



## Legislation Text

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File #: 22-2819, Version: 1

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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  
Jennifer C Baptiste, CZO - Planning and Zoning Division Manager

**FROM:** Chester Green - Senior Planner

**DATE:** August 8, 2022

**RE:**  
**P22-21.** Rezoning of a property from Office Institutional (OI) to Limited Commercial (LC), located at the intersection of McArthur Road and Stacy Weaver (REID # 0530022660000), 3.59 acres ± and being the property of Thomas & Elizabeth McLean of Fayetteville, represented by Faison Covington.

**COUNCIL DISTRICT(S):**  
1 - Mayor Pro Tem Kathy Jensen

### **Relationship To Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2026

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base
- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.
- Objective 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspection services

### **Executive Summary:**

The applicants are requesting to rezone an undeveloped property at the corner of Stacy Weaver Drive and McArthur Road. The property was rezoned to Office and Institutional (OI) in 2013. Initially, the request was to rezone the property to Neighborhood Commercial (NC), but the City Council voted to rezone the property to the more restrictive OI district.

The applicant submitted a new application in 2016 for the property to be rezoned to LC, but he was willing to accept a zoning change to NC. City Council denied this rezoning.

The applicants have submitted this application to rezone the property from Office Institutional (OI) to Limited Commercial (LC). On June 14, 2022, the Zoning Commission heard the case and voted unanimously (5-0) to recommend approval of the rezoning application.

### **Background:**

Owner: Mclean Development Corporation

Applicant: Faison Covington

Requested Action: OI to LC

Property Address: northwest corner of Stacy Weaver Drive and McArthur Road.

Council District: 1

Status of Property: Undeveloped

Size: 3.59 acre +/-

Adjoining Land Use & Zoning:

North - SF-10: Single Family Residential

South - NC & LC: Commercial

West - SF-10: Single Family Residential

East - SF-10: Commercial Office

Letters Mailed: 61

Land Use Plan: Neighborhood Mixed Use (NMU)

### **Land Use Plans:**

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020. All properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as Low Neighborhood Mixed Use (NMU).

Neighborhood Mixed Use is best described as neighborhood scale commercial uses, Horizontal mix of uses and vertically in key locations with buildings of 1-3 stories. Smaller scale multi-family, attached and small lot single family are encouraged.

### **Issues/Analysis:**

#### **History:**

This proposed rezoning is located at the intersection of Rosehill, Stacy Weaver and McArthur Roads. In 2012, the owners asked for and were granted a right of way abandonment for the unopened portion of Farmview Drive that bisected this property. Currently the north side of McArthur Road is all zoned for Office and Institutional. The south side of McArthur Road, however, has both a library branch and a shopping center. The shopping center consists of a grocery store and several outparcels. The property is border to the north by a single family neighborhood.

In 2013, the City Council rezoned this property from Single-family Residential 10 (SF-10) to Office &

Institutional (OI). The initial application was a request to Neighborhood Commercial (NC). However, when the item was presented to City Council, Council voted to rezone to a more restrictive zoning district - Office & Institutional (OI) district.

In 2016, the owners submitted another application to rezone the property from OI to Limited Commercial (LC) but were willing to accept a zoning change to NC. Zoning Commission recommended approval of rezoning to NC. On September 12, 2016, this item went before City Council with a recommendation of approval from staff and The Zoning Commission. City Council voted eight in favor of denial and two in opposition.

#### Surrounding Area:

The site is bordered by a mix of zoning districts including SF-10, NC, and LC.

#### Rezoning Request:

The applicant is requesting to rezone the property from OI to LC which would allow for the development of more commercial uses.

The construction of the 295 Outer Loop and resulting interchange located within a mile of the subject property have increased the importance of orderly and consistent development on the subject property. The requested zoning district is in accordance with its place on a major arterial road that feeds directly into the developing 295 transit system. Furthermore, the natural increase in population of the area lends more importance to developing close-by commercial uses that are convenient and accessible to the surrounding population.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

#### Straight Zoning:

The request is for a straight zoning from OI to LC.

The LC District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood-e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods.

The proposed zoning district is compatible with the existing surrounding area. This district allows many of the same uses called for in the OI district.

The reclassification of land to a straight zoning district allows all of the uses that are shown 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 applicable regulations.

#### Land Use Plan Analysis:

According to Future Land Use Map & Plan, this area is recommended to be developed as Neighborhood Mixed Use (NMU). This category is best described as neighborhood scale commercial

uses, Horizontal mix of uses: vertically in key locations. Buildings 1-3 stories. Smaller scale multi-family, attached and small lot single family. Lower density on edges.

**Consistency and Reasonableness Statements:**

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 goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

**Budget Impact:**

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

**Options:**

1. Recommend approval of the map amendment/rezoning to LC;
2. Recommend approval of the map amendment/rezoning to a more restrictive zoning district; or
3. Recommend denial of the rezoning request.

**Recommended Action:**

Zoning Commission and Professional Planning Staff recommend that City Council move to Approve the map amendment to LC based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Neighborhood Mixed Use (NMU) is best described as neighborhood scale commercial uses, Horizontal mix of uses: vertically in key locations. Buildings 1-3 stories. Smaller scale multi-family, attached and small lot single family. Lower density on edges.
- The uses permitted by the LC 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 Property
6. Surrounding Property Photos
7. UDO Table of Uses
8. Consistency and Reasonableness Statements