

Legislation Text

File #: 2024-60

RZN-2024-0017: Rezoning (512 N. MISSION BLVD./ZWEIG, 446): Submitted by FLINTLOCK LTD CO. for property located at 512 N. MISSION BLVD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES - GENERAL.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-17 FOR APPROXIMATELY 0.90 ACRES LOCATED AT 512 NORTH MISSION BOULEVARD WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES - GENERAL

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, Four Units per Acre to NS-G, Neighborhood Services - General.

<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.



MEETING OF MAY 21, 2024

TO: Mayor Jordan and City Council

THRU:Susan Norton, Chief of StaffJonathan Curth, Development Services DirectorJessica Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

SUBJECT: RZN-2024-0017: Rezoning (512 N. MISSION BLVD./ZWEIG, 446): Submitted by FLINTLOCK LTD CO. for property located at 512 N. MISSION BLVD. in WARD 1. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES - GENERAL.

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 at the northeast corner of Maple Street and Mission Boulevard. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre and is currently developed with a single-family dwelling and two accessory structures. Washington County records indicate that the house on the property was built in 1870. A lot split, which subdivided the property into two lots containing roughly 0.34 and 0.55 acres, was recorded in January of this year (LSP-2023-0059).

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre, to NS-G, Neighborhood Services – General.

Public Comment: One member of the public spoke in opposition to this item at Planning Commission.

Land Use Compatibility: Staff finds the proposed zoning of NS-G, Neighborhood Services - General to be compatible with other properties nearby which contain a mixture of residential, commercial, and industrial uses. The subject property is located along Mission Boulevard, which is a Neighborhood Link Street lined with a variety of land uses. While there are a variety of land uses along that street, the subject property is located in an area that is primarily zoned RSF-4, Residential Single-Family, Four Units per Acre, which only allows single-family residences by right. A rezoning to NS-G would offer a greater mix of residential and commercial uses that are of a scale that fits with the existing development pattern in the surrounding area. By-right residential development in NS-G zoning is limited to single- to four-family dwellings at a density of 18 units per acre, and commercial development is limited to medium-scale retail and office services. Since NS-G has urban form setbacks, any redevelopment could provide an opportunity to encourage a more pedestrian-oriented neighborhood form along Mission Boulevard. However, the applicant has stated an intent to preserve the existing building on the property, which could support either residential or commercial uses. A rezoning to NS-

G would provide an opportunity to maintain residential uses and densities that are compatible with the existing development pattern, or commercial uses which could mirror the existing use of the site or serve the surrounding area. Any commercial redevelopment of the property would be restricted to 8,000 square feet under NS- G zoning.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's adopted land use plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from RSF-4 to NS-G could support that designation since it would allow for the incorporation of low-intensity nonresidential uses, such as retail and offices, which could serve surrounding neighborhoods. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040, which are to encourage infill, grow a livable transportation network, and create opportunities for attainable housing since it could encourage residential infill in an area that has a moderate infill score of 7 and is in proximity to nonresidential uses.

City Plan 2040 Infill Matrix: City Plan 2040's Infill Matrix indicates a score range of 6-7 for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, located at 303 W. Center St.)
- Near Sewer Main (eight-inch main, Maple Street)
- Near Water Main (six-inch main on Mission Boulevard and 1.25-inch main on Maple Street)
- Near Grocery Store (Ozark Natural Foods)
- Near Transit (ORT Route 10)
- Near City Park (Saint Joseph Park)
- Near Paved Trail (Wilson Park Trail)
- Sufficient Intersection Density

DISCUSSION:

At the April 22, 2024, Planning Commission meeting, a vote of 8-1-0 forwarded this request to City Council with a recommendation of approval. Commissioner McGetrick made the motion and Commissioner Brink seconded it. Commissioner Cabe voted against it. Commissioner Werner asked if the house on the property was subject to any historic registry or might be in the process of being added to one. Staff found that the house has not been added to a historic registry, though the applicant did state that they plan to apply for historic tax credits which would provide some protection for the house long-term. Commissioner Castin confirmed that it will be located on the west side of the street. One member of the public spoke at the meeting and stated their opposition to the requested rezoning. That individual shared concerns about the applicant's intent to use the property as a professional office, stating that it could compound traffic and parking problems along Maple Street and may adversely affect surrounding property values and the historic character of the house.

BUDGET/STAFF IMPACT:

N/A

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



- TO: Fayetteville Planning Commission
- THRU: Jessie Masters, Development Review Manager
- **FROM:** Gretchen Harrison, Senior Planner

MEETING DATE: April 22, 2024 (updated with results)

SUBJECT: RZN-2024-0017: Rezoning (512 N. MISSION BLVD./ZWEIG, 446): Submitted by FLINTLOCK LTD CO. for property located at 512 N. MISSION BLVD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.90 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES - GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2024-0017** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2024-0017** to the City Council with a recommendation of approval."

BACKGROUND:

The subject property is located at the northeast corner of Maple Street and Mission Boulevard. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre and is currently developed with a single-family dwelling and two accessory structures. Washington County records indicate that the house on the property was built in 1870. A lot split, which subdivided the property into two lots containing roughly 0.34 and 0.55 acres, was recorded in January of this year (LSP-2023-0059). Surrounding land uses and zoning are depicted in *Table 1*.

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Commercial	I-1, Heavy Commercial and Light Industrial
East	Single- and Two-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

 Table 1:

 Surrounding Land Uses and Zoning

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre, to NS-G, Neighborhood Services – General.

Public Comment: Staff has not received any public comment on this item to date.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- **Streets:** The subject property has frontage along Mission Boulevard and Maple Street. Mission Boulevard is a partially improved Neighborhood Link Street with asphalt paving and sidewalk. Curb and gutter are present along the west side of the street. Maple Street is a partially improved Residential Link Street with asphalt paving and sidewalk, and with curb and gutter present along the north side of the street. 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 east side of Mission Boulevard. An existing 1.25-inch water main is also present on the south side of East Maple Street.
- **Sewer:** Sanitary sewer is available to the subject property. An existing eight-inch sewer main is present on the south side of Maple Street.
- **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 on site. Any improvements or requirements for drainage will be determined at the time of development submittal.
- **Fire:** Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.3 miles 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. 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, NS-G, Neighborhood Services - General, requires **20% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, Four Units per Acre, require **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. 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 <u>6-7</u> for this site with a weighted score of <u>9</u> at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, located at 303 W. Center St.)
- Near Sewer Main (eight-inch main, Maple Street)
- Near Water Main (six-inch main on Mission Boulevard and 1.25-inch main on Maple Street)
- Near Grocery Store (Ozark Natural Foods)
- Near City Park (Saint Joseph Park)
- Near Paved Trail (Wilson Park Trail)
- Sufficient Intersection Density

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.
- Land Use Compatibility: Staff finds the proposed zoning of NS-G, Finding: Neighborhood Services - General to be compatible with other properties nearby which contain a mixture of residential, commercial, and industrial uses. The subject property is located along Mission Boulevard which is a Neighborhood Link Street lined with a variety of land uses. While there are a variety of land uses along that street, the subject property is located in an area that is primarily zoned RSF-4, Residential Single-Family, Four Units per Acre, which only allows single-family residences by right. A rezoning to NS-G would offer a greater mix of residential and commercial uses that are of a scale that fits with the existing development pattern in the surrounding area. By-right residential development in NS-G zoning is limited to single- to fourfamily dwellings at a density of 18 units per acre, and commercial development is limited to medium-scale retail and office services. Since NS-G has urban form setbacks, any redevelopment could provide an opportunity to encourage a more pedestrian-oriented neighborhood form along Mission Boulevard. However, the applicant has stated an intent to preserve the existing building on the property, which could support either residential or commercial uses. A rezoning to NS-G would provide an opportunity to maintain residential uses and densities that are compatible with the existing development pattern, or commercial uses which could mirror the existing use of the site or serve the surrounding area. Any commercial redevelopment of the property would be restricted to 8,000 square feet under NS- G zoning.
 - Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's adopted land use plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from RSF-4 to NS-G could support that designation since it would allow for the incorporation of low-intensity nonresidential uses, such as retail and offices, which could serve surrounding neighborhoods. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040, which are to encourage infill, grow a livable transportation network, and create opportunities for attainable

housing since it could encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to nonresidential uses.

- 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 for rezoning the property from RSF-4 to NS-G. A rezoning to NS-G would be compatible with adjacent properties, since it would allow for non-residential uses and street-oriented development, and it would be generally aligned with the goals outlined in 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 NS-G has the potential to create or appreciably increase traffic danger and congestion when considering that NS-G would allow for more dense development than RSF-4. The lots under consideration have direct access to public streets and any necessary street improvements and potential traffic impacts would be determined 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 zoning has the potential to alter the population density since NS-G would allow for more dense residential development. However, staff finds that the size of the property and relevant development requirements, such as parking, drainage, and tree preservation, will limit potential adverse impacts to public services. Any necessary upgrades or improvements to existing infrastructure 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-2024-0017 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>	
Date: <u>April 22, 2024</u>	□ Tabled	I Forwar		
Motion: McGetrick		of appro	ecommeno oval	dation
Second: Brink				
Vote: 8-1-0 (Commission Cabe opposed)				

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family Four (4) Units Per Acre
 §161.19 NS-G, Neighborhood Services General
- 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.

161.19 NS-G, Neighborhood Services - General

- (A) Purpose. The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.
- (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 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(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 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

- (C) Density. Eighteen (18) or less per acre.
- (D) Bulk and Area Regulations.
 - (1) Lot Width Minimum.

All dwellings	35 feet
All other uses	None

(2) Lot Area Minimum.

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling
	unit
All other uses	None

(E) Setback regulations.

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential
				district

A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining	None	15 feet

(F) Building Height Regulations.

Building Height Maximum	3 stories

(G) Minimum Buildable Street Frontage. 50% of the lot width.



March 11, 2024

PETITION TO CHANGE ZONING

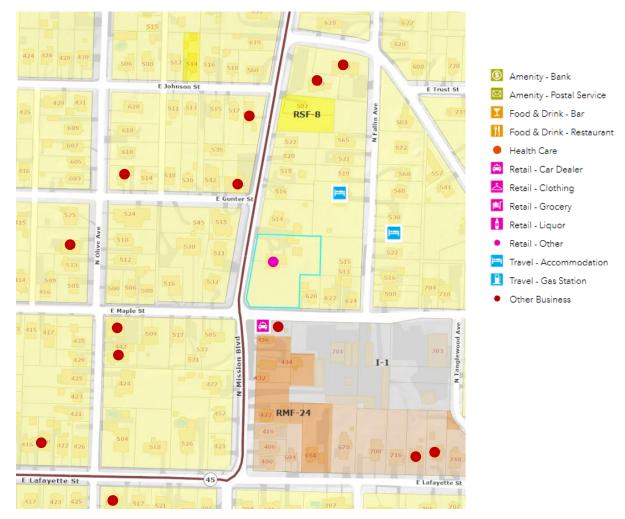
TO: The Fayetteville City Planning Commission & The Fayetteville City Council

Flintlock Ltd Co, on behalf of Mark + Sonyalea Zweig, requests that the zoning designation of the following lot be changed from Residential Single-Family – 4 units/acre to Neighborhood Services - General:

• 512 N Mission Blvd (765-02218-000): Part of Ambrose Addition

REASON FOR ZONING CHANGE REQUEST / STATEMENT OF NEED:

The zoning change request will allow this historic 1870 home to be utilized as professional offices. With a square footage of 3,720 SF, the building is too big to be considered for NS-L and use unit 12a; thus, NS-G is the least intensive zone that would allow this use by right. Per Fayetteville code, NS-G "is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses."



As seen above, this parcel is located directly adjacent to Industrial and Multifamily zoning to the south and fronts Mission Boulevard, designated in the Master Street Plan as a Neighborhood Link. The dots in this graphic pulled from City GIS denote the numerous existing professional offices and light retail both along this stretch of Mission and in the surrounding streets, including at this property.

Our intention is to maintain this historic structure and preserve its contribution to Fayetteville's unique character of place. The structure is in good condition and requires only minimal interior finish work to provide suitable office space; as such, no significant work is expected beyond the careful maintenance required to steward this aging building well into the future. Notably, our design firm has a proven track record of restoring or stabilizing historic structures in multiple Fayetteville neighborhoods, and the opportunity to utilize older structures for professional offices has been a key strategy to ensuring adequate investment towards their historically considerate upkeep. This investment allows for high quality preservation practices so that the structures may again become single-family homes in the future.

On a larger scale, this proposed rezoning supports the City's 2040 plans by encouraging revitalization of historic structures and contributing to complete neighborhoods with sensitive mixed use for a more walkable and livable community.

IMPACT ON NEIGHBORS & CITY:

The requested zoning change will minimally impact the surrounding properties in terms of land use, traffic, appearance, and signage. It is not expected to increase traffic danger or congestion, and no appearance changes are planned. For noise control, NS-G is considered a residential zone and naturally delimits any use that might be disruptive to the surrounding residential area. NS-G uses will not negatively impact the Industrial and Multifamily uses directly to the south. The proposed zoning is the least intensive change that will allow the building to operate with this light commercial use and retains the potential of future use as single-family residential.

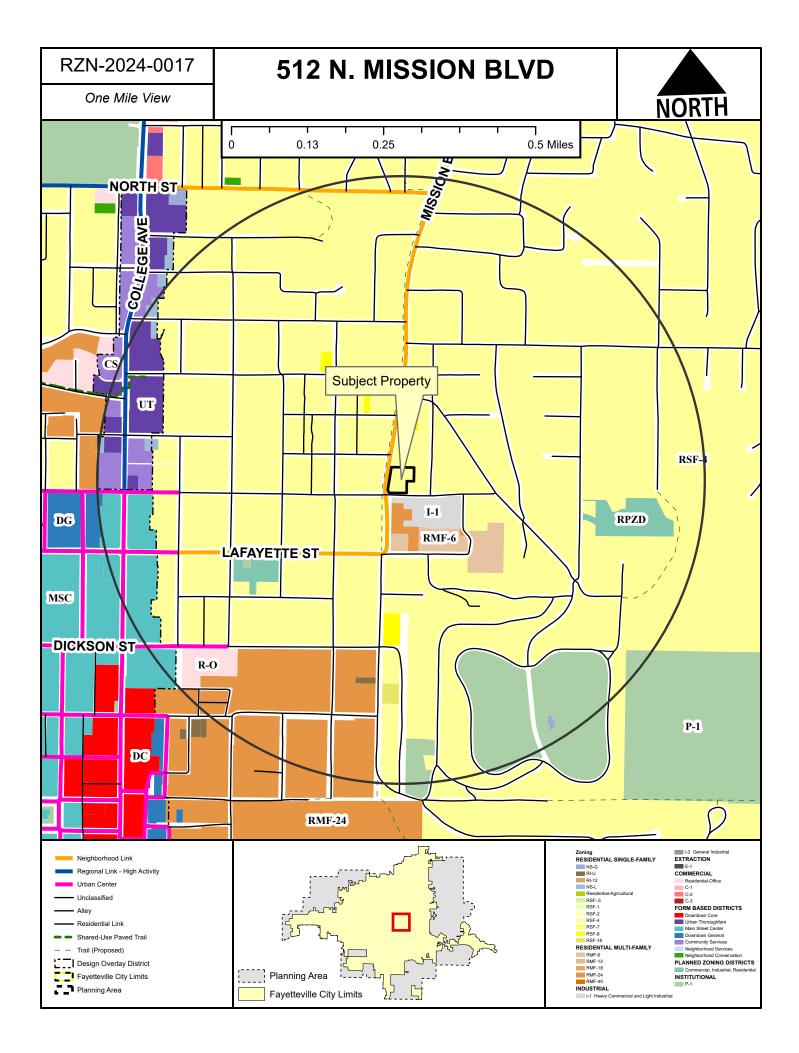
CONSISTENT WITH LAND USE PLANS:

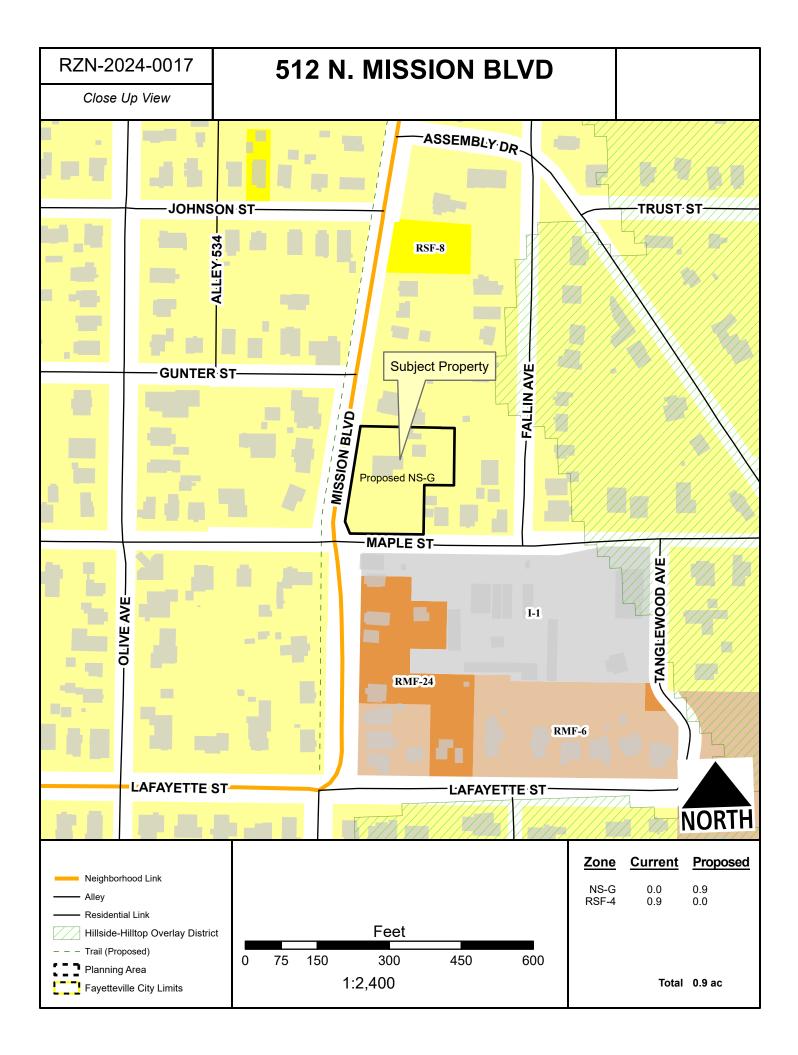
It is our opinion that the proposed zoning change is entirely consistent with both land use planning objectives, principles, and policies and is consistent with the history of the building and neighborhood. The rezoning will allow the property to be a low-intensity commercial use, directly in line with the City's 2040 goal to "make traditional town form the standard: with neighborhoods that include not just houses, but a mix of uses that can adapt over time and allow residents to live, work, and play without relying on vehicles."

Respectfully, FLINTLOCK LTD CO

forton Thomas Quela

Allison Thurmond Quinlan AIA RLA LEED AP Principal Architect





RZN-2024-0017

Current Land Use

512 N. MISSION BLVD





