

City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-211

RZN-2024-0024: Rezoning (3145 E. JOYCE BLVD/FAYETTEVILLE PUBLIC SCHOOLS, 177): Submitted by JORGENSEN & ASSOCIATES for property located at 3145 E. JOYCE BLVD. in WARD 3. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 27.77 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-24 FOR APPROXIMATELY 27.77 ACRES LOCATED AT 3145 EAST JOYCE BOULEVARD IN WARD 3 FROM R-A, RESIDENTIAL-AGRICULTURAL TO P-1, INSTITUTIONAL

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

<u>Section 1</u>: 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 P-1, Institutional.

<u>Section 2</u>: 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.



CITY COUNCIL MEMO

2024-211

MEETING OF JULY 2, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

SUBJECT: RZN-2024-0024: Rezoning (3145 E. JOYCE BLVD/FAYETTEVILLE PUBLIC SCHOOLS,

177): Submitted by JORGENSEN & ASSOCIATES for property located at 3145 E.

JOYCE BLVD. in WARD 3. The property is zoned R-A, RESIDENTIAL -

AGRICULTURAL and contains approximately 27.77 acres. The request is to rezone

the property to P-1, INSTITUTIONAL.

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 northeast of E. Joyce Boulevard's intersection with N. Crossover Road. The property contains one parcel totaling 27.77 acres which is currently zoned R-A, Residential-Agricultural and is developed with a single-family home and associated agricultural outbuildings that were constructed in the late 1970s. The property was purchased in 2024 by Fayetteville Public Schools.

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to P-1, Institutional. The applicant has indicated that they are requesting the rezoning to construct a new public school. Of note, the Fayetteville Public Schools district exceeds the municipal boundaries of Fayetteville, extending from the Washington/Madison County line in the east to areas of Farmington, Fayetteville, and unincorporated Washington County to the west.

Public Comment: To date, no public comment has been received on this request.

Land Use Compatibility: Staff finds the requested rezoning to be compatible with the surrounding area and current land uses. R-A zoning allows for agricultural uses and a rezoning to P-1 would allow for institutional uses such as schools, parks, and government facilities. The property is on the border of the City limits and is adjacent to Washington County. Given the property's proximity to commercial and residential uses to the west, staff finds that rezoning to P-1 provides for good compatibility and transition to the more rural residential nature of the area to the east. The lot widths, areas, and building height requirements in P-1 are compatible as well; while R-A requires 200-foot lot widths and minimum acreages of 2 per dwelling unit, P-1 is a strictly institutional zoning district, which, after new regulations were approved by City Council earlier in 2024, now also allows for a form-based option. There is no maximum building height in the R-A district, and P-1 allows for a maximum building height of 6 stories. Staff finds that given the acreage of the site, it is unlikely, though, that a 6-story facility would be built on the property. Staff also recognizes that the site has a significant amount of floodplain

Mailing address:

Favetteville, AR 72701

and a protected stream that will limit the developability of the site, and is likely to shift the development away from the Mud Creek natural area.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood area. A rezoning from R-A to P-1 contributes to City Plan 2040 goal #3, in that it helps promote a compact, complete, and connected development throughout the area by affording the ability to develop additional amenities and services to this area, particularly in comparison with the existing R-A zoning designation. This site is walkable to the intersection of N. Crossover Road and E. Joyce Boulevard, an area that is called out in the Future Land Use Map as a City Neighborhood, and identified as a Tier 2 Center in City Plan 2040. While not a site identified as encouraging a high amount of infill, the property is close to an ORT transit stop, which contributes to the score. Further, there is a planned Master Street Plan connection, classified as a Neighborhood Link Street, that runs the length of the property from east to west. Development of this planned connection would be evaluated and is likely to occur with the redevelopment of this property.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 3-4 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 5, 2979 N. Crossover Road)
- Near Water Main (E. Joyce Blvd. and south property line)
- Near Paved Trail (Sidepath Trail on Joyce Blvd.)
- Near ORT Bus Stop (Millennium and Joyce)

DISCUSSION:

At the June 10, 2024 Planning Commission meeting, Commissioners unanimously voted to forward the item with a recommendation of approval; Commissioner McGetrick made the motion and Commissioner Garlock seconded it. Little comment was offered; Commissioners commented on the lack of sewer capacity, but understood that typically utility extensions are a cost that is borne by the developer. Commissioners also commented that it was an appropriate location for a school given the future land use plans for the area. 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)



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: June 10, 2024 Updated with results from June 10, 2024 Meeting

SUBJECT: RZN-2024-0024: Rezoning (3145 E. JOYCE BLVD/FAYETTEVILLE

PUBLIC SCHOOLS, 177): Submitted by JORGENSEN & ASSOCIATES for property located at 3145 E. JOYCE BLVD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 27.77 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:

Staff recommends forwarding RZN-2024-0024 to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward RZN-2024-0024 to City Council with a recommendation of approval."

