

City of Fayetteville Item Review Form

2014-0014

Legistar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

RZN 13-4573: Rezone (825 S. STONEBRIDGE ROAD/HAMMANS, 566); Submitted by HOWARD HAMMANS JR. for property located at 825 SOUTH STONEBRIDGE ROAD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.84 acres. The request is to rezone the property to NS, NEIGHBORHOOD 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 \$0.00	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:

01-17-14P03:35 RCY

ENTERED
1/20/14

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1-19-14

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Paul a. Beck
Paul a. Beck for Don Mauer
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CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

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

From: Andrew Garner, City Planning Director

Date: January 16, 2014

Subject: RZN 13-4573: Rezone (825 S. Stonebridge Road/Hammans)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property from R-A, Residential Agricultural to NS, Neighborhood Services.

BACKGROUND: The subject property is located at the southwest corner of State Highway 16 (Huntsville Road)/Stonebridge Road. The overall parcel is a rural residential property with a 1,195 square foot residence and several outbuildings on approximately 2.8 acres of primarily cleared fields. The applicant has submitted an application to rezone 0.84 acres of the property immediately surrounding the existing house from R-A, Residential Agricultural to NS, Neighborhood Services. On January 13, 2014 the Planning Commission approved a conditional use permit for a retail plant nursery use on this property. The applicant's intent as indicated in their submittal documents is to convert the existing house into a retail store for antiques and sale of plants along with the construction of a parking lot. The property around the house would remain largely undeveloped except for agricultural uses such as greenhouses and growing plants for the nursery.

LAND USE ANALYSIS: *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. The Future Land Use Plan anticipates the potential for a dense urban neighborhood around the intersection of Crossover Road and Huntsville Road. This is depicted with the City Neighborhood designation extending in a pedestrian-shed approximately ¼-mile around the intersection, continuing into the pedestrian-shed of another intense node of development at the intersection of Huntsville Road/Stonebridge Road (the subject property). The land use transect quickly transitions to rural areas associated with farming in the White River floodplain to the south and more rural residential areas to the east.

The applicant's request to rezone the property from a low density R-A zoning district to a mixed use zoning district that would allow small-scale commercial uses is consistent with the City's planning objectives and principles, and Future Land Use Plan designation of City Neighborhood Area. The NS district would allow for a variety of residential and light nonresidential uses at a busy corner intersection of two arterial roadways. The request is also compatible with the surrounding undeveloped commercial properties at the other three corners of this intersection.

DISCUSSION: On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4573, FOR APPROXIMATELY 0.84 ACRES, LOCATED AT 825 SOUTH STONEBRIDGE ROAD FROM R-A, RESIDENTIAL AGRICULTURAL, TO NS, NEIGHBORHOOD 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-A, Residential Agricultural to NS, Neighborhood 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 , 2014

