

City Council Agenda Items
and
Contracts, Leases or Agreements

8/6/2013

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294): Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres. The request is to rezone the property to R-O, RESIDENTIAL OFFICE, subject to a Bill of Assurance.

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

Jimmy C. Pace
Department Director 7-10-2013
Date

Previous Ordinance or Resolution # _____

K. [Signature]
City Attorney 7-12-13
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beh
Finance and Internal Services Director 7-12-2013
Date

Received in City Clerk's Office 07-11-13 12:07 RCVD
dm

Don [Signature]
Chief of Staff 7-15-13
Date

Received in Mayor's Office
ENTERED 7/12/13
[Signature]

Frank [Signature]
Mayor 7/16/13
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: Andrew Garner, Senior Planner
Date: July 9, 2013
Subject: RZN 13-4410 (2468 N. Crossover/Lynnwood Estates)

RECOMMENDATION

The Planning Commission recommends approval of an ordinance to rezone the property to R-O, Residential Office, subject to a Bill of Assurance. Planning Division staff recommends denial of the request.

BACKGROUND

The subject property is located at 2468 Crossover Road and contains approximately 4.66 acres with a single family residence and five undeveloped single family lots that were platted in 2006 with the Lynnwood Estates Final Plat.

The applicant has submitted an application to rezone the property from RSF-2 to R-O, Residential Office. The applicant has offered a Bill of Assurance with the rezoning with several restrictions that would apply to the property if it is rezoned to R-O. A copy of the Bill of Assurance is attached and addresses issues such as land use, building size and appearance, noise, and landscaping. Staff has also included a copy of the R-O zoning code highlighting restrictions offered by the applicant in their Bill of Assurance.

Staff has concerns that this rezoning to R-O, Residential Office would be incompatible with the surrounding, primarily single family land uses, and would potentially conflict with City Plan 2030. The rezoning would start to compromise the primarily residential nature of this vicinity of Crossover Road, when the Future Land Use Plan map concentrates the more intense, non-residential uses at the busier intersections of Mission, Joyce, Zion, and Huntsville, not mid-block at the subject property.

DISCUSSION

On July 8, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-1-0 (Commissioner Honchell voted 'no'). There were three members of the public that spoke against the rezoning at the Planning Commission meeting, discussing issues such as land use compatibility, future commercial uses along the corridor, and traffic issues.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4410, FOR APPROXIMATELY 4.66 ACRES LOCATED AT 2468 NORTH CROSSOVER ROAD FROM RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE, TO R-O, RESIDENTIAL OFFICE, SUBJECT TO A BILL OF ASSURANCE.

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 RSF-2, Residential Single-Family, 2 units per acre to R-O, Residential Office, 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.

Section 3: That the rezoning of the subject property is subject to the Bill of Assurance offered by the applicant as shown in Exhibit "C" attached hereto and made a part hereof.

PASSED and **APPROVED** this day of , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

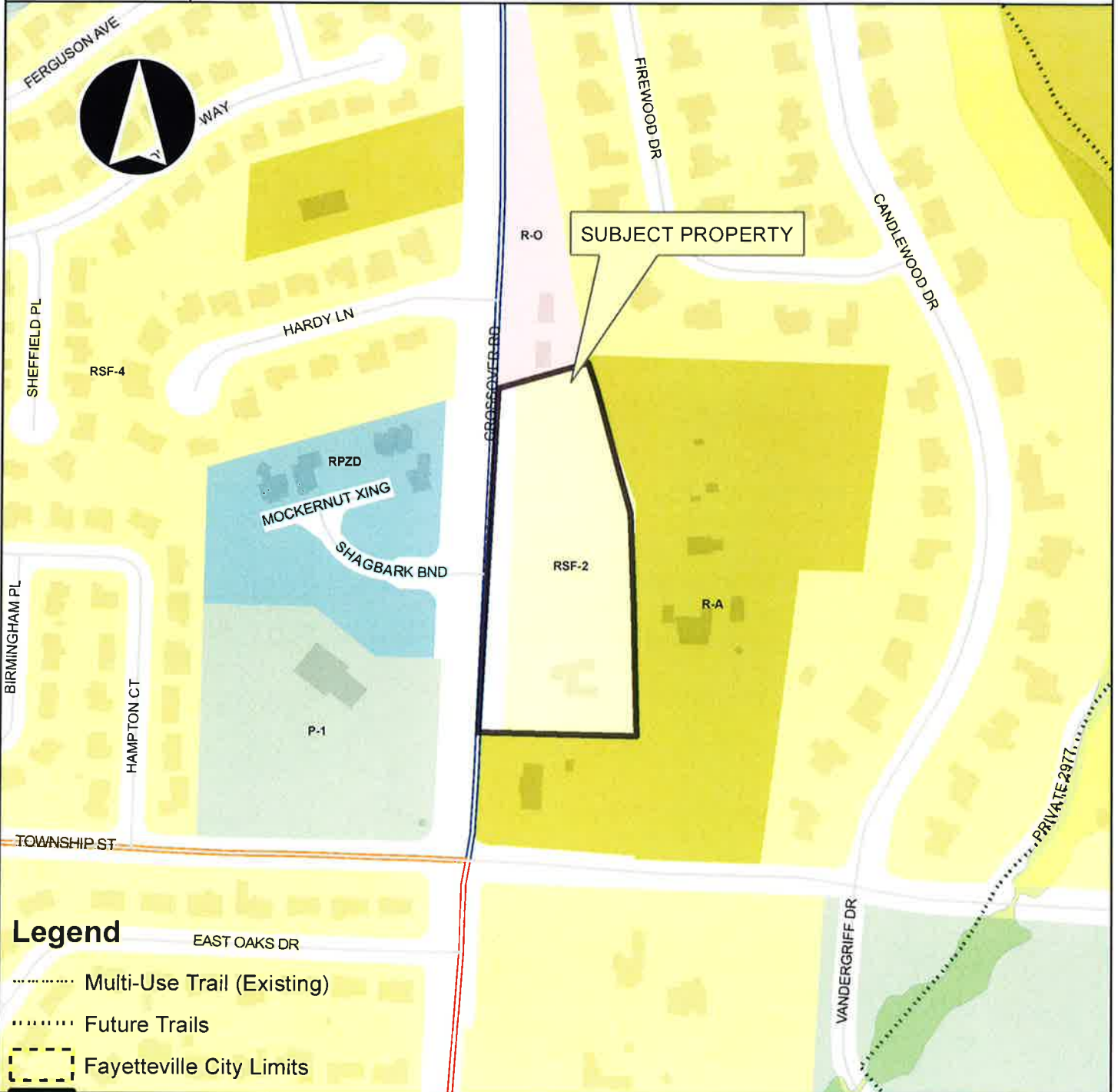
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4410

