

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, July 14, 2025

5:30 PM

City Hall Room 219

Planning Commission Members

Andrew Brink, Chair

Brad Payne, Vice Chair

Jimm Garlock, Secretary

Matthew Cabe

Nick Castin

Fred Gulley

Mary Madden

Mary McGetrick

Nick Werner

Senior Assistant City Attorney Blake Pennington

Zoom Information

Webinar ID: 848 7890 6732

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_Sjmxjc9bTTema8TcbcGmdw

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

Approval of the minutes from the June 23, 2025 Planning Commission.

- Mirinda Hopkins, Development Coordinator

2. VAR-2025-0031: Planning Commission Variance (N. MANSFIELD AVE & N. GREGG AVE/SPECIALIZED REAL ESTATE GROUP, 249 & 250):

Submitted by ECOLOGICAL DESIGN GROUP for property located on N. MANSFIELD AVE & N. GREGG AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 28.15 acres. The request is for a variance to right-of-way requirements and block layout/connectivity.

- Jessica Masters, Planning Director

3. VAR-2025-0032: Planning Commission Variance (3200 N. GULLEY RD/HAYWARD, 220):

Submitted by ALAN REID & ASSOCIATES for property located at 3200 N. GULLEY RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 12.54 acres. The request is for a variance to street frontage requirements. - Wesley Frank, Planner

4. LSD-2024-0037: Large Scale Development (1731 W. 18TH ST/BLACK PINE CONSTRUCTION, 598):

Submitted by CRAFTON TULL for property located at 1731 W. 18TH ST. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 8.89 acres. The request is for a 107-unit single-family residential development with associated parking.

- Donna Wonsower, Planner

5. LSD-2025-0009: Large Scale Development (1615 E. STEARNS ST/NAPLES, 175):

Submitted by JORGENSEN & ASSOCIATES for property located at 1615 E.

STEARNS ST. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 2.42 acres. The request is for a 10,959-square-foot office building with associated parking.

- Donna Wonsower, Planner

Unfinished Business

New Business

6. ADM-2025-0010: Administrative Item (1629 N. CROSSOVER RD/SMYTH REVIVAL LLC, 410):

Submitted by COMMUNITY BY DESIGN for property located at 1629 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.82 acres. The request is to modify an approved conditional use permit. - Jessica Masters, Planning Director

7. ADM-2025-0029: Administrative Item (1236 & 1246 S. SCHOOL AVE/VAUGHN RECYCLING, 562):

Submitted by HALBERT LAW OFFICE for property located at 1236 & 1246 S. SCHOOL AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 2.33 acres. The request is to extend the approval of a conditional use permit and amend its associated conditions.

- Donna Wonsower, Planner

8. ADM-2025-0032: Administrative Item (W. VAN ASCHE DR/VAN ASCHE MULTI-FAMILY, 210):

Submitted by KIMLEY-HORN for property located on W. VAN ASCHE DR. The property is zoned CS, COMMUNITY SERVICES, and C-2, THOROUGHFARE COMMERCIAL and contains approximately 19.01 acres. The request is for a determination of parkland dedication requirements.

- Jessica Masters, Planning Director

9. 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.

- Wesley Frank, Planner

10. 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. - Wesley Frank, Planner

11. 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. - Donna Wonsower, Planner

12. CUP-2025-0031: Conditional Use Permit (503 W. DICKSON ST/DICKSON & WEST INVESTMENT LLC, 484):

Submitted by WEBR INVESTMENTS LLC for property located at 503 W. DICKSON ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.20 acres. The request is for a temporary leasing office. - Wesley Frank, Planner

13. CUP-2025-0032: Conditional Use Permit (W. ELM ST & N. LEVERETT AVE/RAZORBACK HOUSING LLC, 366):

Submitted by MODUS STUDIO for property located at W. ELM ST & N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 14.40 acres. The request is for student housing. - Jessica Masters, Planning Director

14. RZN-2025-0022: Rezoning (2648 N. OLD WIRE RD/APPLE SEEDS INC, 292):

Submitted by APPLE SEEDS INC for property located at 2648 N. OLD WIRE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.87 acres. The request is to rezone the property to P-1, INSTITUTIONAL. - Wesley Frank, Planner

15. PZD-2025-0002: Planned Zoning District (N. DOUBLE SPRINGS RD & W. DOT TIPTON RD/GOOSE CREEK ADDITION LLC, 474)

Submitted by PRISM DESIGN STUDIO for property located at N. DOUBLE SPRINGS RD & W. DOT TIPTON RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL, and RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 65.65 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION.

- Donna Wonsower, Planner

16. CUP-2025-0033: Conditional Use Permit (2425 W. VALLEY DR/BROWN & BUCHANAN, 402):

Submitted by ALESSANDRA BROWN for property located at 2425 W. VALLEY DR. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.30 acres. The request is for a short-term rental.

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

17. CUP-2025-0028: Conditional Use Permit (2537 N. MCCONNELL AVE/WASHINGTON COUNTY FAIRGROUNDS, 286 & 287):

Submitted by WASHINGTON COUNTY FAIR ASSOCIATION for property located at 2537 N. MCCONNELL AVE. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 29.61 acres. The request is for outdoor music.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Jessica Masters, Planning Director

Items Administratively Approved by Staff

18. LSP-2024-0048: Lot Split (3179 N. OLD WIRE RD/LUTHER, 216):

Submitted by ALAN REID & ASSOCIATES for property located at 3179 N. OLD WIRE RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 6.83 acres. The request is to split a parcel into two lots containing 2.60 and 4.23 acres. - Wesley Frank, Planner

19. LSP-2025-0007: Lot Split (S. HANSHEW RD/COMMERCIAL SPACE LLC, 595):

Submitted by ENGINEERING SERVICES INC for property located on S. HANSHEW RD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 25.35 acres. The request is to split a parcel into two lots containing 22.94 and 1.14 acres. - Jessica Masters, Planning Director

20. LSP-2025-0021: Lot Split (818 S. WOOD AVE/RIGGINS VENTURES LLC, 563):

Submitted by ENGINEERING SERVICES INC for property located at 818 S. WOOD AVE. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.36 acres. The request is to split the lot into three lots containing approximately 0.13, 0.11 and 0.12 acres. - Wesley Frank, Planner

21. LSP-2025-0024: Lot Split (235 W. 7TH ST/ANDERSON, 562):

Submitted by BLEW & ASSOCIATES for property located at 235 W. 7TH ST. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.31 acres. The request is to split the lot into two lots containing approximately 0.17 and 0.14 acres. - Jessica Masters, Planning Director

22. LSP-2025-0025: Lot Split (S. VAN HOOSE DR/DOUBLE DOWN REAL ESTATE LLC, 613):

Submitted by BATES & ASSOCIATES for property located on S. VAN HOOSE DR. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 39.72 acres. The request is to split the lot into four lots containing approximately 1.50, 1.50, 1.50 and 35.22 acres. - Donna Wonsower, Planner

23. LSP-2025-0028: Lot Split (576 S. WILLOW AVE/BWB WILLOW LLC, 524):

Submitted by BATES & ASSOCIATES for property located at 576 S. WILLOW AVE. The property is zoned UN, URBAN NEIGHBORHOOD and contains approximately 0.22 acres. The request is to split the lot into four lots containing approximately 0.04, 0.04, 0.06 and 0.07 acres. - Jessica Masters, Planning Director

24. LSP-2025-0029: Lot Split (277 S. HILL AVE/EARTHMAN, 522):

Submitted by BATES & ASSOCIATES for property located at 277 S. HILL AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.33 acres. The request is to split the lot into three lots containing approximately 0.16 and 0.17 acres. - Donna Wonsower, Planner

25. LSP-2025-0031: Lot Split (1410 N. OAKLAND AVE/SIEMEK & BATES, 405):

Submitted by SATTERFIELD LAND SURVEYORS for property located at 1410 N. OAKLAND AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.25 acres. The request is to split the lot into two lots containing approximately 0.09 and 0.15 acres. - Wesley Frank, Planner

26. LSP-2025-0032: Lot Split (1709 E. STUBBLEFIELD RD/JOHNSON, 214):

Submitted by BATES & ASSOCIATES for property located at 1709 E. STUBBLEFIELD RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains 1.01 acres. The request is to split the property into three lots containing approximately 0.32, 0.32 and 0.37 acres. - Wesley Frank, Planner

27. LSIP-2025-0002: Large Site Improvement Plan (2160 N. CROSSOVER RD/DOMINO'S PIZZA, 372):

Submitted by OWN, INC for property located at 2160 N. CROSSOVER RD. The

property is zoned CS, COMMUNITY SERVICES and contains approximately 2.58 acres. The request is for a 2,114-square-foot drive-thru restaurant with associated parking. - Wesley Frank, Planner

Agenda Session Items**Announcements****Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

(pg. 1) Planning Commission		Monday, 06/23/2025					
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 (06/09/2025)	2) VAR-2025-0029 (MITCHELL STREET TOWNHOMES)	3) VAR-2025-0030 (CRP WRDP HAZEN OWNER LLC)	4) LSD-2024-0030 (ASHWOOD DUPLEXES)	5) CUP-2025-0025 (MARSH)	6) CUP-2025-0026 (MARSH)
Brink	1	1	1	1	1		
Garlock	1	1	1	1	1		
McGetrick	1	1	1	1	1		
Castin	1	1	1	1	1		
Werner	1	1	1	1	1		
Gulley	1	1	1	1	1		
Madden	1	1	1	1	1		
Cabe	1	1	1	1	1		
Payne	0						
Agenda		Consent	Consent	Consent	Consent	New	New
Action		Approve	Approve	Approve	Approve	Withdrawn	Withdrawn
Motion By		Castin	Castin	Castin	Castin		
Motion 2nd		Werner	Werner	Werner	Werner		
Vote		8-0-0	8-0-0	8-0-0	8-0-0		
Time		5:33 PM	5:33 PM	5:33 PM	5:33 PM		
Motion Detail							
Public Comment							

(pg. 2) Planning Commission			Monday, 06/23/2025			
	7) CUP-2025-0027 (MOTH & DAGGER TATTOO & PIERCING)	8) CUP-2025-0029 (FUN & FRIENDS DAYCARE)	9) CUP-2025-0030 (BIG MIKE'S FIREWORKS)	10) RZN-2025-0021 (BATES-SIEMEK)		
Brink		1	1	1	1	
Garlock		1	1	1	1	
McGetrick		1	1	1	1	
Castin		1	1	1	0	
Werner		1	1	1	1	
Gulley		1	1	1	0	
Madden		1	1	1	0	
Cabe		1	1	1	0	
Payne						
Agenda	New	New	New	New		
Action	Withdrawn	Approve	Approve	Forward	Amend	
Motion By		Werner	Cabe	Castin	Werner	
Motion 2nd		Cabe	Gulley	Brink	McGetrick	
Vote		8-0-0	8-0-0	8-0-0	4-4-0	
Time		5:39 PM	5:43 PM	6:20 PM		
		With all conditions as recommended by staff.	With all conditions as recommended by staff.	With a recommendation of approval.	Failed: Remove bill of assurance.	
Public Comment		0	0	3		



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: July 14, 2025

SUBJECT: **VAR-2025-0031: Planning Commission Variance (N. MANSFIELD AVE/DRAKE FARMS PH. 2, 250):** Submitted by ECOLOGICAL DESIGN GROUP for property located on N. MANSFIELD AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 28.15 acres. The request is for a variance to block length, master street plan, and urban residential design standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0031** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0031**, determining:*

- In favor of a variance to UDC §166.04(B)(4)(c),*
- In favor of a variance to UDC §166.08(E),*
- In favor of a variance to UDC §166.23(C)(4), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located at the north end of Mansfield Avenue, just northwest of the intersection of Gregg Avenue and Drake Street. Railroad right-of-way held by the Arkansas and Missouri Railway borders the property to the east. A mixed-use development containing seven multi-family buildings and two commercial buildings, referred to as the first phase of a project called Drake Farms, received development approval last year (LSIP-2024-0006). Another application for a large site improvement was recently submitted for the second phase of that project (LSIP-2025-0004). That application is still under review, and this variance request is associated with that project. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Agricultural Medical Offices	R-A, Residential-Agricultural CS, Community Services
East	Washington Regional Medical Center Multi-Family Residential Gordon Long Park	P-1, Institutional RMF-24, Residential Multi-Family, 24 Units per Acre
West	Rural Residential	UT, Urban Thoroughfare

Request: The applicant is requesting three variances from the Unified Development Code in association with a large site improvement plan that is currently in review (LSIP-2025-0004). Each variance is described further below alongside staff's recommendations.

Public Comment: To date, staff has received no public comment on this item.

DISCUSSION:

Variance #1: UDC §166.04(B)(4)(c), Required Infrastructure Improvements – Streets. Interior streets and streets adjacent to the project frontage shall be improved to meet Master Street Plan standards. The applicant is requesting to vary from this standard to provide atypical street improvements for the proposed extension of Mansfield Avenue (Residential Link) to include an additional parking lane. These improvements would align with those that were approved for all internal streets in the first phase of this development.

Staff recommendation: Staff is supportive of this request. The addition of a second parking lane would allow for additional on-street parking while creating a more urban streetscape throughout the development. Staff finds this to be suitable given the development proposal and the property's current zoning of UT, Urban Thoroughfare. The applicant intends to utilize the optional street tree planting plan for urban streetscapes, as described in UDC §177.05(B)(3). Right-of-way dedication is proposed in the amount of 52 feet to correspond with the typical street section for Residential Link streets. Since the improvements proposed are wider than typical improvements, the sidewalks along the Mansfield extension are proposed to be partially outside of the right-of-way. Portions of sidewalk outside of the right-of-way are shown to be located within pedestrian easements.

Variance #2: UDC §166.08(E), Street Design and Access Management Standards – Block Length/Connectivity. Intersections shall occur at a minimum of one (1) every 660 feet along Residential Link Streets. The applicant is requesting to vary from this standard to provide a block length of about 1,480 feet along the east side of Mansfield Avenue. The Planning Commission previously approved a variance to allow a block length of 1,100 feet with the first phase of this project. However, an additional variance is needed now that the road is proposed to be extended with no additional intersecting streets.

Staff recommendation: Staff is supportive of this variance request. While shorter blocks are typically preferred to improve the pedestrian realm and provide greater connectivity along public streets, staff finds the applicant's request to provide a longer block along the east side of Mansfield Avenue to be justified in this instance. The subject property is bordered to the east by the Arkansas & Missouri Railroad. Any street stub out provided to the east is not likely to connect to Gregg Avenue in the future since completing that connection would require approval of a railroad crossing, and new crossings were recently approved just north of this site. The applicant has stated that, in lieu of providing a street stub out to meet block length requirements, they will prioritize pedestrian access and connectivity throughout their site. Pathways and common gathering spaces have been included along Mansfield Avenue to create a primary corridor through the property. Driveways are still proposed along the east side of Mansfield which resemble streets and help limit the appearance of a longer block.

Variance #3: UDC §166.22(C)(4), Urban Residential Design Standards – Pedestrian Circulation. Ground floor dwellings units adjacent to a public street shall have a primary entry that is visible to the street and a direct pedestrian connection from those entries to the public sidewalk. The applicant is requesting a variance to not require direct pedestrian connections from ground floor units to a public street for the proposed courtyard building (Building 10).

Staff recommendation: Staff is supportive of this request. The purpose of this requirement is to encourage the creation of a safe, pedestrian-friendly neighborhood environment. In this instance, the applicant is proposing to construct a u-shaped building with a courtyard in the center to preserve a large, existing tree. While direct pedestrian connections

between entrances to ground floor units and public sidewalks is not provided, staff finds that the intent of this requirement is being met through the creation of a central courtyard, which still allows for the creation of a pedestrian-friendly streetscape.

RECOMMENDATION: Staff recommends approval of VAR-2025-0031 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.04(B)(4)(c), Required Infrastructure Improvements – Streets.** *Staff recommends approval of this variance for the reasons stated above.*
2. **Planning Commission determination of a variance to UDC §166.08(E), Street Design and Access Management Standards – Block Length/Connectivity.** *Staff recommends approval of this variance for the reasons stated above.*
3. **Planning Commission determination of a variance to UDC §166.22(C)(4), Urban Residential Design Standards – Pedestrian Circulation.** *Staff recommends approval of this variance for the reasons stated above.*
4. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: July 14, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.04 Required Infrastructure Improvements – Development in City Limits
 - §166.08 Street Design and Access Management Standards
 - §166.23 Urban Residential Design Standards
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Site Plans

166.04 Required Infrastructure Improvements — Development In City Limits

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- (B) *Minimum Improvements by Application Type.* The property owner/developer shall be responsible for constructing the following minimum improvements.

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- (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.

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166.08 Street Design And Access Management Standards

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- (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.

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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

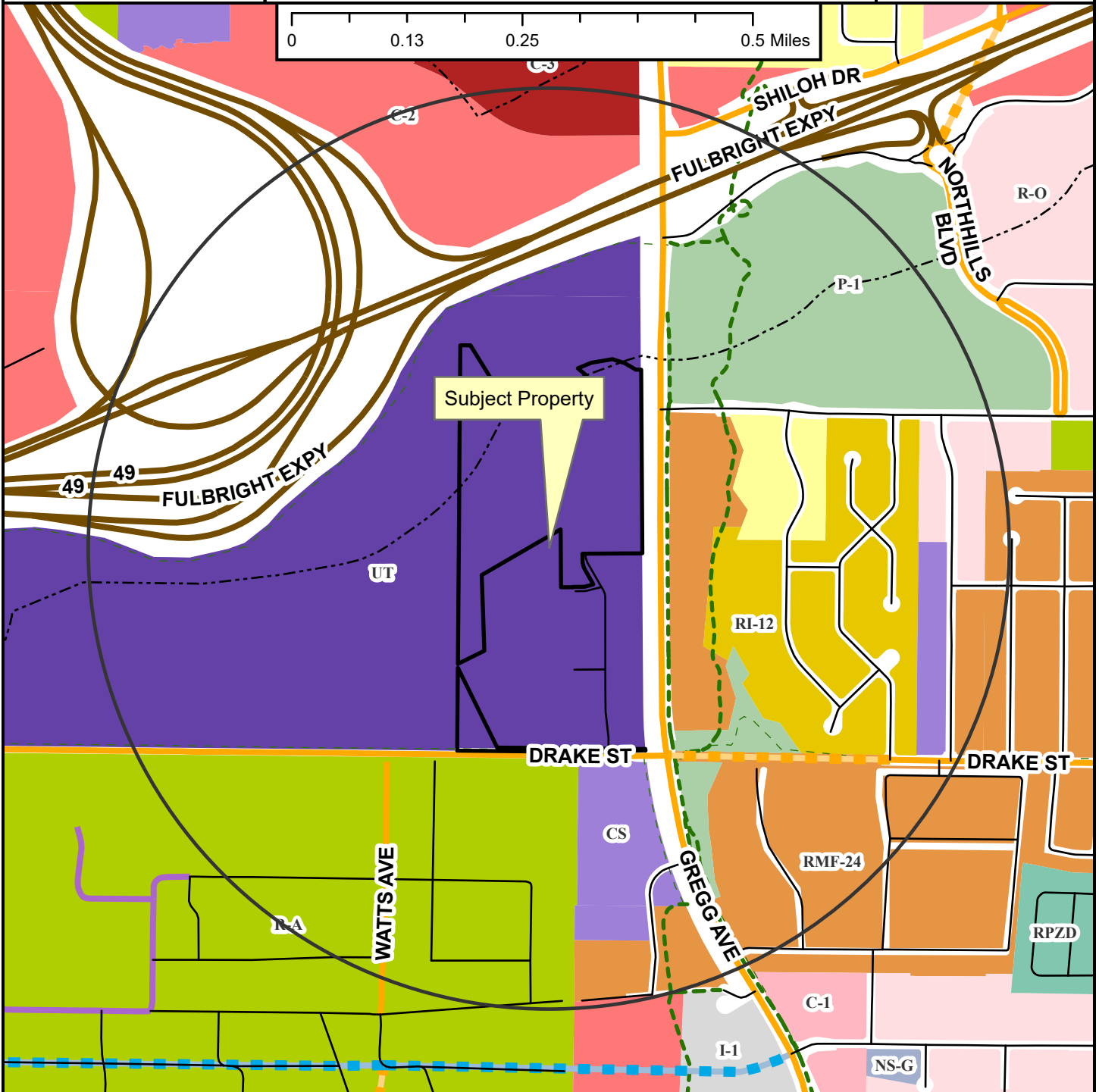
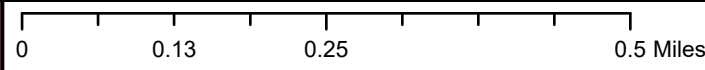
(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (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.

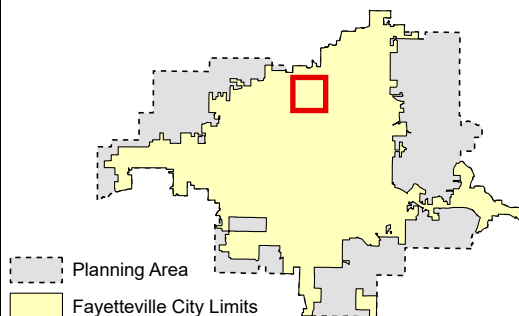
VAR-2025-0031

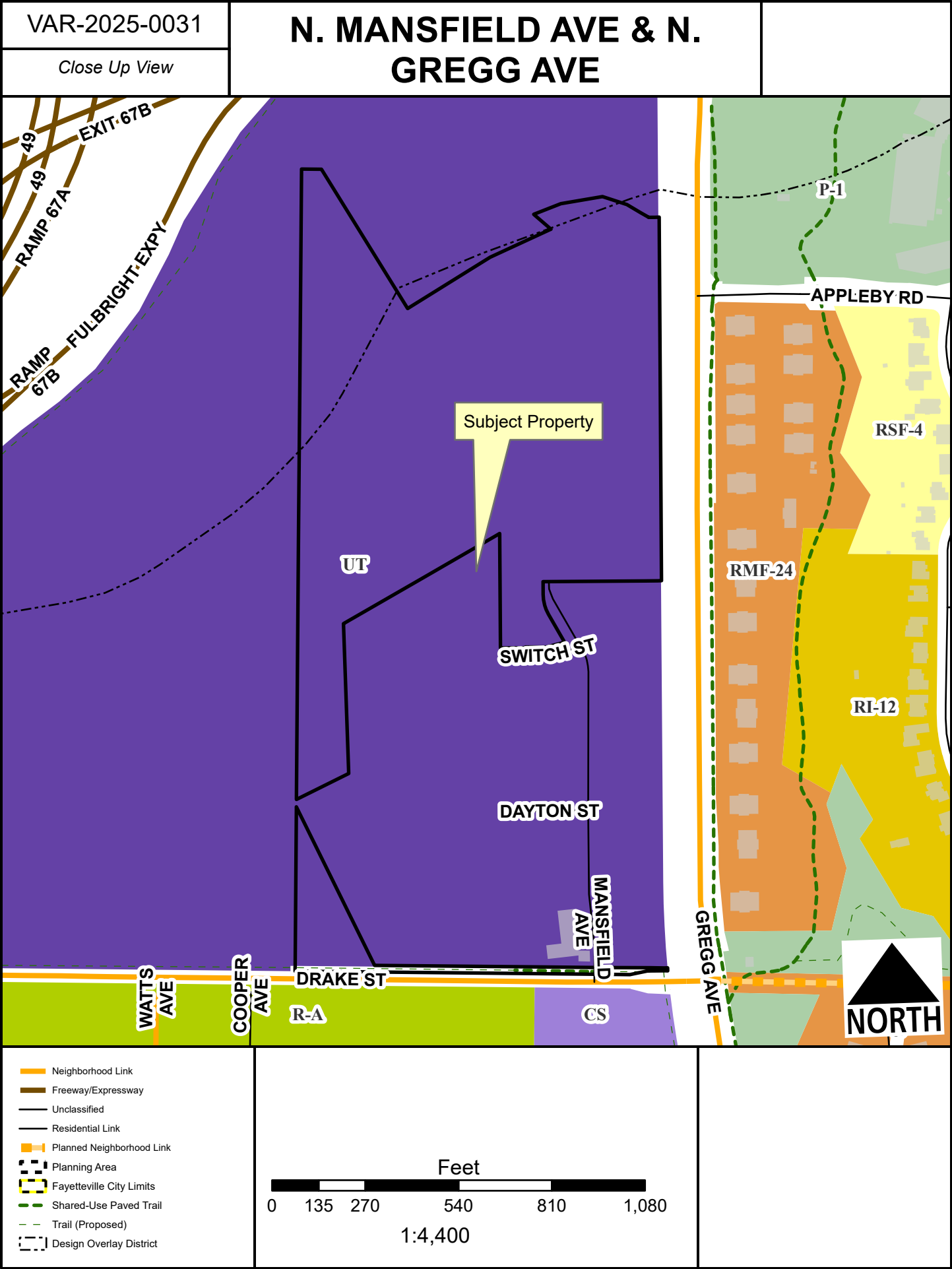
One Mile View

N. MANSFIELD AVE & N. GREGG AVE



- Neighborhood Link
- Institutional Master Plan
- 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







June 24, 2025

City of Fayetteville

Planning Commission
125 W. Mountain Street
Fayetteville, AR 72701
479.535.8233

LSIP# 2025-0004
EDG #: 24-051
PROJECT NAME: Drake Farms Phase 2, Fayetteville, AR 72701
DEVELOPER: PO Box 4245 Fayetteville, AR 72702

Project Narrative

The Drake Farms Phase 2 project will consist of three (3) multi-family residential buildings and one building consisting of attached townhomes. Site features include right-of-way dedication and improvements, parking, courtyard, and bike infrastructure. The site is approximately 3.71 acres.

Variance Request

EDG is requesting the following variance:

1. Variance to Unified Development Code Chapter 166, Section 166.08, Item (E): *Block Layout/Connectivity*.

(4) Block Layout/Connectivity.

Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.

Regional and Regional High Activity Links. Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.

Neighborhood Links. Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.

Residential Link and Downtown/Urban Street. Intersections shall occur at a minimum of one (1) every 660 feet.

Variances. Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

EDG requests that the Planning Commission grant a variance to the block layout/connectivity requirements for the east side of Mansfield Drive.

Justification: The intent of this ordinance is to maintain connectivity within developments and to protect connectivity to future developments. The eastern edge of this property (between Mansfield and Gregg Ave) is undevelopable due to the steep topography and the existing railroad. Since there is currently an existing approved crossing of the railroad, it is unlikely that another connection would be authorized. In lieu of providing vehicular connection, pedestrian access and connectivity will be prioritized. Pathways and common gathering spaces will create a corridor through the property.

2. Variance to Unified Development Code Chapter 166, Section 166.23, Item (C) (4) *Pedestrian Circulation*

(5) 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.

EDG requests that the Planning Commission grant a variance to not require direct pedestrian connection from ground floor units to a public street for Building 10 (Courtyard Building).

Justification: The intent of this ordinance is to create a uniform street frontage for street facing buildings to allow for pedestrians to easily traverse to/from the public right-of-way to the building. This portion of this particular building is setback from the street to allow for adequate distance to preserve a large existing tree. Since this building is being built around the tree, pedestrian access from these units would not meet this code requirement.

3. Variance to Unified Development Code Chapter 166, Section 166.04, Item (B)(4)(c): Streets

(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.

EDG requests that the Planning Commission grant a variance to the code requirement to meet the Master Street Plan for interior streets to allow for a Residential Link to have for two 7' parallel parking lanes instead of one.

- a. Justification: Two parallel parking lanes are proposed to maintain a continuous street section from the existing Pendergraft project into the remainder of the development. The intention is to add on-street parallel parking to slow down vehicular traffic and to create an urban environment with the commercial and residential portions of the development.

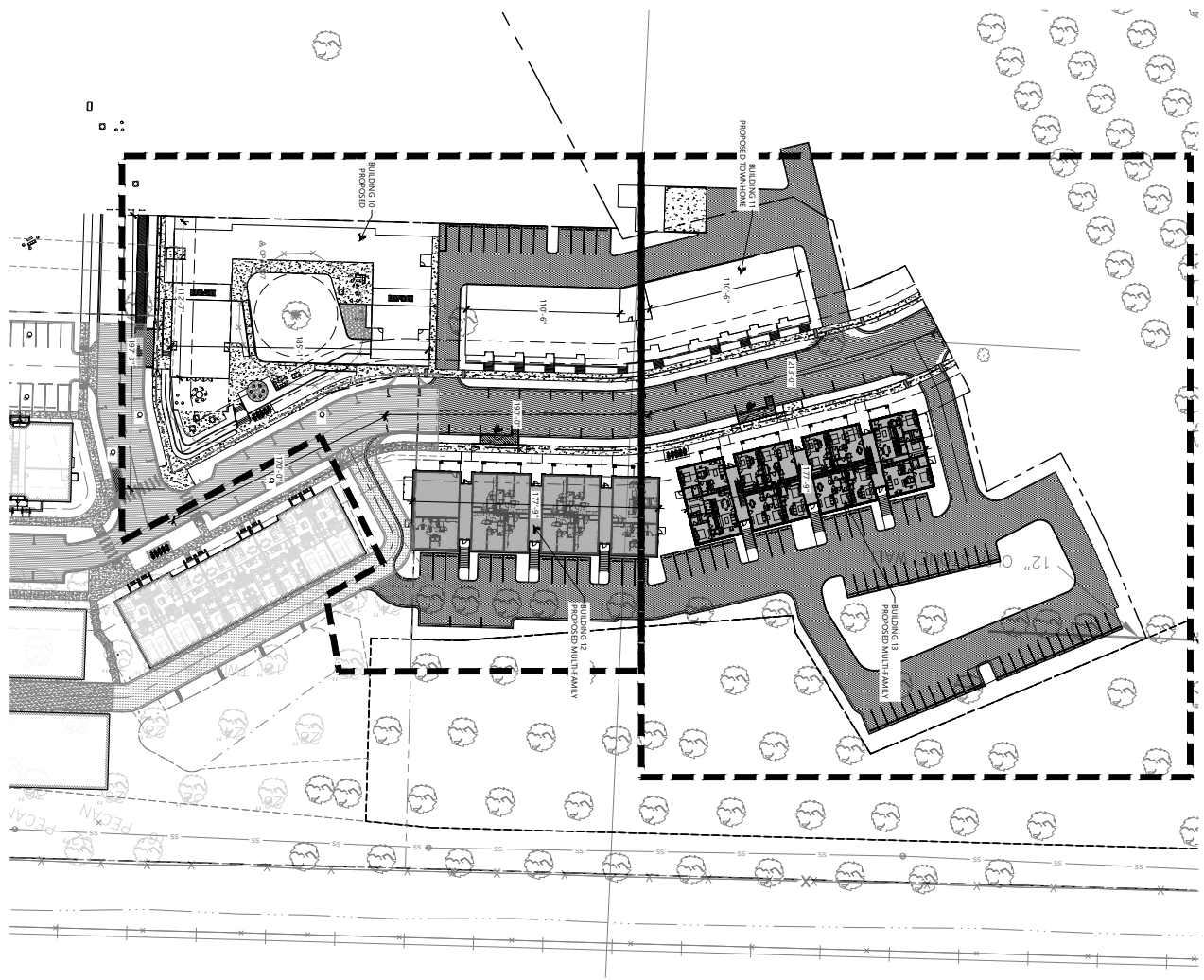
Additionally, this project is requesting that the Planning Commission grant an atypical street section variance for N. Mansfield Ave. This request would allow for the existing condition of Mansfield Ave. and would only require this development to dedicate the amount of ROW required to meet the MSP section of 52' wide. The sidewalk would not be included in this ROW dedication and would be placed in a pedestrian easement. Since this is an existing condition, we believe that intent of the MSP is for the City to obtain ROW sufficient for future growth and expansion if needed.

We kindly request that the City Planning Department consider this variance request and grant approval. We are prepared to work closely with the city to ensure that the proposed changes are implemented safely and efficiently.

Sincerely,



Katelynn Hopkins, EIT
Ecological Design Group | 479-441-0231 | khopkins@ecologicaldg.com



SITE INFORMATION		
ZONING	URBAN THOROUGHFARE	
PROPOSED USE	TOTAL SITE AREA	
	16,823 SF	3.71 AC
MINIMUM BUILDABLE STREET FRONTAGE		
STREET LENGTH	BUILDING LENGTH	BUILDING FRONTAGE
N. MANSHIELD AVE (EAST SIDE)	BUILDING 1: 177'	FRONTAGE REQUIRED: 201.5'
403'	BUILDING 2: 177'	FRONTAGE PROVIDED: 344'
	TOTAL LENGTH: 354'	
N. MANSHIELD AVE (WEST SIDE)	BUILDING 3: 110'	FRONTAGE REQUIRED: 246.5'
573'	BUILDING 4: 110'	FRONTAGE PROVIDED: 445'
	TOTAL LENGTH: 405'	
SWITCH ST. 210'	BUILDING 5: 112'	FRONTAGE REQUIRED: 105'
		FRONTAGE PROVIDED: 112'
PARKING CALCULATIONS		
BUILDING	REQUIRED	PROVIDED
BUILDING 10 MULTIFAMILY		
VEHICLE PARKING	37 UNITS	37 TOTAL
BIKE PARKING	1 PER 30 DWELLING UNITS (2)	12 OFF-STREET 35 ON-STREET (11 ADA)
		10
BUILDING 11 TOWNHOME		
VEHICLE PARKING	1 SPACE PER BED 10.3 BEDROOM UNITS	2 GARAGE SPACES PER UNIT
BUILDING 12 MULTIFAMILY		
VEHICLE PARKING	1 PER BED (42 MULTIFAMILY BEDS)	42 TOTAL
MOTORCYCLE PARKING	1 PER 25 PARKING SPACES (PROVIDED: 2)	5 ON-STREET (1 ADA)
		0
BIKE PARKING	1 PER 30 DWELLING UNITS (2)	5
BUILDING 13 MULTIFAMILY		
VEHICLE PARKING	1 PER BED (42 MULTIFAMILY BEDS)	42 TOTAL
MOTORCYCLE PARKING	1 PER 25 PARKING SPACES (PROVIDED: 2)	35 OFF-STREET (11 ADA)
		0
BIKE PARKING	1 PER 30 DWELLING UNITS (2)	5

PROPOSED SITE PLAN LEGEND

	PROPOSED CORE AREA AND OUTER AREA
	VEGETATION
	PAVED AREA
	GRASS AREA
	GRAVEL AREA
	ASPHALT PAVEMENT

DRAKE FARMS - PHASE 2 Fayetteville, Arkansas

DATE	2023.05.14
DESIGNED BY	MAK
CHECKED BY	MAK
APPROVED BY	MAK
TITLE	OVERALL SITE PLAN
SHEET NO.	C1.00

Know what's below. Call before you dig.

NOT FOR CONSTRUCTION
 NOT FOR CONSTRUCTION
 NOT FOR CONSTRUCTION

Planning Commission
 July 14, 2025
 VAR-2025-0031 (DRAKE FARMS PH 2)

E | D | G
 Ecological Design Group
 www.ecologicaldesign.com
 479.576.1111

Page 13 of 15

- PROPOSED SITE PLAN LEGEND**
- PROPOSED CURB AND GUTTER
 - PROPOSED ASPHALT DRIVE
 - VEHICULAR CONCRETE
 - PEDESTRIAN CONCRETE
 - GRAVEL AND GRAY LIMESTONE
 - ASPHALT PAVEMENT

E | D | G

Ecological Design Group
www.ecogroup.com
11111 N. W. 11th St., Suite 100
Ft. Lauderdale, FL 33304
Phone: (954) 571-1111
Fax: (954) 571-1112

Planning Commission
July 14, 2025
VAR-2025-0031 (DRAKE FARMS PH 2)



DRAKE FARMS - PHASE 2 Fayetteville, Arkansas

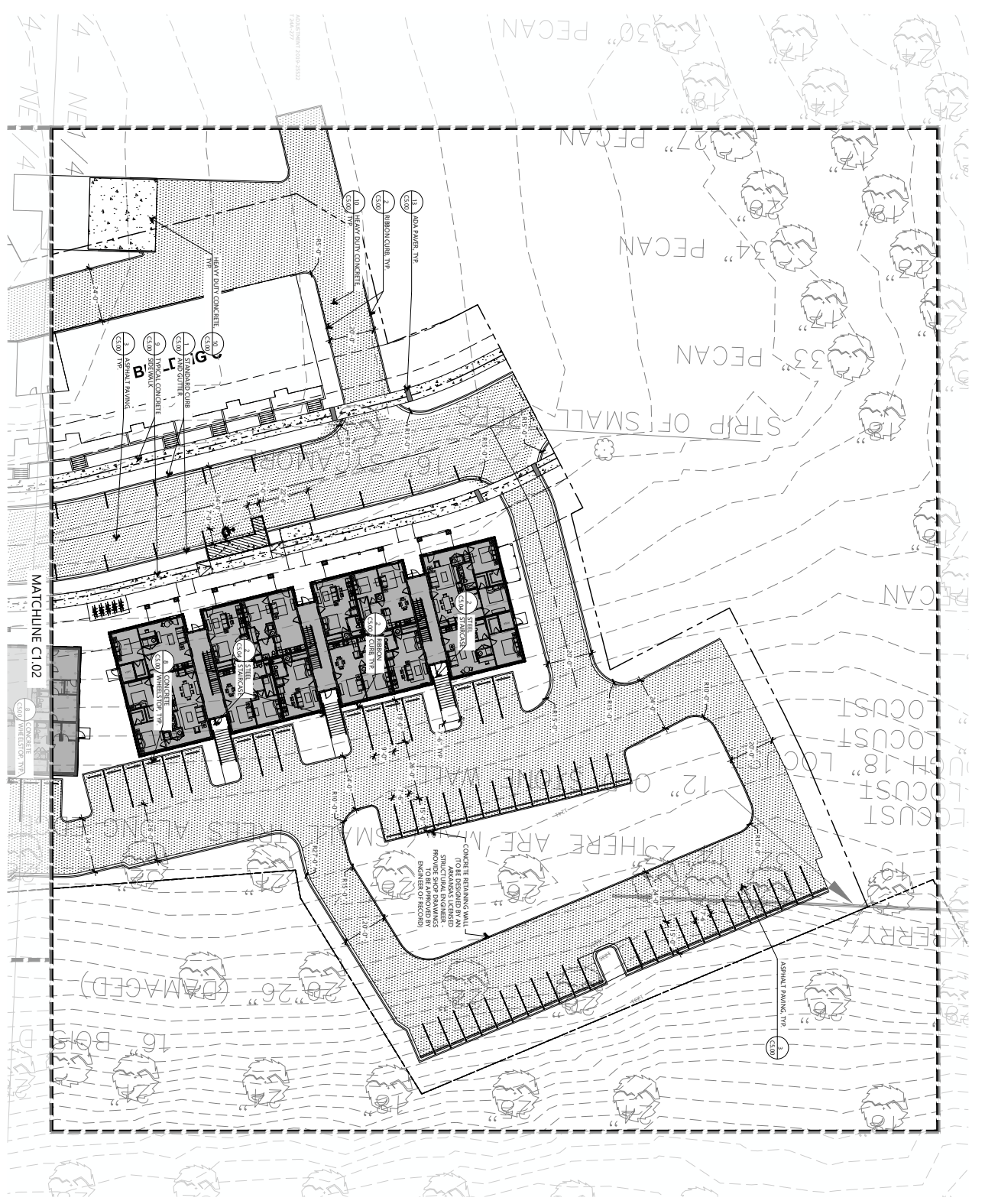
CONTRACT NO.	2025-0031
DATE	2025.04.14
PROJECT NO.	2025-0031
PROJECT NAME	DRAKE FARMS - PHASE 2
PROJECT LOCATION	FAYETTEVILLE, ARKANSAS
PROJECT DESCRIPTION	RESIDENTIAL DEVELOPMENT
PROJECT STATUS	IN PROGRESS
PROJECT OWNER	DRAKE FARMS
PROJECT ARCHITECT	ECOLOGICAL DESIGN GROUP
PROJECT ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT SURVEYOR	ECOLOGICAL DESIGN GROUP
PROJECT LANDSCAPE ARCHITECT	ECOLOGICAL DESIGN GROUP
PROJECT CIVIL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT ELECTRICAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT MECHANICAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT PLUMBING ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT FIRE ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT ENVIRONMENTAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT HISTORIC PRESERVATION	ECOLOGICAL DESIGN GROUP
PROJECT TRAFFIC ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT UTILITIES ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT GEOTECHNICAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT STRUCTURAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT FOUNDATION ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT ROADS ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT AIRPORT ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT MARINE ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT RAILROAD ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT CANAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT TOWNSHIP ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT COUNTY ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT STATE ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT FEDERAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT INTERNATIONAL ENGINEER	ECOLOGICAL DESIGN GROUP
PROJECT OTHER ENGINEER	ECOLOGICAL DESIGN GROUP

1 SITE PLAN

SCALE 1" = 20'-0"

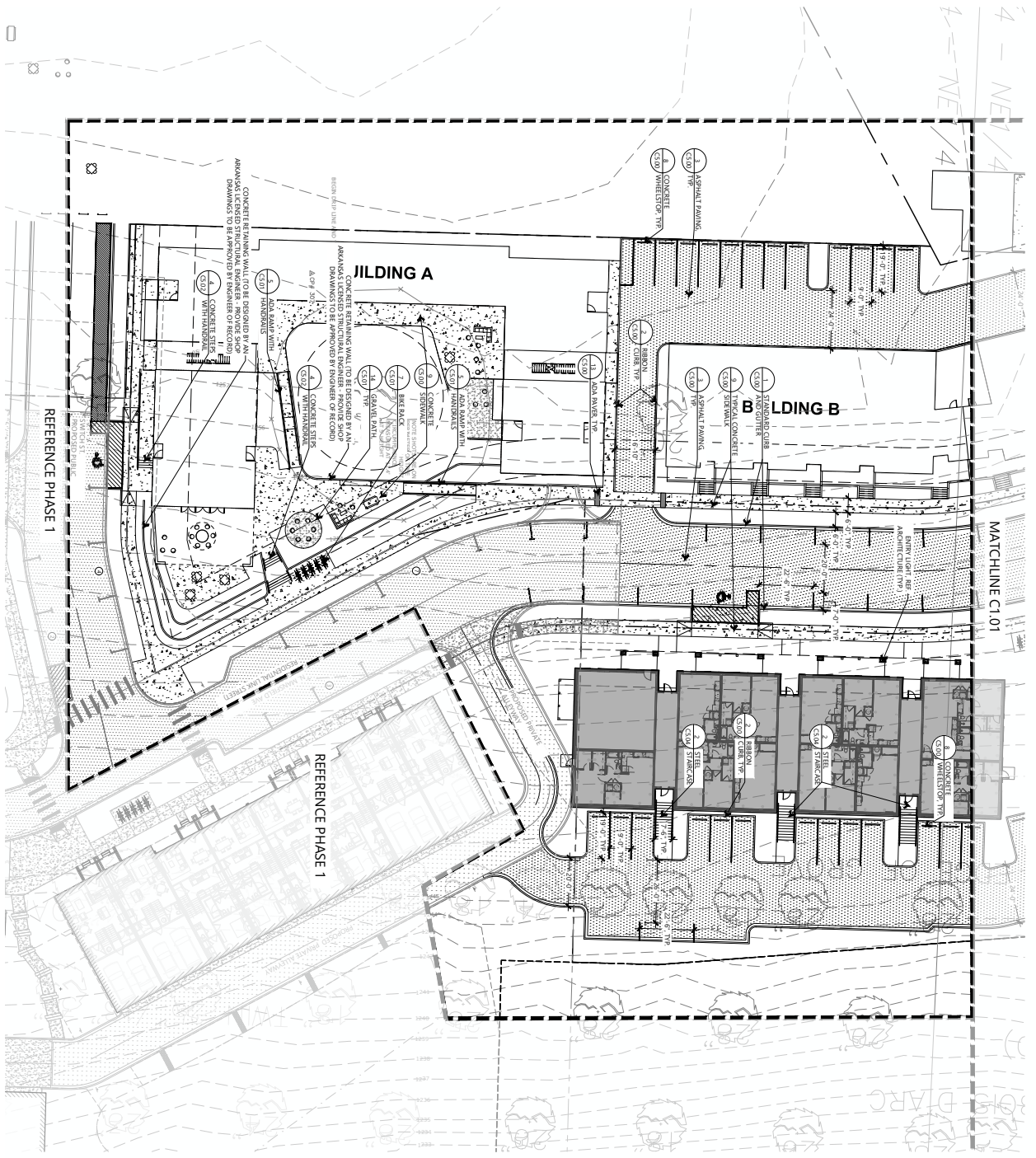
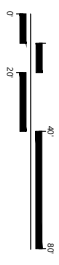
NORTH

0 20 40 80



1 SITE PLAN

SCALE 1" = 20'-0"



PROPOSED SITE PLAN LEGEND

- PROPOSED CURB AND GUTTER
- VEHICULAR CONCRETE
- PEDESTRIAN CONCRETE
- GRANITE AND GRAY LAMBERT
- ASPHALT PAVEMENT

DRAKE FARMS - PHASE 2
Fayetteville, Arkansas

DATE	2023.05.14
REVISION	
NO.	DESCRIPTION
1	ISSUED FOR PERMIT
2	ISSUED FOR CONSTRUCTION
3	ISSUED FOR RECORD
4	ISSUED FOR RECORD
5	ISSUED FOR RECORD
6	ISSUED FOR RECORD
7	ISSUED FOR RECORD
8	ISSUED FOR RECORD
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19	ISSUED FOR RECORD
20	ISSUED FOR RECORD



Planning Commission
July 14, 2025
VAR-2025-0031 (DRAKE FARMS PH 2)



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 14, 2025

SUBJECT: **VAR-2025-0032: Planning Commission Variance (3200 N. GULLEY RD/HARWARD, 220):** The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 12.54 acres. The request is for a variance to street frontage requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0032**, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0032** with conditions, determining:*

- In favor of a variance to UDC §166.0(A)(3), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in north east Fayetteville just half a mile north of the Gulley Road and Mission Boulevard intersection. The property is developed with a single-family home which Washington County records indicate was built in 1985. The property has petitioned for a lot split (LSP-2025-0026) to create two additional tracts. The location of the parcel is outside of City Limits. The property is not located in a FEMA designated floodplain.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential; Rural Residential	Washington County – Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)
South	Single-Family Residential; Rural Residential	Washington County – Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)
East	Single-Family Residential; Rural Residential	Washington County – Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)
West	Single-Family Residential; Rural Residential	Washington County – Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre)

Request: The applicant is requesting a variance to allow for the allotted street frontage for the newly created tracts.

DISCUSSION:

Variance #1: 166.05 (A)(3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards. The applicant is requesting a variance to allow street frontage for Tract A-1 and A-2 of a Lot Split (LSP-2025-0026). The proposed street frontage for the proposed property is less than the required amount of Washington County (70ft.) As both tracts do not access North Gulley Road, the applicant has provided a 30-foot access easement for the two subject properties via the property that abuts to the north.

- *Staff recommendation: This property is located in the county which requires the property to comply with Washington County Code. Staff finds that the proposed lot splits would result in two lots without direct street frontage that are comparable to neighboring properties and reflect a low-density development pattern that is consistent with the surrounding area. Staff is thus supportive of the variance. As a condition of approval, staff recommends that an access easement be dedicated for the subject properties with the associated lot split so that both lots can retain access to North Gulley Road. The applicant has indicated that an access easement will be provided via a 30-foot access easement for the split tracts on the abutting property to the north.*

Public Comment: Staff has received one request for additional information on the proposal.

RECOMMENDATION: Staff recommends approval of **VAR-2025-0032** with the following conditions of approval:

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.05 (A)(3) Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area.** *Staff recommends in favor of the variance for the reasons outlined above.*
2. A shared access easement and any required utility easements necessary to serve the proposed parcels must be dedicated through the lot split. Shared access and utility easements shall be a minimum of thirty feet in width.
3. Approval of this variance does not constitute approval of any associated permits or other variances. The applicant shall obtain all necessary permits associated with the development separately.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- UDC §166.05 Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area
- One Mile Map
- Close Up Map
- Current Land Use Map
- Applicant Request Letter
- Proposed Variance Request Exhibit

166.05 Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area

(A) *Required Infrastructure Improvements and Subdivision Regulations Outside the City.*

- (1) *Within 1 Mile of City Limits.* On and off-site improvements and subdivision regulations for development outside the city limits and within one mile of the city are the same as for those developments within the city limits, with the exception of park land dedication requirement which is not required.
- (2) *Beyond 1 Mile of City Limits.* On- and off-site improvements and subdivision regulations for development outside 1 mile of the city limits shall meet Washington County standards.
- (3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.

