

City of Fayetteville Staff Review Form

2018-0477

Legistar File ID

9/18/2018

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

Garner Stoll

8/28/2018

City Planning /  
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 18-6313: Rezone (SE OF N. GREGG AVE. & W. ASH ST./ALPHA FARMS, LLC., 367): Submitted by BATES & ASSOCIATES, INC. for property located SE OF N. GREGG AVE. & W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.84 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	
Budgeted Item?	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF SEPTEMBER 18, 2018

**TO:** Mayor, Fayetteville City Council

**THRU:** Garner Stoll, Development Services Director

**FROM:** Jonathan Curth, Senior Planner  
Andrew Garner, Planning Director

**DATE:** August 28, 2018

**SUBJECT:** **RZN 18-6313: Rezone (SE OF N. GREGG AVE. & W. ASH ST./ALPHA FARMS, LLC., 367):** Submitted by BATES & ASSOCIATES, INC. for property located SE OF N. GREGG AVE. & W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.84 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

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### RECOMMENDATION:

The Planning Commission and staff recommend approval of the requested rezoning as depicted in Exhibits 'A' and 'B'.

### BACKGROUND:

The subject property is located at the southeast corner of Gregg Avenue and Ash Street, and is currently zoned RSF-4, Residential Single-family, 4 Units per Acre. Prior to the 1970s, the property appears to have been in agricultural use but has since remained undeveloped.

*Request:* The request is to rezone the parcel from RSF-4, Residential Single-family, 4 Units per Acre, to RMF-24, Residential Multi-family, 24 Units per Acre. The applicant has not stated their development intent should the property be rezoned.

*Public Comment:* Staff has received no public comment concerning the request.

*Land Use Compatibility:* Staff finds that the proposed rezoning is generally compatible with adjacent land uses. Although some single-family homes are located immediately adjacent to the subject property, these are developed in a pattern and at a density that is more in-line with the requested RMF-24 zoning than the existing RSF-4. Coupled with the subject property's adjacency to multi-family developments and a major thoroughfare, staff contends that potential development under the requested zoning district promotes a greater diversity of housing options that is appropriate at this location.

*Land Use Plan Analysis:* The property is designated as City Neighborhood Area and staff finds the proposal to be consistent with this classification. The proposed RMF-24 zoning district allows

for a wider spectrum of residential housing types than is currently allowed, including both attached and detached dwellings. Development under the RMF-24 zoning district can encourage a livable transportation network by offering residential housing occupants access to the nearby Scull Creek trail and transit locations. Additionally, the proposed rezoning may promote appropriate infill that allows development of a mass, density, and intensity similar to adjacent zoning districts and land uses. Lastly, the RMF-24 zoning district encourages development in a traditional town form, with new structures addressing the street and utilizing existing services and infrastructure.

**DISCUSSION:**

At the August 27, 2018 Planning Commission meeting, this item was forwarded with a recommendation for approval by a vote of 9-0-0.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