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

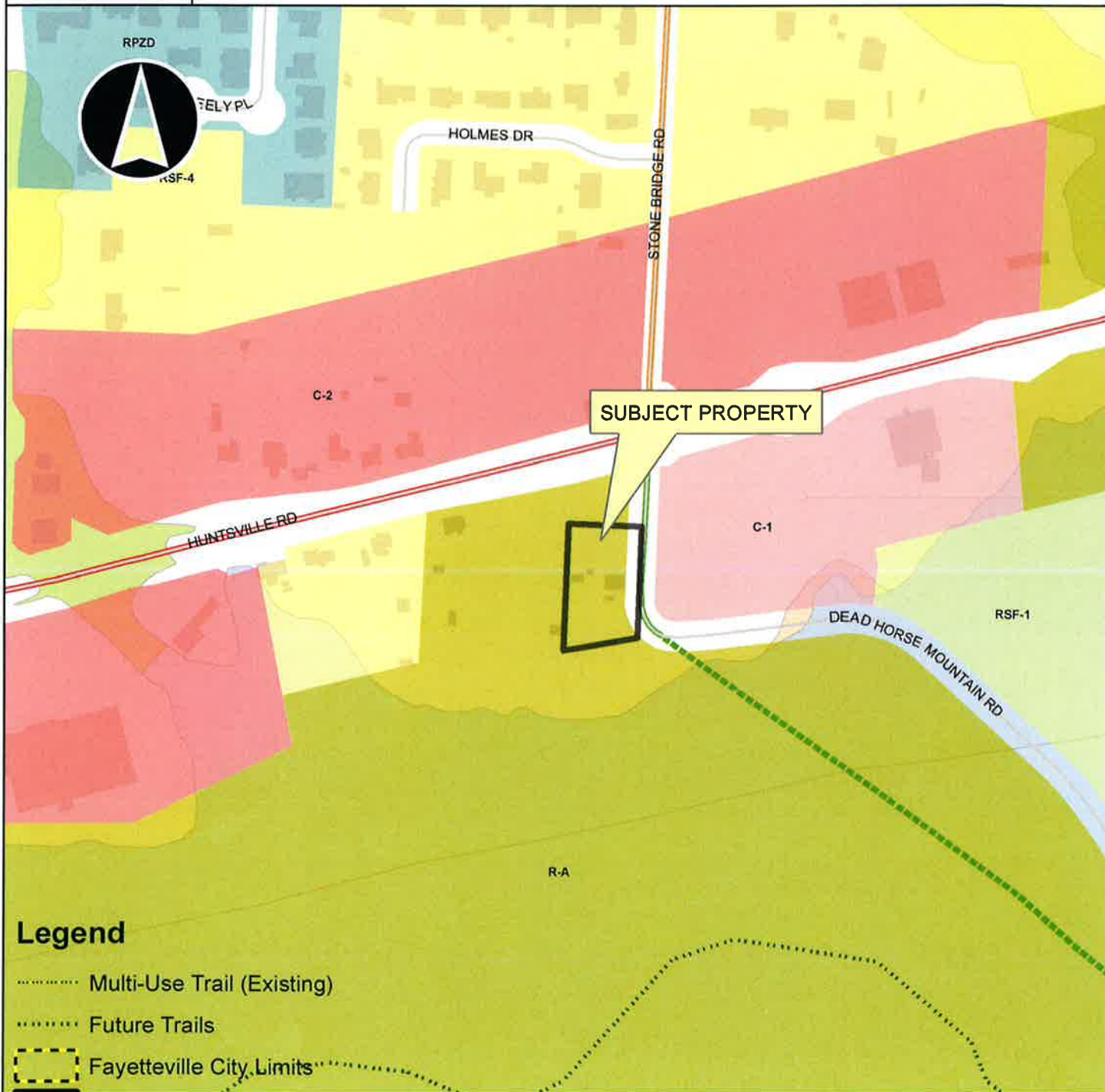
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4573

HAMMANS

Close Up View



Legend

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

Overview

RZN13-4573

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area



EXHIBIT "B"
RZN 13-4573

A PART OF LOT 35 IN THE PLAT OF THE W.E. ANDERSON FARM, LYING SOUTH OF THE ARKANSAS STATE HIGHWAY NO. 16, ALSO BEING A PART OF THE NE1/4 OF THE NE1/4 OF SECTION 23, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4 OF THE NE1/4; THENCE SOUTH 287.53 FEET ALONG THE EAST LINE OF SAID NE1/4 OF THE NE1/4 TO THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE SOUTH 227.62 FEET TO THE SOUTH LINE OF SAID LOT 35; THENCE ALONG SAID SOUTH LINE S78°00'00"W 153.35 FEET; THENCE NORTH 259.50 FEET; THENCE EAST 150.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.84 ACRES, MORE OR LESS. SUBJECT TO THE S. STONE BRIDGE ROAD RIGHT-OF-WAY ALONG THE EAST LINE, A SEWER/WATER LINE EASEMENT ALONG THE SOUTH LINE FILED 2008-395 IN THE OFFICE OF THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS, AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.



PC Meeting of January 13, 2014

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, City Planning Director
DATE: ~~December 26, 2013~~ *Updated January 16, 2014*

RZN 13-4573: Rezone (825 S. STONEBRIDGE ROAD/HAMMANS, 566): Submitted by HOWARD HAMMANS JR. for property located at 825 SOUTH STONEBRIDGE ROAD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.84 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

Planner: Andrew Garner

BACKGROUND:

Property Description and History: The subject property is located at the southwest corner of State Highway 16 (Huntsville Road)/Stonebridge Road. The overall parcel is a rural residential property with a 1,195 square foot residence and several outbuildings on approximately 2.8 acres of primarily cleared fields. Surrounding land uses and zoning are depicted in *Table 1*.

