

City of Fayetteville Item Review Form

2013-0234

Legistar File Number

01/07/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4546: Rezone (4377 HUNTSVILLE RD./BALDWIN CHURCH OF CHRIST, 569): Submitted by JORGENSEN AND ASSOCIATES for property located at 4377 HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 2.07 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

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
_____	\$0.00	_____
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

URGENT
Ang Man 12/19/13
David J... 12/20/13

[Signature]
12-18-13
Paul A. Bush 12-19-2013

ENTERED
12/18/13
[Signature]

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: December 16, 2013

Subject: **RZN 13-4546:** Rezone (4377 HUNTSVILLE ROAD/BALDWIN CHURCH OF CHRIST)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property to P-1, Institutional.

BACKGROUND: The subject property is located at 4377 Huntsville Road. The property is within the RSF-4 (Residential Single-Family/4 units per acre) zoning district and contains two lots totaling approximately 2.07 acres. The property has been in use by the Baldwin Church of Christ for more than 60 years, and is considered an existing and non-conforming use in the zoning district. The church would like to construct a new sign of a type that is not allowed within the RSF-4 zoning district, and there is no path to seek a variance of the ordinance. The Church is therefore seeking to rezone the property to P-1, Institutional in order to bring the use into conformance with the zoning and to allow for the new sign.

CITY PLAN 2030 FUTURE LAND USE MAP: City Plan 2030 Future Land Use Plan designates this site as *Residential Neighborhood Area*. These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. **It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood.**

COMPATIBILITY: Baldwin Church of Christ has been a part of this neighborhood for approximately 60 years; no change in that use is proposed. The use and proposed zoning are compatible with the City Plan 2030, which encourages low-intensity non-residential uses intended to serve the surrounding neighborhood. Small community churches in general, and the Baldwin Church of Christ in particular, meet this goal of City Plan 2030.

The proposal to rezone the property to P-1, Institutional will bring the property and use into alignment with zoning ordinance and remove an existing non-conformity.

DISCUSSION: On December 09, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 8-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4546, FOR APPROXIMATELY 2.07 ACRES, LOCATED AT 4377 HUNTSVILLE 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

