

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, June 5, 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 27, 2025 Planning Commission.
- Mirinda Hopkins, Development Coordinator

Unfinished Business**2. 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

New Business**3. VAC-2025-0014: Vacation (241 W. SPRING ST/GHSH 241 LLC, 484):**

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 241 W. SPRING ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.12 acres. The request is to vacate 0.01 acres of right-of-way. - Jessica Masters, Development Review Manager

4. CUP-2025-0024: Conditional Use Permit (3243 N. LEE AVE/HONEY PROPERTIES LLC, 213):

Submitted by BLEW & ASSOCIATES for property located at 3243 N. LEE AVE. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.25 acres. The request is for off-site parking.
- Gretchen Harrison, Senior Planner

5. RZN-2025-0018: Rezoning (1416 W. MOUNT COMFORT RD/AHBC SOLUTIONS LLC, 404):

Submitted by HECTOR CUEVA for property located at 1416 W. MOUNT COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.
- Donna Wonsower, Planner

6. RZN-2025-0019: Rezoning (209 S. WILLOW AVE/SIEMEK & BATES, 524):

Submitted by WESLEY BATES for property located at 209 S. WILLOW AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD. - Gretchen Harrison, Senior Planner

7. RZN-2025-0020: Rezoning (553 E. MCCLINTON ST/SIEMEK & BATES, 563):

Submitted by WESLEY BATES for property located at 553 E. MCCLINTON ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Wesley Frank, Planner

Items Administratively Approved by Staff

8. FPL-2025-0003: Final Plat (S. HAPPY HOLLOW RD/PINE HOLLOW SUBDIVISION, 526):

Submitted by CRAFTON TULL for property located on S. HAPPY HOLLOW RD. The property is zoned, NC, NEIGHBORHOOD CONSERVATION and contains approximately 3.08 acres. The request is for the final plat of 20 residential lots. - Wesley Frank, Planner

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

(pg. 1) Planning Commission		Tuesday, 05/27/2025					
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 (05/12/2025)	2) RZN-2025-0016 (REAGOR HOMES LLC)	3) VAC-2025-0007 (THE HUB)	4) RZN-2025-0011 (THE HUB)	5) PPL-2024-0011 (KESSLER CREEK)	6) LSD-2025-0007 (DUNCAN AVE STUDENT HOUSING DEVELOPMENT)
Cabe	0						
Payne	1	1	1	1	1	1	1
Brink	1	1	1	1	1	1	1
Garlock	1	1	1	0	0	1	0
McGetrick	0						
Castin	1	1	1	0	0	1	1
Werner	1	1	1	1	1	1	1
Gulley	1	1	1	0	0	1	1
Madden	1	1	1	0	0	1	1
Agenda		Consent	Old	Old	Old	New	New
Action		Approve	Forward	Forward	Forward	Approve	Approve
Motion By		Garlock	Garlock	Werner	Werner	Werner	Payne
Motion 2nd		Werner	Payne	Payne	Payne	Payne	Castin
Vote		7-0-0	7-0-0	3-4-0	2-5-0	7-0-0	6-1-0
Time		5:32 PM	5:37 PM	6:43 PM	6:47 PM	7:19 PM	7:47 PM
Motion Detail				With an additional condition that development occurs within the next 4 years, that requires airspace.		With all conditions as recommended by staff.	With all conditions as recommended by staff.
Public Comment		0	0	7	7	2	1

(pg. 2) Planning Commission				Tuesday, 05/27/2025				
	7) CUP-2025-0022 (HAR TEX LLC)	8) CUP-2025-0021 (BRICENO)		9) CUP-2025-0023 (FIRECAT COFFEE)		10) RZN-2025-0013 (SIEMEK & BATES)	11) RZN-2025-0014 (SIEMEK & BATES)	12) RZN-2025-0017 (BURGAS REALTY LLC)
Cabe								
Payne	1	0	0	1	1	1	0	1
Brink	0	1	0	1	1	1	1	1
Garlock	1	0	0	0	1	1	0	1
McGetrick								
Castin	0	0	1	0	1	1	1	1
Werner	0	1	1	0	1	1	1	1
Gulley	1	0	0	0	1	1	1	1
Madden	1	0	0	1	1	1	1	1
Agenda	New	New		New		New	New	New
Action	Approve	Amend	Approve	Amend	Approve	Forward	Table	Forward
Motion By	Garlock	Werner	Payne	Payne	Werner	Garlock	Werner	Payne
Motion 2nd	Castin	Brink	Castin	Brink	Castin	Payne	Brink	Werner
Vote	4-3-0	2-5-0	2-5-0	3-4-0	7-0-0	7-0-0	5-2-0	7-0-0
Time	8:04 PM	9:02 PM		9:19 PM		9:24 PM	10:03 PM	10:13 PM
Motion Detail	In favor of all conditions as recommended by staff, with the additional condition that the Conditional Use Permit is not transferable.	Condition 3, to reword to gross square footage of living area.	In favor of all conditions as recommended by staff.	To exclude condition 4.	With all conditions as recommended by staff.		Untill the June 9, 2025 Planning Commission meeting.	With a recommendation of approval.
Public Comment	2	8		0		1	11	1



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 9, 2025

SUBJECT: **RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEKE, 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."*

MAY 27, 2025, PLANNING COMMISSION MEETING

At the May 27, 2025, Planning Commission meeting, the item was tabled to provide further time for consideration. The applicant cited an intent to maintain the existing residence and to develop the remainder of the property with small-scale commercial uses. The commission questioned what alternatives had been explored to address neighborhood concerns such as bill of assurance, conditional use permits, or alternative zoning districts, and clarified development review processes with staff. Multiple members of the public spoke at the meeting, largely in opposition, and their comments are further discussed in the public comments section of the report. In the interim, the staff report has been updated to provide additional clarification on what kinds of uses are permitted and how noise would be regulated within the within the proposed zoning district.

BACKGROUND:

The subject property is located in central Fayetteville at the intersection of S. Ellis Ave., S. University Ave. and W. 13th St. about 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: Eleven members of the public spoke at the May 27 Planning Commission meeting, with nine opposed to the request. Several written comments were also received. Comments in opposition generally centered on a desire to preserve the existing family neighborhood, a lack of clear intent for the proposed rezoning, increased noise, inadequate infrastructure, insufficient parking and traffic capacity, misaligned development and growth, unclear notification letters, and the potential for a late-night bar to be open serving alcohol. One commenter brought forward a potential bill of assurance as well as alternative zoning districts that could permit commercial development with a conditional use permit as alternatives that would permit stricter control on noise and hours of operations. Comments in support generally focused on the positive track record of the developers and the opportunity to create walkable infill. Staff also received several requests for additional information.

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.

The Urban Neighborhood zoning district is considered residential zoning for the purpose of Chapter 96: Noise Control; therefore, the property would be required to meet the same noise regulations as it does under the existing regulations. Further, a tavern or bar would not be permitted by right under the proposed zoning district. Bars, regardless of intended hours, fall under Use Unit 14: Hotel, Motel, and Amusement Facilities, which is a conditional use permit under UN, Urban Neighborhood. Food and beverage uses such as bakeries, delicatessens, ice cream shops, sidewalk cafes, groceries, and restaurants are permitted with or without size restrictions under Use Units 12b, 13, and 40 in UN. While alcohol sales is not prohibited under these uses, locations where alcohol sales make up the majority of a business model are considered either Use Unit 14 (where sold for consumption on-premises) or Use Unit 34: Liquor Stores (where sold for consumption off-premises). Neither Use Units 14 or 34 are permitted by-right in UN. As such, staff finds minimal potential impact from late-night alcohol sales or consumption.

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	<u>YES</u>
Date: <u>June 9, 2025</u>	☐ 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
----------------	------------

(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
-------------------	-------------------

(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*
-------------------------	--------------------------------

* 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
-------------------------	-----------

(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

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.

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)

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.

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

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 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
FAYETTEVILLE
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

Wonsower, Donna

From: Stevens Properties <fayar.rentals@gmail.com>
Sent: Tuesday, May 27, 2025 9:53 AM
To: Brink, Andrew; Payne, Brad; Gulley, Fred; Garlock, Jimm; Madden, Mary; McGetrick, Mary; Cabe, Matthew; Castin, Nick; Werner, Nick
Cc: Wonsower, Donna; Masters, Jessica
Subject: RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561) 5-27-25
Attachments: planing commission letter ellis.docx

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.

5/27/2025

Stevens Properties Fayetteville LLC
429 E Sutton Street Fayetteville, AR 72701
479-263-7065

Hello Fayetteville Planning Commission Members,

I am writing in reference to the rezoning request, RZN-2025-0014: Rezone (1314 S. ELLIS AVE/SIEMEK, 561), that will be on the 5/27/2025 planning agenda meeting.

I/We received a Written Notification Form From co-owners Konrad Seimek and Wesley Bates in the mail, they are the applicants wishing to change the zone of their property to Urban Neighborhood, I/We found the letter vague, it gives the illusion they desire the residential RMF-24 but that is not the case, and unfair to the folks who live and own in the neighborhood and received it and did not understand that they are requesting to up zone to Urban Neighborhood.

I spoke with Konrad Seimek, the property owner, and he assured me nothing would change for maybe five years, he wants to “dream up something for the property”, like maybe a place on that corner for food trucks, or a small sidewalk cafe. I feel a business on that property in this neighborhood is an inappropriate fit. It is an odd parcel, .4 acres but basically a triangle with 3 existing residential rentals that were recently transformed to that from a generational family living residence.

We are a small residential neighborhood with a mix of tenants and homeowners. If you drop a pin in the center of this neighborhood it is approximately a quarter of a mile in three directions, north to MLK, east to S School Street, and south to 15th Street. To the west is Conagra Foods. The National Cemetery is our neighbor. We are already very impacted with the traffic on Ellis / Hill, from MLK to 15th Street (and soon a new large student housing complex being built on 15th and Dunn will add to the traffic as students seek cut through routes up to Mlk and Hill Ave to access the University and Walmart. I do not feel that the zone Urban Neighborhood plopped in our center on this lot is a good mix with the RMF24 density that we now have. There are some businesses but they are on the perimeters close to or on the major roads. To add commercial businesses which will increase traffic that already makes our area less family friendly is unfair to the residents who live, love, and play in this neighborhood. It is already concerning for the children and adults to ride their bikes or play ball and just be. Our little neighborhood is a gem surrounded by 3 commercial busy streets, and U of A

"by the bedroom" density. I feel it is important to keep it family and tenant friendly. Once this property is zoned up and able to be developed commercially it makes it desirable to developers who do not have our neighborhood's interests at heart. I believe it will increase traffic and make our neighborhood less a place to call home. It is now a place to go home to, to be at home in.

I have witnessed Fayetteville chasing infill and population density and the urban feel, But we also need our small neighborhoods where people can live, feel safe and breathe. Right now our little neighborhood is that and perfect with the businesses on the parameters. I would like where we live to stay residential.

I feel changing the zone just for "The Owner" to dream something up leaves the rest of our neighborhood's population vulnerable. If you want to zone up and add commercial businesses to a residential neighborhood please at least change the zone with an end plan in front of you, so you have control of what can come into the heart of where people live, the business type, and the traffic and the parking dilemma's the project potentially will bring.

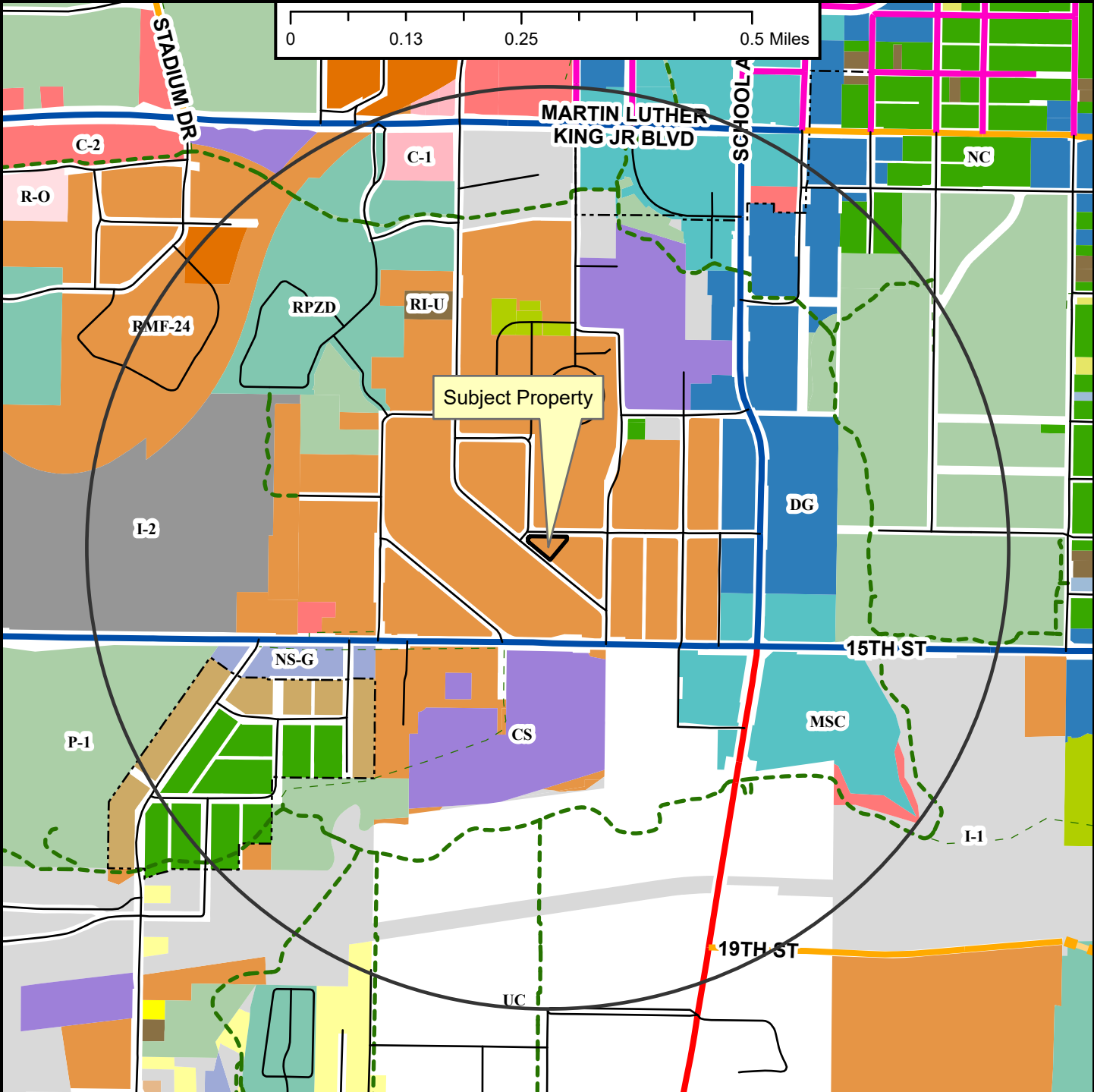
Thank you,
Angela Stevens

1405 S Ellis
1329 S Ellis
1235 Dunn

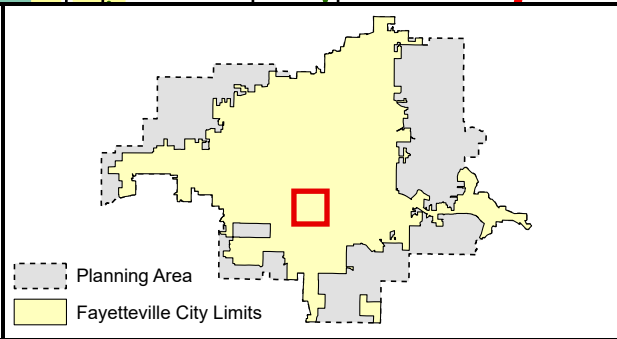
RZN-2025-0014
<i>One Mile View</i>

One Mile View

1314 S. ELLIS AVE



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



- Zoning**

 - NS-G
 - R-U
 - R-12
 - NS-L
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-7
 - RSF-8
 - RSP-18