**TABLE 1
SURROUNDING LAND USE AND ZONING**

Direction	Land Use	Zoning
North	Undeveloped	C-2, Thoroughfare Commercial
South	Undeveloped floodplain; hay fields	R-A, Residential Agricultural
East	Undeveloped	C-1, Neighborhood Commercial
West	Single family residence	R-A, Residential Agricultural

Proposal: The applicant has submitted an application to rezone 0.84 acres of the property immediately surrounding the existing house from R-A, Residential Agricultural to NS, Neighborhood Services. The applicant has also submitted an application for a conditional use permit for a retail plant nursery use on this property. The applicant's intent as indicated in their submittal documents is to convert the existing house into a retail store for antiques and sale of plants along with the construction of a parking lot. The property around the house would be largely undeveloped except for agricultural uses such as greenhouses and growing plants for the nursery.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Based on the findings herein, staff recommends that the Planning Commission forward **RZN 13-4573** to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>January 13, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Winston</u>			
Second: <u>Cook</u>			
Vote: <u>7-0-0</u>			
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Date:			

INFRASTRUCTURE:

Streets: The site has access to State Highway 16 (Huntsville Road) a Principal Arterial, and Stonebridge Road, a Minor Arterial. Huntsville Road is a two lane, unimproved state highway with open ditches but is in the process of being improved by the Arkansas State Highway and Transportation Department. Upon completion Huntsville Road will be a fully improved four-lane road with sidewalks on both sides. Additionally, a traffic signal will be installed at the intersection of Stonebridge Road. Stonebridge Road is an unimproved two-lane road but will be widened with the state highway improvements to accommodate a turn lane at the traffic signal. Any additional required improvements would be determined at the time of development.

Water: Public water is not available to the property. There is an 8-inch water main north of the property on the north side of State Highway 16 (Huntsville Road). This line is inaccessible for direct tap. A main extension would be required across the highway and would be permitted through the Arkansas State Highway and Transportation Department.

Sewer: Sanitary sewer is not available to the site. There are sanitary sewer mains to the east and west that could be extended to the site through an easement on adjacent private property.

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

Police: The Fayetteville Police Department did not comment on this request.

Fire: The Fayetteville Fire Department did not comment on this request.

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.*

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: Staff finds that the applicant's request to rezone the property from a low density Residential-Agricultural zoning district to a mixed use zoning district that would allow small-scale commercial uses (NS, Neighborhood Services) is consistent with the City's planning objectives and principles, and Future Land Use Plan designation of City Neighborhood Area. The NS district would allow for a variety of residential and light nonresidential uses at a busy corner intersection of two arterial roadways. This is consistent with the City Neighborhood Area land use designation and compatible with the surrounding undeveloped commercial properties at the other three corners of this intersection.

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

Finding: The Future Land Use Plan map does not anticipate this property remaining agricultural or rural into the future. Therefore the proposed zoning is justified and needed to allow this property to be utilized for higher density and/or non-residential intensity. The applicant's intent is to utilize the small area being rezoned to NS for retail sale of plants grown on the land surrounding the existing home, in addition to antique sales in the store. This is a unique situation because the property owner wants to use this overall parcel for agricultural and retail uses. The rezoning is needed to accomplish the retail use as Use Unit 12, Limited Business, is not a permitted or conditional use in the R-A zoning district.

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

Finding: **Redevelopment of the subject property for a use greater than the existing single-family dwelling and agricultural uses would result in an increase in traffic to and from the property. However, staff does not find that the request would create or increase traffic danger and congestion. The site is adjacent to two principal arterials and the improvements to Huntsville Road along with the installation of a traffic signal at Stonebridge Road will accommodate high volumes of traffic.**

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 request results in the potential for increased demand on public services. The Engineering Division, Police Department, and Fire Department reviewed this rezoning request and it is not anticipated that adverse impacts to public services will result. Depending on the scale of development, improvements to water and sewer will likely be required to be completed by the developer.**

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: **Not applicable. Staff recommends approval of the applicant's request.**

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.

(B) *Uses.*

(1) *Permitted uses.*

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, 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.

(G) *Building area.* None.

(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)

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(B) *Uses*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

(L) Unit 12. Limited business.

area of 3000 square feet)	<ul style="list-style-type: none"> •Music •Photography •Pottery
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(1) *Description.* Unit 12 consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less.

