



Legislation Details (With Text)

File #:	21-2169	Version:	1	Name:	P21-48: Rezoning
Type:	Consent	Status:		Status:	Agenda Ready
File created:	8/11/2021	In control:		In control:	City Council Regular Meeting
On agenda:	9/27/2021	Final action:		Final action:	
Title:	P21-48. Administrative adjustment to rezoning request P21-20: Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5), addressed as 5807 Bragg Blvd. (REID # 0419132446000), totaling 5 acres ±, and being the property of Jackson Howard, Sweetwater Capital, Marie Shaw Dee, Frank S. Shaw and John G. Shaw.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Plan Application, 2. P21-48 Aerial Notification Map, 3. P21-48 Zoning Map, 4. P21-48 Land Use Map, 5. Subject Property, 6. Surrounding Property, 7. Santa Fe - Color Site Plan, 8. Front Elevation, 9. Survey, 10. UDO Use Table				

Date	Ver.	Action By	Action	Result
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TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D. - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman, MPA - Planning & Zoning Division Manager

FROM: Craig Harmon, CZO - Planner II

DATE: September 27, 2021

RE:
P21-48. Administrative adjustment to rezoning request P21-20: Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5), addressed as 5807 Bragg Blvd. (REID # 0419132446000), totaling 5 acres ±, and being the property of Jackson Howard, Sweetwater Capital, Marie Shaw Dee, Frank S. Shaw and John G. Shaw.

COUNCIL DISTRICT(S):
4 - D.J. Haire

Relationship To Strategic Plan:
Strategic Operating Plan FY 2021
Goals 2026

- Goal 2: Responsible City Government Supporting a Diverse and Viable Economy
- Objective 2.4: Sustain a favorable development climate to encourage business growth

Goal 3: City Investment in Today and Tomorrow

- Objective 3.2 - Manage the City's future growth and strategic land use

Goal 4: Desirable Place to Live, Work and Recreate

- Objective 4.5 - Ensure a place for people to live in great neighborhoods

Executive Summary:

The property to be rezoned is just under five (5) acres. The property is currently vacant. It was formerly used as mobile home community. There are no permanent structures currently on the property. In the application for case P21-20, the applicant failed to include REID # 0419132446000. However, the applicant's survey did include a small section of said REID # that was intended to be rezoned.

The current zoning designation is SF-6. Adjacent land uses include a business park to the west and north (zoned BP/CZ), commercial to the east (zoned CC), and vacant land to the south (zoned SF-6).

On April 26, 2021, the City Council, as part of its consent agenda, voted to rezone a portion of the adjoining parcel 0419132000000 Mixed Residential 5 (MR-5) in case P21-20, for 994 Santa Fe Dr.

The Zoning Commission voted 5-0 to recommend approval of this case on August 10, 2021. There were no speakers in opposition.

Background:

In April on 2021, the City Council as part of its consent agenda rezoned approximately 22.5 acres immediately adjacent to the south of this property. It was the applicant's intention to rezone both areas with the first application. However, the applicant failed to include the parcel information (READ #) for this particular property. The owner has since submitted development plans to the City for an apartment complex on the property originally rezoned in April (case P21-20 - 994 Santa Fe Dr.) and the portion of property in this rezoning request.

This property is located between the intersections of Santa Fe Drive and Bragg Boulevard and Santa Fe Drive and Coalition Boulevard.

Applicant: Don Curry, Curry Engineering Group

Owners: Jackson Howard, Sweetwater Capital, Marie Shaw Dee, Frank S. Shaw and John G. Shaw

Requested Action: SF-6 to MR-5

Property Address: 5807 Bragg Blvd

Council District: 4 - D.J. Haire

Status of Properties: Vacant - former Mobile Home Community

Size: 5 +/- acres

Adjoining Land Use & Zoning:

- North - SF6 & BP/CZ: former Mobile Home Community and Business Park
- South - SF-6: former Mobile Home Community
- West - BP/CZ: Business Park
- East - CC: Commercial

Traffic Count: AADT on Santa Fe Drive is 39,000 autos per day.

Letters Mailed: 124

Land Use Plan:

According to the 2040 Future Land Use Plan and Map, this area is best served as mostly industrial employment center.

Currently the property remains vacant. The owner wishes to rezone these properties from SF-6 to MR-5, in order to build a multi-family community. This rezoning provides an opportunity to serve the community with multi-family housing, which addresses the need of a variety of ages and income levels. It also fulfills many of the stated goals of the Fayetteville Future Land Use Plan as it meets many of the needs associated with underutilized infrastructure and supporting the military.

While the proposed map amendment is not consistent with the future land use plan map, it does however help meet several of the plan's stated goals as follows:

1. This rezoning takes advantage of existing roadway and utility infrastructure to provide new residential homes focused around a strategic area of Fayetteville, namely the Bragg Blvd. corridor (ref. Goal #1 of the Fayetteville Future Land Use Map, FLUP).
2. This rezoning provides housing variety in an area that will serve the northern Fayetteville community and recognizes the importance of military installations (ref. Goal #6 and LU-11 of the FLUP).
3. This rezoning encourages economic development immediately adjacent to the Military Business Park by providing additional housing options, which supports the economic viability of this region and the Military Business Park in particular (ref. LU-2 of the FLUP).
4. This rezoning promotes development along underutilized corridors by redeveloping an abandoned property (ref. LU-3 of the FLUP).
5. This rezoning provides housing variety to serve a variety of ages and incomes with the multi-family zoning district (ref. LU-7 of the FLUP).

Issues/Analysis:

The subject property is within an area that contains a mixture of business park, commercial, and single-family residential zoning. The former mobile home community that was located on this property has been abandoned for close to 10 years. This property is located Between Bragg Boulevard and All American Expressway, two major thoroughfares.

Land within the City is generally classified by the UDO to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Area:

The request is for a rezoning from Single-Family 6 (SF-6) to Mixed Residential 5 Conditional Zoning (MR-5/CZ).

The purpose of the MR-5 zoning district is "established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may also include centrally-located open space,

complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D. Accessory Uses).”

The reclassification of land to a straight zoning district allows all of the uses that are shown in the MR -5 district on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Analysis:

The 2040 Future Land Use Plan and Map were adopted in 2020. The Plan and Map covers the entirety of Fayetteville’s incorporated limits and Municipal Influence Area (MIA). The plan contains some recommendations, which are broad concepts applicable to all development within those areas.

The Plan recommends Industrial/Employment Center (EC) for this area. The designation allows for primarily high intensity nonresidential uses with high impact or likelihood of nuisance. Regional employment centers including larger industrial uses or business parks.

Goals and Policy Recommendations

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application looks to follow the City’s strategic, compatible growth strategies by meeting the following goals of the Land Use Plan.

Goal 4: Foster Safe, Stable, and Attractive Neighborhoods

Land Use Policy 1: Encourage growth in areas well- served by infrastructure and urban services, including roads utilities, parks, schools, police, fire, and emergency services.

- 1.4: Require annexation and adherence to development standards for any development proposal within the city’s Municipal Influence Area (MIA) if city services are to be provided.
- 1.6: Require adequate infrastructure to be in place prior to or in tandem with new development
 - This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.
- 1.7: Encourage a logical progression of housing development and discourage “leapfrog” development
 - Leapfrog development is development that occurs in areas away from existing development and in areas currently not served by infrastructure or adjacent to services, esp. water/sewer. This type of growth can lead to higher costs of providing urban services.

Land Use Policy 6: Encourage Development Standards that Result in Quality Neighborhoods

- 6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.
 - Require a connected system of streets in new development and stub outs to areas of

future development

- Require sidewalks in new developments along both sides of public roadways (including the frontage of properties and internal roads)
- Encourage commonly-accessible open spaces in new residential subdivisions
- Require street trees in high-density residential developments and commercial areas
- Require canopy trees in new single-family neighborhoods

Land Use Policy 8: Require the Reservation of Open Space and Unique Natural Features in New Developments

- 8.2: Preserve unique natural features through site design

Land Use Policy 10: Support Land Use, Site Design and Capital Improvement Initiatives That Increase Resiliency, and Reduce Impacts from Flooding and Natural Disasters

- 10.1: Encourage on-site stormwater control measures that reduce impacts of new development
 - Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approve of map amendment/rezoning to MR-5;
2. Approve of map amendment/rezoning to a more restrictive zoning district; or
3. Deny the rezoning request.

Recommended Action:

Zoning Commission and Professional Planning Staff recommend APPROVAL of the map amendment to MR-5 based on the following:

- The proposed zoning map amendment does not match the Future Land Use Plan (FLUP) Map however, it does implement several of the goals and policies adopted plan. This application also implements the policies of the Unified Development Ordinance (UDO). While the Future

Land Use Plan calls for the subject property to be developed as an industrial employment center, it currently falls within a residential zoning district. Should this request be approved, the Future Land Use would be amended to represent the district and its uses. The proposed zoning district is compatible with the area, as this district already exists in the immediate area.

- The uses permitted by the proposed change in zoning district classification and standards apply to such use and will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties Photos
6. Surrounding Property Photos
7. Site Plan
8. Elevations
9. Land Survey
10. UDO Table of Uses