

City of Fayetteville Staff Review Form

2020-0536

Legistar File ID

7/21/2020

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

Garner Stoll

7/2/2020

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 20-7108: Rezone (3620 W. DINSMORE TRAIL/OADE, 518): Submitted by COLT OADE for property located at 3620 W. DINSMORE TRAIL The property is zoned R-A, RESIDENTIAL AGRICULTURE and contains approximately 2.81 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? <u>NA</u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u>No</u>	Item Cost
Budget Adjustment Attached? <u>NA</u>	Budget Adjustment
	Remaining Budget \$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF JULY 21, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director
Jonathan Curth, Development Review Manager

FROM: Harry Davis, Current Planner

DATE: July 2, 2020

SUBJECT: **RZN 20-7108: Rezone (3620 W. DINSMORE TRAIL/OADE, 518):** Submitted by COLT OADE for property located at 3620 W. DINSMORE TRAIL The property is zoned R-A, RESIDENTIAL AGRICULTURE and contains approximately 2.81 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and staff recommends approval of an ordinance to rezone the subject property as shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:

The subject property contains 2.81 acres along the north side of Dinsmore Trail about 1.08 miles from West Martin Luther King Boulevard. The subject property is between the new section of Ruppel Road connecting Wedington and MLK and the new, nearly-complete Centennial Park in west Fayetteville. The property is currently zoned R-A, Residential Agricultural and is developed with one single-family home.

Request: The request is to rezone the property from R-A, Residential Agricultural to RSF-8, Residential Single-family, 8 Units per Acre. The applicant has indicated that they wish to develop a second home on the property.

Public Comment: Staff has received public comment from a neighbor near the end of Dinsmore Trail who is opposed to more water connections along Dinsmore Trail due to poor water pressure they are experiencing on their property.

Land Use Compatibility: The proposed zoning is compatible with the surrounding land use pattern of the area, which is almost all single-family properties varying in density and lot size. The only exceptions are agricultural uses to the west and some dense woodland to the south and east. The RSF-8 zoning district allows incrementally increasing the density of this hidden neighborhood in a manner that compliments the current land uses without significantly changing the character. Based on the current amount of street frontage along Dinsmore Trail, staff sees the potential to create only one more lot by-right under the proposed zoning district. Additional homes would

require either a Board of Adjustment variance or conditional use for a tandem lot. Any extension of public streets to create more road frontage for more lots would likely require significant utility upgrades.

Land Use Plan Analysis: Staff finds the proposed RSF-8 zoning to be generally compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses which would be allowed under RSF-8. Due to new development from farther north and west that will likely expand out to the edge of this property, and the development of Centennial Park to the east, staff sees this as an area that will likely change in character within the next few years.

City Plan 2040's Infill Matrix indicates a varying score between 1 and 2 for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents a score of between 1 and 2.5. The following elements of the matrix contribute to the score:

- Near a Public School (Owl Creek)
- Near Water Main (Dinsmore Trail)
- Near Paved Trail (Rupple Road)

Note: The property is within the matrix's prescribed distance from Centennial Park to the east and south, which is under construction but is intended to serve as a local, regional, and national attraction.

The site has direct access to Dinsmore Trail, an unimproved Residential Link, and is more than a mile from Martin Luther King Boulevard, an improved Regional Link and state highway. At some points along Dinsmore Trail, it is approximately 17 feet wide and includes a narrow creek crossing. RSF-8 would allow densities that may increase traffic over the existing R-A zoning district, but staff contends that development of the property would likely not result in a significant increase in traffic as only one more house will be constructed.

DISCUSSION:

On June 8, 2020, the Planning Commission tabled this item in order to let the Utilities Department perform a study on the water line along Dinsmore Trail. At the June 22nd Planning Commission meeting, Utilities had completed their waterline pressure test and concluded that one more water connection for a single-family home would not have adverse impacts. Under the RSF-8 zoning designation, the subject property can be subdivided once, allowing construction of one single-family dwelling. Planning Commission then forwarded this proposal by a vote of 7-0-0 recommending in favor of rezoning the property.

BUDGET/STAFF IMPACT:

N/A

Attachments:

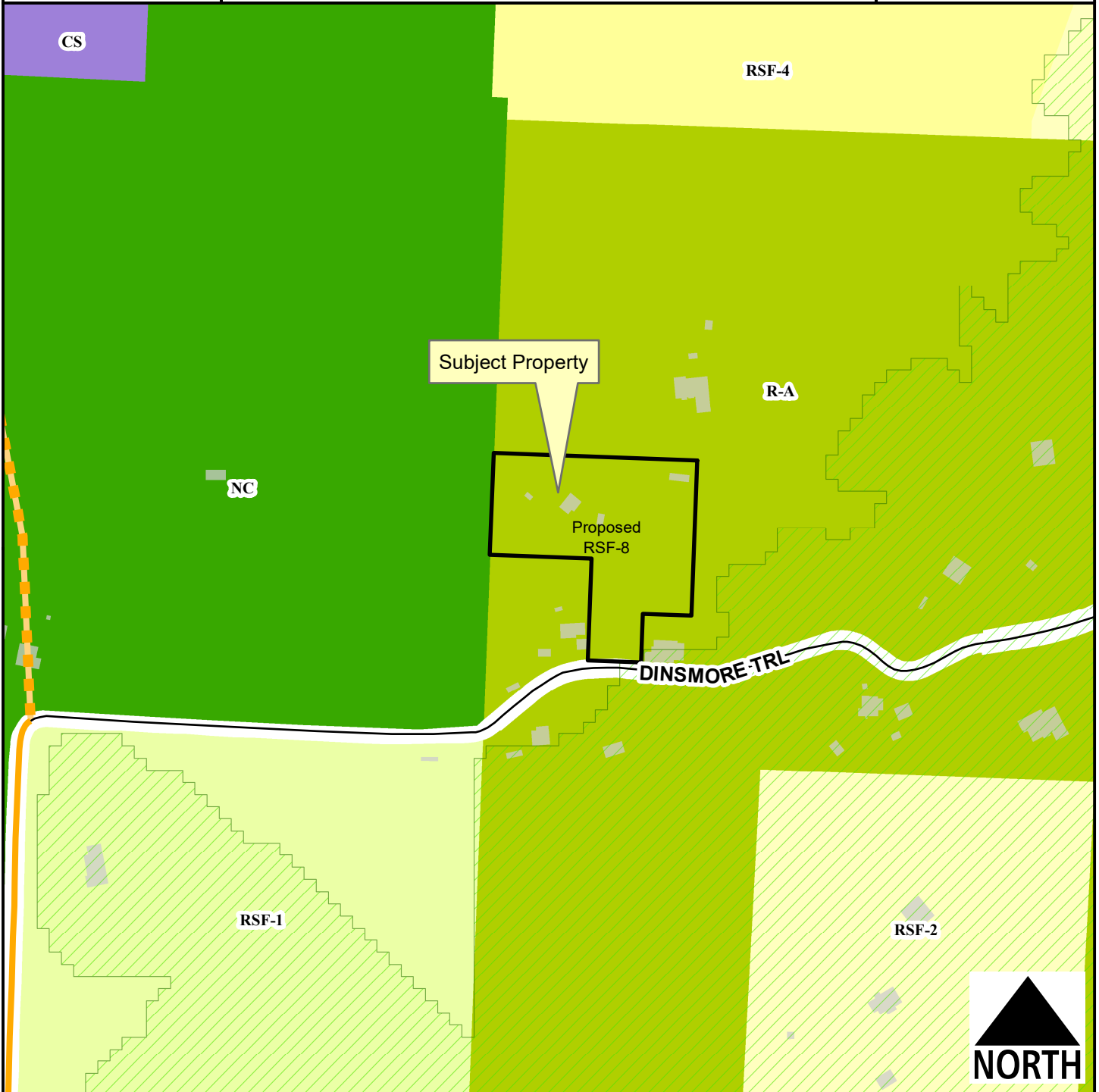
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN20-7108

OADE

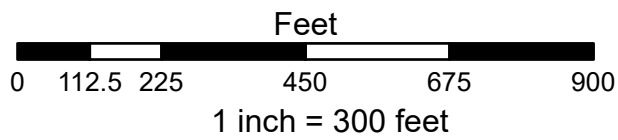
EXHIBIT 'A'
20-7108

Close Up View



Legend

-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits
-  Building Footprint



Zoning	Acres
RSF-8	2.8
Total	2.8

EXHIBIT 'B'

20-7108

Properties Legal Description

3620 W. Dinsmore Trail

Fayetteville, AR 72704

Part of the Northwest Quarter of the Southwest Quarter of Section 18, Township 16 North, Range 30 West, Washington County, Arkansas being more particularly described as follows: Commencing at an existing stone marking the Southwest corner of the Northwest Quarter of the Southwest Quarter, thence along the West line of said forty, North 02 degrees 13 minutes 05 seconds East 420.00 feet to a set rebar with cap and the point of beginning, thence continuing along said West line, North 02 degrees 13 minutes 05 seconds East 210.00 feet to a set rebar with cap, thence leaving said West line, South 87 degrees 50 minutes 32 seconds East 420.00 feet to a set rebar with cap, thence South 02 degrees 13 minutes 05 seconds West, 320 feet to a set rebar with cap, thence North 87 degrees 50 minutes 32 seconds West, 100.00 feet to a set rebar with cap, thence South 02 degrees 13 minutes 05 seconds West 100.00 feet to a set rebar with cap, thence North 87 degrees 50 minutes 32 seconds West 110.00 feet to a set rebar with cap, thence North 02 degrees 13 minutes 05 seconds East 210.00 feet to a set rebar with cap, thence North 87 degrees 50 minutes 32 seconds West 210.00 feet to the point of beginning, containing 2.81 acres

Left Oak

4-30-2020



TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

FROM: Harry Davis, Planner

MEETING DATE: June 22, 2020 **UPDATED W PC RESULTS**

SUBJECT: **RZN 20-7108: Rezone (3620 W. DINSMORE TRAIL/OADE, 518):** Submitted by COLT OADE for property located at 3620 W. DINSMORE TRAIL The property is zoned R-A, RESIDENTIAL AGRICULTURE and contains approximately 2.81 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 20-7108** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

“I move to forward **RZN 20-7108** to City Council with a recommendation of approval.”

PLANNING COMMISSION MEETING JUNE 22nd:

At the Planning Commission meeting on June 8th, this item was tabled in order to let Utilities perform a study on the water line along Dinsmore Trail. For the June 22nd Planning Commission meeting, the Utilities Department has finished its waterline test and have concluded that one more water connection for a single-family house is feasible. With support from Utilities and no objections from Fire, staff is in support of the request and recommends forwarding to City Council with a recommendation of approval.

BACKGROUND:

The subject property contains 2.81 acres along the north side of Dinsmore Trail about 1.08 miles from West Martin Luther King Boulevard. The subject property is between the new section of Ruppel Road connecting Wedington and MLK and the new, nearly-complete Centennial Park in west Fayetteville. The property is currently zoned R-A, Residential Agricultural and is developed with one single-family home. Surrounding land use and zoning are depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Large Lot Residential	R-A, Residential Agricultural
South	Single-family Residential; Undeveloped	R-A, Residential Agricultural
East	Undeveloped	R-A, Residential Agricultural
West	Agriculture	NC, Neighborhood Conservation

Request: The request is to rezone the property from R-A, Residential Agricultural to RSF-8. The applicant has indicated that they wish to develop a second home on the property.

Public Comment: Staff has received public comment from a neighbor near the end of Dinsmore Trail who is opposed to more water connections along Dinsmore Trail due to poor water pressure they are experiencing on their property.

