

City of Fayetteville Staff Review Form

2019-0547

Legistar File ID

9/17/2019

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

Garner Stoll

8/30/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6748: Rezone (203 E. 13TH ST./DAVIS, 563): Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located 203 E. 13TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.21 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF SEPTEMBER 17, 2019

TO: Mayor; Fayetteville City Council

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

FROM: Abdul R. Ghous, Planner

DATE: August 30, 2019

SUBJECT: **RZN 19-6748: Rezone (203 E. 13TH ST./DAVIS, 563):** Submitted by SOUTHERN BROTHERS CONSTRUCTION, INC. for property located 203 E. 13TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.21 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 NC, Neighborhood Conservation, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located at the corner of E. 13th street and S. Washington Avenue in the Burl Dodd Addition of the Walker Park Neighborhood. The property totals approximately 0.20 acres, is zoned NC, Neighborhood Conservation, and contains a single-family residential dwelling.

Request: The request is to rezone the parcel from NC, Neighborhood Conservation to RI-U, Residential Intermediate - Urban. The goal is to increase density and capacity allowing development of smaller single family homes with rear entry drive. Proposed zoning is compatible with the surrounding land use.

Land Use Compatibility: Land uses in immediate and general adjacency to the subject property are diverse. Although Washington Avenue is mostly single-family in character, there are examples of 2-,3-, and 4-family dwellings throughout Walker Park. That said, existing lot sizes range from approximately 60 to over 300 feet near the subject property, which is markedly larger than the 18-foot lot widths permitted under RI-U. All told, and with due consideration for both the potential building types and forms, staff finds that the proposed rezoning is generally compatible with adjacent land uses.

Land Use Plan Analysis: The Walker Park Neighborhood Plan encourages a variety of housing types while conserving the existing single-family fabric where it is intact. As stated earlier in this report, the City Council has approved multiple rezonings over the last two years allowing 2-, 3-, and 4-family dwellings in mid-block locations amidst single-family dwellings. These recent

decisions are viewed by staff as a shift in the Walker Park Neighborhood Plan policies guiding staff to recommend that the current rezoning request is in-line with land use policies of the City Council.

DISCUSSION:

On August 26, 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

RZN19-6748

DAVIS

EXHIBIT 'A'

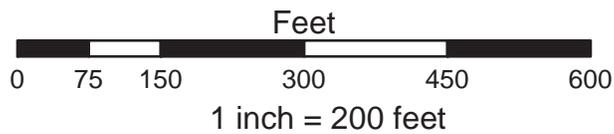
Close Up View

19-6748



Legend

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



Zoning	Acres
RI-U	0.2
Total	0.2

EXHIBIT 'B'

19-6748

W1/2 LOTS 1-2 BLOCK 6, Buri Dodd Add, including all appurtenances thereon. Also known as 203 E. 13th Street, Fayetteville, Arkansas 72701.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Abdul R. Ghous, Planner

MEETING DATE: August 26, 2019 Updated 8.27.19 PC FWD

SUBJECT: **RZN 19-6748: Rezone (203 E. 13th St./Davis, 563):** Submitted by Southern Brothers Construction, LLC for property located at 203 E. 13th St. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.19 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding RZN 19-6748 to City Council with a recommendation for approval.

RECOMMENDED MOTION:
“I move to forward RZN 19-6748 to City Council with a recommendation for approval.”

BACKGROUND:
The subject property is located at the corner of E. 13th street and S. Washington Avenue in the Burl Dodd Addition of the Walker Park Neighborhood. The property totals approximately 0.20 acres, is zoned NC, Neighborhood Conservation, and contains a single-family residential dwelling. 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	NC, Neighborhood Conservation
South	Single-family residential	NC, Neighborhood Conservation
East	Single-family residential	NC, Neighborhood Conservation
West	Single-family residential	NC, Neighborhood Conservation

Request: The request is to rezone the parcel from NC, Neighborhood Conservation to RI-U, Residential Intermediate - Urban. The goal is to increase density and capacity allowing development of smaller single family homes with rear entry drive. Proposed zoning is compatible with the surrounding land use.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE:

Streets: This parcel has frontage to South Washington Avenue and East 13th Street. South Washington Avenue is an unclassified street with asphalt paving and open ditches along the property’s frontage. East 13th Street is an unclassified street with asphalt paving and curb and gutter along the property’s frontage. 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 this parcel. An existing 6-inch watermain is present along South Washington Avenue that currently serves parcel 765-03364-000. An existing 1-inch watermain is present along East 13th Street.

Sewer: Sanitary Sewer is available to this parcel. An existing 8-inch sanitary sewer main is present along South Washington Avenue and an existing 6-inch sanitary sewer main is present along East 13th Street.

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 Station 3, located at 1050 S. Happy Hollow Road. The property is located approximately 1.5 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 **Complete Neighborhood Plan** in association with the Walker Park Neighborhood Plan. A central goal of this plan was to preserve single-family neighborhoods while encouraging additional housing types and a mixture of uses. The plan states that the neighborhood should have a balance of non-residential uses and housing for different income levels. A major emphasis of the plan is connectivity and walkability, with a connection of the street grid and improved mobility that will unify the neighborhood over time.

Since 2016, the City Council has approved multiple rezonings in the Walker Park neighborhood that permit construction of 2-, 3-, and 4-family dwellings in mid-block locations and adjacent to single-family dwellings. Staff interprets these decisions as policy direction from the Council for the Walker Park Neighborhood and has incorporated this direction into this rezoning recommendation.

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:*** Land uses in immediate and general adjacency to the subject property are diverse. Although Washington Avenue is mostly

single-family in character, there are examples of 2-, 3-, and 4-family dwellings throughout this portion of Walker Park. That said, existing lot sizes range from approximately 60 to over 300 feet near the subject property, which is markedly larger than the 18-foot lot widths permitted under RI-U. All told, and with due consideration for both the potential building types and forms, staff finds that the proposed rezoning is generally compatible with adjacent land uses.

Land Use Plan Analysis: The Walker Park Neighborhood Plan encourages a variety of housing types while conserving the existing single-family fabric where it is intact. As stated earlier in this report, the City Council has approved multiple rezonings over the last two years allowing 2-, 3-, and 4-family dwellings in mid-block locations amidst single-family dwellings. These recent decisions are viewed by staff as a shift in the Walker Park Neighborhood Plan policies guiding staff to recommend that the current rezoning request is in-line with land use policies of the City Council.

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

Finding: Based on the applicant's letter, the requested rezoning is justified and needed at this time to increase options for the developer and increase the number of units possible for construction. This property is marginally larger than many along Washington Avenue, but its subdivision and redevelopment is not possible without an approved rezoning.

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

Finding: Rezoning and redevelopment of the property under RI-U, with its lack of density requirements, has the potential to increase traffic on Washington Avenue. That said, the size of the property, totaling less than a ¼ acre, will naturally restrict the number of potential dwellings, and thus the possibility of increased traffic danger and congestion.

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 from NC to RI-U will increase the potential population density, but will not undesirably increase the load on facilities and services. As noted above, this 0.18-acre property has access to existing water, sewer, and other public services that eliminate the need for costly extensions or stretched fire or police service.

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 19-6748 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>August 26th, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Belden	Forwarded to CC with recommendation of approval		
Second: Paxton			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.29 - District NC, Neighborhood Conservation
 - §161.12 - District RI-U, Residential Intermediate – Urban
- City Fire Department memo
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.29 - Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(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 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density .* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations .*

(1) *Lot Width Minimum.*

Single Family	40 feet
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Two Family	80 feet
Three Family	90 feet

(2) *Lot Area Minimum* . 4,000 square feet

(E) *Setback Regulations* .

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations* .

Building Height Maximum	3 stories
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(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; 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, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

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 single-family 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*.

Unit 2	City-wide uses by conditional use permit
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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
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	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



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

Southern Brothers Construction and its client wishes to rezone Parcel # 765-03364 (203 E. 13th St) from Neighborhood Conservation NC 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 East/West of the property we have NC Zoning and North/South would be the same, with RI-U zoning nearby. The client wishes to have single access driveway to service both homes. With the newer developments of surrounding smaller family homes the client and we believe this will not adversely affect the neighborhood by bringing in more quality homes.

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

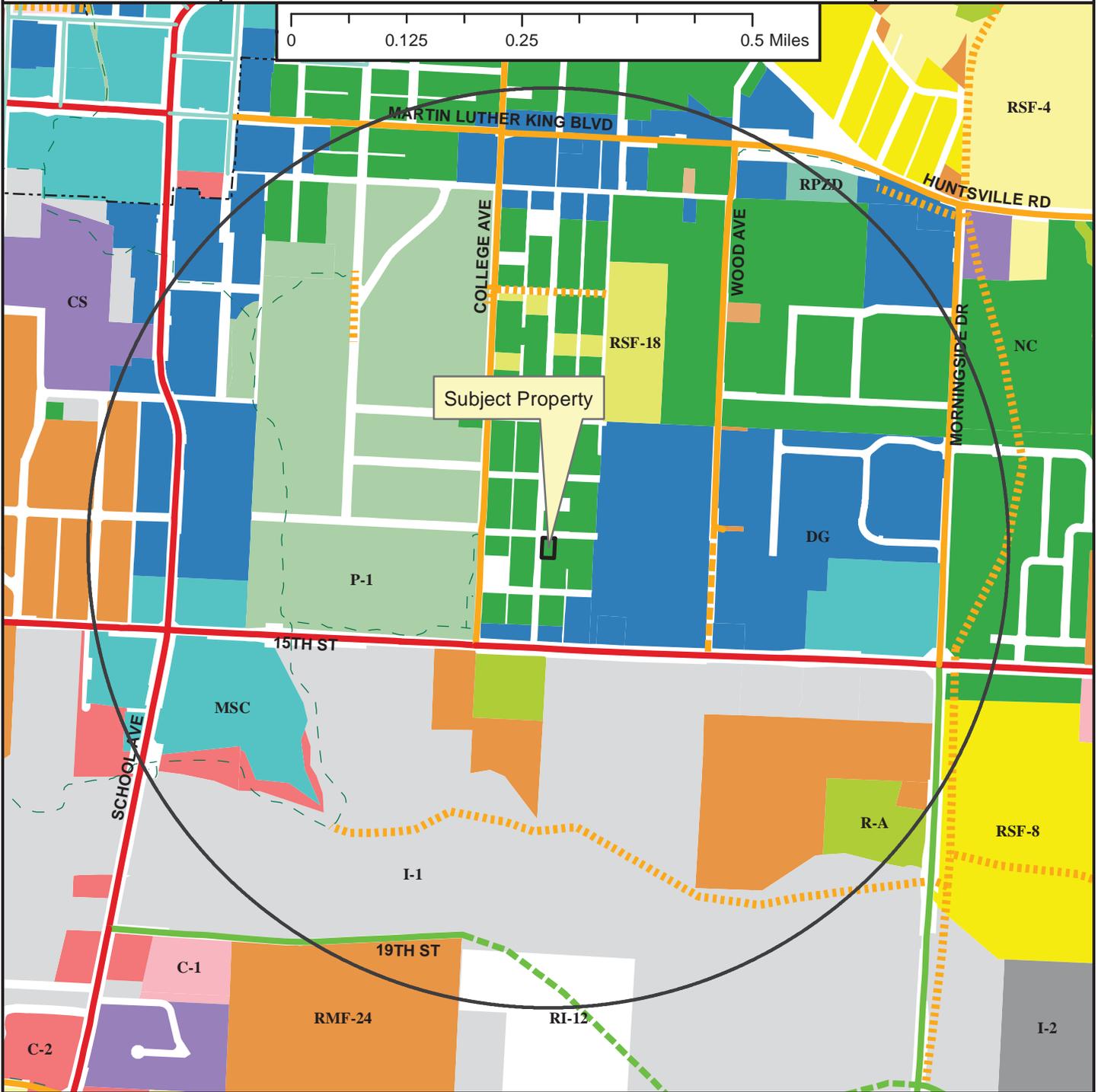
RZN19-6748

DAVIS

One Mile View



0 0.125 0.25 0.5 Miles



Legend

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



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-.5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
 - E-1
- COMMERCIAL**
 - Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
- INSTITUTIONAL**
 - P-1

RZN19-6748

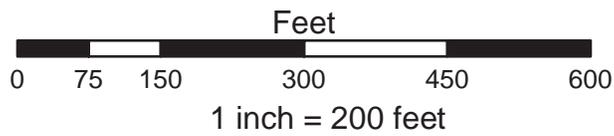
DAVIS

Close Up View



Legend

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



Zoning	Acres
RI-U	0.2
Total	0.2

RZN19-6748

DAVIS

Current Land Use



Streets Planned

MSP Class

COLLECTOR

Streets Existing

MSP Class

COLLECTOR

PRINCIPAL ARTERIAL

Shared Use Paved Trail

Planning Area

Fayetteville City Limits

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

Feet



1 inch = 300 feet

RZN19-6748

DAVIS

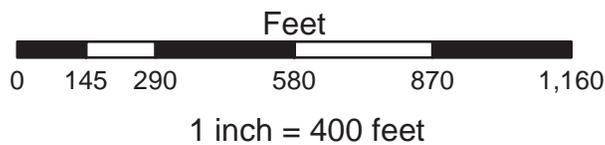


Future Land Use



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Industrial
- Complete Neighborhood Plan