

City Council Agenda Items
and
Contracts, Leases or Agreements

8/21/2012

City Council Meeting Date
Agenda Items Only

Jesse Fulcher

Submitted By

Planning

Division

Development Services

Department

Action Required:

RZN 12-4164: Rezone (1420 N. GARLAND AVE./BONDS, 405): Submitted by BOB BONDS for property located at 1420 NORTH GARLAND AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.28 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Jesse Fulcher
Department Director 08.03.2012
Date

Previous Ordinance or Resolution # _____

Kevin King
City Attorney 8-3-12
Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Baker
Finance and Internal Services Director 8-3-2012
Date

Received in City Clerk's Office
08-03-12 P01:30 RCVD
King

Tom Man
Chief of Staff 8-3-12
Date

Received in Mayor's Office
ENTERED
8/3/12
PH

Donald Jordan
Mayor 8/5/12
Date

Comments:



www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council
Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*
From: Jesse Fulcher, Current Planner
Date: August 3, 2012
Subject: RZN 12-4164 (1420 N. Garland Ave/Bonds)

RECOMMENDATION

Planning staff and the Planning Commission recommend approval of an ordinance to rezone the subject property from RMF-24, Residential Multi-family, 24 Units per Acre to NS, Neighborhood Services.

BACKGROUND

The subject property is located at the southeast corner of N. Garland Avenue and W. Lawson Street and is developed with a single-family home. The property is zoned RMF-24 and contains approximately 0.28 acres. Garland Avenue, a principal arterial street, is currently being widened to a four-lane boulevard. Lawson Street is a residential street that dead ends to the east just short of Oakland Avenue.

Proposal: The applicant proposes to rezone the property from RMF-24, Residential Multi-family to NS, Neighborhood Services.

DISCUSSION

On July 23, 2012 the Planning Commission voted 9-0-0 to forward this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 12-4164, FOR APPROXIMATELY 0.28 ACRES, LOCATED AT 1420 NORTH GARLAND AVENUE FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO NS, NEIGHBORHOOD SERVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RMF-24, Residential Multi-family, 24 Units per Acre to NS, Neighborhood Services, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and **APPROVED** this day of , 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

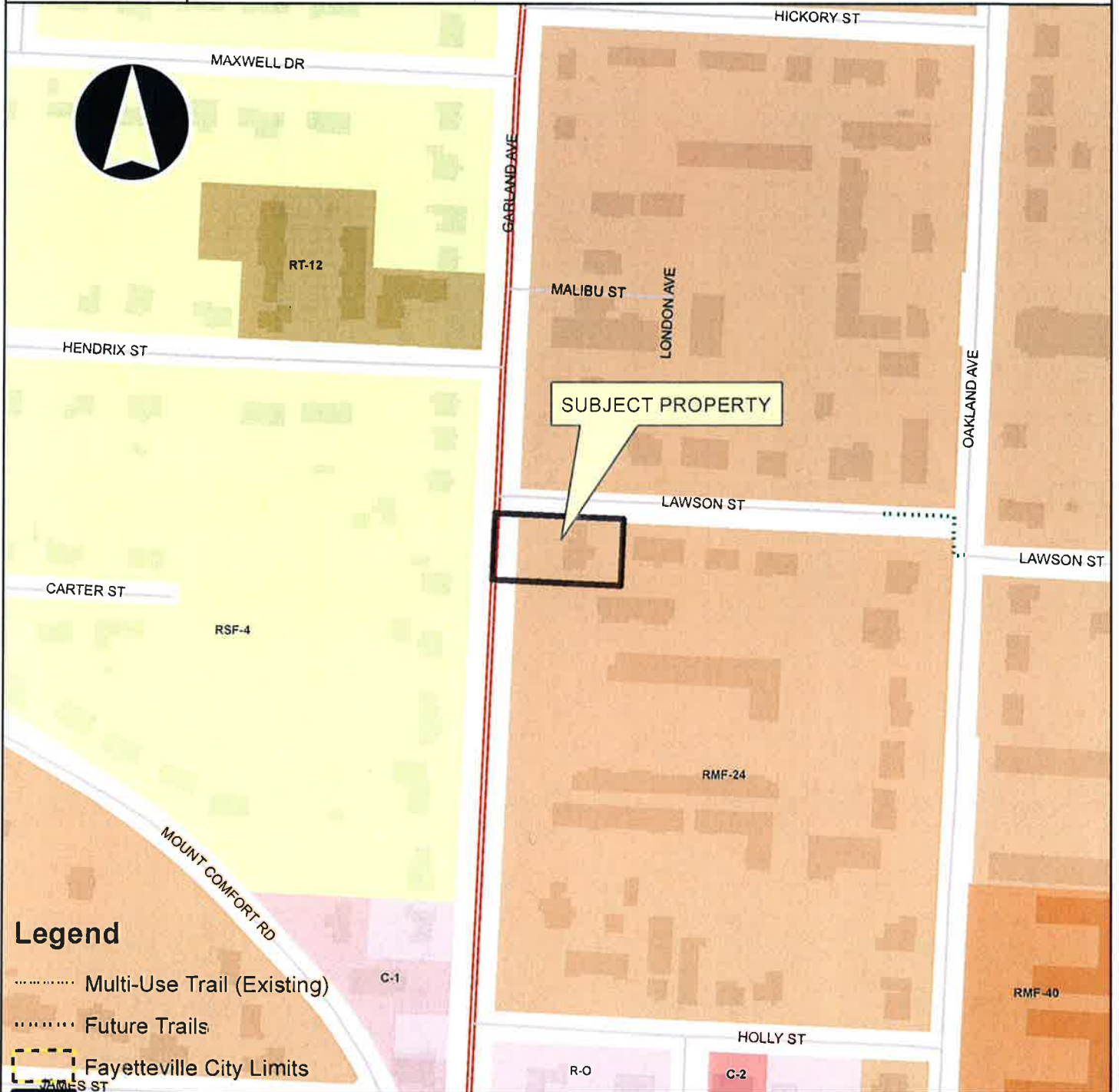
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN12-4164

