

City of Fayetteville Staff Review Form

2017-0205

Legistar File ID

5/2/2017

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

Andrew Garner

4/14/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5728: Rezone (1640 S. HANSHEW RD./WM. LINDSEY, 596): Submitted by WILLIAM LINDSEY for properties at 1640 S. HANSHEW RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY and contain approximately 1.25 acres. The request is to rezone the properties to C-2, COMMERCIAL THOROUGHFARE.

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 MAY 2, 2017

TO: Mayor, Fayetteville City Council
THRU: Andrew Garner, Planning Director
FROM: Jonathan Curth, Senior Planner
DATE: April 14, 2017

SUBJECT: **RZN 17-5728: Rezone (1640 S. HANSHEW RD./WM. LINDSEY, 596):** Submitted by WILLIAM LINDSEY for properties at 1640 S. HANSHEW RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY and contain approximately 1.25 acres. The request is to rezone the properties to C-2, COMMERCIAL THOROUGHFARE.

RECOMMENDATION:

The City Planning staff and Planning Commission recommend approval of an ordinance to rezone the subject property to C-2, Thoroughfare Commercial, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The proposed rezoning request is for two parcels, totaling approximately 1.25 acres to the east of Hanshaw Road, just south of Martin Luther King Boulevard/Highway 62. The site is zoned RSF-4, Residential Single Family, 4 Units per Acre, and was annexed in to the City of Fayetteville in August of 1967 but never developed. Currently, and although zoned residentially, the property is being used in association with the property owner's business, Unique Creations by Billy, Inc. on the adjacent parcel to the north, and has been since 2011. In December of 2016, in response to a complaint, City staff identified several zoning violations on the subject property and its use related to the property owner's business to the north (included in the attached Planning Commission Staff Report). The owner expressed the desire to address these violations and to allow for a future expansion of his business by rezoning his property.

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to C-2, Thoroughfare Commercial, in order to expand an existing automotive business southward.

Land Use Compatibility: Given the existing land uses in the subject property's vicinity it is difficult to assess or uniformly declare compatibility of the proposed rezoning. On the one hand, the properties to the north and east are commercially-zoned with existing vehicle-oriented uses that would be consistent with the commercial activities permitted under the C-2 zoning district. On the other hand, to the south and west are properties that are largely undeveloped apart from a few large-lot residential dwellings. Given this, and with due consideration for the City Neighborhood Area land use designation in the area and recent rezonings to the west at the intersection of Martin Luther King Boulevard and Ruppel Road, it is likely that the intervening undeveloped land

will ultimately be rezoned and developed in to more intense uses more commonly found along corridors with comparable traffic volume.

Land Use Plan Analysis: The proposed zoning is generally consistent with the Future Land Use Map (FLUM) of the City Plan 2030, but not with goals laid out in City Plan 2030 itself. Among the goals of City Plan 2030 and the City Neighborhood Area designation are the encouragement of mixed-used development and development in a traditional town form. Rezoning the subject property to C-2 will not likely accomplish either of these objectives, as the C-2 zoning requires a suburban pattern of development, and does not permit most classifications of residential housing. However, extending the existing C-2 zoning designation southward will allow full utilization of property that has been used in association with the neighboring commercial business for several years. Additionally, this will generally mirror the depth of the C-2 zoning to the east that has been used as an auto salvage yard for many years.

The proposed rezoning to C-2 is needed as an early step to begin addressing zoning violations that have resulted from expansion of the property owner's business southward in to residentially-zoned parcels from the commercially-zoned property in the north. The property owner currently operates a vehicle repair and restoration business, and has an interest in being able to expand the business to his properties to the south.

DISCUSSION:

This item was discussed at the March 27, 2017 Planning Commission meeting. At that meeting several members of the public spoke in opposition to the rezoning. Primary items of concern were that the requested rezoning may allow other zoning violations to be resolved and that Hanshew Road is not currently adequate for existing traffic, much less increased intensity or activity. The Planning Commission discussed the value of businesses like the applicant's for City residents, but tabled the item pending more detailed information about the current zoning violations.

For the April 10, 2017 meeting, staff provided a detailed document of all current zoning violations, and possible means of resolution. Following public comment by a resident restating concern for the adequacy of Hanshew Road along with numerous residents and customers of the applicant attesting to his character and importance of his business, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 9-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

