City of Fayetteville Staff Review Form

2019-0417

Legistar File ID

7/16/2019

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

		N/A for Non-Agenda Item			
Garner Stoll		6/28/2019	CITY PLANNING (630)		
Submitted By		Submitted Date	Division / Department		
	Acti	ion Recommendation:			
RZN 19-6696: Rezone (1960 E. HUN located at 1960 E. HUNTSVILLE RD. and contain approximately 0.28 acr GENERAL.	The prope	erty is zoned RSF-4, RESIDENTIAL	SINGLE FAMILY, 4	UNITS PER ACRE	
		Budget Impact:			
Account Numbe	er		Fund		
Project Numbe	r	F	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 o	or Resolution #	V20180321	
Change Order Number:		Approval Date:			

Original Contract Number:

Comments:



CITY COUNCIL MEMO

MEETING OF JULY 16, 2019

TO: Mayor; Fayetteville City Council

THRU: Don Marr. Chief of Staff

Garner Stoll, Development Services Director

FROM: Jonathan Curth, Senior Planner

DATE: June 28, 2019

SUBJECT: RZN 19-6696: Rezone (1960 E. HUNTSVILLE RD./TRIPODI-QUINN, 565):

Submitted by HANNAH TRIPODI for property located at 1960 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.28 acres. The request is to rezone the property

to NS-G, Neighborhood Services-General.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to NS-G. Neighborhood Services-General, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located on the north side of Huntsville Road/Highway 16, between Ray Avenue and Dockery Lane to the west and east respectively. The property is developed with a single-family dwelling, built in 1956 according to Washington County records. Vehicular access to the property is from Dockery Lane to the east.

Request: The request is to rezone the parcel (approximately 0.28 acres) from RSF-4, Residential Single-family, 4 Units per Acre, to NS-G, Neighborhood Services – General. The applicant indicated the rezoning is needed to allow use of the property for a professional office. While the existing RSF-4 zoning district does allow small nonresidential uses under Use Unit 12a, Limited Business, a conditional use permit is required and the size of the existing building limits the allowed activities of potential users.

Land Use Compatibility: The proposed zoning is compatible with surrounding land use patterns in this area, which includes a mixture of small retail, single-family dwellings, and attached residential. Further ensuring compatibility of the request at this location, the NS-G zoning district limits the size of nonresidential buildings and includes increased building setbacks in certain instances where single-family zoning is adjacent. Lastly, the property's location on a major transportation corridor should limit the amount of traffic that may use Dockery Lane, thus limiting the impact on the neighborhood to the north.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map designation of this property as a Residential Neighborhood Area. This designation calls for

incorporation of nonresidential uses along connecting corridors with an emphasis on corners. Staff finds that the subject property's location at the intersection of Dockery Lane and Huntsville Road/Highway 16 is consistent with this objective. Additionally, the goals of City Plan 2030 include making traditional town form the standard. Through the allowance of both residential and nonresidential uses of appropriate scale, the NS-G zoning district encourages patterns of development that result in realizing this goal, where mixed-use development is allowed and nonresidential uses are located in proximity to residents.

DISCUSSION:

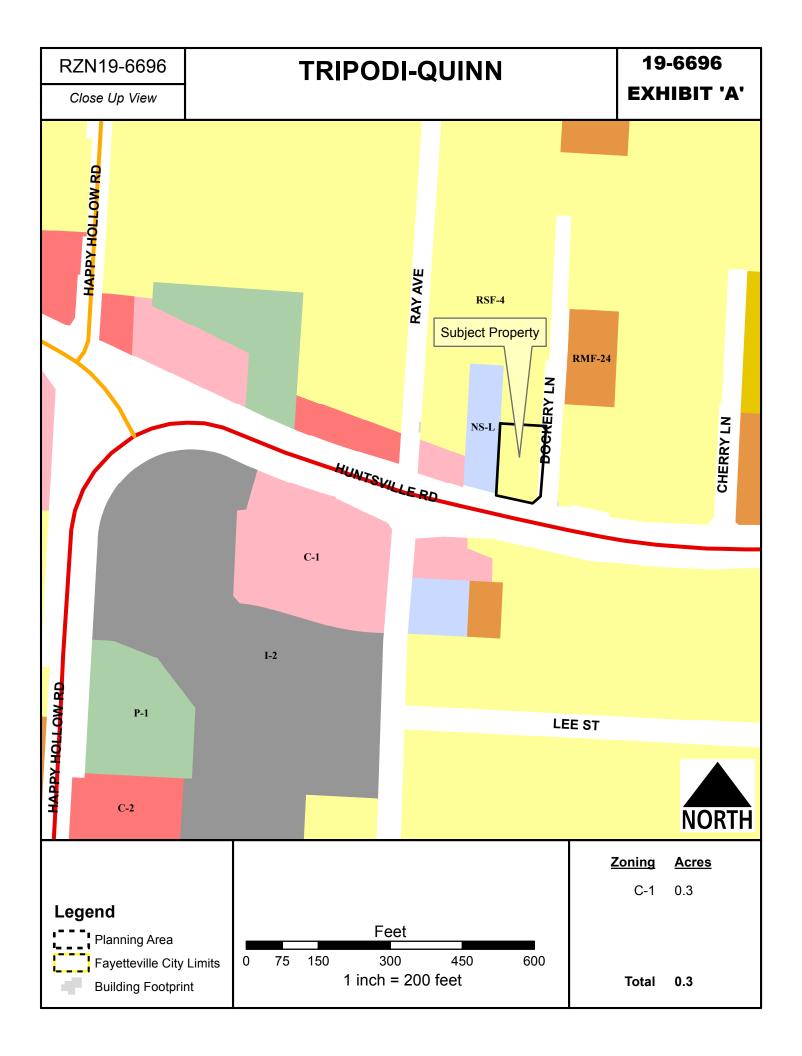
The applicant's original request was to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to C-1, Neighborhood Commercial. Following consultation with staff prior to the item's public hearing, the applicant formally requested to revise their proposal from C-1, to NS-G, Neighborhood Services-General. On June 24, 2019, the Planning Commission heard the revised request and forwarded the proposal for NS-G to City Council with a recommendation for approval by a vote of 8-0-0. Public comment was received prior to the hearing in opposition to C-1, but in favor of less intense mixed-use zoning districts.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



19-6696 **EXHIBIT 'B'**

1960 E HUNTSVILLE RD LEGAL DESCR PTION PER COUNTY RECORDS

Phys ca Address: 1960 E HUNTSVILLE RD

Subdiv sion: 23-16-30 FAYETTEVILLE OUTLOTS

B ock/Lot: N/A / N/A

S-T-R: 23-16-30

Size (Acres):

Lega: See Extended Legal

Extended Legal

PT NE NW 0.32A FURTHER DESCRIBED FROM 2018-16650 AS: Part of the Northeast Quarter of the Northwest Quarter of Section 23, Township 16 North, of Range 30 West, Washington County, Arkansas, described as beginning at a point which is 363 feet West and 357.7 feet South of the Northeast corner of said 40 acre tract; thence South 150 feet, more or less, to the North line of State Highway No 16; thence Westerly along the North line of said highway, 95 feet, more or less to a point 450 feet due West of the East line of said forty acre tract; thence North 150 feet, more or less, to a point due West of the point of beginning; thence East to the point of beginning. LESS AND EXCEPT: Part of the Northeast Quarter of the Northwest Quarter of Section 23. Township 16 North, Range 30 West, Washington County, Arkansas, more particularly described as follows: Commencing at a point being used as the Northwest Sixteenth Corner of Section 23; thence South 86°52'56" East, along the South line of the Northeast Quarter of the Northwest Quarter of Section 23, a distance of 4. 78 feet to a point on the Easterly right of way line of State Highway 16 as established by AHTD Job 9458; thence North 00°21'09" East along said right of way line a distance of 7.37 feet to a point; thence North 03°12'56" East along said right of way line a distance of 173.72 feet to a point; thence South 87°58'21" East along said right of way line a distance of 25.01 feet to a point; thence North 03°12'56" East along said right of way line a distance of 500.44 feet to a point; thence in a Northeasterly direction, along said right of way line on a curve to the right, having a radius of 195.00 feet, a distance of 379.17 feet, having a chord bearing of North 58°55'15" East, a distance of 322.20 feet to a point; thence South 65°22'25" East along said right of way line a distance of 14.95 feet to a point; thence in a Southeasterly direction along said right of way line on a curve to the left, having a radius of 1.613.66 feet a distance of 218.61 feet, having a chord bearing South 69°16'22" East a distance of 219.44 feet to a point; thence continue in a Southeasterly direction along said right of way on a curve to the left having a radius of 1,613.66 feet to a distance of 62.64 feet having a chord bearing of South 74°16'59" East a distance of 62.64 feet to a point; thence South 75°23'54" East along said right of way line a distance of 67.92 feet to a point; thence North 03°09'26" East a distance of 107.13 feet to a point; thence South 56°22'47" East a distance of 46.04 feet to a point on the Northeasterly right of way line of State Highway 16 as established by AHTD Job 9424; thence South 75°23'45" E along said right of way line a distance of 174.41 feet to the POINT OF BEGINNING; thence North 01°48'55" East a distance of 2.01 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 040578; thence South 77°31'24" East along said right of way line a distance of 73.73 feet to a point; thence North 48°56'42" East along said right of way line a distance of 22.31 feet to a point on the Westerly prescriptive right of way line of South Dockery Lane as established by Affidavit from the City of Favetteville dated August 18, 2009; thence South 04°31'51" West along said right of way line a distance of 23.48 feet to a point on the Northerly right of way line of State Highway 16 as established by AHTD Job 9424; thence North 75°23'45" West along said right of way line a distance of 89.93 feet to the point of beginning and containing 0.01 acres or 467 square feet, more or less as shown on plans prepared by the AHTD referenced as Job 040578.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: June 24, 2019 (Updated with Planning Commission Results)

SUBJECT: RZN 19-6696: Rezone (1960 E. HUNTSVILLE RD./TRIPODI-QUINN,

565): Submitted by HANNAH TRIPODI for property located at 1960 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain approximately 0.28 acres. The request is to rezone the property to C-1, Neighborhood Commercial.

RECOMMENDATION:

Staff recommends denial of RZN 19-6696.

RECOMMENDED MOTION:

"I move to deny RZN 19-6696."

BACKGROUND:

The subject property is located on the north side of Huntsville Road/Highway 16, between Ray Avenue and Dockery Lane to the west and east respectively. The property is developed with a single-family dwelling, built in 1956 according to Washington County records. Vehicular access to the property is from Dockery Lane to the east. Surrounding land use and zoning is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Two-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Non-residential (Antiques Store)	NS-L, Neighborhood Services, Limited

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to C-1, Neighborhood Commercial. The applicant has stated in their request letter that this rezoning is necessary to continue using the existing residential building as a small counseling office. While the existing RSF-4 zoning district does allow small nonresidential uses under Use Unit 12a, Limited Business, the size of the existing building limits the allowed activities of potential users.

Public Comment: Staff has received no public comment regarding the request.

INFRASTRUCTURE:

Streets:

The property has frontage along East Huntsville Road/Highway 16 to the south and South Dockery Lane to the east. As noted above, the current access to the property is on Dockery, an unclassified street with asphalt paving and no improvements. Huntsville at this location is a fully-improved Principal Arterial with asphalt paving, bike lanes, sidewalks, and curb and gutter. Any street improvements required in this area will be determined at the time of development proposal.

. .

Water: Public water is available to the site. A 6-inch water main runs along the Dockery

Lane right-of-way.

Sewer: Public sanitary sewer is available to the site. A 6-inch sanitary sewer main runs

along the Dockery Lane right-of-way.

Drainage: Any additional improvements or requirements for drainage would be determined

at the time of development. No portion of the subject property lies within a FEMA designated 100-year floodplain, a Streamside Protection Zone, or the Hillside-Hilltop Overlay District (HHOD). Additionally, no hydric soils are present on this

site.

Fire: The Fire Department has noted that the subject property is protected by Station

3, located at 1050 South Happy Hollow Road, with an anticipated response time of approximately 3 minutes. This is below the 6-minute response time goal of the

Fayetteville Fire Department.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan designates the properties within the proposed rezone as **Residential Neighborhood Area**. Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single-family, multi-family, and rowhouses. Development is encouraged to be highly-connected, with compact blocks, grid street pattern and reduced setbacks. Low-intensity non-residential uses are encouraged at appropriate locations, such as on corners and 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 Compatibility: The proposed zoning is generally incompatible with the surrounding mixture of residential and low-intensity nonresidential uses. Despite adjacency to a state highway, Huntsville Road, the property is bounded on three sides by detached and attached residential uses. The higher intensity of uses allowed under the C-1 zoning district represent significant potential for adverse impacts on the established neighborhood, either through contextually-insensitive building sizes or activities that generate enough noise, light, and odor impacts as to have an adverse effect on neighboring properties.

Land Use Plan Analysis: Staff finds the proposed C-1 zoning to be incompatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. Despite the designation making explicit reference to incorporating nonresidential uses into residential areas for the benefit of surrounding neighborhoods, staff finds that the C-1 zoning district does not achieve this in a manner that will encourage appropriate infill or be at an intensity that compliments existing uses. Additionally, the C-1 zoning district does not permit by-right residential uses, which would eliminate the possibility of using the existing singlefamily home as a dwelling if it were to be converted in to an office or other nonresidential use. Among the zoning districts currently adopted in Fayetteville, staff finds that a lower-intensity district allowing for nonresidential, residential, or a mix of uses would be appropriate on this site. Such a zoning district would facilitate the Residential Neighborhood Area intent to encourage a mix of residential and low-intensity nonresidential uses along connecting corridors.

