

City of Fayetteville Staff Review Form

2019-0064

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 18-6472: Rezone (3033 & 3035 W. SANDRA ST./MILLIGAN, 557): Submitted by LEGACY VENTURES NWA, INC. for property located at 3033 & 3035 W. SANDRA ST. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.42 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> | <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Current Budget</td> <td style="width: 40%; text-align: right;">\$ -</td> </tr> <tr> <td>Funds Obligated</td> <td style="text-align: right;">\$ -</td> </tr> <tr> <td style="border-top: 1px solid black;">Current Balance</td> <td style="border-top: 1px solid black; text-align: right;">\$ -</td> </tr> </table> | Current Budget | \$ - | Funds Obligated | \$ - | Current Balance | \$ - |
| Current Budget | \$ - | | | | | | |
| Funds Obligated | \$ - | | | | | | |
| Current Balance | \$ - | | | | | | |
| Does item have a cost? <u>No</u> | <table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Item Cost</td> <td style="width: 40%;"></td> </tr> <tr> <td style="border-top: 1px solid black;">Budget Adjustment</td> <td style="border-top: 1px solid black;"></td> </tr> <tr> <td style="border-top: 1px solid black;">Remaining Budget</td> <td style="border-top: 1px solid black; text-align: right;">\$ -</td> </tr> </table> | Item Cost | | Budget Adjustment | | Remaining Budget | \$ - |
| Item Cost | | | | | | | |
| 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 18-6472: Rezone (3033 & 3035 W. SANDRA ST./MILLIGAN, 557): Submitted by LEGACY VENTURES NWA, INC. for property located at 3033 & 3035 W. SANDRA ST. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.42 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 at the southwest corner of Sandra Street and One Mile Road between Old Farmington Road and MLK Boulevard. The property totals approximately 0.42 acres, is zoned R-A, Residential Agricultural, and is currently developed with a duplex.

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 redevelop 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 uses and intensities, would make it compatible with nearby properties. Due to the size of the property and a mix of surrounding uses, 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:

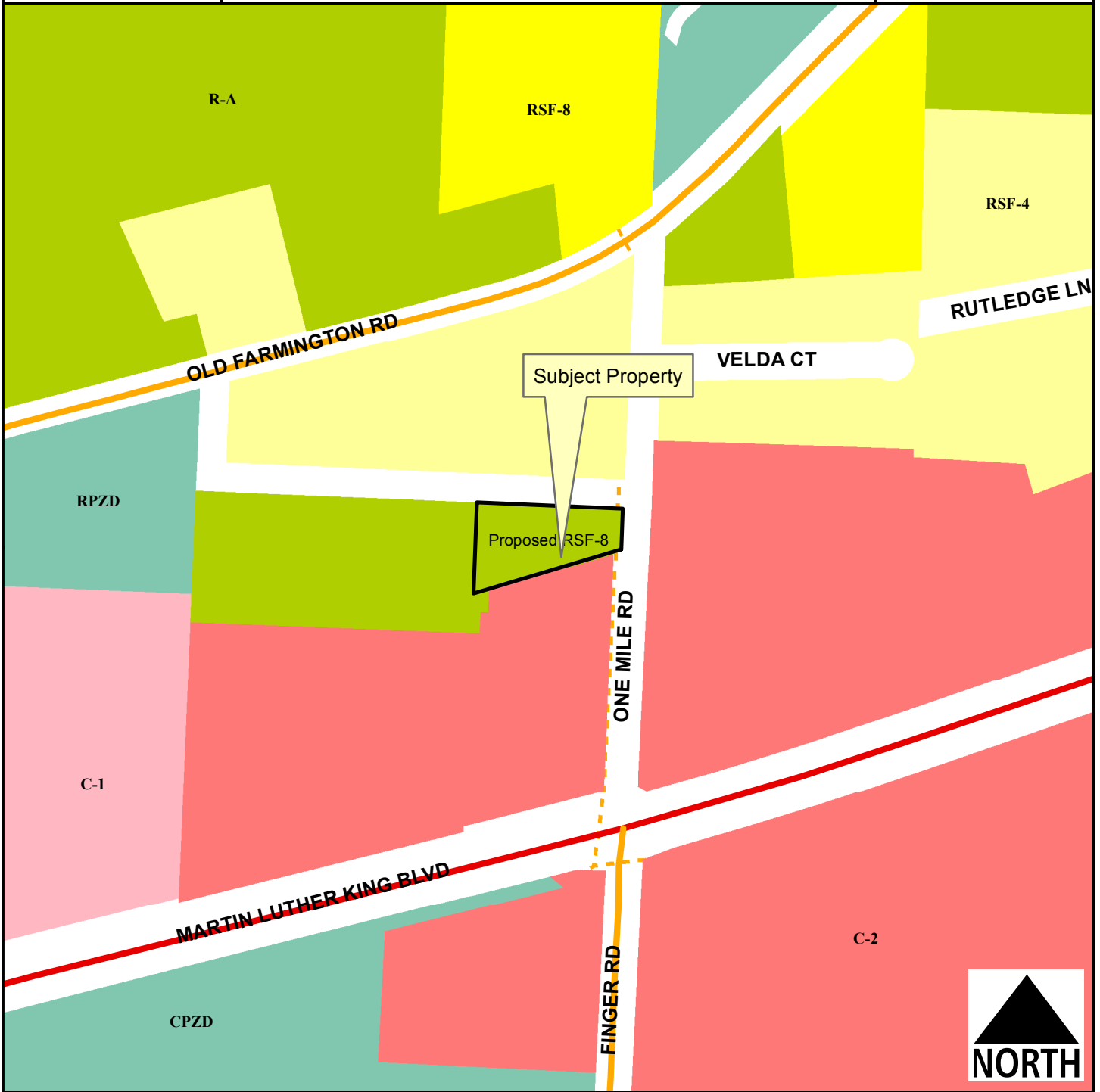
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN18-6472





MILLIGAN

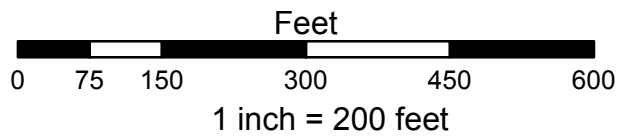
18-6472
EXHIBIT 'A'

Close Up View



Legend

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



| Zoning | Acres |
|--------------|------------|
| RSF-8 | 0.4 |
| Total | 0.4 |

18-6472
EXHIBIT 'B'

Lot Numbered 8 in Block Numbered 1 of Stapleton's Subdivision Number 1 in the City of Fayetteville, Arkansas, and being a part of the East Half of the Northwest Quarter of Section 19 in Township

16 North of Range 30 West. Subject to easements, rights of way, and protective covenants of record, if any.



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 18-6472: Rezone (3033 & 3035 W. SANDRA ST./MILLIGAN, 557):** Submitted by LEGACY VENTURES NWA, INC. for property located at 3033 & 3035 W. SANDRA ST. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.42 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 18-6472** to City Council, based on the findings contained in this report.

RECOMMENDED MOTION:

“I move to forward RZN 18-6472 to City Council with a recommendation for approval.”

BACKGROUND:

The subject property is located at the southwest corner of Sandra Street and One Mile Road between Old Farmington Road and MLK Boulevard. The property totals approximately 0.42 acres, is zoned R-A, Residential Agricultural, and is currently developed with a duplex. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

| Direction | Land Use | Zoning |
|------------------|---------------------------|----------------------------------------------------|
| North | Undeveloped | RSF-4, Residential Single-family, 4 Units per Acre |
| South | Single-family Residential | C-2, Commercial Thoroughfare |
| 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 redevelop 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 Sandra Street, an unimproved paved asphalt, local street with open ditches on either side. It also has frontage access to South One Mile Road, a partially improved paved asphalt, local street

with curb and gutter along a portion of the road and an open ditch along the subject parcels frontage. There is also an existing shared use trail easement present in the subject parcel. 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. There is an existing 2.25-inch water main along West Sandra Street as well as a 6 inch water main along South One Mile Road.

Sewer: Sanitary Sewer is available to the subject parcel. An existing 15-inch sanitary sewer main runs along West Sandra Street that parcel will be able to access for service since the rest of the parcels on West Sandra Street are served by this sewer line.

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 1.1 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 uses and intensities, would make it compatible with nearby properties. Due to the size of the property and a mix of surrounding uses, 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 (a major commercial thoroughfare) 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 18-6472 to City Council with a recommendation for approval.

| |
|---------------------------------------------------------------------------------------------------------------------------------------------|
| PLANNING COMMISSION ACTION: Required <u>YES</u> |
| Date: <u>January 14, 2019</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied |
| Motion: Niederman Motion to fwd to CC with recommendation of 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) |
|----------------|--------------|

(D) *Bulk and Area Regulations*.

| | |
|-------------------|----------|
| Lot width minimum | 200 feet |
|-------------------|----------|

| | |
|----------------------------|---------|
| 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 |
|---------------|-------------------|

| | |
|------------|-------------------|
| Two-family | 5,000 square feet |
|------------|-------------------|

(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 |
|-------------------------|-----------|

(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)

Development Services
113 W. Mountain Street
Room 111
Fayetteville, AR 72701

Re: Rezone of Parcel ID 765-10966-000

To: City of Fayetteville - Development Services,

Please accept this letter and supporting documentation as our formal request to rezone the property located at 3033/3035 W Sandra Street with Parcel ID 765-10966-000. The property is currently R-A and we are requesting the property be rezoned to RSF-8.

This request is compatible with best practice land planning by creating a buffer zone between C-2 zoning and single family residential homes. The R-A zoning seems out of place to directly touch C-2 zoning. The request will not unreasonably adversely affect or conflict with surrounding land use.

Furthermore, this request is in line with the City of Fayetteville's strategic 2030 goals. It actually directly accomplishes three of the six objectives. (1) It allows for additional infill and revitalization of a currently dilapidated structure. (2) By slightly increasing the density and allowing for infill, we are discouraging suburban sprawl. (3) The planned improvements will be traditional town form with a diversity of size allowing for affordable housing options.

A summary of surrounding zoning is as follows:
On the North across W Sandra Street is RSF-4
On the East it abuts C-2 Zoning
On the South it abuts C-2 Zoning
On the West it abuts the current R-A Zoning

Just north of our property on Old Farmington Road is RSF-8 property. No pocket zoning is created by approving this request but rather meeting the City of Fayetteville's long term 2030 plan for the City. I hope you will give this request careful consideration and together we will leave our *LEGACY* one *VENTURE* at a time.

If you have any questions or concerns about this analysis, please contact me.

Sincerely,

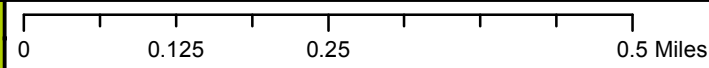
Tim Brisiel
Legacy Ventures | Legacy Asset Management
PO Box 8216
Fayetteville, AR 72703



RZN18-6472

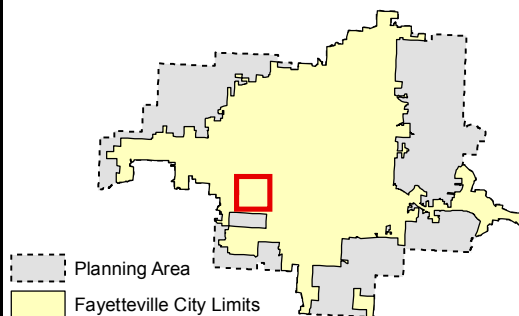
MILLIGAN

One Mile View



Legend

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

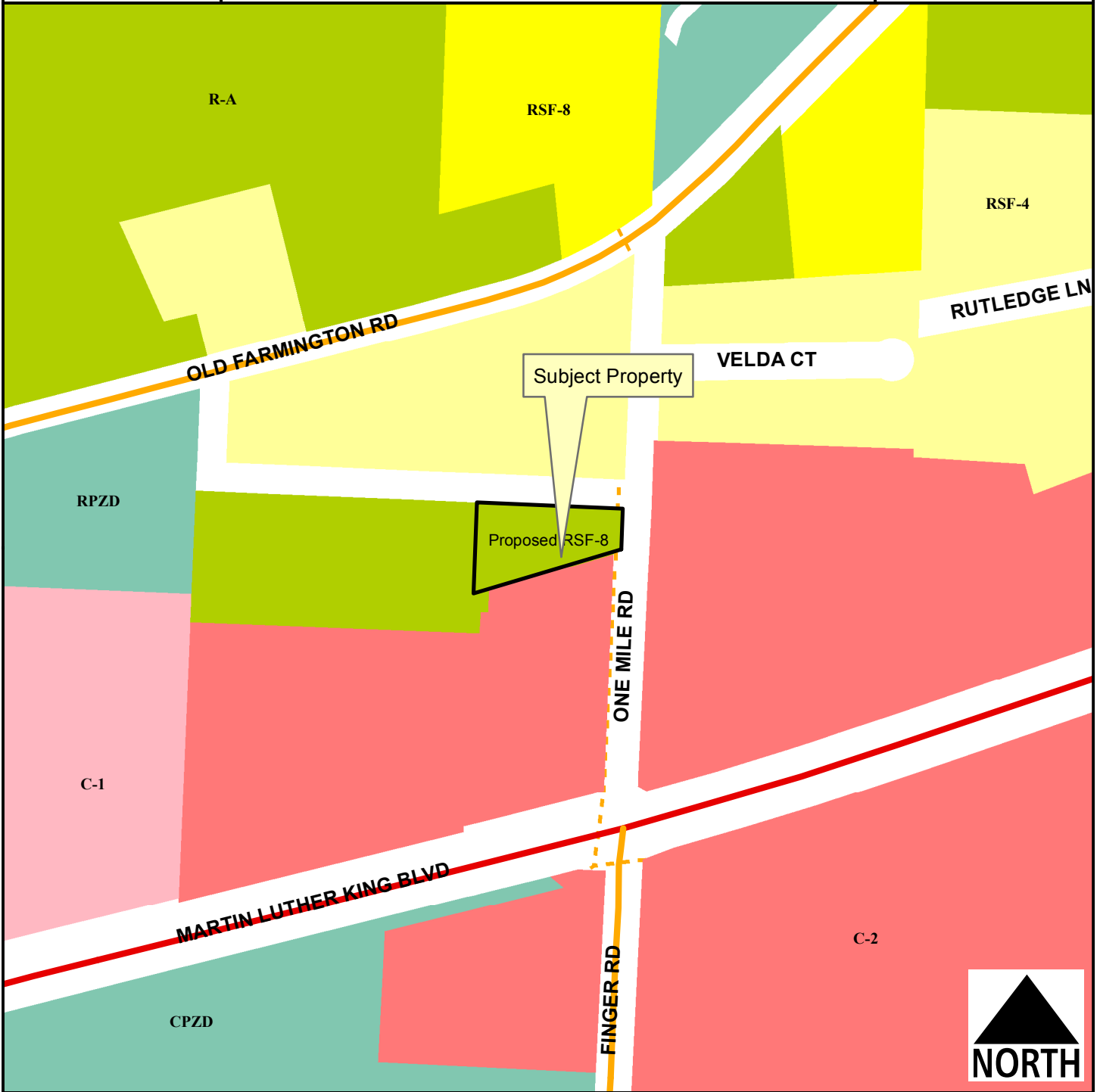


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-.5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light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





RZN18-6472

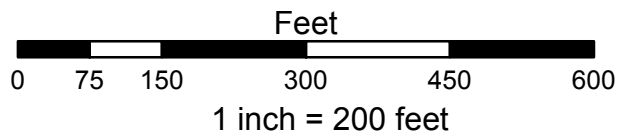
MILLIGAN

Close Up View



Legend

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



| Zoning | Acres |
|--------------|------------|
| RSF-8 | 0.4 |
| Total | 0.4 |

RZN18-6472






MILLIGAN

Current Land Use





Streets Existing

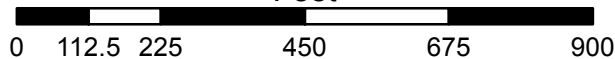
MSP Class

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

FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

Feet

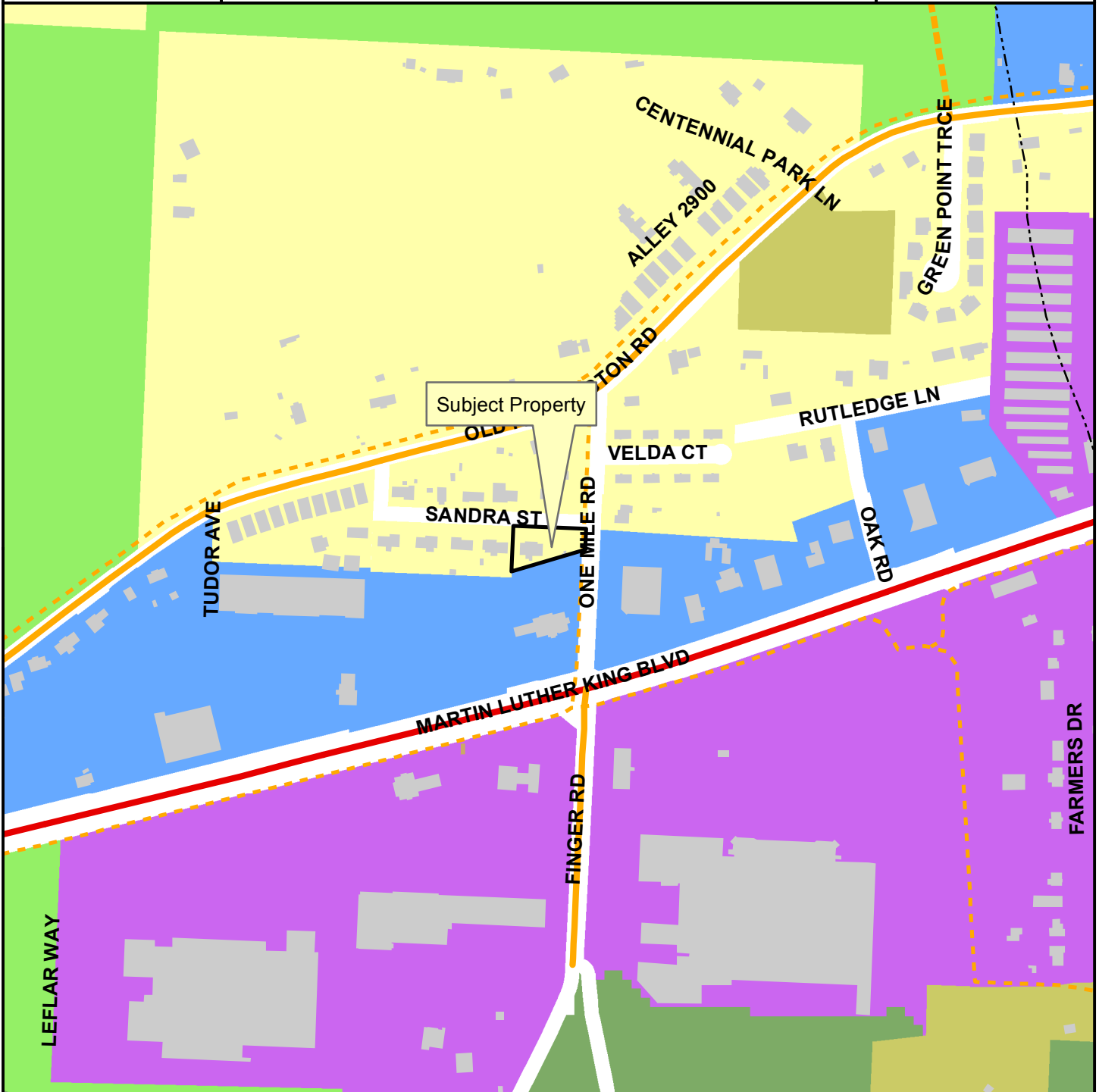


1 inch = 300 feet

RZN18-6472

MILLIGAN

Future Land Use



Legend

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

FUTURE LAND USE 2030

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

