

City of Fayetteville Item Review Form

2014-0265

Legistar File Number

07/01/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

14-4725: Rezone (1974 N. GREGG AVE/GIBSON, 367): Submitted by MAHLON GIBSON for property located at 1974 N. GREGG AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.65 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

Does this item have a cost?

Cost of this request

Category or Project Budget

Program or Project Name

Account Number

Funds Used to Date

Program or Project Category

\$0.00

Project Number

Remaining Balance

Fund Name

Budgeted Item?

Budget Adjustment Attached?

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

Jeffery Pate 06-02-2014

Quin Thompson 6-12-2014

Paul A. Bush 6-12-2014

Mahlon Gibson 6-13-14
Tronell Jordan

40/11/14 RM

ENTERED
6/12/14
PK.

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 1, 2014

TO: Fayetteville City Council

FROM: Quin Thompson, Current Planner

THRU: Andrew Garner, City Planning Director *ang.*

DATE: June 11, 2014

SUBJECT: **RZN 14-4725: Rezone (1974 N. GREGG AVE/GIBSON, 367):** Submitted by MAHLON GIBSON for property located at 1974 N. GREGG AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.65 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and Planning staff recommend approval of an ordinance to rezone the property from RSF-4, Residential Single Family Four Units Per Acre to RMF-24, Residential Multi-family 24 Units Per Acre.

BACKGROUND:

The subject property is located on the east side of Gregg Avenue between Elm and Miller Streets, and contains approximately 0.65 acres within the RSF-4 zoning district. The property is undeveloped and contains a large overhead transmission line and support pole adjacent to the southwest corner of the site. Properties adjacent to this site are multi-family to the north and south, single family to the east, and mixed commercial/industrial to the west.

The *City Plan 2030 Future Land Use Map* designates this property as a *City Neighborhood Area*. These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. 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.

Compatibility: The property is surrounded on three sides by either multi-family or industrial/commercial uses and is not well suited to single-family residential use because of the surrounding land uses and frontage on a high speed roadway. The proposed zoning will allow the owner to utilize the property for higher-density residential development which will be compatible with the neighborhood and consistent with the City's goal for appropriate infill.

DISCUSSION:

On June 9, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4725, FOR APPROXIMATELY 0.65 ACRES, LOCATED AT 1974 N. GREGG AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

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 RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi-Family, 24 units per acre, 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 , 2014.

APPROVED:

ATTEST:

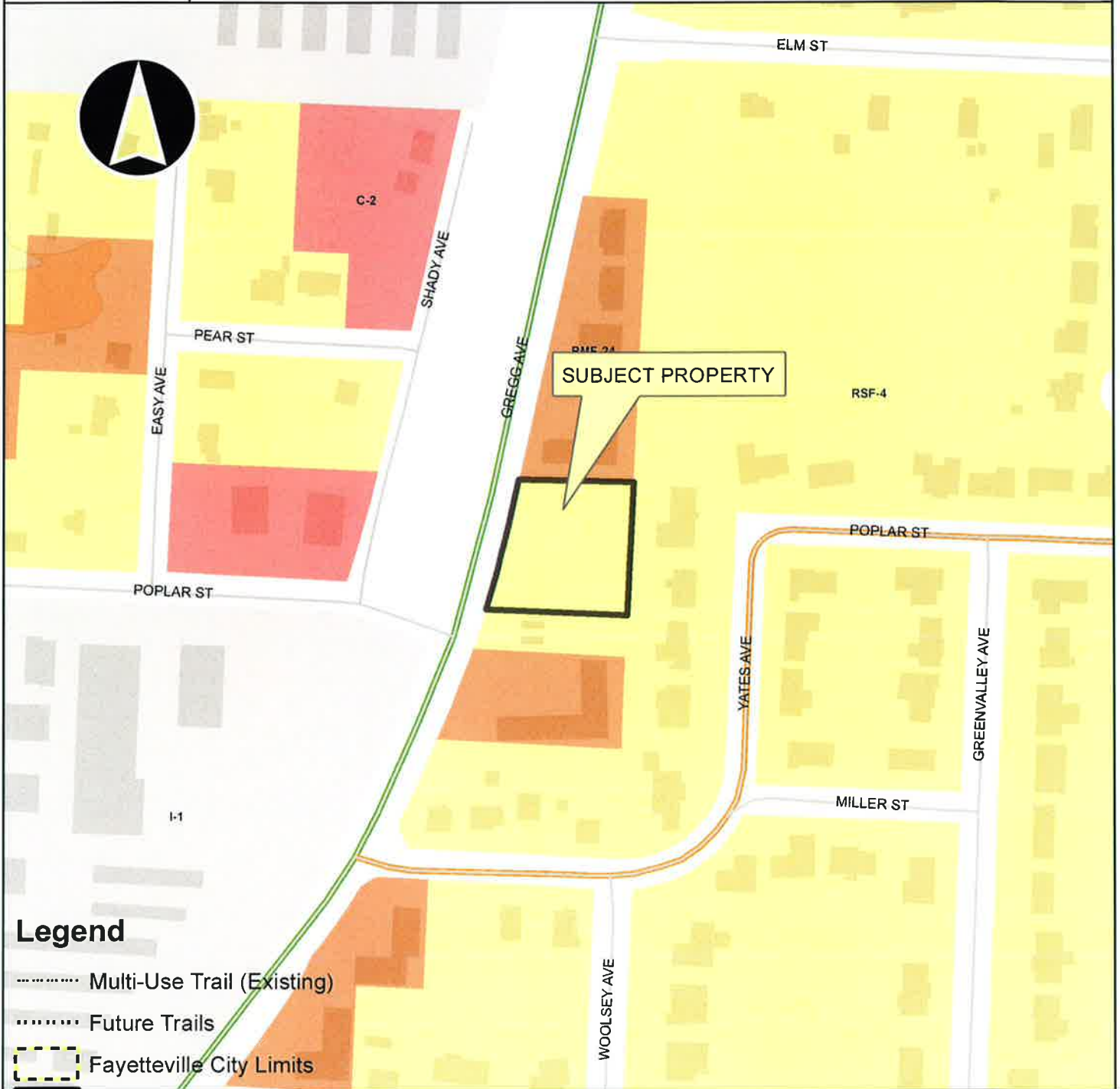
By: _____
LIONELD JORDAN, Mayor

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

RZN14-4725

GIBSON

Close Up View



Legend

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

Overview RZN14-4725

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



EXHIBIT 'B'

14-4725

Lots numbered Seven (7) and Eight (8) in Block numbered Two (2) of the revised plot of lots Three (3) to Nine (9) inclusive of block Six (6) of Parker's Plat of Valley View Acres, as per plat of said addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, AR. Assessor's parcel Numbers are 756-09567-000 and 756-09568-000.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~June 09, 2014~~ *Updated June 11, 2014*

SUBJECT: **RZN 14-4725: Rezone (1974 N. GREGG AVE/GIBSON, 367):** Submitted by MAHLON GIBSON for property located at 1974 N. GREGG AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.65 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4725** to City Council with a recommendation for approval.

BACKGROUND:

The subject property is located on the east side of Gregg Avenue between Elm and Miller Streets, and contains approximately 0.65 acres within the RSF-4 zoning district. The property is undeveloped and contains a large overhead transmission line and support pole adjacent to the southwest corner of the site. 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-24, Residential Multi-family/24 Units per Acre
South	Multi-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	Commercial/Light Industry/Single-family Residential	RSF-4, Residential Single-family, 4 units per acre/ C-2, Thoroughfare Commercial/I-1, Light Industrial & Heavy Commercial

Request: The request is to rezone the property from RSF-4, Residential Single-family / 4 Units per Acre to RMF-24, Residential Multi-family / 24 Units per Acre. The applicant has stated that the rezoning will allow the property to be developed in the future with a use appropriate for the neighborhood.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

- Streets:** The site has access to Gregg Avenue, a four lane, fully improved Minor Arterial roadway. Improvements to this road would be determined at the time of development.
- Water:** Public water is accessible to these parcels. An 8" water main exists in the Gregg Avenue right of way, and an additional 2" main crosses the property and is available to both parcels along the east property boundary
- Sewer:** Sanitary sewer is available to the site. A 6" sanitary sewer main exists in the Gregg Avenue right of way. Another 6" sewer main is available on the east property boundary. All parcels slated for rezoning can be served by these two lines.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. The property is not affected by either the 100-year floodplain or the Streamside Protection Zone.
- Fire:** This development will be protected by Engine 2 located at 708 N Garland Ave. It is 1.5 miles from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**.* These areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types. 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.

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends that RZN 14-4725 be forwarded to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>June 09, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>Chesser</u>	Second: <u>Winston</u>	Vote: <u>6-0-0</u>	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>July 01, 2014</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

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: This property is currently undeveloped land. The proposal to rezone the property to RMF-24 will allow the property to be developed for residential use consistent with surrounding land uses. The City Plan 2030 Future Land Use Map designates this area as City Neighborhood Area. This designation encourages a wide range of density and use and staff finds that the proposed zoning is consistent with the City Neighborhood designation.

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 single-family residential zoning designation is potentially undesirable with surrounding properties and traffic patterns. Gregg Avenue is a high volume Master Street Plan designated Minor Arterial. The property is surrounded on three sides by either multi-family or industrial/commercial uses, is not well suited to single-family residential use. The proposed zoning will allow the owner to utilize the property for appropriate residential development which will be compatible with the neighborhood.

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

Finding: The site access has access to Gregg Avenue, an improved four lane street. The proposed zoning would allow uses that would increase traffic over the existing zoning. Any curb cut on this site may cause traffic danger due to high speed traffic and this site's location immediately adjacent to a signalized intersection at Gregg and Poplar. 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 single-family to multi-family use will allow for the development of more residential density, 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

BUDGET/STAFF IMPACT:

None

Attachments:

Unified Development Code sections 161.07 & 161.14

Request Letter

Fire Comments

One Mile Map

Close Up Map

Current Land Use Map

Future Land Use Map

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

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

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.

Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Maximum	Height	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

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
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(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 acre

(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
A build-to zone that is located between the front property line 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 Maximum	Height	30/45/60ft.*
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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 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet 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 60 feet.

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), ~~6-18-98~~; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. ~~5224~~, ~~2-3-08~~; Ord. ~~5262~~, ~~8-4-08~~; Ord. ~~5312~~, ~~4-20-10~~; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, ~~2-18-14~~)



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS



FIRE DEPARTMENT
303 West Center Street
Fayetteville, AR 72701
P (479) 575-8365 F (479) 575-0471

Zoning Review

To: Jesse Fulcher
From: Will Beeks
Date: May 8, 2014
Re: RZN 14-4725

This development will be protected by Engine 2 located at 708 N Garland Ave. It is 1.5 miles from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Will Beeks
Assistant Fire Marshal
Fayetteville Fire Department

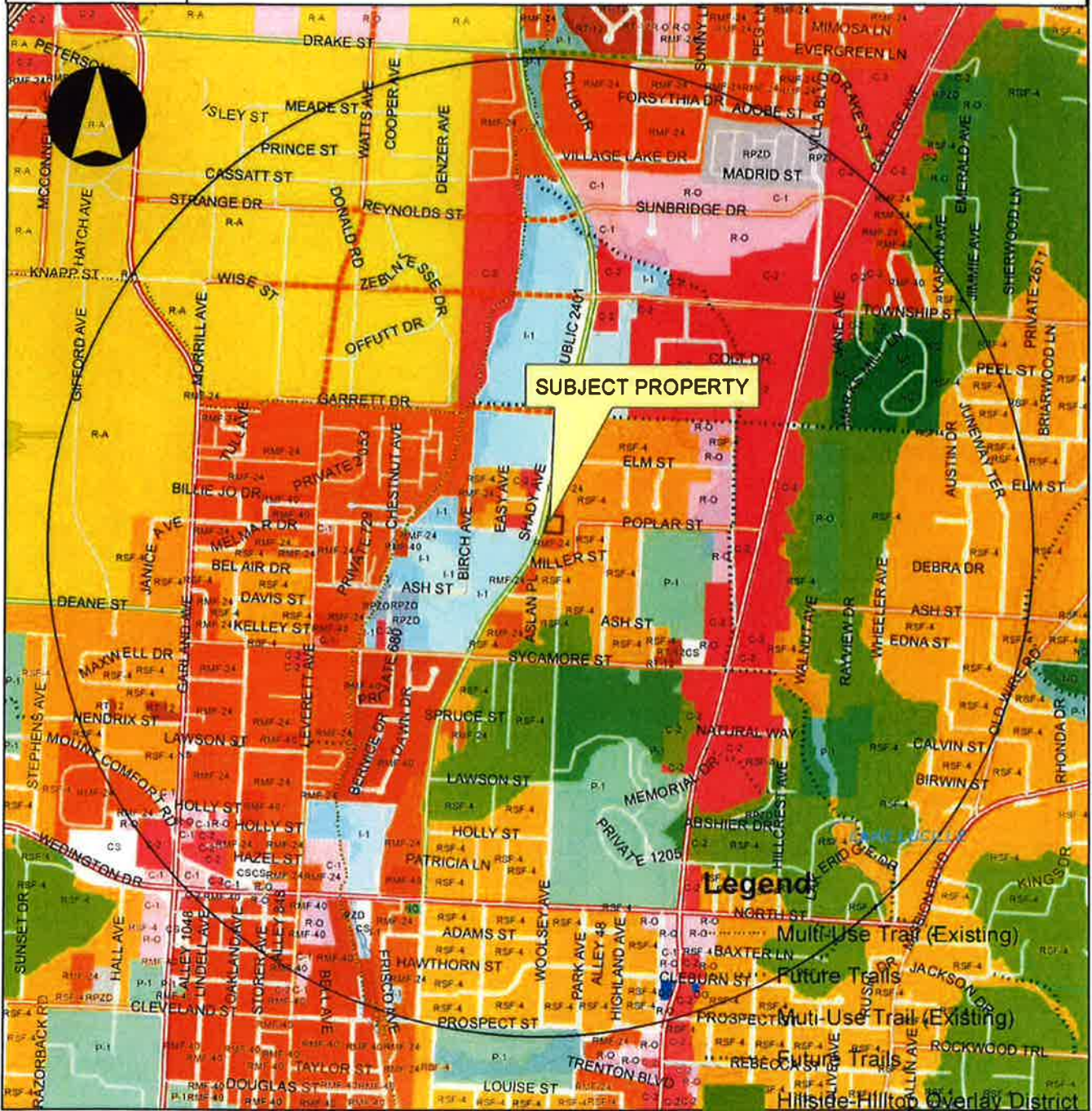
The current ownership of this property is in Mahlon G. Gibson and Sondra A. Gibson, husband and wife. The reason for the zoning change is to let it conform to the surrounding properties and the development of the area that has occurred in recent years. Adjoining properties on both sides are RMF, and all property on North Gregg Street from the intersection with Ash Street north to the Fulbright Expressway is either for apartment or commercial use. The rezoning of this property relates well with the surrounding properties in every way, and water, sewer and gas lines are all present.

In short, there is no practical use for this property as it is now zoned. The requested rezoning is consistent with the land use in the area and will permit it to be put to use in a manner compatible with the surrounding area.

RZN14-4725

GIBSON

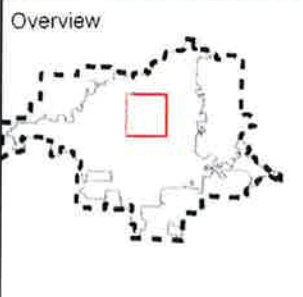
One Mile View



SUBJECT PROPERTY

Legend

- Multi-Use Trail (Existing)
- Future Trails
- Multi-Use Trail (Existing)
- Future Trails
- Hillside-Hilltop Overlay District



Legend

- Subject Property RZN 14-4725
- Boundary

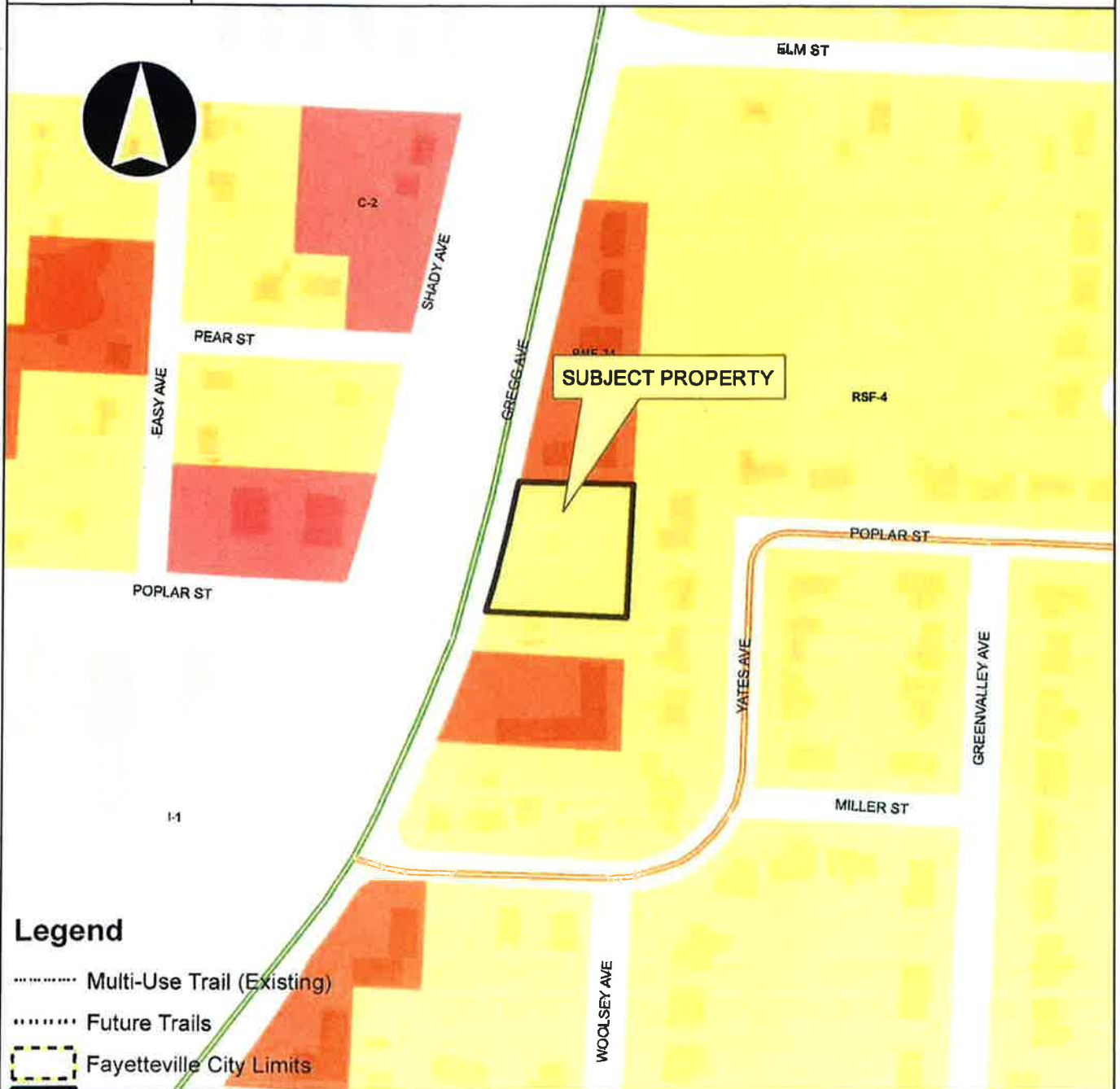
0 0.25 0.5 1 Miles

- RZN14-4725
- Design Overlay District
- Planning Area
- Fayetteville

RZN14-4725

GIBSON

Close Up View



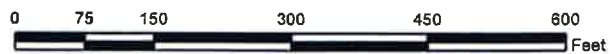
Legend

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

Overview

RZN14-4725

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



RZN14-4725

GIBSON

Close Up View



Legend

- Multi-use rail (Existing)
- Freight rails
- Fayetteville City Limits

Overview RZN14-4725

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



