

City Council Agenda Items
and
Contracts, Leases or Agreements

5/7/2013

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

RZN 13-4334: Rezone (2925 OLD MISSOURI RD./GOOD SHEPHERD, 253): Submitted by DEMX ARCHITECTURE for property located at 2925 OLD MISSOURI ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 3.8 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

[Signature] Department Director Date
[Signature] (type in ordinance) Date
[Signature] City Attorney Date

Previous Ordinance or Resolution # _____
Original Contract Date: _____
Original Contract Number: _____

Paul a. Becher 4-15-2013
Finance and Internal Services Director Date

Received in City Clerk's Office 04-12-13A11:29 RCVD
Kim G.

[Signature] 4-15-13
Chief of Staff Date

Received in Mayor's Office
[Signature]
4/12/13

[Signature] 4/15/13
Mayor Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: April 11, 2013

Subject: RZN 13-4334 (2925 Old Missouri/Good Shepherd Lutheran)

RECOMMENDATION

Planning staff and the Planning Commission recommend approval of an ordinance to rezone the subject property from RSF-4, Residential Single Family Four Units Per Acre, to P-1, Institutional.

BACKGROUND

The subject property contains approximately 3.8 acres at the southwest corner of Old Missouri Road and Rolling Hills Drive. The site is zoned RSF-4 and contains the Good Shepherd Lutheran Church and parking lot. The western portion of the site is bordered by Missouri Creek and its associated riparian area. The site was developed for the church many years ago. The church currently operates under a conditional use permit that was approved on July 23, 2012 that brought the existing church into compliance and allowed for improvements to the site (CUP 12-4165).

Proposal: The applicant requests to rezone the property from RSF-4, Residential Single Family Four Units Per Acre to P-1, Institutional in order to make the zoning map consistent with the existing long-term use of a church on the site, to allow for modification to their monument sign, and to prevent the church from having to go through the conditional use permit every time additions and expansions are desired.

DISCUSSION

On April 11, 2013 the Planning Commission voted 9-0-0 to forward this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4334, FOR APPROXIMATELY 3.8 ACRES, LOCATED AT 2925 OLD MISSOURI ROAD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

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 RSF-4, Residential Single-Family, 4 units per acre to P-1, Institutional, 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 , 2013.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

