

City Council Agenda Items
and
Contracts, Leases or Agreements

10/1/2013

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 13-4467: Rezone (MOUNT COMFORT AND SHILOH/KUM & GO, 324): Submitted by CEI ENGINEERING for property located at THE NORTHWEST CORNER OF MOUNT COMFORT AND SHILOH. The property is zoned R-A, RESIDENTIAL AGRICULTURAL AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE. and contains approximately 1.65 acres. The request is 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

Jesse Fulcher
Department Director

10/1/2013
Date

Previous Ordinance or Resolution # _____

Ken [Signature]
City Attorney

9-16-13
Date

Original Contract Date: _____

Original Contract Number: _____

Marsla Hartweck
Finance and Internal Services Director

9/17/13
Date

Received in City Clerk's Office
-13-13P01:51 80.0
[Signature]

[Signature]
Chief of Staff

9/18/13
Date

Received in Mayor's Office
ENTERED
9/17/13
[Signature]

[Signature]
Mayor

9/18/13
Date

Comments:

This item was left on the 2nd reading at the 10/15/13 cc mtg.
This item was left on the 1st reading at the 10/1/13 cc mtg.



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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

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: September 13, 2013

Subject: RZN 13-4467 (Mount Comfort and Shiloh/Kum & Go)

RECOMMENDATION

The Planning Commission recommends approval of an ordinance to rezone the property to C-1, Neighborhood Commercial. Planning Division staff recommends denial of the request.

BACKGROUND

The subject property is located at the northwest corner of Mount Comfort Road and Shiloh Drive. The overall property contains approximately 23.50 acres, with 0.30 acres zoned RSF-4, Residential Single-family and 23.20 acres zoned Residential Agricultural. The property is developed with a single-family home and some type of vehicle and trailer storage yard.

The applicant has submitted an application to rezone 1.65 acres of the property from R-A, Residential Agricultural and RSF-4, Residential Single-family to C1, Neighborhood Commercial. The property is under contract by Kum & Go L.C., according to the applicant.

CITY PLAN 2030 FUTURE LAND USE MAP: *City Plan 2030 Future Land Use Plan designates this site as City Neighborhood Area.* These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors.

COMPATIBILITY: This property serves as a transition from the sounds and traffic volumes of I-540 and the residential characteristics of the Mount Comfort Road corridor. The C-1 development pattern, in staff's opinion, does not support an appropriate transition into a neighborhood, but rather extends a highway commercial form along the corridor. Further, the C-1 zoning district does not support the guiding policies of the City Neighborhood Area designation, including: protecting adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values; encourage walkability as part of the street function; encourage pedestrian friendly, mixed-use buildings through the use of transparent glass and building entrances that address the street; and encourage properties to develop in an urban form.

DISCUSSION

On September 9, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-1-0 (Commissioner Chesser voted 'no').

BUDGET IMPACT

None.



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

FROM: Kit Williams, City Attorney 

DATE: September 16, 2013

**RE: Rezoning request of Kum & Go for Neighborhood Commercial of
the corner of Mount Comfort and Shiloh**

The Planning Commission almost unanimously (Commissioner Chesser being the sole dissenter) recommended that the City Council approve Kum & Go's request for Neighborhood Commercial for a 1.65 acre parcel on the corner of Mount Comfort Road and Shiloh Drive which is primarily zoned Residential Agriculture (R-A) now. The Planning Commission rejected the Planning Department's advice to deny Kum & Go's request and just leave this parcel primarily R-A.

R-A zones may be used for:

(1) "Agriculture" which includes egg and truck farms, and smoking, curing and selling poultry and livestock;

(2) "Animal husbandry" which includes animal breeding farms, farms with livestock, animal hospitals, rodeo grounds, and rifle ranges;

- (3) "Manufactured homes"; and
- (4) "Animal boarding and training."

The first purpose of Residential-Agricultural pursuant to the U.D.C. is "to protect agricultural land until an orderly transition to urban development has been accomplished...."

Kum & Go's requested zoning district is Neighborhood Commercial whose purpose "is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas."

The Planning Commissioners pointed out that Kum & Go's convenience store/gas station would be the first place where the surrounding neighborhoods on Mount Comfort could purchase groceries and convenience goods or buy gas. Kum & Go's convenience store seems designed "to provide convenience goods . . . for person living in the surrounding neighborhoods."

