

City of Fayetteville Staff Review Form

2018-0507

Legistar File ID

10/2/2018

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

Garner Stoll

9/14/2018

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 18-6330: Rezone (1101 S. BEECHWOOD AVE./ASPEN HEIGHTS PARTNERS, 560): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located at 1101 S. BEECHWOOD AVE. The properties are zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contain approximately 13.26 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

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 2, 2018

TO: Mayor, Fayetteville City Council

THRU: Garner Stoll, Development Services Director

FROM: Harry Davis, Planner
Andrew Garner, Planning Director

DATE: September 14, 2018

SUBJECT: **RZN 18-6330: Rezone (1101 S. BEECHWOOD AVE./ASPEN HEIGHTS PARTNERS, 560):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties located at 1101 S. BEECHWOOD AVE. The properties are zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contain approximately 13.26 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

RECOMMENDATION:

The Planning Commission and staff recommend approval of the requested rezoning as depicted in Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located approximately 1,500 feet south of Martin Luther King Boulevard on the west side of Beechwood Avenue. The property totals approximately 13.26 acres, is zoned I-1, Heavy Commercial and Light Industrial, and is currently developed with one large industrial building. Surrounding land uses and zoning is depicted in Table 1.

Request: The request is to rezone the parcel from I-1 to CS, Community Services. The applicant wishes to develop this property in a manner similar in nature to similar properties to the north and northeast for multi-family housing.

Public Comment: Staff has not received public comment as of writing this report.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. The neighborhood has been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses.

Land Use Plan Analysis: Staff believes that the proposal is not entirely compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. The City Plan 2030 Future Land Use Map designates this area as Industrial. This designation is

often used to protect existing industrial uses and to safeguard businesses that may create noise or odor that are not compatible with other uses. Properties in the area have been moving away from industrial uses, and current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and light commercial uses, which are compatible with the changing neighborhood.

DISCUSSION:

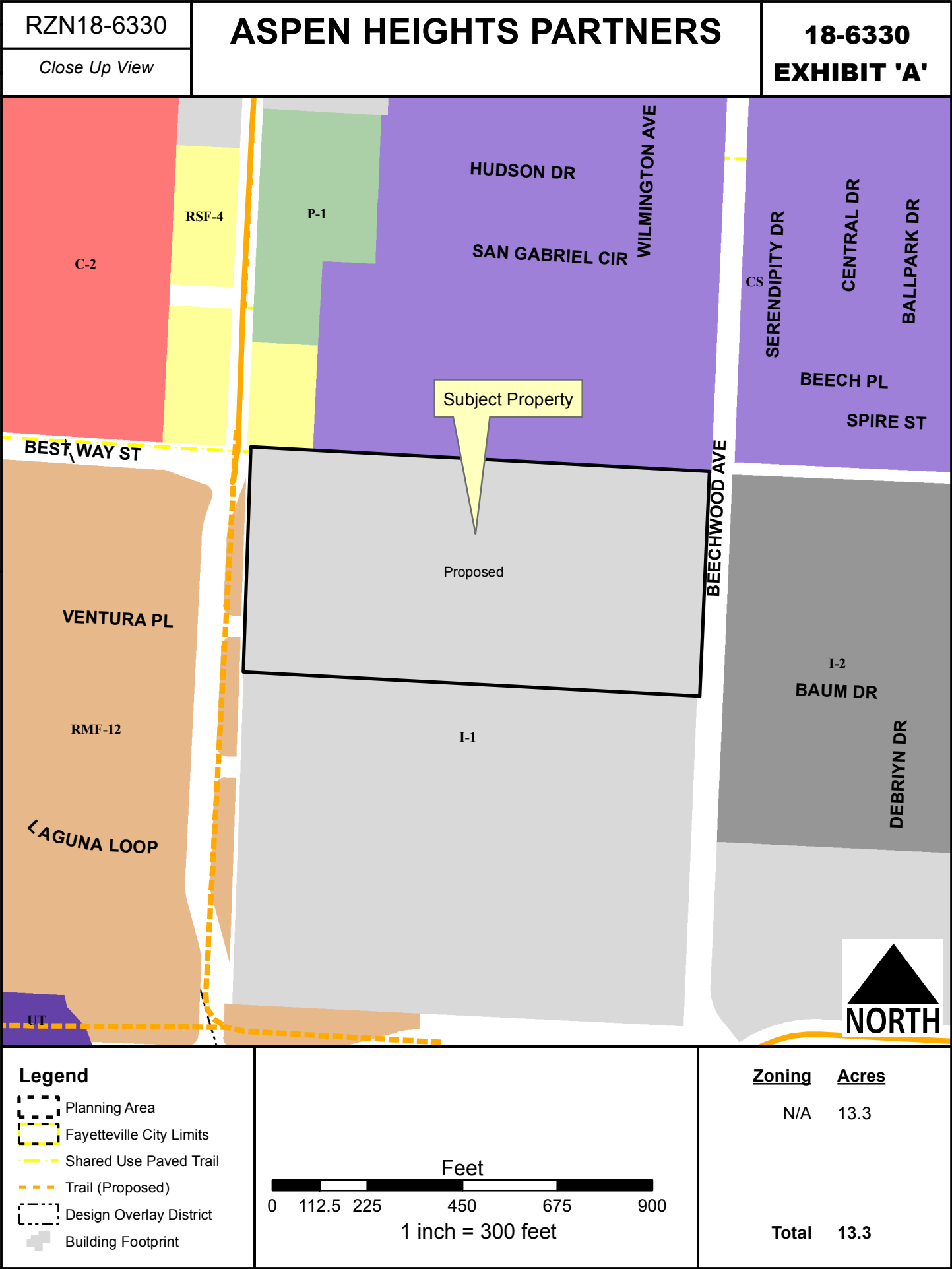
At the September 10, 2018 Planning Commission meeting, this item was forwarded with a recommendation for approval by a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



