



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2023-1545

RZN-2023-0033: Rezoning (NORTH OF 3420 W. MOUNT COMFORT RD./WIESE-GODDARD SCHOOL, 323): Submitted by THE GODDARD SCHOOL for property located NORTH OF 3420 W. MOUNT COMFORT RD. in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.23 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

A ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-033 FOR APPROXIMATELY 3.23 ACRES LOCATED NORTH OF 3420 WEST MOUNT COMFORT ROAD IN WARD 4 FROM R-A, RESIDENTIAL-AGRICULTURAL TO CS, COMMUNITY SERVICES

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 R-A, Residential-Agricultural to CS, Community Services.

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.



MEETING OF JANUARY 2, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

DATE:

SUBJECT: **RZN-2023-0033: Rezoning (NORTH OF 3420 W. MOUNT COMFORT RD./WIESE-GODDARD SCHOOL, 323): Submitted by THE GODDARD SCHOOL for property located NORTH OF 3420 W. MOUNT COMFORT RD. in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.23 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 is located in northwest Fayetteville, one lot north of Mount Comfort Road on the west side of Salem Road. The property includes one parcel totaling 3.23 acres which is currently undeveloped with the exception of two small outbuildings. A lot split, which would subdivide the property into two lots containing 1.60 and 1.63 acres, is currently under review by city staff (LSP-2023-0060).

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to CS, Community Services.

Public Comment: Staff received public comment in opposition to this request from an individual who owns property on the east side of Salem Road. That individual expressed concerns about this rezoning resulting in increased development and, subsequently, increased traffic and noise.

Land Use Compatibility: Staff finds this rezoning request to be compatible with existing land use and zoning patterns in the surrounding area. The property is currently zoned R-A, Residential-Agricultural, and that zoning district is designed, in part, to protect agricultural land until an orderly transition to urban development is possible. The subject property is surrounded by single-family residential subdivisions to the north and east, a mixture of nonresidential and commercial uses to the south, and it is in close proximity to a number of civic and institutional uses. A rezoning to CS, Community Services, would encourage a mixture of residential and commercial uses, which could provide convenience goods and personal services for persons living in surrounding neighborhoods, in a traditional urban form with buildings addressing the street. A rezoning from R-A to CS would also allow for more dense development and smaller lot sizes. Where the R-A zoning district

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currently allows residential development at a density of one-half unit per acre, the CS zoning district has no stated density limitation. Also, where R-A zoning allows for the creation of lots with a minimum width of 200 feet and a minimum area of two acres, CS zoning would allow for the creation of residential lots with a minimum width of 18 feet and nonresidential lots without limitation to width or area.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to CS would support those designations since the CS zoning district is intended to encourage the development of smaller scale urban hubs that are characterized by a mixture of moderate-density residential and commercial uses. Staff also finds the requested rezoning to be aligned with Goals 1 and 6 of City Plan 2040 since it would encourage increased development in an area that has a moderate infill score ranging between 5 and 7, and since it would allow for the creation of additional housing units.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a score range between 5 and 7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 8, 2266 W. Deane St.)
- Near Sewer Main (eight-inch main, Salem Road)
- Near Water Main (eight-inch main, Salem Road)
- Near Public School (Holt Middle School)
- Near City Park (Clabber Creek Trail Corridor and Gary Hampton Softball Complex)
- Near Paved Trail (Clabber Creek Trail and Ruppel Road)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:

At the December 11, 2023 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Payne made the motion and Commissioner McGetrick seconded it. Commissioners found the applicant's request to be appropriate and offered little comment on the item. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

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

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: December 11, 2023 (updated with results)

SUBJECT: **RZN-2023-0033: Rezoning (NORTH OF 3420 W. MOUNT COMFORT RD./WIESE-GODDARD SCHOOL, 323):** Submitted by THE GODDARD SCHOOL for property located NORTH OF 3420 W. MOUNT COMFORT RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.23 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2023-0033** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*“I move to forward **RZN-2023-0033** to City Council with a recommendation of approval.”*

BACKGROUND:

The subject property is located in northwest Fayetteville, one lot north of Mount Comfort Road on the west side of Salem Road. The property contains one parcel totaling 3.23 acres which is currently undeveloped with the exception of two small outbuildings. A lot split, which would subdivide the property into two lots containing 1.60 and 1.63 acres, is currently under review by city staff (LSP-2023-0060). Surrounding land uses and zoning are listed in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre
South	Veterinarian Preschool & Child Care Center	CS, Community Services
East	Single-Family Residential	R-A, Residential-Agricultural RSF-4, Residential Single-Family – Four Units per Acre
West	Undeveloped	R-A, Residential-Agricultural

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to CS, Community Services.

Public Comment: Staff received public comment in opposition to this request from an individual who owns property on the east side of Salem Road. That individual expressed concerns about this rezoning resulting in increased development and, subsequently, increased traffic and noise.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along Salem Road, a partially improved Neighborhood Link street with asphalt paving and open ditches. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing eight-inch water main is present along the west side of Salem Road.

Sewer: Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present at the northeast corner of the property on the west side of Salem Road.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Station 8, located at 2266 W. Deane St., protects this site. The property is located approximately 1.5 miles from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one 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 six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation**. The current zoning district of R-A, Residential-Agricultural 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 **City Neighborhood**.

City Neighborhood areas 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 multi-family. City Neighborhood Areas encourage complete, compact, and connected neighborhoods and non-residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **5-7** for this site with a weighted score of **7.5** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 8, 2266 W. Deane St.)
- Near Sewer Main (eight-inch main, Salem Road)
- Near Water Main (eight-inch main, Salem Road)
- Near Public School (Holt Middle School)
- Near City Park (Clabber Creek Trail Corridor and Gary Hampton Softball Complex)
- Near Paved Trail (Clabber Creek Trail and Ruppel Road)
- Appropriate Future Land Use (City Neighborhood)

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 this rezoning request to be compatible with existing land use and zoning patterns in the surrounding area. The property is currently zoned R-A, Residential-Agricultural, and that zoning district is designed, in part, to protect agricultural land until an orderly transition to urban development is possible. The subject property is surrounded by single-family residential subdivisions to the north and east, a mixture of nonresidential and commercial uses to the south, and it is in close proximity to a number of civic and institutional uses. A rezoning to CS, Community Services, would encourage a mixture of residential and commercial uses, which could provide convenience goods and personal services for persons living in surrounding neighborhoods, in a traditional urban form with buildings addressing the street. A rezoning from R-A to CS would also allow for more dense development and smaller lot sizes. Where the R-A zoning district currently allows residential development at a density of one-half unit per acre, the CS zoning district has no stated density limitation. Also, where R-A zoning allows for the creation of lots with a minimum width of 200 feet and a minimum area of two acres, CS zoning would allow for the creation of residential lots with a minimum width of 18 feet and nonresidential lots without limitation to width or area.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's land use and zoning plans. The subject property is designated as City Neighborhood area in the City Plan 2040 Future Land Use Map, and it is located within a Tier Two Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to CS would support those designations since the CS zoning district is intended to encourage the development of smaller scale urban hubs that are characterized by a mixture of moderate-density residential and commercial uses. Staff also finds the requested rezoning to be aligned with Goals 1 and 6 of City Plan 2040 since it would encourage increased development in an area that has a moderate infill score ranging between 5 and 7, and since it would allow for the creation of additional housing units.

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

Finding: Staff finds that rezoning the subject property from R-A to CS is justified since it would encourage the development of denser residential and commercial uses in an area that is predominantly developed with low-density single-family residences.

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

Finding: A rezoning from R-A to CS has the potential to increase traffic at this location when considering that CS would allow for development that is greater in density and intensity than the existing R-A zoning. Nevertheless, staff finds that the proposed rezoning is not likely to create or appreciably increase traffic danger or congestion at this location. The property has frontage along a partially improved Neighborhood Link street, Salem Road, and any street improvements required in the area would be determined at the time of development review. Average daily traffic counts along Salem Road are not currently available in the City's Geographic Information System.

