

City of Fayetteville Item Review Form

2014-0057

Legistar File Number

02/18/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Andrew Garner

Submitted By

City Planning

Department

Action Required:

RZN 13-4536: Rezone (4310 MARTIN LUTHER KING BLVD./EDWARDS, 594): Submitted by BATES AND ASSOCIATES for property located at 4310 MARTIN LUTHER KING BOULEVARD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL contains approximately 0.74 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Does this item have a cost?

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"/>	

Previous Ordinance or Resolution # _____
Original Contract Number: _____

Comments:

[Handwritten signatures and dates]
2-3-14
Paul A. Becker 2-3-2014
2-4-13

V20130812
01-31-14 A08:59 RCVD
[Handwritten signature]
ENTERED
2/13/14
[Handwritten initials]

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 30, 2014

Subject: RZN 13-4536: Rezone (4310 Martin Luther King Boulevard/Edwards)

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

BACKGROUND: The subject property is zoned R-A, Residential Agricultural and is located on the north side of Martin Luther King Boulevard near the border between Fayetteville and Farmington. The property is an undeveloped hay field with the North Fork Farmington Creek traversing east to west adjacent to the north of the site. The subject 4.42-acre parcel was created through a recent lot split and is adjacent to the west of the recently constructed Career Academy cosmetology school.

Rezoning History:

- On March 20, 2012 the City Council approved rezoning the adjacent property to the east (1.14 acres) to CS, Community Services for Career Academy.
- On November 25, 2013 the Planning Commission denied a rezoning request of 4.42 acres, including the subject property, to C-1, Neighborhood Commercial.

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. This area is a state highway corridor that transitions from a regional commercial area to the east (Wal-Mart, Lowe's, various hotels, etc.) to undeveloped land, low- to medium-density residential areas, and a few isolated non-residential uses in between Lowe's and this site. This site is immediately adjacent to undeveloped land to the west under the same ownership, then a single family neighborhood in Farmington to the west. Career Academy is adjacent to the east. There are non-residential uses in Farmington adjacent to the southwest. Other areas in the vicinity to the north, south, and east are largely undeveloped rural residential with a commercial/office shopping center and the Ozark Mountain Smokehouse within 400-500 feet to the east and south, respectively.

Staff finds the proposal is generally consistent with the City's land use planning objectives, principles and policies, as evidenced by the number of guiding policies for City Neighborhood Area this proposal meets. Rezoning the property will accommodate the future land use plan for non-residential and residential uses in this intended medium-intensity area along a principal arterial/state highway. The subject property is not considered infill as it is a greenfield site on the periphery of the City. However, the site is almost immediately adjacent to developed area in the City of Farmington to the west and Career Academy to the east. Staff does not consider the proposed rezoning suburban sprawl because it is located in an area that has adequate streets, water, and

sewer facilities, and is adjacent to a busy corridor connecting Fayetteville and Farmington. Additionally, the CS zoning is a form-based zoning district with a build-to zone that requires a compact and efficient development pattern; not a sprawling pattern. The proposed CS zoning would be compatible with the variety of uses along this corridor.

Further, due to a large portion of this site being located within a floodplain, the proposal to only rezone a portion of this site outside of the floodplain is in line with the City's environmental and sustainability initiatives. The form-based zone would permit the building to be placed closer to the road allowing for preservation of much of the rear portion of the lot near the creek.

DISCUSSION: On January 27, 2014, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4536, FOR APPROXIMATELY 0.74 ACRES LOCATED ON THE NORTH SIDE OF WEST MARTIN LUTHER KING BOULEVARD NEAR THE BORDER OF FARMINGTON FROM R-A, RESIDENTIAL AGRICULTURAL 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-A, Residential Agricultural 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 , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A" RZN 13-4536

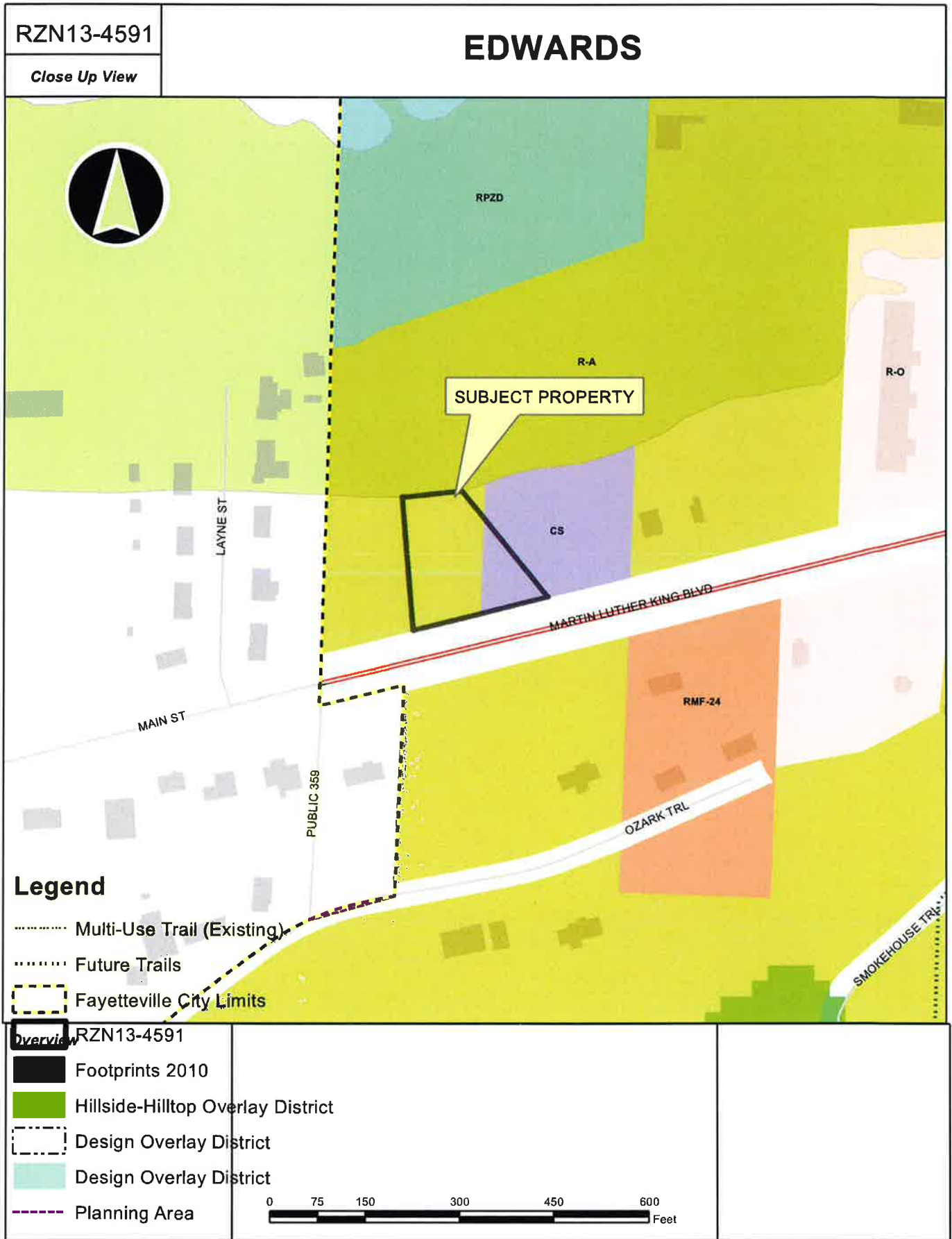


EXHIBIT "B"
RZN 13-4536

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY OF ARKANSAS STATE HIGHWAY #62 WHICH IS S02°09'12"W 837.89' AND S76°02'55"W 135.84' FROM THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S76°05'27"W 222.25', THENCE LEAVING SAID RIGHT-OF-WAY N04°34'02"W 214.60', THENCE S89°28'22"E 9.79', THENCE N83°59'36"E 85.64', THENCE S39°08'50"E 218.39' TO THE POINT OF BEGINNING, CONTAINING 0.74 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



PC Meeting of January 27, 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
Corey Granderson, Staff Engineer
DATE: ~~January 22, 2014~~ Updated January 30, 2014

RZN 13-4536: Rezone (4310 MARTIN LUTHER KING BLVD./EDWARDS, 594): Submitted by BATES AND ASSOCIATES for property located at 4310 MARTIN LUTHER KING BOULEVARD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL contains approximately 0.74 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.
Planner: Andrew Garner

BACKGROUND:

The subject property is zoned R-A, Residential Agricultural and is located on the north side of Martin Luther King Boulevard at the border between Fayetteville and Farmington. The property is an undeveloped hay field with the North Fork Farmington Creek traversing east to west adjacent to the north of the site. The subject 4.42-acre parcel was created through a recent lot split and is adjacent to the west of the recently constructed Career Academy cosmetology school. Surrounding land uses and zoning are shown in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Undeveloped	R-PZD Walnut Crossing
South	Undeveloped; single family home	R-A, Residential Agricultural
East	Career Academy	CS, Community Services
West	Undeveloped field/Single family residences	R-A, Residential Agricultural; City of Farmington

Rezoning History:

- On March 20, 2012 the City Council approved rezoning the adjacent property to the east (1.14 acres) to CS, Community Services for Career Academy.
- On November 25, 2013 the Planning Commission denied a rezoning request of 4.42 acres, including the subject property, to C-1, Neighborhood Commercial.

Proposal: The overall parcel contains approximately 4.42 acres and the floodplain for the North Fork Farmington Creek encompasses approximately half of the property. The applicant proposes to rezone 0.74 acres of the overall parcel from R-A, Residential Agricultural to CS, Community Services. The proposed rezoning area does not include any of the floodplain. The applicant's intent is to construct a doughnut store on the subject 0.74 acres.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends approval of the applicant's request to rezone the property to CS, Community Services. This area of the City has been designated as City Neighborhood Area on the Future Land Use Plan map and is located along a busy, improved state highway (Martin Luther King Boulevard). The proposed CS zoning which allows for a mix of nonresidential and residential uses in a form-based zone is consistent with this designation. Further, due to a large portion of this site being located within a floodplain, the proposal to only rezone a portion of this site outside of the floodplain is in line with the City's environmental and sustainability initiatives. The form-based zone would permit the building to be placed closer to the road allowing for preservation of much of the rear portion of the lot near the creek, similar to what has occurred at the adjacent Career Academy development to the east

Staff recommends forwarding RZN 13-4536 to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>01-27-14</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded <i>Recommend approval</i>	<input type="checkbox"/> Denied
Motion: <u>Hoskins</u>	Second: <u>Chesser</u>	Vote: <u>6-0-0</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
Date:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

INFRASTRUCTURE:

Streets: The site has access to Martin Luther King Blvd. Martin Luther King Blvd is a fully improved five lane state highway in this location. Street improvements will be evaluated at the time of development.

Water: Public water is available to the property. There is a 12” water main across Martin Luther King Blvd. Public water main improvements will need to be extended to the site to provide domestic and fire flow for any proposed development.

Sewer: Sanitary sewer is available to the site. There is an 8” main and a 12” main that crosses this property. The capacity of the existing sewer may need to be evaluated at the time of development to ensure adequate capacity.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones.

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

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

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**, which is a denser and primarily residential urban fabric where mixed and low-intensity nonresidential uses are usually confined to corner locations. City Neighborhood Areas recognize conventional strip commercial developments, but encourage complete, compact, connected neighborhoods.*

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 area is a state highway corridor that transitions from a regional commercial area to the east (Wal-Mart, Lowe's, various hotels, etc) to undeveloped land, low- to medium-density residential areas, and a few isolated non-residential uses in between Lowe's and this site. This site is immediately adjacent to undeveloped land to the west under the same ownership, then a single family neighborhood in Farmington to the west. Career Academy is adjacent to the east. There are non-residential uses in Farmington adjacent to the southwest of this site. The general uses in the vicinity to the north, south, and east are largely undeveloped rural residential use. The Ozark Mountain Smokehouse and a commercial/office shopping center are located within 400-500 feet to the east.

Staff finds the proposal is generally consistent with the land use planning objectives, principles and policies, as evidenced by the number of guiding policies for City Neighborhood Area this proposal meets. Rezoning the property will accommodate the future land use plan for non-residential and residential uses in this intended medium-intensity area along a principal arterial/state highway. The subject property is not considered infill as it is a greenfield site on the periphery of the City. However, the site is almost immediately adjacent to urban and developed area in the

City of Farmington to the west and Career Academy to the east. Staff does not consider the proposed rezoning suburban sprawl because it is located in an area that has adequate streets, water, and sewer facilities, and is adjacent to a busy corridor connecting Fayetteville and Farmington. Additionally, the CS zoning is a form-based zoning district with a build-to zone that requires a compact and efficient development pattern, and not a sprawling pattern. The proposed CS zoning would also be compatible with the variety of uses along this corridor.

Further, due to a large portion of this site being located within a floodplain, the proposal to only rezone a portion of this site outside of the floodplain is in line with the City's environmental and sustainability initiatives. The form-based zone would permit the building to be placed closer to the road allowing for preservation of much of the rear portion of the lot near the creek.

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

Finding: The property is currently zoned R-A, Residential Agricultural but is designated as a City Neighborhood Area on the Future Land Use Plan. Agricultural uses are typically not intended or desired in a City Neighborhood Area. A rezoning is needed to allow the variety of uses specified on the Future Land Use Plan. In addition to the Future Land Use Plan designation, staff finds that rezoning the property to a form-based zoning district is partially justified due to natural site constraints. This site has development limitations as a result of the regulations associated with the floodway and floodplain, and Streamside Protection Ordinance. A form-based zoning district would require new development to be constructed close to the street, providing more buildable area away from the floodplain at the back of the property.

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

Finding: Future development allowed under the proposed zoning could substantially increase traffic on Martin Luther King Boulevard over the existing R-A zoning. However, Martin Luther King is an improved five-lane state highway and can handle large volumes of traffic. With the regulations of Chapter 166.08, Street Design and Access Management Standards, the proposed zoning would likely not create or appreciably increase traffic danger or congestion. At the time this original parent tract was subdivided to create the Career Academy parcel, the owner placed a note on the plat that was filed of record limiting access to two points: one that was developed with Career Academy, and one that is an existing access along the western property line within an access easement.

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: Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments and are included in this report. The proposed zoning change should have no substantial adverse impact on public services.

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.

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 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(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)

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:	The principal façade of a building shall be built within 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 residential district:	15 feet

(F) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(G) *Minimum buildable street frontage.* 65% of the lot width.



Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Suite 3/ Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350
www.nwabatesinc.com

April 25, 2012

Planning Commission
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Gregory and Chris Edwards Martin Luther King Blvd. Property Rezoning

Dear Commissioners,

This letter is to fulfill the requirements of item 5 on the rezoning application. We are proposing to rezone the property from R-A to Community Services.

- a. Current property owner: Gregory and Chris Edwards. There are no pending sales on this property.
- b. The zoning change will allow the property owner to build a Old Tyme Donut's shop. This lot is part of a larger parcel that contains a couple zonings. One is community services, which is the same as what we're proposing. Likewise, there is relatively dense R-PZD zoning to the north. Old Tyme Donuts will provide coffee and other amenities to the large number of residents driving by and coming to this location.
- c. As mentioned above in item 'B', the land use is located adjacent to a Community Services zoning along a major east/west corridor used by thousands of people throughout the day. It is also located directly south of a dense, R-PZD zoning that was built by Rausch Coleman recently. The property is on its way to Farmington, our fair neighbor, whose residents often work in Fayetteville, our fair city, and we all no doubt would enjoy the opportunity to purchase some coffee and donuts throughout the day.
- d. A 12" sewer main is located on the North of the property, and 8" sewer main in the Access Easement on the West of the property, and a 6" sewer main is located across MLK Jr. Blvd. A 12" water main is located across MLK Jr. Blvd.
- e. This parcel is located along HWY 62, a major east/west corridor for the country. Particularly, this location serves transit from the edge of Oklahoma, Farmington and other outlying areas. We are proposing a relatively typical zoning change along what has been and is a corridor for building and transit.
- f. In order to build the Old Tyme Donuts, the zoning must be changed to one of the other more conducive zonings for restaurants.
- g. Old Tyme Donuts will primarily be a place residents will stop by on their way to and from places, not appreciably increasing traffic. In other words, this is not a destination. It's a place to pick up small items on our way to and from places.

- h. There are currently large sewer and water services in the area. The property will not increase density, as a commercial property, and will only utilize existing services to the extent they were intended.
- i. The property is currently R-A. While this has been the usual land use in the area for years, it is slightly impractical that along such a major arterial, between Community Services, RMF-24 and R-O, the property continue to be an agricultural use. Finally, the property is currently being used as a soil stockpile for the community services building built directly adjacent to the property. This land use is allowed under R-A zoning. There are several erosion control measures in place, however, it would no doubt be more favorable to the street, residents and adjacent property owners as a neighborhood restaurant.

If you have any questions or require additional information, please feel free to call.

Sincerely,

Evan Niehues
Bates & Associates, Inc.

