



City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-58

RZN-2024-0015: Rezoning (4600 E. HUNTSVILLE RD./STONE STREET RENTALS LLC., 565): Submitted by JOHN CLOYED for property located at 4600 E. HUNTSVILLE RD. in WARD 1. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.94 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-15 FOR APPROXIMATELY 1.94 ACRES LOCATED AT 4600 EAST HUNTSVILLE ROAD IN WARD 1 FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE

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 R-A, Residential Agricultural to RSF-4, Residential Single-Family, Four Units per Acre.

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 MAY 21, 2024

TO: Mayor Jordan and City Council

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

FROM: Kylee Cole, Planner

SUBJECT: **RZN-2024-0015: Rezoning (4600 E. HUNTSVILLE RD./STONE STREET RENTALS LLC., 565): Submitted by JOHN CLOYED for property located at 4600 E. HUNTSVILLE RD. in WARD 1. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.94 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR 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 southeast Fayetteville approximately two miles east of the intersection of S. Crossover Rd. and E. Huntsville Rd. The property contains approximately 1.94 acres and is developed with a single-family dwelling constructed in 1936. The property is zoned R-A, Residential-Agricultural which it received in 2003 with the adoption of the new city zoning map.

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to RSF-4, Residential Single-Family, Four Units per Acre.

Public Comment: To date, staff have received no public comment.

Land Use Compatibility: Staff finds the proposed rezoning from R-A to RSF-4 to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family property across E. Huntsville Rd. to the southwest and properties developed with single-family homes to the north, east, and west. A rezoning to RSF-4 would allow for the by-right development of low-density, single-family dwellings. Additional housing options providing increased density are available through conditional use, such as two-family dwellings and cluster housing. R-A and RSF-4 have significantly different bulk and area requirements. Lot width minimum in R-A is 200 feet, but in RSF-4 is only 70 feet. Lot area in R-A is a minimum of 2 acres, but in RSF-4 is 8,000 square feet (.18 acres). Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased housing opportunities at an increment appropriate for an area towards the periphery of Fayetteville.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land

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use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to RSF-4 could allow for the creation, or maintenance, of residential properties with reduced lot sizes and offer some flexibility in housing types. Staff finds that the requested rezoning could allow for the creation of housing that meets City Goals 1: We Will Make Appropriate Infill and Revitalization our Highest Priority and 6: We Will Create Opportunities for Attainable Housing.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of 4 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 (6-inch main, north side of subject property; 6-inch main, E. Huntsville Rd.)
- Near Water Main (6-inch main, E. Huntsville Rd.)
- Near City Park (Bayyari Park and Rodney Ryan Park)

DISCUSSION:

At the April 22, 2024 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval. No public comment was provided at the meeting.

BUDGET/STAFF IMPACT:

N/A

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

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TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: April 22, 2024

SUBJECT: **RZN-2024-0015: Rezoning (4600 E. HUNTSVILLE RD./STONE STREET RENTALS LLC., 565):** Submitted by JOHN CLOYED for property located at 4600 E. HUNTSVILLE RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.94 acres. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE.

RECOMMENDATION:
Staff recommend forwarding **RZN-2024-0015** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0015** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in southeast Fayetteville approximately 0.18 miles east of the intersection of S. Happy Hollow Rd. and E. Huntsville Rd. The property contains approximately 1.94 acres and is developed with a single-family dwelling constructed in 1936. The property is zoned R-A, Residential-Agricultural which it received in 2003 with the adoption of the new city zoning map. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	Agricultural/Residential Single-Family, 1 Unit per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre; R-A, Residential-Agricultural
East	Single-Family Residential/Undeveloped	R-A, Residential-Agricultural
West	Single-Family Residential	R-A, Residential-Agricultural

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to RSF-4, Residential Single-Family, Four Units per Acre.

Public Comment: To date, staff have received no public comment.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along E. Huntsville Road. E. Huntsville Road is a partially improved Regional 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 area. Existing 8-inch water main is present on the north side of E. Huntsville Road.

Sewer: Sanitary Sewer is available to the Subject area. Existing 6-inch sewer main is present on the North side of the subject property line. Existing 6-inch sewer main is present on the South side of E. Huntsville Road.

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

Fire: Station 3, located at 1050 Happy Hollow Road, protects this site. The property is located approximately 2.6 miles from the fire station with an anticipated drive time of approximately 4 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 1 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 current zoning district of R-A, Residential-Agricultural requires **25% minimum canopy preservation**. The proposed 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 **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 range of **4** for this site with a weighted score of **3.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (6-inch main, north side of subject property; 6-inch main, E. Huntsville

- Rd.)
- Near Water Main (6-inch main, E. Huntsville Rd.)
 - Near City Park (Bayyari Park and Rodney Ryan Park)

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 proposed rezoning from R-A to RSF-4 to be compatible with the surrounding area. The subject property is adjacent to RSF-4-zoned single-family property across E. Huntsville Rd. to the southwest and properties developed with single-family homes to the north, east, and west. A rezoning to RSF-4 would allow for the by-right development of single-family dwellings with a density of up to four units per acre. Additional housing options providing increased density are available through conditional use, such as two-family dwellings and cluster housing. R-A and RSF-4 have significantly different bulk and area requirements. Lot width minimum in R-A is 200 feet, but in RSF-4 is only 70 feet. Lot area in R-A is a minimum of 2 acres, but in RSF-4 is 8,000 square feet (.18 acres). Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased housing opportunities.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. A rezoning to RSF-4 could allow for the creation, or maintenance, of residential properties with reduced lot sizes and offer some flexibility in housing types. Staff finds that the requested rezoning could allow for the creation of missing middle housing that meets City Goals 1: We Will Make Appropriate Infill and Revitalization our Highest Priority and 6: We Will Create Opportunities for Attainable Housing.

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

Finding: Staff finds that there is sufficient justification to rezone the property from R-A to RSF-4 since the proposed rezoning would be consistent with the property's future land use designation and supports 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 R-A to RSF-4 does have the potential to increase traffic danger and congestion due to increased density and additional curb cuts. Courts have established a precedent that properties with frontage to a public street have a legal right to access the street, therefore additional curb cuts could be added and increase traffic danger and congestion along E. Huntsville Rd. However, 166.08(F)(3)(b) does discourage individual curb cuts

and states “curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.” Access management will be reviewed at the time of development.

- 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 sewers, 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 recommend forwarding RZN-2024-0015 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>
Date: <u>April 22, 2024</u> <input type="checkbox"/> Tabled <input type="checkbox"/> Forwarded <input type="checkbox"/> Denied
Motion:
Second:
Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 District R-A, Residential-Agricultural
 - §161.07 District RSF-4, Residential Single-Family, Four (4) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map

- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

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.

LETTER OF COMPATIBILITY

March 04, 2024

To Whom It May Concern:

PARCEL ID: 765-13079-000 / RPID: 48108

The proposed rezoning of this property will fit the neighboring residential properties in which the majority are already zoned RSF-4. The surrounding area is no longer agriculturally based and our current community is in great need of more housing. By rezoning to RSF this will provide the opportunity for denser housing than the current agricultural zoning but still stay compatible with the surrounding properties.

Sincerely,

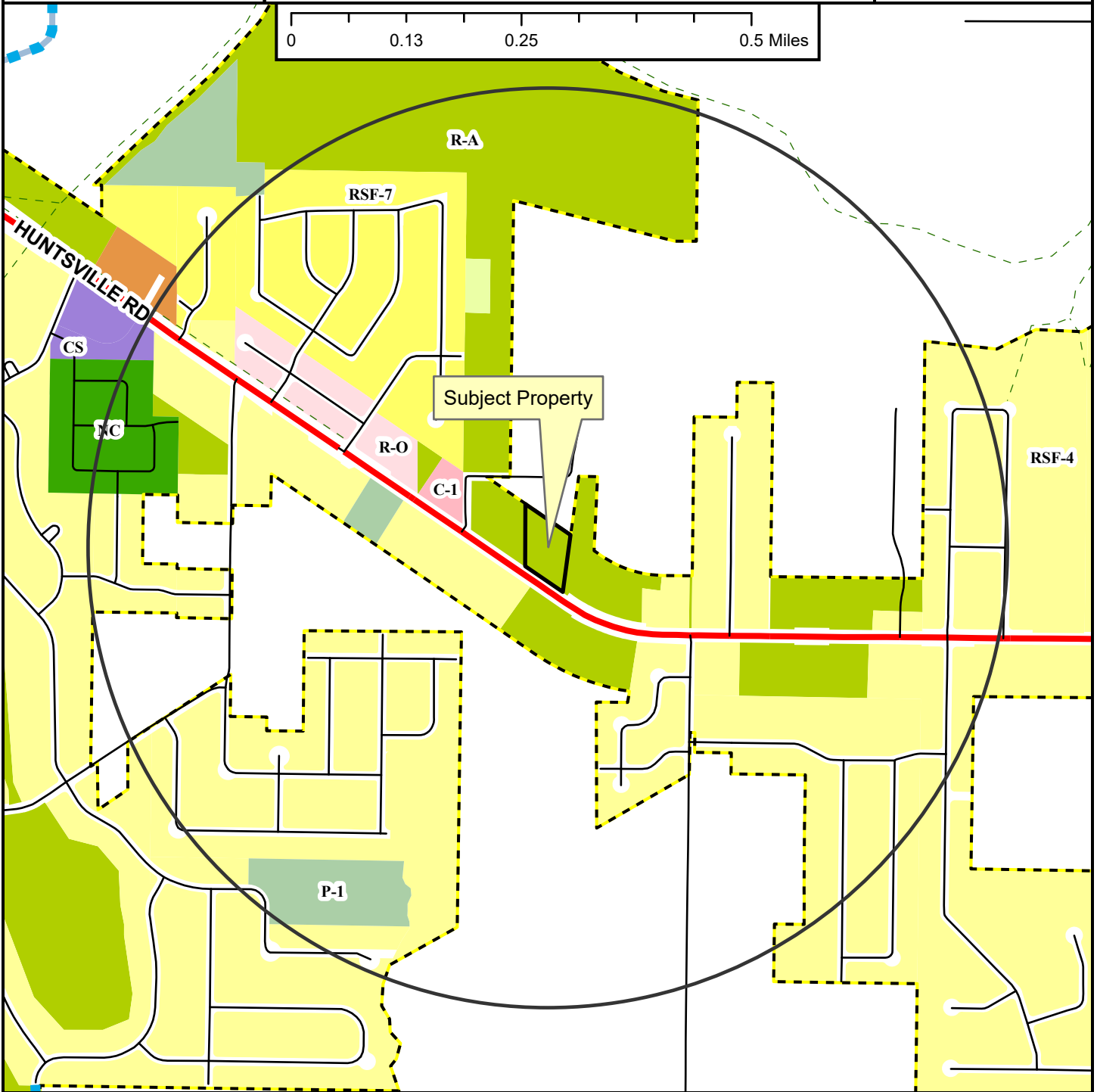
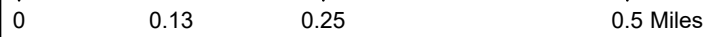
John C. Cloyed

John C. Cloyed
Stone Street Rentals

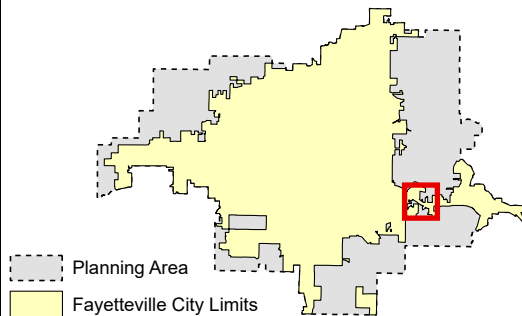
RZN-2024-0015

4600 E. HUNTSVILLE RD

One Mile View



- Regional Link
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area

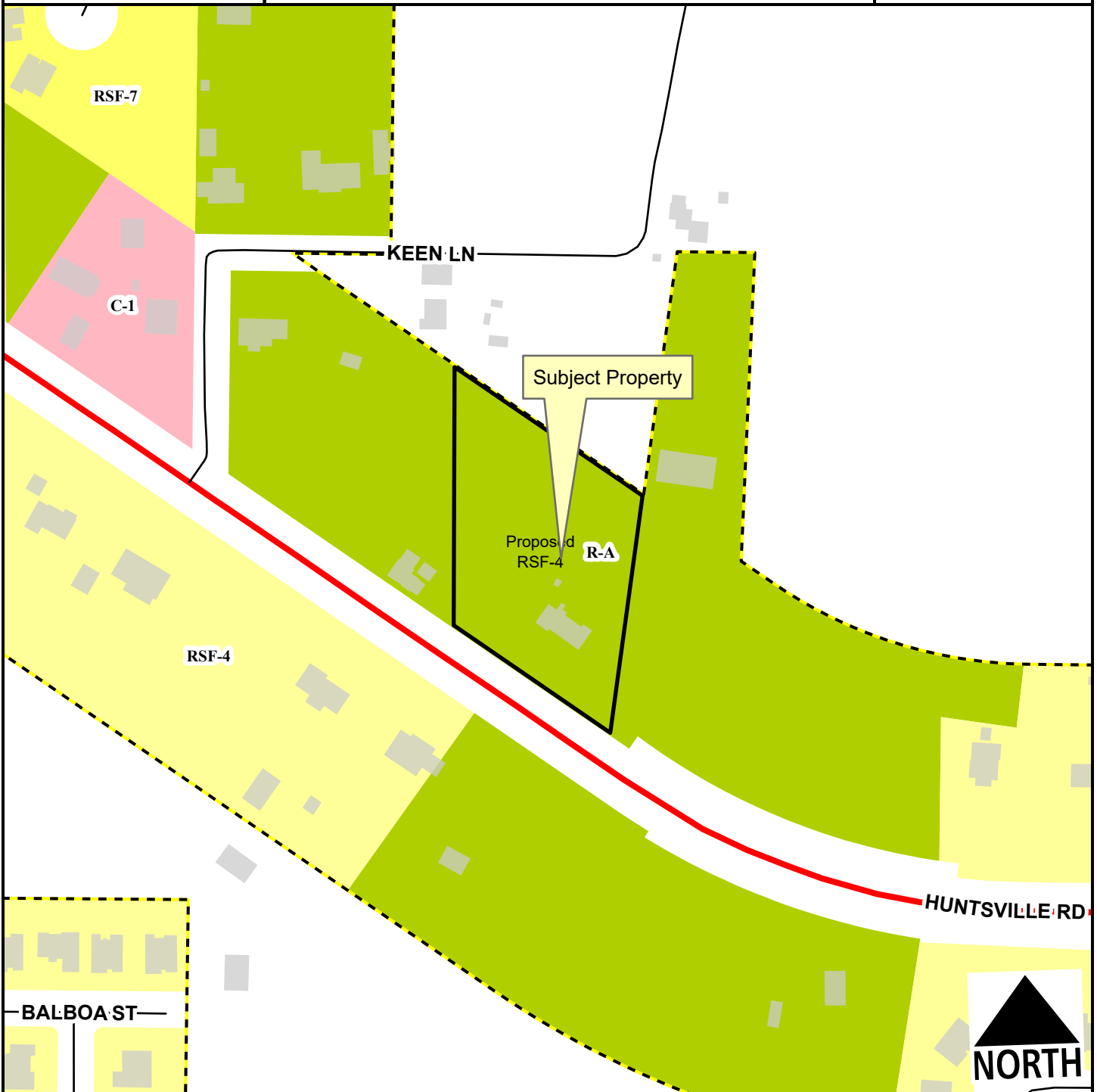


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
- EXTRACTION**
 - 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-2024-0015

4600 E. HUNTSVILLE RD

Close Up View



Subject Property

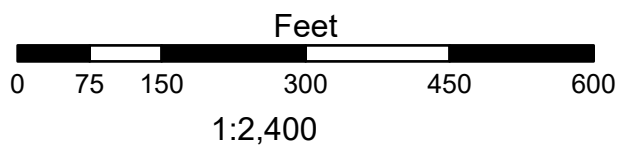
Proposed
RSF-4 R-A

HUNTSVILLE RD

BALBOA ST



- Regional Link
- Unclassified
- Residential Link
- - - Planning Area
- · - · - Fayetteville City Limits



<u>Zone</u>	<u>Current</u>	<u>Proposed</u>
R-A	1.9	0.0
RSF-4	0.0	1.9
Total		1.9 ac

RZN-2024-0015

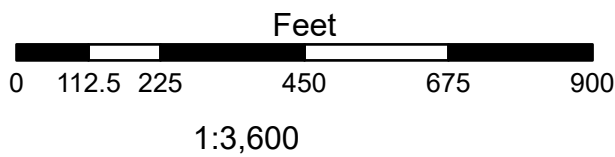
4600 E. HUNTSVILLE RD



Current Land Use



- Regional Link
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

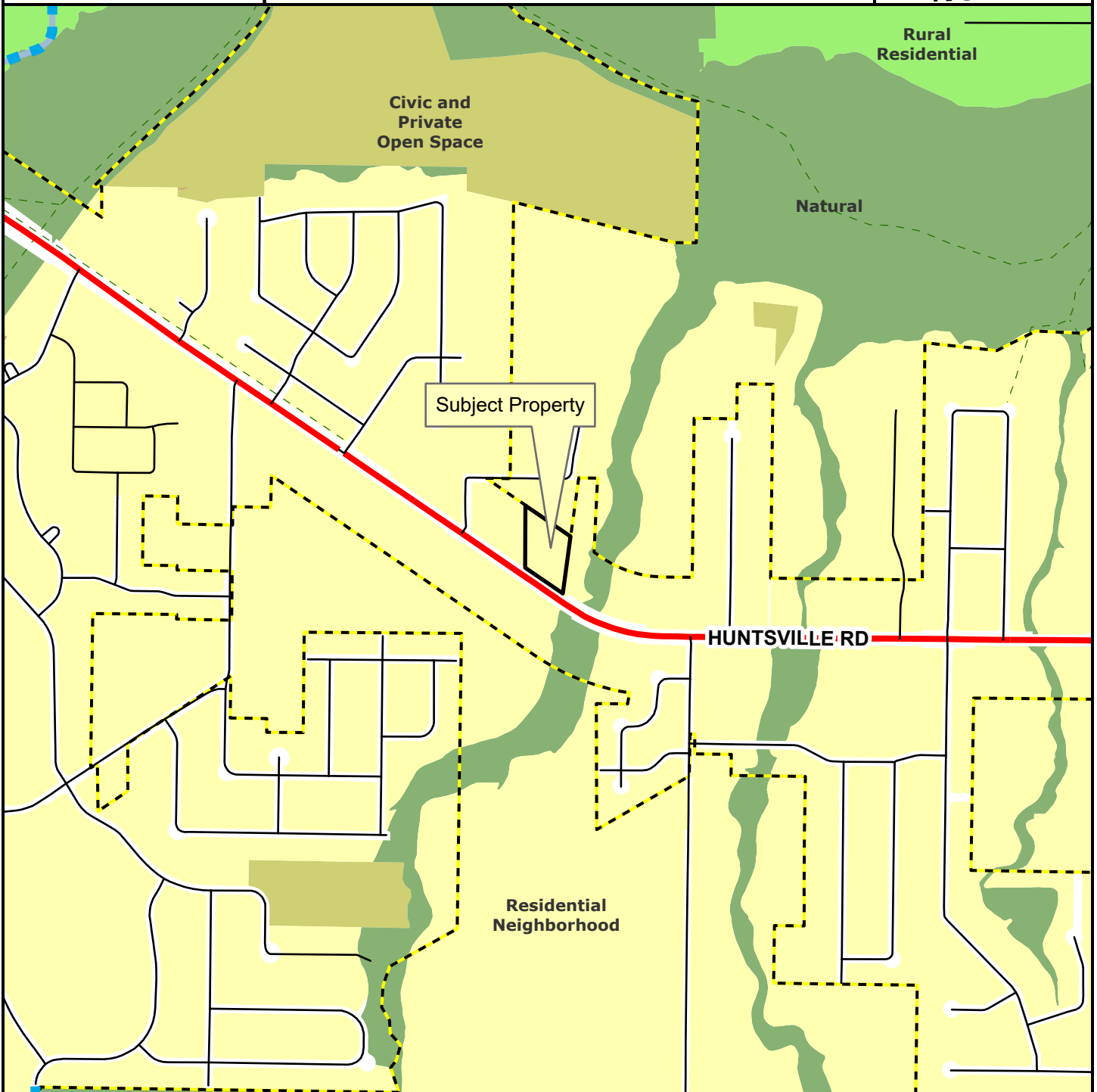
- 100-Year Floodplain
- Floodway

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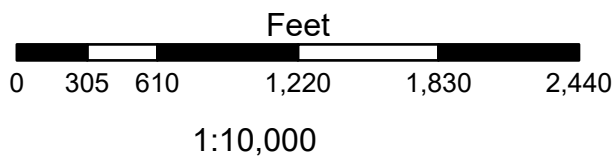
4600 E. HUNTSVILLE RD



Future Land Use



- Regional Link
- Unclassified
- Residential Link
- Planned 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