

City of Fayetteville Item Review Form

2013-0197

Legistar File Number

12-17-2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4538: Rezone (RAZORBACK ROAD/VICTORY COMMONS, 560): Submitted by PARADIGM DEVELOPMENT for property located at 731 RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.09 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

Does this item have a cost?  No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

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

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

Comments:

11-27-13 10:18 RCVD

*[Signature]*  
Nov 27, 2013  
ENTERED  
11/27/13  
*[Initials]*


*[Signature]*  
Paul a. Beck  
*[Signature]*  
*[Signature]*

This ordinance was left on the first reading at the December 17, 2013 City Council Meeting

## CITY COUNCIL AGENDA MEMO

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**To:** Mayor Jordan, City Council

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

**From:** Quin Thompson, Current Planner

**Date:** November 25, 2013

**Subject:** RZN 13-4538: Rezone (731 S Razorback Road/Victory Commons)

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**RECOMMENDATION:** The Planning Commission and Staff recommend approval of an ordinance to rezone the property to UT, Urban Thoroughfare.

**BACKGROUND:** The subject property is located at 731 S Razorback Road. The property is within the I-1, Heavy Commercial and Light Industrial zoning district and contains multiple lots totaling approximately 5.09 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

**CITY PLAN 2030 FUTURE LAND USE MAP:** *City Plan 2030 Future Land Use Plan designates this site as Urban Center Area.*

*Urban Center Areas* contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. It is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

**COMPATIBILITY:** This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses and the City Plan 2030 designation as an *Urban Area*.

The UT zoning district is a significant downzone from I-1, and will provide opportunity for re-development that is more compatible with recent residential and commercial development than the current zoning allows. As discussed, with the recent rezoning and re-development of the adjacent properties to the west from I-1 to CS, Community Services, the rail line spur in this immediate vicinity

has not been used for many years and market demand for industrial use in this neighborhood is not anticipated.

**DISCUSSION:** On November 25, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

**BUDGET IMPACT:** None.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4538, FOR APPROXIMATELY 5.09 ACRES, LOCATED AT 731 S RAZORBACK ROAD FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL, TO UT, URBAN THOROUGHFARE

**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-1, Heavy Commercial and Light Industrial to UT, Urban Thoroughfare, 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

