

City of Fayetteville Staff Review Form

2015-0441

Legistar File ID

10/6/2015

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

Jeremy Pate

9/18/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5165: Rezone (1118 S. DUNN AVE./PEARSON DEVELOPMENT, 562): Submitted by WILL SCHMIDT for property located at 1118 S. DUNN AVE. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 0.23 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

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 OCTOBER 6, 2015

TO: Fayetteville City Council

FROM: Quin Thompson, Current Planner

THRU: Andrew Garner, City Planning Director

DATE: September 18, 2015

SUBJECT: **RZN 15-5165: Rezone (1118 S. DUNN AVE./PEARSON DEVELOPMENT, 562):** Submitted by WILL SCHMIDT for property located at 1118 S. DUNN AVE. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 0.23 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to NC, Neighborhood Conservation.

BACKGROUND:

The subject property is an undeveloped lot located north of 1118 S. Dunn Avenue and contains approximately 0.23 acres within the I-1 zoning district.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of single and multi-family residential, and commercial uses.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as Residential Neighborhood Area, a designation which encourages a wide variety of residential uses, increased density, and appropriate infill of properties with existing infrastructure. The existing industrial zoning is not consistent with the FLUM designation.

DISCUSSION:

On September 14, 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: ~~September 14, 2015~~ **UPDATED 9-16-2015**

SUBJECT: **RZN 15-5165: Rezone (1118 S. DUNN AVE./PEARSON DEVELOPMENT, 562):** Submitted by WILL SCHMIDT for property located at 1118 S. DUNN AVE. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 0.23 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends **RZN 15-5165** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is an undeveloped lot located north of 1118 S. Dunn Avenue and contains approximately 0.23 acres within the I-1 zoning district. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Multi-family / Apartments	CS, Community Services
South	Single-Family Residential	RMF-24, Residential Multi-Family
East	Electrical Contractor	I-1, Heavy Commercial and Light Industrial
West	National Cemetery	RMF-24, Residential Multi-Family

Request: The request is to rezone the property from I-1 to NC. The applicant has stated that the rezoning is needed so that the applicant can build a 300 square foot residence for a small family.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Dunn Avenue. Dunn is an improved road with existing curb/gutter and sidewalk through the subject parcel area. However, the existing sidewalk and curb and gutter are in poor condition, and do not meet Master Street Plan dimensions. Any required improvements to these streets will be determined at time of development.

- Water:** A 2" diameter public water main is available to the subject parcel along the frontage of Dunn Ave. A 6" main is approximately 30 feet north of the property on 11th Street.
- Sewer:** An 8" diameter public sewer main is available to the subject parcel along the east side. If additional capacity is necessary for water or sewer to serve the property, it shall be the responsibility of the property owner, at the time of development.
- 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: **Residential Neighborhood Areas** are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 15-5165 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning allows development compatible with the existing adjacent uses and consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date: <u>September 14, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded
		<input type="checkbox"/> Denied
Motion: CHESSER	Second: AUTRY	Vote: 9-0-0
CITY COUNCIL ACTION:	Required	<u>YES</u>
Date: <u>October 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: **Land Use Compatibility:** The proposed zoning is compatible with the surrounding mixture of single and multi-family residential, and commercial uses.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as Residential Neighborhood Area, a designation which encourages a wide variety of residential uses, increased density, and

appropriate infill of properties with existing infrastructure. The existing industrial zoning is not consistent with the FLUM designation.

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

Finding: The proposed rezoning is justified at this time, as the proposed zoning will allow appropriate infill development in an area that is intended to be primarily residential.

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

Finding: The site has access to Dunn Avenue, a local street with curb, gutter, and sidewalk that does not meet current standards. The rezoning would allow two additional single-family dwellings to be built on the lot, which is not likely to perceptibly 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 I-1 to NC will not undesirably affect density or load on public services. This down-zoning would reduce potential for heavy commercial and industrial uses discouraged by City Plan 2030 Future Land Use Map in this area. 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 161.26 & 161.27
- Aerial Image
- Request Letter
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(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 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; 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)



ENGLISH PL

WEST AVE

11TH ST

subject property

DUNN AVE

PUBLIC 609



Arkansas Heritage Realty Company

36 E. Center Street

Fayetteville, AR 72701

479.521.2252

August 4, 2015

City of Fayetteville

City Planning

125 W. Mountain Street

Fayetteville, AR 72701

Re: Rezoning lot on S. Dunn

Dear Planning Commission,

Please find enclosed a request for rezoning of a lot that is located on South Dunn Ave, parcel number 765-12404-000, it is owned by Pearson Development and under contract to be sold to Ryan Casterellon. The land cannot be used under its current zoning classification because it is not big enough. Therefore, Pearson Development is requesting a down-zoning of the land from Industrial to RSF-8. This change will have little to no effect on the surrounding properties. Moreover, the proposed zoning change will not increase traffic danger or congestion nor will it influence the population density in such a way that it would impact the public services provided by the city. Furthermore, water and sewer lines are already available at this property (2 inch water line located in the front and 6 inch sewer line located in the back), therefore rezoning will not cause any additional changes to city services. Finally, this zoning change is consistent with the various land use planning and zoning objectives, principles, policies and is even consistent with the proposed zoning of future plans in the area. I look forward to working with the city to get this down zoning approved if you need any further information or questions please don't hesitate to call me at the number listed above.

