

City of Fayetteville Staff Review Form

2015-0269

Legistar File ID

6/16/2015

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

Jeremy Pate

5/29/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5053: Rezone (WEST OF 4195 W. PERSIMMON ST./MCBRYDE, 478): Submitted by BLEW & ASSOCIATES for property located WEST OF 4195 PERSIMMON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 2.16 acres. The request is to rezone the property to R-O, RESIDENTIAL-OFFICE.

Budget Impact:

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

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 16, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: May 29, 2015

SUBJECT: **RZN 15-5053: Rezone (WEST OF 4195 W. PERSIMMON ST./MCBRYDE, 478):** Submitted by BLEW & ASSOCIATES for property located WEST OF 4195 PERSIMMON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 2.16 acres. The request is to rezone the property to R-O, RESIDENTIAL-OFFICE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to R-O, Residential-Office.

BACKGROUND:

The subject property is located south of Persimmon Street west of Ruppel Road and contains approximately 2.16 acres within the RSF-4 zoning district. The property is undeveloped parcel in between Cedar Crest Academy private school and Katherine's Place assisted living. Property to the south is currently being considered for a rezoning action of 642 undeveloped acres as part of the south Ruppel Road rezoning. The request is to rezone the property from RSF-4, Residential Single-family/4 Units per Acre to R-O, Residential/Office. The applicant has stated that the rezoning will allow the property to be developed with a real estate office.

Land Use Compatibility:

The site is located between two large institutional uses: a private school and an assisted living facility. The proposed zoning is compatible with the adjacent institutional uses and medium density residential use across Persimmon Street. R-O zoning will allow for the development of single or two family residential as well as small business and professional office uses.

Land Use Plan Analysis:

The City Plan 2030 Future Land Use Map (FLUM) designates this area as Civic Institutional Area. R-O zoning is generally consistent with the FLUM as office and residential uses can be a compatible component of a neighborhood with civic uses. Civic Institutional Areas encourage educational, cultural or non-profit uses. This area is well supplied with development that meets this requirement, and the uses allowed under the proposed zoning would not prohibit such use in the future. The P-1, Institutional zoning district would be the sole district that is fully consistent with the FLUM, but it would not allow the general professional office use desired by the applicant.

DISCUSSION:

On May 26, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: May 26, 2015 Updated with Planning Commission results

SUBJECT: **RZN 15-5053: Rezone (WEST OF 4195 W. PERSIMMON ST./MCBRYDE, 478):** Submitted by BLEW & ASSOCIATES for property located WEST OF 4195 PERSIMMON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 2.16 acres. The request is to rezone the property to R-O, RESIDENTIAL-OFFICE.

RECOMMENDATION:

Staff recommends **RZN 15-5053** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located south of Persimmon Street west of Ruppel Road and contains approximately 2.16 acres within the RSF-4 zoning district. The property is undeveloped parcel in between Cedar Crest private school and Katherine’s Place assisted living. Property to the south is currently being considered for a rezoning action that would put 642 undeveloped acres into NC, CS, UT and R-A zones. 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-PZD, Ruppel Row Sub-division
South	Undeveloped/Agricultural	R-A, Residential-Agricultural
East	Educational (Cedar Crest Academy)	P-1, Institutional
West	Assisted Living (Katherine’s Place)	P-1, Institutional

Request: The request is to rezone the property from RSF-4, Residential Single-family/4 Units per Acre to R-O, Residential/Office. The applicant has stated that the rezoning will allow the property to be developed with a real estate office.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Persimmon Street, an improved Minor Arterial street with existing curb/gutter and storm drainage. Sidewalk has not yet been

constructed along the frontage of this parcel. Any required improvements to this street will be determined at time of development.

Water: Public water is available to the site. A 12-inch public water main exists along the north of the property within the public right of way and is accessible for service taps.

