

City Council Agenda Items
and
Contracts, Leases or Agreements

5/7/2013

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 13-4359: Rezone (1851 E. HUNTSVILLE RD. /KUM & GO, 565): Submitted by CITY STAFF for property located at 1851 EAST HUNTSVILLE ROAD. The property is zoned I-2, GENERAL INDUSTRIAL and contains 1.93 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

| | | | |
|----------------------|------|---------------------------|---------------------------------|
| 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

WMS C Pak
Department Director

04.16.2013
Date

Previous Ordinance or Resolution # _____

K... ..
City Attorney

4-19-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. B... ..
Finance and Internal Services Director

4-19-2013
Date

Received in City Clerk's Office *13-13A09:27 RCVD*

Don Man
Chief of Staff

4-19-13
Date

Received in Mayor's Office
ENTERED 4/19/13 PH

Donald Jordan
Mayor

4/22/13
Date

Comments:



www.accessfayetteville.org

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: April 16, 2013
Subject: RZN 13-4359 (1851 E. Huntsville Road/Kum & Go)

RECOMMENDATION

Planning staff recommends approval of an ordinance to rezone the subject property from I-2, General Industrial, to C-1, Neighborhood Commercial.

BACKGROUND

The subject property is located at the southeast corner of Huntsville Road and Happy Hollow Road and is zoned I-2, General Industrial. In 2005, the City of Fayetteville acquired approximately 11.5 acres and a 124,000 square foot building formerly used as a Tyson’s Mexican Original operation. Since then the City has split off 1.31 acres and constructed a new fire station.

On February 5, 2013, the City Council approved Resolution No. 26-13, authorizing Mayor Jordan to sell approximately two (2) acres of the Tyson property to Kum & Go, L.C. The agreement includes a cost share with the City of Fayetteville for new roads/driveways within the property and the demolition of the factory building. Further, the City Council determined that for the purposes of the proposed sale to Kum & Go, L.C., “the parcel should be rezoned to Neighborhood Commercial or other zoning district agreeable to Kum & Go, L.C.” prior to its conveyance. A representative of Kum and Go has submitted an e-mail stating their desire for the property to be rezoned to C-1, Neighborhood Commercial.

DISCUSSION

The Planning Commission will review the rezoning request on April 22, 2013.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4359, FOR APPROXIMATELY 1.9 ACRES, LOCATED AT 1851 EAST HUNTSVILLE ROAD FROM I-1, GENERAL INDUSTRIAL, TO C-1, NEIGHBORHOOD COMMERCIAL.

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 I-2, General Industrial to C-1, Neighborhood Commercial, 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