LYNNWOOD ESTATES

Close Up View



Legend

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

Overview

- RZN13-4410
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT "B"
RZN 13-4410

PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 31, TOWNSHIP 17
NORTH, RANGE 29 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN WASHINGTON
COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS,

TO-WIT: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT
RUNNING THENCE N90°00'00"E A DISTANCE OF 555.26 FEET, THENCE N03°13'15"E
245.07 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A FOUND IRON PIN
ON THE EXISTING RIGHT OF WAY OF ARKANSAS HIGHWAY 265, AND RUNNING
THENCE N03°13'15"E 700.59 FEET, THENCE N74°00'39"E 189.44 FEET, THENCE
S19°46'00"E 49.79 FEET, THENCE S15°11'33"E 31.97 FEET, THENCE S15°14'58"E 92.68
FEET, THENCE S15°30'03"E 121.08 FEET, THENCE S13°21'29"E 22.02 FEET, THENCE
S02°37'00"E 82.44 FEET, THENCE S01°54'36"E 110.11 FEET, THENCE S01°15'39"E 110.06
FEET, THENCE S01°20'29"E 151.20 FEET; THENCE N88°43'45"W 321.99 FEET TO THE
POINT OF BEGINNING CONTAINING 4.66 ACRES MORE OR LESS SUBJECT TO
RIGHT OF WAY ALONG ARKANSAS HIGHWAY 265

EXHIBIT "C"

Page 1 of 2

BILL OF ASSURANCE

FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. **The use of Petitioner's property shall be limited to Professional Office Space or Single Family Residences**
2. **Other restrictions including number and type of structures upon the property are limited to:**
 - a. **Height of any building constructed is not to exceed 40 feet**
 - b. **Materials used will be brick, stone or similar material**
 - c. **Structures must have no less than a 6/12 roof pitch**
 - d. **Fencing will separate the property on the east side from adjoining neighbors and must be approved by Petitioner.**
3. **Specific activities will not be allowed upon Petitioner's property include:**
 - a. **No loud or obnoxious noise**
 - b. **No outdoor animals**
 - c. **No bars or alcohol serving businesses including clubs etc.**
 - d. **No late night businesses**
 - e. **No sexual related businesses**
 - f. **No residential rentals**
 - g. **No multi-family dwellings**
4. **(Any other terms or conditions) Street side landscaping plus landscaped yards, parking and other outside lighting will be minimal height and not disturbing to neighbors.**
5. **Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.**

EXHIBIT "C"

Page 2 of 2

6. **IN WITNESS WHEREOF** and in final agreement with all the terms and conditions stated above, we Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, as the owner (Petitioner) voluntarily offer all such assurances and sign our names below.

Jerry W. Jones & Lynn B. Rogers Trustees

Date June 24, 2013

Jerry W. Jones
Lynn B. Rogers

Address

2468 Crossover Road

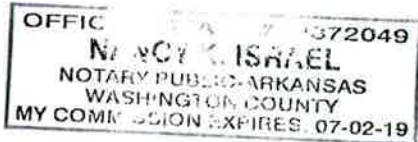
Fayetteville, AR 72703

NOTARY OATH

STATE OF ARKANSAS } .ss

COUNTY OF WASHINGTON }

And now on this the 24th day of June, 2013 appeared before me, Jerry W. Jones & Lynn B. Rogers Trustees of the Jerry W. Jones & Lynn B. Rogers Revocable Trust LynnWood Estates, a Notary Public, and after being placed upon his/her oath sworn or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.



Nancy K. Israel

NOTARY PUBLIC

My Commission Expires:

July 02, 2019

Bill of Assurance Associated with RZN 13-4410 applied to the R-O zoning district shown in ~~strikeout~~-highlight

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development

(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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*
 (Per dwelling unit for residential structures)

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured	4,200 sq. ft.

home park	
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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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.

Maximum building height of 40 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 No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

**Bill of Assurance Associated with RZN 13-4410 applied to Use Unit 25
shown in ~~strikeout~~ highlight**

(Y) Unit 25. Offices, studios and related services.

- (1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.
- (2) *Included uses.*

Medical Clinic:	<ul style="list-style-type: none"> • Dental office/clinic • Medical office/clinic
Professional office:	<ul style="list-style-type: none"> • Accountant • Architect • Attorney • Broker • Engineer • Realtor
Sale of supplies and equipment	<ul style="list-style-type: none"> • Architecture, drafting, and art supplies • Office furnishings and supplies • Medical, optical, and dental supplies • Scientific instruments
Services:	<ul style="list-style-type: none"> • Advertising agency • Animal daycare (10 animals or less) • Auto parking garage • Bail bonding agency • Business or management consultant • Computing service • Consultant • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home • Insurance sales • Interior decorator • Photocopying or printing • Social and welfare agencies • Travel agency • Veterinary small animal out-patient clinic
Studios:	<ul style="list-style-type: none"> • Artist's studio • Photography studio • Studio for teaching any of the fine or liberal arts



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner - Current Planning

FROM: Kit Williams, City Attorney 

DATE: July 12, 2013

**RE: Bill of Assurance offered by Petitioner seeking rezoning of 4.66 acres at
2468 North Crossover Road**

I want to thank Planning for its explanation of all the use units normally allowed for Residential Office which Petitioners are seeking to forfeit through their Bill of Assurance. However, their Bill of Assurance does not appear to allow many of the uses all in *Use Unit 25 Offices, Studios and Related Services*. Attached is a copy of all the uses allowed in Use Unit 25. I believe the Bill of Assurance would allow the uses shown for Medical Clinics, Studios and Professional Office, but not most of those listed for Sale of supplies and equipment nor for Services. Some of those activities I believe would be excluded would be Animal daycare, Bail bonding agency, Funeral home, Office furnishings and supplies, Social and welfare agencies, Photocopying or printing and Veterinary Small Animal out-patient clinic.