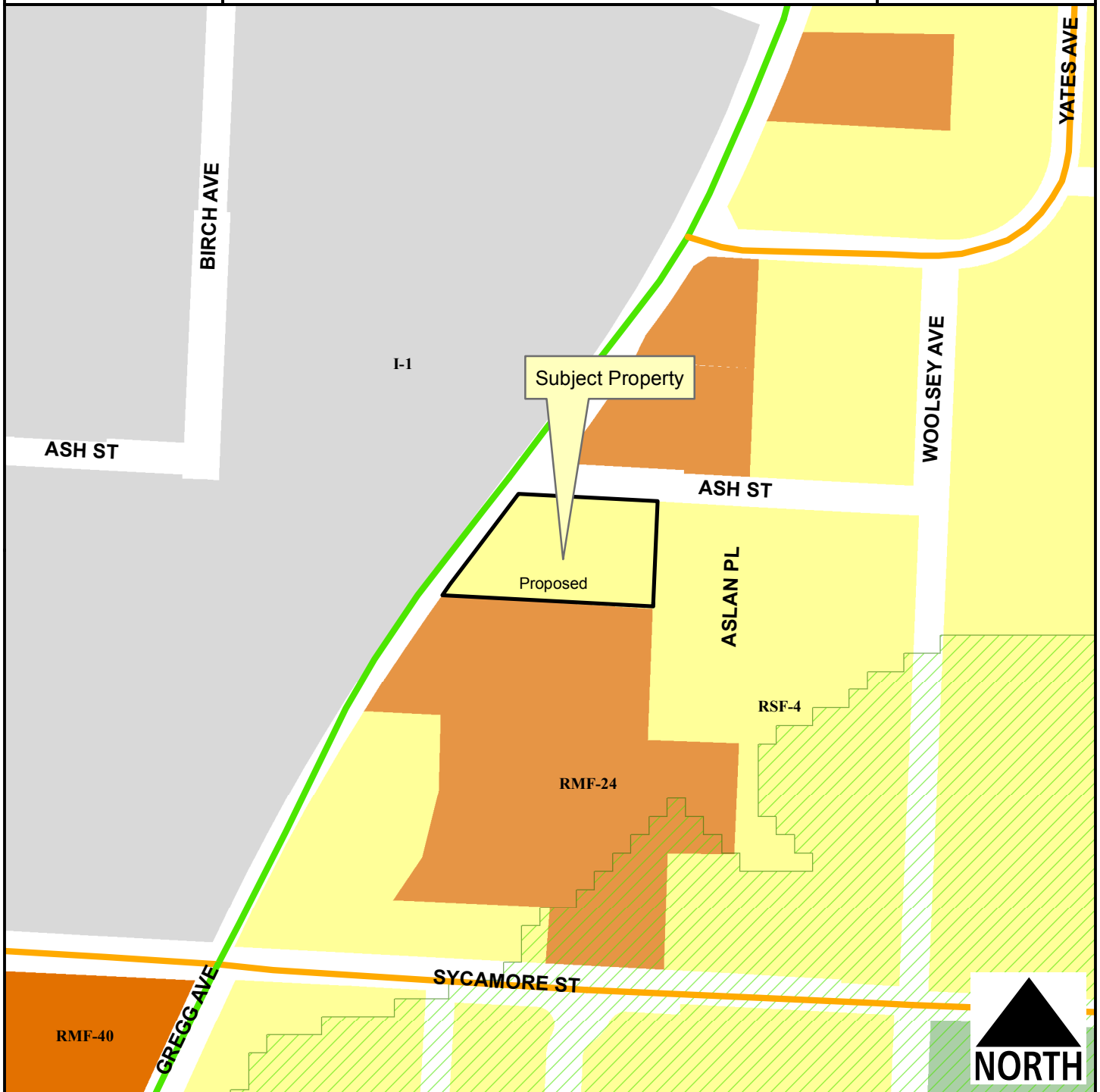
RZN18-6313

# ALPHA FARMS, LLC.

EXHIBIT 'A'

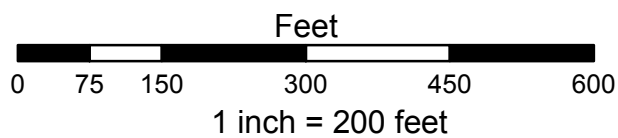
Close Up View

18-6313



## Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



Zoning   Acres

N/A   0.8

**Total**   **0.8**

**EXHIBIT 'B'**  
**18-6313**

RE: Legal Description – N Gregg Ave & West Ash St Rezoning Request

LEGAL DESCRIPTION (PARCEL 765-09591-000):

LOT 4, BLOCK 12, PARKER'S PLAT OF VALLEY VIEW ACRES, A SUBDIVISION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD 4, PAGE 102, AND PLAT RECORD 5, PAGE 73.



**TO:** Fayetteville Planning Commission

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

**FROM:** Jonathan Curth, Senior Planner

**MEETING DATE:** August 27, 2018 (Updated with Planning Commission Results)

**SUBJECT:** **RZN 18-6313: Rezone (SE OF N. GREGG AVE. & W. ASH ST./ALPHA FARMS, LLC., 367):** Submitted by BATES & ASSOCIATES, INC. for property located SE OF N. GREGG AVE. & W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.84 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN 18-6313** to City Council with a recommendation of approval based on the findings contained in this report.

**RECOMMENDED MOTION:**

"I move to forward **RZN 18-6313** to City Council with a recommendation for approval."

**BACKGROUND:**

The subject property is located at the southeast corner of Gregg Avenue and Ash Street, and is currently zoned RSF-4, Residential Single-family, 4 Units per Acre. Prior to the 1970s, the property appears to have been in agricultural use but has since remained undeveloped. Surrounding land use and zoning is depicted in Table 1.

**Table 1:**  
**Surrounding Land Use and Zoning**

Direction	Land Use	Zoning
North	Multi-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
South	Multi-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
West	Mini-storage	I-1, Heavy Commercial and Light Industrial
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

*Request:* The request is to rezone the parcel from RSF-4, Residential Single-family, 4 Units per Acre, to RMF-24, Residential Multi-family, 24 Units per Acre. The applicant has not stated their development intent should the property be rezoned.

*Public Comment:* Staff has received no public comment concerning the request.

## INFRASTRUCTURE:

**Streets:** The subject property has access to both Gregg Avenue and Ash Street. The Master Street Plan classifies these streets as a Minor Arterial and Local Street respectively. Gregg Avenue is an improved 4-lane street with back-of-curb sidewalk along the subject property's frontage, curb and gutter, but no storm drains. Ash is a two-lane unimproved asphalt street with curb, gutter, and storm drains, but no sidewalk. Any street improvements required in these areas would be determined at the time of development proposal.

**Water:** Public water is available to the site. There is an existing 8-inch main along the Gregg Avenue right-of-way and a 1.5-inch main along the Ash Street right-of-way. Furthermore, there is an 8-inch main crossing east-west along the subject property's northern extents.

**Sewer:** Sanitary Sewer is available to the site. There is an existing 8-inch main along the Gregg Avenue right-of-way and a 6-inch main along the Ash Street right-of-way

**Drainage:** No portion of this property is identified as FEMA regulated floodplains or the Hillside-Hilltop Overlay District. There are no protected streams on this parcel nor are there any identified hydric soils. Any additional improvements or requirements for drainage will be determined at time of development.

**Fire:** The Fire Department expressed no concerns with this request.

**Police:** The Police Department expressed no concerns with this request.

**CITY PLAN 2030 FUTURE LAND USE PLAN:** City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **City Neighborhood Area**.

**City Neighborhood 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.

## FINDINGS OF THE STAFF

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 Plan Analysis:*** The property is designated as City Neighborhood Area and staff finds the proposal to be consistent with this designation. The proposed RMF-24 zoning district allows for a wider spectrum of residential housing types than is currently allowed, including both attached and detached dwellings. Development under the RMF-24 zoning district can encourage a livable transportation network by offering residential housing occupants access to the nearby Scull Creek trail and transit locations. Additionally, the proposed rezoning may promote appropriate infill that allows development of a mass, density, and intensity similar to adjacent zoning districts and land uses. Lastly, the RMF-24 zoning district encourages development in a traditional town form, with new structures addressing the street and utilizing existing services and infrastructure.

**Land Use Compatibility:** Staff finds that the proposed rezoning is generally compatible with adjacent land uses. Although some single-family homes are located immediately adjacent to the subject property, these are developed in a pattern and at a density that is more in-line with the requested RMF-24 zoning than the existing RSF-4. Coupled with the subject property's adjacency to multi-family developments and a major thoroughfare, staff contends that potential development under the requested zoning district promotes a greater diversity of housing options that is appropriate at this location.

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, a rezoning to RMF-24 at this location is justified at this time. The general alignment of the request with many of City Plan 2030's goals suggest a rezoning to a form-based multi-family district is suitable.

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

**Finding:** Rezoning the property to RMF-24 may appreciably increase traffic to this location above the potential of the current RSF-4 zoning district. That said, the property's adjacency to two public streets, one of which is classified as a Minor Arterial, ensures that an increased number of vehicle trips will be accommodated without increasing congestion. 2011 to 2015 accident data validates this, with no incidents reported at the intersection of Gregg Avenue and Ash Street.

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 will not undesirably increase the load on facilities and services. As noted above, this 0.84-acre property has access to existing water, sewer, and other public services that eliminate the need for costly extensions or stretched fire or police service.

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

**RECOMMENDATION:** Planning staff recommends forwarding RZN 18-6313 to the City Council with a recommendation for approval.

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**PLANNING COMMISSION ACTION:** Required YES

Date: August 27, 2018      ☐ Tabled      ☒ Approved      ☐ Denied

**Motion:** Johnson, to forward with a recommendation of approval.

**Second:** Belden

**Vote:** 9-0-0

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.07 - District RSF-4, Residential Single-family, 4 Units per Acre
  - §161.16 – District RMF-24, Residential Multi-family, 24 Units per Acre
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**161.07 - District RSF-4, Residential Single-Family - Four (4) 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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

**161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) 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 (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster 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 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
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 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
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Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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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 two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories 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 5 stories. If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.



**Bates &  
Associates, Inc.**

**Civil Engineering & Surveying**

7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704

PH: 479-442-9350 \* FAX: 479-521-9350

18-6313

## **Request Letter**

July 17, 2018

City of Fayetteville  
113 West Mountain Street  
Fayetteville, AR 72701

### **RE: N Gregg Ave & W Ash St Rezoning Request – Project Letter**

Dear City Staff,

MadSky & Associates, LLC, Alpha Farms, LLC, and Bates & Associates, Inc. are proposing a Rezoning to the Southeast of the intersection of North Gregg Avenue and West Ash Street (Washington County Parcel #765-09591-000 / Lot 4, Block 12 of Parker's Valley View Acres). The subject parcel is undeveloped.

The subject parcel is currently zoned R-4. The Applicant requests that the parcel be rezoned to RMF-24. At 0.74 acres, the number of units allowed on said parcel will be a maximum of 18. This proposed rezoning is compatible with the Future Land Use designation of City Neighborhood Area.

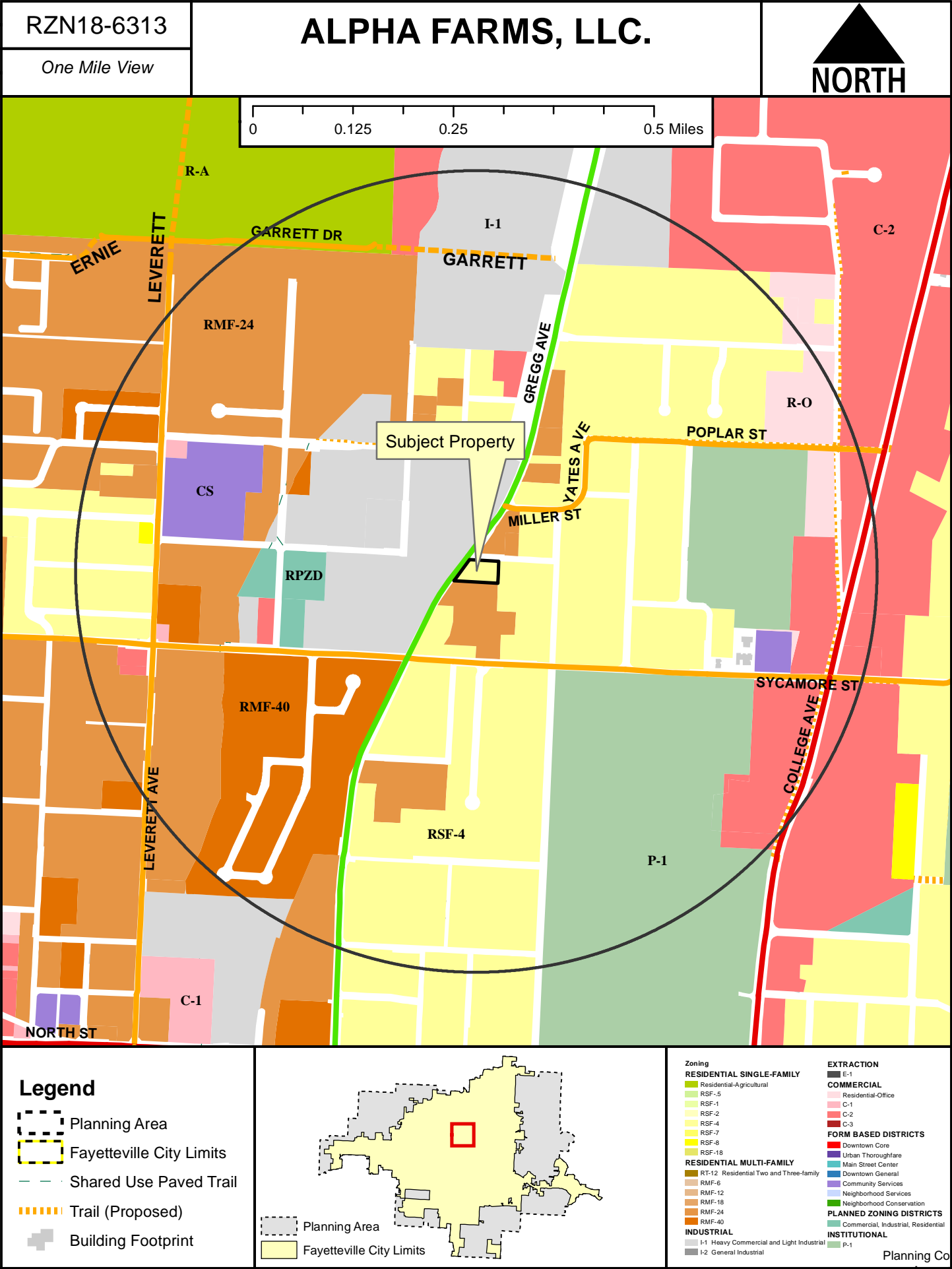
The current zoning district of the parcels directly to the South and North is RMF-24. The parcels adjacent to the East are zoned R-4. The parcels to the West, across North Gregg Avenue, are zoned I-1.

The proposed rezoning to RMF-24 is directly compatible with the zoning districts to the North and South. While the adjacent parcels to the east are zoned R-4, there is an existing tree preservation easement between those existing homes and the subject property, which will provide a buffer between any future development on the subject parcel. Subsequent to development of this property, there will be a slight increase in traffic, but with a maximum of 18 units possible, the Applicant feels that this increase will not affect current traffic flow in the area. The I-1 district to the west does not access Gregg Avenue, so there will be no discernable effect on those parcels.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely

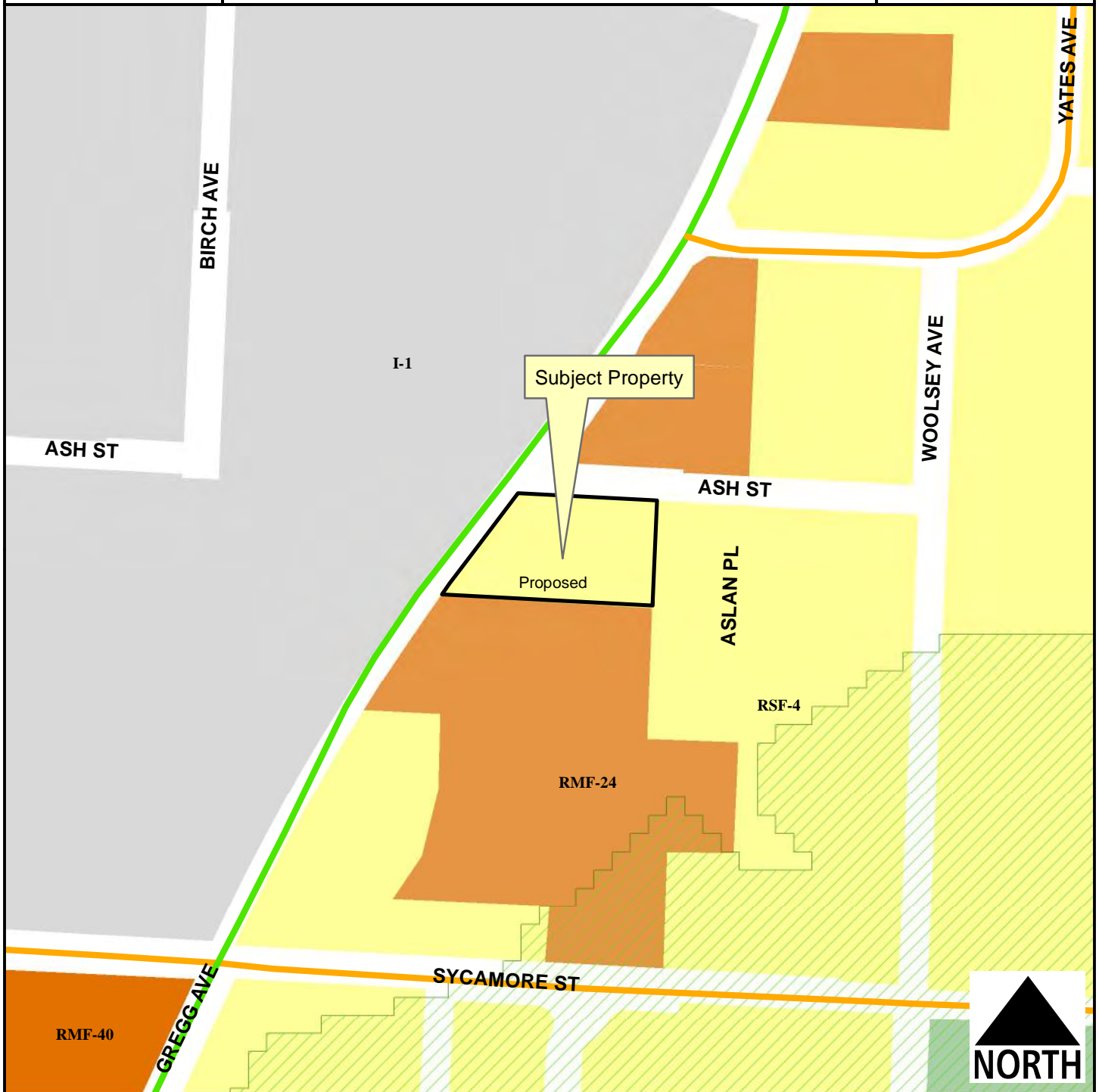
Jason Young  
**Bates & Associates, Inc.**



RZN18-6313

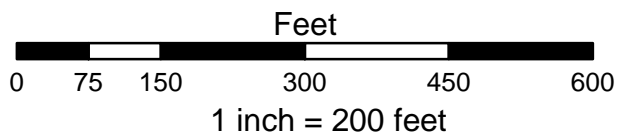
# ALPHA FARMS, LLC.

Close Up View



## Legend

- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Building Footprint



## Zoning Acres

N/A 0.8

**Total 0.8**

RZN18-6313

Current Land Use

# ALPHA FARMS, LLC.

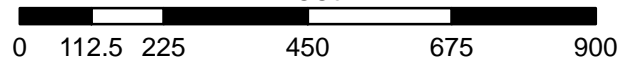


## Streets Existing

### MSP Class

- COLLECTOR
- MINOR ARTERIAL
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet



1 inch = 300 feet

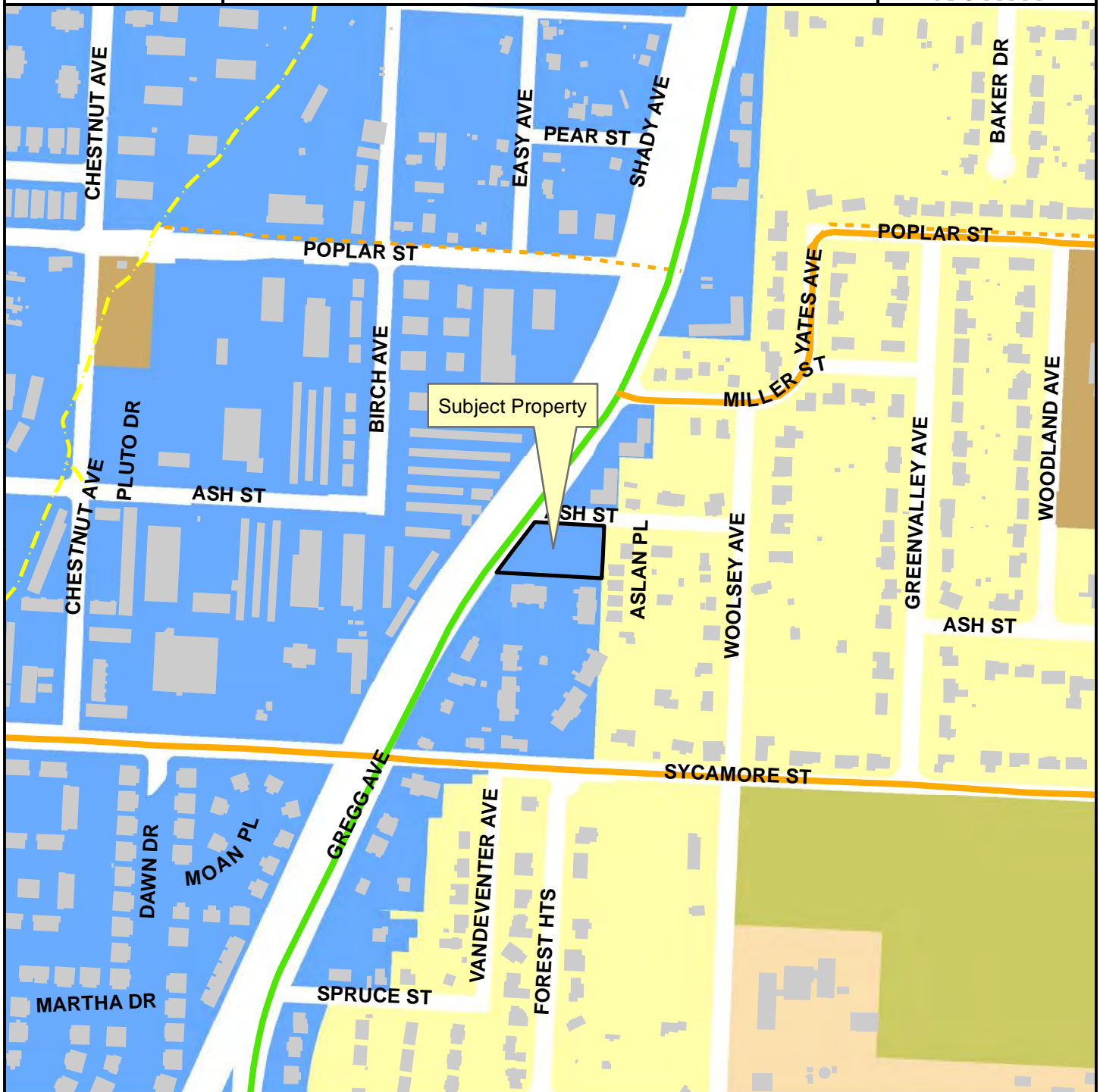
## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN18-6313

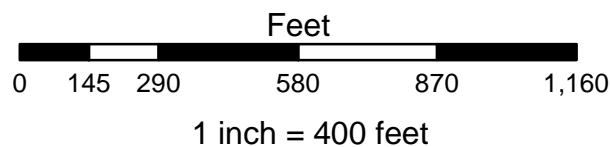
Future Land Use

# ALPHA FARMS, LLC.



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint



## FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government