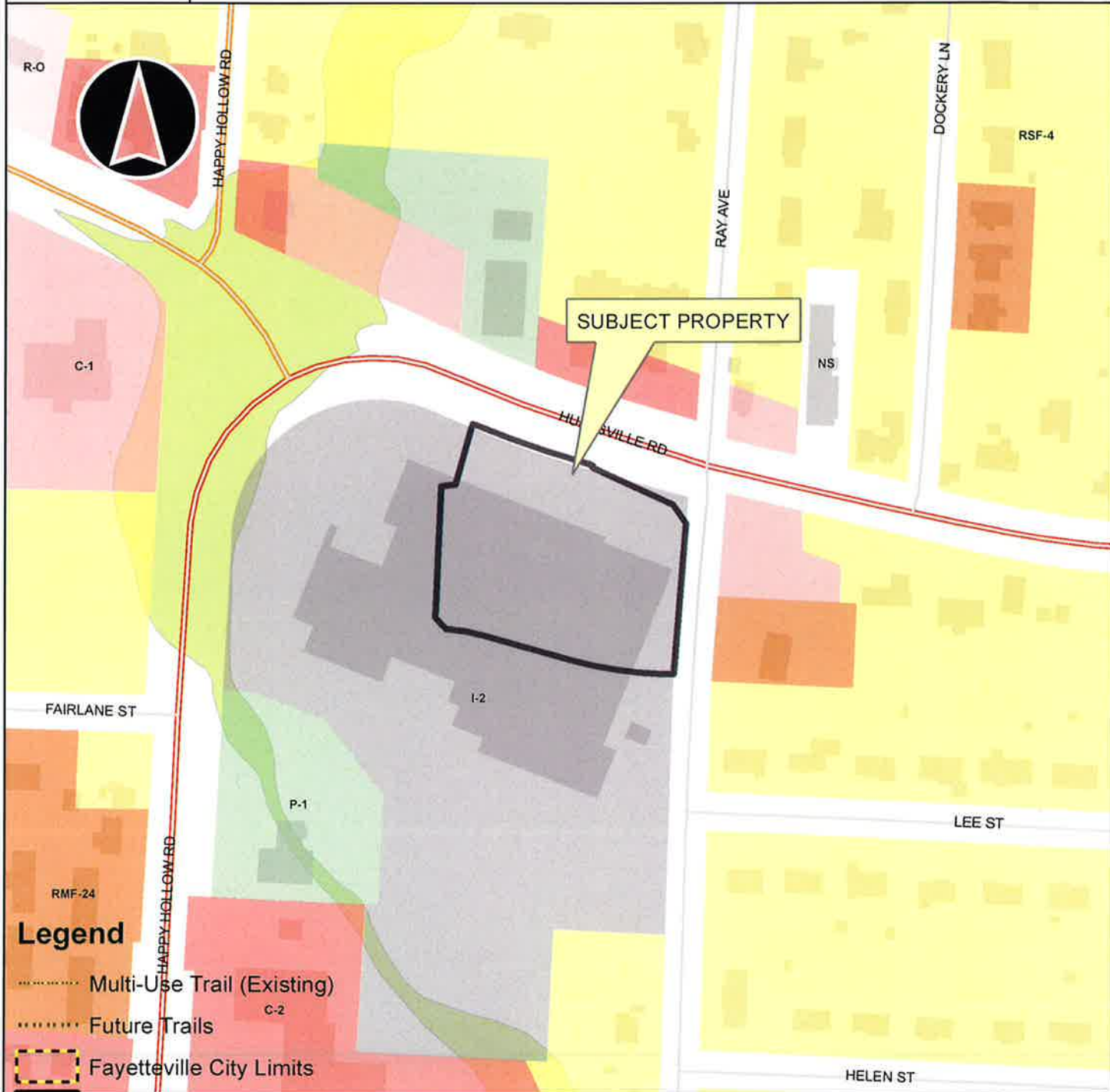
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4359

KUM AND GO

Close Up View



Legend

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

Overview

- RZN13-4359
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT "B"
RZN 13-4359

Description:

A part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Twenty-three (23), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows:

Commencing at the Southwest corner of said forty (40) acre tract; thence South 86°45'55" East 648.72 feet; thence North 03°14'05" East 536.64 feet to the Westerly right-of-way of South Ray Avenue as per Watson Addition filed as Plat Bk. 1, Plat Pg. 221 with the Circuit Clerk of said county, said point being the POINT OF BEGINNING; thence leaving said right-of-way North 88°20'15" West 17.07 feet to the beginning of a curve to the right having a delta angle of 14°10'59" and a radius of 490.00 feet; thence along said curve an arc length of 121.30 feet and a chord bearing and distance North 81°14'46" West 120.99 feet; thence North 74°09'23" West 120.84 feet to the beginning of a curve to the left having a delta angle of 09°53'44" and a radius of 325.92 feet; thence along said curve an arc length of 56.29 feet and a chord bearing and distance of North 79°58'23" West 56.22 feet; thence North 41°12'35" West 20.73 feet; thence North 02°30'04" East 178.54 feet; thence North 84°04'34" East 19.45 feet; thence North 15°50'44" East 85.49 feet to the Southerly right-of-way of Arkansas State Highway Sixteen (16) (Huntsville Road) being the beginning of a curve to the left having a delta angle of 07°02'11" and a radius of 1355.00 feet; thence along said right-of-way an arc length of 166.40 feet and a chord bearing and distance of South 70°51'01" East 166.30 feet; thence continuing along said right-of-way the following courses:
South 74°22'06" East 6.58 feet;
South 15°37'54" West 2.83 feet;
South 64°53'41" East 119.29 feet;
South 34°05'21" East 30.76 feet to said Westerly right-of-way of South Ray Avenue; thence along said right-of-way South 04°36'37" West 205.43 feet to the Point of Beginning, containing 1.933 acres, more or less.



