City of Fayetteville Staff Review Form

2020-0407

Legistar File ID

6/2/2020

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

Garner Stoll		5/15/2020	CITY PLANNING	G (630)
Submitted By		Submitted Date	Division / Depa	rtment
	Actio	on Recommendation:		
RZN 20-7076: Rezone (3010 W. OLD For property located at 3010 W. OLD UNITS PER ACRE and contains approx NEIGHBORHOOD CONSERVATION.	FARMINGT	ON RD. The property is zoned R	SF-8, RESIDENTIAL	SINGLE FAMILY, 8
		Budget Impact:		
Account Numbe	r		Fund	
Project Number	r	<u> </u>	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	\$	-
Purchase Order Number:		Previous Ordinance	or Resolution #	V20180321
Change Order Number:		Approval Date:		
Original Contract Number:				

Comments:



CITY COUNCIL MEMO

MEETING OF JUNE 2, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff

Garner Stoll, Development Services Director

FROM: Jonathan Curth, Development Review Manager

DATE: May 15, 2020

SUBJECT: RZN 20-7076: Rezone (3010 W. OLD FARMINGTON RD./STRICKLIN, 557):

Submitted by COMMUNITY BY DESIGN, LLC. for property located at 3010 W. OLD FARMINGTON RD. The property is zoned RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contains approximately 4.84 acres. The request

is to rezone the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains 4.84 acres on the north side of Old Farmington Road's intersection with One Mile Road. In 2015, the City Council approved a rezoning request on the property from R-A, Residential-Agricultural, to RSF-8, Residential Single-family, 8 Units per Acre. More recently, in 2019 the Planning Commission approved a conditional use permit (CUP 19-6812) on the property for the development of two linked cluster housing developments. Where the property was previously developed with one single-family dwelling, that has been demolished and two new single-family dwellings of approximately 600-square feet are being built. Overall, the property is heavily wooded and slopes upward to the north, rising almost 100 feet from Old Farmington to the northern property line. Roughly the northern third of the property falls within the Hillside-Hilltop Overlay District.

Request: The request is to rezone the property from RSF-8 to NC, Neighborhood Conservation. The applicant has indicated that upon detailed site design in association with CUP 19-6812, the need for a street-fronting build-to zone was identified.

Land Use Compatibility: The proposed zoning is compatible with the surrounding land use pattern of the area, which is almost uniformly single-family but varying in density and lot size. All along Old Farmington Road, a mixture of undeveloped or low-density residential properties sit alongside narrow residential properties that contribute to the area's diversity of incomes and residences. The NC zoning district allows incrementally increasing the density of this corridor in a manner that compliments the current land uses without changing the character.

Land Use Plan Analysis: Staff finds the proposed NC zoning to be generally compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in all housing types. Although the NC zoning district is limited to single-family dwellings, there are conditional use allowances for two-, three-, and four-family dwellings on comparable lot sizes.

Similarly, staff finds the request to be complimentary of City Plan 2040's adopted goals, particularly encouragement of appropriate infill. The property's location in close proximity to a major transportation corridor, the region's interstate, and a variety of public amenities and nonresidential services makes this property well-situated for additional housing. Additionally, and with the applicant's approved conditional use permit in mind, development of the property under NC can facilitate sensitive consideration of the considerable slopes that characterize the northern portion of the property.

City Plan 2040's Infill Matrix indicates a varying score for the subject property, ranging from five along the northern extents of the property, to six for the remainder. The following elements of the matrix contribute to the score:

- Near a Grocery Store (Wal-Mart & Aldi)
- Near Razorback Transit Bus Stop (Route 44)
- Near Trail (Shiloh Trail)
- Near Park (Finger Park)
- Near Water Main (Old Farmington Road)
- Near Sewer Main (Old Farmington Road)
- Note: The property is within the matrix's prescribed distance from Centennial Park to the north, which is under construction but is intended to serve as a local, regional, and national attraction.

