

City Council Agenda Items  
and  
Contracts, Leases or Agreements

5/21/2013

City Council Meeting Date  
Agenda Items Only

Jesse Fulcher  
Submitted By

Planning  
Division

Development Services  
Department

Action Required:

RZN 13-4348: Rezone (1035 N. GREGG AVE./SMITH, 444): Submitted by JORGENSEN AND ASSOCIATES for property located at 1035 NORTH GREGG AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.44 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

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

*[Signature]*  
Department Director 05.01.2013  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

*[Signature]*  
City Attorney 5-3-13  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

*[Signature]*  
Finance and Internal Services Director 5-3-2013  
Date

Received in City Clerk's Office 05-02-13 P03:04 RCVD  
*[Signature]*

*[Signature]*  
Chief of Staff 5-3-13  
Date

Received in Mayor's Office  
ENTERED 5/3/13  
745

*[Signature]*  
Mayor 5/6/13  
Date

Comments:



www.accessfayetteville.org

**CITY COUNCIL AGENDA MEMO**

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**To:** Mayor Jordan, City Council  
**Thru:** Don Marr, Chief of Staff  
Jeremy Pate, Development Services Director *J*  
**From:** Jesse Fulcher, Current Planner  
**Date:** April 30, 2013  
**Subject:** RZN 13-4348 (1035 N. GREGG AVE./SMITH)

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**RECOMMENDATION**

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

**BACKGROUND**

The subject property is located at the southwest corner of N. Gregg Avenue and W. North Street and is zoned RMF-24. Gregg Avenue is a two-lane, local street in this location and continues south two blocks to Wilson Park. This area north and west of Wilson Park is comprised of single-family homes, duplexes and small-scale apartment buildings.

The applicant requests to rezone the property from RMF-24, Residential Multi-family 24 Units/Acre to NC, Neighborhood Conservation. The purpose of the rezoning is to allow a higher density development of single-family homes than what is currently allowed. The RMF-24 zoning district requires 60 feet of street frontage and 6,000 square feet per single-family home. The NC zoning district only requires 40 feet of street frontage and 4,000 square feet.

**CITY PLAN 2030:** City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. The objective of the rezoning request is to allow development of single-family homes, already a use by right in the RMF-24 zoning district, but at a higher density than currently allowed. The proposed NC zoning is compatible with the surrounding mix of residential densities and housing types and consistent with the land use plan of the City.

**DISCUSSION**

On April 22, 2013, the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 9-0-0.

**BUDGET IMPACT**

None.

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4348, FOR APPROXIMATELY 0.44 ACRES, LOCATED AT 1035 NORTH GREGG AVENUE FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

**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 NC, Neighborhood Conservation, 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    , 2013.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

