



MEETING OF APRIL 4, 2023

TO: Mayor Jordan and City Council

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

FROM: Donna Wonsower, Planner

DATE:

SUBJECT: **RZN-2023-0005: Rezoning (514 S WILLOW AVE./ COLLINS, 524): Submitted by ADAMS COLLINS for property located at 514 S. WILLOW AVE in WARD 1. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.25 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.**

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 south Fayetteville, roughly 150 feet north of the intersection of E. Martin Luther King Jr Blvd. and S. Willow Ave. The property is zoned NC, Neighborhood Conservation, totals approximately 0.25 acres, and is developed with a 720-square foot single-family structure, an existing non-conforming garage partially located on the adjacent property to the north, and an existing non-conforming shed partially located on the property to the east. No zoning overlays or special regulations apply to the site; however, it is within the Walker Park Neighborhood master plan area. The site is characterized by hydric soils along the western half and slopes over 15% across a portion of the rear yard.

Request: The request is to rezone the property from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has not received any public comment on the proposed rezoning.

Land Use Compatibility: Staff finds the request to be compatible with the surrounding context. Residential uses and densities located near the subject property vary substantially. Neighboring properties are of a variety of sizes but generally follow a typical lot and block development pattern. The existing and proposed zoning districts have similar allowable uses, though RI-U has more uses allowed by right. Both the existing and proposed zoning designations are residential districts with urban form setbacks that are congruent with the existing pattern in the neighborhood. Since the subject property contains roughly 0.2 acres, a maximum of two units are permitted under current entitlements, where rezoning to RI-U would remove the density limitation. That said, any future development would be subject to, and limited by, minimum parking requirements, tree

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113 W. Mountain Street
Fayetteville, AR 72701

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preservation, drainage, and access management standards. NC zoning allows two-family, three and four family, and cluster housing developments by conditional use where they are allowed by-right in RI-U. Rezoning to RI-U would reduce side and rear setbacks for non-single and two-family dwelling uses, increasing the buildable area on site. RI-U requires an 18-foot lot width minimum and no lot area minimum for residential uses. Conversely, both NC and RI-U include up to a three-story height limit.

Land Use Plan Analysis: Staff finds the proposal is consistent with the goals in City Plan 2040 and the future land use designation for this location. Rezoning from NC to RI-U serves to contribute towards City Plan 2040 Goals #1- Appropriate Infill, #4- Growing a Livable Transportation Network, and #6- Create Opportunities for Attainable Housing. The site scores moderately on the Infill Scoring Matrix (see below). Because of the flexible zoning regulations associated with the RI-U district, rezoning may allow for redevelopment or added density near these services. The Future Land Use Map designates the site as a Residential Neighborhood Area – a designation which supports a wide variety of housing types of appropriate scale and context, including single-family, duplexes, rowhouses, multifamily and accessory dwelling units. NC allows only single-family or accessory dwellings by right, while RI-U is more consistent with future land use plan designation in allowing a wider variety. Increasing density is likely best facilitated on a site of this size due to the generous regulations in RI-U zoning and is justified given the property’s proximity to adjacent public, commercial and other non-residential uses.

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 #1, 303 W. Center St.)
- Near Sewer Main (6” sewer main, S. Willow Av)
- Near Water Main (6” water main, S. Willow Ave.)
- Near City Park (Jefferson Park, Walker Park, Ralph “Buddy” Hayes Park)
- Near Paved Trail (E. Martin Luther King Jr. Blvd. Side Path Trail)
- Near ORT Bus Stop (Route 20)
- Within Master Plan Area (Walker Park Neighborhood)

DISCUSSION:

At the March 13, 2023 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Holcomb made the motion and Commissioner Brink seconded. Commissioner Madden expressed concern over whether the increasing number of rezoning requests within the Walker Park Neighborhood Plan area indicate a need to approach the neighborhood holistically rather than as individual zoning requests. The Commission acknowledged the age of the plan and the possibility of further discussion with long-range planning. Commissioners in favor of the rezoning found RI-U to be compatible with the existing NC zoning district and to allow for additional infill development. Commissioners noted the narrowness of the lot and the difficulty of splitting the parcel under current zoning, and staff confirmed that due to the small size of the lot and density constraints, only two units would be allowed in the existing NC zoning district even if a conditional use permit was granted for three- or four-family dwelling units. The Commission did not find the rezoning request to be an example of spot zoning. No members of the public spoke during the meeting.

BUDGET/STAFF IMPACT:

NA

ATTACHMENTS: SRF, Exhibit A, Exhibit B, Planning Commission Staff Report , Legal Memo- Spot Zoning

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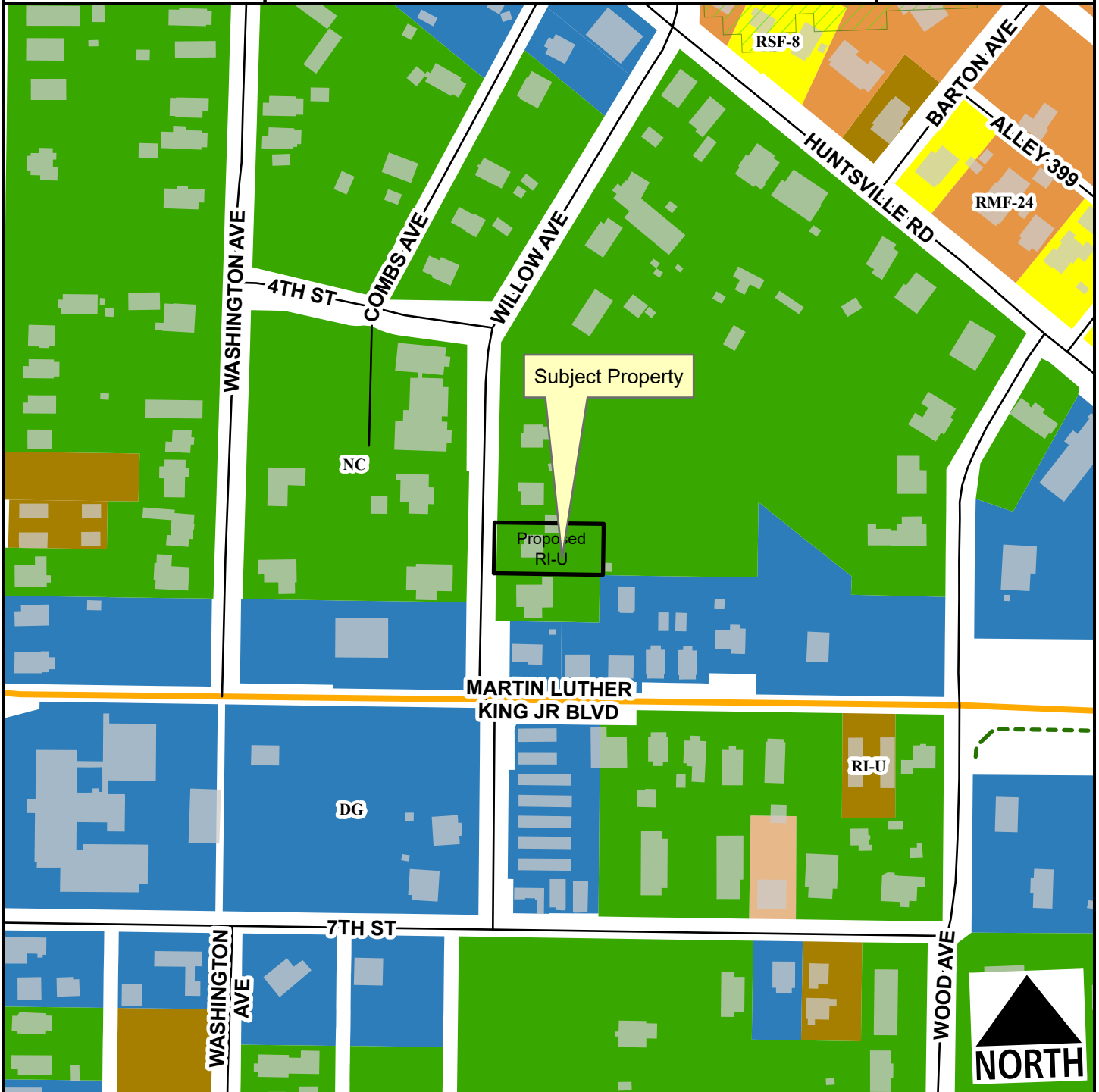
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

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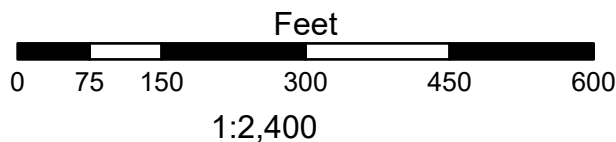
514 S. WILLOW AVE

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EXHIBIT "A"

Close Up View



-  Neighborhood Link
-  Urban Center
-  Unclassified
-  Alley
-  Residential Link
-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
NC	0.2	0.0
RI-U	0.0	0.2
Total		0.2 ac