(2) *Included uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	<ul style="list-style-type: none"> •Day care •Dry Cleaning •Salon/Barber shop •Tailoring
Specialized Retail: (Maximum gross floor area of 2000 square feet)	<ul style="list-style-type: none"> •Antique/home decor sales •Apparel •Art/architectural supplies •Bakery, Pastry shops •Bicycle Shops •Book store •Coffee shop •Delicatessen •Drugstore •Food specialty stores •Florist •Grocery •Hardware •Health food store •Hobby /Craft Stores •Ice cream •Meat Market •Restaurant/café •Small appliance repair •Stationary Store •Toy store •Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	<ul style="list-style-type: none"> •Accountant •Architect •Attorney •Broker •Business/Mgmt Consultant •Doctor •Dentist •Engineer •Insurance Sales •Interior Designer •Optometrist •Realtor •Welfare agency
Studios for: (Maximum gross floor	<ul style="list-style-type: none"> •Art •Dance

Rezoning Application for 825 South Stonebridge Road, Fayetteville, AR 72701

Questions:

5a- Current Owner: Howard S. Hammans Jr., 1300 South Paradise Lane, Fayetteville, AR 72701

5b- I am requesting this zone change from agricultural/residential to neighborhood services because I want to open an Antiques/Gift Shop and a specialized plant nursery with the present house on the property being the sales center for both.

5c- The proposed rezoning will relate to the surrounding properties in the following ways in terms of land use, traffic, appearance and signage:

In terms of land use, the surrounding properties are a mixed bag:

- 1) Agricultural open pasture/flood plain to the south,
- 2) An empty-for-several-years undeveloped commercial lot to the east (former vet clinic was demolished) and the lot filled and upgraded, repossessed by the bank and for sale for years now with no takers.
- 3) The northeast caddy-cornered lot has been empty for years and only in the last year has it been cleaned up and stockpiled soil has been stored there -- no doubt due to the impending Hwy 16 widening and the intersection remake/ traffic light installation at the Stonebridge/ Hwy. 16 intersection. One supposes the soil will be used in the road construction.
- 4) The northern adjacent commercial lot had a now-demolished mechanic's shop and has been empty for a few years and is presently for sale.
- 5) To the west an occupied residence is across my field. The owner hopes to sell his house for commercial development.

My property is desired to be a mixed bag as well: Specialized plant nursery and antique store on the southeast portion of the land surrounding the house with the rest of the land to remain residential/ agricultural zoning. Both the plant nursery and antique store should be quiet, low-traffic businesses with little obvious change in land use except for the required limited parking/ landscaping and minimal signage the city allows.

Traffic generated due to the rezoning should be minimal due to the limited focus of the nursery (old garden roses, daylilies, and some native plants) and the limited size of the antique store/ nursery sales office (less than 1200 square feet). The house will be repainted and parking and walking paths will be installed as needed. Appearances will be little changed other than the paths, required parking and landscaping and minimal signage.

5d- City water available: 8" pipe available
City sewer available 8" pipe available

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

Answer: high, moving towards more commercial use of land and away from residential along busy corridors.

5f- The proposed zoning is justified and needed due to the changing of the frontage areas of Highway 16 being increasingly exposed to more and more traffic due to increased population passing by 825 South Stonebridge particularly during rush hour times of the morning and evening when people are commuting to school and work and then home. The vehicle noise, velocity and density make the residential zoning undesirable and backward. Increased housing construction to the southeast of the site has increased the volume of traffic markedly on South Stonebridge Rd over the past 15 years. Increased housing growth to the east of the site even past Elkins has increased Hwy 16's traffic as well.

5g- The proposed zoning will not appreciably increase traffic danger nor congestion further than it has already arrived. The proposed traffic light at the intersection of 16 E and Stonebridge Rd. (corner of the site petitioning zoning change) should help the resolution of the traffic congestion considerably. Widening 16 E even further to the east of the site should help as well as public budgets and tax income allow.

5h- The proposed zoning will not alter the population density as no one will live on site as has been the case for the last 6+ years. As to use of public services increasing, I doubt it as my family living on the site was more taxing use than the proposed zoning.

5i- It is impractical to use the land for residential use due to the quantity of vehicular traffic and resultant noise and commotion. As for agricultural use the plot is small (approximately 2.6 acres) and yet suitable for retail plant nursery use if not larger heavier agricultural uses that might generate animal waste odors or noise offensive to the residents nearby.

