

City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-212

RZN-2024-0025: Rezoning (4260 W. MARTIN LUTHER KING JR BLVD/CLUB CARWASH, 595): Submitted by JARED BRUEMMER for property located at 4260 W. MARTIN LUTHER KING JR BLVD in WARD 1. The property is split-zoned R-A, RESIDENTIAL – AGRICULTURAL and UT, URBAN THOROUGHFARE and contains approximately 1.44 acres. The request is to rezone a portion of the property to UT, URBAN THOROUGHFARE.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-25 FOR APPROXIMATELY 1.44 ACRES LOCATED AT 4260 WEST MARTIN LUTHER KING JR. BOULEVARD IN WARD 1 FROM R-A, RESIDENTIAL-AGRICULTURAL AND UT, URBAN THOROUGHFARE TO UT, URBAN THOROUGHFARE

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 and UT, Urban Thoroughfare to UT, Urban Thoroughfare.

<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

2024-212

MEETING OF JULY 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: Kylee Cole, Planner

SUBJECT: RZN-2024-0025: Rezoning (4260 W. MARTIN LUTHER KING JR BLVD/CLUB

CARWASH, 595): Submitted by JARED BRUEMMER for property located at 4260 W. MARTIN LUTHER KING JR BLVD in WARD 1. The property is split-zoned R-A, RESIDENTIAL – AGRICULTURAL and UT, URBAN THOROUGHFARE and contains approximately 1.44 acres. The request is to rezone a portion of the property to UT,

URBAN THOROUGHFARE.

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 southwest Fayetteville approximately 0.10 miles west of the intersection of S. Rupple Rd. and W. Martin Luther King Jr. Blvd. The property contains approximately 1.44 acres and is developed with a 3,066-square-foot commercial carwash constructed in 2020, according to Washington County Assessor records. The property is split-zoned, which is a designation it received in 2018 when the southern portion of the property was rezoned from R-A, Residential-Agricultural to UT, Urban Thoroughfare. At the time of that rezone, the northern portion of the property was within the 100-year floodplain of North Fork Farmington Creek and remained zoned R-A. The FEMA floodplain has since adjusted and only approximately 46-square-feet of the northwest corner of the subject property is still within the floodplain (FIRM 05143C0215G effective 1/25/2024).

Request: The request is to rezone a portion of the subject property from R-A, Residential-Agricultural to UT, Urban Thoroughfare.

Public Comment: To date, staff has received no public comment on this item.

Land Use Compatibility: Staff finds the proposed rezoning from R-A, Residential-Agricultural to UT, Urban Thoroughfare to be compatible with the surrounding area. The subject property is adjacent to a variety of commercially-zoned properties to the east, west, and south, all similarly zoned UT, Urban Thoroughfare. To the north is a single-family dwelling that is split-zoned NC, Neighborhood Conservation and UT, Urban Thoroughfare. A rezoning of a portion of the subject property to UT would allow for a wider variety of commercial and residential uses than those permitted under the property's current zoning designation. The portion of the property currently zoned R-A has significantly larger bulk and area requirements than the proposed zone of UT. A rezoning to UT would have no bulk and area requirements, which is consistent with

Mailing address:

Favetteville, AR 72701

the UT zoning for the remainder of the property. There is no maximum height limit in the R-A district with additional setback requirements for portions of a building that exceed two stories in height and are adjacent to single-family districts. UT provides a similar height limitation for proximity to single-family districts but permits up to seven-story development. R-A provides for standard setbacks, but UT would require future development in Urban Form. Further, the property's location along a Regional Link – High Activity Street and surrounded by other UT-zoned properties strengthens the compatibility of this request. Staff finds the requested rezoning to be compatible with surrounding land uses, both existing and potential, with UT providing opportunities for increased commercial services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a City Neighborhood area in the City Plan 2040 Future Land Use Map and is located just 0.10-miles from a Tier Two Center, at the intersection of W. Martin Luther King Jr. Blvd. and S. Rupple Rd. Staff finds that a rezoning to UT would support those designations as both City Neighborhoods and a Tier Two Center intend to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 1 (infill), 2 (discourage urban sprawl), 3 (compact, complete development), and potentially 6 (opportunities for attainable housing).

