## **City of Fayetteville Staff Review Form**

2022-0190

Legistar File ID

3/15/2022

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

Jonathan Curth		2/25/2022	DEVELOPMENT R	EVIEW (630)
Submitted By		Submitted Date	Division / Dep	partment
	Actio	on Recommendation:		
RZN-2021-000093: Rezone (1101 N located at 1101 N. WOOLSEY AVE in ACRE and contains one parcel with NEIGHBORHOOD SERVICES-GENER	n Ward 2. Th approximate	ne property is zoned RSF-4, RESI	DENTIAL SINGLE I	AMILY, 4 UNITS PER
		Budget Impact:		
Account Numb	er		Fund	
Project Numbe	<u> </u>		Project Title	
Budgeted Item?	No	Current Budget	\$	-
		Funds Obligated	\$	-
	•	Current Balance	\$	-
Does item have a cost?	No	Item Cost	\$	-
<b>Budget Adjustment Attached?</b>	No	Budget Adjustment	\$	-
#		Remaining Budget	\$	-
Purchase Order Number:		Previous Ordinance o	or Resolution #	V20210527
Change Order Number:		Approval Date:	_	

**Original Contract Number:** 

**Comments:** 



## CITY COUNCIL MEMO

#### **MEETING OF MARCH 15, 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, Planner

**DATE:** February 25, 2022

SUBJECT: RZN-2021-000093: Rezone (1101 N. WOOLSEY AVE./WRMC, 406): Submitted

by FLINTLOCK, LTD. for properties located at 1101 N. WOOLSEY AVE. in Ward 2. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain one parcel with approximately 0.75 acres. The request is to rezone the properties to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

**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 northwest of the intersection of Woolsey Avenue and North Street. The property contains one lot, parcel 765-06166-000, which is developed with a building that Washington County records indicate was built in 1926. The building was originally constructed as a single-family dwelling though it was heavily renovated in 1996 for use as the Washington Regional Medical Center's Cancer Support Home.

Request: The request is to rezone the subject property from RSF-4, Residential Single-family – 4 Units per Acre, to NS-G, Neighborhood Services-General. The applicant has shared an intent to restore the existing building on the property. Rezoning to a mixed-use zoning district would allow the building to be used for either commercial or residential purposes by-right.

*Public Comment:* Staff received several inquiries from neighbors regarding this request. Many residents met with the applicant on-site to discuss the proposal. No clear support for, or opposition to, the request has been offered.

Land Use Compatibility: The proposed zoning is compatible with the surrounding land use patterns in this area, which contain a mixture of residential, institutional, and commercial uses. The property is near public parks, transit stops, and two Regional Link – High Activity streets, North Street and College Avenue, which are lined with a variety of land uses. While there are a variety of uses in the vicinity, the property is located immediately between two single-use districts: the VA Medical Center to the east and a single-family residential district to the west. The uses allowed in NS-G zoning would offer a mix of residential and commercial uses by-right that are of

a scale that fits with the neighboring residential properties and compliment the variety of land uses in the surrounding area. Dwellings permitted by-right are limited to a maximum of four attached units, and commercial uses are limited to medium-scale retail and office services that would encourage a pedestrian-oriented neighborhood form. Given the applicant's stated intent to renovate the existing building on the property, which could support either residential or commercial uses, NS-G would provide an opportunity to maintain residential uses and densities that are complementary to the existing development pattern, or commercial uses which could mirror the existing use of the site or serve the surrounding area. Any commercial redevelopment of the property would be restricted to 8,000 square feet under NS-G zoning.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map designation of this property as both a Civic Institutional Area and a Residential Neighborhood Area. The NS-G zoning district at this location will allow for a mixture of residential and commercial uses that are urban in form. Staff finds that, if the property were to be redeveloped, NS-G would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has a high infill score of 8, indicating that the site is prepared to accommodate an increased density in housing or small-scale commercial uses. This could support Goals 1 and 6 of City Plan 2040 by making infill and priority and creating an opportunity for development of more housing.

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:

- Adequate Fire Response (Station #2, 708 N. Garland Avenue)
- Near Sewer Main (six-inch main on property)
- Near Water Main (extension needed from N. Woolsey Avenue or W. North Street)
- Near City Park (Wilson and Gregory Park)
- Near Paved Trail (Woolsey Avenue Trail)
- Near ORT Bus Stop (Route 10)
- Near Razorback Bus Stop (Route 26)
- Sufficient Intersection Density

#### **DISCUSSION:**

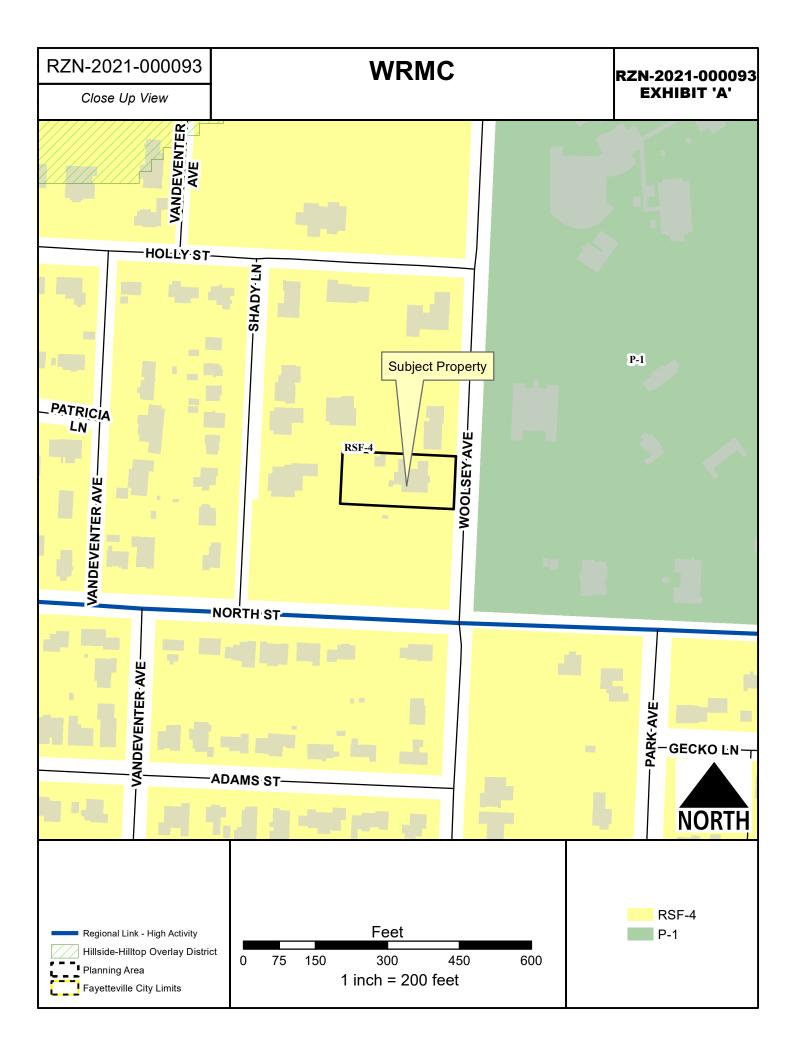
At the February 14, 2022 Planning Commission meeting, a vote of 8-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner Sparkman made the motion and Commissioner Garlock seconded. Commissioner Wiederkehr voted in opposition. Commissioner Wiederkehr asked staff to clarify how the cancer support center operated under RSF-4 zoning. Staff explained that the business was established prior to the current zoning, making it a legal non-conforming use which could continue to operate as-is. Commissioner Sharp noted that commercial uses next to heavy institutional uses would be suitable, and Commissioner Belden agreed adding that she is supportive of the rezoning since we have few tools for preservation and the rezoning could protect the existing structure on the site. Public comment was offered by three neighboring property owners at the meeting, all of whom expressed concerns about the potential to redevelop the property and allow development other than single-family dwellings.

## **BUDGET/STAFF IMPACT:**

N/A

## Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



## RZN-2021-000093 EXHIBIT 'B'

1101 N Woolsey Legal Description: All of Lot Numbered Nine (9) in Block Numbered Two (2) of the Revised Plat of Hammond Addition to the City of Fayetteville, Arkansas, and a part of Lot Numbered Three (3) of the Block Numbered Two (2) of the Revised Plat of the Hammond Addition to the City of Fayetteville, Arkansas, more particularly described as follows, to-wit: Beginning at the Southeast corner of said Lot Numbered Three (3), and running thence West Eighty (80) feet; thence North One Hundred Ten (110) feet; thence East Eighty (80) feet; thence South One Hundred Ten (110) feet to the point of beginning, as per plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder for Washington County, Arkansas.