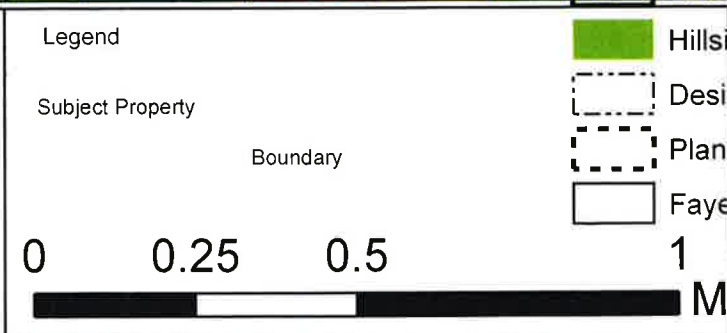
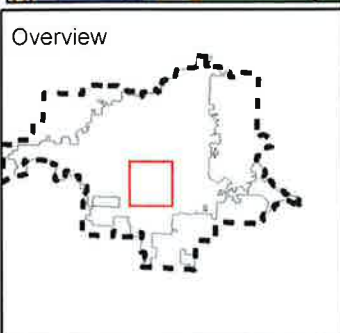
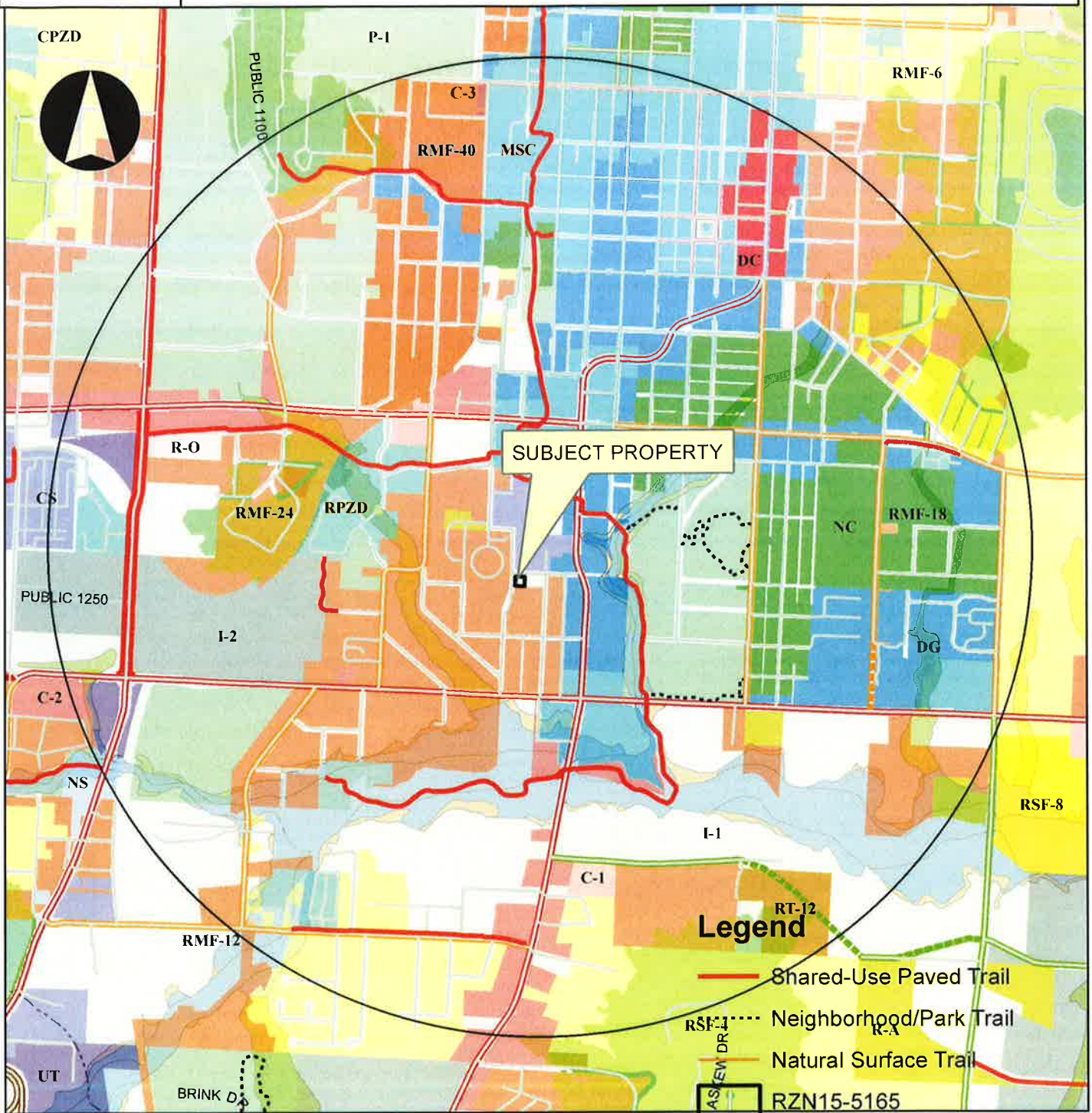
Sincerely,