The 2030 Future Land Use Map shows this area to be a City Neighborhood Area which the Planning Division writes should supply a mix of nonresident uses including grocery stores "typically located at corners and along connecting corridors." Grocery stores are not allowed in R-A, but they are allowed in Neighborhood Commercial as requested by Kum & Go for its proposed corner lot on the Mount Comfort corridor which the City has just improved to four lanes.

The City Council has wide discretion about whether or not to rezone property. However, before the City Council would vote not to approve the rezoning almost unanimously recommended by your Planning Commission, you should be able to articulate specific reasons why the uses allowed in R-A will better protect adjoining properties and property values than the recommended Neighborhood Commercial which allows the types of services that the Planning Department affirms that the City Neighborhood Area of Mount Comfort in the 2030 Plan calls for and which are not allowed in the current R-A.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4467, FOR APPROXIMATELY 1.65 ACRES LOCATED AT THE NORTHWEST CORNER OF MOUNT COMFORT ROAD AND SHILOH DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, 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 R-A, Residential Agricultural and RSF-4, Residential Single-Family, 4 units per acre 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:

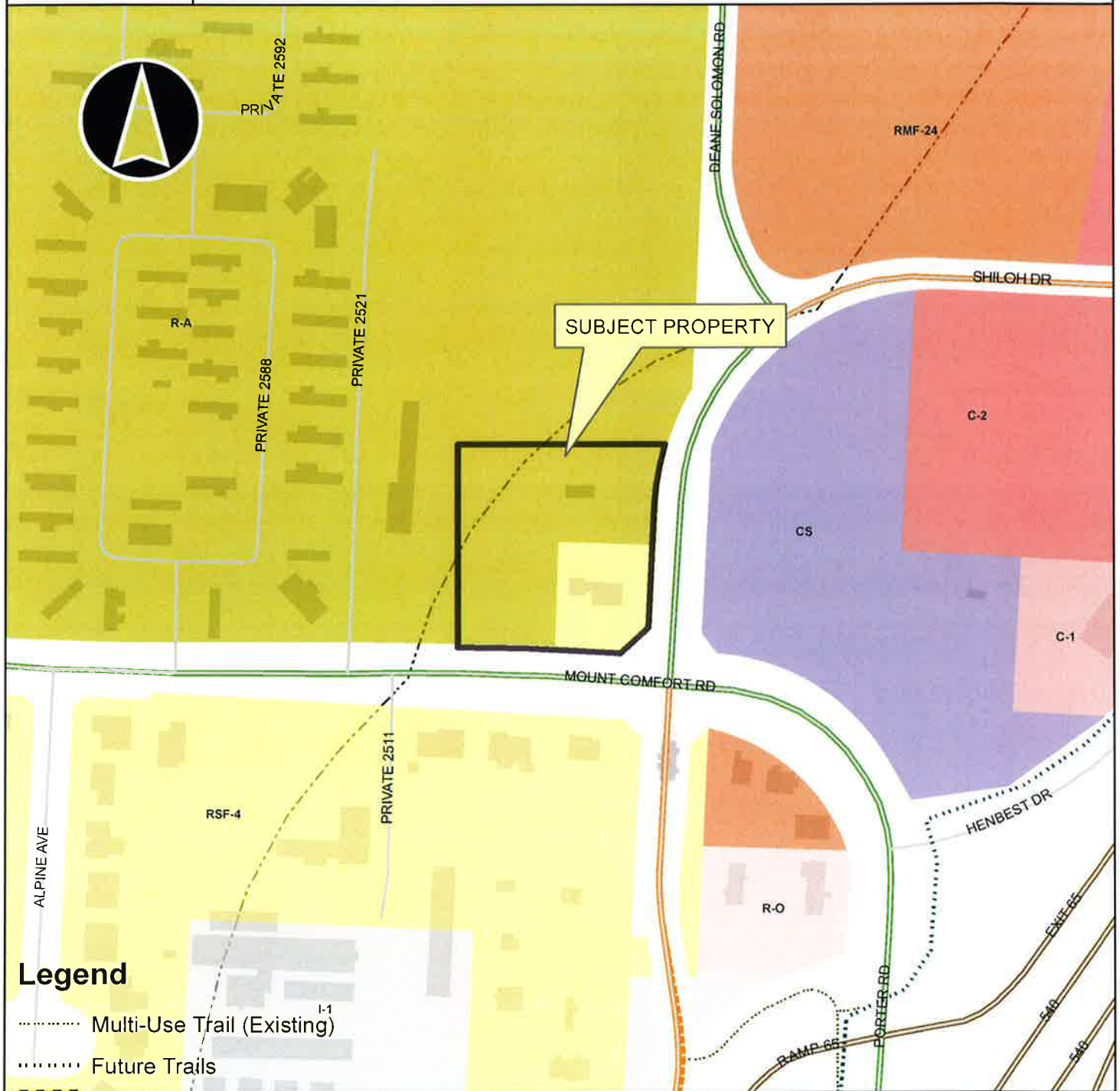
By: _____
LIONELD JORDAN, Mayor

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

RZN13-4467

KUM AND GO

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Fayetteville City Limits

RZN13-4467

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area



EXHIBIT "B"
RZN 13-4467

A TRACT OF LAND BEING A PORTION OF INSTRUMENT NO. 2005-45625 AMONG THE PUBLIC RECORDS OF WASHINGTON COUNTY, ARKANSAS, LAYING IN THE FRACTIONAL NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, AND BEING DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A FOUND 3" BRASS CAP AT THE SOUTHEAST CORNER OF SAID QUARTER PER CERTIFIED LAND CORNER RESTORATION – PERPETUATION AND RESTORATION RECORD BOOK CRI, PAGE 333 FILED AT ARKANSAS STATE SURVEYORS OFFICE; THENCE ALONG THE SOUTH LINE OF SAID QUARTER, NORTH 87°07'17" WEST, A DISTANCE OF 368.01 FEET; THENCE DEPARTING SAID LINE, NORTH 2°35'29" EAST, A DISTANCE OF 55.29 FEET TO THE EXISTING NORTH RIGHT-OF-WAY OF WEST MOUNT COMFORT ROAD PER INSTRUMENT NO. 2009-15429 AND THE **POINT OF BEGINNING**;