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters. Development Review Manager

**FROM:** Gretchen Harrison, Planner

MEETING DATE: February 14, 2022 (Updated with results from 2/14/22 PC hearing)

SUBJECT: RZN-2021-000093: Rezone (1101 N. WOOLSEY AVE./WRMC, 406):

Submitted by FLINTLOCK, LTD. for properties located at 1101 N. WOOLSEY AVE. The properties are zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contain 2 parcels with approximately 0.75 acres. The request is to rezone the properties to NS-G,

NEIGHBORHOOD SERVICES-GENERAL.

#### **RECOMMENDATION:**

Staff recommends forwarding **RZN-2021-000093** to the City Council with a recommendation of approval, based on the findings herein.

#### **RECOMMENDED MOTION:**

"I move to forward RZN-2021-000093 to the City Council with a recommendation for approval."

#### **BACKGROUND:**

The subject property is located northwest of the intersection of Woolsey Avenue and North Street. The property contains one lot, parcel 765-06166-000, which is developed with a building that Washington County records indicate was built in 1926. The building was originally constructed as a single-family dwelling though it was heavily renovated in 1996 for use as the VA Medical Center's Cancer Support Center. Surrounding land uses and zoning are listed 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	Natural Area	RSF-4, Residential Single-family – 4 Units per Acre
East	VA Medical Center	P-1, Institutional
West	Single-family Residential	RSF-4, Residential Single-family – 4 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-family – 4 Units per Acre, to NS-G, Neighborhood Services-General. The applicant has shared an intent to restore the existing building on the property. Rezoning to a mixed-use zoning district would allow the building to be used for either commercial or residential purposes by-right.

*Public Comment:* Staff received several inquiries from neighbors regarding this request. Many residents met with the applicant on-site to discuss the proposal. No clear support for, or opposition to, the request has been offered.

#### **INFRASTRUCTURE:**

**Streets:** The subject property has frontage along N. Woolsey Avenue. Woolsey Avenue is

a partially improved Residential Link street with asphalt paving and curb and gutter. Any street improvements required would be determined at the time of development

proposal.

**Water:** Public water is not available to the subject property.

**Sewer:** Sanitary sewer is available to the subject property. An existing six-inch sanitary

sewer main is present along the north side of the property.

**Drainage:** No portion of the subject property lies within the Hillside-Hilltop Overlay District or

a FEMA floodplain. Additionally, no protected streams or hydric soils are present on the subject property. Any improvements or requirements for drainage will be

determined at time of development.

Fire: Station 2, located at 708 N. Garland Avenue, protects this site. The property is

located approximately one mile from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 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 an 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.

#### **Tree Preservation:**

The proposed zoning district of NS-G, Neighborhood Services-General, requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family – 4 Units per Acre, requires **25% 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 **Civic Institutional** and **Residential Neighborhood** area.

**Civic Institutional Areas** are dedicated for building generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

**Residential Neighborhood Areas** are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8** for this site with a weighted score of **10**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #2, 708 N. Garland Avenue)
- Near Sewer Main (six-inch main on property)
- Near Water Main (extension needed from N. Woolsey Avenue or W. North Street)
- Near City Park (Wilson and Gregory Park)
- Near Paved Trail (Woolsey Avenue Trail)
- Near ORT Bus Stop (Route 10)
- Near Razorback Bus Stop (Route 26)
- Sufficient Intersection Density

#### 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 proposed zoning is compatible with the surrounding land use patterns in this area, which contain a mixture of residential, institutional, and commercial uses. The property is near public parks, transit stops, and two Regional Link - High Activity streets, North Street and College Avenue, which are lined with a variety of land uses. While there are a variety of uses in the vicinity, the property is located immediately between two single-use districts: the VA Medical Center to the east and a single-family residential district to the west. The uses allowed in NS-G zoning would offer a mix of residential and commercial uses by-right that are of a scale that fits with the neighboring residential properties and compliment the variety of land uses in the surrounding area. Dwellings permitted by-right are limited to a maximum of four-family units, and commercial uses are limited to medium-scale retail and office services that would encourage a pedestrian-oriented neighborhood form. Given the applicant's stated intent to renovate the existing building on the property, which could support either residential or commercial uses, NS-G would provide an opportunity to maintain residential uses and densities that are complementary to the existing development pattern, or commercial uses which could mirror the existing use of the site or serve the surrounding area. Any commercial redevelopment of the property would be restricted to 8,000 square feet under NS-G zoning.

Land Use Plan Analysis: The proposed zoning is consistent with the Future Land Use Map designation of this property as both a Civic Institutional Area and a Residential Neighborhood Area. The NS-G zoning district at this location will allow for a mixture of residential and commercial uses that are urban in form. Staff finds that, if the property were to be redeveloped, NS-G would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has a high infill score of 8, indicating that the site is prepared to accommodate an increased density in housing or gentle commercial uses. This could support Goals 1 and 6 of City Plan 2040 by making infill and priority and creating an opportunity for development of more housing.

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

Finding:

Staff believes that there is sufficient justification for rezoning the property to NS-G. The compatibility of the request with adjacent properties and the general alignment of the request with the Future Land Use Map and City Plan 2040's goals suggest a rezoning to a district that allows limited development at this location is suitable and justified. Further, given the recent use of the property as a Cancer Support Center, rezoning to NS-G could allow for the continued use of the site for commercial purposes.

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

Finding:

The size of the property and other development limitations, such as parking requirements, building and fire codes, and access, will inherently limit the development potential of the site and thereby reduce the potential for congestion or hazardous traffic conditions. As previously noted, the property is near multiple transit stops and an on-street trail, so there are opportunities to alleviate vehicular traffic congestion and any potential burden increased density might otherwise pose.

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 NS-G has the potential to increase the population density in the neighborhood. However, staff finds that development requirements and the lot's size will limit impacts to those that could occur under the existing zoning district. Specifically, lots in NS-G are required to have a minimum width of 35 feet and a minimum area of 3,000 square feet. The property has roughly 110 feet of frontage and 20,000 square feet of area, which means that it could only be subdivided into three lots. Regardless, a water main extension would likely be needed for any future development. A 12-inch main exists along North Street which should be able to accommodate an increased load.

- 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-2021-000093 to the City Council with a recommendation of approval.

PLANNING COMMISSION A	CTION: Req	uired <u>YES</u>	
Date: <u>February 14, 2022</u>	□ Tabled	□ Forwarded □ Denied     with a recommendation	
Motion: Sparkman		of approval	
Second: Garlock			
Vote: 8-1-0			

## **BUDGET/STAFF IMPACT:**

None

## **Attachments:**

- Unified Development Code:
  - §161.07 RSF-4, Residential Single-family, 4 Units per Acre
     §161.19 Neighborhood Services-General
- 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	

(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.

#### 161.19 NS-G, Neighborhood Services - General

- (A) Purpose. The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.
- (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 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

- (C) Density. Eighteen (18) or less per acre.
- (D) Bulk and Area Regulations.
  - (1) Lot Width Minimum.

All dwellings	35 feet
All other uses	None

#### (2) Lot Area Minimum.

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling
	unit
All other uses	None

#### (E) Setback regulations.

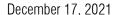
Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to
				a single-family residential
				district

A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining	None	15 feet
		is filed**. The remaining side setback(s) shall be 10 feet.		

(F) Building Height Regulations.

Building Height Maximum	3 stories

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





#### PETITION TO CHANGE ZONING OF 2 ADJACENT LOTS

TO: The Fayetteville City Planning Commission & The Fayetteville City Council

Flintlock Ltd Co on behalf of Washington Regional Medical Center requests that the zoning designation of the following lots (parcels 765-06166-000 and 765-06162-000) be changed from Residential Single-family – 4 units/acre to Neighborhood Services - General:

- 1101 N Woolsey Ave (765-06166-000): All of Lot 9, Block 2 and part of Lot 3 of the Revised Plat of Hammond Addition
- (765-06162-000): Part of Lot 3, Block 2 Revised Plat of Hammond Addition

#### **REASON FOR ZONING CHANGE REQUEST / STATEMENT OF NEED:**

The zoning change request will allow the historic 1926 home that was renovated heavily with many commercial conversions for use as a Cancer Support Center in 1996 to be utilized as professional offices. NS-G is the least intensive zone that would allow this continued use by right. R-O was also discussed as an acceptable option with City Planning Staff, although it is more permissive than NS-G and the existing structure would not meet R-O's required side setbacks.

A restoration of the existing building is planned, but no addition or change to the structure's footprint or site layout is planned. The state historic commission has indicated that the structure may be historically significant enough to be individually listed on the Historic Register, and we intend to complete any restorations in compliance with state and federal historic preservations standards. Re-zoning to a mixed-use zone also allows future flexibility for the structure to be returned to a single-family home, although at this time in the construction market the work that would be required to remove the commercial elements currently in the building would be challenging to complete.

The setting of the structure facing the large surface parking lot of the hospital and adjacent to medical offices across the street, combined with nearly 30 years of use of the building for a commercial purpose make a continued low intensity commercial use appropriate in our opinion and allow for preservation of a historic structure.

#### **IMPACT ON NEIGHBORS & CITY:**

The requested zoning change will minimally impact the surrounding properties in terms of land use, traffic, appearance, and signage. It is not expected to increase traffic danger or congestion as the building has served a commercial function with 24-hour usage for nearly 30 years and no appearance changes are planned. Water and Sewer are available in adequate quantities adjacent to the sites. The proposed zoning is the least intensive change that will allow the building to remain in its long-standing commercial use.

### **CONSISTENT WITH LAND USE PLANS:**

It is our opinion that the proposed zoning change is entirely consistent with both land use planning objectives, principles, and policies and is consistent with the history of the building and neighborhood. The Future Land Use Map

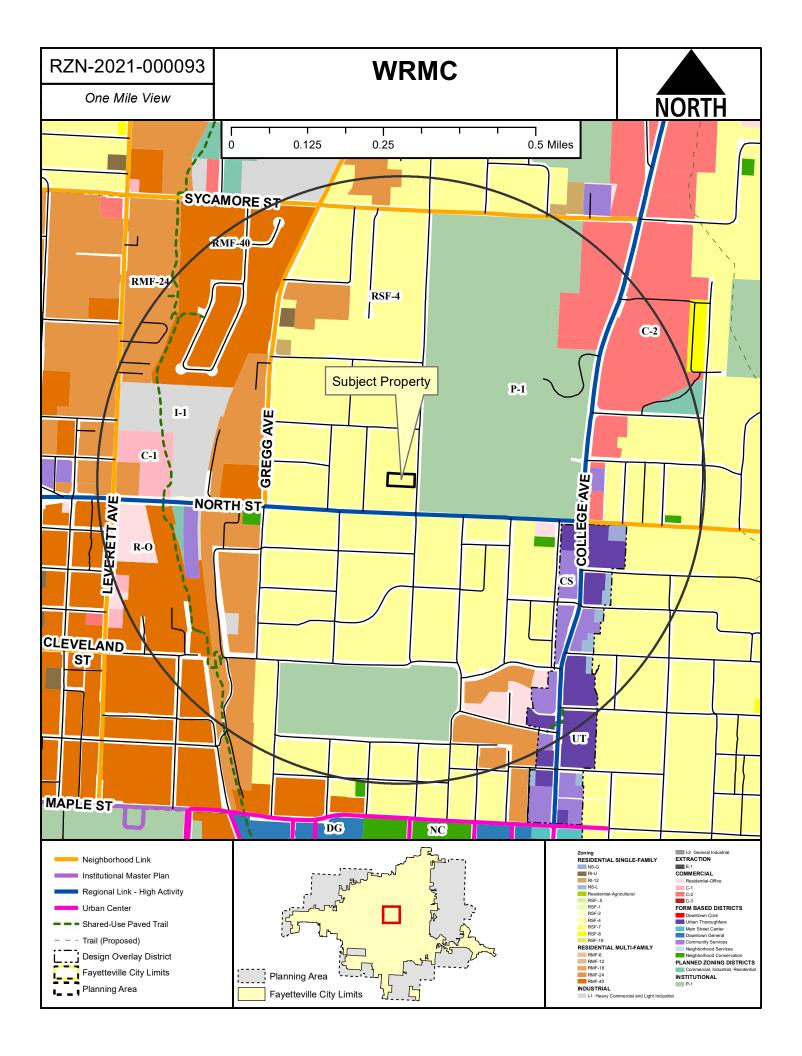
calls out this property specifically as a continued non-residential use, with close access to North St and adjacency to a large Washington County owned property likely to be developed in the long term in a non-residential use. The rezoning will allow the property to be remain a low-intensity commercial use, directly in line with the City's 2040 goal to "make traditional town form the standard: with neighborhoods that include not just houses, but a mix of uses that can adapt over time and allow residents to live, work, and play without relying on vehicles."

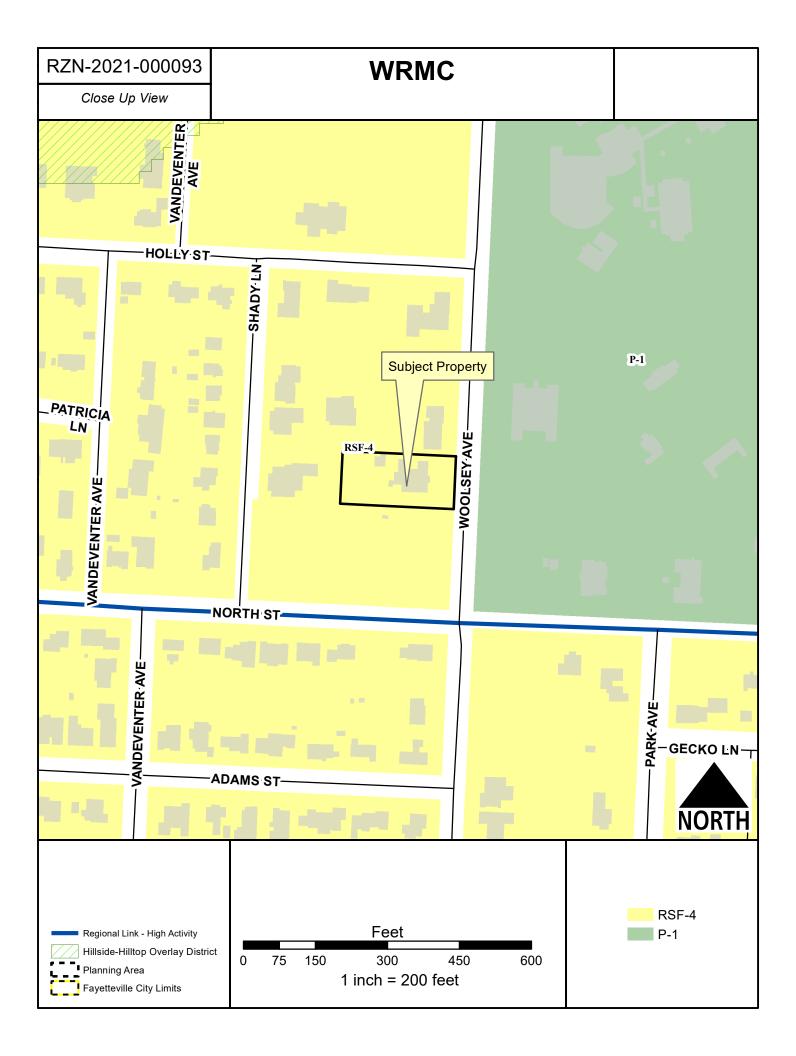
Respectfully, FLINTLOCK LTD CO

Allison Thurmond Quinlan

Secretar Twom Dunda

AIA RLA LEED AP Principal Architect



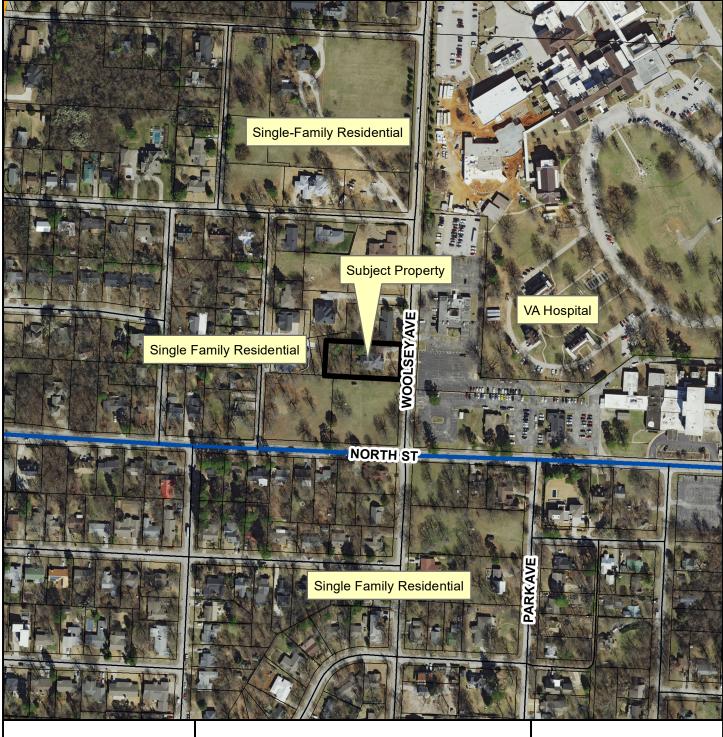


RZN-2021-000093

Current Land Use

## **WRMC**



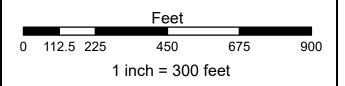


Neighborhood Link

Regional Link - High Activity

Planning Area

Fayetteville City Limits



## **FEMA Flood Hazard Data**