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of <u>5-7</u>. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (12-inch sewer main, north side of W. Martin Luther King Jr. Blvd.; 6-inch water main, south side of W. Martin Luther King Jr. Blvd)
- Near Water Main (8-inch water main, north side of W. Martin Luther King Jr. Blvd.; 12-inch water main, south side of W. Martin Luther King Jr. Blvd.)
- Near Public School (John L. Colbert Middle School)
- Near City Park (Holland Park and Kessler Mountain Regional Park)
- Near Paved Trail (Side-Path Trail; S. Smokehouse Trail)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:

At the June 10, 2024 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

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



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: June 10, 2024

SUBJECT: RZN-2024-0025: Rezoning (4260 W. MARTIN LUTHER KING JR

BLVD/CLUB CARWASH, 595): Submitted by JARED BRUEMMER for property located at 4260 W. MARTIN LUTHER KING JR BLVD. The property is split-zoned R-A, RESIDENTIAL – AGRICULTURAL and UT, URBAN THOROUGHFARE and contains approximately 1.44 acres. The request is to rezone a portion of the property to UT, URBAN

THOROUGHFARE.

RECOMMENDATION:

Staff recommend forwarding RZN-2024-0025 to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward RZN-2024-0025 to City Council with a recommendation of approval."

BACKGROUND:

The subject property is in southwest Fayetteville approximately 0.10 miles west of the intersection of S. Rupple Rd. and W. Martin Luther King Jr. Blvd. The property contains approximately 1.44 acres and is developed with a 3,066-square-foot commercial carwash constructed in 2020, according to Washington County Assessor records. The property is split-zoned R-A, Residential-Agriculture and UT, Urban Thoroughfare which it received in 2018 when the southern portion of the property was rezoned from R-A, Residential-Agricultural to UT, Urban Thoroughfare. At the time of that rezone, the northern portion of the property was within the 100-year floodplain of North Fork Farmington Creek and remained zoned R-A. The FEMA floodplain has since adjusted and only approximately 46-square-feet of the northwest corner of the subject property is still within the floodplain (FIRM 05143C0215G effective 1/25/2024). 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	UT, Urban Thoroughfare; NC, Neighborhood Conservation	
South	Undeveloped	UT, Urban Thoroughfare; RMF-24, Residential Multi-	
Codin		Family, 24 Units per Acre	
East	Commercial	UT, Urban Thoroughfare	
West	Commercial	UT, Urban Thoroughfare; R-A, Residential-Agricultural	

Request: The request is to rezone a portion of the subject property from R-A, Residential-Agricultural to UT, Urban Thoroughfare.

Public Comment: To date, staff have received no public comment.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has frontage along W. Martin Luther King Jr. Blvd. W. Martin

Luther King Jr. Blvd. is a fully improved Regional Link – High Activity Street with asphalt paving, curb and gutter, and sidewalks. 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. Existing 8-inch water main is present

on the north side of W. Martin Luther King Jr. Blvd. Existing 12-inch water main is

present on the south side of W. Martin Luther King Jr. Blvd.

Sewer: Sanitary Sewer is available to the subject area. Existing 12-inch sewer main is present on the north side of W. Martin Luther King Jr. Blvd. Existing 6-inch water

main is present on the south side of W. Martin Luther King Jr. Blvd.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District. A portion of the subject property is within a FEMA-designated floodplain. A floodplain

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. No protected stream is present on the subject property. Hydric soils are also present on the site, which is 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. 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. Any

development submittal.