PC Meeting of April 22, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Subdivision Committee
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: April 15, 2013

RZN 13-4359: Rezone (1851 E. HUNTSVILLE RD. /KUM & GO, 565): Submitted by CITY STAFF for property located at 1851 EAST HUNTSVILLE ROAD. The property is zoned I-2, GENERAL INDUSTRIAL and contains 1.93 acres. The request is to rezone the property to C-1, NEIGHBORHOOD COMMERCIAL. Planner: Jesse Fulcher

BACKGROUND:

Property and Background: The subject property is located at the southeast corner of Huntsville Road and Happy Hollow Road and is zoned I-2, General Industrial. In 2005, the City of Fayetteville acquired approximately 11.5 acres and a dilapidated 124,000 square foot building formerly used as a Tyson’s Mexican Original operation. Since then the City has split off 1.31 acres and constructed a new fire station. The building has remained vacant and the condition is continually declining.

On February 5, 2013, the City Council approved Resolution No. 26-13, authorizing Mayor Jordan to sell approximately two (2) acres of the Tyson property to Kum & Go, L.C. The agreement includes a cost share with the City of Fayetteville for new roads/driveways within the property and the demolition of the factory building. Further, the City Council determined that for the purposes of the proposed sale to Kum & Go, L.C., “the parcel should be rezoned to Neighborhood Commercial or other zoning district agreeable to Kum & Go, L.C.” prior to its conveyance. A representative of Kum and Go has submitted an e-mail stating their desire for the property to be rezoned to C-1, Neighborhood Commercial. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

| Direction from Site | Land Use | Zoning |
|---------------------|--|---|
| North | Church | C-1, Neighborhood Commercial, C-2, Thoroughfare Commercial and P-1, Institutional |
| South | Fire Station, Warehouse and Single-family home | P-1, Institutional, C-2, Thoroughfare Commercial, RSF-4, Residential Single-family |
| East | Residential | C-1, Neighborhood Commercial, RMF-24, Residential Multi-family and RSF-4, Residential Single-family |
| West | Funeral Home | C-1, Neighborhood Commercial and RSF-4 |

Request: The City of Fayetteville, as owner of the property, requests to rezone the property from I-2, General Industrial to C-1, Neighborhood Commercial. The purpose of the rezoning is to complete a land scale agreement with Kum & Go, L.C.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding the rezoning request (RZN 13-4359 1851 E. HUNTSVILLE RD. /KUM & GO) to the City Council with a recommendation of approval based on findings stated herein.

| | | | |
|------------------------------------|-----------------------------------|------------------------------------|---------------------------------|
| PLANNING COMMISSION ACTION: | | Required | <u>YES</u> |
| Date: <u>April 22, 2013</u> | <input type="checkbox"/> Tabled | <input type="checkbox"/> Forwarded | <input type="checkbox"/> Denied |
| Motion: | Second: | Vote: | |
| CITY COUNCIL ACTION: | | Required | <u>YES</u> |
| | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied | |
| Date: | | | |

INFRASTRUCTURE:

Streets: The site fronts Huntsville Road/Happy Hollow Road, an unimproved two-lane Principal Arterial and state highway. Both streets are currently being widened to a four-lane cross section between Armstrong Avenue and Stonebridge Road. Street improvements within and adjacent to the property will be evaluated at the time of development.

Water: Public water is available to the property. There is a 12", 8" and several 2" mains along and within the property. Public water main improvements may be necessary to provide fire flow for domestic service for any proposed development. Older, smaller lines may be removed during development as well.

Sewer: Sanitary sewer is available to the site. There is an 8" and 6" main adjacent to the property. Capacity of each line will be evaluated at the time of development.

