City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date Agenda Items Only

	Agenda Items On	ıly	
Dara Sanders	Planning		Development Services
Submitted By	Division		Department
	Action Require	ed:	
RZN 11-3971: (The End of Best Way Sproperty located at the end of BEST William Thoroughfare Commercial and contain RMF-12, Residential Multi-Family, 12	VAY STREET AND HOLLY ns approximately 25.35 acr	WOOD AVENUE.	The property is zoned C-2,
	\$	æ	
Cost of this request	Category / Project I	Budget	Program Category / Project Name
	\$	<u>ė, </u>	
Account Number	Funds Used to E	Date	Program / Project Category Name
	\$	221	
Project Number	Remaining Bala	nce	Fund Name
Department Director City Attorney	12.72.10 Date Date	Previous Ordina Original Contrac	
Paul a. Bula Finance and Internal Services Director What Chief of Staff Jouln Jayor	12-2-2011 Date \(\frac{1\lambda - 2-11}{\text{Date}} \) \(\frac{2-11}{\text{Date}} \) \(\frac{2-11}{\text{Date}} \)	Received in Ci Clerk's Office Received in Mayor's Office	ENTERED 200
Comments:			





CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

Jeremy Pate, Development Services Director

From: Dara Sanders, Current Planner

Date: December 1, 2011

Subject: RZN 11-3971 (Barrett)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-family, 12 dwelling units per acre.

BACKGROUND

The subject property is located southeast of Martin Luther King Boulevard and Futurall Drive, and Hollywood Avenue and Best Way Street end at the northern portion of the undeveloped lot. The property contains 25.35 acres and is zoned C-2, Thoroughfare Commercial.

The applicant has submitted an application to rezone the property from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-family, 12 dwelling units per acre.

DISCUSSION

On November 14, 2011, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

BUDGET IMPACT

None.

ORDINANCE NO.

AN **ORDINANCE** REZONING THAT **PROPERTY** DESCRIBED IN REZONING PETITION RZN 11-3971, FOR APPROXIMATELY 25.35 ACRES, LOCATED AT THE END OF BEST WAY STREET AND HOLLYWOOD AVENUE FROM C-2, THOROUGHFARE COMMERCIAL, TO RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE

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 following described property from C-2, Thoroughfare Commercial to RMF-12, Residential Multi-Family, 12 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

<u>Section 2</u>: That the City Council of the City of Fayetteville, Arkansas hereby amend the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

	PASSED and APPROVED this	day of	, 2011.
APPR	ROVED:	ATTEST:	
By: _	IONELD JORDAN. Mayor	By:SOND	RA E. SMITH. City Clerk/Treasurer

EXHIBIT "A"

