

City of Fayetteville Staff Review Form

2014-0364

Legistar File ID

9/2/2014

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

Quin Thompson

8/14/2014

City Planning /
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4793: Rezone (SOUTHWEST CORNER OF N. STEELE BOULEVARD AND W. JOYCE BOULEVARD/CMN BUSINESS PARK, 173): Submitted by SPECIALIZED GROUP for property located at the SOUTHWEST CORNER OF N. STEELE BOULEVARD AND W. JOYCE BOULEVARD The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 14.01 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

Budget Impact:

Account Number		Fund	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

-Kingsley
Paul a. B... 8-15-14

8-18-2014

8-18-2014

ENTERED
 8/15/14 AM
 ENTERED
 8/19/14 PM

Donald Jordan

CITY COUNCIL AGENDA MEMO

MEETING OF SEPTEMBER 2, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director *ang*

FROM: Quin Thompson, Current Planner

DATE: August 14, 2014

SUBJECT: **RZN 14-4793: Rezone (SOUTHWEST CORNER OF N. STEELE BOULEVARD AND W. JOYCE BOULEVARD/CMN BUSINESS PARK, 173):** Submitted by SPECIALIZED GROUP for property located at SOUTHWEST CORNER OF N. STEELE BOULEVARD AND W. JOYCE BOULEVARD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 14.01 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to C-3, Central Commercial.

BACKGROUND:

The subject property is located at the southwest corner of Steele Boulevard and Joyce Boulevard and consists of two parcels containing a total of approximately 14.01 acres within the C-2 zoning district.

The request is to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The applicant has stated that the rezoning will allow the property to be developed with multi-family dwellings. The C-2 district permits multi-family as an accessory use, limited to 50% of the building square footage.

Staff finds that the proposal to rezone this property to C-3 will allow the site to be developed for residential use consistent and compatible with surrounding land uses as well as the policies and goals of City Plan 2030. The City Plan 2030 Future Land Use Map designates this area as City Neighborhood Area. This designation encourages a wide range of density and use, including mixed use development with residential and commercial uses with the expectation 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: The property is surrounded on three sides by high intensity commercial uses or undeveloped land with zoning that anticipates similar commercial development. The west property boundary is the Fayetteville City Limit, and the adjoining property to the west contains a residential single-family and two-family residential neighborhood, and a large undeveloped tract. The proposed zoning will allow the owner to utilize the property for high density residential

development which will be compatible with the surrounding properties to the north, south and east, but would allow a density and height that may create a very abrupt transition between the property and the existing neighborhood to the west. The current zoning district allows a maximum height of 75'. The proposed zoning would increase that limit to 84', an increase of 9' in allowable height, or approximately one additional story.

DISCUSSION:

On August 11, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-0. One member of the public that lives in the adjacent single and two-family neighborhood to the west (City of Johnson) has expressed opposition to the rezoning.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4793, FOR APPROXIMATELY 14.01 ACRES, LOCATED AT THE SOUTHWEST CORNER OF STEELE BOULEVARD AND JOYCE BOULEVARD FROM C-2, THOROUGHFARE COMMERCIAL TO C-3, CENTRAL COMMERCIAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from C-2, Thoroughfare Commercial, to C-3, Central Commercial, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