RZN13-4573

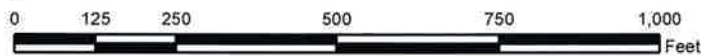
HAMMANS

Current Land Use



Overview RZN13-4573

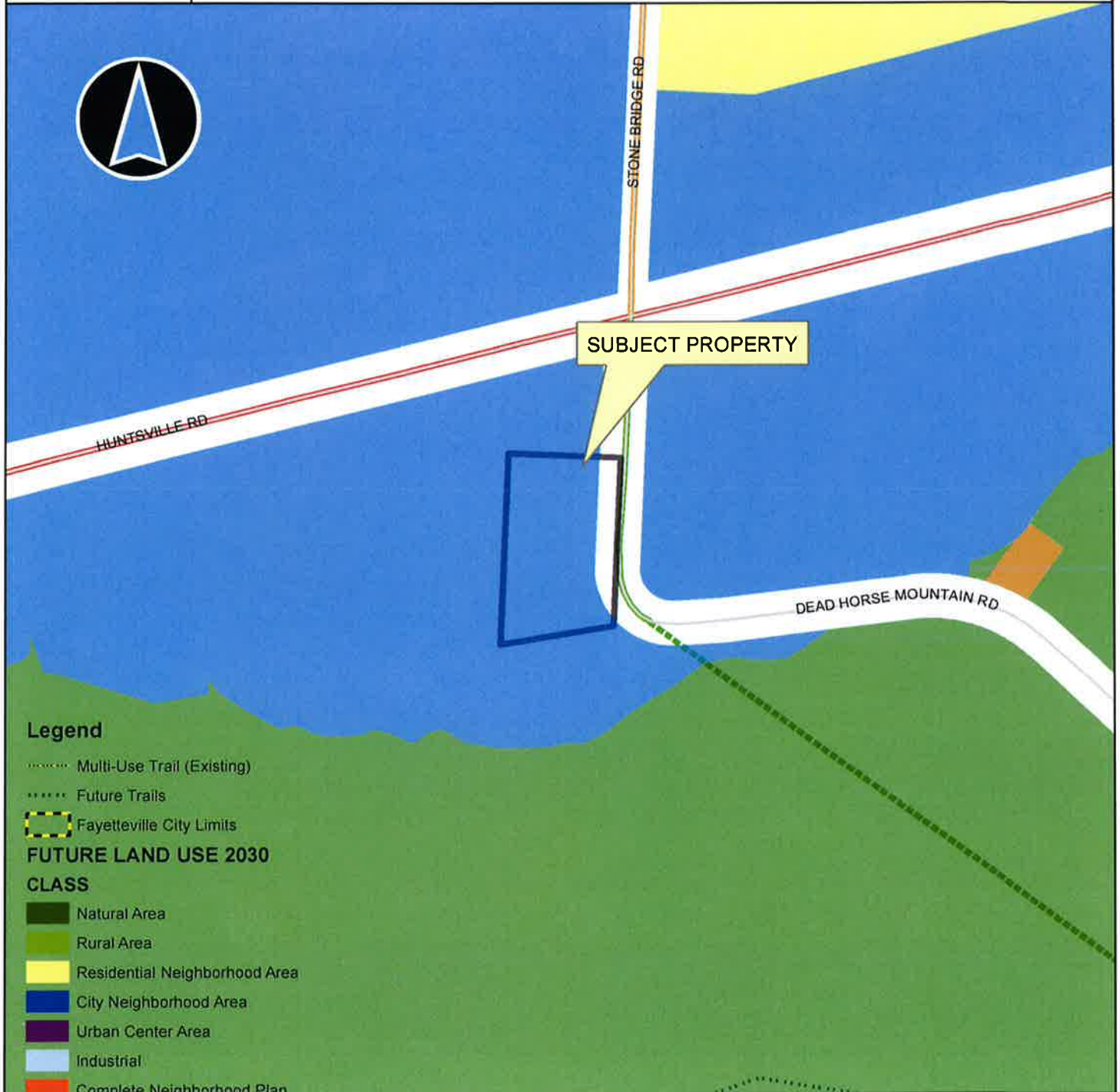
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4573

