

City of Fayetteville Staff Review Form

2014-0527

Legistar File ID

12/2/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

11/14/2014

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

14-4868: Rezone (2030 S. MORNINGSIDE/PRISM EDUCATION CENTER, 603): Submitted by MICHAEL SCHULTZ for property located at 2030 S. MORNINGSIDE. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 10.59 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 2, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: November 14, 2014

SUBJECT: **14-4868: Rezone (2030 S. MORNINGSIDE/PRISM EDUCATION CENTER, 603):** Submitted by MICHAEL SCHULTZ for property located at 2030 S. MORNINGSIDE. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 10.59 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to I-1, Heavy Commercial/Light Industrial

BACKGROUND:

The subject property is located at 2030 S. Morningside Drive and contains approximately 10.59 acres within the I-2 zoning district. The property is bordered on the north by Town Branch and a large portion of the site is encompassed by floodplain associated with this creek. This area has a wide range of land uses and zoning. The predominant land use along Morningside Drive is single-family homes, but the zoning includes agricultural, single-family, multi-family and industrial. Whereas, the land uses along Pump Station Road are predominantly industrial and almost every property is zoned I-2, General Industrial. This includes an auto salvage business to the east of the subject property.

*City Plan 2030 Future Land Use Plan designates this site as **Industrial**.* 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: In staff's opinion, the I-1 zoning district is an appropriate designation for this property. Properties to the east are comprised of heavy industrial uses and properties to the west are comprised of single-family homes. Rezoning the property to I-1 will create an appropriate land use transition between the industrial park and residential properties along Morningside Drive. In fact, a similar buffer already exists to the south of this property along the east side of Morningside Drive. This creates a step-down in land use intensity between rural home sites and industrial properties.

DISCUSSION:

On November 10, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 5-3-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

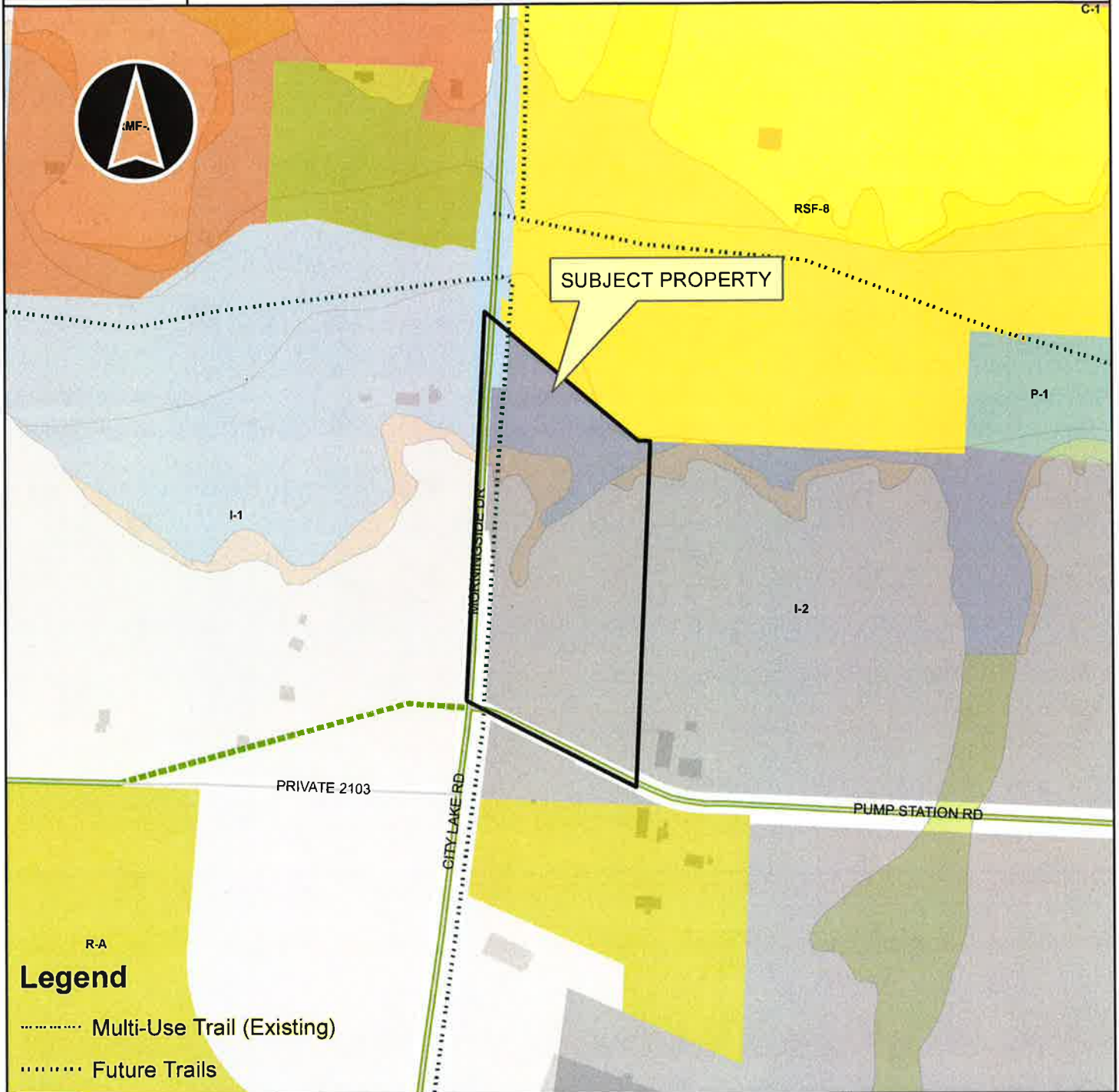
Planning Commission Staff Report

EXHIBIT 'A'
14-4868

RZN14-4868

PRISM EDUCATION CENTER

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview

- RZN14-4868
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



EXHIBIT 'B'
14-4868

PROPERTY DESCRIPTION for PARCEL #76515152000

A part of the SW¼ of the SE¼ of Section 22, Township 16 North, Range 30 West, being more particularly described as follows, to-wit:

Beginning at the N.W. corner of the said 40 acre tract and running thence S 51°10'E 545.70 feet; thence S 89°23' 30"E 33.0 feet; thence S 1°06'W 938.79 feet to the center of Pump Station Road; thence N 64°18'30"W along the centerline of said road 516.04 feet to a point on the West boundary line of said 40 acre tract; thence N 1°20'58"E 1057.73 feet to the point of beginning, containing 10.59 acres, more or less, subject to a public road right-of-way over the South and West lines of the above described tract.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~November 10, 2014~~ Updated November 11, 2014

SUBJECT: **RZN 14-4868: Rezone (2030 S. MORNINGSIDE/PRISM EDUCATION CENTER, 603):** Submitted by MICHAEL SCHULTZ for property located at 2030 S. MORNINGSIDE. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 10.59 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

RECOMMENDATION:
Staff recommends approval of **RZN 14-4868**.

BACKGROUND:
The subject property is located at the northeast corner of Morningside Drive and Pump Station Road and is currently undeveloped. The property is bordered on the north by Town Branch and a large portion of the site is encompassed by floodplain associated with this creek. This area has a wide range of land uses and zoning. The predominant land use along Morningside Drive is single-family homes, but the zoning includes agricultural, single-family, multi-family and industrial. Whereas the land uses along Pump Station Road are predominantly industrial and almost every property is zoned I-2, General Industrial. This includes an auto salvage business to the east of the subject property. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Undeveloped	RSF-8, Residential single-family
South	Undeveloped	I-2, General Industrial
East	Auto salvage	I-2, General Industrial
West	Single-family residential	I-1, Heavy Commercial/Light Industrial

Request: The request is to rezone the property to I-1, Heavy Commercial/Light Industrial. The applicant has indicated to staff that their intent is to relocate Prism Education Center (a private school) to this site.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE:

Streets: The site has access to Morningside Drive and Pump Station Road, both are minor arterial streets. Any improvements to these streets will be determined at the time of development.

