drive)
- Near City Park (Mt. Sequoyah Woods)

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:* Staff finds the request to be compatible with the surrounding context. The organization, as it currently operates, is classified as Use Unit 4, a Cultural and Recreational Facility. This designation allows the property to host the existing cultural and recreational events that it does, such as weddings, camps, and art shows. Those uses generally draw members (and traffic) from the general public. However, due to the property's institutional zoning district, Mount Sequoyah has not been opened up for commercial uses or other businesses, aside from a fitness center (also classified as Use Unit 4 in zoning code). From a use perspective, the uses allowable in the proposed zoning district are largely compatible with the existing uses on the property. Limited in scale to a building 8000 sq. ft. or less, Use Unit 12b which allows for commercial businesses, ensures that larger commercial structures and businesses are precluded from being constructed on the site with this request. From a setback perspective, the two zoning districts are a bit different; P-1 has a 30-foot front setback, where NS-G follows a build-to-zone. In this case, however, less restrictive setbacks are likely compatible with the current surroundings. No subdivision of land is currently proposed for this location, so street frontage and side setbacks are not likely to become an issue. There is no building height maximum in P-1; there is a three-story building height maximum in NS-G. Mount Sequoyah Center has a variety of building types, sizes, scales and uses on the property, and staff finds that the request is compatible with surroundings.

Land Use Plan Analysis: Staff finds the proposal is somewhat inconsistent with the goals in City Plan 2040 and the future land use designation for this location. The Future Land Use Map identifies this area as a Civic Institutional Area, which is meant for buildings operated as a non-profit organization or other governmental or institutional use. While this request would open up the existing structure for commercial uses, staff finds that the scale of the proposal would not undermine the overall intent of the Future Land Use map classification. The property also has a low infill score, but the request at 0.14 acres means that only 2 dwelling units could be added to the site, and under Use Unit 12b, only a structure with a maximum size of 8000 square feet could be added to the site. The size and location of the request are not likely to alter the primary use of the overall property in a way that would be incompatible.

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

Finding: Staff finds that a rezoning to NS-G is justified. While the zoning district begins to insert commercial uses into a Civic Institutional Area, staff finds that the rezoning is incremental in scale.

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

Finding: Rezoning to NS-G at this location has the possibility to increase traffic to the site, but staff finds that given the size of the request, the intended commercial uses are likely to serve the individuals who are already on Mount Sequoyah for the existing programming, and is unlikely to appreciably increase congestion.

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 NS-G may increase the load on public services, but the impact is not expected to be detrimental. The size of the property and access to existing water and sewer infrastructure means future development will likely avoid the need for costly extensions to services. Fayetteville Public Schools did not comment on this request.

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 approval of RZN-2023-0028.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>October 9, 2023</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: Brink with a recommendation of approval.
Second: Garlock
Vote: 9-0-0

BUDGET/STAFF IMPACT:

None

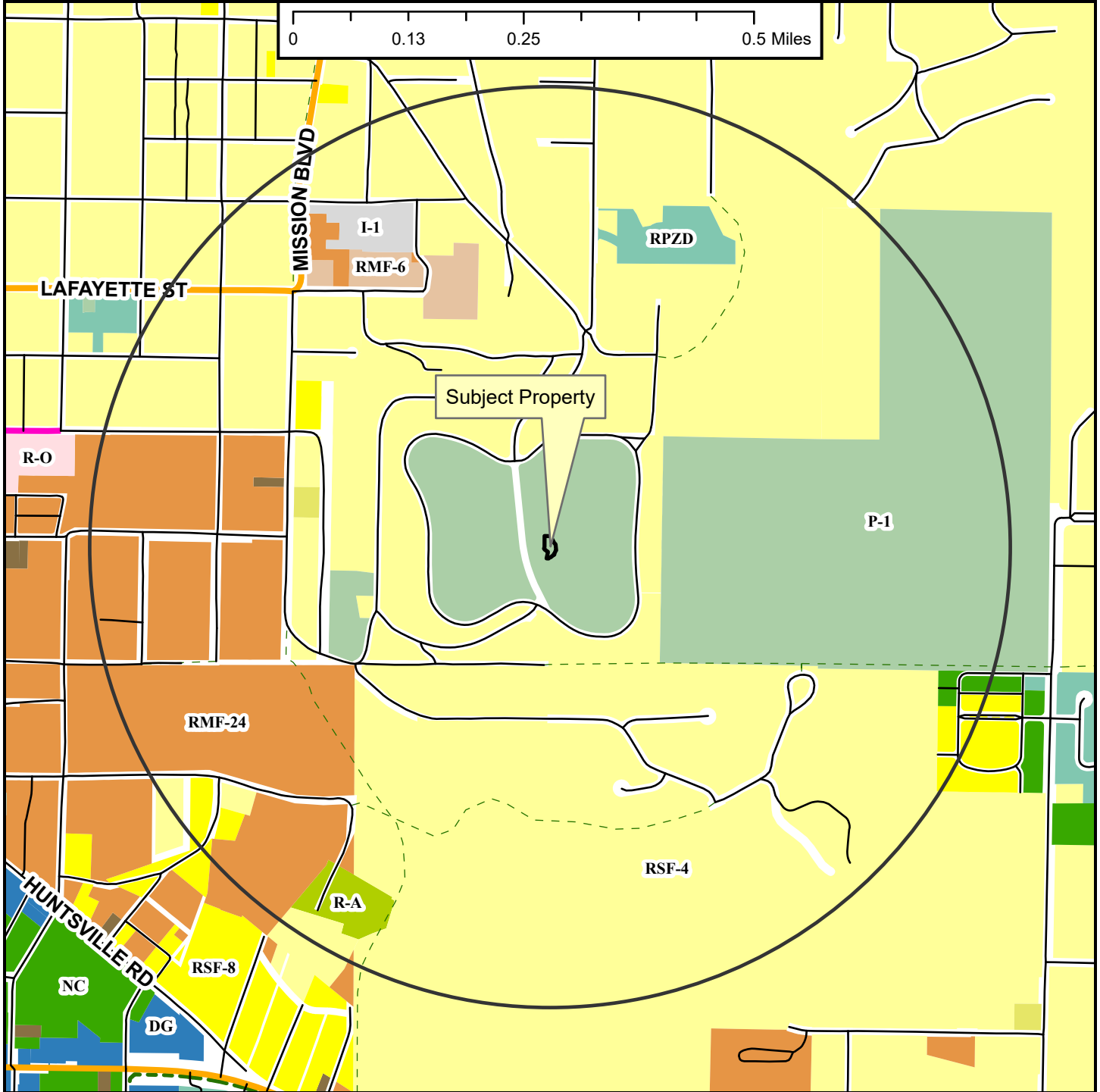
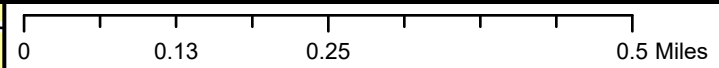
Attachments:

- Unified Development Code:
 - §161.32 District P-1, Institutional
 - §161.19 NS-G, Neighborhood Services - General
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

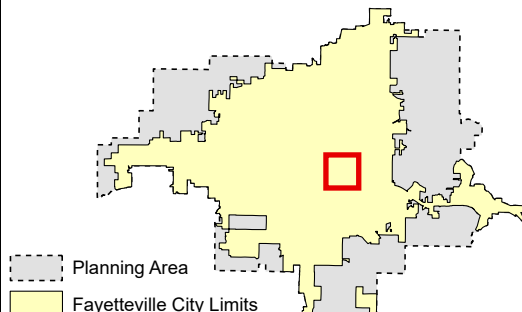
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150 N. SKYLINE DR, UNIT 22

One Mile View



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

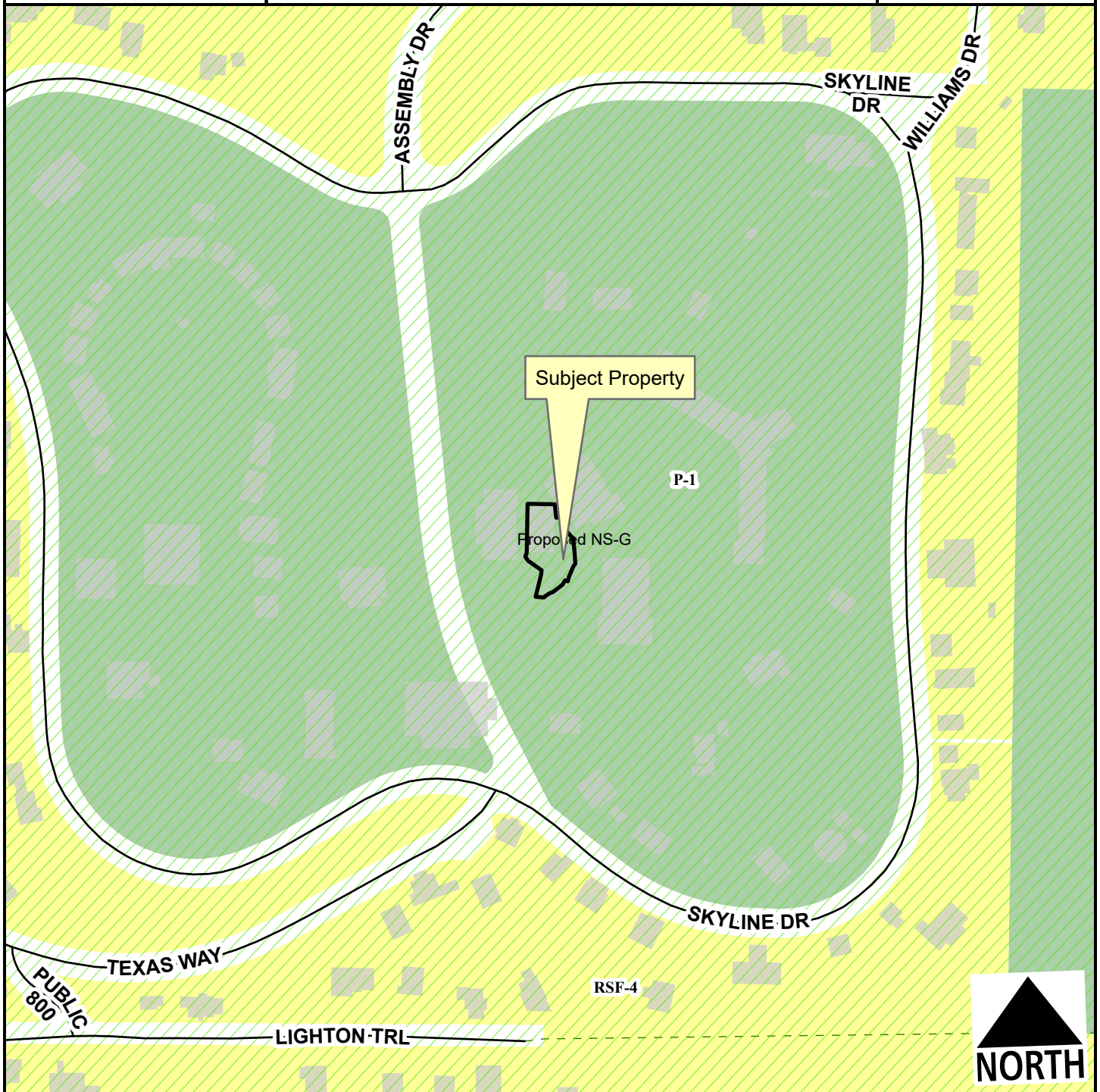


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
 - EXTRACTION**
 - E-1
 - COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
 - FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
 - PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
 - INSTITUTIONAL**
 - P-1