Fire: Station 6, located at 990 S. Hollywood Ave. protects this site. The property is located approximately 2 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. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the

improvements or requirements for drainage would be determined at the time of

Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The current zoning district of R-A, Residential-Agricultural require **25% minimum** canopy preservation. The proposed zoning district of UT, Urban Thoroughfare requires **20% 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 are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

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

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Sewer Main (12-inch sewer main, north side of W. Martin Luther King Jr. Blvd.; 6-inch water main, south side of W. Martin Luther King Jr. Blvd)
- Near Water Main (8-inch water main, north side of W. Martin Luther King Jr. Blvd.; 12-inch water main, south side of W. Martin Luther King Jr. Blvd.)
- Near Public School (John L. Colbert Middle School)
- Near City Park (Holland Park and Kessler Mountain Regional Park)
- Near Paved Trail (Side-Path Trail; S. Smokehouse Trail)
- 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 the proposed rezoning from R-A, Residential-Agricultural to UT, Urban Thoroughfare to be compatible with the surrounding area. The subject property is adjacent to a variety of commercially-zoned properties to the east, west, and south, all similarly zoned UT, Urban Thoroughfare. To the north is a single-family dwelling that split-zoned NC, Neighborhood Conservation and UT, Urban Thoroughfare. A rezoning of a portion of the subject property to UT would allow for a wider variety of commercial and residential uses than those permitted under the property's current zoning designation. The portion of the property currently zoned R-A has significantly larger bulk and area requirements than the proposed zone of UT. A rezoning to UT would have no bulk and area requirements, which is consistent with the UT zoning for the remainder of the property. There is no maximum height limit in the R-A district with additional setback requirements for portions of a building that exceed two stories in height and are adjacent to single-family districts. UT provides a similar height limitation for proximity to single-family districts

but permits up to seven-story development. R-A provides for standard setbacks, but UT would require future development in Urban Form. Further, the property's location along a Regional Link – High Activity Street and surrounded by other UT-zoned properties strengthens the compatibility of this request. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased commercial services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a City Neighborhood area in the City Plan 2040 Future Land Use Map and is located just 0.10-miles from a two Tier Two Center, at the intersection of W. Martin Luther King Jr. Blvd. and S. Rupple Rd. Staff finds that a rezoning to UT would support those designations as both City Neighborhoods and a Tier Two Center which exist to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 1(infill), 2 (discourage urban sprawl), 3 (compact, complete development), and potentially 6 (opportunities for attainable housing).

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

Finding:

Staff finds that there is sufficient justification to rezone the property from R-A to UT since it would provide the opportunity for a variety of commercial and housing development options which support multiple goals of City Plan 2040. The northern portion of the property subject to this rezoning request is no longer within a FEMA floodplain and may now be appropriate for development. Further, the proposed rezoning is consistent with the property's future land use designation.

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 UT has some potential to increase traffic danger and congestion due to the addition of denser residential and intense commercial uses. The property has frontage along W. Martin Luther King Jr. Blvd. and is near a paved trail and sidewalks which may mitigate some of the potential for increased traffic. Any street improvements in the area would be determined at the time of development review.

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:

A rezoning from R-A to UT has some potential to increase population density due to the addition of denser residential uses up to multi-family dwellings with no density limitation. The property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development.

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 recommend forwarding RZN-2024-0025 to City Council with a recommendation of approval.

PLANNING COMMISSION	ON ACTION:	Required	YES	
Date: <u>June 10, 2024</u>	☐ Tabled	□ Fo	orwarded	☐ Denied
Motion:				
Second:				
Vote:				

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - o §161.03 District R-A, Residential-Agricultural
 - o §161.24 Urban Thoroughfare
- 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.

(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.

161.24 Urban Thoroughfare

- (A) Purpose. The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
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 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

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

(1) Lot Width Minimum.

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	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.

