City of Fayetteville Item Review Form

2014-0257

Legistar File Number

07/1/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jesse Fulcher

Development Services

Submitted By

Department

Action Required:

RZN 14-4687: Rezone (659 N.GENEVIEVE AVE./DAVIS, 436): Submitted by BATES & ASSOCIATES for property located at 659 N. GENVIEVE AVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.62 acres. The request is to rezone the property to RSF-4 RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE.

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	
	\$0.00		
Project Number	Remaining Balance	Fund Name	
Budgeted Item?	Budget Adjustment Attached?		
Previous Ordinance or Resolution # Original Contract Number:	ENTERED ON	V20130812	
Comments:			
Allog C PA - 06-11-2014 Ocalin 6-12-2014 Paul a. Berlin 6-12-2014			
Paul a. Bern 6-12- Dyn Men 6-13-1 Tweeth Jane			



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 1, 2014

TO:

City of Fayetteville Planning Commission

THRU:

Andrew Garner, Planning Director

FROM:

Jesse Fulcher, Senior Planner

DATE:

June 9, 2014

SUBJECT:

RZN 14-4687: Rezone (659 N.GENEVIEVE AVE./DAVIS, 436):

Submitted by BATES & ASSOCIATES for property located at 659 N.

GENVIEVE AVE. The property is zoned R-A, RESIDENTIAL-

AGRICULTURAL and contains approximately 1.62 acres. The request is to rezone the property to RSF-4 RESIDENTIAL SINGLE FAMILY, 4

UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission recommends approval of an ordinance to rezone the property to RSF-2, Residential Single-family, 2 units per acre. Planning Division staff recommends denial of the request. The applicant is requesting that the City Council consider the original request to rezone the property to RSF-4, Residential Single-family, 4 units per acre (see letter attached).

BACKGROUND:

The Planning Commission discussed a rezoning petition for RSF-4, Residential Single-family, 4 units per acre at the April 28th meeting. Planning staff was recommending denial of the proposal. The Planning Commission tabled the item to allow the applicant time to consider a less dense zoning district for the property that would allow two new homes to be constructed.

The applicant presented a request for RSF-2, Residential Single-family, 2 units per acre at the May 12 Planning Commission meeting. The request was forwarded to the City Council with a recommendation for approval.

Upon further review by the property owner and City staff it was determined that the RSF-2 zoning would not permit two new units. The property owner has submitted a letter requesting that the City Council consider the original request for RSF-4.

The subject property is located at the southwest corner of Tackett Drive and Genevieve Avenue, west of 54th Avenue. The property contains approximately 1.5 acres and is developed with a two-family residence that was constructed in 1976. Properties immediately adjacent to this property range in size from 0.63 acres to 2.42 acres.

CITY PLAN 2025 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Map designates this property as a *Rural Residential Area*. These areas recognize low density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands,

grasslands, or agricultural lands that are sparsely settled. They may not have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns, nor should these services be expanded to accommodate further growth unless they are in line with the following principles:

- **a.** Allow and encourage historical agricultural and related uses to continue and to occur as permanent land uses within planned developments.
- **b.** If developed, encourage alternative development patterns, such as conservation or cluster development types, to achieve compatibility with surrounding rural areas.
- **c.** Foster a culture that supports local food production on a variety of scales.
- **d.** Encourage, preserve and protect viable agribusinesses such as orchards, berry farms and small scale produce-yielding businesses that provide goods for the local market.

COMPATABILITY: The property is located in an area that is characterized by large lot, rural residences. There is a small subdivision to the east that is comprised of ¼ acre lots, but that development pattern is the exception. The current development pattern on this lot fits the development pattern of the area, in staff's opinion. Including this property there are three 1.5 acre lots on Genevieve Avenue that are developed with a duplex at a density of 1 unit per ¾ acre. This is an appropriate density given the narrow, rural nature of the roadways and the small water system in place. There is a 2" water line serving around 10-12 houses.

The Rural Residential Area designation recognizes low density, large lot residential development and encourages land conservation. Rezoning the property to RSF-4 allows for the development of 8,000 square foot lots (RSF-2 allows 17,860 square foot lots), which is inconsistent with the predominant land pattern in the area and with immediately adjacent properties. Creating suburban densities in rural areas is inconsistent with land use planning objectives and land use plans.

DISCUSSION:

On May 12, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval of RSF-2 with a vote of 6-3-0 with Commissioners Chesser, Cook and Winston voting 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance Exhibit A Exhibit B Planning Commission Staff Report

ORDINANCE NO.

AN **ORDINANCE REZONING** THAT **PROPERTY** DESCRIBED IN REZONING PETITION RZN 14-4687, FOR APPROXIMATELY 1.62 ACRES, LOCATED AT 659 N. **GENVIEVE AVENUE** FROM R-A, RESIDENTIAL-AGRICULTURAL TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 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-2, Residential Single Family, 2 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.
APPR	OVED:	ATTEST:	
By:	ONELD JORDAN, Mayor	By:	RA E. SMITH. City Clerk/Treasurer

Genevieve Ave /Davis) Page 5 of 22 RZN14-4687 **DAVIS** Close Up View MICHAEL COLE DR R-A SUBJECT PROPERTY TACKETT DR RSF-4 SUNDANCE DR GENEVIEVE AVE Legend COPERNICUS PL Multi-Use Trail (Existing) Future Trails Fayetteville City Limits Overview RZN14-4687 Footprints 2010 Hillside-Hilltop Overlay District Design Overlay District Design Overlay District 600 ----- Planning Area

EXHIBIT 'B' 14-4687

SURVEY DESCRIPTION:

OVERALL PARCEL #765-16245-000:

A PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 11 AND RUNNING THENCE N01°46'13"W 185.10' TO AN EXISTING CONCRETE MONUMENT ON THE SOUTH RIGHT-OF-WAY OF TACKETT DRIVE, THENCE ALONG THE SOUTH AND WEST RIGHT-OF-WAY THE FOLLOWING: N87°43'17"E 207.69', S88°53'14"E 59.08', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 51.45' FOR A CHORD BEARING AND DISTANCE OF S68°56'52"E 31.81', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 40.70' FOR A CHORD BEARING AND DISTANCE OF S24°45'24"E 28.35', S06°55'47"E 33.59', ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 97.88' FOR A CHORD BEARING AND DISTANCE OF S02°19'36"W 30.78' TO THE WEST RIGHT-OF-WAY OF GENEVIEVE AVENUE. THENCE ALONG SAID WEST RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 153.84' FOR A CHORD BEARING AND DISTANCE OF \$17°17'01"W 114.96', \$00°00'16"E 29.39' TO AN EXISTING REBAR ON SAID RIGHT-OF-WAY, THENCE LEAVING SAID RIGHT-OF-WAY S87°57'31"W 269.46', THENCE N01°46'13"W 57.93' TO THE POINT OF BEGINNING, CONTAINING 1.62 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Jesse Fulcher, AICP

City Planning

125 W, Mountain St.

Fayetteville, AR

RE: 659-651 Genevieve

Mr. Fulcher,

Please accept this letter as a request to amend my rezoning request to RSF-4, Residential Single-Family, 4 units per acre. The density limitations of the RSF-2 zoning district will only permit 1 new single-family home. My intent is to build 2 new homes on either side of the existing duplex. Further, the RSF-2 district does not permit duplexes, so the existing duplex would be a nonconforming use that could not be corrected.

Thank you for your consideration of this request.

Gary Dy Daxis



PLANNING COMMISSION MEMO

TO:

Fayetteville Planning Commission

THRU:

Andrew Garner, City Planning Director

FROM:

Jesse Fulcher, Senior Planner

MEETING DATE:

May 12, 2014

SUBJECT:

RZN 14-4687: Rezone (659 N.GENEVIEVE AVE./DAVIS, 436): Submitted by BATES & ASSOCIATES for property located at 659 N. GENVIEVE AVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.62 acres. The request is to rezone the property to RSF-2 RESIDENTIAL SINGLE FAMILY, 2 UNITS

PER ACRE.

RECOMMENDATION:

Staff recommends forwarding RZN 14-4687 to the City Council with a recommendation for denial.

BACKGROUND:

The Planning Commission discussed a rezoning petition for RSF-4, Residential Single-family, 4 units per acre at the April 28th meeting. The request was tabled to allow the applicant time to consider a less dense zoning district for the property. A survey and revised request letter are attached.

The subject property is located at the southwest corner of Tackett Drive and Genevieve Avenue, west of 54th Avenue. The property contains approximately 1.5 acres and is developed with a two-family residence that was constructed in 1976. Properties immediately adjacent to this property range in size from 0.63 acres to 2.42 acres. Surrounding land use and zoning is depicted on Table 1.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Single-family residential	R-A, Residential Agricultural
South	Two-family residential	RSF-4, Residential Single-family, 4 units/ acre
East	Single-family residential	R-A, Residential Agricultural
West	Single-family residential	R-A, Residential Agricultural

DISCUSSION:

Request: The request is to rezone the property from R-A, Residential Agricultural to RSF-2, Residential Single-Family, 2 units per acre.

Public Comment: Staff has not received public comment.

PLANNING COMMISSION ACT	「ION: Required	
Date: <u>May 12, 2014</u> ☐ Tabled	l √Forwarded □	J Denied
Motion: <u>Autry</u> Second: <u>Nob</u>	<u>le</u> Vote: <u>6-3-0</u> (Che	esser, Cook and Winston voted 'No')
CITY COUNCIL ACTION: Requ	ıired	
Date: <u>June 3, 2014</u>	☐ Approved	☐ Denied

INFRASTRUCTURE:

Streets: The site has access to Genevieve Avenue and Tackett Drive. Both roads are

unimproved with open ditches and no lane striping. Roadway improvements will

be determined at the time of development.

Water: Public water is accessible to the site. A 2" water main exists on the north and east

sides of the property.

Sewer: Sanitary sewer is available to the site. A 6" sanitary sewer main exists on the north

and east sides of the property.

Drainage: Any additional improvements or requirements for drainage will be determined at

time of development. This property is not affected by the 100-year floodplain or

the Streamside Protection Ordinance.

Fire: This development will be protected by Engine 7 located at 835 Rupple Rd. It is 3

miles from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this

development will affect calls for service or our response times.

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

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Map designates this property as a Rural Residential Area. These areas recognize low density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. They may not have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns, nor

should these services be expanded to accommodate further growth unless they are in line with the following principles:

- a. Allow and encourage historical agricultural and related uses to continue and to occur as
 - permanent land uses within planned developments.
- b. If developed, encourage alternative development patterns, such as conservation or cluster
 - development types, to achieve compatibility with surrounding rural areas.
- c. Foster a culture that supports local food production on a variety of scales.
- d. Encourage, preserve and protect viable agribusinesses such as orchards, berry farms and small scale produce-yielding businesses that provide goods for the local market.

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 located in an area that is characterized by large lot, rural residences. There is a small subdivision to the east that is comprised of ¼ acre lots, but that development pattern is the exception. The current development pattern on this lot fits the development pattern of the area, in staff's opinion. Including this property, there are three 1.5 acre lots on Genevieve that are developed with a duplex at a density of 1 unit per 3/4 acre. This is an appropriate density given the narrow, rural nature of the roadways and the small water system in place. There is a 2" water line serving around 10-12 houses.

The Future Land Use Map designates this property as a Rural Residential Area, which recognizes low density, large lot residential development and encourages land conservation. Rezoning the property to RSF-2 allows for the development of 17,860 square foot lots (0.41 acres), which is inconsistent with the predominant land pattern in the area and with immediately adjacent properties. Creating suburban densities in rural areas is inconsistent with land use planning objectives and land use plans.

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

Finding:

Staff has not determined the exact date that this lot (or the next two lots) was created. However, the County Assessor's records indicate that the house was built in 1976 and the 1.5 acre lot was transferred to a new owner in 1983. The property was annexed into the City of Fayetteville in 1982, so it has been zoned agricultural for approximately 32 years. In staff's opinion there is no justification to rezone the property at this time. Currently, the lot is nonconforming, as it is less than the 2-acre minimum for the R-A zoning district. However, the lot is already developed, so there is no restriction on the current building. The only reason to rezone the property at this point is to allow the development of additional density, which is inconsistent with the land use plan and surrounding land uses.

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

Finding:

Rezoning the property to RSF-2 could allow up to two additional homes on the property. While this is a minor increase in traffic, the existing street system in this area is inadequate for suburban densities. At approximately 16 feet wide, neither Tackett nor Genevieve provide adequate width for fire department access (photos attached). As noted in the Future Land Use Plan, Rural Residential Areas don't have adequate street and water infrastructure or public services, such as police and fire, to support urban or suburban densities and development patterns, nor should these services be expanded to accommodate further growth

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 to RSF-2 will allow up to two additional houses on the property. This increase in density will not undesirably increase the load on public services. Comments from service providers are included.

- 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

BUDGET/STAFF IMPACT:

None

ATTACHMENTS: Proposed zoning criteria, Fire Department comments, applicant's letter, rezoning exhibit/survey, photographs, maps

TITLE XV UNIFIED DEVELOPMENT CODE

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
Units per acre	One-nan

(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)

161.06 District RSF-2, Residential Single-Family – Two Units Per Acre

- (A) Purpose. To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and 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.
- (C) Permitted uses.

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) 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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) Density.

Units per acre	2

(F) Bulk and area regulations.

Lot width minimum	100 ft.	
Lot area minimum	17,860 Sq. Ft.	
Land area per dwelling unit		
	17,860 Sq. Ft.	

(G) Setback requirements.

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) Building height regulations.

Building Height Maximum	45 ft
Daliang Height Maximum	1010.

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).

(I) Building area. None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; 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. 5462, 12-6-11)







FIRE DEPARTMENT 303 West Center Street Fayetteville, AR 72701 P (479) 575-8365 F (479) 575-0471

Zoning Review

To:

Jesse Fulcher

From:

Will Beeks

Date:

April 1, 2014

Re:

RZN 14-4687

This development will be protected by Engine 7 located at 835 Rupple Road.

It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Fayetteville Fire Department





Civil Engineering & Surveying

91 W. Colt Square Suite 3/ Fayetteville, AR 72703 PH: 479-442-9350 * FAX: 479-521-9350 www.nwabatesinc.com

May 5, 2014

Planning Commission City of Fayetteville 113 West Mountain Fayetteville, AR 72701

RE: 659 N. Genevieve Ave. Property Rezoning

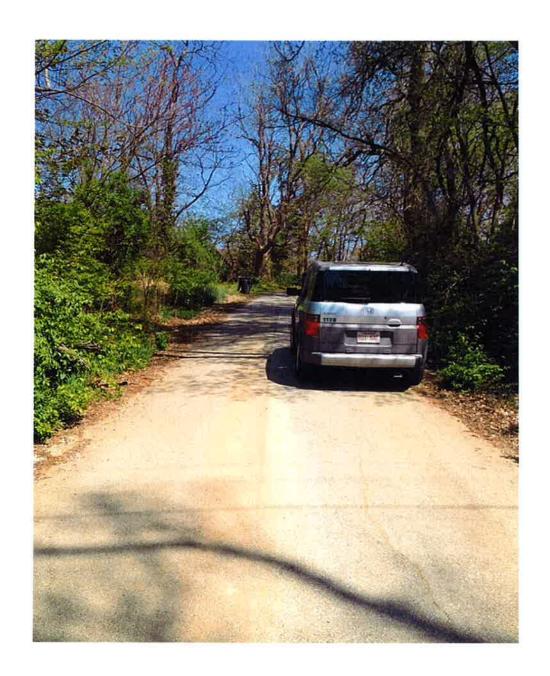
Dear Commissioners,

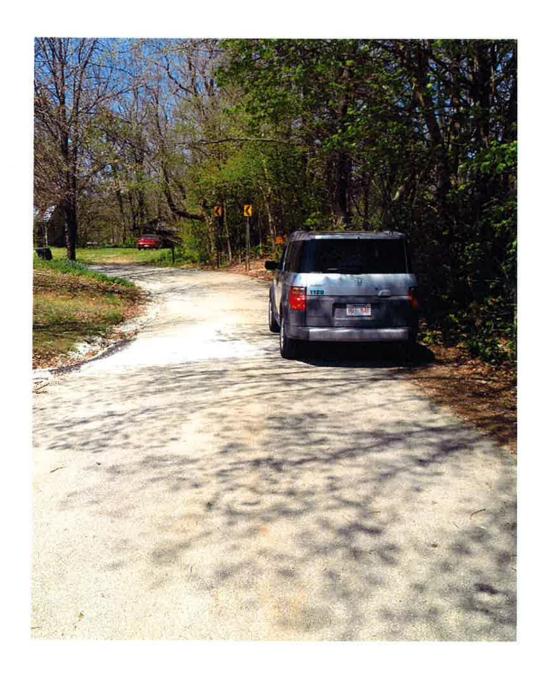
This letter is to fulfill the requirements of item 5 on the rezoning application. We are proposing to rezone the property from R-A to RSF-2.

- a. Current property owner: Gary & Loice Davis. There are no pending sales on this property.
- b. The zoning change will allow the owner to split the property for future development. I have attached a copy of the survey which shows the proposed splits for this property.
- c. This parcel is located adjacent to RSF-4 zoning and the future land use map shows this area to be zoned for residential activities. This property will be similar to the other properties in the area in terms of land use and appearance. Traffic should not be affected due to the change in zoning.
- d. A 6" sewer main is located on the East and North sides of the property, and a 2" water main is also located on the East and North sides of the property.
- e. This parcel is located adjacent to RSF-4 zoning and the future land use map shows this area to be zoned for residential activities.
- f. In order to split this property for residential development, the zoning must be changed to one of the other more conducive zonings for this area.
- g. Since this area is primarily residential already, traffic should not be impacted by the change in zoning.
- h. There are currently sewer and water services available in this area that are being used by other residential properties so this rezoning will not undesirably increase the load on public services.
- i. The property is currently zoned R-A. This is the default zoning for property being annexed into the city limits which lie on the outside edge of the city. While this has been the usual land use for this area, it is slightly impractical when considering the surrounding uses. Finally, it would no doubt be more favorable to the residents and adjacent property owners for this property to be used as a residential zoning district.

If you have any questions or require additional information, please feel free to call.

Sincerely, Derrick Thomas





Page 19 of 22

RZN14-4687

Current Land Use

DAVIS

