



Legislation Text

File #: 2015-0380, Version: 1

RZN 15-5130 (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5130, FOR APPROXIMATELY 15 ACRES, LOCATED AT 1285 E. MILLSAP ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO P-1, INSTITUTIONAL

NOW THEREFORE, 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.

City of Fayetteville Staff Review Form

2015-0380

Legistar File ID

9/1/2015

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

Jeremy Pate

8/14/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5130: Rezone (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL, 213): Submitted by MCCLELLAND ENGINEERS, INC. for property located at 1285 E. MILLSAP RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 15.06 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

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 SEPTEMBER 1, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: September 1, 2015

SUBJECT: **RZN 15-5130: Rezone (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL, 213):** Submitted by MCCLELLAND ENGINEERS, INC. for property located at 1285 E. MILLSAP RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 15.06 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:

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

BACKGROUND:

The subject property is located at east end of Millsap Road and is comprised of four (4) parcels containing a total area of approximately 15.06 acres within the RSF-4 zoning district. The property is developed with a church whose sanctuary at 1285 Millsap Road is contained in a building of approximately 44,000 square feet. Additional lots affected by this rezone request contain parking lots and undeveloped land. The applicant states that the church has operated in this location for 30 years.

Land Use Compatibility:

The proposed zoning is compatible with the surrounding mixture of single-family residential, commercial, and institutional land uses.

Land Use Plan Analysis:

The City Plan 2030 Future Land Use Map (FLUM) designates this area as City Neighborhood Area, a designation which encourages a wide variety of uses, increased density, and appropriate infill of properties with existing infrastructure.

DISCUSSION:

On August 10, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 7-0-0.

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: ~~August 10, 2015~~ **UPDATED 8-13-2014**

SUBJECT: **RZN 15-5130: Rezone (1285 E. MILLSAP RD./CHRISTIAN LIFE CATHEDRAL, 213):** Submitted by MCCLELLAND ENGINEERS, INC. for property located at 1285 E. MILLSAP RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 15.06 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:

Staff recommends **RZN 15-5130** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at east end of Millsap Road and is comprised of five (5) parcels containing a total area of approximately 15.06 acres within the RSF-4 zoning district. The property is developed with church whose sanctuary at 1285 Millsap Road is contained in a building of approximately 44,000 square feet. Additional lots affected by this rezone request contain parking lots and undeveloped land. The applicant states that the church has operated in this location for 30 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	Undeveloped	I-1, Heavy Commercial and Light Industrial/RMF-24, Residential Multi-family
South	Single-Family Residential	RSF-4, Residential Single-Family
East	Single-Family Residential	RSF-4, Residential Single-Family
West	Commercial/Institutional	I-1, Heavy Commercial and Light Industrial/C-2, Thoroughfare Commercial

Request: The request is to rezone the property from RSF-4 to P-1, Institutional, in order to bring the current use in alignment with zoning code, and to allow for future expansion without the need for amended Conditional Use Permits.

Public Comment: Staff has received no written public comment, and one inquiry from an adjoining residence.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to Millsap Road and Hemlock Avenue. Millsap Road is a partially improved road with sporadic curb/gutter and sidewalk through the subject parcel areas. Hemlock Avenue is unimproved right-of-way which has a gravel drive at this time. Any required improvements to these streets will be determined at time of development.
- Water:** Public water is available to this parcel in a variety of locations. Existing utilities in the area have ample capacity for the current use of the property which is not proposed to change due to this rezoning request.
- Sewer:** Sanitary sewer is available to this lot in a variety of locations. Existing utilities in the area have ample capacity for the current use of the property which is not proposed to change due to this rezoning request.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-yr floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.
- Fire:** The Fire Department did not express any concerns with the 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 the properties within the proposed rezone as **City Neighborhood Area**. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.*

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 15-5130 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning will bring the current church use into alignment with zoning code, and allow development compatible with the existing adjacent uses and consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date: <u>August 10, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded
		<input type="checkbox"/> Denied
Motion: CHESSER	Second: BROWN	Vote: 7-0-0
CITY COUNCIL ACTION:	Required	<u>YES</u>
Date: <u>September 1, 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 single-family residential and institutional uses. The church has been in operation for a period of 30 years, and is an established use in this neighborhood. Staff is unaware of any complaints associated with this church use. The church building is immediately adjacent to a residential neighborhood to the south dating from 1989, a private athletic club, and commercial properties to the west.

Land Use Plan Analysis: The proposed zoning is compatible with the Future Land Use Map (FLUM) which designates this property as City Neighborhood Area.

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 proposed zoning will bring the current use into alignment with city zoning code.

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

Finding: The site has access to Millsap Street, a partially improved local street. This section of Millsap Street is a short dead-end street that gets congested at peak hours. The street is, however, serviced by a traffic signal at the intersection with College Avenue. The church does not connect directly to the residential neighborhoods to the south. The rezoning would allow the current church use to continue, and would allow further expansion of the church facilities in future, although none are proposed at this time.

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 RSF-4 to P-1 should not undesirably affect density or 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& 161.29
- Request Letter
- Survey
- 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
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15 ft.	5 ft.	15 ft.
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(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)

July 9, 2015

Planning Commission
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

Re: Rezoning of Christian Life Cathedral Property

Dear Planning Commission Members,

This letter is in regards to the rezoning request for the Christian Life Cathedral Church, currently located at 1285 Millsap Rd. Fayetteville, AR. 72703. The current owners of all subject properties being requested for rezoning is the Christian Life Cathedral Church. There are currently no proposed or pending property sales. The current zoning for all subject properties is RSF-4, and as such, all activities taking place on these properties are granted through conditional use permits. The purpose for the requested rezoning is to bring the current zoning up to P-1. This would allow all uses by right rather than having to apply for a conditional use each time a new proposed project comes along on the subject properties.

The proposed rezoning will align with a majority of the surrounding parcels as they are owned by the church. The church has been operating in the current capacity for approximately 30 years so no anticipated increase of traffic, additional signage, or change in land use will be anticipated with the rezoning request. Currently there is an 8" sanitary sewer line, running from NW to SE that services the site. Additionally, there is a 6" pvc waterline that supplies water and fire services to the site.

Future land use per the city's GIS states this site to be City Neighborhood Area. Although the website states future neighborhood, a majority of the subject property is owned by the Church. There are no future plans for the Church to do any type of residential development in this area. As such, we feel that the requested rezoning is justified to better accommodate the future uses of the Church's land. As mentioned above, the Church has been operating in this same capacity for the last 30+ years. As such, the rezoning of this land will not adversely affect traffic. Additionally, there will be no increase in population density so there will be no negative effects on public infrastructure in this location.

Lastly, since the Church has no plans for residential development on the subject parcels, it's impractical for them to apply for a conditional use permit each time they want to do any improvements or additional activities on Church property.

Sincerely,

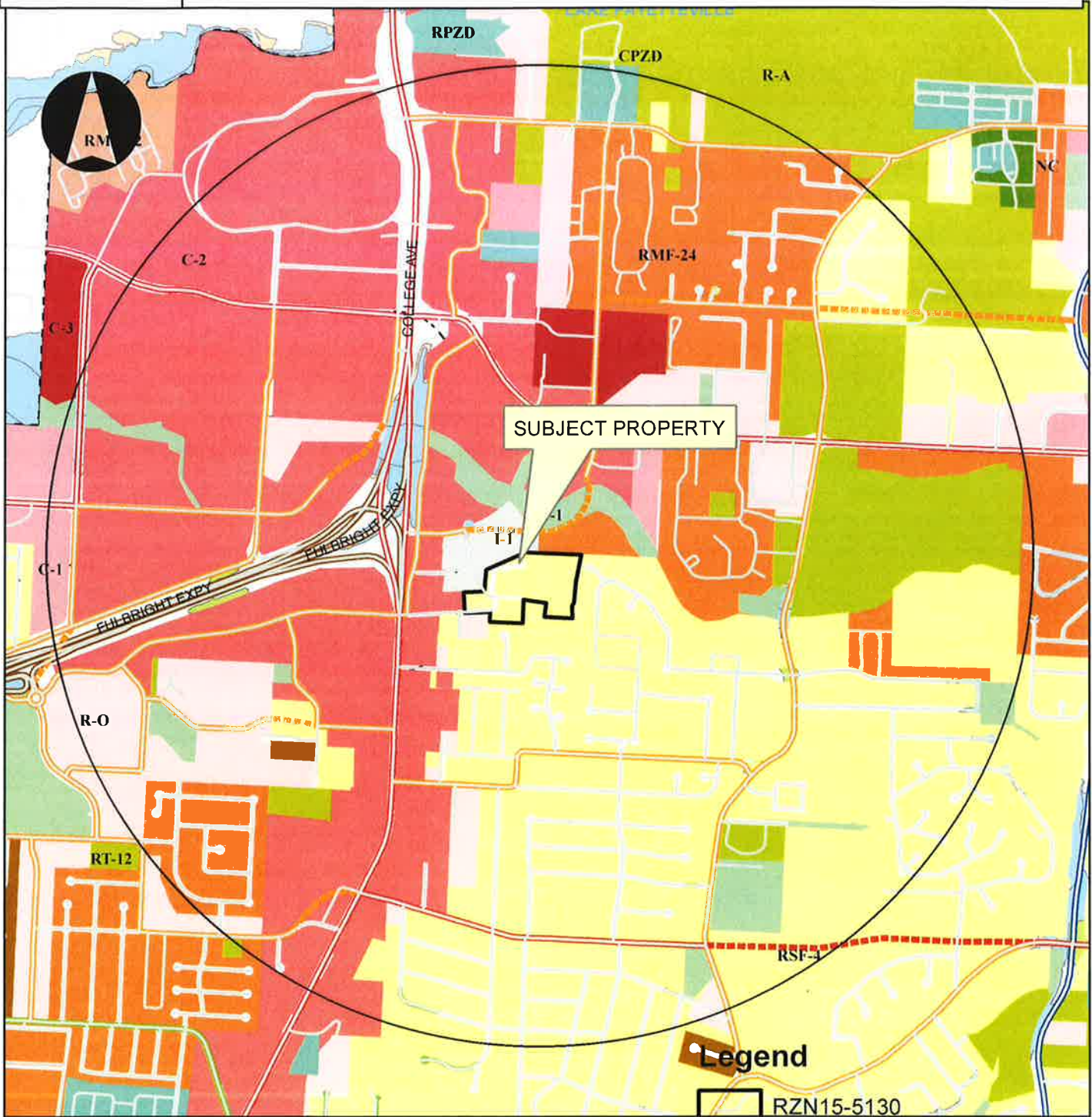


Rick McGraw, PLA
Project Manager

RZN15-5130

One Mile View

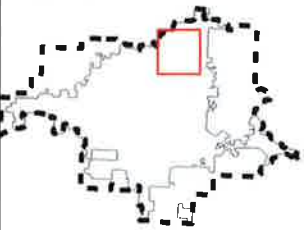
CHRISTIAN LIFE CATHEDRAL



Legend

- RZN15-5130
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

Overview



Legend

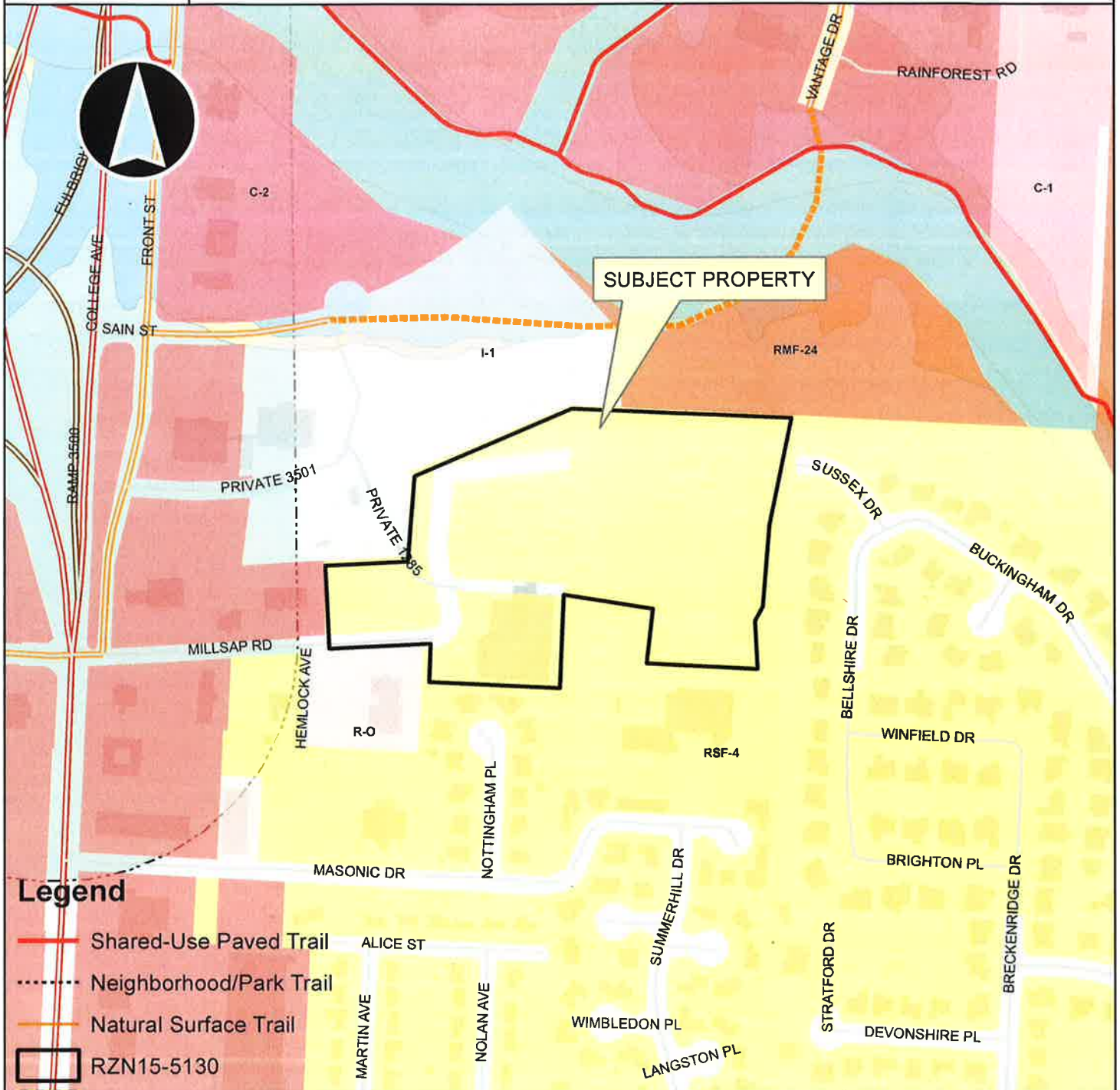
- Subject Property
- Boundary







RZN15-5130

CHRISTIAN LIFE CATHEDRAL

Close Up View



Legend

-  Shared-Use Paved Trail
-  Neighborhood/Park Trail
-  Natural Surface Trail
-  RZN15-5130

Overview

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



RZN 15-5130
EXHIBIT 'B'

Christian Life Cathedral – Parcel Property Legal Descriptions

Parcel # 765-15701-000

A part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of the Section Twenty-five (25), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a concrete monument marking the North West Corner of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of said Section Twenty-five (25) and running thence N 89 degrees 29' 09" E 594.56 feet to the centerline of a spring branch; thence Southeast along said centerline the following: S 8 degrees 33' 30" W 295.65 feet, S 1 degree 32' 30" W 223.10 feet, S 25 degrees 24' 30" W 44.3 feet, S 6 degrees 03' 30" E 130.22 feet to the North line of Lot 1 of the Summerhill Planned Unit Development; thence leaving said centerline and running West 301.33 feet along said North line of Lot 1 to the East fence line of the Sterns Cemetery as now exists; thence N 3 degrees 32' 31" E 148.5 feet along said fence line to the North East corner of said cemetery; thence N 83 degrees 48' 25" W 243.26 feet along the North fence line of said cemetery to the West line of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section Twenty-five (25); thence N 0 degrees 35' 47" W 505.08 feet to the point of beginning, containing 7.75 acres, more or less, City of Fayetteville, Washington County, Arkansas. Subject to a 30 foot wide strip reserved on the North side of Sterns Cemetery as it now exists and any other easements or Right-of-Way of record.

Parcel # 765-15715-010

A part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a concrete monument marking the North East corner of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said Section Twenty-six (26) and running thence S 0 degrees 35' 47" E 499.52 feet along the East line of said 40 acre tract to the intersection of Millsap Road; thence S 63 degrees 53' 05" W 279.2 feet along said centerline; thence S 77 degrees 53' 33" W 104.1 feet along said centerline; thence leaving said centerline and running N 19 degrees 43' 45" W 219.12 feet to a concrete monument marking the South East corner of the A.W. Realty Subdivision; thence North along the East line of said Subdivision North 1 degree 31' 02" E 232.26 feet to a concrete monument; thence N 63 degrees 37' 48" E 463.30 feet along said subdivision South line to the point of beginning, containing 4.57 acres, more or less, City of Fayetteville, Washington County, Arkansas. Subject to the Millsap Road Right-of-Way along the South side thereof and any other easements or Right-of-Way of record.

Parcel # 765-15716-000

A part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section Twenty-six (26), Township Seventeen (17) North, Range Thirty (30) West, being more particularly described as follows: Beginning at a point that is S 0 degrees 35' 47" E 499.52 feet from the North East corner of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of said section Twenty-six (26), said point of beginning being the intersection of the East line of said 40 acre tract and the centerline of Millsap Road as it now exists; thence along said East line S 0 degrees 35' 47" East 259.48 feet; thence S 89 degrees 37' W 354.0 feet; thence N 0 degrees 35' 47" W 117.1 feet to the centerline of Millsap Road; thence along said centerline N 77 degrees 53' 33" E 104.1 feet; thence along said centerline N 63 degrees 53' 05" E 279.2 feet to the point of beginning, containing 1.45 acres, more or less, city of Fayetteville, Washington County, Arkansas. Subject to the Millsap Road Right-of-Way along the North side thereof and any other easements or Rights-of-Ways of record.

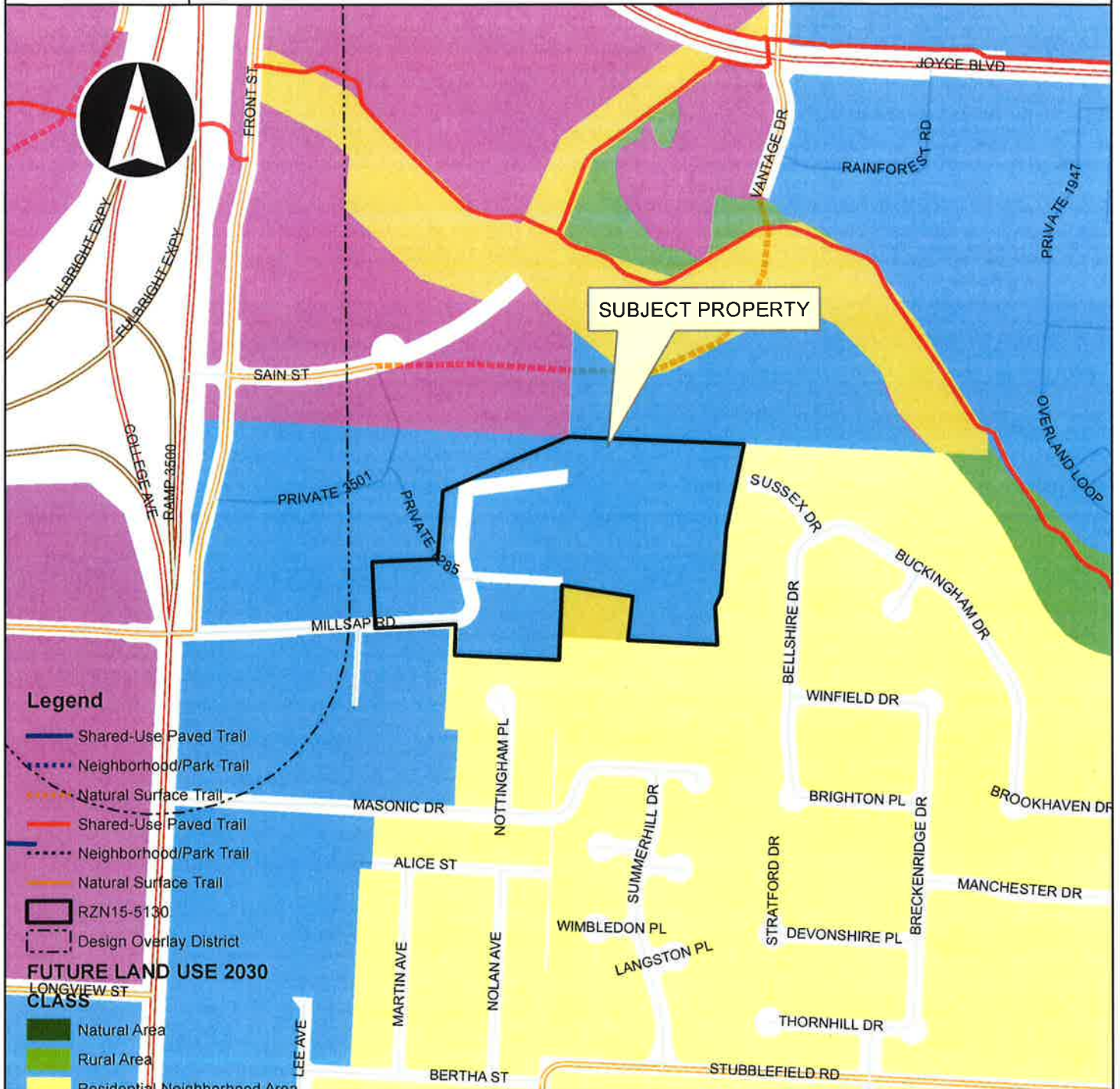
Parcel # 765-15726-000

The property located at 1124 Millsap Road, Fayetteville, Washington County, Arkansas, and described as being a part of the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 26, Township 17 North, Range 30 West, and more particularly described as follows: Beginning at a point 512.25 feet South and North 84° East 888 feet of the Northwest corner of said 40 acre tract, thence South 84° West 222 feet, thence South 5° 40' East 225 feet, thence North 84° East to a point 225 feet South of the point of beginning, thence North 225 to the point of beginning.

RZN15-5130

CHRISTIAN LIFE CATHEDRAL

Future Land Use



Legend

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

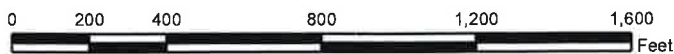
- RZN15-5130
- Design Overlay District

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









RZN15-5130

CHRISTIAN LIFE CATHEDRAL

Current Land Use



Legend

-  Shared-Use Paved Trail
 -  Natural Surface Trail
 -  RZN15-5130
 -  Footprints 2010
 -  Hillside-Hilltop Overlay District
 -  Design Overlay District
- 0 150 300 600 900 1,200 Feet