

City of Fayetteville Staff Review Form

2019-0125

Legistar File ID

3/5/2019

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

Garner Stoll

2/15/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6525: Rezone (509 E. 15TH ST./LDR ENTERPRISES, LLC., 602): Submitted by BATES & ASSOCIATES, INC. for property located at 509 E. 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 2.37 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL.

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 \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF MARCH 5, 2019

TO: Mayor, Fayetteville City Council

THRU: Don Marr, Chief of Staff
Garner Stoll, Development Services Director
Andrew Garner, Planning Director

FROM: Harry Davis, Planner

DATE: February 15, 2019

SUBJECT: **RZN 19-6525: Rezone (509 E. 15TH ST./LDR ENTERPRISES, LLC., 602):**
Submitted by BATES & ASSOCIATES, INC. for property located at 509 E. 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 2.37 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to I-1, Heavy Commercial And Light Industrial, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located 900 feet west of the intersection of Morningside Drive and 15th Street on the southern side of 15th Street. The property totals approximately 2.37 acres, is zoned RMF-24, Residential Multi-Family, 24 Units Per Acre and I-1, Heavy Commercial And Light Industrial, and is currently developed with two single-family homes.

Request: The request is to rezone the entire parcel from RMF-24 to I-1. The applicant stated they want to develop the property in the future.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. Adjacent uses to the east and west are allowed under I-1 zoning and the proposal will not conflict with the existing church across 15th Street. The property to the south is undeveloped and so compatibility is not an issue.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Industrial Area, envisions industrial uses or buildings that need to be separated from other uses. I-1 is a zoning district that encourages industrial uses.

Staff believes that there is sufficient justification for rezoning the property to I-1. This justification includes providing more industrially-zoned property in areas designated in the future to contain industrial uses, and removing a remnant of homes surrounded by industrial and institutional uses.

DISCUSSION:

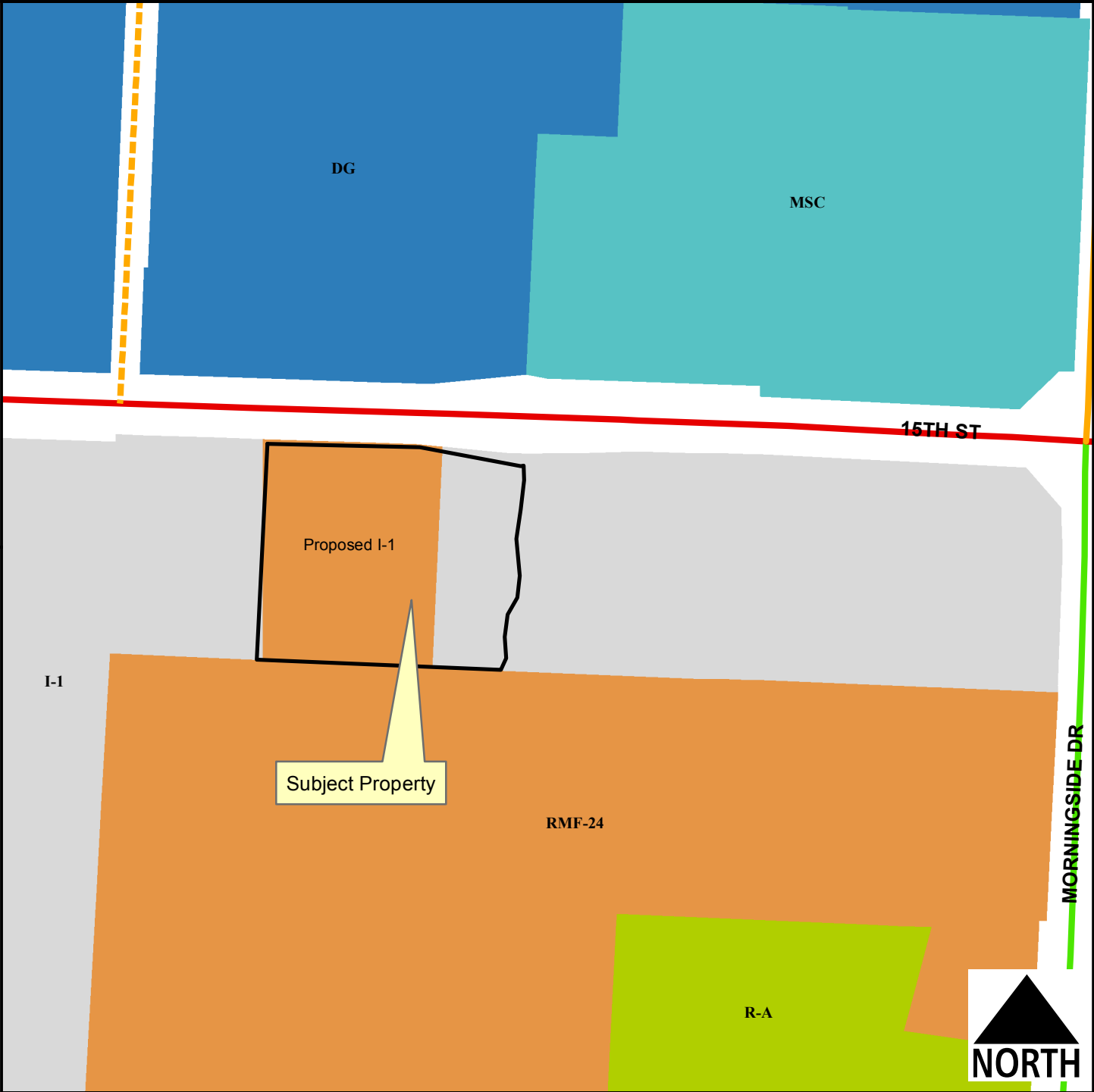
On February 11, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-1, with Commissioner Brown dissenting. As a part of discussion, the pastor of the church across the street to the north spoke in opposition to the proposal citing concerns over increased traffic, decreased property values, and proximity to residential properties. For the dissenting Commissioner, they discussed the possibility of a neighborhood center with mixed-use buildings being a preferred development configuration over increasing land for industrial uses.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