(B) *Developments Outside City Developed to All Inside the City Standards.* If the City Council grants access to the City's sewer system pursuant to §51.115. (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District or as otherwise designated by the City Council rather than those within the planning area.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§159.54, 160.120; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4753, 9-6-05; Ord. No. 5215, 1-20-09; Ord. No. 5270, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12)

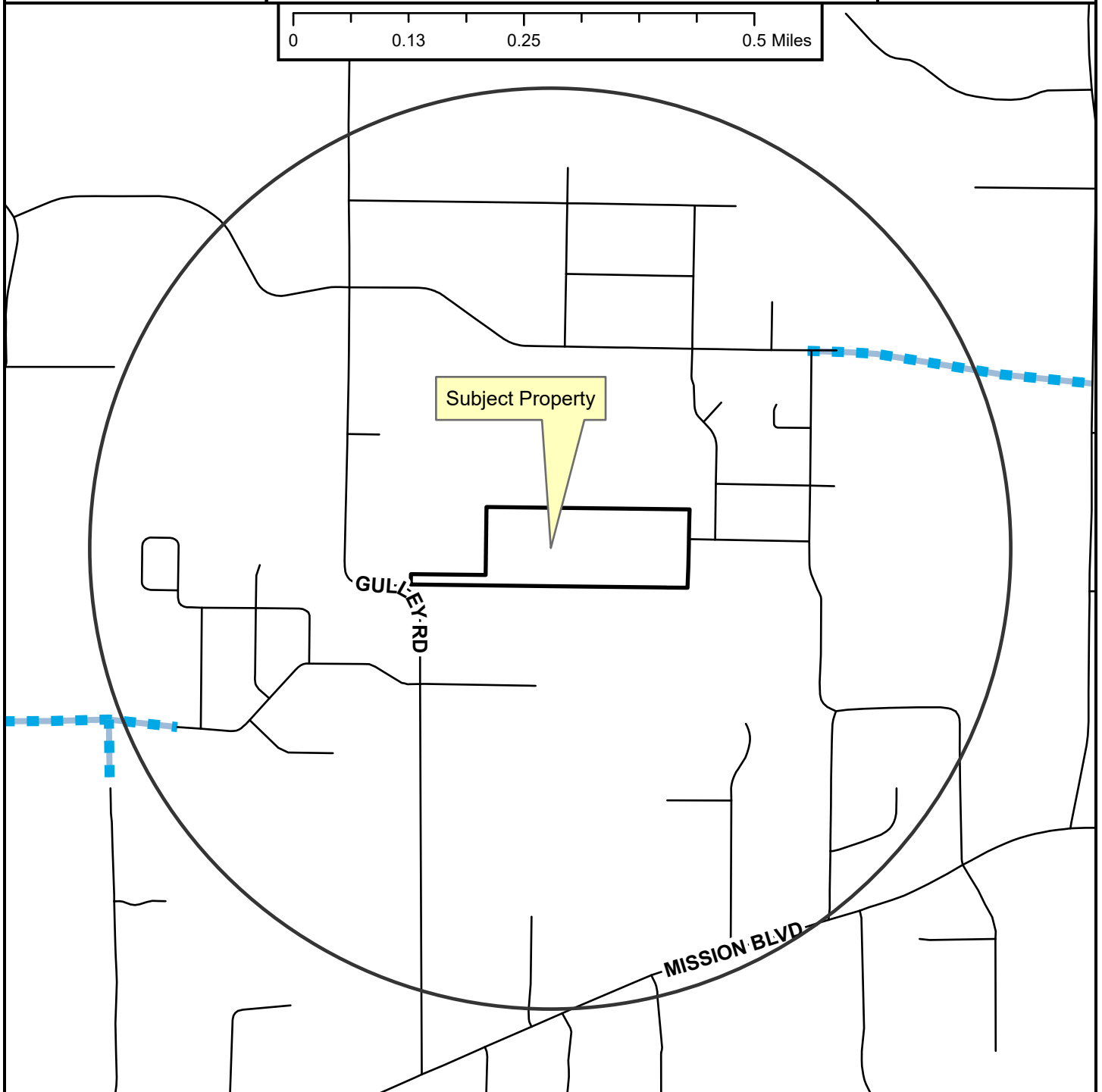
VAR-2025-0032

3200 N. GULLEY RD

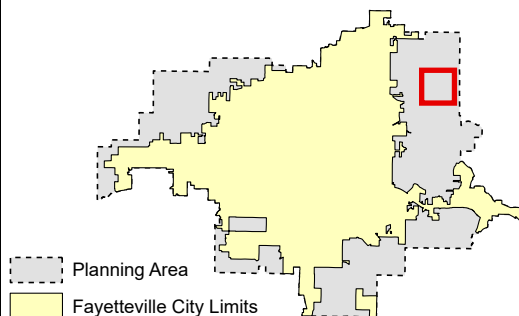
One Mile View



0 0.13 0.25 0.5 Miles



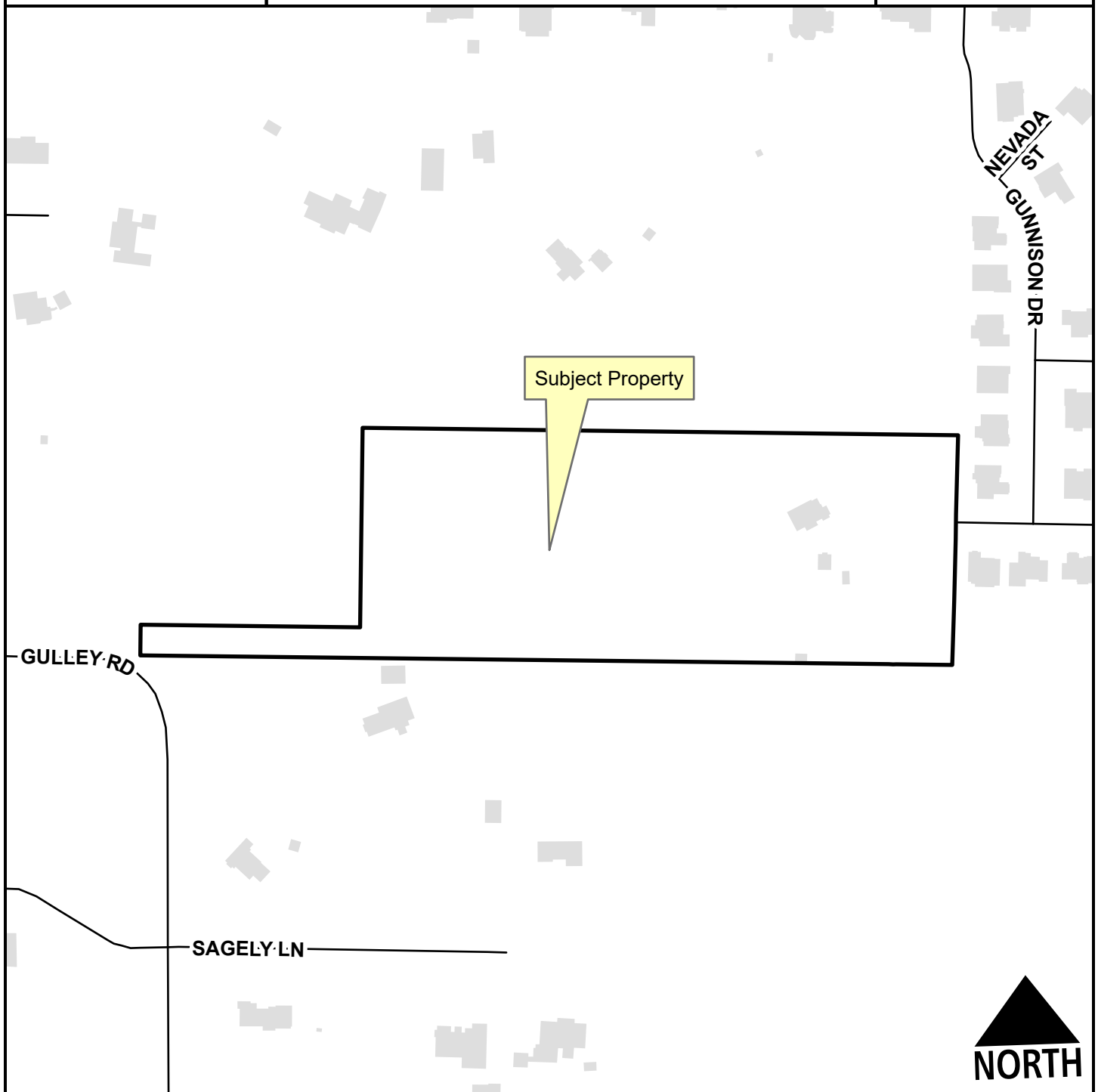
- Unclassified
- Planned Residential Link
- Planning Area



VAR-2025-0032

3200 N. GULLEY RD

Close Up View



— Unclassified
--- Planning Area

Feet
0 105 210 420 630 840

1:3,400





June 11, 2025

Alan Reid
& ASSOCIATES
PROFESSIONAL
LAND
SURVEYORS

City of Fayetteville
Planning & Engineering
125 W. Mountain Street
Fayetteville, Arkansas

Re: VARIANCE (FAYETTEVILLE GROWTH AREA) FOR LACK OF PUBLIC ROAD FRONTAGE IN CONJUNCTION WITH A PROPOSED PROPERTY LINE ADJUSTMENT / TRACT SPLIT LOCATED AT: 3200 N. GULLEY RD. (WC 345), FAYETTEVILLE, AR 72703
WASHINGTON COUNTY PARCEL ID 001-15497-000 & 001-15496-000

Dear Planners / Planning Commission,

This is a request for a variance on public road frontage in conjunction with a proposed property division that is currently under review with the City of Fayetteville Planning Office; the property division involves Washington County Parcels 001-15497-000 and 001-15496-000 / address. 3200 N. Gulley Rd. (WC 345), Fayetteville, AR 72703. The property is located with the Fayetteville Growth Area, the unincorporated area of Washington County. The property is located a little over a mile (1.14 miles) according to rough GIS measurements from the city limit lines of Fayetteville.

The property (two existing parcels) consists of 20.55+/- acres; it is proposed that the property lines be adjusted and one (1) additional tract to be created resulting in the following:

- Tract 'A-1' = 9.27+/- acres (has existing home, 3200N. Gulley Rd.), currently the house is accessed via an existing gravel drive which runs through proposed Tract 'A-2' and proposed Adjusted Tract 'B'. Instead of maintaining this current route the owner, who also owns the property to the north (parcel 001-15495-001) proposes accessing his property via a 30 foot wide access easement which already has a asphalt drive constructed on it. See plat for additional details.
- Tract 'A-2' = 3.00+/- acres, proposed to be accessed via a 30 foot wide access easement over the property to the north (parcel 001-15495-001) which already has an asphalt drive constructed on it. This property to the north is also owned by Malcolm & Ellen Hayward Revocable Trust, which is the owner of the subject property under discussion.
- Adjusted Tract 'B' = 8.27+/- acres, has over 800 feet of public road frontage

It is requested that a variance be granted for the following section of the Fayetteville code:

Title XV-Unified Development Code,

Chapter 166 -Development-,

166.05 Required Infrastructure Improvements and Subdivision Regulations- Development in Planning Area

(A) (2) Beyond 1 Mile of City Limits . On- and off-site improvements and subdivision regulations for development outside 1 mile of the city limits shall meet Washington County standards

(A) (3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.

Washington County Subdivision regulations call for 75 feet of road frontage; however, there are other provisions within the Washington County Code that allow for property to be accessed via an easement (Exemptions and Private Road Developments).

Following is some additional information on the subject property and ingress/ egress to:

- Subject property is zoned through Washington County, Arkansas as residential (1 acre minimum) / agricultural, the proposed property division is in compliance with Washington County Zoning.
- The existing drive on "Adjusted Tract 'B'" is located on what the owner considers "...a blind turn so it is just plain dangerous, particularly as Gulley Rd is a popular high speed cut through between Goshen and everything north of the Mall..." This is considered a crucial factor in the decision to create a safer approach.
- The alternative drive location (asphalt drive) proposed for proposed Tract 'A-2' and Tract 'A-1' has better visibility than the existing drive that is currently in place and assessed to be much safer by the owner.

Granting the variance would allow owners of the tracts to continue enjoying rights that other property owners enjoy in the surrounding area. It would provide a drive location with good visibility to improve safety and minimize points of ingress/ egress. This is a situation that is unique to this property given the configuration of the public road. The need to access a minimal number of tandem lots via an easement is common in the County. Thank you for your consideration. ****Refer to drafted plat for further details regarding the project.***

Please contact our office for any questions regarding the project.

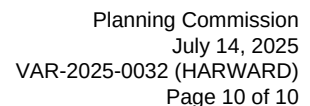
Best regards,



Alan Reid

Professional Land Surveyor

Planning Commission
July 14, 2025
VAR-2025-0032 (HARWARD)
Page 10 of 10





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

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

MEETING: July 14, 2025

SUBJECT: **LSD-2024-0037: Large Scale Development (1731 W 18TH ST./BLACK PINE CONSTRUCTION, 598):** Submitted by CRAFTON TULL for property located at 1731 W. 18TH ST. The property is zoned RI-12, RESIDENTIAL-INTERMEDIATE, 12 UNITS PER ACRE and contains approximately 8.89 acres. The request is for a 107-unit single-family residential development with associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2024-0037**, subject to conditions.

RECOMMENDED MOTION: *"I move to approve LSD-2024-0037 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 south side of W. 18th St at its intersection with S. Beechwood Ave and ¼ mile northwest of the intersection of S. Razorback Rd. and S Ashwood Ave. The property contains three parcels totaling 8.89 acres which were zoned RI-12, Residential-Intermediate, 12 Units per Acre in August 2024 (RZN-2024-0034). The parcels are developed with a 1,968-square-foot single-family dwelling constructed in 1951, a 1,299-square-foot single-family dwelling constructed in 1946, and a 992-square-foot single-family dwelling constructed in 1951 per the Washington County Assessor. 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 107 single-family units, clubhouse, amenities, and associated parking. No variances have been requested.

Right-of-Way to be Dedicated: The property has frontage along W. 18th Street, a residential link street which typically require 26' of dedication from the street centerline. As right-of-way currently exists 40' from centerline, no additional dedication is recommended.

Street Improvements: The property has frontage along W. 18th St., a residential link street which typically require a 10-foot sidewalk, 10-foot green space, curb and gutter, 8-foot parking lane, and a 10-foot travel lane. The applicant proposes to widen their side of the street with improvements in line with these typical requirements.

Additionally, staff recommends off-site improvements at the intersection of Beechwood and W. 18th St. to address a safety issue due to the geometry and large area of asphalt present. In line with these recommendations, the applicant is proposing to reconstruct the intersection to the dimensions of a typical intersection. The 10' trail section will also be extended from the property across this intersection and then to the north to tie to the Town Branch Trail.

Access Management/Connectivity: The proposed driveways onto W. 18th St. meets separation requirements. Cross access is shown to the east and west, and no private drives are shown that would be subject to block length requirements.

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. Further, staff has found the property to be substantially compliant with minimum buildable street frontage requirements.

Water and Sewer System: There is an existing 12" water main along the north side of the property along W. 18th Street. The applicant is proposing to tie to this water main and extend an 8" water main loop through the site for domestic water and fire hydrants. There is an existing 6" sewer main at the northwest corner of the property and another existing 6" sewer main at the northeast corner of the property. The applicant is proposing to tie to both of these existing 6" sewer mains with a proposed network of 8" sewer mains by splitting the flows from the site proportionally.

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 107 single-family residential units would be required in the amount of \$116,523, with final fees to be determined and paid prior to the issuance of any building permits.

Tree Preservation:

Canopy minimum requirement: 20%

Existing canopy: 19.5%

Preserved canopy: 1.1%

Mitigation required: 345 2-inch caliper trees

Public Comment: Staff has received an inquiry regarding the proximity of the development to adjacent residences to the south and potential screening requirements, but no statements specifically in opposition or support.

RECOMMENDATION: Staff recommends approval of **LSD-2024-0037**, with the following conditions:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no additional right-of-way dedication.*
2. **Planning Commission determination of street improvements.** *Staff recommends the following street improvements:*
 - a. *10-foot trail, 10-foot green space, curb and gutter, 8-foot parking lane, and a 10-foot travel lane, streetlights and street trees along W. 18th St.*
 - b. *Reconstruct the intersection of S. Beechwood and W. 18th St. to the dimensions of a typical intersection per the attached plans*
3. Parkland dedication fees-in-lieu for 107 single-family units in the amount of \$116,523 with final fees to be determined and paid prior to the issuance of any building permits.
4. All remaining comments from Planning and other city divisions shall be addressed prior to permitting, including;
 - a. If phasing of the development is intended, a phasing plan shall be provided.
5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto

Standard conditions of approval:

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

- g. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 “Guarantees in Lieu of Installed Improvements” to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action:	☐ Denied	☐ Tabled	☐ Approved
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Meeting Date: July 14, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

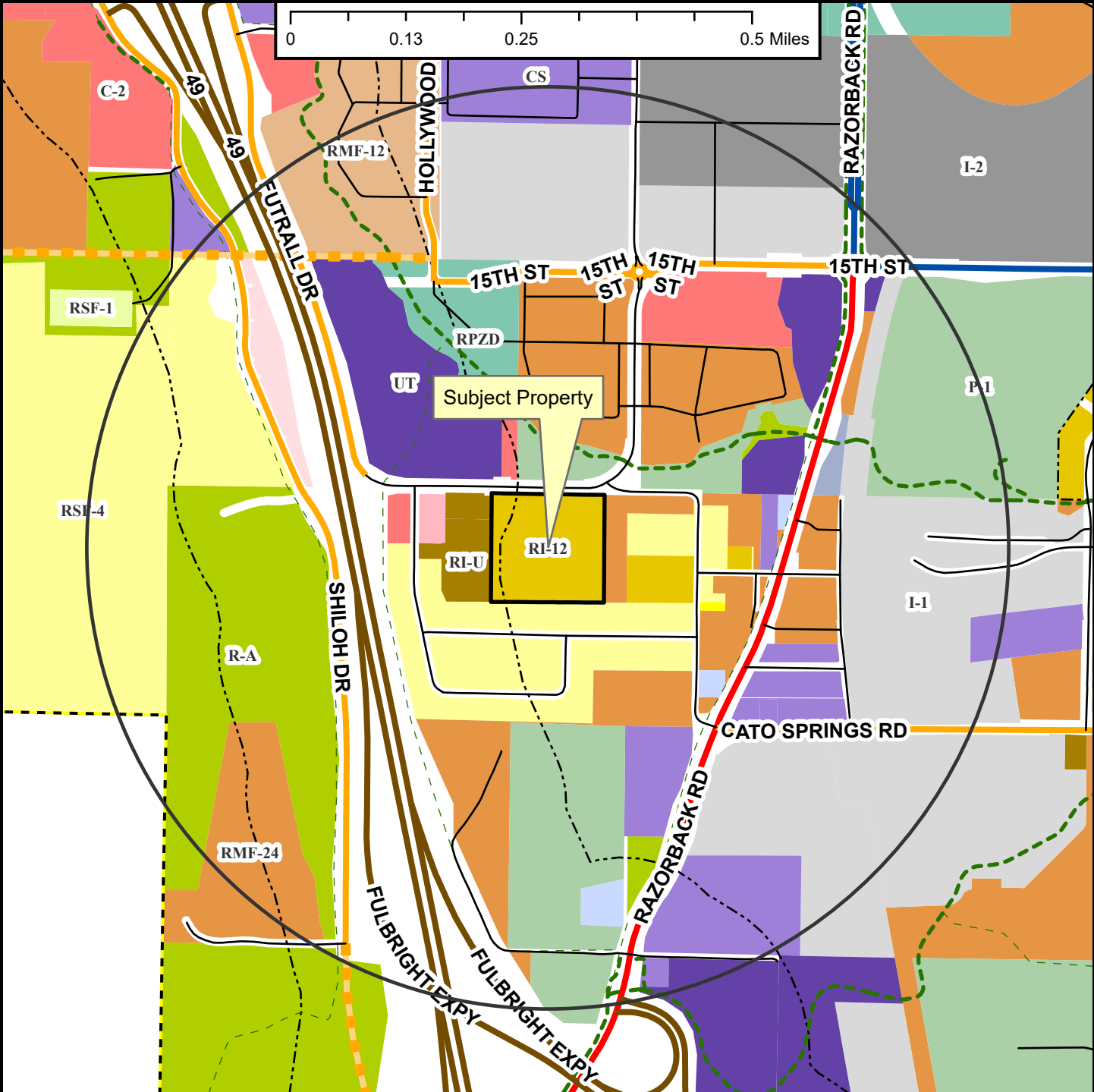
- Project Maps
 - One Mile Map
 - Close Up Map
 - Current Land Use Map
- Staff Exhibits
 - Engineering Memo
 - Urban Forestry Memo
- Applicant Exhibits
 - Cover Letter
 - Site Plan Excerpts
 - Elevations
- Public Comment

LSD-2024-0037

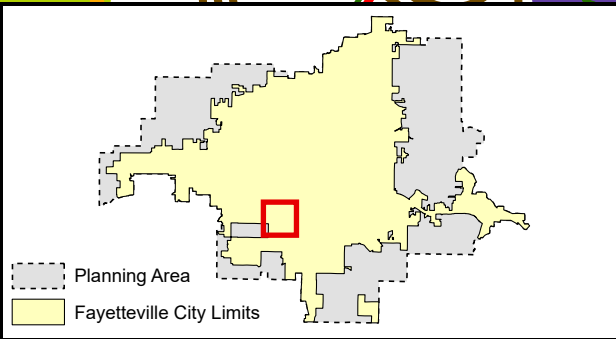
One Mile View

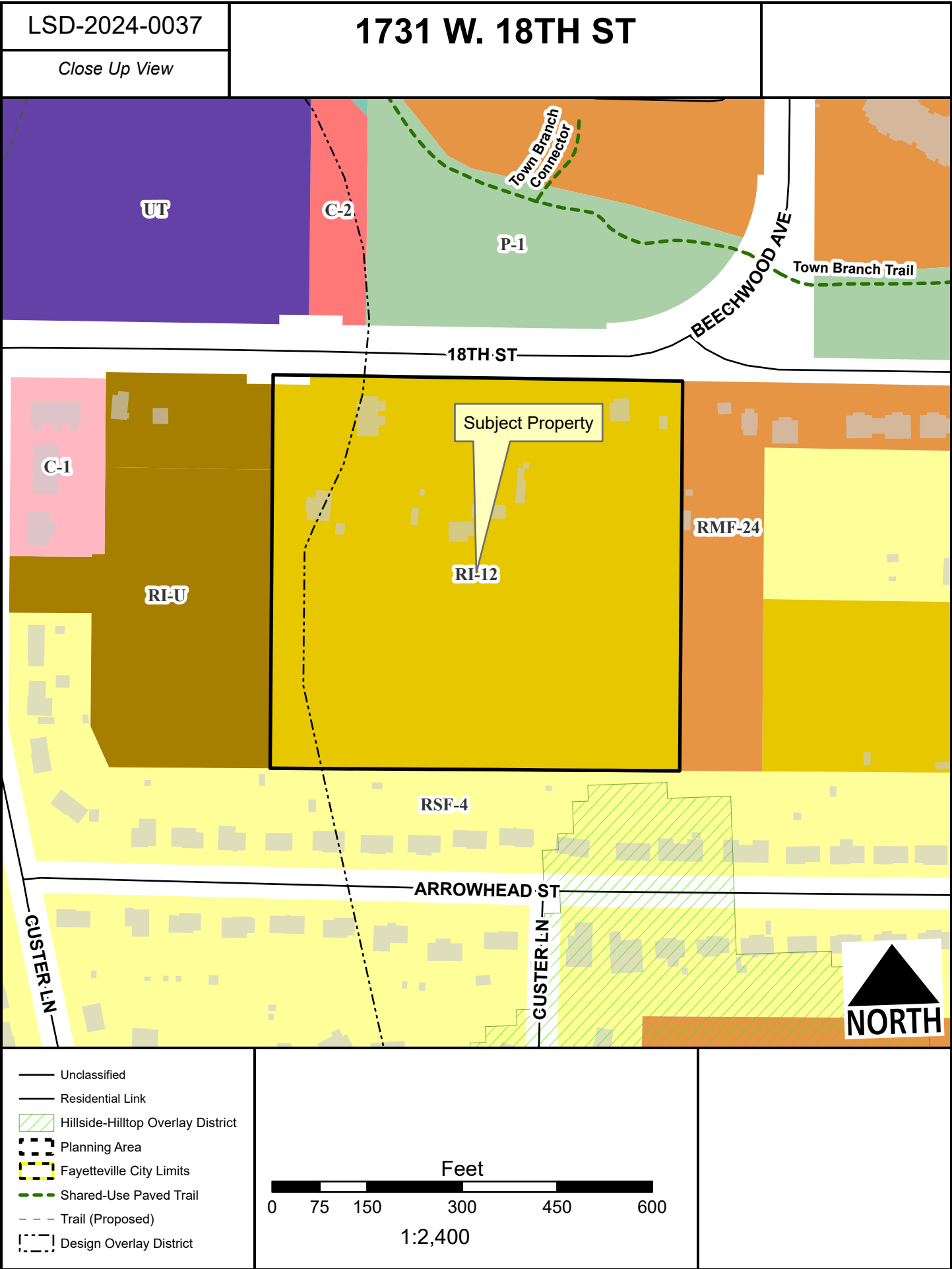
One Mile View

1731 W. 18TH ST



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





LSD-2024-0037

1731 W. 18TH ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Donna Wonsower, Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: July 7, 2025

**SUBJECT: Planning Commission Engineering Comments for
LSD-2025-0037**

Water: There is an existing 12" water main along the north side of the property along W. 18th Street. The applicant is proposing to tie to this water main and extend an 8" water main loop through the site for domestic water and fire hydrants.

Sewer: There is an existing 6" sewer main at the northwest corner of the property and another existing 6" sewer main at the north east corner of the property. The applicant is proposing to tie to both of these existing 6" sewer mains with a proposed network of 8" sewer mains by splitting the flows from the site proportionally.

Streets: This property has frontage to W. 18th Street along the north side of the site. W. 18th Street 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 on-street parking, curb and gutter and building a 10' trail along the northern frontage of the property.

In addition, per the recommendation of staff, the applicant is proposing intersection improvements at Beechwood Ave. and W. 18th St. This intersection is a safety issue due to the geometry and large area of asphalt present. The applicant is proposing to reconstruct the intersection to the dimensions of a typical intersection. The 10' trail section will also be extended from the property across this intersection and then to the north to tie to the Town Branch Trail.

Drainage: The development must meet the four minimum standards outlined in the City's Drainage Criteria Manual. A hydrodynamic separator is proposed to meet Minimum Standard 1. Minimum Standards 2-4 are proposed to be met with multiple underground detention basins around the site. The site drainage will discharge to the northeast by tying to an existing storm sewer pipe along W. 18th St. A detailed review of the drainage improvements will be performed during the grading permit review process.

Plan Comments:

1. The outstanding flood study comments related to Section 168.10 of the Unified Development Code must be met prior to issuance of Grading Permit. Any requests for variances in relation to this code section would require additional approval from the Planning Commission.

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/developer's expense

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



URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Crafton Tull
From: Willa Thomason, Urban Forester
CC: Donna Wonsower, Planner
Meeting Date: July 14, 2024
Subject: LSD-2024-0037: Ashwood Duplexes (1731 W 18th St)

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
1 Tree : 12 Parking Spaces				
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				345
Parking Lot Trees				20
Street Trees				17
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	12-10-24	7-03-25
Approved		
Tabled		
Denied		

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

Comments
1. Address items above marked “No” and all Redlines provided.
2. Please select native alternatives to Z. serrata and T. cordata.



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Crafton Tull

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: July 14, 2025

Subject: LSD-2024-0037: Ashwood Duplexes (1731 W 18th St)

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	388,634	100%
Zoning Designation * Select Below with drop down arrow		
RT-12, Two and Three-Family Residential	77,727	20%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	77,727	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	75,694	19.5%
Tree Canopy Preserved	4,296	1.1%
Tree Canopy Removed *On Site	71,398	18.4%
Tree Canopy Removed *Off Site	3,877	
Tree Canopy Removed Total	75,275	19.4%
Removed Below Minimum	73,431	
Mitigation Requirements	75,275	

3. Mitigation Requirements		Canopy below requirement	Number of 2" caliper trees to be planted	
	High Priority	75,275	345	
	Low Priority			
	Total Mitigation Trees Required	75,275	345	
4. Mitigation Type		Yes	No	N/A
	On-Site Mitigation	X		
	Off-Site Mitigation			X

Tree Escrow (See Conditions of Approval)

X

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1and 167.04L1</i>		Tech Plat	Planning Commission
a.	5 year Aerial Check on Existing Trees	Yes	Yes
b.	Property Boundary	Yes	Yes
c.	Natural Features (100ft beyond limits of disturbance)	Yes	Yes
d.	Existing Topography and Proposed Grading	Yes	Yes
e.	Soil Types	Yes	Yes
f.	Significant Trees	Yes	Yes
g.	Groupings of Trees	Yes	Yes
h.	Table Inventory List (species, size, health, priority)	Yes	Yes
i.	All Existing and Proposed Utilities	Yes	Yes
j.	All Existing and Proposed Utility Easements and ROW's	Yes	Yes
k.	All Streams (with approximate center line)	N/A	N/A
l.	Floodplains and floodways	Yes	Yes
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	Yes	Yes
p.	Delineates trees/canopy to be preserved and removed	Yes	Yes
q.	Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	No	No
Tree Protection Methods			
a.	Tree Protection Fencing	Yes	Yes
b.	Limits of Root Pruning	No	Yes
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) <i>UDC Chapter 167.04H4</i>		Yes	No
			N/A
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy		X
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	X	
7. Review Status (See Comments)		Tech Plat	Planning Commission

Conditionally Approved

6-6-25

7-3-25

12-10-24

Approved

Tabled

Denied

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

Comments

- 1. Address items above marked “No” and all Redlines provided.
- 2. You must dedicate preserved canopy in a tree preservation easement prior to building permit sign-off.
- 3. Consider removing tree 152, a callery pear marked for preservation. Cutting and painting with an aquatic-safe herbicide is permitted within the streamside protection zone (SPZ). Removal of invasive species and replacement with native species is highly encouraged, particularly in the SPZ.



December 4, 2024

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

Re: Large Scale Development Plan
18th Duplexes

Planning Staff,

On behalf of my client, Wanda Mae Arnold Revocable Living Trust, we are submitting the above referenced large scale development plans.

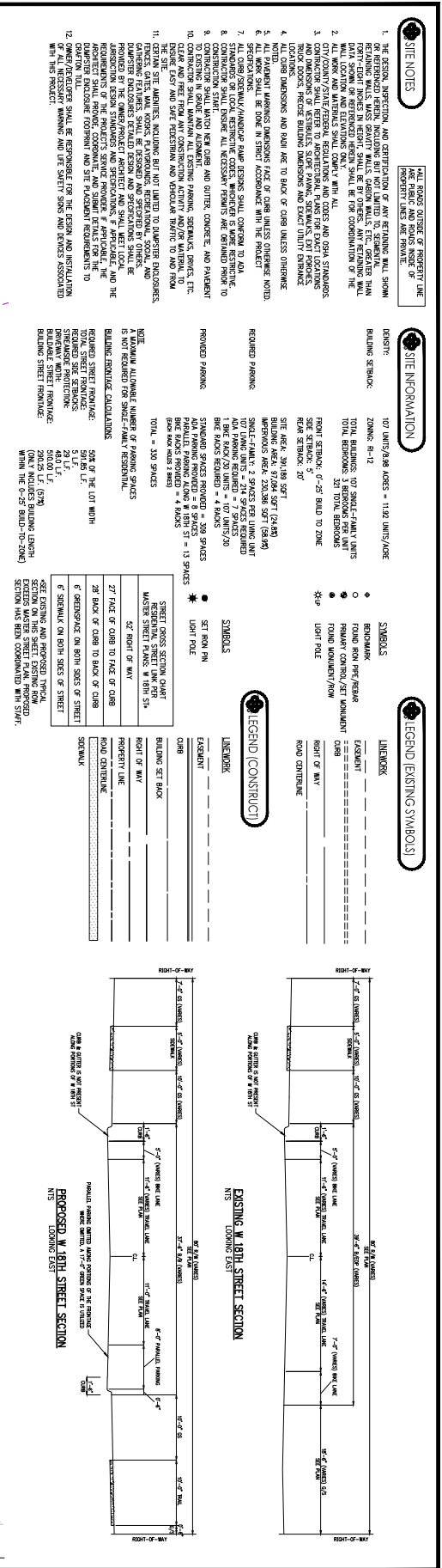
The proposed project is a 8.89-acre duplex development at 18th Street in Fayetteville, AR, Parcel ID 765-04064-000, 765-04065-000, and 765-04066-000. The property is zoned RI-12. The site will contain 54 duplexes with a total of 108 units, which are permitted uses for this zoning.

All infrastructure is immediately available to the site.

Thank you for your consideration in this matter.

Sincerely,

Caroline Gardner, P.E.
Project Manager
Crafton Tull







- [illegible]

LANDSCAPE REQUIREMENTS		
PARKING LOT:		
1 TREE PER 12 PARKING SPACES	245 TOTAL SPACES / 12 = 20 REQUIRED	20 PROVIDED
MITIGATION:		
HIGH PRESERVATION PRIORITY	345 REQUIRED (SEE TREE PRESERVATION PLAN FOR DETAILS)	345 PROVIDED
STREET TREES:		
1" DBH TREE PER 30 LINT. FRONTAGE	498 LINT. / 30 = 17 REQUIRED	17 PROVIDED

INFORMATION

ZONING:	RI-12: TWO AND THREE FAMILY RESIDENTIAL
EXISTING USE:	RESIDENTIAL/AGRICULTURAL
PROPOSED USE:	TWO FAMILY RESIDENTIAL

SOIL TYPES TABLE

Sn	Sham silt loam, 0 to 3 percent slopes, occasionally flooded
Le	Leaf silt loam
EnC2	Enders gravelly loam, 3 to 8 percent slopes eroded
EFe	Enders-Lessburg complex, 8 to 20 percent slopes

EXISTING INFORMATION

ZONING:	RI-12, TWO AND THREE FAMILY RESIDENTIAL
PROJECT AREA:	388.634 SF (388.634 ROW DEDICATION AND EXISTING EASEMENTS)
ZONING AREAS:	RI-12: 388.634 SF (100%)
PRESERVATION PRIORITY EXISTING CANOPY AREA:	HIGH 75,694 SF

THIS PROJECT IS LOCATED IN SOUTH WEST 18TH STREET. IT IS ZONED AS

THIS PROJECT IS LOCATED IN SOUTH FAIRFAXVILLE ALONG WEST 10TH STREET. IT IS ZONED AS TWO AND THREE FAMILY RESIDENTIAL-1. THE SITE IS BOUND BY WEST 10TH STREET TO THE WEST, WEST 11TH STREET TO THE EAST, AND WEST 12TH STREET TO THE SOUTH. THE SITE IS ADJACENT TO A COMMERCIAL ZONED AREA TO THE NORTH. THE SITE IS CURRENTLY USED FOR AGRICULTURE. THERE ARE TWO SMALL UTILITY EXPOSURES EXISTING IN THE NORTH NORTHERN CORNERS. THE EXISTING SITE IS PRIMARILY PEROUS COVERED. TURF GRASS RATHER THAN TREES OR SHRUBS COVERED.

THERE ARE 4 SOIL TYPES PRESENT ON THE SITE. THE SITE IS PRIMARILY A LEAF LITZ LOAM, WHICH IS CONSIDERED A POOR, DRAINING SOIL, WITH A LOW RUNOFF CLASS.

ON THE LEVEL OF DEVELOPMENT, MINIMUM TREE PRESERVATION CANNOT BE ACHIEVED, AS IT STANDS. ALL EXISTING TREE CANNOT WOULD REQUIRE PRESERVATION TO MEET MINIMUM REQUIREMENTS. AS SUCH, MITIGATION WILL

PROJECT SCOPE
BOUNDARY

PRESERVED ONSITE CANOPY
(MINUS EASEMENTS AND ROW)

REMOVED ONSITE CANOPY
(MINUS EASEMENTS AND
ROWING UTILITY &
DRAINAGE EASEMENTS)

SOIL TYPE

POLYETHYLENE

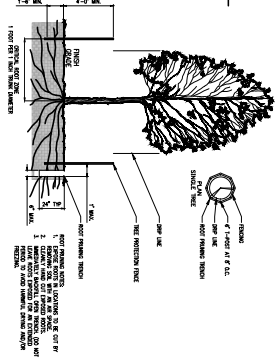
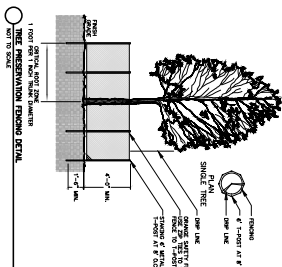
	5-10 Years	Percent of Total
Total Site Area - "Marsh Edge of Way and Elements"	38,634	100%
Zoning Designation - "Marsh Edge with drop down area at R1, Two and Three Family Residential"	77,127	20%
HMDC "Marsh Edge with Drop Down Area"	0	0%
Total Capacity for Wetland Preservation Requirements	77,127	20.0%
Existing Tree Inventory - "Marsh Edge of Way and Elements"	75,694	19.5%
Tree Canopy Preserved	4,986	1.3%
Tree Canopy Removed "On Site"	71,898	18.4%
Tree Canopy Removed "Off Site"	75,725	19.6%
Tree Canopy Preserved Total	75,725	
Removed Below Requirements	75,231	
Regulation Requirements		

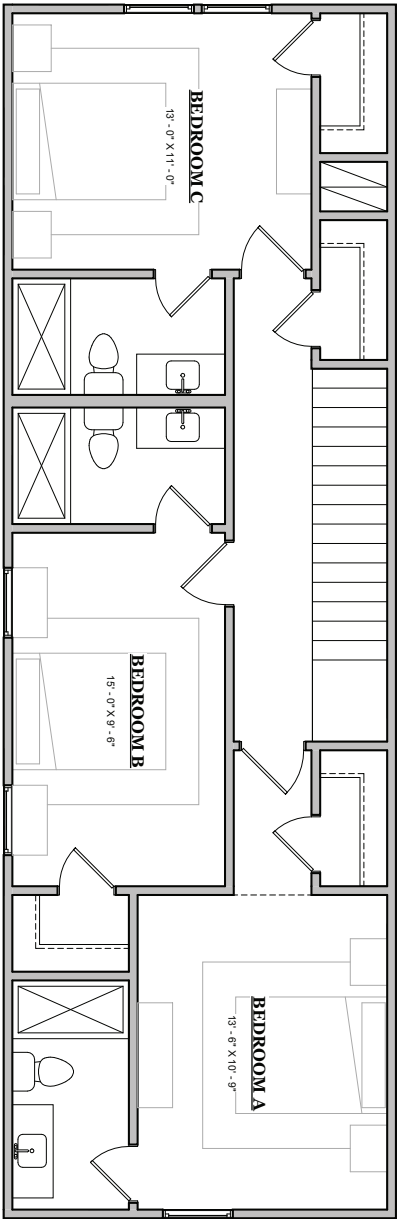
Canopy Below Requirements Sq. Ft.	Preservation Priority Type
75-275	High Priority

Canopy Below Requirements sq. ft. 75,275	Preservation Priority Type High Priority	Forestation Base Density/Acre 200	Number of 2" Caliper Trees to be Planted 345
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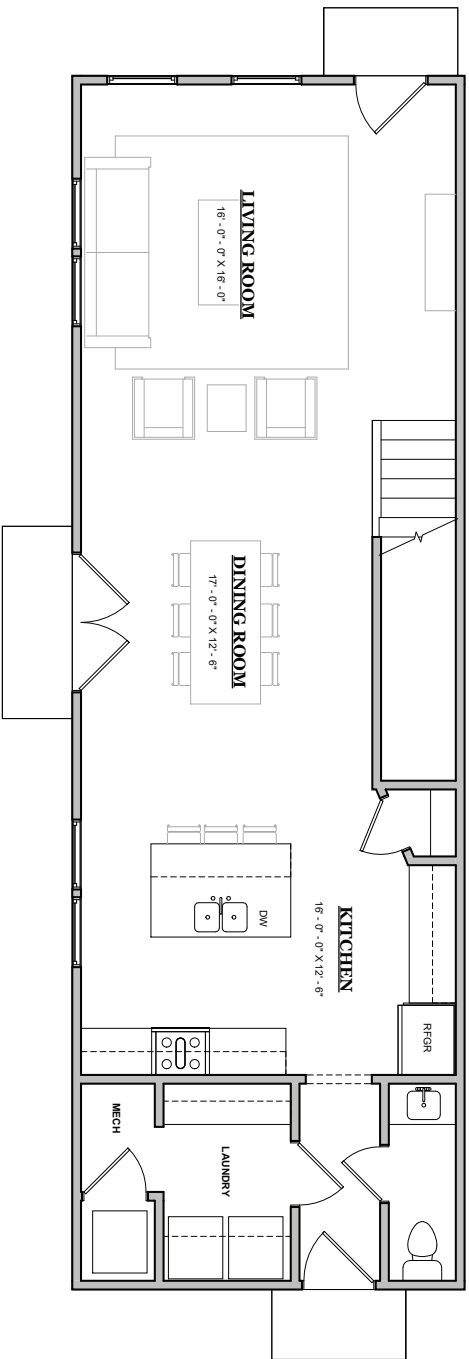
1. ALL TREES AND NATURAL AREAS SHOWN

- 
- CITY OF LOS ANGELES
OFFICE OF THE CITY ENGINEER
1. ALL TREES AND NATURAL AREAS SHALL BE PROTECTED FROM ANY DAMAGE TO THE EXTENT POSSIBLE. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE NATURAL AREAS AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE TREES.
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14. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE TREES AND NATURAL AREAS. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE TREES AND NATURAL AREAS.





SECOND FLOOR PLAN



FIRST FLOOR PLAN

SINGLE FAMILY - FLOOR PLANS

3/16" = 1' - 0"

18th STREET LSD

DOUGLAS DESIGN STUDIO, LLC

JUNE 4, 2025



FRONT ELEVATION



REAR ELEVATION

1/8" = 1' - 0"



SIDE YARD ELEVATION

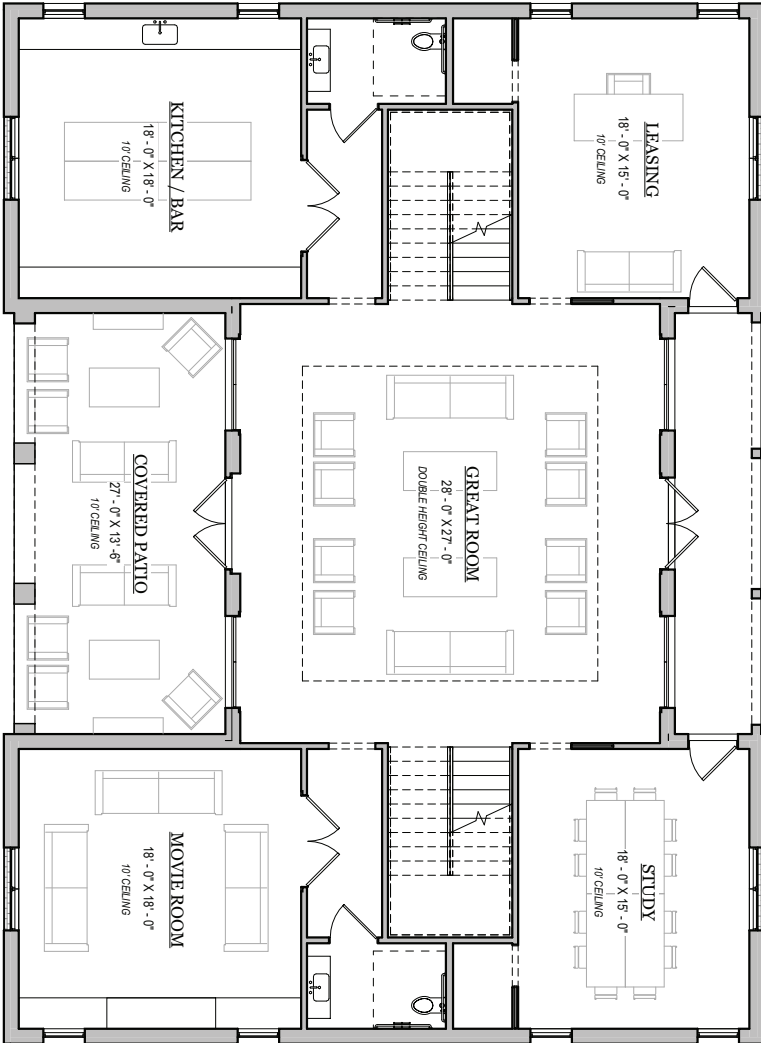


FIRE RATED ELEVATION

18th STREET LSD

DOUGLAS DESIGN STUDIO, LLC

JUNE 4, 2025



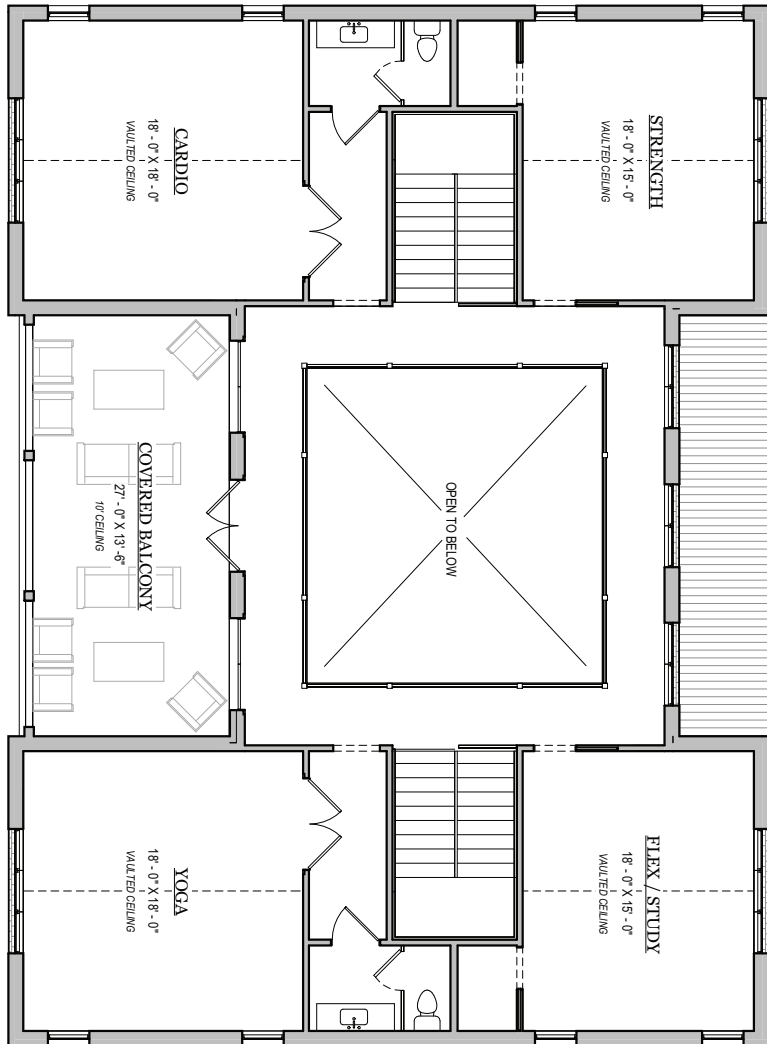
CLUBHOUSE-FIRST FLOOR PLAN

1/8" = 1' - 0"

18th STREET LSD

DOUGLAS DESIGN STUDIO, LLC

JUNE 4, 2025



CLUBHOUSE-SECOND FLOOR PLAN

1/8" = 1' - 0"

18th STREET LSD

DOUGLAS DESIGN STUDIO, LLC

JUNE 4, 2025



CLUBHOUSE-COURTYARD ELEVATION

18th STREET LSD

DOUGLAS DESIGN STUDIO, LLC

JUNE 4, 2025



CLUBHOUSE-PARKING SIDE ELEVATION

18th STREET LSD

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JUNE 4, 2025



CLUBHOUSE-COURTYARD PERSPECTIVE

18th STREET LSD

DOUGLAS DESIGN STUDIO, LLC

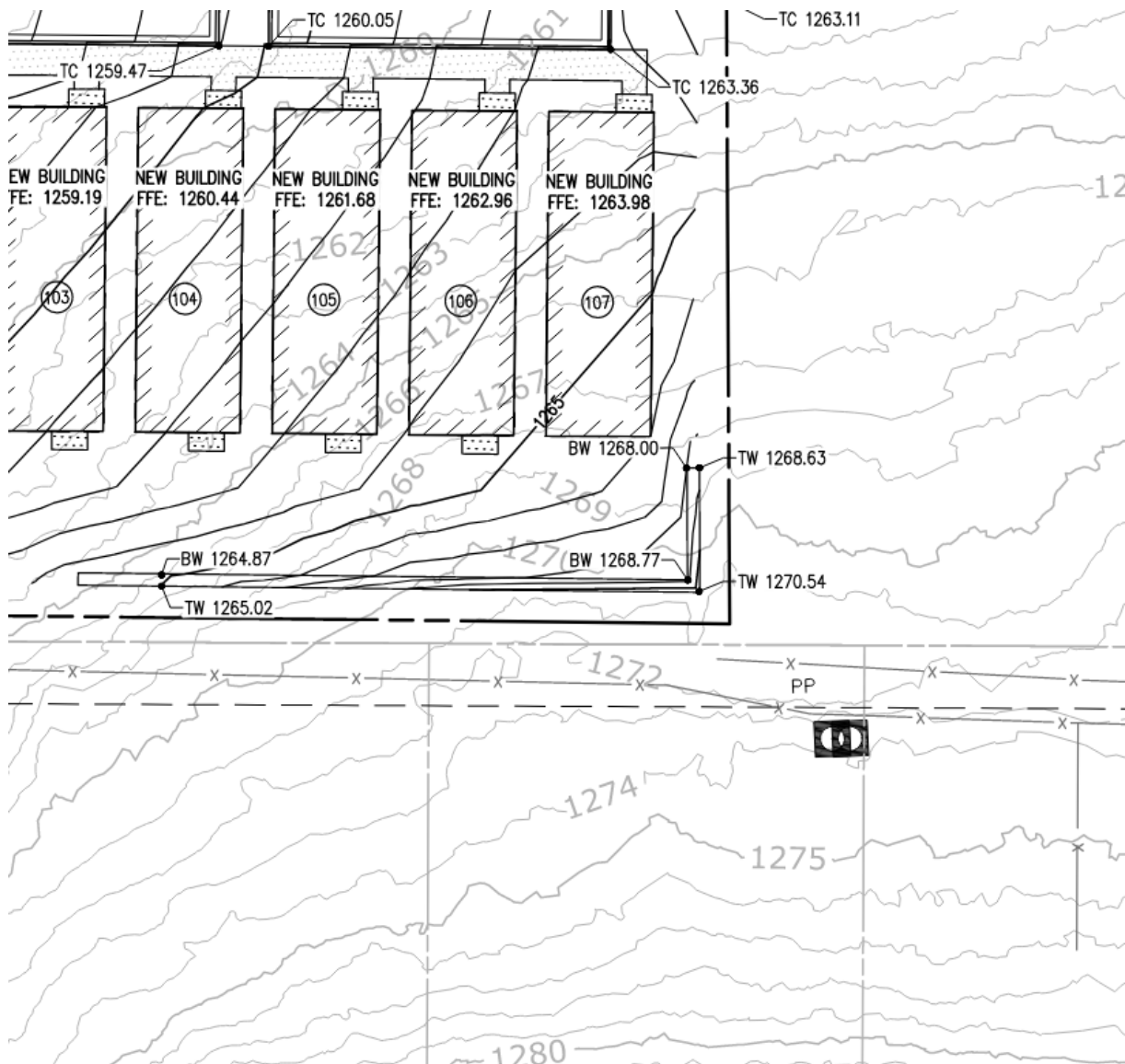
JUNE 4, 2025

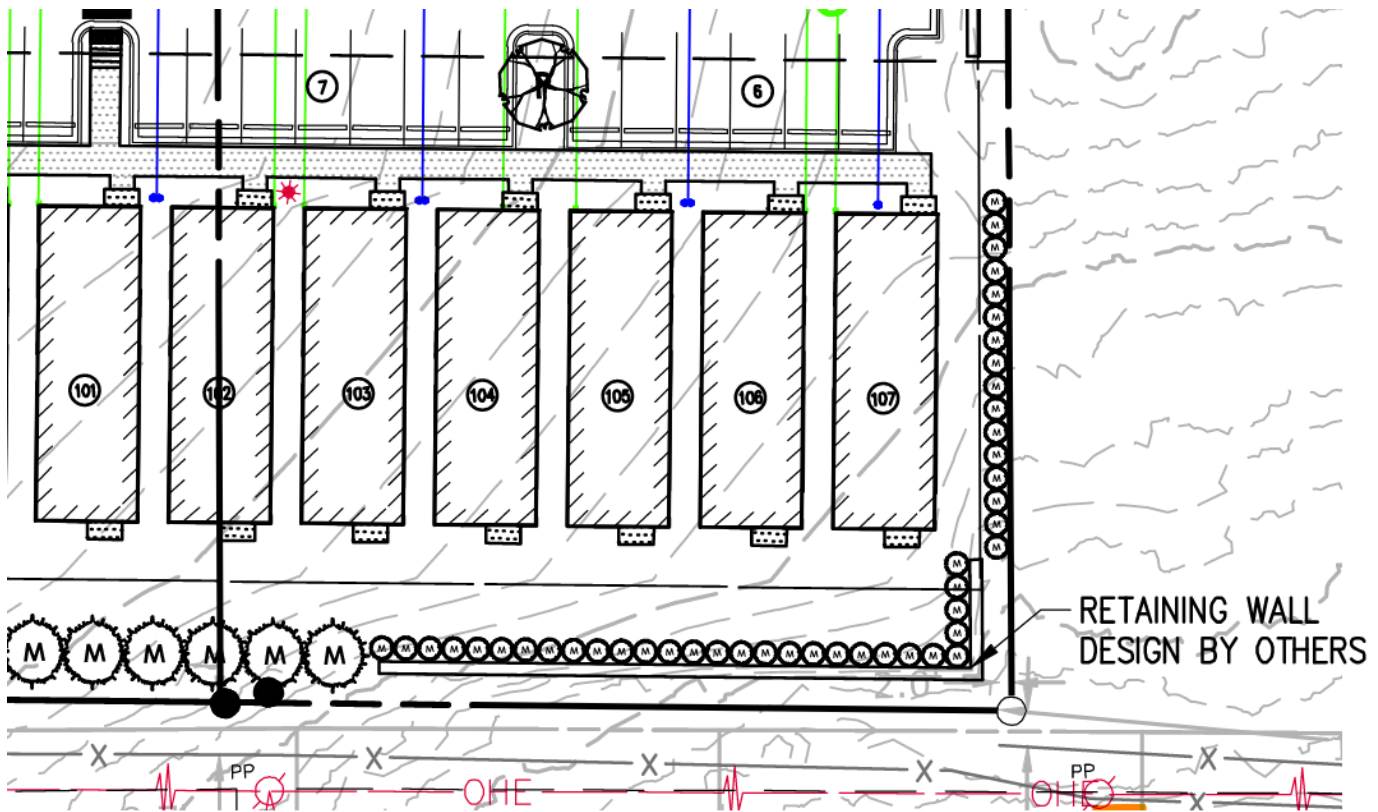
Wonsower, Donna

From: Wonsower, Donna
Sent: Tuesday, July 8, 2025 8:28 AM
To: Eighties Joe
Subject: RE: 1731 W 18th St project

Good Morning,

Since the proposal is for single-family dwellings, the city does not have any design standards that would require screening between adjacent single-family residences. That said, the plans do not indicate any impact to the existing fences and also show a small retaining wall with an evergreen screen between your property and this development. Based on the provided grading plan, your backyard sits around 1275 feet, while the finish floor elevation of the first floor in the development is around 1263/1264, so the first floor should be screened by the slope of the site and the retaining wall.





Hope this helps! Please let me know if I can answer any additional questions.

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

From: Eighties Joe <lendermonster@gmail.com>
Sent: Monday, July 7, 2025 5:44 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Re: 1731 W 18th St project

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

Thanks, that's a big help! Can you tell me if the city is going to require that there be a fence or wall between that development and our backyards? Joe.

On Thu, Jun 26, 2025 at 4:24 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Good Afternoon,

The link below the plans for the project. I would clarify that the plans are for 107 single-family residences, not 108 duplexes. Please feel free to reach out with any further questions.

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

Please note I will be out of office on Friday, June 27.

From: Planning Shared <planning@fayetteville-ar.gov>

Sent: Thursday, June 26, 2025 4:18 PM

To: Eighties Joe <lendermonster@gmail.com>; Planning Shared <planning@fayetteville-ar.gov>

Cc: Wonsower, Donna <dwonsower@fayetteville-ar.gov>

Subject: RE: 1731 W 18th St project

Below is the link to their submitted plans.

<https://www.dropbox.com/scl/fo/7ab9lnxapk7yo1v98uqdd/AM60qkaGG4Xb5PU5TOiPNkY?rlkey=ilcffuu9i8vkado m1ss5bltjh&st=z1sn3dmm&dl=0>

If you have any further questions, I have copied Donna, the planner reviewing this project to this email.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267



CITY OF
FAYETTEVILLE
ARKANSAS

From: Eighties Joe <lendermonster@gmail.com>
Sent: Thursday, June 26, 2025 4:02 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 1731 W 18th St project

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

Hello! My name is Joe Lendermon. I live at 1768 W Arrowhead St. I just got a mailer about the pasture development for 108 duplexes. As a resident who's back yard ends at that pasture's fence, I'm concerned about how close that new development will get to our backyards on Arrowhead. Can you please send me any information you have on that? Thanks! Joe

479-347-9004



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

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

MEETING: July 14, 2025

SUBJECT: **LSD-2025-0009: Large Scale Development (1615 E. STEARNS ST./NAPLES, 175):** Submitted by JORGENSEN AND ASSOCIATES for property located 1615 E. STEARNS ST. The property is zoned C-3, CENTRAL COMMERCIAL and contains approximately 2.42 acres. The request is for a 21,918 square-foot office building and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2025-0009** with conditions as noted in the staff report.

RECOMMENDED MOTION: *"I move to approve **LSD-2025-0009**, finding:*

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

BACKGROUND:

The undeveloped subject property is located in north Fayetteville approximately 400 feet east of the intersection of E. Stearns Street and N. Vantage Drive. It is the last parcel to develop within the Vantage Office Park subdivision. The property is zoned C-3, Central Commercial and totals approximately 2.42 acres. Substantial portions of canopy are included within existing tree preservation easements. A portion of Kitty Creek runs through the southeast corner of the property and roughly 4% of the site lies within a floodplain. The proposed plans were previously approved by Planning Commission on May 22, 2023 (LSD-2023-0003); however, development entitlement expired. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Medical Office	C-3, Central Commercial
South	Offices / Medical	R-O, Residential Office
East	Multi-family Residential	RMF-24, Residential Multi-Family – 24 Units per Acre
West	Detention Pond	C-3, Central Commercial

Proposal: The applicant requests Large Scale Development approval to develop the subject property with a 21,918 square-foot office building and associated parking. A variance to UDC §166.25(D)(2) Cross Access was previously approved with LSD-2023-0003. As the plans are substantially similar, staff finds that this variance and all previous conditions of approval still apply. No additional variances has been requested.

Right-of-Way to be Dedicated: The subject property has frontage along E. Stearns Street which is classified as a Residential Link Street. Residential Link streets typically require 52 feet of right-of-way from the centerline of the road (26 feet from centerline). An existing 29.5 feet of right-of-way is currently dedicated. No additional right-of-way dedication is recommended along E. Stearns St.

Street Improvements: Staff recommends an assessment of \$8,263.59 for the construction of the remaining 270 LF of Stearns Street in line with the previously approved large-scale development in line with the previous condition of approval of LSD-2023-0003. Other than streetlights to meet the 300-foot maximum distance requirement, no other on-site improvements are recommended with this development, since sidewalk and greenspace were installed with the original subdivision final plat.

Access Management/Connectivity: Staff determined that the project meets access requirements. The proposed connection to E. Stearns Street is at an existing driveway. E. Stearns Street is a residential link, which requires driveway separation of 50 feet. All driveways meet access management standards. A variance to UDC §166.25(D)(2) Cross Access was previously approved with LSD-2023-0003. As the plans are substantially similar, staff finds that this variance and all previous conditions of approval, including the still apply.

Design Standards: As an office development, this proposal is subject to Unified Development Code §166.25, Commercial, Office and Mixed-Use Design Standards. Staff has determined that the applicant has sufficiently demonstrated how applicable design standards will be met and that design standards will be further reviewed with building and grading permits.

Water and Sewer System: An 8" water main exists along E. Stearns Street which this development may connect to for domestic water service. The developer will need to coordinate this connection with City of Fayetteville Water/Sewer. Approximately 270 LF of 6" fire line is proposed to serve this development. An 8" sewer main exists along the southern portion of the subject property that can serve this development. A new manhole will be installed on the existing sewer main for the private 6" building sewer connection to the public system.

Parkland dedication or fee in-lieu: Nonresidential uses are not subject to parkland dedication.

Tree Preservation:

Canopy minimum requirement: 15%

Existing canopy: 47.5%

Preserved canopy: 25.4%

Mitigation required: zero two-inch caliper trees

Public Comment: Staff have not received public comment on the item.

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

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no additional right-of-way dedication.*

2. **Planning Commission determination of street improvements.** *Staff recommends the following street improvements:*
 - a. *An assessment of \$8,263.59 be taken for the construction of the remaining 270 LF of Stearns Street in line with the previous condition of approval of LSD-2023-0003.*
 - b. *Streetlights to meet spacing standards.*
3. All comments from Planning staff must be addressed prior to grading permit approval including:
 - a. Update setbacks to reflect shopping center designation within C-3 zoning.
 - b. Provide dumpster enclosure and bike rack details.
4. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto;

Standard Conditions of Approval:

5. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;
6. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);
7. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;
8. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit;
9. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
10. 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 plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;
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;
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;
13. Large scale development shall be valid for one calendar year;

14. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit. The coordinator has noted that a separate street name is required;
15. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and
16. 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. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - e. Project Disk with all final revisions; and
 - f. 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:	☐ Forwarded	☐ Tabled	☐ Approved
Meeting Date: <u>July 14, 2025</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

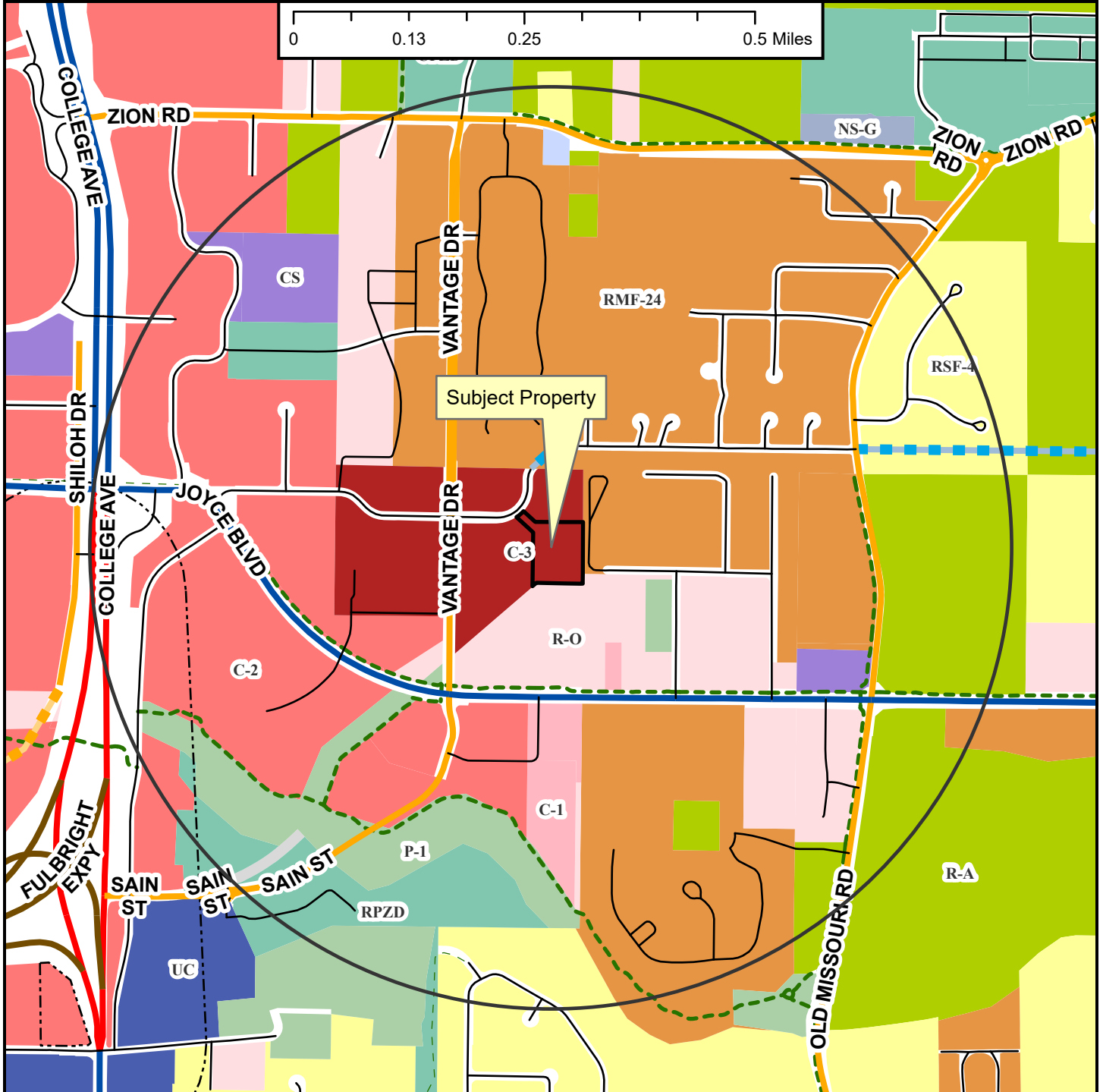
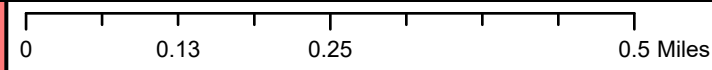
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Staff Memos
 - 166.25(D)(2) Cross Access Variance Conditions of Approval
 - Engineering Memo
 - Urban Forestry Memo
- Applicant Exhibits
 - Request Letter
 - Site Plan
 - Elevations

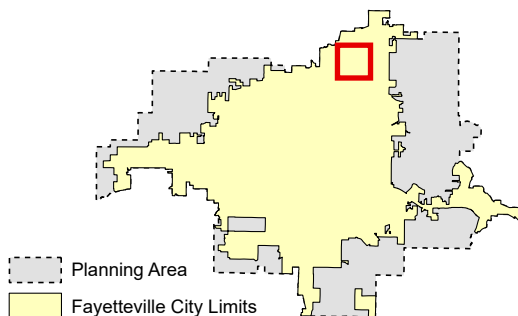
LSD-2025-0009

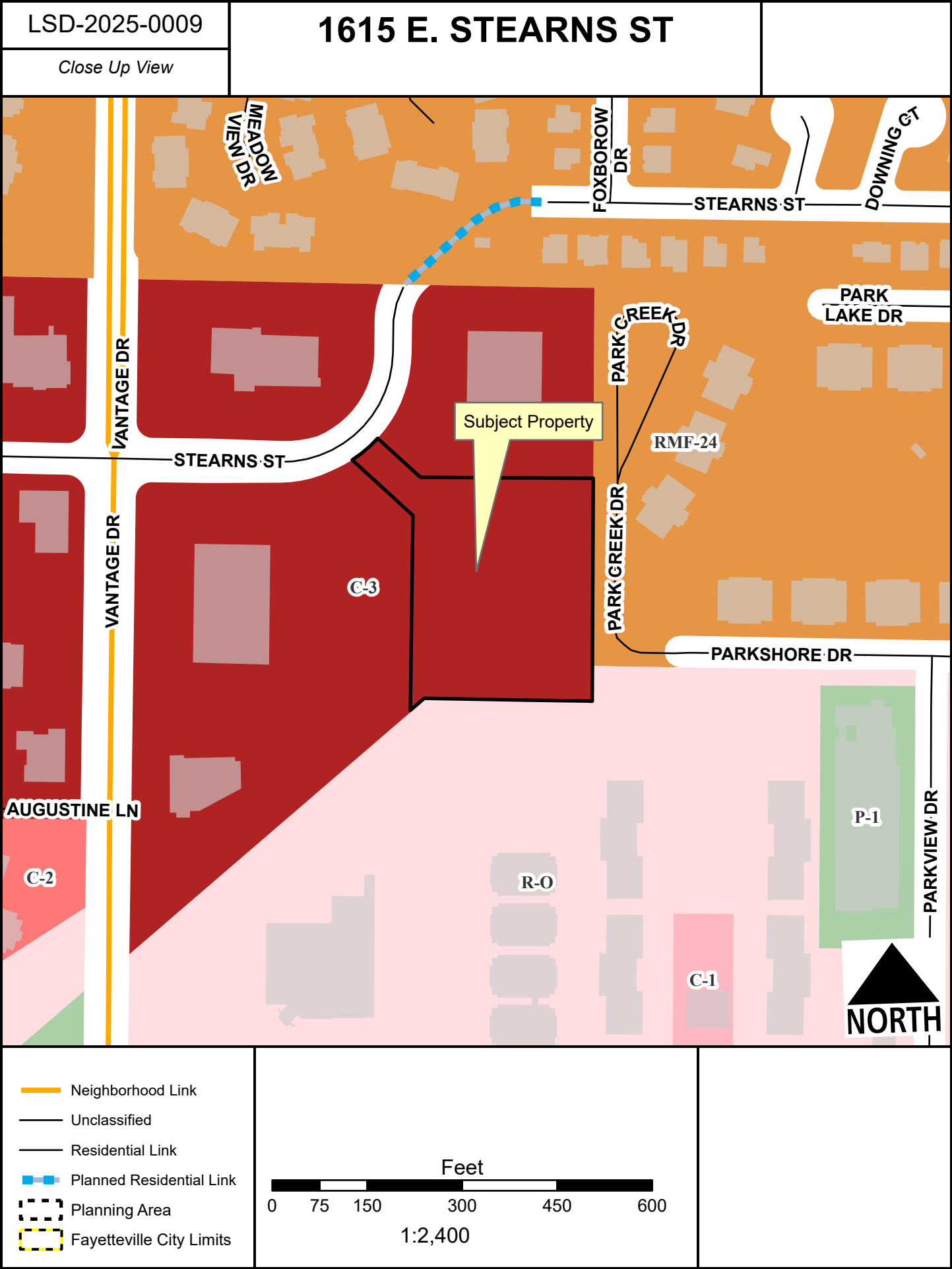
1615 E. STEARNS ST

One Mile View



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







166.25(D)(2) Cross Access Variance Conditions of Approval

- **§166.25(D)(2): Shared drives and cross access between properties shall be encouraged to adjacent developed and undeveloped properties.** The applicant has requested a variance from this requirement, stated that the developer “does not desire to have all the residential traffic from the east driving directly in front of the proposed commercial buildings due to safety reasons.”
 - *Staff recommendation: Staff recommends approval of the proposed variance. The intent of the code is “to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.” Staff finds that cross access to north and west have been provided for off of the existing access drive. Environmental challenges of the floodplain and floodway on the southern portion of the property present significant hardship in creating a feasible future connection to the south. A “natural surface” pedestrian path is proposed from the eastern property line along the northern edge of the parking lot to the public right-of-way along Stearns. Staff finds that the pedestrian path meets the intent for connectivity and will review the design in further detail at grading permit to ensure minimal impact to preserved trees.*

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no additional right-of-way dedication.*
2. **Planning Commission determination of street improvements.** *Staff recommends an assessment of \$8,263.59 be taken for the construction of the remaining 270 LF of Stearns Street.*
3. **Planning Commission determination of a variance to UDC §166.25(D)(2): Shared Drives and Cross Access Between Properties.** *Staff recommends partial approval of this variance for the reasons stated above;*
4. Add pedestrian connection from building entry to eastern property line.



TO: Donna Wonsower, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: July 7, 2025

SUBJECT: **Planning Commission Engineering Comments for
LSD-2025-0009 Naples – Stearns St**

Street Improvements: Per the previous condition of approval of LSD-2023-0003, engineering is recommending this project pay an assessment of \$8,263.59 towards constructing the remaining portion of Stearns Street. City engineering staff are currently working on the construction design for this extension.

Water: An 8" water main is present along E. Stearns Street which this developer may connect to for domestic service. The water service tap must be performed by a licensed utility contractor under the supervision of a city public works inspector. Approximately 280 LF of 6" fire line is proposed to be installed to serve this development.

Sewer: An 8" sanitary sewer main exists along the southern portion of the property that can serve the development. A new manhole will be installed on the existing sewer main for the private 6" building sewer connection to the public system.

Natural Features: Kitty Creek, a protected stream, flows through the southeast corner of the site and lies within a Zone AE floodplain with established floodway and base flood elevation. No work is shown within the floodplain or Streamside Protection Zones.

Drainage: The development of this lot was considered with the overall Vantage Office Park project. Per the design engineer's addendum to the as-built drainage report, this lot is being developed in accordance with the assumptions made in the original design, per the requirements of the City of Fayetteville's Drainage Criteria Manual.

Plan Comments:

1. As noted on the plans, the existing driveway approach shall be replaced due to cracks/damage that appeared during the 2-year warranty period.
2. Provide updated Stearns Street LSD drainage report addendum sealed and signed by the engineer of record. This submittal included the addendum from a previous development approved in 2020.
3. Grading Permit Requirements:
 - a. Apply for a new grading permit. A new conditional approval letter will have to be issued as part of the City's MOA with the Arkansas Department of Health due to GRD-2023-0059 expiring because it was not issued within the one-year approval period.

- b. Provide hydraulic calculations for the fire sprinkler system prior to performing the fire line tap to ensure the line is adequately sized.
- c. The Engineer of Record shall provide a sealed and signed letter stating, "The design of water and sewer improvements meet all requirements of the City's Standard Specifications and details, Ten State Standards, ADH Rules Pertaining to Public Water Systems, ADH plastic pipe policies, and ADH Rules Pertaining to General Sanitation. No variance to any standard is given or implied unless specifically requested by the Engineer of Record and approved by the City of Fayetteville prior to permit issuance, regardless of conflicts in the Engineer's plans or details."
- d. More than 30 days have passed since the last Erosion Control Inspection. Contact the engineering plans examiners (Dave Rowden, James Taylor, or Brian Davenport) to schedule a new inspection once the new grading permit has been applied for. Please ensure BMPs are properly installed, and inspection reports are completed.
- e. Coordinate with Willa Thomason or Bethany Douglas to either sign off or waive the Tree Preservation Fence Inspection for the new grading permit.
- f. Material Submittal Comments:
 - i. Ensure all columns (Required/Applicable, Submitted, Meets Spec) of the Material Submittals Checklist are filled out. Only the first column is completed on the submittals provided 5/23/2025. Material-specific comments are detailed below and further detailed on the provided submittals. These were emailed to the EOR on 6/18/2025 and uploaded to the LSD attachments.
 - ii. 4000_2.03 Ductile Iron Pipe – removed from plans, no longer applies.
 - iii. 3000_2.02 PVC Gravity Sewer – 6" sewer service line material shall match the main, which is SDR26 per 3000_2.04. Include submittals for both the pipe itself and the fittings.
 - iv. 3300_2.04 Cast-in-Place Manholes - concrete for new manhole must meet requirements W/S Specs Section 3600. 28-day compressive strength of 4000 psi, 6.0 bags of cement, 0.45 maximum water/cement ratio, maximum 4" slump, 4%-7% air entrainment, maximum 20% fly ash.
- 4. Prior to engineering signing off on the building permit, in addition to the grading permit being issued, either the public improvements must be installed and accepted, or performance bonds in the amount of 150% of the construction cost for all public improvements must be submitted, accompanied by a unit price estimate approved by the Engineering Division. Items include:
 - a. Fire line tapping sleeve and valve
 - b. Water service tap, service line, meter
 - c. Sidewalk repair
 - d. Driveway approach replacement
 - e. New manhole

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



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

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Fax: 479.582.4807
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February 15, 2023

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services

Re: Large Scale Development for Lot 3 of Vantage Office Park off of Stearns Street.

This letter is in regards to a proposed Large Scale Development on Lot 3 of Vantage Office Park located off of Stearns Street. This lot is a total of 2.4 acres and the applicant is proposing to put in a 11,000 square foot office building with associated parking. Detention has already been accounted for this lot as part of the Vantage Office Park as well as tree preservation. There are certain areas highlighted in the plans that have to be preserved as previously agreed upon as part of the Vantage Office LSD. Water and sewer are already to the site we will just be proposing water and sewer services to the building.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin Jorgensen, PE



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Jorgensen & Associates

From: Bethany Douglas, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: July 14, 2025

Subject: LSD-2025-0009: 1615 E Stearns St

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

2. Tree Preservation Calculations

Tree Preservation Calculations Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	93,398	100%
Zoning Designation * Select Below with drop down arrow		
C-3, Central Business Commercial	14,010	15%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	14,010	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	44,371	47.5%
Tree Canopy Preserved	23,741	25.4%
Tree Canopy Removed *On Site	20,630	22.1%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	20,630	22.1%
Removed Below Minimum	0	
Mitigation Requirements	0	

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

Tree Escrow (See Conditions of Approval)

X

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1and 167.04L1</i>		Tech Plat	Planning Commission	
a.	5 year Aerial Check on Existing Trees	Yes	Yes	
b.	Property Boundary	Yes	Yes	
c.	Natural Features (100ft beyond limits of disturbance)	N/A	N/A	
d.	Existing Topography and Proposed Grading	Yes	Yes	
e.	Soil Types	Yes	Yes	
f.	Significant Trees	No	No	
g.	Groupings of Trees	Yes	Yes	
h.	Table Inventory List (species, size, health, priority)	No	No	
i.	All Existing and Proposed Utilities	Yes	Yes	
j.	All Existing and Proposed Utility Easements and ROW's	Yes	Yes	
k.	All Streams (with approximate center line)	N/A	N/A	
l.	Floodplains and floodways	N/A	N/A	
m.	Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	
n.	Submitted Site Analysis Plan (if required)	N/A	N/A	
o.	Shows ALL Proposed Site Improvements	Yes	Yes	
p.	Delineates trees/canopy to be preserved and removed	Yes	Yes	
q.	Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	Yes	Yes	
Tree Protection Methods				
a.	Tree Protection Fencing	Yes	Yes	
b.	Limits of Root Pruning	Yes	Yes	
c.	Traffic flow on work site	Yes	Yes	
d.	Location of material storage	Yes	Yes	
e.	Location of concrete wash out	Yes	Yes	
f.	Location of construction entrance/exit	Yes	Yes	
6.	Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>	Yes	No	N/A
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.			X
7.	Review Status (See Comments)	Tech Plat	Planning Commission	
	Conditionally Approved	6-13-25	6-27-25	

Approved

Tabled

Denied

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

Comments

1. Address items above marked "No" and all Redlines provided.
2. You must show the location and species of any significant trees (>18" DBH) on-site. Tree protection fencing must be installed a minimum of 10' from the trunks or at the dripline of any trees marked for preservation.



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Jorgensen & Associates

From: Bethany Douglas, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: July 14, 2025

Subject: LSD-2025-0009: 1615 E Stearns St

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>		X	
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>		X	
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>		X	
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements 1 Tree : 12 Parking Spaces		Yes	No	N/A
a.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	X		
b.	Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>			X

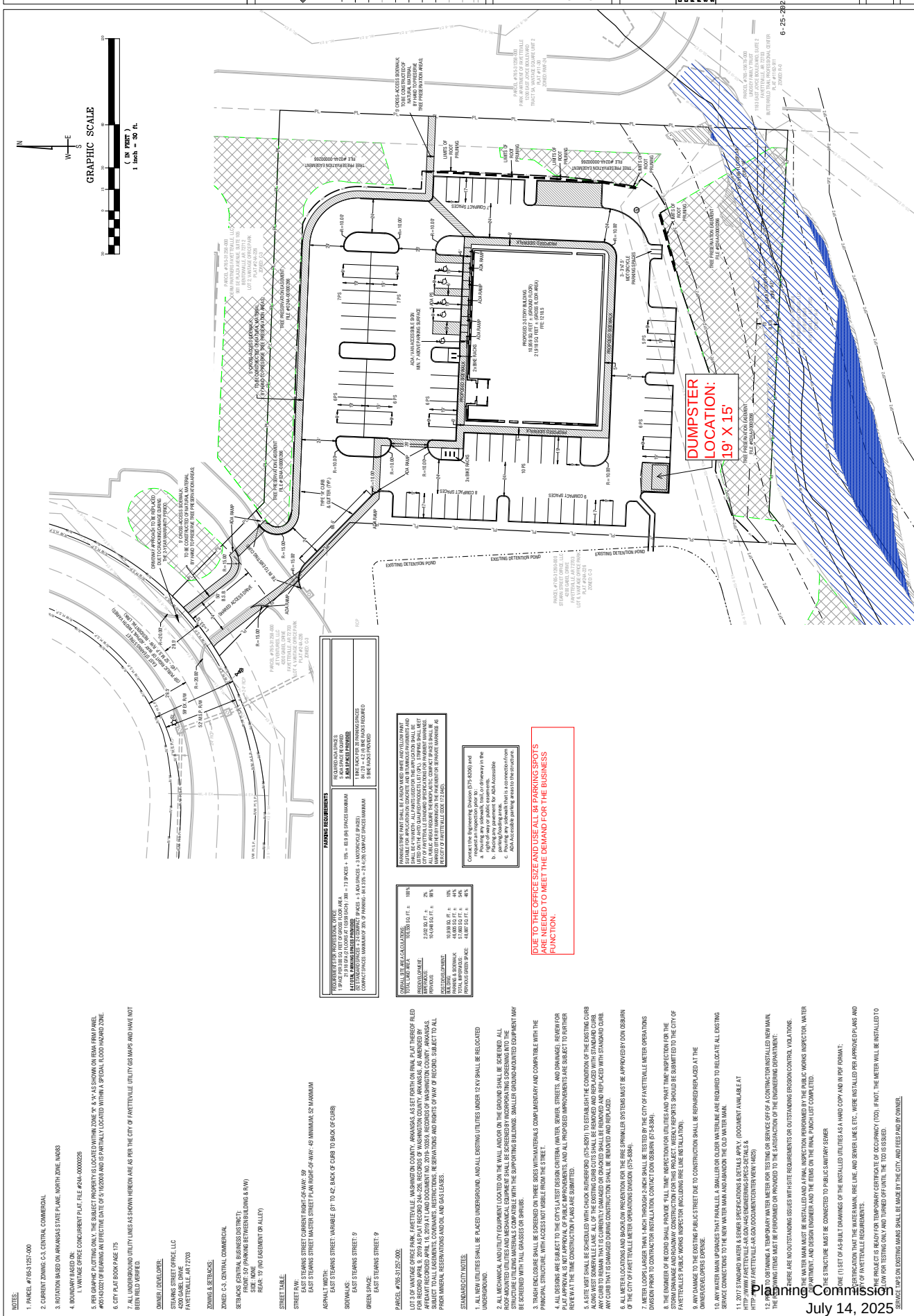
c.	Tree Island (8' min. width, 18.7' min length OR 150 square feet) <i>UDC Chapter 177.04C</i>	X		
d.	Placement of Trees (either side at entrances and exits) <i>UDC Chapter 177.04C2</i>	X		
3. Perimeter Landscaping Requirements		Yes	No	N/A
a.	Front Property Line (15' wide landscape) and five on sides. <i>UDC Chapter 177.04D2a</i>	X		
b.	Side and Rear Property Lines (5' Wide Landscape Area) <i>UDC Chapter 177D1</i>			
c.	Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>	X		
d.	Screening of parking lot from adjacent residential properties and the street.			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		0
Parking Lot Trees		8
Street Trees		1
Detention Pond – Large Trees (1 Tree/3,000 square feet)		0
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)		0
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)		0

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	6-16-25	6-27-25
Approved		
Tabled		
Denied		

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

Comments	
1.	Address items above marked “No” and all Redlines provided.
2.	Before commencing any construction activity, the applicant shall construct tree protection barriers on the site along the tree dripline or 10 feet from the trunk, whichever is greater.





1 WEST ELEVATION
3/32" = 1'-0"



2 EAST ELEVATION
3/32" = 1'-0"



3 NORTH ELEVATION
3/32" = 1'-0"



4 SOUTH RENDERED ELEVATION
3/32" = 1'-0"



5 NW RENDERING
1/8" = 1'-0"



6 NE RENDERING
1/8" = 1'-0"



7 SE RENDERING
1/8" = 1'-0"



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: July 14, 2025

SUBJECT: **ADM-2025-0010: Administrative Item (1629 N. CROSSOVER ROAD, SMYTH CLUSTER HOUSING, 410):** Submitted by COMMUNITY BY DESIGN for property located at 1629 N. CROSSOVER ROAD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 1.93 acres. The request is to modify an approved conditional use permit.

RECOMMENDATION:
Staff recommends approval of **ADM-2025-0010**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2025-0010**, determining:*

- In favor of the request to modify CUP-2024-0016, and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in east Fayetteville, on the west side of N. Crossover Road about 1/3 mile south of the intersection of N. Crossover Road and E. Mission Boulevard. The site totals approximately 1.93 acres and is zoned RSF-4, Residential Single-family, Four Units per Acre. The property is the site of the ca. 1886 Peter Smyth House, a residence listed in the National Register of Historic Places (architecturally significant as an example of sandstone construction with Greek Revival detailing). A conditional use permit and an associated large-scale development for fourteen single-family units and 6 associated accessory dwelling units were approved for this property in 2024 (CUP-2024-0016/LSD-2024-0010). Construction on the project has begun. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 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

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

Request: The request is for a modification to the original conditional use permit to allow for the historic Peter Smyth home on the property to be used as a guest house for residents of the development, and not solely as non-residential, public use, as was originally approved by the Planning Commission.

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

DISCUSSION:

Staff ultimately support the applicant's request to amend their conditional use permit as proposed. The Planning Commission added the condition to the original project's approval, though offered little comment in the previous hearing about the condition's tie to the overall compatibility of the project. Density and impacts of the unit's inclusion as a residential use within the overall development was not considered with the initial request, but staff finds that the conversation of this structure to a guest house would not tip the scales into making this request incompatible. Staff recognize that converting this historic home to solely a guest house will still fit within the description provided by the applicant originally, in that it is not meant to be an additional full-time dwelling unit on the property, but rather a guest house to be used solely by the residents of the development. The applicant has indicated that parking will still be accommodated for this lot in the shared driveway throughout the site, and that they do not intend to use this unit as any form of short-term rental. The City does take a proactive enforcement approach to illegally operating Type 2 short-term rentals in the City limits, so staff find that regardless of any additional conditions on this request, enforcement of any illegal STR activity would be monitored separately. A building permit for the renovation has been submitted for City staff for review, indicating that it will be reviewed by all relevant parties to ensure the renovation meets necessary fire, egress, and building safety codes.

RECOMMENDATION: Staff recommends approval of **ADM-2025-0010** subject to the following conditions:

Conditions of Approval:

1. A condominium association, homeowner's association, or similar mechanism to manage the guest house shall be established prior to issuance of the construction permit of this structure. The City of Fayetteville does not enforce this private agreement, but will require that it be in place prior to the permit's issuance.
2. Use of the guest house shall be limited only to those residents of the cluster housing development, and shall not be available for the use of the wider public.
3. All other conditions of the associated conditional use permit (CUP-2024-0016) not affected by this modification shall remain in effect.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- One Mile Map
- Close-up Map
- Current Land Use Map
- CUP-2024-0016 Conditions of Approval
- Applicant Request Letter and Exhibits

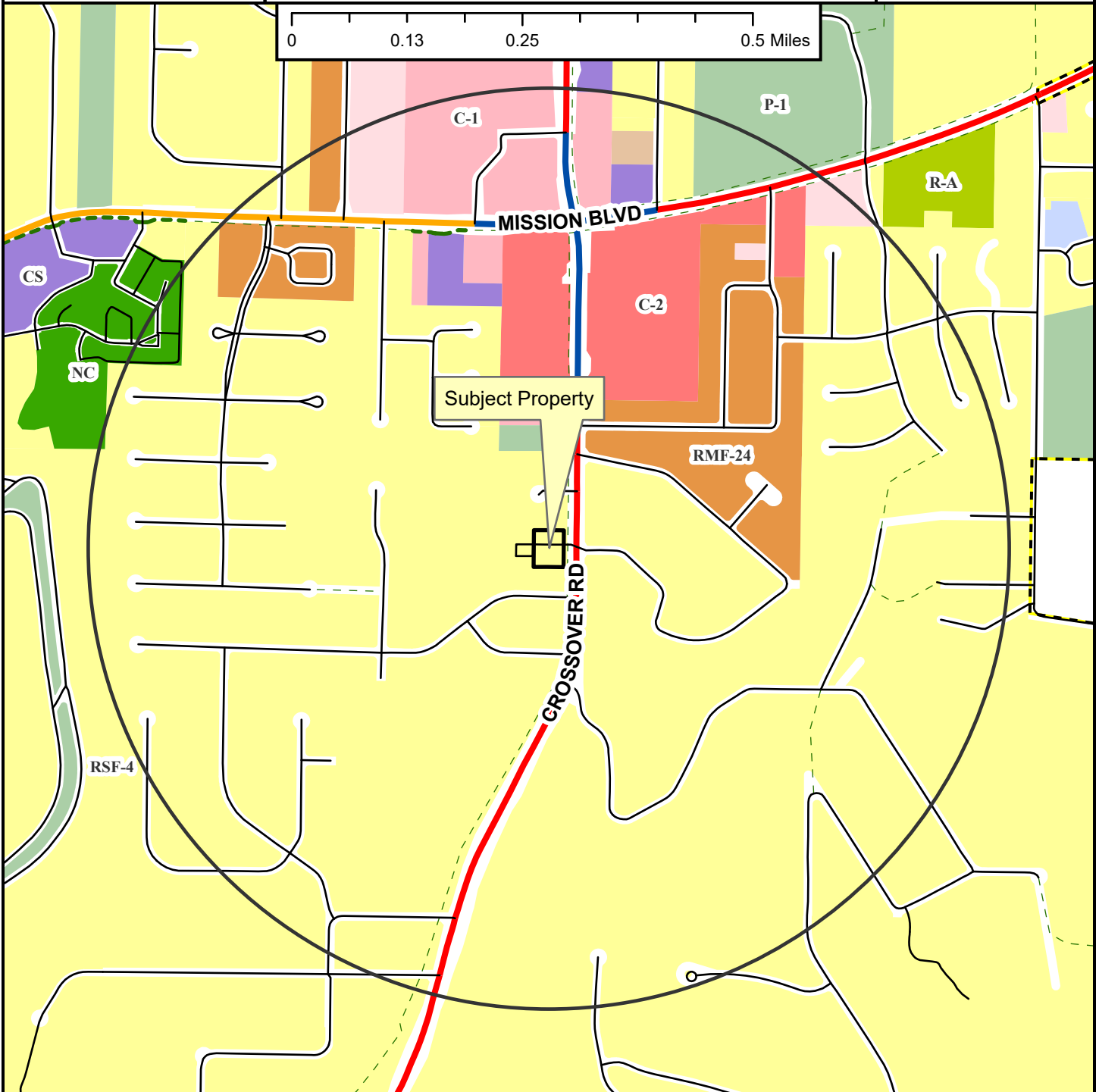
ADM-2025-0010

1629 N. CROSSOVER RD

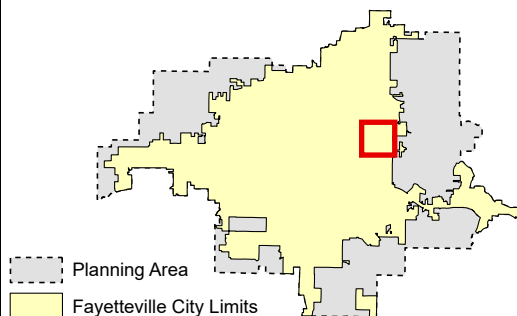
One Mile View



0 0.13 0.25 0.5 Miles



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



Planning Commission

July 14, 2025

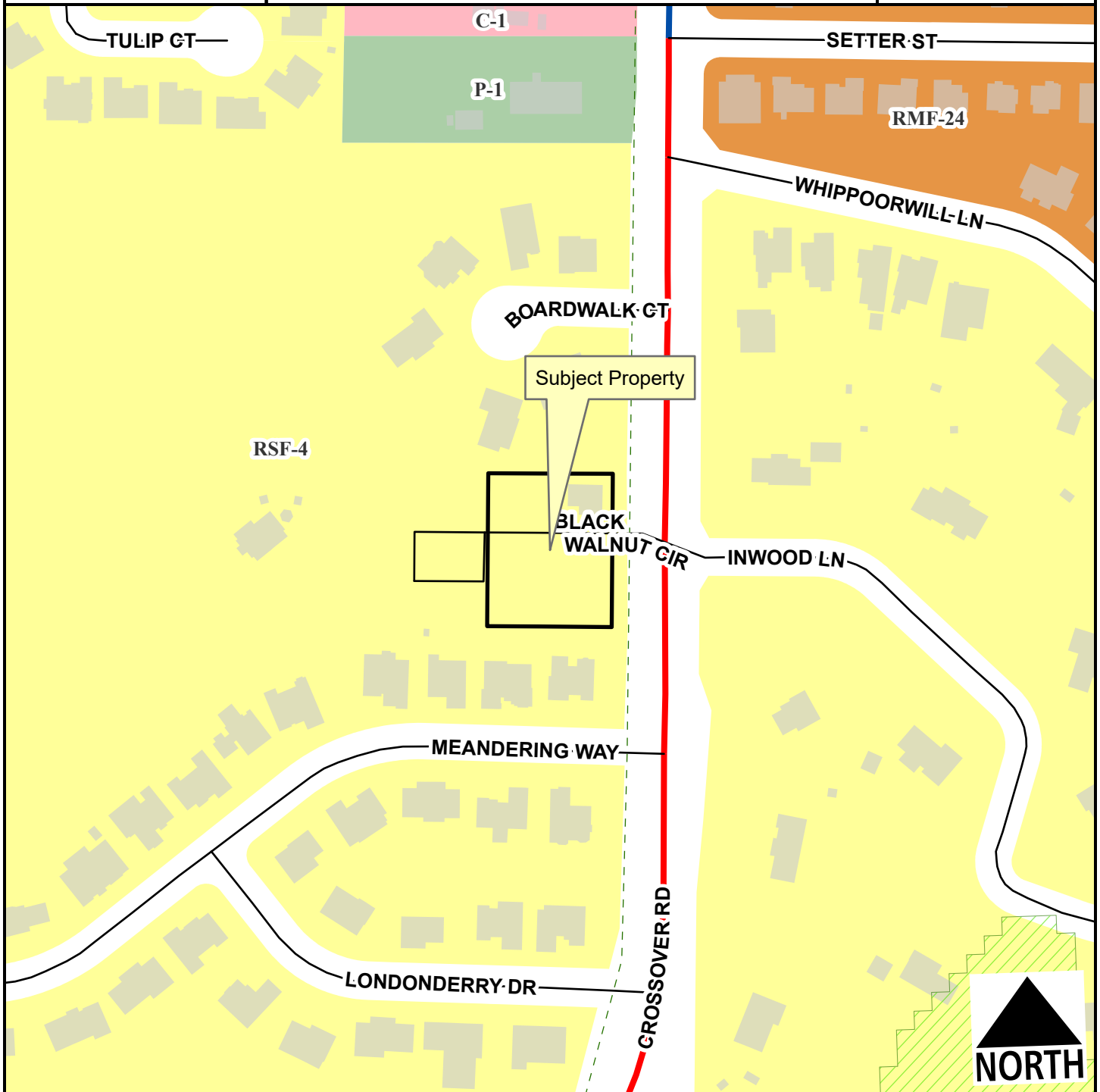
ADM-2025-0010 (SMYTH CLUSTER HOUSING)

Page 4 of 22

ADM-2025-0010

1629 N. CROSSOVER RD

Close Up View



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



ADM-2025-0010

1629 N. CROSSOVER RD

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Conditions of Approval:

1. **Planning Commission determination of compatibility for Use Unit 44: Cluster Housing Development.** *Staff finds the proposed cluster housing development to be compatible with the neighborhood based on the findings in this report;*
2. **Planning Commission determination of compatibility for Use Unit 41: Accessory Dwelling Units.** *Staff finds the proposed accessory dwelling units on six lots to be compatible with the neighborhood based on the findings in this report;*
3. **Planning Commission determination of a variance to UDC §164.22(D), Dwellings Permitted.** *Staff recommends approval of this variance for the reasons stated above;*
4. Additional screening in the form of vegetation, hedge row, or light blocking fence shall be installed along exterior property lines where parking courts abut existing single-family residences (Lots 1, 2, 6-8, and 11-14);
5. Conditional use permit approval of the conditional use permit does not ensure approval of a development application. The conditional use grants the applicant rights to submit a development proposal based on the conceptual layout included herein. However, the applicant must still be able to comply with all other development requirements, including but not limited to, tree preservation, drainage, utility installation and Fire Department access. These details shall be reviewed with the development application.

The final project design shall follow the general layout and design of the conditional use concept plan;

6. A condominium association, homeowner's association, or similar mechanism to maintain the common amenities shall be established prior to issuance of construction permits. The City of Fayetteville does not enforce these private agreements, but will require that this agreement be in place prior to issuing building permits;
7. Prior to receiving a certificate of occupancy for the first home, all shared drives and bike racks shall be installed. All development requirements, such as detention facilities, utilities, required landscaping, etc. shall be installed prior to any building permits being issued. The exact phasing of improvements will be determined at development review;
8. The maximum number of unrelated persons in any dwelling unit is three, pursuant to the underlying single-family zoning district. A maximum of two people are permitted to reside in an accessory dwelling unit;

Conditions of approval

9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs;
 10. Exterior lighting package must be provided to the Planning Division prior to building permit approval. Any outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting;
 11. Upon receiving a valid complaint that the holder of the conditional use is violating any condition of this permit, the Planning Department may refer the conditional use to the Planning Commission for review. The Planning Commission may amend or add conditions to the permit, may reaffirm the conditional use, or revoke the conditional use in its entirety; and
 12. Per §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is for one year.
-

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>May 13, 2024</u>	☐ Tabled	☒ Approved	☐ Denied
Motion: McGetrick		Added condition for the preservation of the historic house to remain for non-residential, public use.	
Second: Werner		With all other conditions as recommended by staff.	
Vote: 6-1-0			

January 29, 2025
Via EnerGov

Ms. Kylee Cole
Long Range and Historic Preservation Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: **CUP 2024 0016 Amendment Request**

Ms. Cole,

Please allow this letter to serve as a request to the Planning Commission to amend CUP 2024 0016 to allow some flexibility regarding the use of the historic house on the property. The added condition at the May 13, 2024 Planning Commission Meeting required that the house be for non-residential use only. After working through plans for renovation of the house and its programming, the owners see benefit in being able to use the house as a guest house at times by the residents of the neighborhood and their guests. The grounds around the house are still being programmed as a common open space for use by residents of the neighborhood and their guests.

Thank you for considering this request. I am attaching a proposed floor plan of the guest house.

Please let me know if you have questions or if you need additional information in order to process this request.

Sincerely,



Brian Teague
Community By Design

July 8, 2025

Via Email: jmasters@fayetteville-ar.gov

Ms. Jessie Masters
Zoning and Development Administrator
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: **CUP 2024 0016 Amendment Request – Supplemental Information**

Ms. Masters,

Based on your review and per your request I am writing to provide additional information regarding our request to amend CUP 2024 0016 to allow the existing house on the property to be used as a guest house.

1. Floor plans and elevations of the proposed renovation are being included with the letter transmittal.
2. Based on the approved and associated Large Scale Development, LSD 2024 0010, 46 total parking spaces are being provided for 14 proposed cluster development houses. 15 of the 46 parking spaces are being provided along the primary drive to function as shared parking for the residents and guests. 2 of the 15 parking spaces are within 50' of the existing house / proposed guest house.
3. Utilities are being provided for the existing house per the associated grading permit.
4. If used as a guest house, the proposed improvements will meet all fire code requirements.
5. The intent is not for the house to be used as a short term rental. The intent is to renovate the existing house and offer it as an amenity for use by future owners of property within CUP 2024 0016 / LSD 2024 0010 and their guests.
6. We do not currently have a detailed management plan for how the residents will use the property but we do plan to eventually prepare this document. In concept, the Property Owners Association would manage the use of the guest house and maintain it, allowing owners of property within CUP 2024 0016 / LSD 2024 0010 to schedule to use the existing house. We view this as an opportunity for property owners to be able expand upon their heated and cooled space at certain times.
7. Currently the density associated with LSD 2024 0010 is 14 cluster development housing units on 1.93 acres or 7.25 dwelling units per acre. If the guest house is included as a dwelling unit in the density calculation, the density would increase to 7.77 dwelling units per acre.

Please let me know if you have questions or if you need additional information.

Sincerely,



Brian Teague
Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701

479.790.6775
Planning Commission

July 14, 2025

ADM-2025-0010 (SMYTH CLUSTER HOUSING)

Page 10 of 22



REVISION	0
DATE	
BY	
FOR	

SMYTH
GUEST HOUSE
REMODEL

CROSSOVER ROAD
FAYETTEVILLE,
ARKANSAS

CITY PLAT PAGE ##
ISSUED FOR REVIEW

ENGINEER: BT
DRAWN BY: BK
DATE: 21 JAN 2025

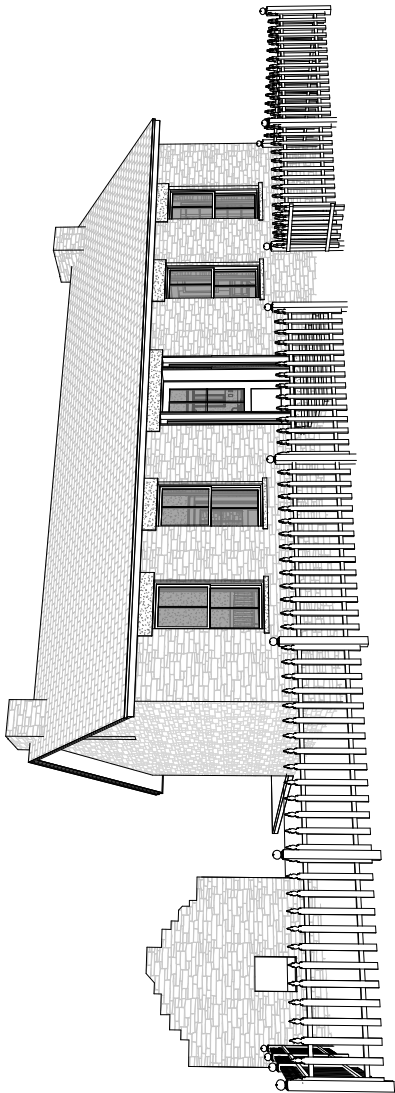
COVER
SHEET A0

- GENERAL NOTES:
- COORDINATE ALL WORK WITH DRAWINGS AND SPECIFICATIONS
 - DRAWINGS MAY BE PRINTED AT HALF SIZE. USERS OF REDUCED DRAWINGS ARE SOLELY RESPONSIBLE FOR DETERMINING THE PROPER SCALE
 - CONTRACTOR AND SUB-CONTRACTORS SHALL FAMILIARIZE THEMSELVES WITH EXISTING CONDITIONS, LOCATIONS, AND PROJECT REQUIREMENTS PRIOR TO SUBMITTING A BID.
 - CONTRACTOR AND SUB-CONTRACTORS SHALL FIELD VERIFY DIMENSIONS, AND FINISHES, MATERIALS, AND METHODS OF CONSTRUCTION AND FINISHES WITH THE DESIGNER. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE DESIGNER.
 - WORK SHALL INCLUDE ALL REQUIRED PERMITS, LABOR, MATERIALS, AND EQUIPMENT TO COMPLETE ALL WORK INDICATED ON DRAWINGS AND AS NECESSARY FOR A COMPLETE PROJECT.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, AND SEQUENCES, INCLUDING, BUT NOT LIMITED TO, SAFETY AND ERECTIVE PROGRESS OF THE PROJECT.
 - ALL PAINTING SHALL BE DONE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. CONTRACTOR IS RESPONSIBLE FOR PROTECTING ADJACENT FINISHES AND CLEANUP.
 - CONTRACTOR IS RESPONSIBLE FOR FINAL CLEANUP OF WORK AREA AND ALL EXPOSED BUILDING SURFACES AT SUBSTANTIAL COMPLETION.
 - ALL WORK SHALL BE DONE IN ACCORDANCE WITH APPLICABLE CODES AND STANDARDS. EXCEPTION OF THE CENTERLINE OF THE DEMISING WALL UNLESS OTHERWISE NOTED OR IMPLIED.
 - THE INFORMATION CONTAINED HEREIN DEMONSTRATES THE GENERAL DESIGN INTENT. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE CONSTRUCTION PRACTICES TO ACHIEVE SOUND STRUCTURAL INTEGRITY, PROPER FINISHES, AND TO THE END OF MEETING OR EXCEEDING APPLICABLE CODES AND STANDARDS.
 - ALL TRIM TO BE SMOOTH. ALL PLANT TRIM PROFILES TO BE SMOOTH FINISH ALL DOOR FINISHES TO BE SMOOTH. NO WOOD GRAIN TEXTURE ON DOORS, SIDING OR TRIM TRIM PROFILES TO HAVE MITERED RETURNS AT VISIBLE ENDS.
 - ALL TRIM SHALL BE SMOOTH. ALL PLANT TRIM PROFILES TO BE SMOOTH FINISH ALL DOOR FINISHES TO BE SMOOTH. NO WOOD GRAIN TEXTURE ON DOORS, SIDING OR TRIM TRIM PROFILES TO HAVE MITERED RETURNS AT VISIBLE ENDS.
 - TRANSFER RESISTANCE IN ACCORDANCE WITH THE EUBRARY CODE. INSTALL DRAFT STOPPING AT ALL JOINTS, EDGES, AND PENETRATIONS. INSTALL SOUNDPROOFING PERIMETERS OF BATHROOMS AND BEDROOMS.
 - SCOPE ALL GRADES AWAY FROM BUILDINGS.

APPLICABLE CODES:

- 2021 International Residential Code
- 2019 Arkansas State Fuel and Gas Code
- 2019 Arkansas State Electrical Code
- 2020 National Electrical Code
- 2021 Arkansas State Mechanical Code
- 2021 Arkansas State Plumbing Code
- 2021 Arkansas State Fire Prevention Code - Vol III (Based on 2021 IRC)
- 2021 Arkansas State Fire Prevention Code - Vol II (Based on 2021 IRC)

Sheet Number	SHEET INDEX	Sheet Name
A0	COVER	
A1.1	FLOOR PLAN	
A1.2	ROOF PLAN	
A1.3	CEILING PLAN	
A2.1	ELEVATIONS	
A2.2	ELEVATIONS	
A3.1	SECTIONS	
A3.2	INTERIOR ELEVATIONS	
A3.3	INTERIOR ELEVATIONS	
A5.1	DETAILS	
A4.1	ORTHOGRAPHS	
A4.2	ORTHOGRAPHS	



SMYTH DEVELOPMENT

SMYTH GUEST HOUSE

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REVISION 0
DATE
DATE
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SMYTH
GUEST HOUSE
REMODEL

CROSSOVER ROAD
FAYETTEVILLE,
ARKANSAS

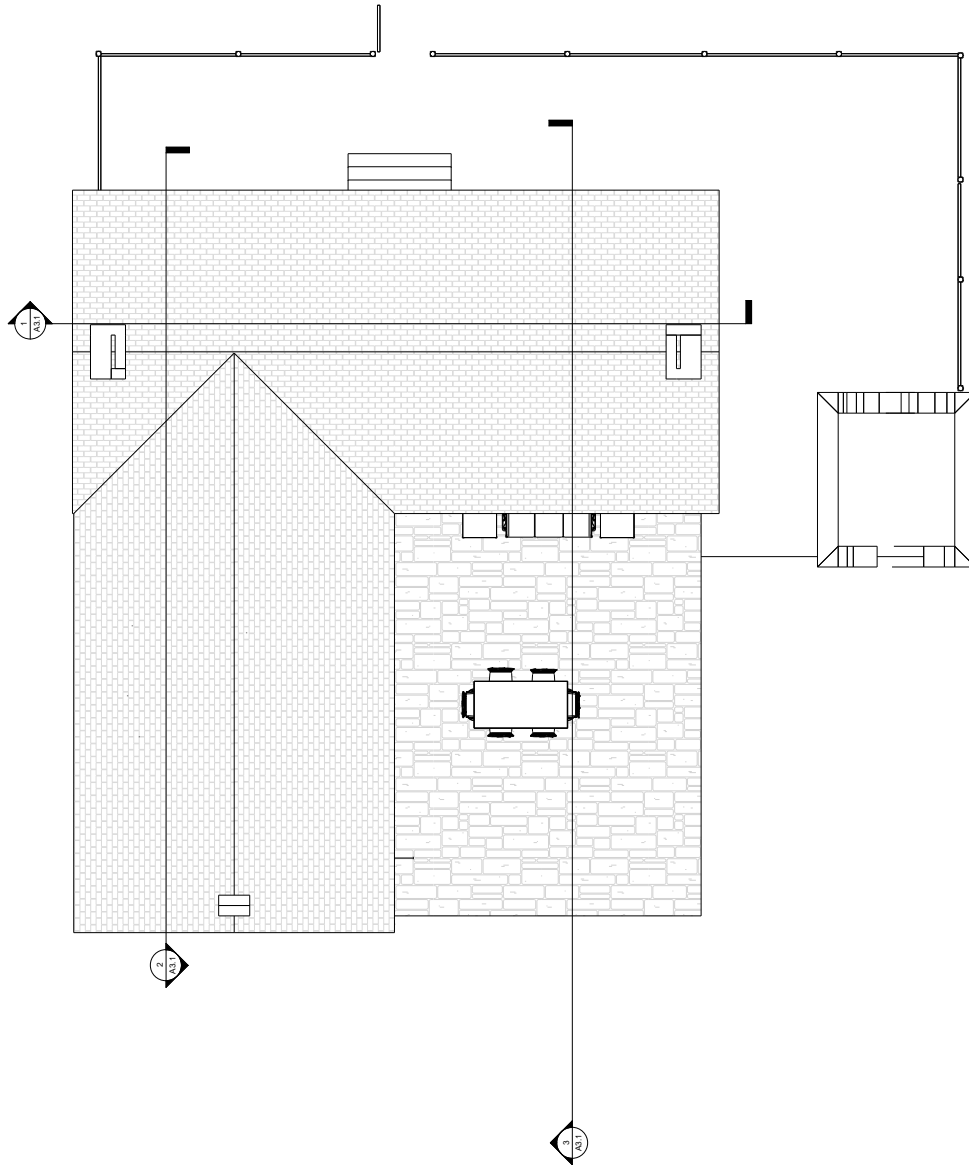
CITY PLAT PAGE ##

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ENGINEER: BT
DRAWN BY: RK
DATE: 21 JAN 2025

ROOF PLAN

SHEET A1.2





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SMYTH
GUEST HOUSE
REMODEL

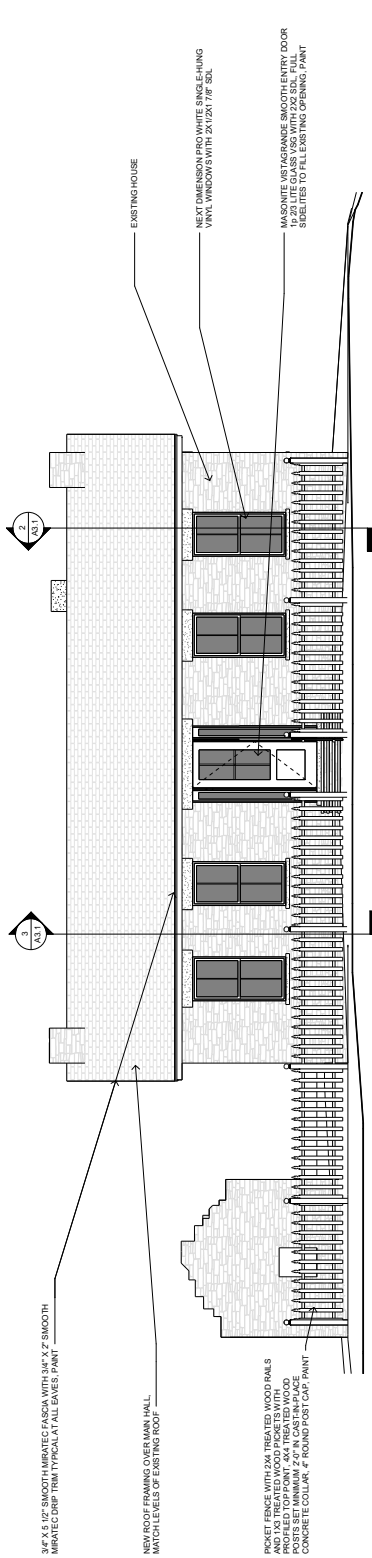
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FAYETTEVILLE,
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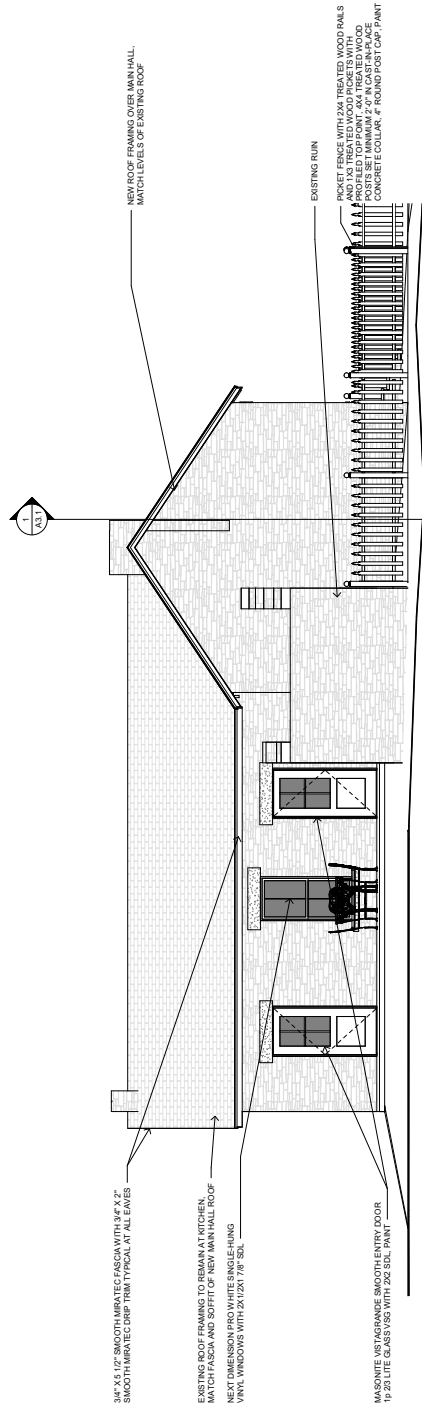
ELEVATIONS

SHEET A2.1



1 EAST ELEVATION

1/8" = 1'-0"



2 SOUTH ELEVATION

1/8" = 1'-0"



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DATE	
BY	
CHK	

SMYTH
GUEST HOUSE
REMODEL

CROSSOVER ROAD
FAYETTEVILLE,
ARKANSAS

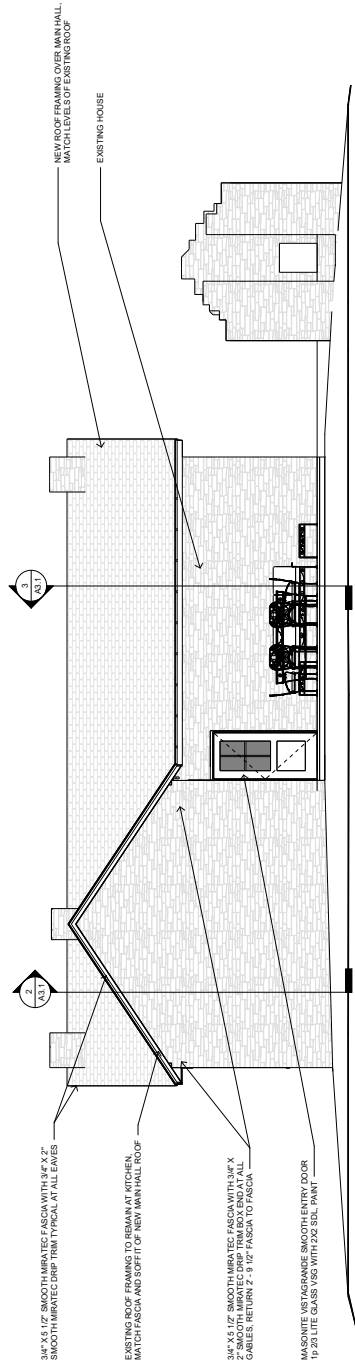
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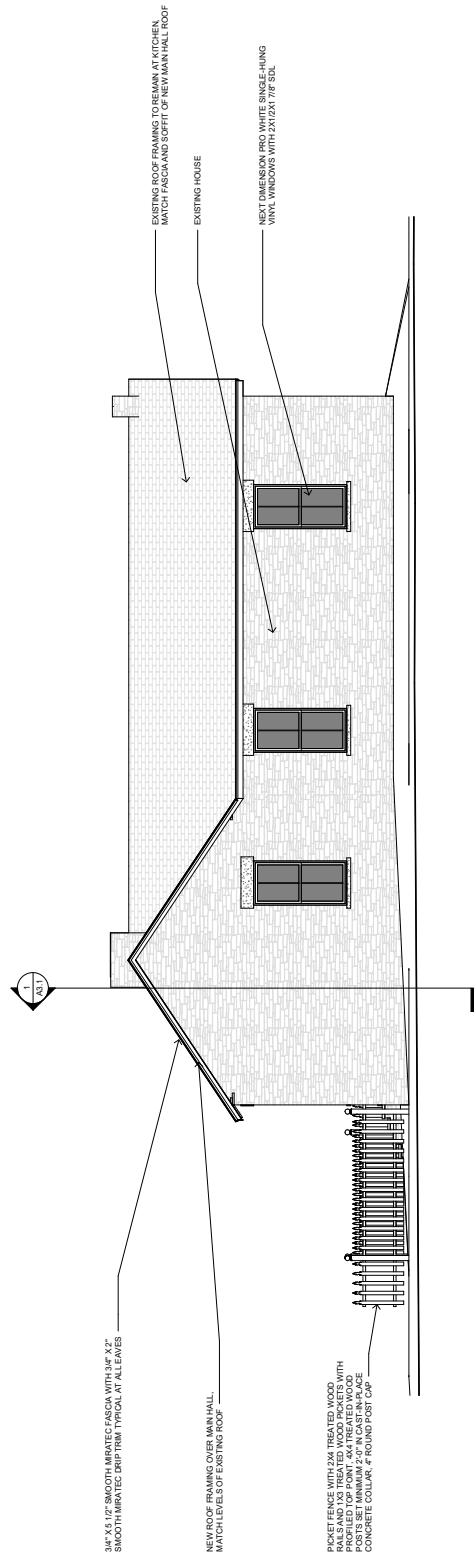
ENGINEER: BT
DRAWN BY: BK
DATE: 21 JAN 2025

ELEVATIONS

SHEET A2.2



1 WEST ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



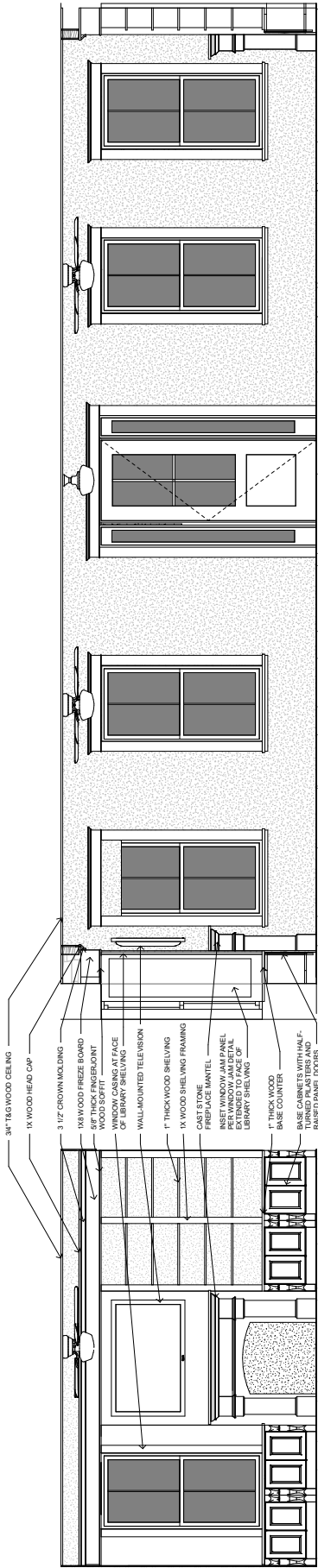
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DATE	06/11/2025
BY	
CHK	
APP	

SMYTH
GUEST HOUSE
REMODEL

CROSSOVER ROAD
FAYETTEVILLE,
ARKANSAS
CITY PLAT PAGE ##
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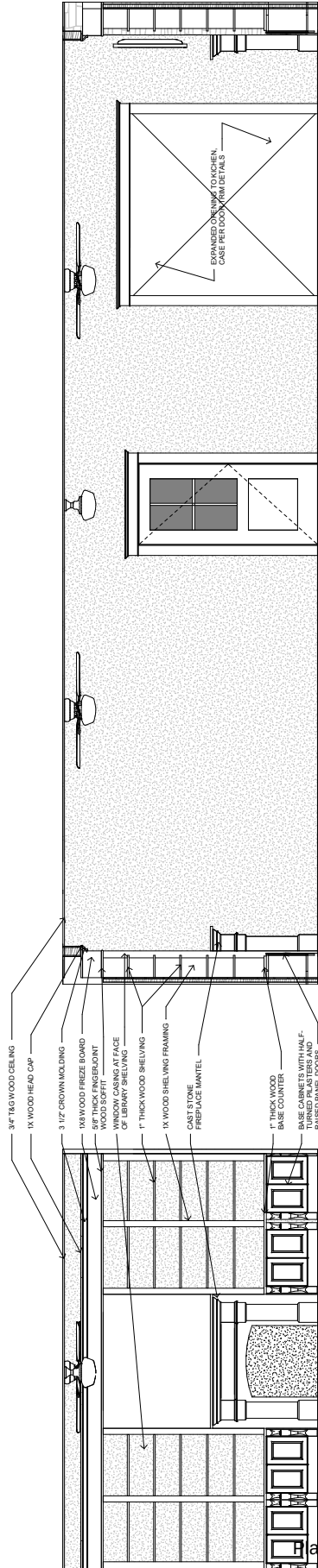
ENGINEER: BT
DRAWN BY: BK
DATE: 21 JAN 2025

INTERIOR
ELEVATIONS
SHEET A3.2



3 FRONT ROOM NORTH ELEVATION
1/2" = 1'-0"

2 FRONT ROOM EAST ELEVATION
1/2" = 1'-0"



1 FRONT ROOM SOUTH ELEVATION
1/2" = 1'-0"

4 FRONT ROOM WEST ELEVATION
1/2" = 1'-0"



REVISION	0
DATE	
BY	

SMYTH
GUEST HOUSE
REMODEL

CROSSOVER ROAD
FAYETTEVILLE,
ARKANSAS

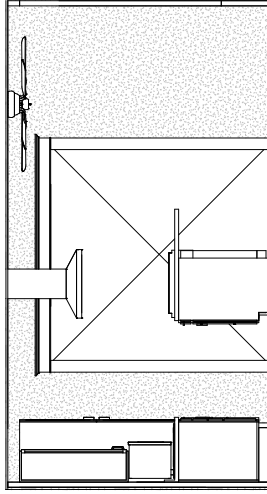
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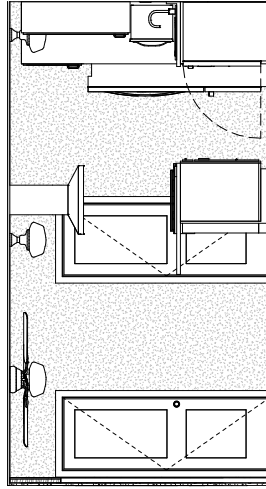
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DATE: 21 JAN 2025

INTERIOR
ELEVATIONS

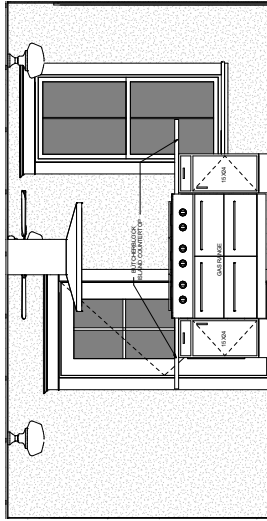
SHEET A3.3



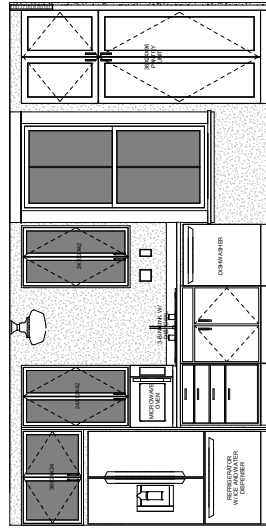
2 KITCHEN EAST ELEVATION
1/2" = 1'-0"



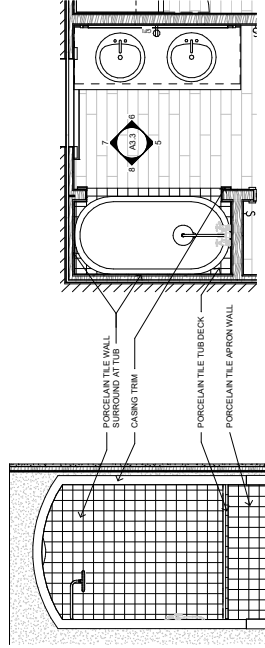
4 KITCHEN WEST ELEVATION
1/2" = 1'-0"



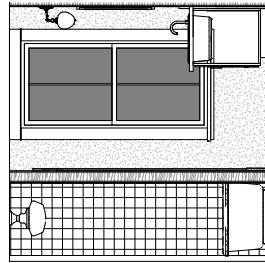
1 KITCHEN SOUTH ELEVATIONS
1/2" = 1'-0"



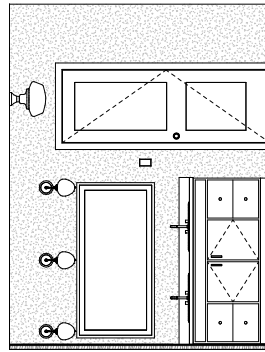
3 KITCHEN NORTH ELEVATION
1/2" = 1'-0"



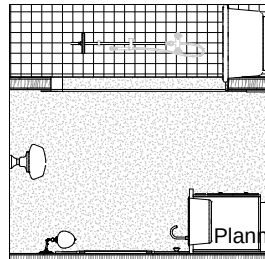
8 BATHROOM WEST ELEVATION
1/2" = 1'-0"



7 BATHROOM NORTH ELEVATION
1/2" = 1'-0"



6 BATHROOM EAST ELEVATION
1/2" = 1'-0"



5 BATHROOM SOUTH ELEVATION
1/2" = 1'-0"

9 BATHROOM FLOOR PLAN
1/2" = 1'-0"



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SMYTH
GUEST HOUSE
REMODEL

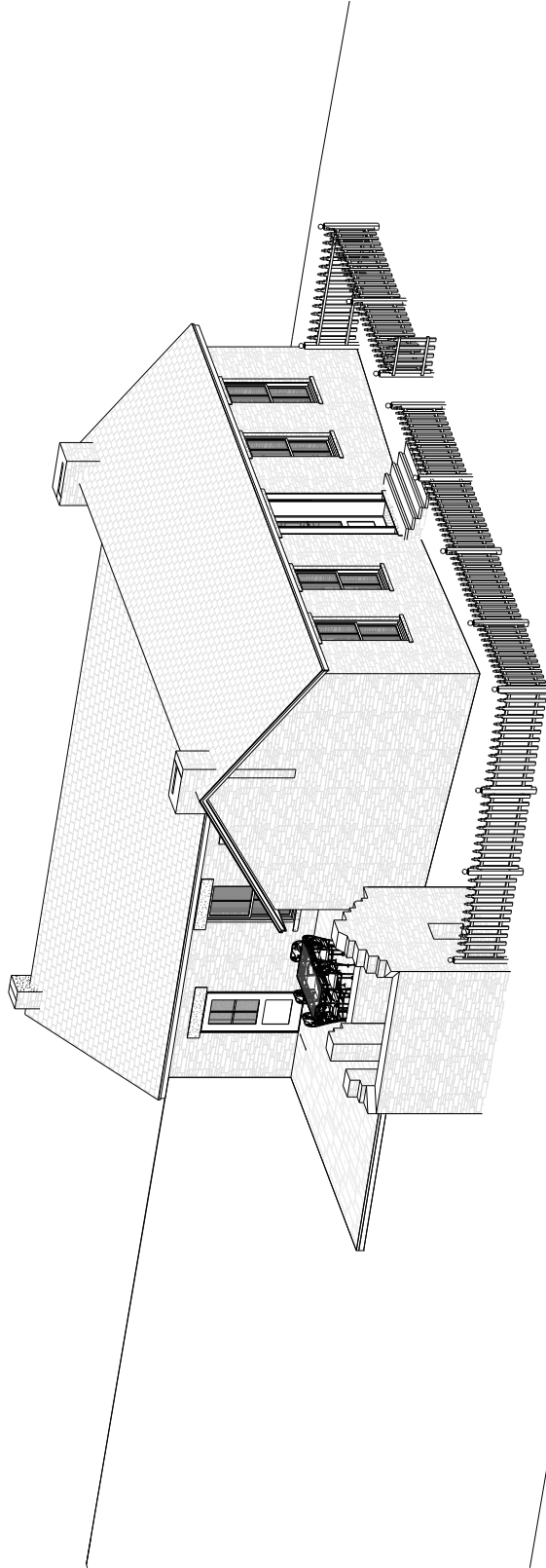
CROSSOVER ROAD
FAYETTEVILLE,
ARKANSAS

CITY PLAT PAGE ##
ISSUED FOR REVIEW

ENGINEER: BT
DRAWN BY: RK
DATE: 21 JAN 2025

ORTHOGRAPHS

SHEET A4.1



1 SOUTHEAST ORTHOGRAPHIC



REVISION 0
DATE
DATE
DATE

SMYTH
GUEST HOUSE
REMODEL

CROSSOVER ROAD
FAYETTEVILLE,
ARKANSAS

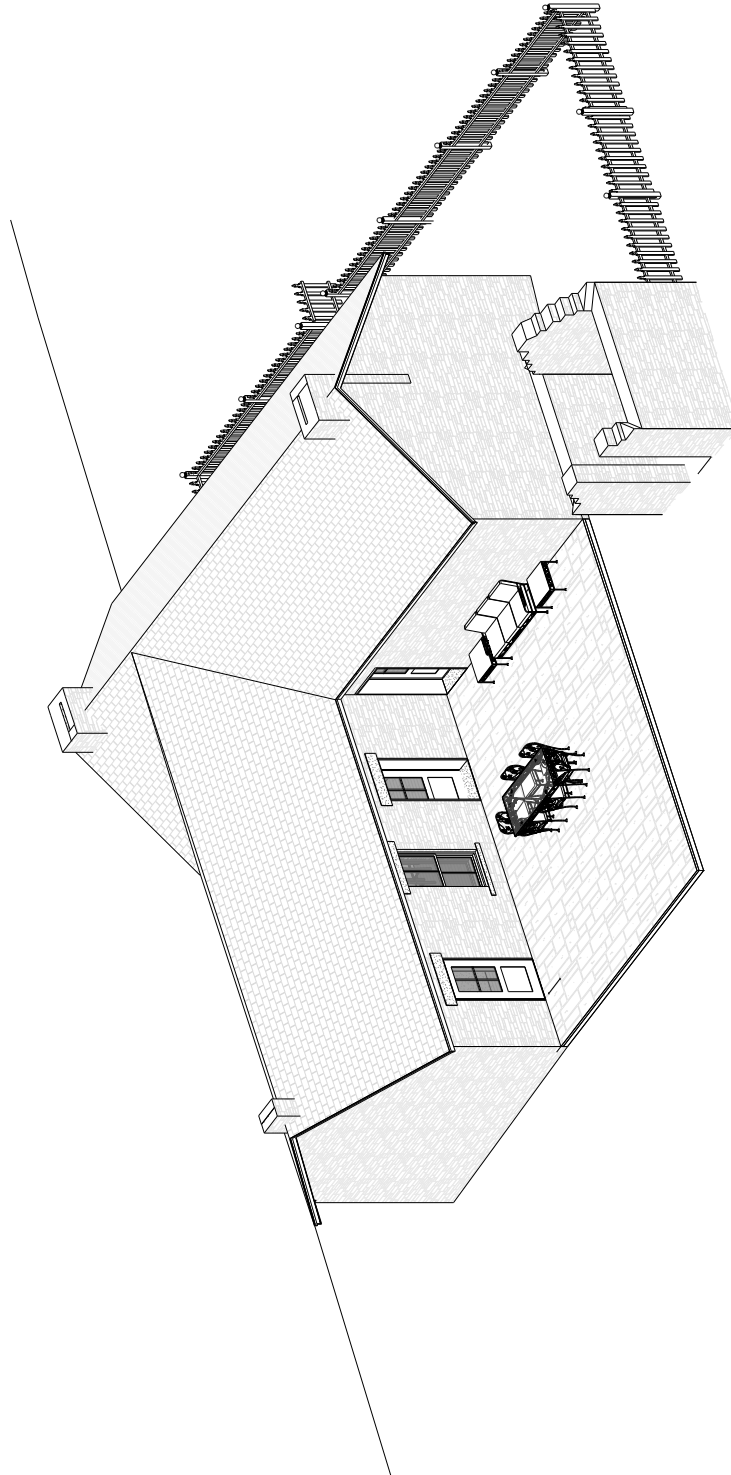
CITY PLAT PAGE ##

ISSUED FOR REVIEW

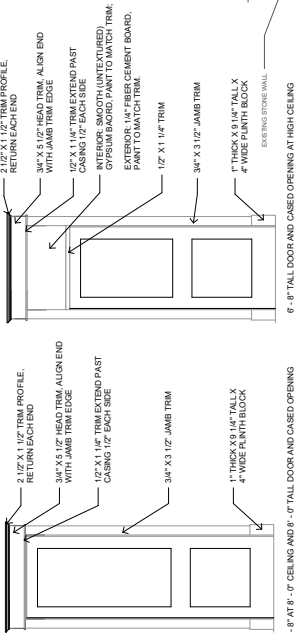
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DRAWN BY: RK
DATE: 21 JAN 2025

ORTHOGRAPHS

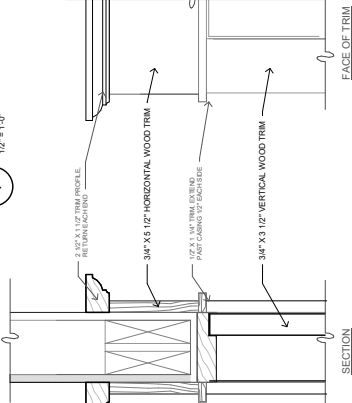
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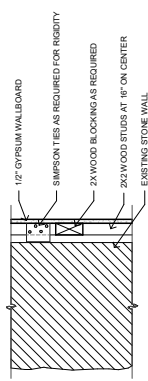
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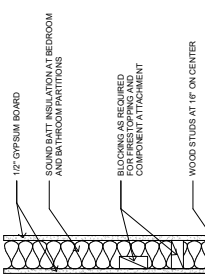
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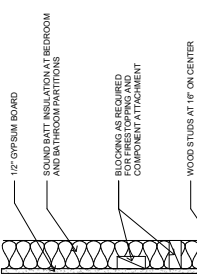
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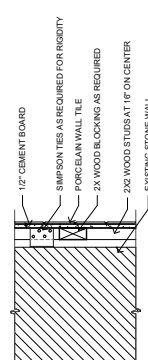
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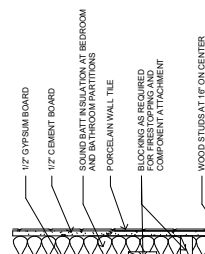
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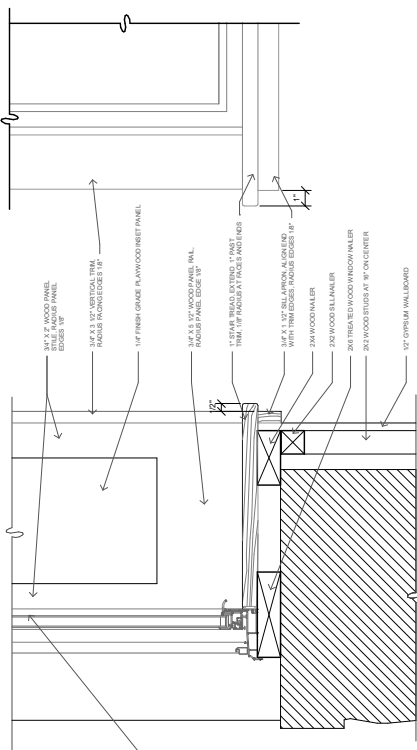
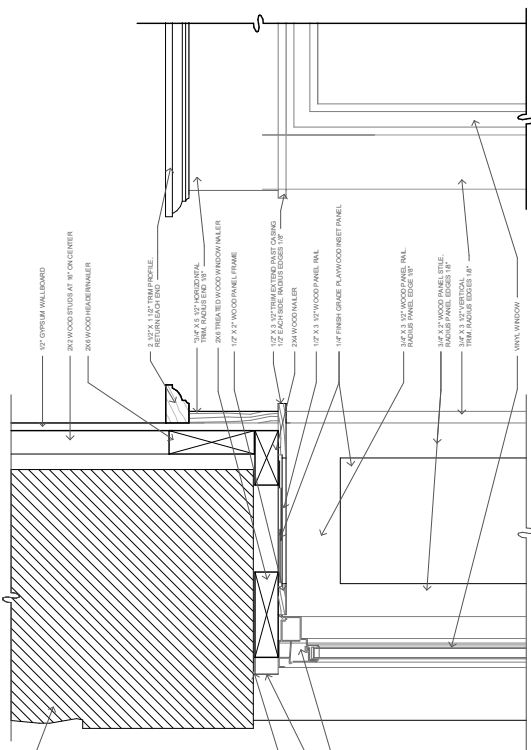
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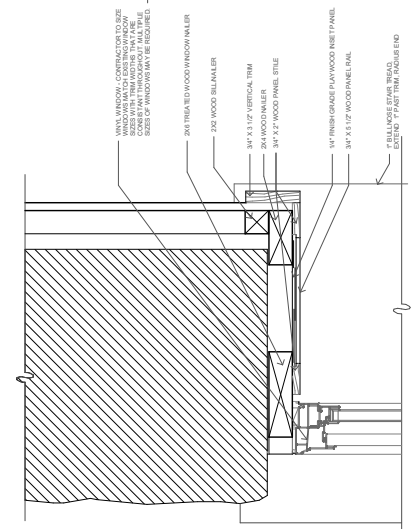
5 WALL TYPE "D"
1/2" = 1'-0"



6 WALL TYPE "E"
1/2" = 1'-0"



1 WINDOW DETAILS
3" = 1'-0"



3 WINDOW DETAILS
3" = 1'-0"



TO: Fayetteville Planning Commission

FROM: Donna Wonsower, Planner

MEETING DATE: July 14, 2025

SUBJECT: **ADM-2025-0029: Administrative Item (1236 S. SCHOOL AVE./VAUGHN RECYCLING, 562):** Submitted by HALBERT LAW OFFICE for property located at 1236 S. SCHOOL AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 2.33 acres. The request is to amend CUP 08-2908, a conditional use permit allowing a center for the collection of recyclable materials, to be expanded.

RECOMMENDATION:

Staff recommends denial of **ADM-2025-0029**.

RECOMMENDED MOTION:

*"I move to deny **ADM-2025-0029**."*

BACKGROUND:

The subject property is the current site of Vaughn Recycling which is located on the east side of School Avenue about a tenth of a mile north of the street's intersection with 15th Street. The property contains two parcels totaling about 2.33 acres which are developed with a 6,000-square-foot warehouse facility and a 1,488-square-foot service garage which previously operated as C & C Auto Detail. The southern lot has a paved parking area and backyard which previously served as vehicle storage for Bud's Import Auto Parts.

In March of 2008, a conditional use permit (CUP 08-2908) was issued to allow for the operation of a center for the collection of recyclable materials in C-2 zoning. Later that year, the property was rezoned to DG and the conditions of approval for CUP 08-2908 were amended (ADM 08-3128). Specifically, a condition requiring all materials to be sorted, processed, packed, and stored inside the building was revised to read "storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that a wood board fence is extended, as shown on the site plan. Materials shall not be visible above the wood board fence and/or from the public right of way."

In February of 2021, staff received a complaint that the recycling business was storing multiple trailers in front of the property and that the operation had expanded to the northern lot without a permit (CVZD-2021-000262). A separate complaint was submitted to the City's Transportation Division due to dirt and mud being tracked onto School Avenue. Multiple inspections confirmed the presence of trailers, debris, and an expanded footprint of the business. A violation letter was issued on April 28, 2021, which notified the property owner that the recycling business was in violation of its conditional use permit. Staff advised the applicant that amending their conditional use permit was an option to remedy the violation. The property owner applied but their amendment request was subsequently denied by the Planning Commission. The applicant

appealed their decision to City Council where the expansion and a one-year extension was granted on October 5, 2021 (Res. 247-21).

In September of 2022, the property owner submitted another request to amend and extend the recycling center's conditional use permit approval. Specifically, the applicant requested permission to expand the loading/processing area to the northern lot, add time for trailers to be parked, remove a requirement for a six-foot privacy fence along the northern property line, and extend the permit's approval in perpetuity provided the business remain in compliance. Their request was approved by the Planning Commission with an added condition that the property not be used as Use Unit 31, Facilities emitting odors and facilities handling explosives (ADM-2022-0048). In September of 2023, the applicant requested and received approval of another one-year extension from the Planning Commission which extended their amended conditional use permit's approval until September 26, 2024 (ADM-2023-0036).

Approval of a large-scale development was required as part of the conditional use permit amendment in 2021. That large scale development application (LSD-2023-0022) was submitted in December 2023. The large scale development received approval from the Planning Commission in January 2024, and a grading permit was applied for shortly thereafter in March 2024. The grading permit received conditional approval in June 2024, though inspections, which are a prerequisite for permit issuance, were not requested until April 2025. The property owner was then contacted by city staff and told that the grading permit could not be issued because the conditional use permit approval for the project had expired. Since the conditional use permit, large-scale development approvals, and subsequent remedial work were intended to resolve an active violation, staff informed the applicant that they would either need to apply for a new conditional use permit amendment and large-scale development extension, or immediately resolve the violation. The applicant has since submitted this request for a new conditional use permit amendment and a separate request for an administrative extension to their large-scale development. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Commercial	DG, Downtown General
South	Commercial	DG, Downtown General
East	Walker Park	P-1, Institutional
West	Commercial	DG, Downtown General

Request: As described above, Vaughn Recycling has an approved conditional use permit (CUP 08-2908) to operate on their property at 1246 S. School Ave. A request to expand their conditional use permit to include the lot to the north was requested in 2021 in response to a reported violation. That request was approved but expired in September of 2024 after all permitted extensions were granted. This request is for the re-approval of that expansion.

Public Comment: To date, staff has received no public comment on this item.

DISCUSSION:

Staff is not supportive of the request. The proposed amendment and expansion of Vaughn Recycling's CUP originated from a 2021 complaint and confirmed violation. When staff initially investigated the complaint and evaluated this request, it was determined that the business was not operating within the bounds of its original conditional use permit and amendment. While the applicant has remained communicative and submitted all required applications, staff finds that they have not demonstrated a good faith effort to address outstanding violations in a timely manner. A large scale development application, which was required as part of the conditions of

approval for the 2021 amendment, was not submitted until all allowable extensions had expired, and nearly a year passed after receiving conditional grading permit approval before inspections were scheduled to start corrective site work. Staff finds that re-approving the CUP amendment at this time would only prolong the existing noncompliance of the business' operations. The applicant has not demonstrated a clear hardship to justify prior delays or a commitment to completing all steps necessary to bring their expanded site into compliance with their original CUP and previously approved conditions. For these reasons, staff recommends denial of the request. Denying the request would prompt immediate corrective action and require the site be brought into compliance with the terms of the original CUP and its associated amendment from 2008.

RECOMMENDATION: Staff recommends denial of **ADM-2025-0029**. Should the Planning Commission choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. Planning Commission determination of compatibility with adjacent properties.
2. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that materials are not visible above the wood board fence and/or from the public right of way.
3. Large trailers shall be utilized for loading and removal of materials from the site and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the property and shall be screened from the public right-of-way, until the time of shipping materials. Any one trailer may be parked at the site for a maximum of seven (7) days.
4. The applicant shall construct a bioswale along the entire east boundary of the site for drainage purposes, to be approved by the Engineering Division.
5. Hours of operation shall be limited to Monday through Friday, 7:30 AM – 5:30 PM, and Saturday, 8:00 AM – 2:00 PM.
6. The applicant shall plant a continuous row of evergreen vegetation, no less than six (6) feet in height, along the north and east property lines to screen the use from the adjoining property.
7. As part of the development entitlements, the applicant shall submit the appropriate development review application pursuant to City ordinances and in addition to any other plans deemed necessary as part of said review. Adequate vegetative screening shall be provided as required by ordinance or as deemed appropriate by the City Planning Division.
8. Parking in areas identified in the original site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Parking, including the current maximum allowed on the subject property (eight parking spaces), shall be evaluated with a site improvement plan or large scale development proposal.
9. Curbing or curb stops shall be installed along any parking or maneuvering areas adjacent to greenspace, to protect the plants therein.
10. Any existing non-conforming signage shall be removed, together with its supporting

structure prior to issuance of a grading permit. All new signs shall be permitted according to City codes.

11. All exterior lights shall comply with the City lighting ordinance.
12. Vehicles that access the site must enter and exit in a forward manner, in accordance with City regulations.
13. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
14. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate amendment request and applicable development review, pursuant to ordinance.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

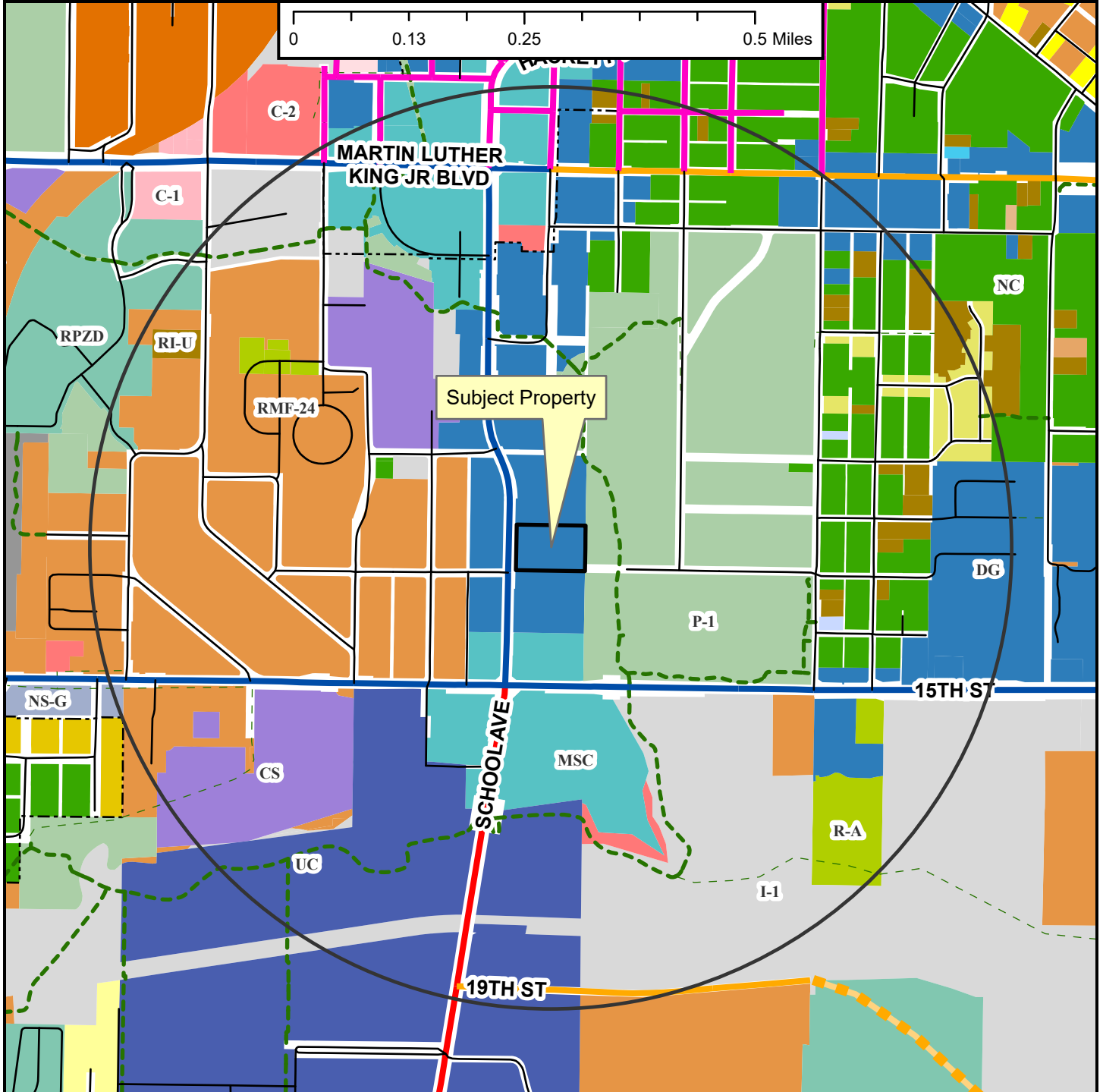
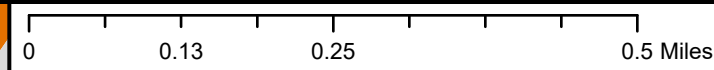
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Previous Approvals
 - CUP 08-2908 Approved Conditions
 - ADM 08-3128 Amended Conditions
 - Res. 247-21 Amended Conditions
 - ADM-2022-0048 Amended Conditions
 - ADM-2023-0036 Approved Conditions
- Applicant Request Letter

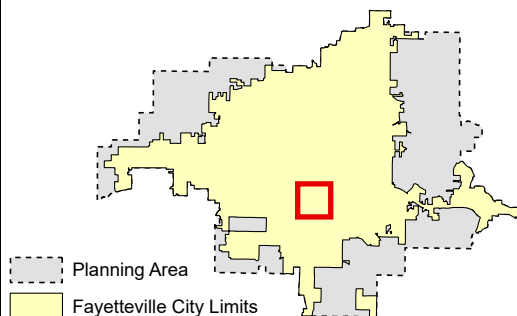
ADM-2025-0029

1236 & 1246 S. SCHOOL AVE

One Mile View



- 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



Planning Commission

July 14, 2025

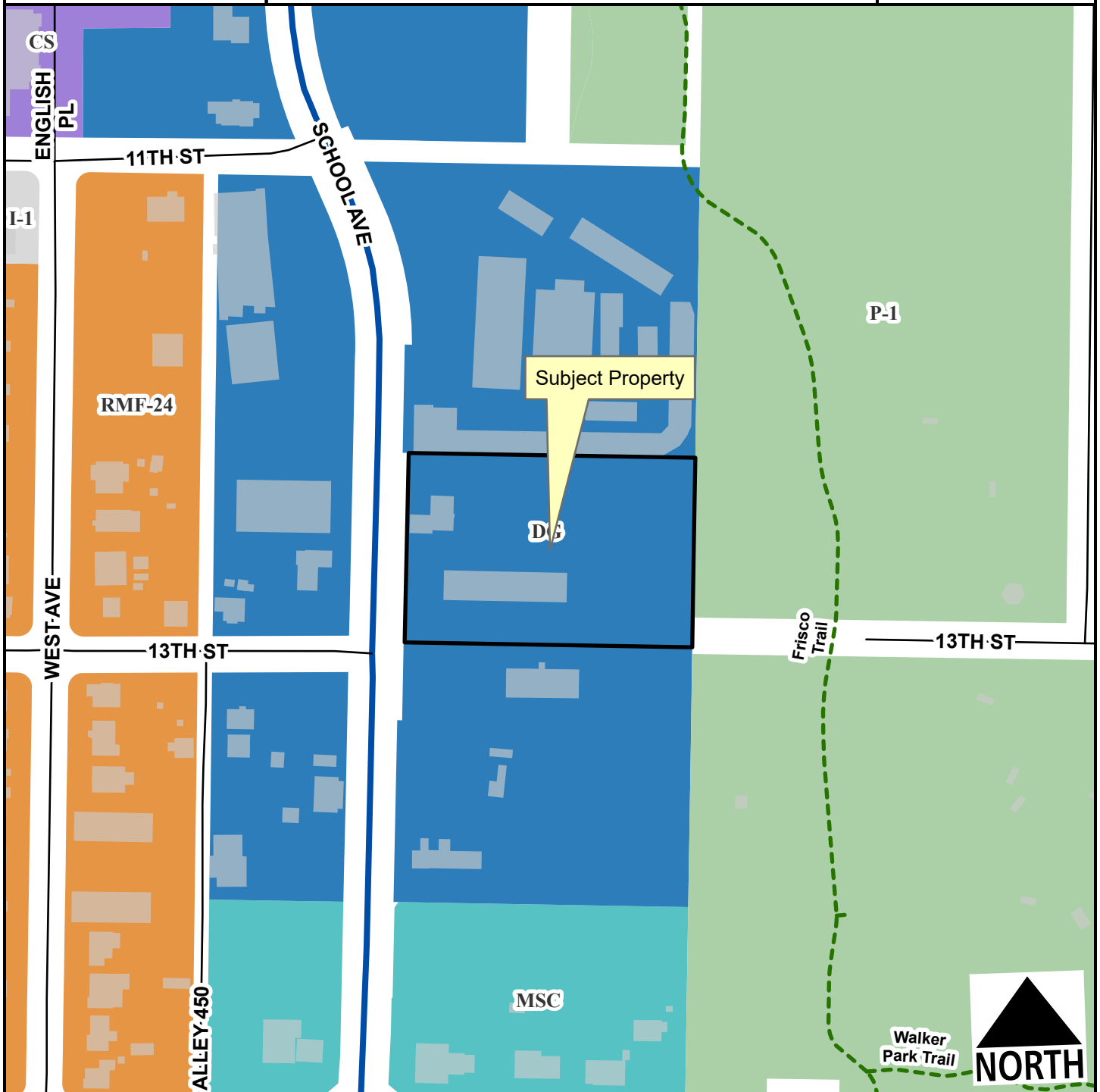
ADM-2025-0029 (VAUGHN RECYCLING)

Page 5 of 14

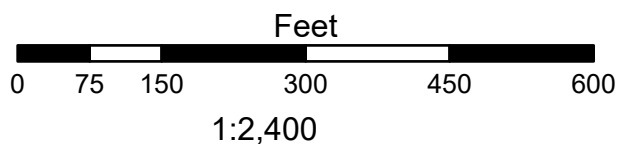
ADM-2025-0029

1236 & 1246 S. SCHOOL AVE

Close Up View



- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail



ADM-2025-0029

1236 & 1246 S. SCHOOL AVE

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-08-2908 Approved Conditions

RECOMMENDED MOTION:

Staff recommends approval of CUP 08-2908 with the following conditions:

1. All materials shall be sorted, processed, packed, and stored inside the building. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited.
2. Large trailers shall be utilized only for loading and removal of materials from the site, and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the building, as indicated on the site plan, and shall not be visible from the public right-of-way, until the time of shipping of materials. Any one trailer may be parked at the site for a maximum of five (5) days.
3. The paved maneuvering area shall be extended 12 feet to the east to ensure maneuverability. The applicant shall include a bioswale, east of the paved maneuvering area, for drainage purposes, to be approved by the Engineering Division.

PLANNING COMMISSION CONDITION OF APPROVAL

4. Hours of operation shall be limited to Monday through Friday, 7:30 AM - 5:30 PM, and Saturday, 8:00 AM – 2:00 PM.
5. Staff recommends that a wood board fence, no less than six feet in height, be constructed along a portion of the south property line, as indicated on the site plan, to screen the use from the property to the south. Additionally, staff recommends that the applicant plant a continuous row of evergreen vegetation along the south property line, west of the recommended wood board fence. Staff also recommends that the applicant screen the east side of the proposed maneuvering area located at the eastern portion of the subject property with evergreen trees.
6. As part of the building permit, the applicant shall submit a Site Improvement Plan, Landscape and Tree Preservation Plan for approval pursuant to City Ordinance and in addition to any other plans deemed necessary as part of said review. Adequate vegetative screening shall be provided as required by ordinance or as deemed appropriate by the City Planning Division.
7. Parking in areas identified on the proposed site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Should the proposed use require more than the maximum allowable parking on the subject property (8 parking spaces), the applicant shall submit a conditional use request for additional parking.

8. Curb stops or curbing shall be installed along any parking or maneuvering areas adjacent to greenspace, to protect the plants therein.
9. Any existing non-conforming signage shall be removed, together with its supporting structure prior to issuance of a building permit. All new signs shall be permitted according to City codes.
10. 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.
11. Vehicles that access the site must enter and exit in a forward manner, in accordance with city regulations.
12. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
- * 13. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate conditional use request, Master Street Plan right-of-way dedication, and a Site Improvement Plan or a Large Scale Development request.

ADM 08-3128 Amended Conditions

1. Condition of Approval #1 of CUP 08-2908 shall be revised to the following: Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that a wood board fence is extended, as shown on the site plan. Materials shall not be visible above the woodboard fence and/or from the public right-of-way.
2. All other conditions of approval from conditional use application (CUP 08-2908) shall remain in force.

Res 247-21 Amended Conditions of Approval:

1. City Council determination of compatibility with adjacent properties.
2. All conditions of approval of the associated conditional use permit will remain in effect. The requested area shall be subject to the same conditions of approval including master street plan dedication and approval of a site improvement plan or large scale development.
3. All materials shall be sorted, processed, packed, and stored inside the existing building or an expanded facility. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited.
4. Large trailers shall be utilized for loading and removal of materials from the site and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the

building, as indicated on the site plan, and shall not be visible from the public right-of-way, until the time of shipping materials. Any one trailer may be parked at the site for a maximum of five (5) days.

5. The applicant shall include a bioswale, east of the paved maneuvering area, for drainage purposes, to be approved by the Engineering Division.
6. Hours of operation shall be limited to Monday through Friday, 7:30 AM – 5:30 PM, and Saturday, 8:00 AM – 2:00 PM.
7. A wood board fence, no less than six (6) feet in height, shall be constructed along the length of the north property line to screen the use from the adjoining properties. The applicant should plant a continuous row of evergreen vegetation along the north property line, south of the recommended wood board fence and screen any newly proposed maneuvering areas with evergreen trees.
8. As part of the development entitlements, the applicant shall submit a site improvement plan or large scale development, landscape and tree preservation plan for approval pursuant to City ordinances and in addition to any other plans deemed necessary as part of said review. Adequate vegetative screening shall be provided as required by ordinance or as deemed appropriate by the City Planning Division.
9. Parking in areas identified in the original site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Should the proposed use require more than the maximum allowable parking on the subject property (8 parking spaces), the applicant shall submit an additional conditional use request for supplementary parking.
10. Curb stops or curbing shall be installed along any parking or maneuvering areas adjacent to greenspace, to protect the plants therein.
11. Any existing non-conforming signage shall be removed, together with its supporting structure prior to issuance of a building permit. All new signs shall be permitted according to City codes.
12. 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.
13. Vehicles that access the site must enter and exit in a forward manner, in accordance with City regulations.
14. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
15. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate conditional use request, Master Street Plan right-of-way dedication, and a site improvement plan or a large scale development request.
16. The applicant shall allow city staff to inspect the premises monthly with unannounced visits during normal business hours and shall promptly correct any violations of these conditions discovered by city staff.