Water: Public water is accessible to the site. Two 24-inch water mains are located along the west side of the property and there is a 6-inch main along the south side of the property.

Sewer: Sanitary sewer is not available to the site. There is an 8-inch sewer main approximately 400 feet east of the property that will need to be extended to the property at the owner/developer's expense.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is affected by the 100-year floodplain, but not the Streamside Protection Ordinance.

Fire: This development will be protected by Engine 3 located at 1050 S. Happy Hollow Road. It is 1 mile from the station with an anticipated response time of 2 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.

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

CITY PLAN 2030 FUTURE LAND USE PLAN:

*City Plan 2030 Future Land Use Plan designates this site as **Industrial**. 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.*

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends approval of **RZN 14-4868**.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>November 10, 2014</u>	<input checked="" type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Chesser	Second: Cook	Vote: 5-3-0 (Honchell, Porter, Hoskins voting 'no')	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>December 2, 2014</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

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 Future Land Use Map designates the property as an Industrial area, so the I-1 designation is consistent with land use and zoning plans. The property may be utilized for traditional industrial uses, such as manufacturing and warehousing, or uses that provide a more appropriate transition into the residential areas along the west side of Morningside.

Land Use Compatibility: In staff's opinion, the I-1 zoning district is an appropriate designation for this property. Properties to the east are comprised of heavy industrial uses and properties to the west are comprised of single-family homes. Rezoning the property to I-1 will create an appropriate land use transition between the industrial park and residential properties along Morningside Drive. In fact, a similar buffer already exists to the south of this property along the east side of Morningside Drive. This creates a step-down in land use intensity between rural home sites and industrial properties.

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

Finding: In staff's opinion the current zoning of the property is appropriate for the area and a rezoning is not necessary. However, as indicated in the applicant's letter, the property can't be redeveloped as they desire for a school unless the zoning is changed.

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

Finding: Rezoning the property to I-2 to I-1 could allow land uses that will increase traffic in the area. However, given the low volumes of traffic and improved streets in the area currently, it is unlikely that any new development on this property will create a dangerous traffic condition.

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 to I-1 should not have any noticeable impact on population density or create an undesirable load on public services. The Fayetteville Police and Fire Departments have reviewed and commented on this rezoning request.

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

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.27 & 161.28
- Fire response letter
- Request letter
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

TITLE XV UNIFIED DEVELOPMENT CODE

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)

161.28 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

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

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback 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(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; 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)



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: Michael Schultz, Jesse Fulcher
From: Will Beeks Assistant Fire Marshal
Date: October 8, 2014
Re: 14-4868

This development will be protected by Ladder 3 located at 1050 S Happy Hollow Rd.
It is 1 miles from the station with an anticipated response time of 2 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.

Captain Will Beeks
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

Written Description:

1. Current ownership information and any proposed or pending property sales.

The current owner of parcel #76515152-000 is William Locke, Peyton Properties, 664 Ash St., Fayetteville AR 72703. The land is currently under contract by applicant to be sold pending upon approval of zoning change.

2. Reason (need) for requesting the zoning change

Rezoning from I-2 to I-1 is needed in order to locate a school in this area. The school currently has three separate facilities in Fayetteville. This piece of property falls within the targeted zone for students served by our organization, and thus ensures accessibility for parents and students in this part of town.

3. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The use of land will not radically alter the current plans, an in fact synchronizes this property with the I-1 zone category found in the neighboring property on both the west and south boundaries. Signage and appearance will blend with the natural environment surrounding the property. Natural elements will be left in tact as they are beneficial for our organization and for property use. Traffic flow will slightly increase (initially approximately 150 cars between 7:30-8:15 AM daily and in the afternoons between 2:45-5:30 PM daily) during drop-off and pick-up times, but should not negatively impact the area as it is already relatively isolated.

4. Availability of water and sewer(state size of lines).

This property is bounded on the west side with a 24" CIP water line and on the south with a 6" CIP water line. Sewer is located approximately 350' to the east on E. Pump Station Road and the sewer line is 8".

5. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The shift from I-2 to I-1 is not radically different from current policies and principles. Furthermore, this shift affects only the Northeast corner of the industrial zone, not the heart of the industrial park. It shifts the zoning category to the same category as that of its neighboring property and provides a milder or smoother segue between the residential property to the north and the industrial property to the south.

6. Whether the proposed zoning is justified and/or needed at the time of request

The zoning is needed before purchase to ensure that the property may fulfill its intended use.

7. Whether the proposed zoning will create or appreciably increase traffic danger and congestion

As stated above, traffic flow will increase slightly but the timing of traffic increase is distributed over the course of an hour in the morning and three hours in the afternoon. Therefore congestion is unlikely.

8. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

The creation of schools may typically result in increased population density. However, that is unlikely in this scenario as there is limited residential zoning immediately surrounding this area with the exception of the property to the immediate north. Furthermore, property to the west that neighbors this lot is reserved in the City's long-term plan as green space. Also the school currently draws most of the students from the south Fayetteville area and it is unlikely that these families will relocate to be closer to the school.

9. Why is would be impractical to use the land for any of the uses permitted under its existing zoning classification.

Schools are not permitted under I-2 zoning. Therefore, rezoning is not only practical, but mandatory for this purchase.



November 7th, 2014

City of Fayetteville Planning Commission
113 W Mountain
Fayetteville, AR 72701

Dear Commissioners:

It has been brought to our attention that Prism Education Center has made an application to request the rezoning of I-2 to I-1 for the property located at 2030 S Morningside Dr in the Fayetteville Commerce District. I write to express our deep concern should this rezoning request be approved for the following reasons:

- The property is located in the Fayetteville Commerce District which is designed specifically to house heavy industries in the City. With its current land use, it is not meant for schools, particularly schools for K-8th Grade.
- We have large employers there with large operations and they would have small and large trucks (18 wheelers) delivering raw materials or shipping finished products coming and leaving the District in numbers and frequency much higher than other parts of the City. For example, one business located in the District has 12-20 big trucks coming to its facility a day and the number is expected to increase as it expands its operations.
- The property is located at a busy junction (Morningside and Pump Station) where many truck drivers who use the GPS system will turn into this junction. Both Morningside Rd and Pump Station are not roads with 4 lanes. This junction currently has challenges such as the road widths being not wide enough and the view that could potentially be blocked by the trees, shrubs, etc. Additionally, there is no traffic light at this junction to help control traffic. So, the idea of putting a primary to middle school right at this corner is not a good one as it exposes the children to potential danger associated with this junction.
- Tenants in the District such as Superior Industries, AAF, Marshalltown Company, Bright Technology, USPS, etc. all have hundreds of employees each and they work in shifts. During shift changes, there are hundreds of cars coming or leaving the District. Morningside, Pump Station and S. Armstrong are the arterial roads for the District and so all these cars will be driving by the school.



The Commerce District is a district meant for heavy industries and the proposed site, in particular, is not suitable for a school for children.

Respectfully,

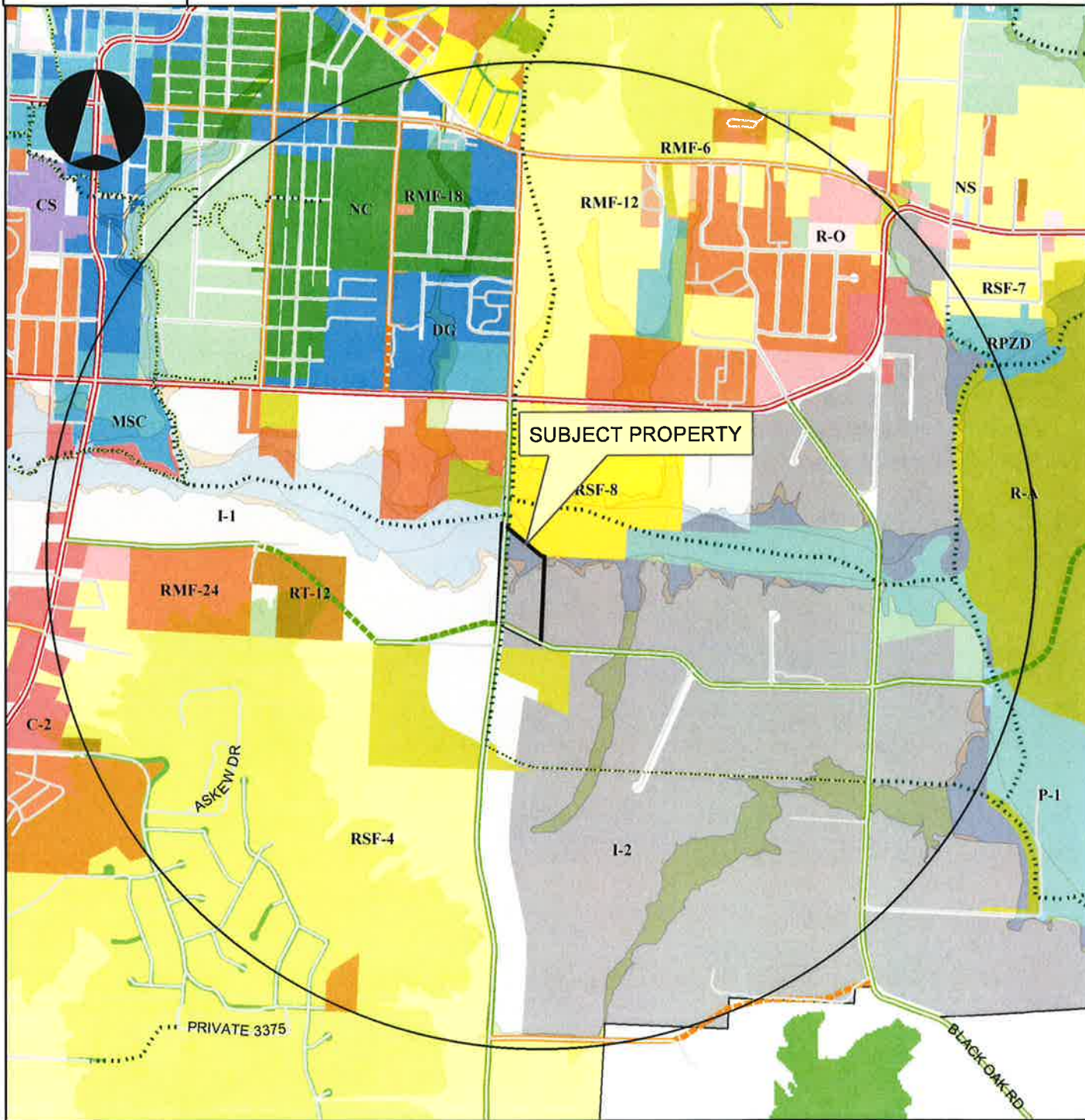
A handwritten signature in blue ink that reads "Steve Clark". The signature is written in a cursive style with a large, stylized initial "S".

Steve Clark
President & CEO

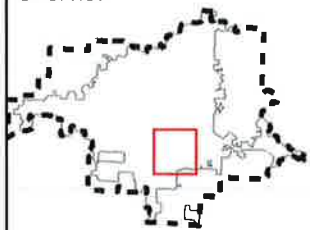
RZN14-4868

PRISM EDUCATION CENTER

One Mile View



Overview



Legend

Subject Property

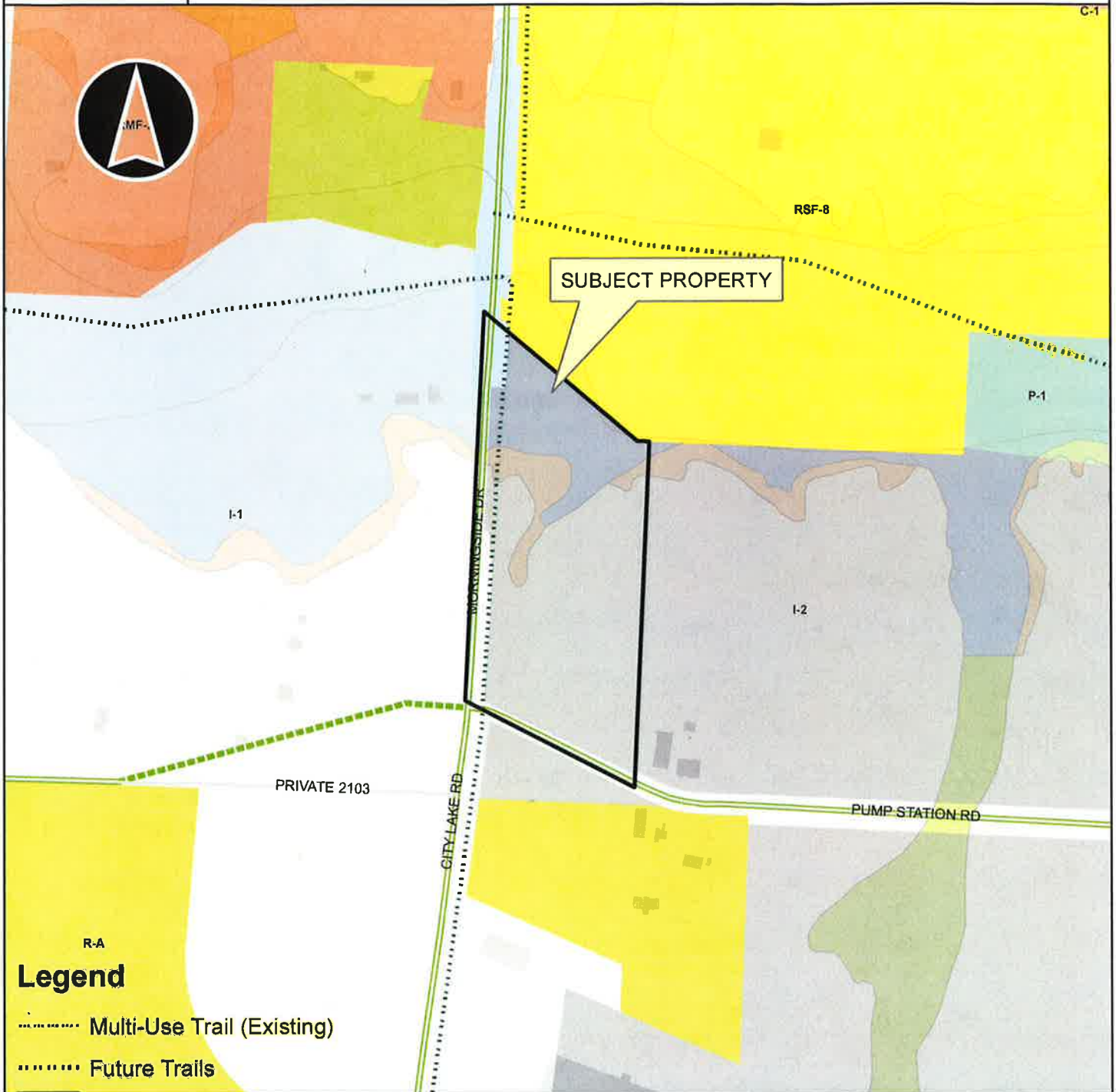
Boundary



RZN14-4868

PRISM EDUCATION CENTER

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

- Overview** RZN14-4868
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



Planning Commission
November 10, 2014

RZN14-4868

PRISM EDUCATION CENTER

Current Land Use



Overview RZN14-4868

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

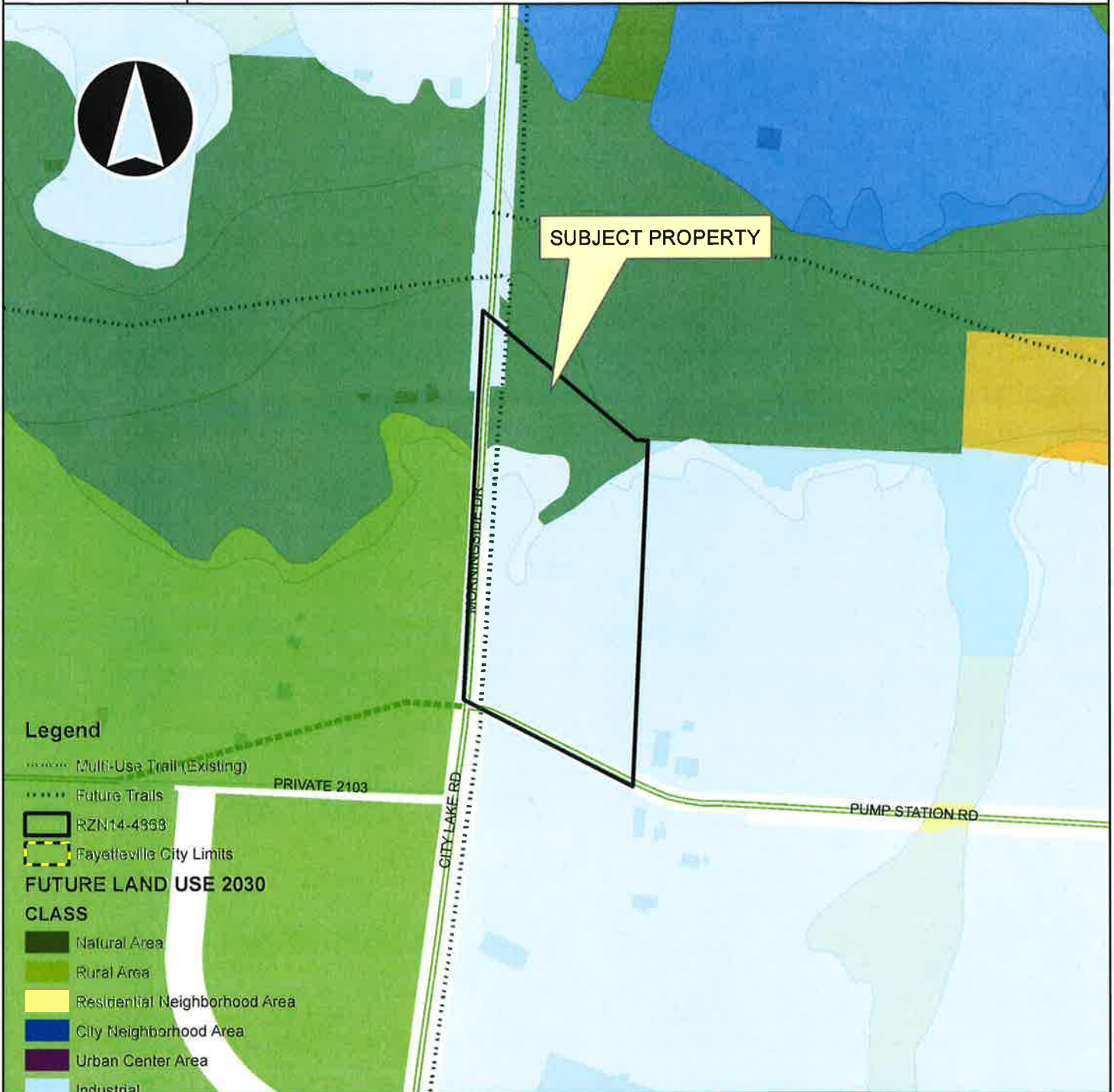
Planning Area



RZN14-4868

PRISM EDUCATION CENTER

Future Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails

- RZN14-4868
- 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
- Design Overlay District
- Design Overlay District
- Planning Area



Planning Commission
November 10, 2014

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4868, FOR APPROXIMATELY 10.59 ACRES, LOCATED AT 2030 SOUTH MORNINGSIDE DRIVE FROM I-2, GENERAL INDUSTRIAL, TO I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

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-2, General Industrial, to I-1, Heavy Commercial/Light Industrial, 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 , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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