

City of Fayetteville Item Review Form

2014-0009

Registar File Number

02/04/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Quin Thompson

Submitted By

Development Services

Department

Action Required:

RZN 13-4578: Rezone (6316 W. WEDINGTON DRIVE/MORLAN, 396): Submitted by WILLIAM JENKINS for property located at 6316 W. WEDINGTON DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.87 acre. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.

Does this item have a cost? No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

01-21-14 P02:38 RCVD



dmw
Keenan 1-21-14

WJG


Paul a. Baker

Paul a. Baker for Dan Mann

Lionel Jackson

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services 
Andrew Garner, City Planning Director

From: Quin Thompson, Current Planner

Date: January 16, 2014

Subject: RZN 13-4578: Rezone (6316 W. Wedington Dr./Morlan)

RECOMMENDATION: The Planning Commission and Planning Division staff recommend approval of an ordinance to rezone the property to RSF-4, Residential Single-family/4 Units per Acre.

BACKGROUND: The subject property is located on the north side of Wedington Drive (AR 62 W) at 6316 W. Wedington Drive. The property is within the Residential Agricultural (R-A) zoning district and contains approximately 0.87 acres. The property is currently developed with a single-family home constructed in 1951, and was annexed into the City in 1982.

LAND USE ANALYSIS: *City Plan 2030 Future Land Use Plan designates this site as **Rural Area**. Rural Areas consist of lands in an open or cultivated state or sparsely settled. These may include woodland, agricultural lands or grasslands. These areas only have infrastructure and public services to support low-density zoning (i.e. 1 home per 15 acres or more). They do not have adequate transportation or public services to support urban development patterns at this time. Developments in these areas are not in close proximity to commercial services. This area encourages conservation and preservation in any development pattern.*

The property is a non-conforming lot within the R-A zoning district. The proposed rezoning would bring the lot into compliance with zoning codes. The City Plan 2030 Future Land Use Map designates this area as Rural Area. While Rural Areas are intended for very low density development, a single-family home has been located on this property for approximately 63 years. It is consistent with the City's land use objectives to bring nonconforming property into compliance, and to encourage re-use and redevelopment of property, which would be encouraged with this rezoning.

DISCUSSION: On January 13, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 7-0-0.

BUDGET IMPACT: None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 13-4578, FOR APPROXIMATELY 0.87 ACRES, LOCATED AT 6316 WEST WEDINGTON DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL, TO RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 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 following described property from R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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.

PASSED and **APPROVED** this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

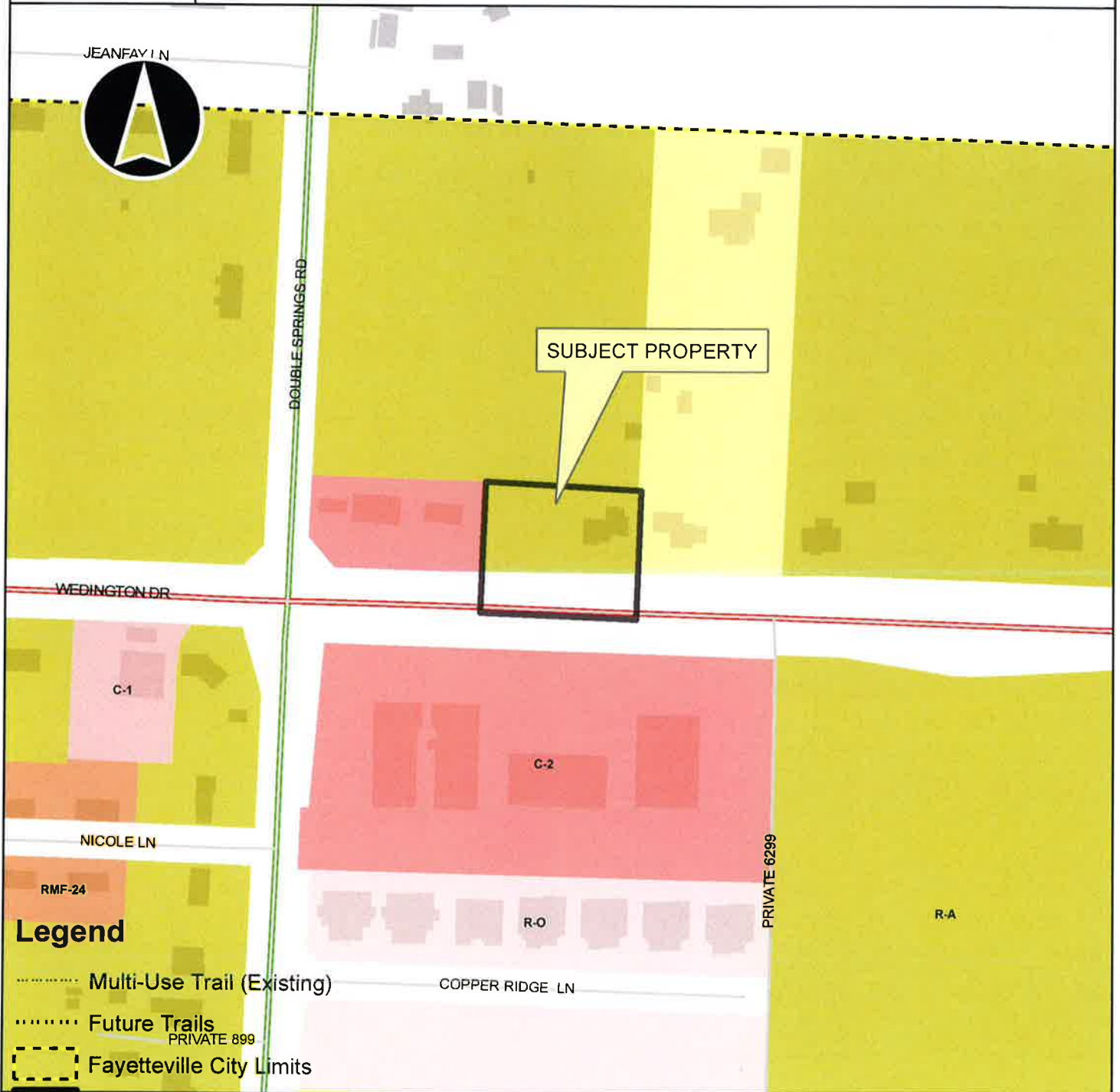
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

RZN13-4578

MORLAN

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- Fayetteville City Limits

Overview RZN13-4578

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area



EXHIBIT "B"
RZN 13-4578

PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TEN (10), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS NORTH 183.60 FEET AND SOUTH 89°01'26" EAST 259.81 FEET FROM THE SOUTHWEST CONER OF SAID 40 ACRE TRACT AND RUNNING THENCE NORTH 89°01 '26" EAST 212.98 FEET. THENCE SOUTH 00°10' EAST 175.55 FEET, THENCE SOUTH 89° 59'58" WEST 213.46 FEET, THENCE NORTH 179.18 FEET TO THE POINT OF BEGINNING, CONTAINING 0.87 OF AN ACRE, MORE OR LESS, SUBJECT TO THAT PORTION CONTAINED IN HIGHWAY 16 WEST ON THE SOUTH SIDE HERE OF.



PC Meeting of January 13, 2014

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Quin Thompson, Current Planner
THRU: Andrew Garner, Planning Director
DATE: ~~January 05, 2014~~ UPDATED JANUARY 16, 2014

RZN 13-4578: Rezone (6316 W. WEDINGTON DRIVE/MORLAN, 396): Submitted by WILLIAM JENKINS for property located at 6316 W. WEDINGTON DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 0.87 acre. The request is to rezone the property to RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE.
Planner: Quin Thompson

BACKGROUND:

Property and Background: The subject property is located on the north side of Wedington Drive (AR 62 W) at 6316 W. Wedington Drive. The property is within the Residential Agricultural (R-A) zoning district and contains approximately 0.87 acres. The property is currently developed with a single-family home constructed in 1951, and was annexed into the City in 1982.

The lot has neither the minimum frontage nor area required under the existing R-A zoning code. The owner intends to split the lot if the rezone request is approved, as stated in the request letter.

Surrounding land use and zoning is depicted on *Table 1*.

