

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, July 28, 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: 867 0888 1074

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_kIFy_8ivQq22b_xOjHXVMg

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

Approval of the minutes from the July 14, 2025 Planning Commission.
- Mirinda Hopkins, Development Coordinator

Unfinished Business**2. 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.

THIS ITEM WAS TABLED AT THE JULY 14, 2025 PLANNING COMMISSION MEETING. - Wesley Frank, Planner

New Business**3. ADM-2025-0031: Administrative Item (AMEND UDC CHAPTERS 167.04, TREE PRESERVATION AND PROTECTION AND 167.05, TREE PROTECTION MEASURES AND CONSTRUCTION):**

Submitted by CITY OF FAYETTEVILLE STAFF. The request is for an amendment to UDC 167.04 and 167.05. The proposed code changes would clarify requirements for tree preservation before and during construction. - Willa Thomason, Urban Forester

4. ADM-2025-0033: Administrative Item (PLANNING COMMISSION RULES OF ORDER AND PROCEDURE):

Submitted by City Staff. The request is to amend the Planning Commission Rules of Order and Procedure to adhere to FOIA open meetings requirements. - Blake Pennington, Assistant City Attorney

5. VAR-2025-0033: Planning Commission Variance (3066 E. JOYCE BLVD/THE BERKSHIRE, 177):

Submitted by JORGENSEN AND ASSOCIATES for property located at 3066 E. JOYCE BLVD. The property is zoned CS, COMMUNITY SERVICES; NS-G, NEIGHBORHOOD SERVICES-GENERAL; and RI-12, RESIDENTIAL INTERMEDIATE – 12 UNITS PER ACRE and contains approximately 8.77 acres. The request is for a variance to the development review process. - Jessica Masters, Planning Director

6. VAC-2025-0015: Vacation (E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE/3V QOZB LLC, 523):

Submitted by COMMUNITY BY DESIGN for property located at E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.30 acres. The request is to vacate 0.04 acres of right-of-way.
- Wesley Frank, Planner

7. 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.
- Jessica Masters, Planning Director

8. 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 RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is for a short-term rental. - Donna Wonsower, Planner

9. CUP-2025-0034: Conditional Use Permit (1125 N. CROSSOVER RD/PHAT MINH PAGODA-BUDDHIST MEDITATION & RETREAT CENTER, 410):

Submitted by LUONG HOANG for property located at 1125 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.20 acres. The request is for a cultural & recreational facility. - Donna Wonsower, Planner

10. RZN-2025-0023: Rezoning (NORTH OF 3003 N. OAK BAILEY DR/HOSKINS, 254):

Submitted by CITY OF FAYETTEVILLE for property located NORTH OF 3003 N. OAK BAILEY DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-

FAMILY, FOUR UNITS PER ACRE and contains approximately 1.27 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE. - Jessica Masters, Planning Director

11. RZN-2025-0024: Rezoning (SOUTH OF 380 S. HAPPY HOLLOW RD/JONES, 526):

Submitted by SITEWISE CIVIL ENGINEERING for property located SOUTH OF 380 S. HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.70 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

- Donna Wonsower, Planner

12. RZN-2025-0025: Rezoning (VARIOUS PARK PROPERTIES/FAYETTEVILLE PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS):

Submitted by CITY OF FAYETTEVILLE STAFF for VARIOUS PARK PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are in VARIOUS ZONING DISTRICTS and total approximately 180.84 acres. The request is to rezone the properties to P-1, INSTITUTIONAL. - Jessica Masters, Planning Director

13. 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. - Donna Wonsower, Planner

Items Administratively Approved by Staff

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

that everyone has a chance to speak.

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

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

(pg. 1) Planning Commission		Monday, 07/14/2025					
Time: 5:30 PM							
Staff :		☐ Willa Thomason ☒ Jessie Masters ☒ Donna Wonsower ☒ Wesley Frank					
		☐ Britin Bostick ☐ Kylee Cole ☐ Melissa Boyd ☒ Justin Bland ☐ Chris Brown ☐ Alan Pugh ☐ Fire Marshal					
	Roll Call	1) Minutes (06/23/2025)	2) VAR-2025-0031 (SPECIALIZED REAL ESTATE GROUP)	3) VAR-2025-0032 (HAYWARD)	4) LSD-2024-0037 (BLACK PINE CONSTRUCTION)	5) LSD-2025-0009 (NAPLES)	6) ADM-2025-0010 (SMYTH REVIVAL LLC)
Garlock	1	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1	1
Castin	1	1	1	1	1	1	1
Werner	1	1	1	1	1	1	1
Gulley	0						
Madden	1	1	1	1	1	1	1
Cabe	1	Recuse	Recuse	Recuse	Recuse	Recuse	1
Payne	1	1	1	1	1	1	1
Brink	1	1	1	1	1	1	1
Agenda		Consent	Consent	Consent	Consent	Consent	New
Action		Approve	Approve	Approve	Approve	Approve	Approve
Motion By		Garlock	Garlock	Garlock	Garlock	Garlock	Werner
Motion 2nd		Werner	Werner	Werner	Werner	Werner	Castin
Vote		7-0-1	7-0-1	7-0-1	7-0-1	7-0-1	8-0-0
Time		5:34 PM	5:34 PM	5:34 PM	5:34 PM	5:34 PM	5:43 PM
Motion Detail							
Public Comment		0	0	0	0	0	0

(pg. 2) Planning Commission		Monday, 07/14/2025			
	7) ADM-2025-0029 (VAUGHN RECYCLING)	8) ADM-2025-0032 (VAN ASCHE MULTI-FAMILY)	9) CUP-2025-0025 (MARSH)	10) CUP-2025-0026 (MARSH)	11) CUP-2025-0027 (MOTH & DAGGER TATTOO & PIERCING)
Garlock	0	1	0	0	1
McGetrick	1	1	1	1	1
Castin	1	1	1	1	1
Werner	1	1	1	1	1
Gulley					
Madden	1	1	0	0	1
Cabe	1	1	1	1	1
Payne	1	1	1	1	1
Brink	1	1	1	1	1
Agenda	New	New	New	New	New
Action	Table	Approve	Approve	Approve	Approve
Motion By	Werner	Garlock	Payne	Payne	Werner
Motion 2nd	Payne	Payne	Werner	Werner	Castin
Vote	7-1-0	8-0-0	6-2-0	6-2-0	8-0-0
Time	5:55 PM	6:05 PM	6:28 PM	6:29 PM	6:37 PM
	Until the August 25, 2025 Planning Commission meeting.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	With all conditions as recommended by staff.	Amending 9am-9pm and all other conditions as recommended by staff.
Public Comment	0	0	2	2	0

(pg. 3) Planning Commission				Monday, 07/14/2025		



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 28, 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."*

JULY 14, 2025 PLANNING COMMISSION MEETING:
At the above-listed Planning Commission meeting, the applicant requested to table themselves to ensure a complete application was submitted. This item was tabled to the July 28th Planning Commission meeting. In the interim, the applicant has submitted additional documentation regarding the proposal and staff's findings are reported below.

BACKGROUND:
The subject property is central downtown Fayetteville on the Upper Ramble on Dickson Street. The City of Fayetteville previously owned this parcel beginning in 1984 until 2020 when Dickson & West acquired the property through a land swap agreement (Resolution No. 37-20). This land is part of the Cultural Arts Corridor, a 50-acre outdoor public space that is aimed at revitalizing the downtown area and creating 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
- Anticipated length of time: 6 to 8 months

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. **Conditional Use Permit approval shall be valid for a period of one year, subject to further evaluation by the Planning Commission and staff no more than six months from the date of project approval. At this time, existing site conditions and compatibility shall be re-assessed.**
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 28, 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 is part of the overall Cultural Arts Corridor – areas intended for public use, arts, and entertainment. While currently being used by mobile food vendors, the proposed temporary leasing office for student housing is incompatible with surrounding uses and does not support the City’s land use goals, Cultural Arts Corridor, and Downtown Master Plan. These tools used by the City are designed to support the economic and arts of the area, and of which the temporary structure would be counter to this support as it is unlike many developments in the area. Though privately owned, the property abuts public cultural spaces of which are designated in the Future Land Use Map as Civic Institutional, which prioritizes enhancing “building[s] generally operated by not-for-profit organizations to culture, government, education or transit and municipal parking.” The temporary structure would be used to promote Axis Apartments, a student housing development located at 550 North Futrall Drive, a location approximately 3.5 miles away. The proposed use is inappropriate as it does not support the area’s or city’s goals while servicing a development a considerable distance away

(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).

- (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 and exit from the north. 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 complementary designs and appropriate use 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 currently operates a temporary structure with a similar exterior design and commercial use.

(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 cultural and economic experience of this area. Approval of the requested conditional use would allow a temporary use for a structure and business that contrasts with 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
- Site Map from Development to Proposed Property

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.