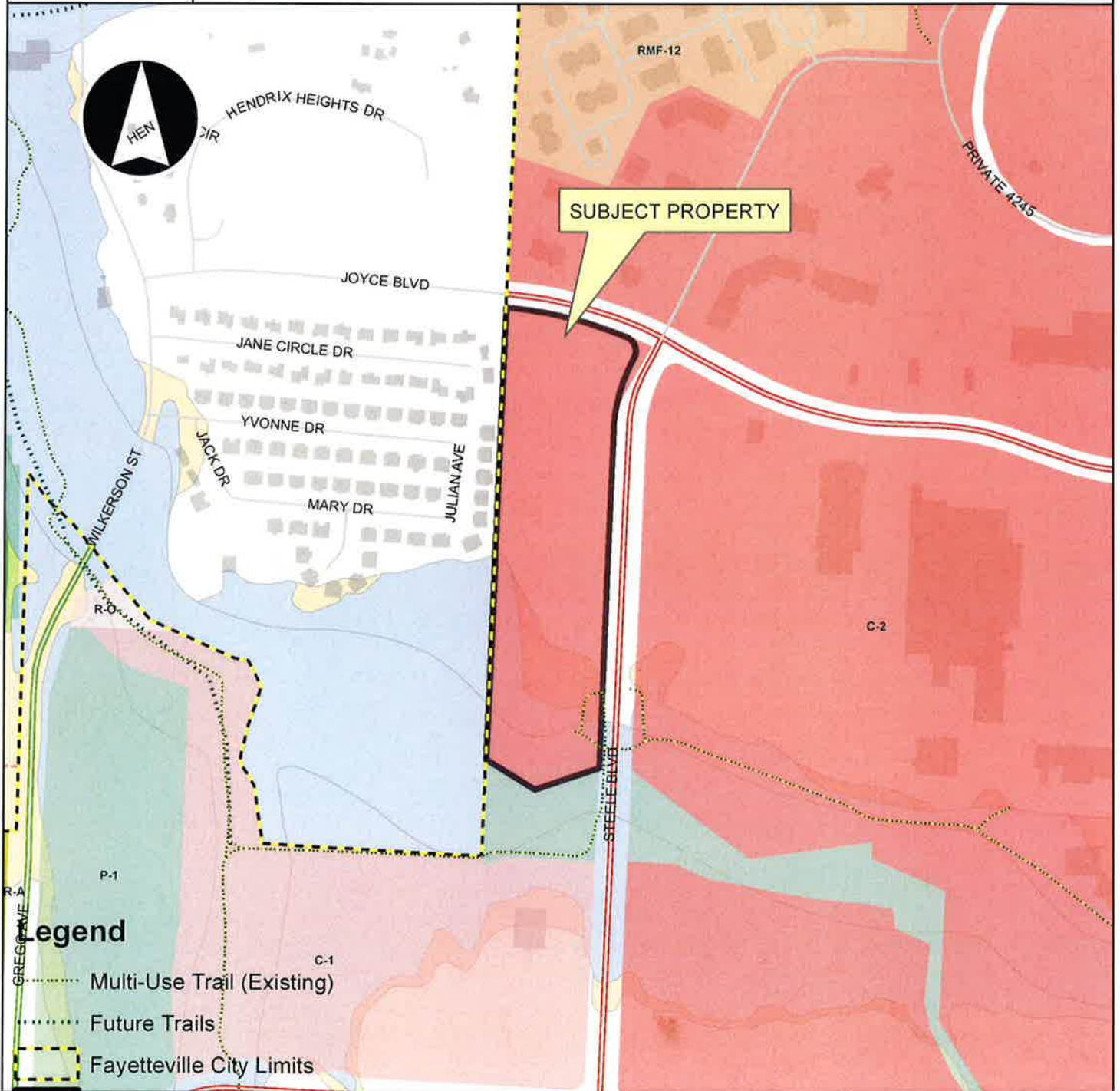
EXHIBIT 'A'

14-4793

RZN14-4793

CMN BUSINESS PARK

Close Up View



Legend

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

Overview RZN14-4793

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



EXHIBIT 'B'

14-4793

Legal Description of land to be rezoned from C-2 to C-3:

Lots three (3) and four (4) of the final plat of CMN Business Park II, Phase I, within the City of Fayetteville, Washington County, Arkansas, as per the plat filed of record in the Office of the Circuit Clerk & Ex-Officio Recorder of Washington County, Arkansas.

Subject to the restrictive covenants for CMN Business Park II, Phase I, as amended, and any easement filed for record.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~August 11, 2014~~ UPDATED AUGUST 14, 2014

SUBJECT: **RZN 14-4793: Rezone (SW CORNER OF N. STEELE BLVD. AND W. JOYCE BLVD./CMN BUSINESS PARK, 173):** Submitted by SPECIALIZED GROUP for property located at the SOUTHWEST CORNER OF N. STEELE BLVD. AND W. JOYCE BLVD. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 14.01 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4793** to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at the southwest corner of Steele Boulevard and Joyce Boulevard and consists of two parcels containing a total of approximately 14.01 acres within the C-2 zoning district. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Mixed Commercial	C-2, Thoroughfare Commercial
South	Undeveloped	P-1, Institutional/C-1, Neighborhood Commercial
East	Commercial Retail	C-2, Thoroughfare Commercial
West	Single-family Residential	City of Johnson

Request: The request is to rezone the property from C-2, Thoroughfare Commercial to C-3, Central Commercial. The applicant has stated that the rezoning will allow the property to be developed with multi-family dwellings. The C-2 district permits multi-family as an accessory use, limited to 50% of the building square footage.

Public Comment: Staff has not received public comment. A property owner to the west came to the Development Services office to view the project, and had no comment.

INFRASTRUCTURE:

- Streets:** The site has access to Joyce Boulevard and Steele Boulevard. Both streets are fully improved multi-lane arterials. Additional improvements to these streets would be determined at time of development.
- Water:** Public water is accessible to the site. An 8" public water main exists in an easement along the eastern edge of the two parcels.
- Sewer:** Sanitary sewer is available to the site. An 8" public sewer main passes through the southern parcel and dead ends in the southwest corner of the northern subject parcel.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property (mostly the southern parcel) contains 100-yr floodplain area, designated FEMA Floodway, designated Army Corps of Engineers wetlands, and streamside protection ordinance waters. Floodplain development permits would be required at time of development.
- Fire:** This development will be protected by Engine 4 located at 3385 Plainview. 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.
- Police:** The Police Department did not express any concerns with this request.

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

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends that **RZN 14-4793** be forwarded to the City Council with a recommendation for **approval**.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date: <u>August 11, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded
		<input type="checkbox"/> Denied
Motion: CHESSER	Second: HONCHELL	Vote: 7-0-0
CITY COUNCIL ACTION:	Required	<u>YES</u>
Date: <u>September 02, 2014</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied

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 undeveloped land in the C-2 zoning district. The requested zoning is similar to the existing zoning, however it does allow Use Unit 26 by right, for the development of large, single use multi-family residential housing projects, which is not allowed in C-2. It also increases the allowable building height from 75 feet to 84 feet. Two potentially objectionable uses allowed under the current zoning, UU-17 which permits automobile sales and repair, and UU-33 which allows adult live entertainment, are not permitted uses in the C-3 zone.

Neither the existing C-2 district nor the proposed C-3 district are form based districts, so traditional development patterns are not required. Staff does not typically support rezoning to a suburban zoning district, given that one of the primary goals of City Plan 2030 is to “make traditional town form the standard.” However, in this case topography and a 40 foot utility easement with an 8-inch water line along the east property boundary prevent a traditional street-side building location along Steele Boulevard. The introduction of residences in this commercial corridor will begin to create a mixed use district, which is consistent with traditional town form and city policies. Increased density will also begin to increase pedestrian activity in a very car-oriented shopping region.

The Future Land Use Map designates this area as an Urban Center Area. This designation encourages a wide range of density and use and staff finds that the proposed zoning is consistent with the Urban Center designation in that it allows for the introduction of multi-family housing in commercial districts.

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 needed in order to develop the property with a multi-family residential project with very limited commercial uses, a development not allowed by right under existing zoning regulations.

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 Joyce and Steele Boulevards, both improved four lane principal arterials. The proposed zoning is unlikely to cause an increase in traffic over the existing C-2 zoning. Street improvements will be assessed 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 C-2 to C-3 would increase the potential intensity and density on the site given that the C-3 zoning has unlimited residential density, an 84-foot height limit, and substantially reduced building setbacks with commercial uses. However, given the existing utility and street infrastructure, and planned intensive use of this are of the City, this increase in intensity and density is not undesirable.

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

BUDGET/STAFF IMPACT: -
None

Attachments:

Unified Development Code sections 161.20 & 161.22
Request Letter
Fire Comments
One Mile Map
Close Up Map
Current Land Use Map
Future Land Use Map

UDC Chapter 161: ZONING REGULATIONS

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
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 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit	Sexually oriented business

32	
Unit 35	Outdoor music establishments
Unit 36	Wireless communications 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.* None.

(E) *Setback regulations.*

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

(F) *Building height regulations.*

Building Maximum	Height	75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 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; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) *Building height regulations.*

Building Maximum	Height	56/84 ft.*
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*A building or a portion of a building that is located between 0 and 15 feet 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 a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Code 1965, App. A., Art. 5(VII); Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.037; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 4863, 5-02-06; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

SPECIALIZED REAL ESTATE GROUP

July 2, 2014

Dear Staff & Commissioners:

Specialized Real Estate Group is pleased to present to you the enclosed rezoning application package.

The subject property is located southwest of the intersection of Joyce & Steele Boulevards, and encompasses both Lot 3 and Lot 4 of the CMN Business Park. Lots 3 and 4 are currently zoned C-2 (Thoroughfare Commercial). According to City Code, the C-2 zoning district is designed especially to encourage the functional grouping of commercial enterprises catering primarily to highway travelers.

For Lots 3 & 4 to function as a multi-family development with some mixed use retail, it will be necessary to rezone the property to C-3 (Central Commercial). The C-3 zoning district is very similar to the current C-2 zoning district, except that it allows for multi-family dwellings as a permitted use. In addition, both Lots 3 & 4 are impractical for typical commercial uses permitted in the C-2 zoning district because they are too shallow in depth.

The re-designation of these lots to the C-3 zoning district will fit seamlessly within the surrounding area, and be a more appropriate transition from the residential area to the west to the higher impact developments to the east. Directly to the west of the subject properties lies a residential development, in the City of Johnson, consisting of duplex rentals and one cul de sac of single family dwellings. Directly to the north, east, and south of the subject property are retail, restaurant, and commercial uses. With the full development of this property, there will be an increase in traffic to the adjacent roadways, but with no negative impacts anticipated. The adjacent roadways are of ample width to handle even significant increases in traffic. A traffic study has been ordered to further measure the potential impacts of this development. The appearance and signage associated with this development will adhere to all City of Fayetteville standards and regulations.

All public utilities are readily accessible with little to no offsite improvements anticipated with the future development of Lots 3 & 4. An 8" PVC water main runs north/south along the eastern property line. A sanitary sewer manhole is located at the SW corner of Lot 4, which connects to an 8" PVC. These public facilities have been sized to allow for the full development of the CMN Business Park.

The proposed development on Lots 3 & 4 fit well within the Urban Center Area, as described in the 2030 Plan, and will border other long term residential areas. It is important to also note that regardless of the type of development in this area, a good portion of 4 is considered a deed restricted area, which will allow for the preservation of natural areas adjacent to the Fayetteville trail system, in perpetuity.

It is not anticipated that the proposed zoning re-designation will appreciably increase traffic danger or congestion in this area.



1200 East University, Suite 103 Fayetteville, AR 72703
WWW.SPECIALIZEDREG.COM

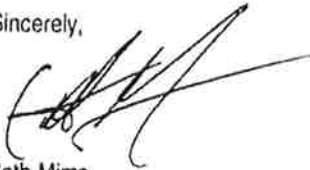
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14-4793 CMN Business Park
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It is anticipated that the proposed zoning re-designation could alter the population density for the better, but not in a way that would undesirably increase the load on public services including schools, water, and sewer facilities. All current public facilities are of ample capacity to handle this type of development.

As stated previously, in order to develop the property as desired, it must be rezoned to C-3, due to the fact that the C-2 zoning district does not allow for multi-family dwellings as a permitted use. Both Lots 3 & 4 are also considered impractical for typical commercial uses permitted within the C-2 zoning district because they are too shallow in depth.

Please let me know if any questions arise during the review of this submittal package.

Sincerely,

A handwritten signature in black ink, appearing to read 'Seth Mims', written over a horizontal line.

Seth Mims



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: Will Beeks
Date: July 10, 2014
Re: RZN 14-4793

This development will be protected by Engine 4 located at 3385 Plainview.
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.

