

City of Fayetteville Staff Review Form

2014-0388

Legistar File ID

9/16/2014

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

Quin Thompson

8/26/2014

City Planning /
 Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4807: Rezone (103 PLAINVIEW AVE./DANIEL, 213): Submitted by BLEW AND ASSOCIATES for property located at 103 PLAINVIEW AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 3.34 acres. The request is to rezone the property to R-0, RESIDENTIAL-OFFICE.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

Previous Ordinance or Resolution # _____ V20140710

Original Contract Number: _____ Approval Date: _____

Comments:

- King City

Paul a. Baker 2014

Don Man 9-3-14

ENTERED
8/28/14

ENTERED
8/29/14

David Jordan

CITY COUNCIL AGENDA MEMO

MEETING OF SEPTEMBER 16, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Senior Planner

DATE: August 26, 2014

SUBJECT: **RZN 14-4807: Rezone (103 PLAINVIEW AVE./DANIEL, 213):** Submitted by BLEW AND ASSOCIATES for property located at 103 PLAINVIEW DRIVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 3.34 acres. The request is to rezone the property to R-0, RESIDENTIAL-OFFICE.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to R-O, Residential-Office.

BACKGROUND:

The subject property is located at 103 Plainview Drive and contains approximately 3.34 acres within the RSF-4 zoning district. The property is at the dead end of Plainview Drive, is undeveloped and significantly forested. The property is traversed by a stream and a large portion of the site is encompassed by floodplain. A residence existed on the site in 2012, but at this time only a footing remains on the property.

Staff finds that the proposal to rezone this property to R-O will allow the site to be developed for residential use consistent and compatible with surrounding neighborhood, which includes single family residential and commercial 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 uses.

DISCUSSION:

On August 25, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 8-0-0.

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 14-4807, FOR APPROXIMATELY 3.34 ACRES, LOCATED AT 103 PLAINVIEW AVENUE FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO R-O, RESIDENTIAL-OFFICE.

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 R-O, Residential-Office, 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

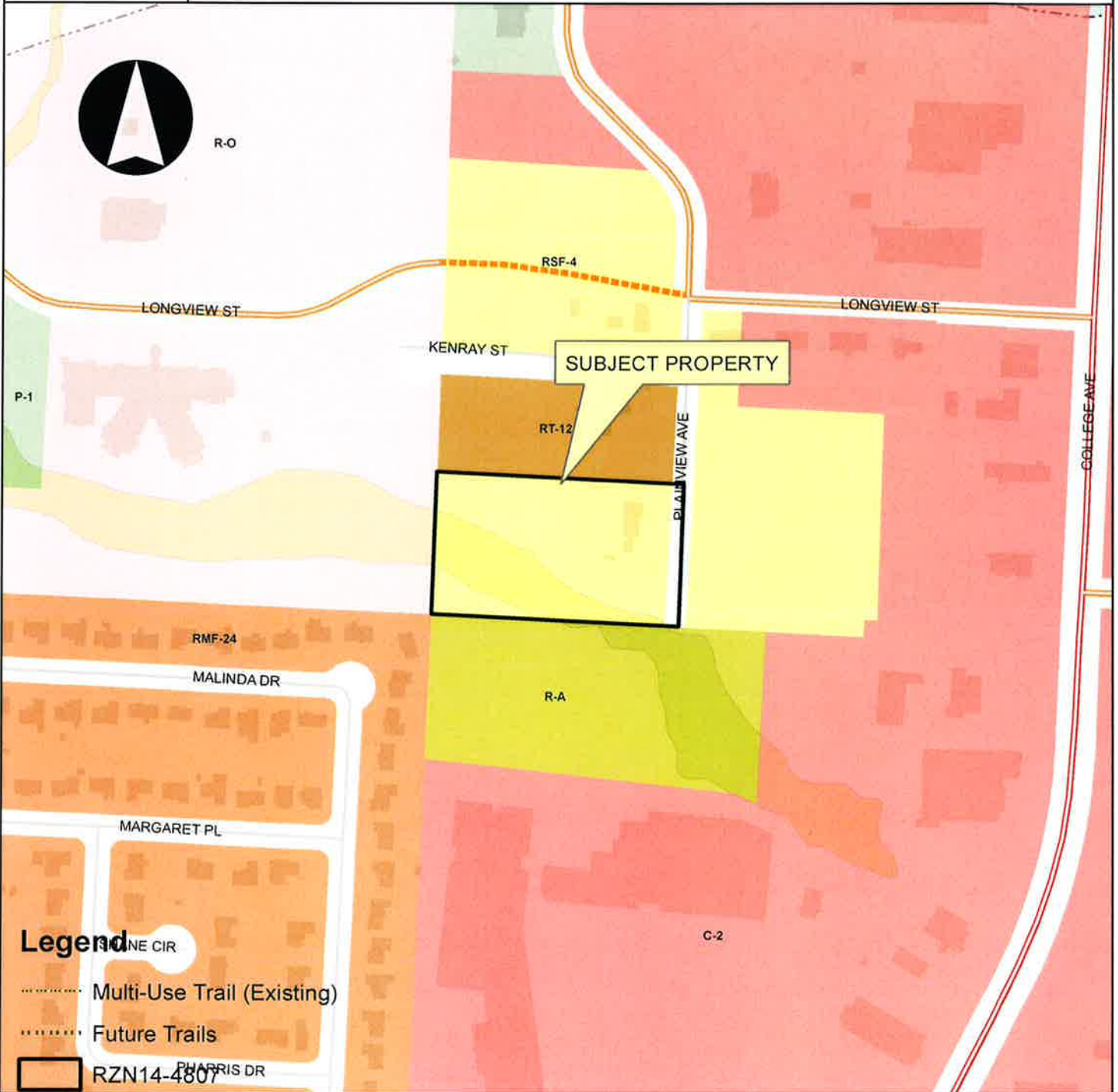
EXHIBIT 'A'

RZN 14-4807

RZN14-4807

DANIEL

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN14-4807

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT 'B' RZN 14-4807



Blew & Associates, P.A.

Civil Engineers

Professional Land Surveyors

524 W. Sycamore Street Suite #4 Fayetteville, AR 72703

PH: 479-443-4506 * FAX: 479-582-1883

<http://www.blewinc.com>

SURVEY DESCRIPTION: (PARCEL #765-15758-000)

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A FOUND STATE MONUMENT, AND RUNNING THENCE N02°03'55"E 290.00' TO A SET IRON PIN, THENCE S87°08'36"E 501.34' TO A SET MAG NAIL, THENCE S02°03'55"W 290.00' TO A FOUND IRON PIN, THENCE N87°08'36"W 501.34' TO THE POINT OF BEGINNING. CONTAINING 3.34 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~August 25, 2014~~ **UPDATED AUGUST 26, 2014**

SUBJECT: **RZN 14-4807: Rezone (103 PLAINVIEW AVE./DANIEL, 213):** Submitted by BLEW AND ASSOCIATES for property located at 103 PLAINVIEW DRIVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 3.34 acres. The request is to rezone the property to R-0, RESIDENTIAL-OFFICE.

RECOMMENDATION:

Staff recommends forwarding **RZN 14-4807** to City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at 103 Plainview Drive and contains approximately 3.34 acres within the RSF-4 zoning district. The property is at the dead end of Plainview Drive, is undeveloped and significantly forested. The property is traversed by a stream and a large portion of the site is encompassed by floodplain. A residence existed on the site in 2012, but at this time only a footing remains on the property. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family Residential	RT-12, Residential Two and Three-family
South	Parking Lot for Lewis Ford	R-A, Residential Agricultural
East	Undeveloped/Pasture	RSF-4, Residential Single-family, 4 units per acre
West	Undeveloped/Forest	R-O, Residential Office

Request: The request is to rezone the property from RSF-4, Residential Single-family / 4 Units per Acre to R-O, Residential Office. The applicant has stated that the rezoning will allow the property to be developed in the future as a cottage housing development.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

- Streets:** The site has access to Plainview Avenue. This street is a dead-end, unimproved, one-lane asphalt street. Significant street improvements are anticipated and will be determined at time of development.
- Water:** Public water is accessible to the site. A 6" water main exists in Plainview Avenue adjacent to the subject parcel.
- Sewer:** Sanitary sewer is available to the site. A 12" and 6" sewer main exists in the vicinity. The 6" main is in the Plainview Avenue Right of Way and the 12" runs through the easement/floodplain on the southern portion of this parcel.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is affected by the 100-year floodplain and the Streamside Protection Ordinance. An unnamed tributary flows through the southern portion of this parcel.
- Fire:** This development will be protected by Engine 4 located at 3385 Plainview. It is 2 miles from the station with an anticipated response time of 5 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 14-4807 be forwarded to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>August 25, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: WINSTON	Second: HONCHELL	Vote: 8-0-0	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>September 16, 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 R-O 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. Staff finds that the proposed zoning is consistent with the City Neighborhood designation and the surrounding mix of residential and commercial uses.

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

Finding: The property could be developed under the existing zoning, however the proposed zone is more consistent with the objectives of City Plan 2030, in that it would allow for a higher density of housing in addition to limited commercial uses encouraged by the Future Land Use Map.

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 Plainview Avenue, an unimproved, one-lane street. The proposed zoning does allow higher density and intensity of use and associated traffic. Improvements to Plainview Avenue on and off-site are anticipated and 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 RSF-4 to R-O will allow for the development of more residential density and commercial activity, however development should not undesirably increase the load on public services with improvements required as part of the development. 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 & 161.17
Request Letter
Fire Comments
One Mile Map
Close Up Map
Current Land Use Map
Future Land Use Map

UDC CHAPTER 161: ZONING REGULATIONS

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		8,000 sq. ft.	12,000 sq.

minimum		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)

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business

Unit 25	Offices, studios, and related services
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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(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.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured 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	6,500 sq. ft.

Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,200 sq. ft.
Two or more bedrooms	
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

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

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)



524 W. Sycamore Street Suite #4 Fayetteville, AR 72703
PH: 479-443-4506 * FAX: 479-582-1883
<http://www.blewinc.com>

To whom it may concern:

Our client, Cynthia Daniel, currently owns the property located at 103 North Plainview Avenue, parcel # 765-15758-000. The property is currently zoned RSF-4 and the client wishes to change it to R-O. The client wishes to establish a cottage development on the property, which is not an allowed use for the current zoning. The rezoning will allow for the proposed cottage development to go forward. There are existing satisfactory utilities on the property. The rezoned property would match the existing zoning of the property to the west, and is in line with the City Master Development Plan. The proposed zoning will not create or appreciably increase traffic danger and congestion, and will not create an appreciable increase in population density or increase the load on public services. Under current zoning regulations, a conditional use permit would be required to develop.

Sincerely,
Scott Blacksher



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: July 29, 2014
Re: RZN 14-4807

This development will be protected by Engine 4 located at 3385 Plainview. It is 2 miles from the station with an anticipated response time of 5 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.

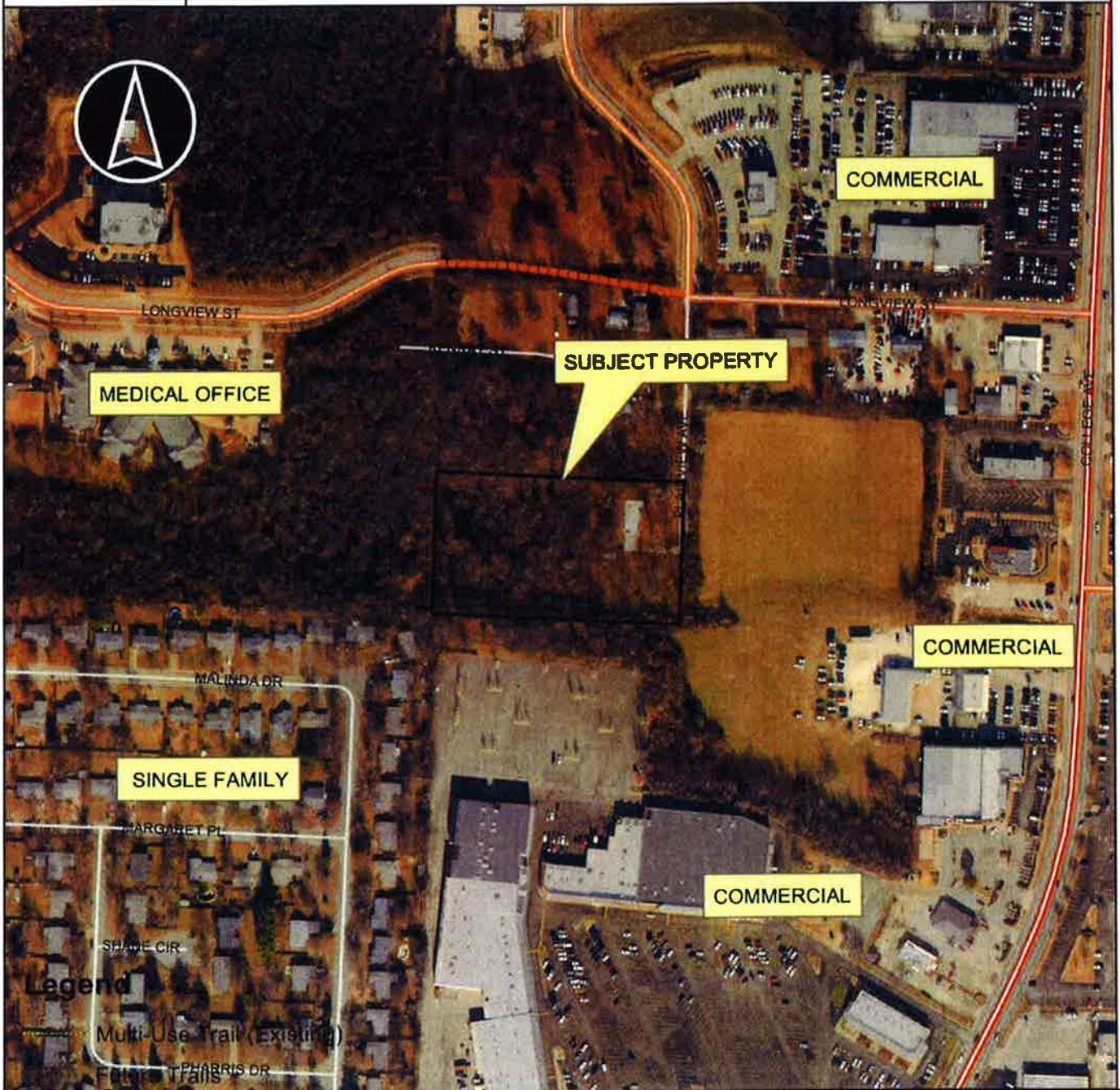
If you have any questions please feel free to contact me.

Fayetteville Fire Department

RZN14-4807

DANIEL

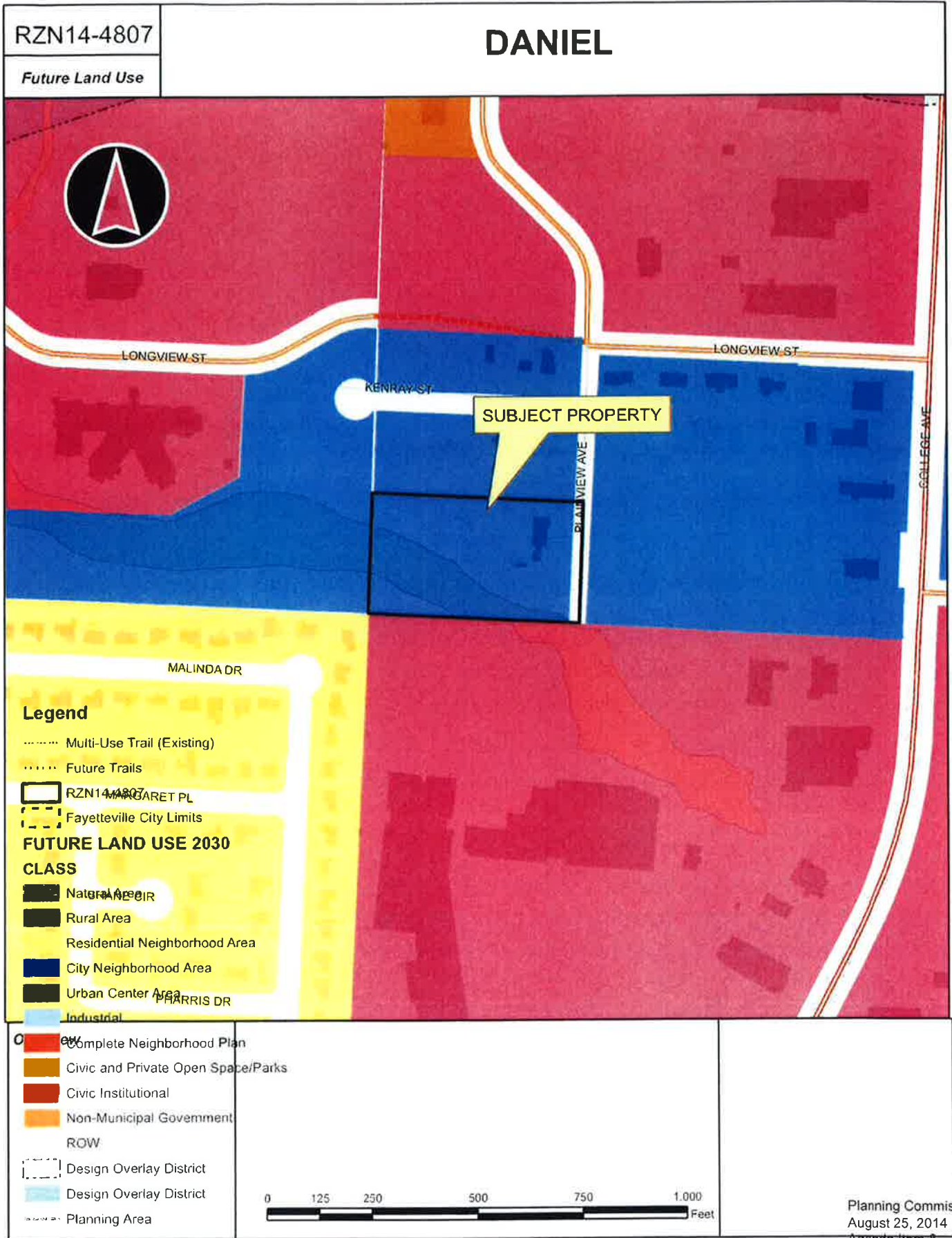
Current Land Use

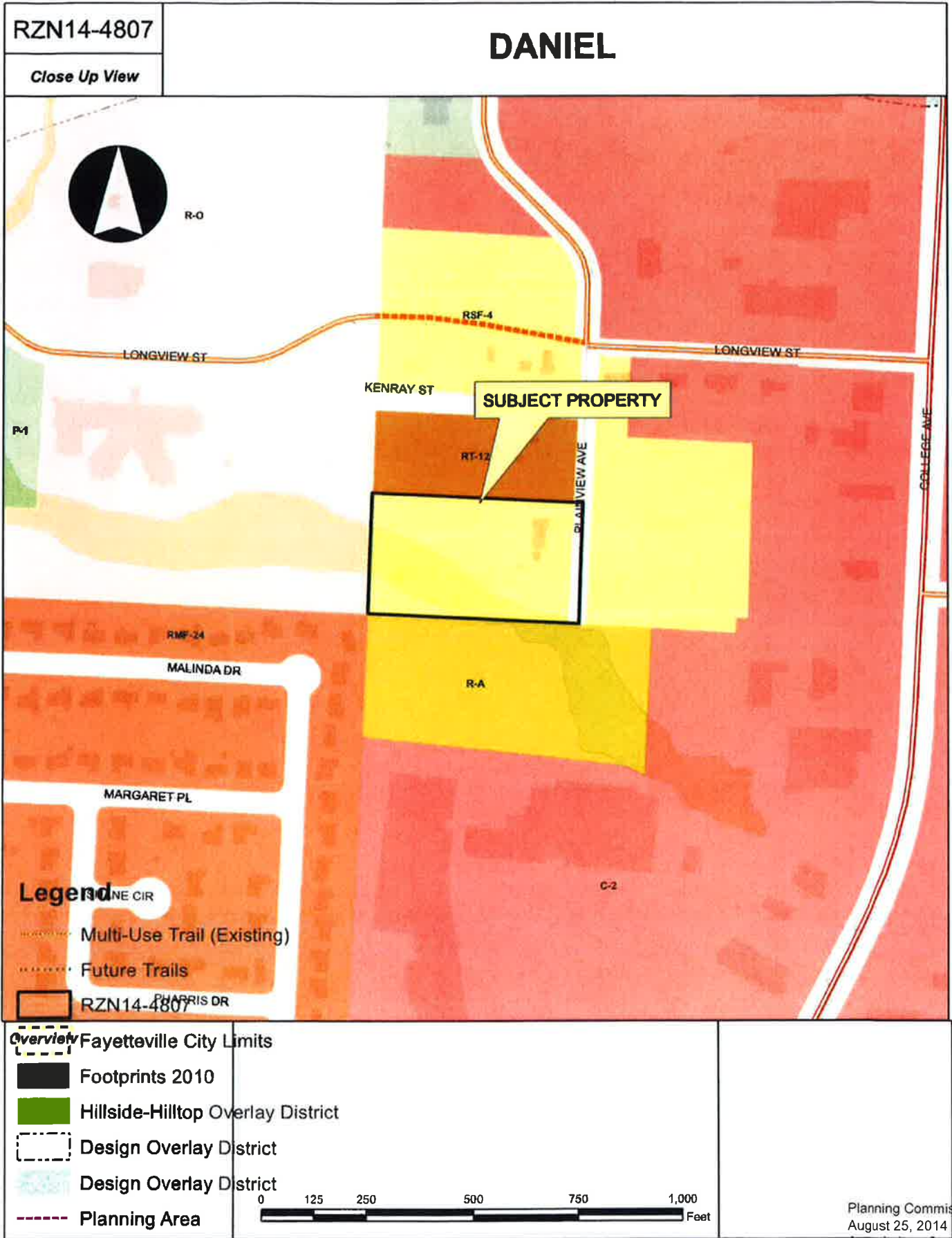


Legend

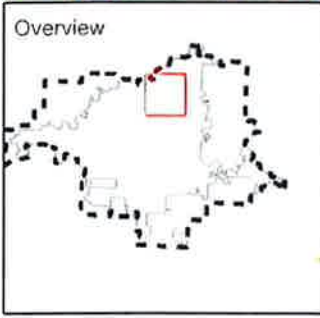