RESIDENTIAL SINGLE-FAMILY

 - RM-F
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40

RESIDENTIAL MULTI-FAMILY

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

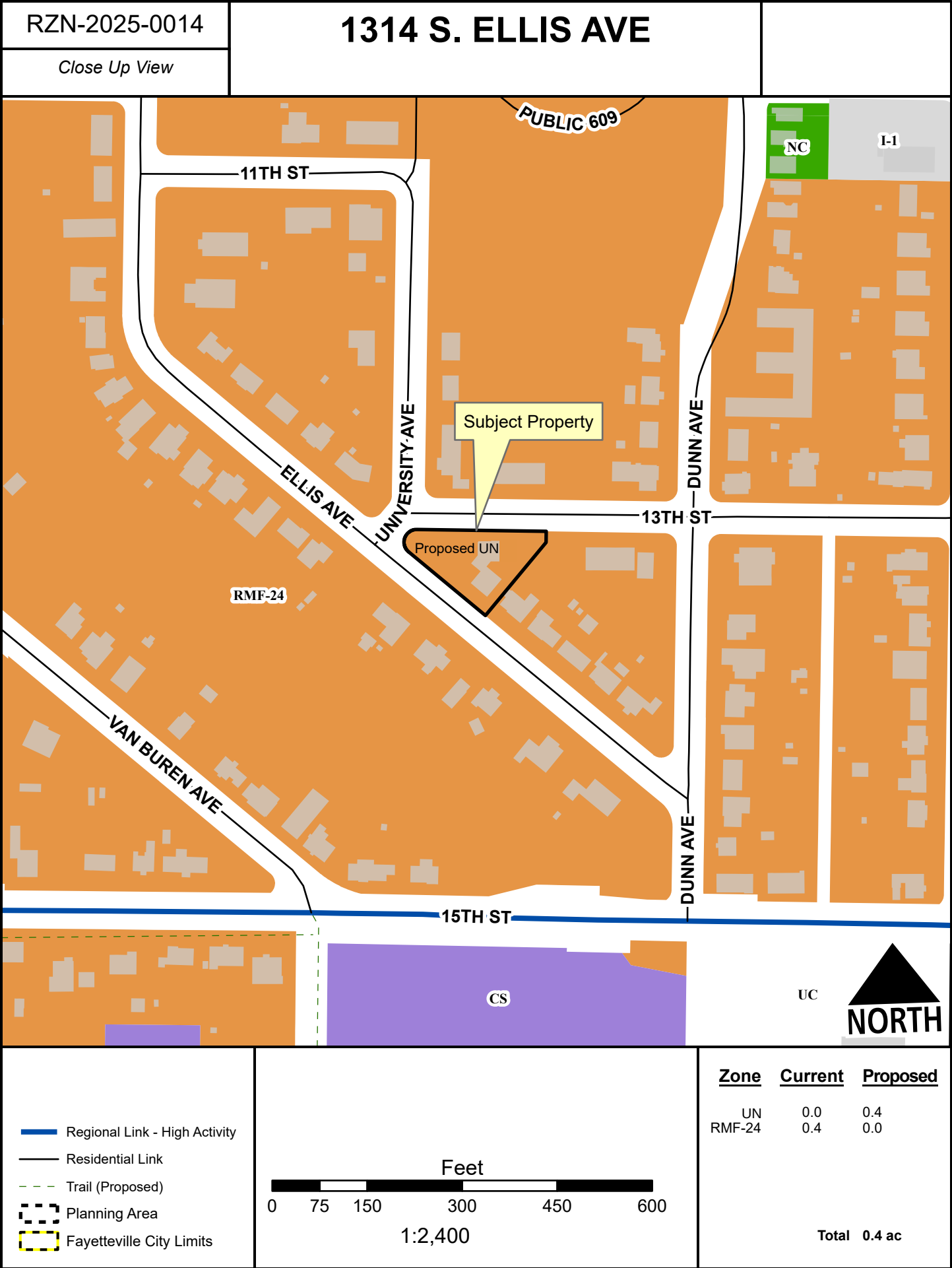
 - Downtown Core
 - Urban Thoroughfare
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services
 - Neighborhood Conservation

PLANNED ZONING DISTRICTS

 - Commercial, Industrial, Residential

INSTITUTIONAL

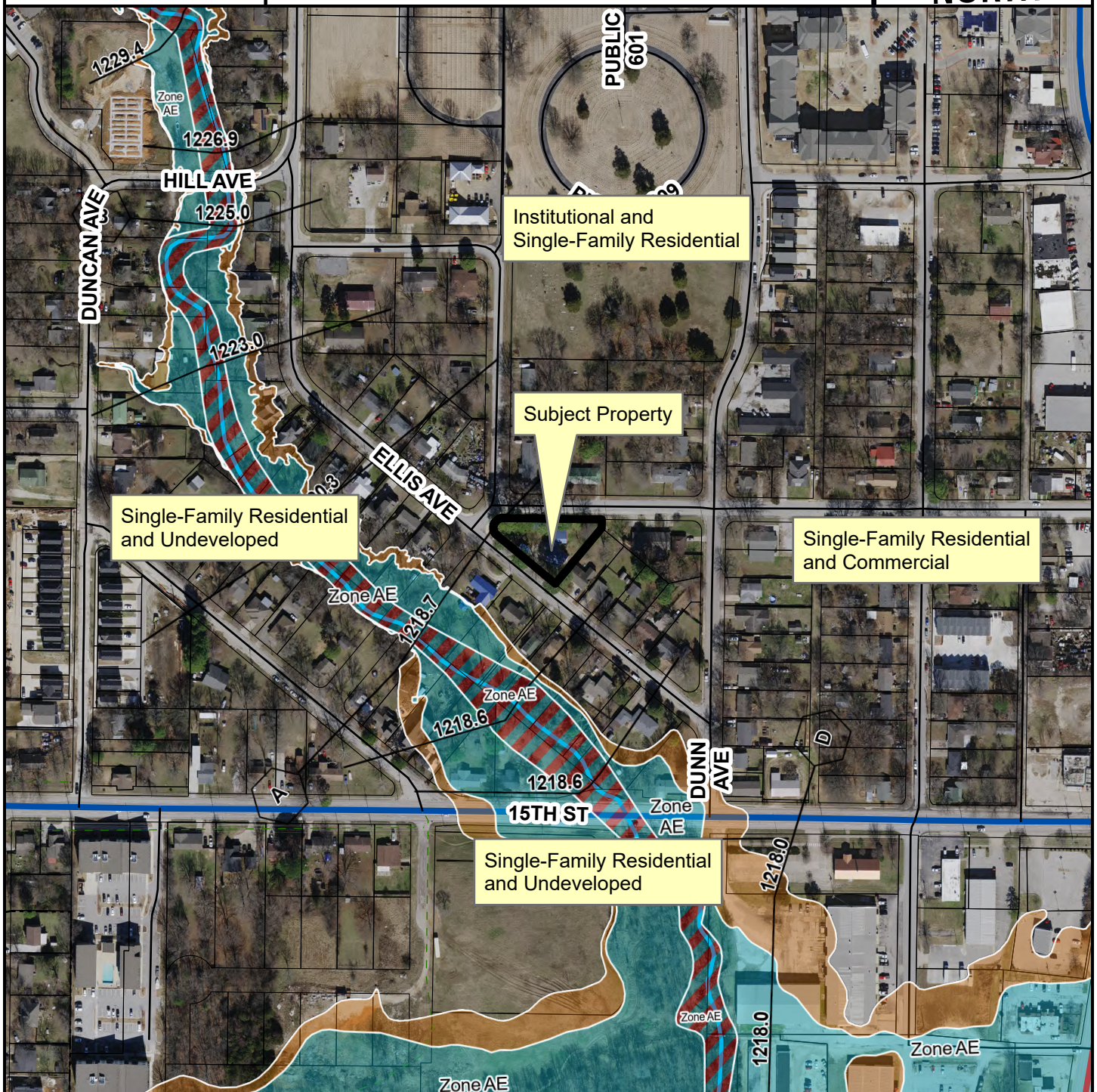
 - P-1



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



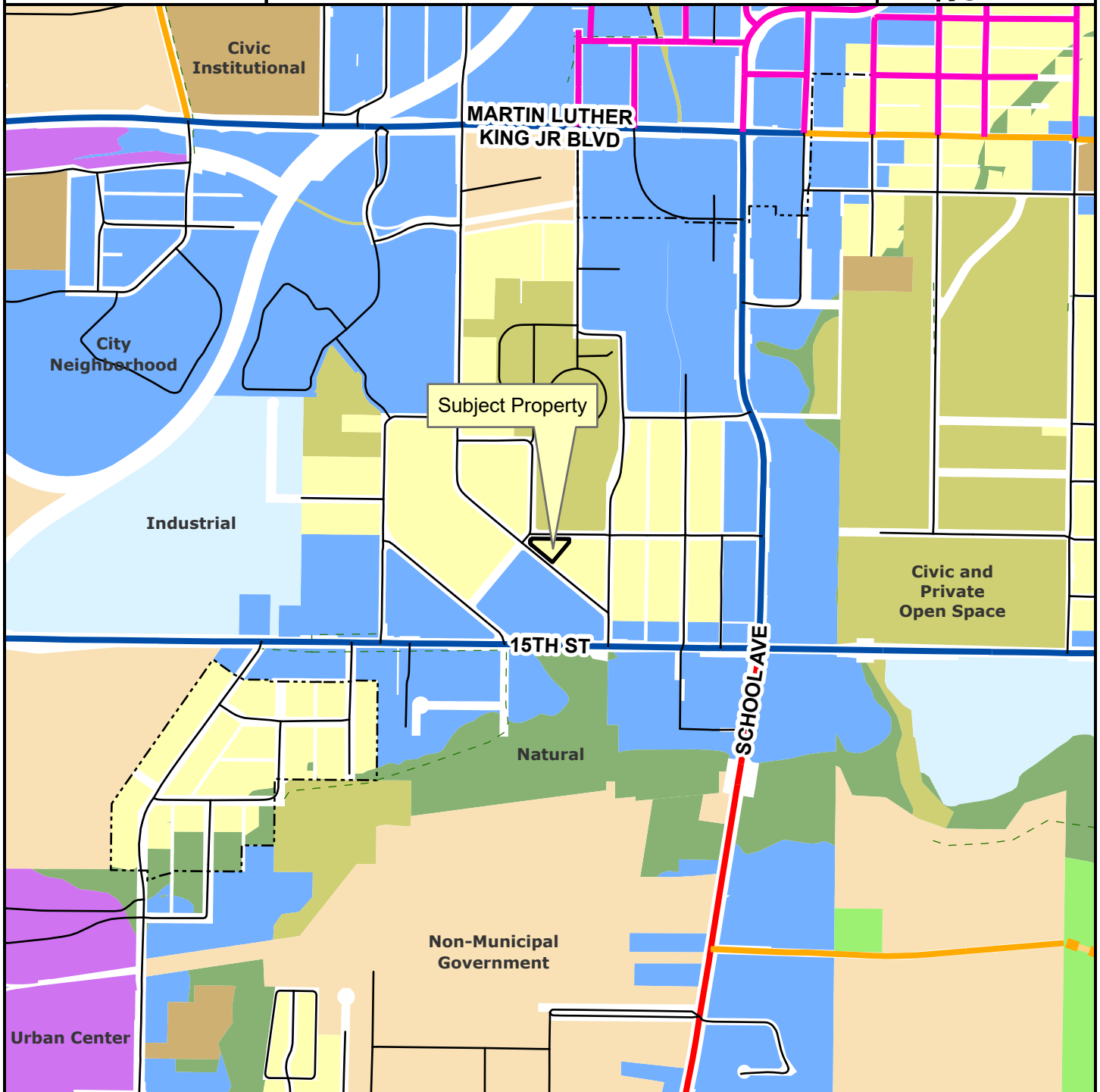
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

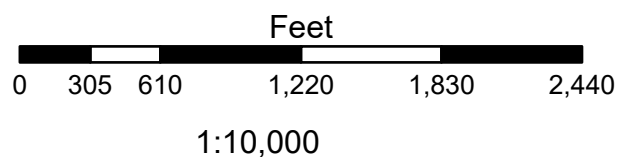
RZN-2025-0014

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: June 9, 2025

SUBJECT: **VAC-2025-0014: Vacation (241 W. SPRING ST/GHSH 241 LLC, 484):**
Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 241 W. SPRING ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.12 acres. The request is to vacate 0.01 acres of right-of-way.

RECOMMENDATION:

Staff recommends forwarding **VAC-2025-0014** to City Council with a recommendation of approval and with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2024-0014** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is in downtown Fayetteville on the southeast corner of W. Spring Street and N. Locust Avenue. The property is zoned MSC, Main Street Center, contains approximately 1.12 acres, and was previously developed with an approximately 10,000 sq. ft commercial structure that was destroyed in a fire in December of 2022; an additional 3,800 sq. ft. commercial structure still stands on the property. Development-related variances associated with a proposed multi-family structure on the site and a previous right-of-way vacation were previously approved in 2024, and a grading permit has been issued for the associated development (VAR-2024-0026/VAC-2024-0009). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	DG, Downtown General; MSC, Main Street Center
South	Commercial/Mixed-Density Residential	DG, Downtown General
East	Mixed-Density Residential	MSC, Main Street Center
West	Commercial/Mixed-Density Residential	DG, Downtown General

Proposal: The applicant proposes to vacate a portion of street right-of-way adjacent to the west side of the subject property which totals approximately 0.0083 acres. The applicant intends to redevelop the site with a multi-family housing development.

DISCUSSION:

Staff supports the applicant's request to vacate a portion of the street right-of-way. The right-of-way is 363-square-feet along the property's western border. Staff finds the removal of the right-of-way is not going to impact the existing service of the associated streets, nor will it negatively affect the existing downtown gridded street network. The vacation is being requested to align the

right-of-way with the approved master street plan and necessary street improvements for the associated multi-family development.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses. One adjacent property owner to the south was contacted, but the applicant did not receive a response. Given that the right-of-way in question is not immediately adjacent to the property, staff finds that a non-response from the adjacent property owner still represents a complete application.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided that any damage or relocation of existing 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 and no comments.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections, as long as stairs from the development can't encroach into the right-of-way.

Public Comment: Staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends forwarding **VAC-2025-0014** with the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense;
2. Any stairs from the associated multi-family development cannot encroach into the remaining public right-of-way, or must be designed in such a way to meet PROWAG and/or building code requirements.

PLANNING COMMISSION ACTION: Required YES

Date: June 9, 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 21, 2025

City of Fayetteville, Arkansas

RE: Street Right-of-Way Vacation Request (241 W Spring Street Multifamily)

Planning Commission and City Council,

On behalf of our client, Sterling Hamilton, we are requesting approval to vacate a small portion of the existing street right-of-way along the east side of N. Locust Ave, adjacent to parcel 765-01774-000.

The Original Fayetteville Plat shows the right-of-way at this location at 40 feet wide, and the City of Fayetteville's current Master Street Plan shows the right-of-way at this location at 39-63 feet wide. This street right-of-way vacation request is to vacate a small portion of the existing right-of-way, reducing it to the minimum MSP requirement of 39 feet wide.

The calculated width of the right-of-way vacation area is approximately 1.61 feet at the south end, and approximately 2.15 feet at the north end. The length is approximately 156 feet long, and the requested vacation area is approximately 363 square feet.

This vacation request is associated with the Grading Permit, GRD-2024-0068, that was approved in March, 2025.

Sincerely,
McClelland Consulting Engineers, Inc.



Eric Bartels
Project Manager

MCE McCLELLAND
CONSULTING
ENGINEERS, INC.
DESIGNED TO SERVE

(479) 443.2377

ebartels@mce.us.com

PETITION TO VACATE

PETITION TO VACATE A STREET RIGHT-OF-WAY LOCATED IN LOT 4, BLOCK 11 OF THE FAYETTEVILLE ORIGINAL SUBDIVISION, CITY OF FAYETTEVILLE, ARKANSAS.

TO: The City of Fayetteville Planning Commission and City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 4, Block 11 of the Fayetteville Original Subdivision, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A VARIABLE WIDTH RIGHT OF WAY VACATION, SAID RIGHT OF WAY VACATION BEING A PART OF THE RIGHT OF WAY OF N LOCUST AVENUE AS SHOWN ON THE ORIGINAL TOWN OF FAYETTEVILLE PLAT TO THE CITY OF FAYETTEVILLE, ARKANSAS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB RW VACATION) AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 11, OF THE ORIGINAL TOWN OF FAYETTEVILLE PLAT; THENCE N87°14'31"W, 1.57 FEET; THENCE N02°43'39"E, 156.25 FEET; THENCE ALONG A TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 7.85 FEET, SAID CURVE HAVING A RADIUS OF 5.00 FEET, AND A CHORD BEARING AND DISTANCE OF N47°43'39"E, 7.07 FEET; THENCE S87°16'21"E, 8.94 FEET TO THE EAST RIGHT OF WAY LINE OF N LOCUST AVENUE; THENCE ALONG SAID EAST LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 22.86 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, AND A CHORD BEARING AND DISTANCE OF S35°39'28"W, 21.63 FEET; THENCE CONTINUING ALONG SAID EAST LINE, S02°58'15"W, 143.09 FEET TO THE POINT OF BEGINNING (POB RW VACATION), CONTAINING 363 SQ. FT., OR 0.01 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY, OR COVENANTS OF RECORD.

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.

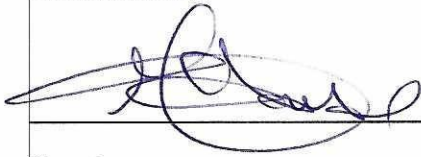
The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

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.

Dated this 20th day of MAY, 2025.

GREG HOUSE

Printed Name

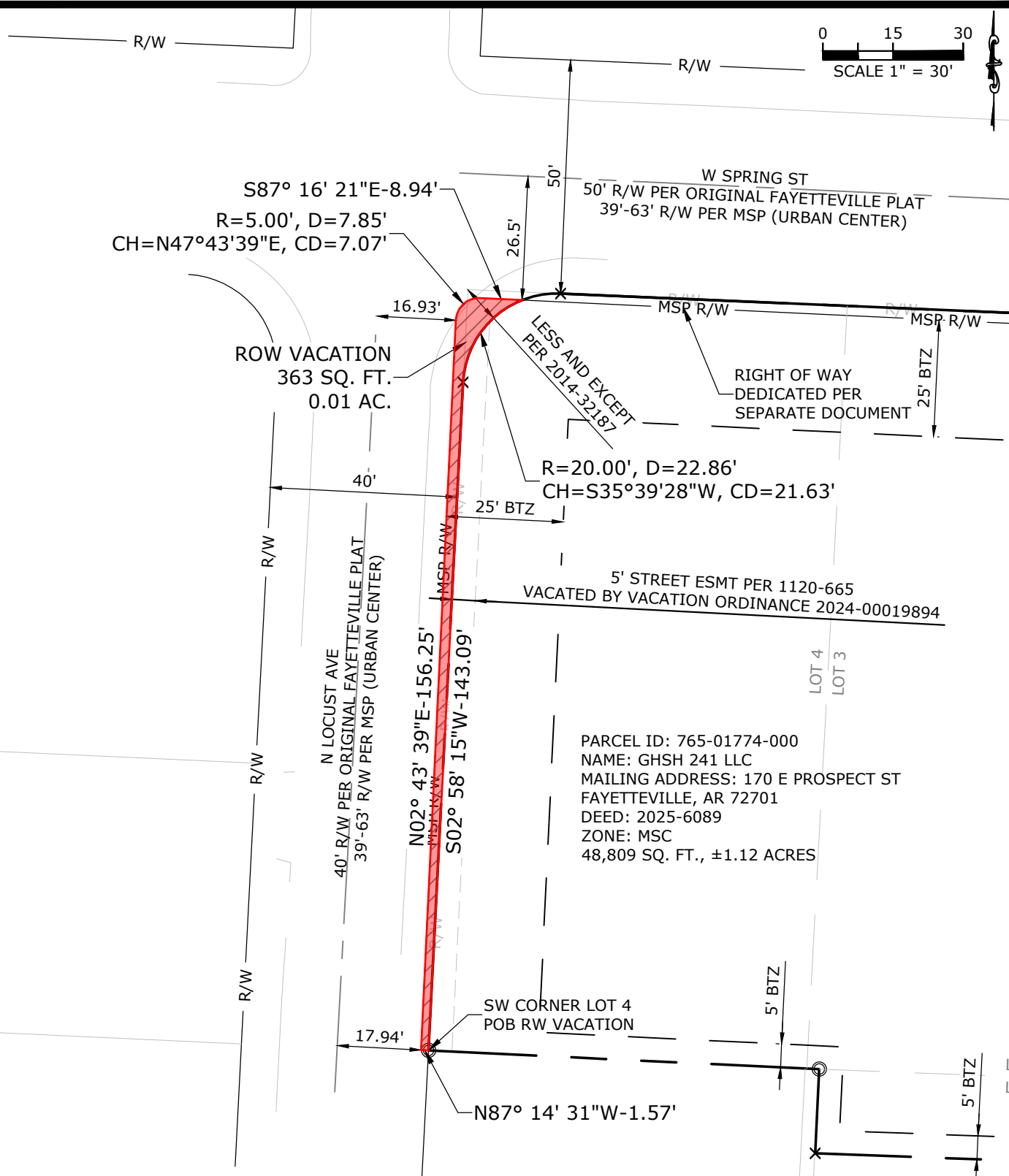


Signature

Printed Name

Signature

W:\2024\24-2106 - FAYETTEVILLE, AR - SPRING STREET APARTMENTS\SURVEY\BOUNDARY\DRAWING\242106 EASEMENT PLAT REV1.DWG

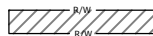


LEGEND

765-01774-000 — TAX PARCEL NUMBER

2025-6089 — DEED RECORD

— — — — — EXISTING PROPERTY LINE



— RIGHT-OF-WAY VACATION

BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH ZONE. (NOT A PLAT OF SURVEY)

PROJ. MANAGER:	DRAWN BY:
EB	DB
DATE:	REVISION:
04/14/2025	
SCALE:	PROJ. NUMBER:
AS NOTED	242106

EXHIBIT "A"
MAP

SPRING STREET APARTMENTS
FAYETTEVILLE, ARKANSAS

GSHS 241 LLC

MCE McCLELLAND
CONSULTING
ENGINEERS, INC.
1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
PLANNING COMMISSION
HTTP://WWW.MCE-ENGINEERS.COM

RIGHT OF WAY VACATION

A VARIABLE WIDTH RIGHT OF WAY VACATION, SAID RIGHT OF WAY VACATION BEING A PART OF THE RIGHT OF WAY OF N LOCUST AVENUE AS SHOWN ON THE ORIGINAL TOWN OF FAYETTEVILLE PLAT TO THE CITY OF FAYETTEVILLE, ARKANSAS IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB RW VACATION) AT THE SOUTHWEST CORNER OF LOT 4, BLOCK 11, OF THE ORIGINAL TOWN OF FAYETTEVILLE PLAT;

THENCE N87°14'31"W, 1.57 FEET;

THENCE N02°43'39"E, 156.25 FEET;

THENCE ALONG A TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 7.85 FEET, SAID CURVE HAVING A RADIUS OF 5.00 FEET, AND A CHORD BEARING AND DISTANCE OF N47°43'39"E, 7.07 FEET;

THENCE S87°16'21"E, 8.94 FEET TO THE EAST RIGHT OF WAY LINE OF N LOCUST AVENUE;

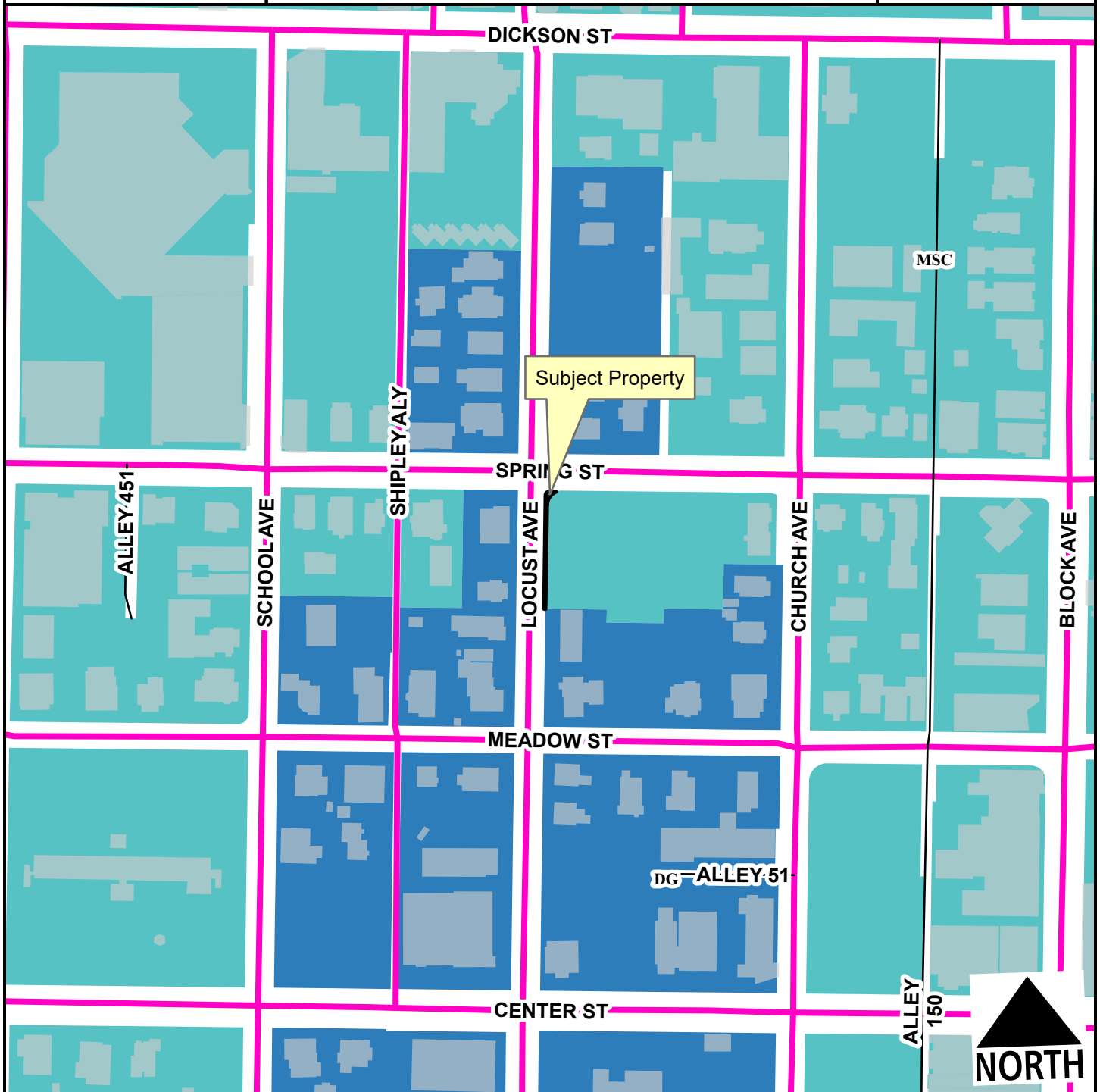
THENCE ALONG SAID EAST LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 22.86 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET, AND A CHORD BEARING AND DISTANCE OF S35°39'28"W, 21.63 FEET;

THENCE CONTINUING ALONG SAID EAST LINE, S02°58'15"W, 143.09 FEET TO THE POINT OF BEGINNING (POB RW VACATION), CONTAINING 363 SQ. FT., OR 0.01 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS OF WAY, OR COVENANTS OF RECORD.

