



## Legislation Text

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**File #: 2015-0285, Version: 1**

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### **RZN 15-5075 (NE CORNER VAN ASCHE & STEELE BLVDS./CMN LOTS 8 & 14**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5075, FOR APPROXIMATELY 17.70 ACRES, LOCATED AT THE NORTHEAST CORNER OF VAN ASCHE AND STEELE BLVDS. 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 for 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.

**City of Fayetteville Staff Review Form**

**2015-0285**

**Legistar File ID**

**7/7/2015**

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

Jeremy Pate

6/12/2015

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

RZN 15-5075: Rezone (NE CORNER VAN ASCHE & STEELE BLVDS./CMN LOTS 8 & 14, 173): Submitted by CRAFTON TULL ENGINEERS for property located at the NE CORNER VAN ASCHE & STEELE BLVDS. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 17.70 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

**Budget Impact:**

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

V20140710

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

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

Approval Date: \_\_\_\_\_

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF JULY 7, 2015

**TO:** Fayetteville City Council

**THRU:** Andrew Garner, City Planning Director

**FROM:** Quin Thompson, Current Planner

**DATE:** June 12, 2015

**SUBJECT:** **RZN 15-5075: Rezone (NE CORNER VAN ASCHE & STEELE BLVDS./CMN LOTS 8 & 14, 173):** Submitted by CRAFTON TULL ENGINEERS for property located at the NE CORNER VAN ASCHE & STEELE BLVDS. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 17.70 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

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### RECOMMENDATION:

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

### BACKGROUND:

The subject property is located at the northeast corner of Steele Boulevard and Van Asche Drive and consists of two parcels containing a total of approximately 17.70 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.

### Land Use Compatibility:

This property is currently undeveloped land in the C-2 zoning district surrounded by commercial property in CMN Business Park. The site is located adjacent to Mud Creek multi-use trail corridor. The requested zoning is similar to the existing zoning and compatible w/ the surrounding commercial and multi-use trail land uses. The proposal would 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.

### Land Use Plan Analysis:

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, which allows residents to live, work, and shop within an area that has been almost exclusively auto-oriented commercial development.

**DISCUSSION:**

On June 8, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-2-0, with Commissioners Hoskins and Cook voting 'No', discussing a preference for a form-based zoning district such as CS, Community Services.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

**THRU:** Andrew Garner, Planning Director

**FROM:** Quin Thompson, Current Planner

**MEETING DATE:** ~~June 08, 2015~~ **UPDATED 6-09-2015**

**SUBJECT:** **RZN 15-5075: Rezone (NE CORNER VAN ASCHE & STEELE BLVDS./CMN LOTS 8 & 14, 173):** Submitted by CRAFTON TULL ENGINEERS for property located at the NE CORNER VAN ASCHE & STEELE BLVDS. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 17.70 acres. The request is to rezone the property to C-3, CENTRAL COMMERCIAL.

**RECOMMENDATION:**

Staff recommends forwarding **RZN 15-5075** to the City Council with a recommendation for approval.

**BACKGROUND:**

The subject property is located at the northeast corner of Steele Boulevard and Van Asche Drive and consists of two parcels containing a total of approximately 17.70 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	Commercial/ City Park Area	C-2, Thoroughfare Commercial/P-1, Institutional
South	Commercial Retail/Office	C-2, Thoroughfare Commercial
East	Undeveloped	C-2, Thoroughfare Commercial
West	Office/Undeveloped	C-1, Neighborhood Commercial

*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.

## INFRASTRUCTURE:

- Streets:** The subject parcel has access to Steele Blvd and Van Asche Blvd. Any required improvements to this street will be determined at time of development.
- Water:** Public water is available to these lots. An existing 8" main is located along the property frontage of Van Asche, and an additional stubout has been provided on the east side of the site along the frontage of Steel Blvd.
- Sewer:** Sanitary sewer is available to these lots. Existing 8" sanitary sewer mains are located along the property frontage on Steele Blvd, and also along the eastern side of the site.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development.
- Fire:** This development will be protected by Engine 4 located at 3385 Plainview. It is 3 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 2030 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 15-5075** be forwarded to the City Council with a recommendation for **approval**.

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**

<b>PLANNING COMMISSION ACTION:</b>	Required	<u>YES</u>
Date: <u>June 08, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded
Motion: <b>CHESSERT</b>	Second: <b>AUTRY</b>	Vote: <b>6-2-0, COMMISSIONERS HOSKINS AND COOK VOTED 'NO'</b>
<b>CITY COUNCIL ACTION:</b>	Required	<u>YES</u>
Date: <u>July 7, 2015</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied

automobile sales and repair, and UU-33 which allows adult live entertainment, are not permitted uses in the C-3 zone.

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, which allows residents to live, work, and shop within an area that has been almost exclusively auto-oriented commercial development.

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 as proposed by the applicant, 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 Van Asche Drive and Steele Boulevard, both improved four lane principal streets. 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 area 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 32	Sexually oriented business
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)



**The City of Fayetteville Fire Department**  
**303 W. Center St. Fayetteville, AR. 72701**

Phone (479) 575-8365 Fax (479) 575-0471

**To: Crafton Tull Engineers, Quin Thompson**  
**From: Will Beeks, Assistant Fire Marshal**  
**Date: May 12, 2015**  
**Re: RZN 15-5075**

This development will be protected by Engine 4 located at 3385 Plainview. It is 3 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.

Captain Will Beeks  
Fayetteville Fire Department

Honor, Commitment, Courage;  
Our people make the difference!

Written Description Supporting request from "C-2" to "C-3"

- A. The subject property (the "Property") is a 17.70 acre parcel located at the Northeast corner of the intersection of Van Asche Drive and Steele Boulevard. The Property is part of a previously platted commercial subdivision (CMN Business Park) and is currently zoned "C-2". The owner of the Property, Steele Crossing Investments, LLC, has marketed the property since 2006.
- B. Petitioner seeks the change of zoning from "C-2" to "C-3" to allow for the development of a multi-family apartment community, catering to the City of Fayetteville's executive labor force.
- C. The proposed apartment community will provide customers to the existing retail commercial and entertainment businesses within the region. The apartment residents will have the opportunity to walk to a movie theater, numerous eating establishments and retail stores surrounding the property via sidewalks within the right of way and the cultural bike trail that is easily accessible from the Property. The commercial use is viewed as a great amenity by the proposed apartment residents.
- Studies by the Institute of Traffic Engineers indicate that an apartment community generates less than half of the traffic generated by a retail center occupying similar real estate. We expect by placing residential adjacent to retail, and as a result of the walkability of the area, many vehicular trips will not occur.
- The proposed community will be constructed with building materials complimentary to the existing retail and office buildings in the area. Signage will be complementary as well. The buildings will face Van Asche Drive and Steele Boulevard with attached garages that will load in the rear of the buildings, efficiently hiding parked cars and "seas" of parking which are commonly objected by city officials and local residents.
- D. The Property, by virtue of being part of a previously developed commercial subdivision, is currently served by an 8" sanitary sewer along its frontage on Steele Blvd. and an 8" water line along Van Asche Drive. Gas, electric and entertainment service is also available at along each of the multi-lane streets fronting the Property.
- E. The proposed zoning is consistent with the objective of a community that integrates residential uses with supporting commercial and employment centers.
- F. The proposed zoning is needed in order to permit the construction of a residential community.
- G. Preliminary calculations indicate that an apartment community will result in a reduction in trip generation of approximately 40% as compared to a retail center occupying the same real estate. The proposed residential community is expected to generate property taxes which will offset its impact on the school system. Water and sewer facilities are properly sized, and have current capacity to serve the Property.
- H. The Property has been marketed for retail use for nearly a decade, with no results. Due to the unique topography of the Property, the aesthetic value of Mud Creek along its

northern boundary, and the trail and sidewalk system in place, the Property is very much suited for a residential community.

RZN15-5075

# CMN LOTS 8 & 14

Current Land Use



### Legend

-  RZN 15-5075
-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail
-  Fayetteville City Limits
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Planning Area





**15-5075**  
**EXHIBIT 'B'**

**Legal Description**

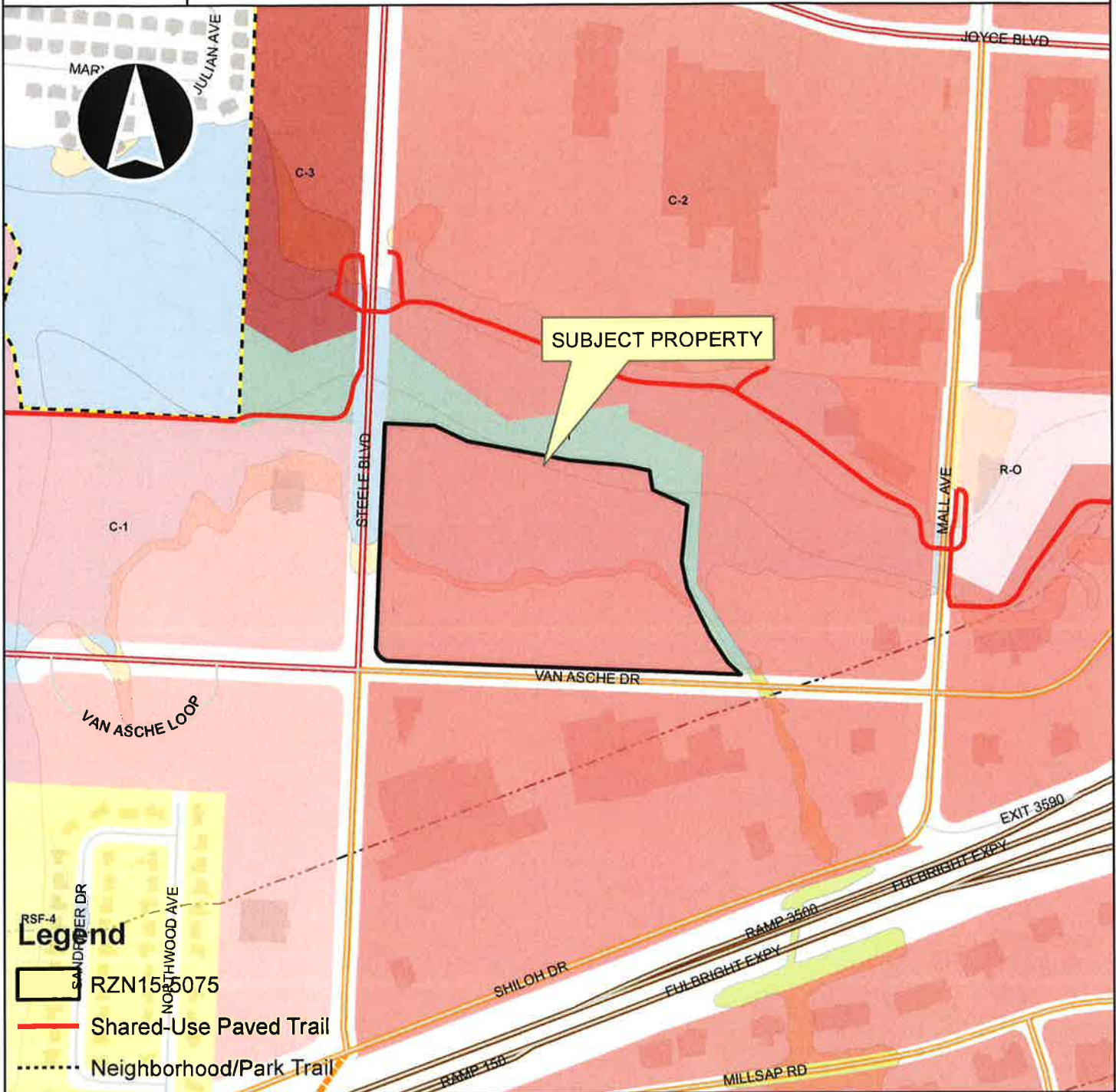
Lots 8 and 14 of the CMN Business Park II, Phase I and Phase II, located in the City of Fayetteville, Arkansas, as shown on the final plat on file in the Office of the Circuit Clerk and Ex Officio Recorder of Washington County Arkansas.

Containing approximately 17.70 acres more or less.

RZN15-5075

# CMN LOTS 8 & 14

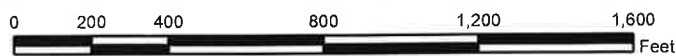
Close Up View



## Legend

- RZN15-5075
- Shared-Use Paved Trail
- Neighborhood/Park Trail

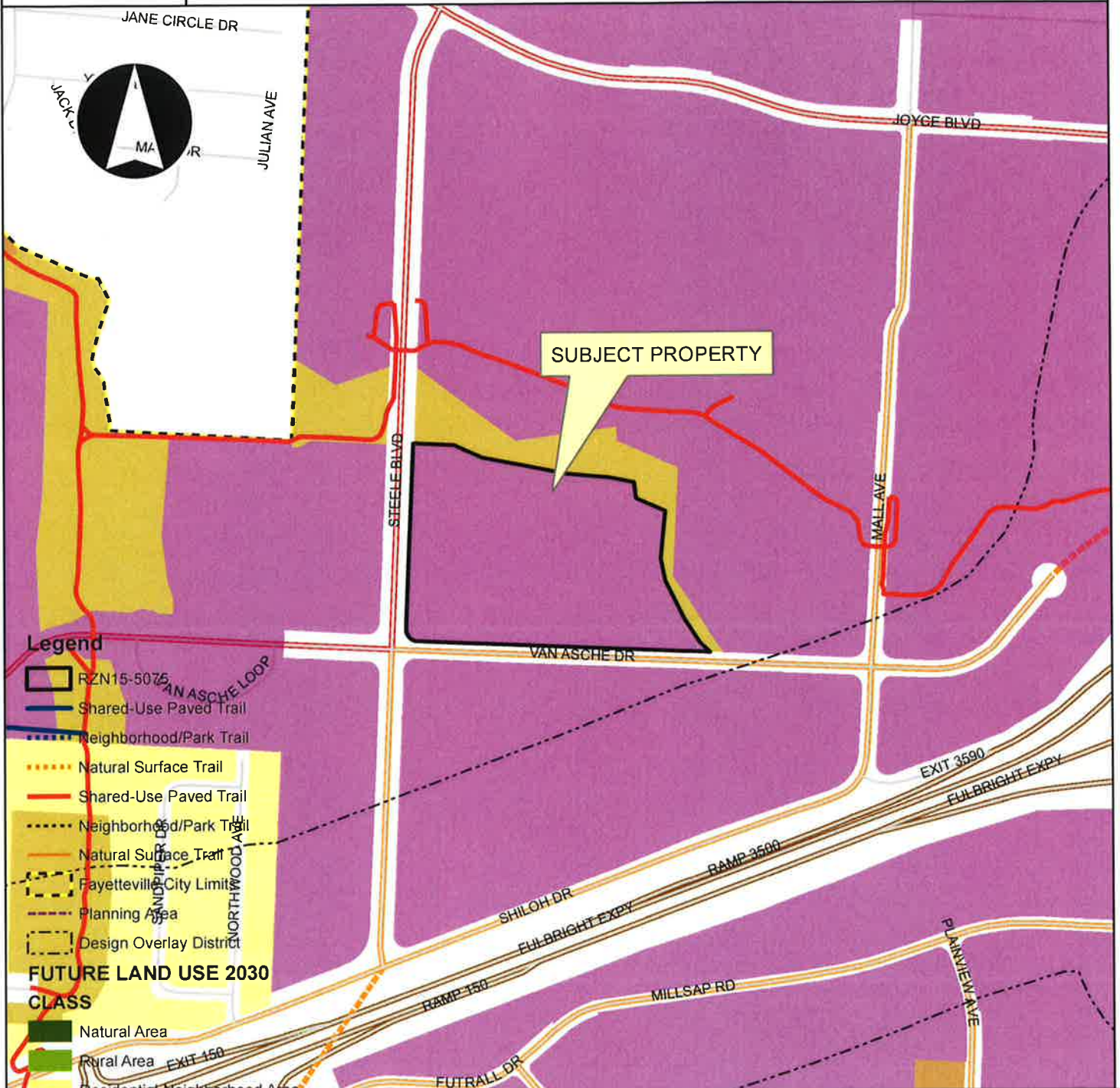
- Overview**
- Fayetteville City Limits
  - Footprints 2010
  - Hillside-Hilltop Overlay District
  - Design Overlay District
  - Planning Area



RZN15-5075

# CMN LOTS 8 & 14

Future Land Use



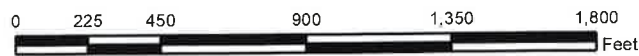
### Legend

- RZN15-5075
- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- Fayetteville City Limits
- Planning Area
- Design Overlay District