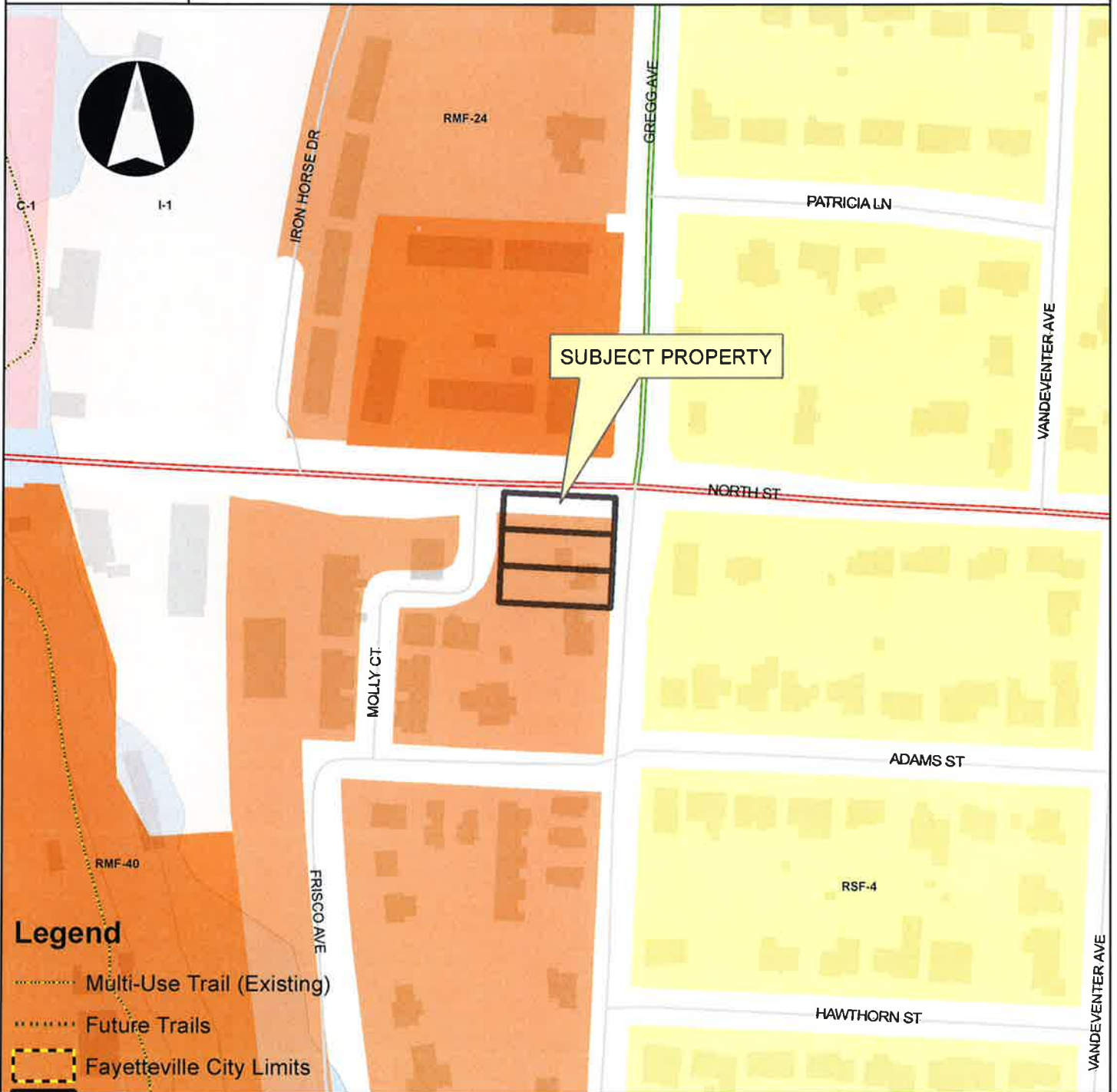
By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

# EXHIBIT "A"

RZN13-4348

## SMITH

Close Up View



### Legend

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

Overview RZN13-4348

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



**EXHIBIT "B"**  
**RZN 13-4348**

SURVEY DESCRIPTION: (PARCEL #765-08500-000)

LOTS NUMBERED 6,7 AND THE SOUTH 25' OF LOT 8 IN BLOCK NUMBERED 4 IN MITCHELL'S ADDITION TO THE CITY OF FAYETTEVILLE, BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9 IN TOWNSHIP 16 NORTH, OF RANGE 30 WEST.



PC Meeting of April 22, 2013

THE CITY OF FAYETTEVILLE, ARKANSAS

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

**PLANNING DIVISION CORRESPONDENCE**

TO: Fayetteville Subdivision Committee  
FROM: Jesse Fulcher, Current Planner  
THRU: Jeremy Pate, Development Services Director  
DATE: ~~April 15, 2013~~ Updated April 24, 2013

**RZN 13-4348: Rezone (1035 N. GREGG AVE./SMITH, 444):** Submitted by JORGENSEN AND ASSOCIATES for property located at 1035 NORTH GREGG AVENUE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.44 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION. Planner: Jesse Fulcher

