City of Fayetteville Staff Review Form

2019-0203

Legistar File ID

4/2/2019

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

Garner Stoll	3/29/2019	CITY PLANNING (630)	
Submitted By	Submitted Date	Division / Department	
Act	cion Recommendation:		
RZN 19-6555: Rezone (1924 S. ASHWOOD AVE property located at 1924 S. ASHWOOD AVE. ACRE and contains approximately 0.16 acres INTERMEDIATE, URBAN.	The property is zoned RSF-4, RES	IDENTIAL SINGLE FAMILY, 4 UNITS PER	
	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 APRIL 16, 2019

TO: Mayor and Fayetteville City Council

THRU: Don Marr, Chief of Staff

Garner Stoll, Development Services Director Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

DATE: March 29, 2019

SUBJECT: RZN 19-6555: Rezone (1924 S. ASHWOOD AVE./COTTAGES AT ASHWOOD,

599): Submitted by STEPHEN BROOKS for property located at 1924 S. ASHWOOD AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.16 acres. The request is to

rezone the property to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:

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'. Planning staff recommend denial of the rezoning proposal.

BACKGROUND:

The subject property is located on the west side of Ashwood Avenue between Sligo Street and Arrowhead Street within the Fayette Junction Neighborhood Plan area. The property totals approximately 0.16 acres, is zoned RSF-4, and is currently developed with a single-family home.

Request: The request is to rezone the parcel from RSF-4 to RI-U. The applicant stated the rezoning will allow new development on the property.

Land Use Compatibility: The proposed RI-U zoning is not compatible with the surrounding properties. The proposal would result in a large increase in potential building footprint and parking area in the midst of an established and stable neighborhood built mostly under RSF-4 zoning requirements. Additionally, staff does not have infill development standards that would result in projects being built in a way that responds to existing context and rezoning the property to RI-U would result in the only property zoned in the area without a limitation on density.

Land Use Plan Analysis: City Plan 2030 states that "appropriate infill" is a priority. The City's comprehensive 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." The pattern of RI-U zoning does not reflect the existing community character of the surrounding neighborhood that is fully built out with primarily single-family homes and some small multi-family

buildings to the east and south. Infill can be more appropriately accomplished on this property using existing tools in the RSF-4 district such as accessory dwelling units or a conditional use permit for a duplex, assuming underlying zoning requirements can be met. Additionally, the Fayette Junction Master Plan does not show redevelopment taking place on the proposed property and instead shows surrounding properties that are currently not single-family being redeveloped into single-family and lower-density configurations.

The Fayette Junction Neighborhood Plan, with the illustrative plan and guiding principles, was adopted as City Council resolution 95-09 in April of 2009. This resolution followed approximately a year of work from 2008 to 2009 by staff, community leaders, and over 100 participants to draft and refine the Fayette Junction Plan to meet the goals of City Plan 2025 and many aspirations of stakeholders. The resulting plan provided balance between redevelopment and expansion with conservation and neighborhood protection. The staff-initiated rezone in October of 2011 (RZN 11-3892) to spur redevelopment on properties south and southeast of the subject property did deliberately omit the subject property and many others within the Fayette Junction Plan area for the reason that "... most of these properties are small and developed for single- and multi-family structures, are not a risk for redevelopment, and are regulated by zoning districts that are consistent with the current land use...". Subsequent rezoning actions within the plan's area have been largely owner-initiated and in compliance with the plan (RZN 18-6360) or neighborhood-initiated with significant input from stakeholders (Parksdale-Center Addition RZN 18-6254).

Staff believes that there is insufficient justification for rezoning the property to RI-U as the lot is currently developable under the existing RSF-4 district and would allow infill that is appropriate for this neighborhood. Within RSF-4, the applicant could place two accessory dwelling units on the property alongside a single-family home.

DISCUSSION:

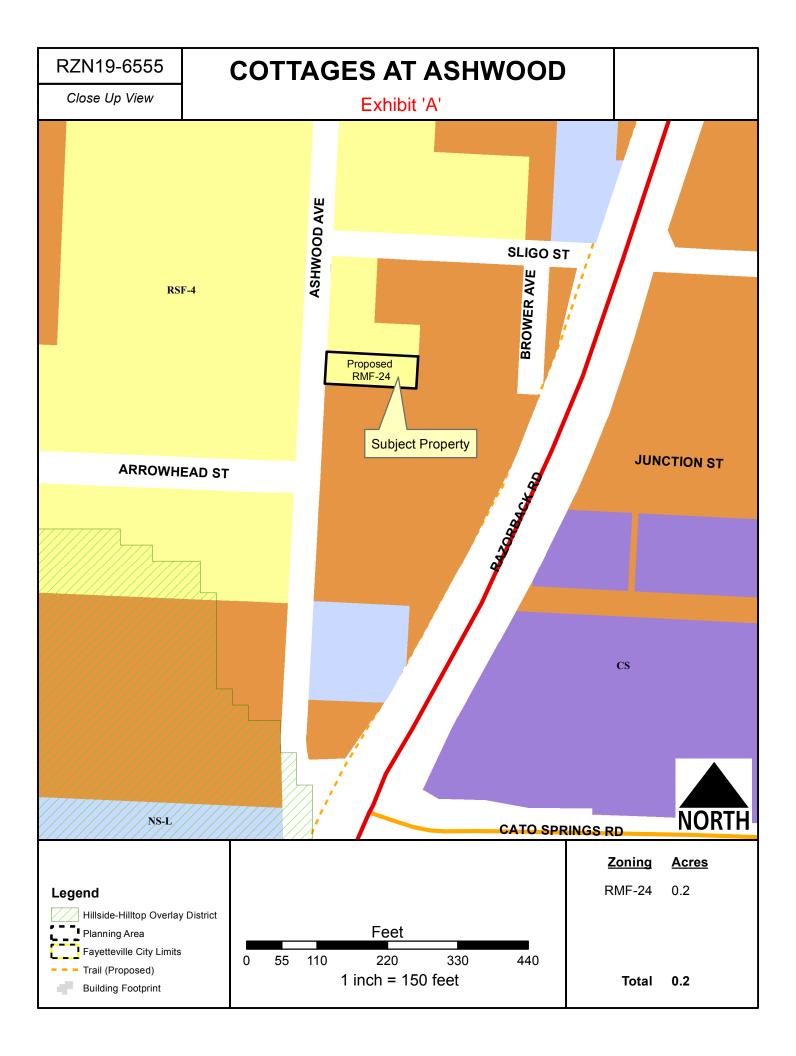
At the March 11, 2019 Planning Commission meeting, this proposal originally included a request for RMF-24 and the request was tabled to the next meeting. The tabling allowed the applicant time to review other potential zoning districts and on the morning of February 25th, the applicant changed their request to RI-U after staff updated and published their report. On February 25, 2019, the Planning Commission forwarded the new proposal for RI-U to City Council with a recommendation for approval by a vote of 8-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Applicant's request for RI-U
- Planning Commission Staff Report



RZN 19-6555 Exhibit 'B'

LOT 14, BLOCK 3, MEADOW VALE SUBDIVISION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 4 AT PAGE 101 AND BOOK 5 AT PAGE 79A, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.

Davis, Harry

From: Stephen Brooks <stephenbrooksnwa@gmail.com>

Sent: Monday, March 25, 2019 10:54 AM

To: Davis, Harry
Cc: Harrison, Andy

Subject: Re: Regarding rezoning application for tonight's planning commission meeting

Hi Harry,

I would like to apologize to the planning commission for not being able to attend the meeting tonight, but I am sick and don't want to expose everyone to germs. I would like to say that I am happy with the suggestion from the last planning commission meeting that my lot at 1924 S Ashwood be rezoned as RIU instead of RMF-24. I was able to research the RIU zoning and I am comfortable with that. If there aren't any additional questions I would be happy for the commission to move forward with that at this time. Thanks for your help,

Stephen

Stephen Brooks
Setting the Bar for Service in Real Estate
Keller Williams Market Pro Realty
479-879-0635
View a brief Video about my unique team

Visit My Website

Want to learn more about an exciting career as a Keller Williams Agent?

On Mon, Mar 25, 2019 at 10:10 AM Davis, Harry < hdavis@fayetteville-ar.gov> wrote:

Hi Stephen,



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: March 25, 2019 UPDATED W PC RESULTS

SUBJECT: RZN 19-6555: Rezone (1924 S. ASHWOOD AVE./COTTAGES AT

ASHWOOD, 599): Submitted by STEPHEN BROOKS for property located at 1924 S. ASHWOOD AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.16 acres. The request is to rezone the property to RMF-24, RESIDENTIAL

MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of RZN 19-6555, based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to deny RZN 19-6555."

MARCH 25, 2019 PLANNING COMMISSION MEETING:

This item was heard at the March 11, 2019 Planning Commission meeting and tabled to the next meeting allowing the applicant time to review other potential zoning districts. The applicant has not changed the request and staff is still recommending denial of the proposal for RMF-24.

BACKGROUND:

The subject property is located on the west side of Ashwood Avenue between Sligo Street and Arrowhead Street. The property totals approximately 0.16 acres, is zoned RSF-4, 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	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre; RMF-24, Residential Multi-family, 24 Units per Acre
South	Single-family Residential; Multi-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
East	Commercial	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 RMF-24, Residential Multi-family, 24 Units per Acre. The applicant stated the rezoning will allow new development on the property.

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

INFRASTRUCTURE:

Streets: The subject property has frontage access to South Ashwood Avenue, an

unimproved, asphalt local street 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 property. There is an existing 6-inch water

main that runs along South Ashwood Avenue.

Sewer: Sanitary Sewer is available to the subject property. There is an existing 6-inch

sewer main that runs along South Ashwood Avenue.

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 no

Hydric Soils present in the subject parcel.

Fire: The Fire Department expressed no concerns with this request.

Police: The Police Department expressed no concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Complete Neighborhood Plan** under the **Fayette Junction Master Plan.** The guiding principles of the plan are:

 Pay close attention to the integration of the natural and built environment, with innovative stormwater management techniques and preserving view corridors in mind.

 Create a clean tech cluster of businesses, which speak to Fayetteville's interests in attracting new businesses and sustainable practices.

• Provide future multi-modal transit opportunities that tie into larger transportation networks and work with other neighborhoods and employment centers across Fayetteville.

The subject property is depicted on the illustrative Fayette Junction Plan with the currently existing buildings shown to be preserved.

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: City Plan 2030 states that "appropriate infill" is a priority. The City's comprehensive 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." The pattern of RMF-24 zoning does not reflect the existing community character of the surrounding neighborhood that is fully built out with primarily single-family homes and some small multi-family buildings to the east and south. Infill can be more appropriately accomplished on this property using existing tools in the RSF-4 district such as accessory dwelling units or a conditional use permit for a duplex, assuming underlying zoning requirements can be met. Additionally, the Fayette Junction Master Plan does not show redevelopment

taking place on the proposed property and instead shows surrounding properties that are currently not single-family being redeveloped into single-family and lower-density configurations.

Land Use Compatibility: The proposed RMF-24 zoning is not compatible with the surrounding properties. The proposal would result in a large increase in potential building footprint and parking area in the midst of an established and stable neighborhood built mostly under RSF-4 zoning requirements.

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 insufficient justification for rezoning the property to RMF-24 as the lot is currently developable under the existing RSF-4 district and would allow infill that is appropriate for this neighborhood.

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

Finding:

Rezoning the property to RMF-24 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.

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 RMF-24 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 and the restricted size of the parcel.

- 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 19-6555.

PLANNING COMMISSION ACTION: Required <u>YES</u>

Date: March 25, 2019 ☐ Tabled ☐ Forwarded ☐ Denied

Motion: Belden

Applicant amended request to RI-U. Motion to forward to CC

with a recommendation of approval

Second: Sharp

Vote: 8-0-0 Motion passes

BUDGET/STAFF IMPACT:

None

Attachments:

• Unified Development Code:

- o §161.07 District RSF-4, Residential Single-Family Four (4) Units Per Acre
- §161.16 District RMF-24, Residential Multi-Family Twenty-Four (24) Units Per Acre
- Fayette Junction Illustrative Plan
- 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, $\S160.031$; Ord. No. 4100, $\S2$ (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, $\S1$, 11-1-16; Ord. No. 5945, $\S8$, 1-17-17; Ord. No. 6015, $\S1$ (Exh. A), 11-21-17)

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose*. The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) Uses.

(1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-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 11	Manufactured home park	
Unit 12a	Limited business	
Unit 24	Home occupations	
Unit 25	Professional offices	
Unit 36	Wireless communications facilities	

(C) Density.

Units per acre	24 or less
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(D) Bulk and Area Regulations.

(1) Lot Width Minimum.

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) Lot Area Minimum.

Manufactured home park	3 acres		
Lot within a mobile home	4,200 square		
park	feet		
Townhouses: Individual lot	2,000 square		
Townhouses. Individual lot	feet		
Cingle family	3,000 square		
Single-family	feet		
Two (2) family	4,000 square		
Two (2) family	feet		
Thurs (2) on more	7,000 square		
Three (3) or more	feet		
Fraternity or Sorority	2 acres		
Professional offices	nal offices 1 acres		

(3) Land Area Per Dwelling Unit.

Manufactured Home	3,000 square feet
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(E) Setback Requirements.

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) Building Height Regulations.

Building Height	2 stories/3 stories/5
Maximum	stories*

* 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 two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family

district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) Building Area. The area occupied by all buildings shall not exceed 50% of the total lot area.
- (H) Minimum Buildable Street Frontage. 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, § 1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§ 5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17)



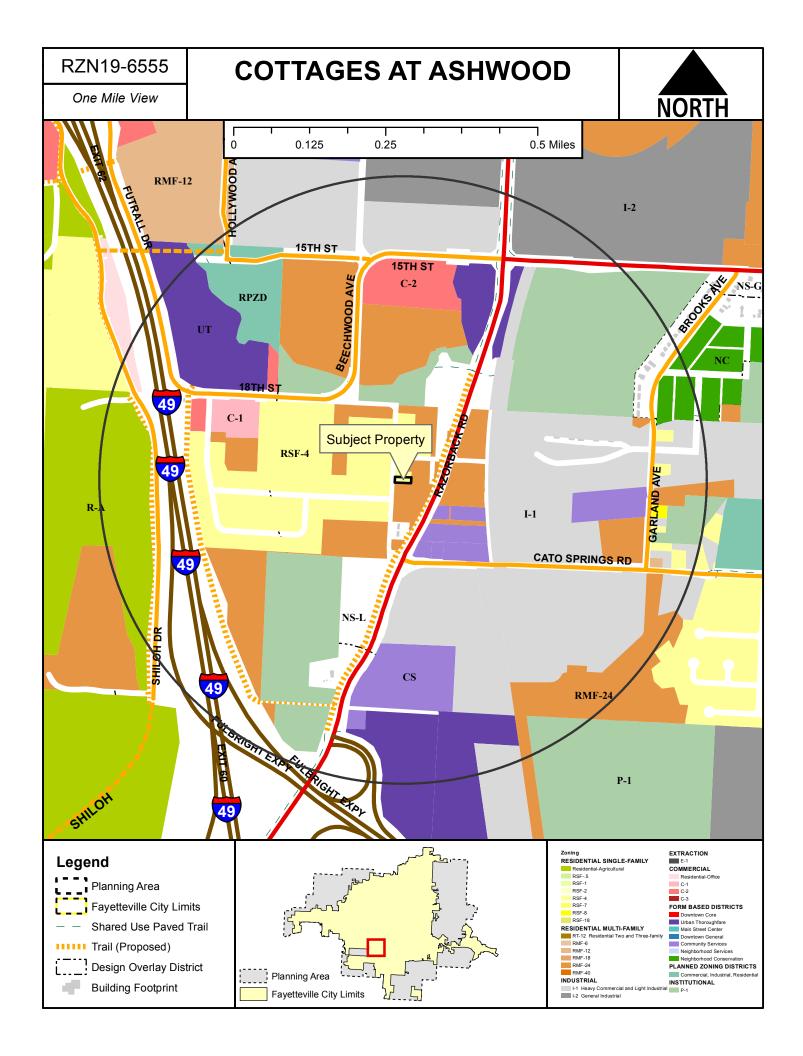
Regarding 1924 S Ashwood

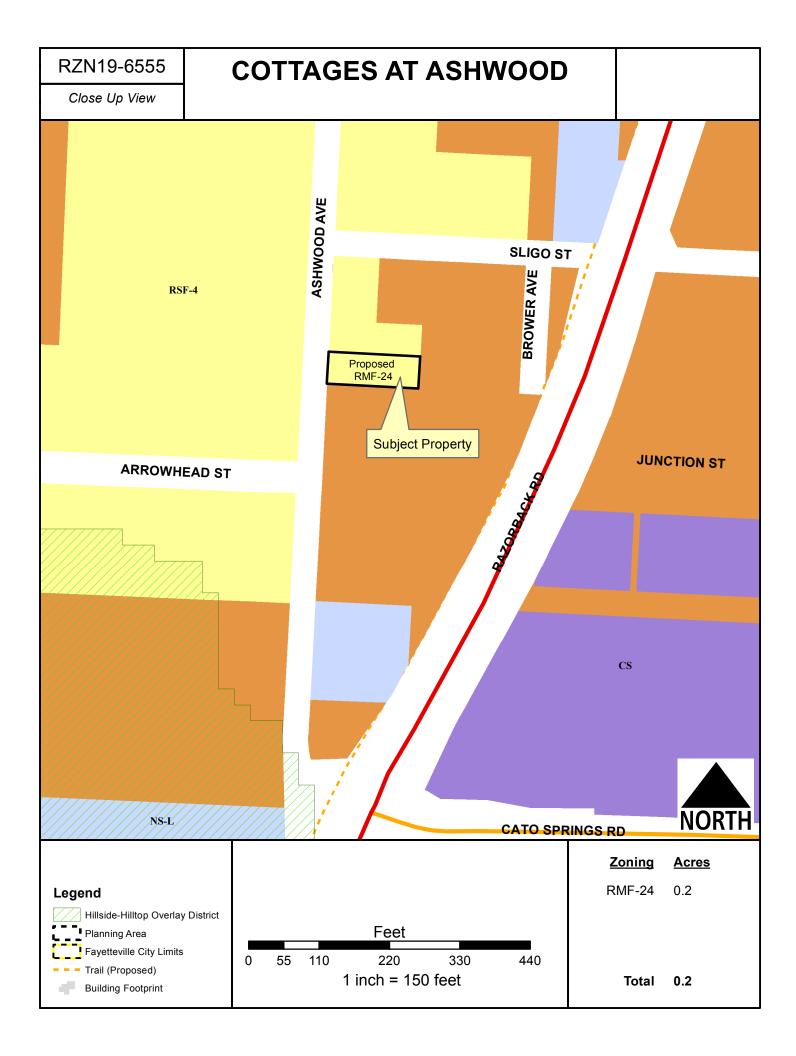
I am seeking approval to rezone this lot from RSF-4 to RMF-24. I believe this is compatible with the surrounding neighborhood. Two of the three lots adjoining mine are already zoned RMF-24 at this time, both to the South and the East. Much of the surrounding neighborhood is already zoned this way as well and there are many duplexes and small apartments nearby.

This zoning change would not conflict with the surrounding land use because so much of this area is already zoned RMF-24 and there are quite a few multi-family dwellings in place. There would not be an adverse effect on the neighborhood but rather a positive effect, because this zoning change would actually bring this property in line with most of the surrounding properties and allow it to provide accommodations for the diverse population who desires to live in this neighborhood.

Thank you for your consideration,

Stephen Brooks 479-879-0635





RZN19-6555

Current Land Use

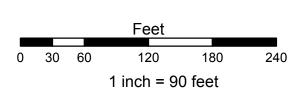
COTTAGES AT ASHWOOD





Streets Existing MSP Class

PRINCIPAL ARTERIAL
Trail (Proposed)
Planning Area
Fayetteville City Limits



FEMA Flood Hazard Data

