

City of Fayetteville Staff Review Form

2015-0234

Legistar File ID

5/19/2015

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

Jeremy Pate

5/1/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5033: Rezone (232 W. ASH ST./KOUTROUMBIS, 367): Submitted by TAYLOR KOUTROUMBIS for property located at the 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

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 \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

MEETING OF MAY 19, 2015

TO: Fayetteville City Council
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: May 1, 2015

SUBJECT: RZN 15-5033: Rezone (232 W. ASH ST./KOUTROUMBIS, 367): Submitted by TAYLOR KOUTROUMBIS for property located at the 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the property to RMF-12, Residential Multi Family, 12 Units per Acre.

BACKGROUND:

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.30 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955. In 2014, the applicant unsuccessfully sought to rezone the property to RMF-24.

- *November 10, 2014 Planning Commission:* This item was tabled at the applicant's request at the 11-10-2014 PC meeting.
- *November 24, 2014 Planning Commission:* A motion to deny the request was approved with a vote of 6-3-0.
- *February 3, 2015 City Council:* An appeal of the Planning Commission decision failed and the property was not rezoned.

Land Use Compatibility:

This property is currently developed with a single family residence. The proposal to rezone the property to RMF-12 will allow development of residential use that creates a transitional density between the RMF-24 and RSF-4 zoned properties on either side. The property is a transitional parcel between multi-family residential on a high speed arterial street and a single-family residential neighborhood further to the east. The RMF-12 zoning district would allow a maximum of 3 units on the property, compatible with the adjacent multi-family apartments to the west and duplex development to the east.

Land Use Plan Analysis:

The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Staff finds the proposed zoning consistent with the Residential Neighborhood designation which encourages, 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-12 zoning district would allow a small multi-family building to provide a transitional density into an area of the neighborhood with much smaller buildings and lower intensity development. The development scale allowed would 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-12 zoning would encourage a higher density project and its associated traffic further onto Ash Street, a minor residential street, but the slight increase in density is unlikely to have a noticeable impact on the neighborhood.

DISCUSSION:

On April 27, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 6-0-1, with Commissioner Brown recusing. At that meeting, the property owner of the duplex lot to east spoke against the rezoning, saying that the density allowed by the RMF-12 zone would not be compatible with the neighborhood.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~April 27, 2015~~ **UPDATED 4/29/2015**

SUBJECT: **RZN 15-5033: Rezone (232 W. ASH ST./KOUTROUMBIS, 367):**
Submitted by TAYLOR KOUTROUMBIS for property located at the 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends approval of **RZN 15-5033**.

BACKGROUND:

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.30 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955. In 2014, the applicant unsuccessfully sought to rezone the property to RMF-24.

- *November 10, 2014 Planning Commission:* This item was tabled at the applicant's request at the 11-10-2014 PC meeting.
- *November 24, 2014 Planning Commission:* A motion to deny the request was approved with a vote of 6-3-0.
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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-12, Residential Multi-family / 12 Units per Acre. The applicant has stated that the rezoning will allow the property to be re-developed in the future with a duplex behind the existing residence.

Public Comment: Staff has received comments from the family of the adjacent neighbor to the east, opposing the rezone request, citing erosion at the edge of a stable single-family neighborhood and the impact additional density would have upon immediate neighbors.

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 row-houses. 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 approval of RZN 15-5033, finding that the proposed zoning allows development compatible with the existing single-family neighborhood.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>April 27, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: HOSKINS	Second: AUTRY	Vote: 6-0-1	
CITY COUNCIL ACTION:	Required	<u>YES</u>	Commissioner Brown recused himself.
Date: <u>May 19, 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: **Land Use Compatibility:** This property is currently developed with a single family residence. The proposal to rezone the property to RMF-12 will allow development of residential use that creates a transitional density between the RMF-24 and RSF-4 zoned properties on either side. The property is situated as 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. The RMF-12 zoning district would allow a maximum of 3 units on the property.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Staff finds the proposed zoning consistent with the Residential Neighborhood designation which encourages, 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-12 zoning district would allow a small multi-family building to provide a transitional density into an area of the neighborhood with much smaller buildings and lower intensity development. The development scale allowed would 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-12 zoning would encourage a higher density project and

its associated traffic further onto Ash Street, a minor residential street, but the slight increase in density is unlikely to have a noticeable impact on the neighborhood.

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 necessarily needed, 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. The proposed zoning will allow the owner to utilize the property for multi-family development as it meets minimum lot, area, and street frontage requirements for multi-family development.

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 three units 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 & 161.12

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 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)

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(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 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 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 and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: 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 bedrooms	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two or more bedrooms	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)--Variances, Ch. 156

(F) *Building height regulations.*

Building Maximum	Height	30/45 ft.*
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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. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 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.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



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

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

To: Parker & Associates, Quin Thompson
From: Will Beeks Assistant Fire Marshal
Date: October 8, 2014
Re: 14-4864

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



Scale: 1" = 40'

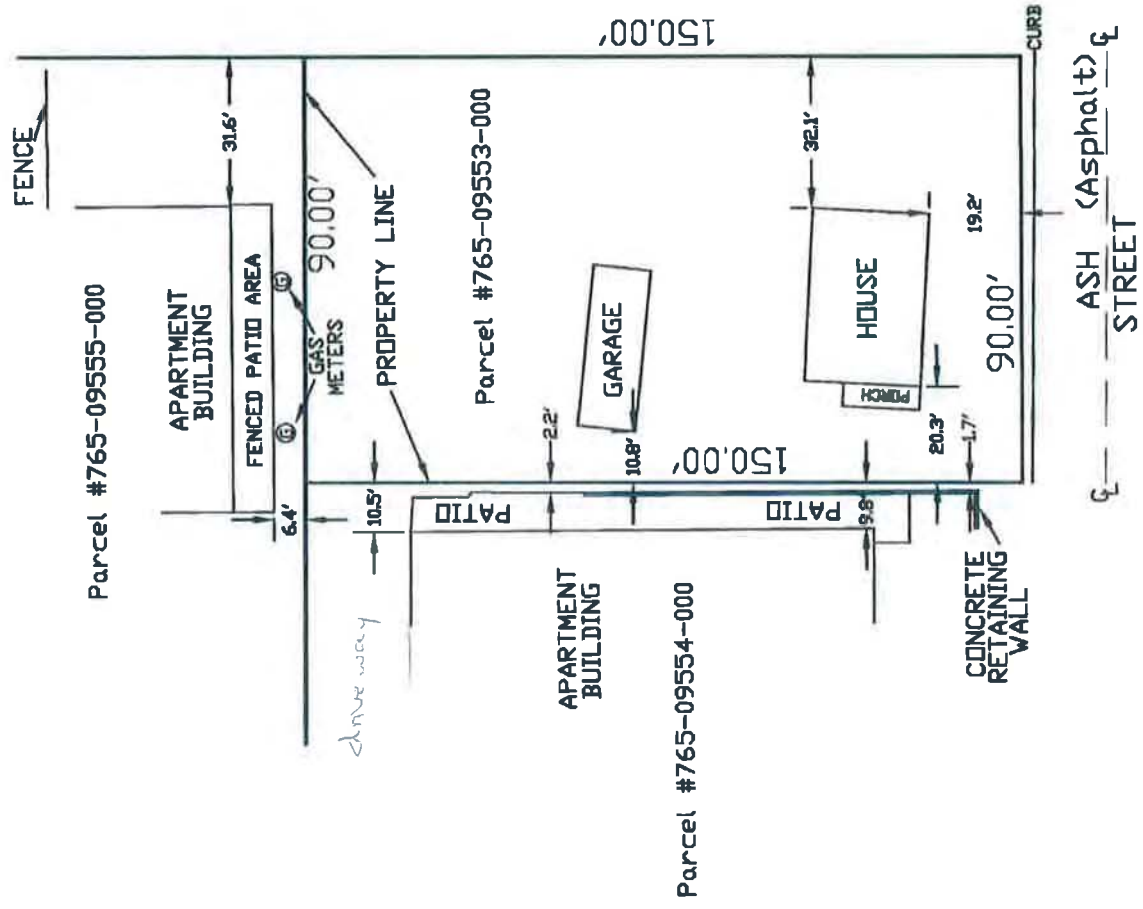


EXHIBIT ONLY; THIS IS NOT A PLAT OF SURVEY FOR: STELIOS KOUTROUMBIS	
DRAWN: S.B.	DATE: 11/21/14



Date: 11/4/2014

Taylor and Stelios Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
479-249-9876
trainek2012@gmail.com

March 11, 2015

CITY OF FAYETTEVILLE, ARKANSAS

232 W. ASH STREET REZONING

Rezoning Checklist:

- (5) a. Owners: Stelios Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
479-249-9876
- Taylor Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
479-249-9876

There are no proposed or pending property sales.

- b. A zoning change is requested to allow for construction of a small duplex on the rear side of the above listed property. The property was recently surveyed at .3 acres (see attached), so a rezone of RMF-12 would allow us to keep the 900 square foot home at the front of the lot (that we recently remodeled), while adding the new construction to the large tract of unused land in the back.
- c. We believe that this duplex will fit in nicely with the surrounding structures and neighborhood, as it will allow for a seamless flow from the larger scale apartment buildings to the west and north into the single family neighborhood to the east. This lot is surrounded on two sides (West and North) by large apartment buildings. Directly across the street from it is a single-family residence on a large subdivided lot. The subdivided lot houses approximately 8 townhomes and has a sign out front that reads "Aslan Place," as if it were its own small apartment community. Adjacent to the East is a large duplex. Upon review of a plat map and speaking with other property owners, it is

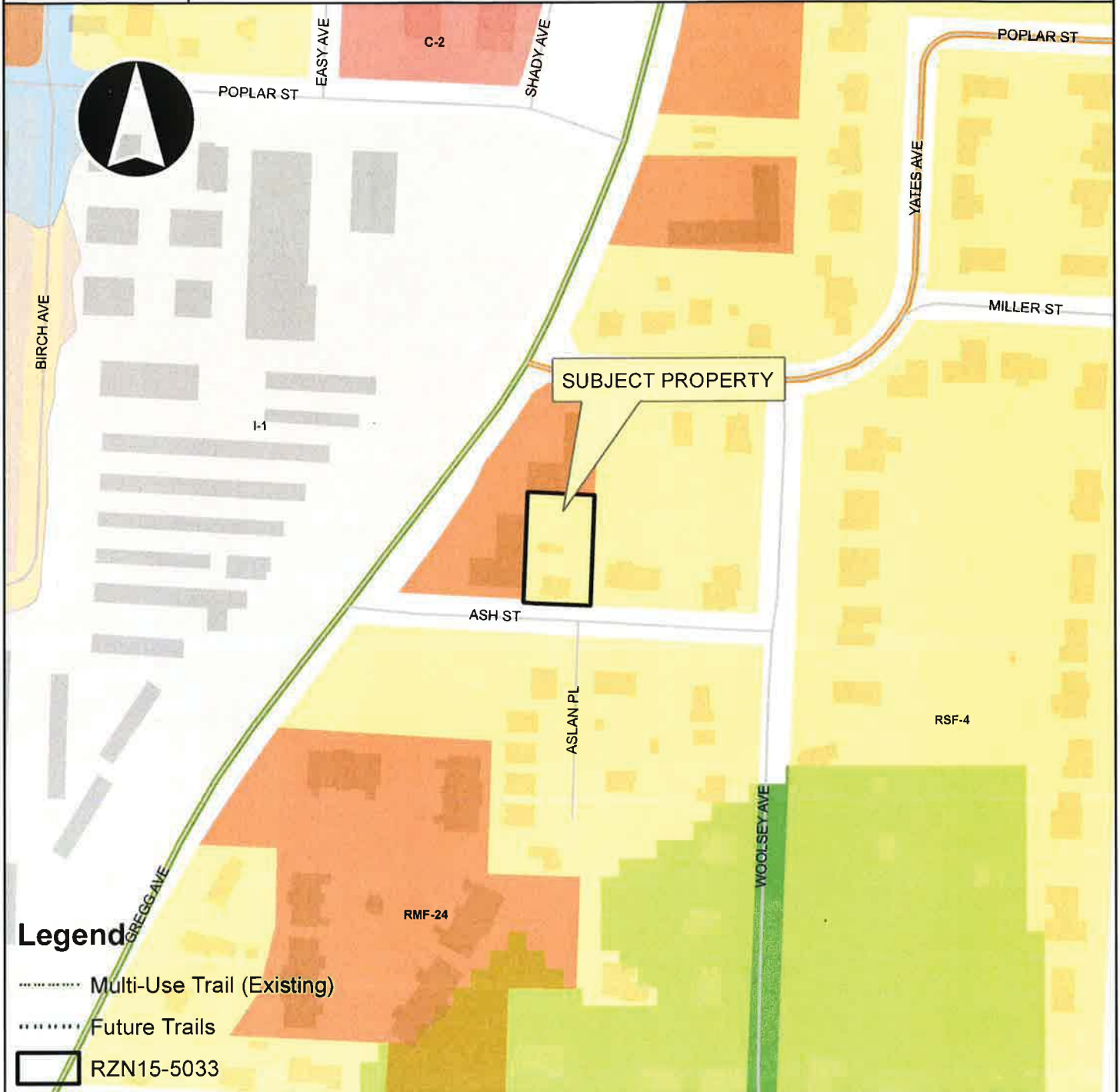
We hope to attain this rezoning before the upcoming summer months, so that we can break ground on our project before the end of the building season.

- g. The proposed rezone to RMF-12 for our .3 acre lot will only allow for construction of a duplex, and will not appreciable increase traffic danger or congestion. The main access point for this property will be a continuation of an existing driveway off of North Gregg Ave, a busy city street, and will have no relation to traffic on Ash Street. In addition, it should be noted that Ash is typically a busy street anyway. Nonresidents consistently use this neighborhood as a cut through to College Ave from N. Gregg, as well as a quick access to Woodland Jr. High School in the morning and afternoon hours. The addition of two more families to this neighborhood would not significantly impact the traffic flow on this street.
- h. As the proposed development is of such small scale, it will have little to no impact on population density or the load on public services.
- i. In summary, our hopes are to take this .3-acre tract of land and utilize the new zoning of RMF-12 to build a modest sized duplex, while retaining the existing 900 square foot home. The current zoning is impractical as this lot rests in the midst of a transition area from large multi-family development to single family residential. A simple drive down Ash Street from N Gregg would show that our lot is touched by two large apartment buildings, a duplex, and sits across from a large-scale rental complex. It should not simply be lumped in with the single-family lots to its east, but should reflect and mirror the vast majority of properties that surround it. Our lot represents a significant portion of land in a central neighborhood that is vacant and barren. If the number one goal of Fayetteville's Master Plan is infill, our lot is a prime location for it. Found in an area where housing is in short supply and high demand, we believe that allowing for construction on this land would provide necessary housing for Fayetteville residents. It would also benefit other landowners in the area by allowing for significant improvement, clean up, and thus increase in property value. We hope you will see the practicality and benefit to allowing this rezoning, and we thank you for your consideration.

RZN15-5033

KOUTROUMBIS

Close Up View



Legend

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

..... Future Trails

 RZN15-5033

 Fayetteville City Limits

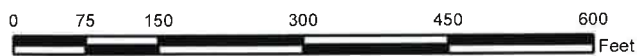
 Footprints 2010

 Hillside-Hilltop Overlay District

 Design Overlay District

 Design Overlay District

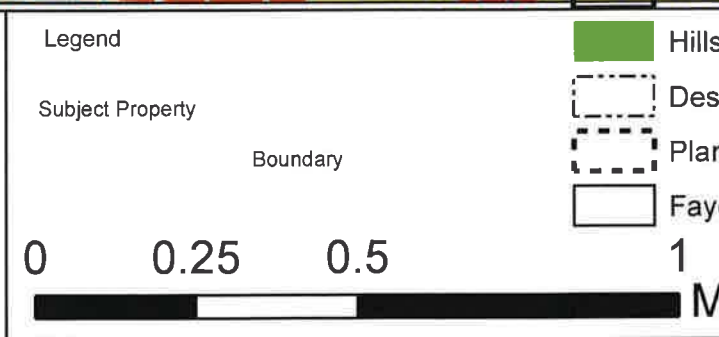
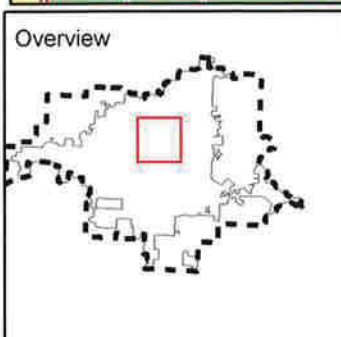
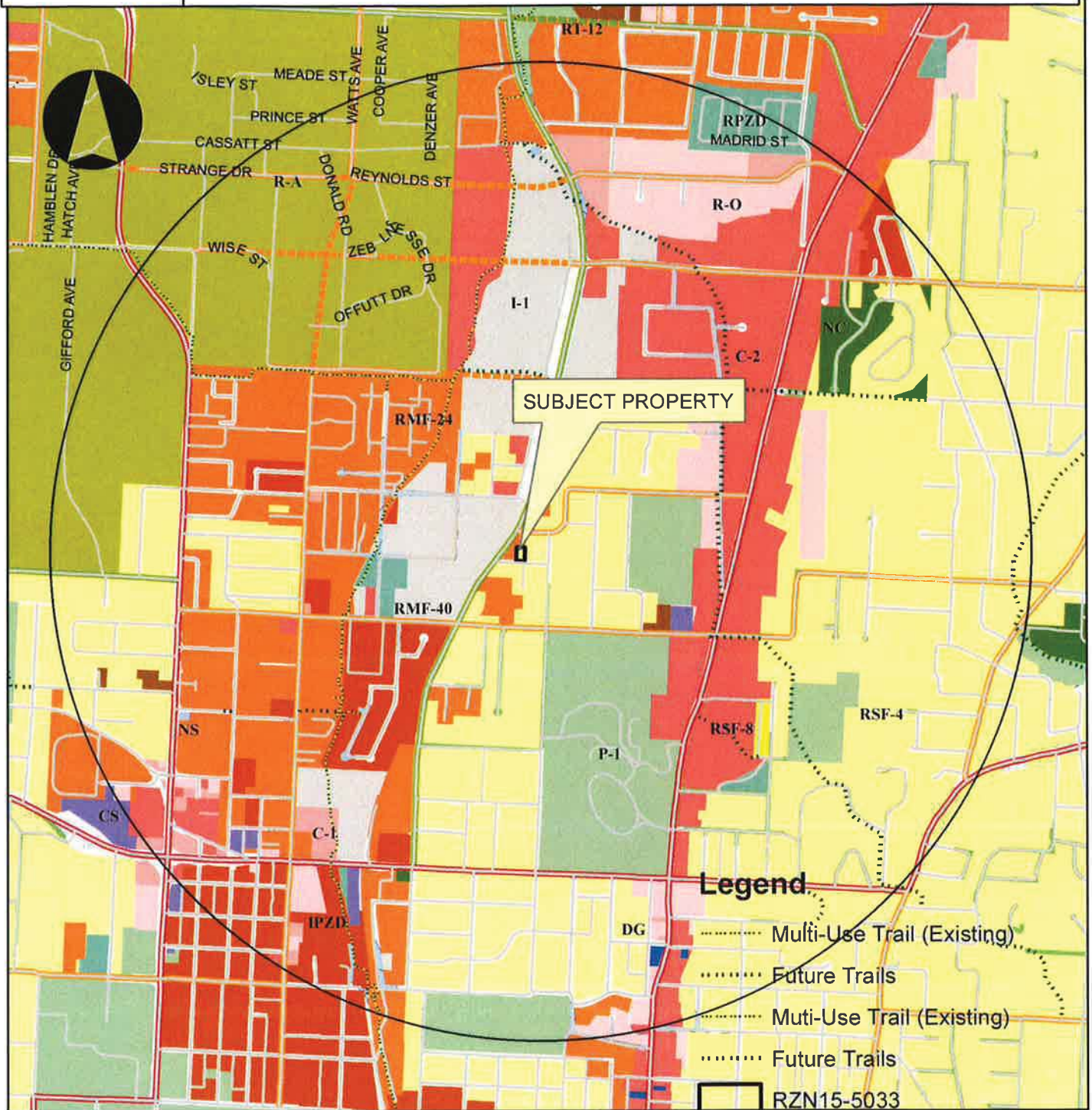
 Planning Area



RZN15-5033

KOUTROUMBIS

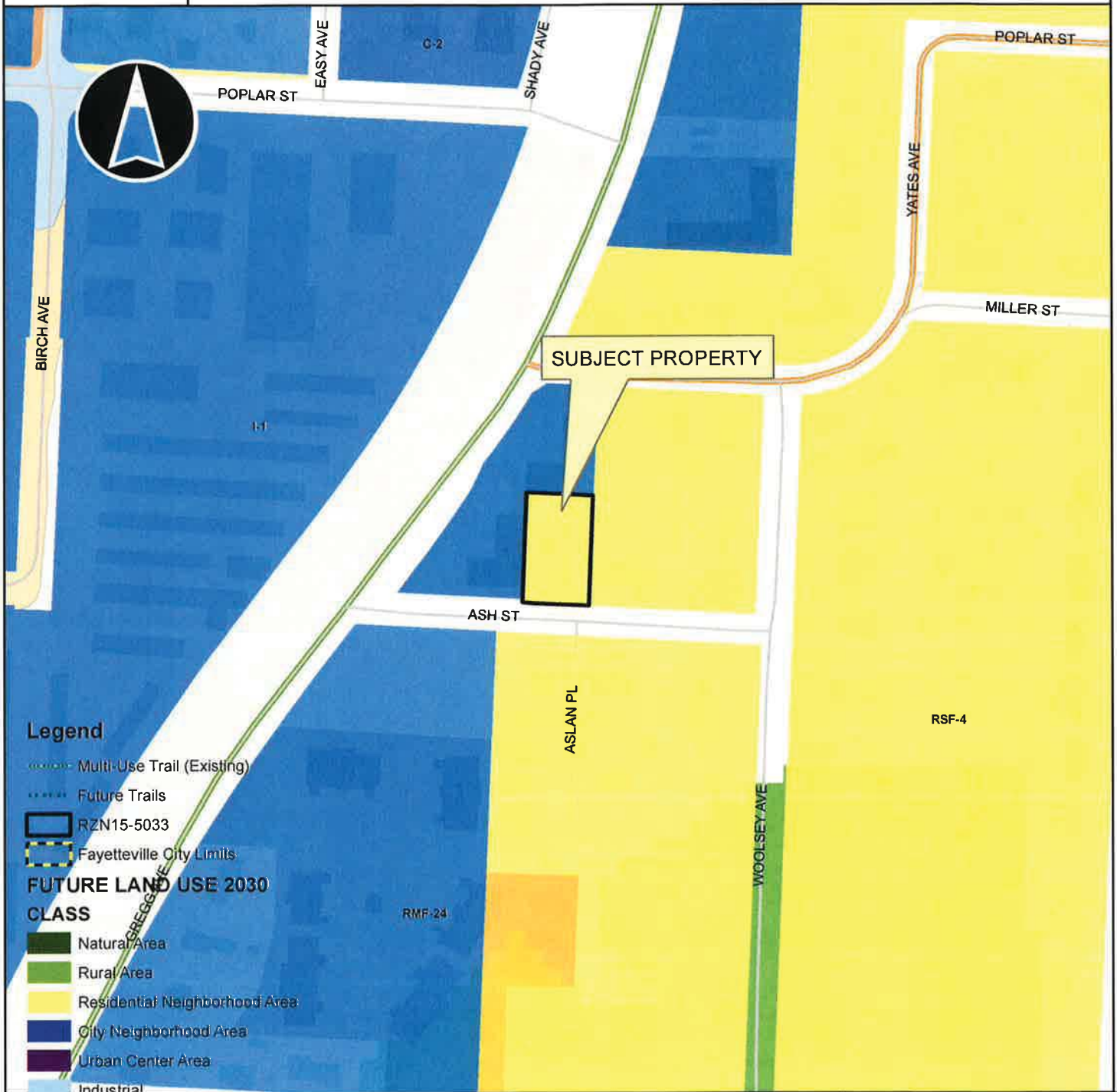
One Mile View



RZN15-5033

KOUTROUMBIS

Future Land Use



Legend

Multi-Use Trail (Existing)

Future Trails

RZN15-5033

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



RZN15-5033

KOUTROUMBIS

Current Land Use



Legend

Overview Multi-Use Trail (Existing)

Future Trails

RZN15-5033

Fayetteville City Limits

Design Overlay District

Planning Area

