

City of Fayetteville Item Review Form

2013-0245

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

RZN 13-4553: Rezone (WEDINGTON CIRCLE, 404): Submitted by JOHN SCHMELZLE for property located WEST OF WEDINGTON DRIVE AND GARLAND AVENUE. The property is zoned R-PZD WEDINGTON CIRCLE and contains approximately 6.12 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

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
_____	\$0.00	_____
_____	_____	_____
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:

[Handwritten signature] *dmw* 12-18-13

[Handwritten signature] 12-19-2013

Paul A. Bach **ENTERED** 12/18/13

Ann Man 12-19-13

Ronald J. [unclear] 12/20/13

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Jesse Fulcher, Senior Planner

Date: December 16, 2013

Subject: RZN 13-4553 (WEDINGTON CIRCLE)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to rezone the property to CS, Community Services.

BACKGROUND

The subject property is located just west of the intersection of Wedington Drive and Garland Avenue. On February 7, 2006 the City Council approved the Wedington Circle Residential Planned Zoning District on the subject property (R-PZD 05-1776). The property was originally zoned RMF-24, Residential Multi-family and C-2, Thoroughfare Commercial.

The R-PZD zoning permitted a total of 296 units (428 bedrooms @ 48 units per acre), 10,000 square feet of professional office space, and 6,500 square feet of retail space. Construction permits for the project were never obtained and the R-PZD approval has expired.

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, from single-family to multi-family. 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. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

COMPATIBILITY: Rezoning the property to the Community Services zoning district is appropriate, because it will allow the property to be developed with a variety of land uses, densities and intensities. This is consistent with the future land use designation, and appropriate for a property that is bounded by a high-volume arterial roadway, and commercial uses and multi-family land uses.

Further, the Community Services zoning district is very consistent with land use planning objectives, principles and policies. This district will allow a variety of land uses, densities and intensities to be developed on the property, consistent with the City Neighborhood designation. This includes potential commercial uses fronting Wedington Drive, and medium to high density residential uses interior to the site.

In addition, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that allows multiple land uses that can serve existing surrounding residences and future residential properties.

DISCUSSION

On December 9, 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 13-4553, FOR APPROXIMATELY 6.12 ACRES, LOCATED WEST OF WEDINGTON DRIVE AND GARLAND AVENUE FROM R-PZD WEDINGTON CIRCLE, TO CS, COMMUNITY SERVICES

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-PZD Wedington Circle to CS, Community Services, 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"