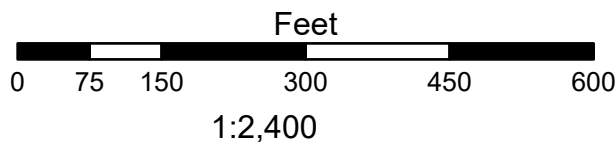
RZN-2023-0028

150 N. SKYLINE DR, UNIT 22

Close Up View



- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
NS-G	0.0	0.1
P-1	0.1	0.0

Total 0.1 ac

RZN-2023-0028

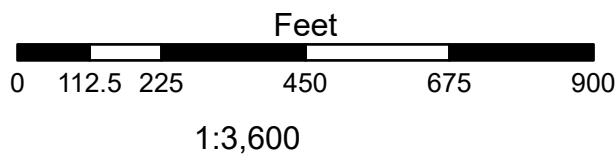
150 N. SKYLINE DR, UNIT 22



Current Land Use



- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

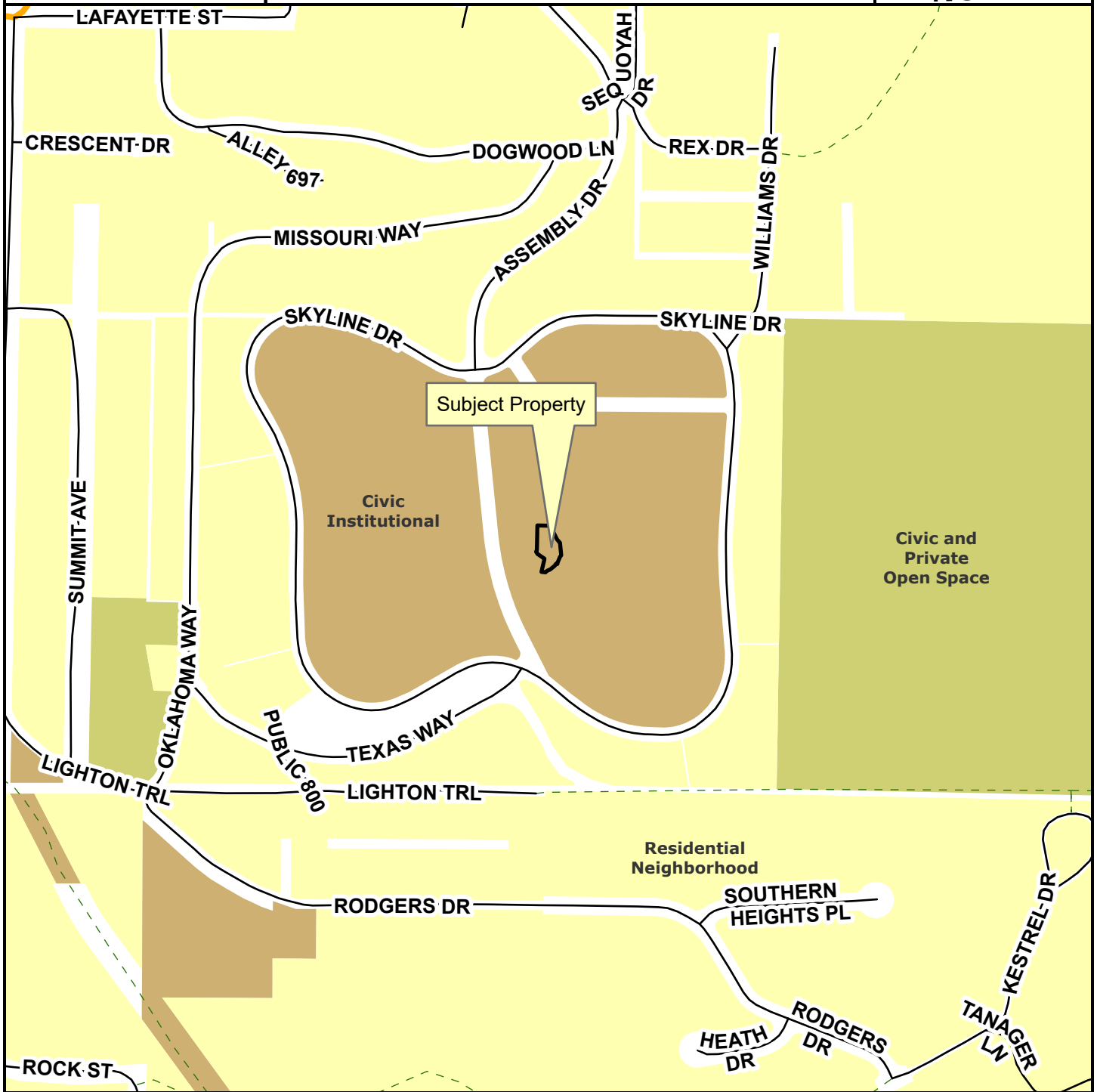


FEMA Flood Hazard Data

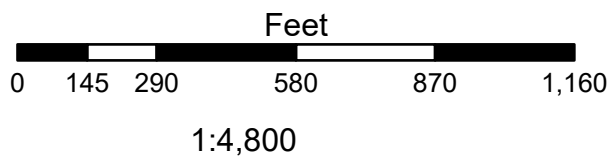
- 100-Year Floodplain
- Floodway



Future Land Use



- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center