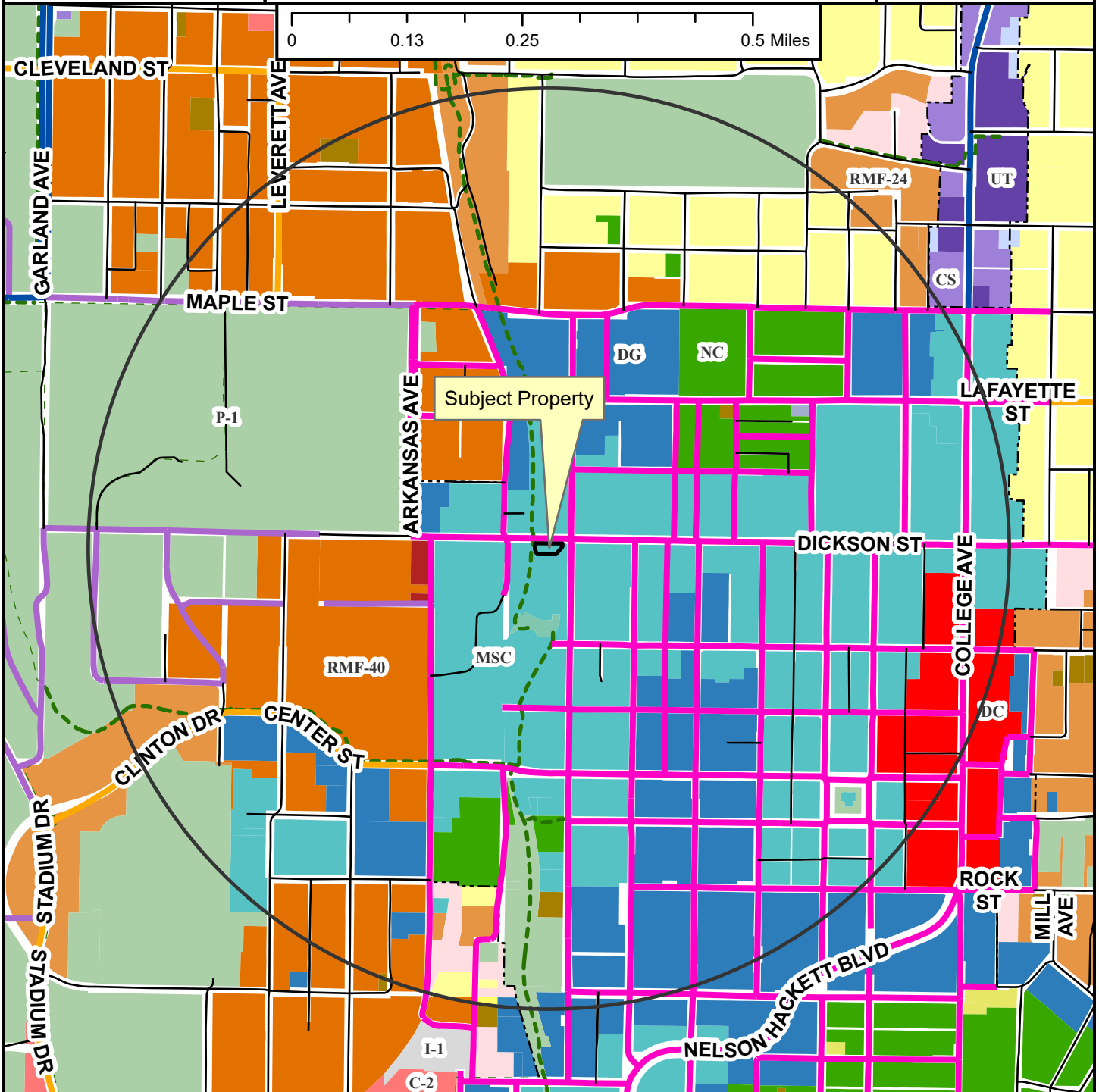
CUP-2025-0031

503 W. DICKSON ST

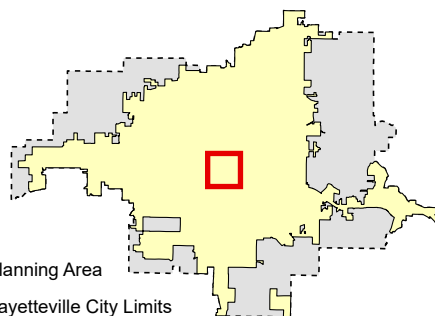
One Mile View



0 0.13 0.25 0.5 Miles



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

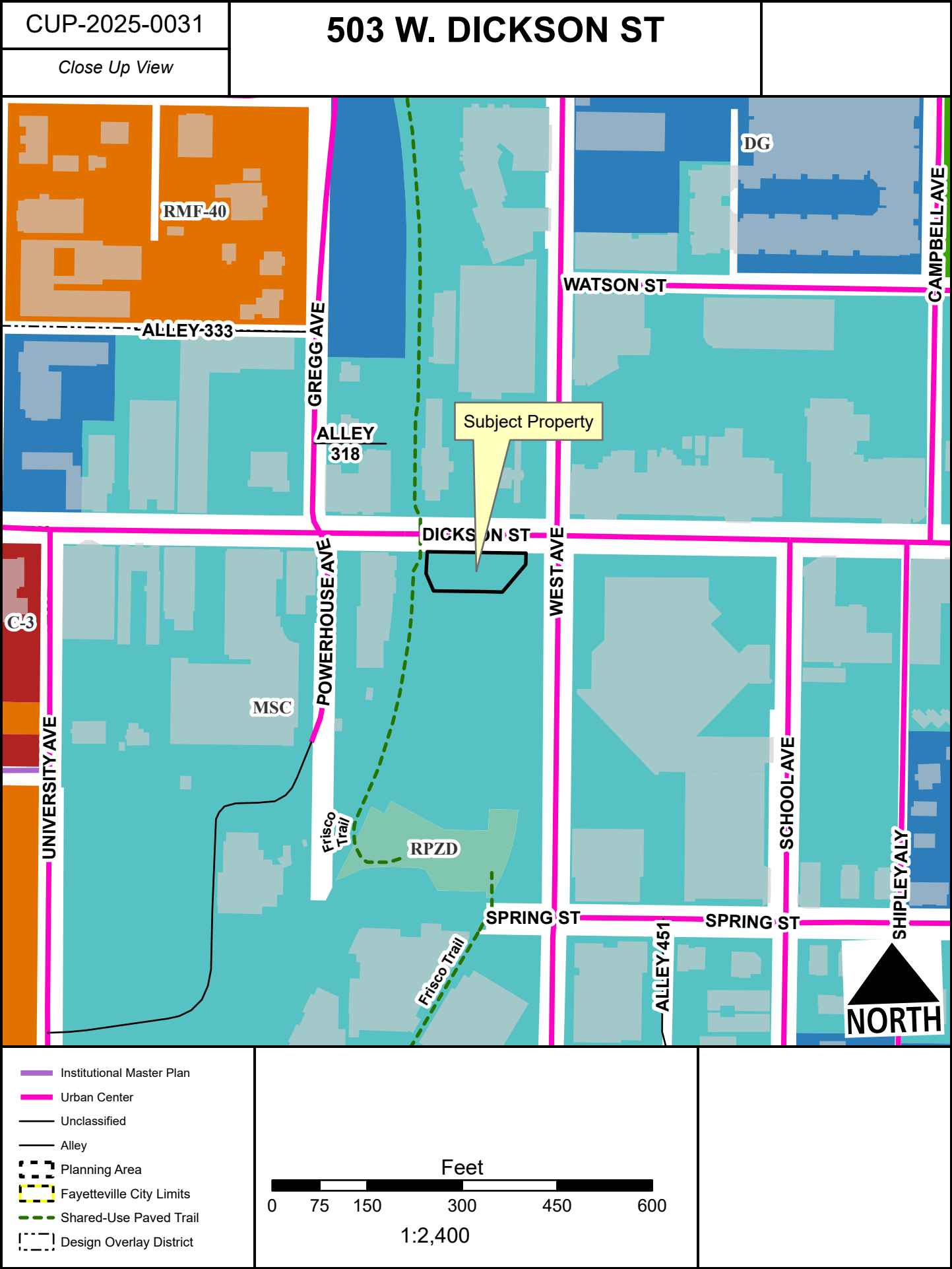


Planning Commission

July 28, 2025

CUP-2025-0031 (DICKSON & WEST INVESTMENT LLC)