BACKGROUND:

The subject property is located northeast of E. Joyce Boulevard's intersection with N. Crossover Road. The property contains one parcel totaling 27.77 acres which is currently zoned R-A, Residential-Agricultural and is developed with a single-family home and associated agricultural outbuildings that were constructed in the late 1970s. The property was purchased in 2024 by Fayetteville Public Schools. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1: Surrounding Land Uses and Zoning

| Direction | Land Use | Zoning |
|-----------|---------------------------------|--|
| North | Single-Family Residential/Rural | R-A, Residential-Agricultural; |
| INOITI | Residential | RSF-4, Residential Single-Family – Four Units per Acre |
| South | Rural Residential | R-A, Residential-Agricultural; |
| East | Rural Residential/Undeveloped | Washington County 1 Res. Unit per Acre/Agricultural |
| | | C-2, Thoroughfare Commercial; |
| West | Commercial/Undeveloped | C-1, Neighborhood Commercial; |
| west | Commercial/Ondeveloped | NS-G, Neighborhood Services – General; RI-12, |
| | | Residential Intermediate, 12 Units per Acre |

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to P-1, Institutional. The applicant has indicated that they are requesting the rezoning to construct a new public school.

Public Comment: To date, staff has received no public comment regarding this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has frontage along E. Joyce Boulevard which 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 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 2-inch water main is present on the southwest side of the property along E. Joyce Boulevard. An existing 8-inch water main is present on the west side of the property along E. Joyce Boulevard. An existing 42-inch transmission water main is present along the south property line, and an existing 36-inch transmission water main is present on the south property line.

Sewer:

Sanitary sewer is not available to the subject area.

Drainage:

A portion of the property lies within a FEMA Floodplain, there is a protected stream, and hydric soils are present in the area. A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA. Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. No portion of the property lies within the Hillside-Hilltop Overlay District.

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 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately 1.3 miles from the fire station with an anticipated drive time of approximately 3 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 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 did not comment on this request.

Tree Preservation:

The proposed zoning district, P-1, Institutional, requires **25% minimum canopy preservation**. The current zoning district, R-A, Residential-Agricultural, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood and Natural Area.**

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

Natural Areas consist of lands approximating or reverting to wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of $\underline{3-4}$ for this site with a weighted score of $\underline{9}$. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 5, 2979 N. Crossover Road)
- Near Water Main (E. Joyce Blvd. and south property line)
- Near Paved Trail (Sidepath Trail on Joyce Blvd.)
- Near ORT Bus Stop (Millenium and Joyce)

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 requested rezoning to be compatible with the surrounding area and current land uses. R-A zoning allows for agricultural uses and a rezoning to P-1 would allow for institutional uses such as schools, parks, and government facilities. The property is on the border of the City limits and is adjacent to Washington County. Given the property's proximity to commercial and residential uses to the west, staff finds that rezoning to P-1 provides for good compatibility and transition to the more rural residential nature of the area to the east. The lot widths, areas, and building height requirements in P-1 are compatible as well; while R-A requires 200-foot lot widths and minimum acreages of 2 per dwelling unit, P-1 is a strictly institutional zoning district, which, after new regulations were approved by City Council earlier in 2024, now also allows for a form-based

option. There is no maximum building height in the R-A district, and P-1 allows for a maximum building height of 6 stories. Staff finds that given the acreage of the site, it is unlikely, though, that a 6-story facility would be built on the property. Staff also recognizes that the site has a significant amount of floodplain and a protected stream that will limit the developability of the site, and is likely to shift the development away from the Mud Creek natural area.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood area. A rezoning from R-A to P-1 contributes to City Plan 2040 goal #3, in that it helps promote a compact, complete, and connected development throughout the area by affording the ability to develop additional amenities and services to this area, rather than the existing R-A zoning designation. This site is walkable to the intersection of N. Crossover Road and E. Joyce Boulevard, an area that is called out in the Future Land Use Map as a City Neighborhood, and identified as a Tier 2 Center in City Plan 2040. While not a site identified as encouraging a high amount of infill, the proximity to an ORT transit stop weights the infill score much higher at a 9. Further, there is a planned Master Street Plan connection, classified as a Neighborhood Link Street, that runs the length of the property from east to west. Development of this planned connection would be evaluated and is likely to occur with the redevelopment of this property.