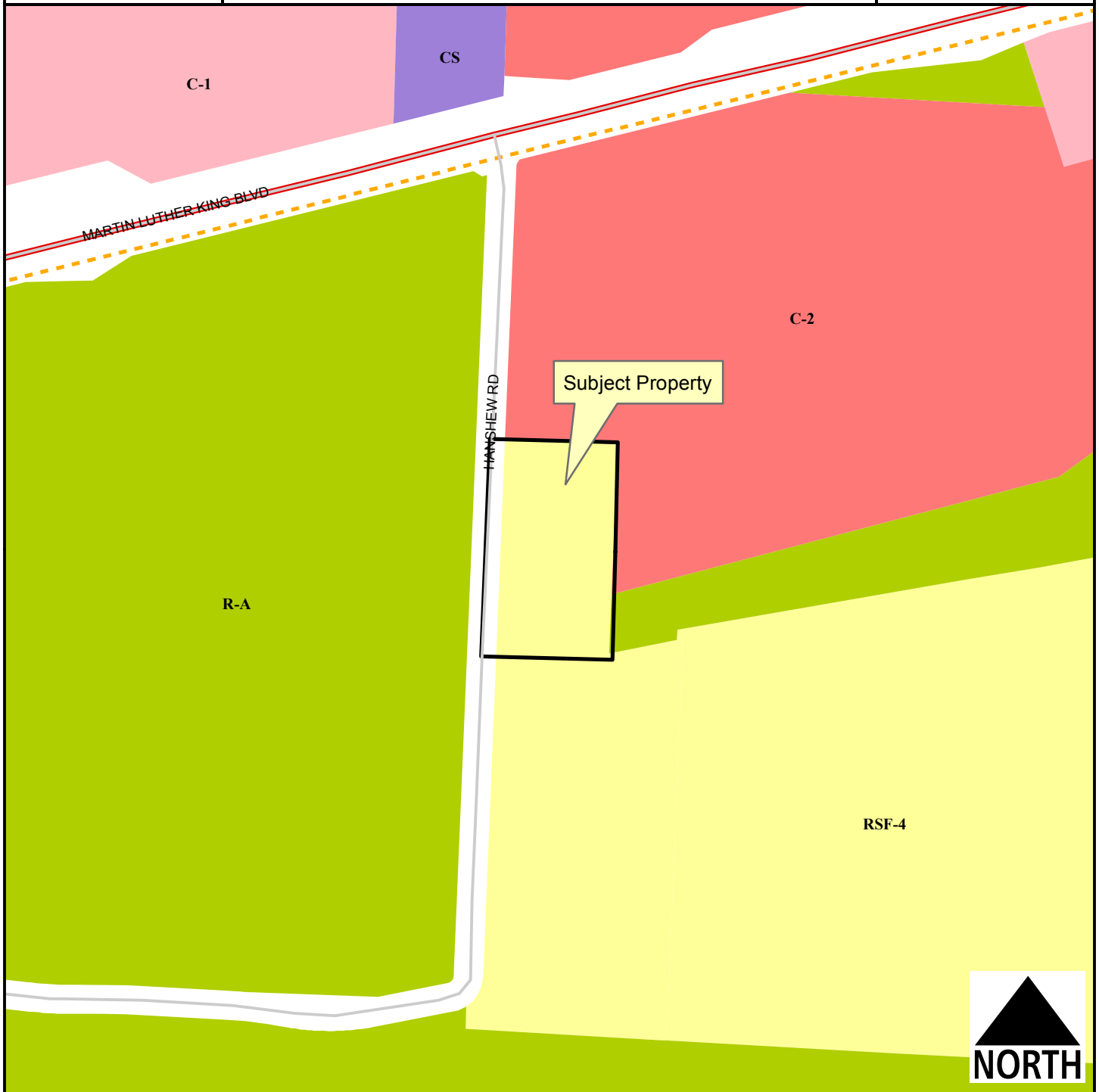
- Exhibit A
- Exhibit B
- Application
- Planning Commission Staff Report

RZN 17-5728

Close Up View

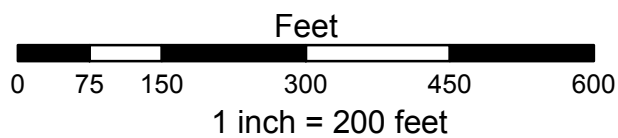
WM. LINDSEY

17-5728
EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



- Residential-Agricultural
- RSF-4
- C-1
- C-2
- Community Services

17-5728
EXHIBIT 'B'

PARCEL #765-14810-000

A PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS N02°18'40"E 662.01' FROM THE SOUTHWEST CORNER OF SAID FRACIONAL FORTY ACRE TRACT, AND RUNNING THENCE NO2°18'40"E 150.79' TO A SET NAIL, THENCH S88°28'17"E 176.43' TO A FOUND IRON PIN, THENCE S01°28'20"W 150.78' TO A SET IRON PIN, THENCE N88°28'17"W 178.64' TO THE POINT OF BEGINNING. CONTAINING 0.62 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

PARCEL #765-14788-000

A PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS N02°18'40"E 513.17' FROM THE SOUTHWEST CORNER OF SAID FRACIONAL FORTY ACRE TRACT, AND RUNNING THENCE NO2°18'40"E 148.84', THENCH S88°28'17"E 178.64' TO A SET IRON PIN, THENCE S01°28'20"W 148.82' TO A SET IRON PIN, THENCE N88°28'17"W 180.81' TO THE POINT OF BEGINNING. CONTAINING 0.61 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY, IF ANY.

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY

Date Application Submitted:

Date Accepted as Complete:

Case / Appeal Number:

Public Hearing Date:

5728

FEE: \$325.00

Sign Fee: \$5.00

S-T-R:

PP#:

Zone:

596

Please fill out this form completely, supplying all necessary information and documentation to support your request.
Your application will not be placed on the Planning Commission agenda until this information is furnished.

Application:

Indicate one contact person for this request: ☒ Applicant ☐ Representative

Applicant (person making request):

Name: William Lindsey

Address: 1640 S. Hanshew Rd.
Fayetteville, AR 72701

E-mail: uniquecreationsbybilly@gmail.com

Phone: (479) 466-9181 cell
(479) 521-8430 work

Fax: (479) 521-8430 work

Representative (engineer, surveyor, realtor, etc.):

Name: _____

Address: _____

E-mail: _____

Phone: _____
() _____
() _____

Fax: _____
() _____

Site Address / Location: 1640 S. Hanshew Road, Fayetteville, AR 72701

Current Zoning District: RSF-4

Requested Zoning District: C2

Assessor's Parcel Number(s) for subject property: 765-14810-000 & 765-14788-000
1.25 Ac

FINANCIAL INTERESTS

The following entities and / or people have financial interest in this project:

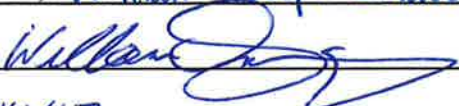
William Lindsey & City of Fayetteville

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): William Lindsey Date: 2/14/17
Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Property Owners of Record (attach additional info if necessary):

Name (printed): <u>William Joseph Lindsey</u>	Address: <u>1640 S. Henshaw Rd.</u>
Signature: <u></u>	<u>Fayetteville, AR 72701</u>
Date: <u>2/14/17</u>	Phone: <u>(479) 466-9181</u>

Name (printed): _____	Address: _____
Signature: _____	_____
Date: _____	Phone: _____ ()

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: March 27, 2017 **(Updated with Planning Commission Results)**

SUBJECT: **RZN 17-5728: Rezone (1640 S. HANSHEW RD./WM. LINDSEY, 596):**
 Submitted by WILLIAM LINDSEY for properties at 1640 S. HANSHEW RD. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY and contain approximately 1.25 acres. The request is to rezone the properties to C-2, COMMERCIAL THOROUGHFARE.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5728** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

March 27, 2017 Planning Commission Meeting: *The previous request by the applicant was to rezone the subject property to C-2, Thoroughfare Commercial, with an intention of expanding the property owner's business to the subject properties. This item was tabled at the March 27, 2017 Planning Commission meeting to give staff and the applicant to reassess existing zoning violations and outline the required steps to address the comments and concerns expressed by neighbors. The zoning violations have been detailed and are attached to this report.*

The proposed rezoning request is for two parcels, totaling approximately 1.25 acres to the east of Hanshew Road, just south of Martin Luther King Boulevard/Highway 62. The site is zoned RSF-4, Residential Single Family, 4 Units per Acre, and was annexed in to the City of Fayetteville in August of 1967 but never developed. Currently, and although zoned residentially, the property is being used in association with the property owner's business, Unique Creations by Billy, Inc. on the adjacent parcel to the north, and has been since 2011. In December of 2016, in response to a complaint, City staff identified several zoning violations (see attached) on the subject property and its use related to the property owner's business to the north. The owner expressed the desire to address these violations and to allow for a future expansion of his business by rezoning his property. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Vehicle Repair/Restoration;	C-2, Thoroughfare Commercial
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Auto Salvage	C-2, Thoroughfare Commercial; R-A, Residential-Agricultural
West	Undeveloped	R-A, Residential-Agricultural

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to C-2, Thoroughfare Commercial, in order to expand an existing automotive business southward.

Public Comment from the March 27, 2017 Planning Commission meeting: Although staff only received inquiries about the rezoning prior to its public hearing, multiple residents spoke before the Planning Commission expressing frustration at the City's delay in addressing zoning violations on the property and communicating the process. Other concerns included the inadequacy of the Hanshew Road to handle increased traffic, much less the existing vehicle movements associated with the applicant's business.

Public Comment before the April 10, 2017 Planning Commission meeting: Staff was contacted and asked to consider safety concerns regarding the existing residential structure north of the property that is the subject of this rezoning.

INFRASTRUCTURE:

Streets: The subject parcels have access to Hanshew Road along their western boundary. Hanshew Road is an unimproved asphalt street, approximately 16 feet wide, with open ditches on each side. No curb/gutter, storm drainage, or sidewalks have been constructed. Any street improvements would be determined at the time of development proposal.

Water: Public water is available to the site. An existing 6-inch water main runs along the western side of Hanshew Road.

Sewer: Public sanitary sewer is available to the site. An existing 6-inch sewer main is located under Hanshew Road.

Drainage: Any additional improvements or requirements for drainage would be determined at the time of development. No portion of these parcels lie within the FEMA designated 100-yr floodplain or the HHOD. Hydric Soils have been identified on portions of these parcels and would require a wetlands determination to be provided at the time of development proposal.

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

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 the properties within the proposed rezone as **City Neighborhood Area**.*

City Neighborhood 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

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:*** Given the existing land uses in the subject property's vicinity it is difficult to assess or uniformly declare compatibility of the proposed rezoning. On the one hand, the properties to the north and east are commercially-zoned with existing vehicle-oriented uses that would be consistent with the commercial activities permitted under the C-2 zoning district. On the other hand, to the south and west are properties that are largely undeveloped apart from a few large-lot residential dwellings. Given this, and with due consideration for the City Neighborhood Area land use designation in the area and recent rezonings to the west at the intersection of Martin Luther King Boulevard and Ruppel Road, it is likely that the intervening undeveloped land will ultimately be rezoned and developed in to more intense uses more commonly found along corridors with comparable traffic volume.

Land Use Plan Analysis: The proposed zoning is generally consistent with the Future Land Use Map (FLUM) of the City Plan 2030, but not with goals laid out in City Plan 2030 itself. Among the goals of City Plan 2030 and the City Neighborhood Area designation are the encouragement of mixed-used development and development in a traditional town form. Rezoning the subject property to C-2 will not likely accomplish either of these objectives, as the C-2 zoning requires a suburban pattern of development, and does not permit most classifications of residential housing. However, extending the existing C-2 zoning designation southward will allow full utilization of property that has been used in association with the neighboring commercial business for several years. Additionally, this will generally mirror the depth of the C-2 zoning to the east that has been used as an auto salvage yard for many years.

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

Finding: The proposed rezoning to C-2 is needed as an early step to begin addressing zoning violations that have resulted from expansion of the property owner's business southward from the commercially-zoned property to the north in to the residentially-zoned subject property. The property owner currently operates a vehicle repair and restoration business, and has an interest in being able to expand the business to his properties to the south in the future.

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

Finding: The site has access to Hanshew Road, an unimproved asphalt street, which connects northward to Martin Luther King Boulevard/Highway 62, a Principal Arterial. Given the size of the properties, the proposed rezoning is unlikely to cause an adverse increase in the amount of traffic over the existing RSF-4 zoning. Street improvements will be assessed at the time of development and depending on the scope of development, may be significant.

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: Provided the almost complete lack of permitted residential uses under the C-2 zoning district, rezoning the property from RSF-4 to C-2 would not increase the potential for density. However, a rezoning to C-2 could significantly increase the intensity of use, particularly given the range of permitted commercial activities, the allowed 75-foot building height, and a lack of bulk and area requirements. These could be marginally mitigated for by the combined 1.23 acre size of the two parcels and a property depth of less than 200 feet, but there remains the possibility of increased load on public services.

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

RECOMMENDATION: Staff recommends forwarding RZN 17-5728 to the City Council with a recommendation of approval, based on the findings discussed throughout this report.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>April 10, 2017</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Hoffman			
Second: Quinlan			
Vote: 9-0-0			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>TBD</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07, RSF-4, Residential Single-family, 4 Units per Acre
 - §161.21, C-2, Thoroughfare Commercial
- Request letter
- Rezone exhibit
- Original Complaint, Current Zoning Violations and Outlined Solutions
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.07 - District RSF-4, Residential Single-Family - Four (4) 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	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet

Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	45 feet
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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.

(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. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16)

161.21 - 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	Cluster Housing Development
Unit 45	Small scale production

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

(F) *Building Height Regulations.*

Building Height Maximum	75 feet*
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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 1 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. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16)

CUP 17-5728

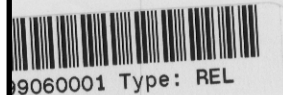
Request Letter

Rezoning Proposal

My name is William Lindsey, owner of 1640 S. Hanshew Road, which is located in Fayetteville. I am requesting a zoning change on two of the three parcels within this property. They are parcel number 765-14810-000 and 765-14788-000. They are currently zoned as RSF4 and I am requesting that they be rezoned to commercial C2 in efforts to comply with city ordinances pertaining to the number of vehicles allowed on RSF4 verses C2.

The parcels are adjacent to existing commercially zoned properties. I'd like to utilize these parcels to manage the vehicle overflow from my automotive repair business which is zoned C2 and one of the adjacent properties (1620 S. Hanshew Rd).

CUP 17-5734
Rezone Exhibit



2014 at 11:49:52 AM
Page 1 of 1
Washington County, AR
Kylie Sylvester Circuit Clerk
File 2014-00030675

SURVEYING NOTES

STATE RECORDING NUMBER:
500-16N-30W-019-340-72-1532

COMPLETED FIELD WORK:
MARCH 29, 2012

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE, NAD83.

REFERENCE DOCUMENTS:

1. WARRANTY DEED FILED IN DEED BOOK 2011 AT PAGE 18667.
2. WARRANTY DEED FILED IN DEED BOOK 773 AT PAGE 115.
3. WARRANTY DEED FILED IN DEED BOOK 89 AT PAGE 488.
4. SURVEY PLAT FILED IN PLAT BOOK 2007 AT PAGE 38270.

FLOOD CERTIFICATION:

NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.

PANEL #05143C0215F DATED 05/16/2008)

Approximately 1.25 acres
proposed for rezoning to C-2,
Thoroughfare Commercial

ADJACENT LAND OWNERS:

1. MOORMAN, BARBARA D REV TRUST
3450 W FINGER RD
FAYETTEVILLE, AR 72701
PARCEL #765-14827-000
ZONED: R-A

2. DUGGAR, JAMES R & MICHELLE A
REVOCABLE LIVING TRUST
548 ARBOR ACRES AVE
SPRINGDALE, AR 72762
PARCEL #765-16272-001
ZONED: R-A

3. LINDSEY, WILLIAM JOSEPH
1620 S HANSHEW RD
FAYETTEVILLE, AR 72701
PARCEL #765-14811-001
ZONED: C-2

4. HIGHWAY 62 AUTO SALVAGE & SALES, INC
3595 W MARTIN LUTHER KING BLVD
FAYETTEVILLE, AR 72704
PARCEL #765-22968-000
ZONED: C-2

5. COBB BROTHERS &
WESTPHAL PROPERTIES, LLC
109 N 6TH ST
FORT SMITH, AR 72901
PARCEL #765-22968-000
ZONED: RSF-4

CERTIFICATE OF OWNERSHIP & DEDICATION:
WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO WASHINGTON COUNTY AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY WASHINGTON COUNTY) THE EASEMENTS AS SHOWN ON THIS PLAT FOR THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

11/5/14
DATE

OWNER

SW CORNER
FRAC. NW 1/4, FRAC. SW 1/4
SECTION 19
T-16-N, R-30-W
P.O.B. TRACT 1

STATE PLANE COORD.
FOUND IRON PIN
N: 630711.9588
E: 657922.1113

STATE PLANE COORD.
FOUND IRON PIN
N: 630704.7219
E: 658198.3878

CURRENT ZONING AND BUILDING SETBACKS:

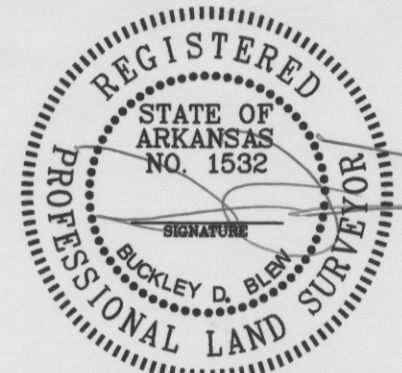
RSF-4
FRONT: 15'
SIDE: 5'
REAR: 15'

APPROVED FOR RECORDATION
FAYETTEVILLE PLANNING
ADMINISTRATION

By: [Signature] Date 11/5/14

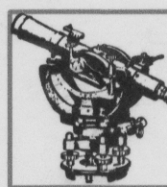
OWNER / DEVELOPER
LINDSEY, WILLIAM JOSEPH
1620 S HANSHEW RD
FAYETTEVILLE, AR 72701
PARCEL #765-14813-000
PARCEL #765-14788-000
PARCEL #765-14810-000
ZONED: RSF-4
CITY PLAT PAGE: 596

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 29TH DAY OF MARCH, 2012.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

0' 60' 120' 180'
1 inch = 60 feet

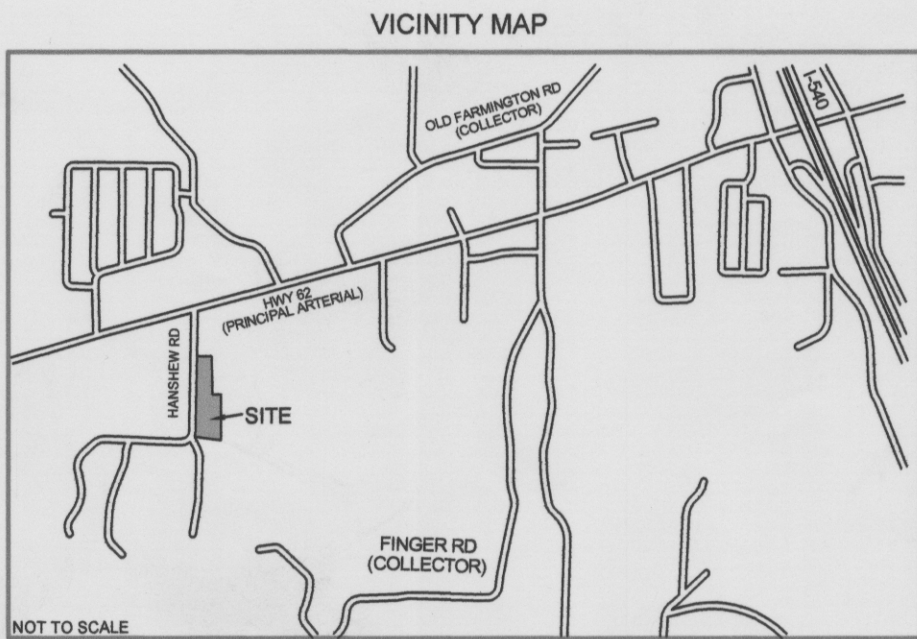


BLEW & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
524 W. SYCAMORE ST. SUITE 4
FAYETTEVILLE, AR 72703
PH. (479) 443-4506 FAX (479) 582-1883
http://www.blewinc.com

FOR THE USE AND BENEFIT OF
WILLIAM LINDSEY
JOB # 12-151 DRAWN BY SCOTT
SURVEYED BY WES
DATE: 04/02/2012

STANDARD LEGEND

SURVEY FEATURES	SURVEYING SYMBOLS
BOUNDARY LINE	SET/FOUND 5/8" REBAR
FORTY LINE	SET/FOUND NAIL
CENTERLINE OF ROAD	FENCE CORNER POST
RIGHT-OF-WAY	FOUND STONE
TREE LINE	STATE MONUMENT
(M) FIELD MEASUREMENT	FOUND PIPE
(R) RECORDED MEASUREMENT	COMPUTED POINT
EASEMENTS	UTILITY SYMBOLS
INGRESS & EGRESS EASEMENT	SANITARY SEWER
BUILDING SET BACK	MANHOLE
UTILITY EASEMENT	POWER POLE
UTILITY LINES	WATER VALVE
WATER LINE	GAS METER
OVERHEAD POWER LINE	ELECTRICAL BOX
SEWER LINE	TELEPHONE PEDESTAL
FLOW LINE	WATER METER
GAS LINE	SEPTIC LID
FIBER OPTIC	FIRE HYDRANT
TELEPHONE LINE	STORM WATER
	LIGHT
	SURVEY FEATURE HATCHES
	ASPHALT
	CONCRETE
	POND
	GRAVEL
	FLOOD ZONE



Zoning Complaint, Violations, & Solutions

Items of Original Complaint:

- Use of property as a campground for Bikes, Blues, and BBQ, including portable toilets;
- Use of property as a junk yard (including large shipping containers and inoperable vehicles); and
- Erection of a garage on the property.

Identified Violations:

1. The property owner has noted that he did have associates use his property for camping on the weekend of Bikes, Blues, and BBQ;
2. Residentially-zoned properties currently being used in conjunction with Unit 17: Transportation Trades and Services on adjacent commercially-zoned property (§161.07 and §162.01);
3. Parking of vehicles on an area not paved as a parking lot, or surfaced and screened as a storage yard; (§151 and §166.25);
4. Shipping containers on the property present for approximately one year (§173.09);
5. More than 4 vehicles parked on a lot on a property zoned for single-family use (§172.11);
6. Unlicensed vehicles on site (§164.05); and
7. Possibly inoperable vehicles on site in excess of 45 days (§164.05).

Outlined Solutions (in response to each enumerated violation):

1. The applicant is permitted to allow occasional, short-term camping as an accessory use to his primary residence. If there is any exchange of monetary compensation, long-term camping, or if camping becomes the primary use of the property, the activity is classified as a commercial campground and is only permitted as a conditional use under Unit 2: City Wide Uses by Conditional Use Permit. Any activities related to the camping must comply with other City ordinances related to litter, noise, and lighting.
2. Request a rezoning of those parcels intended for commercial use to a district that permits Unit 17: Transportation Trades and Services, or remove activities associated with Use Unit 17 from the property.
3. Submit plans to pave a parking area that meets the City's parking lot design standards, or to utilize gravel to create a vehicle storage yard with associated and required screening.
4. Remove the shipping containers from the property, or utilize and secure them in construction that complies with the City's adopted building and fire codes.
5. Remove in vehicles from the property that exceed the four allowed to be kept outdoors, or place in a garage or under a carport.
6. Remove any unlicensed vehicles from the property or submit them for proper registration and licensing.
7. Remove inoperable vehicles from the property if present in excess of 45 days.

With Denial of Rezoning Request:

-If the Commission is to deny the rezoning request, the applicant will be sent a Final Violation notice, and will be required to remove all vehicles and appurtenances related to his business

from the residentially-zoned properties. All other zoning violations may to be resolved according to the solutions outlined above, unless alternative solutions are found.