THENCE ALONG SAID RIGHT-OF-WAY, NORTH 86°51'55" WEST, A DISTANCE OF 88.00 FEET TO THE NORTHWEST CORNER OF SAID INSTRUMENT NO. 2009-15429, BEING ALSO THE NORTHEAST CORNER OF INSTRUMENT NO. 2009-15427; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, THE FOLLOWING TWO (2) COURSES:

- 1.) NORTH 86°51'55" WEST, A DISTANCE OF 41.86 FEET;
- 2.) NORTH 89°07'24" WEST, A DISTANCE OF 88.48 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 00°00'00" EAST, A DISTANCE OF 275.59 FEET;

THENCE NORTH 90°00'00" EAST, A DISTANCE OF 282.20 FEET TO THE WEST RIGHT-OF-WAY OF SHILOH DRIVE PER INSTRUMENT NO. 2009-15427;

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING FOUR (4) COURSES:

- 1.) 86.33 FEET ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 14°07'57", A RADIUS OF 350.00 FEET, A LONG CHORD THAT BEARS SOUTH 09°56'14" WEST, AND A CHORD DISTANCE OF 86.11 FEET;
- 2.) SOUTH 02°52'18" WEST, A DISTANCE OF 164.52 FEET;



PC Meeting of September 9, 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: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Development Services Director
DATE: ~~September 4, 2013~~ Updated September 13, 2013

RZN 13-4467: Rezone (MOUNT COMFORT AND SHILOH/KUM & GO, 324): Submitted by CEI ENGINEERING for property located at THE NORTHWEST CORNER OF MOUNT COMFORT AND SHILOH. The property is zoned R-A, RESIDENTIAL AGRICULTURAL AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS/ACRE. and contains approximately 1.65 acres. The request is rezone the property to C-1, NEIGHBORHOOD COMMERCIAL.

Planner: Jesse Fulcher

BACKGROUND:

The subject property is located at the northwest corner of Mount Comfort Road and Shiloh Drive. The overall property contains approximately 23.50 acres, with 0.30 acres zoned RSF-4, Residential Single-family and 23.20 acres zoned Residential Agricultural. The property is developed with a single-family home and some type of vehicle and trailer storage yard. Surrounding land uses are shown in Table 1.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	R-A, Residential Agricultural
South	Single-family residential	RSF-4, Residential Single-family 4 Units/ Acre
East	Undeveloped	CS, Community Services
West	Single-family residential	R-A, Residential Agricultural

Proposal: The applicant has submitted an application to rezone 1.65 acres of the property from R-A, Residential Agricultural and RSF-4, Residential Single-family to C1, Neighborhood Commercial. The property is under contract by Kum & Go L.C., according to the applicant.

