

City of Fayetteville Staff Review Form

2019-0593

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 19-6802: Rezone (SE OF 11TH ST. & WASHINGTON AVE./3VOLVE HOUSING, LLC., 563): Submitted by ZARA NIEDERMAN for property located SE OF 11TH ST. & WASHINGTON AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.55 acres. The request is to rezone a portion of the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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 19-6802: Rezone (SE OF 11<sup>TH</sup> ST. & WASHINGTON AVE./3VOLVE HOUSING, LLC., 563):** Submitted by ZARA NIEDERMAN for property located SE OF 11<sup>TH</sup> ST. & WASHINGTON AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.55 acres. The request is to rezone a portion of the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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**RECOMMENDATION:**

The Planning Commission and staff recommend approval of an ordinance to rezone the subject property to RI-U, Residential Intermediate, Urban, as shown in the attached Exhibits 'A' and 'B'.

**BACKGROUND:**

The subject property is located 150 feet east of the intersection between Washington Avenue and 11th Street, on the southside of 11th Street. The property is undeveloped and currently zoned NC, Neighborhood Conservation. In 2008, the property was rezoned to NC, Neighborhood Conservation, as a part of the Walker Park Neighborhood Master Plan.

*Request:* The request is to rezone the subject properties from NC, Neighborhood Conservation, to RI-U, Residential Intermediate, Urban. The applicant has stated in their request letter that this rezoning is necessary to do infill development and attainable housing within a traditional town form.

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

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

and 4-family dwellings in mid-block locations amidst single-family dwellings. These recent decisions are viewed by staff as a shift in the Walker Park Neighborhood Plan policies guiding staff to recommend that the current rezoning request is in-line with land use policies of the City Council.

**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="display: inline-block; width: 20px; border-bottom: 2px dashed yellow; margin-right: 5px;"></span> Shared Use Paved Trail</li> <li><span style="display: inline-block; width: 20px; border: 1px dashed black; margin-right: 5px;"></span> Planning Area</li> <li><span style="display: inline-block; width: 20px; border: 2px solid yellow; margin-right: 5px;"></span> Fayetteville City Limits</li> <li><span style="display: inline-block; width: 10px; height: 10px; background-color: lightgrey; margin-right: 5px;"></span> Building Footprint</li> </ul>	<p>Feet</p> <p>0   55   110   220   330   440</p> <p>1 inch = 150 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>RI-U</td> <td>0.6</td> </tr> <tr> <td><b>Total</b></td> <td><b>0.6</b></td> </tr> </tbody> </table>	Zoning	Acres	RI-U	0.6	<b>Total</b>	<b>0.6</b>
Zoning	Acres							
RI-U	0.6							
<b>Total</b>	<b>0.6</b>							

**19-6802**  
**EXHIBIT 'B'**

Lots 8-9-10 Block 2 Berl Dodd Addition, to the City of Fayetteville, Arkansas, as shown on plat of record in plat book 4, at page 219, plat records of Washington County, Arkansas.  
Parcel ID: 765-03341-000



**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 19-6802: Rezone (SE OF 11<sup>TH</sup> ST. & WASHINGTON AVE./3VOLVE HOUSING, LLC., 563):** Submitted by ZARA NIEDERMAN for property located SE OF 11<sup>TH</sup> ST. & WASHINGTON AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.55 acres. The request is to rezone a portion of the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN 19-6802** to City Council with a recommendation of approval based on the findings contained in this report.

**RECOMMENDED MOTION:**

"I move to forward **RZN 19-6802** to City Council with a recommendation for approval."

**BACKGROUND:**

The subject property is located 150 feet west of the intersection between Washington Avenue and 11<sup>th</sup> Street, on the southside of 11<sup>th</sup> Street. The property is undeveloped and currently zoned NC, Neighborhood Conservation. In 2008, the property was rezoned to NC, Neighborhood Conservation, as a part of the Walker Park Neighborhood 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	Undeveloped	NC, Neighborhood Conservation
South	Triplex Residential	NC, Neighborhood Conservation
East	Fourplex Residential	DG, Downtown General
West	Undeveloped; Single-family Residential	NC, Neighborhood Conservation; RI-U, Residential Intermediate Urban

*Request:* The request is to rezone the subject properties from NC, Neighborhood Conservation, to RI-U, Residential Intermediate, Urban. The applicant has stated in their request letter that this rezoning is necessary to do infill development and attainable housing within a traditional town form.

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

## INFRASTRUCTURE:

- Streets:** This property has frontage to East 11th Street. East 11th Street is a partially improved local street with asphalt paving and curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is not available to this parcel. A watermain extension will be required at the time of development to serve parcel 765-03341-000.
- Sewer:** Sanitary sewer is not available to this parcel. A sanitary sewer extension will be required at the time of development to 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). Additionally, hydric soils are present throughout most of the subject area.
- 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 Plan designates the property within the proposed rezone as **Complete Neighborhood Plan** in association with the Walker Park Neighborhood Plan. A central goal of this plan was to preserve single-family neighborhoods while encouraging additional housing types and a mixture of uses. The plan states that the neighborhood should have a balance of non-residential uses and housing for different income levels. A major emphasis of the plan is connectivity and walkability, with a connection of the street grid and improved mobility that will unify the neighborhood over time.

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

## FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

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

Neighborhood Plan policies guiding staff to recommend that the current rezoning request is in-line with land use policies of the City Council.

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

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 increase infill 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:** Rezoning and redevelopment of the property under RI-U, with its lack of density requirements, has the potential to increase traffic on Washington Avenue and 11<sup>th</sup> Street. That said, the size of the property, totaling just over half an acre, will naturally restrict the number of potential dwellings, and thus the possibility of increased traffic danger and congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

**Finding:** The RI-U 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 19-6802 to the City Council with a recommendation for approval.**

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

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.12 – RI-U, Residential Intermediate - Urban
  - §161.29 - NC, Neighborhood Conservation
- Request letter
- Walker Park Neighborhood Illustrated Plan Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster housing development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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\* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories.

Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area*. The area occupied by all buildings shall not exceed 60% of the total lot area.

(H) *Minimum Buildable Street Frontage*. 50% of the lot width.

(Ord. No. [5945](#), §5(Exh. A), 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17)

## 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)

July 31, 2019

Zara Niederman  
3VOLVE Community Ecosystem Development  
849 S Washington Ave  
Fayetteville, AR 72701

To:  
City of Fayetteville

Planning Department  
Planning Commission  
City Council

Dear All,

I am writing to let you know of our request to rezone this lot at 11<sup>th</sup> St to RIU zoning. This lot is on 11<sup>th</sup> St in the Walker Park neighborhood of South Fayetteville. This property is bordered to the west by a vacant lot, a duplex and a single-family home; to the south a multi-family apartment complex, to the east by the Fayetteville Housing Authority; to the Northeast by the Homes at Willow Bend subdivision, and to the north by a vacant lot that is part of a deep backyard of a single-family home.

The lot is also bordered by the newly built-out 11<sup>th</sup> St on the North, a 10' alley ROW to the west, and a 20' alley ROW to the east. We will need to extend water and sewer mains to develop this property. We are looking to build a cottage court style Cluster Housing Development, which is a permitted use in RIU zoning designation. We believe that this type of development or any that is allowed in RIU will fit in well with its direct neighbors in terms of both density and building size, given the mix of housing types that surrounds this property.

We believe by rezoning this property, we can develop it in a way that will meet City Plan 2030/2040 goals of appropriate infill, traditional town form, and attainable housing.

Thank you for your consideration,

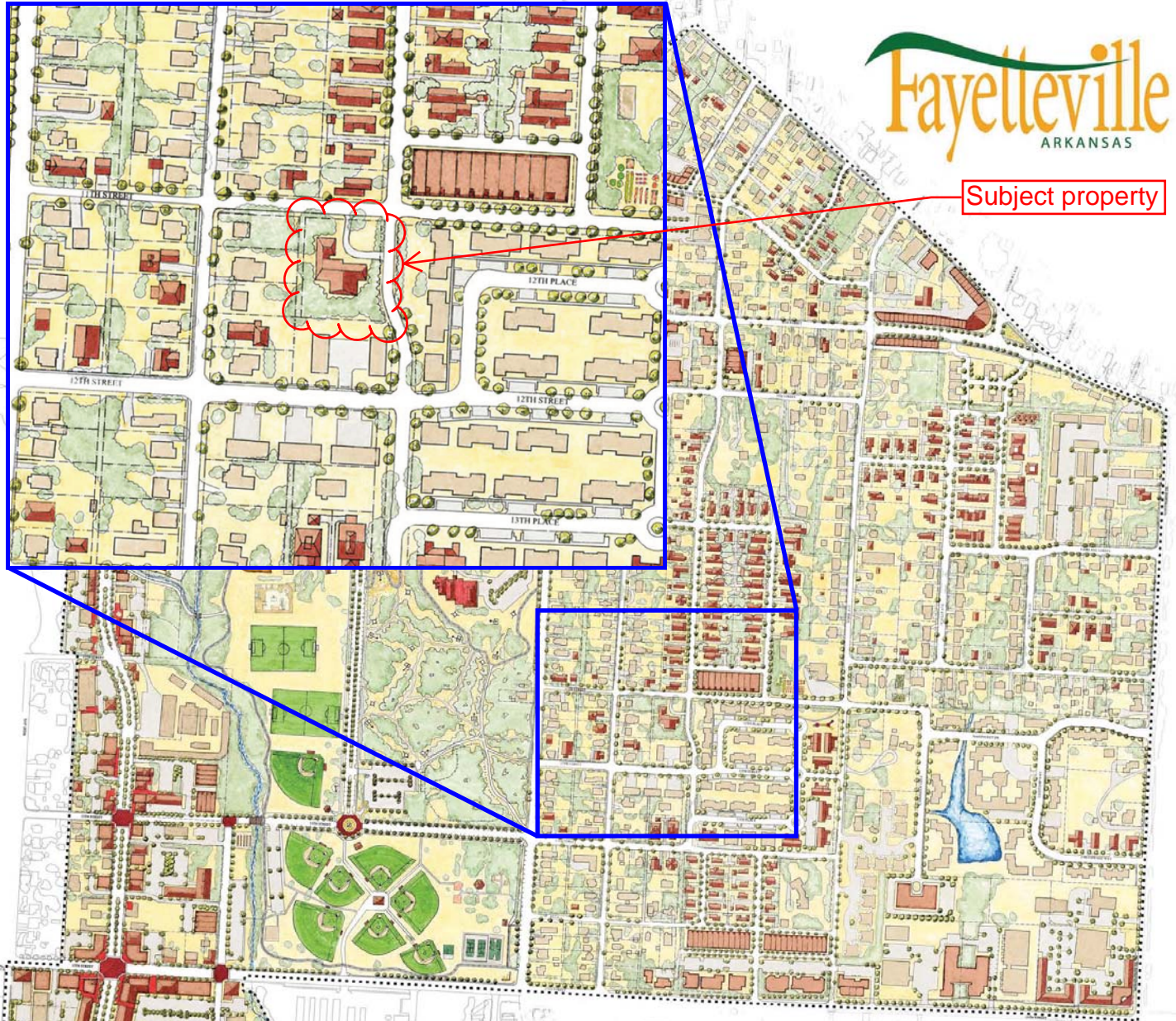
*Zara Niederman*  
Zara Niederman



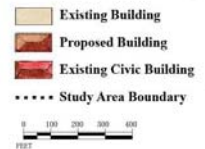
RZN 19-6802  
Subject Property within Walker Park  
Neighborhood Illustrative Plan

Fayetteville  
ARKANSAS

Subject property



**WALKER PARK NEIGHBORHOOD  
ILLUSTRATIVE MASTER PLAN  
FAYETTEVILLE, ARKANSAS  
SEPTEMBER 2007**



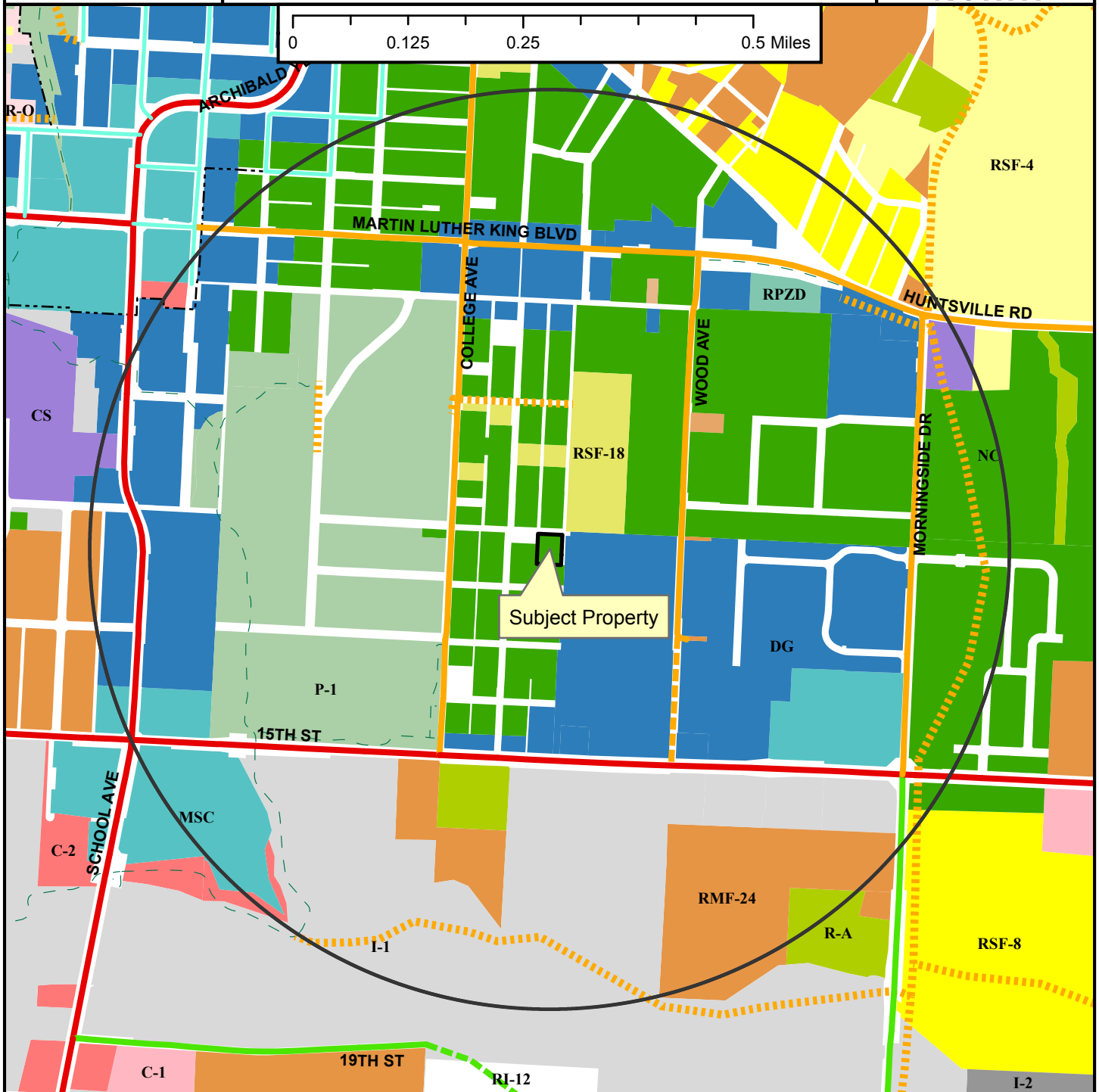
RZN19-6802

One Mile View

# 3VOLVE HOUSING



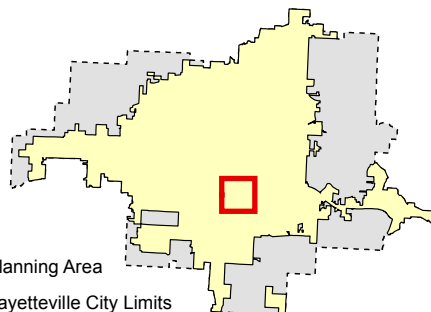
0 0.125 0.25 0.5 Miles



## Legend

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

- Planning Area
- Fayetteville City Limits



### Zoning

#### RESIDENTIAL SINGLE-FAMILY

- Residential-Agricultural
- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

#### RESIDENTIAL MULTI-FAMILY

- RT-12 Residential Two and Three-family
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

#### INDUSTRIAL

- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

### EXTRACTION

- E-1

### COMMERCIAL

- Residential-Office
- C-1
- C-2
- C-3

### FORM BASED DISTRICTS

- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services

### PLANNED ZONING DISTRICTS

- Neighborhood Conservation
- Commercial, Industrial, Residential

### INSTITUTIONAL

- P-1



RZN19-6802

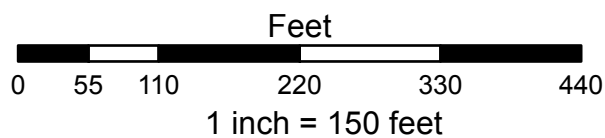
# 3VOLVE HOUSING

Close Up View



## Legend

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



## Zoning Acres

RI-U 0.6

Total 0.6

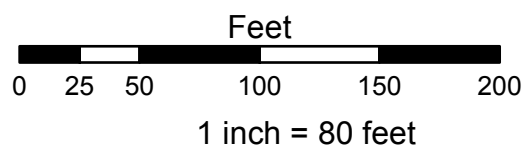
RZN19-6802

Current Land Use

# 3VOLVE HOUSING



- Planning Area
- Fayetteville City Limits



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

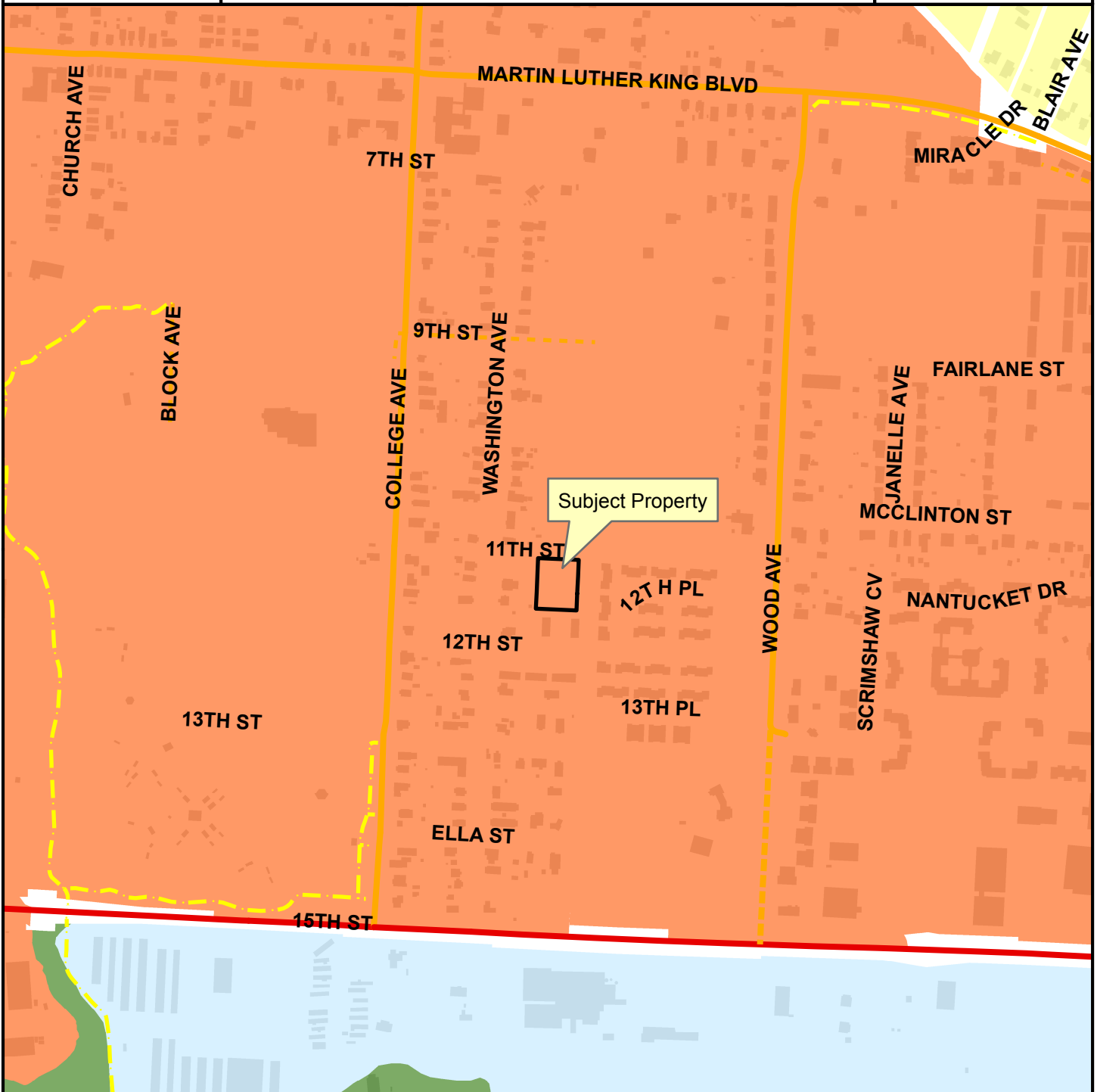


RZN19-6802

# 3VOLVE HOUSING

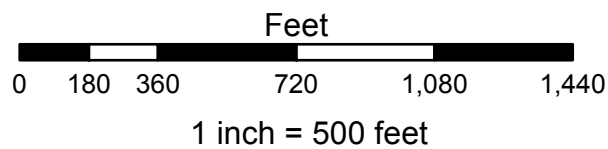


Future Land Use



## Legend

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



## FUTURE LAND USE 2030

- Natural Area
- Residential Neighborhood Area
- Industrial
- Complete Neighborhood Plan