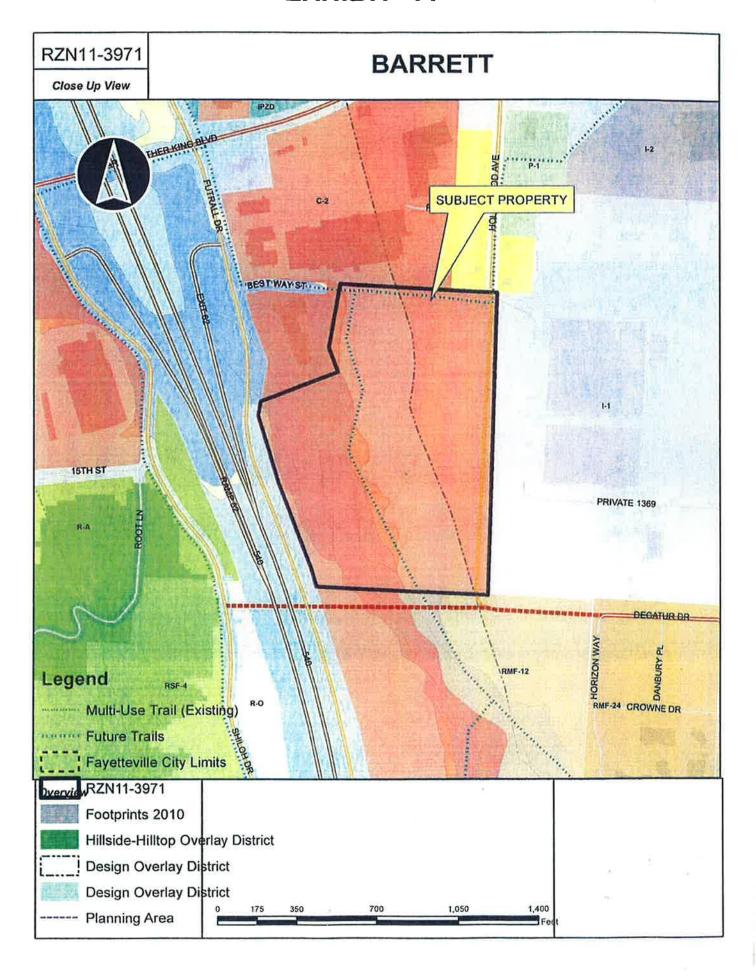


EXHIBIT "B" RZN 11-3971

LOT 2 AND 3 OF MAJOR ADDITION AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK IN WASHINGTON COUNTY, ARKANSAS AND BEING A PART OF THE SW1/4 OF THE NW1/4 AND A PART OF THE SE1/4 OF THE NW1/4 OF SECTION 20, T16N, R30W IN WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID SW1/4, NW1/4 THENCE S86°59'03"E 200.00 FEET, THENCE S01°56'51"W 1319.68 FEET, THENCE N87°09'48"W 741.60 FEET, THENCE N16°01'18"W 81.09 FEET, THENCE N21°31'18"W 405.70 FEET, THENCE N17°07'01"W 172.56 FEET, THENCE N17°19'24"W 128.45 FEET, THENCE N10°01'42"E 64.82 FEET, THENCE N69°24'08"E 369.58 FEET, THENCE N20°31'16"W 112.58 FEET, THENCE N10°21'05"E 284.38 FEET, THENCE S86°29'55"E 478.08 FEET TO THE P.O.B.; CONTAINING 25.35 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting of November 14, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St. Fayetteville, AR 72701 Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:

Fayetteville Planning Commission

FROM:

Dara Sanders, Current Planner

THRU:

Jeremy Pate, Development Services Director

DATE:

November 7, 2011

RZN 11-3971: Rezone (THE END OF BEST WAY ST. & HOLLYWOOD AVE./BARRETT, 559): Submitted by JORGENSEN & ASSOCIATES for property located at the end of BEST WAY STREET AND HOLLYWOOD AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 25.35 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTIFAMILY, 12 UNITS PER ACRE.

Planner: Dara Sanders

BACKGROUND:

Property Description: The subject property is located southeast of Martin Luther King Boulevard and Futurall Drive, and Hollywood Avenue and Best Way Street end at the northern portion of the undeveloped lot. The property contains 25.35 acres and is zoned C-2, Thoroughfare Commercial. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Mixed commercial uses	C-2, Thoroughfare Commercial
South	Undeveloped property,	UT, Urban Thoroughfare
	Fayette Junction Master Plan Area	RMF-12, Residential Multi-family, 12 du/acre
East	Warehousing	I-1, Heavy Commercial and Light Industrial
West	Undeveloped property, motel	C-2, Thoroughfare Commercial

Proposal: The applicant has submitted an application to rezone the property from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-family, 12 dwelling units per acre.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 11-3901 to the City Council with a recommendation of approval based on findings stated herein.

PLANNING CO	OMMISSION A	CTION:	Required	<u>YES</u>	
Date: <u>11-14-11</u>			Forwarded	□ Denied	☐ Tabled
Motion:	Second:	Vote:			
CITY COUNC	L ACTION:		Required Approved	YES □ De	nied
Date:					

INFRASTRUCTURE:

Streets: The site has access to Futrall Drive, Hollywood Avenue, and Best Way Street.

Futrall Drive is a two lane Highway Frontage Road. Hollywood Avenue is an unimproved two-land street that dead-ends at the property and connects to Martin Luther King Boulevard at a signal. Best Way Street is an improved two lane residential city street. Street improvements will be evaluated at the time of

development.

Water: Public water is available to the property. There is an 8" water main stubbed out to

the property from Best Way Street in the north west corner of the property. Public water main improvements will need to be extended through the property to provide

domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is an 8" and a 24" public main running

through the middle of this property. Public mains may need to be extended within

the property to serve any proposed development.

Drainage: Standard improvements and requirements for drainage will be required for any

development. This property is affected by the 100-year floodplain and the

Streamside Protection Zones.

Police: The Fayetteville Police Department finds that this rezoning request will not create an

undesirable increase in the load on police services but requests that two points of

access be considered at the time of development.

Fire: The Fayetteville Fire Department finds that this rezoning will not affect calls for

service or response times.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates this site as Urban Center Area, which contains the most intense and dense development patters within the City, as well as the tallest and greatest variety of buildings, including apartments, retail, hotels, etc.

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:

Surrounding properties are a mixture of residential, commercial, and light industrial/warehousing uses. The introduction of a form-based, multi-family zoning district into this transitional area south of Martin Luther King Boulevard and north of the Fayette Junction Master Plan Area, is compatible with the surrounding uses and with the future land use designation of Urban Center Area. The majority of the property to the south would allow for multi-family dwellings, and development of this site would likely result in the extension of at least one public street (Hollywood Avenue), as indicated on the Master Street Plan, which would increase connectivity and walkability in this area.

Further, the RMF-12 zoning district would be consistent with many of the primary goals of City Plan 2030 including:

Goal 2: We will discourage suburban sprawl.

The applicant proposes to rezone the property from a conventional zoning district that requires a sprawling, suburban form to a form-based zoning district that requires a more traditional town form. By developing this site under the RMF-12 zoning district, this proposal discourages suburban sprawl.

Goal 3: We will make traditional town form the standard.

This proposed RMF-12 zoning is a form-based zone with a build-to zone and associated design standards that require a traditional town form. This type of zoning provides the opportunity for a variety of uses creating the ability to live, work, shop, and have daily needs and services met within walking distance.

Goal 4: We will grow a livable transportation network.

By being a form-based zone, the development of this property for residential uses would provide the opportunity to concentrate development near one of the busiest corridors of the City with access to transit, and in close proximity to the University of Arkansas, a major employment and economic center of the City. This helps towards the goal of improved and expanded public transit.

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

Finding:

While the goals and future land use designations of City Plan 2030 acknowledge the conventional C-2, Thoroughfare Commercial, zoning district, the City's planning objectives, principles, and policies discourage the suburban and sprawling development form resulting from the C-2 bulk and area regulations. The RMF-12 zoning district is a form-based zoning district that promotes traditional town form with articulated buildings located close to the street; therefore, staff finds that the proposal is justified and needed at this time in order for this vacant property to develop in a form that is consistent with the City's planning objectives, principles, and policies.

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

Finding:

It is expected that the request could result in the potential for an increase in traffic, as the property is currently undeveloped; however, the Fayetteville Police Department does not anticipate that the zoning change will create or appreciably increase traffic danger and congestion. The site is currently zoned for commercial uses, which could generate large volumes of traffic compared to the proposed RMF-12 zoning district. Any development proposal submitted to the City for this property will be reviewed for traffic impact, street improvements, and access in accordance with the regulations of the Unified Development Code. The site is bound by collector streets on the east and west that provide a connection to signalized intersections on Martin Luther King Boulevard.

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 population density would increase with the proposed RMF-12 zoning district, as single and multi-family uses are the primary uses permitted by right, and they are not permitted under the current C-2, Thoroughfare Commercial, zoning district. The Fayetteville Police and Fire Departments have not expressed concerns with the impact of this rezoning to their services.

- 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: Not applicable. Staff is recommending approval.

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

- (A) Purpose. The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.
- (B) Uses.
 - (1) Permitted uses.

Unit 1	City-wide uses by right	
Unit 8	Single-family dwellings	
Unit 9	Two-family dwellings	
Unit 10	Three-family dwellings	
Unit 26	Multi-family dwellings	

(2) Conditional uses.

Unit 2	City-wide uses by conditional use permit	
Unit 3	Public protection and utility facilities	
Unit 4	Cultural and recreational facilities	
Unit 5	Government facilities	
Unit 11	Manufactured home park	
Unit 12	Limited business	
Unit 24	Home occupations	
Unit 25	Professional offices	
Unit 36	Wireless communications facilities	

(C) Density.

Units per acre	12 or less
Offits per acre	12 01 1033

- (D) Bulk and area regulations.
 - (1) Lot width minimum.

Manufactured home park	100 ft.
Lot within a manufactured home	50 ft.
park	
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) Lot area minimum.

Manufactured home park	3 acres
Lot within a	4,200 sq. ft.
manufactured home park	
Townhouse:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.

Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) Land area per dwelling unit.

Manufactured home	3,000 sq. ft.
Apartments:	
No bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) Setback requirements.

Front	Side	Rear
The principal	8 ft.	25 ft.
façade of a		
building shall be		
built within a		
build-to zone		
that is located		
between 10 feet		
and a line 25		
feet from the		
front property		
line.		

Cross reference(s)--Variances, Ch. 156

(F) Building height regulations.

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

- (G) Building area. None.
- (H) Minimum buildable street frontage. 50% of the lot width.

161.18 District C-1, Neighborhood Commercial

- (A) *Purpose*. The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.
- (B) Uses.
 - (1) Permitted uses.