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

Finding:

Despite the applicant's letter stating that the requested zoning change is to develop the property with a low-traffic commercial business, staff does not find the request justified. Although a zoning district with increased flexibility in allowed uses could beneficially serve adjacent residents in a part of the City that is largely lacking in nonresidential uses, staff finds that the intensity and pattern of commercial, retail, and office uses permitted under the C-1 zoning district is in excess of what is appropriate.

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

Finding:

The site has access to Huntsville Road and Dockery Lane, a Principal Arterial and a narrow, unclassified street respectively. Although the proposed C-1 zoning district allows uses that would likely increase traffic over the existing RSF-4 zoning district, the size of the property and the associated limitations on development would likely not result in a significant increase in traffic nor appreciably increase traffic danger and congestion. Further, improvements to Huntsville Road have increased both capacity and visibility along the property's frontage, with accident records from 2011 to 2017 indicating four accidents in the vicinity of Huntsville's intersection with Dockery.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding:

The applicant's requested C-1 zoning district does not permit residential uses by-right. Accordingly, no increase in density is anticipated with the proposal nor any substantial adverse impacts on public services.

5. If there are reasons why the proposed zoning should not be approved in view of

considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

RECOMMENDATION: Planning staff recommends denial of RZN 19-6696.	
Finding: N/A	

PLANNING COMMISSION ACTION:	Required	YES
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Date: June 24, 2019 ☐ Tabled ☑ Forwarded ☐ Denied

Motion: Johnson, recommending approval of the applicant's revised request of NS-G,

Neighborhood Services, General.

Second: Canada

Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.07 RSF-4, Residential Single-family, 4 Units per Acre
 - o §161.21 C-1, Neighborhood Commercial
- 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
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15 feet		5 feet		15 feet
(F) Building Height Regulations.				
Building Height Maximum 3 stories		3 stories		

(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)

161.21 - District C-1, Neighborhood Commercial

- (A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.
- (B) Uses.
 - (1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cluster Housing Development
Unit 45	Small scale production

(2) Conditional Uses.

(~)	Conditional Caca.
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

- (C) Density. None.
- (D) Bulk and Area Regulations. None.
- (E) Setback Regulations.

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 feet
Rear	20 feet

(F) Building Height Regulations.

Building Height Maximum	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 boundary line of an adjacent residential 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. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, § 1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§ 5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17)

4245 E BROOMSAGE DR FAYETTEVILLE, AR 72701 WWW.QUINNHOMESLLC.COM Request Letter

QUINN HOMES LLC
REAL ESTATE INVESTMENT GROUP

May 10, 2019

City of Fayetteville Planning Commission 125 W Mountain St Fayetteville, AR 72701

RE: Request to Rezone 1960 E Huntsville Rd

Dear Planning Commission,

The objective of this request is to rezone 1960 E Huntsville Rd (parcel 765-15213-000), from RSF-4, to C-1, Neighborhood Commercial. Parcels to the north, south, and east of this are zoned RSF-4, and the parcel to the west is zoned NS-L. However, Huntsville Rd is a largely mixed-zone connection with 6 commercially zoned lots just within 1/10th of a mile from 1960 E Huntsville Rd.

The subject property contains a single-family residence built in 1956 containing approximately 1,856 square feet of total living space. The requested zone would permit the use of the existing space as a counseling office facility.

Keeping in line with the City's goal of adaptive reuse of buildings, the exterior of the existing structure would remain as-is with the exception of minor cosmetic adjustments. Future plans for modification of the building's footprint include, contingent on City permission, a permanent wheelchair ramp and additional off-street parking.

Access to the building is off Dockery Ln, a residential street. However, due to the nature of the proposed business and limited number of employees and clientele at any given time, traffic impact would be minimal. (Please see *Table 1*)

The requested rezoning of 1960 E Huntsville Rd is essential to the proposed use of the parcel. As a counseling office facility, the property would have an opportunity to benefit the welfare of the Fayetteville community by providing a sophisticated, therapeutic setting offering mental health services for children and adults.

Thank you for your time and consideration of this request.

Sincerely,

Hannah Tripodi

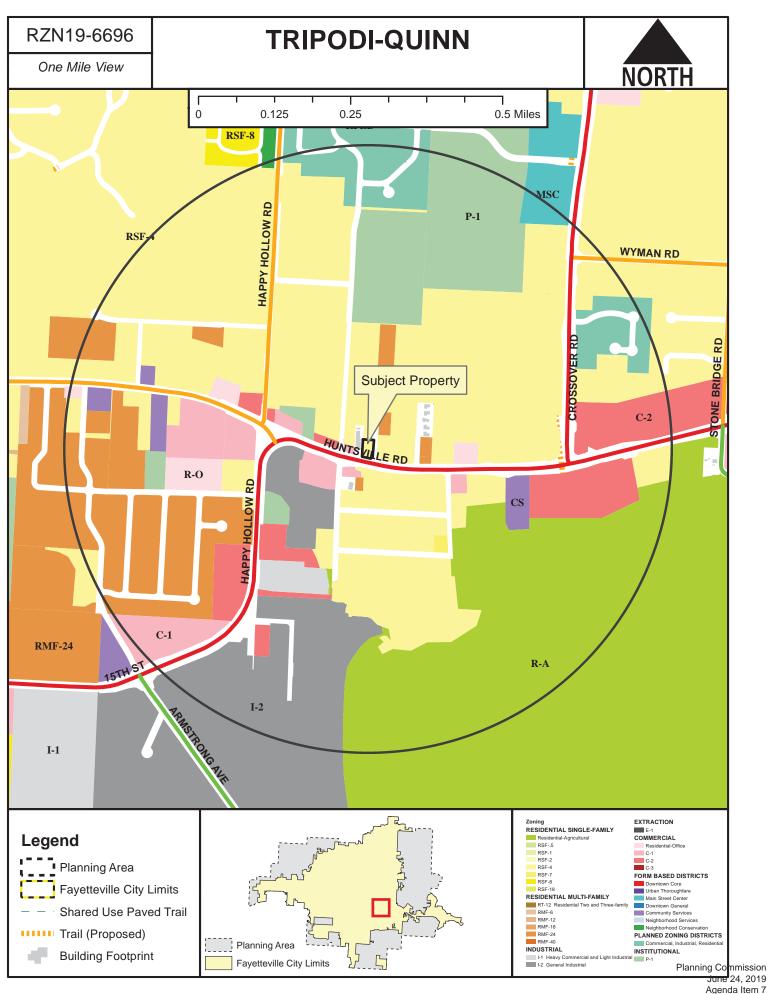
Owner, Quinn Homes LLC

(479)790-9589

hannah@quinnhomesllc.com

TABLE 1:

Hours of Operation	8:00am - 6:00pm	Monday = Friday
Number of Employees	1 - 4	Total # Working in Building at a Given Time
Number of Clientele	8	Approximate Daily Average (~1 per hour)



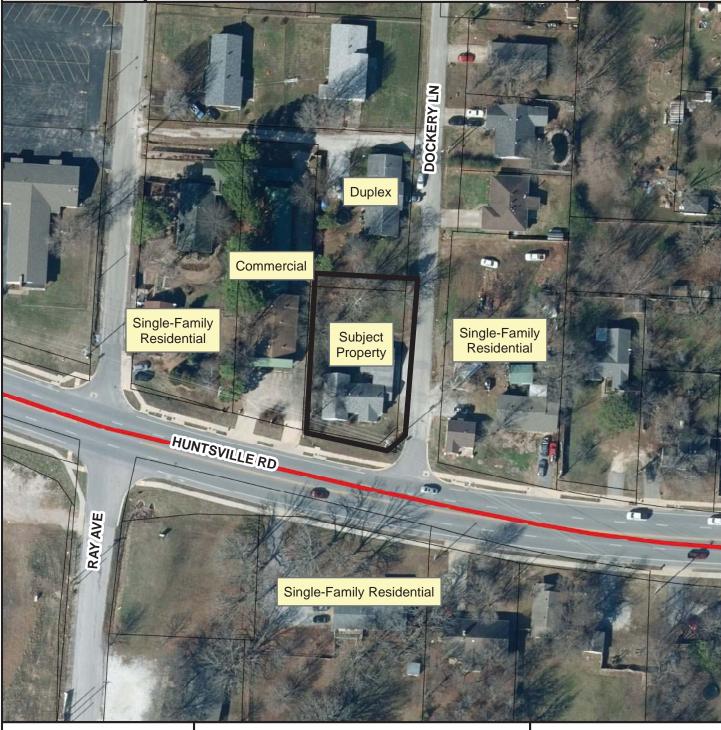


RZN19-6696

Current Land Use

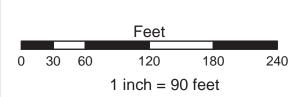
TRIPODI-QUINN





Streets Existing MSP Class

PRINCIPAL ARTERIAL
Planning Area
Fayetteville City Limits



FEMA Flood Hazard Data



Planning Commission June 24, 2019 Agenda Item 7

