

City of Fayetteville Staff Review Form

2019-0735

Legistar File ID

11/19/2019

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

Garner Stoll

11/1/2019

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 19-6853: Rezone (1278 W. HENDRIX ST./FUGITT, 404): Submitted by BILL FUGITT for property located at 1278 W. HENDRIX ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF NOVEMBER 19, 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: November 19, 2019

SUBJECT: **RZN 19-6853: Rezone (1278 W. HENDRIX ST./FUGITT, 404):** Submitted by BILL FUGITT for property located at 1278 W. HENDRIX ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

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

BACKGROUND:

The subject property is a residential lot of 0.51 acres at the corner of W. Hendrix street and N. Addington Ave in the Hendrix Subdivision. The property totals approximately 0.51 acres, is zoned RSF-4, Residential Single-family, 4 units per acre and houses a single-family home built in 1951.

Neighborhood Zoning Background: The subject property is in a single-family neighborhood that has two small pockets of multi-family zoning and development. The multi-family zoning is adjacent to the west of the subject property and at the northwest corner of Hendrix Street/Garland Avenue. This zoning was allowed by City Council as a result of an administrative mistake made in the early 2000's when the City Zoning Map was converted from paper to digital. Ever since the zoning map mistake, the City Council has been extremely cautious about rezoning in this neighborhood.

Request: The request is to rezone the property from RSF-4 to RSF-8, Residential Single Family, 8 Units per Acre. The applicant has discussed with staff they would like to build up to four single family homes as a cluster housing development or four townhouses with a conditional use permit. The applicant initially requested the property to be rezoned to RI-12, however, after staff advised of the council's past reluctance to rezone this neighborhood, they revised their request to RSF-8.

Land Use Compatibility: The proposed zoning is generally compatible with the surrounding land use pattern of the area. Land uses in immediate and general adjacency to the subject property

are primarily detached single-family dwellings. Although the property adjacent to the west and at the corner of Hendrix Street/Garland are developed apartment complexes that occurred as a result of a zoning map error, the Hendrix Addition is mostly single-family in character.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations. RSF-8 would allow higher range of residential density not allowed in the current zoning district and in an infill location, consistent with the City's land use policies.

DISCUSSION:

On October 28, 2019, the Planning Commission forwarded the proposal to City Council with a recommendation for approval by a vote of 7-1-0. Public comment was made during the hearing, stating density concerns in this neighborhood.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