Will Schmidt, Realtor

RZN15-5165

PEARSON DEVELOPMENT

One Mile View

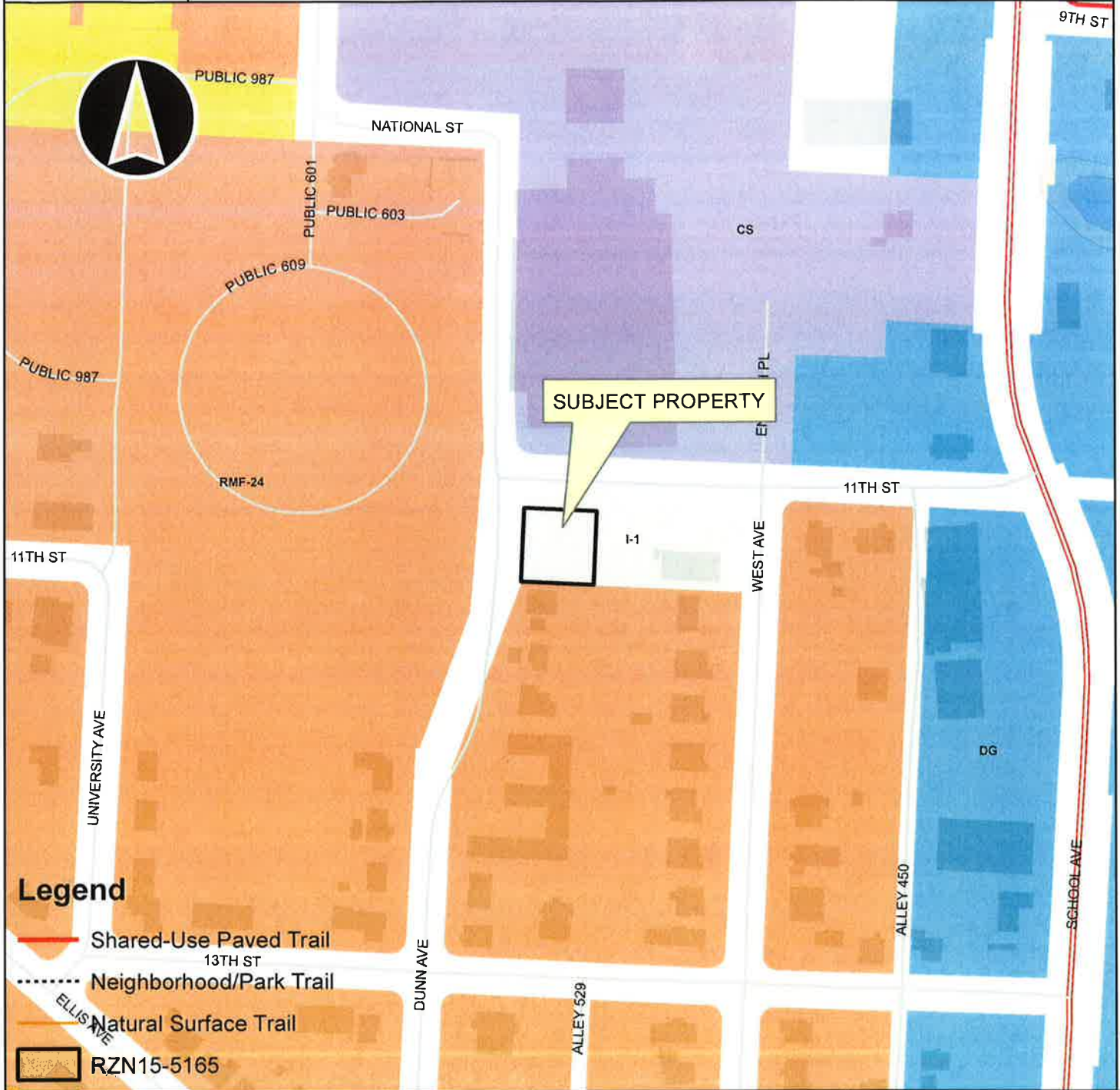


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PEARSON DEVELOPMENT

Close Up View



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- RZN15-5165

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



EXHIBIT 'B'
15-5165

The South 100 feet of Lot 1, Block 2 of Wilson Dunn Addition to the City of Fayetteville, Arkansas as designated upon the recorded plat of said addition in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

