

City of Fayetteville Staff Review Form

2019-0590

Legistar File ID

10/1/2019

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

Garner Stoll

9/13/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6796: Rezone (705 S. CHURCH AVE./PEAK DEVELOPMENT, LLC., 562): Submitted by CHRIS HILL for property located at 705 S. CHURCH AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.17 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

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	\$ -

V20180321

Purchase Order Number: \_\_\_\_\_

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

Change Order Number: \_\_\_\_\_

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

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

Comments:



**MEETING OF OCTOBER 1, 2019**

**TO:** Mayor; Fayetteville City Council

**THRU:** Don Marr, Chief of Staff  
Garner Stoll, Development Services Director  
Andrew Garner, City Planning Director

**FROM:** Abdul Ghous, Current Planner

**DATE:** September 13, 2019

**SUBJECT:** **RZN 19-6796: Rezone (705 S. CHURCH AVE./PEAK DEVELOPMENT, LLC., 562):** Submitted by CHRIS HILL for property located at 705 S. CHURCH AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.17 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

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**RECOMMENDATION:**

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to DG, Downtown General, as shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The subject property is located at the corner of W. 7<sup>th</sup> street and S. Church in the Walker Park Neighborhood. The property currently contains a single-family dwelling that was built in 1985.

*Request:* The request is to rezone the parcel from NC, Neighborhood Conservation to DG, Downtown General.

*Land Use Compatibility:* Land uses in immediate and general adjacency to the subject property are diverse. Although S. Church Avenue is mostly single-family in character, there are examples of 2-, 3-, and 4-family dwellings. That said, existing lot sizes range from approximately 50 to over 100 feet near the subject property, which is markedly larger than the 18-foot lot widths permitted under DG, Downtown General. All told, and with due consideration for both the potential building types and forms, staff finds that the proposed rezoning is generally compatible with adjacent land uses.

*Land Use Plan Analysis:* The Complete Neighborhood Plan encourages a variety of housing types while conserving the existing single-family fabric where it is intact. As stated earlier in this report, the City Council has approved multiple rezonings over the last two years allowing 2-, 3-, and 4-family dwellings in mid-block locations amidst single-family dwellings. These recent decisions are viewed by staff as a shift in the Walker Park Neighborhood Plan policies guiding staff to recommend that the current rezoning request is in-line with land use policies of the City Council.

**DISCUSSION:**

On September 9<sup>th</sup>, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. Staff received no public comment.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

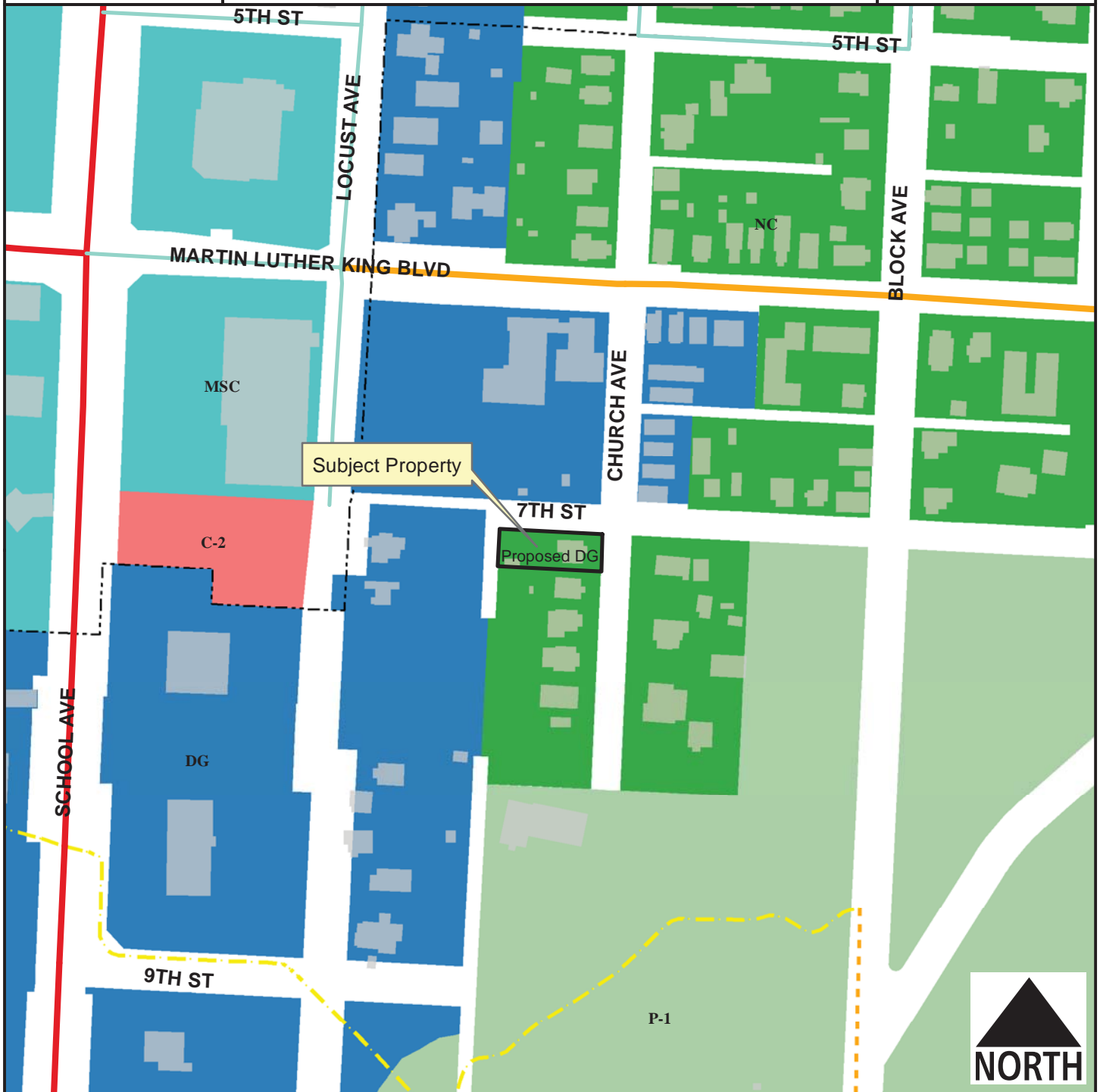
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN19-6796

# PEAK DEVELOPMENT

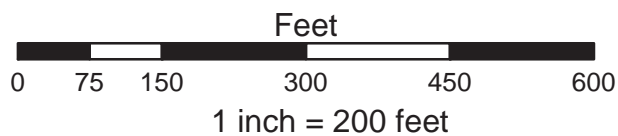
**19-6796  
EXHIBIT 'A'**

Close Up View



## Legend

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



## Zoning    Acres

DG    0.2

**Total    0.2**

**19-6796**  
**EXHIBIT 'B'**

**Parcel 765-14890-000 Legal Description**

Part of the Northeast Quarter of the Northeast Quarter, Section Twenty-One (21), Township Sixteen (16) North, Range Thirty (30) West, Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the Northwest corner of said NE of the NE, thence S03°00'34"W 25.00 feet to the point of beginning, thence S03°00'34"W 51.45 feet. Thence S86°59'26"E 142.89 feet, thence N01°09'48"E 51.48 feet, thence N86°59'26"W 141.23 feet to the point of beginning, containing 7309 square feet.



**TO:** Fayetteville Planning Commission

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

**FROM:** Abdul R. Ghous, Planner

**MEETING DATE:** September 9th, 2019 **FWD 9.9.2019**

**SUBJECT:** **19-6796 RZN 705 S. Church Ave. (Peak Development) 562:** Submitted by CHRIS HILL for property located at 705 S. CHURCH AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.17 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

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**RECOMMENDATION:**

Staff recommends forwarding RZN 19-6796 to City Council with a recommendation for approval.

**RECOMMENDED MOTION:**

"I move to forward RZN 19-6796 to City Council with a recommendation for approval."

**BACKGROUND:**

The subject property is located at the corner of W. 7<sup>th</sup> street and S. Church in the Walker Park Neighborhood. The property totals approximately 0.18 acres, is zoned NC, Neighborhood Conservation, and is an undeveloped lot. Surrounding land uses and zoning is depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Church	DG, Downtown General
South	Single-family residential	NC, Neighborhood Conservation
East	Single-family residential	NC, Neighborhood Conservation
West	Single-family residential	DG, Downtown General

*Request:* The request is to rezone the parcel from NC, Neighborhood Conservation to DG, Downtown General.

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

**INFRASTRUCTURE:**

**Streets:** This parcel has frontage to South Church Avenue and West 7<sup>th</sup> Street. South Church Avenue is an unimproved local street with asphalt paving and open ditches along the property's frontage. West 7<sup>th</sup> Street is a partially improved local street with asphalt paving and curb and gutter along the property's frontage. Any street improvements required in these areas would be determined at the time of development proposal.

- Water:** Public water is available to this parcel. An existing 6-inch watermain is present along South Church Avenue that can serve the property, and an existing 16-inch watermain runs along West 7<sup>th</sup> Street.
- Sewer:** Sanitary sewer is available to this parcel. Existing 12-inch sanitary sewer mains are present that can serve the property along the west side of this parcel and along West 7<sup>th</sup> Street.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. No portion of the subject area lies within the Hillside-Hilltop Overlay District. No portion of this property is identified as FEMA regulated floodplains. There are no protected streams present in the subject parcel. Hydric soils appear to be present in the area.
- Fire:** The Fire Department expressed no concern 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 property within the proposed rezone as **Complete Neighborhood Plan** in association with the Walker Park Neighborhood Plan. A central goal of this plan was to preserve single-family neighborhoods while encouraging additional housing types and a mixture of uses. The plan states that the neighborhood should have a balance of non-residential uses and housing for different income levels. A major emphasis of the plan is connectivity and walkability, with a connection of the street grid and improved mobility that will unify the neighborhood over time.

#### 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 Compatibility:*** Land uses in immediate and general adjacency to the subject property are diverse. Although S. Church Avenue is mostly single-family in character, there are examples of 2-, 3-, and 4-family dwellings. That said, existing lot sizes range from approximately 50 to over 100 feet near the subject property, which is markedly larger than the 18-foot lot widths permitted under DG, Downtown General. All told, and with due consideration for both the potential building types and forms, staff finds that the proposed rezoning is generally compatible with adjacent land uses.

***Land Use Plan Analysis:*** The Complete Neighborhood Plan encourages a variety of housing types while conserving the existing single-family fabric where it is intact. As stated earlier in this report, the City Council has approved multiple rezonings over the last two years allowing 2-, 3-, and 4-family dwellings in mid-block locations amidst single-family dwellings. These recent decisions are viewed by staff as a shift in the Walker Park Neighborhood Plan policies guiding staff to recommend that the current rezoning request is in-line with land use policies of the City Council.

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

**Finding:** Based on the applicant's letter, the requested rezoning is justified and needed at this time to increase options for the developer. Additionally, the zoning compliments the surrounding and adjacent parcels.

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

**Finding:** Rezoning and redevelopment of the property under DG, with its lack of density requirements, has the potential to increase traffic on Washington Avenue. That said, the size of the property, totaling less than a ¼ acre, will naturally restrict the number of potential dwellings, and thus the possibility of increased traffic danger and 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 DG will increase the potential population density, but will not undesirably increase the load on facilities and services. As noted above, this 0.18-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 19-6796 to the City Council with a recommendation for approval.

<b>PLANNING COMMISSION ACTION:</b>			
Required	<u>YES</u>		
Date: <u>September 9th, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: <b>Brown</b>	Motion forwarded to City Council with recommendation of approval. 9.9.2019		
Second: <b>Johnson</b>			
Vote: <b>8-0-0</b>			



**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.29 - District NC, Neighborhood Conservation
  - §161.28 - District DG, Downtown General
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

**161.29 - 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	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	Cluster Housing Development

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single Family	40 feet
Two Family	80 feet

Three Family	90 feet
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(2) *Lot Area Minimum* . 4,000 square feet

(E) *Setback Regulations* .

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

(F) *Building Height Regulations* .

Building Height Maximum	3 stories
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(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), § 1(Exh. A), 10-6-15>; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.28 - Downtown General

(A) *Purpose*. Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses*.

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places

Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density* . None.

(D) *Bulk and Area Regulations* .

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations* .

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

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

(G) *Building Height Regulations*.

Building Height Maximum	5 stories
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(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§ 5, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

Planning Commission,

This rezoning application purpose, is meant to compliment and mesh with surrounding and adjacent parcels. Currently three of the four adjacent directions are currently zoned, the proposed zoning, Downtown General (DG). More specifically the diagonal corner of 696 S Church Ave-662 S Church Ave, in regard to single family structure footprint design. We believe it will improve this corner of 7<sup>th</sup> street and Church Ave, and will not detract from NC zoning, as this parcels location is on the outskirts, surrounding and interacting with the great majority of DG zoned structures.

All the best,

Chris Hill

Applicant, partner Peak Development Opportunity Fund

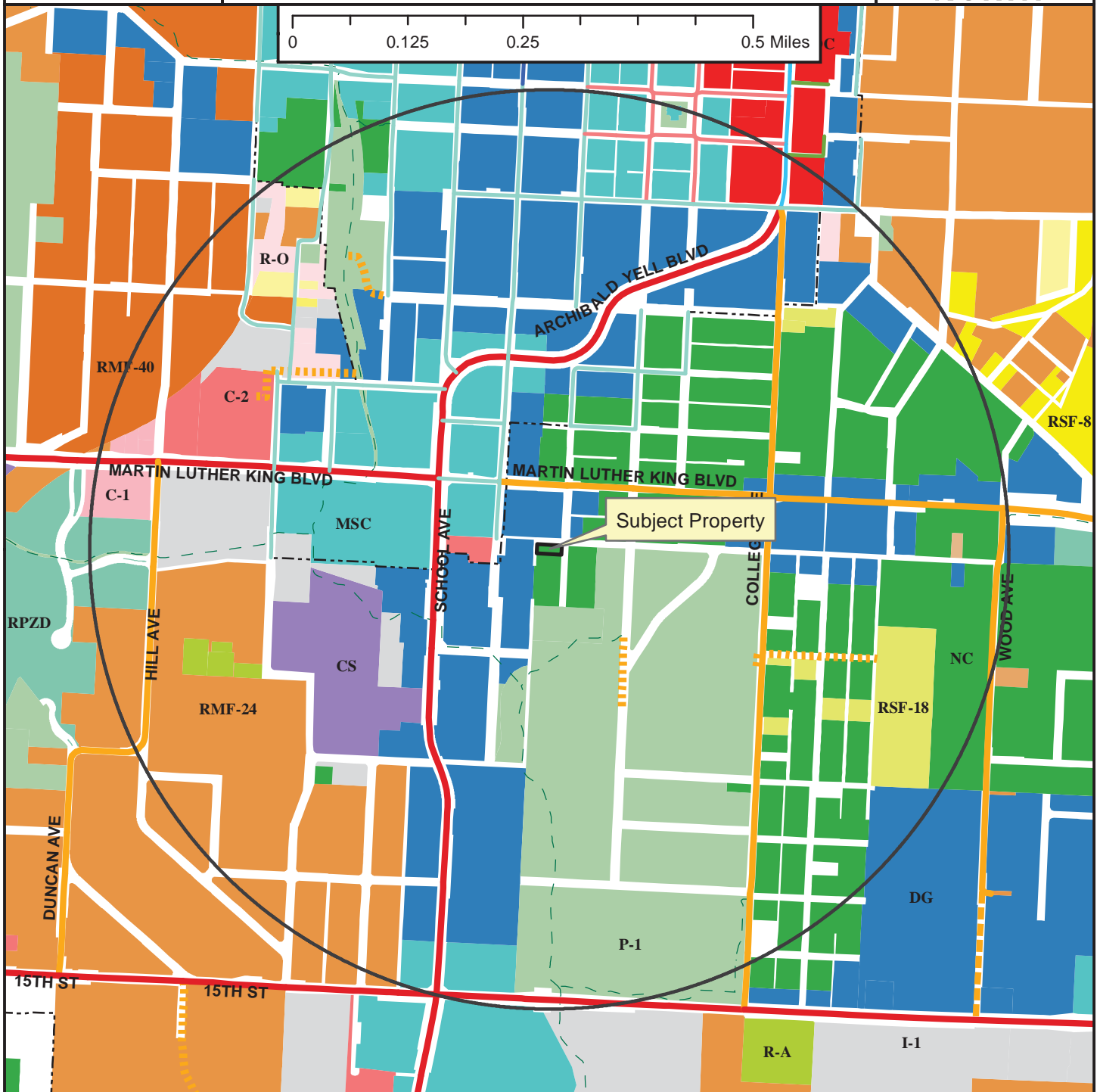
RZN19-6796

# PEAK DEVELOPMENT

One Mile View

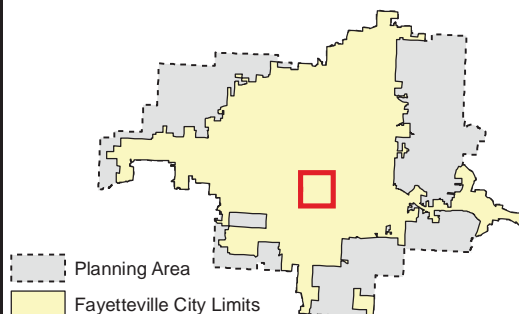


0 0.125 0.25 0.5 Miles



## Legend

- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Design Overlay District

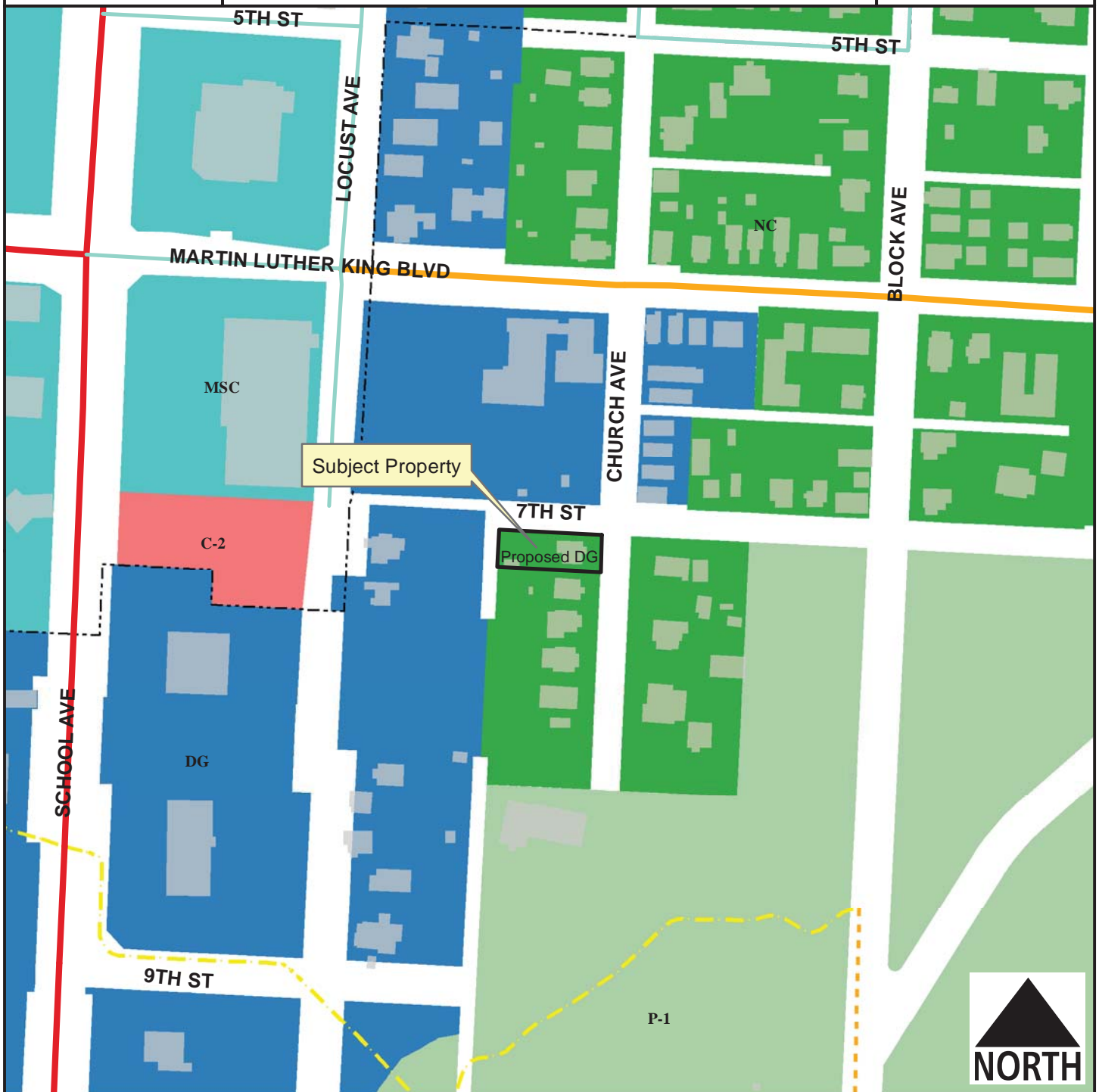


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- RSF-5 Residential-Agricultural
  - RSF-1
  - RSF-2
  - RSF-4
  - RSF-7
  - RSF-8
  - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RT-12 Residential Two and Three-family
  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
  - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
  - C-1
  - C-2
  - C-3
- FORM BASED DISTRICTS**
- Downtown Core
  - Urban Thoroughfare
  - Main Street Center
  - Downtown General
  - Community Services
  - Neighborhood Services
  - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

RZN19-6796

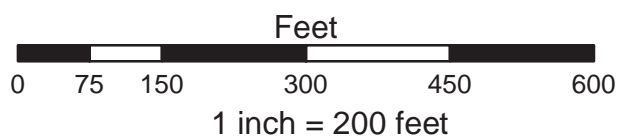
# PEAK DEVELOPMENT

Close Up View



## Legend

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



## Zoning Acres

DG 0.2

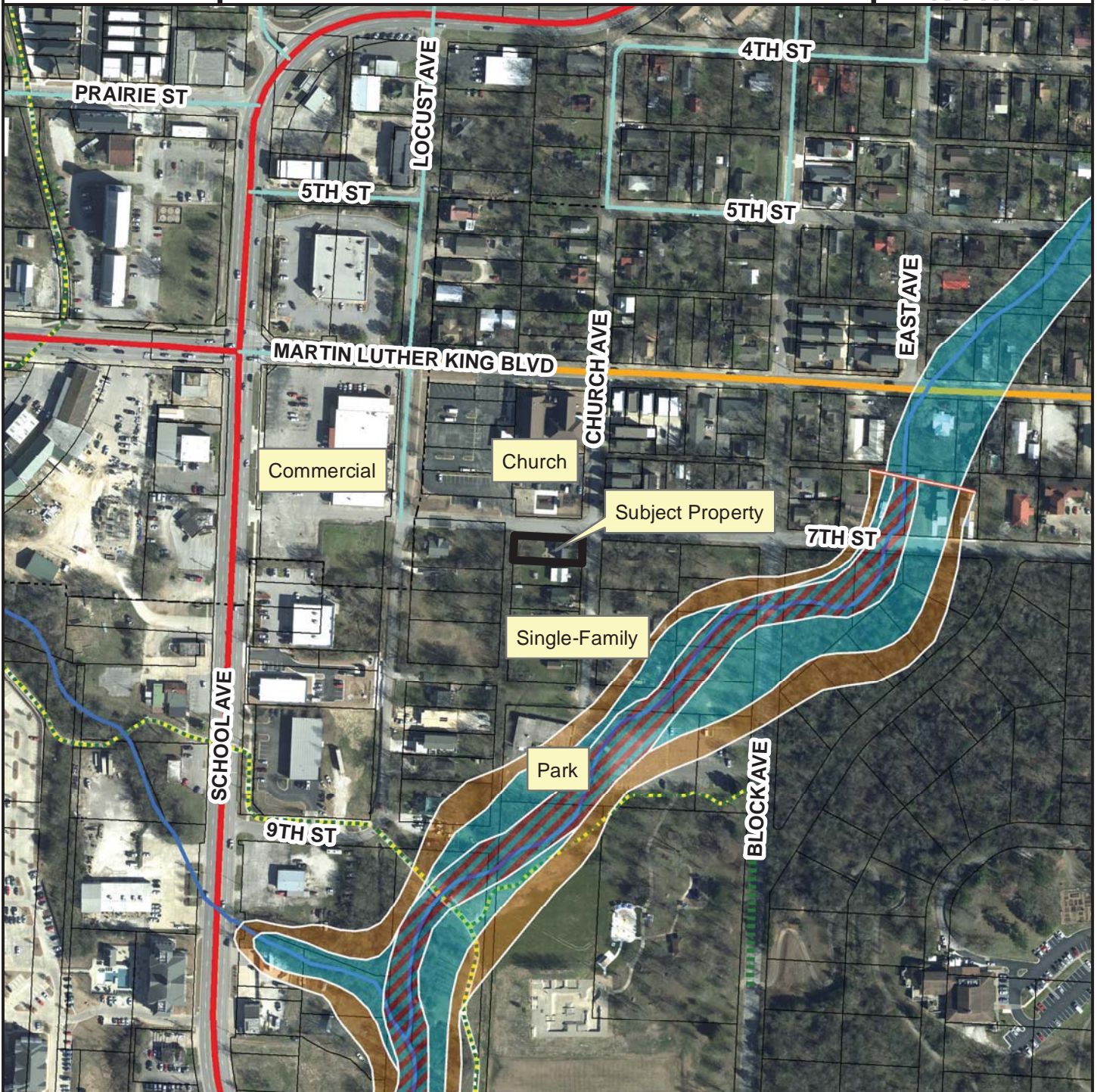
**Total 0.2**



RZN19-6796

Current Land Use

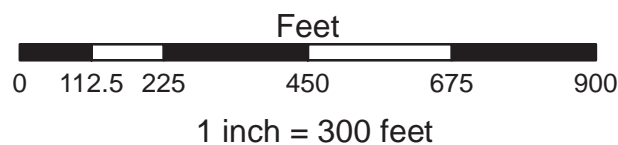
# PEAK DEVELOPMENT



## Streets Existing

### MSP Class

- COLLECTOR
- PRINCIPAL ARTERIAL
- Shared Use Paved Trail
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



## FEMA Flood Hazard Data

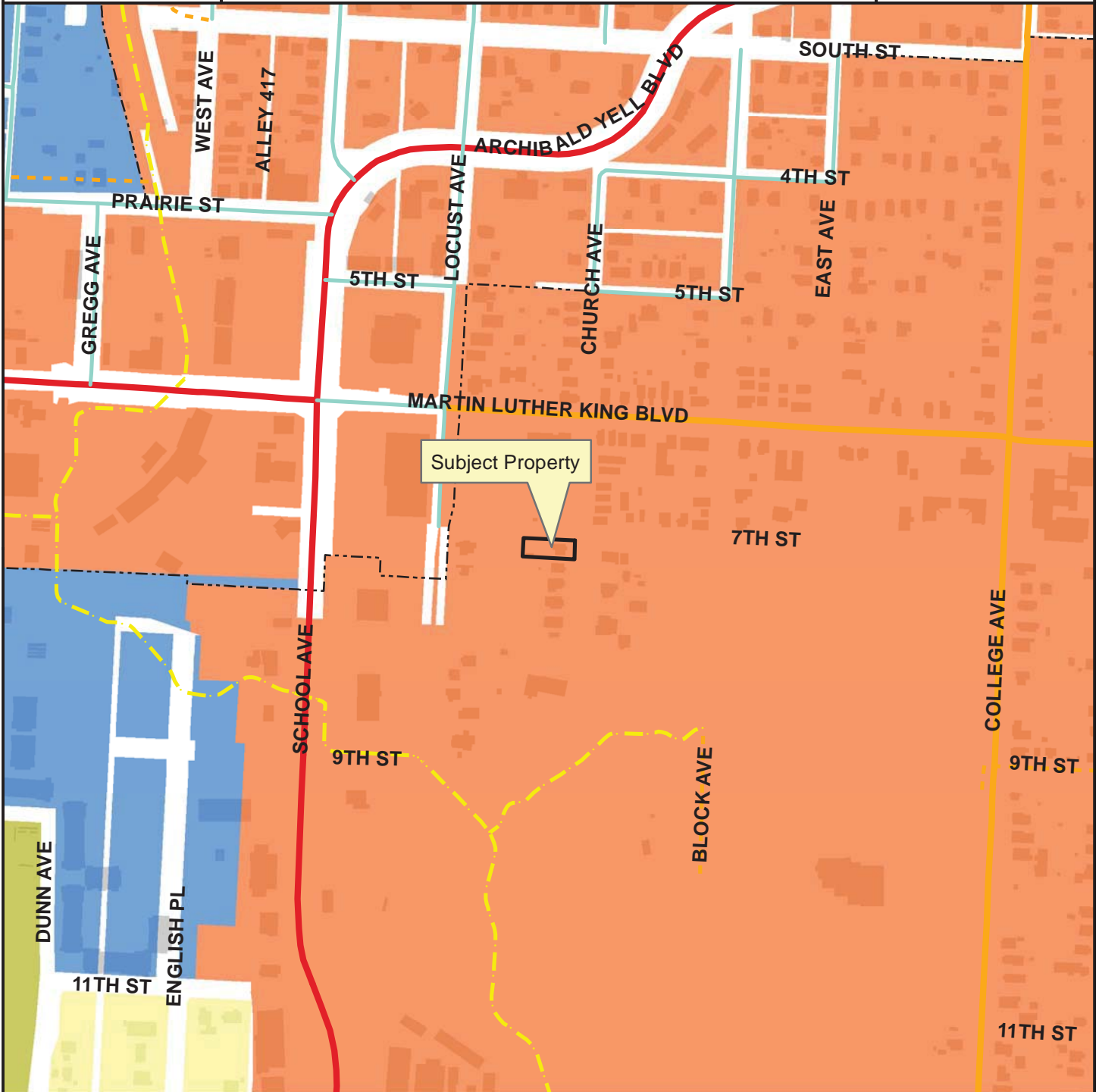
- 100-Year Floodplain
- Floodway



RZN19-6796

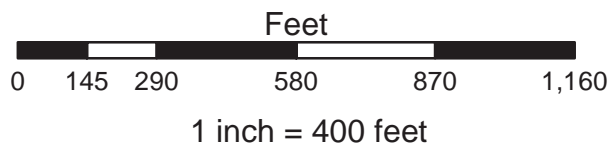
Future Land Use

# PEAK DEVELOPMENT



## Legend

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



## FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Complete Neighborhood Plan
- Civic and Private Open Space/Parks