**BACKGROUND:**

*Property and Background:* The subject property is located at the southwest corner of N. Gregg Avenue and W. North Street and is zoned RMF-24. Gregg Avenue is a two-lane, local street in this location and continues south two blocks to Wilson Park. This area north and west of Wilson Park is comprised of single-family homes, duplexes and small-scale apartment buildings. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1  
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Multi-family residential	RMF-40, Residential Multi-Family 40 Units Per Acre
South	Single family residential	RMF-24, Residential Multi-Family 24 Units Per Acre
East	Single family residential	RSF-4, Residential Single Family 4 Units Per Acre
West	Two-family and Multi-family residential	RMF-24, Residential Multi-Family 24 Units Per Acre

*Request:* The applicant requests to rezone the property from RMF-24, Residential Multi-family 24 Units/Acre to NC, Neighborhood Conservation. The purpose of the rezoning is to allow a higher density development of single-family homes than what is currently allowed. The RMF-24 zoning district requires 60 feet of street frontage and 6,000 square feet per single-family home. The NC zoning district only requires 40 feet of street frontage and 4,000 square feet.

*Public Comment:* Staff has not received public comment.

**RECOMMENDATION:**

Staff recommends forwarding the rezoning request (RZN 13-4348 1035 N. GREGG AVE./SMITH) to the City Council with a recommendation of approval based on findings stated herein.

<b>PLANNING COMMISSION ACTION:</b> Required <u>YES</u>
<b>Date:</b> <u>April 22, 2013</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
<b>Motion:</b> Chesser <b>Second:</b> Pennington <b>Vote:</b> 9-0-0
<b>CITY COUNCIL ACTION:</b> Required <u>YES</u>
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
<b>Date:</b>

**INFRASTRUCTURE:**

**Streets:** The site fronts North Street, an improved four-lane Principal Arterial and Gregg Avenue, an improved two-lane local street. Street improvements within the property will be evaluated at the time of development.

**Water:** Public water is available to the property. There is a 12" and 2" along North Street and an 8" water main along Gregg Avenue. Public water main improvements may be necessary to provide fire flow for domestic service for any proposed development.

**Sewer:** Sanitary sewer is not directly available to the site. There is an 8" main to the south of this property and a 6" line south on Gregg Avenue. The developer will be responsible for extending public mains to serve any future development.

**Drainage:** Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

**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 this site as **City Neighborhood Area**. This designation provides a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family.*

#### **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:** The subject property is located at the north end of the Wilson Park Neighborhood along a local street that leads residents to the park area. This block is comprised of a variety of residential uses and densities, including single-family, two-family and small-scale multi-family. The Future Land Use map designates the property as City Neighborhood Area, which encourages density in all housing types. This designation typifies this area south of North Street. The intent of the rezoning application is to develop single-family homes, a use by right in the RMF-24 zoning district, but at a higher density than currently allowed. The proposed NC zoning would be both compatible with the surrounding mix of residential dwelling types and consistent with the land use plan of the City.

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

**Finding:** The zoning request is justified and needed at this time. The owner desires to construct single-family homes on the property, a use by right in the RMF-24 zoning district, and a use that is compatible in this area. However, the current zoning will only permit two single-family homes to be constructed. Rezoning the property to Neighborhood Conservation will allow at least one more single-family unit to be constructed, increasing the density from 4.5 units/acre to 6.8 units/acre.

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

**Finding:** In staff's opinion, the proposed rezoning will not create or appreciably increase traffic danger. The access management ordinance requires any new development on this property to access Gregg Avenue and utilize the signalized intersection to access North Street. The down-zone from RMF-24 to NC would allow the owner to develop three single-family homes that will have very little impact on the surrounding street system.

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 would not create undesirable impacts to



**public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property.**

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: Not applicable. Staff recommends in favor of the requested zoning.**

**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.

(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. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12)

TITLE XV UNIFIED DEVELOPMENT CODE

**161.26 Neighborhood Conservation**

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

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-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 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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

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

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.

Rear, from center line of an alley	12 ft.
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(F) *Minimum buildable street frontage.* 40% of lot width.

(G) *Height regulations.* Maximum height is 3 stories or 45 feet which ever is less.

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)



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THE CITY OF FAYETTEVILLE, ARKANSAS



POLICE DEPARTMENT  
100-A West Rock Street  
Fayetteville, AR 72701  
P (479) 587-3555 F (479) 587-3522

## M E M O R A N D U M

To: Jeremy Pate

From: Captain Kenny Yates

Date: 4/11/13

Subject: RZN 13-4348

This document is in response to the request for comments on proposed RZN 13-4348 (1035 N. Gregg Avenue / Smith, 444): submitted by Jorgensen and Associates, for property located at 1035 N. Gregg Avenue.

It is the opinion of the Fayetteville Police Department that this RZN (13-4348), 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.



# JORGENSEN & ASSOCIATES

## CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.  
JUSTIN L. JORGENSEN, P.E.  
BLAKE E. JORGENSEN, P.E.

City of Fayetteville  
113 W. Mountain  
Fayetteville, AR 72701

Attn: Development Services  
Re: Rezoning Request

Please accept this request to rezone the following parcel located off of North Street & Gregg:  
765-08500-000.

- A. The current owner of this site is: 765-08500-000 Penzo Group LLC.
- B. Currently this property is zoned RMF-24. The reason for the requested NC (Neighborhood Conservation) zoning is to give the applicant the ability to create two new lots allowing the right to build three detached single family units therefore maximizing the use of his property and creating a much similar density to the surrounding area.
- C. This proposed rezoning will mesh well with surrounding uses; currently to the north it is zoned RMF-40, to the west and south it is zoned RMF-24 and to the east, across Gregg, it is zoned RSF-4
- D. Currently there is an existing manhole in the southwest corner of the property and an existing 12' water line on the north side along North Street
- E. Rezoning this property to Neighborhood Conservation is actually a down zoning in this area but still fits within the City's Future Land Use Map allowing for an infill project.
- F. We feel this is a needed zoning at this time to allow for better use of the property.
- G. This rezoning will not increase or have a negative impact to surrounding area due to traffic.
- H. This requested zoning will not undesirably increase the load on public services.
- I. The current zoning of RMF-40 only allows for one residential unit on the property due to the zoning limitations. Under the requested NC zoning the applicant can split the lot and build three houses by right therefore utilizing the property much more efficiently

Sincerely;

Jorgensen & Associates



RZN13-4348

# SMITH

Current Land Use



Overview RZN13-4348

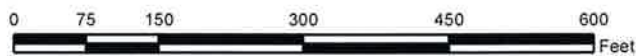
Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

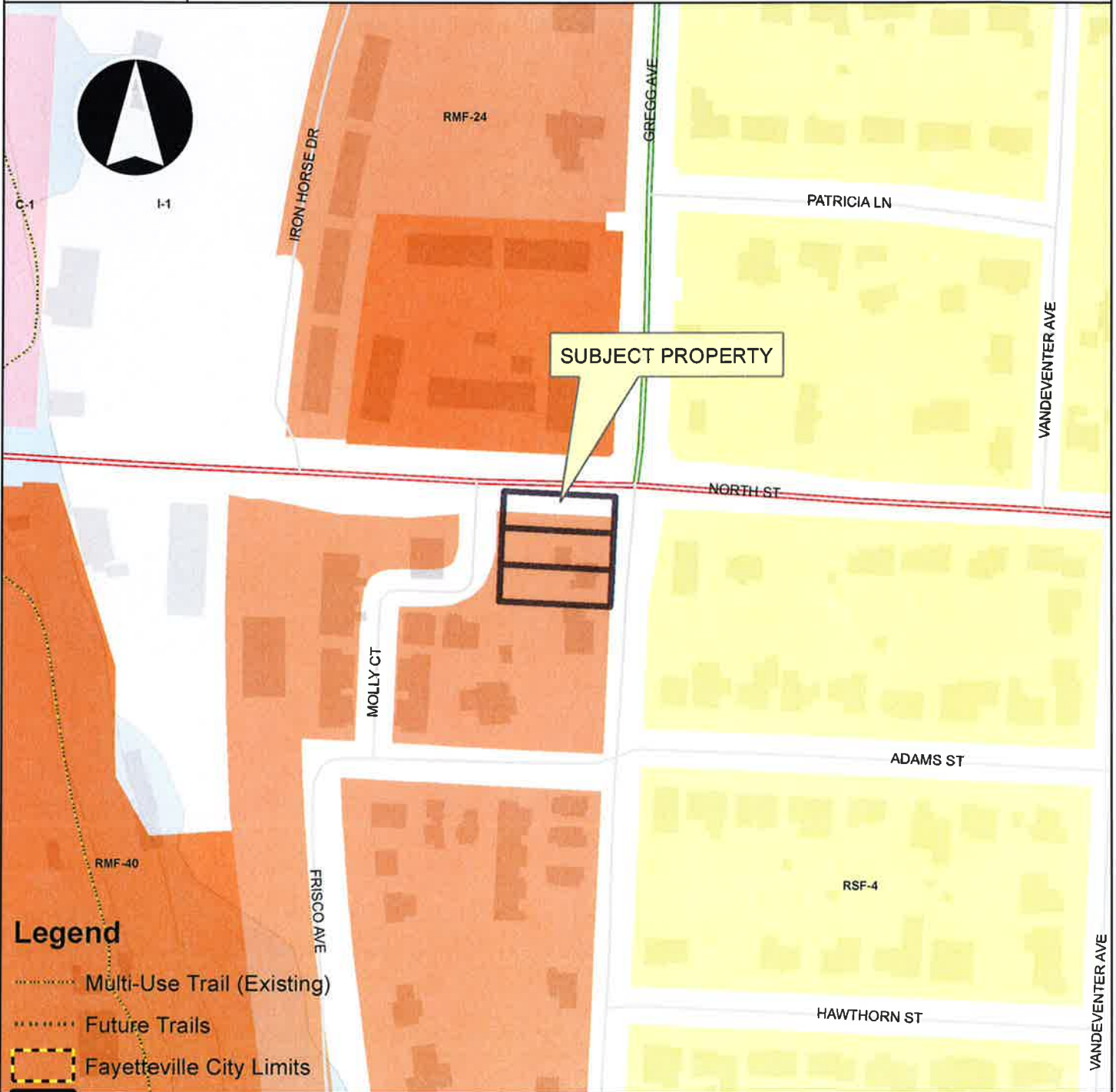
Planning Area



RZN13-4348

# SMITH

Close Up View



## Legend

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