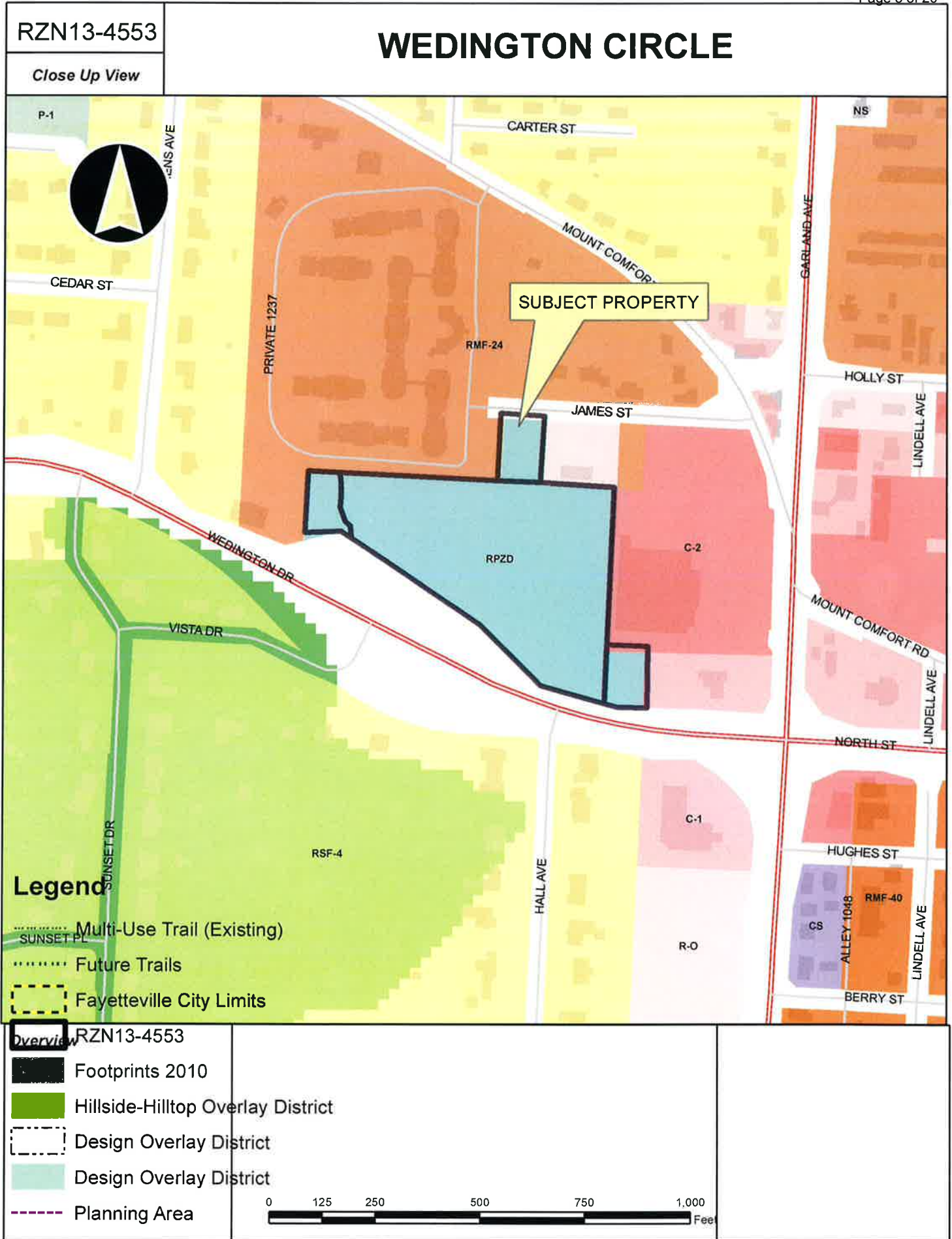


EXHIBIT "B"
RZN 13-4553

SURVEY DESCRIPTION ENTIRE TRACT

A PART OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION EIGHT (8), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID 40 ACRE TRACT; THENCE N02°56'35"E ALONG THE WEST LINE OF SAID 40 ACRE TRACT 566.29 FEET; THENCE LEAVING THE WEST LINE OF SAID 40 ACRE TRACT S87°11'29"E 159.72 FEET TO A SET ½" IRON REBAR FOR THE TRUE POINT OF BEGINNING; THENCE S87°11'29"E 75.00 FEET TO A SET ½" IRON REBAR IN THE CENTER OF AN EXISTING DRAINAGE DITCH; THENCE LEAVING THE CENTERLINE OF SAID DITCH S87°11'29"E 376.68 FEET TO A SET ½" IRON REBAR; THENCE N02°56'35"E 161.54 FEET TO A SET ½" IRON REBAR; THENCE S86°36'35"E 104.60 FEET TO AN EXISTING IRON; THENCE S03°35'34"W 160.02 FEET TO AN EXISTING IRON; THENCE S86°36'12"E 177.56 FEET TO A SET ½" IRON REBAR, SAID POINT BEING N86°36'12"W 2.48 FEET FROM AN EXISTING CONCRETE AT THE SOUTHWEST CORNER OF LOT TEN (10) OF MCCORMICK ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS; THENCE S02°37'04"W 376.94 FEET TO A SET ½" IRON REBAR; THENCE S87°16'02"E 96.96 FEET TO A SET ½" IRON REBAR;

THENCE S00°50'04"W 146.31 FEET TO A SET ½" IRON REBAR ON THE NORTH RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY 16 (WEDINGTON DRIVE); THENCE ALONG SAID RIGHT-OF-WAY LINE, THE FOLLOWING BEARINGS AND DISTANCES:

N89°45'20"W	66.60 FEET TO A SET ½" IRON REBAR;
N74°29'27"W	194.26 FEET TO A SET ½" IRON REBAR;
N44°49'05"W	202.42 FEET TO A SET ½" IRON REBAR;
N56°07'42"W	403.52 FEET TO A SET ½" IRON REBAR,
S87°55'48"W	84.68 FEET TO A SET ½" IRON REBAR;

THENCE LEAVING SAID RIGHT-OF-WAY LINE, N02°56'35"E 147.22 FEET TO THE POINT OF BEGINNING, CONTAINING 6.13 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.