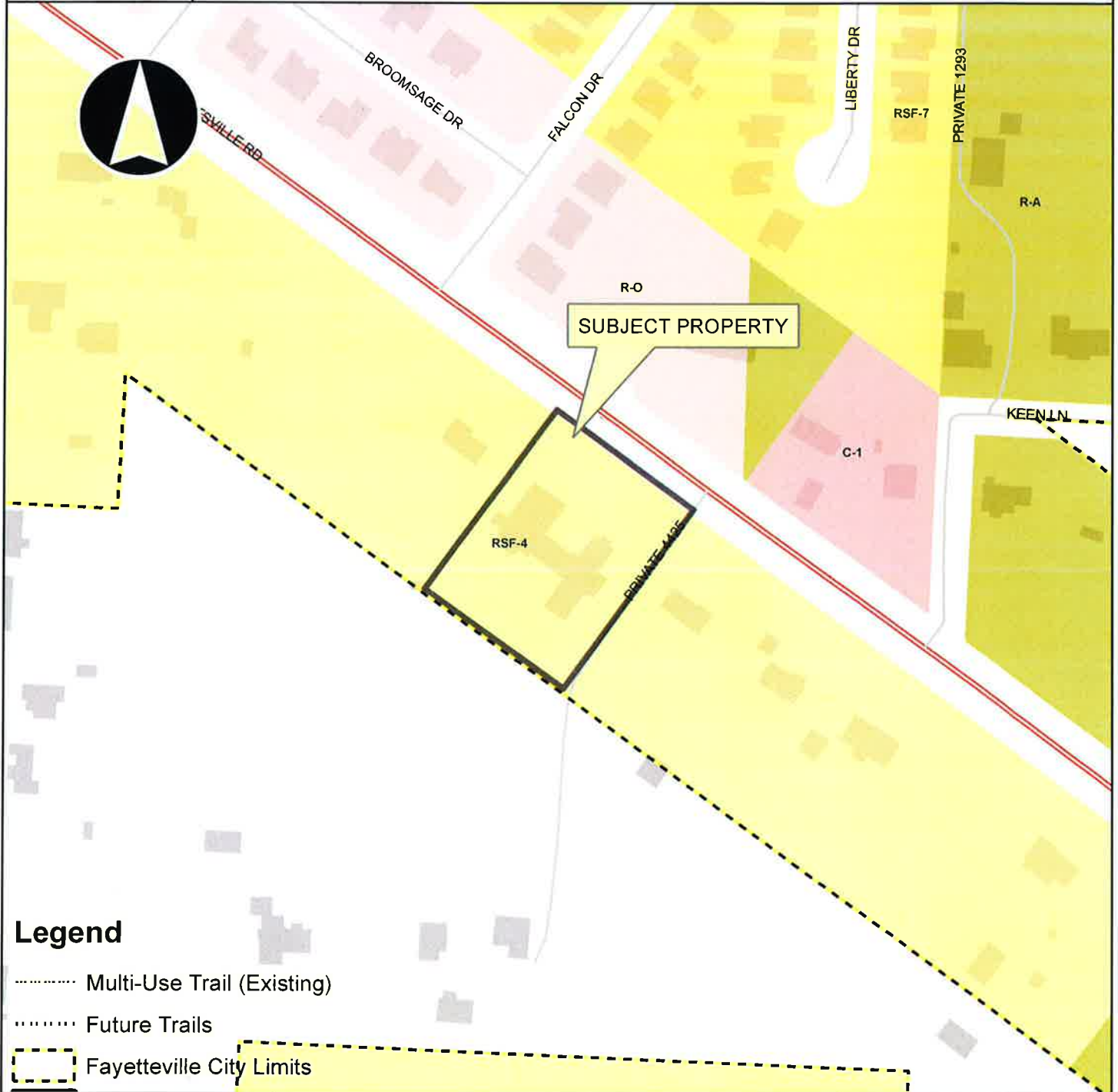
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4546

BALDWIN CHURCH OF CHRIST

Close Up View



Legend

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

Overview

RZN13-4546

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



EXHIBIT "B"
RZN 13-4546

LEGAL DESCRIPTION (PARCELS # 765-13103-000 & 765-13105-000)
PART OF THE SE1/4, NW1/4 OF SECTION 19, T16N, R29W IN WASHINGTON COUNTY,
ARKANSAS AND BEING DESCRIBED AS FOLLOWS; COMMENCING AT THE SE CONER OF
SAID SE1/4, NW1/4 THENCE NORTH 531.96 FEET, THENCE N 56°30'W 390.00 FEET TO THE
POB; THENCE ALONG THE SOUTH RIGHT OF WAY OF HWY 16 N 56°30'W 230.00 FEET,
THENCE LEAVING SAID R/W S33°30'W 300.00 FEET, THENCE S 56°30'E 230.00 FEET, THENCE
N 33°30'E 300.00 FEET TO THE POB CONTAINING 2.07 ACRES MORE OR LESS SUBJECT TO
EASEMENTS AND RIGHT OF WAY



PC Meeting of December 09, 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: ~~December 01, 2013~~ UPDATED 12-18-2013

RZN 13-4546: Rezone (4377 HUNTSVILLE ROAD/BALDWIN CHURCH OF CHRIST, 569): Submitted by JORGENSEN & ASSOCIATES for property located at 4377 HUNTSVILLE ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY FOUR UNITS PER ACRE and contains approximately 2.07 acres. The request is to rezone the property to P-1, INSTITUTIONAL. Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located on the south side of Huntsville Road (AR 16 E) at 4377 Huntsville Road. The property is within the RSF-4 zoning district and contains two lots totaling approximately 2.07 acres. The property is currently developed, and contains a church that has been on the property for over 60 many years.