**Overview** RZN13-4348

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

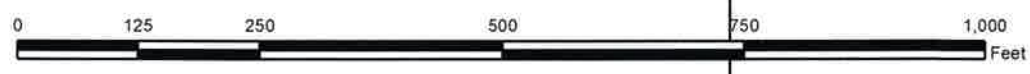
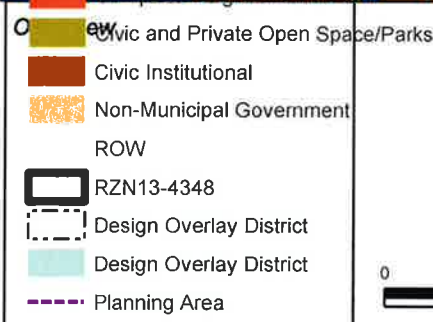
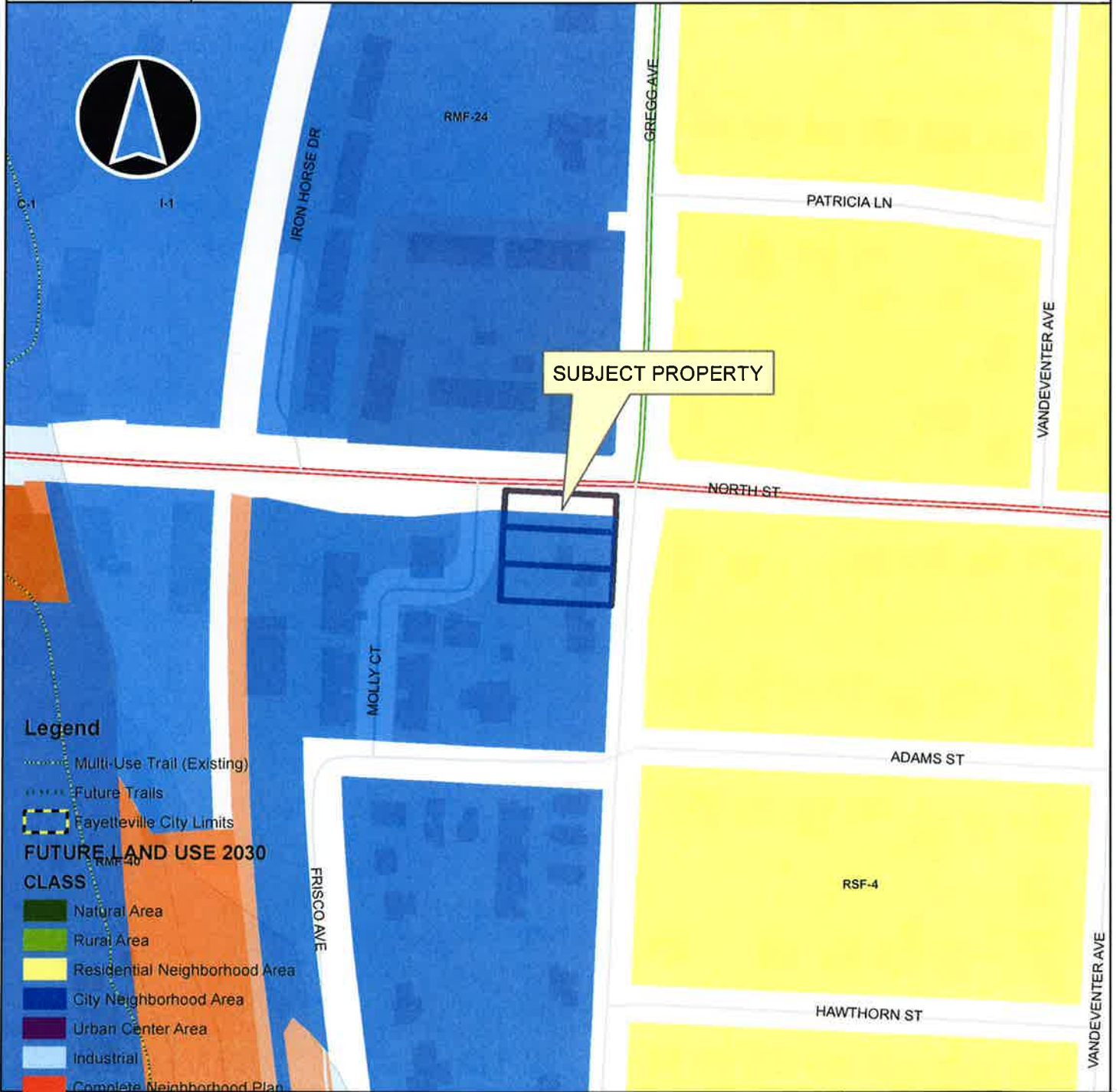




