



Legislation Text

File #: 2014-0572, Version: 1

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4864, FOR APPROXIMATELY 0.26 ACRES, LOCATED AT 232 WEST ASH STREET 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.

ORDINANCE NO.

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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 , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

From: Taylor Raine [<mailto:trainek2012@gmail.com>]

Sent: Tuesday, December 02, 2014 11:26 AM

To: Smith, Sondra; Terry Parker

Subject: Rezone Reauest Appeal

Hi,

My name is Taylor Koutroumbis and I am writing to you in reference to a recent proposal to rezone a lot on ash street in Fayetteville. This proposal, RZN 14-4864 (232 Ash St/Koutroumbis, 367), was denied by the Planning Commission on November 24, 2014. We would like to appeal this decision to the city council. Please let me know when we are on the agenda and if there is anything else required for this appeal. Thank you.

Taylor Koutroumbis
501-249-5233



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: December 19, 2014

SUBJECT: **RZN 14-4864: Rezone (232 W. ASH ST./KOUTROUMBIS, 367):** Submitted by PARKER & ASSOCIATES for property located at 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.26 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend denial of an ordinance to rezone the property to RMF-24, Residential Multi-Family. The applicant has appealed the Planning Commission decision.

BACKGROUND:

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.26 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955.

Land Use Compatibility: The proposal to rezone the property to RMF-24 will allow development of residential use that, in scale and building type, will be inconsistent and incompatible with surrounding land uses. The property is situated on a boundary between multi-family residential on a high speed arterial street and a quiet single-family residential neighborhood, where encroachment of multi-family developments would allow the introduction of height and density incompatible with the surrounding neighborhood to the north, east and south. Further, this property is the first interior lot away from Gregg Avenue and faces Ash Street, a local street, making this lot the logical and natural place to transition the zoning from multi-family to single-family residential use, as is the case under the current zoning.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map designates this area as **Residential Neighborhood Area**. Staff finds the proposed zoning inconsistent with the Residential Neighborhood designation even though it does allow (where appropriate) a mix of residential types. Guiding Policy "E" for Residential Areas encourages a development scale to maintain compatibility, use, and proportionality between land uses. The proposed RMF-24 zoning district could allow a large multi-family building to encroach further into an area of the neighborhood with much smaller buildings and lower intensity. The development scale allowed

would not be proportional to surrounding smaller structures to the east and south. Guiding Policy “G” discusses that traffic on minor residential streets should be minimized while providing connections between neighborhoods. The proposed RMF-24 zoning would encourage a higher density project and its associated traffic further onto Ash Street, a minor residential street, in conflict with this policy.

DISCUSSION:

On November 24, 2014 the Planning Commission recommended denial with a vote of 6-3-0, with commissioners Winston, Hoskins, and Noble voting ‘no’. Two members of the public representing an elderly family member directly adjacent to the east, spoke against the rezoning.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Applicant’s appeal letter
- CC Ordinance
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

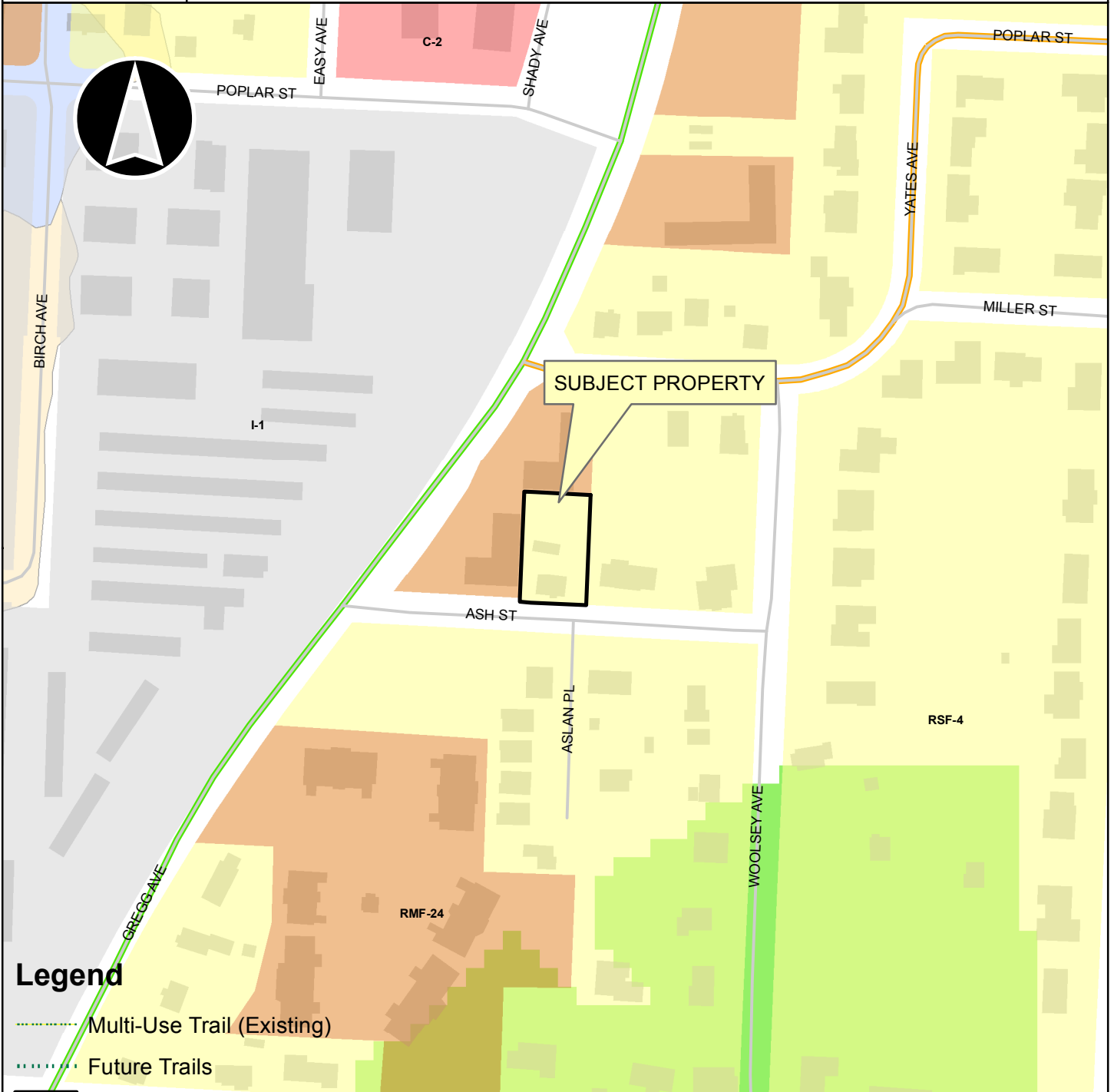
EXHIBIT 'A'

14-4864

RZN14-4864

KOUTROUMBIS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview RZN14-4864

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area

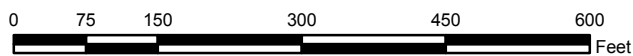


EXHIBIT 'B'
14-4864

Lot Numbered 4 in Block Numbered 1 Revised Plat of Lots 3 to 9 inclusive, Block Numbered 6 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, Arkansas.

A 15 foot strip of land of equal and uniform width off of the East side of Lot 5 Block 1 Revised Plat of Lots 3 to 9 inclusive, in Block 6 in Parker's Plat of Valley View Acres, as per plan on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~November 24, 2014~~ **UPDATED NOVEMBER 25, 2014**

SUBJECT: **RZN 14-4864: Rezone (232 W. ASH ST./KOUTROUMBIS, 367):**
 Submitted by PARKER & ASSOCIATES for property located at 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.26 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of **RZN 14-4864**.

BACKGROUND:

November 10, 2014 Planning Commission: This item was tabled at the applicant's request at the 11-10-2014 PC meeting. The applicant has not presented any additional information to staff since that meeting.

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.26 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955. 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	Single-Family Residential	RSF-4, Residential Single-family, 4 units per acre
East	Two-Family Residential	RSF-4, Residential Single-family, 4 units per acre
West	Multi-Family Residential	RMF-24, Residential Multi-family/24 Units per Acre

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 re-developed in the future.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to Ash Street. Ash Street currently has storm drainage, curb and gutter and limited sidewalk. Any required improvements of these streets will be determined at time of development.

Water: Public water is accessible to the site. A 1.5" water main exists in the right of way of Ash Street adjacent to the subject parcel.

Sewer: Sanitary sewer is available to the parcel. A 6" sewer main exists in the right of way of Ash Street.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain or the Streamside Protection Ordinance.

Fire: This development will be protected by Engine 2 located at 708 N Garland. It is 2 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 negatively affect calls for service or 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 **Residential Neighborhood Area**.* Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends denial of RZN 14-4864, finding that the proposed zoning allows development incompatible with the existing single-family neighborhood.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date: <u>November 24, 2014</u>	<input type="checkbox"/> Tabled	<input type="checkbox"/> Forwarded
		<input checked="" type="checkbox"/> Denied
Motion: CHESSER	Second: AUTRY	Vote: 6-3-0
WINSTON, HOSKINS, NOBLE VOTED 'NO'		
CITY COUNCIL ACTION:	Required	<u>YES</u>
Date: <u>December 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: **Land Use Compatibility:** This property is currently developed with a single family residence. The proposal to rezone the property to RMF-24 will allow development of residential use inconsistent and incompatible with surrounding land uses. The property is situated on a boundary between multi-family residential on a high speed arterial street and a quiet single-family residential neighborhood, where encroachment of multi-family developments would allow the introduction of height and density incompatible with the surrounding neighborhood to the north, east and south. Further, this property is the first interior lot away from Gregg Avenue and faces Ash Street, a local street, making this lot the logical and natural place to transition the zoning from multi-family to single-family residential use, as is the case under the current zoning.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Staff finds the proposed zoning inconsistent with the Residential Neighborhood designation even though it does allow (where appropriate) a mix of residential types. Guiding Policy “E” for Residential Areas encourages a development scale to maintain compatibility, use, and proportionality between land uses. The proposed RMF-24 zoning district could allow a large multi-family building to encroach further into an area of the neighborhood with much smaller buildings and lower intensity. The development scale allowed would not be proportional to surrounding smaller structures to the east and south. Guiding Policy “G” discusses that traffic on minor residential streets should be minimized while providing connections between neighborhoods. The proposed RMF-24 zoning would encourage a higher density project and its associated traffic further onto Ash Street, a minor residential street, in conflict with this policy.

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 not justified, due to the fact that the area’s current single-family residential zoning designation is compatible with surrounding properties and traffic patterns to the east. The property is surrounded on three sides by single-family uses and provides a buffer from the multi-family developments and high speed traffic conditions on Gregg Avenue. Further,**

the proposed zoning will not allow the owner to utilize the property for multi-family development unless it is combined with an adjacent lot to the west (under ownership of the same family), as it does not meet minimum street frontage requirements for multi-family development. The RMF-24 zoning district bulk and area requirements for the existing lot would allow no more than a two-family unit to be built; a type which is allowed as a conditional use within the current zoning district.

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 West 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 allow a maximum of two units (one duplex) and would be near Gregg Avenue, which can handle large volumes of traffic. 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 construction of higher residential density, however that development is unlikely to 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

Site Plan

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	Two-family dwellings
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	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
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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)

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

Rezoning Checklist:

(5) a. Owners: Stelios Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
310-422-8915

Taylor Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
501-249-5233

There are no proposed or pending property sales.

- b. The reason for requesting the zoning changes is that the owners want to redevelop the property.
- c. The proposed rezoned property would be of a similar character to the adjacent properties on N. Gregg Avenue and on W. Ash Street. The proposed and existing structures will be scaled to be compatible with the existing residential neighborhood and will designed in a “craftsman style” with sloping roofs and stone and wood siding.
- d. Water and sewer lines are present and available on the property.
- e. The subject lot is adjacent to existing properties on N. Gregg Avenue of a similar nature and the proposed development will be designed to fit in with the predominate residential style and character of the existing neighborhood. The proposed zoning would therefore be consistent with the planning objectives, zoning and land use plans in the area.
- f. The proposed zoning is justified and needed to allow the owners to develop the property.
- g. The proposed zoning will not appreciably increase traffic danger and congestion in the area due to the small size of the project and due to the adjacency of a major access roadway (N. Gregg Avenue).
- h. Population density and the load on public services will not be significantly increased due to the small scale of the proposed development.
- i. The subject property is in a transitional area and requires a rezoning from the existing zoning in order to develop a multi-family project.



Date: 11/4/2014



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: Engineering Services, Quin Thompson
From: Will Beeks Assistant Fire Marshal
Date: October 27, 2014
Re: 14-4875

This development will be protected by Engine 2 located at 708 N Garland.

It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.

The Fire Department anticipates 45 calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur.

The Fayetteville Fire Department feels this development could affect our calls for service or our response times.

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

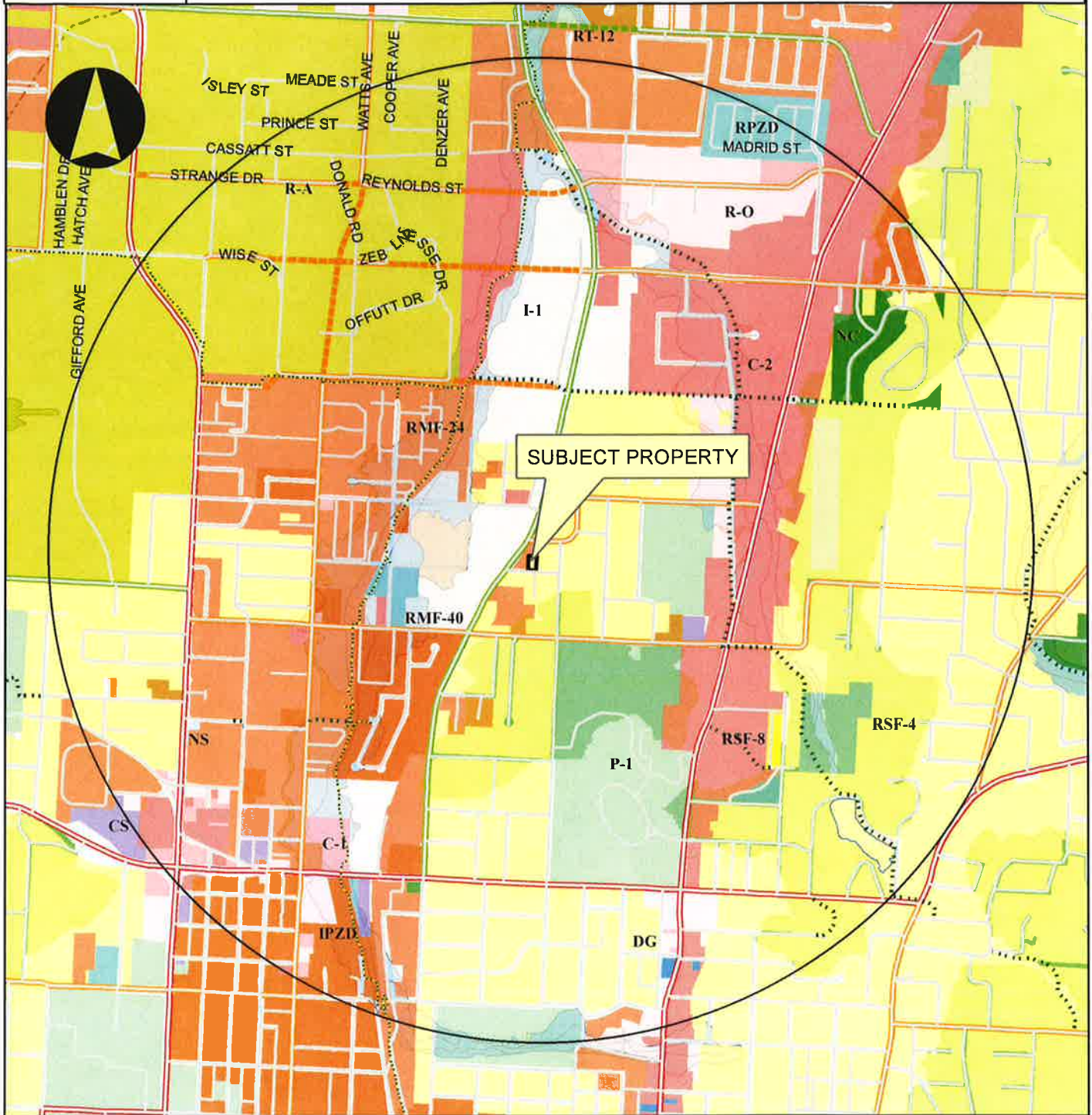
Captain Will Beeks
Assistant Fire Marshal
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

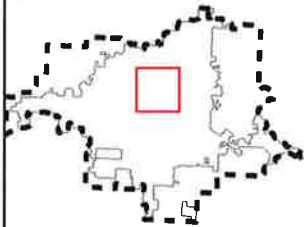
RZN14-4864

KOUTROUMBIS

One Mile View



Overview



Legend

Subject Property

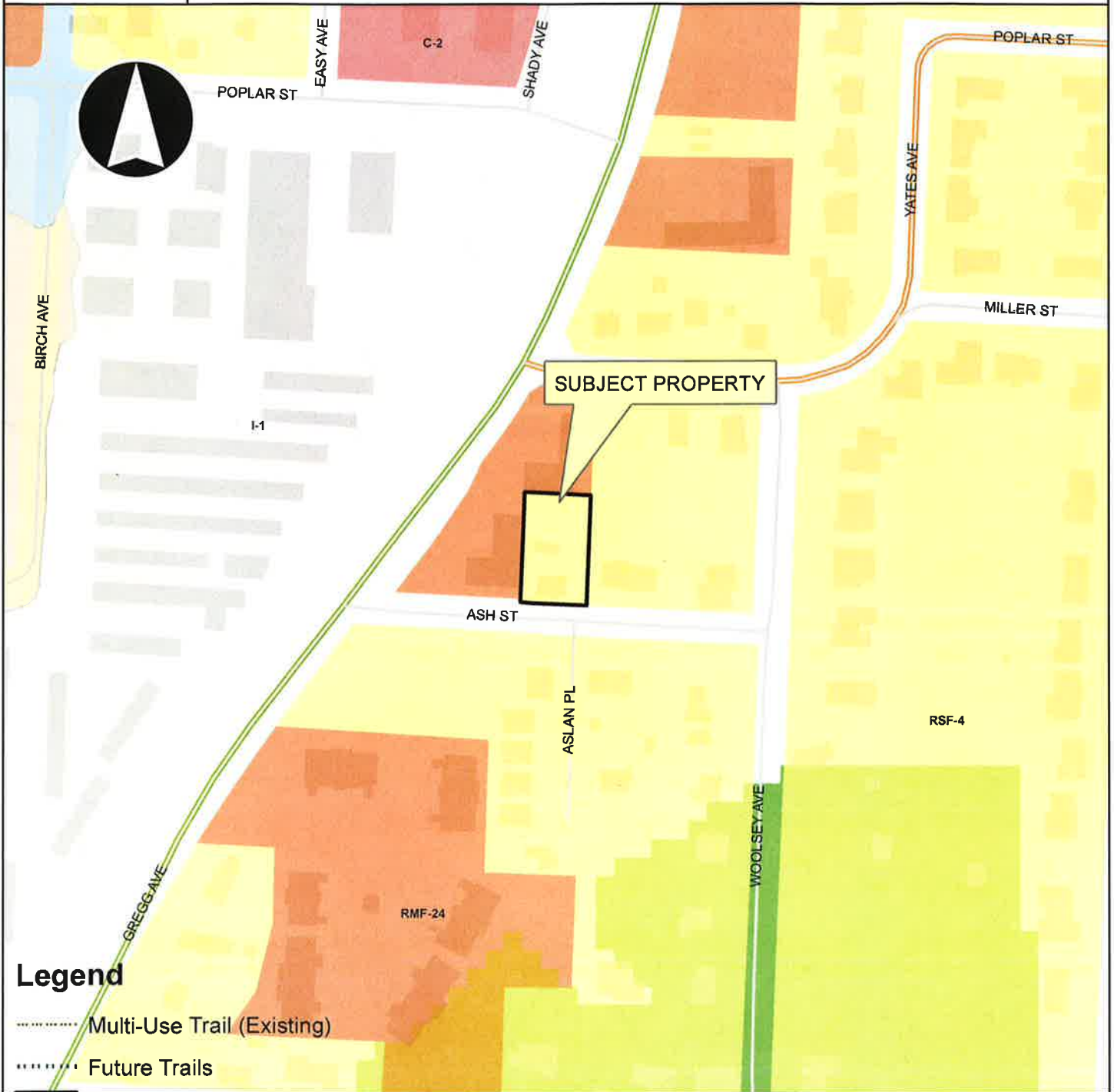
Boundary



RZN14-4864

KOUTROUMBIS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

- Overview** RZN14-4864
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



RZN14-4864

KOUTROUMBIS

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails

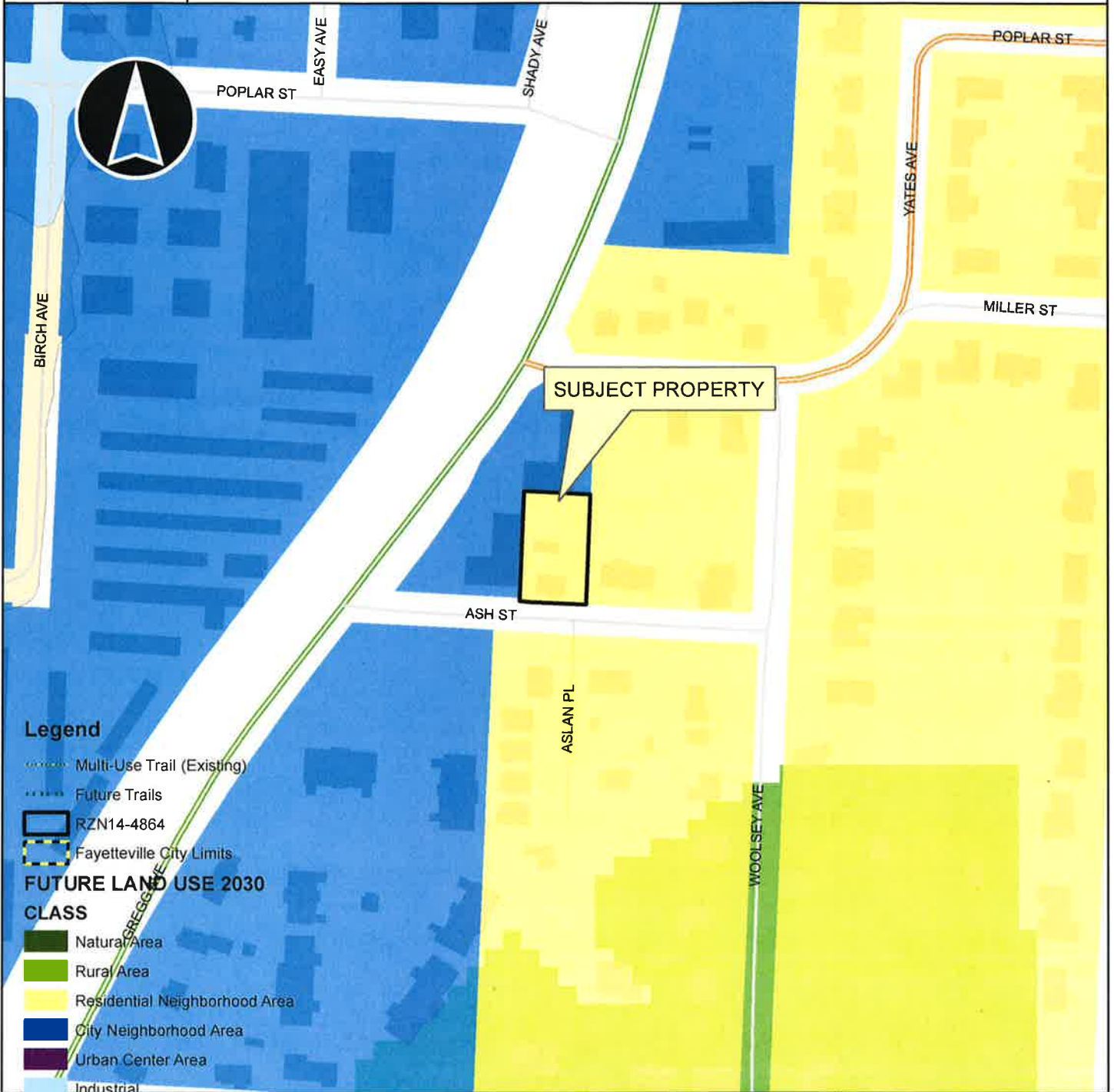
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RZN14-4864

KOUTROUMBIS

Future Land Use



Legend

Multi-Use Trail (Existing)

Future Trails

RZN14-4864

Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

Natural Area

Rural Area

Residential Neighborhood Area

City Neighborhood Area

Urban Center Area

Industrial

Complete Neighborhood Plan

Civic and Private Open Space/Parks

Civic Institutional

Non-Municipal Government

ROW

Design Overlay District

Design Overlay District

Planning Area