Public Comment: Staff received a phone call inquiring about this rezoning from a resident in the area concerned with commercial development encroaching down the more residential areas of Mount Comfort Road.

PLANNING COMMISSION ACTION:

Date: September 9, 2013 Tabled Forwarded Denied

Motion: Winston **Second:** Hoskins **Vote:** 8-1-0 (Chesser voting 'no')

CITY COUNCIL ACTION:

Date: October 1, 2013 Approved Denied

RECOMMENDATION:

Staff recommends **denial** of **RZN 13-4467**. It is staff's opinion that development under the C-1 zoning district will result in a conventional commercial development pattern with design components that promote vehicle/pedestrian conflicts that ultimately discourage pedestrian activities. This development pattern does not encourage walkability or accessibility for residents in surrounding neighborhoods. Furthermore, the proposed zoning does not support the land use policies adopted with City Plan 2030, including Goal 3: We will make traditional town form the standard, or the policies of the City Neighborhood Area designation. City Neighborhood Areas encourage design elements that support pedestrian friendly, mixed-use developments that are sensitive to surrounding residential uses and utilize principals of traditional urban design.

INFRASTRUCTURE:

- Streets:** The site has access to Mount Comfort Road and Shiloh Drive. Both streets were improved by the City of Fayetteville. Any remaining street improvements will be evaluated at the time of development.
- Water:** Public water is available to the property. There is a 12" water main along Mount Comfort Road.
- Sewer:** Sanitary sewer is available to the site. There is an 8" sewer main along Mount Comfort Road. The capacity of the existing main will need to be evaluated at the time of development of this property.
- 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 development will be protected by Fire Station 7 located at 835 N Ruppel Road. It is 3 miles from the station with an anticipated response time of 4 minutes to this location. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**.* These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners 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 to C-1 is not consistent with land use planning objectives, principles, and policies. The Future Land Use Map designation for the property is City Neighborhood Area. These areas support a wide variety of land uses and densities depending on the context of each property. This particular property serves as a transition from the sounds and traffic volumes of I-540 and the residential characteristics of the Mount Comfort Road corridor. The C-1 development pattern, in staff's opinion, does not support an appropriate transition into a neighborhood, but rather extends highway commercial form along the corridor. Further, the C-1 zoning district does not support the guiding policies of the City Neighborhood Area designation, including: protecting adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values; encourage walkability as part of the street function; encourage pedestrian friendly, mixed-use buildings through the use of transparent glass and building entrances that address the street; and encourage properties to develop in an urban form.

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

Finding: In staff's opinion, the C-1 zoning district is not justified as this time. This zoning district does not fulfill or support many of the policies of the City Neighborhood Area designation, nor does it provide an appropriate transition into a residential district. The importance of a transition is even more evident, since the property to the east was recently rezoned to CS, Community Services. This form-based commercial zoning district allows a wide variety of residential and commercial uses, including all uses permitted in the C-1 zoning district, but prescribes a traditional development pattern, encouraged by the City Neighborhood Designation. Rezoning the subject property to C-1, when it is nearer to the residential districts along Mount Comfort, would create an incompatible development pattern in close proximity to residences, and diminish a necessary

transition between commercial and residential districts.

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

Finding: **Rezoning the property to C-1 will increase traffic volumes over existing conditions. In staff's experience, high traffic generators along busy street corridors can create increased congestion and traffic danger if improperly designed. The Unified Development Code contains a number of access management requirements that can mitigate traffic conflicts, if they are implemented in the site design.**

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 should not substantially alter the population density in the area. 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: **N/A**

- 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**

TITLE XV UNIFIED DEVELOPMENT CODE

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(B) *Uses.*

(G) *Building area.* None.

(1) *Permitted uses.*

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District,

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed 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.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
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15 ft.	5 ft.	15 ft.
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(F) *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).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; 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. 5312, 4-20-10; Ord. 5462, 12-6-11)

161.18 District C-1, Neighborhood Commercial

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

(B) *Uses.*

(1) *Permitted uses.*

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

(2) *Conditional uses.*

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	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
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*Any building which exceeds the height of 20 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 20 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. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



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

OFFICE OF THE FIRE MARSHAL

Zoning Review

To: Jesse Fulcher
From: Battalion Chief H. Hunt
Date: August 12, 2013
Re: RZN 13-4467 (Mount Comfort and Shiloh/Kum & Go)

This development will be protected by Fire Station 7 located at 835 N. Ruppel.
It is 3 miles from the station with an anticipated response time of 4 minutes to this location.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Battalion Chief H. Hunt
Fire Marshal
479-718-7639



ENGINEERS ■ SURVEYORS ■ PLANNERS
LANDSCAPE ARCHITECTS ■ ENVIRONMENTAL SCIENTISTS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844

www.ceieng.com

July 29, 2013

Development Services Department
City of Fayetteville
125 W. Mountain Street
Fayetteville, AR 72701

RE: Request for Rezoning: Kum & Go #419, NWC of Mt. Comfort Rd & Shiloh Dr.

