

City Council Agenda Items  
and  
Contracts, Leases or Agreements

8/7/2012

City Council Meeting Date  
Agenda Items Only

Jesse Fulcher  
Submitted By

Planning  
Division

Development Services  
Department

Action Required:

RZN 12-4135: (521 N. COLLEGE AVE./RODDEY, 445): Submitted by COMMUNITY DEVELOPMENT PARTNERS, LLC for property located at 521 NORTH COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.34 acres. The request is to rezone the subject property to DG, DOWNTOWN GENERAL.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Jesse C. Pate  
Department Director      07-18-2012  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

Jesse Fulcher  
City Attorney      7-20-2012  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Paul A. Bush  
Finance and Internal Services Director      7-20-2012  
Date

Received in City Clerk's Office 20-12 A09:39 RCVD  
Wsn

Tommy Gully  
Chief of Staff      9-20-12  
Date

Received in Mayor's Office  
ENTERED 7/20/12  
PH

Donald Jordan  
Mayor      7/20/12  
Date

Comments:

## CITY COUNCIL AGENDA MEMO

---

**To:** Mayor Jordan, City Council  
**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director &  
**From:** Jesse Fulcher, Current Planner  
**Date:** July 19, 2012  
**Subject:** RZN 12-4135 (521 N. College Avenue/Roddey)

---

### RECOMMENDATION

Planning staff and the Planning Commission recommend approval of an ordinance to rezone the subject property from C-2, Thoroughfare Commercial to DG, Downtown General.

### BACKGROUND

The subject property is located at 521 N. College Avenue and zoned C-2, Thoroughfare Commercial. The property is currently developed with the Twin Arch Motel, a two building complex constructed in approximately 1950.

*Proposal:* The applicant proposes to rezone the property from C-2, Thoroughfare Commercial to DG, Downtown General.

### DISCUSSION

On June 25, 2012 the Planning Commission voted 9-0-0 to forward this request to the City Council with a recommendation for approval.

### BUDGET IMPACT

None.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 12-4135, FOR APPROXIMATELY 0.34 ACRES, LOCATED AT 521 NORTH COLLEGE AVENUE FROM C-2, THOROUGHFARE COMMERCIAL TO DG, DOWNTOWN GENERAL

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from C-2, Thoroughfare Commercial to DG, Downtown General, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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.

**PASSED** and **APPROVED** this    day of    , 2012.

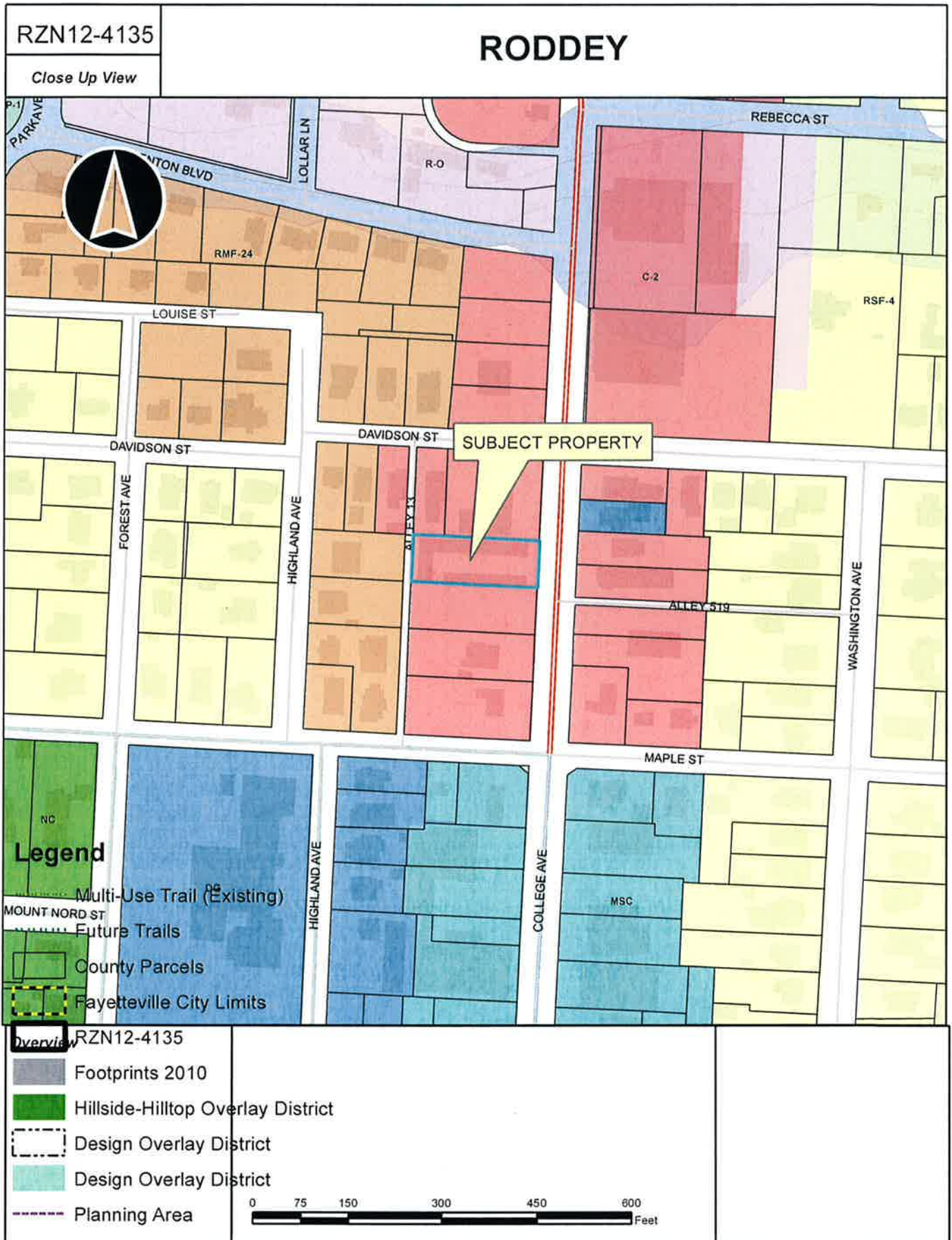
APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