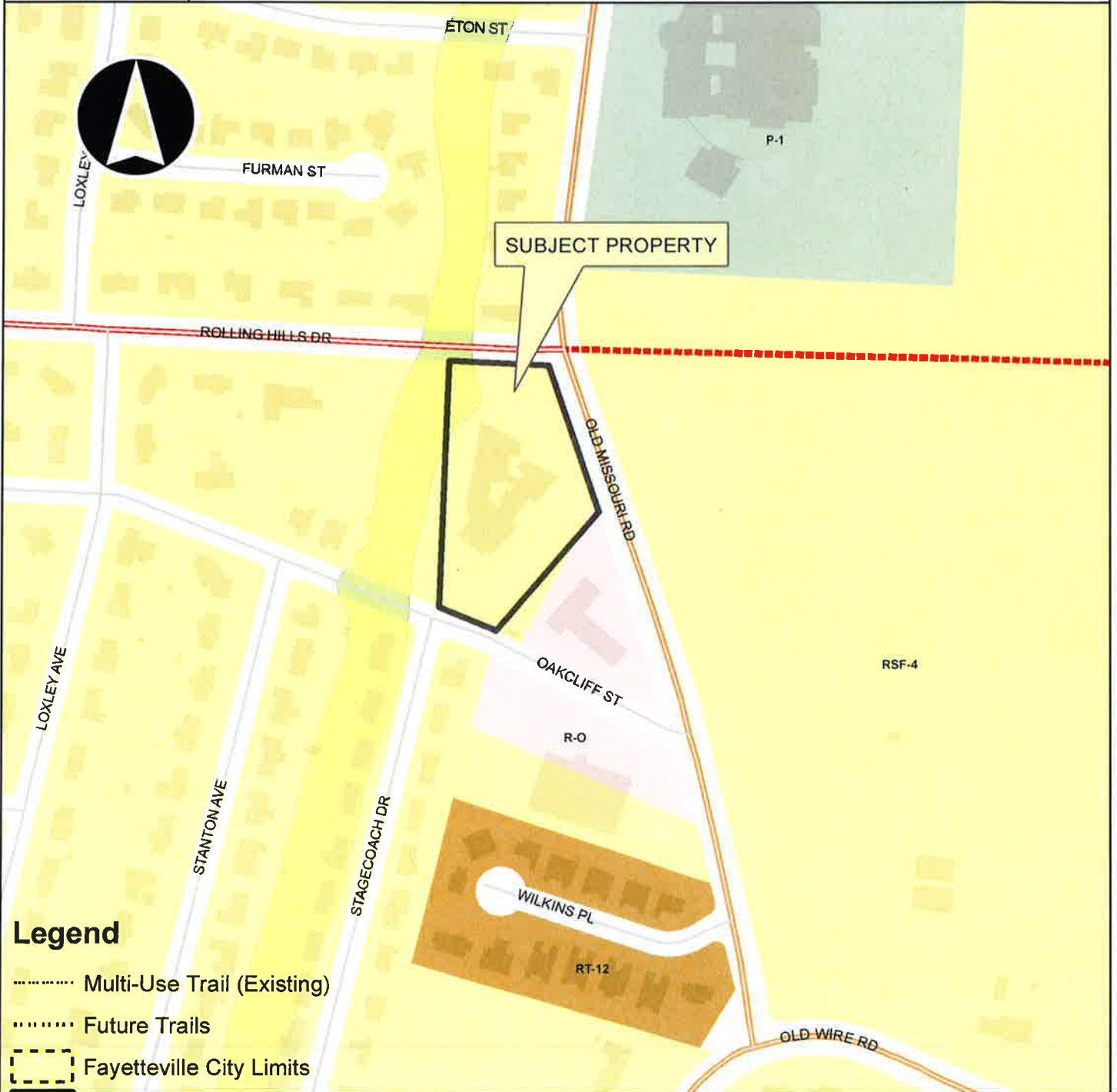
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4334

GOOD SHEPHERD

Close Up View



Legend

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

Overview RZN13-4334

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



EXHIBIT "B"
RZN 13-4334

PARCEL # 765-09205-000

LOTS NUMBERED EIGHT (8), NINE (9), AND TEN (10) AND A PART OF LOT NUMBERED (7), DESCRIBED AS BEGINNING AT THE COMMON CORNER BETWEEN LOTS 7 AND 8, BEING THE NORTHEAST CORNER OF SAID LOT 7, AT ROLLING HILLS DRIVE, AND RUNNING, THENCE NORTH 89°35' WEST FORTY NINE AND SIX-TENTHS (49.6) FEET WITH THE SOUTH LINE OF SAID ROLLING HILLS DRIVE, THENCE SOUTH FIVE HUNDRED TWENTY EIGHT AND TWENTY NINE HUNDREDTHS (528.29) FEET, THENCE SOUTH 70° EAST ONE HUNDRED NINE AND THREE-TENTHS (109.3) FEET TO THE SOUTH WEST CORNER OF SAID LOT 10, SAME BEING THE SOUTH EAST CORNER OF SAID LOT 7, THENCE NORTH 3°48' WEST FIVE HUNDRED SIXTY EIGHT AND THIRTY SIX HUNDREDTHS (568.36) FEET ALONG THE BOUNDARY LINE BETWEEN SAID LOTS 7 AND LOT 8, 9 AND 10 TO THE POINT OF BEGINNING, ALL IN BLOCK FIVE (5) OF OAKS MANOR ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF COUNTY AND STATE AFORESAID.* LESS

PART OF LOTS 9 AND 10 BLOCK 5 OF REPLAT OF LOTS 7,8,9, AND 10 BLOCK 5 OAKS MANOR SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT N 21°05'14.4" W 68.76 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 10, THENCE N 21°05'14.4" W 412.91 FEET, THENCE S 38°09'48" W 306.07 FEET, THENCE S 64°05'12" E 364.23 FEET, THENCE N 38°09'48" E 23.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.38 ACRES, MORE OR LESS, SUBJECT TO RIGHT OF WAY AND EASEMENTS OF RECORD.**