Sewer: Sanitary sewer is available to the site. An 8-inch main runs along north and west of the subject parcel in existing utility easements and is accessible for service taps.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is not located within the floodplain, but GIS records indicate Hydric Soils exist on much of the site. Therefore, a wetlands determination will be necessary at the time of development. This parcel does not contain any protected streams per the Streamside Protection map. No portions of the subject parcel are located within the Hillside/Hilltop Overlay District.

Fire: This development will be protected by Engine 7 located at 835 Ruppel 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 negatively affect calls for service or response times.

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 **Civic Institutional Area**. These areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.*

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 15-5053 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning allows development compatible with the existing adjacent uses.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>May 26, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Chesser</u>	Second: <u>Selby</u>	Vote: <u>9-0-0</u>	
<i>Note: Planning Commission recommended approval</i>			
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>June 16, 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: *Land Use Compatibility:* The proposed zoning is compatible with the surrounding mixture of residential and institutional uses. R-O zoning will allow for the development of single or two family residential as well as small business and professional office uses. These uses are not expected to adversely impact the medium density residential development to the north or the assisted living and educational developments to the east and west.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as Civic Institutional Area. The proposed zoning is not wholly consistent with the FLUM, which encourages educational, cultural or non-profit uses, however, the area is well supplied with development that meets this requirement, and the uses allowed under the proposed zoning would not prohibit such use in the future. The P-1, Institutional zoning district is the sole district that is entirely consistent with the FLUM.

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 at this time, as the existing RSF-4 zoning is not appropriate given the surrounding institutional uses and FLUM designation.

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

Finding: The site has access to Persimmon Street, an improved Minor Arterial street with existing curb/gutter and storm drainage. The low intensity R-O zoning district is not expected to appreciably increase traffic danger or 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 from single-family to R-O to allow for office development is unlikely to 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

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.07 & 161.17
- Request Letter
- Survey
- Fire Comments
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

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)

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services
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 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional 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 No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5735 1-20-15)



Blew & Associates, P.A.
Civil Engineers Professional Land Surveyors

524 West Sycamore St., Suite #4
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

City of Fayetteville Planning Department

April 14, 2015

Re: McBryde Family Limited Partnership
Persimmon St.
Fayetteville, AR 72704
Parcel #765-28666-000

To Whom It May Concern,

Our Clients, McBryde Family Limited Partnership and McNaughton Realtors are requesting to have the property at Persimmon St. (Parcel #765-28666-000) to be rezoned from RSF-4 to R-O. They plan to build a real estate office at this location if approved and believe it to be a good fit with the adjacent properties.

We believe this potential rezoning would only have a positive effect on the surrounding properties. The proposed real estate office would have a very limited effect on increasing the traffic as well as a very limited increase on the use of public services in the area. There currently is an 8" sewer line and a 12" water line at the north line of the property, so access to utilities would not be an issue. If you have any additional questions or comments feel free to contact our office.

Sincerely,

Heath Myers
Project Manager
Blew & Associates, P.A.

Utility Notes

THE LOCATIONS OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND UTILITIES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN UTILITIES. BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS, RELEVANT FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES.

Miscellaneous Notes

COMPLETED FIELD WORK APRIL 2015
 BASIS OF BEARING: ARKANSAS STATE PLANE, NORTH ZONE (NAD 83)
 REFERENCE DISCUSSIONS: SURVEY PLAT FILED IN BOOK 2010, PAGE 37066
 SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN WITH DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED BY GRAPHIC PLOTTING ONLY. NO PORTION OF THIS PROPERTY IS IN ZONE 17 OR 18 OF THE GEOID DATUM CHANGE. THE CORNER POINTS OF THIS PLAT ARE IN ZONE 17 AND IS NOT IN A SPECIAL PLACED HAZARD AREA.

Zoning & Setback Information

ZONING: RSP-4
 BUILDING SETBACKS:
 FRONT: 15 FT
 SIDE: 5 FT
 REAR: 15 FT

Legend of Symbols & Abbreviations

- BOUNDARY LINE
- CENTRELINE OF ROAD
- RIGHT-OF-WAY
- X-X- FENCE
- S-S- BUILDING SETBACK (S S B)
- SETBACK (S B)
- SAWTOOTH (S B)
- WATER VALVE
- ELECTRICAL BOX
- BUILDING SETBACK
- UTILITY (LASEM III)
- POINT OF BEGINNING



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS 6TH DAY OF APRIL 2015



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT HAS BEEN ALTERED. THE ABOVE CERTIFICATE IS VALID ONLY IF THE SIGNATURE DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



Survey Description

LOT 3B OF CROSS KEYS SUBDIVISION, PHASE 2, FAYETTEVILLE, ARKANSAS, AS PER SURVEY PLAT RECORDED IN BOOK 2010 AT PAGE 37066 IN THE OFFICE OF THE CIRCUIT CLERK, AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS

BLEW & ASSOCIATES, PA
 CIVIL ENGINEERS & LAND SURVEYORS
 524 W. SYCAMORE ST., SUITE 4
 FAYETTEVILLE, ARKANSAS 72703
 OFFICE: 479.443.4506
 FAX: 479.582.1883
 www.blewinc.com

Certificate of Authorization No. 1534

EXPIRES	ISSUED BY
M.B.	W.L.
4-9-2015	T.C.
COUNTY	ISSUED DATE
WASHINGTON COUNTY, ARKANSAS	15-233
CLASSIFICATION	
LOT 3B, CROSS KEYS SUBDIVISION, PHASE II	
FOR USE AND INHERIT OF	
MCBRYDE FAMILY LIMITED PARTNERSHIP	



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701

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

To: Blew and Associates, Quin Thompson
From: Will Beeks, Assistant Fire Marshal
Date: May 18, 2015
Re: RZN 15-5053

This development will be protected by Engine 7 located at 835 Ruppel Rd.
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.

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!

RZN15-5053

MCBRYDE

Close Up View



SINGLE FAMILY

SINGLE FAMILY

SUBJECT PROPERTY

ASSISTED LIVING FACILITY

PRE-SCHOOL

ELEMENTARY SCHOOL

Legend

-  Shared Use Paved Trail
-  Neighborhood/Park Trail

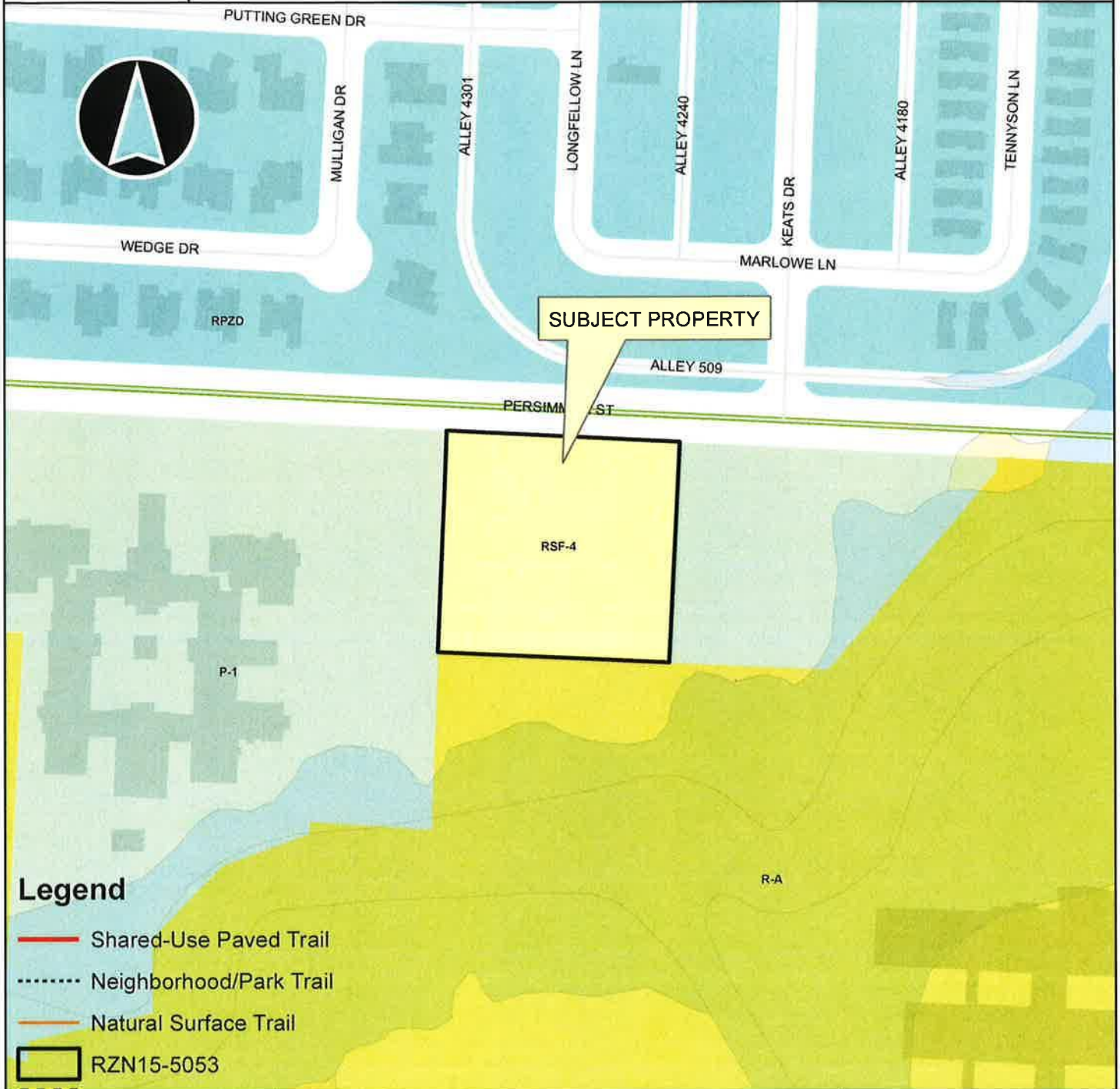
- Overview**
-  Natural Surface Trail
 -  RZN15-5053
 -  Fayetteville City Limits
 -  Hillside-Hilltop Overlay District
 -  Design Overlay District
 -  Planning Area



RZN15-5053

MCBRYDE






Close Up View

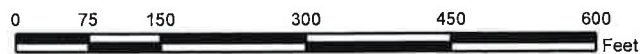


Legend

-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail
-  RZN15-5053

Overview Fayetteville City Limits

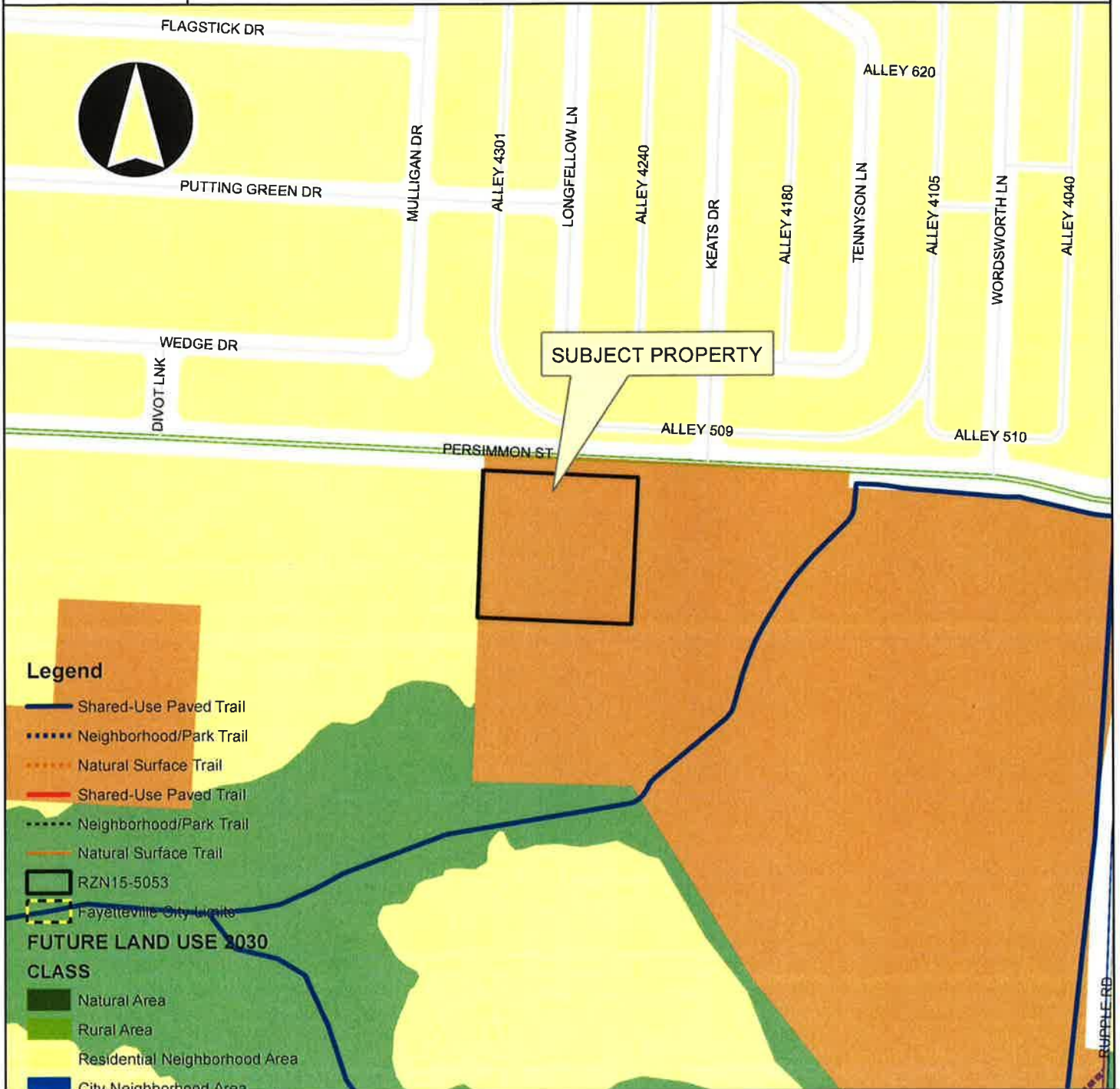
-  Footprints 2010
-  Hillside-Hilltop Overlay District
-  Design Overlay District
-  Design Overlay District
-  Planning Area



RZN15-5053

MCBRYDE

Future Land Use



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail

- RZN15-5053
- Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

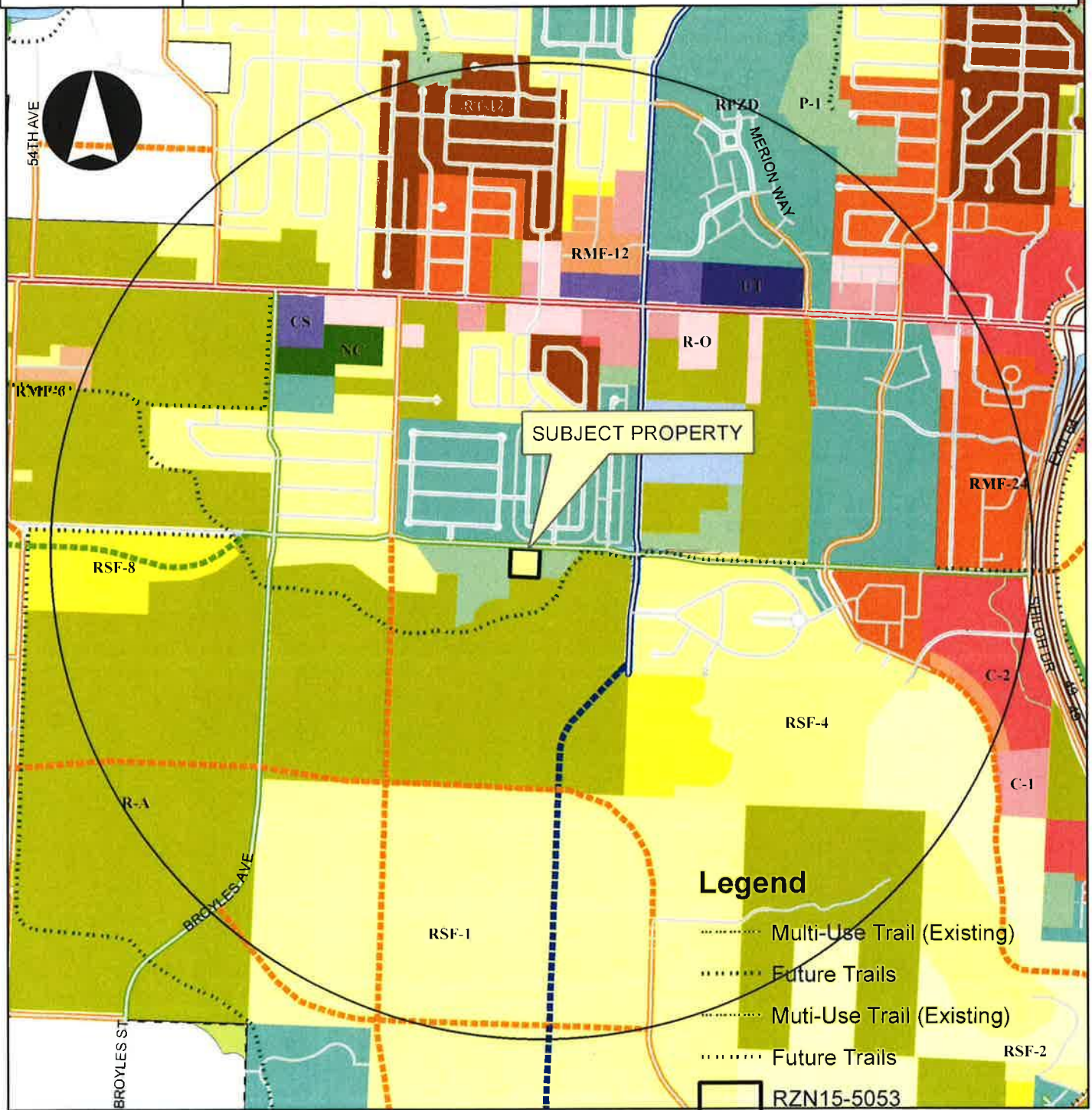
- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Planning Area



RZN15-5053

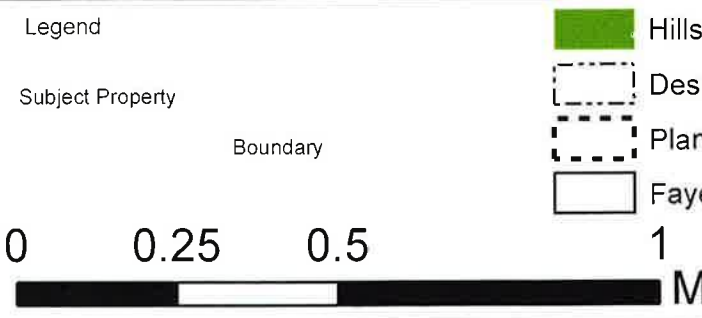
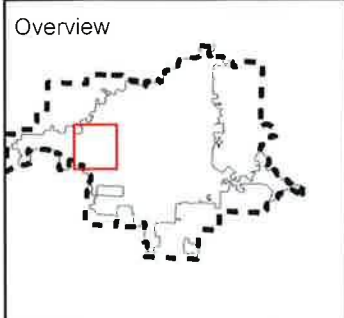
MCBRYDE

One Mile View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- RZN15-5053



- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville