

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, May 12, 2025

5:30 PM

City Hall Room 219

Planning Commission Members

Andrew Brink, Chair

Brad Payne, Vice Chair

Jimm Garlock, Secretary

Matthew Cabe

Nick Castin

Fred Gulley

Mary Madden

Mary McGetrick

Nick Werner

Senior Assistant City Attorney Blake Pennington

Call to Order**Roll Call****Consent****1. MINUTES:**

Approval of the minutes from the April 28, 2025 Planning Commission.
- Mirinda Hopkins, Development Coordinator

2. CCP-2025-0009: Concurrent Plat (255 W. LAWSON ST/PARKER INVESTMENTS LLC, 406):

Submitted by BATES & ASSOCIATES for property located at 255 W. LAWSON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.20 acres. The request is for the concurrent plat of two lots.
- Gretchen Harrison, Senior Planner

3. LSD-2025-0004: Large Scale Development (S. INDUSTRIAL DR/SWX RE INVESTMENTS LLC, 642):

Submitted by BLEW & ASSOCIATES for property located on S. INDUSTRIAL DR. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 2.92 acres. The request is for a 217,893-square-foot commercial lay-down yard with a retention pond.
- Wesley Frank, Planner

Unfinished Business**New Business****4. VAR-2025-0026: Planning Commission Variance (1731 W. 18TH ST/18TH STREET DUPLEXES, 598):**

Submitted by CRAFTON TULL for property located at 1731 W. 18TH ST. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 8.98 acres. The request is for a variance to parking requirements.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR A LACK OF PUBLIC NOTIFICATION. - Donna Wonsower, Planner

5. VAR-2025-0028: Planning Commission Variance (542 W. DICKSON ST/MOTTO & TEMPO BY HILTON, 484):

Submitted by HOPE CONSULTING for property located at 542 W. DICKSON ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is for a variance to Master Street Plan requirements. - Gretchen Harrison, Senior Planner

6. CCP-2025-0008: Concurrent Plat (2525 W. WEDINGTON DR/RESORT AT MARKHAM HILL, 441):

Submitted by THOMAS ENGINEERING COMPANY for property located at 2525 W. WEDINGTON DR. The property is zoned CS, COMMUNITY SERVICES, and UT, URBAN THOROUGHFARE and contains approximately 23.41 acres. The request is to divide the property into two lots.
- Donna Wonsower, Planner

7. CUP-2025-0018: Conditional Use Permit (229 S. COLLEGE AVE/EMPEROR INVESTMENTS LLC, 523):

Submitted by BATES & ASSOCIATES for property located at 229 S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.60 acres. The request is for an off-site parking lot.
- Gretchen Harrison, Senior Planner

8. LSD-2025-0005: Large Scale Development (SOUTHWEST OF S. NELSON HACKETT BLVD & N. COLLEGE AVE/CRISIS BREWING, 523):

Submitted by BATES & ASSOCIATES for property located SOUTHWEST OF S. NELSON HACKETT BLVD & N. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.34 acres. The request is for a 6,000-square-foot brewery and restaurant with associated parking. - Gretchen Harrison, Senior Planner

9. CUP-2025-0017: Conditional Use Permit (3620 W. DINSMORE TRL/OADE, 518):

Submitted by COLT OADE for property located at 3620 W. DINSMORE TRL. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 2.81 acres. The request is to add an accessory structure exceeding more than 50 percent the size of the principal structure.
- Wesley Frank, Planner

10. CUP-2025-0016: Conditional Use Permit (6600 W. WEDINGTON DR/HM SHIPP, 396):

Submitted by HM SHIPP for property located at 6600 W. WEDINGTON DR. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 0.82 acres. The request is to build an accessory structure on a lot without a principal structure. - Donna Wonsower,

Planner

11. CUP-2025-0019: Conditional Use Permit (1485 W. SUNSET PL/DEVELOPMENT STUDIO HOLDINGS LLC, 443):

Submitted by ANTHONY KITSINGER for property located at 1485 W. SUNSET PL. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.89 acres. The request is to allow an accessory structure on a lot without a principal structure. - Wesley Frank, Planner

12. CUP-2025-0020: Conditional Use Permit 4398 E. BLACK CANYON ST/BLACK MAPLE LLC, 608):

Submitted by SHAWN CORTER for property located at 4398 E. BLACK CANYON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 7.60 acres. The request is to build an accessory structure on a lot without a principal structure. - Jessica Masters, Development Review Manager

13. RZN-2025-0016: Rezoning (1230 W. HENDRIX ST/REAGOR HOMES LLC, 404):

Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at 1230 W. HENDRIX ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.50 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTILL THE MAY 27, 2025 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

Items Administratively Approved by Staff

14. LSP-2024-0046: Lot Split (4636 N. COLLEGE AVE/HASELOFF, 096):

Submitted by TIM DALE for property located at 4636 N. COLLEGE AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 15.15 acres. The request is to split a parcel into two lots containing 1.00 and 14.15 acres. - Donna Wonsower, Planner

15. LSP-2025-0004: Lot Split (1435 N. STARR DR/SHERIN, 412):

Submitted by JULIETTE SHERIN for property located on 1435 N. STARR DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 4.00 acres. The request is to split a parcel into two lots containing 1.81 and 2.18 acres. - Donna Wonsower, Planner

16. LSIP-2024-0014: Large Site Improvement Plan (3435 N. HWY 112/FELLOWSHIP BIBLE CHURCH, 209):

Submitted by ENGINEERING SERVICES INC for property located at 3435 N. HWY 112. The property is zoned CS, COMMUNITY SERVICES and contains approximately 1.16 acres. The request is for off-site parking. - Gretchen Harrison, Senior Planner

17. LSIP-2025-0001: Large Site Improvement Plan (3726 W. WEDINGTON DR/CHIPOTLE, 400):

Submitted by DAVIDSON ENGINEERING, PLLC for property located at 3726 W. WEDINGTON DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 1.02 acres. The request is for a 2,325-square-foot commercial development and associated parking. - Donna Wonsower, Planner

18. FPL-2025-0001: Final Plat (WEST OF S. HARROGATE LN/THE ELEMENT PH 5, 516):

Submitted by JORGENSEN & ASSOCIATES for property located WEST OF S. HARROGATE LN. The property is zoned, NC, NEIGHBORHOOD CONSERVATION and contains approximately 7.02 acres. The request is for the final plat of 36 residential lots. - Wesley Frank, Planner

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. If you wish to address the Planning Commission on an agenda item, please queue behind the podium when the Chair asks for public comment. Once the Chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate appointed official, staff, or others for response. Please keep your comments brief, to the point, and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters of TDD, Telecommunications Device for the Deaf, are available for all public hearings, 72 hour notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

(pg. 1) Planning Commission Monday, 04/28/2025							
Time: 5:30 PM							
Staff : ☐ Willa Thomason ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower ☒ Wesley Frank							
☒ Britin Bostick ☐ Kylee Cole ☐ Melissa Boyd ☒ Justin Bland ☐ Chris Brown ☒ Alan Pugh ☐ Fire Marshal							
	Roll Call	1) Minutes (04/14/2025)	2) VAC-2025-0007 (THE HUB)	3) RZN-2025-0011 (THE HUB)	4) ADM-2025-0023 (AMEND UDC CHAP. 161 - ZONING REGULATIONS)	5) VAR-2025-0024 (CITY OF FAYETTEVILLE)	6) CUP-2025-0015 (ZAIFI)
Gulley	1	1	1	1	1	1	1
Madden	1	1	1	0	1	1	1
Cabe	1	1	1	1	0	1	1
Payne	1	1	1	1	1	1	1
Brink	1	1	1	1	1	1	1
Garlock	1	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1	1
Castin	1	1	1	1	1	1	1
Werner	1	1	1	0	1	1	1
Agenda		Consent	Old	New	New	New	New
Action		Approve	Table	Table	Forward	Approve	Approve
Motion By		Cabe	Werner	Gulley	Werner	Cabe	Werner
Motion 2nd		Payne	Garlock	McGetrick	Payne	Werner	Cabe
Vote		9-0-0	9-0-0	7-2-0	8-1-0	9-0-0	9-0-0
Time		5:32 PM	6:07 PM	6:22 PM	6:40 PM	6:45 PM	7:04 PM
Motion Detail			Until the May 27th Planning Commission meeting.	Until the May 27th Planning Commission meeting.	Strike as "parcel area" to "zoned area" and to add Use Unit 3 & Use Unit 36 as conditional use.	With all conditions as recommended by staff.	With all conditions as recommended by staff.
Public Comment		0	3	3	0	0	0

(pg. 2) Planning Commission		Monday, 04/28/2025				
	7) RZN-2025-0012 (GOOSE CREEK ADDITION LLC)					
Gulley	0					
Madden	0					
Cabe	Recuse					
Payne	0					
Brink	0					
Garlock	0					
McGetrick	0					
Castin	0					
Werner	0					
Agenda	New					
Action	Forward					
Motion By	Payne					
Motion 2nd	Werner					
Vote	0-8-1					
Time	7:40 PM					
Motion Detail	With a recommendation of approval.					
Public Comment	2					



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING: May 12, 2025

SUBJECT: **CCP-2025-0009: Concurrent Plat (255 W. LAWSON ST./PARKER INVESTMENTS LLC, 406):** Submitted by BATES & ASSOCIATES for property located at 255 W. LAWSON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.20 acres. The request is for the concurrent plat of two lots.

RECOMMENDATION:

Staff recommends approval of **CCP-2025-0009** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CCP-2025-0009**, recommending:*

- In favor of recommended right-of-way dedication,*
- In favor of recommended street improvements, and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located southeast of the intersection of Vandeventer Avenue and Lawson Street. It is part of a larger parent tract that was originally divided into four parcels in 2021, which contained 5.22, 0.52, 0.52, and 0.52 acres. Two lots within the 5.22-acre parcel, including one of the lots associated with this request, were created by deed and are not considered legal lots of record. The rest of the 5.22-acre parcel was re-platted and further subdivided in 2023. Previous approvals indicated that the two lots created by deed, including this one, must go through the city's subdivision review process and be formally platted before they can be recognized as developable lots. Since the parent tract has been subdivided into four lots, the two lots created by deed are required to be platted through a concurrent plat and not an administrative lot split. One lot was recently platted through a separate concurrent plat that was recently approved (CCP-2025-0007) and the other would be platted with this item (CCP-2025-0009). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

Proposal: The request is for the concurrent plat of two residential lots. No variances are being requested with this proposal.

Water and Sewer System: The subject property has access to a two-inch and eight-inch water line in Vandeventer Avenue, as well as a two-inch water line in Lawson Street. A six-inch sewer line is present on the north side of Lawson Street as well.

Right-of-way to be dedicated: Staff is not recommending any right-of-way dedication with this request. The property has frontage along Vandeventer Avenue, an Alternative Residential Link Street, and the existing right-of-way has a width of 20 feet from the centerline of the road. It also has frontage along Lawson Street, which is classified as a Residential Link Street, and the existing right-of-way has a width of about 30 feet from the centerline of the road. No additional right-of-way dedication is required.

Street Improvements: Staff does not recommend any street improvements with this request. Street improvements will be determined at the time of development proposal.

Tree Preservation: N/A; tree preservation review will occur with the development of the lot.

Parkland Fees: N/A; parkland dedication fees will be applied at the time of future residential construction project(s) and will be due prior to building permit approval.

Public Comment: Staff has received one inquiry about this item but no comments in support of or opposition to it.

RECOMMENDATION: Staff recommends approval of CCP-2025-0009 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *No right-of-way dedication is recommended.*
2. **Planning Commission determination of street improvements.** *No street improvements are recommended.*
3. Fees in lieu of parkland dedication will be applied at the time of future residential construction project(s) and due prior to building permit approval.

Standard Conditions of Approval:

4. All lots shall be labeled with addresses as approved by the 911 Coordinator on the concurrent plat (if applicable).
5. Plat Review comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).
6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process

was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: May 12, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Cover Letter
- Concurrent Plat
- One Mile Map
- Close-Up Map
- Current Land Use Map



April 14, 2025

To the City of Fayetteville Planning Staff:

Our client, Mike Parker of Parker Investments, LLC., would like to request a Concurrent Plat and property line adjustment between two parcels he owns in the City of Fayetteville.

The property is located on the corner of North Vandeventer Avenue and West Lawson Street. They would like to adjust parcel #765-34410-000 (Lot 1 of Heartfield Estates) from 1.51 acres to 0.93 acres and would like to adjust parcel #765-13906-005 from 0.69 acres to 1.27 acres.

We are going through the concurrent plat process to “officially” create parcel #765-13906-005 which according to a lot split filed in book 2021 at page 23357 cannot be developed until it has been through the City of Fayetteville’s subdivision review process.

If you have any questions, comments, or concerns please contact us.

Thank You,

Andy Hooper
Bates & Associates
479-442-9350
andy@batesnwa.com

PARKER INVESTMENTS LLC CONCURRENT PLAT (PAGE 1 OF 3)

ADJACENT LAND OWNERS

1) COOK, KYLE B & JENNIFER P
1848 N WHEELER AVE
FAYETTEVILLE, AR 72703
PARCEL #765-05181-000
ZONED: RSF-4
2) DAVIS, JANET R; DAVIS, MICHAEL; DAVIS, MEGAN D
1065 S WOOD AVE
FAYETTEVILLE, AR 72701
PARCEL #765-05180-000
ZONED: RSF-4
3) PARKER, DANYS D & JERRELL DEAN
320 W LAWSON ST
FAYETTEVILLE, AR 72703
PARCEL #765-05179-000
ZONED: RSF-4
4) WRISTEN, ANDREW COOPER; FAGAN, ANNA MICHELE
234 W LAWSON ST
FAYETTEVILLE, AR 72703
PARCEL #765-05177-000
ZONED: RSF-4
5) KILLIAN, BRANDON LAYNE SR & ROSE CATHERINE
4604 W OLDHAM DR
FAYETTEVILLE, AR 72704
PARCEL #765-34411-000
ZONED: RSF-4
6) PARKER INVESTMENTS LLC
PO BOX 10395
FAYETTEVILLE, AR 72703
PARCEL #765-34414-000
ZONED: RSF-4
7) PARKER INVESTMENTS LLC
PO BOX 10395
FAYETTEVILLE, AR 72703
PARCEL #765-34415-000
ZONED: RSF-4
8) MOJO TRIST RICK LANDRUM
ATTN: NATE JOHNSON
200 CENTRAL AVE 23RD FLOOR
SAINT PETERSBURG, FL 33711
PARCEL #765-13906-002
ZONED: RSF-4
9) HODNE FAMILY TRUST NATHAN A & TINA M HODNE
312 W HOLLY ST
FAYETTEVILLE, AR 72703
PARCEL #765-13906-001
ZONED: RSF-4
10) HODNE FAMILY TRUST NATHAN A & TINA M HODNE
312 W HOLLY ST
FAYETTEVILLE, AR 72703
PARCEL #765-13906-004
ZONED: RSF-4
11) MION, ROBYN M
1329 N VANDEVENTER AVE
FAYETTEVILLE, AR 72703
PARCEL #765-04297-000
ZONED: RSF-4
12) COOK, KYLE B & JENNIFER P
1848 N WHEELER AVE
FAYETTEVILLE, AR 72703
PARCEL #765-04297-001
ZONED: RSF-4
13) COOK, KYLE B & JENNIFER P
1848 N WHEELER AVE
FAYETTEVILLE, AR 72703
PARCEL #765-04298-000
ZONED: RSF-4
14) ROACH, STEPHEN H
4294 E CHURCHILL AVE
FAYETTEVILLE, AR 72701
PARCEL #765-04299-000
ZONED: RSF-4

LAST SITE VISIT:
FEBRUARY 27, 2025

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD83(2011) HORIZONTAL DATUM

REFERENCE DOCUMENTS:

- 1) FINAL PLAT OF HEARTFIELD ESTATES PHASE 2
FILED IN BOOK 24 AT PAGE 509
- 2) PLAT OF SURVEY FILED IN BOOK 2021 AT PAGE 23357
- 3) PLAT OF SURVEY STATE DOCUMENT #202302285475
- 4) FINAL PLAT OF COUNTRY GARDENS ADDITION
FILED IN BOOK 1 AT PAGE 18
- 5) TRUSTEE'S DEED FILED IN BOOK 2022 AT PAGE 31741

PROPERTY ZONED:
RSF-4

***THIS PROPERTY IS PARTIALLY LOCATED IN THE CITY OF
FAYETTEVILLE'S HILLSIDE/HILLTOP OVERLAY DISTRICT.

BUILDING SETBACKS:

FRONT 15ft
SIDE 05ft
REAR 15ft

PLAT NOTES:

1) REFER TO TRUSTEE DEED FILED IN BOOK 2022 AT PAGE 31741 FOR RECORD (R)
BEARINGS AND DISTANCES FOR PARCEL #765-13906-005. REFER TO FINAL PLAT OF
HEARTFIELD ESTATES PHASE 2 FILED IN BOOK 24 AT PAGE 509 FOR RECORD (R)
BEARINGS & DISTANCES FOR PARCEL #765-34410-000.

2) SOME FEATURES AND/OR SYMBOLS ON THIS PLAT MAY BE SHOWN OUT OF
SCALE FOR VISUAL CLARITY.

3) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE
OF ABOVE GROUND APPURTENANCES, GIS, AND/OR UTILITY MAPS PROVIDED BY
LOCAL UTILITY COMPANIES. NOT ALL UTILITY COMPANIES MAY HAVE
RESPONDED TO OUR REQUEST FOR MAPS AND/OR INFORMATION. ALL UTILITY
LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST
UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF
EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT
SHOWN ON THIS PLAT.

4) THIS PROPERTY IS LOCATED WITHIN CITY OF FAYETTEVILLE HILLTOP/HILLSIDE
OVERLAY DISTRICT. DEVELOPMENT OF THIS PROPERTY WILL REQUIRE A
GRADING PERMIT AND IS SUBJECT TO ALL GUIDELINES AND REGULATIONS
CONTAINED IN THE CITY OF FAYETTEVILLE'S UNIFIED DEVELOPMENT CODE,
CHAPTER 167 (TREE PRESERVATION AND PROTECTION) AND CHAPTER 169
(PHYSICAL ALTERATION OF LAND).

FLOOD CERTIFICATION:

NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD
ZONE "A" OR "AE". AS DETERMINED BY THE NATIONAL FLOOD
FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP
FOR WASHINGTON COUNTY, ARKANSAS.
(FIRM PANEL #05143C0208G, DATED 01/25/2024)

SURVEY DESCRIPTIONS:

PREVIOUS PARCEL #765-13906-005:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF WEST LAWSON STREET WHICH IS 502°55'11"W 36.03' AND
N87°03'58"W 470.73' FROM A MAGNETIC SOUNDING IN ASPHALT MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S02°28'13"W 251.86'
THENCE N85°56'40"W 119.92', THENCE S02°25'45"E 240.51' TO AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF WEST LAWSON STREET, THENCE ALONG SAID RIGHT-OF-WAY
S87°03'58"E 120.05' TO THE POINT OF BEGINNING, CONTAINING 0.69 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN NORTH VANDERVENTER AVENUE MASTER STREET PLAN
RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ADJUSTED PARCEL #765-13906-005:

WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT RECORDED IN PLAT BOOK 24 AT PAGE 509, LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST
QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING
AT AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF WEST LAWSON STREET WHICH IS 502°55'11"W 36.03' AND N87°03'58"W 470.73' FROM A MAGNETIC SOUNDING IN ASPHALT
MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S02°28'13"W 241.85', THENCE S85°56'40"E 165.49', THENCE S02°57'42"W 155.55', THENCE
N86°53'39"W 95.12' TO AN EXISTING REBAR, THENCE N03°07'53"E 9.99', THENCE N86°45'16"W 69.04', THENCE N02°28'13"E 138.13', THENCE N85°56'40"W 119.92', THENCE N02°25'45"E 240.51'
TO AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF WEST LAWSON STREET, THENCE ALONG SAID RIGHT-OF-WAY S87°03'58"E 120.05' TO THE POINT OF BEGINNING,
CONTAINING 1.27 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN NORTH VANDERVENTER AVENUE MASTER STREET PLAN RIGHT-OF-WAY ON THE WEST SIDE OF HEREIN
DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PREVIOUS PARCEL #765-34410-000 (LOT 1 OF HEARTFIELD ESTATES):

LOT 1 OF THE FINAL PLAT FOR HEARTFIELD ESTATES, PHASE 2, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT RECORDED IN PLAT
BOOK 24 AT PAGE 509, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ADJUSTED PARCEL #765-34410-000:

A PART OF LOT 1 OF THE FINAL PLAT FOR HEARTFIELD ESTATES, PHASE 2, TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT
RECORDED IN PLAT BOOK 24 AT PAGE 509, LOCATED IN A PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 16 NORTH, RANGE 30 WEST,
WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY OF WEST LAWSON
STREET WHICH IS 502°55'11"W 36.03' AND N87°03'58"W 303.26' FROM A MAGNETIC SOUNDING IN ASPHALT MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND
RUNNING THENCE S02°57'42"W 245.00', THENCE N85°56'40"E 165.49', THENCE N02°28'13"E 241.85' TO AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF WEST LAWSON STREET,
THENCE ALONG SAID RIGHT-OF-WAY S87°03'58"E 167.47' TO THE POINT OF BEGINNING, CONTAINING 0.93 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY
OF RECORD.

20' ACCESS EASEMENT:

A 20 FOOT WIDE ACCESS EASEMENT LOCATED IN A PART OF LOT 1 OF THE FINAL PLAT FOR HEARTFIELD ESTATES, PHASE 2, TO THE CITY OF FAYETTEVILLE, WASHINGTON
COUNTY, ARKANSAS, AS SHOWN ON FINAL PLAT RECORDED IN PLAT BOOK 24 AT PAGE 509 AND ALSO A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 9, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING AT A MAGNETIC SOUNDING IN ASPHALT MARKING THE NORTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S02°55'11"W 36.03', THENCE
N87°03'58"W 303.26', THENCE S02°57'42"W 235.08' TO THE TRUE POINT OF BEGINNING AND RUNNING THENCE S02°57'42"W 165.55', THENCE N86°53'39"W 20.00', THENCE N02°57'42"E 145.88',
THENCE N85°56'40"W 265.26', THENCE N02°25'45"E 20.01', THENCE S85°56'40"E 285.45' TO THE POINT OF BEGINNING, CONTAINING 0.20 ACRES, MORE OR LESS.

CERTIFICATE OF OWNERSHIP & DEDICATION:

WE, THE UNDERSIGNED OWNERS, REPRESENTING ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN AND DESCRIBED
HEREIN, DO HEREBY DEDICATE FOR PUBLIC OWNERSHIP, ALL STREETS AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC BENEFIT AS
PRESCRIBED BY LAW. THE OWNERS ALSO DEDICATE TO THE CITY OF FAYETTEVILLE AND TO THE PUBLIC UTILITY COMPANIES (INCLUDING ANY
CABLE TELEVISION COMPANY HOLDING A FRANCHISE GRANTED BY THE CITY OF FAYETTEVILLE) THE EASEMENTS AS SHOWN ON THIS PLAT FOR
THE PURPOSE OF INSTALLATION OF NEW FACILITIES AND THE REPAIR OF EXISTING FACILITIES. ALSO ESTABLISHED HEREBY IS THE RIGHT OF
INGRESS AND EGRESS TO SAID EASEMENTS, THE RIGHT TO PROHIBIT THE ERECTION OF BUILDINGS, STRUCTURES, OR FENCES WITHIN SAID
EASEMENTS, AND THE RIGHT TO REMOVE OR TRIM TREES WITHIN SAID EASEMENTS.

CERTIFICATE OF SURVEY AND ACCURACY:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT
SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED
BY THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE DERRICK THOMAS - AR PLS #1642

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:

WE HEREBY CERTIFY THAT ALL UTILITY EASEMENTS PLATTED IN THIS DEVELOPMENT ARE SHOWN AS
REQUESTED AND WERE APPROVED BY THE UNDERSIGNED UTILITIES OF THE CITY OF FAYETTEVILLE,
ARKANSAS.

DATE	OWNER	PROPERTY OWNER:
		PARKER INVESTMENTS LLC
		PO BOX 10395
		FAYETTEVILLE, AR 72703
		(BOTH PARCELS)
		PLAT PAGE INDEX:
		406

CERTIFICATE OF APPROVAL OF BUILDING SETBACK DIMENSIONS:

I HEREBY CERTIFY THAT ALL BUILDING SETBACK DIMENSIONS SHOWN ON THIS PLAT ARE IN
ACCORDANCE WITH THE CURRENT SETBACK REQUIREMENTS.

DATE ZONING & DEVELOPMENT ADMINISTRATOR

CERTIFICATE OF APPROVAL FOR RECORDING:

THIS PLAT WAS APPROVED BY THE FAYETTEVILLE PLANNING COMMISSION AT A MEETING
HELD _____, 20__.

DATE SECRETARY

CERTIFICATE OF APPROVAL OF TREE PROTECTION & PRESERVATION:

I HEREBY CERTIFY THAT THIS PLAT HAS COMPLIED WITH THE REQUIREMENTS OF THE TREE
PRESERVATION ORDINANCE OF THE CITY OF FAYETTEVILLE UNIFIED DEVELOPMENT CODE.

APPROVED BY: CITY OF FAYETTEVILLE URBAN FORESTER DATE

CERTIFICATE OF APPROVAL OF PARK LAND DEDICATION OR MONEY IN-LIEU:

I HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH SECTION 166.04(B)(4)(I) WITH THE OWNER(S)
DEDICATION OF _____ ACRES OR PAYING IN-LIEU \$ _____.

WARRANTY DEED FOR PARK LAND RECORDED AS FOLLOWS:
BOOK #: _____ PAGE #: _____

DATE PARKS & RECREATION REPRESENTATIVE

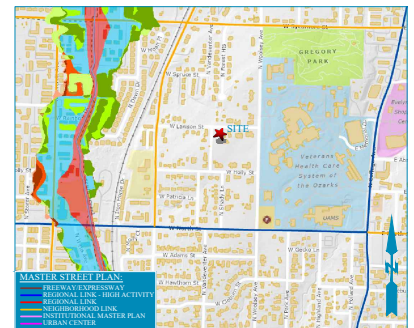


STATE RECORDING NUMBER:
500-16N-30W-0-09-130-72-1642
I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 27TH DAY OF FEBRUARY, 2025.



DATE: _____
IF THE SIGNATURE ON THIS SEAL IS NOT AN
ORIGINAL AND NOT BLUE IN COLOR
THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY
HAVE BEEN ALTERED. THE ABOVE CERTIFICATION
SHALL NOT APPLY TO ANY COPY THAT DOES NOT
BEAR AN ORIGINAL SEAL AND SIGNATURE.

VICINITY MAP



VICINITY MAP NOT TO SCALE

FOR USE AND BENEFIT OF:	
PARKER INVESTMENTS LLC.	
ADDRESS: 4 VANDERVENTER AVE. & W. LAWSON ST. FAYETTEVILLE, ARKANSAS	
DATE: 05/01/25	SCALE: 1"=90'
SECTION: 09	SURVEYED: DRAFTED:
TOWNSHIP: 16 NORTH	TRAVIS AH
RANGE: 30 WEST	DRAFT DATE: XX
	REVIEWED: DT
	COA #1335



Location Map:

R-30-W

09

LEGEND:

THESE STANDARD SYMBOLS WILL
BE FOUND IN THE DRAWING.

- MAGNETIC SOUNDING IN ASPHALT
- ROUND 5/8" REBAR
- 1/2" 5/8" REBAR-CAP
- COMPUTED POINT
- CLEANOUT
- SANITARY SEWER MH
- STORM SEWER MH
- YARD HYDRANT
- TELEPHONE PEDESTAL
- GROUND 5/8" REBAR
- CABLE PEDESTAL
- ELECTRICAL METER
- ELECTRICAL BOX
- GAS METER
- A/C CONDENSER UNIT
- POWER POLE
- 4/4" ANCHOR

- BOUNDARY LINE (MEASURED)
- BOUNDARY LINE (EXISTING)
- FORTY LINE/ TIE LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- OVERHEAD POWER LINE
- SEWER LINE
- WATER LINE
- WATER SERVICE LINE
- UTILITY EASEMENT
- BUILDING SETBACK
- INGRESS & EGRESS EASEMENT

RECORDING NUMBER/DATE

Planning Commission

May 12, 2025

CCP-2025-0009 (PARKER INVESTMENTS LLC)

Page 5 of 10

TOTAL ACREAGE
PARCELS
#765-13906-005
#765-34410-000
2.20 ACRES +/-



Location Map:

R-30-W



09

	CLEANOUT	---	BOUNDARY LINE (MEASURED)
	SANITARY SEWER MH	---	BOUNDARY LINE (EXISTING)
	STORM SEWER MH	---	FORTY LINE OR ROAD
	YARD IRRIGANT	---	CENTERLINE OF TRAIL
	TELEPHONE PEDISTAL	---	RIGHT-OF-WAY
	CABLE PEDISTAL	---	OVERHEAD POWER LINE
	ELECTRICAL BOX	DP DP	SEWER LINE
	ELECTRICAL BOX	S S	WATER LINE
	ELECTRICAL BOX	W W	WATER SERVICE LINE
	GAS METER	XS XS	FENCE
	GAS CONDENSER UNIT	W W	INGRESS & EGRESS EASEMENT
	POWER POLE	---	UTILITY EASEMENT
	GUY ANCHOR	---	BUILDING SETBACK

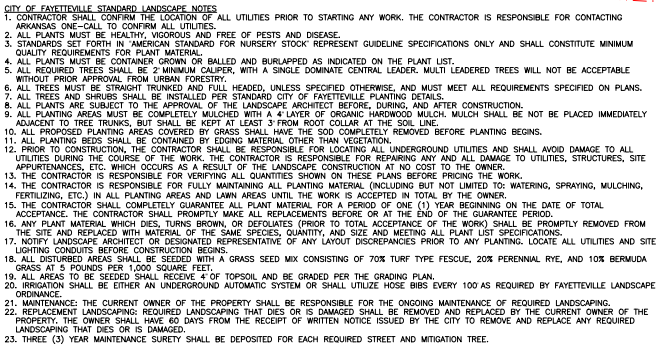
Planning Commission

May 12, 2025

CCP-2025-0009 (PARKER INVESTMENTS LLC)

Page 6 of 10

TREE PRESERVATION AND LANDSCAPE PLAN



FREE LIST	DBH	SPECIES	CANOPY
1	18"	POST OAK	45
2	10"	PER SIMMON	35
3	20"	HONEY LOCUST	55
4	36"	POST OAK	70
5	36"	POST OAK	70
6	4"	PINE	10
7	6"	PINE	10
8	4"	PINE	10
9	8"	HACKBERRY	25
10	8"	HACKBERRY	25
11	14"	HACKBERRY	40
12	6"	PERSIMMON	20
13	8"	MAPLE	25
14	6"	PERSIMMON	20
15	8"	MAPLE	20
16	12"	ELM	45
17	10"	DLI. HACKBERRY	40
18	8"	DLI. HACKBERRY	40
19	6"	MAPLE	20
20	12"	ELM	40
21	14"	MAPLE	35
22	8"	HACKBERRY	25
23	8"	MAPLE	25
24	6"	MAPLE	15
25	10"	MAPLE	25
26	8"	MAPLE	25
27	6"	BLACK CHERRY	15
28	6"	BLACK CHERRY	15
29	6"	BLACK CHERRY	15
30	8"	MAPLE	25
31	6"	BLACK CHERRY	15
32	6"	BLACK CHERRY	15
33	6"	MAPLE	15
34	10"	BLACK LOCUST	25
35	18"	PINE	45
36	36"	FORBESIAN SWEETGUM	60
37	24"	DEAD	0
38	6"	MAPLE	15
39	6"	BLACK LOCUST	15
40	6"	MAPLE	25
41	6"	MAPLE	25
42	6"	MAPLE	15
43	14"	BLACK LOCUST	35
44	6"	BLACK LOCUST	20
45	16"	BALD CYPRESS	30
46	72"	WINTER CREEPER	100
47	60"	DLI. OAK	40
48	28"	PERSIMMON	40
49	10"	OAK	30
50	8"	HACKBERRY	15
51	40"	OAK	70
52	36"	HACKBERRY	80
53	36"	HACKBERRY	50
54	6"	HACKBERRY	30
55	6"	OAK	10
56	14"	HACKBERRY	40
57	8"	PERSIMMON	40
58	10"	RED TREE OF HEAVEN	50
59	8"	OAK	20
60	6"	OAK	10
61	14"	OAK	30
62	28"	OAK	40
63	8"	OAK	15
64	10"	BRADFORD PEAR	15
65	8"	BRADFORD PEAR	15
66	20"	OAK	40
67	10"	OAK	30
68	12"	OAK	40
69	10"	OAK	15
70	28"	OAK	60
71	14"	PINK TRUMPET TREE	40
72	18"	PINK OAK	20
73	18"	PINK OAK	20
74	10"	SUGAR MAPLE	15
75	12"	RED OAK	30
76	8"	RED OAK	15
77	12"	PEPPER TREE	30
78	8"	RED OAK	15
79	12"	RED OAK	20
80	8"	RED OAK	15
81	16"	CEDAR	50
82	24"	CEDAR	40
83	14"	CEDAR	40
84	10"	BRADFORD PEAR	15
85	28"	DEAD	0
86	12"	SHINGLE OAK	20
87	48"	PINE	40
88	10"	PINE	30
89	6"	PINE	20

NO TREES ARE PROPOSED TO BE REMOVED/ 100% OF CANOPY PRESENT ON SITE WILL BE PROPOSED. NO DEVELOPMENT IS PROPOSED IN THIS SUBMITTA

NO TREES ARE PROPOSED TO BE REMOVED/ 100% OF CANOPY PRESENT ON SITE WILL BE PROPOSED, NO DEVELOPMENT IS PROPOSED IN THIS SUBMITTAL. STREET TREES ARE STILL BEING REQUIRED PER CITY OF YATEVILLE. STREET TREES NEED TO BE 2" CALIPER FRUITLESS LIQUIDAMBAR STYRACIFLUA (SWEETGUM) AND WILL BE PLANTED WITH THE CONSTRUCTION OF THE HOMES.

CITY OF FAYETTEVILLE STANDARD NOTES FOR TREE AND NATURAL AREA PROTECTION

- [illegible]

FOR USE AND BENEFIT OF:
PARKER INVESTMENTS LLC.

ADDRESS:
**W. FANDERVENTER AVE. & W. LAWSON ST.
 FAYETTEVILLE, ARKANSAS**

DATE: **05/01/26** SCALED: **1"=30'**
 SURVEYED: **DAFED:**
 TOWNSHIP: **16N** RANGE: **16E**
 SECTION: **9** NORTH: **44**
 CORNER: **10** WEST: **XX**

COA # **3355**



BATES
 Engineers • Surveyors

7230 S. Pleasant Ridge Dr • Fayetteville, Arkansas 72704 • 479.422.8350

DAFED & ASSOCIATES, INC. Copyright 2026
 All rights are reserved for the person or persons whose name(s) appear on the plan. The plan is protected by copyright. No one (including the person(s) named) may reproduce this plan without the express written consent of DAFED & ASSOCIATES, INC. Surveyors are not authorized to use the plan for any other field work without the express written consent of DAFED & ASSOCIATES, INC. excepting for the easements of record, encroachments, recorded covenants, zoning/district use, or other field work which is not the purpose of this plan. This plan is not to be used for any other purpose without the express written consent of DAFED & ASSOCIATES, INC. and is not to be used for any other purpose without the express written consent of DAFED & ASSOCIATES, INC. and is not to be used for any other purpose without the express written consent of DAFED & ASSOCIATES, INC.

Location Map:



R-30-W

09

T-16-N

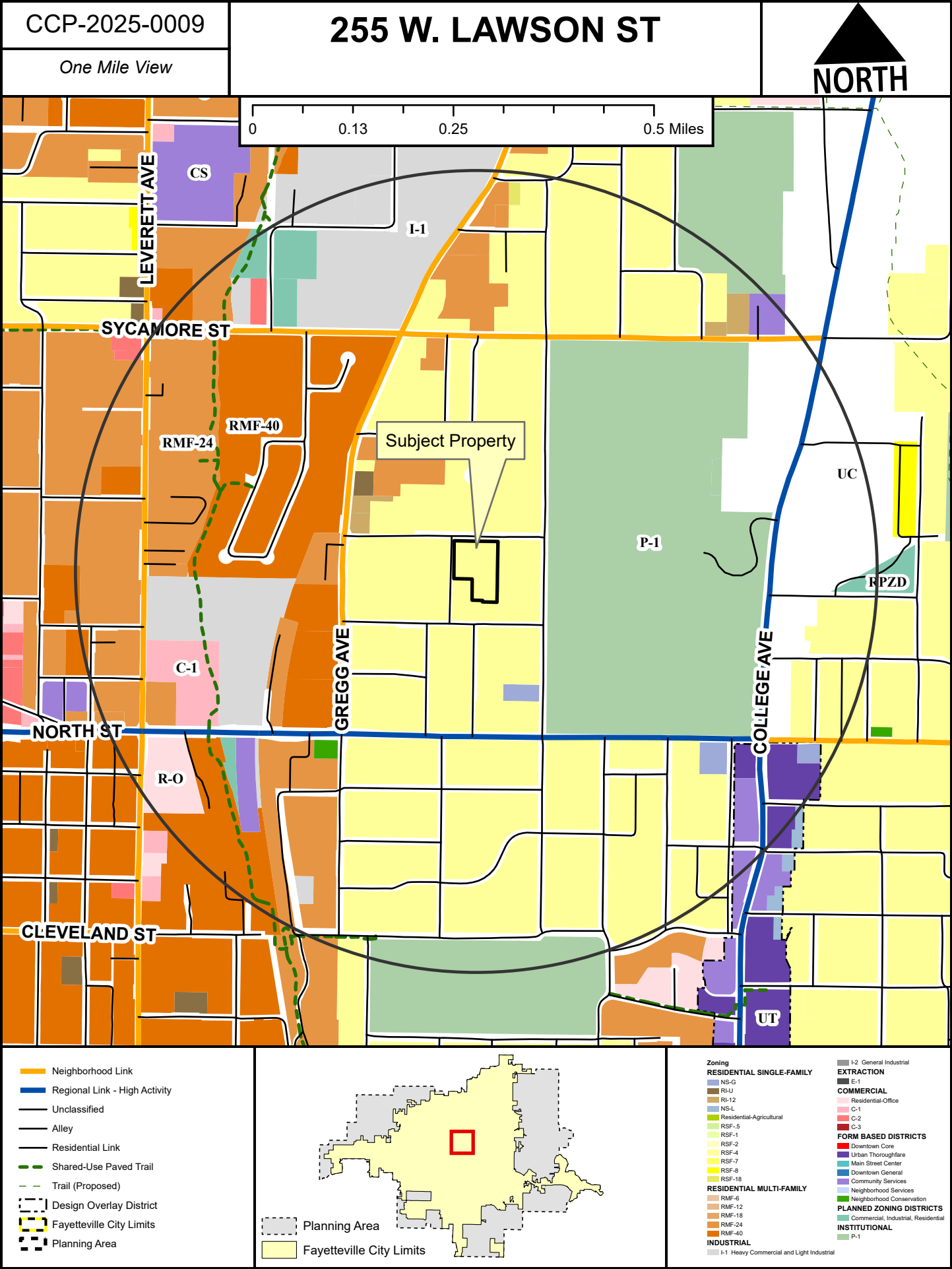
LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

-  MAGNETIC SOUNDING IN ASPHALT
-  FOUND 5/8" REBAR
-  SET 5/8" REBAR/CAP
-  COMPUTED POINT
-  TREE

	CLEANOUT	—————	BOUNDARY LINE (MEASURED)
	SANITARY SEWER MH	—————	BOUNDARY LINE (EXISTING)
	STORM SEWER MH	—————	FORTY LINE / TI LINE
	YARD HYDRANT	—————	CENTERLINE OF ROAD
	TELEPHONE PEDestal	—————	RIGHT-OF-WAY
	CABLE PEDestal	— — —	OVERHEAD POWER LINE
	ELECTRICAL METER	— S — S —	SEWER LINE
	ELECTRICAL BOX	— V — V —	WATER LINE
	GAS METER	— WS —	WATER SERVICE LINE
	AIR CONDENSER UNIT	— X — X —	FENCE
	POWER POLE	— — —	GRESS & EGRESS EASEMENT
	GY ANCHOR	— — —	UTILITY EASEMENT
		— — —	BUILDING SETBACK

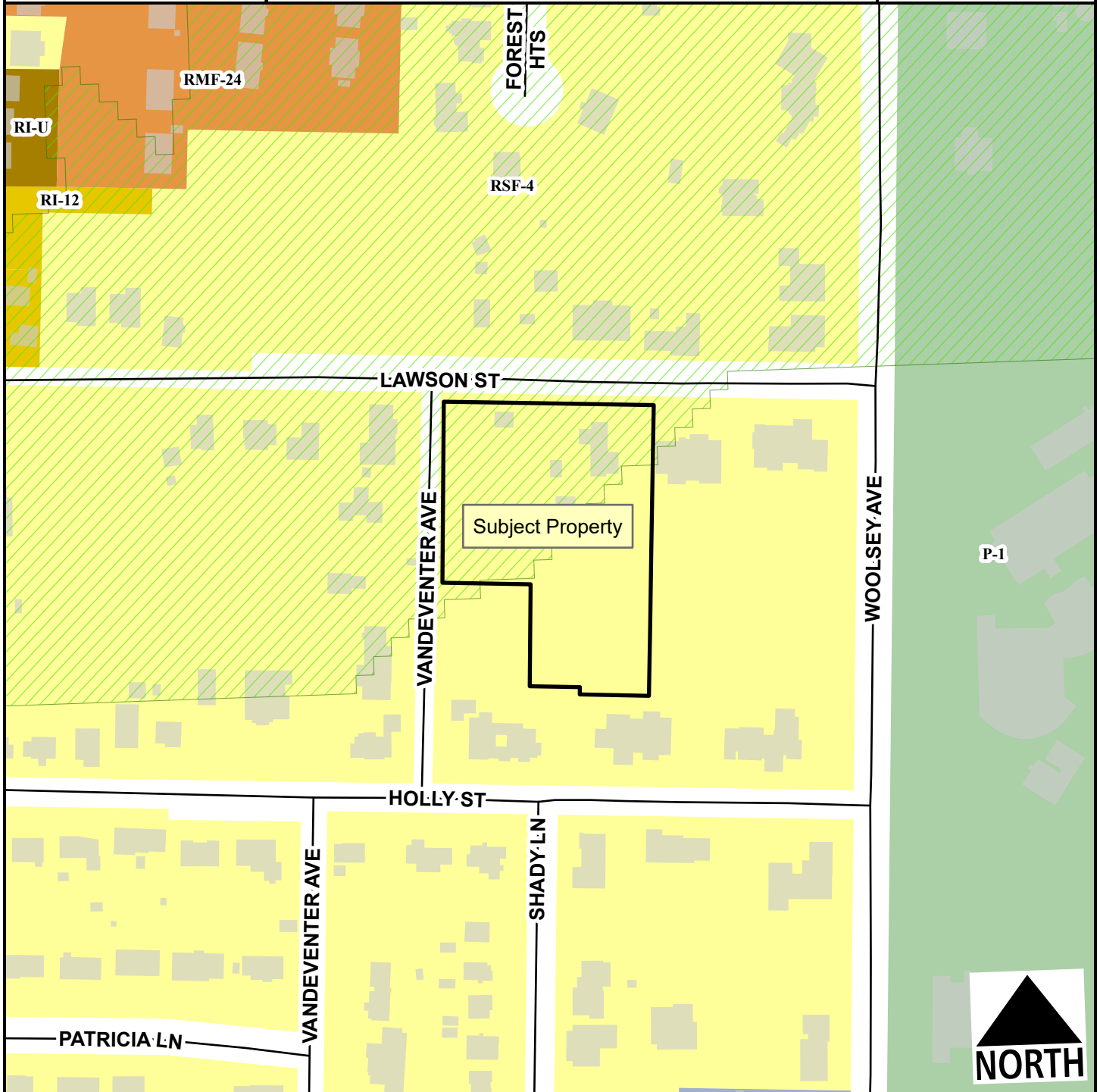
RECORDING NUMBER/DATE



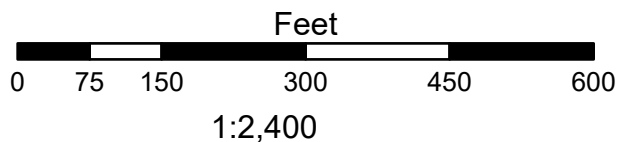
CCP-2025-0009

255 W. LAWSON ST

Close Up View



- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits



- RSF-4
- RI-12
- RI-U
- RMF-24
- Neighborhood Services - Gen.
- P-1

CCP-2025-0009

255 W. LAWSON ST

Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner
Justin Bland, Engineering Development Review Manager
Willia Thomason, Urban Forester

MEETING: May 12, 2025

SUBJECT: **LSD-2025-0004: Large Scale Development (S. INDUSTRIAL DRIVE/SWX RE INVESTMENTS, 642):** Submitted by BLEW & ASSOCIATES for property located on S. INDUSTRIAL DR. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 2.92 acres. The request is for a 217,893 sq. ft. commercial lay-down yard with a retention pond.

RECOMMENDATION:

Staff recommends approval of **LSD-2025-0004**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **LSD-2025-0004**, recommending:*

- 1. In favor of the recommended street improvements;*
- 2. In favor of the recommended right-of-way dedication, and*
- 3. All other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in southeast Fayetteville approximately 900 feet south of the South Industrial Drive and East Pump Station Road intersection. Containing approximately 2.92 acres, the site is currently undeveloped. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	I-2, General Industrial
South	Water & Sewer Treatment Center	I-2, General Industrial
East	Commercial - Warehouse	I-2, General Industrial
West	Undeveloped	I-2, General Industrial

Proposal: The applicant requests Large Scale Development approval to develop the subject property with 217,893 sq. ft. commercial lay-down yard with a retention pond.

Right-of-Way to be Dedicated: The subject property has frontage along South Industrial Drive, which is classified as a Residential Link Street. The existing right-of-way exceeds the minimum established in the 2040 Master Street Plan, and no additional right-of-way is required.

Street Improvements: Staff is recommending the following street improvements:

- *6-foot sidewalk, 6-foot greenspace, and 1.5-foot curb to be constructed along the property's frontage in a manner consistent with the Master Street Plan requirements for a Residential Link Street.*

- *Extend the sidewalk connection an additional 50 feet along South Industrial Drive to connect with the Saint Paul Trail to the south.*

Access Management/Connectivity: Staff has determined that the proposed development is meeting the City's access management and connectivity standards. The site is currently accessed through one driveway on South Industrial Drive and no changes to access are proposed with this project. Additionally, industrial projects are not subject to connectivity requirements.

Design Standards: Staff finds that the proposed development is in compliance with pertinent design standards.

Water and Sewer System: The applicant will tie in to an existing 12" water main across the east side of the property for domestic water and fire protection. The proposed project does not require the provision of sewer, and no extension is required at this time.

Parkland dedication or fee in-lieu: Parkland dedication is not required for non-residential projects.

Tree Preservation:

Canopy minimum requirement: 15%

Existing canopy: 89%

Preserved canopy: 15%

Mitigation required: 0

Public Comment: Staff has not received any public comment at this time.

RECOMMENDATION: Staff recommends approval of **LSD-2025-0004** with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *No additional right-of-way dedication is recommended.*
2. **Planning Commission determination of street improvements.** *Staff recommends the following street improvements:*
 - a. 6-foot sidewalk, 6-foot greenspace, and 1.5-foot curb to be constructed along the property's frontage in a manner consistent with the Master Street Plan requirements for a Residential Link Street. The sidewalk must be placed at the rear of the Master Street Plan right-of-way.
 - b. Extend the sidewalk connection an additional 50 feet along South Industrial Drive to connect with the Saint Paul Trail to the south.
3. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto.

Standard conditions of approval:

4. Development review comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);
5. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the development review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;
6. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
7. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits;
 - b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
 - c. Exterior lighting package must be provided to the Planning Division;
 - d. A cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy;
 - e. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - f. Project Disk with all final revisions; and
 - g. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☐ Denied ☐ Tabled ☐ Approved

Meeting Date: May 12, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Staff Exhibits
 - Engineering Memo
 - Urban Forestry Memo
 - Applicant Exhibits
 - Request Letter
 - Site Plan
 - One Mile Map
 - Close Up Map
 - Current Land Use Map
-



TO: Wesley Frank, Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: May 6, 2025

**SUBJECT: Planning Commission Engineering Comments for
LSD-2025-0004**

Water: There is an existing 12" water main along the east side of the property along Industrial Dr. which the applicant will tie to for domestic water.

Sewer: There is an existing 12" sewer main along the south side of the property. However, due to the proposed use of the property without any buildings, there is not any proposed sewer service connection.

Streets: This property has frontage to Industrial Dr. where the proposed driveway connection will be made in the south east corner of the property. Industrial Dr. is partially improved Residential Link with concrete paving, curb and gutter. The applicant is proposing to build a 6' sidewalk along the eastern frontage of the property.

Natural Features: The drainage way along the west side of the property is within the Streamside Protection Zone. The limits of the site grading have been adjusted to stay out of this zone.

Drainage: This project is required to meet the four Minimum Standards of Fayetteville's Drainage Criteria Manual. The applicant is proposing to meet these requirements with a detention pond on this site. To meet water quality requirements, they are proposing a bio-retention area adjacent to the detention pond. Channel protection is not required to be met due to the 1-year post-development storm peak flow being less than 2 cfs. Overbank flood protection and extreme flood protection requirements are proposed to be met by sizing the outlet structure in the detention basin so that peak flows post-development do not exceed pre-development peak flows. The proposed improvements appear to meet the requirements of the Drainage Manual, however a detailed review of the drainage design will be done with grading permit review.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct

the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.

4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - Waterline fittings, callouts, or utility conflicts
 - Street profiles
 - Fine grading/spot elevations



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Blew & Associates

From: Willa Thomason, Urban Forester

CC: Wesley Frank, Planner

Meeting Date: April 16, 2025

Subject: LSD-2025-0004: Steelworx Laydown Yard, S. Industrial Dr.

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>		X	
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements 1 Tree : 12 Parking Spaces		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			X
b.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>			X

- | | |
|---|---|
| c. Narrow Tree Lawn (8' min. width, 37.5' length)
<i>UDC Chapter 177.04C</i> | X |
| d. Tree Island (8' min. width, 18.7' min length, 150 square feet)
<i>UDC Chapter 177.04C</i> | X |
| e. Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | X |

3. Perimeter Landscaping Requirements

Yes No N/A

- | | | | |
|--|---|--|---|
| a. Front Property Line (15' wide landscape)
<i>UDC Chapter 177.04D2a</i> | X | | |
| b. Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | | | X |
| c. Screening of parking lot from adjacent residential properties. | | | X |

4. Street Tree Planting Requirements

Yes No N/A

- | | | | |
|--|---|--|---|
| a. Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05B1a</i> | | | X |
| b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05B2a</i> | X | | |
| c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| d. Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| e. Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | | | X |
| f. Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | | | X |

5. Landscape Requirement Totals

Amount

Mitigation Trees	N/A
Parking Lot Trees	N/A
Street Trees	14
Detention Pond – Large Trees (1 Tree/3,000 square feet)	12

Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	49
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	74

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	4-9-25	5-5-25
Approved		
Tabled	3-12-25	
Denied		

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
1. Address items above marked “No” and all Redlines provided. 2. Please note that landscape plans must be stamped by a licensed LA prior to final approval. 3. Consider using a native willow - Salix nigra (black willow), Salix caroliniana, Salix eriocephala, or Salix interior would be preferred but S. nigra is likely the only one commercially available.

BLEW

Surveying | Engineering
Environmental

March 4, 2025

City of Fayetteville – Planning Department
125 W Mountain St
Fayetteville, AR 72701

SUBJECT: Steelworx Laydown Yard – Large Scale Development – Plan Submittal

To Whom It May Concern:

A Large-Scale Development project is proposed at S. Industrial Drive consisting of a Gravel Laydown Yard and associated development requirements by the City of Fayetteville. The site, currently undeveloped wooded land, is being sold for commercial development. The site consists of one parcel (APN: 765-16573-001, current acreage of 2.95) that will have an adjusted lot line (pending approval from the City of Fayetteville Planning Department) to make the parcel's total area 5.00 ac.

The owner is proposing to maximize the gravel laydown area, whilst meeting all requirements for development. Access to the site is proposed via a curb cut/entrance on S. Industrial Drive.

Additionally, this project will involve the construction of a new dry detention basin and bioretention cell on the Northwest corner of the site. A drainage study per the City of Fayetteville Drainage Criteria Manual has been included in this submittal.

Buildings:

The only structures proposed with this project are “Lean-To” Sheds for material storage.

Water:

A single 5/8” Water Meter is proposed with this development. An existing 12” PVC Water Main is proposed to be tapped for water service.

Sanitary Sewer:

No sewer utilities are proposed with this development.

Franchise Utilities:

Electric service is proposed with this development.

Storm Water:

Stormwater will comply with the City of Fayetteville’s Drainage Manual. A dry detention pond and bioretention is being proposed to handle the different storm events as well as the water quality for the site in its post-developed state.



479-443-4506



blewinc.com



Planning 1025 S. Prairie Hills Pkwy
Rogers, Arkansas 72758

LSD-2025-0004 (SWX RE INVESTMENTS)

Page 10 of 17

Streets:

A curb cut/entrance is proposed on S. Industrial Drive. The entrance will be constructed per City of Fayetteville Driveway Detail DW4. The Master Street Plan shows S. Industrial Drive as a Residential Link Street. The Residential Link Street Section shows 27 ft Curb Face to Curb Face. The Dimension Surveyed is 30 ft. Thus, we placed the sidewalk further back (~9.5 ft) from the Back of Curb. The Master Street Plan Section shows 6 ft of Green Space, but we had to expand it for the driveway apron slopes to be reasonable.

Fire Access:

Fire Access will remain the same as in the existing condition.

Parkland:

Not Applicable

Tree Preservation:

Tree preservation will be conducted as shown in the attached tree preservation plan. No mitigation is needed and the minimum percentage of existing trees for the property's zoning will be preserved.

Variances:

No variances are proposed with this development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron Long".

Aaron Long, EI
Blew & Associates, PA

Proposed Features:

[illegible]

Site Information

PROPERTY INFORMATION		
Gross Site Area:	21,799,535 sq ft	500 acres
Proposed Developed A.O.W.	1,000 sq ft	1000 acres
Net Site A.O.W.	21,797,535 sq ft	500 acres
Zoning:	I-2, General Industrial	
ZONING REGULATIONS		
Point Setback (when adjoining C-1 or P-1 district):	30 ft	
Side Setback (when adjoining C-1 or P-1 district):	25 ft	
Rear Setback:	25 ft	
SITE INFORMATION		
Total Improved Area:	128,823,517 sq ft	294 acres
Total Impervious Area:	128,823,517 sq ft	60%
Total Pervious Area:	99,970,654 sq ft	43%

Site Plan Notes:

54-05 Type Curb from 6" to 6' in 2'-0"

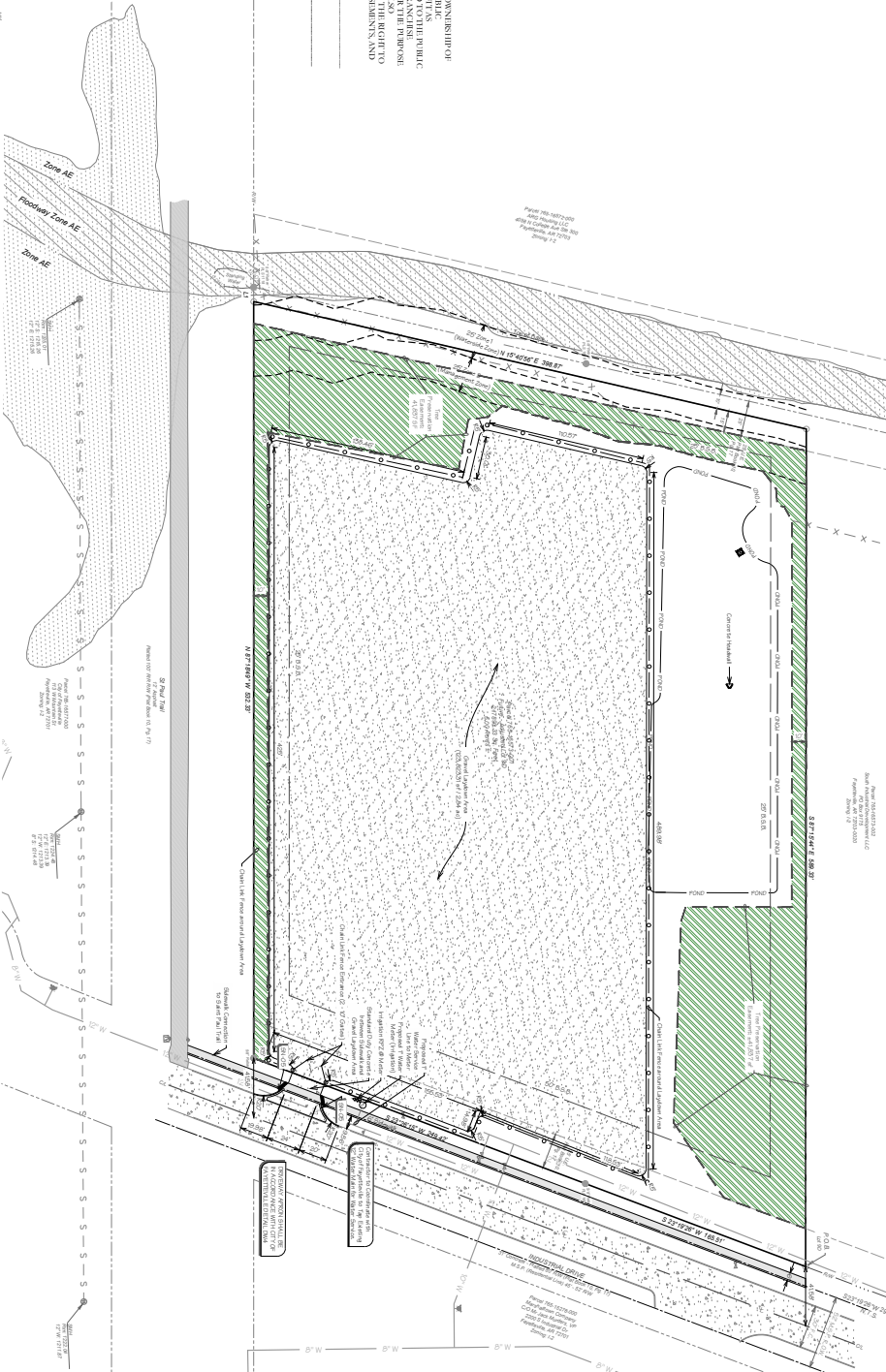
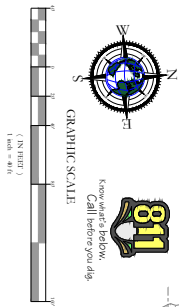
[illegible]

DATE _____

OWNER

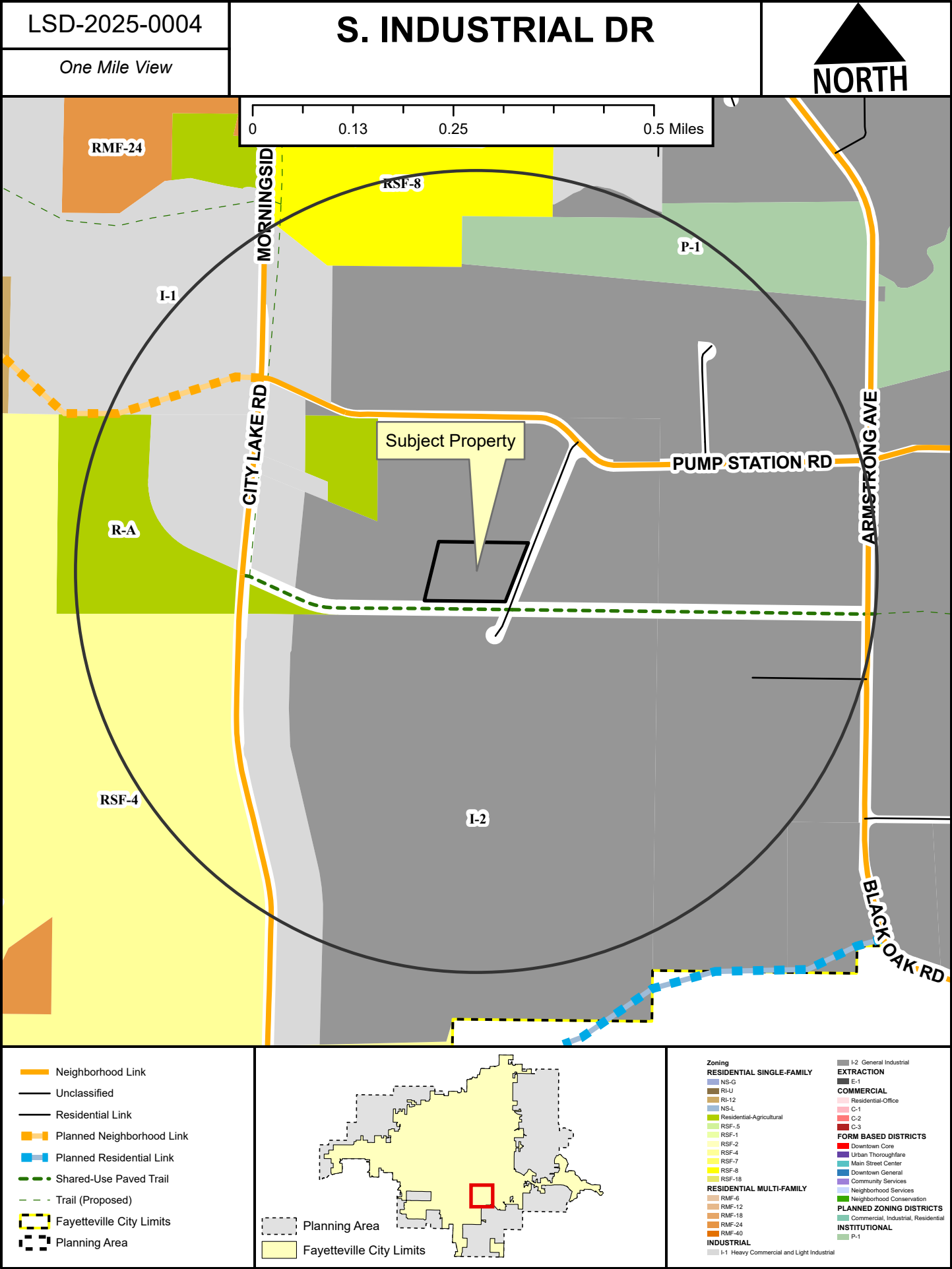
DATE _____

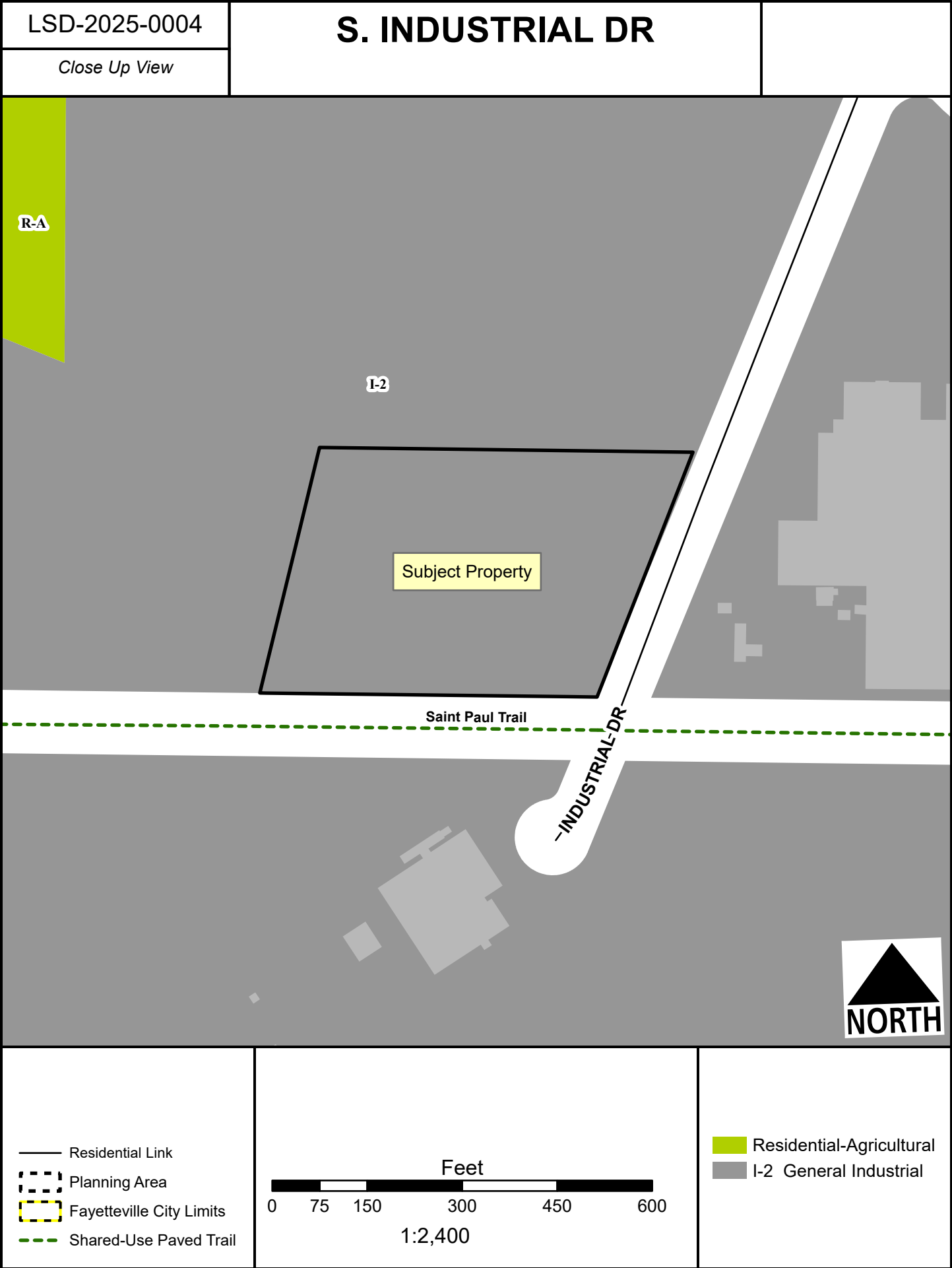
OWNER

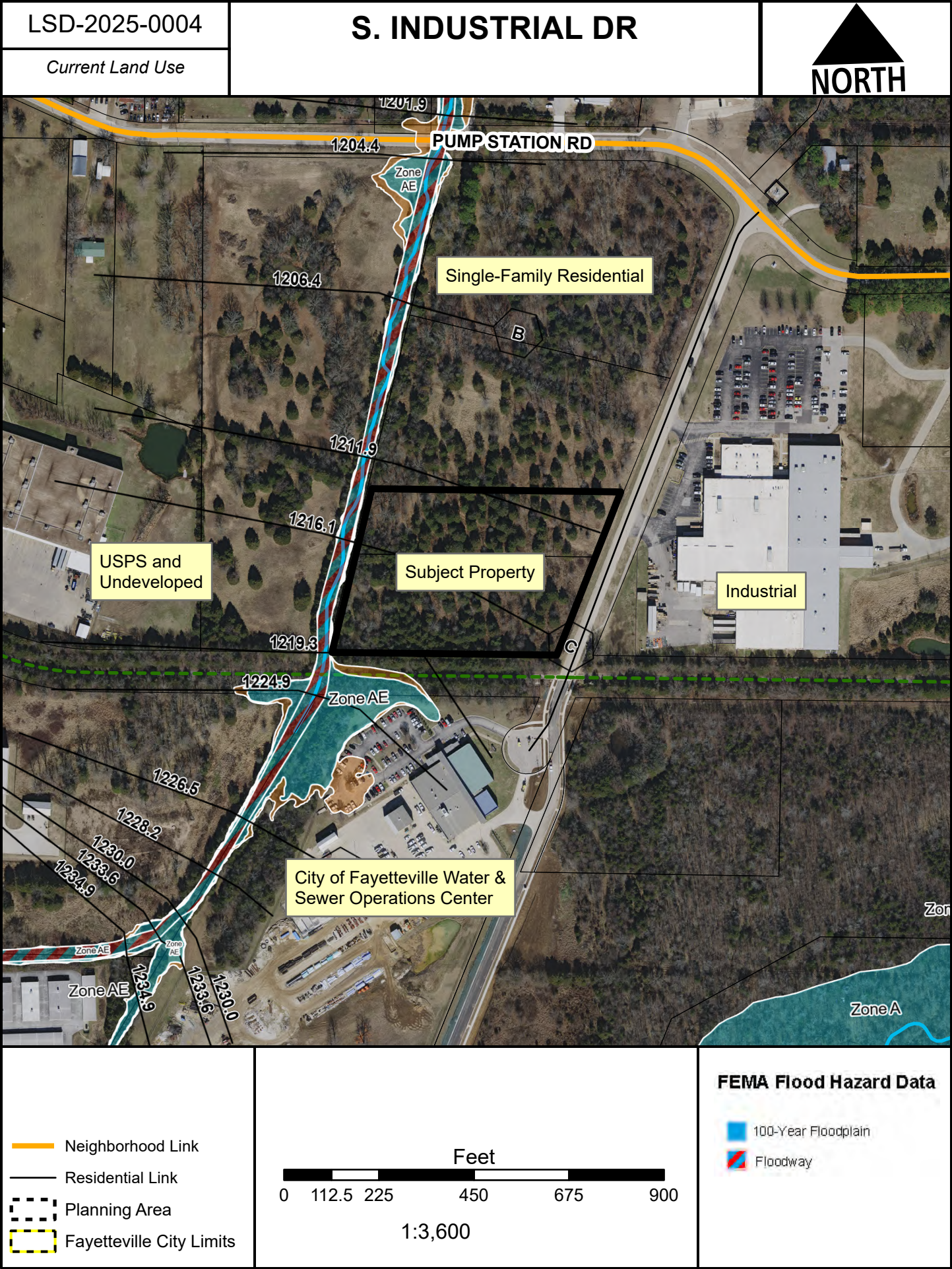


Site General Notes:

[illegible][illegible]









TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner
Willia Thomason, Urban Forester

MEETING DATE: May 12, 2025

SUBJECT: **VAR-2025-0028: Planning Commission Variance (542 W. DICKSON ST./MOTTO & TEMPO BY HILTON, 484):** Submitted by HOPE CONSULTING for property located at 542 W. DICKSON ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is for a variance to Master Street Plan requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0028** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0028**, determining:*

- In favor of a variance to UDC §166.11(A) and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located at the northwest corner of Dickson Street and West Avenue. The property contains one parcel totaling 0.60 acres which is currently developed with the former Bank of Fayetteville train building and a parking lot. In September 2024, a site improvement plan (SIP-2024-0004) was submitted to redevelop the subject property with a seven-story, 19,129-square-foot hotel, which is still under review by city staff. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	West Avenue Parking Deck	MSC, Main Street Center
South	Upper Ramble	MSC, Main Street Center
East	Commercial	MSC, Main Street Center
West	Commercial	MSC, Main Street Center

DISCUSSION:

Request: The applicant is requesting one variance from the Unified Development Code in association with a planned hotel development. The variance is described further below alongside staff's recommendations:

- UDC §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.** The applicant is requesting to vary from the allowable improvements for an Urban Center

Street as outlined in the City's 2040 Master Street Plan. Along Dickson Street, the applicant proposes roughly 27.5 feet of right-of-way from the centerline of the road to accommodate a portion of a designated turn lane, a 14-foot-wide drive lane, and an 8-foot-wide valet parking lane with bump-outs. Additional sidewalk will be constructed outside of the right-of-way. Along West Avenue, the applicant proposes to improve the property's frontage with a roughly 12-foot-wide drive lane and an 8-foot-wide fire lane with bump-outs. Sidewalk is also proposed, though largely outside of the right-of-way.

- *Staff recommendation: Staff is partially supportive of the applicant's request. Along Dickson Street, the improvements that deviate from the Master Street Plan include an increased street width and the removal of sidewalk from the public right-of-way. Staff finds that the additional street width is justified to accommodate the existing designated left-turn lane along the property's frontage. The sidewalk, while located outside of the right-of-way, will have a width varying between 12 and 17 feet. As a condition of approval, staff recommends that a pedestrian easement be dedicated with a minimum width of 8 feet along the sidewalk outside of the right-of-way.*

Along West Avenue, deviations from the Master Street Plan include a wider-than-typical drive lane with an average width of 12 feet, and a variable-width sidewalk, ranging from 6 to 16 feet, which mostly lies outside of the right-of-way. Staff recommends that right-of-way be dedicated to the back of curb and an eight-foot-wide pedestrian easement be dedicated over a portion of the sidewalk outside of the right-of-way.

Urban Forestry has expressed support for the requested variance, as outlined in the attached memo. With regard to street trees, the applicant proposes 15-square-foot tree wells located at the back of the sidewalk within a pervious paver strip in the build-to zone. While this design does not fully align with the intent of UDC §177(2)(a), which aims to create a buffer between vehicular traffic and pedestrians, the placement of the proposed trees would still achieve the goal of providing shade for pedestrians along the sidewalk.

Public Comment: To date, staff has received no public comment regarding this variance request.

RECOMMENDATION: Staff recommends approval of VAR-2024-0028 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.11, Conformance to Plans and Regulations.** *Staff recommend approval of this variance for the reasons stated above, with the following conditions:*
 - a. Along Dickson Street and West Avenue, an eight-foot-wide pedestrian easement shall be dedicated along the sidewalk outside of the right-of-way.
2. Approval of this item does not constitute approval of any associated plans or permits. Review and approval of the associated project shall be required in accordance with city code.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: May 12, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.11, Conformance To Plans And Regulations
- Urban Forestry Memo
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.11 Conformance To Plans And Regulations

- (A) *Conform to Plans and Regulations.* The subdivision shall conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Future Land Use Plan, the Master Street Plan, access control, setback ordinances, the Community Facilities Plan and Zoning, Chapters 160 through 164.
- (B) *Reserve Sites for Public Use.*
- (1) For a period of six (6) months after submitting application for approval of a preliminary plat with the Planning Commission, the Planning Commission may require the subdivider to reserve sites for public use that are indicated within the boundaries of the proposed subdivision which are indicated on an officially adopted plan, to permit the public board, commission, or body having jurisdiction, or financial responsibility, the opportunity to acquire said sites.
 - (2) The subdivider at his or her option may provide such areas or may be required to make them available for acquisition by the city under statutory procedure. All such areas shall be maintained at the expense of the city or other body which may be involved.
- (C) *Future Acquisition.* The Planning Commission may require the subdivider to establish building lines to allow for future acquisition of right-of-way for streets on the Master Street Plan.

(Code 1965, App. A., Art. 8(10.1); Ord. No. 1747, 6-29-70; Ord. No. 3073, 3-19-86; Code 1991, §160.119; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4919, 9-05-06; Ord. No. 6350, §5(Exh. D), 8-18-20)



Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Willa Thomason, Urban Forester

MEETING DATE: March 28, 2025

SUBJECT: **VAR-2025-0016: 542 W. DICKSON ST** - Submitted by HOPE CONSULTING for property located at 542 W. DICKSON ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.60 acres. The request is for a variance to Master Street Plan requirements. PP 484

RECOMMENDATION: Urban Forestry Staff recommends approval of VAR-2025-0028, a variance to the master street plan right-of-way along West Dickson Street and West Avenue.

DISCUSSION: The applicant proposes a valet drop-off area along W. Dickson St. with an 8' sidewalk, and a fire land bump-out for aerial apparatus access along W. Avenue with a 6' sidewalk. Both bump-outs are proposed to be 8' in width per the master street plan specifications. This variance will allow the proposed sidewalks to extend 234 square feet and 285 square feet outside of the existing access easement and proposed right-of-way dedication, respectively. This variance will not prevent the applicant from providing the required street trees along W. Dickson St. and West Avenue. The subject property is zoned Main Street/Center, an urban zoning designation allowing for the installation of 15 square foot tree wells within 8' sidewalks. The applicant intends to install tree wells at the back of sidewalk within a proposed pervious paver strip within the build-to-zone. While installation of tree wells within the pervious paver area at the back of the sidewalk will not meet the intent of street trees outlined in §177(2)(a) to provide a barrier between vehicles on the street and pedestrians, this placement will still meet the intent to shade the sidewalk.

April 3, 2025

City of Fayetteville – Development Services
125 West Mountain Street
Fayetteville, AR 72701

SIP-2024-0004 – Hilton Tempo & Motto Hotel – Planning Commission Variance Narrative Letter

Dear Planning Staff,

Please let this letter serve as a narrative for the submission of SIP-2024-004 – Hilton Tempo & Motto Hotel Planning Commission Variance located at 542 W Dickson Street. The property fronts W. Dickson Street along the southern boundary, and West Avenue along the eastern boundary. The two public streets along the southern and eastern boundary are classified as downtown/urban streets per the City of Fayetteville's adopted master street plan.

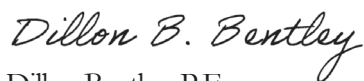
The development of the Hilton Tempo & Motto, known as SIP-2024-0004, will include a designated valet drop off area bump out along W. Dickson Street with an 8' public sidewalk, and a designed fire lane bump out for aerial access along West Avenue with a 6' public sidewalk. Both bump outs are proposed to be 8-foot in width per the master street plan typical section.

We are seeking a variance of the master street plan right-of-way along W. Dickson Street & West Avenue. There are small portions along both roadways that the proposed public sidewalk extends out of the right-of-way, and access easement. Along W. Dickson Street the proposed public sidewalk is shown to have 243 square feet extend outside of the existing access easement. Then, Along West Avenue the proposed public sidewalk is shown to have 285 square feet extend outside of the proposed right-of-way dedication.

We are seeking a variance to support the development of Hilton Motto & Tempo Hotel that's been submitted to the City of Fayetteville under the project number SIP-2024-0004.

Please feel free to contact me if you have any questions or concerns with this variance request.

Sincerely,



Dillon Bentley, P.E.
NWA Lead Engineer
Hope Consulting

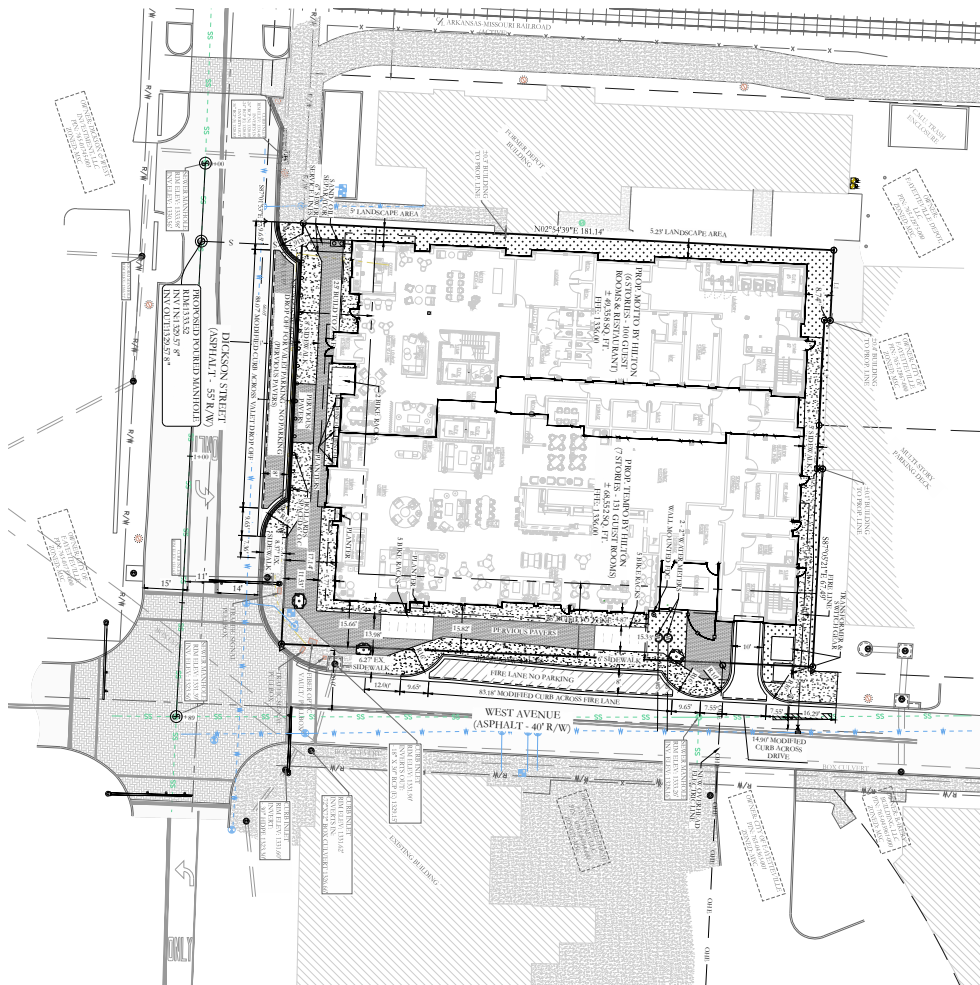
[illegible]

- STANDARD CITY NOTES:

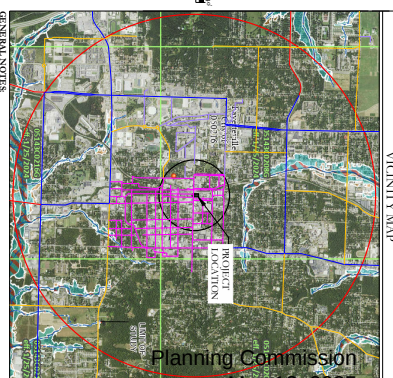
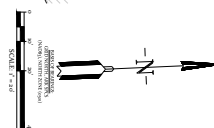
- [illegible]

LOT 1 DESCRIPTION FROM SURVEY (OVERALL COMBINED TRACTS)

A PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DISCLOSED AS FOLLOWS:



MISC (MAIN STREET CENTER) BUILDING SET BACK TABLE	
FRONT	13' TO 25' BUILD-TO-ZONE
SIDE	NONE
REAR	5'
REAR FROM CENTER LINE OF AN ALLEY	12'
MINIMUM BUILDABLE STREET FRONTAGE	75%



- GENERAL NOTES:

1. CITY PLAT PAGE #64.
2. MAP#15, 15267-00-8, 76-125-006.
3. CARMEL TOWNING, 486 - STREET CENTER
4. NOTATION BASED ON ADJACENT SUTHER PLAIN, NORTH 22ND, NAD83
5. THE NORTH ADJACENT VERTICAL ALLEYWAY OF 1968 NAD 83 TO 883 IS UTILIZED FOR VERTICAL ALIGNMENT OF THE STREET.
6. BOUNDARY MONUMENT ON
- 6.1. MONUMENTY D.I.D., LOT #252+0.005689
- 6.2. MONUMENTY D.I.D., LOT #252+0.005689
- 6.3. LOT 583 F.T. R/W, LOT #251+0.002509
- 6.4. LOT 583 F.T. PROPERTY LINE MONUMENT SURVEY, LOT #251+0.004611
7. OVERLINE JACKSON DEPUTY HOTEL, L.L.C.
8. MONUMENT
9. THE GRADING PLATTING ONLY, THE SURFACE PROPERTY IS LOCATED WITHIN EFFECTIVE DATE OF INDIANA S. 264, AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.
10. SONS DESIGN, MATERIAL, AND PLACEMENT SHALL BE COMPLYING WITH THE MONUMENT SURVEY, IMPROVED AT THE POINT, AND WILL BE QUITTED A SIGNIFICANT IMPROVE.

[illegible]

STREET FRONTAGE = 145.35 + 18.25 = 163.6
BUILDABLE FRONTAGE = 124 + 50 = 174 WHICH IS 86.66%



H-OPE
CONSULTING
ENGINEERS - SURVEYORS

129 N. Main Street,
Benton, Arkansas 72015
PH: (501) 315-2626
FAX (501) 315-0024
www.hopeconsulting.com



Know what's below.
Call before you dig.

SQUARE MANAGEMENT

SITE IMPROVEMENT PLAN

542 W. DICKSON STREET, FAYETTEVILLE, AR-72701

CITY APPROVAL STAMP

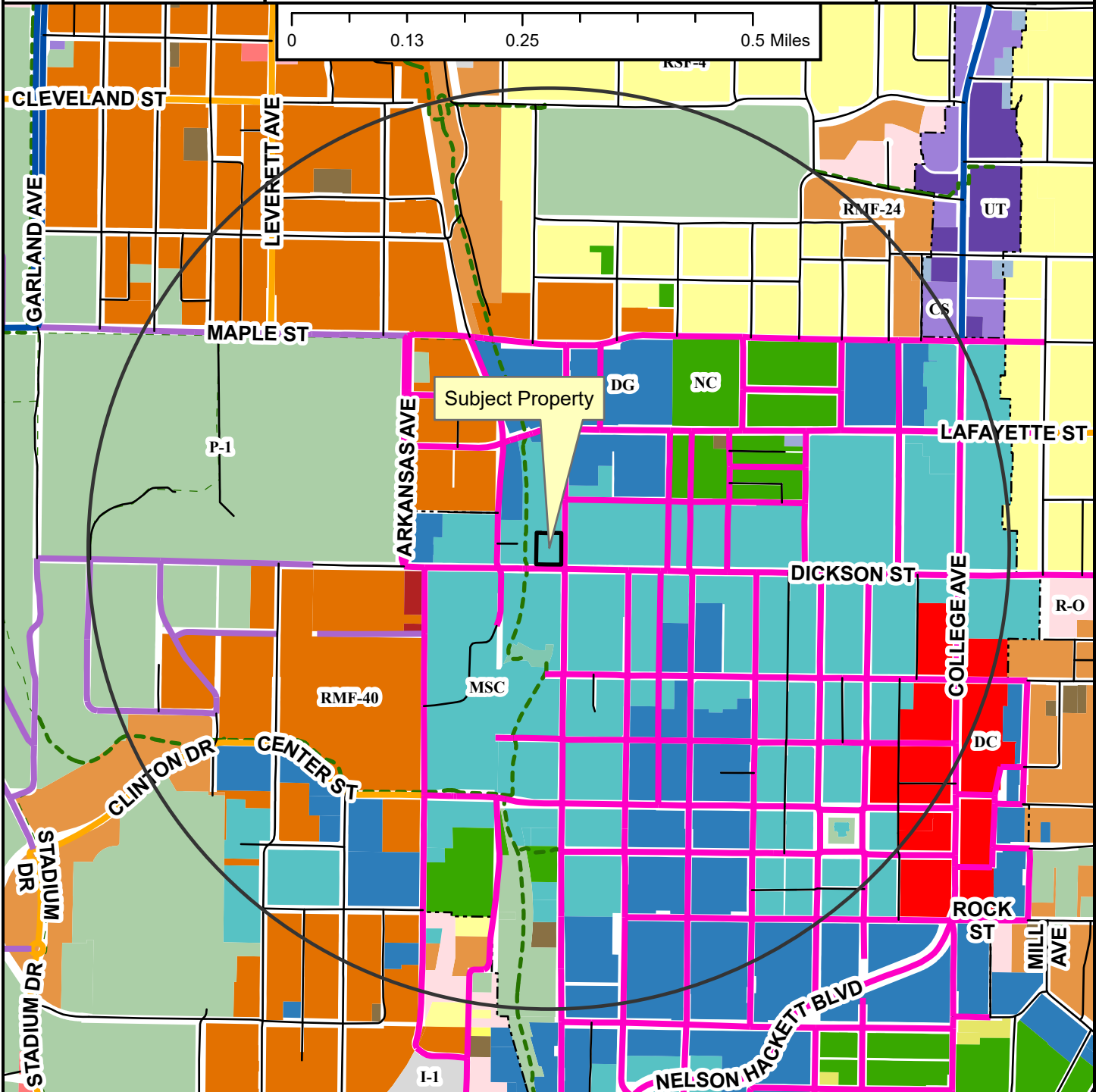
VAR-2025-0028

542 W DICKSON ST

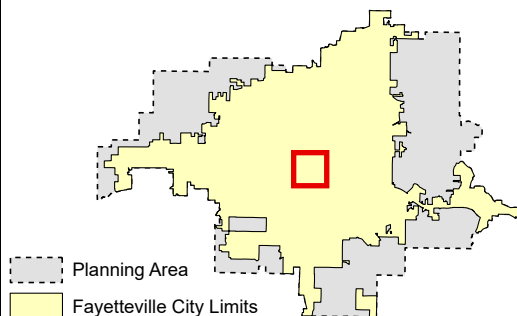
One Mile View



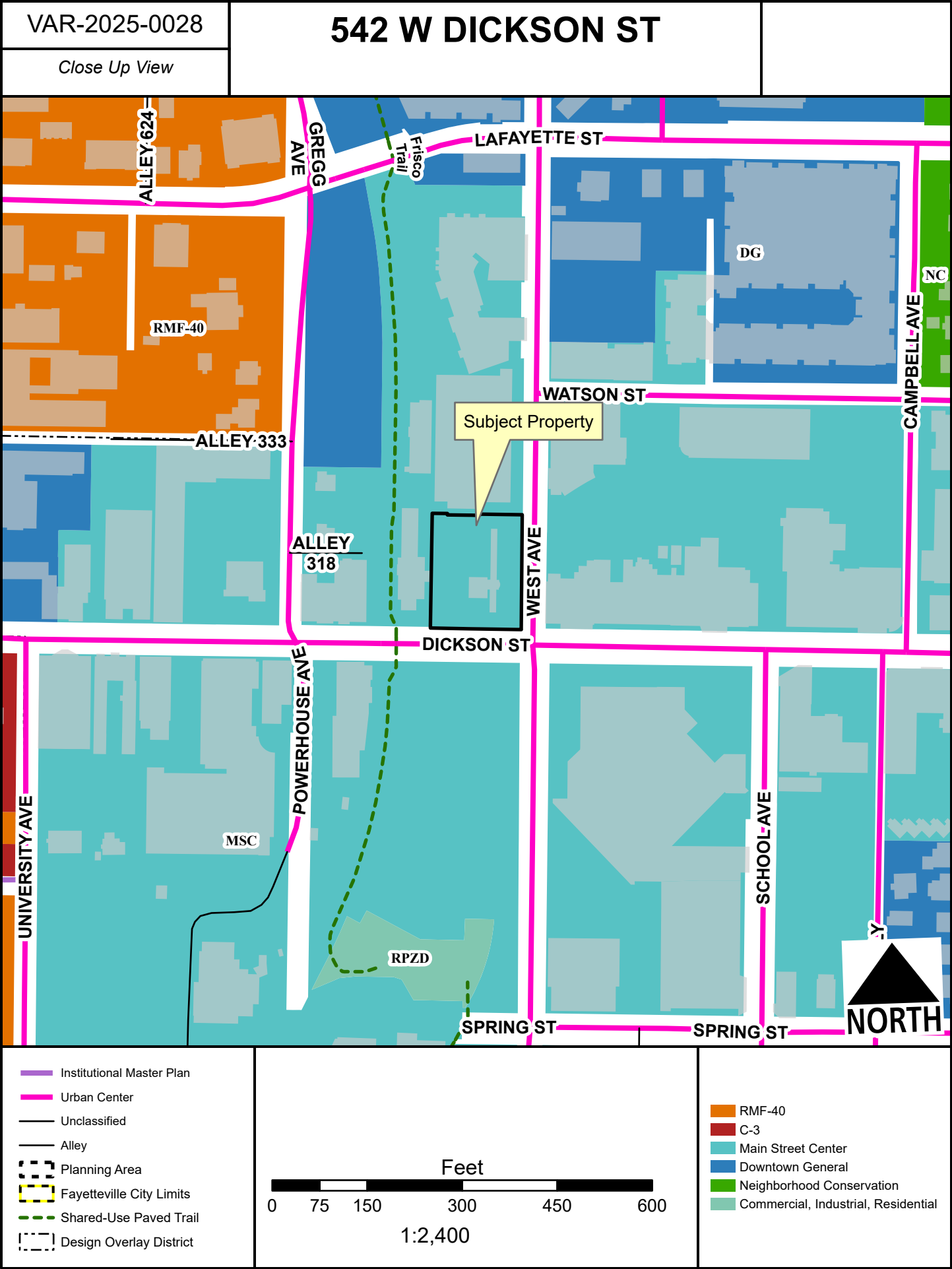
0 0.13 0.25 0.5 Miles



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



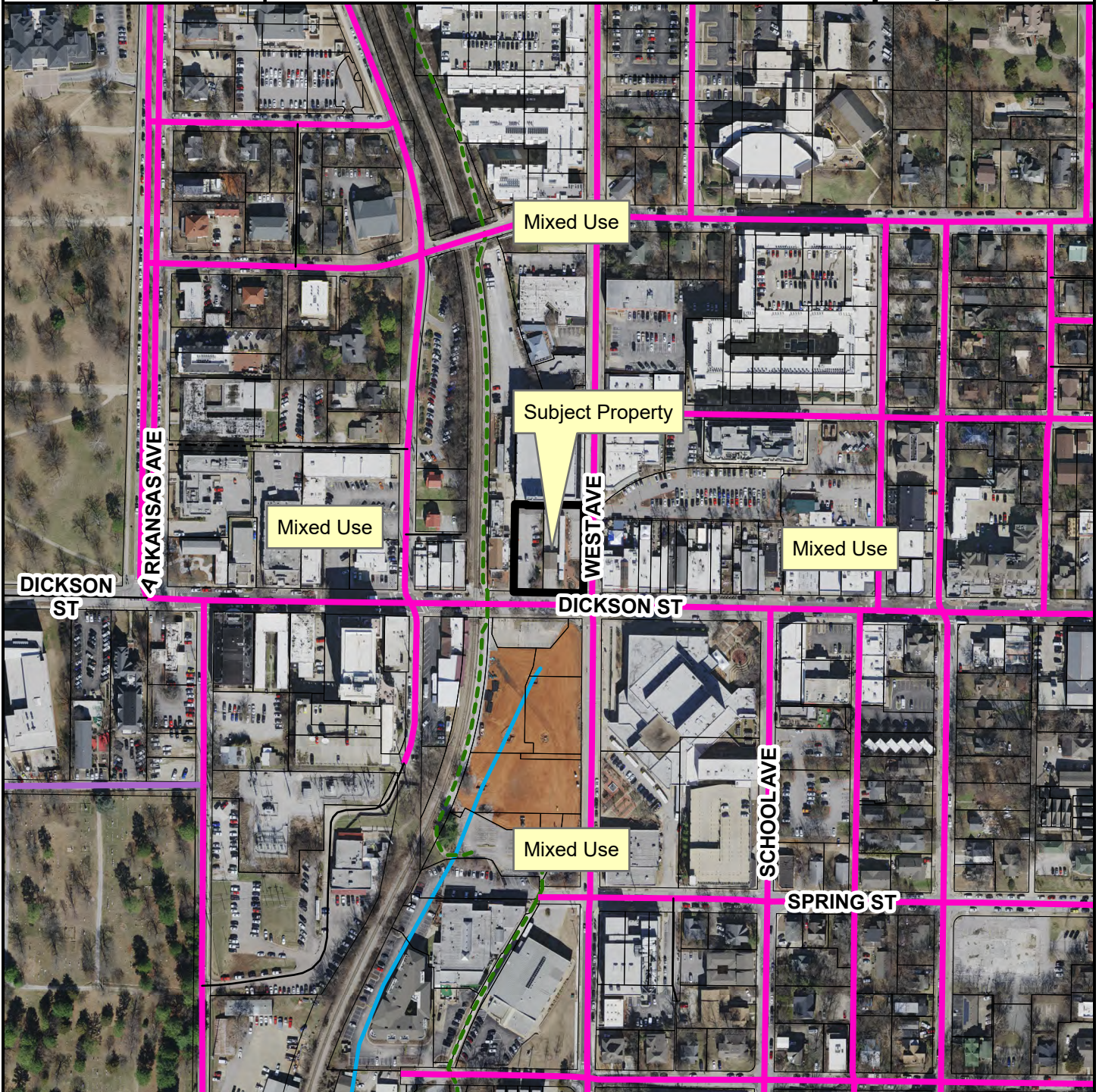
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - NS-L
 - NS-4
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - 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
 - P-1



VAR-2025-0028

542 W DICKSON ST

Current Land Use



- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner
Justin Bland, Staff Engineer
Willia Thomason, Urban Forester

MEETING: March 24, 2025

SUBJECT: **CCP-2025-0008: Concurrent Plat (2525 W. WEDINGTON DR, RESORTS AT MARKHAM HILL, 441):** Submitted by THOMAS ENGINEERING COMPANY for property located at 2525 W. WEDINGTON DR. The property is zoned CS, COMMUNITY SERVICES AND UT, URBAN THOROUGHFARE and contains approximately 23.41 acres. The request is to divide the property into two residential lots.

RECOMMENDATION:

Staff recommends approval of **CCP-2025-0008** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CCP-2025-0008**, recommending:*

- In favor of recommended right-of-way dedication,*
- In favor of recommended street improvements, and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in west-central Fayetteville, approximately 0.38 miles southeast of the I-49 and W. Wedington Dr. interchange. The subject parcel contains approximately 23.4 acres and is located just southeast of N. Marinoni Dr. A large site improvement plan (LSIP-2024-0005) is under review for the development of the property with a multi-family development with 351 units, club house, and associated parking. A Board of Adjustments variance for minimum buildable street frontage requirements was approved on December 2, 2024 (BOA-2024-0017). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Undeveloped (Markham Hill Woods)	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Undeveloped	UT, Urban Thoroughfare

Proposal: The request is for the concurrent plat of two residential lots of 11.59 and 11.69 acres in line with Phase 1 and Phase 2 of the Resorts at Markham Hill development. One variance is being requested with this proposal as outlined below:

- **§166.04(B)(i) and §166.04(B)(4)(j) Water and Sewer Access:** When an approved public water supply is reasonably accessible, the developer shall install a system of water mains and shall connect to such supply so that each lot within the subdivision or development shall be provided with a connection to said public water supply. Where a public sanitary sewer is reasonably accessible, the developer shall connect with such sewer, and each lot within the subdivision or development shall be provided with a connection thereto. The applicant has requested a variance from this requirement for Lot 2. Utilities are not currently available to this lot but are proposed to be installed with Phase 1 of the Resorts at Markham Hill Development (LSIP-2024-0005).
 - *Staff Recommendation: Staff recommends approval of the proposed variance. This plat proposes dividing the property such that the southern portion, Lot 2, would not have access to the existing water and sewer mains. The northern portion, Lot 1, is the location of The Resort at Markham Hill apartment complex which was previously approved as LSIP-2025-0005 and is currently pending submittal for a Grading Permit. With the pending development of Lot 1, which would include water and sewer main extensions to Lot 2, staff is generally supportive of the request with conditions. Staff recommends that exclusive water and sewer easements are dedicated on Lot 1 from the existing water and sewer mains to Lot 2 as shown on the attached exhibit. These easements should remain exclusive until the water and sewer mains are installed. Additionally, staff recommends the following notes be added to the concurrent plat: “Lot 2 does not have any access to water or sewer from the City of Fayetteville,” and “A water and sewer main extension will be required to Lot 2 prior to or as part of any development on Lot 2.”*

Water and Sewer System: There are existing 8” water and sewer mains in the northwest corner of the property along Marinoni Dr. and in the northeast corner of the property along Cleveland St. A variance has been requested to utility access requirements as discussed above.

Right-of-way to be dedicated: Staff recommends no additional right-of-way dedication, as the subject property already fronts three improved streets—Marinoni Drive, Cleveland Street, and a stub of W. Maple Street—with prior dedications completed under LSIP-2022-0010 and improvements aligned with LSIP-2024-0005. A trail connection is proposed to W. Maple Street, access easements ensure access to Lot 2, and while there is frontage on undeveloped Lonnie Avenue to the east, no street connection is planned.

Street Improvements: Staff does not recommend any additional street improvements with this request. A determination on street improvements was made with the associated development (LSIP-2024-0005). Driveways, sidewalks, and a public trail extension shall be installed with the construction of the apartments.

Tree Preservation:

Canopy minimum requirement: CS (20%) and UT (15%)

Existing canopy: 45.7%

Preserved canopy: 26.2%

Mitigation required: None

Parkland Fees: N/A; parkland dedication requirements were met with the initial large site improvement plan. A fee-in-lieu was approved for the Phase 1 multifamily development. A further PRAB evaluation will be required once Phase 2 plans are finalized and submitted.

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

RECOMMENDATION: Staff recommends approval of CCP-2025-0008 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *No right-of-way dedication is recommended.*
2. **Planning Commission determination of street improvements.** *No additional street improvements are recommended.*
3. **Planning Commission determination of a variance to §166.04(B)(i) and (j) Water and Sewer Access:** *Staff recommends in favor with added conditions:*
 - a. Exclusive water and sewer easements are dedicated on Lot 1 from the existing water and sewer mains to Lot 2. These easements should remain exclusive until the water and sewer mains are installed.
 - b. Add the following plat notes:
 - i. "Lot 2 does not have any access to water or sewer from the City of Fayetteville."
 - ii. "A water and sewer main extension will be required to Lot 2 prior to or as part of any development on Lot 2."
4. All remaining comments from planning staff shall be addressed before this plat is released for signatures:
 - a. Remove setback line where it overlaps with Maple Street build-to-zone.
 - b. Internal easements may be general utility easements.

Standard Conditions of Approval:

5. All lots shall be labeled with addresses as approved by the 911 Coordinator on the concurrent plat (if applicable).
6. Plat Review comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).
7. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

Planning Commission Action:

☐ Approved

☐ Tabled

☐ Denied

Meeting Date: May 12, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Staff Exhibits
 - Engineering Memo
 - Urban Forestry Memos
 - Recommended Conditions Exhibit
- Applicant Cover Letter
- Applicant Variance Request Letter
- Concurrent Plat
- One Mile Map
- Close-Up Map
- Current Land Use Map



TO: Donna Wonsower, Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: May 6, 2025

**SUBJECT: Planning Commission Engineering Comments for
CCP-2025-0008**

Water: There is an existing 8" water main in the northwest corner of the subject property along Marinoni Dr. and, in the northeast corner of the property along Cleveland St.

Sewer: There is an existing 8" sewer main in the northwest corner of the subject property along Marinoni Dr. and, in the northeast corner of the property along Cleveland St.

Variance: This plat proposes dividing the property such that the southern portion, Lot 2, would not have access to the water and sewer mains mentioned above. The northern portion, Lot 1, is the location of The Resort at Markham Hill apartment complex which was previously approved as LSIP-2025-0005 and is currently pending submittal for a Grading Permit. With the pending development of Lot 1, which would include water and sewer main extensions to Lot 2, the applicant has requested a variance from Section 166.04.B.4.i and Section 166.04.B.4.j of the Unified Development Code. These code sections require the extension of water and sewer mains to any newly platted lot.

Engineering staff is supportive of this request based upon the pending development of Lot 1 and the need for the lot split to take place for financing reasons with the following conditions:

1. Exclusive water and sewer easements are dedicated on Lot 1 from the existing water and sewer mains to Lot 2. These easement should remain exclusive until the water and sewer mains are installed.
2. The following plat notes are added:
 - a. Lot 2 does not have any access to water or sewer from the City of Fayetteville.
 - b. A water and sewer main extension to Lot 2 will be required prior to or as part of any development on Lot 2.



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Michael R. Fishbaugh, Blu Fish Collaborative

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 12, 2025

Subject: CCP-2025-0008: Resort at Markham Hill: 2525 W. Wedington Dr., 441

1. Submittal Requirements	Yes	No	N/A
Initial Review with the Urban Forester	X		
Site Analysis Map Submitted (if justification is needed)			X
Site Analysis Written Report Submitted (justification is needed)			X
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans	X		
Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)			X

2. Tree Preservation Calculations

Tree Preservation Calculations <u>Square Feet</u>		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	1,003,637.6000	100%
Zoning Designation * Select Below with drop down arrow		
CS, Community Services	200,727.5200	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	200,727.5200	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	458,691.0000	45.7%
Tree Canopy Preserved	263,358.0000	26.2%
Tree Canopy Removed *On Site	195,333.0000	19.5%
Tree Canopy Removed *Off Site	0.0000	
Tree Canopy Removed Total	195,333.0000	19.5%
Removed Below Minimum	0.0000	
Mitigation Requirements	0.0000	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	0	N/A
Low Priority	0	
Total Mitigation Trees Required	0	N/A

4. Mitigation Type	No	N/A
On-Site Mitigation		X
Off-Site Mitigation		X

Tree Escrow (See Conditions of Approval)

X

5. Tree Preservation Plan Checklist		Tech Plat	Planning Commission	
UDC Chapter 167.04H1and 167.04L1				
a.	5 year Aerial Check on Existing Trees	Yes	Yes	
b.	Property Boundary	Yes	Yes	
c.	Natural Features (100ft beyond limits of disturbance)	No	No	
d.	Existing Topography and Proposed Grading	Yes	Yes	
e.	Soil Types	Yes	Yes	
f.	Significant Trees	Yes	Yes	
g.	Groupings of Trees	Yes	Yes	
h.	Table Inventory List (species, size, health, priority)	Yes	Yes	
i.	All Existing and Proposed Utilities	Yes	Yes	
j.	All Existing and Proposed Utility Easements and ROW's	Yes	Yes	
k.	All Streams (with approximate center line)	N/A	N/A	
l.	Floodplains and floodways	N/A	N/A	
m.	Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	
n.	Submitted Site Analysis Plan (if required)	N/A	N/A	
o.	Shows ALL Proposed Site Improvements	Yes	Yes	
p.	Delineates trees/canopy to be preserved and removed	Yes	Yes	
q.	Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	No	N/A	
Tree Protection Methods				
a.	Tree Protection Fencing	Yes	Yes	
b.	Limits of Root Pruning	Yes	Yes	
c.	Traffic flow on work site	Yes	Yes	
d.	Location of material storage	Yes	Yes	
e.	Location of concrete wash out	Yes	Yes	
f.	Location of construction entrance/exit	Yes	Yes	
6.	Site Analysis Report (if required)	Yes	No	N/A
UDC Chapter 167.04H4				
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.			X
7.	Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission

Conditionally Approved
Approved
Tabled
Denied

4-7-25

5-5-25

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

- 1. Address items above marked “No” and all Redlines provided.
- 2. Easement plat must be dedicated with the subsequent development associated with LSIP.



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Michael R. Fishbaugh, Blu Fish Collaborative

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 12, 2025

Subject: CCP-2025-0008: Resort at Markham Hill: 2525 W. Wedington Dr., 441

1. General Landscape Plan Checklist	Yes	No	N/A
a. Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b. Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c. Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d. Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e. Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f. LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g. Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h. Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i. Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		

2. Parking Lot Requirements	1 Tree : 12 Parking Spaces	Yes	No	N/A
a. Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>		X		
b. Wheel Stops/Curbs	<i>UDC Chapter 177.04B1</i>	X		

c. Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>				X
d. Tree Island (8' min. width, 18.7' min length, 150 square feet) <i>UDC Chapter 177.04C</i>		X		
e. Placement of Trees (either side at entrances and exits) <i>UDC Chapter 177.04C2</i>		X		
3. Perimeter Landscaping Requirements	Yes	No	N/A	
a. Front Property Line (15' wide landscape) and 5' on sides and rear. <i>UDC Chapter 177.04D2a</i>	X			
b. Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>	X			
c. Screening of parking lot from adjacent residential properties.	X			
4. Street Tree Planting Requirements	Yes	No	N/A	
a. Residential Subdivisions 1 Large Shade Species Tree per Lot <i>UDC Chapter 177.05B1a</i>				X
b. Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) <i>UDC Chapter 177.05B2a</i>	X			
c. Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) <i>UDC Chapter 177.05B3a-f</i>				X
d. Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan <i>UDC Chapter 177.05B3a-f</i>				X
e. Residential Subdivisions Timing of planting indicated on plans <i>UDC Chapter 177.05A4</i>				X
f. Residential Subdivisions Written description for method of tracking planting <i>UDC Chapter 177.05A4e</i>				X
5. Landscape Requirement Totals	Amount			
Mitigation Trees	14 required, 14 provided			
Parking Lot Trees	41 required, 48 provided			

Street Trees	26 required, 26 provided (existing trees along Lonnie Ave; 22 of the required street trees planted along northern property boundary)
Detention Pond – Large Trees (1 Tree/3,000 square feet)	3 required, 3 provided
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	12 required, 39 provided
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	18 required, 45 provided

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	4-7-25	5-5-25
Approved		
Tabled		
Denied		

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
1. Address items above marked “No” and all Redlines provided.
2. All common area plantings not associated with individual lot development must be planted prior to CCP sign-off. All deferred plantings will require a performance bond at 150% of the landscape estimate.



THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

(501)753-4463

April 2, 2025

Ms. Donna Wonsower
Planner, Development Services
Fayetteville Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Concurrent Plat
Lot 1 & 2, Resort at Trailside Addition

Dear Ms. Wonsower:

Please accept this letter to serve as our application for the above reference submittal. We wish to be placed on the April 16th, 2025 Technical Plat Review Agenda.

As part of the proposed multi-family development on this property, (LSIP 2024-0005, The Resort at Wedington) we are proposing to subdivide the property into two lots as shown on the submitted Concurrent Plat. The multi-family facility, as phase 1, will be constructed on Lot 1, and Lot 2's use is projected as cottages. Access easements are shown within Lot 1, so Lot 2 will have access to Marinoni Drive and Cleveland Street. Please note, Lot 2 has access to West Maple Street right-of-way at its southeast corner, though it will be used as a multi-use trail.

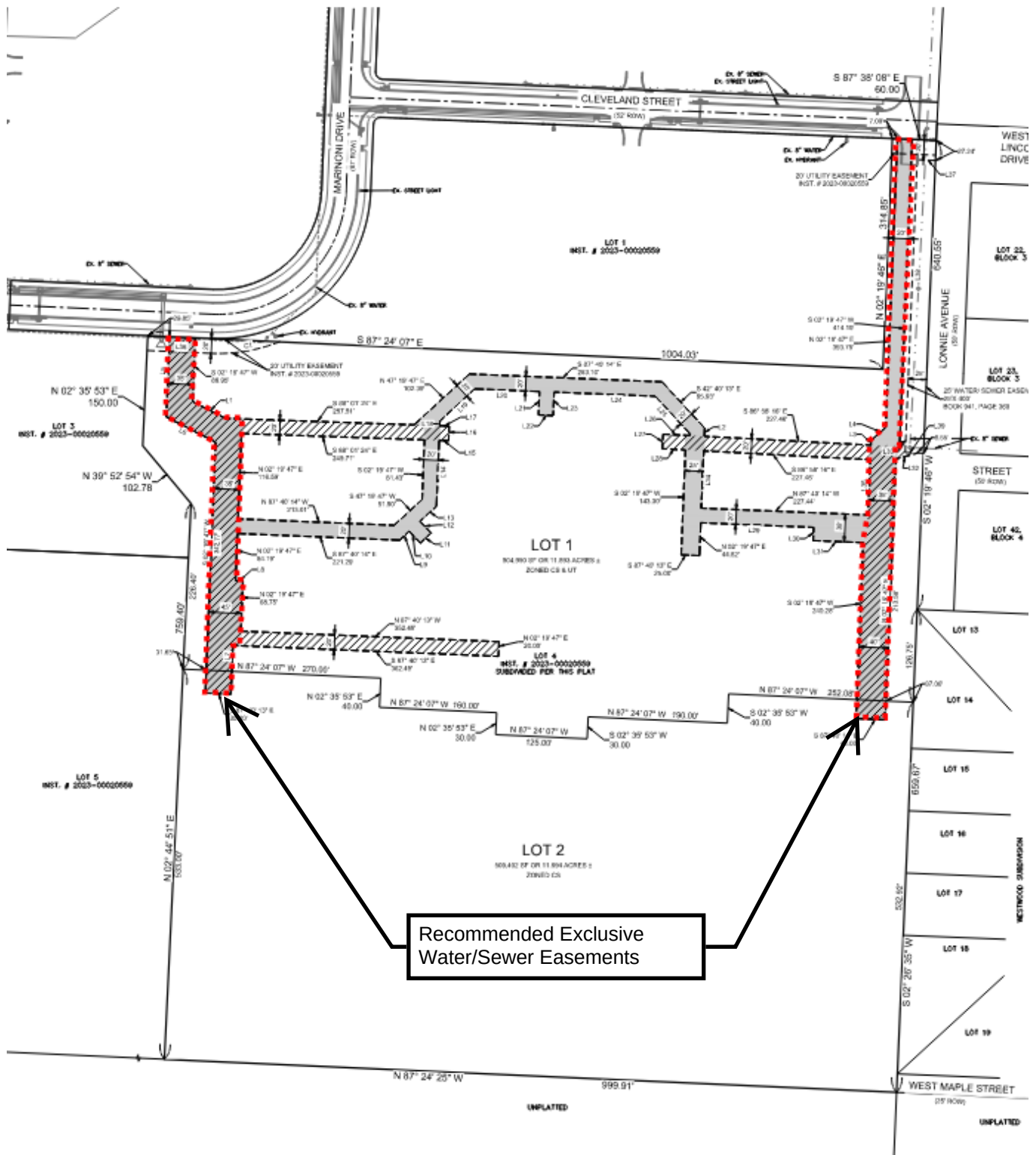
Plans for the multi-family facility are underway. Upon their completion, we will provide an Easement Plat for utilities, tree preservation, multiuse trail, etc.

If you have any questions, please give me a call.

Sincerely,

Thomas R. Pownall, P.E.
Vice President

STAFF EXHIBIT: RECOMMENDED CONDITIONS





THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

(501)753-4463

April 22, 2025

Ms. Donna Wonsower
Planner, Development Services
Fayetteville Planning Division
125 West Mountain Street
Fayetteville, AR 72701

RE: Variance Request
Concurrent Plat
Lot 1 & 2, Resort at Trailside Addition
Easement Dedication

Dear Ms. Wonsower:

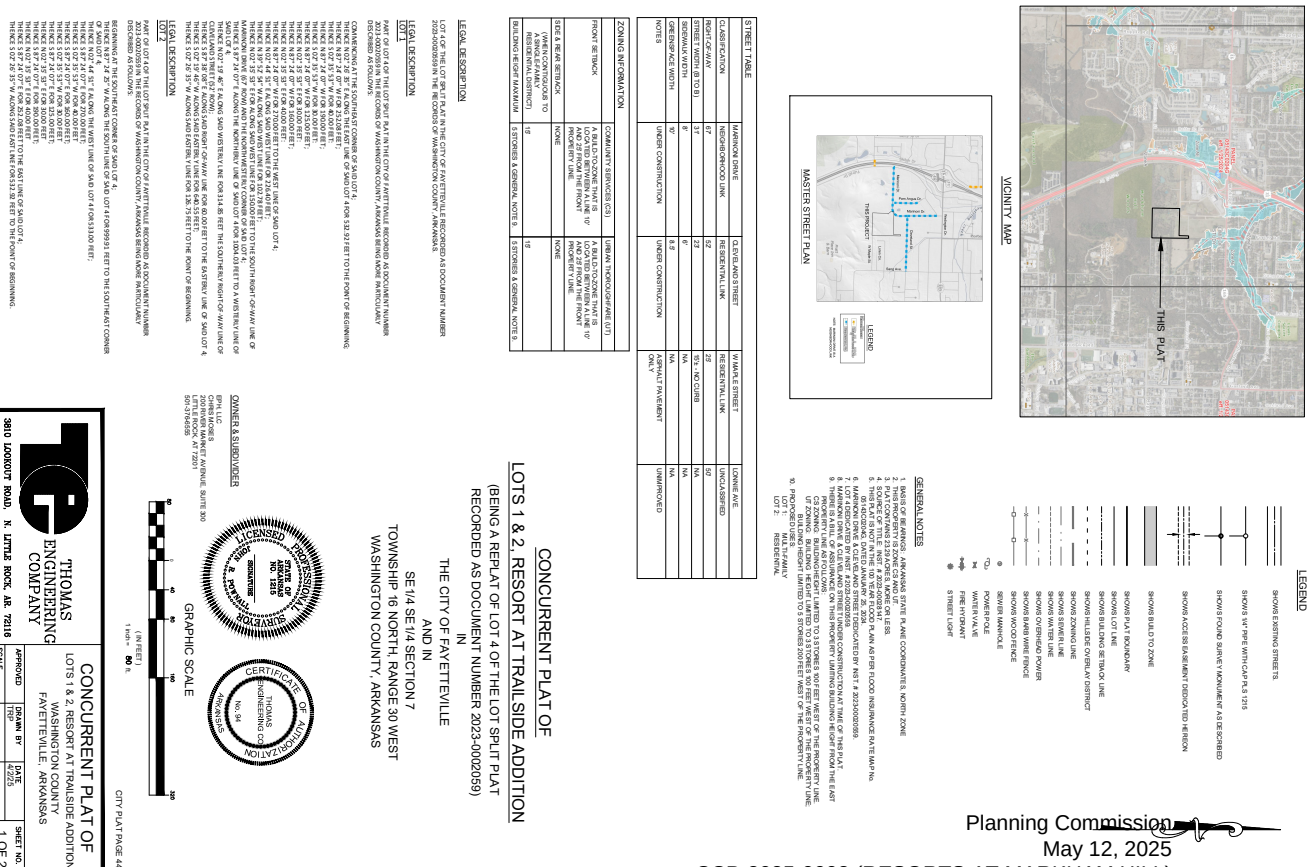
Please accept this letter to serve as our request of a variance to Section 166.0.B.4.i.i of the Unified Development Code to allow the platting of a lot without providing installed utilities. We request this variance be heard by the Planning Commission at the same time as the Concurrent Plat.

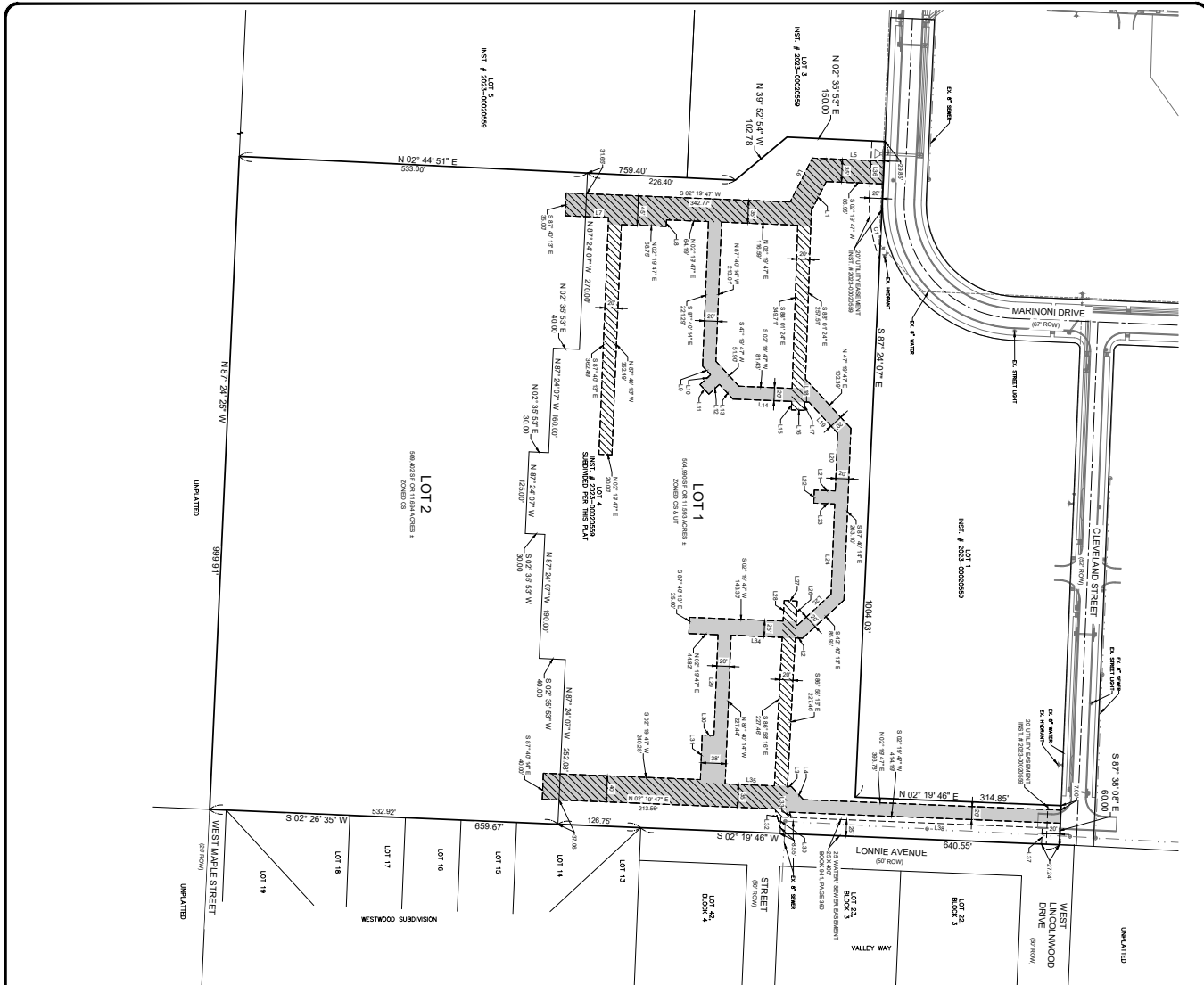
We are proposing to subdivide the current Lot 4 into Lot 1 and Lot 2, Resort at Trailside Addition. Utility easements are shown to be dedicated within Lot 1 to allow utility line access to Lot 2 in lieu of constructing the utilities immediately.

If you have any questions, please give me a call.

Sincerely,

Thomas R. Pownall, P.E.
Vice President





LINE TABLE			LINE TABLE		
LINE #	CONNECTION	LENGTH	LINE #	CONNECTION	LENGTH
1	S 87° 09' 00" E	30.27	121	S 02° 46' 00" W	22.02
2	S 87° 09' 00" E	30.27	122	S 02° 46' 00" W	22.02
3	S 87° 09' 00" E	30.27	123	S 02° 46' 00" W	22.02
4	S 87° 09' 00" E	30.27	124	S 02° 46' 00" W	22.02
5	S 87° 09' 00" E	30.27	125	S 02° 46' 00" W	22.02
6	S 87° 09' 00" E	30.27	126	S 02° 46' 00" W	22.02
7	S 87° 09' 00" E	30.27	127	S 02° 46' 00" W	22.02
8	S 87° 09' 00" E	30.27	128	S 02° 46' 00" W	22.02
9	S 87° 09' 00" E	30.27	129	S 02° 46' 00" W	22.02
10	S 87° 09' 00" E	30.27	130	S 02° 46' 00" W	22.02
11	S 87° 09' 00" E	30.27	131	S 02° 46' 00" W	22.02
12	S 87° 09' 00" E	30.27	132	S 02° 46' 00" W	22.02
13	S 87° 09' 00" E	30.27	133	S 02° 46' 00" W	22.02
14	S 87° 09' 00" E	30.27	134	S 02° 46' 00" W	22.02
15	S 87° 09' 00" E	30.27	135	S 02° 46' 00" W	22.02
16	S 87° 09' 00" E	30.27	136	S 02° 46' 00" W	22.02
17	S 87° 09' 00" E	30.27	137	S 02° 46' 00" W	22.02
18	S 87° 09' 00" E	30.27	138	S 02° 46' 00" W	22.02
19	S 87° 09' 00" E	30.27	139	S 02° 46' 00" W	22.02
20	S 87° 09' 00" E	30.27	140	S 02° 46' 00" W	22.02

DATE _____ ELECTRIC _____
 DATE _____ GAS SERVICE _____
 DATE _____ TELEPHONE _____
 DATE _____ CABLE TELEVISION _____
 DATE _____ CITY OF FAYETTEVILLE _____

DATE _____ ELECTRIC _____
 DATE _____ GAS SERVICE _____
 DATE _____ TELEPHONE _____
 DATE _____ CABLE TELEVISION _____
 DATE _____ CITY OF FAYETTEVILLE _____

THOMAS ENGINEERING COMPANY

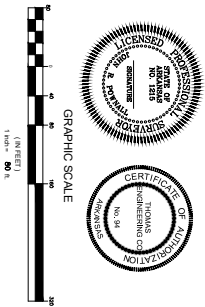
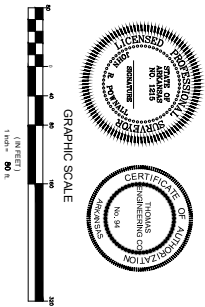
3810 LOGGERT ROAD, N. LITTLE ROCK, AR 72116
 TEL: 501-753-4483 FAX: 501-753-6814

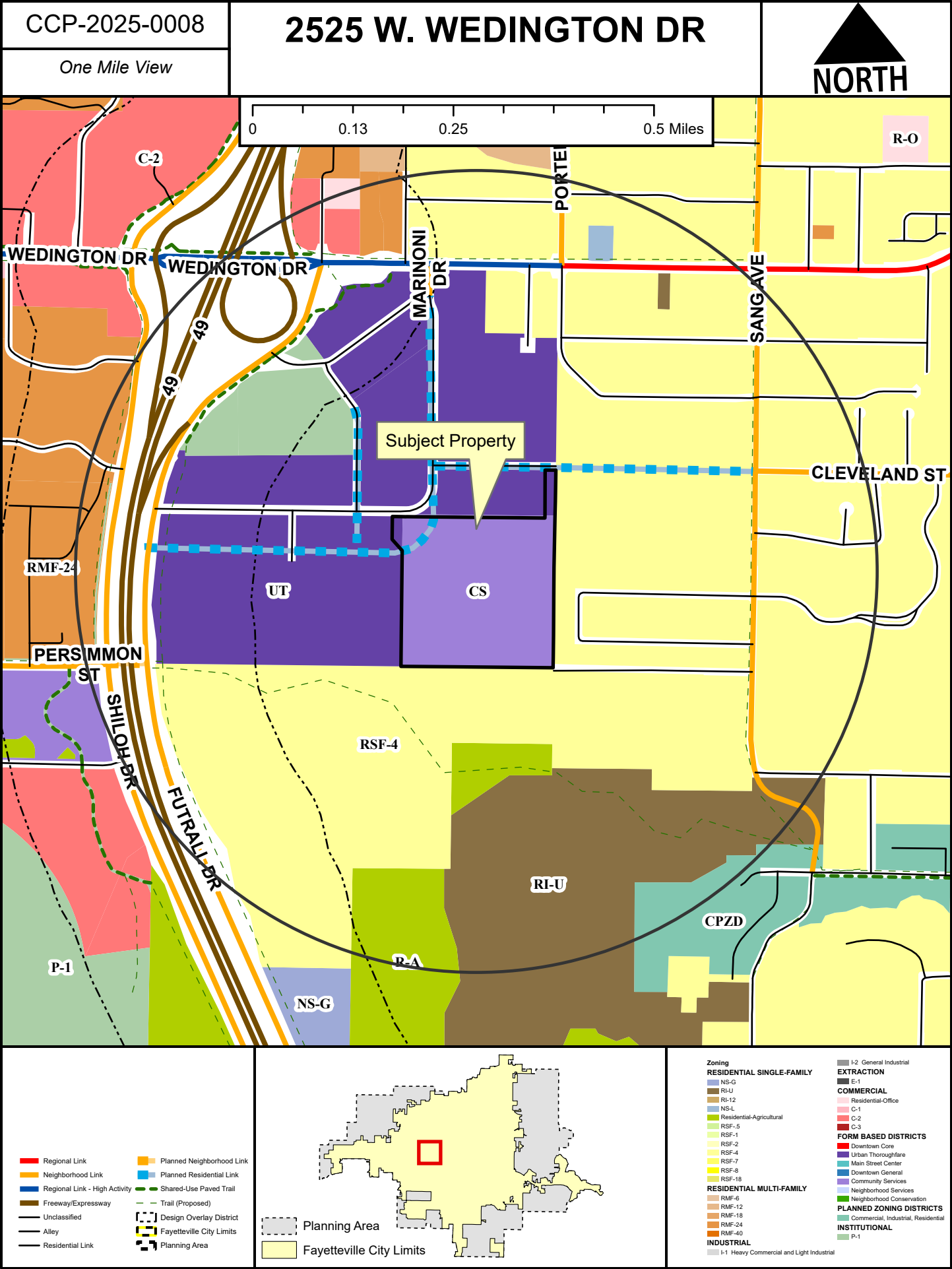
EASEMENT DEDICATION

LOTS 1 & 2 RESORT AT TRAILSIDE ADDITION
 WASHINGTON COUNTY
 FAYETTEVILLE, ARKANSAS

APPROVED _____ DATE _____
 TOWN OF _____ DATE _____
 COUNTY OF _____ DATE _____

SHEET NO. 2 OF 2





Planning Commission

May 12, 2025

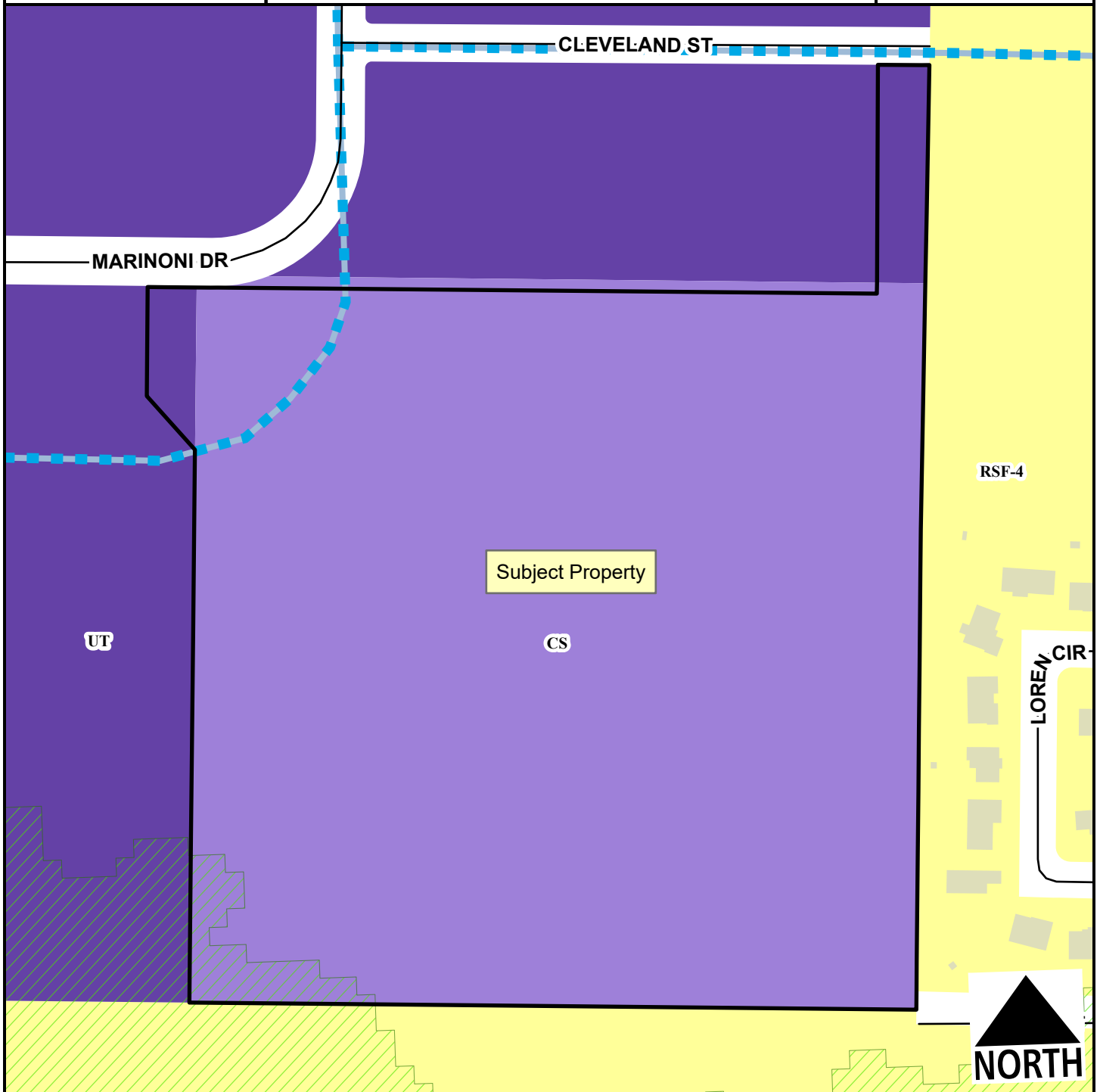
CCP-2025-0008 (RESORTS AT MARKHAM HILL)

Page 17 of 19

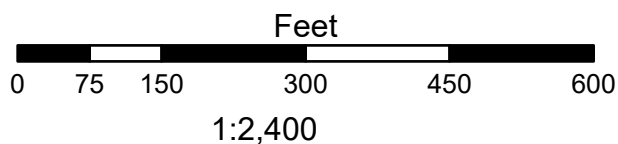
CCP-2025-0008

2525 W. WEDINGTON DR

Close Up View



- Residential Link
- Planned Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits



- RSF-4
- Urban Thoroughfare
- Community Services





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: May 12, 2025

SUBJECT: **CUP-2025-0018: Conditional Use Permit (229 S. COLLEGE AVE./EMPEROR INVESTMENTS LLC, 523):** Submitted by BATES & ASSOCIATES for property located at 229 S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.60 acres. The request is for an off-site parking lot.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0018** with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0018** with conditions, determining:*

- In favor of compatibility with adjacent properties,*
- In favor of a variance to UDC §172.02(B), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located on the west side of College Avenue about 200 feet south of Nelson Hackett Boulevard. The property contains three parcels totaling 0.60 acres which are zoned DG, Downtown General, and located within the City's Downtown Master Plan and 71B Corridor Plan areas as well as the Downtown Design Overlay District. There are two existing structures on the property: a duplex which was initially constructed sometime prior to 1908, and a single-family house that Washington County records indicate was built in 1945. Long Range Planning staff have identified that the duplex may be eligible for the Arkansas Register of Historic Places for its association with turn-of-the-century residential development on the periphery of Fayetteville's downtown. Large scale development plans to redevelop this site with off-site parking, and to develop the area to the north with a new facility for Crisis Brewery, have been submitted concurrently with this request (LSD-2025-0005). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Brewery	DG, Downtown General
South	Single-Family Residential	DG, Downtown General
East	Single-Family Residential	DG, Downtown General
West	Single-Family Residential; Restaurant	DG, Downtown General

City Plan 2040 Future Land Use Designation: City Neighborhood Area within the **Downtown Master Plan** and **71B Corridor Plan** areas.

Proposal: The applicant is requesting a conditional use permit to install an off-site parking lot containing 24 standard parking spaces and nine compact spaces. The proposed lot would provide paid parking for both Crisis Brewery customers and the general public. Fayetteville's Unified Development Code, under §172.06 – Parking Lot Location Standards, notes that parking lots that are not located on the same lot as the principal use require conditional use permit approval from the Planning Commission. This request is necessary since the proposed parking lot is situated on a separate lot from Crisis Brewery's new facility. On May 6, 2025, the City Council approved an amendment to the City's parking ordinance which adjusted the definition of off-site parking so that it is based on the location of a project site rather than parcel boundaries. That change will take effect 31 days after the adoption of the ordinance on June 7. Therefore, while a conditional use permit is currently required based on the City's current regulations, it will no longer be necessary once the amendment becomes effective.

Also, in response to feedback from staff, the applicant has requested one variance from the Unified Development Code which is described below alongside staff's recommendation:

- **UDC §172.02(B), Parking Lot Construction Standards – Surfacing. Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate structures.** The applicant is requesting a variance to use gravel for the off-site parking lot in lieu of asphalt.
 - *Staff recommendation: Staff is supportive of this request. While the applicant initially proposed paving the off-site parking lot with asphalt, staff recommended that they consider a less permanent material, like gravel, to reflect the temporary nature of the need for parking. Using a material like gravel signals that the lot is intended to meet the current demands of Crisis Brewery and nearby properties, without suggesting that the property will be used long-term as parking. The City's future land use goals prioritize increased walkability and a reduction in automobile dependency. In this instance, the use of gravel is more consistent with those goals than permanent paving, which could imply a continued reliance on automobiles. As a condition of approval, staff recommends that the parking lot be constructed with a gravel retainer system, like a geo-grid, and that a curb or retaining wall be constructed downstream, as needed, to collect stormwater runoff and drain it to the proposed inlet box/underground detention system.*

Public Comment: Staff has received one inquiry about this request but no comments in support or opposition to it.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0018** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an off-site parking lot in DG zoning.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
2. **Planning Commission determination of a variance to UDC §172.02(B), Parking Lot Construction Standards - Surfacing.** *Staff is supportive of this variance request for the reasons outlined above and with the following conditions:*
 - *The parking lot shall be constructed with a gravel retainer system, and*

- *A curb or retaining wall shall be constructed on the downstream portion of the lot to collect stormwater runoff and drain it to the proposed inlet box/underground detention system.*
3. The property owner shall consult with the City's Long Range & Preservation Planner prior to the demolition or alteration of historic structures so that city staff may capture photo documentation;
 4. A fence shall be installed along the southern boundary of the property to screen the parking lot from adjacent residential uses;
 5. Outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting; and
 6. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval will expire after one year.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 12, 2025</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

- B. Authority; Conditions.** The Planning Commission shall:
1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
 2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
 3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
 4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.
- C. Procedures.** A conditional use shall not be granted by the Planning Commission unless and until:
1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: **The applicant has submitted a written application requesting conditional use approval for an off-site parking lot.**

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: **The applicant has paid the required filing fee.**

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
 - (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

Finding: **The Planning Commission is empowered under Unified Development Code §172.06 to grant the requested conditional use permit.**

- (b.) That the granting of the conditional use will not adversely affect the public interest;

Finding: **Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. The proposed off-site parking is primarily intended to support Crisis Brewery's new facility to the north, though it will also be available for the general public to use. While the City does not have minimum parking requirements for commercial uses and generally discourages excess parking downtown, the proposed on-site and off-site parking areas appear necessary to adequately serve the new facility. The total amount of parking provided is consistent with the City's allowances for the development. Staff recommends in favor of the applicant's request to improve the parking lot with gravel to align with the City's long-term goals of promoting walkability and reducing automobile dependency.**

- (c.) The Planning Commission shall certify:
 - (1.) Compliance with the specific rules governing individual conditional uses; and

Finding: **There are specific rules governing off-site parking locations in Unified Development Code §172.06, Parking Lot Location Standards.**

§172.06. PARKING LOT LOCATION STANDARDS.

- A. Permitted Locations by Right.** Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

Finding: **The request is for an off-site parking lot located in DG zoning which would primarily serve an adjacent use that is also in DG zoning.**

B. Permitted Locations as a Conditional Use.

1. Parking lots located within residential zones which serve uses in nonresidential

zones may be allowed as a conditional use by the Planning Commission.

2. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

Finding: The proposed parking lot would be in a mixed-use zoning district.

- C. **Off-Site Locations.** If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

Finding: The proposed off-site parking lot is intended to serve Crisis Brewery. While the parking lot is located directly adjacent to the principal use, a conditional use permit is required since it would be located on a different lot.

§163.02. AUTHORITY; CONDITIONS; PROCEDURES. (continued)

- (2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

- (a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: Vehicular ingress and egress to the parking lot is proposed through two one-way curb cuts on College Avenue. Staff does not anticipate any adverse traffic impacts with the proposed parking lot and its design. There is an existing sidewalk at the back of curb along the property's frontage and striped crossings are proposed across each driveway.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: No substantial economic, noise, glare, or odor effects on adjoining properties are anticipated. Large scale development plans for the new Crisis Brewery facility, which include the off-site parking lot, are currently under review, and compliance with parking lot landscaping and screening requirements has been evaluated with that request. Based on the site plan

provided, fencing is proposed along the southern boundary of the property to screen the parking area from the adjacent residence to the south.

- (c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: No refuse or service areas are proposed for the off-site parking lot. Trash and recycling collection for the associated project have been evaluated with the associated large scale development.

- (d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Eight-inch water and sewer mains are present along College Avenue. No main extensions or connections are necessary for the off-site parking lot.

- (e.) Screening and buffering with reference to type, dimensions, and character;

Finding: Landscape screening and buffering is required in accordance with UDC Chapter 177, Landscape Regulations. Since the property is directly adjacent to residential uses, staff recommends a condition requiring that fencing be installed along the southern boundary of the property to screen the parking lot from an adjacent residence.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: All signage shall be reviewed separately in accordance with UDC Chapter 174, Signs.

- (g.) Required yards and other open space; and

Finding: No required yards and other open space for the proposed off-site parking lot would be provided.

- (h.) General compatibility with adjacent properties and other properties in the district.

Finding: Staff finds that the proposed use of this property as a parking lot is generally compatible with adjacent properties. The amount of parking provided in the lot would comply with Crisis Brewery's parking allowance and provide additional parking to serve their customers and the general public. While the property currently contains two structures with attainable housing units, staff acknowledges the applicant's right to redevelop this site. Given the recent amendments to the City's parking ordinance, which will soon remove this conditional use permit requirement, compatibility concerns are minimized. However, Long Range Planning staff have expressed concerns about the potential loss of a historic structure. As a condition of approval,

staff recommends that the property owner consult with the City's Long Range and Preservation Planner prior to the demolition or alteration of the historic structure to allow for photographic documentation.

- (i) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: Staff finds that the applicant's request for an off-site parking lot is generally consistent with the intent of the City's adopted plans. While the City's comprehensive plan promotes walkability and discourages automobile dependence, staff recognizes that the proposed parking lot is both adequate and necessary to support the needs of Crisis Brewery, aligning with the intent of the City's parking ordinance. While there are concerns regarding the introduction of additional surface parking downtown and the loss of attainable housing, both of which conflict with the City's long-term goals for housing and downtown development, staff considers the parking lot to be appropriate at this time to support the new Crisis Brewery facility. To reinforce the City's long-term goals of reducing reliance on surface parking downtown, staff recommends approval of the requested variance to improve the parking lot with gravel.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §172.06 - Parking Lot Location Standards
- Long Range Planning Memo
- Applicant Request Letter
- Variance Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

172.06 Parking Lot Location Standards

The location of all required and nonrequired parking lots with five (5) or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

- (A) *Permitted Locations by Right.* Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.
- (B) *Permitted Locations as a Conditional Use.*
 - (1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
 - (2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.
- (C) *Off-Site Locations.* If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.
- (D) *Intermittent Parking.* Uses which generate only intermittent demand for parking, such as churches, may count available on-street parking within 600 feet of the building as part of required parking, subject to the approval of the Planning Commission.



TO: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: May 12, 2025

SUBJECT: Long Range Planning Comments Regarding CUP-2025-0018

RECOMMENDATION:

Should the Planning Commission vote to approve the request, Long Range Planning Staff recommend the following condition of approval:

- Property owner should consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures so that staff can capture photo documentation. Documentation to create an archive of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

BACKGROUND:

Applicants request a conditional use permit to construct an off-site surface parking lot containing 24 standard and nine compact parking spaces. Three adopted long-range plans are relevant in considering this request, including the *Downtown Master Plan*, *City Plan 2040*, and the *Heritage & Historic Preservation Plan*.

Downtown Master Plan (2004):

This property is within the *Downtown Master Plan* area, but this proposal is counter to several goals outlined in the plan. The plan prioritizes downtown living, including a mix of housing and incomes (p. 2.13), which is not supported by a proposal to remove two units of existing housing in favor of an off-site parking lot. The plan also calls for “smart parking,” noting that “downtown is a unique center of activity where parking, while important, is not the most important feature... inappropriately designed surface parking lots... can blight the very character that is Downtown’s calling card” (p. 2.16).¹ The project does include plans for improving the public realm with 13 on-street parallel parking spaces along S. Nelson Hackett Blvd. This approach is being pursued by another development further south along Nelson Hackett Blvd. and aligns with the approach to smart parking and improved walkability outlined in the plan. In lieu of the offsite parking lot, the applicant could consider exploring additional on-street parking along S. College. Ave. or a shared parking agreement with nearby businesses.

City Plan 2040 (2020):

City Plan 2040 is also relevant when evaluating this request, as the removal of existing housing is not fully consistent with plan objectives, including:

- 3.1.6 – Encourage historic preservation and adaptive reuse of buildings (p.24)
- 3.1.7 – Encourage protection of community character in established neighborhoods (p.25)

¹ Downtown Master Plan, <https://www.fayetteville-ar.gov/DocumentCenter/View/22479/Fayetteville-Downtown-Master-Plan>.

- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.44)
- 3.6.2 - Maintain the quality and quantity of existing attainable housing. (p.44)

Heritage & Historic Preservation Plan (2023):

The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040 and has three action items which support a closer look at the request:

Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

DISCUSSION:

Impact on Historic Properties:

The proposed conditional use of the property at 229 S. College Ave. as off-site parking will necessitate the demolition of the ca. 1908 dwelling at that location. The subject property appears eligible for the Arkansas Register of Historic Places for its association with the turn-of-the-century residential development on the periphery of Fayetteville's downtown. Although the City does not have a demolition review ordinance in place currently, it is important to review and acknowledge the proposal's impact on historic properties as part of the *City Plan 2040* objectives outlined above.

Ongoing Documentation of Identified Historic Structures:

Long Range Planning staff have been awarded a grant from the Arkansas Historic Preservation Program to support a survey of historic structures within the Fayetteville city limits. This survey is scheduled to begin in summer 2025. Current survey information is incomplete and may include inaccurate estimated construction dates for historic structures.

List of Impacted Historic Properties:

Address	Photo	Description
229-233 S. College Ave.		Originally designed as a simple gable front and wing dwelling, with historic additions. The Washington County Assessor's office lists the building as constructed ca. 1935, however the original structure appears on the 1908 plat map of the city. The addition was added between 1930



Staff recognize that this property could be redeveloped at any time under the current zoning, which could result in a loss of the historic building. However, staff is also sensitive to the impact of razing a residential structure and replacing it with commercial off-site parking on the documented historic dwellings on the east side of S. College Ave. This change would impact the neighborhood by negatively impacting the integrity of setting and feeling, both important aspects of integrity used to evaluate historic properties.

Historic preservation is a tool to retain existing affordable housing. The *2023 Fayetteville Housing Assessment* cites a PlaceEconomics report *Opportunity at Risk*, which evaluated older and existing affordable housing stock in San Antonio, Texas.² The report found that the “existing pre-1960 housing stock provided largely unsubsidized and unprotected affordable housing”, with single family, renter-occupied structures in fair and poor condition at the greatest risk for demolition.

Impact on Existing Affordable Housing:

The proposed off-site parking lot will necessitate the removal of two units of existing housing, and while housing redevelopment is not proposed, “when a unit of older housing is razed, a unit of affordable housing is lost forever.” The *2023 Fayetteville Housing Assessment* found that the affordable housing cost for the median household income in Fayetteville should not exceed \$1,325 monthly.³ While it may be enticing to assert that this loss will be reabsorbed elsewhere in the city, 2023 rents for newly constructed housing units were above affordable costs for at least half of Fayetteville households, and building new housing units does not provide a successful solution if the new units are at the cost of losing existing affordable housing.” The *Opportunity at Risk* report succinctly concludes, “a city cannot build itself out of a housing crisis – the retention of existing housing stock is critical.”⁴

² Report available at:

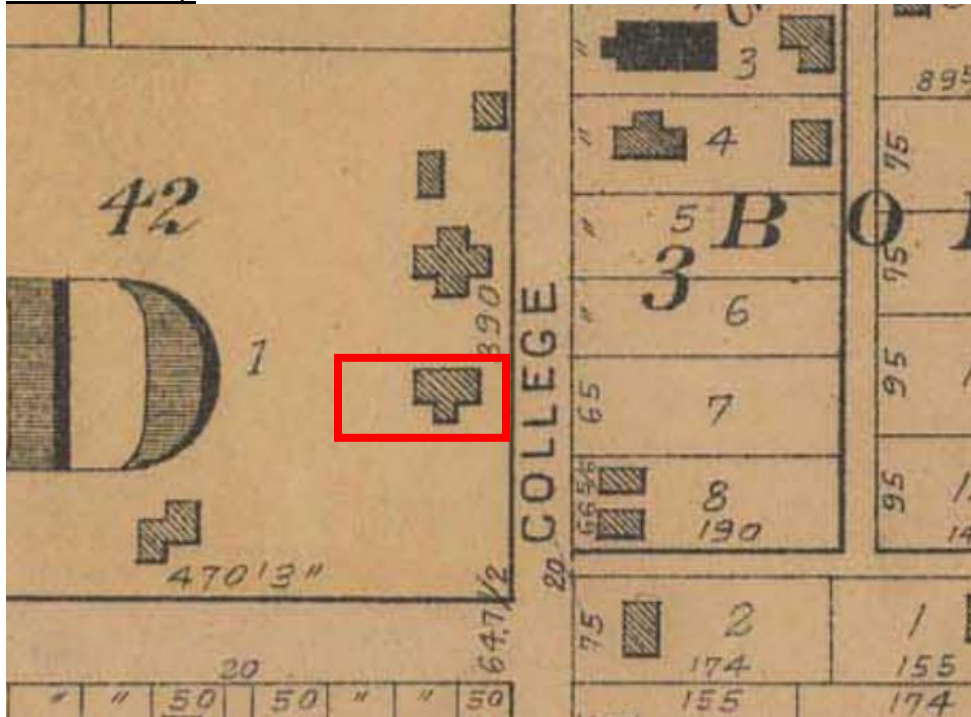
<https://www.sanantonio.gov/Portals/0/Files/HistoricPreservation/CurrentProjects/AffordableHousing/OpportunityAtRisk-Report.pdf>.

³ This monthly housing cost includes utility and insurance costs.

⁴ *2023 Fayetteville Housing Assessment*, p.44. <https://www.fayetteville-ar.gov/DocumentCenter/View/32400/2023-Fayetteville-Housing-Assessment>.

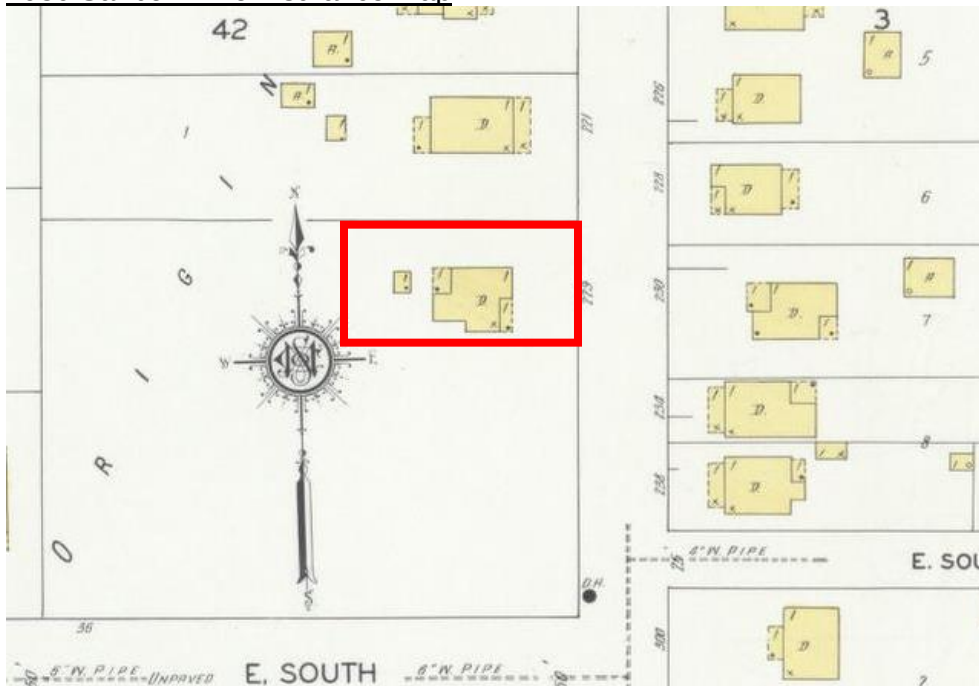
ATTACHMENTS:

1908 Plat Map



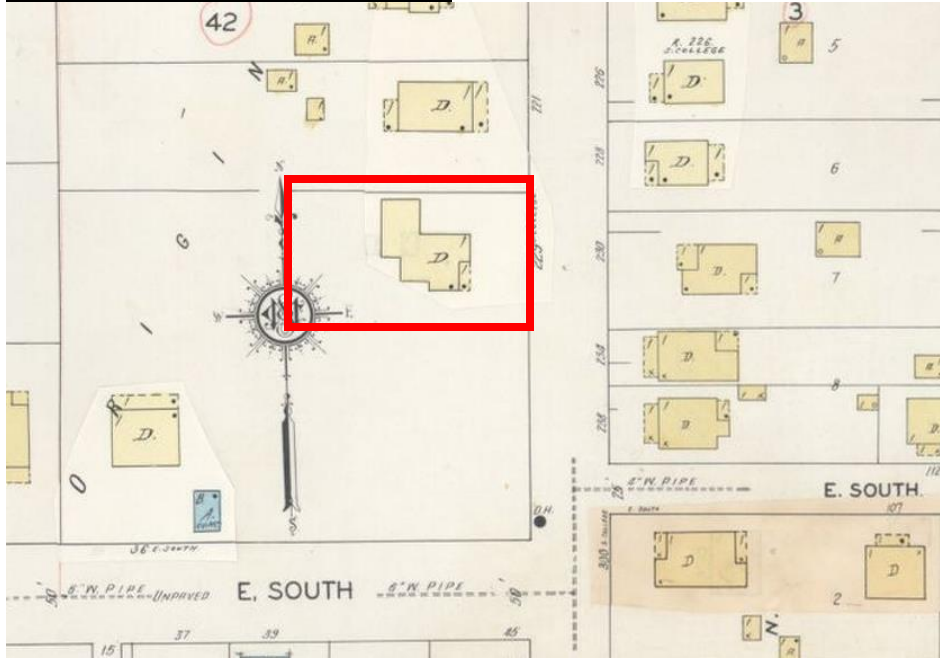
Visible on the subject property in the 1908 plat map of the city is a small, presumably wood frame building facing College Ave. that was likely a residence and represents the original footprint of the building.

1930 Sanborn Fire Insurance Map



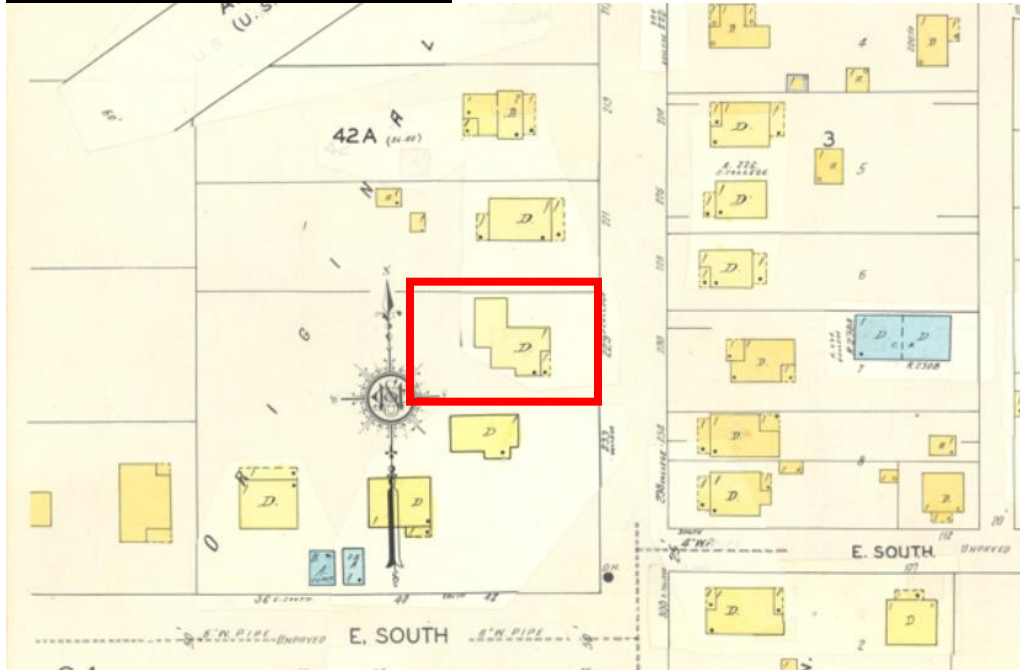
In the 1930 Sanborn Fire Insurance Map (earliest map year showing this area of the city) a small, wood frame dwelling is shown with front and rear porches and a rear addition that were not indicated on the 1908 plat map.

1948 Sanborn Fire Insurance Map



1948 Sanborn Fire Insurance Map showing the addition to the north of the original structure, and the rear porch enclosed.

1955 Sanborn Fire Insurance Map



1955 Sanborn Fire Insurance Map (the last map series available) showing no further modifications to the building.



April 21st, 2025

Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

RE: Crisis Brewery CUP Request

To whom it may concern,

Emperor Investment LLC is requesting a conditional use permit for off-site parking for the Crisis Brewery large scale project located near the intersection of S. College Avenue and Nelson Hackett Blvd, Washington County parcels #765-02140-000, 765-02118-000 &, 765-02120-000. This request is required per UDC 172.06 – Parking Lot Location Standards stating that all required and nonrequired parking lots with five (5) or more spaces shall meet the location requirements A-D, with this specific request adhering to section C.

The proposed parking lot usage will be paid parking area to be used for the Crisis Brewery as well as open to the public 24/7. Currently, we are proposing 10895 sq.ft. of parking area and drives to be used on 0.60 acres.

Per Fayetteville future land use map, the proposed request is located within the City Neighborhood plan which states that there are six fundamental strategies; Create and showcase a walkable environment, Get more people living downtown, Create smart parking -- sustainable and efficient parking that enhances sense of place, Develop smart rules that outperform current zoning and attract desirable development, Create a series of interconnected special places, Develop the experience-based economy of the downtown by expanding the focus on arts, culture and entertainment. Given the request to designate the property as a parking lot, we believe this aligns with the long-term strategic plans for the site and reflects a well-intentioned effort to preserve the overall integrity of the master plan.

Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads 'Addie Manzi'. The signature is written in a cursive, flowing style.

Addie Manzi, E.I.
Project Engineer
Bates & Associates, Inc

May 8th, 2025

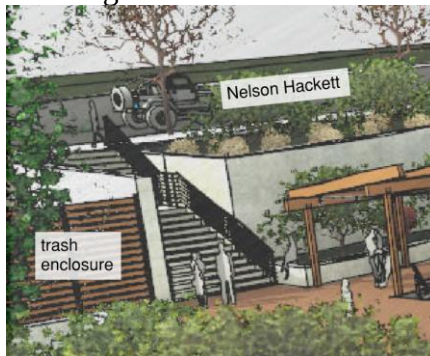
Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

RE: Crisis Brewery PC Variance Request

To whom it may concern,

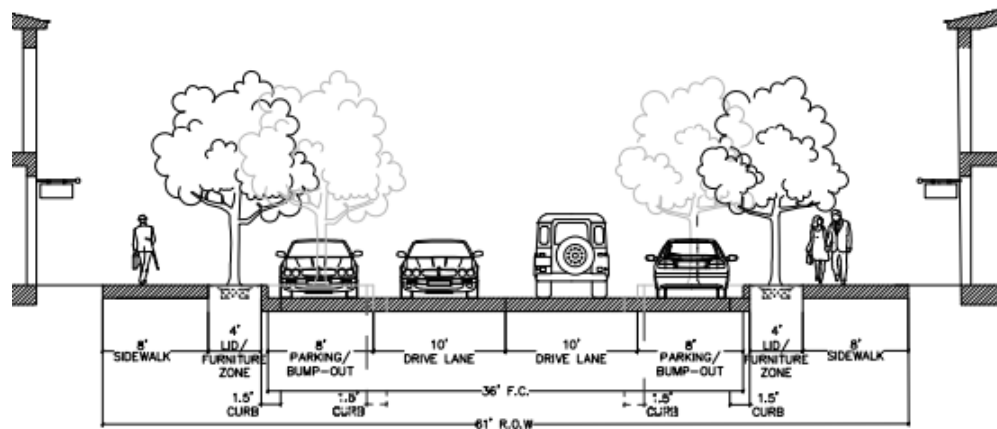
Annex Investments LLC and Emperor Investments LLC are requesting variances to the Large Scale Development project located to the SW of the intersection of Nelson Hackett and College Avenue in Fayetteville.

- We would like to request a variance from UDC 177.04(D)(1) – Perimeter Landscaping Requirements. Due to the existing grade of the site, we are proposing retaining wall within 2ft of the southern property line. Within the parking lot we are dropping 15ft along College and proposing retaining walls to the north, south and in between the parking areas. We are proposing to maintain enough tree preservation throughout the entire site and are proposing for more green space in the rear of the parking lot and along College Avenue. Additionally, we are proposing fencing on the north side of the retaining wall to further reduce the impact on adjacent properties. The fencing will extend along the southern property as well as a small portion along the western property, without impacting the existing trees.
- We would like to request a variance from UDC 166.25(D)(2) – Cross Access Requirement. The preservation to the site is on the western side of the parking lot parcel. Currently the grade difference from the northern lot to the southern lot is about 9ft. If we were to propose any kind of connection it would be a significant slope from each parking lot. Stub out to the south on the southernmost lot is being achieved via proposed access easement.
- We would like to request a variance from UDC 166.21 (E)(1) – Exterior Architectural Elements, Rear Yards Only. The development lot is a corner lot meaning that there cannot be a rear to the yard. The dumpster will not be visible from Nelson Hackett due to the proposed retaining wall being 13ft, along the northern property line, and the proposed dumpster being 6ft tall. See the image below.



This image shows the trash enclosure in relation to Nelson Hackett. The fencing is proposed to extend slightly higher than the dumpster further blocking off visibility from the patio area.

- We would like to request a variance from UDC 166.11(A) – Conform to Plans and Regulations. The sidewalk placement and road improvements to College completed in 2023 with the half street improvements being 12ft of street and 8ft of sidewalk (no greenspace). Per master street plan section for Urban Center, the half street improvements are 18.5ft of street, 4ft of greenspace, and 8ft of sidewalk. Due to the recent completion of the improvements along this parcel, we are proposing to match existing conditions with the 8ft sidewalk being located behind the street with the proposed right of way to remain where it is currently (21.20ft from the centerline of College Avenue). We would also like to request the adjustments to Nelson Hackett Blvd (Urban Center) by adding 18.5ft of parking and slip lane as well as 6ft of sidewalk. The building is currently proposed as being accessible from Nelson Hackett Blvd as well as from College Avenue.



Downtown/Urban Street Section

- We would like to request a variance from UDC 172.04(C)(3) – Parking Lot Design Standards. Currently we are proposing to reduce as much impact to the existing landscape on the western side of the property. By placing the parking on the eastern side of the property this will extend the visibility of the brewery to encourage customers to use the offsite parking area when visiting.
- We respectfully request a variance from UDC 172.02(B) – Parking Lot Construction Standards. For this development, we propose using gravel for the southern parking lot instead of the required asphalt surface, as this approach better aligns with the City's goals outlined in the Downtown Master Plan.

Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Addie Manzi, E.I.
Project Engineer
Bates & Associates, Inc

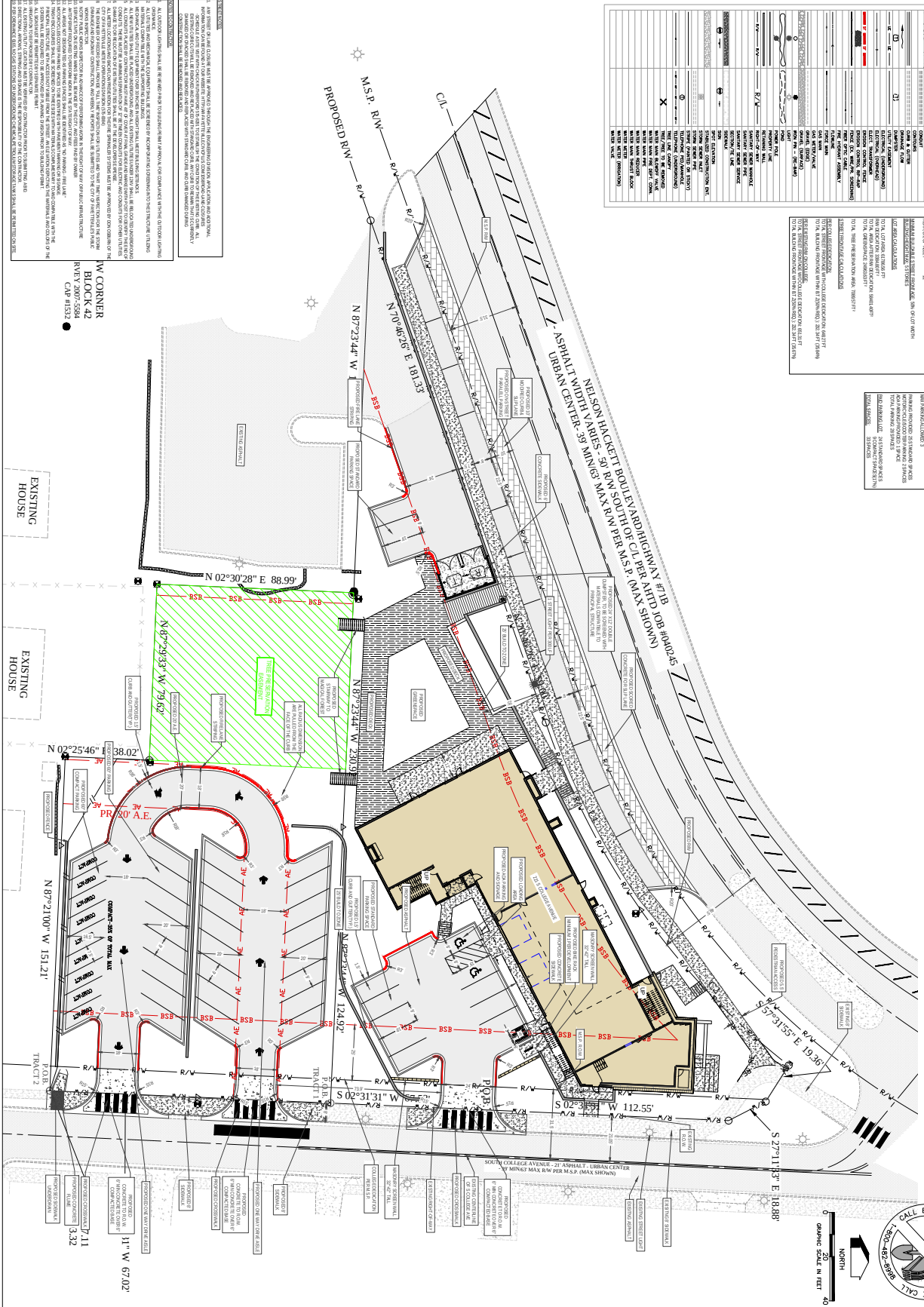
SYMBOL	DESCRIPTION
	PROPOSED RIGHT-OF-WAY
	EXISTING RIGHT-OF-WAY
	PROPOSED BUILDING FOOTPRINT
	EXISTING BUILDING FOOTPRINT
	PROPOSED DRIVEWAY
	EXISTING DRIVEWAY
	PROPOSED PARKING SPACE
	EXISTING PARKING SPACE
	PROPOSED WALKWAY
	EXISTING WALKWAY
	PROPOSED LANDSCAPING
	EXISTING LANDSCAPING
	PROPOSED FENCING
	EXISTING FENCING
	PROPOSED UTILITY LINE
	EXISTING UTILITY LINE
	PROPOSED EASEMENT
	EXISTING EASEMENT
	PROPOSED SETBACK
	EXISTING SETBACK
	PROPOSED CORNER MARKING
	EXISTING CORNER MARKING
	PROPOSED SURVEY POINT
	EXISTING SURVEY POINT
	PROPOSED BOUNDARY LINE
	EXISTING BOUNDARY LINE
	PROPOSED EASEMENT LINE
	EXISTING EASEMENT LINE
	PROPOSED RIGHT-OF-WAY LINE
	EXISTING RIGHT-OF-WAY LINE

NOTES:

- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- ALL CORNERS ARE TO BE SET BY THE SURVEYOR.
- ALL EASEMENTS ARE TO BE SET BY THE SURVEYOR.
- ALL SETBACKS ARE TO BE SET BY THE SURVEYOR.
- ALL UTILITY LINES ARE TO BE SET BY THE SURVEYOR.
- ALL FENCING IS TO BE SET BY THE SURVEYOR.
- ALL LANDSCAPING IS TO BE SET BY THE SURVEYOR.
- ALL CORNER MARKING IS TO BE SET BY THE SURVEYOR.
- ALL BOUNDARY LINES ARE TO BE SET BY THE SURVEYOR.
- ALL EASEMENT LINES ARE TO BE SET BY THE SURVEYOR.
- ALL RIGHT-OF-WAY LINES ARE TO BE SET BY THE SURVEYOR.

ITEM	QUANTITY	UNIT	PRICE	TOTAL
PROPOSED RIGHT-OF-WAY	1.00	ACRE	10.00	10.00
PROPOSED BUILDING FOOTPRINT	1.00	SQ. FT.	10.00	10.00
PROPOSED DRIVEWAY	1.00	LINEAL FT.	10.00	10.00
PROPOSED PARKING SPACE	1.00	SQ. FT.	10.00	10.00
PROPOSED WALKWAY	1.00	LINEAL FT.	10.00	10.00
PROPOSED LANDSCAPING	1.00	SQ. FT.	10.00	10.00
PROPOSED FENCING	1.00	LINEAL FT.	10.00	10.00
PROPOSED CORNER MARKING	1.00	POINT	10.00	10.00
PROPOSED SURVEY POINT	1.00	POINT	10.00	10.00
PROPOSED BOUNDARY LINE	1.00	LINEAL FT.	10.00	10.00
PROPOSED EASEMENT LINE	1.00	LINEAL FT.	10.00	10.00
PROPOSED RIGHT-OF-WAY LINE	1.00	LINEAL FT.	10.00	10.00

ITEM	QUANTITY	UNIT	PRICE	TOTAL
PROPOSED RIGHT-OF-WAY	1.00	ACRE	10.00	10.00
PROPOSED BUILDING FOOTPRINT	1.00	SQ. FT.	10.00	10.00
PROPOSED DRIVEWAY	1.00	LINEAL FT.	10.00	10.00
PROPOSED PARKING SPACE	1.00	SQ. FT.	10.00	10.00
PROPOSED WALKWAY	1.00	LINEAL FT.	10.00	10.00
PROPOSED LANDSCAPING	1.00	SQ. FT.	10.00	10.00
PROPOSED FENCING	1.00	LINEAL FT.	10.00	10.00
PROPOSED CORNER MARKING	1.00	POINT	10.00	10.00
PROPOSED SURVEY POINT	1.00	POINT	10.00	10.00
PROPOSED BOUNDARY LINE	1.00	LINEAL FT.	10.00	10.00
PROPOSED EASEMENT LINE	1.00	LINEAL FT.	10.00	10.00
PROPOSED RIGHT-OF-WAY LINE	1.00	LINEAL FT.	10.00	10.00



BATES
Engineers • Surveyors
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704
PH: (479) 442-9350 / batesnwa.com

CRISIS BREWING
LARGE SITE IMPROVEMENT PLAN
SITE PLAN
FAYETTEVILLE, ARKANSAS

REVISIONS

DATE	DESCRIPTION
01/01/2024	1st Submittal
01/01/2024	2nd Submittal
01/01/2024	3rd Submittal

PROJECT NO. 16-376

SP1

Planning Commission
May 12, 2025

ENGINEER: GB

04/23/2025

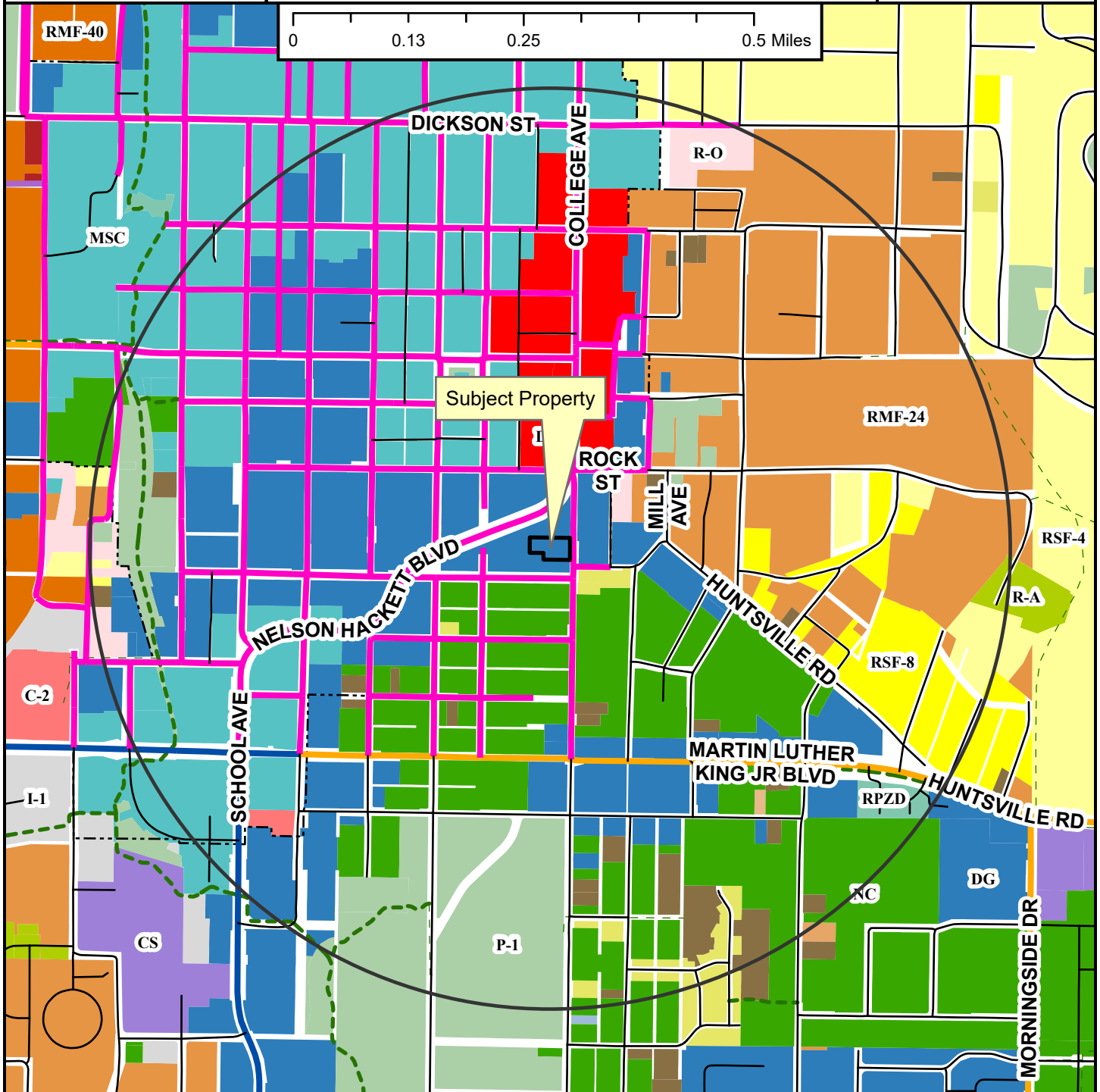
CUP-2025-0018

229 S College Avenue

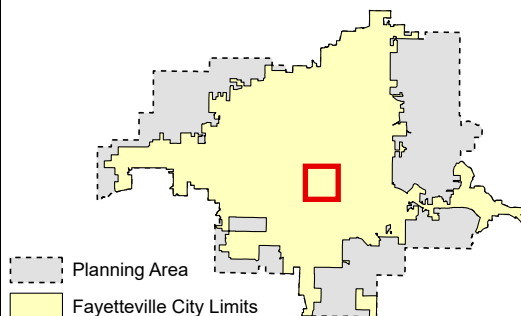
One Mile View



0 0.13 0.25 0.5 Miles



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



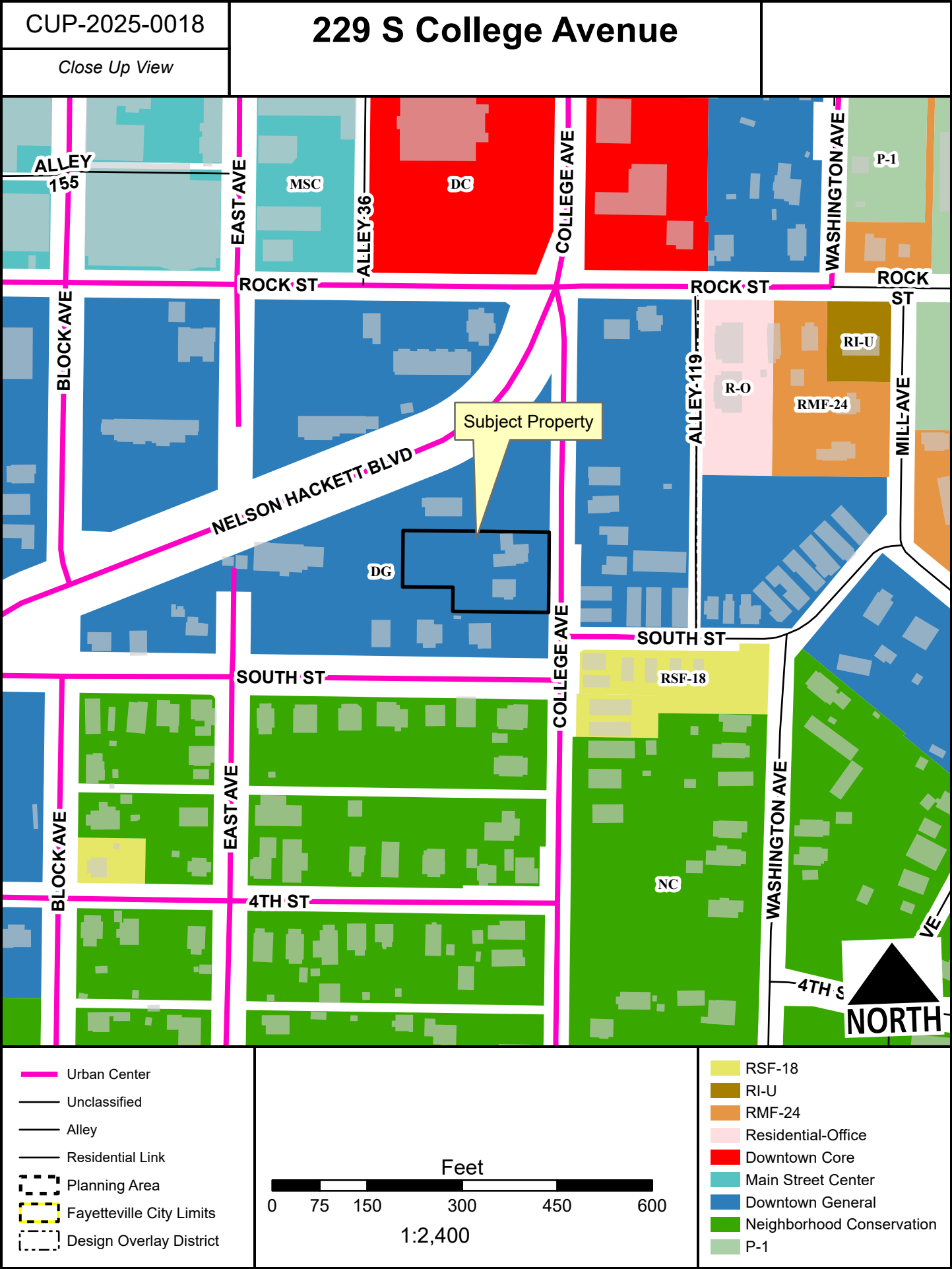
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
- EXTRACTION**
- 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

Planning Commission

May 12, 2025

CUP-2025-0018 (EMPEROR INVESTMENTS LLC)

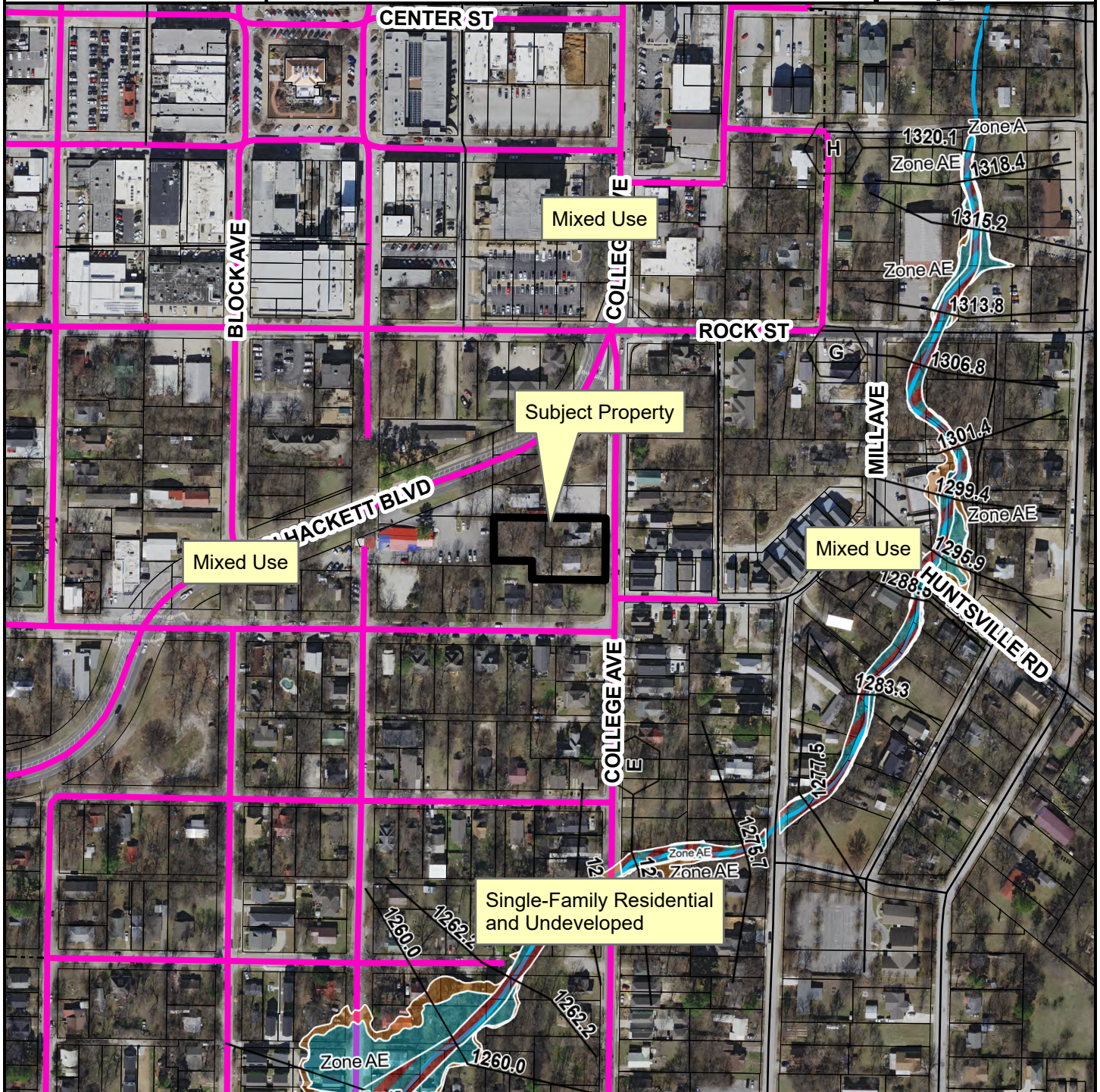
Page 18 of 20



CUP-2025-0018

229 S College Avenue

Current Land Use



- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner
Justin Bland, Engineering Development Review Manager
Willia Thomason, Urban Forester

MEETING: May 12, 2025

SUBJECT: **LSD-2025-0005: Large Scale Development (SOUTHWEST OF S. NELSON HACKETT BLVD. & N. COLLEGE AVE./CRISIS BREWING, 523):** Submitted by BATES & ASSOCIATES for property located SOUTHWEST OF S. NELSON HACKETT BLVD. & N. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.34 acres. The request is for a 6,000-square-foot brewery and restaurant with associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2025-0005** with conditions.

RECOMMENDED MOTION:

*"I move to approve **LSD-2025-0005**, recommending:*

- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements,*
- *In favor of a variance to UDC §166.11(A),*
- *In favor of a variance to UDC §166.21(E)(1),*
- *In favor of a variance to UDC §166.21(E)(7)(b)(vii),*
- *In favor of a variance to UDC §166.25(D)(2),*
- *In denial of a variance to UDC §172.04(C)(3),*
- *In favor of a variance to UDC §177.04(D)(1), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located just southwest of the intersection of College Avenue and Nelson Hackett Boulevard. The property is comprised of multiple parcels totaling 1.34 acres which are zoned DG, Downtown General, and located within the City's Downtown Master Plan and 71B Corridor Plan areas as well as the Downtown Design Overlay District. There are three existing structures on the property: a small brewery, a duplex that was initially constructed sometime prior to 1908, and a single-family house that Washington County records indicate was built in 1945. Long Range Planning staff have identified that the duplex may be eligible for the Arkansas Register of Historic Places for its association with turn-of-the-century residential development on the periphery of Fayetteville's downtown. A conditional use permit to allow for the creation of an off-site parking lot on the subject property was submitted concurrently with this request (CUP-2025-0018). Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Residential	DG, Downtown General
South	Residential	DG, Downtown General
East	Residential; Undeveloped	DG, Downtown General
West	Restaurant; Residential	DG, Downtown General

Proposal: The applicant requests large scale development approval for a 6,000-square-foot brewery and restaurant with associated parking. Six variances from the Unified Development Code have been requested which are described below alongside staff's recommendations:

- **Variance #1: UDC §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.** The applicant is requesting a variance to allow street improvements along College Avenue and Nelson Hackett Boulevard that deviate from the improvements established for Urban Center Streets in the City's Master Street Plan.
 - *Staff recommendation: Staff supports the requested variance in order to maintain consistency with recently completed and/or approve street improvements along both College Avenue and Nelson Hackett Boulevard. The applicant proposes to improve the subject property's frontage on Nelson Hackett Boulevard by installing a slip lane that varies in width between 10.4 and 10.6 feet and includes 13 parking spaces. The design is consistent with the nearby Urban Lofts project which recently received development approval. Between the parking and drive lanes, scored concrete is proposed to provide a distinct visual and tactile change in material. A sidewalk ranging from 6 to 7.5 feet in width is also proposed, with the size of the sidewalk varying to accommodate shy distance requirements adjacent to on-street parking and retaining walls. Along College Avenue, the property's frontage is already partially improved with asphalt paving, curb and gutter, and an 8-foot-wide sidewalk located at the back of curb. The sidewalk currently terminates the property line separating the off-site parking lot from the main Crisis Brewery facility. The applicant proposes to extend the sidewalk southward to the project's southern boundary. As an additional improvement for the project, staff recommends that rectangular rapid flashing beacons (RRFB) be installed at the intersection of South Street and College Avenue.*
- **Variance #2: UDC §166.21(E)(1), Downtown Design Overlay District – Exterior Architectural Elements. Trash dumpsters shall only be located in rear yards.** The applicant is requesting a variance to place a dumpster within the build-to zone near the front of the property.
 - *Staff recommendation: Staff is supportive of the requested variance. The lot that contains the primary facility for Crisis Brewery is a corner lot that only contains front and side yards. The proposed dumpster location is just west of the building at the end of a driveway. Due to the topography on site, the dumpster will not be visible from the public right-of-way. A 13-foot-tall retaining wall is proposed between the right-of-way and the dumpster, and the dumpster is only 6 feet tall. Staff finds the proposed dumpster location to be suitable in this instance given the topography on site and the dumpster not being clearly visible from the street.*

- **Variance #3: UDC §166.21(E)(7)(b)(vii), Downtown Design Overlay District – Exterior Architectural Elements. Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 feet apart along the principal façade.** The applicant is requesting a variance to allow approximately 98 feet of separation between two entrances along the principal façade facing Nelson Hackett Boulevard.
 - *Staff recommendation: Staff is supportive of this variance. The applicant has indicated that increased spacing is needed between entrances due to site topography and the function of the interior space of the building. A 16-foot-tall retaining wall separates the building from Nelson Hackett Boulevard, and the building is setback approximately 10 feet from the wall. In the area where an additional entrance would be required by code, there is a two-story vertical space housing large brewery equipment. Installing a door in that area would place it on the second floor of an open space, making it functionally impractical. Also, creating access to that door would necessitate the construction of an additional pedestrian bridge between the building and the sidewalk, which presents additional design challenges. Given those constraints, staff finds that strict enforcement of the code is not appropriate in this instance. The building provides adequate pedestrian access at other locations and includes articulation along its principal facades that maintains the overall intent of the design standards.*
- **Variance #4: UDC §166.25(D)(2), Commercial, Office, and Mixed Use Design and Development Standards – Cross Access. Cross access shall be required to adjacent developed and undeveloped properties.** The applicant is requesting a variance to not provide cross access between the two lots associated with this project, as well as between the off-site parking lot and the adjacent property to the west.
 - *Staff recommendation: Staff supports this variance request. Cross access between the main Crisis Brewery facility and the off-site parking lot is not proposed due to a significant grade difference of approximately 9 feet, which presents a barrier to connectivity. Also, cross access is not proposed between the off-site parking lot and the property to the west since the western portion of the lot is reserved for tree preservation. Providing a stub-out or access easement in that area would directly conflict with the proposed tree preservation easement. Cross access is provided where feasible, including between the main brewery lot and the adjacent Penguin Ed's property to the west. Further, the applicant is accommodating future cross access from the off-site parking lot to properties to the south through the dedication of an access easement.*
- **Variance #5: UDC §172.04(C)(3), Parking Lot Design Standards. Off-site parking lots shall be prohibited from being located within the build-to zone.** The applicant is requesting a variance to allow a small portion of parking stalls associated with the proposed off-site parking lot to encroach into the build-to zone.
 - *Staff recommendation: Staff does not support this variance request. While the encroachment only affects only a few parking stalls, staff sees no clear justification for the proposed encroachment into the build-to zone, or why the parking lot cannot be redesigned to comply with code.*
- **Variance #6: UDC §177.04(D), Perimeter Landscaping Requirements. All parking lots shall have 5 feet of landscaped area between the property line and parking lot, and shrub screening shall be installed between parking lots and adjacent residences.** The applicant is requesting a variance to have a retaining wall within two feet

of the southern property line due to the existing grade of the site, and to not provide shrub screening in that area.

- *Staff recommendation: Staff is supportive of this request. The applicant proposes the installation of fencing on the north side of the retaining wall to provide screening and reduce impacts on the adjacent property, protecting it from headlight glare. The applicant is providing the required shrub screening elsewhere on site. Since the intent of the perimeter landscaping requirement is still being met in this instance, staff is supportive of the requested variance.*

Right-of-Way to be Dedicated:

College Avenue: College Avenue is classified as an Urban Center Street with existing right-of-way totaling roughly 21 feet from the centerline of the road. Since the property's frontage along College Avenue was recently improved, with sidewalk at the back of curb, staff does not recommend any right-of-way dedication with this project.

Nelson Hackett Boulevard: Nelson Hackett Boulevard is classified as an Urban Center Street with existing right-of-way totaling roughly 50 feet from the centerline of the road. Based on the recommended improvements to the property's frontage along Nelson Hackett Boulevard, staff does not recommend any right-of-way dedication with this project.

Street Improvements:

College Avenue: The subject property's frontage along College Avenue is largely improved with asphalt paving, curb, gutter, and eight-foot sidewalk recently installed at the back of curb. Staff recommends that the sidewalk be extended to the southern boundary of the property to match the sidewalk that was recently installed along the majority of the property's frontage.

Nelson Hackett Avenue: The applicant proposes to improve the property's frontage along Nelson Hackett Avenue with a slip lane that has a width varying between 10.4 and 10.6 feet and a sidewalk with a width varying between six and 7.5 feet. Staff recommends improvements in line with what the applicant is proposing.

Off-Site Improvements: Staff recommends that rectangular rapid flashing beacons (RRFB) and pedestrian crossings be installed at the intersection of South and College, and that sidewalk be extended to the intersection.

Access Management/Connectivity: Staff has determined that the proposed development is largely compliant with the City's access management and connectivity standards. One variance from cross access requirements has been requested, as described above.

Design Standards: Staff finds that the proposed development largely complies with pertinent design standards, including those associated with commercial design standards and the Downtown Design Overlay District. Three variances from those standards have been requested as described above.

Water and Sewer System: There is an existing eight-inch water main along the east side of the property in College Avenue which the applicant will tie into for domestic water and fire protection. There is also an eight-inch sewer main along the east side of the property in College Avenue which the applicant will tie into for sanitary sewer service.

Parkland dedication or fee in-lieu: N/A; non-residential developments are not subject to parkland dedication.

Tree Preservation:

Canopy minimum requirement: 10%

Existing canopy: 73.2%

Preserved canopy: 23.6%

Mitigation required: None

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

RECOMMENDATION: Staff recommends approving **LSD-2025-0005** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no right-of-way dedication with this request.*
2. **Planning Commission determination of street improvements.** Staff recommends the following improvements:
 - a. *Nelson Hackett Boulevard: A slip lane with a width varying between 10.4 and 10.6 feet and a sidewalk with a width varying between six and 7.5 feet.*
 - b. *College Avenue: Sidewalk shall be extended to the southern boundary of the property to match the sidewalk that was recently installed along the majority of the property's frontage.*
 - c. *Off-site improvements: Rectangular rapid flashing beacons (RRFB) and pedestrian crossings shall be installed at the intersection of South and College, and sidewalk extended to the intersection.*
3. **Planning Commission determination of a variance to UDC §166.11(A), Conformance to Plans and Regulations.** *Staff recommends approval of this variance for the reasons stated above;*
4. **Planning Commission determination of a variance to UDC §166.21(E)(1), Downtown Design Overlay District – Exterior Architectural Elements.** *Staff recommends approval of this variance for the reasons stated above;*
5. **Planning Commission determination of a variance to UDC §166.21(E)(7)(b)(vii), Downtown Design Overlay District – Exterior Architectural Elements.** *Staff recommends approval of this variance for the reasons stated above;*
6. **Planning Commission determination of a variance to UDC §166.25(D)(2), Commercial, Office, and Mixed Use Design and Development Standards – Cross Access.** *Staff recommends approval of this variance for the reasons stated above;*
7. **Planning Commission determination of a variance to UDC §172.04(C)(3), Parking Lot Design Standards.** *Staff recommends denial of this variance for the reasons stated above;*
8. **Planning Commission determination of a variance to UDC §177.04(D)(1), Perimeter Landscaping Requirements.** *Staff recommends approval of this variance for the reasons stated above;*

9. All remaining comments from Planning and other city divisions shall be addressed prior to permitting;
10. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto;

Standard Conditions of Approval:

11. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;
12. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, and Cox Communications);
13. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;
14. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit;
15. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
16. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements;
17. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;
18. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the I-540 Design Overlay District;
19. Large scale development approval shall be valid for one year;
20. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
21. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of

the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and

22. Prior to the issuance of a building permit the following is required:

- a. Grading and drainage permits;
- b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
- c. Exterior lighting package must be provided to the Planning Division;
- a. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
- b. Project Disk with all final revisions; and
- c. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 12, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Engineering Memo
- Urban Forestry Memo and Comments
- Request Letter
- Variance Request Letters
- Site Plan
- Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map



TO: Gretchen Harrison, Senior Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: May 6, 2025

**SUBJECT: Planning Commission Engineering Comments for
LSD-2025-0005**

Water: There is an existing 8" water main along the east side of the property in S. College Ave. which the applicant will tie to for domestic water and fire protection.

Sewer: There is an existing 8" sewer main along the east side of the property in S. College Ave. which the applicant will tie to for sanitary sewer service.

Streets: The project has frontage along S. College Ave. and S. Nelson Hacket Blvd. The S. College Ave. frontage currently has an 8' sidewalk along the north portion of the site that transitions to an existing 4' sidewalk on the southern portion. The applicant is proposing to extend 8' wide sidewalk across the entire frontage of the project site.

Along S. Nelson Hackett Blvd. the applicant is proposing to widen the project's frontage to provide on-street parking while also proposing a new sidewalk with a minimum width of 6'. The applicant has requested one City Engineer determination to install a portion of a retaining wall within right-of-way at the west end of the sidewalk improvements along S Nelson Hackett Blvd. This request has been approved by the City Engineer.

On-street parallel parking along S. Nelson Hackett Blvd. is recommended to be consistent with the approved plan for the Urban Lofts project that is south of this site. The approved recommendations for the Urban Lofts project included:

- A buffer lane between the travel and parking lanes to allow vehicles to safely exit and re-enter traffic.
- A modified curb to be installed between the travel and buffer lanes.
- The buffer lane to be constructed out of stamped colored concrete, similar to roundabout truck aprons, to create a visual and tactile change in material between the travel and parking lanes. The exact stamp pattern and concrete color may be submitted to Engineering for approval with the grading permit. Should the Planning Commission choose to specify an exact stamp pattern and concrete color, staff recommends it match what was installed at the Porter/Deane/Stephen Carr roundabout.

The proposed project generally meets these requirements and will be further reviewed during the grading permit process. The intent is for the on-street parking for both projects to be consistent.

Drainage: This development is required to meet the four Minimum Standards for water quality, channel protection, overbank flood protection, and extreme flood protection of the Drainage Criteria Manual. The project proposes an underground stormwater detention system with a water quality isolator row to address all four drainage requirements.

Plan Comments:

1. Any retaining wall in the right-of-way must be cast-in-place or similar construction without any geo-grid, fabric, etc. within the right-of-way.
2. All retaining wall greater than 30" in height will be required to have safety railing along the top.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.
4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - Waterline fittings, callouts, or utility conflicts
 - Street profiles
 - Fine grading/spot elevations



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Bates & Associates

From: Willa Thomason, Urban Forester

CC: Gretchen Harrison, Senior Planner

Meeting Date: March 19, 2025

Subject: LSD-2025-0005: Crisis Brewing, 210 S Nelson Hackett Blvd

1. Submittal Requirements	Yes	No	N/A
Pre-Application Meeting with the Urban Forester	X		
Site Analysis Map Submitted (if justification is needed)			X
Site Analysis Written Report Submitted (justification is needed)	X		
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans	X		
Tree Preservation Waiver Submitted (only use if no trees onsite or near P/L)			X

2. Tree Preservation Calculations

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	61,786	100%
<i>Zoning Designation * Select Below with drop down arrow</i>		
DG, Downtown General	6,179	10%
<i>HHOD * Select Below with Drop Down Arrow</i>		
No	0	0%
Total Canopy for Minimum Preservation Requirements	6,179	10.0%
Existing Tree Canopy * Minus Right of Way and Easements	45,227	73.2%
Tree Canopy Preserved	14,575	23.6%
Tree Canopy Removed *On Site	30,652	49.6%
Tree Canopy Removed *Off Site	678	
Tree Canopy Removed Total	31,330	50.7%
Removed Below Minimum	0	
Mitigation Requirements	678	

3. Mitigation Requirements		Canopy below requirement	Number of 2" caliper trees to be planted	
High Priority		678	3	
Low Priority				
Total Mitigation Trees Required		0	0	
4. Mitigation Type		Yes	No	N/A
On-Site Mitigation				X
Off-Site Mitigation				X

Tree Escrow (See Conditions of Approval)

X

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1and 167.04L1</i>		Tech Plat	Planning Commission
a.	5 year Aerial Check on Existing Trees	Yes	Yes
b.	Property Boundary	Yes	Yes
c.	Natural Features (100ft beyond limits of disturbance)	No	No
d.	Existing Topography and Proposed Grading	Yes	Yes
e.	Soil Types	Yes	Yes
f.	Significant Trees	Yes	Yes
g.	Groupings of Trees	Yes	Yes
h.	Table Inventory List (species, size, health, priority)	Yes	Yes
i.	All Existing and Proposed Utilities	Yes	Yes
j.	All Existing and Proposed Utility Easements and ROW's	Yes	Yes
k.	All Streams (with approximate center line)	N/A	N/A
l.	Floodplains and floodways	N/A	N/A
m.	Existing Street, Sidewalk or Bike Path ROW	Yes	Yes
n.	Submitted Site Analysis Plan (if required)	N/A	N/A
o.	Shows ALL Proposed Site Improvements	Yes	Yes
p.	Delineates trees/canopy to be preserved and removed	Yes	Yes
q.	Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	Yes	Yes
Tree Protection Methods			
a.	Tree Protection Fencing	Yes	Yes
b.	Limits of Root Pruning	Yes	Yes
c.	Traffic flow on work site	Yes	Yes
d.	Location of material storage	Yes	Yes
e.	Location of concrete wash out	Yes	Yes
f.	Location of construction entrance/exit	Yes	Yes
6.	Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>	Yes	No
			N/A
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy		X
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.		X
7.	Review Status (See Comments)	Tech Plat	Planning Commission
	Conditionally Approved	3-13-25	5-5-2025

4-10-25

Approved

Tabled

Denied

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked "No" and all Redlines provided.
2. Please ensure that stairs are not included in the area to be dedicated as tree preservation easement when easement plat is submitted.



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Bates & Associates

From: Willa Thomason, Urban Forester

CC: Gretchen Harrison, Senior Planner

Meeting Date: March 19, 2025

Subject: LSD-2025-0005: Crisis Brewing, 210 S Nelson Hackett Blvd

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>	X		
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements 1 Tree : 12 Parking Spaces		Yes	No	N/A
a.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			X
b.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>			X

- c. Narrow Tree Lawn (8' min. width, 37.5' length)
UDC Chapter 177.04C X
- d. Tree Island (8' min. width, 18.7' min length, 150 square feet)
UDC Chapter 177.04C X
- e. Placement of Trees (either side at entrances and exits)
UDC Chapter 177.04C2 X

3. Perimeter Landscaping Requirements	Yes	No	N/A
---------------------------------------	-----	----	-----

- | | | | |
|--|---|--|---|
| a. Front Property Line (15' wide landscape)
<i>UDC Chapter 177.04D2a</i> | X | | |
| b. Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | | | X |
| c. Screening of parking lot from adjacent residential properties. | | | X |

4. Street Tree Planting Requirements	Yes	No	N/A
--------------------------------------	-----	----	-----

- | | | | |
|--|---|--|---|
| a. Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05B1a</i> | | | X |
| b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05B2a</i> | X | | |
| c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| d. Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| e. Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | | | X |
| f. Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | | | X |

5. Landscape Requirement Totals	Amount
---------------------------------	--------

- | | |
|--|-----|
| Mitigation Trees | 3 |
| Parking Lot Trees | 4 |
| Street Trees | 24 |
| Detention Pond – Large Trees
(1 Tree/3,000 square feet) | N/A |

Detention Pond – Small Tree/Large Shrub
(4 small trees or large shrubs/3,000 square feet)

N/A

Detention Pond – Small Shrubs/Large Grasses
(6 shrubs or grasses (1 gallon)/3,000 square feet)

N/A

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	3-13-25	
	4-10-25	
Approved		
Tabled		
Denied		

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please select a native alternative to boxwood.



Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Willa Thomason, Urban Forester

MEETING DATE: May 12, 2025

SUBJECT: **LSD-2025-0005: 210 Nelson Hackett Blvd** - Submitted by BATES & ASSOCIATES for property located SOUTHWEST OF S. NELSON HACKETT BLVD & N. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.34 acres. The request is for a variance to §177.04(D)(1) – Perimeter Landscaping Requirements.

RECOMMENDATION: Urban Forestry Staff recommends approval of a variance to §177.04(D)(1) – Perimeter Landscaping Requirements associated with the proposed improvements to Crisis Brewery (LSD-2025-0005).

DISCUSSION: The applicant proposes a retaining wall within two feet of the southern property line due to the existing grade of the site. Additionally, the applicant proposes the installation of fencing on the north side of the retaining wall to further reduce impacts on the adjacent properties. Per §177.04(D)(2)(f), shrub screening shall be installed between parking lots containing more than five spaces and adjacent properties allowing for residential use. This screening is meant to protect adjacent properties from headlight glare. The applicant's plan to install a retaining wall and fencing in lieu of shrub screening meets the intention of this requirement. Additionally, the applicant is providing the required shrub screening elsewhere on-site.



March 5th, 2025

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

RE: Crisis Brewing

Dear Planning Staff,

Bates & Associates, Inc., on behalf of Annex Investments, has applied for a Large Scale Development permit in Fayetteville. The location of the proposed commercial development is SW of the corner of S Nelson Hackett Blvd and S College Avenue Avenue (Washington County Parcels 765-02115-000, 765-02118-000, 765-02123-000, 765-02140-000, 765-02120-000, 765-02129-000) The total acreage of the development is 1.34 acres. The current zoning district is currently Downtown General.

The development consists of commercial development with associated drives, parking, and drainage improvements.

The development is proposed to be served by a connection to S College Avenue and a proposed building entrance from S Nelson Hackett Blvd.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Bates & Associates, Inc.

A handwritten signature in blue ink that reads 'Geoffrey Bates'.

Geoffrey Bates
President of Engineering

April 22nd, 2025

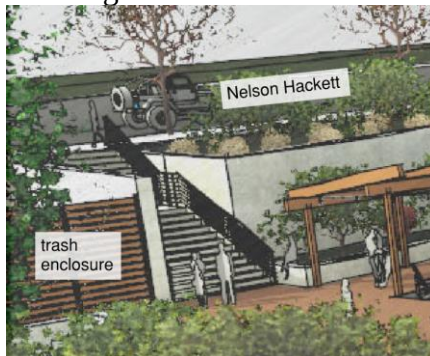
Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

RE: Crisis Brewery PC Variance Request

To whom it may concern,

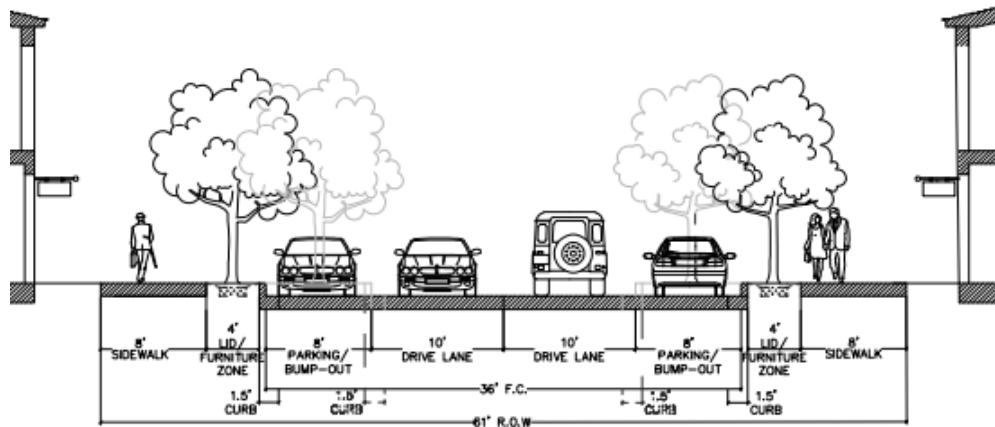
Annex Investments LLC and Emperor Investments LLC are requesting variances to the Large Scale Development project located to the SW of the intersection of Nelson Hackett and College Avenue in Fayetteville.

- We would like to request a variance from UDC 177.04(D)(1) – Perimeter Landscaping Requirements. Due to the existing grade of the site, we are proposing retaining wall within 2ft of the southern property line. Within the parking lot we are dropping 15ft along College and proposing retaining walls to the north, south and in between the parking areas. We are proposing to maintain enough tree preservation throughout the entire site and are proposing for more green space in the rear of the parking lot and along College Avenue. Additionally, we are proposing fencing on the north side of the retaining wall to further reduce the impact on adjacent properties. The fencing will extend along the southern property as well as a small portion along the western property, without impacting the existing trees.
- We would like to request a variance from UDC 166.25(D)(2) – Cross Access Requirement. The preservation to the site is on the western side of the parking lot parcel. Currently the grade difference from the northern lot to the southern lot is about 9ft. If we were to propose any kind of connection it would be a significant slope from each parking lot. Stub out to the south on the southernmost lot is being achieved via proposed access easement.
- We would like to request a variance from UDC 166.21 (E)(1) – Exterior Architectural Elements, Rear Yards Only. The development lot is a corner lot meaning that there cannot be a rear to the yard. The dumpster will not be visible from Nelson Hackett due to the proposed retaining wall being 13ft, along the northern property line, and the proposed dumpster being 6ft tall. See the image below.



This image shows the trash enclosure in relation to Nelson Hackett. The fencing is proposed to extend slightly higher than the dumpster further blocking off visibility from the patio area.

- We would like to request a variance from UDC 166.11(A) – Conform to Plans and Regulations. The sidewalk placement and road improvements to College completed in 2023 with the half street improvements being 12ft of street and 8ft of sidewalk (no greenspace). Per master street plan section for Urban Center, the half street improvements are 18.5ft of street, 4ft of greenspace, and 8ft of sidewalk. Due to the recent completion of the improvements along this parcel, we are proposing to match existing conditions with the 8ft sidewalk being located behind the street with the proposed right of way to remain where it is currently (21.20ft from the centerline of College Avenue). We would also like to request the adjustments to Nelson Hackett Blvd (Urban Center) by adding 18.5ft of parking and slip lane as well as 6ft of sidewalk. The building is currently proposed as being accessible from Nelson Hackett Blvd as well as from College Avenue.



Downtown/Urban Street Section

- We would like to request a variance from UDC 172.04(C)(3) – Parking Lot Design Standards. Currently we are proposing to reduce as much impact to the existing landscape on the western side of the property. By placing the parking on the eastern side of the property this will extend the visibility of the brewery to encourage customers to use the offsite parking area when visiting.

Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Addie Manzi

Addie Manzi, E.I.

Project Engineer

Bates & Associates, Inc



KEY ARCHITECTURE, INC. P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702 PH: 479.444.6066 FAX: 479.444.1445

April 1, 2025

Citizen at Large Representatives
Planning Commission
City of Fayetteville
Fayetteville, AR 72701

Project: LSD-2025-0005 New Crisis Brewery and Public House

Re: Variance Request for UDC 166.21 E.7.b.vii: Doors or entrances for pedestrian access shall be provided at intervals no greater than 50ft. apart along the principal façade.

Dear Representatives:

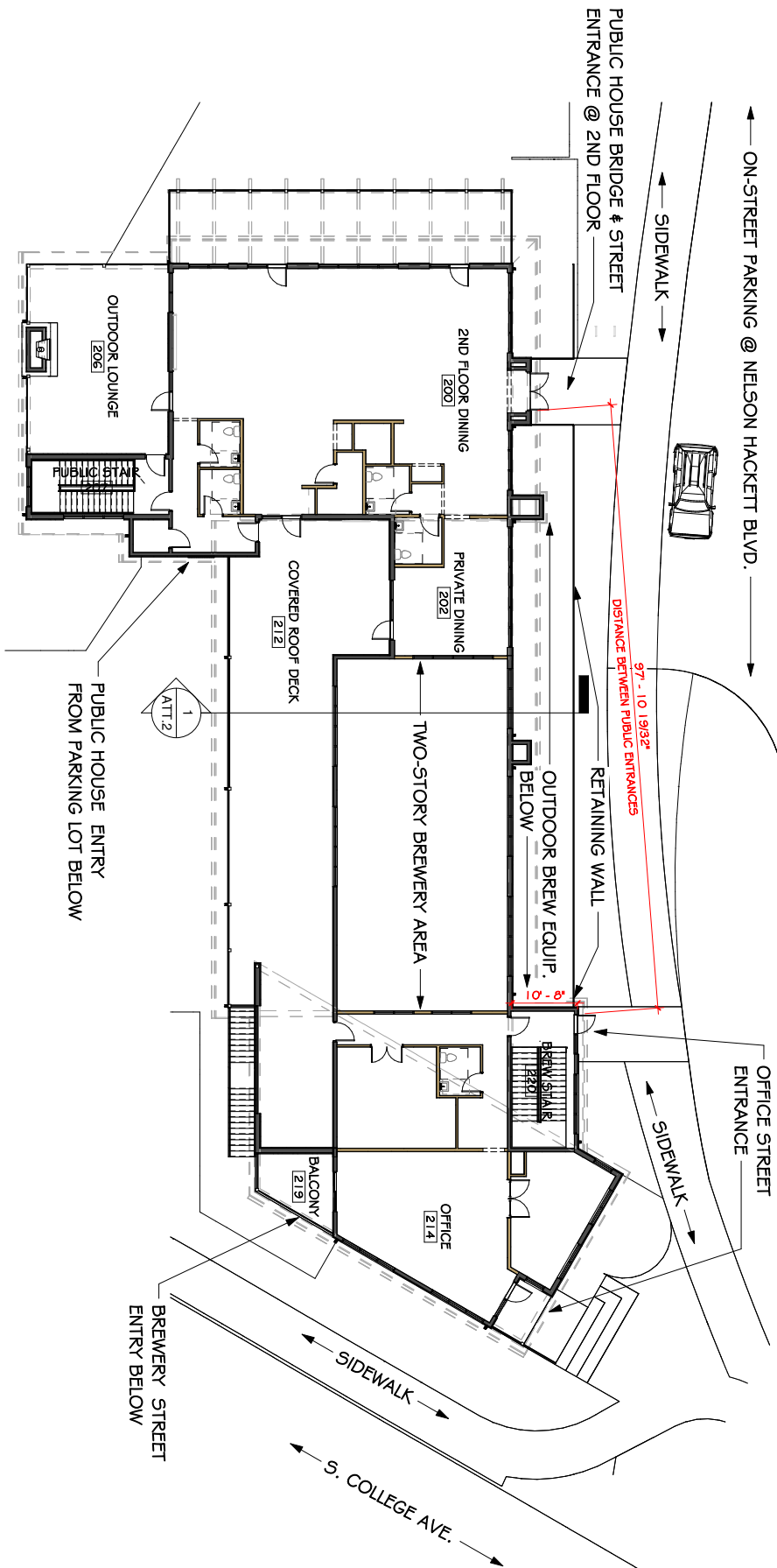
With this Variance Application, we respectfully request that the maximum distance between entrances along Nelson Hackett Blvd. be waived to 100'. The function of the interior space is such that the 50' wide, two-story brewery production is located in the center section of the building along Nelson Hackett Blvd. Due to the site topography and equipment location screening needs, there is a 16' tall retaining wall at the ground level of Nelson Hackett down to the ground level of the brewery floor, that is approximately 10' away from the principal façade of the building at the location where an entrance would be required. The function of this interior space is such that the two-story vertical space is needed for brewery equipment. An entrance at this location would require a bridge to be built to an entrance where the floor is 16' below and where equipment would interfere with any corridor that would gain access to any adjacent space. Please refer to the attached building section that further demonstrates the hardship conditions that we are asking you to consider.

We thank you for your consideration of this appeal.

Respectfully,

James T. Key, President

Key Architecture, Inc.

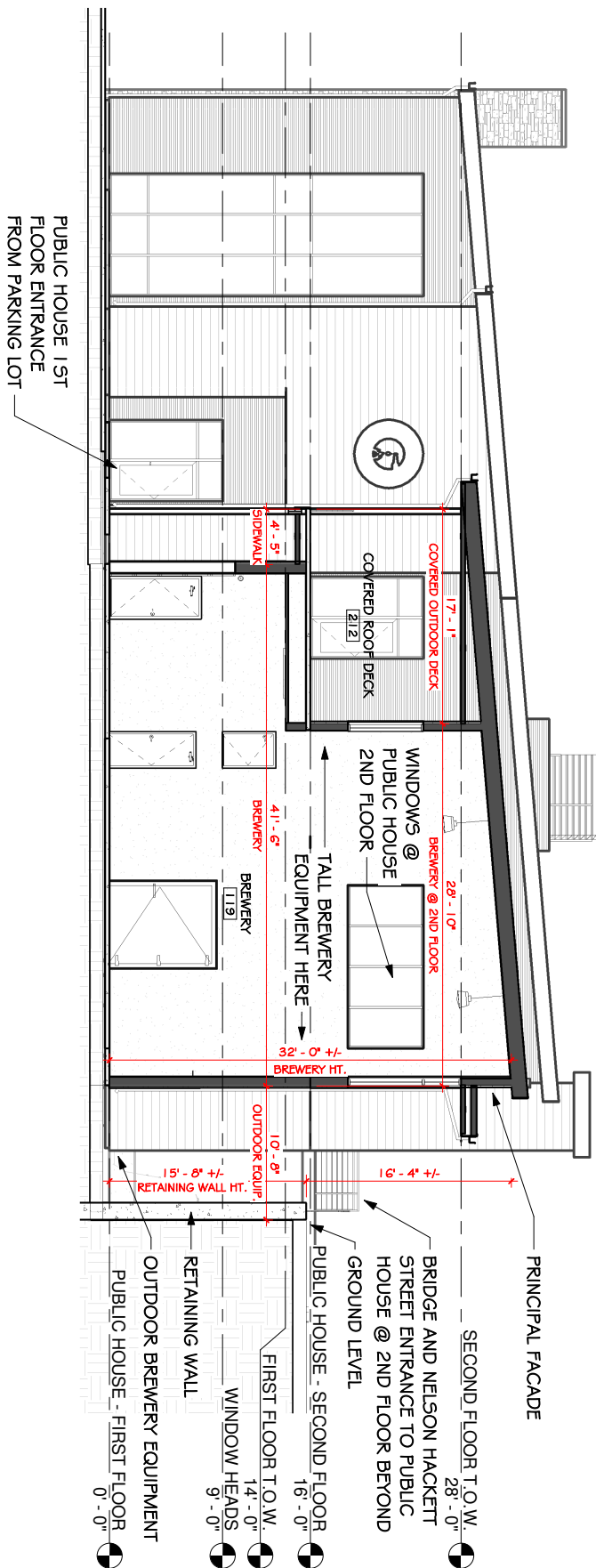


1 SECOND FLOOR PLAN - VARIANCE SCALE = 1/16" = 1'-0"

KEY ARCHITECTURE INC. P.O. BOX 798 FAYETTEVILLE, ARKANSAS 72702 PH. 479.444.6066 FAX. 479.444.1445			NEW CRISIS BREWERY & PUBLIC HOUSE S. NELSON HACKETT BLVD. FAYETTEVILLE, AR 72701
Project number Date Drawn by Checked by	2411 04-01-25 AMH JTK		ATT. 1 Scale 1/16" = 1'-0"

SECTION 1
SCALE = 1/8" = 1'-0"

SECTION 1
SCALE = 1/8" = 1'-0"



KEY ARCHITECTURE INC.

P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702
PH: 479.444.6066 FAX: 479.444.1445



NEW CRISIS BREWERY & PUBLIC HOUSE
S. NELSON HACKETT BLDG.
FAYETTEVILLE, AR 72701

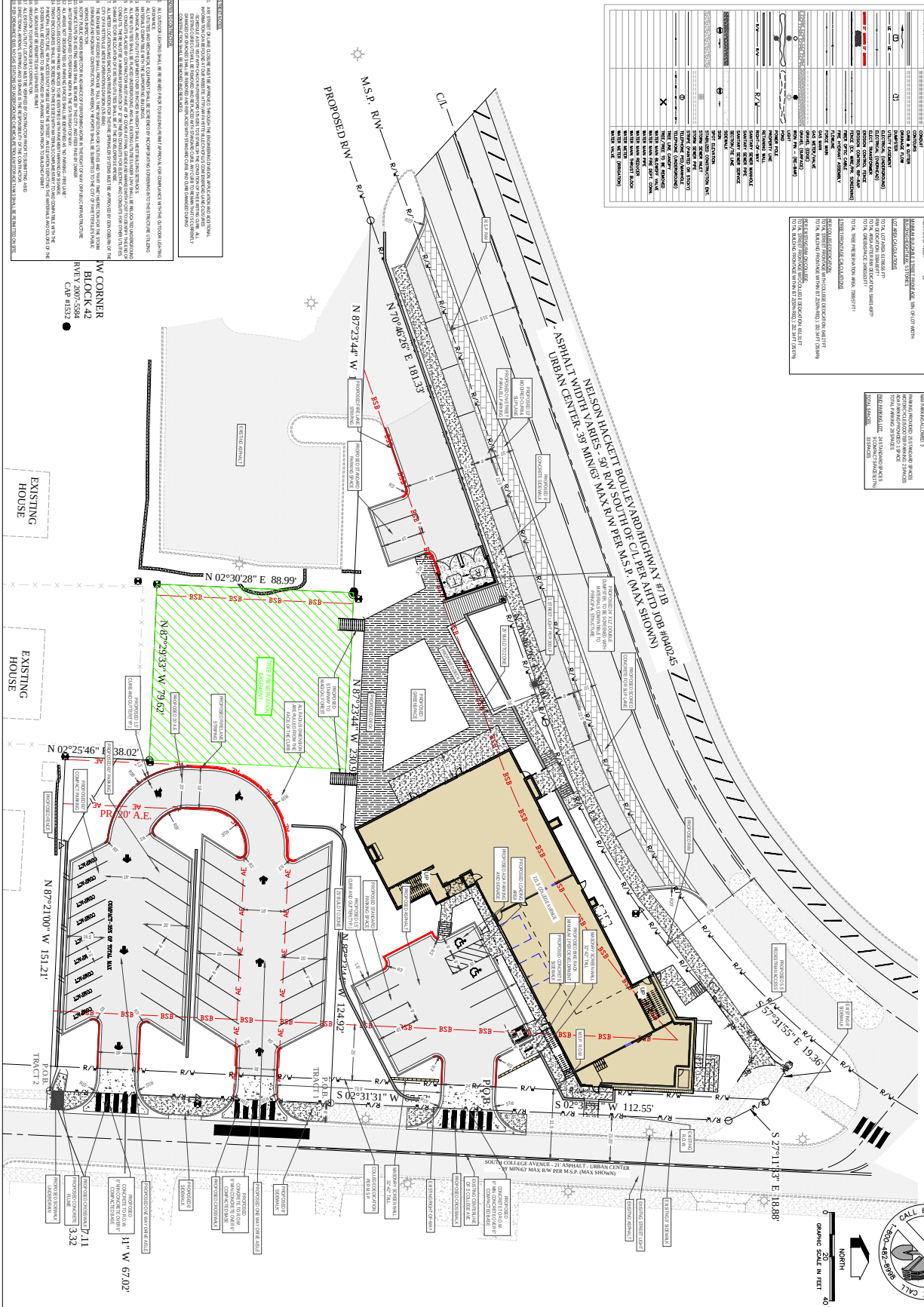
Project number	2411	ATT.2
Date	04-01-25	
Drawn by	AMH	
Checked by	JTK	Scale 1/8" = 1'-0"

SYMBOL	DESCRIPTION
	EASEMENT
	RIGHT OF WAY
	SURVEY BOUNDARY
	PROPOSED IMPROVEMENT
	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	PROPOSED DRIVEWAY
	PROPOSED PARKING
	PROPOSED WALKWAY
	PROPOSED FENCING
	PROPOSED LANDSCAPING
	PROPOSED UTILITY
	PROPOSED STORMWATER
	PROPOSED SEWER
	PROPOSED WATER
	PROPOSED GAS
	PROPOSED ELECTRIC
	PROPOSED TELECOMMUNICATIONS
	PROPOSED OTHER

PROPERTY INFORMATION
OWNER: CRISIS BREWING
PROJECT: LARGE SITE IMPROVEMENT
DATE: 04/23/2025
SCALE: AS SHOWN
PROJECT LOCATION: 273 SOUTH COLLEGE AVENUE, FAYETTEVILLE, AR
PROJECT AREA: 1.11 ACRES
PROJECT TYPE: COMMERCIAL
PROJECT PHASE: PRELIMINARY
PROJECT STATUS: IN PROGRESS
PROJECT CONTACT: JAMES BATES
PROJECT PHONE: (479) 442-9350
PROJECT EMAIL: JBATES@BATESENGINEERS.COM

PROJECT INFORMATION
PROJECT NAME: CRISIS BREWING LARGE SITE IMPROVEMENT
PROJECT LOCATION: 273 SOUTH COLLEGE AVENUE, FAYETTEVILLE, AR
PROJECT AREA: 1.11 ACRES
PROJECT TYPE: COMMERCIAL
PROJECT PHASE: PRELIMINARY
PROJECT STATUS: IN PROGRESS
PROJECT CONTACT: JAMES BATES
PROJECT PHONE: (479) 442-9350
PROJECT EMAIL: JBATES@BATESENGINEERS.COM

PROPERTY INFORMATION
OWNER: CRISIS BREWING
PROJECT: LARGE SITE IMPROVEMENT
DATE: 04/23/2025
SCALE: AS SHOWN
PROJECT LOCATION: 273 SOUTH COLLEGE AVENUE, FAYETTEVILLE, AR
PROJECT AREA: 1.11 ACRES
PROJECT TYPE: COMMERCIAL
PROJECT PHASE: PRELIMINARY
PROJECT STATUS: IN PROGRESS
PROJECT CONTACT: JAMES BATES
PROJECT PHONE: (479) 442-9350
PROJECT EMAIL: JBATES@BATESENGINEERS.COM



PROJECT NO. 16-376

SP1

BATES

Engineers • Surveyors

7230 S Pleasant Ridge Dr / Fayetteville, AR 72704

PH: (479) 442-9350 / batesnwa.com

CRISIS BREWING

LARGE SITE IMPROVEMENT PLAN

SITE PLAN

FAYETTEVILLE, ARKANSAS

REVISIONS

DATE	DESCRIPTION
04/23/2025	1st Submittal
04/23/2025	2nd Submittal
04/23/2025	3rd Submittal

Planning Commission

May 12, 2025

LSD-2025-0005 (CRISIS BREWING)

ENGINEER: GB

DRAWN BY: MW

04/23/2025

Page 23 of 30



2 EAST ELEVATION RENDERING (S. COLLEGE)

SCALE = 1/16" = 1'-0"



1 NORTH ELEVATION RENDERING (NELSON HACKETT)

SCALE = 1/16" = 1'-0"

KEY ARCHITECTURE INC.
P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702
PH. 479.444.6066 FAX. 479.444.1445



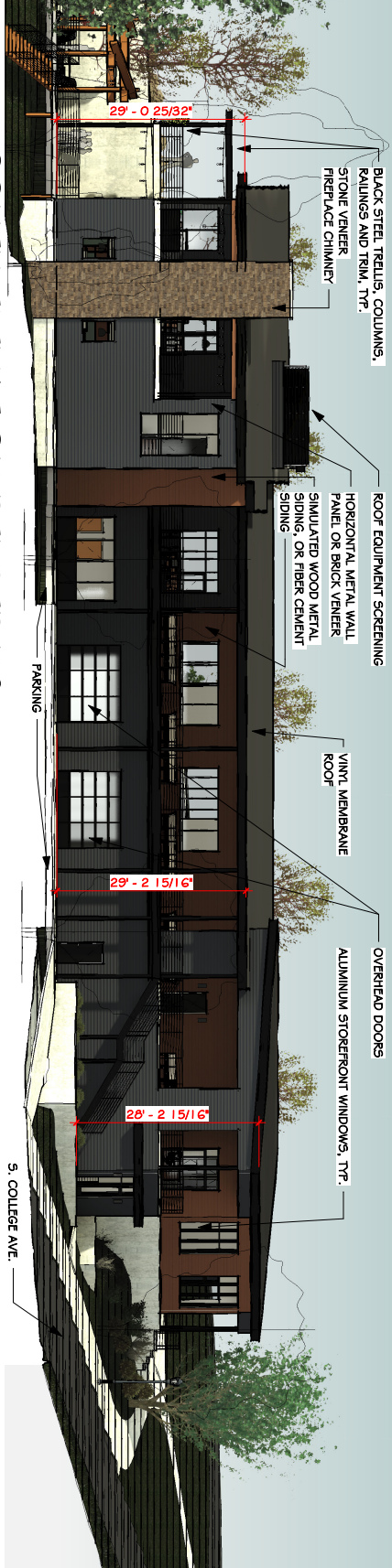
NEW CRISIS BREWERY & PUBLIC HOUSE
S. NELSON HACKETT BLVD.
FAYETTEVILLE, AR 72701
Project number 2411
Date 02/26/25
Drawn by AMH
Checked by JTK
Scale 1/16" = 1'-0"

R1



2 WEST ELEVATION RENDERING

SCALE = 1/16" = 1'-0"



1 SOUTH ELEVATION RENDERING

SCALE = 1/16" = 1'-0"

KEY ARCHITECTURE INC.
P.O. BOX 798 FAYETTEVILLE, ARKANSAS 72702
PH. 479.444.6066 FAX. 479.444.1445



NEW CRISIS BREWERY & PUBLIC HOUSE
S. NELSON HACKETT BLVD.
FAYETTEVILLE, AR 72701
Project number 2411
Date 02/26/25
Drawn by AMH
Checked by JTK
Scale 1/16" = 1'-0"



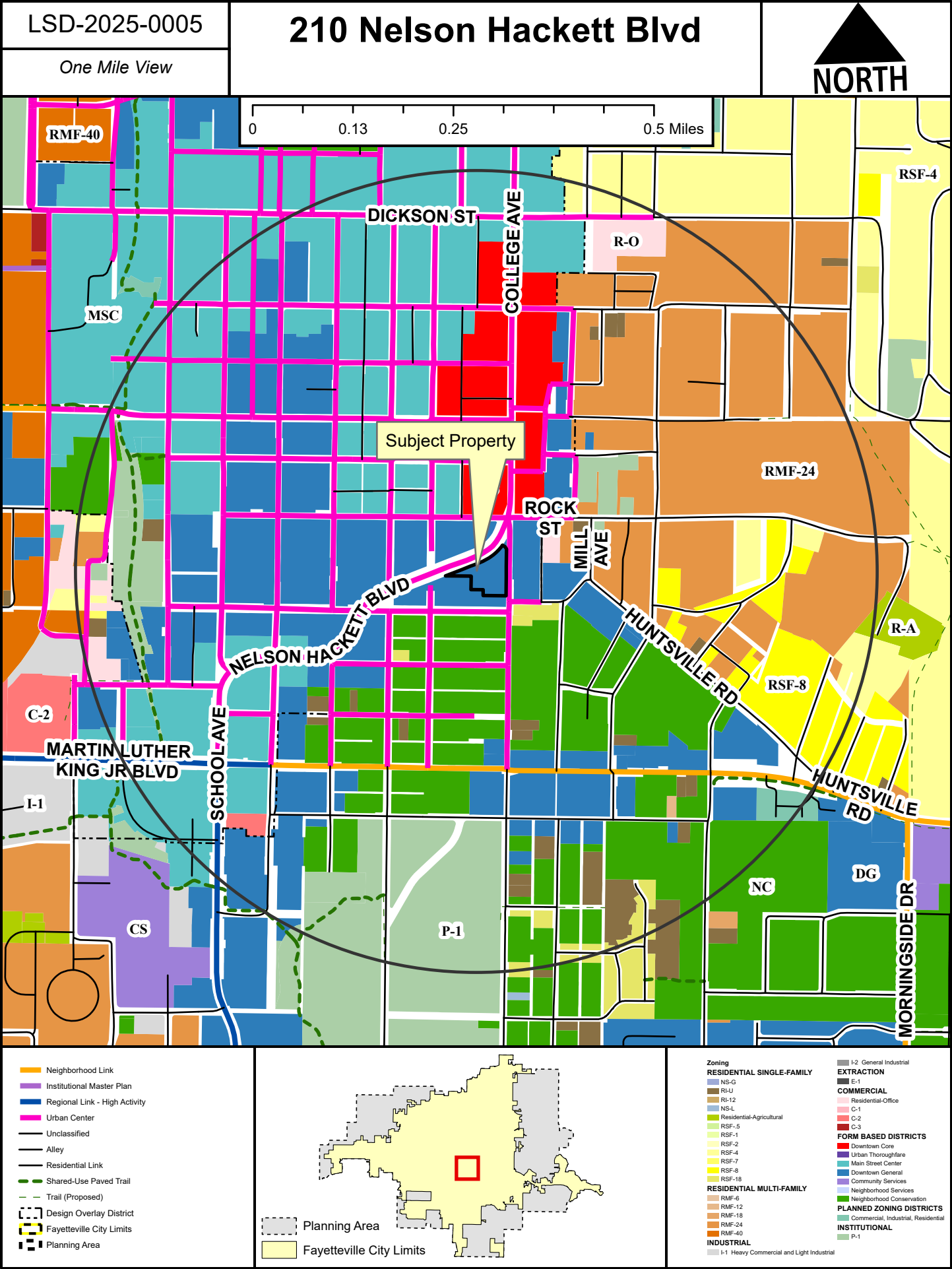
① DECK VIEW TO GREEN SPACE
NOT TO SCALE

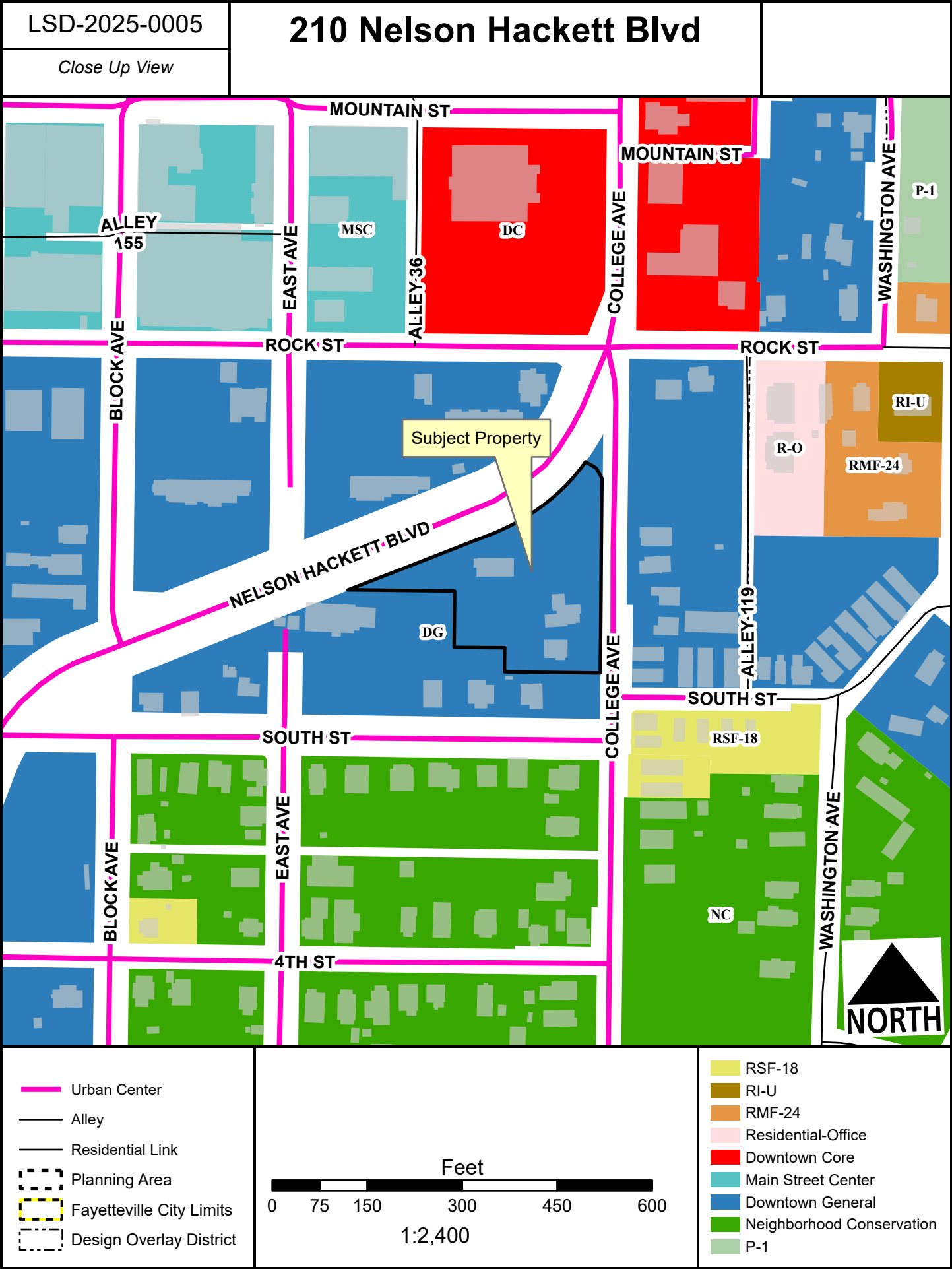
KEY ARCHITECTURE INC. P.O. BOX 798 FAYETTEVILLE, ARKANSAS 72702 PH. 479.444.6066 FAX. 479.444.1445	
	
NEW CRISIS BREWERY & PUBLIC HOUSE S. NELSON HACKETT BLVD. FAYETTEVILLE, AR 72701	
Project number	2411
Date	02/26/25
Drawn by	AMH
Checked by	JTK
R3 Scale 3/4" = 1'-0"	

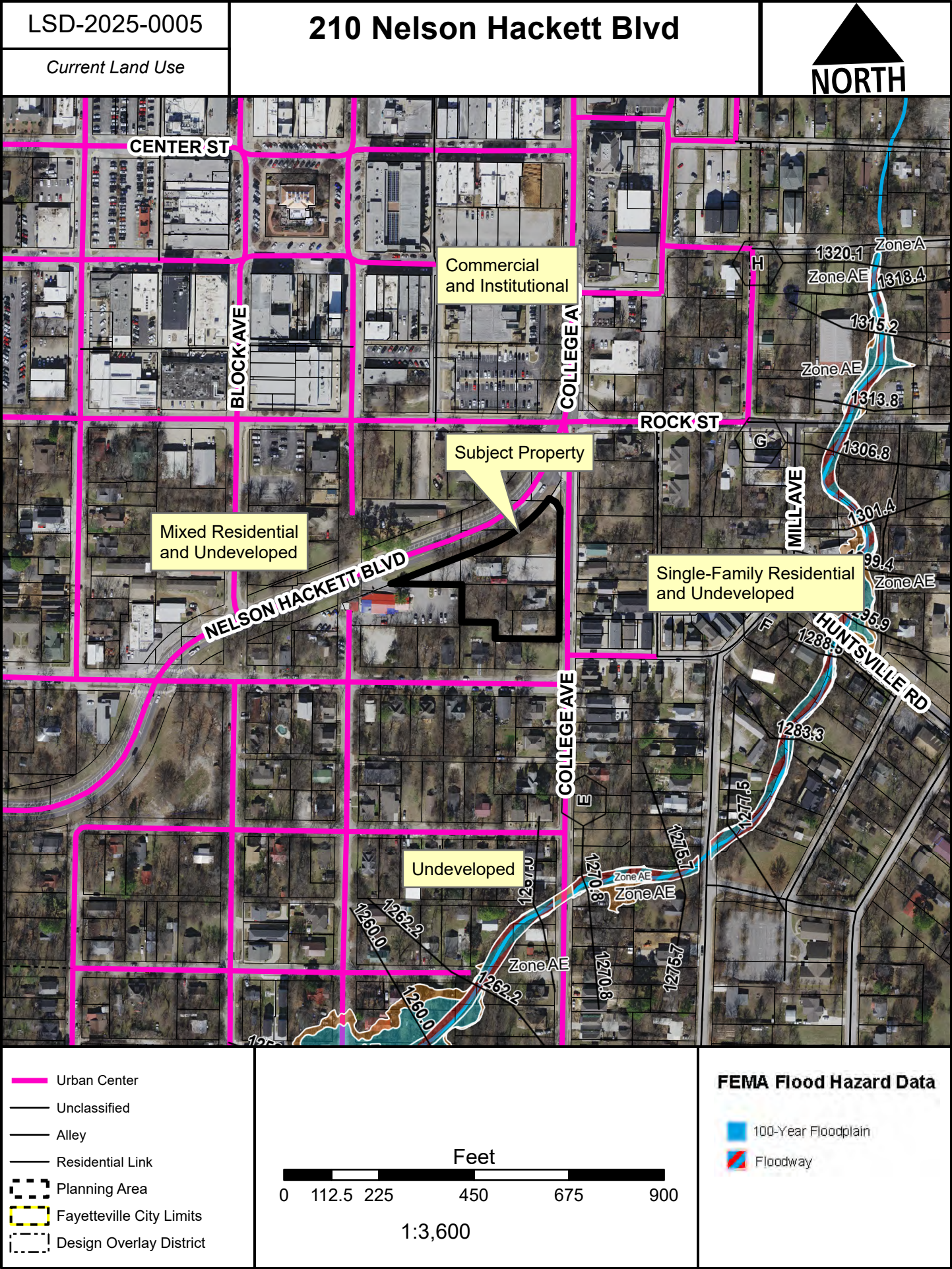


① MAGIC FOREST VIEW
NOT TO SCALE

KEY ARCHITECTURE INC. P.O. BOX 798 FAYETTEVILLE, ARKANSAS 72702 PH. 479.444.6066 FAX. 479.444.1445			NEW CRISIS BREWERY & PUBLIC HOUSE S. NELSON HACKETT BLVD. FAYETTEVILLE, AR 72701	
Project number 2411 Date 02/26/25 Drawn by AMH Checked by JTK			R4 Scale 1" = 1'-0"	









TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: May 12, 2025

SUBJECT: **CUP-2025-0017: Conditional Use Permit (3620 W. DINSMORE TRL./OADE, 518):** Submitted by COLT OADE for property located at 3620 W. DINSMORE TRL. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 2.81 acres. The request is to add an accessory structure exceeding more than 50 percent of the residence square footage.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0017** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0017**, determining:*

- In favor of compatibility with adjacent properties, and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in west Fayetteville approximately 1 mile from the South Dinsmore Trail and West Martin Luther King Boulevard intersection. The property contains one parcel totaling 2.81 acres which is developed with a single-family home that Washington County records indicate was built in 1956. The entire property is zoned RSF-8, Residential Single-Family, Eight Units per Acre. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	R-A, Residential-Agriculture
South	Single-Family Residential	R-A, Residential-Agriculture
East	Single-Family Residential	R-A, Residential-Agriculture
West	Single-Family Residential	NC, Neighborhood Conservation

City Plan 2040 Future Land Use Designation: **Residential Neighborhood**

Proposal: The applicant requests approval of a conditional use permit to construct a 1,500 square-foot accessory structure, the size of which will be greater than 50% that of the principal structure (1,900 square-feet). Fayetteville's Unified Development Code, under §164.02, Accessory Structures, limits the permitted size of accessory structure(s) to no more than 50% of the size of the principal structure. With the construction of the proposed garage, the applicant is requesting permission to have accessory structures that exceeds the 50% threshold of the size of the

principal structure. Accessory structures of that size may only be allowed with conditional use permit approval from the Planning Commission.

Public Comment: Staff has not received any public comment at this time.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0017** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties;**
Staff recommends that the proposed use is compatible with surrounding properties given the findings contained in this report;
 2. The applicant shall acquire all necessary permits are obtained to securely develop the accessory structure; and
 3. Any future expansion or change in the use shall require Planning Commission approval.
-

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 12, 2025</u>	☐ Tabled	☐ Approved	☐ Denied		
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS, PROCEDURES

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting a conditional use permit for an accessory structure whose size exceeds 50% the principal structure as outlined in UDC §164.02(A)(5)

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use; and

Finding: The Planning Commission is empowered under Unified Development Code §164.02(A)(5) to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Staff finds that granting the requested conditional use is not likely to adversely affect the public interest. Limits on the size of accessory structures are intended to ensure that those structures remain subordinate to and compatible with the principal structure that they serve. Staff finds that the accessory structures associated with the applicant's request will remain compatible with the principal structure and surrounding area.

The subject property is located along West Dinsmore Trail, a low-density street. Many of the properties located along this link are large, highlighting the separation between the developments. Additionally, several nearby properties also have accessory structures, supporting how this application would keep with the character of the area. The proposed accessory structure will have minimal impact on the property and area.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are specific rules governing accessory structures as outlined in 164.02. Aside from the size, staff finds that the applicant's proposal is meeting all relevant requirements.

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

- (a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: Ingress and egress to the property is provided through an existing driveway with access onto West Dinsmore Trail, a Residential Link Street with asphalt paving. The driveway on the property appears to be large enough to support the property owner's vehicles. The application for the accessory structure does not indicate that it will be traffic generating. Staff finds that an accessory structure will not impact traffic nor pedestrian safety.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: Parking on the property will not be impacted by the accessory structure. Should noise, glare, or odor effects be created, they would be contained within the accessory structure. Staff finds that the accessory structure would not have a major impact on the neighboring properties.

- (c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: Staff does not find that refuse and service areas will be impacted by the proposed accessory structure as it is shown to be a far distance from the West Dinsmore Trail

- (d.) Utilities, with reference to locations, availability, and compatibility;

Finding: Utilities are currently available to the subject property and its use as an accessory structure is not expected to impact the provision of utilities.

- (e.) Screening and buffering with reference to type, dimensions, and character;

Finding: The applicant has stated the proposed accessory structure will adhere to setback requirements and that the area is rural. Staff finds that the property's remote location, the number of trees on the property, and distance from the property lines will give the accessory structure sufficient screening.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: Any proposed signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein.

(g.) Required yards and other open space;

Finding: The applicant has stated that the accessory structure will not need a yard or open space. Staff finds that the location of the accessory structure meets setback requirements.

(h.) General compatibility with adjacent properties and other property in the district; and

Finding: Staff finds the proposed accessory structure to be generally compatible with adjacent properties and others nearby due in part to the character of the area and other properties having similar structures.

(i.) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: Staff finds the proposed use to be neither negative nor consistent with the goals and intent of the City's adopted land use and other strategic plans. The proposed accessory structure is intended to serve as storage for the property owners' possession.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - § 161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre
 - § 164.02 - Accessory Structures And Uses
- Applicant Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(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.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit.*

Single-family	5,000 square feet
Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
-------------------------	-----------

- (G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

164.02 Accessory Structures And Uses

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

- (A) Accessory Structures.
 - (1) When Erected. No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
 - (2) Integral Part of Principal Structure. An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
 - (3) Height and Setback Restrictions. Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which is it located.
 - (4) Build-to Zones. Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
 - (5) Size of Accessory Structure(s). Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
 - (6) Shared Accessory Structures. Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
 - (7) Accessory Ground Mounted Solar Energy Systems. An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.

- (8) Electric Vehicle Charging Stations. Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.
- (B) Swimming Pools. Swimming pools shall not be located in any required front setback.

Request Letter

To City of Fayetteville,

Please see below for a complete written description of this request:

- (a) Building size in square feet; existing and proposed – **30 x 50 accessory structure for parking our vehicles, lawnmower, and miscellaneous storage as the primary dwelling structure doesn't have a garage.**
- (b) Color elevations of all exterior sides of the structure – **White and brown metal siding from Central States.**
- (c) Number of off-street parking spaces to be provided / number required - **NA**
- (d) When request applies to a business or non-residential use: - **NA**
- (e) Outdoor lighting - **NA**
- (f) Noise - **NA**
- (g) Screening or buffering from adjacent properties – **Setback has been accounted for, and the area is rural.**
- (h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties) - **NA**
- (i) Ingress and egress to the property; traffic impacts - **NA**
- (j) A response discussing the general compatibility of the proposed use with adjacent properties and other properties in the neighborhood – **Several neighbors have accessory structures for parking storage on Dinsmore Trail, and we feel this type of structure is compatible with the adjacent properties.**

Thank you,

Colt Oade

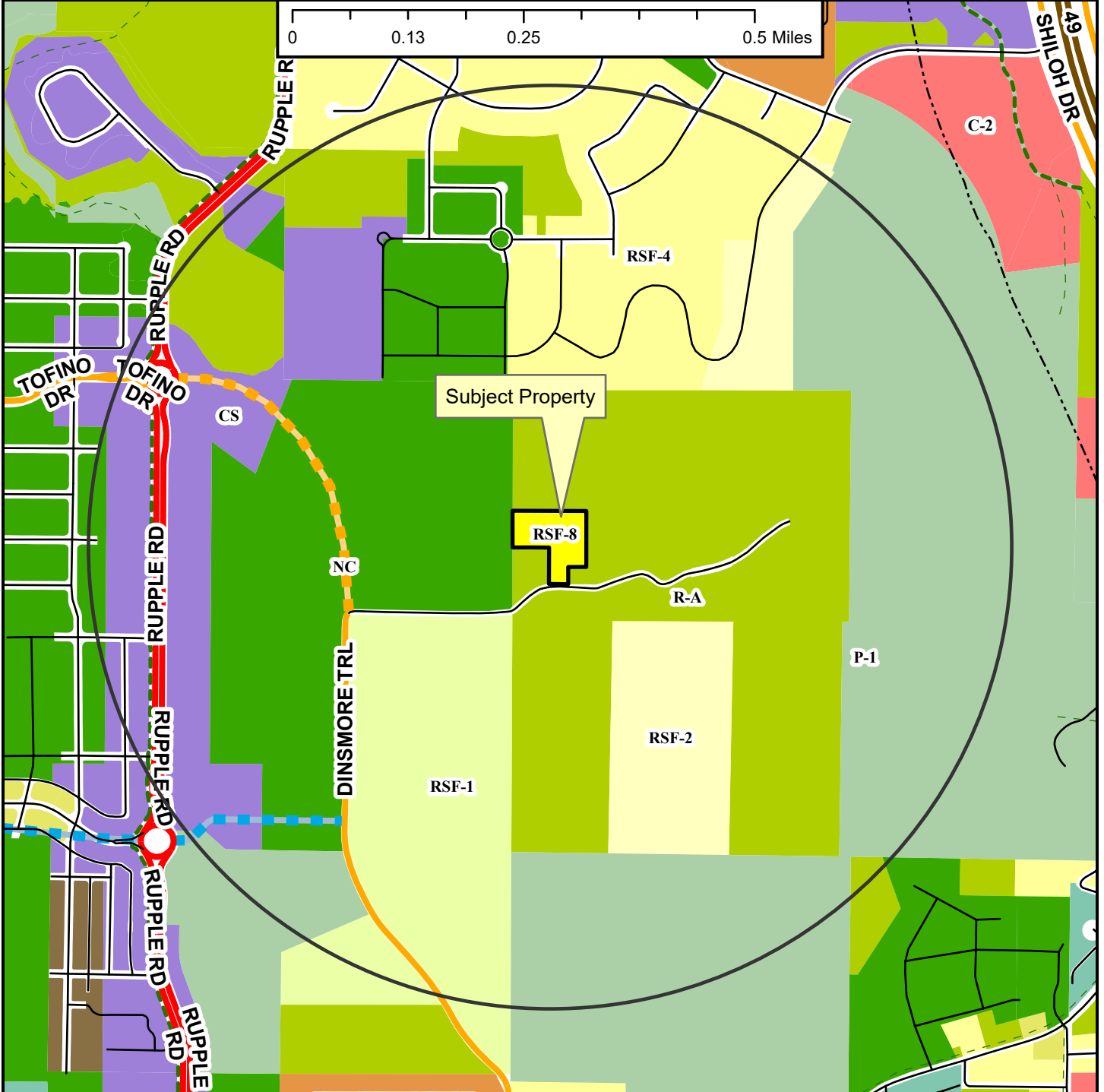
CUP-2025-0017

3620 W. DINSMORE TRL

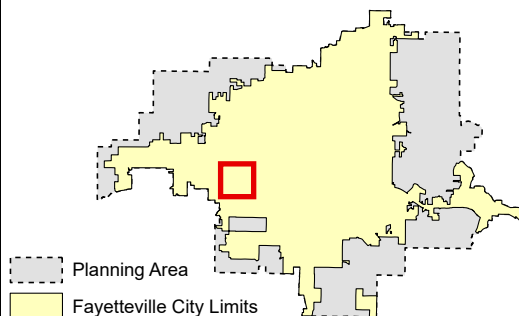
One Mile View



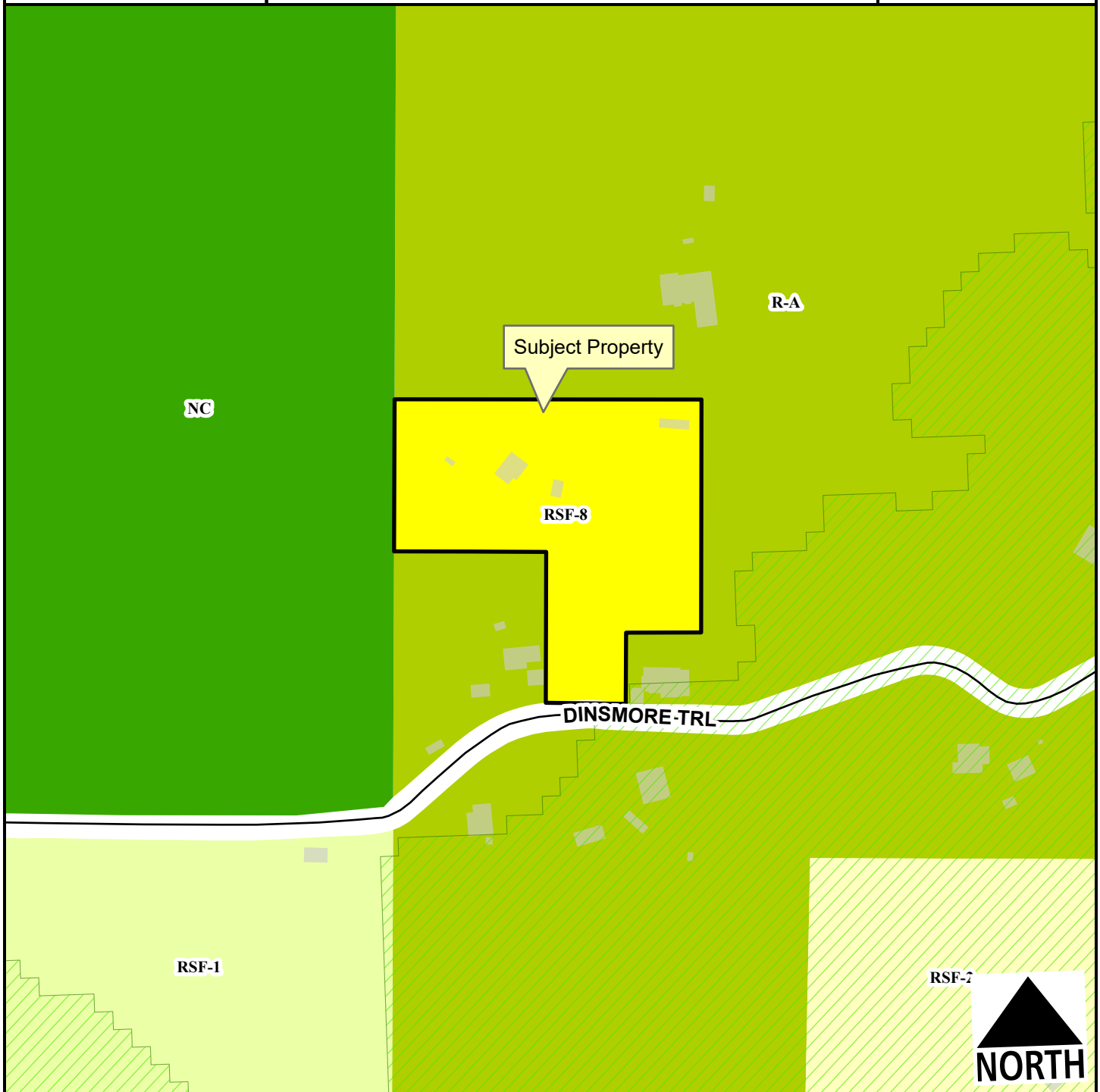
0 0.13 0.25 0.5 Miles



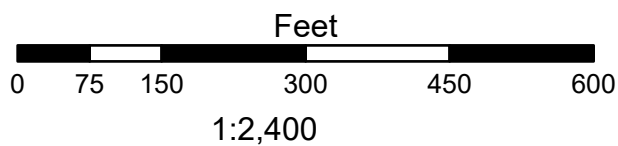
- Regional Link
- Neighborhood Link
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RH-U
 - RH-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-13
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
 - I-2 General Industrial
- EXTRACTION**
- E-1
- COMMERCIAL**
- Residential-Office
 - C-1
 - 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
 - P-1



- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits



- Residential-Agricultural
- RSF-1
- RSF-2
- RSF-8
- Neighborhood Conservation

CUP-2025-0017

3620 W. DINSMORE TRL

Current Land Use



- Residential Link
- - - Planning Area
- - - Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: May 12, 2025

SUBJECT: **CUP-2025-0016: Conditional Use Permit (6600 W. WEDINGTON DR, 396):** Submitted by H.M. SHIPP for property located at 6600 W. WEDINGTON DR. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 0.82 acres. The request is to build an accessory structure on a lot without a principal structure.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0016** with conditions as outlined by staff.

RECOMMENDED MOTION:

"I move to approve **CUP-2025-0016** with conditions, determining:

- In favor of compatibility with adjacent properties; and
- In favor of all other conditions as recommended by staff."

BACKGROUND:

The subject property is located in far west Fayetteville at the northeast corner of W. Wedington Dr. and M. Rocky Ridge Ln. The property totals approximately 0.82 acres. City staff issued a zoning violation to city codes §172.02 Parking Lot Construction Standards and §172.06 Parking Lot Location Standards on March 4, 2025, due to the presence of multiple vehicles stored on the property outside of permitted parking areas. A stop work order was later issued for the construction of a large structure without a permit. The property is not subject to any zoning overlays, streamside protection boundaries, hydric soils, or FEMA floodplain. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Low Density Residential	RSF-1, Residential Single-Family, 1 Units per Acre
South	Low Density Residential	R-A, Residential Agricultural
West	Low Density Residential	RSF-1, Residential Single-Family, 1 Units per Acre
East	Low Density Residential	RSF-1, Residential Single-Family, 1 Units per Acre

Proposal: The applicant requests approval to construct a 2,560 square foot detached garage on a vacant lot without an associated primary structure to store classic cars. Fayetteville's Unified Development Code, under §164.02, Accessory Structures, prohibits accessory structures on a lot

that does not have a primary structure. Accessory structures may only be allowed without an associated primary structure with conditional use permit approval from the Planning Commission.

City Plan 2040 Future Land Use Designation: **Rural Residential.**

Public Comment: Staff has not received any public comment or inquiries about the request.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0016**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility for a 2,560 square foot detached garage to be constructed without a primary structure.** *Staff finds the accessory building to be compatible with, and unlikely to have a negative impact on, adjacent properties.*
2. **This approval does not grant building permit approval for the associated structure. A building permit shall be submitted for review of compliance with all city codes.**

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 12, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

- 1.** A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting conditional use approval of an accessory structure on a lot without a primary structure, as outlined in 164.02(A)(1).

- 2.** The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

- 3.** The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

Finding: The Planning Commission is empowered under Unified Development Code §164.02(A)(1) to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. A structure was previously located on this property since approximately the 1980s through late 1990s based on aerial imagery, and the applicant intends to locate the new garage within that previous building footprint. The proposed garage is necessary to resolve a zoning violation for vehicles parked on the property outside of a parking lot, and staff finds that the provision of the proposed garage will help contain the potential for visual clutter and provide an orderly and organized space for storage of materials and vehicles. Additionally, while the garage is proposed to be composed of metal, staff finds that several adjacent properties include metal accessory structures or metal roofs; therefore, staff does not anticipate a metal structure will negatively impact surrounding properties.

(c.) The Planning Commission shall certify:

- (1.)** Compliance with the specific rules governing individual conditional uses; and

Finding: There are no specific rules governing the request.

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: The applicant proposes to utilize two existing driveways: one on N. Rocky Ridge. Ln., a private street) and one on W. Wedington Dr. approximately 40 feet from the eastern property line. Staff finds that the existing driveways have been located in approximately this configuration since the early 1990s and that no new driveways are proposed. Further, as no new primary structure is proposed, the proposal is not required to bring the existing driveways into conformance. Staff has evaluated the proposal and found that the proposed addition of a garage is unlikely to significantly impact traffic flow or safety.

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: There are currently no plans for a principal structure on this lot. Should one be eventually constructed, this proposal would eventually contribute to meeting the required parking for any single-family dwelling constructed on site. The applicant's proposed driveway configuration also would allow for vehicles to exit the site in a forward motion. As vehicles are proposed to be stored within the garage, limited impact is anticipated from headlights.

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: Refuse containers will likely be contained within the garage, and the site is likely to be served by residential carts.

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: The property has direct access to City water. A 6" sewer main is located approximately 800 feet east along W. Wedington Dr.

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: Staff is not recommending additional screening for the proposed conditional use permit.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: No signage is proposed. Any proposed signage will be subject to UDC §174, Signs, and all regulations therein. Signage shall be submitted for permit through the City's Planning Division.

- (g.) Required yards and other open space; and

Finding: The RSF-1, Residential Single-Family, One Unit Per Acre zoning district has a front and rear setback of 35 feet and a side setback of 20 feet. The proposed accessory structure is meeting these requirements.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds the proposed use to be compatible with adjacent properties. The garage is proposed to be constructed of metal which are complementary to the surroundings. Further, the provision of the garage to store and contain vehicles, tools, and other items on the site in an orderly fashion will likely positively contribute to the street, rather than negatively affect the surrounding property.

- (i.) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: Staff finds the proposed use to be generally compatible with the city's long-term plans. The property is designated as rural residential on the city's future land use plan, which recognizes the existing low-density large-lot development patterns that are typical in this area. Staff finds that the addition of a detached garage on a separate lot is generally consistent with a rural development style and that the garage could serve future residents should the lot be further developed.

BUDGET/STAFF IMPACT:

None.

Attachments:

- Unified Development Code
 - §164.02 Accessory Structures And Uses
- Applicant Request Letter
- Site Plan
- Rendering
- One Mile Map
- Close-Up Map
- Current Land Use Map

164.02 Accessory Structures And Uses

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) Accessory Structures.

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
- (7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.
- (8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

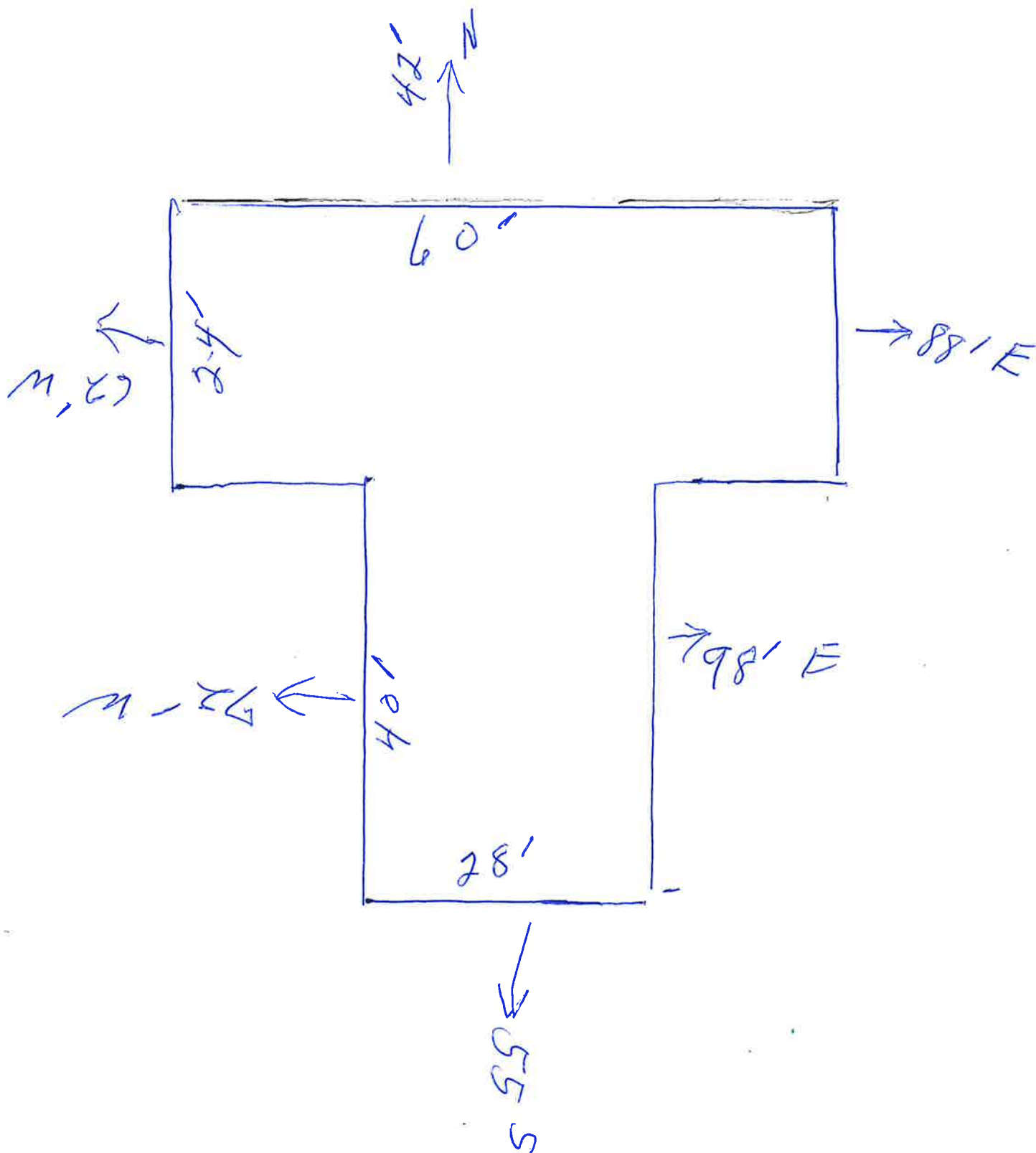
(B) Swimming Pools. Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4817, 1-3-06; Ord. No. 5239, 5-5-09; Ord. No. 5592, 06-18-13; Ord. No. 5950, §1, 2-7-17; Ord. No. 6245, §§4, 5, 10-15-19; Ord. No. 6407 §2, 1-19-21)

I am asking to Build a Building
To store ~~our~~ keep soaks in and a few
Classic cars in Right now I have 53' Trailers
with our stuff in my wife of 56 years & 9 months
died and now I have re married & she sold
her house and we have put 2 Houses to
gether so that created a storage problem
so I got 3 53' Trailers and stored all of
stuff I wanted to build the building to
store are stuff in and get rid of
the trailers I don't like them being in
on the lot I have them sold when I
get them empty I want clean the
lot up it was all grassy and make
it look good the 2 rentals are bad
look bad Thanks for your help

I am asking for a variance to WOC 164.02 (ALI)

HM Shipp
owner





Water/Sewer Easement



AHTD



Fayetteville

Exhibit

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warranties with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 2/26/2025
Credits: City of Fayetteville, AR, 2000 Imagery
Map Author:

Planning Commission

May 12, 2025
CUP-2025-0016 (HM SHIPP)
Page 9 of 14



Arkansas Metal Structures

810, East Main Street, Clarksville
Clarksville, Johnson, Arkansas
72830
dealersupport@senselcrm.com
(479) 440-8281
<https://www.arkansasmetalstructures.com/>

Sales: Karla Ams

810, East Main Street, Clarksville
72830
karla@arkansasmetalstructures.com
(479) 440-8281

Building Order
ODR-000660

Date
02/17/2025

Total
\$13,013.60

CUSTOMER DETAILS

A.m. Shipp

Billing Address

6065 Weddington Dr
Fayetteville, Arkansas 72730

Shipping Address

6065 Weddington Dr
Fayetteville, Arkansas 72730

@

(479) 595-7646

Standard Garages - 24 x 60 x 9

- ☒ Roof Color: Pewter Gray
☒ Trim Color: Quaker Gray
☒ Sides/Ends Color: Pewter Gray
☐ Door Color: NA
☐ Wainscot Color: NA



Ready for Installation? ☐ Jobsite Level? ☐ Permit Required? ☒ Inside City Limit? ☐ Electricity Available? ☐ Installation Surface? Concrete

Building Dimension
24'W x 60'L x 9'H

Roof Style
Vertical

Gauge
14 Gauge

Wind/Snow Rating
140 MPH + 30 PSF Certified

Distance on Center
5 Feet

PAYMENT MODE

Payment Option **Certified Check**

Finance Company

Application Id

Plan No.

Expiry Date

24X60' Vertical Roof	1	\$8,790.00
9' Height	1	\$720.00
140 MPH + 30 PSF Certified	1	\$0.00
3/12' Roof Pitch	1	\$0.00
Front Wall Closed Horizontal	1	\$1,300.00
Back Wall Closed Horizontal	1	\$1,300.00
Left Closed Horizontal	1	\$1,125.00
Right Closed Horizontal	1	\$1,125.00
36x80 inch Walk-in Door (6 Panel) on Left Wall	1	\$400.00
10x10 Door	1	\$1,050.00
Manufacturer Discount	1	\$3,952.50



Arkansas Metal Structures

810, East Main Street, Clarksville
Clarksville, Johnson, Arkansas
72830
dealersupport@senselcrm.com
(479) 440-8281
<https://www.arkansasmetalstructures.com/>

Sales: Karla Ams

810, East Main Street, Clarksville
72830
karla@arkansasmetalstructures.com
(479) 440-8281

Building Order
ODR-000661

Date
02/24/2025

Total
\$15,727.20

CUSTOMER DETAILS

A.m. Shipp

Billing Address

6560 Weddington Dr
Fayetteville, Washington, Arkansas 72730

Shipping Address

6560 Weddington Dr
Fayetteville, Washington, Arkansas 72730

@

(479) 595-7646

Triple Wide Garages - 28 x 40 x 12

- ☒ Roof Color: Pewter Gray
☒ Trim Color: Quaker Gray
☒ Sides/Ends Color: Pewter Gray
☐ Wainscot Color: NA



Ready for Installation? ☐ Jobsite Level? ☐ Permit Required? ☒ Inside City Limit? ☐ Electricity Available? ☐ Installation Surface? Concrete

Building Dimension: **28'W x 40'L x 12'H** Roof Style: **Vertical** Gauge: **14 Gauge** Wind/Snow Rating: **140 MPH + 35 PSF Certified** Distance on Center: **5 Feet**

PAYMENT MODE

Payment Option **Certified Check**

Finance Company

Application Id

Plan No.

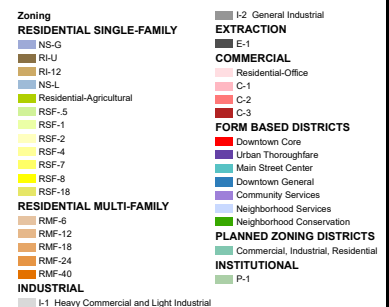
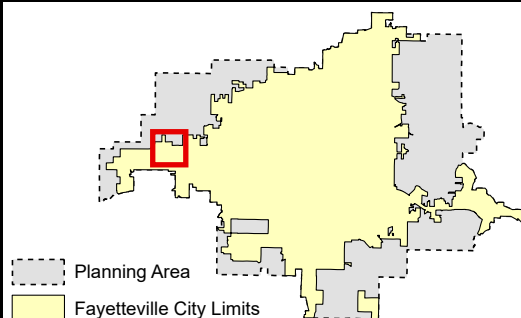
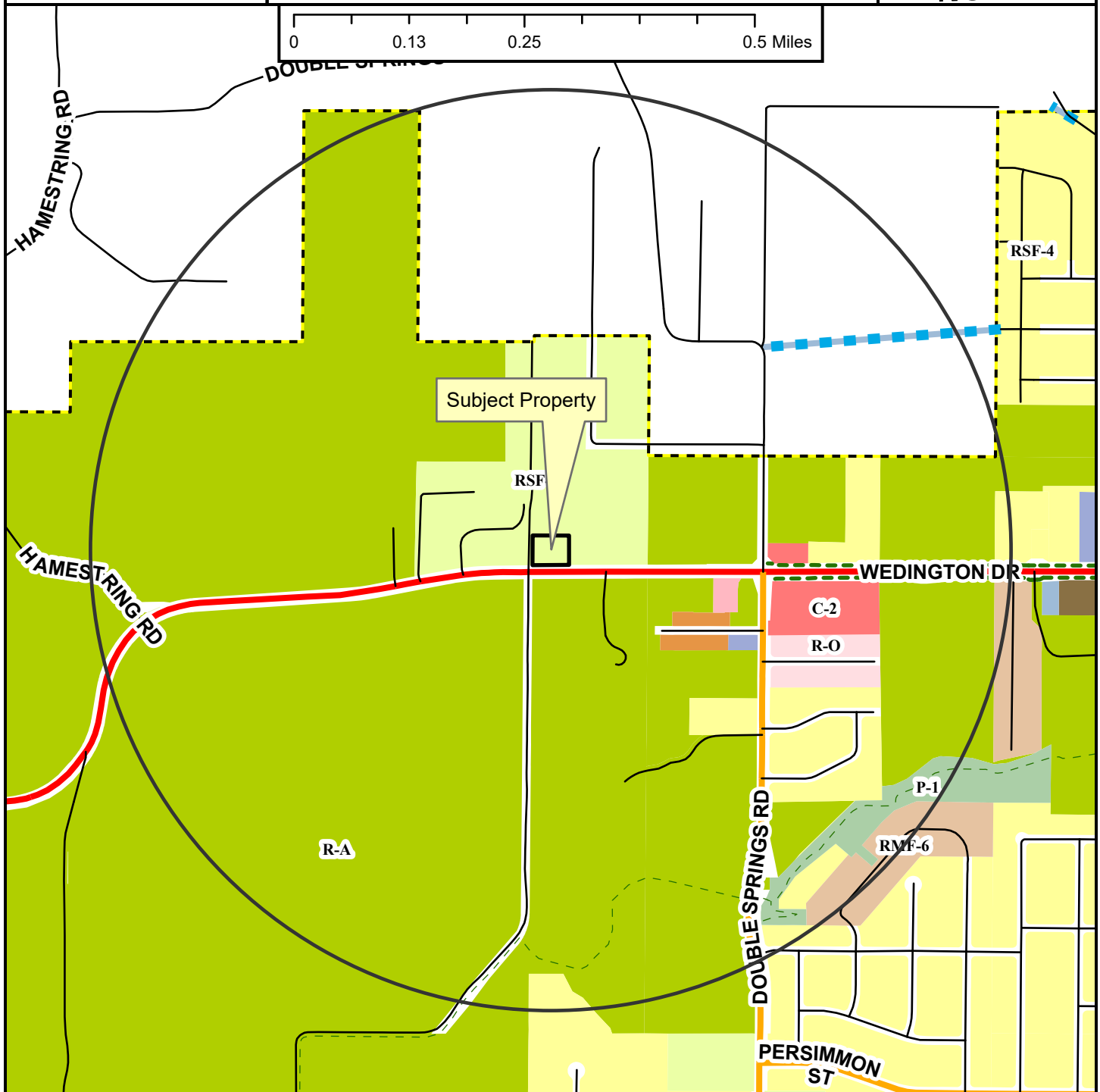
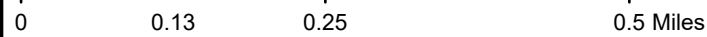
Expiry Date

28X40' Vertical Roof	1	\$7,395.00
12' Height	1	\$960.00
140 MPH + 35 PSF Certified	1	\$0.00
3/12' Roof Pitch	1	\$0.00
Front Wall Closed Horizontal	1	\$1,875.00
Back Wall Closed Horizontal	1	\$1,875.00
Left Closed Horizontal	1	\$1,007.50
Right Closed Horizontal	1	\$1,007.50
10x10 ft Garage Door (Roll-Up) on Right Wall	2	\$2,100.00
36x80 inch Walk-in Door (6 Panel) on Back Wall	1	\$400.00
Reflective (Roof Only)	1	\$1,860.00
Manufacturer Discount	1	\$4,150.00

CUP-2025-0016

6600 W. WEDINGTON DR

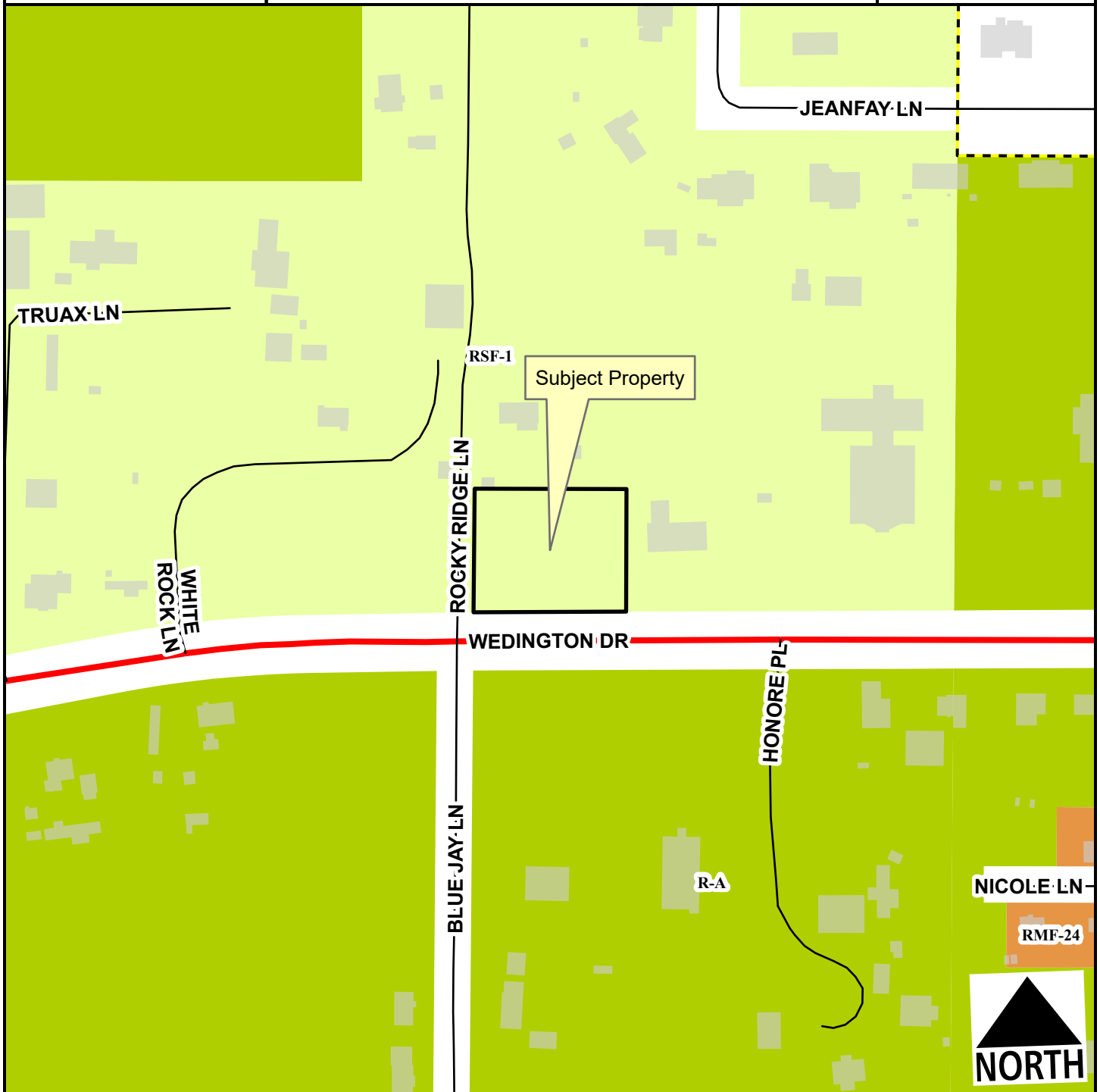
One Mile View



CUP-2025-0016

6600 W. WEDINGTON DR

Close Up View



- Regional Link
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits



- Residential-Agricultural
- RSF-1
- RMF-24

CUP-2025-0016

6600 W. WEDINGTON DR

Current Land Use



- Regional Link
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: May 12, 2025

SUBJECT: **CUP-2025-0019: Conditional Use Permit (1485 W. SUNSET PL, 443):**
Submitted by ANTHONY KITSINGER for property located at 1485 W. SUNSET PL. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.89 acres. The request is to allow an accessory structure on a lot without a principal structure.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0019** with conditions as outlined by staff.

RECOMMENDED MOTION:

"I move to approve **CUP-2025-0019** with conditions, determining:

- In favor of compatibility with adjacent properties; and
- In favor of all other conditions as recommended by staff."

BACKGROUND:

The subject property is located in central Fayetteville approximately 1,300 feet south of the West Wedington Drive and North Sunset Drive intersection. The property totals approximately 0.89 acres. The property owner has applied for a lot split (LSP-2025-0009) which would result in one tract to not have a principle structure but instead an accessory structure. The property is subject to the Hillside/Hilltop Overlay District; but is not subject to streamside protection boundaries, hydric soils, or FEMA floodplain. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Proposal: The applicant requests approval to allow for an existing accessory structure (garage) to be on a tract without an associated principal structure. Fayetteville's Unified Development Code, under §164.02, Accessory Structures, prohibits accessory structures on a lot that does not have a principal structure. Accessory structures may only be allowed without an associated principal structure with conditional use permit approval from the Planning Commission.

City Plan 2040 Future Land Use Designation: **Residential Neighborhood.**

Public Comment: Staff has not received any public comment about the request.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0019**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility for a tract to have an accessory structure without a principal structure.** *Staff finds the accessory building to be compatible with, and unlikely to have a negative impact on, adjacent properties.*
2. **Should the accessory structure be shared with the neighboring property, a shared access easement will need to be signed by the pertinent property owner(s).**

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 12, 2025</u>		☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

C. A conditional use shall not be granted by the Planning Commission unless and until:

1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting conditional use approval of an accessory structure on a lot without a principal structure, as outlined in 164.02(A)(1).

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:

(a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

Finding: The Planning Commission is empowered under Unified Development Code §164.02(A)(1) to grant the requested conditional use permit.

(b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. A single-family structure of the parent tract subject to the lot split was developed in 1976. The proposed lot split would result in one tract with 0.5 of an acre and the second tract result in 0.38 of an acre. Staff finds that this proposed split and conditional permit for an accessory structure would not result in an adverse impact on the public.

(c.) The Planning Commission shall certify:

(1.) Compliance with the specific rules governing individual conditional uses; and

Finding: There are no specific rules governing the request.

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: The applicant would have street access onto West Sunset Place from the second tract. Additionally, should the applicant wish to pursue another option with an access easement, there does exist a gravel driveway that

enters the second tract that passes through the first tract that fronts onto West Sunset Place. Staff finds that the second tract will be able to have sufficient ingress and egress to the property with little to no impact on neighboring properties.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: There are currently no plans for a principal structure on this lot. Should one be constructed, this proposal would eventually contribute to meeting the required parking for any single-family dwelling constructed on site. The applicant has stated that they do anticipate for the development of a residential unit on this property.

- (c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: Refuse containers will likely be contained correctly on the property, and the site is likely to be served by residential carts.

- (d.) Utilities, with reference to locations, availability, and compatibility;

Finding: The property has direct access to City water and sewer.

- (e.) Screening and buffering with reference to type, dimensions, and character;

Finding: Staff is not recommending additional screening for the proposed conditional use permit.

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: No signage is proposed. Any proposed signage will be subject to UDC §174, Signs, and all regulations therein. Signage shall be submitted for permit through the City's Planning Division.

- (g.) Required yards and other open space; and

Finding: The RSF-4, Residential Single-Family, Four Unit Per Acre zoning district has a front and rear setback of 15 feet and a side setback of 5 feet. The existing accessory structure is meeting these requirements.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds the proposed use to be compatible with adjacent properties. The existing garage is constructed of materials not too dissimilar from surrounding housing and accessory structure developments. The existing accessory structure does not hinder future development of a residential unit. Additionally, the garage is screened by existing trees.

- (i.) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: City Plan 2040's Future Land Use Plan designates the subject property as Residential Neighborhood Area, and its infill matrix indicates a score of 10 for this site. Staff finds the applicant's request to be generally aligned with the City's land use plans since it would allow for the development of a single-family residence.

BUDGET/STAFF IMPACT:

None.

Attachments:

- Unified Development Code
 - §164.02 Accessory Structures And Uses
- Applicant Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

164.02 Accessory Structures And Uses

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) Accessory Structures.

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
- (7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.
- (8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

(B) Swimming Pools. Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4817, 1-3-06; Ord. No. 5239, 5-5-09; Ord. No. 5592, 06-18-13; Ord. No. 5950, §1, 2-7-17; Ord. No. 6245, §§4, 5, 10-15-19; Ord. No. 6407 §2, 1-19-21)

164.02 Accessory Structures And Uses

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) Accessory Structures.

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
- (7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.
- (8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

(B) Swimming Pools. Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4817, 1-3-06; Ord. No. 5239, 5-5-09; Ord. No. 5592, 06-18-13; Ord. No. 5950, §1, 2-7-17; Ord. No. 6245, §§4, 5, 10-15-19; Ord. No. 6407 §2, 1-19-21)



March 31, 2025

Mr. Andrew Brink
Planning Commission Chair,
City of Fayetteville, Arkansas
125 W. Mountain Street
Fayetteville, Arkansas 72701

Re: PC Variance Request for Parcel # 765-11347-000 (1485 W. Sunset PL) to retain existing garage

Mr. Brink,

This request letter is for a PC Variance for Parcel # 765-11347-000 (1485 W. Sunset PL – Lots 49 & 50). During a Lot Split Application LSP-2025-009, which proposes a lot-split to recreate lots 49 and 50 as two separate tracts (similar to the original Sunset Woods Plat before the previous owner combined the two lots.) The newly created tract 2 (lot 50) has an existing detached garage built in the 1980s, which is now intended to be utilized for a proposed new single-family residential structure. Since the existing garage was built prior to the planned principle use dwelling (single-family), the zoning ordinance defines this existing detached garage as an accessory structure. Section 164.02(A)(1) states that no accessory structure shall be erected on any property prior to the construction of the principal structure. We are requesting a Planning Commission Variance to retain and utilize the existing garage for the new single-family development rather than being forced to demolish the garage and rebuild.

This request meets the requirements for a PC Variance Approval. (1) Strict enforcement of the zoning ordinance would cause undue hardship to be forced to demolish the garage and rebuild, rather than saving the existing garage; and (2) The granting of this variance will be in keeping with the spirit and intent of sustainability and historic conservation focus of the zoning ordinance for saving and reusing the existing compatible garage structure rather than demolition.

1. The proposed future single-family residential development will meet all UDC requirements with access served by a new private driveway off of West Sunset Place.
 - a.) The existing two-car detached garage is 777 square feet and sited on a 0.385-acre lot.
 - b.) An existing color photograph as well as a floor plan and elevation drawings are provided.
 - c.) A property Survey / Site Plan drawing is provided.
 - d.) Two parking spaces are required by code; however, four parking spaces are provided on-site.
 - e.) The existing structure meets all height and setback restrictions.
 - g.) The lot has perimeter trees and privacy fencing on two sides.
 - h.) The proposed single-family residential use will not impact traffic capacity in the area.

2. See attached signed Property Owner Authorization letter.
3. The applicant will provide Public Notification if required for this specific PC Variance Request.
4. The legal description for the new property tract 2 is as follows:

LOT, NUMBERED FIFTY (50) OF THE SUNSET WOODS SUBDIVISION, A PLANNED UNIT DEVELOPMENT IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NUMBERED FORTY-NINE (49) OF THE SUNSET WOODS SUBDIVISION, A PLANNED UNIT DEVELOPMENT IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AT A ½" REBAR; THENCE NORTH 05°44'32" WEST 126.00 FEET LANDING IN CENTER OF TREE; THENCE NORTH 24°38'32" EAST 55.00 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT, THE LONG CHORD BEARING NORTH 78°45'48" EAST AND THE RADIUS BEING 266.50 FEET, A DISTANCE OF 105.57 FEET; THENCE NORTH 89°49'52" EAST 7.90 FEET; THENCE SOUTH 00°18'08" EAST 194.65 FEET; THENCE SOUTH 89°43'27" WEST, 76.08 FEET TO THE POINT OF BEGINNING, CONTAINING 0.385 ACRE, MORE OR LESS.

Thank you for your consideration of this Planning Commission Variance request to retain and utilize the existing garage for the new single-family development rather than removal and reconstruction of the garage. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,



Anthony "Andy" Kitsinger, AIA, AICP

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00'	45.51'	43.96'	N21°17'59"E	52°09'08"
C2	30.00'	26.90'	26.01'	N2°25'03"E	51°22'31"
C3	286.50'	87.00'	86.62'	N58°03'46"E	18°42'17"
C4	286.50'	105.57'	104.88'	N78°45'48"E	22°41'47"

LINE	BEARING	DISTANCE
L1	N28°20'50"W	19.63'
L2	N48°36'18"E	74.55'
L3	N89°49'52"E	7.90'

ADJACENT LAND OWNERS

1. Parcel: 765-02615-002
KITSINGER, ANTHONY L & SUSAN D
MEMPHIS, TN 38112
2. Parcel: 765-1346-000 & 765-1345-000
BASSETT, WOODSON W III
FAVETTEVILLE, AR 72701
3. Parcel: 765-1344-000
NEW, BOBMYC
FAVETTEVILLE, AR 72701
4. Parcel: 765-1343-000
SSP INVESTMENT LLC
JONESBORO, AR 72404
5. Parcel: 765-1342-000
BANDER, MICHAEL
FAVETTEVILLE, AR 72701
6. Parcel: 765-1341-000
HALL, REBECCAE LIVING TRUST
MEMPHIS, TN 38120
7. Parcel: 765-1334-000
SUNSET WOODS PRO OWNERS ASSOC
1008 N OAKS DR
FAVETTEVILLE, AR 72701
8. Parcel: 765-1330-000 & 765-1331-000
TAVINA, TIMOTHY R FAMILY TRUST
FAVETTEVILLE, AR 72701
9. Parcel: 765-1349-000
DYE, CHRISTOPHER C & DANA M
911 N SUNSET DR
FAVETTEVILLE, AR 72701
10. Parcel: 765-0269-000
WHITE, AMY E IZMERC
501 N SUNSET DR
FAVETTEVILLE, AR 72701
11. Parcel: 765-0260-000 & 765-0260-000
SUNSET DRIVE LLC
LITTLE ROCK, AR 72223

ALL ADJACENT ZONING IS RSF-4

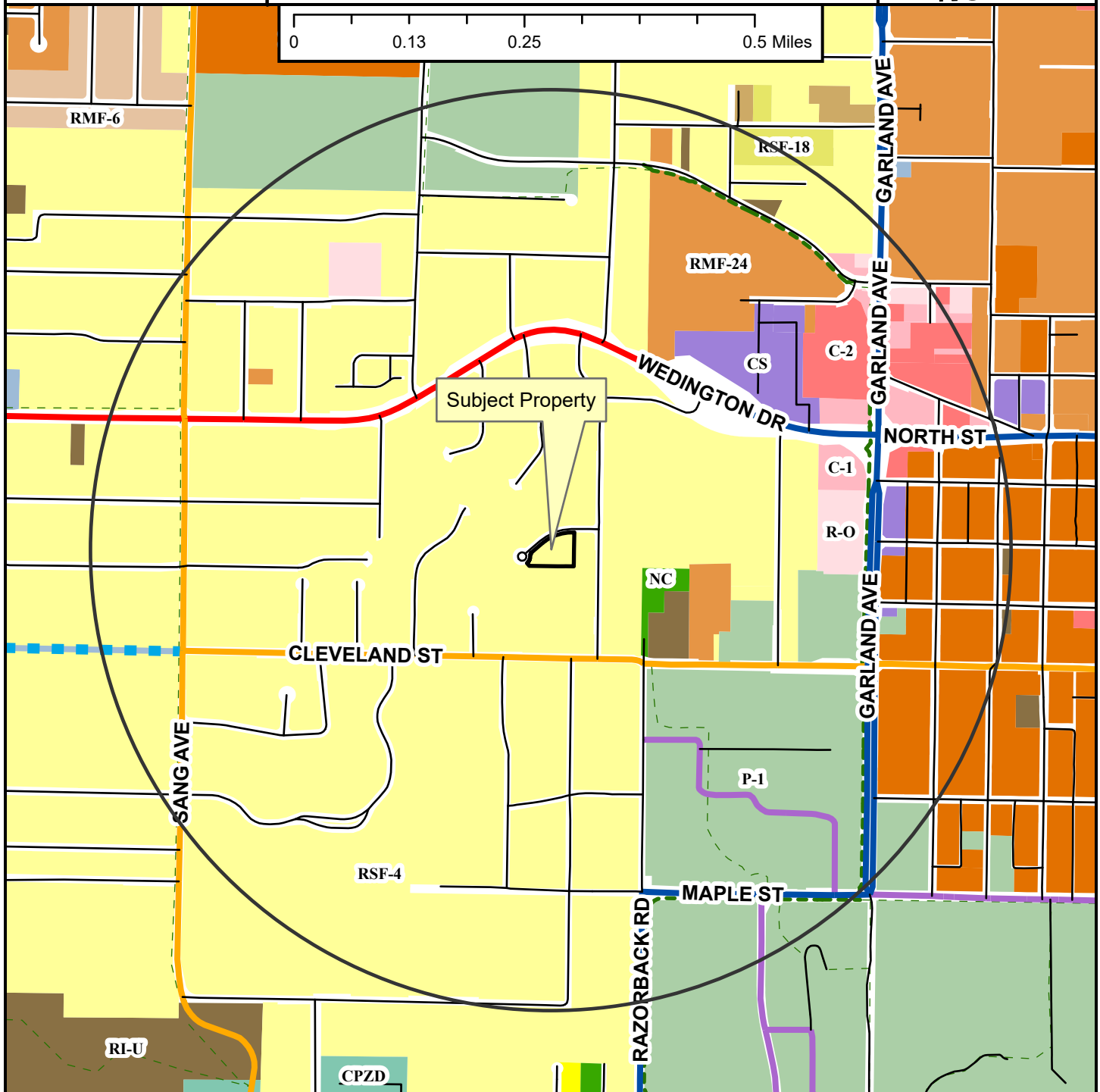
PARENT TRACT - PROPERTY DESCRIPTION/WARRANTY DEED - FILE NO. 2023-00022720: LOTS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030

CUP-2025-0019

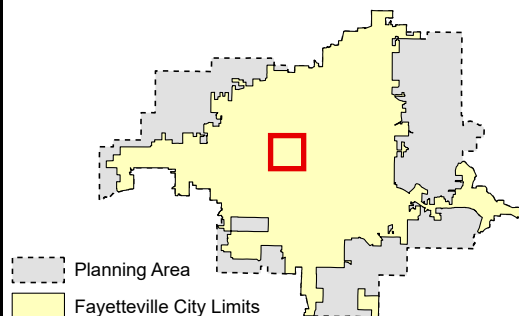
One Mile View

1485 W. SUNSET PL

NORTH



-  Regional Link
-  Neighborhood Link
-  Institutional Master Plan
-  Regional Link - High Activity
-  Unclassified
-  Alley
-  Residential Link
-  Planned Residential Link
-  Shared-Use Paved Trail
-  Trail (Proposed)
-  Fayetteville City Limits
-  Planning Area

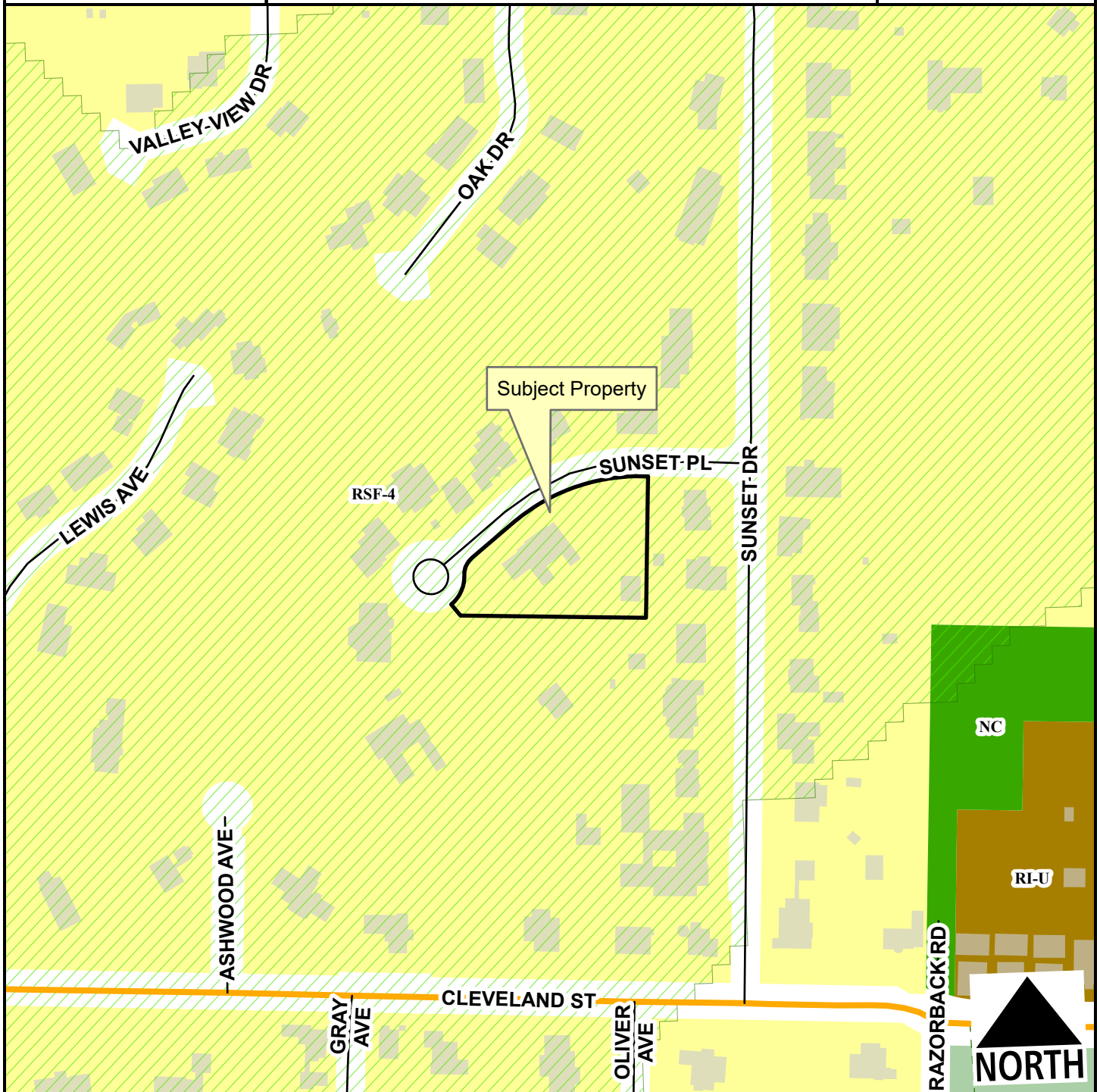


-
- Zoning**
- I-2 General Industrial
 - E-1
 - COMMERCIAL**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
 - RI-U
 - RI-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
- 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

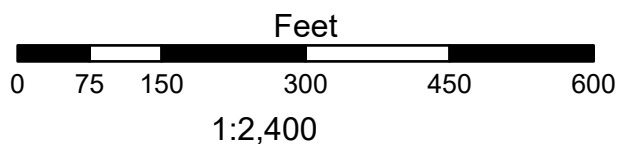
CUP-2025-0019

1485 W. SUNSET PL

Close Up View



- Neighborhood Link
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)



- RSF-4
- RI-U
- Neighborhood Conservation
- P-1

Planning Commission

May 12, 2025

CUP-2025-0019 (DEVELOPMENT STUDIO HOLDINGS LLC)

Page 12 of 13

CUP-2025-0019

1485 W. SUNSET PL

Current Land Use



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 12, 2025

SUBJECT: **CUP-2025-0020: Conditional Use Permit (4398 E. BLACK CANYON ST., 608):** Submitted by SHAWN CORTER for property located at 4398 E. BLACK CANYON ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 7.60 acres. The request is to build an accessory structure on a lot without a principal structure.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0020** with conditions as outlined by staff.

RECOMMENDED MOTION:

"I move to approve **CUP-2025-0020** with conditions, determining:

- In favor of compatibility with adjacent properties; and
- In favor of all other conditions as recommended by staff."

BACKGROUND:

The subject property is located on the east side of S. Bayberry Ave near the intersection of S. Bayberry and W. Black Canyon St. in the southeast side of town. The property totals approximately 7.6 acres and is currently vacant. An unnamed tributary of West Fork White River flows generally south to north along the western portion of the site. The creek is on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. There is currently a regulatory floodplain, Zone A, Base Flood Elevation Undetermined associated with the stream as shown on FEMA Flood Insurance Rate Map (FIRM) Panel 05143C0240G date January 25, 2024. A variance to flood plain requirements as outlined by chapter 168 in the Unified Development Code was granted by the Planning Commission on April 14, 2025 (VAR-2025-0017). Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Undeveloped/Low Density Residential	Washington County (Res/Ag 1 Unit per Acre)
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Undeveloped/Low Density Residential	Washington County (Res/Ag 1 Unit per Acre)

Proposal: The applicant requests approval to construct a 14-foot by 30-foot carport on a vacant lot prior to the construction of an associated primary structure. Fayetteville's Unified Development

Code, under §164.02, Accessory Structures, prohibits accessory structures on a lot that does not have a primary structure. Accessory structures may only be allowed without an associated primary structure with conditional use permit approval from the Planning Commission.

City Plan 2040 Future Land Use Designation: **Residential Neighborhood Area.**

Public Comment: Staff has received public inquiry about the request, but no comments in opposition.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0020**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility for a 14-foot by 30-foot carport to be constructed without a primary structure.** *Staff finds the accessory building to be compatible with, and unlikely to have a negative impact on, adjacent properties.*
2. **The temporary shed must be removed at the time of certificate of occupancy for the associated single-family dwelling.**
3. **This approval does not grant building permit approval for the associated structure or any new primary dwelling. A building permit shall be submitted for review in compliance with all city codes.**

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>May 12, 2025</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
 4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.
- C. A conditional use shall not be granted by the Planning Commission unless and until:
1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting conditional use approval of an accessory structure to be built prior to a primary structure, as outlined in 164.02(A)(1).

2. The applicant shall pay a filing fee as required under Chapter 159 to cover the cost of expenses incurred in connection with processing such application.

Finding: The applicant has paid the required filing fee.

3. The Planning Commission shall make the following written findings before a conditional use shall be issued:
 - (a.) That it is empowered under the section of this chapter described in the application to grant the conditional use;

Finding: The Planning Commission is empowered under Unified Development Code §164.02(A)(1) to grant the requested conditional use permit.

- (b.) That the granting of the conditional use will not adversely affect the public interest.

Finding: Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. The applicant has installed the temporary shed to store construction materials during the ongoing construction of a bridge to provide access through the property, and then subsequently through the construction of a single-family home. Staff finds that the provision of the shed will help contain visual clutter and provide an orderly and organized space for storage of materials during the interim phase prior to the construction of the single-family dwelling. Staff also finds that while the proposed structure is only to exist temporarily, the existing creek and forestation to the north and west of the structure provide adequate screening from the right-of-way and adjacent properties as to not become a visual nuisance.

- (c.) The Planning Commission shall certify:

- (1.) Compliance with the specific rules governing individual conditional uses; and

Finding: **There are no specific rules governing the request.**

(2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: **The applicant proposes one bridged driveway from E. Black Canyon Street that recently received an approved variance to the floodplain requirements (VAR-2025-0017). Staff finds that the location on the proposed site plan meets separation requirements for curb cut locations (a minimum of 5 feet from the property line), as well as driveway width requirements for single-family dwellings (maximum of 24 feet for lots with more than 70 feet of frontage).**

(b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

Finding: **The City of Fayetteville typically requires single-family dwellings to provide off-street parking for two vehicles. The applicant's proposal does not currently provide information about the proposed single-family dwelling on site, but staff finds there is adequate space to provide the necessary parking for single-family homes.**

(c.) Refuse and service areas, with particular reference to ingress and egress, and off-street parking and loading,

Finding: **Refuse containers will likely be contained on site once a single-family dwelling has been constructed, and the site is likely to be served by residential carts.**

(d.) Utilities, with reference to locations, availability, and compatibility;

Finding: **The property has direct access to City water and sewer.**

(e.) Screening and buffering with reference to type, dimensions, and character;

Finding: **Staff is not recommending additional screening for the proposed temporary shed.**

- (f.) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

Finding: No signage is proposed. Any proposed signage will be subject to UDC §174, Signs, and all regulations therein. Signage shall be submitted for permit through the City's Planning Division.

- (g.) Required yards and other open space; and

Finding: The proposed structure appears to meet all required setbacks as regulated by the RSF-4 zoning district.

- (h.) General compatibility with adjacent properties and other property in the district.

Finding: Staff finds the proposed use to be compatible with adjacent properties. Given the natural landscape, the acreage of the site, and the scale of the shed, staff finds the request to be compatible. The provision of the structure to store and contain tools and other items on the site in an orderly fashion prior to the primary structure being constructed on the site will likely positively contribute to the street, rather than negatively affect the surrounding property.

- (i.) General compatibility with the goals and intent of the city's adopted land-use, transportation, and other strategic plans.

Finding: Staff finds the proposed use to be generally compatible with the long-term land use plans for the area. Sheds are typically considered to be an accessory structure to the primary use of the property, which long-term land use plans identify this area to be a residential neighborhood area.

BUDGET/STAFF IMPACT:

None.

Attachments:

- Unified Development Code
 - §164.02 Accessory Structures And Uses
- Applicant Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

164.02 Accessory Structures And Uses

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) Accessory Structures.

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
- (7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.
- (8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

(B) Swimming Pools. Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4817, 1-3-06; Ord. No. 5239, 5-5-09; Ord. No. 5592, 06-18-13; Ord. No. 5950, §1, 2-7-17; Ord. No. 6245, §§4, 5, 10-15-19; Ord. No. 6407 §2, 1-19-21)

Request Letter:

Dear Members of the Planning Commission,

I hope this letter finds you well. I am writing to respectfully request a Conditional Use Permit for the continued use of an existing temporary storage shed located on my property at Washington County Parcel # 765-13117-100.

This temporary shed is being utilized to securely store building materials and equipment during the construction of a bridge that will provide access to the property. Due to the remote nature and accessibility challenges of the site, the secure storage of tools and materials is essential for both safety and operational efficiency during the ongoing bridge construction process.

Upon completion of the bridge, which is a necessary step before initiating the next phase of development, the storage shed will continue to serve a temporary yet vital function. It will be used to house construction materials and equipment required for the subsequent construction of our single-family home on the property. The structure is not intended for permanent use and will be removed once construction is complete.

Our home construction timeline has unfortunately been significantly delayed due to unforeseen circumstances. Specifically, the requirement for a flood engineering study and the high cost of constructing a code-compliant bridge to meet city ordinances have added substantial, unexpected expenses. We are now nearly \$100,000 over our original budget, and as a result, the projected completion of our single-family home is now estimated to be approximately three years out.

We understand and respect the city's zoning ordinances and permitting requirements, and we are committed to ensuring the temporary structure meets all applicable safety, aesthetic, and environmental standards. Your consideration of this request would help ensure we can safely and efficiently proceed with the development of our property despite these unexpected setbacks.

Thank you for considering this request. I would be happy to provide any additional documentation or answer questions related to this permit request. Your assistance in allowing this temporary use will greatly support the successful and timely development of our property.

1. Structure Details:

Square Feet: 420 (14'x30' exterior dimensions)
Doors: 9'x7' manual garage door, and 1 steel entry door 3' width.
Foundation: Solid block foundation slightly above grade with steel mobile home anchors 2' deep.
Colors: Walls are painted dark green, roof and trim are black
Placement: Hidden towards back side of property outside of view from public street and neighbors.

2. Legal Description:

PART OF THE E/2 OF THE SW/4 OF SECTION NINETEEN (19), TOWNSHIP SIXTEEN (16) NORTH, RANGE TWENTY-NINE (29) WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SE/4 OF THE SW/4 OF SAID SECTION 19; THENCE ALONG THE EAST LINE OF SAID SE 1/4 OF THE SW 1/4, S02°49'18"W A DISTANCE OF 373.56 FEET TO A POINT; THENCE S62°50'13"W A DISTANCE OF 443.22 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CENTERLINE, N21°29'33"E A DISTANCE OF 5.11 FEET; THENCE N28°01'30"E A DISTANCE OF 116.48 FEET; THENCE N33°52'56"E A DISTANCE OF 124.85 FEET; THENCE N05°43'34"W A DISTANCE OF 53.02 FEET; THENCE N15°01'32"W A DISTANCE OF 35.71 FEET; THENCE N03°27'38"E A DISTANCE OF 47.01 FEET; THENCE N19°09'11"E A DISTANCE OF 76.75 FEET; THENCE N28°02'26"W A DISTANCE OF 38.28 FEET; THENCE N44°40'21"W A DISTANCE OF 35.92 FEET; THENCE N06°32'40"W A DISTANCE OF 13.76 FEET; THENCE N03°59'37"E A DISTANCE OF 101.17 FEET TO THE SOUTH LINE OF THE NE/4 OF THE SW/4; THENCE LEAVING SAID CENTERLINE, N87°02'15"W A DISTANCE OF 110.06 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156" AT THE SOUTHEAST CORNER OF LOT 25 AS SHOWN ON FILE NO. 2019-27335 OF THE WASHINGTON COUNTY RECORDS; THENCE ALONG THE EAST LINE OF SAID LOT 25, N02°57'45"E A DISTANCE OF 127.31 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156" AT THE NORTHEAST CORNER OF SAID LOT 25; THENCE LEAVING SAID EAST LINE, S87°01'10"E A DISTANCE OF 28.28 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE N02°57'45"E A DISTANCE OF 50.00 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.00 FEET, AN ARC LENGTH OF 46.94 FEET, AND A CHORD BEARING AND DISTANCE OF N42°12'53"W 42.29 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE N02°36'28"E A DISTANCE OF 148.39 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156" AT THE SOUTHWEST CORNER OF LOT 70 AS SHOWN ON FILE NO. 23A-389 OF THE WASHINGTON COUNTY RECORDS; THENCE ALONG THE PERIMETER OF SAID LOT 70, S87°23'36"E A DISTANCE OF 78.00 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S02°36'24"W A DISTANCE OF 178.69 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE S87°02'15"E A DISTANCE OF 43.40 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE N02°50'21"E A DISTANCE OF 127.39 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE N22°48'52"E A DISTANCE OF 228.43 FEET TO A FOUND IRON PIN WITH CAP "PLS 1156"; THENCE N70°28'42"E A DISTANCE OF 240.95 FEET TO A POINT ON THE EAST LINE OF THE

3. Site Plan:

75'

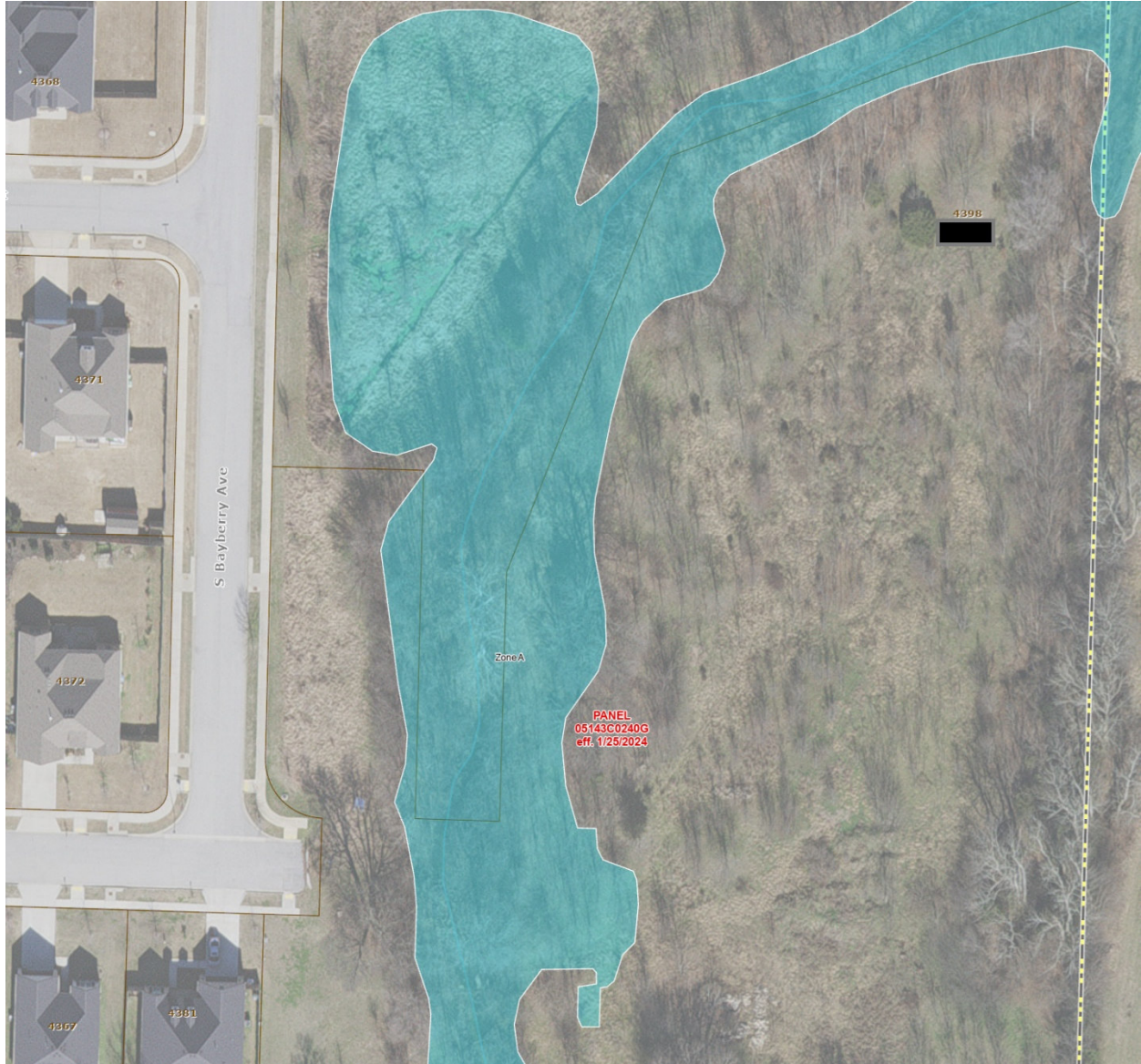
65'

South Gregory Avenue

PH (Socorro) Pajo 66

4. Flood Elevation:

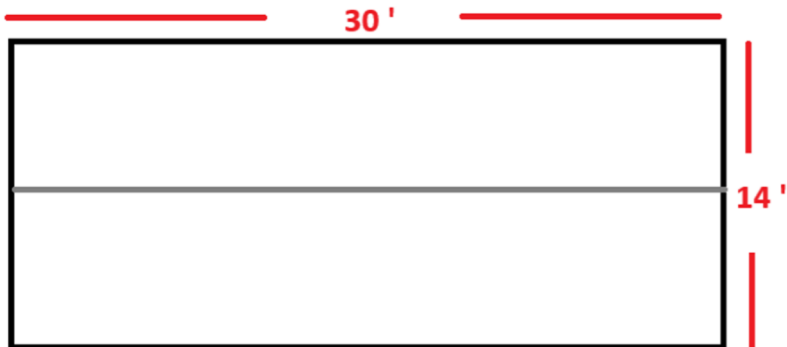
Lowest point of the structure is approximately 6-7' above the base flood elevation.



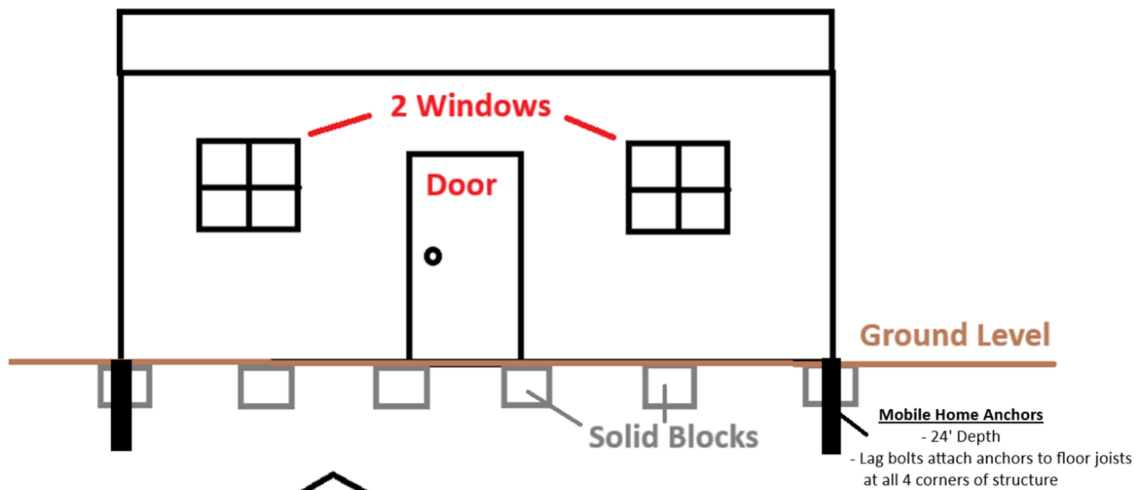


5. Floor Plan:

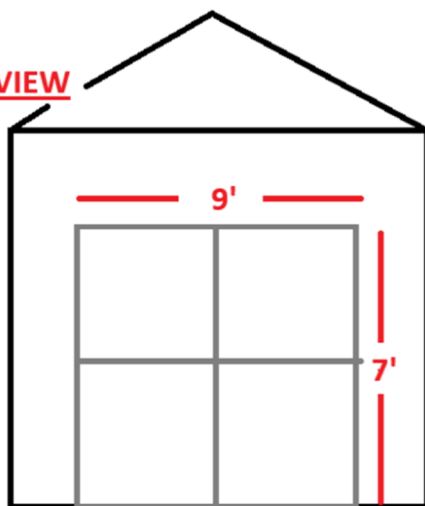
TOP VIEW



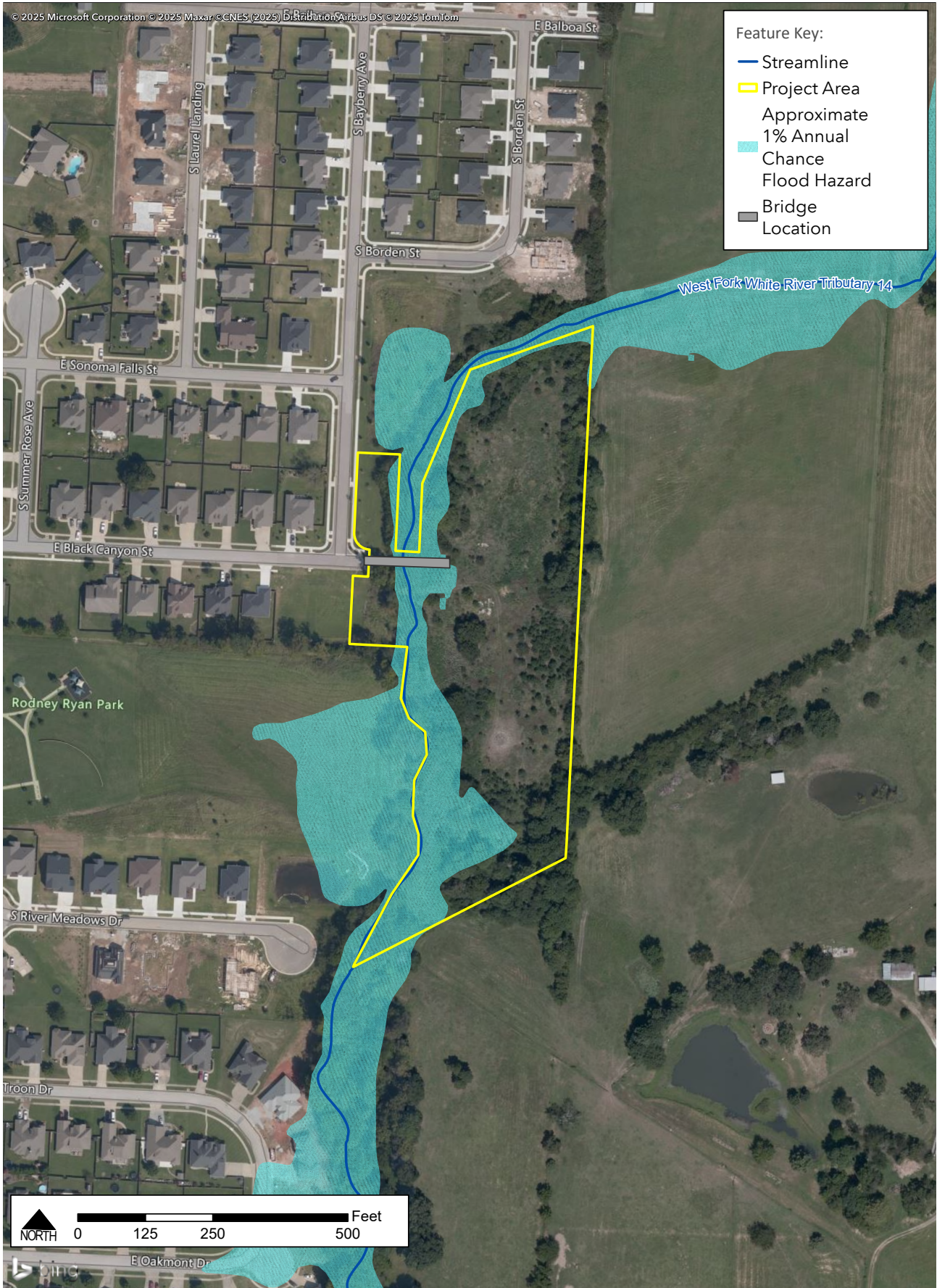
NORTH VIEW

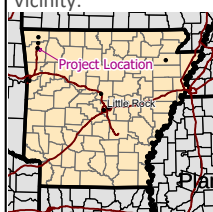


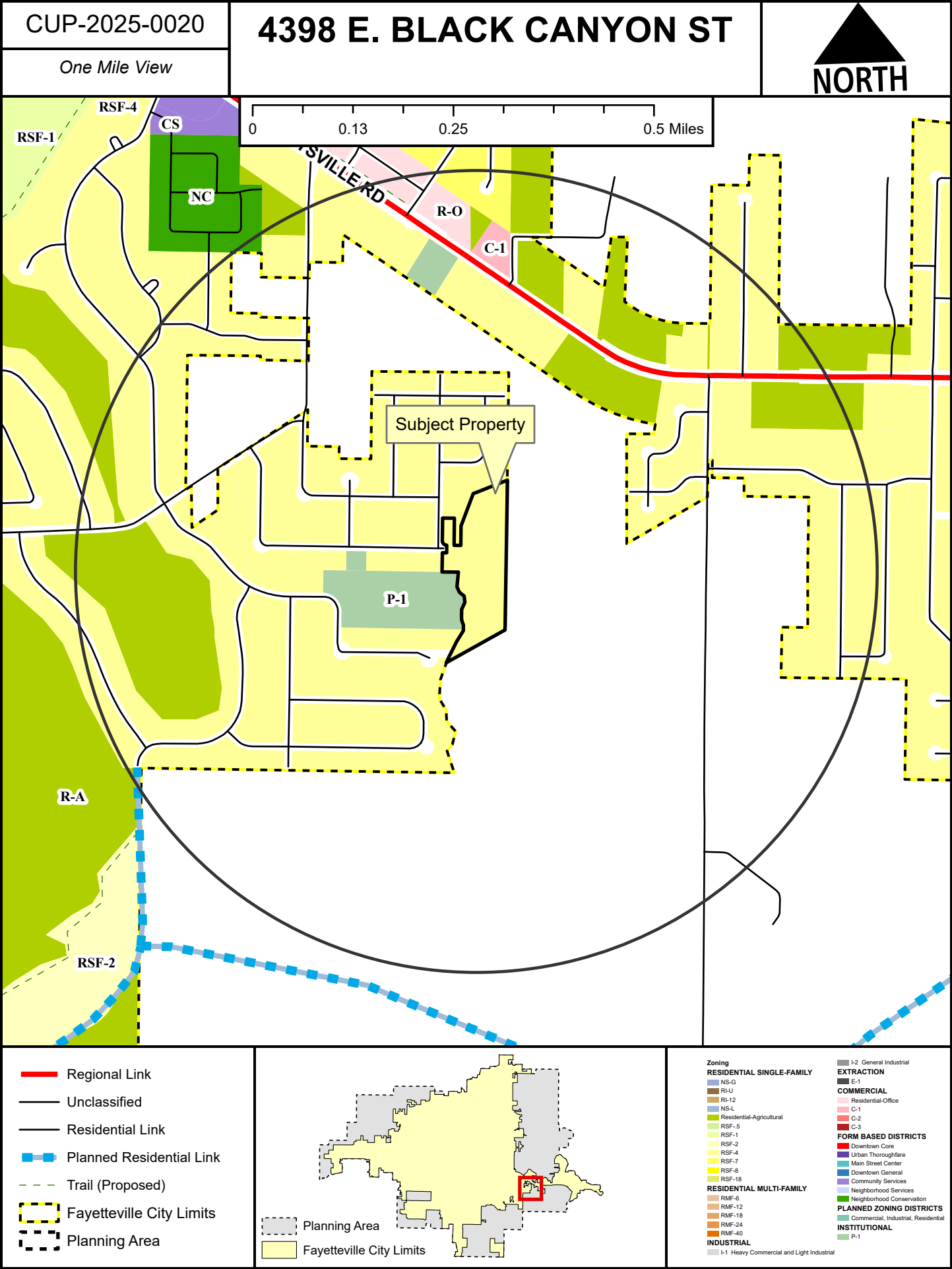
EAST VIEW



[illegible]



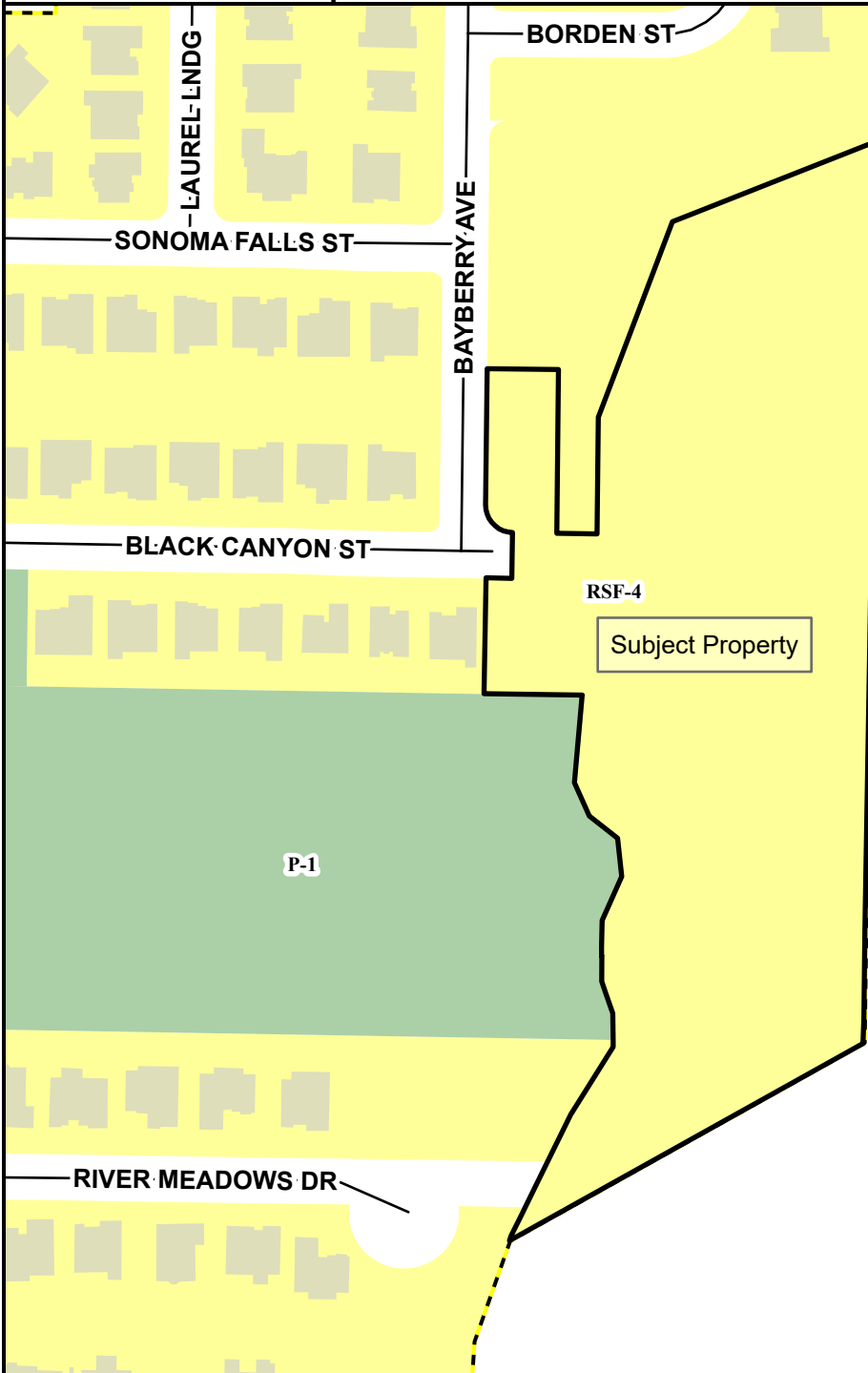
Client Name: Black Maple LLC		Notice of Intent: This map was created by Olsson Geospatial Analytics unit to visualize general location(s) of subject property. Unless otherwise stated, features depicted herein do not represent legal or survey boundaries. Vicinity: 	 Planning Commission May 12, 2025
Project Title: West Fork White River Tributary 14 No Adverse Impact Analysis			
Project Location: Washington County Parcel No. 765-13117-100 Fayetteville, AR 72701	Description: Figure 1. Project Location.		
Date Exported: 2/25/2025 3:42 PM			



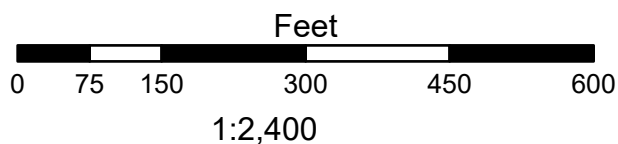
CUP-2025-0020

4398 E. BLACK CANYON ST

Close Up View



- Residential Link
- Planning Area
- Fayetteville City Limits



- RSF-4
- P-1

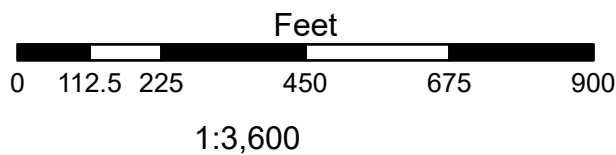
CUP-2025-0020

4398 E. BLACK CANYON ST

Current Land Use



- Unclassified
- Residential Link
- - - Planning Area
- - - Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 12, 2025

SUBJECT: **RZN-2025-0016: Rezoning (1230 W. HENDRIX ST/REAGOR HOMES LLC, 404):** Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at 1230 W. HENDRIX ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNIT PER ACRE and contains approximately 0.50 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0016** to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2025-0016** to City Council with a recommendation for approval."

BACKGROUND:

The subject property is a 0.50-acre residential lot on the north side of W. Hendrix Street, located between N. Addington Avenue and N. Garland Avenue. The property is part of the Hendrix Addition and currently contains one single-family dwelling which was constructed in 1949. The property is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre. No overlay districts, streams, or floodplain occur on the site. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-18, Residential Single-Family, 18 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Residential Intermediate	RSF-18, Residential Single-Family, 18 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units Per Acre to RI-12, Residential Intermediate – 12 Units per Acre. The applicant did not submit any associated development plans.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS:

Streets: The property's frontage along W. Hendrix Street, a residential link, is partially improved with asphalt paving. Any street improvements required in these areas would be determined at the time of development proposal. Any additional

improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. There is an existing 6-inch water main along the south side of W. Hendrix Street.

Sewer: Sanitary sewer is available to the subject area. There is an existing 6-inch sewer main along W. Hendrix Street. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 270 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside-Hilltop Overlay District or a FEMA floodplain. Additionally, no protected streams are present. Hydric soils are present on the property, which are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required. Any additional improvements or requirements for drainage will be determined at time of development.

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 8, located at 2266 W Deane St., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 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 did not comment on this request.

Tree Preservation:

The proposed zoning district of RI-12, Residential Intermediate, 12 Units per Acre, 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 **Residential Neighborhood Area**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. 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, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood. The following guiding policies are designed to encourage future and existing residential neighborhoods to be or become more complete, compact and connected:

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for the area in question, with a weighted score of 8. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #8, 2266 W. Deane Street)
- Near Sewer Main (6", W. Hendrix Street)
- Near Water Main (6", W. Hendrix Street)
- Near Grocery Store (Harps on N. Garland Avenue)
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (On-street facility, N. Garland Avenue)
- Near Razorback Bus Stop (N. Garland Avenue)

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:*** The area surrounding the subject property is primarily single-family homes, though there are nearby apartment complexes at Hendrix Street and Garland. Despite this, the Hendrix Addition maintains a predominantly single-family character. Staff finds the proposed RI-12 rezoning compatible with surrounding uses. RI-12 permits a mix of low-intensity residential types, including up to four-unit buildings, but maintains minimum lot standards—50 feet in width and 5,000 sq. ft. in area for single-family homes. This block of W. Hendrix Street includes RSF-4, RI-12, and RSF-18 zoning, making the rezoning request consistent with the area. The parcel could likely be subdivided once for two single-family homes; a multi-unit building would require the full lot. While RSF-4 and RI-12 allow similar uses, RI-12 permits more housing types with smaller lot size requirements, encouraging compatible infill development without disrupting neighborhood scale.

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 property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations. RI-12 would allow higher range of residential density not allowed in the current zoning district and in an infill location, consistent with the City's land use policies.

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

Finding: Staff finds the request to be justified. The existing lot width and depth, greater even than the minimums allowable in the RSF-4 zoning district, prevent a level of compatible infill development that would be consistent with the future land use goals of the area.

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

Finding: Rezoning and redevelopment of the property under RI-12 has the potential to slightly increase traffic on Hendrix Street. The size of the property, totaling around half an acre, will naturally restrict the number of potential dwellings, and therefore the possibility of increased traffic danger and congestion will not be appreciable.

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 RI-12 increases the potential population density but will not undesirably increase the load on facilities and services. As noted above, this half-acre property has access to existing water, sewer, and other public services that eliminate the need for costly extensions or stretched fire or police service.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0016 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 12, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
-------------------------	-----------

- (G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(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. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre

- (A) *Purpose.* The RI-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
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 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

- (C) *Density.*

Units per acre	12
----------------	----

- (D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet

Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.
------------------	-------------------	-------------------	---------------------

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear Single Family
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet	5 feet	20 feet	5 feet

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
-------------------------	----------------------

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of three (3) stories.

(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 06-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§4, 8, 9, 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; Ord. No. 6658, §2(Exh. A), 5-2-23)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

April 2, 2025

City of Fayetteville
Planning Department
125 W. Mountain Street
Fayetteville, AR 72701

RE: Rezoning Parcel No. 765-06281-000 from RSF-4, Residential Single family, Four (4) Units Per Acre – Neighborhood Conservation to RI-12–Residential Intermediate–Twelve (12) Units Per Acre

Dear Planning Staff:

This letter is intended to accompany a rezone request for Parcel No. 765-15111-001, located at 1230 W. Hendrix St. in Fayetteville.

The parcel is currently zoned RSF-4, Residential Single family, Four (4) Units Per Acre (RSF-4). The applicant is requesting that it be rezoned to RI-12, Residential Intermediate–Twelve (12) Units Per Acre (RI-12). This property is adjacent to RSF-18 to the West and South and RSF-4 to North and East. There have been a number of parcels along Hendrix St. which have been zoned to RSF-18 or RI-12. The proposed RI-12 zoning promotes infill projects by allowing a diversity of unit types with flexible lot widths. RI-12 does not allow multi-family by right, and Hendrix St. already contains a mixture of single-family and multi-unit structures. A rezone to RI-12 would allow for infill that properly blends with the current development pattern. Accordingly, a rezone to RI-12 would be compatible with the existing mix of development, and zoning districts.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

WK:
pc:

