

City of Fayetteville Staff Review Form

2014-0579

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

12/19/2014

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4894: Rezone (3525 S. SCHOOL AVE./YATES, 717): Submitted by MORGAN HOOKER for property located at 3525 S. SCHOOL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 3.78 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? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: December 19, 2014

SUBJECT: **RZN 14-4894: Rezone (3525 S. SCHOOL AVE./YATES, 717):** Submitted by MORGAN HOOKER for property located at 3525 S. SCHOOL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 3.78 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 on the west side of S. School Avenue at the intersection of Willoughby Road. The property is developed with several warehouse buildings and a retail building totaling approximately 50,000 square feet that have been vacant for the past several years. The property was used for Dennis Home Furnishings for the past several decades.

*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. Surrounding properties include Standard Register, Cooper Power Systems and Drake Field Airport.

DISCUSSION:

On December 8, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A

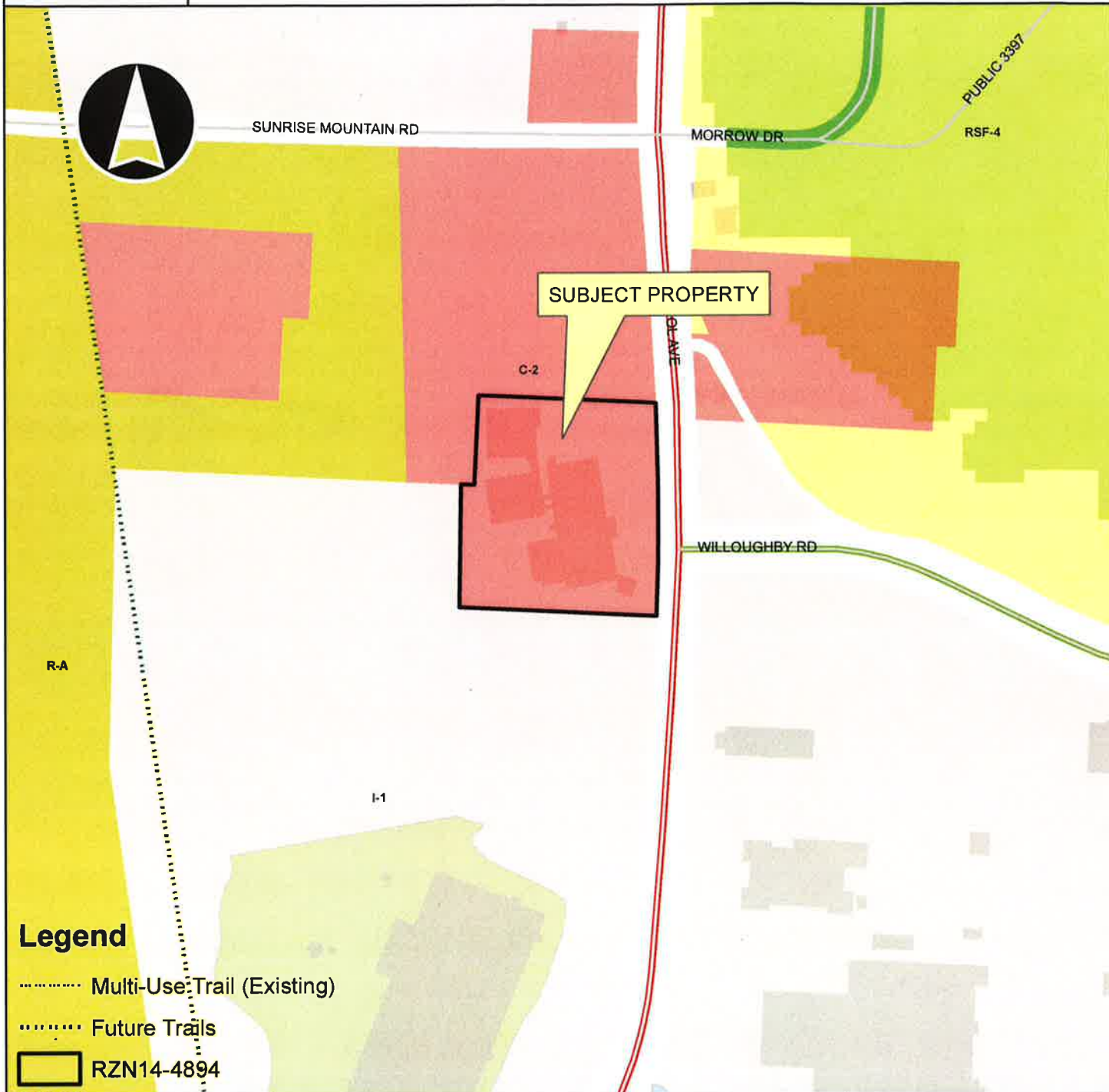
Exhibit B
Planning Commission Staff Report

EXHIBIT 'A'
14-4894

RZN14-4894

YATES

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN14-4894

Overview Fayetteville City Limits

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

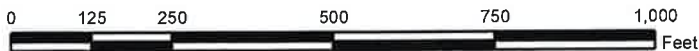


EXHIBIT 'B'
14-4894

SURVEY DESCRIPTION:

PART OF THE SOUTHWEST QUARTER (SW_{1/4}) OF THE NORTHWEST QUARTER (NW_{1/4}) OF SECTION 33, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NW CORNER OF THE SW_{1/4} OF THE NW_{1/4} OF SAID SECTION 33; THENCE N90°00'00"E 35.78 FEET; THENCE S00°00'00"W 42.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE ARKANSAS-MISSOURI RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE S08°15'00"E 670.51 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S87°53'05"E 703.20 FEET TO THE POINT OF BEGINNING; THENCE S87°53'05"E 26.59 FEET; THENCE N00°44'10"W 168.98 FEET; THENCE S88°38'43"E 372.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 71-B (S. SCHOOL AVENUE); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5689.58 FEET, AN ARC LENGTH OF 424.01 FEET, A CENTRAL ANGLE OF 04°06'12", AND A CHORD BEARING AND DISTANCE OF S00°24'34"W 423.91 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°53'05"W 403.62 FEET; THENCE N02°06'55"E 250.00 FEET TO THE POINT OF BEGINNING, CONTAINING 164,674.11 SQUARE FEET OR 3.78 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~December 8, 2014~~ Updated December 17, 2014

SUBJECT: **RZN 14-4894: Rezone (3525 S. SCHOOL AVE./YATES, 717):** Submitted by MORGAN HOOKER for property located at 3525 S. SCHOOL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.05 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

RECOMMENDATION:

Staff recommends approval of **RZN 14-4894**.

BACKGROUND:

The subject property is located on the west side of S. School Avenue at the intersection of Willoughby Road. The property is developed with several warehouse buildings and a retail building totaling approximately 50,000 square feet that have been vacant for the past several years. The property was used for Dennis Home Furnishings for the past several decades. 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	C-2, Thoroughfare Commercial
South	Industrial	I-1, Heavy Commercial/Light Industrial
East	Undeveloped	I-1, Heavy Commercial/Light Industrial
West	Undeveloped	R-A, Residential Agricultural and 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 Razorback Ironworks to the property. They specialize in steel fabrication, which is not a permitted use in the C-2 zoning district.

Public Comment: Staff received a letter of support from the current property owner.

INFRASTRUCTURE:

Streets: The site has access to S. School Avenue (Highway 71B), which is a 5-lane principal arterial. Any street improvements will be determined at the time of re-development.

Water: Public water is accessible to the site. There is an existing 12-inch water main on the east side of S. School and a 6-inch main that stubs into the property.

Sewer: Sanitary sewer is not available to the site. The nearest accessible sewer main is located approximately 425 feet to the southeast of the site.

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

Fire: This development will be protected by Engine 6 located at 900 S. Hollywood. It is 2 miles from the station with an anticipated response time of 4 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 14-4894.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>December 8, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Winston</u>	Second: <u>Autry</u>	Vote: <u>6-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>January 6, 2015</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. Additionally, the I-1 zoning district is compatible with surrounding land uses along S. School Avenue, including Standard Register, Cooper Power Systems and Drake Field Airport.