PC Meeting of December 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, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~December 9, 2013~~ Updated December 10, 2013

RZN 13-4553: Rezone (WEDINGTON CIRCLE, 404): Submitted by JOHN SCHMELZLE for property located WEST OF WEDINGTON DRIVE AND GARLAND AVENUE. The property is zoned R-PZD WEDINGTON CIRCLE and contains approximately 6.12 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. Planner: Jesse Fulcher

BACKGROUND:

Property and Background: The subject property is located just west of the intersection of Wedington Drive and Garland Avenue. On February 7, 2006 the City Council approved the Wedington Circle Residential Planned Zoning District on the subject property (R-PZD 05-1776). The property was originally zoned RMF-24, Residential Multi-family and C-2, Thoroughfare Commercial.

The R-PZD zoning permitted a total of 296 units (428 bedrooms @ 48 units per acre), 10,000 square feet of professional office space, and 6,500 square feet of retail space. Construction permits for the project were never obtained and the R-PZD approval has expired. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Multi-family/office	RMF-24, Residential Multi-family, Residential Office
South	Single-family	RSF-4, Residential Single-family
East	Commercial	C-2, Thoroughfare Commercial/C-1, Neighborhood Commercial
West	Multi-family	RMF-24, Residential Multi-family, Residential Office

PZD Revocation: If an approved PZD expires the property does not automatically revert back to the original zoning. The property is unable to be developed or subdivided until the old PZD zoning is removed and a new, valid zoning district is assigned.

Fire: This development will be protected by Engine 2 located at 708 N. Garland. It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect calls for service or response times.

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 **City Neighborhood Area**.*

City Neighborhood 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, from single-family to multi-family. 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. Setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

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 Community Services zoning district is very consistent with land use planning objectives, principles and policies. This district will allow a variety of land uses, densities and intensities to be developed on the property, consistent with the City Neighborhood designation. This includes potential commercial uses fronting Wedington Drive, and medium to high density residential uses interior to the site.**

Further, the Community Services zoning district will allow as-of-right development consistent with the growth and development guidelines of City Plan 2030, including a traditional development pattern that allows multiple land uses that can serve existing surrounding residences and future residential properties.

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 current R-PZD zoning for Wedington Circle has expired, removing all development rights from the property. Rezoning the property to the Community Services zoning district is justified, because it will allow the property to be developed with a variety of land uses, densities and intensities. This is consistent with the future land use designation, and appropriate for a property that is bounded**

by a high-volume arterial roadway, and commercial uses and multi-family land uses.

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 Wedington Drive and James Street. The proposed zoning will allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased over the previously approved development, which permitted 428 bedrooms and 15,000 square feet of nonresidential space. Wedington Drive is a four-lane arterial and Garland Avenue is being widened to a four-lane boulevard. 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 to Community Services will allow for a similar development pattern and density as permitted by the original Planned Zoning District and 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

be reviewed and approved by the Planning Commission as a large scale development, and may require Preliminary/Final plat approval as well if the applicant wishes to subdivide the property.

Process: The purpose of the subject request is to allow a mixture of uses within the entire project and create an urban environment for those who desire to live close to the University of Arkansas and within one mile of the central downtown area. The density proposed is 48 units per acre, with a maximum 296 units and 428 bedrooms. In order to do so, the Planned Zoning District process was recommended. City Council approval of the proposed Master Development Plan would effectively rezone the property based on the plans and information provided. However, it does not give development approval. The applicant is required to return through the preliminary plat, final plat and large scale development process, in this case, in order for the Planning Commission to confirm that the development plans presented are compliant with the zoning and Master Development Plans approved by the City Council.

The following bulk and area regulations are proposed by the applicant, and are included in detail within the attached submittal:

ZONING CRITERIA: R-PZD 05-1776 (Wedington Circle)
Planning Area 1, 6.13 acres

(A) *Proposed Uses.*

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 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Conditional Uses

Unit 2	City-wide uses by conditional use permit
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collection recyclable materials
Unit 34	Liquor Stores
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities

* Conditional use approval by the Planning Commission required.

(B) *Density/Intensity*

Density (dwelling units)	Intensity (square feet nonresidential)
49* Units/Acre: Maximum 296 dwelling units <i>Anticipated development (not required by zoning):</i> 428 bedrooms 16 Efficiencies 156 1-bedroom 116 2-bedroom 8 3-bedroom	Maximum 16,576 SF <i>Anticipated development (not required by zoning):</i> Professional Office: 10,000 SF Retail: 6,576 SF

***Staff has modified the density from 48.3 units per acre to 49 units per acre, with the understanding that the maximum number of dwelling units allowable is 296.**

(C) *Bulk and area regulations.*

Lot width minimum	Lot area minimum	Land area per dwelling unit
None	None	No Bedroom – 800 SF One Bedroom – 800 SF Two Bedroom – 1,000 SF Three Bedroom or more – 1,200 SF

(D) *Setback requirements.*

Front	Side	Rear
0 feet	0 feet	5 feet

(E) *Height.* Maximum height for all structures is six stories.

(F) *Building area.* Maximum 100% building area.

(G) *Signage.* Signage shall comply with the C-2 zoning requirements of the Fayetteville Sign Ordinance. Buildings containing only residential dwellings will adhere to the RMF-24 zoning district requirements of the Fayetteville Sign Ordinance.

(H) *Tree Preservation.* The applicant proposes to potentially preserve approximately 18.4% of the existing canopy on the property, though detailed site work has not been done. The percent canopy required to be preserved in a PZD is 25%. The applicant proposes mitigation of the 6.6% canopy with on-site tree plantings. Additionally, the applicant proposes planting an additional 14,170 square feet of tree canopy within the AHTD right-of-way to provide a buffer between this development and properties to the south, and to provide additional canopy to the property. Due to the difficult nature of this site to develop, staff is generally supportive of this proposal, and will evaluate the development plans to retain as much canopy as possible.