The applicant needs to be asked whether the Bill of Assurance is intended to exclude all but the Medical Clinic, Studios and Professional Office uses and, if not, what other uses in Use Unit 25 do they intend to be allowed to exercise. We cannot negotiate or request certain uses be excluded. However, we should understand exactly what the applicant means by his offered Bill of Assurance.

TITLE XV. UNIFIED DEVELOPMENT CODE

(2) Included uses.

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines

	<ul style="list-style-type: none"> • Interior decorator • Photocopying or printing • Social and welfare agencies • Travel agency • Veterinary small animal out-patient clinic
Studios:	<ul style="list-style-type: none"> • Artist's studio • Photography studio • Studio for teaching any of the fine or liberal arts

(Z) Unit 26. Multi-family dwellings.

(1) Description. Unit 26 is provided in order that multi-family dwellings and more than three attached units may be located in appropriate residential areas.

(2) Included areas.

Apartments
Convalescent home
Dormitory
Fraternity/Sorority houses
Multi-family attached dwellings
Rooming/boarding house
Townhouse, more than three attached units

(Y) Unit 25. Offices, studios and related services.

(1) Description. Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) Included uses.

Medical Clinic:	<ul style="list-style-type: none"> • Dental office/clinic • Medical office/clinic
Professional office:	<ul style="list-style-type: none"> • Accountant • Architect • Attorney • Broker • Engineer • Realtor
Sale of supplies and equipment	<ul style="list-style-type: none"> • Architecture, drafting, and art supplies • Office furnishings and supplies • Medical, optical, and dental supplies • Scientific instruments
Services:	<ul style="list-style-type: none"> • Advertising agency • Animal daycare (10 animals or less) • Auto parking garage • Bail bonding agency • Business or management consultant • Computing service • Consultant • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home • Insurance sales

(AA) Unit 27. Wholesale bulk petroleum storage facilities with underground storage tanks.

(1) Description. Unit 27 is provided in order that wholesale bulk petroleum storage facilities with underground storage tanks may be located in the appropriate industrial areas.

(2) Included uses.

Wholesale bulk petroleum storage facilities with underground storage tanks
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(BB) Unit 28. Center for collecting recyclable materials.

(1) Description. Unit 28 is provided in order that centers for collecting recyclable material may be located in appropriate commercial and industrial areas.

(2) Included uses.

Center for collecting recyclable materials
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(CC) Unit 29. Dance halls. *

(1) Description. Unit 29 is provided in order that establishments that provide areas for dancing may be located in an appropriate environment and as not to negatively impact adjacent properties.

RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294): Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres. The request is to rezone the property to R-O, RESIDENTIAL OFFICE, subject to a Bill of Assurance.

Andrew Garner, Senior Planner, gave the staff report.

Ben Israel, applicant's representative, discussed the request, that the property to the north was recently zoned R-O. He described the various land uses along Crossover Road from Lake Fayetteville south to Mission Boulevard.

Public Comment:

Brian Runnels, 2396 Crossover Road, adjacent neighbor to the east of the subject property. Discussed that we should preserve the 265 corridor. We should prevent further commercial encroachment into this area between Mission and Joyce/Zion Road. He discussed that because of a lack of a left turn will limit commercial viability.

Lynn Lorrimer, 2320 Crossover Road, lives about one block south. Discussed changes over Crossover Road over the years. The property in question will have a median and not be able to turn left. I bought this land 23 years ago because it was a beautiful area. It is still a quiet, residential area. He is against any kind of commercial or offices in this area. It will increase traffic flow and the noise.

Paul Henry, live on Township just south. Crossover is a double-wide lane now. He is concerned with traffic ingress. The lot on the southern corner is left out. Casey's and Kum and Go may now look at this corner if R-O is approved. The applicant has a nice sized property. He discussed letting commercial use creep into this area, and that C-1 is usually near R-O and that would be the next logical step which would not be appropriate. Change is good, but this type of change in this area of Crossover Road would not be good.

No more public comment was presented.

Commissioner Hoskins asked about the property to the north that was rezoned last year.

Garner discussed the property to the north was a very different situation. He described the state taking a large portion of this property making it not viable with a single family residence. Staff agreed with the applicant that because of the close proximity the state highway close to his house, it would be more viable and appropriate to allow a small office use.

Commissioner Hoskins discussed the limited intensity on that property to the north because of the small triangular shape. This is a different situation than the proposed property that is quite a bit bigger and would allow more development.

Commissioner Winston asked about the Bill of Assurance and about a worst case scenario development.

Garner discussed the applicant's Bill of Assurance limiting the use, the roof height, could potentially be a three-story office building with a pitched roof.

Commissioner Winston asked about the median affecting the use of the property.

Garner discussed that with the improvements to Crossover Road including a median, left turn in or out would not be permitted. Safe access would not be an issue and the road is capable of supporting the traffic. It is a land use plan and compatibility issue from staff's perspective.

Commissioner Winston asked about the median being set in stone, or could it be modified.

Garner indicated that it was set as-is.

Kit Williams, City Attorney, discussed that the City asked the state whether or not they would be willing to look at a change for a new street coming in and the state said 'no'.

Commissioner Cook pointed out that Residential Neighborhood Areas in the Future Land Use Plan does speak about residential, but also encourages non-residential uses along corridors and connecting corridors. He asked for staff's opinion.

Garner responded discussed that the intent it not to segregate residential from non-residential. The big picture of City Plan 2030 it is provide complete communities, where people are not isolated from non-residential. Staff's concern was more looking along the corridor and the opinion that this stretch of Crossover Road was more appropriate for residential land uses.

Commissioner Hoskins asked about utilizing other form-based zoning districts such as Community Services.

Garner discussed potential issues with Community Services because it would allow much more intensive uses and multi-family apartments.

Commissioner Hoskins about other less intensive zoning districts.

Garner discussed the Neighborhood Services zoning district would permit non-residential uses in structures of up to 3,000 square feet, which would be a step below R-O zoning.

Commissioner Hoskins asked the applicant about utilizing the Neighborhood Services zoning district.

Ben Israel, applicant, indicated that 'no' he hadn't considered other zoning districts. He asked what assurances Commissioner Hoskins would want to get the zoning approved. He discussed that the property owners offered these to make the neighbors happy. I think it is an excellent area for a stand-alone office, such as a 3,000 square foot dental office. There is no where else out there to accommodate that in this area of the city.

Commissioner Winston discussed that he felt comfortable with the proposed rezoning with the Bill of Assurance and felt that it met the goals of City Plan 2030.

Motion:

Commissioner Winston made a motion to forward **RZN 13-4410** to the City Council with a recommendation for approval, **Commissioner Bunch** seconded the motion. **Upon roll call the motion passed with a vote of 6-1-1 (Commissioner Honchell voted 'no' and Commissioner Chesser abstained).**



PC Meeting of July 8, 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: Andrew Garner, Senior Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Development Services Director
DATE: July 1, 2013 *Updated July 9, 2013*

RZN 13-4410: Rezone (2468 N. CROSSOVER RD./LYNNWOOD ESTATES, 294): Submitted by BEN ISRAEL for property located at 2468 NORTH CROSSOVER ROAD. The property is zoned RSF-2, RESIDENTIAL SINGLE-FAMILY, 2 UNITS PER ACRE and contains approximately 4.66 acres, subject to a Bill of Assurance. The request is to rezone the property to R-O, RESIDENTIAL OFFICE. Planner: Andrew Garner

BACKGROUND:

The subject property is located at 2468 Crossover Road and contains approximately 4.66 acres with a single family residence and five undeveloped single family lots that were platted in 2006 with the Lynnwood Estates Final Plat. Surrounding land uses are shown in Table 1.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single family/ two-family residential	R-O, Residential Office
South	Single family residential	R-A, Residential Agricultural
East	Rural residential	RSF-4, Residential Single Family Four Units Per Acre; R-A, Residential Agricultural
West	Single-family residential; church	R-PZD, Hickory Park; P-1, Institutional

Proposal: The applicant has submitted an application to rezone the property from RSF-2 to R-O, Residential Office. The applicant has offered a Bill of Assurance with the rezoning with several restrictions that would apply to the property if it is rezoned to R-O. A copy of the Bill of Assurance is attached to the staff report addressing issues such as land use, building size and appearance, noise, and landscaping.

Public Comment: Staff has not received public comment.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>July 8, 2013</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Winston</u>	Second: <u>Bunch</u>	Vote: <u>6-1-0 (Honchell voted 'no')</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

RECOMMENDATION:

Staff has concerns that this rezoning to R-O, Residential Office would be incompatible with the surrounding, primarily single family land uses, and would potentially conflict with City Plan 2030. The rezoning would start to compromise the primarily residential nature of Crossover Road, when the Future Land Use Plan map concentrates the more intense, non-residential uses at the busier intersections of Mission, Joyce, Zion, and Huntsville, not at the subject property. Staff recommends denial of **RZN 13-4410** based on findings stated herein.

INFRASTRUCTURE:

Streets: The site has access to Crossover Rd. Crossover Rd. is a 3-lane state highway in this location. The AHTD is improving this highway to a 4-lane boulevard section.

Water: Public water is available to the property. There is a 12” public main located along the east side of Crossover Rd. adjacent to this property. Public water main improvements may 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” public main located along the east side of Crossover Rd. adjacent to this property. Public mains may need to be extended through the property to serve any proposed development. The capacity of the existing mains may need to be evaluated with any proposed 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 Zone.

Police: The Fayetteville Police Department has not objected to this request.

Fire: This property would be protected by Fire Engine 5 which is one mile from the station with an anticipated response time of two minutes. The Fire Department has not objected to this request

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area**, which is almost exclusively residential in*

nature, but incorporates low-intensity non-residential uses primarily at corner location and along connecting corridors.

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 rezoning is not consistent with current land use planning objectives and policies. The property is designated Residential Neighborhood Area on the Future Land Use Plan and is currently zoned RSF-2. The current zoning designation is compatible with the Future Land Use plan. The Future Land Use Plan designates the majority of the Crossover Road corridor as residential, with the more intense and non-residential uses at the busy intersections of Huntsville Road, Mission Boulevard, and Joyce Boulevard and Zion Road. The proposed R-O zoning would introduce a primarily non-residential zoning in the midst of a residential area on this corridor. The types of uses permitted under R-O may not be compatible with the surrounding residential uses and residential character of this stretch of Crossover Road.

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

Finding: The property is zoned RSF-2 and platted for low density single family residential dwellings. The existing zoning is an acceptable zoning that is consistent with the large-lot residential development pattern along much of Crossover Road. There is not adequate justification to rezone this property to R-O at this time.

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

Finding: It is expected that a rezoning from RSF-2 to R-O could create an increase in traffic compared with that allowed under the existing zoning. The property is adjacent to a Principal Arterial street, State Highway 265/Crossover Road. This road carries high volume and high speed traffic. Development of the property for an office or other nonresidential use permitted under R-O will result in an increase in traffic to this site. Access to and from this site shall be reviewed at the time of development in compliance with the City's Access Management Ordinance to ensure that it will not create or compound a dangerous traffic condition. Access would likely be restricted to one or two access points in compliance with City ordinance. The improvements to Crossover Road would place a median directly in front of this property which would limit this property to right-in, right-out only turning movements. This would reduce potentially

dangerous left turning movements into or out of the property. The increase in turning movements to an office development will increase 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 substantially alter the population density in the area. The property is developed for two single family residences. Rezoning the property R-O, with the applicant's Bill of Assurance will allow the development of a single family or office use only. Under the proposed zoning the property could be further subdivided into 60-wide lots resulting in a slight increase in density. Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report. Staff does not anticipate any adverse impacts to provision of public services that would result from this rezoning.

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;

Finding: It is practical to use the land for the permitted under the existing zoning.

- 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: There are not extenuating circumstances that justify the rezoning.

161.06 District RSF-2, Residential Single-Family – Two Units Per Acre

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	2
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(F) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(I) *Building area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services

(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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

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

(2) *Lot area minimum.*

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

Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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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.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)



THE CITY OF FAYETTEVILLE, ARKANSAS



POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701

P (479) 587-3555 F (479) 587-3522

www.accessfayetteville.org

M E M O R A N D U M

To: Jeremy Pate

From: Captain Kenny Yates

Date: 6/17/13

Subject: RZN 13-4410

This document is in response to the request for comments on proposed RZN 13-4410 (2468 N. Crossover Road / Lynnwood Estates): submitted by Ben Israel, for property located at 2468 N. Crossover Road.

It is the opinion of the Fayetteville Police Department that this RZN (13-4410), 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.

Required Information for Application to the City of Fayetteville Re-Zoning Requirements

The property is currently owned by Jerry W. Jones and Lynn B. Rogers. There are currently 6 Lots zoned RSF-2 in Lynnwood Estates.

With the widening of Highway 265 (Crossover Rd.) the owners decided to re-zone their property to R-O since it is the highest and best use of the property. It will also be the most acceptable and should be welcomed by adjacent property owners and the overall neighborhood. R-O tends to be less noisy with little if any activity before 8:00 AM and after 6:00 PM and mostly closed on the weekend.

The property adjacent to and north of these lots was re-zoned to R-O over the past three years. Directly across the street is a large parcel owned by St. John's Lutheran Church.

There are no pending sales but owner desires to sell the property for residential or office construction. Limitations will be placed on the property as to the architectural approval by the current owners of any and all plans including lighting, materials, height of structure, usage and landscaping. In addition, there will be certain uses that will be banned by covenants of the six (6) lots.

There is not an abundance of R-O zoning within a reasonable distance of the subject property. It is a beautiful setting for physicians, psychologist, other medical professionals, etc.

Residential-Office Zoning should create the lowest concentration of increased traffic. Since the widening of Crossover Rd. is being completed there should be less congestion of traffic instead of increasing traffic congestion or flow.

Schools and other services should not be affected by the approval of this tract to R-O

All utilities are at the site with very minor increases caused by these six (6) lots if zoned R-O.

Services for water seems to be supplied by a 24" to 42" main line

Services for Sewer seems to be supplied by a 16" to 32" line

Since R-O allows for office use there is an expectation by the current owners of increased equity realization out of the sale of the property.



PARCEL: 765-16744-000
CRAIG K. & KAREN P. VAUGHN
FAVETTE HANCOY LANE
FAYETTEVILLE, AR 72703
ZONING: RSF-4

PARCEL: 765-24896-000
& L. BUILDERS, INC.
12004 ALLEN DR
LOWELL, AR 72744-9260
ZONING: R-720

PARCEL: 765-24590-000
COLSON & CHRISTOPHER G. & JENNIFER L.
C/O ERWIN, ERIC & REATHEN L.
FAYETTEVILLE, AR 72701
ZONING: R-720

PARCEL: 765-24591-000
FLEUR DE LIS PROPERTIES, LLC
2445 TIMBERGLEN LANE
FAYETTEVILLE, AR 72701
ZONING: R-720

PARCEL: 765-24579-000
L. BUILDERS, INC.
12004 ALLEN DR
LOWELL, AR 72744-9260
ZONING: R-720

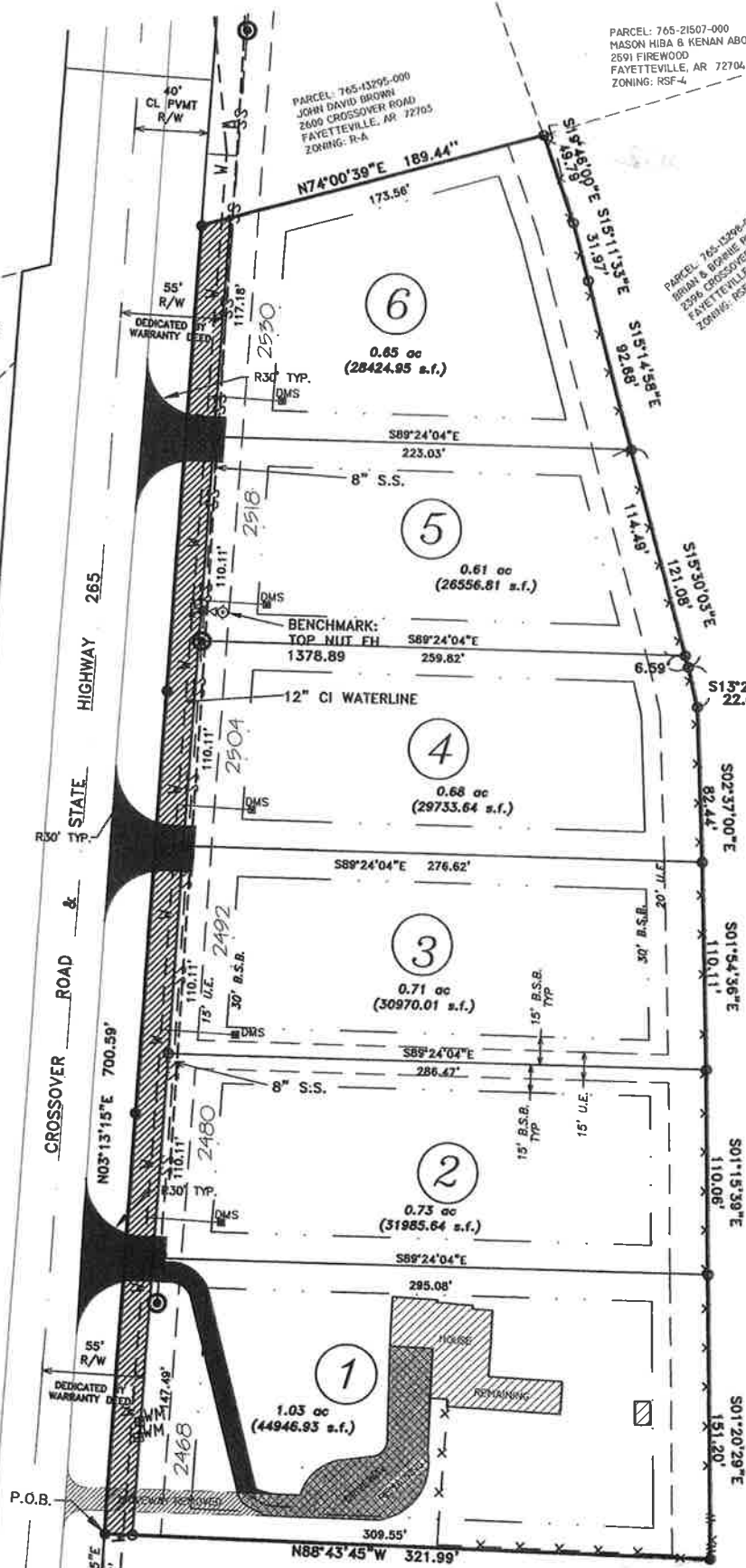
PARCEL: 765-10001-002
ST. JOHN'S LUTHERAN CHURCH
2716 E. TOWNSHIP RD.
FAYETTEVILLE, AR 72703
ZONING: L-1

PARCEL: 765-13295-000
JOHN DAVID BROWN
2600 CROSSOVER ROAD
FAYETTEVILLE, AR 72703
ZONING: R-A

PARCEL: 765-21507-000
MASON HIBA & KENAN ABOZNAK
2591 FIREWOOD
FAYETTEVILLE, AR 72704
ZONING: RSF-4

PARCEL: 765-13298-000
BRIAN & BOBINE RUFFLES
2296 CROSSOVER ROAD
FAYETTEVILLE, AR 72703
ZONING: RSF-4

PARCEL: 765-13305-000
MURPHY & BETTY TAYLOR
2500 CROSSOVER ROAD
FAYETTEVILLE, AR 72703
ZONING: R-A



CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT
INSTALLED IN THE SUBC
BOARD OF HEALTH AND
DATE 8/24/06

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT
FULLY MEET REQUIREME
DATE 8/24/06

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT
OWNER(S) DEDICATION O
WARRANTY DEED FOR PA
BOOK #:
DATE 8-17-06

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT
ACCORDANCE WITH THE
DATE 08.24.06

CERTIFICATE OF APPROVAL
THIS PLAT WAS APPROVE
DATE 8/23/06

CERTIFICATE OF SURVEY
I HEREBY CERTIFY THAT
THE SURVEY AND THAT THE
THE SUBDIVISION REGULA
DATE 7-31-06 REG:

CERTIFICATE OF OWNERSHIP
WE, THE UNDERSIGNED ON
THE REAL ESTATE SHOWN
OWNERSHIP, ALL STREETS
PRESCRIBED BY LAW. TH
PUBLIC UTILITY COMPANIE
GRANTED BY THE CITY OF
PURPOSE OF INSTALLATIO
ESTABLISHED HEREBY IS
TO PROHIBIT THE ENRECTO
AND THE RIGHT TO REMO
DATE 8-1-06

CERTIFICATE OF APPROVAL
WE HEREBY CERTIFY THAT
PLATTED IN THIS SUBDIVI
UNDERSIGNED UTILITIES ON
DATE 8-2-06

CERTIFICATE OF APPROVAL
CONSTRUCTION OF ALL SI
COORDINATOR TO COMPLY
RESPONSIBLE FOR THE CO
FINAL PLAT,
DATE 8/24/06

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT T
PROTECTION AND PRESERV
DATE 8/24/06

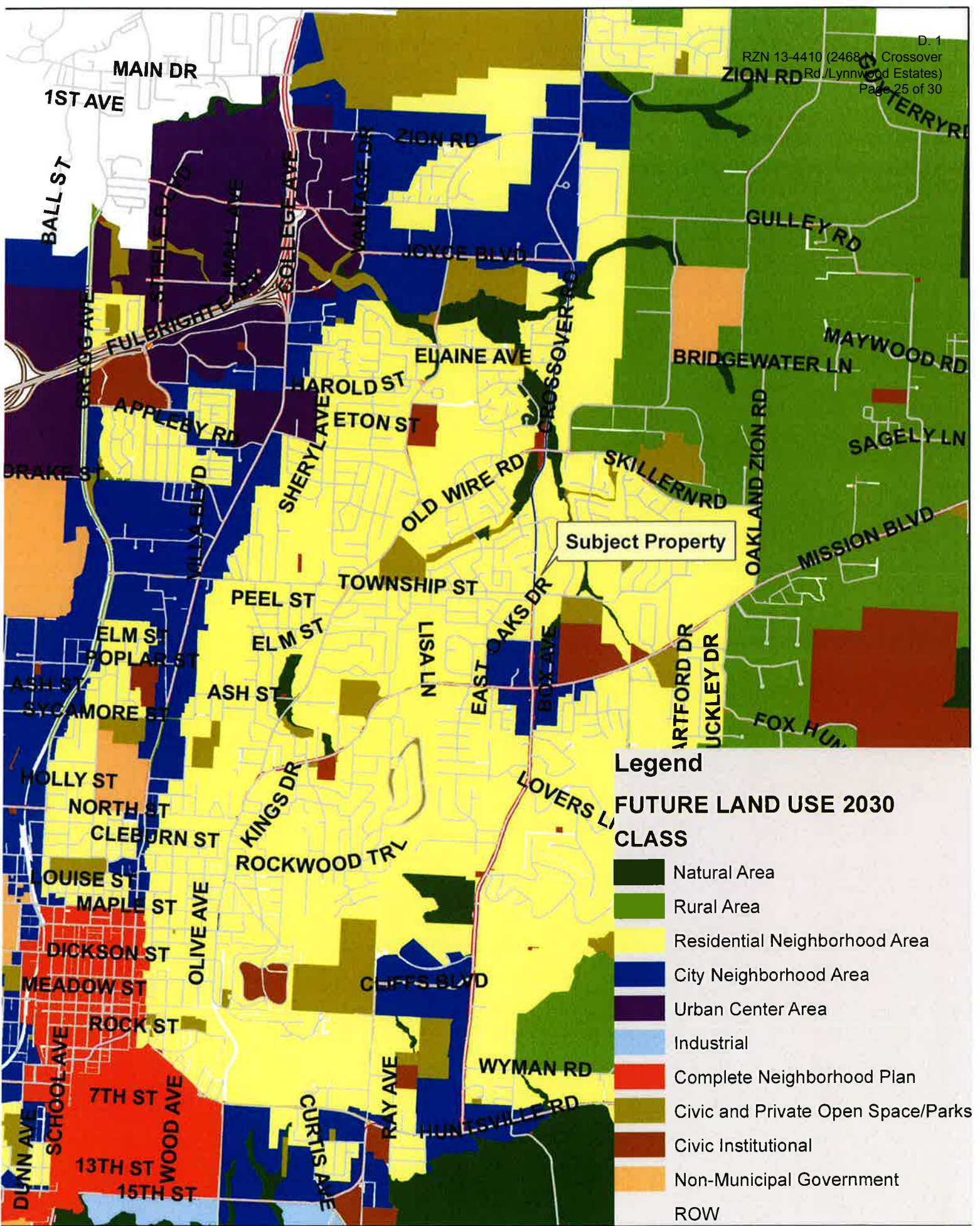
GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

