

City of Fayetteville Staff Review Form

2019-0592

Legistar File ID

10/1/2019

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

Garner Stoll

9/13/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6800: Rezone (316 S. BLOCK AVE./LUDWIG, 523): Submitted by KAREN LUDWIG for property located at 316 S. BLOCK AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.18 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE FAMILY, 18 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 1, 2019**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Harry Davis, Planner

**DATE:** September 13, 2019

**SUBJECT:** **RZN 19-6800: Rezone (316 S. BLOCK AVE./LUDWIG, 523):** Submitted by KAREN LUDWIG for property located at 316 S. BLOCK AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.18 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE FAMILY, 18 UNITS PER ACRE.

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**RECOMMENDATION:**

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to RSF-18, Residential Single-Family, 18 Units per Acre, as shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The subject properties are located on the northeast corner of Block Avenue and 4th Street. The property is developed with a single-family dwelling, built in 1935 according to Washington County records. In 2004, the property was rezoned to NC, Neighborhood Conservation, as a part of the Downtown Master Plan.

*Request:* The request is to rezone the subject properties from NC, Neighborhood Conservation, to RSF-18, Residential Single-Family, 18 Units per Acre. The applicant has stated in their request letter that this rezoning is necessary to expand the development options of the property and provide more housing for Fayetteville.

*Land Use Compatibility:* A rezoning to RSF-18 will allow for single-family residential that is generally comparable to other housing in the vicinity. Furthermore, the size and terrain of the property can limit the scale of any new development. There are numerous properties in close proximity to the subject address that are not single-family in use and are zoned for increased intensity. Although there are several single-family homes to the north, south, and east, the property to the west is multi-family. The subject property is also on a street corner. When these two characteristics are combined, having a higher density single-family project between multi-family and single-family on a street corner is an appropriate condition.

*Land Use Plan Analysis:* On the balance, staff finds that the proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan. Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, the proposed RSF-18 zoning district can preserve the single-family character of the immediate neighborhood. Both are designed with build-to-zones that complement the area's historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District's architectural standards. Finally, the City Council has recently rezoned similar properties in the neighborhood to allow higher densities. These decisions aid staff in recommending that this rezoning is consistent with the Council's vision for the Downtown Master Plan.

**DISCUSSION:**

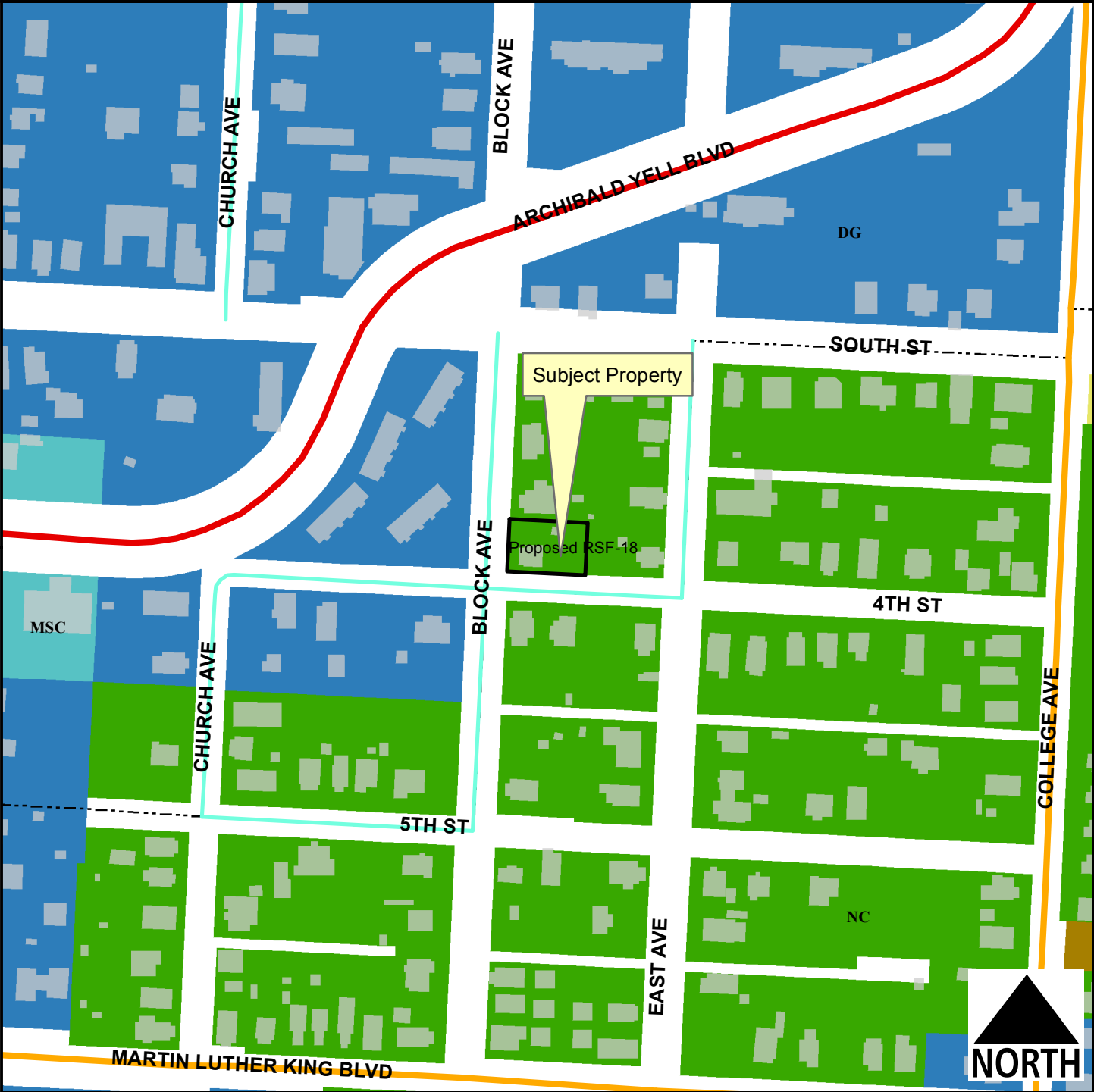
On September 9, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 8-0-0. No public comment was made at the Planning Commission meeting.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



<p><b>Legend</b></p> <ul style="list-style-type: none"> <li><span style="border: 1px dashed black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Design Overlay District</li> <li><span style="border: 1px dotted black; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Planning Area</li> <li><span style="border: 2px solid yellow; display: inline-block; width: 20px; height: 10px; margin-right: 5px;"></span> Fayetteville City Limits</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: grey; margin-right: 5px;"></span> Building Footprint</li> </ul>	<p>Feet</p> <p>0    75    150    300    450    600</p> <p>1 inch = 200 feet</p>	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Zoning</th> <th style="text-align: left; border-bottom: 1px solid black;">Acres</th> </tr> </thead> <tbody> <tr> <td>RSF-18</td> <td>0.2</td> </tr> <tr> <td><b>Total</b></td> <td><b>0.2</b></td> </tr> </tbody> </table>	Zoning	Acres	RSF-18	0.2	<b>Total</b>	<b>0.2</b>
Zoning	Acres							
RSF-18	0.2							
<b>Total</b>	<b>0.2</b>							

**19-6800**  
**EXHIBIT 'B'**

The South Half (S-1/2) of Lots Numbered One (1) and Two (2) in Block Numbered Ten (10) of Jennings Addition to the city of Fayetteville, Arkansas, as designated upon the recorded plat of said Addition.



**TO:** Fayetteville Planning Commission

**THRU:** Andrew Garner, City Planning Director

**FROM:** Harry Davis, Planner

**MEETING DATE:** September 9, 2019 **UPDATED W PC RESULTS**

**SUBJECT:** **RZN 19-6800: Rezone (316 S. BLOCK AVE./LUDWIG, 523):** Submitted by KAREN LUDWIG for property located at 316 S. BLOCK AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.18 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE FAMILY, 18 UNITS PER ACRE.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN 19-6800** to City Council with a recommendation of approval based on the findings contained in this report.

**RECOMMENDED MOTION:**

"I move to forward **RZN 19-6800** to City Council with a recommendation for approval."

**BACKGROUND:**

The subject properties are located on the northeast corner of Block Avenue and 4<sup>th</sup> Street. The property is developed with a single-family dwelling, built in 1935 according to Washington County records. In 2004, the property was rezoned to NC, Neighborhood Conservation, as a part of the Downtown Master Plan. Surrounding land use and zoning is depicted in Table 1.

**Table 1**  
**Surrounding Land Use and Zoning**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
North	Single-family Residential	NC, Neighborhood Conservation
South	Single-family Residential	NC, Neighborhood Conservation
East	Single-family Residential	NC, Neighborhood Conservation
West	Multi-family Residential	DG, Downtown General

*Request:* The request is to rezone the subject properties from NC, Neighborhood Conservation, to RSF-18, Residential Single-Family, 18 Units per Acre. The applicant has stated in their request letter that this rezoning is necessary to expand the development options of the property and provide more housing for Fayetteville.

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

**INFRASTRUCTURE:**

**Streets:** This parcel has frontage to South Block Avenue and West 4th Street. South Block Avenue is classified as Street 45 and is partially improved with asphalt

paving and curb and gutter. West 4th Street is classified as Street 45 and is partially improved 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.

**Water:** Public water is available to this parcel. An existing 6-inch watermain is present along South Block Avenue that can serve the property.

**Sewer:** Sanitary sewer is available to this parcel. Existing 8-inch sanitary sewer mains are present along South Block Avenue and West 4th Street that can serve this parcel.

**Drainage:** Any additional improvements or requirements for drainage will be determined at 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). Additional, no hydric soils are present on this site.

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

**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 Map* designates the properties as part of a **Complete Neighborhood Plan** Area associated with the Fayetteville Downtown Master Plan.

#### 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:** In staff's opinion, the requested rezoning is generally consistent and compatible with both current land use and City land use plans.

**Land Use Plan Analysis:** The Downtown Master Plan led to the current zoning that was approved by City Council with the support of many Downtown residents. This NC zoning seeks to preserve the existing single-family housing stock in pockets of the downtown area and the subject property located within the Jennings Addition. The Neighborhood Conservation zoning currently applied to the subject property and those around it are evidence of that objective.

The Downtown Master Plan also identified the goal of pursuing more residential development. Classified in the Plan as a key principle in developing downtown, "Downtown Living" identifies that more citizens and residents are needed to live in or adjacent to downtown. The Plan goes even further by outlining an implementation strategy that involves supporting different housing types and increased housing opportunities through redevelopment to a greater density.

Just as the Neighborhood Conservation zoning district was adopted to preserve the single-family nature of particular areas, the proposed RSF-18 zoning district can preserve the single-family character of the immediate neighborhood. Both are designed with build-to-zones that complement the area's historic growth pattern. Development under either zoning is subject to the Downtown Design Overlay District's architectural standards. On the balance, staff finds that the proposed zoning is consistent with the overall goals and policies of the Downtown Master Plan. Finally, the City Council has recently rezoned similar properties in the neighborhood to allow higher densities. These decisions aid staff in recommending that this rezoning is consistent with the Council's vision for the Downtown Master Plan.

***Land Use Compatibility:*** A rezoning to RSF-18 will allow for single-family residential that is generally comparable to other housing in the vicinity. Furthermore, the size and terrain of the property can limit the scale of any new development.

On the other hand, the Fayetteville Downtown Master Plan and its associated rezoning were deliberately enacted to preserve pockets of single-family housing that have existed for decades, and in some cases over a century. In addition to the Mount Nord area along Lafayette Street, the block of single-family homes north, south, and east from the subject property were deliberately zoned NC, Neighborhood Conservation. The Illustrative Master Plan (attached) indicated preservation of the subject property as one single-family dwelling. A rezoning to RSF-18 comes with higher density maximums, which has the potential to change the character of this portion of downtown.

That said, there are numerous properties in close proximity to the subject address that are not single-family in use and are zoned for increased intensity. Although there are several single-family homes to the north, south, and east, the property to the west is multi-family. The subject property is also on a street corner. When these two characteristics are combined, having a higher density single-family project between multi-family and single-family on a street corner is an appropriate condition.

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

**Finding:** Based on the applicants' submittal, the rezoning is justified and needed to enhance the development opportunities for the subject property and provide more housing.

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

**Finding:** The subject property has access to Block Avenue and 4<sup>th</sup> Street, both classified during the Downtown Master Plan process as ST 45. This classification includes two lanes for traffic movement and one for on-street parking in addition to tree wells and sidewalks. Given this, a rezoning of the property to RSF-18, has the potential to increase traffic in this area as the site develops. However, given the small size of the property, any increase in



**vehicular trips in the area will likely not appreciably increase traffic danger or 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: The RSF-18 zoning district will result in an increase population density, but staff does not anticipate an undesirable increase in potential impact on City or Fayetteville Public Schools facilities.**

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 19-6800 to the City Council with a recommendation for approval.**

<b>PLANNING COMMISSION ACTION:</b>				<b>Required</b>	<b><u>YES</u></b>
<b>Date:</b> <u>September 9, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied		
<b>Motion:</b> <b>Belden</b>	<b>Motion to forward to CC recommended approval</b>				
<b>Second:</b> <b>Johnson</b>	<b>Motion passes</b>				
<b>Vote:</b> <b>8-0-0</b>					

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.10 – RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre
  - §161.29 - NC, Neighborhood Conservation
- Request letter

- Downtown Illustrated Plan Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.10 - District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose* . The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(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.*

Units per acre	Eighteen (18) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone that is located between the front property line and a line 25 ft. from the	5 feet on both sides	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is	5 feet

front property line.		filed**. The remaining side setback(s) shall be 10 feet.	
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\* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

\*\* At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations* .

Building Height Maximum	3 stories
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(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 for two-family dwellings.

(Ord. No. [5800](#), § 2(Exh. B), 10-6-15; Ord. No. [5824](#), § 2, 11-17-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §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.*

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
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)



## **City of Fayetteville, Arkansas REZONING Application**

### **Legal Description:**

765-07066-000; South ½ of lots 1 & 2 in block #10; mailing address 316 S Block Ave, Fayetteville, AR 72701-6026

### **Copy of the County Parcel Map:**

Attached

#### **a. Current Ownership:**

Ownership is under the Radley-Ludwig Family Trust, Trustee Karin M. Ludwig  
Son, Robert J. Ludwig-Miller, occupies the house. There is no proposed or pending property sale.

#### **b. Reason/need for requesting zoning change:**

The existing home on this property is decrepit and needs to be rebuilt. Given the growing improvements in this neighborhood and the need for additional housing, I am requesting a rezoning in order to sell one lot which can finance the rebuilding and improvements on the other lot.

#### **c. Statement of how the proposed rezoning will relate to surrounding properties:**

The proposed rezoning of this property, by creating an additional lot will not adversely affect the neighborhood or traffic. Instead, it will hopefully improve the appearance of the neighborhood and increase value to the surrounding properties, which are single-family homes.

#### **d. Availability of Water and Sewer:**

The property has access on Block Ave; and the water line can be extended on 4<sup>th</sup> (which would be the additional access point).

#### **e. The degree to which the proposed zoning is consistent with land use planning :**

The proposed zoning is consistent with residential planning in an area where the community is expanding and additional housing is appreciated.

#### **f. Whether the proposed zoning is justified and/or needed at the time of the request:**

The proposed zoning is consistent with the present redevelopment of this area and supports the trend of providing available housing.

#### **g. Whether the proposed zoning will create/appreciably increase traffic congestion:**

Given that the proposed zoning will only create the opportunity for one additional single-family residence, it will have a negligible effect on traffic.

#### **h. Whether the proposed zoning will alter the population density and increase the load on public services:**

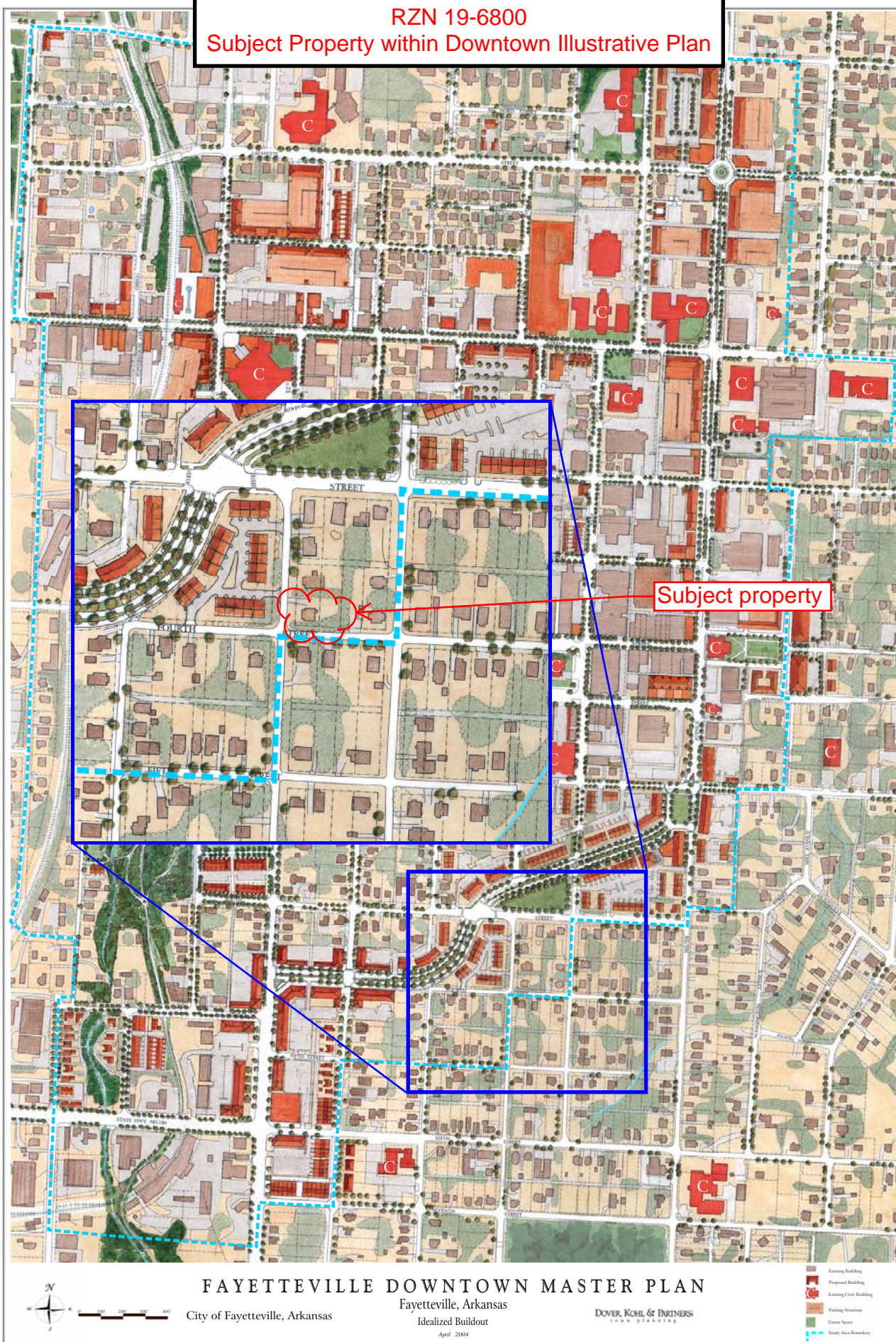
The proposed zoning will, at most, add a single family home in an existing residential neighborhood.

#### **i. Why it would be impractical to use the land for any other uses permitted:**

The proposed use of dividing the land in half and providing an additional single family home would make the best use of the presently vacant and undeveloped part of the property.



Subject property

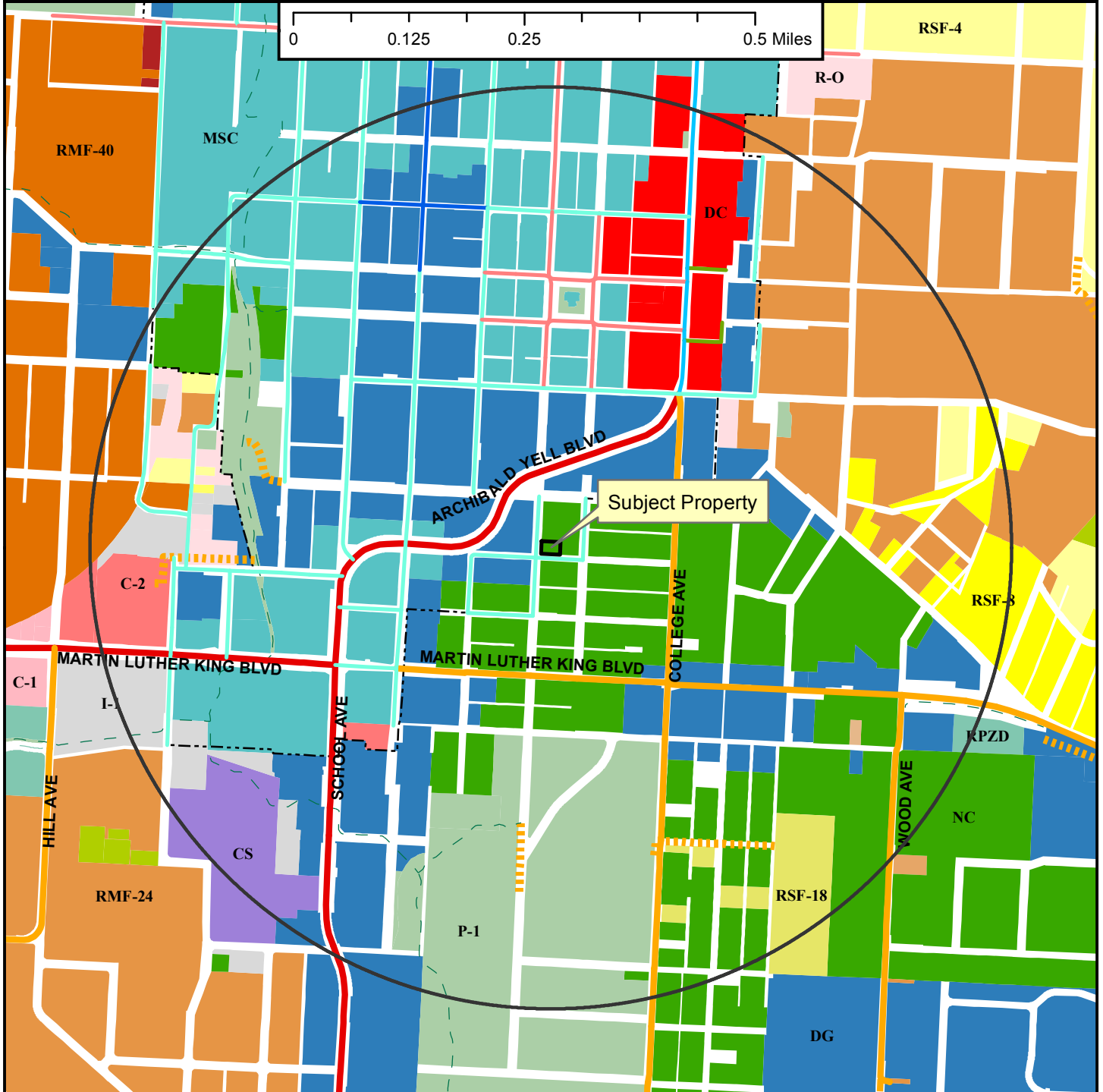
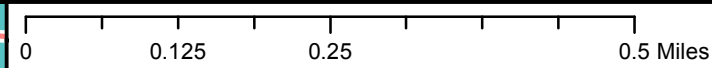




RZN19-6800

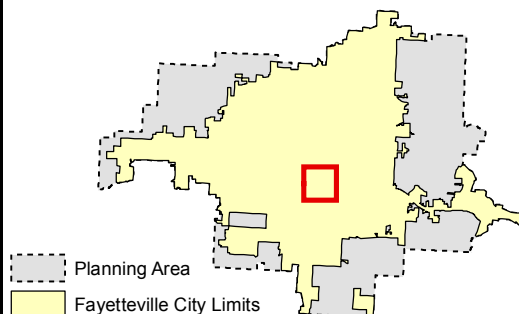
# LUDWIG

One Mile View

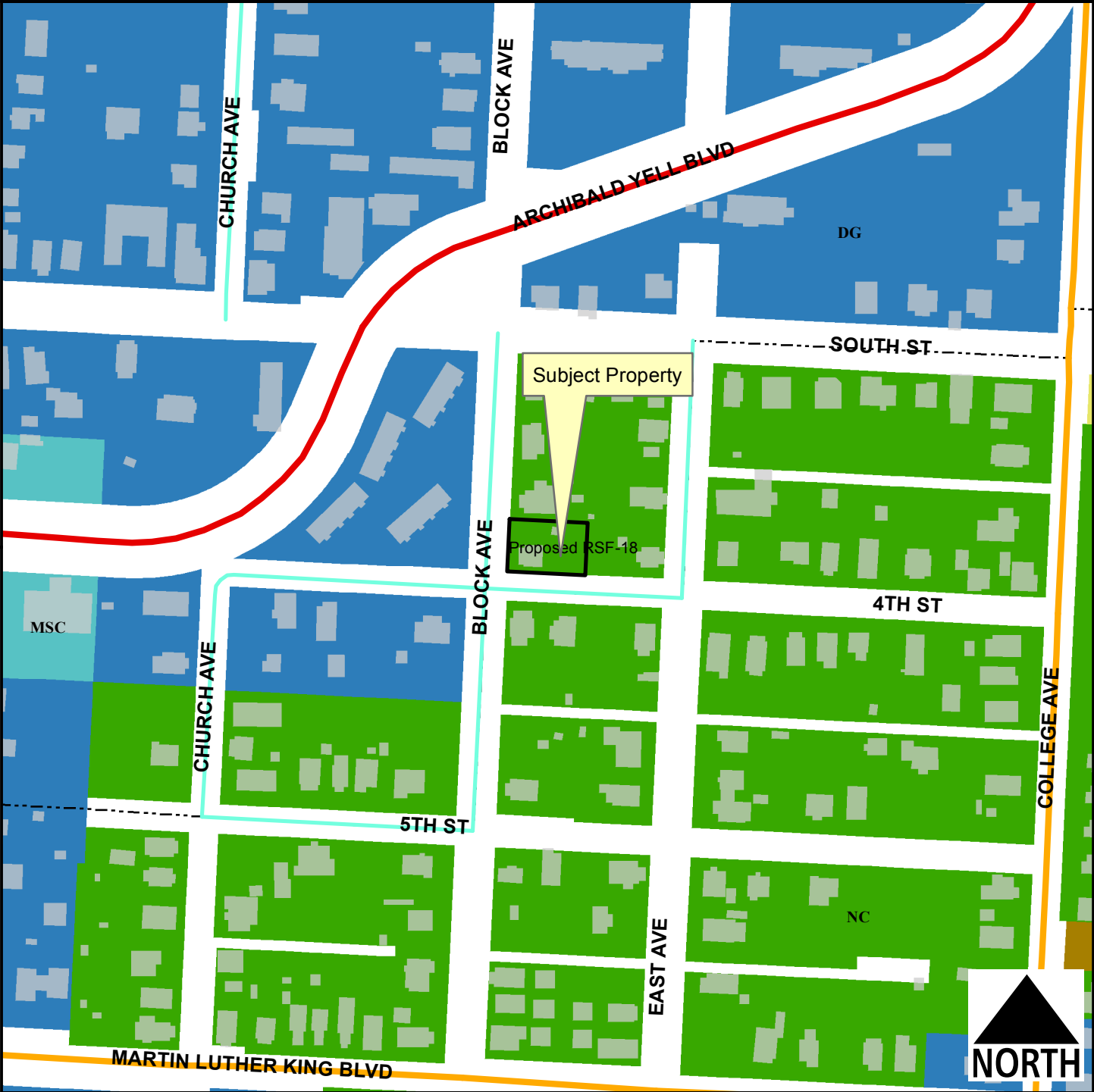


## Legend

- 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-3
    - 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
  - RSF-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



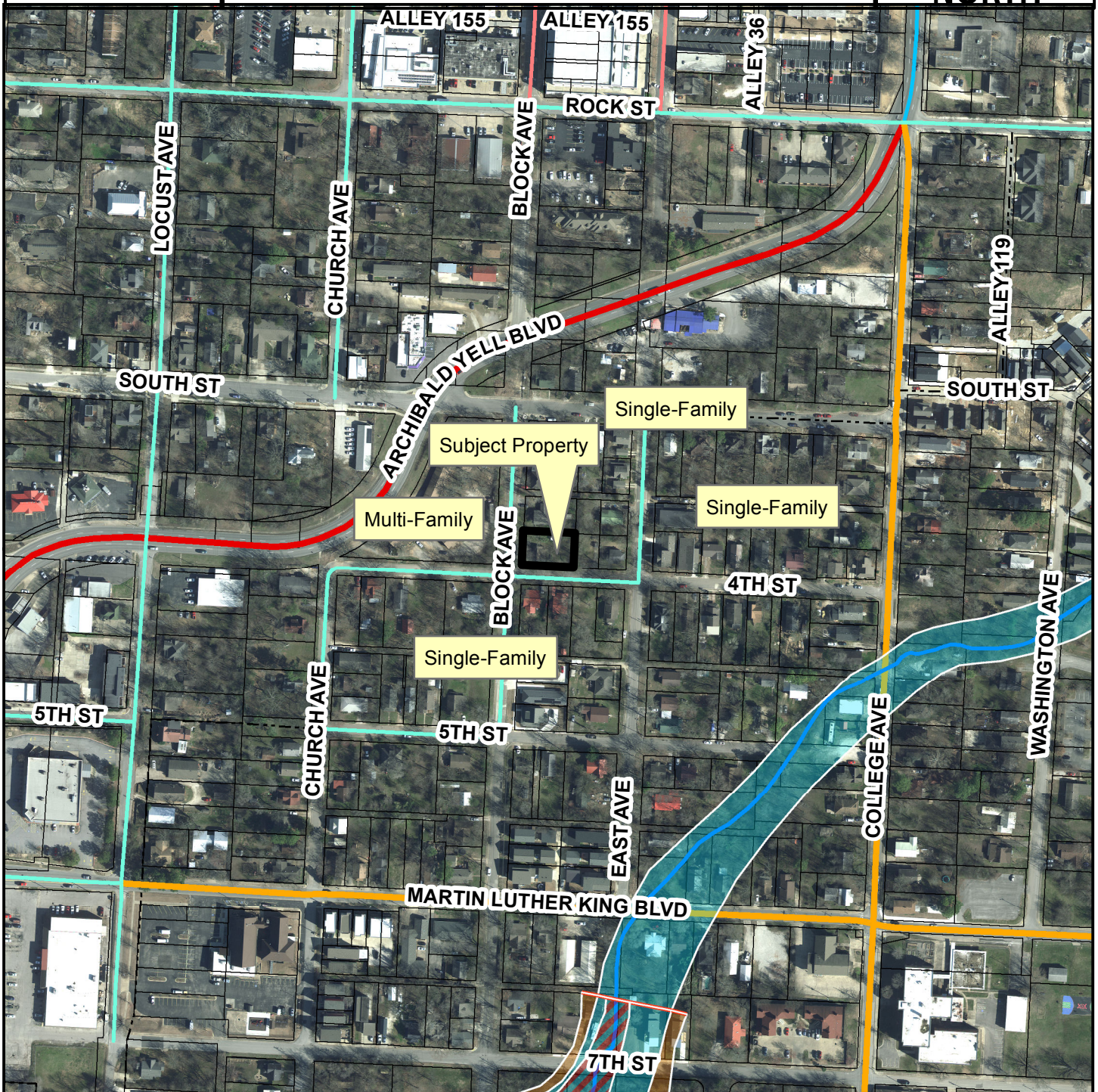
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RSF-18	0.2							
<b>Total</b>	<b>0.2</b>							



RZN19-6800






Current Land Use

# LUDWIG

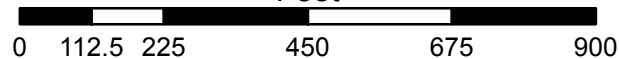


## Streets Existing

### MSP Class



-  COLLECTOR
-  PRINCIPAL ARTERIAL
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District

Feet



1 inch = 300 feet

## FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

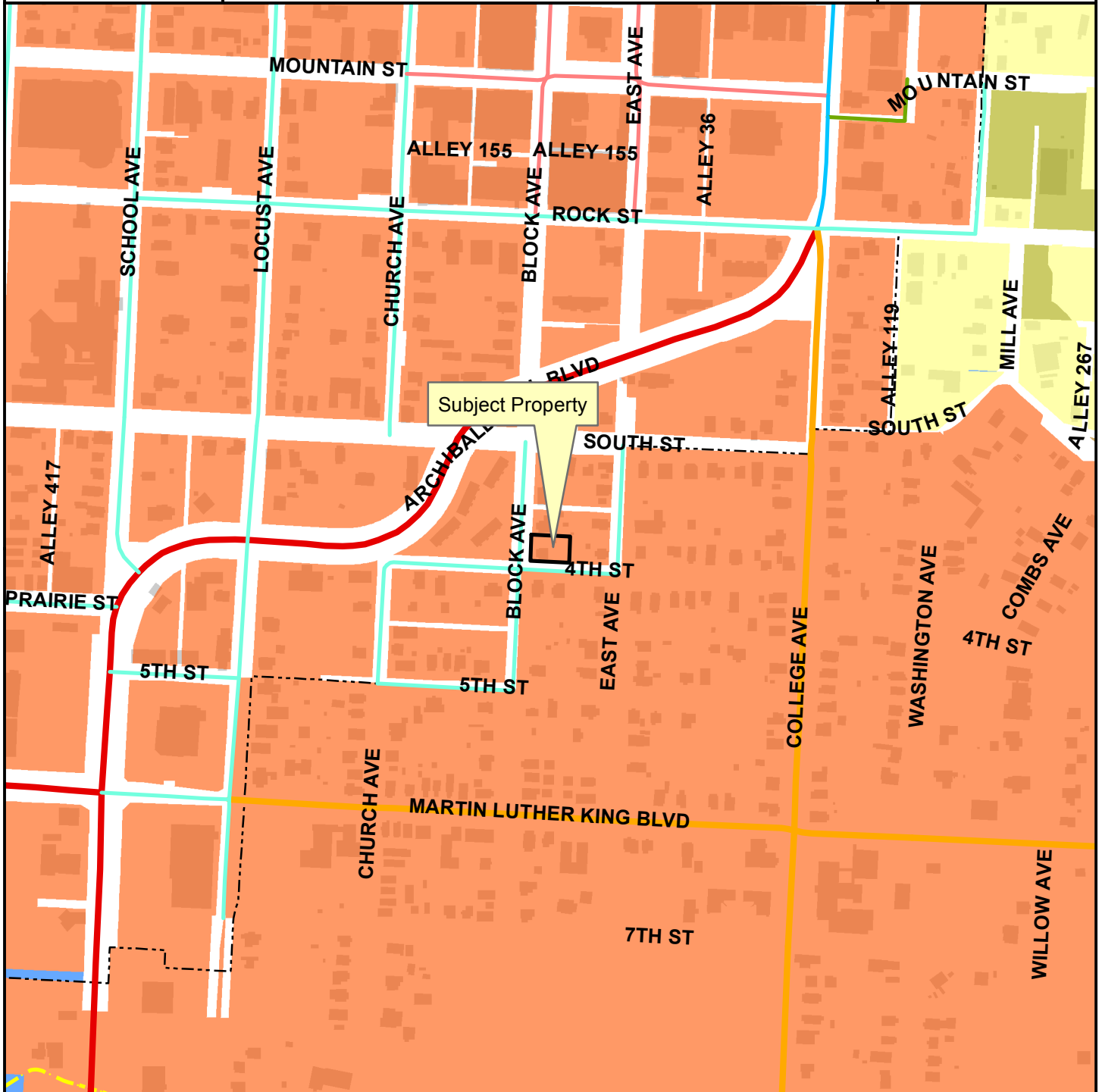


RZN19-6800

# LUDWIG

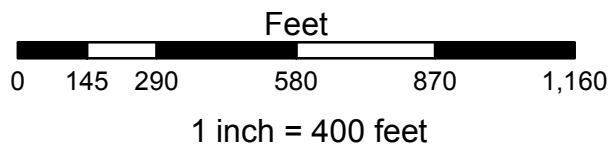


Future Land Use



## Legend

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



## FUTURE LAND USE 2030

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