BONDS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN12-4164

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT "B"
RZN 12-4164

Part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section Nine (9), Township Sixteen (16) North, Range Thirty (30) West, beginning at a point on the South side of Lawson Street which is 10.90 feet south of the Northwest corner of said 40 acre tract, and running thence East along the South side of said Lawson Street 175 feet; thence South 90 feet; thence West 175 feet; thence North 90 feet to the point of beginning, subject to easements and restrictions, if any.



PC Meeting of July 23, 2012

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~July 18, 2012~~ Updated July 24, 2012

RZN 12-4164: Rezone (1420 N. GARLAND AVE./BONDS, 405): Submitted by BOB BONDS for property located at 1420 NORTH GARLAND AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.28 acres. The request is to rezone the property to NS, NEIGHBORHOOD SERVICES.

Planner: Jesse Fulcher

BACKGROUND:

Property Description: The subject property is located at the southeast corner of N. Garland Avenue and W. Lawson Street and is developed with a single-family home. The property is zoned RMF-24 and contains approximately 0.28 acres. Garland Avenue, a principal arterial street, is currently being widened to a four-lane boulevard. Lawson Street is a residential street that dead ends to the east just short of Oakland Avenue. Surrounding land use and zoning is listed in *Table 1*.

**Table 1
SURROUNDING LAND USE AND ZONING:**

Direction from Site	Land Use	Zoning
North	Single-family	RMF-24, Residential Multi-family
South	Multi-family	RMF-24, Residential Multi-family
East	Two-family	RMF-24, Residential Multi-family
West	Single-family	RSF-4, Residential Single-family

Proposal: The applicant proposes to rezone the property from RMF-24, Residential multi-family to NS, Neighborhood Services.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding rezoning request RZN 12-4164 (1420 Garland/Bonds) to the City Council with a recommendation for approval based on the findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 23, 2012</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Chesser</u>	Second: <u>Honchell</u>	Vote: <u>9-0-0</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
<input type="checkbox"/> Approved <input type="checkbox"/> Denied			
Date: <u>August 21, 2012</u>			

INFRASTRUCTURE:

- Streets:** The site has access to Garland Avenue and Lawson Street. Garland Avenue is under construction and will be a fully improved four lane boulevard state highway in this location. Laswon Street is a two lane city street. Street improvements will be evaluated at the time of development.
- Water:** Public water is available to the property. There is a 12” water main along Garland Avenue in this location. Public water main improvements may be necessary to provide fire flow for domestic service for any proposed development.
- Sewer:** Sanitary sewer is available to the site. There is a 6” main along Lawson Street. The public sewer may need to be evaluated for capacity depending upon the size of any proposed development.
- Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain and the Streamside Protection Zones.
- Police:** The Fayetteville Police Department does to find that this request will cause a substantial call volume increases or traffic danger and congestion problems.
- Fire:** Staff has not received any objection from the Fire Department to this rezoning.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. City Neighborhoods Areas are more densely populated than residential neighborhood areas and provide a varying mix of nonresidential and residential land uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multifamily. Non-residential uses range in size, variety and intensity from grocery stores and offices to churches, and are typically located at corners and along connecting corridors.*

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: Staff finds that rezoning the property to Neighborhood Services will be consistent with land use planning objectives, principles and polices and with land use and zoning plans. The Neighborhood Services zoning district will allow the owner to continue to utilize the property for residential purposes and provide the flexibility for adaptive reuse of the property for nonresidential uses that are compatible in scale and aesthetic with the neighborhood. Allowing both residential and low intensity non-residential uses will also extend the lifespan of the existing home, which was constructed in 1950 and recently remodeled.