*LEGAL DESCRIPTION OF PROPERTY FROM WARRANTY DEED SEALED JULY 31, 1967 AND FILED FOR RECORD NOVEMBER 1, 1967. (SEE ATTACHED WARRANTY DEED)

**LEGAL DESCRIPTION OF PROPERTY DEEDED OUT TO ALBRIGHT, L.L.C. ON DECEMBER 20, 1993, FROM WARRANTY DEED SEALED DECEMBER 29, 1995 AND FILED FOR RECORD FEBRUARY 15, 1996.



PC Meeting of April 8, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
 Fayetteville, AR 72701
 Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Subdivision Committee
 FROM: Andrew Garner, Senior Planner
 THRU: Jeremy Pate, Development Services Director
 DATE: April 1, 2013 Updated April 11, 2013

RZN 13-4334: Rezone (2925 OLD MISSOURI RD./GOOD SHEPHERD, 253): Submitted by DEMX ARCHITECTURE for property located at 2925 OLD MISSOURI ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 1.38 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

Planner: Andrew Garner

BACKGROUND:

Property and Background: The subject property contains approximately 3.8 acres at the southwest corner of Old Missouri Road and Rolling Hills Drive. The site is zoned RSF-4 and contains the Good Shepherd Lutheran Church and parking lot. The western portion of the site is bordered by Missouri Creek and its associated riparian area. The site was developed for the church many years ago. The church currently operates under a conditional use permit that was approved on July 23, 2012 that brought the existing church into compliance and allowed for improvements to the site (CUP 12-4165). Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
 Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Single family residential	RSF-4, Residential Single Family 4 Units Per Acre
South	Single family residential/Office	RSF-4, Residential Single Family 4 Units Per Acre/ R-O, Residential Office
East	Undeveloped	RSF-4, Residential Single Family 4 Units Per Acre
West	Single family residential/Church of Christ Scientist	RMF-24, Residential Multi-Family 24 Units Per Acre

Request: The applicant requests to rezone the property from RSF-4, Residential Single Family Four Units Per Acre to P-1, Institutional in order to make the zoning map consistent with the existing long-term use of a church on the site, to allow for modification to their monument sign, and to prevent the church from having to go through the conditional use permit every time additions and expansions are desired.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding the rezoning request (RZN 13-4334 Good Shepherd Lutheran) to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>April 8, 2013</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: <u>Cook</u> Second: <u>Chesser</u> Vote: <u>9-0-0</u>
CITY COUNCIL ACTION: Required <u>YES</u> <input type="checkbox"/> Approved <input type="checkbox"/> Denied
Date:

INFRASTRUCTURE:

Streets: The site has access to Rolling Hills Drive and Old Missouri Road. Rolling Hills Drive is a fully improved two lane Principal Arterial with bike lanes and sidewalks in this location. Old Missouri Road is a fully improved two lane Collector street with a turn lane in this location. Street improvements within the property will be evaluated at the time of development.

Water: Public water is available to the property. There is a 6" water main along Old Missouri Road in this location. Public water main improvements may be necessary to provide fire flow for domestic service for any proposed development.

Sewer: Sanitary sewer is available to the site. There is an 8" collector along the western side of this property.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is affected by the 100-year floodplain and the Streamside Protection Zones associated with Missouri Creek along the western property line.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as **Residential Neighborhood Area**.*

G:\ETC\Development Services Review\2013\Development Review\13-4334 RZN 2925 Old Missouri Rd (Good Shepherd)\03 Planning Commission\04-08-2013\Comments and Redlines

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: The subject property is located at the intersection of a Principal Arterial and Collector streets, in close proximity to an elementary school, a church, an office complex, and a single family neighborhood. Staff finds that the proposed P-1 zoning would be compatible with the surrounding land uses and appropriately regulated. The P-1 zoning would also allow future improvements by right to the existing church on the site that would be beneficial to the community.

