# City of Fayetteville Staff Review Form

2022-0398

Legistar File ID

5/17/2022

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

Jonathan Curth		4/29/2022	DEVELOPMENT REV	IEW (630)
Submitted By Sul		Submitted Date	Division / Depar	tment
	Actio	on Recommendation:		
RZN-2022-000016: Rezone (2914 W SURVEYORS for property located at SINGLE-FAMILY, 4 UNITS PER ACRE RSF-18, RESIDENTIAL SINGLE-FAMIL	2914 W. R and contai	UTLEDGE LN in Ward 1. The prons approximately 0.41 acres. Th	perty is zoned RSF-4	, RESIDENTIAL
		Budget Impact:		
Account Number	er		Fund	
Project Numbe	r		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	\$	-
Purchase Order Number:		Previous Ordinance	or Resolution #	V20210527
Change Order Number:		Approval Date:		

**Comments:** 

**Original Contract Number:** 



## CITY COUNCIL MEMO

## **MEETING OF MAY 17, 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:** April 29, 2022

SUBJECT: RZN-2022-000016: Rezone (2914 W. RUTLEDGE LN./NICHOLAS CORTER

**LLC, 558):** Submitted by SATTERFIELD LAND SURVEYORS for property located at 2914 W. RUTLEDGE LN in Ward 1. 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-18,

RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE.

#### **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 in west Fayetteville northwest of Rutledge Lane. The property is zoned RSF-4, Residential Single-Family – 4 Units per Acre, contains approximately 0.41 acres, and is currently developed with one single-family dwelling and accessory structures. Washington County records indicate that the house on the property was built in 1977.

Request: The request is to rezone the property from RSF-4, Residential Single-Family – 4 Units per Acre to RSF-18, Residential Single-Family – 18 Units per Acre.

Public Comment: Staff received one inquiry about this request, though no support or opposition was offered.

Land Use Compatibility: The subject property is surrounded by single-family residences to the east, south, and west, and by a private cemetery to the north. The proposed zoning of RSF-18 is compatible with the surrounding land use pattern in the area, which is almost uniformly single-family residential but varying in density and lot size. Some higher density residential zoning districts, including RSF-8 and RMF-24, are present nearby. Staff finds that a rezoning from RSF-4 to RSF-18 on the subject property would allow for compatible land uses while acting as a transition between low-density residential areas to the north and commercial areas to the south. RSF-18 would also introduce smaller lot sizes to the area which, while limited to single-family dwellings, could provide greater variety in housing types and sizes. Staff also finds that while rezoning to RSF-18 would increase the residential density allowance on the property, any future development would be limited by the site's configuration and development requirements.

Land Use Plan Analysis: Staff finds the request to be consistent with the City's adopted land use plans, the Future Land Use Map, and the goals of City Plan 2040. The site is designated as a Residential Neighborhood Area, and those areas are intended to support a wide variety of housing types of appropriate scale and context. In this instance, rezoning from RSF-4 to RSF-18 could introduce new lot and building sizes to this area and could support Goals 1 and 6 of City Plan 2040 by incentivizing infill development and providing opportunities for a wider range of housing types. The property also has a relatively high infill score of which indicates that the area can likely support a moderate increase in single-family housing as would be provided by this request.

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

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Water Main (2.25" main, Rutledge Lane)
- Near Sewer Main (6" main, Rutledge Lane)
- Near Grocery Store (Walmart, Aldi)
- Near City Park (Centennial Park)
- Near Paved Trail (Shiloh Trail)
- Near Razorback Transit (Route 44)

#### **DISCUSSION:**

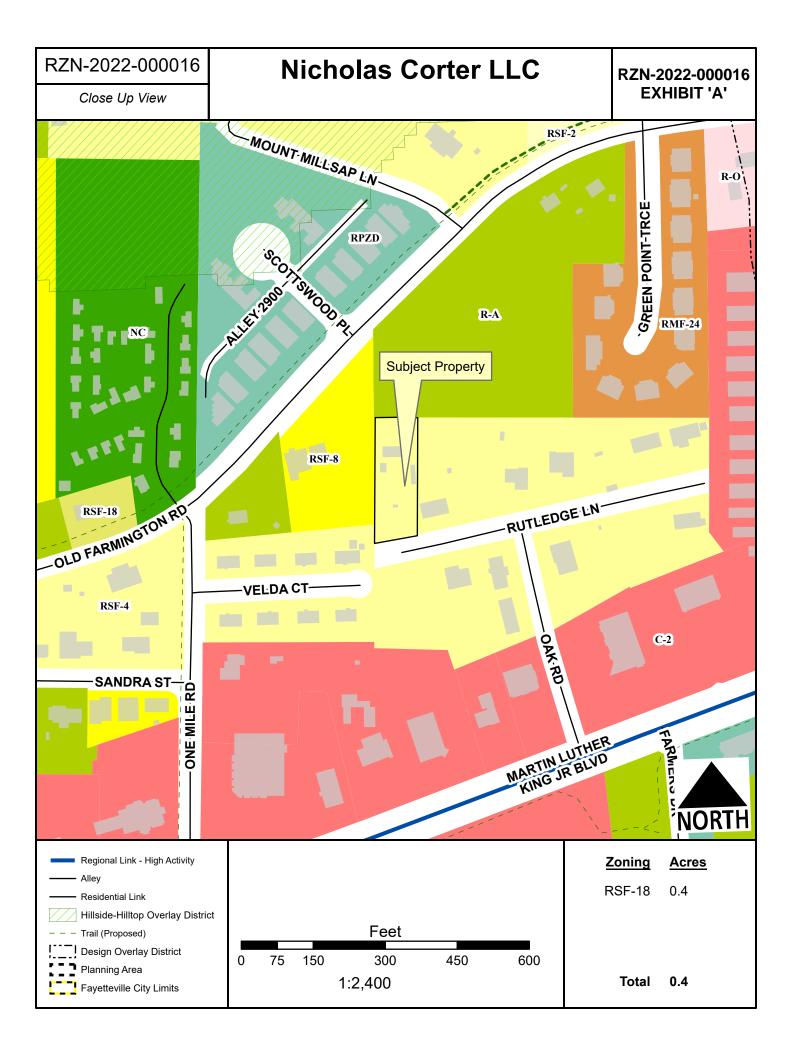
At the April 11, 2022 Planning Commission meeting, the item was tabled to the April 25, 2022 Planning Commission meeting at the request of the applicant. Staff was recommending denial of the applicant's original request to rezone the property to RI-U, Residential Intermediate-Urban, and in the intervening weeks, the applicant amended their request to RSF-18, Residential Single-Family, 18 Units per Acre. At the April 25, 2022 Planning Commission meeting, a vote of 8-1-0 forwarded the request to City Council with a recommendation of approval. Commissioner Winston made the motion and Commissioner Canada seconded. Commissioners discussed whether infill was appropriate along Rutledge Lane, noting that the site has a decent infill score and is in a good location near Martin Luther King Jr. Boulevard. Commissioner Garlock, voting in opposition to the request, expressed concerns about future traffic considerations and difficulties making left-hand turns from Oak Road onto Martin Luther King Jr. Boulevard. No public comment was offered at the meeting.

## **BUDGET/STAFF IMPACT:**

N/A

#### Attachments:

- Exhibit A
- Exhibit B
- Planning Commission Staff Report



## RZN-2022-000016 EXHIBIT 'B'

# **REZONE DESCRIPTION:**

Lot 16 Rutledge Subdivision



## PLANNING COMMISSION MEMO

**TO:** Fayetteville Planning Commission

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

**FROM:** Gretchen Harrison, Planner

**MEETING DATE:** April 25, 2022 (Updated with results from PC hearing)

SUBJECT: RZN-2022-000016: Rezone (2914 W. RUTLEDGE LN./NICHOLAS

**CORTER LLC, 558):** Submitted by SATTERFIELD LAND SURVEYORS for properties located at 2914 W. RUTLEDGE LN. The property contains approximately 0.41 acres and is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE. The request is to rezone the parcel to RSF-

18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE.

#### **RECOMMENDATION:**

Staff recommends forwarding **RZN-2022-000016** to City Council with a recommendation of approval, based on the findings herein.

#### **RECOMMENDED MOTION:**

"I move to forward RZN-2022-000016 to City Council with a recommendation of approval."

## April 11th, 2022 PLANNING COMMISSION MEETING:

On April 11<sup>th</sup>, the item was recommended to be tabled by staff at the request of the applicant until the meeting scheduled for April 25<sup>th</sup>. Staff found the applicant's request for RI-U, Residential Intermediate-Urban to be too intense at this location. In the intervening weeks, the applicant amended their request to rezone the property to RSF-18, Residential Single-Family, 18 Units per Acre.

## **BACKGROUND:**

The subject property is in west Fayetteville northwest of Rutledge Lane. The property is zoned RSF-4, Residential Single-Family – 4 Units per Acre, contains approximately 0.41 acres, and is currently developed with one single-family dwelling and accessory structures. Washington County records indicate that the house on the property was built in 1977. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Tharp Cemetery	R-A. Residential-Agricultural
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; RSF-8, Residential Single-Family, 8 Units per Acre

**Request:** The request is to rezone the property from RSF-4, Residential Single-Family – 4 Units per Acre to RSF-18, Residential Single-Family – 18 Units per Acre. The applicant has not shared

any development plans, though they have expressed an intent to subdivide the property and build single-family dwellings.

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

#### INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

**Streets:** The subject property has 93 feet of frontage along Rutledge Lane. Rutledge Lane

is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at

the time of development proposal.

Water: Public water is available to the subject property. An existing 2.25-inch main is

present along the south side of Rutledge Lane.

**Sewer:** Sanitary sewer is not available to the subject area.

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

compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 990 S. Hollywood Avenue, protects this site. The property is located approximately one mile from the fire station with an anticipated drive time of approximately four minutes using existing streets. The anticipated response time would be approximately 6.2 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.

**Police:** The Police Department offered no comment on this request.

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

a FEMA Floodplain, and no protected streams or hydric soils are present. Any additional improvements or requirements for drainage will be determined at the

time of development.

## **Tree Preservation:**

The proposed zoning district of RSF-18, Residential Single-Family, 18 Units per Acre 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 **Residential Neighborhood Area**.

**Residential Neighborhood Areas** are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. 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, 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 of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **7** for this site with a weighted score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood Ave.)
- Near Water Main (2.25" main, Rutledge Lane)
- Near Sewer Main (6" main, Rutledge Lane)
- Near Grocery Store (Walmart, Aldi)
- Near City Park (Centennial Park)
- Near Paved Trail (Shiloh Trail)
- Near Razorback Transit (Route 44)

#### 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 subject property is surrounded by single-family residences to the east, south, and west, and by a private cemetery to the north. The proposed zoning of RSF-18 is compatible with the surrounding land use pattern in the area, which is almost uniformly single-family residential but varying in density and lot size. Some higher density residential zoning districts, including RSF-8 and RMF-24, are present nearby. Staff finds that a rezoning from RSF-4 to RSF-18 on the subject property would allow for compatible land uses while acting as a transition between low-density residential areas and to the north and commercial areas to the south. RSF-18 would also introduce smaller lot sizes to the area which, while limited to single-family dwellings, could provide greater variety in housing types and sizes. Staff also finds that while rezoning to RSF-18 would increase the residential density allowance on the property, any future development would be limited by the site's configuration and development requirements.

Land Use Plan Analysis: Staff finds the request to be consistent with the City's adopted land use policies, the Future Land Use Map, and the goals of City Plan 2040. The site is designated as a Residential Neighborhood Area, and those areas are intended to support a wide variety of housing types of appropriate scale and context. In this instance, rezoning from RSF-4 to RSF-18 could introduce new lot and building sizes to this area and could support Goals 1 and 6 of City Plan 2040 by incentivizing infill development and providing opportunities for a wider range of housing types. The property also has a relatively high weighted infill score of 8 which indicates that the area can likely support a moderate increase in single-family housing as would be provided by this request.

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

Finding: A rezone from RSF-4 to RSF-18 may be justified in this area given the compatibility of land uses and the property's high infill score and Future Land Use Map designation as a Residential Neighborhood Area.

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

Finding:

Rezoning the property from RSF-4 to RSF-18 has the potential to increase traffic in the area. Under the current zoning, the development potential is limited to a maximum of one unit whereas RSF-18 would allow a maximum of seven. Given the size of the site and its limited access to public infrastructure, staff finds that any future impact would be limited, and the maximum allowance would likely not be feasible on this site given residential parking and tree preservation requirements. Nevertheless, the property is only accessible by Oak Road via Martin Luther King Jr. Boulevard, an intersection that is not signalized. Several automotive crashes have been reported at that intersection, so increasing the population and the number of vehicle trips along Rutledge Lane may negatively impact traffic danger and congestion in the area. However, given the site's proximity to a Razorback Transit bus stop and other neighborhood services, staff does not anticipate rezoning to appreciably increase traffic danger.

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 zoning has the potential to alter the population density and thereby increase the load on public services. Any development of the site, whether under the existing or proposed zoning, would require an extension of the sanitary sewer main along Rutledge Lane. Significantly increasing the number of residential units along Rutledge Lane would also require upgrades to the existing water main and installation of a fire hydrant to accommodate the increased load on City services. The Fayetteville Public School District did not comment on this request.

- 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-2022-000016 to City Council with a recommendation of approval.

PLANNING COMMISSION AC	TION: Required	YES
Date: <u>April 25, 2022</u>	abled S Forward	ed
Motion: Winston	of approv	
Second: Canada		
Vote: 8-1-0		

## **BUDGET/STAFF IMPACT:**

None

#### **Attachments:**

- Unified Development Code:
  - o §161.07 District RSF-4, Residential Single-Family Four (4) Units Per Acre
  - o §161.10 District RSF-18, Residential Single-Family Eighteen (18) Units Per Acre
- Applicant 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,  $\S160.031$ ; Ord. No. 4100,  $\S2$  (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,  $\S1$ , 11-1-16; Ord. No. 5945,  $\S8$ , 1-17-17; Ord. No. 6015,  $\S1$ (Exh. A), 11-21-17; Ord. No. 6245,  $\S2$ , 10-15-19; Ord. No. 6427,  $\S\S1$ (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."

## 161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) Purpose. The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

#### (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.

Units per acre	Eighteen (18) or less
Office per dere	=1g1110011 (10) 01 1000

## (D) Bulk and Area Regulations.

#### (1) Lot Width Minimum.

Single-family	30 feet
Two (2) family	30 feet

#### (2) Lot Area Minimum.

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

## (E) Setback Requirements.

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone	5 feet	A setback of less than five	5 feet
that is located	on both	feet (zero lot line) is	
between the front	sides	permitted on one interior	
property line and		side, provided a	
a line 25 ft. from		maintenance agreement is	
the front property		filed**. The remaining side	
line.		setback(s) shall be 10 feet.	

<sup>\*</sup> A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

### (F) Building Height Regulations.

<sup>\*\*</sup> At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

Building Height Maximum 3 stories	
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- (G) Building Area. The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Minimum Buildable Street Frontage. 50% of the lot width for two-family dwellings.

(Ord. No. 5800, §2(Exh. B), 10-6-15; Ord. No. 5824, §2, 11-17-15; 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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## To whom it may concern:

We are requesting to amend the requested zoning for the following applications.

RZN-2022-000014 RZN-2022-000015 RZN-2022-000016

For RZN-2022-000014, we would like to amend the request from RI-U Zoning to NC. The setbacks and frontage minimum requirements from this zoning will allow the client the maximum buildable area for single-family homes when split.

For RZN-2022-000015 & RZN-2022-000016, we would like to amend the request from RI-U Zoning to RSF-18. The road frontage requirements from this zoning will allow the client the maximum buildable area for single-family homes when split.

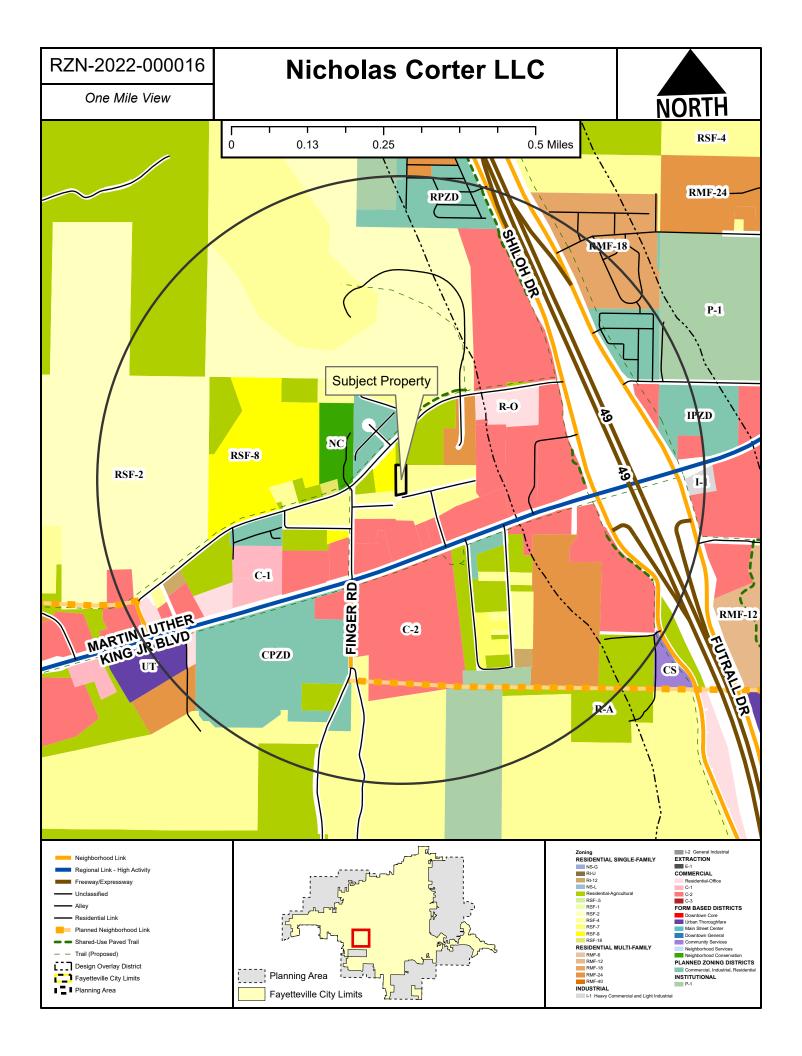
## Statement from client:

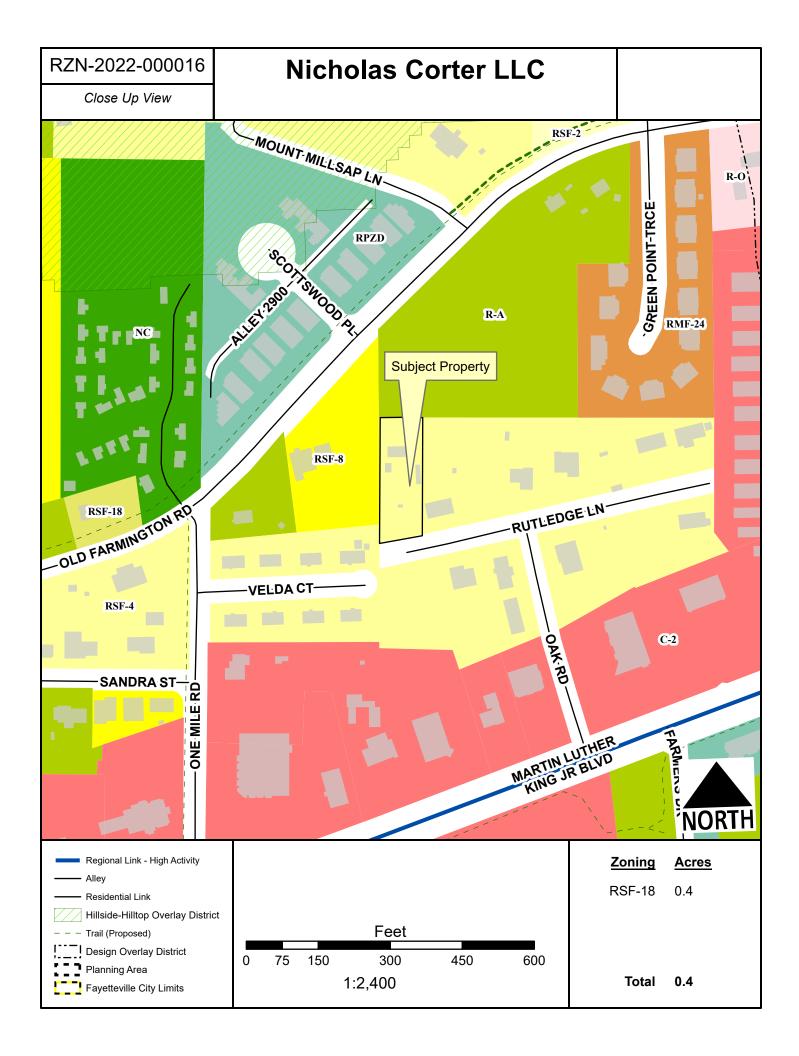
"I am requesting RSF18 on the 2 north lots, and NC on the south. The reason I'm requesting the RSF 18 zoning is for the 30 ft road frontage. These lots are very narrow and I'd like to be able to do some splits on them. This zoning will allow me flexibility to do so accordingly. I'm only interested in building single family homes."

Thank you.

Ricky Hill, PLS

Satterfield Land Surveyors





RZN-2022-000016

Current Land Use

# **Nicholas Corter LLC**