WEDINGTON CIRCLE

226,472 S.F. RESIDENTIAL 93%

10,000 S.F. PROFESSIONAL OFFICES

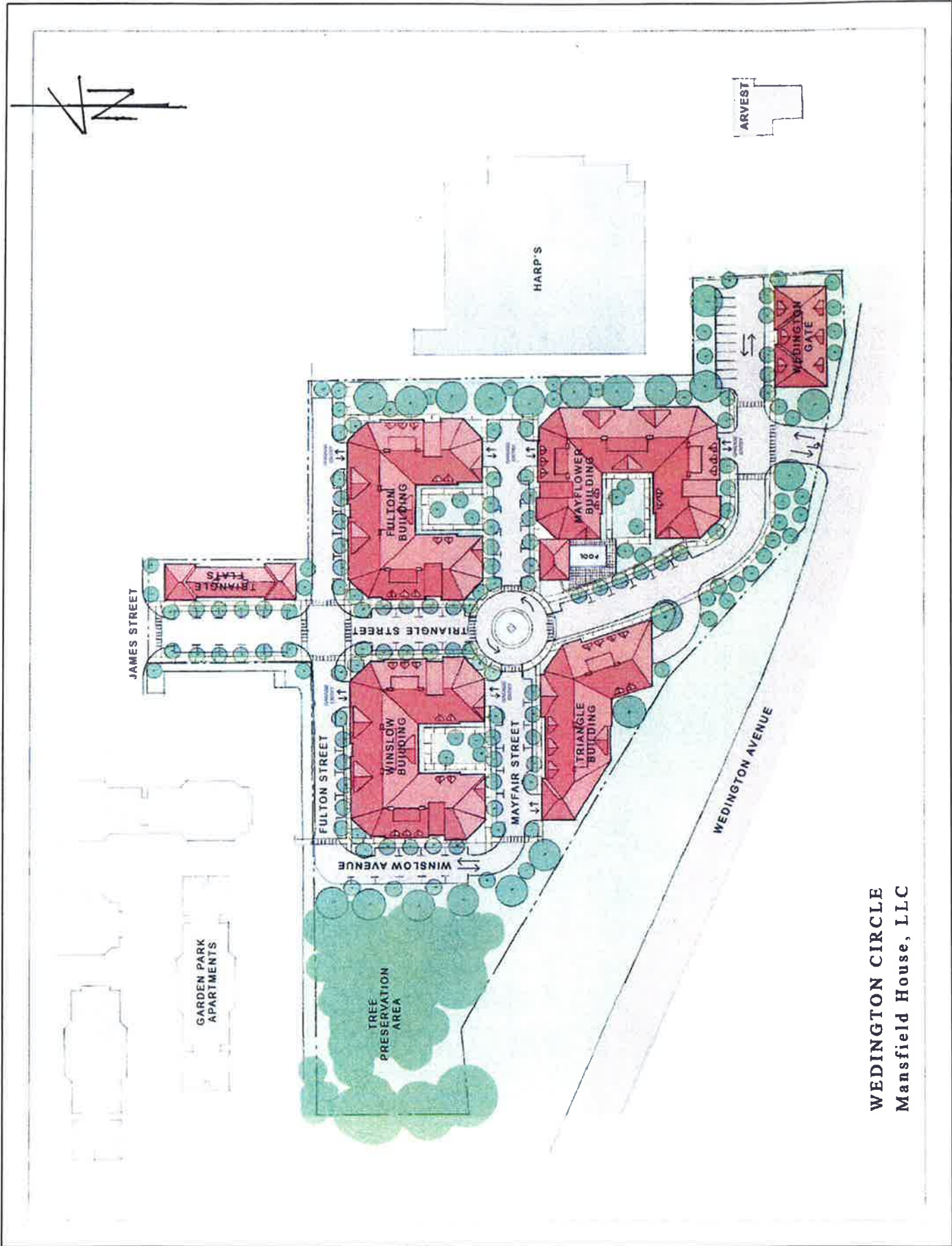
6,576 S.F. RETAIL

16,576 S.F. COMMERCIAL 7%

<u>PROPOSED DEVELOPMENT</u>	<u>PARKING REQUIREMENTS</u>
16 EFFICIENCIES	428 BEDROOMS 1:1 428
156 1 BEDROOM	10,000 S.F. OFFICE 1:200 50
116 2 BEDROOM	<u>6,576 S.F. RETAIL 1:250 26</u>
<u>8 3 BEDROOM</u>	504
296 MULTI FAMILY UNITS	
428 BEDROOMS TOTAL	<u>LESS 30% -151</u>
	PARKING REQUIRED 353

PARKING PROVIDED

ON STREET PARKING	58
WEDINGTON GATES	11
TRIANGLE BUILDING	49
MAYFAIR BUILDING	100
WINSLOW BUILDING	87
<u>FULTON BUILDING</u>	<u>87</u>
TOTAL PARKING PROVIDED	392



WEDINGTON CIRCLE
Mansfield House, LLC

TITLE XV UNIFIED DEVELOPMENT CODE

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services 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 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family 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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	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 ft.
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(G) *Minimum buildable street frontage.* 50% of the lot width.

(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

Zoning Review

To: Jesse Fulcher
From: Harley Hunt
Date: November 13, 2013
Re: RZN 13-4553

This development will be protected by Engine 2 located at 708 N. Garland.
It is 1 mile from the station with an anticipated response time of 2 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.

