

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, May 22, 2025

4:30 PM

100 W. ROCK STREET

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 May 12, 2025 Planning Commission.
- Mirinda Hopkins, Development Coordinator

Unfinished Business**2. 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.

THIS ITEM WAS TABLED AT THE MAY 12, 2025 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

3. VAC-2025-0007: Vacation (7 S. UNIVERSITY AVE/AWBG LLC, 522):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 7 S. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and DG, DOWNTOWN GENERAL and contains approximately 2.83 acres. The request is to vacate a portion of airspace above an existing platted alley right-of-way.

THIS ITEM WAS TABLED AT THE MARCH 24, 2025 AND APRIL 28, 2025 PLANNING COMMISSION MEETINGS. - Jessica Masters, Development Review Manager

4. RZN-2025-0011: Rezoning (SOUTHWEST OF W. CENTER ST AND N. UNIVERSITY AVE/THE HUB, 522):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located SOUTHWEST OF W. CENTER ST AND N. UNIVERSITY AVE. The property is zoned DG, DOWNTOWN GENERAL, and RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 2.83 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

THIS ITEM WAS TABLED AT THE APRIL 28, 2025 PLANNING COMMISSION MEETING. - Donna Wonsower, Planner

New Business

5. PPL-2024-0011: Preliminary Plat (1640 S. HANSHEW RD/KESSLER CREEK, 596):

Submitted by ODYSSEY ENGINEERING for property located at 1640 S. HANSHEW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, CS, COMMUNITY SERVICES, R-A, RESIDENTIAL-AGRICULTURAL, and CPZD, COMMERCIAL PLANNED ZONING DISTRICT, and contains approximately 46.74 acres. The request is for the preliminary plat of 111 residential lots and three non-buildable lots.

- Donna Wonsower, Planner

6. LSD-2025-0007: Large Scale Development (WEST OF S. DUNCAN AVE & W. TREADWELL ST/DUNCAN AVE STUDENT HOUSING DEVELOPMENT, 522):

Submitted by ECOLOGICAL DESIGN GROUP for property located WEST OF S. DUNCAN AVE & W. TREADWELL ST. The property is zoned MSC, MAIN STREET CENTER, and RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 3.87 acres. The request is for a mixed-use structure with 3,000 square feet of commercial space and 294 multi-family residential units and associated parking. - Donna Wonsower, Planner

7. CUP-2025-0022: Conditional Use Permit (1433 S. DUNCAN AVE/HAR TEX LLC, 561):

Submitted by NANCY & MICHAEL HARRIS for property located at 1433 S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental.

- Gretchen Harrison, Senior Planner

8. CUP-2025-0021: Conditional Use Permit (1638 S. PRICE AVE/BRICENO, 600):

Submitted by NESTOR BRICENO for property located at 1638 S. PRICE AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.18 acres. The request is for a duplex in a single-family zoning district. - Wesley Frank, Planner

9. CUP-2025-0023: Conditional Use Permit (1560 S. SCHOOL AVE/FIRECAT COFFEE, 601):

Submitted by ADAM FIRE CAT for property located at 1560 S. SCHOOL AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.58 acres. The request is for a drive-thru coffee shop. - Donna

Wonsower, Planner

10. RZN-2025-0013: Rezoning (2330 N. RAVEN LN/SIEMEK & BATES, 324):

Submitted by WESLEY BATES for property located at 2330 N. RAVEN LN. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.40 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE. - Wesley Frank, Planner

11. RZN-2025-0014: Rezoning (1314 S. ELLIS AVE/SIEMEK & BATES, 561):

Submitted by WESLEY BATES for property located at 1314 S. ELLIS AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD. - Donna Wonsower, Planner

12. RZN-2025-0017: Rezoning (1312 E. ZION RD/BURGAS REALTY LLC, 136):

Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 1312 E. ZION RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 4.61 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.
- Jessica Masters, Development Review Manager

Items Administratively Approved by Staff

13. LSP-2025-0009: Lot Split (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 split a parcel into two lots containing 0.50 and 0.38 acres.
- 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, 05/12/2025					
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 (04/28/2025)	2) CCP-2025-0009 (PARKER INVESTMENTS)	3) LSD-2025-0004 (SWX RD INVESTMENTS LLC)	4) VAR-2025-0026 (18TH STREET DUPLEXES)	5) VAR-2025-0028 (MOTTO & TEMP BY HILTON)	6) CCP-2025-0008 (RESORT AT MARKHAM HILL)
Madden	1	1	1	1		1	1
Cabe	1	1	1	1		1	1
Payne	1	1	1	1		1	1
Brink	1	1	1	1		1	1
Garlock	1	1	1	1		1	1
McGetrick	1	1	1	1		1	1
Castin	1	1	1	1		1	1
Werner	1	1	1	1		1	1
Gulley	1	1	1	1		1	1
Agenda		Consent	Consent	Consent	New	New	New
Action		Approve	Approve	Approve	Withdrawn	Approve	Approve
Motion By		Werner	Werner	Werner		Werner	Garlock
Motion 2nd		Cabe	Cabe	Cabe		Castin	Gulley
Vote		9-0-0	9-0-0	9-0-0		9-0-0	9-0-0
Time		5:33 PM	5:33 PM	5:33 PM		5:40 PM	5:45 PM
Motion Detail						With all conditions as recommended by staff.	With all condition as recommended by staff.
Public Comment		0	0	0		0	0

(pg. 2) Planning Commission						
Monday, 05/12/2025						
	7) CUP-2025-0018 (EMPEROR INVESTMENTS LLC)	8) LSD-2025-0005 (CRISIS BREWING)	9) CUP-2025-0017 (OADE)	10) CUP-2025-0016 (HM SHIPP)	11) CUP-2025-0019 (DEVELOPMENT STUDIO HOLDINGS LLC)	12) CUP-2025-0020 (BLACK MAPLE LLC)
Madden	1	1	1	1	1	1
Cabe	1	1	1	1	1	1
Payne	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Garlock	1	1	1	1	0	1
McGetrick	1	1	1	1	1	1
Castin	1	1	1	1	1	1
Werner	1	1	1	1	1	1
Gulley	1	1	1	1	1	1
Agenda	New	New	New	New	New	New
Action	Approve	Approve	Approve	Approve	Approve	Approve
Motion By	Werner	Werner	Cabe	Gulley	Castin	Werner
Motion 2nd	Castin	Castin	Payne	Cabe	Cabe	Payne
Vote	9-0-0	9-0-0	9-0-0	9-0-0	8-1-0	9-0-0
Time	6:17 PM	6:18 PM	6:21 PM	6:34 PM	6:39 PM	6:44 PM
Motion Detail	With all conditions as recommended by staff.	In favor of all variances except 172.04@3 with all other conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.
Public Comment	0	4	0	2	0	0

(pg. 3) Planning Commission		Monday, 05/12/2025				
	13) RZN-2025-0016 (REAGOR HOMES LLC)					
Madden	1					
Cabe	1					
Payne	1					
Brink	1					
Garlock	1					
McGetrick	1					
Castin	1					
Werner	1					
Gulley	1					
Agenda	New					
Action	Table					
Motion By	Werner					
Motion 2nd	Cabe					
Vote	9-0-0					
Time	6:45 PM					
Motion Detail						
Public Comment	0					



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 27, 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:

This item was tabled at the applicant's request at the May 12, 2025 Planning Commission. 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, allow for 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 27, 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
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- (G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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

Editor's note(s)—Ord. No. 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
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- (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.
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(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*
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* 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
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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.

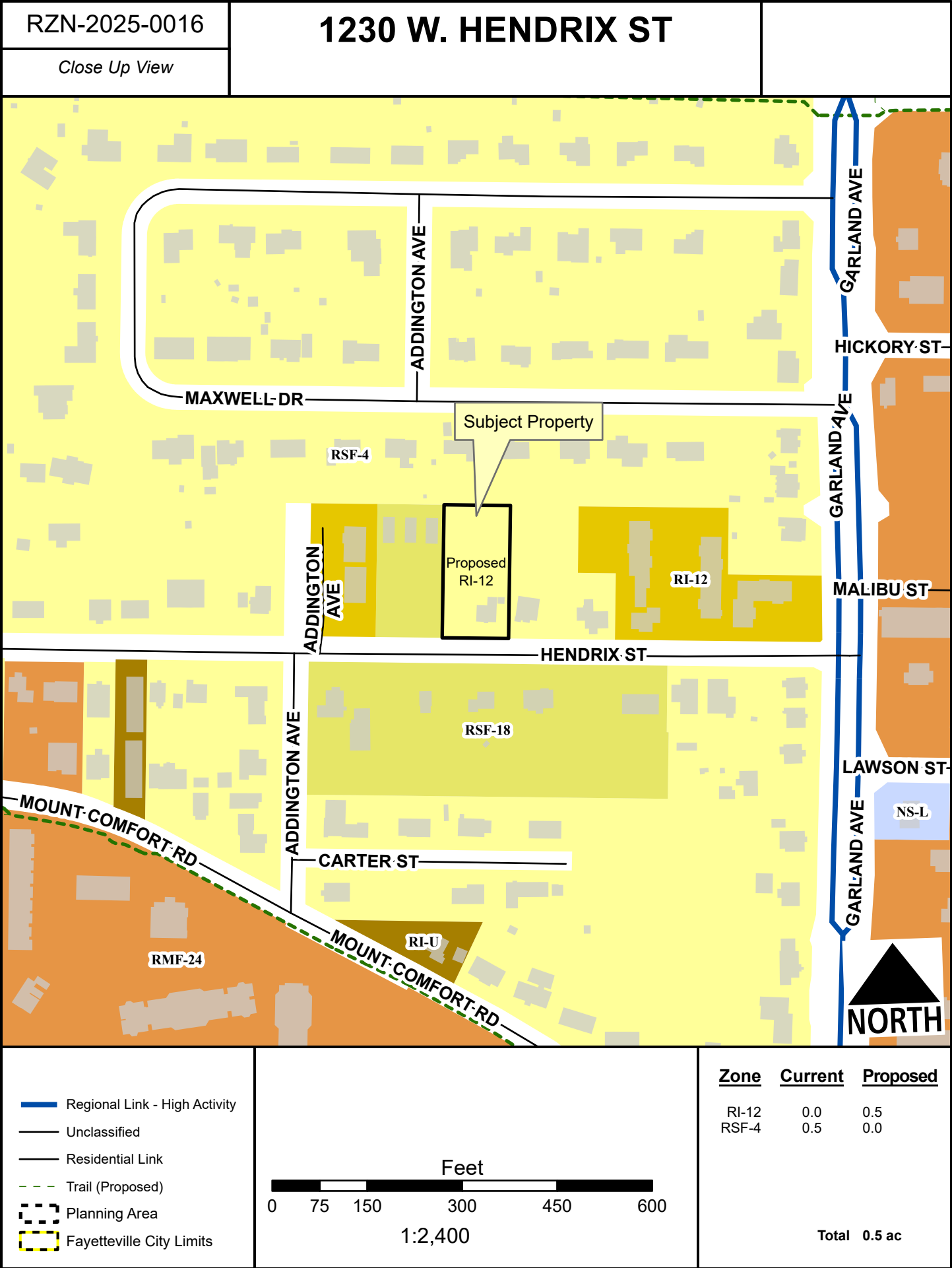
Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

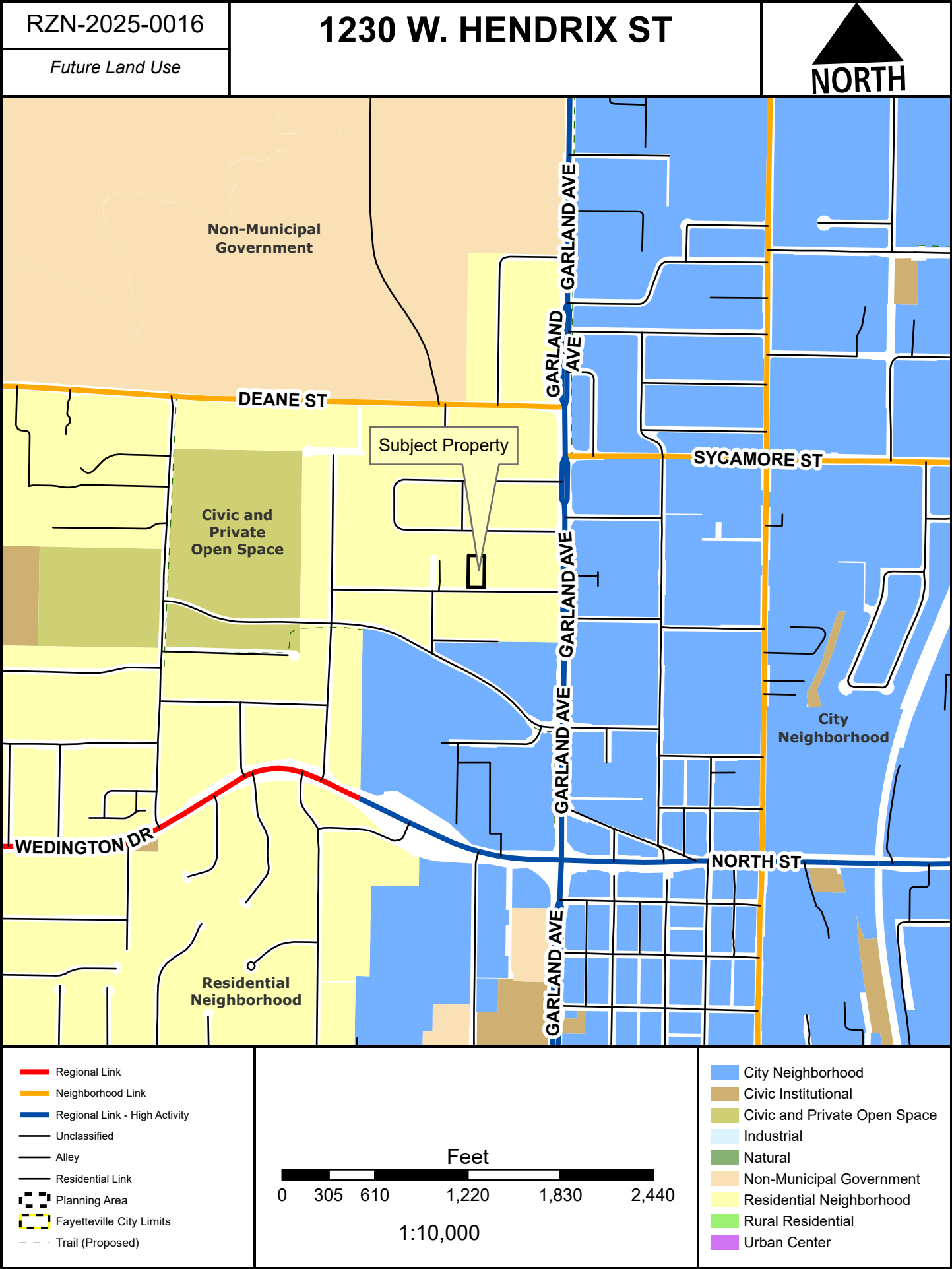
/s/ Will A. Kellstrom

Will A. Kellstrom

WK:
pc:









TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 27, 2025

SUBJECT: **VAC-2025-0007: Vacation (7 S. UNIVERSITY AVE/AWBG LLC, 522):**
Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 7 S. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and DG, DOWNTOWN GENERAL and contains approximately 2.83 acres. The request is to vacate a portion of airspace above an existing platted alley right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2025-0007** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **VAC-2025-0007** to the City Council with a recommendation of approval, with all conditions as outlined by staff."*

MARCH 24, 2025 PLANNING COMMISSION MEETING

Commissioners voted to table the item for one month to schedule a special meeting with the Planning Commissioners to discuss the applicant's overall project. A meeting was held on April 2, 2025, where the applicant presented a preliminary concept to build a multi-family, student-oriented housing project that would require both a rezoning and the ROW vacation to construct. The applicant also proposed an option that would span the structure over the existing ROW, rather than require a vacation. In the interim, the applicant submitted a concept plan for City staff to review, and comments on that proposal were issued at the April 16 Tech Plat review meeting. Subsequently, the applicant and City staff had a meeting to discuss the option of spanning the ROW on Monday, April 21, and a license to encroach agreement was under review by City staff. The applicant requested to table the vacation request to pursue the alternative option.

APRIL 28, 2025 PLANNING COMMISSION MEETING

On April 28, the applicant requested to be tabled for one month to continue to explore the airspace encroachment option. After conferring with the City's legal department, it was determined that the applicant's request was to be considered a partial vacation. In the interim, the applicant submitted updated signatures, legal description, and letter to describe the request. The utility responses, where received, have been updated to reflect the changes.

BACKGROUND:

The subject property is at the southwest corner of W. Center Street and S. University Avenue and is zoned RMF-40, Residential Multi-Family, 40 Units per Acre and DG, Downtown General. The property encompasses multiple parcels and sites, which are currently developed with an apartment complex that County records indicate was constructed in the 1960s, a multi-family structure that was built in the early 1900s (the Putman House), and another mid-century

apartment complex in the northwest side of the site. No overlay districts govern the site, but it is immediately west of the Downtown Design Overlay District boundary, which currently terminates at S. University Avenue. There is an approximately 9.3% change in grade upward as the property moves south from W. Center Street. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Cemetery/Multi-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Multi-Family Residential	DG, Downtown General
East	Commercial	MSC, Main Street Center
West	Multi-Family Residential	DG, Downtown General

Proposal: The applicant proposes to vacate a portion of airspace above a platted alley right-of-way that begins at W. Center Street and terminates about halfway through the block. The airspace vacation would begin vertically 18 feet above the project alley finished grade and extending vertically 70 feet from the vertical starting point. The applicant intends to redevelop the site with a student-oriented, multi-family housing development.

DISCUSSION:

On the balance of considerations, staff recommends approval of the applicant's request to partially vacate the right-of-way. Staff originally recommended denial of a full vacation of the alley, finding it to contrary to the City's goals of creating sites that are compact, complete, and connected. Staff finds that applicant's updated proposal is more in line with those goals, as the right-of-way will still be maintained for potential future access. There are a few conditions of approval tied to this recommendation that will help ensure compliance with building and fire codes, as well as provide for any necessary utilities or access in the future, should it be required. That said, an updated sign-off from the Water/Sewer Division was not yet provided, though the applicant has been in touch with that division. Staff recommends a condition of approval guaranteeing this information prior to placement on a City Council agenda.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided that any damage or relocation of any Cox facilities will be at the applicant's expense.
AEP/SWEPCO	No objections and no comments.
Black Hills Energy	No objections and no comments.
AT&T	No objections, though notes that AT&T has existing services to the buildings at/in this area. Prior to any telecom demolition in the area, all active services need to have been disconnected by the end user(s). Further, any existing copper service lines to existing structures are "grandfathered" in where they currently exist.
Ozarks Electric	No objections and no comments.

City of FayettevilleResponse

Water/Sewer

No objections, provided that no private water or sewer services are located in described vacation. (An updated response from this group has not yet been provided).

Solid Waste & Recycling

No objections and no comments.

Transportation

No objections and no comments, since the requested vacation begins 18 feet above the finished grade.

Public Comment: Staff have received comments in opposition to this request at previous Planning Commission hearings, with concerns about student housing complexes and large-scale developments that would displace long-term residents.

RECOMMENDATION: Staff recommends forwarding **VAC-2025-0007** to the City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

1. The platted right-of-way shall be graded and/or prepared to accommodate potential for construction of a two-way alley.
2. An alternate method of construction (AMOC) must be submitted to the Building Official for review and approval for the allowance for residential units to encroach above the public right-of-way. Arkansas Fire Prevention Code Vol. II Section 104.11 specifies that the AMOC must show the design complies with the intent of the code. The AMOC shall also show the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to quality, strength, effectiveness, fire resistance, durability, and safety to allow the residential units to encroach above the public right-of-way. At a minimum, the structure over the right-of-way must be non-combustible construction and the height no less than 15'.
3. No private water or sewer services may be located within described vacation.
4. Prior to any telecom demolition in the area, all active services need to have been disconnected by the end user(s). Further, any existing copper service lines to existing structures are "grandfathered" in where they currently exist.
5. Any damage or relocation of existing facilities will be at the property owner/developer's expense.
6. Applicant shall provide an updated signature from water and sewer prior to the item's placement on a City Council agenda.

PLANNING COMMISSION ACTION: Required YES

Date: May 27, 2025 ☐ Tabled ☐ Forwarded ☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey
- One Mile Map
- Close-Up Map
- Current Land Use Map

May 22, 2025

To: City of Fayetteville Planning Commission and City Council

RE: The Hub – Partial Alley Aerial Vacation Request

Planning Commission and City Council members,

On behalf of the developer, Core Spaces, McClelland Consulting Engineers requests a partial aerial vacation of an unused alley between parcels 765-09771-000, 765-09772-000, and 765-09774-000. The subject property the requested partial vacation is located on is east of “Atmosphere”, a multi-family residential development, north of Eco Modern Flats, a multi-family residential development, and south of Evergreen Cemetery.

Bordered on three sides by S. Hill Avenue, W. Center Street, & S. University Avenue, the existing alley is approximately 20’ wide and 300’ long, running north to south.

The intent is to vacate an aerial portion at the north end of the existing alley, approximately 20’ wide and 100’ long, between the elevations of 1332 feet above sea level and 1402 feet above sea level.

Utilities involved with this vacation request are Fayetteville Water & Sewer, SWEPCO, Ozarks Electric Cooperative, Black Hills Energy, Cox Communications, and AT&T.

Please let me know if you have any questions.

Sincerely,
McClelland Consulting Engineers, Inc.



James Dibble, Assistant Project Manager
(479) 443.2377
jdibble@mce.us.com

February 11, 2025

PETITION TO VACATE AN ALLEY LOCATED IN LOTS 1-6, AND 19-24, BLOCK 1, PUTMAN'S ADDITION SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS.

To: The Fayetteville City Planning Commission and The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the **alley**, hereinafter sought to be abandoned and vacated, lying in **lots 1-6, and 19-24, block 1, Putman's Addition subdivision**, which is described as follows:

(Legal Description of Alley to be vacated is attached)

That the abutting real estate affected by said abandonment of the alley are **lots 1-6, and 19-24, block 1, Putman's Addition subdivision**, City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above-described **alley**.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Kevin Curry

Printed Name

Kevin Curry
Signature

02/11/2025

Date

The Hub- Alley Vacation

Fletcher bennett

Printed Name

Fletcher Bennett

02/11/2025

Signature

Date

allen white

Printed Name

Allen White

02/11/2025

Signature

Date

Sincerely,
McClelland Consulting Engineers, Inc.



Nathan Crouch, Project Coordinator



(479) 443.2377

ncrouch@mce.us.com



Alley Legal Descriptions: **(NOT TO BE VACATED WITH THIS REQUEST)**

Parcel **765-09771-000**:

A part of a 19.9' platted alley in Block 1 of Putman's Addition Plat to the City of Fayetteville Arkansas, as per Plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described as follows:

BEGINNING (POB) AT THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 1; THENCE ALONG THE NORTH LINE OF SAID BLOCK 1, S 86°24'10" E - 10.07 FEET TO THE CENTERLINE OF THE ALLEY; THENCE LEAVING SAID NORTH LINE, ALONG SAID CENTERLINE, S 02°47'58" W - 150.12 FEET; THENCE LEAVING SAID CENTERLINE, N 86°21'06" W - 9.84 FEET TO THE SOUTHEAST CORNER OF LOT 3 OF SAID BLOCK 1; THENCE ALONG THE WEST LINE OF THE ALLEY, N 02°42'38" E - 150.12 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 1,494 SQ. FT., OR 0.03 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

Parcel **765-09774-000**:

A part of a 19.9' platted alley in Block 1 of Putman's Addition Plat to the City of Fayetteville Arkansas, as per Plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described as follows:

BEGINNING (POB) AT THE NORTHWEST CORNER OF LOT 24 OF SAID BLOCK 1; THENCE ALONG THE EAST LINE OF SAID ALLEY, S 02°49'09" W - 299.89 FEET TO THE SOUTHWEST CORNER OF LOT 19 OF SAID BLOCK 1; THENCE N 86°27'52" W - 9.73 FEET TO THE CENTERLINE OF THE ALLEY; THENCE ALONG SAID CENTERLINE, N 02°47'58" E - 299.87 FEET TO THE NORTH LINE OF SAID BLOCK 1; THENCE ALONG SAID NORTH LINE, S 86°34'18" E - 9.83 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 2,933 SQ. FT., OR 0.07 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

Parcel **765-09772-000**

A part of a 19.9' platted alley in Block 1 of Putman's Addition Plat to the City of Fayetteville Arkansas, as per Plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described as follows:

BEGINNING (POB) AT THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 1; THENCE ALONG THE WEST LINE OF THE ALLEY, N 02°54'52" E - 149.93 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID BLOCK 1; THENCE S 86°21'06" E - 9.84 FEET TO THE CENTERLINE OF THE ALLEY; THENCE ALONG SAID CENTERLINE, S 02°47'58" W - 149.75 FEET; THENCE LEAVING SAID CENTERLINE, N 87°25'17" W - 10.14 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 1,496. SQ. FT., OR 0.03 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

Overall:

A part of a 19.9' platted alley in Block 1 of Putman's Addition Plat to the City of Fayetteville Arkansas, as per Plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described as follows:

BEGINNING (POB) AT THE NORTHWEST CORNER OF LOT 24 OF SAID BLOCK 1; THENCE ALONG THE EAST LINE OF SAID ALLEY, S 02°49'09" W - 299.89 FEET TO THE SOUTHWEST CORNER OF LOT 19 OF SAID BLOCK 1; THENCE LEAVING SAID EAST LINE, N 86°27'52" W - 9.73 FEET TO THE CENTERLINE OF SAID ALLEY; THENCE N 87°25'17" W - 10.14 FEET TO THE SOUTHEAST CORNER OF LOT 6 OF SAID BLOCK 1; THENCE ALONG THE WEST LINE OF SAID ALLEY, N 02°54'52" E - 149.93 FEET TO THE NORTHEAST CORNER OF LOT 4 OF SAID BLOCK 1; THENCE CONTINUING ALONG SAID WEST LINE, N 02°42'38" E - 150.12 FEET TO THE NORTHEAST CORNER OF LOT 1 OF SAID BLOCK 1; THENCE LEAVING SAID WEST LINE, S 86°24'10" E - 10.07 FEET ALONG THE NORTH LINE OF SAID BLOCK 1 TO THE CENTERLINE OF SAID ALLEY; THENCE CONTINUING ALONG SAID NORTH LINE, S 86°34'18" E - 9.83 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 5,923. SQ. FT., OR 0.14 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

Partial Alley Vacation (3-Dimensional Alley Vacation): **AREA TO BE VACATED**

A portion of a 19.9' platted alley in Block 1 of Putman's Addition Plat to the City of Fayetteville Arkansas, as per Plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described as follows:

A 3-DIMENSIONAL ALLEY VACATION AREA, SAID AREA BEING 100 FEET DEEP (NORTH & SOUTH) BEGINNING AT THE NORTH PROPERTY LINE OF SAID BLOCK 1, AND EXTENDING SOUTH 100 FEET, AND SAID ALLEY VACATION BEING 19.9

FEET WIDE (EAST & WEST), BETWEEN SAID LOTS, AND SAID VERTICAL VACATION BEGINNING 18 FEET ABOVE THE PROPOSED FINISH GRADE OF 1332 FEET (NAVD 1988, GEOID09) AND EXTENDING VERTICALLY 70 FEET TO THE PROPOSED FINISH GRADE OF 1402 FEET (NAVD 1988, GEOID09), WITH THE PROPOSED 3-DIMENSIONAL VACATED ALLEY AREA ALSO BEING SHOWN ON THE ATTACHED EXHIBIT A & EXHIBIT B SHEETS. THE INTENT OF THE 3-DIMENSIONAL VACATION IS TO HAVE A PARTIAL ALLEY VACATION WHICH IS 19.9 FEET WIDE BY 100 FEET LONG AND STARTING VERTICALLY 18 FEET ABOVE THE PROJECT ALLEY FINISHED GRADE AND EXTENDING VERTICALLY 70 FEET FROM THE VERTICAL STARTING POINT.

Exhibit A

RE: Partial Alley Vacation Petition
The Hub @ Fayetteville

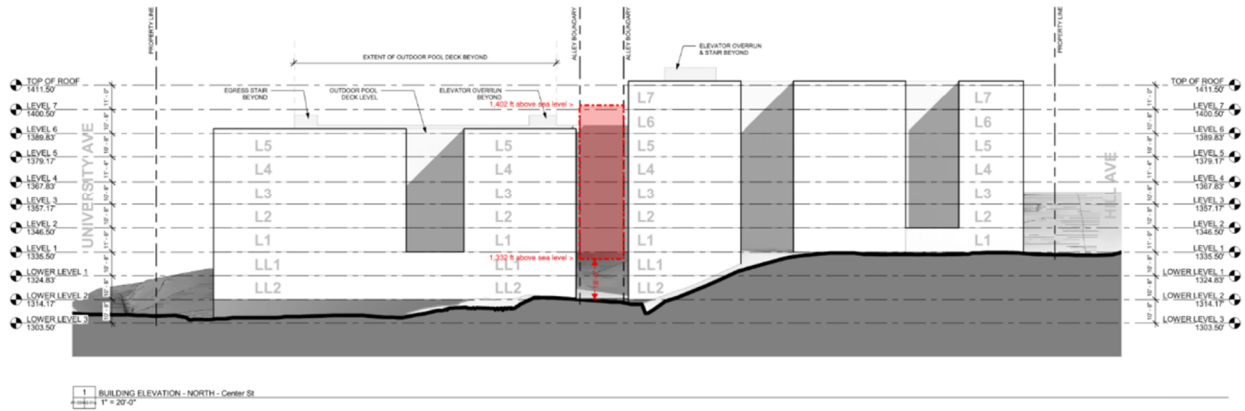
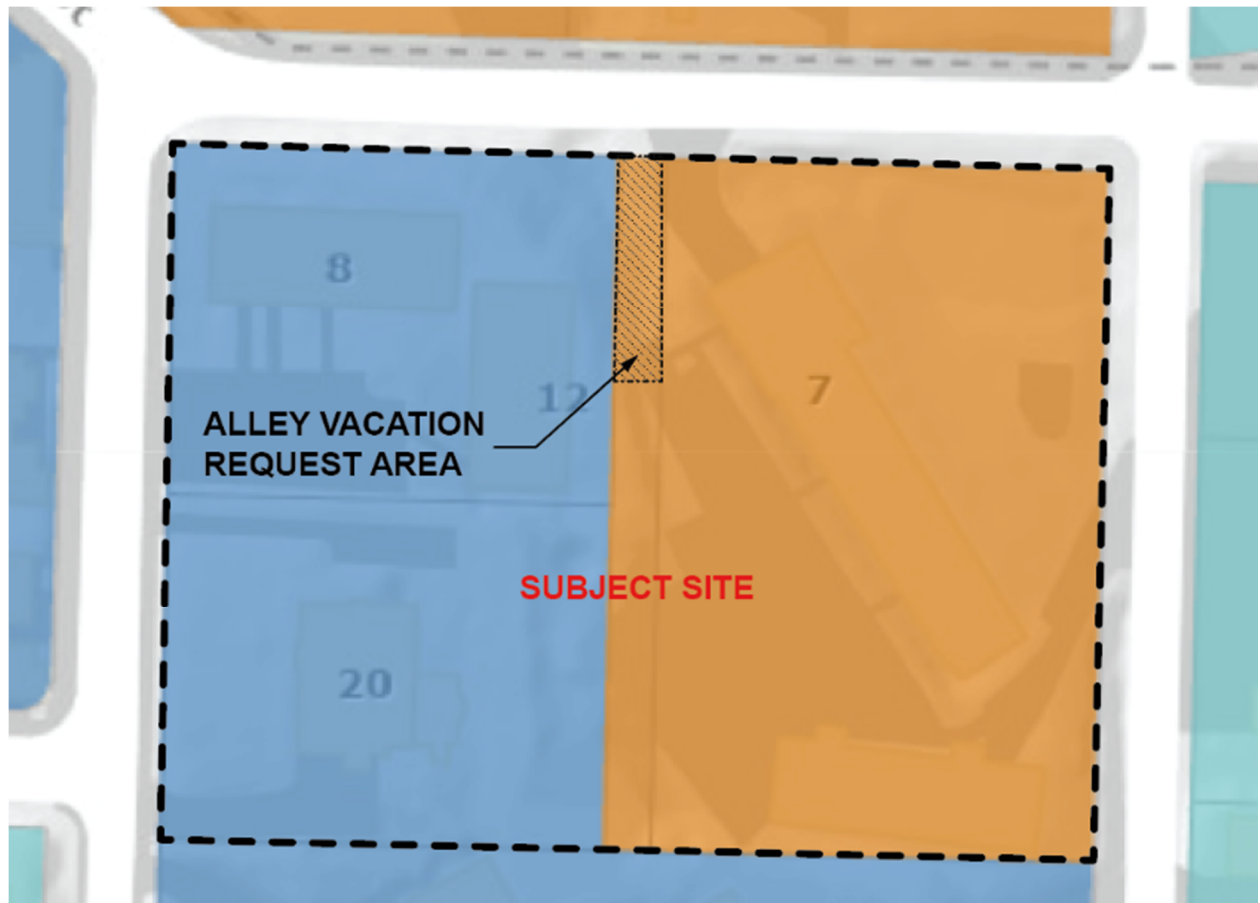


Exhibit B



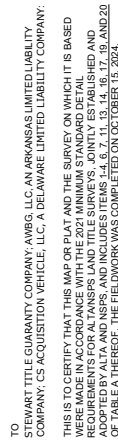
MCE DESIGNED TO SERVE
McCLAND CONSULTING ENGINEERS, INC.
1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

811
Know what's below.
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REVISIONS		
REV	DATE	DESCRIPTION

PROJ. MANAGER:	CB	DRAWN BY:	DB
DATE:	11/15/2024	REVISION:	
SCALE:	AS NOTED	PROJ. NUMBER:	242143

PROPERTY ADDRESS:
7 S UNIVERSITY AVE
FAYETTEVILLE, AR 72701

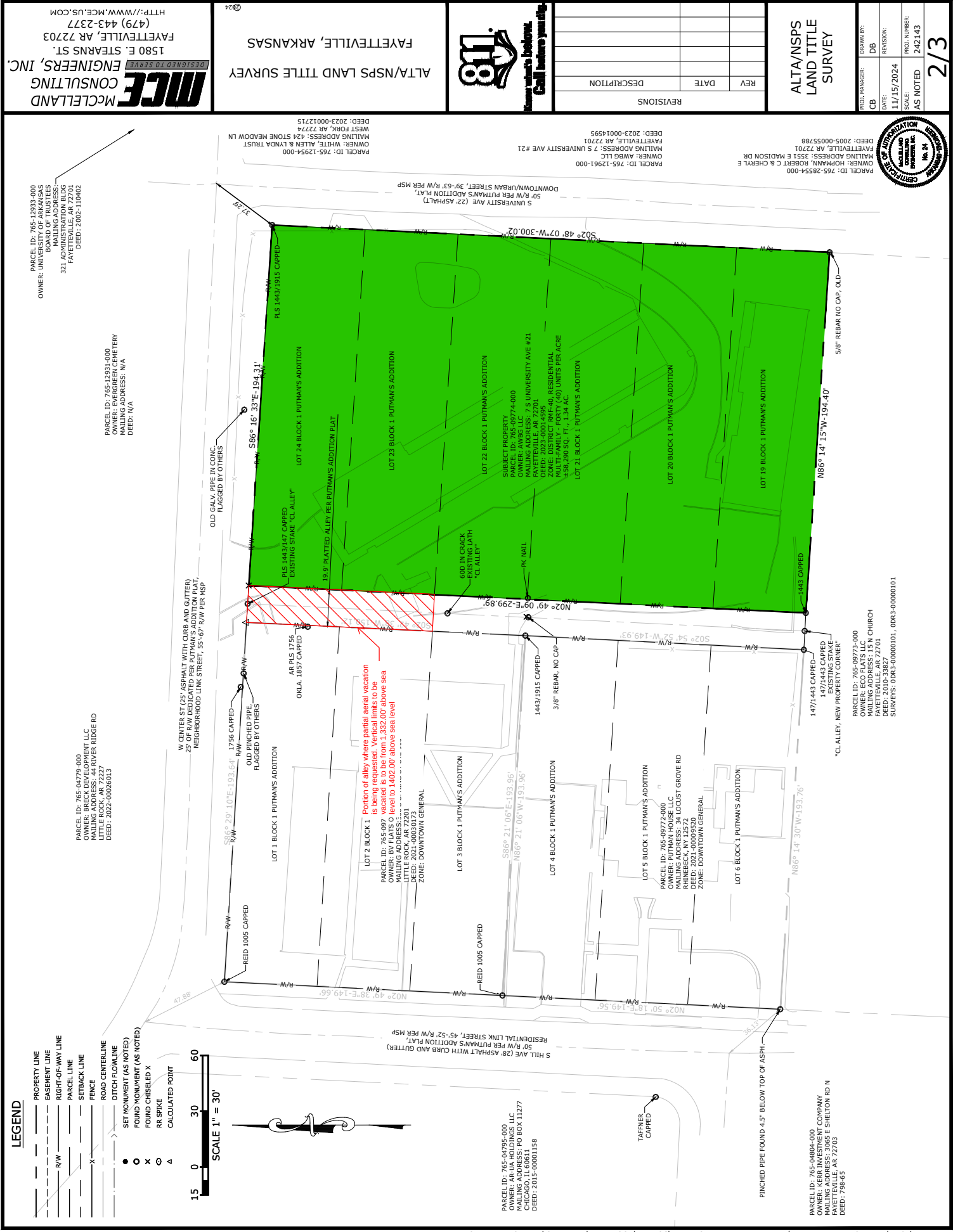


DAVID BUFF
ARKANSAS PS #1894

12. THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITHOUT ANY GAPS OR GORES.

LEGEND

- PROPERTY LINE
- EASEMENT LINE
- R/W
- RIGHT-OF-WAY LINE
- PARCEL LINE
- SETBACK LINE
- PERCE
- ROAD CENTERLINE
- DITCH FLOWLINE
- SET MONUMENT (AS NOTED)
- FOUND MONUMENT (AS NOTED)
- FOUND CHISELED X
- RR SPIKE
- CALCULATED POINT



PARCEL ID: 765-12933-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 44 RIVER RIDGE RD
FAYETTEVILLE, AR 72703
DEED: 2022-00026013

PARCEL ID: 765-04779-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

W CENTER ST (25' ASPHALT WITH CURB AND GUTTER)
25' OF R/W DEDICATED PER PUTNAM'S ADDITION PLAT,
NEIGHBORHOOD LINK STREET, 55'-67' R/W PER MSP

LOT 2 BLOCK 1
Portion of alley where partial aerial vacation
is being requested. Vertical limits to be
OWNER: BV FLATS 0 level to 1402.00' above sea
PARCEL ID: 765-097-000
MAILING ADDRESS: 1402.00' above sea
DEED: 2021-00030173
ZONE: DOWNTOWN GENERAL

PARCEL ID: 765-04795-000
OWNER: AR-VA HOLDINGS LLC
MAILING ADDRESS: PO BOX 11277
FAYETTEVILLE, AR 72703
DEED: 2015-00001158

PARCEL ID: 765-09772-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 3065 E SHELTON RD N
FAYETTEVILLE, AR 72703
DEED: 738465

PARCEL ID: 765-09773-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 15 N CHURCH
FAYETTEVILLE, AR 72701
DEED: 2010-33827
SURVEYS: 0003-00000101, 0003-00000101

PARCEL ID: 765-04804-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 3065 E SHELTON RD N
FAYETTEVILLE, AR 72703
DEED: 738465

PARCEL ID: 765-09773-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 15 N CHURCH
FAYETTEVILLE, AR 72701
DEED: 2010-33827
SURVEYS: 0003-00000101, 0003-00000101

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A



PARCEL ID: 765-28554-000
OWNER: HORMANN, ROBERT C & CHERYL E
MAILING ADDRESS: 3521 E MADISON DR
FAYETTEVILLE, AR 72701
DEED: 2005-00055788

PARCEL ID: 765-12961-000
OWNER: AMBG, LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE # 21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

S UNIVERSITY AVE (22' ASPHALT)
50' R/W PER PUTNAM'S ADDITION PLAT,
DOWNTOWN/URBAN STREET, 39'-63' R/W PER MSP

PARCEL ID: 765-12954-000
OWNER: WHITE, ALBY & LYNDA TRUST
MAILING ADDRESS: 424 STONE MEADOW LN
WEST FORK, AR 72774
DEED: 2023-00012715

ALTA/NSPS LAND TITLE SURVEY
FAYETTEVILLE, ARKANSAS



REV	DATE	DESCRIPTION

ALTA/NSPS
LAND TITLE
SURVEY

PROJECT MANAGER:	CS/WM: BT
DATE:	DB
REVISION:	
SCALE:	11/15/2024
PROD. NUMBER:	
AS NOTED	242143

2/3

W:\2024\24-2143 - FAYETTEVILLE, AR - AMPLIFY DEVELOPMENT\SURVEY\BOUNDARY\DRAWING\242143 ALTA.DWG

PROJ. MANAGER:	DRAWN BY:
CB	DB
DATE:	REVISION:
11/15/2024	
SCALE:	PROJ. NUMBER:
AS NOTED	242143

3/3



811.  **what's below.**
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ALTA/NSPS LAND TITLE SURVEY

MCE DESIGNED TO SERVE
McCLELLAND
CONSULTING
ENGINEERS, INC.
1580 E. STARNES ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
[HTTP://WWW.MCE.US.COM](http://www.mce.us.com)

MCE DESIGNED TO SERVE
McCLELLAND
CONSULTING
ENGINEERS, INC.
1580 E. STARNES ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
[HTTP://WWW.MCE.US.COM](http://www.mce.us.com)

ALTA/NSPS LAND TITLE SURVEY OF
WASHINGTON COUNTY PARCEL 765-09771-000,
LOTS 1, 2, AND 3 OF BLOCK 1 PUTMAN'S ADDITION
TO THE CITY OF FAYETTEVILLE, ARKANSAS

COMMITMENT FOR TITLE INSURANCE
STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 242460
DATED AUGUST 29, 2024 AT 8:04AM

PROPERTY DESCRIPTION - PER TITLE COMMITMENT NO. 242460

LOTS ONE (1), TWO (2) AND THREE (3), BLOCK ONE (1), PUTMAN'S ADDITION TO THE CITY OF FAYETTEVILLE,
ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO
RECORDER OF WASHINGTON COUNTY, ARKANSAS.

SCHEDULE B-1 REQUIREMENTS

N/A TO SURVEY

SCHEDULE B-1 EXCEPTIONS

1-2. N/A TO SURVEY

3. THIS SURVEY ADDRESSES EASEMENTS PROVIDED IN THE TITLE COMMITMENT. OBSERVED EVIDENCE OF
EASEMENTS OR CLAIMS ARE AS SHOWN HEREON. SURVEYOR MAKES NO STATEMENT REGARDING EVIDENCE
OBSERVED OR NOT READILY VISIBLE

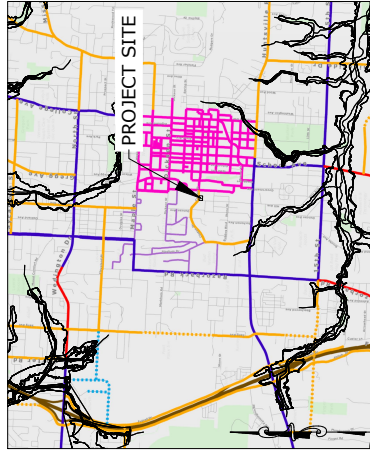
4. AS SHOWN HEREON

5-12. N/A TO SURVEY

13. BUILDING SET BACKS, ERECTIONS, RIGHT OF WAYS AND EASEMENTS, AS SHOWN ON SUBDIVISION PLAT AND
ANY AMENDMENTS THERE TO FILED FOR RECORD, AS SHOWN HEREON

14. SUBJECT TO EASEMENTS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 56 AT PAGE 611, BOOK 4 AT PAGE 6,
BOOK 4 AT PAGE 31, BOOK 5 AT PAGE 67 & BOOK 5 AT PAGE 78, AS SHOWN HEREON

PROPERTY ADDRESS:
8 S HILL AVE, 12 S HILL AVE
FAYETTEVILLE, AR 72701



VICINITY MAP (NOT TO SCALE)

GENERAL NOTES

1. ZONING: THIS PROPERTY IS CURRENTLY ZONED DOWNTOWN GENERAL. PER CITY OF FAYETTEVILLE GIS, NO
ZONING VIOLATIONS WERE OBSERVED. THE SURVEYOR HAS REVIEWED THE CITY OF FAYETTEVILLE ONLINE MUNICIPAL
STREETS FOR DOWNTOWN GENERAL PER CITY OF FAYETTEVILLE ONLINE MUNICIPAL
CODE.

A. FRONT: A BUILD-TO-ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25
FEET FROM THE FRONT PROPERTY LINE.

B. REAR: 10 FEET

C. REAR: 5 FEET

D. REAR: FROM CENTER LINE OF AN ALLEY: 12 FEET

2. DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY ARE AS SHOWN HEREON. NO OTHER
DOCUMENTS WERE PROVIDED FOR, NOR ARE REFERENCED ON THIS SURVEY.

3. BASIS FOR BEARINGS IS THE ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

4. ADJACENT PROPERTY INFORMATION SHOWN HEREON IS FROM THE WASHINGTON COUNTY TAX
ASSESSOR'S AND CIRCUIT CLERK'S RECORDS AND HAS NOT BEEN VERIFIED BY MCCELLEAND ENGINEERS.

5. ALL EASEMENTS KNOWN TO MCCELLEAND CONSULTING ENGINEERS AT THE TIME OF THE SURVEY ARE
SHOWN ON THE DRAWING, BUT NO STATEMENT IS MADE AS TO THE COMPLETENESS OF THE EASEMENTS
SHOWN. TRACT IS SUBJECT TO EASEMENTS, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS,
AND PLANNING AND ZONING REGULATIONS OF RECORD, IF ANY, AND IS SUBJECT TO SUCH FACTS AS AN
ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

6. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, NOR OF SURFACE EVIDENCE OBTAINED
OR NOT READILY VISIBLE.

7. THIS SURVEY MEETS THE STATE OF ARKANSAS MINIMUM STANDARDS FOR GENERAL PROCEDURES AND
FOR POSITIONAL TOLERANCE FOR URBAN SURVEYS.

8. FLOOD ZONE - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD
INSURANCE RATE MAP (FIRM) FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED AREAS, MAP
NO. 17050C02, EFFECTIVE JANUARY 25, 2024, THE SUBJECT PROPERTY IS IN ZONE "X",
"AREA OF MINIMAL FLOOD HAZARD".

9. (TABLE A NO. 16) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR
BUILDING ADDITIONS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

10. (TABLE A NO. 17) NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WERE PROVIDED TO THE
SURVEYOR. INFORMATION AS KNOWN IS SHOWN ON THE SURVEY. NO EVIDENCE OF RECENT STREET OR
SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE
FIELDWORK.

11. THE SUBJECT PROPERTY HAS DIRECT ACCESS TO S. HILL AVENUE, A PUBLICLY DEDICATED RIGHT-OF-WAY
GAPS OR GORES.

12. THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITHOUT ANY

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CONSULTING
ENGINEERS, INC.
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FAYETTEVILLE, AR 72703
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ALTA/NSPS LAND TITLE SURVEY
FAYETTEVILLE, ARKANSAS

811
Know what's below.
Call before you dig.

REVISIONS	
REV	DATE

ALTA/NSPS
LAND TITLE
SURVEY

PROJECT MANAGER:	CS/WM/BP
DATE:	DB
REVISION:	
SCALE:	11/15/2024
PROD. NUMBER:	242143
AS NOTED	

1/3



LEGEND

- PROPERTY LINE
- EASEMENT LINE
- R/W
- RIGHT-OF-WAY LINE
- PARCEL LINE
- SETBACK LINE
- PERMITS
- ROAD CENTERLINE
- DITCH FLOWLINE
- SET MONUMENT (AS NOTED)
- FOUND MONUMENT (AS NOTED)
- FOUND CHISELED X
- RR SPIKE
- CALCULATED POINT

15 0 30 60
SCALE 1" = 30'



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ALTA/NSPS LAND TITLE SURVEY
FAYETTEVILLE, ARKANSAS



REV	DATE	DESCRIPTION

ALTA/NSPS
LAND TITLE
SURVEY

PROJECT MANAGER:	CS/AMW: BT
DATE:	DB
REVISION:	11/15/2024
SCALE:	AS NOTED
PROD. NUMBER:	242143

2/3



OWNER: HORNMAN, ROBERT C & CHERYL E
MAILING ADDRESS: 3521 E MADISON DR
FAYETTEVILLE, AR 72701
DEED: 2005-00055788

PARCEL ID: 765-12961-000
MAILING ADDRESS: 7 S UNIVERSITY AVE # 21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

OWNER: AMBG LLC
MAILING ADDRESS: 7 S UNIVERSITY AVE # 21
FAYETTEVILLE, AR 72701
DEED: 2023-00014595

PARCEL ID: 765-12954-000
MAILING ADDRESS: 424 STONE MEADOW LN
WEST FORK, AR 72774
DEED: 2023-00012715

PARCEL ID: 765-12933-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: 2002-110402

PARCEL ID: 765-12931-000
OWNER: EVERGREEN CEMETERY
MAILING ADDRESS: N/A
DEED: N/A

PARCEL ID: 765-04779-000
OWNER: BRECK DEVELOPMENT LLC
MAILING ADDRESS: 44 RIVER RIDGE RD
FAYETTEVILLE, AR 72707
DEED: 2022-00026013

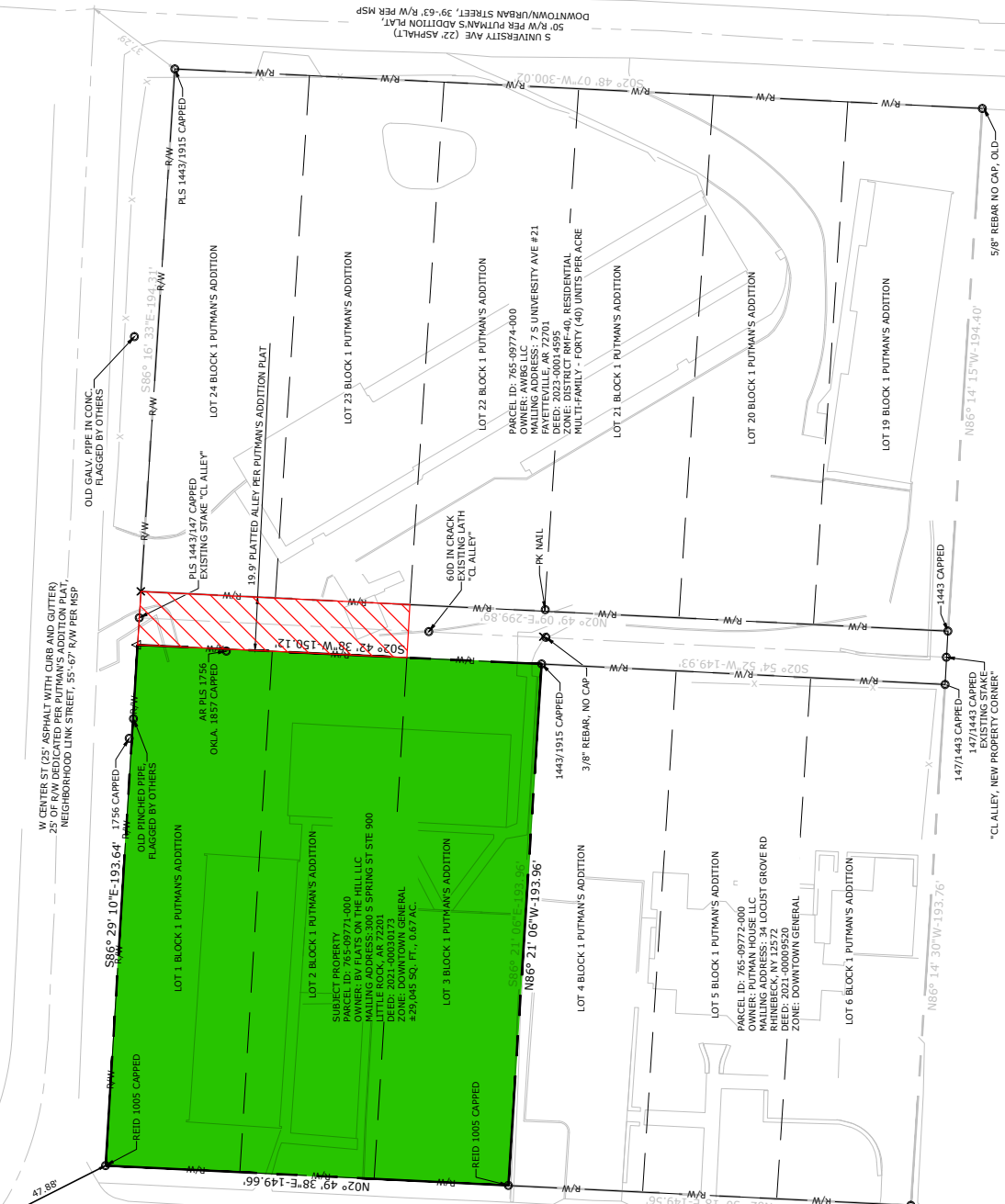
PARCEL ID: 765-09773-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 3065 E SHELTON RD N
FAYETTEVILLE, AR 72703
DEED: 2010-03827

PARCEL ID: 765-09772-000
OWNER: KERR INVESTMENT COMPANY
MAILING ADDRESS: 34 LOCUST GROVE RD
FAYETTEVILLE, AR 72703
DEED: 2021-0009520

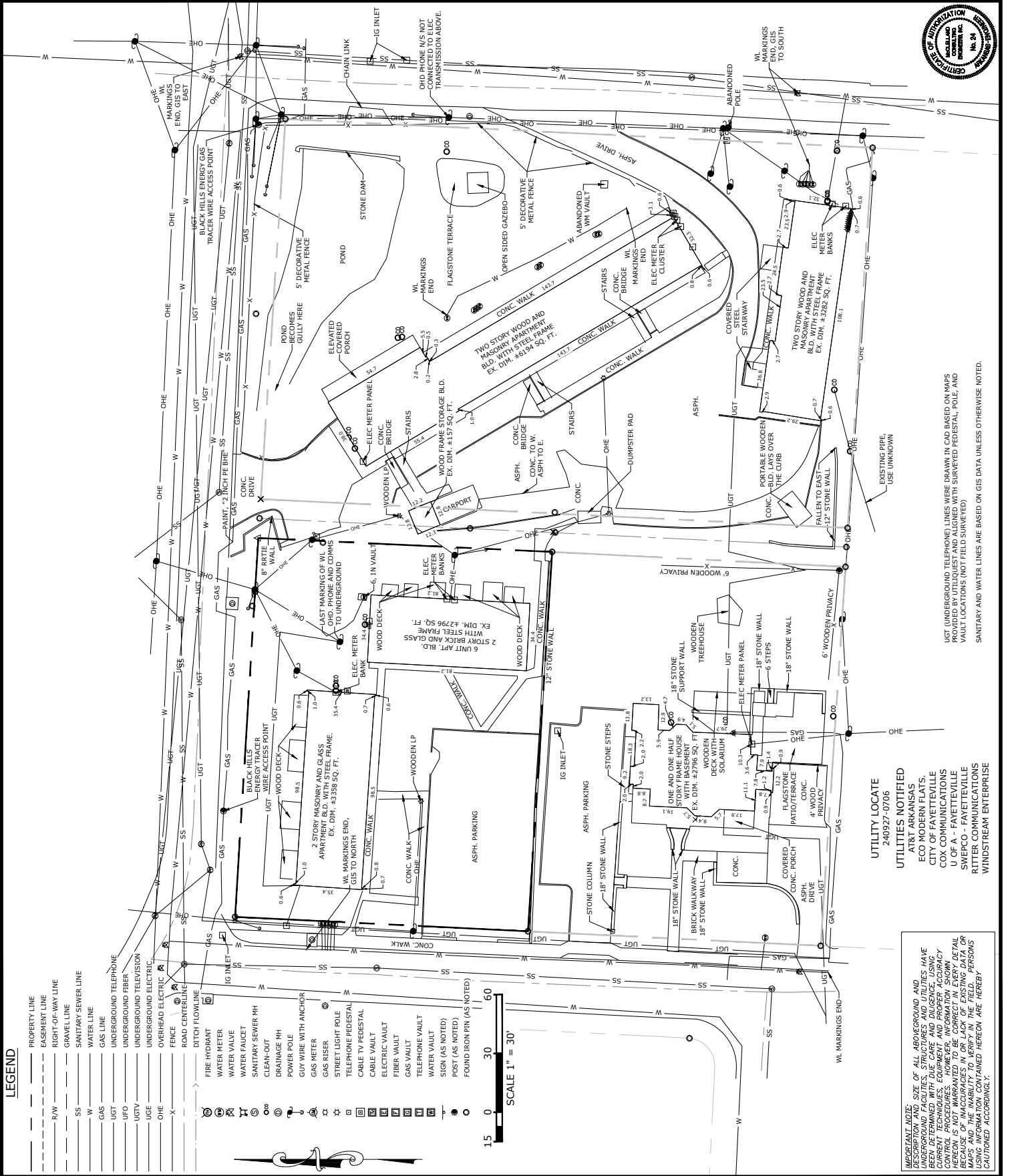
PARCEL ID: 765-04795-000
OWNER: AR-VA HOLDINGS LLC
MAILING ADDRESS: PO BOX 11277
FAYETTEVILLE, AR 72703
DEED: 2015-00001158

PARCEL ID: 765-09771-000
OWNER: BV FLATS ON THE HILL LLC
MAILING ADDRESS: 34 LOCUST GROVE RD
FAYETTEVILLE, AR 72703
DEED: 2021-0001073

W CENTER ST (28' ASPHALT WITH CURB AND GUTTER)
25' OF R/W DEDICATED PER MOUNTAIN PLANTATION PLAT,
NEIGHBORHOOD LINK STREET, 55'-67' R/W PER MSP



Portion of alley where partial aerial vacation
is being requested. Vertical limits to be
vacated is to be from 1,332.00' above sea
level to 1402.00' above sea level



IMPORTANT NOTE: DESCRIPTION AND SIZE OF ALL ABOVEGROUND AND UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN DETERMINED WITH DUE CARE AND DILIGENCE, USING CURRENT TECHNIQUES, EQUIPMENT AND PROPER ACCURACY CONTROL PROCEDURES. HOWEVER, INFORMATION SHOWN HEREON IS NOT WARRANTED TO BE CORRECT IN EVERY DETAIL BECAUSE OF INACCURACIES IN OR LACK OF EXISTING DATA OR MAPS, AND THE INABILITY TO VERIFY IN THE FIELD. PERSONS USING INFORMATION CONTAINED HEREON ARE HEREBY CAUTIONED ACCORDINGLY.

UTILITY LOCATE
240927-0706

UTILITIES NOTIFIED
AT&T ARKANSAS
ECO MODERN FLATS,
CITY OF FAYETTEVILLE
COX COMMUNICATIONS
U OF A - FAYETTEVILLE
SWEPKO - FAYETTEVILLE
RITTER COMMUNICATIONS
WINDSTREAM ENTERPRISE

UGT (UNDERGROUND TELEPHONE) LINES WERE DRAWN IN CAD BASED ON MAPS PROVIDED BY UTILQUEST AND ALIGNED WITH SURVEYED PEDESTAL, POLE, AND VAULT LOCATIONS (NOT FIELD SURVEYED)

SANITARY AND WATER LINES ARE BASED ON GIS DATA UNLESS OTHERWISE NOTED.



ALTA/NSPS LAND TITLE SURVEY					
REVIEWS				PROJ. MANAGER:	DRAWN BY:
REVISIONS	DESCRIPTION	DATE	REV	CB	DB
				DATE:	REVISION:
				11/15/2024	
				SCALE:	PROJ. NUMBER:
				AS NOTED	242143

3/3

ALTA/NSPS
LAND TITLE
SURVEY

ALTA/NSPS LAND TITLE SURVEY

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ALTA/NSPS LAND TITLE SURVEY OF
WASHINGTON COUNTY PARCEL 765-09772-000
LOTS 4, 5, AND 6 OF BLOCK 1 PUTMAN'S ADDITION
TO THE CITY OF FAYETTEVILLE, ARKANSAS

COMMITMENT FOR TITLE INSURANCE
STEWART TITLE GUARANTY COMPANY
COMMITMENT NO. 2425001
DATED AUGUST 29, 2024 AT 8:04AM

PROPERTY DESCRIPTION - PER TITLE COMMITMENT NO. 2425001

LOTS NUMBERED FOUR (4), FIVE (5) AND SIX (6) OF BLOCK NUMBERED ONE (1) IN PUTMAN'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION.

SCHEDULE B-I REQUIREMENTS

N/A TO SURVEY

SCHEDULE B-I EXCEPTIONS

1-2. N/A TO SURVEY

3. THIS SURVEY ADDRESSES EASEMENTS PROVIDED IN THE TITLE COMMITMENT. OBSERVED EVIDENCE OF EASEMENTS OR CLAIMS ARE AS SHOWN HEREON. SURVEYOR MAKES NO STATEMENT REGARDING EVIDENCE OBSERVED OR NOT READILY VISIBLE.

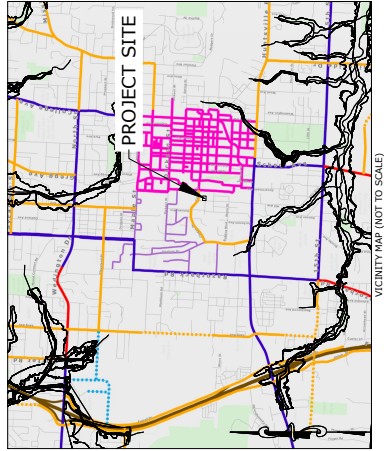
4. AS SHOWN HEREON

5-12. N/A TO SURVEY

13. BUILDING SET BACKS, ERECTIONS, RIGHT OF WAYS AND EASEMENTS, AS SHOWN ON SUBDIVISION PLAT AND ANY AMENDMENTS THERE TO FILED FOR RECORD, AS SHOWN HEREON.

14. SUBJECT TO EASEMENTS AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 56 AT PAGE 611, BOOK 4 AT PAGE 6, BOOK 4 AT PAGE 31, BOOKS 5 AT PAGE 67 & BOOK 5 AT PAGE 78, AS SHOWN HEREON.

PROPERTY ADDRESS:
20 S HILL AVE
FAYETTEVILLE, AR 72701



VICINITY MAP (NOT TO SCALE)

TO:
STEWART TITLE GUARANTY COMPANY, PUTMAN HOUSE, LLC, AN ARKANSAS LIMITED LIABILITY COMPANY; CS ACQUISITION VEHICLE, LLC, A DELAWARE LIMITED LIABILITY COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 4, 5, 7, 11, 13, 14, 15, 17, 19, AND 20 OF TABLE A HEREOF. THE FIELDWORK WAS COMPLETED ON OCTOBER 15, 2024.



NOVEMBER 15, 2024

DAVID BUFF
ARKANSAS PS #1894

GENERAL NOTES

1. ZONING: THIS PROPERTY IS CURRENTLY ZONED DOWNTOWN GENERAL. PER CITY OF FAYETTEVILLE GIS, NO ZONING VIOLATIONS WERE OBSERVED. THE SURVEYOR HAS REVIEWED THE CITY OF FAYETTEVILLE ZONING MAP AND STRICKBACK REQUIREMENTS FOR DOWNTOWN GENERAL. PER CITY OF FAYETTEVILLE ONLINE MUNICIPAL CODE:

A. FRONT: A BUILD-TO-ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25 FEET FROM THE FRONT PROPERTY LINE.

1. SIDE: 5 FEET

C. REAR: 5 FEET

D. REAR, FROM CENTER LINE OF AN ALLEY: 12 FEET

2. DOCUMENTS USED IN THE PREPARATION OF THIS SURVEY ARE AS SHOWN HEREON. NO OTHER DOCUMENTS WERE PROVIDED FOR, NOR ARE REFERENCED ON THIS SURVEY.

3. BASIS FOR BEARINGS IS THE ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

4. ADJACENT PROPERTY INFORMATION SHOWN HEREON IS FROM THE WASHINGTON COUNTY TAX ASSESSOR'S AND CIRCUIT CLERK'S RECORDS AND HAS NOT BEEN VERIFIED BY MCCELLEAND ENGINEERS.

5. ALL EASEMENTS KNOWN TO MCCELLEAND CONSULTING ENGINEERS AT THE TIME OF THE SURVEY ARE SHOWN ON THE DRAWING, BUT NO STATEMENT IS MADE AS TO THE COMPLETENESS OF THE EASEMENTS SHOWN. TRACT IS SUBJECT TO EASEMENTS, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, AND PLANNING AND ZONING REGULATIONS OF RECORD, IF ANY, AND IS SUBJECT TO SUCH FACTS AS AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

6. NO STATEMENT IS MADE CONCERNING SUBSURFACE CONDITIONS, NOR OF SURFACE EVIDENCE OBSERVED OR NOT READILY VISIBLE.

7. THIS SURVEY MEETS THE STATE OF ARKANSAS MINIMUM STANDARDS FOR GENERAL PROCEDURES AND FOR POSITIONAL TOLERANCE FOR URBAN SURVEYS.

8. FLOOD ZONE - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED AREAS, MAP NUMBER 17150C02, EFFECTIVE JANUARY 25, 2024, THE SUBJECT PROPERTY IS IN ZONE "X", "AREA OF MINIMAL FLOOD HAZARD".

9. (TABLE A NO. 16) NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

10. (TABLE A NO. 17) NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES WERE PROVIDED TO THE SURVEYOR. INFORMATION AS KNOWN IS SHOWN ON THE SURVEY. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS WAS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

11. THE SUBJECT PROPERTY HAS DIRECT ACCESS TO S. HILL AVENUE, A PUBLICLY DEDICATED RIGHT-OF-WAY

12. THE SUBJECT PROPERTY FORMS A MATHEMATICALLY CLOSED FIGURE AND IS CONTIGUOUS WITHOUT ANY GAPS OR GORES.

MC
McLelland Consulting Engineers, Inc.

