

City of Fayetteville Staff Review Form

2022-0259

Legistar File ID

4/5/2022

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

Jonathan Curth

3/18/2022

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN-2022-000009: Rezone (917 S. HOLLYWOOD AVE./PARKER, 559): Submitted by BRAD PARKER for property located at 917 S. HOLLYWOOD AVE in Ward 1. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? No

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? No

Item Cost

\$ -

Budget Adjustment Attached? No

Budget Adjustment

\$ -

Remaining Budget

\$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



MEETING OF APRIL 5, 2022

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessie Masters, Development Review Manager

DATE: March 18, 2022

SUBJECT: **RZN-2022-000009: Rezone (917 S. HOLLYWOOD AVE./PARKER, 559):**
Submitted by BRAD PARKER for property located at 917 S. HOLLYWOOD AVE in Ward 1. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

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 on S. Hollywood Avenue, south of W. Martin Luther King Jr. Boulevard and approximately .25 miles east of I-49. The property in question is one parcel, 765-12154-000, Lot 6 in the Westwood Addition which was originally platted in 1946. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre. The property is developed with a single-family house that County records indicate was constructed in 1936.

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre, to CS, Community Services. The applicant has not submitted an associated development proposal.

Public Comment: Staff received no public comment regarding this request.

Land Use Compatibility: Staff finds the request to be compatible with surrounding land uses. Firstly, the property is well-served by ample city-services, such as Fire Station #6 directly to the east, as well as water and sewer currently located in S. Hollywood Avenue. To the south of the property is another 1.13 acres that was recently rezoned to CS in the end of 2020. Southwest of the property is the recently developed Cottages at Hollywood, a multi-family development that was approved by Planning Commission in 2018 and included an extension of S. Hollywood Avenue to connect to 15th Street. Additionally, the Tsa-La-Gi Trail, a paved trail that offers connections to the wider network of trails throughout the city of Fayetteville is just to the south of the property. While CS allows a wider expansion of uses, higher density allowance, and smaller

lot minimums than the existing zoning district, staff finds the request is compatible with the surroundings.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This area is designated as an Urban Center, which encourages high density, mixed-use structures to allow people to live, work, and shop in the same area. Staff finds that this rezone request closes the gap between commercial- and high-density zoning and brings the area into consistency with City Plan 2040. The infill score for the property is also high, much in response to the available alternative transportation networks through proximity to trails and public transportation lines. Encouraging a form-based district in the area also allows for a higher scrutiny of design standards than would typically be involved with more traditional commercial zoning districts in the City of Fayetteville, such as C-1 or C-2, and the build-to-zone requirement allows for more walkable development forms.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **7-8** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #6, 990 S. Hollywood Avenue)
- Near Sewer Main (6", S. Hollywood Avenue)
- Near Water Main (6", S. Hollywood Avenue)
- Near Public School (Ramay Jr. High School)
- Near Paved Trail (Tsa-La-Gi Trail)
- Near Park (Town Branch Trail Corridor)
- Near Razorback Bus Stop (Route 48)
- Appropriate Future Land Use (Urban Center Area)

DISCUSSION:

At the March 14, 2022 Planning Commission meeting, a vote of 7-0-0 forwarded the request to City Council with a recommendation of approval. Commissioner Sparkman made the motion and Commissioner Canada seconded. Commissioners offered little comment, finding the request to be appropriate. No public comment was offered at the meeting.

BUDGET/STAFF IMPACT:

N/A

Attachments:

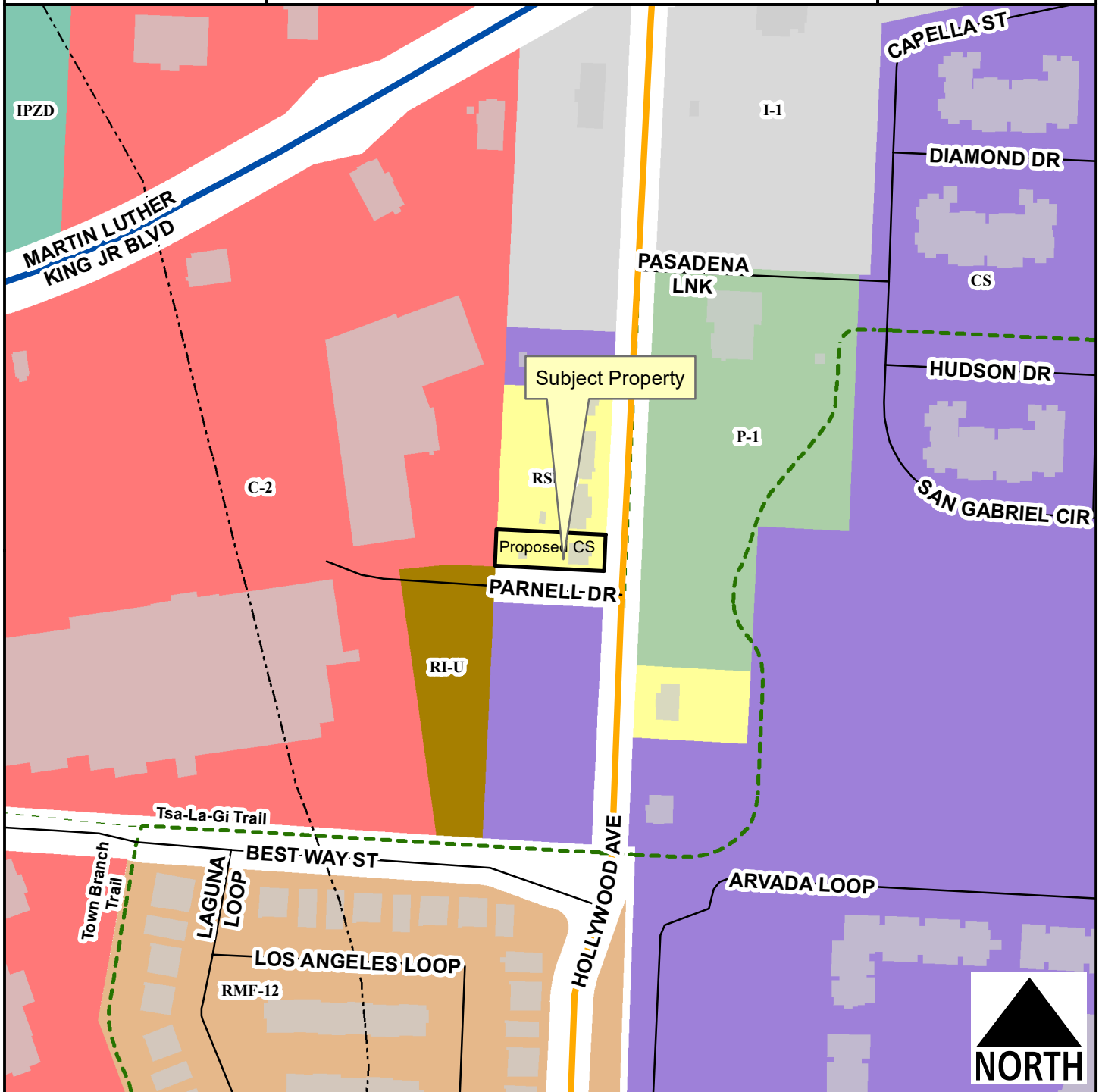
- Exhibit A
- Exhibit B
- Planning Commission Staff Report

RZN-2022-000009

Parker

EXHIBIT 'A'
RZN-2022-000009

Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1 inch = 200 feet

Zoning	Acres
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CS	0.2
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Total	0.2
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EXHIBIT 'B'
RZN-2022-000009

Lot Numbered Six (6) in Block Numbered Six (6) in Westwood Addition to the City of Fayetteville, Arkansas, as shown upon the recorded plat thereof on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: March 14, 2022 **Updated with PC hearing results from 3/14/2022**

SUBJECT: **RZN-2022-000009: Rezone (917 S. HOLLYWOOD AVE./PARKER, 559):**
Submitted by BRAD PARKER for property located at 917 S. HOLLYWOOD AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.24 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2022-000009** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2022-000009** to City Council with a recommendation of approval."

BACKGROUND:

The subject property is located on S. Hollywood Avenue, south of W. Martin Luther King Jr. Boulevard and approximately .25 miles east of I-49. The property in question is one parcel, 765-12154-000, Lot 6 in the Westwood Addition which was originally platted in 1946. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Duplex/Single-Family Dwellings	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Dwellings	CS, Community Services
East	Fire Station	P-1, Institutional
West	Commercial	C-2, Thoroughfare Commercial

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre, to CS, Community Services. The applicant has not submitted an associated development proposal.

Public Comment: To date, staff has not received any public comment on the item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along S. Hollywood Avenue. S. Hollywood Avenue is a partially improved Neighborhood Link street with asphalt paving and open ditches. The subject area has frontage along W. Parnell Drive which is a partially improved Residential Link street with asphalt paving and curb and gutter. 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 6-inch water main is present along the east side of S. Hollywood Avenue.

Sewer: Sanitary Sewer is available to the subject area. An existing 6-inch sanitary sewer main is present along the west side of S. Hollywood Avenue. An existing 6-inch sanitary sewer main is present along the west side of the subject property.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 990 S. Hollywood Ave., protects this site. The property is located approximately 0.07 miles from the fire station with an anticipated drive time of approximately 1 minute using existing streets. The anticipated response time would be approximately 3.2 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.

Police: The Police Department expressed no concerns with this request.

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of the property is within the Hillside-Hilltop Overlay District, nor is there a protected stream in the area, or hydric soils present. The property does not lie within a FEMA floodplain.

Tree Preservation:

The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Urban Center Areas**.

Urban Center Areas contain the most intense and dense development patterns within the City and allow for the tallest and greatest variety of buildings. Urban Center accommodates rowhouses, apartments, local and regional retail, hotels, clean technology industries and entertainment uses. These areas are typified by their location adjacent to major thoroughfares with high visibility. Although Urban Center Areas recognize the conventional big box and strip retail centers existing along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same area. Additionally, infill of underperforming or undervalued existing big box and strip centers should be strongly encouraged since there is a greater return on investment for redevelopment of these areas that have existing public infrastructure such as streets, sidewalks, trails, water, sewer and parklands.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **7-8** for this site, with a weighted score of **9.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #6, 990 S. Hollywood Avenue)
- Near Sewer Main (6", S. Hollywood Avenue)
- Near Water Main (6", S. Hollywood Avenue)
- Near Public School (Ramay Jr. High School)
- Near Paved Trail (Tsa-La-Gi Trail)
- Near Park (Town Branch Trail Corridor)
- Near Razorback Bus Stop (Route 48)
- Appropriate Future Land Use (Urban Center Area)

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 request to be compatible with surrounding land uses. Firstly, the property is well-served by ample city-services, such as Fire Station #6 directly to the east, as well as water and sewer currently located in S. Hollywood Avenue. To the south of the property is another 1.13 acres that was recently rezoned to CS in the end of 2020. Southwest of the property is the recently developed Cottages at Hollywood, a multi-family development that was approved by Planning Commission in 2018 and included an extension of S. Hollywood Avenue to connect to 15th Street. Additionally, the Tsa-La-Gi Trail, a paved trail that offers connections to the wider network of trails throughout the city of Fayetteville is just to the south of the property. While CS allows a wider expansion of uses, higher density allowance, and smaller lot minimums than the existing zoning district, staff finds the request is compatible with the surroundings.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This area is designated as an Urban Center, which encourages high density, mixed-use structures to allow people to live, work, and shop in the same area. Staff finds that this rezone request closes the gap between commercial- and high-density zoning and brings the area into compliance with City Plan 2040. The infill score for the property is also high, much in response to the available alternative transportation networks through proximity to trails and public transportation lines. Encouraging a form-based district in the area also allows for a higher scrutiny of design standards than would typically be involved with more traditional commercial zoning districts in the City of Fayetteville, such as C-1 or C-2, and the build-to-zone requirement allows for more walkable development forms.

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

Finding: The applicant did not offer a specific development proposal along with this request. Staff finds that a rezone from RSF-4 to CS is consistent with long-term land use plans, and brings the site into agreement with City Plan 2040 as an Urban Center, therefore making this request justified from staff's perspective.

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

Finding: Rezoning the property to CS does have the potential to increase traffic along S. Hollywood Avenue as opposed to keeping the property zoned RSF-4. However, staff finds that the size of the request in comparison to the nearby already-zoned-CS property would not appreciably impact any traffic danger. Additionally, the recent improvements and added connectivity of S. Hollywood Avenue and 15th Streets increase the developability of this site.

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 RSF-4 to CS would have the potential to increase the population density, since CS does allow for residential uses up to multi-family dwellings. Staff finds that given the recent street improvements made in the area, the nearby school, and availability of water and sewer, this request would not put an undue burden on these existing services.

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 approval of RZN-2022-000009.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>March 14, 2022</u>	<input type="checkbox"/> Tabled	<input checked="" type="checkbox"/> Forwarded	<input type="checkbox"/> Denied		
Motion: Sparkman	With a recommendation of approval.				
Second: Canada					
Vote: 7-0-0					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.22 Community Services
- Applicant 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
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- (G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

161.22 Community Services

- (A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services

Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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I would like I rezone my property at 917 S Hollywood Ave. to CS. I believe it makes sense to rezone to CS because several lots across from my property on the corner of Parnell St. and Hollywood Ave. rezoned to CS. There were four or five houses, and now there is twelve being built. Since the property has a big back yard, I think we can do the same style of housing currently being constructed. I believe it is possible to build another house (maybe two) where the back yard is, and have them face Parnell. Per the 2040 plan, the location of the property is in the urban center, supporting the idea to have dense residential property at the location.

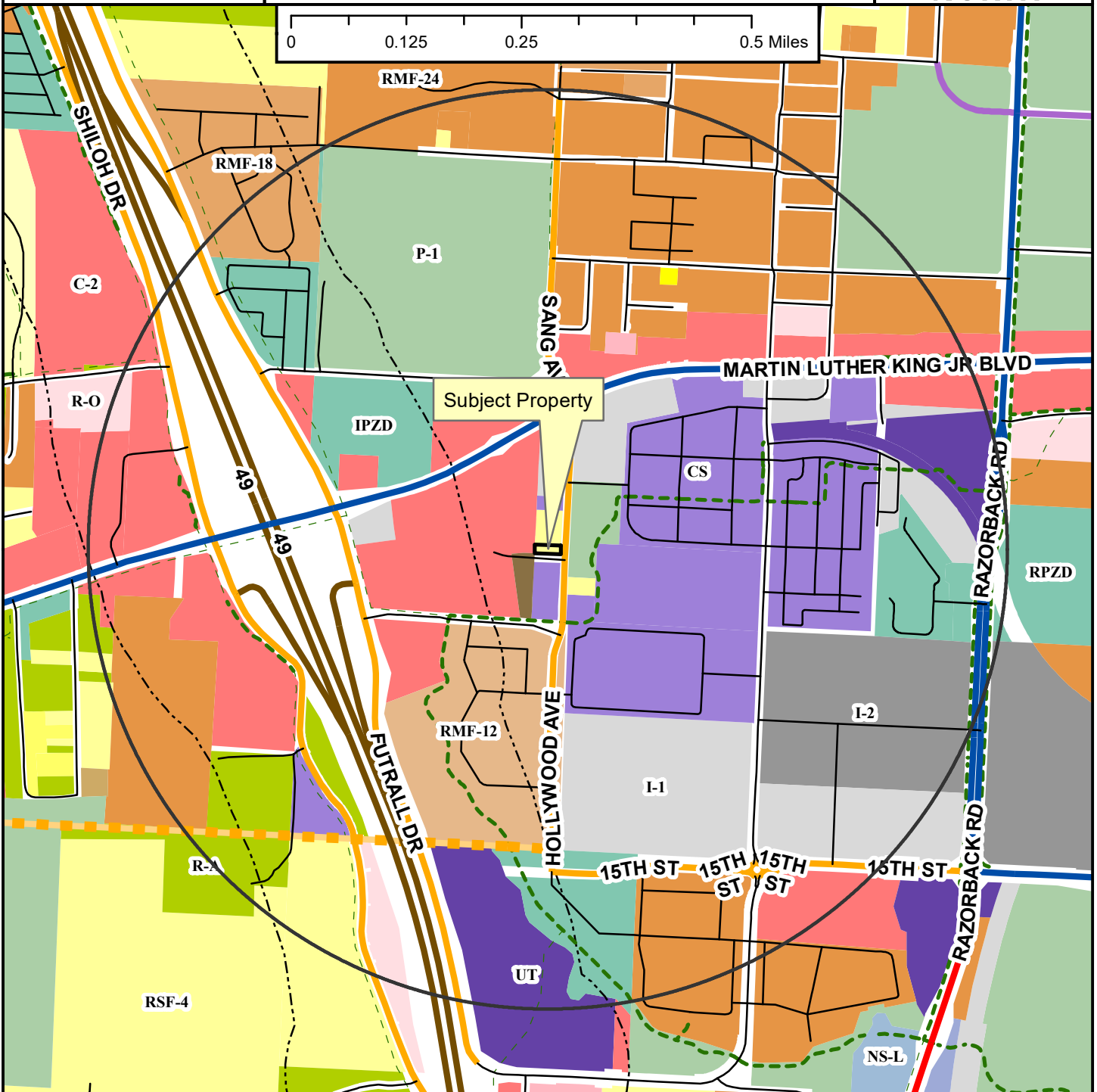
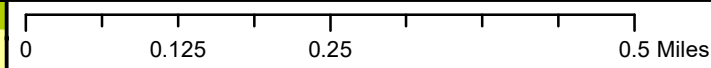
Building one or two more houses will have minimal impact on traffic and surrounding neighbors, and it would match the same density of the new construction across the street. I personally know the neighbors and they are in support of the rezone. They are also looking into having their property rezoned to CS as well. Additionally, I have mailed the letters of public of notification with no negative feedback.

Overall, I believe rezoning the property to CS is aligned with the City of Fayetteville's 2040 plan and makes sense in that area. In the near future, it is possible the entire street of Hollywood will be rezoned to CS.

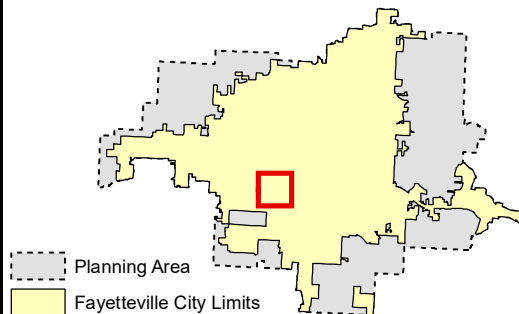
RZN-2022-000009

One Mile View

Parker



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Freeway/Expressway
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



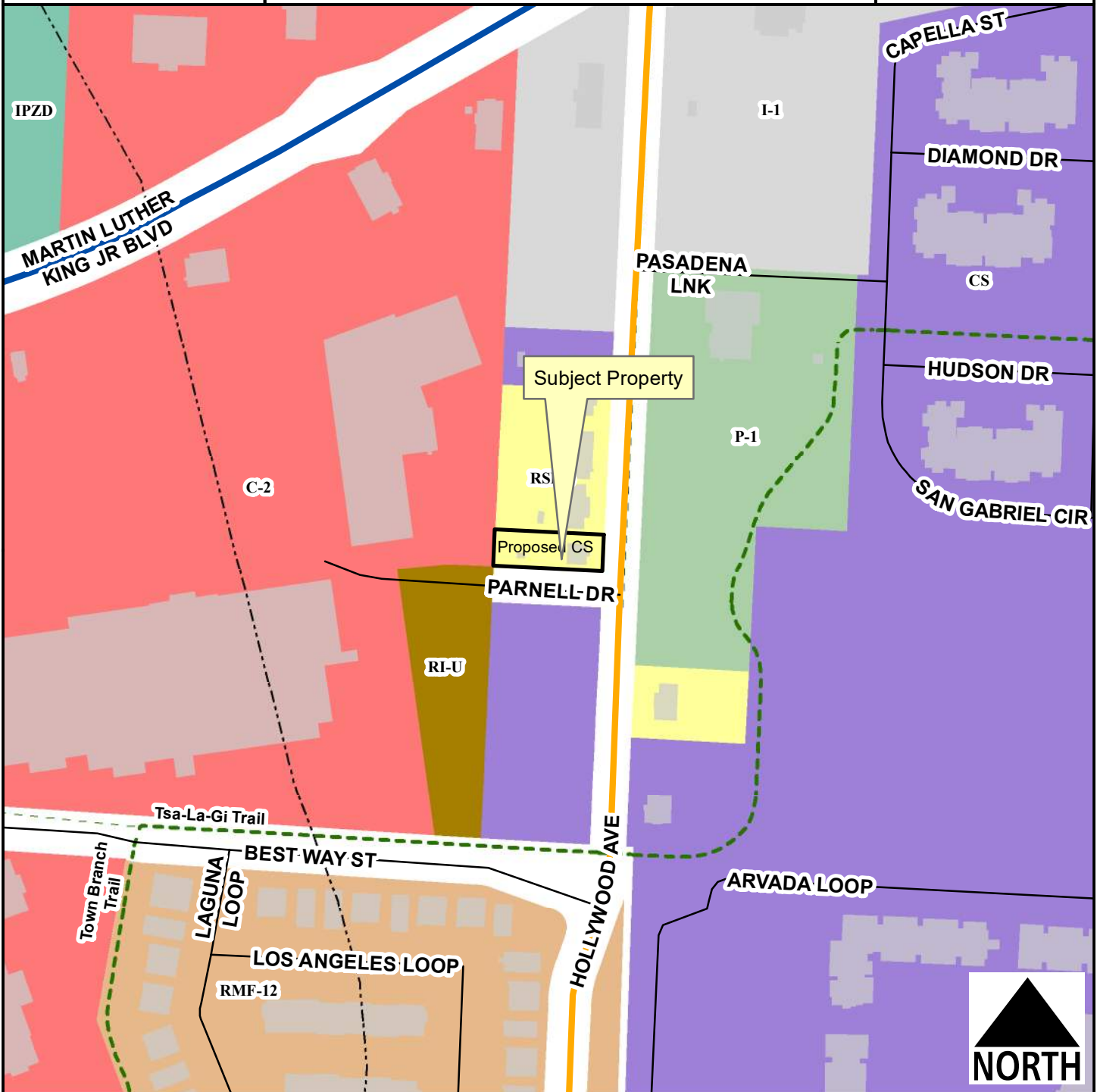
Planning Area
Fayetteville City Limits

- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - NS-G
 - RH-U
 - RH-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - INDUSTRIAL**
 - I-1 Heavy Commercial and Light Industrial
 - EXTRACTION**
 - E-1
 - COMMERCIAL**
 - C-1 Residential-Office
 - C-2
 - C-3
 - FORM BASED DISTRICTS**
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation
 - PLANNED ZONING DISTRICTS**
 - Commercial, Industrial, Residential
 - INSTITUTIONAL**
 - P-1
 - I-2 General Industrial**

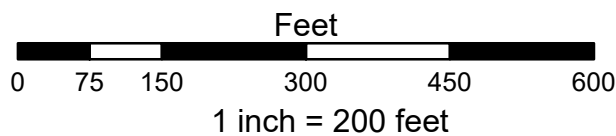
RZN-2022-000009

Parker

Close Up View



- Neighborhood Link
- Regional Link - High Activity
- - - Trail (Proposed)
- Design Overlay District
- Planning Area
- Fayetteville City Limits

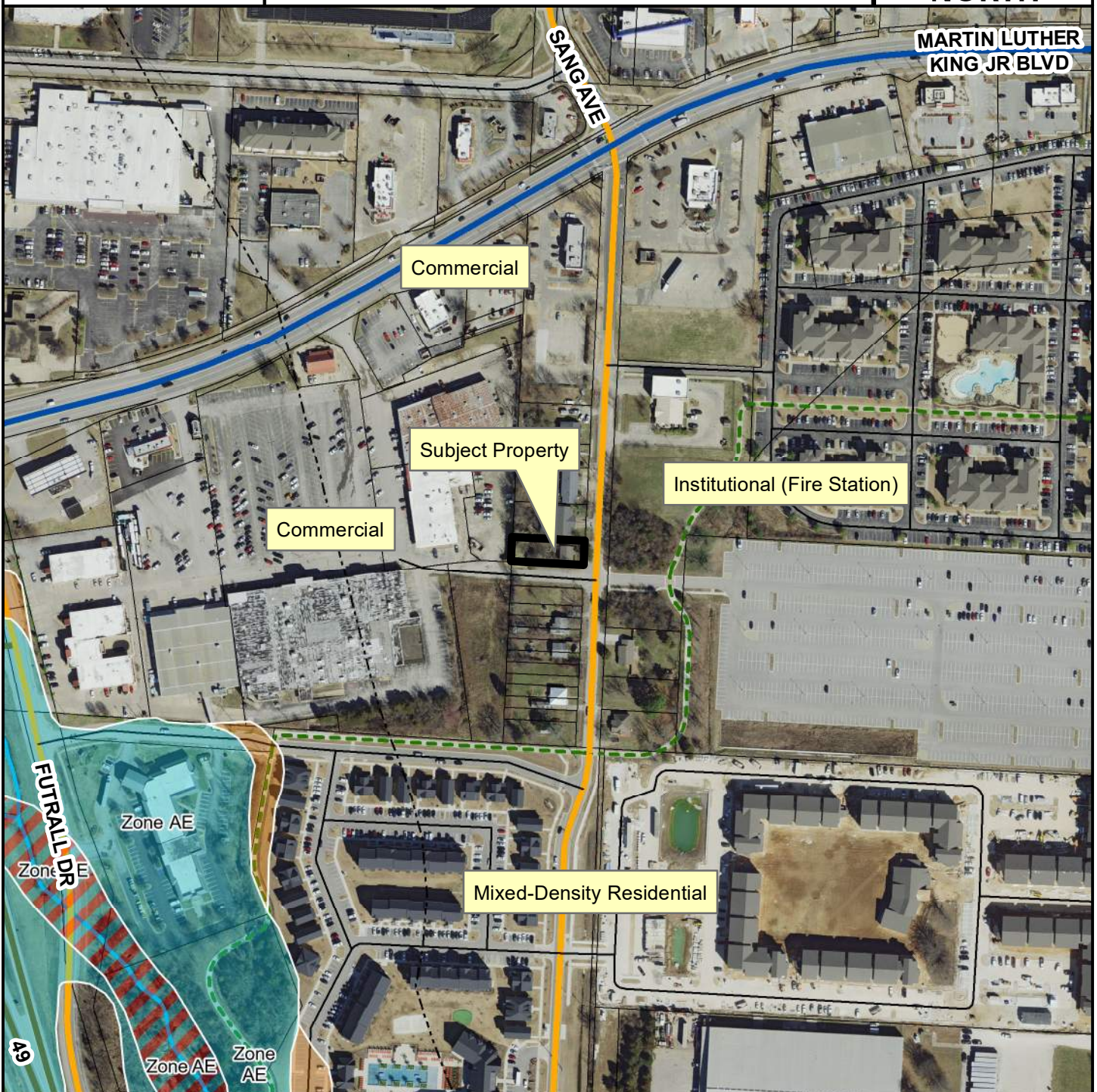


Zoning	Acres
CS	0.2
Total	0.2

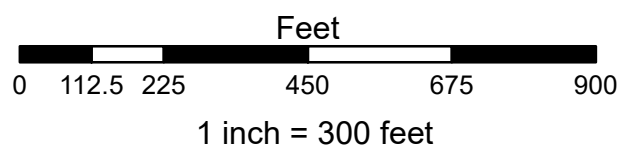
RZN-2022-000009

Parker

Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



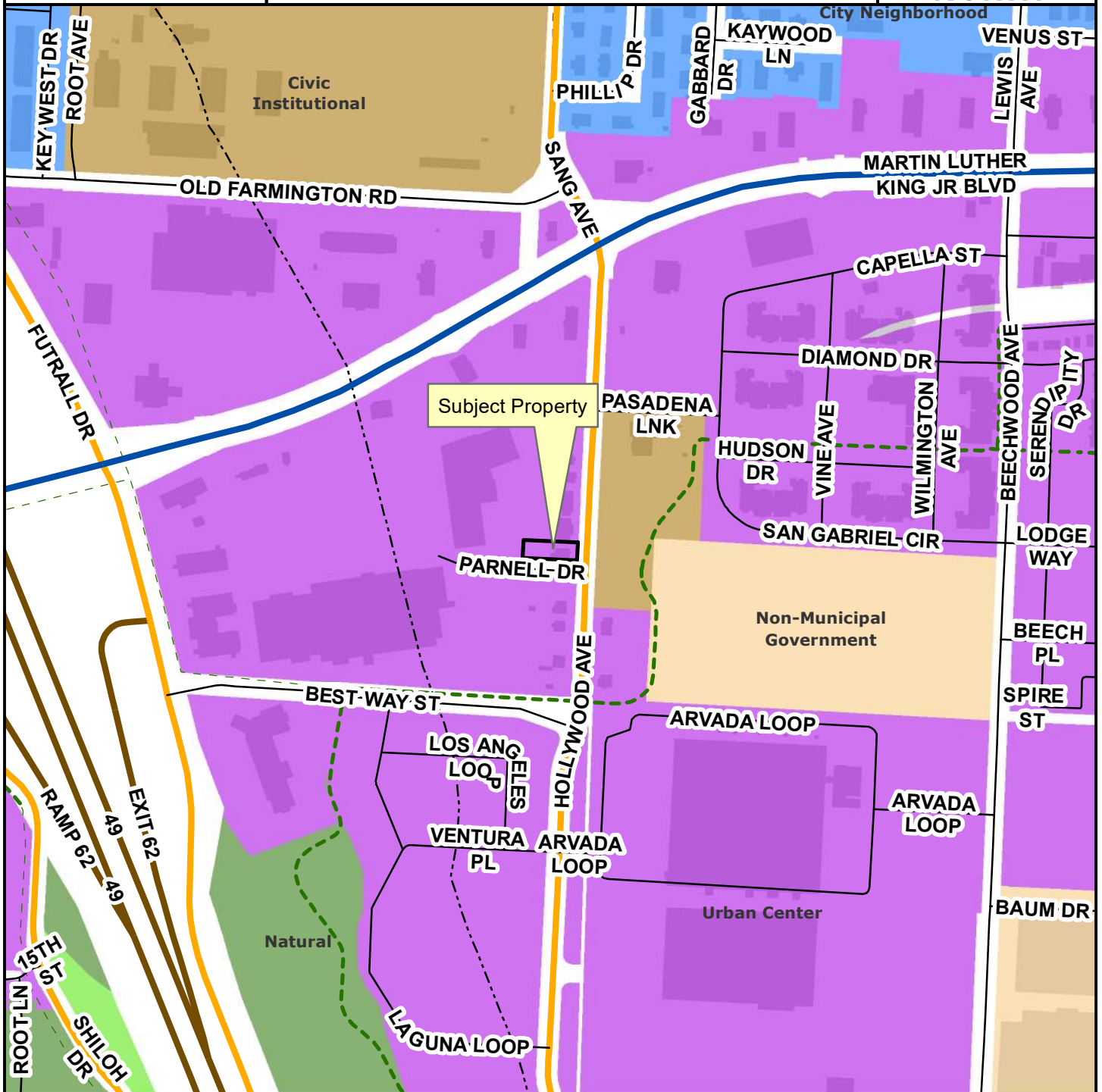
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

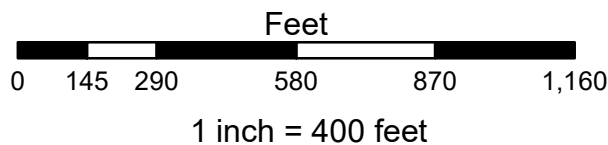
RZN-2022-000009

Parker

Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Planning Area
- Fayetteville City Limits
- - - Trail (Proposed)
- Design Overlay District



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center