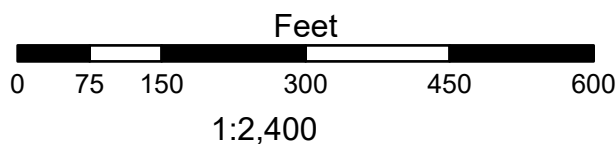
VAC-2025-0014

241 W. SPRING ST

Close Up View



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

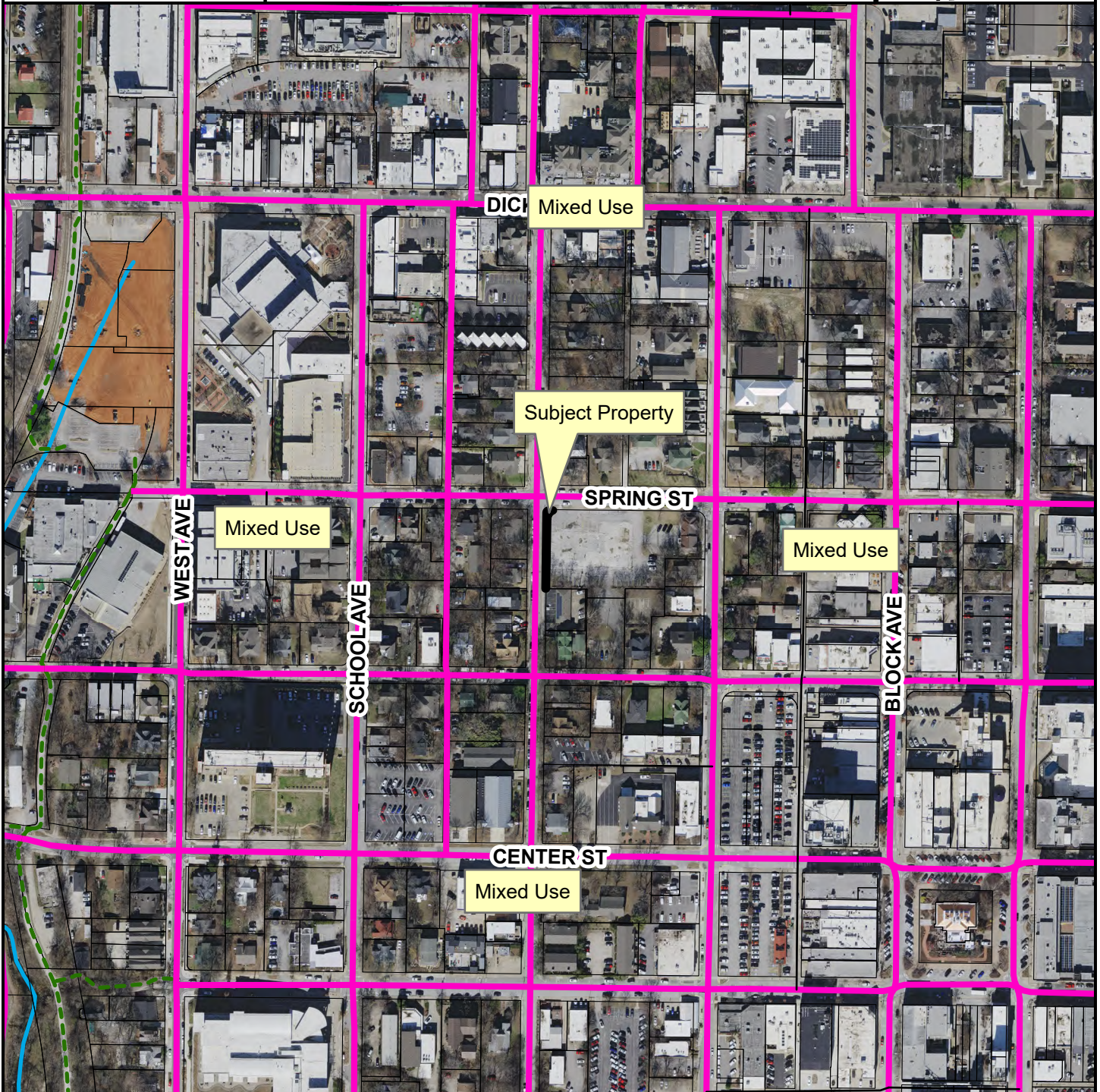


- Main Street Center
- Downtown General

VAC-2025-0014

241 W. SPRING ST

Current Land Use



- Urban Center
- Alley
- 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: June 9, 2025

SUBJECT: **CUP-2025-0024: Conditional Use Permit (3243 N. LEE AVE./HONEY PROPERTIES LLC, 213):** Submitted by BLEW & ASSOCIATES for property located at 3243 N. LEE AVE. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.25 acres. The request is for off-site parking.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0024** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0024** with conditions, determining:*

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

BACKGROUND:

The subject property is located on the west side of Lee Avenue, approximately 150 feet north of the street's intersection with Harold Street. The property consists of one undeveloped parcel totaling 0.25 acres. Between 1967 and 2009, the site was used as an unpaved accessory parking lot for various automobile dealerships and it has remained vacant since then. The property was rezoned to UC, Urban Corridor, in 2024 as part of the city-initiated 71B Corridor rezoning. On February 27, 2023, the Planning Commission approved a conditional use permit (CUP-2023-0015) to allow the property to be used as an off-site parking lot for Car Mart, though that approval has expired. 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	UC, Urban Corridor
South	Hair Salon	UC, Urban Corridor
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Automobile Dealership	UC, Urban Corridor

City Plan 2040 Future Land Use Designation: City Neighborhood Area within the **71B Corridor Plan** area.

Proposal: The applicant is requesting a conditional use permit to construct an off-site parking lot, under separate ownership, for additional employee parking to serve Car Mart. The proposed parking lot is located immediately east of the primary Car Mart property. Fayetteville's Unified Development Code, under §172.06 – Parking Lot Location Standards, notes that off-site parking

lots require conditional use permit approval from the Planning Commission. While the proposed parking lot is directly adjacent to the principal use it would serve, it is classified as off-site due to the difference in property ownership between the two lots.

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0024** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an off-site parking lot in UC zoning.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
2. A view-obscurer fence, wall, vegetation, or combination thereof with a minimum height of six feet shall be installed or planted to sufficiently prevent light trespass from the parking lot to the adjoining residential properties to the north and east;
3. This lot shall not be used for vehicular sales. This conditional use permit allows vehicle parking; however, sales activities and vehicle repair are not permitted by right in the underlying UC zoning district;
4. Accessible parking requirements shall be evaluated for compliance with the Unified Development Code and the Americans with Disabilities Act;
5. Signage shall not be installed anywhere on the subject property;
6. Outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting;
7. Upon receiving a valid complaint that the holder of the conditional use is violating any condition of this permit, the Planning Department may refer the condition use to the Planning Commission for review. The Planning Commission may amend or add conditions to the permit, may reaffirm the conditional use, or revoke the conditional use in its entirety; and
8. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval will expire after one year.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>June 9, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

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

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

Finding: The applicant has paid the required filing fee.

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

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

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

Finding: Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. The off-site parking lot will serve an adjacent commercial use, and staff recommends conditions that will limit the impact of the proposed parking lot on adjacent residential properties. Any further alterations to the lot will be subject to compliance with the Unified Development Code and further review by the Planning Commission.

- (c.) The Planning Commission shall certify:

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

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

§172.06. PARKING LOT LOCATION STANDARDS.

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

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

B. Permitted Locations as a Conditional Use.

1. Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
2. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

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

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

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

Finding: The proposed parking lot satisfies these requirements for off-site parking since the lot is within 600 feet of the principal use. The property that contains the principal use is fully developed with a dealership building, vehicle display and storage, and customer and employee parking.

...

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

- (2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:
- (a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience,

traffic flow and control and access in case of fire or catastrophe;

Finding: Vehicular ingress and egress to the parking lot is proposed through one new curb cut on Lee Avenue which is located at least 50 feet away from adjacent driveways. Staff does not anticipate any adverse traffic impacts with the proposed parking lot and access. There is an existing sidewalk at the back of curb along the property's frontage, and the applicant plans to move the sidewalk along this lot's frontage to align with current Master Street Plan requirements. A pedestrian path is also proposed to connect the parking lot to the main Car Mart facility to the west.

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

Finding: No substantial economic, noise, glare, or odor effects on adjoining properties are anticipated. The City of Fayetteville typically permits parking for car dealerships at a rate of one space per every 200 square feet of gross floor area. This excludes spaces reserved for vehicle sales. Given the size of the dealership building, Car Mart can provide approximately 50 parking spaces for customers and employees, and 20 spaces are proposed in the existing off-site parking lot. Staff recommends screening along the north and east side of the property to limit the visual impact of the parking lot on adjacent residential properties. Staff also recommends prohibiting signage to better maintain the residential character of the surrounding neighborhood.

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

Finding: No trash is expected to be generated by the proposed off-site parking lot. The property owner is responsible for maintaining the lot.

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

Finding: No development is proposed on the subject property where water and sewer services are necessary. Adequacy of existing infrastructure would be evaluated at the time of any future development.

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

Finding: The off-site parking lot shall be subject to the City's landscaping requirements. As a condition of approval, staff recommends that a view-obscuring fence, wall, vegetation, or combination thereof be installed or planted to sufficiently prevent light trespass from the parking lot to the adjoining properties to the north and east.

- (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: Staff recommends a condition prohibiting the erection of any signage on this property.

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

Finding: No structures are proposed with this conditional use permit.

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

Finding: Staff finds that this proposal is compatible with adjacent properties. Surface parking lots are common in this part of Fayetteville and are reasonable to accommodate employee parking to allow for additional storage and display of vehicles for sale on site.

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

Finding: Staff finds that the applicant's request for an off-site parking lot is generally consistent with the intent of the City's adopted plans. While the City's comprehensive plan promotes walkability and discourages automobile dependence, staff recognizes that the proposed parking lot is both adequate and necessary to support the needs of Car Mart at this time. To reduce potential adverse impacts on, and maintain the residential character of the surrounding neighborhood, staff recommends conditions requiring that the parking lot be screened and that signage be prohibited on the lot.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

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

172.06 Parking Lot Location Standards

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

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

(B) *Permitted Locations as a Conditional Use.*

- (1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
- (2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

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

- (C) *Off-Site Locations.* If off-street parking cannot be provided on the same site as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.
- (D) *Intermittent Parking.* Uses which generate only intermittent demand for parking may count available on-street parking within 600 feet of the building as part of required parking, subject to the approval of the Planning Commission.

BLEW

Surveying | Engineering
Environmental

April 22, 2025

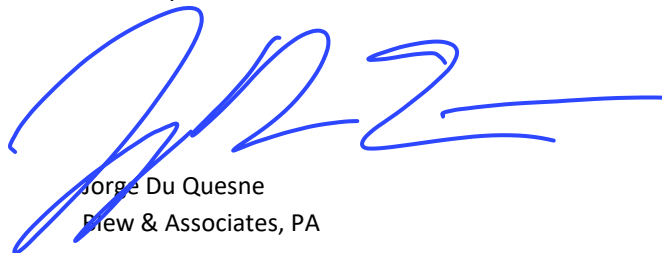
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

SUBJECT: Proposed CAR-MART Employee Parking
Conditional Use Permit for Parking Lot

To Whom It May Concern:

America's CAR-MART, Inc. who is leasing the property from Honey Properties LLC is proposing a parking lot on Parcel 765-07679-000 for their employees. Said parking lot will meet all of City of Fayetteville Requirements. The parking lot will have 20 parking spaces. It will be in use during the operating hours of the CAR-MART business. Any outdoor lighting will meet all of City of Fayetteville's Requirements. Ingress and egress to the parking lot shall be through N. Lee Avenue. The connection to Lee Avenue was needed due to having to meet City of Fayetteville Water Quality / GSP Requirements. Employees will be provided a walk way to reach the main business site. The property will use screening to shield the residential properties surrounding the subject property.

Sincerely,



George Du Quesne
Blew & Associates, PA



479-443-4506



blewinc.com



3825 N Shiloh Dr.
Planning Commission
Fayetteville, AR 72703
June 9, 2025

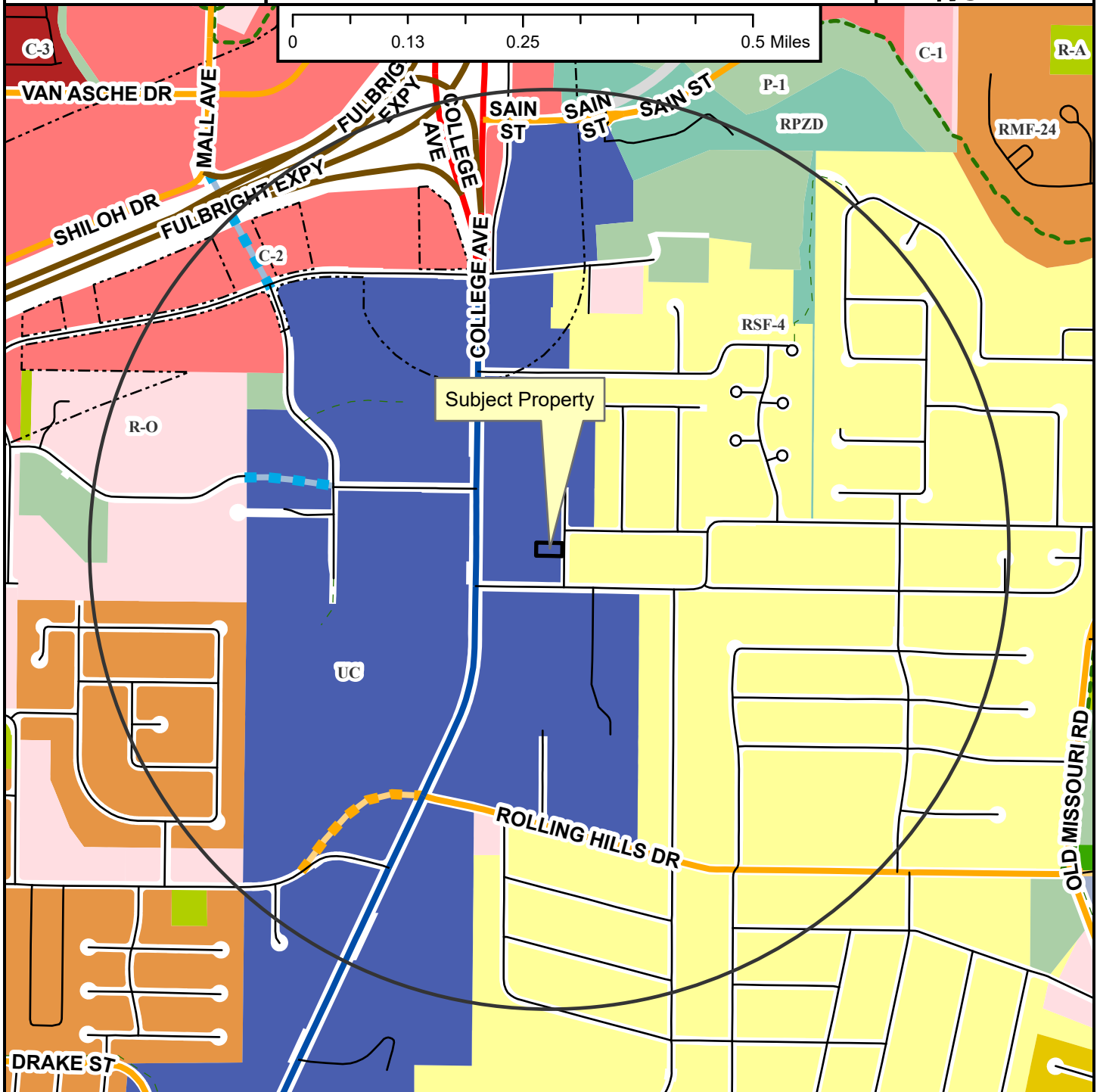
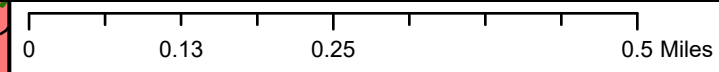
CUP-2025-0024 (HONEY PROPERTIES LLC)