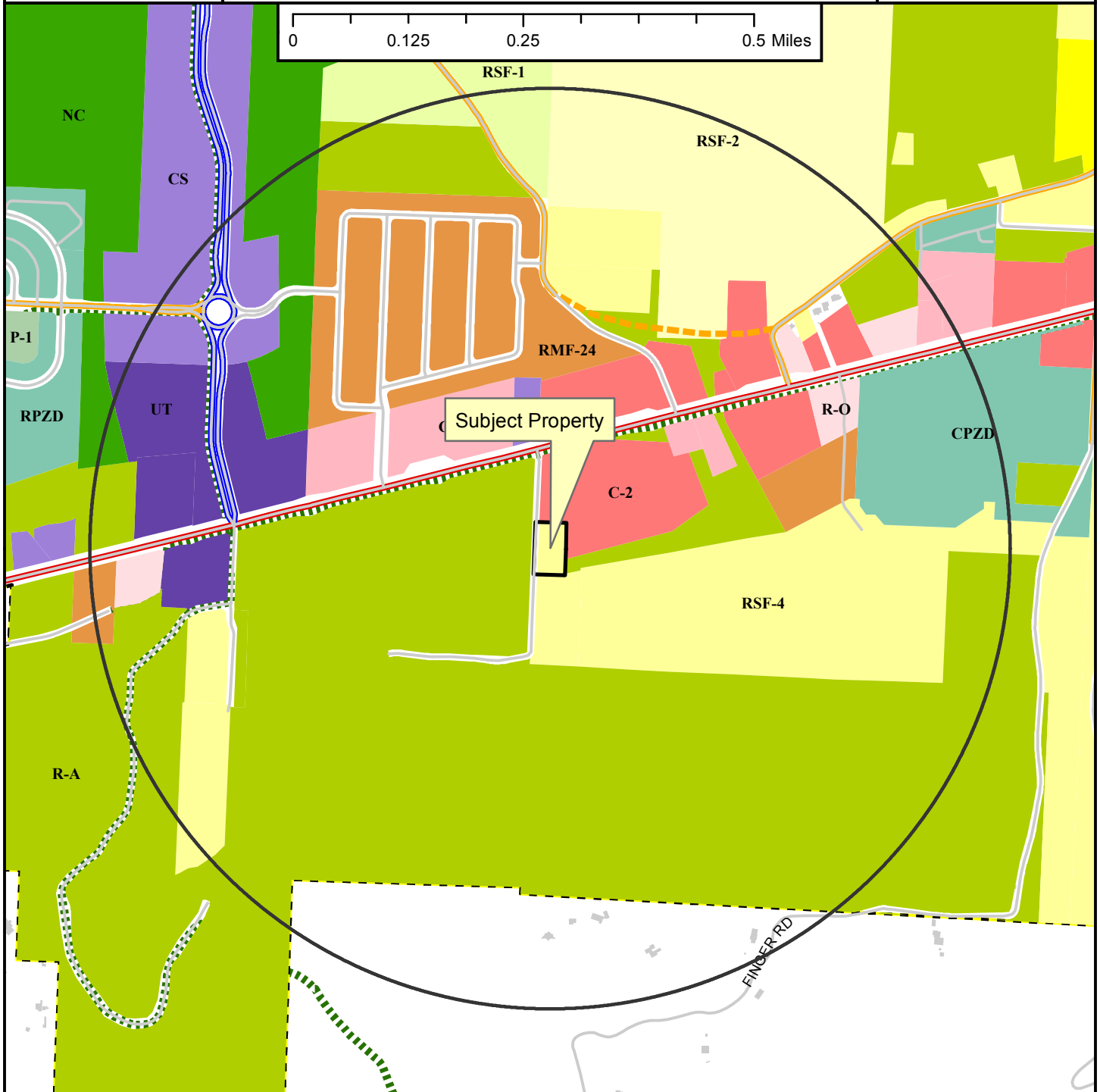
RZN 17-5728

One Mile View

WM. LINDSEY

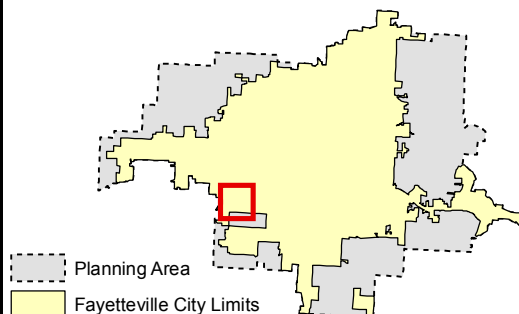


0 0.125 0.25 0.5 Miles



Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY

- RT-12 Residential Two and Three-family
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL

- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION

E-1

COMMERCIAL

- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

PLANNED ZONING DISTRICTS

- Commercial, Industrial, Residential

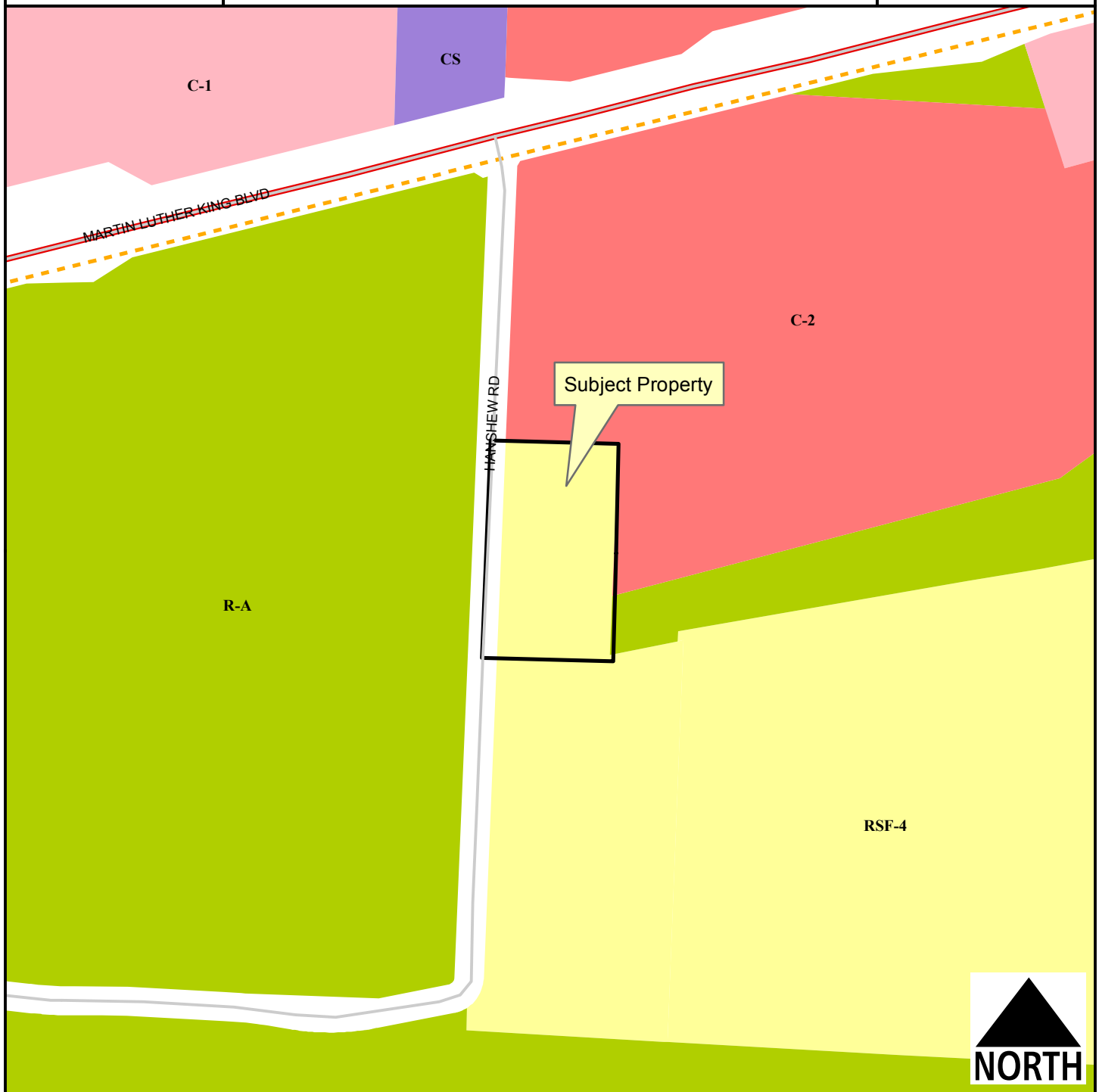
INSTITUTIONAL

- P-1

RZN 17-5728

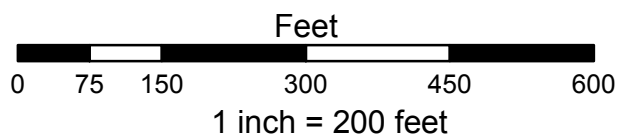
WM. LINDSEY

Close Up View



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint

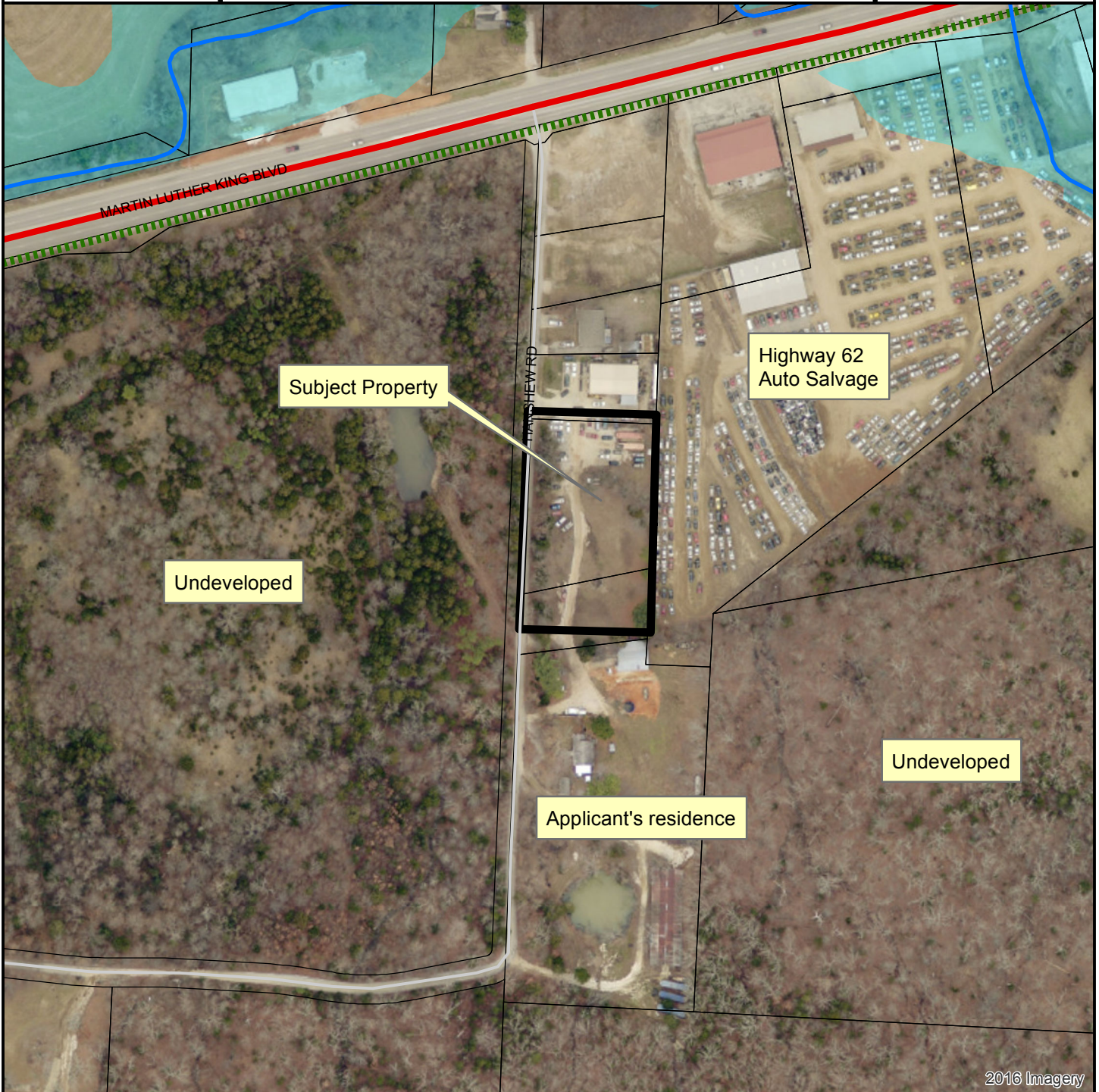


- Residential-Agricultural
- RSF-4
- C-1
- C-2
- Community Services

RZN 17-5728

Current Land Use

WM. LINDSEY