The proposed P-1, Institutional, zoning is consistent with the City's *Residential Area* land use designation that encourages non-residential uses in corner locations at connected corridors.

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

Finding: The proposed zoning to P-1, Institutional is justified in order for the zoning map to be consistent with the existing, long-standing use of a church on this property. If the property is not rezoned, the church must continually come back to the planning commission for conditional use permits for improvements and additions to their property. While that may be appropriate in certain sensitive land use settings and zoning districts, because of the busy corner location and other non-residential use in the vicinity, staff agrees with the applicant that a rezoning is justified at this time.

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

Finding: The existing church has over 700 members and brings in off-peak hour traffic, primarily on Sunday mornings, with various other typical church gatherings during the week. Rezoning from RSF-4 to P-1 would result in the potential for an increase in traffic compared with that allowed under the existing zoning. However, the street system in the surrounding area has been improved and accommodates relatively large volumes of traffic with Rolling Hills being a Principal Arterial and Old Missouri being a Collector Street. The surrounding street system is capable of supporting additional traffic that could be generated by the proposed zoning. Future development on the property would also be evaluated for potential street improvements.

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: Staff finds that the proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property. The change in zoning to P-1 would not permit uses that would adversely impact public services.

Increased load on public services were taken into consideration and recommendations from the Engineering, Police, and Fire Departments are included in this report.

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: Not applicable. Staff recommends in favor of the requested zoning.

Fayetteville Unified Development Code

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(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 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10)

Fayetteville Unified Development Code

161.29 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any 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.

deMx architecture, p.a.

Written Description for Rezoning

**Good Shepherd Lutheran Church
2925 Old Missouri Rd
Fayetteville, AR 72703**

Good Shepherd Lutheran Church, parcel #765-09205-000, is requesting rezoning to the P-1 (Institutional) classification. The lot is currently zoned RSF-4 (Residential Single Family) and owned by Good Shepherd Lutheran Church, with no pending property sales. The reason for rezoning is because in the past 12 months, Good Shepherd Lutheran Church has had to file for a conditional use permit in order to do minor additions to the property. Rezoning will alleviate the need for having to file for a conditional use permit every time that work is being done on the property. Also, since the property is already developed as a church, the P-1 classification is the most suitable for the existing conditions. The proposed zoning should have no effect upon the surrounding properties in terms land use, traffic, and appearance. Good Shepherd Lutheran Church has plans to construct a new monument sign to replace the existing monument sign. However, the planned new monument sign is not allowed under the current zoning. This sign will be approximately the same size as the existing sign, but it will materially match the existing church. The proposed zoning should not alter population density, increase the load on public services, or appreciably increase traffic danger and congestion, being that the property is already developed. There are existing 8" Sanitary Sewer and 6" CIP Lines on the property. The Church office hours are Monday – Friday 8:00am – 2:50pm and their services take place Sundays between 8:00am and 12:00pm. The church has eight employees and 717 congregation members. The peak hours for the church are during the two Sunday services between 8:00am and 12:00pm with an average of 253 members during this time.

