

**City of Fayetteville Staff Review Form**

**2015-0168**

**Legistar File ID**

**4/7/2015**

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

Jeremy Pate

3/20/2015

City Planning /  
Development Services Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

RZN 15-4953: Rezone (1195 S. CURTIS AVE./AMERICAN LEGION, 564): Submitted by ENGINEERING SERVICES, INC. for property located at 1195 S. CURTIS AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 6.81 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
<b>Budgeted Item?</b> <u>NA</u>	Current Budget            \$            -
	Funds Obligated            \$            -
	Current Balance            \$            -
<b>Does item have a cost?</b> <u>No</u>	Item Cost
<b>Budget Adjustment Attached?</b> <u>NA</u>	Budget Adjustment
	Remaining Budget            \$            -

V20140710

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

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

Approval Date: \_\_\_\_\_

Comments:

**MEETING OF APRIL 7, 2015**

**TO:** Fayetteville City Council  
**THRU:** Andrew Garner, City Planning Director  
**FROM:** Quin Thompson, Senior Planner  
**DATE:** March 20, 2015

**SUBJECT: RZN 15-4953: Rezone (1195 S. CURTIS AVE./AMERICAN LEGION, 564):** Submitted by ENGINEERING SERVICES, INC. for property located at 1195 S. CURTIS AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 6.81 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

**RECOMMENDATION:**

The Planning Commission and 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 on Curtis Avenue north of 15<sup>th</sup> Street. The property contains an American Legion post (Shelton-Tucker-Craft Post), baseball diamond, and associated facilities. The subject property of this rezoning is currently under contract to be sold pending the outcome of this rezoning request. A lot split (LSP 15-4954) has been requested that would place the Legion building and parking area on a separate parcel from the baseball field.

Surrounding Land Use Compatibility: In staff's opinion, this property is compatible with surrounding uses, which are a mixture of low and mid-density residential developments. The adjacent property to the north is a multi-family development, while property to the south is in use as a mobile home park with a density of approximately 8 units per acre. Properties to the east are zoned RMF-24 and in single-family residential use. Undeveloped land adjacent to the west is zoned P-1, Institutional; staff does not anticipate negative impacts to the surrounding property as a result of this rezoning.

Land Use Plan Analysis: City Plan 2030 Future Land Use Plan designates this site as City Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in housing types such as the proposed zone will allow.

**DISCUSSION:**

On March 9, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 7-0-0. At that meeting four members of the public spoke to the item. Three opposed the proposed zoning, citing concerns with criminal activity, loss of property value, and traffic problems. The property owner to the south was not opposed to the rezoning.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

Police Department Comments



## PLANNING COMMISSION MEMO

**TO:** City of Fayetteville Planning Commission

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

**FROM:** Quin Thompson, Current Planner

**MEETING DATE:** ~~March 9, 2015~~ **UPDATED MARCH 19, 2015**

**SUBJECT:** **RZN 15-4953: Rezone (1195 S. CURTIS AVE./AMERICAN LEGION, 564):** Submitted by ENGINEERING SERVICES, INC. for property located at 1195 S. CURTIS AVENUE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 6.81 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

**RECOMMENDATION:**

Staff recommends forwarding of **RZN 15-4953** to the City Council with a recommendation for approval.

**BACKGROUND:**

The subject property is located on Curtis Avenue north of 15<sup>th</sup> Street. The property contains an American Legion post (Shelton-Tucker-Craft Post), baseball diamond, and associated facilities. The subject property of this rezoning is currently under contract to be sold pending the outcome of this rezoning request. A lot split (LSP 15-4954) has been requested that would place the Legion building and parking area on a separate parcel. 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/Mobile Home Park	RMF-24, Residential Single-Family, 4 units per acre
East	Single-Family Residential	RMF-24, Residential Single-Family, 4 units per acre
West	Undeveloped/Agriculture	P-1, Institutional

*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.

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

## INFRASTRUCTURE:

- Streets:** The subject parcel has access to Curtis Avenue. This street is an improved two-lane asphalt street with curb/gutter and storm drainage. Any required improvements to this street will be determined at time of development.
- Water:** Public water is available to the site. An 8" public main exists in the Curtis Avenue right of way and runs in an easement along the southern property line of the subject parcel.
- Sewer:** Sanitary sewer is available to the site. An 8" main runs along the northern and western property boundaries of the subject parcel.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property contains 100-year floodplain area on the western edge of the subject parcel. This parcel does not contain any protected streams per the Streamside Protection map. No portions of the subject parcel are located within the Hillside/Hilltop Overlay District.
- Fire:** This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Rd. It is 1 mile from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fire Department anticipates 41(26 EMS – 15 Fire/Other) 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 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 2030 FUTURE LAND USE PLAN:

The *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 forwarding of **RZN 15-4953** to the City Council with a recommendation for approval based on the findings discussed herein, that the rezoning is compatible with existing and anticipated uses in the surrounding area and is consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>March 9, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <u>HONCHELL</u>	Second: <u>BUNCH</u>	Vote: <u>7-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>April 7, 2015</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:** Surrounding Land Use Compatibility: In staff's opinion, this property is compatible with surrounding uses, which are a mixture of low and mid-density residential developments. The adjacent property to the north is a multi-family development, while property to the south is in use as a mobile home park with a density of approximately 8 units per acre. Properties to the east are in single-family residential use. Undeveloped land adjacent to the west is zoned P-1, Institutional; staff does not anticipate negative impacts to the surrounding property as a result of this rezoning.

Land Use Plan Analysis: City Plan 2030 Future Land Use Plan designates this site as City Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in housing types such as the proposed zone will allow.

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

**Finding:** In staff's opinion, the requested RMF-24 zoning district is justified at this time, as the surrounding property is currently a mixture of low and mid-density residential development within the RMF-24 zone.

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

**Finding:** Rezoning the property RMF-24 is not likely to increase traffic danger or congestion in this location, although the request is for a zone that will allow a higher intensity of development and use than the low density that is currently allowed under RSF-4 zoning. 15<sup>th</sup> Street is an improved 4-lane Principal Arterial and state highway, and has ample capacity to serve this property. An existing signalized intersection at Curtis Avenue and 15<sup>th</sup> street will serve a large proportion of traffic in and out of this property.

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 RMF-24 will increase the potential population density, but is unlikely to undesirably increase the load on public services. The Police Department expressed no objections to the proposal. The Fire Department does not feel that this zoning will negatively affect service times to area.

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;

**Finding:** If the rezoning should be approved, the RMF-24 zoning and recent lot split may create a condition in which it is difficult to meet the requirement for 50% Minimum Buildable Street Frontage (UDC 161.14(H) because of the proposed odd-shaped parcel. The applicant has been made aware of the requirement during the Technical Plat Review process.

- 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
- Fayetteville Fire Department comments
- Request Letter
- City Plan 2030 – Future Land Use Plan map
- Current Land Use Map
- Close Up Map
- One Mile Map

**UNIFIED DEVELOPMENT CODE 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 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	Height	30/45/60ft.*
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Maximum	
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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)

March 3, 2015

Development Services Department  
City of Fayetteville, Arkansas  
125 West Mountain  
Fayetteville, AR 72701

RE: Rezoning Petition – RSF-4 to RMF-24  
Parcel Number 765-15091-000

Dear Mr. Sir or Ma'am,

This letter is intended to serve as a narrative to accompany the rezoning petition for a portion of Parcel Number 765-15091-000, which is located in the City of Fayetteville. The property is currently zoned RSF-4 (Residential Single Family – Four Units per Acre), and the request is to change the zoning of the property to RMF-24 (Residential Multi-Family - Twenty-four Units per Acre) to for allow future development of the property. This rezoning request is being submitted concurrently with a tract split which will divide the current tract into a western tract (Tract 1) approximately 6.8 acres in size and an eastern tract (Tract 2) approximately 2.6 acres in size along Curtis Avenue. Only Tract 1 created by the lot split is to be rezoned, while Tract 2 will remain in the RSF-4 district.

The following paragraphs address the items required by the rezoning application instructions:

- A) The property is currently owned by Shelton-Tucker-Craft Post No. 27, American Legion, Department of Arkansas, an Arkansas non-profit corporation. The mailing address for the property and physical address of the property are both 1195 S. Curtis Avenue, Fayetteville, AR 72701. The portion of the property included in the rezoning request is under contract for sale to Applicant.
- B) Applicant intends to develop the property following purchase as a multi-family development.
- C) The proposed rezoning will be consistent with the existing uses/zoning of neighboring properties. The property to the north of the subject tract is RMF-24, the same district as requested for the subject tract. The property to the west is owned by the City of Fayetteville (Habitat for Humanity Park Land) and is zoned P-1, which is compatible with the requested zoning. The property south and southwest of the tract being rezoned is all RMF-24, the same zoning requested for the subject property. The property immediately east of the subject property, which includes the American Legion Post facilities, is zoned RMF-24, but is not used as single family property. The property includes a large parking area and a building and is used primarily for the meetings and activities of the non-profit organization, a use compatible with the requested zoning. Phase II of Heritage East Subdivision is located further east, across Curtis Avenue from the subject property. This development is also zoned RMF-24, the target zoning for the subject property. The primary zoning of the adjacent properties is therefore RMF-24, and the requested zoning change will be consistent with existing land use and zoning in the area.



Jerry W. Martin, PE.  
Chairman of the Board

Philip C. Humbard, PE., P.L.S.  
President

Brian J. Moore, PE.  
Vice President

Tim J. Mays, PE.  
Secretary / Treasurer

Consulting Engineers and Surveyors

[www.engineeringservices.com](http://www.engineeringservices.com)

No development is currently proposed for the property. No signage or traffic disruption or issues are therefore anticipated related to the rezoning request. Prior to any development, a Large Scale Development will be submitted to the City of Fayetteville for review and approval as required by ordinance, and will address any potential issues related to signage, traffic, and appearance.

- D) There are existing water and sewer lines in the area which can serve the property. A 14" water main crosses the northeast corner of the subject property, and an 8" water main runs along a portion of the southern boundary of the property. An 8" sewer main runs along the west boundary of the subject property.
- E) The Future Land Use 2030 information on the City of Fayetteville's GIS site indicates the property has been identified for use as "Social, Institutional, or Infrastructure-Related Activities". The properties to the north and south, both of which are zoned RMF-24, are also slated for this use. The property west of the parcel to be rezoned is identified "Natural Resource-related Activities". The Heritage East Subdivision across Curtis Avenue is planned to be used for "Residential Activities".
- F) The applicant has agreed to purchase the property with the intent to develop it in the future. He is requesting the property be rezoned to the same district as the other properties in this area in order to facilitate development. The rezoning will provide the applicant assurance the property will be eligible for development at some time in the future as a multi-family development within the framework provided in the city's ordinances. Without this assurance, applicant will not be able to complete the purchase of the property. The rezoning is justified and needed at this time in order to facilitate the purchase of the property.
- G) This property is located along Curtis Avenue, which will provide the primary access to the property. There are no immediate plans for development, and the total number of units included in any development is unknown. At this time, applicant is requesting only a zoning change and any future development will be required to undergo the plan review process and will be subject to all city ordinances and regulations pertaining to development activities. No impact to traffic is anticipated as a result of the requested zoning change and any impact to traffic following development will likely be minor due to the small size of the property relative to the existing developments in the area.
- H) The proposed rezoning is not anticipated to undesirably increase the load on public services such as schools, water, or sewer. Information regarding the availability of water and sewer infrastructure in the area is included above. The total acreage of the subject property is very small relative to the size of the existing RMF-24 properties adjacent to the subject property.
- I) The property is currently zoned RMF-4, which "is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing developments of these types". Low density single family homes are not compatible with the existing uses to the north and south of the subject property. The requested zoning will allow for future development which is more compatible with the area.



Jerry W. Martin, P.E.  
Chairman of the Board

Philip C. Humbard, P.E., P.L.S.  
President

Brian J. Moore, P.E.  
Vice President

Tim J. Mays, P.E.  
Secretary / Treasurer

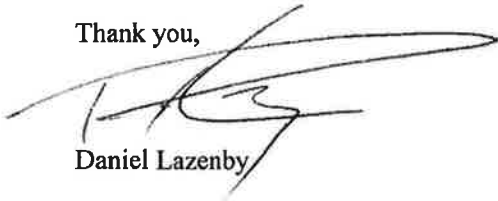
Consulting Engineers and Surveyors

[www.engineeringservices.com](http://www.engineeringservices.com)

Fayetteville Development Services Department  
March 3, 2015  
Page 3

Please do not hesitate to contact me if you have any questions regarding this application or need anything further.

Thank you,



Daniel Lazenby

Enclosures



Jerry W. Martin, PE.  
Chairman of the Board

Philip C. Humbard, PE., P.L.S.  
President

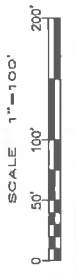
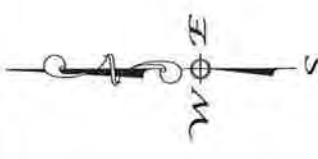
Brian J. Moore, PE.  
Vice President

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Secretary / Treasurer

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Planning Commission  
March 9, 2015  
Agenda Item 4  
15-4953 American Legion  
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**REZONING LEGAL DESCRIPTION:**

A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) IN SECTION TWENTY-EIGHT (28), TOWNSHIP SEVENTEEN (17) NORTH, RANGE 10 WEST, COUNTY OF ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

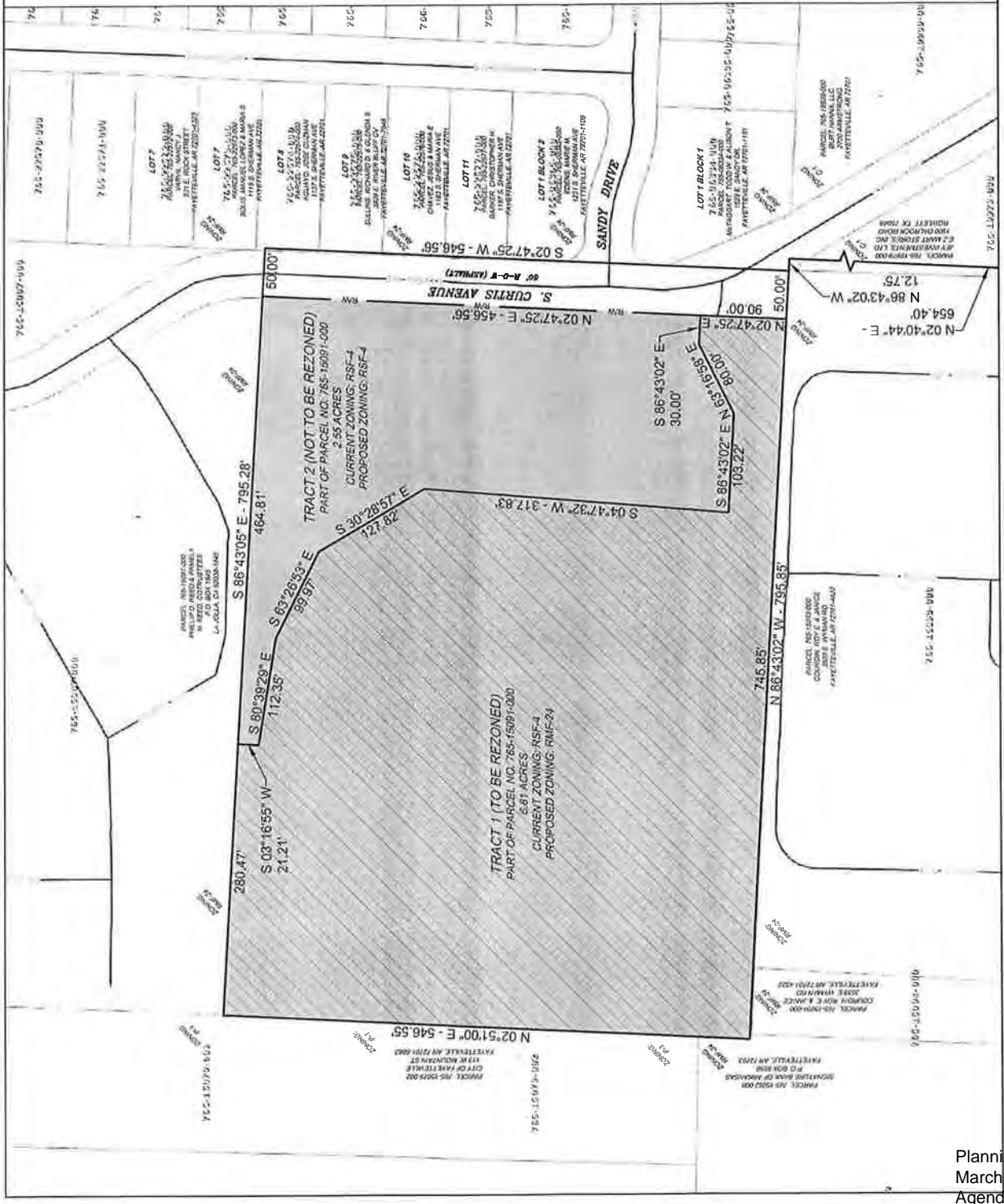
COMMENCE AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT, THENCE ALONG THE EAST LINE OF SAID FORTY ACRE TRACT A DISTANCE OF 394.40 FEET TO A POINT, THENCE LEAVING SAID EAST LINE, MEASURING A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING AND MEASURING A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND EITHER SIDE OF CENTERLINE, BEING SET IRON PIN WITH CAP '95.5', 143' FOUND 1" PIPE, THENCE S89°53'02" E A DISTANCE OF 260.47 FEET TO A SET IRON PIN WITH CAP '95.5', 143' THENCE S89°53'02" E A DISTANCE OF 103.22' THENCE S30°47'32" E A DISTANCE OF 30.00' TO A SET IRON PIN WITH CAP '95.5', 143' THENCE S86°43'02" E A DISTANCE OF 103.22' THENCE S02°47'25" E A DISTANCE OF 456.56' THENCE S02°47'25" E A DISTANCE OF 90.00' TO A SET IRON PIN WITH CAP '95.5', 143' THENCE S30°47'32" E A DISTANCE OF 103.22' THENCE S86°43'02" E A DISTANCE OF 30.00' TO A SET IRON PIN WITH CAP '95.5', 143' THENCE S86°43'02" E A DISTANCE OF 103.22' THENCE S02°47'25" E A DISTANCE OF 90.00' TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 6.81 ACRES (68,477 SQUARE FEET), MORE OR LESS.

**PROPERTY OWNER:**  
SHELTON-LUCKER-CRAFT POST NO. 27, AMERICAN LEGION, DEPARTMENT OF ARKANSAS, AN ARKANSAS NON-PROFIT CORPORATION  
1188 S. CURTIS AVENUE, FAYETTEVILLE, AR 72701

<b>REZONING EXHIBIT</b>
Shelton-Lucker-Craft American Legion Post No. 27 Parcel No. 765-15091-000 Fayetteville, Washington County, Arkansas
DWG: d:\Engineers\Donnie\15091\Eric Duca\Rezoning\Rezon
DATE: January 12, 2015
SCALE: 1" = 100'

**BSI**  
ENGINEERING SERVICES, INC.  
CONSULTING ENGINEERS AND SURVEYORS  
1207 S. OLD MISSOURI ROAD  
SPRINGDALE, ARKANSAS







**The City of Fayetteville Fire Department**  
**303 W. Center St. Fayetteville, AR. 72701**

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

**To: Quin Thompson, Engineering Services INC**  
**From: Will Beeks Assistant Fire Marshal**  
**Date: January 27, 2015**  
**Re: RZN 15-4953**

This development will be protected by Ladder 3 located at 1050 S. Happy Hollow Rd. It is 1 miles from the station with an anticipated response time of 3 minutes to the beginning of the development.

The Fire Department anticipates 41(26 EMS - 15 Fire/Other) 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 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.

Captain Will Beeks  
Fayetteville Fire Department

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

RZN15-4953

# AMERICAN LEGION

Current Land Use



## Legend

Multi-Use Trail (Existing)

Future Trails

RZN15-4953

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Design Overlay District

Planning Area



Planning Commission

March 9, 2015

Agenda Item 4

15-4953 American Legion

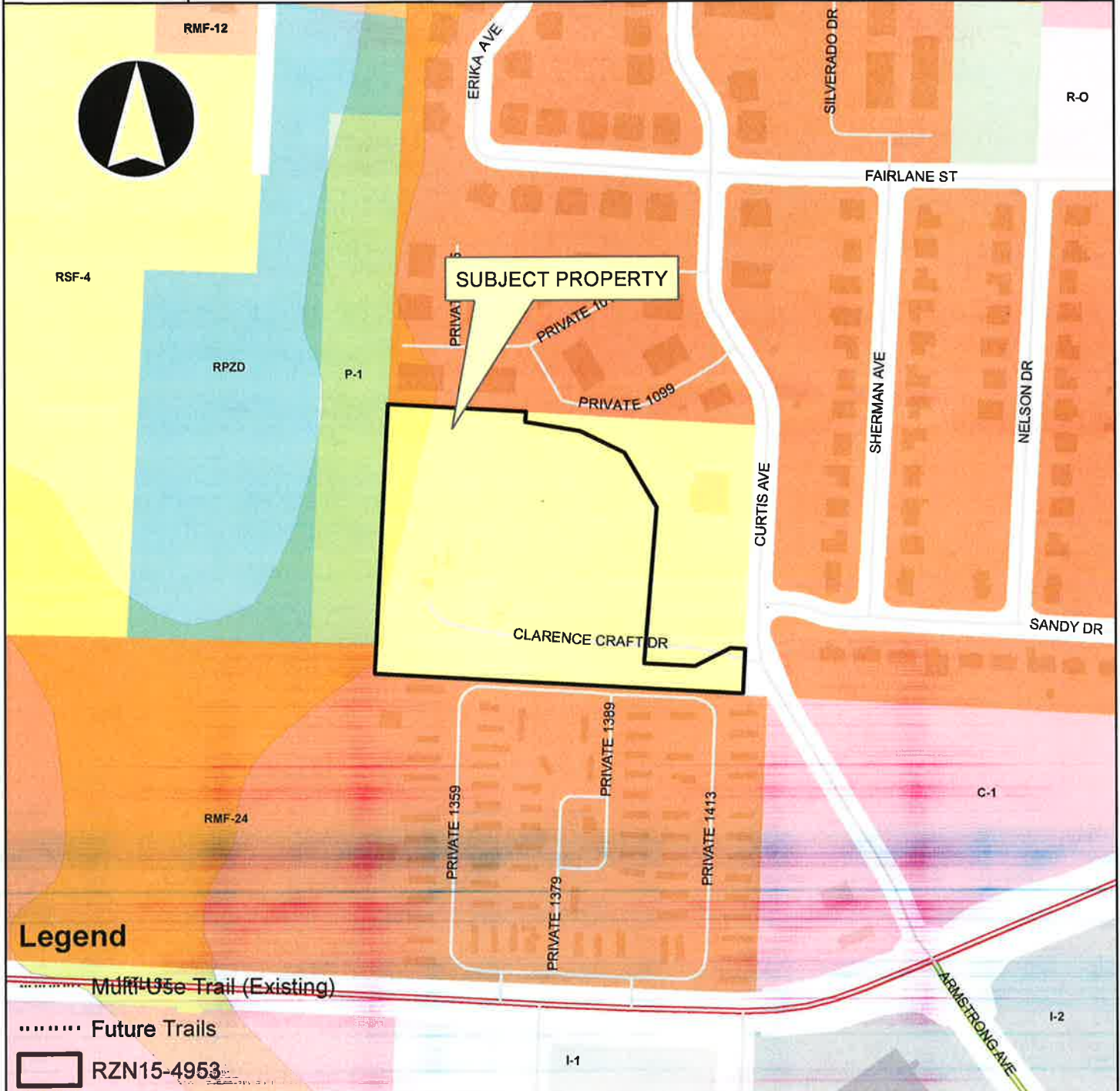
Page 15 of 18



RZN15-4953

# AMERICAN LEGION

Close Up View



## Legend

..... Multi-Use Trail (Existing)

..... Future Trails

□ RZN15-4953

Overview Fayetteville City Limits

■ Footprints 2010

■ Hillside-Hilltop Overlay District

□ Design Overlay District

□ Design Overlay District

--- Planning Area



**EXHIBIT 'B'**  
**15-4953**

**TRACT 1 SURVEY DESCRIPTION (PROPERTY BEING REZONED):**

A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION TWENTY-TWO (22), TOWNSHIP SIXTEEN NORTH (T-16-N), RANGE THIRTY WEST (R-30-W) OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

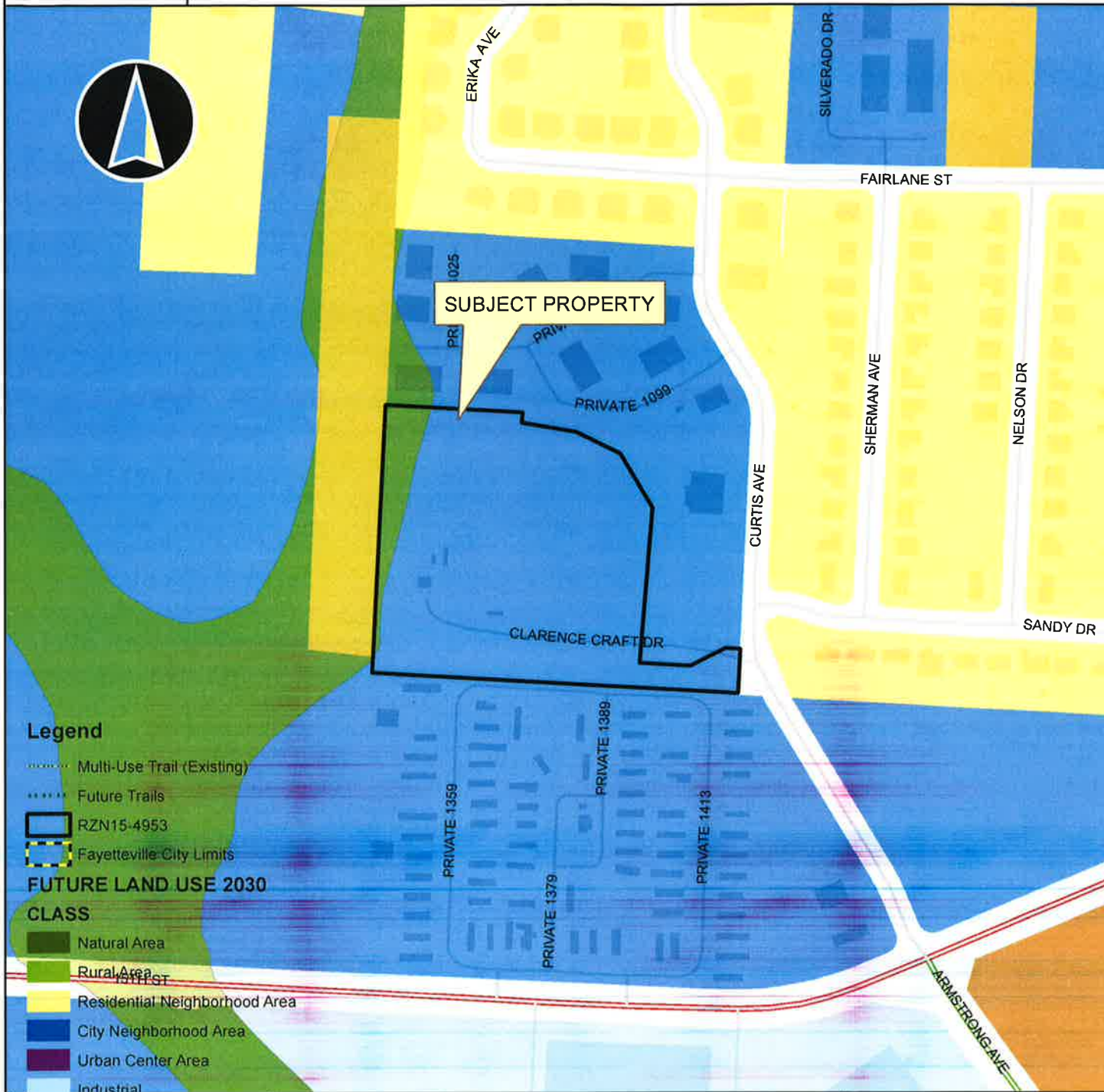
**COMMENCE** AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT; THENCE ALONG THE EAST LINE OF SAID FORTY, N02°40'44"E A DISTANCE OF 654.40 FEET TO A POINT; THENCE LEAVING SAID EAST LINE, N86°43'02"W A DISTANCE OF 12.75 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N86°43'02"W A DISTANCE OF 50.00 FEET TO THE **POINT OF BEGINNING** AND THE WESTERN RIGHT OF WAY OF CURTIS AVENUE (50 FOOT, 25 FEET EITHER SIDE OF CENTERLINE), BEING SET IRON PIN WITH CAP "PLS 1439"; THENCE N86°43'02"W A DISTANCE OF 745.85 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N02°51'00"E A DISTANCE OF 546.55 FEET TO A FOUND 1" PIPE; THENCE S86°43'05"E A DISTANCE OF 280.47 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S03°16'55"W A DISTANCE OF 21.21 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S80°39'29"E A DISTANCE OF 112.35 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S63°26'53"E A DISTANCE OF 99.97 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S30°28'57"E A DISTANCE OF 127.82 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S04°47'32"W A DISTANCE OF 317.83 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S86°43'02"E A DISTANCE OF 103.22 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE N63°16'58"E A DISTANCE OF 80.00 FEET TO A SET IRON PIN WITH CAP "PLS 1439"; THENCE S86°43'02"E A DISTANCE OF 30.00 FEET TO THE SAID WESTERN RIGHT OF WAY OF CURTIS AVENUE BEING A SET IRON PIN WITH CAP "PLS 1439"; THENCE ALONG SAID WESTERN RIGHT OF WAY, S02°47'25"W A DISTANCE OF 90.00 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL OF LAND CONTAINING 6.81 ACRES (296,477 SQUARE FEET), MORE OR LESS.

RZN15-4953

# AMERICAN LEGION

Future Land Use



### Legend

- ..... Multi-Use Trail (Existing)
- ..... Future Trails
- RZN15-4953
- 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

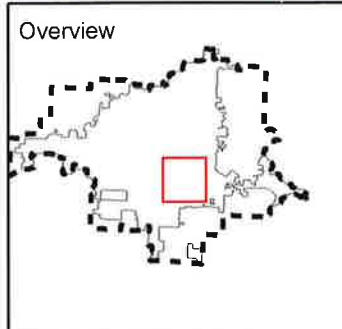
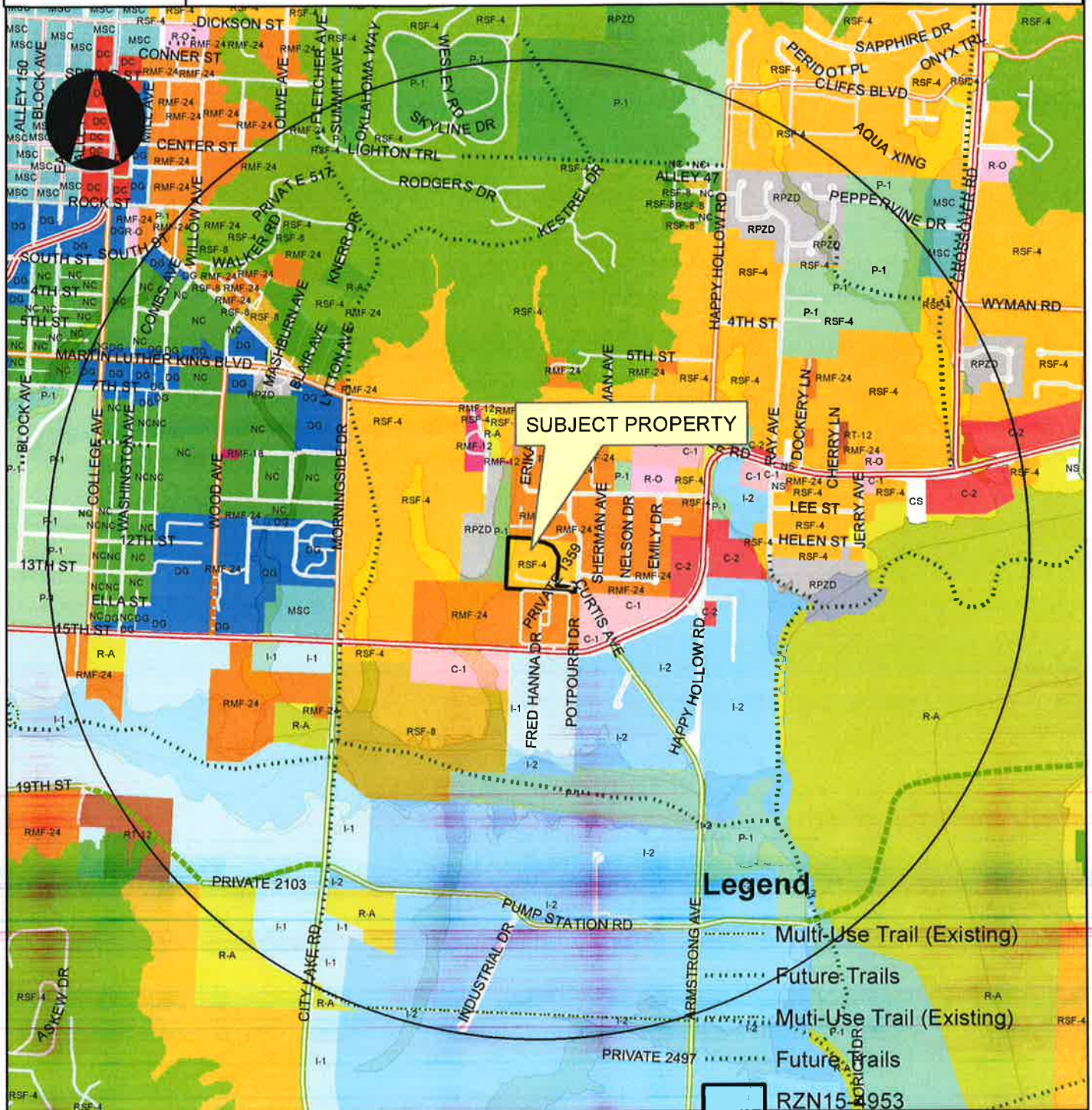




RZN15-4953

# AMERICAN LEGION

One Mile View



Legend

Subject Property

Boundary

0 0.25 0.5 1 Miles

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville
- RZN15-4953

# CITY POLICE DEPARTMENT

**Garner, Andrew**

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**From:** Fields, Jamie  
**Sent:** Monday, March 16, 2015 11:19 AM  
**To:** Garner, Andrew  
**Subject:** RE: Concern with criminal activity related to a rezoning  
**Attachments:** Area Query.xlsx

Andrew,

Last week, I had the Community Policing Division run the above listed numbers for me.

Sergeant Craig Stout, who is Corporal Kevin Phillips' immediate supervisor, told me it was difficult to determine what problems, if any, the rezoning would create. He said it is more practical to look at building development to make recommendations than it is to look at rezoning and know what will be built in the long run. I spoke with Captain William Brown, probably the most experienced officer we have at making recommendations of this type, and he said based on the proposal, it would be unlikely more than one hundred total units would be built, and that number would not likely negatively impact the load on police services and/or the increase in traffic danger and/or congestion, the two areas the police department has historically looked for.

I reached out to Sergeant Creston Mackey, who supervises the Criminal Investigation Division, and Lieutenant Tim Franklin, who supervises morning shift patrol, and while they are familiar with the area in question, they both feel it would be difficult to predict what type of potential crime problem may be associated based on the rezoning request alone. Do you know what type of building the developers plan to do here? (Will it be an extension of income-based housing, such as Southmont?)

Jamie  
Ext 3510

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**From:** Garner, Andrew  
**Sent:** Tuesday, March 10, 2015 8:31 AM  
**To:** Fields, Jamie  
**Cc:** Thompson, Quin  
**Subject:** Concern with criminal activity related to a rezoning

Captain Fields,

At last night's Planning Commission meeting, several neighbors near the American Legion Post on Curtis Ave. expressed concern with a proposed rezoning of the American Legion Post's baseball field for multi-family development. I indicated to the members of the public that before this item was heard at the City Council meeting we would contact the Police Department to get your thoughts on criminal activity in the area and any concerns you may have with this proposed rezoning.

When you or your staff get a chance could you please review the attached rezoning request and provide us any comments that we can pass along to the City Council regarding these issues.

Thanks,  
Andrew

**Andrew Garner, AICP**  
City Planning Director

**ORDINANCE NO.**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4953, FOR APPROXIMATELY 6.8 ACRES, LOCATED AT 1195 SOUTH CURTIS 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 an 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    , 2015.

APPROVED:

ATTEST:

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

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