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

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Civic Institutional**. This designation is for buildings/properties generally operated by not-for-profit organizations.*

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: **Goal 1 of City Plan 2030 is to make infill and revitalization our highest priority. This particular property is to some degree an infill site. However, it is most obviously a redevelopment site. Kum & Go, L.C. has agreed to assist with demolition of the existing building, construction of internal streets and/or driveways that will serve future development lots, and develop approximately 2 acres of the property with a Kum & Go gas station and convenience store. The redevelopment of this site, in any form, will be significant and positive change in this neighborhood.**

The site design typified by recent Kum & Go developments and prescribed by the C-1 zoning district is not the traditional form recommended by Goal 3 of City Plan 2030, which states “we will make traditional town form the standard.” The sites tend to have very wide drive aisles, expansive fuel canopies and a pavement to building ratio of approximately 10:1. This is not a compact, pedestrian oriented development form. It is a business for vehicles. The proposed C-1 zoning requires a suburban form and does not allow a traditional town form.

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

Finding: **Rezoning the property out of the I-2, General Industrial classification is justified at this time. Though the property was used for many decades as an industrial complex, the predominant land use in this area has remained residential and light commercial. The uses currently allowed in the I-2 zoning district are incompatible with most every nearby property, especially the single-family neighborhood to the east. In addition, rezoning the property as requested by Kum & Go and recommended by the City Council, will allow redevelopment of the property as outlined above.**

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

Finding: The site has been vacant for several years, so any redevelopment will increase traffic in the vicinity of the site. The zoning change, as planned, will result in approximately two acres being developed with a convenience store and gas station. Approximately eight acres will be reserved for future development. The site has access to an existing traffic signal and will eventually have three separate accesses distribute traffic loads. In addition, Happy Hollow/Huntsville Roads are being widened to four-lanes along this property, which will increase the road capacity and level of service. In staff's opinion, the increase in traffic will not appreciably increase traffic danger or congestion once the road widening project is completed.

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 rezoning should not increase population density and thereby undesirably increase the load on public services, in staff's opinion.

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: In some recent cases staff has not recommended in favor of conventional zoning districts such as C-1, Neighborhood Commercial. Many times the request has been an up-zone of a property in close proximity to urban and residential land uses, or of rural properties along highway corridors. In staff's opinion, up-zoning property to conventional suburban zoning districts in these types of circumstances may either erode the established fabric of a neighborhood, or introduce high-speed, strip commercial development among rural land uses, neither of which is supported by the City's adopted land use plans or policies. Similar arguments could be made for this property. However, in staff's opinion, rezoning the property to C-1 is justified, even though a conventional zoning district is not completely consistent with adopted land use policies.

The City of Fayetteville has owned this property for approximately eight years, over which time the former Tyson building has become essentially unusable. Estimates to demolish the building in 2009 were approximately a half a million dollars. The land sale agreement between the City of

Fayetteville and Kum & Go, L.C. will generate over \$1.1 million dollars for the City of Fayetteville and provide up to 25% of the demolition costs of the building. The provisions of the land deal are extenuating circumstances and provide an opportunity for a public/private partnership that will remove a 124,000 square foot structure, establish a new commercial business, improve public infrastructure and a introduce a substantial amount of greenspace and landscaping on a site that is predominately hard-scape. Redevelopment will substantially improve the aesthetics of this site and the economic potential of surrounding properties.