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

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

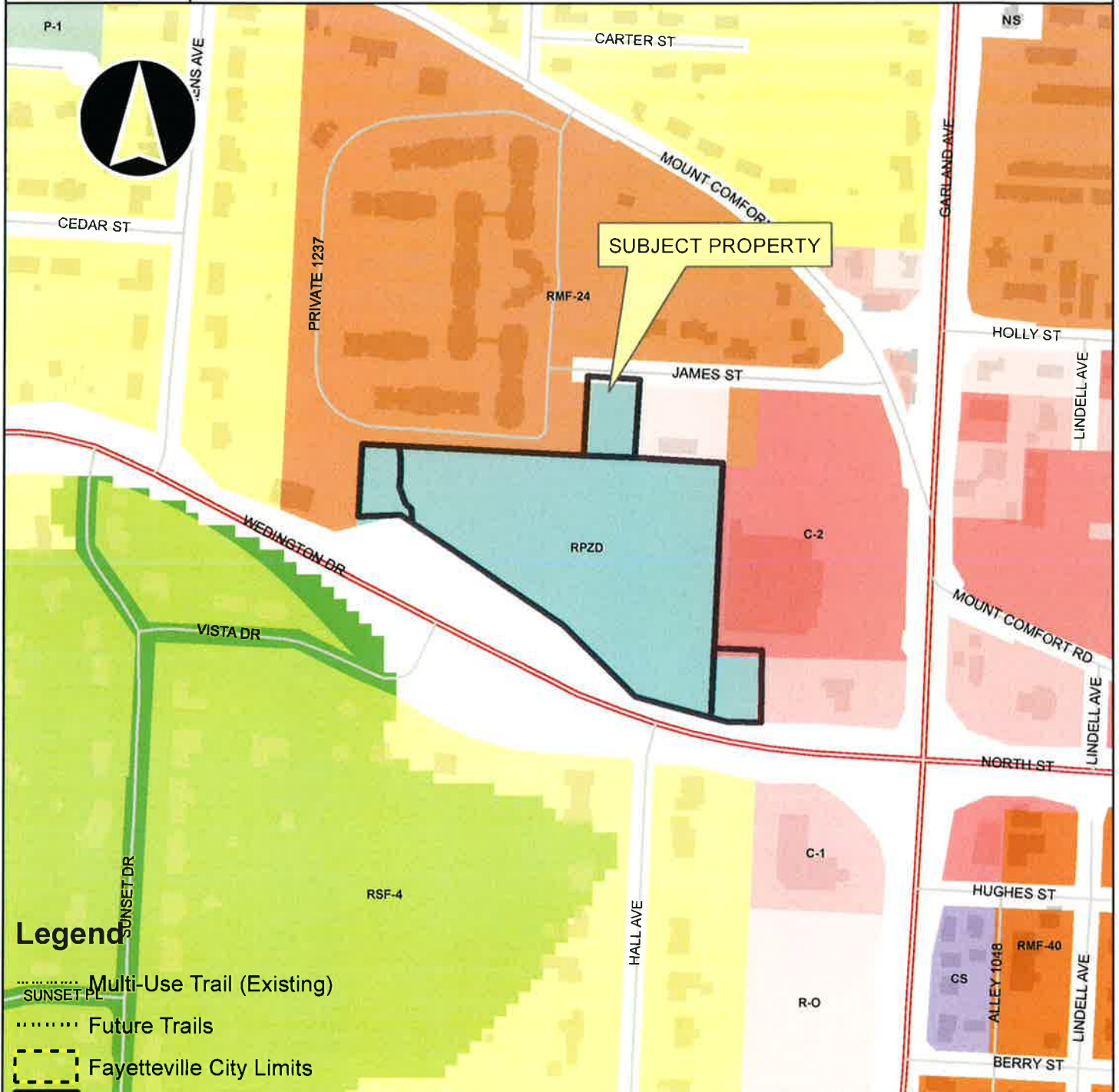
CAP REO, I LLC Responses to Question 5 on Rezoning Checklist

- a. Current owner is CAP REO 1, LLC 1308 NW Everett Street Portland, OR 97201. There is currently no proposed or pending sale of this property.
- b. This property is currently unzoned and our understanding is the Planning Department and Development Services is working to reduce the list of properties within the city of Fayetteville with no zoning designation. The previous owner had the property approved under a PZD which has since expired thereby leaving this site with no zoning designation.
- c. The proposed zoning of Community Services appears to conform to the surrounding properties on Wedington which consist of commercial and multifamily and would fall within the guidelines of Community Services.
- d. See attached
- e. According to Jesse Fulcher of the Fayetteville Planning Department, the requested zoning falls within the city's planning objectives, principals, and policies associated with land use and long term zoning plans.
- f. Our request comes after careful consideration of all available zoning designations, discussions with both the Fayetteville Planning Department and Development Services Department about their long term plans for the area and at the request of Jeremy Pate, Development Services Director who requested we submit an application for zoning as his department is assisting in obtaining a zoning designation for the list of parcels in the city currently unzoned.
- g. We have no development plans for the site; however this property was previously approved for a high density multi-family development in a PZD thus indicating the presence of a sufficient infrastructure to handle a future development which would fall into a commercial use under the Community Services zoning designation.
- h. We have no development plans for the site however the above answer applies to this question as well
- i. N/A -This property is currently unzoned

RZN13-4553

WEDINGTON CIRCLE

Close Up View

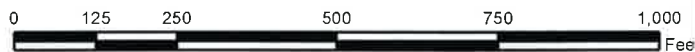


Legend

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

Overview RZN13-4553

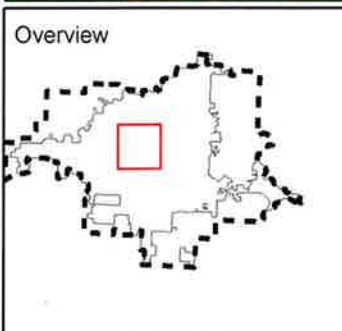
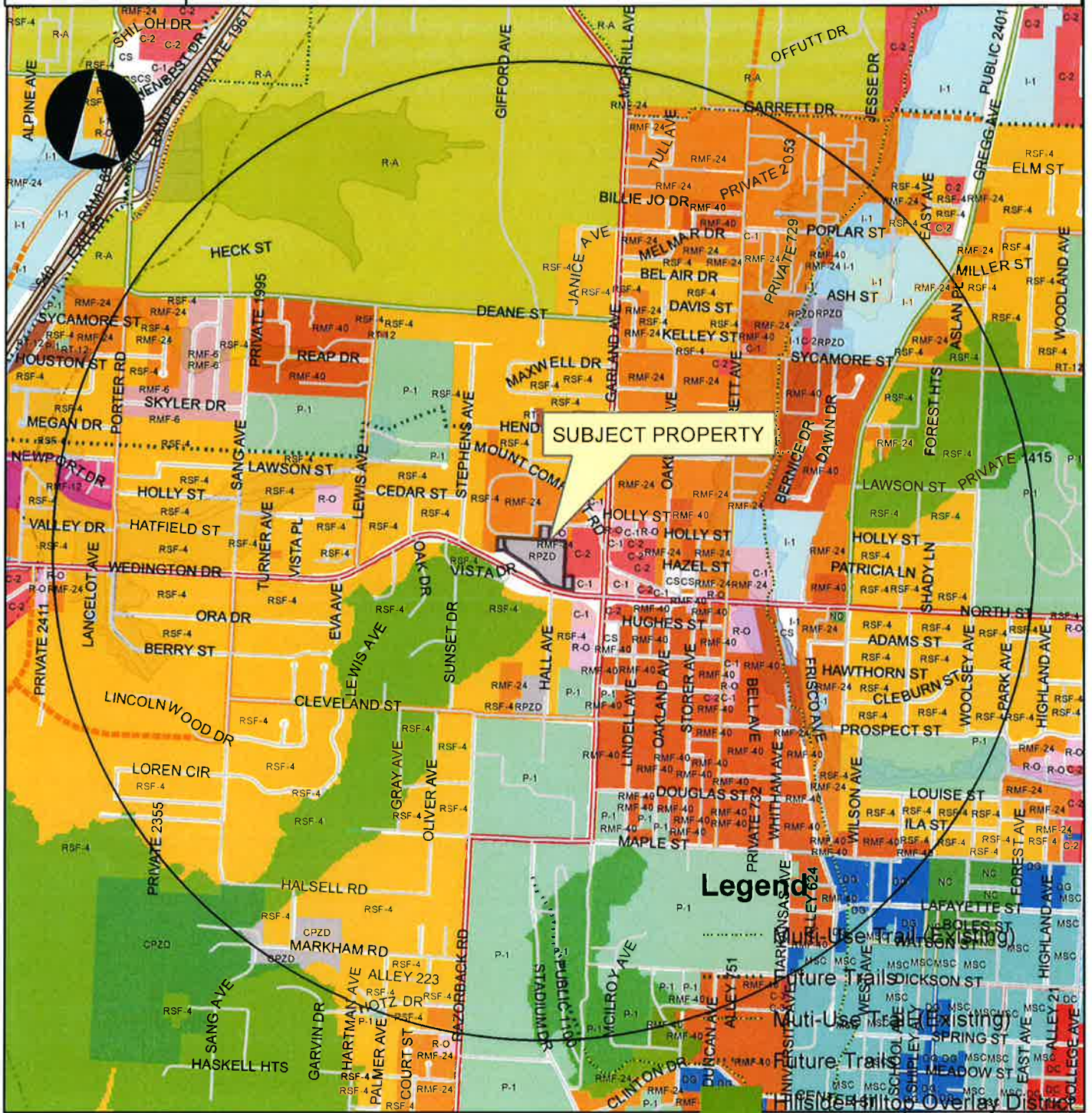
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4553

WEDINGTON CIRCLE

One Mile View



<p>Legend</p> <p>Subject Property</p> <p>RZN13-4553</p>	<p>Boundary</p>	<p>RZN13-4553</p> <p>Design Overlay District</p> <p>Planning Area</p> <p>Fayetteville</p>
<p>0 0.25 0.5 1 Miles</p>		