RZN13-4334

GOOD SHEPHERD

Current Land Use



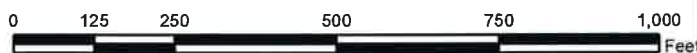
Legend

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

Overview

RZN13-4334

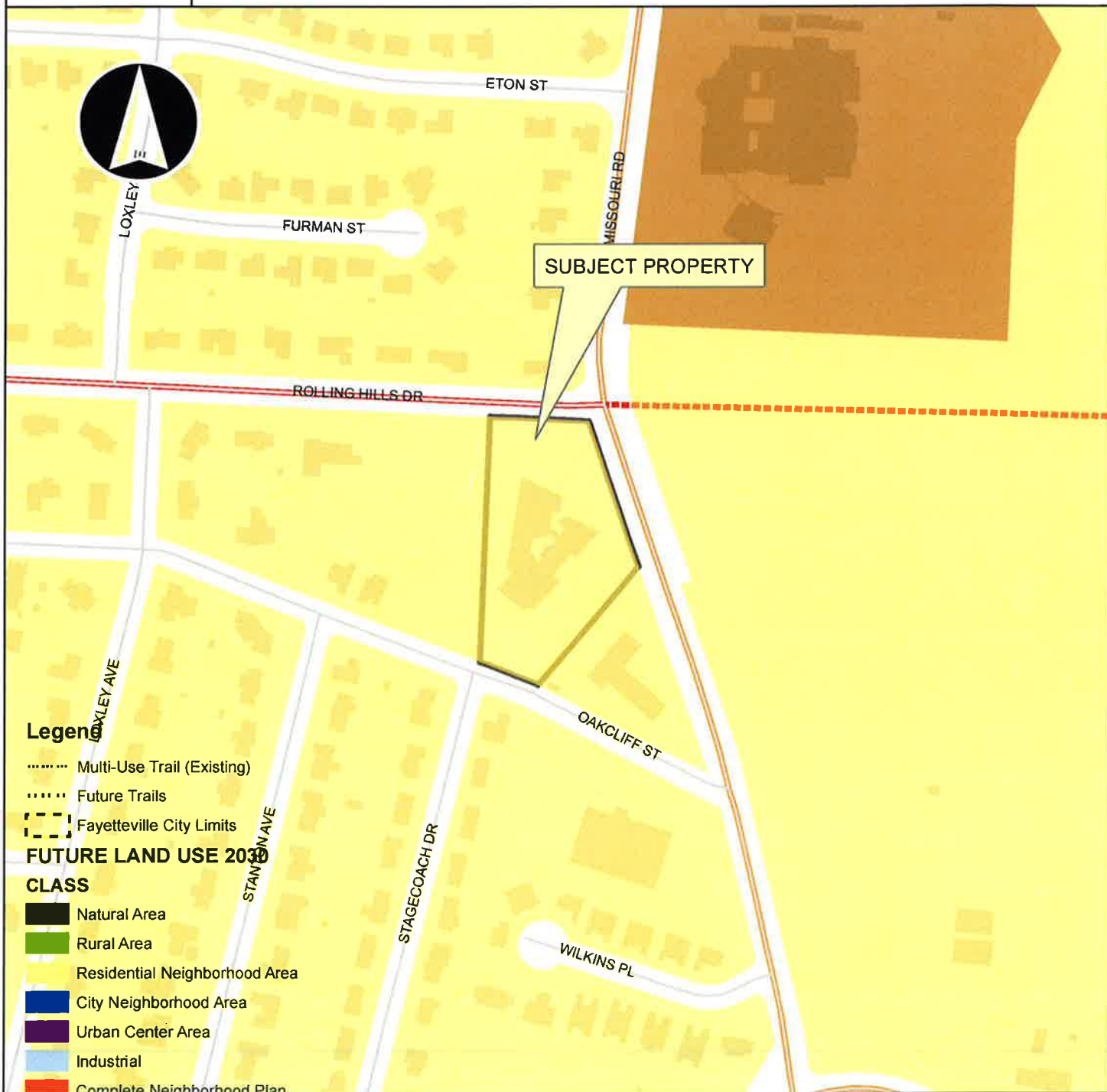
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4334

GOOD SHEPHERD

Future Land Use



Legend

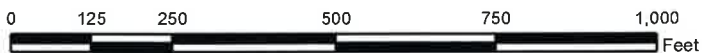
- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