# EXHIBIT "A"



**EXHIBIT "B"**  
**RZN 12-4135**

LOT 8, BLOCK 1 (OAK GROVE), FAYETTEVILLE, ARKANSAS.



PC Meeting of June 25, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission  
FROM: Jesse Fulcher, Current Planner  
THRU: Jeremy Pate, Development Services Director  
DATE: ~~June 19, 2012~~ Updated June 26, 2012

**RZN 12-4135: Rezone (521 N. COLLEGE AVE./RODDEY, 445):** Submitted by COMMUNITY DEVELOPMENT PARTNERS, LLC for property located at 521 NORTH COLLEGE AVENUE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.34 acres. The request is to rezone the subject property to DG, DOWNTOWN GENERAL.

Planner: Jesse Fulcher

**BACKGROUND:**

*Property Description:* The subject property is located at 521 N. College Avenue and zoned C-2, Thoroughfare Commercial. The property is currently developed with the Twin Arch Motel, a two building complex constructed in approximately 1950. Surrounding land use and zoning is listed in *Table 1*.

**Table 1  
SURROUNDING LAND USE AND ZONING:**

Direction from Site	Land Use	Zoning
North	Commercial	C-2, Thoroughfare Commercial
South	Commercial	C-2, Thoroughfare Commercial
East	Commercial	C-2, Thoroughfare Commercial
West	Residential	RMF-24, Residential Multi-family

*Proposal:* The applicant proposes to rezone the property from C-2, Thoroughfare Commercial to DG, Downtown General.

*Public Comment:* Staff has not received public comment.

**RECOMMENDATION:**

Staff recommends forwarding rezoning request RZN 12-4135 (521 N. College Ave./Roddey) to the City Council with a recommendation for approval based on the findings stated herein.

<b>PLANNING COMMISSION ACTION:</b> <b>Required</b> <u><b>YES</b></u>			
<b>Date:</b> <u>June 25, 2012</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> Chesser	<b>Second:</b> Cook	<b>Vote:</b> 9-0-0	
<b>CITY COUNCIL ACTION:</b>			
	<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> <u><b>YES</b></u>	<input type="checkbox"/> Denied
<b>Date:</b>			

**INFRASTRUCTURE:**

**Streets:**        The site has access to N. College Avenue, which is a four-lane paved state highway, and a public alley to the west. Street improvements would be evaluated at the time of redevelopment.

**Water:**        Public water is available to the property. There is an 8” main along N. College Avenue. A public main may need to be extended through the property to provide domestic and fire flow for future development.

**Sewer:**        Sanitary sewer is available to the site. There is a 8” public main along N. College Avenue. A public main may need to be extended through the property to serve future development.