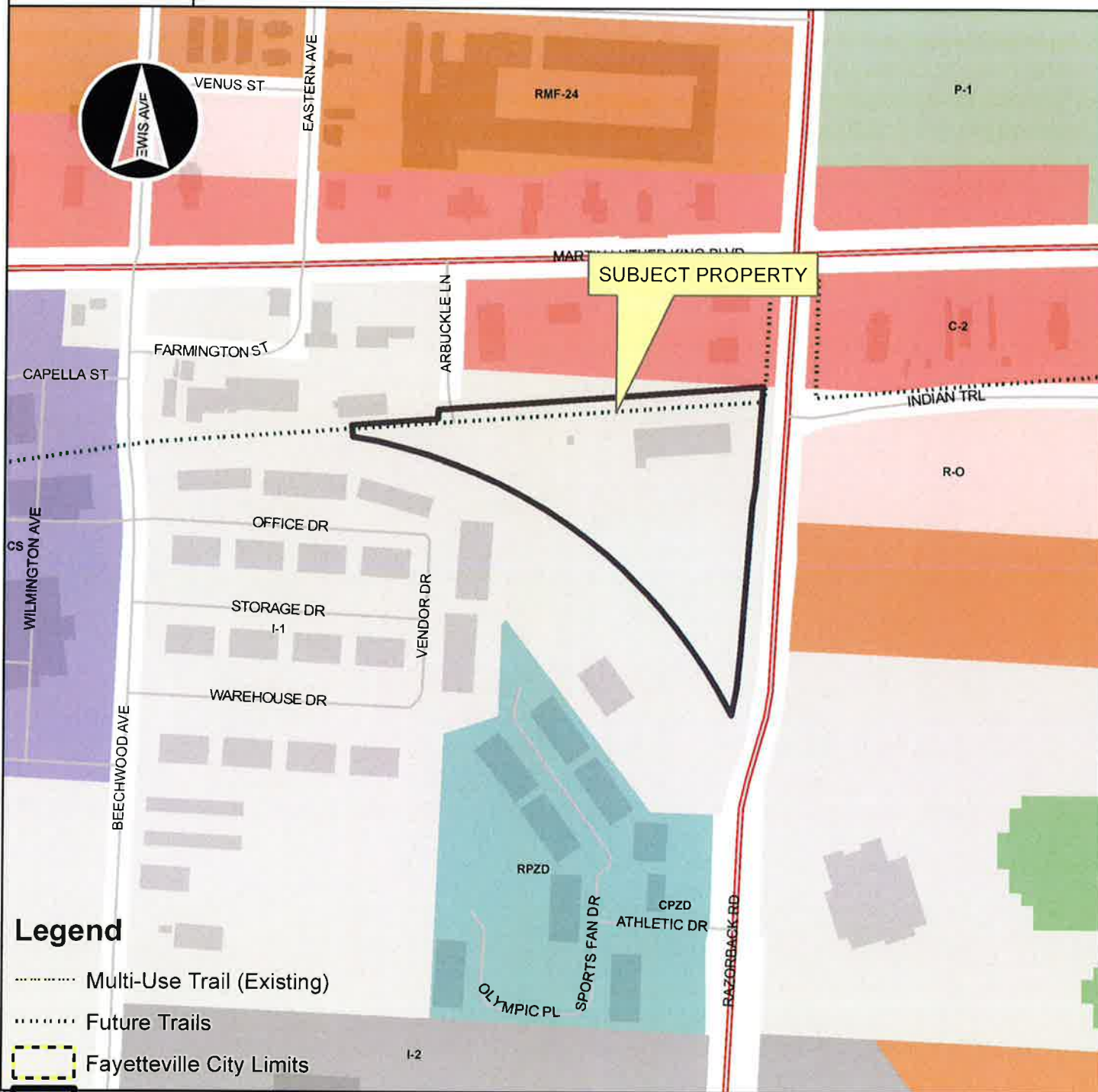
By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

# EXHIBIT "A"

RZN13-4538

## VICTORY COMMONS

Close Up View



### Legend

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

**Overview** RZN13-4538

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



**EXHIBIT "B"**  
**RZN 13-4538**

A PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE SOUTH 40.12', THENCE S87°02'22"W 68.57' TO THE RIGHT-OF-WAY OF RAZORBACK ROAD (ARKANSAS STATE HIGHWAY #112) SAID POINT BEING 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK AND THE POINT OF BEGINNING, THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S02°31'07"W 160.59', S06°55'32"W 43.15', S02°47'03"W 304.09', S04°08'22"W 68.30', S09°46'05"W 56.53' TO THE INTERSECTION WITH SAID RIGHT-OF-WAY AND A POINT THAT IS 15' NORTH AND EAST OF AND PARALLEL AND OR CONCENTRIC TO THE CENTERLINE OF THE SOUTH LEG OF THE WYE CONNECTING TRACK OF SAID RAILROAD COMPANY'S FORT SMITH, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID CONNECTING TRACK ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1057.14' FOR A CHORD BEARING AND DISTANCE OF N55°34'56"W 959.98' TO A FOUND IRON PIN WITH CAP WHICH IS 15' SOUTH OF AND PERPENDICULAR TO THE CENTERLINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY'S FAYETTEVILLE, ARKANSAS TO MUSKOGEE, OKLAHOMA BRANCH LINE MAIN TRACK, THENCE N06°03'38"W 23.64', THENCE N83°27'03"E 176.43' TO AN EXISTING REBAR, THENCE N00°24'08"E 18.62', THENCE N84°00'06"E 666.13' TO THE RIGHT-OF-WAY OF SAID RAZORBACK ROAD, THENCE S02°31'07"W 43.67' ALONG SAID RIGHT-OF-WAY TO THE POINT OF BEGINNING, CONTAINING 5.09 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS, RIGHT-OF-WAY AND OTHER RESTRICTIONS OF RECORD OR NOT.