17. This approval expires after one year (October 5, 2022), but may be extended by the Planning Commission if applicant has consistently complied with these conditions including preventing or promptly cleaning up any mud or debris tracked onto the public right-of-way from this property. The applicant is responsible for applying for and obtaining the Planning Commission's approval to extend this Conditional Use Permit prior to its automatic expiration.

ADM-2022-0048 Amended Conditions of Approval:

1. Planning Commission determination of compatibility with adjacent properties.
2. Storage or processing of potentially explosive or combustible materials and/or chemicals shall be prohibited. Indoor processing and long-term storage of all materials shall be required. Customer drop-off and preliminary sorting of materials prior to storage/processing for shipping shall be permitted outside provided that materials are not visible above the woodboard fence and/or from the public right of way.
3. Large trailers shall be utilized for loading and removal of materials from the site and may not be utilized for storage. Large trailers shall be parked for loading only at the rear of the property and shall be screened from the public right-of-way, until the time of shipping materials. Any one trailer may be parked at the site for a maximum of seven (7) days.
4. The applicant shall construct a bioswale along the entire east boundary of the site for drainage purposes, to be approved by the Engineering Division.
5. Hours of operation shall be limited to Monday through Friday, 7:30 AM – 5:30 PM, and Saturday, 8:00 AM – 2:00 PM.
6. The applicant shall plant a continuous row of evergreen vegetation, no less than six (6) feet in height, along the north and east property lines to screen the use from the adjoining property.
7. As part of the development entitlements, the applicant shall submit the appropriate development review application pursuant to City ordinances and in addition to any other plans deemed necessary as part of said review. Adequate vegetative screening shall be provided as required by ordinance or as deemed appropriate by the City Planning Division.
8. Parking in areas identified in the original site plan as “loading” or “unloading” areas shall be for day-to-day customer unloading/loading and enforced by the applicant. Parking, including the current maximum allowed on the subject property (eight parking spaces), shall be evaluated with a site improvement plan or large scale development proposal.
9. Curbing or curb stops shall be installed along any parking or maneuvering areas adjacent to greenspace, to protect the plants therein.
10. Any existing non-conforming signage shall be removed, together with its supporting structure prior to issuance of a grading permit. All new signs shall be permitted according to City codes.
11. All exterior lights shall comply with the City lighting ordinance.

12. Vehicles that access the site must enter and exit in a forward manner, in accordance with City regulations.
13. In compliance with City ordinance, any dumpsters shall be screened with materials compatible with, and complementary to, the principal structure with access not visible from the street.
14. Future expansion of the proposed use or redevelopment of the site shall require Planning Commission approval of a separate amendment request and applicable development review, pursuant to ordinance.

ADM-2023-0036 Conditions of Approval:

1. A one-year extension for CUP 08-2908 and ADM-2023-0048 will expire on September 26, 2024;
2. All other conditions associated with the conditional use permit and approved modifications not affected by this extension shall remain in effect; and
3. Approval of this conditional use permit extension does not constitute approval of associated permits or development entitlements not fully reviewed at this time.

HALBLERT LAW OFFICES

ATTORNEYS AT LAW

PO BOX 1272

FAYETTEVILLE, AR 72702

PHONE (479) 571-0014

FAX (877) 450-0781

tripp@halbertlaw.net

June 4, 2025

City of Fayetteville
Planning Commission
125 W Mountain St,
Fayetteville, AR 72701

Re: Formal Amendment Request to CUP-08-2908 (ADM-2022-0048)

Commissioners,

The Unified Development Code (UDC) allows an applicant to seek a minor amendment to an existing Conditional Use Permit when the proposed change does not alter the fundamental use approved (UDC § 166.22 (C) (3)). Following that guidance, Vaughn Recycling, LLC (“**Vaughn Recycling**” or “**Applicant**”) hereby petitions the Planning Commission to modify specific conditions attached to CUP-08-2908, as amended by ADM-2022-0048 (approved September 26th, 2022), while leaving all other conditions intact. A copy of the ADM-2022-0048 Packet has been uploaded in conjunction with this request via Civic Access Portal.

Background & Record.

Applicant has continuously operated its recyclable-materials drop-off center at 1246 and 1236 South School Avenue since 2008, giving the business more than thirteen years of uninterrupted service to the community. Throughout that period—and particularly since the Planning Commission adopted the 2022 amendment to CUP-08-2908—since 2022 the Applicant has no history of the following: no violation notices, citations, or substantiated neighbor complaints appear in the City’s enforcement file, and all periodic staff reviews have confirmed that every prescribed condition remains satisfied.

To advance the site upgrades envisioned in Condition 8 of the 2022 amendment, Vaughn Recycling has retained First Star and is finalizing a full Large-Scale-Development (LSD) / Site-Improvement-Plan package for the covered unloading shed and related circulation improvements.

Requested Modification.

Consistent with the guidance received from City Planning, Vaughn Recycling now seeks only a single, narrowly tailored change to CUP-08-2908: extend the permit's current approval period for an additional three (3) years or a time it deems acceptable without altering any other condition.

Compatibility.

South School Avenue already functions as a long-standing service-industrial corridor within the Downtown General zoning district, and the minor operational tweak proposed here preserves that character entirely; it neither changes the corridor's prevailing land-use pattern nor reduces the privacy enjoyed by adjacent residential properties.

Prayer Requested.

The Applicant respectfully asks the Planning Commission to approve Amendment 2025-0000* to CUP-08-2908. If Staff determines any element exceeds a minor amendment, we request placement on the next available public-hearing agenda and an opportunity to amend.

Best,

Halbert Law Offices



Charles E. Halbert III

CEH/hdc

cc : Vaughn Recycling, LLC

jorge@blewinc.com



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director
Ted Jack, Parks Superintendent

MEETING DATE: July 14, 2025

SUBJECT: **ADM-2025-0032: Administrative Item (W. VAN ASCHE DR/VAN ASCHE MULTI-FAMILY, 210):** Submitted by KIMLEY-HORN for property located on W. VAN ASCHE DR. The property is zoned CS, COMMUNITY SERVICES, and C-2, THOROUGHFARE COMMERCIAL and contains approximately 19.01 acres. The request is for a determination of parkland dedication requirements.

RECOMMENDATION:
Staff recommends approval of **ADM-2025-0032**.

RECOMMENDED MOTION:
"I move to approve ADM-2025-0032, determining:

- In favor of the applicant's request to pay fees-in-lieu to satisfy the parkland dedication requirement.*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in north Fayetteville along W. Van Asche Drive. The property contains approximately 19.01 acres, and was recently rezoned from C-2, Thoroughfare Commercial to CS, Community Services (Ord. 6863) in April of 2025. A large-site improvement plan is currently under review with the City for a 324-unit multi-family residential development (LSIP-2025-0006). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped/Institutional	C-2, Thoroughfare Commercial
South	Interstate	C-2, Thoroughfare Commercial and I-49
East	Undeveloped	C-2, Thoroughfare Commercial
West	Rural Residential/Undeveloped	R-A, Residential Agriculture

Request: The applicant requests a determination by the Planning Commission for whether the developer shall be required to dedicate parkland or pay fees-in-lieu for the proposed development, as outlined in 166.04(B)(4)(I)(ii)(c).

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

DISCUSSION:
The proposed Thompson Thrift Residential development, consisting of 324 multi-family units on a 19-acre site, was presented to the Parks, Natural Resources and Cultural Affairs Advisory Board

on Monday, June 2, 2025, for a Parkland Dedication (PLD) recommendation. The applicant requested approval to satisfy the PLD requirement through a fee-in-lieu of land dedication. Parks staff supported this request for several reasons, some of which are listed below:

- The size and configuration of the site do not lend themselves well to accommodating a public park of sufficient size to meet the recreational needs of the broader area.
- The proposed development includes private amenities such as pickleball courts, dog parks, and a swimming pool, which contribute to recreation opportunities for residents.
- Although the site is not directly adjacent to a public park, it connects to an existing trail system that links to several public parks within a one-mile radius.

Despite staff's recommendation, the Parks Board voted 2–5 against the fee-in-lieu request. The decision was not necessarily a critique of the proposed development itself, but rather a reflection of broader concerns regarding the current structure of the Parkland Dedication Ordinance and its limitations in addressing critical parkland needs in a rapidly growing city.

Under the ordinance, the developer may meet the PLD requirement by either dedicating 6.48 acres of land (0.02 acres per multi-family unit) or paying a fee-in-lieu totaling \$308,448 (\$952 per multi-family unit), or a combination of these two options. Some Parks Board members expressed concern that the valuation of the land dedication is disproportionately higher than the fee-in-lieu amount, citing that 6.5 acres of land in this area may be worth significantly more than the fee required. These concerns reflect an ongoing dialogue about the ordinance's ability to effectively support the acquisition and development of future parkland as the city grows.

Previous opinions from the City Attorney's office have indicated that if a developer chooses to pay a fee-in-lieu rather than dedicate land to meet the requirement, the City must generally defer to the developer's choice. If the developer were offering parkland, there could be more discretion over the "suitability" of that land for park purposes. In this case, staff's recommendation remains that the fee-in-lieu is preferable in this instance.

RECOMMENDATION: Staff recommends approval of **ADM-2025-0032** subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination to allow the developer to pay a fee-in-lieu to fulfill the parkland dedication requirement as outlined in the Unified Development Code.** *Staff recommends in favor of the applicant's request for the reasons outlined above.*
2. Final required fee-in-lieu amount to be determined at the time of development approval based on the final number of units.
3. Approval of this determination does not constitute approval of any associated development plans or permits, nor does it apply to any variances not yet sought or reviewed for.

PLANNING COMMISSION ACTION: Required YES

Date: July 14, 2025

☐ Tabled

☐ Approved

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - 166.04(B)(4)(I) Parkland Dedication
- One Mile Map
- Close-up Map
- Current Land Use Map
- Park Planning Staff Memo
- August 9, 2024 – City Attorney Memo “A developer has “the option to pay a fee or to dedicate green space or parkland in lieu of the fee.” A.C.A. 14-56-103
- Applicant Request Letter and Exhibits

166.04 Required Infrastructure Improvements — Development In City Limits

...

- (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.*

...

- (I) *Parkland Dedication.*

- (i) *Applicability.* The requirements of this subsection shall apply to development that creates one (1) or more additional lots upon which residential dwelling units may be constructed and to development on an existing lot to create one (1) or more additional residential dwelling units.

- (ii) *Residential Development.*

- (a) *Dedication or Fee-in-Lieu.* When a proposed residential development does not provide an area or areas for a public park based on the most recent Fayetteville Park and Recreation System Master Plan, the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.

- (b) *Parks, Natural Resources and Cultural Affairs Advisory Board.* Prior to the submittal of a preliminary plat, large scale development plan, or large site improvement plan the developer shall submit to the Parks, Natural Resources

and Cultural Affairs Advisory Board a conceptual development plan. If land dedication is being requested by the developer, a small site improvement plan shall also be submitted to the Parks, Natural Resources and Cultural Affairs Advisory Board.

- (c) *Planning Commission.* The developer and the Parks, Natural Resources and Cultural Affairs Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication for a preliminary plat or large scale development. With the agreement of the Parks, Natural Resources and Cultural Affairs Advisory Board and developer, dedication or fee-in-lieu associated with small or large site improvement plans subject to administrative approval shall be accepted as a condition of approval. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.
 - (d) *Decision.* If the developer proposes to dedicate land for a public park after consultation with the Parks, Natural Resources and Cultural Affairs Advisory Board which the Planning Commission determines is suitable for park purposes, the proposed dedication shall be accepted. Upon consent and consultation with the developer and the Parks, Natural Resources and Cultural Affairs Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. This monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the most recent Fayetteville Parks and Recreation System Master Plan.
 - (e) *Approval.* The Planning Commission's decision must be incorporated into the developer's preliminary plat or large scale development. Dedication or fee-in-lieu associated with small or large site improvement plans or other plans subject to administrative approval must also be incorporated into the developer's final approval.
 - (f) *Dedication Ratios.* Land shall be dedicated at a ratio of 0.023 acres of land for each single-family dwelling unit and 0.020 acres of land for each multi-family dwelling unit.
 - (g) *Fee-in-Lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

\$1,089.00 for each single-family unit.
\$952.00 for each multi-family unit.

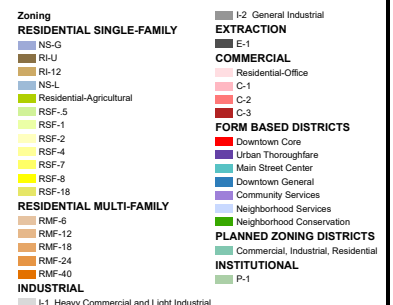
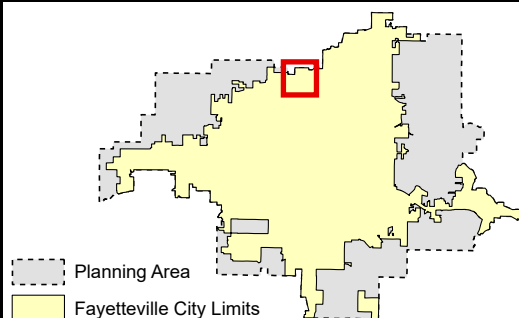
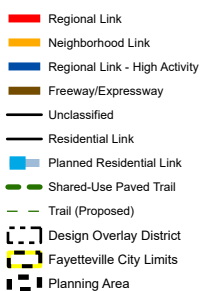
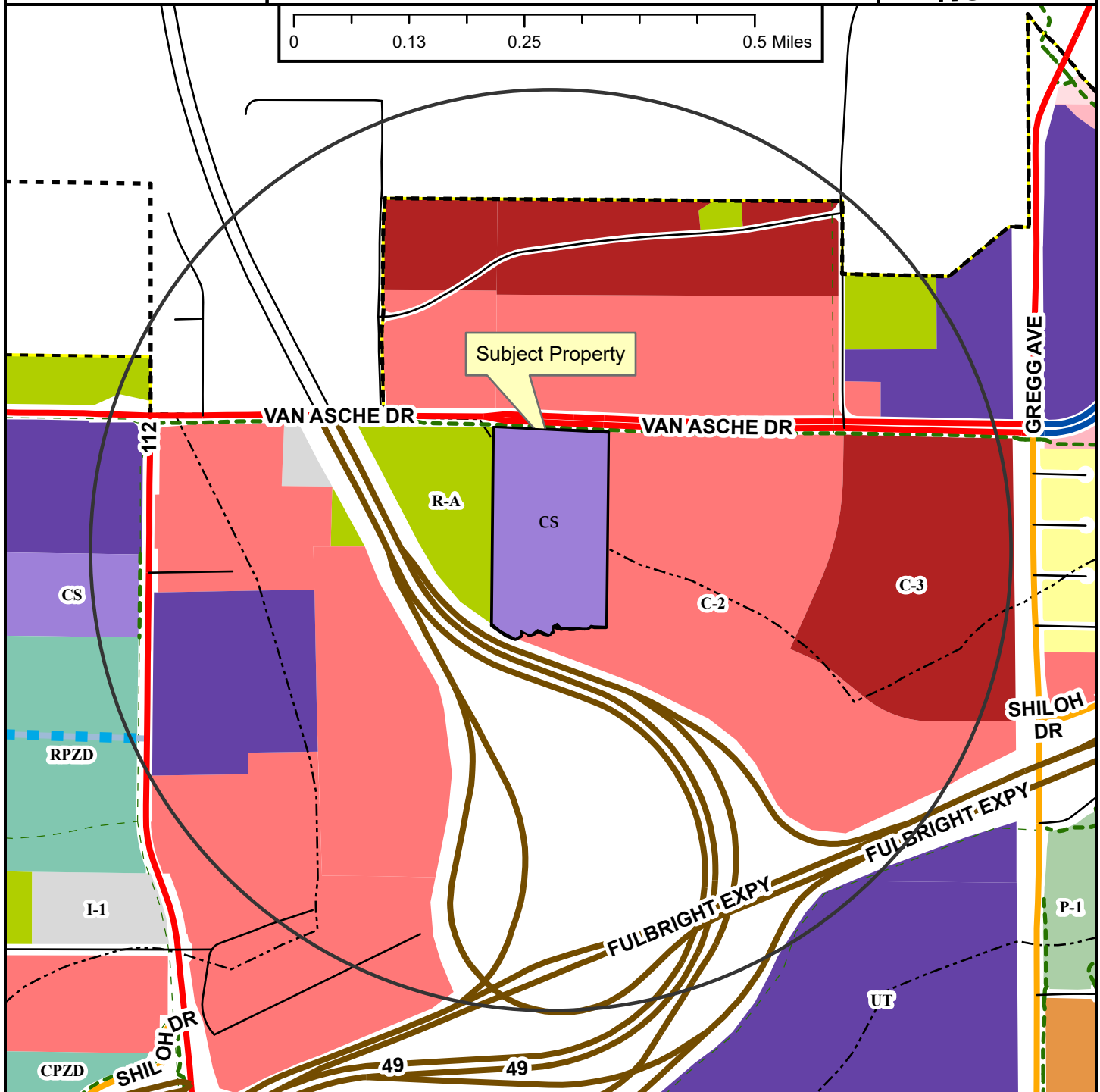
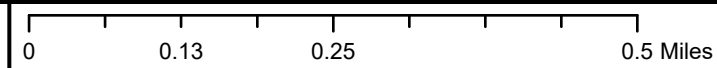
The Parks, Natural Resources and Cultural Affairs Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.
 - (h) *Dedication in Excess.* If a developer wishes to dedicate park land which exceeds the requirement of this subsection, the developer shall make a written request to the Planning Commission who may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.
- (iii) *Timing of Dedication and/or Contribution.* All dedications of land must be made before the city signs the final plat or issues building permits for developments that create one (1) or more additional residential dwelling unit. A final plat shall not be released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land dedication shall be payable before the city signs the final plat, or issues building permits for a development that creates one (1) or more additional residential dwelling units. With the approval of the Planning Commission a developer may pay such contribution in three (3) equal installments to be paid in full within one (1) year of final plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development

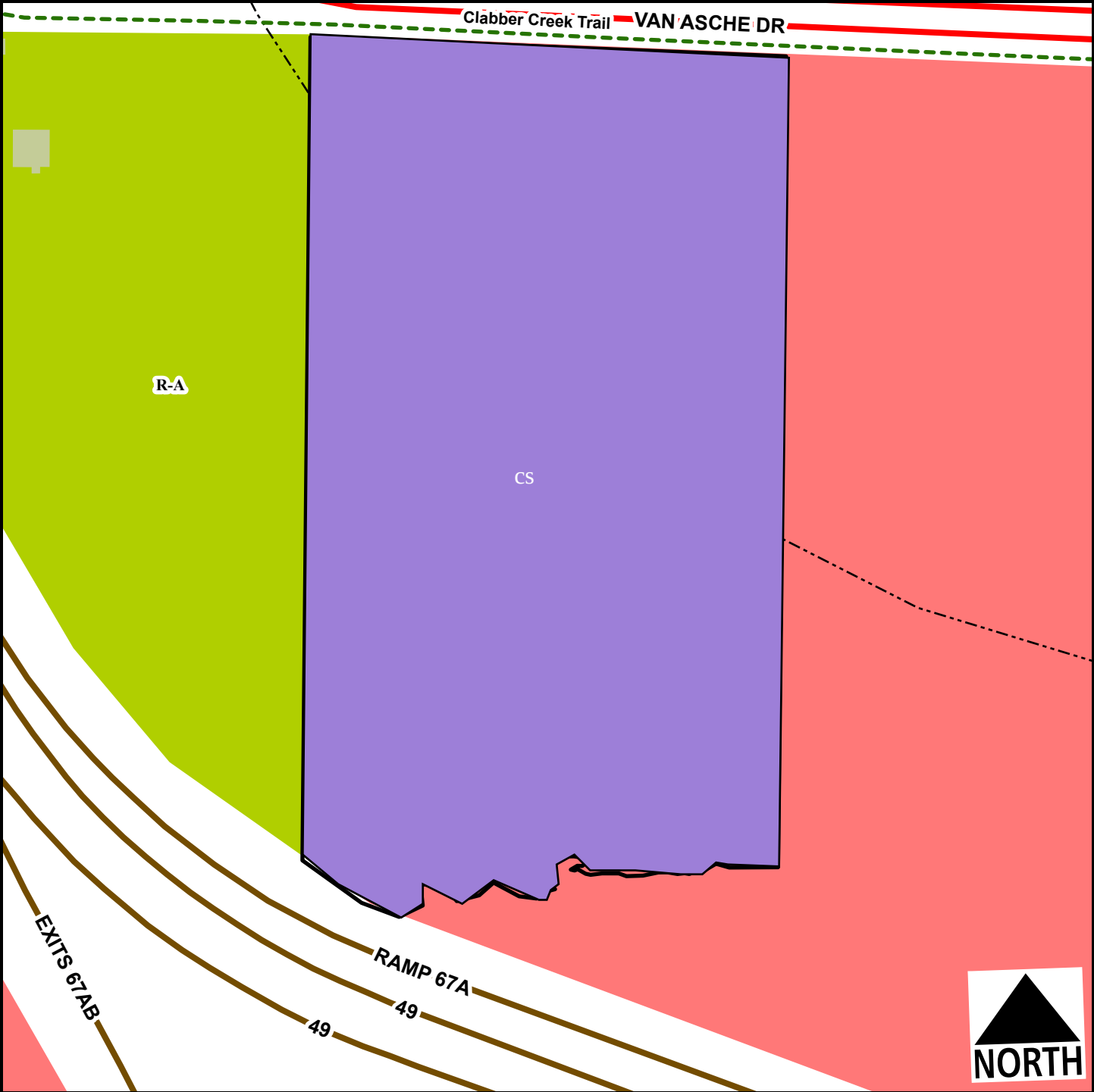
Administrator within one (1) year from the date of final plat approval. In the event actual density is more than the density used as the basis for a dedication of land or case contribution the developer must make an additional land dedication or contribution in lieu of dedication.

- (iv) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district. Lots created for the purpose of park land dedication to serve the residents of the surrounding area shall not be subject to POA/HOA dues or other fees established for maintenance or other purposes within the neighborhood.
- (v) *Fee-in-Lieu Allocation.* All parkland fees received under this subsection shall be deposited in an interest bearing account. This money together with its earned interest shall be expended within five (5) calendar years of the last date of the calendar year in which it was received for the acquisition and/or development of parkland that services the subdivision or development for which the contribution in lieu of dedication was made. If this money has not been expended within the allowed period, the unexpended money together with any of its remaining earned interest shall be refunded to the present owner of the property that was the subject of the new development and against which the parkland fee was assessed and collected.

...

(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)





Regional Link

Freeway/Expressway

Design Overlay District

Planning Area

Fayetteville City Limits

Feet

0

75

150

300

450

600

1:2,400

Zone	Current	Proposed
C-2	18.6	0.0
CS	0.0	19.0
R-A	0.3	0.0
Total		19.0 ac



- Regional Link
- Freeway/Expressway
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Planning Staff

FROM: Park Planning Staff

DATE: June 26, 2025

SUBJECT: Parkland Dedication Recommendation – Thompson Thrift Residential

The proposed Thompson Thrift Residential development, consisting of 324 multi-family units on a 17-acre site, was presented to the Parks, Natural Resources and Cultural Affairs Advisory Board on Monday, June 2, 2025, for a Parkland Dedication (PLD) recommendation. The applicant requested approval to satisfy the PLD requirement through a fee-in-lieu of land dedication. Parks staff supported this request for several reasons, some of which are listed below:

- The size and configuration of the site do not lend themselves well to accommodating a public park of sufficient size to meet the recreational needs of the broader area.
- The proposed development includes private amenities such as pickleball courts, dog parks, and a swimming pool, which contribute to recreation opportunities for residents.
- Although the site is not directly adjacent to a public park, it connects to an existing trail system that links to several public parks within a one-mile radius.

Despite staff's recommendation, the Parks Board voted 2–5 against the fee-in-lieu request. The decision was not necessarily a critique of the proposed development itself, but rather a reflection of broader concerns regarding the current structure of the Parkland Dedication Ordinance and its limitations in addressing critical parkland needs in a rapidly growing city.

Under the ordinance, the developer may meet the PLD requirement by either dedicating 6.48 acres of land (0.02 acres per multi-family unit) or paying a fee-in-lieu totaling \$308,448 (\$952 per multi-family unit), or a combination of these two options. Some Parks Board members expressed concern that the valuation of the land dedication is disproportionately higher than the fee-in-lieu amount, citing that 6.5 acres of land in this area may be worth significantly more than the fee required. These concerns reflect an ongoing dialogue about the ordinance's ability to effectively support the acquisition and development of future parkland as the city grows.

This memo is submitted to affirm Parks staff's recommendation to accept the fee-in-lieu option for this development while also acknowledging and appreciating the Parks Board's thoughtful feedback and their shared understanding of the importance of targeted land acquisition to meet Fayetteville's long-term parks and recreation goals.

Sincerely,

Fayetteville Parks Staff



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Planning Commission**

CC: **Jessie Masters**, Development Review Manager

FROM: **Blake Pennington**, Senior Assistant City Attorney

DATE: **August 9, 2024**

RE: **A developer has “the option to pay a fee or to dedicate green space or park land in lieu of the fee.” A.C.A. § 14-56-103**

On occasion, the Planning Commission will consider a residential project with a recommendation from the Parks, Natural Resources, and Cultural Affairs Advisory Board that differs from the developer's request.

Attached is a memo from me dated March 25, 2019, and a memo from City Attorney Kit Williams dated January 8, 2021 discussing our parkland ordinance, found at § 166.04(B)(4)(l) of the UDC and the state statute (which controls over our ordinance).

The executive summary is that the developer has the right to choose whether to dedicate parkland or pay fees in lieu. However, the Planning Commission is authorized to determine whether parkland a developer proposes to dedicate is “suitable for park purposes.” As you'll see in Kit's memo, the City has a wide variety of parks ranging from athletic fields to nature preserves. Land in a floodplain may not be suitable for a playground or athletic fields but it may be suitable as a more passive nature park. You should consider the advice of the Parks, Natural Resources, and Cultural Affairs Department as well as their advisory board but only the Planning Commission can make the final determination of suitability.

If you determine that some or all of the land the developer has opted to dedicate to the City is unsuitable for park purposes, then it would be appropriate to calculate a fee in lieu. The developer could also propose a combination of land dedication and fees but the UDC contains no authorization that additional conditions be placed on this dedication or payment, such as the use of fees in lieu for certain improvements.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Planning Commission**

CC: **Andrew Garner**, Planning Director

FROM: **Blake Pennington**, Assistant City Attorney

THRU: **Kit Williams**, City Attorney

DATE: **March 25, 2019**

RE: **Parkland Dedication vs. Fees-in-Lieu**

Arkansas law, specifically Ark. Code Ann. § 14-56-103(i)(3), provides the City of Fayetteville with the authority to enforce the park land dedication ordinance:

"...a municipality with a park land or green space ordinance that has been in existence for ten (10) years on July 16, 2003, and any amendments to the ordinance, **which allows the option to pay a fee or to dedicate green space or park land in lieu of a fee**, may continue to be administered under the existing ordinance."

As you can see, the statute requires us to allow the developer to have the option to dedicate park land or pay a fee in lieu of such dedication.

§ 166.04(l) of the Unified Development Code sets forth the process for the dedication of park land or the payment of fees-in-lieu of parkland dedication. Specifically, § 166.04(l)(ii)(a) provides:

Dedication or Fee-in-Lieu. When a proposed residential development does not provide an area or areas for a public park based on the Fayetteville Parks and Recreation Plan, the

developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.

The Planning Commission's limited authority within this process is explained in § 166.04(l)(ii)(c):

"The developer and the Parks and Recreation Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue."

§ 166.04(l)(ii)(d) goes on to say that "if the developer proposes to dedicate land for a public park after consultation with the Parks and Recreation Advisory Board **which the Planning Commission determines is suitable for park purposes**, the proposed dedication **shall be accepted.**"

In order to remain compliant with state law, the City must generally defer to the developer's choice. There is only one real exception: if the developer chooses to dedicate park land, the only time the City could deny such a dedication is if the land is unsuitable for park purposes. If the developer chooses to pay a fee in lieu of a dedication, the City must abide by that choice.



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan**
City Council
Planning Commission

CC: **Susan Norton**, Chief of Staff
Connie Edmonston, Parks and Recreation Director
Parks and Recreation Advisory Board

FROM: **Kit Williams**, City Attorney

DATE: **January 8, 2021**

RE: **Developer has the legal and statutory option to either dedicate land suitable for park purpose or to make a reasonable equivalent contribution in lieu of the dedication of land**

If an owner/developer wishes to dedicate parkland pursuant to §166.04(B)(3)(l) Parkland Dedication of the U.D.C., the only real issue would be whether the proposed dedicated parkland "is suitable for park purposes." Unless the proposed parkland is not "suitable for park purposes, the proposed dedication shall be accepted." §166.04(B)(3)(l)(ii)(d) The Planning Commission is designated to make the final determination whether the land or some of the proposed land is or is not "suitable for park purpose." *Id.*

The proposed parkland need not be suitable for baseball or soccer fields nor any development. Many of the City's public parks are primarily nature parks such as Finger Park, Mountain Sequoyah Woods, The Brooks-Hummel Nature Reserve, Lake Sequoyah and Lake Wilson. Other parks contain very significant areas of pretty much undeveloped natural areas such as Centennial Park, Mount Kessler, and Lake Fayetteville. Even some fairly extensively developed parks such as Wilson Park and Gulley Park have significant creeks running through them. Our most recent large City park, Underwood Park, has significant areas of low lying areas along the large creek. Therefore, mountain hillsides, undeveloped natural areas and creeks with adjoining low-lying areas have certainly proven to be "suitable for park purposes," by the City for decades.

What has and can be rejected as unsuitable for park purposes is land encumbered with large overhead electrical transmission poles and lines. In some cases, an area of proposed dedication might be too small for even a usable neighborhood park and thus, unsuitable for park purposes. Any area with hazardous materials or other unreasonably unsafe characteristics could also be rejected. However, being near or far from another park does not necessarily render good parkland unsuitable for park purposes.

Beyond our own *Unified Development Code*, state law requires that the owner or developer have "the option to pay a fee or to dedicate green space or park land in lieu of the fee..." A.C.A. §14-56-103 **Developmental Impact Fees** (i)(B)(3). If the City Council chose to remove the owner's option to pay or dedicate land from the Parkland Dedication code section, this code section would become illegal and no parkland dedication or payment of money in lieu thereof could be required. If the City chose to hire consultants and to pay for the impact fee study now required by state law, developers would then always have to pay the impact fee, but the City would not receive parkland dedications.

It has only been a couple of years since the City Attorney's Office last sent out a memo about this analysis of the lawful options for parkland dedications or payments in lieu thereof (attached). Although we have advised Parks and Recreation before on this legal requirement, I need to ensure everyone interested in our parks understand the legalities involved in parkland dedications.

I personally believe that our amazing system of parks is one of Fayetteville's crown jewels. Those parks contribute much to Fayetteville's rankings on Top Ten lists of best places to live, raise a family and work. Our beautiful and varied parks (especially nature parks) become more valuable and important every year for our citizens as infill development removes more and more pockets of natural areas and squeeze out wildlife and especially song birds that have long sung the praises of living in Fayetteville.



June 16, 2025

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

RE: Parkland Dedication for Thompson Thrift Residential – West Van Asche Multifamily

Dear Planning Commissioners:

This narrative letter accompanies an application for Planning Commission decision regarding the request by Thompson Thrift Residential for fee in-lieu of dedication in the amount of \$308,448.00 to meet the Parkland Dedication ordinance as outlined in UDC Section 166.04(B)(4)(I).

The developer proposes a multifamily community of 324 dwelling units on approximately 17 acres on the south side of West Van Asche Drive just east of the interstate. The property directly abuts Clabber Creek trail along Van Asche which provides a direct connection to the Scull Creek Trail corridor of the Razorback Greenway less than 0.6 miles away to the east. To the west, Underwood Park is less than 2 miles from the site with Gary Hampton Softball complex just ½-mile beyond there.

In addition to the proposed fee in-lieu, this development proposes a variety of on-site amenity spaces such as: pickleball courts, dog parks, indoor exercise, swimming pool, indoor and outdoor gathering spaces, grills and tables, firepits, recreation lawn for outdoor games, and meditative seating areas. With the inclusion of these amenities onsite, the residents are encouraged to gather among friends in the community for their recreational needs.

The developer requested a fee in-lieu of dedication be provided to the City to satisfy the ordinance requirement and staff supported the request. However, at the June 2, 2025 meeting of the Parks Board, the members were not in agreement with the request voting 2 in favor and 5 opposed. We ask the Planning Commission to support this request for fee in-lieu of dedication so those funds might be used for the upcoming Underwood Park improvements or other future parks projects as the City may determine appropriate.

As of the date of this application, the meeting minutes from the June 2, 2025 Parks, Natural Resources and Cultural Affairs Advisory Board were not available to be included. However, the video recording of the meeting is available at the link below with the item beginning at the 18-minute mark.

<https://reflect-fayetteville-ar.cablecast.tv/store-13/8983-GCM-PRAB-06022025-v1/vod.mp4>

Please contact me at (479) 531-8787 or nate.bachelor@kimley-horn.com should you have any questions or require further information about the project.

Sincerely,
Nate Bachelor, PE
Sr. Project Manager



- LEGEND**
- ① CONCRETE SIDEWALK
 - ② ENTRY SIGN
 - ③ PROPOSED POND
 - ④ VEHICULAR PAVERS
 - ⑤ ORNAMENTAL TREE
 - ⑥ PAVERS
 - ⑦ CANOPY TREE
 - ⑧ DOG PARK
 - ⑨ 10'X10' CABANA
 - ⑩ PLANTER (SHRUBS & GROUND COVER)
 - ⑪ POOL
 - ⑫ EXISTING TREE
 - ⑬ ARTIFICIAL TURF
 - ⑭ GRILL
 - ⑮ PICKLEBALL COURT
 - ⑯ SCREENING SHRUBS
 - ⑰ DECOMPOSED GRANITE
 - ⑱ STRING LIGHTS

DEVELOPMENT SUMMARY:
 324 DWELLING UNITS
 17.24 ACRES
 COMMUNITY SERVICES ZONING

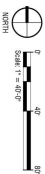
OVERALL SITE PLAN - ENHANCED AMENITIES

FAYETTEVILLE, AR
 THOMPSON THRIFT - VAN ASCHE

THIS DRAWING IS CONCEPTUAL. THE INFORMATION SHOWN IS BASED ON THE BEST INFORMATION AVAILABLE AND IS SUBJECT TO CHANGE WITHOUT NOTICE.



JUNE 2025





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 14, 2025

SUBJECT: **CUP-2025-0025: Conditional Use (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.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0025**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0025** with conditions, determining:*

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

BACKGROUND:

The subject property is located south of Wilson Park on West Ila Street, about halfway between North Wilson Avenue and North Vandeventer Avenue. The applicant is also applying for a conditional use permit (CUP-2025-0026) for a short-term rental license for a property that shares a driveway with the subject property. The property is zoned RMF-40, and totals approximately 0.14 acres. According to Washington County records, the property is developed with a single-family dwelling that was originally built in 1952. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Fraternity & Sorority	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Single-family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Single-family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Staff has received one public comment regarding this request. The commenter stated that they were in opposition to this permit as it would increase the STR density in the area.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0025**, with the following conditions;

Conditions of Approval:

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

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-40 zoning district.**

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

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

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

(a.) That it is empowered under the section of this chapter described in

the application to grant the conditional use; and

Finding: The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is unlikely to negatively affect the public interest, given the applicable business license requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

(c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

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

Finding: The request is to operate a Type 2 Short-Term Rental, Use Unit 46, in RMF-40 zoning which requires a conditional use permit.

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

Finding: Occupancy is limited as described in UDC §163.18(A)(16). Occupancy limitations are confirmed by the applicant during licensing. The maximum allowed per the bedroom count (2) will be 6 guests.

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

Finding: Staff recommends parking is limited as described in UDC §163.18(C). For single-family structures, parking is required to be 2 spaces per unit with a maximum of 4 vehicles. According to the applicant the structure has three bedrooms and a driveway that can accommodate three parking spaces for this property. The neighboring property (463 West 11a Street – CUP-2025-0026) has its own separate parking accommodations.

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

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

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

Finding: The application is for use of the property at 421 West 11a Street. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

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

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of July 8, 2025, the City had issued 467 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license but does not guarantee its approval.

No special exceptions are being requested.

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

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

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

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

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental on the applicant's submittal. Three off-street parking spaces are available on site and a maximum of six guests would be permitted. City records indicate that fourteen other units within a quarter-

mile radius of the property have a business license to operate as a Type-2 short-term rental. Currently, none of the nearby fourteen short-term rental units accesses the same street as the applicant's property; two are close by (521 North Shady Avenue, Unit 4, and 607 North Wilson Avenue). There are two cluster points of neighboring STR's; however, they are some distance away from the proposed property to the south and south west respectively. No prior or active zoning or code violations have been reported on the property. The property is not located within 1,000 feet from either a public or private school.

The applicant has also requested a conditional use permit for a short-term rental for 463 West Ila Street, a property that shares the driveway with the subject property. If both requests are approved, the total number short-term rentals within ¼ mile would be 16. Should both requests be permitted, the neighborhood area would be 1.8%, below the 2% cap of the houses-to-short-term rental ratio. Staff finds that approving both would be compatible to the area.

§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: A driveway access onto West Ila Street is available to accommodate vehicular ingress and egress to the subject property. West Ila Street does have sidewalks to facilitate pedestrian access. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 6 guests, which would not be out of character with use of the property for residential purposes.

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

Finding: Three on-site parking spaces are available. The short-term rental ordinance limits the number of guest vehicles per single-family dwellings to the maximum number of four vehicles as allowed by the underlying zoning district.

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

Finding: The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.

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

Finding: Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.

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

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

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

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

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

Finding: Based on the applicant’s submittal, the structure is meeting relevant setbacks.

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

Finding: Staff finds the use to be compatible with the surrounding properties. The residences along West 11a Street are all detached single-family dwellings. The property also abuts or is near several sorority houses to the rear, highlighting an area with high density and visitors. The property appears to have adequate parking to accommodate overnight guests, trash containers must be screened, and minimal disruptions are expected for neighbors. Given the proximity to downtown, the University, and the trail and park with other amenities, Staff finds that the overall number of licensed Type-2 STRs in the area is not too concentrated to negatively contribute to the neighborhood.

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

Finding: Staff finds the proposed use to be somewhat incompatible with the City’s adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a

citywide density cap of 475 units and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - § 161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within ¼ Mile Map
- Applicant Exhibits
 - Applicant Request Letter
 - Site Plan
 - Building Elevations
 - Building Floor Plan
- Public Comment

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
-------------------------	--------------------------------

* 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.

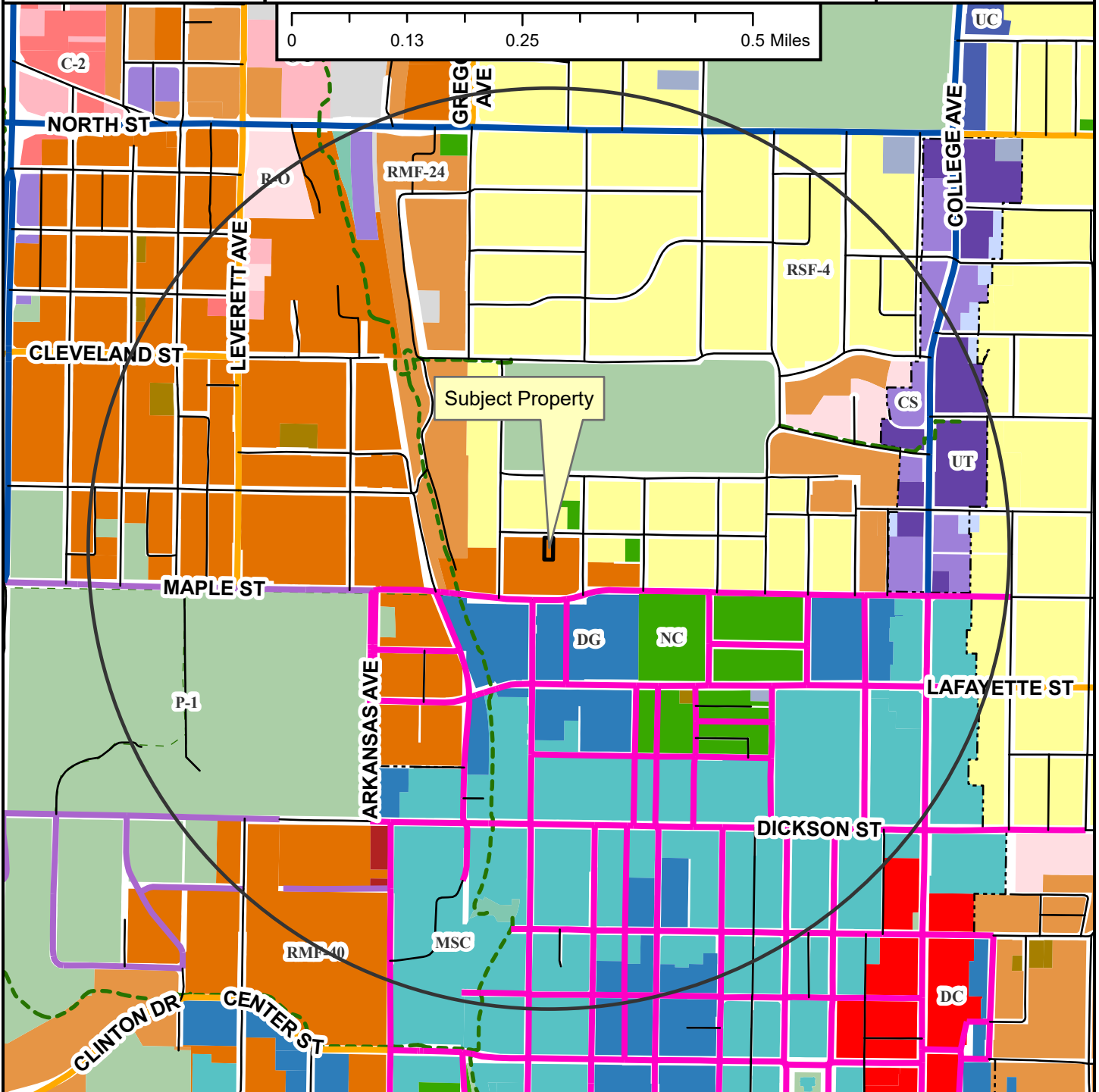
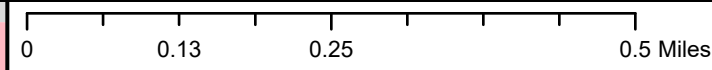
(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

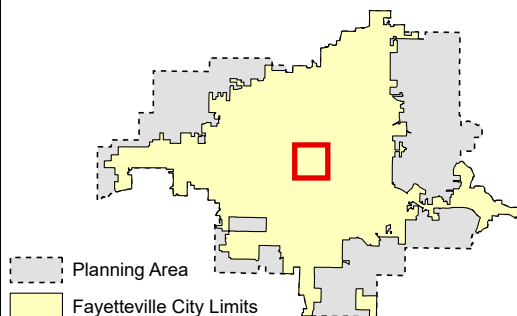
CUP-2025-0025

421 W. ILA ST

One Mile View



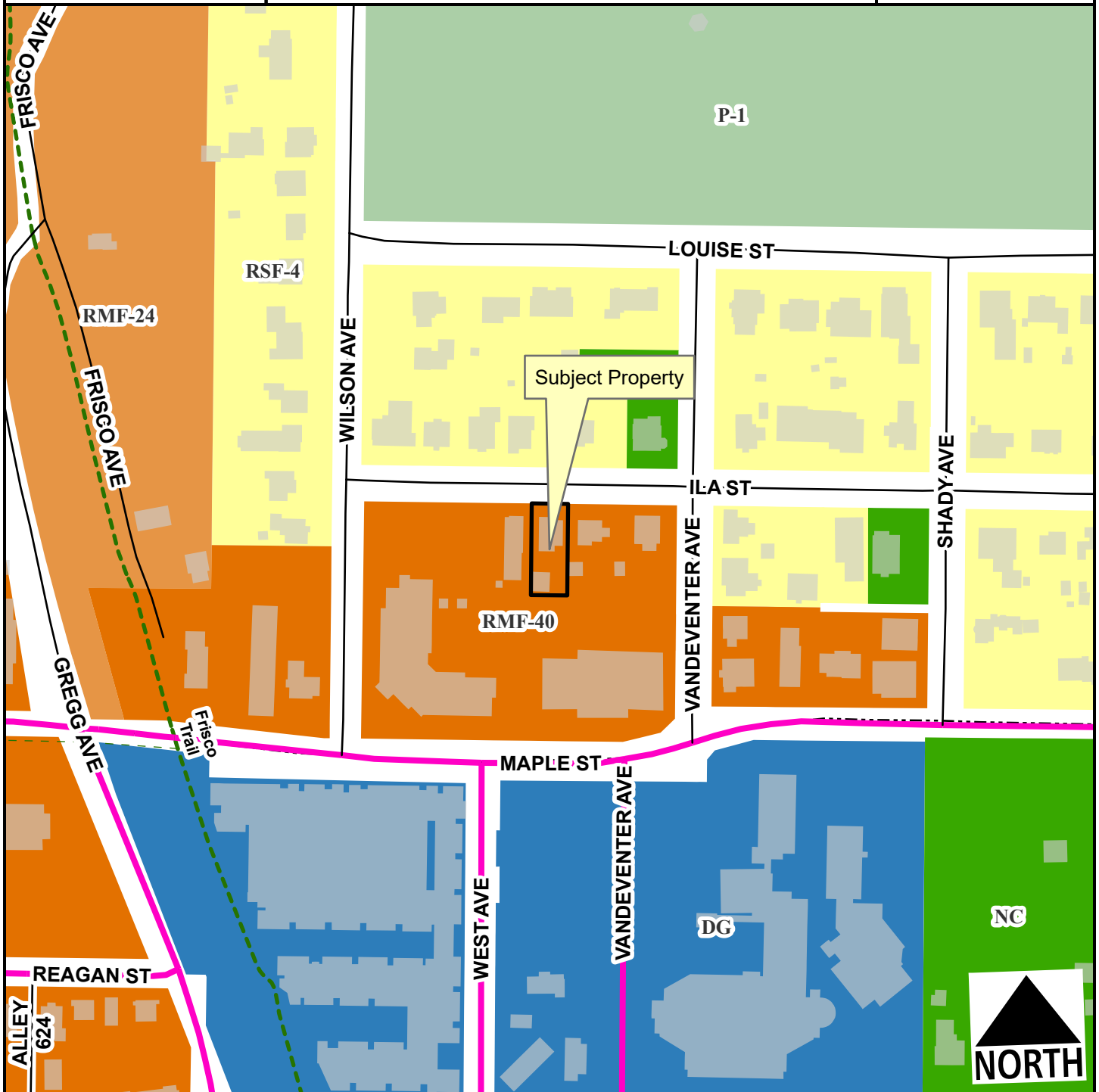
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



CUP-2025-0025

421 W. ILA ST

Close Up View



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

Feet

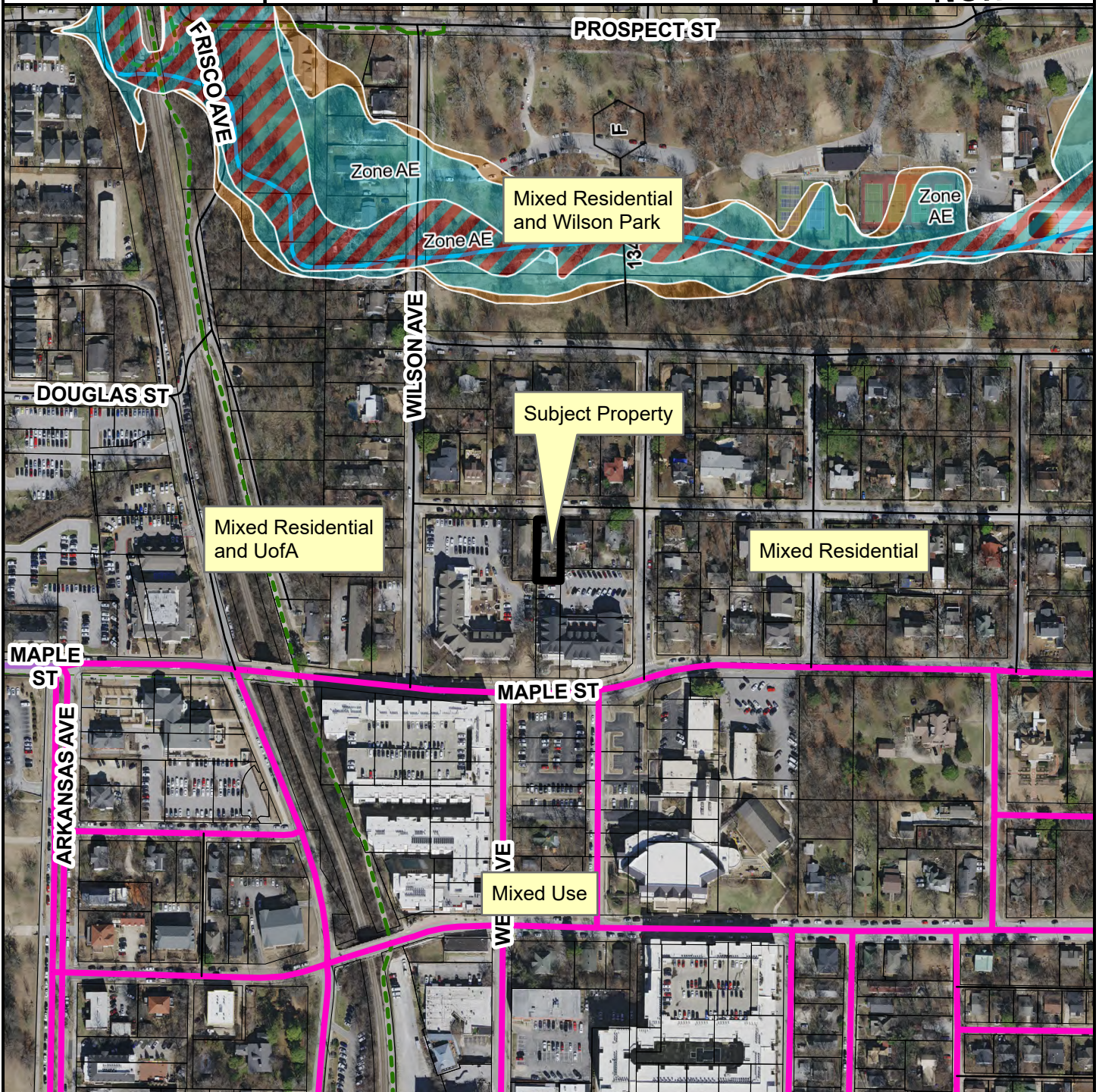
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CUP-2025-0025

421 W. ILA ST

Current Land Use



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



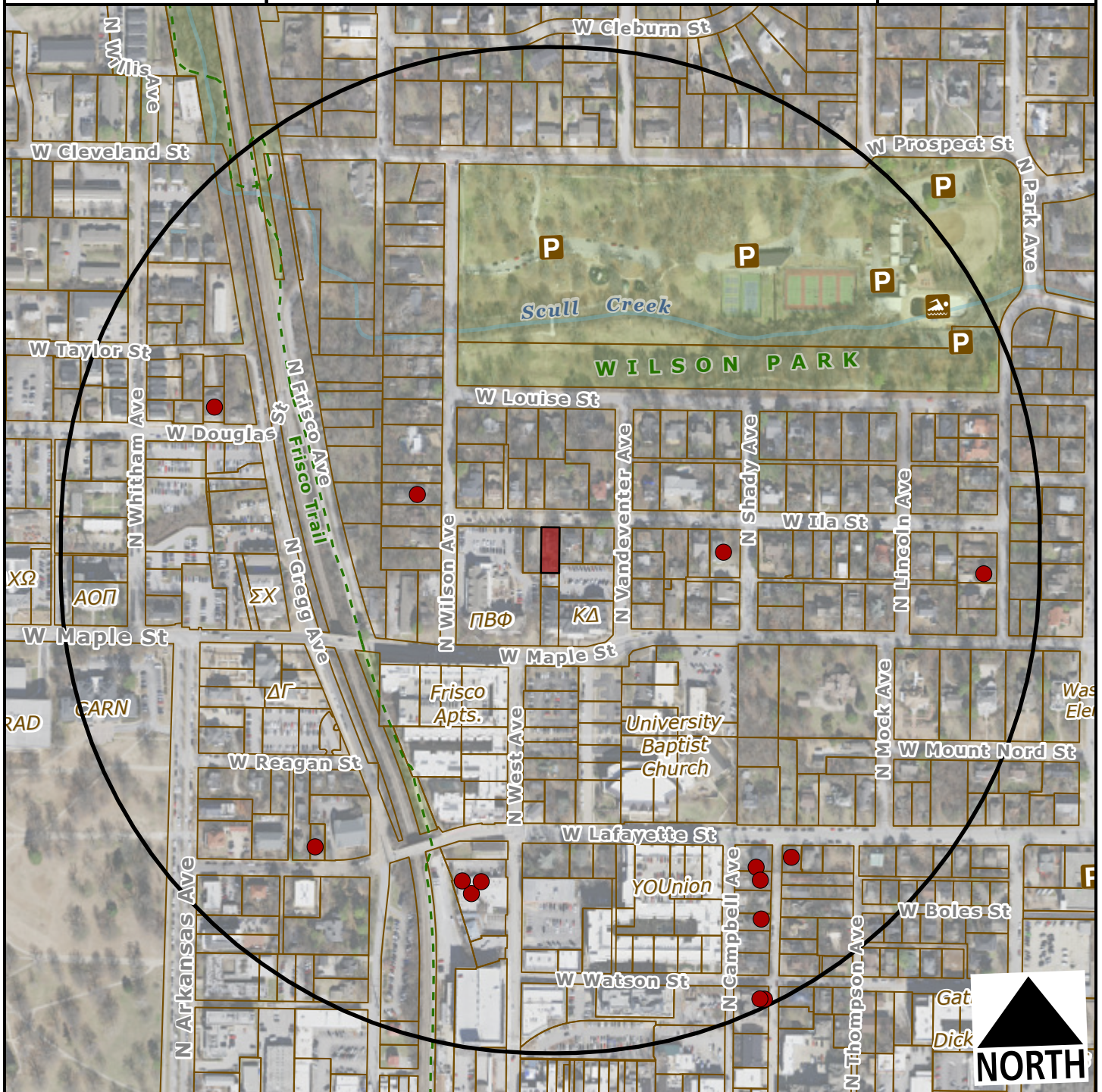
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2025-0025

421 W. ILA ST

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 14

Occupiable
Residential
Addresses
(Estimated
Housing Units): 852

Michael & Kayla Marsh
18 Abington Court
Little Rock, AR 72223

Conditional Use Permit Request Letter

Short term rental at 421 W Ila Street, Fayetteville, AR 72701

Total living area: 1,075 sq/ft

Off street parking: 3 parking spots

Hours of operation: all times; 24 hours x 7 days per week

Number of employees: 2 for Marsh Properties, LLC

Outdoor lighting: Yes

Noise: N/A

Screening from other properties: Yes, wooden fence in good repair

There will be no change to the property, as it will be a short-term rental property.

