City of Fayetteville Staff Review Form

2019-0649

Legistar File ID

10/15/2019

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

,	Action Recommendation	n:
Submitted By	Submitted Date	Division / Department
Garner Stoll	9/27/2019	CITY PLANNING (630)

RZN 19-6708: Rezone (NW OF RUPPLE RD. & FAITH ST./SLOANBROOKE PH. IV, 477,478): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located NW OF RUPPLE RD. & FAITH ST. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL & NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.63 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

Budget Impact: Account Number Fund **Project Title Project Number Budgeted Item? Current Budget** \$ NA **Funds Obligated Current Balance Item Cost** Does item have a cost? No **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 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 19-6708: Rezone (NW OF RUPPLE RD. & FAITH ST./SLOANBROOKE PH.

IV, 477,478): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located NW OF RUPPLE RD. & FAITH ST. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL & NC, NEIGHBORHOOD CONSERVATION and contain approximately 3.08 acres. The request is to rezone the properties to NC, NEIGHBORHOOD CONSERVATION & R-A, RESIDENTIAL AGRICULTURAL.

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 off Rupple Road south of Owl Creek in west Fayetteville and contains approximately 1.63 acres. The subject property is part of a much larger parcel that has been subdivided in part for different phases of Sloanbrooke Subdivision. The larger property and area was rezoned by City Council on June 2, 2015 as part of the staff-initiated rezoning (15-5174) of over 600 acres in the new South Rupple Rd. vicinity. This rezoning proposal did previously pass through Planning Commission in July of this year and made it to City Council, but they forwarded the proposal back down to Planning Commission for more review. The original proposal included rezoning some city-owned land that was dedicated by the applicant for parkland.

Request: The applicant has a revised proposal that requests to rezone property completely owned by the applicant as depicted in the attached rezoning exhibit. The rezoning would change 1.63 acres slated to become residential lots from R-A to NC to allow for their construction. This proposal is consistent with the concept approved by City Council in the South Rupple Rd. area to concentrate areas of dense development while conserving sensitive natural areas and floodplain in other areas. Over the last few years, the applicant has successfully revised the floodplain boundary and the currently proposed area for NC zoning is not in the floodplain.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding residential and natural properties. Rezoning the current R-A to NC would fit with the surrounding NC zoning.

Land Use Plan Analysis: Staff believes that the proposal is mostly compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. The rezoning is not entirely consistent with the FLUM, but staff finds it appropriate as the concept for planned development of this area has been anticipated for many years. While the rezoning of the R-A portion of the site does not exactly match the purpose of Natural Areas, the applicant has dedicated a significant amount of parkland along Owl Creek and adjacent to surrounding R-A and natural areas. Staff does not anticipate any significantly adverse impacts to riparian corridors or environmentally-sensitive areas.

DISCUSSION:

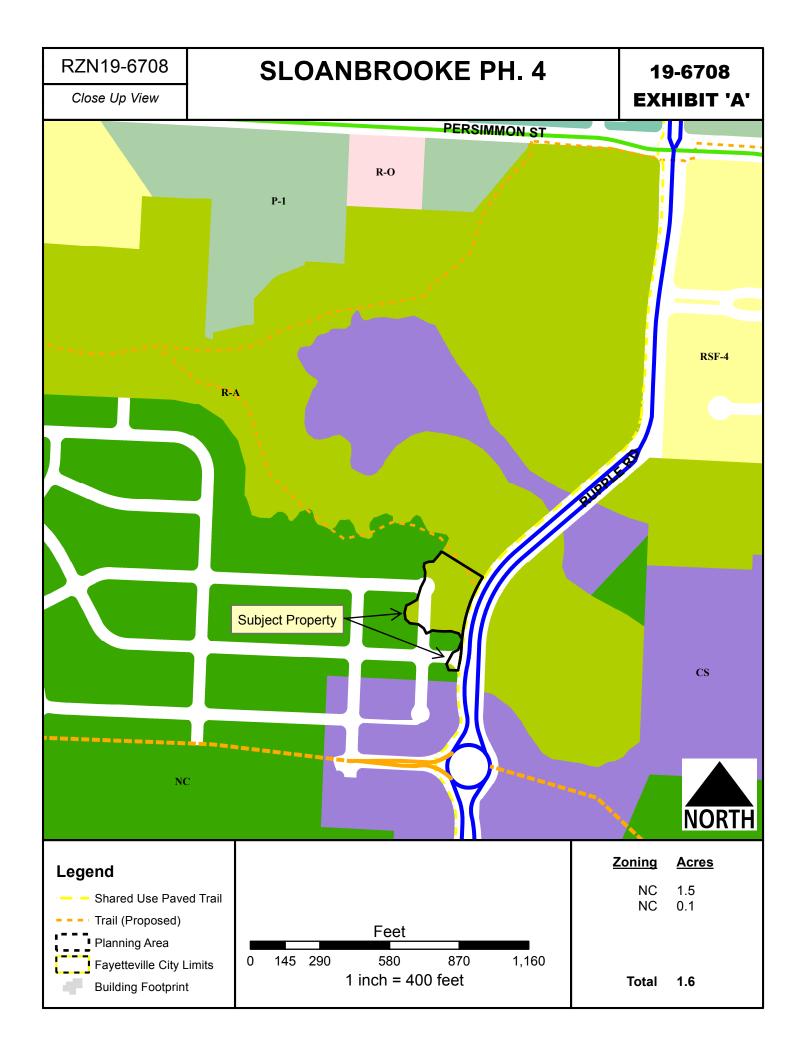
On September 23, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. No public comment was made.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



