

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Wednesday, June 18, 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 June 9, 2025 Planning Commission.
- Mirinda Hopkins, Development Coordinator

Unfinished Business**New Business****2. VAR-2025-0029: Planning Commission Variance (W. MITCHELL ST/MITCHELL STREET TOWNHOMES, 520):**

Submitted by ENGINEERING SERVICES INC for property located on W. MITCHELL ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.68 acres. The request is for a variance to urban residential design standards.
- Jessica Masters, Planning Director

3. VAR-2025-0030: Planning Commission Variance (2151 N. HAZEN WAY/CRP, WRDP HAZEN OWNER LLC, 362):

Submitted by HUNTER BUWICK for property located at 2151 N. HAZEN WAY. The property is zoned CS, COMMUNITY SERVICES and contains approximately 3.28 acres. The request is for a variance to street improvement requirements. - Jessica Masters, Planning Director

4. LSD-2024-0030: Large Scale Development (1919 S. ASHWOOD AVE/ASHWOOD DUPLEXES, 599):

Submitted by CRAFTON TULL for property located at 1919 S. ASHWOOD AVE. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 2.39 acres. The request is for a 28-unit duplex development with associated parking.
- Donna Wonsower, Planner

5. CUP-2025-0025: Conditional Use Permit (421 W. ILA ST/MARSH, 445):

Submitted by MICHAEL MARSH for property located at 421 W. ILA ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.14 acres. The request is for a short-term rental.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION - Wesley Frank, Planner

6. CUP-2025-0026: Conditional Use Permit (463 W. ILA ST/MARSH, 445):

Submitted by MICHAEL MARSH for property located at 463 W. ILA ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.14 acres. The request is for a short-term rental.

THIS ITEM HAS BEEN TABLED BY STAFF FOR LACK OF PUBLIC NOTIFICATION - Wesley Frank, Planner

7. CUP-2025-0027: Conditional Use Permit (223 E. 7TH ST/MOTH & DAGGER TATTOO & PIERCING, 563):

Submitted by MOTH & DAGGER TATTOO & PIERCING for property located at 223 E. 7TH ST. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.44 acres. The request is for a tattoo business.

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

8. CUP-2025-0029: Conditional Use Permit (3406 W. BUCKEYE ST/FUN & FRIENDS DAYCARE, 362):

Submitted by LORRIE MAY for property located at 3406 W. BUCKEYE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.18 acres. The request is for daycare facility.
- Donna Wonsower, Planner

9. CUP-2025-0030: Conditional Use Permit (EAST OF 5720 E. HUNTSVILLE RD/BIG MIKE'S FIREWORKS, 572):

Submitted by MICHAEL RUTLEDGE for property located EAST OF 5720 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.52 acres. The request is for a firework sales tent. - Gretchen Harrison, Senior Planner

10. RZN-2025-0021: Rezoning (EAST OF 1228 S. WEST AVE/BATES-SIEMEKE, 562):

Submitted by WESLEY BATES for property located EAST OF 1228 S. WEST AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.12 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.
- Gretchen Harrison, Senior Planner

Items Administratively Approved by Staff**Agenda Session Items****Announcements****Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

(pg. 1) Planning Commission							
Monday, 06/09/2025							
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 (05/27/2025)	2) VAC-2025-0014 (CHSH 241 LLC)	3) RZN-2025-0014 (SIEMEK & BATES)	4) CUP-2025-0024 (HONEY PROPERTIES LLC)	5) RZN-2025-0018 (AHBC SOLUTIONS LLC)	6) RZN-2025-0019 (SIEMEK & BATES)
Payne	1	1	1	0	1	0	1
Brink	1	1	1	1	1	1	1
Garlock	1	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1	1
Castin	1	1	1	1	1	1	1
Werner	0						
Gulley	1	1	1	1	1	1	1
Madden	1	1	1	1	1	1	1
Cabe	1	1	1	1	1	1	1
Agenda		Consent	Consent	Old	New	New	New
Action		Approve	Approve	Forward	Approve	Forward	Forward
Motion By		Castin	Castin	Payne	Garlock	Garlock	Garlock
Motion 2nd		Cabe	Cabe	Castin	Gulley	Castin	Payne
Vote		8-0-0	8-0-0	7-1-0	8-0-0	7-1-0	8-0-0
Time		5:33 PM	5:33 PM	6:25 PM	6:35 PM	6:47 PM	6:59 PM
Motion Detail				With a recommendation of approval.	With all conditions as recommended by staff.	With a recommendation of approval.	
Public Comment				13	0	2	1

(pg. 2) Planning Commission		Monday, 06/09/2025				
	7) RZN-2025-0020 (SIEMEK & BATES)					
Payne	1					
Brink	1					
Garlock	1					
McGetrick	1					
Castin	1					
Werner						
Gulley	1					
Madden	1					
Cabe	1					
Agenda	New					
Action	Forward					
Motion By	Garlock					
Motion 2nd	Cabe					
Vote	8-0-0					
Time	7:10 PM					
Motion Detail	With a recommendation of approval.					
Public Comment	0					



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director
Willia Thomason, Urban Forester

MEETING DATE: June 23, 2025

SUBJECT: **VAR-2025-0029: Planning Commission Variance (W. MITCHELL STREET/MITCHELL STREET TOWNHOMES, 520):** Submitted by ENGINEERING SERVICES INC. for property located on W. MITCHELL STREET. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE contains approximately 0.68 acres. The request is for a variance to pedestrian connectivity and access management standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0009**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0009** determining:*

- In favor of the requested variance to UDC §166.23(C)(4)(A), Pedestrian Connectivity;*
- In favor of the requested variance to UDC §166.08(F)(2)(b), Access management;*
- In favor of all other conditions recommended by staff."*

BACKGROUND:

The subject property is in central Fayetteville on W. Mitchell Street, just west of its intersection with S. Lewis Avenue. It contains 0.68 acres and is zoned RMF-24, Residential Multi-family, 24 Units per Acre. The property is undeveloped and is encumbered by a tree preservation easement that was dedicated in 2001 as part of the development of the JD China restaurant Large Scale Development. After the restaurant closed, Raising Cane's purchased and subdivided the lot. In 2016, the lot split (LSP 16-5311) was submitted and approved. The lot split created two lots; one lot with 1.09 acres was sold to Raising Cane's and the other 0.67-acre lot, containing the 0.38-acre tree preservation easement in question, was left undeveloped. City Council voted to vacate a portion of the tree preservation easement earlier in 2025, with conditions (VAC-2025-0002, ORD 6859). Surrounding land uses and zoning are listed in *Table 1*.

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Commercial	C-2, Thoroughfare Commercial
East	Multi-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Multi-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The applicant is requesting two variances to the unified development code in

conjunction with the development of a six-unit townhome development with associated parking.

DISCUSSION:

Variance #1: §166.23(C)(4)(A), Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk. The applicant is requesting to provide one shared pedestrian connection for the proposed six-unit townhome development where typically each unit would be required to connect to the public sidewalk individually.

Staff recommendation: Staff supports the request. Recently, City Council elected to vacate a portion of tree preservation easement to allow for access and pedestrian connection into the site along the western boundary. In order to meet the intent of the design ordinance, as well as work around the remaining easement, the applicant is still providing one single pedestrian connection to the street that intersects with a shared pathway that directly connects to each unit. Staff finds that the intent of the design ordinance is still met by providing reasonable pedestrian access to the street and acknowledges the site limitation in preventing them from meeting the letter. As a condition, staff recommends that the shared walkway is built in a way that is substantially similar to what is shown on the applicant's site plan.

Variance #2: §166.08(F)(2)(b), Access management. Curb cut separation for 2-, 3-, 4- and multi-family development and nonresidential development is required to be a minimum of 50 feet from an intersection or driveway for a residential link street. The applicant requests to install a driveway along the east side of the site that is approximately 19 feet from an adjacent driveway.

Staff recommendation: Staff is supportive of the applicant's request, finding no feasible alternative for the driveway location. The remaining portion of the tree preservation easement currently encumbers 95 feet of the overall frontage, and the driveway could not be located in another location without further consideration of the easement by the City Council. Given the number of units that are being served by this driveway, staff does not find that this will contribute to an unsafe traffic condition and supports the applicant's request.

Public Comment: Staff has not received any public comment with regards to this request.

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2025-0029, with the following conditions

Conditions of Approval:

- 1. Planning Commission determination of a variance to UDC §166.23(C)(4)(A), Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street.** *Staff recommends in favor of the variance for the reasons stated above with the added condition that each unit connect to a shared pathway before turning north to meet the public sidewalk, in a way that is substantially similar to how it is shown in the applicant's provided site plan.*

2. **Planning Commission determination of a variance to UDC §166.08(F)(2)(b), Access management. Curb cut separation for 2-, 3-, 4- and multi-family development and nonresidential development is required to be a minimum of 50 feet from an intersection or driveway for a residential link street. Staff recommends in favor of the variance for the reasons stated above.**
3. Approval of this item does not constitute approval of any associated permits, nor does it grant approval for any variances not yet applied for or identified.
4. Approval of this item does not fulfill the conditions of approval required with associated tree preservation easement vacation, as outlined in ordinance 6859.

Planning Commission Action:	☐ Approved	☐ Tabled	☐ Denied
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Meeting Date: June 23, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.08 Street Design and Access Management Standards
 - §166.23 Urban Residential Design Standards
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Excerpt – ORD 6859
- Urban Forestry Memo
- Applicant Exhibits
 - Applicant Request Letter
 - Site Plans

166.08 Street Design And Access Management Standards

- (A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.
- (B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.
- (C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

...

- (F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.
- (1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.
- (2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.
- (a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.
- (b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.
- (c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.
- (3) *Separation for Single-Family Homes.*
- (a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.
- (b) *Regional and Neighborhood Links.* Individual curb cuts along regional and neighborhood links streets shall be discouraged. When necessary, curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.
- (4) *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.
- (5) *Speed.* All streets should be designed to discourage excessive speeds.

...

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §§1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-20; Ord. No. 6658, §9, 5-2-23)

166.23 Urban Residential Design Standards

- (A) *Purposes.*
- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.

- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.
- (B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) Two (2) family dwellings
- (2) Three (3) and four (4) family dwellings
- (3) Multi-family dwellings

...

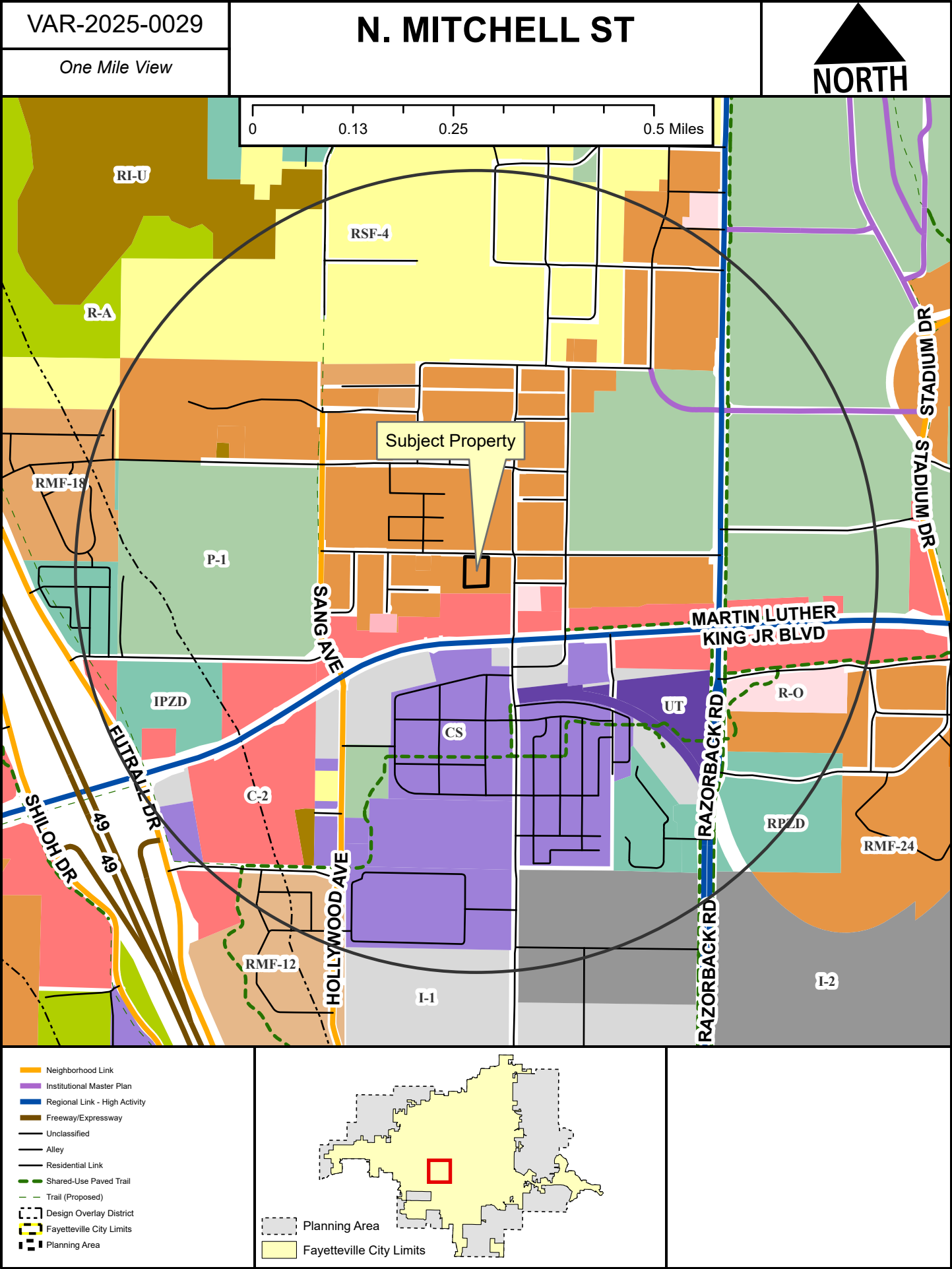
(4) Pedestrian Circulation.

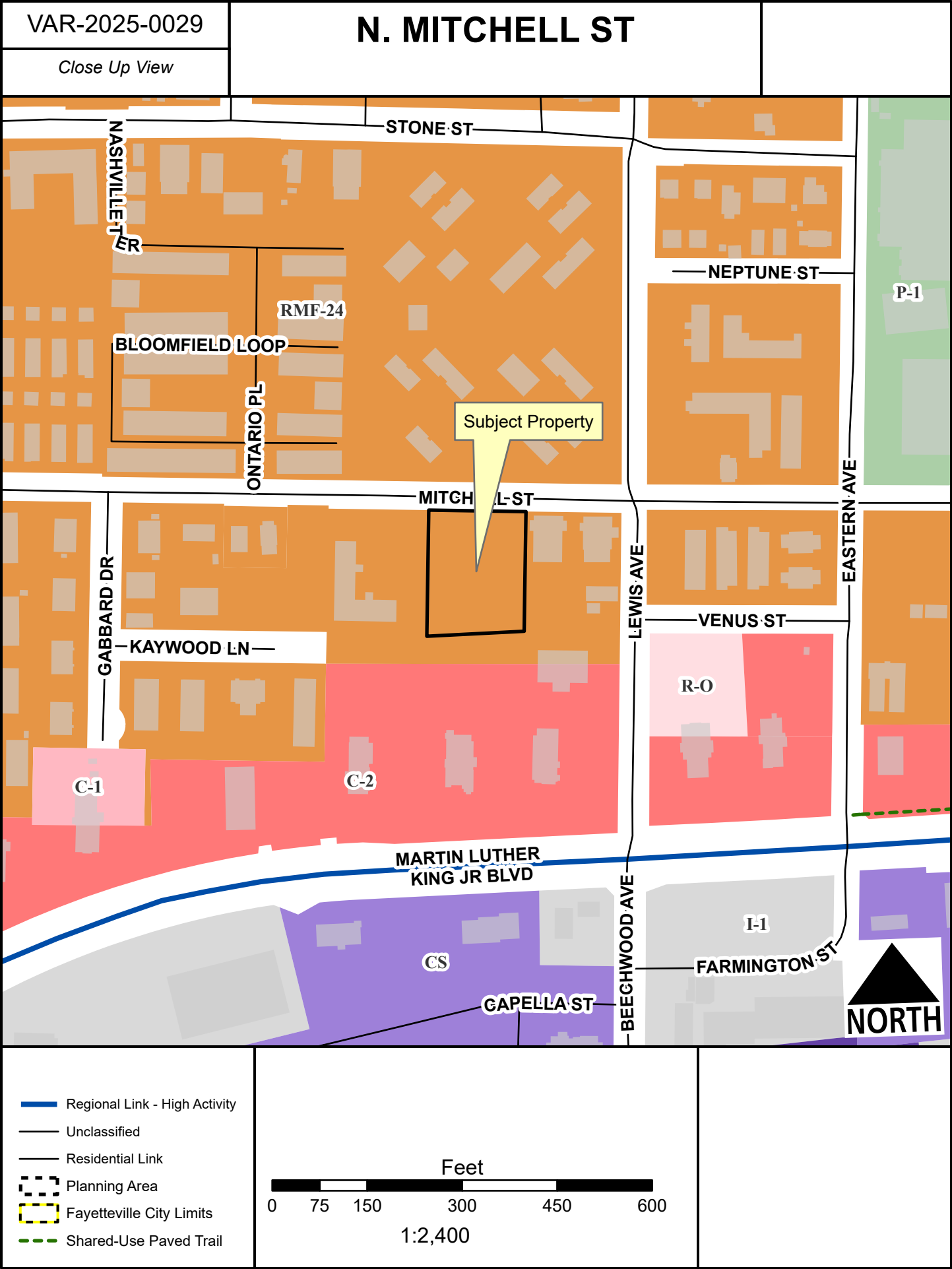
- (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.
- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.

....

- (E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170, §1, 4-2-19; Ord. No. 6357, §§1, 2, 9-15-20; Ord. No. 6508, §1, 11-16-21; Ord. No. 6658, §10, 5-2-23; Ord. No. 6773, § 11, 7-16-24)





VAR-2025-0029

N. MITCHELL ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



File# 2025-00011679

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 6859

File Number: 2025-431

VACATION-2025-0002: (EAST OF 1775 W. MITCHELL ST./MITCHELL STREET TOWNHOMES, 520):

AN ORDINANCE TO APPROVE THE VACATION OF A 6,061 SQUARE FOOT PORTION OF A TREE PRESERVATION EASEMENT LOCATED ALONG WEST MITCHELL STREET CONTINGENT ON THE DEDICATION OF TWO REPLACEMENT TREE PRESERVATION EASEMENTS TOTALING APPROXIMATELY 0.8 ACRES AND OTHER CONDITIONS

WHEREAS, the owner would like to vacate approximately 6,061 square feet of the existing tree preservation easement located along West Mitchell Street behind Raising Cane's for the purpose of developing the property; and

WHEREAS, the owner has offered to dedicate an additional 0.8 acres of tree preservation easement which will result in a net increase of approximately 0.66 acres of tree preservation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the owner of the land located along West Mitchell Street (Parcel No. 765-07564-000) that is covered by a dedicated tree preservation easement has proven to the City Council's satisfaction that the vacation of a portion of the tree preservation easement, as shown in Exhibit B to the staff memo attached to this Ordinance, is in the best interest of the City of Fayetteville and therefore grants the land owner's request to vacate the existing tree preservation easement as to those 6,061 square feet.

Section 2: The vacation and abolishment of the 6,061 square feet of tree preservation easement shall not be effective until the following conditions are satisfied:

1. Dedication of approximately 0.8 acres of tree preservation easement on Parcel Nos. 765-16157-000 and 765-15229-000, as shown in Exhibits C and D to the staff memo attached to this Ordinance.
2. Removal of all invasive species and trash from all three tree preservation easements.
3. Planting of 56 mitigation trees with six (6) year maintenance or bonding agreements within the proposed tree preservation easements in addition to any mitigation trees required for the development of the Mitchell Street parcel.
4. Consultation with an organization approved by the Urban Forester to identify measures needed to mitigate erosion in the riparian areas on Parcel Nos. 765-16157-000 and 765-15229-000.

Section 3: That the City Council of the City of Fayetteville, Arkansas further conditions this vacation to require that the

measures prescribed to mitigate erosion to the riparian areas on Parcel Nos. 765-16157-000 and 765-15229-000 shall be implemented at the expense of the applicant/owner prior to the issuance of any certificates of occupancy for the new development on Parcel No. 765-07564-000.

