

City of Fayetteville, Arkansas

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

Legislation Text

File #: 2024-163

RZN-2024-0022: Rezoning (951 N. DOUBLE SPRINGS RD/R&D PROPERTY HOLDINGS LLC, 435): Submitted by DUSTIN DAVIS for property located at 951 N. DOUBLE SPRINGS RD. in WARD 4. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 0.56 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 2024-22 FOR APPROXIMATELY 0.56 ACRES LOCATED AT 951 NORTH DOUBLE SPRINGS ROAD IN WARD 4 FROM R-A, RESIDENTIAL AGRICULTURAL 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 R-A, Residential Agricultural 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.



CITY COUNCIL MEMO

2024-163

MEETING OF JUNE 18, 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-2024-0022: Rezoning (951 N. DOUBLE SPRINGS RD/R&D PROPERTY

HOLDINGS LLC, 435): Submitted by DUSTIN DAVIS for property located at 951 N. DOUBLE SPRINGS RD. in WARD 4. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 0.56 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 in west Fayetteville, at the southwest corner of N. Double Springs Rd. and W. Nicole Ln. approximately 0.07 miles south of W. Wedington Dr. The property contains approximately 0.56 acres and is developed with a 2,200-square-foot single-family dwelling constructed in 1969, according to Washington County Assessor records. The property is zoned R-A, Residential-Agricultural, which it received in 2003 with the adoption of a new city-wide zoning map.

Request: The request is to rezone the subject property from R-A, Residential-Agricultural, to NS-G, Neighborhood Services General.

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

Land Use Compatibility: Staff finds the proposed rezoning from R-A, Residential-Agricultural, to NS-G, Neighborhood Services, to be compatible with the surrounding area. The subject property is near properties with commercial and mixed-use zoning districts to the north and east. To the west and east are two-family dwellings, and to the south are single-family residential dwellings. A rezoning to NS-G would allow for a wider variety of medium intensity commercial and residential uses than those permitted under the property's current zoning designation. Specifically, a rezoning to NS-G permits the development of a greater variety of dwellings, including the by-right development of single-, two-, three-, and four-family dwellings. NS-G would also provide opportunities for small-scale commercial use. These uses would provide a logical transition between the higher-intensity C-1 and C-2 zoning at the intersection of W. Wedington Dr. and N. Double Springs Rd to the lower intensity development to the south. Under the current R-A zoning, the property is non-conforming to bulk and area requirements. R-A requires a lot width minimum of 200 feet and an area requirement of 2 acres, where the subject property is limited to 90 feet and 0.56 acres respectively. The subject property meets the

Mailing address:

Favetteville, AR 72701

minimum bulk and area requirements for NS-G. R-A has no maximum height limit but does require additional setbacks for heights exceeding one story. NS-G has a maximum building height of three stories, which is comparable or less than surrounding entitlements. R-A has conventional building setbacks where NS-G provides for development in Urban Form similar to other properties along W. Nicole Ln. With the existing structure not meeting the build-to zone requirement, any nonconformities would be reviewed at the time of development review. Further, the property's location at a corner lot along a Neighborhood Link Street is an ideal location for the small- to medium-scale mix of uses or commercial development that can serve the surrounding residential neighborhood. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased nonresidential services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a Residential Neighborhood area in the City Plan 2040 Future Land Use Map and is located just 0.07 miles south of a Tier Three Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to NS-G would support those designations as both Residential Neighborhood Areas and Tier Three Centers exist to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 3 (compact, complete development) and potentially 6 (opportunities for attainable housing).

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of <u>5</u> for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd.)
- Near Sewer Main (6-inch main, adjacent to subject property)
- Near Water Main (4-inch water main, west side of N. Double Springs Rd.; 8-inch water main, east side
 of N. Double Springs Rd.; 2-inch water main, north side of W. Nicole Ln.)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (W. Wedington Dr. Side-Path Trail)

DISCUSSION:

At the May 28, 2024 Planning Commission meeting, a vote of 8-0-0 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 made at the meeting.

BUDGET/STAFF IMPACT:

N/A

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



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Kylee Cole, Planner

MEETING DATE: May 28, 2024

SUBJECT: RZN-2024-0022: Rezoning (951 N. DOUBLE SPRINGS RD/R&D

PROPERTY HOLDINGS LLC, 435): Submitted by DUSTIN DAVIS for property located at 951 N. DOUBLE SPRINGS RD. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 0.56 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD

SERVICES-GENERAL.

RECOMMENDATION:

Staff recommend forwarding RZN-2024-0022 to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward RZN-2024-0022 to City Council with a recommendation of approval."

BACKGROUND:

The subject property is in west Fayetteville approximately 0.07 miles south of W. Wedington Dr. along N. Double Springs Rd. The property contains approximately 0.56 acres and is developed with a 2,200-square-foot single-family dwelling constructed in 1969, according to Washington County Assessor records. The property is zoned a mixture of R-A, Residential Agricultural which it received in 2003 with the adoption of a new city-wide zoning map. Surrounding land uses and zoning are listed in *Table 1*.

Table 1: Surrounding Land Uses and Zoning

Direction	Land Use	Zoning		
North	Undeveloped	R-A, Residential-Agricultural		
South	Single-Family Residential	R-A, Residential-Agricultural		
East	Two-Family Residential	R-O, Residential-Office		
West	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre		

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to NS-G, Neighborhood Services General.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has frontage along N. Double Springs Rd., a partially improved

Neighborhood Link Street with asphalt paving, curb and gutter, and sidewalks along the east side and open ditches on the west side. The property also has frontage along W. Nicole Ln., a private street. 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. An existing 4-inch water main is

present on the west side of N. Double Springs Rd. An existing 8-inch water main is present on the east side of N. Double Springs Rd. An existing 2-inch water main

is present on the north side of W. Nicole Ln.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is

present on the west side of the property line in an existing sewer easement.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District.

No portion of the property is within a FEMA-designated floodplain and there are no protected streams or hydric soils present on the site. Any improvements or requirements for drainage would be determined at the time of development

submittal.

Fire: Station 7, located at 835 N. Rupple Rd., protects this site. The property is located

approximately 2.2 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 6 minutes for an engine and 8 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 NS-G, Neighborhood Services - General requires **20% 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 <u>5</u> for this site with a weighted score of <u>4.5</u>. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd.)
- Near Sewer Main (6-inch main, adjacent to subject property)
- Near Water Main (4-inch water main, west side of N. Double Springs Rd.; 8-inch water main, east side of N. Double Springs Rd.; 2-inch water main, north side of W. Nicole Ln.)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (W. Wedington Dr. Side-Path Trail)

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, Residential-Agricultural to NS-G, Neighborhood Services, to be compatible with the surrounding area. The subject property is near properties with commercial and mixed-use zoning districts to the north and east. To the west and east are two-family dwellings, and to the south are single-family residential dwellings. A rezoning to NS-G would allow for a wider variety of medium intensity commercial and residential uses than those permitted under the property's current zoning designation. Specifically, a rezoning to NS-G would permit the development of a greater variety of dwellings, including the by-right development of two-, three-, and four-family dwellings. NS-G would also provide opportunities for small-scale commercial use. These uses would provide a logical transition between the higher-intensity C-1 and C-2 zoning at the intersection of W. Wedington Dr. and N. Double Springs Rd. (a Tier Three Center). Under the current R-A zoning, the property is non-conforming to bulk and area requirements. Typically, R-A requires a lot width minimum of 200 feet and an area requirement of 2 acres, but the subject property has a lot width of only 90 feet and an area of only 0.56 acres. The subject property exceeds the minimum bulk and area requirements for NS-G. R-A has no maximum height limit but does require additional setbacks for heights exceeding one story. NS-G has a maximum building height of three stories, which is compatible with surrounding development. R-A has typical setbacks, but NS-G provides for development in Urban Form. The existing structure does not meet the build-to zone requirement, but any non-conformities would be reviewed at the time of development review. Further, the property's location along a Neighborhood Link Street and a corner lot is an ideal location for mixed use or commercial development to serve the surrounding residential neighborhood. Staff finds the requested rezoning to be compatible with surrounding land uses and provides opportunities for increased commercial services and housing opportunities in the neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's land use and zoning plans. The subject property is designated as a Residential Neighborhood area in the City Plan 2040 Future Land Use Map and is located just 0.07 miles south of a Tier Three Center as indicated on the plan's Growth Concept Map. Staff finds that a rezoning to NS-G would support those designations as both Residential Neighborhood Areas and

Tier Three Centers exist to provide a mix of commercial and residential uses of varying scale. Staff also finds the requested rezoning to be aligned with City Goals 3 (compact, complete development) and potentially 6 (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 NS-G since it would provide the opportunity for a variety of commercial and housing development options which support multiple goals of City Plan 2040. Further, the subject property is currently non-conforming to bulk and area requirements for R-A. The proposed rezoning is consistent with the property's future land use designation.

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 NS-G has some potential to increase traffic danger and congestion due to the addition of denser residential uses, however the limited size of the property would limit the amount of development and related traffic. The property has frontage along N. Double Springs Rd. and is near a paved trail which may mitigate some of the potential for increased traffic. Any street improvements in the area 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:

A rezoning from R-A to NS-G has some potential to increase population density due to the addition of denser residential uses up four-family dwellings at a density of up to 18 units per acre (up to ten units for the subject property). 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-2024-0022 to City

Council with a recommendation of approval.

PLANNING COMMISSI	ON ACTION:	Required	YES	
Date: <u>May 28, 2024</u>	☐ Tabled	☐ Fo	rwarded	☐ Denied
Motion:				
Second:				
Vote:				

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - o §161.03 District R-A, Residential-Agricultural
 - o §161.19 NS-G, Neighborhood Services General
- 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.

(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.

161.19 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 side setback(s) shall be	None	15 feet
		side setback(s) shall be 10 feet.		

(F) Building Height Regulations.

Duilding Height Mayimum	2 stories
Building Height Maximum	3 stories

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

Dustin Davis Owner R&D Property Holdings, LLC 22014 Tower Rd. Elkins, AR Dustin@RDPSAR.com 479-200-6535

16 April 2024

Fayetteville Planning Department City of Fayetteville 113 W. Mountain St. Fayetteville, AR 72701

Re: Rezoning Request for Parcel 765-16143-000

I am writing to formally submit a rezoning request on behalf of R&D Holdings, LLC. My request pertains to the property located on the NE Corner of W. Nicole and N Double Springs Rd, identified as Parcel 765-16143-000.

Parcel 765-16143-000: 951 N Double Springs Rd.

- Complete legal description provided separately.
- 0.56 acres
- Current zoning: R-A
- Requested zoning: NS-G

Current Adjacencies:

- North: C-1/R-A - Undeveloped

- South: R-A - Single Family

- East: R-O/C-2 - Duplexes and Retail Office Space

- West: RMF-24 - Duplexes

Statement of Compatibility:

The parcel is immediately adjacent to Commercial and Residential Office zoning. With this location being in a "Tier 3 Center" and will provide a fluid transition from the commercial area to residential. It is located on a main thoroughfare with higher traffic count and has road frontage on 2 sides making it ideal for a small office. The current development of the parcel consists of a residential structure designed to be a duplex and approximately 55 years old. The property owner's intention is not to redevelop this parcel at this time, but rather to renovate the existing structure and have flexibility in how it may be used during its remaining lifecycle. The requested zoning would allow for service-oriented uses or

development if needed in the future while providing a fluid transition from higher intensity use to residential areas.

Statement of Adverse Effect or Conflict with Surrounding Land Uses:

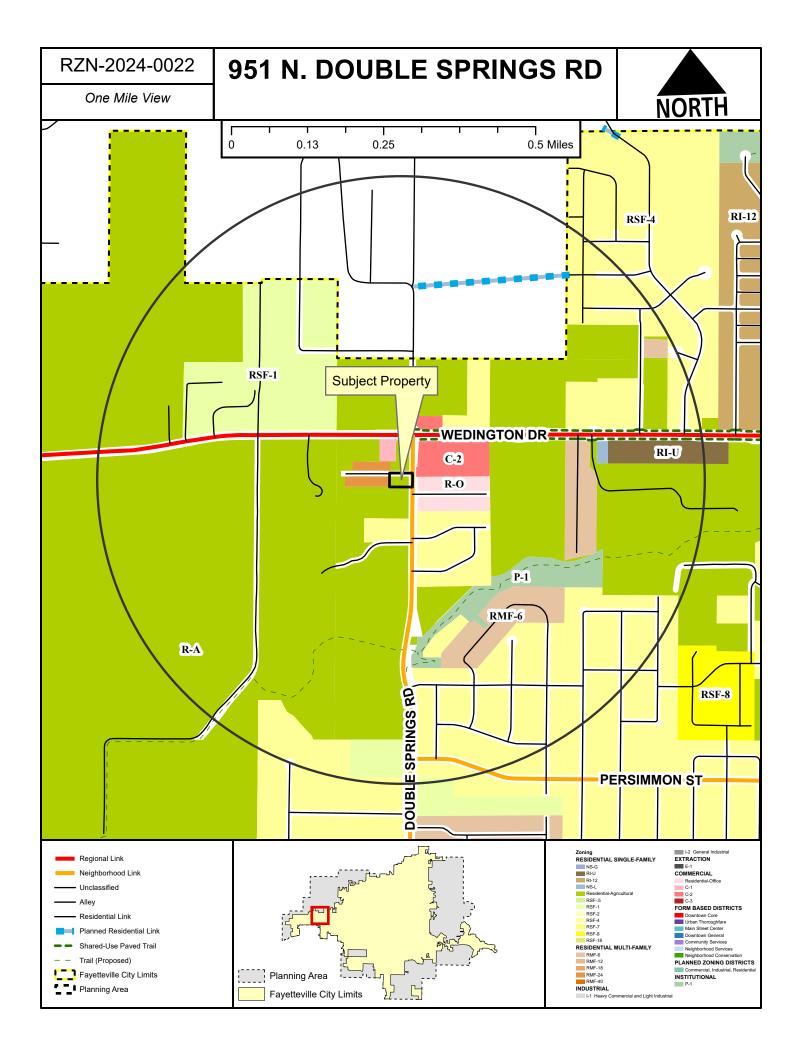
The permitted uses in NS-G zoning are similar to those permitted elsewhere throughout the existing neighborhood; however, it does contrast with some of the surrounding R-A zoning. The new NS-G could possibly increase traffic slightly but should be limited to the main thoroughfare and not intruding on any of the nearby neighborhoods.

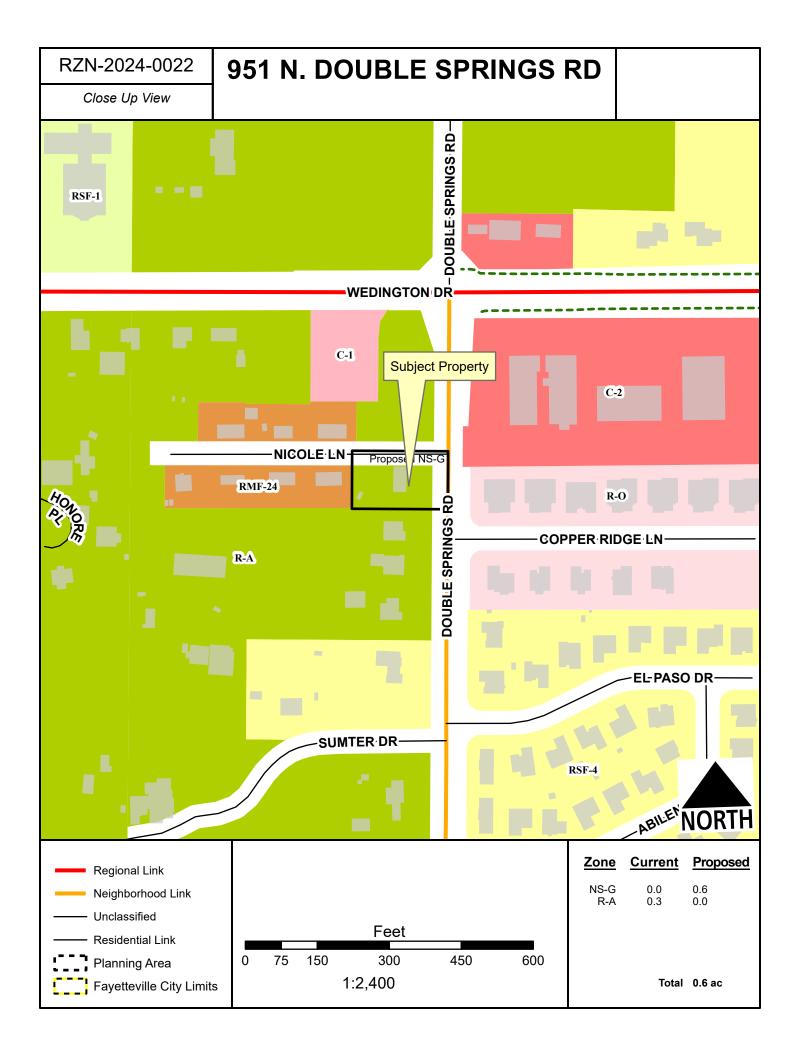
See Additional Exhibits:

- Zoning Map
- Parcel Map
- Extended Legal Description
- Consent of Owner Form

I appreciate your attention to this matter and look forward to discussing the rezoning request further. If additional information or clarification is needed, please do not hesitate to contact me. Thank you for your consideration.

Dustin Davis Owner R&D Property Holdings, LLC





RZN-2024-0022

951 N. DOUBLE SPRINGS RD

Current Land Use