CORNER
1/4, SW 1/4
-T17N-R29W

FL13-0023-00000243



RZN13-4410

LYNNWOOD ESTATES

Current Land Use



Legend

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

Overview RZN13-4410

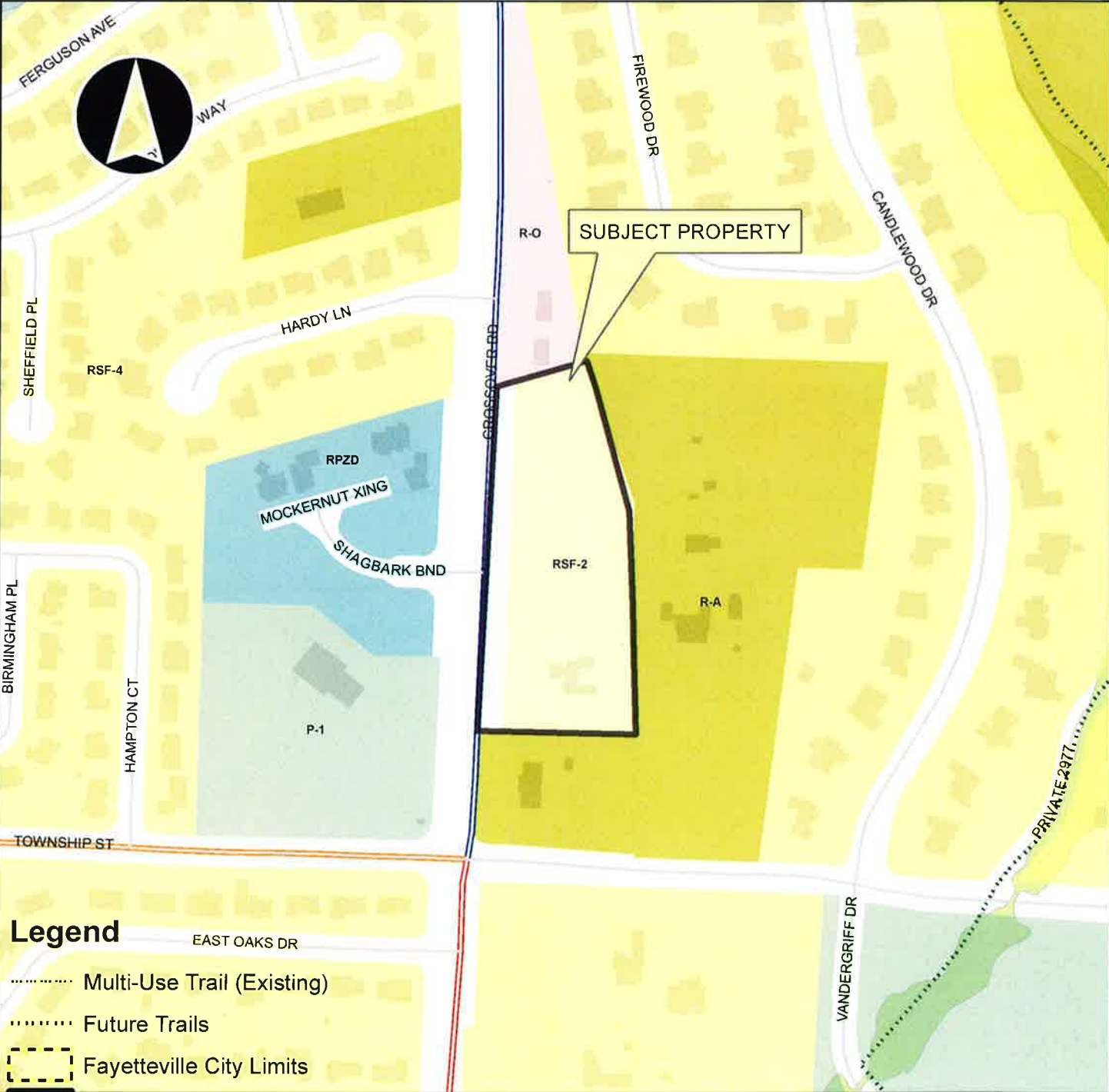
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District



RZN13-4410

LYNNWOOD ESTATES

Close Up View



Legend

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

Overview RZN13-4410

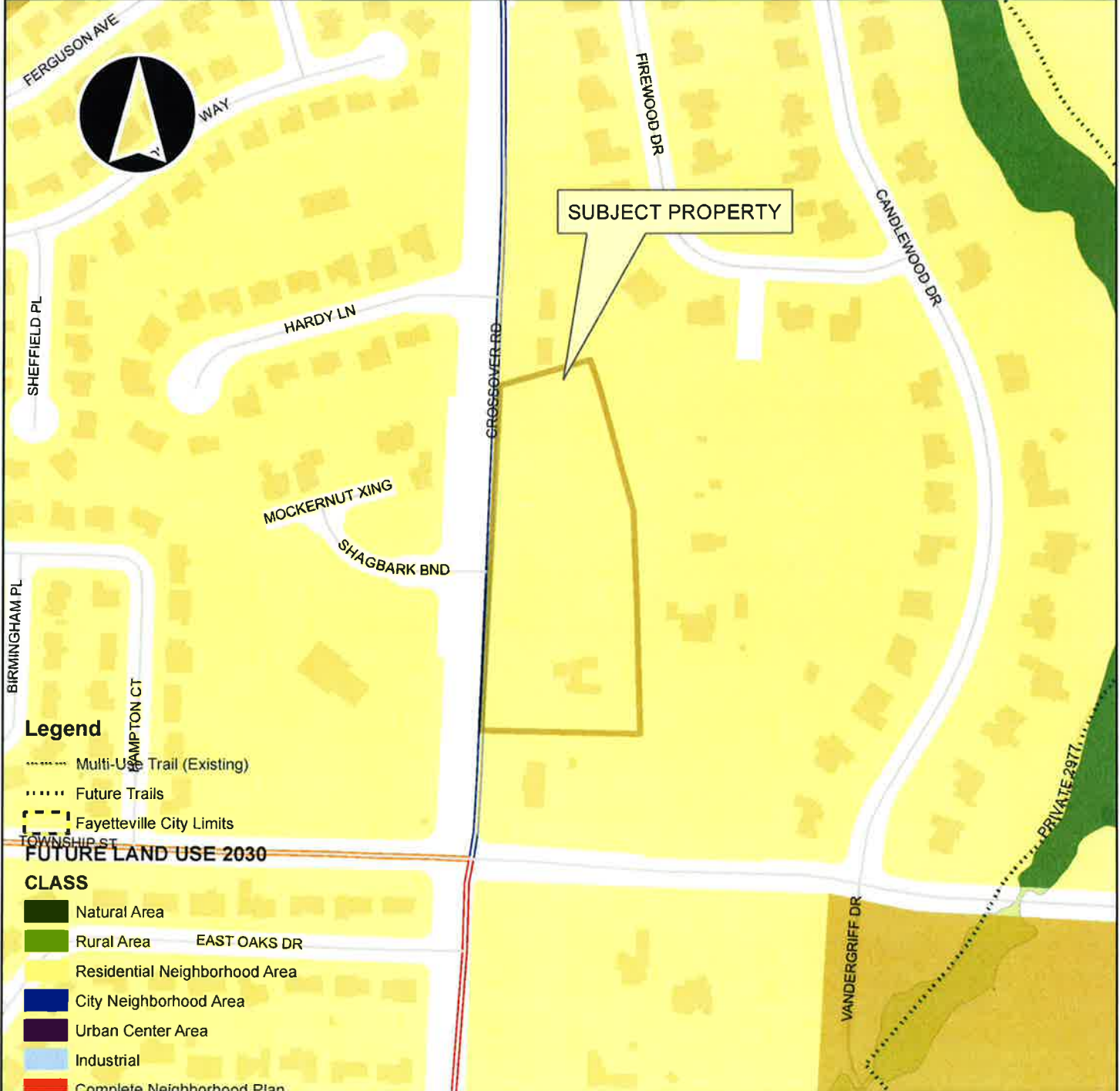
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4410