HAMMANS

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

RZN13-4573

Design Overlay District

Design Overlay District

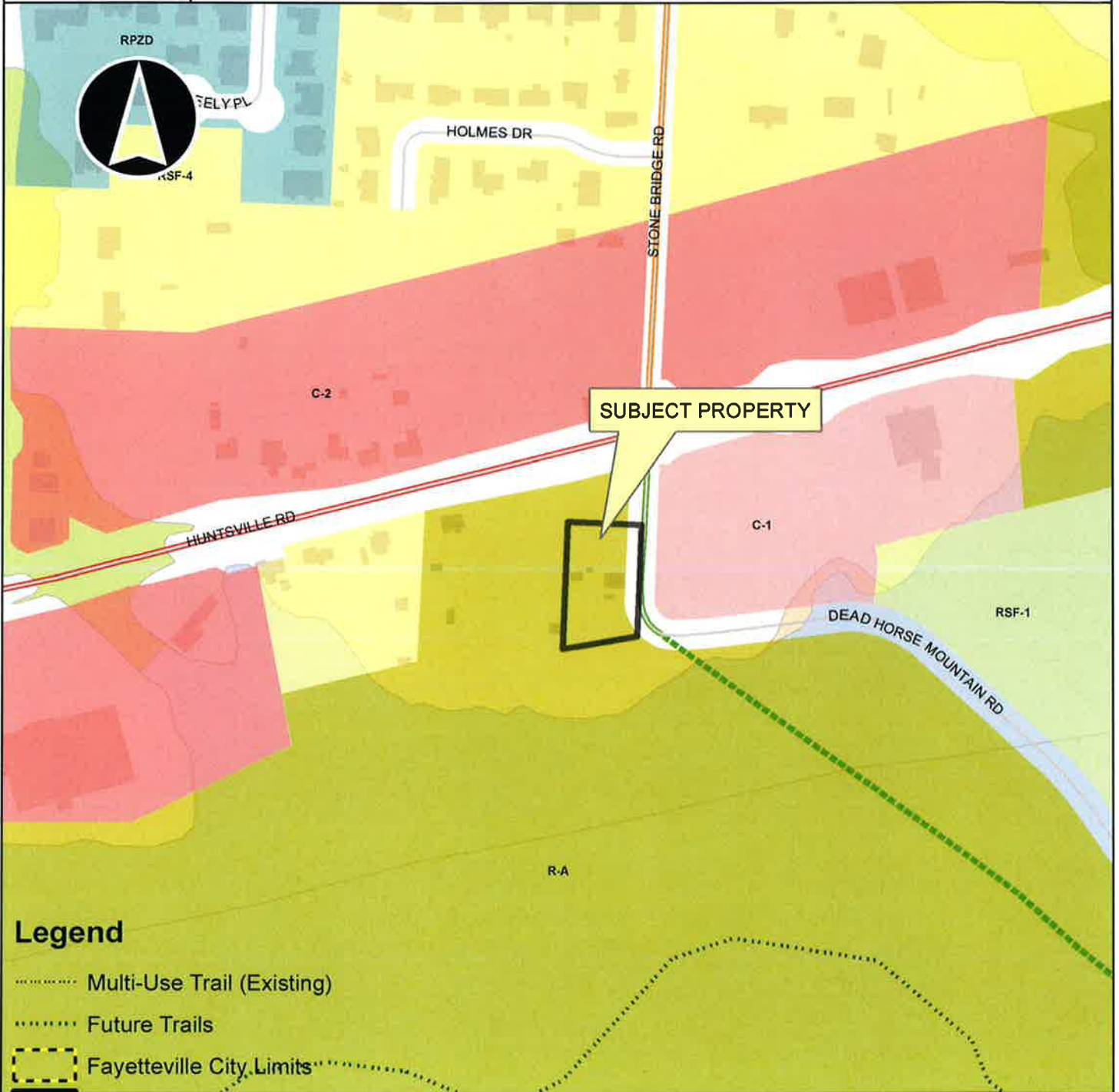
Planning Area



RZN13-4573

HAMMANS

Close Up View



Legend

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

Overview RZN13-4573

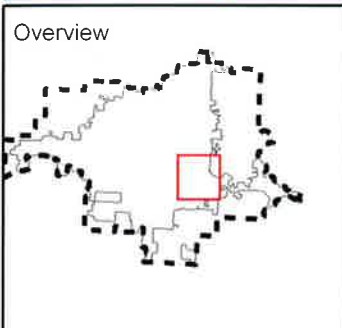
