

City of Fayetteville Staff Review Form

2019-0149

Legistar File ID

3/19/2019

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

Garner Stoll

3/1/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6542: Rezone (808 W. DAVIS ST./FUGITT, 366): Submitted by WILLIAM FUGITT for property located at 808 W. DAVIS ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRES and contains approximately 0.28 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? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

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

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

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

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

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

Comments:



## CITY COUNCIL AGENDA MEMO

### MEETING OF MARCH 19, 2019

**TO:** Mayor and Fayetteville City Council

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

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

**DATE:** March 1, 2019

**SUBJECT:** **RZN 19-6542: Rezone (808 W. DAVIS ST./FUGITT, 366):** Submitted by WILLIAM FUGITT for property located at 808 W. DAVIS ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRES and contains approximately 0.28 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

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### RECOMMENDATION:

The Planning Commission and staff 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 808 W. Davis Street (northwest corner of Leverett Avenue/Davis Street) in the Bel-Air Acres residential subdivision. The property totals approximately 0.28 acres, is zoned RSF-4, Residential Single-Family, 4 Units per Acre, and is developed with a single-family home built in the 1960's.

*Request:* The request is to rezone the parcel from RSF-4 to RSF-8, Residential Single-family, 8 Units per Acre. The applicant stated they may want to subdivide the property and build a new single-family home.

*Land Use Compatibility:* The subject property is located at a corner location and adjacent to Leverett Avenue (Collector through street) and is surrounded by a variety of housing types and densities, including single-family, two-family, and larger multi-family properties. The proposed zoning change to RSF-8 would allow for the addition of one single-family dwelling at this location. RSF-8 is limited in size, density, and single-family only by-right. Because this zoning district has a front setback, future development could be located at similar distance from the streets as adjacent homes. Staff finds the proposed rezoning would be compatible in this corner location.

*Land Use Plan Analysis:* Staff believes that the proposal is consistent with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location as a City Neighborhood Area. This property, designated as a City Neighborhood Area, envisions primarily

residential uses in a variety of complimentary building types and configurations and encourages density in all housing types. RSF-8 would allow higher residential density than the current zoning district consistent with this designation.

Staff finds the proposal to be complimentary to several of the City Plan 2030 Goals adopted by the City Council. With Goal 1, the City of Fayetteville has established encouraging appropriate infill as our highest priority. Staff finds that the applicant's proposal creates the potential for a future appropriate infill project. While rezoning to RSF-8 to allow for the addition of a single-family dwelling on Davis Street Drive (Local Street) could affect the RSF-4 integrity of the neighborhood, due to the existing configuration of the property and the location of the single-family dwelling, a new dwelling would likely front onto Leverett Avenue; therefore, staff does not find that the proposal will affect the overall integrity of the neighborhood, as this property is at a corner location, adjacent to a heavily traveled north/south corridor, and serves as a buffer between the single-family neighborhood to the west and the more dense development and busy street to the east. The reasonable application of a higher density single-family zoning classification to serve as a transition between a single-family district and a higher density or nonresidential use, designed to function as such, has been recommended by staff, supported by the Planning Commission, and approved by the City Council in the recent past.

**DISCUSSION:**

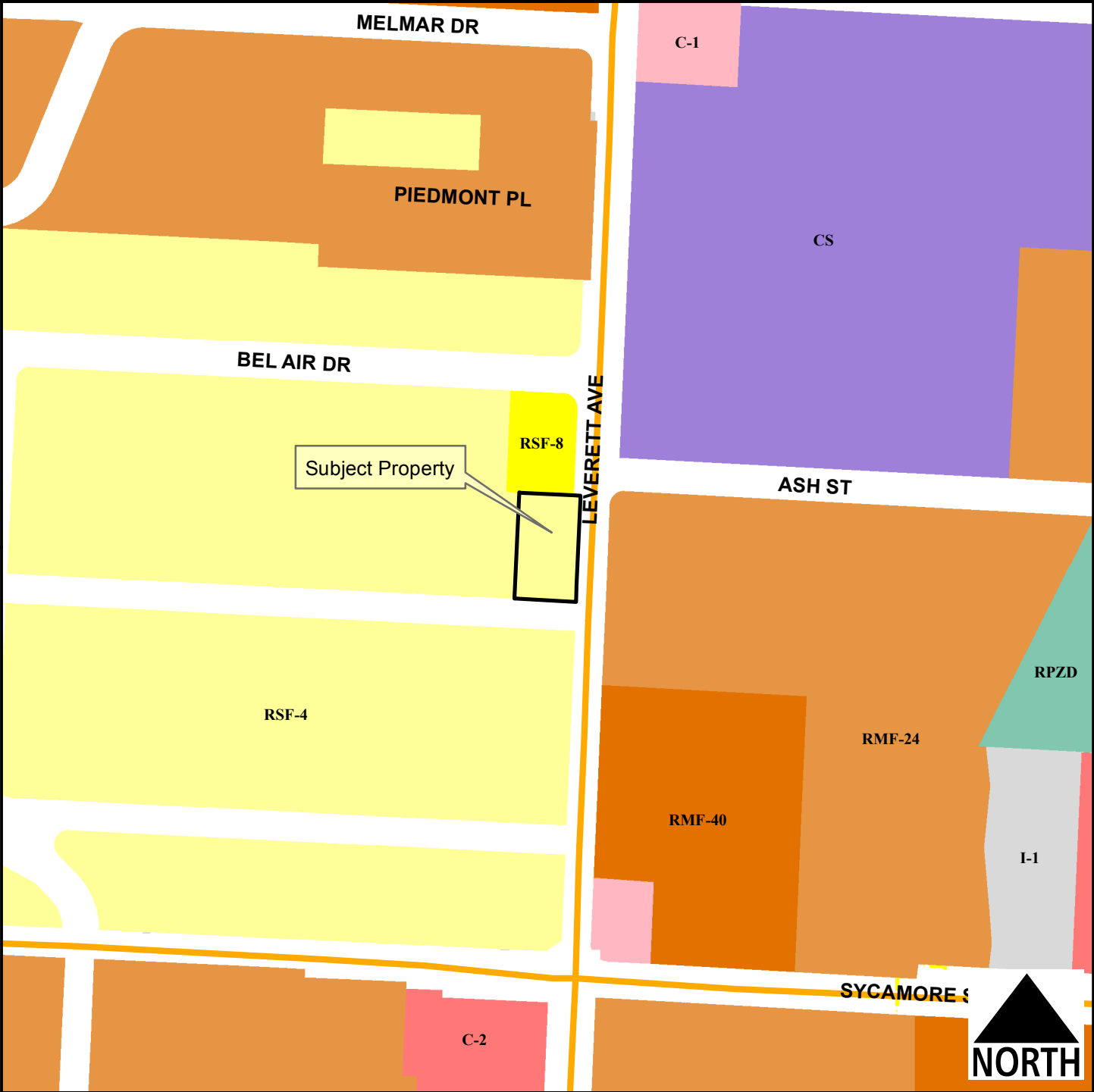
On February 25, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. One member of the public spoke with concerns about local drainage issues.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



<b>Legend</b> <div></div> Planning Area <div></div> Fayetteville City Limits <div></div> Shared Use Paved Trail <div></div> Building Footprint	<div>Feet</div> <div> </div> <div>1 inch = 200 feet</div>	<div><u>Zoning</u>    <u>Acres</u></div> <div>N/A    0.3</div>
		<div><b>Total</b>    <b>0.3</b></div>

**19-6542**  
**EXHIBIT 'B'**

LEGAL DESCRIPTION OF 808 W DAVIS, FAYETTEVILLE, AR (PARCEL NUMBER 765-02665-000)

LOT NUMBERED TEN (10) AND THE EAST ONE (1) FOOT OF LOT NUMBERED NINE (9) IN BLOCK  
NUMBERED THREE (3) OF BEL AIR ACRES, A REPLAT OF LOT NUMBERED SEVENTEEN (17) OF EVANS  
FARM ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN  
THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.



**TO:** Fayetteville Planning Commission

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

**MEETING DATE:** February 25, 2019 (Updated with Planning Commission results)

**SUBJECT:** **RZN 19-6542: Rezone (808 W. DAVIS ST./FUGITT, 366):** Submitted by WILLIAM FUGITT for property located at 808 W. DAVIS ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRES and contain approximately 0.28 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN 19-6542** to City Council, based on the findings contained in this report.

**RECOMMENDED MOTION:**

"I move to forward RZN 19-6542 to City Council with a recommendation for approval."

**BACKGROUND:**

The subject property is located at 808 W. Davis Street (northwest corner of Leverett Avenue/Davis Street) in the Bel-Air Acres subdivision. The property totals approximately 0.28 acres, is zoned RSF-4, Residential Single-Family, 4 Units per Acre, and is developed with a single-family home built in the 1960's. Surrounding land uses and zoning is depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Single-family residential	RSF-8, Residential single-family, 8 units per acre
South	Single-family residential	RSF-4, Residential single-family, 4 units per acre
East	Single-, two, and multi-family residential	RMF-24, Residential multi-family, 24 units per acre
West	Single-family residential	RSF-4, Residential single-family, 4 units per acre

*Request:* The request is to rezone the parcel from RSF-4 to RSF-8, Residential Single-family, 8 Units per Acre. The applicant stated they may want to subdivide the property and build a new single-family home.

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

**INFRASTRUCTURE:**

**Streets:** The property has frontage and an existing driveway access West Davis Street, an unimproved Local Street with asphalt paving, and curb and gutter on both sides. The property also has frontage to North Leverett Avenue, a partially improved Collector with asphalt paving, and curb and sidewalk on the western side. Any

street improvements required in these areas would be determined at the time of development proposal.

**Water:** Public water is available to the subject parcel. There is an existing 6-inch water main along North Leverett Avenue.

**Sewer:** Sanitary Sewer is available to the subject parcel. There is an existing 6-inch sanitary sewer main along the north property line. There is also an existing 15-inch sanitary sewer main along North Leverett Avenue, however service connections must be made on 12-inch and smaller lines.

**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. Hydric soils appear to be present in the area.

**Fire:** The site will be protected by Engine 2, located at 708 N. Garland Ave. The property is located approximately 0.85 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 property within the proposed rezone as **City Neighborhood Area**.*

**City Neighborhood Areas** are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family.

## 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 as a City Neighborhood Area. This property, designated as a City Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations and encourages density in all housing types. RSF-8 would allow higher residential density than the current zoning district consistent with this designation.

Staff finds the proposal to be consistent with several of the City Plan 2030 Goals adopted by the City Council. With Goal 1, the City of Fayetteville has established encouraging appropriate infill as our highest priority. Staff finds that the applicant's proposal creates the potential for a future appropriate

infill project. While rezoning to RSF-8 to allow for the addition of a single-family dwelling on Davis Street Drive (Local Street) could affect the RSF-4 integrity of the neighborhood, due to the existing configuration of the property and the location of the single-family dwelling, a new dwelling would front onto Leverett Avenue; therefore, staff does not find that the proposal will affect the overall integrity of the neighborhood, as this property is at a corner location, adjacent to a heavily traveled north/south corridor, and serves as a buffer between the single-family neighborhood to the west and the more dense development and busy street to the east. The reasonable application of a higher density single-family zoning classification to serve as a transition between a single-family district and a higher density or nonresidential use, designed to function as such, has been recommended by staff, supported by the Planning Commission, and approved by the City Council in the recent past.

**Land Use Compatibility:** The subject property is located at a corner location and adjacent to Leverett Avenue (Collector through street) and is surrounded by a variety of housing types and densities, including single-family, two-family, and larger multi-family properties. The proposed zoning change to RSF-8 would allow for the addition of one single-family dwelling at this location. RSF-8 is limited in size, density, and single-family only by-right. Because this zoning district has a front setback, future development can be located at similar distance from the streets as adjacent homes. Staff finds the proposed rezoning would be compatible in this corner location.

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

**Finding:** Staff finds that the rezoning request can be justified based on the Future Land Use Plan designation of “City Neighborhood Area” and the City Plan 2030 goals and objectives as adopted by the City Council. The rezoning request could lead to the construction of an additional detached single-family dwelling that is smaller than the existing detached single-family dwellings, thus contributing to the variety of residential building types in the area.

Staff does not find that the rezoning request is necessary or needed, as the property currently conforms to the existing underlying zoning and development requirements of the Unified Development Code. The property owner may still make reasonable use of the subject property within the RSF-4 zoning district by retaining the existing, conforming home, or constructing another dwelling on the property through the Accessory Dwelling Unit process.

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

**Finding:** Staff finds that the proposed zoning would not create or appreciably increase traffic danger and congestion. Even if subdivided, the property would be subject to the City’s Access Management Code, which regulates access and curb cuts. Code would require a variance to allow another curb cut onto Leverett Avenue.



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 19-6542 to City Council with a recommendation for approval.**

<b>PLANNING COMMISSION ACTION:</b> Required <u><b>YES</b></u>			
<b>Date:</b> <u>February 25, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
<b>Motion:</b> <u>Niederman</u>			
<b>Second:</b> <u>Johnson</u>			
<b>Vote:</b> <u>8-0-0</u>	<u>Note: recommendation for approval</u>		

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.09 - District RSF-8, Residential Single-Family - Eight (8) Units Per Acre
- City Fire Department memo
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

## 161.07 - District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses .*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses .*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

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

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; 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)

## 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)



**TO:** Andrew Garner, Planner  
**FROM:** Battalion Chief Brian Sloat, Fire Marshal  
**DATE:** February 20, 2019  
**SUBJECT:** RZN 19-6542 808 W. Davis St. (Fugitt) 366

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Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

The site will be protected by Engine 2, located at 708 N. Garland Ave. The property is located approximately 0.85 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.

### Compatibility Statement:

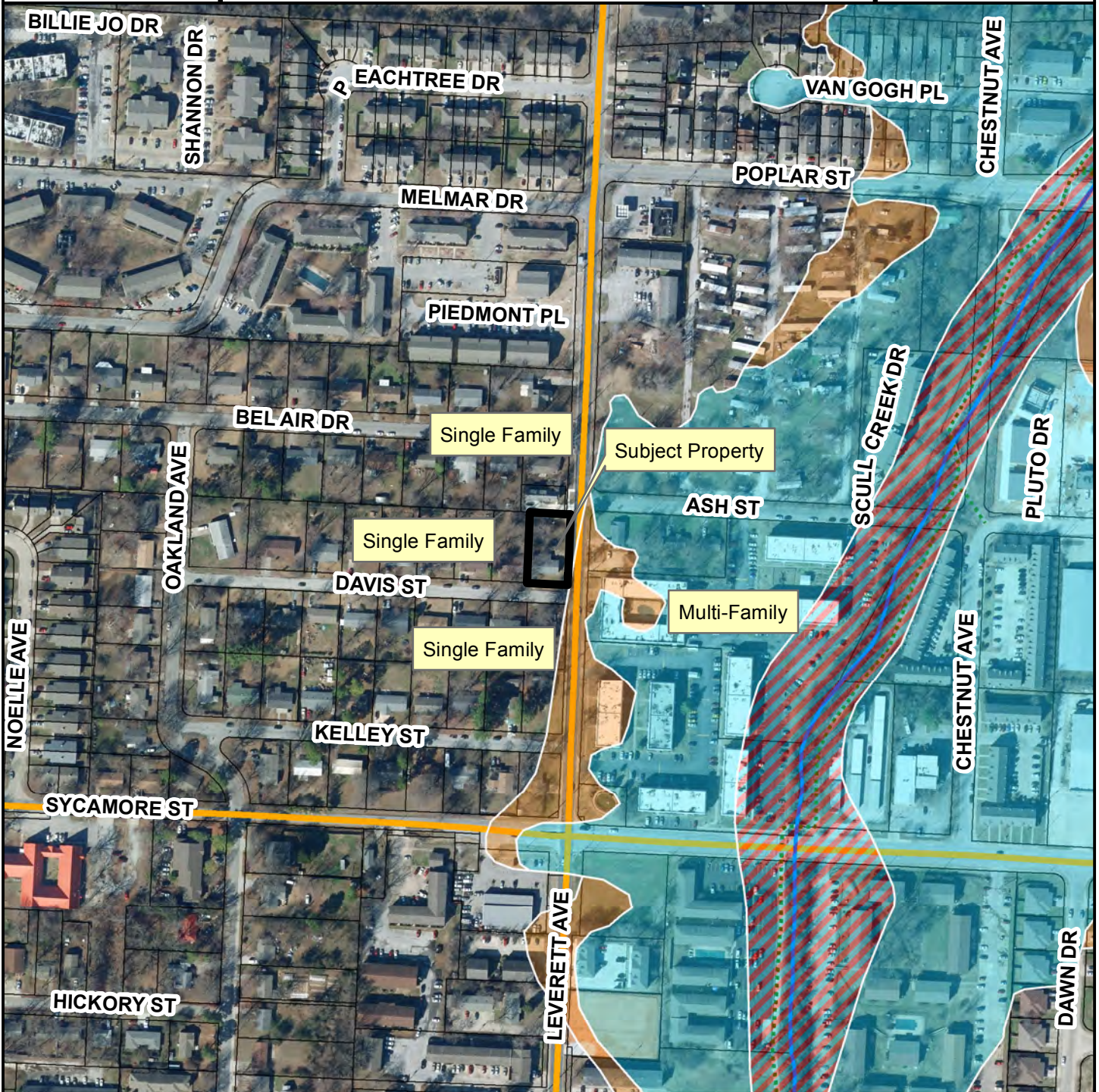
We are requesting to rezone our property on the corner of N Leverett and W Davis from RSF-4 to RSF-8. We are requesting the use of the newly zoned property to be split into two lots and a single family residence constructed on the newly created parcel. The proposed rezoning will not affect surrounding properties in any adverse way. Surrounding properties are all apartments or single family homes which is the intended use of the subject property if the rezoning is approved. It is the opinion of the applicant that the RSF-8 zone is compatible with the surrounding existing properties as the connecting property to the north is already zoned RSF-8 while the property to the west is RSF-4 and the property to the east is RMF-24. Rezoning this parcel to RSF-8 would provide an appropriate transition between the MF zoning and RSF-4. The end result of this process will result in one parcel with the existing single family home and a second parcel with another new single family home.



RZN19-6542

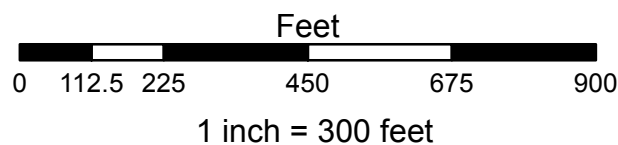
# FUGITT

Current Land Use



## Streets Existing MSP Class

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



## FEMA Flood Hazard Data

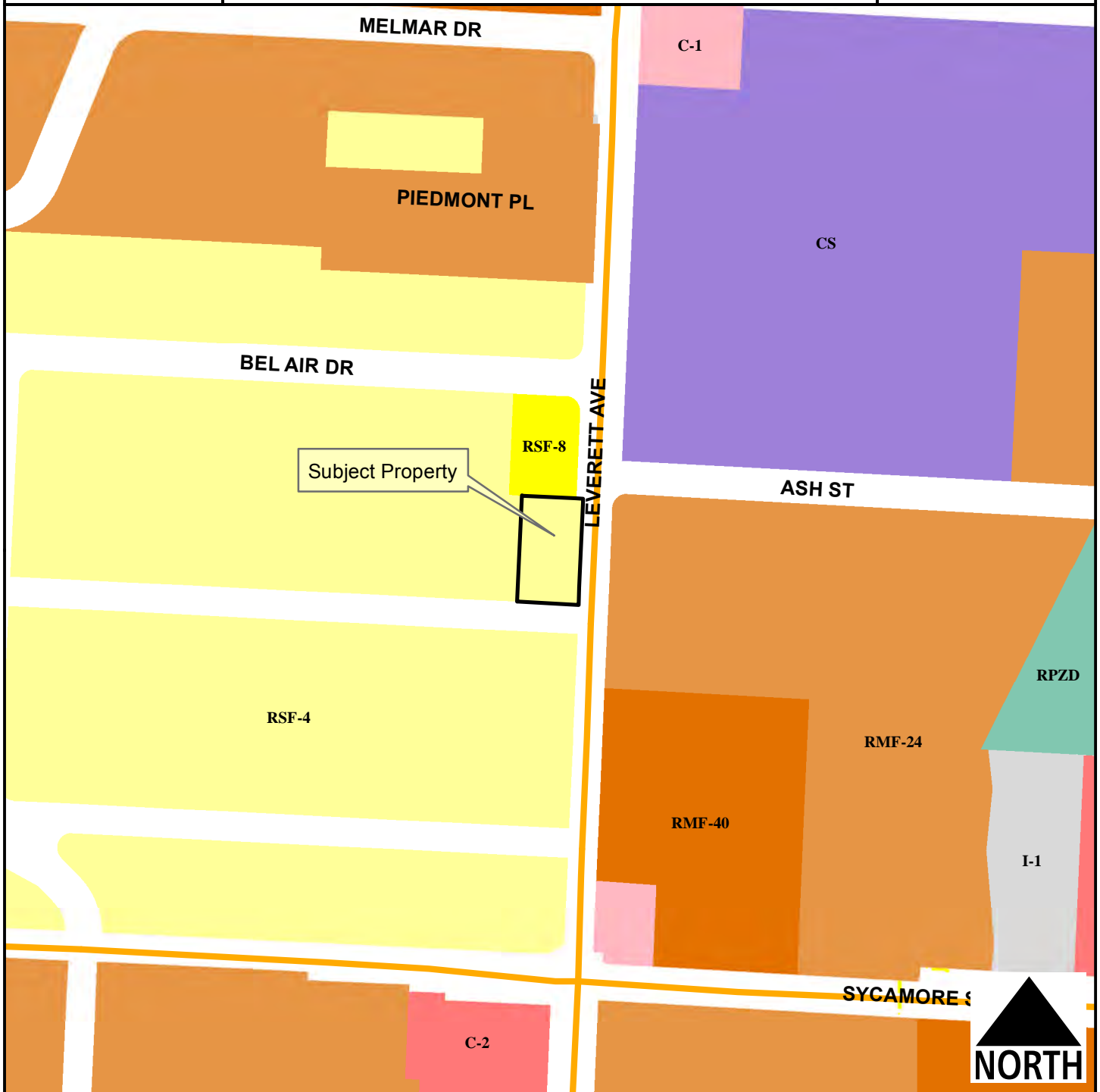
- 100-Year Floodplain
- ▨ Floodway



RZN19-6542

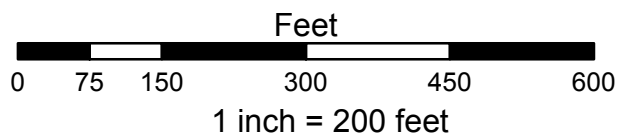
# FUGITT

Close Up View



## Legend

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



## Zoning    Acres

N/A    0.3

**Total    0.3**

RZN19-6542

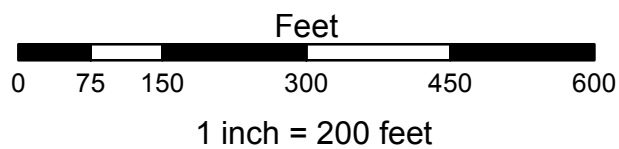
Future Land Use

# FUGITT



## Legend

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



## FUTURE LAND USE 2030

- City Neighborhood Area

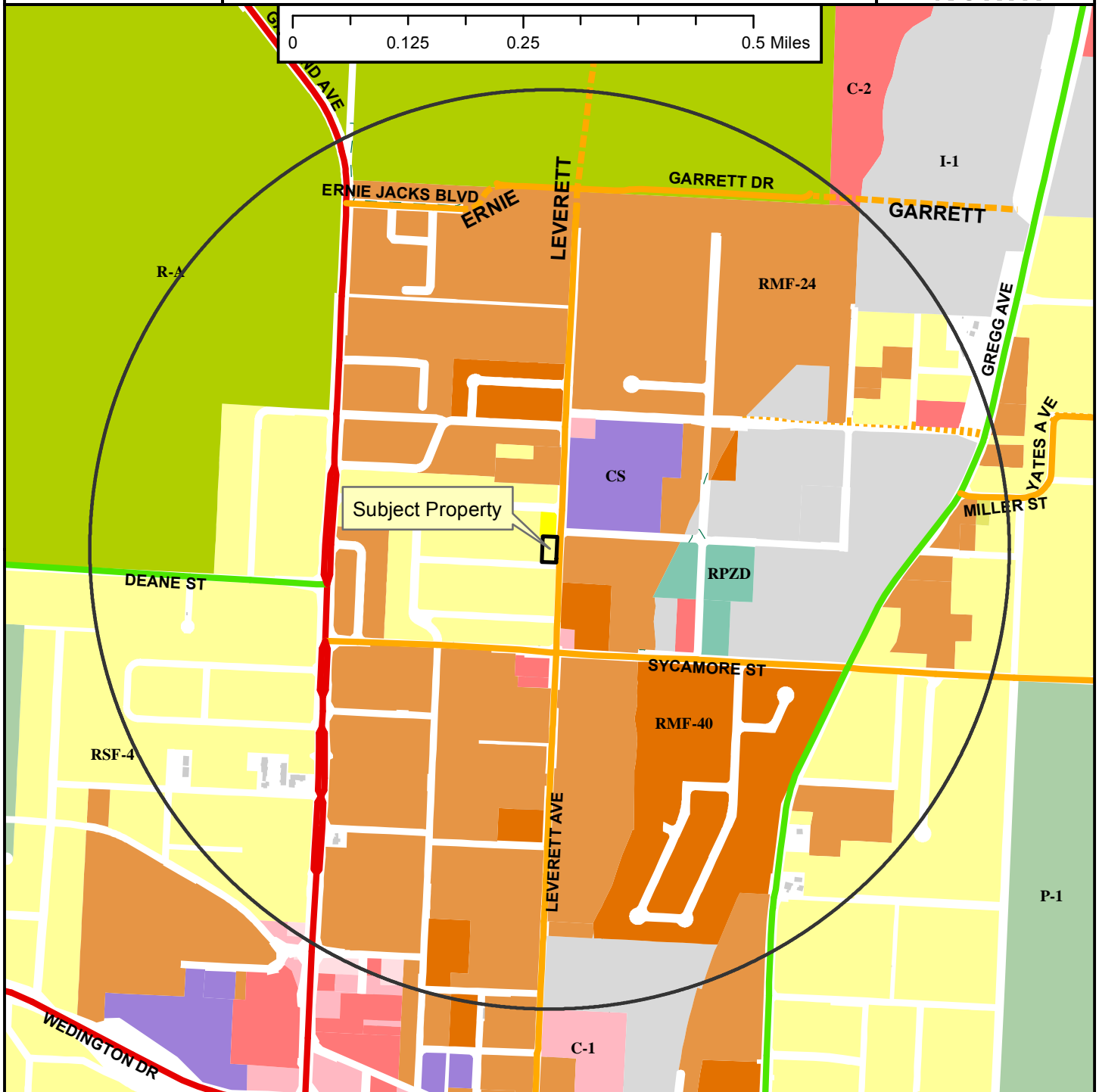
RZN19-6542

One Mile View

# FUGITT

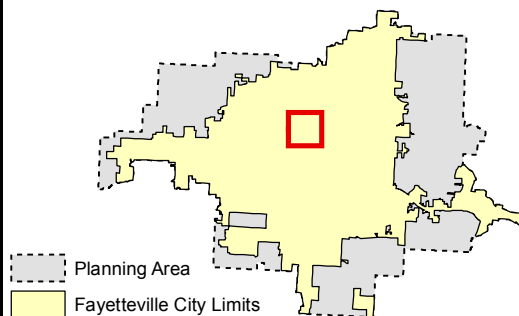


0 0.125 0.25 0.5 Miles



## Legend

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



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