19-6708 EXHIBIT 'B'

LEGAL DESCRIPTION: (TRACT 1 R-A TO NC)

A part of the SW1/4 of the NE1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, NE1/4, thence S02°22'52"W 375.75 feet, thence S73°11'37"E 77.44 feet, thence S02°22'52"W 43.43 feet, thence S87°37'13"E 378.73 feet to the POINT OF BEGINNING; thence S87°37'13"E 5.88 feet, thence S58°03'54"E 197.37 feet, thence along a non tangent curve to the left 275.22 feet, said curve having a radius of 583.00 feet and chord bearing and distance of S18°24'41"W 272.67 feet, thence N29°34'48"W 27.45 feet, thence N73°35'27"W 33.46 feet, thence S88°30'39"W 29.42 feet, thence N87°37'12"W 27.81 feet, thence N81°08'44"W 20.28 feet, thence S62°18'11"W 18.64 feet, thence S65°46'53"W 10.49 feet, thence N25°40'42"W 24.03 feet, thence N53°49'56"W 27.96 feet, thence N83°02'01"W 35.80 feet, thence N46°27'36"W 25.23 feet, thence N07°18'41"W 27.16 feet, thence N12°51'20"E 31.14 feet, thence N68°16'49"E 14.05 feet, thence N59°44'54"E 36.16 feet, thence N17°31'25"E 54.60 feet, thence N26°37'22"E 34.97 feet, thence N04°44'02"E 31.36 feet, thence N15°35'44"W 22.51 feet, thence N09°23'00"E 15.84 feet, thence N69°38'50"E 17.54 feet, thence N87°36'35"E 20.90 feet, thence N39°41'54"E 46.26 feet, thence N30°58'43"E 5.15 feet to the POINT OF BEGINNING: Containing 1.54 acres more or less subject to easements and right of way of record.

LEGAL DESCRIPTION: (TRACT 2 R-A TO NC)

A part of the SW1/4 of the NE1/4 of Section 13, T16N, R31W in Washington County, Arkansas, and being described as follows: Commencing at the NW Corner of said SW1/4, NE1/4, thence S02°22'52"W 375.75 feet, thence S73°11'37"E 77.44 feet, thence S02°22'52"W 43.43 feet, thence S87°37'13"E 384.61 feet, thence S58°03'54"E 197.37 feet, thence along a non tangent curve to the left 275.22 feet, said curve having a radius of 583.00 feet and chord bearing and distance of S18°24'41"W 272.67 feet. thence along a curve to the left 6.44 feet, said curve having a radius of 583.00 feet and a chord bearing and distance of S04°34'16"W 6.44 feet to the POINT OF BEGINNING; thence continue Southerly along said curve through a central angle of 01°52'58", a distance of 19.16 feet, thence S02°22'18"W 0.44 feet, thence along a curve to the right 79.94 feet, said curve having a radius of 466.00 feet and a chord bearing and distance of S07°17'09"W 79.84 feet, thence along a curve to the left 25.52 feet, said curve having a radius of 522.00 feet and a chord bearing and distance of S10°47'57"W 25.52 feet, thence N88°05'03"W 39.53 feet, thence N18°58'24"W 26.61 feet, thence N28°34'11"E 54.38 feet, thence N63°26'47"E 25.22 feet, thence N22°11'09"E 41.38 feet to the POINT OF BEGINNING: Containing 3,845.04 square feet or 0.09 acres more or less subject to easements and right of way of record.



PLANNING COMMISSION MEMO

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 19-6708: Rezone (NW OF RUPPLE RD. & FAITH

ST./SLOANBROOKE PH. IV, 477,478): Submitted by JORGENSEN & ASSOCIATES, INC. for properties located NW OF RUPPLE RD. & FAITH ST. The properties are zoned R-A, RESIDENTIAL AGRICULTURAL & NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.63 acres. The request is to rezone the property to NC, NEIGHBORHOOD

CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding **RZN 19-6708** to City Council with a recommendation for approval, based on the findings contained in this report.

RECOMMENDED MOTION:

"I move to forward RZN 19-6708 to City Council with a recommendation for approval."

BACKGROUND:

The subject property is located off Rupple Road south of Owl Creek in west Fayetteville and contains approximately 1.63 acres. The subject property is part of a much larger parcel that has been subdivided in part for different phases of Sloanbrooke Subdivision. The larger property and area was rezoned by City Council on June 2, 2015 as part of the staff-initiated rezoning (15-5174) of over 600 acres in the new South Rupple Rd. vicinity. This rezoning proposal did previously pass through Planning Commission in July of this year and made it to City Council, but they forwarded the proposal back down to Planning Commission for more review. The original proposal included rezoning some city-owned land that was dedicated by the applicant for parkland. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Owl Creek Floodplain	R-A, Residential Agricultural
South	Sloanbrooke Subdivision	NC, Neighborhood Conservation
East	Owl Creek Floodplain	R-A, Residential Agricultural
West	Sloanbrooke Subdivision	NC, Neighborhood Conservation

Request: The applicant has a revised proposal that requests to rezone property completely owned by the applicant as depicted in the attached rezoning exhibit. The rezoning would change 1.63 acres slated to become residential lots from R-A to NC to allow for their construction. This proposal is consistent with the concept approved by City Council in the South Rupple Rd. area to

concentrate areas of dense development while conserving sensitive natural areas and floodplain in other areas. Over the last few years, the applicant has successfully revised the floodplain boundary and the currently proposed area for NC zoning is not in the floodplain.

Public Comment: Staff has not received public comment on the proposal as of writing this report.

INFRASTRUCTURE:

Streets: The subject parcels have access to fully constructed public streets. All public

infrastructure was previously installed with the Sloanbrooke II subdivision.

Water: Public water is available to the subject parcels. All public infrastructure was

previously installed with the Sloanbrooke II subdivision.

Sewer: Sanitary sewer is available to the subject parcels. All public infrastructure was

previously installed with the Sloanbrooke II subdivision.

Drainage: Drainage improvements were previously installed with the Sloanbrooke IV

subdivision, but any additional improvements or requirements for drainage will be determined at the time of development. There are some floodplain areas, Zone AE, present on these parcels in the areas being requested for rezoning. No protected streams cross these parcels. No portion of these parcels lie within the

Hillside-Hilltop Overlay District.

Fire: The Fire Department expressed no concerns with this request.

Police: The Police Department expressed no concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN: The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area as *Natural Area* located along isolated floodplains, currently zoned R-A. This overall area along the Rupple Road corridor has been indicated on the FLUM to be developed for a number of years. The overall 600-acre area is identified as having a high level of natural resources by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. Habitat in this area is classified by the FNHA as prairie remnant and seasonal wetlands. As a result of the FNHA work and other City staff research, this study area was included on the Enduring Green Network (EGN) map. The EGN map resulted in designation of portions of this area as Natural Area on the FLUM. Remnant prairie in the area appears to be located particularly along the riparian corridors that have less disturbance. Due to the environmental sensitivity of the study area, staff recommended in a previous rezone of 600-acres along Rupple Road (15-5174) that land identified as *Natural Area* be zoned R-A, Residential Agricultural.

Natural Areas consist of lands approximating or reverting to a wilderness condition, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, as identified in the FNHA study, many of which make up the backbone of the enduring green network. A **Natural Area** designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development for all construction.

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 believes that the proposal is mostly compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. The rezoning is not entirely consistent with the FLUM, but staff finds it appropriate as the concept for planned development of this area has been anticipated for many years. While the rezoning of the R-A portion of the site does not exactly match the purpose of Natural Areas, the applicant has dedicated a significant amount of parkland along Owl Creek and adjacent to surrounding R-A and natural areas. Staff does not anticipate any significantly adverse impacts to riparian corridors or environmentally-sensitive areas.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding residential and natural properties. Rezoning the current R-A to NC would fit with the surrounding NC zoning.

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

Finding: Staff finds that the proposed zoning is justified and needed to accommodate planned development of this area.

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

Finding:

This rezoning will not substantially increase traffic on surrounding roads over the existing zoning. The rezone would allow the developer to add in a few additional residential lots within the development. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended.

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 proposed rezoning would increase population density over the existing zoning, but this impact is not expected to undesirably increase the load 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: Planning staff recommends forwarding RZN 19-6708 to City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>

Date: September 23, 2019 ☐ Tabled ☐ Forwarded ☐ Denied

Motion: Winston Motion to forward to CC recommending approval

Second: Belden

Motion passes

Vote: 8-0-0

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.03 District R-A, Residential-Agricultural
 - §161.29 Neighborhood Conservation
- Request letter
- 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.

(I) Fellill	(1) Ferrillited Oses.	
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.

(O) Donoity.	
Units per acre	One-half (½)

(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. <u>5945</u>, §3, 1-17-17; Ord. No. <u>6015</u>, §1(Exh. A), 11-21-17)

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.

(=) ==::::::::::::::::::::::::::::::::::	
City-wide uses by conditional use permit	
Public protection and utility facilities	
Cultural and recreational facilities	
Two (2) family dwellings	
Three (3) and four (4) family dwellings	
Limited business*	
Home occupations	
Offices, studios, and related services	
Center for collecting recyclable materials	
Wireless communication facilities	
Cluster Housing Development	

- (C) Density. Ten (10) Units Per Acre.
- (D) Bulk and Area Regulations .

(1) Lot Width Minimum.

Single Family	40 feet
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

(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. $\underline{5800}$, § 1(Exh. A), 10-6-15>; Ord. No. $\underline{5921}$, §1, 11-1-16; Ord. No. $\underline{5945}$, §§ 5, 7—9, 1-17-17; Ord. No. $\underline{6015}$, §1(Exh. A), 11-21-17)



124 W Sunbridge Drive, Suite 5 Fayetteville, AR 72703

Office: 479.442.9127 Fax: 479.582.4807 www.jorgensenassoc.com

August 15, 2019

City of Fayetteville 113 W. Mountain Fayetteville, AR 72701

Attn: Development Services

Re: Rezoning Sloanbrooke Ph 4 Subdivision

Attached herewith please find the submittal documents in regards to a rezoning of a piece of the recently approved Sloanbrooke Ph 4 Subdivision. When the subdivision was submitted and approved there was a small portion in the NE corner that was zoned R-A. The property in question is lot 38 & 62 as shown on the approved preliminary plat. We are now requesting to rezoning 1.54 acres of this property from R-A to NC. Once rezoned we can then add those lots back to the Final Plat.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin L. Jorgensen, P.E.





Office: 479.442.9127 Fax: 479.582.4807 www.jorgensenassoc.com

May 15, 2019

City of Fayetteville 113 W. Mountain Fayetteville, AR 72701

Attn: Development Services Re: Sloanbrooke Ph 4 Rezoning

This letter is in regards to a proposed rezoning and the following required information:

- A. The current owner of this site is as follows:
 - a. 765-22366-103-000 (Riverwood Homes LLC)
- B. Currently this property is zoned RA. The reason for the requested *N-C* zoning is to allow this property to be suitable for residential lots.
- C. The property due west & east are zoned N-C. The property to the north is R-A and due south is N-C. Zone R-A is a residential- agriculture zoning that is regulated in order to protect agricultural land until an orderly transition to urban development has been accomplished. This zoning only allows a minimum of 200' wide lots. The requested N-C is a residential zoning that will allow a minimum of 50' wide lots which is compatible with the other lots that are in Sloanbrooke Ph 1. The proposed use of Zone N-C will not adversely impact adjacent land uses, as said uses under Zone N-C are compatible in use.
- D. Existing water and sewer already installed to serve these lots.
- E. We feel the requested zonings are in line with the goals of the City Plan 2030 for rezoning and development.
- F. N-C is the appropriate zoning for the intended use.
- G. W Oldham Road has ample capacity to get cars to Broyles which also ample capacity to handle any additional traffic.
- H. The potential to increase the population density in this area as a result of this rezoning would not undesirably increase load on public services.
- I. R-A is not the appropriate zoning for residential.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

Jorgensen + Associates