Dear Development Services,

Pursuant to the City of Fayetteville's Rezoning Application, the following information is provided to satisfy Item 5, sub-items a through I of the Rezoning Checklist.

5a. Current ownership information and any proposed or pending property sales.

The current owner of the land is Joan C. Hays, 2556 Mt. Comfort Rd #29, Fayetteville, AR 72704. The land is under contract by Kum & Go L.C., 6400 Westown Parkway, West Des Moines, IA 50266. Successful rezoning of the property is a contract contingency.

5b. Reason (need) for requesting zoning change.

The current zoning is RA (Residential Agriculture) which does not allow for the proposed use of a convenience store. A zoning change to C1 (Neighborhood Commercial) is requested to accommodate the applicant's land use.

5c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The site is on the northwest corner of the signalized intersection of Mt. Comfort Rd. and Shiloh Dr. Both roads have recently been upgraded to create the 4 travel lanes on Mt. Comfort and the new traffic signal at the intersection with Shiloh Dr. The proposed land use is in compliance with the land use patterns as prescribed by the Future Land Use Map. Being that Kum & Go generally utilizes "pass-by" traffic for its customer base, and is not a "destination" land use, the proposed use will not generate an increase in traffic to the corridor. The site has adequate frontage on both Mt. Comfort Rd. and Shiloh Dr. to safely accommodate ingress and egress from the adjacent roadways. Kum & Go has developed an aesthetic brand for both the appearance and signage for their stores, and their brand will not be a visual distraction along the Mt. Comfort corridor.

5d. Availability of water and sewer (state size of lines).

Water – A 12" line exists on the south side of the property (north side of Mt. Comfort).
Sewer – An 8" line exists on the south side of the property (north side of Mt. Comfort).

5e. The degree to which the proposed zoning is consistent with the land use planning objectives, principles and policies, and with land use and zoning plans.