**Drainage:**     Standard improvements and requirements for drainage will be required for the development. This property is not affected by the 100-year floodplain.

**Police:**        Staff has not received any objection from the Police Department to this rezoning.

**Fire:**            This property will be covered by Engine #1 located at 303 W. Center Street. It is 1.1 miles from the station with an anticipated response time of 3 minutes. The Fire Department does not feel that this rezoning will affect the calls for service or response times.

**CITY PLAN 2030 FUTURE LAND USE PLAN:** *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**, are more densely population than residential neighborhood areas and provide a varying mix of nonresidential and residential land uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multifamily. .*

## 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:** Staff finds that rezoning the property to Downtown General would be more consistent with the land use planning objectives, principles and polices than the existing C-2 zoning district. The Downtown General zoning district will allow for office, retail, light commercial and residential uses. A conventional zoning district such as C-2, Thoroughfare Commercial may allow some of the same types of uses, but prohibit a desired development pattern due to the large setbacks from the right-of-way (between 25'-50'). Additionally, residential uses in the C-2 zoning district are only permitted as an accessory use, restricting the use of the property to predominantly commercial use.

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

**Finding:** The subject property has been utilized as a motel since construction in the early 1950's. The current C-2 zoning designation requires that at least 51% of the structure be utilized for commercial purposes. A rezoning to Downtown General will allow the applicant to utilize the existing structures for residential or commercial uses with no restriction on the size of either use. Additionally, the buildings currently violate the C-2 district building setbacks. Rezoning the property to DG, with a 0-25' build-to zone will resolve this encumbrance.

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

**Finding:** Based on staff findings and the Fayetteville Police Department report, the proposed rezoning will not create or appreciably increase traffic danger and congestion in the area. The property has access to College Ave., a Principal Arterial, and a public alley. Access to the site will be reviewed at the time of redevelopment.

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:** Staff finds that the proposed zoning will not create undesirable impacts to public services, or a residential density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property. The property is currently zoned C-2, Thoroughfare Commercial. The change in zoning to Downtown General will not permit uses that will adversely impact public services.



**Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments are included in this report.**

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**

**FAYETTEVILLE UNIFIED DEVELOPMENT CODE**

**161.18 District C-2, Thoroughfare Commercial**

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09)

**161.22 Downtown General.**

(A) *Purpose.* *Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center*. *Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation*. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the *Downtown General* district is a residential zone.

(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-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

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	Trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density.* *None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.
---------------------------	--------

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, facing street	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side, internal	None
Rear, without easement or alley	5 ft.
Rear, from center line of an easement or alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(H) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07)

[Type text]

Community Development Partners LLC  
6424 Bridge Bay Ln.  
Rogers, AR 72758  
May 15, 2012

City of Fayetteville Planning Commission Board Members  
125 W. Mountain St.  
Fayetteville, AR 72701

Dear Planning Committee Board Members

On behalf of Community Development Partners LLC I would like to thank you for your time and ask for consideration in rezoning parcel 765-08940-00 also referred to as 521 N. College Fayetteville, AR 72701. This property is currently home to the Twin Arch Motel, an 11 unit motel complex that in not in working status.

Community Development Partners LLC has placed a buy offer with the current owner, which was accepted, contingent on successful rezoning of the parcel through the Fayetteville City Planning Commission. The current owner of the property is Grace M. Warren who currently resides in California. Mrs. Warren and her late husband had successfully operated the Twin Arch Motel since purchase in 1985.

The current zoning status for this parcel is C-2 Commercial Thoroughfare. Community Development Partners LLC is requesting a rezoning status of DG Downtown General in order to re-develop the property into a 9 unit studio apartment complex amid at serving graduate level student and young business professionals.

The current surrounding properties are comprised of small businesses to the north, south and west as well as multi-family units to the east. The appearance of the property, from its' current state, will be improved with landscaping and basic visual improvements. Traffic to and from the subject property will not be dramatically altered; parking for automobiles will be available for future tenants. Signage for the proposed complex will not change drastically from the current signage today and will comply with city code requirements.

All current utilities lines at the subject property will not altered and can support tenant usage as they have for many years prior.

We believe that the proposed rezoning for the subject parcel will fit well with in the Fayetteville City Master Plan as all properties to the south have been rezoned to DG Downtown General. The use of the land and property for this parcel for studio apartments, we believe, will promote stable living environments and aid in further economic development along the College Avenue/71B corridor.

We would like to request that, if deemed acceptable by the Committee, rezoning take place as soon as possible in order to close on the sale of the parcel so that Community Development Partners LLC may begin re-development and construction processes. The current C-2 zoning does not appear to be the future direction of the city. We are excited and honored to be part of the growth happening in Fayetteville.

Sincerely,

Garrison Roddey

Community Development Partners LLC.







RZN12-4135

# RODDEY

Current Land Use



Overview RZN12-4135

-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area

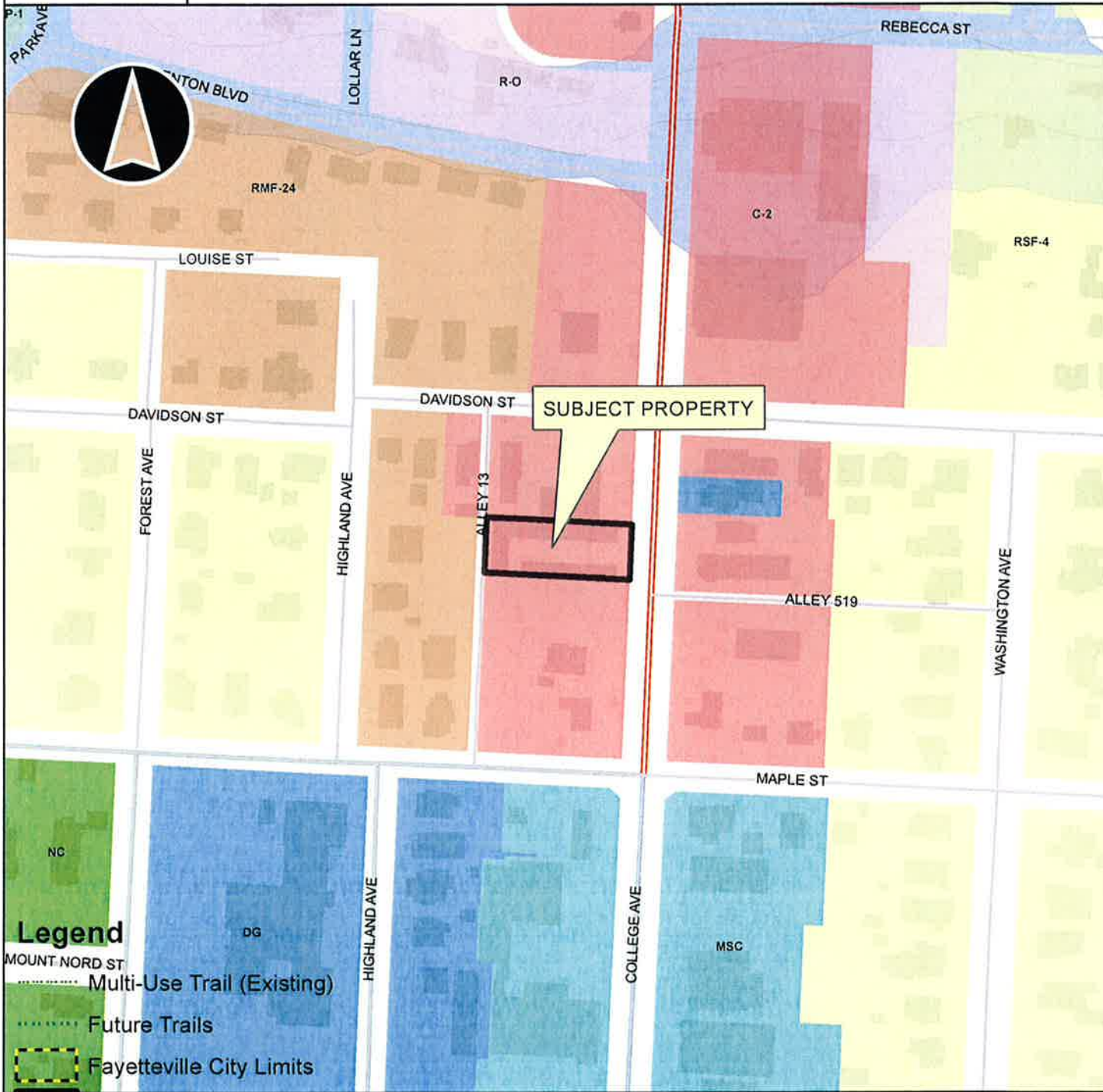