PASSED and APPROVED on April 15, 2025

Approved:



Molly Rawn, Mayor

Attest:



Kara Paxton, City Clerk Treasurer

This publication was paid for by the City Clerk-Treasurer of the City of Fayetteville, Arkansas. Amount Paid: \$218.88



Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Willa Thomason, Urban Forester

MEETING DATE: June 23, 2025

SUBJECT: **VAR-2025-0029: Mitchell St. Townhomes** - N. MITCHELL ST - Submitted by ENGINEERING SERVICES INC for property located on W. MITCHELL ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.68 acres. The request is for a variance to urban residential design standards. PP 520

RECOMMENDATION: Urban Forestry Staff recommends approval of VAR-2025-0029, a variance to waive the pedestrian sidewalk connection requirements under UDC §166.23(C)(4)(a), Urban Residential Design Standards and to waive the minimum separation requirements described in UDC §166.08(F)2(c), Street Design and Access Management Standards.

BACKGROUND:

The tree preservation easement on the subject property was dedicated as part of the development of the JD China restaurant Large Scale Development when it was built in 2001. After the restaurant closed, Raising Cane's purchased and subdivided the lot. In 2016, the lot split (LSP 16-5311) was submitted and approved. The lot split created two lots; one lot with 1.09 acres was sold to Raising Cane's and the other 0.67-acre lot, containing the original 0.38-acre tree preservation easement, was left undeveloped.

The City Council received two prior requests to vacate the tree preservation easement on this property. In 2019, the previous property owner submitted a vacation request that was tabled indefinitely because the applicant did not provide adequate information for evaluation. The current property owner submitted a request to vacate the entire 0.38-acre easement in 2022 and the request was denied.

Most recently, in 2025, the City Council approved the current property owner's request to vacate 0.14 acres of the 0.38-acre easement. This vacation was conditioned upon the dedication of two new tree preservation easements resulting in a 0.66-acre net increase in City tree preservation easement, as well as the planting of 28 mitigation trees, and consultation with a local environmental organization for assessment and mitigation to the riparian zones associated with the new easements.

DISCUSSION: The applicant proposes to waive the pedestrian sidewalk connection requirements under UDC §166.23(C)(4)(a) to maximize the square footage of tree preservation easement on-site and avoid disturbance to the existing canopy. Considering that no filling, excavating, or disturbance of any kind is permitted within tree preservation easements, the waiver of this pedestrian sidewalk connection requirement is necessary to avoid bringing an

additional tree preservation easement vacation on this site to City Council. Additionally, the applicant proposes to waive the minimum separation requirements described in UDC §166.08(F)(2)(c), allowing the proposed access drive and associated curb cuts to be located <50' from the driveway along S. Lewis Avenue. Given that this waiver will also serve to avoid disturbance to the tree preservation easement and the intersection of consequence is not highly trafficked, urban forestry staff recommends approval of the variance.

May 5th, 2025

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

Re: Variance Request
Mitchell St Townhomes (CPL-2025-0004)
W Mitchell St
Fayetteville, Arkansas

To whom it may concern:

Please accept this letter as a variance request to waive the pedestrian sidewalk connection requirements under UDC Chapter 166.23(C)(4)(a) Urban Residential Design Standards. The lot on Mitchell Street has a significant portion of the lot encumbered by tree preservation easement, requiring the building to be placed south of the easement. With this building location the only way to provide individual connections is directly through the tree preservation easement. The proposed solution balances meeting the intent of the code with minimizing disruption of existing trees inside the easement.

We would also like to request a variance to waive minimum separation requirements under UDC Chapter 166.08(F)(2)(c) Street Design And Access Management Standards. The property's frontage is approximately 150' wide, with 95' being tree preservation easement. The proposed location of the access drive along the east side of the property is the only possible location. Additionally, the intersection of consequence is a low traffic driveway with the main driveway being located along S Lewis Avenue.

It is our intention to attempt to meet the intent of the code, while minimizing disruption of existing trees. While we understand the need for these requirements, we believe the existence of the tree preservation easement is a special circumstance that requires consideration of the Planning Commission.

Very truly yours,



Cameron Plumlee

Z:\Engineers\00 - Engineer Projects\24950 - Mitchell Street Townhomes\03 Pre-Construction Plan Submittals\PC Variance Submittal #1\Variance Request Mitchell Street Townhomes.docx



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: June 23, 2025

SUBJECT: **VAR-2025-0030: Planning Commission Variance (2151 N. HAZEN WAY/CRP, WRDP HAZEN OWNER LLC, 362):** Submitted by HUNTER BUWICK for the property located at 2151 N. HAZEN WAY. The property is zoned CS, COMMUNITY SERVICES and contains approximately 3.28 acres. The request is for a variance to street improvement requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0030**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0030** determining:*

- In favor of the requested variance to UDC §166.04(A)(6), to allow for the delay of on-site improvements along N. Shiloh Drive.*
- In favor of all other conditions recommended by staff."*

BACKGROUND:

The subject property is in northwest Fayetteville, south of Mount Comfort Road between Ruppel and Salem Roads to the west and east respectively. Zoned CS, Community Services, the property is under construction for a 378-unit multi-family housing project, and a commercial component is proposed for the northeast portion of the site. The property slopes gradually downward to the south, where Hamestring Creek, a protected stream, is located. A large site improvement plan for the multi-family development was submitted for the property in early 2020 and received approval in 2021 (LSIP-2020-000003). A related variance to the necessary street improvements along N. Salem Road was heard by the Planning Commission in 2021 but was ultimately denied. (VAR-2021-000027). Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Varied Residential and Nonresidential	CS, Community Services; R-A, Residential Agricultural
South	Undeveloped (Hamestring Creek)	R-A, Residential Agricultural
East	Church; undeveloped	R-O, Residential Office; P-1, Institutional
West	Undeveloped	CS, Community Services; R-A, Residential Agricultural

Request: The applicant is requesting a determination by the Planning Commission under 166.04(A)(6) to delay the installation of required improvements along N. Salem to be completed with the commercial component of the project. A previous request to waive the street improvement requirements along N. Salem Road was denied by the Planning Commission in 2021.

DISCUSSION:

Variance #1: §166.04(A)(6), The Planning Commission may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with Chapter 158 of the UDC. The applicant wishes to complete on-site improvements along N. Salem Road at the time of an approved commercial site plan.

Staff recommendation: Staff recommends in favor of the applicant's request to delay the on-site improvements along N. Salem Road, south of the proposed driveway along N. Salem Road. The applicant has indicated that they still intend to provide improvements including sidewalk, curb, gutter, streetlights, and street trees, along the west side of N. Salem Road from the intersection of W. Mount Comfort Road until the north of the proposed driveway entrance with the current phase of construction, but would like to defer the southern portion improvements until the approval of the commercial development portion. Given the impact of the overall proposed development, and that the improvements along N. Salem Road will still be made, just phased differently, staff finds that the intent of the ordinance is still being met, and the impact of this proposed development on public infrastructure will still be roughly proportional without this small section of improvement. As a condition of approval, staff recommends constructing the driveway to still have a transition so that southbound traffic can still access the drive.

Public Comment: No public comment has been received to date.

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2025-0030, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.04(A)(6), which grants the Planning Commission the authority to delay on on-site improvement.** *Staff recommends in favor of the variance for the reasons stated above. Necessary improvements to the south of the proposed driveway shall be deferred until the development of the adjacent proposed commercial out lots.*
 2. Necessary street widening, curb, gutter, sidewalk, street trees, streetlights, and any other requirements shall still be installed as required under the approval of LSIP-2020-000003 from the intersection of W. Mount Comfort to the north of the proposed driveway along N. Salem Road. Any pavement or driveway improvements necessary to accommodate for the future street improvements shall be made with the initial phase.
 3. Approval of this item does not constitute approval of any associated permits, nor does it constitute approval of any variances that may be needed that have not yet been reviewed for. Review and approval of the associated permits shall be required in accordance with city code.
-

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: June 23, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.04 Required Infrastructure Improvements — Development In City Limits
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Conditional approval letter – LSIP-2020-000003
- Applicant Request Letter
- Site Plans

166.04 Required Infrastructure Improvements — Development In City Limits

(A) *Generally.* Required of developer.

- (1) *On and Off-Site Improvements.* On-site improvements are adjacent to or within a project site; such as widening the street along the project street frontage, constructing interior streets and utilities, etc. Off-site improvements are not adjacent to a project; such as the extension of an off-site sewer line to the property boundary, off-site storm drainage improvements, or an off-site intersection improvement, etc.
- (2) *Standards Applicable.* Any required on or off-site improvements in the city and within one (1) mile of the city limits shall be installed according to the city's standards; provided on or off-site improvements to roads located outside one mile of the city limits shall be installed to the county's standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the development.
- (3) *Required Infrastructure Improvements.* On and off-site improvements that are roughly proportional and bear a rational nexus to the impact of the development are required for all development within the City of Fayetteville. The developer shall be required to install on and off-site improvements where the need for such improvements is created in whole or in part by the proposed development.
- (4) *Planning Commission and Planning Division.* At the time the Planning Commission or Planning Division (where applicable for administrative approval) grants development approval, the Planning Commission or Planning Division shall determine whether the proposed development creates a need for off-site improvements and the portion of the cost of any needed off-site improvements which the developer shall be required to bear; provided, that portion of the cost of off-site improvements to roads located outside the city's corporate limits but within the city's planning area shall be determined by the county. In determining that portion of the cost of off-site improvements which the developer shall be required to bear, the Planning Commission or Planning Division (where applicable for administrative approval) shall consider the acreage within the proposed development as a percentage of all the acreage which, when fully developed, will benefit from the off-site improvements; provided, the Planning Commission or Planning Division may use a different method of measurement if it determines that use of the acreage standard will not result in the developer bearing that portion of the cost which bears a rational nexus to the needs created by the development.
- (5) *Determining Necessity for Off-Site Improvements.*

- (a) When a proposed development has access to paved streets or roads only by way of substandard or unimproved roads or streets leading from the development to the paved streets or roads, the developer shall be responsible for contributing this proportionate share of the cost of improving the substandard access roads or streets to existing city or county standards. The developer's proportionate share of said costs shall be determined by the Planning Commission or Planning Division (where applicable for administrative approval) in accordance with the provisions of 166.04(A) above.
- (b) When a proposed development has direct access to, or fronts on an existing road or street, which is below current standards, the developer shall be responsible for contributing his/her proportionate share of the cost of improving said street or road to existing city or county standards. The Planning Commission or Planning Division (where applicable for administrative approval) shall determine the developer's proportionate share of said costs in accordance with the provisions of 166.04(A) above.
- (c) Off-site drainage improvements shall be required whenever a proposed development causes the need for such improvements.
- (6) **Delayed Improvements.** The Planning Commission or Planning Division may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with Chapter 158 of the UDC.
- (7) **Variances.** A variance of off-site improvements may be granted in accordance with Chapter 156 Variances.
- (8) **State Highways.** The developer shall be required to dedicate sufficient right-of-way to bring those state highways which the Master Street Plan shows to abut or intersect the proposed subdivision into conformance with the right-of-way requirements of the Master Street Plan. The developer shall be required to install a sidewalk adjacent to that portion of a state highway abutting the proposed development; and provided that the Planning Commission or Engineering Division (where applicable for administrative approval) may waive the sidewalk requirement prescribed by this subsection upon application by the developer and a determination by the Planning Commission or Engineering Division (where applicable for administrative approval) that the topography of the proposed development where it abuts a state highway is such that installation of a sidewalk is not practical. Any other improvements required of the developer by the Planning Commission or Engineering Division (where applicable for administrative approval) shall be coordinated with the Arkansas Highway and Transportation Department.
- (B) **Minimum Improvements by Application Type.** The property owner/developer shall be responsible for constructing the following minimum improvements.

...

(4) **Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.**

- (a) **Dedication of Right-of-Way.**
 - (i) **On-Site.** Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property and new streets proposed interior to the property, into conformance with the right-of-way requirements of the Master Street Plan for said streets, shall be approved by the Planning Commission; provided, the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.
 - (ii) **Council Acceptance of Streets and Alleys.** The City Council accepts all streets and alleys located in Fayetteville that have been previously approved and accepted as dedications by the Fayetteville Planning Commission. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which have been approved by the Fayetteville Planning Commission.
- (b) **Monuments and Lot Stakes.** The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, General Procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.
- (c) **Streets.**
 - (i) **On-Site.** Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.
 - (ii) **Off-Site.** Street widening and/or new street construction off-site may be required to address traffic impacts based on the rough proportion and rational nexus of the impacts of the project. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.
 - (iii) **Private Street Name Signs.** Where a structure is addressed on a private street or drive, the developer or property owner(s) shall be required to install, maintain, repair and replace all private street name signs. Any private street name sign existing at the time of passage of this ordinance shall be maintained, repaired and replaced as required by this section. Signs shall meet the

standards of the Manual on Uniform Traffic Control Devices (MUTCD) and shall be installed at all street/drive intersections. Unless approved otherwise, all signs shall be retroreflective and utilize a white legend on a green background.

- (d) *Curbs and Gutters.*
 - (i) *On-Site.* Curbs and gutters adjacent to the project frontage according to existing city standards and specifications as adopted by the City Council.
 - (ii) *Off-Site.* Curbs and gutters off-site may be required to address drainage and/or traffic impacts based on the rough proportion and rational nexus to impacts of the project. Curbs and gutters according to existing city standards and specifications as adopted by the City Council.
- (e) *Traffic Signals.* As determined to be needed based on the rough proportionality and rational nexus of the impacts of the development.
- (f) *Sidewalks.*
 - (i) *On-Site.* Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council.
 - (ii) *Off-Site.* Sidewalks may be required to be installed off-site based on the rough proportionality and rational nexus of the impacts of the development.
- (g) *Streetlights.* Standard 8,000 lumen streetlights (or equal alternative approved by the Planning Division) shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at intersections with collector streets or arterial streets. Developers are encouraged to utilize high-efficiency (LED or similar) streetlights where possible).
- (h) *Grading and Storm Drainage System.*
 - (i) The developer shall install storm drainage facilities, including drains, sewers, catch basins, and culverts necessary for the proper drainage of all surface water.
 - (ii) All drainage facilities shall be so designed to serve the entire drainage area per the specifications found in Chapter 170 and the current versions of the city's *Drainage Criteria Manual*.
 - (iii) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural drainage ditches approved by the City Engineer.
 - (iv) The City Engineer shall approve all drainage features.
 - (v) *Culverts and Bridges.* Culverts and bridges shall be installed where needed in accordance with existing Arkansas State Highway Department standards and specifications.
- (i) *Water Supply.*
 - (i) *Accessible Public Water Supply.* When an approved public water supply is reasonably accessible, the developer shall install a system of water mains and shall connect to such supply so that each lot within the subdivision or development shall be provided with a connection to said public water supply. All connections shall be approved by the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.
 - (ii) *Nonaccessible Public Water Supply.* Where an approved public water supply is not reasonably accessible, any private water supply system proposed by the developer must be approved by the county sanitarian and the City Engineer in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision or development. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.
 - (iii) *Fire Hydrants.* Fire hydrants for single-family dwellings and duplexes shall be installed so that the distance between two (2) consecutive fire hydrants does not exceed 800 feet, and no lot is more than 400 feet from a fire hydrant. Fire hydrants for apartment complexes, commercial structures, and industrial structures shall be installed so that the distance between two (2) consecutive fire hydrants does not exceed 600 feet; provided, the Fire Chief shall have the authority to require additional fire hydrants upon a determination that such additional fire hydrants are necessary to provide adequate fire protection. The Fire Chief shall develop written criteria to be applied in determining whether additional fire hydrants shall be required.
- (j) *Sanitary Sewer System.*
 - (i) *Public Sanitary Sewer Accessible.* Where a public sanitary sewer is reasonably accessible, the developer shall connect with such sewer, and each lot within the subdivision or development shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street if possible.
 - (ii) *Public Sanitary Sewer Not Accessible.* Where a subdivision, lot split, or other development is proposed to utilize either individual septic systems or an onsite wastewater treatment system the following is required:

- (a) *Lot Splits Resulting in Lots Less Than 1.5 acres.* Prior to the city stamping the lot split document for approval, a letter from the Arkansas Department of Health is required verifying approval of soil tests and that the property could be developed with a septic system.
- (b) Prior to the city signing a final or concurrent plat a letter from the Arkansas Department of Health is required indicating approval of the overall plan for the utilization of either onsite wastewater systems or individual septic permits.
- (c) Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions, lot splits, and development plans.
- (d) *Community Sewage Systems.* The construction of community sewage systems or decentralized sewer systems shall be prohibited within the City unless expressly permitted by resolution of the City Council.
- (e) *Annexation of Community Sewage Systems.* Where a community sewage system is annexed into the city, then the following shall apply:
 - (1) *Unconstructed Systems.* The wastewater system shall be designed such that the entire collection system is a traditional-style gravity sewer system that carries all wastewater flow to centralized treatment facilities and shall meet city standards for design construction. The system must also be designed such that there is one (1) single point of connection from which a future gravity connection can be made to the city sanitary sewer system when the latter becomes available. This connection shall be made at the expense of the owner of the decentralized wastewater system.
 - (2) *Constructed Systems.* Systems constructed prior to annexation into the city must tie to the city sanitary sewer system when a city sanitary sewer main is constructed within 300 feet of the community sewage system and such main is reasonably available to the community sewage system. This connection shall be made at the expense of the owner of the decentralized wastewater system.
- (k) *Trail Linkages/Corridor/Easements.* The developer may be required to construct a trail linkage or corridor or grant a multi-use trail easement for trails shown on the Master Transportation Plan that abut, intersect, or traverse the project site, if it is determined that the improvements bear a rational nexus and rough proportionality to the needs created by the development.

...

- (C) *Other Infrastructure Improvements.* Other infrastructure improvements may be required where the need for such improvements is created in whole or in part by the proposed development as determined by the City Engineer.