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 has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets, water, and sewer, and any necessary upgrades or improvements to existing infrastructure would be determined at the time of development review. 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 forwarding RZN-2023-0033 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>December 11, 2023</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded with a recommendation of approval <input type="checkbox"/> Denied
Motion: Payne
Second: McGetrick
Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §161.03 District R-A, Residential-Agricultural
 - §161.22 Community Services
- 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
Unit 46	Short-term rentals

(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; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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 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
Unit 46	Short-term rentals

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 18	Gasoline service stations and drive-in/drive-through restaurants
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.*

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; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6497 , §1, 10-19-21)



THE
GODDARD SCHOOL[®]
FOR EARLY CHILDHOOD DEVELOPMENT

The Goddard School, 3420 W. Mount Comfort Road, Fayetteville, AR 72704 | 479-334-2800 | GoddardSchool.com

October 31, 2023

Dear Planning Commission Members,

Current landowner, Darrel Wiese and I are making a rezoning and separate lot split request for Parcel 765-13603-000 with a request to rezone both the southern 1.63 acres of Parcel 765-13603-000 and the northern 1.60 acres to CS.

CS zoning on the southern half of the parcel would suit plans for a Goddard School annex building on this land which is adjacent and north of the current Goddard School at 3420 W Mt. Comfort Rd. The rezoning will allow growth for the current school and meet the community's demand for additional childcare in the area and a safer, larger parking lot to meet the increased number of families coming to the facility.

We request the remaining northern 1.60 acres of Parcel 765-13603-000 be rezoned from RA to CS. A lot split is simultaneously being requested on the property which would leave the northern 1.60 acres not conforming to the 2.0 acre lot requirements for RA. Rezoning to CS would be compatible with surrounding properties' zoning.

Thank you,

Ellen Hillis

On-Site Owner

The Goddard School Fayetteville (West)

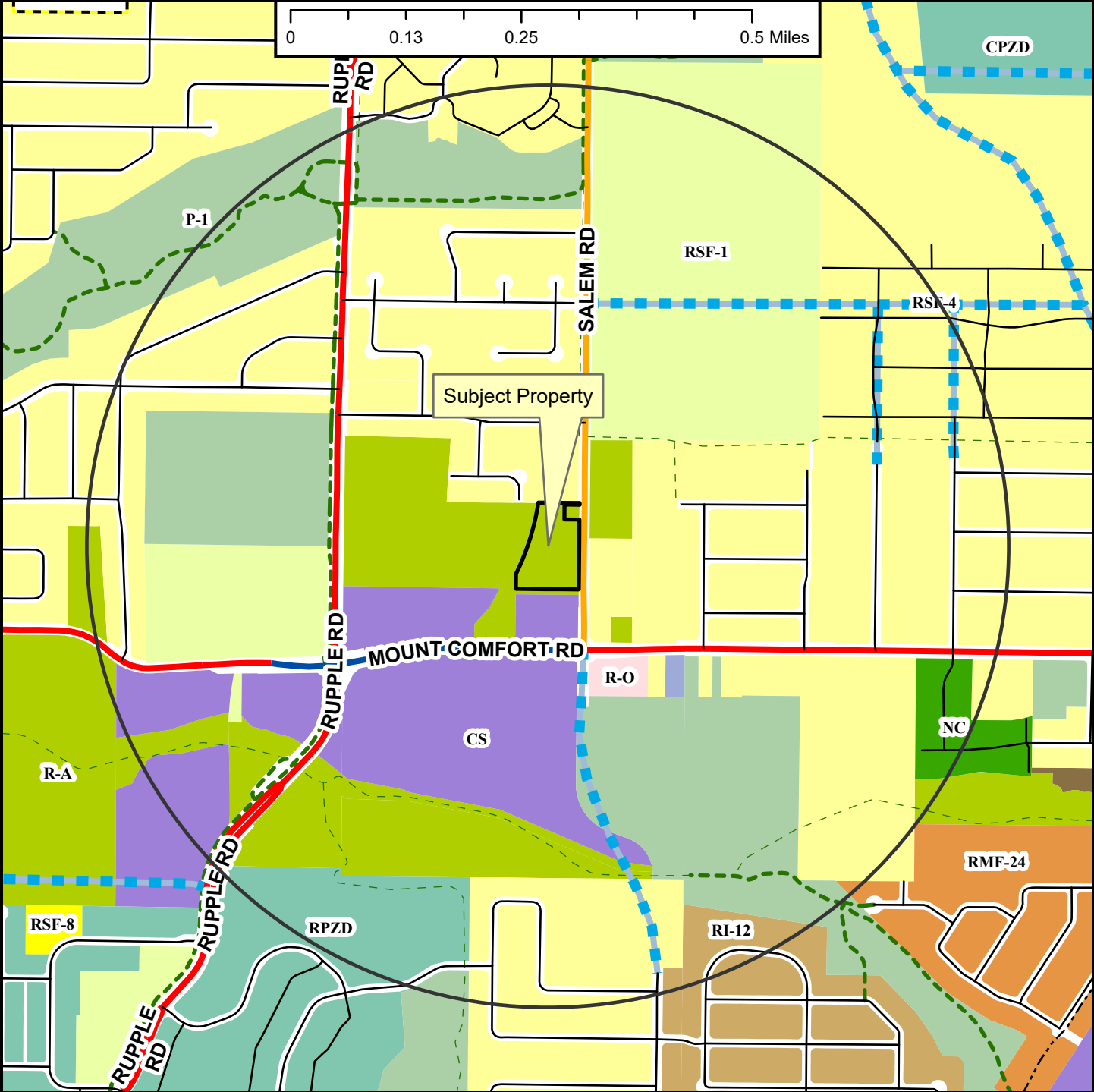
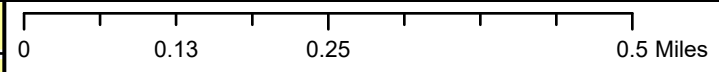
[EMAIL:fayetteville2ar@goddardschools.com](mailto:fayetteville2ar@goddardschools.com)