Survey/legal description:

421 W Ila Street SURVEY

One Hundred Twenty-six (126) feet of equal and uniform width off the North end of Lot Numbered Two (2) in Block Numbered One (1) of Wilson's First Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.
ST

SURVEY DESCRIPTION

NOTE: This property does not lie in ZONE 'A/AE' (Special Flood Hazard Areas inundated 100 year flood) as determined from the FIRM Map of Washington County, Arkansas, and Incorporated Areas, Map Number 05143C0092 C, effective date September 18, 1991.

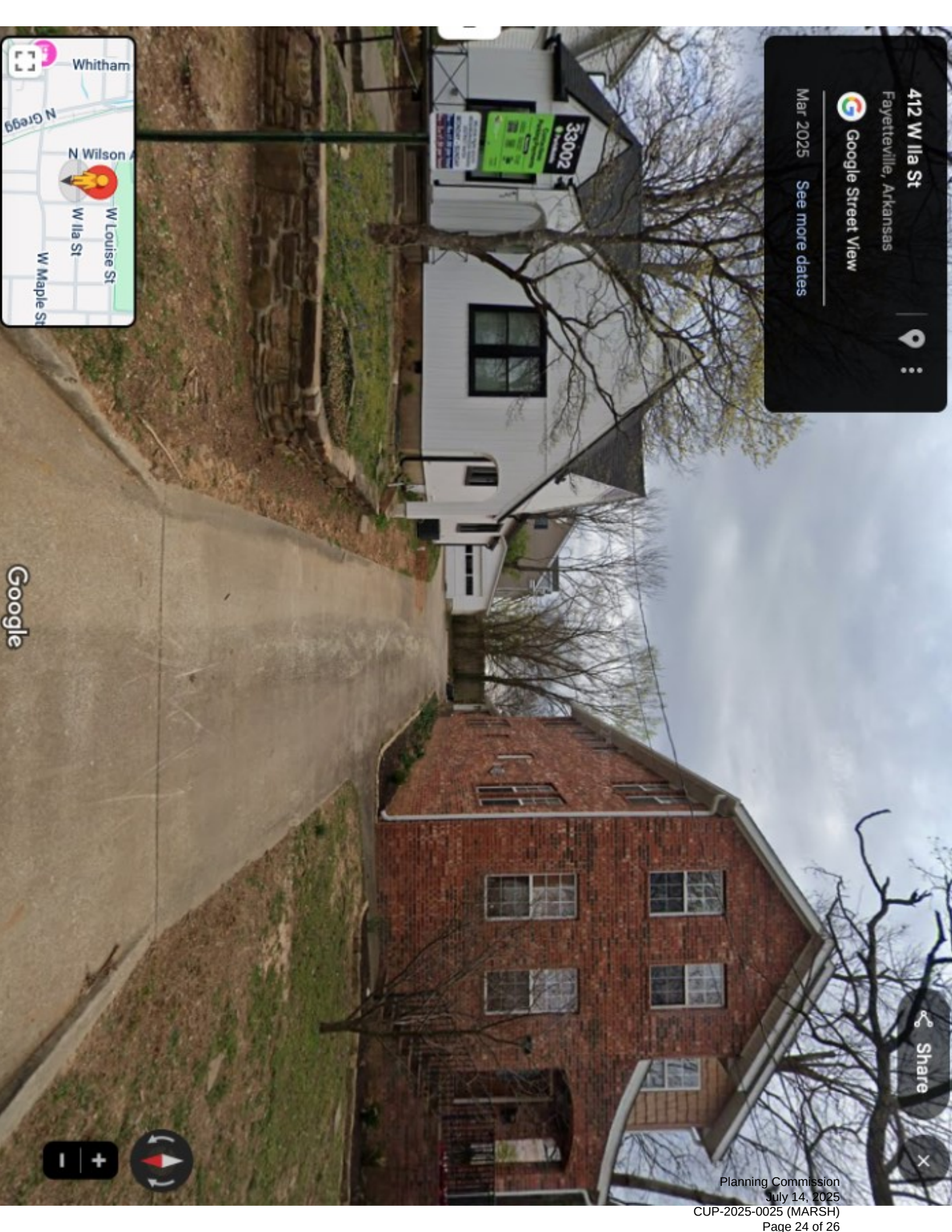






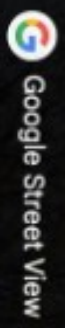






412 W Ila St

Fayetteville, Arkansas



Mar 2025 See more dates

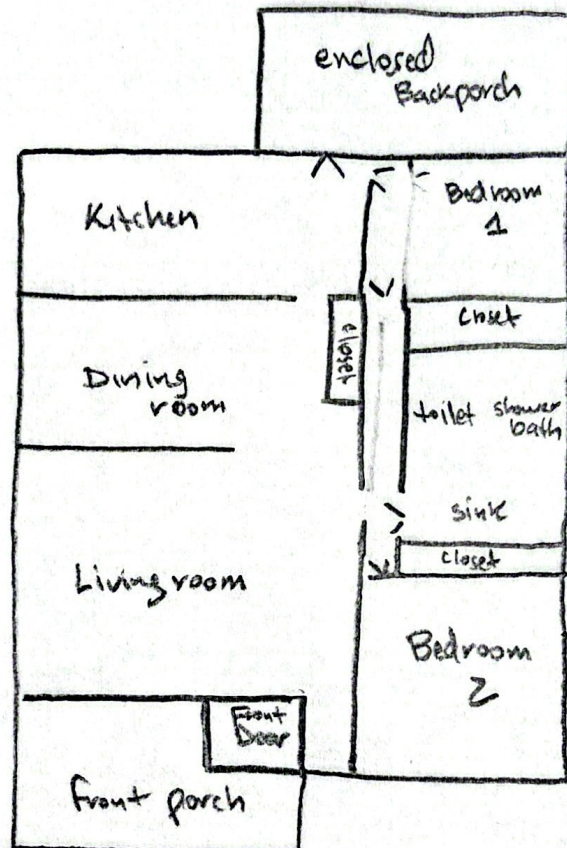


Share



Google

421 W ILA ST



Single story

2 bedroom
1 bathroom

Frank, Wes

From: Planning Shared
Sent: Wednesday, June 18, 2025 8:23 AM
To: Frank, Wes
Subject: FW: Property 400block Ila St

For you

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

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

From: Albert Baker <ambaker1954@gmail.com>
Sent: Tuesday, June 17, 2025 3:51 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Property 400block Ila St

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

Please let this email serve as our opposition to the 2 houses in the 400 block of Ila Street being requested for Airbnb zoning. There are already 3 or more short term rental properties within a half block from us and this neighborhood does not need anymore Airbnb rentals.

Thank you

Jaber
632 N Vandeventer Ave
Sent from my iPhone



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 14, 2025

SUBJECT: **CUP-2025-0026: Conditional Use (463 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.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0026**, with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0026** with conditions, determining:*

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

BACKGROUND:

The subject property is located south of Wilson Park on West Ila Street, about halfway between North Wilson Avenue and North Vandeventer Avenue. The applicant is also applying for a conditional use permit (CUP-2025-0025) for a short-term rental license for a property that shares a driveway with the subject property. The property is zoned RMF-40, and totals approximately 0.14 acres. According to Washington County records, the property is developed with a single-family dwelling that was originally built in 2006. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Fraternity & Sorority	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Fraternity	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Single-family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Staff has received one public comment regarding this request. The commenter stated that they were in opposition to this permit as it would increase the STR density in the area.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0026**, with the following conditions;

Conditions of Approval:

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

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RMF-40 zoning district.**

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

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

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

(a.) That it is empowered under the section of this chapter described in

the application to grant the conditional use; and

Finding: The Planning Commission is empowered under Unified Development Code §118.01(E)(2) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is unlikely to negatively affect the public interest, given the applicable business license requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.

(c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing Short-Term Rentals, as follows:

§163.18 - SHORT-TERM RENTALS

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

Finding: The request is to operate a Type 2 Short-Term Rental, Use Unit 46, in RMF-40 zoning which requires a conditional use permit.

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

Finding: Occupancy is limited as described in UDC §163.18(A)(16). Occupancy limitations are confirmed by the applicant during licensing. The maximum allowed per the bedroom count (3) will be 8 guests.

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

Finding: Staff recommends parking is limited as described in UDC §163.18(C). For single-family structures, parking is required to be 2 spaces per unit with a maximum of 4 vehicles. According to the applicant the structure has three bedrooms and a driveway that can accommodate three parking spaces on the subject property. The neighboring property (421 West Ila Street – CUP-2025-0025) has its own separate parking accommodations.

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

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

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

Finding: The application is for use of the property at 463 West 11a Street. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

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

Finding: Type 2 short-term rentals are subject to a citywide density cap at 475 business licenses. As of July 8, 2025, the City had issued 466 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license but does not guarantee its approval.

No special exceptions are being requested.

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

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

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

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

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental on the applicant's submittal. Three off-street parking spaces on the subject property are available on site and a maximum of eight guests would be permitted. City records indicate that fourteen other

units within a quarter-mile radius of the property have a business license to operate as a Type-2 short-term rental. Currently, none of the nearby fourteen short-term rental units accesses the same street as the applicant's property; two are close by (521 North Shady Avenue, Unit 4, and 607 North Wilson Avenue). There are two cluster points of neighboring STR's; however, they are some distance away from the proposed property to the south and south west respectively. No prior or active zoning or code violations have been reported on the property. The property is not located within 1,000 feet from either a public or private school.

The applicant has also requested a conditional use permit for a short-term rental for 421 West Ila Street, a property that shares the driveway with the subject property. If both requests are approved, the total number short-term rentals within ¼ mile would be 16. Should both requests be permitted, the neighborhood area would be 1.8%, below the 2% cap of the houses-to-short-term rental ratio. Staff finds that approving both would be compatible to the area.

§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: A driveway access onto West Ila Street is available to accommodate vehicular ingress and egress to the subject property. West Ila Street does have sidewalks to facilitate pedestrian access. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 8 guests, which would not be out of character with use of the property for residential purposes.

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

Finding: Three on-site parking spaces are available. The short-term rental ordinance limits the number of guest vehicles per single-family dwellings to the maximum number of four vehicles as allowed by the underlying zoning district.

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

Finding: The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.

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

Finding: Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.

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

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

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

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

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

Finding: Based on the applicant’s submittal, the structure is meeting relevant setbacks.

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

Finding: Staff finds the use to be compatible with the surrounding properties. The residences along West 11a Street are all detached single-family dwellings. The property also abuts or is near several sorority houses to the rear, highlighting an area with high density and visitors. The property appears to have adequate parking to accommodate overnight guests, trash containers must be screened, and minimal disruptions are expected for neighbors. Given the proximity to downtown, the University, and the trail and park with other amenities, Staff finds that the overall number of licensed Type-2 STRs in the area is not too concentrated to negatively contribute to the neighborhood.

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

Finding: Staff finds the proposed use to be somewhat incompatible with the City’s adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a

citywide density cap of 475 units and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

BUDGET/STAFF IMPACT:

None

Attachments:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
 - § 161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs Within ¼ Mile Map
- Applicant Exhibits
 - Applicant Request Letter
 - Site Plan
 - Building Elevations
 - Building Floor Plan
- Public Comment

118.01 Applicability

- (E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.
- (1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.
 - (2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.
 - (3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:
 - (a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
 - (b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
 - (c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.
 - (4) A separate business license shall be required for each dwelling unit used as a short-term rental.
 - (5) Any change in ownership requires a new or amended business license.
 - (6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.
 - (7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:
 - (a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
 - (b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
 - (c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
 - (d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
 - (e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
 - (f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
 - (g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.
 - (8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).
 - (11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate

compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
- (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
- (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
- (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
- (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
- (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
- (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
- (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

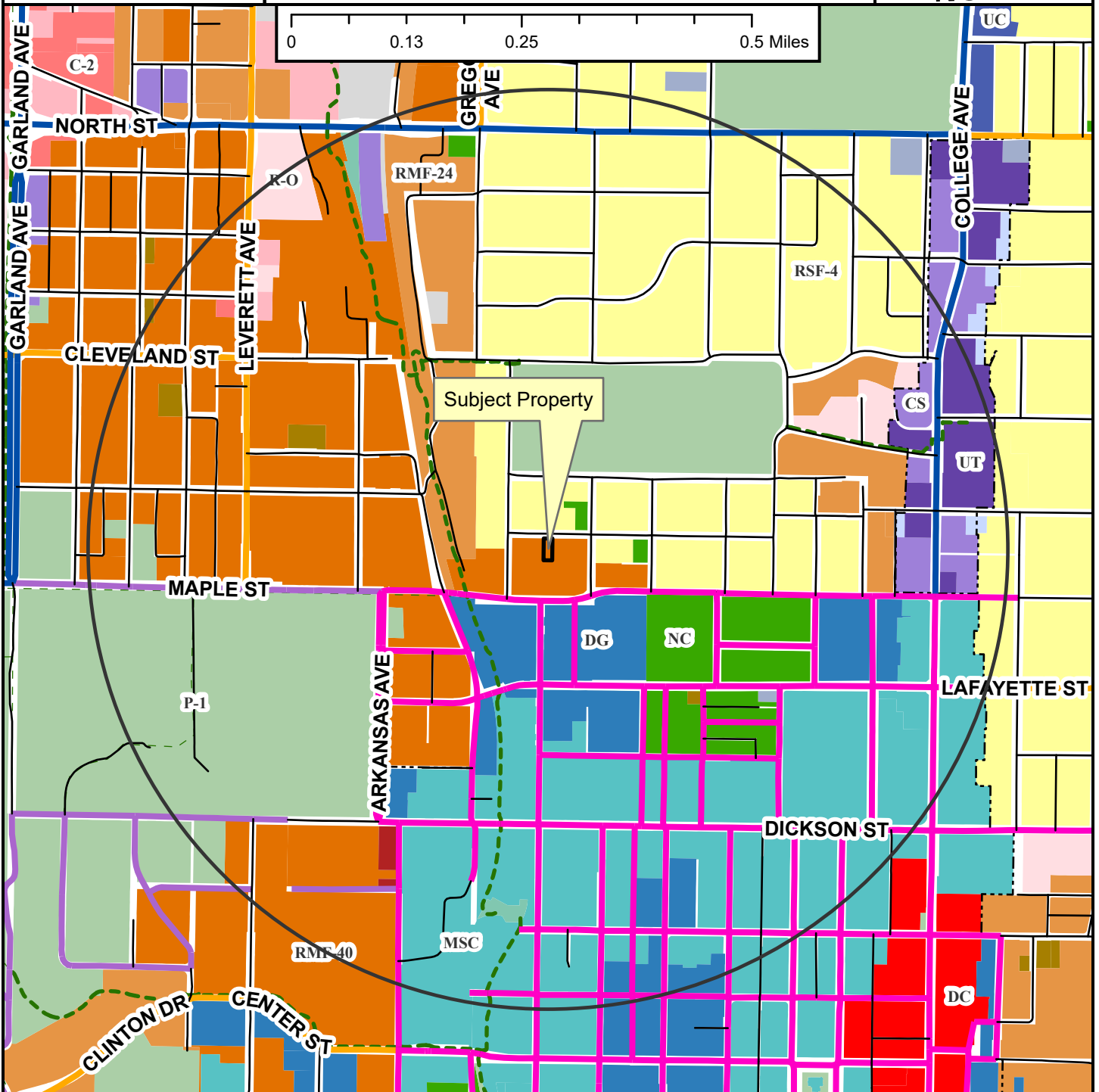
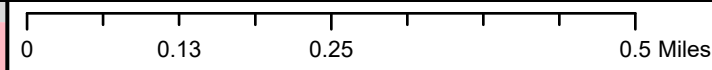
(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §7(Exh. F), 5-2-23)

Editor's note(s)—Ord. No. 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.

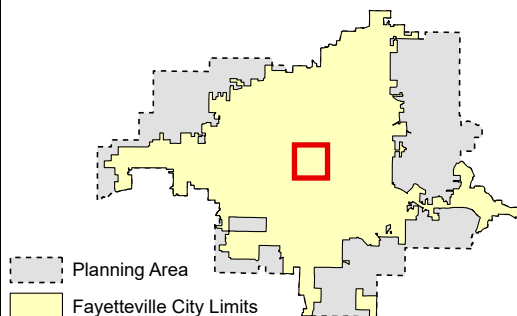
CUP-2025-0026

463 W. ILA ST

One Mile View



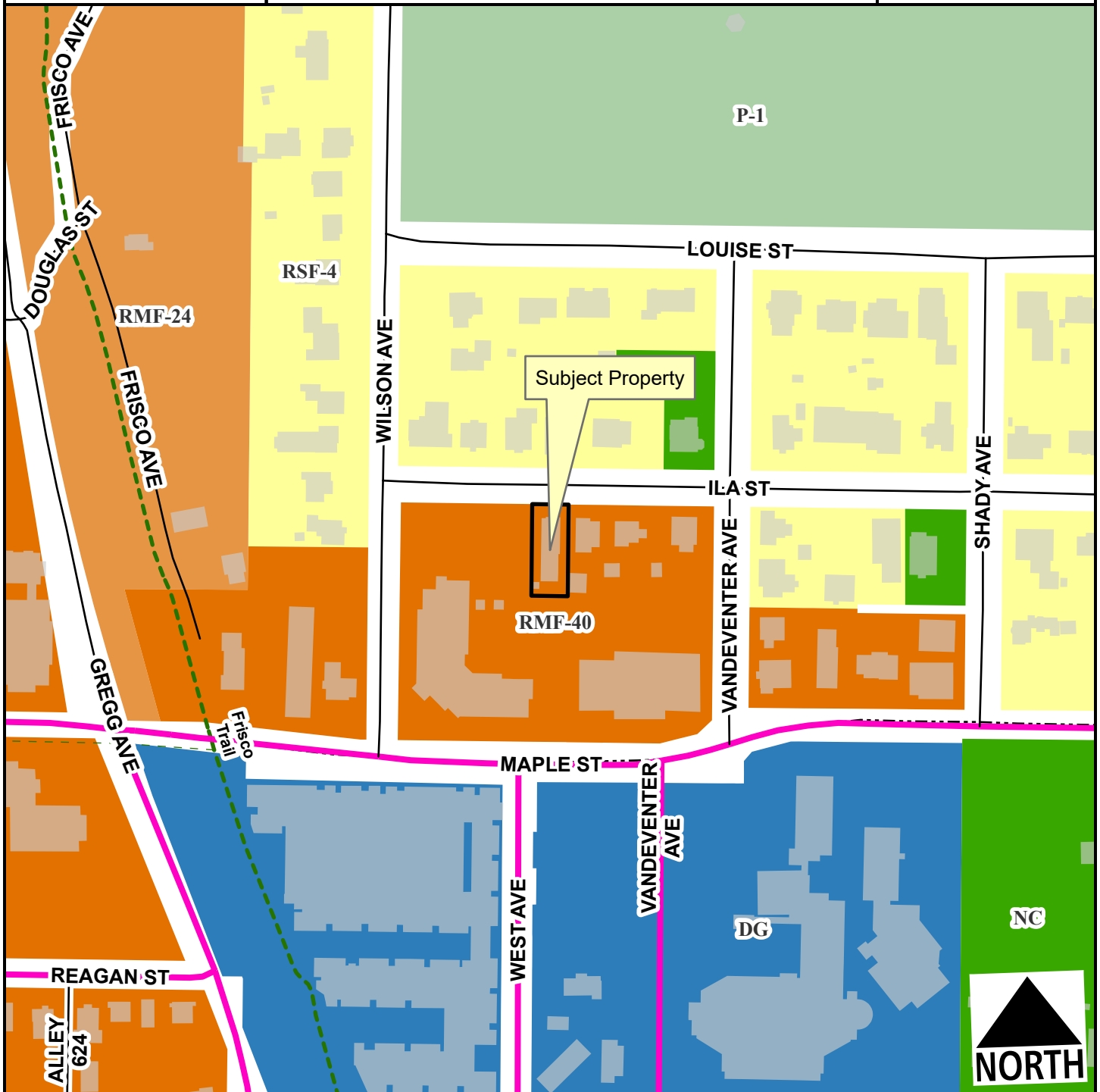
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



CUP-2025-0026

463 W. ILA ST

Close Up View



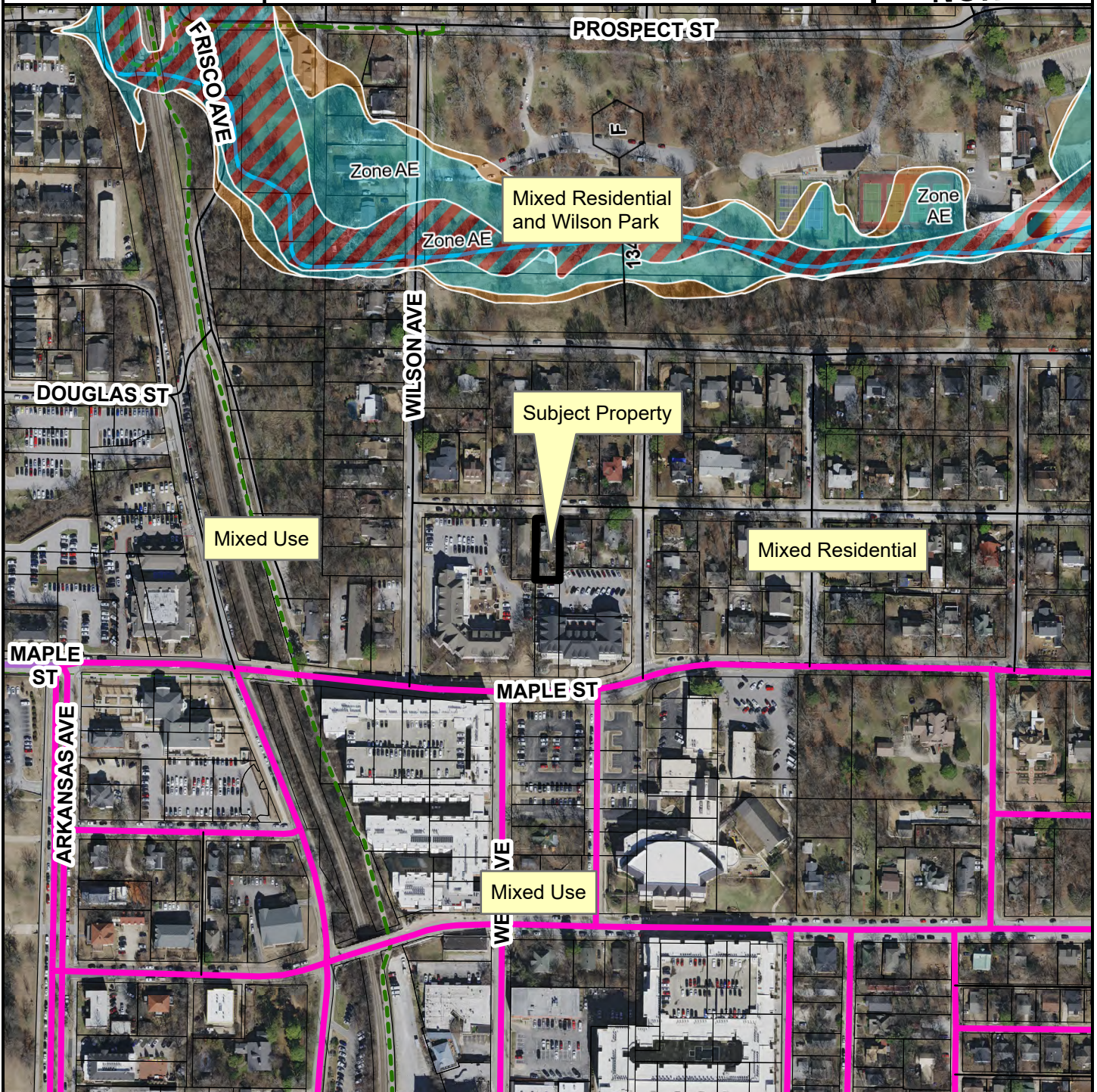
- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



CUP-2025-0025

421 W. ILA ST

Current Land Use



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

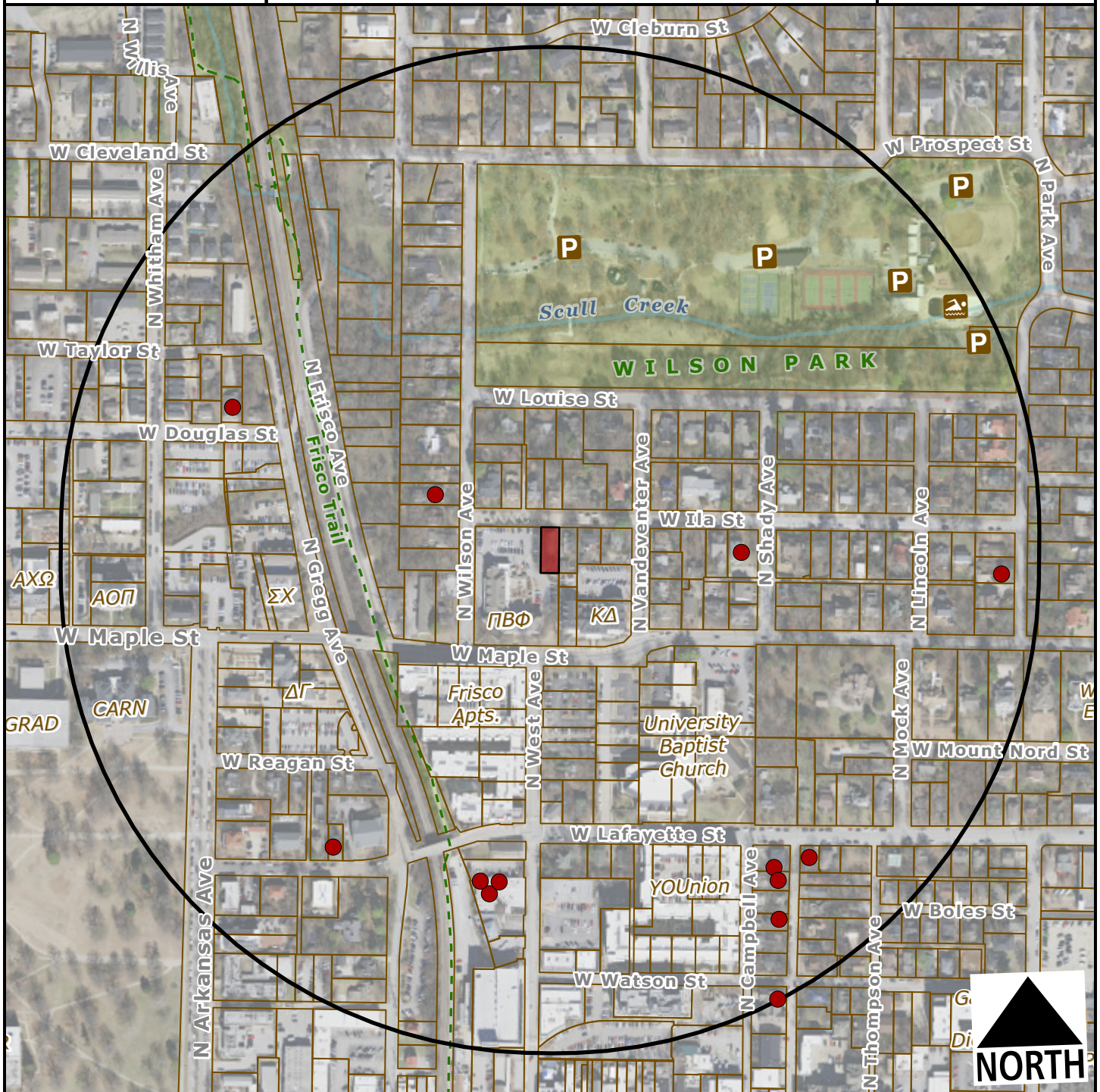
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2025-0026

463 W. ILA ST

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 13

Occupiable
Residential
Addresses
(Estimated
Housing Units): 858

Michael & Kayla Marsh
18 Abington Court
Little Rock, AR 72223

Conditional Use Permit Request Letter

Short term rental at 463 W Ila Street, Fayetteville, AR 72701

Total living area: 2,487 sq/ft

Off street parking: 3 parking spots

Hours of operation: all times; 24 hours x 7 days per week

Number of employees: 2 for Marsh Properties, LLC

Outdoor lighting: Yes

Noise: N/A

Screening from other properties: Yes, wooden fence in good repair

There will be no change to the property, as it will be a short-term rental property.

Survey of 463 W Ila Street

One Hundred Twenty-six (126) feet of equal and uniform width off the North end of Lot Numbered One (1) in Block Numbered One (1) of Wilson's First Addition to the City of Fayetteville, Arkansas, as per plat of said Addition. on file in the office of the Circuit

7' Conc. Drive -

Block I

50

SURVEY DESCRIPTION

NOTE: This property does not lie in ZONE A/AE' (Special Flood Hazard Areas inundated by 100 year flood) as determined from the FIRM Map of Washington County, Arkansas, and Incorporated Areas, Map Number 05143C0092 C, effective date September 18, 1991.



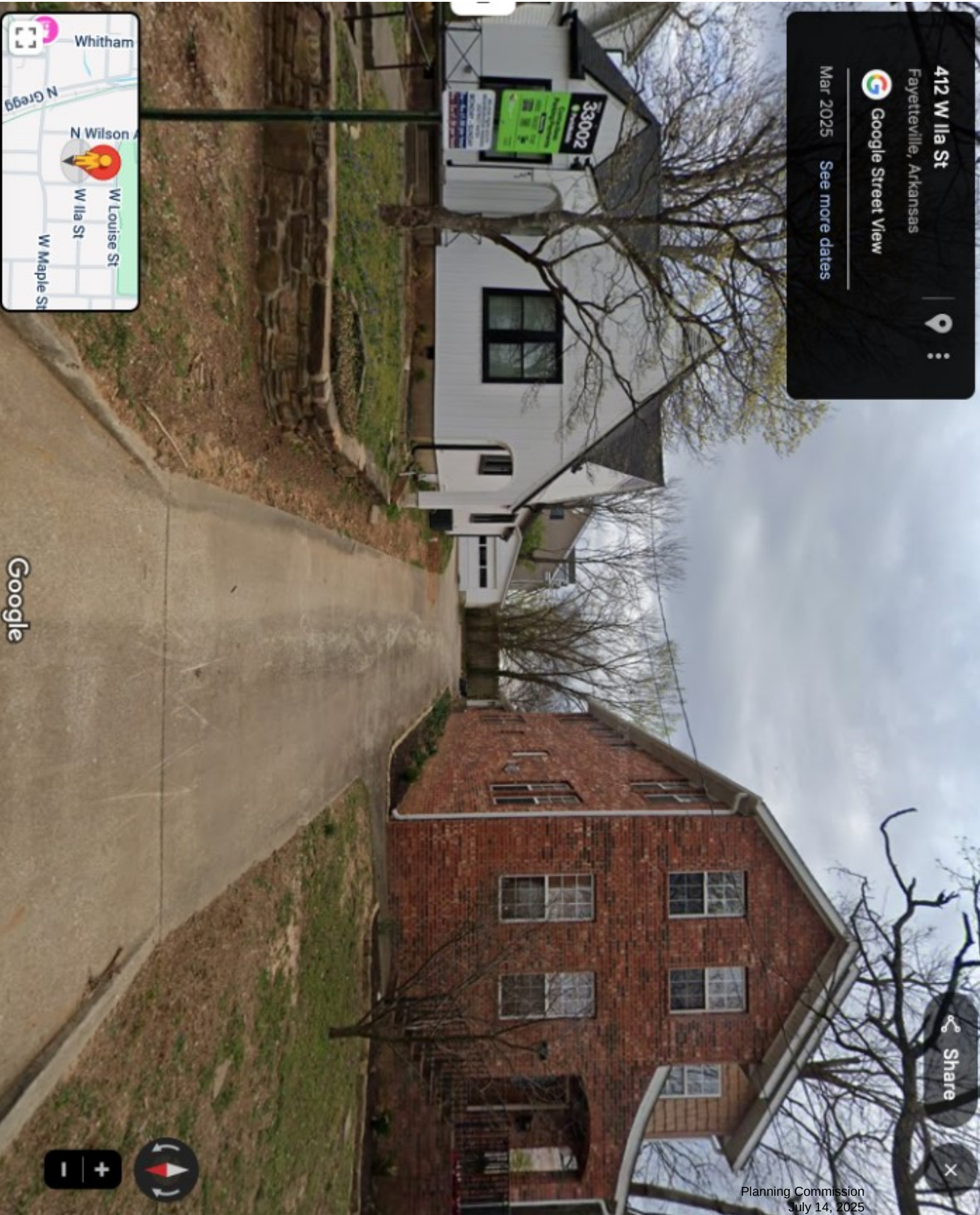






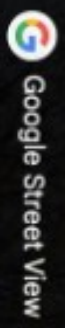






412 W Ila St

Fayetteville, Arkansas



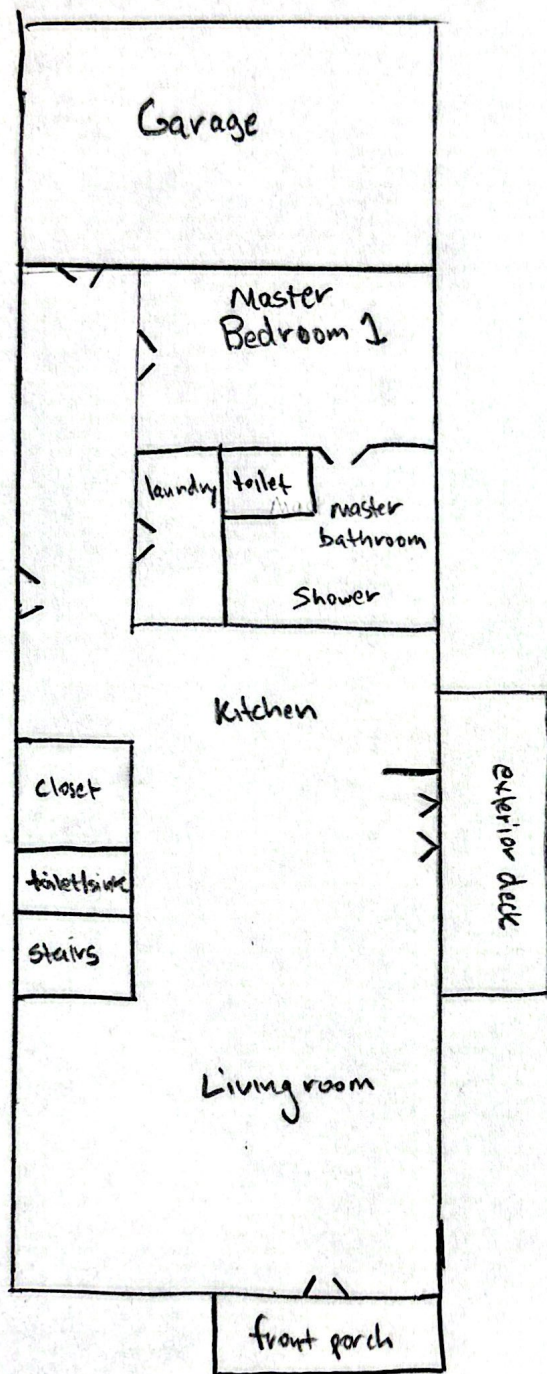
Mar 2025 See more dates



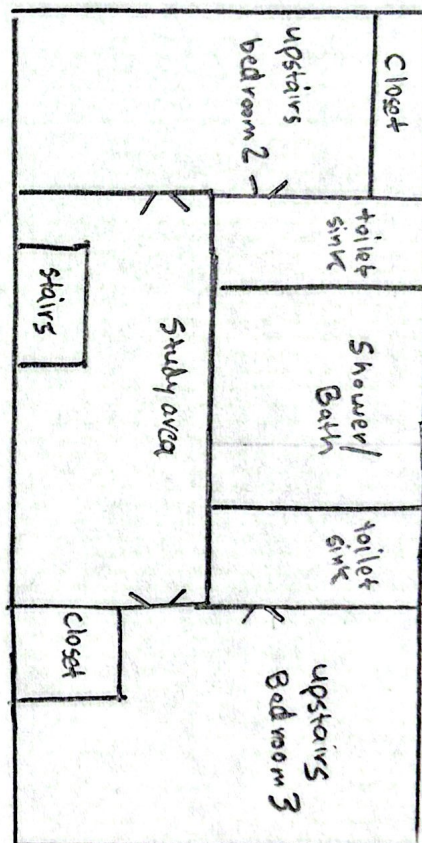
Share



463 WILA ST



1st floor



2nd floor

Total
3 bedrooms
2 1/2 bathrooms

Frank, Wes

From: Planning Shared
Sent: Wednesday, June 18, 2025 8:23 AM
To: Frank, Wes
Subject: FW: Property 400block Ila St

For you

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

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

From: Albert Baker <ambaker1954@gmail.com>
Sent: Tuesday, June 17, 2025 3:51 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Property 400block Ila St

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

Please let this email serve as our opposition to the 2 houses in the 400 block of Ila Street being requested for Airbnb zoning. There are already 3 or more short term rental properties within a half block from us and this neighborhood does not need anymore Airbnb rentals.

Thank you

Jaber
632 N Vandeventer Ave
Sent from my iPhone



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Planner

MEETING DATE: July 14, 2025

SUBJECT: **CUP-2025-0027: Conditional Use Permit (223 E. 7TH STREET/MOTH AND DAGGER TATTOO & PIERCING, 563):** Submitted by MOTH & DAGGER TATTOO & PIERCING for property located at 223 E. 7TH STREET. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.44 acres. The request is for a tattoo parlor.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0027** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0027** with conditions, determining:*

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

BACKGROUND:

The subject property is located on the south side of East 7th Street, one block east of Walker Park in south Fayetteville. The property contains approximately 0.44 acres, is zoned DG, Downtown General, and is currently developed with a structure that Washington County records indicate was built in 1931. The structure was originally constructed for use as a single-family dwelling. A conditional use permit was previously approved for a tattoo parlor (Speakeasy Tattoo, CUP-2022-0017), but has most recently operated as a small office. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Jefferson Park / Residential	DG, Downtown General
South	Undeveloped	NC, Neighborhood Conservation
East	Residential	NC, Neighborhood Conservation
West	Mixed Commercial / Food Trucks	DG, Downtown General

City Plan 2040 Future Land Use Designation: City Neighborhood Area

Proposal: The applicant requests a conditional use permit to operate a tattoo business on the subject property. Tattoo businesses are classified as Use Unit 16, Shopping Goods, which is a conditional use in the DG zoning district. The applicant has described the business as follows:

- *Approximately 1,200-square-foot building*
- *Parking: 5 off-street parking spaces*
- *Number of employees: 6-8 booth renters*
- *Number of customers: Average 8-10 Clients per day (Anticipated Maximum 50 Clients per Day)*
- *Hours of operation:*
 - *Monday-Sunday: 11:00 AM to 7:00 PM*
- *Outdoor Lighting: May include solar pathway lights, outdoor strings lights, and standard porch lights*
- *Noise: Not to exceed 60 decibels*
- *Trash: Existing residential trash service*

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0027**, subject to the following conditions:

Conditions of Approval:

- 1. Planning Commission determination of compatibility with adjacent properties.** *Staff recommends that the proposed location for a tattoo shop is compatible given the scale of the proposed business and its proximity to other nonresidential and public uses;*
- 2. This conditional use permit is limited to the use for Moth and Dagger Tattoo and Piercing as described in the applicant's request letter. This conditional use permit is transferrable to a different business or property owner. The following specifications apply:**
 - **Size of the business:** **Approximately 1,200 square feet**
 - **Hours of operation:** **11:00 AM - 7:00 PM (Monday - Sunday)**
 - **Parking:** **5 off-street parking spaces**
 - **Number of employees:** **6-8**
 - **Customers:** ***Average 8-10 Clients per day (Anticipated Maximum 50 Clients per Day)***
- 3. A business license shall be obtained for the proposed business at this location prior to occupancy of the property;**
- 4. Approval of conditional use permit does not constitute approval for any needed building permits or development entitlement;**
- 5. Any required permits must be obtained within 1 year of conditional use permit approval;**
- 6. One bicycle rack shall be provided as outlined in 172.10;**
- 7. Proposed parking area for 4 vehicles shall meet the requirements for unpaved parking areas as outlined in 172.11(H)(2);**
- 8. Trash shall remain screened at the rear of the property and out of view from the right-of-way outside of typical trash collection times.**

9. All biohazards and sharps containers shall be stored inside the building for proper disposal and retrieval;
10. Any future expansion or change in the conditional use shall require Planning Commission approval;
11. Signs shall be limited to those permitted by Unified Development Code §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation; and
12. Outdoor lighting shall comply with Unified Development Code §176.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting conditional use approval of a tattoo business in DG 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 §161.28 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 proposed conditional use is not likely to adversely affect the public interest. The property is located across the street from Jefferson Park and next to Spring Shop, which includes a restaurant and food trucks. Moth and Dagger Tattoo and Piercing intends to partner with nearby businesses to cultivate a creative community, with potential to organize events, block parties, and markets that would be open to the public. Additionally, the proposal appears to minimize adverse effects to the surrounding neighborhood by placing proposed customer parking to the rear of the structure using an existing alley.**

(c.) The Planning Commission shall certify:

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

Finding: **N/A; there are no specific rules governing this request.**

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

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

Finding: **Vehicular ingress and egress to the property is provided via an existing curb cut on East 7th Street that was recently paved 18 feet from the right-of-way. The off-street parking area is not clearly defined, though there is a carport and gravel path. East 7th Street is striped with on-street bicycle lanes and an existing sidewalk is present on the north side of the street.**

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

Finding: The applicant has stated that there is one parking space in front of the building and they plan to add four spaces to the rear where gravel has been partially added. There is also on-street parking available along 7th Street, and the applicant expects to have customers who walk, bike, or scooter to the site. The City's parking ordinance allows one parking space per 250 square feet of gross floor area for retail uses. Staff finds that, since the structure contains 1,128 square feet of gross floor area according to Washington County records, five spaces are permitted on site. Staff recommends that one bike rack be required per UDC 172.10 to provide bicycle and micromobility users a secure location to store their vehicles.

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

Finding: As proposed, the applicant will utilize a residential trash cart and recycling containers in keeping with the previous tenants' needs. Staff recommends that trash remain screened at the rear of the property and out of view from the right-of-way outside of typical trash collection times.

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

Finding: The property has access to City water and sewer. A 16-inch water main and eight-inch sewer main are present along East 7th Street.

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

Finding: The applicant has stated that they plan to have minimal buffering since they would like the business to be welcoming to the public, and since they intend to share a communal space with Spring Shop to the west. Staff recommends proposed residential carts remain screened and at the rear of the property.

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

Finding: Any proposed signage will be subject to UDC §174 and all the regulations therein.

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

Finding: Based on the applicant's submittal, the existing structure on the property appears to be meet the setback requirements of the DG zoning district. Any additions to the building, or alterations to required yards and open spaces, would be subject to further review and may require amending the conditional use permit.

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

Finding: Staff finds the proposed use as a tattoo shop to be compatible with adjacent properties and other properties in the DG zoning district. The proposed hours of operation, proximity to nonresidential and public properties, and the provision for off-street parking should limit any adverse impacts on residences in the surrounding area.

(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 City Neighborhood Area, which "supports the widest spectrum of uses" and calls for commercial uses to be "located at street intersections and along major corridors."

BUDGET/STAFF IMPACT:

None

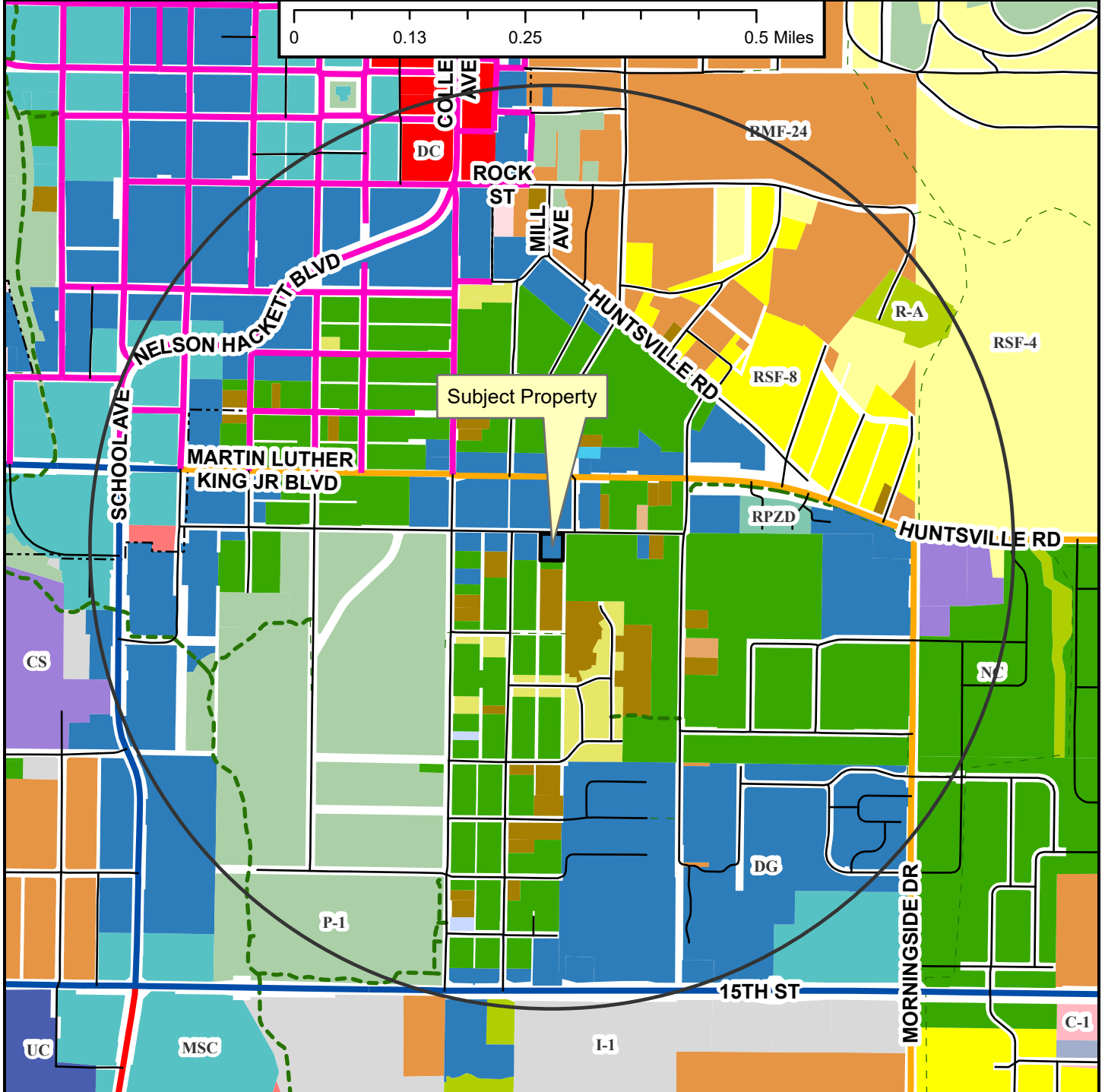
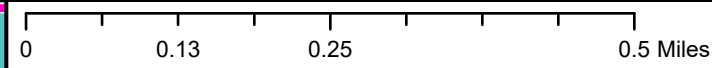
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Unified Development Code
 - §161.28 – Downtown General
- Request Letter
- Site Plan
- Building Elevations

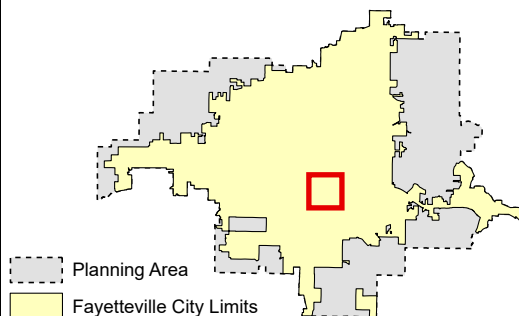
CUP-2025-0027

223 E. 7TH ST

One Mile View



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

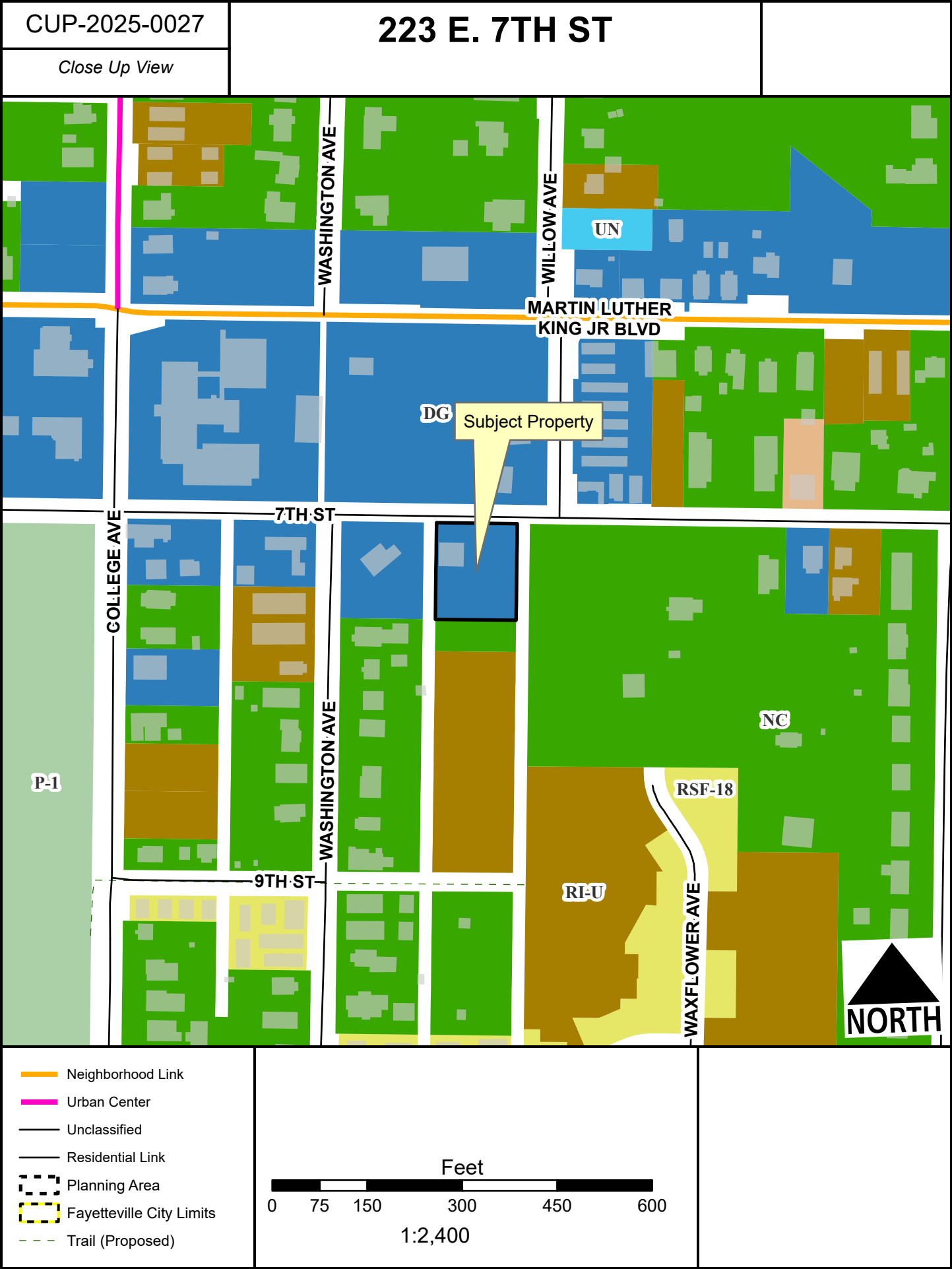


Planning Commission

July 14, 2025

CUP-2025-0027 (MOTH & DAGGER TATTOO & PIERCING)

Page 7 of 17



CUP-2025-0027

223 E. 7TH ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

161.28 Downtown General

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet
---------------------------	---------

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

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

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

(G) *Building Height Regulations.*

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

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



132 E Spring St

Fayetteville, AR 72701

(469) 403-5617

outerstatecreative@gmail.com

To whom it may concern,

We are requesting a conditional use permit for a Tattoo Lounge in a Downtown General (DG) Zoning District. The location is at 223 E 7th St. The previous use of the building was as an office location for Natural State Pest Control. Prior to that it was the Fayetteville location for Speakeasy Tattoo.