**Table 1
Surrounding Land Use and Zoning**

Direction from Site	Land Use	Zoning
North	Commercial/Agricultural	R-A, Residential Agricultural
South	Commercial Strip Center	C-2, Thoroughfare Commercial
East	Single Family Residential	RSF-4, Residential Single-Family, 4 units per acre
West	Commercial/Auto Repair	C-2, Thoroughfare Commercial

Request: The request is to rezone the property from R-A, Residential Agricultural to RSF-4, Residential Single Family Institutional to bring the existing property into conformance.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding RZN 13-4578 to the City Council with a recommendation for **approval** based on findings stated herein.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>January 13, 2014</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied
Motion: Winston	Second: Autry	Vote: 7-0-0	
CITY COUNCIL ACTION:	Required	<u>YES</u>	
	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	
Date: February 04, 2014			

INFRASTRUCTURE:

Streets: The site has access to State Highway 16 (Wedington Drive). Wedington Drive is a five lane, fully-improved road with curb/gutter, asphalt trail on both sides, and storm drainage. Any required improvements to the road would be determined at the time of re-development.

Water: Public water is available to the property. There is a 2" and an 8" water main running through the south portion of the parcel along Wedington Drive.

Sewer: Sanitary sewer is available to the site. There is a 6" sewer main running through the south portion of the parcel along Wedington Drive.

Drainage: Standard improvements and requirements for drainage will be required for any new development. This property is not affected by the 100-year floodplain or the Streamside Protection Zones.

Fire: The Fire Department did not express any concerns with this request.

Police: The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Rural Area**.*

Rural Areas consist of lands in an open or cultivated state or sparsely settled. These may include woodland, agricultural lands or grasslands. These areas only have infrastructure and public services to support low-density zoning (i.e. 1 home per 15 acres or more). They do not have adequate transportation or public services to support urban development patterns at this time. Developments in these areas are not in close proximity to commercial services. This area encourages conservation and preservation in any development pattern.

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: The property is a non-conforming lot within the R-A zoning district. The proposed rezoning would bring the lot into compliance with zoning codes. The City Plan 2030 Future Land Use Map designates this area as Rural Area. While Rural Areas are intended for very low density development, a single-family home has been located on this property for approximately 63 years. It is consistent with the City's land use objectives to bring nonconforming property into compliance, and to encourage re-use and redevelopment of property, which would be encouraged with this rezoning.

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

Finding: The proposed rezoning is justified as the property is currently not conforming to the existing R-A zoning. An approved rezone would bring the property and use into zoning compliance, eliminating an existing nonconforming condition. In addition, it would allow the property to be split in future.

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

Finding: The site access has access to Wedington Drive, a fully improved five lane State Highway. The proposed zoning would allow an existing use by right, and is unlikely that increase traffic danger or congestion would be appreciably increased. Street improvements will be assessed at the time of future 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: Rezoning the property from R-A to RSF-4 use should not undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

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

Unified Development Code Chapter 161: Zoning Regulations

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

(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
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(D) *Bulk and area regulations.*

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

E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.07 District RSF-4, Residential Single-Family – Four 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

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.

Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

a. David Morlan aka Morlan Enterprises is requesting rezoning to allow a potential track split to allow the sale of a portion of the tract containing the residential structure, while maintaining a portion of the existing land.

b. Rezoning from R-A to RSF-4 to allow potential tract split.

c. No foreseeable impacts on surrounding properties in regards to land use, traffic, appearance, and signage. Mr. Morlan owns adjacent properties to the West and North sides with Wedington Drive situated on the South. There is a one story frame house located on the East side of the tract we are requesting rezoning on.

d. Water and sewer already in place (2" water and 4" sewer) running along the North side of Wedington Drive through the property.

e. Property to be rezoned contains frame house located on the East side facing Wedington Drive. Planning for the area should allow smaller lots with a house with no disruptions which allows consistency with neighboring tracts.

f. Rezoning to RSF-4 is the only way to split tract with current zoning specifications.

g. No increased traffic or demands on public services are anticipated with new zoning.

h. No increased population density is anticipated with new zoning, rental house is in place.

i. Rezoning should allow the necessary transition from agricultural land to urban development.

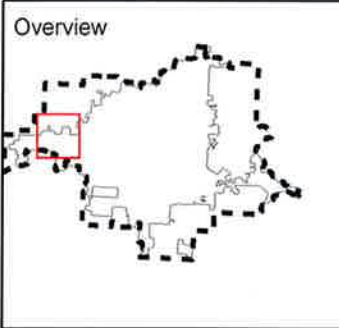
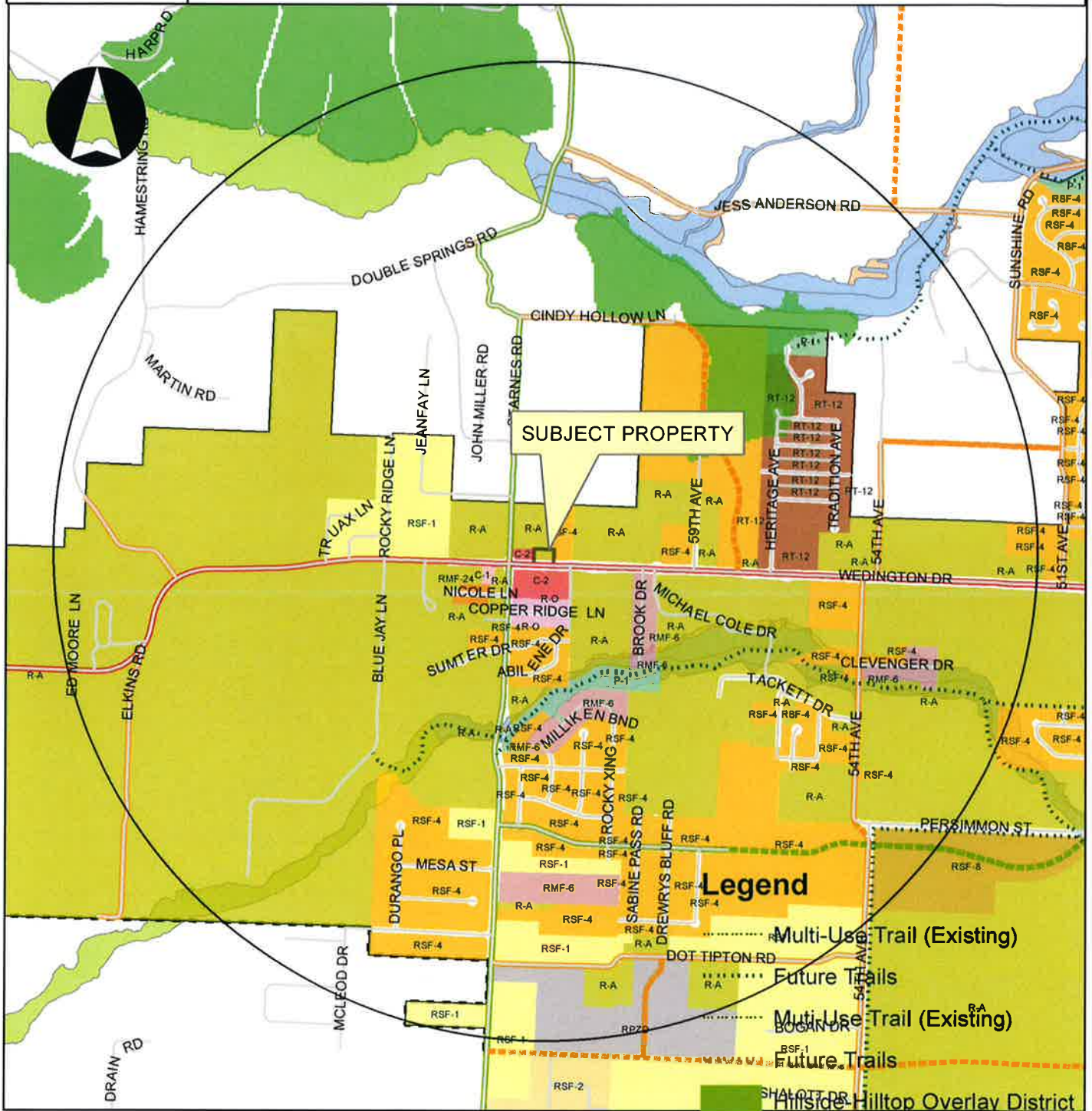


1 inch = 30 feet

RZN13-4578

MORLAN

One Mile View



Legend

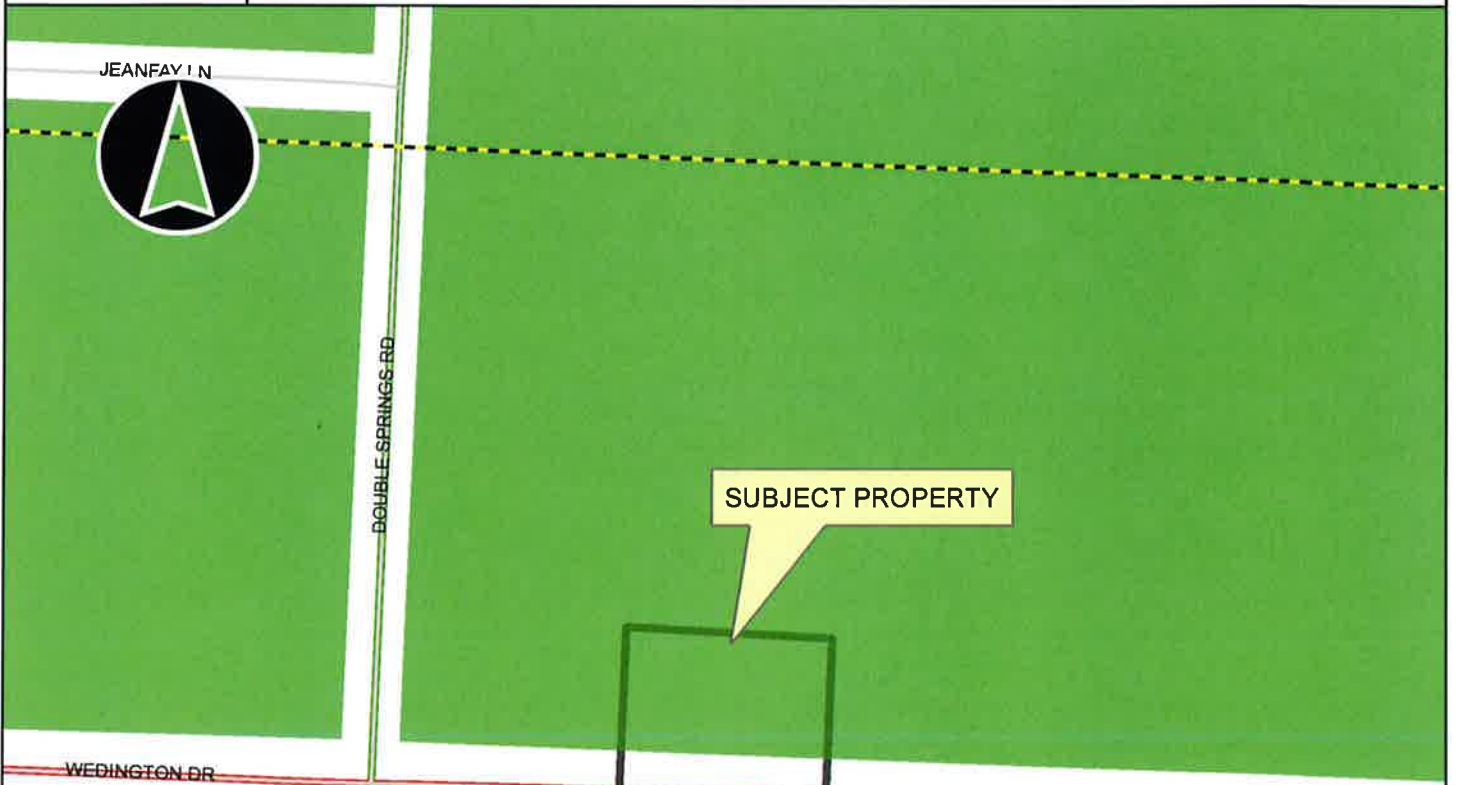
- Subject Property
- RZN13-4578
- Boundary
- Design Overlay District
- Planning Area
- Fayetteville
- RZN13-4578
- Future Trails
- Multi-Use Trail (Existing)
- Multi-Use Trail (Existing)
- Future Trails
- Hillside Hilltop Overlay District

0 0.25 0.5 1
 Miles

RZN13-4578

MORLAN

Future Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails
- - - - - Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

- Natural Area
- Rural Area
- Residential Neighborhood Area
- City Neighborhood Area
- Urban Center Area
- Industrial
- Complete Neighborhood Plan

Civic and Private Open Space/Parks

Civic Institutional

Non-Municipal Government

ROW

RZN13-4578

Design Overlay District

Design Overlay District

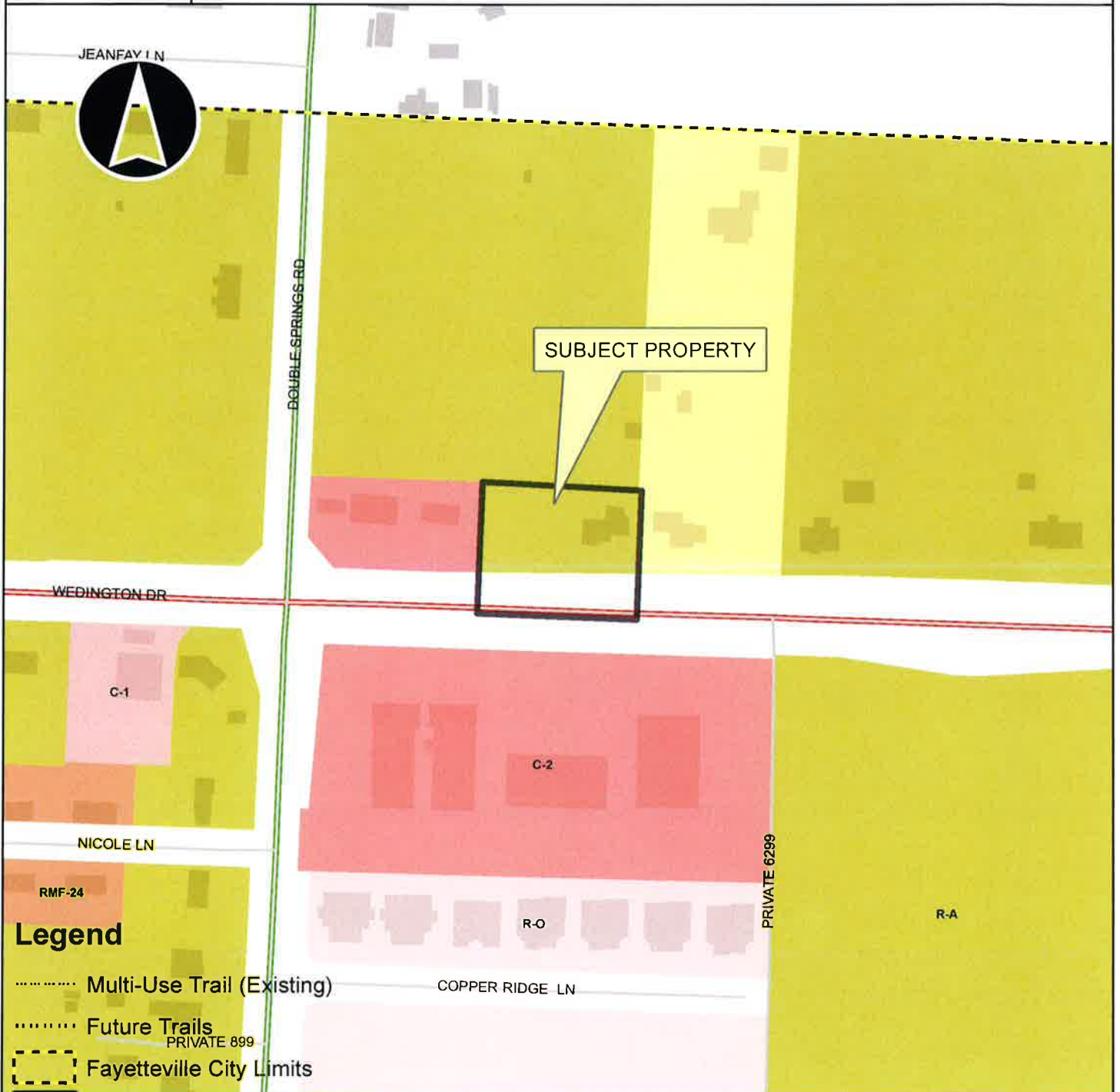
Planning Area



RZN13-4578

MORLAN

Close Up View



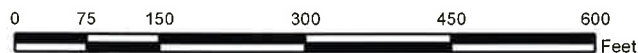
Legend

- Multi-Use Trail (Existing)
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- Fayetteville City Limits

Overview

RZN13-4578

- Footprints 2010
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RZN13-4578

MORLAN

Current Land Use



Legend

- Multi-Use Trail (Existing)
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