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FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

ALTA/NSPS LAND TITLE SURVEY

FAYETTEVILLE, ARKANSAS

REVISIONS		
REV	DATE	DESCRIPTION

ALTA/NSPS LAND TITLE SURVEY

PROJECT MANAGER: CSWIMB BT
CB DB

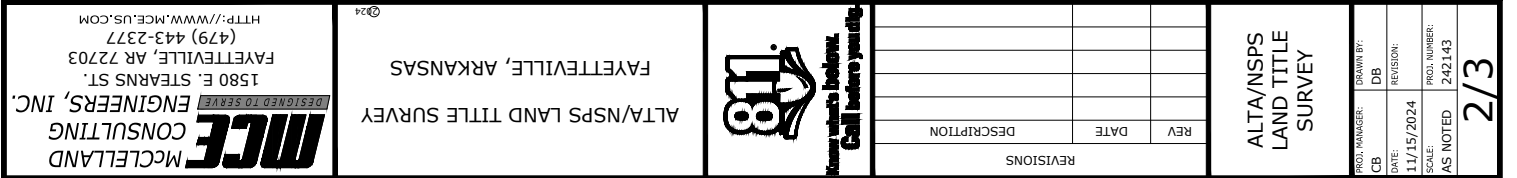
DATE: 11/15/2024

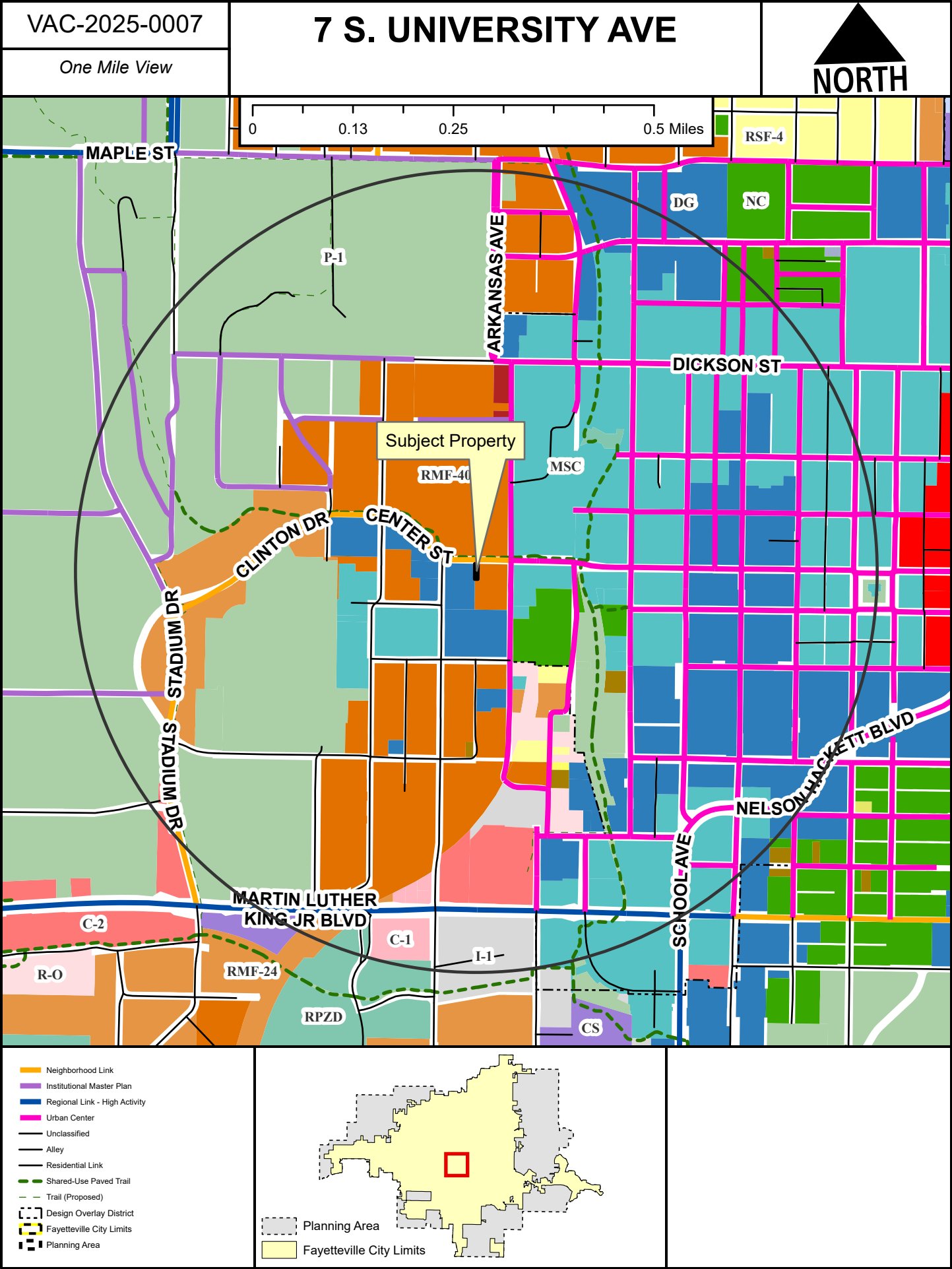
SCALE: AS NOTED

PROD. NUMBER: 242143

1/3



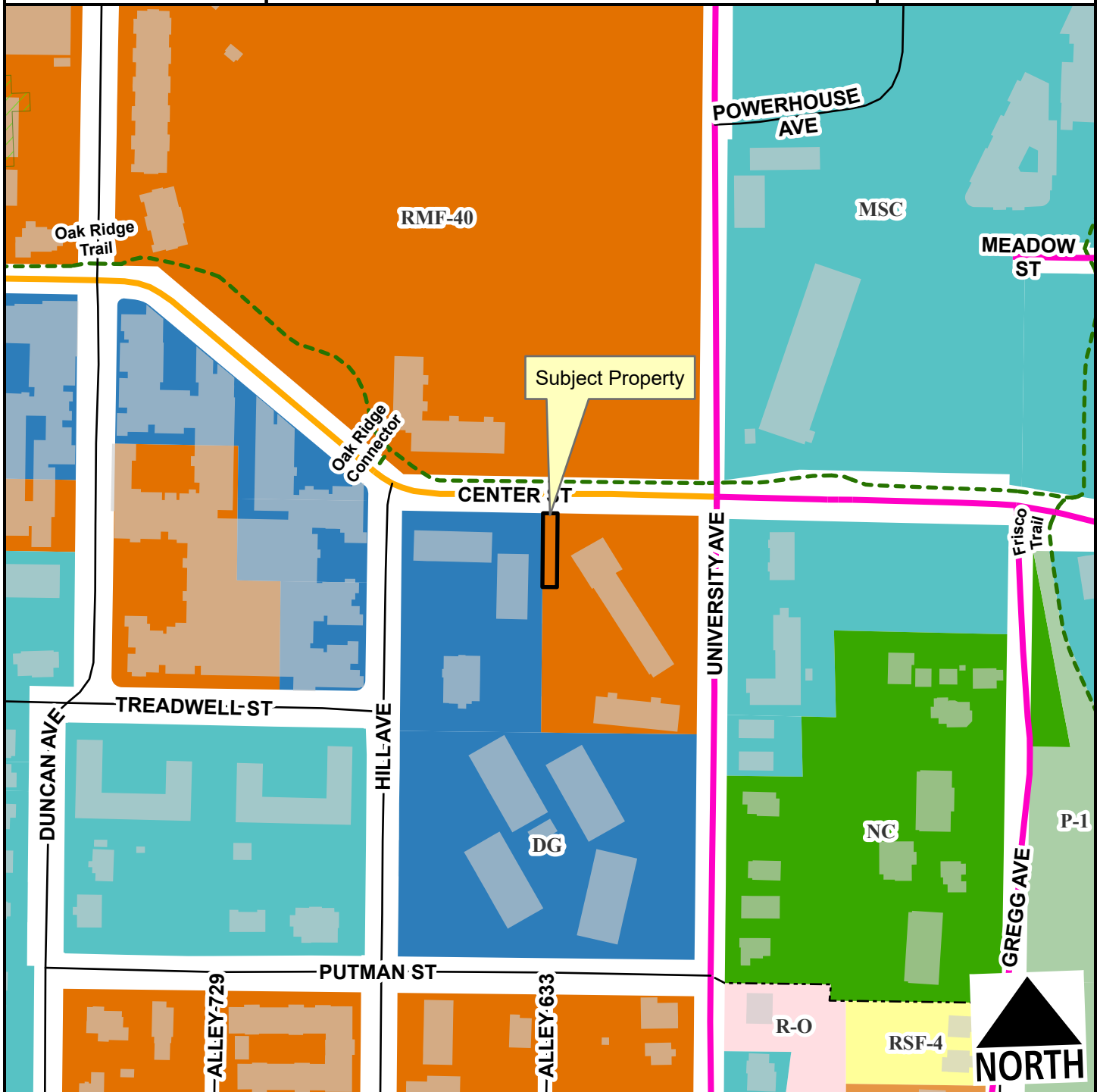




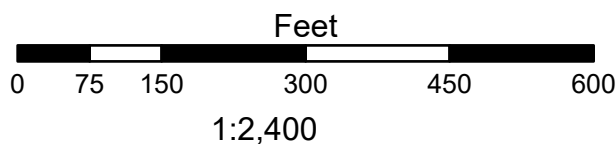
VAC-2025-0007

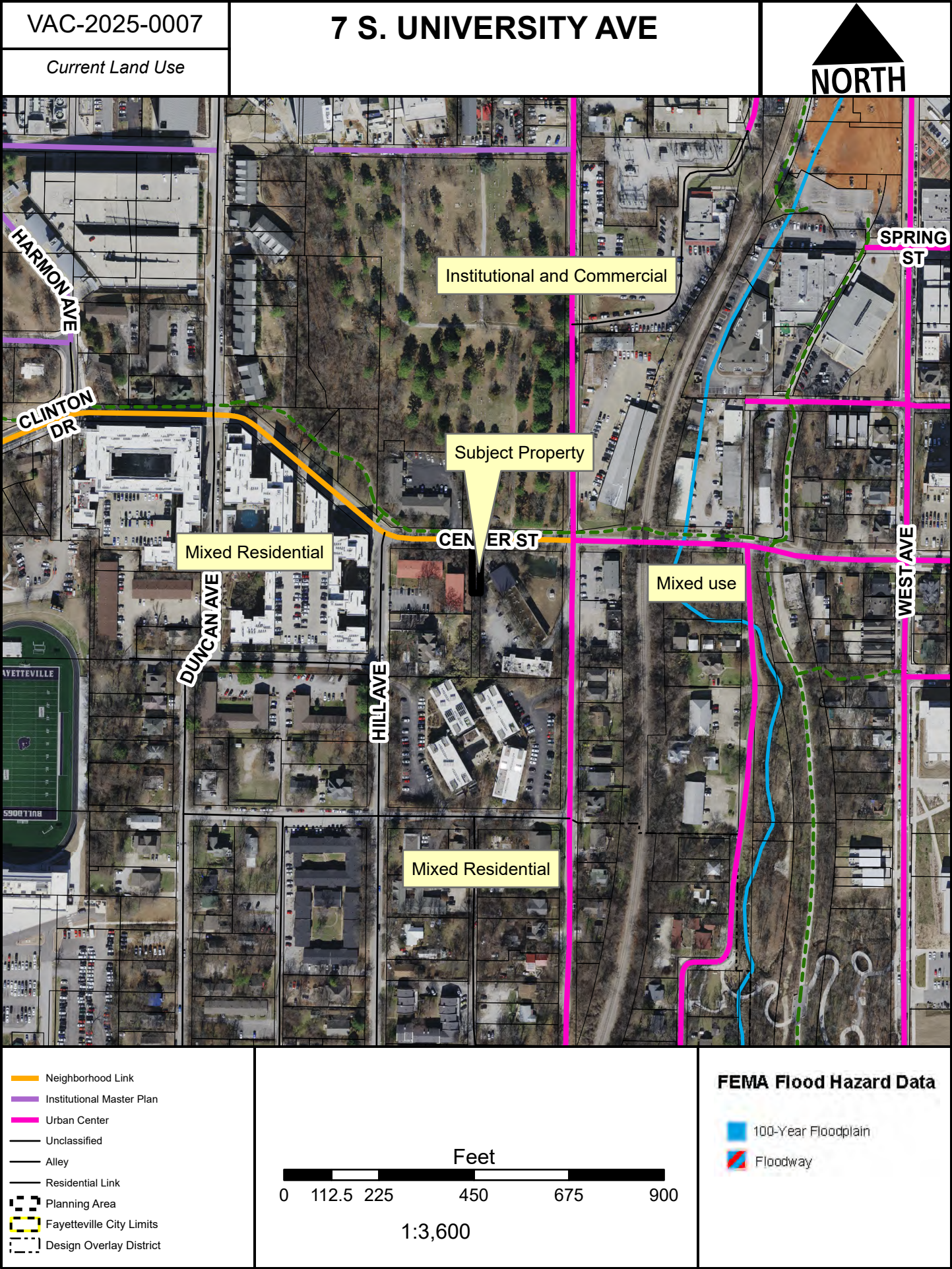
7 S. UNIVERSITY AVE

Close Up View



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District







TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: May 27, 2025

SUBJECT: **RZN-2025-0011: Rezoning (SOUTHWEST OF W. CENTER ST AND N. UNIVERSITY AVE./THE HUB, 522):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located SOUTHWEST OF W. CENTER ST. AND N. UNIVERSITY AVE. The property is zoned RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE AND DG, DOWNTOWN GENERAL and contains approximately 2.83 acres. The request is to rezone the property to MSC, MAIN STREET CENTER.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0011** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0011** to the City Council with a recommendation of approval."*

APRIL 28, 2025, PLANNING COMMISSION MEETING

At the April 28, 2025, Planning Commission meeting, the item was tabled to provide staff time to evaluate a proposed Bill of Assurance. There was discussion on what staff and the commission can consider in a rezoning request, why the rezoning to Main Street Center was needed, and potential implications of pending parking amendments. Additionally, there was extensive discussion on the need for additional student housing developments, the proposed condition to include market rate, by-the-unit rentals, how many units that would be, and whether those units would ultimately be affordable to residents. Multiple members of the public spoke at the meeting, and their comments are further discussed in the public comments section of the report. In the interim, a revised Bill of Assurance has been provided, which is attached and has been evaluated in the following report.

BACKGROUND:

The subject area is in central Fayetteville directly south of Evergreen Cemetery, approximately 700 feet east of Harmon Field and 1,400 feet northeast of the Fayetteville High School. The 2.83-acre subject area contains multiple parcels and is bound by W. Center St. to the north, S. Hill Ave. to the west, and S. University Ave. to the west. The subject area is currently split zoned RMF-40, Residential Multifamily, 40 Units per Acre and DG, Downtown General, and has been developed with a range of uses including apartments and a historic residence currently being utilized as a short-term rental. The existing structures were built between roughly 1911 and 1960. The property does not fall within any overlay districts or Master Plan areas but is partially encumbered by hydric soils. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential Multifamily Historic Cemetery	RMF-40, Residential Multifamily, 40 Units per Acre
South	Residential Multifamily	DG, Downtown General
East	Residential Multifamily Mixed Commercial / Restaurants	MSC, Main Street Center
West	Residential Multifamily	DG, Downtown General

Request: The request is to rezone the property from RMF-40, Residential Multifamily, 40 Units per Acre and DG, Downtown General to MSC, Main Street Center. A revised Bill of Assurance has been offered and is discussed in the report below.

Public Comment: Staff has received multiple public comments on this request, including written comments in opposition which cited stormwater impacts, topography, pending alley vacations, gas lines, economic impacts, redevelopment concerns, and concerns from multiple current residents on the difficulties of finding new residences within walking distance of jobs and services should these be demolished. One public comment included recommended language for proposed Bill of Assurance. Additionally, three members of the public spoke at the April 28 Planning Commission meeting in opposition, citing the diverse residents in the heart of the city, existing needs paired with declining resident incomes, and the difficulty of rebuilding the “heart of the city” should the downtown be demolished for student housing. Several stated that the demolition of the existing apartments would likely force them to move outside of city limits.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The property has frontage along multiple streets including, S. Hill Avenue, a fully improved Residential Link with asphalt paving, curb, gutter, and sidewalk; W. Center Street, a partially improved Neighborhood Link with asphalt paving, curb, and gutter; and S University Avenue, a partially improved Urban Center Street with asphalt paving. Any street or drainage improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. There is an 8-inch and a 4-inch water main along the west side of property along S. Hill Avenue, as well as an 8-inch and a 4-inch water main along W. Center Street. There is also a 6-inch water main along S. University Avenue. No known utility capacity issues are present that would impact development.

Sewer: Sanitary sewer is available to the subject area. There is an 8-inch sewer main along S. Hill Avenue, an 8-inch sewer main along W. Center Street, and an 8-inch sewer main along S. University Avenue. No known utility capacity issues are present that would impact 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 1, located at 303 W. Center St., protects this site. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out.

time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Drainage: No portion of the property is within a FEMA floodplain, the Hillside-Hilltop Overlay District or includes a protected stream. Hydric soils are present and 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.

Tree Preservation:

The proposed zoning district of MSC, Main Street Center requires **10% minimum canopy preservation**. The current zoning district of RMF-40, Residential Multifamily, 40 Units per Acre and DG, Downtown General require **20% and 10% minimum canopy preservation respectively**.

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

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **12** for this site, with a weighted score of **17**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #1, 303 W. Center St.)
- Near Sewer Main (8" Sewer Mains on S. Hill Ave., W. Center St., and S. University Ave.)
- Near Water Main (8" Water Mains on S. Hill Ave. and W. Center St. | 6" Water Main, S. University Ave.)
- Near Grocery Store (Walmart Neighborhood Market)
- Near Public School (Fayetteville High School)
- Near U of A Campus
- Near City Park (Lower Ramble)
- Near Paved Trail (Oakridge Trail, Razorback Greenway)
- Near ORT Bus Stop (Hill and Treadwell)
- Near Razorback Transit Bus Stop (Hill and Treadwell)

- Appropriate Future Land Use
- Sufficient Intersection Density

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:* On the balance of considerations and with the submittal of a proposed bill of assurance, staff finds the request to be compatible with the surrounding context as currently presented. The proposed bill of assurance would limit potentially incompatible uses including Use Unit 17: Transportation Trades and Services, Use Unit 34: Liquor Stores, and Use Unit 45: Small Scale Production, similar to recent rezonings to the west, and also includes limitations on height along the southern property line.

The subject area is in close proximity to public schools, the University of Arkansas campus, and the Fayetteville downtown, and has a high infill score. The existing RMF-40 district would permit a maximum of 52 dwelling units on the 1.3-acre portion with a maximum building height of 2-5 stories, with no density limit and a height maximum of 5 stories on the remaining Downtown General portion. The rezoning would increase permitted heights to 7 stories when located more than 15 feet from the public right-of-way and would also remove the density limitation.

Whereas recent rezonings to Main Street Center were primarily surrounded by existing large apartment buildings and/or large institutional uses or were fully surrounded by public right-of-way, this subject area only abuts a single five-story apartment building to the west. While Eco Modern Flats is a total of three stories, one story is fully below the street grade at S. Hill Ave., therefore only two stories are apparent above street grade. As this apartment complex was fully renovated in the early 2010s, staff finds it is likely to remain in this form for a significant time. As there is currently no public street or right-of-way between the subject area and Eco Modern Flats, the Main-Street Center zoning permits a zero-foot side setback, new building construction could occur within ten feet of the existing building.

Additionally, a portion of the two-story apartment on the north side of W. Center Street is also below grade and the remainder of the property adjacent to the north is composed of Evergreen Cemetery, which was first opened in the 1840s and was added to the National Register of Historic Places in 1997. Given the historic nature of the property and the inherent difficulty in modifying a property that has been used for burials, staff finds this property is unlikely to ever be redeveloped with a structure of significant height. The structures directly to the east are a small two-story, multifamily residential dwelling and a long-standing single-story commercial complex that hosts multiple legacy restaurants including Gerald's and Wes BBQ. The subject area has a substantial change in grade from east to west.

The proposed Bill of Assurance would limit building heights to a maximum elevation of 1,395 for the thirty feet adjacent to the southern property line east of the alley (approximately five stories above University Ave.) and to a maximum elevation of 1,416 for the thirty feet adjacent to the southern property line west of the alley (approximately five stories above Hill Ave.). No height limitations are proposed outside of the thirty feet adjacent to the southernmost property line. Staff finds the proposed Bill of Assurances addresses a major compatibility concern of a permitted seven-story building within ten feet of the Eco-Modern Flats Apartments. While staff has remaining concerns about the increased height to the north and east, staff finds these areas are less likely to be heavily impacted by the addition of a tall building due to increased separation of existing structures or uses.

Existing buildings within the proposed rezoning area include multiple historic properties, including the Putman House, which was constructed between 1903-1911 and has been home to four apartments, nine apartments, short-term rentals, and the gallery “Art Ventures” throughout its lifespan. The Beverly Manor Apartments were designed by Warren Seagraves, a well-known local architect who also designed the original Fayetteville Public Library, Fayetteville Federal Building, Center Plaza Building, and University of Arkansas Wesley Chapel. Neither the preservation or demolition of historic structures can be regulated through zoning; however, staff recommends that property owners consult with the Long Range & Preservation Planner prior to either their demolition or alteration so that staff can capture photo documentation of existing conditions.

Land Use Plan Analysis: On the balance of considerations, staff finds that the request is inconsistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. While staff finds that the proposed Bill of Assurance has addressed staff concerns with compatibility with the existing neighborhood, outstanding concerns remain with consistency with adopted city plans.

Staff finds that the proposed conflicts with City Goal 6: We will create opportunities for affordable housing as currently presented. The Fayetteville Housing Assessment completed by City staff in October 2023 discusses the preservation of affordable housing and notes that “new supply should be carefully balanced with preserving existing affordable housing – housing that can be in prime areas for redevelopment due to growing land values compared to the declining value of aging structures.” The surrounding neighborhood has been heavily affected by extensive redevelopment over the past decade with multiple projects proposed within the past year that would clear entire blocks. At least 129 residential dwelling units and multiple commercial spaces have either already been or are proposed to be removed over that timeframe, with an additional 39 residential units proposed to be removed with this development. While the proposed Bill of Assurance would guarantee at least 10% of the units to be constructed in a manner that cater to the general public rather than solely to students, staff finds this would not necessarily result in the preservation or production of affordable or attainable housing. The median household income in Fayetteville as of 2022 is \$52,991, which would require a rent of \$1,325 per month in order not to be

considered housing burdened. The average cost of a 1-bedroom unit constructed after 2019 is \$1,084.40 and the average cost of a 2-bedroom unit constructed after 2019 is \$1,440.03, which would exceed this metric for those earning the median income. However, staff does find that the inclusion of non-student housing will partially offset the removal of existing units.

The addition of commercial uses on the property could be a benefit to the overall neighborhood and would align with the future land use plan's designation as a City Neighborhood Area; however, staff finds commercial uses are already permitted within the subject area, either by right on the portions currently zoned DG or by conditional use on the portions zoned RMF-40. As such, staff finds that a rezoning to Main Street Center would not necessarily further City Goal #3 to make compact, complete and connected development the standard, as mixed-use development is already possible under the existing zoning. Further, Main Street Center purpose statement states "a greater range of uses is expected and encouraged" and that "Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center." Recent large rezonings to Main Street Center in the area have generally resulted in limited mixed-use with both the Verve and Duncan Ave apartments proposing primarily residential buildings with limited commercial space (approximately 4,200 square feet and 3,000 square feet respectively).

Staff acknowledges that the property owners are legally able to redevelop the subject area by right under the zoning districts and that any redevelopment which includes only uses permitted by right is not subject to discretionary approval by either the Planning Commission or City Council provided that all applicable city ordinances and development standards are met. However, in this case, staff also finds that approval of the rezoning to MSC does not contribute to city objectives to increase housing choice within close proximity to alternative means of transportation, maintain the quality and quantity of existing affordable housing units, encourage historic preservation and adaptive re-use of buildings, discourage demolition of historic resources, and preserve the historic character and integrity of neighborhoods. Further, Long-Range Planning studies of university enrollment and development data have found that the city may be reaching saturation of student-focused development.

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

Finding: On the balance, staff finds the proposed zoning could be considered justified and/or necessary at this time. The proposal has mixed consistency with city goals that lean both for and against the proposed rezoning. Property owners can legally redevelop the parcels with new multifamily dwellings and commercial uses by right under the existing zoning districts; however, a more permissive zoning district could permit additional density and other uses when and if those properties are redeveloped.

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

Finding: A rezoning from RMF-40 to MSC has the potential to increase traffic at this location when considering that MSC would allow for more dense development than the existing zoning which has a stated density limitation. The lots under consideration have direct access to public streets and staff finds that given the property's location on a transit route close to the university and the Fayetteville High School campus, many trips have the capacity to be completed through alternative transportation such as walking, biking, or transit. Any necessary street improvements and potential traffic impacts would be determined at the time of development. Additionally, an amendment to the parking ordinance was recently approved by City Council that both limits available parking reductions and requires the provision of a parking management plan.

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: The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property is in close proximity to public streets and existing water and sewer mains with no known capacity issues. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Staff recommends forwarding RZN-2025-0011 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>May 27, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
 - §161.27 Main Street/Center
 - §161.28 Downtown General
- Applicant Request Letter
- Proposed Bill of Assurance
- Staff Exhibits
 - Long Range Planning Memo
 - Previous MSC Rezoning Request Comparisons
 - Parking Reductions Analysis
 - Height Analysis Exhibits
 - Historic Cemetery Entry Images
 - Neighborhood Analysis
 - Fayetteville Housing Assessment Excerpts
 - Active Transportation Plan Excerpts and Map
 - Proximity to Tier Center Exhibit
 - City Plan 2040 Excerpts
 - Traffic Accidents Exhibits
- Public Comment
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(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 26	Multi-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 CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(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 26	Multi-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 CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	30 feet
Two (2) family	30 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	2,500 square feet
Two (2) family	3,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(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/5 stories*
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* 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single-family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) 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(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; 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, 6-18-13; 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 , §§5, 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 , §7(Exh. F), 5-2-23)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending 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 December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum*.

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum*. None.

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage*. 75% of lot width.

(G) *Building Height Regulations*.

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710 , §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending 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 December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.28 Downtown General

(A) *Purpose.* Downtown General is a flexible zone, and it is not limited to the concentrated mix of uses found in the Downtown Core or Main Street/Center. Downtown General includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than Neighborhood Conservation. There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

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

(G) *Building Height Regulations.*

Building Height Maximum	5 stories
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(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 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.

April 21, 2025

To: City of Fayetteville Planning Commission and City Council

RE: The Hub – Rezoning Request

Planning Commission and City Council members,

On behalf of the developer, Core Spaces, McClelland Consulting Engineers requests rezoning approval of parcels 765-09774-000, 765-09771-000, and 765-09772-000. The subject property is east of “Atmosphere”, a multi-family residential development, north of Eco Modern Flats, a multi-family residential development, and south of Evergreen Cemetery.

Bordered on three sides by S. Hill Avenue, W. Center Street, and S. University Avenue, this request to rezone these properties is in preparation for The Hub, a mixed-use multi-family residential development MCE will be submitting in the near future.

Requested zoning: MSC (Main Street Center)

Current zoning:

765-09774-000: RMF-40 (Residential Multi-Family- 40 units per acre)

765-19771-000: DG (Downtown General)

765-09772-000: DG (Downtown General)

The current land use of the property is multifamily residential. The future land use map shows all three subject parcels, as well as all the adjacent parcels, with exception to the cemetery to the north, as City Neighborhood.

Plans for a mixed-use, multi-family residential development are underway and will be submitted for review once the Rezoning and right of way Vacation requests have been approved. The proposed development will be similar in nature to the nearby mixed-use residential developments, with apartment buildings, parking, and other associated features such as stormwater detention, providing additional student housing in this neighborhood. Commercial space programming is still tentative, but the intent is to include a coffee shop at 2,000 sf or less, as part of Core’s standard amenity program.

With Downtown General zoning to the south and west, and Main Street/Center zoning to the east and southwest, and RMF-40 to the north, the request to rezone the subject parcels to MSC is in-line with the trend in this neighborhood of developing modern, attractive multi-family residential uses with mixed-use commercial components placed sensitively into the context of the development.

The commercial component of the proposed mixed-use development will be a coffee shop, which, practically speaking, will be very applicable to the programming needs of the development and is something that will be constantly used by the student residents. However, with the MSC zoning the

RE: The Hub- Rezoning Request

commercial space could be easily changed over from coffee shop to another commercial use over time, depending on demand.

The proposed development will promote walkability throughout the neighborhood and the other nearby commercial uses. The adjacency of the existing MSC and DG zoning districts are currently considered compatible, and showing signs of increased walkability in the vicinity. And by rezoning the subject property to MSC, extending the zoning district up the street, the opportunities for developing the property as a unique multi-family housing development will be greater than if it were to remain DG zoning because the requirements allow for a greater range of commercial uses. The additional uses allowed by right with MSC zoning are Use Unit 14- hotel, motel, and amusement facilities.

Please let me know if you have any questions.

Sincerely,

McClelland Consulting Engineers, Inc.



Nathan Crouch, Project Coordinator
MCE-Fayetteville
(479) 443.2377
ncrouch@mce.us.com

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of my request for a zoning reclassification of MSC for the following property: 7 S University, 8 S Hill, and 20 S Hill in Fayetteville, AR 72701, I, as the authorized agent for the owner or buyer of this property, CS Acquisition Vehicle, LLC (hereinafter called "Petitioner") hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonably rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows **IF** Petitioner's requested rezoning is approved by the Fayetteville City Council:

1. The area proposed to be rezoned to (MSC) shall be subject to the following modifications to the otherwise Permitted Uses:
Use units 14, 17, and 34 shall be prohibited.
2. Other restrictions including height of, number, and type of structures upon the property are limited to:
 - a) **20 S Hill - In addition to the underlying height limitation per MSC zoning, the top of the building parapet shall be limited to a maximum elevation of no more than 1,416 ft above sea level for areas that are within the southern thirty feet of the 20 S Hill parcel, labeled for clarity as "Subarea A" in Exhibit A attached to this Bill of Assurance.**
 - b) **7 S University - In addition to the underlying height limitation per MSC zoning, the top of the building parapet shall be limited to a maximum elevation of no more than 1,395 ft above sea level for areas that are**

within the southern thirty feet of the 7 S University parcel, labeled for clarity as "Subarea B" in Exhibit A attached to this Bill of Assurance.

3. Specific activities that will not be allowed upon Petitioner's property include:

No change to the underlying standards per MSC zoning.

4. Any other terms or conditions:

Petitioner shall voluntarily provide a number of residential units designed to appeal to the public at large rather than solely to students (the "Traditional Multifamily Units"). Such Traditional Multifamily Units shall comprise no less than 10% of the final unit count and shall not include any units with more than two bedrooms.

Notwithstanding, Petitioner's voluntary provision of said Traditional Multifamily Units shall not be construed by the City so as to create duplicative or additional obligation on the part of Developer in the event that future City ordinances are passed requiring developers of similar types of developments to provide units similar to said Traditional Multifamily Units.

Petitioner shall retain the ability, subject to staff approval, to use said Traditional Multifamily Units to satisfy or partially satisfy any future requirement for such similar unit types that may be later imposed upon projects that contain units with more than two bedrooms.

Petitioner specifically agrees that all such restrictions and terms shall run with the land and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office as part of the rezoning ordinance. After Petitioner's rezoning is effective, the Bill of Assurance shall be noted on any Final Plat, Large Scale Development, or other development approval which includes some or all of Petitioner's property affected by the rezoning.

IN WITNESS WHEREOF and in agreement with all the terms and conditions

stated above, I, **Chad Matesi**, as the authorized agent of Petitioner **voluntarily offer** all such assurances and sign my name below.

Printed Name of Authorized Agent

Chief Development Officer
Position or Title of Authorized Agent

Signature

May 22, 2025
Date

NOTARY OATH

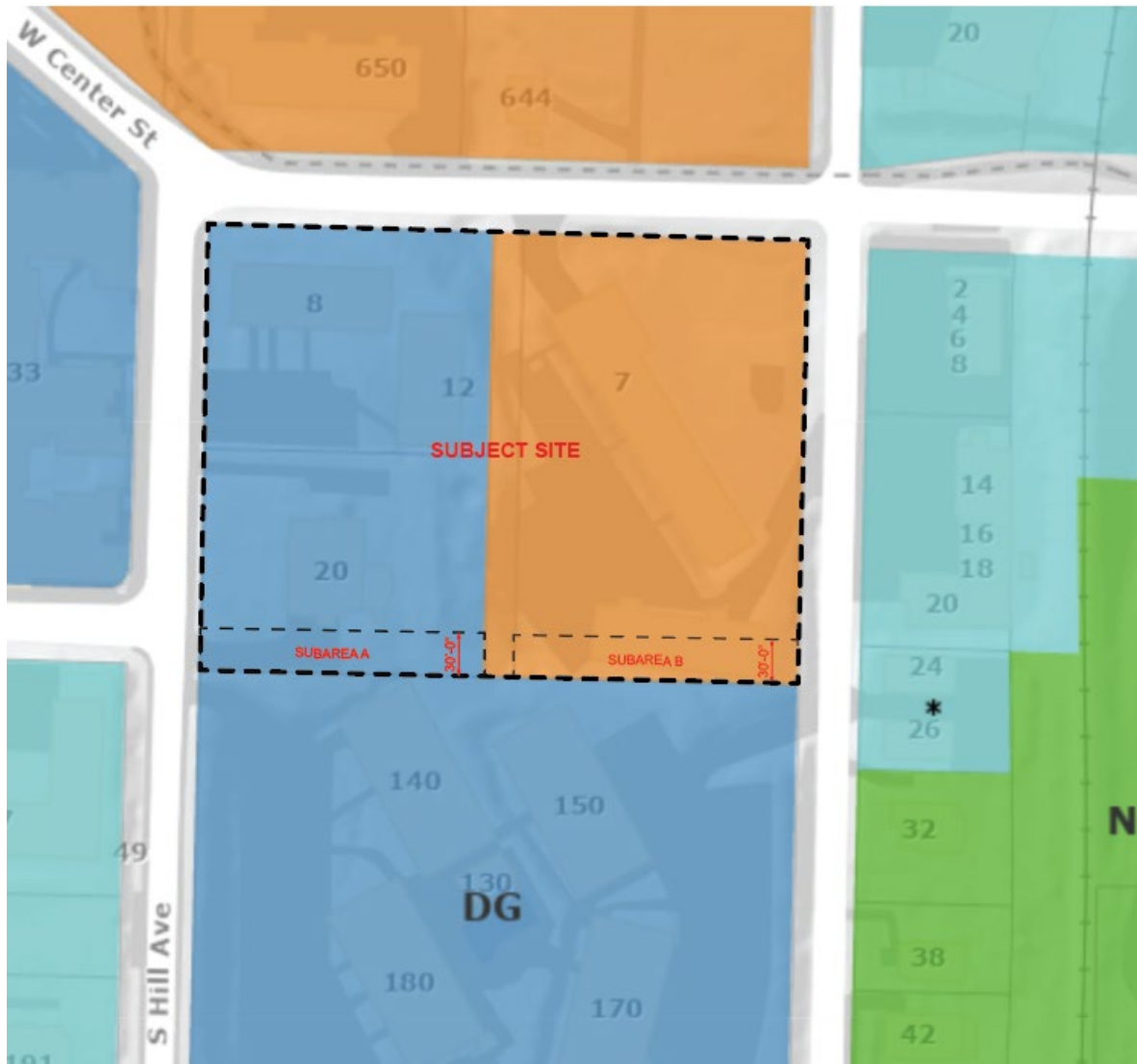
STATE OF ILLINOIS)
COUNTY OF COOK)

On this, the ____ day of _____, 20____, before me, the undersigned notary, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon their oath, swore or affirmed that they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the Bill of Assurance in an attempt to have their property rezoned as requested.

NOTARY PUBLIC

My Commission Expires:

EXHIBIT A





TO: Donna Wonsower, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: April 28, 2025

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0011

RECOMMENDATION:

Advisory Only: Property owner should consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

BACKGROUND:

The applicant requests to rezone approximately 2.83 acres from RMF-40, Residential Multifamily, 40 Units Per Acre and DG, Downtown General to MSC, Mainstreet Center. Three long range planning documents are relevant when evaluating this request: *City Plan 2040*, the *Heritage & Historic Preservation Plan*, and the *2023 Fayetteville Housing Assessment*.

City Plan 2040 (2020):

- 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)
- 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.

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 rezoning of the properties subject to RZN-2025-0011 has the potential to adversely impact historic properties via future demolition. Rezoning often precede projects that involve substantial demolition and redevelopment of sites. 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.

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. Two properties subject to this request are eligible for the Arkansas Register and National Register of Historic Places according to initial consultation with staff at the Arkansas Historic Preservation Program.

List of Impacted Historic Properties:

Address	Photo & Description
20 S. Hill Ave.	 The Putman House is a two-story Free Classic style house constructed ca. 1911. This house represents a common theme of design during this period when styles were evolving and builders began adopting elements from many different styles. This house is a well-known local landmark and appears eligible for nomination to the National Register of Historic Places.
8 & 12 S. Hill Ave.	 Constructed ca. 1965, these low-rise apartment buildings represent a typical utilitarian style of multi-family dwelling constructed during a period of rapid growth in the city. Additional photos are needed to determine if this property is eligible for the state or national register.
7 S. University Ave.	 The Beverly Manor Apartments were constructed ca. 1960 with an addition in 1965. This garden-style apartment was designed by notable local architect Warren Seagraves. The development provided access to a lawn area and pond, amenities that are relatively rare for multifamily dwellings from the period. This property is eligible for nomination to NRHP.

Staff recognizes that any of these properties could be redeveloped at any time under their current zoning, which could result in a loss of historic structures. However, staff is also sensitive to the impact of increased height (up to 7 stories) possible with the rezoning request that would impact the historic Evergreen Cemetery to the north. The Cemetery is included in the National Register of Historic Places and adjacent development, particularly with increased height may impact the Cemetery's integrity of setting and feeling, both important components of a historic cemetery.

Impact on Existing Attainable Housing:

The proposed rezoning has the potential to remove existing affordable housing as it is paired with a conceptual redevelopment plan. Although the Unified Development Code does not differentiate between student housing and other multi-family housing types, it is important to consider the impacts of this housing as it relates to several objectives of *City Plan 2040*:

- 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)

The associated redevelopment plan as proposed in CPL-2025-0007 (a conceptual plan submitted to staff for initial review) indicates the removal of the existing buildings that include:

- 20 S. Hill Ave. – 3 unit Type 2 short-term rental
- 8 & 12 S. Hill Ave. – 14 unit multi-family dwelling
- 7 S. University Ave. – 25 unit multi-family dwelling

In addition to adopted plans and their objectives, the *2023 Housing Assessment* offers a complimentary lens through which to consider the request. As outlined in the document, “almost by definition when a unit of older housing is razed, a unit of affordable housing is lost forever” and rents for new construction are unaffordable for at least half of Fayetteville households. In other words, new construction is inherently more expensive to residents than existing housing. Although these lost units would be replaced with higher density student housing (approximately 736 bedrooms), the redevelopment of these sites would equate to the loss of 39 attainable housing units serving a variety of tenants including downtown employees and business owners, young professionals, empty nesters, and students. This is in direct conflict with stated goals in *City Plan 2040* and represents a continued pattern of displacing residents in what has been a relatively affordable neighborhood.

Over the past decade, this neighborhood has experienced a disproportionate amount of redevelopment, and a single rezoning request cannot be successfully evaluated outside of this larger context:

Project	Status	# Bedrooms	Context
The Cardinal	2014	480	Demo information for preceding structures not immediately available.
Atmosphere	2016	640	Demo of approximately 13 mixed units, 10 MFD units, and 1 university property
Center St.	In Construction	674	Demo of multiple affordable commercial spaces

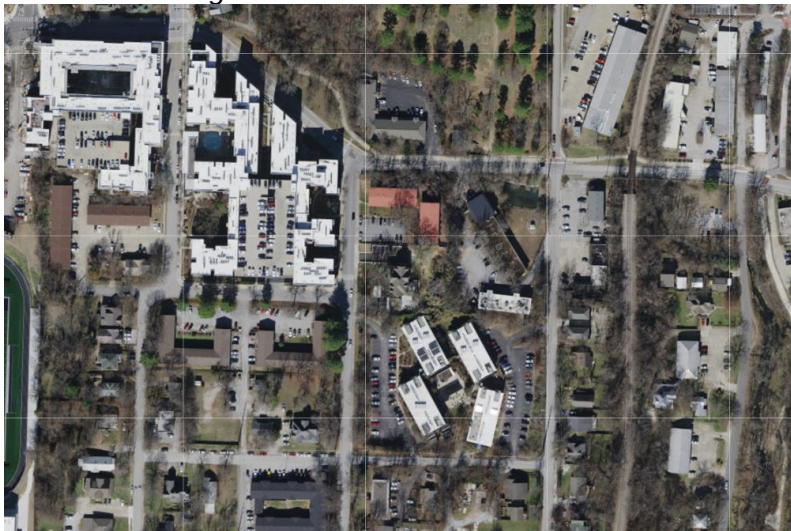
Treadwell (LSD-2024-0029 in review)	In Review	847	Demo of: Summit Terrace Apts. (40 MFD units), 98 Duncan Apts. (6 units), mix of single-, 2-, and 4- family units (6 units)
Duncan Ave. (LSD-2025-0007)	In Review	1011	Demo of: Harmon Place Apts. (38 MFD units), mix of single-, 2-, 3-, and 4-family dwellings (16 units),
TOTAL		3652	Demo of 129+/- dwelling units, multiple commercial spaces

This neighborhood was once an area with a variety of housing types to serve not only university students but also faculty and staff, families, and young professionals working downtown. Over the past ten years, redevelopment in this area has signaled a departure from stated goals captured in City Plan 2030 and 2040 as housing options have decreased and existing attainable housing has been lost. Although previous rezoning and development requests in this general area may have been supportable previously, the scale has since tipped and additional student-centered development is absorbing housing more widely available to non-student residents.

2013 Aerial Image

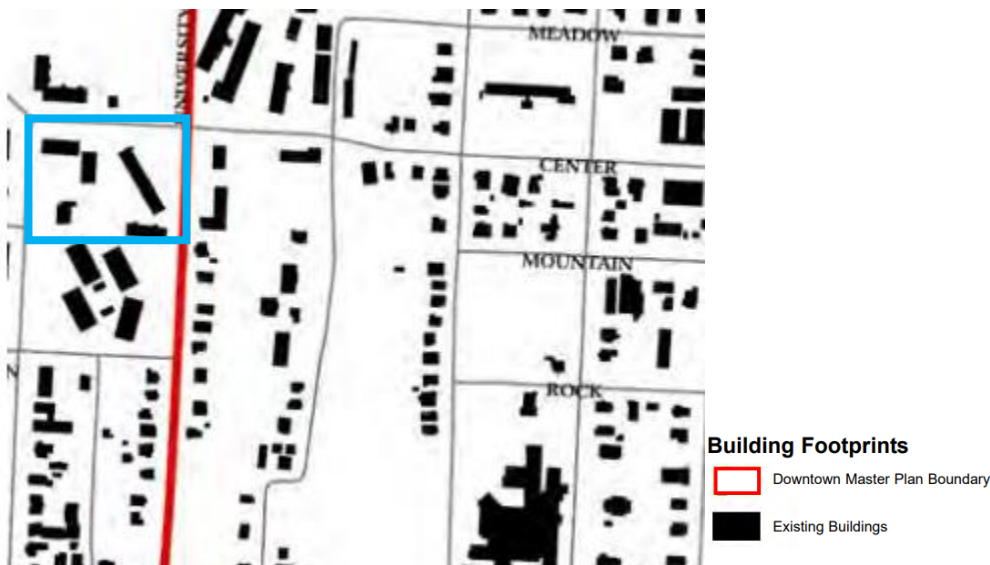


2024 Aerial Image



Lack of Adopted Plans

Some areas of Fayetteville that experience development pressures have undergone localized planning efforts, such as the Walker Park and Parksdale/Center neighborhoods. In contrast to these, the disproportionate amount of redevelopment in the subject neighborhood has not seen it included in any adopted neighborhood or area plans that would be able to provide goals and specific policy guidance tailored to effectively addressing intensely clustered development. As such, the vision of residents has not been captured or considered in rezoning or redevelopment plans. Notably, the subject property is located just outside of the southwest Downtown Master Plan boundary.

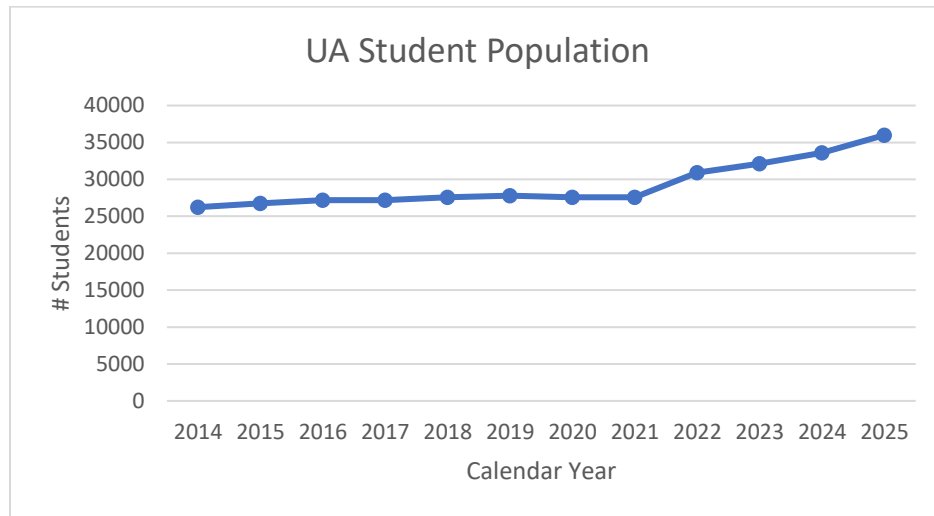


Snapshot of map in the Downtown Master Plan showing the plan boundary in red. The subject property is outlined in blue.

While the type of dense, urban development proposed with the rezoning and associated conceptual plan has been envisioned for other areas of the city (see the 71B or Downtown Master Plans), there are not at this time adopted plans that facilitate similar decision making in this area. Absent that guidance and given the heightened development interest in this neighborhood for housing products that are not being constructed in other areas of the city, further planning work specifically for this area to coordinate land use, transportation infrastructure, and the provision of utilities is merited. Additional planning with the community is imperative for equitable decision making, and areas formerly excluded from plans must be included in discussion. This is especially important in areas on the periphery of the university that are prime areas for student-oriented developments but also represent some of the oldest and thus more affordable housing options remaining in the city with close proximity to employment and entertainment centers.

Oversaturation of by-the-bedroom Student Housing

Between 2014 and 2024, student enrollment increased 28.1%, from 26,237 to 33,610. The most recent enrollment boom occurred between 2021 and 2024, when enrollment increased by an average of approximately 1,500 students annually.



University of Arkansas on-campus housing has not kept pace with enrollment with only 708 new beds added in the past ten years and an additional 1,265 beds planned for academic year 2027-2028. As a result, the private market has stepped in to make up for the lack of student housing available near campus. Between 2014 and 2024, student oriented private developments have added 7,040 beds, which effectively closed the gap between student enrollment growth (an increase of 7,373 students from 2014-2024) and housing needs.

Review of recent development data indicates that the city may be approaching market saturation for by-the-bedroom student apartments. There are currently 1,332 bedrooms under construction, with an additional 4,500 bedrooms in various stages of development review.

Zoning changes that create additional opportunities for walkability, a mix of uses, housing density near employment and entertainment centers, etc. are supported by the city's adopted plans and policies. However, these opportunities are already attainable under the current DG zoning district, and closer scrutiny of the context of this request suggests additional planning work to refine adopted policies for this neighborhood are merited prior to the approval of upzonings that propose additional burden on public resources.

STAFF EXHIBITS

Adjacent MSC Rezoning Analysis

Adjacent MSC Rezoning Analysis				Separation from 7-Story Setback to Closest Existing...							
	Adjacent Land Uses	Adjacent Building Heights	Adjacent Zoning	5-Story Structure	2-Story Structure	1-Story Structure	0-Story Parcel	Prohibited Uses per Bill of Assurance	Hydric Soils	Infill Score	Mixed-Use Permitted Under Previous District(s)?
The Verve (RZN-2024-0018)	Public ROW on four frontages. Mix of large multi-family residential and smaller scale residential units	5 stories (Atmosphere) 2 Stories (Eco-Modern Flats, 3 with 1 below Grade) 1-2 Stories (South side of Putnam) 1-2 Stories (west side of Duncan)	RMF-40 DG	~65 feet	~80 feet	~80 feet	NA	UU 17: Transportation Trades and Services UU 34: Liquor Stores UU 45: Small Scale Production	NA	12	No
Duncan Ave Apartments (RZN-2024-0028 RZN-2025-0006)	Public ROW on two frontages. Major institutional use (public school) on other frontages. Mix of residential scales to east, including approved Verve large-scale development	5 Stories (The Cardinal) 0 Stories (High School Parking Lot) 1-2 Stories (East of Duncan, Approved 7 story apartments) Harmon Field	RMF-40 DG P-1 Pending MSC	~10 feet	~80 feet	~55 feet	NA	UU 17: Transportation Trades and Services UU 34: Liquor Stores UU 45: Small Scale Production	NA	11-12	No
The Hub (RZN-2025-0011)	Public ROW on three frontages. Adjacent to multifamily apartments, single-story commercial buildings, and historic cemetery	5 stories (Atmosphere) 2 Stories (Eco-Modern Flats, 3 with 1 below Grade) 2 Stories (Apartment nborth of Center) 1 Story (Commercial Unit) 0 Stories (National Cemetery)	RMF-40 DG MSC	~65 feet	~10 feet	~85 feet	~65 feet	NA. None offered.	Yes	12	Partial

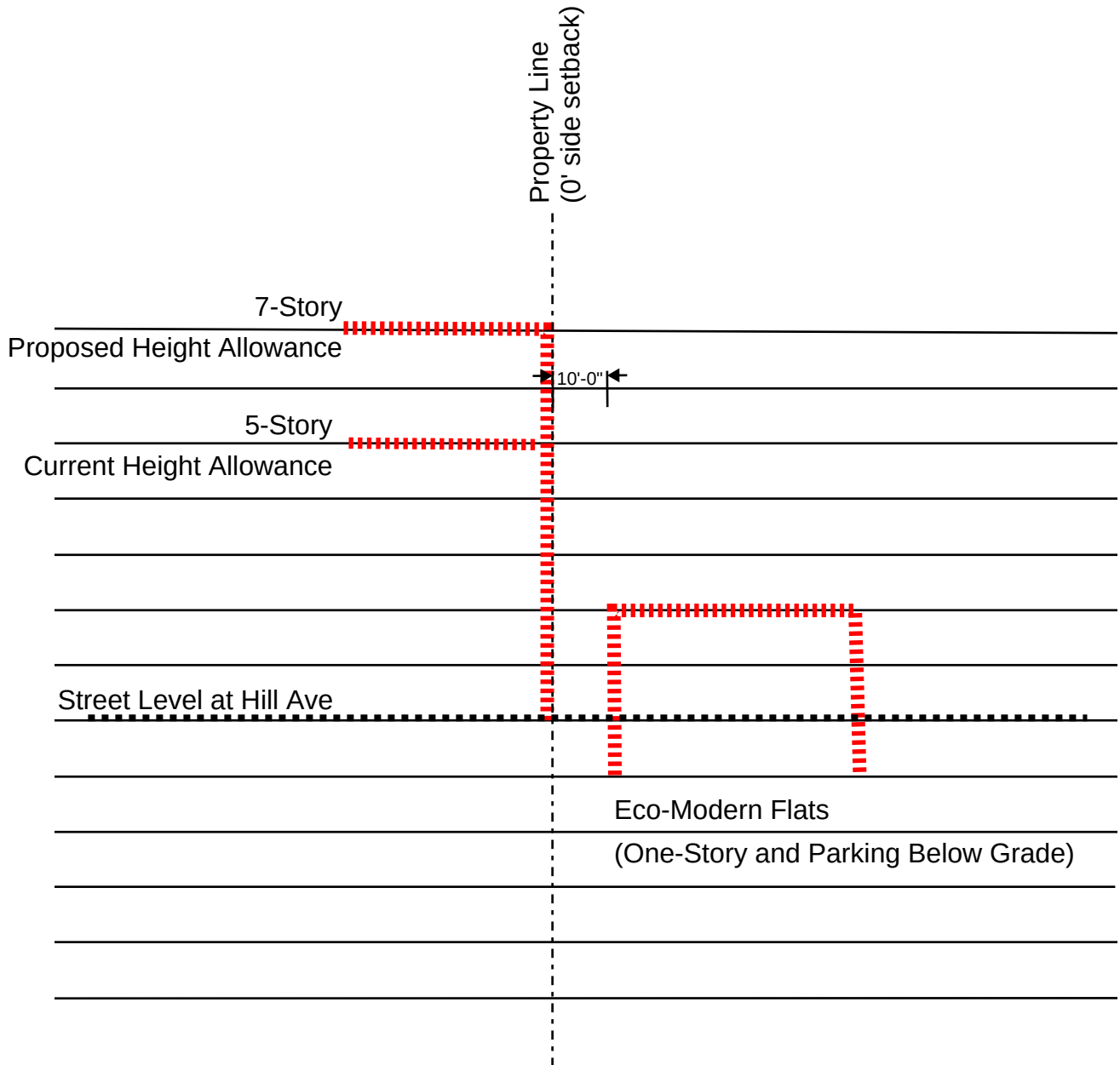
Adjacent Student Apartments Parking Reductions Analysis

	Number of Bedrooms	Motorcycle / Scooter Spaces	Bike Racks	Auto Spaces	Total Count Below Bedrooms	Auto Only Count Below Bedrooms
The Cardinal at West Center	447	17	100	391	-61	56
The Atmosphere	640	26	54	512	48	128
The Verve	847	107	136	373	231	474
Duncan Ave Apartments	1008	136	111	623	138	385
Trinitas*	674	86	80	439	69	235
Totals	3616	372	481	2338	425	1278
					664*	1517*

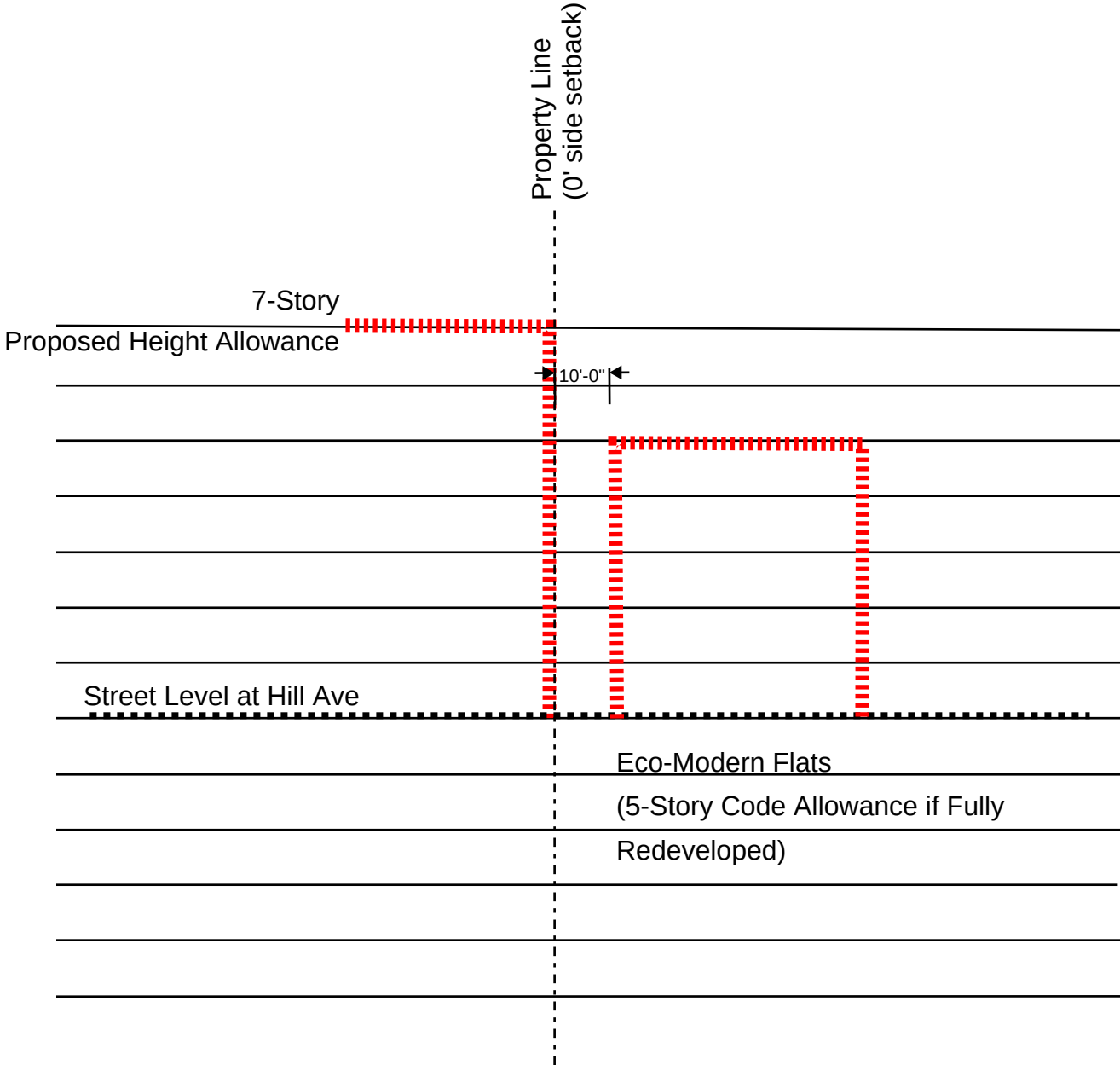
*Trinitas calculations include approved off-site parking. Of the 439 automobile spaces listed, 239 are provided off-site.

** All reductions shown are by-right allowances and are within current parking standards

**Staff Exhibit
General Height Analysis
(Existing Conditions)**



Staff Exhibit
General Height Analysis
(Maximums Permitted by Code)



**STAFF EXHIBIT:
HISTORIC CEMERERY AT W. CENTER ENTRY**



Policy Options for the Future

This assessment does not propose that the solution to housing affordability is to rezone the entirety of Fayetteville to RMF-24 zoning. Similarly, zoning is not the only solution to high and growing housing costs. Policy choices can, however, focus on adding housing density in strategic places to take advantage of existing infrastructure in high intensity areas that don't currently allow for housing. When combined with existing services, infrastructure, and amenities, these housing units can provide a number of benefits, including reducing vehicle trips. Fayetteville's City Plan 2040, the comprehensive plan adopted in 2020, includes several options for additional housing density in core areas that are already high intensity and offer close access to services.

Staff in the City of Fayetteville's Long Range Planning and Sustainability divisions worked with University of Arkansas graduate students in the Master of Public Administration program in the spring semester of 2023 to analyze three scenarios for single-family housing. The students produced a report at the end of the semester that aimed to identify the most effective zoning policy to increase single family residential density in Fayetteville. The three scenarios explored were a baseline analysis of maintaining the zoning status quo; rezoning all residential single-family zones to the RSF-8 zoning district; and allowing duplex, triplex, and fourplex construction by right in all current single-family zoning districts. Based on their analysis, the students recommended the third option, writing, "Increased housing diversity has the greatest net social benefit for Fayetteville. In addition to having the greatest potential for increased housing supply, this policy is the most efficient and equitable. Overall, creating the option for multifamily unit construction by right provides the strongest policy for Fayetteville's future growth." Although the report focused on single-family zoning, the lessons learned and the main point — that creating the option for multi-unit housing by right is the strongest policy for Fayetteville's future growth — align with the planning work and master plan documents/corridor planning that Fayetteville has been engaged in for the last several years.

Prior to the onset of the COVID-19 pandemic the City of Fayetteville was engaged in writing and implementing two key plans that set a priority for both housing and a high-quality urban environment. City Plan 2040 was adopted only months prior to the pandemic-related closure of city offices and the quick adjustment to online meetings and engagement. Several plan implementation steps were paused for about two years while community health and safety were prioritized, and the city is now moving forward again to engage with the community to address the challenges that arose just prior to and during the pandemic that are the impetus to bring the implementation actions from these adopted plans back into the spotlight.

Long Range Plan Implementation

Fayetteville's City Plan 2040 was written to support the city's six goals:

1. **We Will Make Appropriate Infill and Revitalization Our Highest Priority.**
2. **We Will Discourage Suburban Sprawl.**
3. **We Will Make Compact, Complete, and Connected Development the Standard.**
4. **We Will Grow A Livable Transportation Network.**
5. **We Will Assemble An Enduring Green Network.**
6. **We Will Create Opportunities for Attainable Housing.**

All six goals have short-term, long-term, and ongoing "benchmarks," or action items to implement the adopted plan. Page 47 of the plan lists the short-term benchmarks, or action items meant to be accomplished between 2019 and 2025. Although plan implementation has been somewhat delayed by the COVID-19 pandemic, 8 of the 25 short-term benchmarks are not yet underway but are directly related to the city's role in responding to population growth and increasing housing supply, and that the Fayetteville City Council could consider prioritizing (City Plan 2040 associated goals and current status listed in parentheses):

- Develop internal processes to align funding, development and planning of city infrastructure with the goals of City Plan 2040. (Goal 1 & 2; ongoing with streamlined permitting and new software)

- Identify existing properties that are vacant or prime for redevelopment and initiate form-based rezoning discussions with property owners. (Goal 1, 2, & 3; ready to begin with 71B rezoning)
- Evaluate development thresholds based on quantitative metrics such as building form, not building type, and the encouragement of missing middle housing. (Goal 1, 2, 3, and 6; ongoing)
- Evaluate conditional use permit vs. use-by-right for appropriate infill. (Goal 1; ongoing)
- Identify gaps in affordability throughout the city and set numerical targets for housing that is affordable to a variety of households, including workforce, supportive, low income, families with children, and senior housing. (Goal 1, 3, 4, & 6; initiated with this analysis)
- Promote long-term affordability by targeting the use of public funds for the lowest income households, including those who are homeless, at risk of homelessness, or who have other special needs. (Goal 6; ongoing with federal HOME and American Rescue Plan Act funds)
- Examine potential regulatory barriers and policies that impede the provision of household affordability, including: infrastructure costs, the costs and benefits of development ordinances on housing development, and how the City's fees and requirements impact the cost of living for households in Fayetteville. (Goal 1 & 6; development fee study underway)
- Identify opportunities for the creation of affordable housing on publicly-owned land and develop partnerships with developers to provide flexible, affordable work space and housing. (Goal 6; initial discussions and review of potential projects underway)

Long-term benchmarks (more than five years from plan adoption) that are directly related to housing but not yet underway are:

- Evaluate the development and implementation of a tiered impact fee system. (Goals 1 & 2; not yet begun)
- Evaluate existing street design speed, operating speed and posted speed limits, to ensure that each is appropriate based on the roadway design and context of the surrounding environment. (Goal 4; ongoing with speed limit review and traffic calming procedures in residential neighborhoods)
- Create a complete neighborhood or street corridor plan every other year utilizing a charrette process and analyze water and sewer capacity to identify opportunities or limitations for development. (Goal 1, 4, & 6; not yet begun)

Ongoing benchmarks should also be highlighted here given the pause in plan implementation, as some may need to be prioritized for action:

- Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. Recommendations should generally align with the Growth Concept Map. (Goal 4)
- Support development and redevelopment opportunities along the existing rail line. (Goal 4)
- Support and implement the goals, strategies and actions of the transformational 71B Corridor plan. (Goal 1, 2, & 4)
- Implement and utilize the Growth Concept Map to strategically incentivize the development of Tier-1, Tier-2, and Tier-3 commercial and mixed-use nodes along major corridors and as neighborhood centers. (Goal 1, 2, 3, 4, 5, & 6)
- Support the creation of a "real-time" database of available affordable housing units, services, resources, and incentives to strengthen the process of connecting qualified buyers and renters with affordable housing to comprehensively lower monthly household expenses. (Goal 6)
- Promote long-term affordability by developing new goals, targets, and strategies to promote the distribution of affordable housing in all parts of the city, including incentives for affordable housing in new developments and for the preservation of existing rental units. (Goal 6)

The remaining benchmarks do not have to be approached separately, but could instead be pulled together in a complete approach to developing housing solutions, particularly in areas of the city that have been identified as best able to support dense housing along major corridors and in places that support a mix of

housing and commercial development, such as Fayetteville's downtown area. As an example of the potential for a cohesive approach to plan implementation, three of the items listed in the ongoing benchmarks are closely tied together and could be approached as a single project. Supporting zoning proposals around major transportation corridors, supporting and implementing the goals, strategies and actions of the 71B Corridor Plan, and implementing and utilizing the Growth Concept Map on pages 13–16 of the plan document could all come together with a city-initiated project to rezone property along the 71B corridor (College Avenue, Nelson Hackett Boulevard, and South School Avenue) to allow for housing on properties that have extensive existing infrastructure, are located along a major transportation corridor that is already scheduled for additional investment to support development and alternative transportation, and that have limited proximity to existing residential neighborhoods. Additionally, there are multiple tier centers along this route that could be incorporated as part of the implementation of the growth concept map, furthering plan implementation in the same project.

Preserve Existing Affordable Housing

Table 3 on page 20 of this assessment showed current average monthly rents for new apartments, with average rent for a two bedroom apartment just over \$1,400 per month. Table 4 on the same page showed that affordable housing costs for the median household income in Fayetteville should not exceed \$1,325 per month, which includes utilities and insurance costs. Current rents for newly constructed housing units are 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.

In 2019 the City of San Antonio, Texas, engaged the firm PlaceEconomics to assess the risks to older and existing affordable housing stock as the city experienced rapid population growth and redevelopment. The results of this assessment, published as the report *Opportunity at Risk*,¹³ were a caution against the assumption that newly constructed housing is the best way to achieve affordable housing goals. Some of the context of the 2019 report presented in the Executive Summary would be familiar to Fayetteville today:

- One in three San Antonio households is spending more than 30 percent of their income on housing and nearly half of all renters meet this “cost burdened” threshold.
- Over the last decade, while median household income increased 1.9% per year, housing prices increased at 4.7% per year.
- While San Antonio is experiencing greater than national average growth in jobs and housing, most of the new homes are large and expensive, and much of the job growth is in lower wage jobs.
- The existing pre-1960 housing stock is providing largely unsubsidized and unprotected affordable housing.
- Single family, renter-occupied structures in fair and poor condition are the most at-risk of demolition.

The main takeaway of the report is clear and succinct: “A city cannot build itself out of a housing crisis — the retention of existing housing stock is critical.” Additionally, the report claimed three demonstrable premises:

1. One cannot build new and rent or sell cheap without subsidy.
2. Almost by definition when a unit of older housing is razed, a unit of affordable housing is lost forever.
3. Existing affordable housing programs — as useful and successful as they may be — must be realigned to address older housing stock.

The conclusion provided a caution to other rapidly growing cities facing housing affordability challenges:

¹³ Report available at sanantonio.gov/Portals/0/Files/HistoricPreservation/CurrentProjects/AffordableHousing/OpportunityAtRisk-Report.pdf

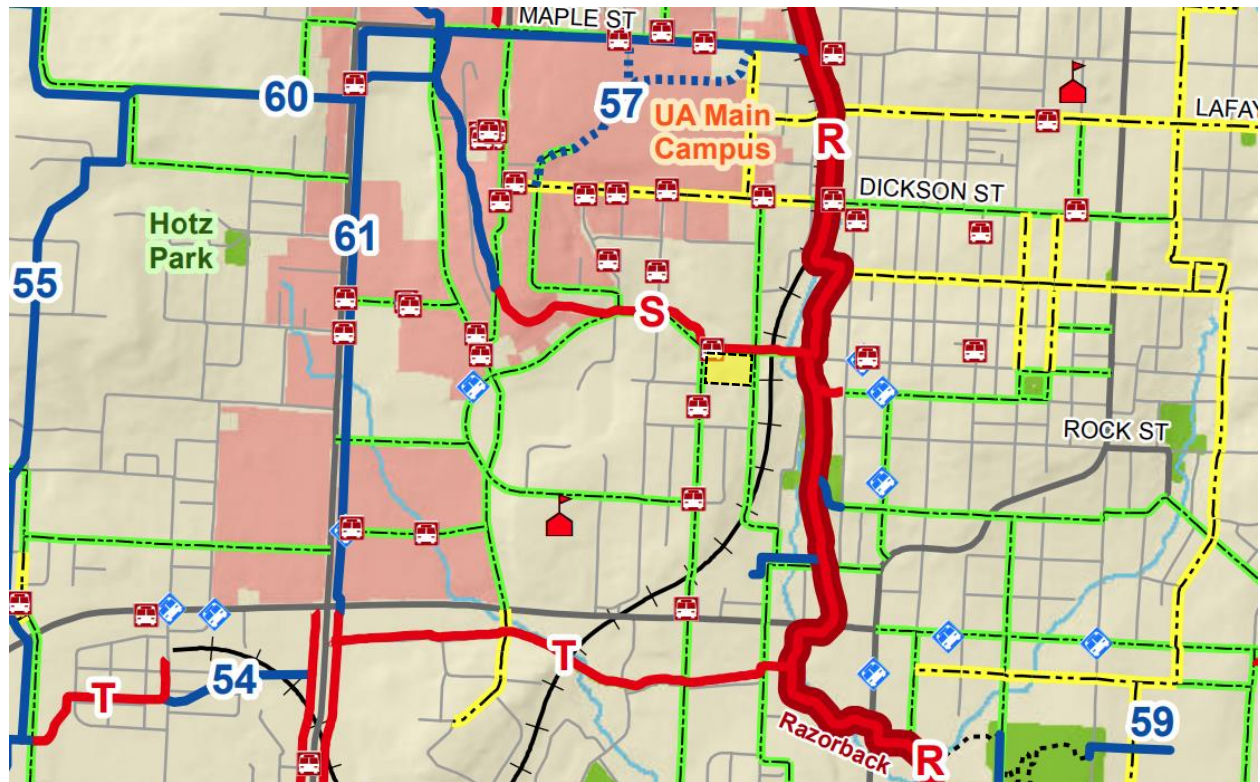
“Until the City of San Antonio can put new programs and policies into place, to reach the goal that the “average San Antonio family can afford to buy a home,” the data illustrates that San Antonio is systematically razing housing that is affordable and building housing that is not.” As Fayetteville looks to add housing units to supply, it is worth noting that new supply should be carefully balanced with preserving existing affordable housing — housing that can be in areas prime for redevelopment due to growing land values compared to declining value of aging structures.