Legend <div> Planning Area</div> <div> Fayetteville City Limits</div> <div> Building Footprint</div>	<div>Feet</div> <div>0 75 150 300 450 600</div> <div>1 inch = 200 feet</div>	<div><u>Zoning</u> <u>Acres</u></div> <div>I-1 2.4</div>
		<div>Total 2.4</div>

EXHIBIT 'B'
19-6525

A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF EAST 15TH STREET WHICH IS S87°35'12"E 200.14' AND S02°48'16"W 33.16' FROM THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: S88°34'34"E 209.29', S79°33'20"E 141.05', N85°05'16"E 3.74' TO THE CENTERLINE OF A CREEK, THENCE LEAVING SAID RIGHT-OF-WAY ALONG SAID CREEK CENTERLINE THE FOLLOWING: S01°36'24"E 19.94', S06°10'49"W 40.35', S08°39'59"W 41.02', S05°44'21"E 50.91', S07°06'04"W 30.02', S29°47'48"W 26.68', S06°36'18"W 31.32', S03°04'15"E 29.19', S23°23'33"W 17.64', THENCE LEAVING SAID CREEK CENTERLINE N87°33'09"W 335.62', THENCE N02°48'15"E 297.12' TO THE POINT OF BEGINNING, CONTAINING 2.37 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: February 11, 2019 **UPDATED W PC RESULTS**

SUBJECT: **RZN 19-6525: Rezone (509 E. 15TH ST./LDR ENTERPRISES, LLC., 602):**
Submitted by BATES & ASSOCIATES, INC. for property located at 509 E. 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 2.37 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6525** to City Council, based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to forward RZN 19-6525 to City Council with a recommendation for approval."

BACKGROUND:

The subject property is located 900 feet west of the intersection of Morningside Drive and 15th Street on the southern side of 15th Street. The property totals approximately 2.37 acres, is zoned RMF-24, Residential Multi-Family, 24 Units Per Acre and I-1, Heavy Commercial And Light Industrial, and is currently developed with two single-family homes. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Fayetteville First Assembly Church	DG, Downtown General
South	Undeveloped	RMF-24, Residential Multi-Family, 24 Units Per Acre
East	Industrial	I-1, Heavy Commercial And Light Industrial
West	Institutional	I-1, Heavy Commercial And Light Industrial

Request: The request is to rezone the entire parcel from RMF-24 to I-1. The applicant stated they want to develop the property in the future.

Public Comment: Staff has not received any public comment on this proposal as of writing the report.

