

City of Fayetteville Staff Review Form

2017-0268

Legistar File ID

6/6/2017

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

Andrew Garner

5/19/2017

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563): Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

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:



CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jonathan Curth, Current Planner

DATE: May 19, 2017

SUBJECT: RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563): Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

The City Planning staff recommends denial and the Planning Commission recommend approval of an ordinance to rezone the subject property to RI-U, Residential Intermediate, Urban, as shown in the attached Exhibits 'A' and 'B' and subject to a Bill of Assurance attached as Exhibit 'C'.

BACKGROUND:

The subject property includes 2 parcels totaling approximately 0.31 acres on the east side of College Avenue, between 13th Street to the north and Ella Street to the south. Immediately to the west of the property is Walker Park. These parcels are zoned NC, Neighborhood Conservation, comprising Lots 3 and 4 of the Berl Dodd Addition, which was platted in 1926. Previously, there was a one single-family dwelling on the site, which was built in 1957 and served by a concrete drive off of College Avenue. This structure was recently demolished.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district. The subject property is surrounded on three sides by small single-family homes (see attached exhibit) in the NC zoning district and Walker Park is located to the west, across College Avenue.

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban, subject to a bill of assurance. The bill of assurance indicates that development will be limited to permitted and conditional uses allowed in the RI-U zoning district, except Use Unit 26, Multi-family dwellings, and that all development, including single-family houses, shall comply with the City's Urban Residential Design Standards. The

applicant has indicated that the rezoning is needed to allow a greater flexibility in meeting future housing demand.

Land Use Compatibility: Aside from Walker Park to the west, land use in immediate adjacency to the subject property is uniformly small single-family dwellings. This is largely the condition throughout the area. While the proposed RI-U zoning district permits single-family dwellings, it also permits 2-, 3-, and 4-family dwellings. It is certainly possible to develop attached residential housing in a manner that is compatible with detached single-family housing. However, a transition in building types should generally occur at the block level or at a mid-block alley to maintain compatibility. This maintains the immediate adjacency of similar building types with the transition occurring in backyards or across the street or street corner. The proposed zoning would insert the potential for significant change in building type and scale in the middle of a group of small, single-family homes, which would not be compatible. Furthermore, the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with immediately surrounding homes. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary.

Land Use Plan Analysis: Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning.

When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than mid-block in a single-family residential area as proposed. Although College Avenue through southern Walker Park is classified as a Collector in the City's Master Street Plan, and therefore may constitute a major thoroughfare, it is an overwhelmingly single-family corridor between the commercially-zoned properties on Martin Luther King Boulevard and 15th Street, which are both classified as Principal Arterials.

City Plan 2030 states that "*appropriate infill*" is a priority. The plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the neighborhood's proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure "that future development follows the traditional pattern of growth." In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this.

DISCUSSION:

On May 8, 2017, the Planning Commission forwarded the proposal to City Council with a recommendation for approval passed by a vote of 6-1-0. Commissioner Niederman voted 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Exhibit C
- Application
- Planning Commission Staff Report

RZN 17-5776

SUGARLAND PROPERTIES

17-5776

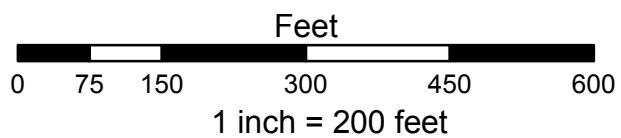
Close Up View

EXHIBIT 'A'



Legend

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



- Residential-Agricultural
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Downtown General
- Neighborhood Conservation
- P-1



17-5776
EXHIBIT 'B'

A part of Lots 3 and 4, all in Block 5, Berl Dodd Addition, to the City of Fayetteville, Washington County, Arkansas, as per Plat of said Addition recorded in Plat Record Book 4 at Pages 219 and 220, being more particularly described as follows: Beginning at the NW Corner of said Lot 3, said point being a set 1/2" iron rebar; thence North 89°44'16" East 140.00 feet to a set 1/2" iron rebar at the NE Corner of said Lot 3; thence South 00°03'17" West 96.32 feet along the East line of said Lots 3 and 4 to a set 1/2" iron rebar; thence South 89°05'32" West 140.02 feet to a set 1/2" iron rebar on the West line of said Lot 4; thence North 00°03'17" East 97.90 feet to the Point of Beginning, containing 0.31 acres (13,595.4 square feet), more or less. Also known as Tract A of a Property Line Adjustment recorded as File number 2007-00026486, by G. Alan Reid, Registered Professional Land Surveyor.

Subject to recorded instruments, covenants, rights of way, and easements. Subject to all prior mineral reservations and oil and gas leases, if any.

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner (hereinafter "Petitioner"), Sugarland Properties LLC, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonable rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

1. The use of Petitioner's property shall be limited to permitted and conditional uses allowed in Residential Intermediate - Urban zoning except for Use Unit 26 Multi-family dwellings.

2. Other restrictions including number and type of structures upon the property are limited to _____
_____.

3. Specific activities will not be allowed upon petitioner's property include _____
_____.

4. (Any other terms or conditions) All development on the property, including single-family houses, shall comply with the City's Urban Residential Design Standards.

5. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Sugarland Properties LLC by Lan Brandon Managing Member, as the owner, developer or buyer (Petitioner) voluntarily offer all such assurances and sign my name below.

4-19-17
Date

Sugarland Properties LLC by Lan Brandon Managing Member
Printed Name

1320 S. College
Address
Ave. Fayetteville, AR


Signature

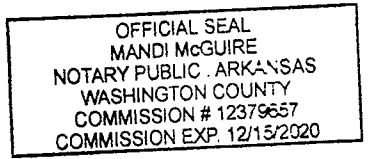
NOTARY OATH

STATE OF ARKANSAS }
COUNTY OF WASHINGTON }

And now on this the 19 day of April, 2017, 2016, appeared before me, Mandi McGuire, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.

Mandi McGuire
NOTARY PUBLIC

My Commission Expires:
12/15/2020



CITY OF FAYETTEVILLE, ARKANSAS

REZONING

FOR STAFF USE ONLY	FEE: \$325.00
Date Application Submitted:	Sign Fee: \$5.00
Date Accepted as Complete:	S-T-R:
Case / Appeal Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Your application will not be placed on the Planning Commission agenda until this information is furnished.*

Application:

Indicate one contact person for this request: _____ Applicant Representative

Applicant (person making request):

Representative (engineer, surveyor, realtor, etc.):

Name: Lan Brandon
Sugarland Properties LLC

Name: Matthew Petty
Infill Group LLC

Address:

Address: 100 West Center Street
Suite 202
Fayetteville, AR 72701

E-mail:

E-mail: matthew@infillgroup.com

Phone:
() (479) 790-7858
()

Phone:
() 479 595 8703
()

Fax:
()

Fax:
()

Site Address / Location: 1320 South College Avenue

Current Zoning District: NC

Requested Zoning District: RI-U

Assessor's Parcel Number(s) for subject property: 765-03358-000 and 765-03359-000

FINANCIAL INTERESTS

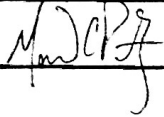
The following entities and / or people have financial interest in this project:

Lan Brandon, Sugarland Properties LLC

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): Matthew Petty

Date: March 21, 2017

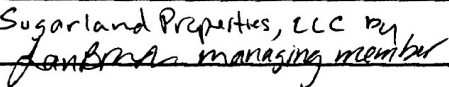
Signature: 

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Property Owners of Record (attach additional info if necessary):

Name (printed): Sugarland Properties, LLC

Address: P.O. Box 197
Fayetteville, AR 72702

Signature: Sugarland Properties, LLC by 

Phone: (479) 790-7858

Date: 3-24-17

Name (printed): _____

Address: _____

Signature: _____

Phone: _____

Date: _____

() _____

Rezoning Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:
\$325.00 application fee
\$5.00 public notification sign fee
- (2) A legal description of the property to be rezoned. A survey may be required if the property description can not accurately be platted or if it is described by referring to other deeds.
- (3) CD containing a copy of the legal description in MS Word and all required submittal items should be also included on the CD in PDF format.
- (4) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every adjacent property shall be shown on this map.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: May 8, 2017 (Updated with Planning Commission Results)

SUBJECT: **RZN 17-5776: Rezone (1320 S. COLLEGE AVE./SUGARLAND PROPERTIES, 563):** Submitted by INFILL GROUP, LLC. for properties at 1320 S. COLLEGE AVE. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 0.31 acres. The request is to rezone the properties to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

Staff recommends denial of **RZN 17-5776** based upon the findings herein.

BACKGROUND:

The subject property includes 2 parcels totaling approximately 0.31 acres on the east side of College Avenue, between 13th Street to the north and Ella Street to the south. Immediately to the west of the property is Walker Park. These parcels are zoned NC, Neighborhood Conservation, comprising Lots 3 and 4 of the Berl Dodd Addition, which was platted in 1926. Previously, there was a one single-family dwelling on the site, which was built in 1957 and served by a concrete drive off of College Avenue. This structure was recently demolished.

In July of 2008, the subject property, along with approximately 300 acres of the wider Walker Park Neighborhood, were rezoned in accordance with the Walker Park Neighborhood Master Plan. Among other changes, this rezoning removed the existing RMF-24, Residential Multi-family, 24 Units per Acre, designation on the subject property, and replaced it with the current NC, Neighborhood Conservation, zoning district. The subject property is surrounded on three sides by small single-family homes (see attached exhibit) in the NC zoning district and Walker Park is located to the west, across College Avenue. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Single-family	NC, Neighborhood Conservation
South	Residential Single-family	NC, Neighborhood Conservation
East	Residential Single-family	NC, Neighborhood Conservation
West	Walker Park	P-1, Institutional

Request: The request is to rezone the subject properties from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban, subject to a bill of assurance. The bill of assurance indicates that development will be limited to permitted and conditional uses allowed in the RI-U

zoning district, except Use Unit 26, Multi-family dwellings, and that all development, including single-family houses, shall comply with the City's Urban Residential Design Standards. The applicant has indicated that the rezoning is needed to allow a greater flexibility in meeting future housing demand.

Public Comment: Staff has received public comment from numerous residents who oppose the rezoning request, most of whom participated in the Walker Park Neighborhood Master Plan. Concerns largely center around a perceived disregard for that plan and a fear that the neighborhood's character is 'under attack,' with current residents under pressure to sell their properties against the best interest of the larger neighborhood. Comments have also been made about the lack of compatibility between the existing uses and those permitted under the RI-U zoning district. Others have expressed an enthusiasm for the development and redevelopment that is occurring in Walker Park, as long as it is single-family in use in areas zoned for it.

INFRASTRUCTURE:

Streets: The subject parcels have access to College Avenue, a partially improved Collector Street with curb/gutter, but no sidewalk along the parcels' frontage. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to these parcels. There is an existing 6-inch water main in the College Avenue right-of-way that is available for service.

Sewer: Public sewer is available to these parcels. There is an existing 8-inch sewer main in the College Avenue Right of way that is available for service.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA-regulated floodplain. No protected streams are on-site and no portion of this parcel lies within the Hillside-Hilltop Overlay District.

Fire: The Fire Department did not express any concerns with this 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 Map designates the properties as part of a **Complete Neighborhood Plan** Area associated with the Walker Park Neighborhood Plan.*

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:*** **Aside from Walker Park to the west, land use in immediate adjacency to the subject property is uniformly small single-family dwellings. This is largely the condition throughout the area. While the proposed RI-U zoning district permits single-family dwellings, it also permits 2-, 3-, and 4-family dwellings. It is certainly possible to develop attached**

residential housing in a manner that is compatible with detached single-family housing. However, a transition in building types should generally occur at the block level or at a mid-block alley to maintain compatibility. This maintains the immediate adjacency of similar building types with the transition occurring in backyards or across the street or street corner. The proposed zoning would insert the potential for significant change in building type and scale in the middle of a group of small, single-family homes, which would not be compatible. Furthermore, the exceptionally small lot widths allowed under RI-U, with only 18 feet required for any dwelling versus 40 feet for a single-family dwelling and 80 for a two-family dwelling under NC, can create an indisputably divergent development pattern when compared with immediately surrounding homes. Permitting attached dwellings by right also removes the conditional use permit requisite under the NC zoning. By requiring a conditional use permit, neighbors, staff, and the Planning Commission are all able to review and comment upon whether a proposal is compatible and complimentary.

There are several structures of mixed density sprinkled throughout this portion of Walker Park, with a one-story, four-family dwelling located on the same block to the immediate northeast of the subject property, and numerous 2-, 3-, and 4- family dwellings within 1/8th of a mile. Many of these are of a scale and character that is comparable to, and compatible with the predominantly single-family character of the neighborhood.

Land Use Plan Analysis: When considered together, Fayetteville's overarching City Plan 2030 and the more localized Walker Park Neighborhood Master Plan appear to be in agreement with staff's recommendation regarding the proposed rezoning.

One principal area where the Plans agree is the identified need for increasing opportunities for attainable housing and offering a variety of housing types. Rezoning the subject property would undoubtedly address these goals by increasing the spectrum of housing that can be developed. At the same time, this claim could be made about any property with single-family zoning in Walker Park, or the rest of Fayetteville for that matter. When reviewing the Walker Park Neighborhood Master Plan in greater detail, it states that a diversity of housing is indeed desired, but that attached housing should be developed "in strategic areas, such as neighborhood commercial areas or major thoroughfares", rather than mid-block in a single-family residential area as proposed. Although College Avenue through southern Walker Park is classified as a Collector in the City's Master Street Plan, and therefore may constitute a major thoroughfare, it is an overwhelmingly single-family corridor between the commercially-zoned properties on Martin Luther King Boulevard and 15th Street, which are both classified as Principal Arterials.

City Plan 2030 states that "*appropriate infill*" is a priority. The plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." Along the same lines, the Walker Park Neighborhood Master Plan details that a balance and diversity of housing created through infill is desired and can take advantage of existing infrastructure and the

neighborhood's proximity to downtown. The Walker Park Neighborhood Master Plan goes on to note that attached housing can represent this balance and diversity of housing, but envisioned as a buffer between commercial corridors and single-family areas in order to ensure "that future development follows the traditional pattern of growth." In both of these examples, there is a clear call for infill, but in a manner that preserves community character. Staff does not feel that the proposed rezoning achieves this.

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 perspective, the requested rezoning is justified and needed to allow redevelopment of the parcels for greater flexibility in meeting the City's future housing needs. The existing NC zoning district only permits single-family dwellings by right, and 2-, 3-, and 4-family dwellings by conditional use. The proposed RI-U zoning district will allow single-, 2-, 3-, and 4-family dwellings by right, and on lots as narrow as 18 feet. However, from staff's perspective, the existing zoning is suitable and the rezoning is not justified.

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

Finding: Rezoning the property to RI-U, with its lack of density requirements, has the potential to increase traffic in this area as the site develops. Given the size of the development however, any increase in vehicular trips in the area will not appreciably increase traffic danger or 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: The 18-foot minimum lot widths of the RI-U zoning district and the overall size of the property will limit the total density of future development, thereby also limiting undesirable increases on the burden of schools or City services.

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 denial of **RZN 17-5776**, finding that the proposed zone allows development that is incompatible with surrounding uses, neighborhood character, and elements of both City Plan 2030 and the Walker Park Neighborhood Master Plan.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>May 8, 2017</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Hoffman	Second: Scroggin	Vote: 6-1-0 (Commissioner Nierderman voted 'no'.)	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
Date: <u>June 6, 2017 (Tentative)</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.29, NC, Neighborhood Conservation (Existing)
 - §161.12, RI-U, Residential Intermediate, Urban (Proposed)
- Request Letter
- Adjacent Property Images
- Walker Park Neighborhood Illustrative Map
- 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 (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	Cottage 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

(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
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(F) *Building Height Regulations.*

Building Height Maximum	45 feet
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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)

ADM 16-5631 EXHIBIT “A”
From Ordinance 5945
Not Yet Codified

§161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) 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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family Dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

ADM 16-5631 EXHIBIT "A"

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	30/45 feet
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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.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area.

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

Request Letter

Written description of rezoning request

Prepared 3/27/2017 for parcels: 765-03358-000 and 765-03359-000.

a) Current ownership information and any proposed or pending property sales.

The current owner Sugarland Properties LLC and there are no pending sales.

b) Reason (need) for requesting the zoning change.

The owner is planning to develop single-family housing with narrow lot widths.

attached

c) Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The proposed rezoning is consistent with surrounding properties. In terms of land use, the surrounding properties are single family detached units. In terms of traffic, South College Avenue has excess capacity. In terms of appearance and signage, the design standards of RI-U will ensure that any new development is contextually sensitive to the existing neighborhood character.

d) Availability of water and sewer (state size of lines).

The site is served by a 6" water line and a 6" sewer line in the College Avenue ROW.

e) The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed zoning is consistent with City Plan 2030 and the Walker Park Neighborhood Master Plan. Given the surrounding land uses, RI-U allows for appropriate infill and advances Fayetteville's goal to grow a livable transportation network.

f) Whether the proposed zoning is justified and/or needed at the time of the request.

The proposed rezoning is needed to allow for a financially feasible number of single-family detached and to be developed on the site. It is justified by the proximity to a major transportation corridors and Walker Park.

g) Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

The proposed rezoning will not create a traffic danger or appreciably increase congestion.

h) Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

While the proposed rezoning will alter the population density, it will not undesirably increase the load on public services. A moderate increase in density increases the operating and/or maintenance efficiencies of public services: it allows more children to be bussed per mile and more residents to be served per linear foot of water or sewer line.

i) Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

NC does not allow for narrow lot widths or flexibility in meeting future housing demand.

RZN 17-5776

Adjacent Properties with Square Footages of Structures



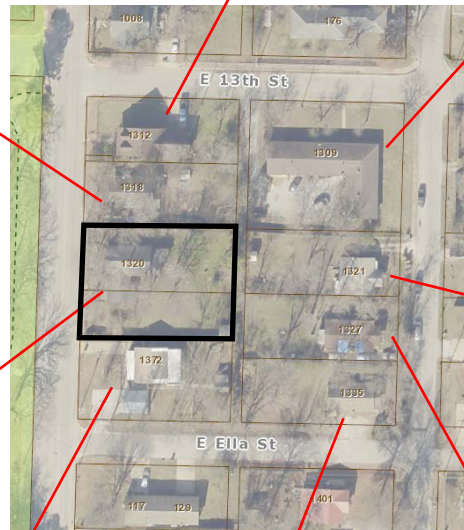
1312 S. College (828 s.f.)



1309 S. Washington
(4-Family; 3,328 s.f.)



1318 S. College (860 s.f.)



1321 S. Washington (1,038 s.f.)



Subject Property



1327 S. Washington (1,118 s.f.)



1372 S. College (754 s.f.)



1335 S. Washington (784 s.f.)

All structure sizes based on Washington County Assessor data.

Walker Park Neighborhood Illustrative Plan

Senior Center

Walker Park

Subject Parcels

9th St.

11th St.

12th St.

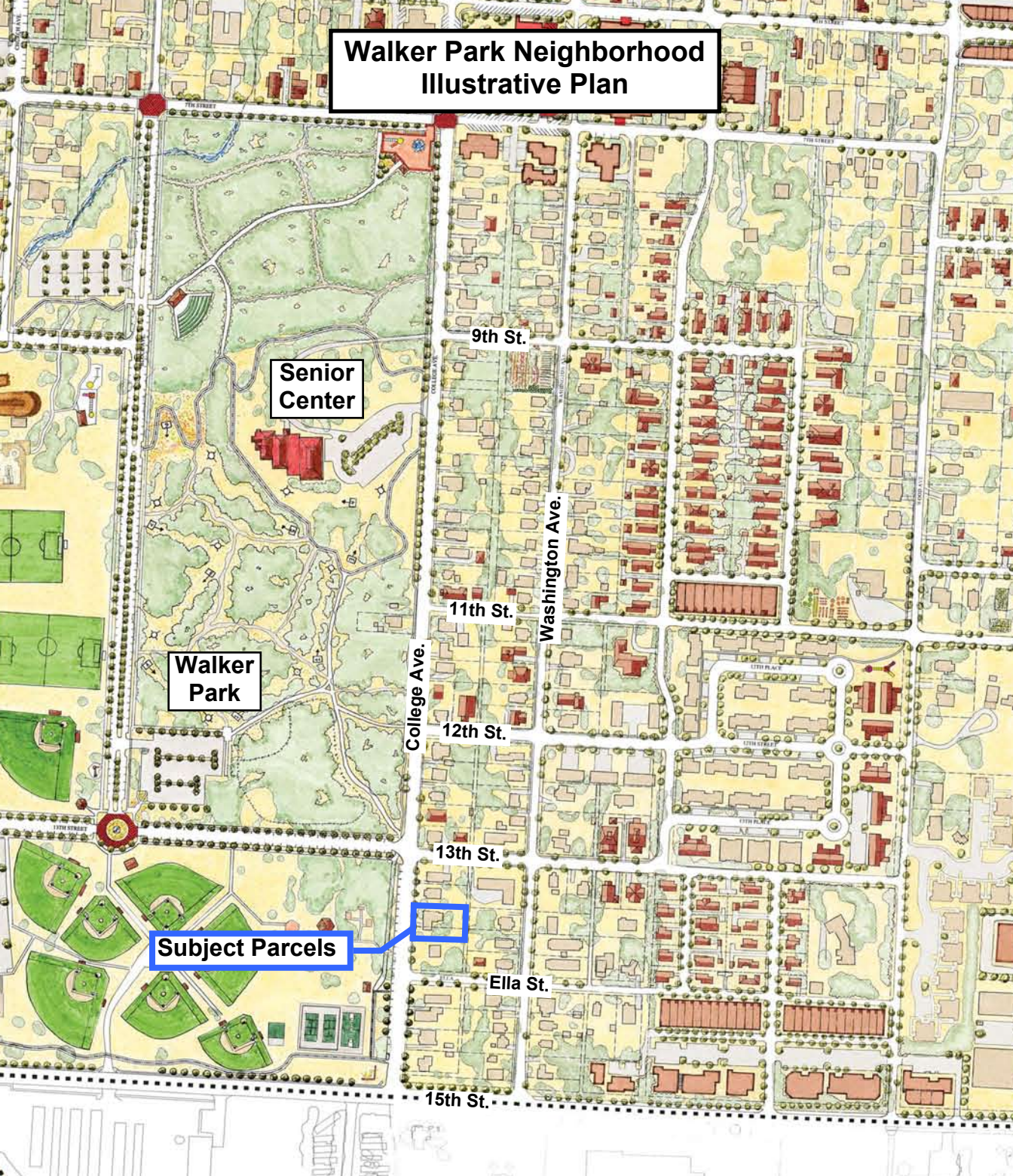
13th St.

Ella St.

15th St.

College Ave.

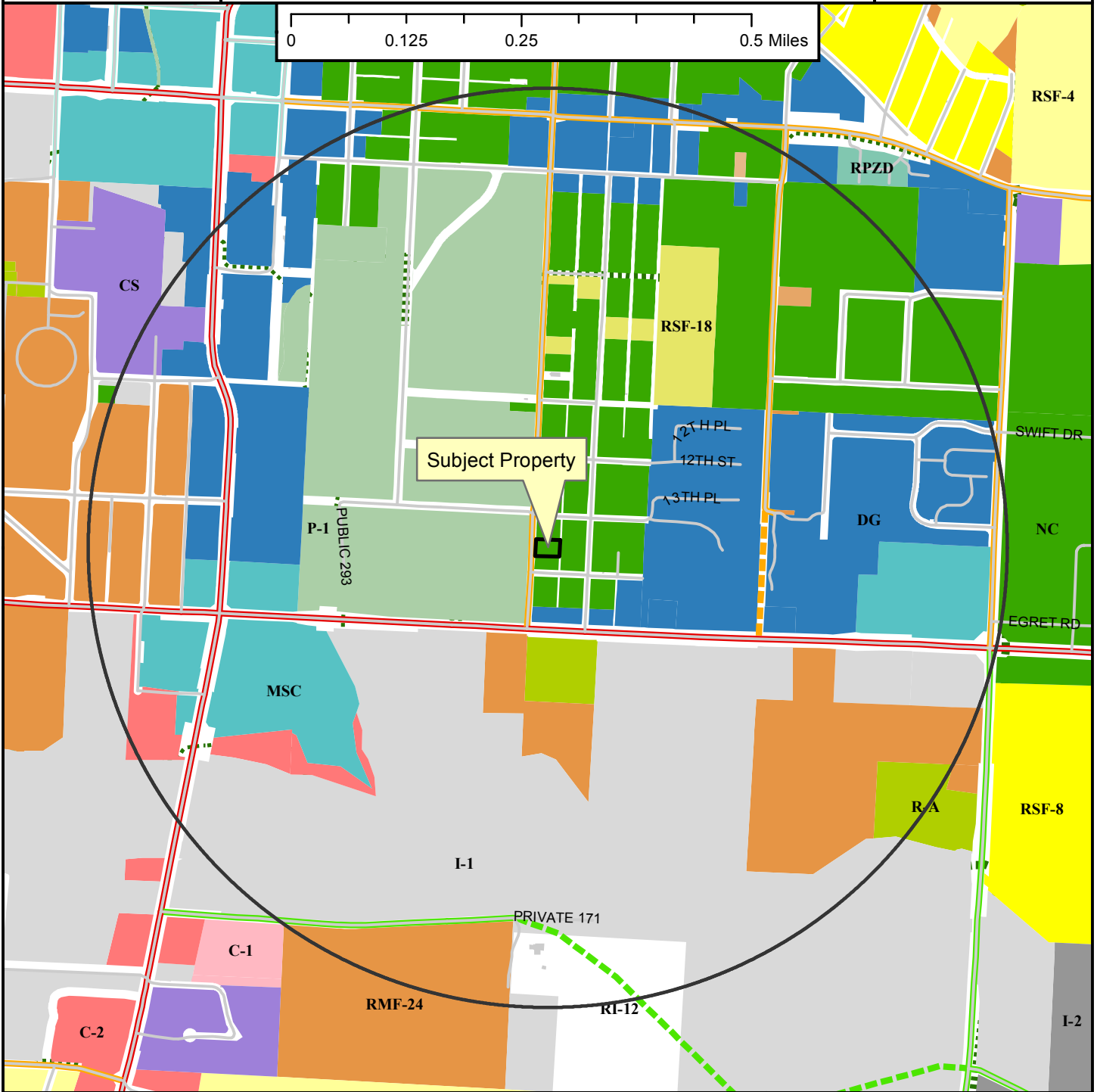
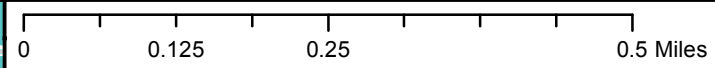
Washington Ave.



RZN 17-5776

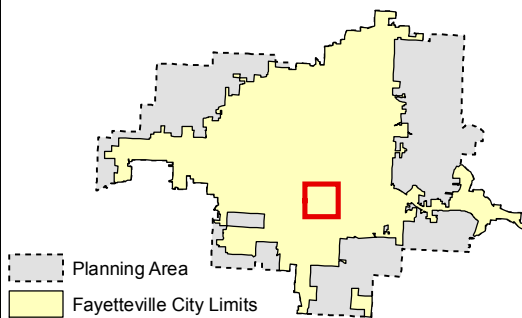
SUGARLAND PROPERTIES

One Mile View



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-5
 - 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




RZN 17-5776

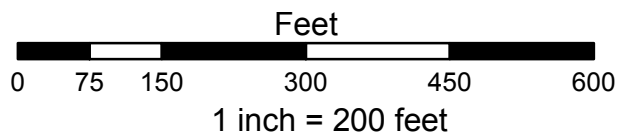
SUGARLAND PROPERTIES







Close Up View



Legend

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



-  Residential-Agricultural
-  RMF-24
-  I-1 Heavy Commercial and Light Industrial
-  Downtown General
-  Neighborhood Conservation
-  P-1










RZN 17-5776

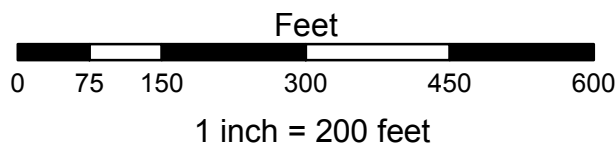
SUGARLAND PROPERTIES

Current Land Use





2015 Imagery

-  RZN17-5776
-  Address
-  Street
-  COLLECTOR
-  PRINCIPAL ARTERIAL
-  Shared Use Paved Trail
-  County Parcels
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

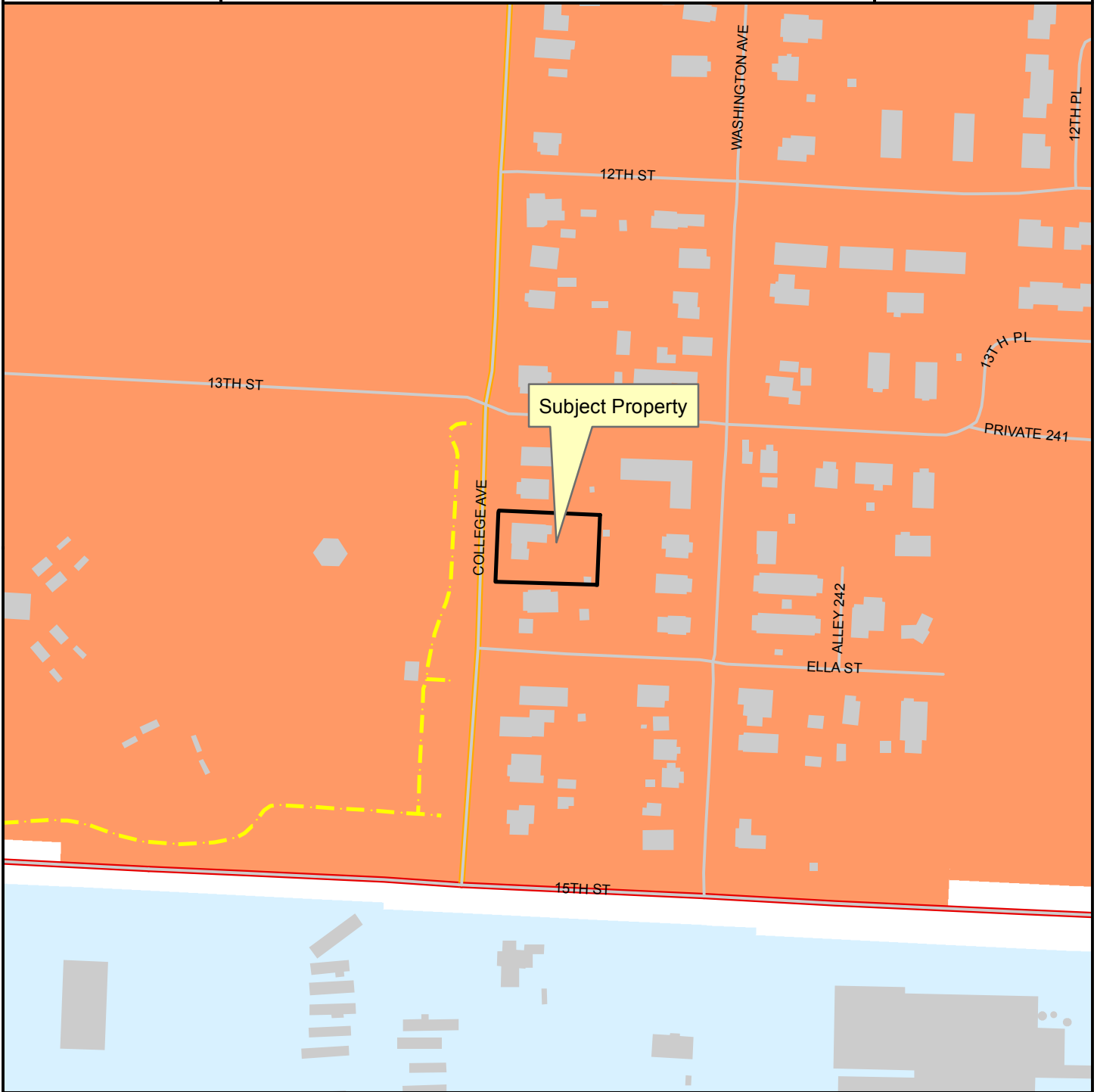
-  100-Year Floodplain
-  Floodway

RZN 17-5776

SUGARLAND PROPERTIES

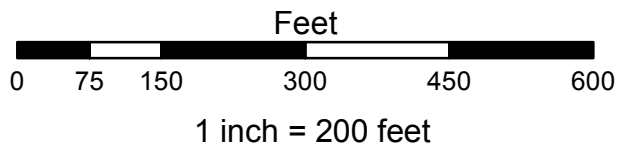


Future Land Use



Legend

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



FUTURE LAND USE 2030

- Industrial
- Complete Neighborhood Plan