RZN13-4359

KUM AND GO

Current Land Use

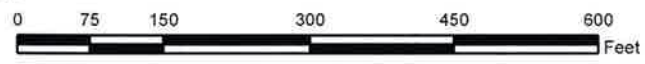


Legend

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

Overview RZN13-4359

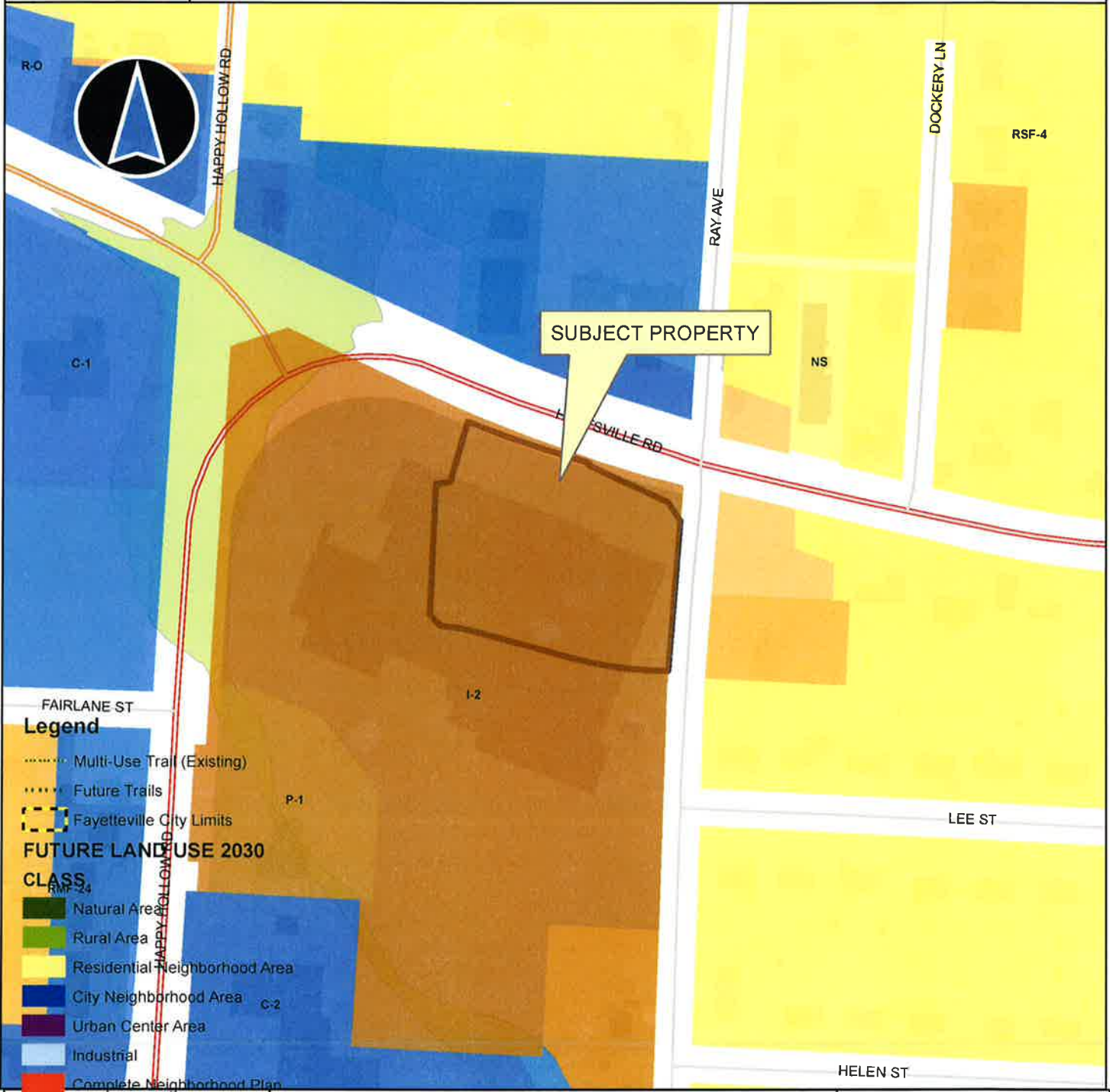
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4359

KUM AND GO

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

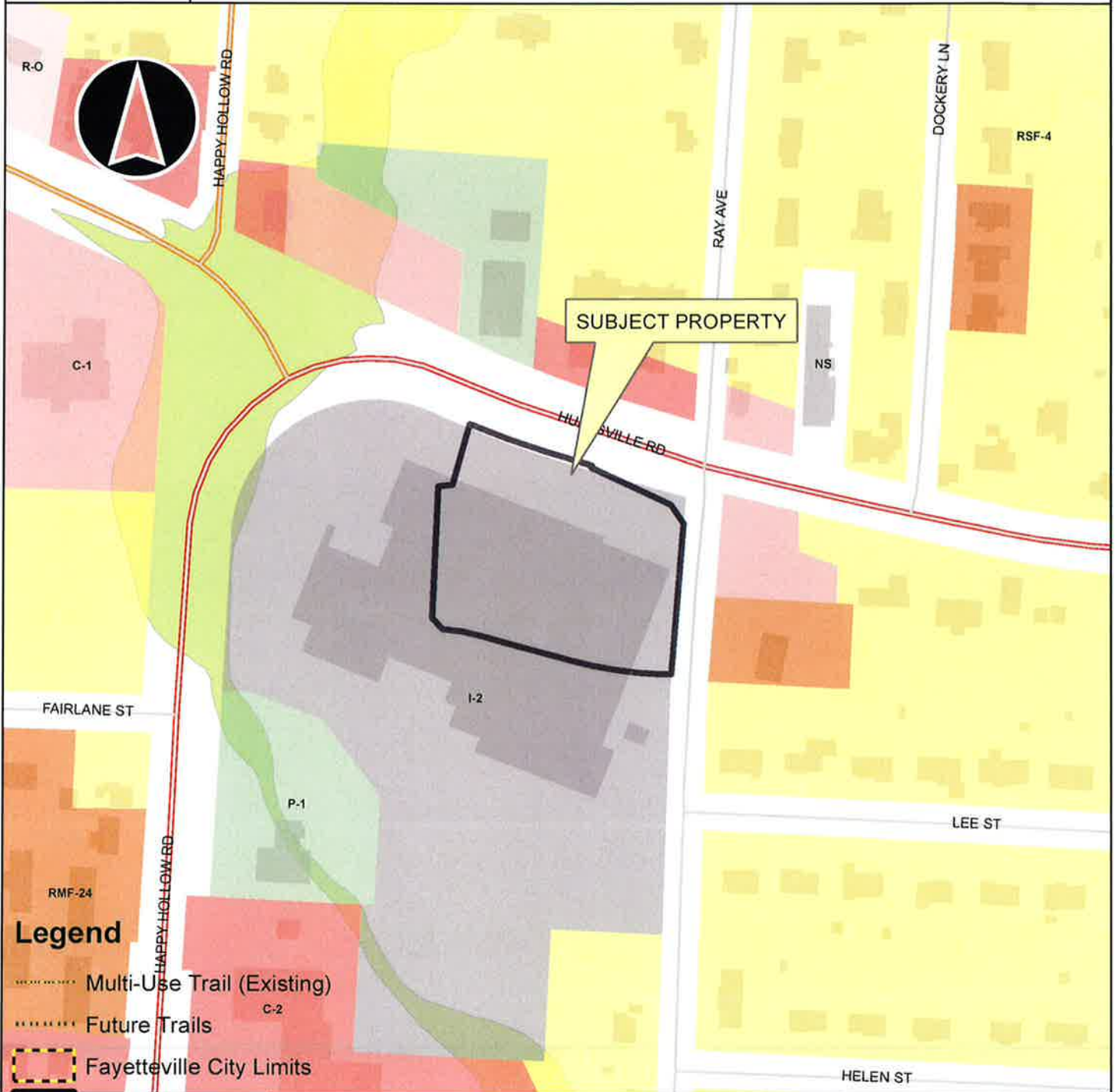
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- RZN13-4359
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4359

KUM AND GO

Close Up View

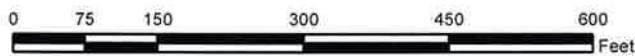


Legend

- Multi-Use Trail (Existing)
- Future Trails
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Overview RZN13-4359

