

City of Fayetteville Staff Review Form

2019-0062

Legistar File ID

2/5/2019

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

Garner Stoll

1/18/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 18-6462: Rezone (3030 OLD FARMINGTON RD./WILLBANKS, 557): Submitted by LARRY WILLBANKS for property located at 3030 OLD FARMINGTON RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.35 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 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 \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF FEBRUARY 5, 2019

TO: Mayor, Fayetteville City Council

THRU: Garner Stoll, Development Services Director

FROM: Harry Davis, Current Planner

DATE: January 18, 2019

SUBJECT: RZN 18-6462: Rezone (3030 OLD FARMINGTON RD./WILLBANKS, 557): Submitted by LARRY WILLBANKS for property located at 3030 OLD FARMINGTON RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.35 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff and Planning Commission recommend approval of an ordinance to rezone the subject property to RSF-8, Residential Single-family, 8 Units per Acre, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located west of the Old Farmington Road and One Mile Road intersection on the north side of Old Farmington Road. The property totals approximately 0.35 acres, is zoned R-A, Residential Agricultural, and is currently developed with a single-family home.

Request: The request is to rezone the parcel from R-A to RSF-8, Residential Single-family, 8 Units per Acre. The applicant stated they may want to modify or rebuild the house currently on the property.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. RSF-8 is limited in size, density, and single-family only by-right, which when coupled with the location as a transition between two different allowed densities, would make it compatible with nearby properties. Due to the size of the property and a mix of surrounding residential types, staff does not anticipate an 8 unit per acre density to be detrimental to surrounding properties and uses.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations. RSF-8 would allow higher range of residential density not allowed in the current zoning district. For this location in particular, having

a greater density of residential development would contribute to a transect of density and intensity from MLK Boulevard to Old Farmington Road.

DISCUSSION:

On January 14, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval, by a vote of 8-0-0. Public comment at this meeting was opposed to rezone due to existing drainage problems in the neighborhood. Citizens were also concerned about increased density and new construction that might be out of character with nearby homes.

BUDGET/STAFF IMPACT:

N/A

Attachments:

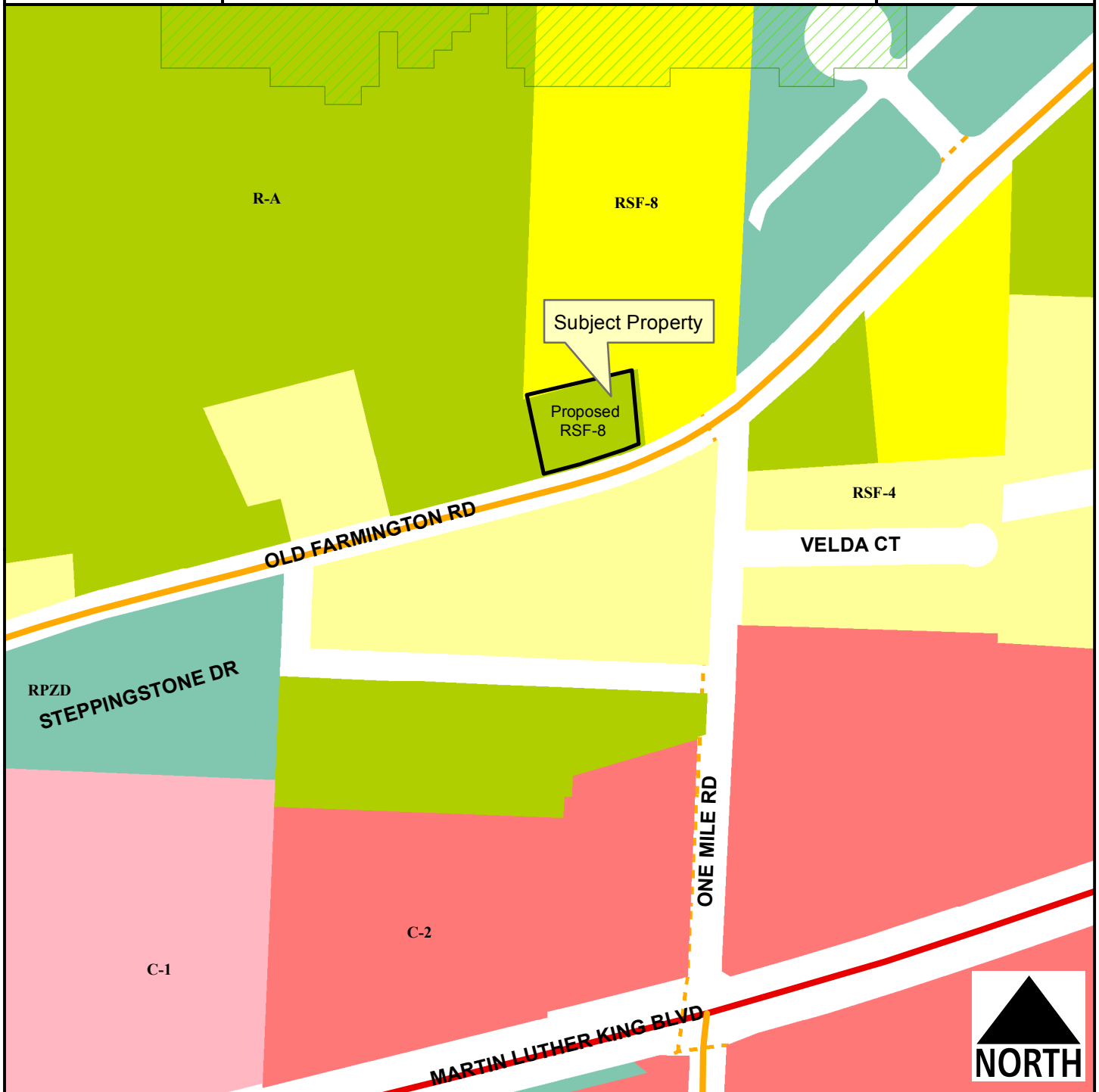
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN18-6462






WILLBANKS

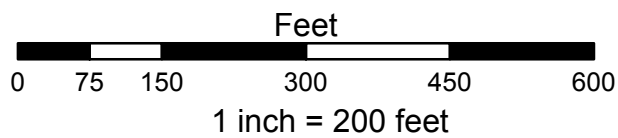
**18-6462
EXHIBIT 'A'**

Close Up View



Legend

-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)
-  Building Footprint



Zoning Acres

RSF-8 0.4

Total 0.4

18-6462
EXHIBIT 'B'

A part of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section Nineteen (190, Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Commencing at the Northeast corner of said 40 acre tract, said point being an existing Arkansas State Land Survey Monument; thence South along the East line of said 40 acre tract 971.01 feet (Deed = 939.18 feet); thence West 128.85 feet (Deed = 150.00 feet) to an existing iron rebar on the north right-of-way of the Old Farmington Road for the true point of beginning; thence along said right-of-way line, the following bearings and distances; S 65° 23' 15" W 21.60 feet; S 69° 10' 10" W 63.70 feet; S 72° 36' 15" W 51.94 feet to an existing stone monument; thence leaving said right-of-way line N 14° 53' 11" W 110.80 feet to a set ½" iron rebar from which an existing iron rebar bears S 14° 53' 11" E 3.71 feet; thence N 74° 05' 32" E 148.90 feet to an existing iron rebar; thence S 07° 55' 09" E 101.69 feet to the point of beginning, containing 0.35 acres, more or less, Washington County, Arkansas.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: January 14, 2019 **UPDATED W/ PC RESULTS**

SUBJECT: **RZN 18-6462: Rezone (3030 OLD FARMINGTON RD./WILLBANKS, 557):** Submitted by LARRY WILLBANKS for property located at 3030 OLD FARMINGTON RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.35 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 18-6462** to City Council, based on the findings contained in this report.

RECOMMENDED MOTION:

“I move to forward RZN 18-6462 to City Council with a recommendation for approval.”

BACKGROUND:

The subject property is located west of the Old Farmington Road and One Mile Road intersection on the north side of Old Farmington Road. The property totals approximately 0.35 acres, is zoned R-A, Residential Agricultural, and is currently developed with a single-family home. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RSF-8, Residential Single-family, 8 Units per Acre
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-8, Residential Single-family, 8 Units per Acre
West	Single-family Residential	R-A, Residential Agricultural

Request: The request is to rezone the parcel from R-A to RSF-8, Residential Single-family, 8 Units per Acre. The applicant stated they may want to modify or rebuild the house currently on the property.

Public Comment: Staff has not received public comment as of writing this report.

INFRASTRUCTURE:

Streets: The subject parcel has frontage access to West Old Farmington Road, an unimproved collector with open ditches on either side. Any street improvements

required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject parcel. A 6-inch water main runs along West Old Farmington Road at the southern edge of the subject parcel.

Sewer: Sanitary Sewer is available to the subject parcel. A 6-inch sanitary sewer main is located at the south-western edge of the subject parcel.

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 floodplains. There are no protected streams present in the subject parcel. No portion of this parcel lies within the Hillside-Hilltop Overlay District. There are Hydric Soils present in the subject parcel.

Fire: The site will be protected by Ladder 6, located at 900 S. Hollywood Avenue. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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 **Residential Neighborhood Area**. These areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.*

FINDINGS OF THE STAFF

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:*** Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations. RSF-8 would allow higher range of residential density not allowed in the current zoning district. For this location in particular, having a greater density of residential development would contribute to a transect of density and intensity from MLK Boulevard to Old Farmington Road.

Land Use Compatibility: The proposed zoning is compatible with the surrounding properties. RSF-8 is limited in size, density, and single-family

only by-right, which when coupled with the location as a transition between two different allowed densities, would make it compatible with nearby properties. Due to the size of the property and a mix of surrounding residential types, staff does not anticipate an 8 unit per acre density to be detrimental to surrounding properties and uses.

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

Finding: Staff believes that there is sufficient justification for rezoning the property to RSF-8. This justification includes diversifying the mix of residential types along Old Farmington Road and close to MLK Boulevard through allowing varied lot sizes and densities by-right.

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

Finding: Rezoning the property to RSF-8 would increase traffic to this location above the potential of the current zoning district, but the impact is not expected to be significant given the surrounding road network, including Old Farmington Road and MLK Boulevard.

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 to RSF-8 would increase the load on public services above the potential of the current zoning district, but the impact is not expected to be significant given the evaluation by the various city divisions.

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 18-6386 to City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required YES

Date: January 14, 2019 Tabled Forwarded Denied

Motion: Johnson Motion to forward to CC recommending approval

Second: Autry

Motion passes

Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 - District R-A, Residential-Agricultural
 - §161.09 - District RSF-8, Residential Single-Family - Eight (8) Units Per Acre
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 - District R-A, Residential-Agricultural

(A) *Purposes* . The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses* .

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional Uses* .

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density*.

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations*.

Lot width minimum	200 feet
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Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. [5945](#), §3, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.09 - District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(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.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
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Two-family	5,000 square feet
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(3) *Land Area Per Dwelling Unit .*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. No. 4783, 10-18-05; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

We, Larry Willbanks and Peggy Willbanks would like to request a rezoning of the property of 3030 Old Farmington Road, Fayetteville, AR. We feel that this property and surrounding properties are compatible with RFS 8 zoning. It is currently zoned R-A, which is non-conforming to this property. We have no intentions on farming this property, we only want to add-on to the present home or remove it and rebuild.

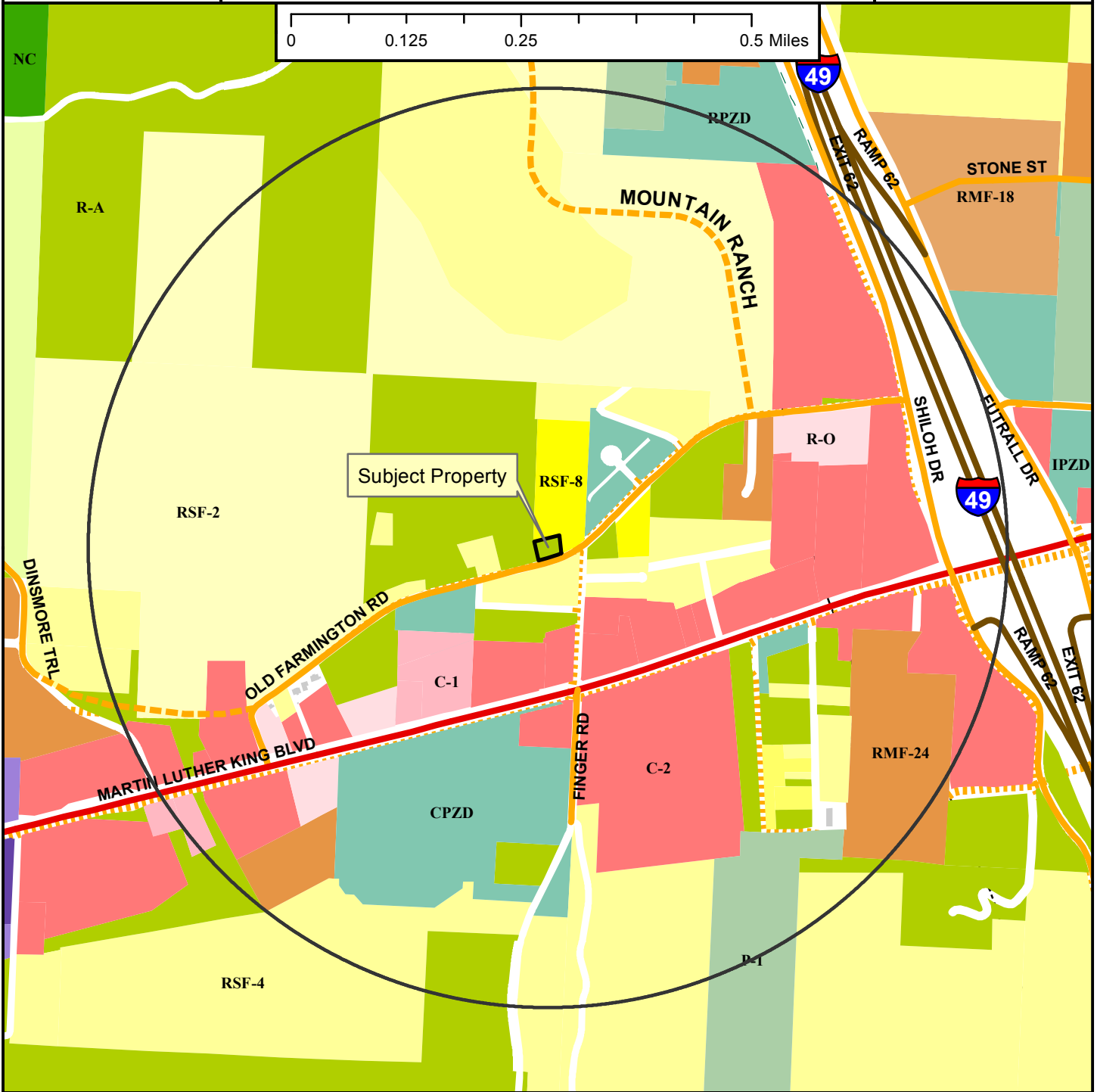
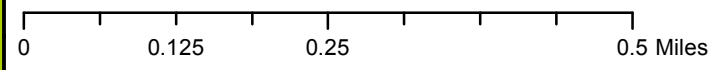
Larry Willbanks

Peggy Willbanks

RZN18-6462

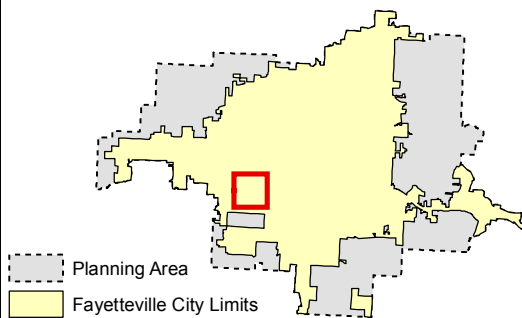
WILLBANKS

One Mile View



Legend

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

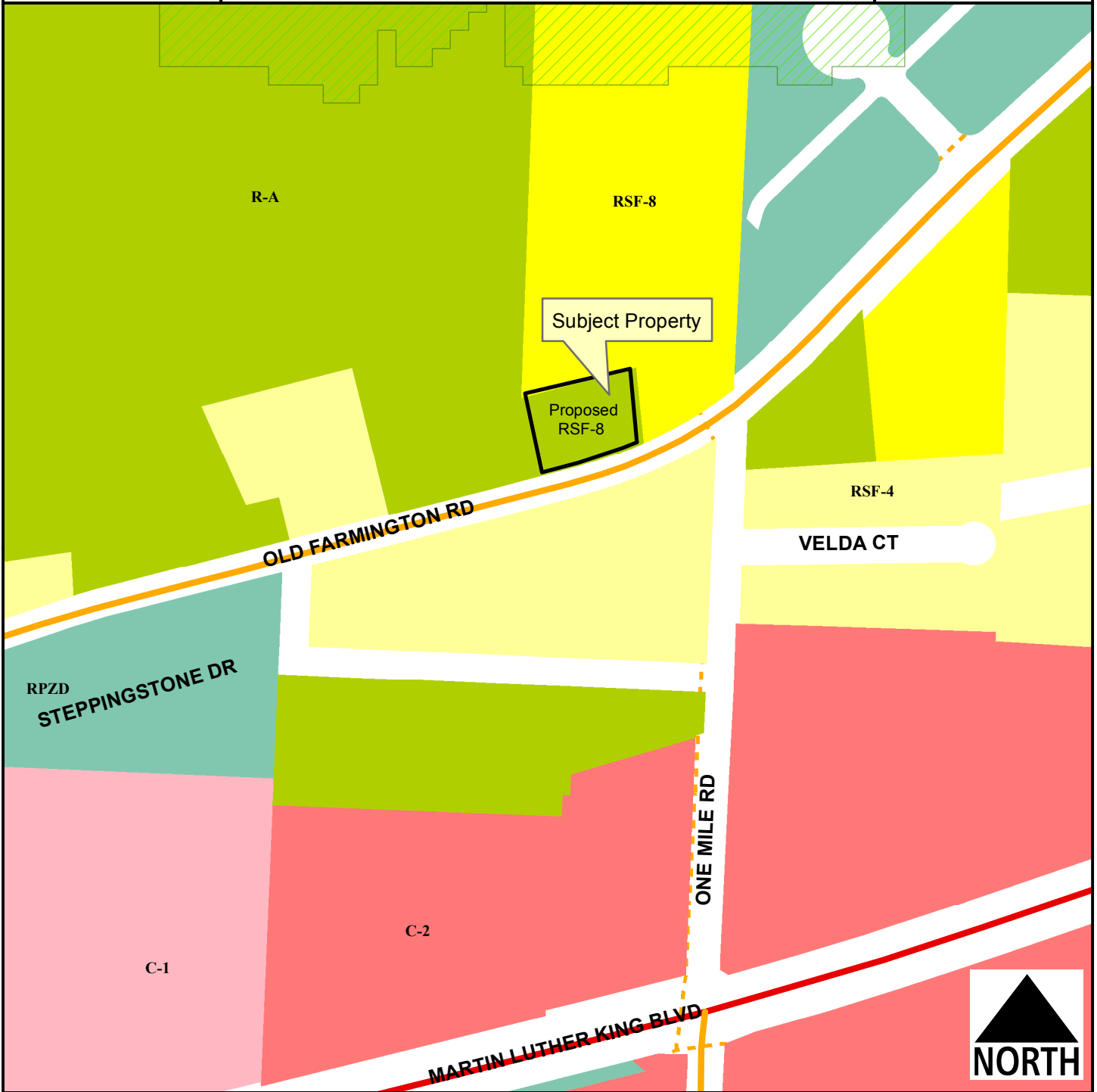


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- Residential-Agricultural
 - RSF-.5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - 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






RZN18-6462

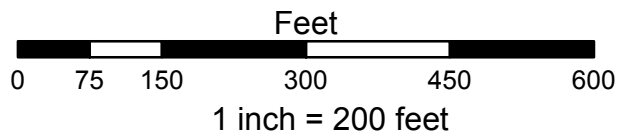
WILLBANKS

Close Up View



Legend

-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)
-  Building Footprint



Zoning Acres

RSF-8 0.4

Total 0.4

RZN18-6462


WILLBANKS

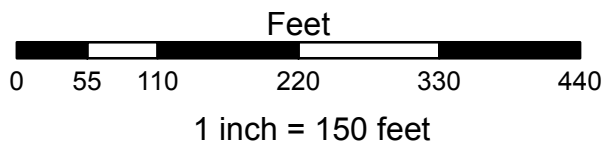


Current Land Use





Streets Existing MSP Class

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



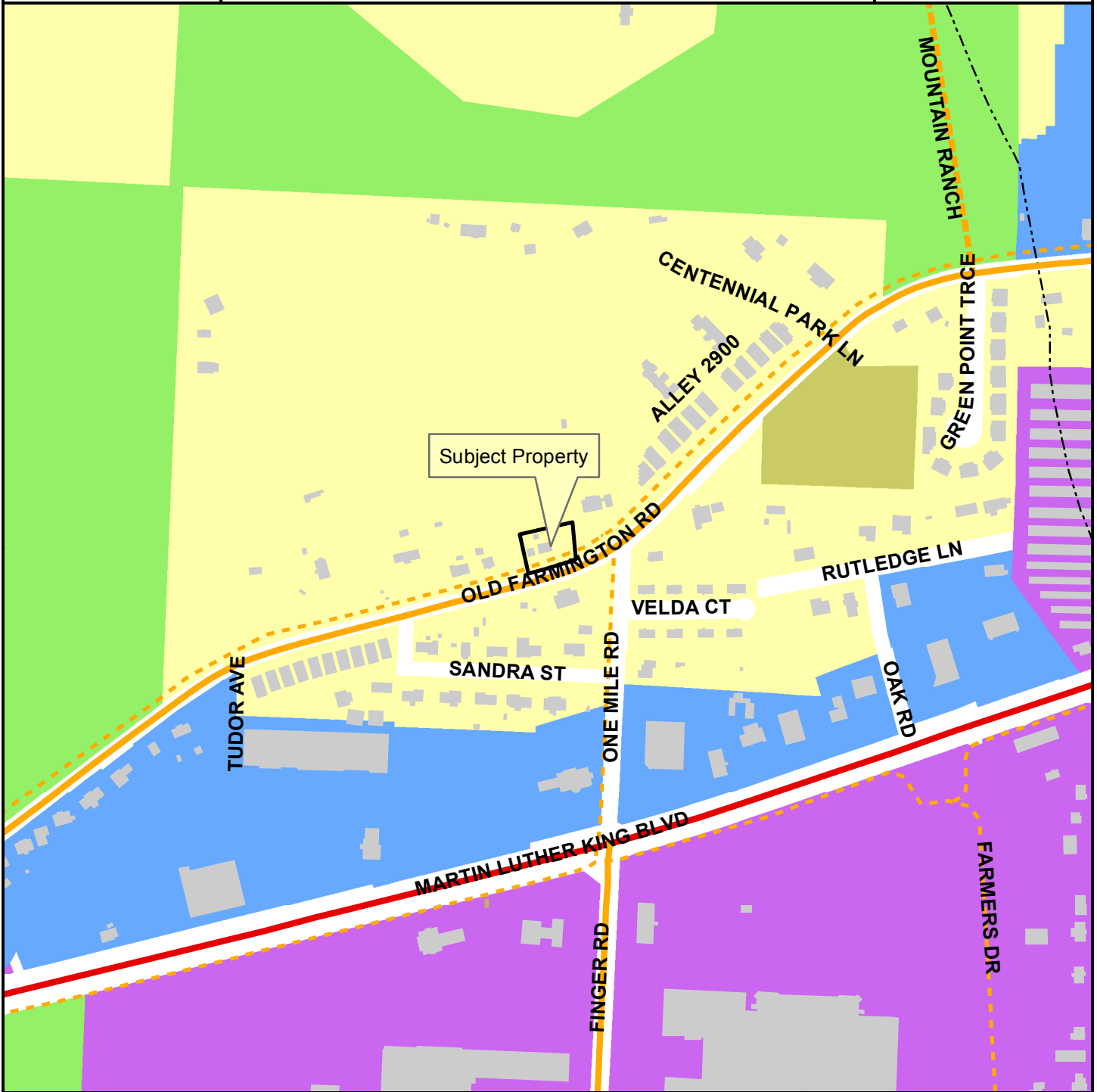
FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN18-6462

WILLBANKS

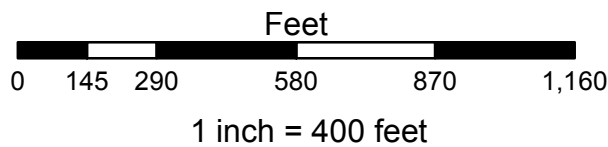
Future Land Use



Subject Property

Legend

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



FUTURE LAND USE 2030

- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Civic and Private Open Space/Parks
- Civic Institutional