Page 8 of 12

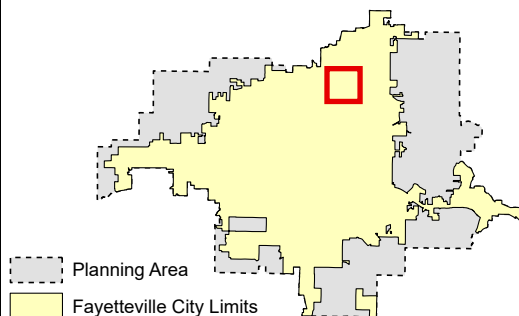
CUP-2025-0024

3243 N. LEE AVE

One Mile View



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

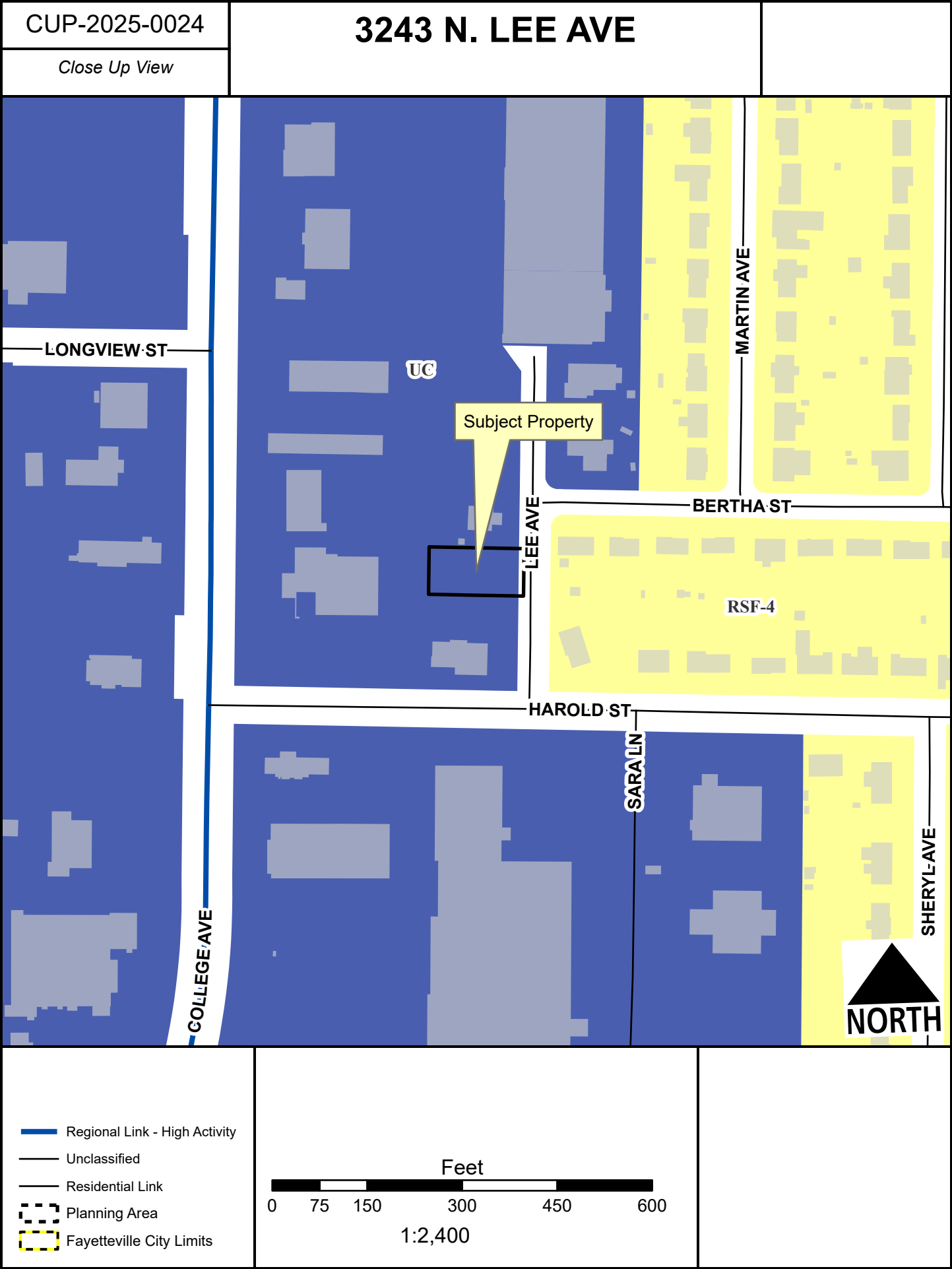


Planning Commission

June 9, 2025

CUP-2025-0024 (HONEY PROPERTIES LLC)

Page 10 of 12



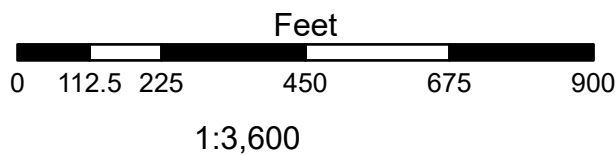
CUP-2025-0024

3243 N. LEE 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: June 9, 2025

SUBJECT: **RZN-2025-0018: Rezone (1416 W MOUNT COMFORT RD /AHBC SOLUTIONS LLC, 404):** Submitted by HECTOR CUEVA for property located at 1416 W. MOUNT COMFORT RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0018** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0018** to the City Council with a recommendation for approval."*

BACKGROUND:

The subject property is located in north central Fayetteville approximately 100 feet east of the intersection of N. Stephens Ave. and W. Mount Comfort Rd. and ¼ mile north of W. Wedington Dr. The property contains one parcel totaling 0.40 acres which is currently developed with a 1,128-square-foot single-family house constructed in 1936 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	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Mixed-Density Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-family, 4 Units per Acre, to RI-U, Residential Intermediate-Urban.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has frontage along W. Mount Comfort Road and W. Hendrix Street, partially improved Residential Links with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject property. There is an existing 8-inch water main along W. Mount Comfort Road and an existing 6-inch water main along W. Hendrix St.

Sewer: Sanitary sewer is available to the subject property. There is an existing 6-inch sewer main along W. Mount Comfort Road and W. Hendrix Street. Existing 12-inch sewer main is present along West Hendrix Street.

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 8, located at 2266 W. Deane St., protects this site. The property is located approximately 1 mile 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 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 RI-U, Residential Intermediate-Urban, requires **15% 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. 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 **8-9** for this site with a weighted score of **11**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #8, 2266 W. Deane St
- Near Sewer Main (8--inch main, Mount Comfort | 6-inch-main, Hendrix)

- Near Water Main (6-inch main, Mount Comfort & Hendrix | 12-inch-main, Hendrix)
- Near Grocery Store (Harps)
- Near Public School (Asbell Elementary School)
- Near University of Arkansas
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (Mount Comfort Rd Trail)
- Near Razorback Bus Stop (Mt. Comfort & Stephens)

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 RI-U, Residential Intermediate Urban 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. The block containing the subject area includes multiple instances of “gentle density” such as duplexes, quadplexes, and accessory units. Outside of the immediate block, additional forms of housing such as apartments are available within 500 feet of the subject area. Nonresidential uses are also present nearby and include public parks, schools, and grocery stores. The uses permitted by right in RI-U, which include all types of dwellings except apartments, are directly compatible with the existing land uses in this area and could complement surrounding residential areas and encourage housing types that could accommodate the demand for walkable urban living.

Uses allowed conditionally in RI-U, including limited business, cultural and recreational facilities, and multifamily dwellings, 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 RSF-4, RI-U would allow for a substantial increase in residential density, however staff finds that this is unlikely to negatively affect the neighborhood given the small size of the property and limited uses of the requested district. Additionally, there have been a large number of successful rezoning requests in the area in recent years which have slowly increased the existing density of the area as these sites developed.

While RI-U would permit narrower lots than zoning currently allows (18 feet versus 70 feet for single-family dwellings), staff finds other city standards such as tree preservation, parking, and access will likely limit development of the overall parcel. Additionally, RI-U has similar height restrictions to the existing RSF-4 district, with a lower restriction of two stories when located within 10 feet of the public right-of-way.

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 supports a wide variety of housing types. The RI-U zoning district would allow for a mixture of residential types that are urban in form.

If the property were to be redeveloped or subdivided, staff finds that RI-U would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has a high weighted infill score of 11 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 RSF-4 to RI-U 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 RI-U has the potential to increase traffic along W. Hendrix Street, W. Mount Comfort Road, 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 RSF-4 to RI-U 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-2025-0018 to the City

Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 9, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-Family, 4 Units per Acre
 - §161.12 – Residential Intermediate-Urban
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

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

161.12 District RI-U, Residential Intermediate – Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(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 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property, line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

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

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% 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.

(Ord. No. 5945, §5(Exh. A), 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.

Hector Cueva

April 22nd, 2015

1416 W Mount Comfort Rd, Fayetteville AR

To whom it may concern,

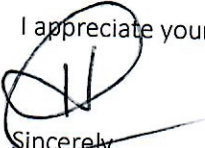
I am writing to request a re-zoning of my property located at 1416 W Mount Comfort Rd, Fayetteville AR. It is currently zoned as RSF-4 and I wish to re-zone to RI-U.

Two recent examples of nearby properties that have been allowed to be re-zoned to RI-U are: 1324 W Mt Comfort Rd (*May of 2020*), and 1236 W Mt Comfort Rd (*November of 2024*). Both of these neighboring properties are within a couple hundred yards of mine.

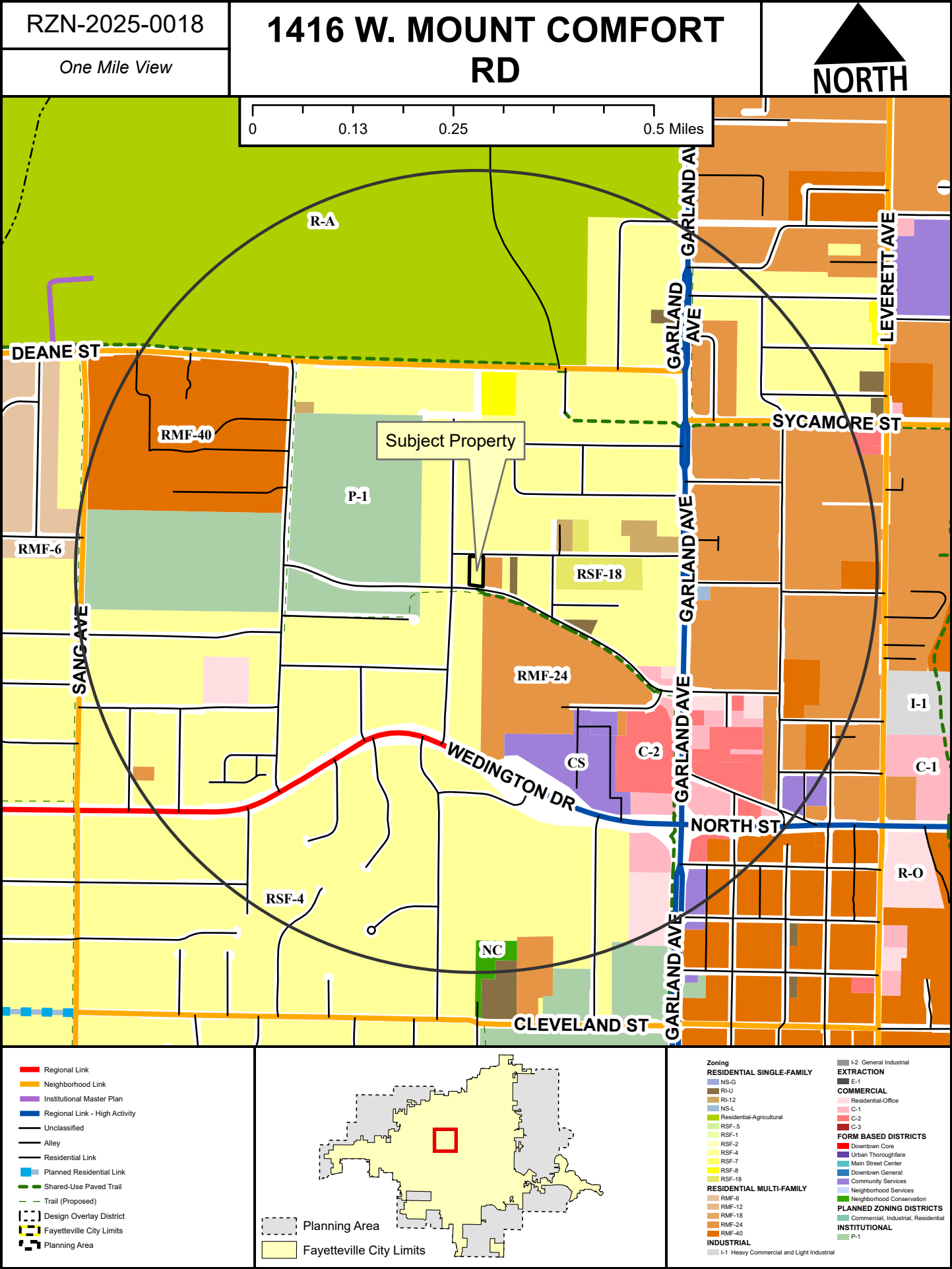
There is a considerable amount of Residential multi-family zoning immediately south and east of my property, while there is a large amount of Residential single-family zoning immediately to the north. Similar to the other two previously mentioned RI-U zoned properties, I think the re-zoning of mine to an RI-U as well will help bridge the gap and create a nice transition from the large areas of Agriculture and Single Family to the north and west on to the larger Multi Family parcels as you head south and east.

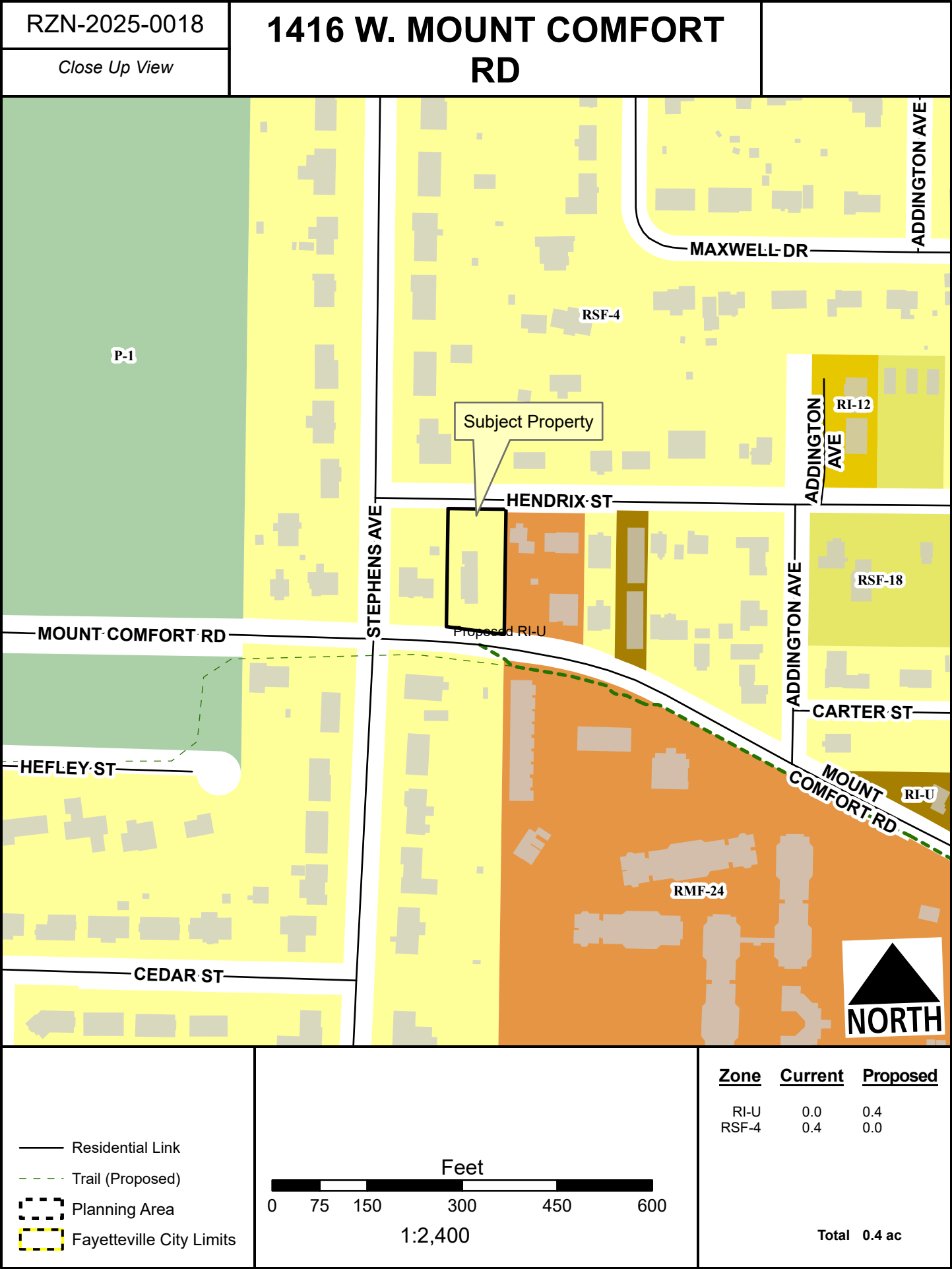
We are proposing building (5) detached ~1800 SF 3-bedroom homes on my 0.4 acre property. One of the main purposes of the RI-U zoning is to encourage development of detached dwellings in suitable environments, while providing a range of housing types/diversity. Given the other types of zoning on all sides of my property, I think these proposed (5) homes will satisfy the intentions of the RI-U zoning as well as provide a transition area between single family and the larger chunks of multifamily as you head south.

I appreciate your consideration in this matter.


Sincerely,

Hector Cueva





RZN-2025-0018

1416 W. MOUNT COMFORT RD

Current Land Use



- Regional Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

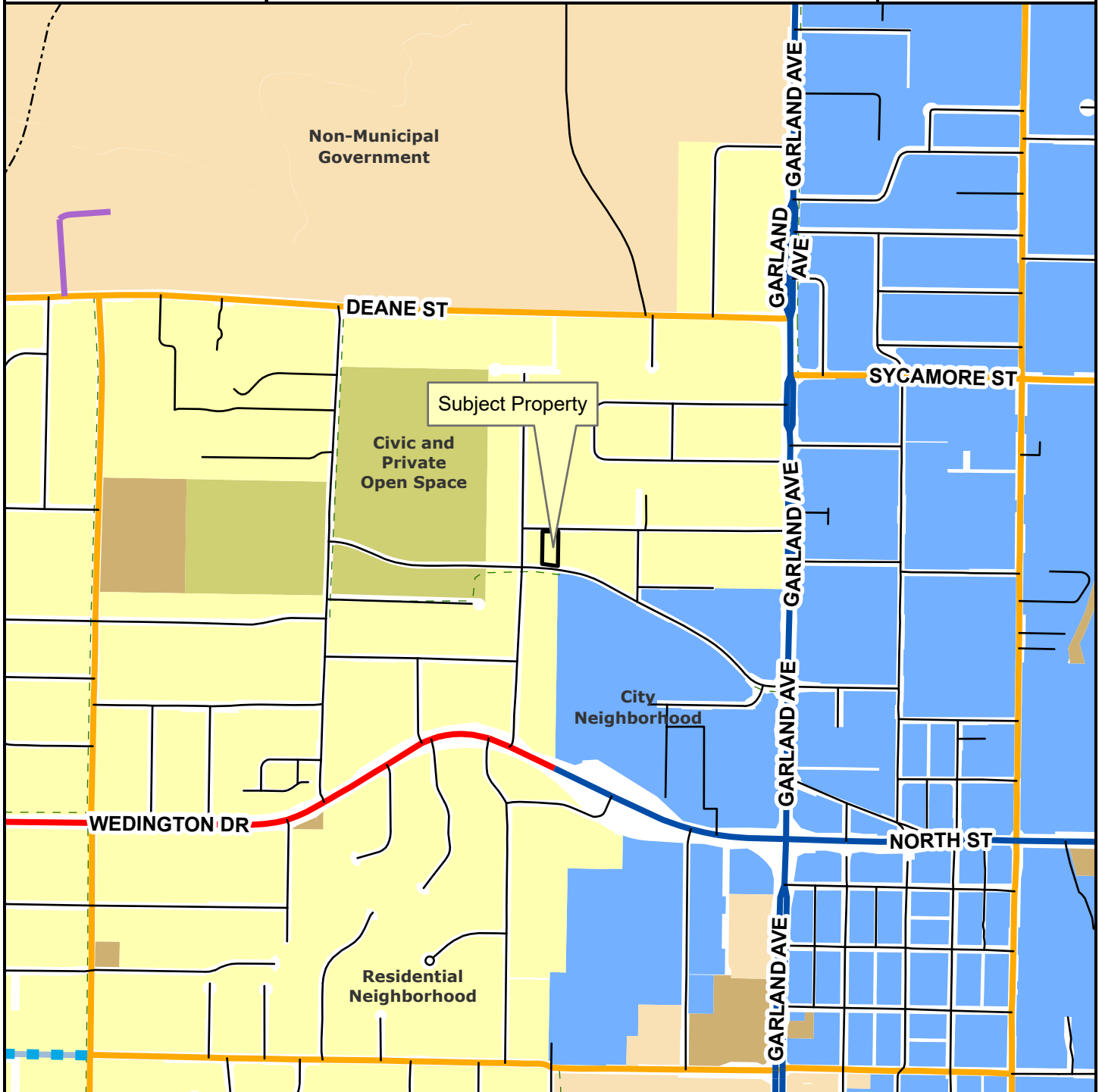
- 100-Year Floodplain
- Floodway

RZN-2025-0018

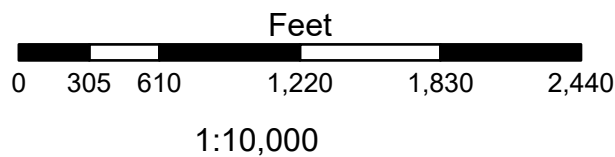
1416 W. MOUNT COMFORT RD



Future Land Use



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential 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: Gretchen Harrison, Senior Planner

MEETING DATE: June 9, 2025

SUBJECT: **RZN-2025-0019: Rezoning (209 S. WILLOW AVE./BATES-SIEMEK, 524):** Submitted by WESLEY BATES for property located at 209 S. WILLOW AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.51 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0019** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0019** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is comprised of three parcels totaling 0.51 acres, located southwest of the intersection of Rock Street and Willow Avenue. The property is zoned RMF-24, Residential Multi-Family, 24 Units per Acre and developed with one single-family dwelling which Washington County records indicate was built in 2003. It lies within the City's Hillside/Hilltop Overlay District and within the boundaries of the recently completed historic context statement for the Historic Black Community of Southeast Fayetteville. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential Yvonne Richardson Community Center	RMF-24, Residential Multi-Family, 24 Units per Acre P-1, Institutional
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	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the subject property from RMF-24, Residential Multi-Family, 24 Units per Acre to UN, Urban Neighborhood.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject property has frontage along Willow Avenue and Rock Street. Willow Avenue and Rock Street are fully improved Residential Link Streets with asphalt paving, sidewalk, curb, and gutter. Any street improvements required in this area would be determined at the time of development proposal.
- Water:** Public water is available to the subject property. There is an existing six-inch water main present along the west side of Willow Avenue.
- Sewer:** Sanitary sewer is available to the subject property. There is an existing eight-inch sanitary sewer main present along Willow Avenue. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,550 linear feet downstream of this property.
- Drainage:** No portion of the property lies within a FEMA floodplain and no protected streams or hydric soils are present on site. A portion of the property does, however, lie within the Hillside Hilltop Overlay District. 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. Any improvements or requirements for drainage will be determined at the time of development submittal.
- Fire:** Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.6 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. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.
- Police:** The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, UN, Urban Neighborhood, requires **15% minimum canopy preservation**. The current zoning district, RMF-24, Residential Multi-Family, 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 score of 8 for this site with a weighted score of 11. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Water Main (6-inch main, Willow Avenue)
- Near Sewer Main (8-inch main, Willow Avenue)
- Near City Park (Yvonne Richardson Community Center)
- Near Paved Trail (E. MLK Jr. Blvd. and Conner-Washington Connector)
- Near ORT Bus Stop (Route 10 and 20)
- Near Razorback Bus Stop (Route 14 Non Peak)
- 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:*** Staff finds the proposed zoning of UN, Urban Neighborhood to be largely compatible with the surrounding mix of residential and non-residential uses. The subject property is located in close proximity to the Yvonne Richardson Center, St. James Baptist Church's Squire Jehegan Outreach Center, and downtown Fayetteville. Like the existing RMF-24 zoning district, UN is an urban district which has a 0 to 25-foot build to zone, promoting pedestrian-oriented development by encouraging buildings to be constructed closer to the street. Urban Neighborhood is designed to support a diverse range of housing types that reflect the established character of other residential areas near Fayetteville's core. Compared to RMF-24, UN zoning allows for smaller lot sizes, a wider range of permitted land uses, reduced setbacks, and increased residential densities. Where RMF-24 allows for building heights of up to five stories, UN would only allow maximum building heights of three stories. With UN allowing for a more moderate development pattern, it may promote a development pattern that is more compatible with the surrounding neighborhood while still supporting the City's goals for encouraging infill and mixed-use development.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as Residential Neighborhood Area. The UN zoning district would allow a greater variety of land uses in an urban setting, which staff finds to be compatible with the surrounding area. The property has a relatively high infill score of 8 with a weighted score of 11, indicating it is a suitable location for infill development. In terms of City Plan 2040, staff finds that the requested rezoning could help support Goals 1 and 3 by promoting moderate infill in an area that is highly walkable and near transit routes.

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

Finding: The applicant has stated that they have requested this rezoning to accommodate a small, planned cluster housing development, since the UN zoning district offers more flexible setback requirements. Staff finds that the applicant's request is justified since it would facilitate greater residential

densities near downtown Fayetteville where services, amenities, and employment opportunities are most densely concentrated.

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

Finding: Staff finds that rezoning the property to UN is not likely to create or appreciable increase traffic danger and congestion since the subject property is relatively small and many of the zoning regulations tied to that district are similar to those associated with RMF-24 zoning. Any street improvements required in this area would be determined at the time of development proposal.

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 alter the population density when considering that UN has no set density limitation. However, given the presence of existing public infrastructure and the property's location near downtown Fayetteville, staff finds that the proposed rezoning is not likely to increase the load on public services to an undesirable degree. However, there are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,550 linear feet downstream of this property. Any street improvements required in this area would be determined at the time of development proposal. 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-2025-0019 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 9, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
 - §161.37 Urban Neighborhood
- Request Letter
- 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
----------------	------------

(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
-------------------	-------------------

(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*
-------------------------	--------------------------------

* 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.

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
-------------------------	-----------

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

Dear Planning Commission and City Council Members,

I am writing to formally request the rezoning of the property located at **209 S Willow** from **RMF-24 (Residential Multi-Family, 24 units per acre)** to **Urban Neighborhood**.

This request is intended to better align the zoning of the property with the surrounding neighborhood context and to support a more balanced and sustainable pattern of growth. While the existing RMF-24 zoning allows for higher-intensity multifamily development, the Urban Neighborhood district is better suited for walkable, human-scaled residential development that complements existing homes in the area.

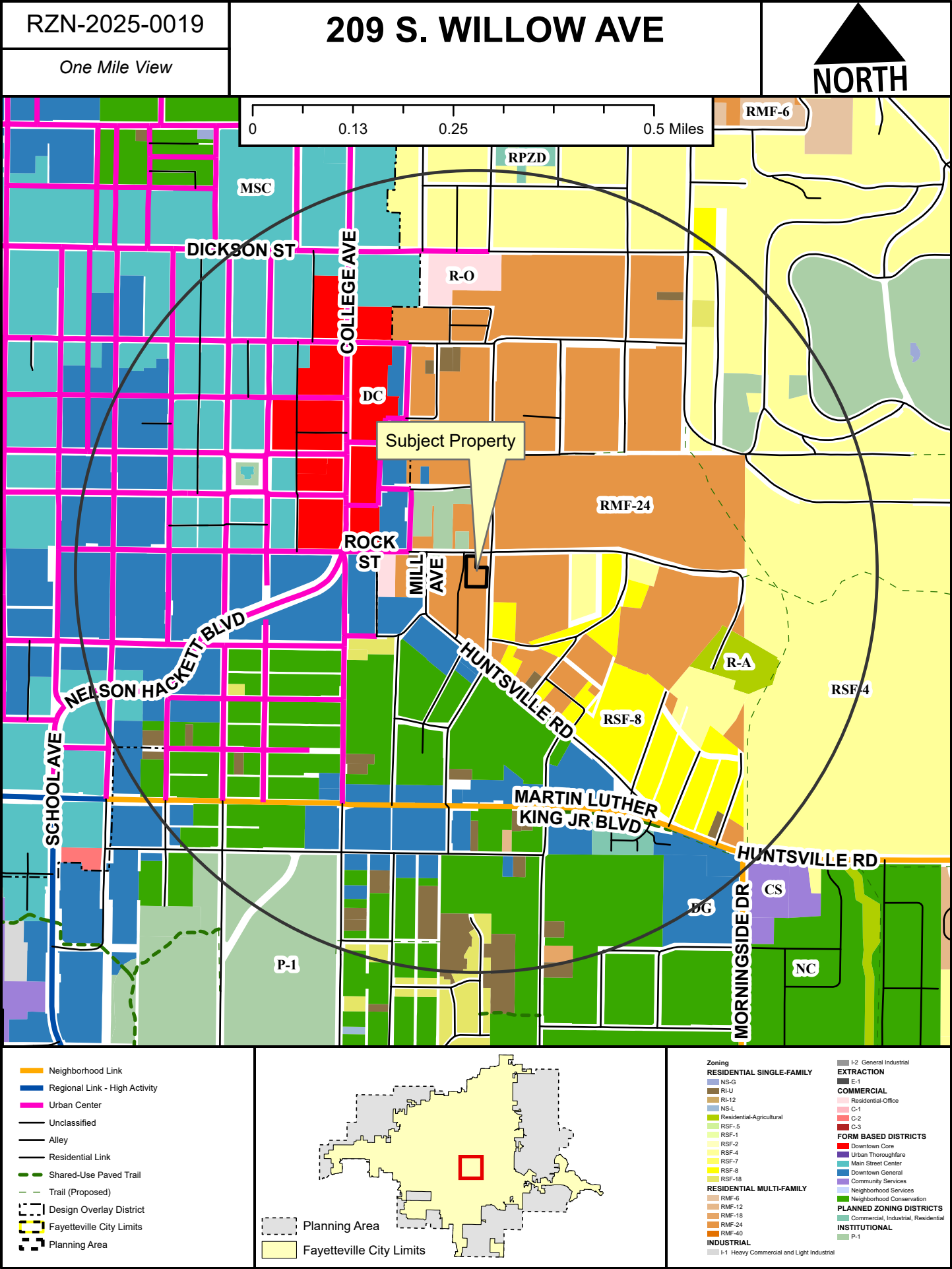
The Urban Neighborhood district supports a mix of residential building types—such as single-family homes, duplexes, and small-scale multifamily—that help provide housing variety without overwhelming the neighborhood’s character. This change would allow for thoughtful infill development while preserving the integrity of the street and contributing to a more livable and connected community.

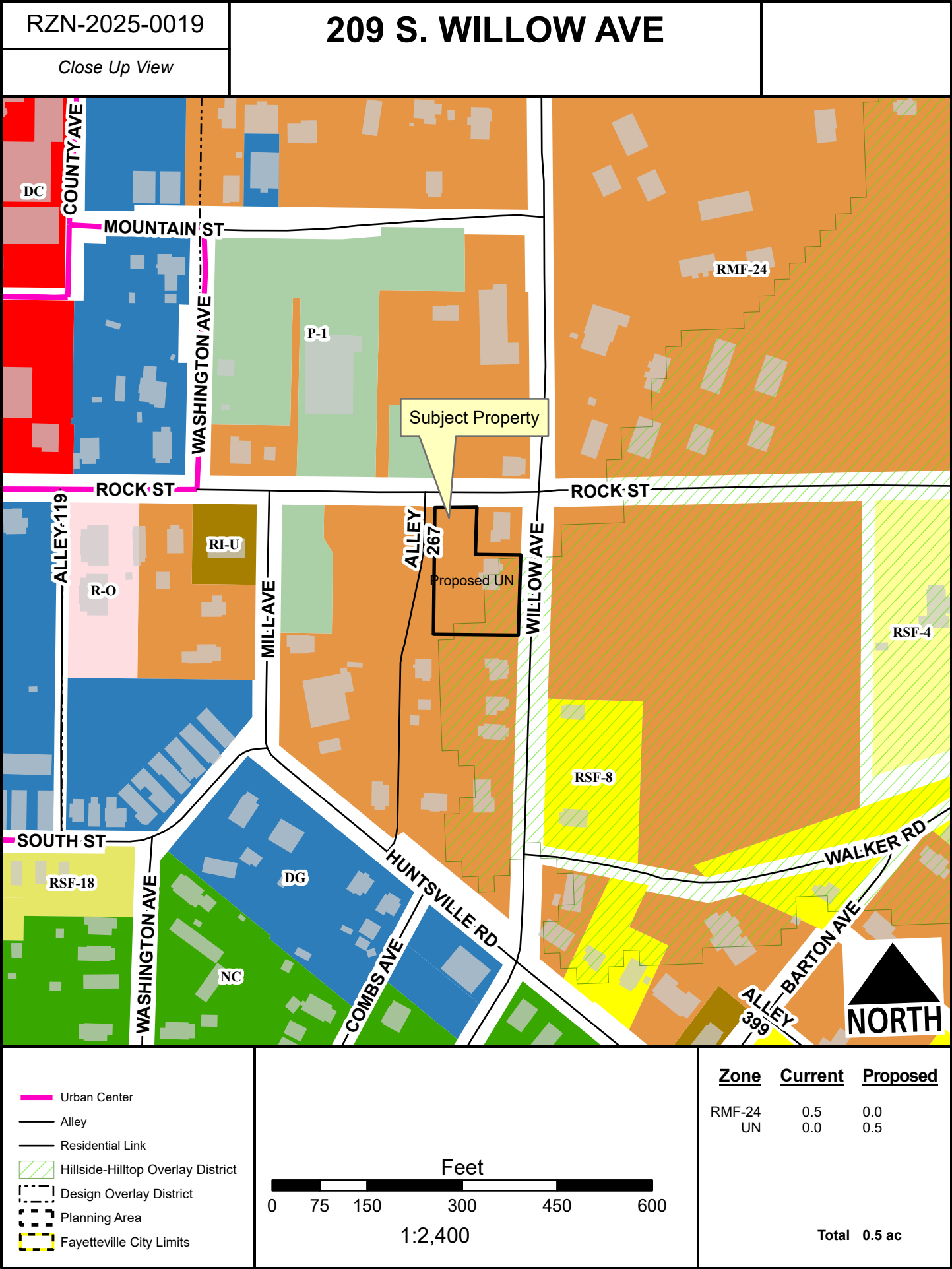
For our small planned cluster housing development, the Urban Neighborhood zoning district offers more favorable rear and side setback requirements. In small infill projects like this one, every foot of usable space matters. The flexibility offered under Urban Neighborhood zoning will allow us to make better use of the site while still maintaining compatibility with the surrounding residential fabric.

This rezoning aligns with the goals outlined in the city’s comprehensive plan, particularly around encouraging housing diversity, promoting walkable neighborhoods, and ensuring new development fits the scale and rhythm of existing blocks.

Thank you for your time and consideration. I welcome any questions and would be glad to provide additional information as needed.

Sincerely,
Wesley Bates





RZN-2025-0019

209 S. WILLOW AVE

Current Land Use



- Urban Center
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



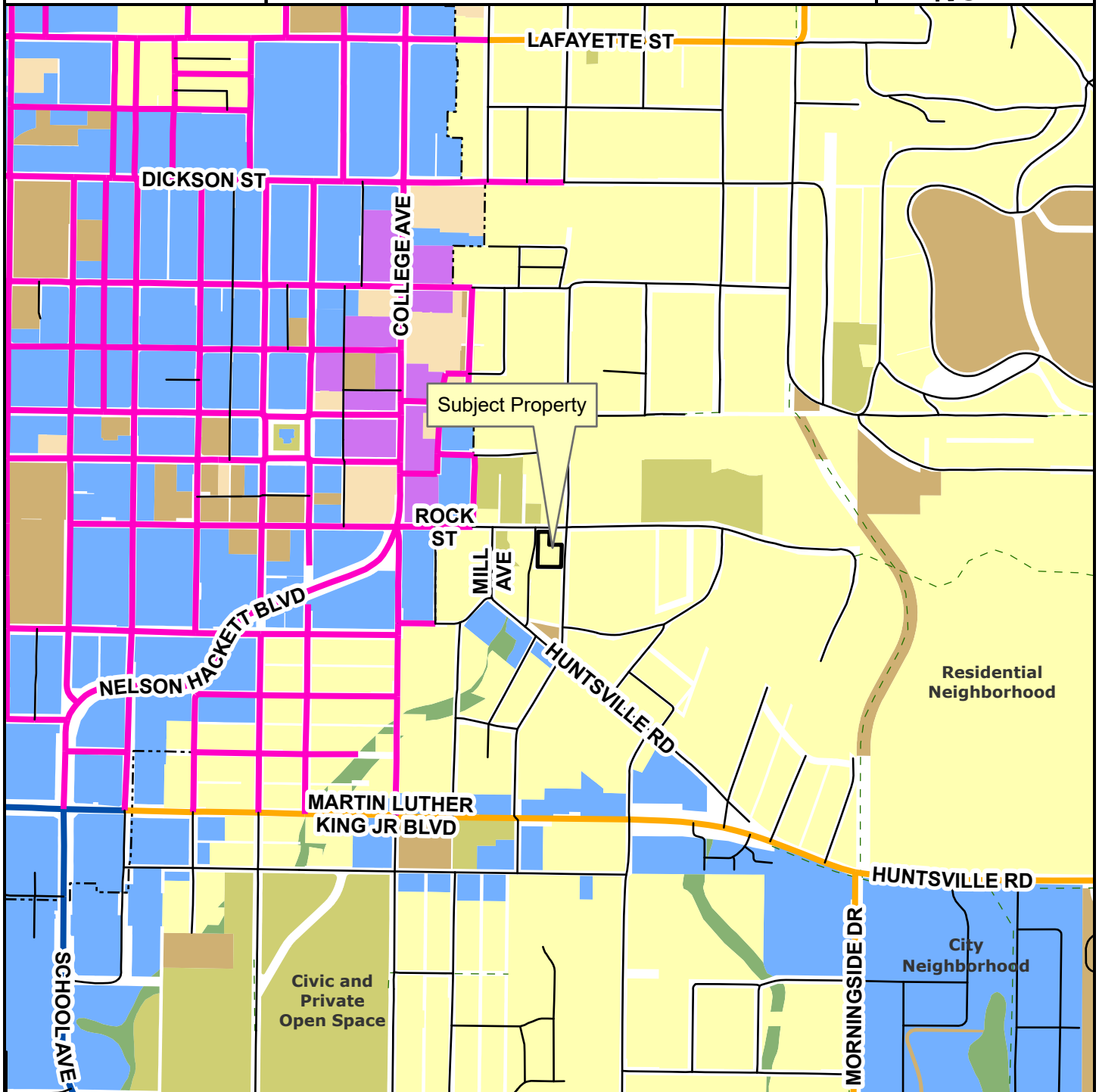
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2025-0019

209 S. WILLOW AVE

Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- 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

Planning Commission

June 9, 2025

RZN-2025-0019 (SIEMEK & BATES)

Page 13 of 13



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Wesley Frank, Planner

MEETING DATE: June 9, 2025

SUBJECT: **RZN-2025-0020: Rezoning (553 E. MCCLINTON ST./BATES & SIEMEK, 563):** Submitted by WESLEY BATES for property located at 553 E. MCCLINTON ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0020** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0020** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located in south Fayetteville approximately 400 feet east of the South Wood Avenue and East McClinton Street intersection. The property contains 0.20 acres and is developed with a single-family dwelling that Washington County records indicate was constructed in 1961. The property is zoned NC, Neighborhood Conservation, which it received in 2008. The property is not located in an 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	Single-Family Residential	DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to RI-U, Residential Intermediate-Urban. The applicant has stated that they intend to split the lot upon the completion of building an accessory dwelling unit (RESI-2023-0527).

Public Comment: Staff has not received any public comment on this item to date.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along East McClinton Street. East McClinton Street is a partially improved Residential Link Street with asphalt paving and open ditches. 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. Existing 6-inch water main is present along East McClinton Street.

Sewer: Sanitary Sewer is available to the subject area. Existing 8-inch sewer main is present along East McClinton Street.

Drainage: Any improvements or requirements for drainage will be determined at the time of development submittal. No portion of the subject property lies within the Hillside/Hilltop Overlay District.

A portion of the property lies within a FEMA Floodplain, but there is not a protected stream present. A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Hydric soils are present which are known indicators 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 are 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 at the time of development submittal.

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 1.5 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 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, NC, Neighborhood Conservation, requires **20% minimum canopy preservation**. The proposed zoning district, RI-U, Residential Intermediate-Urban, requires **15% 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. The property is also located within the **Walker Park Neighborhood Master Plan** 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.

The **Walker Park Neighborhood Master Plan** was the city's first neighborhood plan which was completed in 2008 after City Plan 2025 was adopted. Four guiding principles were identified in the plan which include maintaining a balance of uses and housing, emphasizing connectivity and walkability, creating a core of the neighborhood at Jefferson Square, and preserving accessible greenspace throughout the neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 7 for this site with a weighted score of 6.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (eight-inch main along East McClinton Street)
- Near Water Main (six-inch along East McClinton Street)
- Near City Park (Willow Bend Park)
- Near Paved Trail (Waxflower Trail)
- Near ORT Bust Stop (Morningside & Fairlane)
- Within Master Plan Area (Walker Park Neighborhood)

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 to be compatible with current land use and zoning patterns. While the surrounding neighborhood primarily consists of detached single-family dwellings and townhomes, there are attached dwellings and nonresidential uses in close proximity to this site. The detached single-family dwellings are zoned NC, Neighborhood Conservation; the attached townhomes to the south are zoned DG, Downtown General. Both NC and RI-U allow for the by-right development of detached single-family dwellings and accessory dwelling units. Additionally, RI-U allows for the by-right development of additional dwelling types (two-, three-, and four-family dwelling units), and without a limitation to density. RI-U zoning would also allow for the creation of smaller lots when compared to NC.

Land Use Plan Analysis: Staff finds the applicant's request to be consistent with the City's land use plans. The subject property is designated as Residential Neighborhood area in the City Plan 2040 Future Land Use Map. Staff finds that a rezoning from NC to RI-U could support that designation

since a rezoning to RI-U would allow for a wider variety of housing types. Staff also finds the requested rezoning to be aligned with Goals 1, 4, and 6 of City Plan 2040 since it would encourage residential infill in an area that has a moderate infill score of 7 and is in close proximity to a park, paved trail, and a bus route. Staff also finds the proposed rezoning to be generally aligned with the Walker Park Neighborhood Plan since it would retain a balance of housing options and enable residents to live in the same 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 NC to RI-U is justified since it would allow for incremental residential infill. Rezoning to RI-U would be in keeping with the area's character as well as adhering to the City's future land use plan as it introduces more residential dwelling options.

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

Finding: A rezoning from NC to RI-U has the potential to increase traffic at this location when considering that RI-U would allow for more dense development than the existing zoning districts which have stated density limitations. The lots under consideration have direct access to public streets and any necessary street improvements and potential traffic impacts would be determined at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: 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. 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: Planning staff recommends forwarding RZN-2025-0020 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>June 9, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.29 Neighborhood Conservation
 - §161.12 District RI-U, Residential Intermediate - Urban
- Walker Park Illustrative Plan
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future 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
--------------------	---------

(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

(F) *Building Height Regulations.*

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

(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)

161.12 District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(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 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) Family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

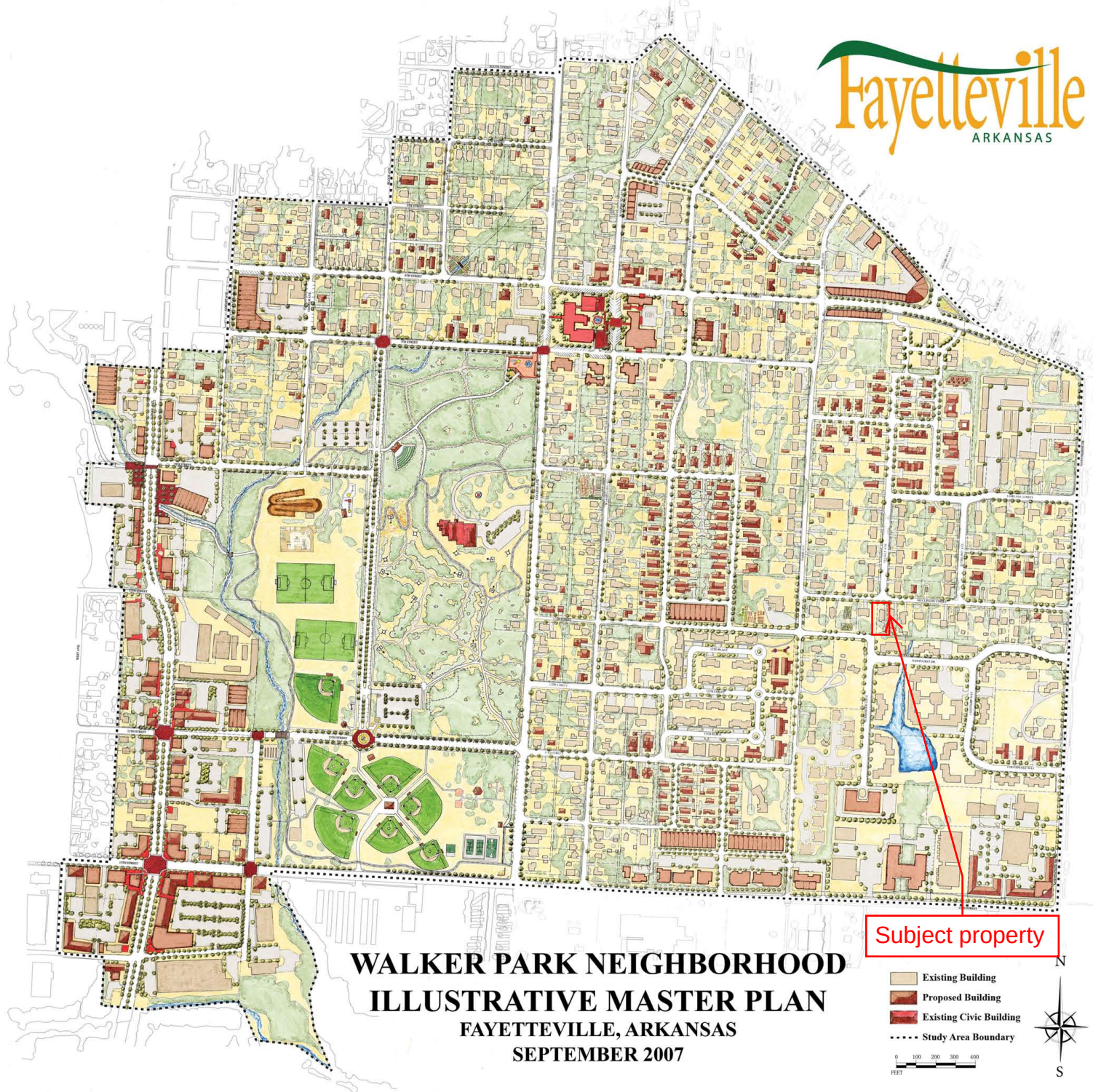
Building height maximum	2 stories/3 stories*
-------------------------	----------------------

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% 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.

(Ord. No. 5945 , §5(Exh. A), 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)



**WALKER PARK NEIGHBORHOOD
ILLUSTRATIVE MASTER PLAN
FAYETTEVILLE, ARKANSAS
SEPTEMBER 2007**

Subject property

- Existing Building
- Proposed Building
- Existing Civic Building
- Study Area Boundary



Dear Planning Commission and City Council Members,

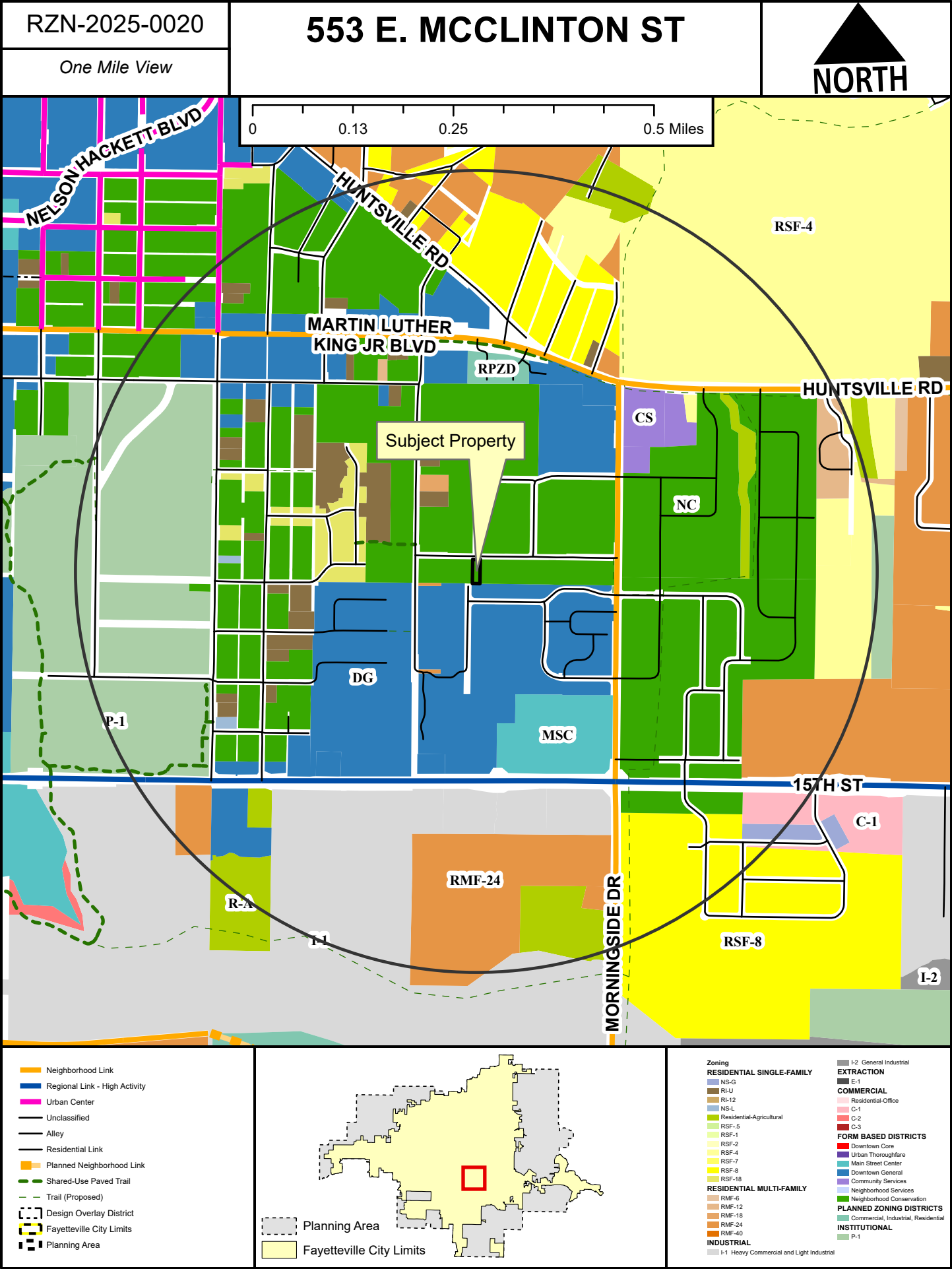
I am writing on behalf of my client to request a rezoning of the property located at 553 McClinton Street, from Neighborhood Conservation (NC) to Residential Intermediate-Urban (RI-U) zoning.

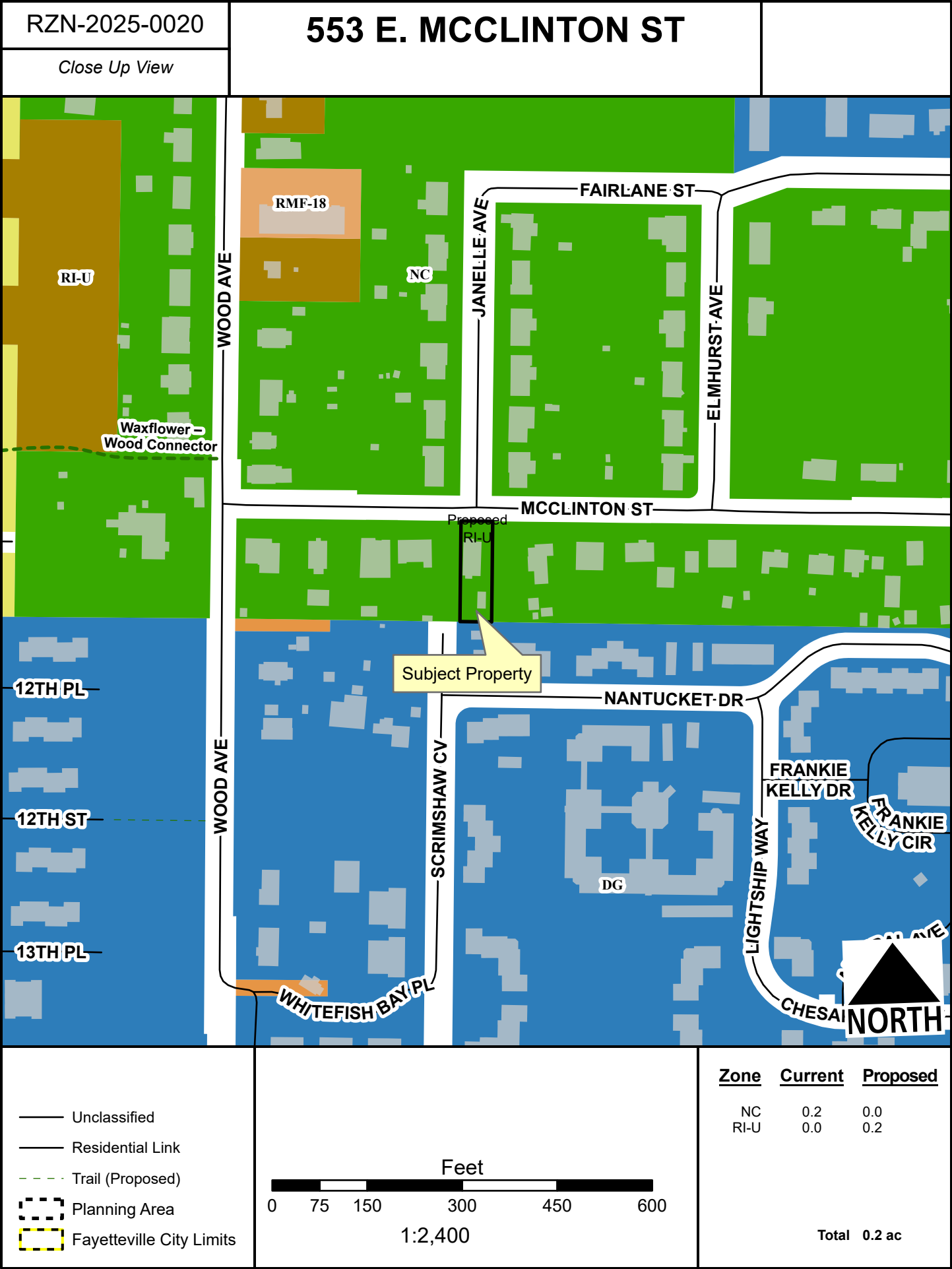
My client is currently building an Accessory Dwelling Unit (ADU) on the property, which is permitted under the existing zoning. This rezoning request would not result in any additional density, as the ADU is already approved and under construction. The purpose of the request is to allow the property to be divided into a tandem lot, enabling my client to obtain two separate 30-year mortgages—one for each structure.

Rezoning to RI-U would provide added flexibility and long-term financial stability while preserving the existing residential character of the property. The proposed change aligns with the city's goals for sustainable infill and increased housing options without impacting neighborhood scale or intensity.

Thank you for your consideration of this request. Please don't hesitate to contact me if you need any additional information.

Sincerely,
Wes Bates

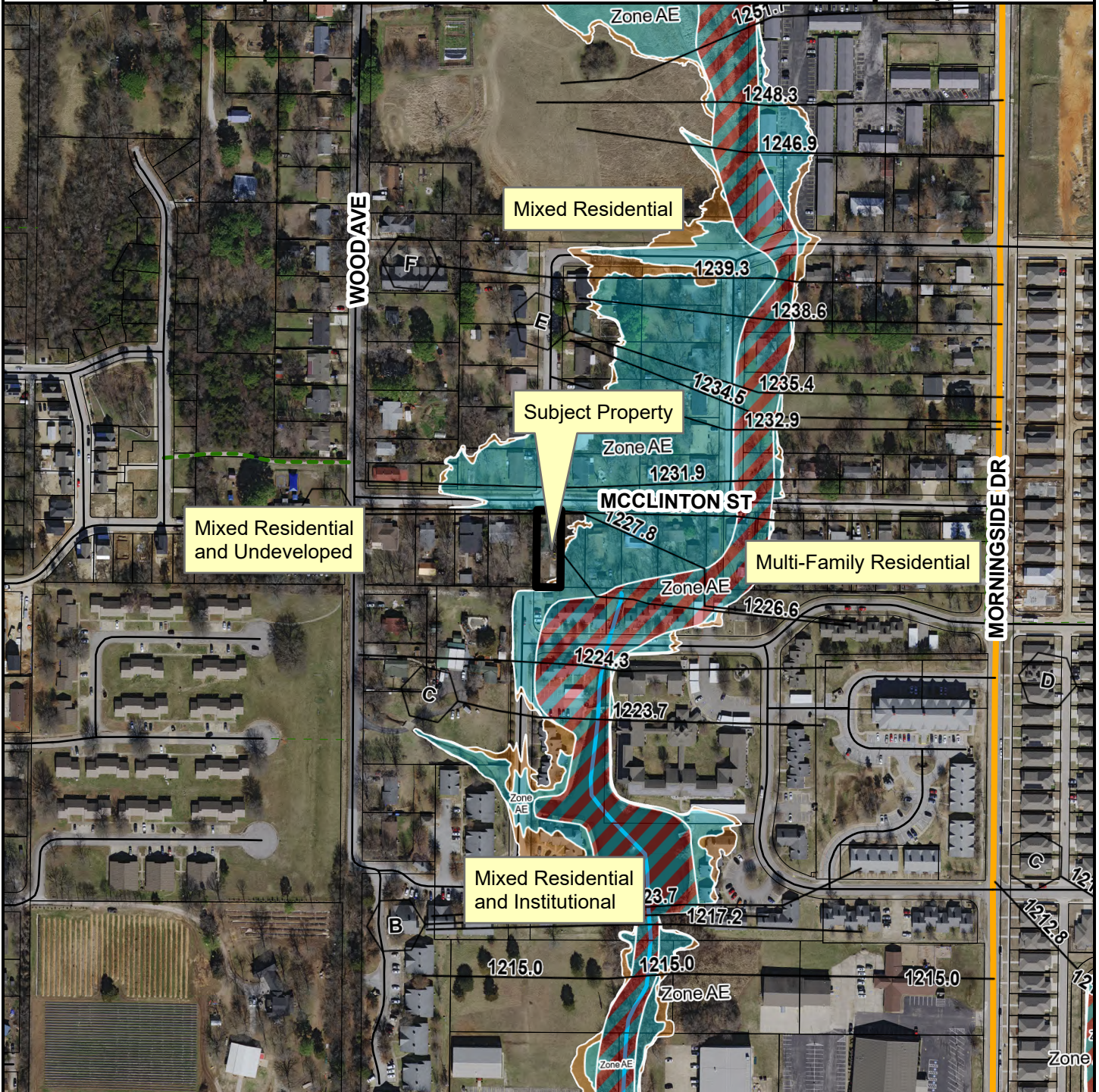




RZN-2025-0020

553 E. MCCLINTON ST

Current Land Use



- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