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 utilized by the prospective buyer, so 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: Rezoning the property from C-2 to I-1 will likely result in less vehicle trips, particularly since it was previously used as a furniture store. In staff's opinion there will be a decrease in traffic danger and congestion.

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 161.20 & 161.27
- Fire response letter
- Request letter
- Public comment
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

TITLE XV UNIFIED DEVELOPMENT CODE

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

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

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a 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(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 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; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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)

Rezoning Request

October 29, 2014

Parcel #:765-15530-000

3525 S School Ave., Fayetteville, AR 72701

- a. Current owner is Kenneth M Dennis, Trust (Seller) and Razorback Ironworks, LLC (Buyer). Contract is contingent on rezoning to I1.
- b. City of Fayetteville Planning has determined the new intended use will need to be under an I1 zoning. The business is Razorback Ironworks, LLC and they have been in business for 23 years.
- c. Property is located adjacent to Standard Register and in close proximity to the Fayetteville Regional Airport. There is very little if any C2 uses in the area. Taking the zoning to I1 will reduce traffic from potential uses in C2 zoning. The existing buildings are currently metal buildings with fabric awnings and the large metal building is block with EIFS above. The Buyer plans to refurbish the existing awnings and paint the building but will not need to make any major renovations to the buildings. He plans to have a small sign for delivery purposes only.
- d. Building is currently on Septic and has a 6" water line in front of the building on the other side of the road. The building is connected to this line with a 2" line.
- e. Future land use shows this property as I1.
- f. Proposed zoning request is needed to operate in this location.
- g. Zoning change will not impact traffic in any significant way. Proposed business has very little customer traffic.
- h. Proposed zoning and use will not alter the population density.
- i. Proposed business is not allowed in current zoning and future use maps show the proposed zoning.



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

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

To: Morgan Hooker and Jesse Fulcher
From: Will Beeks Assistant Fire Marshal
Date: November 10, 2014
Re: 14-4894

This development will be protected by Engine 6 located at 900 S Hollywood.

It is 2 miles from the station with an anticipated response time of 4 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!

From the Desk
of
Kenneth Dennis

Nov 15, 2014

Development Services
Mr Harrison:

I am in favor of the
rezoning of Dennis
Home Furnishing
Issue - 14-4894.