DISCUSSION:

On May 11, 2020, the Planning Commission forwarded the rezoning request to the City Council with a recommendation of approval. The Commission voted unanimously in favor of the motion. A property owner to the southwest spoke at the meeting, sharing issues she has had with tree removal and land disturbance encroaching on her land from the subject property.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

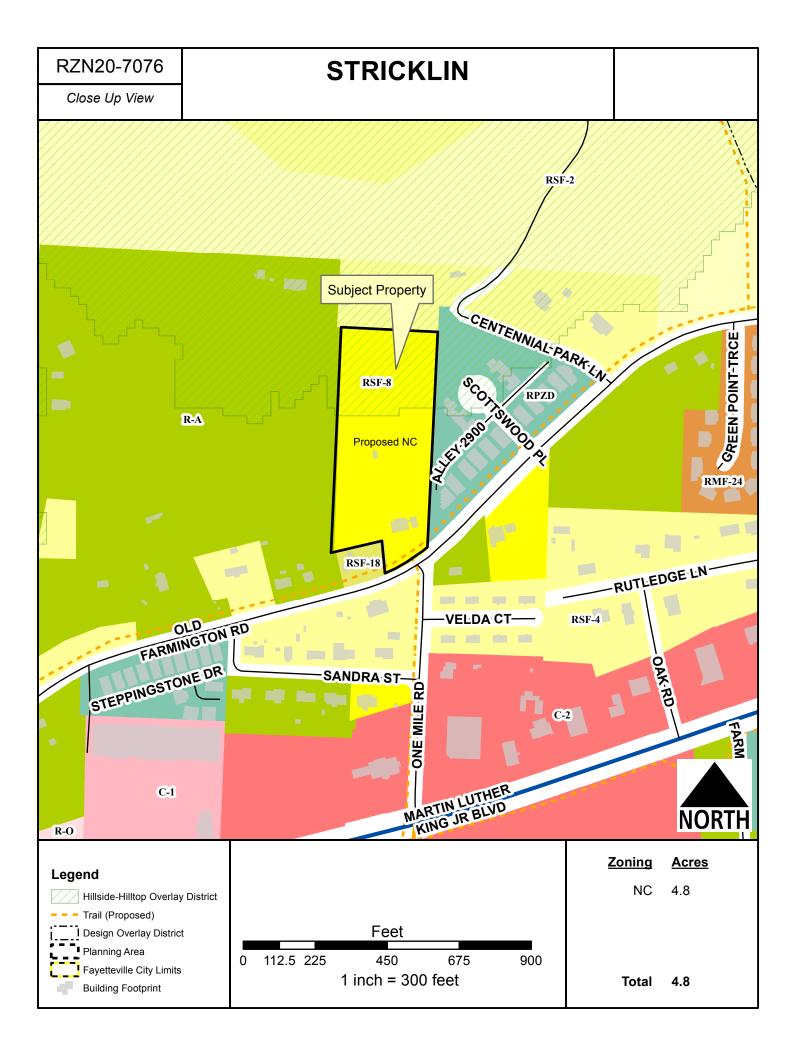


EXHIBIT #1 - SURVEY DESCRIPTION OF PROPERTY TO BE REZONED

SURVEY DESCRIPTION:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR WHICH IS \$500°01'25"E 210.37' FROM AN EXISTING ALUMINUM MONUMENT MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE \$500°00'26"W 673.36' TO AN EXISTING REBAR, THENCE \$47°37'47"W 19.82', THENCE \$53°01'19"W 57.07', THENCE \$57°16'27"W 44.49', THENCE \$63°00'53"W 34.83' TO AN EXISTING REBAR, THENCE \$00°55'43"W 101.75' TO AN EXISTING REBAR, THENCE \$74°03'53"W 163.20' TO AN EXISTING REBAR, THENCE \$00°11'12"W 705.35' TO AN EXISTING REBAR, THENCE \$89°55'09"E 302.05' TO THE POINT OF BEGINNING, CONTAINING 4.84 ACRES, MORE OR LESS. SUBJECT THAT PORTION IN OLD FARMINGTON ROAD MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

MEETING DATE: May 11, 2020 (Updated with Planning Commission Results)

SUBJECT: RZN 20-7076: Rezone (3010 W. OLD FARMINGTON RD./STRICKLIN,

557): Submitted by COMMUNITY BY DESIGN, LLC. for property located at 3010 W. OLD FARMINGTON RD. The property is zoned RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE and contains approximately 4.84 acres. The request is to rezone the property to NC,

NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends forwarding RZN 20-7076 to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward RZN 20-7076 to City Council with a recommendation for approval."

BACKGROUND:

The subject property contains 4.84 acres on the north side of Old Farmington Road's intersection with One Mile Road. In 2015, the City Council approved a rezoning request on the property from R-A, Residential-Agricultural, to RSF-8, Residential Single-family, 8 Units per Acre. More recently, in 2019 the Planning Commission approved a conditional use permit (CUP 19-6812) on the property for the development of two linked cluster housing developments. Where the property was previously developed with one single-family dwelling, that has been demolished and two new single-family dwellings of approximately 600-square feet are being built. Overall, the property is heavily wooded and slopes upward to the north, rising almost 100 feet from Old Farmington to the northern property line. Roughly the northern third of the property falls within the Hillside-Hilltop Overlay District. Surrounding land use and zoning are depicted in Table 1.

Table 1 Surrounding Land Use and Zoning

Direction	Land Use Zoning	
North Single-family Residential		RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	RSF-18, Residential Single-family, 18 Units per Acre; RSF-4, Residential Single-family, 4 Units per Acre
East	Townhomes; Single-family Residential	Scottswood Place R-PZD, Residential Planned Zoning District
West	Undeveloped	R-A, Residential Agricultural

Request: The request is to rezone the property from RSF-8 to NC, Neighborhood Conservation. The applicant has indicated that upon detailed site design in association with CUP 19-6812, the need for a street-fronting build-to zone was identified.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

Streets: The subject parcel has direct access to West Old Farmington Road, an

unimproved Residential Link Street with open ditches on either side. Any drainage or street improvements required would be determined at the time of development

proposal.

Water: Public water is available to the site. A 6-inch water main runs along the property's

Old Farmington frontage.

Sewer: Public sanitary sewer is available to the site. A 6-inch water main runs along the

property's Old Farmington frontage.

Drainage: While no portion of the property is a FEMA-designated floodplain or streamside

protections zone, and hydric soils are not present, the northern extents of the site are designated as Hillside/Hilltop Overlay District. Any additional improvements or

requirements for drainage will be determined at time of development.

Fire: The property is protected by Station 6, located at 900 South Hollywood Avenue,

which is approximately 1.1 miles away with an anticipated drive time of approximately 4 minute using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is

calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as a **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, multi-family, and rowhouses. Development is encouraged to be highly-connected, with compact blocks, grid street pattern and reduced setbacks. Low-intensity non-residential uses are encouraged at appropriate locations, such as on corners and connecting corridors.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a varying score between <u>5 and 6</u> for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents a score of <u>7.5</u>. The following elements of the matrix contribute to the score:

- Near a Grocery Store (Wal-mart & Aldi)
- Near Razorback Transit Bus Stop (Route 44)
- Near Trail (Shiloh Trail)
- Near Park (Finger Park)
- Near Water Main (Old Farmington Road)
- Near Sewer Main (Old Farmington Road)
- Note: The property is within the matrix's prescribed distance from Centennial Park to the north, which is under construction but is intended to serve as a local, regional, and national attraction.

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: The proposed zoning is compatible with the surrounding land use pattern of the area, which is almost uniformly single-family but varying in density and lot size. All along Old Farmington Road, a mixture of undeveloped or low-density residential properties sit alongside narrow residential properties that contribute to the area's diversity of incomes and residences. The NC zoning district allows incrementally increasing the density of this corridor in a manner that compliments the current land uses without changing the character.

Land Use Plan Analysis: Staff finds the proposed NC zoning to be generally compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. This designation supports a wide spectrum of residential uses and encourages density in all housing types. Although the NC zoning district is limited to single-family dwellings, there are conditional use allowances for two-, three-, and four-family dwellings on comparable lot sizes.

Similarly, staff finds the request to be complimentary of City Plan 2040's adopted goals, particularly encouragement of appropriate infill. The property's location in close proximity to a major transportation corridor, the region's interstate, and a variety of public amenities and nonresidential services makes this property well-situated for additional housing. Additionally, and with the applicant's approved conditional use permit in mind, development of the property under NC can facilitate sensitive consideration of the considerable slopes that characterize the northern portion of the property.

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

Finding:

Staff believes that there is sufficient justification for rezoning the property to NC. The general alignment of the request with many of City Plan 2040's goals suggest a rezoning to a district that allows greater flexibility in densities and lot sizes is suitable.

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

Finding:

The site has direct access to Old Farmington Road, an unimproved Residential Link, and is less than a 1/5th of a mile from Martin Luther King Boulevard, an improved Regional Link and state highway. Although the proposed NC zoning district allows densities that may increase traffic over the existing RSF-8 zoning district, staff contends that development of the property would likely not result in a significant increase in traffic nor appreciably increase traffic danger and congestion. The necessity for street improvements or modifications to site access will be reviewed with future

development submittals.

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 applicant's requested NC zoning district allows single-family dwellings at a density of 10 units per acre. Given the marginal increase over the current RSF-8 allowance of eight units per acre, staff finds that no adverse impacts on services are anticipated provided adjacency to existing City infrastructure.

- 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 20-7076 to the City Council with a recommendation for approval.

PLANNING COMMISSI	ON ACTION:	Required	YES		
Date: <u>May 11, 2020</u>	□ Tabled	▼ Forwar	ded	□ Denied	
Motion: Belden					
Second: Paxton					
Vote: 9-0-0					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - o §161.09 RSF-8, Residential Single-Family, 8 Units per Acre
 - o §161.29 NC, Neighborhood Conservation
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

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

(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. Accessory ground mounted solar energy systems shall not be considered buildings.

(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. $\underline{5921}$, $\S1$, 11-1-16; Ord. No. $\underline{5945}$, $\S8$, 1-17-17; Ord. No. $\underline{6015}$, $\S1$ (Exh. A), 11-21-17; $\underline{Ord. No. 6245}$, $\S2$, 10-15-2019)

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.

(-)	00.14.1.0.14.
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.

All dwelling types	40 feet
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- (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. <u>5800</u>, §1(Exh. A), 10-6-15>; Ord. No. <u>5921</u>, §1, 11-1-16; Ord. No. <u>5945</u>, §§5, 7—9, 1-17-17; Ord. No. <u>6015</u>, §1(Exh. A), 11-21-17; Ord. No. <u>6211</u>, §1, 8-6-19)



March 30, 2020

Via Email: jcurth@fayetteville-ar.gov

RZN 20-7076

Request
Letter

Mr. Jonathan Curth Zoning and Development Administrator City of Fayetteville 125 West Mountain Street Fayetteville, Arkansas 72701

RE: 3010 Old Farmington Road – Rezone Application Submittal Package

Mr. Curth,

As a representative of Larry and Laurel Strickland, owner of 4.84 acres on 3 separate parcels located at 3010 W. Old Farmington Road, I respectfully request the City of Fayetteville to approve an ordinance to rezone the subject properties from the existing zoning classification of RSF-8 to the Neighborhood Conservation (NC) Zoning District. Please find the following documents required for processing the rezoning request:

- One (1) copy of a completed and signed rezoning application
- One (1) copy of Exhibit #1 Survey Description of Property to be Rezoned
- One (1) copy of Exhibit #2 County Parcel Map
- One (1) copy of Exhibit #3 Written Description of Request per City of Fayetteville Rezoning Application
- One (1) copy of a survey of the property
- One (1) check for \$330

The property proposed for the rezoning was formerly Washington County Parcels 765-14741-000 and 765-14752-000. A lot split in 2019 adjusted the property lines between the two parcels and created an additional lot. A parcel number for the lot has not yet been assigned. Both the Washington County website and the City of Fayetteville GIS website reflect property lines that existed prior to the lot split.

Please let me know if you have any questions or if you need additional information in order to process this request.

Sincerely,

Brian Teague

Community By Design

EXHIBIT #3 - WRITTEN DESCRIPTION OF REQUEST PER THE CITY OF FAYETTEVILLE REZONING APPLICATION

a. Current ownership information and any proposed or pending property sales.

The subject property is owned by Larry and Laurel Strickland. There are no proposed or pending property sales.

b. Reason (need) for requesting the zoning change.

The owner of the property is planning to develop the property in accordance with CUP 19-6812. The primary reason for the zoning change request is to create flexibility in the front setback requirement of the zoning code.

c. Statement of how the proposed rezoning will relate to surrounding properties in terms of land use, traffic, appearance, and signage.

The proposed zoning district is compatible with adjacent properties and the neighborhood primarily by maintaining a detached single- family house type when single family, two and three family or townhomes exists nearby, adjacent to, and within the neighborhood.

The proposed zoning change will not have a measurable impact on vehicular traffic in the area.

d. Availability of water and sewer (state size of lines).

Water and Sewer is available. A 6" water main is accessible along Old Farmington Road. Another 6" water main is accessible immediately to the east of the property. A 6" sewer main is accessible along Old Farmington Road. A 8" sewer main is accessible immediately to the east of the property.

e. The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

The proposed zoning is consistent with City Plan 2030. The Neighborhood Conservation (NC) Zoning District will encourage development that is in accordance with the principles of traditional town form.

The required build to zone associated with the NC Zoning District will encourage horizontal to vertical ratios of 2:1 in the space created by the streets. The smaller, more intimate 2:1 space is likely preferred by most pedestrians. Vehicles should travel significantly slower in this tighter space regardless of lane widths, making the space safer for pedestrians.

The more flexible front setback will allow for a slightly more compact development area which could make possible more land area for tree preservation.

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

The proposed zoning is needed at this time in order to ensure development that is more in accordance with the principles of traditional town form.

g. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

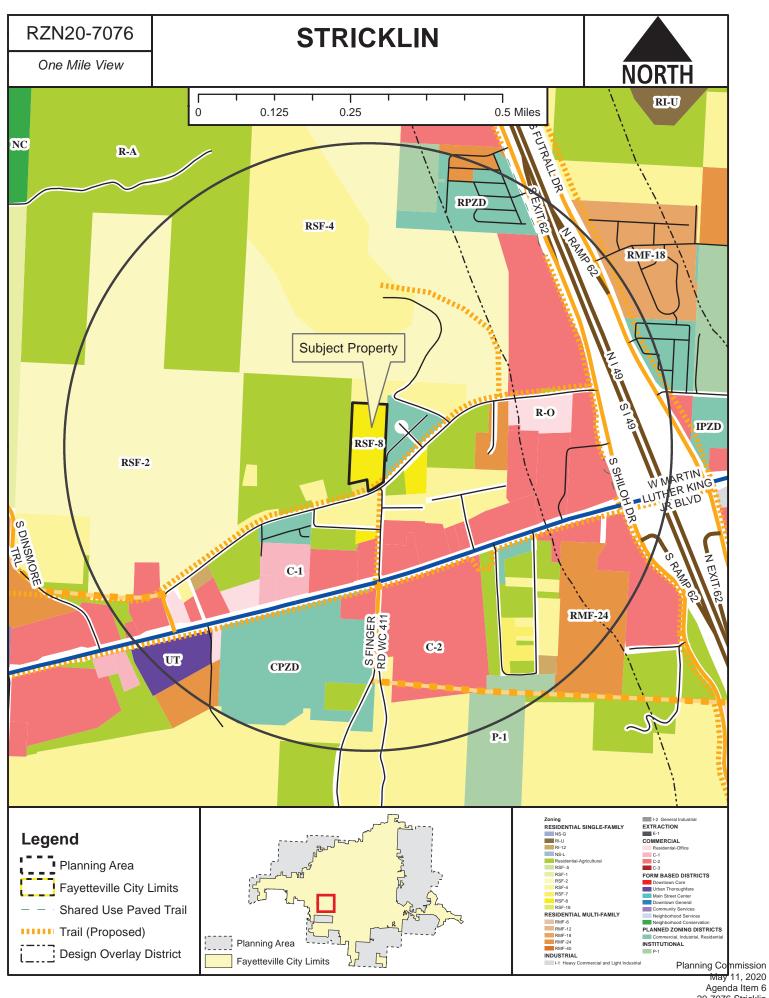
The proposed zoning will not create or appreciably increase traffic danger or congestion.