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

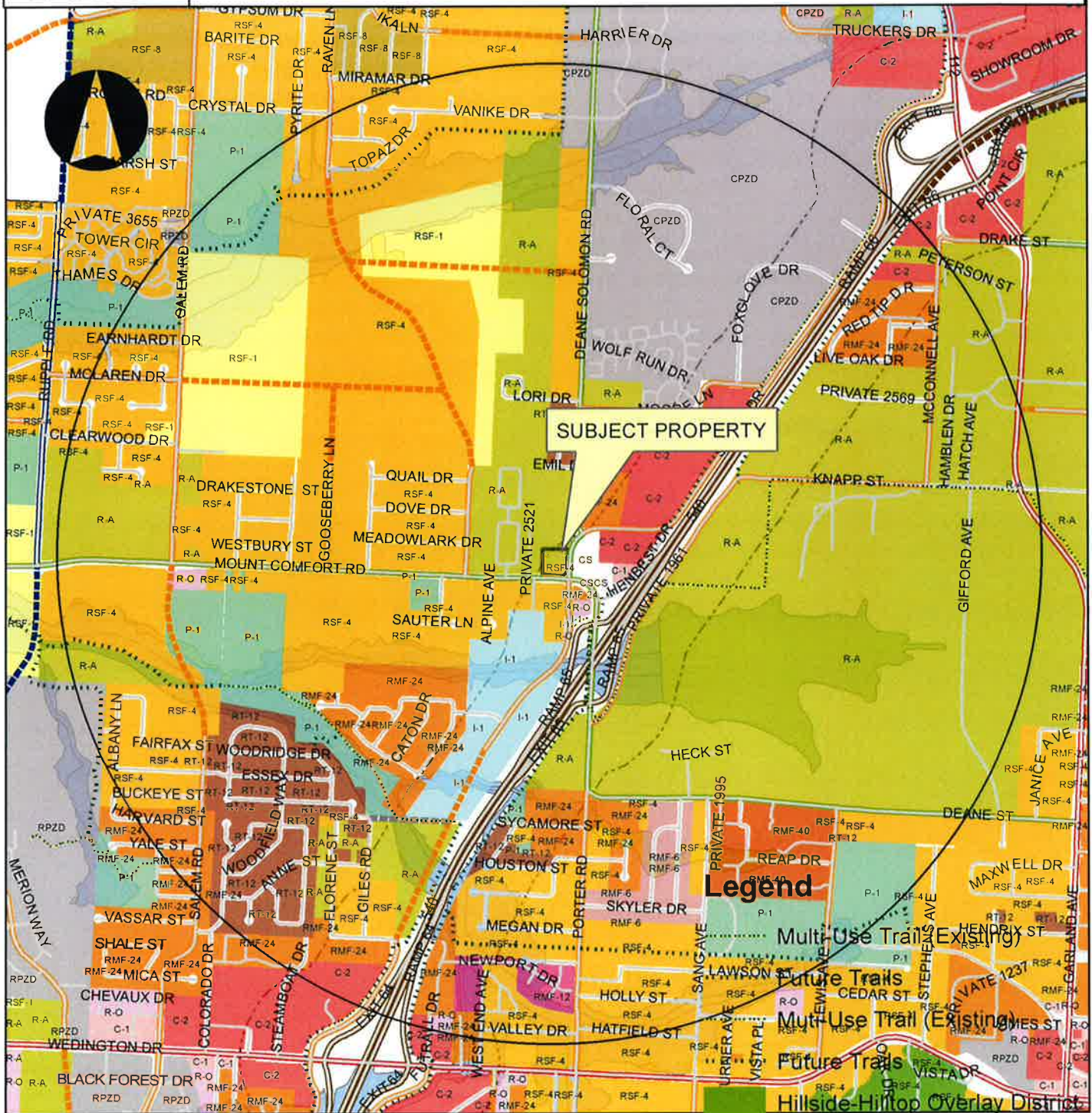
The proposed zoning is consistent with the City Plan 2030 and the guiding policies of the City Neighborhood Areas in that the proposed use would serve the residents of Fayetteville rather than a regional population. Additionally it would provide a use that is accessible for the convenience of residents living in the adjacent residential districts.

- 5f. Whether the proposed zoning is justified and/or needed at the time of the request.**
The proposed zoning is justified by the locations viability as a convenience store on the corner of two connecting corridors. The location would be utilized to provide convenience goods to residents that would reduce the length and number of vehicular trips generated by residents living to the west and south of the site; a large residential area which is devoid of commercial services.
- 5g. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.**
The proposed zoning should not create, or considerably increase, traffic danger and congestion since the site has frontage on both Mt. Comfort Rd. and Shiloh Dr., both of which have been recently upgraded to the city's master street plan. This section of the corridor has good site distances and is not developed with regional destination type of land uses.
- 5h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.**
The proposed zoning should not alter the population density. It is a commercial land use, and as such will not foster any population increase.
- 5i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.**
The area surrounding this property that is currently zoned Residential Agriculture is transitioning to urban development. Rezoning the property would help prevent urban sprawl. The proposed land use would help to fill a need for commercial/retail services in the corridor. The closest commercial services are located 1.5 miles to the north at the I-540 and Garland Ave intersection, and 1.3 miles to the south at the I-540 and Weddington Dr. intersection.

RZN13-4467

KUM AND GO

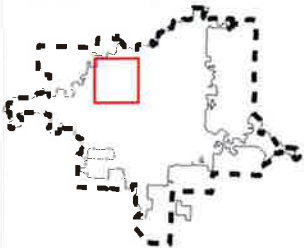
One Mile View



Legend

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

Overview



Legend

- RZN13-4467
- Design Overlay District
- Planning Area
- Fayetteville

Boundary

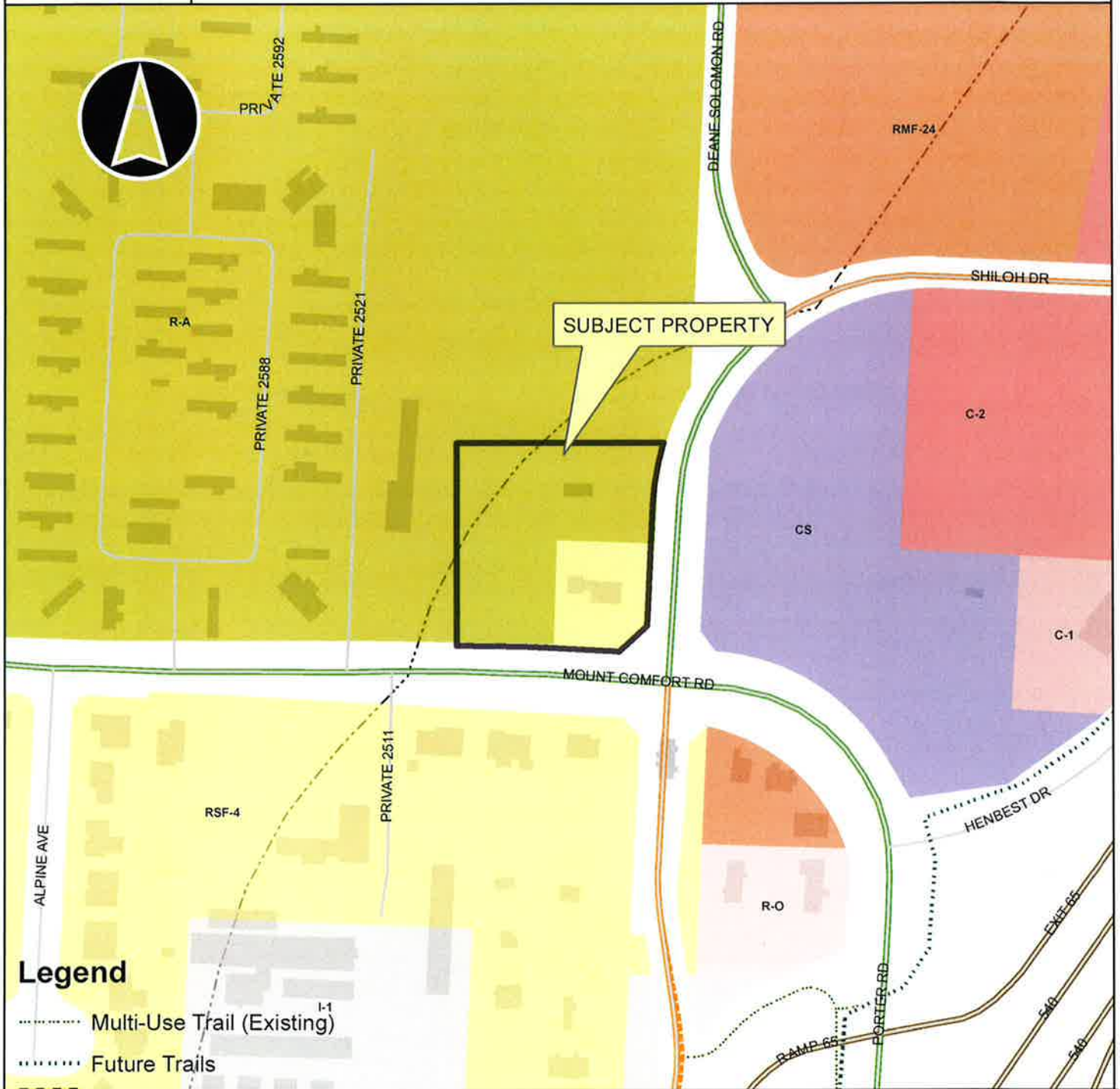


- RZN13-4467
- Design Overlay District
- Planning Area
- Fayetteville

RZN13-4467

KUM AND GO

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Fayetteville City Limits

RZN13-4467

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

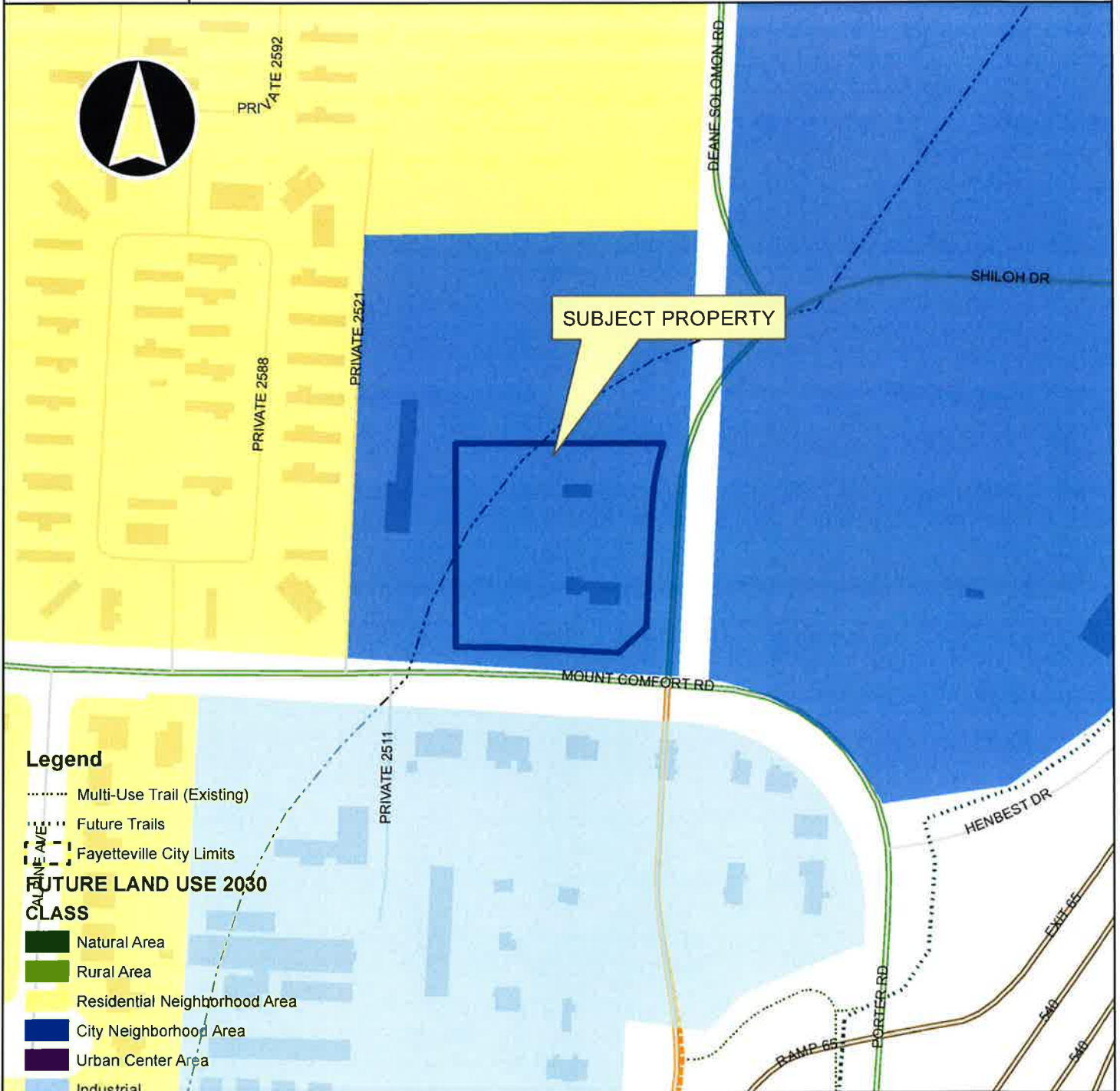


Overview

RZN13-4467

KUM AND GO

Future Land Use



Legend

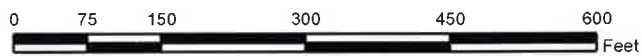
- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

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
- RZN13-4467
- Design Overlay District
- Planning Area



RZN13-4467

KUM AND GO

Current Land Use



Legend

Overview Fayetteville City Limits

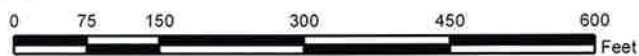
RZN13-4467

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area



emailed to aldermen 10/1/13

From: "Parker, William A" <william.parker@zoetis.com>
To: "city_clerk@ci.fayetteville.ar.us" <city_clerk@ci.fayetteville.ar.us>
CC: "ward4_pos1@ci.fayetteville.ar.us" <ward4_pos1@ci.fayetteville.ar.us>, "...
Date: 10/1/2013 12:53 PM
Subject: Rezoning Mt. Comfort and Shiloh

I am in favor of the rezoning.

Drew Parker
884 N. Meadowlands Drive
Fayetteville, AR 72704

City Clerk - KUM N GO PROJEST-Porter Exit Mt Comfort/Shiloh

From: Ron Wilkins <ron@primesellsnwa.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: 10/18/2013 1:42 PM
Subject: KUM N GO PROJEST-Porter Exit Mt Comfort/Shiloh

We are in Favor of this Project! Antything we can do to help please let us know.

Resident

1493 N Jeremiah PL

porter exit- mt comfort-Shiloh-dean Solomon-emil-jeremiah