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

Finding: The owner states that there has been interest in using the home for office and studio space. With the expansion of Garland Avenue to a four-lane boulevard, interest in small scale nonresidential uses will likely increase, and the desire to use the property as a single-family home will likely decrease. Rezoning the property to Neighborhood Services will allow the property owner to market the property for residential and low-intensity nonresidential uses that are compatible and complimentary to the existing neighborhood and a variety of surrounding land uses.

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

Finding: Based on staff findings and the Fayetteville Police Department report, the proposed rezoning will not create or appreciably increase traffic danger and congestion in the area. The Neighborhood Services zoning district limits nonresidential uses to only a maximum of 3,000 square feet. The existing house is approximately 1,300 square feet, and therefore it is unlikely that an appreciably increase in traffic danger or congestion will occur.

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: Staff finds that the proposed zoning will not create undesirable impacts to public services, or a residential density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property.

Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments are included in this report.

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

FAYETTEVILLE UNIFIED DEVELOPMENT CODE

161.14 District RMF-24, Residential Multi-Family – Twenty-Four 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-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage 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 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
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 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments:	
No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control, the Neighborhood Services district is a residential zone.

(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-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units
Unit 44	Cottage Housing Development

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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk cafes

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 15 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(L) *Unit 12. Limited business.*

(1) *Description.* Unit 12 consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12 must be within a building containing 3,000 square feet or less.

(2) *Included uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	<ul style="list-style-type: none"> •Day care •Dry Cleaning •Salon/Barber shop •Tailoring
Specialized Retail: (Maximum gross floor area of 2000 square feet)	<ul style="list-style-type: none"> •Antique/home decor sales •Apparel •Art/architectural supplies •Bakery, Pastry shops •Bicycle Shops •Book store •Coffee shop •Delicatessen •Drugstore •Food specialty stores •Florist •Grocery •Hardware •Health food store •Hobby /Craft Stores •Ice cream •Meat Market •Restaurant/café •Small appliance repair •Stationary Store •Toy store •Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	<ul style="list-style-type: none"> •Accountant •Architect •Attorney •Broker •Business/Mgmt Consultant •Doctor •Dentist •Engineer •Insurance Sales •Interior Designer •Optometrist •Realtor •Welfare agency
Studios for: (Maximum gross floor area of 3000 square feet)	<ul style="list-style-type: none"> •Art •Dance •Music •Photography •Pottery

MEMORANDUM

To: Jeremy Pate
From: Captain Kenny Yates
Date: 7/13/12
Subject: RZN 12-4164

This document is in response to the request for comments on proposed RZN 12-4164 (1420 N. Garland Ave. / Bonds, 405) submitted by Bob Bonds for property located at 1420 N. Garland Avenue.

It is the opinion of the Fayetteville Police Department that this RZN (12-4164), will not substantially alter the population density. This RZN will not create an appreciable or undesirable increase in the load on police services and will not create an appreciable increase in traffic danger and congestion.

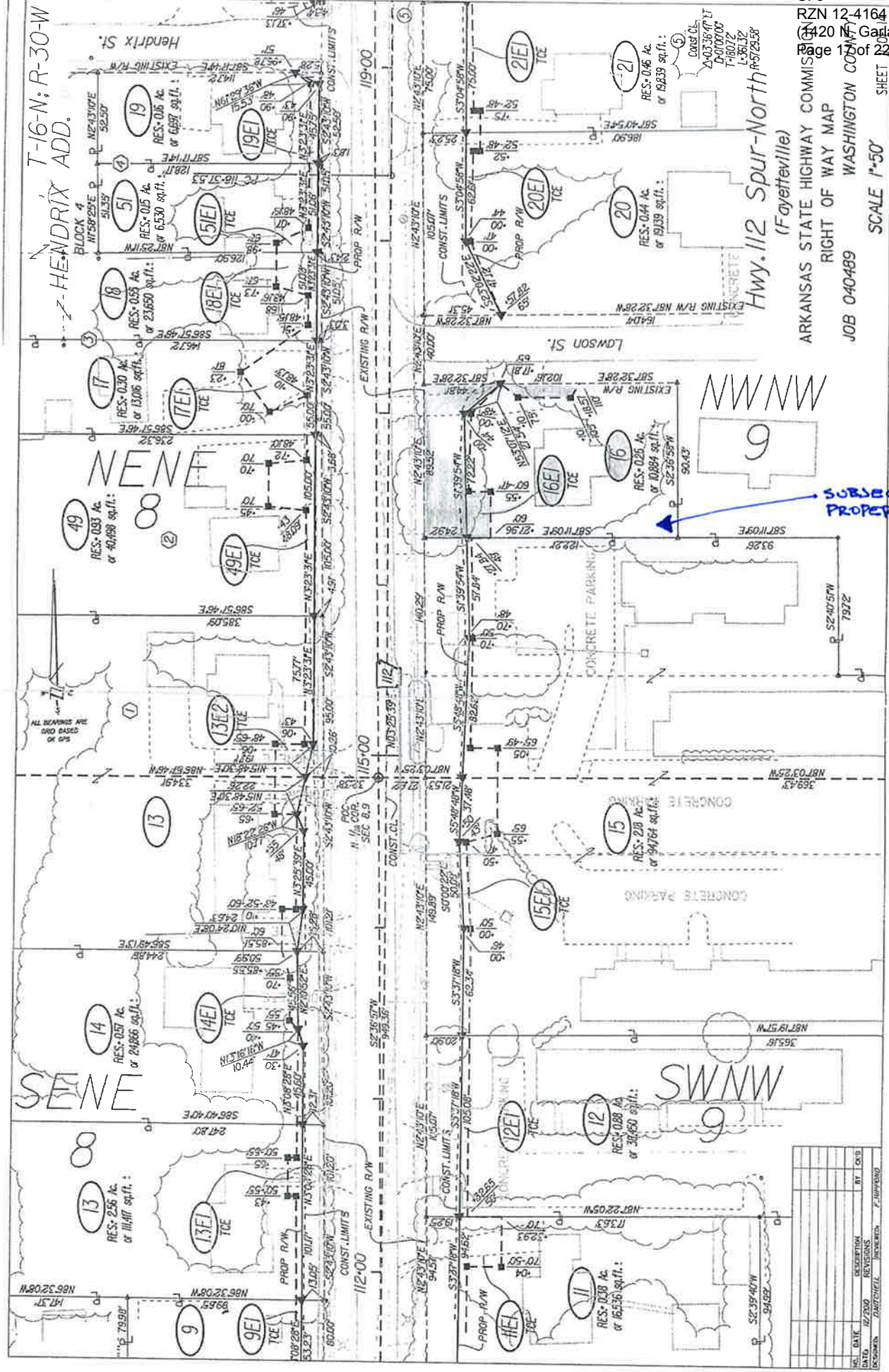
REZONING CHECKLIST

1420 Garland Ave.

(5) Written Description

- (a.) Current Ownership: Bob L. and Wilma B. Bonds. There are no current proposed property sales.
- (b.) Reason for Zoning Change: To allow for Office, Studio, Government Facilities, and related services to be located on subject property.
- (c.) The proposed rezoning would complement the City's master plan of integrating professional services within neighborhoods making it convenient for residents to seek services such as legal offices, tax services, beauty shops, etc. The traffic impact would be minimal. Appearance will not be affected; the property contains a recently completely re-built house of vintage design. Signage would be minimal and be subject to City code.
- (d.) Water, sewer and all public utilities are currently connected to dwelling, directly off main lines in front of property.
- (e.) We have had preliminary discussions with Dara Sanders, and we are encouraged that this change fits within the City master plan.
- (f.) The proposed zoning is not necessarily needed at the time of this request as our son presently resides there; however, we have had numerous inquiries in the past asking if the property would be for sale for such uses as a law office and beauty shop. Either of these uses would be justified.
- (g.) The proposed zoning would not increase traffic danger or congestion. In fact, the Arkansas Highway Department proposed two curb cuts off Garland to the property. We requested to eliminate both of these and create a new entrance off the adjacent Lawson Street, which is a short, dead end street. Both the Fayetteville City Engineer and the AHD resident engineer have endorsed this request.
- (h.) The proposed rezoning will have no effect on the population density or public services.
- (i.) To change the current zoning from R-MF to R-O will have no effect on the current use; however, to not change the zoning to R-O would have negative effect on a future office use of the property.