Before it was converted into a tattoo studio, it was remodeled with a building permit, upgrading the electricity to commercial standards and the bathroom was converted to a handicap accessible bathroom at that time. When it was remodeled to become Speakeasy, water hookup adaptations were added in each room for hand-washing sinks, to bring the space up to code.

This property was zoned DG as part of the Walker Park Neighborhood Master Plan, to allow businesses in the proposed neighborhood hub of Jefferson Square. We will be one of a few new businesses in the neighborhood

(a) Building size: ~1200 square feet; no change proposed

(b) We do not propose to make any physical changes to the exterior of the structure. We would like the option to paint the exterior a different color, and possibly add a mural to it. This would not be different from anything that would be allowed in DG - such as a hair salons, dry cleaning, meat market, florists, ice cream shop, etc.

(c) We are proposing to add 4 parking spaces at the rear of the building. There is one space in the front. Additionally, there is on-street parking available as well. The requirements for the number of parking spaces are 3.

(d) Hours will vary among artists between 11am-7pm. This building can fit 6-8 booth renters. We will start with 3. We can anticipate 2-6 adult clients per day, per artist with a projected average of 8-10 clients per day and a peak hour that falls in between 1pm and 5pm

(e) Outdoor lighting may include solar panel pathway bulbs, outdoor string lights, and standard porch lights.

(f) Noise level should never exceed 60 decibels.

(g) We would like minimal buffering as we would like to be welcoming and open to the public as well as sharing a communal space with the new and existing businesses.

(h) A standard residential trash should be more than sufficient for the amount of waste we produce. These could be semi-hidden on the side of the house just like residents usually do. A biohazard company will pick up boxed up sharps containers maybe once every 3 months, but we can store those boxes inside of the shop, and they should never come into contact with neighboring businesses or residents.

(i) There is sufficient parking located behind the building - our small and mostly private

appointment-only shop shouldn't have a noticeable impact on traffic.

(j) Most of our clients currently live in surrounding neighborhoods. Having a location closer to our client base, with artists that are Fayetteville/Springdale residents, would increase the success of the neighboring businesses, in addition to our own

This would also keep business and tax money local to Fayetteville. We plan on working with business neighbors on cultivating an artistic community of like-minded creatives in the area. Positioned across Jefferson Park, there is great potential for working with the community to organize events, block parties, and markets as well that would bring out the local community and circulate money within the community as well.

This will be a shop of hard-working women, who hold themselves to very high standards when it comes to cleanliness and professionalism. There will be no loud music, no large gatherings not approved of by the city, and no cars or motorcycles littering the yard and street. The shop will be run by women that mostly live in or around the neighborhood the property is located in. We have a sense of ownership and responsibility for the area, and we all share the mentality of making your space and community better than it was when you found it.

Sincerely,

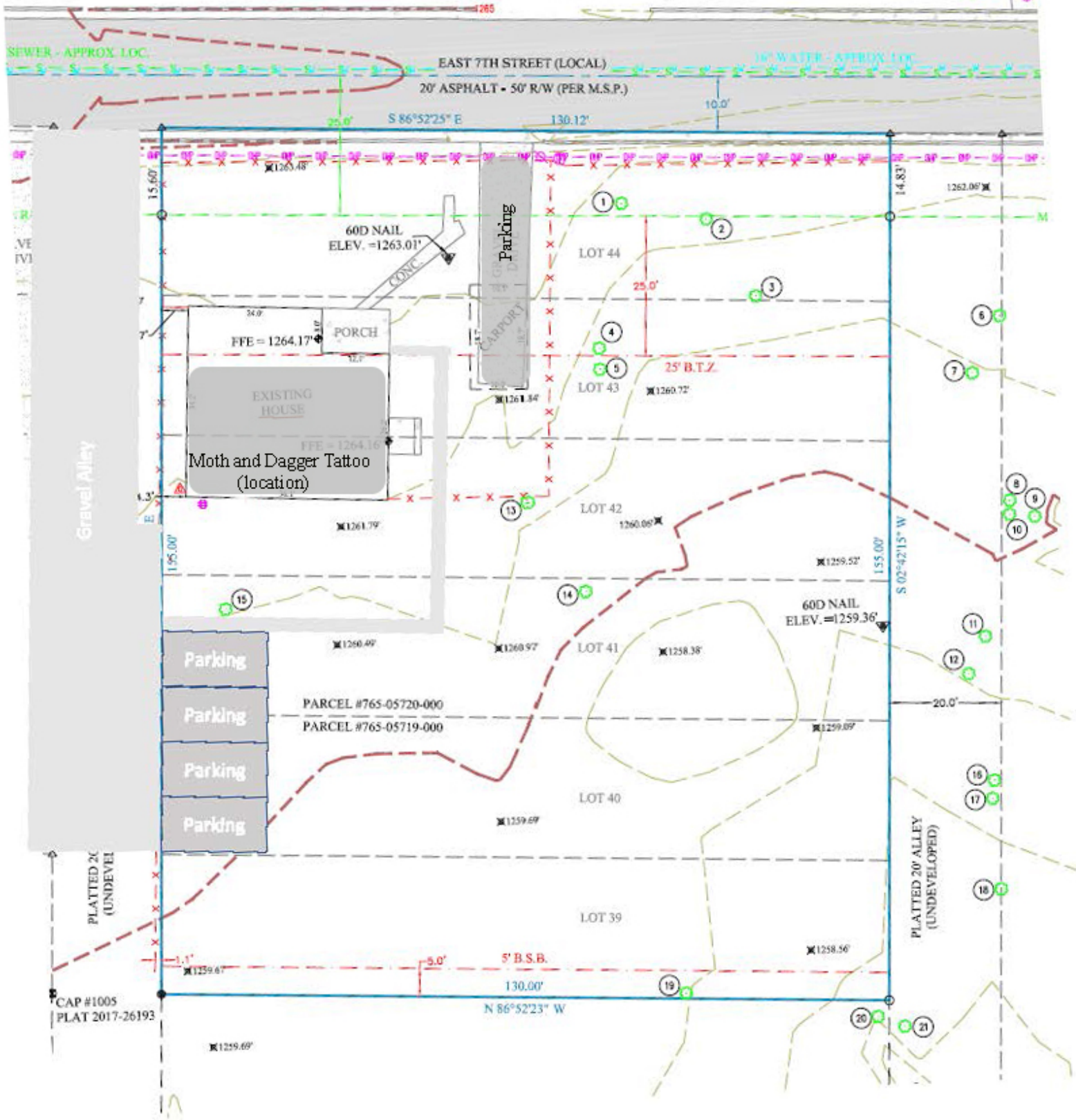
Moth and Dagger Team



#765-05719-000
0.46 ACRES +/-

GRATED IN
RIM ELEV. 1

SMH - 1



STAFF EXHIBIT: ELEVATIONS



STAFF EXHIBIT: ELEVATIONS





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 14, 2025

SUBJECT: **CUP-2025-0031: Conditional Use Permit (503 W. DICKSON ST/DICKSON & WEST INVESTMENT LLC, 484):** Submitted by WEBR INVESTMENTS LLC for property located at 503 W. DICKSON ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.20 acres. The request is for a temporary leasing office.

RECOMMENDATION:
Staff recommends denial of **CUP-2025-0031**.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0031**, finding:*

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

BACKGROUND:
The subject property is central downtown Fayetteville on the Upper Ramble on Dickson Street. The City owned this property in 1984 but through a land swap in 2020 (Resolution No. 37-20), the land was acquired by Dickson & West Investment. This land is also a part of the Cultural Arts Corridor, a 50-acre outdoor public space that is aimed at revitalizing the downtown area and create a destination for residents and visitors (Resolution No. 138-18 & 258-17). Two food trucks currently operate on the property. The property is in the Downtown Design Overlay District. Surrounding land uses and zoning are provided in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Commercial	MSC, Main Street Center
South	Park (Upper Ramble)	MSC, Main Street Center
East	Arts - Theatre	MSC, Main Street Center
West	Commercial	MSC, Main Street Center

City Plan 2040 Future Land Use Designation: **Civic Institutional**

Request: The applicant requests a conditional use permit to allow for a temporary structure at the site to be conducted as a student housing leasing office (Use Unit 2 – City-Wide Uses by Conditional Use Permit).

- Business size: Approximately 320 sq. ft.

- Hours of operation: Monday – Saturday, 8:00 AM to 5:00 PM.
- Number of Employees: 2
- Patrons: Average per day during peak time: 2

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

RECOMMENDATION: Staff recommend denial of **CUP-2025-0031**. Should the Planning Commission choose to approve the permit, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the temporary structure and its associated operations as a leasing office to be incompatible with the surrounding area and uses for the reasons described in this report;*
2. **This conditional use permit is limited to the use for a temporary structure and its associated business, as described in the applicant's request letter. The following specifications apply:**
 - a. Business size: Approximately (20 feet long x 16 feet wide)
 - b. Hours of operation: allowable up to 6 days a week, 8:00 AM – 5:00 PM
 - c. Number of Employees: 2
3. **The applicant shall coordinate with solid waste to ensure that service is maintained to appropriate receptacles; all receptacles shall be screened from view of the right-of-way and the public park.**
4. **All design standards as outlined in chapters 166.21, Downtown Design Overlay District, and 166.25, Commercial, Office, Mixed-Use, Design and Development standards shall apply to the structure.**
5. **A business license shall be obtained for the proposed business at this location prior to occupancy of the unit;**
6. **The applicant shall bring back application for an extension of the proposed use prior to the expiration of the current permit (set to expire January 12, 2025)**
 - a. At the sixth month reapplication/review, the Planning Commission and staff shall evaluate the effectiveness and condition of the business and structure.
7. **Approval of this conditional use permit does not ensure approval of a development application. The conditional use permit grants the applicant rights to submit a development proposal based on the conceptual layout included herein. The applicant shall comply with all other development requirements, including but not limited to, tree preservation, drainage, exterior lighting, utility installation, and Fire Department access standards. These details shall be reviewed with the development application;**
8. **The building permit would be subject for review by the fire department;**
9. **Any future expansion or change in the use shall require Planning Commission approval; and**

10. Signs shall be limited to those permitted by UDC §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 2 in the MSC zoning district.**

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

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

3. The Planning Commission shall make the following written findings before

a conditional use shall be issued:

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

Finding: The Planning Commission is empowered under Unified Development Code §161.27 to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use would negatively impact the public interest. The property, part of a 2019 land swap (Resolution No. 37-20), is adjacent to the Upper Ramble and part of the overall Cultural Arts Corridor – areas intended for public use, arts, and entertainment. While currently used mobile food vendors, the proposed temporary leasing office for student housing is incompatible with surrounding uses and contradicts the City’s land use goals and Downtown Master Plan. Though privately owned, the property abuts public cultural spaces and is designated as Civic Institutional, which prioritizes enhancing public outdoor amenities. The proposed use does not support these goals and is therefore inappropriate.

(c.) The Planning Commission shall certify:

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

Finding: There are no specific rules that govern Use Unit 2 for the use of a temporary structure. Architectural design standards would apply to this structure (UDC §166.25). At this location, mobile vendors are present, and they operate serving the overall public with specific regulations in place (UDC §178.04).

(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: Access to the property occurs through the driveway along West Dickson Street. Currently, patrons in vehicles visiting the site enter from the north and exit the direction. No change to the existing access features is being proposed or recommended by staff, given that no major improvements are being made to the site. There are currently existing, heavily trafficked sidewalks along the area’s frontage. Staff finds that the projected customer count may not impact traffic in this area; however, the applicant has not articulated how parking would be provided, which makes this analysis difficult to calculate.

- (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: A city-owned parking garage is off-site, but the applicant has not stated how they intend to provide parking.

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

Finding: The applicant shall coordinate with the Recycling and Trash Collection Division for appropriate solid waste disposal. Trash services were outlined in the request letter as to use nearby trash receptacles but no further services were requested.

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

Finding: The property has access to City water and sewer. Any required extensions will be provided at the time of permitting.

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

Finding: Staff recommends a condition that trash receptacles be screened from the public right-of-way and adjacent 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 UDC §174 and all the regulations therein.

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

Finding: Full evaluation of MSC setback requirements will be made at the time of permitting.

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

Finding: Staff finds that the proposed use is incompatible with the surrounding developments. To the north, east, and west are commercially developed properties with appropriate and complementary designs that cater to the entertainment portions of the city, while to the south is the Upper Ramble, an open space park. No other neighboring property would operate a temporary structure with a similar design.

- (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 incompatible with the goals and intent of the City's adopted land use and other strategic plans, particularly given the property's location on a crucial City area. Additionally, the proposed use is counter to the Downtown Master Plan and Cultural Arts Corridor, which both aim to promote the enhancement of the experience of this area. Approval of the requested conditional use would allow a temporary use for a structure and business that is in contrast to an established portion of the City.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - § 161.27 Main Street/Center
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Documents
 - Request Letter
 - Elevations
 - Site Plan

161.27 Main Street/Center

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

(B) *Uses.*

(1) *Permitted uses.*

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

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

(2) *Conditional Uses.*

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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(E) *Setback Regulations.*

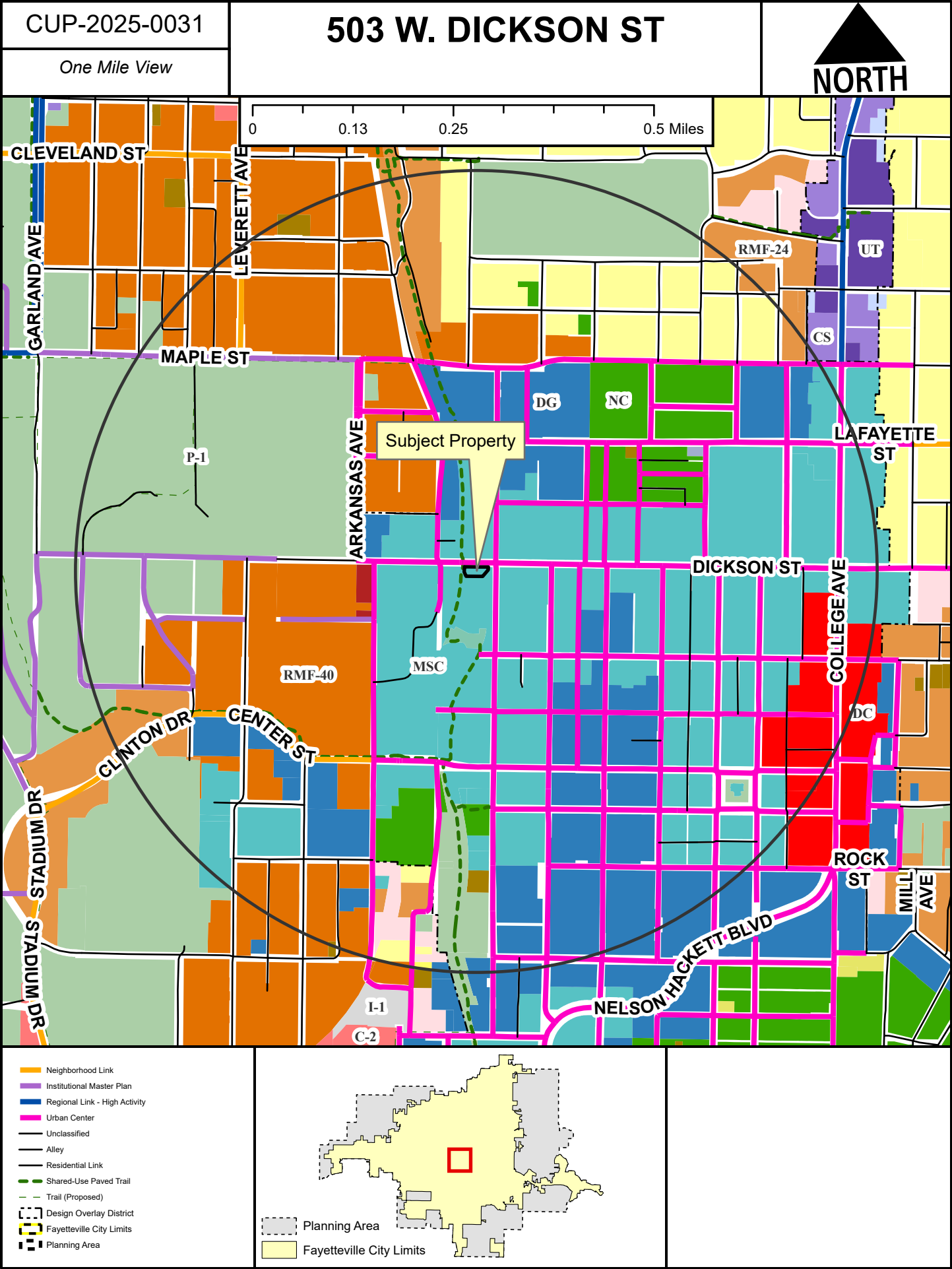
Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

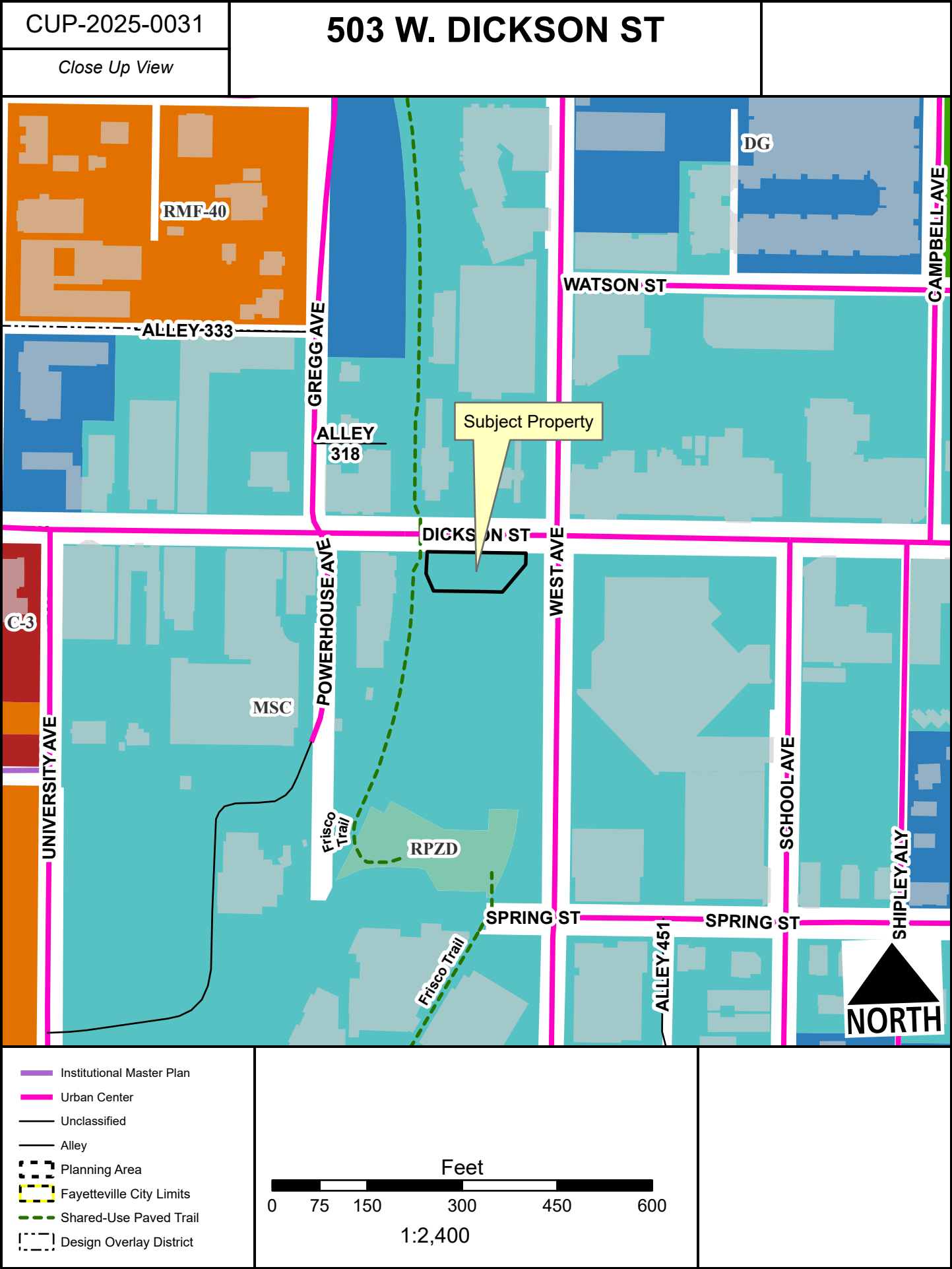
(F) *Minimum Buildable Street Frontage.* 75% of lot width.

(G) *Building Height Regulations.*

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

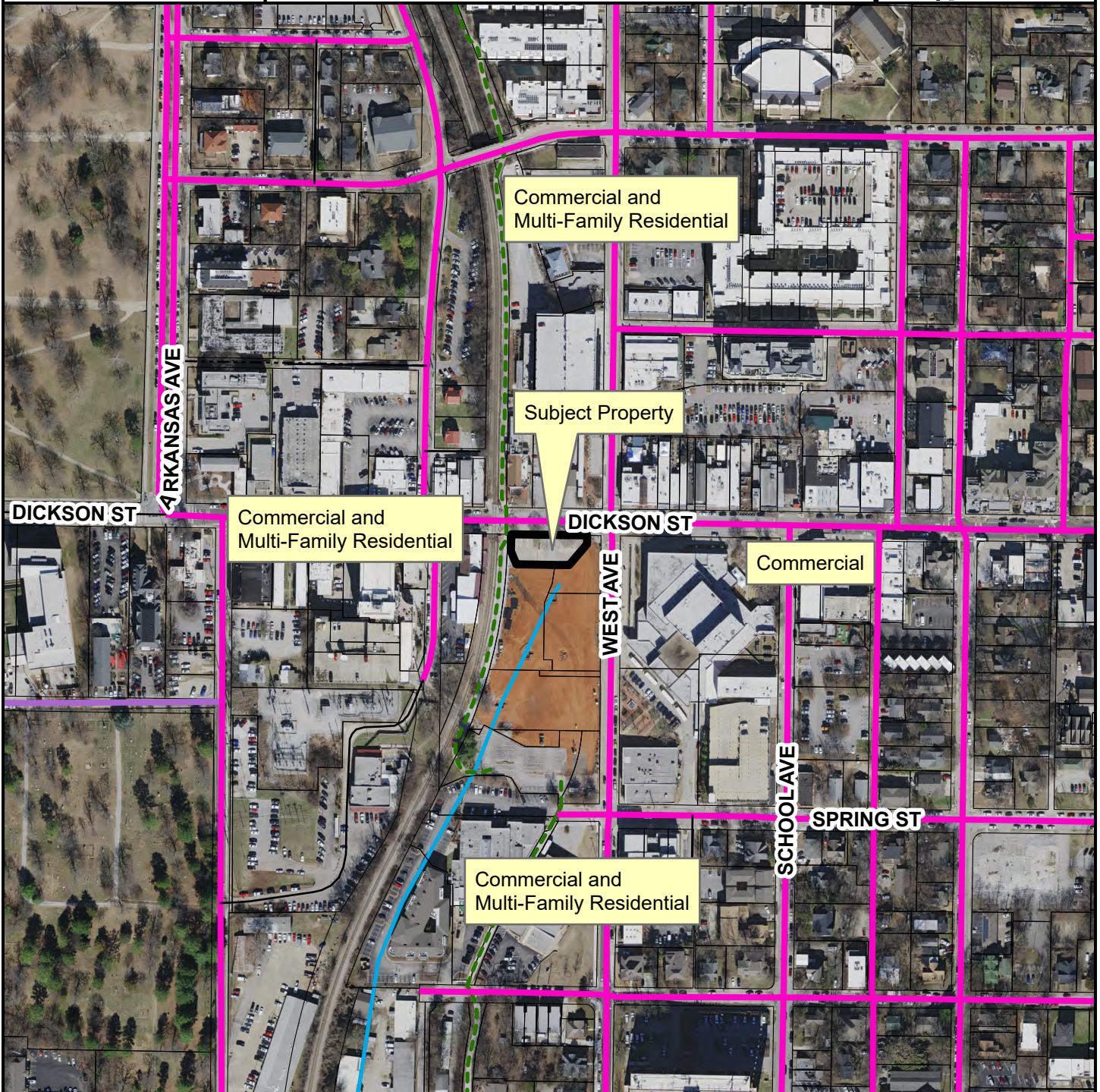




CUP-2025-0031

503 W. DICKSON ST

Current Land Use



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



FEMA Flood Hazard Data

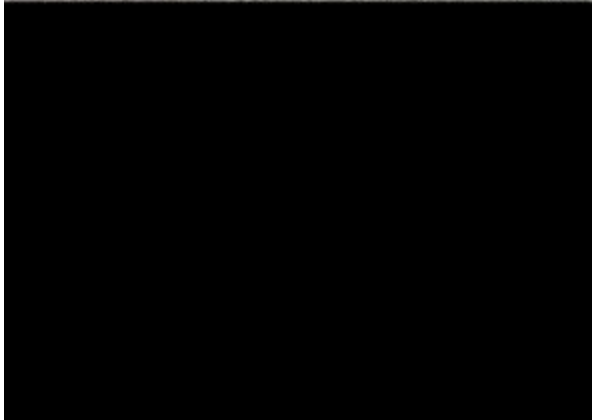
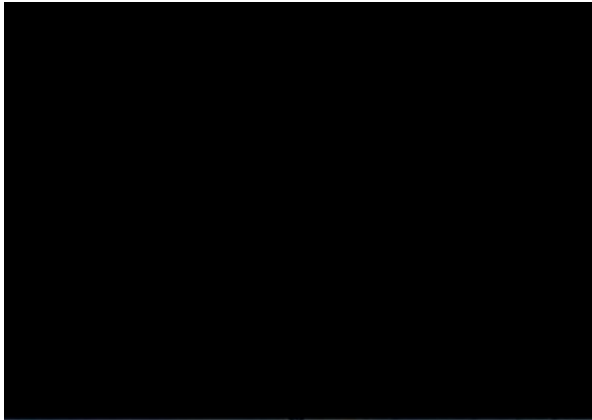
- 100-Year Floodplain
- Floodway

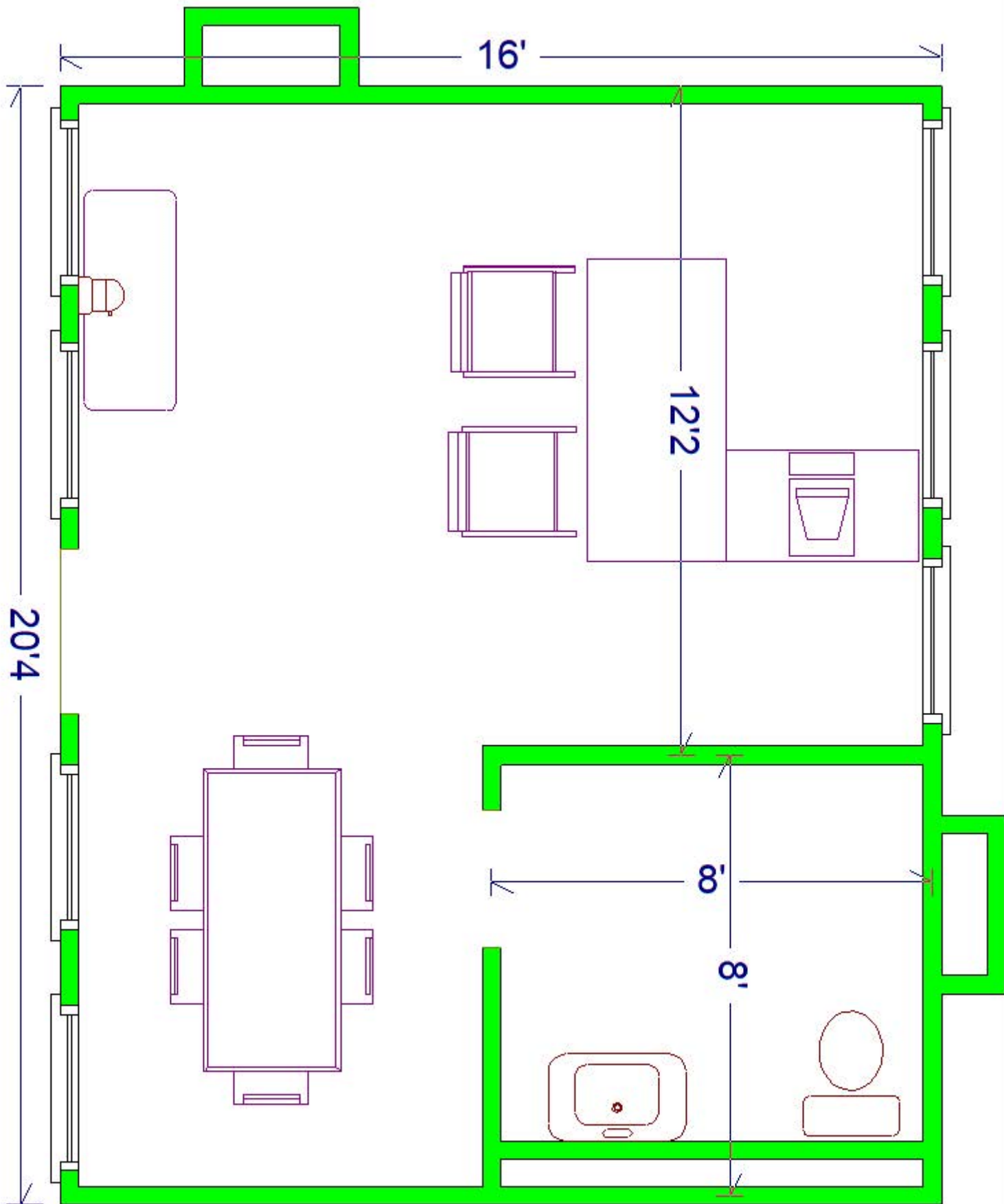
#1 Complete Description of this request:

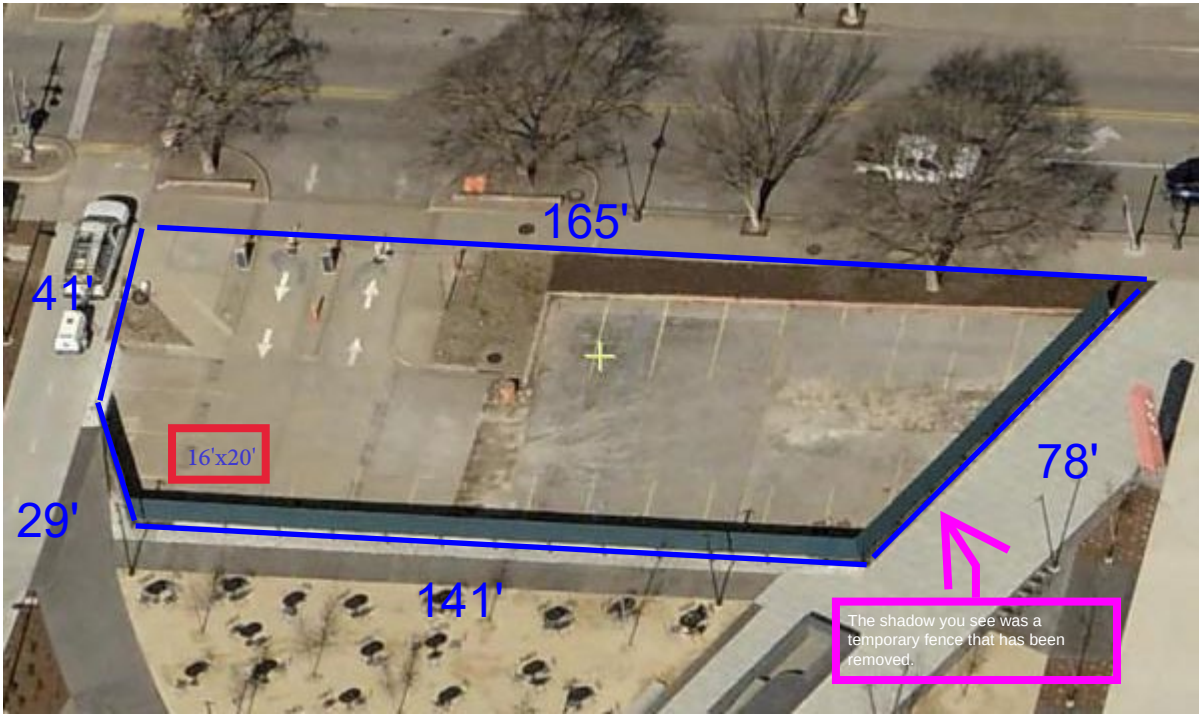
- (a) The building size is 20x16, 320 sf



- (b)
- (c) Parking Spaces – no onsite parking
- (d) Hours 8-5 Monday - Saturday, 2 employees, average per day during peak hour (2)
- (e) Outdoor Lighting – None
- (f) Noise – None
- (g) Screening – None
- (h) Trash – None onsite
- (i) Ingress and Egress – Already existing on W Dickson Street, No traffic impact.
- (j) Proposed use is a student housing leasing office set in the middle of a Main Street Center compatible with all other structures and their uses.









TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: July 14, 2025

SUBJECT: **CUP-2025-0032: Conditional Use Permit (W. ELM ST. AND N. LEVERETT AVE., 366):** Submitted by MODUS STUDIO for property located at W. ELM ST. AND N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 14.40 acres. The request is for a student housing development.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0032** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0032**, 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, immediately south of the University of Arkansas Agri Farm. The property is largely undeveloped, though previously had a single-family home and agricultural outbuildings which have since been demolished. In total, the property contains about 14.40 acres and is currently RMF-24, Residential Multi-Family, 24 Units per Acre. No overlay districts currently encumber the site. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Agricultural	R-A, Residential Agricultural
South	Multifamily Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Multifamily Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Multifamily Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

City Plan 2040 Future Land Use Designation: City Neighborhood

Request: The applicant requests approval of a conditional use permit to allow for the development of a private dormitory, recently defined in code as use unit 48, which is a conditional use in the RMF-24 zoning district.

Public Comment: To date, staff has received public opposition to this request with concerns about public notification process, the high cost of housing in Fayetteville, the degradation of green spaces, displacement of vulnerable individuals, and extraction of local value. Written comment is attached to this report.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0032** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties.**
Staff finds the proposed private dormitory to be compatible based on the findings contained herein;
2. Any necessary improvements to water, sewer, or streets, will be determined at the time of development entitlement;
3. Nearby bus stops and any necessary improvements to them based on the impact of this proposal shall be evaluated at the time of development;
4. A civically oriented design element, such as a piazza as shown on the site plan, shall be integrated into the project's final design and streetscape. This element shall be reviewed for compliance with necessary minimum street standards and fire access at the time of development;
5. Compliance with UDC §166.23, Urban Residential Design Standards shall be fully reviewed at the time of large-scale development;
6. All outdoor lighting shall meet the requirements as outlined in UDC Chapter 176, Outdoor Lighting; and
7. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>July 14, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for Use Unit 48: Private Dormitories in the RMF-24 zoning district.**

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

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

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

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

Finding: **The Planning Commission is empowered under UDC §161.16 to grant the requested conditional use permit to allow Use Unit 48 in the RMF-24 zoning district.**

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

Finding: **Staff finds that granting the requested conditional use is not likely to adversely affect public interest. The surrounding infrastructure, land uses, and future land use map appear to suggest that a private dormitory will be compatible at this location. The property is already zoned for multi-family development; a conditional use permit would not be necessary if a developer chose to construct a building that did not meet the definition of a private dormitory as outlined in code. Given this and the additional scrutiny availed to the public and the Commission about this proposal, staff find that the public interest is protected.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing private dormitories:**

§161.16 Private Dormitories. Private Dormitories may be allowed as a conditional use where they are permitted subject to the following conditions:

- A. **Subject to Residential Parking Standards.** Dormitories shall be subject to Section 172 — Parking and Loading and shall be subject to residential parking requirements.

Finding: Multi-family development, including that oriented towards student housing, is required to meet a parking ratio of one space per bedroom. The applicant's proposal indicates an intent to meet this requirement and does not seek any reductions in the parking requirement.

- B. **Neighborhood Compatibility.** General compatibility with adjacent properties and surrounding neighborhood will be measured by analyzing surrounding land uses, scale, neighborhood character, and concentration of other student-oriented developments. The ground level street frontage may be required to be designed for active ground floor uses that are not residential, such as civic, retail, restaurant, or working spaces.

Finding: Staff finds the applicant's request is compatible with surrounding land uses. The property in question is primarily surrounded by mixed-density residential, though there is a church to the west, and the Agri farm to the north. The surrounding area has been largely developed in this fashion for decades, with aerial imagery showing that much of the surrounding mixed-density housing has been in place since the 1980s and -90s. Based on the provided massing diagram from the applicant, the project appears to be of a generally similar size and scale to the existing structures nearby. While it is likely that many residents in the area have some form of affiliation with the University given its ease of access from either N. Garland Avenue or along N. Leverett Avenue, the area appears to be of a mixed-income and mixed-demographic. Inserting a private dormitory into this location would likely not overly concentrate student housing in one area. While the use is purpose-built student housing, the applicant is also showing an intent to provide an activated public space through Elm Street through the provision of a "piazza" to promote a pedestrian-centered design, as well as potentially a traffic-calming mechanism through the site.

- C. **Traffic and Infrastructure Impacts.** The project developer shall provide a traffic and infrastructure impact assessment and management plan that demonstrates the project will not unreasonably burden street or transit networks and that the existing street, sidewalk, bike, and bus infrastructure is sufficient to support the proposed bedroom density per acre.

Finding: The applicant provided an initial site analysis identifying available bus routes and trail access, as well as plans to upgrade the existing W. Elm Street to provide a connection between N. Garland Avenue and N. Leverett Avenue. Given the available street networks, and networks for alternative transportation in the area, staff finds the applicant's request will not unreasonably burden the existing infrastructure. The applicant will need to perform a full traffic study at the time of development to identify what, if any, off-site improvements will be made, but it is likely that staff will recommend W. Elm Street be improved by the developer to residential link street standards to connect to N. Garland Avenue, and that any necessary

improvements to nearby bus routes be considered and coordinated with Razorback Transit at the time of development.

(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 access is proposed from curb cuts along W. Elm Street to the north and to the south, and appears to meet relevant separation distance requirements. Pedestrian paths appear throughout the site plan. Any necessary fire access or traffic control would be further evaluated at the time of large-scale development, but given the availability of ingress and egress throughout the site and existing street networks, staff does not anticipate any issues that could not be worked out during development.

(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: Off-street parking will be provided on surface lots throughout the site. Staff find that typical requirements in code for screening will help offset any nuisance issues that could arise from headlights or otherwise, and typical drainage and water quality requirements will have to be met for the added impervious surface.

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

Finding: The applicant has not identified a trash location on the site plan but indicates that it will be screened from view of the public per City requirements.

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

Finding: There is a 6-inch water line along the east side of the property and an 8-inch water line stubbed out to the northwest corner of the project. During entitlement review these connections will be analyzed to determine if a looped connection across the site between these two lines is adequate or if additional improvements are needed. There is currently not any sanitary sewer available to the site. However, there is a potential connection to an existing 15-inch sanitary sewer line approximately 285 feet southeast of the site, at the intersection of Poplar and Leverett. A sanitary sewer study will

be required for this project prior to entitlement approval. This study will recommend any additional downstream improvements.

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

Finding: Staff does not recommend any screening beyond what would be required in code, with particular focus on the proposed surface parking lots and any proposed trash receptacles or mechanical equipment.

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

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

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

Finding: Based on the applicant's submittal, the proposed structure will likely require a final determination on the build-to zone requirement in the RMF-24 zoning district, though staff finds that the conceptual site plan meets the form-based intent. Staff and the applicant identify a significant utility easement along the east side of the property that will prevent the build-to zone from being met at that side of the property. The applicant also proposes a grove of trees to remain on the west side of the property. Full compliance with the City's tree preservation and landscape requirements will be evaluated at the time of development submittal.

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

Finding: Staff finds the applicant's request to be compatible with adjacent properties. Several mixed-density residential buildings exist surrounding this property making this proposed housing type and design consistent with the character of the surrounding area. Additional design standards for multi-family residential developments will also apply.

- (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 proposed use generally aligns with the goals and intent of the city's adopted land use plans. Goal 6 of City Plan 2040 encourages the provision of a wide range of housing types to encourage housing affordability and diversity. While private dormitories are not catering to low-income individuals or those who need affordable housing, approving private dormitories in suitable areas may help contribute to the overall provision of housing in the City. City Plan 2040's Future Land Use Map also designates this site as City Neighborhood Area, indicating that it is also an appropriate location for higher-density residential development.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Ordinance 6879
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Engineering Memo
- Applicant Request Packet
- Public Comment



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

Ordinance: 6879

File Number: 2025-628

AN ORDINANCE TO AMEND § 151.01 DEFINITIONS, CHAPTER 161 ZONING REGULATIONS, § 162.01 ESTABLISHMENT/LISTING, § 164.11 HEIGHT OR SETBACK REGULATIONS; EXCEPTIONS AND HOME PROTECTION REQUIREMENTS; AND § 172.05 STANDARDS FOR THE NUMBER OF SPACES BY USE OF THE UNIFIED DEVELOPMENT CODE, AND TO ENACT § 163.19 PRIVATE DORMITORIES TO ESTABLISH REGULATIONS FOR PRIVATE DORMITORIES AS A NEW CONDITIONAL USE, AND TO DECLARE AN EMERGENCY

WHEREAS, on April 2, 2024, the City Council unanimously adopted Resolution 117-24 to declare a housing crisis, and stated our desire for “a full range of housing stock in a variety of forms and price points”; and

WHEREAS, the City Council has budgeted \$650,000 for the creation of a new Downtown Master Plan to update the design goals and long-term infrastructure needs in the heart of the City that will be completed this year; and

WHEREAS, City Plan 2040 adopted goals of appropriate infill and revitalization, a livable transportation network, and opportunities for attainable housing and use conditions are an effective way to align development outcomes with those stated goals; and

WHEREAS, the redevelopment of existing neighborhoods may result in the loss of affordable housing and/or the displacement of residents; and

WHEREAS, the private market has been providing off-campus housing for students enrolled at the University of Arkansas since the university’s establishment in 1871; and

WHEREAS, the University of Arkansas has increased enrollment from 17,269 students in fall 2004 to 33,610 students in fall 2024 while providing approximately 6,200 beds on campus; and

WHEREAS, large apartment buildings designed as private dormitories and marketed to student occupants have become the private market response to the demand for additional student housing, and that demand is expected to increase as student enrollment increases, thus initiating a definition for this new housing type in the city with associated zoning and development requirements.

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 amends § 151.01 **Definitions** by amending the current definition of dormitory and enacting a new definition of private dormitory as follows:

“Dormitory, Institutional (zoning). A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen

facilities, and administered by educational or religious institutions.

“Dormitory, Private (zoning). A building or group of buildings not located on an academic or religious campus that provides housing for students of those institutions. Units generally consist of suites with shared living and cooking areas and three or more private bedrooms, each with its own bathroom. Private dormitories shall be treated as multi-family for the purpose of zoning and development regulations where it is not separately identified.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the following sections in Chapter 161 **Zoning Regulations** by inserting **Use Unit 48 - Private Dormitories** as a conditional use in subsection (B)(2) for the following zoning districts:

- 161.12 District RI-U, Residential Intermediate-Urban
- 161.13 District RMF-6, Residential Multi-Family – Six (6) Units Per Acre
- 161.14 District RMF-12, Residential Multi-Family – Twelve (12) Units Per Acre
- 161.15 District RMF-18, Residential Multi-Family – Eighteen (18) Units Per Acre
- 161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
- 161.17 District RMF-40, Residential Multi-Family – Forty (40) Units Per Acre
- 161.18 NS-L, Neighborhood Services – Limited
- 161.19 NS-G, Neighborhood Services – General
- 161.20 District R-O, Residential Office
- 161.22 Community Services
- 161.24 Urban Thoroughfare
- 161.25 District C-3, Central Commercial
- 161.26 Downtown Core
- 161.27 Main Street/Center
- 161.28 Downtown General
- 161.32 District P-1, Institutional
- 161.36 Urban Corridor
- 161.37 Urban Neighborhood

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 162.01 Establishment/Listing by: 1) adding Unit 48 – Private Dormitories to the introductory table; 2) changing Dormitory under subsection (D) Unit 4 to “Institutional Dormitory”; 3) striking Dormitory under subsection (AA) Unit 26. Multi-Family Dwellings; and 4) enacting a new subsection (WW) for private dormitories as follows:

“(WW) Unit 48. Private dormitories.

(1) Description. Unit 48 consists of uses related to facilities constructed for the purpose of housing students.

(2) Included Uses.

Private dormitories

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 163.19 **Private Dormitories** as follows:

“163.19 Private Dormitories

Private Dormitories. Private Dormitories may be allowed as a conditional use where they are permitted subject to the following conditions:

(A) *Subject to Residential Parking Standards.* Dormitories shall be subject to Section 172 – Parking and Loading and shall be subject to residential parking requirements.

(B) *Neighborhood Compatibility.* General compatibility with adjacent properties and surrounding neighborhood will be measured by analyzing surrounding land uses, scale, neighborhood character, and concentration of other student-oriented developments. The ground level street frontage may be required to be designed for active ground floor uses that are not residential, such as civic, retail, restaurant, or working spaces.

(C) *Traffic and Infrastructure Impacts.* The project developer shall provide a traffic and infrastructure impact assessment and management plan that demonstrates the project will not unreasonably burden street or transit networks and that the existing street, sidewalk, bike, and bus infrastructure is sufficient to support the proposed bedroom density per acre.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 164.11 **Height or Setback Regulations; Exceptions and Home Protection Requirements** by inserting “private dormitory” in the first sentence of subsection (C) following “new multifamily.”

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby amends § 172.04 **Standards for the Number of Spaces by Use** by changing “College dormitory” to “Institutional dormitory” in Table 3, Public and Institutional Uses.

Section 7: Emergency Clause: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because the University of Arkansas has increased enrollment from 17,269 students in fall 2004 to 33,610 students in fall 2024 while providing only approximately 6,200 beds on campus. As a result, large apartment buildings designed as private dormitories marketed to student occupants have become the private market response to the demand for additional student housing, the demand for which is expected to increase as student enrollment increases, which has created a need to define this new housing type in the city with associated zoning and development requirements. Furthermore, the redevelopment of existing neighborhoods may result in the loss of affordable housing and the displacement of current residents. Therefore, passage of this ordinance is necessary for the public peace as well as the health and safety of Fayetteville residents and the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED on May 20, 2025

Approved:



Molly Rawn, Mayor

Attest:



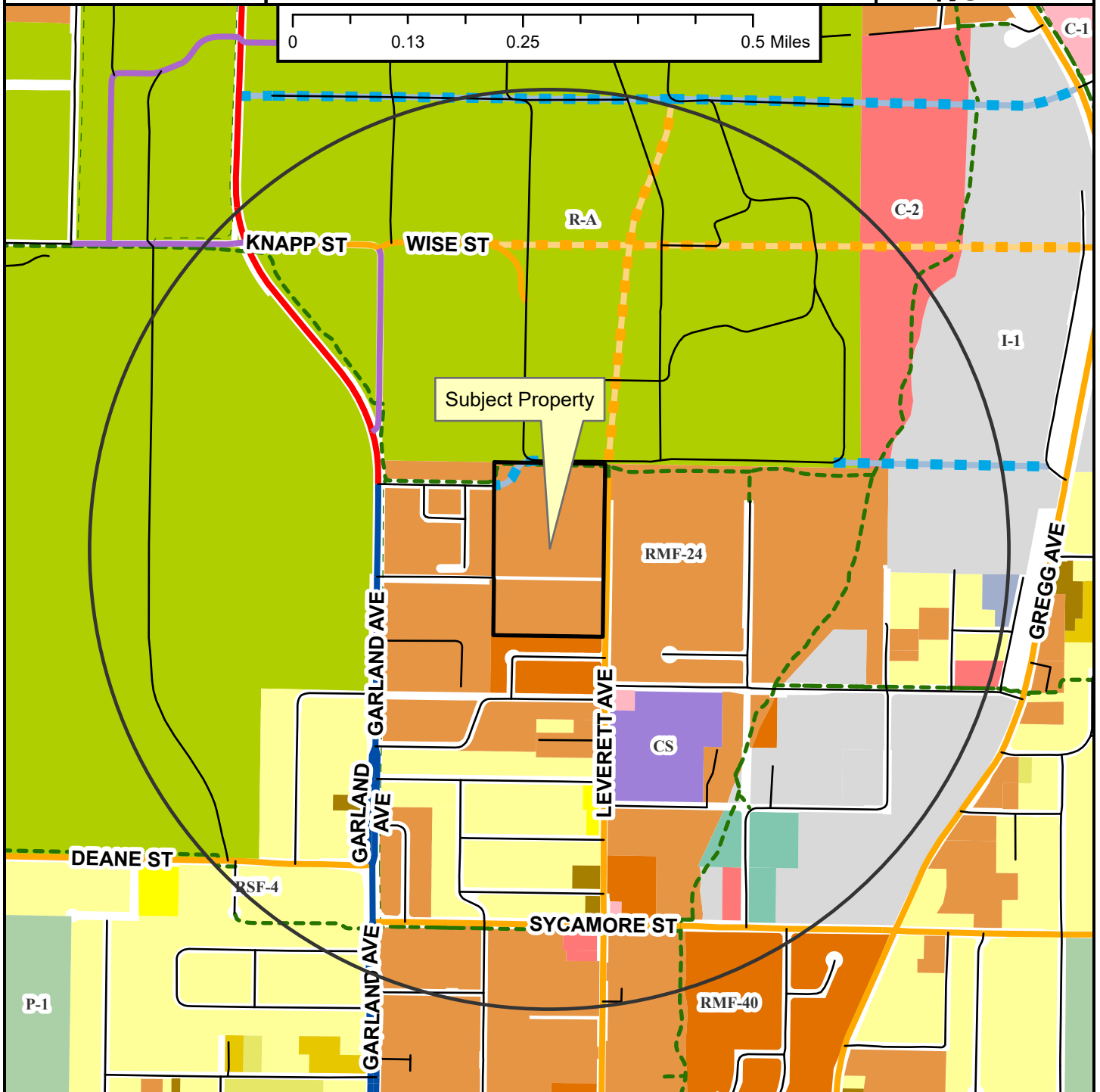
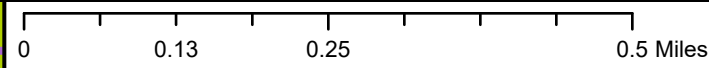
Kara Paxton, City Clerk Treasurer

This publication was paid for by the City Clerk-Treasurer of the City of Fayetteville, Arkansas. Amount Paid: \$568.48

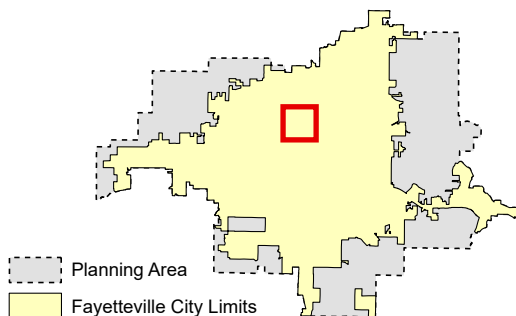
CUP-2025-0032

One Mile View

W. ELM ST & N. LEVERETT AVE



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



Planning Commission

July 14, 2025

CUP-2025-0032 (RAZORBACK HOUSING LLC)

Page 11 of 24

CUP-2025-0032

Close Up View

W. ELM ST & N. LEVERETT AVE

Subject Property

RMF-24

RMF-40

Garrett Dr

Ernie Jacks Blvd

Bob Pl

Billie Jo Dr

Shannon Dr

Peachtree Dr

Elm St

Leverett Ave

Watson Ave

Donald Rd

R-A

Meadow Valley Trail

Neighborhood Link

Unclassified

Residential Link

Planned Neighborhood Link

Planned Residential Link

Planning Area

Fayetteville City Limits

Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

NORTH



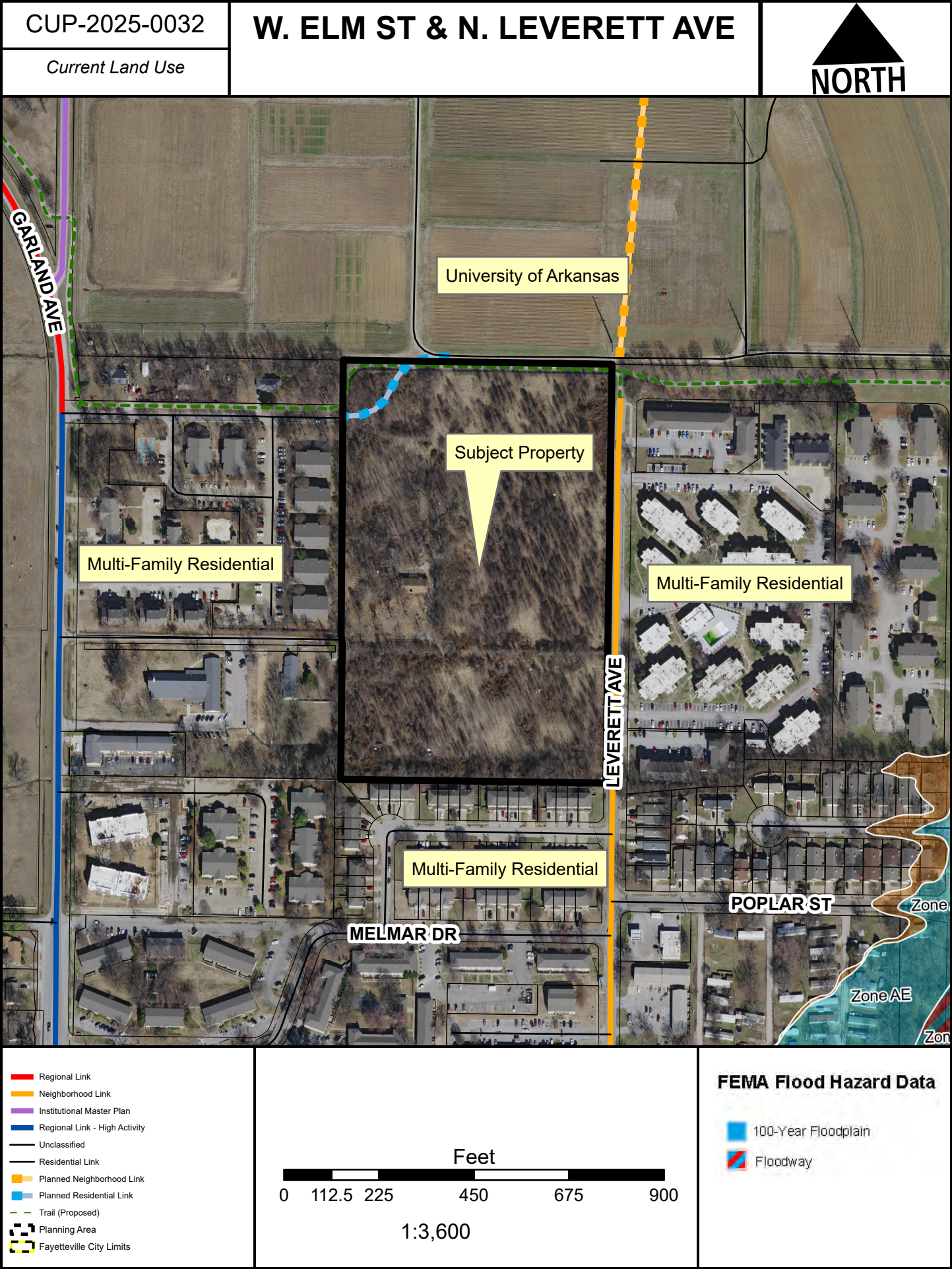
-  Neighborhood Link
-  Unclassified
-  Residential Link
-  Planned Neighborhood Link
-  Planned Residential Link
-  Planning Area
-  Fayetteville City Limits
-  Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400







TO: Jessie Masters, Development Review Manager

FROM: Justin Bland, Engineering Development Review Manager

DATE: July 9, 2025

**SUBJECT: Planning Commission Engineering Comments for
CUP-2025-0032**

Water: There is currently a 6" water line along the east side of the property and an 8" water stubbed out to the northwest corner of the project. During entitlement review these connections will be analyzed to determine if a looped connection across the site between these two lines is adequate or if additional improvements are needed.

Sewer: There is currently not any sanitary sewer available to the site. However, there is a potential connection to an existing 15" sanitary sewer line approximately 285' south east of the site, at the intersection of Poplar and Leverett. A sanitary sewer study will be required for this project prior to entitlement approval. This study will recommend any additional downstream improvements.

Streets: On the east side of the site, Leverett Ave is a partially improved asphalt street with curb and gutter. At the northwest corner of the site, Ernie Jacks Blvd. dead ends at the site. It is an improved asphalt street with curb and gutter, trail and sidewalk. At the southwest corner of the site, the conceptual site plan shows a connection to W. Elm St. which is an unimproved gravel roadway. Street improvement recommendations for the site will be finalized during the entitlement phase, however, based upon the conceptual site plan, staff is likely to recommend improving W. Elm St. from the site to N. Garland Ave. to the typical Residential Link standards.

CONDITIONAL USE PERMIT : USE UNIT 48

NARRATIVE:

This request is for a Conditional Use Permit for Use **Unit 48: Private Dormitories**.

The subject property is zoned **RMF-24** and located on approximately 15 acres on the north side of the University of Arkansas Campus and just south of the University of Arkansas Agricultural lands in Fayetteville. The site is bordered by Leverett Avenue on the East, the Meadow Valley Trail along the north, and multifamily residential on the west and south. Both Ernie Jacks Drive and Elm Street dead-end into the western boundary and large electrical transmission lines flank the entire eastern edge of the site adjacent to Leverett Avenue.

The property currently has no existing structures. A single abandoned home was located at 920 W. Elm Street until late 2024 when it was demolished. Currently, the land is unused and undeveloped with a myriad of vegetative growth including some large specimen trees, but also substantial invasive shrubs and undergrowth. The property is also frequented by unhoused people due to it's undeveloped state.

The project is proposed as a series of four-story buildings with up to 625 bedrooms. The site will be designed to park at the City's base parking requirement of one space per bedroom, with no requested reductions. With the opportunity for a well-designed site, meeting tree preservation requirements, and the overall compatibility within the Future Land Use of City's neighborhood, we believe this is a very reasonable request and appropriate use for the land.

The property is well connected within city utility and roadway infrastructure and located in very close proximity to two azorback transit bus stops as well as the Meadow Valley Trail. Additionally, it is surrounded by multifamily residential housing that is currently predominately used as student housing. All of these items culminate into a well-positioned student housing development opportunity that meets **Neighborhood Compatibility**.

SUMMARY:

current site.

acres: 14.98
zoning: RMF-24
allowable unit density: 359
tree preservation: 20%

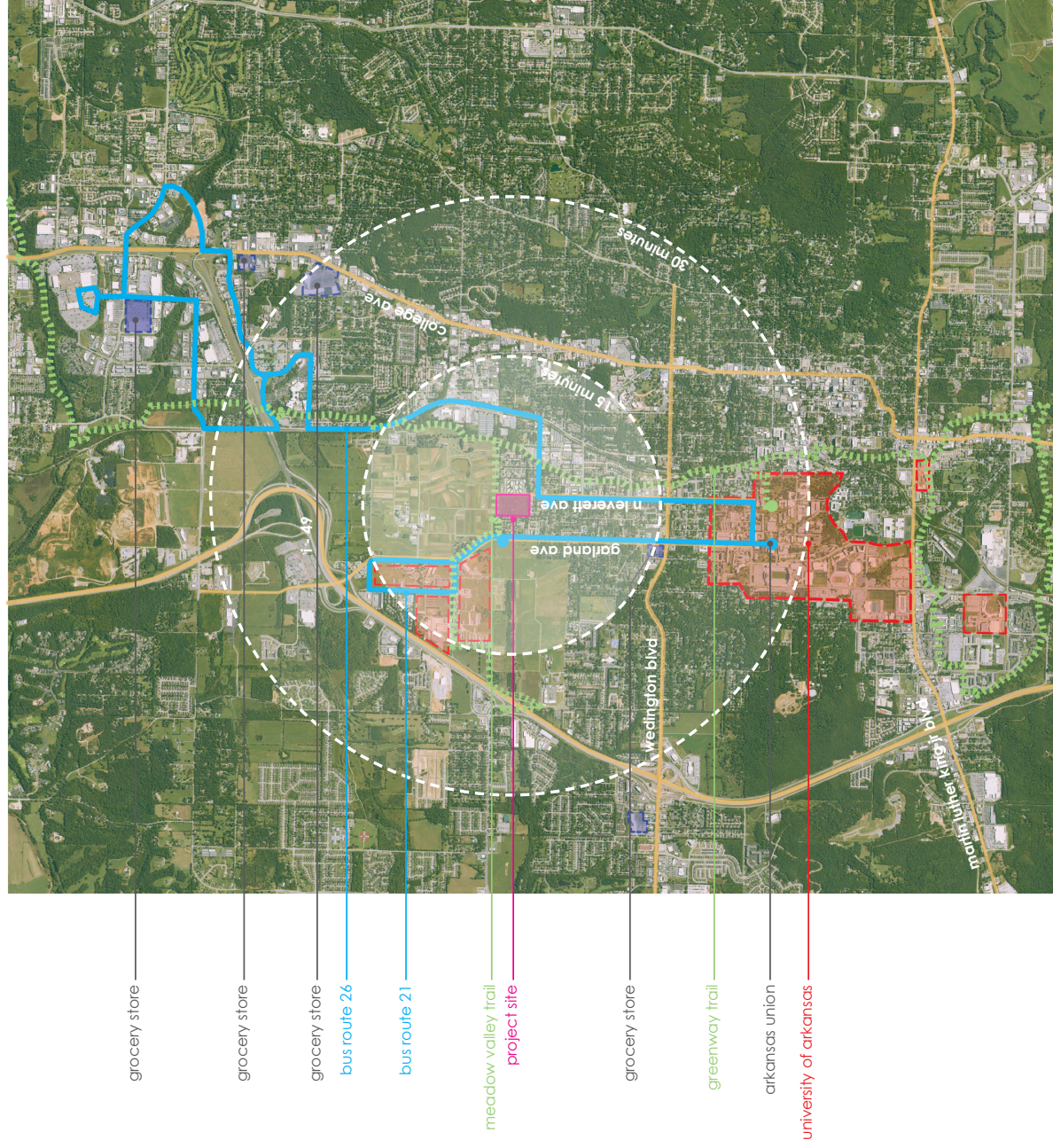
proposed site.

building area (sf): 300,000 - 400,000
units: 220 - 260
unit density: 14 - 18
bedrooms: 600 - 630
bedroom density: 40 - 42
parking ratio: **1 per bedroom (no reductions)**
trash: screened per city requirements
outdoor lighting: per city requirements with 100% cutoffs where required

*All design requirements relative to utilities, hydrology, buildings, parking lots, landscape, tree preservation, trash, lighting, noise, etc., will follow all city development ordinances and will be vetted during the Large Scale Development process.

Meadow Valley Trail Student Housing: Fayetteville, Arkansas

context - city



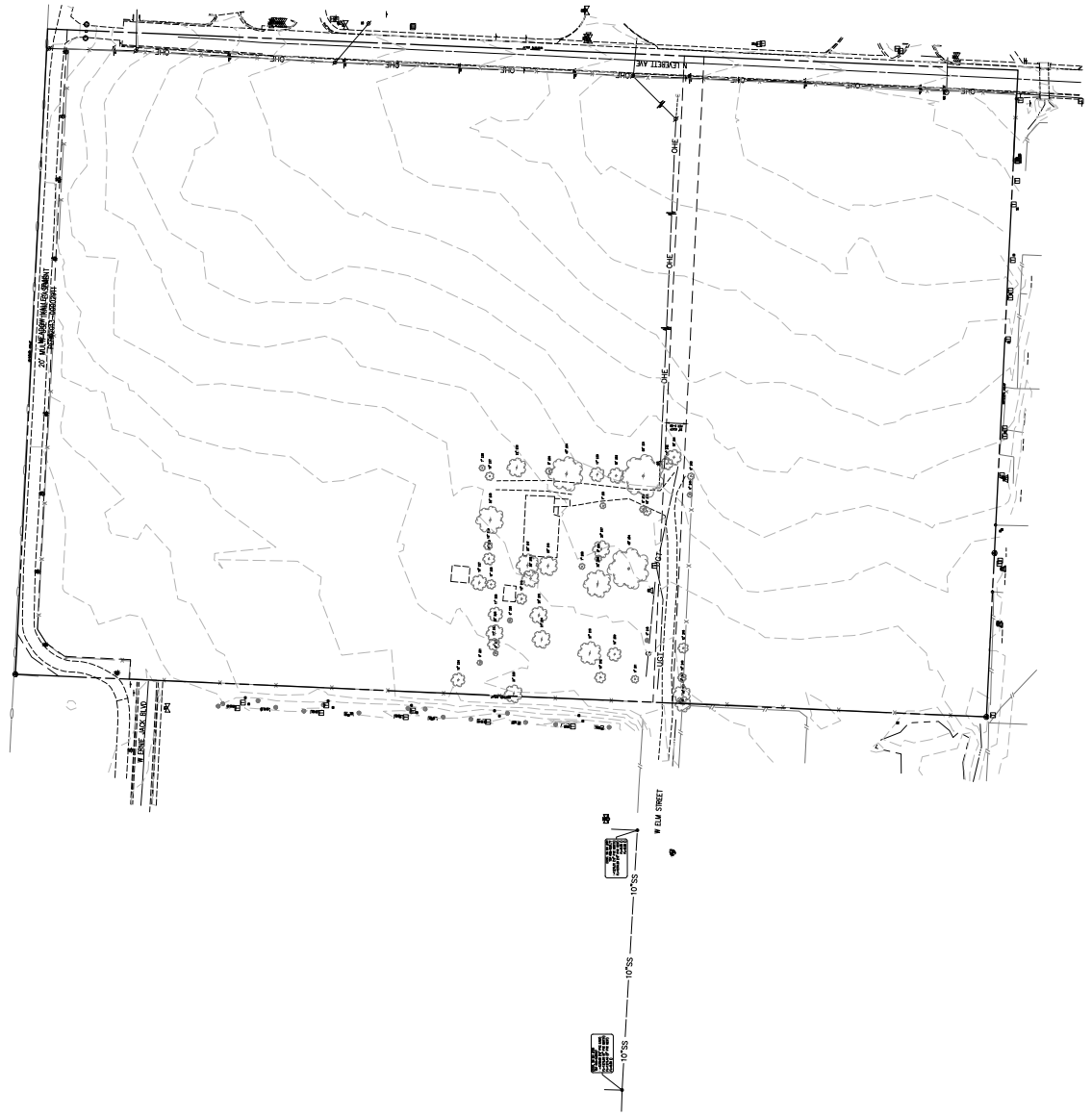
Meadow Valley Trail Student Housing: Fayetteville, Arkansas

context - site



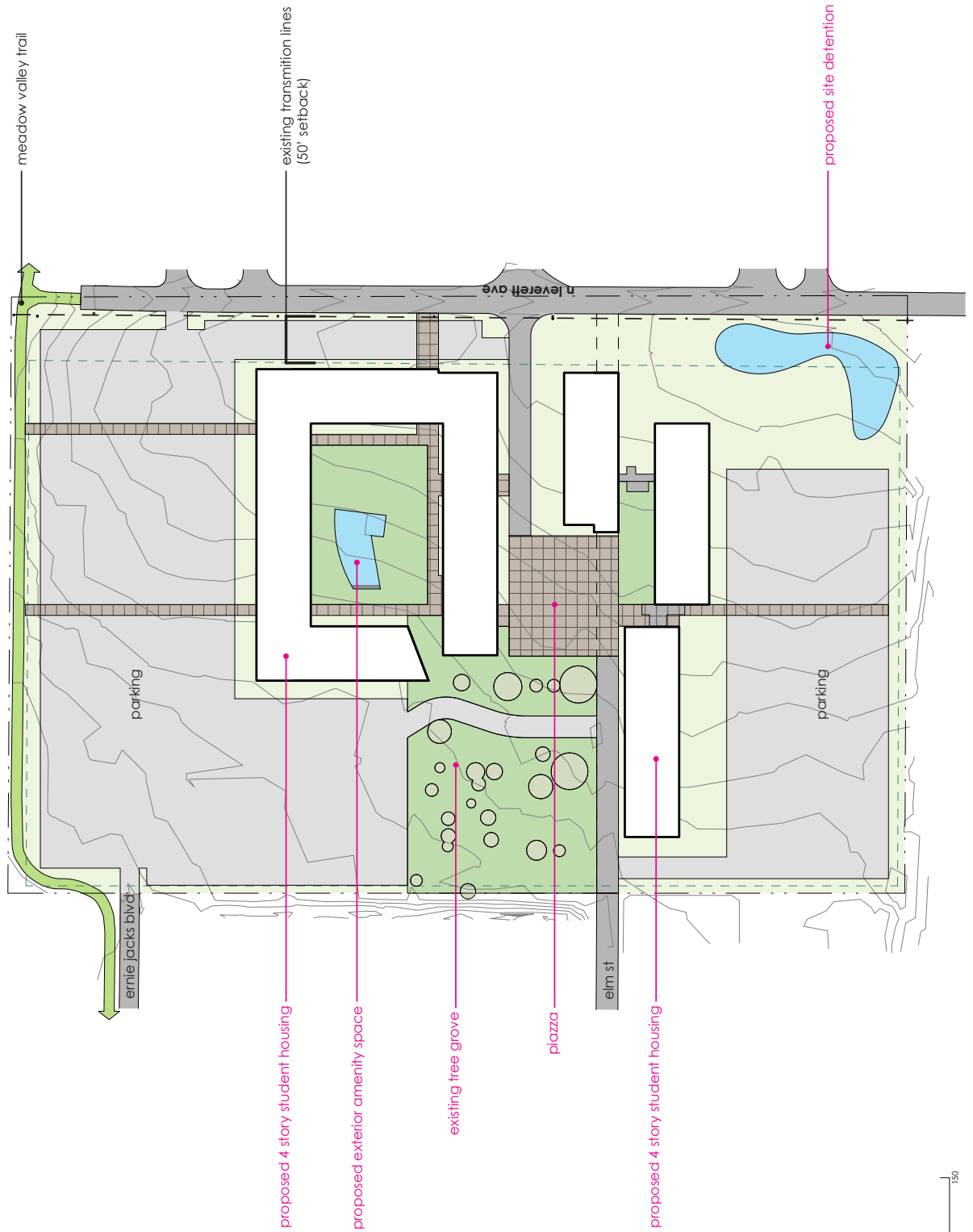
Meadow Valley Trail Student Housing: Fayetteville, Arkansas

existing survey



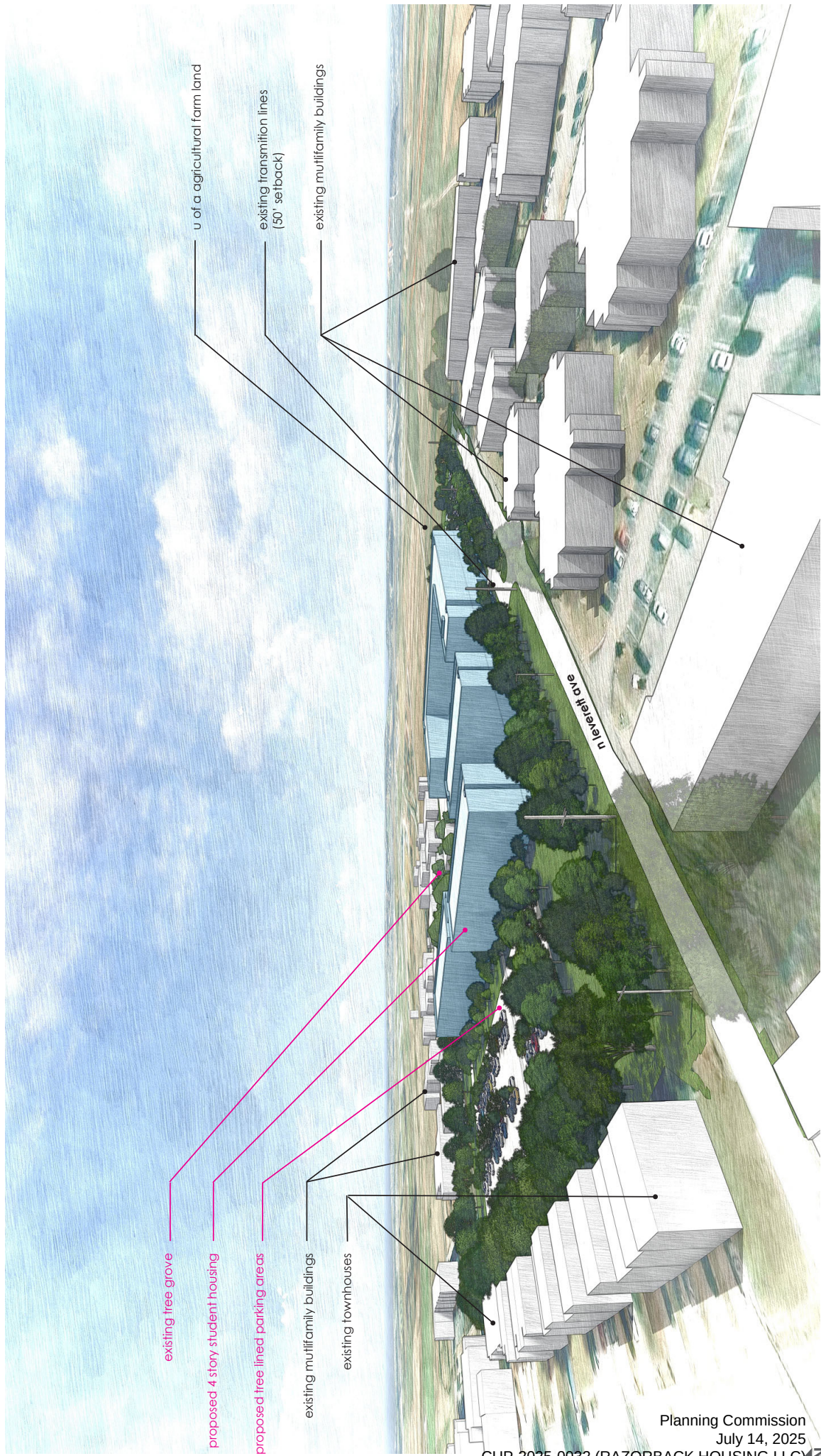
Meadow Valley Trail Student Housing: Fayetteville, Arkansas

cup - site plan



Meadow Valley Trail Student Housing: Fayetteville, Arkansas

view at leverett looking northwest





June 3, 2025

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

RE: Elm Street Student Housing CUP Request

The main ingress and egress of this property will be off Leverett Ave and Elm Street. Elm Street will be constructed with this future development and will connect Garland Ave and Leverett Ave, providing adequate connectivity for residents, as well as for public transportation. With the trail connection on the north side of the property and the sidewalks that will be constructed with this development, adequate pedestrian access will be provided. A formal traffic analysis will be completed during the large scale development process.

There does not appear to be any negative impacts to the city's water, sanitary, or storm sewer infrastructure with this development. Any improvements to existing infrastructure will be analyzed and designed during the large scale development process.

We appreciate your consideration of our request and look forward to working with you to make sure that this property is a valuable asset to the community.

Sincerely,

Connor Threet, P.E.
Civil Project Engineer
Crafton Tull

Compiled Public Comment
CUP-2025-0032

From: Benjamin Hilliard <benhilliard96@gmail.com>
Sent: Monday, June 30, 2025 4:12 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: W. Elm St & N. Leverett Ave Concerns

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

Dear Members of the Fayetteville City Planning Commission,

My name is Benjamin Hilliard, and I am a resident of the Leverett Gardens Apartments, which is located on the side of Leverett Avenue opposite the 14.4 acre plot currently proposed for development into student housing.

I pass this property nearly every day on foot, and it is one of the most beautiful natural spaces in our area. The mature tree canopy and the wildlife it shelters is not just a personal joy—it is part of the neighborhood's ecological and emotional fabric. I am writing to express serious concern about the potential environmental, social, and economic impacts of this proposed development.

While I understand the need for student housing in a college town, I question whether this particular proposal serves that purpose in good faith. The land is currently owned by Razorback Housing, LLC, a Florida limited liability company whose only known holding in our city is this plot. That raises concerns about whether the development will truly serve local students—or simply use “student housing” as a justification for a profit-driven project that does not reflect our community's needs.

My concerns include:

- **Loss of mature tree canopy and natural habitat**, which contributes to urban cooling, air quality, and stormwater management.
- **Displacement of vulnerable individuals**, including unhoused neighbors who have used this space as refuge.
- **Increased housing costs**, driven by the construction of “luxury” student apartments that often remain unaffordable to the average renter.
- **Exclusion of current non-student residents**, particularly if the design, pricing, and leasing policies discourage long-term community members from accessing the housing.
- **Extraction of local value**, as profits and tax advantages potentially flow out of state rather than being reinvested locally.

I urge the Commission to consider not just the zoning or technical compliance of this project, but the broader vision of what kind of city we want to build: one that values its green spaces, protects vulnerable populations, supports *genuine* affordable housing, and ensures that local development serves local interests.

Please require a full environmental impact assessment, meaningful community input, and clear, enforceable guidelines for affordability, transparency, and preservation of existing ecological assets.

Compiled Public Comment
CUP-2025-0032

Thank you for your time and for your commitment to thoughtful planning. I appreciate the opportunity to provide this comment and hope that it helps guide a more inclusive and sustainable vision for this important piece of land.

Sincerely,
Benjamin Hilliard (he/him/his)
2100 N Leverett Ave, Fayetteville, AR 72703

From: Masters, Jessica
Sent: Thursday, June 26, 2025 8:26 AM
To: alsteddu@gmail.com
Cc: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Subject: RE: July 14th City Council Meeting

Good morning, Amanda,

Thank you for reaching out to the City of Fayetteville regarding CUP-2025-0032. I'm glad that you saw the sign, and were able to get in touch with the Planning Division to get more information, though I'm sorry you weren't able to easily find anything on our website.

The item is scheduled for the July 14 Planning Commission meeting, which will begin at 5:30 PM in room 219 in City Hall. All of the files that were submitted by the applicant at this point can be found attached. Staff is still working with the applicant to finalize the request, and a final report on the item will be available by Thursday, July 10, where it will initially be presented to the Planning Commission at their agenda session at 4:30 PM.

We've also received your comment, and it will be included in staff's packet on the item for the Planning Commission to consider. Please feel free to let me know if you have any additional questions prior to the meeting, and we will be sure to report on that to the Planning Commission.

Jessie

Jessie Masters, AICP

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

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



Compiled Public Comment
CUP-2025-0032

From: Amanda Steddum <alsteddu@gmail.com>
Sent: Wednesday, June 25, 2025 4:27 PM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Subject: July 14th City Council Meeting

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

Hello,

Is there a reason why CUP-2025-0032 is not searchable or listed as a scheduled Conditional Use Permit to be reviewed at the Fayetteville City Council meeting on July 14th?

I am a resident of Fayetteville Arkansas on the North end of Leverett Avenue and recently saw one small notice sign pop up for a city council meeting across the street. Normally, I slow down, quickly memorise the bolded print, and look up what it's about. However, I couldn't do this because there is no listing for this CUP, its information, or when it was being reviewed at a City Council Meeting. I had to walk over and read the information on the sign; this is no big deal. I love some extra steps and sunshine. My concern is that even after reading the sign and doing more research, the only information I'm seeing about this CUP and possible new student housing development, is this one yard sale sign with book print font across the street. No one probably even knows this development could be happening in my area except for some residents of the two small apartment complex that have to pass this sign to get home.

This is NOT okay. I think more signs need to be placed. This meeting should be reschedule for a later date since it is not listed online and this sign has been out for multiple days at this point.

Personally, I wish this was a reason to cancel the permit all together, but I think someone needs to at least be made aware of this so that residents of the surrounding areas can be made aware of this.

Student housing is not cheap. This area of town, my apartment specifically, is one of the last few apts in Fayetteville where I can get a 2 bed 2 bath apartment (shared) for less than \$1,000, accepts cats, has a washer and dryer, and I'm not subject to insane price hikes every year. My last apartment on Joyce hiked my monthly rent by \$100 6 months after the new apartment next to it opened. I fear this will happen to this part of town as well if allowed to develop this land. This area is low income, and many people are disabled; they deserve to know and have a chance and it's concerning to me to find this. In Fayetteville? Everyday feels like our city cares less about us, and bringing more people in with money.

I hope these concerns are heard and something is done. If not, well, I'll bring this complaint, along with the others I have for this CUP, to the City Council meeting on July 14th at 5:30pm when this CUP is supposedly being reviewed.

Thank you for your time,

Amanda Steddum



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 14, 2025

SUBJECT: **RZN-2025-0022: Rezoning (2648 N. OLD WIRE RD./APPLE SEEDS, 292):** Submitted by APPLE SEEDS INC for property located at 2648 N. OLD WIRE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.87 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0022** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0022** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in north Fayetteville approximately 4/10 of a mile north of the intersection of North Old Wire Road and East Township Street intersection. The property is zoned RSF-4, Residential Single Family, Four Units Per Acre, and contains approximately 0.87 acres. Though originally developed with a single-family home that was constructed in 1961, the property is the site of Apple Seeds, a public teaching farm, which leases a portion of Gulley Park from the City for its operations. A conditional use permit was approved for this use in 2015 (CUP 5217). No overlay districts or other natural features are present on site. 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	RSF-4, Residential Single-Family, 4 Units Per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units Per Acre
East	Public Farm (Apple Seeds Farm)	RSF-4, Residential Single-Family, 4 Units Per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units Per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single Family, Four Units per Acre, to P-1, Institutional, to allow the use to continue by-right without the limitations of the conditional use.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject area has a road frontage along North Old Wire Road. North Old Wire Road is a Partially improved Neighborhood Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.
- Water:** Public water is available to the subject area. Existing 6-inch water main is present along North Old Wire Road.
- Sewer:** Sanitary sewer is available to the subject area. Existing 6-inch sewer main is present along the East property line of the proposed property. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1325 linear feet downstream of this property.
- Drainage:** No protected streams, FEMA Floodplain, or hydric soils are identified on the subject property. No portion of the subject property lies within the Hillside/Hilltop Overlay District.
- Fire:** Station 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- Police:** The Police Department did not comment on this request.
- Tree Preservation:** The proposed zoning district, P-1, Institutional, **25% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

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

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity nonresidential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 6 for this site with a weighted score of 6. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 5, 2979 N. Crossover Rd.)
- Near Sewer Main (6-inch main in N. Old Wire Rd.)
- Near Water Main (6-inch main rear of property)
- Near Public School (Butterfield Trail Elementary)
- Near City Park (Gulley Park)
- Near Paved Trail (Niokaska Creek Trail, Gulley Park Trail)

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 that the requested rezoning to P-1 compatible with surrounding land uses. Despite allowing different uses than neighboring properties, the site's small size limits expansion and impact, maintaining harmony with the area. Currently zoned RSF-4 (Residential Single-Family, 4 Units Per Area), the property has operated as a teaching facility since 2015 without detracting from the neighborhood. Rezoning to P-1 would legitimize the existing cultural and recreational use, allowing Apple Seeds to continue, expand, or rebuild its facility with minimal traffic or disruption.

Land Use Plan Analysis: Staff finds that a rezoning to P-1 would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood, but it does abut Gulley Park, which was designated as Civic and Private Open Space. The park and farm are both designated in the City Plan 2040 as Civic and Private Open Space – which allow public access to outdoor amenities. This proposed rezoning would help allow a publicly oriented space to continue.

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

Finding: Staff finds that there is sufficient justification for rezoning the property from RSF-4 to P-1. Staff finds that the proposed rezoning is compatible with its current use, abutting properties (Apple Seed Farm and Gulley Park) and is consistent with the City's future land use plans.

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

Finding: A rezoning from RSF-4 to P-1 does have the potential to increase the traffic in the area; however, the property's small size would prevent substantial development, which would limit the future growth of the services provided. Staff does not find that this growth would have considerable impact on traffic. The property has frontage along North Old Wire Road, a Neighborhood Link Street, and any street improvement in the area would be determined at the time of development review.

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

Finding: The proposed rezoning does not have the potential to alter the population density. Rezoning from RSF-4 to P-1 will remove the residential uses and re-align the property to an institutional use. Staff does not find that the rezoning request will undesirably increase the load on public services at this site. 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-2025-0022 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>July 14, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - § 161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - § 161.32 District P-1, Institutional
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

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.

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by public and religious institutions. Larger facilities and institutions may still use historical setback regulations, but public and religious institutions may also choose to use urban form with build-to zones and minimum buildable street frontage allowing administrative approval.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
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 12b	General business
Unit 20	Commercial recreation, large sites
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form Setback Regulations

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

(F) *Building Height Regulations.*

Building Height Maximum	6 stories*
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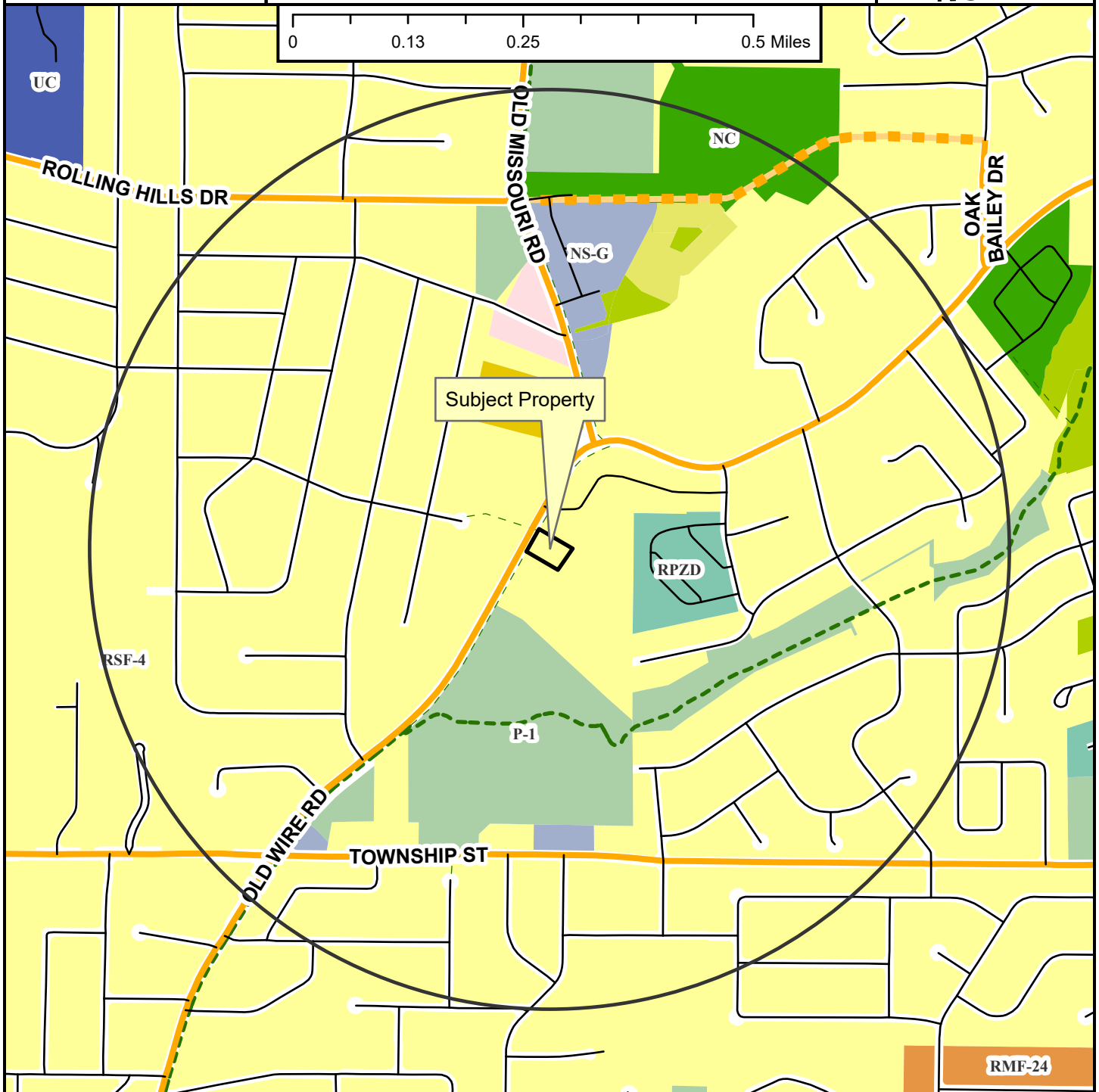
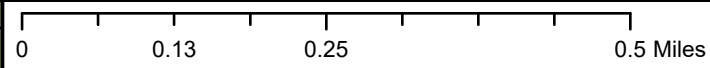
* If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from side boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

- (G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.
- (H) Urban form minimum buildable street frontage: 50% of the lot width.

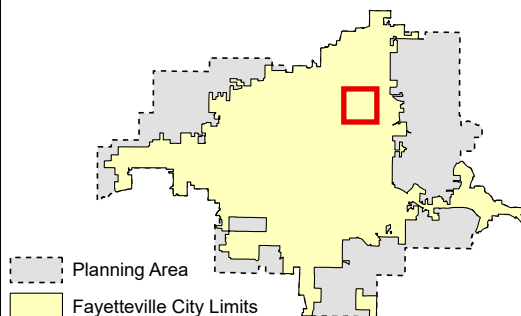
RZN-2025-0022

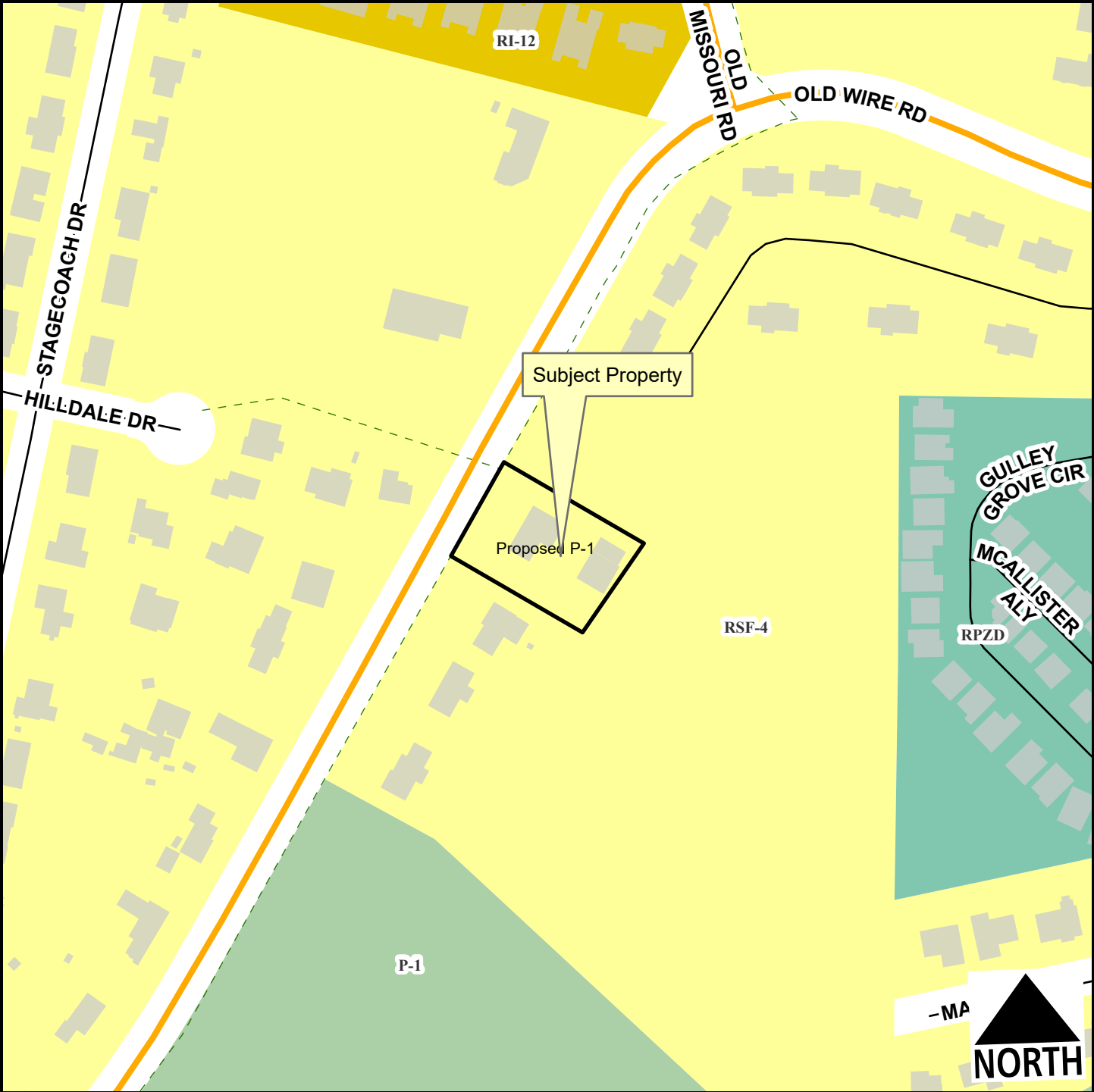
2648 N. OLD WIRE RD

One Mile View



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





Neighborhood Link Unclassified Residential Link Trail (Proposed) Planning Area Fayetteville City Limits	Feet 075150300450600 1:2,400	Zone Current Proposed P-1 0.0 0.7 RSF-4 0.7 0.0 Total 0.7 ac
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RZN-2025-0022

2648 N. OLD WIRE RD

Current Land Use

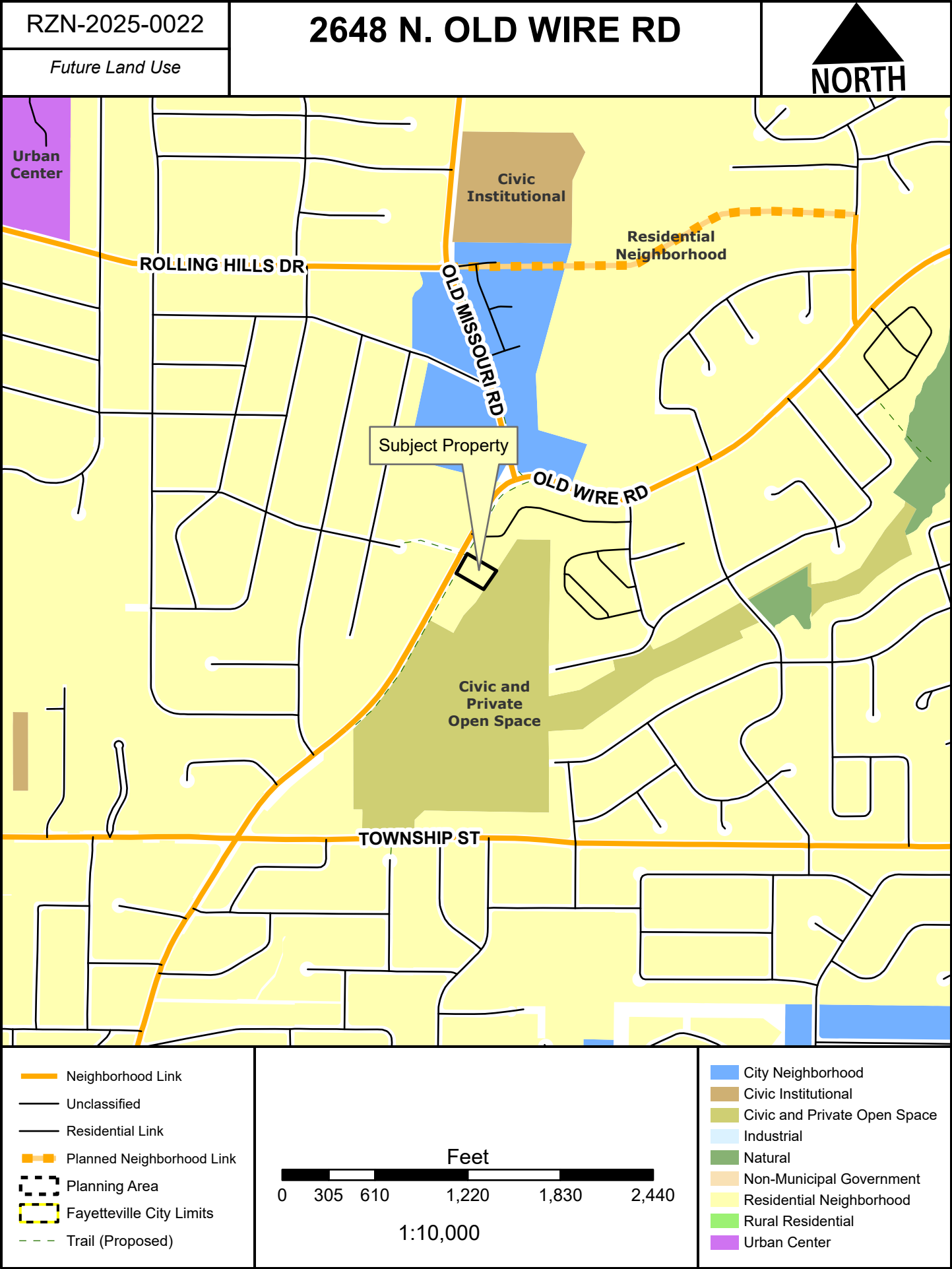


- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





Wednesday, June 4 2025

Fayetteville Planning Committee
125 W Mountain, Fayetteville, AR 72701
Subject: Rezoning Proposal for Apple Seeds Teaching Farm

Dear Members of the Planning Committee,

I am writing to you today on behalf of Apple Seeds, Inc., to formally propose a rezoning of our property located at 2648 N Old Wire Road, currently zoned RSF-4 operating with a Conditional Use Permit, to a new Commercial Zone designation, District P-1 Institutional Unit 4 Cultural/ Recreational Facility. This request comes as a result of our significant growth and evolving needs as a leading educational organization in Northwest Arkansas.

Current Situation:

Apple Seeds has been a proud member of the Fayetteville community for 18 years, dedicated to providing innovative farm-to-table education that empowers children and adults to live healthier lives. Our programs have expanded substantially, and we now serve over 14,000 children annually in Northwest Arkansas. This growth necessitates that we enhance our facilities to effectively support our mission and better serve the community. Our current zoning designation limits our ability to fully develop our site to meet these growing programmatic needs.

Proposed Rezoning and its Benefits:

We believe that rezoning our property to a Commercial Zone is a logical and beneficial step for the following reasons:

- **Alignment with City Goals:** The proposed rezoning aligns with the City's comprehensive plan, which encourages the development of community-serving organizations and educational initiatives.
- **Enhanced Community Impact:** Rezoning will allow us to expand our facilities, enabling us to offer a wider range of programs, accommodate more participants, and provide enhanced educational experiences. This includes the potential for:
 - Substantial parking for our existing Farm Programs
 - Accessibility to children and guests of differing mobility levels
 - Construction of facilities that will support the infrastructure of our growing



organization

- Economic Benefits: Our expansion will generate positive economic impacts, including increased visitor traffic, which will support local businesses.
- Neighborhood Compatibility: There are several P-1 zoned spaces in our neighborhood already, with nearby churches and our direct neighbor Gulley Park.

We are committed to continuing to be a good neighbor. Our proposed development will be designed to be sensitive to the surrounding residential area, with careful consideration given to:

- * Traffic flow and parking
 - * Noise levels
 - * Landscaping and aesthetics
 - * Hours of operation
- Sustainable Development: Apple Seeds is committed to sustainable practices. Our development plans include environmentally responsible design, construction, and operation, in line with the City's sustainability goals.

Organizational Growth:

Apple Seeds has experienced significant growth in recent years, and we project this growth to continue. To continue serving the community effectively, we need to adapt our facilities. The current RSF-4 zoning does not allow for the type of development required to support our programs and future growth. This rezoning is crucial for our continued success and our ability to meet the increasing demand for our services.

Conclusion:

We are confident that rezoning our property to a Commercial Zone will allow Apple Seeds to continue to grow and serve the community effectively while remaining a valuable asset to the neighborhood. We urge the Planning Committee to consider our proposal and recognize the significant benefits it will bring to Fayetteville.

Thank you for your time and consideration of this important matter.

Sincerely,

Mary Thompson
Executive Director, Apple Seeds, Inc.