City of Fayetteville Staff Review Form

2019-0460 Legistar File ID 8/20/2019

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

Ac	tion Recommendat	ion:
Submitted By	Submitted Date	Division / Department
Garner Stoll	8/2/2019	CITY PLANNING (630)

RZN 19-6732: Rezone (SW OF E. ROCK ST. & S. MILL AVE./SOUTHERN BROTHERS CONSTRUCTION, 524): Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located SW OF E. ROCK ST. & S. MILL AVE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.31 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

Budget Impact: Account Number Fund **Project Number Project Title Current Budget** \$ **Budgeted Item?** NA **Funds Obligated** \$ Current Balance Does item have a cost? No Item Cost **Budget Adjustment Attached? Budget Adjustment** NA Remaining Budget V20180321 **Purchase Order Number: Previous Ordinance or Resolution # Change Order Number: Approval Date:**

Original Contract Number:

Comments:



CITY COUNCIL MEMO

MEETING OF AUGUST 20, 2019

TO: Mayor; Fayetteville City Council

THRU: Don Marr, Chief of Staff

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

FROM: Jonathan Curth, Senior Planner

DATE: August 2, 2019

SUBJECT: RZN 19-6732: Rezone (SW OF E. ROCK ST. & S. MILL AVE./SOUTHERN

BROTHERS CONSTRUCTION, 524): Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located SW OF E. ROCK ST. & S. MILL AVE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.31 acres. The request is to rezone the

property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

The Planning Commission and staff 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'.

BACKGROUND:

The subject property is located on the southwest corner of Rock Street and Mill Avenue, with an existing driveway on to Rock. Based on historical aerial imagery, and despite being platted, the property has never been developed and largely serves to provide vehicular access to the property to the south.

Request: The request is to rezone the subject property from RMF-24, Residential Multi-family, 24 Units per Acre, to RI-U, Residential Intermediate-Urban. The applicant has stated in their request letter that this rezoning is necessary to develop the property with single-family dwellings at a greater density.

Land Use Compatibility: The proposed zoning is compatible with the surrounding mixture of residential and non-residential uses. As an urban district, RI-U will allow for the residential dwelling types and lot sizes that are commonly found in near proximity to Fayetteville's core. Although the only residential uses found in immediate proximity to the subject property are single-family in character, this area of the City includes a wide variety of uses, dwelling types, and lot sizes. Rezoning the property to RI-U will encourage a pattern of development that staff finds to be compatible with existing properties.

Land Use Plan Analysis: Staff finds the proposed RI-U zoning to be compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. The

Residential Neighborhood Area designation supports the development of a variety in housing, particularly at a scale that is contextual with surrounding development. The flexibility of lot sizes in the RI-U zoning district, coupled with the zoning district's limitation on attaching up to four housing units, compliments the City's efforts to encourage appropriate infill in an area of smaller attached and detached dwellings.

Similarly, rezoning the property to RI-U compliments Fayetteville's comprehensive plan and many of its adopted goals. This includes the aforementioned encouragement of infill and revitalization, which can, in turn, discourage outward urban sprawl. Development under the RI-U zoning district on the subject property can also serve to promote livable transportation, where residents can utilize nearby transit routes or bike and walk to Fayetteville's downtown. Lastly, with its form-based zoning elements, RI-U requires development in a traditional town form, where buildings address the street.

DISCUSSION:

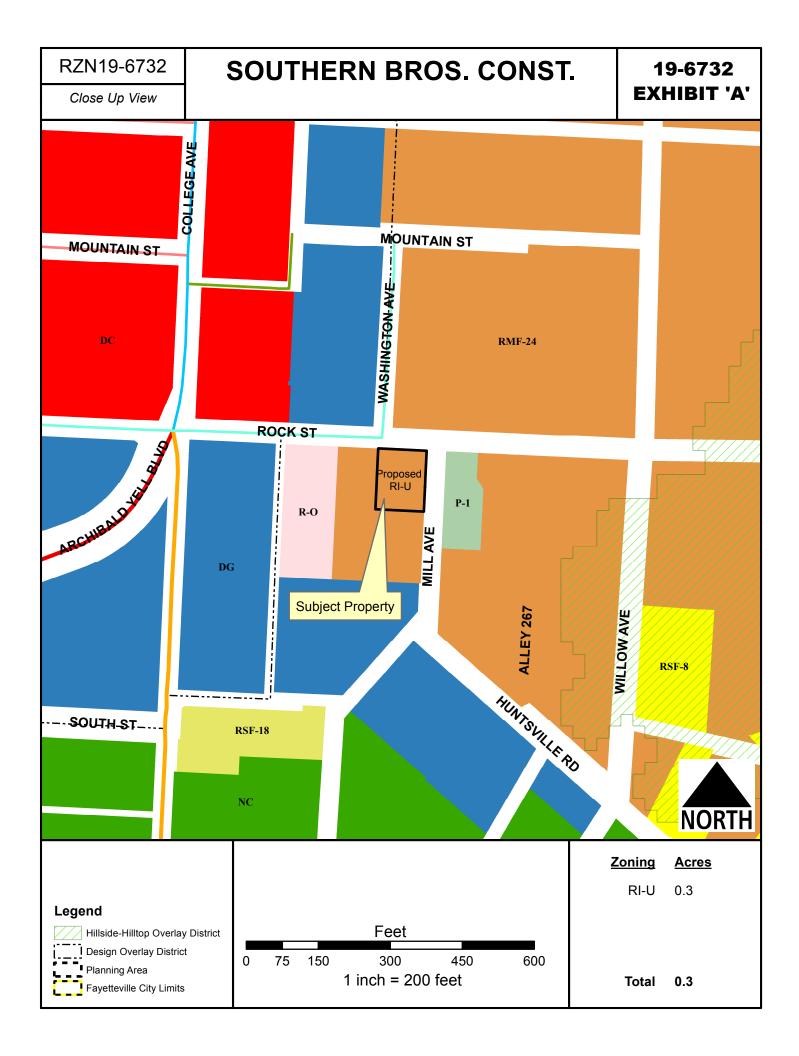
On July 22, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-0-0. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



19-6732 EXHIBIT 'B'

LOT NUMBER FIVE (5) IN BLOCK TWO (2), BOLES ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, SAID LOT HAVING A PRONTAGE OF 75 FEET NORTH AND SOUTH ON MILL AVENUE AND A DEPTH OF 106.17 FEET; ALSO A PART OF LOT ONE (1), BLOCK TWO (2), BOLES ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, SAID PARCEL HAVING A FRONTAGE OF 51.83 FEET NORTH AND SOUTH ON MILL AVENUE AND A DEPTH OF 106.17 FEET EAST AND WEST ON ROCK STREET, ALL AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

THE ABOVE DESCRIBED TRACT BEING SUBJECT TO THE FOLLOWING DESCRIBED DRIVEWAY EASEMENT: A PART OF LOT NUMBER FIVE (5) IN BLOCK TWO (2), BOLES ADDITION TO THE CITY OF PAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT FIVE (5); THENCE NOO°42'01"W ALONG THE EAST LINE OF SAID LOT FIVE (5) 20.00 FEET; THENCE S67°13'07"W 26.98 FEET TO THE POINT OF INTERSECTION OF THE TWENTY-FIVE (25) FOOT SETBACK FROM THE EAST LINE AND THE TEN (10) FOOT SETBACK FROM THE SOUTH LINE OF SAID LOT FIVE (5); THENCE S86°58'21"W 30.06 FEST; THENCE S00°42'01"E 10.00 FEET TO THE SOUTH LINE OF SAID LOT FIVE (5); THENCE N88°58'21"E 55.06 FEET TO THE POINT OF BEGINNIG.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Jonathan Curth, Senior Planner

MEETING DATE: July 22, 2019 (Updated with Planning Commission Results)

SUBJECT: RZN 19-6732: Rezone (SW OF E. ROCK ST. & S. MILL

AVE./SOUTHERN BROTHERS CONSTRUCTION, 524): Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located SW OF E. ROCK ST. & S. MILL AVE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE and contains approximately 0.31 acres. The request is to rezone the property to RI-U,

RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding RZN 19-6732 to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward RZN 19-6732 to the City Council with a recommendation of approval."

BACKGROUND:

The subject property is located on the southwest corner of Rock Street and Mill Avenue, with an existing driveway on to Rock. Based on historical aerial imagery, and despite being platted, the property has never been developed and largely serves to provide vehicular access to the property to the south. Surrounding land use and zoning is depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
South	Single-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre
East	Parkland	P-1, Institutional
West	Single-family Residential	RMF-24, Residential Multi-family, 24 Units per Acre

Request: The request is to rezone the subject property from RMF-24, Residential Multi-family, 24 Units per Acre, to RI-U, Residential Intermediate-Urban. The applicant has stated in their request letter that this rezoning is necessary to develop the property with single-family dwellings at a greater density.

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

INFRASTRUCTURE:

Streets:

The property has frontage along East Rock Street to the north and South Mill Avenue to the east. Rock is an unclassified, partially-improved street along the property's frontage, with curb and gutter, asphalt paving, and sidewalk along both sides. The property currently has driveway access to Rock near the corner where it is intersected by South Mill Avenue. Mill is also an unclassified street, with asphalt paving, curb and gutter on both sides, and sidewalk along the property's frontage. Any street improvements required in these areas would be determined at the time of development proposal.

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

Rock and Mill rights-of-way.

Sewer: Public sanitary sewer is available to the site. An 8-inch sanitary sewer main runs

along both the Rock and Mill rights-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, the Hillside-Hilltop Overlay District (HHOD), or a

Streamside Protection Zone, and no hydric soils are present.

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

will be protected by Station 1, located at 303 West Center Street with an anticipated response time of approximately 5.2 minutes. This is within the response time goal

of six minutes for an engine and eight minutes for a ladder truck.

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 compatible with the surrounding mixture of residential and non-residential uses. As an urban district, RI-U will allow for the residential dwelling types and lot sizes that are commonly found in near proximity to Fayetteville's core. Although the only residential uses found in immediate proximity to the subject property are single-family in character, this area of the City includes a wide variety of uses, dwelling types, and lot sizes. Rezoning the property to RI-U will encourage a pattern of development that staff finds to be compatible with existing properties.

Land Use Plan Analysis: Staff finds the proposed RI-U zoning to be compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. The Residential Neighborhood Area designation supports the development of a variety in housing, particularly at a scale that is contextual with surrounding development. The flexibility of lot sizes in the RI-U zoning district, coupled with the zoning district's limitation on attaching up to four housing units, compliments the City's efforts to encourage appropriate infill in an area of smaller attached and detached dwellings.

Similarly, rezoning the property to RI-U compliments Fayetteville's comprehensive plan and many of its adopted goals. This includes the aforementioned encouragement of infill and revitalization, which can, in turn, discourage outward urban sprawl. Development under the RI-U zoning district on the subject property can also serve to promote livable transportation, where residents can utilize nearby transit routes or bike and walk to Fayetteville's downtown. Lastly, with its form-based zoning elements, RI-U requires development in a traditional town form, where buildings address the street.

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

Finding:

The applicant has requested the zoning change to have greater flexibility in developing the property with residential dwellings. Staff finds the request justified as the proposed zoning district would beneficially facilitate greater residential densities in the core of the City where services, employment opportunities, and amenities are near their greatest concentration.

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

Finding:

The site has access to Rock Street and Mill Avenue, with both unclassified by the Master Street Plan. Despite the location of the property's existing curb cut and driveway, which do not conform with the standards for safe property access under the City's code, development of the site will necessitate review and possible relocation of vehicular access. Additionally, the property's size and other development limitations, such as parking requirements, building and fire codes, and property access, will inherently limit the development potential of the site, and thereby reduce the potential for congestion or hazardous traffic conditions.

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 RI-U zoning district allows single- 2-, 3-, and 4-family dwellings with no density. Although potentially higher than the current RMF-24 allowance of 24 units per acre, staff finds that the realities of development requirements and the lot's size will limit impacts to those that

could occur under the existing zoning entitlements. Accordingly, no additional adverse impacts on services or infrastructure are not anticipated.

- 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.

		F					
Fir	nding:	N/A					
		DATION: Plan a recommend	_		orwarding	RZN 19-6732 to	the City
	PLANNIN	G COMMISSIO	ON ACTION:	Required	YES		
	Date: July	y 22, 2019	☐ Tabled	☑ Forwar	ded	☐ Denied	
	Motion: N	iederman					
	Second: I	Brown					

BUDGET/STAFF IMPACT:

None

Attachments:

Vote: 7-0-0

- Unified Development Code:
 - o §161.12 RI-U, Residential Intermediate-Urban
 - o §161.16 RMF-24, Residential Multi-family, 24 Units per Acre
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.12 - District RI-U, Residential Intermediate - Urban

- (A) Purpose. The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with singlefamily homes and to encourage a diversity of housing types to meet demand for walkable urban living.
- (B) Uses.
 - (1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development

(2) Conditional Uses.

(2) Conditional Oses.		
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 12a	Limited business	
Unit 24	Home occupations	
Unit 26	Multi-family dwellings	
Unit 36	Wireless communications facilities	

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

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) Setback Requirements.

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) Building Height Regulations.

Building height maximum	2 stories/3 stories*
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- * 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. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.
- (G) Building Area. The area occupied by all buildings shall not exceed 60% of the total lot area.
- (H) Minimum Buildable Street Frontage. 50% of the lot width.

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(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.

(-)	= 0	
	Units per acre	24 or less

(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 park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet

Two (2) family	y 4,000 square feet	
Three (3) or more	7,000 square feet	
Fraternity or Sorority	2 acres	
Professional offices	1 acres	

(3) Land Area Per Dwelling Unit .

Manufactured Home	3,000 square feet

(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. $\underline{5800}$, § 1(Exh. A), 10-6-15; Ord. No. $\underline{5921}$, §1, 11-1-16; Ord. No. $\underline{5945}$, §§ 5, 8, 9, 1-17-17; Ord. No. $\underline{6015}$, §1(Exh. A), 11-21-17)

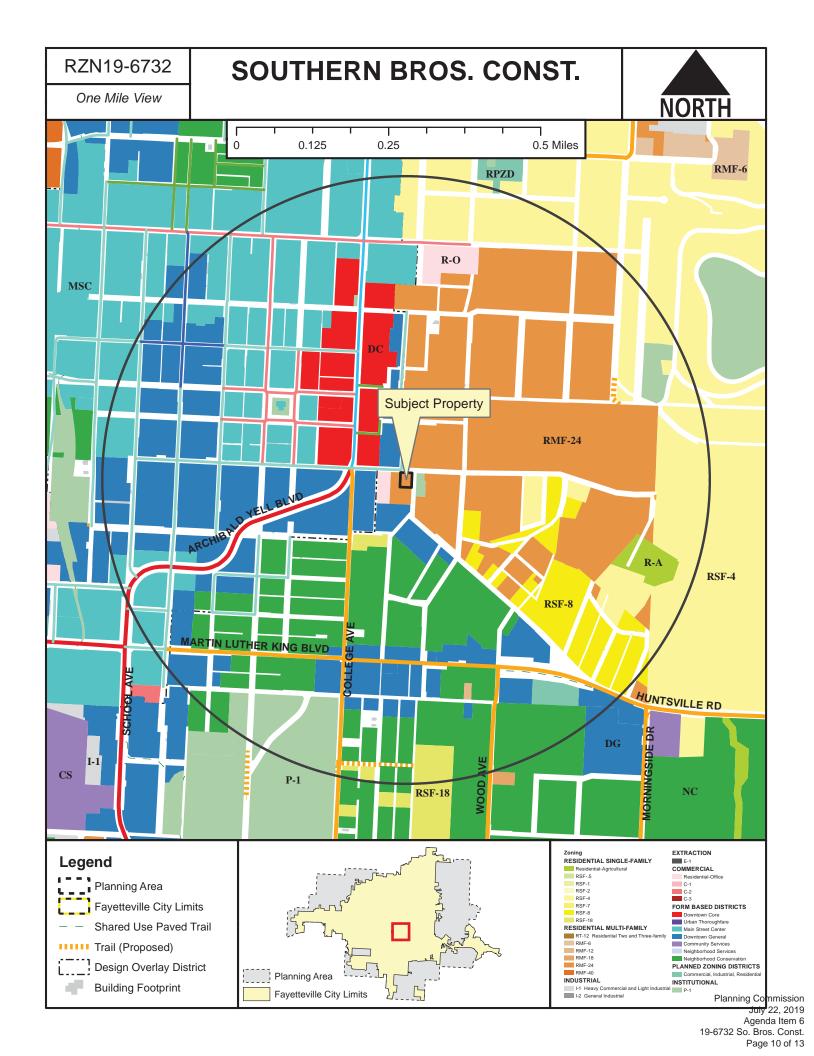
RZN 19-6732 Request Letter

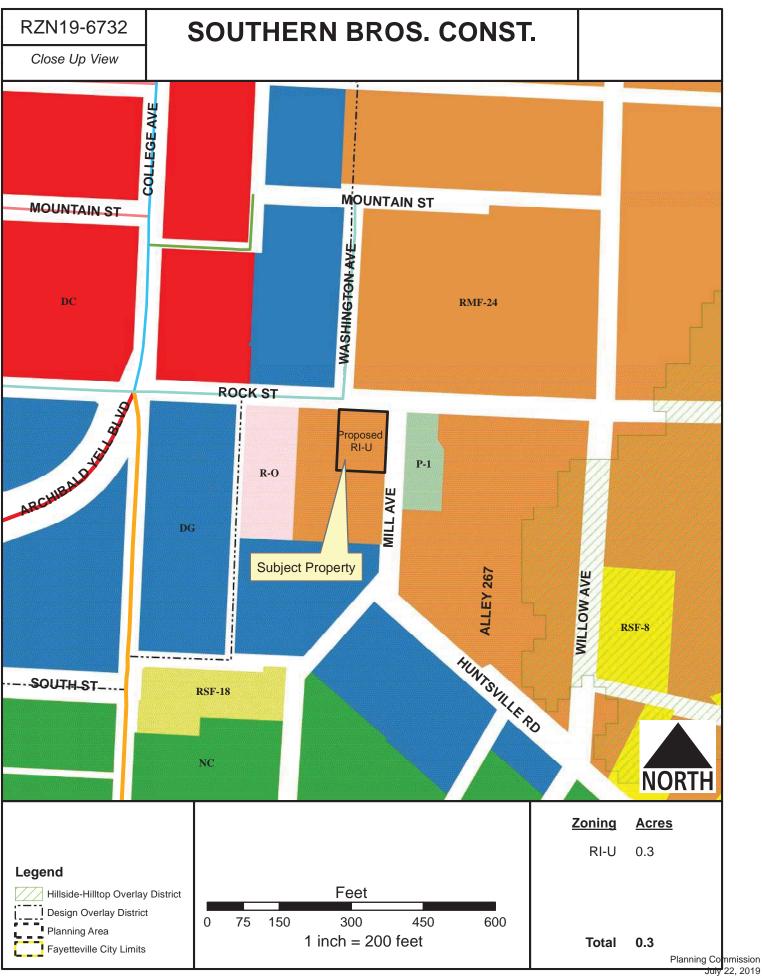


P.O. Box 1647 Fayetteville, Ar 72702 GC: Brock Posey 479-236-4858

Southern Brothers Construction and its client wishes to rezone Parcel # 765-02968 (E. Rock St and S. Mill Ave) from RMF-24 to RI-U. Our goal in rezoning this is to increase the density and capacity for some smaller single family homes with rear entry drive. To the West of the property we have R-O Zoning and the rest would be RMF-24 zoning with Downtown General encompassing a majority of the near properties as well. For full disclosure we intend to use the existing driveway to service the new architectural designed single family homes. With the new development of surrounding smaller single family homes and park across the street the project wouldn't adversely affect the area and bring value to existing homes.

Southern Brothers and its client thank you for your time and consideration G.C. – Brock Posey





RZN19-6732

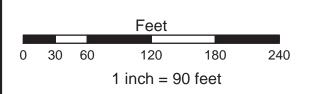
Current Land Use

SOUTHERN BROS. CONST.













Planning Commission July 22, 2019 Agenda Item 6

RZN19-6732 SOUTHERN BROS. CONST. Future Land Use NORTH **EAST AVE** WALNUT AVE **ALLEY 35** CENTER S CENTER ST CENTER ST MOUNTAIN ST MOUNTAIN ST Subject Property **ROCK ST** WALKER RD **WASHINGTON AVE FUTURE LAND USE 2030** Legend Residential Neighborhood Area

Feet

450

1 inch = 300 feet

112.5 225

675

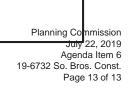
900

Planning Area

Fayetteville City Limits

Design Overlay District

Building Footprint



City Neighborhood Area

Civic Institutional

Complete Neighborhood Plan

Civic and Private Open Space/Parks