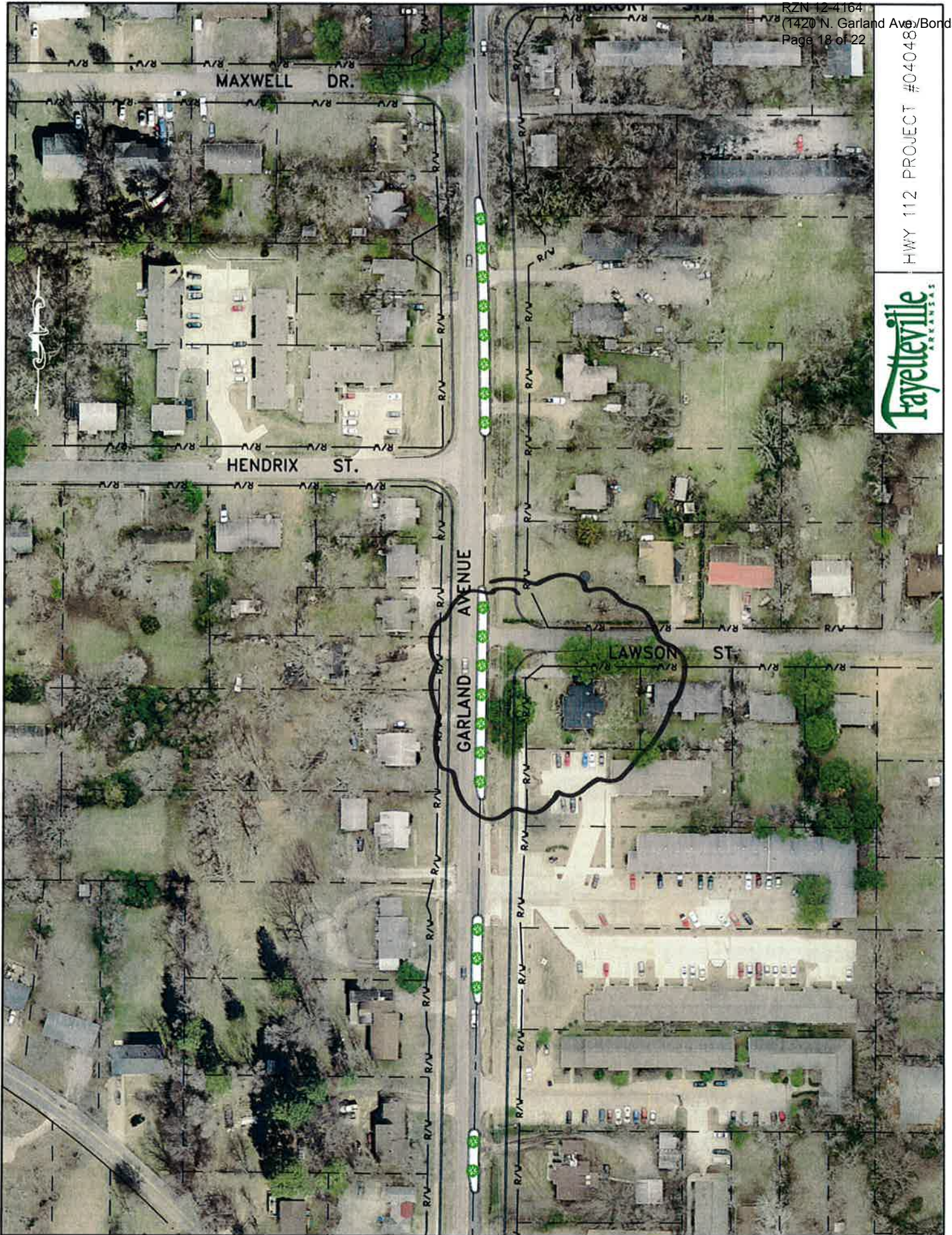
T-16-N; R-30-W
 BLOCK 4
 HENDRIX ADD.



Hwy. 112 Spur-North
 (Fayetteville)

C. 6
 RZN 12-4164
 (420) Garland Ave./Bonds
 Page 1 of 2
 WASHINGTON COUNTY
 JOB 040489
 SCALE 1"=50'
 SHEET 230

NO.	DATE	DESCRIPTION	BY	CHK'D
1	12/20/00	REVISIONS		
2		REVISIONS		
3		REVISIONS		
4		REVISIONS		
5		REVISIONS		
6		REVISIONS		
7		REVISIONS		
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18		REVISIONS		
19		REVISIONS		
20		REVISIONS		
21		REVISIONS		