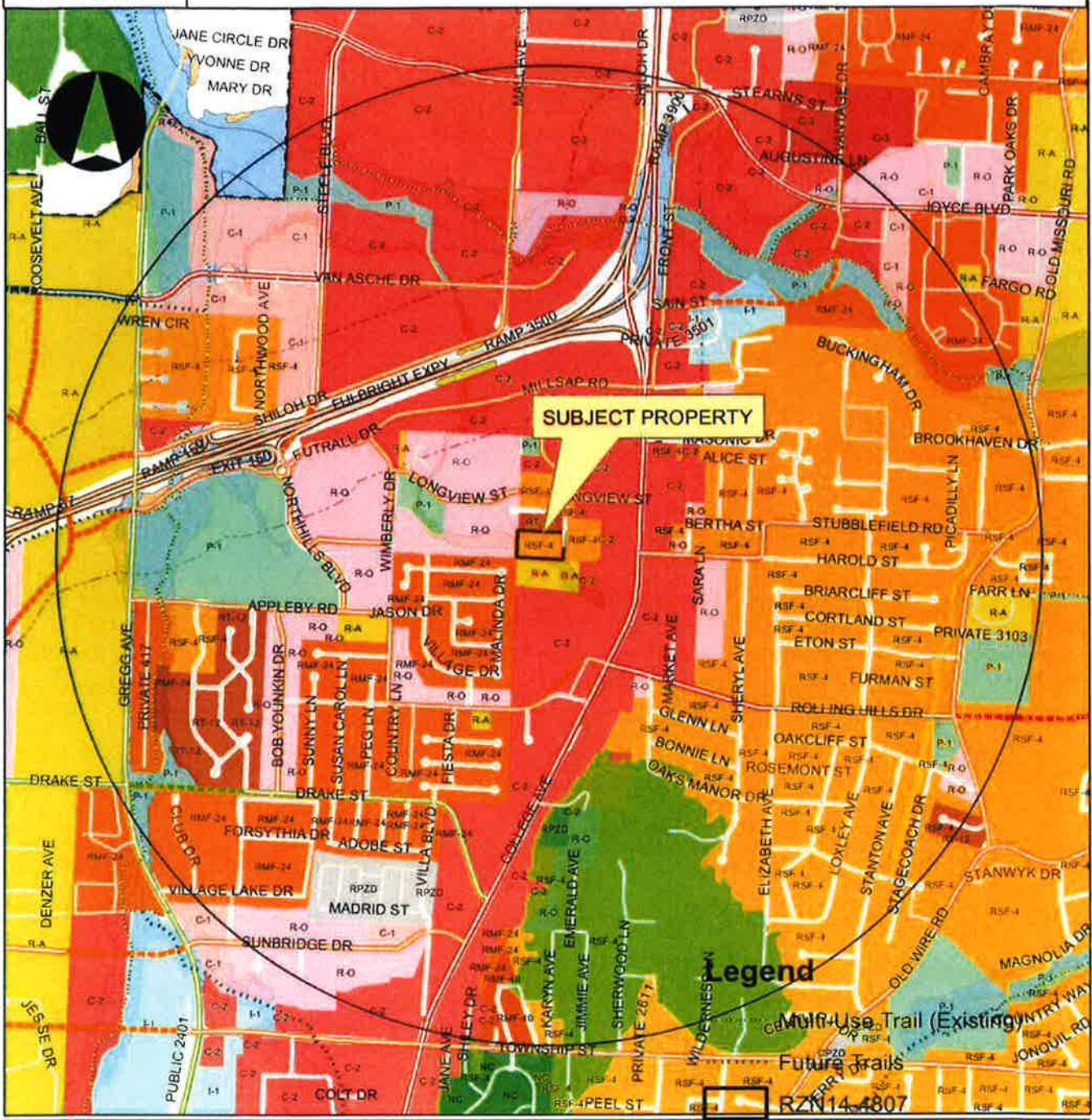
	Overview RZN14-4807
	Fayetteville City Limits
	Footprints 2010
	Hillside-Hilltop Overlay District
	Design Overlay District
	Planning Area

0 125 250 500 750 1,000 Feet





RZN14-4807
 One Mile View
DANIEL



Legend

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

Boundary

0 0.25 0.5 1
 Miles