RZN12-4135

# RODDEY

Close Up View



## Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

## Overview

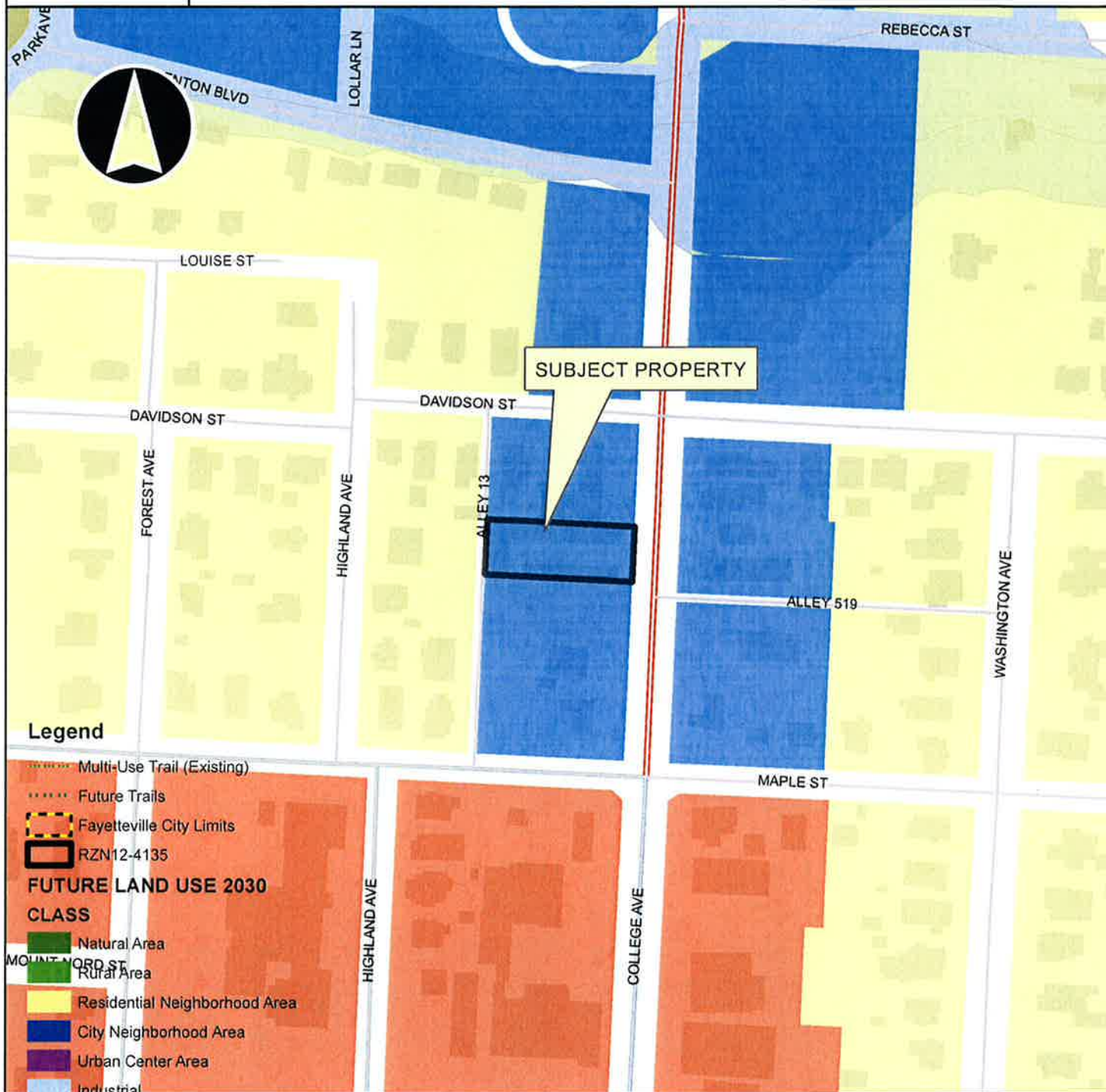
- RZN12-4135
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN12-4135

# RODDEY

Future Land Use



SUBJECT PROPERTY

- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Design Overlay District
- Design Overlay District
- Planning Area





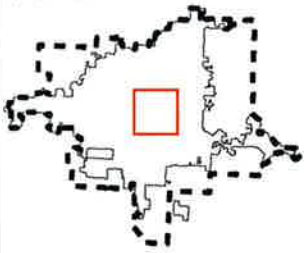
RZN12-4135

# RODDEY

One Mile View



Overview



Legend

Subject Property  
 RZN12-4135

Boundary

-  RZN12-4135
-  Design Overlay District
-  Planning Area
-  Fayetteville

