



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-1826

RZN-2024-0005: Rezoning (1510 W. MARKHAM RD./L&F CONSTRUCTION, 482): Submitted by L&F CONSTRUCTION for property located at 1510 W. MARKHAM RD. in WARD 4. 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 RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0005 FOR APPROXIMATELY 0.30 ACRES LOCATED AT 1510 W. MARKHAM ROAD IN WARD 4 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

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

Section 1: 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, Four Units Per Acre to RI-U, Residential Intermediate-Urban.

Section 2: 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.



MEETING OF APRIL 2, 2024

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

SUBJECT: **RZN-2024-0005: Rezoning (1510 W. MARKHAM RD./L&F CONSTRUCTION, 482): Submitted by L&F CONSTRUCTION for property located at 1510 W. MARKHAM RD. in WARD 4. 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 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 located west of the University of Arkansas main campus at the northeast corner of Markham Road and Hornsby Drive. The property contains one parcel totaling 0.30 acres which is currently zoned RSF-4, Residential Single-Family – Four Units per Acre, and developed with a single-family dwelling which Washington County records indicate was built in 1906.

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family – Four Units per Acre to RI-U, Residential Intermediate-Urban.

Public Comment: To date, staff has received no public comment regarding this request.

Land Use Compatibility: Staff finds the requested rezoning to be somewhat compatible with the surrounding area. The subject property is surrounded by properties that are developed with single-family residences or owned by the University of Arkansas, or both. A rezoning to RI-U would allow for the by-right development of single-family to four-family dwellings without limitation to density. Cluster housing developments are also permitted by right in RI-U zoning where they are a conditional use in RSF-4. While staff acknowledges that density limited only by development standards may allow for development that is out of character with the surrounding area, staff finds that an increase in density and a wider range of housing types is appropriate at this location. The property is situated near the University of Arkansas main campus and in proximity to public trails and bus stops, and it is a relatively small lot containing only about 0.30 acres. Given the limited size of the lot and the City's tree preservation, parking, and drainage requirements, staff finds that any future development on the property is likely to be limited. Both RI-U and RSF-4 have a stated building height maximum of three stories, though RI-U allows for smaller lots and larger building areas.

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113 W. Mountain Street
Fayetteville, AR 72701

www.fayetteville-ar.gov

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood Area. A rezoning from RSF-4 to RI-U could support goals 1, 4, and 6 in City Plan 2040 by providing an opportunity for residential infill near bus stops and trails. Increased density and diversity in housing types also directly aligns with the intent of Residential Neighborhood areas as outlined in the City Plan 2040 Future Land Use Map.

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 2, 708 N. Garland Ave.)
- Near Sewer Main (six-inch mains, Markham Road and Hornsby Drive)
- Near Water Main (six-inch and 12-inch mains, Markham Road and Hornsby Drive)
- Near U of A Campus
- Near City Park (Hotz Park)
- Near Paved Trail (Side-Path Trail, Razorback Road)
- Near Razorback Bus Stop (Route 48)

DISCUSSION:

At the March 11, 2024, Planning Commission meeting, a vote of 8-1-0 forwarded this request to City Council with a recommendation of approval. Commissioner Brink made the motion and Commissioner Madden seconded it. Commissioner Garlock voted against the requested rezoning since he found it to be incompatible with the surrounding area. He also expressed concerns about the University of Arkansas causing a greater demand for housing in this area. Other commissioners offered little comment on the item. No members of the public spoke at the meeting.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Planning Commission Staff Report (#6)

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: March 11, 2024 (updated with results)

SUBJECT: **RZN-2024-0005: Rezoning (1510 W. MARKHAM RD./L&F CONSTRUCTION, 482):** Submitted by L&F CONSTRUCTION for property located at 1510 W. MARKHAM 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 RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0005** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*“I move to forward **RZN-2024-0005** to City Council with a recommendation of approval.”*

BACKGROUND:

The subject property is located west of the University of Arkansas main campus at the northeast corner of Markham Road and Hornsby Drive. The property contains one parcel totaling 0.30 acres which is currently zoned RSF-4, Residential Single-Family – Four Units per Acre, and developed with a single-family dwelling which Washington County records indicate was built in 1906. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Undeveloped	RSF-8, Residential Single-Family - Eight Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family - Four Units per Acre
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	RSF-4, Residential Single-Family - Four Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family – Four Units per Acre to RI-U, Residential Intermediate-Urban.

Public Comment: To date, staff has received no public comment regarding this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject property has frontage along Markham Road, a partially improved Residential Link Street with asphalt paving, sidewalk along the south side of the street, and curb and gutter. The property also has frontage along Hornsby Drive,

a partially improved Residential Link Street with asphalt paving, sidewalk along the east side of the street, and curb and gutter. 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 six-inch water main is present on the north side of Markham Road. An existing 12-inch main is also present on the west side of Hornsby Drive.

Sewer: Sanitary sewer is available to the subject property. An existing six-inch sewer main is present on the south side of Markham Road and on the east side of Hornsby Drive.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District or a FEMA-designated floodplain and no hydric soils or protected streams are present on site. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 2, located at 708 N. Garland Ave., protects this site. The property is located approximately one mile 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 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, RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family – Four Units per Acre, requires **25% minimum canopy preservation**.

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

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 7 for this site with a weighted score of 8. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, 708 N. Garland Ave.)
- Near Sewer Main (six-inch mains, Markham Road and Hornsby Drive)
- Near Water Main (six-inch and 12-inch mains, Markham Road and Hornsby Drive)

- Near U of A Campus
- Near City Park (Hotz Park)
- Near Paved Trail (Side-Path Trail, Razorback Road)
- Near Razorback Bus Stop (Route 48)

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 the requested rezoning to be somewhat compatible with the surrounding area. The subject property is surrounded by properties that are developed with single-family residences or owned by the University of Arkansas, or both. A rezoning to RI-U would allow for the by-right development of single-family to four-family dwellings without limitation to density. Cluster housing developments are also permitted by right in RI-U zoning where they are a conditional use in RSF-4. While staff acknowledges that the unlimited density allowance associated with RI-U zoning may allow for development that is out of character with the surrounding area, staff finds that an increase in density and a wider range of housing types is appropriate at this location. The property is situated near the University of Arkansas main campus and in close proximity to public trails and bus stops, and it is a relatively small lot containing only about 0.30 acres. Given the limited size of the lot and the City's tree preservation, parking, and drainage requirements, staff finds that any future development on the property is likely to be limited. Both RI-U and RSF-4 have a stated building height maximum of three stories though RI-U allows for smaller lots and larger building areas.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood area. A rezoning from RSF-4 to RI-U could support goals 1, 4, and 6 in City Plan 2040 by providing an opportunity for residential infill near bus stops and trails. Increased density and diversity in housing types also directly aligns with the intent of Residential Neighborhood areas as outlined in the City Plan 2040 Future Land Use Map.

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 to rezone the property from RSF-4 to RI-U since the proposed rezoning would be consistent with the property's future land use designation and support several goals of City Plan 2040.

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

Finding: A rezoning from RSF-4 to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for development that is

greater in density than the existing RSF-4 zoning. However, staff finds that any impacts associated with future development are likely to be limited since the subject property is relatively small and has frontage along two Residential Link streets. Staff also finds that increased traffic danger and congestion could be offset by the property's proximity to a public trail and Razorback Transit bus stop.

- 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 has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets, water, and sewer, and any necessary improvements would be determined at the time of development. 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-2024-0005 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>March 11, 2024</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Brink		with a recommendation of approval	
Second: Madden			
Vote: 8-1-0			

BUDGET/STAFF IMPACT:
None

- ATTACHMENTS:**
- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre

- §161.12 District RI-U, Residential Intermediate – Urban
- 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.

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) 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 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

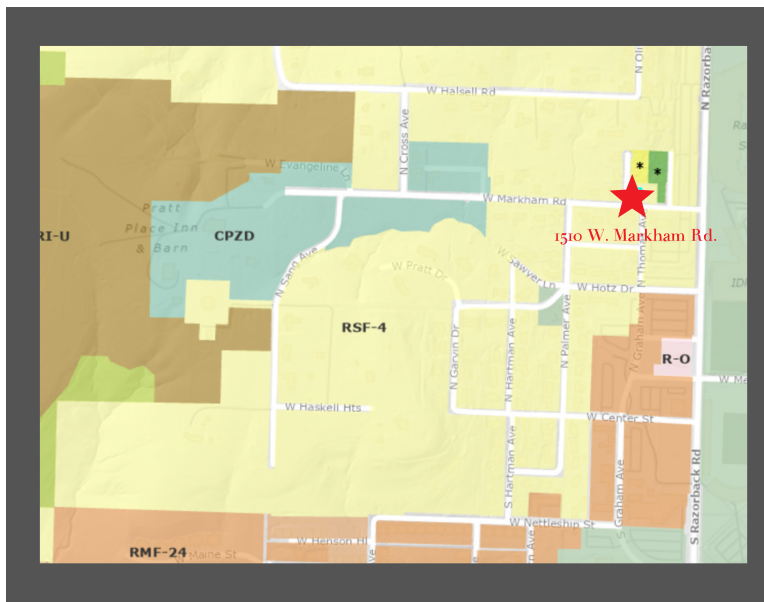
(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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* 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. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(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.



1510 W. MARKHAM ROAD IN FAYETTEVILLE (Parcel ID 765-06439-000)

According to the City of Fayetteville [GIS map](#), 1510 W. Markham Road in Fayetteville (the Subject Property) is Lot 1 in the Hornsby Addition, it's currently zoned RSF-4 and it's 1/3 of an acre in size. The two lots north of the subject property are currently zoned RSF-8 and are two of five adjacent lots owned by the University for future expansion. There is a new development at the end of Markham Road to the west, Markham Hill Residential. It appears a significant portion of this area has already been rezoned to CPZD and RI-U. More immediately to the east of the subject property you'll find an upscale, three-story home at the intersection of Markham and Game Day View.

The City of Fayetteville recently released "The Fayetteville Housing Report" on October 31, 2023. According to the [Presentation Series Outline](#) that was posted online the city reported:

1. "Fayetteville needs about 1,000 new units of housing annually to keep pace with projected population growth."
2. "From 2019-2022 Fayetteville fell approximately 1,480 housing units short of demand."
3. "If all new housing units needed for projected population growth were built as RSF-4, it would require nearly 7,000 acres of land or 11 square miles and more than 156 miles of streets, water, and sewer."
4. They need to "ensure that ultimate zoning strategy accommodates residential and mixed-use development... and increases development density..."

In an effort to gently increase density and provide more housing for the residents of Fayetteville, we are asking the City to rezone 1510 W. Markham Road to RI-U to allow for 4 townhomes, each with an ADU, to be built on the third of an acre lot. This rezoning would be in line with the City's goals to increase development density to allow for more housing to keep pace with population growth.

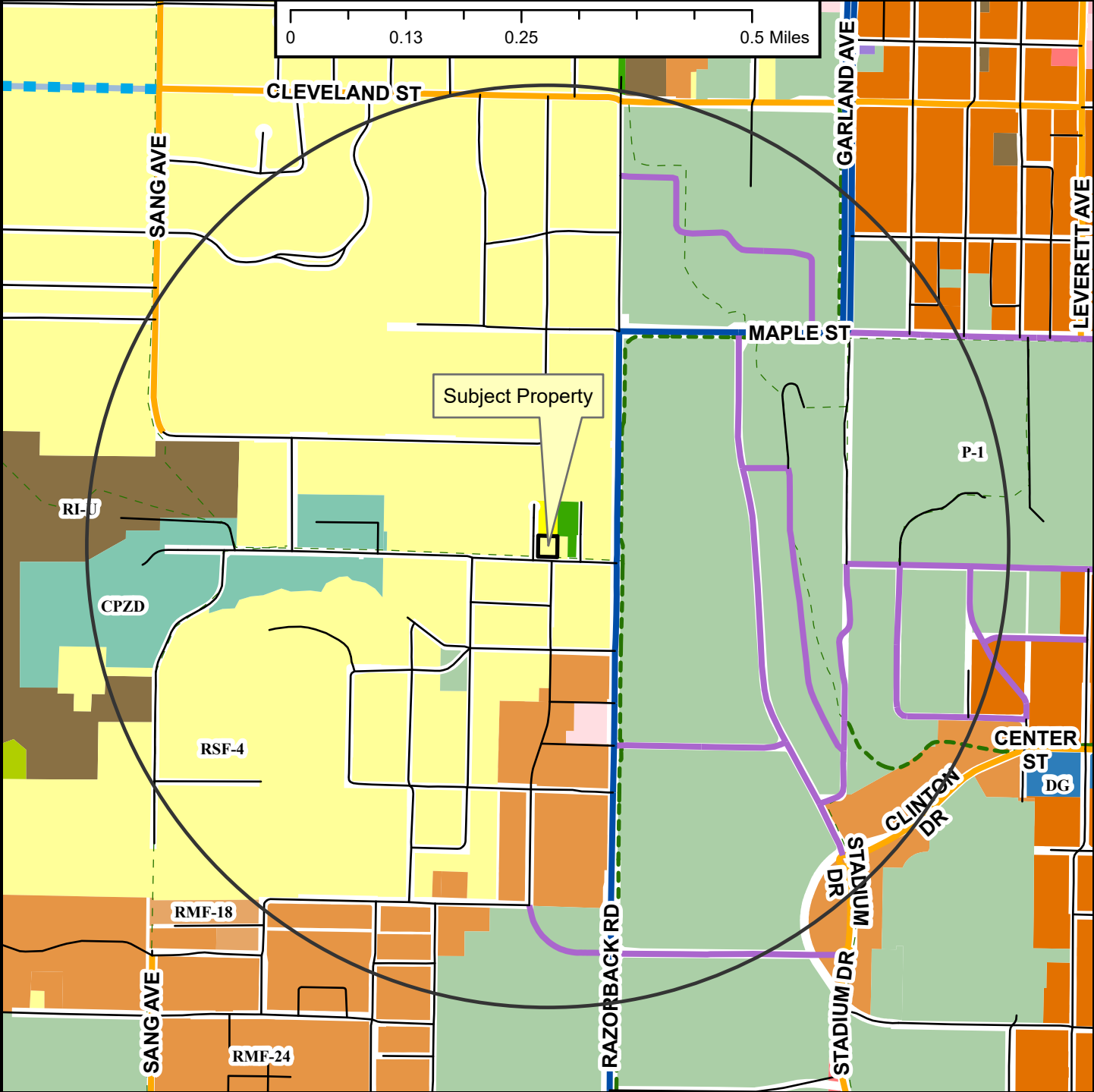
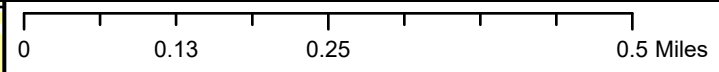
According to the [City website](#), Residential Intermediate - Urban (RI-U) is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living. This is exactly what we want to do with the land at 1510 W. Markham Road. Currently there is a house in disrepair on the property, which adversely affects the neighboring properties. Changing the zoning to allow for gentle density (four townhomes with accessory dwelling units) would positively affect the neighboring properties and their property values.

The addition of these proposed four new townhomes in-between the University of Arkansas campus and Markham Hill residential is poised to blend seamlessly with the existing landscape. Through thoughtful design and adherence to City regulations, the new construction will enhance the area's appeal without imposing on the tranquility of neighboring homes. With careful consideration, the townhomes promise to seamlessly integrate a sense of community and neighborhood cohesion.

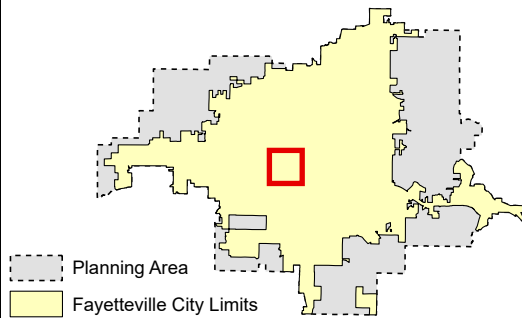
RZN-2024-0005

1510 W. MARKHAM RD

One Mile View



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

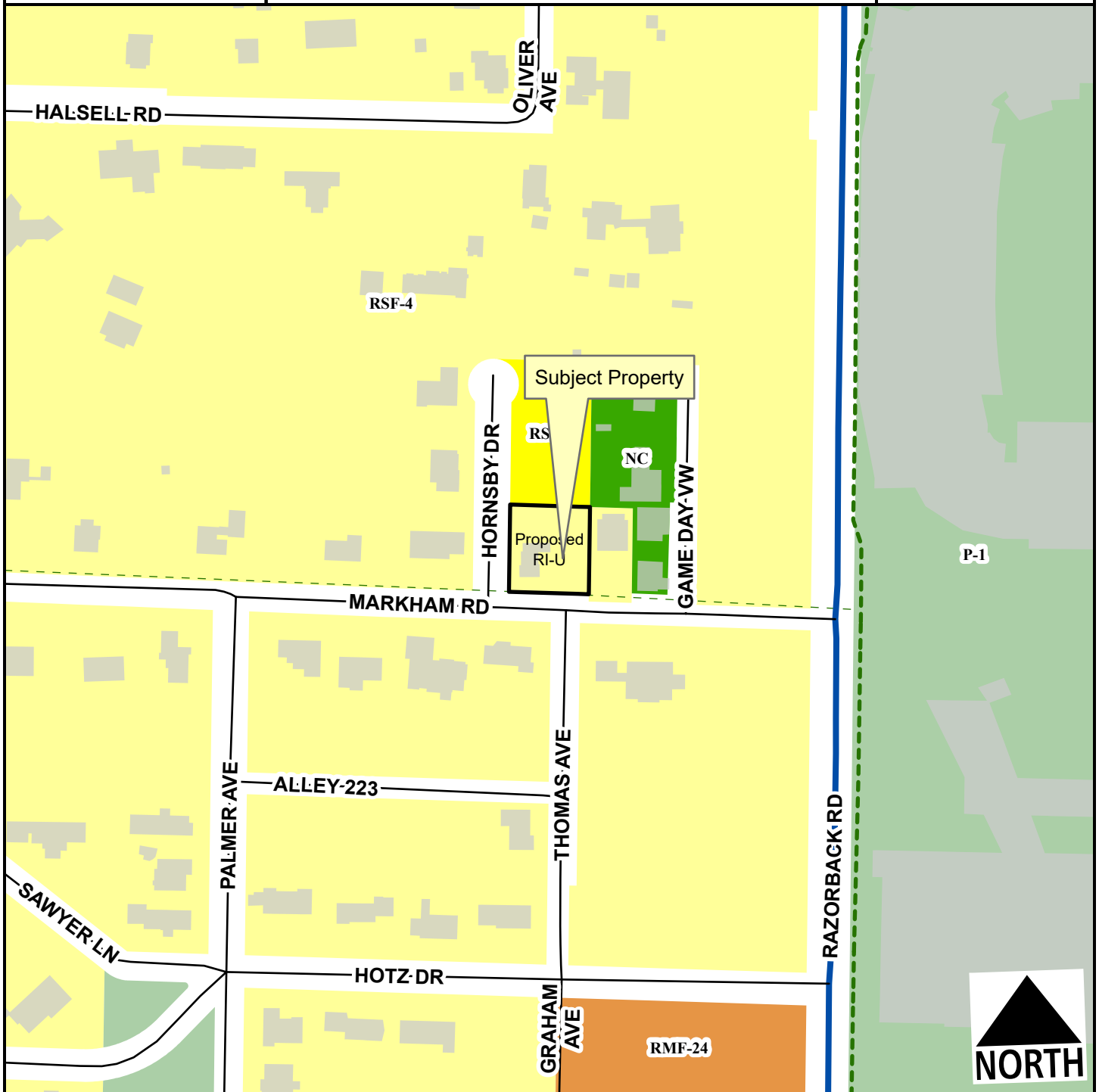


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - C-2
 - C-3
- FORM BASED DISTRICTS**
- Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
- PLANNED ZONING DISTRICTS**
- Commercial, Industrial, Residential
- INSTITUTIONAL**
- P-1

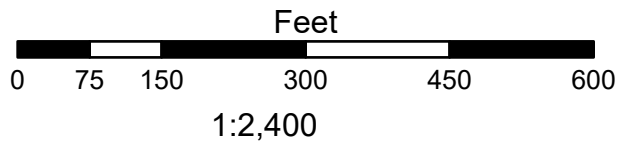
RZN-2024-0005

1510 W. MARKHAM RD

Close Up View



- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits



Zone	Current	Proposed
RI-U	0.0	0.3
RSF-4	0.3	0.0

Total 0.3 ac



RZN-2024-0005

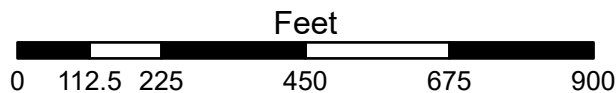
1510 W. MARKHAM RD



Current Land Use





-  Institutional Master Plan
-  Regional Link - High Activity
-  Unclassified
-  Alley
-  Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



1:3,600

FEMA Flood Hazard Data

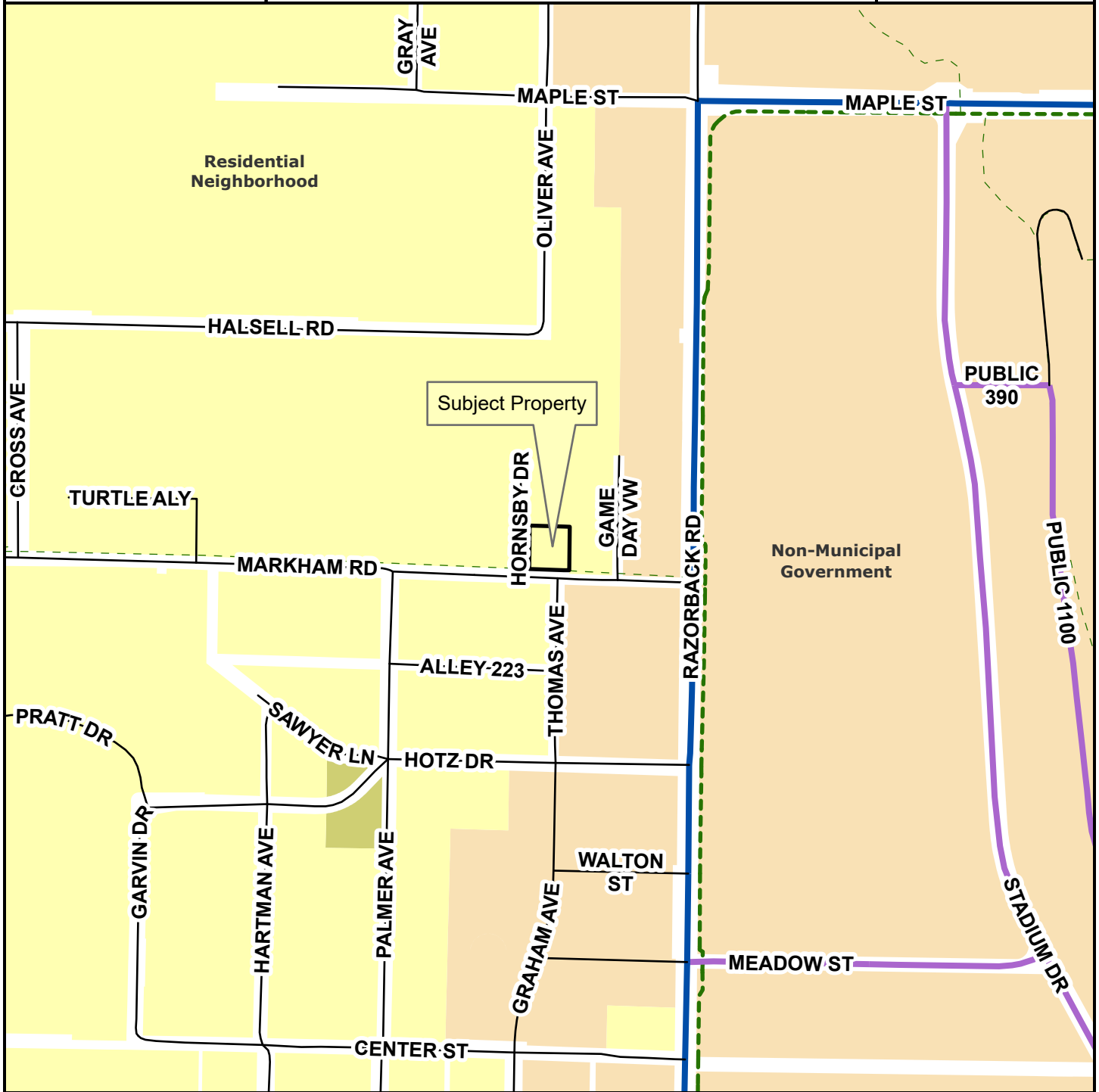
-  100-Year Floodplain
-  Floodway

RZN-2024-0005

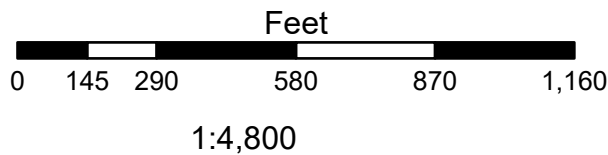
1510 W. MARKHAM RD



Future Land Use



- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential 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