



Legislation Text

File #: 2015-0400, Version: 1

RZN 15-5148 (402 E. 7TH ST./NIEDERMAN):

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5148, FOR APPROXIMATELY 0.20 ACRES, LOCATED AT 402 E. 7th ST. FROM NC, NEIGHBORHOOD CONSERVATION TO RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council for the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from NC, Neighborhood Conservation to RMF-12, Residential Multi-Family, 12 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.

City of Fayetteville Staff Review Form

2015-0400

Legistar File ID

9/15/2015

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

Jeremy Pate

8/28/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5148: Rezone (402 E. 7TH ST./NIEDERMAN, 524): Submitted by ZARA NIEDERMAN for property located at 402 E. 7TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 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 SEPTEMBER 15, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: August 28, 2015

SUBJECT: **RZN 15-5148: Rezone (402 E. 7TH ST./NIEDERMAN, 524):** Submitted by ZARA NIEDERMAN for property located at 402 E. 7TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 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 402 E. 7th Street in the Walker Park Neighborhood and contains approximately 0.20 acres (9,023 Square Feet) within the NC zoning district. The property is undeveloped.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of single and multi-family residential uses. The immediate area contains a variety of housing types, from single to small multi-family developments.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map (FLUM) designates this area as Complete Neighborhood Plan: Walker Park Neighborhood. The plan sought to preserve single-family neighborhoods while encouraging additional housing types and a mix of uses. The proposed rezoning is consistent with the Walker Park Plan and the City's overall goals to promote infill and a variety of housing types and densities in the same neighborhood.

DISCUSSION:

On August 24, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a vote of 8-0-0.

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, City Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~August 24, 2015~~ **UPDATED AUGUST 28, 2015**

SUBJECT: **RZN 15-5148: Rezone (402 E. 7TH ST./NIEDERMAN, 524):** Submitted by ZARA NIEDERMAN for property located at 402 E. 7TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends **RZN 15-5148** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

The subject property is located at 402 E. 7th Street in the Walker Park Neighborhood and contains approximately 0.20 acres (9,023 Square Feet) within the NC zoning district. The property is undeveloped. 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	NC, Neighborhood Conservation
South	Single-Family and two-Family Residential	NC, Neighborhood Conservation
East	Two-Family Residential	NC, Neighborhood Conservation
West	Apartment Complex	NC, Neighborhood Conservation

Request: The request is to rezone the property from NC, Neighborhood Conservation to RMF-12, Residential Multi-family / 12 units per acre. The applicant has stated that the rezoning is needed so that the property developed with a duplex.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has access to East 7th Street. This road is improved along the subject property’s frontage with curb and sidewalk. Any required improvements to this street will be determined at time of development.

Water: Public water is available to this parcel. An existing 16” and 1.5” main are located within the East 7th Street right-of-way.

Sewer: Sanitary sewer is available to this parcel. An existing 8" sanitary sewer main is located within the East 7th Street right of way.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. This parcel does not lie within the 100-yr floodplain, streamside protection areas, or the Hillside/Hilltop Overlay District.

Fire: The Fire Department did not express any concerns with the request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as a **Complete Neighborhood Plan: Walker Park Neighborhood**. A central goal of the plan was to preserve single-family neighborhoods while encouraging additional housing types and a mix of uses. A digital copy of the adopted document has been provided separately.*

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 15-5148 be forwarded to City Council with a recommendation for approval, finding that the proposed zoning allows development compatible with the existing adjacent uses and consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>August 24, 2015</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: HOFFMAN	Second: CHESSER	Vote: 8-0-0	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>September 15, 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:** The proposed zoning is compatible with the surrounding mixture of single and multi-family residential uses. The immediate area contains a variety of housing types, from single to small multi-family developments.*

***Land Use Plan Analysis:** The City Plan 2030 Future Land Use Map (FLUM) designates this area as Complete Neighborhood Plan: Walker Park Neighborhood. The plan sought to preserve single-family neighborhoods while encouraging additional housing types and a mix of uses. The proposed rezoning is consistent with the Walker Park Plan and the City's overall goals to promote infill and a variety of housing types and densities in the same 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 justified at this time, as the proposed zoning will allow appropriate infill development in an area where it is encouraged.

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

Finding: The site has access to 7th Street, a partially improved local street. The rezoning would allow a two-family dwelling to be built on the lot, which is likely to perceptibly increase neither traffic danger nor congestion.

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 NC to RMF-12 will not undesirably affect density or load on public services. The small lot size (0.20 Acre) would not allow more than 2 units to be developed on this lot. 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 161.26 & 161.12
- Request Letter
- Survey
- One Mile Map, Close-Up Map, Current Land Use Map, Future Land Use Map

~~Under separate cover:~~

- ~~▪ Walker Park Master Plan Vision Document~~
- ~~▪ Walker Park Master Plan Illustrative Plan~~

161.26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(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 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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 Height Maximum	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)

APPLICANT'S REQUEST LETTER

Currently this property is a vacant lot. It is zoned Neighborhood Conservation (NC). This allows for single family dwellings by right. It also allows for two-family dwellings by conditional use. We would like to develop a two-family townhouse similar to those recently built on Graham St and Stone St near the

University (see examples below). Current zoning requires that a two family building must be at least 80' wide. This lot is 62.5' wide. Under RMF-12, two family dwellings are possible by right, and only require 60'. RMF-12 requires 90' for a three-family dwelling, so this would not be an option here. We believe that a two family dwelling is more compatible with the direct neighbors and that while the actual zoning would become different, the development pattern would actually be more compatible with the neighbors.



Figure 2. Property showing the predominance of multi-family dwellings as neighbors

This property is surrounded on the East and West by multi-family units. To the west is a 3-unit and 4-unit apartment complex. To the east is a duplex, followed by a lot with two dwelling units on it. Across the street is a duplex, a single family house, a lot with two dwelling units, and a triplex. This is just a block away from the Jefferson Center, which is expected to be a neighborhood hub in the Walker Park Master Plan. Much of the zoning there is Downtown General, which allows for dense housing and commercial space.

When the Walker Park Neighborhood Plan was created, much of the neighborhood was zoned either Downtown General or NC. This area of small multi-family was zoned NC, rather than Downtown General. At that time, this made perfect sense here, because NC allowed two-family dwellings by right, and three-family dwellings by conditional use. At that time, the minimum lot widths for two family dwellings were only 50' and only 60' for three-family dwellings. This lot at the time of the plan could have had a two or three-family dwelling on it, by right. At a later date, two-family dwellings were allowed by right under NC, but the lot width requirement increased from 50' to 80'. In most other parts of the Walker Park neighborhood where zoning is NC, the predominant housing structure is single family. Presumably the lot width requirements were increased in order to minimize duplexes and triplexes in single family neighborhoods. While we believe this may provide more consistency and continuity within other parts of the Walker Park neighborhood, it does not appear to be consistent here.

Currently, there is 8" sewer and 16" CIP water and sewer on this street, so adding an additional unit should not be an issue. The road is not heavily trafficked either, so adding an additional unit should not appreciably increase traffic either. In addition, this is location is in the Walker Park Neighborhood and in South Fayetteville, where the City Plan 2030 states that it seeks to make infill development its highest priority.

Neighborhood Conservation district is a residential zone.

(B) Uses.

(1) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-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 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 24	Home occupations
Unit 25	Professional services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) Density. 10 Units Per Acre.

(D) Bulk and area regulations.

(1) Lot width minimum.

Single Family	40 ft.
Two Family	50 ft.
Three Family	60 ft.

Figure 3. Neighborhood Conservation Requirements from 2009

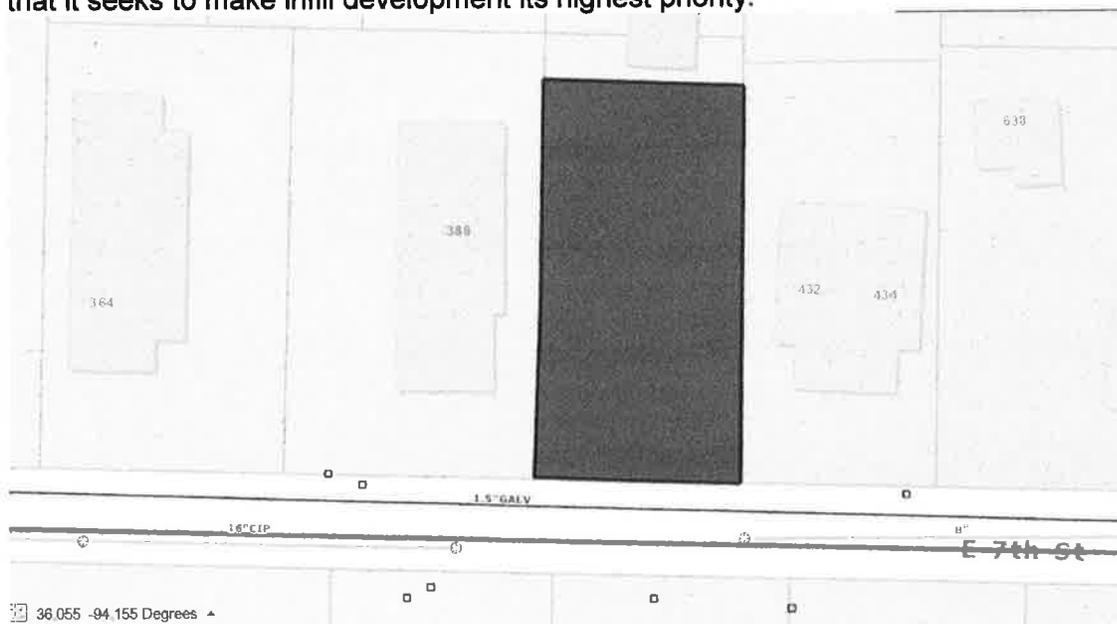


Figure 4. Utilities



Figure 5. Stone St.



Figure 6. Graham St.

RZN15-5148

NIEDERMAN

Current Land Use



Legend

Shared-Use Paved Trail

Neighborhood/Park Trail

Natural Surface Trail

RZN15-5148

Hillside-Hilltop Overlay District

Fayetteville City Limits

Footprints 2010



RZN15-5148

NIEDERMAN

Close Up View



Legend

Shared-Use Paved Trail

Neighborhood/Park Trail

Natural Surface Trail

RZN15-5148

Hillside-Hilltop Overlay District

Fayetteville City Limits

Footprints 2010



Overview

15-5148
EXHIBIT 'B'

PT LOT 45 SW (62.5 X 156.5) FURTHER DESCRIBED FROM 2013-29903 AS: Part of the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of Section Fifteen (15) in Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows, to-wit: Beginning at a point 201.5 feet West of the Southeast corner of said forty acre tract and running thence West 62.5 feet; thence North 156.5 feet; thence East 62.5 feet; thence South 156.5 feet to the point of beginning.

RZN15-5148

NIEDERMAN

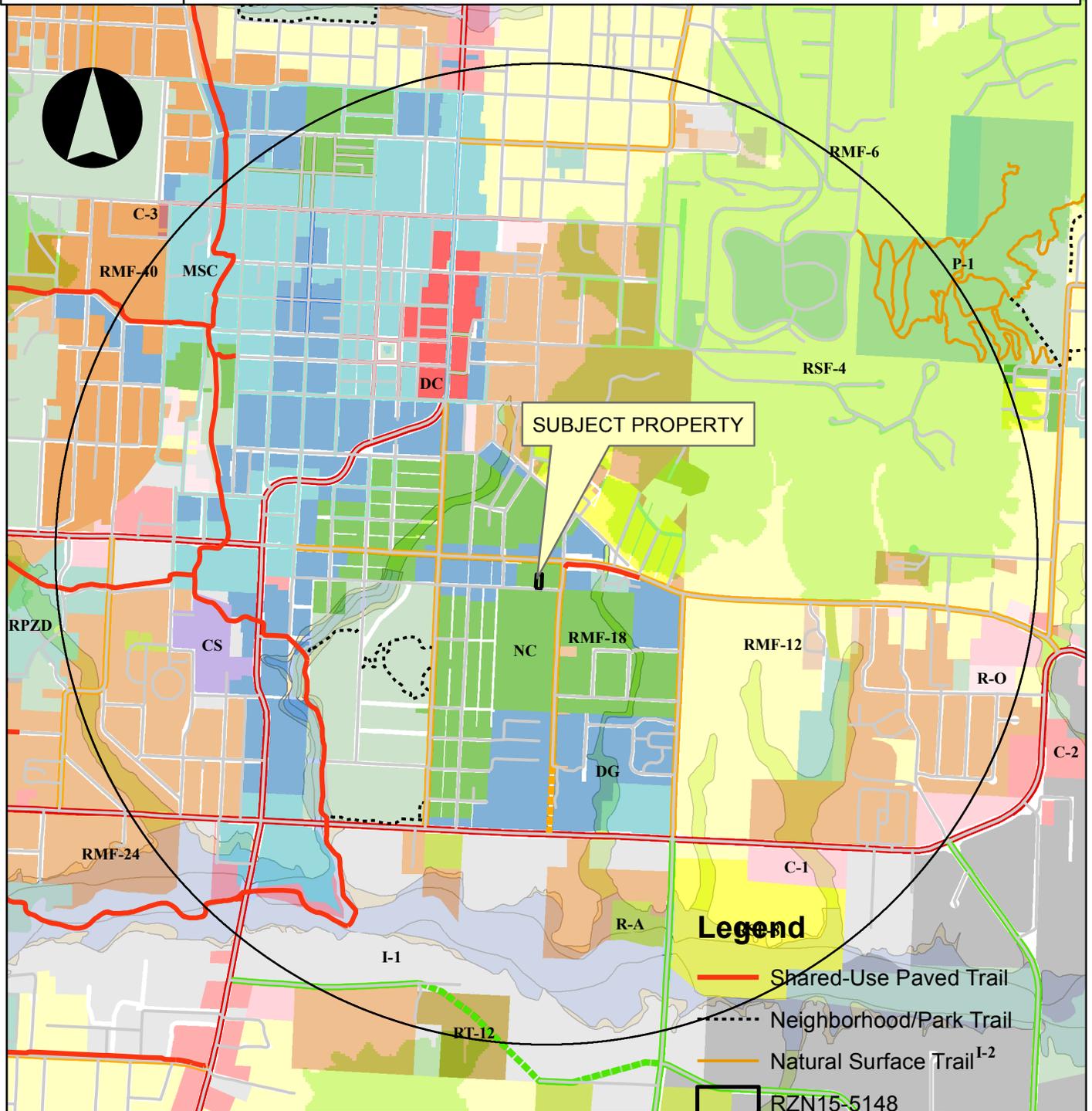
Future Land Use



RZN15-5148

NIEDERMAN

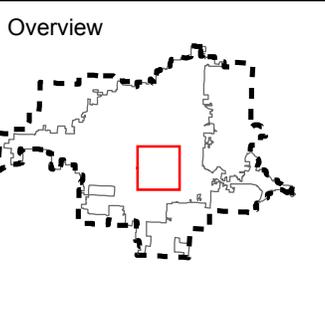
One Mile View



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail¹⁻²

RZN15-5148



Legend

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

Subject Property

Boundary

0 0.25 0.5 1 Miles