

City of Fayetteville Staff Review Form

C. 1  
 RZN 13-4310 (N. of the Intersection of N. Gregg Ave. and W. Van Ascher Dr./Haas Hall)  
 Page 1 of 16

**City Council Agenda Items  
 and  
 Contracts, Leases or Agreements**

4/2/2013

City Council Meeting Date  
 Agenda Items Only

Quin Thompson  
 Submitted By

Planning  
 Division

Development Services  
 Department

Action Required:

RZN 13-4310: Rezone (N. OF THE INTERSECTION OF N. GREGG AVE. AND W. VAN ASCHE DR./HAAS HALL, 172): Submitted by MCCLELLAND CONSULTING ENGINEERS, INC. for property located NORTH OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 17.28 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

_____	\$ _____	_____
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

W. C. Park 03-15-2013  
 Department Director Date

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

[Signature] 3-15-13  
 City Attorney Date

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

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

Paul A. Buhm 3-15-2013  
 Finance and Internal Services Director Date

Received in City Clerk's Office 15-13 P02:38 RCVD  
 WCB

Don Man 3-18-13  
 Chief of Staff Date

Received in Mayor's Office  
 ENTERED 3/15/13 [Signature]

[Signature] 3/18/13  
 Mayor Date

Comments:

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan, City Council

**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director &

**From:** Quin Thompson, Current Planner

**Date:** March 13, 2013

**Subject:** 13-4310 RZN CMN II PH III Lot 20 & 21 (Haas Hall)

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### RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance to rezone the subject property, consisting of multiple parcels containing approximately 17.28 acres in total, from C-1, Neighborhood Commercial, to P-1, Institutional.

### BACKGROUND

The subject property is located east of Gregg Avenue, and north of Van Asche Drive. The property is within the C-1 zoning district and is currently undeveloped.

The property is located within 1000 feet of the City of Johnson, and therefore according to Arkansas Statute (A.C.A. 14-56-306) this rezoning, if approved by the City of Fayetteville, will not be effective until the City of Johnson approves it by resolution.

### DISCUSSION

This item was heard at the Planning Commission meeting March 11, 2013. There was no public comment. Staff recommended in favor of the proposed zoning. The Planning Commission voted 7-0-1 to support the rezoning request, with Commissioner Hoskins recusing himself from the roll call.

### BUDGET IMPACT

None.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4310, FOR APPROXIMATELY 17.28 ACRES, LOCATED NORTH OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE FROM C-1, NEIGHBORHOOD COMMERCIAL TO P-1, INSTITUTIONAL

**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-1, Neighborhood Commercial to P-1, Institutional, 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    , 2013.

APPROVED:

ATTEST:

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

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

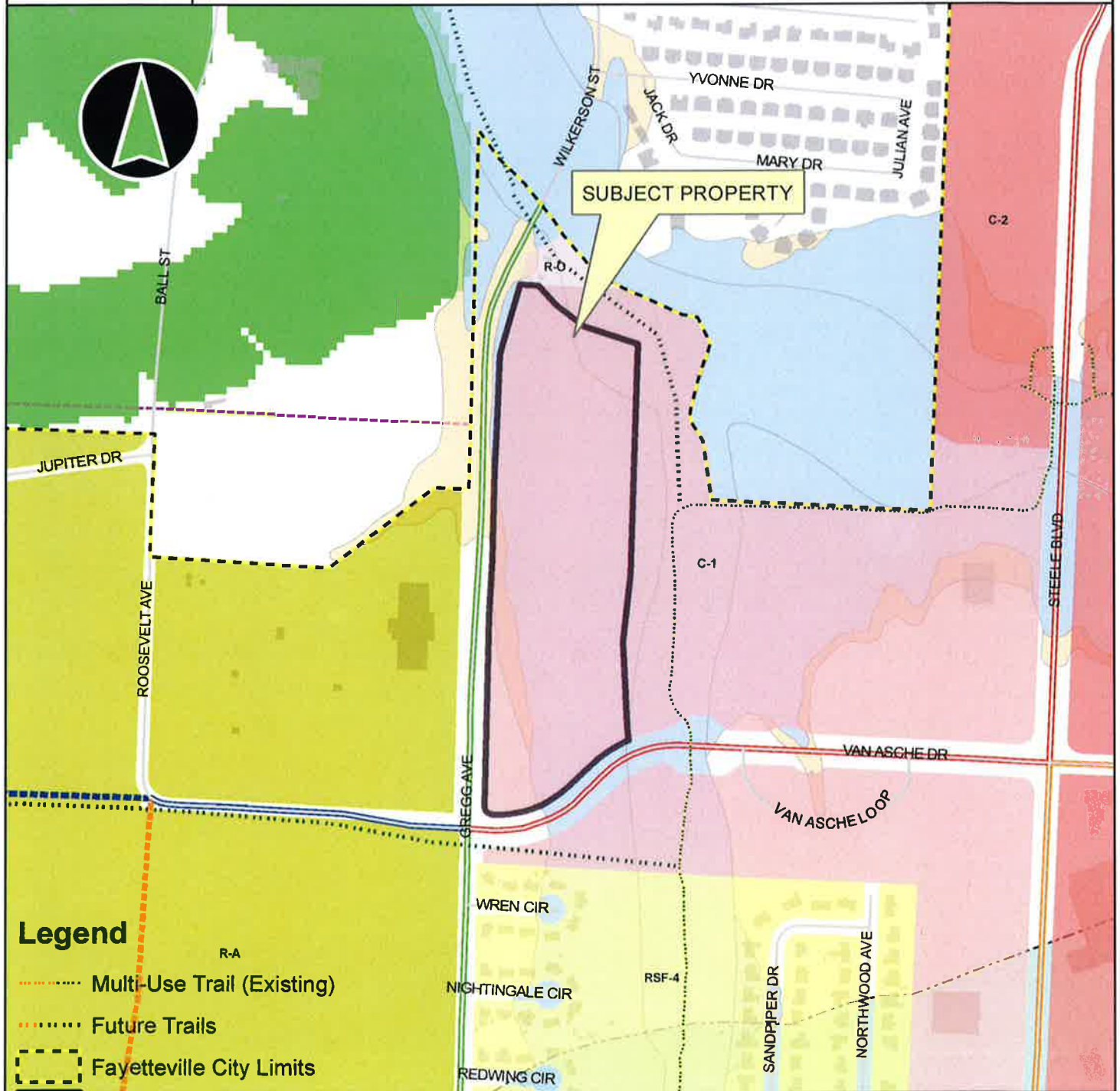
# EXHIBIT "A"

C. 1  
 RZN 13-4310 (N. of the Intersection of N.  
 Gregg Ave. and W. Van Ascher Dr./Haas Hall)  
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RZN13-4310

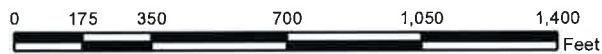
## HAAS HALL

Close Up View



### Legend

- - - - - Multi-Use Trail (Existing)
- - - - - Future Trails
- Fayetteville City Limits
- RZN13-4310
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



**EXHIBIT "B"**  
**RZN 13-4310**

A PART OF THE SOUTH HALF (S ½) OF THE NORTHEAST QUARTER (NE ¼) AND A PART OF THE NORTH HALF (N ½) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 27, T-17-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN FOUND AT THE SE CORNER OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 27, THENCE ALONG THE EAST LINE OF SAID SECTION 27 SOUTH 2°28'46" WEST – 167.56 FEET TO A FOUND IRON PIN, THENCE DEPARTING THE EAST LINE OF SAID SECTION 27 AND ALONG THE SOUTH LINE OF LOTS 19B AND 19C OF CMN BUSINESS PARK II – PHASE III RECORDED IN PLAT BOOK 23-336 NORTH 86°54'28" WEST – 908.73 FEET TO THE SW CORNER OF LOT 19C OF CMN BUSINESS PARK II – PHASE III, THENCE ALONG THE WEST LINE OF SAID LOT 19C THE FOLLOWING FOUR (4) COURSES; NORTH 2°00'53" EAST – 49.72 FEET; NORTH 5°06'17" WEST – 142.63 FEET; NORTH 14°02'48" WEST – 188.25 FEET; NORTH 6°00'59" WEST – 72.35 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF VAN ASCHE DRIVE FOR THE POINT OF BEGINNING, THENCE SOUTHWESTERLY ALONG THE CURVING NORTH RIGHT OF WAY LINE OF VAN ASCHE DRIVE A DISTANCE OF 144.00 FEET, SAID CURVE BEING CONCAVE TO THE SE, HAVING A RADIUS OF 455.00 FEET AND WHOSE CHORD BEARS SOUTH 56°20'29" WEST – 143.40 FEET; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 47°16'30" WEST – 118.91 FEET; THENCE SOUTHWESTERLY ALONG THE CURVING NORTH RIGHT OF WAY LINE OF VAN ASCHE DRIVE A DISTANCE OF 277.28 FEET, SAID CURVE BEING CONCAVE TO THE NW, HAVING A RADIUS OF 345.00 FEET AND WHOSE CHORD BEARS SOUTH 70°17'58" WEST – 269.68 FEET; THENCE NORTHWESTERLY CONTINUING ALONG THE CURVING SAID NORTH RIGHT OF WAY LINE A DISTANCE OF 46.20 FEET, SAID CURVE BEING CONCAVE TO THE NE, HAVING A RADIUS OF 30.00 FEET AND WHOSE CHORD BEARS NORTH 42°33'29" WEST – 41.77 FEET TO A POINT ON THE EXISTING EAST R/W LINE OF GREGG AVENUE (VARIABLE WIDTH R/W); THENCE ALONG SAID EXISTING EAST R/W LINE THE FOLLOWING SEVEN (7) COURSES; NORTH 1°33'44" EAST – 641.70 FEET; NORTH 3°29'02" EAST – 193.99 FEET; NORTH 1°22'17" EAST – 306.46 FEET; NORTH 3°16'50" EAST – 117.28 FEET TO A FOUND IRON PIN; NORTH 2°24'45" EAST – 275.23 FEET TO A FOUND IRON PIN; NORTH 16°32'02" EAST – 225.44 FEET TO A FOUND IRON PIN; NORTH 13°03'47" EAST – 20.81 FEET, A FOUND IRON PIN BEARS SOUTH 87°13'50" EAST – 2.33 FEET; THENCE DEPARTING SAID EXISTING EAST R/W LINE SOUTH 87°13'50" EAST – 60.67 FEET TO THE NW CORNER OF LOT 19C OF CMN BUSINESS PARK II – PHASE III; THENCE ALONG THE WEST LINE OF LOT 19C OF CMN BUSINESS PARK II – PHASE III THE FOLLOWING SEVEN (7) COURSES; SOUTH 41°52'55" EAST – 94.83 FEET; SOUTH 53°06'40" EAST – 115.81 FEET; SOUTH 71°54'49" EAST – 194.56 FEET; SOUTH 2°00'29" WEST – 783.10 FEET; SOUTH 6°37'47" WEST – 230.20 FEET; SOUTH 2°32'29" EAST – 286.90 FEET; SOUTH 6°00'59" EAST – 48.46 FEET TO THE POINT OF BEGINNING, CONTAINING 17.28 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.



PC Meeting of March 11, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
 FROM: Quin Thompson, Current Planner  
 THRU: Jeremy Pate, Development Services Director  
 DATE: ~~March 5, 2013~~ UPDATED 3-13-2013

**RZN 13-4310: Rezone (N. OF THE INTERSECTION OF N. GREGG AVE. AND W. VAN ASCHE DR./HAAS HALL, 172):** Submitted by MCCLELLAND CONSULTING ENGINEERS, INC. for property located NORTH OF THE INTERSECTION OF NORTH GREGG AVENUE AND WEST VAN ASCHE DRIVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 17.28 acres. The request is to rezone the property to P-1, INSTITUTIONAL.  
 Planner: Quin Thompson

**BACKGROUND:**

*Property Description & Background:* The subject property is located east of Gregg Avenue, and north of Van Asche Drive. The property is within the C-1 zoning district and is currently undeveloped.

**Table 1  
 Surrounding Zoning and Land Use**

Direction from Site	Land Use	Zoning
North	Undeveloped	C-1, Neighborhood Commercial
South	Undeveloped / Single family residential	C-1, Neighborhood Commercial / RSF-4, Residential Single-Family Four Units Per Acre
East	Undeveloped	C-1, Neighborhood Commercial
West	Tune Concrete Plant	R-A, Residential Agricultural

*Proposal:* The request is to rezone the property from C-1, Neighborhood Commercial, to P-1, Institutional, to allow for the development of Haas Hall Academy, a private charter school.

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

**RECOMMENDATION:**

Staff recommends forwarding RZN 13-4310 to the City Council with a recommendation for **approval** based on findings stated herein.

<b>PLANNING COMMISSION ACTION: Required <u>YES</u></b>			
<b>Date: <u>March 11, 2013</u></b>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion: <u>CHESSER</u> Second: <u>COOK</u></b>			
<b>Vote: <u>7-0-1</u></b>			
<b>Note: <u>HOSKINS RECUSED</u></b>			
<b>CITY COUNCIL ACTION: Required <u>YES</u></b>			
<b>Date:</b>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

#### INFRASTRUCTURE:

**Streets:** The site has access to Gregg Avenue and Van Asche Blvd.. Gregg Avenue is a fully improved four lane street in this location. Van ASche is a fully improved four lane boulevard in this location. Street improvements within the property will be evaluated at the time of development.

**Water:** Public water is available to the property. There is a 12” water main along Gregg Avenue in this location. Public water main improvements may be necessary to provide fire flow for domestic service for any proposed development.

**Sewer:** Sanitary sewer is available to the site. There is an 16” main along Scull Creek to the rear of this property.

**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:** It is the opinion of the Fayetteville Police Department that this RZN (12-4273), will not substantially alter the population density. This RZN will not create an

appreciable or undesirable increase in the load on police services and will not create an appreciable increase in traffic danger and congestion.

**Fire:** The Fayetteville Fire Department has not expressed concerns with this request.

**CITY PLAN 2030 FUTURE LAND USE PLAN:** *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. City Neighborhood area is identified as the most intense and dense development within the City, along with the greatest variety of buildings. Row houses, apartments, local and regional retail, hotels, and entertainment uses are some of the expected future uses in areas with this designation.*

### **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:** **The proposed P-1 zoning for an educational/institutional use is compatible with the adjacent and nearby commercial and single-family residential land uses. Adjacent developments include residential single family residential, zoned RSF-4 (maximum four units per acre) to the south, City of Fayetteville parkland and a residential neighborhood to the north. The P-1 zoning will be compatible with the Future Land Use Plan 2030, which designates the area 'Urban Center Area'. This use is intended to contain the highest intensity and density development pattern as well as greatest variety of uses in the city. A school meets this land use goal provides a transition between surrounding commercial and residential uses. The P-1 zone is intended for public institutions and churches. Typical developments in the P-1 zone include colleges, senior housing, auditoria, community center, swimming pool, and churches.**

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

**Finding:** **As discussed in Finding No. 1, the proposed zoning is justified as it is compatible with the surrounding zoning and land uses and consistent with the City's Future Land Use Plan. The property could be developed under the existing zoning regulations; however the P-1 zoning is justified and will allow an educational use by right.**

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



**Finding:** Based on gross density, the existing zoning would allow a range of high traffic uses from restaurants to gas stations, as well as commercial and professional office uses. The area is well served by improved, high capacity streets. This level of connectivity will disperse vehicular trips, reducing potential traffic impacts from development on this site. Traffic patterns will be typical of schools, with peaks in morning and mid-afternoon. The Fayetteville Police Department has reviewed the proposal and finds that the intended use is appropriate and not likely to appreciable increase traffic danger or congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

**Finding:** The proposed zoning would not increase population density over that allowed under the current zoning. This site is located at the edge of an intensive commercial district and in close proximity to residential neighborhoods.

Increased load on public services was taken into consideration and recommendations from Engineering and Police Departments are included in this report. Significant adverse impacts to public services would not result with the incorporation of standard improvements as part of the 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

**161.29 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

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

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

(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(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10

### 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

Unit 44	Cottage Housing Development
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(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(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.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord.

RZN13-4310

# HAAS HALL

Close Up View



## Legend

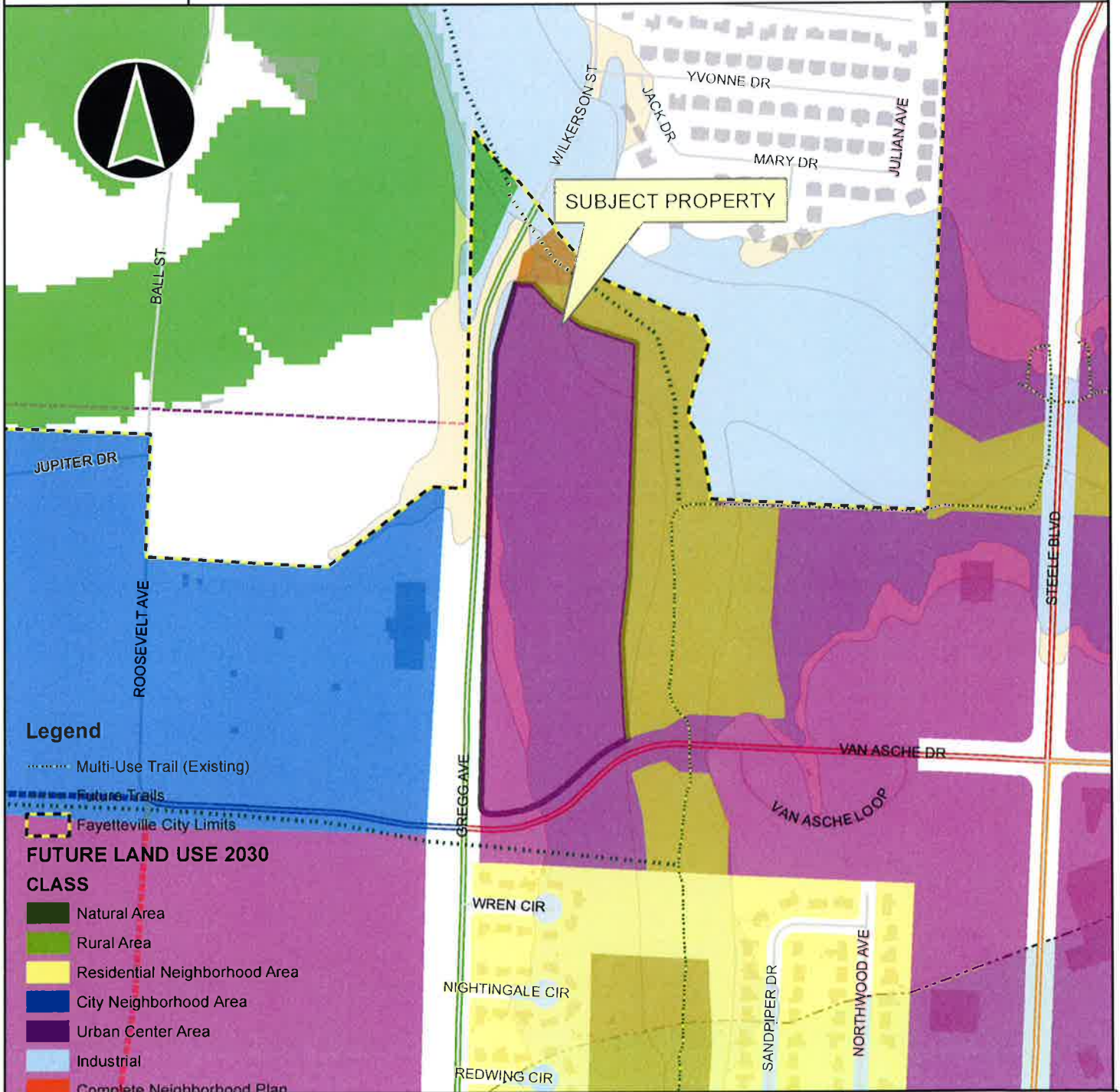
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- Design Overlay District
- Planning Area



RZN13-4310

# HAAS HALL

Future Land Use



**Legend**

..... Multi-Use Trail (Existing)

..... Future Trails

..... Fayetteville City Limits

**FUTURE LAND USE 2030**

**CLASS**

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

Civic and Private Open Space/Parks

Civic Institutional

Non-Municipal Government

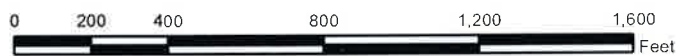
ROW

RZN13-4310

Design Overlay District

Design Overlay District

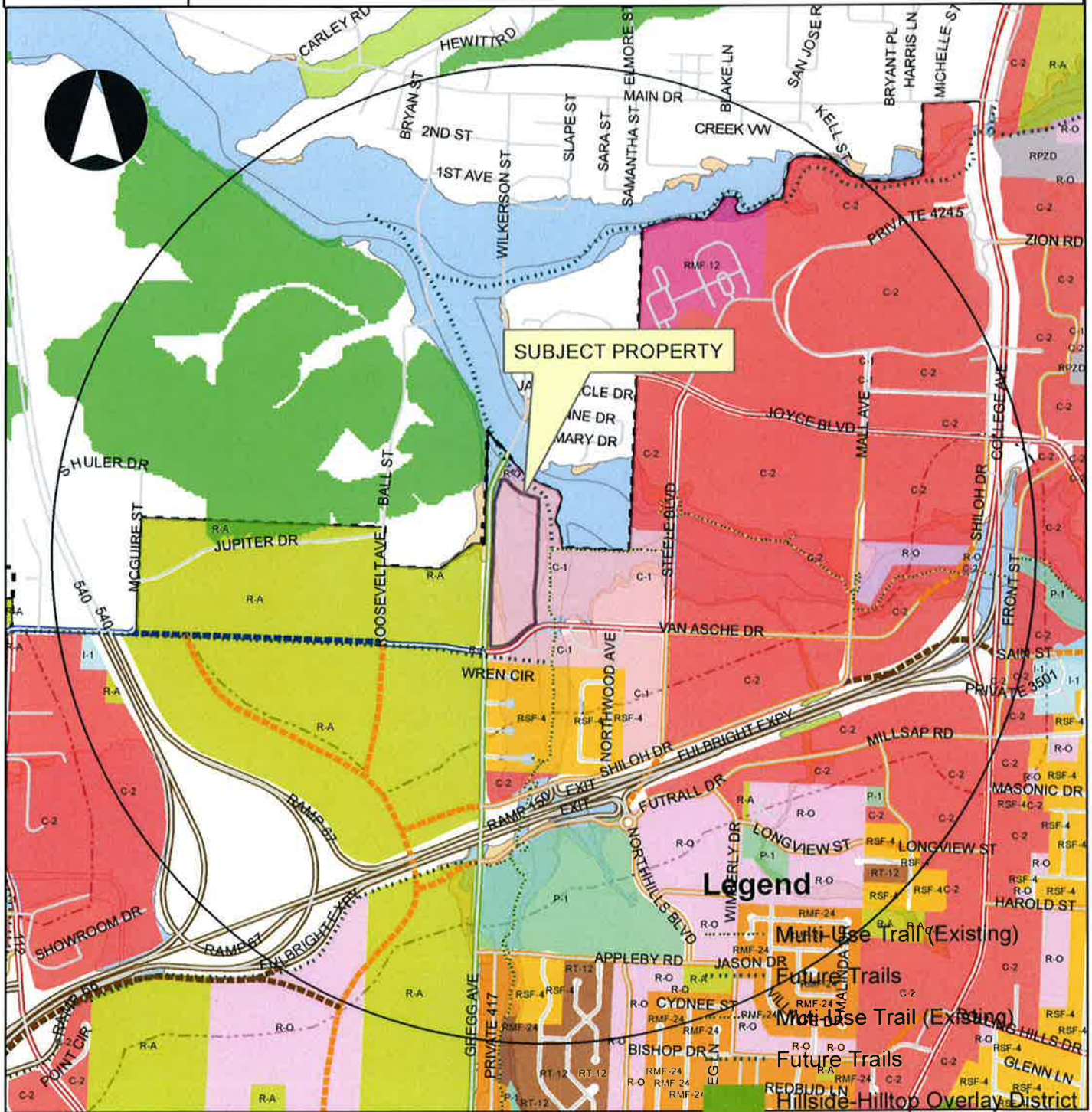
Planning Area



RZN13-4310

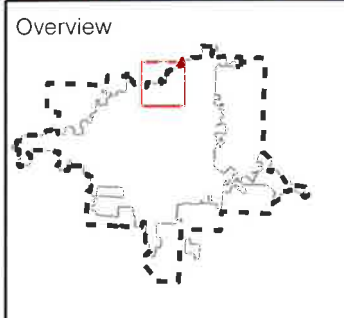
# HAAS HALL

One Mile View



**Legend**

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District



Legend

- Subject Property
- RZN13-4310
- Boundary
- RZN13-4310
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles