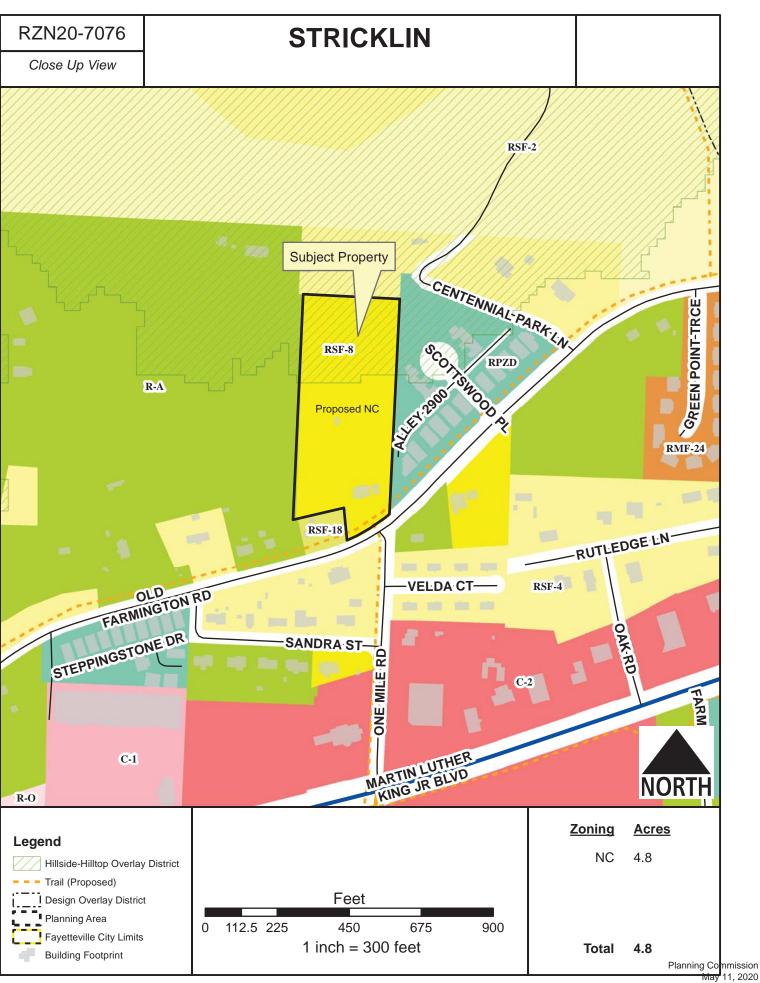
h. Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

The proposed zoning will not make possible more density on the property.

i. Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification.

The proposed zoning allows for the same uses permitted under the current zoning. The proposed zoning will encourage a development form that is more in accordance with City Plan 2030.





RZN20-7076

Current Land Use

Fayetteville City Limits

STRICKLIN





