

City of Fayetteville Staff Review Form

2019-0648

Legistar File ID

10/15/2019

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

Garner Stoll

9/27/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6818: Rezone (690 S. RAY AVE./MILLS, 526): Submitted by LAMB DEVELOPMENT, INC. for property located at 690 S. RAY AVE. The property is zoned RSF-4 RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the properties to RSF-8 RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF OCTOBER 15, 2019

TO: Mayor; Fayetteville City Council

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

FROM: Harry Davis, Planner

DATE: September 27, 2019

SUBJECT: **RZN 19-6818: Rezone (690 S. RAY AVE./MILLS, 526):** Submitted by LAMB DEVELOPMENT, INC. for property located at 690 S. RAY AVE. The property is zoned RSF-4 RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the properties to RSF-8 RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to RSF-8, Residential Single-family, 8 Units per Acre, as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is located approximately 500 feet north of Huntsville Road/Highway 16, functioning as a through lot between Ray Avenue and Dockery Lane. The property is developed with a single-family dwelling, built in 1964 according to Washington County records. Vehicular access to the property is currently from Ray Avenue to the west.

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to RSF-8, Residential Single-family, 8 Units per Acre. The applicant has stated in their request letter that this rezoning is necessary to split the lot.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding low-density residential uses. The proposed and surrounding properties are limited to single-family home development with similar setbacks and densities that do not conflict.

Land Use Plan Analysis: Staff finds the proposed RSF-8 zoning to be compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. RSF-8 would incorporate slightly higher residential densities on smaller lots with setbacks that are very similar to surrounding properties.

Staff believes this zoning is justified by encouraging more development within already developed areas, meeting the city's goal of discouraging suburban sprawl.

DISCUSSION:

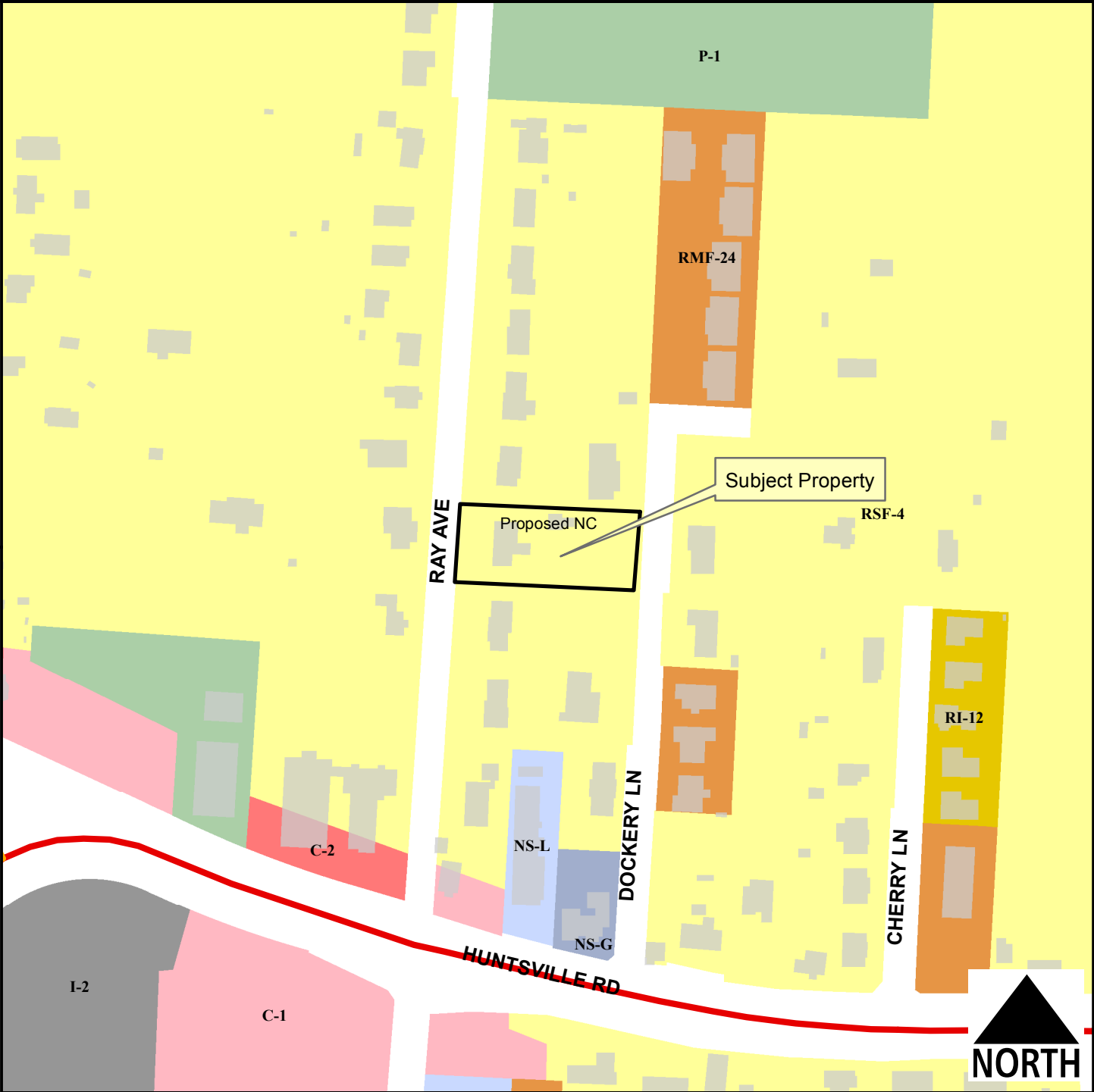
On September 23, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



Legend <div> <div></div> Planning Area </div> <div> <div></div> Fayetteville City Limits </div> <div> <div></div> Building Footprint </div>	<div>Feet</div> <div> <div></div> <div>075150300450600</div> </div> <div>1 inch = 200 feet</div>	<div>ZoningAcres</div>
		<div>NC0.6</div>
		<div>Total0.6</div>

19-6818
EXHIBIT 'B'

Legal Description for Proposed Rezone:

LOT C (PARCEL #765-05857-000):

LOT C, GREENBRIAR ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE EAST RIGHT-OF-WAY OF SOUTH RAY AVENUE MARKING THE NORTHWEST CORNER OF SAID LOT C AND RUNNING THENCE S87°24'42"E 247.39' TO AN EXISTING PIPE, THENCE S04°37'35"W 108.46' TO AN EXISTING PIPE, THENCE N87°19'21"W 246.13' TO AN EXISTING REBAR ON THE EAST RIGHT-OF-WAY OF SOUTH RAY AVENUE, THENCE ALONG SAID RIGHT-OF-WAY N03°58'08"E 108.04', TO THE POINT OF BEGINNING, CONTAINING 0.61 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN SOUTH DOCKERY LANE RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Harry Davis, Planner

MEETING DATE: September 23, 2019 **UPDATED W PC RESULTS**

SUBJECT: **RZN 19-6818: Rezone (690 S. RAY AVE./MILLS, 526):** Submitted by LAMB DEVELOPMENT, INC. for property located at 690 S. RAY AVE. The property is zoned RSF-4 RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.60 acres. The request is to rezone the properties to RSF-8 RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6818** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN 19-6818** to City Council with a recommendation of approval."

BACKGROUND:

The subject property is located approximately 500 feet north of Huntsville Road/Highway 16, functioning as a through lot between Ray Avenue and Dockery Lane. The property is developed with a single-family dwelling, built in 1964 according to Washington County records. Vehicular access to the property is currently from Ray Avenue to the west. 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	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	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to RSF-8, Residential Single-family, 8 Units per Acre. The applicant has stated in their request letter that this rezoning is necessary to split the lot.

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

INFRASTRUCTURE:

Streets: The subject area has frontage to South Ray Avenue and South Dockery Lane. South Ray Avenue is a partially improved local street with asphalt paving and

sidewalk adjoining the street along the property's frontage. South Dockery Lane is an unimproved local street with asphalt paving and open ditches 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 this parcel. There are existing 8-inch watermain along the east and west sides of the subject area that can serve parcel 765-05857-000.
- Sewer:** Sanitary sewer is available to this parcel. There are existing 6-inch sanitary sewer mains along the east and west sides of the subject area that can serve this parcel.
- 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, hydric soils are present in the area.
- Fire:** The site will be protected by Station 3, located at 1050 S. Happy Hollow Rd. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately 1 minute using existing streets. The anticipated response time would be approximately 3.2 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 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 Plan Analysis:*** Staff finds the proposed RSF-8 zoning to be compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. RSF-8 would incorporate slightly higher residential densities on smaller lots with setbacks that are very similar to surrounding properties.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding low-density residential uses. The proposed and

surrounding properties are limited to single-family home development with similar setbacks and densities that do not conflict.

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

Finding: Staff believes this zoning is justified by encouraging more development within already developed areas, meeting the city's goal of discouraging suburban sprawl.

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

Finding: The proposed rezoning is not expected to appreciably increase traffic congestion or danger.

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: No undesirable 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.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN 19-6818 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>September 23, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied		
Motion: Canada	Motion to forward to CC recommending approval				
Second: Belden	Motion passes				
Vote: 8-0-0					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-family, 4 Units per Acre
 - §161.09 – RSF-8, Residential Single-family, 8 Units per Acre
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses .*

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

(2) *Conditional Uses .*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

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

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

161.09 - District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit .*

Single-family	5,000 square feet
Two-family	5,000 square feet

Townhouse, no more than two (2) attached	2,500 square feet
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(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
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- (G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

(Ord. No. 4783, 10-18-05; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)



August 12, 2019

Mr. Matthew Hoffman, Chair
City of Fayetteville Planning Commission
113 W Mountain Street
Fayetteville, AR 72701

Re: 690 S Ray Ave. – Rezoning Request

Jackie Ray Mills and LAMB Development + Consulting, LLC are hereby requesting rezoning of the subject property from RSF-4 to RSF-8 to allow for development of single-family homes.

The proposed zoning is needed to facilitate appropriate infill development, which will revitalize an underutilized site and help to maintain this neighborhood as a vibrant, safe and inviting place to live.

The proposed zoning will not exigently alter the population density or undesirably increase the load on public services and will conform to the surrounding properties in terms of land use, traffic, appearance and signage.

It would be impractical to use the land for any of the uses permitted under its existing zoning classification as this would deviate from traditional town form, encourage suburban sprawl and limit opportunities for attainable housing.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richie Lamb".

Richie Lamb

211 N BLOCK AVE. SUITE 101, FAYETTEVILLE, AR 72701
479.790.7902

WWW.FAYETTEVILLELANDCOMPANY.COM

- FIELD WORK:

FIELD WORK:
JULY 30, 2019

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE

PROPERTY ZONED:
RSF-4

BUILDING SETBACKS:	
FRONT	15ft
SIDE	05ft
REAR	15ft

REFERENCE DOCUMENTS:

1) PLAT OF SURVEY FILED IN BOOK 2017 AT PAGE 35682
2) PLAT OF SURVEY FILED IN BOOK 2007 AT PAGE 4445
3) PLAT OF SURVEY FILED IN BOOK 1 AT PAGE 196
4) WARRANTY DEED FILED IN BOOK 988 AT PAGE 993

SURVEY DESCRIPTION:

LOT C (PARCEL #765-05857-000)

[illegible]

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS
DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE
RATE MAP FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0220F, DATED 05/16/2008)

NOTE: THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND, NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.



VICINITY MAP



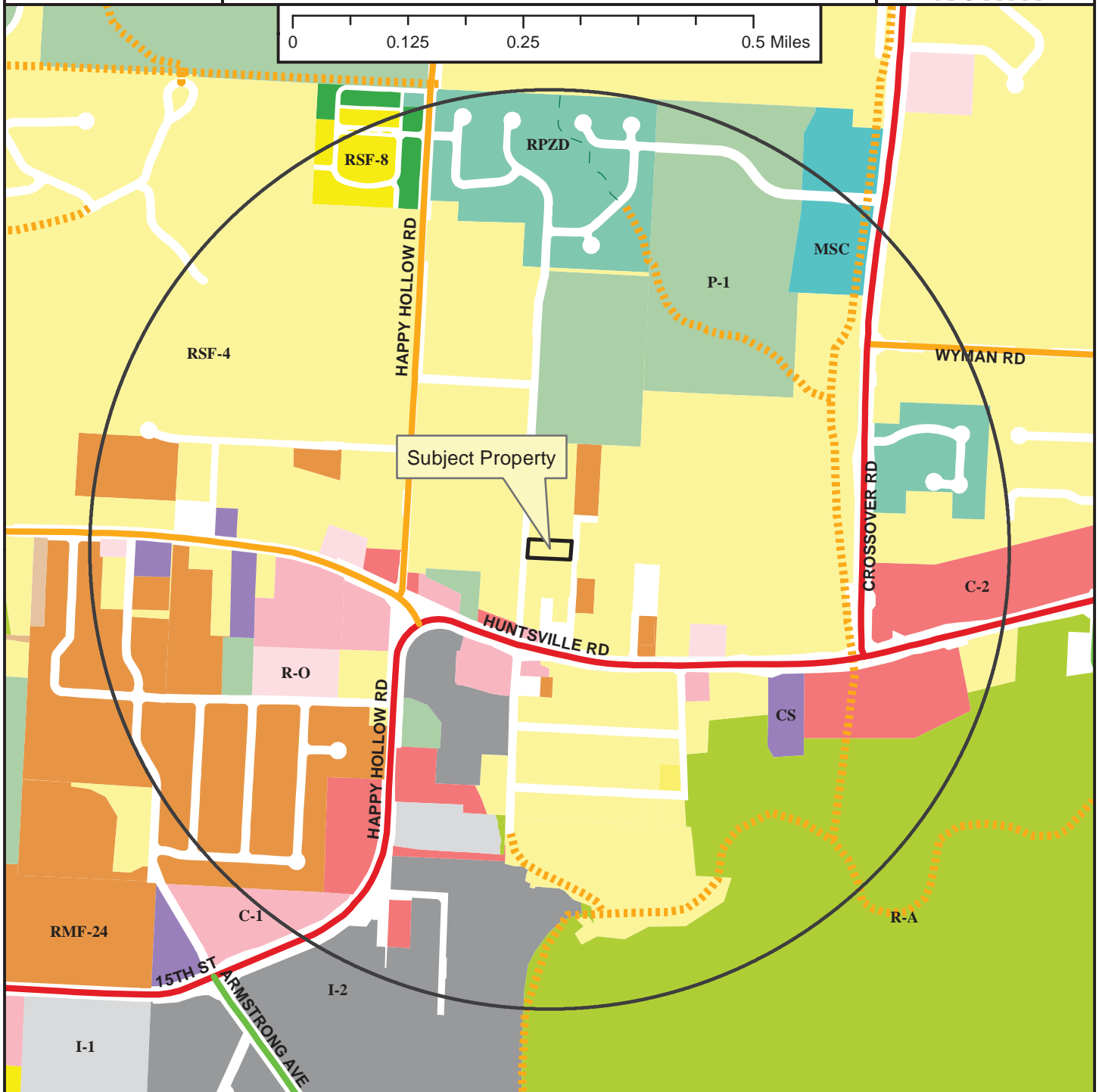
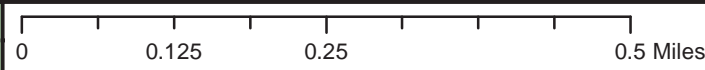
VICINITY MAP NOT TO SCALE

[illegible]

RZN19-6818

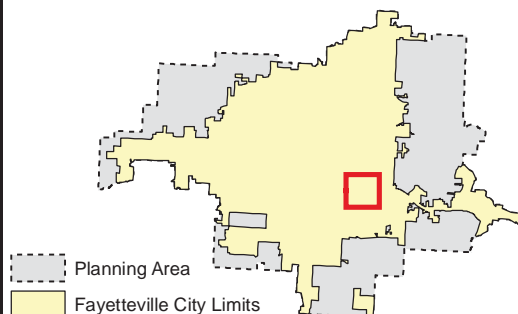
One Mile View

MILLS

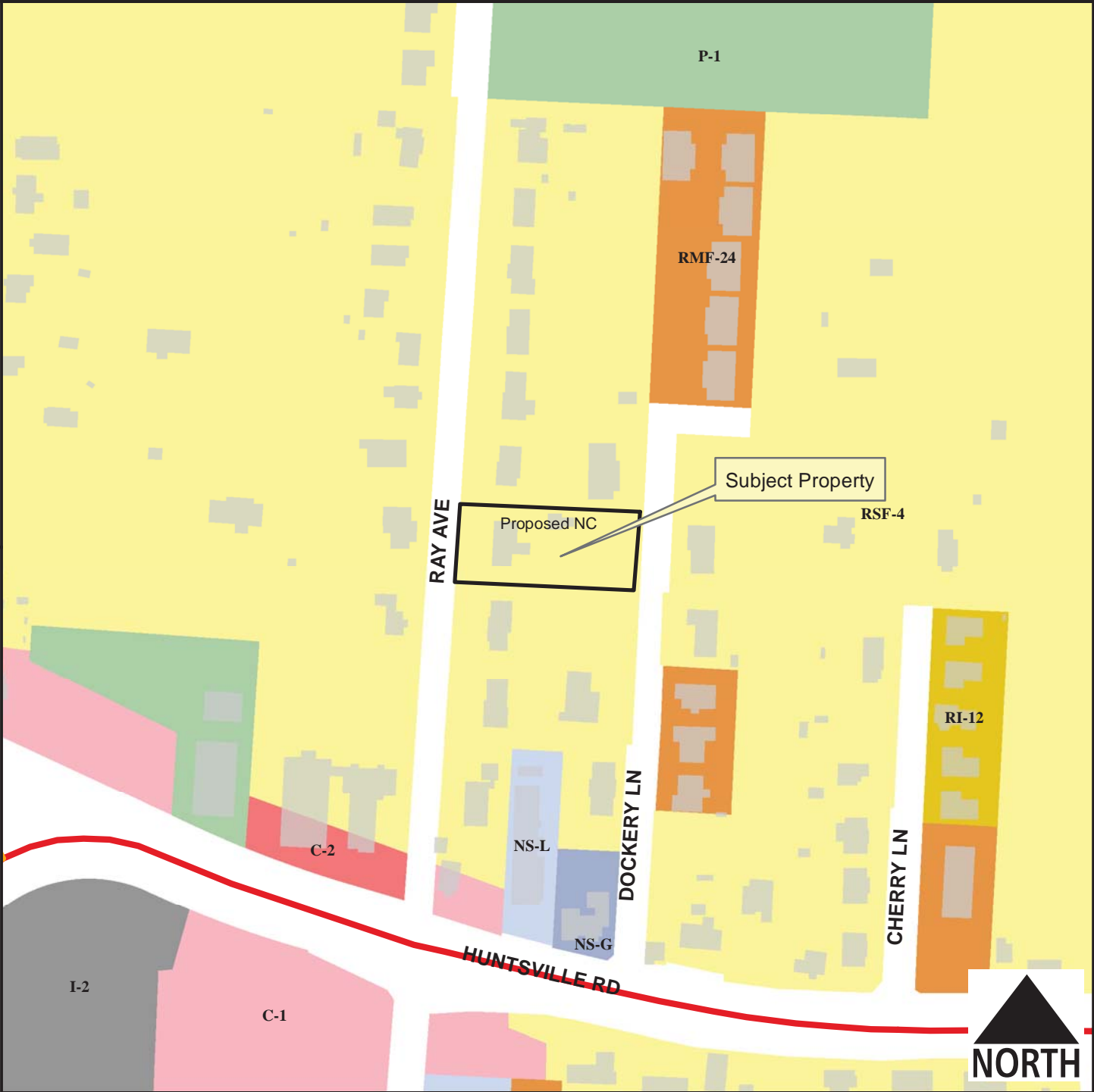


Legend

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



- | | |
|---|---|
| Zoning
RESIDENTIAL SINGLE-FAMILY
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
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 |
|---|---|



Legend <div> <div></div> Planning Area </div> <div> <div></div> Fayetteville City Limits </div> <div> <div></div> Building Footprint </div>	<div> <div>Feet</div> <div> <div>0</div> <div>75</div> <div>150</div> <div>300</div> <div>450</div> <div>600</div> </div> <div>1 inch = 200 feet</div> </div>	<div> <div>Zoning</div> <div>Acres</div> </div>
		<div> <div>NC</div> <div>0.6</div> </div>
		<div> <div>Total</div> <div>0.6</div> </div>





RZN19-6818

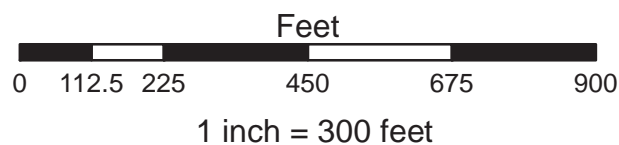
Current Land Use

MILLS





Streets Existing MSP Class

-  COLLECTOR
-  PRINCIPAL ARTERIAL
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

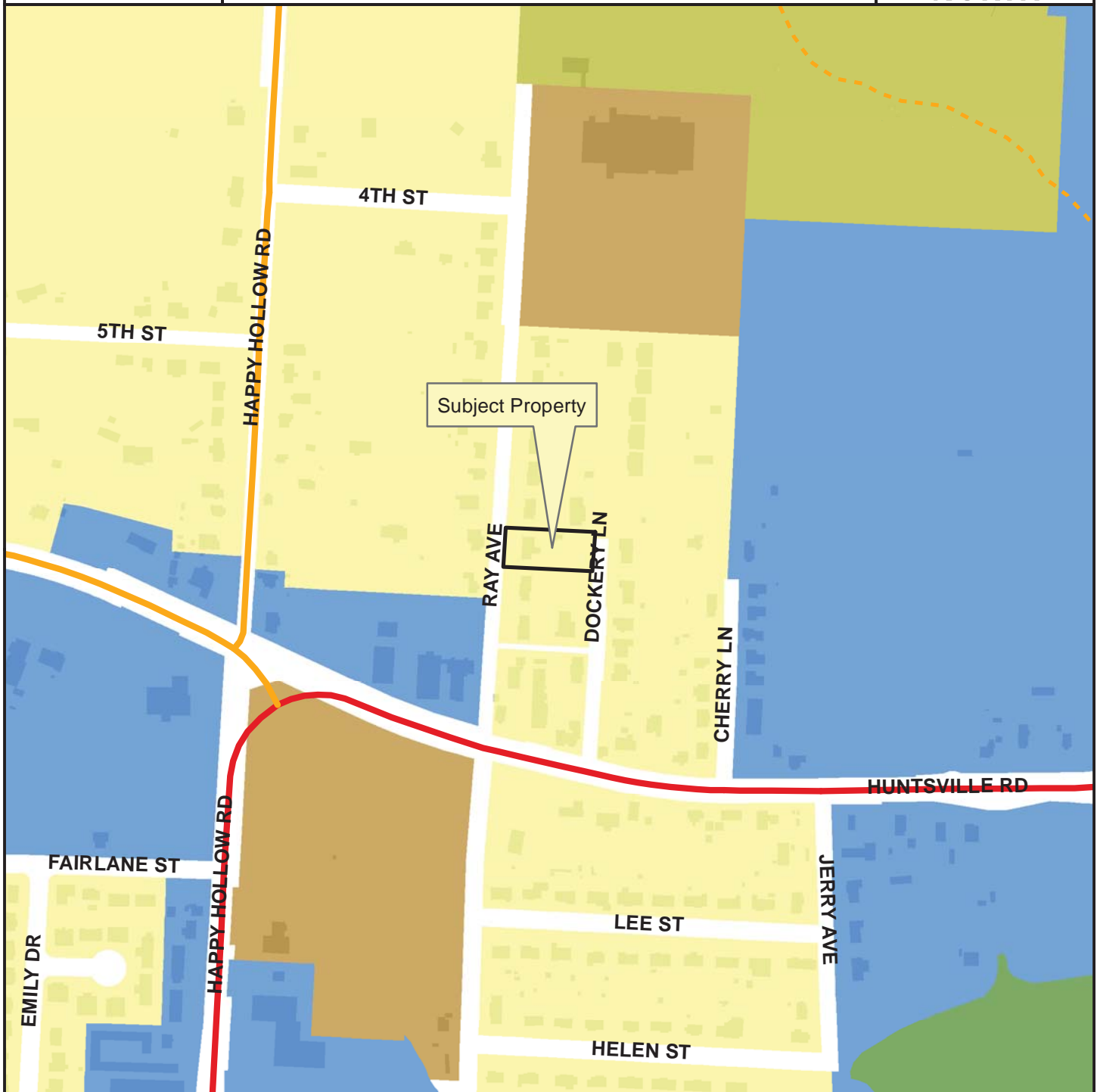
-  100-Year Floodplain
-  Floodway

RZN19-6818

MILLS

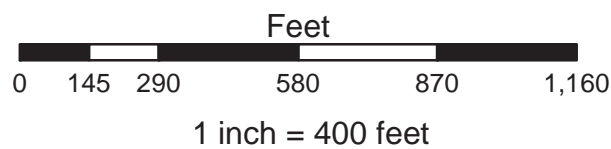


Future Land Use



Legend

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



FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Civic and Private Open Space/Parks
- Civic Institutional