FUTURE LAND USE 2038

CLASS

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

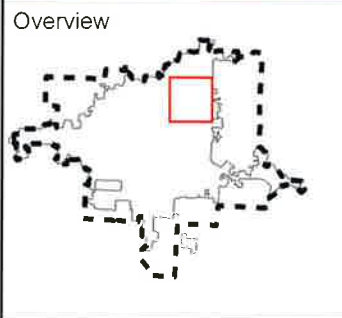
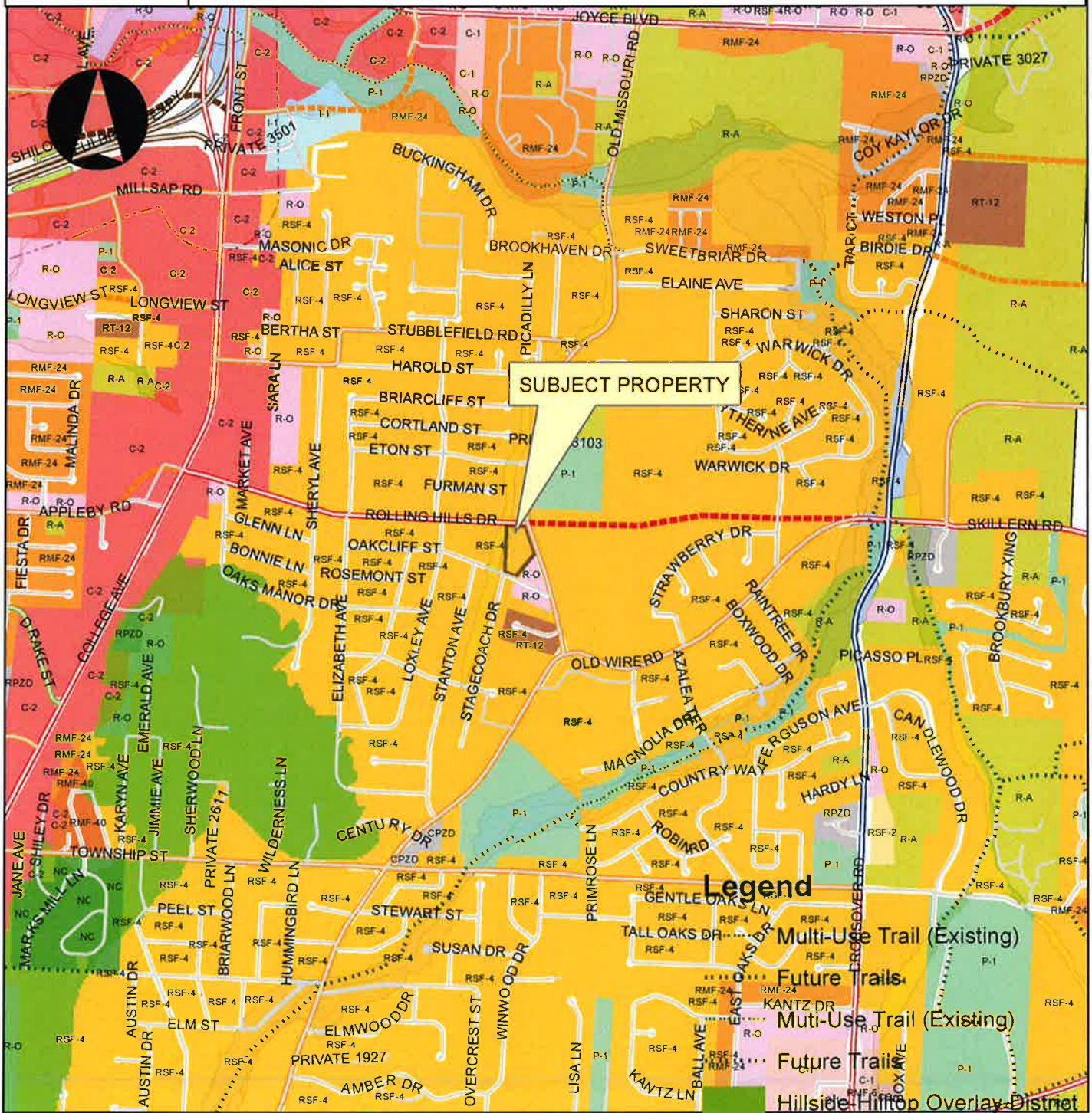
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- RZN13-4334
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4334

GOOD SHEPHERD

One Mile View



Legend

Subject Property
 RZN13-4334

Boundary

-  RZN13-4334
-  Design Overlay District
-  Planning Area
-  Fayetteville