Unit 1	City-wide uses by right	
Unit 5	Government Facilities	
Unit 13	Eating places	
Unit 15	Neighborhood shopping	
Unit 18	Gasoline service stations and drive- in/drive through restaurants	
Unit 25	Offices, studios, and related services	

(2) Conditional uses.

City-wide uses by conditional use permit
Public protection and utility facilities
Cultural and recreational facilities
Shopping goods
Liquor stores
Outdoor music establishments*
Wireless communications facilities*
Sidewalk Cafes
Clean technologies
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- (C) Density. None.
- (D) Bulk and area regulations. None.
- (E) Setback regulations.

Front	50 ft.	
Side	None	
Side, when contiguous to a residential district	10 ft.	
Rear	20 ft.	

- (F) Height regulations. There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.
- (G) Building area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

RZN 11-3971: Rezone (THE END OF BEST WAY ST. & HOLLYWOOD AVE./BARRETT, 559): Submitted by JORGENSEN & ASSOCIATES for property located at the end of BEST WAY STREET AND HOLLYWOOD AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 25.35 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE. Planner: Dara Sanders

Public water is available to the property. There is an 8" water main stubbed out to the property from Best Way Street in the north west corner of the property. Public water main improvements will need to be extended through the property to provide domestic and fire flow for any proposed development.

Sanitary sewer is available to the site. There is an 8" and a 24" public main running through the middle of this property. Public mains may need to be extended within the property to serve any proposed development.

The site has access to Futrall Drive and Best Way Street. Futrall Drive is a two lane Highway Frontage Road. Best Way Street is an improved two lane residential city street. Street improvements will be evaluated at the time of development.

Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones.

Date 11/04/11

Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for comments on proposed RZN 11-3971: Rezone (THE END OF BEST WAY ST. & HOLLYWOOD AVE./BARRETT, 559): Submitted by JORGENSEN & ASSOCIATES for property located at the end of BEST WAY STREET AND HOLLYWOOD AVENUE.

It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. I would ask that two points of access to this area be required. These two points of access would keep all the traffic off of a single intersection and would give public safety an additional access into the area in the event of an emergency.

Sincerely,

Captain William Brown
Fayetteville Police Department

C. 1 RZN 11-3971 (Best Way St. & Hollywood Ave.)





FIRE DEPARTMENT 303 West Center Street Fayetteville, AR 72701 P (479) 575-8365 F (479) 575-0471

Fayelleville Www.accessfayetteville.org

Zoning Review

To:

Dara Sanders,

From:

Captain Mark Stevens

Date:

November 8, 2011

Re:

RZN 11-3971

This development will be protected by Engine 6 located at 900 S. Hollywood It is .15 miles from the station with an anticipated response time of 1 minute to the beginning of the development. The Fire Department anticipates 50 (32 EMS - 18 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred of 304 residential units. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Mark Stevens Assistant Fire Marshal Fayetteville Fire Department 124 WEST SUNBRIDGE, SUITE 5 FAYETTEVILLE, ARKANSAS 72703

(479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S. JUSTIN L. JORGENSEN, P.E. BLAKE E. JORGENSEN, P.E.

10-4-11

City of Fayetteville 113 W. Mountain Fayetteville, AR 72701

Attn: Development Services
Re: Hollywood property Rezoning

This letter is in regards to the above referenced proposed rezoning and the following required information:

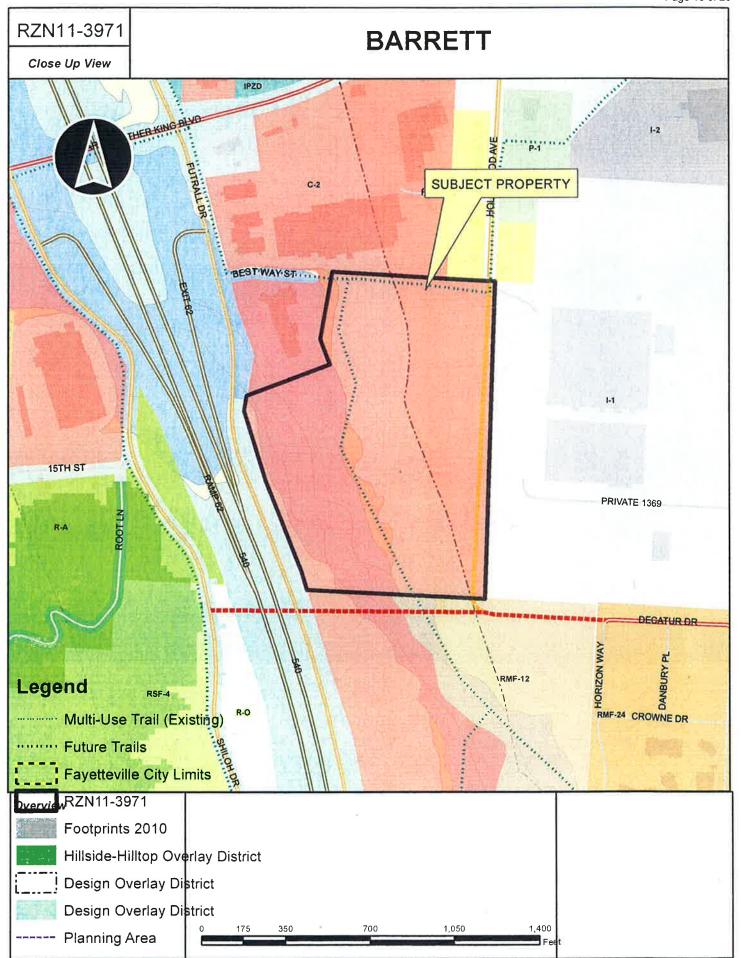
- A. The current owner of this site is Tom & Hansaben Bhakta, and Terry & Sun Dill.
- B. Currently this property is zoned C-2. The reason for the requested *RMF-12* zoning is to allow for potential multi-family housing. The current zoning limits the marketability of the property and has yet to find a suitable new owner; the market has indicated that the current zoning is not desired; however the RMF-12 zoning would suit this property well.
- C. By proposing RMF-12 zoning for this property. Goods and services along 6th Street (Martin Luther Kind Blvd) will benefit from this rezoning and the traffic generated will naturally create business for these existing and future services. This rezoning will aid in developing a cohesive living environment as the adjacent lands develop.
- D. Sewer currently lies on the east side of an existing stream and runs through the property. Water lies on the west side and north. Size appears to be sufficient.
- E. Rezoning this property to RMF-12 falls in line of the land use principles and demands of this area.
- F. This zoning is appropriate at this time and is necessary to meet the current and future market needs.
- G. This rezoning will increase traffic to this region; however this property is adjacent to a major street which has the capacity for this increased traffic load. Increased traffic will also aid in the commercial businesses within the vicinity of this project.
- H. Rezoning this property will increase population density, which will benefit this city and negate urban sprawl, which is not in line with the City's 2030 Plan. Public services are in-place and have the capacity to support this rezoning.
- I. This property has been on the market for sometime now and it is apparent that commercial uses are not appropriate for this site. The flexibility of the RMF-12 zoning will allow the Streamside Protection areas to be better preserved, as commercial property would prefer frontage along Frontage Drive, which happens to fall within floodplain boundaries. The Future Multi-use trail that is an integral part of the property will properly serve the pedestrians who will live in the new multi-family development, and this trail system would likely be more utilized by a multi-family development than a commercial development.

We ask that you please consider this rezoning. Please contact us if you have any questions.

Sincerely;

Jorgensen, P.E.

[·] PUBLIC WORKS · LAND DEVELOPMENT · WATER SYSTEMS · WASTEWATER SYSTEMS · LAND SURVEYING ·



Page 17 of 20 RZN11-3971 BARRETT One Mile View MARKHAM RD DICKSON ST RSF-2RMF-12C-2 ALLEY 223 RS ST STADUM HOTZ DR WALTON ST RMF. STONE ST UBLIC 545 LST SUBJECT PROPERTY OLD FREMING TON RDA RPZD F-24 OLD FARMINGTON RMF 2 INDIAN TRL IPZD C-1 OFFICE DR ROCHIER ST RPZD RSF-2 RMF-40 RMF-24RMF-40 RPZD_C RSF-4 RMF-24 R-00 NVATE 136 0.2 CPZD RMF-2 RMF-2 RMF-24 CROWNE DR RICHMOND D RMF-24 KEITH C-1 RMF-24 RSF-4 SLIGO STE O ARROWHEAD ST RMF-24 PAGE AND REF-4 NS RMF-24 RMF-FINGER RD CATO SPRINGS RD Legend Multi-Use Trail (Existing) YOUSELN Future Trails Muti-Use Trail (Existing) Future Prais Hillside-Hilltop Overlay District Overview Legend RZN11-3971 Subject Property Design Overlay District RZN11-3971 Planhing Area Boundary Fayetteville 0.25 0.5 0 ı Miles

RZN11-3971 **BARRETT** Current Land Use SUBJECT PROPERTY FACTORY PRIVATE 1369 Multi-Use Trail (Existing) OverviewFuture Trails Fayetteville City Limits RZN11-3971 Footprints 2010 Design Overlay District 1,050 1,400 175 350 700 -- Planning Area

