

City of Fayetteville Staff Review Form

2022-0041

Legistar File ID

2/1/2022

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

Jonathan Curth

1/14/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2021-000082: Rezone (582 N. MISSION BLVD./FALCONS LANDING, LLC., 446): Submitted by TIM MCMAHON for property located at 582 N. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.41 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

\$ -

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF FEBRUARY 1, 2022

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Current Planner

DATE: January 14, 2022

SUBJECT: **RZN-2021-000082: Rezone (582 N. MISSION BLVD./FALCONS LANDING, LLC., 446):** Submitted by TIM MCMAHON for property located at 582 N. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.41 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and City staff 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 east of downtown, about 500 feet north of the intersection of Maple Street and Mission Boulevard. The property contains approximately 0.41 acres and is currently undeveloped. Washington County records and aerial imagery indicate that the property was formerly developed with one single-family dwelling which was demolished in 2020. The driveway from that residence, which is shared with the commercial development to the north, remains on site.

Request: The request is to rezone the property from RSF-4, Residential Single-Family – 4 Units per Acre, to RSF-8, Residential Single-Family – 8 Units per Acre. The applicant did not share a specific development intent but has suggested that the rezoning would allow for single-family construction that is complimentary to the character of the existing neighborhood.

Public Comment: Staff received no public comment regarding this request.

Land Use Compatibility: Land uses adjacent to and near the subject property are relatively diverse. Most nearby properties are developed with detached, single-family dwellings on lots with widths ranging between 50 and 170 feet, and areas ranging between 5,900 and 26,000 square feet. Many of the residential lots near the subject property are zoned RSF-4 though they do not meet the bulk and area requirements of that zoning district. One lot, just west of the subject property on Johnson Street, was recently rezoned from RSF-4 to RSF-8 in order to bring it into compliance with bulk and area regulations. In terms of non-residential land uses, there are two

lots nearby which contain small retail establishments and one lot that contains a church facility. Staff finds this variety in land use and type to support the applicant's request, given its allowance for an incremental increase in density on-site that is neither identical to, nor incompatibly different from, neighboring properties. Additionally, the conventional setbacks and three-story height maximum of the RSF-8 zoning district promote a pattern of development that is consistent with the surrounding area. Since the lot currently has approximately 110 feet of frontage, it could only be split one time if rezoned to RSF-8.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, since it would promote housing that would be appropriate in scale and context. An incremental increase in density allowance affords an opportunity for appropriate infill that can relate well to neighboring properties, which would support Goal 1 of City Plan 2040.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 6-7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (8" along Mission Boulevard)
- Near Water Main (6" along Mission Boulevard)
- Near Grocery Store (Ozarks Natural Foods Co-op)
- Near City Park (Saint Joseph Park)
- Near Paved Trail (Lafayette Street Bike Trail)
- Near Ozark Regional Transit Stop (Route 10)

DISCUSSION:

At the January 10, 2022 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Sparkman made the motion and Commissioner Belden seconded. Commissioners unanimously expressed their support for the request, finding it to be more compatible with the existing lot size pattern in the area. Commissioner Belden shared that she would rather see a mixed-use zoning district like CS, Community Services, requested at this site since many nearby properties contain limited businesses that are only permitted conditionally in RSF-4 and RSF-8 zoning. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

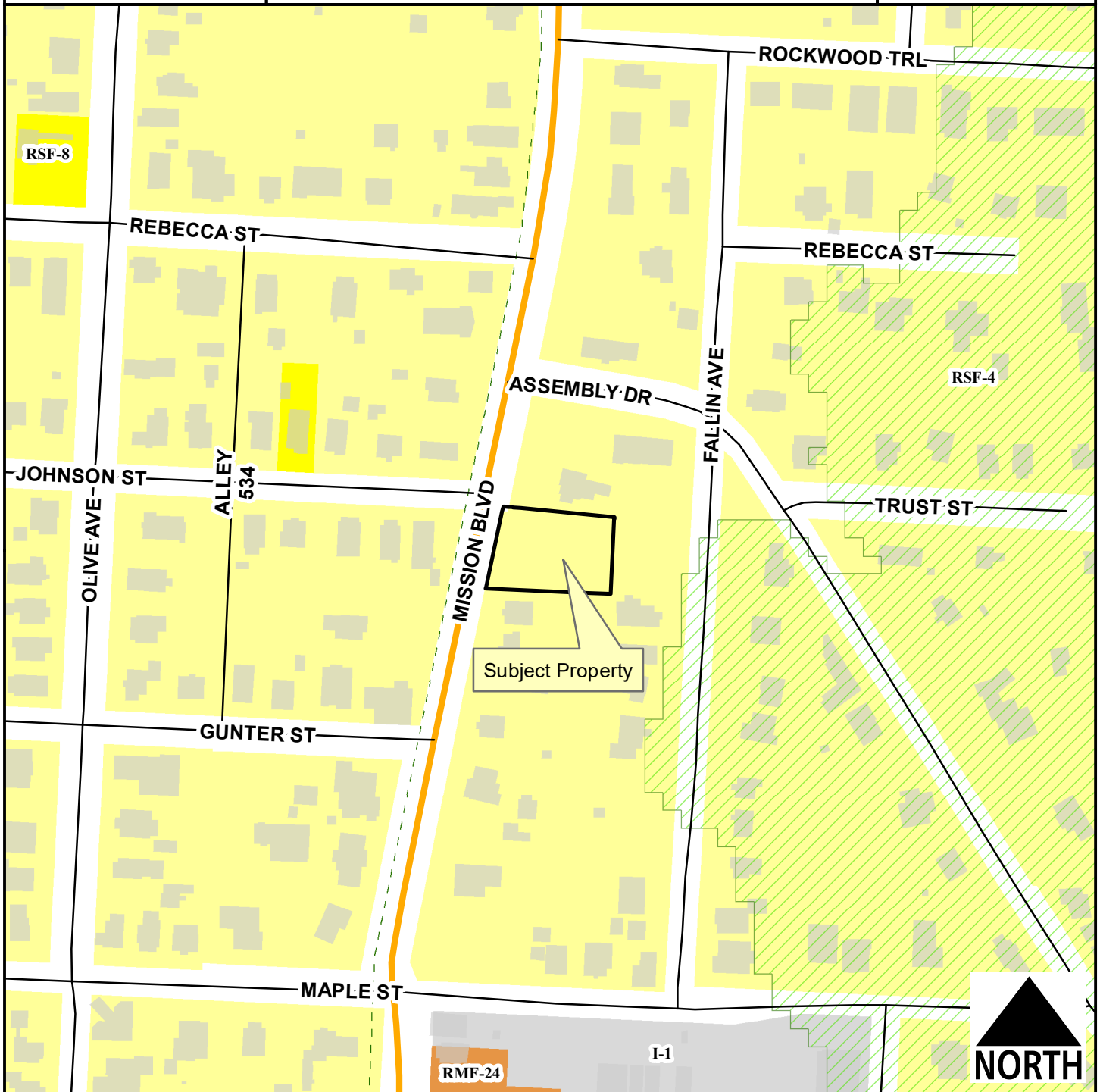
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2021-000082

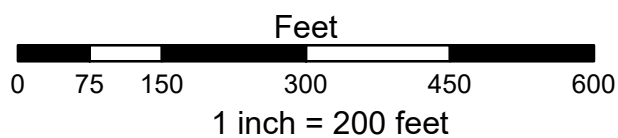
Falcons Landing LLC

RZN-2021-000082
EXHIBIT 'A'

Close Up View



- Neighborhood Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial

RZN-2021-000082
EXHIBIT 'B'

PARCEL 765-02206-000

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT AN EXISTING 2" BRASS MONUMENT FOR THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, AND RUNNING THENCE N03°00'09"E 563.74', THENCE N87°28'22"W 101.47' TO AN EXISTING 1/2" REBAR FOR THE POINT OF BEGINNING, THENCE N87°33'16"W 172.13' TO AN EXISTING 5/8" REBAR, THENCE N12°02'39"E 115.53' TO A POINT, FROM WHICH AN EXISTING CHISELED "X" BEARS S84°24'26"E 9.81', THENCE S84°24'26"E 153.49' TO AN EXISTING 1/2" REBAR, THENCE S02°39'31"W 105.49' TO THE POINT OF BEGINNING. CONTAINING 0.41 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: January 10, 2022 (Updated with results from 01/10/22 PC hearing)

SUBJECT: **RZN-2021-000082: Rezone (582 N. MISSION BLVD./FALCONS LANDING, LLC., 446):** Submitted by TIM MCMAHON for property located at 582 N. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.45 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2021-000082** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2021-000082** to the City Council with a recommendation of approval."

BACKGROUND:

The subject property is located east of downtown, about 500 feet north of the intersection of Maple Street and Mission Boulevard. The property contains approximately 0.45 acres and is currently undeveloped. Washington County records and aerial imagery indicate that the property was formerly developed with one single-family dwelling which was demolished in 2020. The driveway from that residence, which is shared with the commercial development to the north, remains on site. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Retail	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The applicant is requesting to rezone the subject property from RSF-4, Residential Single-family – 4 Units per Acre, to RSF-8, Residential Single-family - 8 Units per Acre. Although specific development details have not been provided, the applicant states that rezoning to RSF-8 will allow for single-family construction that is complimentary to the character of the existing neighborhood.

Public Comment: Staff has not received any public comment regarding this request.

INFRASTRUCTURE:

- Streets:** The subject property has frontage along Mission Boulevard. Mission Boulevard is a partially improved Neighborhood Link street with asphalt paving and open ditches. Any street improvements required in these areas will be determined at the time of development proposal.
- Water:** Public water is available to the site. An existing six-inch water main is present along the east side of Mission Boulevard.
- Sewer:** Public sanitary sewer is available to the site. An existing eight-inch sanitary sewer main is present along the west side of Mission Boulevard.
- Fire:** Station 1, located at 303 W. Center Street, protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately five minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus one 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 six minutes for engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.
- Police:** The Police Department did not express any concerns with this request.
- Drainage:** No portion of the subject property lies within a FEMA designated 100-year floodplain or a Streamside Protection Zone. Similarly, no hydric soils are present, and no portion of the property lies within the Hillside-Hilltop Overlay District. Improvements or requirements for drainage will be determined at the time of development.

Tree Preservation:

The current zoning district, RSF-4, Residential Single-Family – 4 Units per Acre, requires **25% minimum canopy preservation**. The proposed zoning district, RSF-8, Residential Single-Family – 8 Units per Acre, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as a **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multi-family, and rowhouses. Residential Neighborhood Areas encourage highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity, non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features in the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range between **6 and 7** out of 12 for the subject property. Per the Planning Commission's Infill Matrix weighting, this represents an average weighted score of **7**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (8" along Mission Boulevard)
- Near Water Main (6" along Mission Boulevard)
- Near Grocery Store (Ozarks Natural Foods Co-op)
- Near City Park (Saint Joseph Park)
- Near Paved Trail (Lafayette Street Bike Trail)
- Near Ozark Regional Transit Stop (Route 10)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Land uses adjacent to and near the subject property are relatively diverse. Most nearby properties are developed with detached, single-family dwellings on lots with widths ranging between 50 and 170 feet, and areas ranging between 5,900 and 26,000 square feet. Many of the residential lots near the subject property are zoned RSF-4 though they do not meet the bulk and area requirements of that zoning district. One lot, just west of the subject property on Johnson Street, was recently rezoned from RSF-4 to RSF-8 in order to bring it into compliance with bulk and area regulations. In terms of non-residential land uses, there are two lots nearby which contain small retail establishments and one lot that contains a church facility. Staff finds this variety in land use and type to support the applicant's request, given its allowance for an incremental increase in density on-site that is neither identical to, nor incompatibly different from, neighboring properties. Additionally, the conventional setbacks and three-story height maximum of the RSF-8 zoning district promote a pattern of development that is consistent with the surrounding area. Since the lot currently has approximately 110 feet of frontage, it could only be split one time if rezoned to RSF-8.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, since it would promote housing that would be appropriate in scale and context. An incremental increase in density allowance affords an opportunity for appropriate infill that can relate well to neighboring properties, which would support Goal 1 of City Plan 2040.

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

Finding: **Staff finds that the proposed zoning is justified, with the request addressing both long-range plans and historic development patterns in the area.**

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

Finding: Rezoning the property to RSF-8 has the potential to minorly increase traffic along Mission Boulevard, which is classified as a Neighborhood Link in the City's 2040 Master Street Plan. Utilizing the existing, shared driveway could eliminate the need to create a new curb cut and potentially minimize traffic impacts. Regardless, the size of the property and street frontage will naturally restrict the number of potential dwellings on the property.

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

Finding: The proposed rezoning would not substantially alter the population density and thereby undesirably increase the load on public services. The rezoning would only increase the number of units permitted by-right on the property from one to three.

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-2021-000082 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>January 10, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded with a recommendation of approval.	<input type="checkbox"/> Denied
Motion: <u>Sparkman</u>			
Second: <u>Belden</u>			
Vote: <u>8-0-0</u>			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-family – 4 Units per Acre
 - §161.09 – RSF-8, Residential Single-family – 8 Units per Acre
- Request Letter
- 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
Unit 46	Short-term rentals

(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; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit.*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
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- (G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 4783, 10-18-05; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §8, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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Rezoning request for 582 N. Mission Blvd.

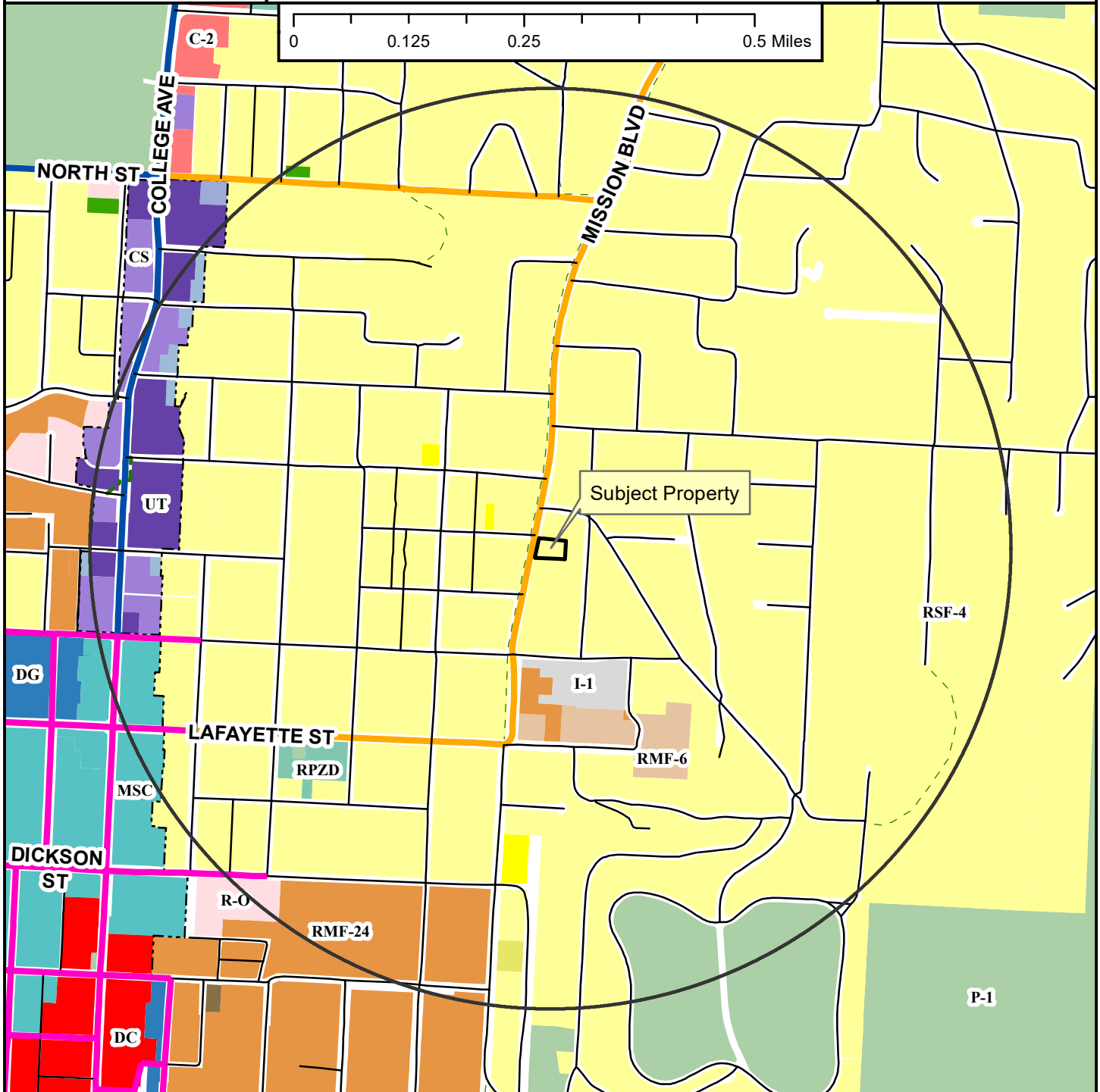
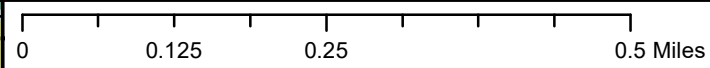
The proposed zoning is compatible with the neighboring property as there are over 20 lots within 400' of the subject property that have characteristics of an RSF8 lot size. There are also other RSF8 zoned properties in close proximity of the subject property. The proposed rezoning will not adversely affect or conflict with surrounding land uses as there are several single family residences within close proximity that are on lots similar in size to an RSF8 lot size and density.

The proposed RSF8 rezoning will positively enhance and blend with surrounding land uses.

RZN-2021-000082

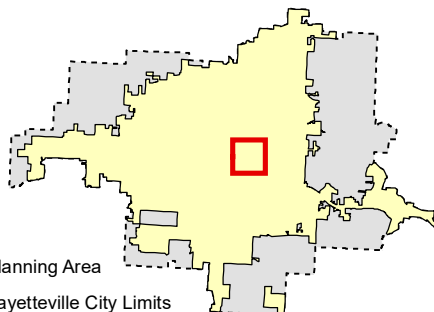
Falcons Landing LLC

One Mile View



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

- Planning Area
- Fayetteville City Limits

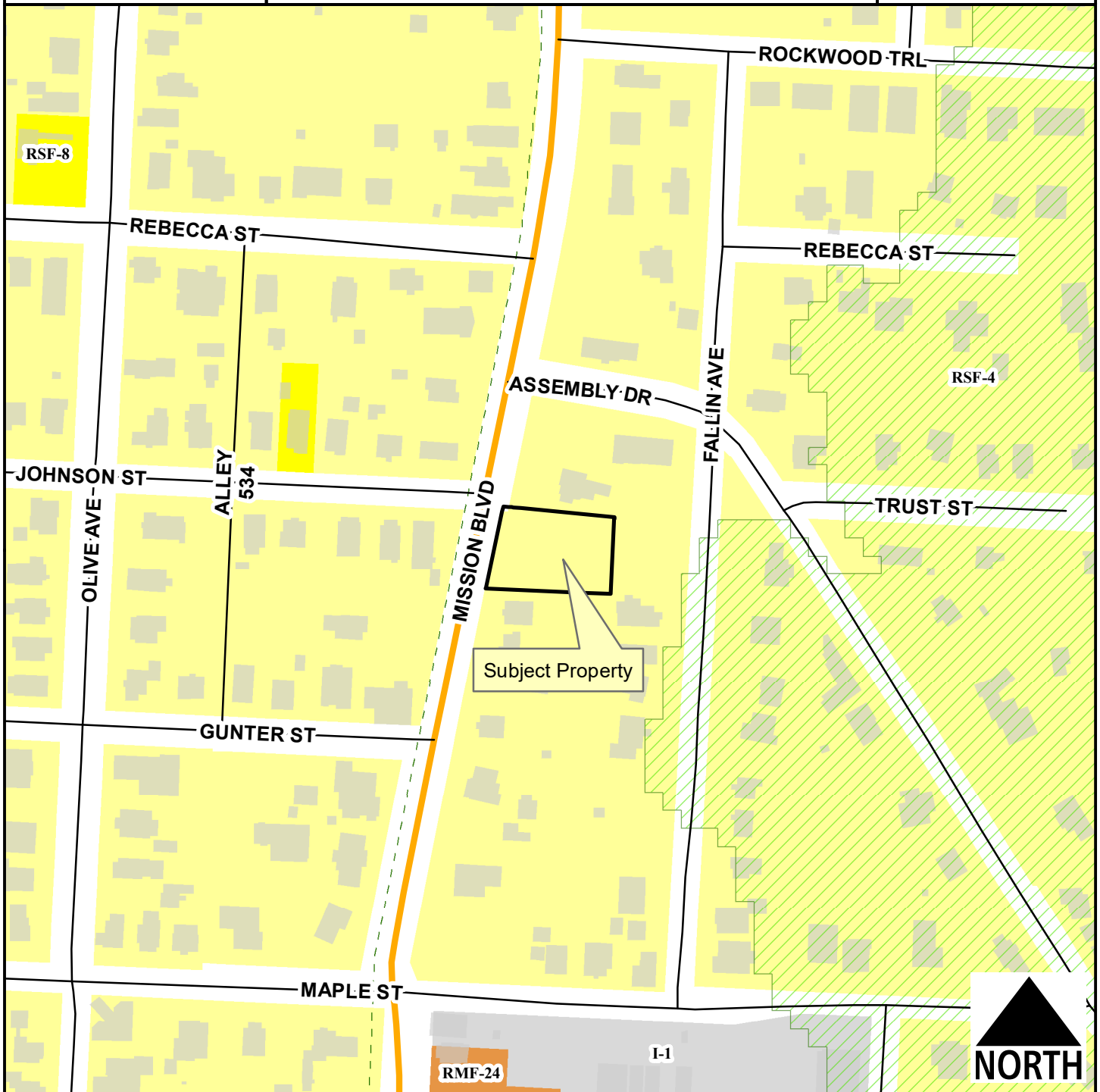


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|--|--|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> NS-G RI-U RI-12 NS-L Residential-Agricultural RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-18 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial | <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> C-1 Residential-Office C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential <p>INSTITUTIONAL</p> <ul style="list-style-type: none"> P-1 |
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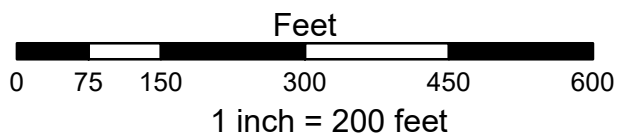
RZN-2021-000082

Falcons Landing LLC

Close Up View



- Neighborhood Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

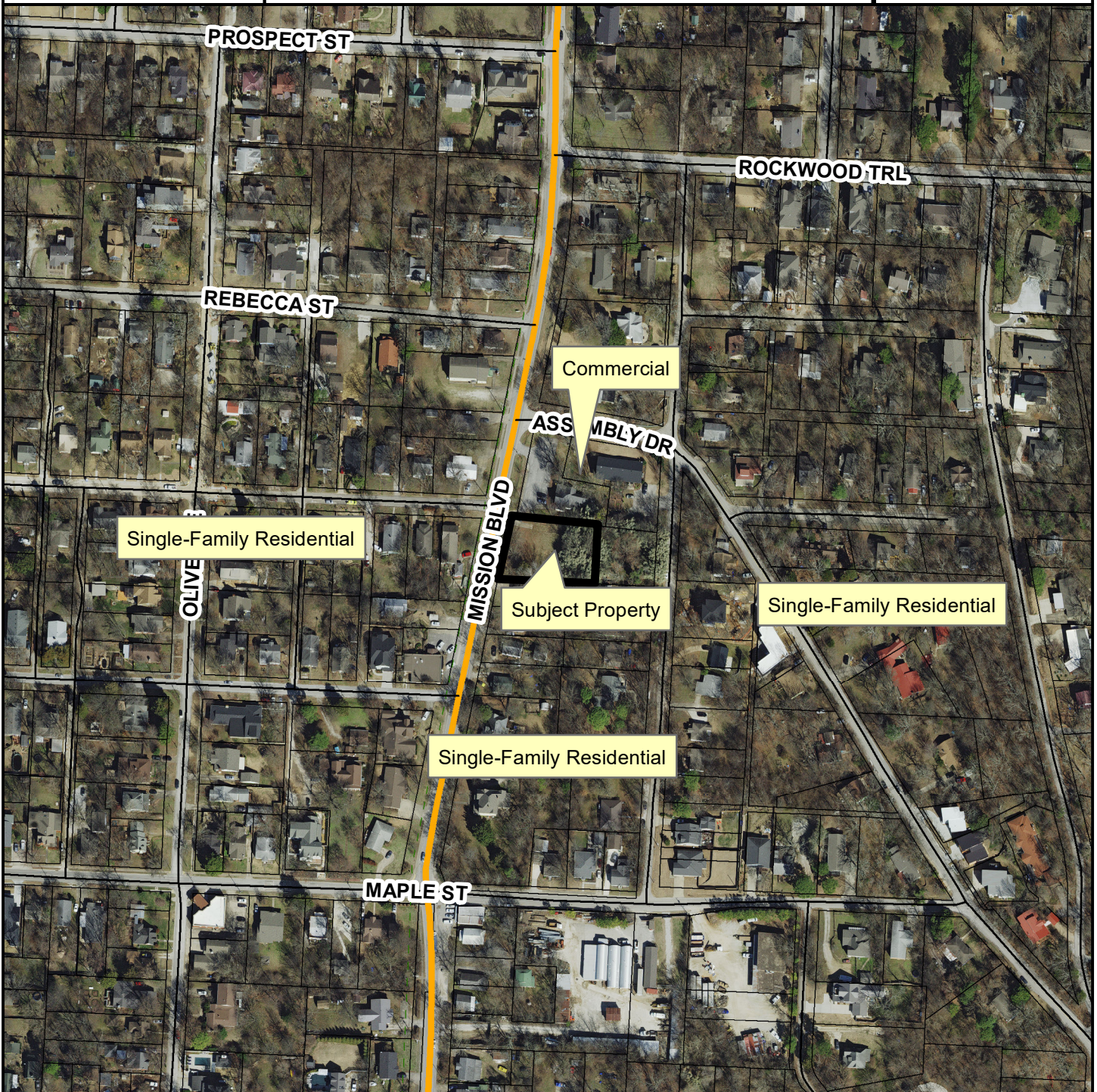


- RSF-4
- RSF-8
- RMF-24
- I-1 Heavy Commercial and Light Industrial

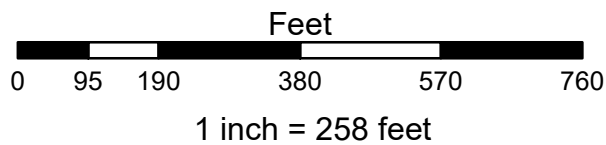
RZN-2021-000082

Current Land Use

Falcons Landing LLC



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



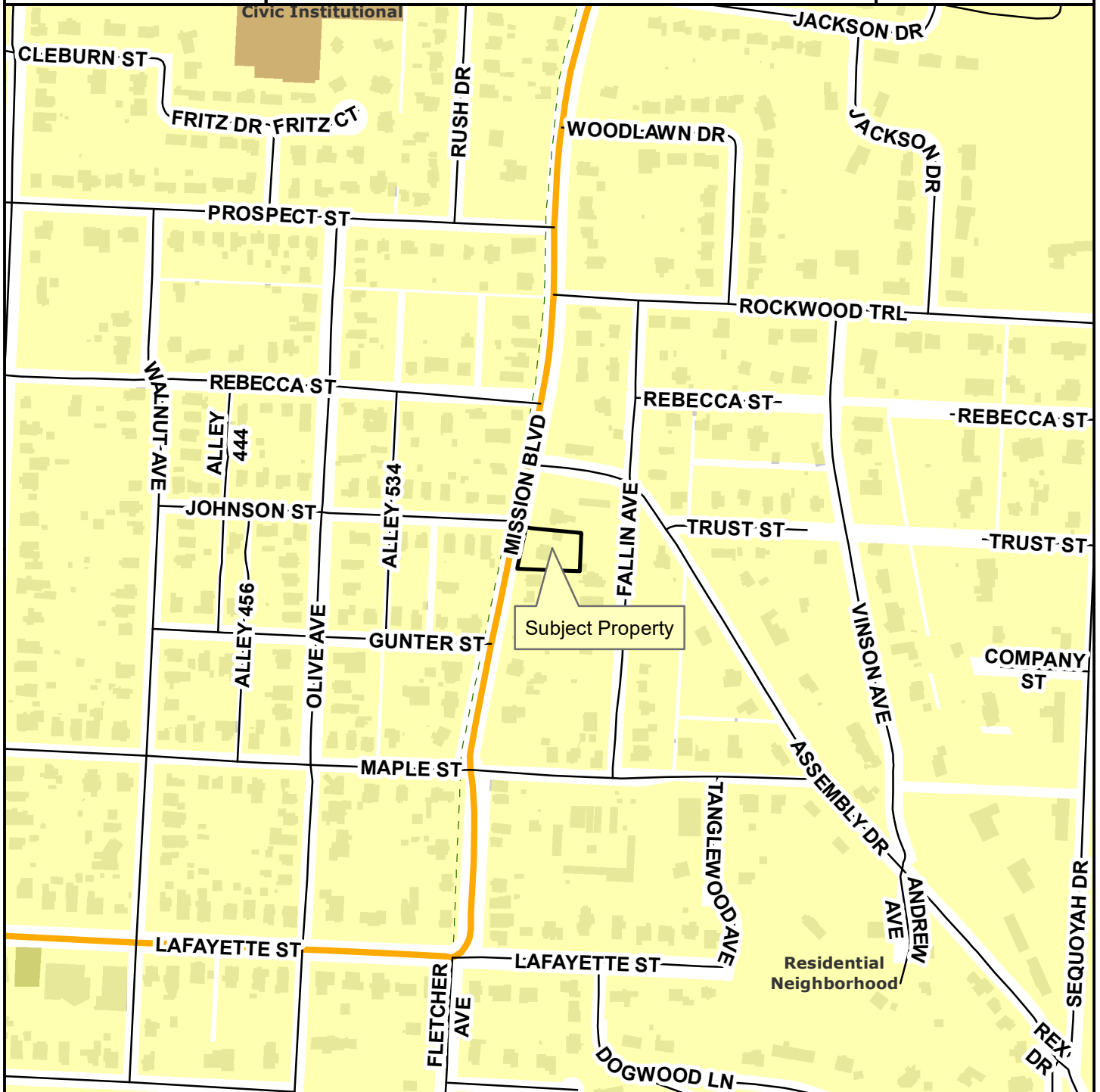
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2021-000082

Falcons Landing LLC

Future Land Use

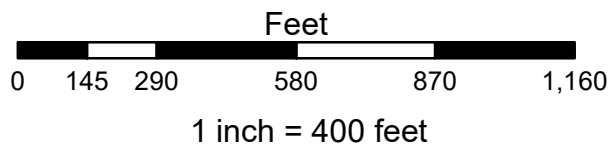


Neighborhood Link

Planning Area

Fayetteville City Limits

Trail (Proposed)



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