(Code 1965, App. C., Art. III, §A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§159.31, 159.32; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. No. 4660, 12-21-04; Ord. No. 5152, 7-15-08; Ord. No. 5271, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5374, 12-21-10; Ord. No. 5523, 9-4-12; Ord. No. 5570, 03-05-13; Ord. No. 6116, §1, 11-20-18; Ord. No. 6166, §§1, 2, 4-2-19; Ord. No. 6195, §1, 6-4-19; Ord. No. 6350, §3(Exh. B), 8-18-20; Ord. No. 6426, §1, 4-6-21; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6751, §1(Exh. A), 5-21-24; Ord. No. 6833, §6, 1-21-25)

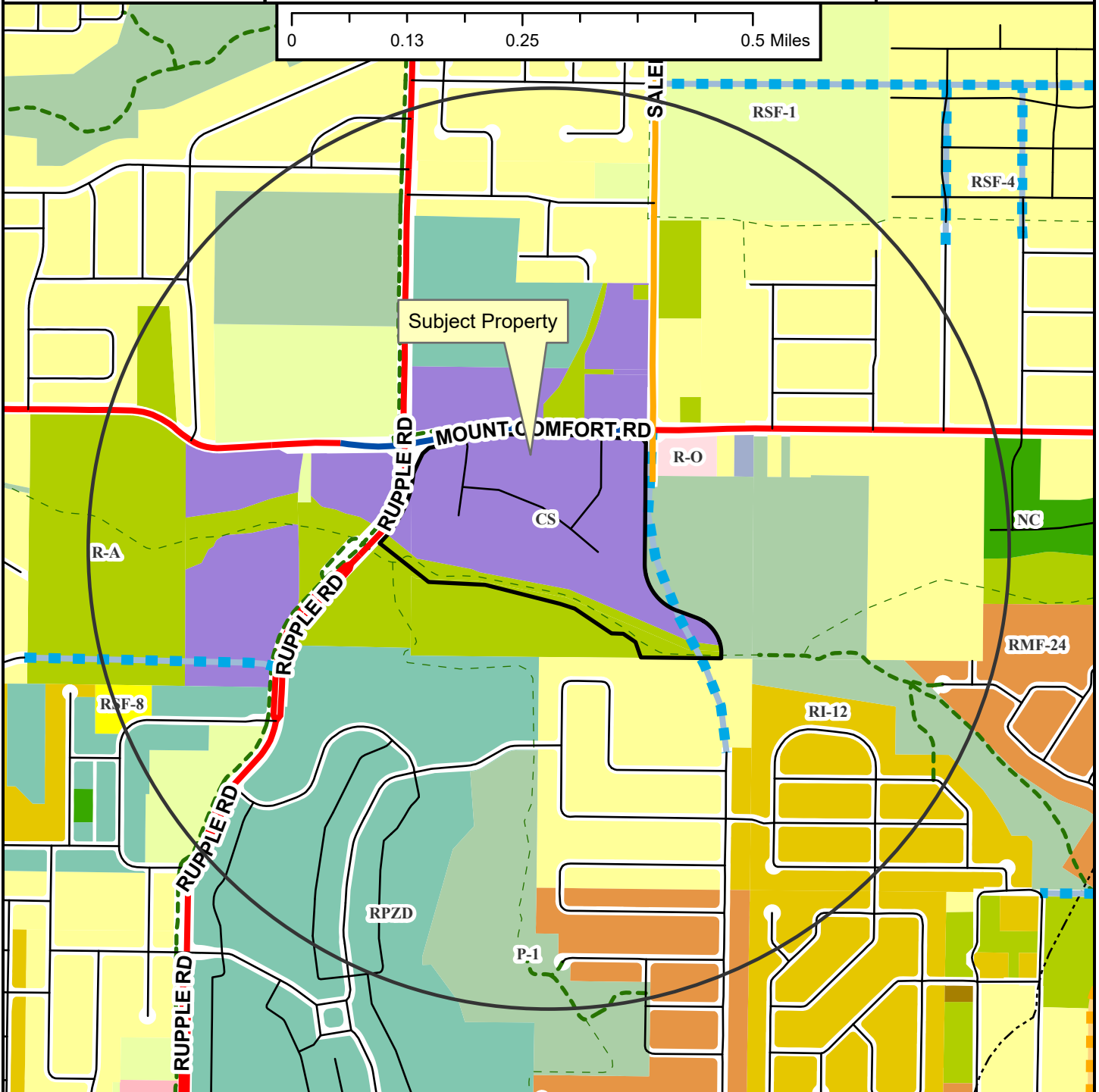
VAR-2025-0030

2151 N. HAZEN WAY

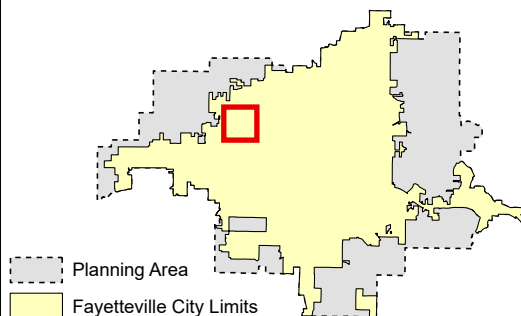
One Mile View



0 0.13 0.25 0.5 Miles



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- 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 23, 2025

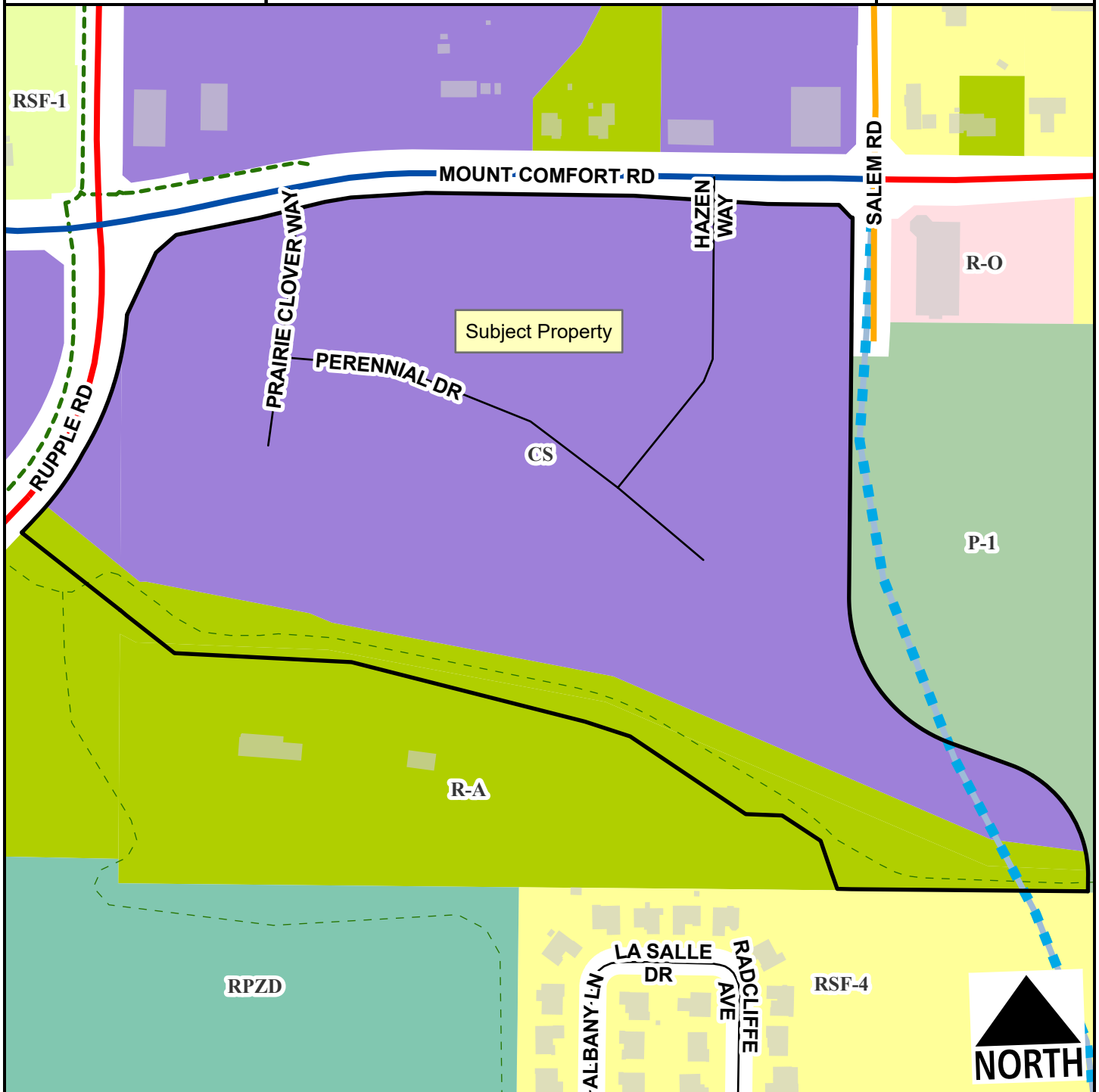
VAR-2025-0030 (WRDP HAZEN OWNER LLC)

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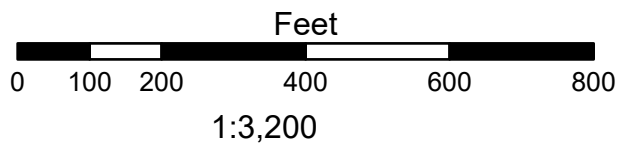
VAR-2025-0030

2151 N. HAZEN WAY

Close Up View



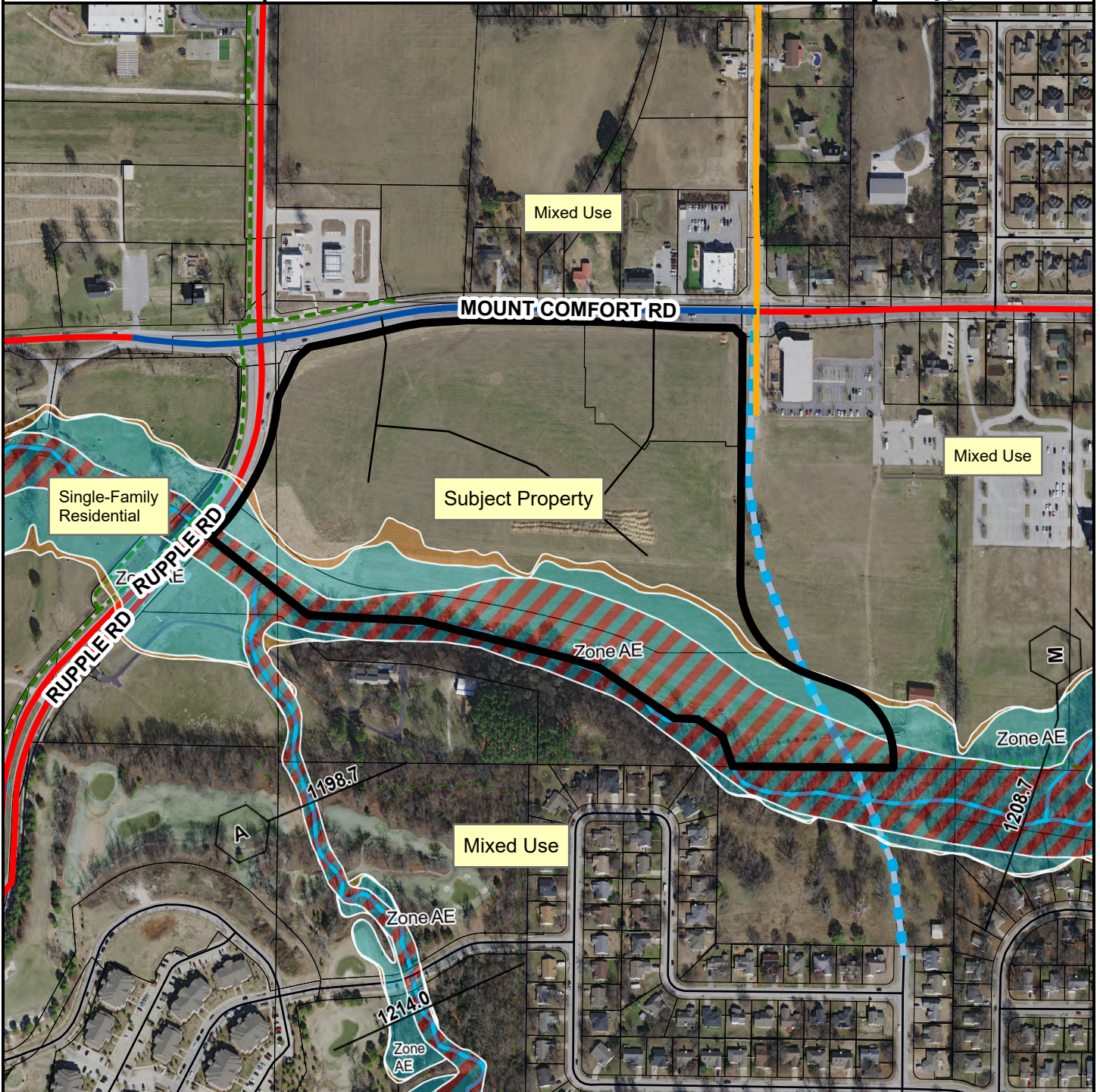
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



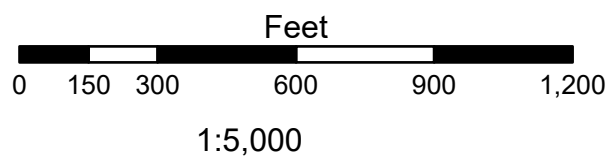
VAR-2025-0030

2151 N. HAZEN WAY

Current Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



CITY OF
FAYETTEVILLE
ARKANSAS

September 9, 2021

Cory A. Amos
Anthology Real Estate

VIA EnerGov & EMAIL: cory@anthologyre.com

Re: Large Site Improvement Plan Approval: LSIP-2021-000003 (Mt. Comfort Apts.)

Dear Mr. Amos,

City Staff has completed the review of and conditionally approved the Large Site Improvement Plan for the Mount Comfort Apartments southeast of W. Mount Comfort Road and N. Ruppel Road (LSIP-2021-000003) subject to the following conditions:

1. **Street Improvements.**
 - a. Salem Road:
 - i. Per the Planning Commission approval of VAR-2021-000027:
 1. An assessment for delayed improvements to Salem Road south of the current right-of-way *is not* required.
 2. The existing Salem Road south of Mount Comfort Road shall be improved from centerline, to include widening, curb and gutter, streetlight(s), 6-foot greenspace and street trees, and 6-foot sidewalk per the Master Street Plan Residential Link standard.
 - b. Mount Comfort Road: Installation of street lights, trail, and greenspace as indicated by the applicant, and widening and/or curb and gutter construction as needed along the project's frontage to accommodate on-street parking. Per Engineering Division comment, striping will be reviewed in greater detail during construction permit review.
 - c. Ruppel Road: No improvements required.
2. **Right-of-Way Dedication.** Where not already dedicated to Master Street Plan minimums, right-of-way dedication along the property's existing street frontage is required in the amount of 26-foot from centerline on Salem Road, 48-foot from centerline on Mount Comfort Road, and 46-foot from centerline on Ruppel Road.
3. **Parkland.** Per the February 3, 2020 Parks and Recreation Advisory Board review of the project with 363 units (see attached), Parks fee in-lieu of land dedication in the amount of \$14,280 in combination with parkland dedication in the amount of 7.25 acres is required prior to building permit issuance.
 - a. The final amount of fee in-lieu and/or land dedication needed to satisfy the Parkland Dedication requirements will be determined by the final number of units proposed.
4. Dedication of any proposed or required easements and right-of-way must be reviewed by staff, approved, and recorded as an easement plat prior to building permit approval;
5. Contact the City's Enhanced 911 Addressing Coordinator at (479)575-8380 to establish street/drive names and addresses prior to building permit submittal.

6. Per the Planning Commission approval of VAR-2021-000027 on April 26, 2021, ground floor units adjacent to Ruppel Road are not required to connect to public sidewalk and encroachment in to the Streamside Protection Zone of Hamestring Creek are permitted in association with FEMA FIRM revisions.
7. Comments and conditions from review staff shall be addressed, including the following per Engineering as issued on June 23, 2021, and attached per Forestry as issued November 18, 2020:
 - a. Existing westbound left turn land from Mount Comfort on to Ruppel must remain as striped currently. Remove 2-way left turn in this area.
 - b. Updated sight distance exhibits must be provided for all driveways and street intersections. Expectation is that all driveways and streets meet stopping sight distances based on posted speed limits.
 - c. 45-foot radius shown at Salem and Mount Comfort will need to be reduced to as small as possible while still servicing the design vehicle per the minimum street standards.
 - d. Provide the construction level notes and details for all proposed pavement markings within city right of way.
 - e. Show limits of maximum ponding from detention pond. Drainage Criteria Manual requires minimum 50-foot setback from structures to limits of max ponding. If it is not provided, must request variance from City Engineer during permit review.

Standard conditions of approval:

8. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;
9. Plat Review comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Gas, AT&T, Ozarks, SWEPCO, Cox Communications);
10. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements;
11. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit. This includes parking lot lighting;
12. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation; and
13. Prior to the issuance of a building permit the following is required. If building permit is not required, the following shall be completed per the standards of the Engineering Division:
 - a. Grading and drainage permits;
 - b. An easement plat shall be submitted, reviewed, approved, and recorded;
 - c. An on-site inspection by the Urban Forester of all tree protection measures prior to any land disturbance;
 - d. Project Disk with all final revisions; and
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.

The next step is submittal of construction documents to the appropriate City Divisions for review, including a grading/drainage submittal to the Engineering Division and building permit to Building Safety, as needed. Please submit a copy of this letter with your construction documents. The plans submitted for construction should be revised to address all comments from the Technical Plat Review meeting and those noted above. If you have any questions, please feel free to contact the Planning Division at (479) 575-8267.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan Curth', with a long horizontal line extending to the right.

Jonathan Curth
Development Services Director

Attachments:

- Parks and Recreation Comments – June 22, 2021
- Urban Forestry Landscape Plan Comments – November 18, 2020

Mr. Brink,

Site work is currently underway for two parcels located on Mt. Comfort Road between Ruppel Road and Salem Road. One parcel is being developed as 327 units of multi-family (765-13649-011) and the other as commercial retail (765-13649-009). These parcels were originally submitted by one entity and approved under LSIP 2020-000003.

After initial site work began, a separate entity ("MC2 Land" aka Anthology Real Estate), has purchased the commercial parcel to develop this land in coordination with but separately from the multi-family entity with separate funding. The multi-family project is fully designed and funded, while the commercial project is still in early design stages while also raising capital for the future vertical construction. Equity investment for projects such as these tend to specialize in one product type instead of investing in mixed-use as a whole. This known challenge of funding is the reason for the separation between the two entities and developments.

Due to the mixed-use design across the two parcels, there are shared roads and utilities. As a result, there are construction requirements on the commercial parcel that will impact future occupancy permits for the multi-family. Many of these improvements are not something that would make financial sense to build at this stage if this were a stand alone commercial project, but we have accepted that burden as the cost of a more impactful mixed-use development. One particular required improvement that would help relieve these early site costs is described in the variance request listed below.

VARIANCE REQUEST - 166.04 (A) (6) (See Exhibit #1 & #2)

Per 156.03 (C) (3) (d)

Improvements requested by city staff to construct half of the required street section, approximately 250' - 0" of Salem Road from the Mount Comfort intersection south.

Anthology Real Estate is requesting a variance in order to delay constructing a portion of the required right-of-way improvements along Salem Road until a later phase. Anthology would like to propose that the most visible ROW improvements from Mt. Comfort to the Salem entry be built as planned, but everything south of the Salem entry be required in a future phase tied more directly to the future commercial occupancy permit. Access to the multi-family is available via 3 entries in addition to Salem Road entry. Additionally, until the commercial development is fully built out, ROW improvements south of the Salem entry have little to no public benefit. As mentioned, the commercial development is already carrying many required improvements that benefit the multi-family development only at this stage. Delaying the southern portion of the Salem ROW improvements would remove a burdensome carry cost for Anthology and contribute to the future success of this pedestrian centered neighborhood retail development.

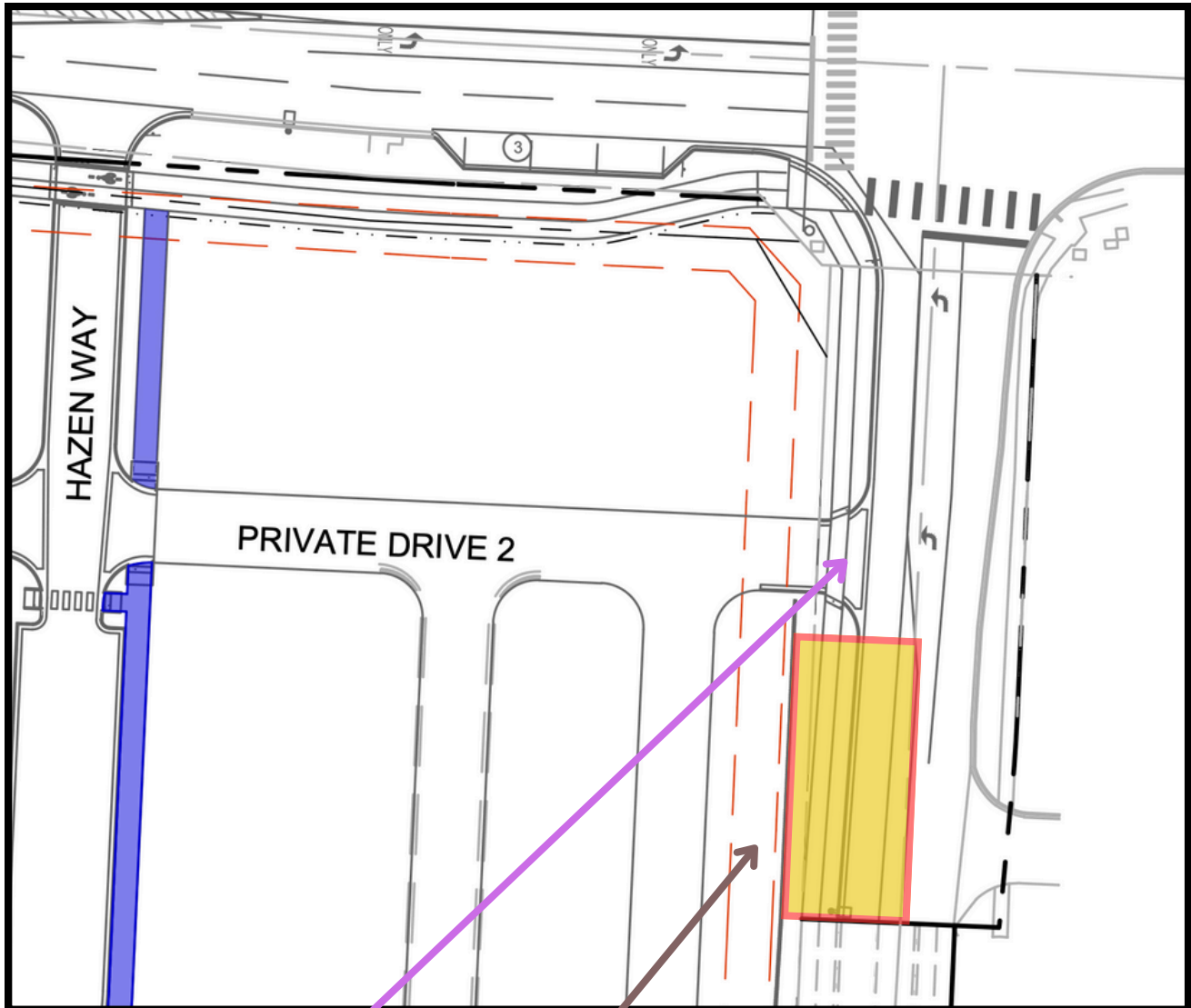
Thank you for your consideration of this request.

Best Regards,



Hunter Buwick
CEO/Founder
Anthology Real Estate
479.270.7997
hunter@anthologyre.com

EXHIBIT #2



SALEM ENTRY

VARIANCE
REQUEST

- 1 MOUNT COMFORT RETAIL SQUARE
- 2 LOW IMPACT PARKING GARDEN
- 3 CLUBHOUSE + SOLARIUM
- 4 WET MEADOW
- 5 CITY TRAIL

- 6 HAMSTRING CREEK
- 7 COMMUNITY GARDEN
- 8 POOL COURTYARD
- 9 POCKET PARK
- 10 MIDBLOCK PASEO

- 11 TRAIL PROMENADE
- 12 MARKET/BOOKSTORE
- 13 NEIGHBORHOOD BOARDWALK
- 14 MAIL CENTER
- 15 EVENT LAWN

- AMENITY
- GARDEN STYLE MULTIFAMILY
- COMMERCIAL (SEPARATE PHASE)

SITE PLAN





SITE PLAN

GROUND FLOOR COMMERCIAL AREA
21,800 SF

2ND FLOOR EXECUTIVE OFFICE
9,000 SF

PARKING RATIO
6.7/1000 SF

- 1 MOUNT COMFORT RETAIL SQUARE
- 2 FOOD TRUCK COURT
- 3 PORCH OR PATIO
- 4 TRAIL PROMENADE
- 5 PATIO OR COURTYARD
- 6 MIDBLOCK PASEO
- 7 CLUBHOUSE
- 8 SOLARIUM
- 9 ON-STREET PARKING + MIXED-USE TRAIL
- 10 FUTURE SALEM ROAD CONNECTION
- 11 REFUSE

STATE RECORDING NUMBER:
500-16N-30W-0-06-340-72-1642

STATE RECORDING NUMBER:
500-16N-31W-0-01-210-72-1642

Feature	Symbol
BOUNDARY LINE (NEARSHOULDER)	
FORTY FOOT LINE (LINE)	
CENTRELINE OF ROAD	
RIGHT-OF-WAY	
WATER LINE	
OVERHEAD POWER LINE	
SEWER LINE	
FENCE	
BUILD-TO-ZONE	
UTILITY EASEMENT	
INGRESS & EGRESS EASEMENT	
CREEK BANK	
FUTURE TRAIL	
TAX PARCEL LINE	
WETLANDS BOUNDARY	

	WATER METER
	FIBER OPTIC PEDESTAL
	GAS METER HOOK-UP
	CLEAN OUT
	GAS VALVE
	STREET TRAFFIC LIGHT
	GAS PEDESTAL
	FIRE HYDRANT
	ELECTRICAL VAULT
	ELECTRICAL BOX
	FIBER OPTIC VAULT
	FIBER OPTIC PEDESTAL
	POWER POLE
	WATER METER
	ELECTRICAL METER

LEGEND:

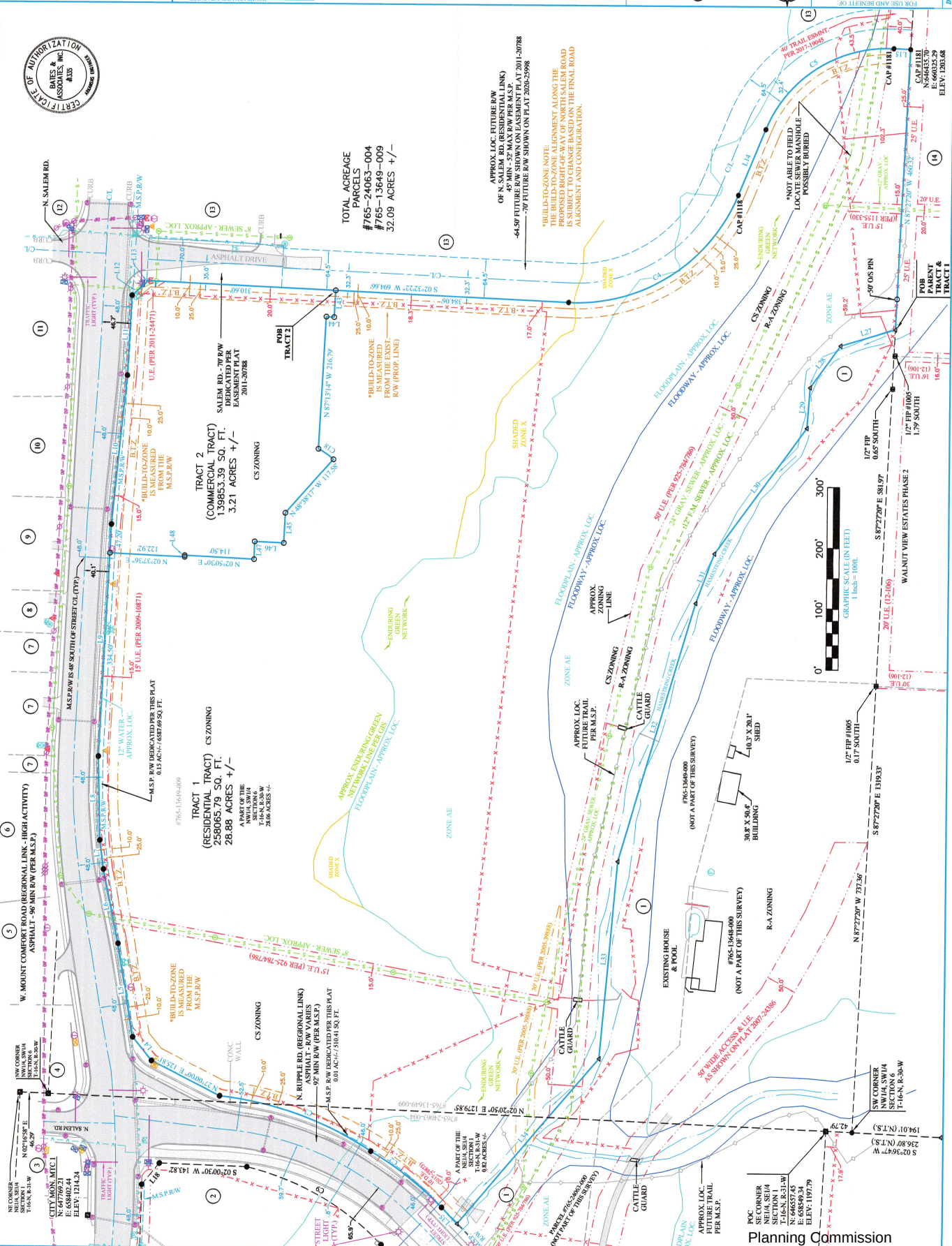
- THESE STANDARD SYMBOLS
- WERE FOUND IN THE DRAWING.
- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- FOUND ALUM. MONUMENT
- SET 5/8" REBAR CAP
- COMPUTED POINT
- SANITARY SEWER MAIN
- STORM SEWER MAIN
- CABLE PEDestal
- TELEPHONE PEDestal

es, Inc.
scape Architects
442, 8350 - Fax: 479, 524, 9800
appear on this plate. This plate is
it no independent
ment, ownership, title,
ownership, Inc. business no
other business does not
liability.

Bates & Associates
Surveyors • Land
 22704 • 479 • 332



WRDP/ARE LAND, LLC	ADDRESS: 2168 N. RUPPLE ROAD PAYETTEVILLE, ARKANSAS	SCALE: 1"=100'	SURVEYED: DRAFTED:	JCR & ASSOCIATES, INC.	REVIEWED: DT	COA #1335
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Planning Commission

June 23, 2025

VAR-2025-0030 (WRDP HAZEN OWNER LLC)

Page 21 of 21



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Planner
Justin Bland, Engineering Development Review Manager
Willia Thomason, Urban Forester

MEETING: June 23, 2025

SUBJECT: **LSD-2024-0030: Large Scale Development (1919 S ASHWOOD AVE./ASHWOOD DUPLEXES, 599):** Submitted by CRAFTON TULL for property located at 1919 S. ASHWOOD AVE. The property is zoned RI-12, RESIDENTIAL-INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 2.39 acres. The request is for a 28-unit duplex development with associated parking

RECOMMENDATION:

Staff recommends approval of **LSD-2024-0030**, subject to conditions.

RECOMMENDED MOTION: *"I move to approve LSD-2024-0030 with conditions, finding:*

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

BACKGROUND:

The subject property is in southwest Fayetteville on the west side of Ashwood Avenue about 700 feet north of the street's intersection with Razorback Road. The property contains one parcel totaling 2.40 acres which is currently zoned RSF-4, Residential Single-Family, which was rezoned from RSF-4, Residential Single-Family, Four Units per Acre to RI-12, Residential-Intermediate, 12 Units per Acre in August 2024 (RZN-2024-0033). The parcel is developed with a single-family dwelling that Washington County records indicate was built in 1951. The subject property is within the boundaries of the Fayette Junction Master Plan which was adopted in 2009 as part of City Plan 2025. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Town Branch Trail & Park, Undeveloped	P-1, Institutional C-2, Thoroughfare Commercial UT, Urban Throughfare
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Single-Family Residential Undeveloped	RI-U, Residential Intermediate Urban

Proposal: The applicant requests Large Scale Development approval to develop the subject property with a total of 28 two-family units (14 buildings) and associated parking. No variances have been requested.

Right-of-Way to be Dedicated: The property has frontage along S. Ashwood Ave., a residential link street which typically require 26' of dedication from the street centerline. Right-of-way dedication in line with typical right-of-way requirements is recommended.

Street Improvements: The property has frontage along S. Ashwood Ave., a residential link street which typically require a 6-foot sidewalk, 6-foot green space, curb and gutter, 7-foot parking lane, and a 10-foot and 9-foot travel lane. The applicant proposes improvements in line with these requirements, including widening of S. Ashwood Ave. along the property frontage.

Access Management/Connectivity: The proposed driveway onto S. Ashwood Ave. meets separation requirements. No other driveways are shown, and no public or private streets are proposed which would be subject to clock length standards.

Design Standards: The development is subject to §172.04 – Parking Lot Design Standards and §166.23 – Urban Residential Design Standards. The applicant has voluntarily elected to utilize the revised parking standards recently adopted by City Council. Staff has reviewed these standards and found the plans to be substantially in compliance. More information on the proposed masonry walls is required to determine full compliance with minimum buildable street frontage requirements but will be confirmed at the time of building permit.

Water and Sewer System: There is an existing 6" water main along the east side of the property along S. Ashwood Ave. The applicant is proposing to tie to this water main and extend an 8" water main across the site for domestic water and fire hydrants.

There is an existing 6" sewer main to the east side of the property along S. Ashwood. The applicant is proposing to tie to this sewer main and extend an 8" sewer main across the site for sewer service.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on December 18, 2024. The Parks and Recreation Advisory Board recommended a fee-in-lieu of parkland dedication. Based on current information, fees for 28 two-family residential units would be required in the amount of \$30,492, with final fees to be determined and paid prior to the issuance of any building permits.

Tree Preservation:

Canopy minimum requirement: 20%

Existing canopy: 27.4%

Preserved canopy: 0.0%

Mitigation required: 103 2-inch caliper trees

Public Comment: No public comments have been received at this time.

RECOMMENDATION: Staff recommends approval of **LSD-2024-0030**, with the following conditions:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in line with typical master street plan requirements of 26 feet from centerline for S. Ashwood. Ave.*

2. **Planning Commission determination of street improvements.** *Staff recommends a 6-foot sidewalk, 6-foot green space, curb and gutter, 7-foot parking lane, and a 10-foot and 9-foot travel lane, streetlights and street trees along S. Ashwood Ave.*
3. Parkland dedication fees-in-lieu in the amount of \$30,492 with final fees to be determined and paid prior to the issuance of any building permits.
4. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto, and including:
 - a. Provide site analysis map.
 - b. The eastern level spreader should be moved to the west to prevent discharging into the side of the existing house north of site.
 - c. All structures adjacent to the site should be shown on plans.

Standard conditions of approval:

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

Planning Commission Action:

☐ Denied

☐ Tabled

☐ Approved

Meeting Date: June 23, 2025

Motion:

Second:

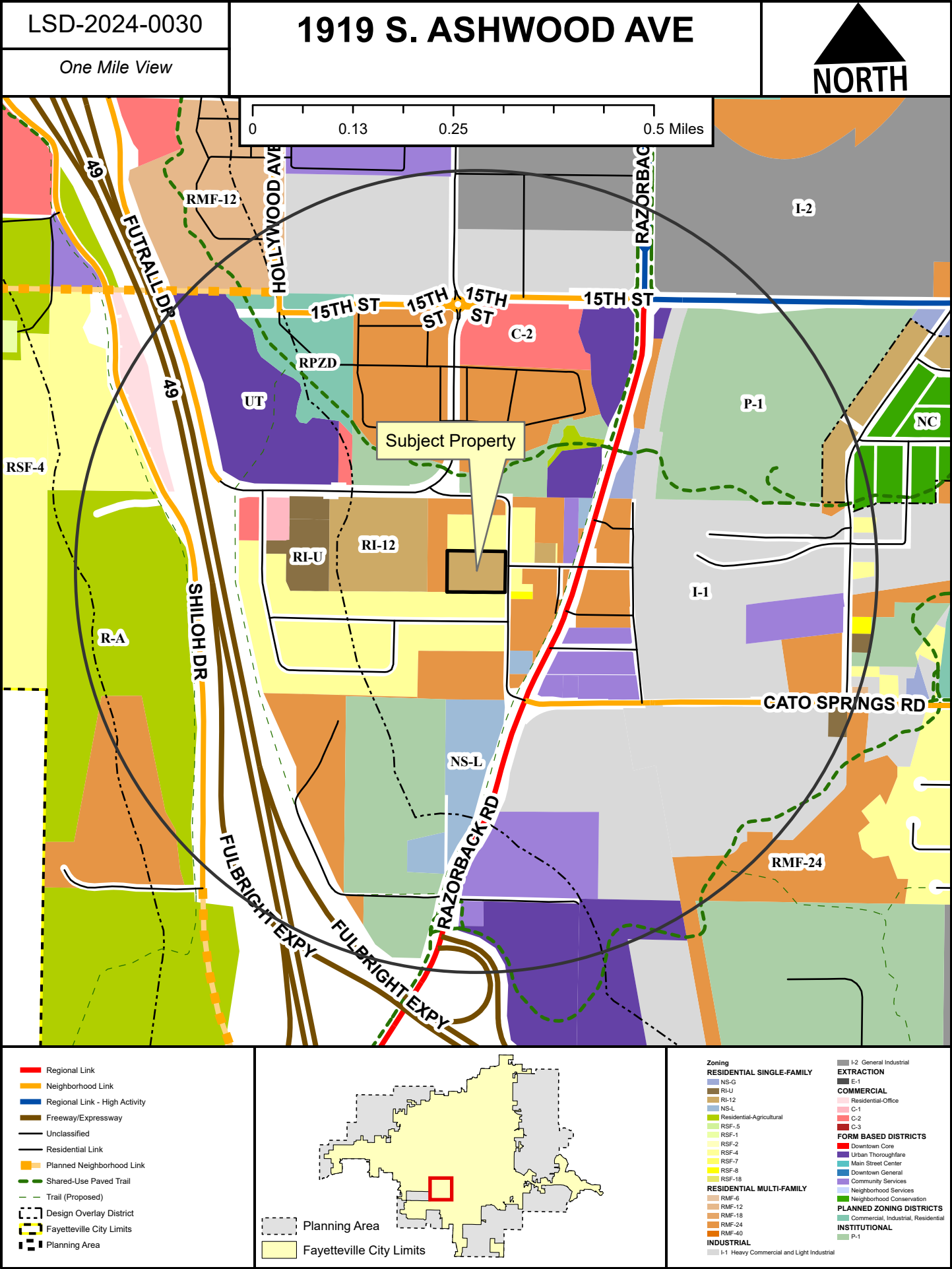
Vote:

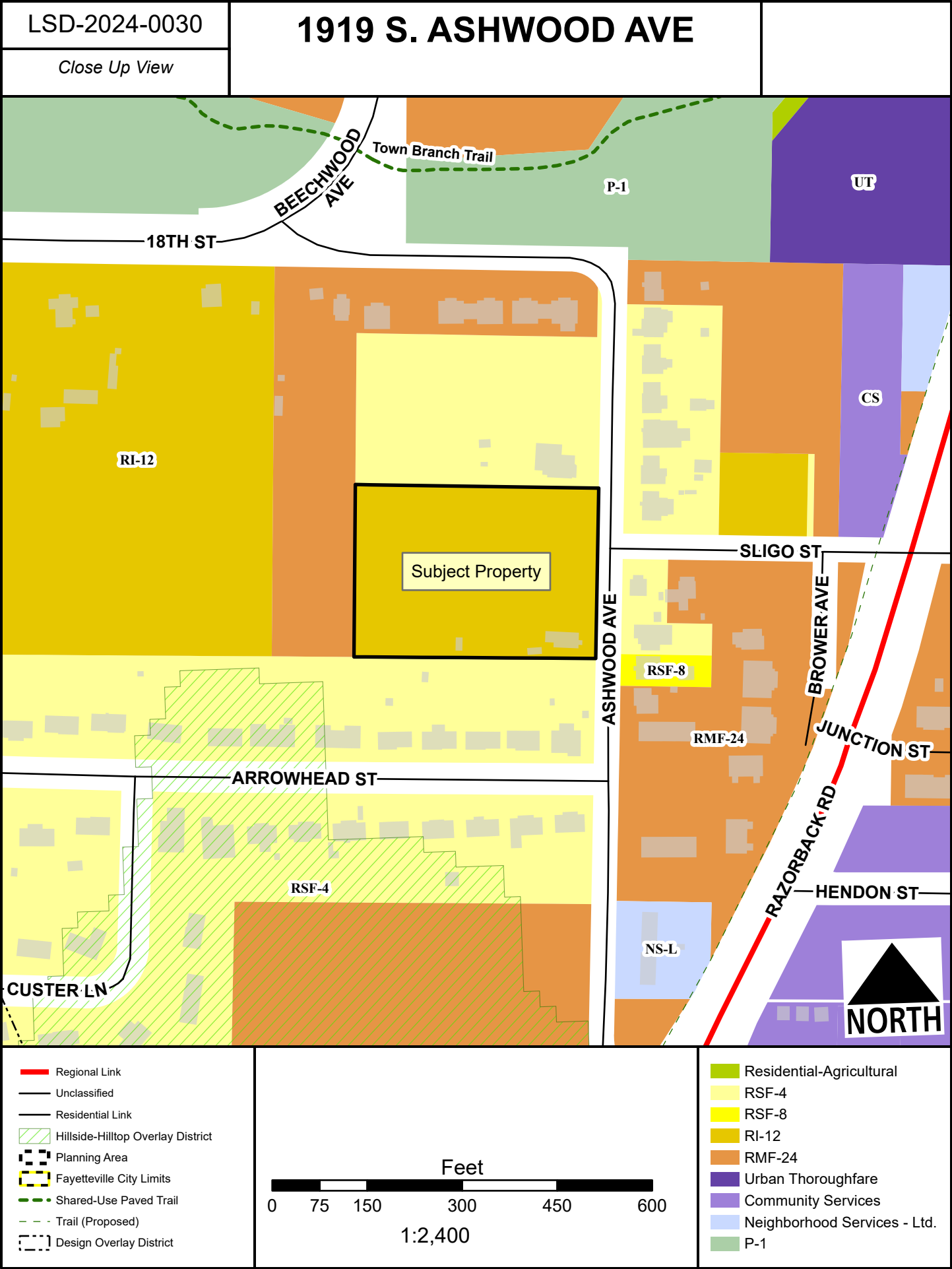
BUDGET/STAFF IMPACT:

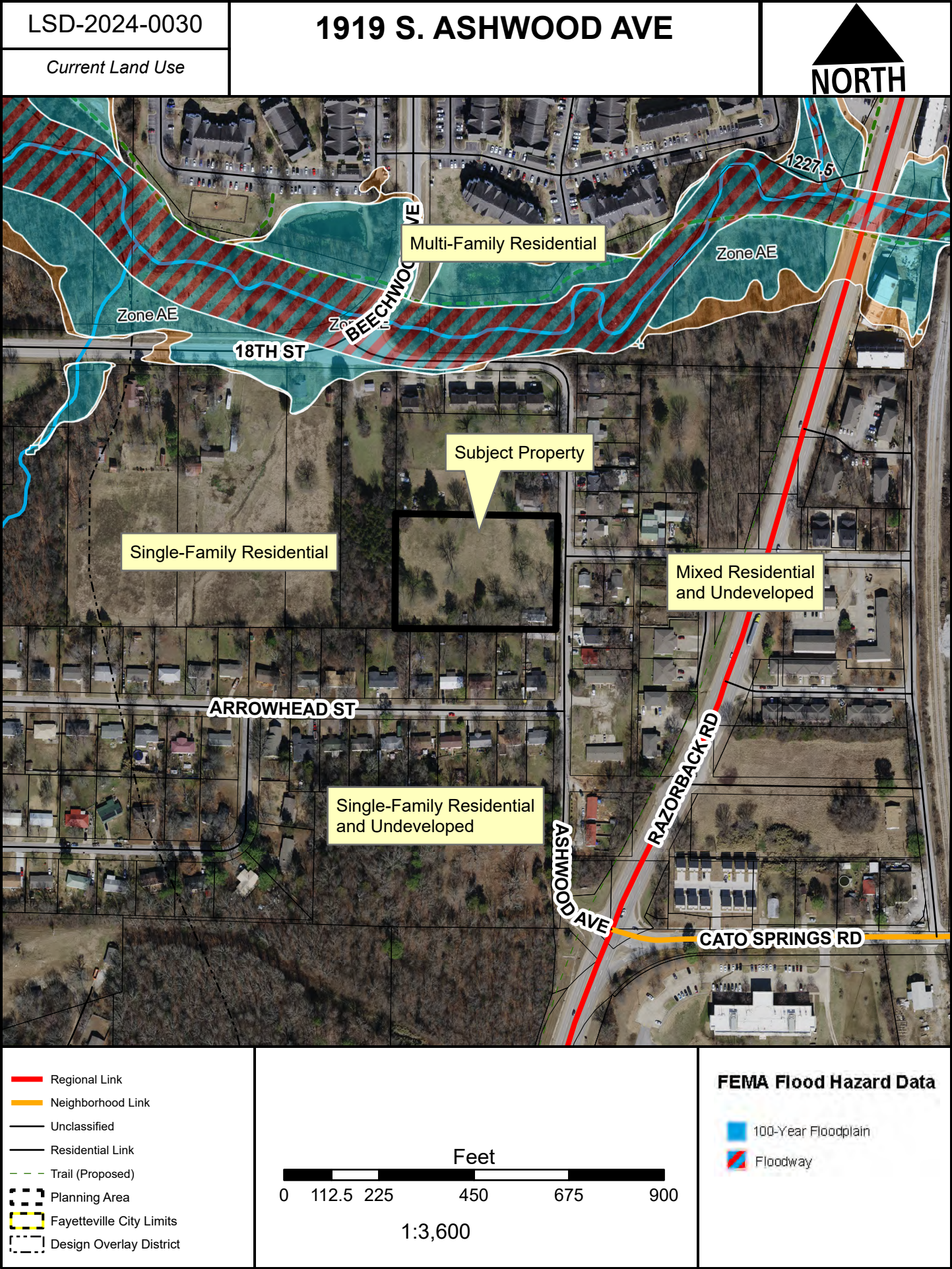
None

Attachments:

- Project Maps
 - One Mile Map
 - Close Up Map
 - Current Land Use Map
- Staff Exhibits
 - Engineering Memo
 - Urban Forestry Memo
- Applicant Exhibits
 - Cover Letter
 - Site Plan Excerpts
 - Elevations









TO: Donna Wonsower, Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: June 16, 2025

**SUBJECT: Planning Commission Engineering Comments for
LSD-2024-0030**

Water: There is an existing 6" water main along the east side of the property along S. Ashwood Ave. The applicant is proposing to tie to this water main and extend an 8" water main across the site for domestic water and fire hydrants.

Sewer: There is an existing 6" sewer main to the east side of the property along S. Ashwood. The applicant is proposing to tie to this sewer main and extend an 8" sewer main across the site for sewer service.

Streets: This property has frontage to S. Ashwood Ave. along the east side of the site. S. Ashwood Ave. is a partially improved Residential Link with asphalt paving. The applicant is proposing to widen their side of the street to meet the Residential Link section, adding curb and gutter and building a 6' sidewalk along the eastern frontage of the property.

Drainage: The development must meet the 4 minimum standards outlined in the City's Drainage Criteria Manual. An isolator row in the underground detention system is proposed to meet Minimum Standard 1. Minimum Standards 2-4 are proposed to be met with an underground detention at the north west side of the site. The site drainage will discharge to the north via two separate level spreaders to convert the concentrated flow back to sheet flow. A detailed review of the drainage improvements will be performed during the grading permit review process.

Plan Comments:

1. The eastern level spreader should be moved to the west to prevent discharging into side of existing house north of site.
2. All structures adjacent to the site should be shown on plans.

Standard Comments:

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

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

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



To: Caroline Gardner, P.E., Crafton Tull
From: Willa Thomason, Urban Forester
CC: Donna Wonsower, Planner
Meeting Date: June 23, 2025
Subject: LSD-2024-0030: Ashwood Duplexes: 1919 S. Ashwood

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

TREE PRESERVATION CALCULATIONS

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	91,151	100%
<i>Zoning Designation * Select Below with drop down arrow</i>		
RT-12, Two and Three-Family Residential	18,230	20%
<i>HHOD * Select Below with Drop Down Arrow</i>		
No	0	0%
Total Canopy for Minimum Preservation Requirements	18,230	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	24,962	27.4%
Tree Canopy Preserved	0	0.0%
Tree Canopy Removed *On Site	24,962	27.4%
Tree Canopy Removed *Off Site	4,209	
Tree Canopy Removed Total	29,171	32.0%
Removed Below Minimum	18,230	
Mitigation Requirements	22,439	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	22,439	103
Low Priority		

Total Mitigation Trees Required**22,439****103****4. Mitigation Type****Yes****No****N/A**

On-Site Mitigation

X

Off-Site Mitigation

X

Tree Escrow (See Conditions of Approval)

X**5. Tree Preservation Plan Checklist****Tech
Plat****Planning
Commission***UDC Chapter 167.04H1 and 167.04L1*

a. 5 year Aerial Check on Existing Trees

Yes**Yes**

b. Property Boundary

Yes**Yes**

c. Natural Features (100ft beyond limits of disturbance)

No**No**

d. Existing Topography and Proposed Grading

No**No**

e. Soil Types

Yes**Yes**

f. Significant Trees

Yes**Yes**

g. Groupings of Trees

Yes**Yes**

h. Table Inventory List (species, size, health, priority)

Yes**Yes**

i. All Existing and Proposed Utilities

Yes**Yes**

j. All Existing and Proposed Utility Easements and ROW's

Yes**Yes**

k. All Streams (with approximate center line)

N/A**N/A**

l. Floodplains and floodways

N/A**N/A**

m. Existing Street, Sidewalk or Bike Path ROW

Yes**Yes**

n. Submitted Site Analysis Plan (if required)

Yes**Yes**

o. Shows ALL Proposed Site Improvements

No**No**

p. Delineates trees/canopy to be preserved and removed

Yes**Yes**q. Tree Preservation Easement/s shown for LSD, LSIP and
Commercial PPL projects**N/A****N/A****Tree Protection Methods**

a. Tree Protection Fencing

N/A**N/A**

b. Limits of Root Pruning

N/A**N/A**

c. Traffic flow on work site

No**No**

d. Location of material storage

No**No**

e. Location of concrete wash out

No**No**

f. Location of construction entrance/exit

No**No****6. Site Analysis Report (if required)****Yes****No****N/A***UDC Chapter 167.04H4*a. Provide graphic examples of multiple options used to
minimize removal of existing canopy**X**

- b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.

X

7. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	4-8-25	6-4-25
	5-19-25	
Approved		
Tabled	10-24-24	
	12-17-24	
Denied		

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

Comments
1. Address items above marked “No” and all Redlines provided.



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Caroline Gardner, P.E., Crafton Tull
From: Willa Thomason, Urban Forester
CC: Donna Wonsower, Planner
Meeting Date: June 23, 2025
Subject: LSD-2024-0030: Ashwood Duplexes: 1919 S. Ashwood Ave

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

c. Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>				X
d. Tree Island (8' min. width, 18.7' min length, 150 square feet) <i>UDC Chapter 177.04C</i>	X			
e. Placement of Trees (either side at entrances and exits) <i>UDC Chapter 177.04C2</i>	X			
3. Perimeter Landscaping Requirements	Yes	No	N/A	
a. Front Property Line (15' wide landscape) and 5' on sides and rear. <i>UDC Chapter 177.04D2a</i>	X			
b. Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>	X			
c. Screening of parking lot from adjacent residential properties.	X			
4. Street Tree Planting Requirements	Yes	No	N/A	
a. Residential Subdivisions 1 Large Shade Species Tree per Lot <i>UDC Chapter 177.05B1a</i>				X
b. Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) <i>UDC Chapter 177.05B2a</i>	X			
c. Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) <i>UDC Chapter 177.05B3a-f</i>	X			
d. Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan <i>UDC Chapter 177.05B3a-f</i>				X
e. Residential Subdivisions Timing of planting indicated on plans <i>UDC Chapter 177.05A4</i>				X
f. Residential Subdivisions Written description for method of tracking planting <i>UDC Chapter 177.05A4e</i>				X
5. Landscape Requirement Totals	Amount			
Mitigation Trees		103		
Parking Lot Trees		7		
Street Trees		8		
Detention Pond – Large Trees (1 Tree/3,000 square feet)				

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

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

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	4-8-25 5-19-25	6-4-25
Approved		
Tabled	10-24-24 12-17-24	
Denied		

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

Comments
1. Address items above marked “No” and all Redlines provided.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: December 18, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

Parks Board Meeting Date: October 10, 2024

Project Title: Ashwood Duplexes

Project Number: LSD-2024-0030

Project Location: 1919 S Ashwood Ave

Plat Page: 599

Park Quadrant: SW

Billing Name & Address: Tudamoon LLC, 5569 W Persimmon St, Fayetteville, AR 72704

☐ Land Dedication ☒ Fee-in-Lieu ☐ Combination

FEE-IN-LIEU					TOTAL Fees
Single Family:	<u>28</u>	units	x	\$1,089 per unit =	<u>\$30,492</u>
Multi Family:	<u> </u>	units	x	\$952 per unit =	<u>\$ 0</u>

SUMMARY

- Project proposes 28 SF Units and 0 MF Units.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission’s approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
 - Approved by the City’s Land Agent in the Engineering Division.
 - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.



October 16, 2024

City of Fayetteville
Attn: Planning Department
113 W Mountain Street
Fayetteville, AR 72701

Re: Large Scale Development Plan
Ashwood Duplexes

Planning Staff,

On behalf of my client, Riggins Ventures, LLC, we are submitting the above referenced large scale development plans.

The proposed project is a 2.39-acre duplex development at Ashwood Ave in Fayetteville, AR, Parcel ID 765-04059-000. The property is zoned RI-12. The site will contain 14 duplexes with a total of 28 units, which are permitted uses for this zoning.

All infrastructure is immediately available to the site.

Thank you for your consideration in this matter.

Sincerely,

Caroline Gardner, P.E.
Project Engineer
Crafton Tull



SYMBOLS

10. OUTSIDE-TO-INSIDE, OR INSIDE-TO-OUTSIDE, TO CONFORM TO THE REQUIREMENTS OF THE SPECIFICATIONS. THE WATER MAIN SHALL BE ENCASED IN WATERPROOF PIPE WITH SEALED WATERPROOF JOINTS. THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER, IN WRITING, AND THE LABOR AUTHORITY WITH THE TESTING OF THE WATER AND SEWER UTILITY. THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER, IN WRITING, OF ANY TYPES OF EXISTING MANHOLE SHALL BE RAISED AS NECESSARY TO BE FLUSH WITH ADJACENT DRAINAGES, AND MANHOLES IN EXISTING WATER MAINS SHALL BE RAISED TO MATCH ADJACENT ELEVATIONS WITH WATER MAINS.
11. ALL TRUNKING, PIPE DRAINING, AND BOOTING SHALL BE IN.
12. REFER TO BUILDING PLANS FOR SITE LOCATIONS AND ELECTRICAL PLAN.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, CONSTRUCTION PERMITS, AND ALL NECESSARY APPROVING AGENCY.
14. THE CONTRACTOR SHALL COORDINATE WITH THE FIRE DEPARTMENT AND THE WATER COMPANY TO PLAN THE MOVEMENTS OF THE WATER MAINS AND TO ENSURE ADEQUATE FIRE PROTECTION IS CONTINUOUSLY MAINTAINED THROUGHOUT THE CONSTRUCTION OF THE WATER MAIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ANY REQUIRED WATER MAIN SHUT-OFFS WITHIN THE WATER COMPANY'S JURISDICTION. ALL SHUT-OFFS WITHIN THE WATER COMPANY'S JURISDICTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. NO ADDITIONAL COMPENSATION SHALL BE PAID TO EXISTING FACILITIES ADJUNCTION TO REMAIN WILL BE REPLACED AT CONTRACTOR'S EXPENSE.
15. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT

1. THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE INFORMATION IS NOT TO BE REPLIED UPON AS EXACT LOCATION OF FIELD. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANY TO OBTAIN THE EXACT LOCATION OF EXISTING UTILITIES. THE CONTRACTOR SHALL NOTIFY THE UTILITY AUTHORITIES IMMEDIATELY FOR ANY DISCOVERY OF EXISTING UTILITIES WITHIN THE WORK ZONE. THE CONTRACTOR SHALL COORDINATE AND SCHEDULE THE CONNECTIONS WITH ALL UTILITY COMPANIES. UTILITIES SHALL BE INSTALLED, INSPECTED, AND APPROVED PRIOR TO BACKFILLING.
2. ALL NECESSARY PERMITS AND/OR CERTIFICATIONS REQUIRED BY THE CITY OF CHICAGO SHALL BE OBTAINED PRIOR TO THE START OF ANY ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF UTILITIES.
3. THE CONTRACTOR IS TO COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION, ADJUSTMENT, OR RELOCATION OF EXISTING UTILITIES.
4. THE CONTRACTOR SHALL BE PROVIDED AT ALL BENDS, TEES, AND FIRE HYDRANTS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING OR FITTING EXISTING UTILITIES.
6. THE MINIMUM HORIZONTAL SEPARATION BETWEEN THE OUTSIDE WALL OF THE WATERLINE AND THE OUTSIDE WALL OF THE SANITARY SEWER OR THE WATERLESS CROSS STREET SEWER, THE WATERLINE SHALL BE PLACED ABOVE THE SEWER WITH A MINIMUM VERTICAL SEPARATION.
- 7.

[illegible]

TREE PRESERVATION EXISTING INFORMATION ZONING: G-1 (GARDEN AND THREE-FAMILY RESIDENTIAL)	
PROJECT AREA:	91,151 SF
ZONING:	EXISTING EASEMENTS
AREAS:	R=12; 91,151 SF (100%)
PRESERVATION:	HIGH
EXISTING:	15,288 SF
AREAS:	

LEGEND

	REMOVED OFFSITE CANOPY COVERAGE
	UNIMPROVED TREES AND ROW
	REMOVED ONSITE CANOPY COVERAGE
	(MINUS ESSENTIALS AND ROW)
	EXISTING UNIMPROVED UTILITY & DRAINAGE ELEMENTS
	SOIL TYPE

Enc2

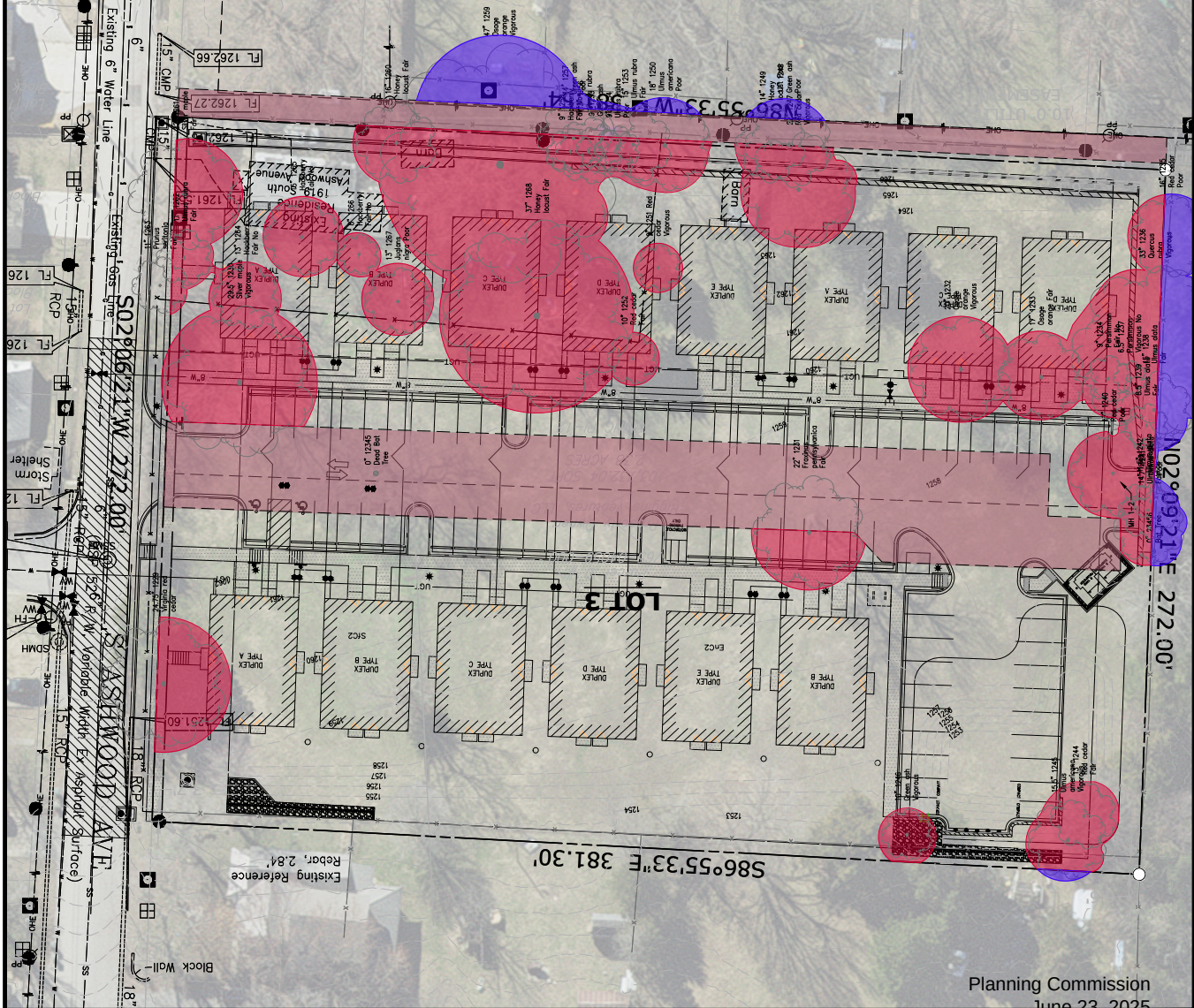
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MITIGATION REQUIREMENTS

Canopy Below Requirements Sq. Ft.	Preservation Priority Type	Number of 2" Caliper Trees to be Planted
22,439	High Priority	103
		200

TREE PRESERVATION NOTES

- [illegible]





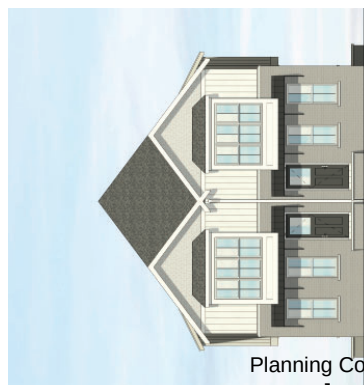
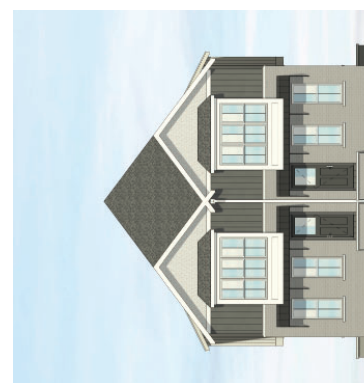
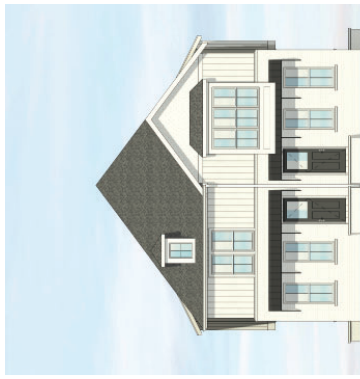






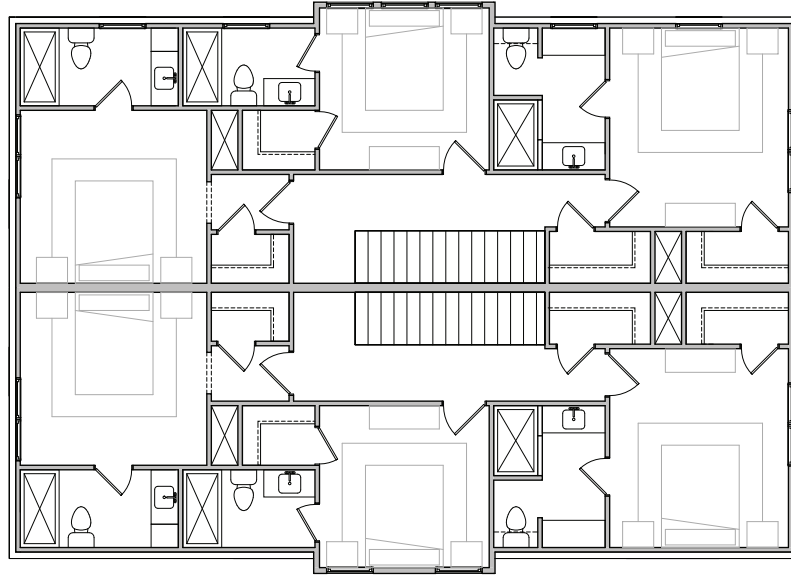




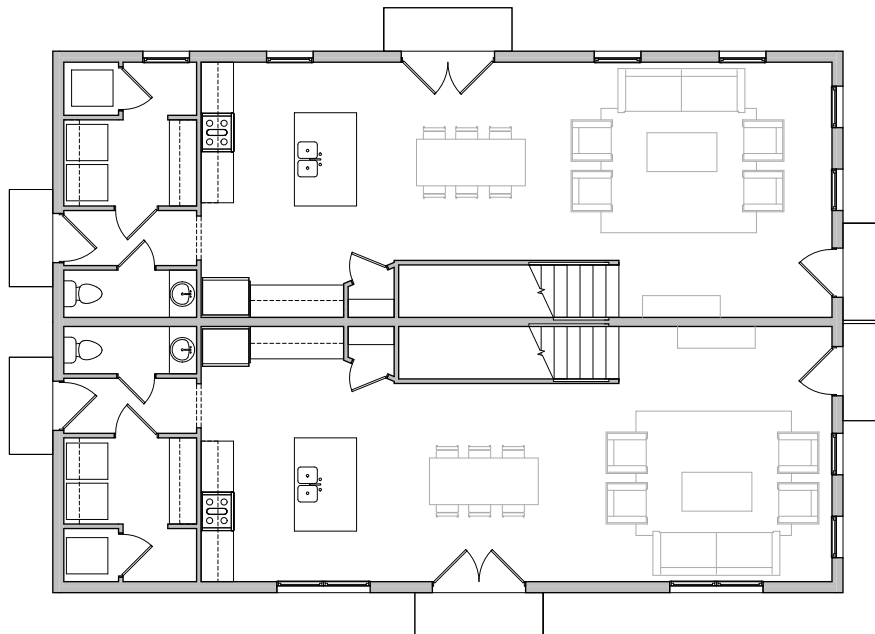


ASHWOOD DUPLEXES
DOUGLAS DESIGN STUDIO LLC
JUNE 4 2025

DUPLEX COLOR VARIATION EXHIBIT



SECOND FLOOR PLAN



FIRST FLOOR PLAN



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Planner

MEETING DATE: June 23, 2025

SUBJECT: **CUP-2025-0029: Conditional Use Permit (3406 W. BUCKEYE STREET/FUN AND FRIENDS DAYCARE, 362):** Submitted by LORRIE MAY for property located at 3406 W. BUCKEYE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.18 acres. The request is for a childcare facility.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0029** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0029** 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 in north Fayetteville along W. Buckeye St., approximately 1/8 of a mile east of Bryce Davis Park. The property is currently developed with a 1,216 square foot single-family dwelling constructed in 1988 per the Washington County Assessor. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre with no applicable overlay districts. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

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

Proposal: The applicant requests a conditional use permit to develop a childcare facility in the RSF-4, Residential Single-Family, Four Units per Acre zoning district. This use would be classified as Use Unit 4: Cultural and Recreational Facilities, which is a conditional use in the RSF-4 zoning district. The applicant has described the business as follows:

- Business will occur in approximately 1,216-square-foot existing residence, associated parking, and exterior playgrounds*
- Parking: Two vehicle spaces within driveway*
- Number of employees: One*

- *Number of customers: 6 children*
- *Hours of operation:*
 - *7:30 a.m. to 5:30 p.m., Monday through Friday*
- *Drop off and Pickup Times: Not specified*
- *Outdoor lighting: Existing porch light*
- *Noise: Some noise associated children playing outside*
- *Screening: None proposed. Existing wooden privacy fence.*
- *Trash: Residential trash carts*
- *Ingress/Egress: Driveway onto W. Buckeye St*

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

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0029** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for a childcare facility in RSF-4 zoning.** *Staff finds the proposed use to be compatible with adjacent properties for the reasons outlined above.*
2. **This conditional use permit shall be as described in the applicant's request letter and may be transferable to a different business or property owner. The following specifications apply:**
 - Size of the business: 1,216-square-foot existing residence, associated parking, and exterior playgrounds
 - Monday - Friday, 7:30 a.m. - 5:30 p.m.
 - Number of children: Up to 6
 - Parking: Two vehicle spaces within driveway
 - Number of employees: One
3. A business license shall be obtained for the proposed business at this location prior to building permit approval;
4. All required state licenses shall be obtained for the proposed business at this location prior to building permit approval;
5. Any future expansion or change in the use shall require Planning Commission approval;
6. Trash collection shall be coordinated with the City's Trash and Recycling Division;
7. All trash receptacles shall be screened from view of the right-of-way when not at the curb for pickup;
8. Signs shall be limited to those permitted by UDC Chapter 174, Signs. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation; and

9. Approval of this conditional use permit does not constitute approval of any associated building plans or permits. The applicant shall coordinate with the City's Building Safety and Engineering Divisions to ensure that all proposed building and site renovations are meeting applicable permitting requirements.
-

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>June 23, 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 Use Unit 4: Cultural and Recreational Facilities in RSF-4 zoning.**

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

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

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

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

Finding: The Planning Commission is empowered under Unified Development Code §161.07 to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is unlikely to adversely affect the public interest. The proposal exceeds the number of children permitted without a conditional use permit. Registered Child Care Family Homes are defined as “a childcare setting in which the caregiver provides childcare in a family residence or a residence with a homelike environment and is registered or licensed by the State of Arkansas pursuant to Ark. Code Ann. §20-78-201, et seq.” That said, staff finds that granting the requested conditional use is unlikely to adversely affect the public interest since the proposal is compatible in size, scale, and appearance with surrounding neighborhoods and also serves to provide necessary services to the surrounding residents. Only one employee is proposed.

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing childcare establishments, as follows:

§163.05. CHILD CARE; NURSERY SCHOOL

- A. **Minimum Lot Area.** Contain a minimum lot area of 250 square feet per child.

Finding: The applicant is requesting to care for up to six (6) children per state licensure, which would require 1,500 square feet. The subject parcel exceeds this requirement with approximately 8,000 square feet.

- B. **Minimum Outdoor Play Space.** Provide a minimum outdoor play space of 75 square feet per child, calculated on the basis of the number of children occupying the outdoor play space at one (1) time.

Finding: The applicant is requesting to care for up to 6 children, which would require 450 square feet of outdoor play space. Based on the provided site plan, there appears to be almost 4,000 square feet of outdoor play area.

- C. **Number of Children.** In an RSF zone, a child care facility may be approved as a conditional use of no more than ten (10) children, or the number of children approved by the state's licensing board, whichever is fewer.

Finding: The applicant proposes six children total, less than the permitted maximum.

§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 property is provided by way of an existing driveway with direct access onto W. Buckeye St. Driveways serving commercial uses along Residential Link Streets are required have a 50-foot minimum separation from adjacent driveways, which the existing driveway appears to meet. Buckeye Street appears to be sufficiently wide enough to permit on-street parking if required. One traffic accident was reported adjacent to the property in 2021 with no apparent injuries, however, no clusters of traffic accidents are apparent. Staff finds the proposed use in unlikely to worsen this condition given the small scale of the proposal and the limited number of children that would be taken on from outside the residence; however additional information on the proposed drop-off and pickup times are needed for a full evaluation of likely impacts. Sidewalk is currently present along the north side of W. Buckeye St.

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

Finding: The applicant has indicated up to two parking spaces within the existing driveway with additional parking available on-street as needed. Staff finds that the proposal is unlikely to lead to negative traffic impacts given the minimal number of children to be served and availability of both on and off-street parking.

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

Finding: The applicant plans to utilize existing residential trash carts for service. Staff recommends that Trash collection shall be coordinated with the City's Trash and Recycling Division.

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

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

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

Finding: Staff recommends that residential trash carts be screened so that they are not visible from public right-of-way when not at the curb for pickup.

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

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

(g.) Required yards and other open space;

Finding: Based on the applicant's submittal, the existing residence appears to be meeting relevant setbacks.

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

Finding: Staff finds the proposed use to be compatible with surrounding properties. Based on the information provided by the applicant, the proposed childcare facility is unlikely to generate or worsen traffic hazards. The proposed facility is compatible in size, scale, and appearance with surrounding neighborhoods while providing necessary services to the surrounding residents.

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

Finding: Staff finds the proposed use to be compatible with the goals and intent of the City's adopted plans. The City Plan 2040 Future Land Use Map designates the property as Residential Neighborhood, which encourages development which "incorporates low-intensity nonresidential uses intended to serve the surrounding neighborhoods." Staff further finds that childcare facilities are an essential service with a high demand and that adding this service furthers city goals for complete neighborhoods.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §163.15 Child Care; Nursery School
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Request Letter
- Building Elevations
- Site Plan

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

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

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

163.05 Child Care; Nursery School

All such establishments, other than Registered Child Care Family Homes authorized pursuant to Section 164.24 of the Unified Development Code, shall be located on lots which:

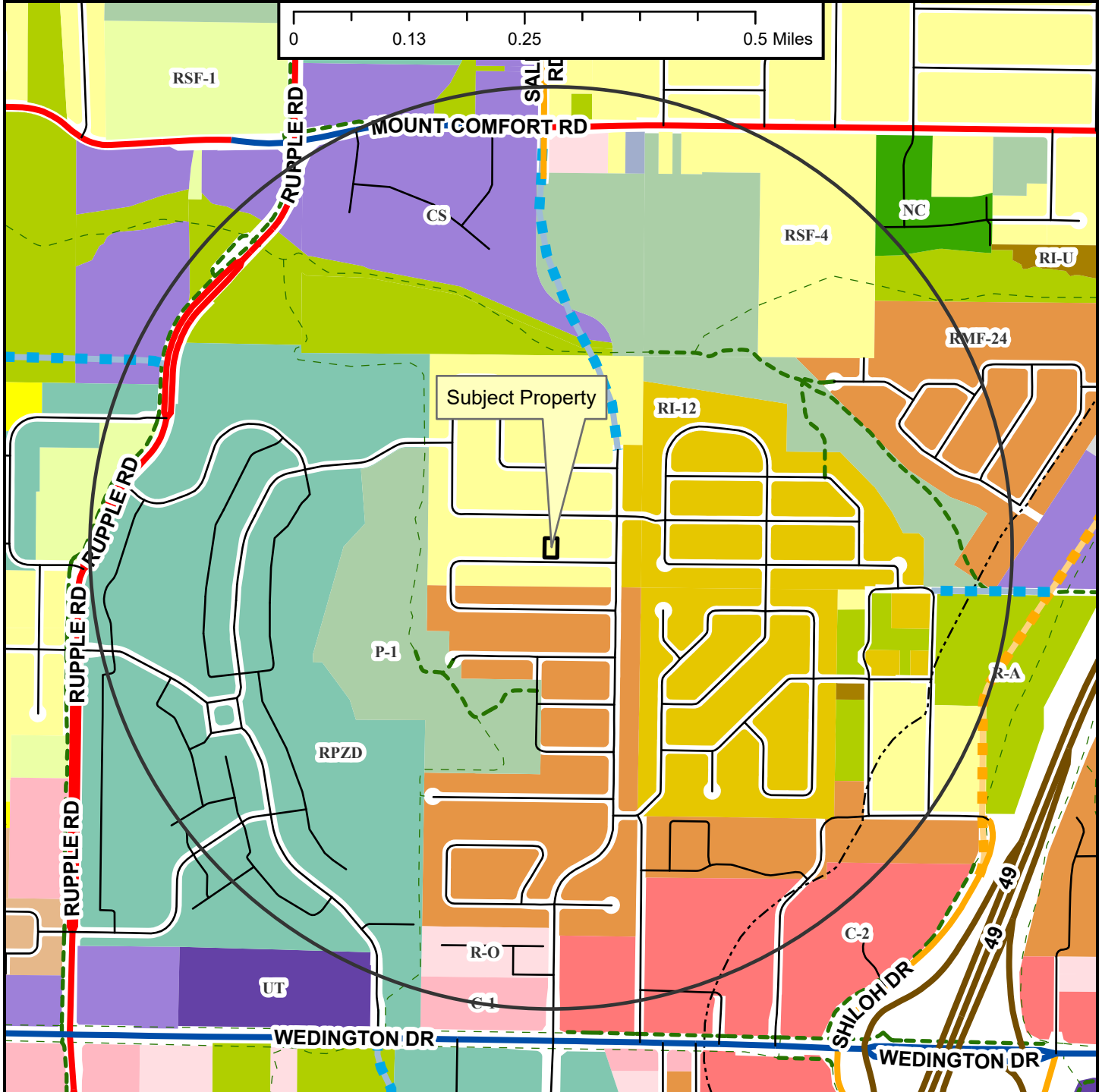
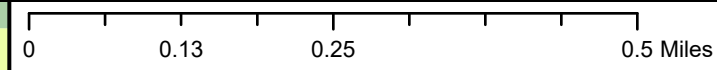
- (A) *Minimum Lot Area.* Contain a minimum lot area of 250 square feet per child.
- (B) *Minimum Outdoor Play Space.* Provide a minimum outdoor play space of 75 square feet per child, calculated on the basis of the number of children occupying the outdoor play space at one (1) time.
- (C) *Number of Children.* In an RSF zone, a child care facility may be approved as a conditional use of no more than ten (10) children, or the number of children approved by the state's licensing board, whichever is fewer.

(Code 1965, App. A., Art. 7 (7); Ord. No. 1747, 6-29-70; Ord. No. 2604, 2-19-80; Code 1991, §160.082; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4489, 6-3-03; Ord. No. 6440, §3, 5-18-21; Ord. No. 6689, §2, 10-3-23)

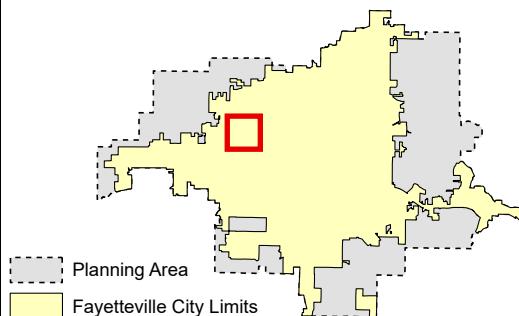
CUP-2025-0029

3406 W. BUCKEYE ST

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 23, 2025

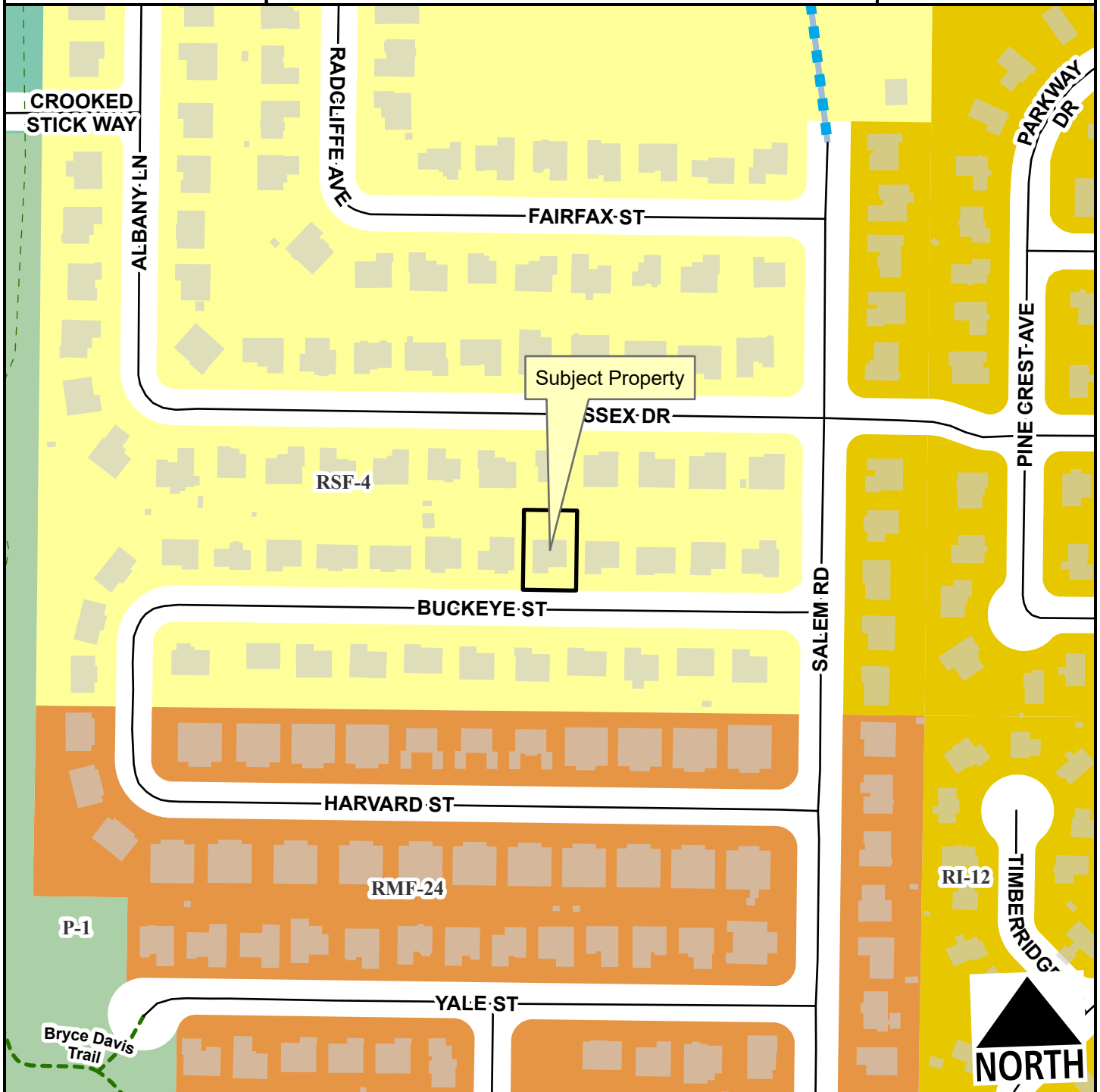
CUP-2025-0029 (FUN & FRIENDS DAYCARE)

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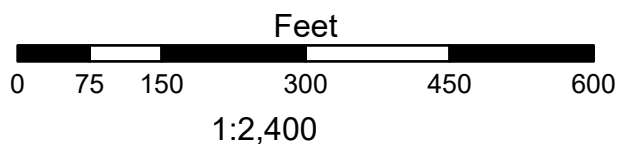
CUP-2025-0029

3406 W. BUCKEYE ST

Close Up View



- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



CUP-2025-0029

3406 W. BUCKEYE ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Conditional Use Permit Request Letter

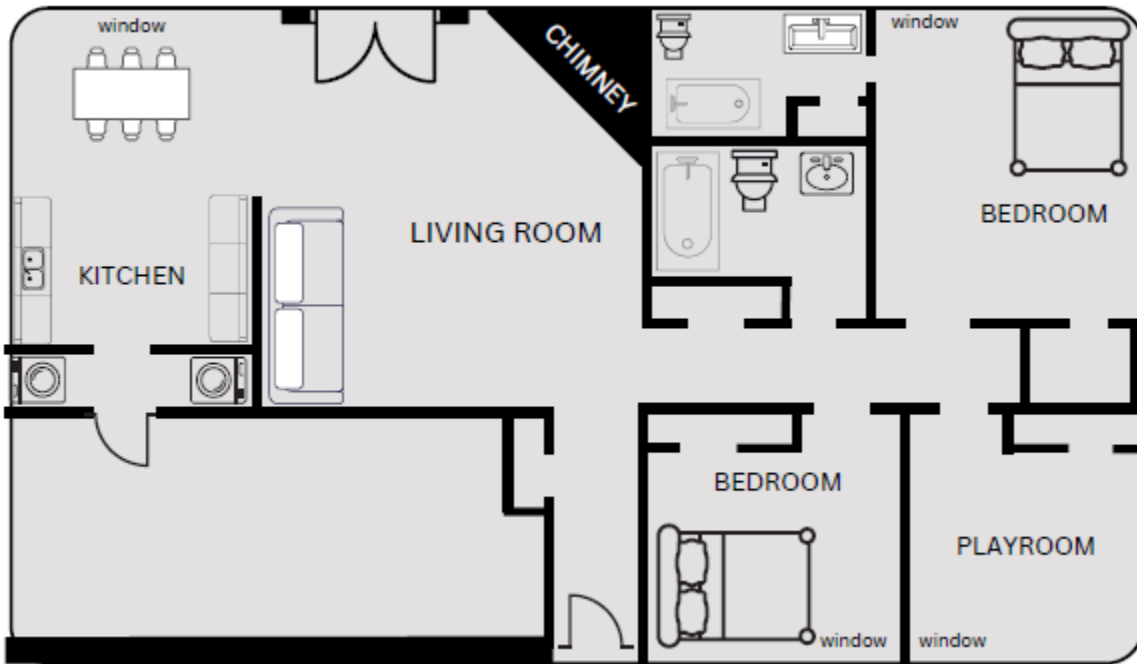
I am writing to formally request approval to open a daycare in my home. My goal is to provide a safe, nurturing, and developmentally appropriate environment for children, supporting both their learning and well-being. I am committed to meeting all necessary requirements and ensuring that my home-based daycare operates in full compliance with state regulations.

- A. I currently reside in a 1,216 square foot home located on a 1-acre lot. The size of both the house and the surrounding property provides ample space to safely accommodate children and support a variety of indoor and outdoor activities, making it a suitable environment for operating a home-based daycare.
- B. Color elevations of all exterior sides of the structure are not available at this time.
- C. There will be two designated parking spots available in our driveway for parents to use during drop-off and pick-up times. This will help ensure a safe and convenient transition for children entering and leaving the daycare, while also minimizing any impact on neighborhood traffic or street parking.
- D. The daycare will operate Monday through Friday from 7:30 a.m. to 5:30 p.m. The daycare will remain open throughout the year, with the exception of four holidays: Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day. On certain holidays, such as Memorial Day, the daycare may close early; however, any changes to the regular schedule will be communicated to parents in advance as the date approaches.
- E. I have three children of my own- a 4-year-old, a 2-year-old, and a 10-month-old - and I am planning to take on an additional infant (under the age of two) and two children over the age of two in my home daycare. This will bring the total number of children under my care to six, including my own, in accordance with childcare regulations.
- F. Children will be allowed outside during daylight hours. We have a porch light outside that will be used if needed for visibility during late afternoons or in case of any early evening activities.
- G. The daycare environment will be mindful of noise levels to ensure a calm and safe atmosphere for both the children and the surrounding neighborhood. Activities will primarily take place indoors, with outdoor play occurring during daylight hours. Noise from outdoor activities will be kept to a reasonable level, and efforts will be made to minimize any disturbance to neighbors.
- H. Screening or buffering from adjacent properties unavailable at this time.
- I. I will be handling trash and recycling in the same manner as I normally do, which involves taking the trash and recycling bins out for pickup on Tuesday mornings. This will ensure the proper disposal of waste without causing any disruptions to the daycare's daily operations.
- J. The ingress and egress to the property will be through the main driveway, which provides direct access from the street. Traffic impact during peak drop-off and pick-up times (7:30a - 5:30p) is expected to be minimal, as there will be designated parking spots in the driveway for parents. This will help to avoid any congestion on the street and allow for smooth transitions. The driveway is

large enough to accommodate turning and parking without obstructing traffic flow. Efforts will be made to ensure that parents are aware of and follow a structured schedule to further minimize any potential disruptions to the neighborhood traffic.

- K. The proposed daycare is compatible with the surrounding properties and the overall neighborhood. The property is residential in nature, and the daycare will operate within the same context, providing care for a small group of children. The activities will primarily be contained within the home and its immediate outdoor area, ensuring minimal disruption to neighbors. The hours of operation are consistent with typical residential routines, and the level of noise will be kept to a reasonable volume. Additionally, the space available allows for safe, structured play, further minimizing any potential impact on the neighborhood. Overall, I believe the proposed daycare will blend seamlessly with the character of the community.

Floor Plan



Outdoor Area





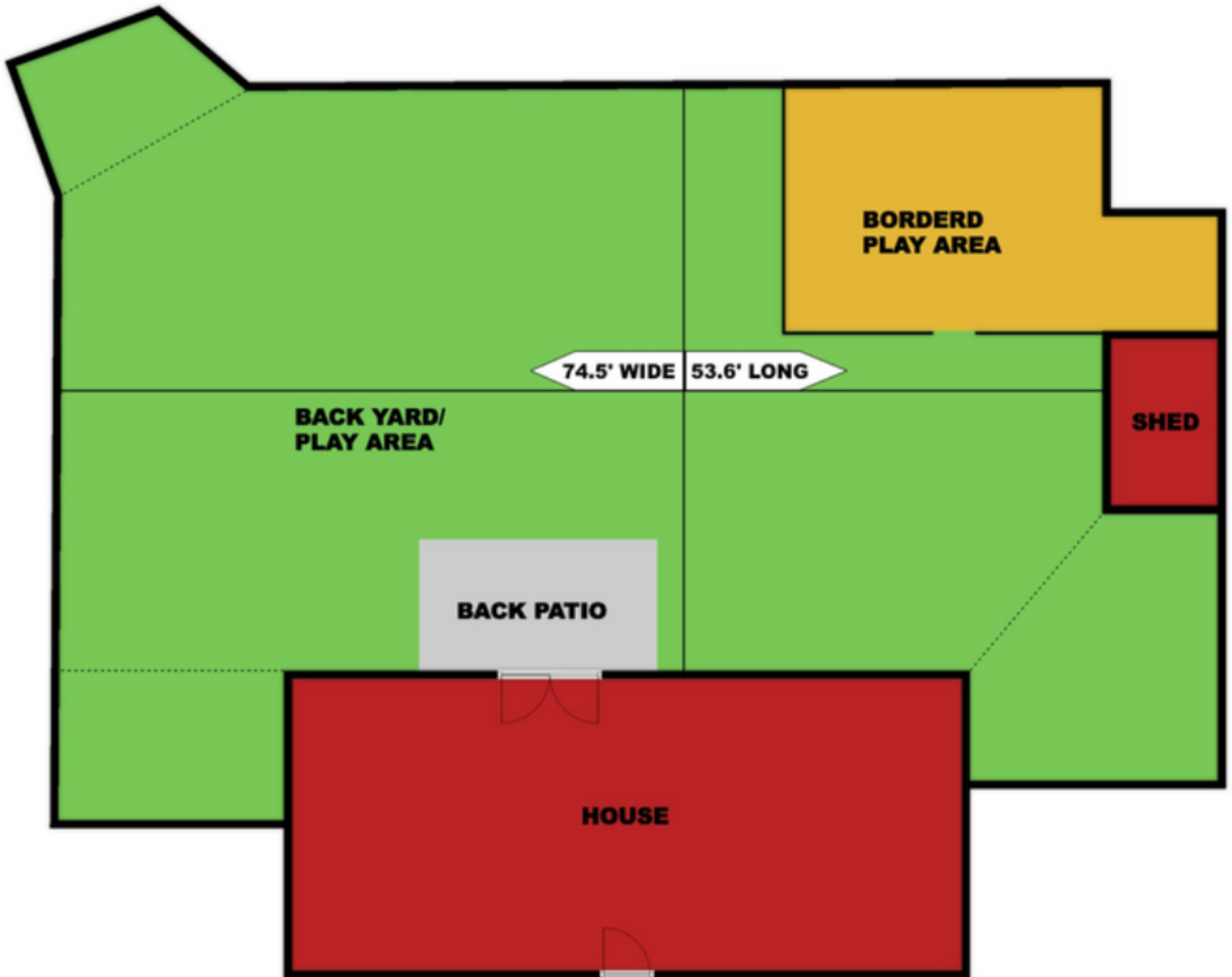








APPLICANT EXHIBIT
SITE PLAN





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: June 23, 2025

SUBJECT: **CUP-2025-0030: Conditional Use Permit (EAST OF 5720 E. HUNTSVILLE RD./BIG MIKE'S FIREWORKS, 572):** Submitted by MICHAEL RUTLEDGE for property located EAST OF 5720 E. HUNTSVILLE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.52 acres. The request is for a firework sales tent.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0030** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0030**, 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 north side of Huntsville Road (Highway 16), just east of Mally Wagnon Road. The property contains one parcel totaling 0.52 acres which is zoned RSF-4, Residential Single-Family, Four Units per Acre and currently undeveloped. 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	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre C-1, Neighborhood Commercial

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

Proposal: The applicant requests a conditional use permit to allow a seasonal firework sales tent in RSF-4 zoning. Firework sales tents are typically allowed to operate in any zoning district that allows Use Unit 15: Neighborhood Shopping Goods or Use Unit 16: Shopping Goods by right. In this instance, firework sales tents are allowed as a conditional use in the RSF-4 zoning district under Use Unit 2: City-Wide Uses by Conditional Use Permit as a temporary commercial use.

The applicant has described the business as follows:

- *Size of business:* 800-square-foot tent
- *Number of employees:* 2-3
- *Number of customers:* Approximately 50-100 per day
- *Off-street parking:* Approximately 20 spaces
- *Hours of operation:* 10:00 a.m. to 10:00 p.m. from June 28, 2025 to July 5, 2025.
(Peak hours are 6:00 p.m. to 9:00 p.m.)

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0030** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds that the proposed use is compatible based on the findings contained herein;*
2. Hours of operation are limited from 10:00 a.m. to 10:00 p.m. as indicated in the applicant's request letter;
3. Prior to the placement of a firework sales tent, the applicant must apply for and receive a Fireworks Permit from the City and meet all associated requirements other than the requirement that the property must be zoned commercial (C-1, C-2, C-3, I-1, I-2, MSC, or DC). This conditional use permit does not grant approval of firework sales by the City's Fire Marshal; and
4. Firework sales shall be limited to the period outlined in §94.09 from June 28th to July 5th of each year. The tent cannot be set up on the property until all necessary permits have been approved.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>June 23, 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 firework sales (Use Unit 2) at 5720 E. Huntsville Rd. in RSF-4 zoning.**

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.07 to grant the requested conditional use 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 subject property is located along a major commercial corridor which is lined with a variety of land uses, and the request is for a temporary use which will operate for one week.**

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

Finding: **As proposed, the applicant's site plan will comply with the City's requirements. The tent's location allows for a 20-foot fire lane on all sides, and it is located more than 20 feet away from property lines and buildings, more than 250 feet away from any fuel dispensing facility, and at least 50 feet away from the public right-of-way.**

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

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

Finding: The applicant has indicated that there are three points of ingress and egress to the property, with two driveways on Huntsville Road and one on Mally Wagnon Road. All driveways are paved, and access and parking areas are shared with the existing commercial use to the west of the site. Since the proposed use is temporary, staff does not recommend any permanent improvements to access on this site.

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

Finding: The parking area is paved and shared with the existing commercial business to the west. It's accessed through three driveways, with two on Huntsville Road and one on Mally Wagnon Road. The applicant has indicated that there are between 15 and 20 parking spaces available. The parking area is unstriped, so the total number of spaces available is unclear.

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

Finding: The applicant has indicated that trash will be collected by Courtesy Sanitation. They have also indicated that trash will be stored in a location that is not visible from the street.

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

Finding: The subject property is in close proximity to public water and sewer mains, though the use of the property as a temporary firework sales tent is not expected to require or impact the provision of public utilities.

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

Finding: The subject property is located along an arterial street in a rural area and is in close proximity to nonresidential uses. The property is also screened by a metal framed wood fence. Staff is not recommending additional screening for the proposed conditional use since it is temporary and not likely to adversely impact surrounding properties.

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

Finding: Any proposed signage will be subject to permitting and compliance with Unified Development Code Chapter 174, Signs.

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

Finding: In addition to zoning setbacks, the Fire Marshal has numerous requirements for the distance between a firework sales tent and adjacent properties, structures, or hazards. These must be met to be granted a permit for the sale of fireworks.

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

Finding: Staff finds the proposed firework sales tent to be compatible with adjacent properties and others in the vicinity. While there are some residences nearby, the proposed use is temporary and proposed to be located along a state highway. The property is also screened with a large fence, and there is adequate space in an existing parking lot to accommodate on-site parking.

- (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 requested conditional use is not clearly aligned with the goals and intent of the city's adopted land use, transportation, and other strategic plans. However, given the limited nature of the proposed use, staff finds that approval of this conditional use is not likely to adversely affect the city's ability to meet those goals.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
 - §162.01(B) Unit 2. City-Wide Uses by Conditional Use Permit
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Request Letter
- Site Plan

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)

162.01 Establishment/Listing

...

(B) Unit 2. City-Wide Uses by Conditional Use Permit.

- (1) *Description.* Unit 2 consists of uses which may be conducted anywhere in the territorial jurisdiction, but which can be objectionable to nearby uses and are therefore permitted subject to conditional use permits in all districts.

(2) *Included Uses.*

Public and private facilities:	• Airport, flying fields and heliport
	• Bed and breakfast facilities*
	• Campground
	• Community Recycling Drop-off Facility
	• Landscape contracting business
	• Plant nursery
	• RV sewage disposal facility
	• Solid waste disposal facility
	• Water recreation area
Temporary facilities:	• Carnival, circus, and tent revival*
	• Commercial facilities
	• Real estate sales office (located at a specific location in an underdeveloped subdivision and operated for the purpose of developing said subdivision)
	• School and church facility

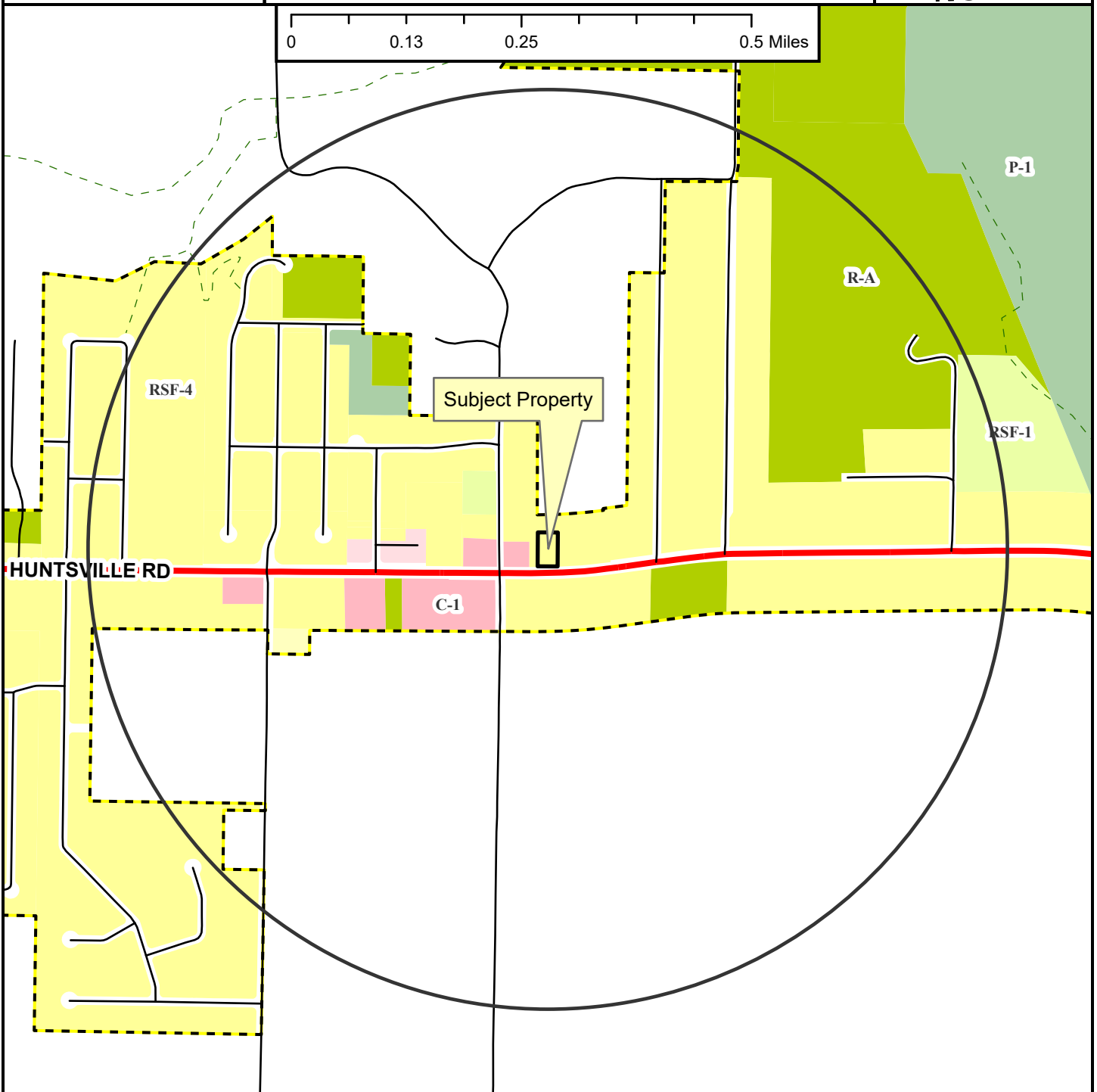
CUP-2025-0030

5720 E. HUNTSVILLE RD

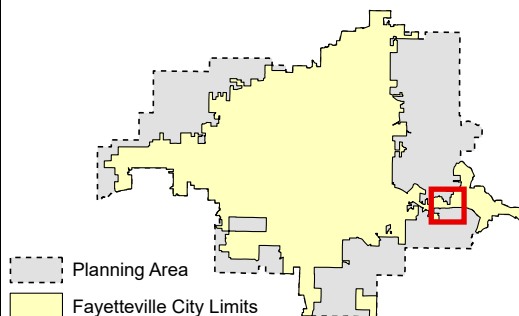
One Mile View

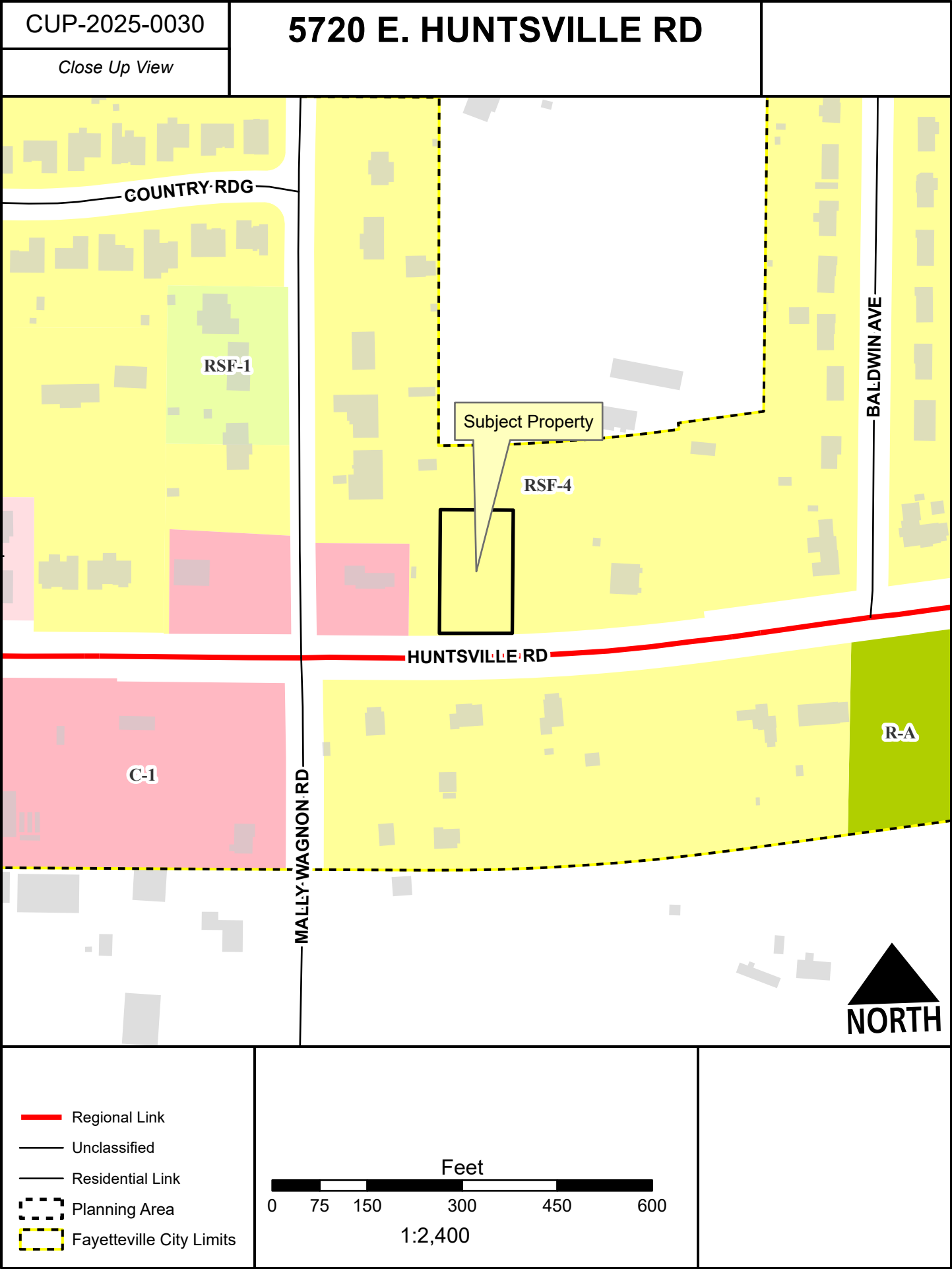


0 0.13 0.25 0.5 Miles



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





CUP-2025-0030

5720 E. HUNTSVILLE RD

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Section 3 of Conditional Use Permit for the City of Fayetteville, Arkansas

(3) Complete description of this request (what is proposed by the applicant) to include all applicable items below (indicate N/A if it does not apply to your project):

Proposed Tent location for the sale of fireworks during the 2025 firework selling season. The Tent location will be temporary with proposed tent set up from June 21st-July 5th open for selling from June 28th-July 5th.

(a) Building size in square feet; existing and proposed

20'x40'=800 Sqft

(b) Tent has a red and white striped top with white sides.

(c) Number of off-street parking spaces to be provided / number required

Approx. 20 parking spaces available

(d) When request applies to a business or non-residential use: -Hours of operation - Number of employees -Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)

Hours of operation 10am-10pm M-F 2-3 employees

50-100 Customers on average per day, Peak hours should be from 6pm-9pm

(e) No Outdoor lighting, Lighting inside tent

(f) Noise

Nothing excessive

(g) Screening or buffering from adjacent properties

Property has a metal framed wood fence surrounding the property

(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties)

*Trash Service Provided by **Courtesy Sanitation** no visible trash from street.*

(i) Ingress and egress to the property; traffic impacts

Property has 3 separate entrances and exits available and there should be no impact on traffic.

(j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood

Proposed location will provide a resource for the community to a safe and secure environment to purchase fireworks to celebrate Independence day.

Washington County

Assessor's Office

Washington, Assessor



Date Created: 5/15/2025
Created By: anonymous

[Fire Extinguishers]

1 inch = 45 feet

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.



TO: Fayetteville Planning Commission

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: June 23, 2025

SUBJECT: **RZN-2025-0021: Rezoning (EAST OF 1228 S. WEST AVE./BATES-SIEMEK, 562):** Submitted by WESLEY BATES for property located EAST OF 1228 S. WEST AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.12 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0021** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0021** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is comprised of one parcel totaling 0.12 acres which was recently created as part of a lot split (LSP-2025-0003). The property was established as a tandem lot and is located behind a lot that has street frontage along West Avenue just north of 13th Street. Based on recent revisions to the City's lot frontage requirements which were approved by City Council (Ordinance No. 6869), the subject property may be considered a conforming lot, rather than a tandem lot, with frontage on the alley to the east. The property is undeveloped and located within the boundaries of the 71B Corridor Master Plan area. 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	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Auto Repair Store	DG, Downtown General
West	Single-Family Residential	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 with a bill of assurance limiting permitted uses to residential only.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject property has no frontage on a public street, though it does have frontage on a partially improved alley to the east. 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 alley to the east of the property.
- Sewer:** Sanitary sewer is available to the subject property. There is an existing six-inch sewer main present along the alley to the east of the property. There are known wet weather capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 525 linear feet downstream of this property.
- Drainage:** No portion of the property lies within a FEMA floodplain or the Hillside/Hilltop Overlay District and no hydric soils or protected streams are present on site. Any additional improvements or requirements for drainage will be determined at the time of development review.
- Fire:** Station 9, located at 2250 S. School Ave., protects this site. The property is located approximately 0.8 miles from the fire station with an anticipated drive time of approximately two 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. 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 **9.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 9, 2250 S. School Ave.)
- Near Water Main (6-inch main, adjacent alley)
- Near Sewer Main (6-inch main, adjacent alley)

- Near U of A Main Campus
- Near City Park (Walker Park)
- Near Paved Trail (Razorback Greenway)
- Near ORT Bus Stop (Route 20)
- Within Master Plan Area (71B Corridor Plan)

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 applicant's request to rezone the property to UN, Urban Neighborhood to be largely compatible with the surrounding mix of residential and non-residential uses. The subject property is located within a residential area, directly adjacent to commercial uses and the 71B Corridor. To ensure the property remains residential in character, the applicant has offered a bill of assurance that would limit permitted uses to residential only. A rezoning to UN would allow for increased residential development near downtown Fayetteville, which would align with the City's broader goals for infill development. Like the existing RMF-24 zoning, UN requires pedestrian-oriented development through a 0 to 25-foot build-to zone. In contrast to the existing zoning which allows building heights of up to five stories, UN would only allow building heights of up to three stories. UN would also allow for smaller lot sizes, reduced setbacks, and greater residential densities, all of which promote a greater diversity of housing options. While the surrounding neighborhood is primarily zoned RMF-24, a district that promotes moderate-density multi-family development, it is largely developed with low-density, single-family residences. A rezoning to UN could provide a more appropriate and compatible zoning designation that supports compact, infill development while enhancing compatibility with the surrounding neighborhood.

Land Use Plan Analysis: Staff finds the proposed zoning to be generally consistent with the City's future land use plans. The City Plan 2040 Future Land Use Map designates the property as Residential Neighborhood Area and it falls within the boundaries of the 71B Corridor Master Plan. Residential Neighborhood Areas are intended to remain primarily residential in nature while supporting a diverse range of housing types that are appropriate in scale and context. The 71B Corridor Master Plan further emphasizes that any redevelopment in existing single-family areas to the east and west of the corridor should prioritize scale sensitivity and neighborhood compatibility. In this case, a rezoning to UN would allow for smaller lot sizes and building forms that may be out of character with the surrounding single-family area. However, the proposed rezoning aligns with several of the goals stated in City Plan 2040, including Goal 1, which encourages appropriate infill development, and Goal 6, which aims to expand opportunities for attainable housing. While the proposed rezoning raises some concerns regarding immediate compatibility with the surrounding area, it generally supports the City's broader vision for sustainable growth, housing diversity, and infill development.

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 residential development, since the UN zoning district offers more flexible lot width and setback requirements and would allow them to further subdivide the property into three lots. Staff finds that the applicant's request is justified since it would allow for an increase in housing supply and diversity in close proximity to 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 or 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 or alley improvements required in the 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 525 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-2025-0021 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>June 23, 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
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter
- Bill of Assurance

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

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 26	Multi-family dwellings
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

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

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
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* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

161.37 Urban Neighborhood

(A) *Purpose.* The Urban Neighborhood District is designed to serve as a mixed use area of medium intensity and provide a transition into residential neighborhoods from more intense, mixed-use districts. Urban Neighborhood promotes a walkable, pedestrian-oriented neighborhood development form with a variety of housing options and complementary neighborhood businesses that are compatible in scale and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Urban Neighborhood district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 13	Eating places
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

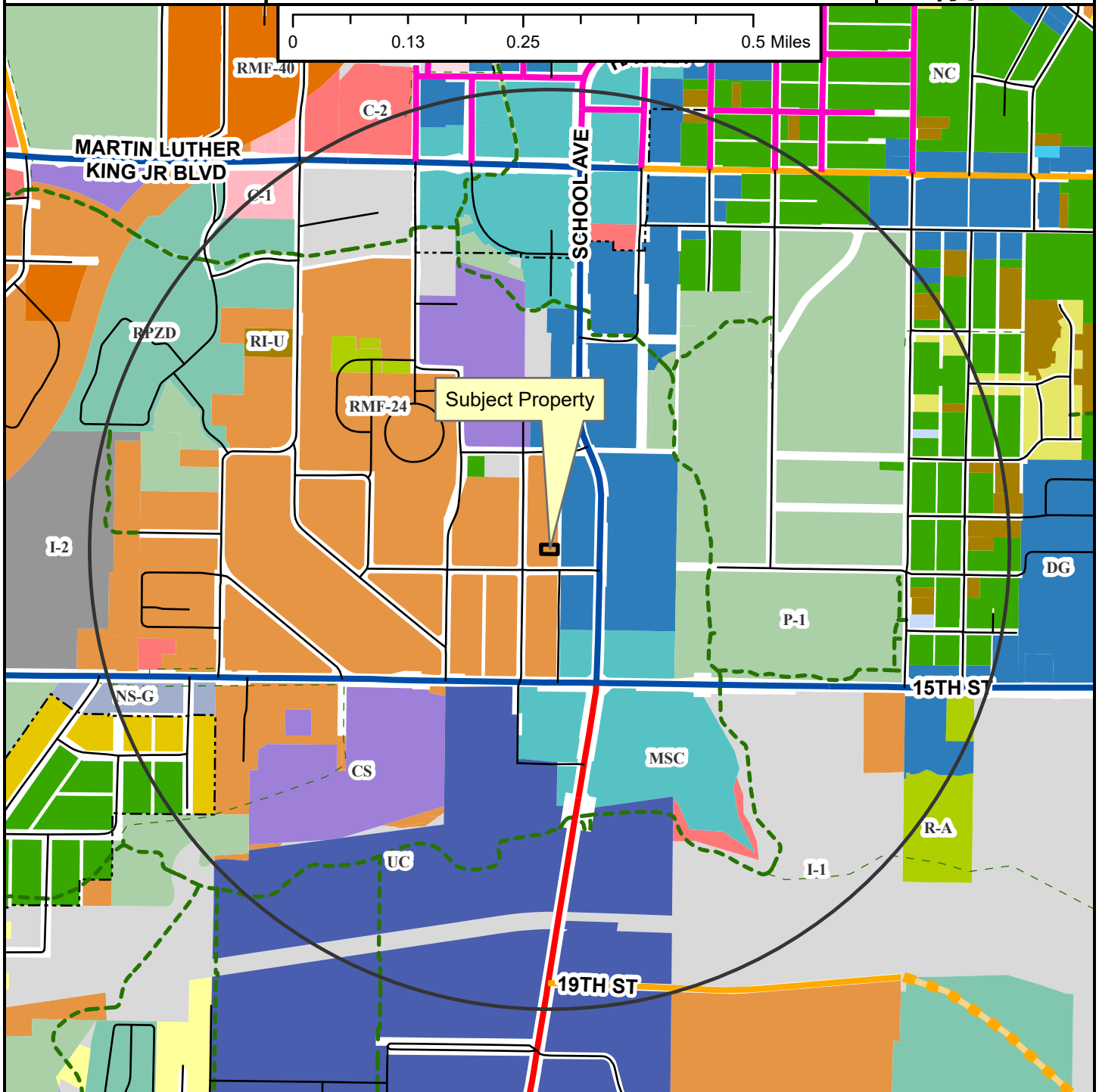
RZN-2025-0021

EAST OF 1228 S. WEST AVE

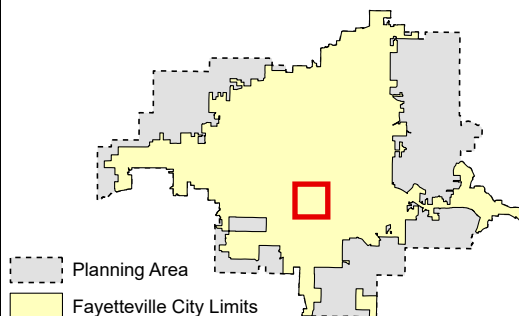
One Mile View



0 0.13 0.25 0.5 Miles



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





RZN-2025-0021

EAST OF 1228 S. WEST AVE

Current Land Use

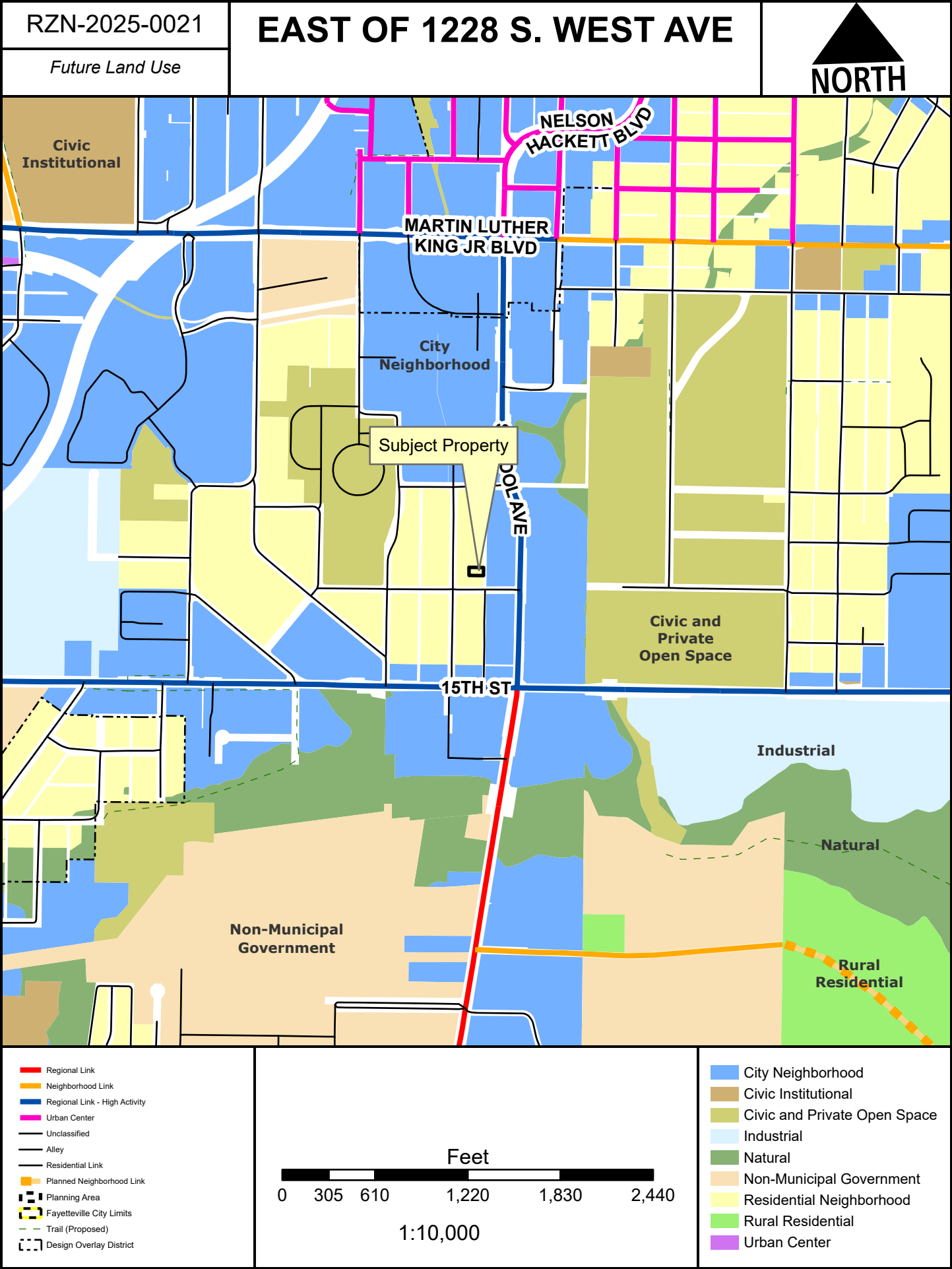


- Regional Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



City of Fayetteville Planning Commission & City Council

113 W Mountain Street

Fayetteville, AR 72701

RE: Rezoning Request for Lot Behind 1228 S. West Avenue from RMF-24 to Urban Neighborhood (UN)

Dear Planning Commissioners and Council Members,

I am requesting the rezoning of the lot located directly behind **1228 S. West Avenue** from **RMF-24** to **Urban Neighborhood (UN)**.

We plan to build **one home and two accessory dwelling units (ADUs)** on the site. While this can be built under the current zoning, the UN district would allow each unit to be placed on its own lot and sold **fee simple**, eliminating the need for a Horizontal Property Regime (HPR). This would reduce cost and complexity while supporting long-term affordability and simpler ownership structures.

Statement of Compatibility

The proposed rezoning is compatible with the surrounding neighborhood, which includes a mix of single-family homes, duplexes, and small-scale multi-family housing. There is also **commercial zoning and active businesses directly across the alley and further down the block**, which adds to the area's mixed-use character. The Urban Neighborhood district better reflects this context and supports Fayetteville's goals for diverse, walkable, and sustainable infill housing. Our plan remains low in scale and intensity and aligns well with the existing pattern of development.

Thank you for your time and consideration.

Sincerely,

Wes Bates

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of this property, (hereinafter "Petitioner") _____ Wesley Bates _____, hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

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

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

1. The use of Petitioner's property shall be limited to _____
_____ residential uses _____
_____.

2. Other restrictions including number and type of structures upon the property are limited to _____
_____.

3. Specific activities will not be allowed upon petitioner's property include _____
_____.

4. (Any other terms or conditions) _____
_____.

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

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Wesley Bates, as the owner, developer, buyer, (Petitioner) voluntarily offer all such assurances and sign my name below.

6-9-25
Date

Konrad Siemek, Wesley Bates, Maya Bates
Printed Name

1022 S Beecham Ave Fayetteville, AR 72601
Address

Title (if on behalf of business entity)

[Signature]
Signature

NOTARY OATH

STATE OF ARKANSAS } ARKANSAS
COUNTY OF WASHINGTON } PULASKI

On this, the 9th day of JUNE, 2025, before me, the undersigned notary, personally appeared WESLEY BATES, MAYA BATES, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon his/her/their oath, swore or affirmed that he/she/they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the same for the purposes therein contained. *KONRAD SIEMEK

[Signature]
NOTARY PUBLIC EMILY FRANCES
TILBURY

My Commission Expires:
07-02-2034