DIRECT: 479-334-2800

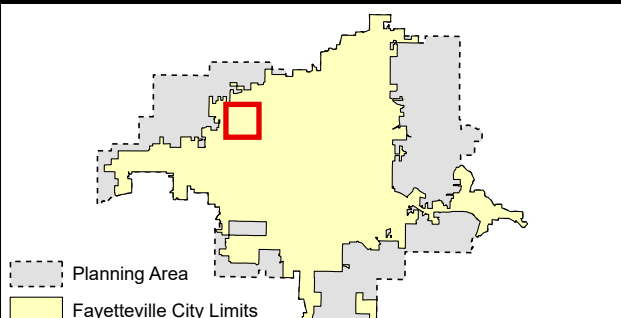
RZN-2023-0033

NORTH OF 3420 W. MOUNT COMFORT RD.

One Mile View



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

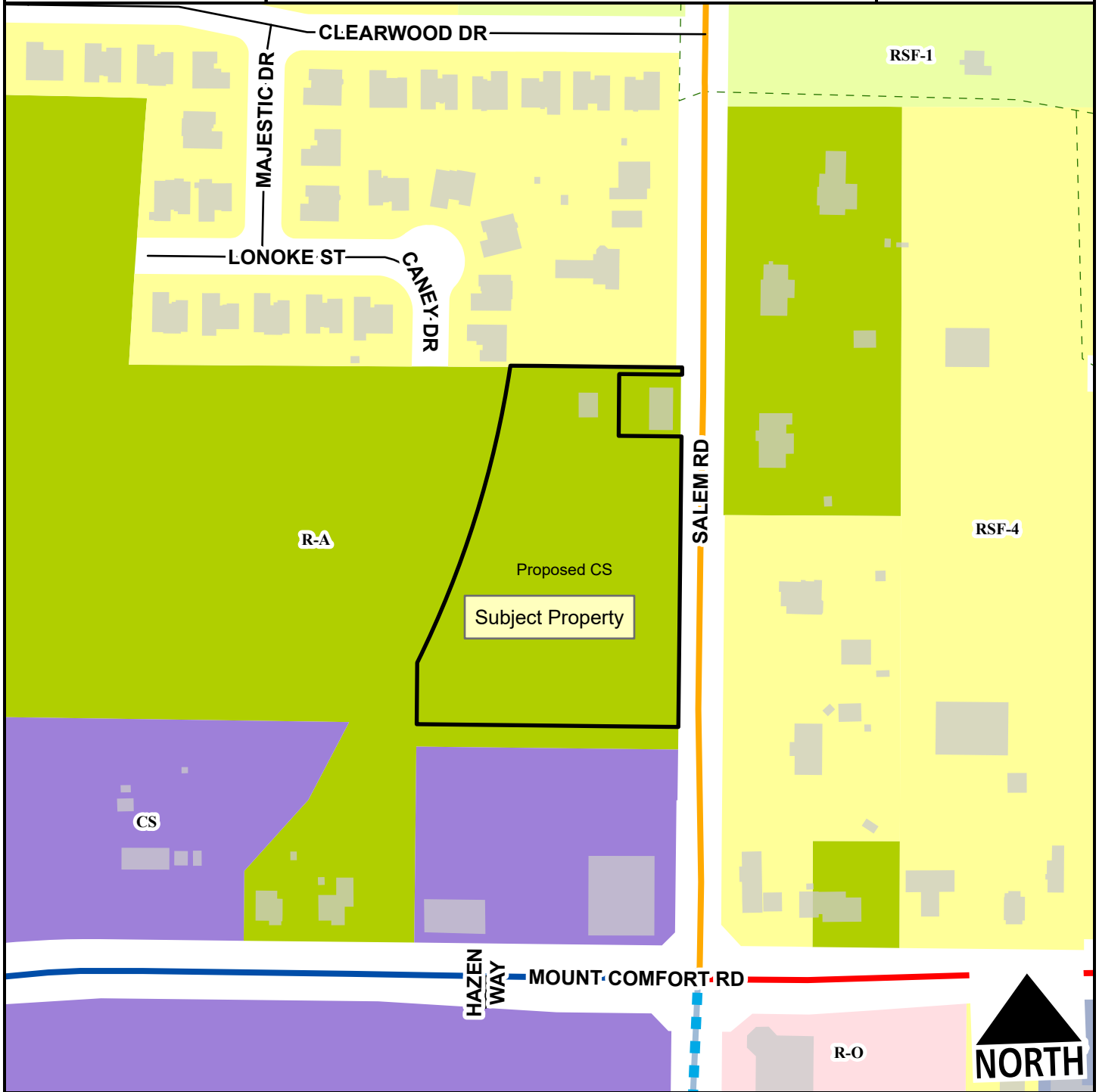


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - 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

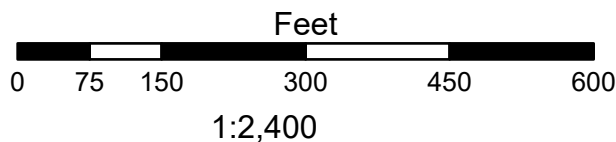
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NORTH OF 3420 W. MOUNT COMFORT RD.

Close Up View



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Residential Link
- Planned Residential Link
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
CS	0.0	3.2
R-A	3.2	0.0
RSF-4	0.0	0.0

Total 3.2 ac



RZN-2023-0033

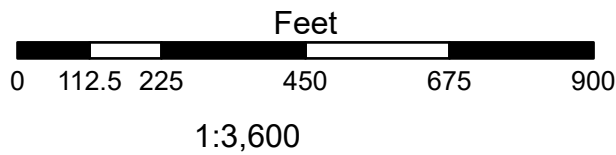
NORTH OF 3420 W. MOUNT COMFORT RD.



Current Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2023-0033

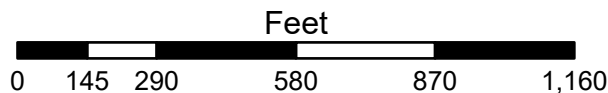
NORTH OF 3420 W. MOUNT COMFORT RD.



Future Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



1:4,800

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