RZN13-4348

# SMITH

Future Land Use

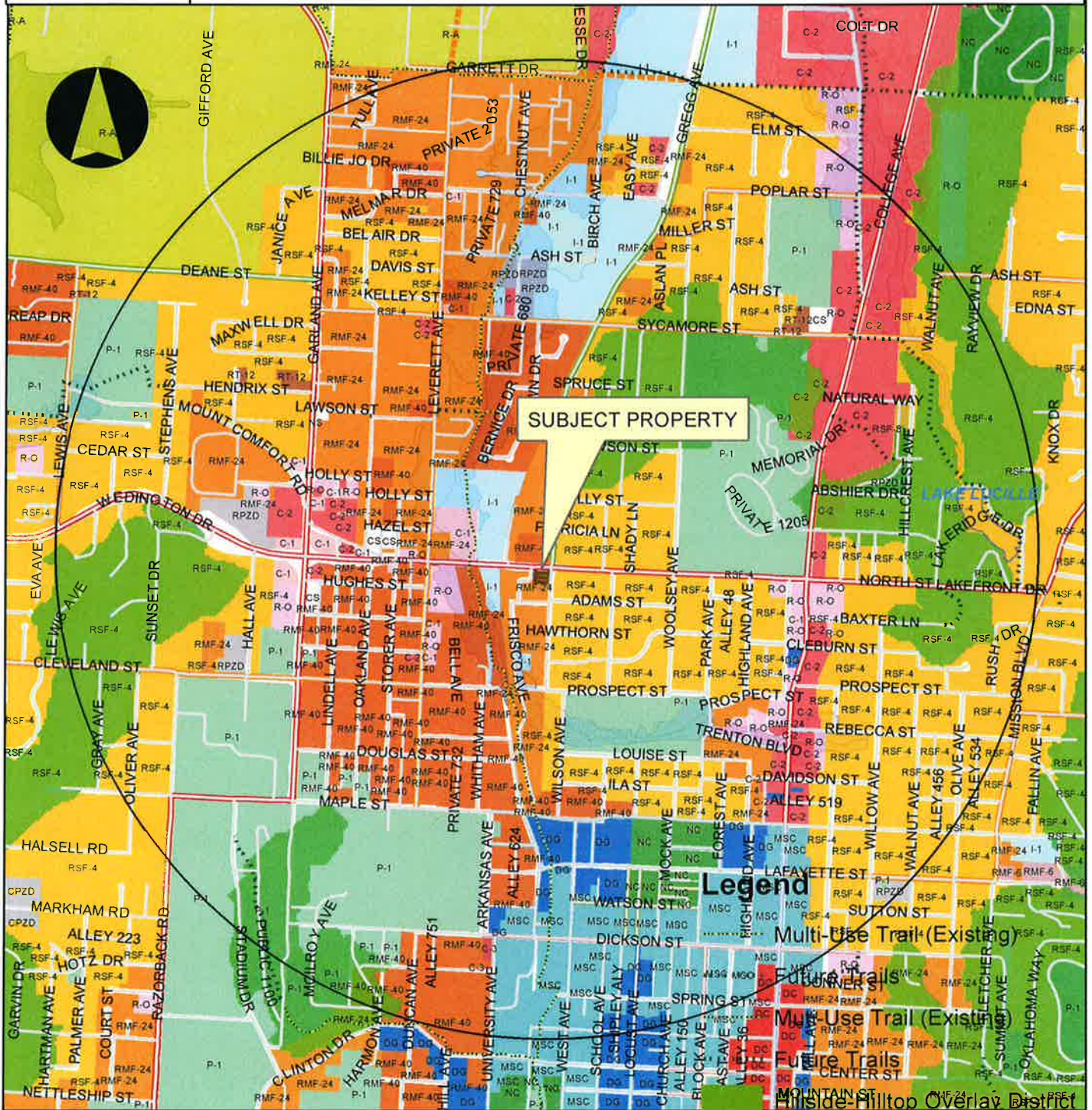




RZN13-4348

One Mile View

# SMITH

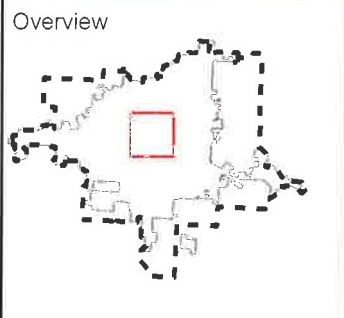


SUBJECT PROPERTY

**Legend**

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails

**Inside Hilltop Overlay District**



**Legend**

- Subject Property
- RZN13-4348
- Boundary
- RZN13-4348
- Design Overlay District
- Planning Area
- Fayetteville

0 0.25 0.5 1 Miles

