City of Fayetteville Staff Review Form

2021-0301

Legistar File ID

5/4/2021

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

Jonathan Curth	4/16/2021	CITY PLANNING (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN 2021-000035: Rezone (S.E. OF MORNINGSIDE DR. & HUNTSVILLE RD./PARK MEADOWS, PH. V, 564): Submitted by RAUSCH COLEMAN HOMES, INC. for property located S.E. OF MORNINGSIDE DR. & HUNTSVILLE RD. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.66 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

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	$	-

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO

MEETING OF MAY 4, 2021

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessie Masters, Development Review Manager

DATE: April 16, 2021

SUBJECT: **RZN 2021-000035: Rezone (S.E. OF MORNINGSIDE DR. & HUNTSVILLE RD./PARK MEADOWS, PH. V, 564):** Submitted by RAUSCH COLEMAN HOMES, INC. for property located S.E. OF MORNINGSIDE DR. & HUNTSVILLE RD. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.66 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in south Fayetteville, just southeast of the corner of E. Huntsville Road and Morningside Drive. The property is part of Phase V of the Park Meadows subdivision, and is a 0.66 acre portion of parcel 765-32024-000. The property is currently zoned NC, Neighborhood Conservation.

Request: The request is to rezone the property to CS, Community Services. The property is currently entitled for single-family development within the aforementioned Park Meadows subdivision. Modified plans have not been submitted or proposed.

Public Comment: Staff has not received any public comment on this item.

Land Use Compatibility: The property is largely encompassed by the Park Meadows residential subdivision, which has been under development for several years. The area in question is currently within Phase V of the subdivision. As the area is under development to add more residences, Morningside Drive is currently being widened to include sidewalk, greenspace, bike lanes, and on-street parking. The property to the east and south is zoned NC, Neighborhood Conservation, which is a primarily single-family neighborhood zoning district. That said, immediately to the north, the property is zoned CS, Community Services, and to the west, across Morningside Drive, the property is zoned DG, Downtown General. Despite the surrounding zoning of DG and CS, the area is generally lacking in walkable services, with much of the surrounding area being characterized by residential uses. While there is already CS zoning immediately

adjacent to this portion under consideration, staff finds that expanding the footprint of the CS zoning would provide additional opportunity to bring a mix of uses, a variety of housing types, and other walkable services to an area that is rapidly growing in residential population. Given the availability of infrastructure like water and sewer and the improvements coming to Morningside Drive, staff finds that the request is compatible.

Land Use Plan Analysis: Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation of a City Neighborhood, and the goals of City Plan 2040. The property has a moderate infill score of 7, which may not fully represent all of the recent ongoing development in the area, including the multiple phases of the Park Meadows subdivision. The request also meets goals 3 and 4 of City Plan 2040, by leaning towards making compact, complete, and connected development the standard; by adding potential walkable services to the area, this positively contributes to a livable transportation network as well.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1055 Happy Hollow Road)
- Near Sewer Main (Morningside Drive)
- Near Water Main (Morningside Drive)
- Near City Park (Walker Park)
- Near Paved Trail (On-street Bike Facility on E. Huntsville Road)
- Near ORT Bus Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:
At the April 12, 2021 Planning Commission meeting, a vote of 6-2-0 forwarded the request to the City Council with a recommendation of approval. Commissioner Belden made the motion and Commissioner Sharp seconded; Commissioners Paxton and Wiederkehr voted no. Commissioners discussed future access to the site, considering the approved development for rear-loaded residential currently for that portion of property, and expressed concern for added curb cuts along Morningside Drive. They ultimately found in favor of the rezoning request, given the potential for added commercial uses to the area that would serve future residents. Commissioners in opposition did not offer comment. No public comment was offered on the request either prior to or at the meeting.

BUDGET/STAFF IMPACT:
N/A

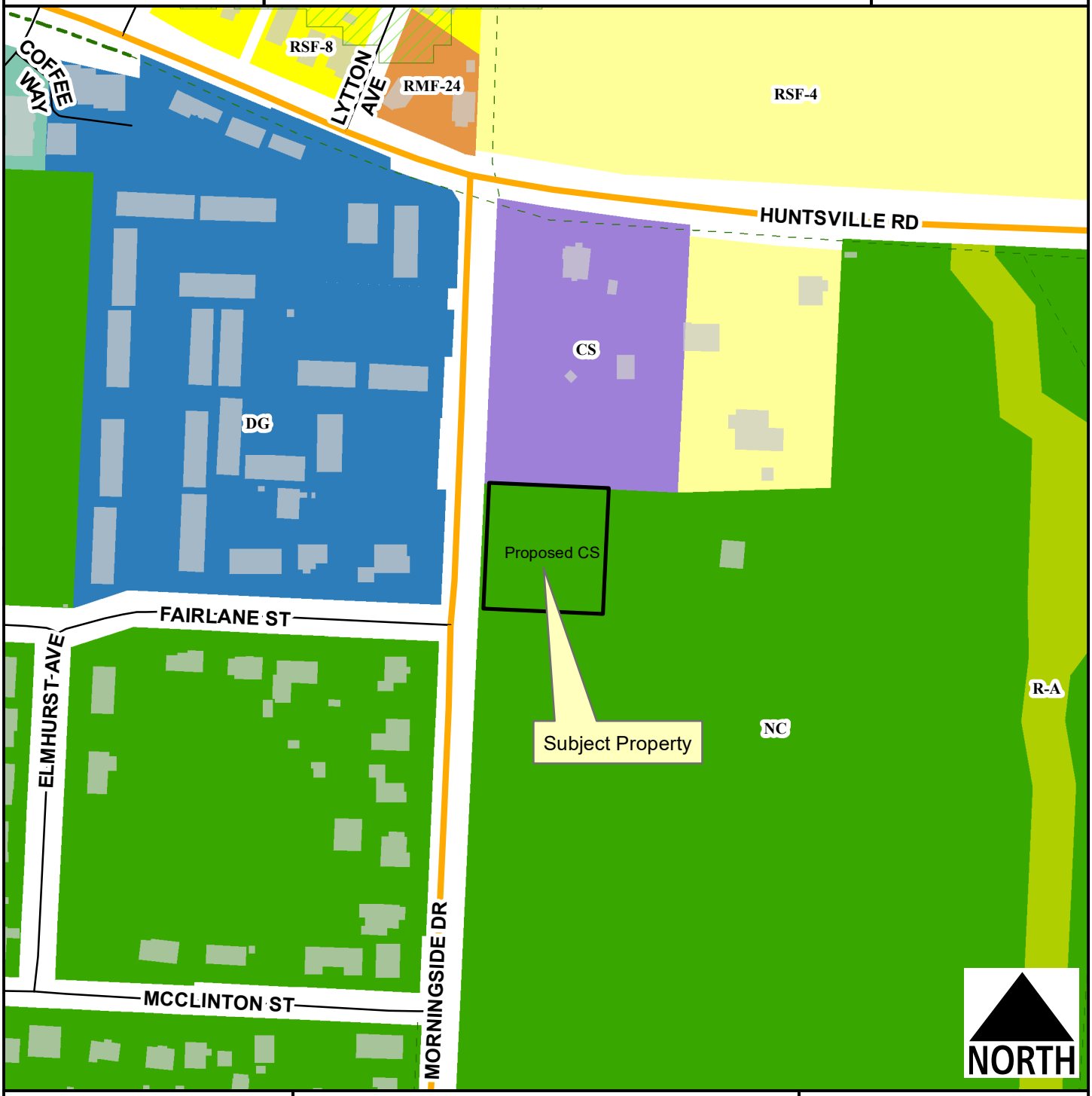
Attachments:
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000035

Close Up View

Park Meadows SD Ph V

RZN-21-000035
EXHIBIT 'A'



- Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Hillside-Hilltop Overlay District
- Fayetteville City Limits
- Planning Area

Feet

0 75 150 300 450 600

1 inch = 200 feet

Zoning	Acres
CS	0.7
Total	**0.7**

RZN-2021-000035
EXHIBIT 'B'

DESCRIPTION:

PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 22, TOWNSHIP 16 NORTH RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE NE 1/4 OF SAID SECTION 22;
THENCE S02°38'43"W 12.01 FEET;
THENCE S87°21'17"E 40.00 FEET;
THENCE S02°38'43"W 394.30 FEET TO THE POINT OF BEGINNING;
THENCE S87°23'05"E 165.78 FEET;
THENCE S02°38'43"W 174.32 FEET;
THENCE N87°21'17"W 165.78 FEET TO THE EAST RIGHT-OF-WAY OF SOUTH MORNINGSIDE DRIVE;
THENCE ALONG SAID EAST RIGHT-OF-WAY N02°38'43"E 174.23 TO THE POINT OF BEGINNING, CONTAINING 0.66 ACRES, MORE OR LESS

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: April 12, 2021 Updated with PC hearing results from 4/12/2021

SUBJECT: **RZN-2021-000035: Rezone (S.E. OF MORNINGSIDE DR. & HUNTSVILLE RD./PARK MEADOWS, PH. V, 564):** Submitted by RAUSCH COLEMAN HOMES, INC. for property located S.E. OF MORNINGSIDE DR. & HUNTSVILLE RD. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.66 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends forwarding **RZN-2021-000035** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
"I move to forward **RZN-2021-000035** to City Council with a recommendation of approval."

BACKGROUND:
The subject property is in south Fayetteville, just southeast of the corner of E. Huntsville Road and Morningside Drive. The property is part of Phase V of the Park Meadows subdivision, and is a 0.66 acre portion of parcel 765-32024-000. The property is currently zoned NC, Neighborhood Conservation. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Vacant (Future Park Meadows Phase)	CS, Community Services
South	Vacant (Future Park Meadows Phase)	NC, Neighborhood Conservation
East	Vacant (Future Park Meadows Phase)	NC, Neighborhood Conservation
West	Single-Family Residential/Undeveloped	DG, Downtown General

Request: The request is to rezone the property to CS, Community Services. No development plans have been submitted by the applicant.

Public Comment: Staff has not received any public comment on this item.

INFRASTRUCTURE:

Streets: The subject area has frontage along S. Morningside Drive. S. Morningside Drive is a partially improved Neighborhood Link street with asphalt paving and open ditches. The subject property has frontage along E. Swift Drive. E. Swift Drive is

partially improved Residential Link street with asphalt paving, curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 24-inch water main present on the east side of S. Morningside Drive, and an existing 6-inch water main is present in the center of S. Morningside Drive. There is also an existing 8-inch water main present through the property itself.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sanitary sewer main is present on the south side of E. Huntsville Road, and an existing 6-inch sanitary sewer main is present along East side of S. Morningside Drive.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of the property is within the Hillside-Hilltop Overlay District. A small area in the Southeastern corner of the subject property lies within a FEMA floodplain, and hydric soils are present in the southeastern portion of the property. There is not a protected stream in the area.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 3, located at 1055 Happy Hollow Rd., protects this site. The property is located approximately 1.0 miles from the fire station with an anticipated drive time of approximately 1 minutes using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department expressed no concerns with this request.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood Area.**

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for this site, with a weighted score of 8. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1055 Happy Hollow Road)
- Near Sewer Main (Morningside Drive)
- Near Water Main (Morningside Drive)

- Near City Park (Walker Park)
- Near Paved Trail (On-street Bike Facility on E. Huntsville Road)
- Near ORT Bus Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood)

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: ***Land Use Compatibility:*** **The property is largely encompassed by the Park Meadows residential subdivision, which has been under development for several years. The area in question is currently within Phase V of the subdivision. As the area is under development to add more residences, Morningside Drive is currently being widened to include sidewalk, greenspace, bike lanes, and on-street parking. The property to the east and south is zoned NC, Neighborhood Conservation, which is a primarily single-family neighborhood zoning district. That said, immediately to the north, the property is zoned CS, Community Services, and to the west, across Morningside Drive, the property is zoned DG, Downtown General. Despite being zoned for it, the area is generally lacking in walkable services, with much of the surrounding area being characterized by residential uses. While there is already CS zoning immediately adjacent to this portion under consideration, staff finds that expanding the footprint of the CS zoning would provide additional opportunity to bring mixed-use, a variety of housing types, and other walkable services to an area that is rapidly growing in residential population. Given the availability of infrastructure like water and sewer and the improvements coming to Morningside Drive, staff finds that the request is compatible.**

Land Use Plan Analysis: **Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation of a City Neighborhood, and the goals of City Plan 2040. The property has a moderate infill score of 7, which may not fully represent all of the recent ongoing development in the area. The request also meets goals 3 and 4 of City Plan 2040, by leaning towards making compact, complete, and connected development the standard, as well as by adding potential walkable services to the area, positively contributes to a livable transportation network as well.**

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

Finding: **A rezone to CS from NC at this location would expand the opportunity to provide additional services and a mix of uses to a primarily residential neighborhood, which is in line with the City's Future Land Use plans for the area as a City Neighborhood.**

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

Finding: **Rezoning the property to CS at this site could increase traffic in the area. Staff finds that the request is at the corner of two Neighborhood Link Streets, which both have a design service volume of 6000 vehicles per day. Further, staff finds that Ozark Regional Transit currently serves the area along E. Huntsville Road, and that there is also an on-street bike lane on E. Huntsville Road. Given the design service volume of the streets, as well as the available alternative transportation methods in the area, staff finds that these alleviate concerns about added 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: **Rezoning the property from NC, Neighborhood Conservation to CS, Community Services has the potential to increase population density in this area. That said, staff finds that this increase in zoning, with the available water and sewer to the site and available street infrastructure, that the area can support the increase. The Fayetteville Public Schools did not comment on this request.**

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**

RECOMMENDATION: Planning staff recommends forwarding RZN-2021-000035 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: April 12, 2021	❒ **Tabled**	☒ **Forwarded** to City Council with a recommendation of approval	❒ **Denied**
Motion: Belden			
Second: Sharp			
Vote: 6-2-0 (Commissioners Paxton and Wiederkehr in opposition)			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §161.29 - Neighborhood Conservation
  - §161.22 - Community Services
- Applicant Request Letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.29 - Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density*. Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum*. 4,000 square feet

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15>; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6211 , §1, 8-6-19)

161.22 - 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 (3) and four (4) 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
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

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 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19)

RAUSCH COLEMAN HOMES

February 18, 2021

Jonathan Curth
City of Fayetteville

RE: Park Meadows Rezoning

Please accept this letter as a request to rezone approximately 1 acres of land located within the Park Meadows Subdivision, near the southeast corner of Morningside Drive and Huntsville Road. There is approximately 2.25 acres of property already zoned CS, Community Services at this corner. Our request is to rezone another 1-acre to Community Services, which will encompass the remaining land within Phase 5 of the development.

This property is directly across the street from land that is zoned DG, Downtown General and contains a mixture of land uses, including single-family homes, apartments, and commercial buildings. City Plan 2040 identifies this property as City Neighborhood, which is intended for the widest spectrum of uses and encourages density in all housing types.

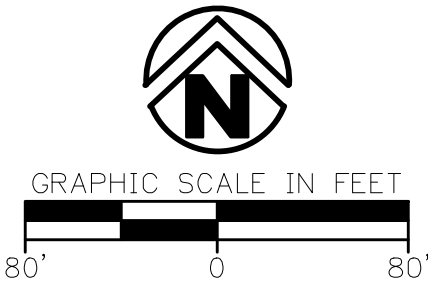
The request to rezone to CS, Community Services is in compliance with City Plan 2040 and compatible with surrounding land uses and zoning districts.

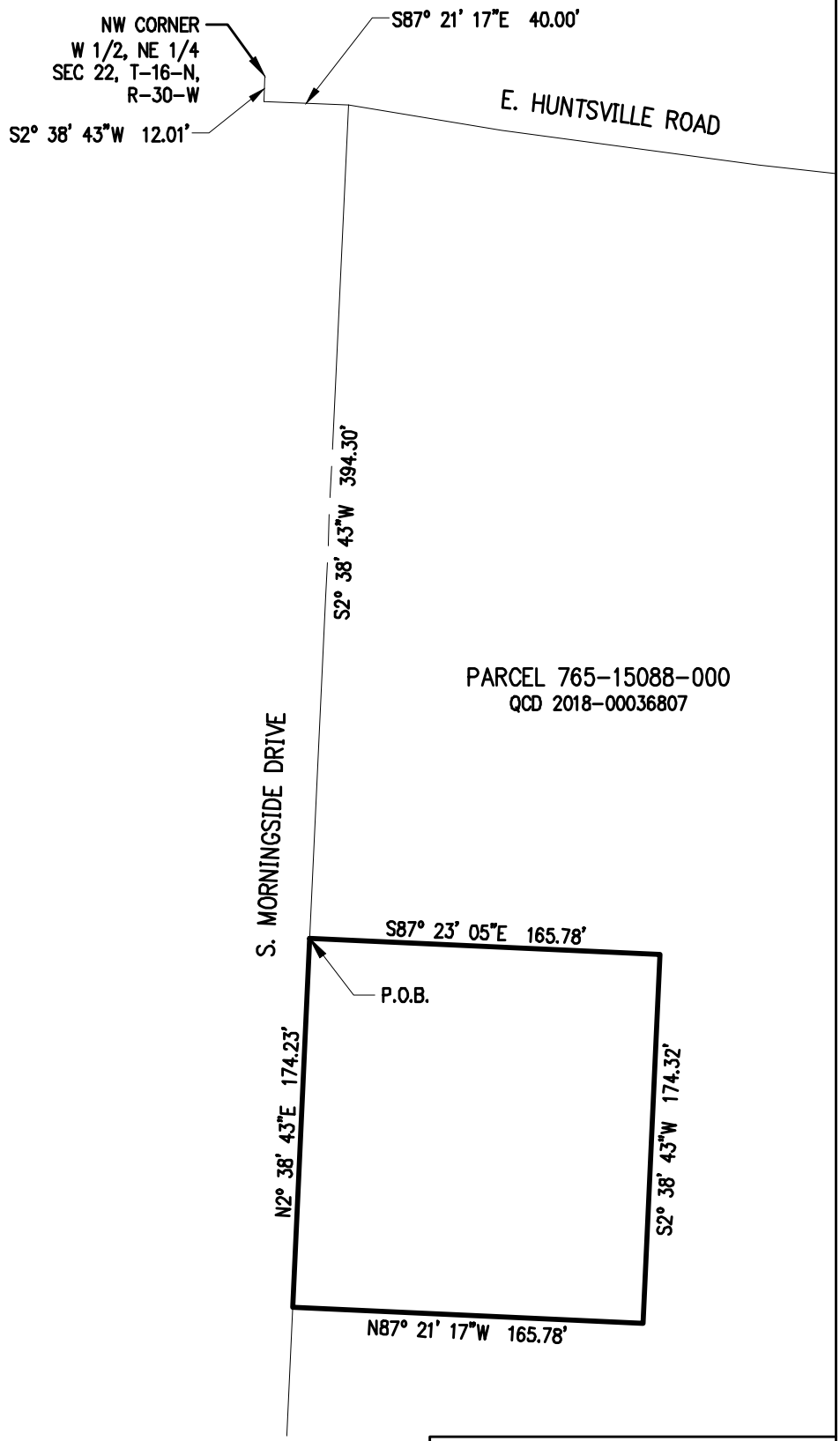
Sincerely,

Jesse Fulcher

Rausch Coleman
4058 N. College Avenue – Fayetteville, AR 72703 – Office: 479-455-9090 – Fax: 479-455-2026
www.rauschcolemanhomes.com

REZONE EXHIBIT





NOTE:
THIS REZONE EXHIBIT IS A GRAPHICAL REPRESENTATION OF THE REZONE DESCRIPTION, AND DOES NOT CONSTITUTE A BOUNDARY SURVEY.

DRAWING: G:\16108506_PARKMEAPH5\INFRASTRUCTURE\SURVEY\DWG\REZONE.DWG
LAYOUT: ---, LAST SAVED: KM676, 2/18/2021 11:49:18 AM
LAST PLOTTED BY: KEVIN MONTGOMERY, 2/18/2021 12:21:46 PM ("PLOTTED BY:" VALID ON HARD COPY ONLY)

PROJECT NO.:	DRAWN BY:	DATE:	SHEET:	CHECKED:
16108506		02/18/2021	1 OF 1	

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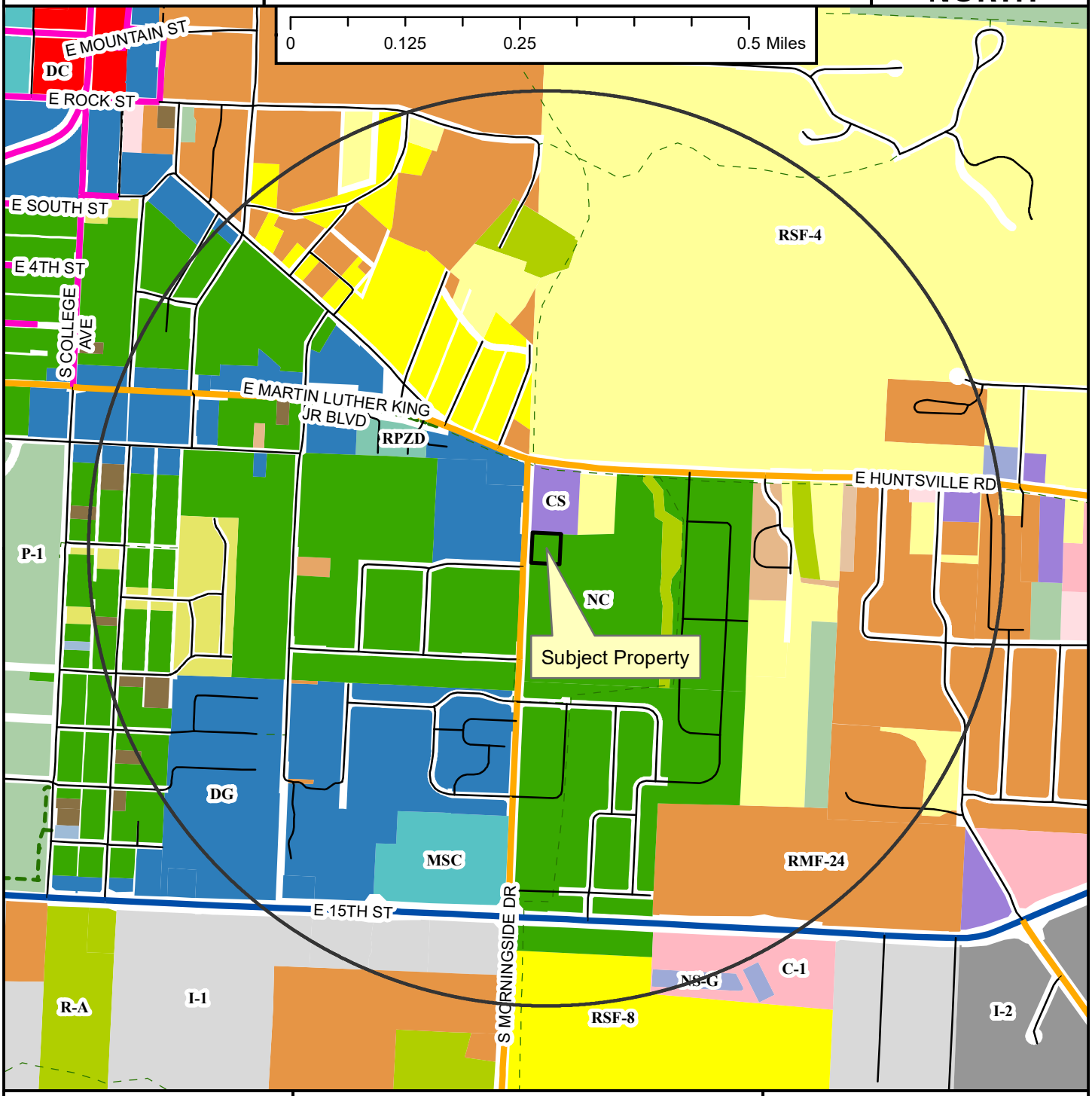
RZN-2021-000035

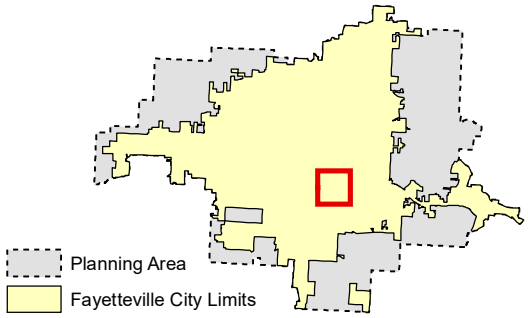
One Mile View

Park Meadows SD Ph V

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

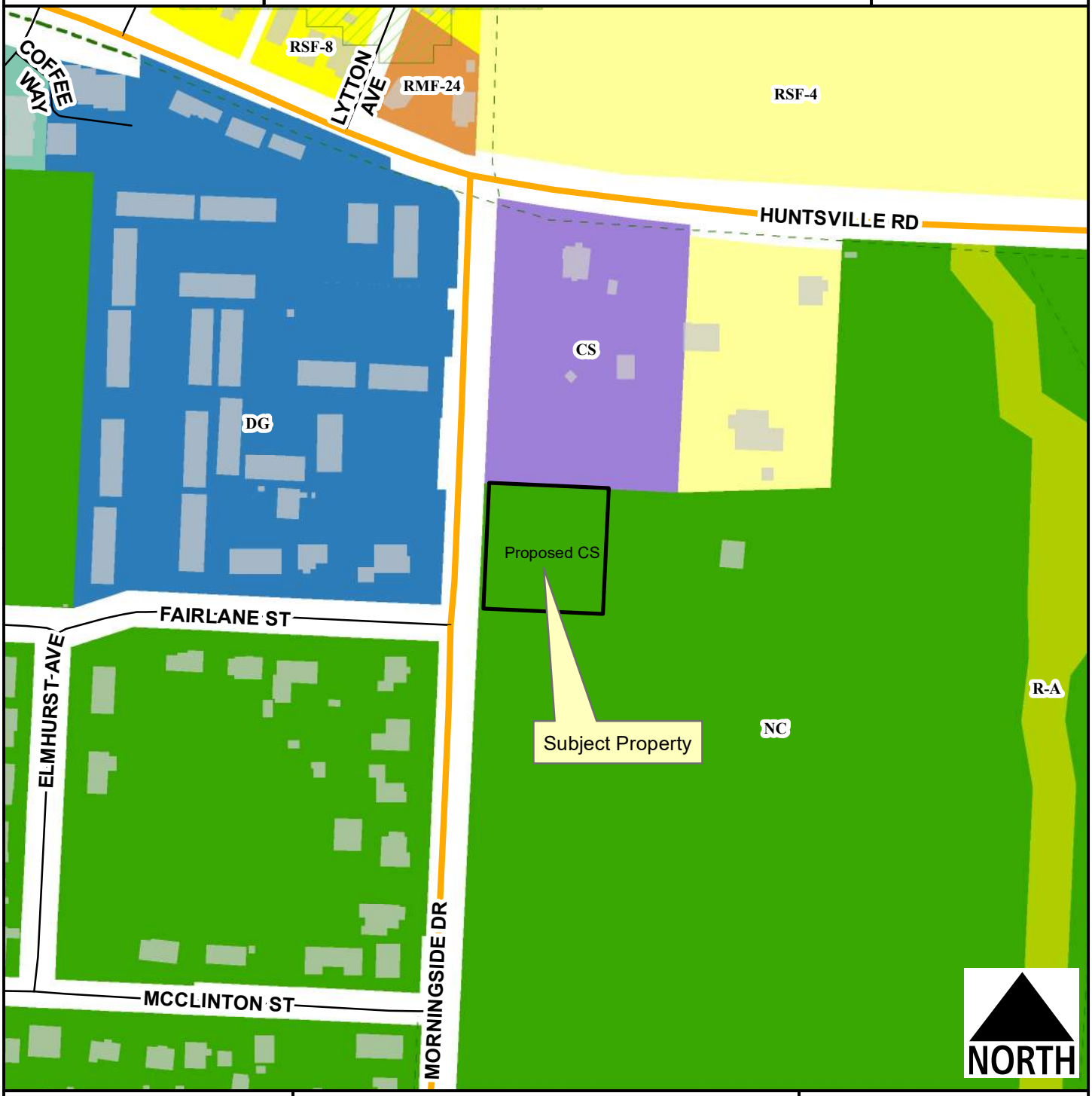
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2021-000035

Close Up View

Park Meadows SD Ph V



- Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Hillside-Hilltop Overlay District
- Fayetteville City Limits
- Planning Area

Feet

0 75 150 300 450 600

1 inch = 200 feet

Zoning	Acres
CS	0.7
Total	**0.7**

RZN-2021-000035

Current Land Use

Park Meadows SD Ph V

NORTH

Neighborhood Link

Fayetteville City Limits

Planning Area

Feet

0 35 70 140 210 280

1 inch = 100 feet

FEMA Flood Hazard Data

100-Year Floodplain

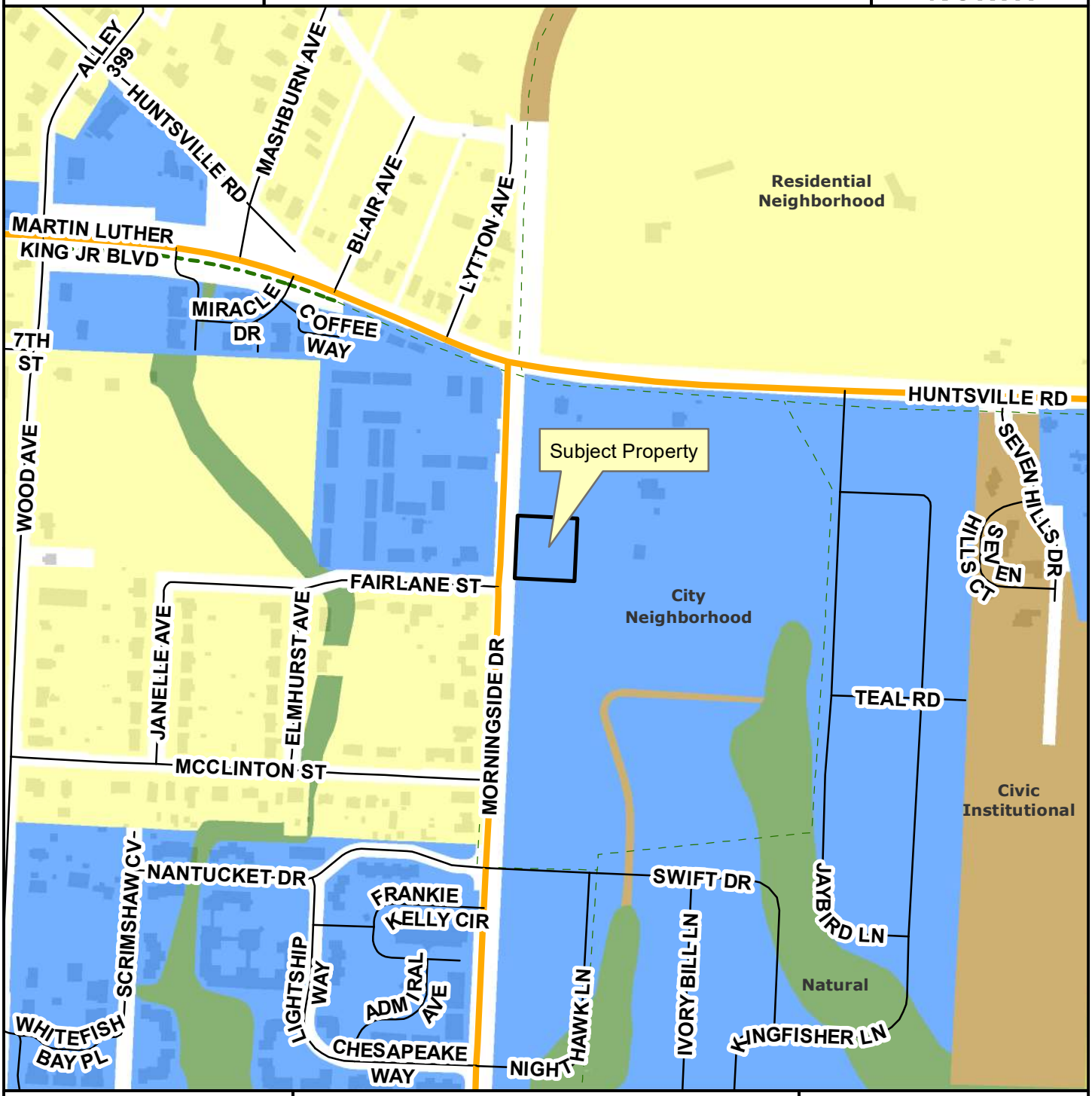
Floodway

RZN-2021-000035

Future Land Use

Park Meadows SD Ph V

NORTH



Neighborhood Link

Shared-Use Paved Trail

Trail (Proposed)

Fayetteville City Limits

Planning Area

Feet

0 145 290 580 870 1,160

1 inch = 400 feet

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center