

City of Fayetteville Staff Review Form

2020-0534

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 20-7128: Rezone (1355 W. DEANE ST./PINES ON DEANE, 365): Submitted by BAUER DEVELOPMENT, INC. for properties located at 1355 W. DEANE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain 3 lots with approximately 1.44 acres. The request is to rezone the lots 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 JULY 21, 2020

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Services Director

FROM: Jonathan Curth, Development Review Manager

DATE: July 2, 2020

SUBJECT: **RZN 20-7128: Rezone (1355 W. DEANE ST./PINES ON DEANE, 365):** Submitted by BAUER DEVELOPMENT, INC. for properties located at 1355 W. DEANE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain 3 lots with approximately 1.44 acres. The request is to rezone the lots to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

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

BACKGROUND:

The subject property includes three parcels located on the south side of Deane Street, between Lewis and Garland Avenues to the west and east respectively. Containing 1.44 acres, the property is zoned RSF-4, Residential Single-family, 4 Units per Acre, and has remained undeveloped since the single-family dwelling on the site was demolished in 2016. Between 2019 and 2020, large amounts of vegetation on the property were also removed. Immediately to the west of the property is a length of undeveloped public right-of-way running from Deane Street to Stephens Avenue. Several development proposals have been submitted on the property, ranging from a cottage housing development and associated preliminary plat in 2015 to a conditional use permit in 2016 for two tandem lots behind two lots fronting Deane. These projects were either approved and subsequently expired or tabled indefinitely.

Request: The request is to rezone the property from RSF-4 to RSF-8, Residential Single-family, 8 Units per Acre. The applicant has indicated their intent is to subdivide the property in to four lots where there are currently three and develop them residentially.

Land Use Compatibility: Land uses in immediate and general adjacency to the subject property are exclusively single-family detached dwellings. Despite the uniform building typology, lot shapes and sizes vary along Deane Street, ranging from approximately 60 to over 100 feet in lot width and between less than a quarter of an acre in area to nearly an acre. Accordingly, staff finds the applicant's request, with its complimentary permitted uses and incremental change in density and zoning requirements, to be compatible with the single-use character of the street between Lewis and Deane.

Land Use Plan Analysis: Staff finds the proposed RSF-8 zoning to be complimentary of 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 RSF-8 zoning district is limited to single-family dwellings, there are conditional use allowances for two-family dwellings on comparable lot sizes and cluster housing developments. The higher degree of review afforded by a conditional use permit request provides staff and the Planning Commission an opportunity to assure compatibility and appropriateness.

Staff also finds the request to be generally compatible with City Plan 2040's adopted goals and policies, particularly encouragement of appropriate infill. The property's location along a main east-west transportation route, Deane Street, with ready access to infrastructure and amenities makes this property well-situated for additional housing. Additionally, the requirements of the RSF-8 zoning district require building form similar to that of the RSF-4 zoning district, thereby encouraging the protection of established neighborhoods' community character enshrined in City Plan. Further, and as noted elsewhere in this report, the 2019 bond approval includes the Midtown Corridor project, a series of east-west transportation improvements that include the subject property's frontage. Provided this project and its existing funding, staff finds the proposed rezoning to greater density to be consistent with the City's goal to create a livable transportation network, where vehicle, bicycle, and pedestrian facilities are on comparable footing and with nearby land uses to benefit residents and leverage public investments.

City Plan 2040's Infill Matrix indicates a score between 6 and 7 for the subject property. The following elements of the matrix contribute to the score:

- Near a Grocery Store (Harps)
- Near Public School (Asbell Elementary)
- Near Razorback Transit Bus Stop (Route 33)
- Near Trail (Meadow Valley)
- Near Water Main (Deane Street)
- Near Sewer Main (Within property)
- Fire Department Response (Station #2)

Note: The property is within the matrix's prescribed distance from Lewis Park, which is in the process of changing ownership from the University of Arkansas to co-ownership by the City of Fayetteville and Fayetteville Public Schools. Additionally, the Midtown Corridor and its associated Midtown Trail are planned for construction along Deane Street across the subject property's frontage, representing a large capital investment in active transportation infrastructure.

DISCUSSION:

On June 22, 2020, the Planning Commission forwarded the rezoning request, with Commissioner Brown making the motion, and Commissioner Garlock providing a second. The subsequent vote was 6-1-0. Commissioner Hoffman was the dissenting vote, asserting that the public improvements planned for Deane Street merited a zoning designation that allows additional

density, housing types, and residents in close proximity to vehicular, bicycle, and pedestrian infrastructure.

While no public comment was made at the meeting, staff received prior inquiries and public comment. Nearby residents have sought details about the development proposal, which are limited given the request is for zoning amendment, not development approval. One piece of public comment was submitted in writing (included in staff's attached Planning Commission report), which asserts that the property's RSF-4 zoning may be inaccurate and that a more appropriate route for development is through the cluster housing ordinance or Board of Adjustment for a zoning variance.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

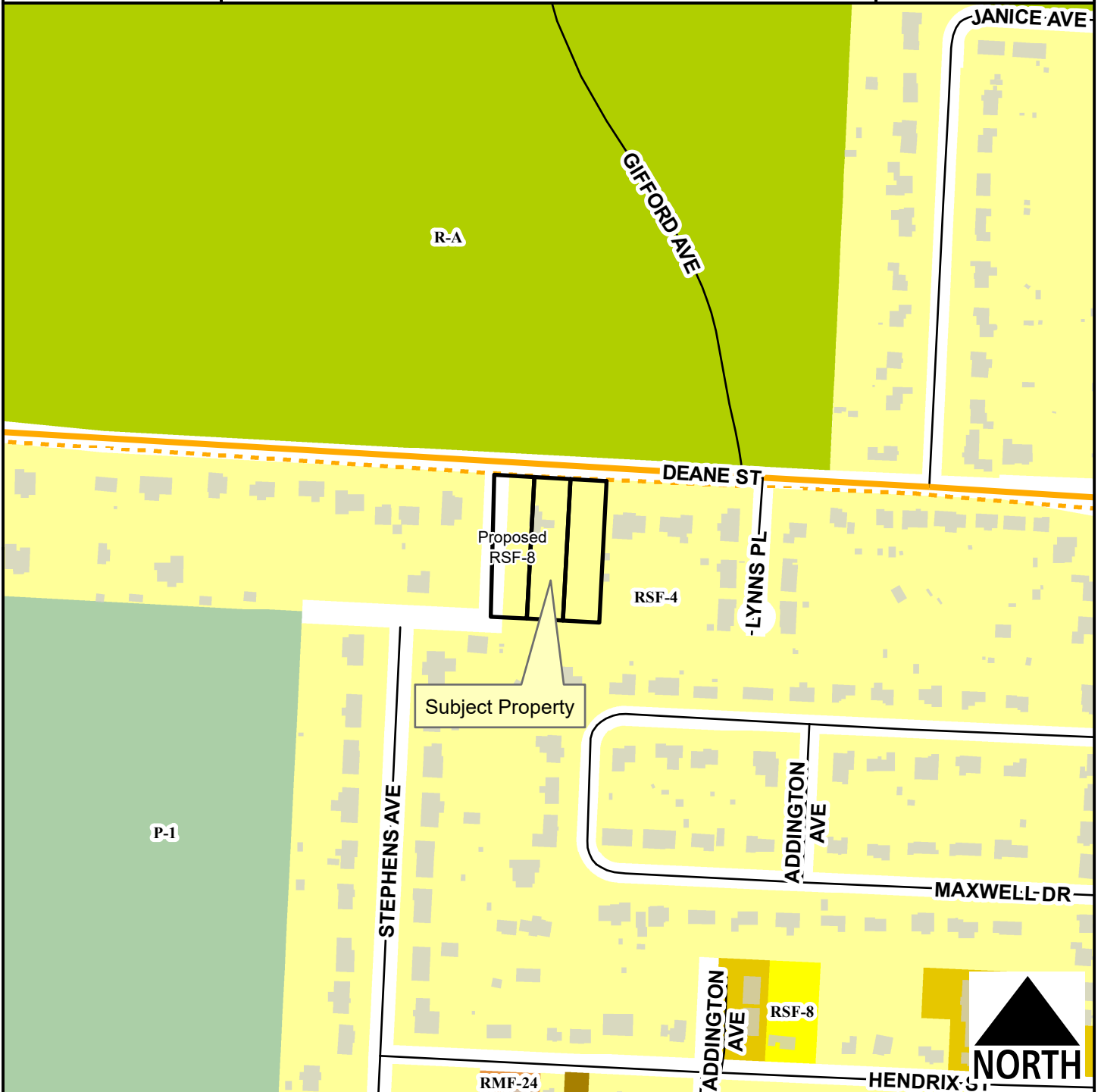
RZN20-7128

PINES ON DEANE

EXHIBIT 'A'

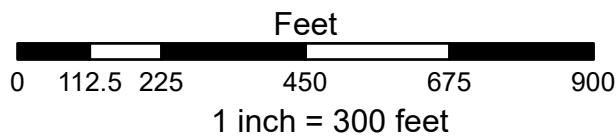
Close Up View

20-7128



Legend

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



Zoning	Acres
RSF-8	1.5
Total	1.5

EXHIBIT 'B'

20-7128

LEGAL DESCRIPTIONS OF EXISTING PARCELS

A Part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 16 North, Range 30 West, Washington County, Arkansas being more particularly described, to-wit: Beginning at a set iron pin being the Southwest corner of said forty acre tract and running thence N01°25'50"E 292.59 feet to a set iron pin; thence S86°45'03"E 82.84 feet to a set iron pin; thence S03°01'29"W 292.16 feet to a set iron pin; thence N86°58'21"W 74.70 feet to the point of beginning, containing in all 0.53 acres, more or less, and being shown as Tract 1 on a tract split filed in survey book 2017 at page 1681.

Subject to recorded instruments, covenants, rights of way, and easements, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

(Legal description from Warranty Deed filed January 30, 2019 at File No. 2019- 00002651 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.)

ADJUSTED PARCEL #765-13564-002

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 05, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED, TO-WIT: BEGINNING AT A SET IRON PIN WHICH IS S86°58'21"E 74.70' FROM THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N03°01'29"E 292.16' TO A FOUND IRON PIN; THENCE S86°45'03"E 74.70' TO A FOUND IRON PIN; THENCE S03°01'29"W 291.87' TO A FOUND IRON PIN; THENCE N86°58'21"W 74.70' TO THE POINT OF BEGINNING. CONTAINING 0.50 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AND

ADJUSTED PARCEL #765-13564-000

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 05, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED, TO-WIT: BEGINNING AT A FOUND IRON PIN WHICH IS S86°58'21"E 149.40' FROM THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE N03°01'29"E 291.87' TO A FOUND IRON PIN; THENCE S86°45'03"E 74.70' TO A FOUND IRON PIN; THENCE S03°01'29"W 291.58' TO A FOUND IRON PIN; THENCE N86°58'21"W 74.70' TO THE POINT OF BEGINNING. CONTAINING 0.50 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD. Subject to recorded instruments, covenants, rights of way, and easements, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

(Legal description from Property Line Adjustment filed May 23, 2019 at File No. 2019-00014793 in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.)



TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

MEETING DATE: June 22, 2020 (Updated with Planning Commission Results)

SUBJECT: **RZN 20-7128: Rezone (1355 W. DEANE ST./PINES ON DEANE, 365):** Submitted by BAUER DEVELOPMENT, INC. for properties located at 1355 W. DEANE ST. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain 3 lots with approximately 1.44 acres. The request is to rezone the lots to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 20-7128** to City Council with a recommendation for approval.

RECOMMENDED MOTION:

“I move to forward **RZN 20-7128** to City Council with a recommendation for approval.”

BACKGROUND:

The subject property includes three parcels located on the south side of Deane Street, between Lewis and Garland Avenues to the west and east respectively. Containing 1.44 acres, the property is zoned RSF-4, Residential Single-family, 4 Units per Acre, and has remained undeveloped since the single-family dwelling on the site was demolished in 2016. Between 2019 and 2020, large amounts of vegetation on the property were also removed. Immediately to the west of the property is a length of undeveloped public right-of-way running from Deane Street to Stephens Avenue. Several development proposals have been submitted on the property, ranging from a cottage housing development and associated preliminary plat in 2015 to a conditional use permit in 2016 for two tandem lots behind two lots fronting Deane. These projects were either approved and subsequently expired or tabled indefinitely. Surrounding land use and zoning are depicted in Table 1.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	University of Arkansas Agricultural Farm	R-A, Residential Agricultural
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the property from RSF-4 to RSF-8, Residential Single-family, 8 Units per Acre. The applicant has indicated their intent is to subdivide the property in to four lots where there are currently three.

Public Comment: Staff has received public inquiry and public comment. Nearby residents have sought details about the development proposal, which are limited given the request is for zoning

amendment, not development approval. One piece of public comment was submitted in writing (attached), which asserts that the property's RSF-4 zoning may be inaccurate and that a more appropriate route for development is through the cluster housing ordinance or Board of Adjustment for a zoning variance.

INFRASTRUCTURE:

Streets: The subject property has direct access to West Deane Street, a partially improved Neighborhood Link with asphalt paving and open ditches along the property's frontage. Improvements to Deane are anticipated to begin in 2021, including trail, sidewalk, stormwater, curb and gutter, and turn lanes. Any further 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. Existing 8-inch and 24-inch water mains are present within the Deane Street right-of-way.

Drainage: While no portion of the property is within the Hillside-Hilltop Overlay District, a FEMA-designated floodplain, or streamside protections zone, hydric soils are present throughout the area. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: The Fire Department expressed no concerns with this request. The closest fire station is Fire Station 2, located at 708 North Garland Avenue, approximately one mile to the southeast.

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 **6 and 7** for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents a score of **8**. The following elements of the matrix contribute to the score:

- Near a Grocery Store (Harps)
- Near Public School (Asbell Elementary)
- Near Razorback Transit Bus Stop (Route 33)
- Near Trail (Meadow Valley)
- Near Water Main (Deane Street)
- Near Sewer Main (Within property)
- Fire Department Response (Station #2)

- Note: The property is within the matrix’s prescribed distance from Lewis Park, which is in the process of changing ownership from the University of Arkansas to co-ownership by the City of Fayetteville and Fayetteville Public Schools. Additionally, the Midtown Corridor and its associated Midtown Trail are planned for construction along Deane Street, representing a large capital investment in active transportation infrastructure.

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 exclusively single-family detached dwellings. Despite the uniform building typology, lot shapes and sizes vary along Deane Street, ranging from approximately 60 to over 100 feet in lot width and between less than a quarter of an acre in area to nearly an acre. Accordingly, staff finds the applicant’s request, with its complimentary permitted uses and incremental change in density and zoning requirements, to be compatible with the single-use character of the street between Lewis and Deane.

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 designation supports a wide spectrum of residential uses and encourages density in all housing types. Although the RSF-8 zoning district is limited to single-family dwellings, there are conditional use allowances for two-family dwellings on comparable lot sizes and cluster housing developments. This higher degree of review affords staff and the Planning Commission the opportunity to assure compatibility and appropriateness.

Similarly, staff finds the request to be complimentary of City Plan 2040’s adopted goals and policies, particularly encouragement of appropriate infill. The property’s location along a main east-west transportation route, Deane Street, with ready access to infrastructure and amenities makes this property well-situated for additional housing. Additionally, the requirements of the RSF-8 zoning district require building form similar to that of the RSF-4 zoning district, thereby encouraging protection of community character in an established neighborhood. Further, and as noted elsewhere in this report, the 2019 bond approval includes the Midtown Corridor project, a series of east-west transportation improvements that include the subject property’s frontage. Provided this project and its existing funding, staff finds the proposed rezoning to be consistent with the City’s goal to create a livable transportation network, where vehicle, bicycle, and pedestrian facilities are on comparable footing and with nearby land uses to benefit residents and leverage public investments.

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. The proximity to existing and planned amenities, and general alignment of the request with many of City Plan 2040's goals suggest a rezoning to a district that allows incrementally higher density 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 Deane Street, a partially improved Neighborhood Link, and is approximately one-quarter mile from Garland Avenue, a Regional Link, to the east and one mile from Interstate 49 to the west. Although the proposed RSF-8 zoning district allows densities that may increase traffic over the existing RSF-4 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, but it is valuable to note that the Midtown Corridor is planned for construction beginning in 2021 and includes a turn lane, storm water facilities, and sidewalk along the property's frontage.

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 RSF-8 zoning district allows single-family dwellings at a density of 8 units per acre. Given the marginal increase over the current RSF-4 allowance of four units per acre, staff finds that no adverse impacts on services are anticipated given existing adjacency to existing City infrastructure and proximity to public amenities. Water and sewer are within or immediately adjacent to the property and it is near Asbell Elementary, school district athletic facilities, Lewis Park, and the future Midtown Trail.

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 20-7128 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>June 22, 2020</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: Brown, recommending approval.
Second: Garlock
Vote: 6-1-0, Hoffman voted 'no'

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-Family, 4 Units per Acre
 - §161.09 – RSF-8, Residential Single-Family, 8 Units per Acre
- Request letter
- Public Comment
- 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. Accessory ground mounted solar energy systems shall not be considered buildings.

(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; [Ord. No. 6245](#), §2, 10-15-19)

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
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(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)

RXN 20-7128

Request Letter

STATEMENT OF COMPATIBILITY DEANE STREET LOTS

My request for a rezoning from RSF-4 to RSF-8 is compatible with the nature and density of the surrounding neighborhood. One-quarter of a mile away is a multi-family site zoned RMF-40. We can also provide a Bill of Assurance that the property will only be split into a total of four lots (it is currently three lots). This change will not adversely affect the neighborhood.



To: Planning Staff & Planning Commission
From: Rebecca Bryant, resident
Date: 15 June 2020
Subject: Proposed Rezoning of 1355 W. Deane St

For background, I own two parcels on Deane Street (1553 & 1589) and reside in one of them. Additionally, I have a master's degree in community and regional planning. Years ago, I managed the Fayetteville Planning division.

Regarding the proposed rezoning, please consider the following points:

1. The south side of Deane Street between Garland and Lewis has been zoned RSF-4 for a very long time. I have owned property here for 30+ years. Over that duration, there have been previous attempts to increase the density of undeveloped parcels. The first was a lot to the west of my land. The planning commission denied 2-3 attempts to rezone for higher density. Eventually, four single family houses were built on the property. Later, the residual 3/8 acre was rezoned cottage development, but the developer was unable to proceed with a project. It remains vacant.

Importantly, the other attempt was 1355 W. Deane. I have conferred with neighbors, and we recall that the parcel was approved (at least by the planning commission) for cottages approximately 3-5 years ago. *Please review old minutes of the Planning Commission and City Council, as staff is stating that the property remains RSF-4.*

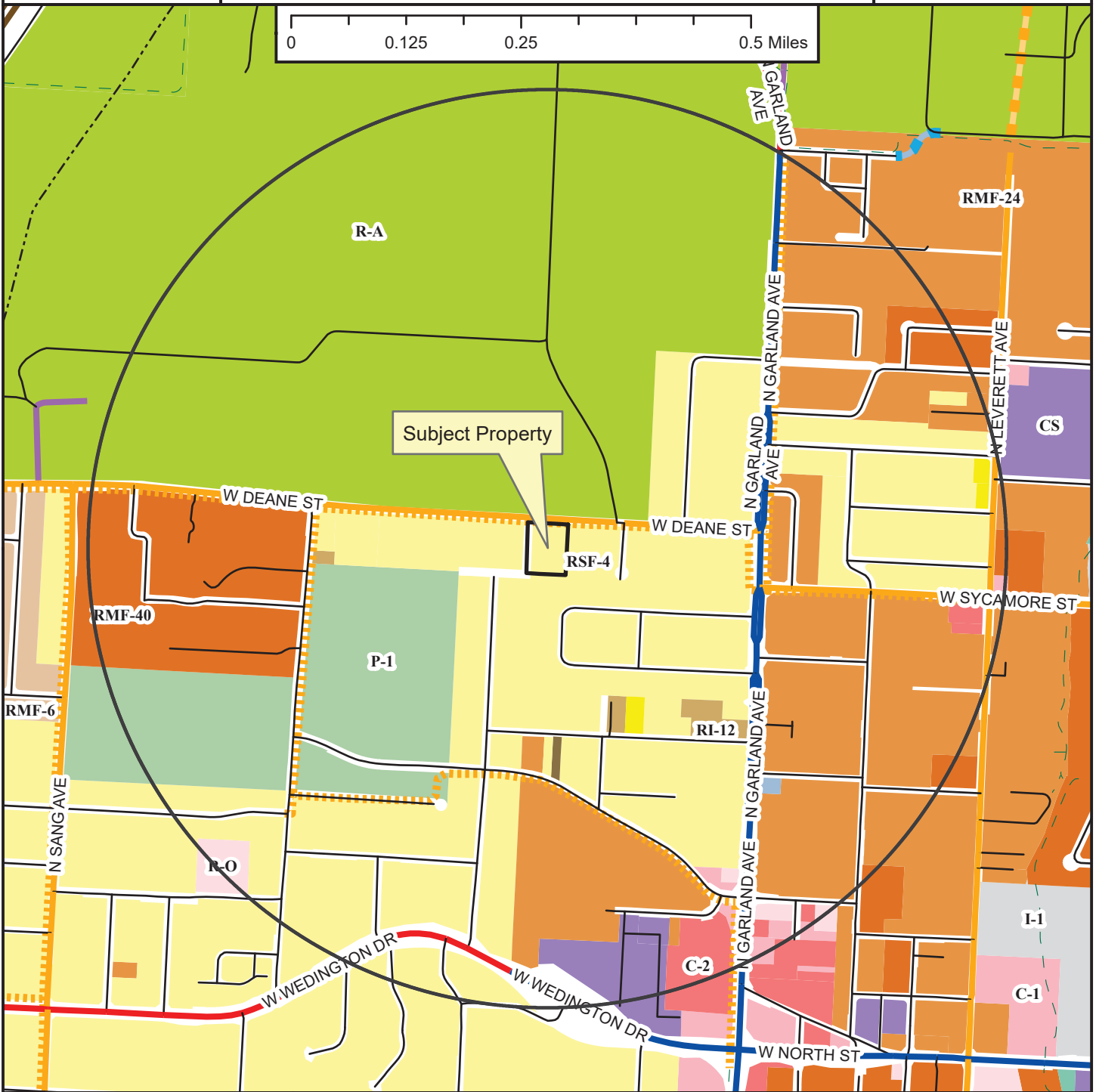
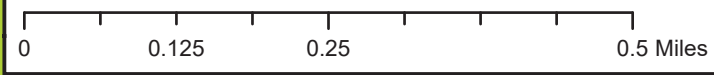
2. The only information I have been able to obtain about the proposed rezoning is that the parcel is 1.44 acres, the owner/developer (principal) is proposing 5 single family units, and the principal is willing to do a bill of assurance to that affect. Surely, they can build 5 units without rezoning, if the property is zoned for cottages.
3. With RSF-4, the principal can build nearly 6 units by right on 1.44 acres. If there is a problem with frontage or some other aspect, aside from density, it has historically been the protocol of the planning staff to first encourage the principal to look at other options (tandem lots) or go to the board of adjustment for a variance and only turn to rezoning as a last resort.
4. Let's say a review a planning commission and city council minutes show that the previous attempt to rezone the 1355 Deane for cottages failed or was revoked, and the property is actually zoned RSF-4. Let's say the principal goes to the board of adjustment and fails to get a variance. In that case, I think the appropriate step for staff would be to encourage the principal to attempt rezoning to cottages, not RSF-8. (It's conceivable that the principal might choose to ignore staff's advice, but that was never my experience while working for the city.)

5. Finally, I simply think the proposal to rezone the parcel to RSF-8 should be denied. I see no legitimate reason for approving a spot rezoning (whether legal or not), when the principal presently has so many other, more appropriate options at their disposal. By more appropriate, I mean a less radical change vis-à-vis the historical development pattern and current surrounding land use.

RZN20-7128

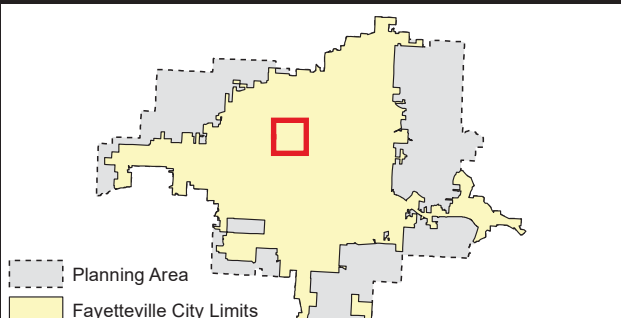
PINES ON DEANE

One Mile View



Legend

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



- Planning Area
- Fayetteville City Limits

- | | |
|---|-------------------------------------|
| Zoning | EXTRACTION |
| RESIDENTIAL SINGLE-FAMILY | COMMERCIAL |
| NS-G | E-1 |
| RI-U | Residential-Office |
| RI-12 | C-1 |
| NS-L | C-2 |
| Residential-Agricultural | C-3 |
| RSF-5 | FORM BASED DISTRICTS |
| RSF-1 | Downtown Core |
| RSF-2 | Urban Thoroughfare |
| RSF-4 | Main Street Center |
| RSF-7 | Downtown General |
| RSF-8 | Community Services |
| RSF-18 | Neighborhood Services |
| RESIDENTIAL MULTI-FAMILY | Neighborhood Conservation |
| RMF-6 | PLANNED ZONING DISTRICTS |
| RMF-12 | Commercial, Industrial, Residential |
| RMF-18 | INSTITUTIONAL |
| RMF-24 | P-1 |
| RMF-40 | |
| INDUSTRIAL | |
| I-1 Heavy Commercial and Light Industrial | |
| | I-2 General Industrial |

RZN20-7128

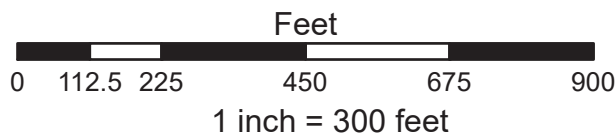
PINES ON DEANE

Close Up View



Legend

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






Zoning	Acres
RSF-8	1.5
Total	1.5

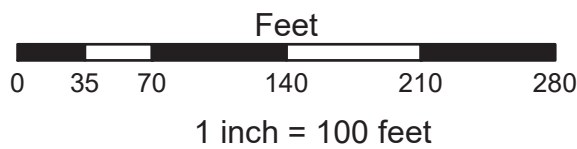
RZN20-7128

Current Land Use



PINES ON DEANE



-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

PINES ON DEANE

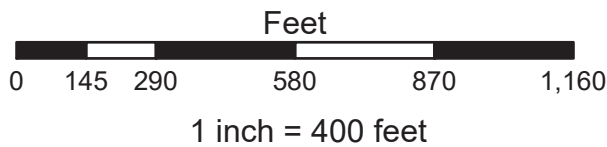


Future Land Use



Legend

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



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