L	Building Height Maximum	5 stories/7 stories*

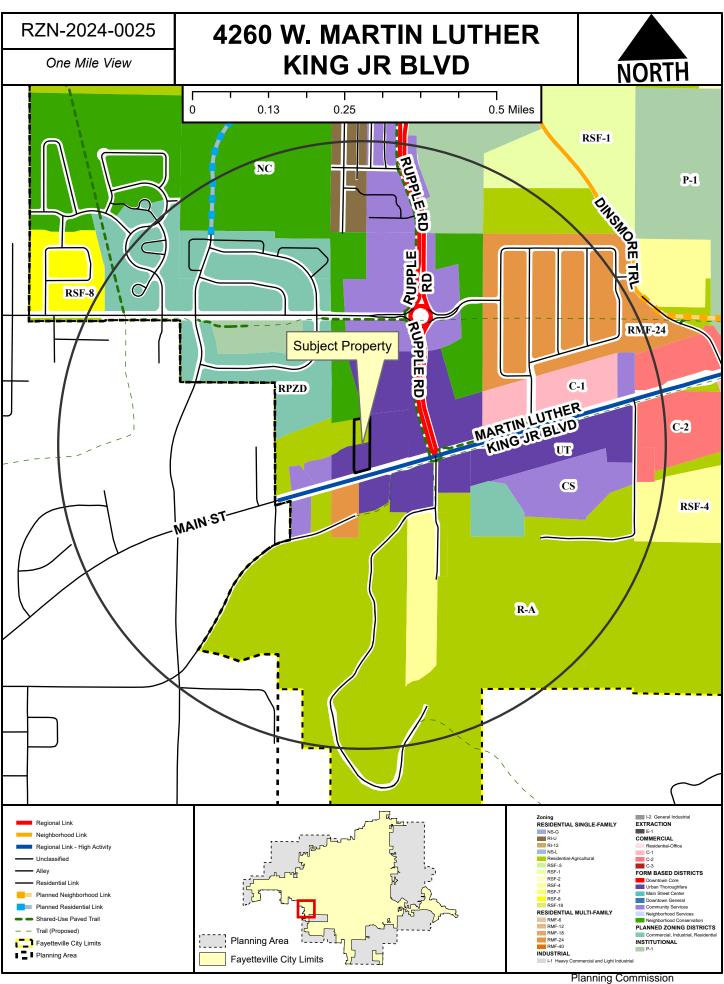
^{*} A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) 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 any boundary line of an adjacent single family 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.

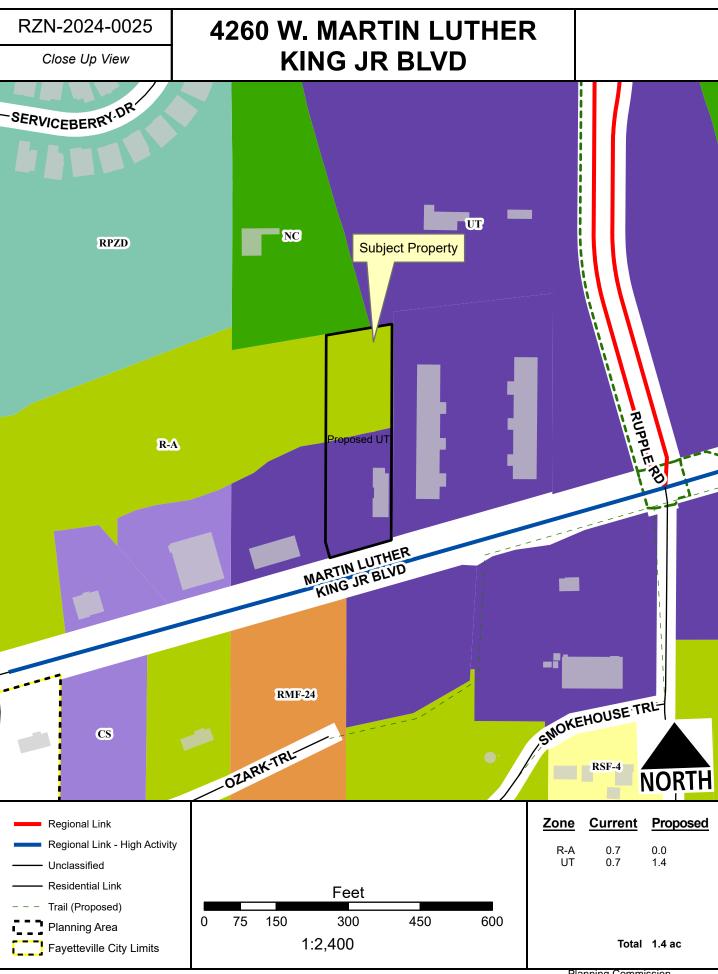
(G) Minimum buildable street frontage. 50% of the lot width.