PC Meeting of November 25, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Planning Commission  
FROM: Quin Thompson, Current Planner  
THRU: Andrew Garner, Planning Director  
DATE: ~~November 18, 2013~~ UPDATED 11-26-2013

**RZN 13-4538: Rezone (RAZORBACK RD./VICTORY COMMONS, 560):** Submitted by PARADIGM DEVELOPMENT for property located at RAZORBACK ROAD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 5.17 acres. The request is to rezone the property to UT, Urban Thoroughfare.

Planner: Quin Thompson

**BACKGROUND:**

*Property and Background:* The subject property is located west of Razorback Road near Martin Luther King Boulevard. The property is within the I-1 zoning district and contains multiple lots totaling approximately 5.17 acres. The property contains an existing warehouse building of approximately 12,500 square feet, built in 1972.

The north edge of the property shows a multi-use trail according to the Fayetteville Alternative Transportation and Trails (FATT) plan. On the south property line there is an existing rail corridor. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Filling Station, Franchise Restaurants	C-2, Thoroughfare Commercial
South	State of Arkansas(DMV), Rail corridor	I-1, Heavy Commercial and Light Industrial
East	Undeveloped	R-O, Residential Office/RMF-24, Residential Multi-family 24 units per acre
West	Commercial Warehouse	I-1, Heavy Commercial and Light Industrial(to be rezoned CS)

*Request:* The request is to rezone the property from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

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

**RECOMMENDATION:**

Staff recommends forwarding RZN 13-4538 to the City Council with a recommendation for **approval** based on findings stated herein.

<b>PLANNING COMMISSION ACTION:</b>	<b>Required</b>	<b><u>YES</u></b>	
<b>Date:</b> <b><u>November 25, 2013</u></b>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> <b>CHESSER</b>	<b>Second:</b> <b>WINSTON</b>	<b>Vote:</b> <b>8-0-0</b>	
<b>Notes:</b> <b>HOSKINS RECUSED</b>			
<b>CITY COUNCIL ACTION:</b>	<b>Required</b>	<b><u>YES</u></b>	
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
<b>Date:</b>			

**INFRASTRUCTURE:**

- Streets:** The site has access to Razorback Road, a fully improved five lane city street in this location. Street improvements will be evaluated at the time of redevelopment.
- Water:** Public water is available to the property. There is both an 8” main along Razorback Road and a 12” water main within the property boundary.
- Sewer:** Sanitary sewer is available to the site. There is an 8” sewer main along Razorback Road which joins a 24” sewer main along the subject frontage.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.
- Fire:** This development will be protected by Engine 6 located at 900 S. Hollywood Dr. It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
- Police:** The Police Department made no comment.



**CITY PLAN 2025 FUTURE LAND USE PLAN:** *City Plan 2030 Future Land Use Plan designates this site as Urban Center Area.*

**Urban Center Areas** contain the most intense and dense development patterns within the City, as well as the tallest and greatest variety of buildings. They accommodate rowhouses, apartments, local and regional retail, including large-scale stores, hotels, clean tech industry and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility, usually automobile-dependent customers and large areas dedicated to parking. Although **Urban Center Areas** recognize the conventional big-box and strip retail centers developed along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same areas. Additionally, infill of existing development centers should be strongly encouraged, since there is greater return for properties already served by public infrastructure.

## **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:** This property is currently partly developed with a warehouse built in 1972. The proposal to rezone the property to UT, Urban Thoroughfare, will allow the property to be developed with commercial and/or residential uses that are consistent with City policies and goals for the neighborhood. The City Plan 2030 Future Land Use Map designates this area as Urban Center. This designation encourages height, density, and variety of use in order to create compact urban neighborhoods.

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

**Finding:** The proposed rezoning is justified due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and commercial uses, which are compatible with the City Plan 2030 Future Land Use Map.