3525 S. School

Please read at the
meeting

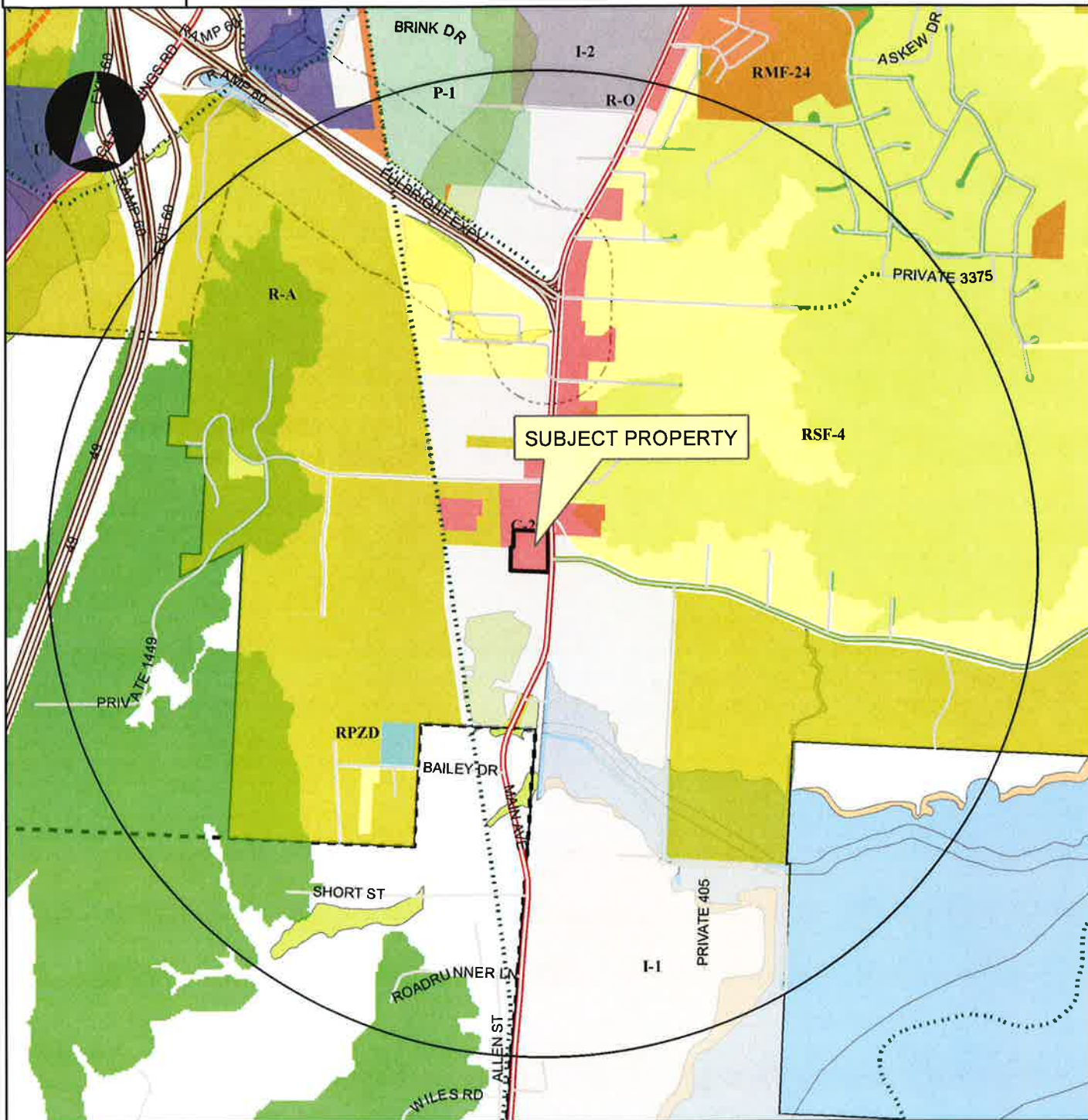
Thank you
Gerry Dennis
(owner).

479 521-6121

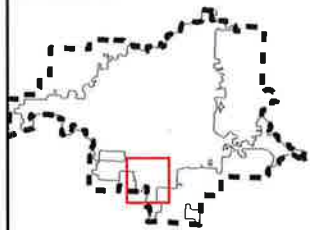
RZN14-4894

YATES

One Mile View



Overview



Legend

Subject Property

Boundary



RZN14-4894

YATES

Close Up View



SUNRISE MOUNTAIN RD

MORROW DR

PUBLIC 3387

RSF-4

SUBJECT PROPERTY

C-2

GLAVIE

WILLOUGHBY RD

R-A

I-1

Legend

..... Multi-Use Trail (Existing)

..... Future Trails

RZN14-4894

Fayetteville City Limits

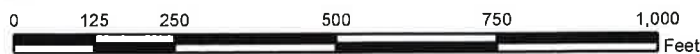
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area



RZN14-4894

YATES

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview

RZN14-4894

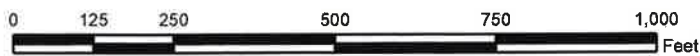
Fayetteville City Limits

Footprints 2010

Design Overlay District

Design Overlay District

Planning Area



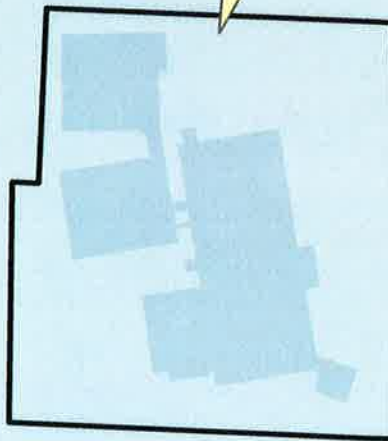
RZN14-4894

YATES

Future Land Use



SUBJECT PROPERTY



WILLOUGHBY RD

Legend

..... Multi-Use Trail (Existing)

..... Future Trails

□ RZN14-4894

□ 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

