

CITY COUNCIL MEMO

2023-871

MEETING OF JULY 18, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

Jonathan Curth, Development Services Director Jessica Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

DATE:

SUBJECT: RZN-2023-0015: Rezoning (1009 S. HAPPY HOLLOW RD./BURLESON-MCCLURE,

565): Submitted by SMITH AND ASSOCIATES for property located at 1009 S. HAPPY HOLLOW RD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The

request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 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 south Fayetteville on the west side of Happy Hollow Road, about 400 feet south of the street's intersection with Huntsville Road. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre; totals approximately 0.30 acres; and is currently developed with a single-family dwelling which Washington County records indicate was built in 1926.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RMF-24, Residential Multi-Family, 24 Units per Acre. The applicant has stated that this rezoning is being requested to coincide with the surrounding neighborhood and allow for higher-density residential infill.

Public Comment: Staff received no public comment on this item.

Land Use Compatibility: Staff finds that a rezoning from RSF-4 to RMF-24 would allow for residential development that is generally compatible with other properties nearby. Both existing and proposed zoning designations restrict by-right development to residential uses, though RSF-4 only allows for single-family development at a density of four units per acre while RMF-24 allows for both single- and multi-family development at a density of 24 units per acre. Further, where RSF-4 has conventional building setbacks, RMF-24 would require urban form setbacks with a build-to zone between zero and 25 feet from the front property line. In terms of bulk and area regulations, a rezoning from RSF-4 to RMF-24 would reduce the minimum lot width from 70 to 35 feet for single-family homes and reduce the minimum lot area from 8,000 to 3,000 square feet. Other land uses permitted in RMF-24 zoning would have different bulk and area requirements, as outlined

Mailing address:

in UDC §161.16. Most other residential properties in the vicinity are developed with multi-family dwellings and zoned RMF-24, with staff accordingly finding the request to be directly compatible with the existing development pattern in the area.

Land Use Plan Analysis: Staff finds the proposed rezoning to be generally consistent with the City's land use planning objectives, principles, and policies. RMF-24 would allow for development that could complement the existing development pattern in the area as well as the subject property's Future Land Use Map designation as City Neighborhood area. Rezoning would also have the potential to support Goal 1 of City Plan 2040 by creating an opportunity for moderate residential infill.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a rating of <u>6</u> for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (12-inch main, Happy Hollow Road; eight-inch main, Fairlane Street)
- Near Water Main (12-inch main, Happy Hollow Road; eight-inch main, Fairlane Street)
- Near City Park (Doc Mashburn Park)
- Near Ozark Transit Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:

At the June 26, 2023 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Payne made the motion and Commissioner Winston seconded it. Commissioners found the requested rezoning to be appropriate and offered little comment on the item. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF, Exhibit A, Exhibit B, Planning Commission Staff Report



City of Fayetteville, Arkansas

113 West Mountain Street Fayetteville, AR 72701 (479) 575-8323

Legislation Text

File #: 2023-871

RZN-2023-0015: Rezoning (1009 S. HAPPY HOLLOW RD./BURLESON-MCCLURE, 565): Submitted by SMITH AND ASSOCIATES for property located at 1009 S. HAPPY HOLLOW RD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-015 LOCATED AT 1009 SOUTH HAPPY HOLLOW ROAD IN WARD 1 FOR APPROXIMATELY 0.30 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

<u>Section 1</u>: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RSF-4, Residential Single-Family, 4 Units Per Acre to RMF-24, Residential Multi-Family, 24 Units Per Acre.

<u>Section 2</u>: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023 (updated with results)

SUBJECT: RZN-2023-0015: Rezoning (1009 S. HAPPY HOLLOW RD./BURLESON-

MCCLURE, 565): Submitted by SMITH AND ASSOCIATES for property located at 1009 S. HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-

24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2023-0015** to City Council with a recommendation of approval based on the findings herein.

RECOMMENDED MOTION:

"I move to forward RZN-2023-0015 to City Council with a recommendation of approval."

BACKGROUND:

The subject property is in south Fayetteville on the west side of Happy Hollow Road, about 400 feet south of the street's intersection with Huntsville Road. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre; totals approximately 0.30 acres; and is currently developed with a single-family dwelling which Washington County records indicate was built in 1926. Surrounding land uses and zoning are listed in *Table 1*.

Table 1: Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Funeral Home	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Fire Station	P-1, Institutional
West	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RMF-24, Residential Multi-Family, 24 Units per Acre. The applicant has stated that this rezoning is being requested to coincide with the surrounding neighborhood and allow for higher-density residential infill.

Public Comment: To date, staff has received no public comment on this item.

INFRASTRUCTURE:

Streets:

The subject property has frontage along Happy Hollow Road, which is a fully-improved Regional Link – High Activity street with asphalt paving, curb, gutter, and sidewalk. The subject property also has frontage along Fairlane Street, which is a fully-improved Residential Link street with asphalt paving, curb, gutter, and sidewalk. Any street improvements required in this area would be determined at the time of development proposal.

Water:

Public water is available to the subject property. An existing 12-inch water main is present on the east side of Happy Hollow Road and an existing eight-inch water main is present on the north side of Fairlane Street.

Sewer:

Sanitary sewer is available to the subject property. An existing 12-inch sewer main is present in the center of Happy Hollow Road. An existing eight-inch sewer main is also present on the north side of Fairlane Street.

Drainage:

No portion of the subject property lies within the Hillside-Hilltop Overlay District or a FEMA-designated floodplain and no protected streams present. Hydric soils are present on the property, though, which are known indicators of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. Any improvements or requirements for drainage will be determined at the time of development submittal as well.

Fire:

Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 85 feet from the fire station with an anticipated drive time of approximately one minute using existing streets. The anticipated response time would be approximately 3.2 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 comment on this request.

Tree Preservation:

The proposed zoning district of RMF-24, Residential Multi-Family, 24 Units per Acre, requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, Four 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 **City Neighborhood**.

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 nonresidential 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 PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of $\underline{7}$ for this site with a weighted score of $\underline{8}$. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (12-inch main, Happy Hollow Road; eight-inch main, Fairlane Street)
- Near Water Main (12-inch main, Happy Hollow Road; eight-inch main, Fairlane Street)
- Near City Park (Doc Mashburn Park)
- Near Paved Trail (Happy Hollow Road)
- Near Ozark Transit Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood)

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: Staff finds that a rezoning from RSF-4 to RMF-24 would allow for residential development that is generally compatible with other properties nearby. Both existing and proposed zoning designations restrict by-right development to residential uses, though RSF-4 only allows for single-family development at a density of four units per acre while RMF-24 allows for both single- and multi-family development at a density of 24 units per acre. Further, where RSF-4 has conventional building setbacks, RMF-24 would require urban form setbacks with a build-to zone between zero and 25 feet from the front property line. In terms of bulk and area regulations, a rezoning from RSF-4 to RMF-24 would reduce the minimum lot width from 70 to 35 feet for single-family homes and reduce the minimum lot area from 8,000 to 3,000 square feet. Other land uses permitted in RMF-24 zoning would have different bulk and area requirements, as outlined in UDC §161.16. Most other residential properties in the vicinity are currently developed with multi-family dwellings and zoned RMF-24, so staff finds that the requested rezoning would be directly compatible with the existing development pattern in the area.

Land Use Plan Analysis: Staff finds the proposed rezoning to be generally consistent with the City's land use planning objectives, principles, and policies. RMF-24 would allow for development that could complement the existing development pattern in the area as well as the subject property's

Future Land Use Map designation as City Neighborhood area. Rezoning would also have the potential to support Goal 1 of City Plan 2040 by creating an opportunity for moderate residential infill.

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

Finding:

Staff finds that a rezoning from RSF-4 to RMF-24 is justified and needed at this time. A rezoning to RMF-24 would complement the existing development and zoning pattern in the area, while remaining aligned with the City's future land use plans and goals.

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

Finding:

Staff finds that rezoning the property to RMF-24 has the potential to increase traffic along Happy Hollow Road and Fairlane Street. However, the size of the property and any applicable development requirements should naturally limit the scale of any future development, thus limiting adverse impacts on traffic danger and congestion. Any necessary street or traffic improvements would be determined at the time of development review.

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 from RSF-4 to RMF-24 has the potential to alter the population density since it would increase the maximum number of residential units permitted on site from one to seven. However, staff finds that this would not undesirably increase the load on public services since the property is close to public amenities and existing water and sewer infrastructure. Fayetteville Public Schools 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-2023-0015 to City Council with a recommendation of approval.

PLANNING COMMISSION	N ACTION:	Required	YES	
Date: <u>June 26, 2023</u>	☐ Tabled	_	orwarded vith a recommendation	□ Denied
Motion: Payne			f approval	
Second: Winston				
Vote: 8-0-0				

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

• Unified Development Code:

- o §161.07 District RSF-4, Residential Single-Family Four (4) Units Per Acre
- §161.16 District RMF-24, Residential Multi-Family Twenty-Four (24) 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

(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.

 $\begin{array}{l} (\text{Code } 1991, \S 160.031; \text{ Ord. No. } 4100, \S 2 \text{ (Ex. A), } 6\text{-}16\text{-}98; \text{ Ord. No. } 4178, 8\text{-}31\text{-}99; \text{ Ord. No. } 4858, 4\text{-}18\text{-}06; \text{ Ord. No. } 5028, 6\text{-}19\text{-}07; \text{ Ord. No. } 5128, 4\text{-}15\text{-}08; \text{ Ord. No. } 5224, 3\text{-}3\text{-}09; \text{ Ord. No. } 5312, 4\text{-}20\text{-}10; \text{ Ord. No. } 5462, 12\text{-}6\text{-}11; \text{ Ord. No. } 5921, \S 1, 11\text{-}1\text{-}16; \text{ Ord. No. } 5945, \S 8, 1\text{-}17\text{-}17; \text{ Ord. No. } 6015, \S 1(\text{Exh. A}), 11\text{-}21\text{-}17; \text{ Ord. No. } 6245, \S 2, 10\text{-}15\text{-}19; \text{ Ord. No. } 6427, \S 31(\text{Exh. C}), 2, 4\text{-}20\text{-}21) \end{array}$

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(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
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 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	24 or less

(D) Bulk and Area Regulations.

(1) Lot Width Minimum.

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three or more	70 feet
Professional offices	100 feet

(2) Lot Area Minimum.

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) Land Area Per Dwelling Unit.

Manufactured Home	3,000 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	2 stories/3 stories/5 stories*
-------------------------	--------------------------------

* 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 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.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; 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; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6625, §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

Written Description of 1009 S Happy Hollow Rd RMF-24 Rezone per the city of Fayetteville Request Rezoning Application

A. Current ownership information and any proposed or pending property sales

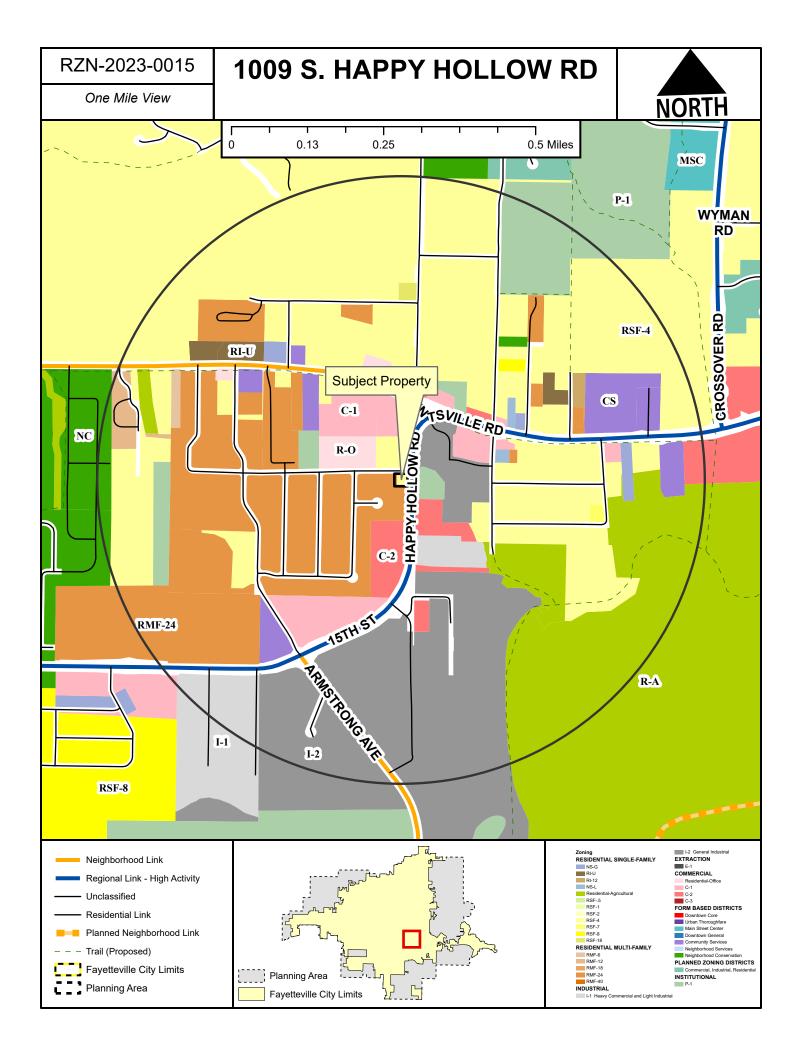
The subject property is owned by Pam Burleson and Samantha McClure, the property is currently for sale.

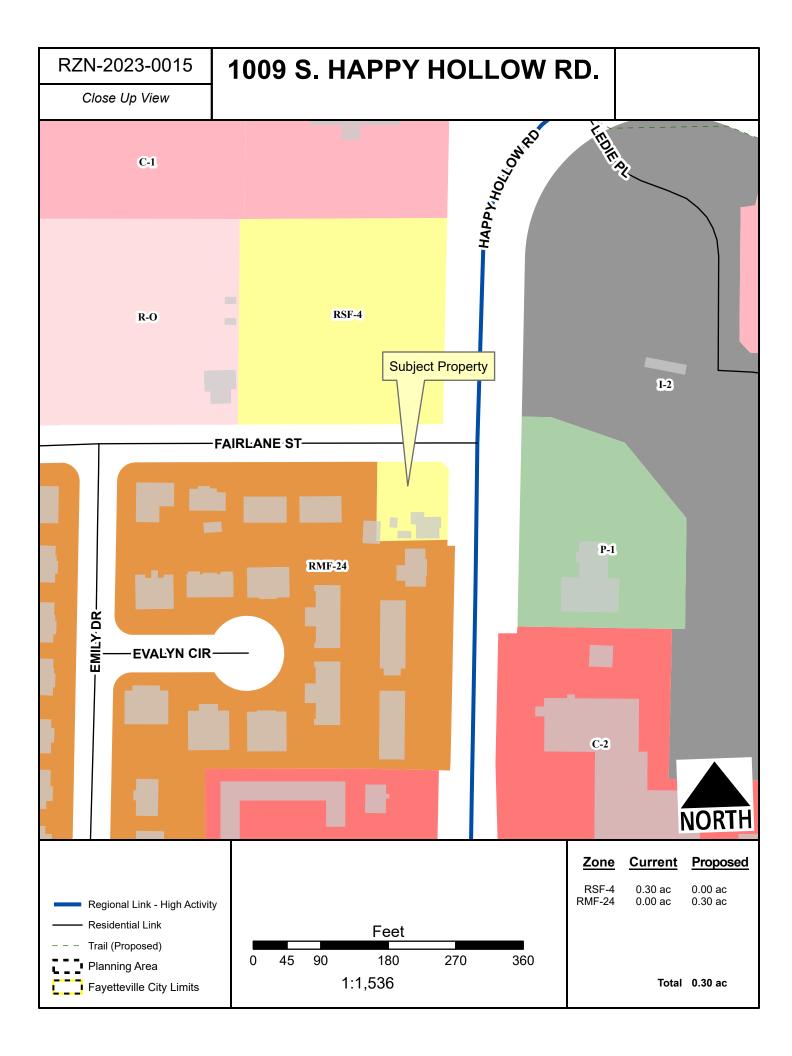
B. Reason for requesting the zoning change

The reason for the rezoning request is for the subject property to coincide with the surrounding neighborhood and allow for higher residential density.

C. How would the proposed rezoning relate to the surrounding properties

Proposed rezoning would coincide with the surrounding properties





RZN-2023-0015

Current Land Use

1009 S. HAPPY HOLLOW RD

NORTH