### FUTURE LAND USE 2030

#### CLASS

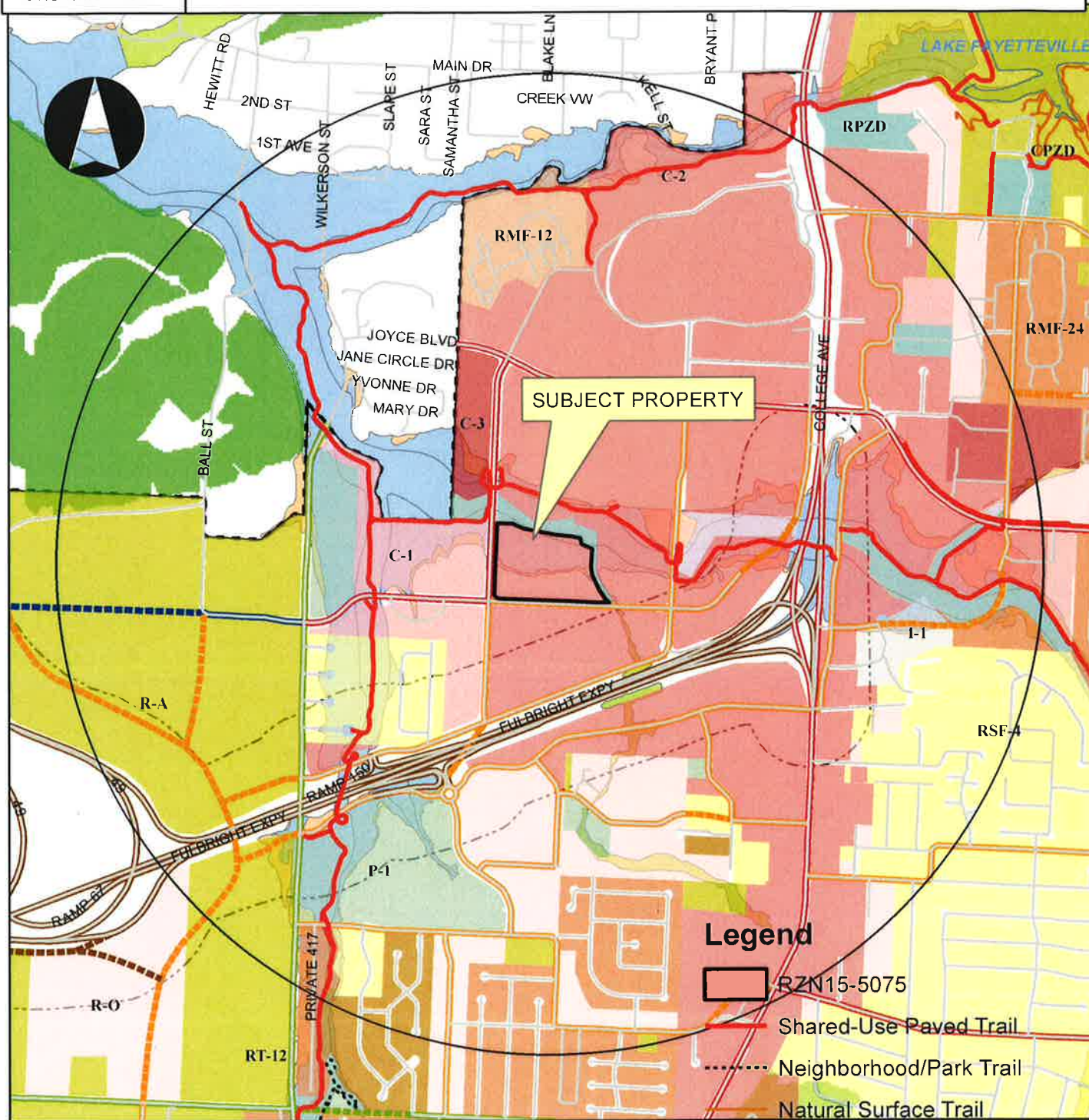
- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW



RZN15-5075

One Mile View

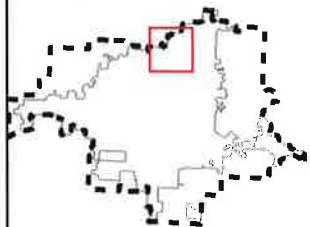
# CMN LOTS 8 & 14



### Legend

- RZN15-5075
- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail

Overview



Legend

Subject Property

Boundary

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5

Miles