2016 Imagery

- PRINCIPAL ARTERIAL
- Street
- RZN17-5728
- Streams
- Trail (Proposed)
- County Parcels
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1 inch = 200 feet

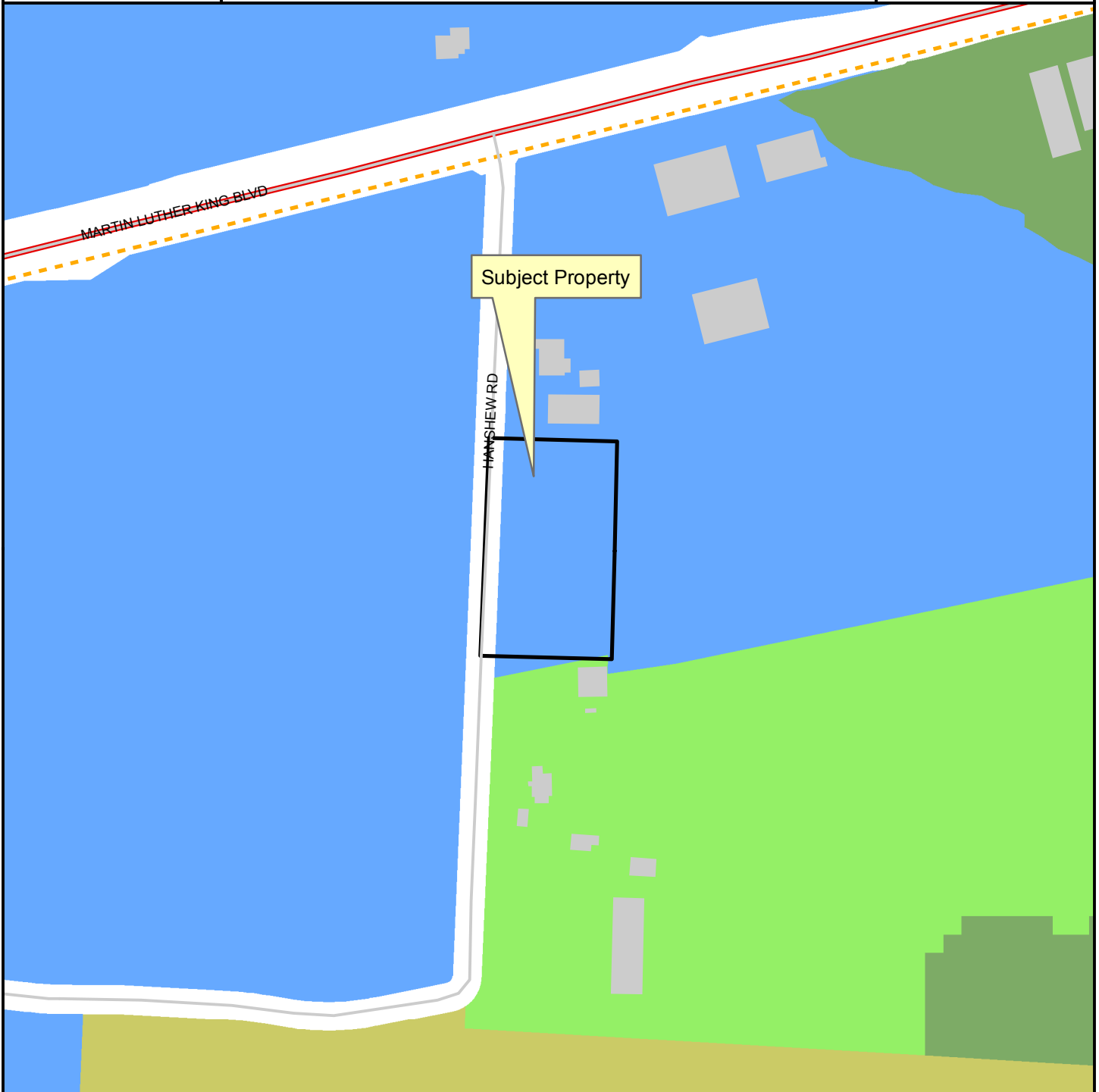
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN 17-5728

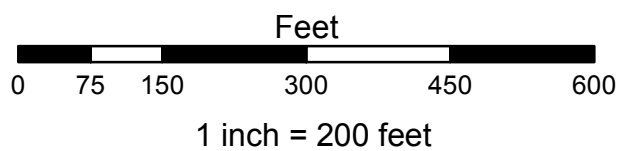
Future Land Use

WM. LINDSEY



Legend

- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Building Footprint



FUTURE LAND USE 2030

- Natural Area
- Rural Area
- City Neighborhood Area
- Civic and Private Open Space/Parks