

City of Fayetteville Staff Review Form

2014-0329

Legistar File ID

8/5/2014

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

Quin Thompson

7/17/2014

Building Safety /
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4763: Rezone (SOUTHEAST CORNER GREGG AVE. & ASH ST./CANDLELIGHT PLACE APTS, 367): Submitted by J. TAYLOR HURST for property located at SOUTHEAST CORNER GREGG AVE. & ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.94 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

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: _____

ENTERED
7/17/14
AM

Approval Date: _____

Comments:

King
Kaufman 7-18-14

ENTERED
7/18/14
PH

Paula Dyer

Paul a. Buler 7-21-2014

Don Man 7-22-14

CITY COUNCIL AGENDA MEMO

MEETING OF AUGUST 5, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director *amg*

FROM: Quin Thompson, Current Planner

DATE: July 15, 2014

SUBJECT: **RZN 14-4763: Rezone (SOUTHEAST CORNER GREGG AVE. & ASH ST. /CANDLELIGHT PLACE APTS, 367):** Submitted by J. TAYLOR HURST for property located at SOUTHEAST CORNER GREGG AVE. & ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.94 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER AC

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to RMF-24, Residential Multi-Family, 24 units per acre.

BACKGROUND:

The subject property is located at the southeast corner of the intersection of Gregg Avenue and Ash Street and contains approximately 0.94 acres within the RSF-4 zoning district. The property is undeveloped and heavily forested.

Staff finds that the proposal to rezone this property to RMF-24 will allow the site to be developed for residential use consistent and compatible 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 and the surrounding mix of residential uses.

DISCUSSION:

On July 14, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 5-0-0.

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 14-4763, FOR APPROXIMATELY 0.94 ACRES, LOCATED AT THE SOUTHEAST CORNER OF GREGG AVE. AND ASH ST. 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

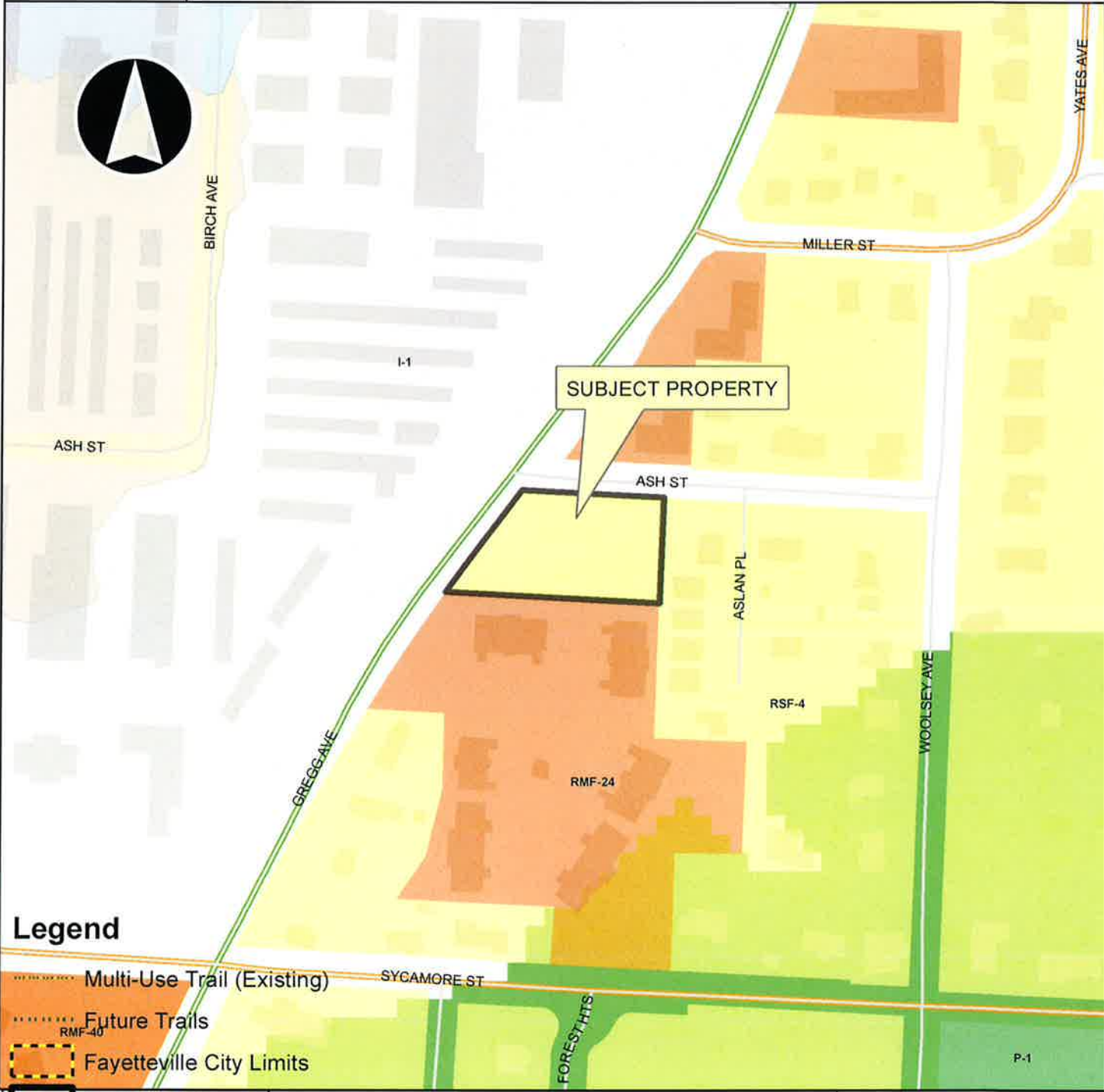
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT 'A'

RZN 14-4763

C. 1
 RZN 14-4763: Rezone (Southeast Corner
 Gregg Ave. & Ash St./Candlelight Place Apts.)

RZN14-4763	<h1>CANDLELIGHT PLACE APTS.</h1>
Close Up View	



<p>Legend</p> <ul style="list-style-type: none"> Multi-Use Trail (Existing) Future Trails Fayetteville City Limits 	<p>Overview</p> <ul style="list-style-type: none"> RZN14-4763 Footprints 2010 Hillside-Hilltop Overlay District Design Overlay District Design Overlay District Planning Area 	<p>0 75 150 300 450 600 Feet</p>
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EXHIBIT 'B'
RZN 14-4763

Legal Description

Lot four (4) of block twelve (12) of Valley View Acres.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~July 14, 2014~~ UPDATED 7-15-2014

SUBJECT: **RZN 14-4763: Rezone (southeast CORNER GREGG AVE. & ASH ST./CANDLELIGHT PLACE APTS, 367):** Submitted by J. TAYLOR HURST for property located at the SOUTHEAST CORNER OF GREGG AVE. & ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.94 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN 14-4763** to City Council with a recommendation for approval.

BACKGROUND:
The subject property is located at the southeast corner of the intersection of Gregg Avenue and Ash Street and contains approximately 0.94 acres within the RSF-4 zoning district. The property is undeveloped and heavily forested. 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	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 minor arterial with a five foot sidewalk at the back of curb only along the east side of the road. Improvements to this road would be determined at the time of development. The development also has access to Ash Street which is a two lane local street which has been improved with curb/gutter, storm drainage, and no sidewalks. Improvements to this road would be determined at the time of development.

Water: Public water is accessible to this parcel. An 8" water main exists in the Gregg Avenue right of way and another water main (size unknown) crosses the northern portion of the property.

Sewer: Sanitary sewer is available to the site. An 8" sanitary sewer main exists in the Gregg Avenue right of way. Another 6" sewer main exists in the Ash Street right of way.

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. It is 1.5 miles from the station with an anticipated response time of 4 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 14-4763 be forwarded to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>July 14, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: CHESSER	Second: SELBY	Vote: 5-0-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>August 05, 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 and compatible 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 and the surrounding mix of residential 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 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, a partially improved four lane street, and to Ash Street, a partially improved two-lane local street. The proposed zoning allows uses that would increase traffic over the existing zoning, however, development allowed under the proposed zoning is unlikely to appreciably increase traffic danger or congestion, as it would be adjacent to Gregg Avenue, which can handle large volumes of traffic. The Access Management ordinance will require that any curb cuts be placed on Ash Street, which will help attenuate traffic safety concerns. Street improvements will be evaluated 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

(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), 6-16-98; 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; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



June 2, 2014

**City of Fayetteville, AR
Planning Division
125 W. Mountain
Fayetteville, AR 72701**

RE: Rezoning Application

Dear City of Fayetteville Planning Division:

Enclosed please find our rezoning application. The following is a reply to your application checklist.

- 1. A check for \$330.00 is enclosed.**
- 2. The legal description of the land is Lot Four (4) of Block Twelve (12) of Valley View Acres. A copy of the land survey is attached.**
- 3. CD in PDF format containing all related information in MS Word.**
- 4. A copy of the parcel map is attached as well as owners' names of adjacent properties and addresses.**
- 5. The following is a written description of requests:**
 - a. The current owners of the property are George H. and Suzanne E. Niblock, who have executed an offer and acceptance with Candlelight Place, LLC pending rezoning approval (real estate contract attached).**
 - b. The reason for the zoning change is a proposal to add 24 units to expand our current project.**
 - c. The existing project is a 56 unit apartment complex situated on 3.75 acres with a current zoning of RMF24. The subject property, for which we are seeking a zoning change, is 0.94 acre. The combined project acreage would become 4.69 acres. The density of combining the existing 56 units with the proposed 24 units will result in 17 units per acre, which is significantly lower than 24. The site is bordered to the North by an existing apartment project on Ash; to the East by duplexes; to the South by Candlelight Place Apartments; to the West by Gregg Avenue, railroad tracks and self storage units. With reference to traffic there will be no additional ingress or egress needed to serve the property. The existing wide lanes serving Candlelight Place Apartments will be used for the additional property. The appearance will be garden style similar to Candlelight Place Apartments. No additional signage will be required.**
 - d. The existing water, which is a 6-inch line with fire hydrant on the interior of Candlelight Place, will be extended to serve the new buildings. No new water tap will be required. Sewer and drainage will be connected to existing lines which were installed by Candlelight Place, LLC.**
 - e. The land use is compatible due to the fact that there are existing apartments to the north and south with industrial land use to the west. Adjacent to the east are duplexes that transition to residential areas.**
 - f. The proposed zoning change will permit a small addition of 23 units plus one storage unit which would require 24 parking spaces.**
 - g. Traffic flow and congestion would not be significantly impacted by 24 units.**
 - h. No adverse affects are anticipated for public service as existing water and sewer facilities installed by Candlelight Place, LLC will be adequate to service the proposed addition.**

- i. A change in land use on Gregg Avenue over the years lends itself for development other than single family houses.**

Please let us know if you need any other information. Your consideration in this matter is appreciated.
Sincerely,



J. Taylor Hurst
Candlelight Place, LLC

Enclosures



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

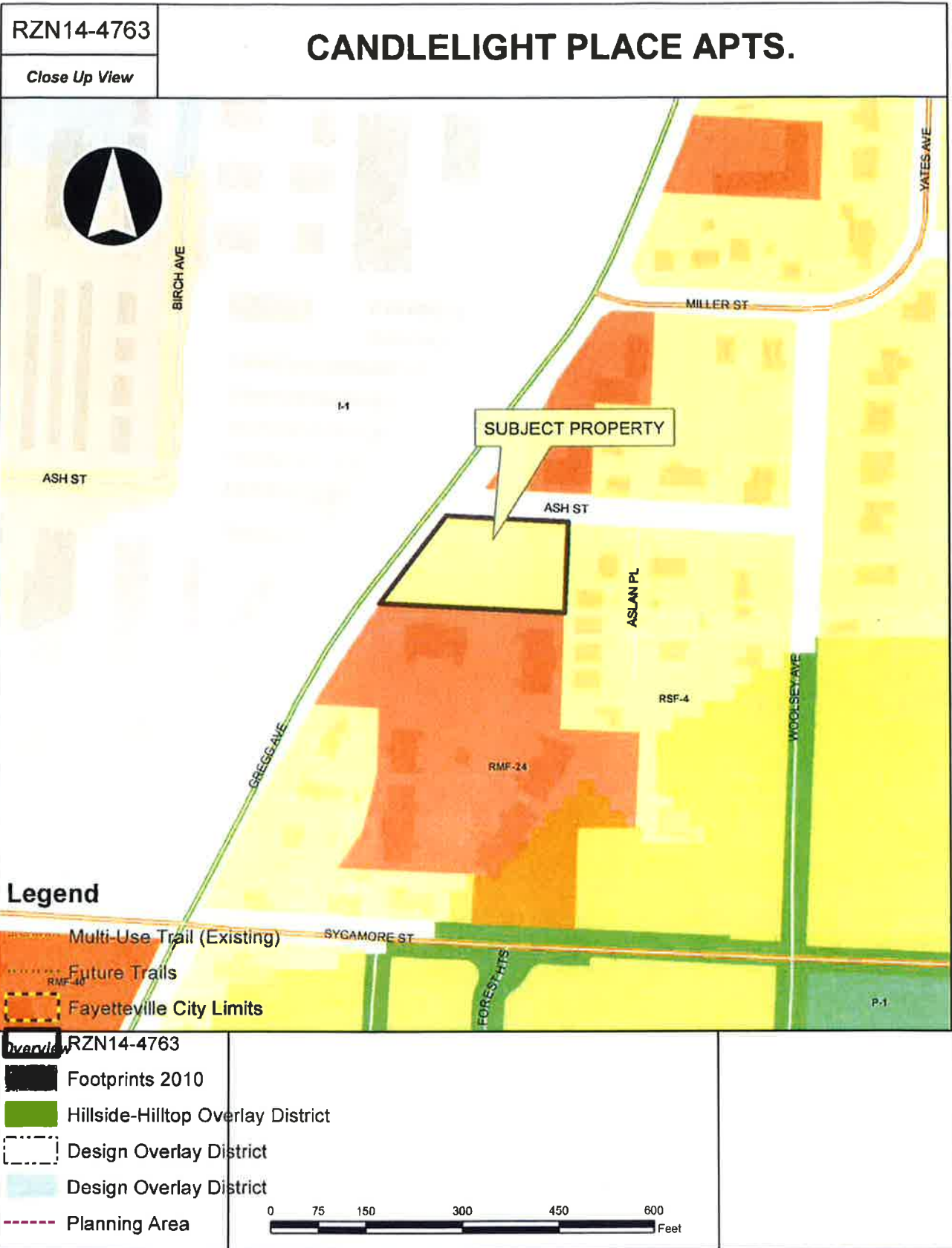
Zoning Review

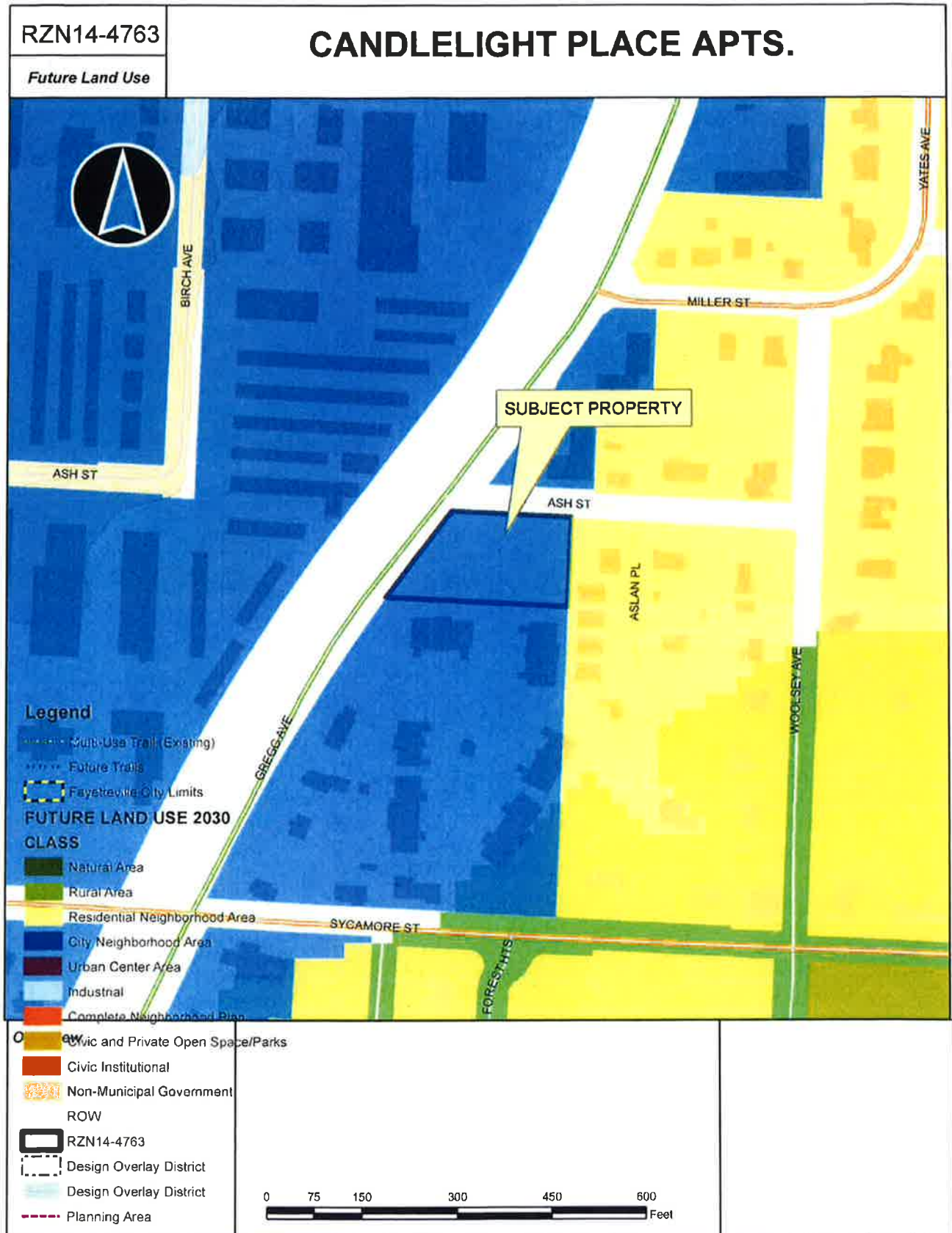
To: Quin Thompson
From: Will Beeks
Date: June 16, 2014
Re: RZN 14-4763

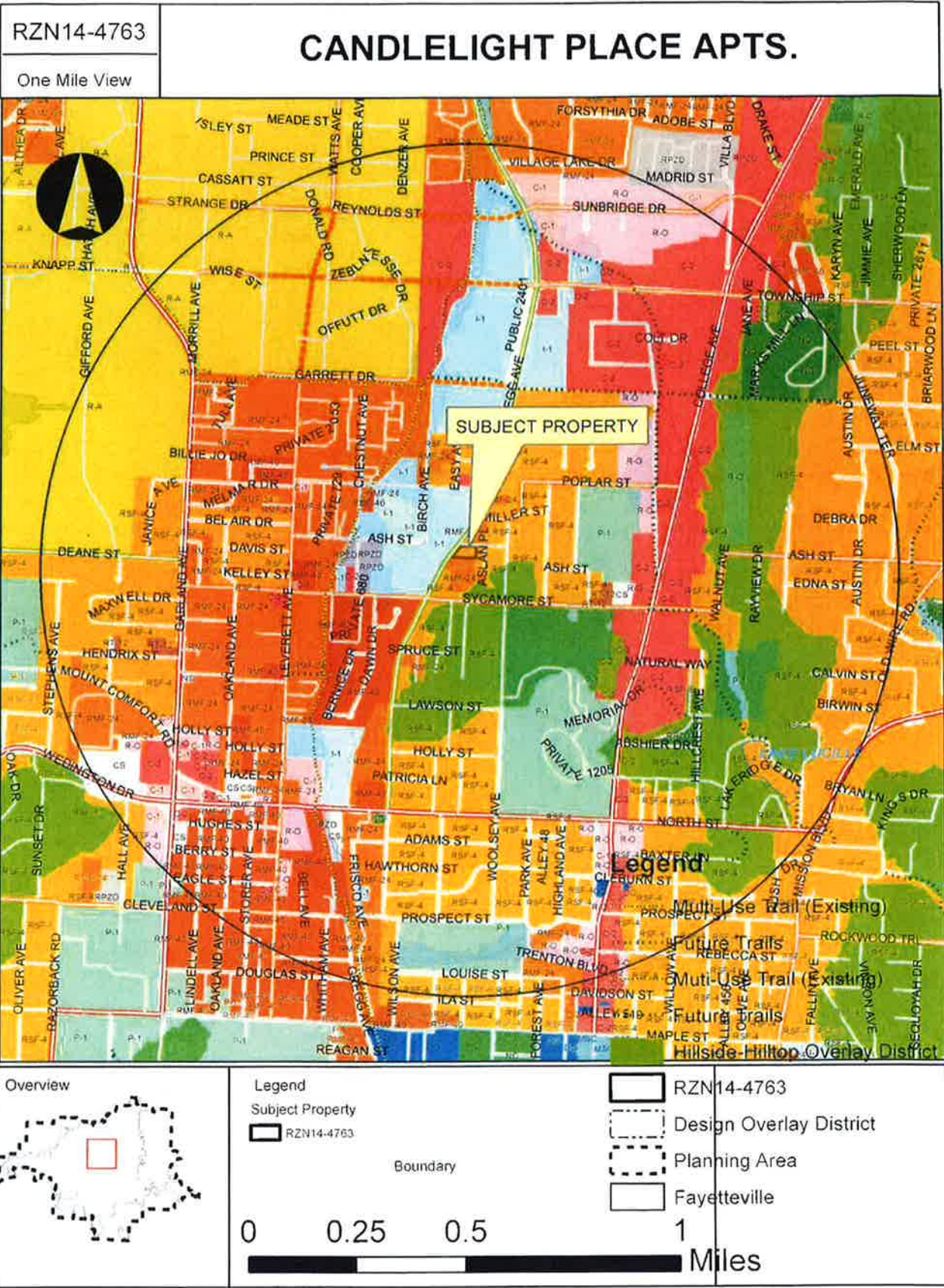
This development will be protected by Engine 2 located at 708 N Garland.
It is 1.5 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

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

Fayetteville Fire Department







Overview

Legend

Subject Property

RZN14-4763

Boundary

0 0.25 0.5 1 Miles

Legend

RZN14-4763

Design Overlay District

Planning Area

Fayetteville

RZN14-4763

CANDLELIGHT PLACE APTS.

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview Fayetteville City Limits

- RZN14-4763
- Footprints 2010
- Design Overlay District
- Design Overlay District
- Planning Area