HWY 112 PROJECT #04048

4
N

RZN12-4164

BONDS

Close Up View

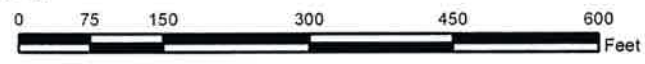


Legend

- Multi-Use (recreational)
- Future
- Fayetteville City Limits

Overview RZN12-4164

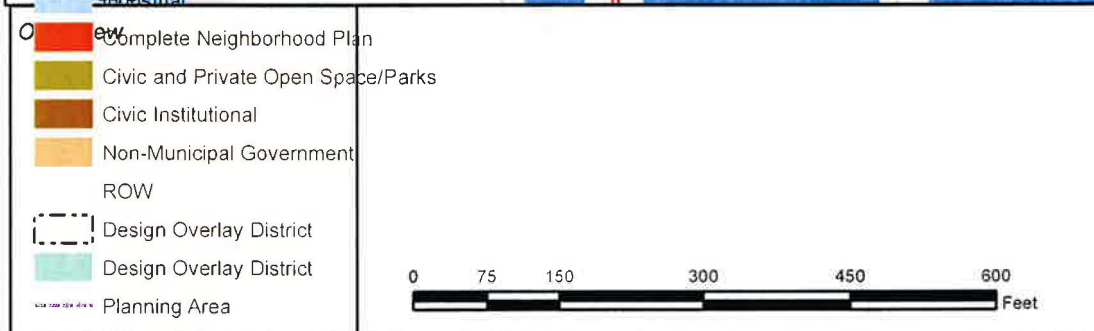
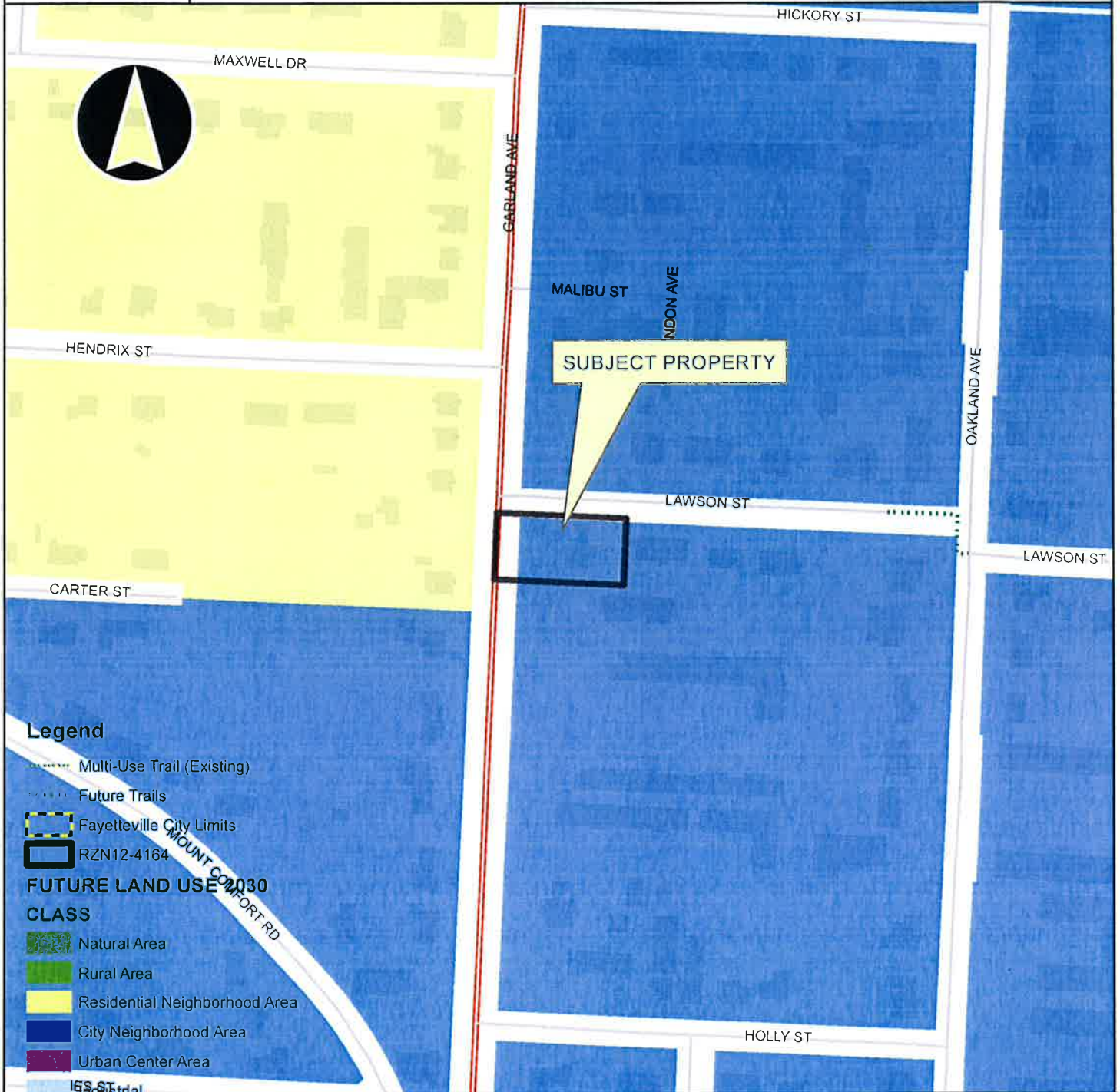
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN12-4164

BONDS

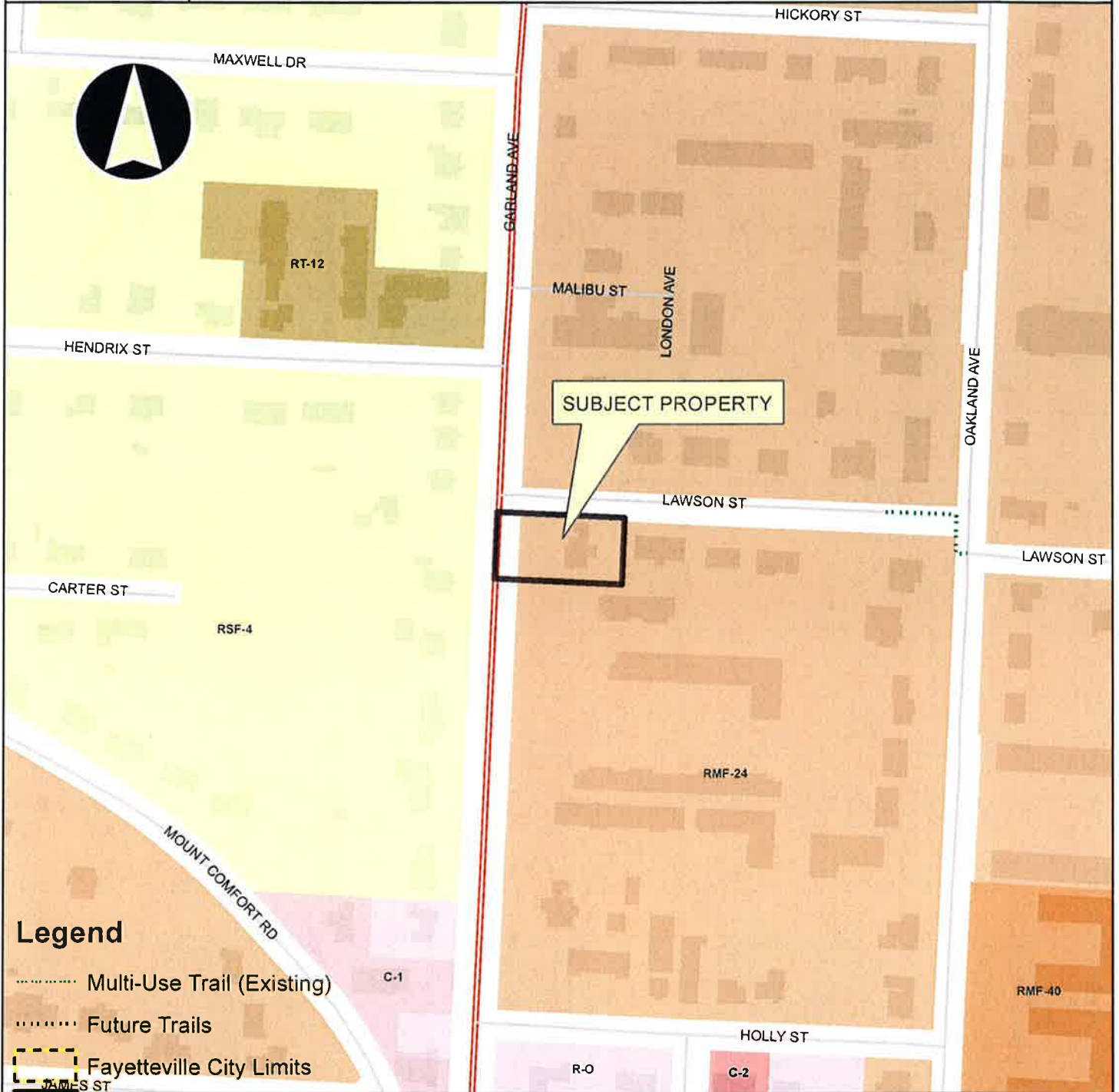
Future Land Use



RZN12-4164

BONDS

Close Up View

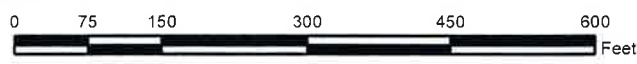


Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN12-4164

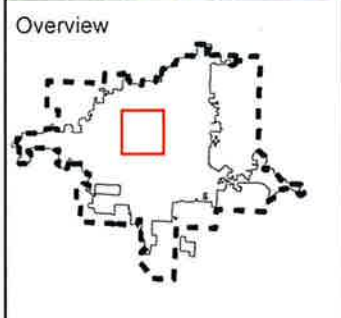
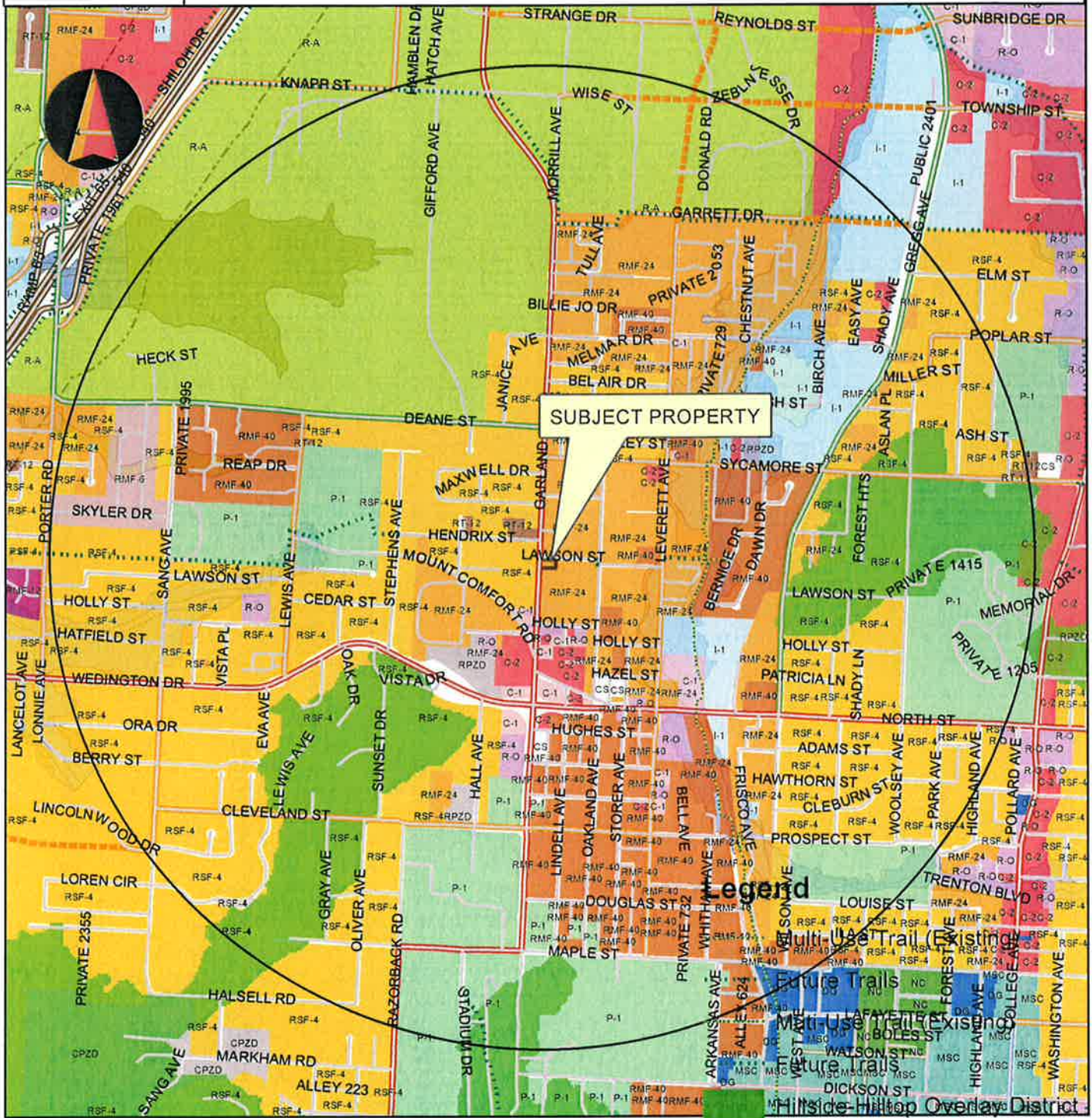
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



RZN12-4164

BONDS

One Mile View



Legend

- Subject Property
- RZN12-4164
- Boundary
- RZN12-4164
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles