City of Fayetteville Staff Review Form

2019-0639 Legistar File ID 10/15/2019

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

	N	I/A for Non-Agenda Item		
Garner Stoll		9/27/2019	CITY PLANNII	NG (630)
Submitted By		Submitted Date	Division / De	partment
	Actio	on Recommendation:		
RZN 19-6819: Rezone (4170 N. HILL property located at 4170 N. HILLSIC approximately 3.35 acres. The requ ACRE, subject to a Bill of Assurance	est is to rea	e property is zoned R-A, RESI	DENTIAL AGRICULT	URAL and contains
		Budget Impact:		
Account Number	er		Fund	
Project Numbe	r		Project Title	
Budgeted Item?	NA	Current Budget	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 Ordinan	ce or Resolution#	V20180321

Approval Date:

Comments:

Change Order Number:

Original Contract Number:



CITY COUNCIL MEMO

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: Abdul Ghous, Planner

DATE: September 27, 2019

SUBJECT: RZN 19-6819: Rezone (4170 N. HILLSIDE TERR./CHAISSON, 138): Submitted

by BLEW & ASSOCIATES, INC. for property located at 4170 N. HILLSIDE TERR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.35 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, subject to a Bill of

Assurance.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to RSF-4, Residential Single-Family, 4 Units Per Acre (subject to a Bill of Assurance) as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property is on the south side of N. Hillside Terr. in the Diamond Acres subdivision. This site is surrounded by R-A, Residential Agriculture district and RSF-4, Residential Single-family 4 units per acre district. The 3.3-acre property is zoned R-A Residential Agricultural and contains a single-family dwelling.

Request: The applicant proposes to rezone the property from R-A to RSF-4, subject to a Bill of Assurance. The applicant has submitted a Bill of Assurance that limits the property to one (1) single-family home per lot and a maximum of three (3) lots. Additionally, single-family homes must meet a minimum of 2,500 square feet of heated living space and said single-family homes must be permanent structures and not manufactured homes, trailers or mobile homes.

Land Use Compatibility: Many of the properties in the area are undeveloped, agricultural, or large lot residential in nature. Staff finds the proposed zoning to be compatible with the land use patterns and development trends in the neighborhood. The proposed zoning districts is of a suitable intensity and density for the low-density character of this rural residential area. Much of the existing development is compatible with the scale of uses permitted with the RSF-4, zoning district.

Land Use Plan Analysis: The property is designated as Residential Neighborhood Area and staff finds the proposal to be consistent with this designation. The RSF-4 zoning 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. The proposed RSF-4 zoning is consistent with the adopted land use plan.

DISCUSSION:

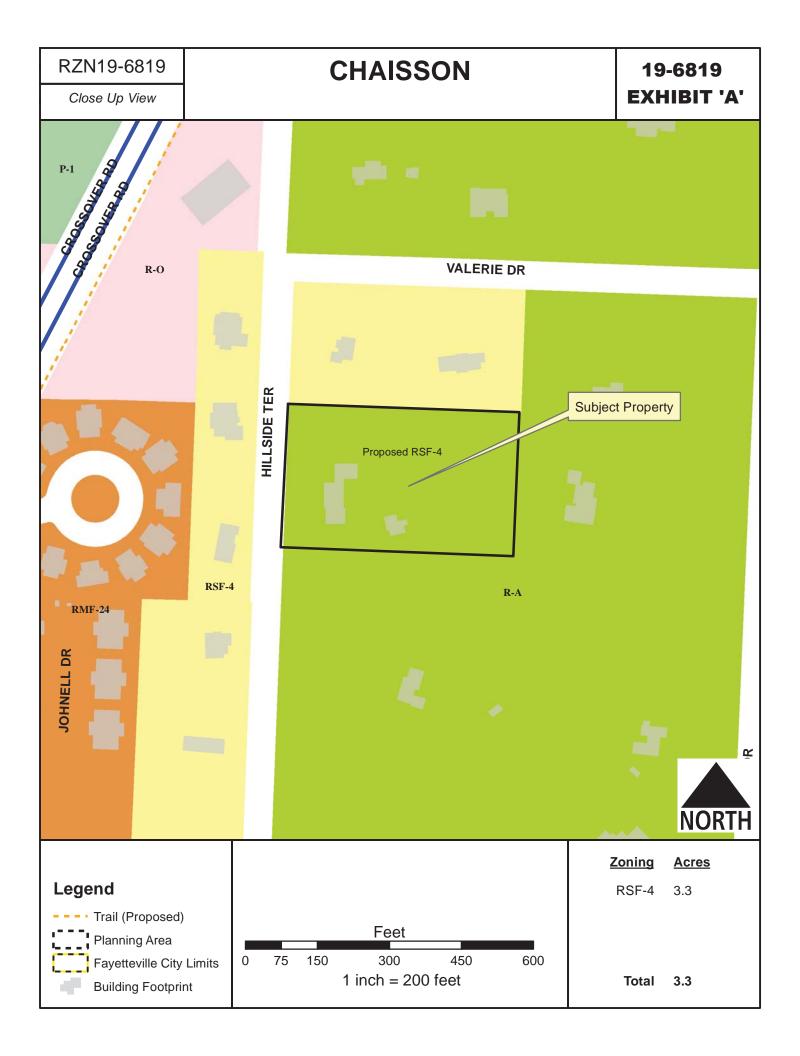
On September 23, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-1-0. Chairman Mr. Matthew Hoffman voted no. Public comment was made in favor of the rezoning request.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



19-6819 EXHIBIT 'B'

PARCEL 765-04739-000

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A FOUND 5/8" REBAR WHICH IS S02°39'49"W 314.90' AND S87°43'11"E 24.50' FROM THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S87°57'26"E A DISTANCE OF 482.31' TO A FOUND 1/2" REBAR, THENCE S02°21'49"W 300.76' TO A FOUND CONCRETE MONUMENT, THENCE N87°45'36"W 485.27' TO A FOUND CONCRETE MONUMENT, THENCE N02°55'58"E 299.13' TO THE POINT OF BEGINNING. CONTAINING 3.33 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Abdul R. Ghous, Planner

MEETING DATE: September 23, 2019 Updated 9.24.2019 PC FWD

SUBJECT: RZN 19-6819: Rezone (4170 N. HILLSIDE TERR./CHAISSON, 138):

Submitted by BLEW & ASSOCIATES, INC. for property located at 4170 N. HILLSIDE TERR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 3.35 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS

PER ACRE, subject to Bill of Assurance.

RECOMMENDATION:

Staff recommends forwarding RZN 19-6819 to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward RZN 19-6819 to City Council with a recommendation for approval."

BACKGROUND:

The subject property is on the south side of N. Hillside Terr. in the Diamond Acres subdivision. This site is surrounded by R-A, Residential Agriculture district and RSF-4, Residential Single-family 4 units per acre district. The 3.3-acre property is zoned R-A Residential Agricultural and contains a single-family dwelling. Surrounding land use and zoning is provided on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Single-Family	RSF-4, Residential Single-Family 4 units per
NOITH	Residential Single-Family	acre
South	Undeveloped Lot	R-A, Residential Agriculture
East	Residential Single-Family	R-A, Residential Agriculture
West	Residential Single-Family	RSF-4, Residential Single-Family 4 units per
vvest	Residential Single-Family	acre

Request: The request is to rezone the parcel from R-A, Residential Agriculture to RSF-4, Residential Single-family 4 units per acre. The applicant has submitted a Bill of Assurance limiting the use of the property to low density single family dwellings.

Public Comment: Staff has received public comment regarding this request, which is attached in the staff report. After the Bill of Assurance was submitted by the applicant, the public comments were withdrawn.

INFRASTRUCTURE:

Streets: This property has frontage to North Hillside Terrace. North Hillside Terrace 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. Any additional improvements or

requirements for drainage will be determined at time of development.

Water: Public water is available to this parcel. An existing 2-inch watermain is present

along North Hillside Terrace that can serve this parcel.

Sewer: Sanitary sewer is not available to this parcel. There is an existing 8-inch sanitary

sewer main located approximately 160 feet north of the subject area, so a main

extension would be required to serve this parcel.

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

at the time of development. No portion of the property is designated as Hillside-Hilltop Overlay District (HHOD). No hydric soils are present in the subject area. No portion of the property lies within FEMA floodplain, nor is the property located

in a protected stream.

Fire: The subject property will be protected by Station 5, located at 2979 N Crossover

Rd. The property is located approximately 2.1 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 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 a majority of the subject property for 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, multifamily and row-houses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

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: Many of the properties in the area are undeveloped, agricultural, or large lot residential in nature, staff finds the proposed zoning to be compatible with the land use patterns and development trends. The proposed zoning districts are of a suitable intensity and density for the low-density character of this rural residential area. Much of the existing development is compatible with the scale of uses permitted with the RSF-4, Residential Single-Family zoning district.

Land Use Plan Analysis: The property is designated as Residential Neighborhood Area and staff finds the proposal to be consistent with this designation. The RSF-4 zoning 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. The proposed RSF-4 zoning to be consistent with the adopted land use plan.

The applicant has submitted a Bill of Assurance that limits the property to one (1) single-family home per lot and a maximum of three (3) lots. Additionally, single-family homes must meet a minimum of 2,500 square feet of heated living space and said single-family homes must be permanent structures and not manufactured homes, trailers or mobile homes.

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

Finding:

In staff's opinion, a rezoning to a single-family district on the subject property is appropriate at this time, and staff is supportive of forwarding the request. Staff finds that the property's location near several single-family dwellings and in an area designated by the future land use plan as Residential Neighborhood supports the requested use.

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

Finding:

This proposal is not expected to increase traffic danger or congestion to a significant degree over the existing zoning. Future development will be subject to City street design and access management standards.

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 R-A to RSF-4 will not dramatically increase the potential population density and will not undesirably increase the load on facilities and services. Under the R-A zoning district, uses are limited to those associated with agricultural activities or low-density residential whereas development under the RSF-4 zoning district uses are limited to single-family low density detached dwellings. Public services will not be adversely impacted by the proposed use.

- 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 19-6819 to City Council, with a recommendation of approval.

	PLANNING	COMMISSION ACTION:	Required	YES
--	-----------------	--------------------	----------	-----

Date: <u>September 23, 2019</u> ☐ Tabled ☐ Forwarded ☐ Denied

Motion: Johnson

Motion forwarded to City Council with a recommendation of

approval.

Vote: 7-1-0, Hoffman voted no.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.03 District R-A, Residential-Agricultural
 - o §161.14 District RSF-4, Residential Single-Family 4 Units per Acre
- Request letter
- Bill of Assurance
- Public Comment
- Rezoning Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 - District R-A, Residential-Agricultural

- (A) Purposes. The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.
- (B) Uses.
 - (1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) Conditional Uses.

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations

Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) Density.

Units per acre	One-half (1/2)

(D) Bulk and Area Regulations.

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) Setback Requirements.

Front	Side	Rear
35 feet	20 feet	35 feet

(F) Height Requirements. There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story 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 one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) Building area. None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17)

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	Two (2) family
	dwellings	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

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



3825 N. Shiloh Dr. Fayetteville, Arkansas 72703 479-443-4506 Fax 582-1883

To: City of Fayetteville Planning Division

RE: Rezone Application

To Whom It May Concern:

Our client, Brian Chaisson, is requesting a Rezone of property located at 4170 N. Hillside Terrace Fayetteville, AR Parcel #765-04739-000. The current zoning for the property is R-A, and it is requested that the zoning be changed to RSF-4. The reason for the request is for a possible potential new development that is not a permitted use for the current zoning. The surrounding & adjacent properties are zoned RSF-4.

If you have any questions about this rezone feel free to contact me anytime at our office.

Sincerely

Project Manager

BILL OF ASSURANCE

FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") **Brian Chaisson**, a married man as owner of Washington County Parcel # 765-04739-000, Lot 2 of Diamond Acres located in Fayetteville, Washington County, Arkansas, along with his wife **Elizabeth Chaisson**, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will reasonable rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council.

- 1. The use of Petitioner's property shall be limited to single-family homes.
- 2. Other restrictions including number and type of structures upon the property are limited

to:

- a) The property shall be divided into no more than a maximum of three (3) lots.
- b) Only one (1) single-family home shall be allowed per lot.
- c) Said single family homes shall have a minimum of 2,500 square feet of heated living space.
- d) Said single-family homes must be permanent structures and not manufactured homes, trailers or mobile homes.
- 3. Specific activities will not be allowed upon petitioner's property include:
 - a) No multi-family properties.
 - b) No more than one (1) single-family home per lot.
 - c) No single-family homes smaller than 2,500 square feet of heated living space.
 - d) No manufactured housing, trailers, or mobile homes shall be erected on any lot.

4. Petitioner specifically agrees that all such restrictions and terms **shall run with the land** and bind all future owners. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat, Large Scale Development, Survey or Lot Split which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Brian Chaisson, a married man, as the owner, developer or buyer, and being joined by my wife, Elizabeth Chaisson, (Petitioner) voluntarily offer all such assurances and sign our names below.

09-16-1019 Boian Chaissen

Date Printed Name

Brian Chaisson, Owner

4170 N. Hillsido Ter Fageffeville, An 72703

09-16-2019 Euzabeth Chaisson

Date Printed Name

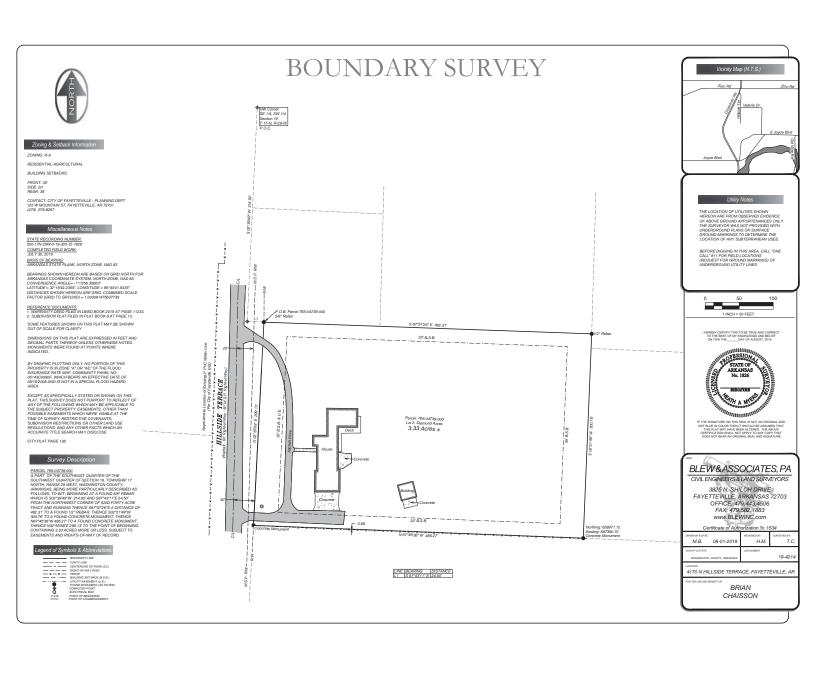
Elizabeth Chaisson, Wife of Brian Chaisson

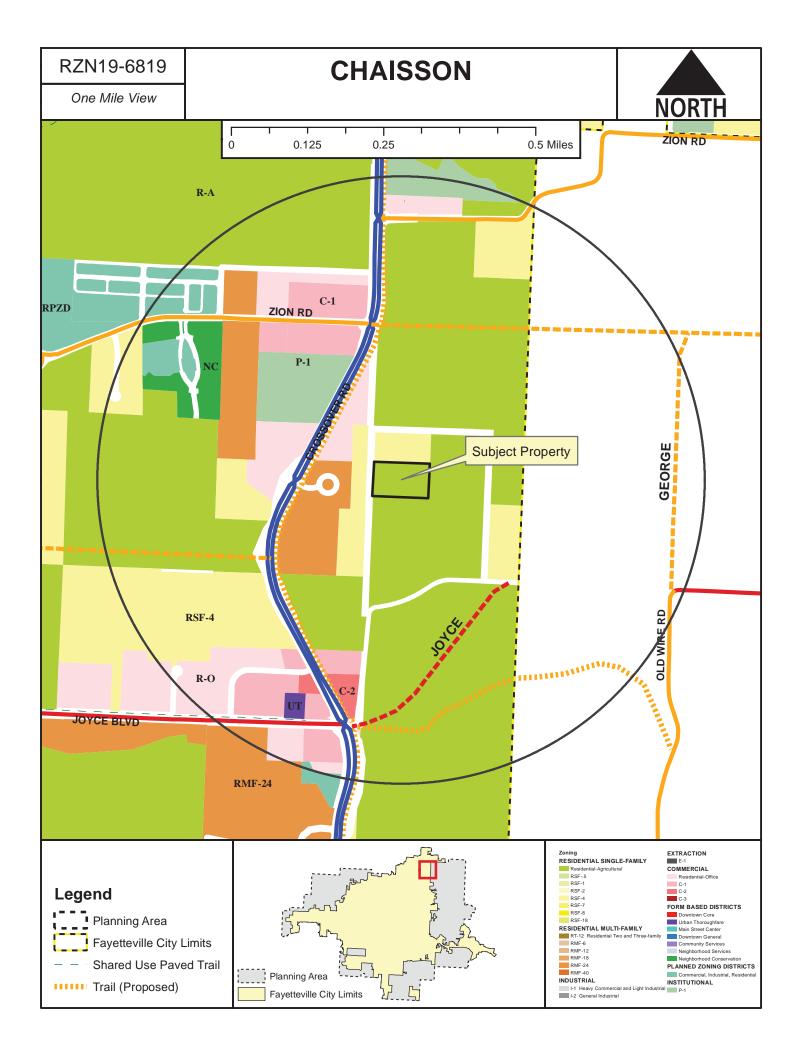
4170 N. Hillside Terrace

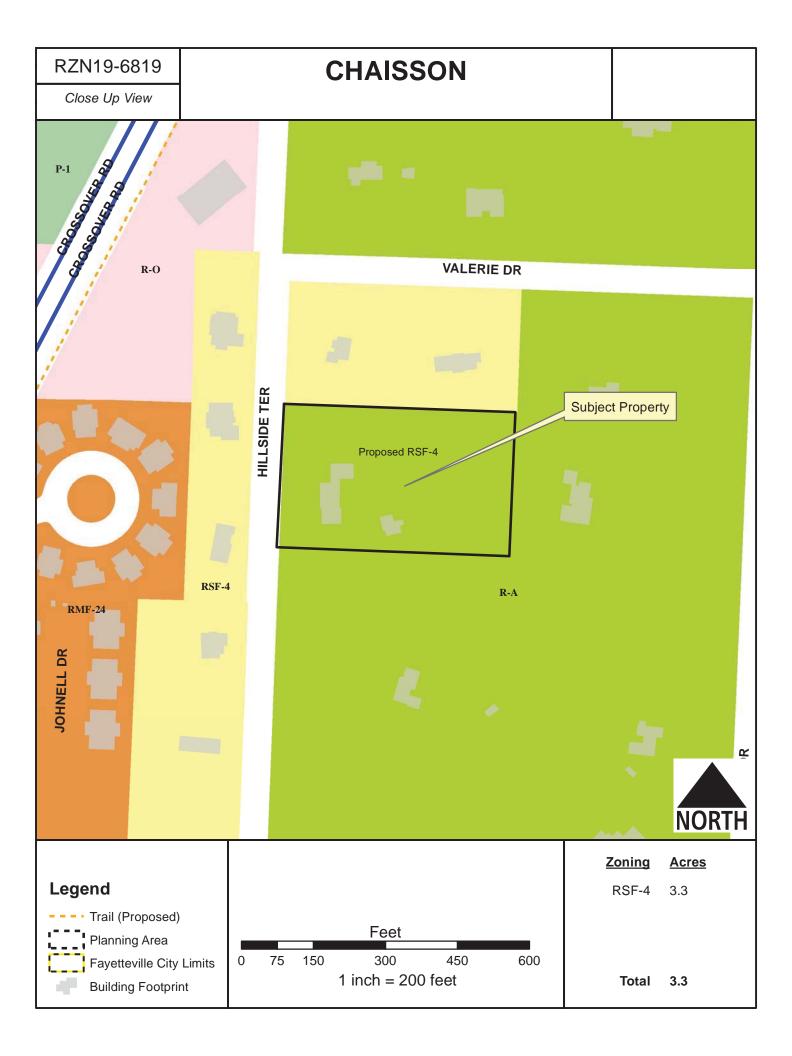
Address Fayetteville AR 72703

NOTARY OATH

STATE OF ARKANSAS	}	
	} .ss	
COUNTY OF WASHINGTO	N }	
Notary Public within and for the and Elizabeth Chaisson, to me that they had agreed to the terms	the day of Septembol e County and State aforesaid, duly come well known or satisfactorily proven, as of the above Bill of Assurance and has therein mentioned and set forth.	
My Commission Expires: 446	26=2020	J. WILEY HOLT MY COMMISSION # 12378228 EXPIRES: August 26, 2020 Washington County







RZN19-6819

Current Land Use

CHAISSON







