

City of Fayetteville Item Review Form

2013-0114

Legistar File Number

12/03/2013

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4520: Rezone (S. OF MARTIN LUTHER KING BLVD. AND EAST OF S. BEECHWOOD/EATON, 560): Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF MARTIN LUTHER KING BOULEVARD AND EAST OF SOUTH BEECHWOOD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 16.57 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Does this item have a cost? No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date	Program or Project Category
Project Number	Remaining Balance	Fund Name
	\$0.00	
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:



Paul A. Becken





11-13-13 P03:37 REVD 

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Andrew Garner, Director of Planning

From: Quin Thompson, Current Planner

Date: November 13, 2013

Subject: RZN 13-4520: Rezone (S. OF MARTIN LUTHER KING BLVD. AND EAST OF S. BEECHWOOD/EATON)

RECOMMENDATION: The Planning Commission recommends approval of an ordinance to rezone the property to CS, Community Services. Planning Division staff recommends approval of the request.

BACKGROUND: The subject property is located south of Martin Luther King Boulevard and east of Beechwood Avenue. The property is within the I-1 zoning district and contains multiple lots totaling approximately 16.57 acres. The properties are developed with warehouses and other businesses.

CITY PLAN 2030 FUTURE LAND USE MAP: *City Plan 2030 Future Land Use Plan designates this site as Industrial Area.* Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.

COMPATIBILITY: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as Industrial. This designation is often used to protect existing industrial uses and to safeguard existing businesses that may create noise or odor that are not compatible with other uses.

The CS zoning district is a significant downzone from I-1, and will provide opportunity for re-development that is more compatible with recent residential development than the current zoning allows. As discussed, with the recent rezoning and re-development of the adjacent property to the east from I-1 to CS, the rail line spur in this immediate vicinity has not been used for many years and market demand for industrial use in this neighborhood is not anticipated.

DISCUSSION: On November 12, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4520, FOR APPROXIMATELY 16.57 ACRES LOCATED SOUTH OF MARTIN LUTHER KING BOULEVARD AND EAST OF SOUTH BEECHWOOD FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO CS, COMMUNITY SERVICES

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 I-1, Heavy Commercial and Light Industrial to CS, Community Services, 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 "B"
RZN 13-4520

Parcel # 765-12169-000:

Part of the NW1/4 of the NE1/4 of Section 20, Township 16, Range 30, being described more particularly as follows; commencing at the SW corner of said 40, thence S89°20'51"E 25.00 feet, thence N00°23'31"E 25.00 feet to the POB, thence N00°23'31"E 170.00 feet, thence S87°22'37"E 57.40 feet, thence S86°10'24"E 227.34 feet, thence S01°54'03"W 155.47 feet, thence N89°20'51"W 280.20 feet to the POB, containing 1.06 acres more or less subject to any easements and/or rights-of-way of or not of record.

Parcel # 765-12170-002:

All of Block Numbered Five (5), LESS AND EXCEPT: the South 465 feet of equal and uniform width thereof, in the replat of Blocks 1, 2, 3, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16 and 17 of the Westwood Addition to the City of Fayetteville, Arkansas, as per plat on file in Plat Book 3 at Page 322 in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Parcel # 765-12170-000:

A part of Block Numbered Five (5) of the replat of Westwood Addition in the City of Fayetteville, Arkansas, more particularly described as follows: Beginning at a point which is 25 feet East and 285 feet North of the Southwest corner of the West Half (W ½) of the Northwest Quarter (NW ¼) of the Northeast Quarter (NE ¼) of Section Twenty (20), Township Sixteen (16) North, Range Thirty (30) West, thence North 180.00 feet, thence East 599.50 feet or the East line of said Block 5; thence South 180 feet to a point due east of the point of beginning; thence West 599.50 feet to the point of beginning, containing 2.48 acres, more or less.

continued

Parcel # 765-14838-000 & 765-14839-000:

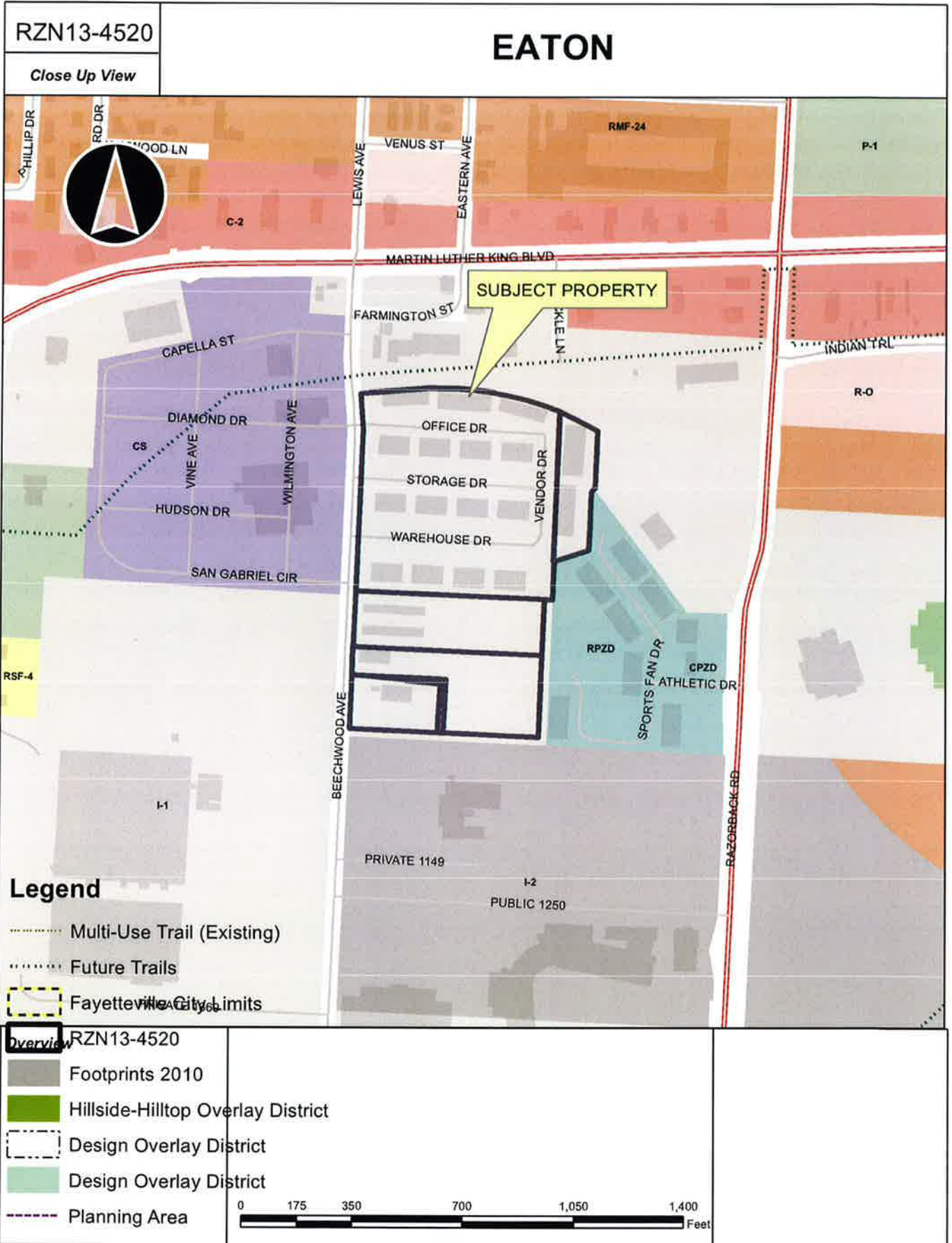
Tract B of Tract Split/Revised Easement Plat for Lazenby Residential Planned Zoning District and Lazenby Storage Units Large Scale Development, as shown on plat record 2006 at page 17842, records of Washington County, Arkansas, more particularly described as:

Part of the W1/2, NE1/4 of Section 20, Township 16 North, Range 30 West of the Fifth Principal Meridian in Washington County, Arkansas and being more particularly described as follows: Commencing at the NE corner of said W1/2, NE1/4 thence South 878.30 feet; thence West 119.80 feet; thence S00°16'03"E 451.25 feet; thence N88°48'23"W 113.84 feet; thence N88°19'47"W 457.98 feet; thence N00°48'44"E 583.39 feet to the Point of Beginning; thence North 479.17 feet to the South Right-of-way line of the "Old" Ozark and Cherokee Central Railroad, now known as the St. Louis & San Francisco Railroad; thence along said right-of-way the following bearings and distances: S64°49'33"E 98.36 feet; S63°36'17"E 36.92 feet; thence leaving said right-of-way and S00°28'00"W 181.81 feet; thence S43°27'11"W 15.91 feet; thence S00°03'08"W 187.19 feet; thence S69°45'17"W 116.70 feet to the Point of Beginning. Containing 1.14 acres more or less.

Parcel # 765-12170-001:

A part of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE ¼) of Section Twenty (20), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Commencing at the Southwest corner of said 40 acre tract, said point being an existing cotton spindle in Beechwood Avenue; thence S89°20'51"E 25.00 feet to a point; thence N00°23'31"E 195.00 feet to a chiseled "X" in a concrete sidewalk for the true point of beginning, said point being on the East right-of-way of Beechwood Avenue; thence N00°23'31"E 90.00 feet to a point; thence S89°20'51"E 599.50 feet to a point; thence S00°23'31"E 260.00 feet to a point; thence N89°20'51"W 319.30 feet to a set ½" iron rebar; thence N01°54'03"E along and in line with an existing chain linked fence; 155.47 feet to a set ½" iron rebar, thence N86°10'24"W 227.34 feet in line with and along an existing chain linked fence to a steel fence corner post; thence leaving said fence, N87°22'37"W 57.40 feet to the Point of Beginning, containing 2.52 acres, more or less, Fayetteville, Washington County, Arkansas.

EXHIBIT "A"





PC Meeting of November 12, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~November 05, 2013~~ UPDATED November 13, 2013

RZN 13-4520: Rezone (S. OF MARTIN LUTHER KING BLVD. AND EAST OF S. BEECHWOOD/EATON, 560): Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF MARTIN LUTHER KING BOULEVARD AND EAST OF SOUTH BEECHWOOD. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 16.57 acres. The request is rezone the property to CS, COMMUNITY SERVICES. Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located south of Martin Luther King Boulevard and east of Beechwood Avenue. The property is within the I-1 zoning district and contains multiple lots totaling approximately 16.57 acres. The properties are developed with warehouses and other businesses. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Rail road ROW & Custom Powder Coating	I-1, Heavy Commercial and Light Industrial
South	Tyson Company	I-2, General Industrial
East	Residential Multi-family/Commercial	I-1, Heavy Commercial and Light Industrial/ Residential Planned Zoning Development
West	Multi-Family Residential/Surface parking	CS, Community Services/ I-1, Heavy Commercial and Light Industrial

Request: The request is to rezone the property from I-1, Heavy Commercial and Light Industrial, to CS, Community Services.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4520 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>November 12, 2013</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: HOSKINS Second: CHESSER Vote: 6-0-0			
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Date:			

INFRASTRUCTURE:

Streets: The site has access to Beechwood Ave. Beechwood Ave. is a fully improved two lane city street in this location. Street improvements will be evaluated at the time of redevelopment.

Water: Public water is available to the property. There is an 8" water main along Beechwood Ave. on the west side of this property and also 8" and 6" lines within the property.

Sewer: Sanitary sewer is available to the site. There is an 8" sewer main in the center of this property.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.

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 2030 Future Land Use Plan designates this site as **Industrial Area**. Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.*

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: This property is currently in various uses typical of light industry, such as warehousing and industrial use. The neighborhood, has, however, been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as Industrial. This designation is often used to protect existing industrial uses and to safeguard businesses that may create noise or odor that are not compatible with other uses.

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 justified due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and light commercial uses, which are compatible with the changing neighborhood.

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 Beechwood Avenue, a fully improved two lane street. The proposed zoning would allow uses likely to increase traffic, but it is unlikely that traffic danger or congestion would be appreciably increased. 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 industrial to mixed use will allow for the development of residential and commercial uses, however development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

161.27 District I-1, Heavy Commercial and Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 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 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; 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; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

161.19 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-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

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 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
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	56 ft.
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(G) *Minimum buildable street frontage. 50% of the lot width.*

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

C. 3
RZN 13-4520 (S. of Martin Luther King
Blvd. and East of S. Beechwood Eaton)
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124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
JUSTIN L. JORGENSEN, P.E.
BLAKE E. JORGENSEN, P.E.

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Rezoning

This letter is in regards to a proposed rezoning and the following required information:

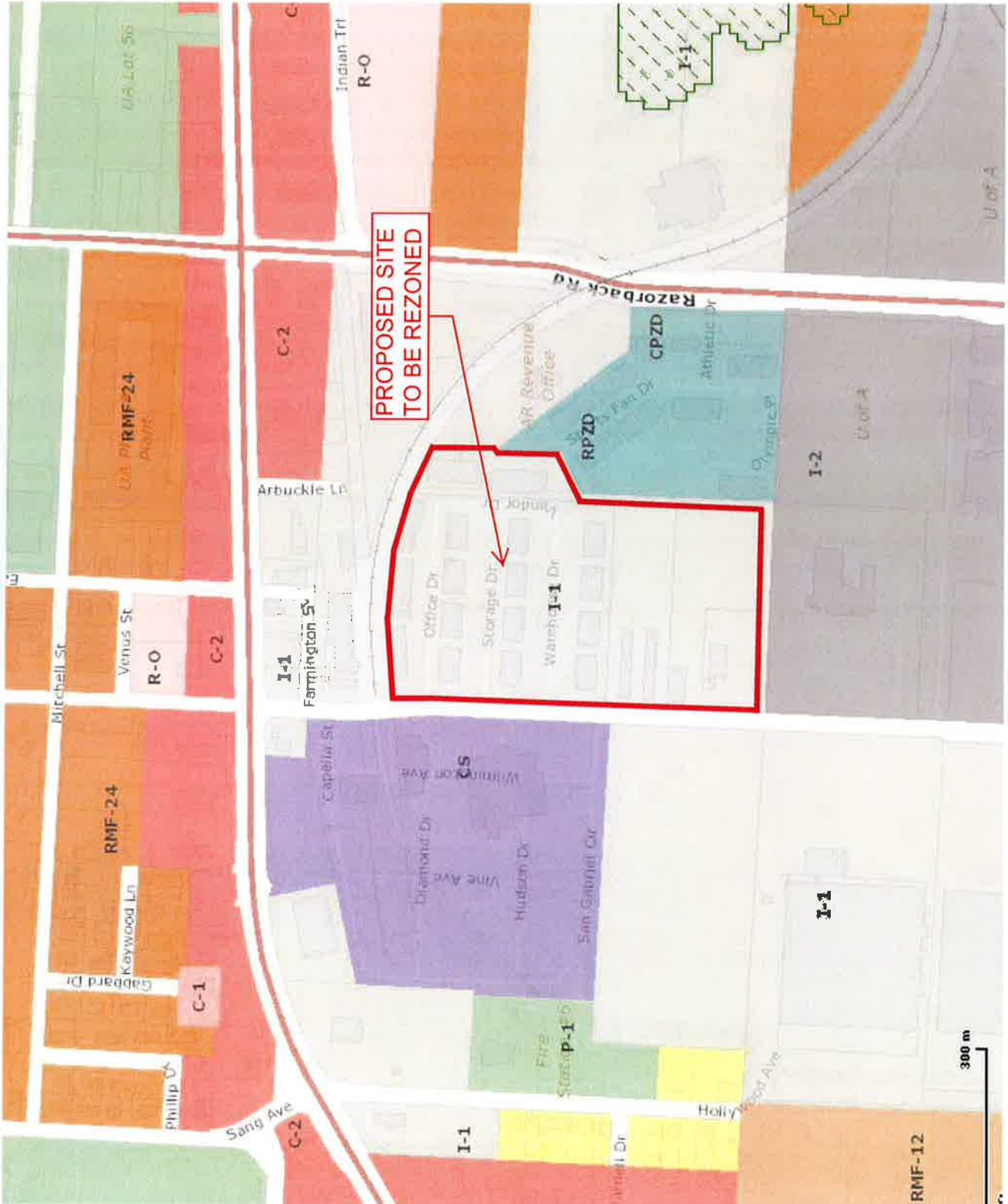
- A. The current owner of this site is as follows:
 - a. 765-12170-002 & 765-12170-000: Eaton Properties, LLC
 - b. 765-14838-000 & 765-14839-000: Razorback Road Stadium Complex
 - c. 765-12170-001: Beechwood Enterprises, LLC
 - d. 765-12169-000: Danny Bunting
- B. Currently this property is zoned I-1. The reason for the requested *Community Service* zoning is to allow this property to be more marketable to allow for more varieties of potential uses.
- C. The property due west is zoned Community Services and has Student Housing. The property to the north and south is zoned I-1 and a portion of the eastern side has a PRZD zoning. With the addition of the Domain Student Housing development to the west an evaluation of compatibility of Community Services was undertaken and found to be an appropriate zoning, with this finding, we feel that this property would be compatible as well with the requested zoning.
- D. Existing water and sewer are already at this site (8" Water and Sewer run along Beechwood).
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development in the future as to be consistent with the recent rezoning of the Domain property to the west from Industrial to Community Services.
- F. The trend of re-utilizing land in this area is an effort to maximize and diversify use and has found to be successful.
- G. With the development of the Domain Student Housing project to the west, improvements to the intersection of Beechwood and Martin Luther King Junior Blvd have decreased traffic danger and congestion.
- H. The potential to increase the population density in this area as a result of this rezoning would aid in supplying a demand to existing commercial uses along Martin Luther King Junior Blvd and would not undesirably increase load on public services.
- I. Industrial zoning limits the use of this land as compared to the mixed available uses found under the Community Services Zoning.

Sincerely;

Blake E. Jorgensen, P.E.



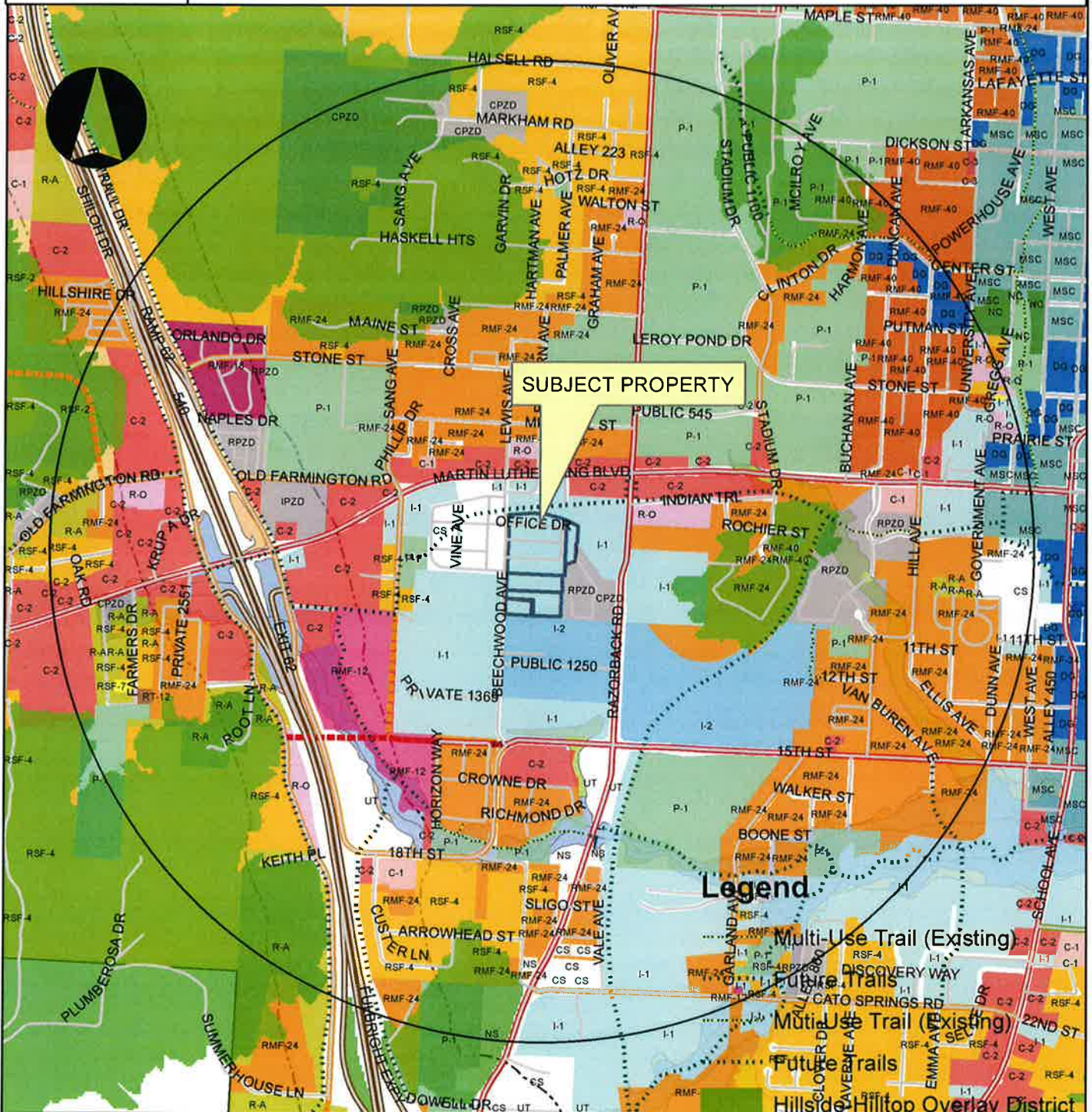
CURRENT ZONING MAP



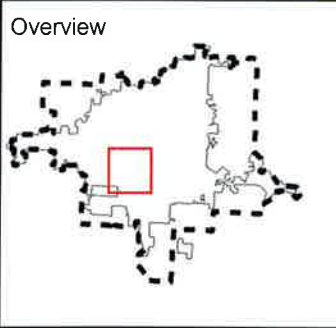
RZN13-4520

EATON

One Mile View



SUBJECT PROPERTY



Legend

- Subject Property
- RZN13-4520
- Boundary
- RZN13-4520
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1
 Miles

RZN13-4520

EATON

Close Up View

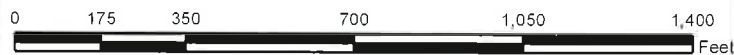


Legend

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

Overview

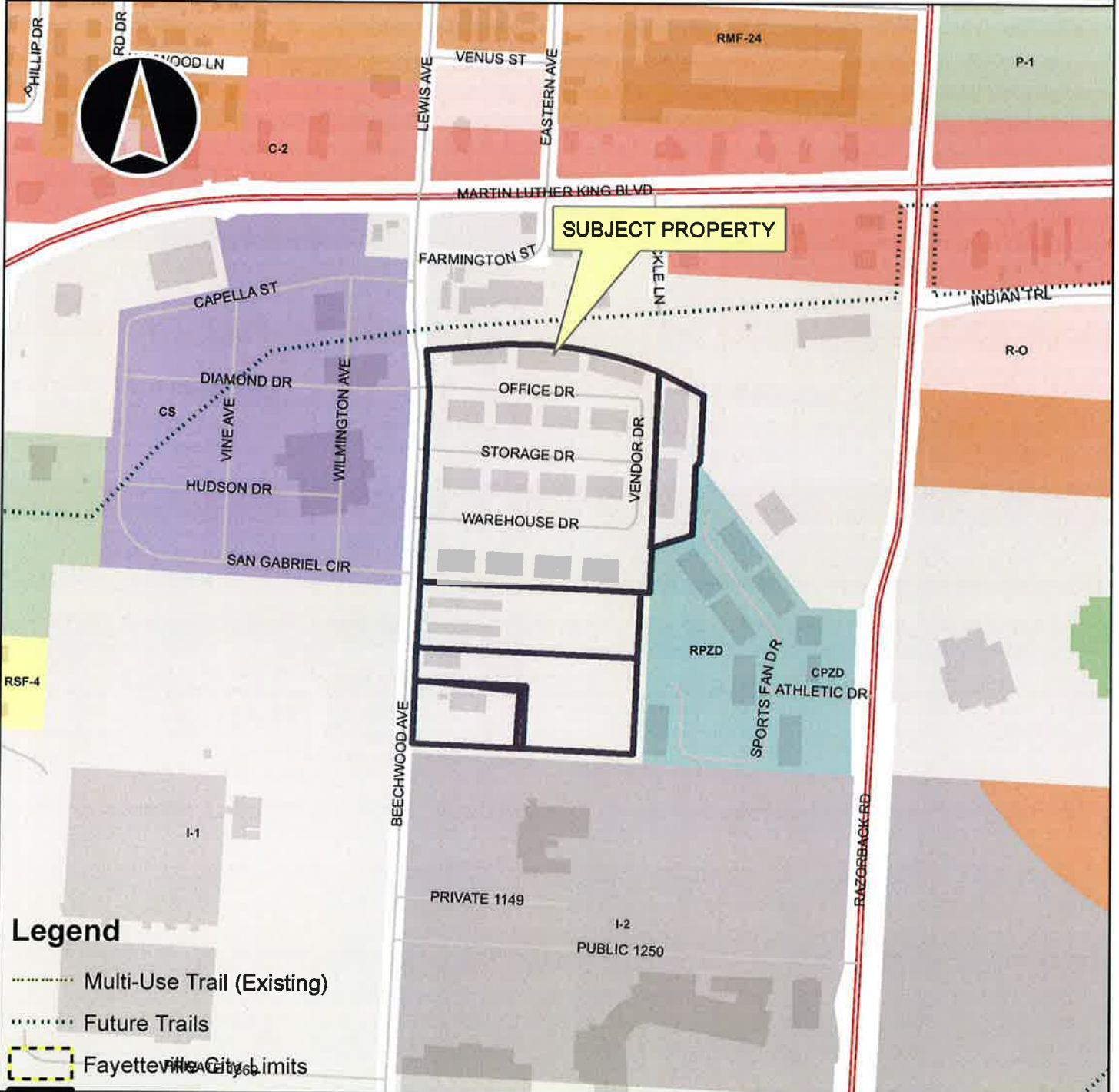
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN13-4520

EATON

Close Up View



Legend

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

Overview RZN13-4520

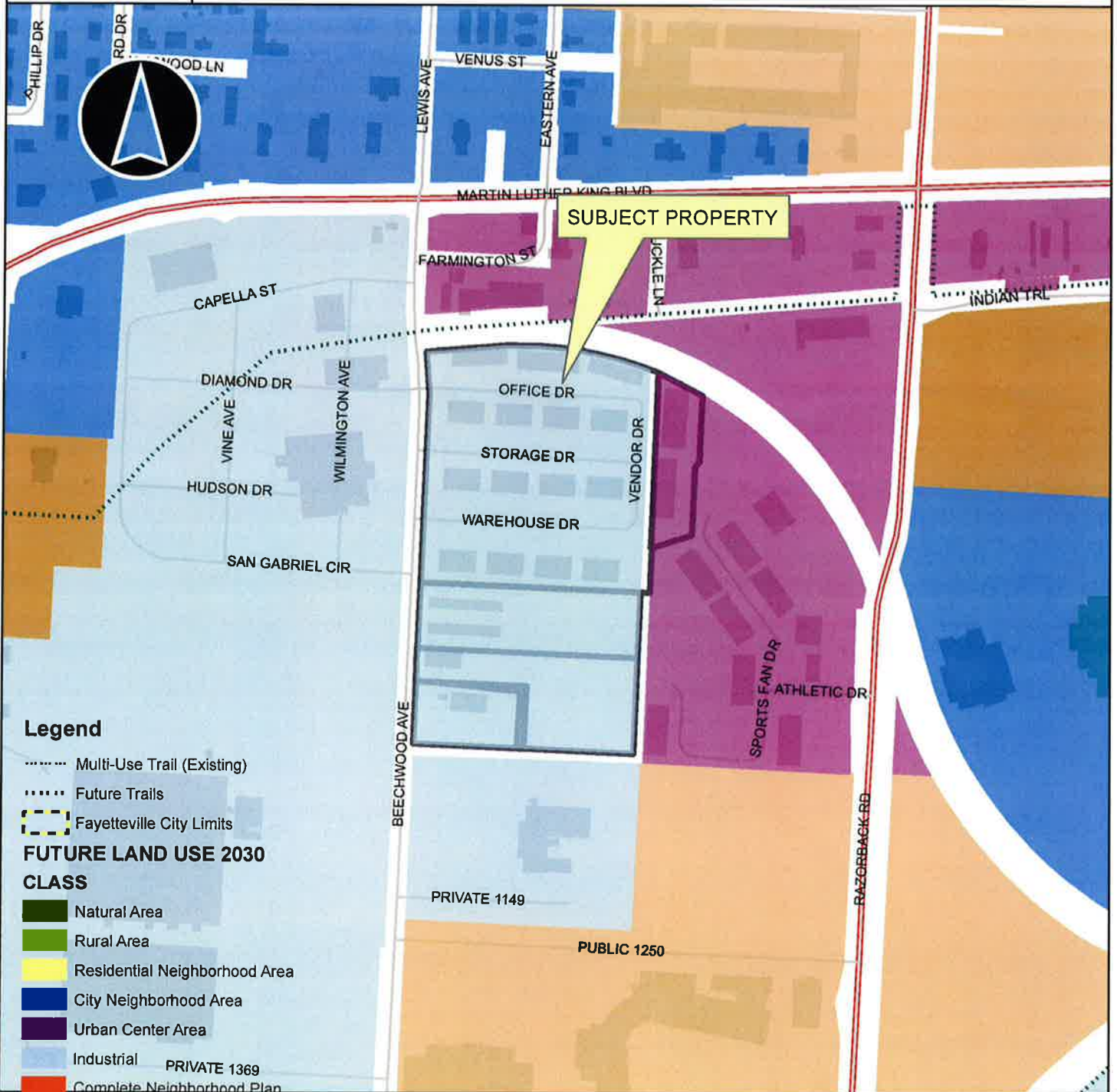
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- Planning Area



RZN13-4520

EATON

Future Land Use



Legend

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

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
- RZN13-4520
- Design Overlay District
- Design Overlay District
- Planning Area