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

Finding:

Staff finds there is sufficient justification to rezone the property from R-A to P-1. This request will allow for the development of institutional uses in the area, bring a necessary institution to serve Fayetteville's residents, and the request is consistent with the Future Land Use plans for the area. Schools and other cultural and recreational facilities are a vital service and while not strictly residential, are a necessary neighborhood amenity.

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 P-1 has the potential to increase traffic to this location, though staff does not find that this would be to a dangerous degree. The intersection of Joyce and Crossover has been identified by Public Works as an intersection that requires improvement, and coordination with any new facility that is to be constructed at this site would be needed to determine the necessity for off-site improvements to be borne by the developer. Staff finds that any new development on the site would be subject to the typical development review process and infrastructure evaluation that would be roughly proportional to the proposal; the property has a proposed Master Street Plan connection that runs through the site, which would likely be developed with the development of the overall site.

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 P-1 zoning district does not permit by-right residential uses and is therefore unlikely to increase the population density in this area. The overall property has access to existing water, but not sanitary sewer. Lack of sanitary sewer access remains a common condition for properties on both in this area, with development in the area gradually extending public mains. Any development on this site will be responsible for increasing sewer capacity as needed. As for the project's impact on school capacity, the proposal is a response to increasing attendance in the Fayetteville Public School District and the growing load on school facilities that mirrors development in the area.

- 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-2024-0024 to City Council with a recommendation of approval.

| PLANNING COMMISSION | ACTION: | Required <u>YES</u> |
|----------------------------|----------|--|
| Date: <u>June 10, 2024</u> | ☐ Tabled | ☑ Forwarded ☐ Denied with a recommendation |
| Motion: McGetrick | | of approval. |
| Second: Garlock | | |
| Vote: 8-0-0 | | |

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - o §161.03 District R-A, Residential-Agricultural
 - o §161.32 District P-1, Institutional
- 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) |
|-----------------------------|
|-----------------------------|

(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)

Editor's note(s)—Ord. No. 6710, §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.32 District P-1, Institutional

- (A) Purpose. The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.
- (B) Uses.
 - (1) Permitted Uses.

| Unit 1 | City-wide uses by right |
|---------|--------------------------------------|
| Unit 4 | Cultural and recreational facilities |
| Unit 5 | Government facilities |
| Unit 46 | Short-term rentals |

(2) Conditional Uses.

| Unit 2 | City-wide uses by conditional use permit |
|---------|--|
| Unit 3 | Public protection and utility facilities |
| Unit 26 | Multi-family dwellings |
| Unit 36 | Wireless communications facilities |
| Unit 42 | Clean technologies |

- (C) Density. None.
- (D) Bulk and Area Regulations. None.
- (E) Setback Regulations.

| Front | 30 feet |
|--|---------|
| Front, if parking is allowed between the right-of-way and the building | 50 feet |
| Side | 20 feet |
| Side, when contiguous to a residential district | 25 feet |
| Rear | 25 feet |
| Rear, from center line of public alley | 10 feet |

(F) Height Regulations. There shall be no maximum height limits in P-1 Districts, provided, however, 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 any 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.

 $\begin{array}{l} (\text{Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, \\ \S160.042; Ord. No. 4100, \S2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800, <math>\S1(\text{Exh. A}), 10\text{-}6\text{-}15; Ord. No. 5945, \\ \S5, 7, 1-17-17; Ord. No. 6015, \\ \S1(\text{Exh. A}), 11-21-17; Ord. No. 6245, \\ \S2, 10\text{-}15\text{-}19; Ord. No. 6521, \\ \S8, 1-18\text{-}22) \end{array}$





April 19, 2024

City of Fayetteville 113 W. Mountain Fayetteville, AR 72701

Attn: Development Services

Re: FPS-NJH (Joyce Street) Rezoning

Please accept this request to rezone parcel 765-13237-006. This tract of land has a current zoning of R-A and our request is to to rezone all of this land to P-1. This requested zoning is appropriate and compatible with the surrounding properties and uses. To the immediate south, the zoning is R-A, towards the west there is a variety of zonings (C-2, C-1, NS-G, and RI-12), towards the north is R-A, and a small portion of RSF-4. With the Fayetteville Public School purchasing this particular property, the sustained growth in the area supports the need for the School to be built. By rezoning this property, the School will be able to develop by-right in a fashion appropriate for its end use.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

Blake Jorgensen, PE Jorgensen + Associates