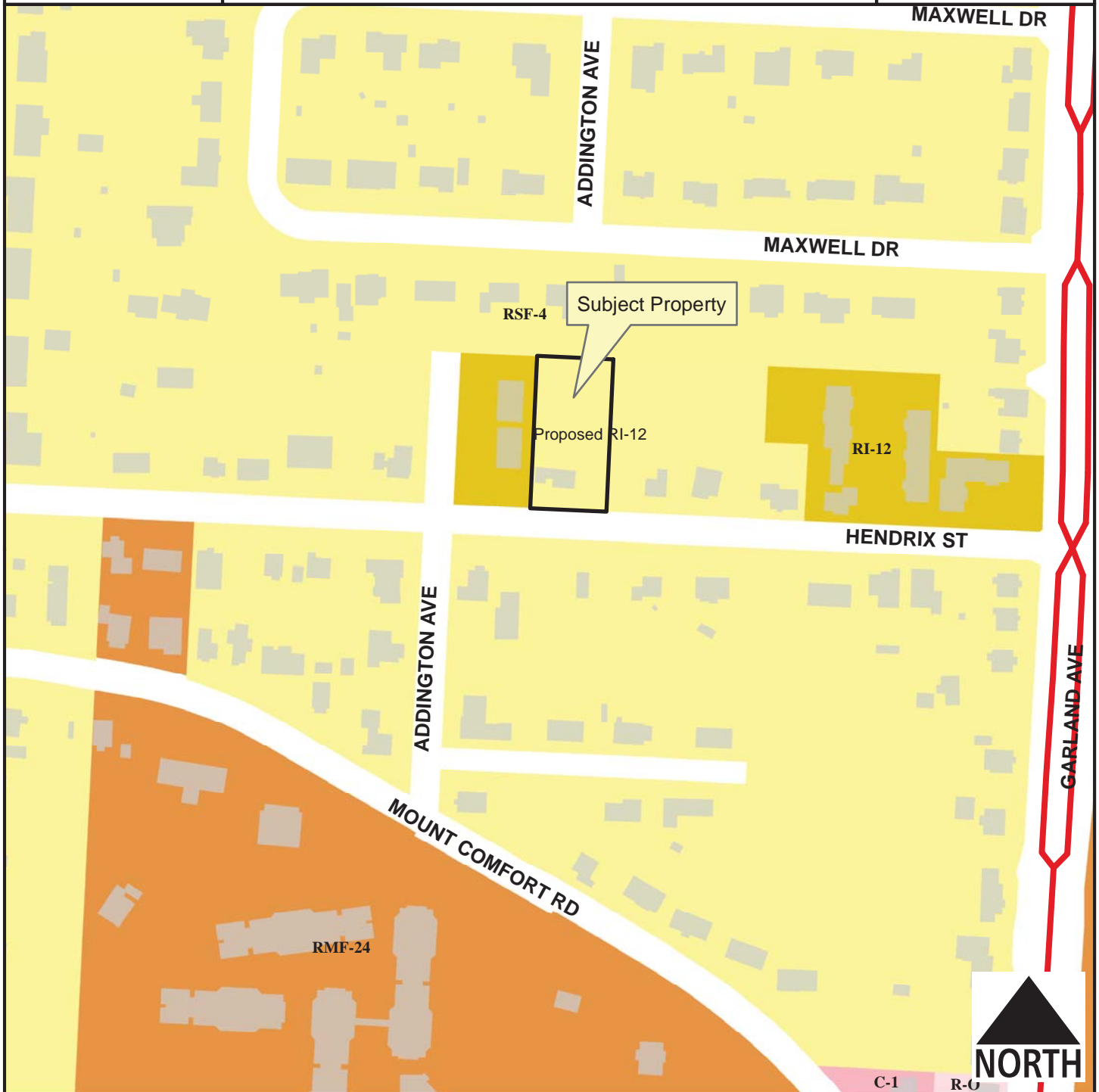
RZN19-6853

BILL FUGITT

19-6853

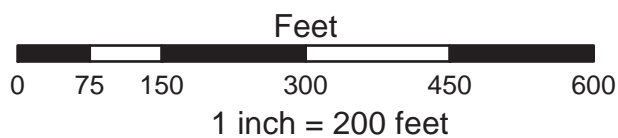
Close Up View

EXHIBIT 'A'



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



Zoning Acres

RI-12 0.5

Total 0.5

19-6853
EXHIBIT 'B'

LEGAL DESCRIPTION: FURTHER DESCRIBED FROM 2019-19249 AS: Part of the South Half of the Northeast Quarter of the Northeast Quarter of Section Eight (8), Township Sixteen (16) North, Range Thirty (30) West, described as beginning at the Northeast corner of said twenty (20) acre tract, and running thence West 630 feet for the place of beginning, thence South 210 feet, thence West 105 feet, thence North 210 feet, thence East 105 feet to the point of beginning, same being known as Lot Five (5) in Block One (I), Hendrix Addition, Fayetteville, Arkansas.



TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Abdul R. Ghous, Planner

MEETING DATE: October 28, 2019 **Updated 10/29/2019 - PC FWD**

SUBJECT: **RZN 19-6853: Rezone (1278 W. HENDRIX ST./FUGITT, 404):** Submitted by BILL FUGITT for property located at 1278 W. HENDRIX ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding RZN 19-6853 to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward RZN 19-6853 to City Council with a recommendation for approval."

BACKGROUND:

The subject property is a residential lot of 0.51 acres at the corner of W. Hendrix street and N. Addington Ave in the Hendrix Subdivision. The property totals approximately 0.51 acres, is zoned RSF-4, Residential Single-family, 4 units per acre and houses a single-family home built in 1951. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North, South, East	Single-family residential	RSF-4, Residential Single-family, 4 units per acre
West	Multi-family residential	RI-12, Residential Intermediate, 12 units per acre

Neighborhood Zoning Background: The subject property is in a single-family neighborhood that has two small pockets of multi-family zoning and development. The multi-family zoning is adjacent to the west of the subject property and at the northwest corner of Hendrix Street/Garland Avenue. This zoning was allowed by City Council as a result of an administrative mistake made in the early 2000's when the City Zoning Map was converted from paper to digital. Ever since the zoning map mistake, the City Council has been extremely cautious about rezoning in this neighborhood.

Request: The request is to rezone the property from RSF-4 to RSF-8, Residential Single Family, 8 Units per Acre. The applicant has discussed with staff they would like to build up to four single family homes as a cluster housing development or four townhouses with a conditional use permit. The applicant initially requested the property to be rezoned to RI-12,

however, after staff advised of the council's past reluctance to rezone this neighborhood, they revised their request to RSF-8.

Public Comment: Staff has received public comment, stating concerns regarding the density of the rezoning request.

INFRASTRUCTURE:

Streets: This parcel has frontage to West Hendrix Street. West Hendrix Street is a partially improved local street with asphalt paving and open ditches along the property's frontage. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to this property. An existing 6-inch watermain is present along West Hendrix Street that can serve this property.

Sewer: Sanitary sewer is available to this property. An existing 6-inch sanitary sewer main is present along West Hendrix Street that can serve this property.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of this property is identified as FEMA regulated floodplains. There are no protected streams present in the subject parcel. No portion of this parcel lies within the Hillside-Hilltop Overlay District. Hydric soils appear to be present in the area.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. The site will be protected by Station 2, located at 708 N. Garland. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 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 expressed no 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 **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:*** Land uses in immediate and general adjacency to the subject property are primarily detached single-family dwellings. Although the property adjacent to the west and at the corner of Hendrix Street/Garland are developed apartment complexes that occurred as a result of a zoning map error, the Hendrix Addition is mostly single-family in character. Staff finds that the proposed rezoning is generally compatible with adjacent land uses.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2030, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations. RSF-8 would allow higher range of residential density not allowed in the current zoning district and in an infill location, consistent with the City's land use policies.

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

Finding: Based on the applicant's letter, the requested rezoning is justified and needed at this time to increase options for the developer and increase the number of units possible for construction. The existing structure is foundationally challenged and deteriorating. The goal of the developer is to provide more affordable housing through infill development and help reduce urban sprawl.

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 RSF-8, has the potential to slightly increase traffic on Hendrix Street. The size of the property, totaling around half an acre, will naturally restrict the number of potential dwellings, and thus the possibility of increased traffic danger and congestion will not be appreciable.

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 RSF-4 to RSF-8 will increase the potential population density, but will not undesirably increase the load on facilities and services. As noted above, this 0.51-acre property has access to existing water, sewer, and other public services that eliminate the need for costly extensions or stretched fire or police service.