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	R-O, Residential Office
South	Undeveloped	None (Washington County)
East	Single Family Residential	RSF-4, Residential Single-Family, 4 units per acre
West	Single Family Residential	RSF-4, Residential Single-Family, 4 units per acre

Request: The request is to rezone the property from RSF-4, Residential Single Family to P-1, Institutional for the installation of a new sign for the existing church. The sign limitation in RDF-4 does not allow the size/type of sign desired by the church and there is not a sign variance option.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4546 to the City Council with a recommendation for approval based on findings stated herein.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>December 09, 2013</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Cook	Second: Chesser	Vote: 8-0-0	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Date: January 07, 2013			

INFRASTRUCTURE:

Streets: The site has access to State Highway 16 (Huntsville Road). State Highway 16 is a two lane, unimproved, open-ditch road and any required improvements to the road would be determined at the time of re-development.

Water: Public water is available to the property. There is an 8" water main along State Highway 16 on the northeast side of this property.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main that runs across the southwest portion of the parcels, through the existing parking lot.

Drainage: Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or 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 **Residential Neighborhood Area**.*

***Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily*

and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

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 has been used by the Baldwin Church of Christ for many years. The proposal to rezone the property to P-1, Institutional will allow the existing church use to be brought into zoning compliance and allow for the type of new sign desired by the church. The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Non-residential uses intended to serve the neighborhood such as a church are permitted in the P-1 zone, and are consistent with this designation.

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 by the fact that the property has been in constant use by the Baldwin Church of Christ for many years, and the approved rezone would bring the property into zoning compliance with the existing use.

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 Huntsville Road, an unimproved two lane State Highway. The proposed zoning would allow an existing use by right, and is unlikely that increase traffic danger or congestion would be appreciably increased. Street improvements will be assessed at the time of future 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 residential to institutional use 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

Unified Development Code Chapter 161: Zoning Regulations

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
Unit 44	Cottage Housing Development

(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; Ord. 5462, 12-6-11)

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.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10)



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

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

10/15/13

Att: Jesse Fulcher
Re : Rezoning for Baldwin Church of Christ

Attached please find an application for the rezoning for the Baldwin Church of Christ. The request is to rezone from RSF-4 to P-1 for the installation of a sign.

Please call concerning any questions you may have.

Thank you.

Sincerely;


David L. Jorgensen, P.E.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

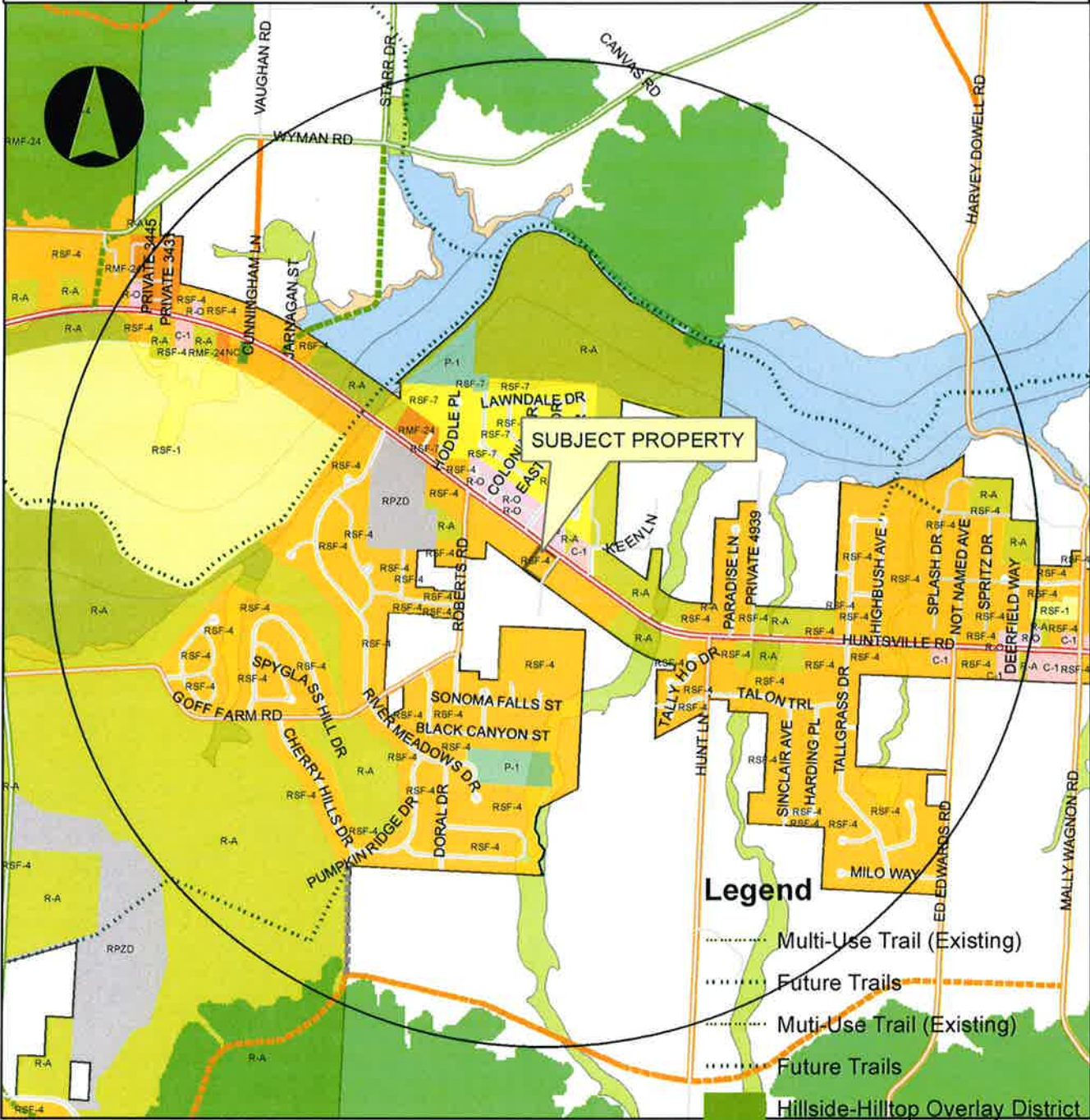
To: Quin Thompson
From: Harley Hunt
Date: November 13, 2013
Re: RZN 13-4546

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow. It is 4 miles from the station with an anticipated response time of 5 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

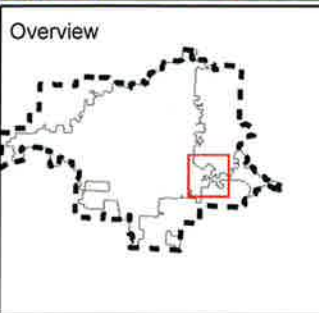
If you have any questions please feel free to contact me.

Battalion Chief H. Hunt
Fire Marshal
Fayetteville Fire Department

RZN13-4546
BALDWIN CHURCH OF CHRIST
 One Mile View



- Legend**
- Multi-Use Trail (Existing)
 - Future Trails
 - Multi-Use Trail (Existing)
 - Future Trails
 - Hillside-Hilltop Overlay District



Legend

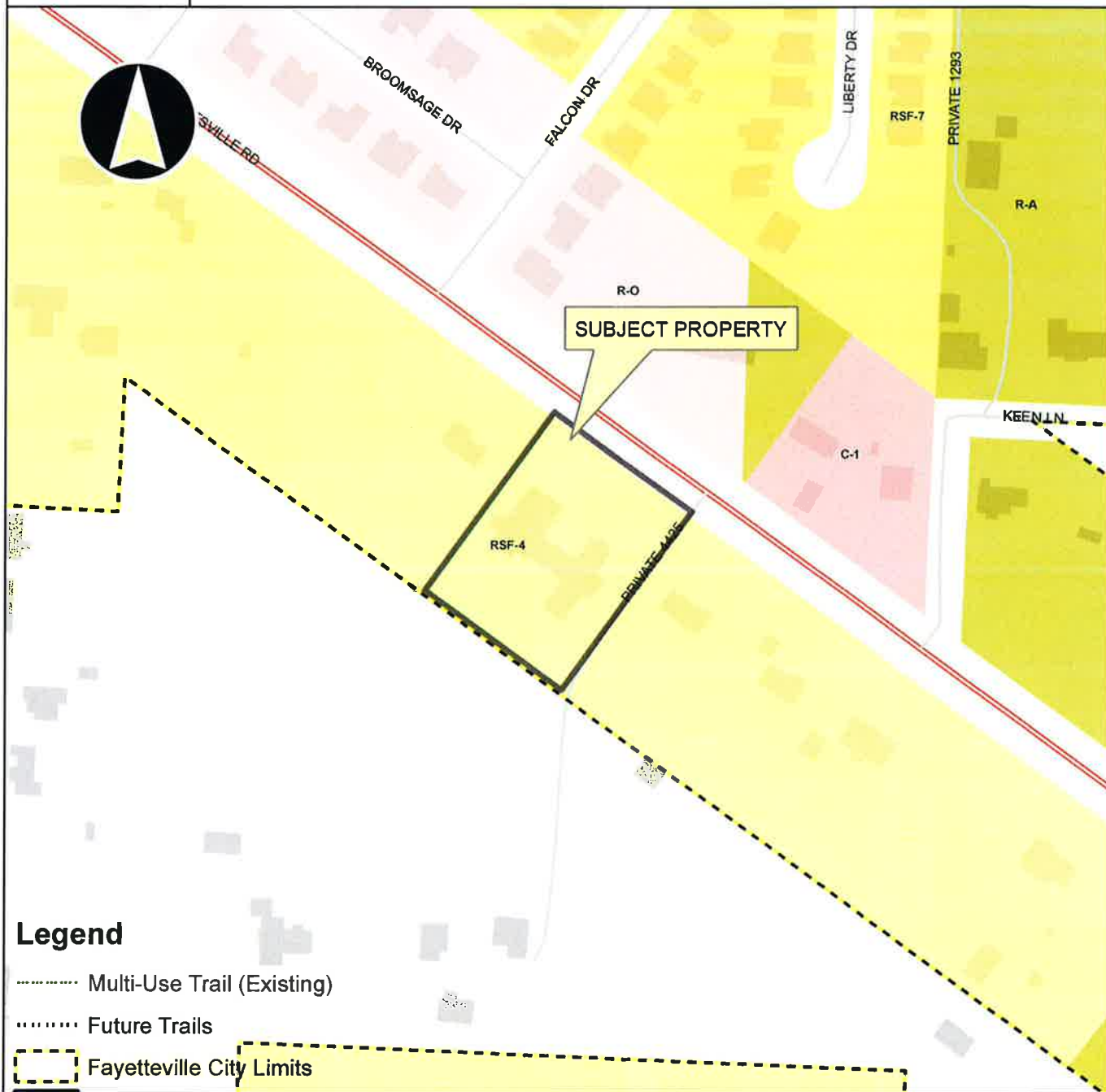
- Subject Property
- RZN13-4546
- Boundary
- RZN13-4546
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles

RZN13-4546

BALDWIN CHURCH OF CHRIST

Close Up View



Legend

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

Overview

RZN13-4546

- Footprints 2010
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RZN13-4546
 Close Up View
BALDWIN CHURCH OF CHRIST



- Legend**
- Multi-Use Trail (Existing)
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Overview RZN13-4546

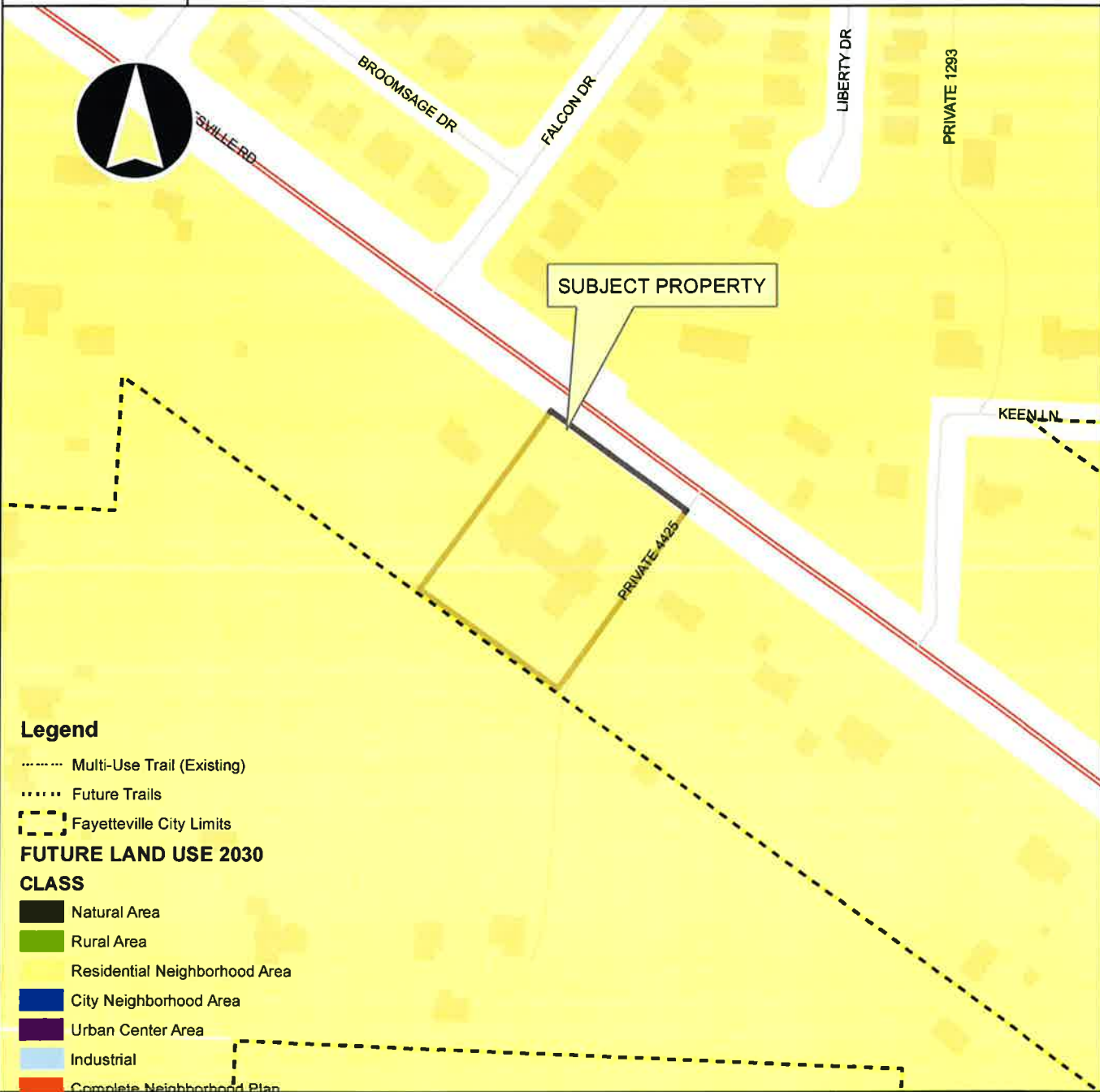
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- Planning Area

0 125 250 500 750 1,000 Feet

RZN13-4546

BALDWIN CHURCH OF CHRIST

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
- RZN13-4546
- Design Overlay District
- Design Overlay District
- Planning Area