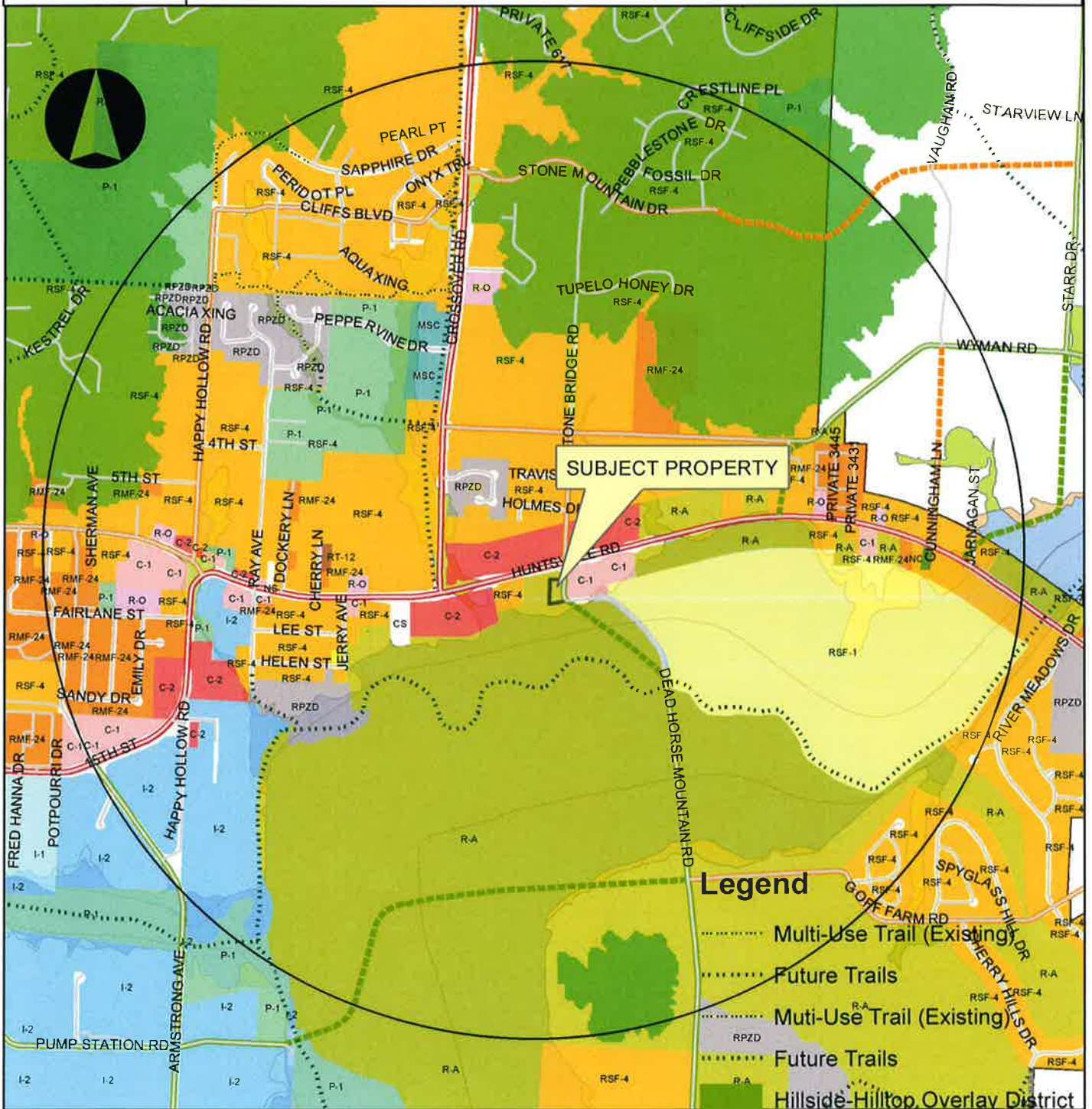
- Footprints 2010
- Hillside-Hilltop Overlay District
- - - - - Design Overlay District
- Design Overlay District
- - - - - Planning Area



RZN13-4573

HAMMANS

One Mile View



Legend

Subject Property

RZN13-4573

Boundary

0 0.25 0.5 1 Miles

RZN13-4573

Design Overlay District

Planning Area

Fayetteville

Hillside-Hilltop Overlay District