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 19-6853 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 28, 2019</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Canada	Forwarded as recommended by staff.		
Second: Winston			
Vote: 7-1-0, Commissioner Sharp voted no.			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 - Residential Single-Family, 4 Units Per Acre
 - §161.09 - Residential Single-Family, 8 Units Per Acre
- Request letter
- Rezoning Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses .*

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

(2) *Conditional Uses .*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations .*

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

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit .*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

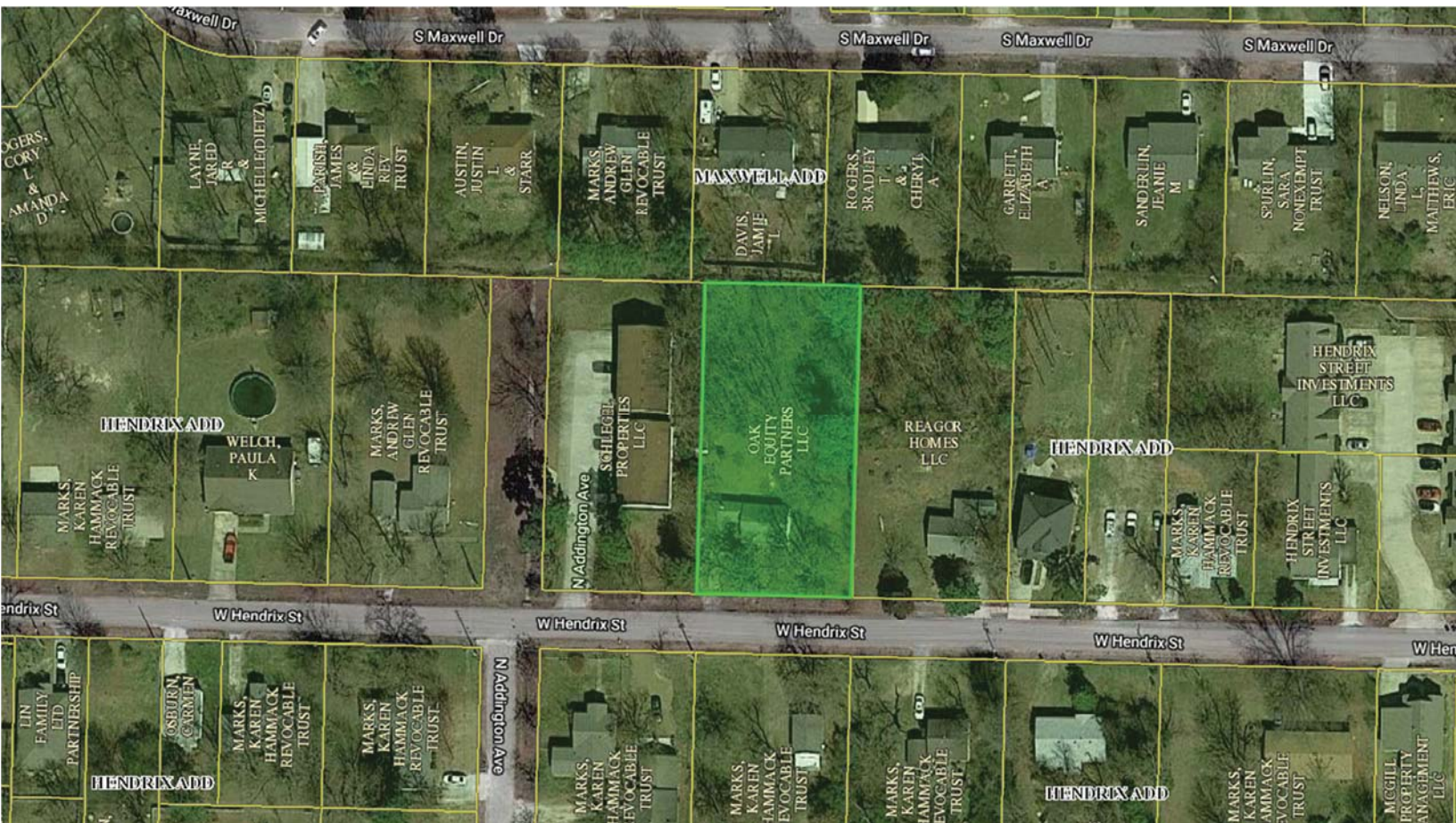
Building Height Maximum	3 stories
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(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60%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