INFRASTRUCTURE:

Streets: This property has frontage to West Dinsmore Trail. West Dinsmore Trail is an unimproved Residential Link 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 parcel. An existing 8-inch water main is present along West Dinsmore Trail that can serve parcel 765-14642-000. *A study of the water line along Dinsmore Trail has allowed Utilities to conclude that only one more water connection is feasible.*

Sewer: Sanitary Sewer is not available to this parcel. The nearest existing sewer main is more than 1,600 feet away north of the property. Development on the property may require evaluation of feasibility to connect to sanitary sewer and extend a sewer main at the developers' expense.

Drainage: No portion of the property is in a FEMA-designated floodplain or streamside protections zone or the Hillside-Hilltop Overlay District, and hydric soils are not present. 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 9.2 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.

After discussions with the Fire Marshall's office and reviewing the proposed zoning district, staff is not concerned about the anticipated response time and the Fire Marshall's office has indicated they will be able to work with any new development possible under the proposed RSF-8 zoning.

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 **1 and 2** for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents a score of between **1 and 2.5**. The following elements of the matrix contribute to the score:

- Near a Public School (Owl Creek)
- Near Water Main (Dinsmore Trail)
- Near Paved Trail (Ripple Road)
- Note: The property is within the matrix's prescribed distance from Centennial Park to the east and south, 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 all single-family properties varying in density and lot size. The only exceptions are agricultural uses to the west and some dense woodland to the south and east. The RSF-8 zoning district allows incrementally increasing the density of this hidden neighborhood in a manner that compliments the current land uses without significantly changing the character. Based on the current amount of street frontage along Dinsmore Trail, staff sees the potential to create only one more lot by-right under the proposed zoning district. Additional homes would require either a Board of Adjustment variance or conditional use for a tandem lot. Any extension of public streets to create more road frontage for more lots would likely require significant utility upgrades.

Land Use Plan Analysis: Staff finds the proposed RSF-8 zoning to be generally compatible with the Future Land Use Map and its designation of the subject property as Residential Neighborhood Area. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses which would be allowed under RSF-8. Due to new development from farther north and west that will likely expand out to the edge of this property, and the development of Centennial Park to the east, staff sees this as an area that will likely change in character within the next few years.

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 RSF-8 based on the changing nature of the area.

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 Dinsmore Trail, an unimproved Residential

Link, and is more than a mile from Martin Luther King Boulevard, an improved Regional Link and state highway. At some points along Dinsmore Trail, it is approximately 17 feet wide and includes a narrow creek crossing. RSF-8 would allow densities that may increase traffic over the existing R-A zoning district, but staff contends that development of the property would likely not result in a significant increase in traffic as only one more house will be constructed.

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 to RSF-8 would increase the load on public services above the potential of the current zoning district by allowing at least one additional single family dwelling, but staff does not see this as placing an undesirable load on public services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends tabling RZN 20-7108 to allow Engineering and Utilities time to perform and review a water main pressure study on the water line along Dinsmore Trail.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
Date: <u>June 22, 2020</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded
Motion: <u>Winston</u>	<input type="checkbox"/> Denied	
Second: <u>Canada</u>	Motion to forward recommending approval	
Vote: <u>7-0-0</u>	Motion passes	

BUDGET/STAFF IMPACT:
None

- Attachments:**
- Unified Development Code:
 - §161.03 - District R-A, Residential-Agricultural

- §161.09 - RSF-8, Residential Single-Family, 8 Units per Acre
- Utilities/Engineering email
- Request letter
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 - District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites

Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. [5945](#), §3, 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
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(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. 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. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §8, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-19)

Davis, Harry

From: Granderson, Corey
Sent: Tuesday, June 16, 2020 4:49 PM
To: Davis, Harry; Boccaccio, Joshua
Subject: RE: PC Project Updates

Harry – our data is back and the addition of one meter in this location is acceptable. Per conversation with the owner last Friday, this is their only development intent. The Water/Sewer department can support the RZN application and can provide service in this location.

Please let me know if you need anything further from the utilities dept.

Best,

Corey W. Granderson, P.E.
Utilities Engineer
City of Fayetteville, Arkansas
cgranderson@fayetteville-ar.gov
479.444.3452
www.fayetteville-ar.gov



From: Davis, Harry <hdavis@fayetteville-ar.gov>
Sent: Tuesday, June 16, 2020 9:06 AM
To: Boccaccio, Joshua <jboccaccio@fayetteville-ar.gov>
Cc: Granderson, Corey <cgranderson@fayetteville-ar.gov>
Subject: RE: PC Project Updates

Thank you!

Statement of Compatibility

Currently, the property 3620 W. Dinsmore Trail in Fayetteville, AR is zoned RA. However, the majority of the surrounding parcels are zoned NC and are currently under development. It appears there is only a small section of parcels including 765-14642-000 that are still zoned RA, therefore requesting a rezoning of parcel 765-14642-000 seems compatibility with neighboring properties. This request is to rezone the RA parcel to RSF-8, as the road frontage isn't adequate to zone it NC and still build an additional house with 110' of road frontage. After meeting with the planning department, RSF-8 appears to be the most reasonable request.

Davis, Harry

From: Curth, Jonathan
Sent: Monday, June 15, 2020 2:11 PM
To: Davis, Harry
Subject: Dinsmore Rezoning

Harry,

I fielded a call from Tom Terminella today regarding the rezoning proposed on Dinsmore. Although he is not opposed to reasonable use of private property, he is opposed to development that increases beyond the capacity of infrastructure to accommodate it. He lives further up the hill and regularly has water pressure issues and comments that there is not currently sanitary sewer nor is the street improved to a degree that can safely support more traffic. Please include this or a summary of it in your report.

Thanks,

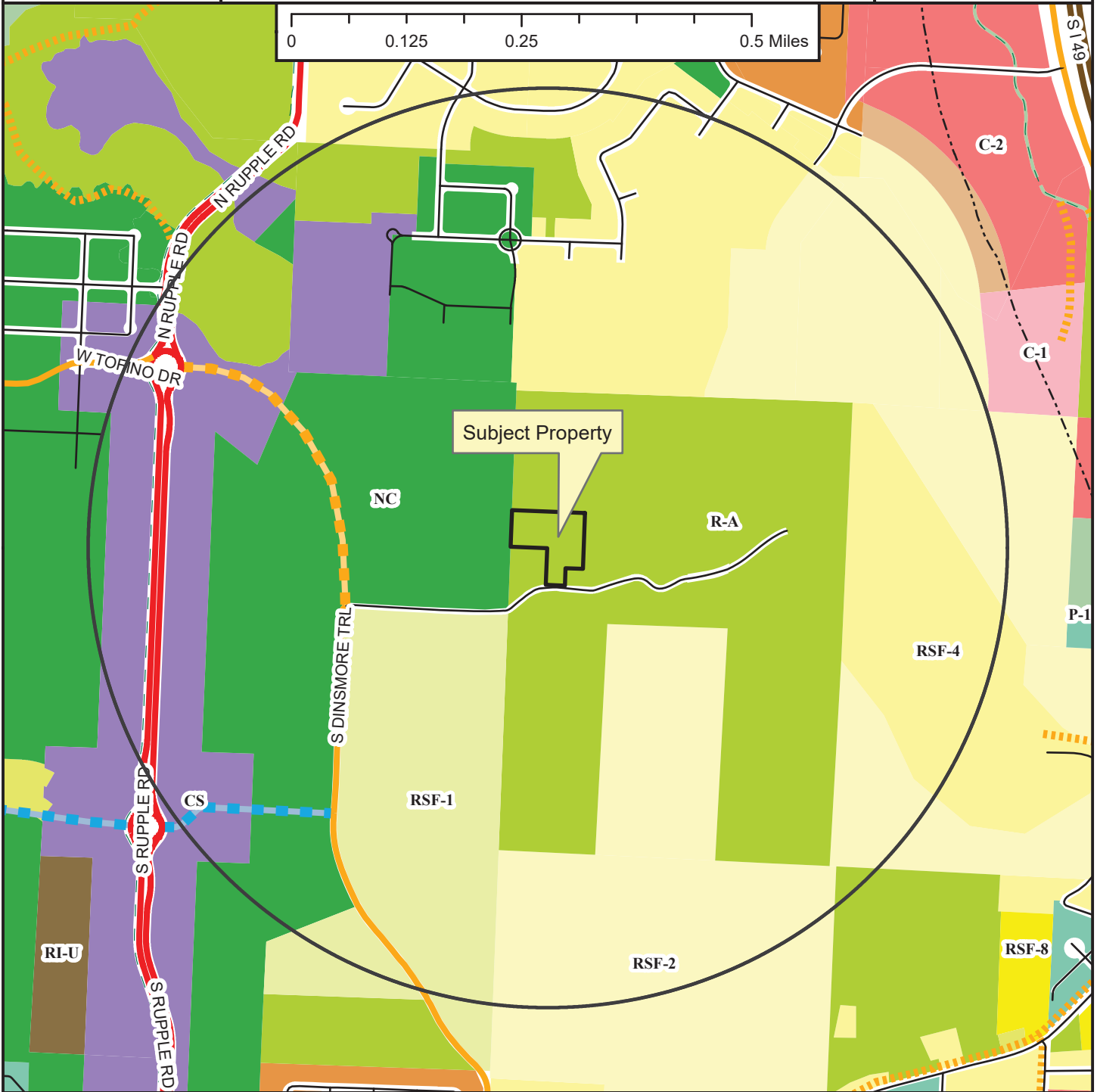
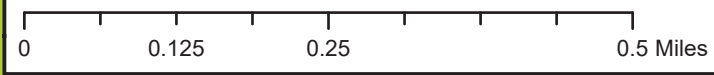
Jonathan Curth, AICP
Development Review Manager
City Planning Division
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

RZN20-7108

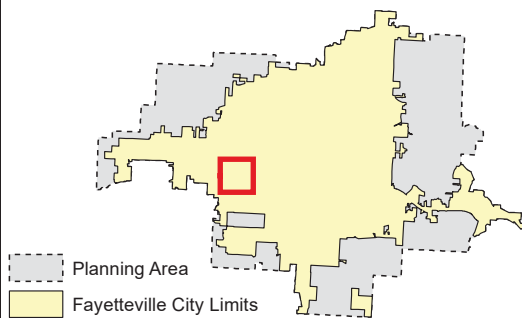
OADE

One Mile View



Legend

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

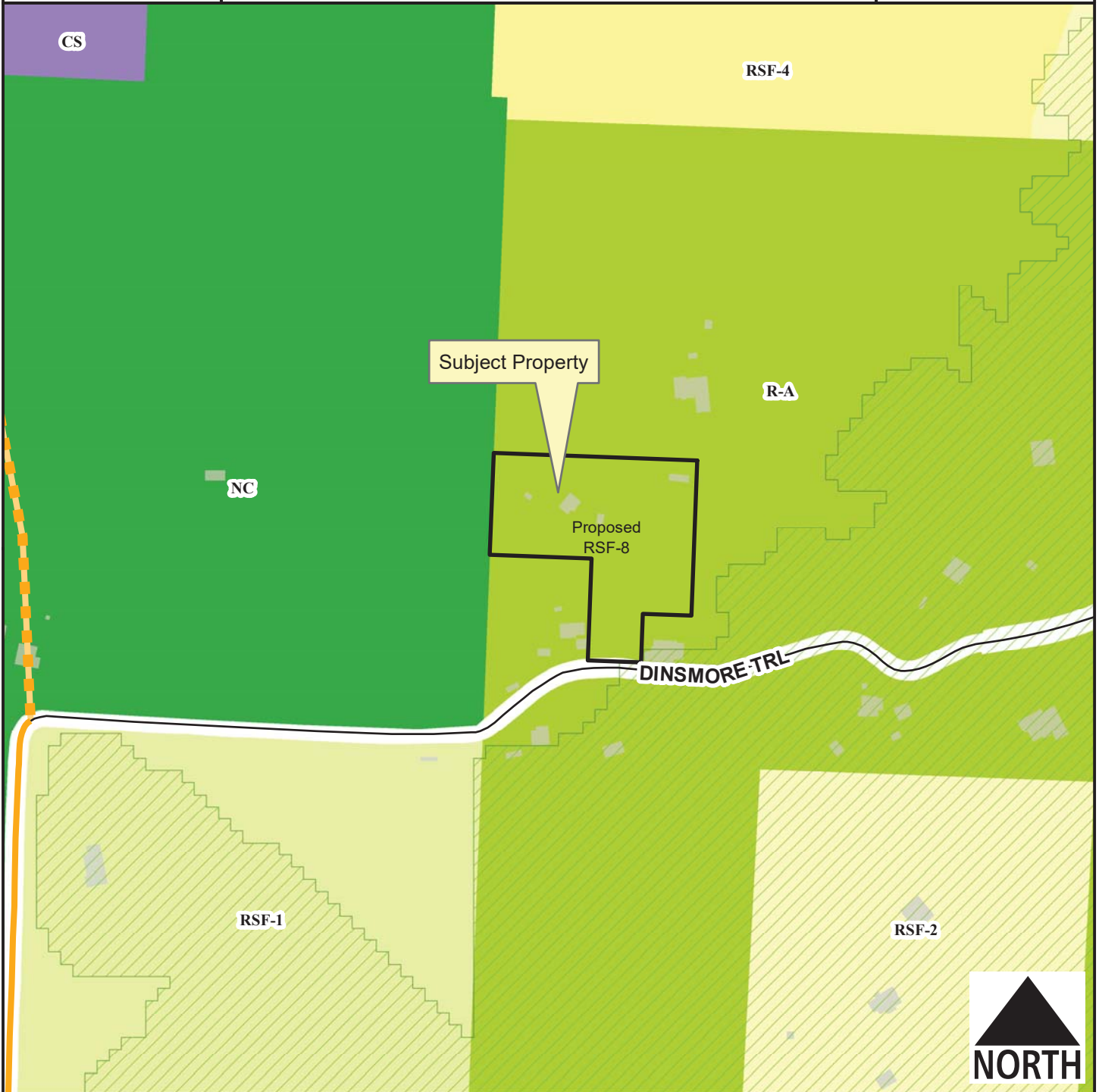


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - 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
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
 - INSTITUTIONAL
 - P-1

RZN20-7108

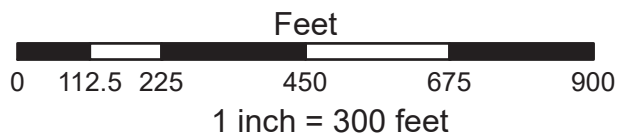
OADE

Close Up View



Legend

-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits
-  Building Footprint



Zoning	Acres
RSF-8	2.8
Total	2.8

RZN20-7108

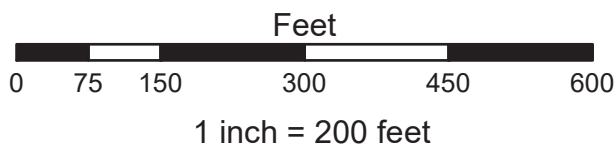
OADE



Current Land Use



- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

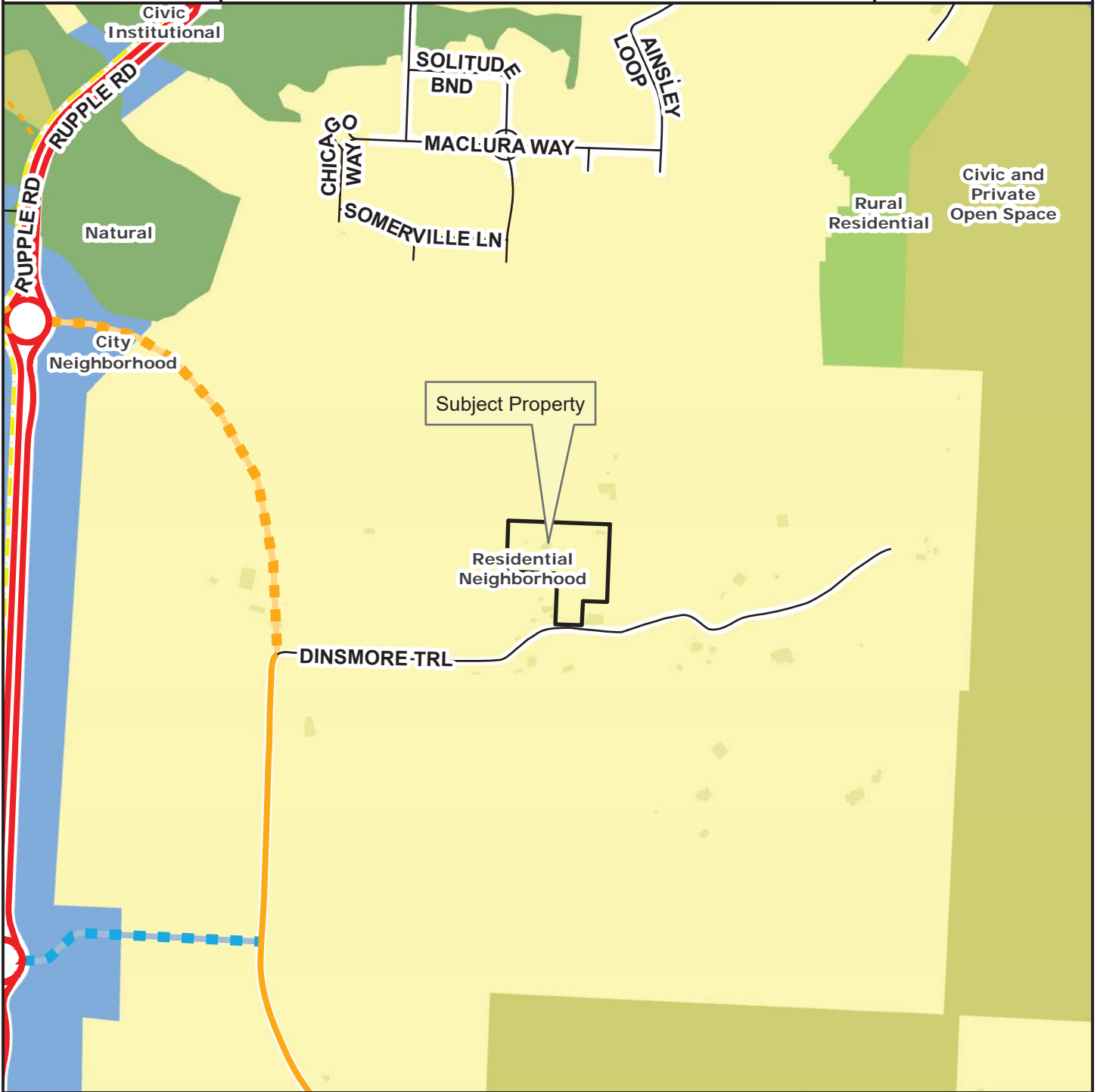
- 100-Year Floodplain
- Floodway

RZN20-7108

OADE

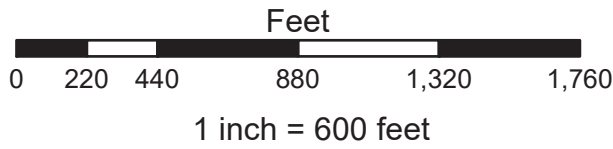


Future Land Use



Legend

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



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center