# City of Fayetteville Staff Review Form

2020-0689

Legistar File ID

9/1/2020

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

	IN/	A for Non-Agenda item			
Garner Stoll		8/14/2020	CITY PLANNING (630)		
Submitted By		Submitted Date	Division / Department		
Action Recommendation:					
RZN 20-7170: Rezone (921 W. BERRY property located at 921 W. BERRY ST. ACRE and contains approximately 0.1 INTERMEDIATE-URBAN.	The proper	ty is zoned RMF-40, RESIDENT	IAL MULTI FAMILY,	40 UNITS PER	
		Budget Impact:			
Account Numbe	r		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	\$	-	
Purchase Order Number:		Previous Ordinance	or Resolution #	V20180321	
Change Order Number:		Approval Date:			

**Original Contract Number:** 

**Comments:** 



## CITY COUNCIL MEMO

## **MEETING OF SEPTEMBER 1, 2020**

TO: Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff

Garner Stoll, Development Services Director Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

**DATE:** August 14, 2020

SUBJECT: RZN 20-7170: Rezone (921 W. BERRY ST./HOMESTEAD, INC., 444): Submitted

by ENGINEERING SERVICES, INC. for property located at 921 W. BERRY ST. The property is zoned RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.18 acres. The request is to rezone the

property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

#### **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 is located at 921 W. Berry Street, at the southeast corner of the intersection with N. Oakland Avenue. The property is approximately 0.25 miles northeast to the University of Arkansas and contains one single-family dwelling that was constructed in 1936 with an associated garage on the property. The property is currently zoned RMF-40, Residential Multi-Family, 40 Units per Acre, has approximately 0.18 acres, and has had this zoning designation since 2003.

Request: The request is to rezone the property from RMF-40, Residential Multi-Family, 40 Units Per Acre to RI-U, Residential Intermediate – Urban. The applicant intends to develop single-family homes following an associated lot split.

Public Comment: Staff has received no public comment on the item.

Land Use Compatibility: Staff finds the proposed zoning to be compatible with the surrounding properties. The property is surrounded by a mix of multi-family development and some undeveloped sites. While RI-U is a less intense form of zoning than RMF-40 in terms of use, RI-U does not include a hard-cap to density, which instead depends on topography and other development standards to shape building form. Staff finds that given the size of the existing property, the lack of a density maximum in RI-U would not be detrimental to surrounding properties and uses. RI-U is similar to RMF-40 in that it promotes traditional development by requiring new buildings to be located closer to the street through a build-to zone.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. The property, designated as a City Neighborhood Area, envisions many different uses in different mixed-use configurations. Although the proposal is a downzone in terms of by-right uses, multifamily is still a conditional use within the requested zoning district of RI-U. RI-U also allows for a range of residential uses that may still achieve a mix of residential building types across the neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 11 for the area in question. The following elements of the matrix contribute to the score:

- Sufficient Intersection Density
- Appropriate Land Use
- Near Grocery Store (Harp's on N. Garland Avenue)
- Near Public School (Leverett Elementary)
- Near Razorback Bus Stop
- Near Sewer Main (8" 200' along N. Oakland Avenue)
- Near Paved Trail (Razorback Greenway)
- Near University of Arkansas Campus
- Near Water Main (6" PVC, W. Berry Street)
- 4 Minute Fire Department Response time (Fire Station #2, 708 N. Garland Avenue)

## **DISCUSSION:**

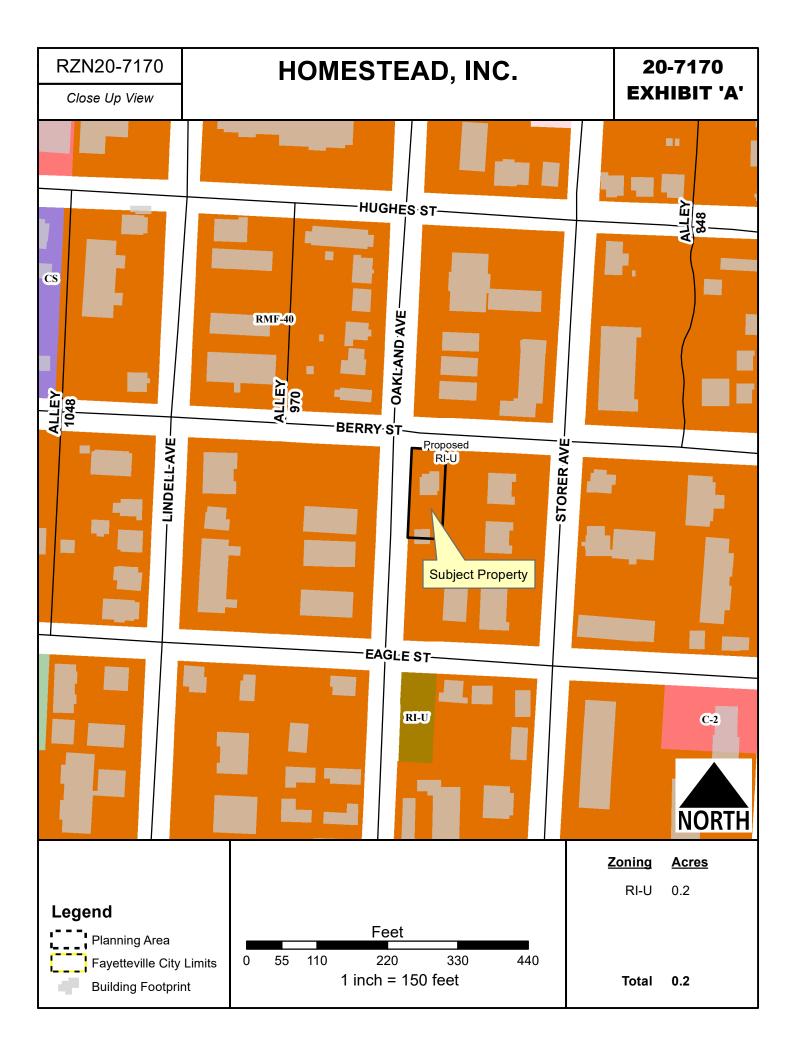
At the August 10, 2020 Planning Commission meeting, commissioners unanimously voted to forward the subject item to City Council for approval with a vote of 8-0-0. Commissioner Belden made the motion, with a second from Commissioner Brown. Commissioners found the proposal to be compatible at this location, finding the density to be appropriate, and the proximity to a Tier 2 center as outlined in City Plan 2040. Commissioners also noted a similar request that was approved just south of the subject property at W. Eagle Street and N. Oakland Avenue. No public comment was issued on the request.

#### **BUDGET/STAFF IMPACT:**

N/A

#### Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



# EXHIBIT 'B' 20-7170

## SURVEY DESCRIPTION PARENT TRACT - LOT 4 IN BLOCK 10 OF ROSE HILL ADDITION:

LOT FOUR (4) IN BLOCK TEN (10) OF ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 5 AT PAGE 78 OF THE WASHINGTON COUNTY RECORDS AND ALSO BEING DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTHEAST CORNER OF LOT 1 IN SAID BLOCK 10, SAID POINT** BEING A FOUND 3/8 INCH REBAR: THENCE ALONG THE NORTH LINES OF LOTS 1, 2, AND 3. N86°04'55"W A DISTANCE OF 155.81 FEET TO THE NORTHEAST CORNER OF SAID LOT 4 AND THE POINT OF BEGINNING, SAID POINT BEING A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 4, S02°31'45"W A DISTANCE OF 149.47 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4 AND A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID LOT 4, N86°04'55"W A DISTANCE OF 52.13 FEET TO THE SOUTHWEST CORNER OF SAID LOT 4 AND A SET IRON PIN WITH CAP "PLS 1156": THENCE LEAVING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID LOT 4, N02°29'03"E A DISTANCE OF 149.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 4 AND A SET IRON PIN WITH CAP "PLS 1156": THENCE LEAVING SAID WEST LINE AND ALONG THE NORTH LINE OF SAID LOT 4, S86°04'55"E A DISTANCE OF 52.25 FEET TO THE **POINT OF BEGINNING** CONTAINING 0.18 ACRES (7,799 SQUARE FEET). MORE OR LESS, AND SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS OR RESTRICTIVE COVENANTS OF RECORD OR FACT.



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**THRU:** Jonathan Curth, Development Review Manager

**FROM:** Jessie Masters, Senior Planner

MEETING DATE: August 10, 2020 Updated with PC hearing results from 8/10/2020

SUBJECT: RZN 20-7170: Rezone (921 W. BERRY ST./HOMESTEAD, INC., 444):

Submitted by ENGINEERING SERVICES, INC. for property located at 921 W. BERRY ST. The property is zoned RMF-40, RESIDENTIAL MULTI FAMILY, 40 UNITS PER ACRE and contains approximately 0.18 acres. The request is to rezone the property to RI-U, RESIDENTIAL

INTERMEDIATE-URBAN.

#### **RECOMMENDATION:**

Staff recommends forwarding **RZN 20-7170** to City Council with a recommendation for approval.

#### **RECOMMENDED MOTION:**

"I move to forward RZN 20-7170 to City Council with a recommendation for approval."

#### **BACKGROUND:**

The subject property is located at 921 W. Berry Street, at the southeast corner of the intersection with N. Oakland Avenue. The property is approximately 0.25 miles northeast to the University of Arkansas, and contains one single-family dwelling that was constructed in 1936 with an associated garage on the property. The property is currently zoned RMF-40, Residential Multi-Family, 40 Units per Acre, has approximately 0.18 acres, and has had this zoning designation since 2003. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Multi-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Undeveloped	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Multi-Family Residential/Undeveloped	RMF-40, Residential Multi-Family, 40 Units per Acre

**Request:** The request is to rezone the property from RMF-40, Residential Multi-Family, 40 Units Per Acre to RI-U, Residential Intermediate – Urban. The applicant intends to develop single-family homes following an associated lot split.

Public Comment: Staff has received no public comment.

#### **INFRASTRUCTURE:**

Streets: This property has frontage to N. Oakland Avenue and W. Berry Street. North

Oakland Avenue is a partially improved Residential Link with asphalt paving and curb and gutter. W. Berry Street is an unimproved residential link with asphalt paving and open ditches. Any street improvements or additional requirements for

drainage will be determined at time of development.

**Water:** Public water is available to this parcel. An existing 6-inch watermain is present

along West Berry Street that can serve parcel 765-10379-000. Initial engineering review indicates that water extension will be required before lot split approval.

**Sewer:** Sanitary Sewer is available to this parcel. An existing 8-inch sanitary sewer main

is present in North Oakland Avenue at the southwest corner of this parcel and an existing 6-inch sanitary sewer main is present in West Berry Street at the northeast corner of this parcel. Initial engineering review indicates that sanitary sewer will

require an extension before lot split approval.

**Drainage:** Any additional improvements or requirements for drainage will be determined at

time of development. Hydric soils are not present in the subject area. No portion of the property is within the Hillside-Hilltop Overlay District, FEMA floodplain, nor

is there a protected stream present in the subject 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. Station 2 located at 708 N. Garland Avenue, protects this site. The property is located approximately 0.2 miles from the fire station with an anticipated drive time of approximately 1 minutes using existing streets. The anticipated response time would be approximately 3.2 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 **City Neighborhood Area**.

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 11 for the area in question, with a weighted score of 13.5. The following elements of the matrix contribute to the score:

- Sufficient Intersection Density
- Appropriate Land Use
- Near Grocery Store (Harp's on N. Garland Avenue)
- Near Public School (Leverett Elementary)
- Near Razorback Bus Stop
- Near Sewer Main (8" 200' along N. Oakland Avenue)
- Near Paved Trail (Razorback Greenway)
- Near University of Arkansas Campus
- Near Water Main (6" PVC, W. Berry Street)
- 4 Minute Fire Department Response time (Fire Station #2, 708 N. Garland Avenue)

#### 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: Staff finds the proposed zoning to be compatible with the surrounding properties. The property is surrounded by a mix of multi-family development and some undeveloped sites. While RI-U is a less intense form of zoning than RMF-40 in terms of use, it does have an unlimited density requirement and a much smaller lot size. Given the size of the existing property, staff does not find that the lack of a density maximum would be detrimental to surrounding properties and uses. RI-U is similar to RMF-40 in that it promotes traditional development by requiring new buildings to be located closer to the street through a build-to zone.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. The property, designated as a City Neighborhood Area, envisions many different uses in different mixed-use configurations. Although the proposal is a downzone in terms of by-right uses, multi-family is still a conditional use within the requested zoning district of RI-U. RI-U also allows for a range of residential uses that may still achieve a mix of residential building types across the neighborhood.

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

## Finding:

Staff finds this proposed zoning request to be justified at this time, finding that RI-U will allow for diversifying the mix of uses in the neighborhood through allowing varying lot sizes and residential types by-right.

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

Finding: Even without a cap on density in RI-U, rezoning the property from RMF-40 to RI-U is not likely to appreciably increase traffic danger or congestion above

## the potential of the current zoning district.

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 RMF-40 to RI-U is not likely to undesirably increase the load on public services above the current zoning district. Engineering did note that water and sewer would need to be extended to the southern portion of the site before associated lot split could be approved.

- 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 20-7170 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>					
Date: <u>August 10, 2020</u>	□ Tabled	▼ Forwarded	☐ Denied		
Motion: Belden					
Second: Brown					
Vote: 8-0-0					

#### **BUDGET/STAFF IMPACT:**

None

#### Attachments:

- Unified Development Code:
  - o §161.12 District RI-U, Residential Intermediate Urban
  - §161.17 District RMF-40, Residential Multi-Family Forty (40) Units Per Acre
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

## 161.12 - District RI-U, Residential Intermediate - Urban

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

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

## (2) Conditional Uses.

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

- (C) Density. None.
- (D) Bulk and Area Regulations.

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

## (E) Setback Requirements.

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

## (F) Building Height Regulations.

Building height maximum	2 stories/3 stories*
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- \* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.
- (G) Building Area. The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Minimum Buildable Street Frontage. 50% of the lot width.

(Ord. No. <u>5945</u>, §5(Exh. A), 1-17-17; Ord. No. <u>6015</u>, §1(Exh. A), 11-21-17; <u>Ord. No. 6245</u>, §2, 10-15-19)

## 161.17 - District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

- (A) *Purpose*. The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.
- (B) Uses.
  - (1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development

## (2) Conditional Uses.

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

## (C) Density.

Units per acre	Forty (40) or less
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## (D) Bulk and Area Regulations.

## (1) Lot Width Minimum.

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three or more	70 feet
Professional offices	100 feet

## (2) Lot Area Minimum.

Manufactured home park 3 acres		
Lot within a mobile home park	4,200 square feet	
Townhouses: Individual lot	2,000 square feet	
Single-family	2,500 square feet	
Two (2) family	3,000 square feet	
Three (3) or more	7,000 square feet	
Fraternity or Sorority	1 acre	

## (3) Land Area Per Dwelling Unit.

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

## (E) Setback Requirements.

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

## (F) Building Height Regulations.

Building Height	2 stories/3 stories/5
Maximum	stories*

\* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) Building Area. The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Minimum Buildable Street Frontage. 50% of the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991,  $\S$ 160.034; Ord. No. 4100,  $\S$ 2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; 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.  $\underline{5800}$ ,  $\S$ 1(Exh. A), 10-6-15; Ord. No.  $\underline{5921}$ ,  $\S$ 1, 11-1-16; Ord. No.  $\underline{5945}$ ,  $\S$ 5, 8, 9, 1-17-17; Ord. No.  $\underline{6015}$ ,  $\S$ 1(Exh. A), 11-21-17;  $\underline{Ord. No. 6245}$ ,  $\S$ 2, 10-15-19)

## NEERING SERVICES I

1207 S. Old Missouri Rd. ● P.O. Box 282 ● Springdale, Arkansas 72765-0282

Ph: 479-751-8733 • Fax: 479-751-8746

June 30, 2020

City Council & Planning Commission City of Fayetteville, Arkansas 125 West Mountain Street Fayetteville, AR 72701

Transmitted Via Electronic Mail to: aharrison@fayetteville-ar.gov

RE: Rezoning Petition

921 West Berry Street

City Council and Planning Commission Members,

On behalf of our client, Homestead, Inc., we are submitting application materials to rezone the property at 921 Berry Street. The subject property includes 0.18 acres and is located at the southeast corner of West Berry Street and North Oakland Avenue.

The purpose of the request is to allow the tract to be split into smaller lots, as shown in the lot split being submitted concurrently. The proposed split is not possible in the current district.

This residential subdivision was platted in the 1940's and is well-established. The neighborhood is dominated by residential uses, which include a diverse mix of single family and multi-family structures of widely varying sizes, types, and ages. The proposed development will be compatible with these surrounding uses.

The Fayetteville Infield Scoring GIS map provides a score of 11 on a scale of 1 to 13 for this property, signifying that infill in this location is appropriate and is supported by existing infrastructure and a variety of amenities. The proposed rezoning and development of this land are also aligned with the City of Fayetteville's City Plan 2040 commitments that "We will make appropriate infill and revitalization our highest priorities", and "We will create opportunities for attainable housing."

Thank you for your consideration of this request.

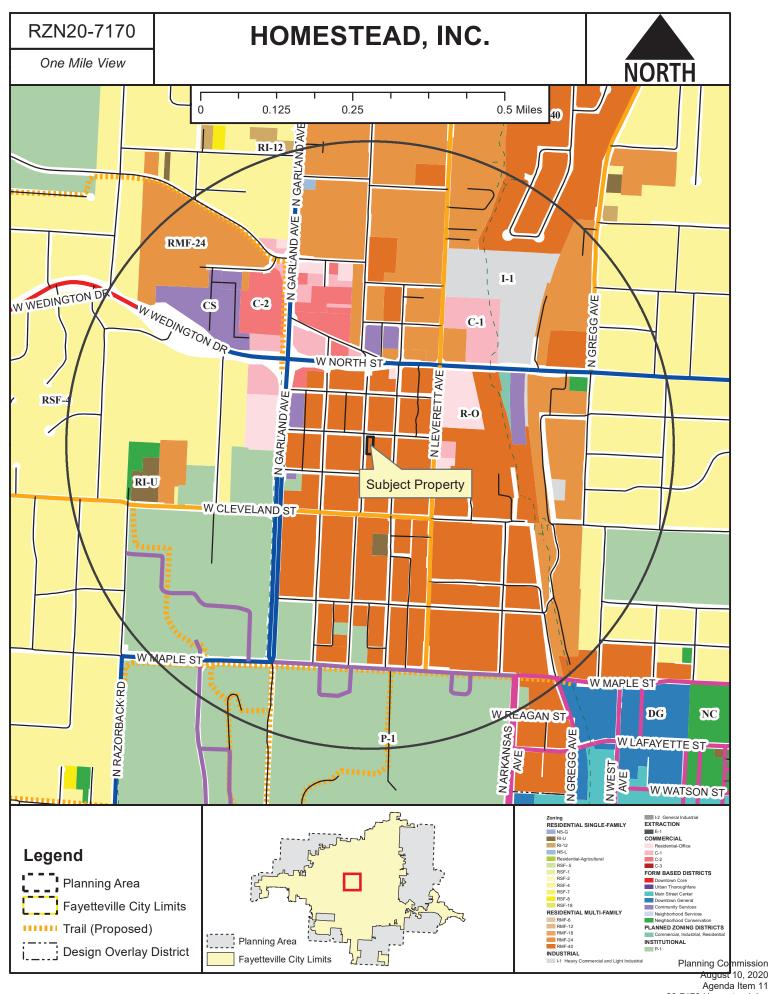
Sincerely,

Daniel Lazenby



Consulting Engineers and Surveyors

Planning Commission





RZN20-7170

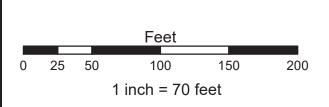
Current Land Use

HOMESTEAD, INC.









## **FEMA Flood Hazard Data**



Planning Commission August 10, 2020