Programs that provide assistance to low income households to help residents stay in their homes are a key part of preserving existing affordable housing. The City of Fayetteville’s Community Resources Department completed home repair and rehabilitation projects for eighteen housing units and thirty-two residents in 2022 with funding from federal Community Development Block Grants (CDBG). The CDBG Program supports community development activities to build stronger and more resilient communities. To support community development, activities are identified through an ongoing process. Activities may address needs such as infrastructure, economic development projects, public facilities installation, community centers, housing rehabilitation, public services, clearance/acquisition, microenterprise assistance, code enforcement, homeowner assistance, etc.¹⁴ The 2022 housing program projects in Fayetteville included roof repair, replacement and installation of heating and cooling equipment, repairs of holes in floors, new plumbing fixtures, new flooring, new windows, and plumbing repairs.

As of this assessment in 2023, the Community Resources Department has supported thirteen projects and eighteen residents with repair work that has included drywall repair, new roofs, new windows, new plumbing fixtures, basement remediation, and new plumbing fixtures. Total project costs for 2023 currently total \$118,365 with an average project cost of \$9,105. Participation in the CDBG program and accessing federal home repair funds will continue to be an important tool for preserving affordable housing for residents and keeping families in their homes.

¹⁴ hudexchange.info/programs/cdbg/

STAFF EXHIBIT: ACTIVE TRANSPORTATION PLAN EXCERPTS



Active Transportation Plan

- Proposed Shared-Use Paved Trail
- Proposed U of A Campus Connections
- Proposed On-Street Bicycle Facility

Existing Trails

- Shared-Use Paved Trail
- Nature Trail
- Neighborhood/Park Trail
- On-Street Bicycle Facility

- | | | | |
|--|--------------------------|--|---------------------------------|
| | Park | | Razorback Transit Bus Stop |
| | Lake | | Ozark Regional Transit Bus Stop |
| | Stream | | Street (Major) |
| | School | | Street |
| | Fayetteville City Limits | | Railroad |

PLAN VISION AND GOALS

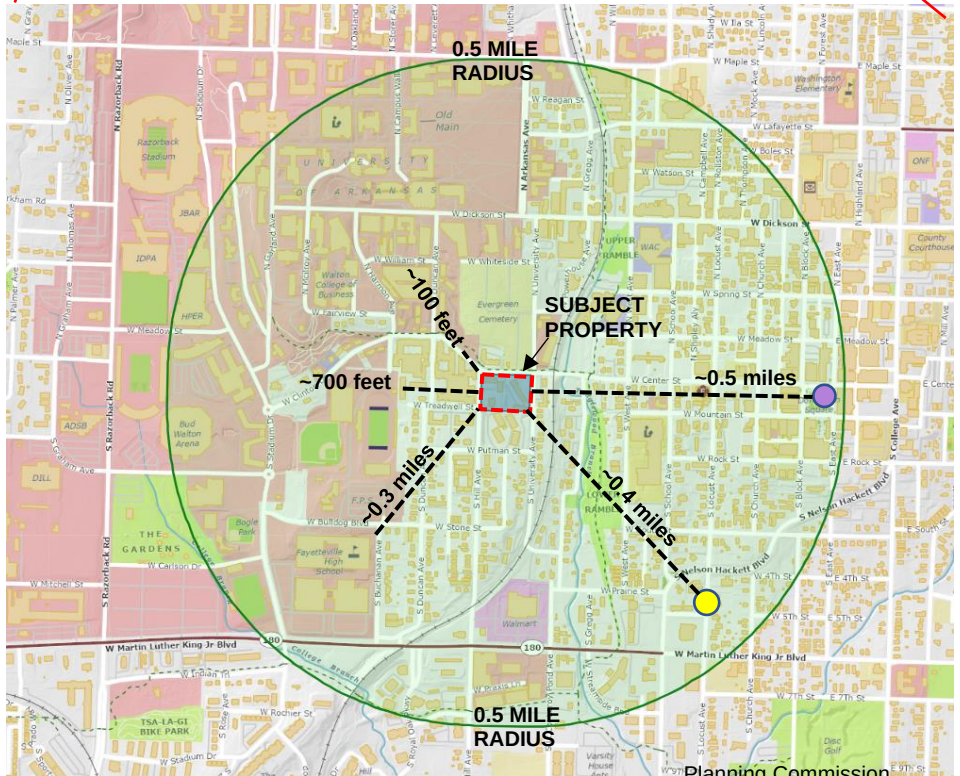
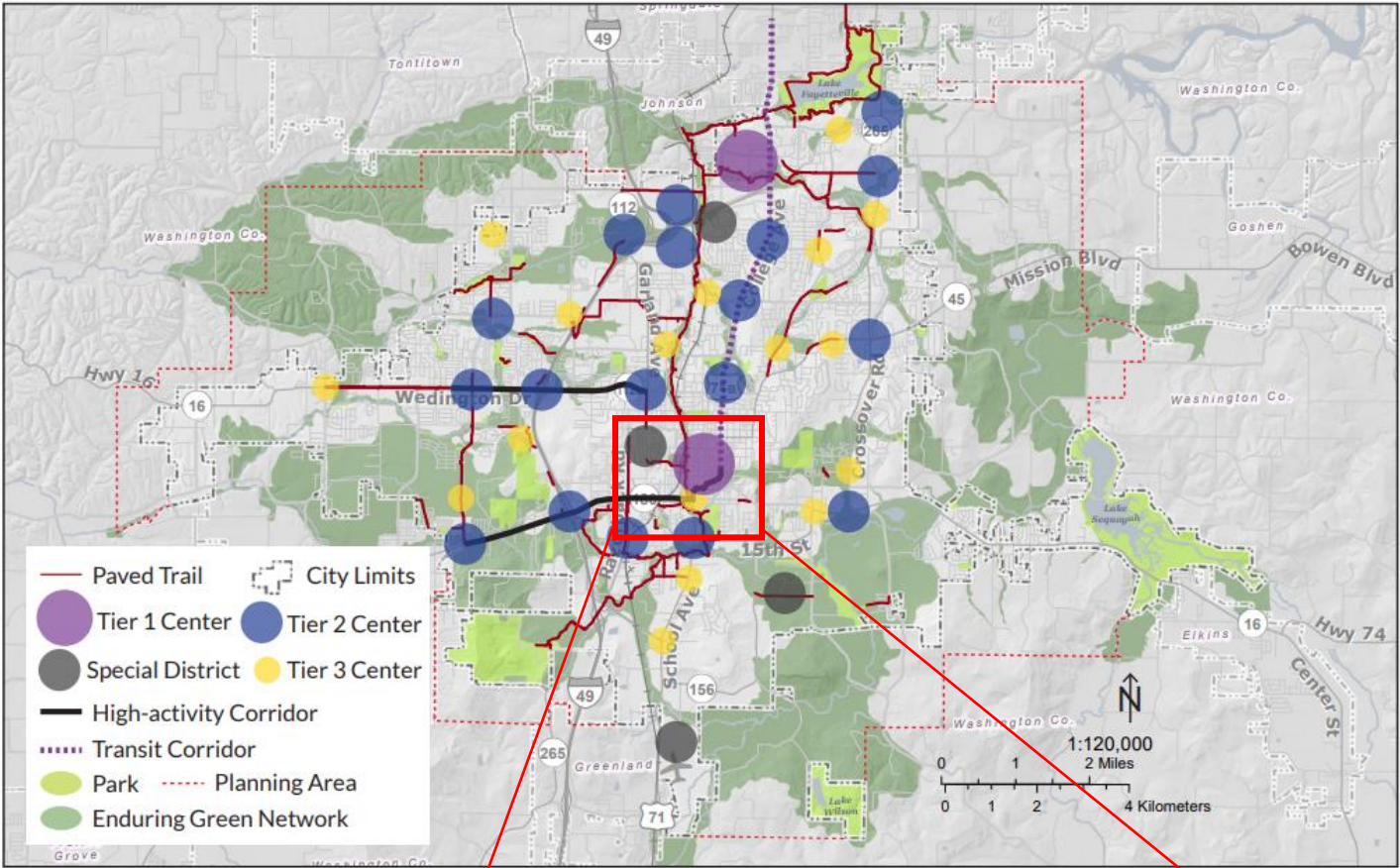
ACTIVE TRANSPORTATION PLAN
plan vision and goals

PLAN VISION

The Active Transportation Plan (ATP) has been developed through numerous planning and visioning exercises both locally and region wide. The ATP proposes to consolidate and summarize all of the various alternative transportation planning processes, policies and programs with the following vision statement: "Fayetteville endeavors to develop and promote an interconnected and universally accessible network of sidewalks, trails and on-street bicycle facilities that encourage citizens to use active/non-motorized modes of transportation to safely and efficiently reach any destination."

- 1 ENDEAVOR TO CREATE AN INCLUSIVE MULTI-MODAL TRANSPORTATION SYSTEM.
- 2 WORK TO BUILD A TRAIL CONNECTION WITHIN ONE HALF MILE OF EVERY RESIDENCE.
- 3 INCREASE THE ACTIVE TRANSPORTATION COMMUTING MODE SHARE FROM 7.5% TO 15% BY 2020.
- 4 IDENTIFY AND CORRECT MISSING BICYCLE AND PEDESTRIAN LINKAGES.
- 5 PARTNER WITH ADVOCATES TO ADDRESS BICYCLE AND PEDESTRIAN NEEDS.
- 6 EARN BICYCLE FRIENDLY COMMUNITY DESIGNATION OF SILVER BY 2017.

STAFF EXHIBIT: PROXIMITY TO TIER CENTERS (CITY PLAN 2040)



STAFF EXHIBIT: CITY PLAN 2040 EXCERPTS

Introduction

3.1.4 Promote the densest development around logical future transit stops.

For transit to be utilized and cost effective requires density; density of residences, jobs, commercial areas and other destinations. The University of Arkansas Razorback Transit is well used in areas of the city close to campus where many students live and study. On the other hand, Ozark Regional Transit serves areas of Northwest Arkansas that may not be particularly dense or have high employment numbers. The lack of density challenges the cost effectiveness of transit and the real or perceived convenience of utilizing transit for commuting and day-to-day transportation needs for residents. One of the things that the City can do is to encourage redevelopment of College Avenue to increase residential density and commercial intensity. The 71B College Avenue Corridor Plan envisions this arterial roadway to transform incrementally over time into a mixed-use urban thoroughfare that would provide transit operators with more “capture”, thereby becoming more cost effective and increasing customer convenience with more frequent buses. Logical transit stops city-wide should be planned and developed in accordance with the tiered activity centers identified on the Growth Concept Map. Ultimately, transit can make housing more affordable for Fayetteville residents by freeing up money typically encumbered by transportation expenses in household budgets.



Photo 3.4 - Walker-Stone House



Photo 3.5 - Former Public library

3.1.5 Reinvest in parks, streets, and civic buildings within the heart of the city.

The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure. Preservation of our tree-lined streets and parks and adaptive reuse of our historic civic buildings will maintain the community cultural identity. The City should continue to utilize the Enduring Green Network map to identify and preserve high-value open spaces that help to create an interconnected green network throughout the community.



Photo 3.6 - Historic County Courthouse and Center Street

3.1.6 Encourage historic preservation and adaptive re-use of buildings.

Historic preservation is crucial in retaining a community's character, identity, and evolutions. Preservation and restoration can be an effective tool for economic development and revitalization, achieving urban sustainability through reducing waste and emissions, and maintaining property values. Recent calculations indicate that it takes 35 to 50 years for a new energy efficient building to save the amount of energy lost in demolishing an existing building (National Trust for Historic Preservation).



24

Introduction

3.1.8 Encourage new development that supports and complements the unique characteristics and economic values of employment clusters in and around downtown, the U of A, the north end, the rail corridor, Drake Field and the Industrial Park.

There are two emerging central places in Fayetteville that contain a mixture of residential and commercial land uses, alternative transportation linkages, and employment centers in proximity to each other. At a neighborhood scale, this mixture of uses is often described as a “complete, compact and connected” place. The downtown/university area of the central city is rapidly redeveloping with residential and commercial activities and the uptown area is filling-in with medium-density residential to complement some of the existing commercial and office uses. Both districts have street network needs that should be addressed to encourage the efficient use of land and transportation improvements for each are described as recommendations in the Fayetteville Mobility Plan.

The Infill Assessment Map tool that staff developed as part of this plan update

provides a general locational framework for identifying parcels and areas that have proximity to existing utilities, infrastructure and services. Undeveloped or underutilized lands that score highly on the Infill Assessment Map should be considered prime candidates for future development with uses and building forms that are complementary to the existing neighborhood.

The Growth Concept Map is also useful for encouraging the development of mixed-use and neighborhood-scaled central places that provide nearby residents with some of their daily needs in proximity.

3.1.9 Determine feasibility of a tiered impact fee system.

A tiered impact fee system requires new development to pay its proportionate share

of the costs to the municipality associated with providing necessary public services to the development based on its location. Tiered impact fees are based on the general acknowledgement that parcels and locations that are near the core of the city would have less impact, and areas on the urban fringe have more impact. Development on the fringe of the city will cost the City more over time to provide street infrastructure, water and sewer, and life-safety services. Therefore, development on the fringe should pay a higher impact fee upfront for these utilities, infrastructure and services. Phoenix, Arizona, Bellevue, Washington, Kansas City, Missouri and Conway, Arkansas have all implemented an impact fee system where the fee varies depending on where the development is proposed.



Photo 3.8 - Construction in Downtown Fayetteville



3.3 Goal 3 - We will make compact, complete, and connected development the standard

Historically, a traditional town form is the concept of creating compact, complete, and connected neighborhoods at a human scale, as opposed to an automotive scale. Much of Fayetteville developed post-World War II is created for the convenience of automobiles. Over the last decade, citizens of Fayetteville clearly indicated through public planning processes that they desire development patterns that place a high priority on human scale development patterns. This means pedestrian-oriented buildings, streets and multi-modal transportation options. This has been reflected in new form-based zoning codes where buildings address the street, construction of multi-use trails and an on-street bicycle network, and public investment in new sidewalk and pedestrian improvements along major corridors. Traditional town form alludes to development patterns prior to World War II that placed an equal priority on humans and automobiles. As a result, this pattern can achieve a much higher level of neighborhood cohesion and land use diversity compared with an auto-oriented development pattern where land uses are rigidly separated. Components that are common to a compact, complete, and connected built environment include: interconnected street networks, build-

"[Infill] makes spaces more walkable. It's frustrating to have to drive through a large, empty parking lot to get to a storefront. It makes one feel exposed as a pedestrian as well. I love the new infill developments because it seems like a better use of space." - Survey Respondent



Figure 3.8 - Dover-Kohl Corridor Development



30

Goal 3 Objectives

3.3.1 Require new growth that results in neighborhoods, districts and corridors that are:

- **Compact** – via denser housing; meaningful open spaces and preserves; small blocks
- **Complete** – via housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
- **Connected** – via street-oriented buildings; interconnected streets; interconnected greenways and trails

3.3.2 Prepare a transit-worthy community: increase density in highly walkable areas along logical future transit routes, and anticipate rail, street cars and other alternative transit modes.

The 71B College Avenue Corridor Plan provides a framework for incrementally re-developing this major thoroughfare into a series of inter-connected and livable mixed-use districts. The City can provide redevelopment catalyst by making capital investments in increased street, sidewalk and trail connectivity.

3.3.3 Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.

The Razorback Regional Greenway illustrates the ability of the City to leverage capital investments in trail infrastructure to drive economic development. The City created the Fayetteville Alternative Transportation and Trail Plan in 2003 and began building the Scull Creek Trail with \$2.1 million in funding provided by a bond issue passage. Additional yearly Capital Improvement Project funding of \$1.3 million annually was used to build-out the remainder of the trail. The economic development catalyst that the trail provided is evidenced by the residential and commercial development occurring in nodes along the trail spine in south Fayetteville, throughout downtown/Dickson Street, in mid-town around Poplar Street, and throughout the uptown district along Mud Creek.



Figure 3.10 - Example Development Layout

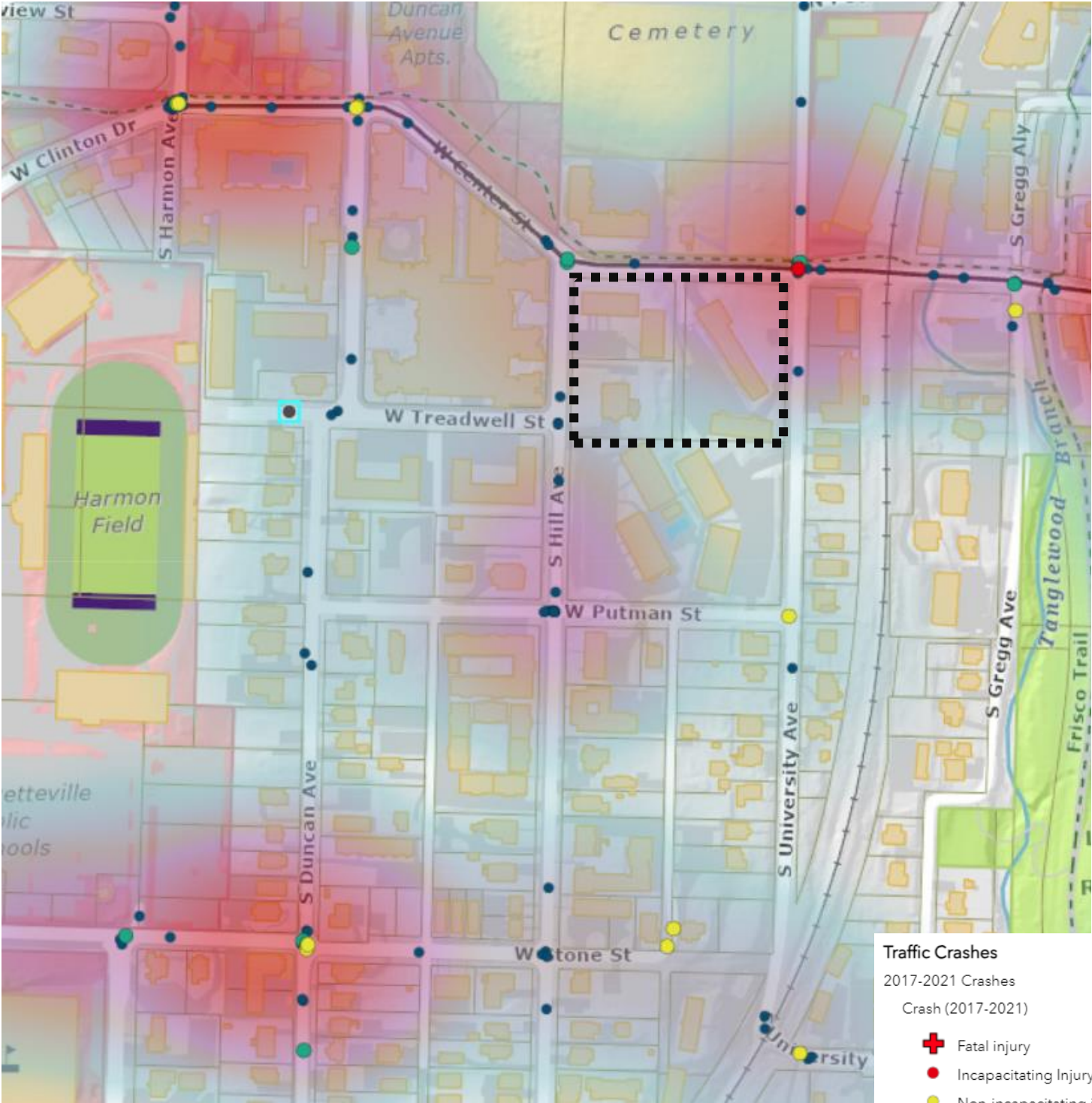


Figure 3.11 - Example Development Layout



32

STAFF EXHIBIT: ENERGY ACTION PLAN EXCERPTS
STAFF EXHIBIT: TRAFFIC ACCIDENTS



Wonsower, Donna

From: Kyle Smith <kyle.smith@kyle4fay.org>
Sent: Thursday, April 24, 2025 5:48 PM
To: Wonsower, Donna
Subject: Re: RZN-2025-0011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you! For the purpose of feedback/public comment, I would feel much more comfortable with this condition if it had two things:

1. Rephrase - "shall not include any 3-bedroom or 4-bedroom units" as "shall not be unit with more than 2-bedroom". Otherwise, there's some bizarre wiggle room there for a 5-bedroom rent-by-the-unit apartment. While unlikely, we do have such creatures out at the Cottages at Hollywood.
2. This should also include a guarantee that leasing terms will not include some of the common features designed to exclude non-student residents.

4. Any other terms or conditions:

Petitioner shall lease no less than 10% of the units within the development on a by-the-unit basis. Such units to be leased by-the-unit shall not include any 3-bedroom or 4-bedroom units.

I realize staff/PC/City Council don't get to negotiate the specific terms of a BoA, but thankfully as a little ol' member of the public, I'm free to stomp my angry feet and be as specific as I want. :)

Kyle

On Thu, Apr 24, 2025 at 4:55 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Kyle,

Yes, please see attached. Let me know if you have any questions.

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

From: Kyle Smith <kyle.smith@kyle4fay.org>
Sent: Thursday, April 24, 2025 4:47 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: RZN-2025-0011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Donna,

Can you share the bill of assurance that was submitted for the rezone at Hill & Center & University?

Thank you!

Kyle

Wonsower, Donna

From: Wonsower, Donna
Sent: Monday, April 28, 2025 10:22 AM
To: Wonsower, Donna
Subject: FW: Rezoning of Center/University to MSC

Commissioners,

See below for public comment relating to RZN-2025-0011 on tonight's agenda.

Donna Wonsower, AICP
Planner, Development Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov

From: Bo Counts <bocounts@gmail.com>
Sent: Sunday, April 27, 2025 2:41 PM
To: CityClerk <cityclerk@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>
Subject: Rezoning of Center/University to MSC

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello everyone,

By this point, you've all heard my many items about stormwater, grade topography, alley vacations, gas lines, economic impacts, redevelopment concerns and more. But I felt this email needed to address a few more of the human and cultural factors at play surrounding this particular piece of land and the properties located on it. If you weren't already aware, the apartment complex "Beverly Manor" (commonly known as the duck pond) was designed by Warren Seagraves. This architect designed the original Fayetteville public library as well as our Federal Building and the Wesley Chapel among others. Almost all of his designs are long lasting and adaptive buildings, which nearly all of them continue to be efficiently used to this day. The corner of Center and University is currently zoned dense multi-family, has existing affordable housing, is an adaptive use of historic and culturally relevant space, and currently houses a diverse group of residents that are from all walks of life. If Fayetteville is trying to champion proper urban development, then this corner is already the poster child of what that should look like, and the idea of bulldozing this entire block to build single-purpose driven student housing is in direct opposition to what I feel are the goals of making Fayetteville a healthy and vibrant downtown. Many of Fayetteville's residents have a difficult time understanding what goes on at city council and planning commission meetings. Many of them are afraid to come and speak in person, confused at who to email, or simply don't understand what all these strange legal terms mean, while trying to juggle their own responsibilities. It's for these reasons I've taken it upon myself to be a voice for their collective fears and concerns. Below you'll find some photos I've either taken myself, or they've texted me, and some of their stories. These are the people who live, work and play downtown and call this corner home. These are people that make Fayetteville a diverse and interesting community downtown, and people that are afraid of their own future if this rezoning goes through.



This is Dewayne. He's the son of Wes (Founder of Wes's BBQ located across the street. He lives in our building and walks to work every morning. He is worried how this development will not only affect his home life and daily routines, but also his family's business if all the construction and redevelopment is approved.



A single mother of three. She's extremely nervous about finding a new affordable place to live. She's enjoyed living in this building for the past few years and is worried about the impacts of relocating her children and if she can even find a place in her budget.



My downstairs neighbor is elderly and on an extremely fixed income. She's lived in the building for over 20 years. She walks the property regularly for exercise and is quite chatty and eccentric. She, too, is extremely afraid of what she will do if forced to leave her home.



My neighbor to the right of my apartment is a nurse at Washington Regional and has lived in the building for over 12 years. She loves the location of our complex, the affordability, and the access to some of her favorite restaurants. (She eats Giraldi's weekly, as it's right across the street)



My neighbor to the left is 50 years old and is the bar manager of the local italian restaurant Bocca. She's been my neighbor for about 6 years and has enjoyed having an affordable place to live, especially in a market that is extremely difficult for hospitality based workers. She's been looking for new places for rent since the news about the potential sale of the property went public, and has told me she's been unable to find almost anything that wouldn't nearly double her existing rent and is worried she may have to quit her job to look for employment outside of fayetteville in an area more affordable.



This is my neighbor who lives below and to the left of me. He lives here with his wife and daughter, and he is employed across the street at Gerald's. He is able to walk to work every day, cutting down his commute and being able to spend more time with his family after getting off work. He loves the proximity of being able to have affordable housing so close to his job. Again, another hospitality worker who is able to have access to a housing situation that makes their life easier, not harder, in a time that's extremely difficult for hospitality workers.

As you can see, this is a wonderful neighborhood that I live in (A business owner myself, just a few blocks away on Block Ave.) And I hope that the members of the planning commission can identify that this area is already a shining example of a strong neighborhood that has a positive impact on the diversity and prosperity of our downtown. I hope you stand with the City Staffs recommendation to deny this rezoning request. I plan on reaching out to discuss what taking over this property might look like for me to potentially establish co-op housing in this building if Mr. White would be interested in selling this property to me or a land trust instead. Obviously that's just an idea I'm having, but it's something I'm passionate about.

Thank you again for all your hard work and attention to this particular matter that I'm sure you're all tired of hearing about ;)

Bo Counts

c. 479-200-5588

- Owner / Pinpoint Fayetteville
- Co-host - Later on KNWA/FOX24 Saturdays at 9pm
- Board member / Downtown Fayetteville Coalition

Wonsower, Donna

From: Curth, Jonathan
Sent: Monday, April 28, 2025 12:58 PM
To: Wonsower, Donna; Cole, Kylee
Cc: Masters, Jessica; Bostick, Britin
Subject: FW: 7 S. University Ave packet missing important info

Fyi, I appreciate you all having the information available and incorporated.

Jonathan Curth, AICP

Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

From: Curth, Jonathan
Sent: Monday, April 28, 2025 12:56 PM
To: 'Dede Peters' <dedepictures.4@gmail.com>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: 7 S. University Ave packet missing important info

Dede,

Thank you for the message. In re-reading the staff report for the item, I see on Page 22 where this information is provided.

<https://fayettevillear.portal.civicclerk.com/event/567/files/attachment/16252>

Is there something additional you anticipated seeing?

Thanks again,

Jonathan Curth, AICP

Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

[Website](#) | [Facebook](#) | [Twitter](#) | [Youtube](#)

From: CityClerk <cityclerk@fayetteville-ar.gov>
Sent: Monday, April 28, 2025 10:45 AM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: FW: 7 S. University Ave packet missing important info

Good morning,

The message below went to our Junk Folder, I just want to make sure you guys receive it since it is pertaining to tonight's meeting.

Hope you both have a good day!

Jonathan Ramirez

-----Original Message-----

From: Dede Peters <dedepictures.4@gmail.com>

Sent: Sunday, April 27, 2025 4:12 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>

Cc: CityClerk <cityclerk@fayetteville-ar.gov>; Bo Counts <bocounts@gmail.com>

Subject: 7 S. University Ave packet missing important info

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Jessica,

The packet for 7 S. University Avenue is missing some important historic information. While the Background section does list the Putman House as being historic, it fails to mention that Beverly Manor is also historic. It was designed by Warren Segraves

<https://us01.z.antigena.com/l/bSH5jkfgggsBlfWfNkvhrPdnWM1hcZm6SyguU6luTZhYwM~~VJ~EiXTmQ7YzezzKrYkleqBB62d2372nspOdxocb~B-e3UMUEEOCCCCdmciMDItOic8FhdoSiszKfMYGDC~nvpqODj6Ouva6Xc1u8oegh3z0a6MPZNRIGkYuFq8azhvX8jFhjj7vujRPhWWYJTZXOKg-dl2vcG4z1n7qDZmKDVjiOTeDS7cGaexsa7aaTi15> , an important Arkansas architect, in the mid-1960s for A.O. White (father of the current owner). Some plans are on file with Special Collections at the University of Arkansas, Fayetteville.

https://uark.as.atlas-sys.com/repositories/2/archival_objects/679911

https://uark.as.atlas-sys.com/repositories/2/archival_objects/680135

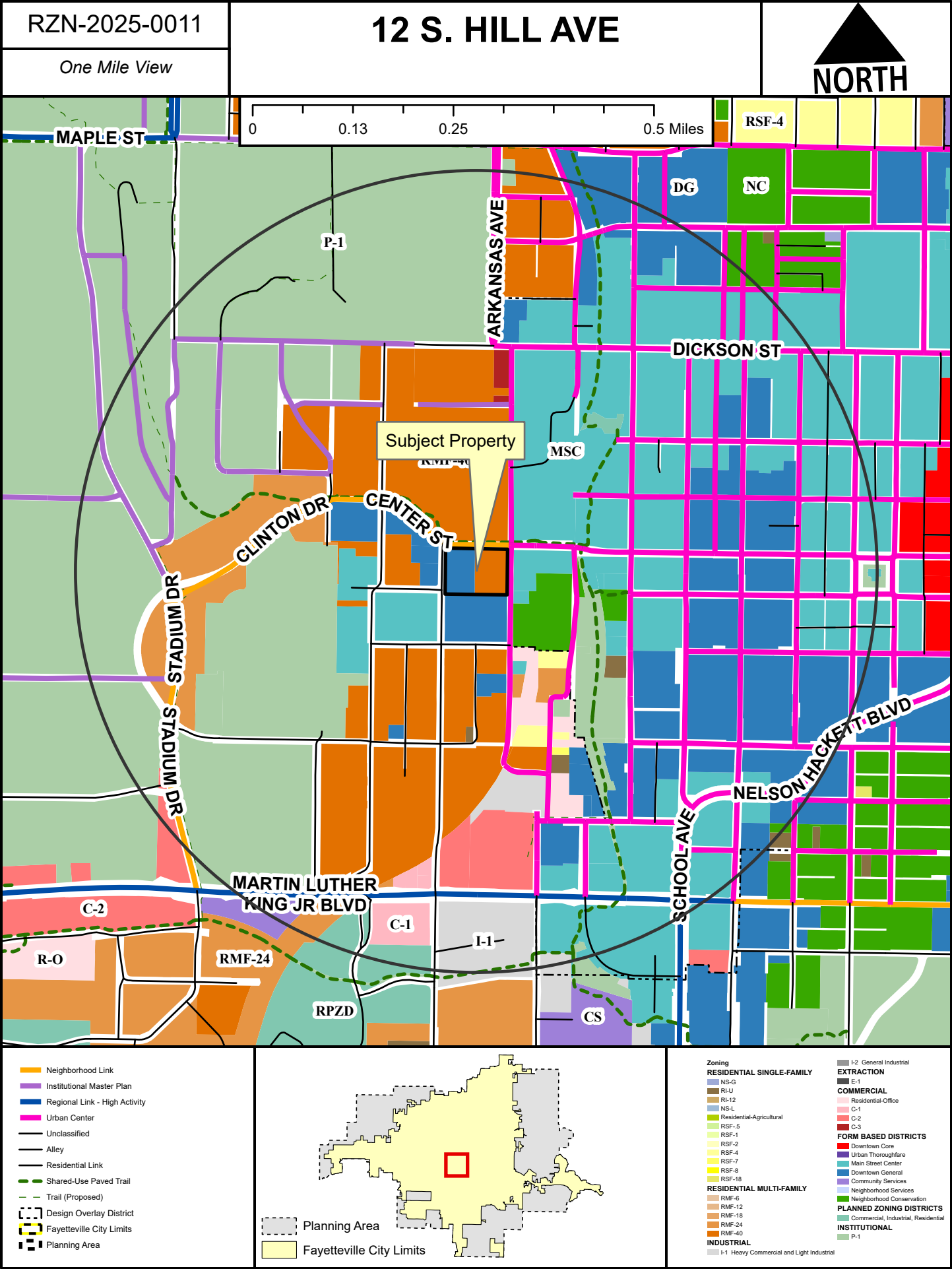
I think this information is valuable and provides additional context for the historic losses our Fayetteville community would endure if the proposed private dorm is built.

I respectfully ask that this information be mentioned, for the record, at the Planning Commission meeting on April 28th and that this information be added to any future items regarding this property.

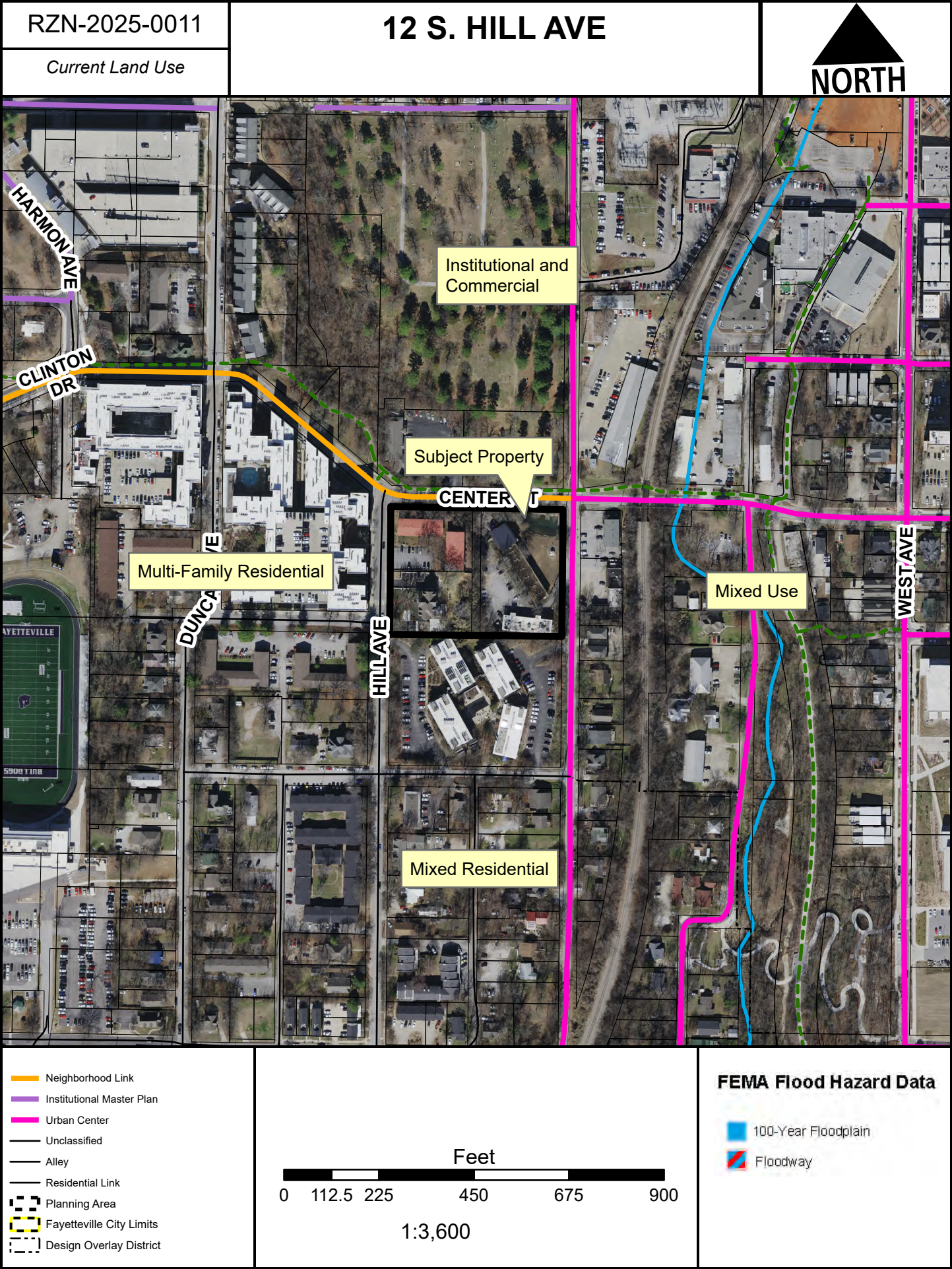
Thank you,

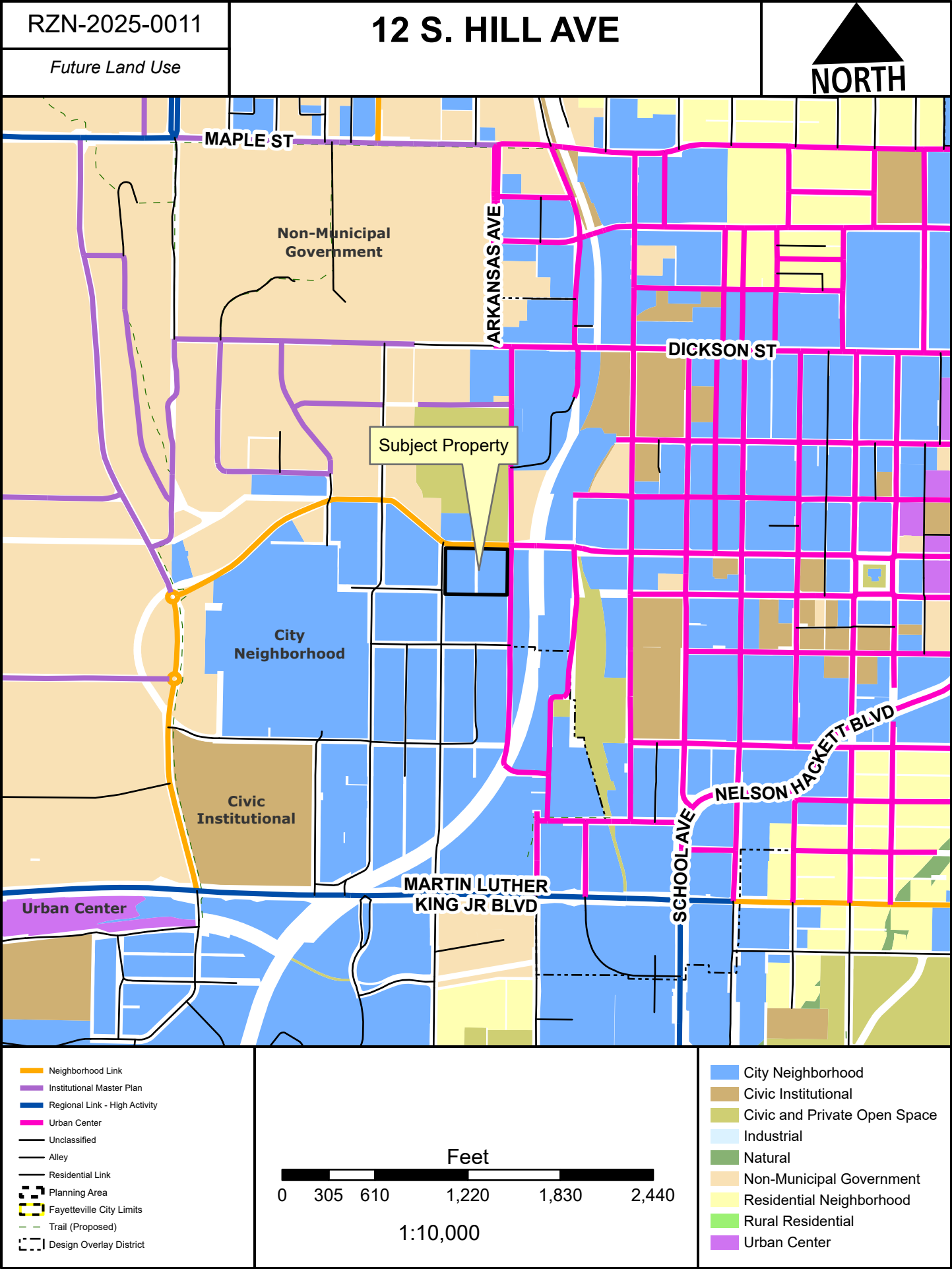
Dede Peters

Ward 2 resident











TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
Justin Bland, Engineering Development Review Manager
Willa Thomason, Urban Forester

MEETING: May 27, 2025

SUBJECT: **PPL-2024-0011: Preliminary Plat (1640 S. HANSHEW RD/KESSLER CREEK SUBDIVISION, 596):** Submitted by ODYSSEY ENGINEERING for property located at 1640 S. HANSHEW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, R-A, RESIDENTIAL AGRICULTURAL, and CS, COMMUNITY SERVICES and contains approximately 46.74 acres. The request is for the preliminary plat of 111 residential lots and 3 non-buildable lots.

RECOMMENDATION:

Staff recommends approval of **PPL-2024-0011** with conditions.

RECOMMENDED MOTION:

"I move to approve PPL-2024-0011, determining:

- In favor of the recommended right-of-way dedication;*
- In favor of the recommended street improvements;*
- In favor of the recommended off-site utility improvements;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in southwest Fayetteville, roughly 650 feet south of the intersection of W. Martin Luther King Jr. Boulevard and S. Leflar Way. The site is at the southern terminus of S. Leflar Way, totals roughly 43.70 acres, and is almost entirely undeveloped. The Farmington Branch, which is in the Illinois River watershed, bisects the easternmost portion of the site and there are steep grades south and west of the stream. A FEMA designated Floodplain Zone A associated with the stream encumbers roughly 7.5 acres of the site. The approximately 43.70-acre property is almost entirely covered in tree canopy with approximately four acres near the south property line falling within the Hillside Hilltop Overlay District. An approximately 1,100-square-foot single-family residence was constructed in 1951 near S. Hanshaw Rd. along with several outbuildings. The project was previously approved to be developed as a RV park, with multiple conditional use permits, extensions, modifications, and large-scale development approvals reviewed from 2022 to 2024. Those approval have since expired, and the applicant now seeks to develop the property as a single-family subdivision.

A variance to §166.08(E), Block Length and Connectivity and to use the Alternative Residential Link Section were approved by Planning Commission on November 25, 2025 (VAR-2024-0046). A variance to tree preservation plan requirements was heard and denied by the Planning Commission on March 24, 2025 (VAR-2025-0016). Surrounding land uses and zoning are

depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Undeveloped/Lowe's	R-A, Residential Agricultural/RMF-24, Residential Multi-family, 24 Units per Acre/CPZD, Commercial Planned Zoning District
South	Undeveloped/Conservation Easement	R-A, Residential Agricultural
East	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
West	Undeveloped/Single-family Residential	R-A, Residential Agricultural/RSF-4, Residential Single-family, 4 Units per Acre

Proposal: The applicant is proposing a subdivision with 111 residential lots and 3 non-buildable lots. No additional variances have been requested with the preliminary plat.

Right-of-Way to be Dedicated:

S. Hanshew Drive: S. Hanshew Dr. is an existing Residential Link Street along the western side of the property. The applicant proposes 26' of right-of-way dedication from center line in line with typical master street plan requirements.

S. Leflar Way: The development is shown to connect to an existing cul-de-sac of S. Leflar Way., a private drive that extends north to W. Martin Luther King, Jr. Blvd. The applicant proposes total right-of-way dedication of 40' in line with the Alternative Residential Link section from the end of this existing stub east to its connection to S. Finger Rd. The use of this section was approved by the Planning Commission on November 25, 2025 (VAR-2024-0046).

S. Finger Road: The property is shown extending over the entirety of S. Finger Rd., which currently has 26-feet of right-of-way from street centerline that was dedicated with a lot split in 2022. Based on existing surveys, staff recommends that right-of-way west of the centerline within the property boundaries shall meet typical master street plan standards.

Internal Streets (S. Fawn Run, S. Moose Tracks Ridge, W. Billy Goat Bend, S. Yarrow Avenue, S. Spike Ridge, and W. Deerwood Drive): All internal streets are shown with 40' of total right-of-way in line with the Alternative Residential Link section. The use of this section was approved by the Planning Commission on November 25, 2025 (VAR-2024-0046).

Street Improvements:

Based on findings from the provided traffic study and further described in the engineering memo, staff recommends the following on and off-site improvements. Recommended improvements for all interior and exterior streets are listed below:

S. Hanshew Drive (on-site): The applicant is proposing a Residential Link cross section in this location, with 6-foot sidewalk and 6-foot greenspace on the west side of the street, and street widening to accommodate two drive lanes to include curb and gutter along their frontage.

S. Hanshew Drive (off-site): Staff recommends the applicant widen Hanshew Road at the approach to M.L.K. Jr. Blvd. to accommodate a northbound right-turn lane, a northbound left-turn lane and a southbound receiving lane.

S. Leflar Way: The development is shown to connect to an existing cul-de-sac of S. Leflar Way., a private drive that extends north to W. Martin Luther King. Jr. Blvd. This existing cul-de-sac is proposed to remain within a public access easement, with public street improvements connecting to it. The applicant proposes 6-foot sidewalk and 6-foot greenspace on the south side of the street, with two drive lanes in line with an Alternative Residential Link Street.

S. Finger Road: The applicant is proposing a Residential Link cross section in this location, with 6-foot sidewalk and 6-foot greenspace on the west side of the street, two drive lanes and curb and gutter.

Internal Streets (S. Fawn Run, S. Moose Tracks Ridge, W. Billy Goat Bend, S. Yarrow Avenue, S. Spike Ridge, and W. Deerwood Drive): The applicant is requesting an Alternative Residential Link cross section in the internal streets, with 6-foot sidewalk and 6-foot greenspace on one side of the street, and road width to accommodate two drive lanes. The use of this section was approved by the Planning Commission on November 25, 2025 (VAR-2024-0046) with a condition to locate the sidewalk on the internal portion of the W. Deerwood Dr. loop. The proposed plans meet this condition of approval.

Block Length/Connectivity: A variance to §166.08(E), Block Length and Connectivity was approved by Planning Commission on November 25, 2025 (VAR-2024-0046) with conditions. These conditions are included in the project packet. Staff evaluated the plan for compliance with conditions and finds that the plans are substantially compliant with the conditions; however, no lighting is proposed in either the playground or surrounding walking paths. Given the extensive slopes of the adjacent detention pond, staff recommends that site lighting be included within this common open space for pedestrian safety and to better meet the intent for this area to remain a readily accessible common open space.

Water and Sewer System: The applicant proposes to tie to an existing 6" waterline along Hanshew Rd. on the west side of the site and to an existing 6" waterline along Finger Rd. on the east side of their site. New 8" water mains are proposed throughout the subdivision to provide domestic water service and fire hydrants.

New 8" sewer mains split between two sub-basins are proposed within the subdivision to provide sanitary sewer service. The western basin will drain to the west to an existing 6" sewer main along S. Hanshew Rd. The remaining on-site sewer will drain from the middle of the site north to an existing 6" sewer main along W. Martin Luther King Jr. Blvd. A review by the city's sewer master plan consultant indicated that an approximately 450' of existing downstream 6" sanitary sewer (from SSM-6327 to SSM-8088) did not have adequate capacity to support the full development. Due to this, staff is recommending that the applicant upsize this 450' of off-site sewer main from a 6" sewer main to a 10" sewer main.

Tree Preservation:

Canopy minimum requirement: 25.5% (average of RSF-4, CS, and R-A, and HHOD)

Existing canopy: 86.1%

Preserved canopy: 21.8%

Mitigation required: 766 two-inch caliper trees (297 to be planted, 469 proposed to be paid into escrow)

Parks: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on January 31, 2025. The Parks and Recreation Advisory Board recommended fee-in-lieu for this development in the amount of \$119,790 based on 110 single-family lots at \$1,089 per unit. For 111 single-family units, a parks fee of \$120,879 would be required. The final fee-in-lieu amount will be determined at the time of a final plat and final lot count.

Public Comment: Staff has received public comment in opposition to the request, generally centered on tree preservation, drainage, fencing/screening between adjacent properties, traffic and surrounding infrastructure, and inadequate adjacent sidewalk connections. Staff also received multiple requests for additional information.

RECOMMENDATION: Staff recommends approval of PPL-2024-0011, with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication as follows:*
 - a. S. Hanshew Drive: 26' from centerline
 - b. S. Leflar Way: 40' total right-of-way within public portion of street
 - c. S. Finger Road: Existing 26' from west of centerline. Typical master street plan standards east of centerline.
 - d. Internal Streets (S. Fawn Run, S. Moose Tracks Ridge, W. Billy Goat Bend, S. Yarrow Avenue, S. Spike Ridge, and W. Deerwood Drive): 40' total right-of-way
2. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*
 - a. S. Hanshew Drive (on-site) 6-foot sidewalk and 6-foot greenspace, street widening to accommodate two drive lanes in line with a Residential Link Street along the property frontage.
 - b. S. Hanshew Drive (off-site) Hanshew Road shall be widened at the approach to W. Martin Luther King Jr. Blvd. to accommodate a northbound right-turn lane, a northbound left-turn lane and a southbound receiving lane.
 - c. S. Leflar Way: 6-foot sidewalk and 6-foot greenspace, two drive lanes in line with an Alternative Residential Link Street.
 - d. S. Finger Road: 6-foot sidewalk and 6-foot greenspace on the west side of the street, two drive lanes and curb and gutter.
 - e. Internal Streets (S. Fawn Run, S. Moose Tracks Ridge, W. Billy Goat Bend, S. Yarrow Avenue, S. Spike Ridge, and W. Deerwood Drive): 6-foot sidewalk and 6-foot greenspace on one side of the street, and road width to accommodate two drive lanes.
3. **Planning Commission determination of off-site utility improvements.** *Staff recommends street improvements as follows:*
 - a. *The applicant shall upsize 450' of off-site sewer main from a 6" sewer main to a 10" sewer main (from SSM-6327 to SSM-8088) where the sewer study indicates adequate capacity to support the full development does not exist.*
4. Payment for 469 mitigation trees shall be paid into escrow. At \$675 per tree, the required payment shall be \$316,575. Final escrow payment shall be determined with grading permit.

5. Parkland fees in lieu of dedication are required in the amount of \$120,879 based on a proposed number of 111 single-family lots. The final amount will be based upon the final number of lots to be platted at the time of final plat.
6. Streetlights shall be installed in accordance with code at all street intersections and spaced every 300 feet.
7. All remaining comments from the Planning Division shall be addressed prior to Planning Commission, as submitted through the EnerGov portal.
 - a. Clearly show and dimension existing right-of-way on east side of S. Finger Rd.
 - b. Clarify intent for portion of parcel remaining east of S. Finger Rd. right-of-way.
 - c. Note any public access easements must be vacated through separate application process.
 - d. Details for playground equipment, picnic tables, benches, fences, etc. will be required at grading permit.
 - e. Highly recommend including lighting around walking path and playground for safety.
8. Conditions of approval from Engineering, Urban Forestry, and Parks are included in the official conditions of approval.
 - a. Show the proposed sidewalk connection adjacent to the detention pond. This may conflict with landscape plans in some areas. Please correct.
 - b. Consider installing more mitigation trees within the proposed detention pond, if possible.
 - c. Ensure the 5' buffer along limits of disturbance is clear on the plans. Any damage to off-site trees must be mitigated.

Standard conditions of approval:

9. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;
10. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;
11. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;
12. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;
13. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;
14. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, SWBT, Ozarks, SWEPCO, Cox Communication)

15. 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; and
16. Preliminary Plat approval shall be valid for one calendar year.

Planning Commission Action:	☐ Tabled	☐ Approved	☐ Denied
Meeting Date: <u>May 27, 2025</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None.

Attachments:

- VAR-2024-0046 Conditions of Approval
- Staff Memos
 - Engineering Comments
 - Urban Forestry Comments
 - Parks Comments
- Applicant Exhibits
 - Request Letter
 - Site Plans
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

BUDGET/STAFF IMPACT:

None.

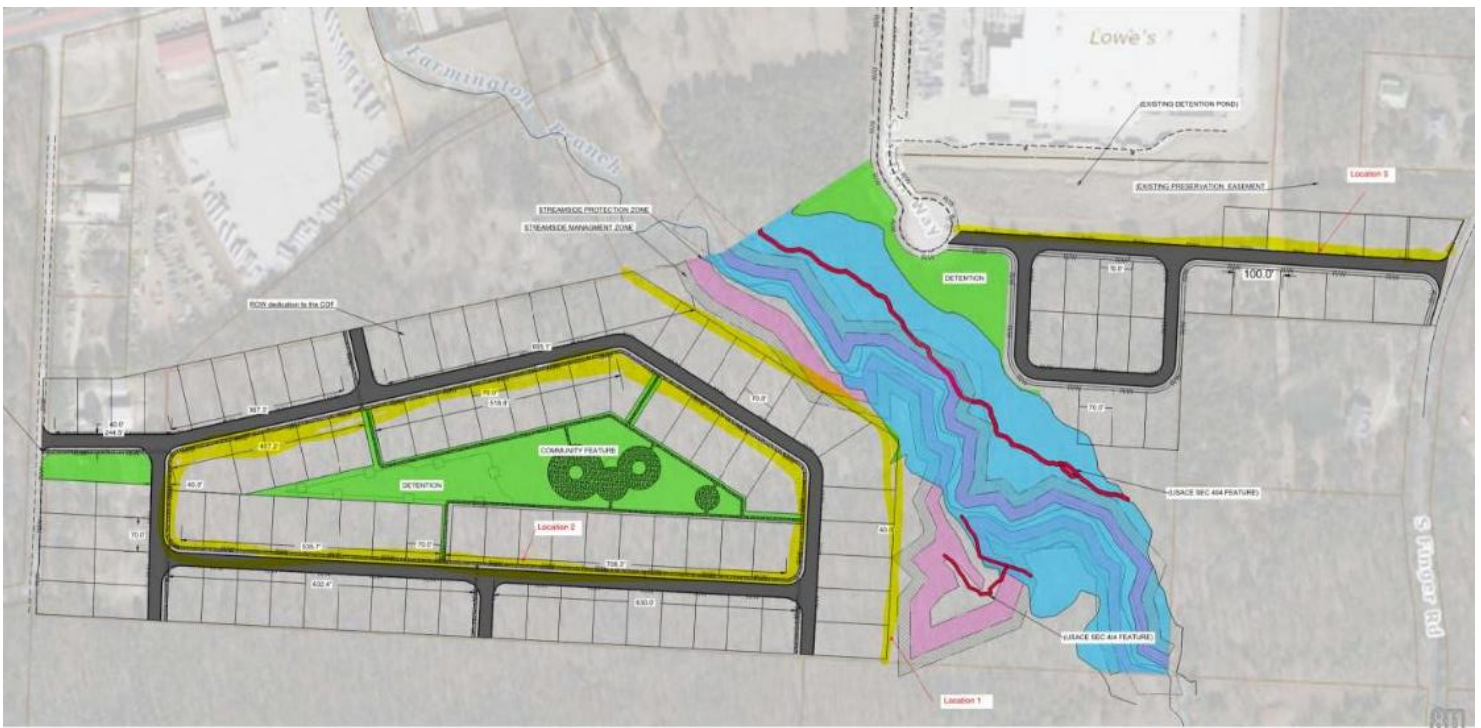
Attachments:

- VAR-2024-0046 Conditions of Approval
 - Staff Memos
 - Engineering Comments
 - Urban Forestry Comments
 - Parks Comments
 - Applicant Exhibits
 - Request Letter
 - Site Plans
 - Public Comment
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
-

VAR-2024-0046
Conditions of Approval:

1. **Planning Commission determination of a variance to §166.08(E), Block Length and Connectivity.** Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:
 - a. Sidewalk connections shall be installed within the common open space in substantially similar locations as the attached plans;
 - b. The internal common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the preliminary plat for approval. Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space.
2. **Planning Commission determination of the use of an alternative residential link street section outside the HHOD.** Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:
 - a. Development on the east side of the floodplain shall use the full residential link sections. If approved for the alternative residential link, sidewalk along the loop shall be located internal to the loop.
3. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

VAR-2024-0046 PROVIDED SITE PLAN





TO: Donna Wonsower, Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: May 20, 2025

**SUBJECT: Planning Commission Engineering Comments for
PPL-2024-0011**

Water: The applicant is proposing to install new 8" water mains throughout the subdivision to provide domestic water service and fire hydrants. The project connects to an existing 6" waterline along Hanshew Rd. on the west side of the site and to an existing 6" waterline along Finger Rd. on the east side of their site.

Sewer: The applicant is proposing to install new 8" sewer mains within the subdivision to provide sanitary sewer service to each lot. This on-site sanitary sewer system is split into two sub-basins. The western basin will drain to the west to an existing 6" sewer main along Hanshew Rd. The remaining on-site sewer will drain from the middle of the site to the north to an existing 6" sewer main along M.L.K. Jr. Blvd.

The city's sewer master plan consultant was engaged by the developer to review the project impact on sewer capacity. This review indicated that an approximately 450' of existing downstream 6" sanitary sewer (from SSM-6327 to SSM-8088) did not have adequate capacity to support the full development. Due to this, staff is recommending that the applicant upsize this 450' of off-site sewer main from a 6" sewer main to a 10" sewer main.

Streets: The applicant is proposing to install public streets based on a previously approved alternative street section. The street section includes a 28' wide street section and a 6' sidewalk within a 40' right-of-way.

A traffic study was performed by the applicant which analyzed the two primary intersections that the proposed project ties to. The eastern of these two intersections is at M.L.K. Jr. Blvd's intersection with Leflar Way. At this intersection, Leflar Way currently has three lanes: one south bound lane, one north bound left turn lane and one north bound right turn lane. This intersection only serves 22 lots on the east side of the site, but the traffic study does indicate a degradation of the Level of Service to F for vehicles turning west onto M.L.K. Jr. Blvd. in the A.M. and P.M. peak hour. This is primarily driven by the high volume of traffic on M.L.K. Jr. Blvd. during those peak hours. However, improvements to this intersection are not recommended for two reason. The first is that the most impactful improvement for this intersection would be to provide a traffic signal which would not pass the proportionality test for 22 lots. The second is that these lots also have the option to exit to the intersection of M.L.K. Jr. Blvd. and Finger Rd. which already has a traffic signal.

The western of the two intersections is at M.L.K. Jr. Blvd's intersection with Hanshew Rd. This intersection provides access to 89 of the proposed lots. Hanshew Rd. is currently only two lanes wide at

this intersection. This becomes problematic as additional traffic is added because one vehicle waiting to turn left blocks the intersection for everyone turning right. Therefore, staff recommends for the applicant to widen Hanshew Road at the approach to M.L.K. Jr. Blvd. to accommodate a northbound right-turn lane, a northbound left-turn lane and a southbound receiving lane. This improvement still results in a Level of Service of E for the northbound right turn movement in the A.M. Peak. As with the intersection at Leflar Way, the Level of Service is largely driven by the high traffic volumes on M.L.K. Blvd.

Natural Features: The Farmington Branch stream runs through the middle of the site from the south to the north. This area of the site lies within a FEMA Zone A flood plain. This section of the Farmington Branch is also within the streamside protection zone. The applicant has proposed Lot 112 along the stream as a non-buildable conservation lot. This lot encompasses the flood plain and streamside protection zone.

GIS indicates hydric soils are present near the eastern portion of the subject property, which are known indicators of potential wetlands. As part of a previous project proposed for the site, a wetland jurisdictional determination was requested and provided for the overall property in 2022 by the U.S. Army Corps of Engineers. The findings did not indicate any streams, ponds, or wetlands to be present that would potentially warrant further jurisdictional determination or permitting. This determination is valid for 5 years from its issuance in August 2022.

GIS also indicates that a southern portion of the property is in the Hillside-Hilltop Overlay District. Due to this, additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

Drainage: This development is required to meet the four minimum criteria of Fayetteville's Drainage Criteria Manual. The applicant is proposing to meet water quality requirements with several methods including the use of AquaSwirl hydrodynamic separators, bio-retention ponds, the run-off reduction method and individual GSPs on lots. There are three stormwater detention basins proposed on the site to help address the remaining criteria. Channel protection is proposed to be met by sizing the pond outlet structures to detain and release the runoff from the 1-year, 24-hour storm over a period of 40 hours. Similarly, overbank flood protection and extreme flood protection requirements are proposed to be met by sizing the outlet structures so that peak flows post-development do not exceed pre-development peak flows. Detailed review of the drainage design will be done with grading permit review.

Plan Comments:

1. Additional plan review will be performed with subsequent submittals.

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: Odyssey Engineering

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 27, 2025

Subject: PPL-2024-0011, Kessler Creek Subdivision, 1640 S Hanshew Rd.

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>			

- | | |
|---|---|
| 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	766 (469 paid into escrow at \$675/tree = \$316,575)
Parking Lot Trees	N/A

Street Trees	112 lot trees
	48 street trees
Detention Pond – Large Trees (1 Tree/3,000 square feet)	35
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	139
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	207

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	4-22-25	5-8-25
Approved		
Tabled	12-31-2024	
	1-30-2025	
	3-18-2025	
	3-28-2025	
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 show the proposed sidewalk connection adjacent to the detention pond. It appears that this may conflict with landscape plans in some areas. Please correct.
3. Consider installing more mitigation trees within the proposed detention pond, if possible.
4. 469 trees paid into escrow at \$675/tree = \$316,575 which will be due prior to final plat.



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Odyssey Engineering

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 27, 2025

Subject: PPL-2024-0011, Kessler Creek Subdivision, 1640 S Hanshew Rd.

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 Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	2,042,964	100%
Zoning Designation * Select Below with drop down arrow		
C-1, Neighborhood Commercial	510,741	25%
HHOD * Select Below with Drop Down Arrow		
No	102,148	5%
Total Canopy for Minimum Preservation Requirements	612,889	25.5%
Existing Tree Canopy * Minus Right of Way and Easements	1,759,484	86.1%
Tree Canopy Preserved	445,921	21.8%
Tree Canopy Removed *On Site	1,313,563	64.3%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	1,313,563	64.3%
Removed Below Minimum	166,968	
Mitigation Requirements	166,968	

TOTAL CANOPY FOR MINIMUM PRESERVATION REQUIREMENTS ARE A WEIGHTED AVERAGE OF RMF-6 AND HHOD

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	166,968	766 required 297 planted 469 paid into escrow
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 (469 trees)		
5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1 and 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)	Yes		Yes
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)	No		Yes
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	N/A (optional)		N/A (optional)
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	4-22-2025	5-8-25
Approved		
Tabled	12-31-2024	
	1-30-2025	
	3-18-25	
	3-28-25	
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 ensure the 5’ buffer along limits of disturbance is clear on the plans. Any damage to off-site trees must be mitigated.

December 18, 2024

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

RE: Kessler Creek Subdivision

City of Fayetteville Planning Staff:

Please consider this letter, along with all accompanying documents, as the Preliminary Plat submittal for the Kessler Creek Subdivision located along S. Leflar Way.

This subdivision project consists of 110 buildable lots with accesses to S Leflar Way and Hanshew Road. The property has a FEMA mapped floodplain running through it, but the design as presented has intentionally avoided the FEMA limits. Two variances were granted for this site, a variance from section 166.08 (E) – Street Design and Access Management Stands for Block Layout/Connectivity and a variance from the typical residential link section. These variances have also been noted on the cover page of the attached plan set.

Included with this submittal:

- Plan Set
- Drainage Report
- Warranty Deed
- Property Owner Authorization
- USACE AJD
- Fire Tech Review Sheet

Should you have any questions regarding this submittal, please contact us at **479-480-3330** or **jchavis@odysseynwa.com**. We appreciate your time and review of this project and look forward to hearing from you.

Respectfully,



Jake Chavis
Project Engineer



479.480.3330



OdysseyNWA.com



124 Grant Place, Suite E, Lowell, AR 72745

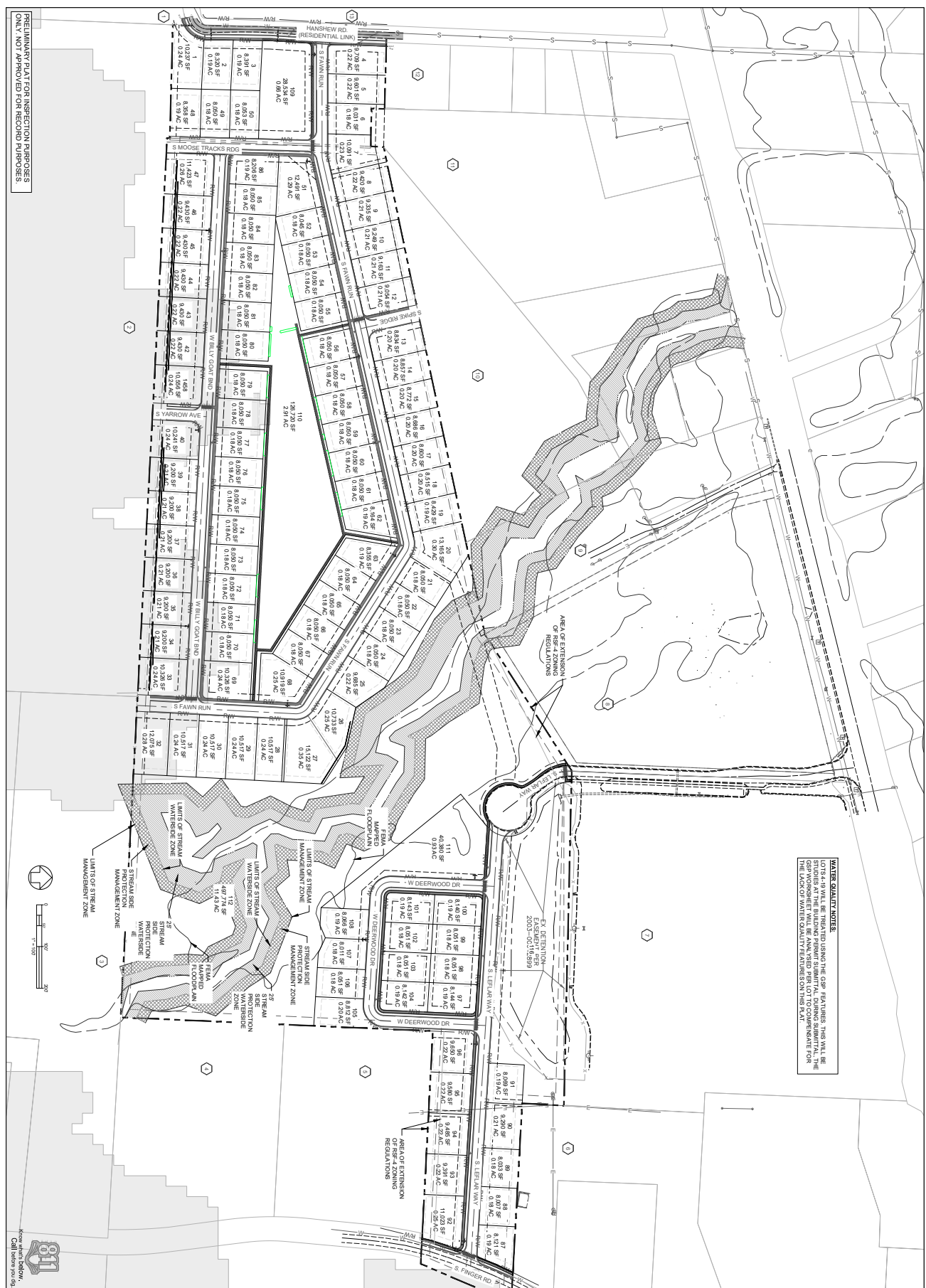
Planning Commission

May 27, 2025

PPL-2024-0011 (KESSLER CREEK SUBDIVISION)

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ONLY. NOT APPROVED FOR RECORD PURPOSES.



WATER QUALITY NOTES:
LOTS 4-19 WILL BE TREATED USING THE GSP FEATURES. THIS WILL BE STUDIES AT THE BUILDING PERMIT SUBMITTAL DURING SUBMITTAL. THE GSP WORKSHEET WILL BE ANALYSED PER LOT TO COMPENSATE FOR THE LACK OF WATER QUALITY FEATURES ON THIS PLAT.



Now what's before
Call before you dig

PP2

PRELIMINARY PLAT

PLAN DATE:	04.16.2025
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PROJECT NO.	DESIGNED BY	REVIEWED BY
-------------	-------------	-------------

KESSLER CREEK
SUBDIVISION
S. LEFLAR WAY
FAYETTEVILLE, AR 72722



**ODYSSEY
ENGINEERING**
24 GRANT PLACE, SUITE E
LOWELL, AR 72745
(479) 480-3330
AR COA # 4188

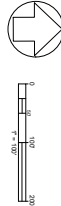
Planning Commission
May 27, 2025

PPL-2024-0011 (KESSLER CREEK SUBDIVISION)

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NOT FOR CONSTRUCTION

LEGEND (PROPOSED)	
—	RIGHT-OF-WAY
—	CURB & GUTTER
—	LOT LINE
—	EASEMENT
—	ROAD CENTERLINE
—	SIGN
—	UNDERGROUND STORM DRAINAGE SYSTEM
—	STORM STRUCTURE
—	WATER LINE
—	WATER SERVICE LINE
—	FIRE HYDRANT ASSEMBLY
—	WATER METER
—	WATER VALVE
—	AIR RELEASE VALVE
—	SEWER LINE
—	SEWER SERVICE LINE
—	SANITARY SERVICE MANHOLE
—	LIGHT POLE
—	RIP-RAP PAD
LEGEND (EXISTING)	
—	PROPERTY LINE
—	RIGHT-OF-WAY
—	LOT LINE
—	EASEMENT
—	ROAD CENTERLINE
—	ASPHALT
—	CURB & GUTTER
—	SIDEWALK
—	BARRIED WIRE FENCE
—	WOODEN FENCE
—	CHAIN LINK FENCE



STRUCTURE TABLE			
NAME	DETAILS	PIES IN	PIES OUT
MH C3	RM = 103.17 SLMP = 1279.8	P-C4, 8" SPO28 INV N = 128.40	P-C3, 8" SPO28 INV OUT = 1278.80
MH C4	RM = 104.42 SLMP = 1280.0	P-A4, 8" SPO28 INV OUT = 1280.00	
MH H1	RM = 126.13 SLMP = 1269.0	P-H1, 8" SPO28 INV OUT = 1267.00	
MH H2	RM = 127.00 SLMP = 1279.0	P-H2, 8" SPO28 INV OUT = 1275.00	
MH H3	RM = 127.98 SLMP = 1279.8	P-H3, 8" SPO28 INV OUT = 1279.80	
MH H4	RM = 128.40 SLMP = 1279.8	P-H4, 8" SPO28 INV OUT = 1279.80	
MH H5	RM = 128.80 SLMP = 1279.8	P-H5, 8" SPO28 INV OUT = 1279.80	
MH H6	RM = 129.20 SLMP = 1279.8	P-H6, 8" SPO28 INV OUT = 1279.80	
MH H7	RM = 129.60 SLMP = 1279.8	P-H7, 8" SPO28 INV OUT = 1279.80	
MH H8	RM = 130.00 SLMP = 1279.8	P-H8, 8" SPO28 INV OUT = 1279.80	
MH H9	RM = 130.40 SLMP = 1279.8	P-H9, 8" SPO28 INV OUT = 1279.80	
MH H10	RM = 130.80 SLMP = 1279.8	P-H10, 8" SPO28 INV OUT = 1279.80	
MH H11	RM = 131.20 SLMP = 1279.8	P-H11, 8" SPO28 INV OUT = 1279.80	
MH H12	RM = 131.60 SLMP = 1279.8	P-H12, 8" SPO28 INV OUT = 1279.80	
MH H13	RM = 132.00 SLMP = 1279.8	P-H13, 8" SPO28 INV OUT = 1279.80	
MH H14	RM = 132.40 SLMP = 1279.8	P-H14, 8" SPO28 INV OUT = 1279.80	
MH H15	RM = 132.80 SLMP = 1279.8	P-H15, 8" SPO28 INV OUT = 1279.80	
MH H16	RM = 133.20 SLMP = 1279.8	P-H16, 8" SPO28 INV OUT = 1279.80	
MH H17	RM = 133.60 SLMP = 1279.8	P-H17, 8" SPO28 INV OUT = 1279.80	
MH H18	RM = 134.00 SLMP = 1279.8	P-H18, 8" SPO28 INV OUT = 1279.80	
MH H19	RM = 134.40 SLMP = 1279.8	P-H19, 8" SPO28 INV OUT = 1279.80	
MH H20	RM = 134.80 SLMP = 1279.8	P-H20, 8" SPO28 INV OUT = 1279.80	
MH H21	RM = 135.20 SLMP = 1279.8	P-H21, 8" SPO28 INV OUT = 1279.80	
MH H22	RM = 135.60 SLMP = 1279.8	P-H22, 8" SPO28 INV OUT = 1279.80	
MH H23	RM = 136.00 SLMP = 1279.8	P-H23, 8" SPO28 INV OUT = 1279.80	
MH H24	RM = 136.40 SLMP = 1279.8	P-H24, 8" SPO28 INV OUT = 1279.80	
MH H25	RM = 136.80 SLMP = 1279.8	P-H25, 8" SPO28 INV OUT = 1279.80	
MH H26	RM = 137.20 SLMP = 1279.8	P-H26, 8" SPO28 INV OUT = 1279.80	
MH H27	RM = 137.60 SLMP = 1279.8	P-H27, 8" SPO28 INV OUT = 1279.80	
MH H28	RM = 138.00 SLMP = 1279.8	P-H28, 8" SPO28 INV OUT = 1279.80	
MH H29	RM = 138.40 SLMP = 1279.8	P-H29, 8" SPO28 INV OUT = 1279.80	
MH H30	RM = 138.80 SLMP = 1279.8	P-H30, 8" SPO28 INV OUT = 1279.80	
MH H31	RM = 139.20 SLMP = 1279.8	P-H31, 8" SPO28 INV OUT = 1279.80	
MH H32	RM = 139.60 SLMP = 1279.8	P-H32, 8" SPO28 INV OUT = 1279.80	
MH H33	RM = 140.00 SLMP = 1279.8	P-H33, 8" SPO28 INV OUT = 1279.80	
MH H34	RM = 140.40 SLMP = 1279.8	P-H34, 8" SPO28 INV OUT = 1279.80	
MH H35	RM = 140.80 SLMP = 1279.8	P-H35, 8" SPO28 INV OUT = 1279.80	
MH H36	RM = 141.20 SLMP = 1279.8	P-H36, 8" SPO28 INV OUT = 1279.80	
MH H37	RM = 141.60 SLMP = 1279.8	P-H37, 8" SPO28 INV OUT = 1279.80	
MH H38	RM = 142.00 SLMP = 1279.8	P-H38, 8" SPO28 INV OUT = 1279.80	
MH H39	RM = 142.40 SLMP = 1279.8	P-H39, 8" SPO28 INV OUT = 1279.80	
MH H40	RM = 142.80 SLMP = 1279.8	P-H40, 8" SPO28 INV OUT = 1279.80	
MH H41	RM = 143.20 SLMP = 1279.8	P-H41, 8" SPO28 INV OUT = 1279.80	
MH H42	RM = 143.60 SLMP = 1279.8	P-H42, 8" SPO28 INV OUT = 1279.80	
MH H43	RM = 144.00 SLMP = 1279.8	P-H43, 8" SPO28 INV OUT = 1279.80	
MH H44	RM = 144.40 SLMP = 1279.8	P-H44, 8" SPO28 INV OUT = 1279.80	
MH H45	RM = 144.80 SLMP = 1279.8	P-H45, 8" SPO28 INV OUT = 1279.80	
MH H46	RM = 145.20 SLMP = 1279.8	P-H46, 8" SPO28 INV OUT = 1279.80	
MH H47	RM = 145.60 SLMP = 1279.8	P-H47, 8" SPO28 INV OUT = 1279.80	
MH H48	RM = 146.00 SLMP = 1279.8	P-H48, 8" SPO28 INV OUT = 1279.80	
MH H49	RM = 146.40 SLMP = 1279.8	P-H49, 8" SPO28 INV OUT = 1279.80	
MH H50	RM = 146.80 SLMP = 1279.8	P-H50, 8" SPO28 INV OUT = 1279.80	
MH H51	RM = 147.20 SLMP = 1279.8	P-H51, 8" SPO28 INV OUT = 1279.80	
MH H52	RM = 147.60 SLMP = 1279.8	P-H52, 8" SPO28 INV OUT = 1279.80	
MH H53	RM = 148.00 SLMP = 1279.8	P-H53, 8" SPO28 INV OUT = 1279.80	
MH H54	RM = 148.40 SLMP = 1279.8	P-H54, 8" SPO28 INV OUT = 1279.80	
MH H55	RM = 148.80 SLMP = 1279.8	P-H55, 8" SPO28 INV OUT = 1279.80	
MH H56	RM = 149.20 SLMP = 1279.8	P-H56, 8" SPO28 INV OUT = 1279.80	
MH H57	RM = 149.60 SLMP = 1279.8	P-H57, 8" SPO28 INV OUT = 1279.80	
MH H58	RM = 150.00 SLMP = 1279.8	P-H58, 8" SPO28 INV OUT = 1279.80	
MH H59	RM = 150.40 SLMP = 1279.8	P-H59, 8" SPO28 INV OUT = 1279.80	
MH H60	RM = 150.80 SLMP = 1279.8	P-H60, 8" SPO28 INV OUT = 1279.80	
MH H61	RM = 151.20 SLMP = 1279.8	P-H61, 8" SPO28 INV OUT = 1279.80	
MH H62	RM = 151.60 SLMP = 1279.8	P-H62, 8" SPO28 INV OUT = 1279.80	
MH H63	RM = 152.00 SLMP = 1279.8	P-H63, 8" SPO28 INV OUT = 1279.80	
MH H64	RM = 152.40 SLMP = 1279.8	P-H64, 8" SPO28 INV OUT = 1279.80	
MH H65	RM = 152.80 SLMP = 1279.8	P-H65, 8" SPO28 INV OUT = 1279.80	
MH H66	RM = 153.20 SLMP = 1279.8	P-H66, 8" SPO28 INV OUT = 1279.80	
MH H67	RM = 153.60 SLMP = 1279.8	P-H67, 8" SPO28 INV OUT = 1279.80	
MH H68	RM = 154.00 SLMP = 1279.8	P-H68, 8" SPO28 INV OUT = 1279.80	
MH H69	RM = 154.40 SLMP = 1279.8	P-H69, 8" SPO28 INV OUT = 1279.80	
MH H70	RM = 154.80 SLMP = 1279.8	P-H70, 8" SPO28 INV OUT = 1279.80	
MH H71	RM = 155.20 SLMP = 1279.8	P-H71, 8" SPO28 INV OUT = 1279.80	
MH H72	RM = 155.60 SLMP = 1279.8	P-H72, 8" SPO28 INV OUT = 1279.80	
MH H73	RM = 156.00 SLMP = 1279.8	P-H73, 8" SPO28 INV OUT = 1279.80	
MH H74	RM = 156.40 SLMP = 1279.8	P-H74, 8" SPO28 INV OUT = 1279.80	
MH H75	RM = 156.80 SLMP = 1279.8	P-H75, 8" SPO28 INV OUT = 1279.80	
MH H76	RM = 157.20 SLMP = 1279.8	P-H76, 8" SPO28 INV OUT = 1279.80	
MH H77	RM = 157.60 SLMP = 1279.8	P-H77, 8" SPO28 INV OUT = 1279.80	
MH H78	RM = 158.00 SLMP = 1279.8	P-H78, 8" SPO28 INV OUT = 1279.80	
MH H79	RM = 158.40 SLMP = 1279.8	P-H79, 8" SPO28 INV OUT = 1279.80	
MH H80	RM = 158.80 SLMP = 1279.8	P-H80, 8" SPO28 INV OUT = 1279.80	
MH H81	RM = 159.20 SLMP = 1279.8	P-H81, 8" SPO28 INV OUT = 1279.80	
MH H82	RM = 159.60 SLMP = 1279.8	P-H82, 8" SPO28 INV OUT = 1279.80	
MH H83	RM = 160.00 SLMP = 1279.8	P-H83, 8" SPO28 INV OUT = 1279.80	
MH H84	RM = 160.40 SLMP = 1279.8	P-H84, 8" SPO28 INV OUT = 1279.80	
MH H85	RM = 160.80 SLMP = 1279.8	P-H85, 8" SPO28 INV OUT = 1279.80	
MH H86	RM = 161.20 SLMP = 1279.8	P-H86, 8" SPO28 INV OUT = 1279.80	
MH H87	RM = 161.60 SLMP = 1279.8	P-H87, 8" SPO28 INV OUT = 1279.80	
MH H88	RM = 162.00 SLMP = 1279.8	P-H88, 8" SPO28 INV OUT = 1279.80	
MH H89	RM = 162.40 SLMP = 1279.8	P-H89, 8" SPO28 INV OUT = 1279.80	
MH H90	RM = 162.80 SLMP = 1279.8	P-H90, 8" SPO28 INV OUT = 1279.80	
MH H91	RM = 163.20 SLMP = 1279.8	P-H91, 8" SPO28 INV OUT = 1279.80	
MH H92	RM = 163.60 SLMP = 1279.8	P-H92, 8" SPO28 INV OUT = 1279.80	
MH H93	RM = 164.00 SLMP = 1279.8	P-H93, 8" SPO28 INV OUT = 1279.80	
MH H94	RM = 164.40 SLMP = 1279.8	P-H94, 8" SPO28 INV OUT = 1279.80	
MH H95	RM = 164.80 SLMP = 1279.8	P-H95, 8" SPO28 INV OUT = 1279.80	
MH H96	RM = 165.20 SLMP = 1279.8	P-H96, 8" SPO28 INV OUT = 1279.80	
MH H97	RM = 165.60 SLMP = 1279.8	P-H97, 8" SPO28 INV OUT = 1279.80	
MH H98	RM = 166.00 SLMP = 1279.8	P-H98, 8" SPO28 INV OUT = 1279.80	
MH H99	RM = 166.40 SLMP = 1279.8	P-H99, 8" SPO28 INV OUT = 1279.80	
MH H100	RM = 166.80 SLMP = 1279.8	P-H100, 8" SPO28 INV OUT = 1279.80	

SEWER NOTES:
MANHOLES REMOVED WITH - SHALL BE CONSTRUCTED WITH A HINGED MANHOLE
FRAME AND COVER WITH THE FLOOR PLAN.

STRUCTURE TABLE			
NAME	DETAILS	PIES IN	PIES OUT
EX MH C1	RM = 124.80 SLMP = 1248.0	P-C1, 8" SPO28 INV N = 1250.00	EX PIPE S, 8" SPO28 INV OUT = 1248.75
MH A1	RM = 127.00 SLMP = 1267.2	P-A1, 8" SPO28 INV N = 1268.00	EX PIPE W, 8" SPO28 INV OUT = 1266.72
MH A2	RM = 127.40 SLMP = 1268.0	P-A2, 8" SPO28 INV N = 1268.20	P-A1, 8" SPO28 INV OUT = 1268.00
MH A3	RM = 127.80 SLMP = 1268.8	P-A3, 8" SPO28 INV N = 1270.40	P-A2, 8" SPO28 INV OUT = 1269.40
MH A4	RM = 128.20 SLMP = 1269.6	P-A4, 8" SPO28 INV N = 1272.00	P-A3, 8" SPO28 INV OUT = 1271.80
MH A5	RM = 128.60 SLMP = 1270.4	P-A5, 8" SPO28 INV N = 1273.60	P-A4, 8" SPO28 INV OUT = 1273.40
MH A6	RM = 129.00 SLMP = 1271.2	P-A6, 8" SPO28 INV N = 1275.20	P-A5, 8" SPO28 INV OUT = 1274.80
MH A7	RM = 129.40 SLMP = 1272.0	P-A7, 8" SPO28 INV N = 1276.80	P-A6, 8" SPO28 INV OUT = 1276.20
MH A8	RM = 129.80 SLMP = 1272.8	P-A8, 8" SPO28 INV N = 1278.40	P-A7, 8" SPO28 INV OUT = 1277.60
MH A9	RM = 130.20 SLMP = 1273.6	P-A9, 8" SPO28 INV N = 1280.00	P-A8, 8" SPO28 INV OUT = 1279.00
MH A10	RM = 130.60 SLMP = 1274.4	P-A10, 8" SPO28 INV N = 1281.60	P-A9, 8" SPO28 INV OUT = 1280.40
MH A11	RM = 131.00 SLMP = 1275.2	P-A11, 8" SPO28 INV N = 1283.20	P-A10, 8" SPO28 INV OUT = 1281.80
MH A12	RM = 131.40 SLMP = 1276.0	P-A12, 8" SPO28 INV N = 1284.80	P-A11, 8" SPO28 INV OUT = 1283.20
MH A13	RM = 131.80 SLMP = 1276.8	P-A13, 8" SPO28 INV N = 1286.40	P-A12, 8" SPO28 INV OUT = 1284.60
MH A14	RM = 132.20 SLMP = 1277.6	P-A14, 8" SPO28 INV N = 1288.00	P-A13, 8" SPO28 INV OUT = 1286.00
MH A15	RM = 132.60 SLMP = 1278.4	P-A15, 8" SPO28 INV N = 1289.60	P-A14, 8" SPO28 INV OUT = 1287.40
MH A16	RM = 133.00 SLMP = 1279.2	P-A16, 8" SPO28 INV N = 1291.20	P-A15, 8" SPO28 INV OUT = 1288.80
MH A17	RM = 133.40 SLMP = 1280.0	P-A17, 8" SPO28 INV N = 1292.80	P-A16, 8" SPO28 INV OUT = 1290.20
MH A18	RM = 133.80 SLMP = 1280.8	P-A18, 8" SPO28 INV N = 1294.40	P-A17, 8" SPO28 INV OUT = 1291.60
MH A19	RM = 134.20 SLMP = 1281.6	P-A19, 8" SPO28 INV N = 1296.00	P-A18, 8" SPO28 INV OUT = 1293.00
MH A20	RM = 134.60 SLMP = 1282.4	P-A20, 8" SPO28 INV N = 1297.60	P-A19, 8" SPO28 INV OUT = 1294.40
MH A21	RM = 135.00 SLMP = 1283.2	P-A21, 8" SPO28 INV N = 1299.20	P-A20, 8" SPO28 INV OUT = 1295.80
MH A22	RM = 135.40 SLMP = 1284.0	P-A22, 8" SPO28 INV N = 1300.80	P-A21, 8" SPO28 INV OUT = 1297.20
MH A23	RM = 135.80 SLMP = 1284.8	P-A23, 8" SPO28 INV N = 1302.40	P-A22, 8" SPO28 INV OUT = 1298.60
MH A24	RM = 136.20 SLMP = 1285.6	P-A24, 8" SPO28 INV N = 1304.00	P-A23, 8" SPO28 INV OUT = 1300.00
MH A25	RM = 136.60 SLMP = 1286.4	P-A25, 8" SPO28 INV N = 1305.60	P-A24, 8" SPO28 INV OUT = 1301.40
MH A26	RM = 137.00 SLMP = 1287.2	P-A26, 8" SPO28 INV N = 1307.20	P-A25, 8" SPO28 INV OUT = 1302.80
MH A27	RM = 137.40 SLMP = 1288.0	P-A27, 8" SPO28 INV N = 1308.80	P-A26, 8" SPO28 INV OUT = 1304.20
MH A28	RM = 137.80 SLMP = 1288.8	P-A28, 8" SPO28 INV N = 1310.40	P-A27, 8" SPO28 INV OUT = 1305.60
MH A29	RM = 138.20 SLMP = 1289.6	P-A29, 8" SPO28 INV N = 1312.00	P-A28, 8" SPO28 INV OUT = 1307.00
MH A30	RM = 138.60 SLMP = 1290.4	P-A30, 8" SPO28 INV N = 1313.60	P-A29, 8" SPO28 INV OUT = 1308.40
MH A31	RM = 139.00 SLMP = 1291.2	P-A31, 8" SPO28 INV N = 1315.20	P-A30, 8" SPO28 INV OUT = 1309.80
MH A32	RM = 139.40 SLMP = 1292.0	P-A32, 8" SPO28 INV N = 1316.80	P-A31, 8" SPO28 INV OUT = 1311.20
MH A33	RM = 139.80 SLMP = 1292.8	P-A33, 8" SPO28 INV N = 1318.40	P-A32, 8" SPO28 INV OUT = 1312.60
MH A34	RM = 140.20 SLMP = 1293.6	P-A34, 8" SPO28 INV N = 1320.00	P-A33, 8" SPO28 INV OUT = 1314.00
MH A35	RM = 140.60 SLMP = 1294.4	P-A35, 8" SPO28 INV N = 1321.60	P-A34, 8" SPO28 INV OUT = 1315.40
MH A36	RM = 141.00 SLMP = 1295.2	P-A36, 8" SPO28 INV N = 1323.20	P-A35, 8" SPO28 INV OUT = 1316.80
MH A37	RM = 141.40 SLMP = 1296.0	P-A37, 8" SPO28 INV N = 1324.80	P-A36, 8" SPO28 INV OUT = 1318.20
MH A38	RM = 141.80 SLMP = 1296.8	P-A38, 8" SPO28 INV N = 1326.40	P-A37, 8" SPO28 INV OUT = 1319.60
MH A39	RM = 142.20 SLMP = 1297.6	P-A39, 8" SPO28 INV N = 1328.00	P-A38, 8" SPO28 INV OUT = 1321.00
MH A40	RM = 142.60 SLMP = 1298.4	P-A40, 8" SPO28 INV N = 1329.60	P-A39, 8" SPO28 INV OUT = 1322.40
MH A41	RM = 143.00 SLMP = 1299.2	P-A41, 8" SPO28 INV N = 1331.20	P-A40, 8" SPO28 INV OUT = 1323.80
MH A42	RM = 143.40 SLMP = 1300.0	P-A42, 8" SPO28 INV N = 1332.80	P-A41, 8" SPO28 INV OUT = 1325.20
MH A43	RM = 143.80 SLMP = 1300.8	P-A43, 8" SPO28 INV N = 1334.40	P-A42, 8" SPO28 INV OUT = 1326.60
MH A44	RM = 144.20 SLMP = 1301.6	P-A44, 8" SPO28 INV N = 1336.00	P-A43, 8" SPO28 INV OUT = 1328.00
MH A45	RM = 144.60 SLMP = 1302.4	P-A45, 8" SPO28 INV N = 1337.60	P-A44, 8" S



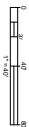
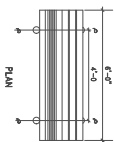
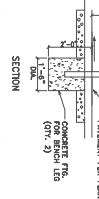
KEY NOTES:

1. PROPOSED PARK BENCHES, INSTALL PER DETAIL ON THIS PAGE, LANDSCAPING AROUND BENCHES PROPOSED ON LANDSCAPE PLAN
2. PROPOSED 5' CONCRETE WALKING PATH
3. PROPOSED LIMITS OF THE DETENTION POND
4. PROPOSED PLAYGROUND EQUIPMENT, LANDSCAPING AROUND BENCHES PROPOSED ON LANDSCAPE PLAN
5. PROPOSED 3' TALL SEMI-TRANSPARENT FENCE TO EQUIPMENT FROM BEING INJURED ON DETENTION POND SLOPES WHILE PLAYING, FENCE SHALL BE ALUMINUM CAROLINA STYLE FENCING
6. PROPOSED PICNIC TABLE

7. PROPOSED FRAME IT ALL PLASTIC PLAYGROUND BORDER EDGING
8. INSIDE BORDER TO BE MILD CHED

NOTES:
1) STAKE BENCH INSTALLATION LOCATION FOR PARK OR FOOTING DOCUMENTATION.
2) WHERE BENCH LOCATION IS INDICATED BY A CIRCLE, THE BENCH SHALL BE 4' x 4' x 4' CONCRETE SLAB, CENTERED BENEATH THE BENCH FRAME(S) SHALL BE HOT-DIPPED GALVANIZED AFTER FABRICATION.

ALL FASTENERS SHALL BE 1/2" DIA. GALV. STEEL. NUTS & BOLTS, TYPE: 316. FOR SEAT & BACK: 1/2" DIA. GALV. STEEL. FOR BENCH: 1/2" DIA. GALV. STEEL. FOR BENCH: 1/2" DIA. GALV. STEEL.



Odyssey Engineering
Call: 480-3330

**KESSLER CREEK
SUBDIVISION
S. LEFLAR WAY
FAYETTEVILLE, AR 72722**

**ODYSSEY
ENGINEERING**
124 GRANT PLACE, SUITE E
LOWELL, AR 72745
(479) 480-3330
AR COA # 4188

Planning Commission
May 27, 2025

PPL-2024-0011 (KESSLER CREEK SUBDIVISION)

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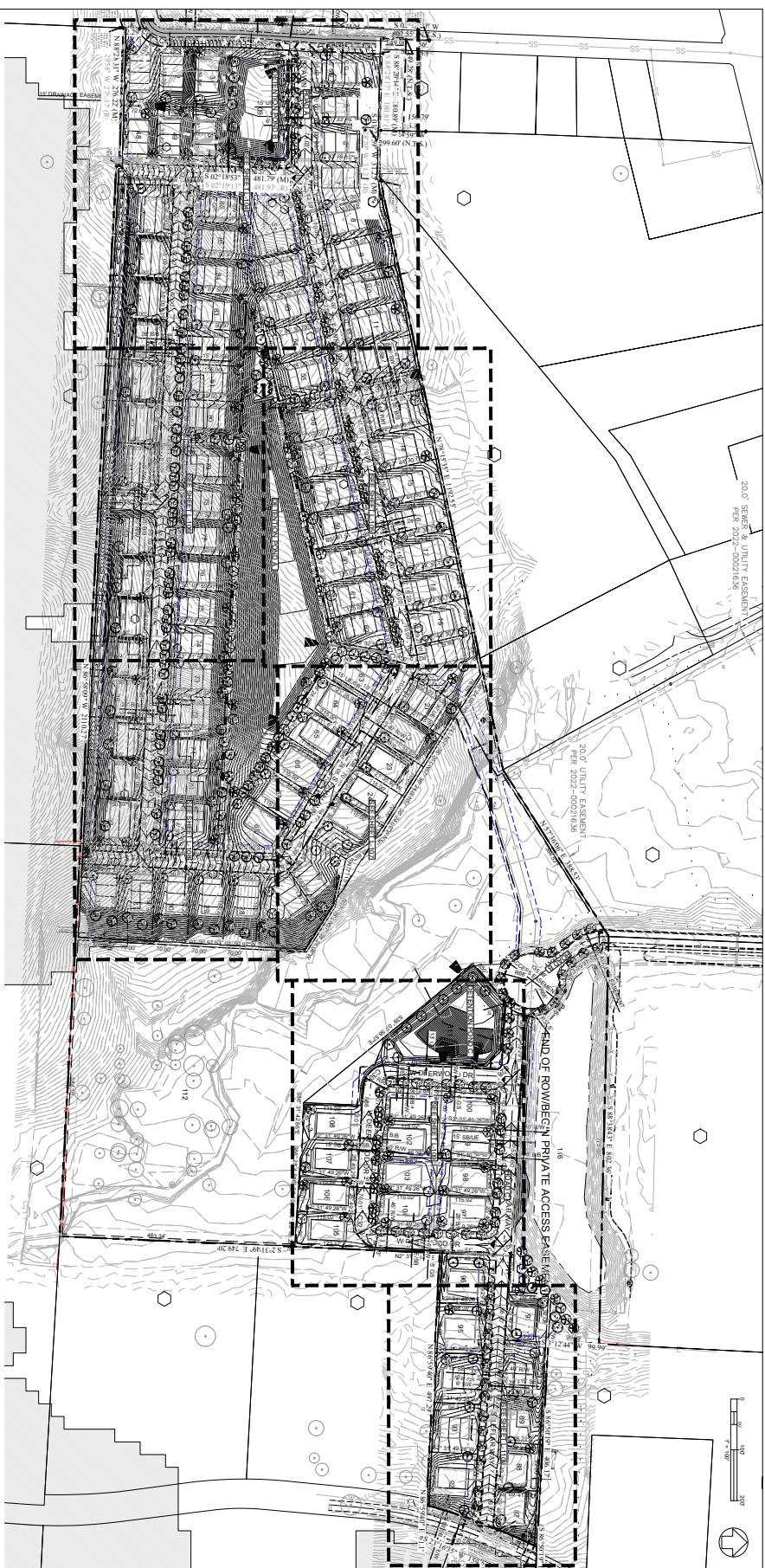
NOT FOR CONSTRUCTION

REVISIONS
NO. DATE

REVISION
DATE

COMMUNITY SPACE
SITE PLAN

C1.10



CITY OF FAYETTEVILLE TREE PRESERVATION NOTES

- [illegible]

LEGEND

- | | |
|---------------------------|------------------|
| 1000-X | 1 FOOT EXISTING |
| 1000-X | 6 FOOT BINA |
| 1000-X | 1 FOOT PROPOSE |
| 1000-X | 5 FOOT PROPOSE |
| 1000-X | 5 FOOT PROPOSE |
| 1000-X | UTILITY EXISTING |
| 1000-A | |
| Special Requirements | |
| Linear feet main driveway | Required feet 7 |
| 209 | |
| 1000-B | |
| Special Requirements | |
| Linear feet main driveway | Required feet 7 |
| 212 | |
| 1000-B | |
| Special Requirements | |
| Linear feet main driveway | Required feet 34 |
| 2013 | |
- UTILITY DRIVEWAY PROPOSED PLACING TREES ON THE NORTH SIDE OF 1000-C

[illegible]

CITY OF FAYETTEVILLE LANDSCAPE NOTES

- Know what's below.
Call before you dig.



**ODYSSEY
ENGINEERING**

Planning Commission
May 27, 2025

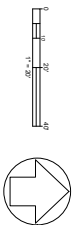
May 27, 2025

PPL-2024-0011 (KESSLER CREEK SUBDIVISION)

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KESSLER CREEK
SUBDIVISION
S. LEFLAR WAY
FAYETTEVILLE, AR 72722

PROJECT NO.	DESIGNED BY	REVISED BY
ODV00992	KES	MR
PLAN DATE:	3.5.2025	
SHEET NAME:		
LANDSCAPE PLAN		
SHEET NO.:		
L-114		

[illegible]

PPL-2024-0011 (KESSLER CREEK SUBDIVISION)

Wonsower, Donna

From: Hopkins, Mirinda
Sent: Monday, December 30, 2024 8:15 AM
To: Wonsower, Donna
Subject: FW: Land Behind Lowe's on MLK
Attachments: Attachment 1.png; Attachment 2.png

For you.

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Michael Turner <michaeltturner008@gmail.com>
Sent: Sunday, December 29, 2024 5:03 PM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Subject: Re: Land Behind Lowe's on MLK

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mirinda,

I've been following along with this subdivision plan, and now that the PPL-2024-0011 is up for approval, I wanted to share a couple of questions.

I live in the property abutting the development (1629 S Finger Rd), and while I do not oppose this plan (as the land was already zoned RSF-4, and a neighborhood could be a welcome addition to our community), I do have some thoughts/concerns/questions after looking at the proposal.

Would you be able to help answer/consider these questions or have the developer answer/consider them in the 12/31 meeting if I'm unavailable to attend?

Fencing

As you can see in Attachment 1, half of our property abuts on this development. I'm curious what the intended plan is for fencing/property division. We will have a full side of our property abutting directly on the assumed backyard of 5 lots (green in Attachment 1), and the back 4 acre line of our property will be aligned to additional lots, as well as the open street of the subdivision (blue in Attachment 1). With that context:

1. Can the developer share any details as to the plans for fencing these properties? Currently, our property is only fenced with minimal wire fencing, so I'd like to understand what this change may necessitate from our end.
2. Similarly, I'd like to understand the property fencing plan (if any) for the open road section, as there is currently no effective fencing here, and there will be no natural yard fencing from the houses to divide the properties.

Sidewalks

This may be more of a question for the city, as I doubt the developer can be expected to do this, but I would strongly advocate for a section of sidewalk connecting the sidewalk on Finger Road that is proposed by the developer to the sidewalk that terminates just behind the strip mall on Finger Road (Attachment 2).

1. There is a substantial amount of traffic on Finger Road, and this section of the road is currently very narrow, with no sidewalk or shoulder (only steep drainage ditches), and contains both a blind hill and a blind corner. There is regular pedestrian traffic to Walmart/other shopping, and I expect that the 20 additional homes in the eastern section of the subdivision will only increase foot traffic. And of course, those houses will *certainly* increase the car traffic in this section of road, making it even more likely for an accident between pedestrians and drivers on these blind corners/hills.
2. **I would like to propose that the city would either make it a requirement for the developer to connect the sidewalk up to the current sidewalk terminus at the head of the road (as outlined in the Attachment 2) or for the city to do it themselves.** I believe this would make this section of road much safer for the regular pedestrian traffic, given the increased car traffic this development will bring to the front section of Finger Rd. This is in accordance with Fayetteville's 2030 Plan to increase walkability/mobility, especially given the trail development and other urban planning currently set for the MLK corridor.

Thank you for your consideration. Please let me know if you have any questions on the above.

On Tue, Nov 12, 2024 at 5:48 PM Michael Turner <michaeltturner008@gmail.com> wrote:

Perfect thank you!

On Tue, Nov 12, 2024 at 3:29 PM Hopkins, Mirinda <mhopkins@fayetteville-ar.gov> wrote:

Attached is their variance submittal documents.

This is all we know.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Michael Turner <michaeltturner008@gmail.com>

Sent: Tuesday, November 12, 2024 3:12 PM

To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>

Subject: Land Behind Lowe's on MLK

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there,

My name is Michael Turner, and I live at [1629 S Finger Rd](#) in Fayetteville. A neighbor shared with me that the RV Park that was planned to go in behind Lowe's on MLK is no longer going to be built, and instead someone is considering developing a neighborhood on that land. However, I didn't see anything on the planning commission agenda about it.

Are you able to confirm if any sort of plan like this exists and share it with me if it does? That property backs up onto mine, so I'm just curious.

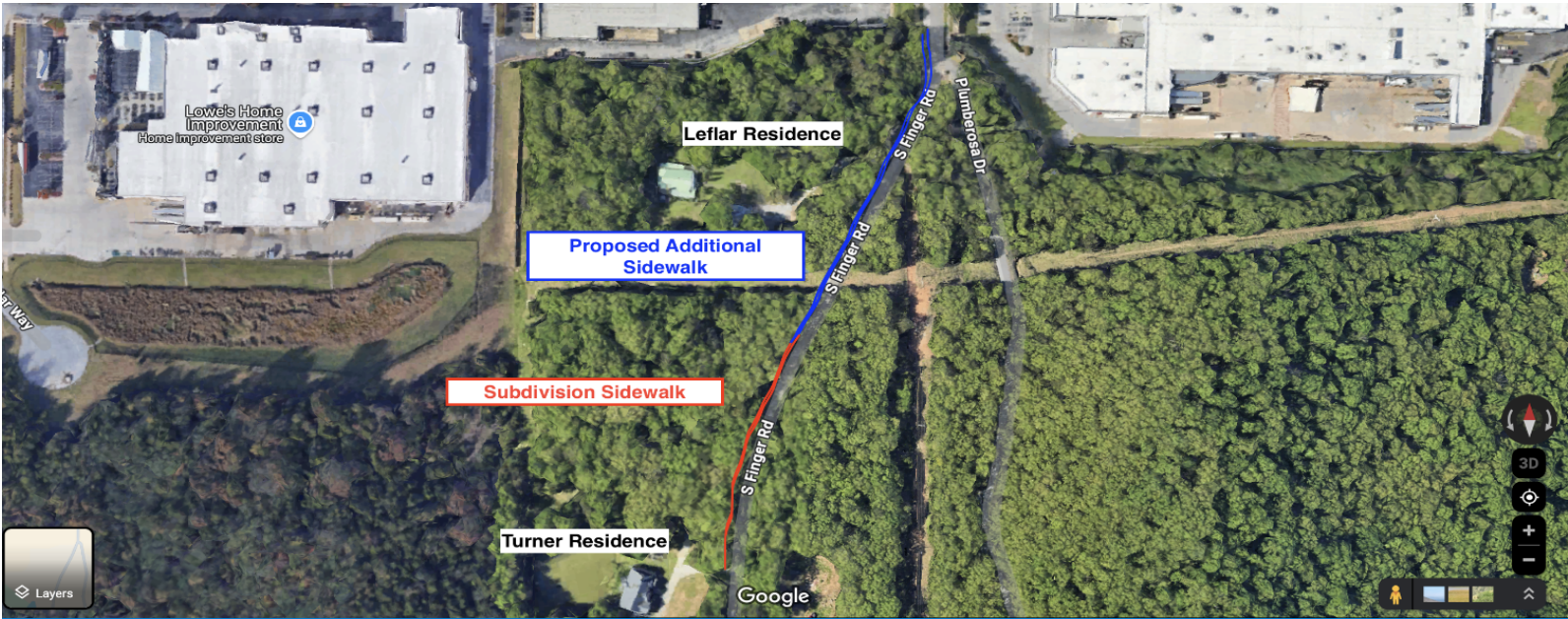
Thanks for the help!

Michael

ATTACHMENT 1



ATTACHMENT 2



Wonsower, Donna

From: Planning Shared
Sent: Wednesday, May 14, 2025 12:48 PM
To: Wonsower, Donna
Subject: FW: PPL-2024-0011 | Public Comment - Michael Turner
Attachments: Attachment 2.png; Attachment 1.png

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267



CITY OF
FAYETTEVILLE
ARKANSAS

From: Michael Turner <michaeltturner008@gmail.com>
Sent: Wednesday, May 14, 2025 12:38 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: PPL-2024-0011 | Public Comment - Michael Turner

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi there,

My name is Michael Turner, and I own the property adjacent to the south of the project site, at 1629 S Finger Rd. The proposed plan will touch upon approx. 1/2 of my property line, along one side and the back, so I have some fairly specific questions about the project to better understand how it will affect us. I also wanted to share a thought of public concern/recommendation (see attachment 1)

Water

During the recent floods, it became more apparent to me than ever that there is a small watercourse that comes down from Finger road. The watercourse starts on the property in question, and about 150 ft down the line it crosses onto my property somewhat, and just kind of spreads out as there is no official drainage. I'm fairly concerned that if they raise up the property in question, all the runoff will end up diverting to our property/driveway and wash us out. Can anyone help me understand what is typically done with grading and drainage in a situation like this to ensure their grading doesn't end up just pushing the waterway onto our property without a proper course?

Fencing

Can anyone share with me the proposed fencing plans for the back sides of the lots, both during construction and after? We have two dogs on our property with an in-ground electric fence, but I'm concerned that the project might affect my inground fence with construction and/or throw off our dogs and cause them to cross it with other folks hanging out right there. Will there be any temporary fencing installed during construction? Will the finished product of the subdivision be fenced by the developer (ie contiguous fencing between houses and potential fencing where there will be no houses, but a road, on the back side of our lot), or do I need to look into doing that myself?

Public Concern/Recommendation:

I would strongly advocate for a section of sidewalk connecting the proposed sidewalk for the subdivision along Finger Road to the sidewalk that terminates just behind the strip mall on Finger Road (see attachment 2).

1. There is a substantial amount of traffic on Finger Road, and this section of the road is very narrow, with no sidewalk or shoulder (only steep drainage ditches), and contains both a blind hill and a blind corner, all in about 500 feet. There is regular pedestrian traffic to Walmart/other shopping, and I expect that the 20 additional homes in the eastern section of the subdivision will only increase foot traffic. And of course, those houses will *certainly* increase the car traffic in this section of road, making it even more likely for an accident between pedestrians and drivers on these blind corners/hills.
2. **I would like to propose that the city would either make it a requirement for the developer to connect the sidewalk up to the current sidewalk terminus at the head of the road (as outlined in the Attachment 2) or for the city to do it themselves.** I believe this would make this section of road much safer for the regular pedestrian traffic, given the increased car traffic this development will bring to the front section of Finger Rd. This is in accordance with Fayetteville's 2030 Plan to increase walkability/mobility, especially given the trail development and other urban planning currently set for the MLK corridor.

Thank you for your consideration. Please let me know if you have any questions on the above.

Appreciate any help you can provide.

ATTACHMENT 1



ATTACHMENT 2

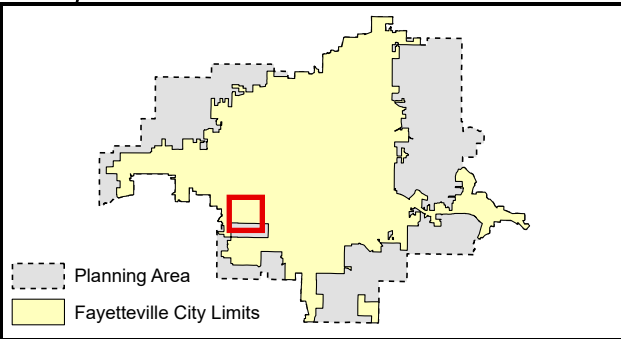
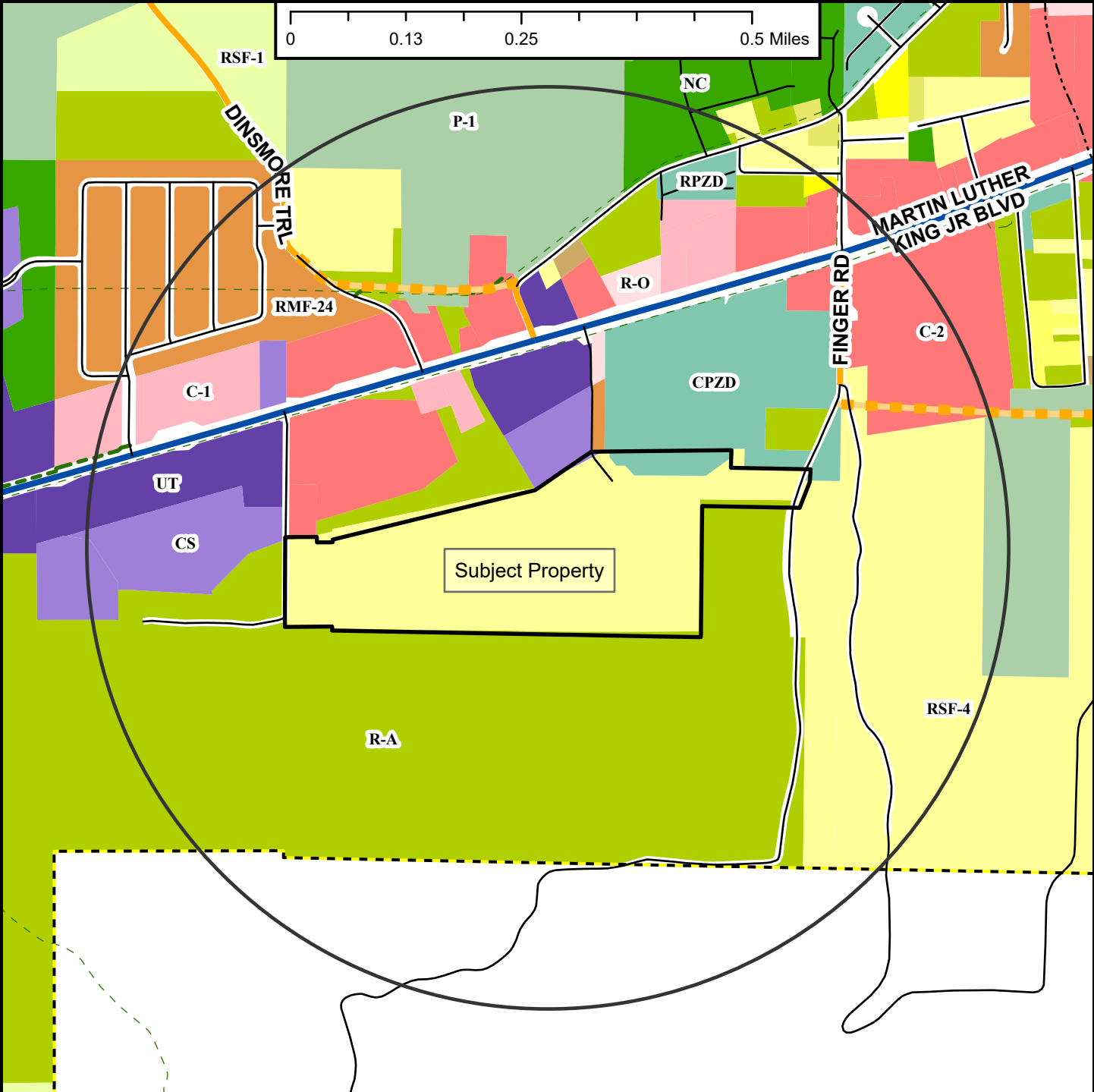


PPL-2024-0011

One Mile View

One Mile View

1640 S. HANSHEW RD



Zoning

- 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
 - RM-F
 - RMF-12
 - RMF-18
 - 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

- Down Town Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

PLANNED ZONING DISTRICTS

- Commercial, Industrial, Residential

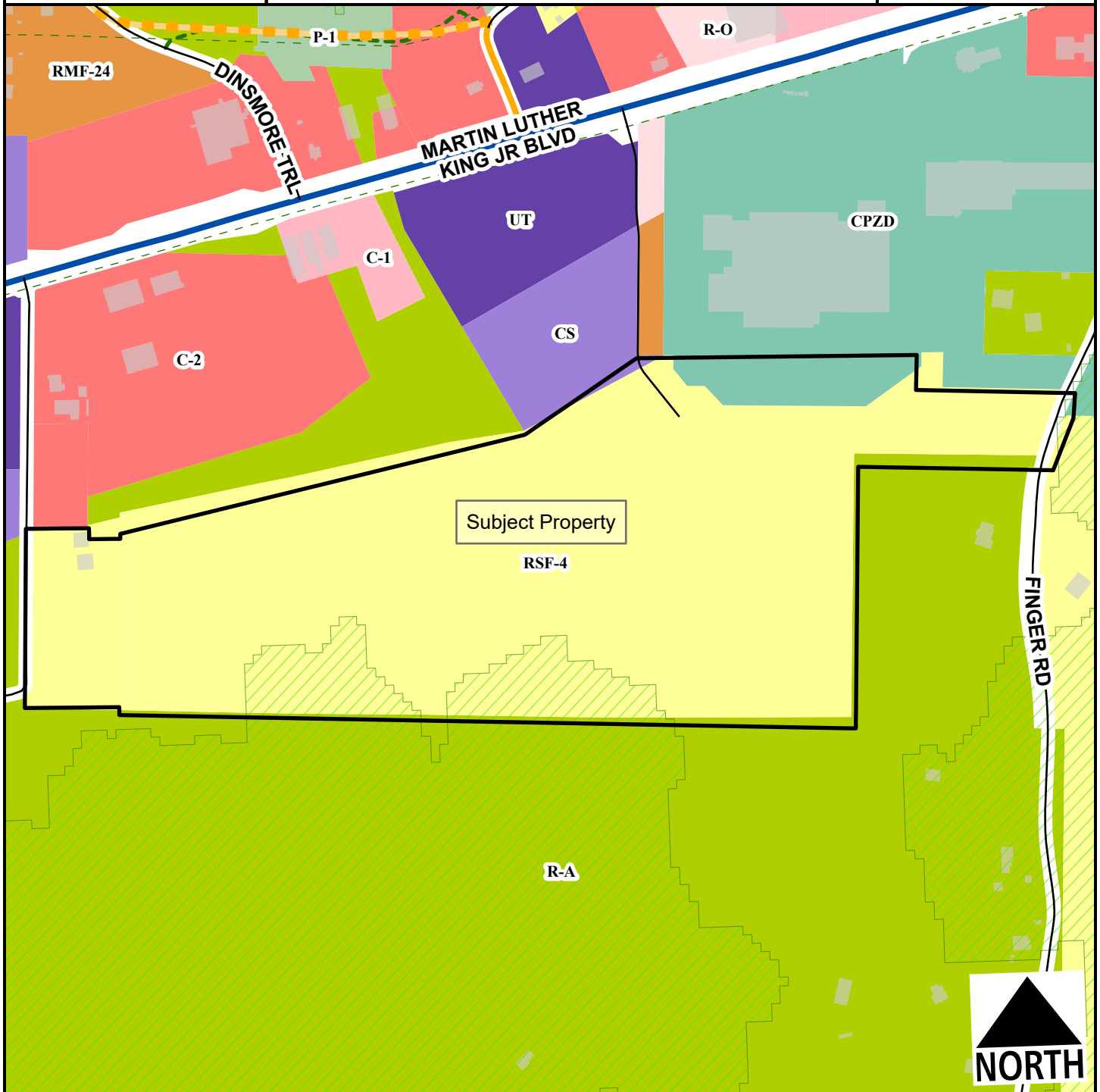
INSTITUTIONAL

- P-1

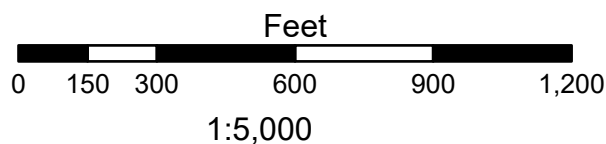
PPL-2024-0011

1640 S. HANSHEW RD

Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)

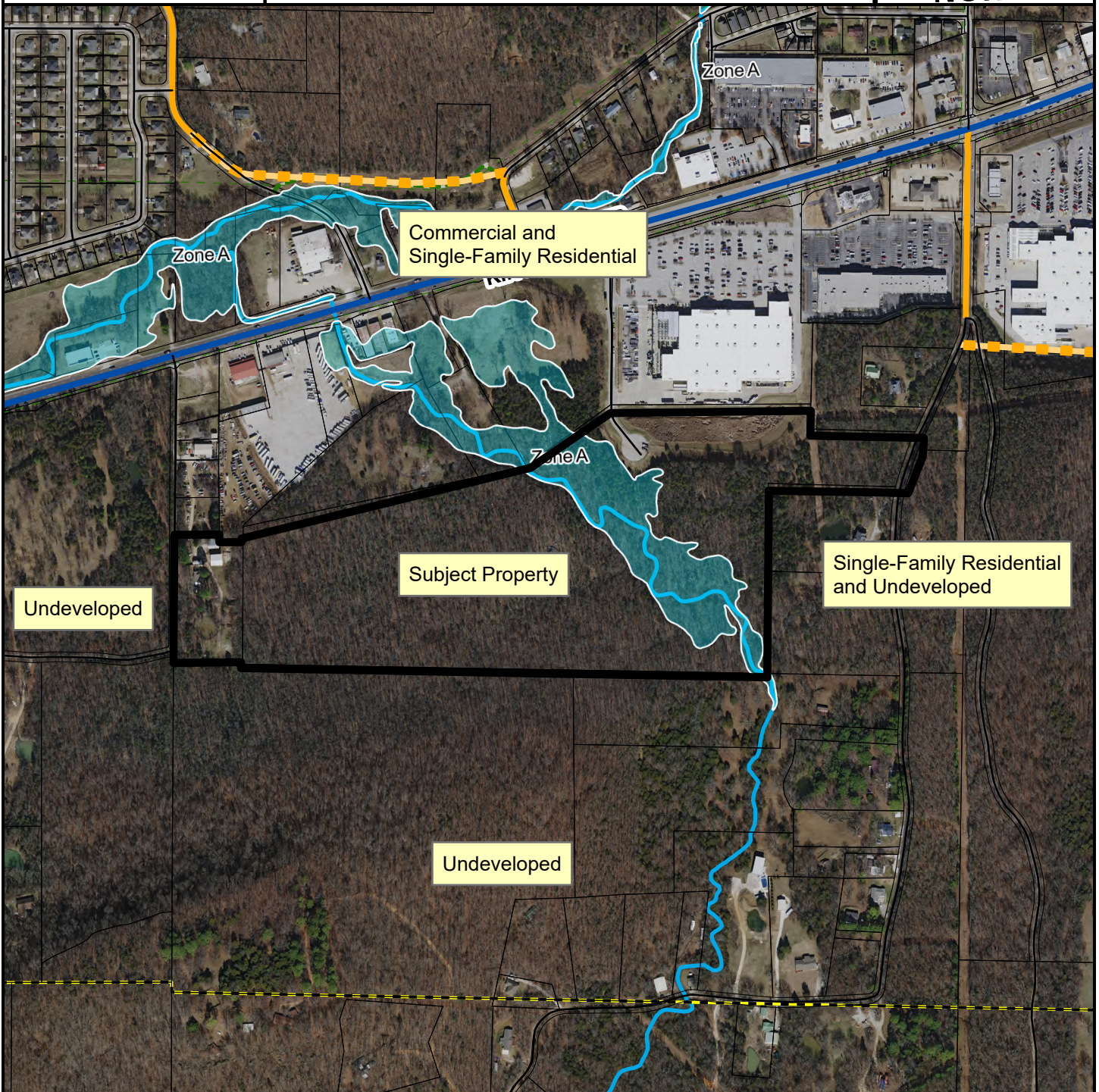


- Residential-Agricultural
- RSF-4
- RI-12
- RMF-24
- Residential-Office
- C-1
- C-2
- Urban Thoroughfare
- Community Services
- Commercial, Industrial, Residential
- P-1

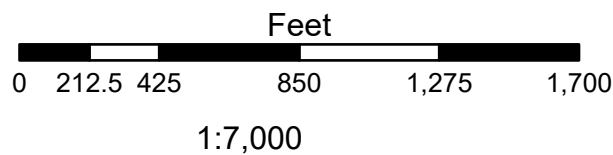
PPL-2024-0011

1640 S. HANSHEW RD

Current Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Trail (Proposed)
- 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
Justin Bland, Engineering Development Review Manager
Willia Thomason, Urban Forester

MEETING: May 27, 2025

SUBJECT: **LSD-2025-0007: Large Scale Development (EAST OF HARMON FIELD ON S. DUNCAN AVE./DUNCAN AVE STUDENT HOUSING DEVELOPMENT, 522)**
Submitted by ECOLOGICAL DESIGN GROUP for property located EAST OF HARMON FIELD ON S. DUNCAN AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 3.87 acres. The request is for a mixed-use development with 3,000 square-feet of commercial space, 294 residential units and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2025-0007**, subject to conditions.

RECOMMENDED MOTION: *"I move to approve LSD-2025-0007 with conditions, finding:*

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

BACKGROUND:

The subject area is in central Fayetteville directly east of Harmon Field and 600 feet northeast of the Fayetteville High School building. The subject area contains ten parcels along S. Duncan Ave. containing a total of 3.7 acres split between two areas (1 acre and 2.7 acres) which have been developed with a range of uses from single-, two-, three-and four-family dwellings and larger apartment buildings. The existing structures were built between 1926 -1986. Additional details on each parcel is included in a staff attachment. The subject area does not fall within any overlay districts or Master Plan areas. A rezoning from RMF-40, Residential Multifamily, 40 Units per Acre to MSC, Main Street Center was approved by City Council on August 20, 2025, subject to a Bill of Assurance (RZN-2024-0028) limiting some uses of the property. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multifamily Residential	RMF-40, Residential Multifamily, 40 Units per Acre
South	Fayetteville High School Campus	P-1, Institutional
East	Mixed-Density Residential	RMF-40, Residential Multifamily, 40 Units per Acre MSC, Main Street Center
West	Fayetteville High School Campus	RMF-40, Residential Multifamily, 40 Units per Acre P-1, Institutional

Proposal: The applicant requests Large Scale Development approval to develop the subject property with a total of 3,000 square feet of commercial space, 294 multi-family residential units and associated parking. No variances have been requested.

Right-of-Way to be Dedicated: The property has frontage along S. Duncan Ave., a residential link street which typically requires 26' of dedication from the street centerline. The applicant seeks to utilize a mix of right-of-way dedication and vacations in order to align proposed street improvements with the existing centerlines of adjacent roads and to accommodate the realignment of the S. Duncan Ave. and W. Treadwell St. intersection for a total of 45' of right-of-way across the street (variable width from centerline).

Street Improvements: The property has frontage along S. Duncan Ave., a Residential Link. The applicant proposed to utilize the urban street section with 8-foot sidewalks, 6-foot tree wells and furniture zone, curb and gutter, 7-foot parking lane (for portions of the frontage), and a 10-foot travel lane. The applicant proposes a total of 45-feet of right-of-way, which aligns with an administrative removal of the 7-foot parking lane for the majority of the property frontage.

The traffic study indicates a reduced level of service at Hill and Center Street. Therefore, an assessment for street improvements (a traffic signal, turn lanes, or other improvements) at this intersection is recommended based on the increased traffic at the intersection. Based on proportional impacts, an assessment amount of \$21,500 is recommended.

In addition, the applicant also proposes changes to the traffic patterns include intersection changes at Treadwell and Duncan to create a pedestrian plaza. A variance to typical master street plan standards was approved as part of the adjacent Verve development (LSD-2024-0029) in order to redevelop this intersection in a more pedestrian friendly manner. Staff has found the proposal to be in substantial compliance with this variance. The intersection will be further reviewed with grading permit as noted in the engineering memo.

Access Management/Connectivity: The proposed driveway to the parking garage onto S. Duncan Ave. meets separation requirements. No new streets are proposed which would trigger review of block length standards.

Design Standards: The development is subject to §166.22 – Parking Garage Standards and §166.23 – Urban Residential Design Standards, with commercial portions of the property also subject to §166.24 Nonresidential Design Standards and §166.25 Commercial, Office, and Mixed-Use Design Standards. Parking spaces are also subject to §172.04 – Parking Lot Design Standards. Staff finds the design is substantially compliant with these standards. Of note, a parking area is shown as a drop-off and pick-up area within public right-of-way, which will require further coordination with the city's parking manager Justin Clay.

Water System: The applicant is proposing to connect to an existing 12" water line in S. Duncan Ave. for domestic service and fire protection as outlined in the attached engineering memo. The applicant and the Water and Sewer Department have arrived at a tentative agreement (attached) to upgrade the water line in Duncan Avenue along the project street frontage from a 6" cast iron pipe to a 12" diameter water line, pending Planning Commission and City Council approval. This agreement would include the establishment of a cost share between the applicant and the city to fund the water line construction. This applicant would contribute \$200,000 which would be matched by the \$200,000 previously contributed by the Verve project. City staff would then take a cost share to the City Council to approve an agreement where the

City would be responsible for any cost overages above \$400,000. Conditions are further described in the engineering memo.

Sewer System: Adequate sewer capacity is available from two existing 8" sewer lines. The first is in Duncan Ave. and the second is northwest of the site in Harmon Ave. The city's sewer master plan consultant was engaged by the developer to review the project impact on sewer capacity and has confirmed that downstream sewer capacity is adequate.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on March 3, 2025. The Parks and Recreation Advisory Board recommended a fee-in-lieu of parkland dedication. Based on current information, fees for 291 multifamily residential units would be required in the amount of \$277,032, with final fees to be determined and paid prior to the issuance of any building permits. With a current count of 294 multifamily residential units, parks fees in the amount of \$279,888 would be required.

Tree Preservation:

Canopy minimum requirement: 15%

Existing canopy: 47.1%

Preserved canopy: 8.0%

Mitigation required: 53 2-inch caliper trees

Public Comment: While staff received extensive public comment during the rezoning process, no additional public comments have been provided specifically for or against the development plans. Several requests for additional information have been received.

RECOMMENDATION: Staff recommends approval of **LSD-2025-0007**, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends the following street right-of-way dedication.*
 - a. S. Duncan Ave.: Total of 45' of right-of-way (Variable from centerline)
2. **Planning Commission determination of street improvements.** *Staff recommends the following street improvements:*
 - a. S. Duncan Ave.: 8-foot sidewalk (including 6-foot urban tree wells and furniture zone), 10-foot driving lane, curb & gutter, and streetlights.
 - b. An assessment for off-site street improvements at Hill and Center Street shall be paid in the amount of \$21,500 prior to building permit
 - c. The S. Duncan Ave. realignment (piazza) shall be constructed per approved variance associated with LSD-2024-0029.
3. **Planning Commission determination of water line improvements.** *Staff recommends the following street improvements:*
 - a. The applicant would be responsible for the design and construction of the new 12" water line including engineering construction phase services, inspections and testing.
 - b. Prior to the cost share agreement being presented to City Council the applicant is to provide actual bid pricing from their utility sub-contractors.

4. Parkland dedication fees-in-lieu in the amount of \$279,888 with final fees to be determined and paid prior to the issuance of any building permits.
5. Conditions of approval from Planning, Engineering and Urban Forestry are included in the official conditions of approval, attached hereto, and including:
 - a. Coordinate with Justin Clay regarding proposed drop off area within public right-of-way.

Standard conditions of approval:

6. 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);
 7. 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;
 8. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
 9. 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 27, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Staff Exhibits
 - Treadwell / Duncan Realignment Variance Conditions of Approval
 - Staff Memos
 - Engineering Memo
 - Urban Forestry Memo
 - Parks Memo
 - Long-Range Planning Memo
- Applicant Exhibits
 - Cover Letter
 - Connectivity Diagram
 - Floor Plans
 - Elevations
 - Renderings
 - Site Plan Excerpts
- Public Comment
- One Mile Map
- Close Up Map
- Current Land Use Map

Street Realignment Conditions of Approval (LSD-2024-0029)

Planning Commission determination of variance to UDC §166.08(D)(5), Street Standards.

Staff recommends approval of the requested variance with the following conditions.

- a.* The realignment of the W. Treadwell St. and S. Duncan Ave. intersection shall be constructed and accepted by the city prior to the issuance of a certificate of occupancy.
- b.* Design of the intersection re-alignment shall meet all street requirements as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards unless a variance is received to vary from these requirements.
- c.* Portions of the right-of-way intended for vehicular traffic may be composed of stamped concrete. Pavers are not permitted within public right-of-way.
- d.* A grading permit shall be required for the proposed street improvements. If proposed street improvements involve modifications to the approved large-scale-development plans or an associated grading permit, the applicant shall provide an exhibit indicating proposed changes to staff for evaluation of a minor or major modification.



TO: Donna Wonsower, Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: May 19, 2025

**SUBJECT: Planning Commission Engineering Comments for
LSD-2025-0007**

Water: The applicant is proposing to connect to an existing 12" water line on the north end of Duncan Street for domestic service and fire protection.

As with the adjacent student housing facility, the Verve, staff is recommending that the Planning Commission add a condition that this project upgrade the water line in Duncan Avenue along the project street frontage from a 6" water line to a 12" water line. This length is approximately 614 linear feet (LF). This will help establish the ½-mile 12" water line grid recommended in the 2017 Water Master Plan:

"a 12-inch water transmission main grid is recommended to help support fire flows and to supply peak demands within the system. The recommended spacing of the transmission main grid is approximately one-half mile. In practice, the line spacing will depend on the corridors available for water line construction, the location of existing and future streets and the pattern of development in a given area."

The final approval for the Verve included a \$200,000 assessment to partially fund this project.

For this project the applicant and the Water and Sewer Department have arrived at a tentative agreement for the installation of this 12" water line, pending Planning Commission and City Council approval. This agreement would include the establishment of a cost share between the applicant and the city to fund the water line construction which is estimated to cost \$400,000. This applicant would contribute \$200,000 which would match the \$200,000 previously contributed by the Verve project. City staff would take a cost share to the City Council to approve an agreement where the City would be responsible for any cost overages above \$400,000. The agreement would also have the following conditions:

- The applicant would be responsible for the design and construction of the new 12" water line, including engineering construction phase services, inspections and testing.
- Prior to the cost share agreement being presented to City Council, the applicant is to provide actual bid pricing from their utility sub-contractors.

Attached to this memo is a letter from the applicant stating their approval of this agreement.

Sewer: Adequate sewer capacity is available from two existing 8" sewer lines. The first is in Duncan Ave. and the second is northwest of the site in Harmon Ave. The city's sewer master plan consultant was engaged by the developer to review the project impact on sewer capacity and has confirmed that downstream sewer capacity is adequate.

Streets: Typical street improvements are required along the frontage of the development. The project also proposes the “piazza”-styled intersection at Treadwell and Duncan that was considered in concept with the Verve project. The intersection proposal includes stamped colored concrete throughout the intersection. The road is proposed to ramp up at all three entrances to the intersection to be closer to the adjacent grade, but modified curb and gutters will be present to delineate the roadway. The intersection is proposed to remain a three-way intersection to reduce vehicular speeds and maintain pedestrian safety. Staff will work with the applicant through the grading permit process to make adjustments as needed to maintain FHWA safety standards.

In addition, the traffic study indicates a reduced level of service at Hill and Center Street. Therefore, an assessment for street improvements (a traffic signal, turn lanes, or other improvements) at this intersection is recommended based on the increased traffic at the intersection. The traffic study provided by the developer’s consultant indicates that this development will contribute 4.3% of the total future traffic at the Hill/Center Intersection. Using this 4.3%, and a documented cost of \$500,000 for intersection signalization, an assessment amount of \$21,500 is recommended. Again, while a signal is used for the basis of this calculation, detailed study of the intersection may recommend other improvements.

Drainage: The development must meet the 4 minimum standards outlined in the City’s Drainage Criteria Manual. A hydrodynamic separator is proposed to meet Minimum Standard 1. Minimum Standards 2-4 are proposed to be met with an underground detention at the north side of the site. The majority of the site drainage will discharge to the west through the existing storm pipes on the Fayetteville High School campus that currently collect the runoff. A detailed review of the drainage improvements will be performed during the grading permit review process.

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

ECOLOGICAL DESIGN GROUP

120 South Izard Street 216 W Birch Street
Little Rock, AR 72201 Rogers, AR 72756



To: City of Fayetteville
From: Katelynn Hopkins, EIT
Date: May 19, 2025
Re: Duncan Ave. Student Housing Development (LSD-2025-0007)

Ecological Design Group (EDG) is submitting this letter to the City of Fayetteville to describe the S Duncan Ave. water main upgrade.

Developer Information:

Owner: OP III Fay S Duncan LP

Address : 500 W 5th St., Austin, TX 78701

Description:

In coordination with City of Fayetteville engineering department staff, the owner and developer, Endeavor Real Estate Group, is prepared to partner with the City of Fayetteville for the design and installation of approximately 614 LF of 12" water main in S Duncan Ave. Endeavor Real Estate Group will provide engineering design, permitting, and construction of the water line improvements in conjunction with the construction of the Large Scale Development (LSD) project (LSD-2025-0007). Planning Commission approval of the LSD will confirm a \$200,000 investment from Endeavor Real Estate Group towards the water main improvements. The City of Fayetteville and Endeavor Real Estate Group will then enter into a cost share agreement in order to utilize the \$200,000 contribution from the Duncan Ave Student Housing Development, the \$200,000 allocated from the Verve Development, and any additional cost will be the responsibility of the City of Fayetteville.

If you need any additional information or have any questions, please do not hesitate to contact me by phone at 479.441.0231 or by email at khopkins@ecologicaldg.com.

Sincerely,

Ecological Design Group

Katelynn Hopkins, EIT



May 19, 2025

Patrick Bauman
Endeavor Real Estate Group
500 W 5th Street, Suite 700
Austin, Texas 78701
pbauman@endeavor-re.com

RE: South Duncan Apartments - Fayetteville, AR

Per comments received during city staff review of the traffic impact analysis (TIA), the following is a description of site trip contribution to the intersection of Center Street and Hill Avenue for the above referenced project. This was included in the conclusions section of the report.

The site would be expected to add 18 vehicles to the during the a.m. peak hour and 53 vehicles during the p.m. peak hour for a total of 71 combined peak hour trips. This equates to 4.3% of the future total traffic during the combined peak hours.

City staff also requested additional information regarding pedestrian and bicycle evaluations per section 3.5.2.B of the Minimum Street Standards. The following can be considered in addition to the TIA report.

The pedestrian and bicycle facilities for the site were reviewed. The site currently has existing sidewalk on Center Street and Hill Avenue. The site plan indicates the addition of Master Street Plan required improvements on all street frontages. The site is positioned north of Fayetteville High School and south of the University of Arkansas campus with existing pedestrian and bicycle facilities well connected to both campuses. Access to amenities and parks nearby can also be accomplished through the already established network within the downtown region. Crossings of Center Street at Hill Avenue and University Avenue should be maintained or enhanced as part of the project.

Sincerely,

A handwritten signature in blue ink that reads "Nathan Becknell".

Nathan Becknell, P.E., PTOE, PTP
Principal

Traffic Engineering Consultants, Inc.

217 E. Dickson Street, Suite 106 | Fayetteville, AR 72701 | (479) 335-5636
Oklahoma City, OK | Tulsa, OK | Fayetteville, AR | Little Rock, AR
www.tecusa.com



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Ecological Design Group

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 27, 2025

Subject: LSD-2025-0007: Duncan Avenue Student Housing (65 S Duncan Ave)

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

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	171,974	100%
Zoning Designation * Select Below with drop down arrow		
MSC, Main Street Center	25,796	15%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	25,796	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	80,945	47.1%
Tree Canopy Preserved	13,709	8.0%
Tree Canopy Removed *On Site	67,236	39.1%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	67,236	39.1%
Removed Below Minimum	12,087	
Mitigation Requirements	12,087	

3. Mitigation Requirements		Canopy below requirement	Number of 2” caliper trees to be planted	
	High Priority	10,878	50	
	Low Priority	1,209	3	
	Total Mitigation Trees Required	12,087	53	
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 167.04H1 and 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)	N/A	N/A
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
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		3-27-25 4-25-25	5-8-25
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.



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Ecological Design Group

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: May 27, 2025

Subject: LSD-2025-0007: Duncan Avenue Student Housing (65 S Duncan Ave)

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		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	53 required 57 provided
Parking Lot Trees	N/A
Street Trees	28 required, 29 provided
Detention Pond – Large Trees (1 Tree/3,000 square feet)	

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	3-27-25 4-25-25	5-8-25
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.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: April 2, 2025

SUBJECT: Parks & Recreation Technical Plat Review Comments

Parks Board Meeting Date: March 3, 2025

Project Title: Duncan Ave Student Housing

Project Number: LSD-2025-0007

Project Location: East of FHS football field, West of S Hill Ave, and between Treadwell St and Putnam St

Plat Page: 522

Park Quadrant: SW

Billing Name & Address: Kerr Investment Company, 3065 E Shelton Rd N, Fayetteville, AR 72703

☐ Land Dedication

☒ Fee-in-Lieu

☐ Combination

LAND DEDICATION

Single Family: _____ units x 0.023 acres per unit = 0.00 acres

Multi Family: _____ units x 0.020 acres per unit = 0.00 acres

**TOTAL
Acres**

0.0

FEE-IN-LIEU

Single Family: _____ units x \$1,089 per unit = \$ 0

Multi Family: 291 units x \$952 per unit = \$277,032

**TOTAL
Fees**

\$277,032

SUMMARY

- Project proposes 0 SF Units and 291 MF Units.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.

- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
 - Approved by the City's Land Agent in the Engineering Division.
 - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.



TO: Donna Wonsower, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: May 27, 2025

SUBJECT: Long Range Planning Comments Regarding LSD-2025-0007

In early 2025, long range planning staff began issuing memoranda on requests that impact historic properties or have relevance to long range plans. Many of the properties subject to this proposal were rezoned in mid-2024, prior to this change and as such have not been documented in full. This memo is not intended to evaluate the merits of the development proposal, but rather to ensure that properties are documented. A survey of historic properties is anticipated to begin later in 2025 and properties likely to be demolished for site redevelopment need to be accounted for to assist with an accurate survey.

Advisory Only: A representative of the project has already reached out to the Long Range & Preservation Planner to capture photo documentation of historic structures in Summer 2025. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

BACKGROUND:

The applicant is seeking large scale development approval for approximately 294 units of student housing (1,011 bedrooms), amenities, and commercial retail space on approximately 3.87 acres. The *Heritage & Historic Preservation Plan* is relevant when considering proposals that would result in demolition of historic-age buildings:

Heritage & Historic Preservation Plan (2023):

The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.

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 redevelopment of the properties subject to LSD-2025-0007 has the potential to

adversely impact historic properties via future demolition. 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.

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 Long Range Planning staff are working to account for historic properties that may be demolished before and during the survey so that an accurate survey can be completed.

List of Impacted Historic Properties:

Address	Photo & Description
77 S. Duncan Ave.	 A brick Craftsman dwelling constructed ca. 1928 according to Washington County Assessor records
89 S. Duncan Ave.	 Constructed ca. 1926 according to Washington County Assessor records, a gable-front and wing dwelling with several additions. Appears in 1926 aerial image.

91 S.
Duncan
Ave.



Vernacular home with Craftsman details constructed ca. 1926, and it is visible in an aerial photo from 1926.

93 S.
Duncan
Ave.



Vernacular home in pyramidal form with Craftsman details, constructed ca. 1936 according to Washington County Assessor records.

95 S.
Duncan
Ave.



Prairie-inspired stucco dwelling with hipped through-cornice dormers, constructed ca. 1926 according to Washington County Assessor records. Appears in 1926 aerial image.

99 S.
Duncan
Ave.



Unique example of Spanish Revival architecture in Fayetteville, constructed ca. 1926, but it does not appear in the 1926 aerial image.

101 S.
Duncan
Ave.



Front-gabled Craftsman, constructed ca. 1931, does not appear in 1926 aerial image, but does appear in 1941.

103 S.
Duncan
Ave.



Front-gabled Craftsman, constructed ca. 1926. Appears in 1926 aerial image.

107 S.
Duncan
Ave.



Modest brick Ranch dwelling, constructed ca. 1956. Does not appear in 1954 aerial, but does appear in 1965 aerial image.

ECOLOGICAL DESIGN GROUP

120 South Izard Street 216 W Birch Street
Little Rock, AR 72201 Rogers, AR 72756



To: City of Fayetteville
From: Katelynn Hopkins, EIT
Date: May 7, 2025
Re: Duncan Ave. Student Housing Development

Ecological Design Group (EDG) is submitting this cover letter for the City of Fayetteville to describe the Large Scale Development application for the Duncan Ave. Student Housing Development.

Developer Information:

Owner: OP III Fay S Duncan LP

Address : 500 W 5th St., Austin, TX 78701

Project Description:

The Duncan Ave Student Housing Development will consist of one proposed building with 294 units (1,011 bedrooms) and 3,000 square feet of commercial retail space on approximately 3.87 acres. This project will consist of right-of-way improvements along S Duncan Ave, bike infrastructure, a pool, courtyards, and a parking garage.

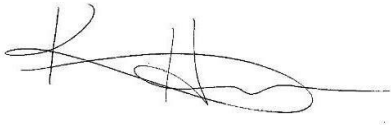
Due to the existing topography of the site, a portion of the building will be tucked below S Duncan Ave., decreasing the overall size of the building from the street. This unique condition allows for increased density without the increase of building façade along the streetscape. This condition also allows for subsurface parking, limiting the amount of impervious area and parking lot visibility. The required minimum parking requirements are being satisfied by the parking in the parking garage and an additional 8 parallel on-street parking spaces are provided to serve as overflow parking for the residential and commercial development. Predominant access to both the residential and commercial spaces is expected to be accessed by pedestrian and cyclists as this project is located in proximity to a grocery store, Downtown Fayetteville, and the University of Arkansas. This development will also rely on the public transit system as there are bus stops at the Harmon Parking Garage and at the intersection Hill & Treadwell.

This student housing development is intended to fill the need for new student housing on the south side of campus. The proximity of this development to campus, downtown, restaurants, and more makes this site walkable and adds to the City of Fayetteville's mission to create a multi-modal city.

If you need any additional information or have any questions, please do not hesitate to contact me by phone at 479.441.0231 or by email at khopkins@ecologicaldg.com.

Sincerely,

Ecological Design Group

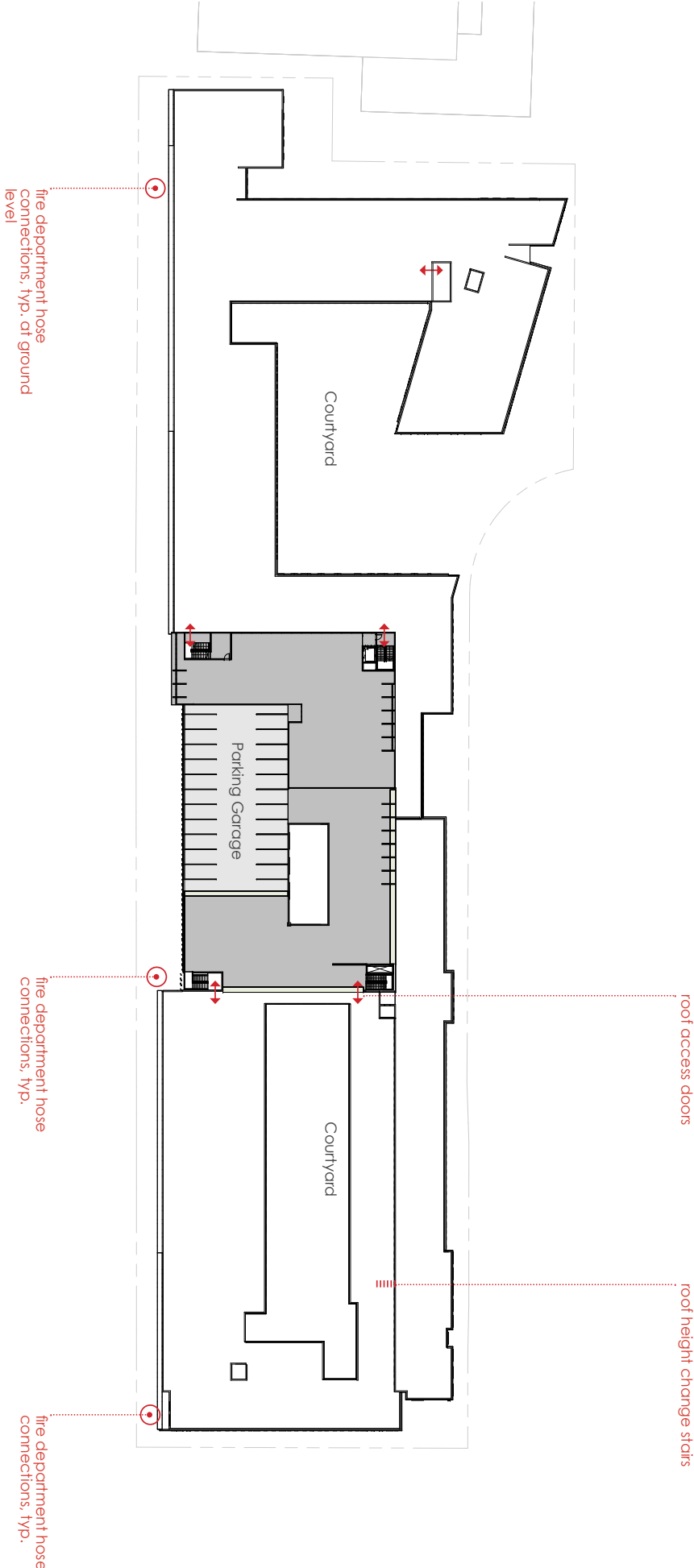
A handwritten signature in black ink, appearing to read 'K Hopkins', with a long horizontal flourish extending to the right.

Katelynn Hopkins, EIT

Duncan : Large Scale Development - Submission #4 (2025.05.19)

Level 07 plan (roof)

Roof access doors and stairs to traverse roof changes will be provided. Final locations will be coordinated with Fire Marshal and Building Safety.



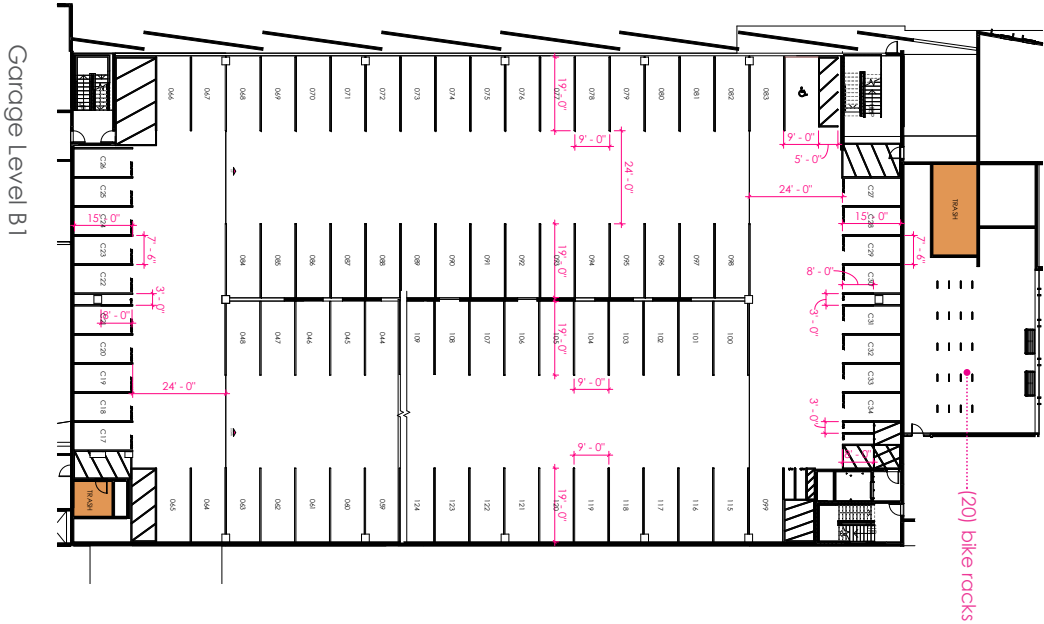
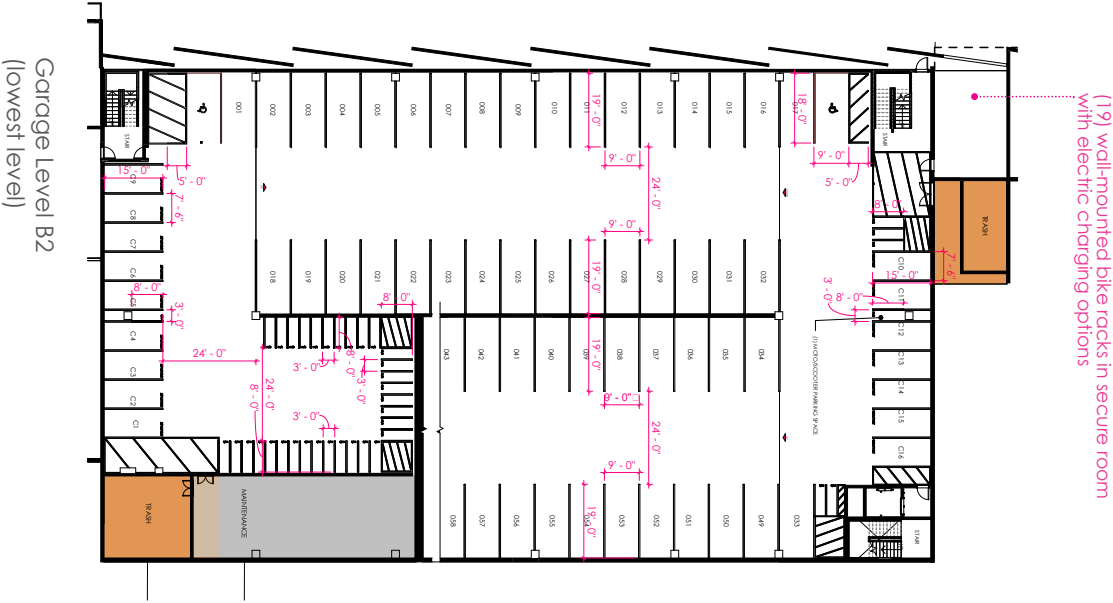
parking information

PARKING STATS.						
DESCRIPTION	COUNT	AMOUNT	REDUCTION COUNT	SPACES	NOTES	
CURRENT UNIT COUNT	294					
CURRENT BEDROOM COUNT	1011					
REQUIRED PARKING SPACES		1 PER BEDROOM		1011	STARTING SPACES REQUIREMENT	
REDUCTION : WITHIN 1/4 MILE OF TRANSIT		15%	151	860	VEHICULAR SPACES MINUS TRANSIT REDUCTION	
BASE MOTORCYCLE/SCOOTER SPACES		1 PER 25 VEHICULAR SPACES		35	REQUIRED M/S SPACES	
				825	REQUIRED VEHICULAR SPACES	
BASE BICYCLE RACKS (UNITS/30)		1 PER 30 DWELLING UNITS		10	REQUIRED BICYCLE RACKS	
REDUCTION : MOTORCYCLE / SCOOTER REDUCTION : BICYCLE (RACKS)		10% 10%	101 101	724 623	VEHICULAR SPACES MINUS TRANSIT AND M/S REDUCTION VEHICULAR SPACES MINUS TRANSIT, M/S, AND BICYCLE REDUCTION	
TOTAL M/S SPACES				136	BASE REQUIREMENT PLUS ALLOWABLE 1:1 SWAPS	
TOTAL BICYCLE RACKS				111	BASE REQUIREMENT PLUS ALLOWABLE 1:1 SWAPS	
TOTAL VEHICULAR SPACES				623	BASE REQUIREMENT MINUS REDUCTIONS	
				870	TOTAL RESULTING SPACES REQUIREMENT	
REQUIRED/ALLOWED		PROVIDED				
ADA SPACES REQUIRED	13 min 2%		ADA SPACES	13		
COMPACT SPACES ALLOWED	218 max 35%		COMPACT SPACES	144		
STANDARD SPACES	392 min 63%		STANDARD	480		
M/S SPACES	136 base + swap		M/S SPACES	136		
BICYCLE RACKS	111 base + swap		BICYCLE RACKS	111		
TOTAL	870		TOTAL	884		

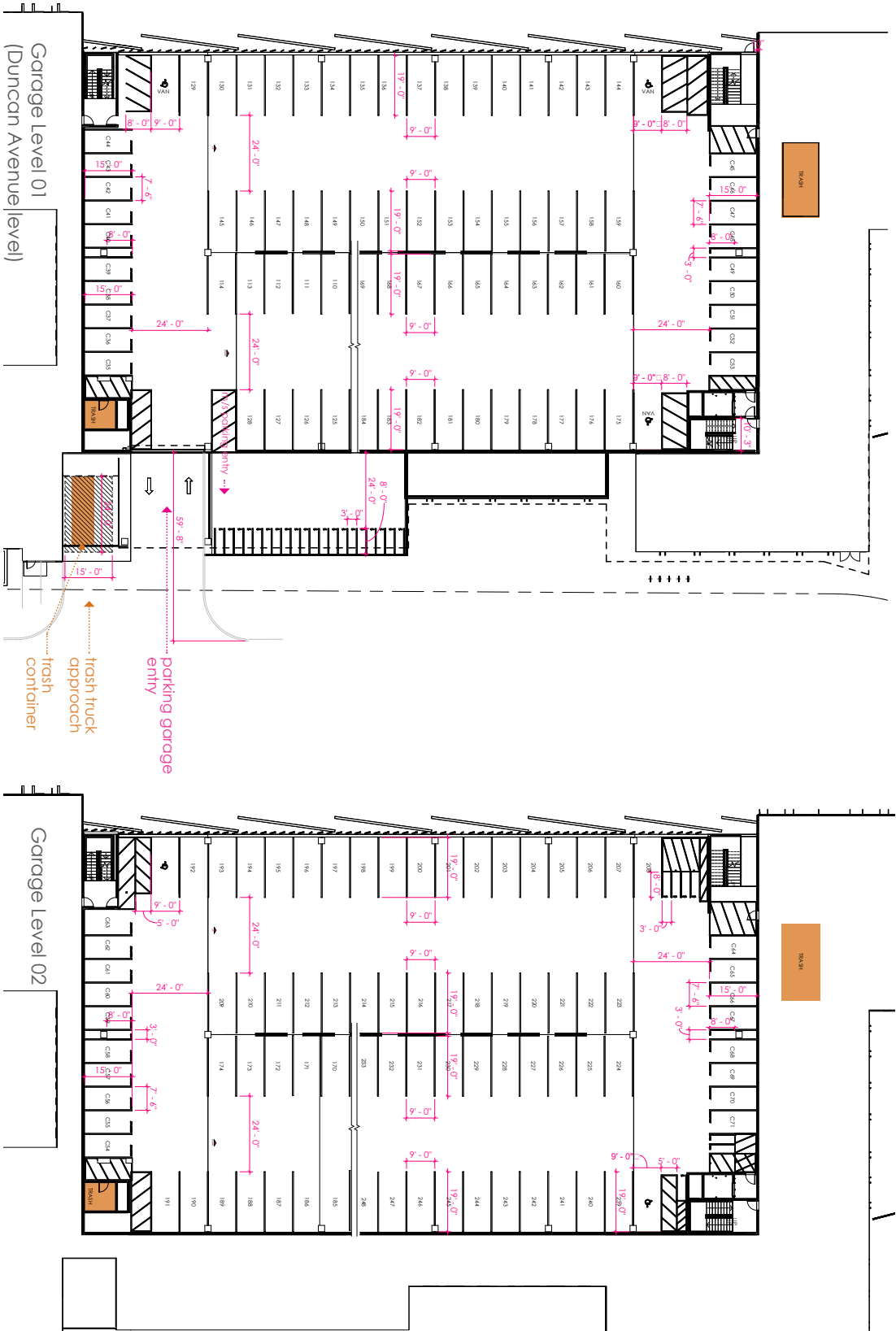
*The above information is for the structured parking garage. Please refer to civil drawings for on-street parking information.

Duncan : Large Scale Development - Submission #4 (2025.05.19)

parking garage plans



parking garage plans

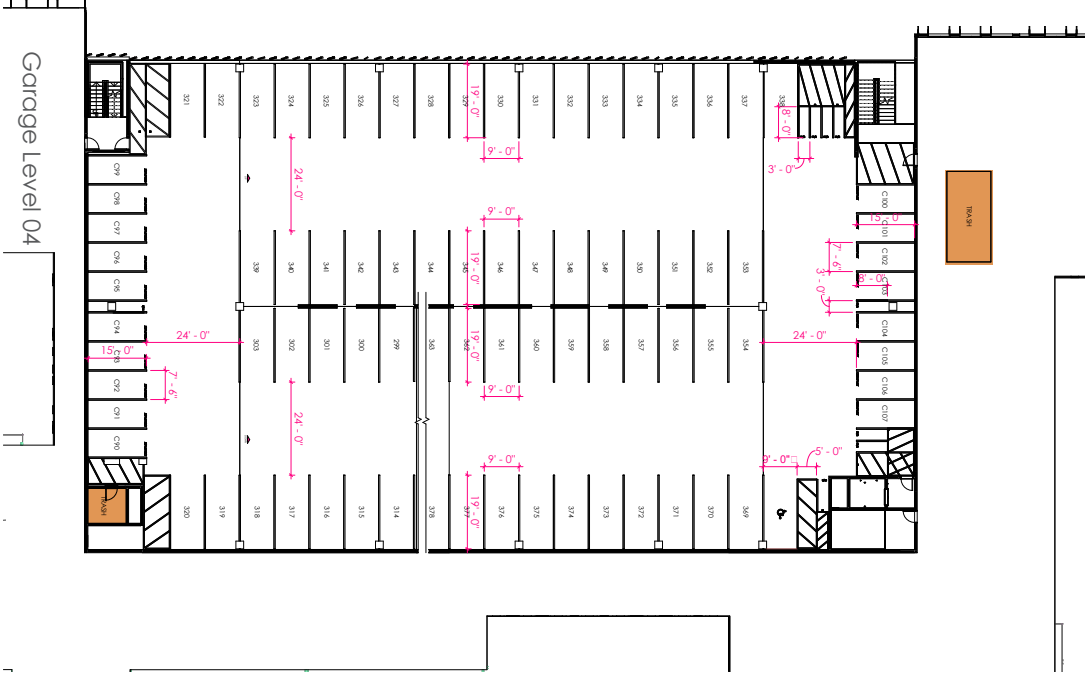
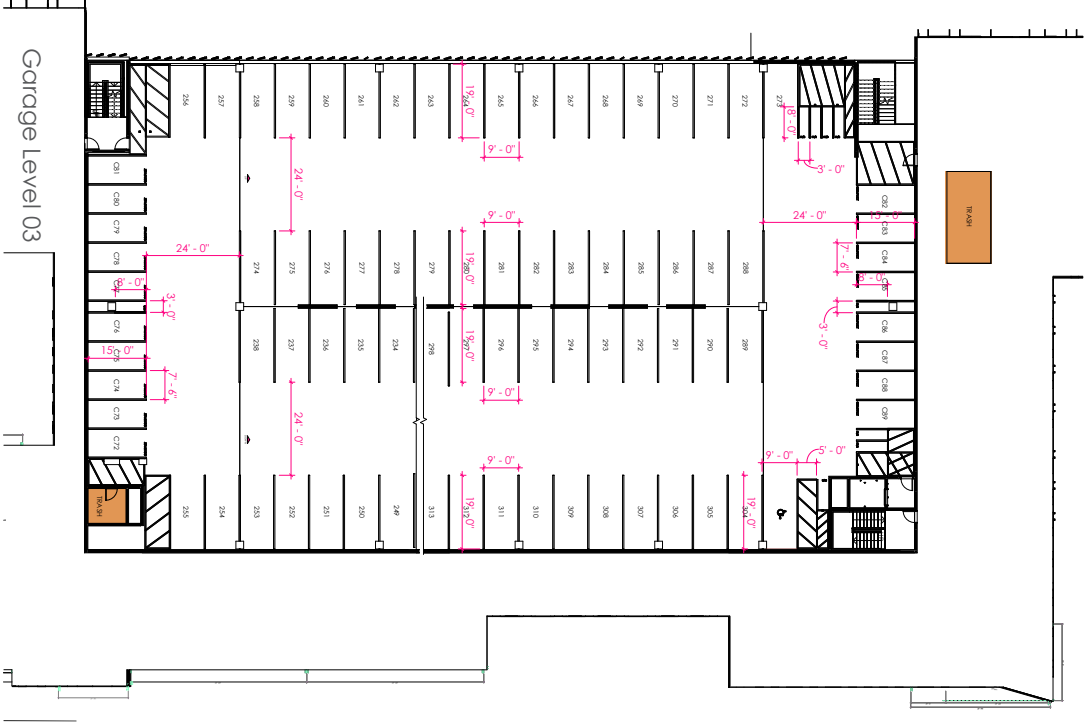


N scale: 1/32" = 1'

Duncan : Large Scale Development - Submission #4 (2025.05.19)

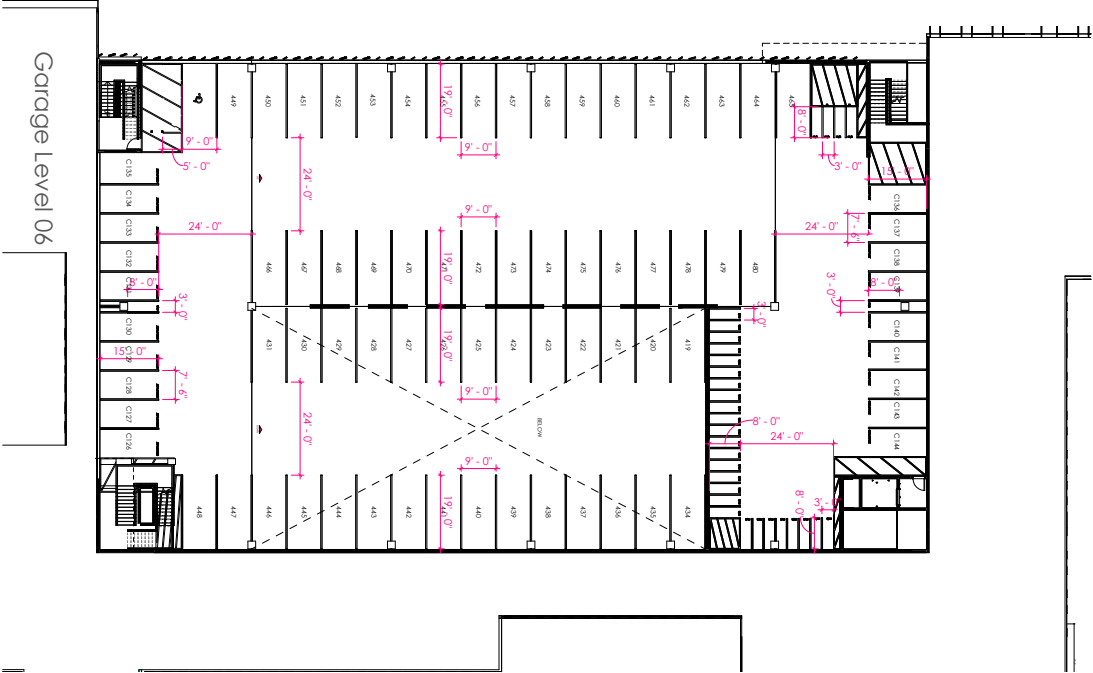
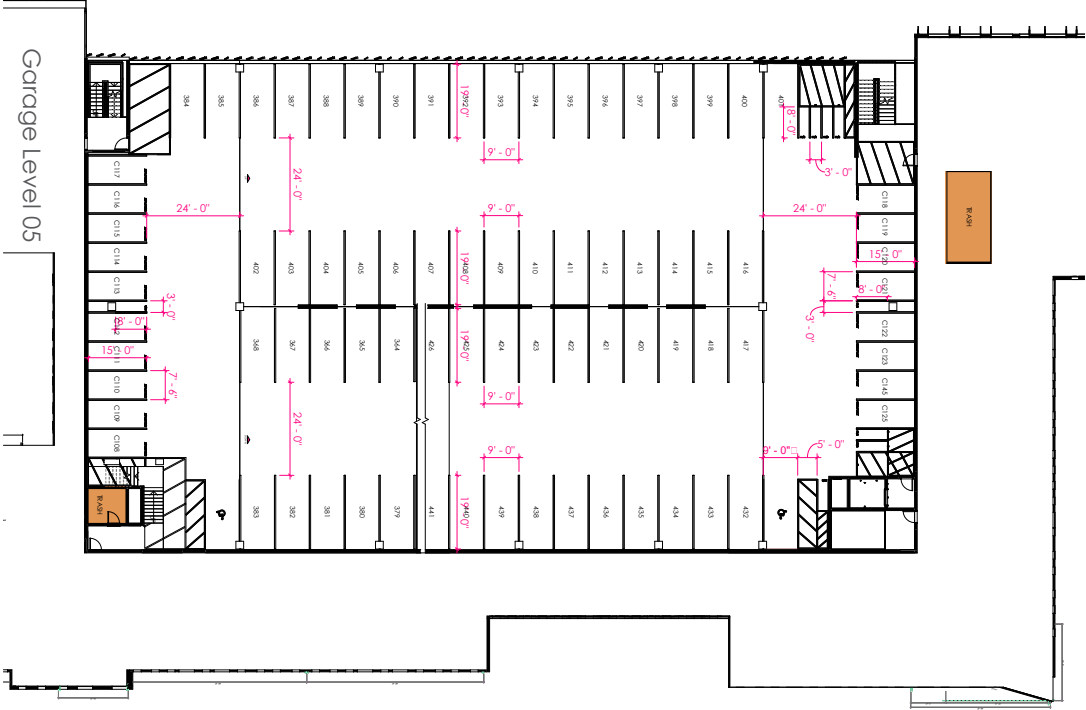
parking garage plans

ENDEAVOR + modus studio



N scale: 1/32" = 1'

parking garage plans



N scale: 1/32" = 1'

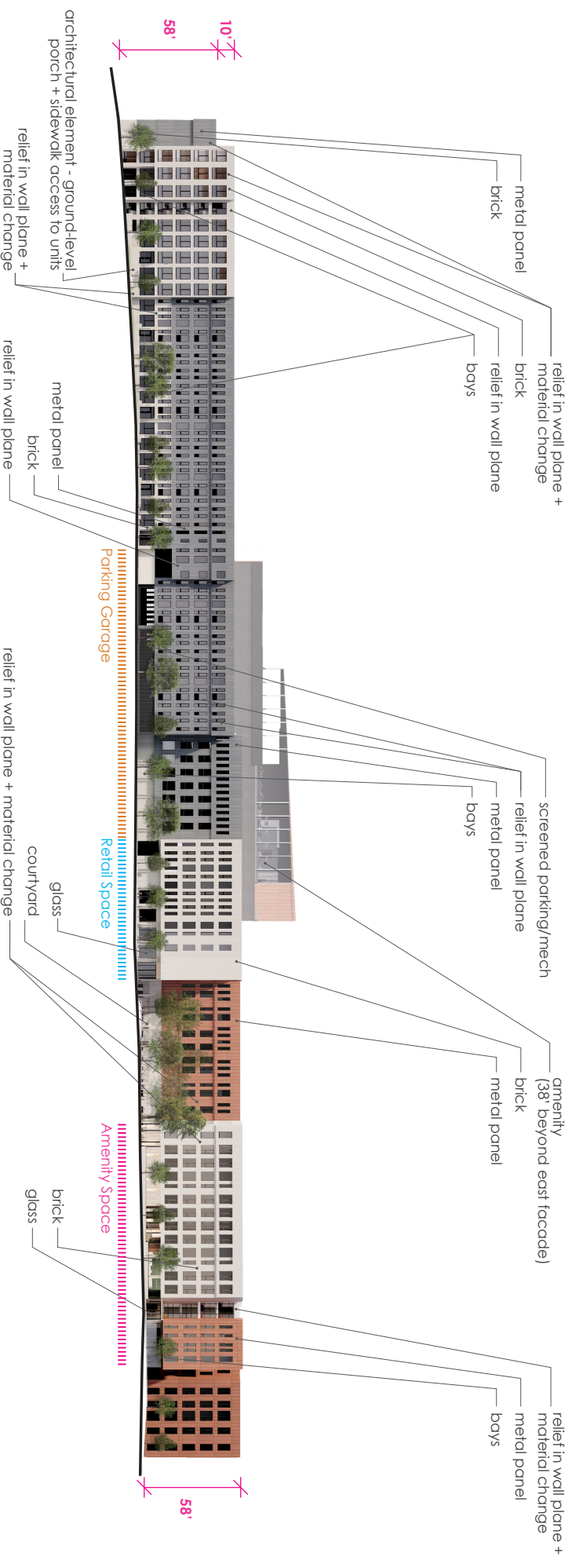
ENDEAVOR + modus studio

elevation

INTERIOR COURTYARDS +
ACCENT LOCATIONS



FIBER CEMENT
BOARD
(LAP)



east elevation (Duncan Avenue)

Duncan : Large Scale Development - Submission #4 (2025.05.19)

ENDEAVOR + modus studio

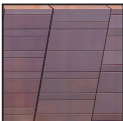
elevation

MATERIAL LEGEND

INTERIOR COURTYARDS +
ACCENT LOCATIONS



BRICK



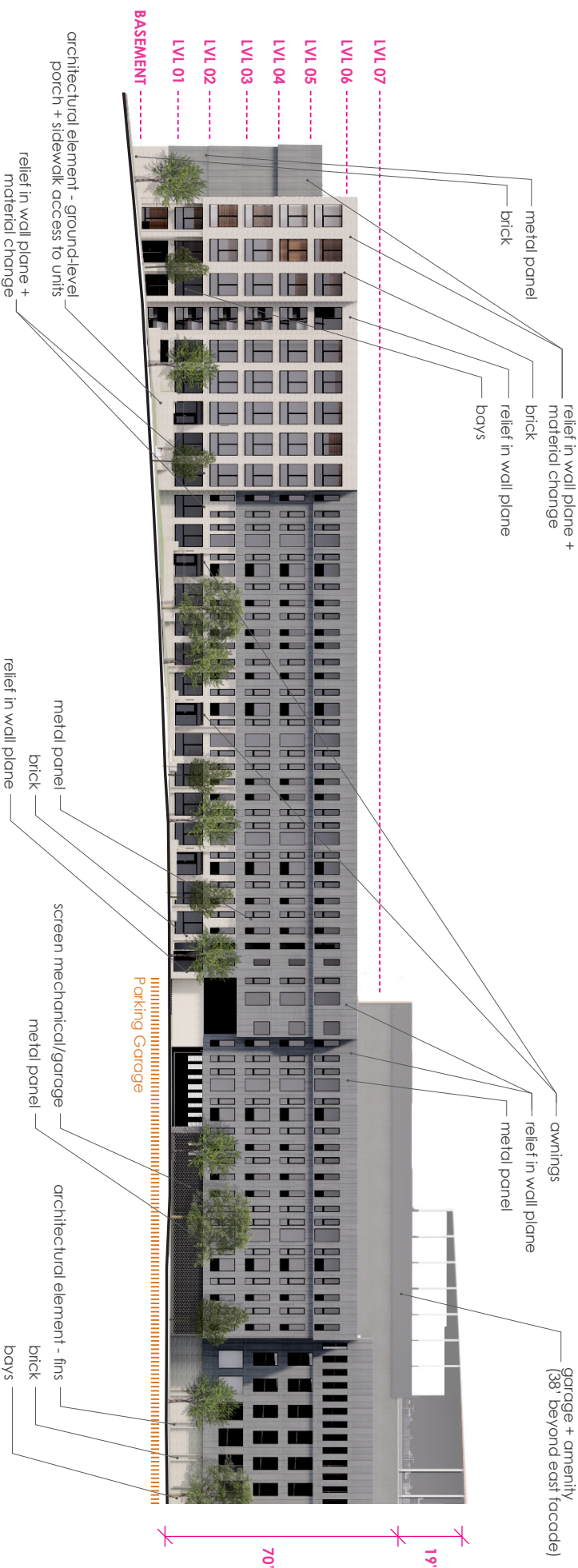
METAL PANEL



METAL PANEL



FIBER CEMENT
BOARD
(LVP)



east elevation (Duncan Avenue enlarged south)

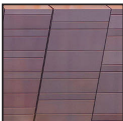
elevation

MATERIAL LEGEND

INTERIOR COURTYARDS +
ACCENT LOCATIONS



BRICK



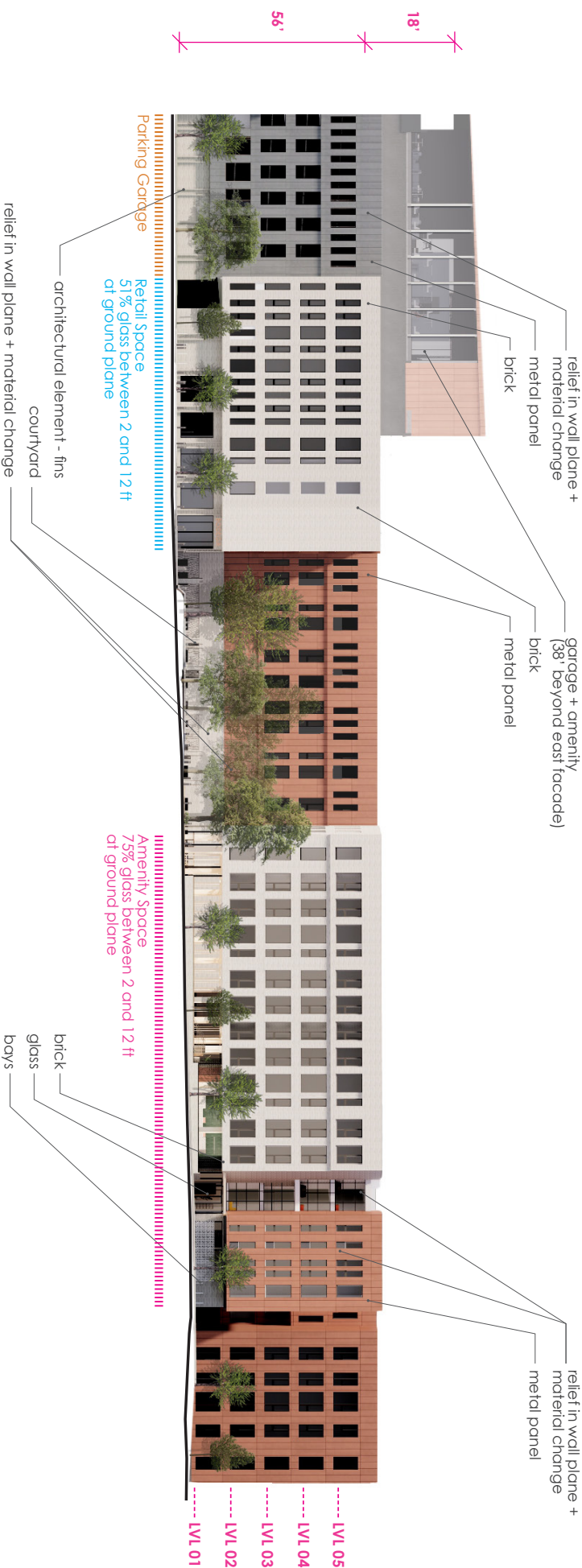
METAL PANEL



METAL PANEL



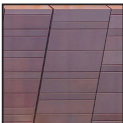
FIBER CEMENT
BOARD
(LVP)

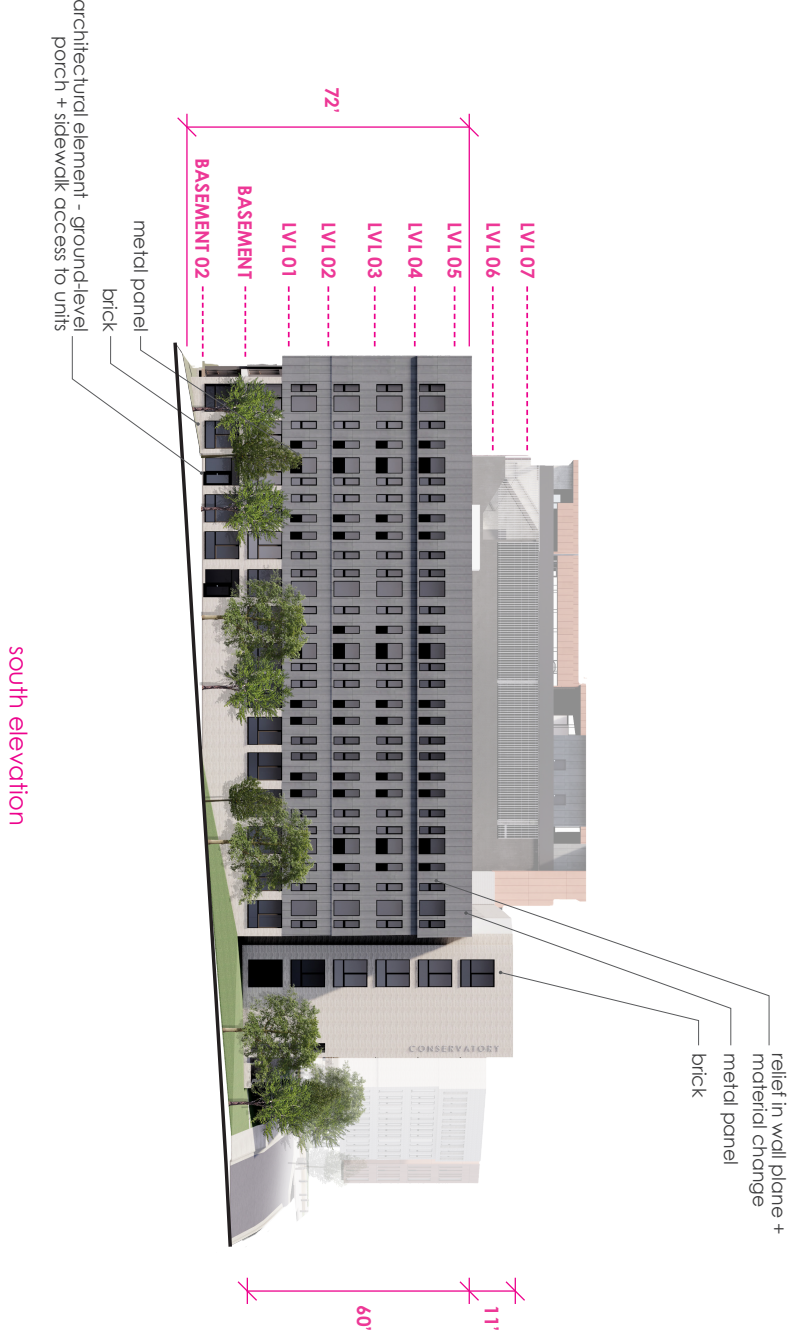


east elevation (Duncan Avenue enlarged north)

elevation

MATERIAL LEGEND

	INTERIOR COURTYARDS + ACCENT LOCATIONS		
			
BRICK	METAL PANEL	METAL PANEL	FIBER CEMENT BOARD (LVP)



Duncan : Large Scale Development - Submission #4 (2025.05.19)

ENDEAVOR + modus studio

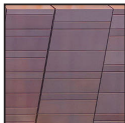
elevation

MATERIAL LEGEND

INTERIOR COURTYARDS +
ACCENT LOCATIONS



BRICK



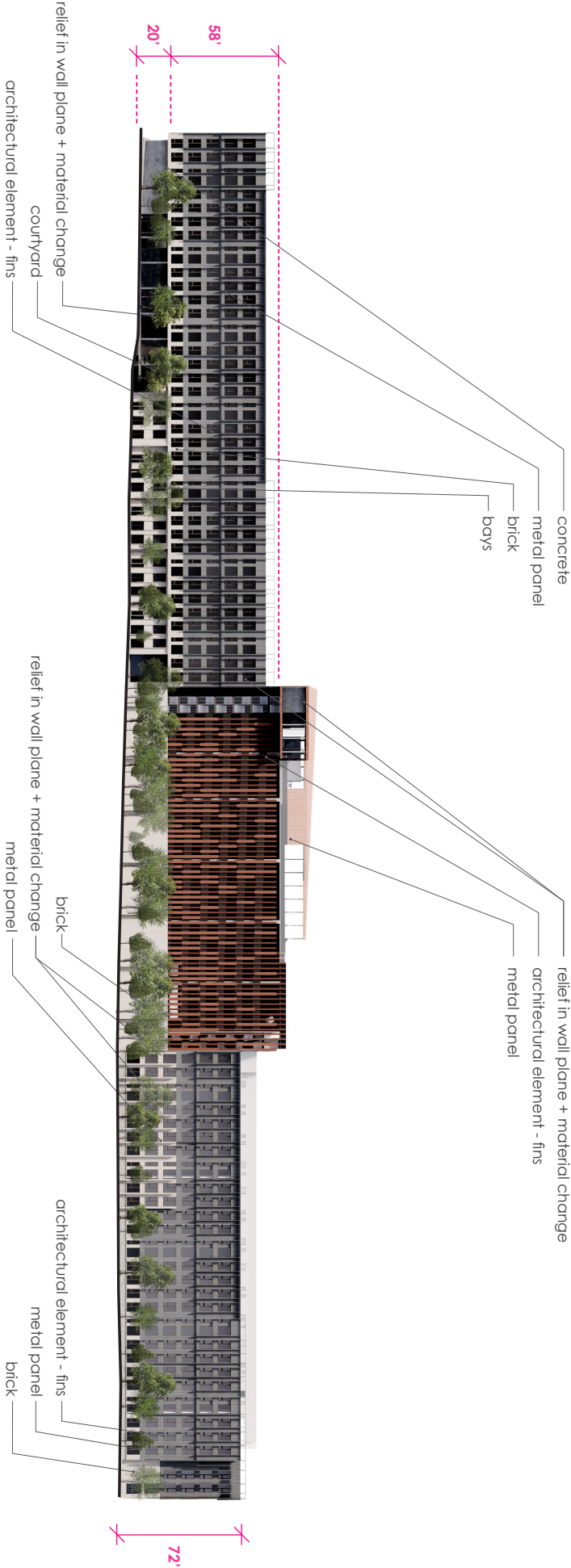
METAL PANEL



METAL PANEL



FIBER CEMENT
BOARD
(LVP)



west elevation (Harmon Field)

Duncan : Large Scale Development - Submission #4 (2025.05.19)

ENDEAVOR + modus studio

elevation

MATERIAL LEGEND

INTERIOR COURTYARDS +
ACCENT LOCATIONS



BRICK



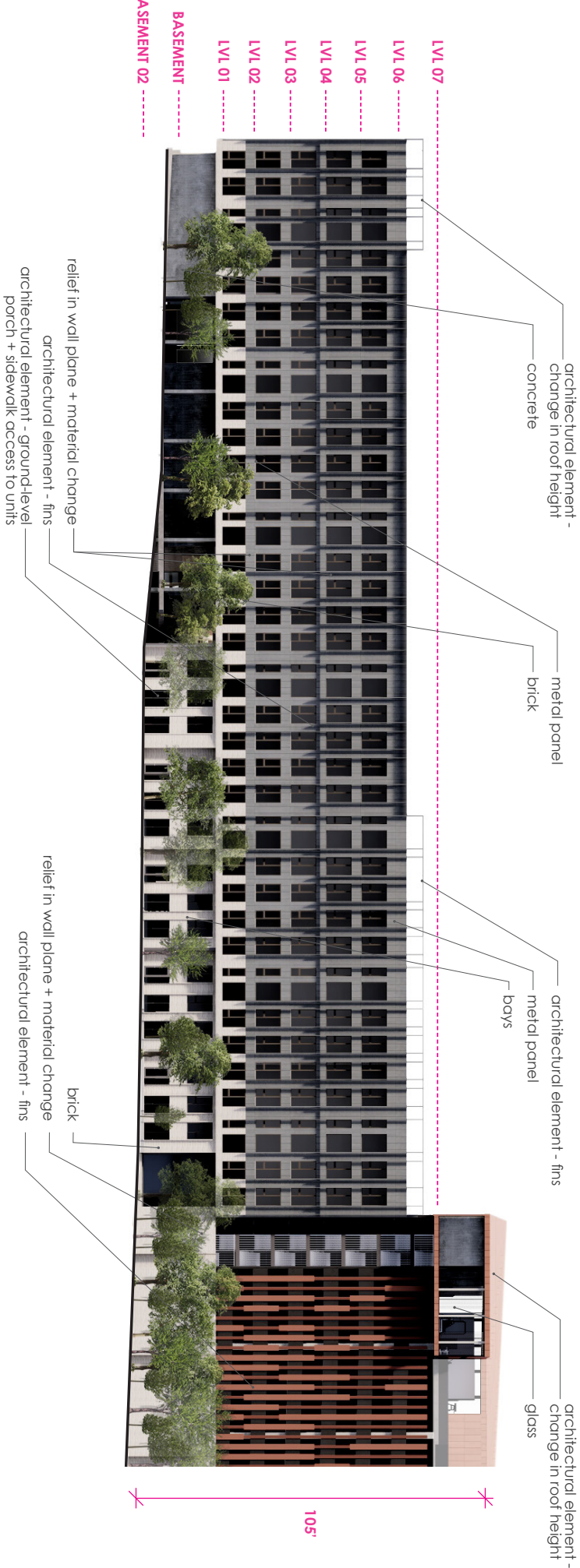
METAL PANEL



METAL PANEL



FIBER CEMENT
BOARD
(LVP)



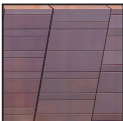
elevation

MATERIAL LEGEND

INTERIOR COURTYARDS +
ACCENT LOCATIONS



BRICK



METAL PANEL



METAL PANEL



FIBER CEMENT
BOARD
(LVP)



west elevation (Harmon Field enlarged south)

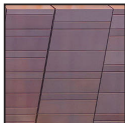
elevation

MATERIAL LEGEND

INTERIOR COURTYARDS +
ACCENT LOCATIONS



BRICK



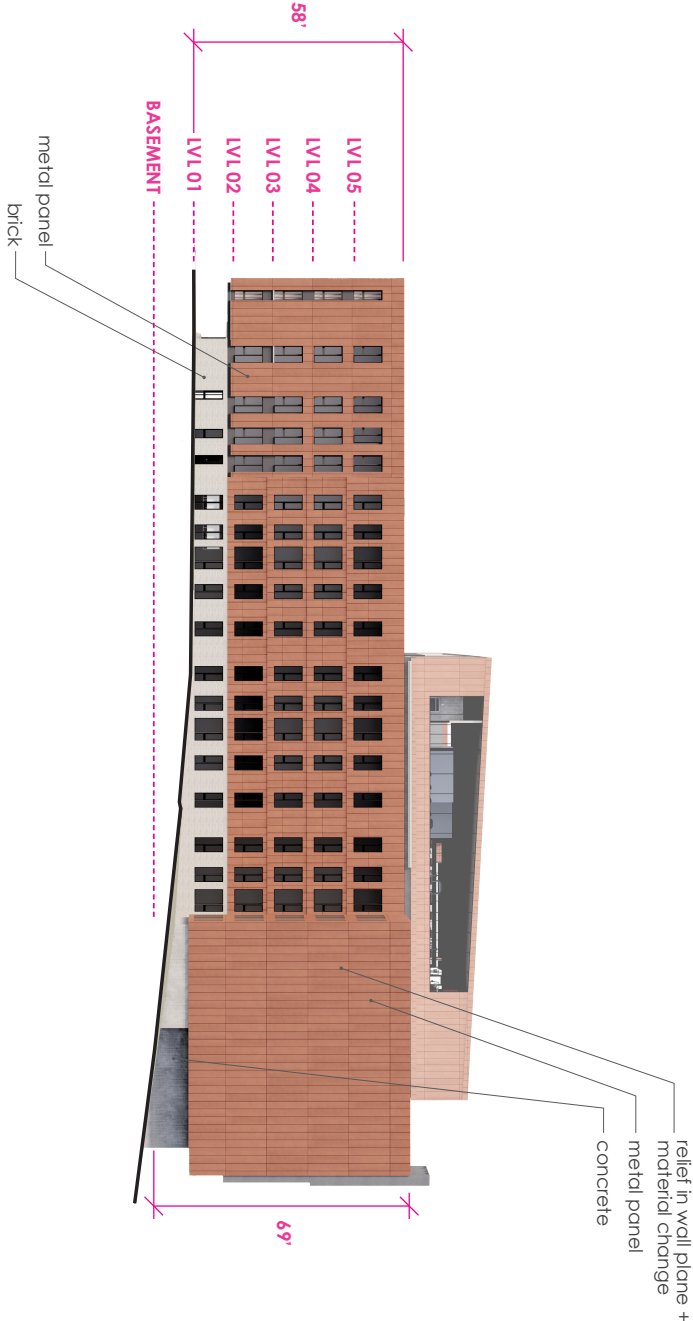
METAL PANEL



METAL PANEL



FIBER CEMENT
BOARD
(LVP)



north elevation

Duncan : **Large Scale Development - Submission #4** (2025.05.19)

view of piazza and courtyard, looking west

ENDEAVOR + modus studio



Duncan : **Large Scale Development - Submission #4** (2025.05.19)

view along Duncan, looking north

ENDEAVOR + modus studio



Duncan : **Large Scale Development - Submission #4** (2025.05.19)

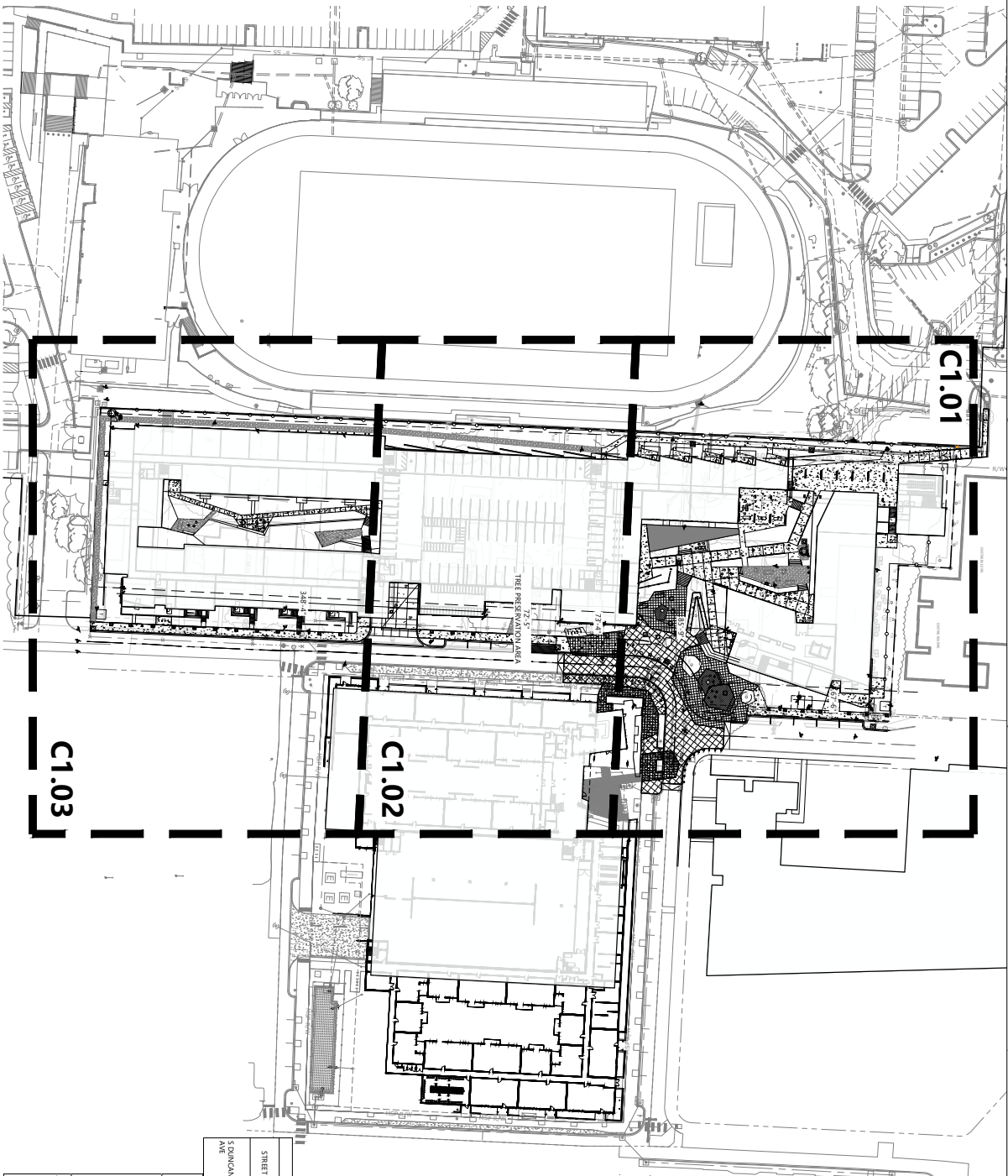
view from Harmon, looking southeast

ENDEAVOR + modus studio



view across Harmon Field, looking east





1 OVERALL SITE PLAN

SCALE: 1" = 50'-0"



SHEET TABLE				
STREET	CLASSIFICATION	RIGHT OF WAY	WIDTH	GREENSPACE
		MIN.	20'-0"	VARIABLE
		EXISTING		
		PROPOSED		
		D		
				6'-0"

96890' SQFT / 22 AC

STREET FRONTAGE SUMMARY

TOTAL

771 LF

REQUIRED:

754,578.25 LF

PROVIDED:

489.16 LF

PLAZZA, 85'-9"

THE PRESERVATION, 72'-5"

TOTAL, 647.3'

PARKING SUMMARY

PARKING GARAGE

ON-STREET SPACES

ADA SPACES

TOTAL

158 SPACES

8 SPACES

8 SPACES

Duncan Student Housing

S Duncan Ave
Fayetteville AR, 72701

E | D | G

Issued by reviewer:

Issue by pricing:

Issue by construction:

Reviewed:

ALL INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY OTHER PURPOSE.

OVERALL SITE PLAN

DATE: 10/06/20

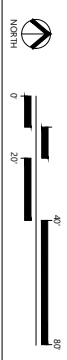
DATE: 2020.04.15

DATE: 2014

C1.00

1 SITE PLAN

SCALE: 1" = 20'-0"



PROPOSED SITE PLAN LEGEND

- Curb and Gutter
- Typical Concrete Pavement
- Heavy Duty Concrete Pavement
- Asphalt Pavement
- Gravel Pavement
- Typical Concrete Sidewalk
- Scored/Colored Concrete
- Site Fencing
- Building Setback
- Road Centerline

EXISTING LEGEND

- Water Meter
- Fire Hydrant
- Water Valve
- Drain Inlet
- Manhole
- Stormwater Inlet
- Stormwater Manhole
- Drainage Ditch
- Drainage Box
- Drainage Pipe
- Gas Meter
- Transformer
- Power Pole
- Light Pole
- Utility Pole
- Survey Boundary Corner
- Outdated Easement
- Wood Decking
- Chain Link Fence
- Property Line

KEYMAP

Issued by reviewer:

Issued by planning:

Issued by construction:

Prepared:

E | D | G

Duncan Student Housing

S Duncan Ave

Fayetteville AR, 72701

C1.01

SITE PLAN

DATE: 10/06/2020

BY: 2023.04.15

PROJECT: 20.114

ROAD CENTERLINE

LEGEND

- PROPERTY L



S Duncan Ave
Fayetteville AR, 72701

Contents

propd. 25.14

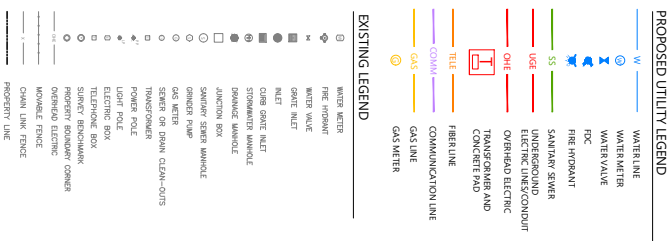
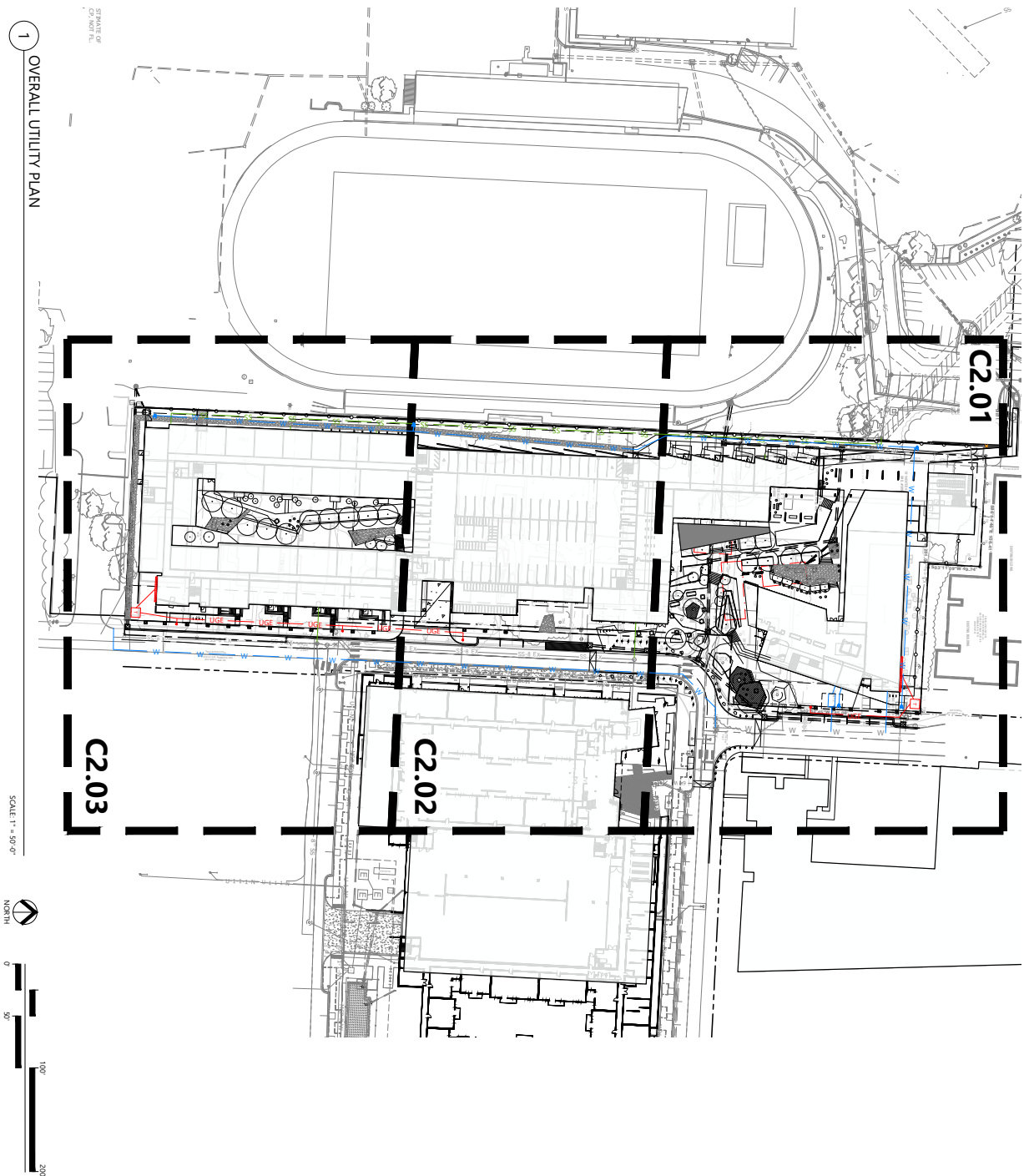
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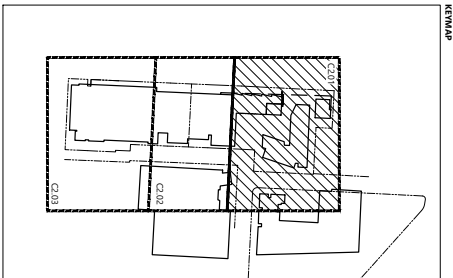
1 SITE PLAN

SCALE 1" = 20'-0"

1

copyright BDG 2021





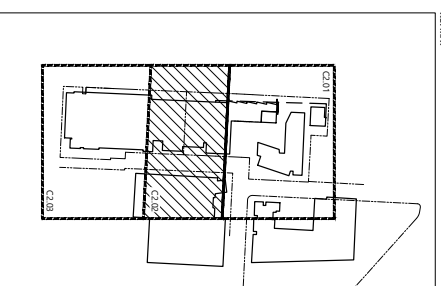
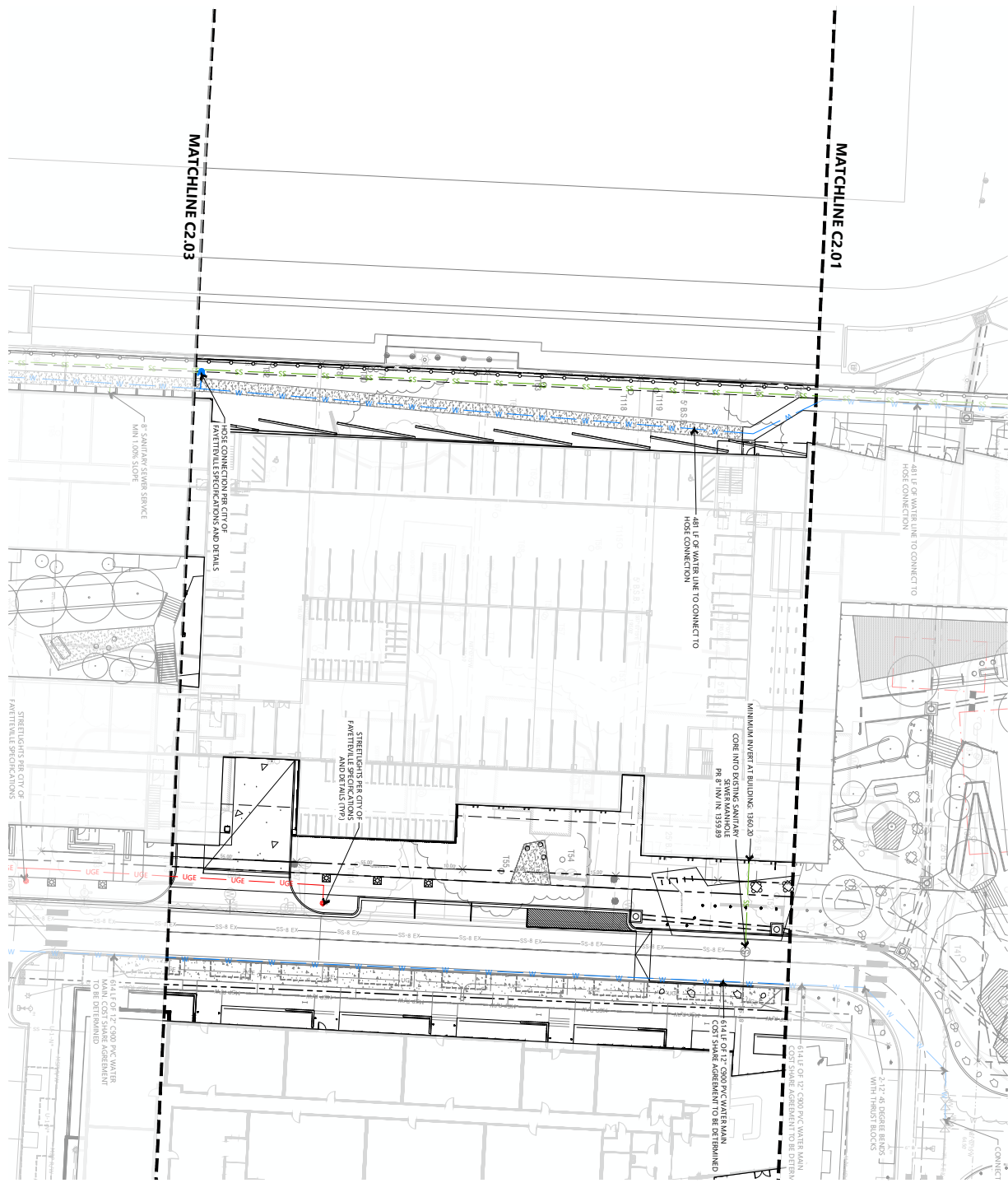
Duncan Student Housing

S Duncan Ave
Fayetteville AR, 72701

C2.01

UTILITY PLAN	
design	SD
date	2025.03.06
project	25.14

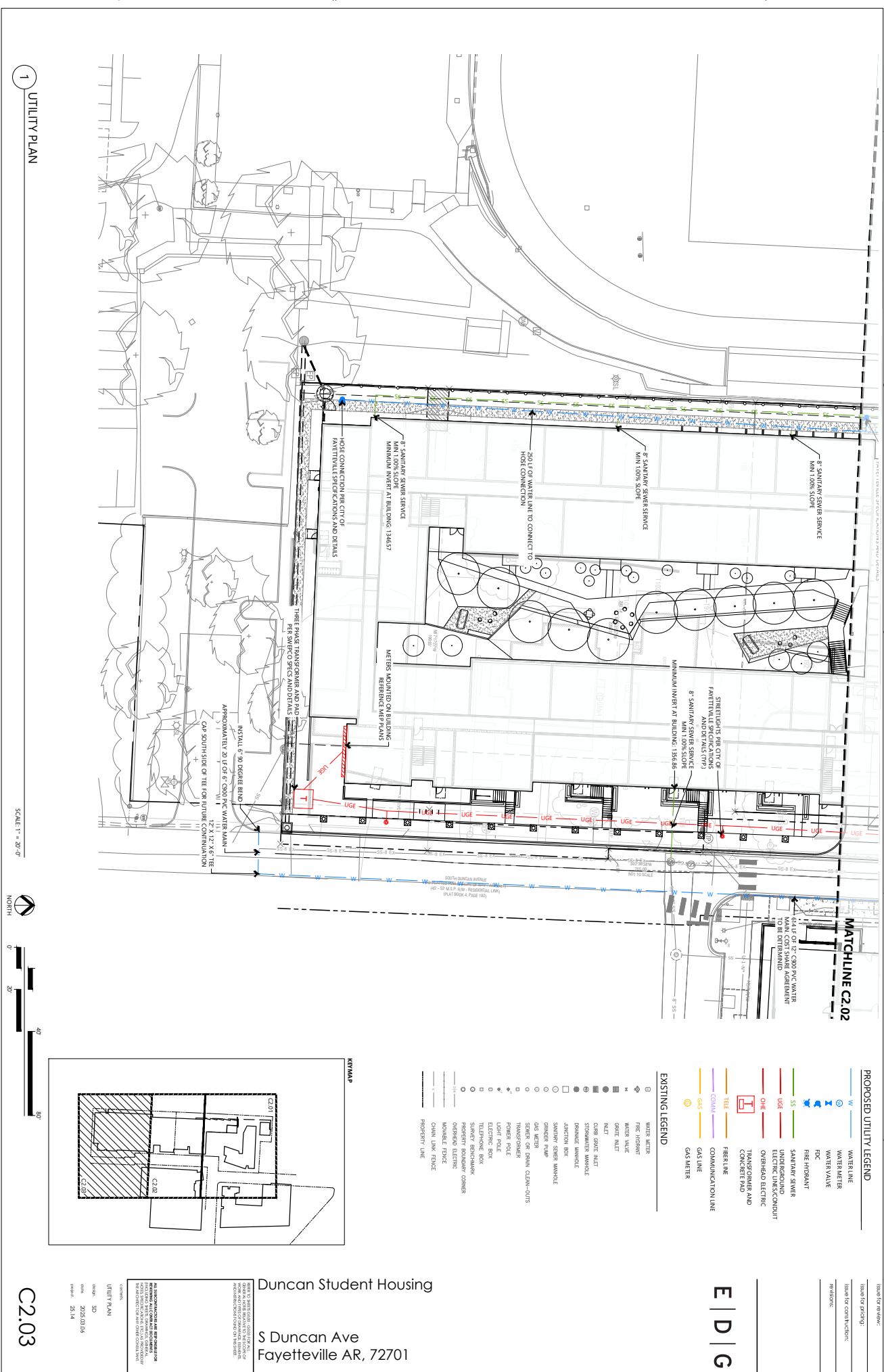
Duncan Student Housing
S Duncan Ave
Fayetteville AR, 72701



- PROPOSED UTILITY LEGEND**
- W WATER LINE
 - WM WATER METER
 - WV WATER VALVE
 - FC FIRE HYDRANT
 - SS SANITARY SEWER
 - SS-1 UNDRIRIGUNDO
 - SS-2 ELECTRIC LINE/CONDUIT
 - SS-3 OVERHEAD ELECTRIC
 - SS-4 TRANSFORMER AND CONCRETE PAD
 - TEL TELEPHONE
 - COM-1 COMMUNICATION LINE
 - COM-2 GAS LINE
 - COM-3 GAS METER
- EXISTING LEGEND**
- WATER METER
 - WATER VALVE
 - FC FIRE HYDRANT
 - SS SANITARY SEWER
 - SS-1 UNDRIRIGUNDO
 - SS-2 ELECTRIC LINE/CONDUIT
 - SS-3 OVERHEAD ELECTRIC
 - SS-4 TRANSFORMER AND CONCRETE PAD
 - TEL TELEPHONE
 - COM-1 COMMUNICATION LINE
 - COM-2 GAS LINE
 - COM-3 GAS METER

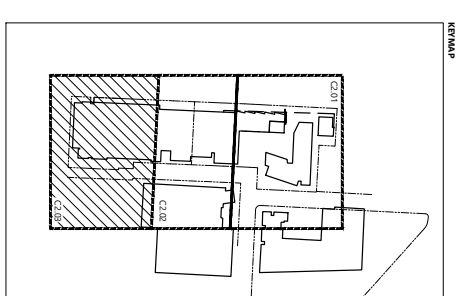
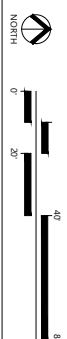
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DATE: 2023.03.04
REVISION: 20.14



1 UTILITY PLAN

SCALE 1" = 20'-0"



Issued for Review

Issued for pricing

Issued for construction

Revised

E | D | G

Duncan Student Housing

3 S Duncan Ave
Fayetteville AR, 72701

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UTILITY PLAN

DATE: 2023.03.04

REVISION: 20.14

C2.03



1 TREE PRESERVATION - PROPOSED CONDITIONS

SCALE 1" = 50'-0"



0 50' 100' 200'

NOTE
REFERENCE EROSION CONTROL PLAN FOR
LOCATION OF CONSTRUCTION ENTRANCE
AND MATERIAL STORAGE.

Total Site Area: Natural, Built-up, Open and Exposed	Square Feet	Percent of Site
Total Site Area	171,316	100%
Existing Canopy to be Removed	25,796	15%
Existing Canopy to be Preserved	0	0%
Total Canopy for Minimum Preservation Requirements	25,796	15%
Existing Canopy to be Preserved	13,709	8.0%
Tree Canopy Preserved	6,726	3.9%
Tree Canopy Removed "On Site"	0	0%
Tree Canopy Removed "Off Site"	0	0%
Tree Canopy Preserved Total	13,709	8.0%
Tree Canopy Removed Total	25,796	15%
Tree Canopy Preserved Total	13,709	8.0%
Tree Canopy Removed Total	12,087	7.1%

Mitigation Requirements	Preservation Priority Type	Preservation Base Density/Acre	Number of 2" Caliper Trees to be Planted
Canopy Below Requirements 5% Fr.	High Priority	200	50
1,209	Low Priority	100	3

NOTE
EXISTING PRIORITY CANOPY MAKES UP 10% OF CANOPY TO BE REMOVED
NUMBER OF 2" MAIN PLANTED ON SITE: 57

PROPOSED CONSTRUCTION SUMMARY
THE INTENT OF THIS PROJECT IS TO PROVIDE DENSE HOUSING IN THE URBAN CORE, CLOSE TO CAMPU.S IT WAS DETERMINED EARLY IN CONVERSATIONS WITH THE CITY OF FAYETTEVILLE THAT THE PROJECT WOULD BE PRIORITIZED FOR PRESERVATION, PRESERVING UP THE INTERIOR OF THE SITE FOR DEVELOPMENT THEREAFTER. THIS WAS THE ONLY DESIGN CONSIDERED. THE PRESERVATION AREA WAS DETERMINED BASED ON THE LOCATION OF CANOPY ON THE INTERIOR OF THE SITE. THEREFORE, A LARGE PORTION OF CANOPY ON THE INTERIOR OF THE SITE WILL NEED TO BE REMOVED. THE PRESERVATION AREA WAS DETERMINED BASED ON THE LOCATION OF CANOPY ON THE INTERIOR OF THE SITE. THEREFORE, A LARGE PORTION OF CANOPY ON THE INTERIOR OF THE SITE WILL NEED TO BE REMOVED. THE PRESERVATION AREA WAS DETERMINED BASED ON THE LOCATION OF CANOPY ON THE INTERIOR OF THE SITE. THEREFORE, A LARGE PORTION OF CANOPY ON THE INTERIOR OF THE SITE WILL NEED TO BE REMOVED.

PROPOSED LEGEND

- EXISTING TREE CANOPY TO BE REMOVED
- EXISTING TREE CANOPY TO REMAIN
- EXISTING SLOPES GREATER THAN 18%
- EXISTING EASEMENTS AND RIGHTS-OF-WAYS
- EXISTING CANOPY WITHIN EASEMENTS AND RIGHTS-OF-WAYS
- PROPERTY LINE, ROW LINE
- ROAD CENTERLINE
- PROJECT BOUNDARY
- TREE PRESERVATION PRIORITY
- CONSTRUCTION ENTRANCE
- CONCRETE WASHOUT
- MATERIAL STORAGE
- PROPOSED TREE PRESERVATION EASEMENT



Duncan Student Housing
S Duncan Ave
Fayetteville AR, 72701

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DATE: 2023.04.15
DRAWN: 20.14

12.01

ALSO, ILLUSTRATIONS ARE RESPONSIBLE FOR
REVIEWING ALL CONTRACT DOCUMENTS
(INCLUDING SPECIFICATIONS, GENERAL
CONDITIONS OF CONTRACT, SPECIALTY
ITEMS AND/OR OTHER CONDITIONS).



REFER TO SHEETS GOLD - GOLD FOR ALL GENERAL NOTES RELATIVE TO THE SCOPE OF WORK, AND TYPES OF DRAINAGE, ELEVATIONS, AND OTHERS/CROSS-SECTION ON THIS SHEET.

LANDSCAPE PLAN

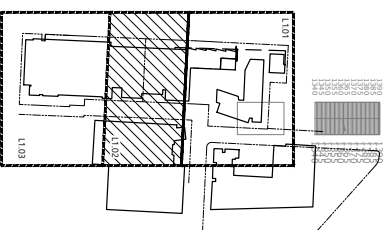
date: 10/05/20

drawn: 2025.04.15

project: 25.14

copyright BDG 2025

SCALE: 1" = 20'-0"



MATCHLINE L1.03

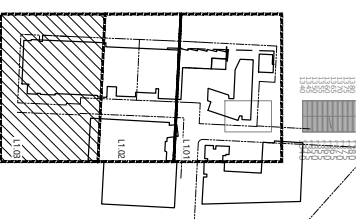
MATCHLINE L1.01

LANDSCAPE PLAN

design 100% DD

date 2025.04.15

project 25.14



71.03

Wonsower, Donna

From: Wonsower, Donna
Sent: Monday, May 12, 2025 8:58 AM
To: Kathryn Cook
Cc: Planning Shared
Subject: RE: Public Notice Sign
Attachments: 23.32 - duncan - LSD submission #3 (2025.05.07)_v3.pdf; Landscape Plans.pdf; 2025 05 07 Property Owner Consent Form_v3Origin.pdf

Good Morning,

I've attached some additional information from Mirinda's email below. The current request is for a large-scale development, which is the overall development plan where staff and the Planning Commission review compliance with city ordinances. As Mirinda notes, a building and grading permit would be required after this step. The large-scale development will be heard by the Planning Commission on May 27.

Regarding the ownership of the homes, consent of owner forms were provided by all the current owners listed by the Washington County Assessor. Because all owners have given written consent, the developer is able to apply for their development plans to be considered prior to ownership transferring. Hope that helps. Please feel free to reach out with any questions or comments that you would like the Planning Commission to consider.

Donna Wonsower, AICP
Planner, Development Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov

Please note that I will be out of the office from May 13 - May 19. If you need assistance during this time, please contact the main planning line.

From: Planning Shared <planning@fayetteville-ar.gov>
Sent: Monday, May 12, 2025 8:46 AM
To: Kathryn Cook <kat.a.cook3@gmail.com>; Planning Shared <planning@fayetteville-ar.gov>
Cc: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: RE: Public Notice Sign

Kathryn, Below is the project description on the sign.

Submitted by ECOLOGICAL DESIGN GROUP for property located WEST OF S. DUNCAN AVE & W. TREADWELL ST. The property is zoned MSC, MAIN STREET CENTER, and RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 3.87 acres. The request is for a mixed-use structure with 3,000 square feet of commercial space and 294 multi-family residential units and associated parking.

I have attached a plan for what they are proposing.

They will have to apply separately for a building permit.

Feel free to contact me if you have any further questions.

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267



CITY OF
FAYETTEVILLE
ARKANSAS

From: Kathryn Cook <kat.a.cook3@gmail.com>
Sent: Monday, May 12, 2025 7:57 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Public Notice Sign

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I received this letter about LSD-2025-0007. I'm not sure what information they're actually trying to convey (and I had to go to the citizen portal to find the number), Is this then submitting for building permit? I know there are still some houses they don't own.

Anyway, I saw a Public Notice Sign go up the other day, and the next day I was going to walk down to read it but it was already gone. It looks like it was supposed to be for this but it was only up one day - so they may need a new one. I assume it's the guys from one of the two off campus frats on our block. They steal things from us and our neighbors all of the time.

Thank you,
Kathryn Cook

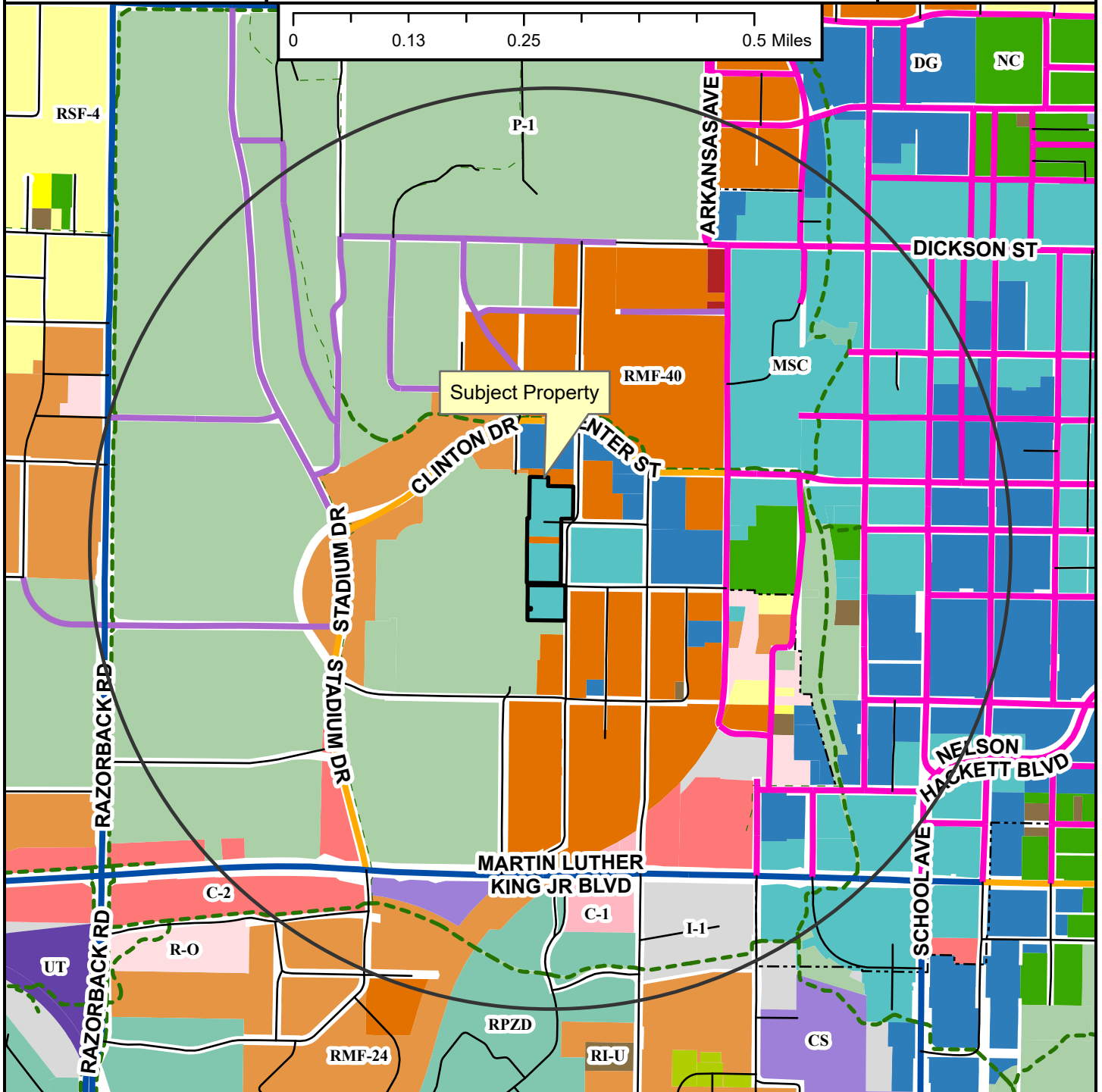
LSD-2025-0007

65 S. DUNCAN AVE

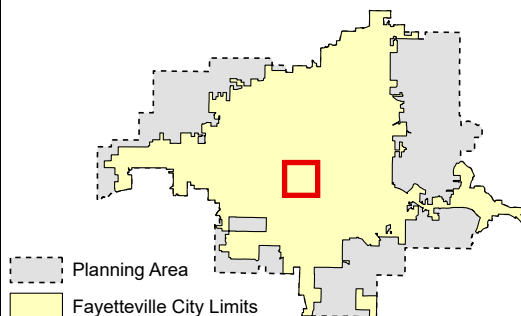
One Mile View



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

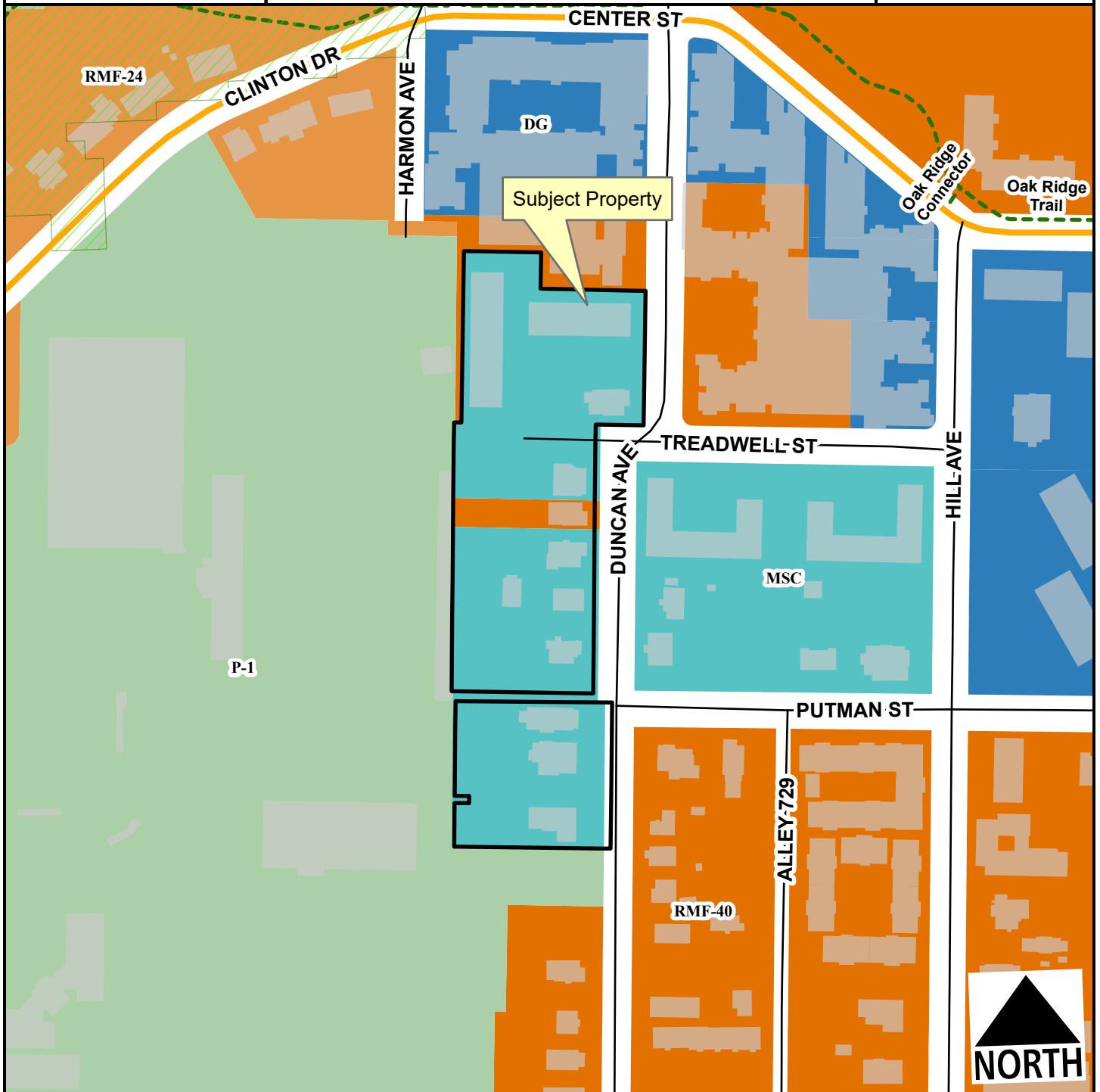


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18
- RESIDENTIAL MULTI-FAMILY**
- RMF-6
- RMF-12
- RMF-13
- RMF-24
- RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial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

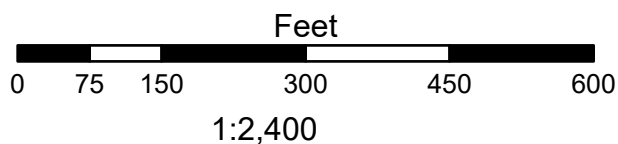
LSD-2025-0007

65 S. DUNCAN AVE

Close Up View



- Neighborhood Link
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail

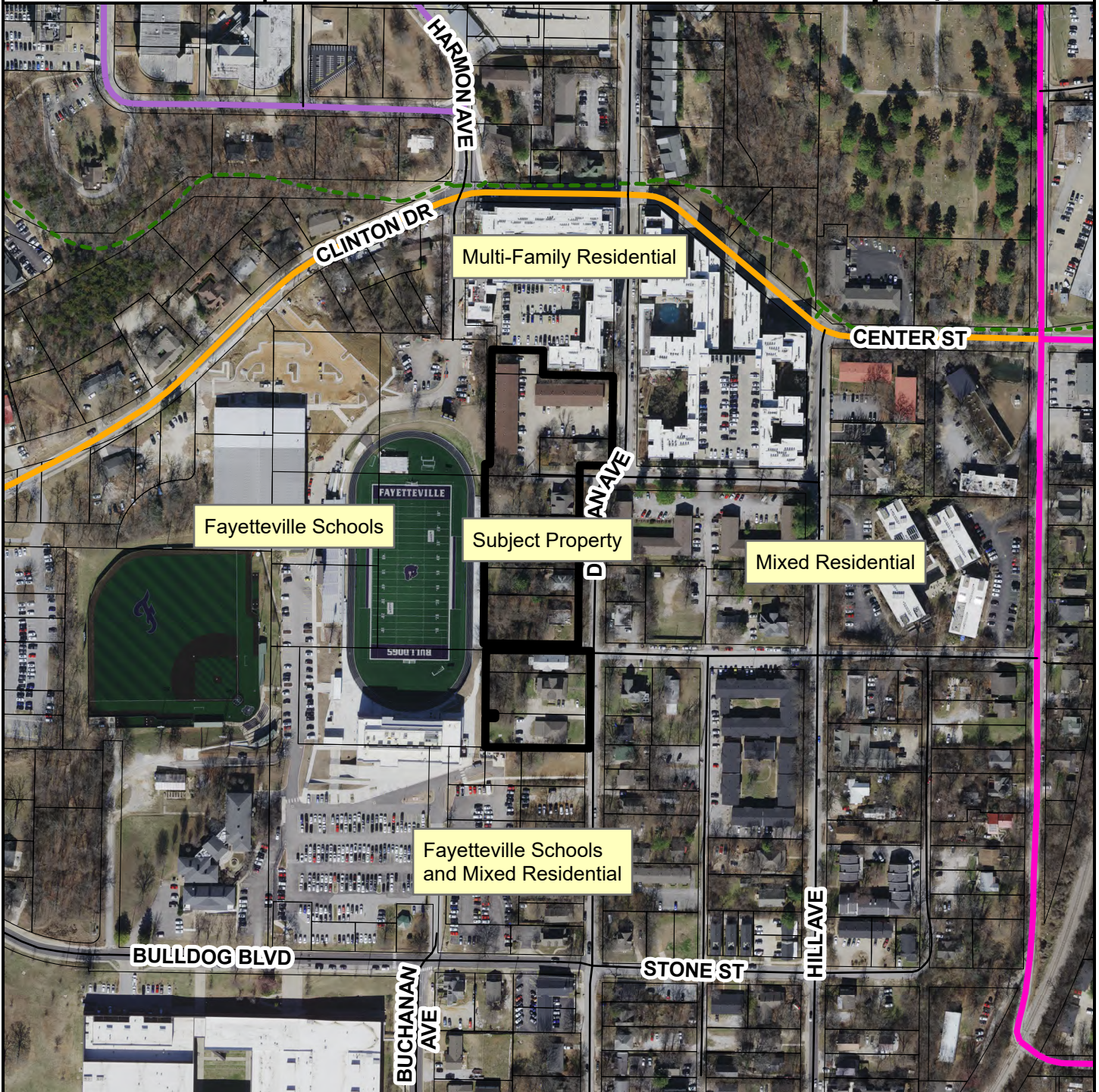


- RMF-24
- RMF-40
- Main Street Center
- Downtown General
- P-1

LSD-2025-0007

65 S. DUNCAN AVE

Current Land Use



- Neighborhood Link
- Institutional Master Plan
- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- 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

MEETING DATE: May 27, 2025

SUBJECT: **CUP-2025-0022: Conditional Use Permit (1433 S. DUNCAN AVE./HAR TEX LLC, 561):** Submitted by NANCY & MICHAEL HARRIS for property located at 1433 S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.20 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0022**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0022**, determining:*

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

BACKGROUND:

The subject property is located on the west side of Duncan Avenue about 150 feet north of the street's intersection with 15th Street. The property is zoned RMF-24, Residential Multi-Family, 24 Units per Acre; totals approximately 0.20 acres; and is developed with a 2,757-square-foot single-family home which was built in 2023. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap from two percent of all dwelling units to 475 units city wide. This report reflects those changes. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term

rentals are subject to density limitations, including a city-wide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0022** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*
2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code;
3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval;
4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental;
5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers, and business seminars are prohibited from occurring in the short-term rental;
6. No recreational vehicle, trailer, other vehicle, or structure not classified as a permanent residential dwelling may be used as a short-term rental;
7. All trash receptacles shall be screened from view of the right-of-way;
8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;
9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and
10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 27, 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 a Type 2 short-term rental in the RMF-24 zoning district.

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 Business Regulations §118.01(E)(2) 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 unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing short-term rentals, as follows:

§163.18. SHORT-TERM RENTALS.

- A. **Residential Zoning Districts.** Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: The request is to operate a Type 2 short-term rental in RMF-24 zoning. Since RMF-24 is a residential zoning district, a conditional use permit is required.

- B. **Occupancy.** Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: The house contains four bedrooms which would limit occupancy to a maximum of 10 guests per ordinance. Occupancy limitations are confirmed by the applicant during licensing.

- C. **Parking.** Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: Parking for single-family dwellings is required at a rate of two spaces per unit, with a maximum of four vehicles permitted to be parked outdoors at any time. In their request letter, the applicant indicated that two parking spaces are available on site. However, staff has determined that additional on-site parking is available since there are two spaces in an attached garage and additional space in the adjacent driveway which is approximately 100 feet in length. The street that the property has frontage on, Duncan Avenue, is not wide enough to support on-street parking.

- D. Special events are not permitted in a short-term rental. Examples of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: The applicant's request letter suggests that the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.

- E. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: The application is for use of the property at 1433 S. Duncan Ave. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

- F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of May 20, 2025, the City had issued 467 Type 2 short-term rental business licenses and with one on hold and four licenses in review. An additional 46 are on the waitlist. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.

- G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.

- H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;
2. Adequate adjoining or nearby streets for on-street parking;
3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4. Prior zoning or code violations; and
5. Proximity to public or private K-12 schools when the proposed property is within 1,000 feet of the school boundary line.

Finding: The subject property appears to have adequate parking available to support its use as a short-term rental. Up to six vehicles can be parked on site with two in an attached garage and up to four in the adjacent driveway. On-street parking is not available along Duncan Avenue.

City records show that six other units, or roughly 2.3% of estimated housing units, within a quarter-mile radius of the property have a business license to operate as a Type 2 short-term rental. One prior zoning violation related to the illegal operation of a Type 2 short-term rental on the subject property was reported and resolved earlier this year. The property is still advertised on platforms like Airbnb and VRBO, though only stays longer than 30 nights are permitted, so it is not considered to be operating as a short-term rental. The subject property is also not located within 1,000 feet of a public or private K-12 school.

§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: The subject property is accessed through a private drive on Duncan Avenue. Staff finds that the proposal to use the property as a short-term rental would not adversely affect vehicular traffic flows when considering the use of the property would be limited to a maximum of 10 guests, which would not be out of character with the use of the property for residential purposes.

(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 applicant indicated that there are two parking spaces on site. Staff finds that there is space to park six vehicles on site, with two spaces in an attached garage and up to four additional spaces available in an adjacent driveway. On-street parking is not available nearby.

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

Finding: The applicant plans to utilize existing residential trash cart services and store bins in a location that is not visible from the street. Staff recommends a condition requiring that bins be screened from view of public streets when not placed at the curb for pick-up.

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

Finding: Utilities are currently available to the property and its use as a short-term rental is not expected to impact the provision of utilities.

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

Finding: Staff recommends that residential trash carts be screened so that they are not visible from public right-of-way.

- (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: Based on the applicant's submittal, the house appears to be meeting relevant setbacks.

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

Finding: Staff finds the applicant's request to be compatible with surrounding properties. There are six other licensed Type 2 short-term rentals within a quarter-mile radius with two across the street on the east side of Duncan Avenue. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request.

- (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 somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans since it does not clearly support any of the stated goals in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre

- §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Applicant Request Letter
- Site Plan
- Building Floor Plans
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

(A) *General Businesses.*

- (1) All businesses, institutions, corporations, LLCs, LLPs, partnerships, non-profit associations or corporations, sole proprietorships or other non-governmental entities with a physical address or which operates either a legally permitted home occupation or a short-term rental within the Fayetteville city limits shall be required to file for the City of Fayetteville Business Registry and License. A covered business or entity with multiple physical addresses in Fayetteville must obtain a separate business license for each such business address.
- (2) In addition, any person or non-governmental entity who has or should have a sales tax permit and operates out of a physical address within Fayetteville shall be required to file for the City of Fayetteville Business Registry and License.
- (3) In addition, any person or non-governmental entity who is engaged in any trade or occupation which requires federal or state licenses and who operates out of a physical address within Fayetteville shall be required to file for the City of Fayetteville Business Registry and License.

(B) *Religious Entities.* Churches and other religious institutions are exempt from this chapter unless they are performing functions like daycare that must be licensed by the state or that generate revenue upon which state sales or use taxes must be paid. The city business license shall not be required for the religious entity but only for those functions that require a state license or upon which state sales or use taxes must be paid.

(C) *Minors Exempt.* No individual under eighteen (18) years of age shall be required to register or obtain a business license. Minors are prohibited from leasing, advertising, managing or any other activity involved in STRs unless they are an emancipated minor.

(D) *Individual Landlords Renting Less Than Three (3) Dwelling Units Exempt.* An individual landlord, not operating as a corporation, LLC, LLP, or other business entity, who rents out less than three (3) dwelling units, and no commercial, industrial, or institutional unit, site or building shall be exempt from this chapter. However, a landlord that operates a short-term residential rental shall not be exempt and must apply for and obtain a business license for each individual short-term rental.

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty (30) consecutive days.

- (1) *Short-Term Rental, Type 1.* A short-term rental is where the owner or long-term tenant occupies the principal dwelling or the accessory dwelling unit as their primary full-time residence for at least nine (9) months of each calendar year and rents the remaining portion of their residence or their accessory dwelling unit as a short-term rental. An applicant for a Type 1 short-term rental shall provide a copy of the property's Homestead Tax Credit, long-term lease agreement or other comparable evidence of long-term residency to the city to prove the long-term residency requirement. The long-term occupant of the property is responsible for the management and control of occupants in the short-term rental, Type 1 to ensure no adverse effects or problems are inflicted upon residential neighbors.
- (2) *Short-Term Rental, Type 2.* If a desired short-term rental does not qualify as a short-term rental, Type 1, a property owner may seek to be approved as a short-term rental, Type 2. A new short-term rental, Type 2 may be permitted in residential zoning districts pursuant to the requirements of §163.18 and in non-residential and mixed-use zoning districts pursuant to §164.26. All short-term rentals, Type 2 must also comply with requirements of §118.01(E).
- (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and

- (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
- (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
- (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
- (5) Any change in ownership requires a new or amended business license.
- (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
- (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
- (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
- (9) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
- (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.
- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the city upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of four hundred seventy-five (475) dwelling units may be Type 2 rentals. A conditional use permit may not permit:
- (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with the Unified Development Code including the regulations contained in §163.18 and §164.26 and must successfully obtain a business license prior to operation.
- (Ord. No. 5347, 9-7-10; Ord. No. 6427, §§1(Exh. A), 2, 4-20-21; Ord. No. 6505, §1(Exh. A), 11-16-21; Ord. No. 6521, §§1, 2, 1-18-22; Ord. No. 6537, §1(Exh. A), 2-15-22; Ord. No. 6630, §1(Exh. A), 12-20-22; Ord. No. 6672, §1, 7-6-23; Ord. No. 6821, §1, 12-4-24)

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

- (A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.
- (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 26	Multi-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 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two (2) family	35 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet
Two (2) family	4,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(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/5 stories*
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* 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) 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(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; Ord. No. 5592, 6-18-13; 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, §§5, 8, 9,

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

- (A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

- (1) R-A
- (2) RSF-.5
- (3) RSF-1
- (4) RSF-2
- (5) RSF-4
- (6) RSF-7
- (7) RSF-8
- (8) RSF-18
- (9) RI-12
- (10) RI-U
- (11) RMF-6
- (12) RMF-12
- (13) RMF-18
- (14) RMF-24
- (15) RMF-40
- (16) NC

Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

- (B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.
- (C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.
- (D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.
- (E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.
- (F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.
- (G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.
- (H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:
- (1) Adequate parking infrastructure;
 - (2) Adequate adjoining or nearby streets for on-street parking;
 - (3) Frequency or concentration of nearby licensed Type 2 short-term rentals;
 - (4) Prior zoning or code violations; and
 - (5) Proximity to public or private K-12 schools when the proposed property is within 1,000 feet of the school boundary line.

(Ord. No. 6630, §5(Exh. B), 12-20-22; Ord. No. 6726, §1, 3-19-24)

Nancy “Carol” Harris
2216 White Ln
Haslet, TX 76052
817-372-2200
carol@carolharris.net

Date:4/15,2025

To:

City of Fayetteville-
c/o City Planning
125 W Mountain
Fayetteville, AR 72701

Subject: Conditional Use Request for 1433 S Duncan Ave, Fayetteville, AR 72701

To Whom it may concern,

I am writing to formally request approval for a Conditional Use Permit for the property located at 1433 S Duncan Ave. The intended use of the property is as a short-term rental. I am providing the following details in compliance with your requirements for consideration:

(a) Building Size (Existing and Proposed):

The existing structure is 2,757 square feet. No additions or changes to the building’s square footage are proposed at this time.

(b) Exterior Elevations and Colors:

The structure features green exterior siding with white trim. Color elevations of all exterior sides are included with this application.

(c) Off-Street Parking:

Two (2) off-street parking spaces are available on-site, which meets the requirement for this property use.

(e) Outdoor Lighting:

Exterior lighting includes standard flood lights, front and back porch lights, and decorative string lights in the backyard to enhance visibility and ambiance for guests. All lighting is designed to minimize disturbance to neighboring properties.

(f) Noise:

The use of the property will generate only normal household noise. Guests are informed of neighborhood quiet hours to ensure minimal disruption.

(g) Screening/Buffering from Adjacent Properties:

A 6-foot privacy fence has been installed to provide visual screening and maintain privacy for both the property and surrounding neighbors.

(h) Trash and Refuse Services:

Trash service will follow the regular household pickup schedule. Trash bins are stored out of public view and will not be visible from the street or adjacent properties.

(i) Ingress and Egress / Traffic Impacts:

Access to the property is provided by a standard residential driveway connecting to the street. No changes to traffic patterns or additional impacts are expected as a result of this use.

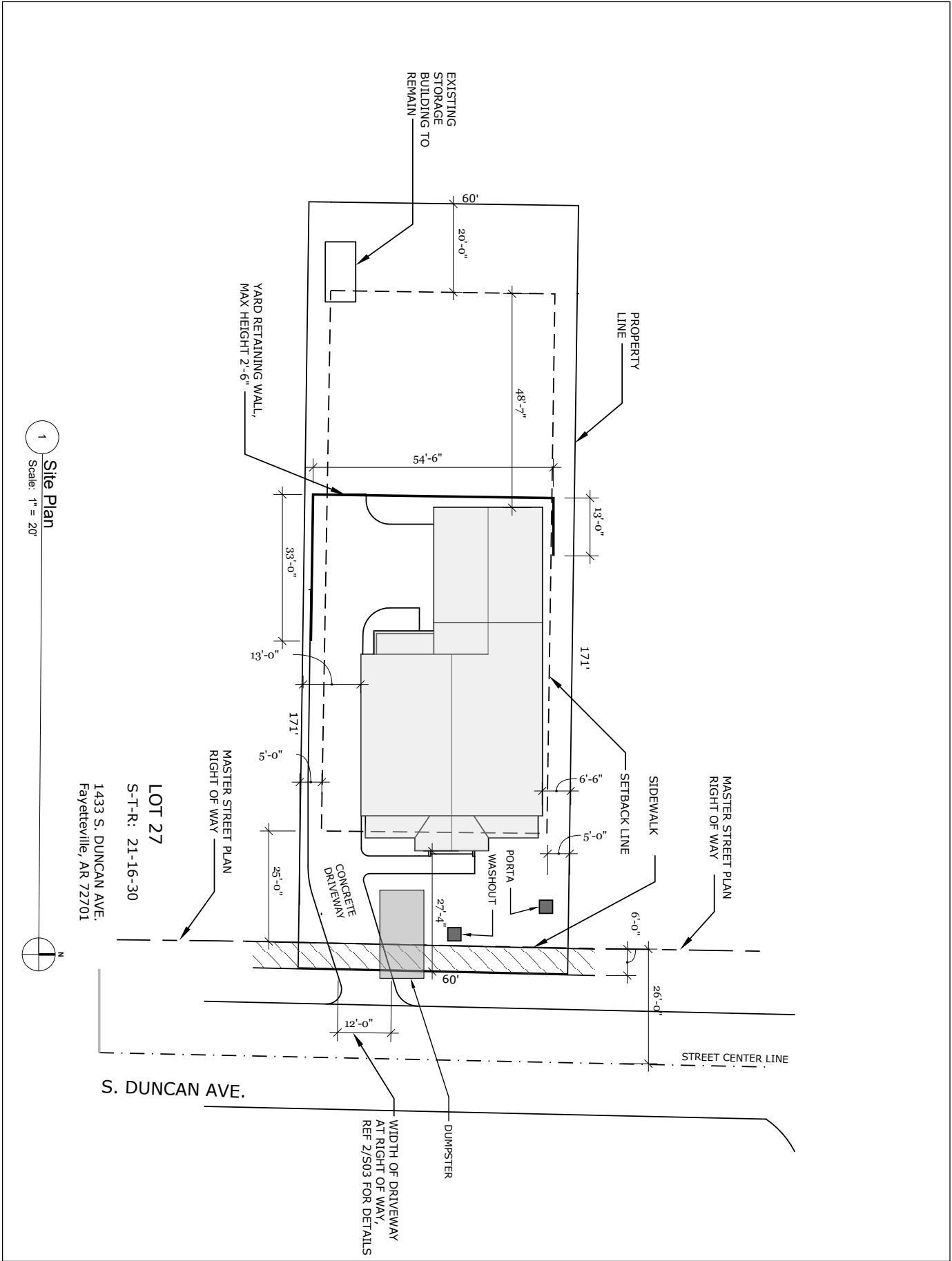
(j) Compatibility with the Neighborhood:

The proposed short-term rental use is compatible with existing neighborhood character. Several other short-term rentals are currently operating in the vicinity, and this use is expected to have no adverse impact on adjacent properties or the surrounding community.

I appreciate your time and consideration of this request and am available to answer any additional questions or provide further documentation as needed.

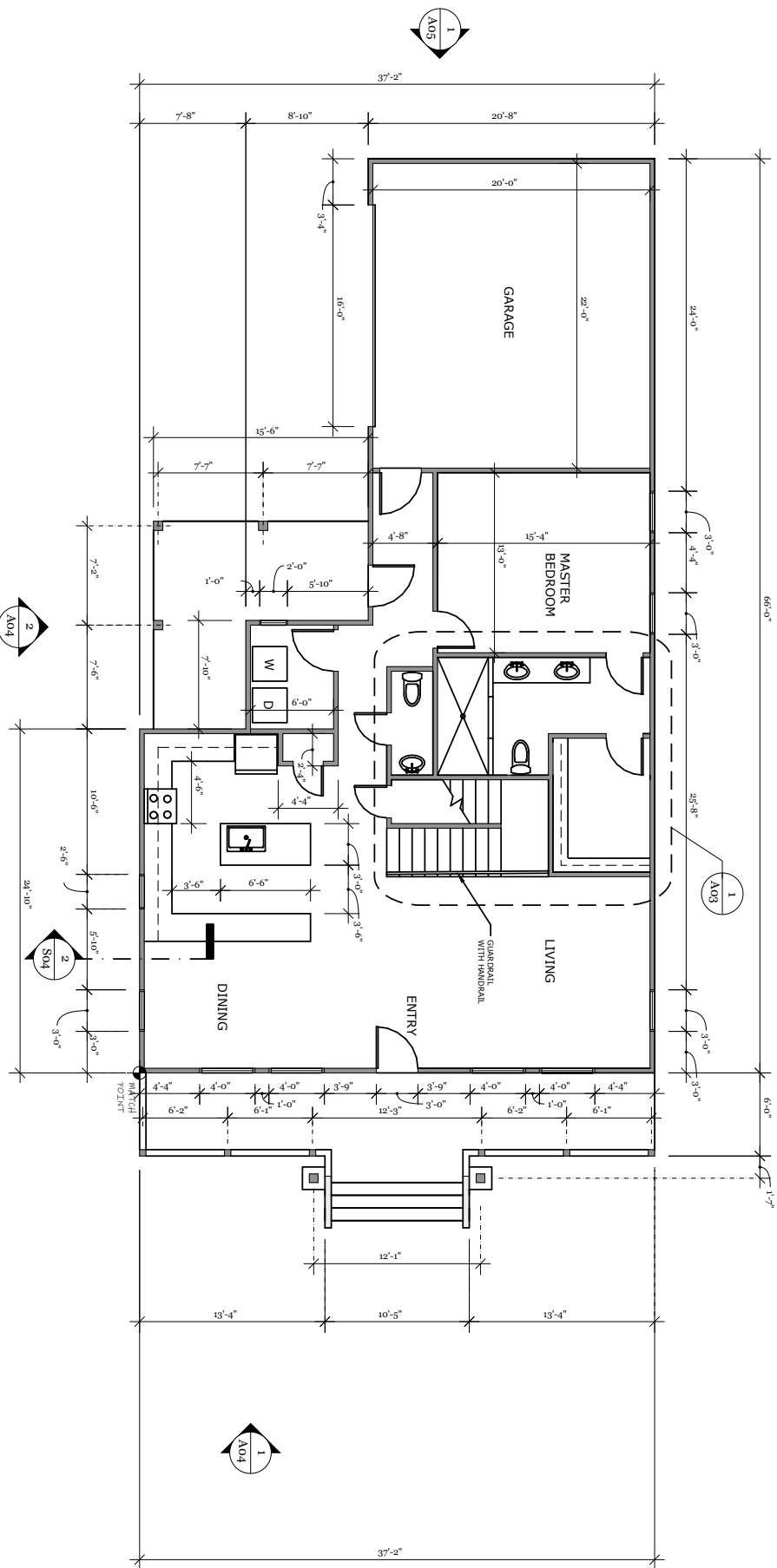
Sincerely,

Carol Harris



S	01	SITE PLAN	1433 S. Duncan Ave.	REVISIONS	
				MM/DD/YY	REMARKS
				1	
				2	
				3	
				4	
				5	

NOTES	
1.	SEE DEMO PLAN FOR WALLS TO BE REMOVED
2.	TEMPORARY BRACING TO BE USED PRIOR TO INSTALLATION OF NEW WALLS
3.	ALL ELECTRICAL, PLUMBING, AND HVAC WILL BE INSTALLED BY LICENSED PROFESSIONALS
4.	VERIFY EXISTING DIMENSIONS AND CONDITIONS PRIOR TO STARTING NEW WORK



1 First Floor Plan
Scale: 1/8" = 1'-0"

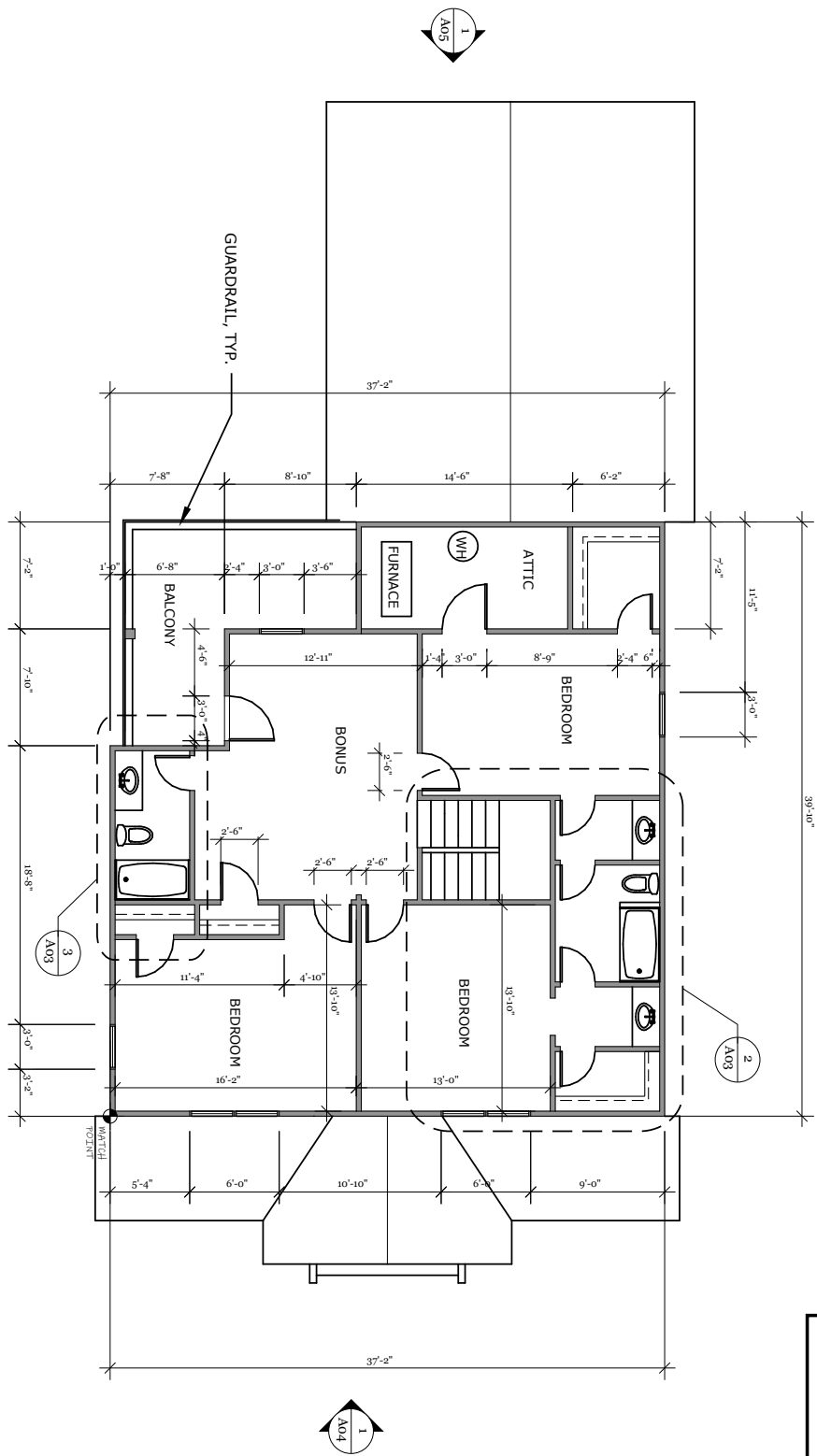
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REVISIONS	
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FIRST FLOOR PLAN

1433 S. Duncan Ave.

NOTES	
1.	SEE DEMO PLAN FOR WALLS TO BE REMOVED
2.	TEMPORARY BRACING TO BE USED PRIOR TO INSTALLATION OF NEW WALLS
3.	ALL ELECTRICAL, PLUMBING, AND HVAC WILL BE INSTALLED BY LICENSED PROFESSIONALS
4.	VERIFY EXISTING DIMENTIONS AND CONDITIONS PRIOR TO STARTING NEW WORK



1 Second Floor Plan
Scale: 1/8" = 1'-0"



REVISIONS	REMARKS	
	MM/DD/YY	
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Planning Commission

May 27, 2025

CUP-2025-0022 (HAR TEX LLLC)

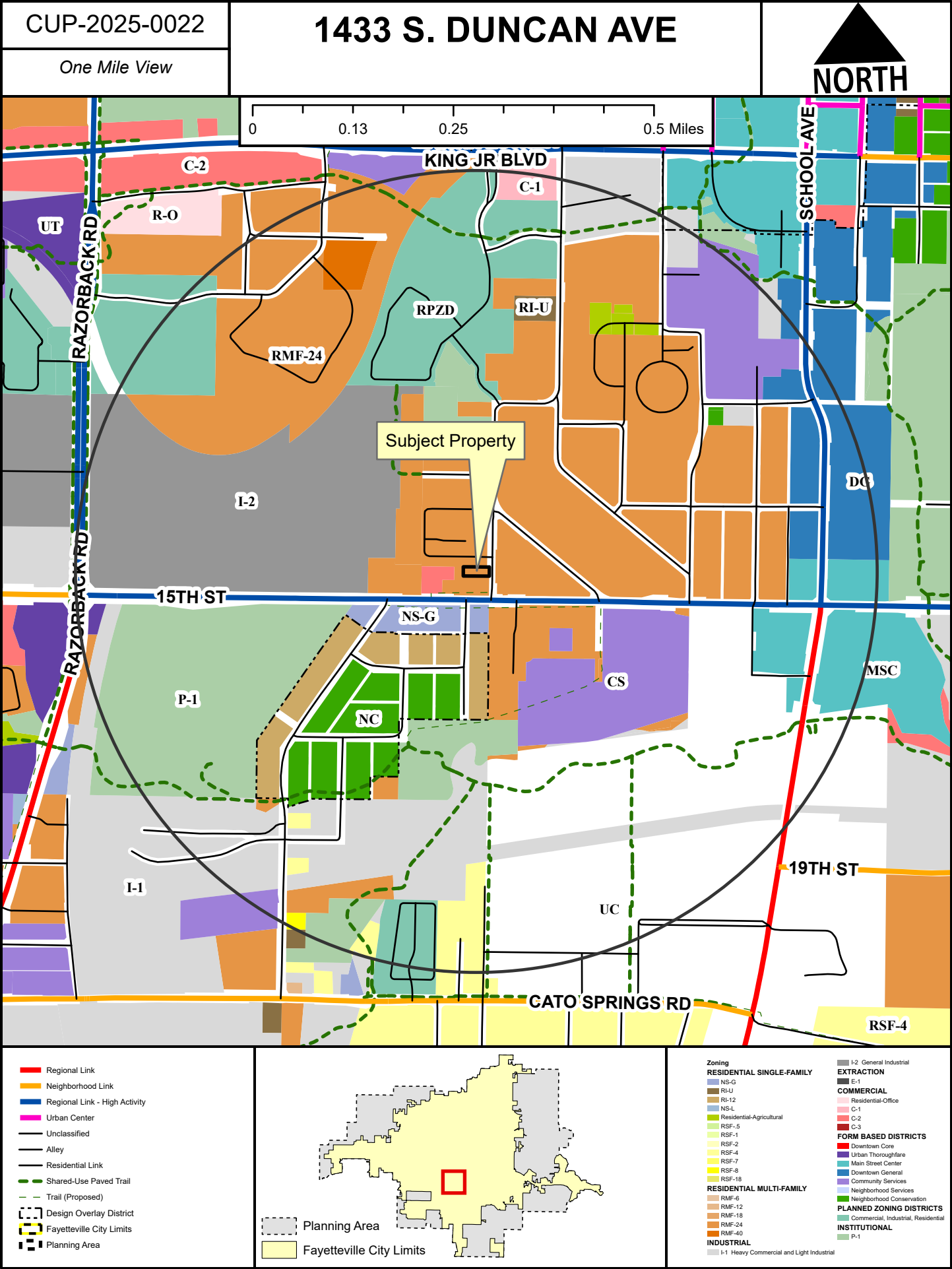
Page 17 of 21

SECOND FLOOR PLAN

1433 S. Duncan Ave.

A

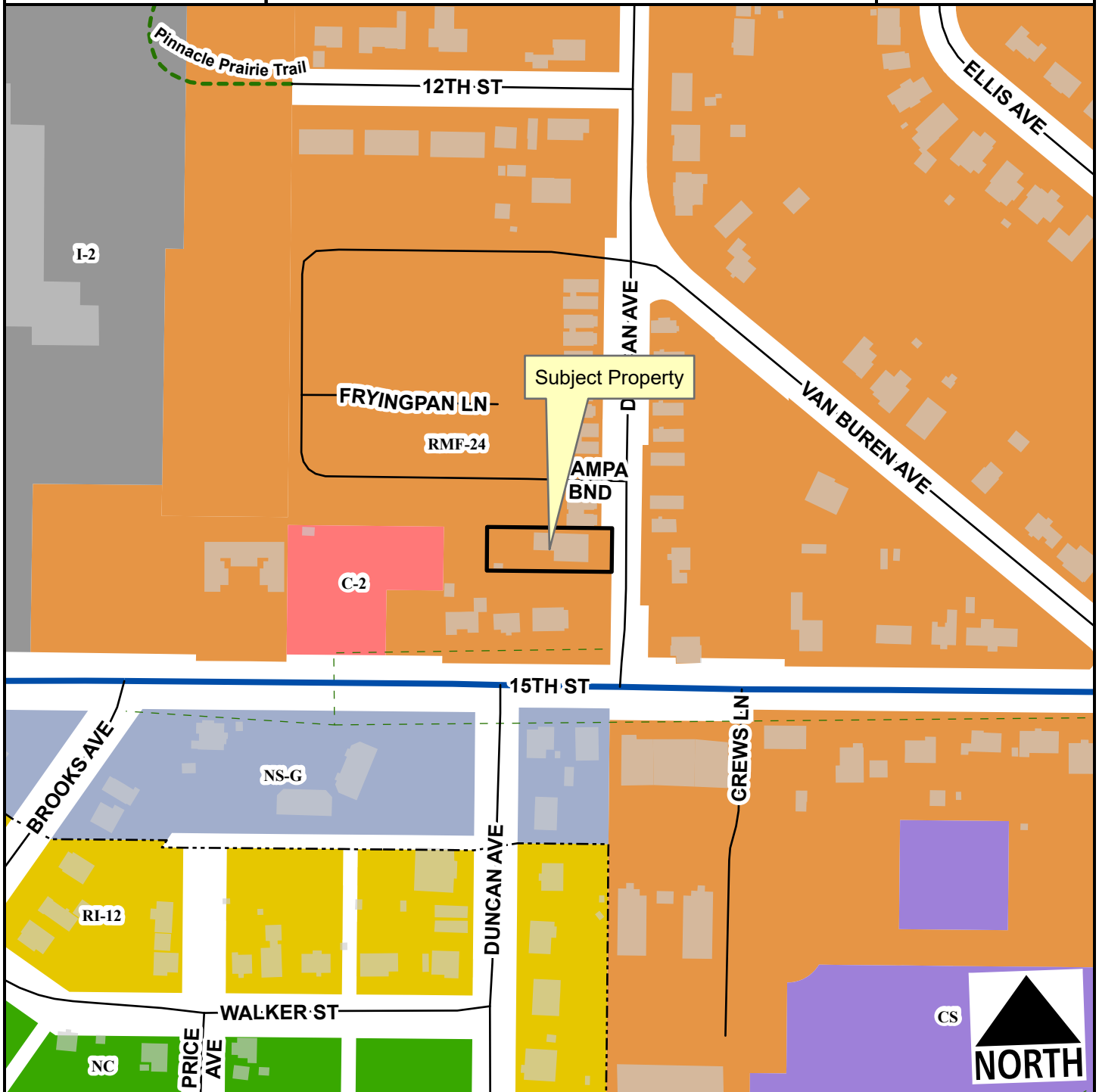
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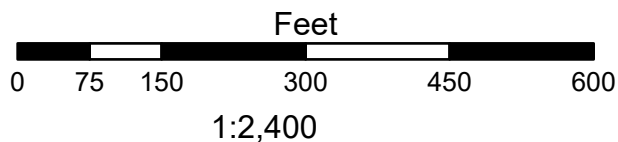
CUP-2025-0022

1433 S. DUNCAN AVE

Close Up View



- Regional Link - High Activity
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



- RI-12
- RMF-24
- I-2 General Industrial
- C-2
- Community Services
- Neighborhood Services - Gen.
- Neighborhood Conservation

CUP-2025-0022

1433 S. DUNCAN AVE

Current Land Use



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



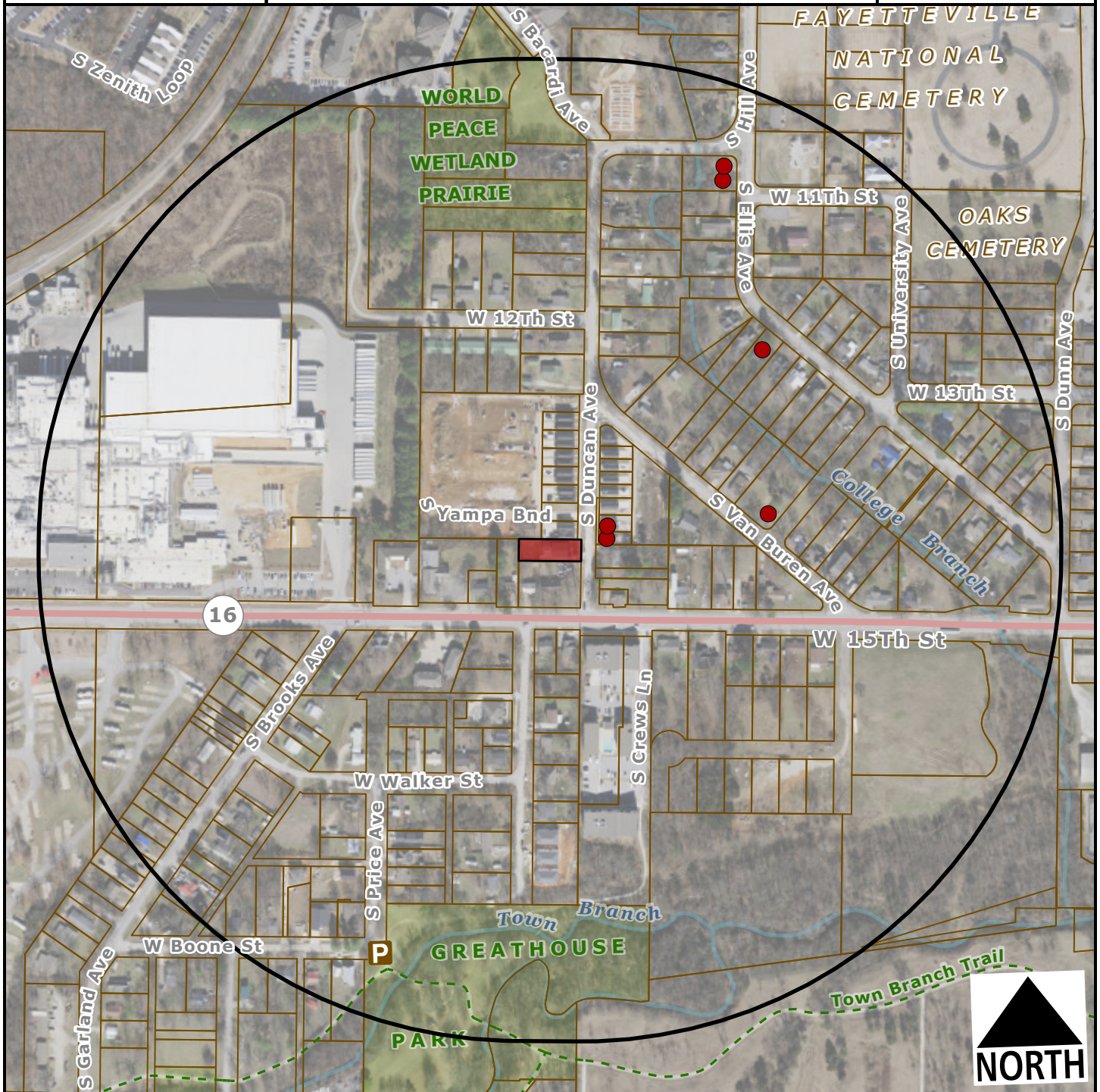
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2025-0022

1433 S. DUNCAN AVE

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 6

Occupiable
Residential
Addresses
(Estimated
Housing Units): 265



TO: Fayetteville Planning Commission

THUR: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: May 27, 2025

SUBJECT: **CUP-2025-0021: Conditional Use Permit (1638 S. PRICE AVE./BRICENO, 600):** Submitted by NESTOR BRICENO for property located at 1638 S. PRICE AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.18 acres. The request for a duplex.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0021** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0021**, 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 south Fayetteville immediately to the north of Greathouse Park in the Fayette Junction neighborhood. The property contains about 0.18 acre and is currently developed with a single-family home which was built in 1906 and located in NC zoning. Long Range Planning staff have identified that the single-family structure may be eligible for the Arkansas Register of Historic Places as it is a century-old log dwelling. The property is in the Parksdale and Center Addition Design Overlay District. 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	NC, Neighborhood Conservation
South	City Park (Greathouse Park)	P-1, Institutional
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	NC, Neighborhood Conservation

City Plan 2040 Future Land Use Designation: **Residential Neighborhood, Fayette Junction Neighborhood**

Proposal: The applicant requests approval of a conditional use permit to allow for the development of a two-family dwelling on the subject property. Two-family dwellings (Use Unit 9) are a conditional use in the underlying NC zoning district. A preliminary site plan and building floor plans with elevations have been provided, though the project would be fully reviewed for compliance with the City's development standards at the time of permit submittal.

Public Comment: Staff has received public comment in opposition to the proposal, citing concerns about impacts to the property, the potential loss of an existing structure, and out-of-scale infill development and loss of tree canopy.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0021** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds that the proposed use to be compatible based on the findings contained herein;*
2. 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;
3. The proposed structure at 1638 South Price Avenue shall be limited to a maximum of 1,900 gross square feet;
4. The proposed structure shall be limited to a maximum height of two stories;
5. All outdoor lighting on site must comply the requirements of Unified Development Code Chapter 176, Outdoor Lighting;
6. All development will be subject to all necessary requirements outlined in UDC §168, Flood Damage Prevention;
7. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval will expire after one year; and
8. Approval of this conditional use permit does not constitute approval of any associated development plans or permits. Review and approval of development plans and permits shall be required in accordance with city code.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>May 27, 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 a two-family dwelling (Use Unit 9) in NC zoning.

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 §161.07 to grant the requested conditional use.

- (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. Two-family dwellings are subject to compliance with heightened access and design standards when compared to single-family dwellings. Driveways serving two-family dwellings along Residential Link Streets like South Price Avenue are required to be located at least 50 feet away from adjacent curb cuts and intersections. The proposed two-family dwelling is of a scale that is comparable to the existing attached residential units to the west, north, and east. Further, the proposal's site plan layout appears to respect the streamside protection zone and floodplain associated with Town Branch Creek.

- (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 requested conditional use.

- (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 subject property has frontage along South Price Avenue which is a Residential Link Street. Driveways serving two-family dwellings on Residential Link Streets are required to maintain a separation distance of 50 feet from adjacent curb cuts and intersections. No sidewalk is present which could serve to accommodate pedestrian access. Any street improvements required along the property's frontage would be determined at the time of development review. Staff has evaluated the proposal and found that the proposed addition of a two-family dwelling 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: The applicant has stated that they intend for the rear of the property to be used for this purpose. A provided preliminary site plan shows how the applicant intends to provide parking at the rear of the dwelling. The development is subject to compliance with the City's standards for two-family dwellings in single-family zoning districts as described in UDC Chapter 172, Parking and Loading.

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

Finding: No information has been provided regarding trash collection. Two-family structures are subject to compliance with the City's Urban Residential Design Standards, as outlined in UDC §166.23, which require screening of trash and recycling facilities with materials complementary to the principal structures. Collection services would need to be coordinated with the City's Trash and Recycling Collection Division at the time of development.

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

Finding: The subject property has access to public water and sewer. Public water and sewer mains are present along South Price Avenue to the west. Any necessary improvements or upgrades for utilities would be determined at the time of development review.

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

Finding: Staff is not recommending additional screening for the proposed conditional use. The City's Urban Residential Design Standards would require that trash and recycling containers and mechanical and utility equipment be screened from view of the street.

(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 permitting and compliance with Unified Development Code Chapter 174, Signs.

(g.) Required yards and other open space;

Finding: Staff finds that the existing single-family development and the preliminary duplex both appear to meet the setback requirements associated with the underlying zoning district based on the site plan provided. The property does appear to be in compliance with setback and landscaping requirements of which would be determined at the time of development review.

As the property is located in the Parksdale and Center Addition Overlay District, it will also be subject to review for compliance to UDC §166.27 at the time of development review.

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

Finding: Staff finds the requested conditional use to be compatible with adjacent properties. Many of the nearby properties have residential developments that are similar in size to the proposed duplex development. Additionally, the properties directly north of the subject property are also similar in acreage. The proposed development and property's acre size would not significantly differ from the properties in the immediate vicinity. As a result, staff finds the applicant's request to be suitable since it would allow for continued uniformity of the area's development character.

The property does enter into a FEMA-designated floodplain and repetitive loss area which does make it subject to the City's flood damage prevention code (Chapter 168 of the UDC).

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

Finding: Staff finds the requested conditional use to be compatible with the goals and intent of the City's adopted plans. City Plan 2040 designates the property as Residential Neighborhood Area and Fayette Junction, both designations call for appropriate and increased infill. The proposed development's size and site location adheres to the requirements of the Parksdale and Center Additions Overlay and is also consistent with nearby properties. The modest size of the duplex is consistent with other dwelling units on nearby properties. The property has an infill score of 7, supporting the two land-use plans' intentions. Allowing the development of a two-family dwelling on this property would also be aligned with the goals of City Plan 2040 as it would encourage a wider range of housing types in an area that is appropriate for infill.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.29 Neighborhood Conservation
- Applicant Request Letter
- Site Plan
- Floor Plan
- Long Range Planning Comment
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(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 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet

Rear, from center line of an alley	12 feet
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(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; 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, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710, §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending 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 December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

Planning commission,

I am requesting for a conditional use permit to allow the building of a duplex on at 1638 s Price ave Fayetteville AR 72701 which is zoned NC. The proposed duplex is roughly 3200 square feet over two stories. The foot print of the building itself would be 1600sqft.

The current property and existing structure total currently 1400 sqft not including drive ways. The proposed structure would be 200sqft of the current area being used right now.

The duplex would have more than ample area for parking in the rear there would be an area of more than 80x50 feet that could potentially be used for parking so no on street parking would be needed and all vehicles would be in the rear and not visible from the street.

There are utilities at the street and there is also a property across the street that has been allowed two dwellings on the same NC zoning.

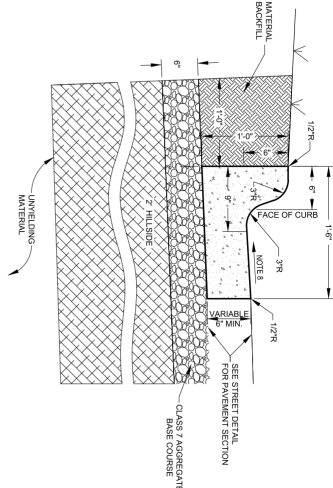
NC requires a lot min area of 4000sqft for a single family home this lot has over 8000sqft area.

The proposed duplex matches the character of the neighborhood and will be two single family homes two stories tall.

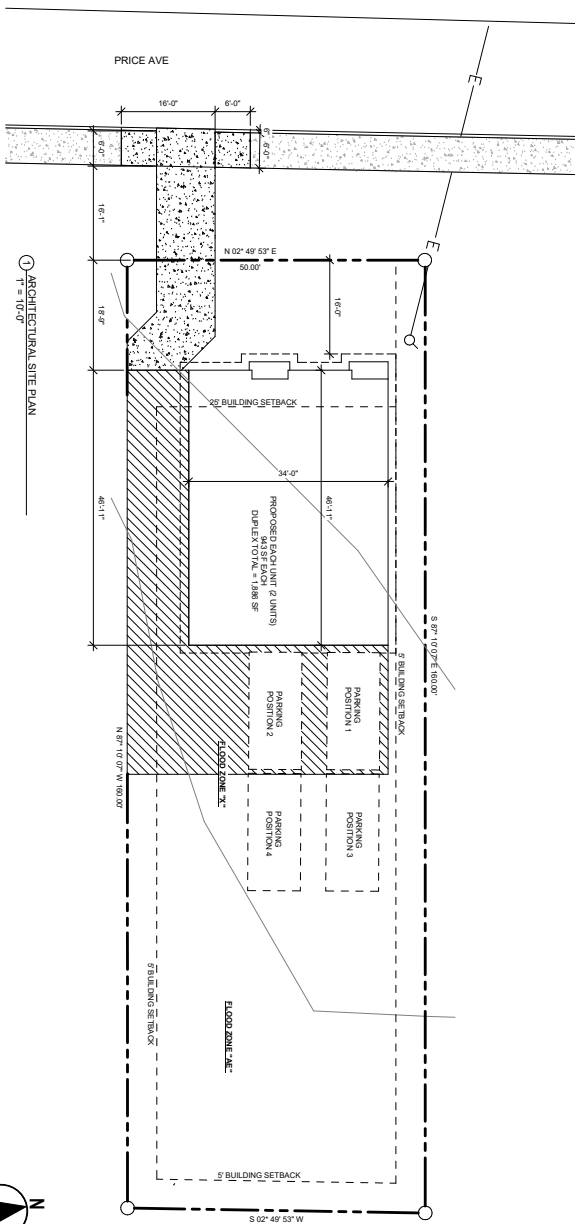
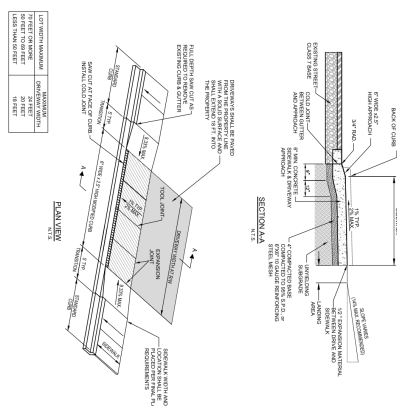
For the reason listed above I would gratefully as for conditional use permit to build a duplex on this property

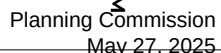
Nestor briceno

A handwritten signature in black ink, appearing to read 'Nestor Briceno', with a stylized, flowing script.

[illegible][illegible]

② DRIVEWAY DETAIL
N.T.S.

[illegible]



Page 12 of 19

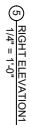
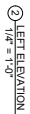
OWNER:
NESTOR BRICENO
479-422-6419

[illegible]

PRICE AVE
DEVELOPMENT
FAYETTEVILLE, AR

A300

Scale 1/

GC TO VERIFY ANY CHANGES
REQUIRED IN GRADE AND VERIFY
THE NEED FOR STEPS OR RAMPS



TO: Wes Frank, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: May 27, 2025

SUBJECT: Long Range Planning Comments Regarding CUP-2025-0021

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 a duplex in the Neighborhood Conservation zoning district. Two adopted long-range plans are relevant in considering this request, including *City Plan 2040* and the *Heritage & Historic Preservation Plan*.

City Plan 2040 (2020):

City Plan 2040 is 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)
- 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 1638 Price Ave. will necessitate the demolition of the ca. 1906 log dwelling at that location. Additional information and photos of the subject property is needed to determine its eligibility for the Arkansas Register of Historic Places or National Register of Historic Places. 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
1638 Price Ave.		Vernacular log constructed dwelling. The Washington County Assessor's office lists the building as constructed ca. 1906. This area of the city does not appear in any Sanborn Fire Insurance Maps.

Robin Devine

Requested more information about the property's zoning and how the proposed development will impact the property and the surrounding area.

Ms. Bostick,

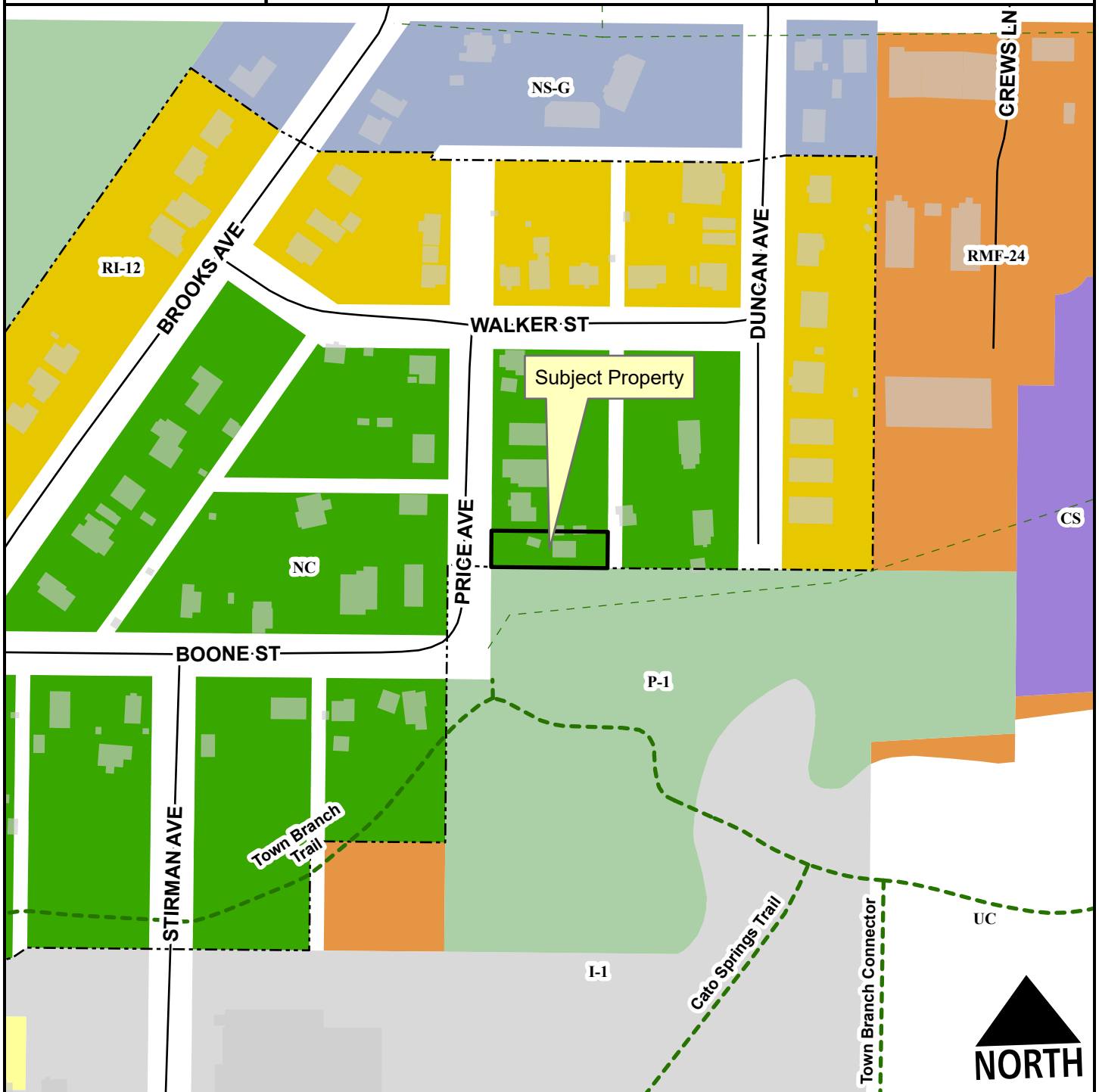
My name is Catherine Conner and I am a permanent resident at 937 W. Boone Street in Fayetteville, where my husband and I built our retirement home. I also own the property located at 1647 S. Price Ave.. From our living room, dining room area, and from our deck, we oversee the property located at 1638 S. Price Ave., which presently has the original old log cabin of the Greathouse family, who donated the adjacent 6 acres to the city in 1954 to establish Greathouse Park.. This property is not only adjacent to the park, but also to the bike/hiking trailhead located and the park parking lot. Through conversations with the property owner, we have learned that it is his intention to build a two story duplex, with the goal of renting the units to college students. Our entire neighborhood is opposed to this use, and we do plan on attending the upcoming planning meeting in order to oppose his conditional use permit for this property. At this point, given our history of trying to preserve the nature of our neighborhood with the City of Fayetteville, the City should know our neighborhood. It is our hope that the city might consider annexing the subject property into it's Greathouse park property, which will completely preserve the nature of the park, trailhead, and our neighborhood. It is also our hope that the City might consider a minor restoration of the original farm log cabin, which stands on the property. If you were willing, I am more than willing to meet with you, preferably prior to May 27, 2025, to discuss this matter further. Just let me know a date, time and location that works for you, and I will be there. The entire neighborhood appreciates any help and/or guidance that you could provide to us. By copy of this e-mail, I am advising our city representatives of this communication. Thank you very much.

Catherine Conner

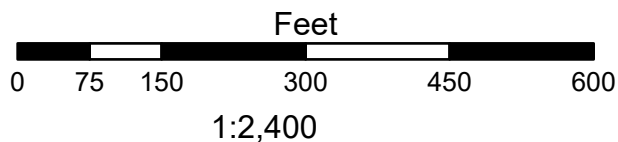
CUP-2025-0021

1638 S PRICE AVE

Close Up View



- Regional Link - High Activity
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



- RSF-4
- RI-12
- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Community Services
- Neighborhood Services - Gen.
- Neighborhood Conservation
- P-1

CUP-2025-0021

1638 S PRICE AVE

Current Land Use



- Regional Link - High Activity
- Unclassified
- Residential Link
- Trail (Proposed)
- 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

MEETING DATE: May 27, 2025

SUBJECT: **CUP-2025-0023: Conditional Use Permit (1560 S SCHOOL AVE./ FIRECAT COFFEE, 601):** Submitted by DIAMONDCORE VENOMS for property located at **1560 S SCHOOL AVE.** The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.58 acres. The request is for a drive-through coffee shop.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0023** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0023**, 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 south Fayetteville approximately 200 feet south of intersection of W 15th St. and S School Ave along the west side of S. School Ave. The property currently consists of one 0.85-acre parcel that was formerly a drive-through bank but has been vacant for many years. The property is part of the Walker Park Neighborhood Master Plan and 71b Corridor Plan. Surrounding land uses and zoning are provided in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Fuel Station	MSC, Main Street Center
South	Retail	MSC, Main Street Center
East	Vacant (Proposed Locke Hardware)	MSC, Main Street Center
West	Commercial and Drive-Through Coffee	MSC, Main Street Center

City Plan 2040 Future Land Use Designation: City Neighborhood Area

Request: The applicant requests a conditional use permit to construct a drive-through only restaurant on the property. Drive-in/drive-through restaurants are classified as Use Unit 18, which is a conditional use in the MSC, Main Street / Center zoning district. No variances have been requested at this time. It is not clear if any will be required based on current information. The following specifications were included with the request:

- Size of the business: Approximately 4,400 square feet
- Hours of operation: 24 Hours Daily

- Parking: Three (Proposed Drive-through Only)
- Number of employees: Approximately 3 per shift

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0023** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed use is compatible with adjacent properties based on the findings in this report.*
2. **This conditional use permit is limited to the use for Firecat Coffee as described in the applicant's request letter. This conditional use permit is non-transferrable to a different business or property owner. The following specifications apply:**
 - Size of the business: Approximately 4,400 square feet
 - Hours of operation: 24 Hours Daily
 - Parking: Three (Proposed Drive-through Only)
 - Number of employees: Approximately 3 per shift
3. **Pedestrian oriented design elements per UDC 166.24(E) shall be met along the property frontage as if the building was located within the build-to-zone. Seating required per these standards shall be located adjacent to the public sidewalk to remain accessible for users of the transit stop on the property's frontage.**
4. **Street trees shall be planted along the property frontage per UDC 177.05- Street Tree Planting Standards.**
5. **Entry and exit signs for drive-through lanes and employee parking shall be clearly posted, with striping and additional signage provided as necessary to address safe maneuvering.**
6. **Approval of this conditional use permit does not ensure approval of a development application. The conditional use permit grants the applicant rights to submit a development proposal based on the conceptual layout included herein. The applicant shall comply with all other development requirements, including but not limited to, tree preservation, drainage, exterior lighting, utility installation, and Fire Department access standards. These details shall be reviewed with the development application;**
7. **A business license shall be obtained for the proposed business at this location prior to building permit and/occupancy;**
8. **Any future expansion or change in the use shall require Planning Commission approval; and**
9. **Signs shall be limited to those permitted by UDC §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation.**

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>May 27, 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 a conditional use permit for Use Unit 18 in the MSC zoning district.**

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 §161.27 to grant the requested conditional use permit.

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

Finding: While the existing building has previously functioned as a drive-through bank, it is currently vacant. Per the ITE, a "Coffee/Donut Shop with Drive-Through Window and No Indoor Seating (938)" will generate 179 trips per drive-through lane on an average weekday. A "drive-in bank (912)" is shown to generate 125 trips per drive-in lane on an average weekday. With four proposed drive-through lanes proposed to remain, this could result in an increase of 216 vehicles per day over the previous bank use when it was in operation and an increase of 716 vehicles per day over the existing vacant use. While the applicant proposes 24 hours, 7 days per week, staff finds the property is surrounded by either commercial and/ or vacant land uses or high-traffic streets and that extended hours are unlikely to negatively affect its surroundings. It is unclear whether the proposal will trigger review of existing non-conforming features, but staff generally finds that the proposal would activate a property that has been vacant for many years and that recommended conditions could mitigate increased traffic and improve the public realm.

(c.) The Planning Commission shall certify:

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

Finding: Chapter 172.04 covers parking lot design standards specific to drive-through facilities. Drive-through restaurants are required to meet a minimum of four (4) stacking spaces as measured from the drive through window. Based on a review of the site plan, it appears sufficient stacking spaces have been provided.

(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: Based on the submittal, it appears that the intent is to utilize the property as it exists in its current state. The existing bank building is located approximately 40 feet from the public right-of-way. The existing parking lot lacks clearly defined travel paths and the entire eastern property line is a continuous section of pavement stretching almost 200 feet. Four drive-through lanes are currently existing, which narrow to an approximately 30 feet driveway directly abutting the public right-of-way and an adjacent curb

cut. Staff recommends a condition that entry and exit signs for the drive-through lanes and employee parking area shall be clearly posted, with striping and additional signage provided as necessary to address safe maneuvering.

- (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 applicant has indicated three employee parking spots to be located north of the existing building, which may require a variance to UDC 172.04(A) Maneuvering since the innermost vehicle would not be able to enter or exit without moving other vehicles if fully parked. Otherwise, no parking is proposed as the business is intended to be drive-through only.

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

Finding: A site plan showing a proposed dumpster located in the parking area north of the existing building was provided. The dumpster is shown to be screened from the public right-of-way. Access will be fully reviewed with building permit.

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

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

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

Finding: The subject property is surrounded by commercial structures to the south, north and east, with minimal landscaping. Staff recommends street trees be installed along the property's S. School Ave. frontage.

- (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 UDC §174 and all the regulations therein.

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

Finding: Based on the applicant's submittal, it is unclear whether requirements to bring the existing nonconforming building into compliance would be triggered. While a floor plan was provided, it is not clear whether it includes the entire building or a smaller portion. Repairs, renovations, and

reconstructions of existing nonconforming structures are regulated under UDC 164.12(A), and compliance with zoning regulations will be fully reviewed at the time of development review.

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

Finding: Staff finds that the intent of the Main Street Center zoning district is to promote walkable communities. While a drive-through facility is not strictly compatible with this intent, this property has been vacant for many years. Additionally, this portion of the city sees regular heavy foot-traffic and an unimproved Ozark Regional Transit bus stop is located on the property's frontage. As such, staff recommends a condition that pedestrian oriented elements per UDC 166.24(E) shall be provided for the property as if the building was located in the build-to-zone and that the required seating be located adjacent to the sidewalk so that it is accessible for users of the abutting transit stop. The addition of public amenities such as seating could improve the public realm and offset additional impacts from increased vehicle traffic.

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

Finding: On the balance, staff finds the proposed use to be generally incompatible with the city's long-term plans. The MSC zoning district is designed primarily to provide a range of uses that are spatially compact. Establishments that fall under Use Unit 18 are designed to fulfill recurrent needs of nearby residents but are typically incompatible with more urban-oriented districts. The property is also part of the Southgate redevelopment plan area within the 71b Corridor Master Plan and Walker Park Neighborhood Plan. These plans calls for an adaptive re-use of the vacant bank building, a redesign of the parking lot to promote internalized parking, structures which face the arterial, and the creation of a destination shopping district. While this proposal would redevelop an existing vacant building, a drive-through coffee shop is located directly across the street, and an additional drive-through use would not necessarily serve a public benefit in an area meant to be redeveloped for more pedestrian-focused services. That said, site improvements could improve the pedestrian environment and provide an incremental step in redeveloping the area.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - §161.27 – MSC, Main Street/ Center
- Staff Exhibits
 - Engineering Memo
 - 71b Corridor / Southgate Re-development Exhibit
 - Walker Park Master Plan Excerpts
 - Transit Stop Location
- Application Exhibits
 - Applicant Request Letter
 - Site Plan
 - Existing Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.27 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the Main Street/Center. The Center is more spatially compact and is more likely to have some attached buildings than Downtown General or Neighborhood Conservation. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the Main Street/Center. The Center is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street/Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
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(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of seven (7) stories.

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5042, 8-07-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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

71B CORRIDOR PLAN EXCERPTS



Food and Shelter Village, Norman, OK

Housing "Village" for Temporarily Homeless Households

Homelessness is a significant challenge in the South Fayetteville part of the study corridor, but it encompasses different people with different needs. The interfaith 7hills has established a Day Center along South School that provides support services including job assistance, transportation, meals, counseling, and other basic human services. It is also developing the Walker Community, a transitional housing environment that will provide 36 units for individuals and families in townhouse and efficiency apartments. Serve NWA's New Beginnings project, under development in 2019, addresses the needs of unsheltered people by providing bridge housing with supportive services to help them on the path to permanent settings. But others, including households with children, are temporarily homeless because of financial emergencies, domestic abuse, gentrification, and increasing housing costs. An interesting physical development model to address these needs is a "tiny house" community, providing individual detached units around common space with access to 7hills support services through its service center. This approach was pioneered by Norman, Oklahoma's Food and Shelter program and appears highly relevant to this need in Fayetteville. It also provides a place for families to live on a short-term basis while other, more permanent housing is developed.



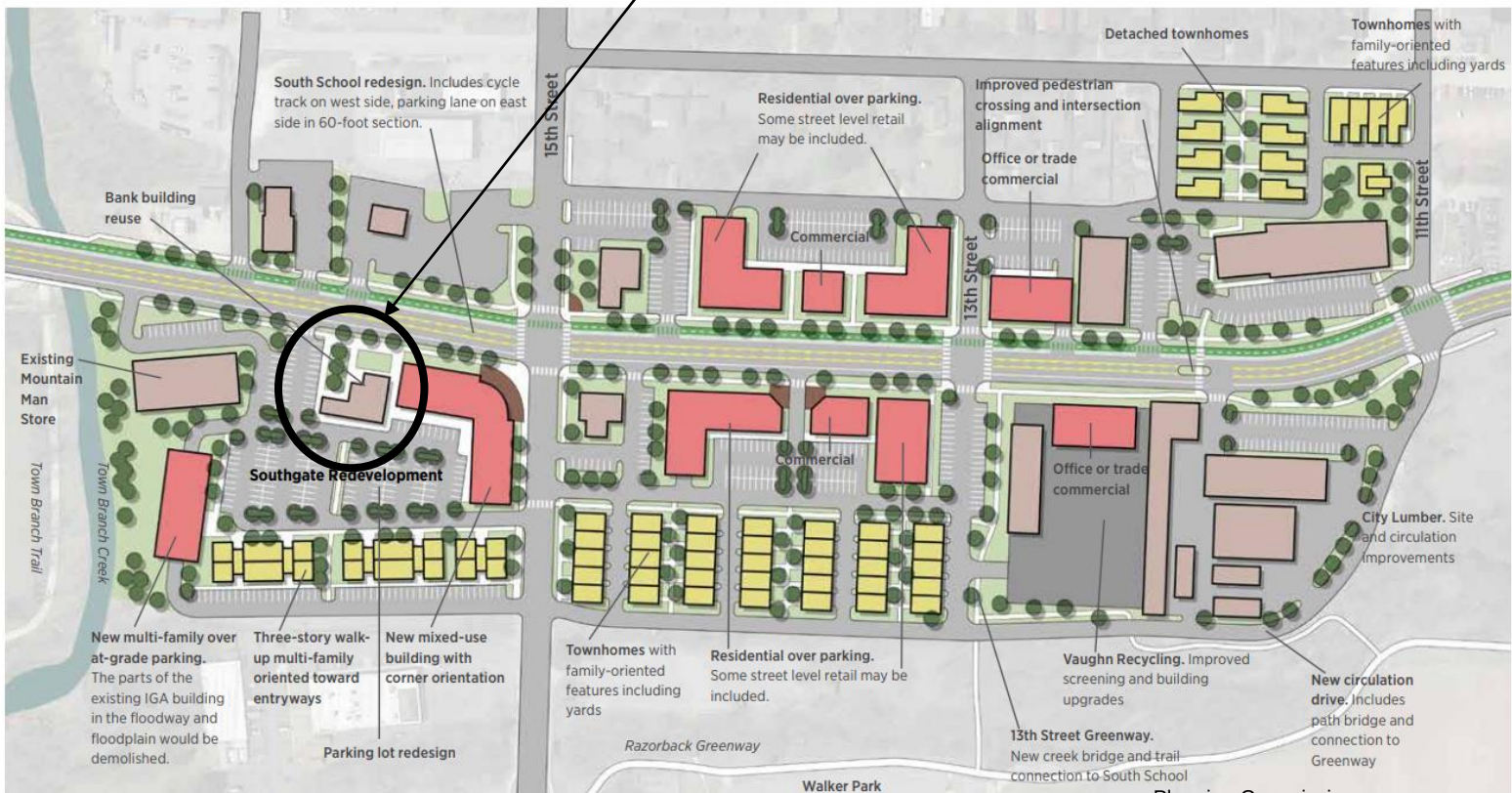
Focus on Southgate

The Southgate area, between Town Branch Creek and approximately 11th Street, merits a special focus because of the substantial new development opportunity that it presents. While most of the 71B corridor involves evolutionary change on opportunity sites, this area's underutilized or vacant land encourages a more aggressive, redevelopment-oriented approach. Such an approach also complements the major changes taking place in the Mill District, improvement efforts in the Walker Park neighborhood, and the continued growth of the University of Arkansas research campus. A key early initiative would be redevelopment of the under-occupied Southgate shopping center. In the concept, the vacant IGA grocery store, most of which is in the Town Branch Creek floodplain, would be demolished and replaced by a multi-family building with parking at grade (or floodplain) level. The iconic Mountain Man store would remain with improved parking and overall environment. A contemporary but vacant bank building would be reused, with a new mixed use building defining the 15th Street corner and more residentially scaled apartments lining the east side of the site.



The following pages illustrate the continuation of this redevelopment approach toward the Mill District. New development focuses on sites with low use and the concept maintains and enhances many existing buildings and business establishments. Existing salvage yards north of 15th Street would gradually be replaced with new commercial development and a medium-density townhome community with access to the Razorback Greenway and Walker Park. On the west side of School north of 15th, a mixed use project with two commercial spaces and multifamily buildings would replace vacant uses or distressed buildings. Parking and pedestrian access are improved to important existing neighborhood businesses.

PROJECT LOCATION



Southgate Plan Elements

WALKER PARK NEIGHBORHOOD PLAN EXCERPTS

Diversity of Uses

Creating a Destination Shopping Experience

Southgate Shopping Center and surrounding business are located at the crossroads of two major four-lane highways, Highway 71B/South School Avenue and Highway 16/15th Street. These two major roads provide access to south Fayetteville residents, the City, and the Region. This location makes the intersection a prime candidate for locating the most intense and dense developments in the neighborhood.

This commercial shopping center has served south Fayetteville's residential population for over 30 years. The auto-oriented shopping center developed without any of today's requirements for commercial design standards, landscaping, sidewalks, and site design, which may contribute to underutilization of this retail area. Existing uses at the intersection include a grocery store, bank, gas station, used car lot, liquor store, pawn shop, and restaurant. Much of the surface parking is underutilized and can be reclaimed for additional retail uses.

Southgate Shopping Center Today



Southgate Shopping Center Envisioned



GUIDING PRINCIPLES: BALANCE OF USES AND HOUSING

23

Master Plan

A redeveloped Southgate Shopping Center could attract and serve a larger population just beyond the Walker Park Neighborhood.

The entire Walker Park Neighborhood is within one mile of the Southgate Shopping Center. The shopping center is within a half-mile from the Arkansas Research and Technology Park (ARTP), and approximately one-and-a-half miles from the Fayetteville Industrial Park, Washington County Facilities, Tyson, and McBride Distributors located on South School Avenue.

In 2007, six new companies were established at the Research Park, which has approximately 215 technology jobs (2007 ARTP Annual Report). The City has plans to widen 15th Street to four lanes east of Walker Park as part of a plan to create an arterial loop around the City and move through traffic out of the neighborhoods. Additional job growth and traffic in this area will continue to increase and strengthen the trade area and redevelopment potential for this shopping center and along South School Avenue.



GUIDING PRINCIPLES: BALANCE OF USES AND HOUSING

24

Master Plan

Completing the South School Avenue Corridor

The development pattern along South School Avenue is inconsistent, resulting in an incoherent pattern of development types. The lack of identity for South School Avenue and the shopping center can be overcome through the development of appropriate infill along this corridor, transforming the Avenue into a destination that contributes to the vibrancy of the Downtown and fabric of the Walker Park Neighborhood.

Internalized Parking Structures

The vast swaths of paved parking lots at this intersection discourage pedestrians from accessing the establishments at the intersection. One way to utilize the existing land resources is to building parking structures rather than parking lots and line these structures with additional developments. This screens the parking structure and contributes to a pedestrian-friendly environment.

Intersection of South School Avenue and 15th Street



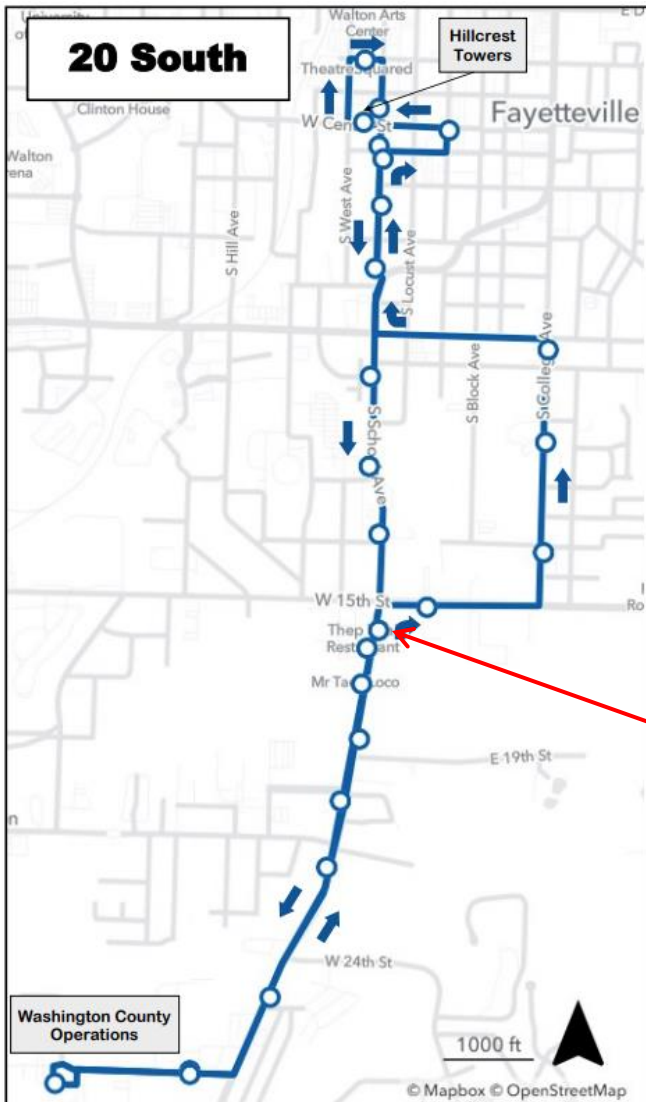
Infill

Adding structures that front onto the arterial streets will add value to the currently underutilized parking lots. Bringing these buildings up to the sidewalk will also result in a human-scale, pedestrian-friendly intersection. Infill in this area benefits from the existing infrastructure, requiring fewer resources to develop.

Square-back Streets

Access to this area from Walker Park Neighborhood is somewhat limited due to the current street layout and lack of connectivity through Walker Park and from South School Avenue. Improving connectivity and access to the neighborhood primarily through a square-back street concept will provide some of the physical connections that currently do not exist. A square-back creates a square vehicular flow pattern around an intersection, providing additional access to structures located at the intersection and creating multiple turning movements in advance of the primary intersection.

TRANSIT LOCATION



Monday - Friday						Saturday					
20 East			20 South			20 East			20 South		
Hillcrest Towers	Curtis Ave & 15th St	Hillcrest Towers	Hillcrest Towers	Washington County Operations	Hillcrest Towers	Hillcrest Towers	Curtis Ave & 15th St	Hillcrest Towers	Hillcrest Towers	Washington County Operations	Hillcrest Towers
6:00 AM	6:10 AM	6:30 AM	6:30 AM	6:40 AM	7:00 AM						
7:00 AM	7:10 AM	7:30 AM	7:30 AM	7:40 AM	8:00 AM						
8:00 AM	8:10 AM	8:30 AM	8:30 AM	8:40 AM	9:00 AM						
9:00 AM	9:10 AM	9:30 AM	9:30 AM	9:40 AM	10:00 AM						
10:00 AM	10:10 AM	10:30 AM	10:30 AM	10:40 AM	11:00 AM	10:00 AM	10:10 AM	10:30 AM	10:30 AM	10:40 AM	11:00 AM
11:00 AM	11:10 AM	11:30 AM	11:30 AM	11:40 AM	12:00 PM	11:00 AM	11:10 AM	11:30 AM	11:30 AM	11:40 AM	12:00 PM
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6:00 PM	6:10 PM	6:30 PM	6:30 PM	6:40 PM	7:00 PM	6:00 PM	6:10 PM	6:30 PM	6:30 PM	6:40 PM	7:00 PM
7:00 PM	7:10 PM	7:30 PM	Out of Service			7:00 PM	7:10 PM	7:30 PM	7:30 PM	Planning Commission	

Request Letter For The Property At 1560 South School To Receive A Conditional Use Permit.

Good day,

This letter is submitted for the request of a condition use permit by the city planning commission for the property located at 1560 South School, Fayetteville, Arkansas 72701. The proposed business to occupy the property is a drive-thru coffee house. The building located at the address is a former Bank Of Fayetteville, which was already equipped with the necessary drive-thru only functions needed for use. The only alterations to the building are a changing of the former teller window to that of a sliding window. Alterations to the inside simply involve the double sink to be swapped out with a triple sink by the plumber Ray Lusk, and outlets added by an electrician. Proper signs in accordance with the Fayetteville sign ordinance will be added by the company Sign Planet. As the business model involves hot coffees prepared in urns and served hot, no major operations will be needed. There is no cooking onsite, and any food that is made will be outsourced and prepackaged. This business model is simplistic, and will not require any special features of note to impact the building as it stands currently.

Our building is approximately 4400 square feet. If we include the driveway to the serving window, the size is adjusted to approximately 6000 square feet. Should we count the complete parcel of which it sits, it comes out to approximately 25,750 square feet.

The number of off-street parking spaces is not applicable here, as it is solely a drive-thru. Employee parking will be available in the former "ATM Lane" on the other side of the building from the drive-thru, and can be utilized to park up to three vehicles if necessary. As the business can be operated with one to three employees maximum, this is more than ideal.

Our hours of operation will begin at five in the morning to five in the afternoon every day. Should the business justify expanding the timeframe, the closing hours of operation could go upward to eight in the evening.

The number of employees at maximum is three to include the management. The business model simply doesn't justify more than that even were the drive-thru to be constantly filled with customers from open to close.

As anticipated customers could be calculated, we can give a maximum, a minimum, and a more likely mid. If we start at the most occupied this business could be, and order times average out to two minutes each, that would equal thirty vehicles to the hour. If the hours were as previously stated, twelve hours total, three hundred and sixty vehicles would be the maximum that could be present throughout the day. At minimum, pointing toward trends in coffee drive-thrus as a business in Fayetteville as well as through Northwest Arkansas, a minimum day could be as few as three vehicles an hour. That would place the minimum at thirty-six vehicles daily. However, if we work with these markers, the middle of the averages come out to one hundred ninety-eight daily with sixteen to seventeen per each hour open. Coffee drive-thrus tend to even out to the middle to upper range.

Outdoor lighting consists of the light that is emitted under the lane canopies. The lights total twenty-eight bulbs at 850 lumens each, spaced evenly. No lighting is shining directly at the surrounding buildings or streets. Additionally, most functional hours will likely occur during the daylight timeframe.

Noise is not an issue for our business as we produce no outdoor music or other extraneous sounds. The only noises expected are that of the vehicles themselves.

There are no screening or buffering from other properties, but rather the building is completely surrounded by businesses, all visible, one to the other.

Fayetteville will be providing the dumpster rental for the property, which has a designated area. A privacy fence is due to be installed on the posts that are present in the aforementioned space.

The lot is easily accessed from both 15th Street and South School Avenue. The lot is also inhabited by Mountain Man Pawn and a Phillips 66 gas station with a wide-open parking lot. The lot had once been shared with the former Marvin's IGA, however the building has been

razed, leaving most of the parking lot open and void of traffic within its confines. The entrances and exits to the parking lot are easily accessible, having two entrances/exits onto both streets, for a total of four accesses. The parking lot does not have its own independent signal light/s in or out. Even so, this is no impediment to the ability those entering or exiting the space of any note outside of normal expected traffic flows for the area.

Speaking to compatibility, our building is surrounded by a gas station, a pawn shop, and two restaurants directly across the street/intersection. This is an area familiar with businesses of various sorts being conducted, from tire shops, lumber yards, recycling centers, bail bondsmen, thrift stores, and even laundry mats. No conflicts of interest would or should be expected.

Answers To The Comments – 1560 South School Conditional Use Permit

Captain Levi Crandell (Deputy Fire Marshal)

Comment: A building permit will be required. Separation between the main building(bank) and the drive-thru may be required since they are all connected by a roof.

Further review will be required once building plans are submitted and the use of the building is determined.

Answer: A permit is generally required for drive-thru roof construction in Arkansas, similar to other structural additions, alterations, or repair work.

Fayetteville requires permits for building or remodeling that includes structural modifications or modifications to the frame of the structure, which would likely apply to a drive-thru roof.

However, no such construction, alteration, additions, or repairs are being made. A permit does not apply in this case.

Willa Thomason (Urban Forester)

Comment: Building Permits. Landscape plan requirements shall apply to all permit applications for nonresidential construction, and the construction of multi-family residential buildings composed of three (3) or more dwelling units.

Answer: There is no construction or modification to the building or property as a whole. This building was already a drive-thru and would merely continue to act as such with only the service itself having been changed. Additionally, the .6 acre

parcel contains four out of five of the trees on the entire 6.6 acre lot. These came equipped with and meet the current landscaping standards for Fayetteville.

Justin Bland (Engineering Division)

Engineering has similar comments/concerns as listed in detail by Planning regarding site circulation, access, etc. We look forward to see the responses to Planning comments.

Comment: Show how the drive-thru lanes will work on the plans. Will vehicles be entering from the east or west? Is there sufficient room on this parcel for vehicles to stack or will vehicles be lining up on other parcels/city streets as well?

Answer: There is more than enough space on the lot, even if they stack. As to use of my neighboring parcel, the owners of Mountain Man Pawn are the lessors, and are both aware of and supportive of this traffic, including the entering from their parcel. City streets are not expected to be overflowed into, by reasons of the business model, the four lanes available, and the general space available even should this business should unexpectedly become busy from open to close.

Comment: How many drive-thru service lanes are proposed?

Answer: I will propose the use of all four should it be needed. While I don't anticipate this happening, we have an unusual advantage with our extra lanes, and that is the bank lane indicators. They can indicate to the customer that a lane outside of the primary Lane 1 is open or closed for use.

Comment: Employee parking needs to be shown on the plans for evaluation.

Answer: I have provided a revised map indicating its location.

Comment: The conditional use permit will set the outer limits of hours. If 5am - 8pm every day are the maximum hours you anticipate needing, recommend requesting these so that you do not need to amend the conditional use request later.

Answer: Very well. I request the full twenty-four hours of each and every day.

Comment: Any new lighting will be subject to Chapter 176 Outdoor Lighting standards.

Answer: No disagreements, nor adjustments, would be issue-ask.

Comment: Addition of screening is a common requirement of conditional use permits.

Answer: My dumpster has a privacy fence on the only side facing any traffic, and the other two sides are sandwiched in between my business and the backside of Phillips 66. The dumpster is only immediately visible from the side of approach.

Comment: Show the proposed dumpster location and enclosure on the plans.

Answer: I have provided a revised map indicating its location.

Comment: Are all four drive lanes intended to be used for coffee pickup? If not, please label which will be used and which will not.

Answer: I will intend all lanes be available should the incoming business justify it.

Comment: This does not appear to be wide enough for two-way traffic. Will employees pull into parking from School or from inside property?

Answer: Employees will approach parking from inside the lot, facing South School, as this was always intended as a one-way with the former ATM lane. As a rule of thumb, the driver's side always faces the building.

Exit? (Question listed about a specific area on the parcel map.)

Answer: No, this is an entrance, and is indicated on the revised map as well as to be painted onto the concrete.

Comment: It is not clear if this floor plan and the preceding page are for the entire building or a smaller portion. If only a smaller portion, please clearly indicate what portion of the building is proposed to be modified.

Answer: I would like to clarify at this time that there is no construction, no alteration/addition to the structure of the building, and no repair work being done. The only required aspect for this change of business is the slider window installation and some electrical work (the business sign and some added outlets). Other than cleaning up the property, it took no real effort to use this drive-thru as a drive-thru. Only the service has changed.

Phillips 66 Gas Station

Dumpster

Employee
Parking

Exit

South School

LANE 1

LANE 2

LANE 3

LANE 4

Entrance

Multi-Parking Spaces

Washington County

Assessor's Office

Washington, Assessor



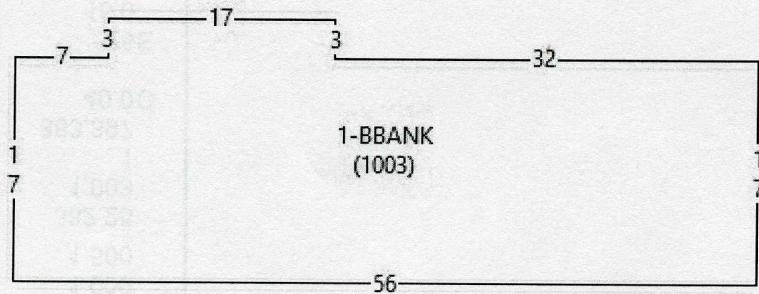
Date Created: 4/14/2025

Created By: anonymous

1 inch = 144 feet

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.

Sketch



B/S	Occupancy	Area	Perim	Vector
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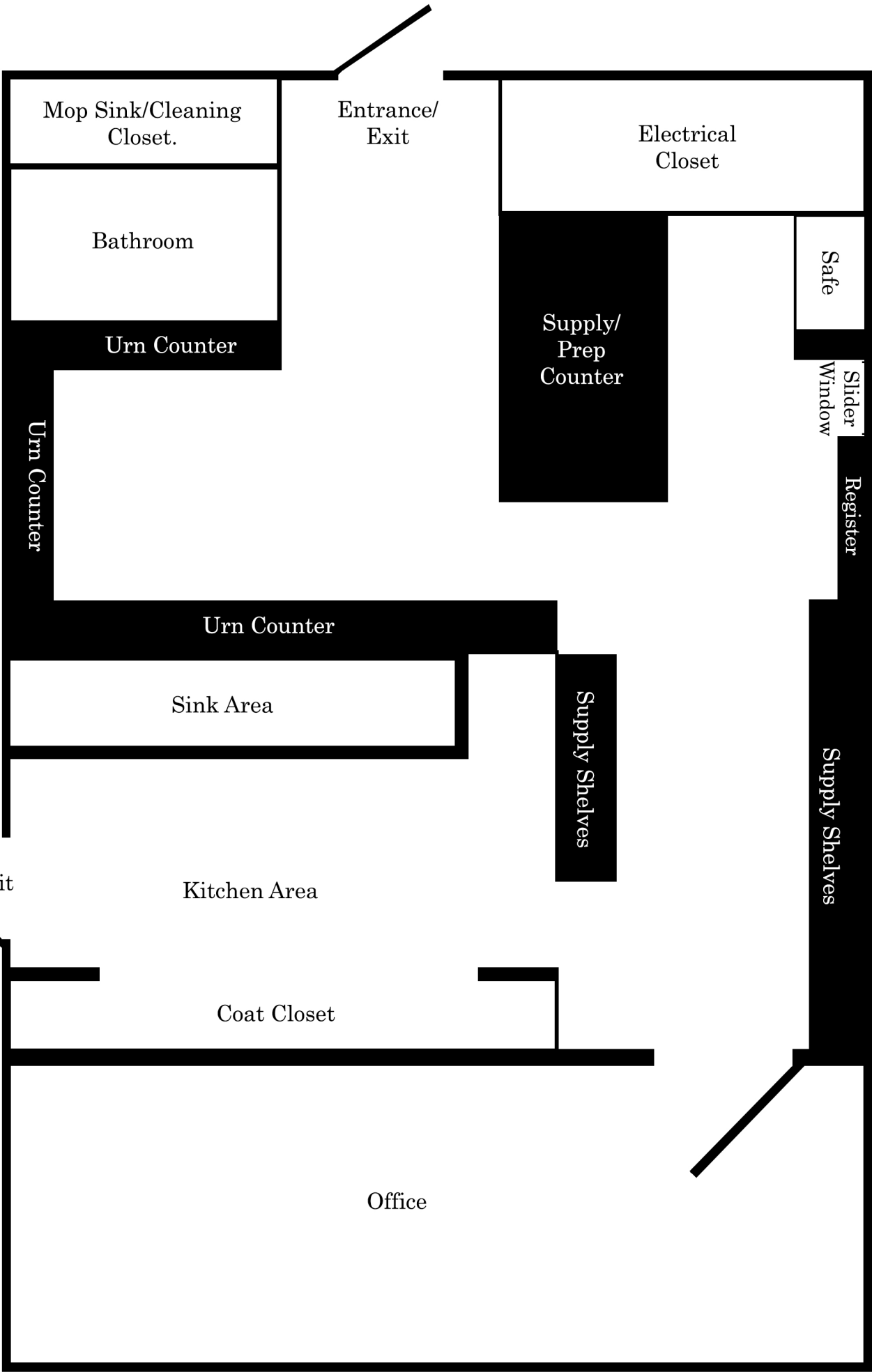
Comments

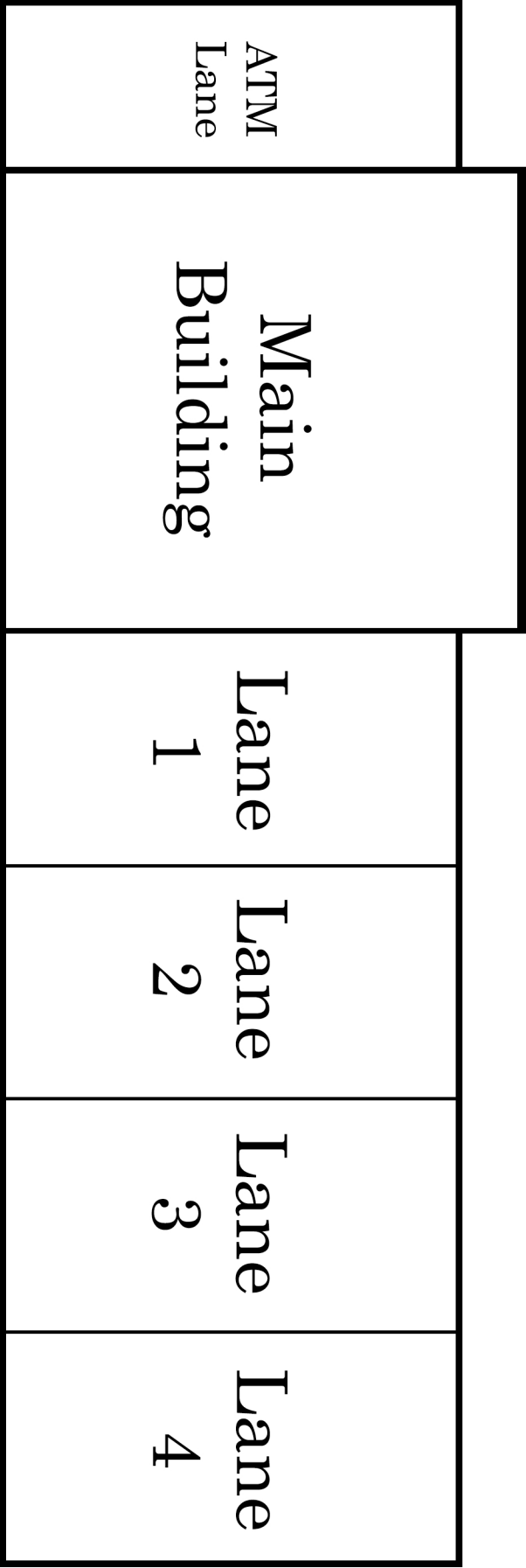
3/16/2023: FOR 2023: NO CHANGE. BANK REMAINS VACANT.

Inspected: CEH 3/16/2023
Revisited:
Entered: EEK 3/21/2023
Printed: 4/14/2025

Contact: NA
Int. Est?:
Sk. File:
Status:

Planning Commission
May 27, 2025
CUP-2025-0023 (FIRECAT COFFEE)
Page 24 of 32





EXISTING EXTERIOR PHOTOS



EXISTING EXTERIOR PHOTOS



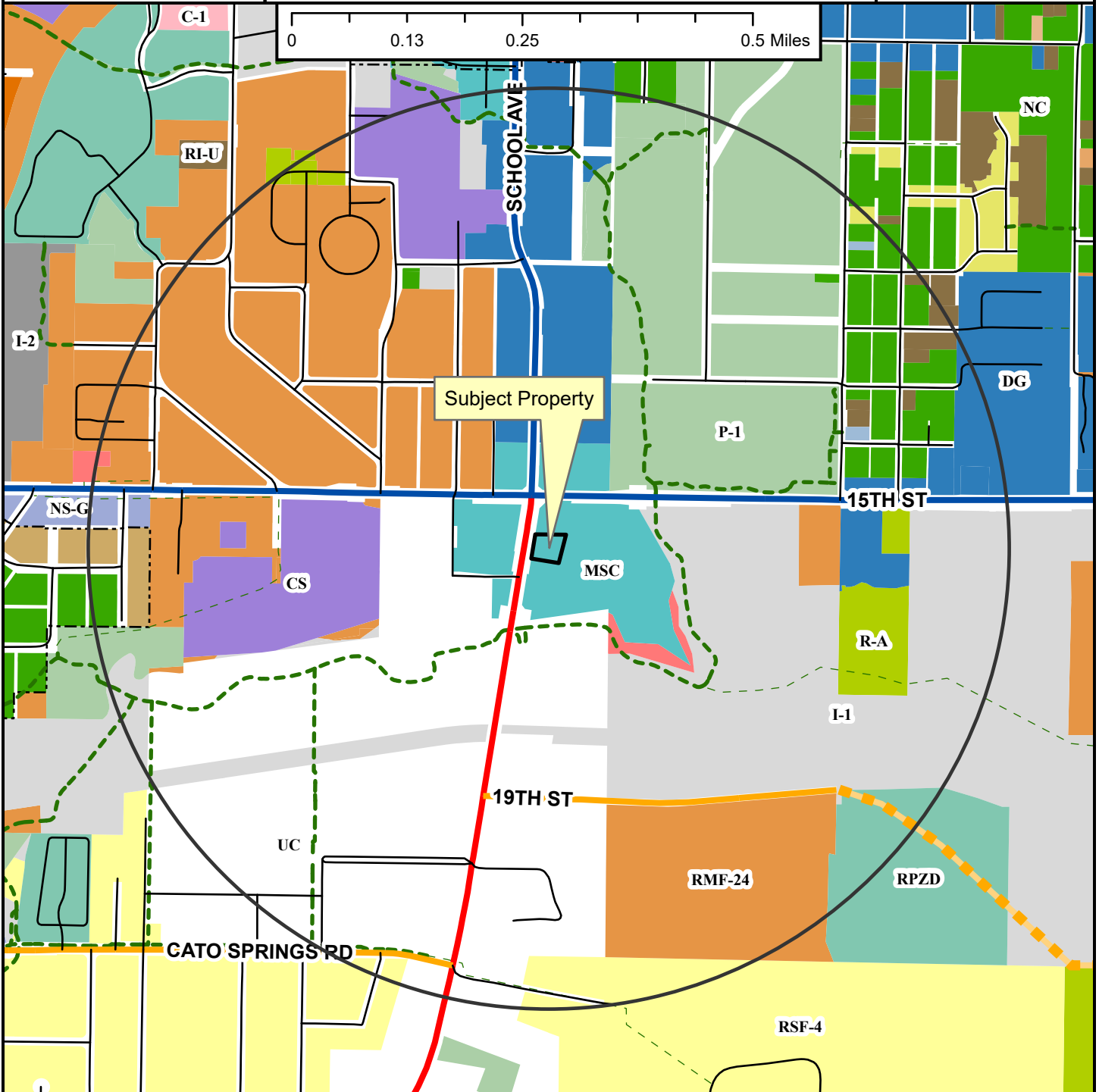
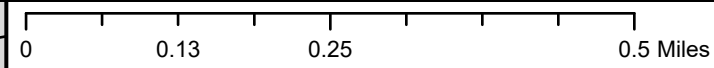
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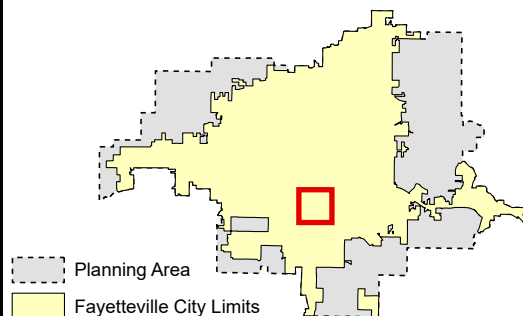
CUP-2025-0023

1560 S. SCHOOL AVE

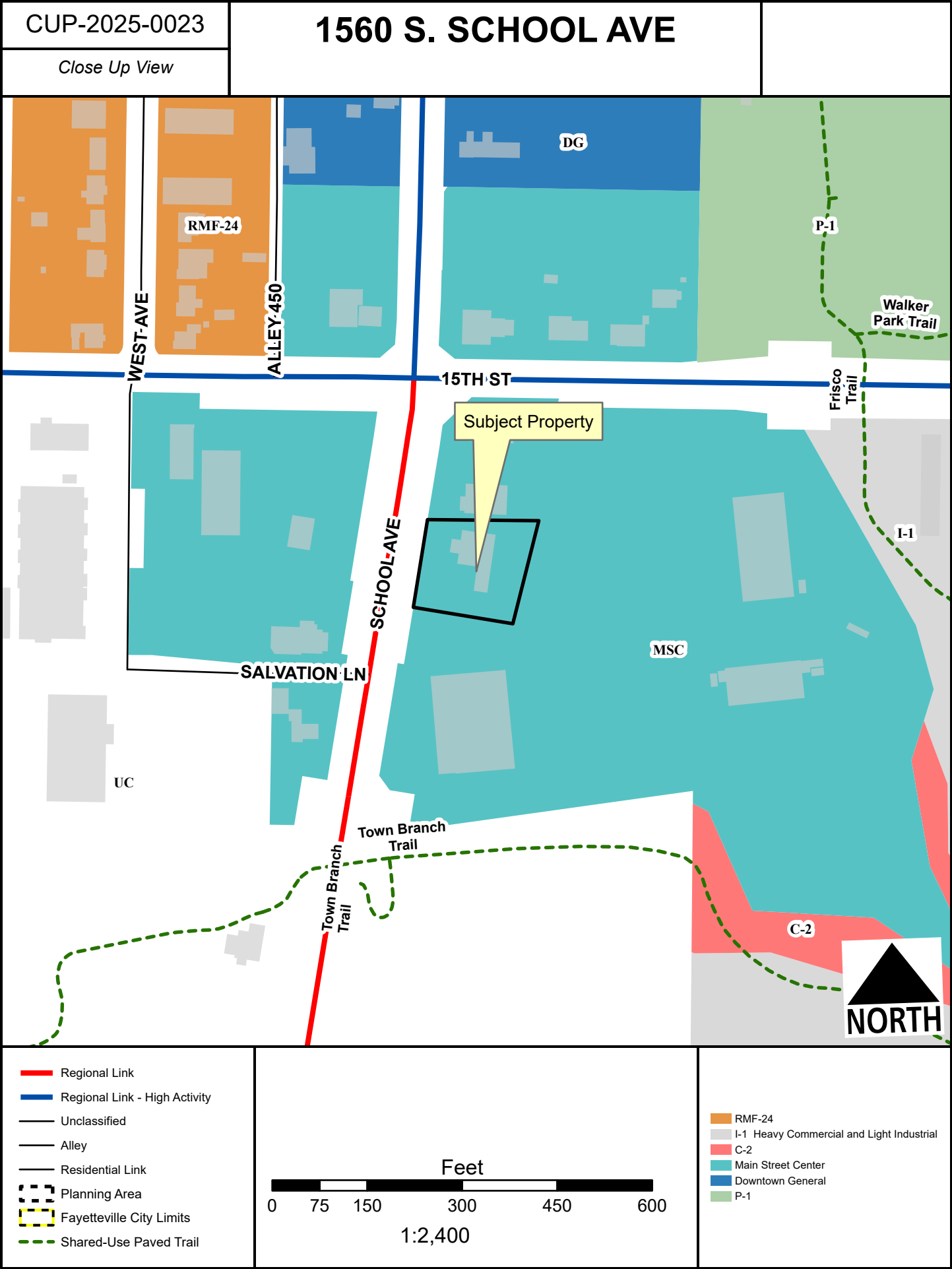
One Mile View



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood 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-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



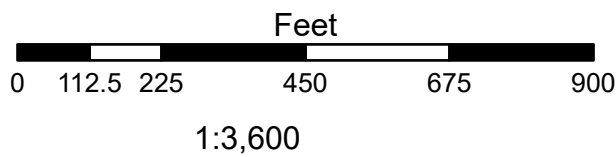
CUP-2025-0023

1560 S. SCHOOL AVE

Current Land Use



- Regional Link
- 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

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: May 27, 2025

SUBJECT: **RZN-2025-0013: Rezoning (2330 N. RAVEN/SIEMEK, 324):** Submitted by WESLEY BATES for property located at 2330 N. RAVEN LN. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 0.40 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0013** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0013** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in north west Fayetteville along North Raven Lane, approximately 500 feet north of the intersection with West Mount Comfort Road. The subject property is totals 0.40 acres which is currently zoned R-A, Residential-Agricultural. County records indicate that the property is developed with a two-family dwelling that was constructed in 1968. The property is not subject to any overlay districts. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Two-Family Residential	R-A, Residential-Agricultural
South	Two-Family Residential	R-A, Residential-Agricultural
East	Manufactured Home Park	R-A, Residential-Agricultural
West	Single-Family Residential	RSF-4, Residential Single-Family – Four Units per Acre

Request: The request is to rezone the subject property from R-A, Residential-Agricultural, to RI-12, Residential Intermediate, 12 Units per Acre. The applicant stated in their request letter an intent to develop a tandem lot.

Public Comment: Staff fielded two comments about the rezoning. Both commenters voiced their opposition to the rezoning stating it would negatively impact the character of the area.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property's frontage along North Raven Lane, a residential link, is partially improved with asphalt paving and curb and gutter. 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 property. There is an existing 6-inch water main along the west side of North Raven Lane.

Sewer: Sanitary Sewer is available to the subject property. There is an existing 8-inch sewer main along the east side of North Raven Lane.

There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,700 linear feet downstream of this property.

Drainage: No protected streams, FEMA Floodplain, or hydric soils are identified on the subject property. No portion of the subject property lies within the Hillside/Hilltop Overlay District.

Fire: Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 0.9 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 current zoning district of R-A, Residential Agriculture, requires **25% minimum canopy preservation**. The proposed zoning district of RI-12, Residential Intermediate – 12 Units per Acre, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a low score of 4 for this site with a weighted score of 3.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 8, 2266 W. Deane St.)
- Near Sewer Main (North Raven Lane, 8" line)
- Near Water Main (North Raven Lane, 6" line)
- Near Paved Trail (On-Street Bike Land, Mount Comfort Road)

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:*** From a current land use standpoint, the request is readily compatible with its surrounding. The property is located in a zoning district that does not easily allow for diverse or compact housing options, especially when it is compared to its future land use which calls for more dwelling-type diversity. The applied for zoning district would allow for more housing options – 2-, 3- and 4- family dwellings and more – as well as allowing for higher density. Additionally, the property immediately abuts properties that are duplexes and a manufactured home park. Allowing for this rezone could invite future development that could be compatible with surrounding properties.

R-A requires a 35-foot front setback, while RI-12 requires a 0- to 25-foot build-to-zone, which would potentially introduce a varying setback pattern from the immediate surroundings. The introduction of a build-to-zone in the area would begin to set a precedent toward a more walkable urban form along this stretch of North Raven Lane. R-A requires a 200-foot lot width compared to the much small RI-12 requirement of 50 feet (two-family). The lot width requirement for R-A is significantly greater as this zoning district is intended for more agricultural use; the RI-12 is intended for increased residential density. In fact, the current zoning of R-A on the property renders it nonconforming as its lot size is less than the required amount. R-A required lot area minimum is also larger with 2 acres compared to RI-12 with 5,000 sqft (one-family), 7,260 sqft (two-family), and 10,890 sqft (three- and four-family). R-A requires significantly more land for development with less housing development density related to RI-12. Staff finds that rezoning would align with land use and zoning plans while also not negatively impacting surrounding properties.

Land Use Plan Analysis: Staff finds that rezoning to RI-12 would be consistent with the City's adopted land use plan. The City's Plan 2040's Future Land Use Map designates the property as a Residential Neighborhood Area, which indicates an intent for a variety of housing types. The property has a consistent infill score of 4 and is not located within a walkable distance to amenities. As a result of this distance, the property has a low infill score, highlighting the need for further development in the area. A rezoning to RI-12 would aid the area in conforming to the Future Land Use Plan by diversifying the area. Staff finds that a rezoning to RI-12 would allow for increased development that would be in character with the future land use of the area.

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

Finding: A rezone from R-A to RI-12 maintains the site's compatibility with the Residential Neighborhood designation, which calls for a wide variety of housing types of appropriate scale and context. The current zoning of the property limits the housing options; rezoning to RI-12 would provide more access to additional development options. Additionally, the rezoning is justified given the city's stated goal of increased infill development as well as providing additional opportunities for attainable housing. To repeat, the lot width currently is nonconforming to the zoning district the property has. A rezone to RI-12 would allow for the property to comply with a smaller lot width requirement.

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

Finding: Rezoning the property from R-A to RI-12 would increase the allowable density on the site from $\frac{1}{2}$ unit per acre (1 unit on the 0.40 acre site) to a density that is instead limited by other development requirements, such as parking, landscaping, and access. As stated, the introduction of a RI-12 zoning district could spur the develop of a sidewalk. Currently, neither side of North Raven Lane has a sidewalk, increasing the danger to pedestrians along this road. Staff does not find that the ultimate added density would appreciably increase traffic danger or congestion along North Raven Lane due to the small property's size limiting significant density.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from R-A to RI-12 would increase the potential population at the site, but staff does not find that the growth would be to an intense degree due to the property's size. Staff finds that given the City's growth and low infill score, this rezoning would be an incremental step in providing more options for housing. The Fayetteville Public School district did not comment on the request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0013 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 27, 2025</u>		☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.03 - District R-A, Residential-Agricultural
 - §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
-

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half ($\frac{1}{2}$)
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

- (F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

- (G) *Building area.* None.

161.11 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
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(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*
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* 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.

To Whom It May Concern,

I am writing to formally request the rezoning of the property located at 2330/2332 Raven Lane, which is currently zoned R-A. We are requesting the property be rezoned to RI-12. The intent of this request is to enable the creation of a tandem lot to accommodate the construction of a single-family residence in the rear portion of the property.

The proposed rezoning aligns with the goals of responsible urban planning by optimizing land use while maintaining the character of the neighborhood. By allowing a tandem lot, this project would provide an additional housing opportunity within the existing infrastructure without significantly altering the surrounding area.

We believe that this rezoning would be beneficial for the community, as it supports smart growth principles and contributes to addressing the need for additional housing. Furthermore, we are committed to ensuring that the design and development of the new residence will be in harmony with the existing neighborhood aesthetics and regulations.

We appreciate your time and consideration of this request.

Regards,
Wes Bates

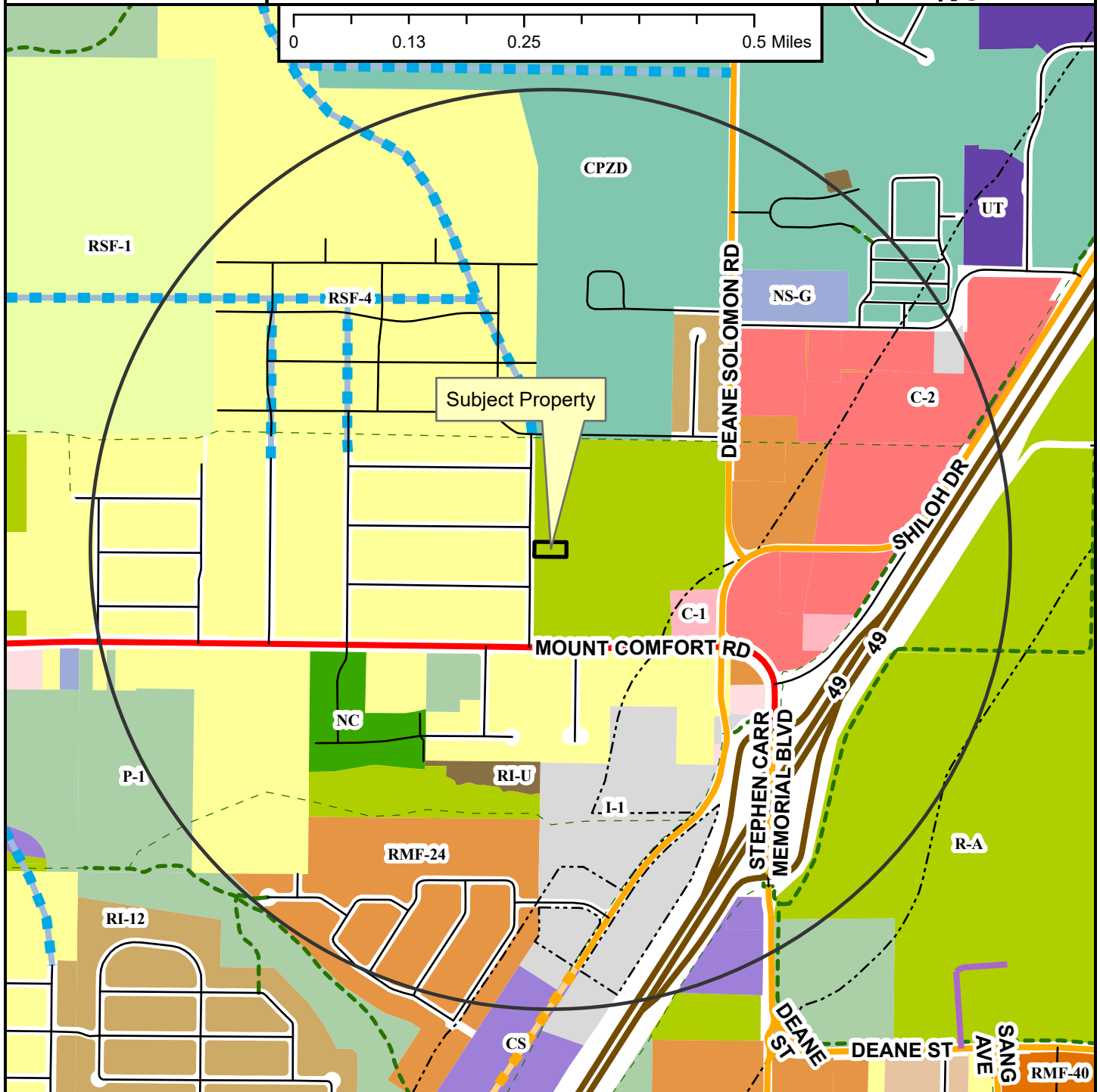
RZN-2025-0013

2330 N. RAVEN LN

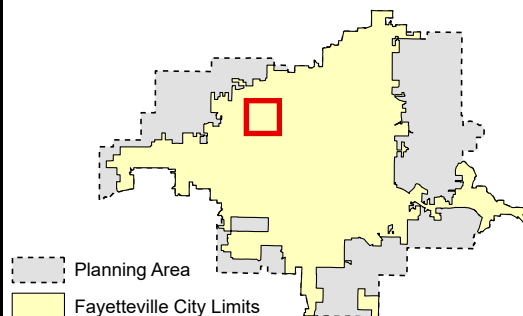
One Mile View



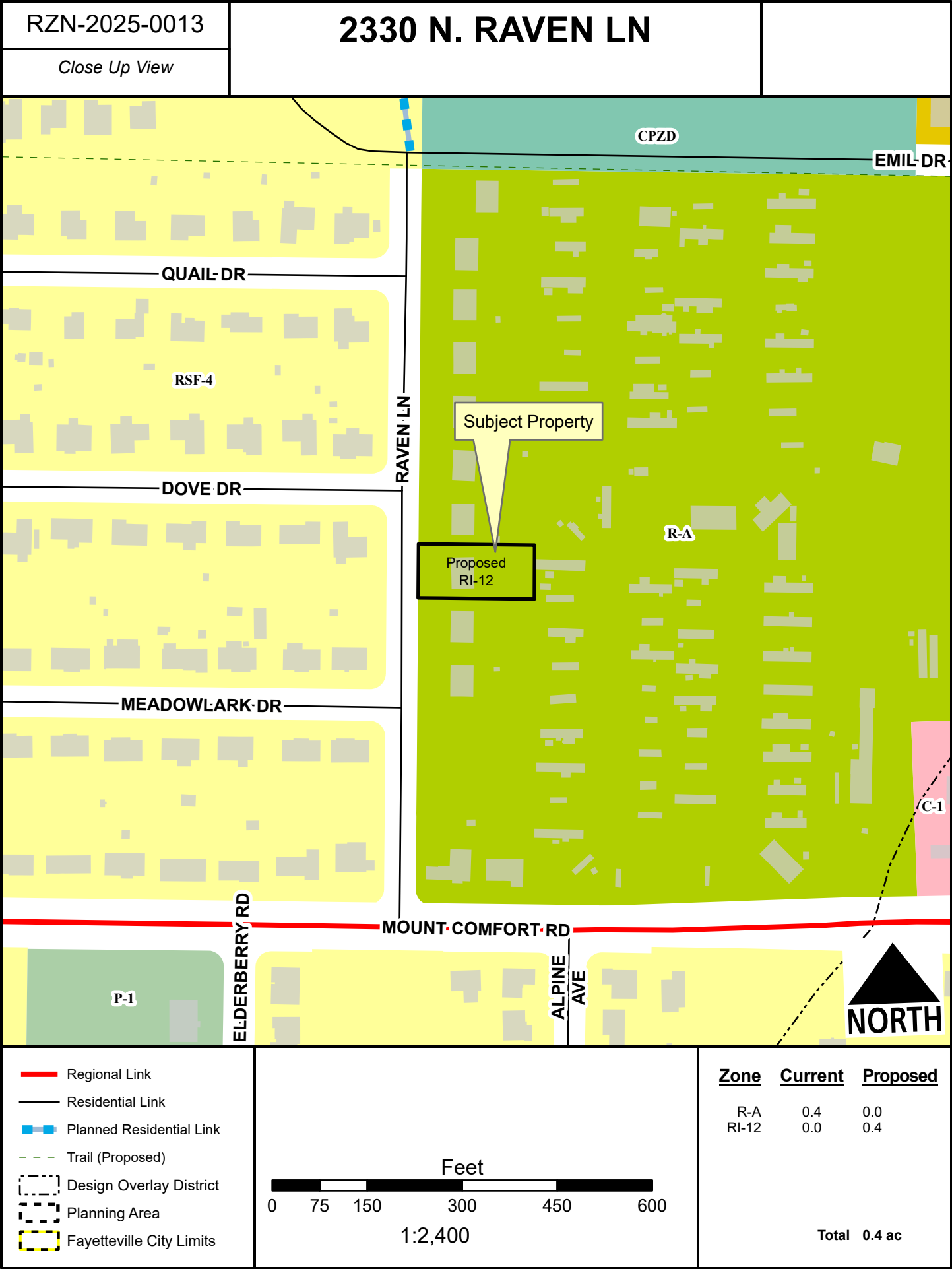
0 0.13 0.25 0.5 Miles



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- 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



- | | |
|--|--|
| <p>Zoning</p> <p>RESIDENTIAL SINGLE-FAMILY</p> <ul style="list-style-type: none"> NS-G RI-U RI-12 NS-L Residential-Agricultural RSF-5 RSF-1 RSF-2 RSF-4 RSF-7 RSF-8 RSF-18 <p>RESIDENTIAL MULTI-FAMILY</p> <ul style="list-style-type: none"> RMF-6 RMF-12 RMF-13 RMF-24 RMF-40 <p>INDUSTRIAL</p> <ul style="list-style-type: none"> I-1 Heavy Commercial and Light Industrial | <ul style="list-style-type: none"> I-2 General Industrial <p>EXTRACTION</p> <ul style="list-style-type: none"> E-1 <p>COMMERCIAL</p> <ul style="list-style-type: none"> Residential-Office C-1 C-2 C-3 <p>FORM BASED DISTRICTS</p> <ul style="list-style-type: none"> Downtown Core Urban Thoroughfare Main Street Center Downtown General Community Services Neighborhood Services Neighborhood Conservation <p>PLANNED ZONING DISTRICTS</p> <ul style="list-style-type: none"> Commercial, Industrial, Residential INSTITUTIONAL P-1 |
|--|--|



RZN-2025-0013
<i>Current Land Use</i>

2330 N. RAVEN LN



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

FEMA Flood Hazard Data

-  100-Year Floodplain
 Floodway

Feet

0 112.5 225 450 675 900

1:3,600

Feet

0 112.5 225 450 675 900

1:3,600

Feet

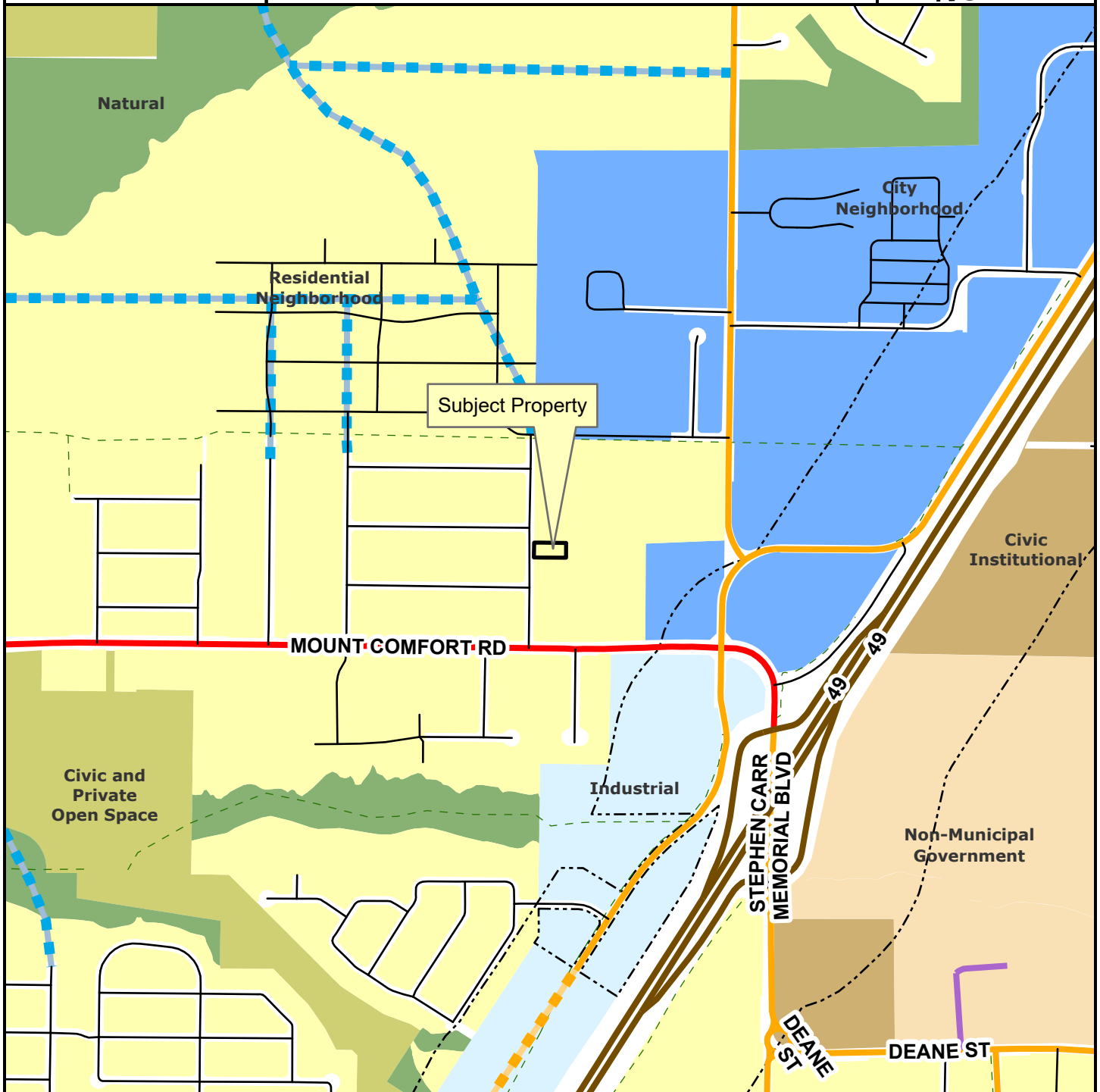
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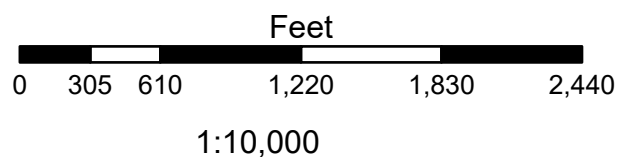
RZN-2025-0013

2330 N. RAVEN LN

Future Land Use



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



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



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: May 27, 2025

SUBJECT: **RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561):** Submitted by WESLEY BATES for property located at 1314 RMF-24, RESIDENTIAL MULTIFAMILY, 24 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0014** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0014** to the City Council with a recommendation for approval."*

BACKGROUND:

The subject property is located in central Fayetteville at the intersection of S. Ellis Ave., S. University Ave. and W. 13th St. approximately 1/4 mile west of S. School Ave. The property contains one parcel totaling 0.40 acres which is currently developed with a 2,468-square-foot single-family house constructed in 1961 per the Washington County Assessor. The property is not part of any zoning overlay or master plan area. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Two-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
East	Mixed-Density Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre

Request: The request is to rezone the subject property from RMF-24, Residential Multifamily, 24 Units per Acre, to UN, Urban Neighborhood.

Public Comment: Staff has received several requests for additional information and multiple statements of opposition to the request. Comments in opposition generally centered on a lack of clear intent for the proposed rezoning, unclear notification letters, inadequate infrastructure, insufficient parking and traffic capacity, misaligned development and growth, and a desire to preserve the existing family neighborhood. One caller expressed general support for light commercial uses such as a bakery but expressed a desire for a conditional use permit instead of

a rezoning. Additional concern was expressed regarding the possibility of a restaurant that could be open late serving alcoholic beverages.

INFRASTRUCTURE:

The property's frontage along W. 13th Street and S. Ellis Avenue, both fully improved residential link with asphalt paving, curb and gutter, and sidewalk.

Streets: Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 6-inch water main along the south side of W. 13th Street and an existing 2-inch water main along the southwest side of S. Ellis Avenue.

Sewer: Sanitary sewer is available to the subject property. There is an existing 8-inch and 15-inch sewer main along S. Ellis Avenue. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 740 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 or hydric soils are present on the subject property. Any improvements or requirements for drainage will be determined at time of development.

Fire: Station 9, located at 2250 S. School Ave., protects this site. The property is located approximately 0.9 miles from the fire station with an anticipated drive time of approximately three 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 one 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 six minutes for an engine and eight minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of UN, Urban Neighborhood, requires **15% minimum canopy preservation**. The current zoning district of RMF-24, Residential Multifamily, 24 Units per Acre, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood** area.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of 7-8 for this site with a weighted score of 10. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #9, 2250 S. School Ave.)
- Near Sewer Main (8- and 15-inch main, S. Ellis Ave.)
- Near Water Main (6-inch main, W. 13th St. | 2-inch-main, S. Ellis Ave.)
- Near University of Arkansas
- Near City Park (Walker Park)
- Near Paved Trail (Razorback Greenway, Pinnacle Prairie Trail)
- Near ORT Bus Stop (School and 13th St.)
- Near Razorback Bus Stop (Hill and MLK)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning of UN, Urban Neighborhood to be compatible with the surrounding area. Land uses in the immediate vicinity are primarily residential in nature, varying in both form, lot width, and density. Nonresidential uses are also present nearby and include churches, cemeteries, and public parks. The uses permitted by right in UN, which include all types of dwellings as well as some commercial uses such as general business, offices, and eating places, are directly compatible with the existing land uses in this area. Staff finds the addition of limited commercial on a corner lot could be a benefit to the existing residents and that the small size of the lot and a three-story height limitation is likely to mitigate negative impacts that could result from larger commercial developments.

Uses allowed conditionally in UN, including hotels, neighborhood shopping, and small-scale production, may also be suitable at this site, though any land uses allowed conditionally would be subject to further review to determine full compatibility. When compared to the site's current zoning designation of RMF-24, UN would allow for a slight increase in residential density, which would complement surrounding residential areas and encourage housing types that could accommodate the demand for walkable urban living. While UN would permit narrower lots than zoning currently allows (12 feet versus 35 feet for single- and two-family dwellings), staff finds the shape of the parcel and other design standards such as tree preservation, parking, and access will likely limit development of the overall parcel.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. The UN zoning district would allow for a mixture of residential densities that are urban in form. If the property were to be redeveloped or subdivided, staff finds that UN would encourage

an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has a moderate weighted infill score of 10 which indicates that the site is prepared to accommodate increased housing density, and the property does not lie within any environmentally sensitive areas. Rezoning could support Goals #1 and #6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing that could enable residents to remain in the neighborhood as their housing needs change.

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

Finding: Staff finds that the proposed rezoning from RMF-24 to UN is justified. Rezoning to UN would allow for infill development that is comparable to the existing development pattern in the area and consistent with the City's planning objectives and policies.

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

Finding: Rezoning the property to UN has the potential to increase traffic along S. Ellis Ave., W. 13th St. and other adjacent roadways. However, the size of the property will naturally limit the scale of any future development, and thus reduce any possible impacts on traffic danger or congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from RMF-24 to UN has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The property has access to existing water and sanitary sewer infrastructure and is close to other public services. Fayetteville Public Schools did not comment on this request.

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

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0014 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required YES

Date: May 27, 2025

☐ Tabled

☐ Forwarded

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §161.16 – RMF-24, Residential Multifamily, 24 Units per Acre
 - §161.37 Urban Neighborhood
- Request Letter
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(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 26	Multi-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 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two (2) family	35 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet

Two (2) family	4,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(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/5 stories*
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* 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) 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(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; 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. 5495, 4-17-12; Ord. No. 5592, 6-18-13; 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, §§5, 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, §6(Exh. E), 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.

161.37 Urban Neighborhood

(A) *Purpose.* The Urban Neighborhood District is designed to serve as a mixed use area of medium intensity and provide a transition into residential neighborhoods from more intense, mixed-use districts. Urban Neighborhood promotes a walkable, pedestrian-oriented neighborhood development form with a variety of housing options and complementary neighborhood businesses that are compatible in scale and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Urban Neighborhood district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 13	Eating places
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

To Whom It May Concern,

I am writing to formally request the rezoning of the property located at 1314 S Ellis from RMF-24 (Residential Multi-Family, 24 units per acre) to Urban Neighborhood. The intent of this request is to allow for the future subdivision and development of the lot to include a small-scale commercial space that would provide valuable amenities to the surrounding neighborhood.

This proposal aligns with the purpose of the Urban Neighborhood district, which is designed to support a medium-intensity, mixed-use environment that transitions smoothly into adjacent residential areas. The district promotes walkability and a pedestrian-oriented neighborhood form—principles that are at the core of this request.

There is clear precedent for this type of development in the area, with nearby small commercial establishments such as The Farmer's Table Café and Mad Rooster Brewery already contributing positively to the neighborhood. A new small-scale commercial space at 1314 S Ellis would build upon this existing character and help create an even more vibrant, connected community.

The proposed rezoning is also compatible with the surrounding land uses and supports the city's broader goals for sustainable and inclusive growth. The Urban Neighborhood district encourages the integration of residential and small-scale commercial development in a form that is walkable, human-scaled, and complementary to existing housing. The proposed use will serve local needs while respecting the character and scale of the neighborhood.

Future development will adhere to Urban Neighborhood design standards and will be thoughtfully integrated into the site to ensure compatibility in form, use, and intensity. We are committed to creating a project that supports the livability, walkability, and overall vitality of the area.

We appreciate your time and consideration of this request.

Sincerely,
Wes Bates

Wonsower, Donna

From: Kyle Druding <kbdhomesllc@gmail.com>
Sent: Thursday, May 15, 2025 1:01 PM
To: Hopkins, Mirinda
Cc: Wonsower, Donna
Subject: Re: RZN-2025-0014 (1314 S ELLIS AVE FAYETTEVILLE, AR 72701)

Follow Up Flag: Follow up
Flag Status: Flagged

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Mirinda,

Thanks so much for the information and nice to catch up a bit. It's been a long time.

@Donna, I just wanted to give a formal response/feedback around this zoning request. I have multiple properties next to or within a block of this location. The addresses are 615 E 13th, 617 E. 13th, 619 E 13th, 536 W. 15th 1311 S. Dunn and 1454 S. Dunn. This would greatly impact the neighborhood, property use, desirability, value, etc. This property is already a bit of an oddity with the unpermitted builds that went on over the years.

I am writing to express my strong opposition to the proposed rezoning request for 1314 S Ellis. Below are several key concerns that highlight the significant negative impact such a change would have on our neighborhood and community.

1. **Lack of Clear Intent** – The intent behind this rezoning request is unclear at best. While the current applicant may be acting in good faith, future property owners may not, leading to unpredictable and potentially harmful developments.
2. **Inadequate Infrastructure** – The existing streets and infrastructure are not equipped to accommodate commercial traffic. They are already strained by current usage, and additional commercial activity would further degrade an already failing system. Sidewalks in the area are poorly maintained, and increased commercial presence would only exacerbate these infrastructure challenges.
3. **Insufficient Parking Capacity** – The location lacks adequate parking for current needs, and introducing a business would overwhelm the area's limited space. The neighborhood cannot support additional traffic, particularly commercial vehicles.
4. **Misaligned Development & Growth** – Comparisons to other commercial establishments, such as Mad Rooster and Farmers Table, are misleading and inaccurate. Those businesses are located on Highway 71B within an established commercial zone alongside a strip mall, large apartment complexes, and various businesses that have existed for decades. This proposed rezoning does not align with that type of planned growth.
5. **Preserving the Family Neighborhood** – Rezoning this property would disrupt the family-friendly atmosphere we have cultivated over the years through property improvements and

responsible ownership. A commercial transition would undermine the character and livability of our neighborhood.

6. **Safety Concerns** – Increased commercial traffic would pose significant safety risks for pedestrians, cyclists, and children in the area. The rezone would directly impact the security and well-being of residents who rely on safe streets and walkways.

Given the substantial concerns outlined above, I respectfully urge the Fayetteville City Council/Planning Commission to deny the rezoning request to preserve the integrity and safety of our community. Thank you for your time and consideration.

Sincerely,

Kyle Druding

KBD Homes

479-366-9682

On Thu, May 15, 2025 at 12:07 PM Hopkins, Mirinda <mhopkins@fayetteville-ar.gov> wrote:

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267



CITY OF
FAYETTEVILLE
ARKANSAS

Wonsower, Donna

From: Masters, Jessica
Sent: Monday, May 12, 2025 9:46 AM
To: fayarrentals@gmail.com
Cc: Wonsower, Donna
Subject: RZN-2025-0014 - UN, Urban Neighborhood Zoning District
Attachments: ELLIS REZONE LETTER (1)_V1.PDF; Ordinance No. 6830.pdf

Good morning,

Thank you for reaching out about the subject rezoning. I've attached the applicant's request letter, as well as the zoning district information they are requesting.

Please let me know if you have any additional questions; please also forward future inquiries on this proposal to Donna Wonsower, who is the planner working on the item.

Jessie

Jessie Masters, AICP
Development Review Manager
Development Services
City of Fayetteville, Arkansas
(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



Wonsower, Donna

From: Wonsower, Donna
Sent: Monday, May 5, 2025 9:04 AM
To: jeremyshayes@gmail.com
Cc: Planning Shared
Subject: RE: RZN-2025-0014 (1314 S. ELLIS AVE)
Attachments: Ordinance No. 6830.pdf

Good Morning,

The zoning district will be available with the other districts on the city's online Municode at the end of the quarter once the online database is updated, but in the meantime is available [here](#) and attached. I've also attached an image below showing the uses that would be allowed by right (without any additional Planning Commission permissions) under the existing and proposed zoning districts. In summary, the residential uses are the same, but UN would also allow some commercial uses like shops, offices, and restaurants, as well as cultural facilities like community centers, schools, galleries, churches, eldercare/childcare, and similar.

Existing and Proposed Uses Allowed by Right			
Use Unit	Description	Existing (RMF-24)	Proposed (UN)
1	City-wide uses by right	X	X
4	Cultural and recreational facilities		X
8	Single-family dwellings	X	X
9	Two-family dwellings	X	X
10	Three (3) and four (4) family dwellings	X	X
12b	General business		X
13	Eating Places		X
24	Home occupation		X
25	Offices, studios, and related services		X
26	Multi-family dwellings	X	X
40	Sidewalk Cafes		X
41	Accessory dwellings	X	X
44	Cluster Housing Development	X	X
46	Short-term rentals	X	X

Additional information on what is included in each use unit and any associated restrictions can be found [here](#).

Donna Wonsower, AICP
Planner, Development Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov

Please note that I will be out of the office from May 13 - May 19. If you need assistance during this time, please contact the main planning line.

From: Jeremy Hayes <jeremyshayes@gmail.com>
Sent: Sunday, May 4, 2025 10:59 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2025-0014 (1314 S. ELLIS AVE)

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I would like more information on the request to rezone this lot to UN, Urban Neighborhood.
I am unable to find permitted usage for this zoning type on the code website and would like to know what specific uses this would allow that are not currently allowed under the current RMF-24 zoning?

Wonsower, Donna

From: Derek Linn <derek.linn@gmail.com>
Sent: Wednesday, May 21, 2025 12:21 PM
To: Wonsower, Donna
Cc: Planning Shared
Subject: Re: RZN-2025-0014 (1314 S. ELLIS AVE)

Follow Up Flag: Follow up
Flag Status: Flagged

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Donna-

Can you email me a copy of the Bill of Assurance template utilized by City of Fayetteville?

Thank you
Derek

On Fri, May 9, 2025 at 8:36 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Derek,

I've attached the email from applicant confirming a request to change the rezoning to UN, Urban Neighborhood. The online Municode gets updated every quarter, but approved ordinances are posted at the [homepage](#) in the interim. The Urban Neighborhood Zoning District was passed with ORD 6830 and is available [here](#).

I'm happy to answer questions about the request, but in order to provide all application items, correspondence, and data as requested in your email below, you will need to submit a FOIA request on the city's [JustFOIA page](#). This will send notices to all staff members that may have documents or correspondence on this project and provide a joint location for those to be pooled and sent to you.

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

Please note that I will be out of the office from May 13 - May 19. If you need assistance during this time, please contact the main planning line.

From: Planning Shared <planning@fayetteville-ar.gov>
Sent: Friday, May 9, 2025 8:15 AM
To: Derek Linn <derek.linn@gmail.com>; Planning Shared <planning@fayetteville-ar.gov>
Cc: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: RE: RZN-2025-0014 (1314 S. ELLIS AVE)

Derek, attached is their submitted documents.

Donna, the planner assigned to this project should be able to assist with your questions.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267



CITY OF
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ARKANSAS

From: Derek Linn <derek.linn@gmail.com>
Sent: Thursday, May 8, 2025 8:05 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2025-0014 ([1314 S. ELLIS AVE](#))

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening --

Can you please forward me a link to all application items, correspondence, and any other data related to the subject application?

I am also seeking clarification on the zoning district being requested. While the Tech Plat agenda from April notes the request is for Neighborhood Services - General, the public notice sign and the GIS map indicates the request is for UN - Urban Neighborhood. I was not able to find this zoning district in the zoning code.

I look forward to hearing from you and learning more.

Thank you,

Derek Linn

----- Forwarded message -----

From: Wes Bates <bateswt@gmail.com>

To: "Wonsower, Donna" <dwonsower@fayetteville-ar.gov>, "Hopkins, Mirinda" <mhopkins@fayetteville-ar.gov>

Cc:

Bcc:

Date: Tue, 15 Apr 2025 17:04:58 +0000

Subject: Re: Ellis rezone

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is that updated letter!

On Tue, Apr 15, 2025 at 11:56 AM Wes Bates <bateswt@gmail.com> wrote:
Awesome - I'll work on it now.

Wes Bates

bateswt@gmail.com

479-595-5499

On Tue, Apr 15, 2025 at 11:51 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Wes,

I recommend UN, Urban Neighborhood. CS will likely be too intensive. There is still plenty of time, but we will need an updated request letter with the new proposal and an updated statement of compatibility. Let me know if you have any questions!

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

From: Wes Bates <bateswt@gmail.com>

Sent: Tuesday, April 15, 2025 9:56 AM

To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>

Subject: Re: Ellis rezone

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sounds good! That's helpful. Let me know what you find out!

Wes Bates

bateswt@gmail.com

479-595-5499

On Tue, Apr 15, 2025 at 8:19 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Wes,

No worries. Since public notifications have not yet been done, you can still change the zoning request.

The online Municode gets updated every quarter, but approved ordinances are posted at the [homepage](#) in the interim. The Urban Neighborhood Zoning District was passed with ORD 6830 and is available [here](#). I'll need to dig into a little more, but on first impressions, UN is probably more compatible than CS given the small size of the lot and more limited uses. I'll touch base with the other planners later this morning as well.

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

From: Wes Bates <bateswt@gmail.com>

Sent: Tuesday, April 15, 2025 6:03 AM

To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>

Subject: Ellis rezone

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Donna,

I saw you got assigned to our Ellis rezone. I made a mistake when you and I first talked about this one. The density and lot area minimums under NS-G might be problematic for our planned future lot splits. We don't want to give up those benefits of RMF-24.

So, it looks like CS could be a good option that keeps the benefits of RMF-24 but adds a commercial option. I was trying to find UN but I can't find it in UDC (is it in there somewhere I don't know about?).

Let me know what you think.

Thanks!

Wes

--

Wes Bates

bateswt@gmail.com

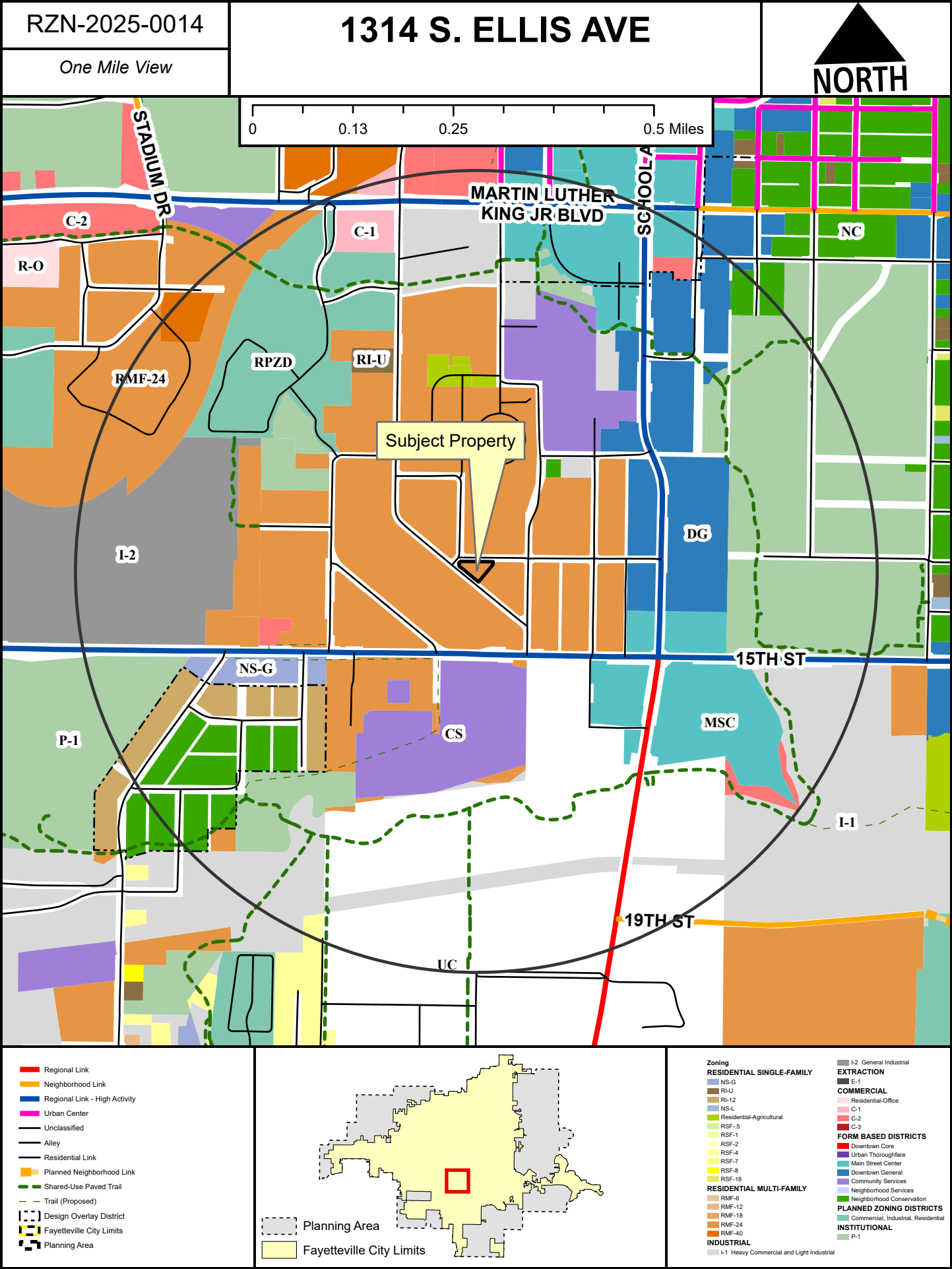
479-595-5499

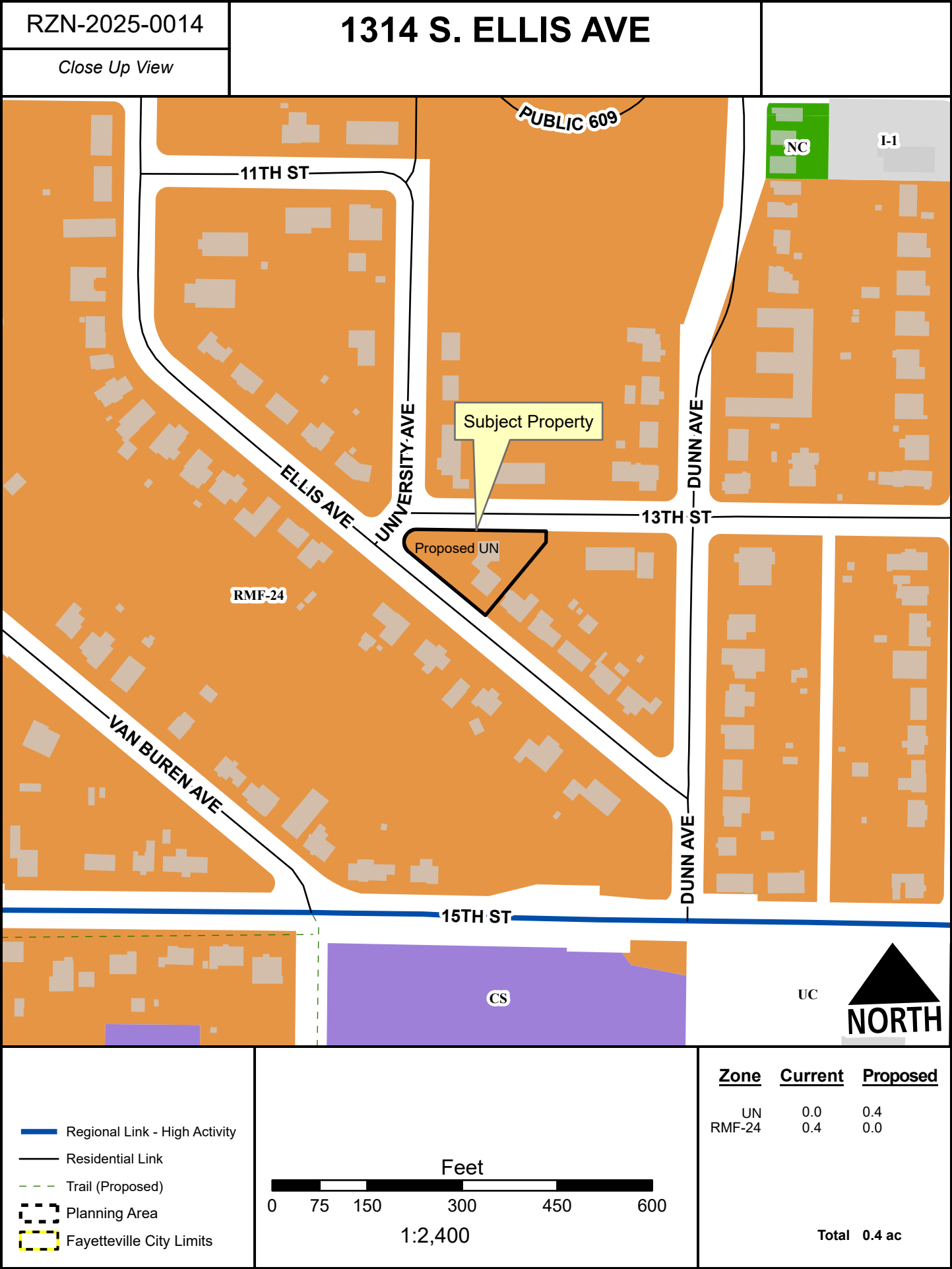
--

Wes Bates

bateswt@gmail.com

479-595-5499

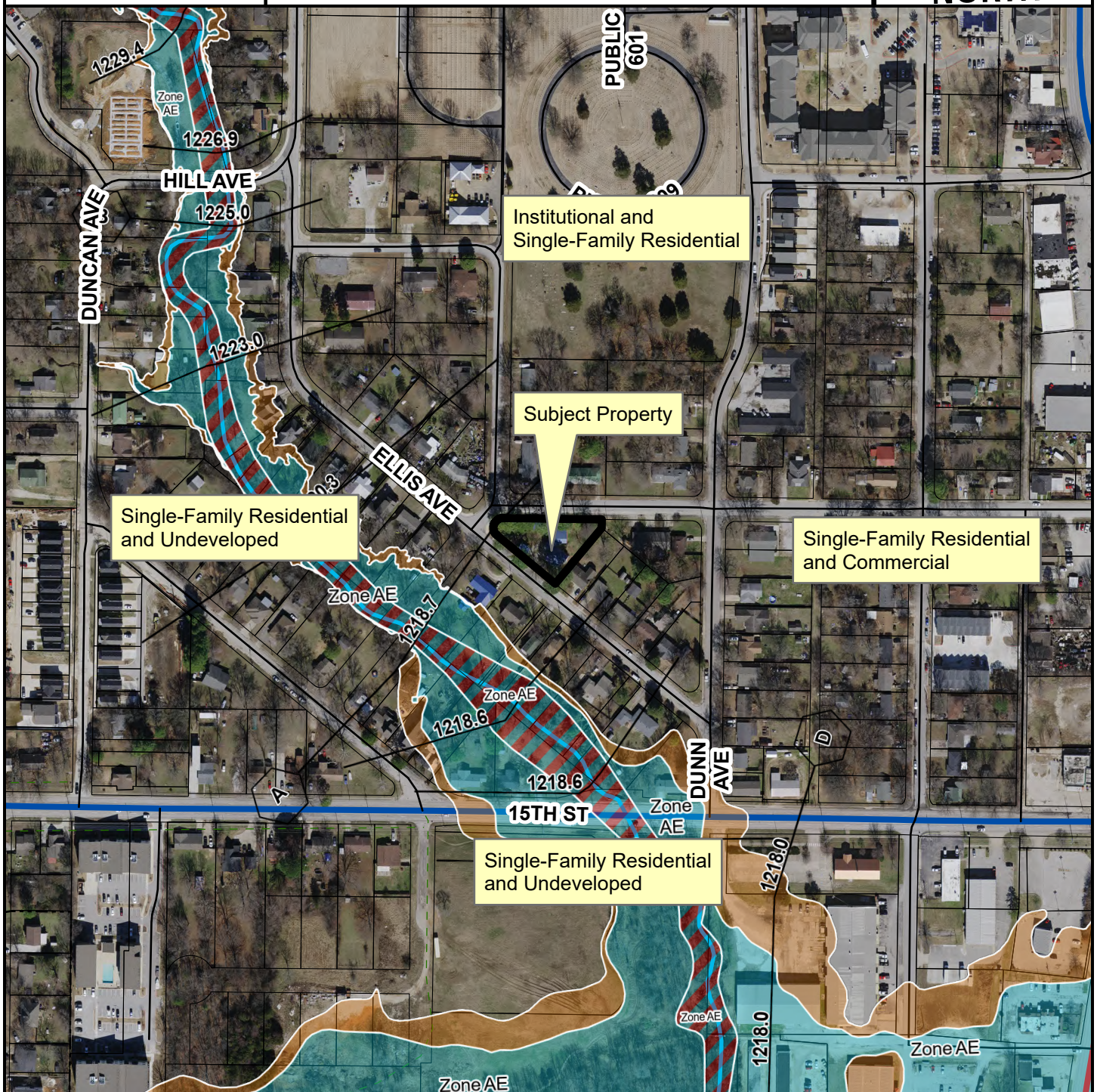




RZN-2025-0014

1314 S. ELLIS AVE

Current Land Use



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



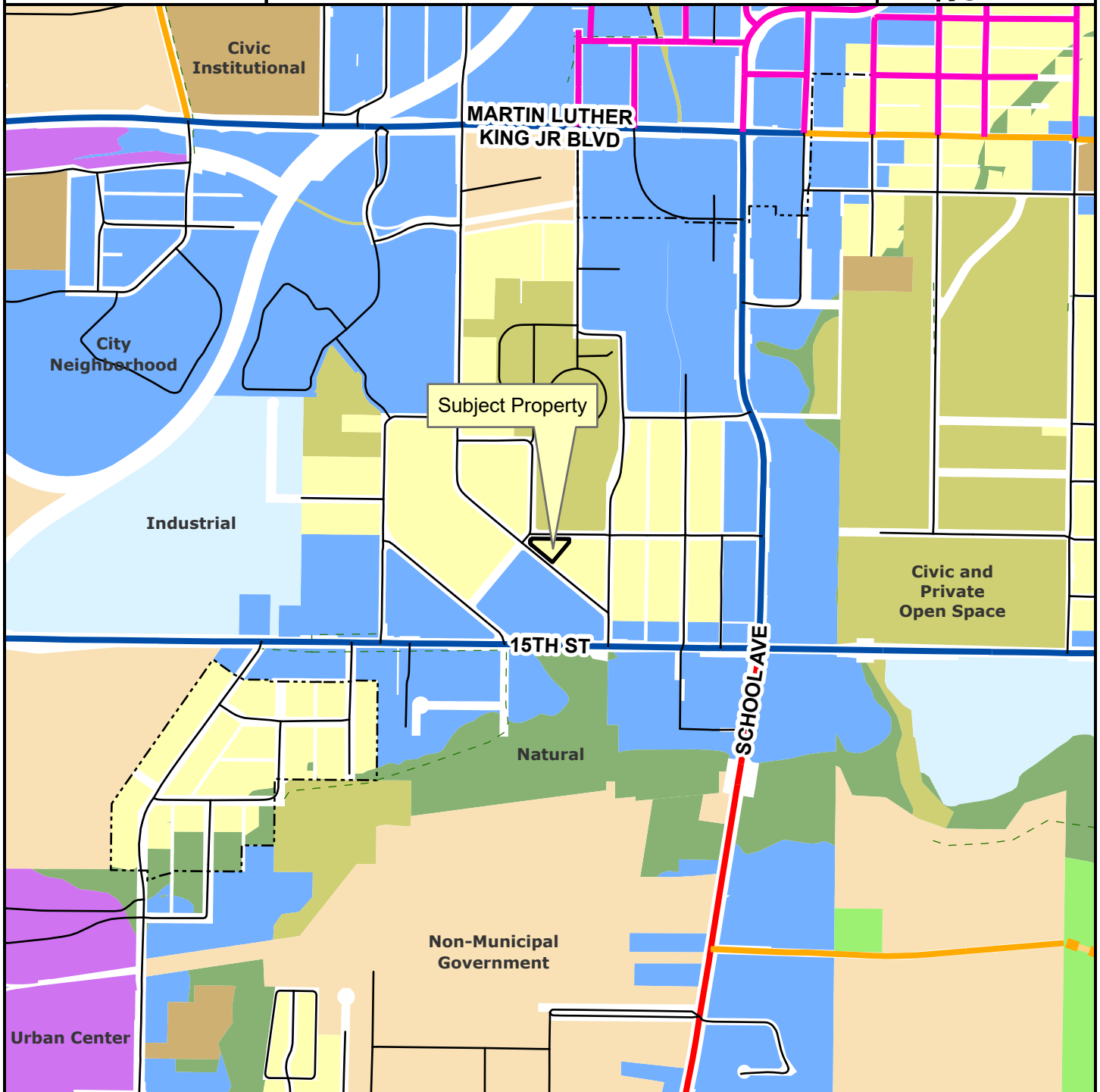
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

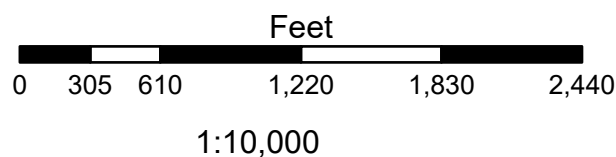
RZN-2025-0014

1314 S. ELLIS AVE

Future Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



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



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager

MEETING DATE: May 27, 2025

SUBJECT: **RZN-2025-0017: Rezoning (1312 E. ZION RD/BURGAS REALTY LLC, 136):** Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 1312 E. ZION RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 4.61 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0017** to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2025-0017** to City Council with a recommendation for approval."

BACKGROUND:

The subject property is an approximately 4.61-acre property on the north side of E. Zion Road, approximately 0.25 miles east of N. College Avenue. The property is adjacent to the trail entrance to Lake Fayetteville's Veteran's Park, and is currently zoned R-A, Residential Agricultural. No overlay districts, streams, or floodplain occur on the site, though there is a steep gulley along the eastern side of the property. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Lake Fayetteville/Veterans Park	P-1, Institutional
South	Commercial/Single-Family	R-O, Residential-Office
East	Lake Fayetteville Trail	P-1, Institutional
West	Commercial/Office	R-O, Residential-Office

Request: The request is to rezone the property from R-A, Residential – Agricultural to CS, Community Services. The applicant did not submit any associated development plans.

Public Comment: Staff has received no public comment.

INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS:

Streets: The subject area has a road frontage along East Zion Road. East Zion Road is a fully improved Neighborhood Link Street with asphalt paving, curb and gutter, and sidewalk. Any street improvements required in these areas would be determined at the time of the 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. An existing 12-inch water main is present along East Zion Road.

Sewer: Sanitary sewer is not available to the subject area. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 3,300 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, nor are any hydric soils present. 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 4, located at 3385 N. Plainview Ave., protects this site. The property is located approximately 1.7 miles from the fire station with an anticipated drive time of approximately 3.5 minutes using existing streets. The anticipated response time would be approximately 5.7 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 current zoning district of R-A, Residential – Agricultural requires a **25% minimum canopy preservation**. The proposed zoning district of CS, Community Services requires **20% minimum canopy preservation**.

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

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

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

- Adequate Fire Response (Station #4, N. Plainview Avenue)
- Near Sewer Main (8" line on property to the east)
- Near Water Main (12" line along E. Zion Road)
- Near Grocery Store (Walmart at Spring Creek Centre)
- Near City Park (Lake Fayetteville)

- Near Paved Trail (Trails at Lake Fayetteville)
- Near ORT Bus Stop (Vantage and Zion, Frontage and Zion)
- Appropriate Future Land Use (City Neighborhood Area)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the request to be generally compatible with existing surrounding land uses. To the west of the property is an office park, currently zoned R-O, that has been developed with a series of office buildings. Immediately to the east of the property is a small strip of land that is used as bike and pedestrian trail access into the Lake Fayetteville park and recreation area, and on the other side of that trail access is more retail, office, and other commercial uses. A rezoning to CS would introduce the ability to input residential uses into this area. The building height allowed in CS would be up to 5 stories, and many of the surrounding structures are one to two stories in height, so the request could introduce a new scale of building in the area. Since other zoning districts in the area also allow for up to 6 stories (C-2) and 5 stories (RMF-24), the building height allowed in CS does not present staff with much concern from a compatibility standpoint. The site itself is bisected by a large gulley on the east side of the property, which could be difficult to develop. There is also only one likely point of access to the property (from Zion) which is a heavily trafficked street (GIS data shows approximately 10,000 vehicles per day). While CS allows for relatively high density and intensity uses, staff finds that there are limiting factors on the property that will likely lead to development that is within a compatible size and scale with the surroundings.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This property, designated as a City Neighborhood Area, envisions a mix of residential and non-residential uses. A request to CS would be consistent with this vision by promoting the ability to make compact, complete, and connected development the standard, and would also introduce opportunities for additional housing types than are currently found in this area. The current zoning district, R-A, is limited to strictly low-density residential and agricultural purposes, which staff finds is not in line with the area's future vision.

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

Finding: The requested rezoning is justified to match the property's zoning classification with the future land use goals for 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 CS could appreciably increase traffic danger and congestion than under the current zoning district regulations. CS does not have a stated density maximum, though there are specific development standards and limitations on the property that may limit the amount of development that could happen on the site. There is a significant gulley along the eastern half of the property, which could make connection to the trail difficult, and connectivity to the west is also limited, though not impossible, based on an existing development. The physical limitations of the property make additional density possible, but staff finds that fire code, access management, tree preservation and other requirements could significantly limit the scale of development that could ultimately occur here; zoning is only one element of the question.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from R-A to CS increases the potential population density and could increase the load on facilities and services. The property has access to water, but there are existing downstream sewer capacity issues, and a sewer extension would be required at this property. Fayetteville Public Schools did not comment on the request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0017 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>May 27, 2025</u>		☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.03 District R-A, Residential-Agricultural
 - §161.22 Community Services
- Request letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
----------------	--------------

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

- (F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

- (G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; 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.

161.22 Community Services

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

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes

Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
-------------------------	-----------

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

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21)

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.

April 10, 2025

VIA PORTAL DELIVERY

City of Fayetteville Planning Commission and Planning Department
125 West Mountain St.
Fayetteville, AR 72701

RE: Rezoning of 1312 E. Zion Rd., Parcel #765-15666-000
& R-A to CS

To Whom it May Concern:

Please consider this letter as a Petition to request the rezoning of the above referenced parcel (see attached survey) from its current designation of R-A to Community Services (CS). Community Services is designated to provide goods and personal services for persons living in the surrounding residential areas and also allow for mixed use and multifamily dwellings.

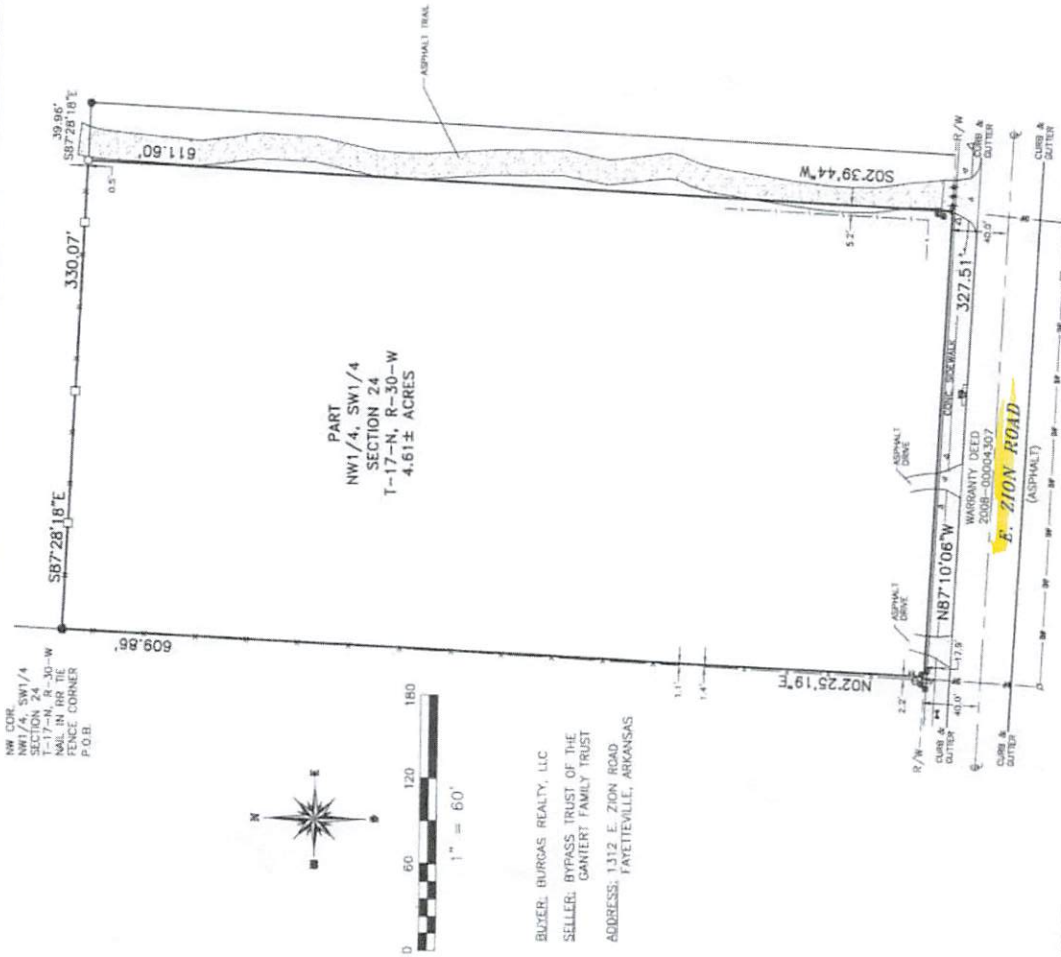
Further, Community Services is compatible with the surrounding areas and will fit into the future land use of the City Neighborhood. Lastly, this rezoning will not unreasonably affect in any adverse way the surrounding land uses. Upon receipt of invoice, we shall pay the filing fee. Please direct all communications to the undersigned.

Sincerely,

Robert K. Rhoads



RKR/yn



SURVEY DESCRIPTION
 A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION TWENTY-FOUR (24), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID 40 ACRE TRACT, SAID POINT BEING AN EXISTING NAIL IN A RAILROAD TIE FENCE CORNER POST; THENCE S87°28'18"E 330.07 FEET ALONG THE NORTH LINE OF SAID 40 ACRE TRACT TO A SET 1/2" IRON REBAR; THENCE S02°39'44"W 611.60 FEET TO A CHISELED 'X' IN CONCRETE AT THE NORTH RIGHT-OF-WAY LINE OF ZION ROAD; THENCE N87°10'06"W 327.51 FEET ALONG SAID RIGHT-OF-WAY LINE TO A SET 1/2" IRON REBAR; THENCE LEAVING SAID RIGHT-OF-WAY LINE, N02°25'19"E 609.86 FEET TO THE POINT OF BEGINNING, CONTAINING 4.61 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 4.61 ACRE TRACT BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

BASIS OF BEARINGS ARKANSAS STATE PLANE
 COORDINATE SYSTEM
 (NORTH ZONE)

STATE LAND SURVEYOR FILE CODE
 500-17N-30W-0-24-340-72-1005

BUYER: BURGAS REALTY, LLC
 SELLER: BYPASS TRUST OF THE
 GARTNER FAMILY TRUST
 ADDRESS: 1312 E. ZION ROAD,
 FAYETTEVILLE, ARKANSAS

LEGEND

1	AC DME	1	FINER OPTICS SIGN	1	SANITARY SEWER MANHOLE
2	ADJUSTED VALVE	2	FIRE HYDRANT	2	SATELLITE DISH
3	BRASS VALVE	3	WATER METER	3	CONCRETE MONUMENT
4	BRASS POLE	4	FLAG POLE	4	SET COTTON SPINDLE
5	CABLE BOX	5	GAS LINE SIGN	5	SET STAKE ON LINE
6	CHISELED 'X'	6	GAS METER	6	SET 1/2" IRON REBAR
7	COMPUTED POINT	7	GAS REGULATOR	7	STATE MONUMENT
8	CONC. MONUMENT	8	GENERATOR	8	STONE MONUMENT
9	CUL. MONUMENT	9	GROUND LIGHT	9	STORM DRAIN MANHOLE
10	GAS MONUMENT	10	INTERLOCK VALVE	10	STREET SIGN
11	GAS REGULATOR	11	JUNCTION BOX	11	STREET SIGN
12	ELECTRIC METER	12	LAMP POST	12	TELEPHONE BOX
13	ELECTRIC MONUMENT	13	MAIL BOX	13	TELEPHONE PEDestal
14	EXIST. ALUM. CAPT. MAN.	14	PAVED SIGN	14	TEMPORARY BENCHMARK
15	EXIST. COTTON SPINDLE	15	POWER POLE	15	TRANSFORMER BOX
16	EXIST. SON PIPE	16	PROHIBIT SIGN	16	TRANSFORMER BOX
17	EXIST. SON REBAR	17	RAILROAD SPIKE	17	TRAIL
18	EXIST. SON	18	RIGHT OF WAY MONUMENT	18	WATER LINE SIGN
19	FENCE POST	19	SANITARY SEWER CLEANOUT	19	WATER METER
20	FINER OPTICS SIGN	20	SET 1/2" IRON REBAR	20	WATER VALVE
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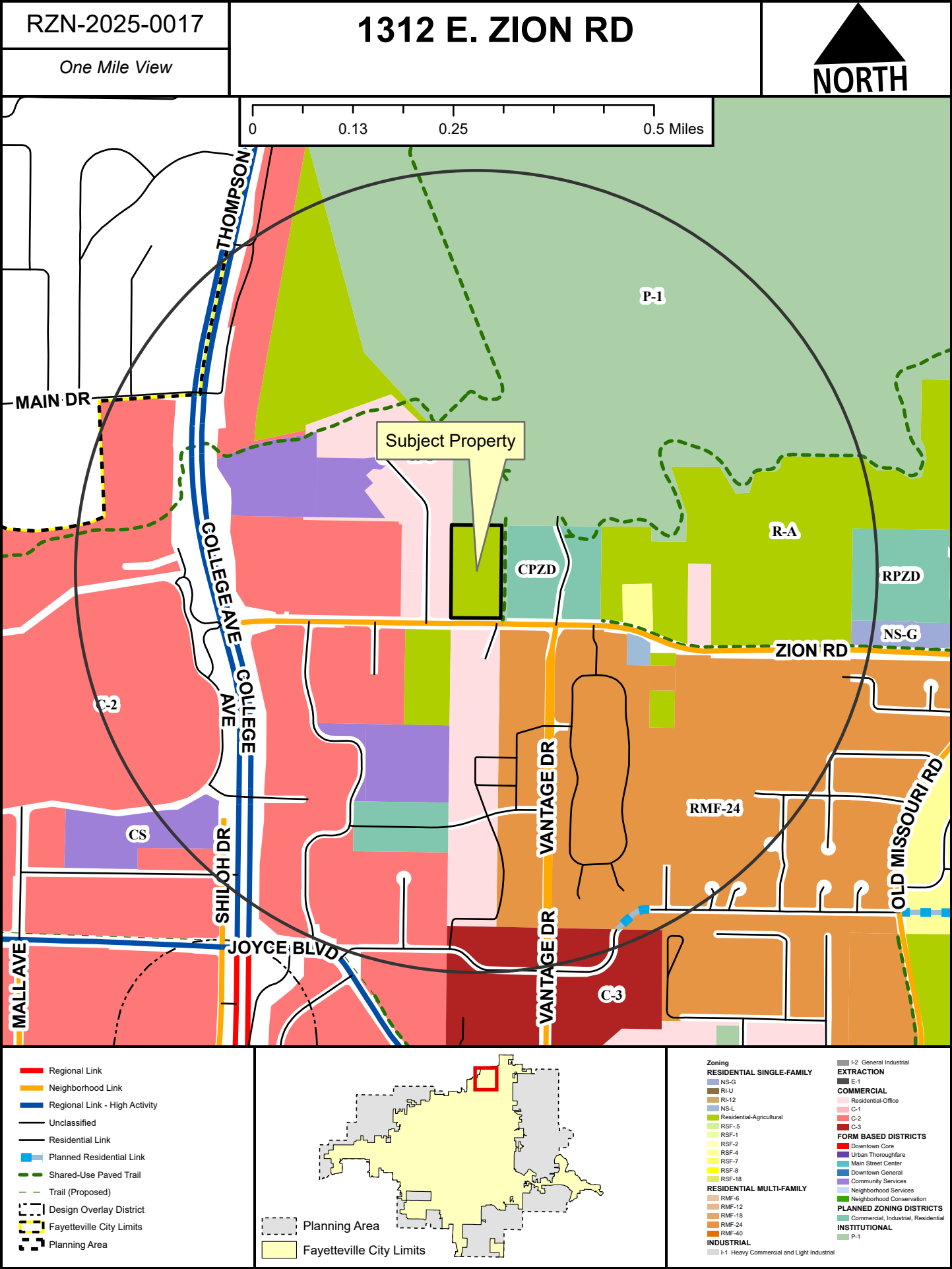
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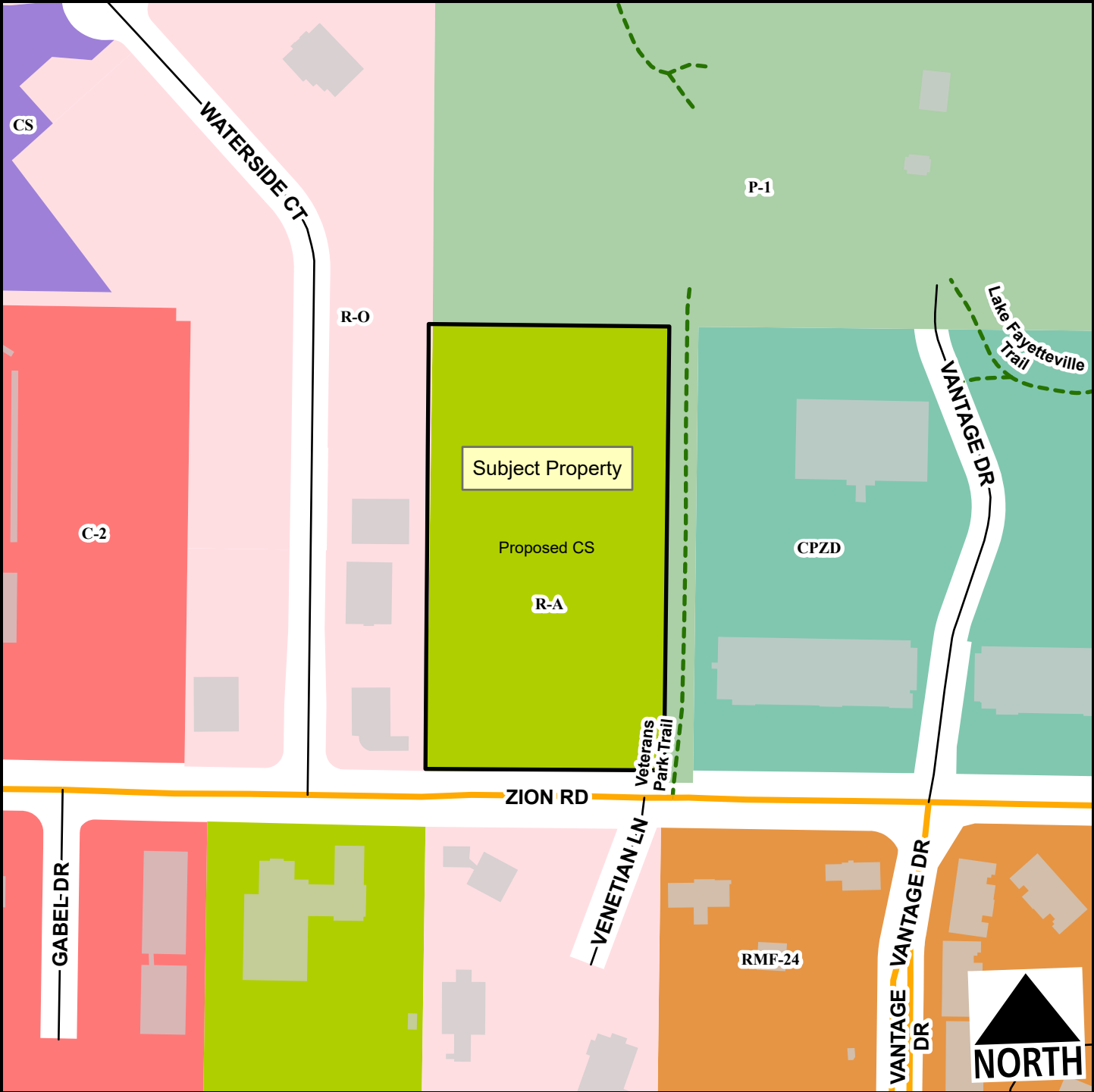
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Neighborhood Link Unclassified Residential Link Planning Area Fayetteville City Limits	Feet 0 75 150 300 450 600 1:2,400	Zone Current Proposed
		CS 0.0 4.6 R-A 4.6 0.0 R-O 0.0 0.0 Total 4.6 ac

RZN-2025-0017

1312 E. ZION RD

Current Land Use



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



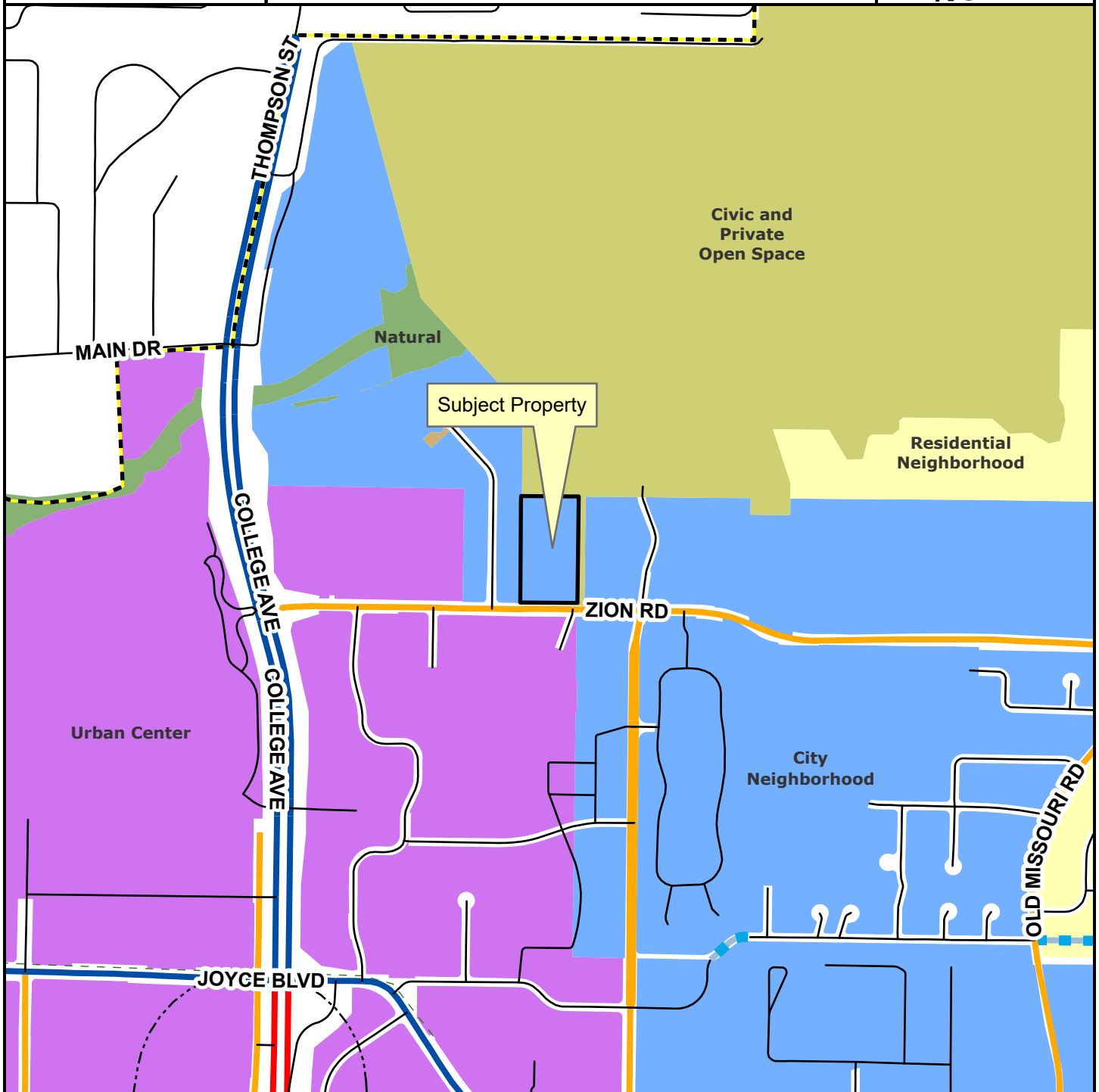
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2025-0017

1312 E. ZION RD

Future Land Use



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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