

City of Fayetteville Staff Review Form

2020-0821

Legistar File ID

10/20/2020

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

Garner Stoll

10/2/2020

CITY PLANNING (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2020-000005: Rezone (660 W. WHILLOCK ST./MISTRETТА, 717): Submitted by JOSEPH MISTRETТА for property located at 660 W. WHILLOCK ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the properties to RMF-12, RESIDENTIAL MULTI FAMILY, 12 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 OCTOBER 20, 2020

TO: Mayor; Fayetteville City Council

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

FROM: Jonathan Curth, Development Review Manager

DATE: October 2, 2020

SUBJECT: RZN-2020-000005: Rezone (660 W. WHILLOCK ST./MISTRETTA, 717): Submitted by JOSEPH MISTRETTA for property located at 660 W. WHILLOCK ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the properties to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

RECOMMENDATION:

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

BACKGROUND:

The subject property includes approximately 0.80 acres on the north side of Whillock Street in South Fayetteville. Per the applicant, the building on the property has been used variously as a rectory and a school, but is now a two-family dwelling. The subject property and most others along Whillock are significantly sloped, with Hilltop-Hillside Overlay District (HHOD) standards applying to the southeast corner of the subject property. In 2017, the property to the west where a church formerly functioned, was rezoned to RI-12, Residential Intermediate, 12 Units per Acre.

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, to RMF-12, Residential Multi-family, 12 Units per Acre. The applicant stated at the September 28, 2020 Planning Commission meeting that he would like to develop the property with six duplexes.

Public Comment: Staff has received public comment from two nearby property owners expressing concerns about the request. These primarily outlined the potential for additional traffic and parking to adversely impact Whillock, given the street's narrow width. One resident noted that City and other larger vehicles currently have to use private property to turn around due to the dead-end length of Whillock.

Land Use Compatibility: In staff's opinion, the uses permitted within the RMF-12 zoning district are generally compatible with those between the subject property and School Avenue. However, the building form and intensity encouraged in the RMF-12 zoning district are incompatible with

the condition of Whillock Street and the residential uses to the east. Although this area may be ideal for future development in-line with long-range planning goals, this currently appears premature.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the Future Land Use Map but not the goals outlined in City Plan 2040. Although properties designated as City Neighborhood Area are intended to be developed with the widest range of residential and nonresidential uses, staff asserts that the current proposal for the subject property is in direct contravention with encouragement of appropriate infill. As indicated by the property's infill matrix score of 3, the property and wider neighborhood along Whillock has minimal access to the amenities and services that support infill and make it successfully contribute to an area. Similarly, Whillock's dead-end status limits opportunities for creating a complete, compact, and connected neighborhood that offers the framework to positively support growth and density.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a varying score between **3** for the subject property. The following elements of the matrix contribute to the score:

- Future Land Use Map (City Neighborhood Area)
- Near Water Main (Whillock)
- Near Sewer Main (Whillock)

Note: The City is currently under development review for a fire station on South School, approximately ½ mile from the subject property.

DISCUSSION:

On September 14, 2020, the Planning Commission tabled the proposal and requested that staff provide additional information about the 2017 rezoning approved to the west, the adequacy of Whillock Street in terms of Fire Department access, a wider context of land uses in the area, and potential alternatives to the applicant's proposal. Staff provided this information for the September 28, 2020 Planning Commission meeting (see attached staff report). At the meeting, the Commissioners discussed varying issues, including the inconsistency of approving the rezoning to the west, but not on the subject property, the lack of turnaround for emergency services and other City vehicles, the inherent amenities presented by nearby employment and highway access, the Growth Concept Map of City Plan 2040 with its anticipated growth center to the northwest, and lastly, the balance of adequate infrastructure and desired land uses where zoning should be set for a desired outcome prior to public improvement.

Ultimately, the Planning Commission forwarded the request to the City Council, recommending approval, by a vote of 7-2-0. Commissioner Belden made the motion to forward with Commissioner Hoffman providing the second. Commissioners Garlock and Paxton dissented. No public comment was heard at the meeting, although a resident that issued comment after staff report publication (attached) attempted to participate, but appeared to have technical issues.

BUDGET/STAFF IMPACT:
N/A

Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report
- Public Comment

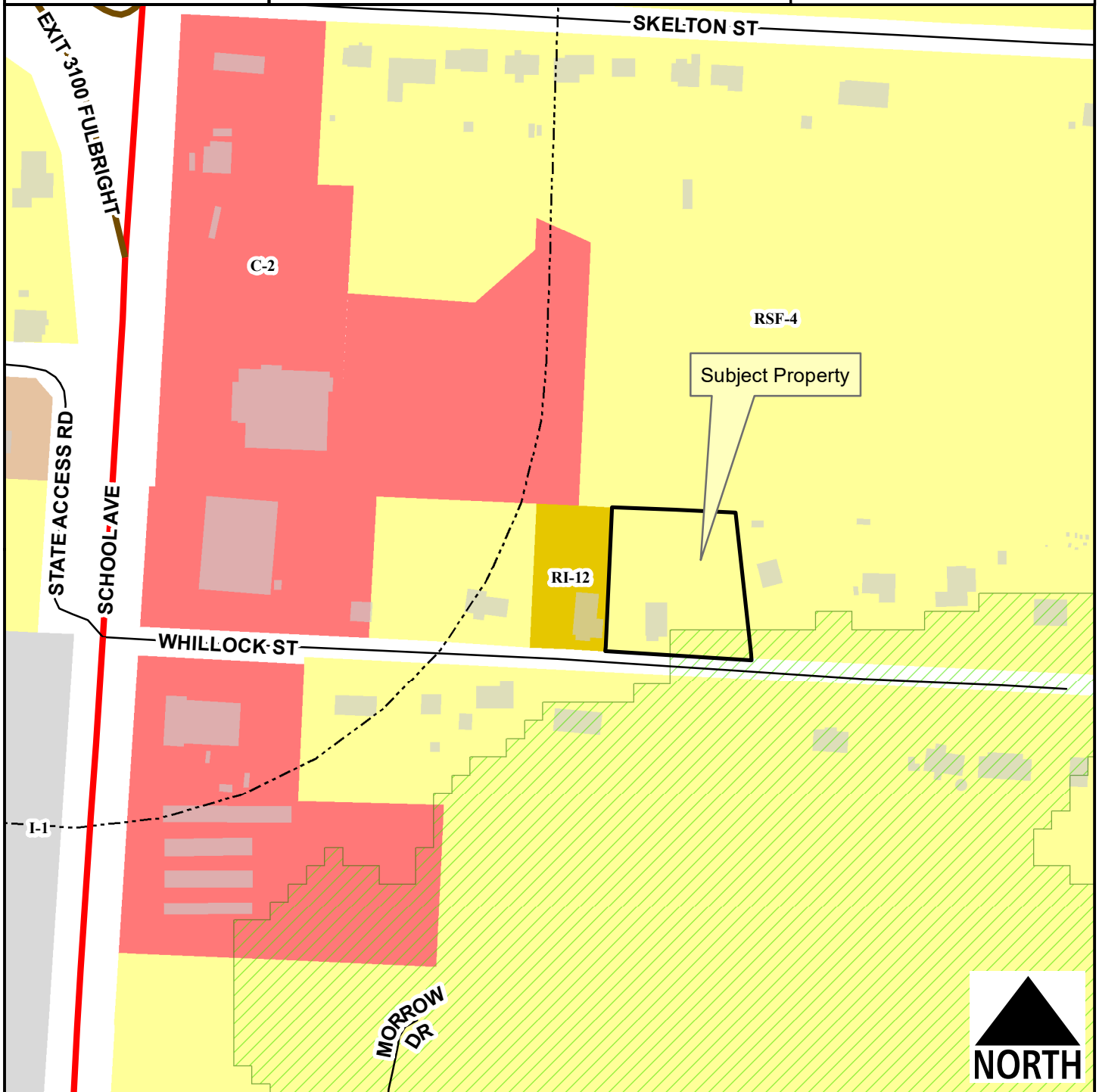
RZN-2020-000005

Mistretta

RZN-2020-000005

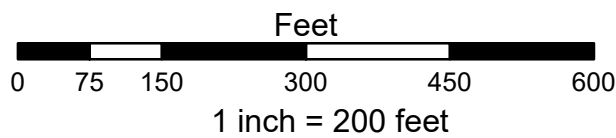
Close Up View

EXHIBIT 'A'



Legend

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



- RSF-4
- RI-12
- RMF-6
- I-1 Heavy Commercial and Light Industrial
- C-2

RZN-2020-000005

EXHIBIT 'B'

PT NE NW 0.82 A. FURTHER DESCRIBED FROM 2012-27028 AS: A Part of the Northeast 1/4 of the Northwest 1/4 of Section 33, in Township 16 North, Range 30 West, in Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the Northwest corner of the NE 1/4 of the NW 1/4 of said Section 33; thence along the North line of said forty-acre tract, South 89 degrees, 58 minutes, 0 seconds East a distance of 630.00 feet to a found iron pin marking the POINT OF BEGINNING; thence continuing along said North line, South 89 degrees, 58 minutes, 0 seconds East a distance of 80.00 feet to a set rebar; thence leaving said North line, South 02 degrees, 58 minutes, 53 seconds East a distance of 192.26 feet to a set rebar; thence North 89 degrees, 49 minutes, 53 seconds West a distance of 90.00 feet to a found iron pin; thence North a distance of 191.78 feet to the POINT OF BEGINNING, containing 0.37 acres, more or less. AND A Part of the Northeast 1/4 of the Northwest 1/4 of Section 33, in Township 16 North, Range 30 West, in Washington County, Arkansas, being more particularly described as follows, to-wit: Commencing at the Northwest corner of the NE 1/4 of the NW 1/4 of said Section 33; thence along the North line of said forty-acre tract, South 89 degrees, 58 minutes, 0 seconds East a distance of 710.00 feet to a set rebar marking the POINT OF BEGINNING; thence continuing along said North line, South 89 degrees, 58 minutes, 0 seconds, East a distance of 90.09 feet to a found 3/8 Inch rebar; thence leaving said North line, South 08 degrees, 49 minutes, 56 seconds East a distance of 194.58 feet, to a found iron pin; thence North 89 degrees, 49 minutes, 53 seconds West a distance of 109.97 feet to a set rebar; thence North 02 degrees, 58 minutes, 53 seconds West a distance of 192.26 feet to the POINT OF BEGINNING; containing 0.44 acres more or less.



TO: Fayetteville Planning Commission

THRU: Jonathan Curth, Development Review Manager

MEETING DATE: September 28, 2020 (Updated with Planning Commission Results)

SUBJECT: **RZN-2020-000005: Rezone (660 W. WHILLOCK ST./MISTRETТА, 717):**
Submitted by JOSEPH MISTRETТА for property located at 660 W. WHILLOCK ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.80 acres. The request is to rezone the properties to RMF-12, RESIDENTIAL MULTI FAMILY, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of **RZN-2020-000005**.

RECOMMENDED MOTION:

"I move to deny **RZN-2020-000005**."

SEPTEMBER 14, 2020 PLANNING COMMISSION MEETING:

On September 14th, the Planning Commission tabled the item pending additional information to guide their decision. The Commission requested the following:

- **Staff report for the adjacent property's 2017 rezoning, RZN 17-5997 (attached)**
- **Fire Marshal evaluation of Whillock Street:** The Fire Marshal performed a site visit and measured the length of the street as approximately 1,350 feet and its width as 18 feet from edge-of-asphalt to edge-of-asphalt. Dead end roads in between 501 and 750 are required under fire code to provide a minimum 26-foot width and a 96-foot diameter turnaround, neither of which are present on Whillock. Dead ends in excess of 750 feet require these elements and special approval.
- **Context:** Whillock is a dead end street that has seen limited new construction since 1965. Buildings near School tend to be built near Whillock, while those further uphill, towards the dead end, are setback well away from the street. This neighborhood is separated from other residential uses by large undeveloped lots. The adjacent School Avenue is the location of numerous businesses, from manufacturing and vehicle sales to convenient stores and County facilities. School Avenue at its intersection with Whillock is a state highway.
- **Alternative Zoning Districts:** Per the applicant's comments, their desire is to build two 2-family dwellings. Based on informal measurements and County parcel records, the two duplexes could be developed by-right under RI-12, RI-U, any RMF district, or any mixed-use zoning district that requires urban form. By conditional use, two 2-family dwellings are permitted in RSF-4, -7, -8, and -18.

BACKGROUND:

The subject property includes approximately 0.80 acres on the north side of Whillock Street in South Fayetteville. Per the applicant, the building on the property has been used variously as a rectory and a school, but is now a two-family dwelling. The subject property and most others along Whillock are significantly sloped, with Hilltop-Hillside Overlay District (HHOD) standards applying to the southwest corner of the subject property. In 2017, the property to the west where a church formerly functioned, was rezoned to RI-12, Residential Intermediate, 12 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	Multi-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Undeveloped	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Former Church (Possibly Residential)	RI-12, Residential Intermediate, 12 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre, to RMF-12, Residential Multi-family, 12 Units per Acre. The applicant has not indicated plans for the property.

Public Comment: Staff has received public comment expressing concerns about the request (attached). These primarily outlined the potential for additional traffic and parking to adversely impact Whillock.

INFRASTRUCTURE:

Streets: The subject property has frontage to West Whillock Street, an unimproved Residential Link with no curb and gutter, sidewalks, or greenspace. Any street improvements required in these areas would be determined at the time of development proposal.

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

Sewer: Sanitary Sewer is available to the subject area. An existing 8-inch sanitary sewer main is present along Whillock Street.

Drainage: While the property is not within a FEMA-designated floodplain nor is it the location of a protected stream, portions of the property are within the HHOD. Any additional improvements or requirements for drainage will be determined at the time of development.

Fire: The property is protected by Station 6, located at 900 South Hollywood, which is about 3.2 miles away with an anticipated drive time of approximately 7 minutes 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.

In the future, a new fire station is proposed at 2260 South School Avenue. The subject property will be served by this location with an anticipated response time of 5.2 minutes.

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 varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a varying score between **3** for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents a score of **3.5**. The following elements of the matrix contribute to the score:

- Future Land Use Map (City Neighborhood Area)
- Near Water Main (Whillock)
- Near Sewer Main (Whillock)

Note: The City is currently evaluating fire station locations in South Fayetteville, including one location approximately ½ mile from the subject property which would likely result in a sub-4 minute response time.

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:* In staff's opinion, the uses permitted within the RMF-12 zoning district are generally compatible with those between the subject property and School Avenue. However, the building form and intensity encouraged in the RMF-12 zoning district are incompatible with the condition of Whillock Street and the residential uses to the east. Although this area may be ideal for future development in-line with long-range planning goals, this currently appears premature.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the Future Land Use Map but not the goals outlined in City Plan 2040. Although properties designated as City Neighborhood Area are intended to be developed with the widest range of residential and nonresidential uses, staff asserts that the current proposal for the subject property is in direct contravention with encouragement of appropriate infill. As indicated by the property's infill matrix score of 3, the property and wider neighborhood along Whillock has minimal access to the amenities and services that support infill and make it successfully contribute to an area. Similarly, Whillock's dead-end status limits opportunities for creating a complete, compact, and connected neighborhood that offers the framework to positively support growth and density.

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

Finding: The applicant's request letter describes the proposal as justified given the previous non-residential use of the property. Additionally, they cite the 2017 rezoning of the property to the west to RI-12 as reasoning for approval of their request. While staff finds that the Future Land Use Map provides some support for the rezoning, overriding concerns regarding land use, access to services and amenities, and existing infrastructure supersede this.

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

Finding: Staff does not find the applicant's proposal to represent a traffic danger, but development of the property under the RMF-12 zoning district, and under a development threshold that does not necessitate street improvements, may adversely affect the functioning of Whillock. Whillock is narrow, at less than 20-foot in width in several places, with no curb and gutter or sidewalk.

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 RMF-12 will lead to an increased density potential over the current RSF-4 zoning designation. However, there are existing and adequate water and sanitary sewer services to support development. Additionally, neither the Police or Fire Departments, nor the Fayetteville Public School District expressed concerns with the rezoning.

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: Not applicable. The property is currently being used residentially, and denial of this request does not preclude continued use. Similarly, staff does not find the City Council's decision to rezone the adjacent former church to indicate the appropriateness of rezoning the subject property.

RECOMMENDATION: Planning staff recommends denial of RZN-2020-00005.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>September 28, 2020</u> <input type="checkbox"/> Tabled <input checked="" type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion: Belden, recommending approval
Second: Hoffman
Vote: 5-2-0, Paxton and Garlock dissenting

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Multi-family, 4 Units per Acre
 - §161.14 – RMF-12, Residential Multi-family, 12 Units per Acre
- Staff Report, RZN 17-5997 (Moldenhauer)
- 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. [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)

161.14 - District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(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 conditional use permit
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 occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 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	45 feet
Two (2) family	45 feet
Three (3) and more	80 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,500 square feet
Two (2) family	6,000 square feet
Three (3) or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
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(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 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.

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.

(Ord. No. 4325, 7-3-01; 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. [5800](#), §1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§5, 8, 9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-19)



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~December 11, 2017~~ **UPDATE 12-15-2017**

SUBJECT: **RZN 17-5997: Rezone (690 W. WHILLOCK ST./MOLDENHAUER, 717):** Submitted by TIM MOLDENHAUER for property at 690 W. WHILLOCK ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.54 acres. The request is to rezone the properties to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN 17-5997** to the City Council with a recommendation of approval, based on the findings herein.

BACKGROUND:

The property is located on the north side of Whillock Street, east of south School Street. The site contains a 1,889 square foot concrete block building constructed in the 1948. The building has been used as a church, and appears to have been constructed for that use. The property contains approximately 0.54 acres, and is zoned RSF-4, Residential Single-family. The property is surrounded by a variety of land uses including single-family, two-family, and undeveloped land. Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Commercial/Single-family/Undeveloped	RSF-4, Residential Single-Family/C2, Thoroughfar/e Commercial
South	Two-family Homes	RSF-4, Residential Single-Family
East	Single-family Homes/ Two-family Homes	RSF-4, Residential Single-Family
West	Single-family Homes	RSF-4, Residential Single-Family

DISCUSSION:

Request: The property owner requests to rezone the property to RI-12, Residential Intermediate/12 units per acre.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to West Whillock Street. Whillock Street is an unapproved two lane asphalt street with no sidewalk, no curb and gutter, and no storm drains. Any street improvements required in these areas would be determined at the time of development proposal.
- Water:** Public water is available to the site. There is a 6-inch main along West Whillock Street.
- Sewer:** Public sewer is available to the site. There is a 8-inch main along West Whillock Street.
- Drainage:** No portion of this property is identified as FEMA regulated floodplains. No part of the parcel lies within the HHOD. There are no protected streams on this parcel. There are no hydric soils identified on this parcel. Any additional improvements or requirements for drainage will be determined at time of development.
- Fire:** The Fire Department had no comment.
- Police:** The Police Department had no comment.

CITY PLAN 2030 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **City Neighborhood Area**. City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. City Neighborhood Areas encourage complete, compact and connected neighborhoods and non-residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.*

City Neighborhood Guiding Policies:

- a. Protect adjoining properties from the potential adverse impacts associated with non-residential uses adjacent to and within residential areas with proper mitigation measures that address scale, massing, traffic, noise, appearance, lighting, drainage, and effects on property values.
- b. Provide non-residential uses that are accessible for the convenience of individuals living in residential districts and where compatibility with existing desirable development patterns occurs.
- c. Reduce the length and number of vehicle trips generated by residential development by enhancing the accessibility to these areas; encourage walkability as part of the street function.

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: **The proposal to rezone the property to the RI-12 zoning district will allow the property to be developed with moderate density residential uses that are consistent with City policies and goals for the neighborhood.**

Land Use Compatibility: The proposed zoning is compatible with surrounding land uses, currently a variety of parcel sizes and shapes developed with a combination of single and two-family homes. The RI-12 zoning district would allow the subject property to be divided into two lots, on which 1,2,3, or 4 units could be constructed. The practical limit of units is considerably lower, however. The Property was developed as a church several decades ago. As such, the property is recognized as an area with an established use of greater intensity than the remainder of the surrounding neighborhood; the higher density zoning would be compatible with the character of the neighborhood.

Land Use Plan Analysis: The proposal is consistent with the goals of the City Plan 2030 Future Land Use Map, which designates this property as City Neighborhood Area, which anticipates a wide variety of land uses, including dense residential development and commercial uses where appropriate. The proposed zoning allows development patterns that encourage traditional town forms intended to decrease vehicle trips and create walkable environments over time.

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

Finding: Staff finds the proposed rezoning from low density residential zoning to an intermediate density is justified. This is due in part because the property contains an institutional building that has been vacate for several years and is apparently not suited to single-family residential use. The proposal will create opportunity for appropriate infill development, the first goal of City Plan 2030.

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 Whillock Street, a partially improved two lane, dead end street with low traffic volumes. The proposed zoning would allow uses likely to increase traffic in the area, but staff finds that development is unlikely to contribute to traffic danger and congestion at this location.

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 RI-12 will allow residential development at increased residential densities more than is currently allowed, however that development should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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 forwarding **RZN 17-5933** to the City Council with a recommendation for approval as proposed.

RECOMMENDED MOTION:

"I move to forward RZN 17-5997 to the City Council with a Planning Commission recommendation of approval."

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>December 11, 2017</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: HOFFMAN, MOTION TO FORWARD AS RECOMMENDED BY STAFF.			
Second: SCROGGIN			
Vote: 7-0-0			
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: <u>January 2, 2017</u>	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07, RSF-4, Residential Single-family/4 units per acre
 - §161.11, RI-12, Residential Intermediate 12 Units per acre
- Fire Department Comments
- Request Letter
- Proposed Rezoning Exhibit
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

UDC SECTIONS

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	45 feet
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161.11 - District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

(A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(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 36	Wireless communications facilities

(C) *Density.*

Units per acre	12
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(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(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 maximum	30/45 feet
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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 30 feet. 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 45 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §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, 06-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), § 1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§4, 8, 9, 1-17-17)

Height Regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses.

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(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)



TO: Quin Thompson, Planner

CC: Assistant Chief Harley Hunt, Fire Marshal
Battalion Chief Brian Sloat, Deputy Fire Marshal

FROM: Rodney Colson, Fire Protection Engineer

DATE: December 6, 2017

SUBJECT: RZN 17-5997: Rezone (690 W. Whillock St./Moldenhauer, 717)

The Fire Department has no issues with the rezoning request. Fire access, water supply, and fire protection will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.



17-5997 ZONING EXHIBIT

subject property

WHILLOCK ST



80 40 0 80 Feet



October 24, 2017

Fayetteville Planning Commission

To Whom It May Concern,

Please accept this request to rezone 690 W Willock St, 765-15503-000. The current zoning is RSF-4 and the desired zoning is RI-12.

Sincerely,

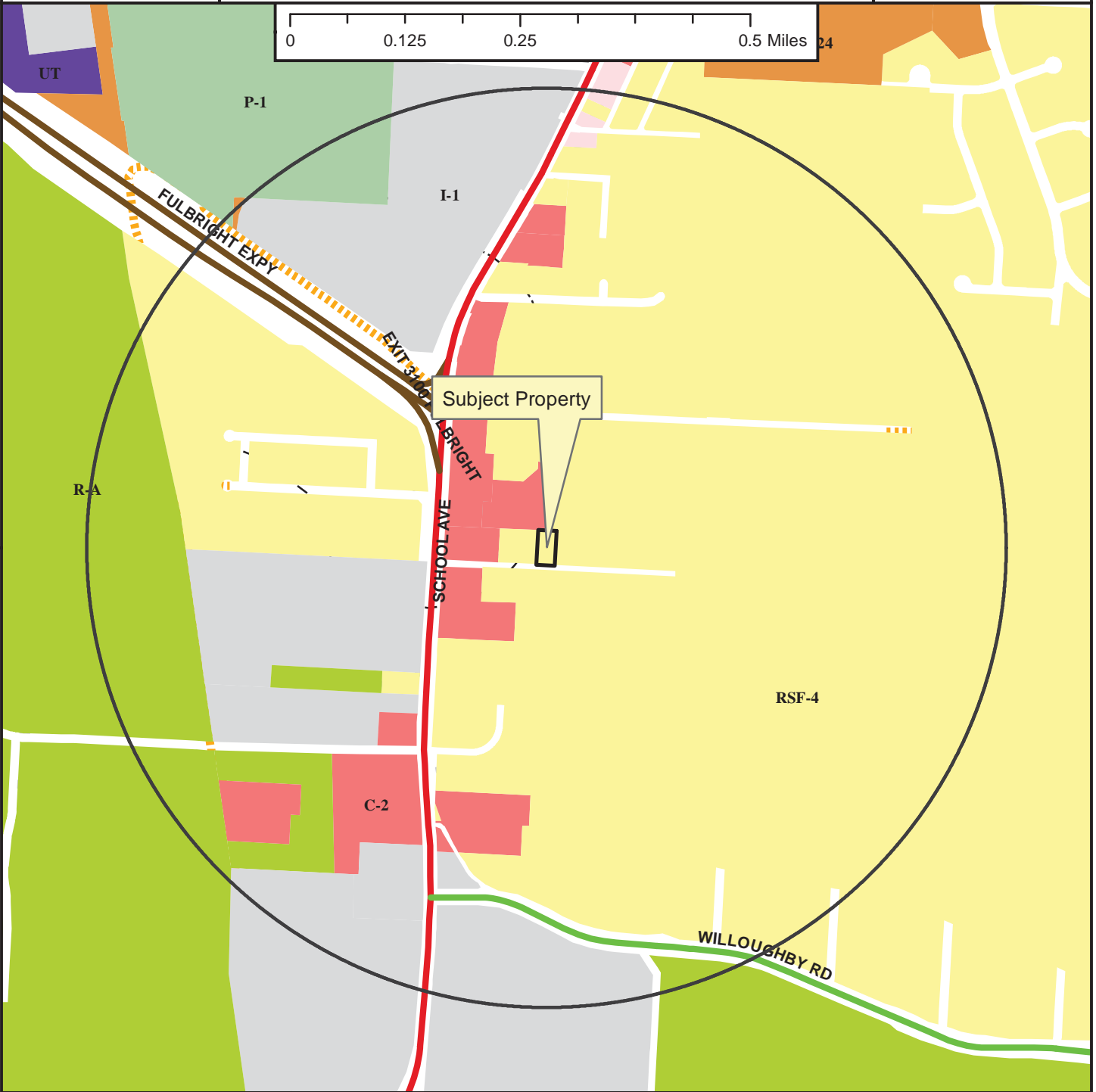
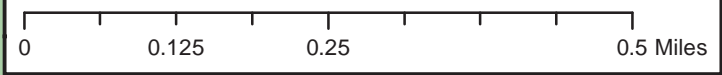


Tim Moldenhauer
Moldenhauer Real Estate Inc
479-790-1683

RZN17-5997

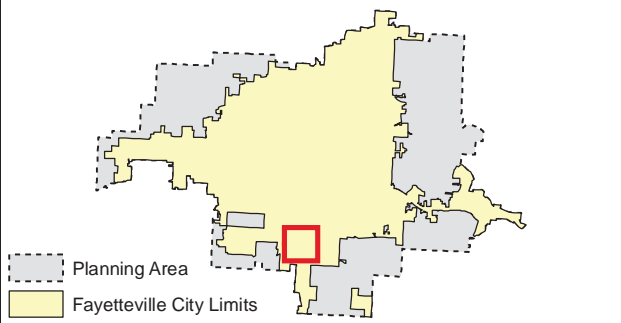
MOLDENHAUER

One Mile View

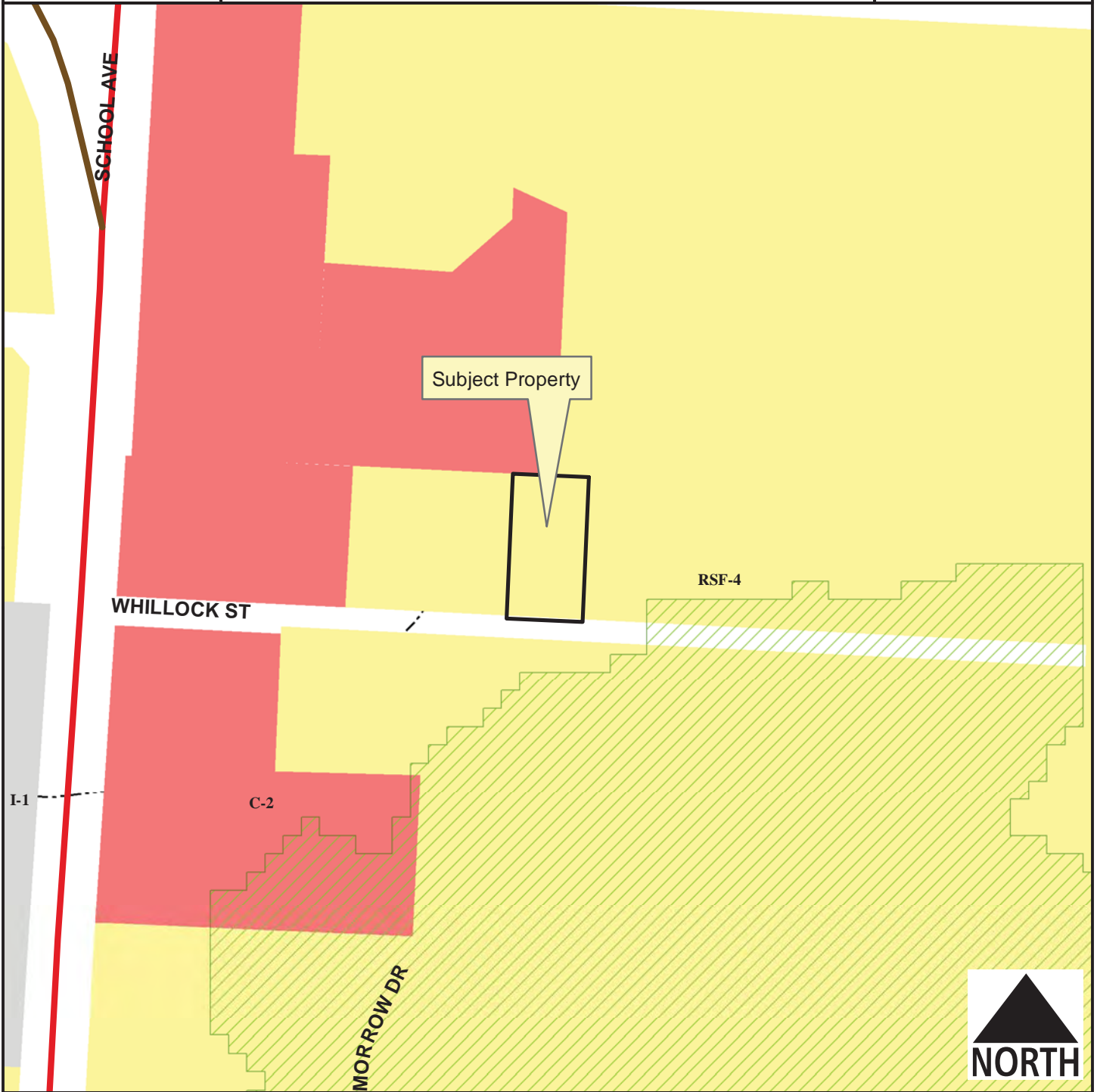


Legend

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

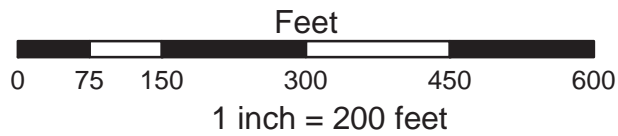


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - RSF-5 Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RT-12 Residential Two and Three-family
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light 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



Legend

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

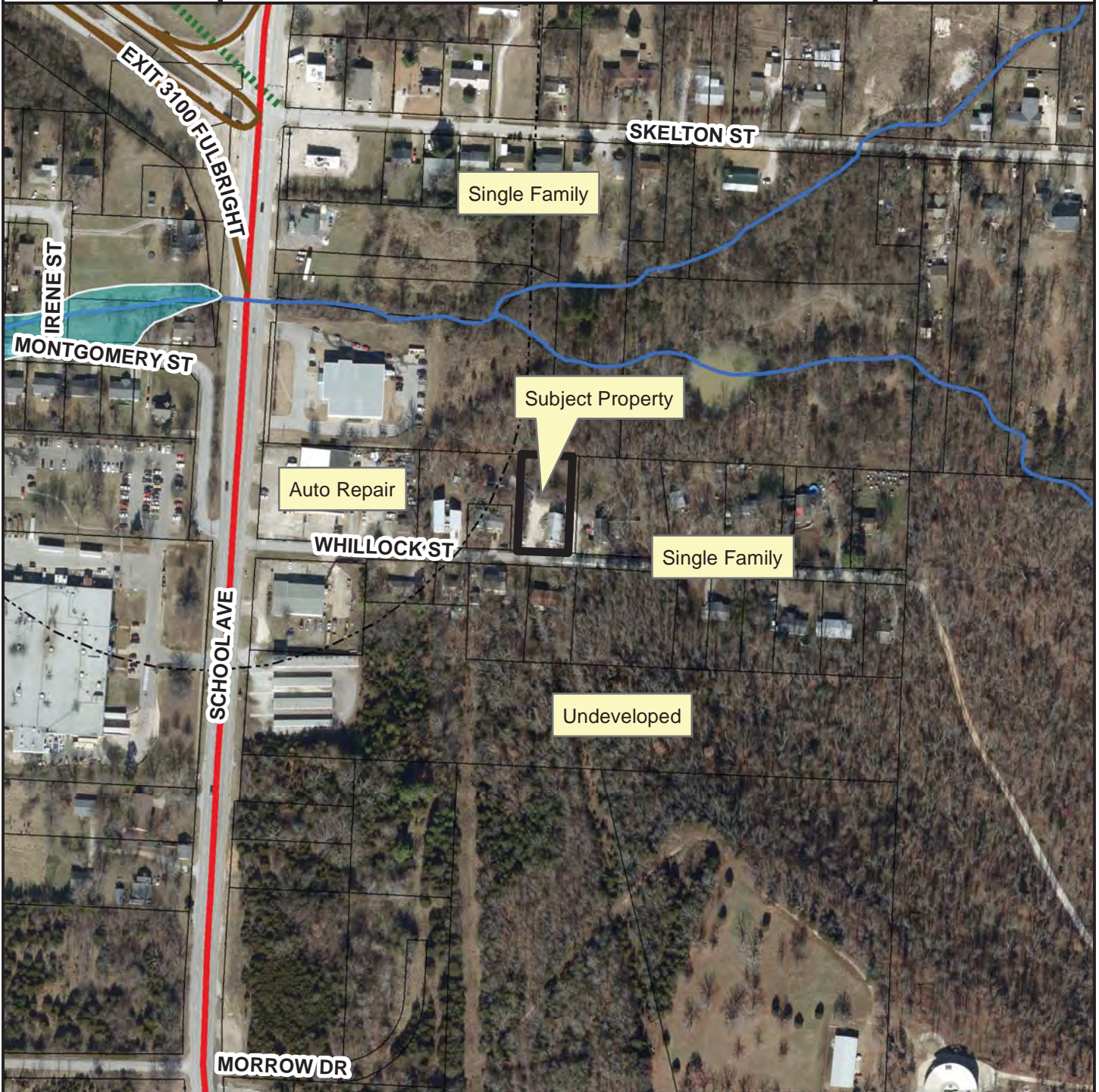


RZN17-5997

MOLDENHAUER





Current Land Use





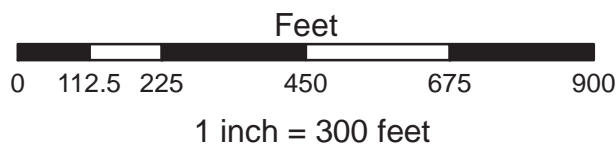
Streets Existing

MSP Class

-  FREEWAY/EXPRESSWAY
-  PRINCIPAL ARTERIAL
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District

FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

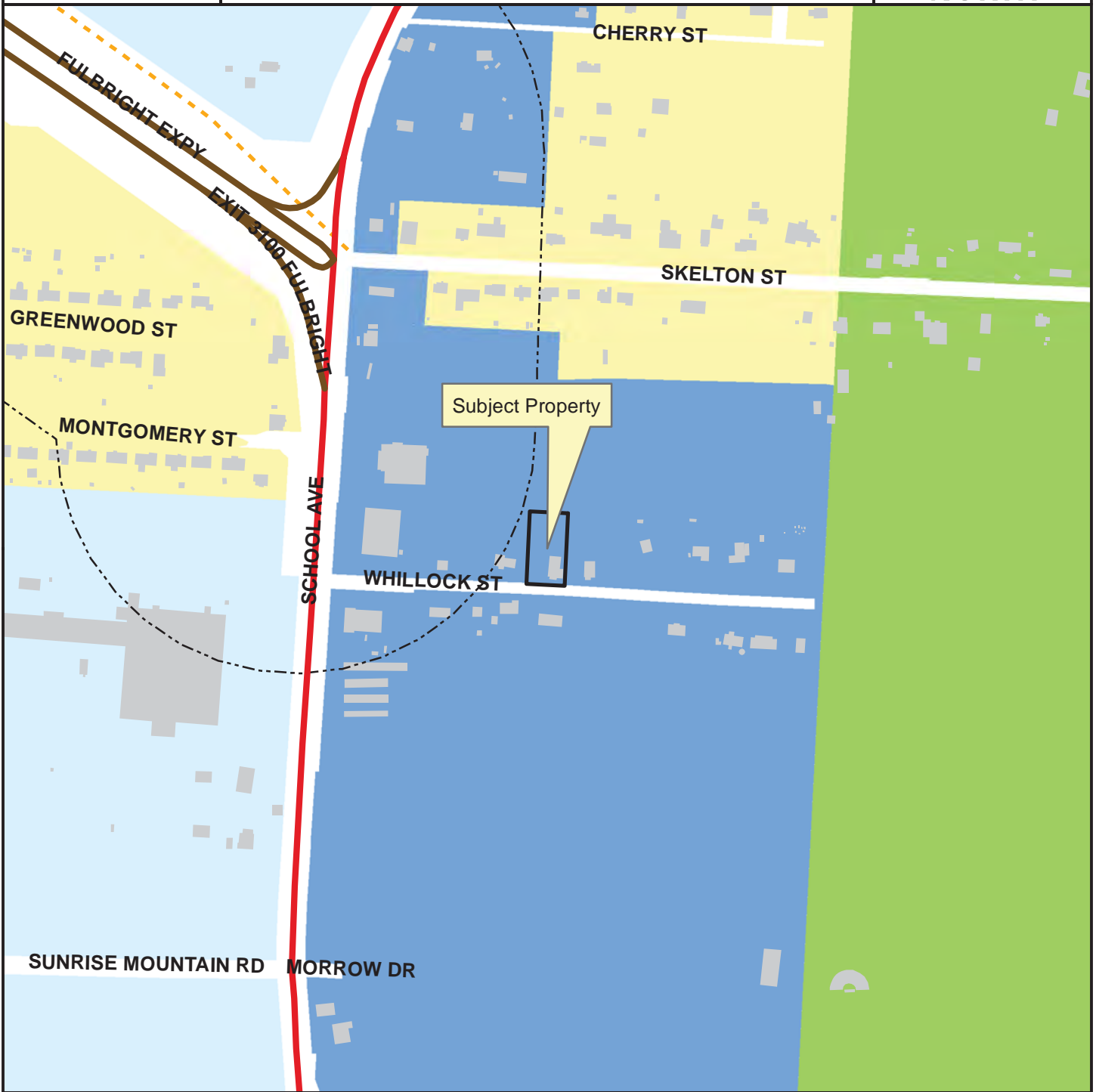


RZN17-5997

MOLDENHAUER

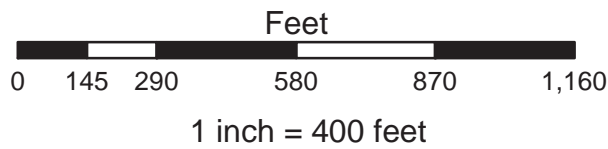


Future Land Use



Legend

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



FUTURE LAND USE 2030

- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Industrial

RZN-2020-000005

Request Letter

Compatibility Statement

This lot has served as a home for non-residential activities in the past, including the site of a rectory, church parking, and a school, with the acceptance of the neighborhood. In fact, the adjacent lot to the west has been approved for a even more aggressive rezoning. This being RI-12.

Curth, Jonathan

RZN-2020-000005

**Public
Comment**

From: Moore, Tammy <Tammy.Moore@us.loomis.com>
Sent: Tuesday, August 25, 2020 2:23 PM
To: Curth, Jonathan
Cc: jntmoore61@aol.com
Subject: RE: Rezoning 660 W Whillock st

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Mr. Curth,

To start my name is Tammy Moore and my husband and I reside at 506 W Whillock St. Fayetteville, AR 72701.

We have lived on Whillock 23yrs this August. We moved here because it was a place to start and raise our family. A place that was close enough to the city, yet secluded enough to still have that "out in the country" feel.

I have a few concerns about the rezoning of the land at 660 Whillock.

Traffic/parking: We already struggle to get out of our drives, because the road has been built up so much over years, having to stop for oncoming traffic while going up and down the road or dodge parked cars taking up an already narrow road in areas. It's a dead end street with little, to no, goods turn around areas. And the trash men on many occasions have issues even getting recycling on Thursdays.

So I ask, how does this get fixed without major inconvenience to those of us that live at the dead end if someone decided to build multifamily spaces? Can the street handle the additional traffic?

Street: Wouldn't the street have to be widen and/or repaired? What will that intel? Will those of us on the dead end with no other exit could we be impacted?

Curbs, sidewalks and drainage: Our street has none of these. I'm not a contractor or developer, but, wouldn't we have to have something if we are developing new construction on the street that will be adding additional homes/multifamily spaces?

Hill Top: How would this effect the Hill Top Water area. I'm actually very confused about this one. I have been told we are in the Hill Top and then I have been told we aren't. We need better clarification on this.

What about my land?: We own the 5.32 acres that meets his property. If they build how does my property get protect from additional erosion? What happens to my property value? What more will this cost **me** in the end to protect what is mine?

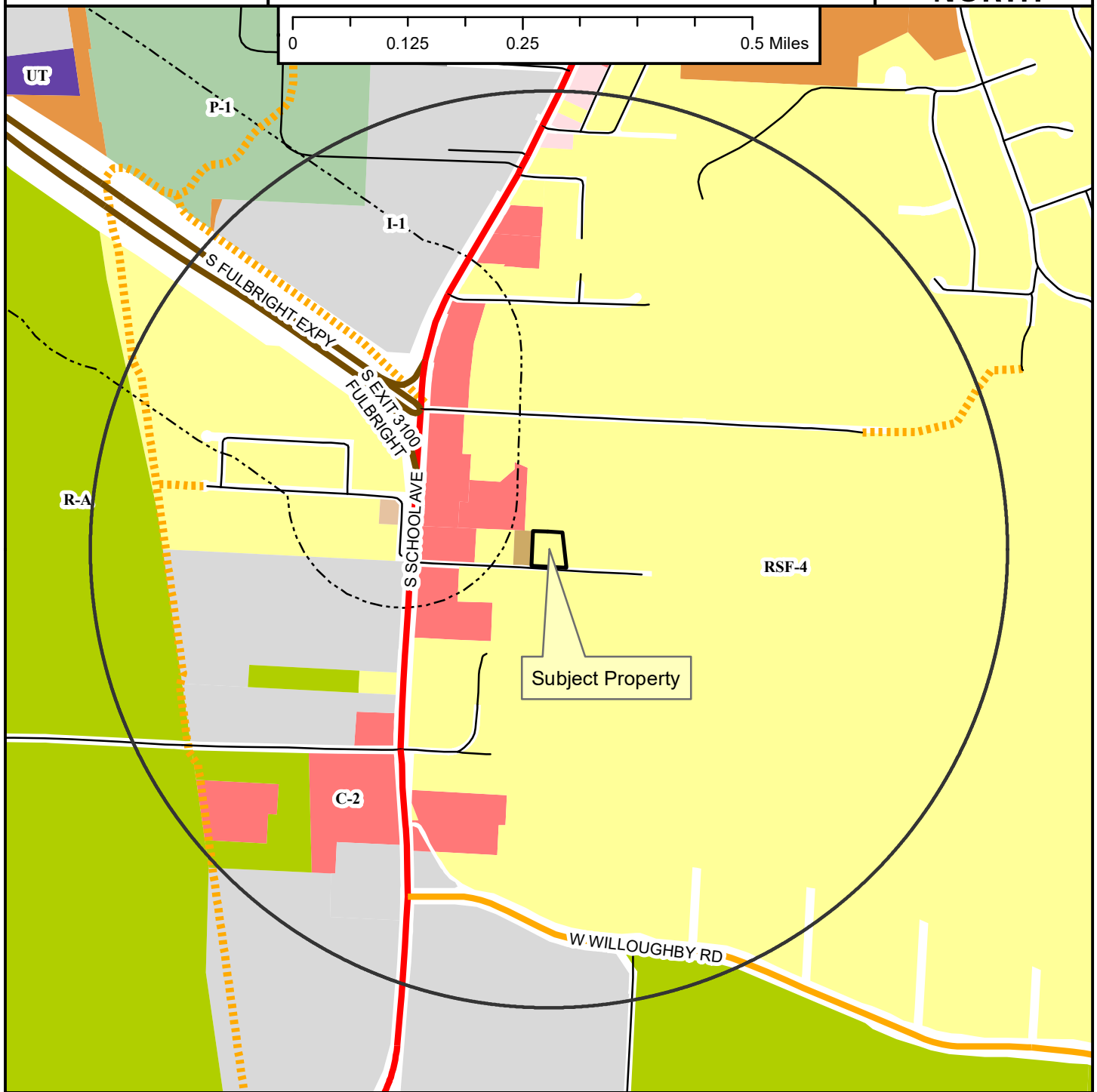
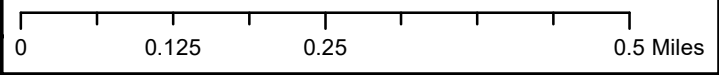
If you have never been on our street take a trip one day. It is well established, and yes it is very quiet and we all have our own space. We aren't sitting on top of each other. More residents on our street, means more people, more people means more traffic and no more quiet street. Thank you for your time.

Thank you,
Mrs. Tammy Moore
506 W Whillock St
Fayetteville , AR 72701
479-200-1262

RZN-2020-000005

Mistretta

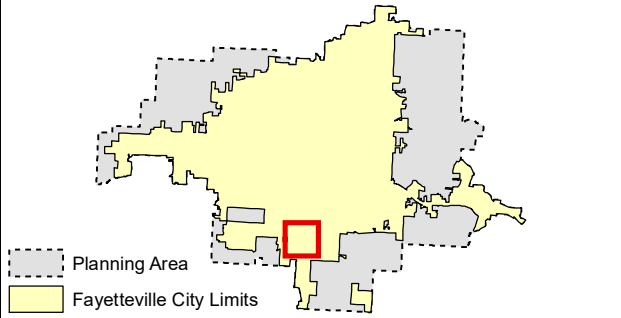
One Mile View



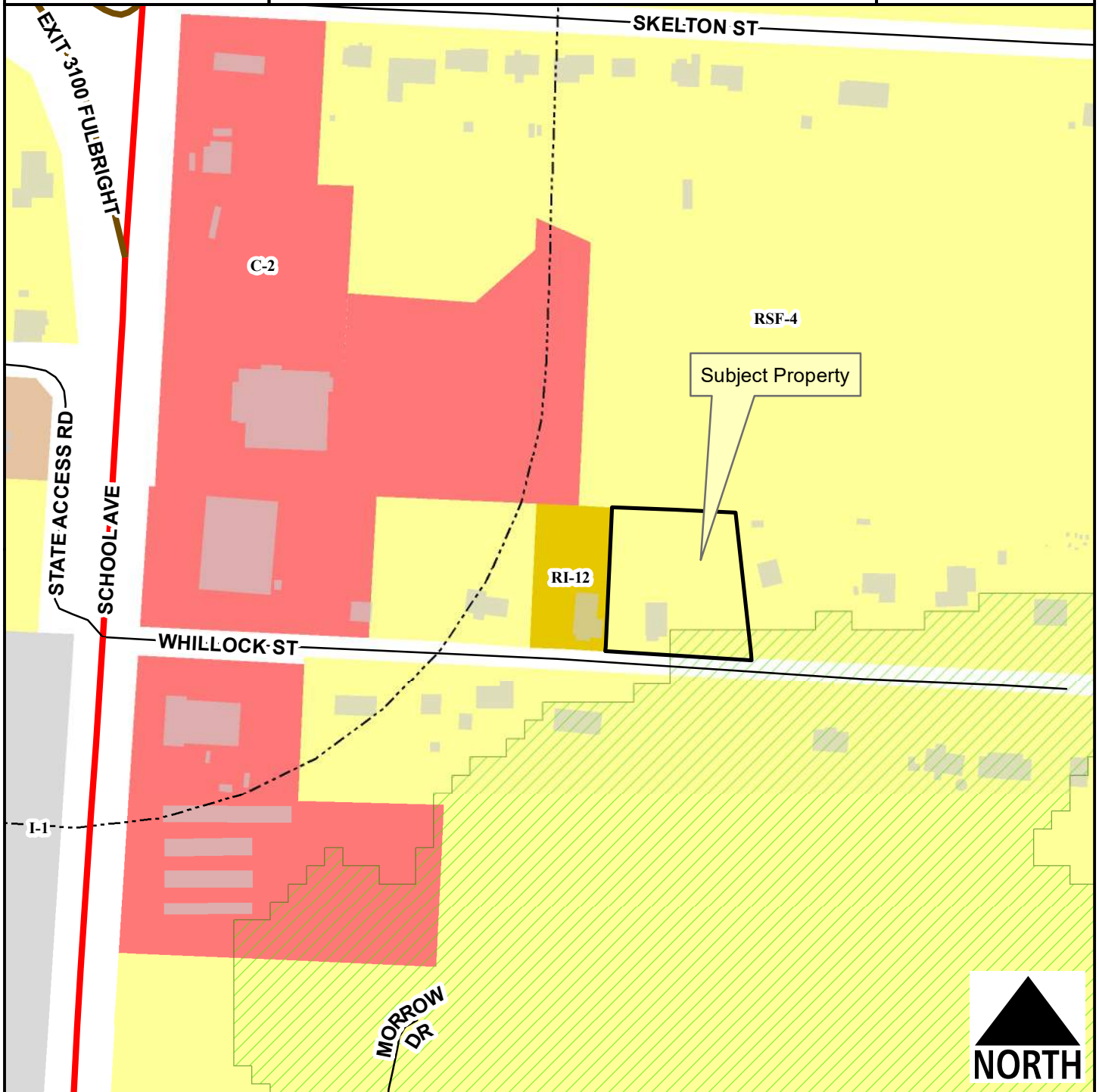
Subject Property

Legend

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

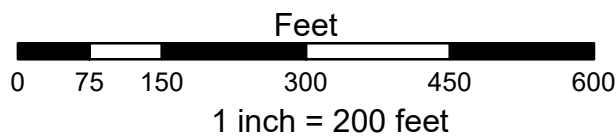


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial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



Legend

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



- RSF-4
- RI-12
- RMF-6
- I-1 Heavy Commercial and Light Industrial
- C-2



RZN-2020-000005

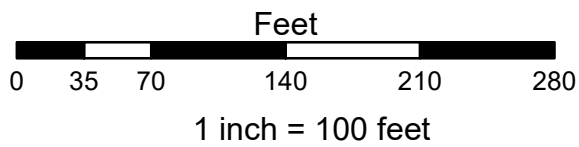
Mistretta





Current Land Use



-  Planning Area
-  Fayetteville City Limits
-  Design Overlay District



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

RZN-2020-000005

Mistretta

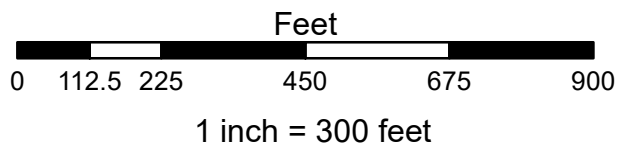


Future Land Use



Legend

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



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

Curth, Jonathan

From: Planning Shared
Sent: Thursday, September 24, 2020 5:22 PM
To: Curth, Jonathan
Subject: FW: Zoning change 660W. Whillock

Willie Benson
Planning Technician
Planning Division
City of Fayetteville, Arkansas
479-718-7625

-----Original Message-----

From: Russell <russellmc@cox.net>
Sent: Wednesday, September 23, 2020 1:34 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Zoning change 660W. Whillock

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Commissioners,

My name is Russell Cable and I live at 701 W. Whillock St. I'm writing in response to the re-zoning of 660 W. Whillock to a RMF-12.

Here are my 2 major concerns:

1. The street isn't sufficient to handle the extra traffic and emergency vehicles. It 's a dead end street with no turn around area at the end.
It's not a cul-de-sac. The width along with no sidewalks and open deep ditches makes it difficult for turning around if needed. The recycling and sanitation trucks currently have to back up the majority of the length of the street for services. They use the "old" church drive way for that.
2. Sidewalks. There are no sidewalks on this street or where it joins S.School. This could also be an issue seeing that it's in the Greenland school district and within walking distance to the school.

Russell Cable