INFRASTRUCTURE:

Streets: The subject parcel has frontage access to East 15th Street a partially improved

state highway with asphalt paving and open ditches on either side. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject parcel. An existing 12-inch water main runs along the northern side of East 15th Street.

Sewer: Sanitary sewer is available to the subject parcel. An existing 8-inch sanitary sewer main runs through the property.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. An eastern portion of the subject area is located in a FEMA regulated floodplain. Any development in this area will require a floodplain development permit. There are no protected streams present in the subject parcel. No portion of this parcel lies within the Hillside-Hilltop Overlay District. Hydric soils appear to be present in the western and eastern areas of the subject parcel.

Fire: The site will be protected by Ladder 3, located at 1050 S. Happy Hollow Road. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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 though 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 compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Industrial Area, envisions industrial uses or buildings that need to be separated from

other uses. I-1 is a zoning district that encourages industrial uses.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. Adjacent uses to the east and west are allowed under I-1 zoning and the proposal will not conflict with the existing church across 15th Street. The property to the south is undeveloped and so compatibility is not an issue.

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

Finding: Staff believes that there is sufficient justification for rezoning the property to I-1. This justification includes providing more industrially-zoned property in areas designated in the future to contain industrial uses, and removing a remnant of homes surrounded by industrial and institutional uses.

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

Finding: Rezoning the property to I-1 would not increase traffic to this location above the potential of the current RMF-24 zoning district. Any impact by traffic is not expected to be significant given the surrounding road network.

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 to I-1 would not increase the load on public services above the potential of the current zoning district and any impact is not expected to be significant given the evaluation by the various city divisions.

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 19-6525 to City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required YES

Date: February 11, 2019

☐ Tabled

☒ Forwarded

☐ Denied

Motion: **Belden**

Motion to forward to CC with recommendation of approval

Second: **Winston**

Motion passes; Brown dissenting

Vote: **7-0-1**

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre
 - §161.30 - District I-1, Heavy Commercial And Light Industrial
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit .*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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 side boundary line of an adjacent single family 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*. The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) Minimum Buildable Street Frontage. 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), §1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 8, 9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

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)



**Bates &
Associates, Inc.**
Civil Engineering · Land Surveying · Landscape Architecture

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

REZONING REQUEST:

LES ROGERS, INC.

509 E. 15TH STREET

FAYETTEVILLE, AR 72701

To the City of Fayetteville Planning Staff:

This rezoning request is being made by the owners of parcel #765-15161-000, located at 509 E. 15TH Street.

The request is to rezone the above property from RMF-24 to I-1 to accommodate future development. Rezoning this parcel will not have an adverse effect on the surrounding uses. The zoning change is consistent with the surrounding zoning and uses. Most of the surrounding properties are already currently zoned I-1.

Rezoning this property should have little effect on the traffic of East 15th Street and no new signs are being proposed.

Water and sewer are readily available to the site. There is an existing 8" sewer main running through the property and an existing 12" Water Main running along the north side of 15th street.

We feel that this rezoning request is justified because of the current zoning surrounding the property and the area. We believe developing this property would improve the area as a whole and have little or no impact on the surrounding properties.

If you have any comments, questions, or concerns please feel free to contact us.

Respectfully,

Andy Hooper
Bates & Associates

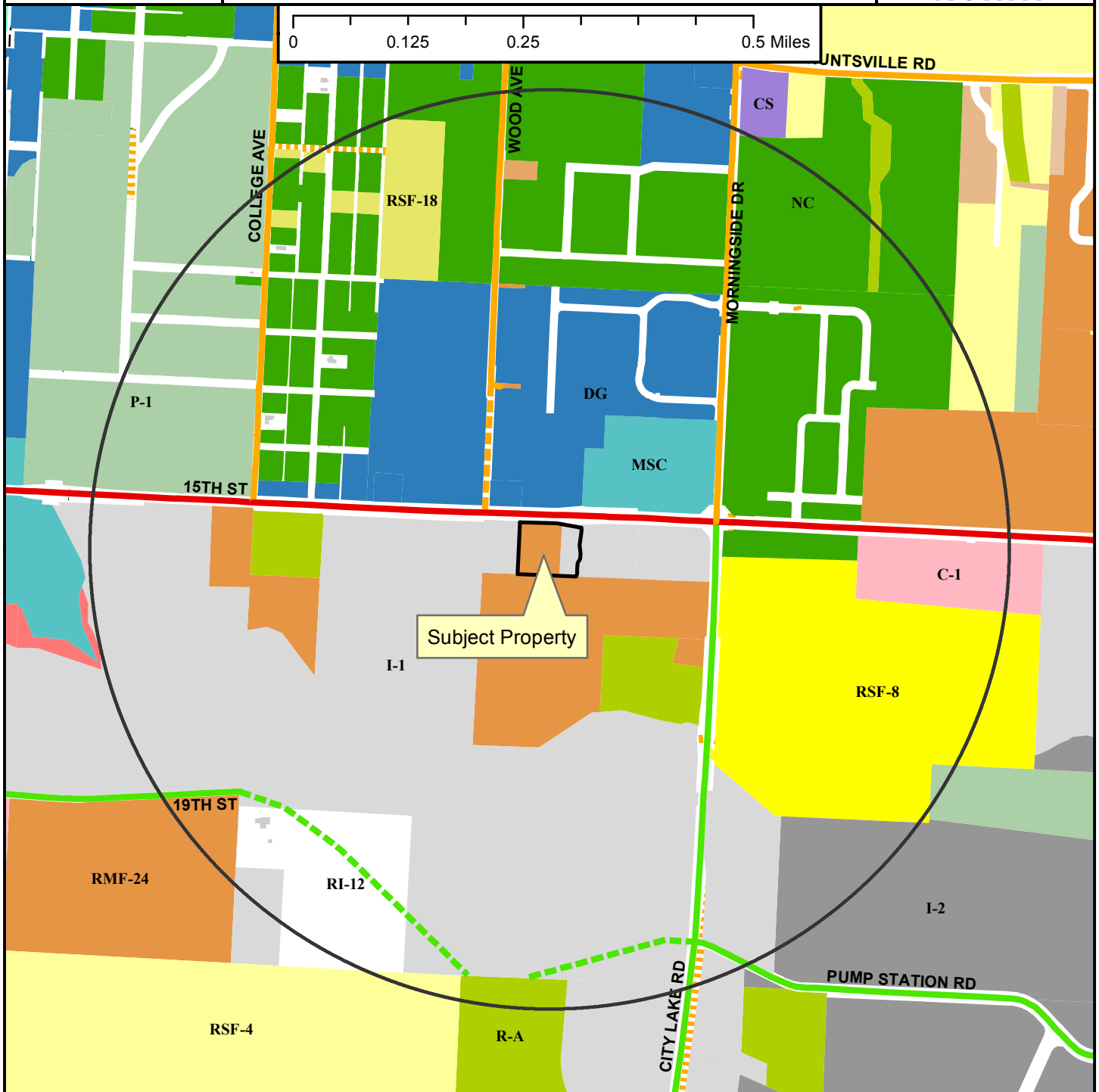
RZN19-6525

LDR ENTERPRISES, LLC



One Mile View

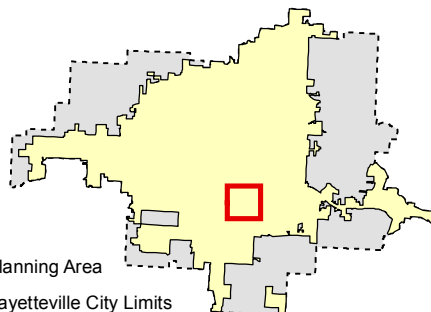
0 0.125 0.25 0.5 Miles



Legend

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

- Planning Area
- Fayetteville City Limits



Zoning

RESIDENTIAL SINGLE-FAMILY

- RSF-5 Residential-Agricultural
- RSF-1 Residential-Office
- RSF-2 Residential-Office
- RSF-4 Residential-Office
- RSF-7 Residential-Office
- RSF-8 Residential-Office
- RSF-18 Residential-Office

RESIDENTIAL MULTI-FAMILY

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

INDUSTRIAL

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

EXTRACTION

COMMERCIAL

- C-1 Commercial
- C-2 Commercial
- C-3 Commercial

FORM BASED DISTRICTS

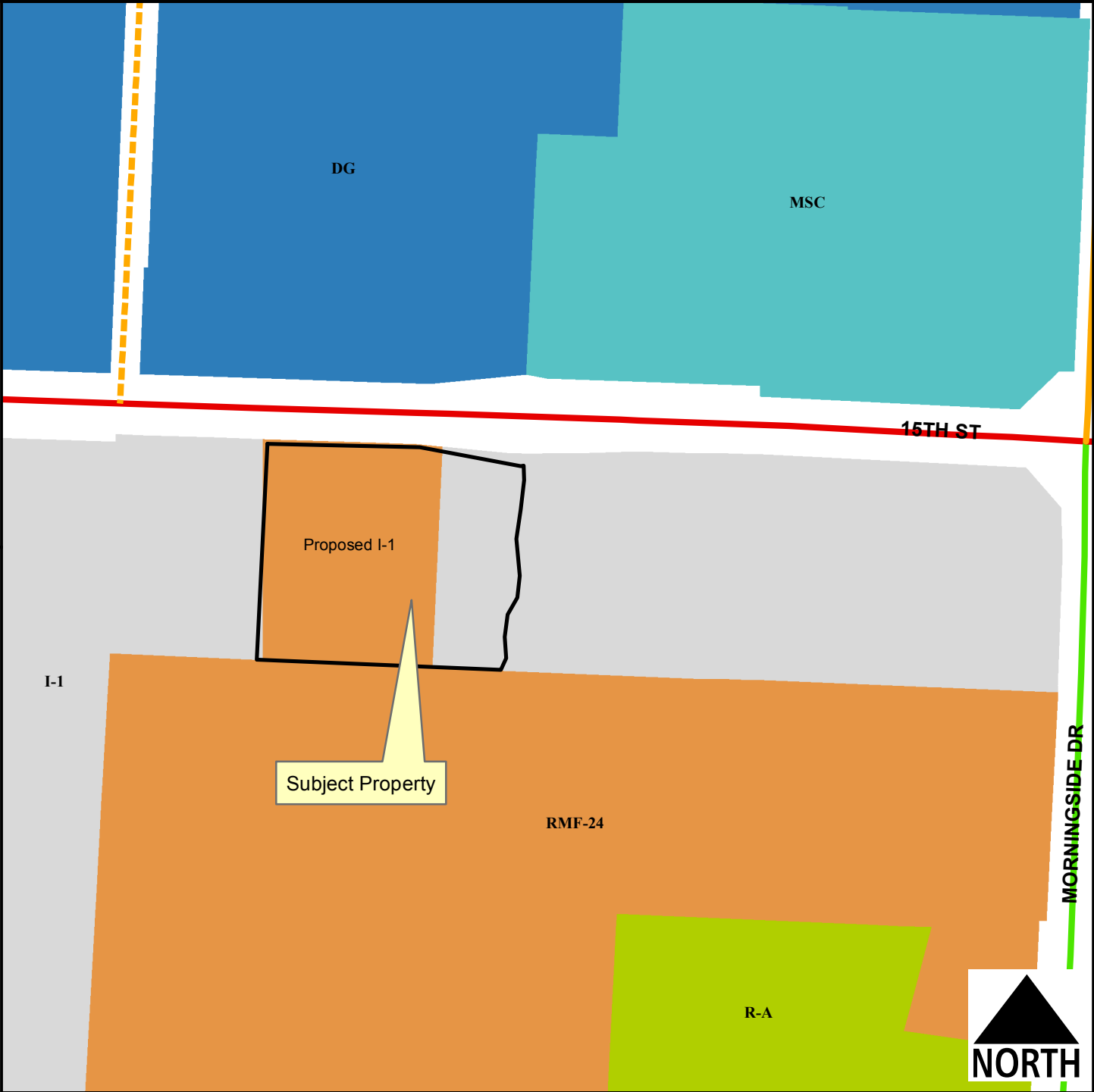
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

PLANNED ZONING DISTRICTS

- Commercial, Industrial, Residential

INSTITUTIONAL

- P-1 Institutional

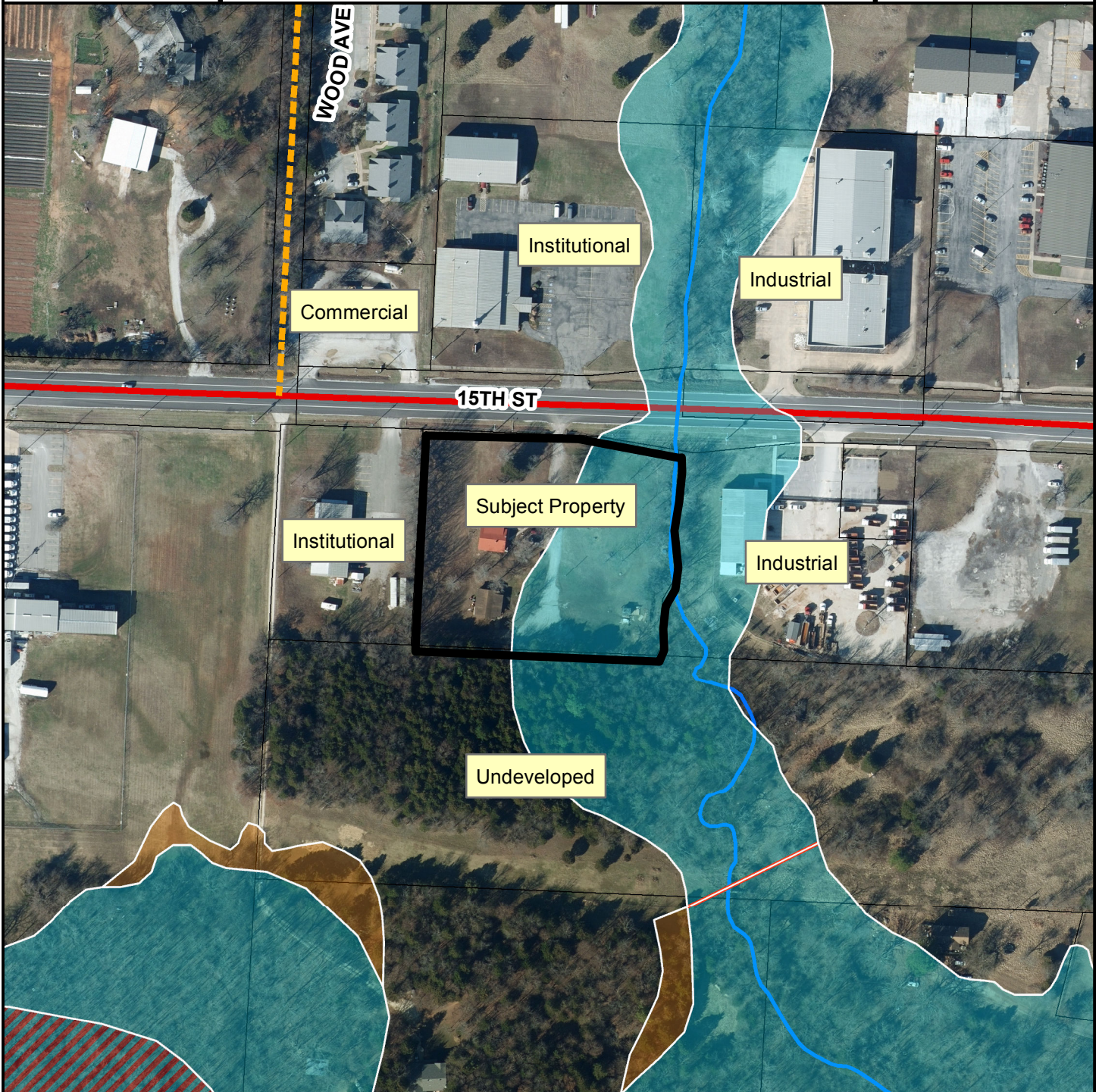


Legend <div> Planning Area</div> <div> Fayetteville City Limits</div> <div> Building Footprint</div>	<div>Feet</div> <div> </div> <div>1 inch = 200 feet</div>	<div><u>Zoning</u> <u>Acres</u></div> <div>I-1 2.4</div> <div>Total 2.4</div>
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RZN19-6525

Current Land Use

LDR ENTERPRISES, LLC



Streets Planned

MSP Class

--- COLLECTOR

Streets Existing

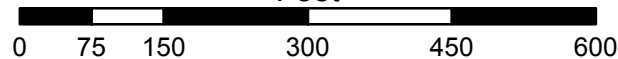
MSP Class

--- PRINCIPAL ARTERIAL

--- Planning Area

--- Fayetteville City Limits

Feet



1 inch = 200 feet

FEMA Flood Hazard Data

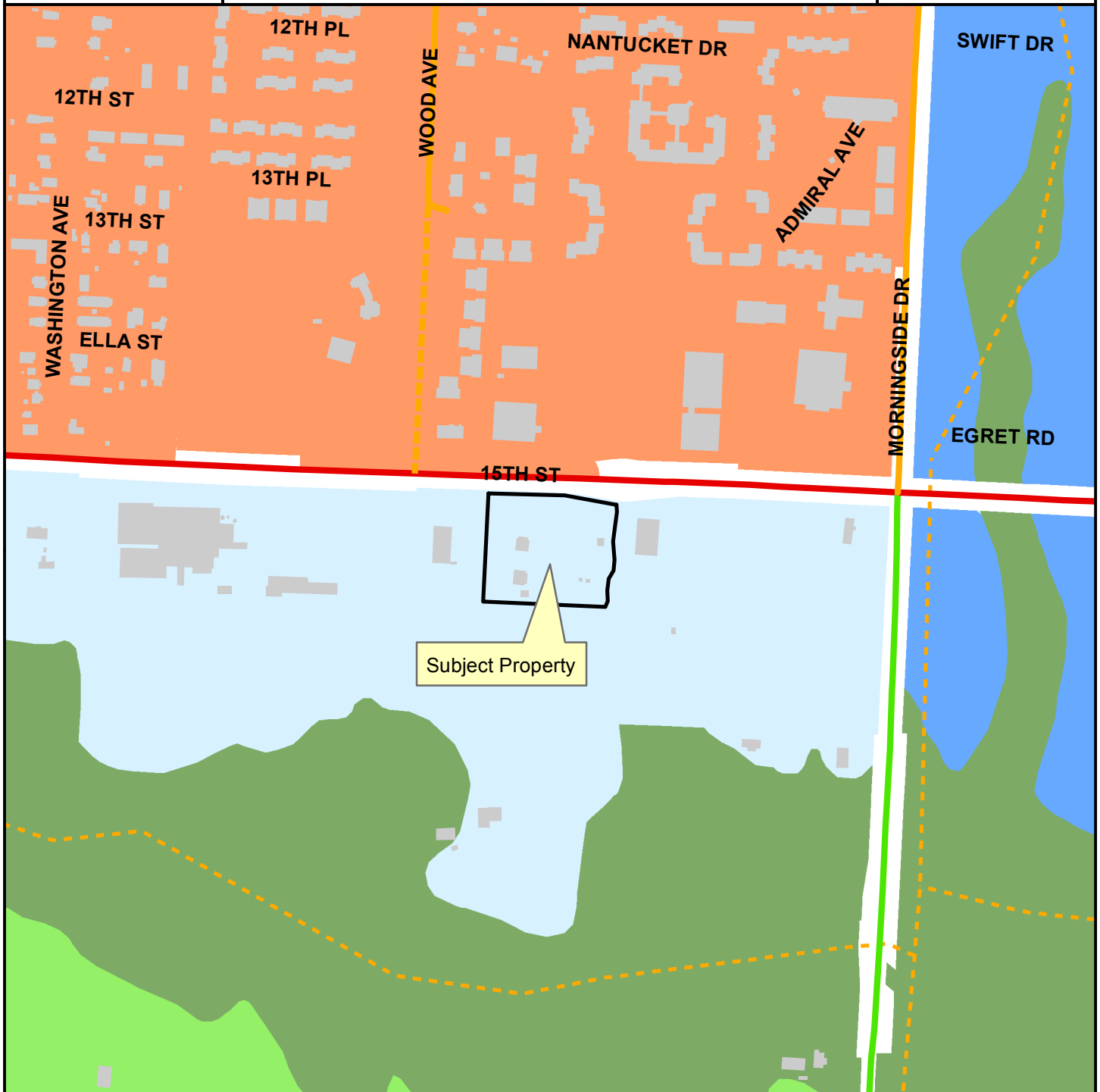
100-Year Floodplain

Floodway

RZN19-6525

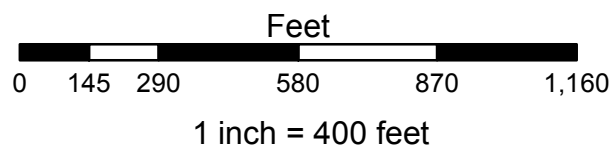
LDR ENTERPRISES, LLC

Future Land Use



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Rural Area
- City Neighborhood Area
- Industrial
- Complete Neighborhood Plan