18-6330
EXHIBIT 'B'

LEGAL DESCRIPTION:

A part of the SE1/4 of the NW1/4 of Section 20, T16N, R30W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SE1/4, NW1/4, thence S86°57'26"E 210.00 feet to the POINT OF BEGINNING, thence S86°57'26"E 1,087.64 feet, thence S02°26'48"W 532.15 feet, thence N86°58'49"W 1,082.84 feet, thence N01°55'51"E 532.66 feet to the POINT OF BEGINNING, Containing 13.26 acres, more or less, subject to easements and right of ways of record.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: September 10, 2018 **UPDATED W PC RESULTS**

SUBJECT: **RZN 18-6330: Rezone (1101 S. BEECHWOOD AVE./ASPEN HEIGHTS PARTNERS, 560):** Submitted by JORGENSEN & ASSOCIATES, INC. for properties located at 1101 S. BEECHWOOD AVE. The properties are zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contain approximately 13.**38** acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN 18-6330** to City Council, based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to forward RZN 18-6330 to City Council with a recommendation for approval."

BACKGROUND:

The subject property is located approximately 1,500 feet south of Martin Luther King Boulevard on the west side of Beechwood Avenue. The property totals approximately 13.**38** acres, is zoned I-1, Heavy Commercial and Light Industrial, and is currently developed with one large industrial building. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	CS, Community Services
South	Industrial	I-1, Heavy Commercial and Light Industrial
East	Industrial	I-2, General Industrial
West	Undeveloped	RMF-12, Residential Multi-family, 12 Units per Acre

Request: The request is to rezone the parcel from I-1 to CS, Community Services. The applicant wishes to develop this property in a manner similar in nature to similar properties to the north and northeast for multi-family housing.

Public Comment: Staff has not received public comment as of writing this report.

INFRASTRUCTURE:

Streets: The subject parcel has access to Beechwood Avenue and will have access to Hollywood Avenue upon its completion. Beechwood Avenue is an improved two-

lane asphalt street with curb and gutter, sidewalk, and storm drains. There's an open ditch with no curb on the west side of Beechwood. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the parcel. There is an existing 10-inch that comes off Beechwood Avenue and feeds into the existing 8-inch main that runs along the perimeter of the building.

Sewer: Sanitary Sewer is available to the site. There is a manhole to the southwest of the building on the property line.

Drainage: No portion of this property is identified as FEMA regulated floodplains. The parcel does not lay in the HHOD. There are no protected streams on this parcel. There are hydric soils identified on this parcel. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: The Fire Department expressed no concerns with this request.

Police: The Police Department expressed no 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 **Industrial Area**. Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.*

Guiding Policies:

- Noise, visual, air and water pollution shall be minimized through performance standards.
- New industry shall be recruited and encouraged to locate within the existing industrial park unless rail access is necessary to the industry.
- Industrial zones that are not consistent with the Future Land Use map should be rezoned to more appropriate uses.
- Encourage the use of "green" technologies to minimize noise, air and water pollution

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 Plan Analysis:*** Staff believes that the proposal is not entirely compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. The City Plan 2030 Future Land Use Map designates this area as Industrial. This designation is often used to protect existing industrial uses and to safeguard businesses that may create noise or odor that are not compatible with other uses. Properties in the area have been moving away from industrial uses, and current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and light commercial uses, which are compatible with the changing neighborhood.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. The neighborhood has been developing recently with multi-family housing and a variety of commercial and office buildings. The proposal to rezone the property to CS, Community Services will allow the property to be used for commercial or residential opportunities that are consistent with surrounding land uses.

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 due to the fact that the area's current industrial zoning designation is becoming incompatible with surrounding properties as redevelopment occurs. The proposed zoning will allow the owner to utilize the property for residential and light commercial uses, which are compatible with the changing neighborhood.

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

Finding: The site has access to Beechwood Avenue, an improved two lane street. The proposed zoning would allow uses likely to increase traffic, and given the increased development served by this single street, it is possible that traffic danger and likely that congestion could be increased without adequate improvements. The Hollywood Avenue extension is expected to be built and finished within two years. Both Hollywood Avenue and Beechwood Avenue would connect to larger streets like MLK Boulevard, 15th Street, and Razorback Road. Any other street improvements will be assessed at the time of development.

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 industrial to mixed use will allow for the development of residential and commercial uses, however development should not 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

RECOMMENDATION: Planning staff recommends forwarding RZN 18-6330 to City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>September 10, 2018</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Belden	Motion to forward to CC with recommendation of approval		
Second: Scroggin			
Vote: 8-0-0	Motion passes		

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.30 - District I-1, Heavy Commercial And Light Industrial
 - §161.22 - Community Services
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.30 - 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 16	Shopping goods
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
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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 feet
Front, when adjoining C, I, or P districts	25 feet
Side, when adjoining A or R districts	50 feet
Side, when adjoining C, I, or P districts	10 feet
Rear	25 feet

(F) *Height Regulations*. There shall be no maximum height limits in I-1 District, provided, however, that if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(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. 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. 5472, 12-20-11; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5945](#), §§ 5, 7, 1-17-17; Ord. No. [5982](#), §1, 6-20-2017; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.22 - Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density* . None.

(D) *Bulk and Area Regulations* .

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations* .

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; 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; Ord. No. [5945](#), §§ 5, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)



JORGENSEN
+ASSOCIATES
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Landscape Architecture Services

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www.jorgensenassoc.com

August 29, 2018

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Aspen Heights Partners Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-14868-000 & 765-14869-000 (Beechwood III LLC)
- B. Currently this property is zoned I-1. The reason for the requested C-S zoning is to allow this property to be developed in a suitable nature similar to the pattern of growth in the area.
- C. The property due west is zoned RMF-12, the property to the north is C-S, property to the east is I-2 and property to the south is I-1. The Heavy Commercial District (I-1) 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. Multi family or mixed used is not allowed under the I-1 zoning by right. The requested C-S zoning does allow for multi family/mixed use by right. The proposed use of Zone C-S will not adversely impact adjacent land uses, as said uses under Zone C-S are compatible in use. This C-S is directly compatible with properties to the west, north and east as they are currently mixed use/Multi family developments that are very similar in nature to what is allowed with the requested zoning.
- D. Existing water and sewer already exist onsite.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development.
- F. C-S is the appropriate zoning for the intended use and surrounding uses.
- G. By connecting to both Beechwood Avenue and Hollywood Avenue there will be plenty of ways for ingress and egress from this property.
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services.
- I. I-1 is not the appropriate zoning for what the current growth pattern is in the area.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

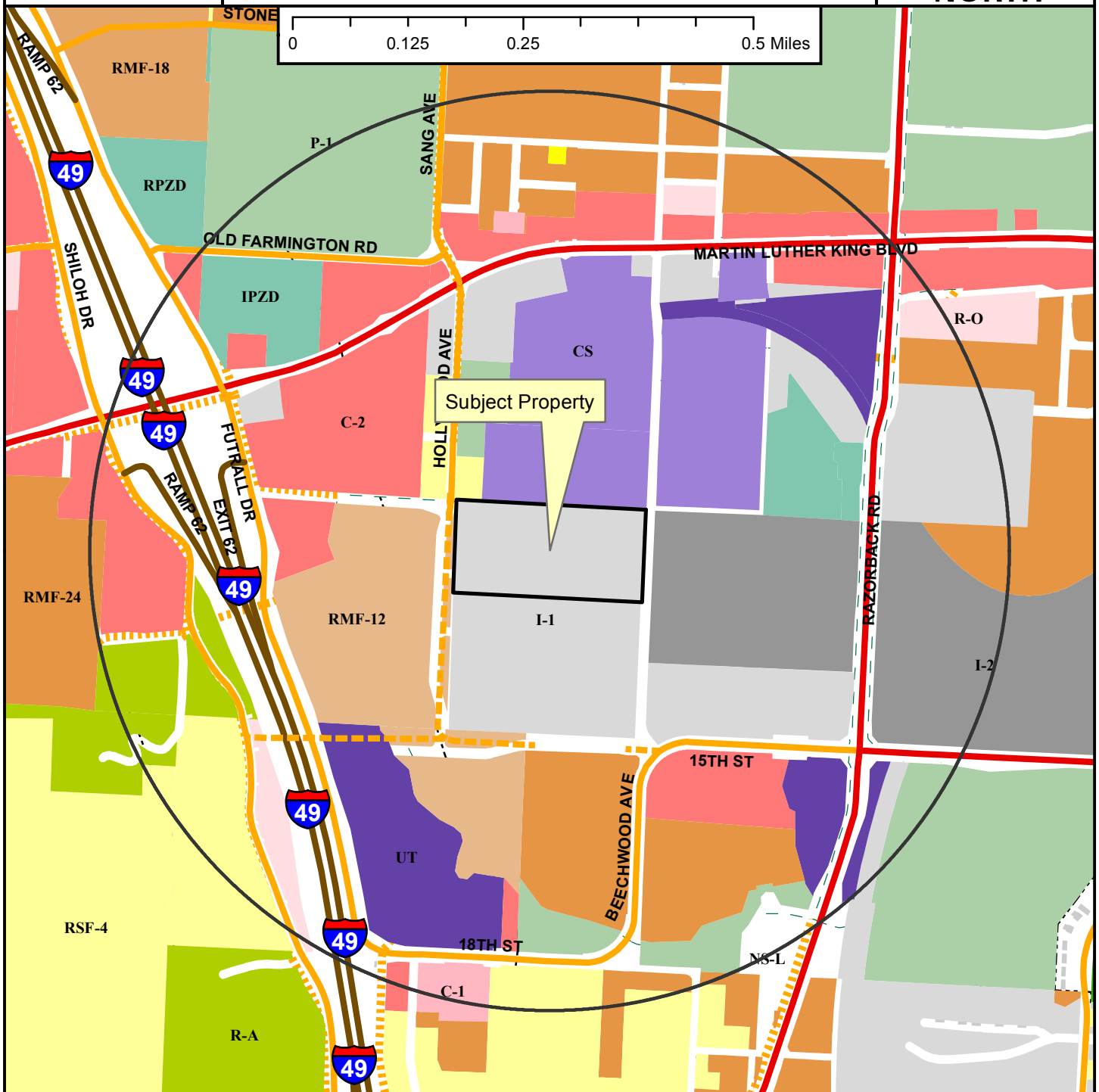
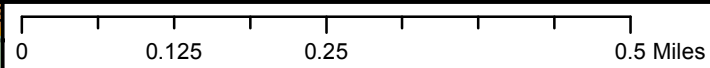
Jorgensen + Associates

RZN18-6330

ASPEN HEIGHTS PARTNERS

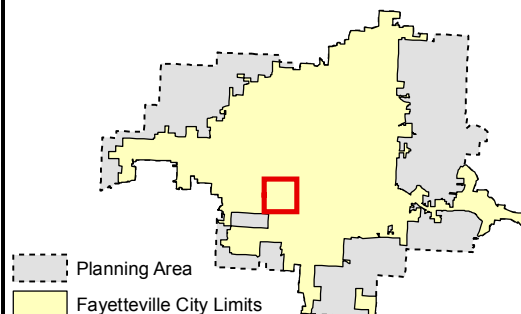


One Mile View

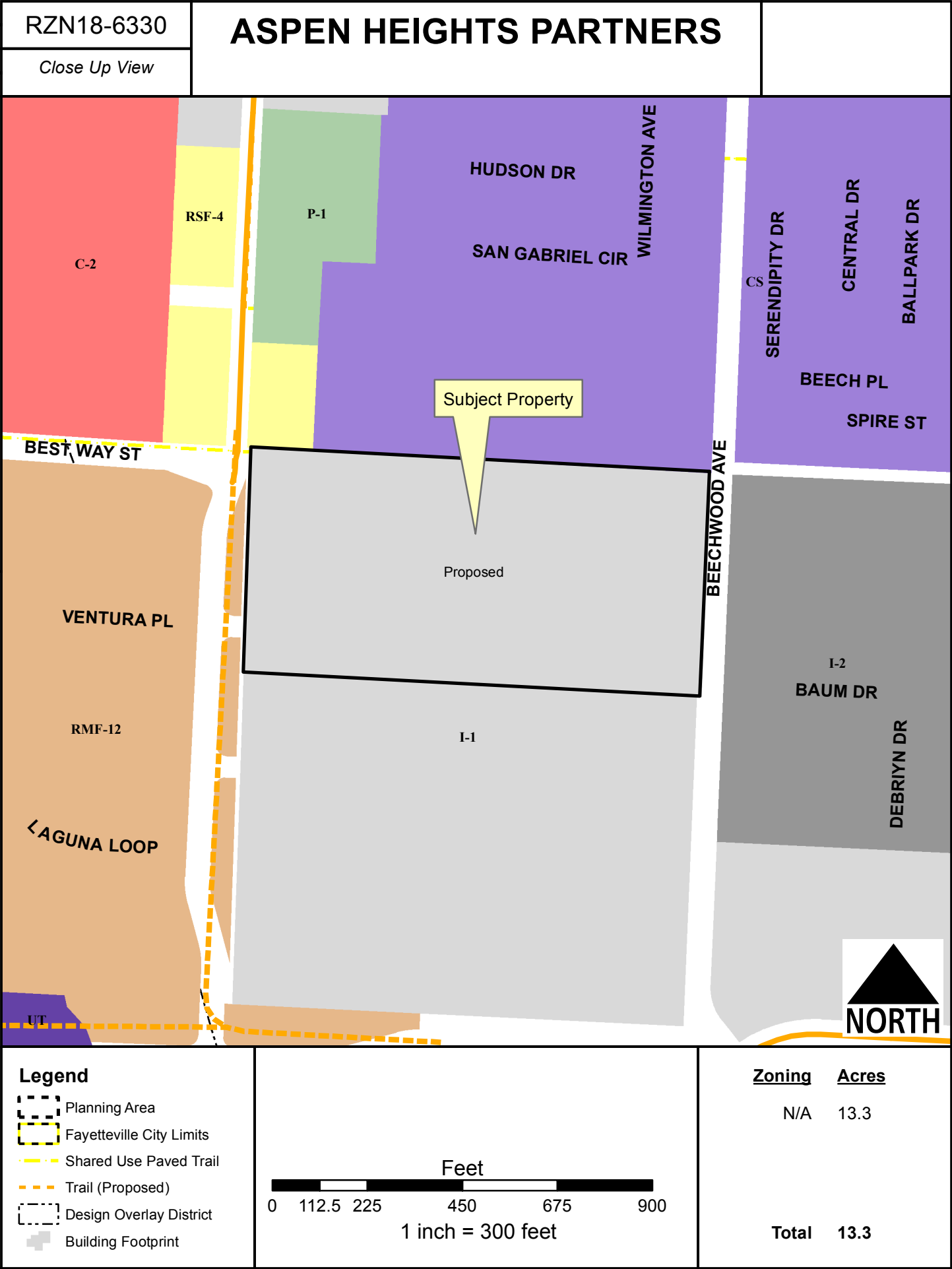


Legend

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

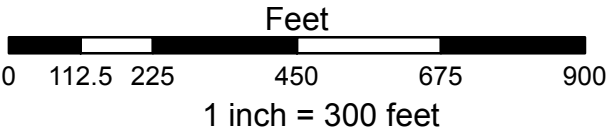


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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning
RESIDENTIAL SINGLE-FAMILY
RSF-5
RSF-1
RSF-2
RSF-4
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
Commercial-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 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Legend

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



RZN18-6330

Current Land Use

ASPEN HEIGHTS PARTNERS



Streets Planned

MSP Class

Collector

Streets Existing

MSP Class

Collector

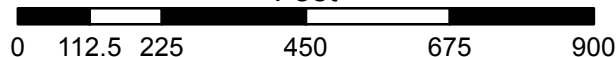
Trail (Proposed)

Planning Area

Fayetteville City Limits

Design Overlay District

Feet



1 inch = 300 feet

FEMA Flood Hazard Data

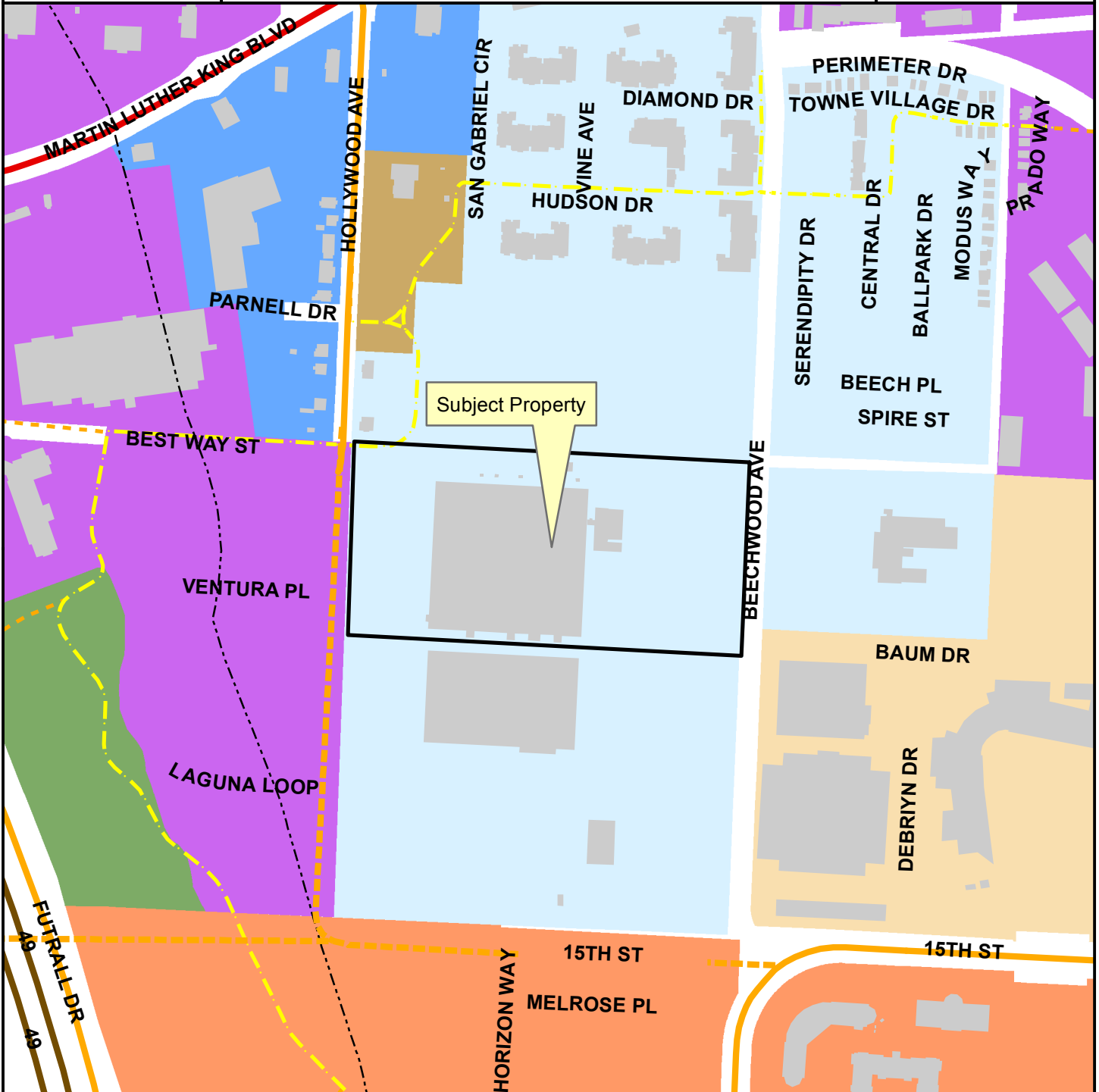
100-Year Floodplain

Floodway

RZN18-6330

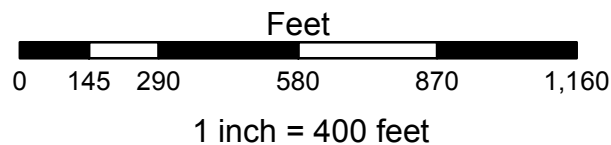
Future Land Use

ASPEN HEIGHTS PARTNERS



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Rural Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan
- Civic Institutional
- Non-Municipal Government