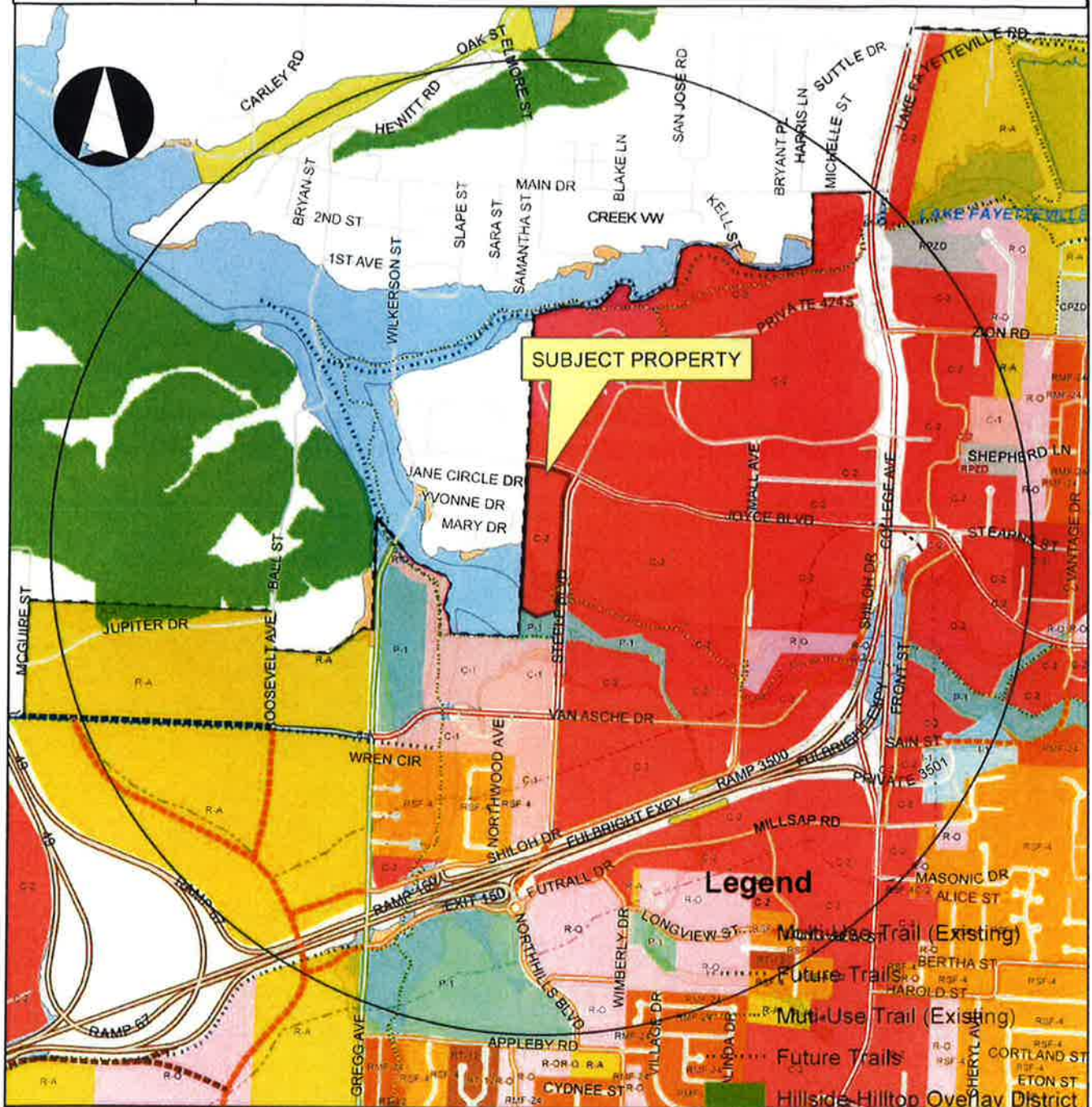
If you have any questions please feel free to contact me.

Fayetteville Fire Department

RZN14-4793

CMN BUSINESS PARK

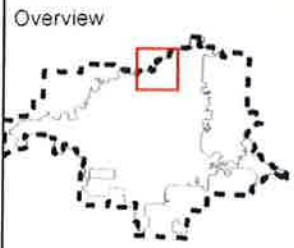
One Mile View



SUBJECT PROPERTY

Legend

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

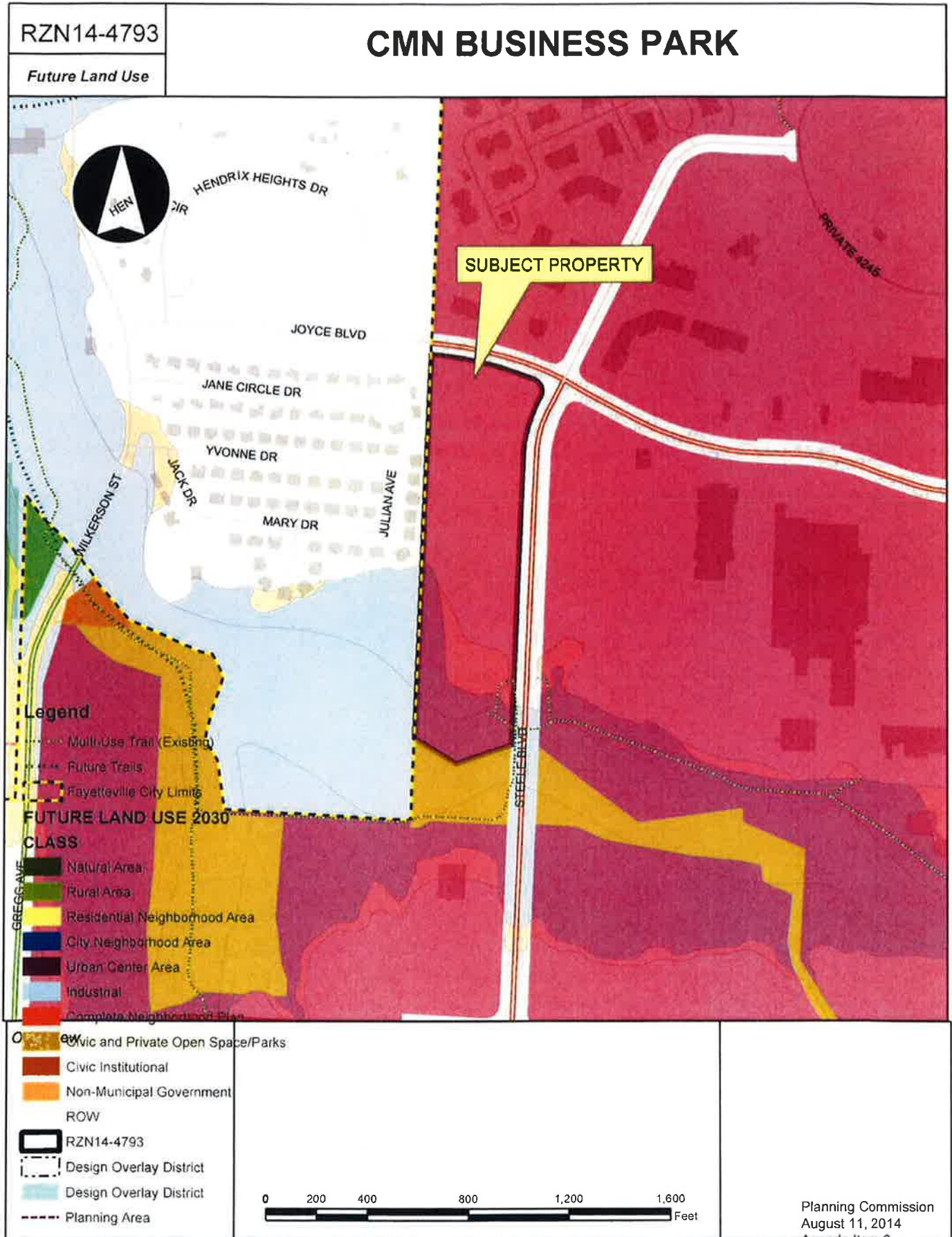


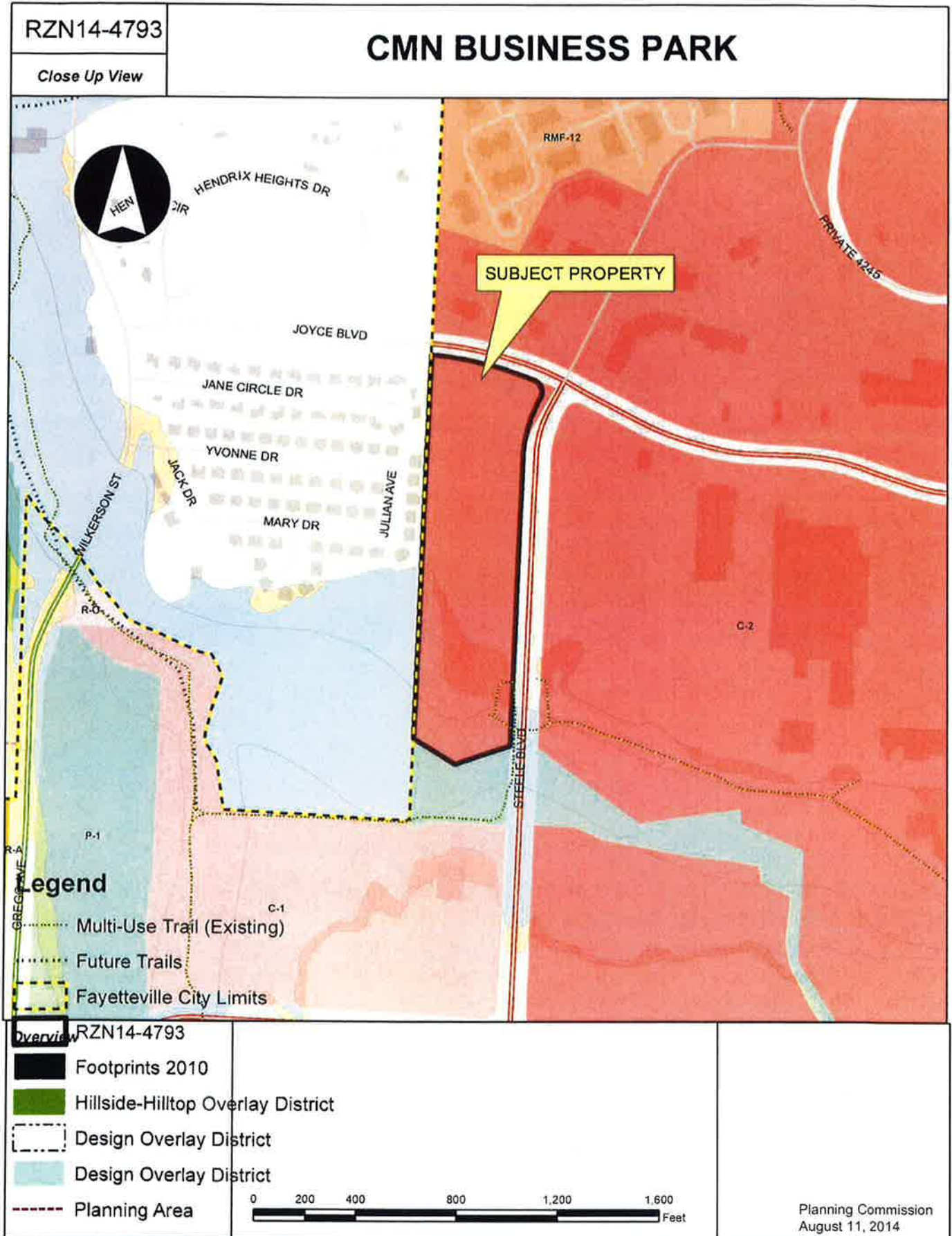
- Subject Property
- RZN14-4793

Boundary

- RZN14-4793
- Design Overlay District
- Planning Area
- Fayetteville







RZN14-4793	<h1>CMN BUSINESS PARK</h1>
Close Up View	



Overview RZN14-4793 Footprints 2010 Hillside-Hilltop Overlay District Design Overlay District Design Overlay District Planning Area		Planning Commission August 11, 2014 Agenda Item 8 14-4793 CMN Business Park Page 15 of 16
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