LYNNWOOD ESTATES

Future Land Use



Legend

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

FUTURE LAND USE 2030

CLASS

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

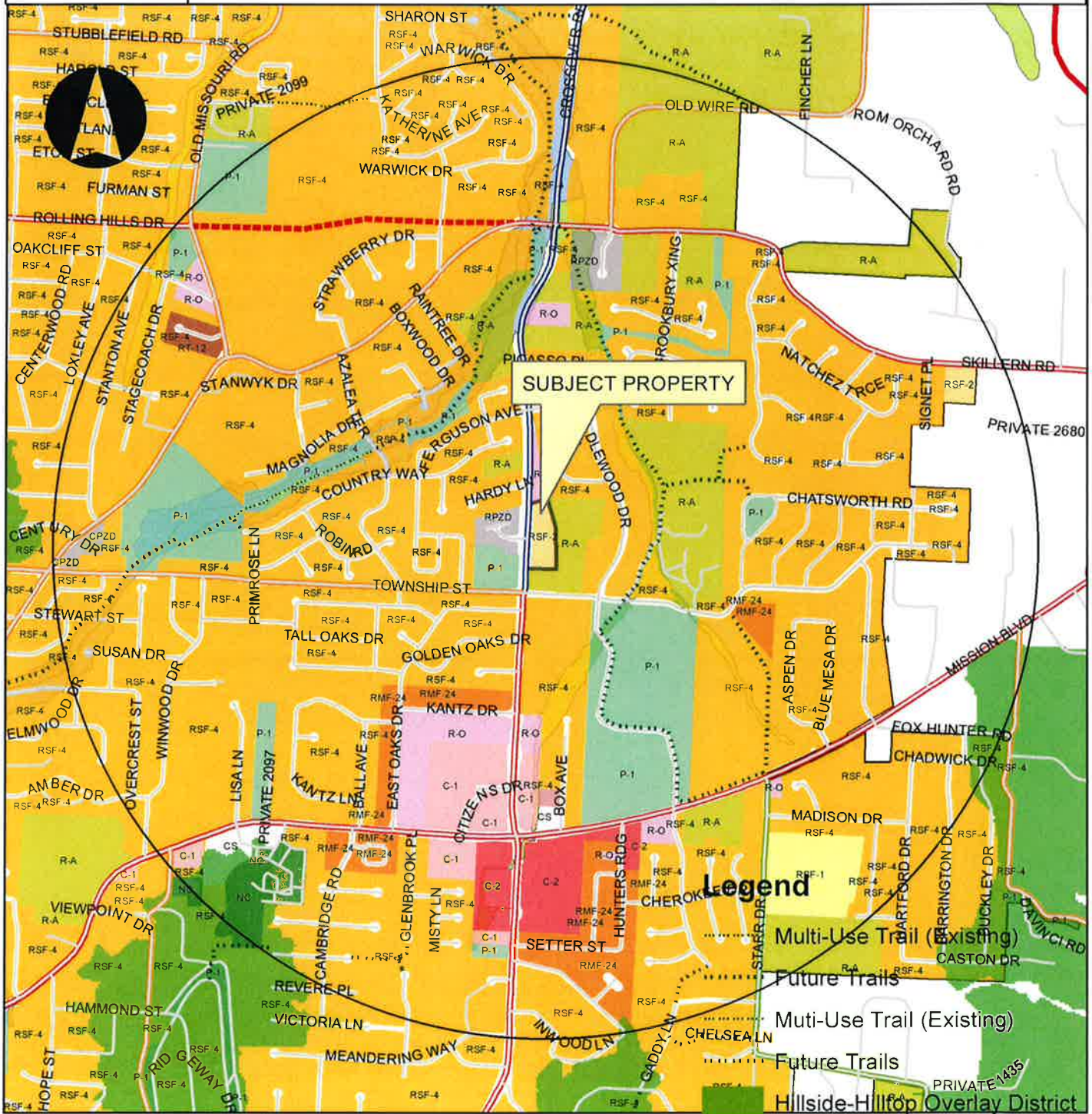
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- RZN13-4410
- Design Overlay District
- Design Overlay District
- Planning Area



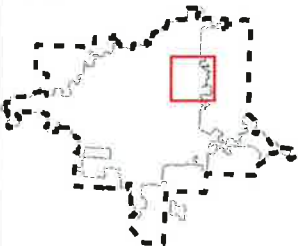
RZN13-4410

LYNNWOOD ESTATES

One Mile View



Overview



Legend

Subject Property
 RZN13-4410

Boundary

0 0.25 0.5 1

Miles

-  RZN13-4410
-  Design Overlay District
-  Planning Area
-  Fayetteville

-  Multi-Use Trail (Existing)
-  Future Trails
-  Multi-Use Trail (Existing)
-  Future Trails

Hillside-Hilltop Overlay District