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

**Finding:** The site access has access to Razorback Road, a fully improved five lane street. The proposed zoning would allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased. Street improvements will be evaluated at the time of development.

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:**       **Rezoning the property from industrial to mixed use will allow for the development of residential and commercial uses, however development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
  - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
  - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

**Finding:**       N/A

#### 161.27 District I-1, Heavy Commercial and Light Industrial

(A)*Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

**161.21 Urban Thoroughfare**

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum. None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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\*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 84 feet.

Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

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

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

A written description of this request addressing the following items:

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

***The Property to be rezoned is currently owned by Tracy Hoskins, Victory Commons, LLC, and Allied Bank. No sales are pending.***

- b. Reason (need) for requesting the zoning change.

***Changes due to market conditions and the property is currently zoned I-1 Industrial. The property is better suited for mixed-use commercial/residential – as designated in our CityPlan 2030.***

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

***Proposed Zoning will be very compatible to the existing zoning of the surrounding neighborhood in terms of intensity and uses. The immediate area is a redeveloping area of student housing and commercial. The property is located just off of MLK and along the recently widened blvd Razorback Road – two major arterial roads. The requested zoning should not negatively impact existing traffic conditions. This is currently a brown field site. With the appropriate UT zoning, the property can be redeveloped into an attractive and useful enhancement to the community. Signage will be as allowed within the UT regulations.***

- d. Availability of water and sewer (state size of lines). This information is available from the City Engineering Division.

***The property is currently served by a 12” water main along the street frontage (Razorback Road) and 8” and 24” sewer main also along the street frontage (Razorback Road)***

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

***The property will be rezoned from Industrial to formed-based zoning Urban Thoroughfare – consistent with the 2030 Future Land Use designation of Urban Center Area***

- f. Whether the proposed zoning is justified and/or needed at the time of the request.

***The Proposed Zoning is justified and needed as the property is currently zoned for Industrial use which is not a desirable or practical zoning for the property, nor is it the highest and best use of the property.***

- g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

***The property is located just off of MLK and along the recently widened blvd Razorback Road. The requested zoning should not negatively impact existing traffic conditions.***

- h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

*We expect that the property will eventually somewhat increase the population density in the immediate area. However, this is the type of land use and density we as a city are trying to promote.*

- i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

*Currently, there are no uses permitted other than those relative and permitted un Industrial zoning. While industrial zoning does include some permitted uses such as limited multifamily, eateries, etc.; the zoning also permits undesirable uses as well – by right.*







[www.accessfayetteville.org](http://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

## Zoning Review

**To:** Quin Thompson  
**From:** Harley Hunt  
**Date:** October 30, 2013  
**Re:** RZN 13-4538

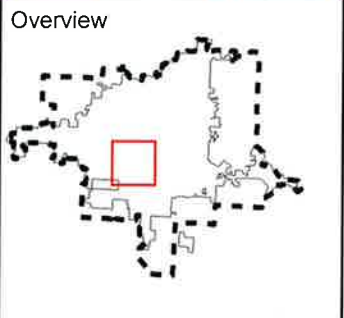
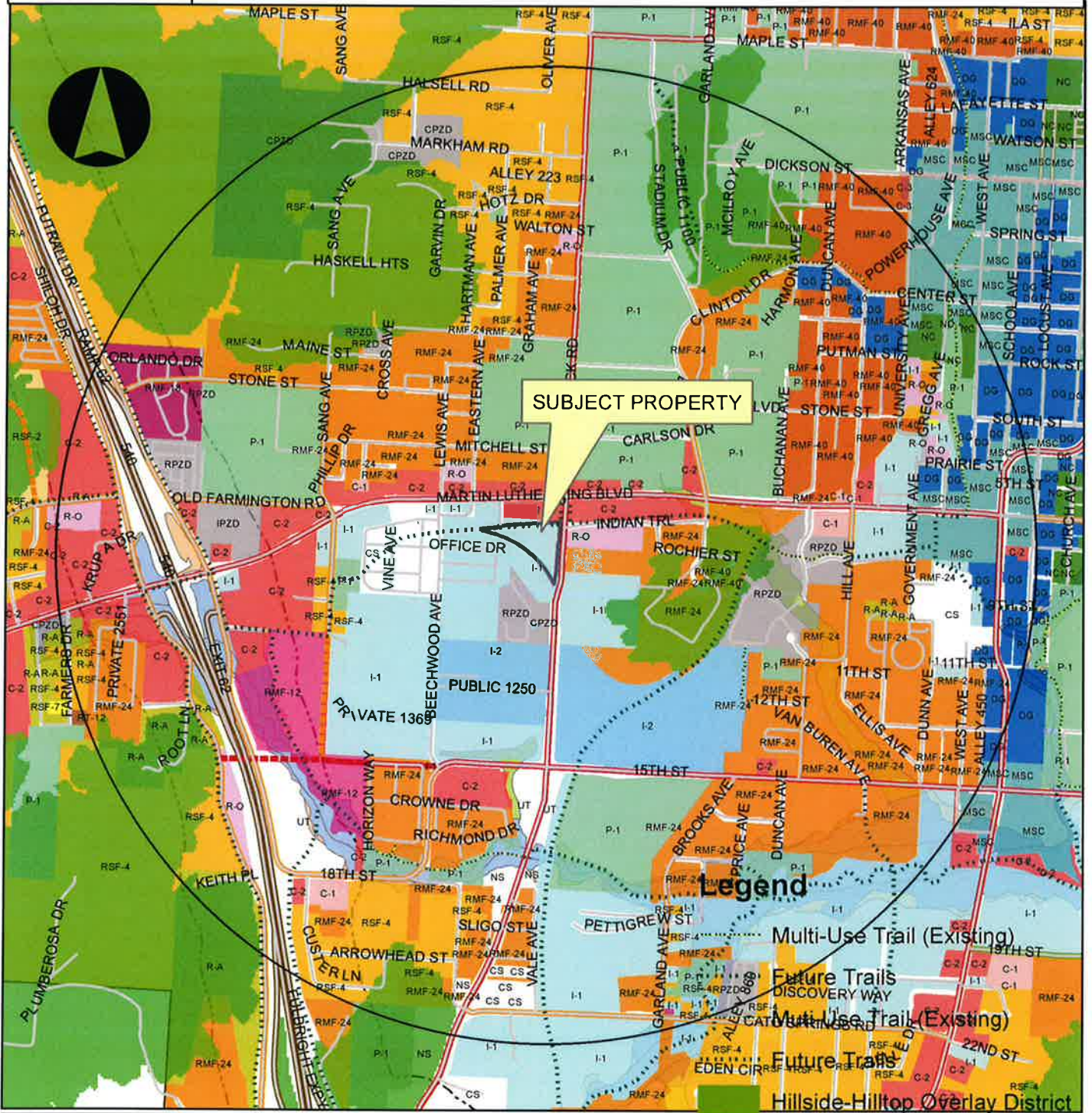
This development will be protected by Engine 6 located at 900 S. Hollywood Dr. It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

Battalion Chief H. Hunt  
Fire Marshal  
Fayetteville Fire Department

RZN13-4538

# VICTORY COMMONS

One Mile View



Legend

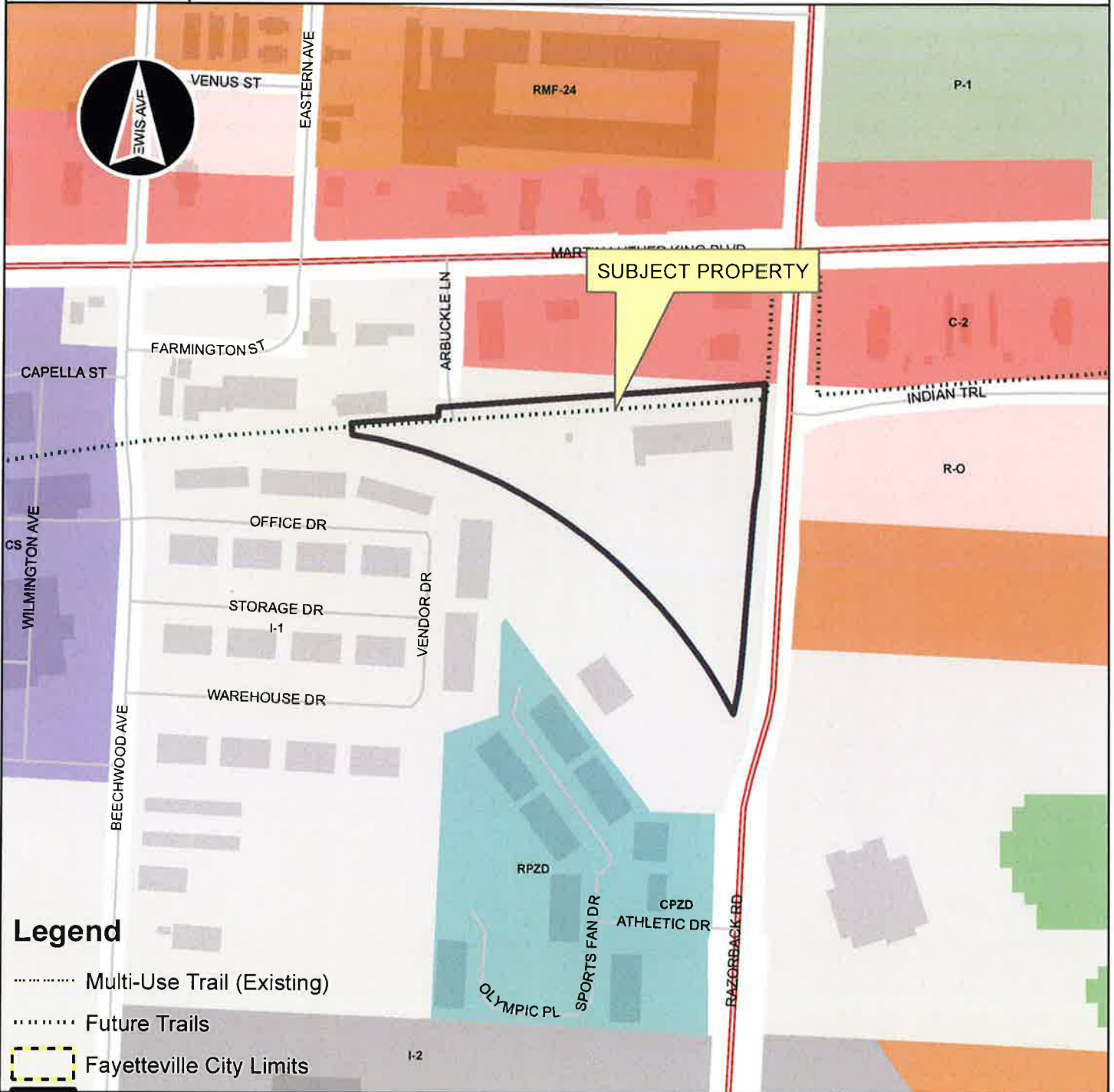
- Subject Property Subject Property
- RZN13-4538 RZN13-4538
- Boundary Boundary
- RZN13-4538 RZN13-4538
- Design Overlay District Design Overlay District
- Planning Area Planning Area
- Fayetteville Fayetteville

0 0.25 0.5 1 Miles

RZN13-4538

# VICTORY COMMONS

Close Up View



Overview RZN13-4538

..... Footprints 2010

..... Hillside-Hilltop Overlay District

..... Design Overlay District

..... Design Overlay District

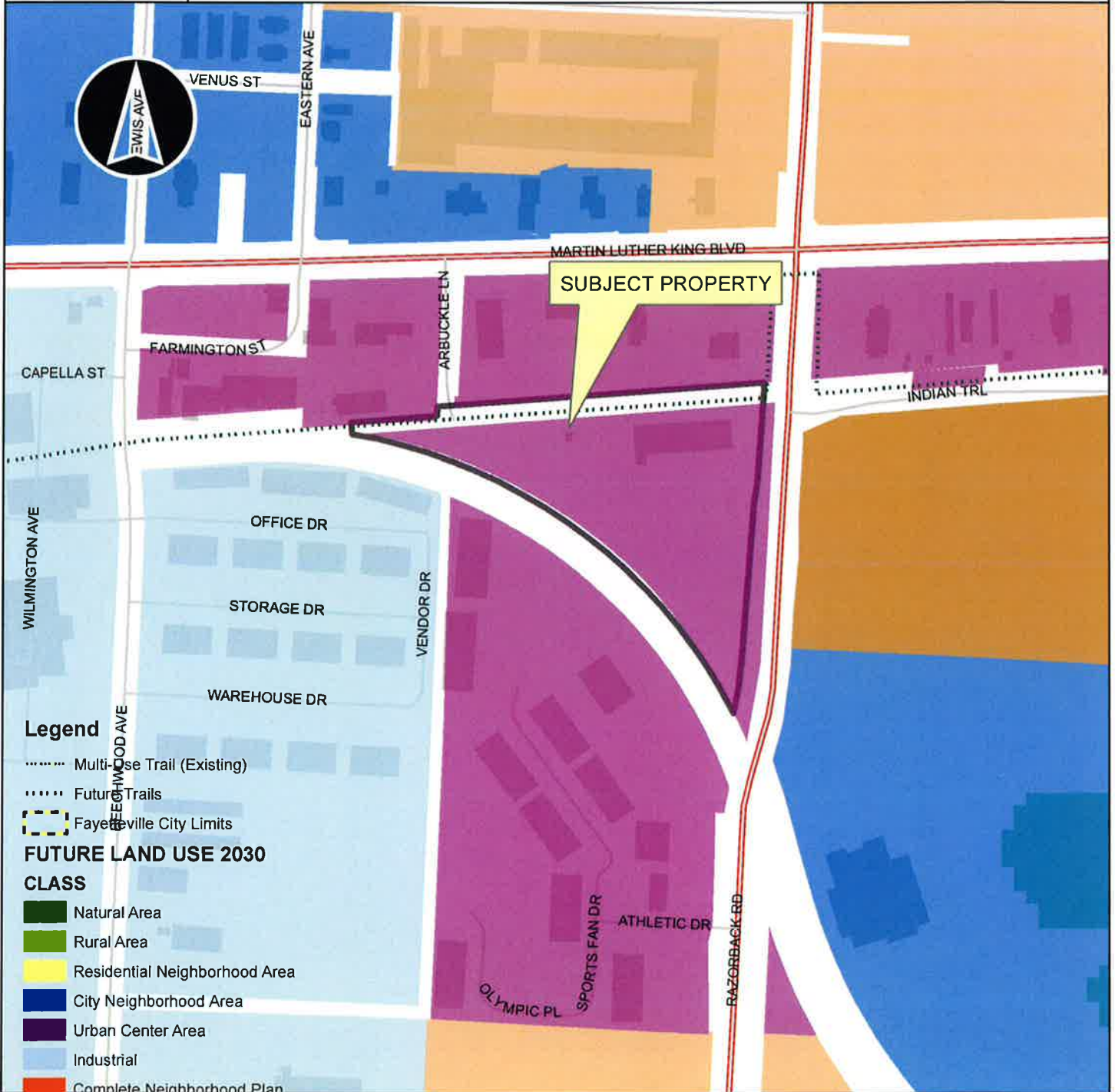
..... Planning Area



RZN13-4538

# VICTORY COMMONS

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

RZN13-4538

Design Overlay District

Design Overlay District

Planning Area



RZN13-4538

# VICTORY COMMONS

Close Up View



Overview RZN13-4538

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