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

Compatibility Statement

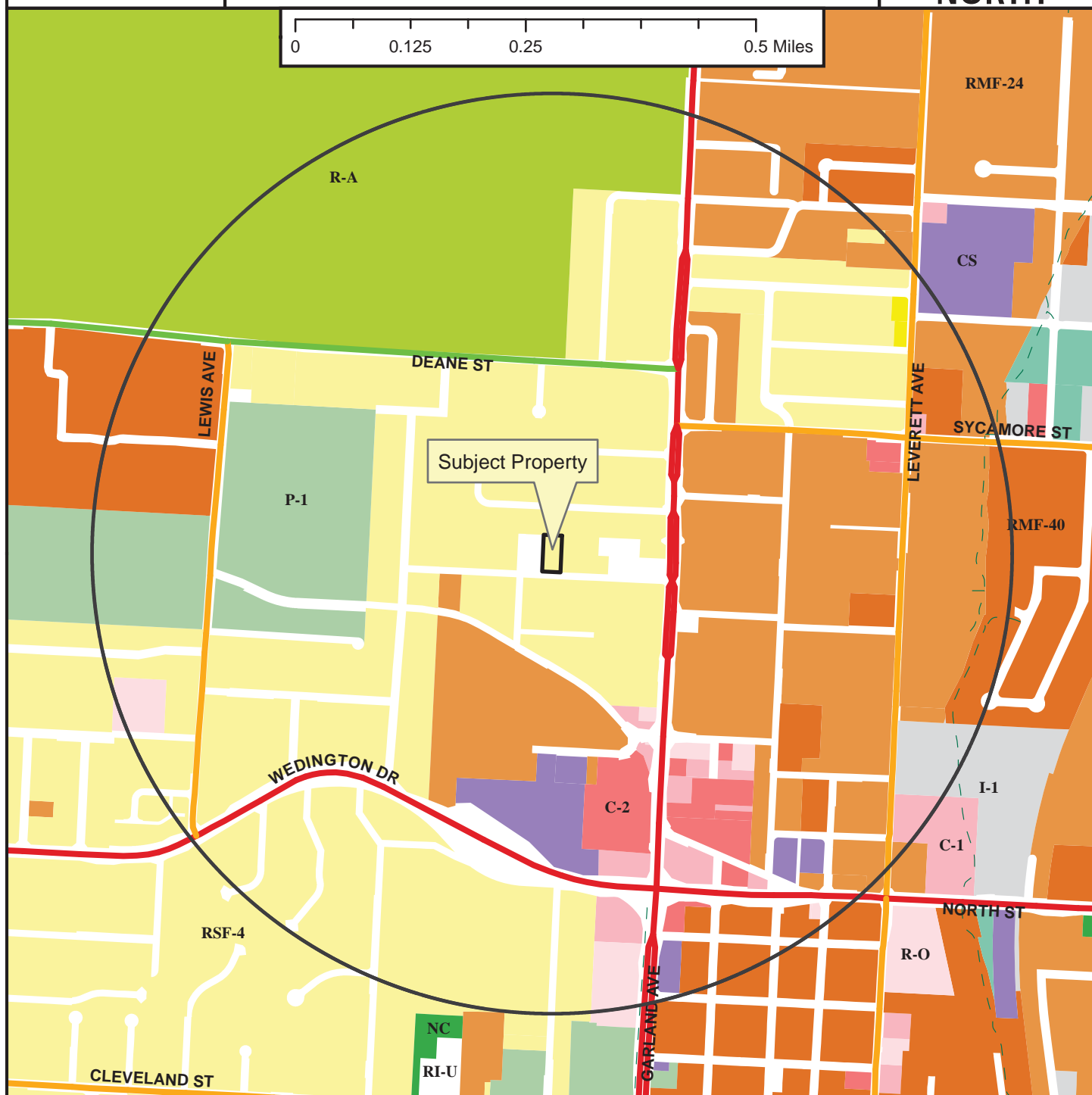
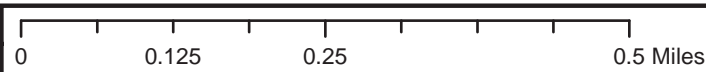
I am requesting that my lot located at 1278 W Hendrix St, parcel # 765-06282-000 be rezoned from RSF-4 to RSF-8. Should this rezone be approved, my plan is to remove the existing structure and build up to 4 single family residences. The existing structure is foundationally challenged, deteriorating quickly and has become an eye sore for the neighborhood. I believe a cluster housing development would improve the character of the neighborhood and aligns with the City's goal of providing more affordable housing through infill and will help reduce urban sprawl. The designated future land use of this property is Residential Neighborhood Area and there are already some variations in residential land uses adjacent to the property with the adjoining lot to the west and the lots on the corner of Hendrix to the east, already being zoned RI-12. There are utilities already available to the site as well.







RZN19-6853

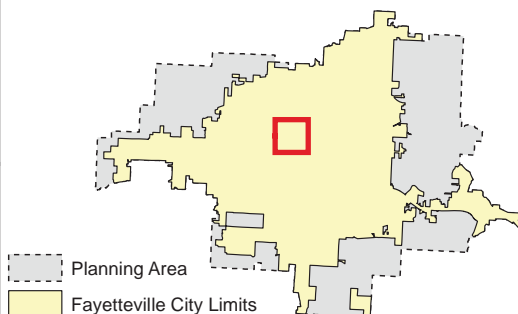
One Mile View

BILL FUGITT



Legend

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



- Zoning**

 - Residential-Single-Family
 - Residential-Multi-Family
 - Industrial
 - Extraction
 - Commercial
 - Form Based Districts
 - Planned Zoning Districts
 - Institutional

Residential-Single-Family

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

Residential-Multi-Family

 - RT-12 Street Court 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

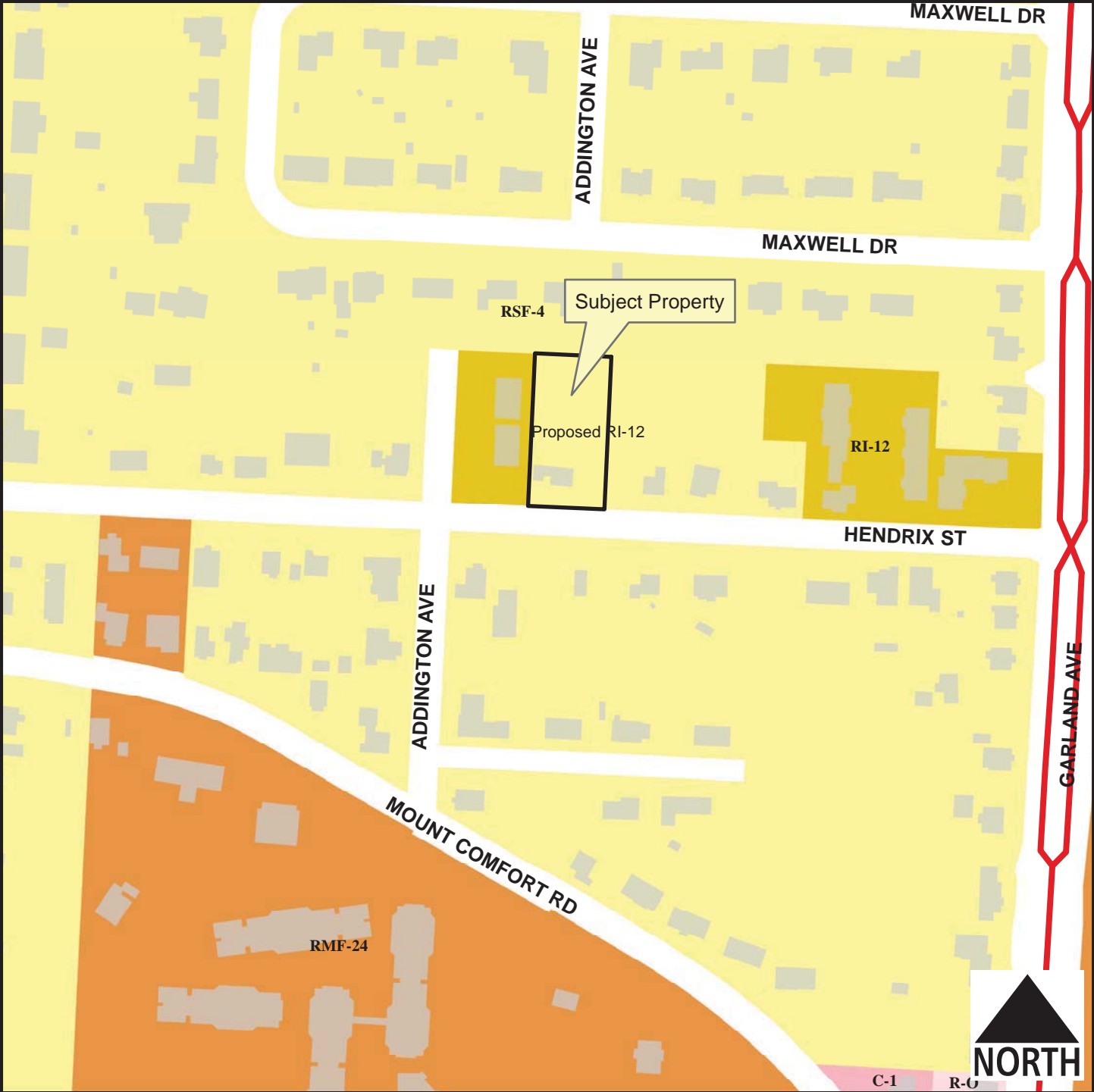
 - Downtown Core
 - Urban Thoroughfare
 - Main Street
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

Planned Zoning Districts

 - Commercial, Industrial, Residential

Institutional

 - P-1



Legend <div> <div></div> Planning Area </div> <div> <div></div> Fayetteville City Limits </div> <div> <div></div> Building Footprint </div>	<div> <div>Feet</div> <div> <div>0</div> <div>75</div> <div>150</div> <div>300</div> <div>450</div> <div>600</div> </div> <div>1 inch = 200 feet</div> </div>		<div> <div>Zoning</div> <div>Acres</div> </div>
			<div> <div>RI-12</div> <div>0.5</div> </div>
	<div>Total</div>		<div>0.5</div>

RZN19-6853

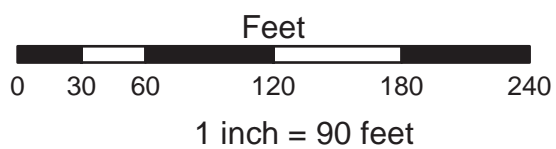
Current Land Use

BILL FUGITT



Planning Area

Fayetteville City Limits



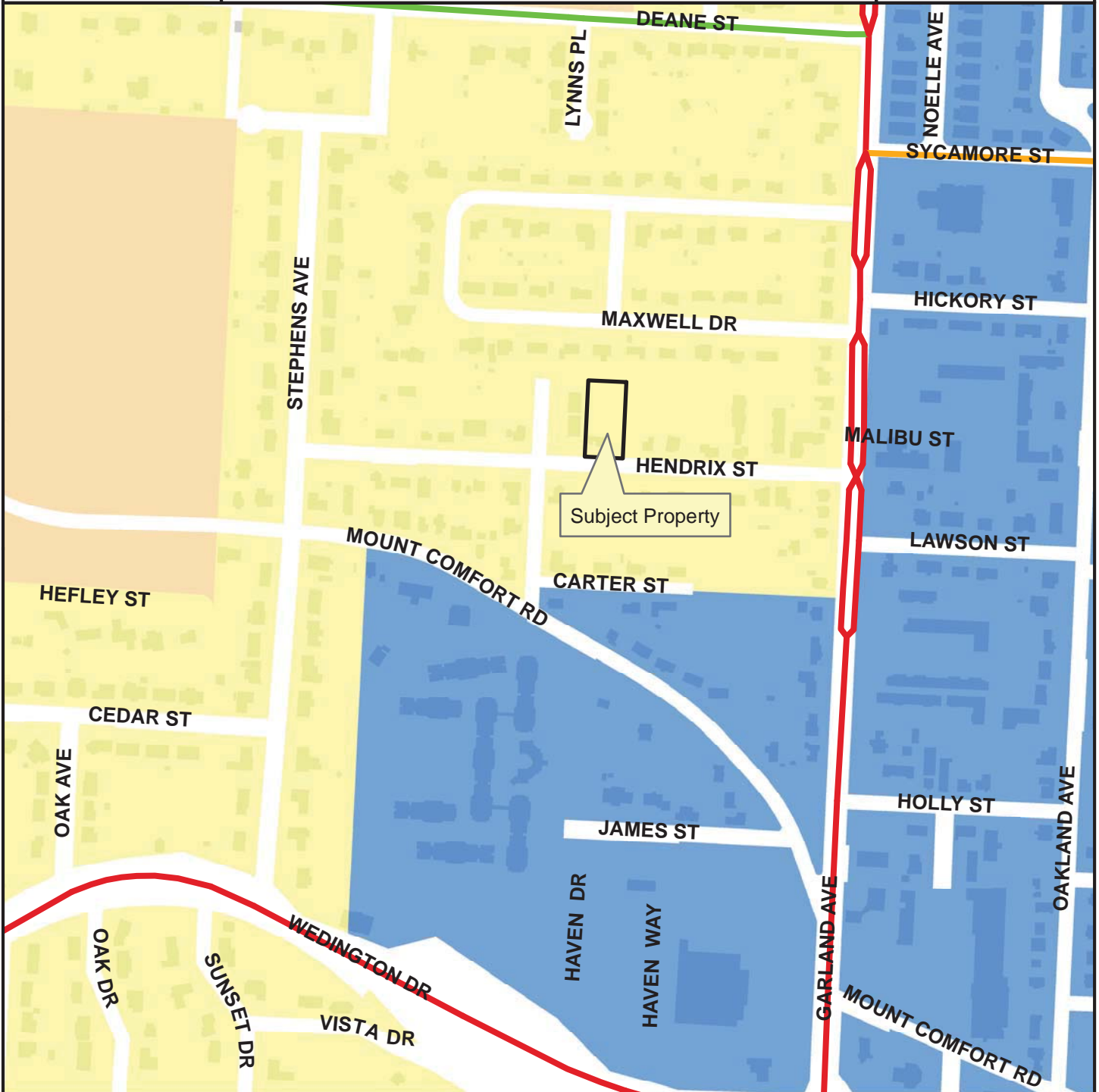
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN19-6853

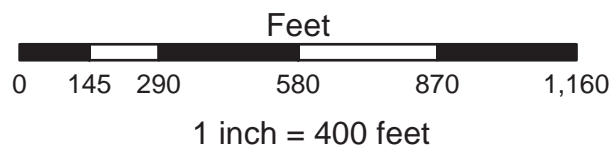
Future Land Use

BILL FUGITT



Legend

- Planning Area
- Fayetteville City Limits
- Building Footprint



FUTURE LAND USE 2030

- Residential Neighborhood Area
- City Neighborhood Area
- Non-Municipal Government