Statement of Compatibility

The rezoning of this property is compatible with the area as it will match the front portion of the parcel which is already zoned UT. Since the front portion of the property is already zoned UT and contains an operating carwash the rezoning of the rear portion of the property to UT will not unreasonably adversely affect or conflict with surrounding land uses.



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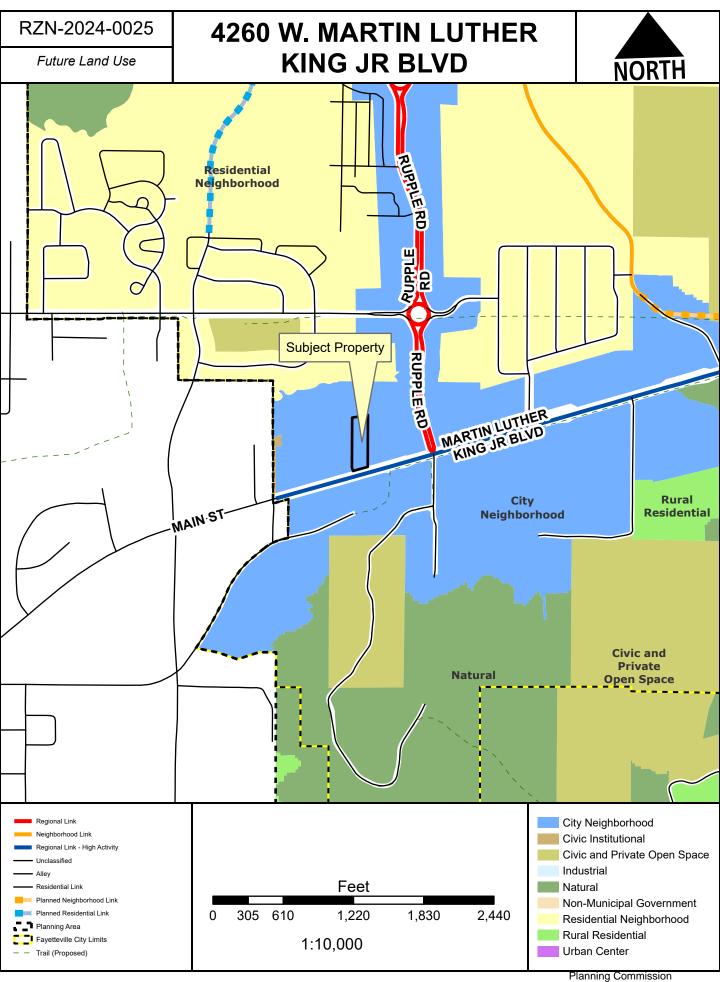


RZN-2024-0025 **4260 W. MARTIN LUTHER KING JR BLVD** Current Land Use NORTH Undeveloped Subject Property Zone AE **Zone AE** Undeveloped Commercial MARTIN LUTHER KING JR BLVD Undeveloped Regional Link **FEMA Flood Hazard Data** Regional Link - High Activity 100-Year Floodplain Unclassified Feet 💋 Floodway Residential Link Trail (Proposed) 112.5 225 450 675 900

1:3,600

Planning Area

Fayetteville City Limits



Planning Commission June 10, 2024 RZN-2024-0025 (CLUB CAR WASH) Page 13 of 13