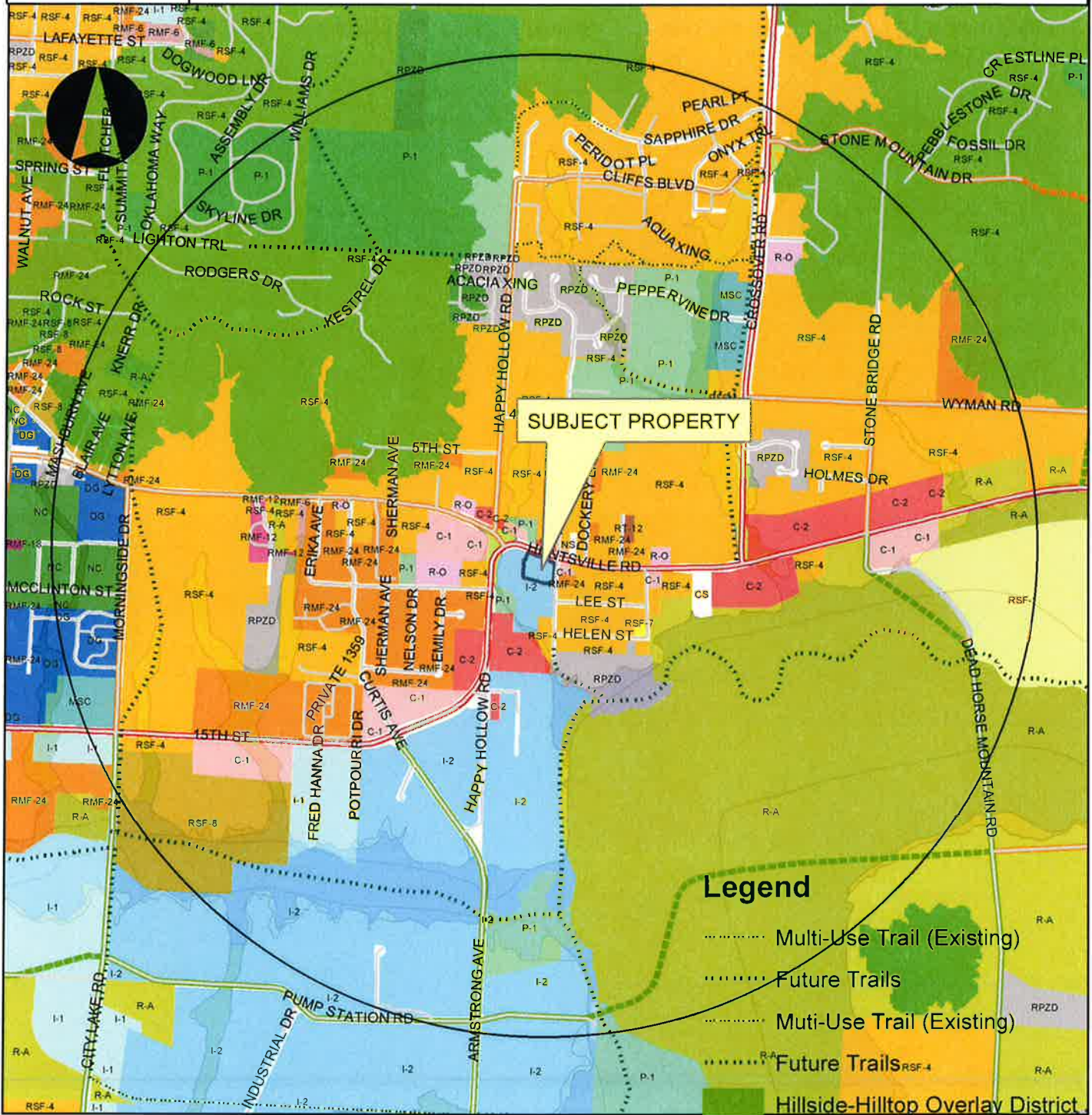
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- Design Overlay District
- Planning Area



RZN13-4359

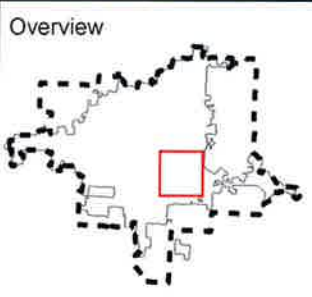
KUM AND GO

One Mile View



Legend

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



| | | |
|---|-----------------|---|
| <p>Legend</p> <p>Subject Property</p> <p>RZN13-4359</p> | <p>Boundary</p> | <p>RZN13-4359</p> <p>Design Overlay District</p> <p>Planning Area</p> <p>Fayetteville</p> |
| <p>0 0.25 0.5 1</p> <p>Miles</p> | | |