City of Fayetteville Staff Review Form

2020-0819 Legistar File ID 10/20/2020

City Council Meeting Date - Agenda Item Only

Garner Stoll		10/2/2020	CITY PLANNI	NG (630)
Submitted By		Submitted Date	Division / De	partment
	Actio	n Recommendation:		
ZN 2020-000008: Rezone (1038 S. Ho ocated at 1038 S. HOLLYWOOD AVE. CRE and contain 2 parcels with appr OMMUNITY SERVICES.	The proper	ties are zoned RSF-4, RESIDENT	TAL SINGLE FAM	ILY, 4 UNITS PER
	-	Budget Impact:		
Account Numbe	r		Fund	
Project Number	-		Project Title	
Budgeted Item?	NA	Current Budget	\$	-
-		Funds Obligated	\$	-
	<u>-</u>	Current Balance	\$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
-		Remaining Budget	\$	-
urchase Order Number:		Previous Ordinance	or Resolution #	V2018032
Change Order Number:		Approval Date:	or Resolution #	

Comments:

Original Contract Number:



CITY COUNCIL MEMO

MEETING OF OCTOBER 20, 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: October 2, 2020

SUBJECT: RZN 2020-000008: Rezone (1038 S. HOLLYWOOD AVE./PHILLIPS, 559):

Submitted by PAYNE PHILLIPS for properties located at 1038 S. HOLLYWOOD AVE. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain 2 parcels with approximately 0.58 acres. The request is

to rezone the properties to CS, COMMUNITY SERVICES.

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 on S. Hollywood Avenue, south of W. Martin Luther King Jr. Boulevard and approximately .25 miles east from I-49. The property contains two parcels, 765-12171-000 and 765-12171-001, one with a single-family dwelling, and the other is undeveloped, for a total of 0.58 acres. The properties are zoned RSF-4, Residential Single-Family, 4 Units Per Acre.

Request: The request is to rezone the property from RSF-4, Residential Single Family, 4 Units per Acre, to CS, Community Services. The applicant has not submitted an associated development proposal.

Public Comment: Staff has not received any public comment on this item.

Land Use Compatibility: The property in question is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre, and the request to CS, Community Services may at first brush seem out of scale. However, staff finds the request to be compatible with surrounding land uses. Firstly, the property is well-served by ample city-services, such as Fire Station #6 approximately 500 feet to the north, as well as water and sewer currently located in S. Hollywood Avenue. To the east is University of Arkansas-owned parking lot that is currently zoned CS. South of the property is another 13.3 acres of CS-zoned property, that until recently was occupied by a former factory that has been demolished. Southwest of the property is the newly developed Cottages at Hollywood, a multi-family development that was approved by Planning Commission in 2018 and included an

extension of S. Hollywood Avenue to connect to 15th Street. Additionally, the Tsa-La-Gi Trail, a paved trail that offers connections to the wider network of trails throughout the city of Fayetteville currently borders the property to the south and east. Though there are existing single-family homes and lots along S. Hollywood Avenue, staff finds these homes and vacant lots are all currently owned by the same owner, signaling that redevelopment of these properties may be on the horizon, therefore compatibility with existing setbacks, density, height and bulk and area considerations make more sense for this property to align with CS zoning than with the current zoning of RSF-4.

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. This area is designated as an Urban Center encourages high density, mixed-use structures to allow people to live, work, and shop in the same area. Staff finds that this rezone request begins to close the gap between commercial- and high density zoning in this area and brings the area into compliance with City Plan 2040. Encouraging a form-based district in the area also allows for a higher scrutiny of design standards than would typically be involved with a C-1 or C-2 zoning district.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 8 for this site. The following elements of the matrix contribute to the score:

- Near ORT Bus Stop
- Near Public School (Ramay Jr. High School)
- Near Razorback Bus Stop
- Near Sewer Main (S. Hollywood Avenue)
- Near Paved Trail (Tsa-La-Gi Trail)
- Near U of A Campus
- Near Water Main (S. Hollywood Avenue)
- 4 Minute Fire Response (Station #6 at 900 S. Hollywood Avenue)

DISCUSSION:

At the September 28, 2020 Planning Commission meeting, commissioners voted to forward the subject item to City Council for approval with a unanimous vote of 7-0-0, with Commissioner Hoffman making the motion and Commissioner Brown seconding. As well as agreeing with staff's comments and recommendations, commissioners indicated that the request was appropriate given its proximity to a Tier 2 center according to the City Plan 2040 Growth Concept Map. No public comment was heard on the item.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report

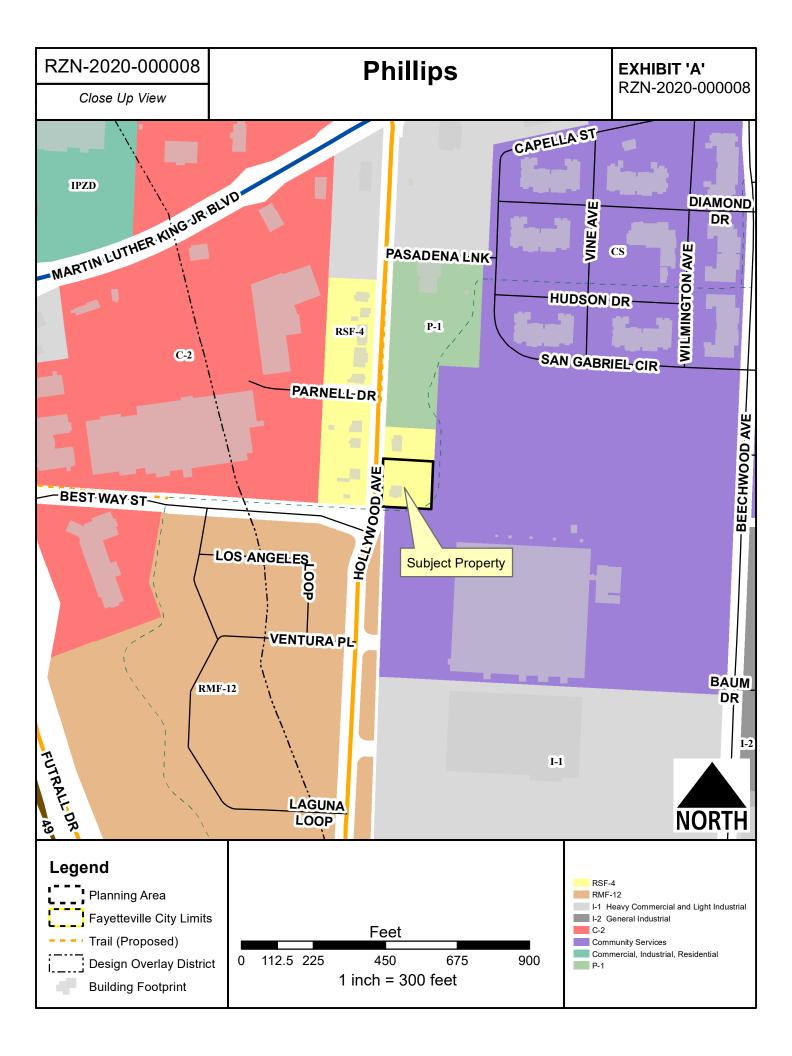


EXHIBIT 'B' ADM-2020-000006

Legal Descriptions

Parcel #765-12171-000

PT BLOCK 7 (70 X 156) FURTHER DESCRIBED FROM 2019-30669 AS: Part of Block 7 in the Re-Plat of Westwood Addition to the City of Fayetteville, Arkansas, as shown upon the recorded plat thereof, on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, more particularly described as follows, to-wit: Beginning at the Southwest corner of Block 7, and running thence South 88°53' East 156 feet to the East line of said Block 7; thence North along the East line of Block 7, 150 feet; thence North 88°53' West 156 feet to the West line of Block 7; thence South along the West line of Biock 7, 150 feet to the Point of Beginning. LESS AND EXCEPT: Part of Block 7 of there-plat of Westwood Addition to the City of Fayetteville, Arkansas, as shown in the land records of Washington County, Arkansas, being more particularly described as follows: beginning at the Southwest corner of said Block 7, said point being an existing magnetic nail in Hollywood Avenue; thence North 00°38'13" East 80.18 feet along the West line of said Block 7 to a set 1/2" iron rebar; thence South 88°53'11" East 156.52 feet to a set 1/2" iron rebar; thence South 00°51'28" West 80.05 feet to an existing iron on the South line of said Block 7; thence North 88°56'07" West 156.21 feet to the point of beginning, containing 0.29 acres, more or less.

Parcel #765-12171-001

PT BLK 7 0.29AC FURTHER DESCRIBED FROM 2014-9794 AS: Part of Block Numbered Seven (7) of the re-plat of Westwood Addition to the City of Fayetteville, Arkansas, as shown in the land records of Washington County, Arkansas, being more particularly described as follows: beginning at the Southwest corner of said Block Seven (7), said point being an existing magnetic nail in Hollywood Avenue; thence North 00 degrees 38 minutes 13 seconds East 80.18 feet along the West line of said Block Seven (7) to a set ½" iron rebar; thence South 88 degrees 53 minutes 11 seconds East 156.52 feet to a set ½" iron rebar; thence South 00 degrees 51 minutes 28 seconds West 80.05 feet to an existing iron on the South line of said Block Seven (7); thence North 88 degrees 56 minutes 07 seconds West 156.21 feet to the point of beginning, containing 0.29 acres, more or less



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

FROM: Jessie Masters, Senior Planner

MEETING DATE: September 28, 2020 Updated with PC hearing results from 9/28/2020

SUBJECT: RZN 2020-000008: Rezone (1038 S. HOLLYWOOD AVE./PHILLIPS,

559): Submitted by PAYNE PHILLIPS for properties located at 1038 S. HOLLYWOOD AVE. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain 2 parcels with approximately 0.58 acres. The request is to rezone the properties to CS,

COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding RZN 2020-000008 to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward RZN 2020-000008 to City Council with a recommendation for approval."

BACKGROUND:

The subject property is located on S. Hollywood Avenue, south of W. Martin Luther King Jr. Boulevard and approximately .25 miles east from I-49. The property in question currently contains two parcels, 765-12171-001 and 765-12171-000, for a total of 0.58 acres. Parcel 765-12171-000 currently has one single-family dwelling that was constructed in 1936 according to county records and is addressed at 1038 S. Hollywood Avenue; parcel 765-12171-000 is currently undeveloped. The properties are zoned RSF-4, Residential Single-Family, 4 Units Per Acre. Surrounding land uses and zoning is 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	Undeveloped	CS, Community Services
East	Undeveloped/Parking Lot	CS, Community Services
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single Family, 4 Units per Acre, to CS, Community Services. The applicant has not submitted an associated development proposal.

Public Comment: Staff has not received any public comment on this item.

INFRASTRUCTURE:

Streets: The subject area has frontage along S. Hollywood Avenue. S. Hollywood Avenue

is a partially improved Neighborhood Link street with asphalt paving with open ditches, sidewalk along the property's frontage at 1038 S. Hollywood Avenue, and shared-use paved trail on south and east sides of lot (Tsa-La-Gi Trail). Any required street improvements or additional requirements for drainage will be

determined at time of development.

Water: Public water is available to the subject area. An existing 6-inch water main is

present along the east side of S. Hollywood Avenue.

Sewer: Sanitary Sewer is available to the subject area. An existing 6-inch sanitary sewer

main is present along the west side of S. Hollywood Avenue.

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

time of development. Hydric soils do not appear to be present on the site. No portion of the property is within the Hillside-Hilltop Overlay District, nor within a

FEMA Floodplain. No protected stream is present in the area.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for

compliance with the Arkansas Fire Prevention Code at the time of development. The site will be protected by Station 6, located at 900 S. Hollywood Avenue. The property is located approximately 0.1 miles from the fire station with an anticipated drive time of approximately 1 minute 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 **Urban Center**.

Urban Center Areas contain the most intense and dense development patterns within the City and allow for the tallest and greatest variety of buildings. Urban Center accommodates rowhouses, apartments, local and regional retail, hotels, clean technology industries and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility. Although Urban Center Areas recognize the conventional big box and strip retail centers existing along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same area. Additionally, infill of underperforming or undervalued existing big box and strip centers should be strongly encouraged since there is a greater return on investment for redevelopment of these areas that have existing public infrastructure such as streets, sidewalks, trails, water, sewer and parklands.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 8 for this site, with a weighted score of 11 at the highest level. The following elements of the matrix contribute to the score:

- Near ORT Bus Stop
- Near Public School (Ramay Jr. High School)
- Near Razorback Bus Stop
- Near Sewer Main (S. Hollywood Avenue)
- Near Paved Trail (Tsa-La-Gi Trail)
- Near U of A Campus
- Near Water Main (S. Hollywood Avenue)
- 4 Minute Fire Response (Station #6 at 900 S. Hollywood 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: The property in question is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre, and the request to CS, Community Services may at first brush seem out of scale. However, staff does find the request to be compatible with surrounding land uses. Firstly, the property is well-served by ample city-services, such as Fire Station #6 approximately 500 feet to the north, as well as water and sewer currently located in S. Hollywood Avenue. To the east is University of Arkansas-owned parking lot that is currently zoned CS. South of the property is another 13.3 acres of CS-zoned property, that until recently was occupied by a former factory that has been demolished. Southwest of the property is the newly developed Cottages at Hollywood, a multi-family development that was approved by Planning Commission in 2018 and included an extension of S. Hollywood Avenue to connect to 15th Street. Additionally, the Tsa-La-Gi Trail, a paved trail that offers connections to the wider network of trails throughout the city of Fayetteville currently borders the property to the south and east. Though there are existing single-family homes and lots along S. Hollywood Avenue, staff finds these homes and vacant lots are all currently owned by the same owner, signaling that redevelopment of these properties may be on the horizon, therefore compatibility with existing setbacks, density, height and bulk and area considerations make more sense for this property to align with CS zoning than with the current zoning of RSF-4.

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. This area is designated as an Urban Center encourages high density, mixed-use structures to allow people to live, work, and shop in the same area. Staff finds that this rezone request begins to close the gap between commercial- and high density zoning in this area and brings the area into compliance with City Plan 2040. Encouraging a form-based district in the area also allows for a higher scrutiny of design standards than would typically be involved with a C-1 or C-2 zoning district.

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

Finding:

The applicant did not indicate or offer a specific development proposal along with this request. Staff does find that a rezone from RSF-4 to CS is consistent with long-term land use plans, and brings the site into agreement with City Plan 2040 as an Urban Center, therefore making this request justified from staff's perspective.

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

Finding:

Rezoning the property to CS does have the potential to increase traffic along S. Hollywood Avenue as opposed to keeping the property zoned RSF-4. However, staff finds that the size of the request in comparison to the nearby already-zoned-CS property would not appreciably impact any traffic danger. Additionally, the recent improvements and added connectivity of S. Hollywood Avenue and 15th Streets increase the developability of this site.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding:

Rezoning the property from RSF-4 to CS would have the potential to increase the population density, since CS does allow for residential uses up to multifamily dwellings. Staff finds that given the recent street improvements made in the area, the nearby school, and availability of water and sewer, this request would not put an undue burden on these existing 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: Planning staff recommends forwarding RZN 2020-000008 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: September 28, 2020	☐ Tabled	Forwarded	□ Denied
Motion: Hoffman			
Second: Brown			
Vote: 7-0-0			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 District RSF-4, Residential Single-Family Four (4) Units Per Acres
 §161.22 Community Services
- Request letter
- 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. $\underline{5921}$, §1, 11-1-16; Ord. No. $\underline{5945}$, §8, 1-17-17; Ord. No. $\underline{6015}$, §1(Exh. A), 11-21-17; Ord. No. $\underline{6245}$, §2, 10-15-19)

161.22 - Community Services

- (A) Purpose. The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.
- (B) Uses.

(1) Permitted Uses.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) Conditional Uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites

Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

- (C) Density. None.
- (D) Bulk and Area Regulations.
 - (1) Lot Width Minimum.

Dwelling	18 feet
All others	None

(2) Lot Area Minimum. None.

(E) Setback regulations.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) Building Height Regulations.

Building Height Maximum	5 stories
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(G) Minimum Buildable Street Frontage.50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. $\underline{5800}$, §1(Exh. A), 10-6-15; Ord. No. $\underline{5921}$, §1, 11-1-16; Ord. No. $\underline{5945}$, §§5, 7—9, 1-17-17; Ord. No. $\underline{6015}$, §1(Exh. A), 11-21-17; Ord. No. $\underline{6223}$, §1, 9-3-19)

August 6, 2020

City of Fayetteville
Planning and Zoning Department
113 West Mountain Street
Fayetteville, AR 72701

RE: Rezoning Application for 1038 S Hollywood Avenue in Fayetteville, AR 72701

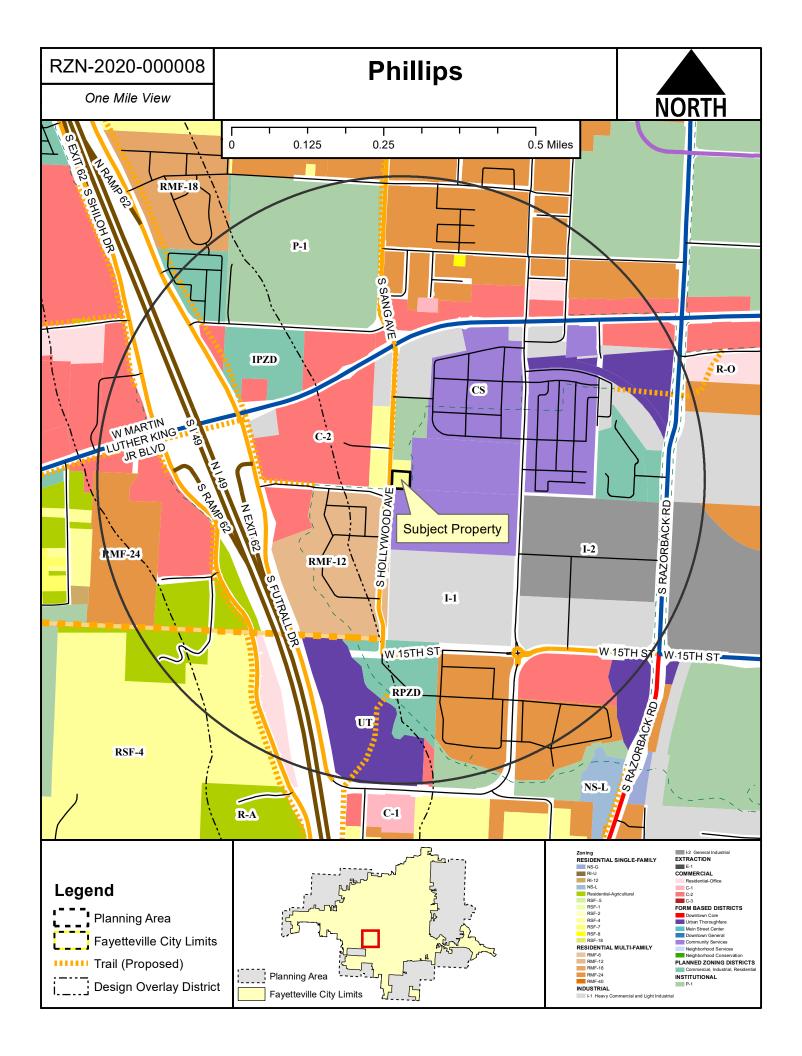
To whom it may concern,

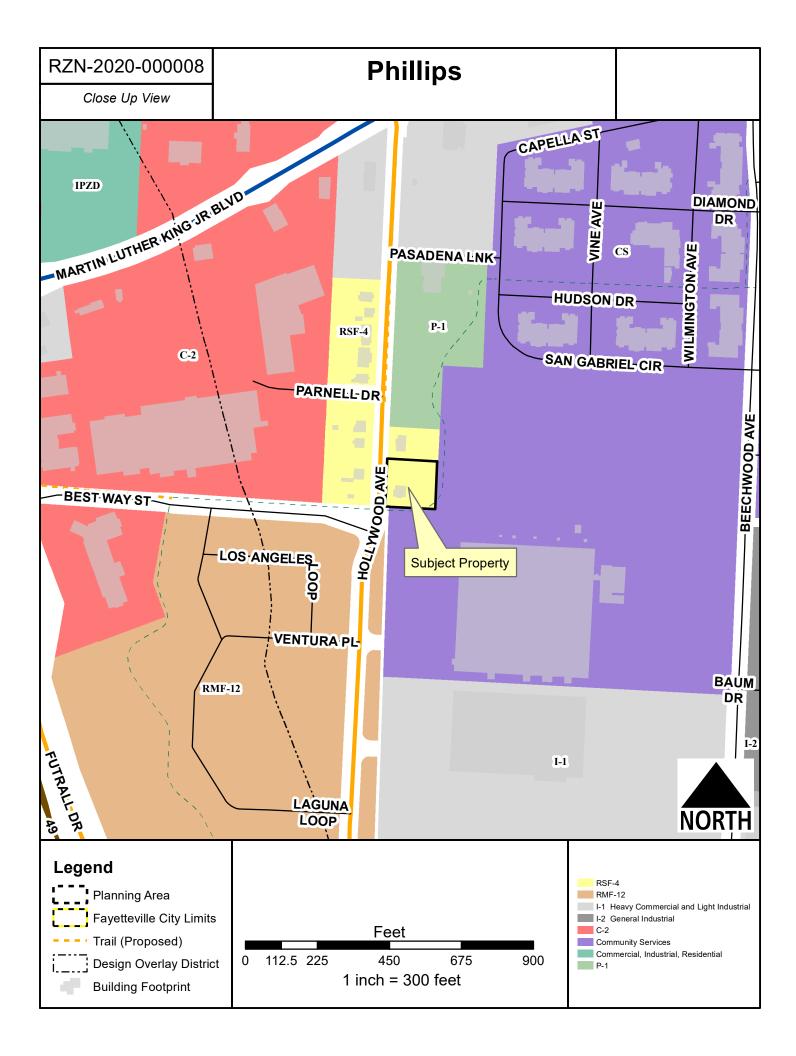
I am writing this letter as part of the rezoning application for 1038 S Hollywood Avenue in Fayetteville, Arkansas 72701. The property is currently zoned RSF-4 and I am requesting the city change the zoning classification to Community Services (CS). The Proposed zoning is compatible with existing land uses, particularly to the south and east where The University House, The Cottages and Aspen Heights apartments are Located. The properties to the west are all owned by the same entity and was listed for sale as a potential mixed use development site and I have also spoken with the property owner on north side, so I don't expect any negative feedback. The Future Land Use plan shows this property as "Urban Center" along with every other adjacent property besides the U of A parking lot. I feel that changing the zoning classification will conform to the surrounding zoning and use plans and should not adversely affect or conflict with surrounding properties in any way.

I appreciate your assistance.

Sincerely,

Payne Phillips





RZN-2020-000008

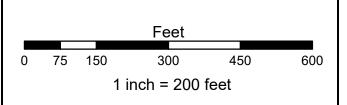
Current Land Use

Phillips





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



FEMA Flood Hazard Data