RZN15-5165

PEARSON DEVELOPMENT

Current Land Use



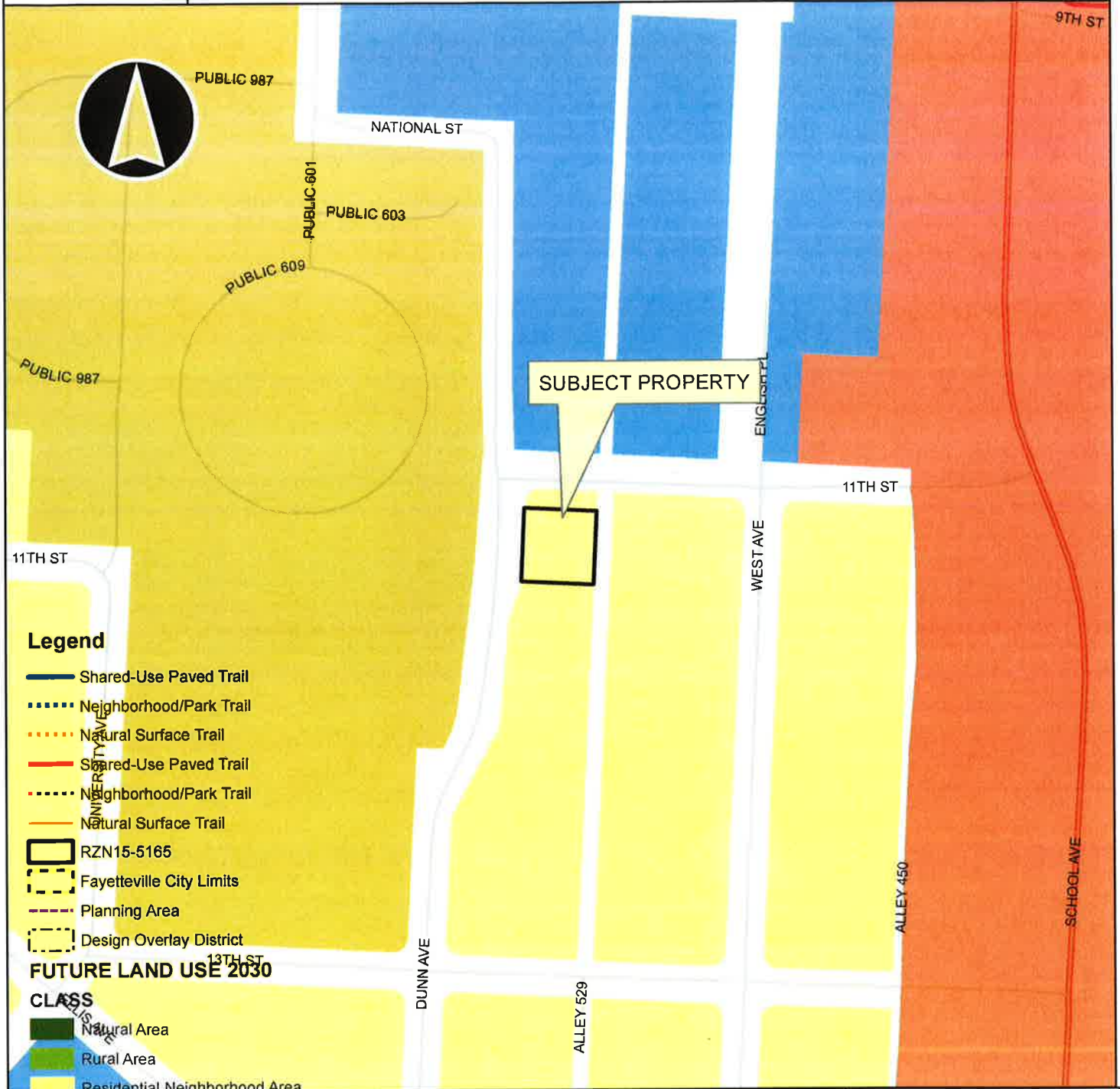
Overview	RZN15-5165
	Hillside-Hilltop Overlay District
	Fayetteville City Limits
	Footprints 2010
	Design Overlay District
	Planning Area



RZN15-5165

PEARSON DEVELOPMENT

Future Land Use



Legend

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

- RZN15-5165
- Fayetteville City Limits
- Planning Area
- 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