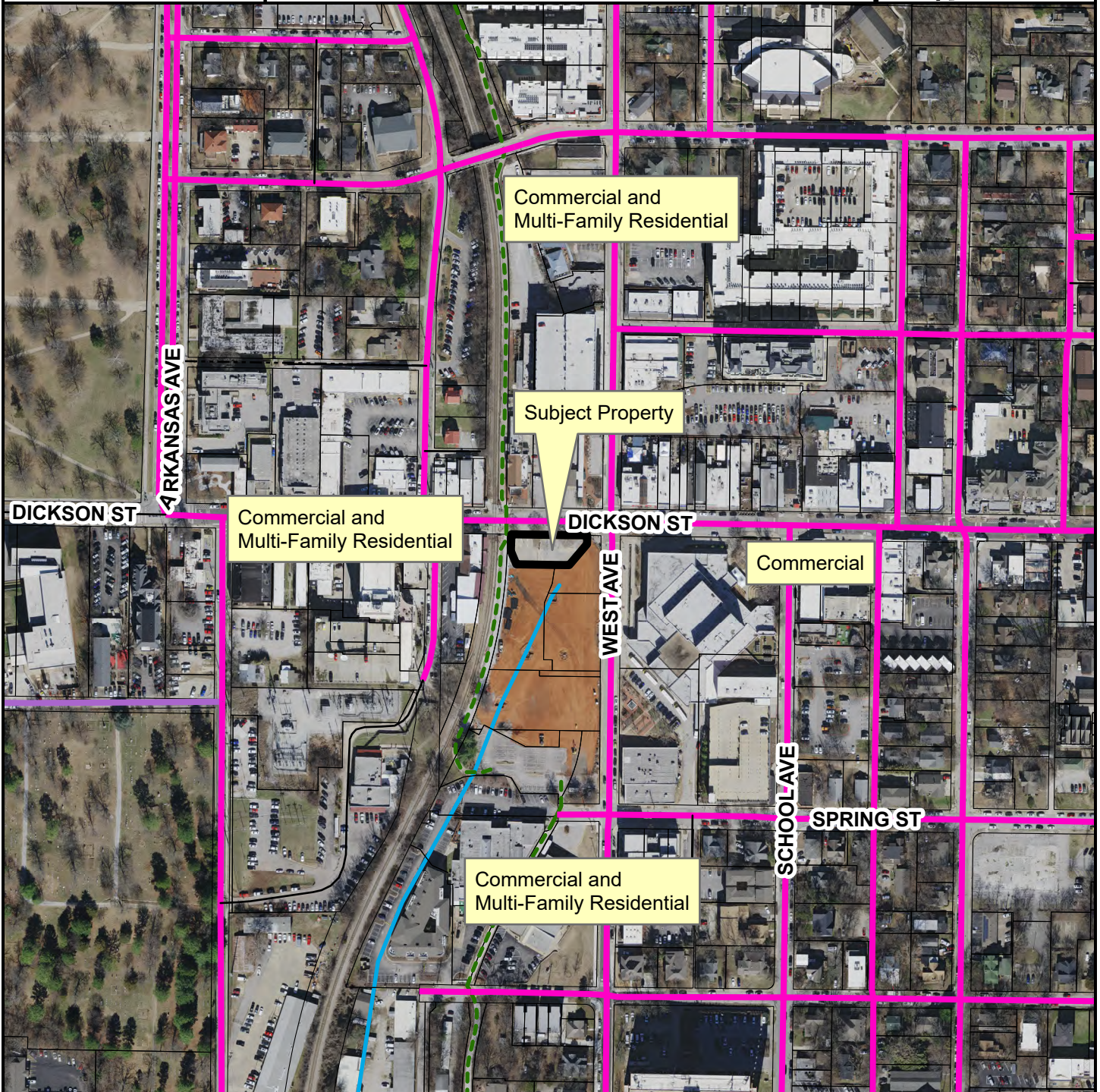
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CUP-2025-0031

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.



Leasing Office Exterior Wrap Design v1

Full Mural Wrap



Featured Artwork



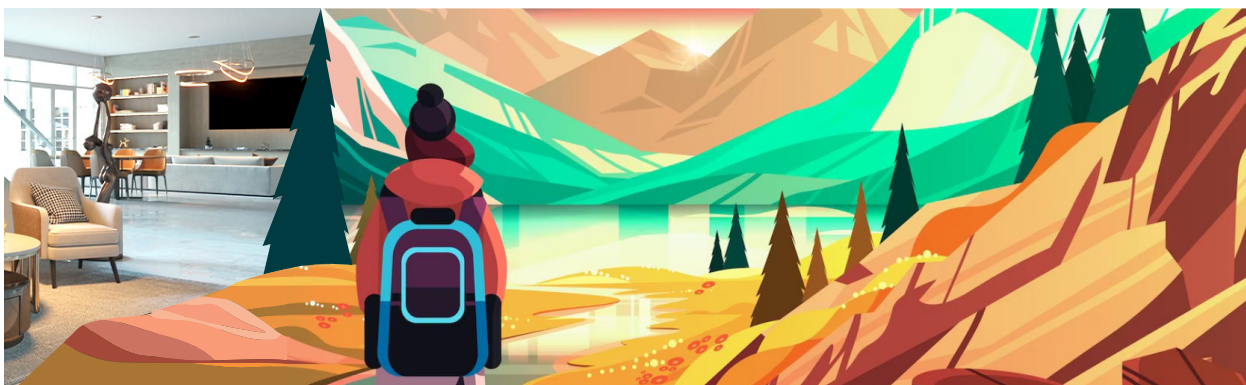


Leasing Office Exterior Wrap Design v2

Full Mural Wrap



Featured Artwork





Leasing Office Exterior Wrap Design v3

Full Mural Wrap



Featured Artwork



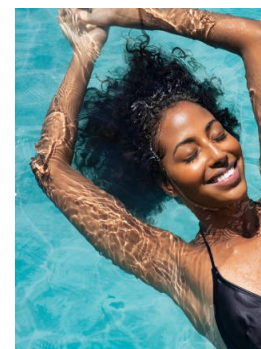


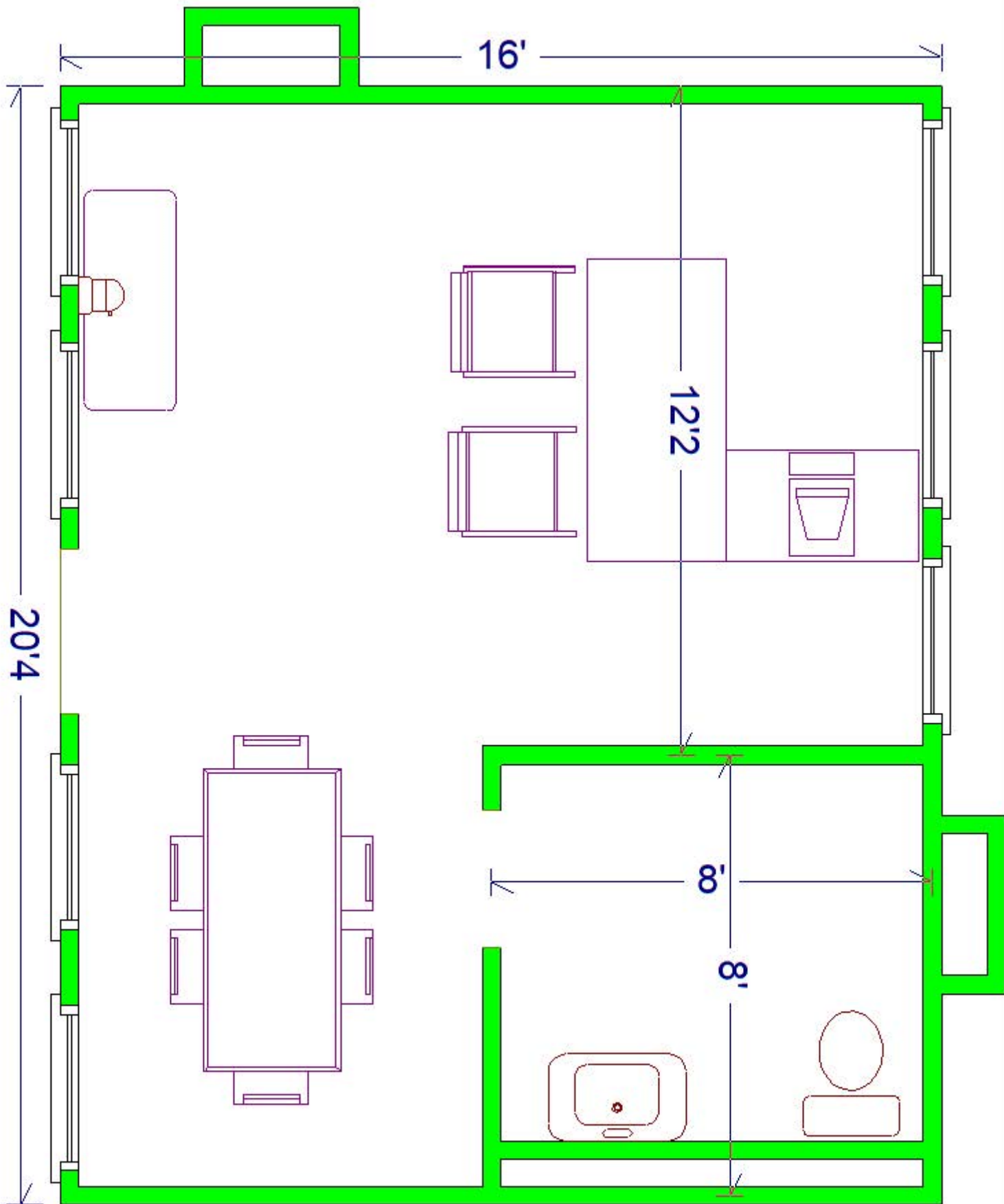
Leasing Office Exterior Wrap Design v4

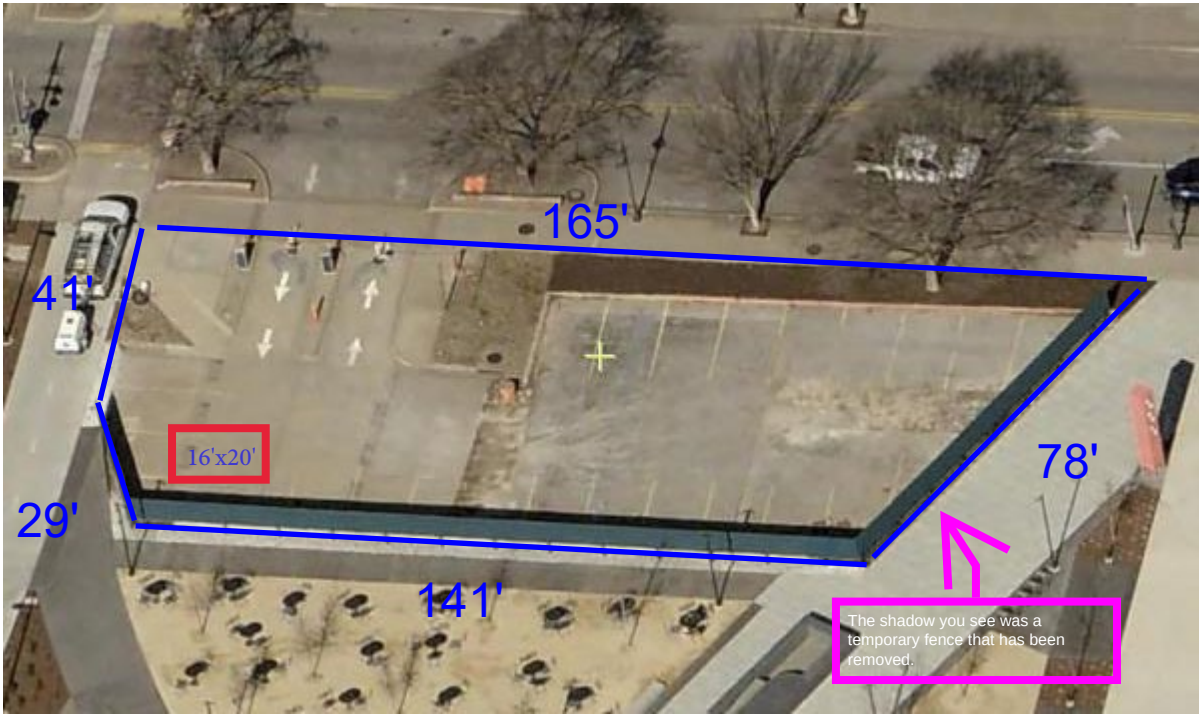
Back Mural Wrap with Lifestyle Photo Sides

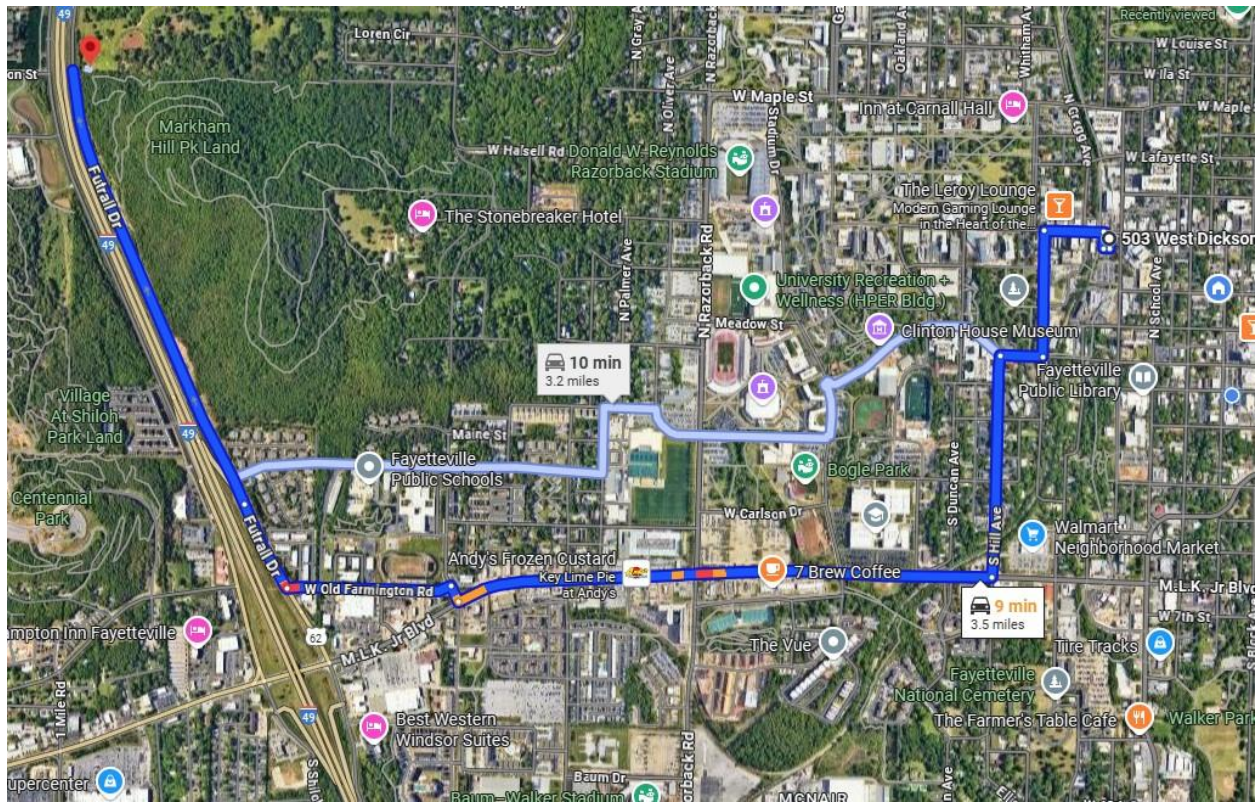


Featured Artwork











TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Willa Thomason, Urban Forester

MEETING DATE: July 28, 2025

SUBJECT: **ADM-2025-0031: Administrative Item (Amend UDC Chapters 167.04, Tree Preservation and Protection and 167.05, Tree Protection Measures and Construction):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is an amendment to 167.04 and 167.05. The proposed code changes would clarify requirements for tree preservation before and during construction.

RECOMMENDATION:

Staff recommend tabling **ADM-2025-0031** to have additional time to integrate feedback from legal.

RECOMMENDED MOTION:

*"I move to table **ADM-2025-0031**."*

BACKGROUND:

In 2024, a new Urban Forestry Management Plan (UFMP) was adopted by City Council to provide a ten-year strategic plan to preserve and expand the City's tree canopy. The overall benefits of canopy preservation and expansion acknowledged in the UFMP include carbon sequestration, reduction of urban heat islands, energy savings, reduction of stormwater runoff, improvement of air quality, enhancement of human health and wellness, and increase of property values. Five guiding principles and 15 goals were established following an analysis of baseline data from a 2022 independent arborist assessment of the citywide urban forest, and internal and external stakeholder input. Through this analysis, preservation and protection of existing trees was identified as a high priority.

Among the challenges to continued preservation and expansion of Fayetteville's urban forest identified in the 2024 Management Plan was the need for updated tree-preservation policy aligned with best practices and City priorities. In Appendix D, Ordinance Evaluation, the need to provide incentives for tree preservation rather than mitigation was established as a top priority.

DISCUSSION:

These proposed ordinance changes seek to clarify existing policy, as suggested in Appendix D, and to address Goal C2, to "update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the plan". Priority actions to support this goal include developing incentives to preserve existing canopy rather than opting for mitigation, and conservation and protection of significant green spaces through protective easements and other development provisions.

Amendments to bring the Unified Development Code (UDC) into alignment with the UFMP are recommended to:

- 167.04(H)(4) *Analysis Report* to implement a requirement for projects not meeting their minimum canopy requirement on-site to submit an analysis report prepared by an International Society of Arboriculture (ISA)-certified arborist.
- 167.04(L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements* to add clarifying subsection titles, and to create a new subsection describing the extent of activity permitted within a tree preservation easement.
- 167.05(B) *Tree Protection* to bring the City of Fayetteville's tree protection standards in line with the ISA-accepted best practice.
- 167.04(A)(9) *Hillside/Hilltop Overlay District* to clarify the tree preservation plan requirements for applicants seeking building or grading permits within the HHOD. This change is needed following the 2024 amendment to §167.04 that introduced the abbreviated tree preservation plan requirement for projects between 1,200 and 6,000 sq. ft. of impervious surface.
- 167.04(C) *Canopy Area* to require all zoning districts within the HHOD to submit a tree preservation plan, rather than just those with residential and C-1 designations.
- 167.04(H)(1)(d) to clarify the location within the UDC of the definition of "significant trees".

Public Comment: The Urban Forestry Advisory Board has vetted these proposed ordinance changes, and staff has integrated their suggestions.

RECOMMENDATION: Staff recommend tabling ADM-2025-0031 to the August 11 Planning Commission meeting to have more time to incorporate feedback from legal.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>July 28, 2025</u>		☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None

Attachments:

- **Proposed Ordinance (Clean):**
 - UDC §167.04. Tree Preservation And Protection During Development
 - UDC §167.05. Tree Protection Measures And Construction
- **Proposed Ordinance (Strikethrough):**
 - UDC §167.04. Tree Preservation And Protection During Development
 - UDC §167.05. Tree Protection Measures And Construction



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 Commissioners**

CC: **Hannah Hungate**, Assistant City Attorney
Jessie Masters, Development Review Manager

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

DATE: **July 3, 2025**

RE: **Amendments to FOIA Open Meetings Statute – Virtual Meetings**

The General Assembly passed Act 505 of 2025 earlier this year, which made a number of changes to the open meeting provisions of the Arkansas Freedom of Information Act. These changes are set to take effect on August 5, 2025.

Currently, the City Council and all of the boards, committees, and commissions of the City are authorized to meet virtually as long as the public's right to listen to, or listen and view, the proceedings is protected. See Op. Att'y Gen. 2021-048, which affirmed Op. Att'y Gen. 2018-017 on this issue.

Act 505 now requires the City Council to meet only in person unless the Governor has declared a disaster emergency, though it does not prevent virtual attendance and participation at Planning Commission meetings. It does, however, include requirements for how virtual attendance can be done legally.

The new language in Ark. Code Ann. § 25-19-106(e)(6) is:

- (6) For a member of a governing body who attends a meeting remotely to be counted for a quorum or to vote, the method used to permit the member of the governing body to attend remotely shall:
 - (A) Provide a method for the governing body to verify the identity of the member of the governing body attending remotely;
 - (B) Allow other members of the governing body and members of the public, whether physically present at the public meeting or attending the public meeting remotely, at all times to:
 - (i) Hear the member of the governing body attending remotely;

- (ii) Observe or otherwise understand a vote of a member of the governing body attending remotely; and
- (iii) Know the identity of the member of the governing body attending remotely when that member is speaking or voting; and
- (C) Allow a member of the governing body attending remotely to hear the other members of the governing body and any public comment.

At a recent seminar, we discussed this amended language with Senator Clarke Tucker, the sponsor of the bill that became Act 505 and John Tull, an attorney who represents media organizations in Arkansas. Senator Tucker spoke about the rules adopted by the Arkansas Senate when it was meeting virtually during the early days of the COVID pandemic. Senators were required to turn on their video cameras during the initial roll call to establish quorum, any time they were speaking during a committee meeting or Senate session, and when they were casting a vote.

Senator Tucker said he believed that a rule similar to the one adopted by the Arkansas Senate for virtual attendance would meet the letter and spirit of the new public meeting requirements. I completely agree with his assessment and recommend that the Planning Commission adopt something similar in your Rules of Order and Procedure.

The language I recommend adopting would be added to the end of Rule A.4 so that it would read as follows (new language in bold and underlined):

4. Virtual Planning Commission Meetings Authorized

After proper notice has been provided to the public, Planning Commissioners are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and approving or making recommendations regarding development applications) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include Planning Commission meetings and agenda sessions as well as Planning Commission Committee meetings. **Planning Commissioners attending meetings virtually shall ensure their faces are visible during roll call to establish quorum, any time they are speaking, and when voting on any question.**

TO: Planning Commissioners

CC: Jessie Masters, Development Review Manager

FROM: Blake Pennington, Senior Assistant City Attorney

DATE: June 26, 2025

RE: Amendments to FOIA Open Meetings Statute – Virtual Meetings

Earlier this year, the General Assembly passed Act 505 of 2025, which made a number of changes to the open meetings provisions of the Arkansas Freedom of Information Act that are set to take effect on August 5, 2025.

Currently, the City Council and all of the boards, committees, and commissions of the City have been authorized to meet virtually as long as the public's right to listen to, or listen and view, the proceedings is protected. Op. Att'y Gen. 2021-048, which affirmed Op. Att'y Gen. 2018-017.

While Act 505 requires the City Council to meet only in person unless the Governor has declared a disaster emergency, it does not impact the Planning Commission's ability to allow virtual attendance and participation in meetings though it includes language about how virtual attendance can be done legally.

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(B) Allow other members of the governing body and members of the public, whether physically present at the public meeting or attending the public meeting remotely, at all times to:

(i) Hear the member of the governing body attending remotely;

(ii) Observe or otherwise understand a vote of a member of the governing body attending remotely; and

- (iii) Know the identity of the member of the governing body attending remotely when that member is speaking or voting; and
- (C) Allow a member of the governing body attending remotely to hear the other members of the governing body and any public comment.

These new requirements that focus on verifying the identity of the person participating and voting in these meetings are, in part, a recognition that you are voting on matters that are important to the residents of Fayetteville, property owners, and the development community.

At a recent seminar, we discussed this amended language with Senator Clarke Tucker, the sponsor of the bill that became Act 505 and John Tull, an attorney who represents media organizations in Arkansas. Senator Tucker spoke about the rules adopted by the Arkansas Senate when it was meeting virtually during the early days of the COVID pandemic. Senators were required to turn on their video cameras during the initial roll call to establish quorum, any time they were speaking during a committee meeting or Senate session, and when they were casting a vote.

Senator Tucker said he believed that a rule similar to the one adopted by the Arkansas Senate for virtual attendance would meet the letter and spirit of the new public meeting requirements. I completely agree with his assessment and recommend that the Planning Commission adopt something similar in your Rules of Order and Procedure.

The language I recommend adopting would be added to the end of Rule A.4 so that it would read as follows (new language in bold and underlined):

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After proper notice has been provided to the public, Planning Commissioners are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and approving or making recommendations regarding development applications) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include Planning Commission meetings and agenda sessions as well as Planning Commission Committee meetings. **Planning Commissioners attending meetings virtually shall ensure their faces are visible during roll call to establish quorum, any time they are speaking, and when voting on any question.**



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director
Justin Bland, Engineering Development Review Manager
Willia Thomason, Urban Forester

MEETING DATE: July 28, 2025

SUBJECT: **VAR-2025-0033: Planning Commission Variance (3066 E. JOYCE BLVD/THE BERKSHIRE, 177): Submitted by JORGENSEN AND ASSOCIATES for property located at 3066 E. JOYCE BLVD.** The property is zoned CS, COMMUNITY SERVICES; NS-G, NEIGHBORHOOD SERVICES-GENERAL; and RI-12, RESIDENTIAL INTERMEDIATE – 12 UNITS PER ACRE and contains approximately 8.77 acres. The request is for a variance to the development review process.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0033**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0033** determining:*

- In favor of the requested variance to UDC §169.03(B)(1); and*
- In favor of all other conditions recommended by staff."*

BACKGROUND:

The subject property is in north Fayetteville approximately 700 feet north of N. Crossover Road's intersection with E. Joyce Boulevard. Containing 8.77 acres, the property is currently undeveloped and is zoned CS, Community Services along N. Crossover Boulevard, RI-12, Residential Intermediate – 12 Units per Acre, and NS-G, Neighborhood Services – General. The property was rezoned in 2022, and a large-scale development was approved in 2023 that has since expired (LSD-2022-0034). Surrounding land uses and zoning is depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Commercial	C-1, Neighborhood Commercial
East	Undeveloped/Agricultural	R-A, Residential Agricultural
West	Single-Family Residential	RSF-4, Residential Single-Family 4 Units per Acre

Request: The applicant is requesting a variance to §169.03(B)(1) allow for the grading and excavation of a site prior to a project having received development entitlement approval. An associated large-scale development on this site has expired, but the applicant wishes to pursue an associated rezoning and submit an updated development plan for approval later this year. In the meantime, the applicant intends to use the site in question to provide fill dirt for an associated development for Fayetteville Public Schools to the east.

DISCUSSION:

Variance #1: §169.03(B)(1): Grading Permit Required. Unless exempted by §169.03(C), all grading, clearing, filling (including the placement of mulch or compost), excavation, land alteration of any kind, or construction of new impervious area greater than 10,000 feet shall require prior development approval as specified in Chapter 166, except for general grading to an existing developed site that does not impact trees or floodplains and does not significantly alter the natural landform. The applicant intends to use the site in question to provide necessary fill dirt for the adjacent project to the east.

Staff recommendation: Staff recommends in favor of the request, though does not find that there is necessarily a hardship in this instance. The intent of the ordinance helps protect tree canopy and prevents sites from experiencing unnecessary disturbance should no associated development ever come to fruition. The applicant could supply dirt from an off-site borrow pit, which is typical for construction. Staff finds, however, that with appropriate guardrails in place through conditions of approval, approval of this variance may help protect the intent of this ordinance, while potentially providing a more sustainable option by reducing dump trucks trips from a farther location and cutting down on construction traffic associated with the adjacent development.

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

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2025-0033, with the following conditions:

Conditions of Approval:

- 1. Planning Commission determination of a variance to §169.03(B)(1) which typically requires that prior to obtaining a grading permit, an applicant shall have received prior development approval.** *Staff recommends in favor of the variance for the reasons stated above.*
2. Approval of this item does not constitute approval of any associated permits, nor does it constitute approval of any variances that may be needed that have not yet been reviewed for, nor does it constitute approval of any associated site plans. Review and approval of the associated permits shall be required in accordance with city code.
3. A grading permit for this site will be required that shows the areas of proposed disturbance, SWPPP, BMPs, tree preservation and mitigation plan, and all other typical requirements.
4. A separate SWPPP will be required for this site, and all typical site stabilization requirements from the SWPPP will be required, including any areas that haven't been disturbed in 14 days, etc. This site will not be permitted to remain disturbed in anticipation of future entitlement.
5. The area proposed as tree preservation easement with the approved large scale development plans shall not be disturbed and must be protected by tree preservation fencing as shown on the approved plans for the extent of the project.
6. The area of tree removal proposed with this variance request to allow early grading of the site shall be added to the area of subsequent tree removal associated with the large-scale development of The Berkshire, to ensure the installation of mitigation trees should the total canopy removal fall below the required 20%.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: July 28, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §169.03 Review And/Or Permits Required; Exceptions
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Urban Forestry Memo
 - Applicant Request Letter
 - Site Plans
-

169.03 Review And/Or Permits Required; Exceptions

(A) *Grading Review Required.* (Reference §166.02(E).)

- (1) When located within the Hillside/Hilltop Overlay District boundaries. Parcels of land divided by the Hillside/Hilltop Overlay District boundary shall only be subject to the requirements of this chapter on that portion of land lying within the boundary;
- (2) Construction of greater than 1,200 square feet of impervious area on a single site;

(B) *Grading Permit Required.* Unless exempted by §169.03(C), all grading, clearing, filling (including the placement of mulch or compost), excavation, land alteration of any kind, or construction of new impervious area greater than 10,000 feet shall require:

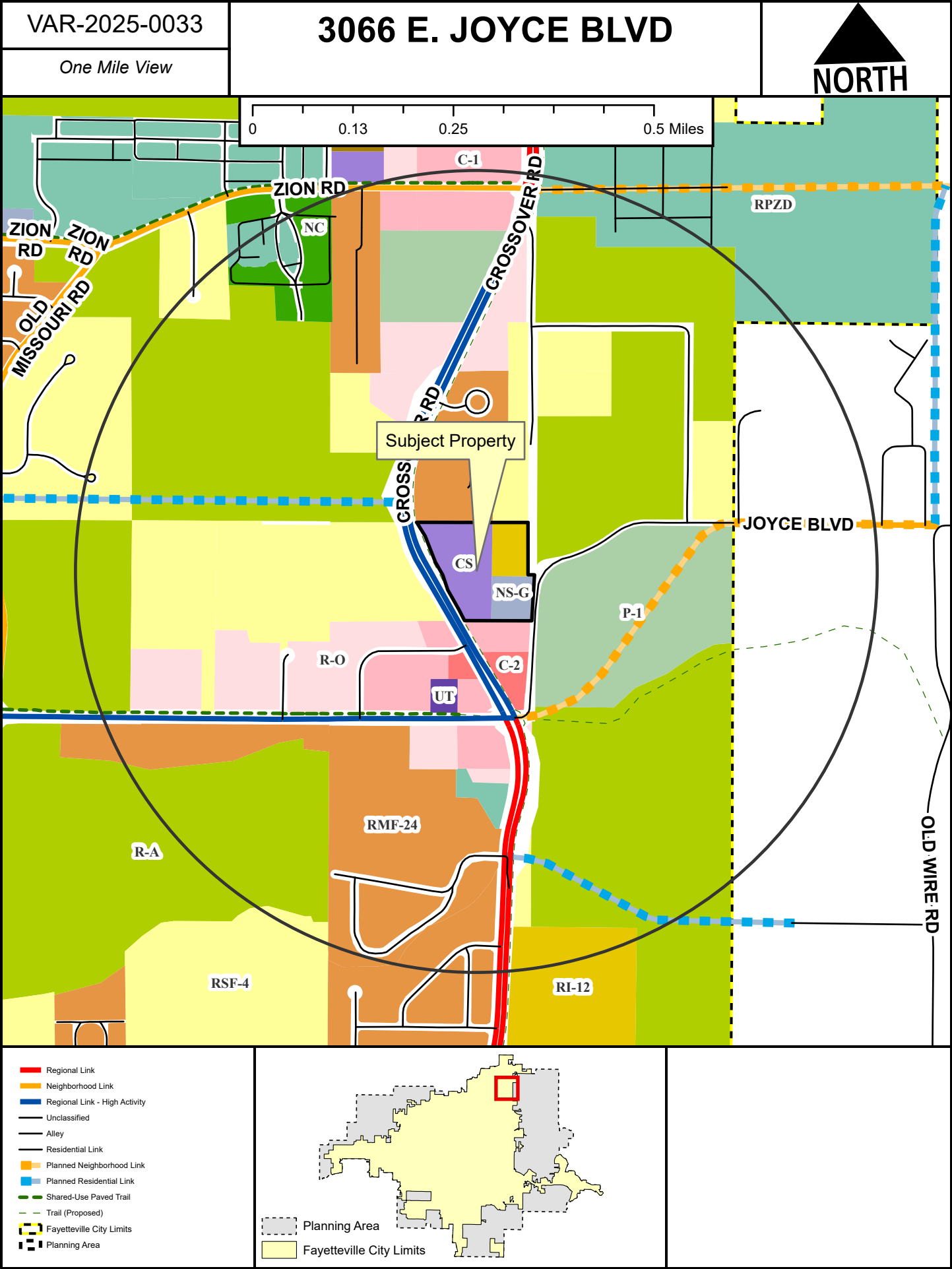
- (1) Prior development approval as specified in Chapter 166, except for general grading to an existing developed site that does not impact trees or floodplains and does not significantly alter the natural landform;
- (2) Development and/or redevelopment of an area of more than 10,000 square feet of impervious surface;
- (3) An Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by state law.

(C) *Exceptions to Permit Requirements.* Grading permits are not required for the following however the Minimum Erosion Control Requirements in §169.04 still apply:

- (1) *Excavation Below Finish Grade.* Excavations below finished grade for basements, swimming pools, hot tubs, septic systems, retaining walls under 4 feet in height, and like structures authorized by a valid building permit.
- (2) *Cemetery Graves.* Cemetery graves.
- (3) *Refuse Disposal.* Refuse disposal sites controlled by other regulations.

- (4) Other minor fill, clearing or grading for maintenance purposes such as landscaping that do not require the use of heavy construction equipment, French drains, yard grading, maintenance, farming, gardens, and similar activities.
- (5) Placement of mulch, compost, topsoil or like material at reasonable depths of six (6) inches or less for purposes of creating or enhancing landscape beds, gardens, or lawn areas, in accordance with accepted best practices and industry standards for such areas.
- (D) *Grading Permit Application and Approval.* No grading permit shall be issued until the Grading and Erosion & Sediment Control Plan, endorsed by an architect, landscape architect, or engineer licensed in the state of Arkansas, is approved by the City Engineer. A separate permit shall be required for each site. Grading permits may be issued jointly for parcels of land that are contiguous, so long as erosion control measures are in place until project completion. Any application for a required grading permit under this chapter shall be submitted concurrently with the application and calculations for a drainage permit if such a drainage permit is required by §170.03. Tree Preservation and Protection is required in accordance with Chapter 167.
- (E) *Permit Posted.* A copy of the grading permit cover page shall be posted at or near the street right-of-way line and shall be clearly visible from the street.

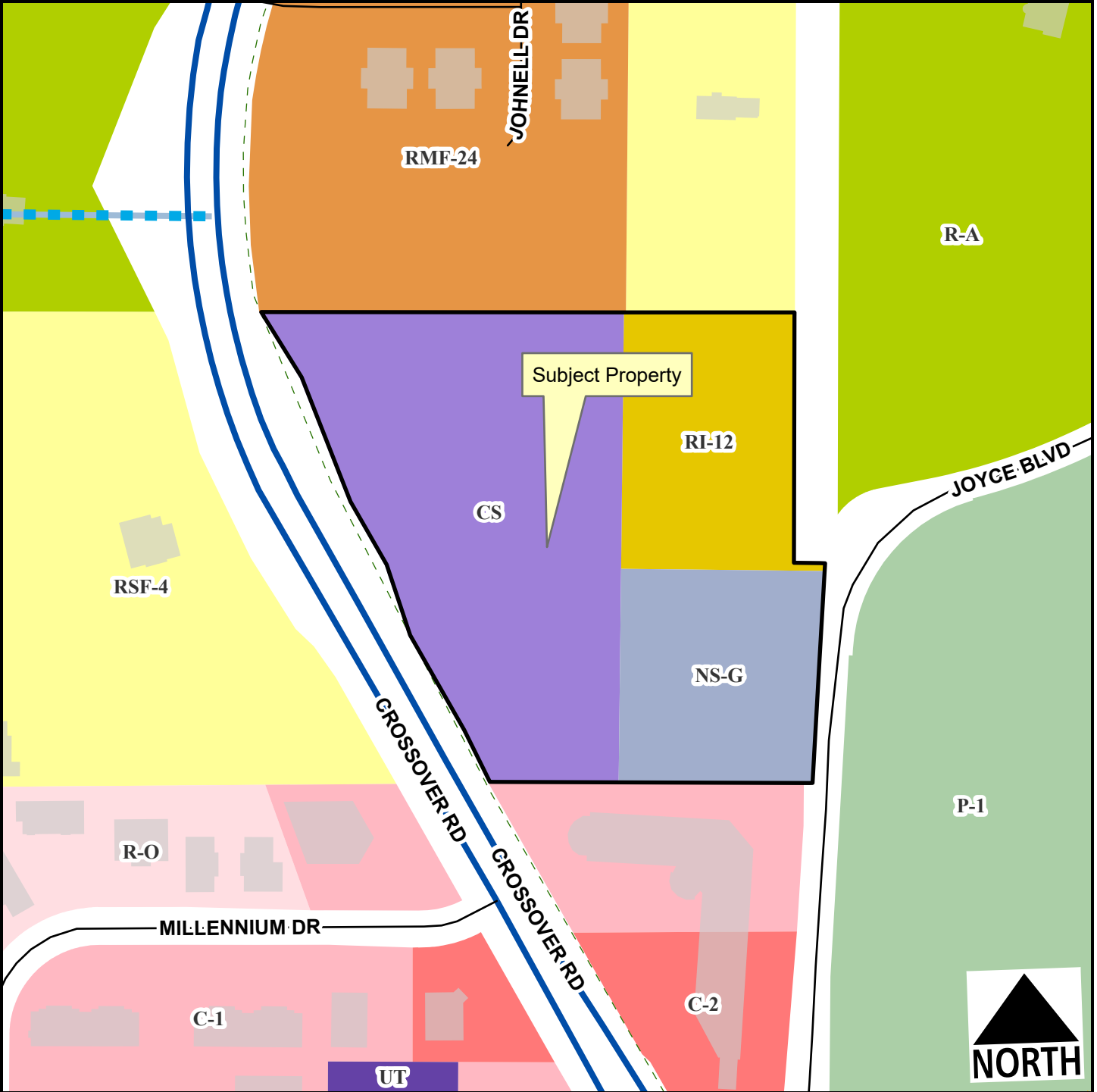
(Code 1991, §161.03; Ord. No. 3551, 6-5-91; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. No. 4313, 5-15-01; Ord. No. 4855, 4-18-06; Ord. No. 5336, 8-3-10; Ord. No. 5702, Repealed & Replaced Chp. 169, 8-5-14; Ord. No. 5945, §18, 1-17-17; Ord. No. 6061, §4, 4-17-18; Ord. No. 6446, §11(Exh. F), 6-15-21; Ord. No. 6766, §§ 1, 2, 7-2-24; Ord. No. 6785, § 7, 8-20-24)



VAR-2025-0033
<i>Close Up View</i>

Close Up View

3066 E. JOYCE BLVD



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

Feet

0 75 150 300 450 600

1:2,400

Feet

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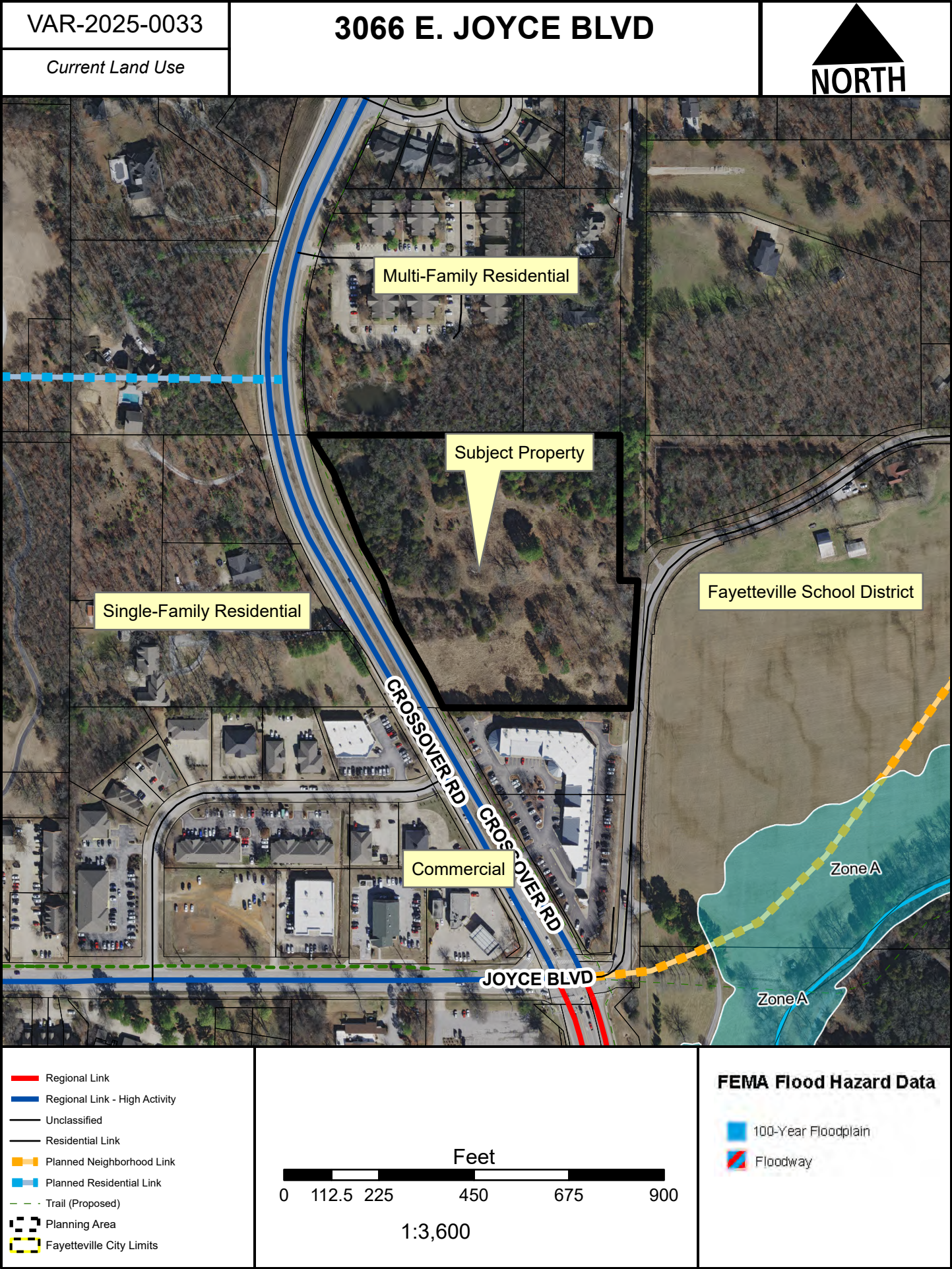
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Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Willa Thomason, Urban Forester

MEETING DATE: July 28, 2025

SUBJECT: **VAR-2025-0033: 3066 E. JOYCE BLVD** - Submitted by JORGENSEN AND ASSOCIATES for property located at 3066 E. JOYCE BLVD. The property is zoned CS, COMMUNITY SERVICES; NS-G, NEIGHBORHOOD SERVICES-GENERAL; and RI-12, RESIDENTIAL INTERMEDIATE – 12 UNITS PER ACRE and contains approximately 8.77 acres. The request is for a variance to the development review process. PP 177

RECOMMENDATION: Urban forestry staff recommends conditional approval of VAR-2025-0033, a variance to §169.03(B)(1) that would allow the owner to use the site as a borrow pit for fill material associated with the Joyce Blvd Extension project.

DISCUSSION: While the development associated with this site, The Berkshire (LSD-2022-0034), was approved by the Planning Commission in 2023, the previous submittal of the associated grading permit (GRD-2023-0065) was not approved by engineering or urban forestry staff. Although the . previously submitted plans for The Berkshire showed canopy removal to 14.4%, the applicant states the intent to limit tree removal for this borrow-pit to preserve the 20% minimum canopy required for this zoning designation and therefore will not require the planting of mitigation trees. Staff is concerned that the approval of this variance allowing for grading of the site prior to the large-scale development application could result in unmitigated canopy removal, should a contingency to the development submittal plan arise.

RECOMMENDED CONDITIONS OF APPROVAL: To ensure mitigation of the tree removal associated with the early grading of this site, urban forestry staff recommends the following conditions of approval:

1. The area proposed as tree preservation easement with the approved large scale development plans shall not be disturbed and must be protected by tree preservation fencing as shown on the approved plans for the extent of the project.
2. The area of tree removal proposed with this variance request to allow early grading of the site shall be added to the area of subsequent tree removal associated with the large-scale development of The Berkshire, to ensure the installation of mitigation trees should the total canopy removal fall below the required 20%.

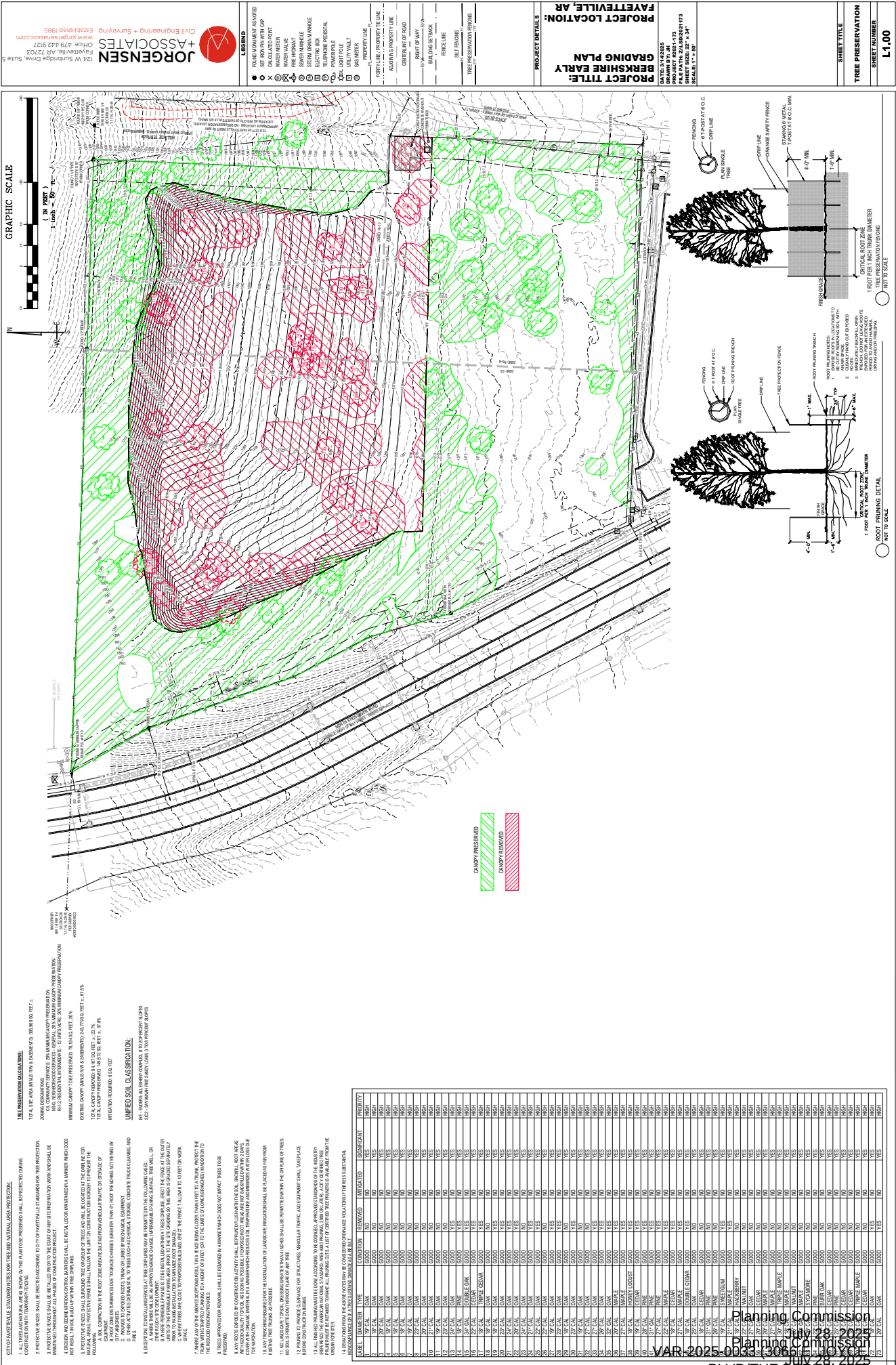
City of Fayetteville
Development Services
J+A Project # 2021-173
CoF Project #2022-0034 & GRD 2023-0065
Re: The Berkshire @ Uptown Submittal Variance Request

Please accept this request for a variance to UDC 169.03(B)(1). In this event, while the LSD and GRD permit have expired, the land owner is also the contractor (Precision Site Works) for the new Joyce Blvd Extension immediately to the east. The owner has had the Berkshire site soil tested and found that it will be suitable for fill material for the Joyce Blvd Extension project. The contractor will limit the amount of disturbance to the area shown on the attached exhibit, which will keep the tree removal above the lowest level of canopy requirements, so no mitigation would be required for this borrow pit. The location of the new Joyce Blvd Extension being immediately to the east, will reduce the number of dump truck trips from a borrow pit that is much further away. Reducing the number of dump truck trips makes sense from an environmental perspective, and repurposing the exported soil from one site to an adjacent one will also reduce the export trips from the Berkshire project, once it gains grading approval. Having already designed multiple site layouts, the Berkshire project is going to require a very large retaining wall on the north side. This will ensure that we keep a tree preservation area on the north side and it will reduce the grades within the site. With this large retaining wall, there is going to be a large amount of export needed for this site: it makes the most sense to go ahead and get this export off the site now so it can be used on the Joyce project.

It should also be noted that the owner plans on turning in for another approval of this Large Scale Development that has expired in the very near future. A new rezoning request is currently being reviewed by city staff and will becoming before this commission on September 8th.

Thanks for your time and effort in this review, and please let us know if you have any questions.

Sincerely
Jorgensen + Associates





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 28, 2025

SUBJECT: **VAC-2025-0015: Vacation (E. MARTIN LUTHER KING BLVD/S. COLLEGE AVE./3V QOZB LLC, 523):** Submitted by COMMUNITY BY DESIGN for property located at E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.30 acres. The request is to vacate 0.04 acres of right-of-way.

RECOMMENDATION: Staff recommends forwarding **VAC-2025-0015** to City Council with a recommendation of approval with conditions.

RECOMMENDED MOTION:

*"I move to forward **VAC-2025-0015** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is located in central Fayetteville with the overall project lying on East Martin Luther King Boulevard; the vacation in question is on South College Avenue. The property lies in the Walker Park Neighborhood Master Plan area, and received its current zoning designation of DG, Downtown General, in 2023 (Ordinance No. 6650). The property subject to the vacation contains a third of an acre and is undeveloped; a site improvement plan (SIP-2025-0001) has been submitted for the development of 11 residential units and a commercial development on the overall 0.50 of an acre (3 combined lots). No surrounding properties are subject to this right-of-way vacation, but the right-of-way does intersect the applicant's property. Surrounding land uses and zoning are further depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	NC, Neighborhood Conservation
South	Religious Institution – Rooted Church	DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation, DG, Downtown General
West	Single-Family Residential	NC, Neighborhood Conservation

Proposal: The applicant proposes to vacate a portion of undeveloped alley right-of-way totaling 0.04 acres that was originally platted in 1890 as part of the Jennings Addition. A portion of two buildings in the associated development proposal encroach into this right-of-way.

DISCUSSION:

Staff supports the applicant's request to vacate the subject right-of-way. Staff recognizes that there are several major barriers to the right-of-way's development. First, approximately 450 feet of the platted but unimproved alley's length is within floodplain associated with the Spout Spring Branch. Second, a comparable portion of the alley right-of-way is almost 20-foot narrower than the remainder, impacting the alley's potential functionality. Lastly, while vacating the right-of-way could impact future property access and secondary connectivity, the issues and the overall area's established street grid compensate.

As an additional consideration, vacating the unimproved alley right-of-way may not support the City Plan 2040 goals of ensuring interconnected development pattern throughout the city (Goal 3). An alternative does exist as the developer could jog the alley to the north of the subject property to ensure that the interconnection is maintained. However, should a connection between South East Avenue and South College Avenue be required, developing the street to the north of the subject alley – East 5th Street – would be more feasible as it meets the Master Street Plan width requirements and is currently largely developed. This alternative would serve the community at a larger scale as it would allow for more use of this street, ensuring interconnectedness. Given the variety of factors and low-to-no impact on the community, staff supports the applicant's request to vacate the subject right-of-way.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses. The applicant also submitted the required adjacent property approval form with no objections.

<u>Utility</u>	<u>Response</u>
Cox Communications	No objections, provided any damage or relocation will be at the builder's expense.
AEP/SWEPCO	No objections and no comments.
Black Hills Energy	No objections and no comments.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

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

RECOMMENDATION: Staff recommends approval of **VAC-2025-0015**. Should the Planning Commission choose to forward it to the City Council, staff recommends the following conditions:

Conditions of Approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
------------------------------------	-----------------	-------------------

Date: <u>July 28, 2025</u>

☐ Tabled
--

☐ Forwarded

☐ Denied
--

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be Vacated
- One Mile Map
- Close-Up Map
- Current Land Use Map

June 18, 2025
Via EnerGov

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

RE: Alley Right-Of-Way Vacate Request

Ms. Masters,

The owner of property on Washington County Parcel 765-07042-000 is requesting to vacate the existing alley right-of-way which runs east / west through the property. This portion of alley does not appear on City of Fayetteville GIS Maps however the attached survey shows that the alley right-of-way still exists. The alley right-of-way has never been used for its intended purpose. Spout Spring Branch runs diagonally through the block making future build out of the alleyway unlikely.

The property owner has acquired the 3 parcels on the northwest corner of the College Ave. / Martin Luther King Jr. Blvd. intersection (Washington County Parcels 765-07042-000, 765-07050-000, and 765-07051-000) and has prepared development plans that include a driveway that traverses the 3 parcels. Some of the proposed buildings are located in the existing alley right-of-way and therefore the request is being made to vacate said right-of-way.

The application includes the following supporting documents attached to this letter:

- One (1) copy of a written submittal letter describing the request
- One (1) copy of a consent of owner form
- One (1) copy of metes and bounds legal description of the area to be vacated
- One (1) copy of a survey
- One (1) copy of the parcel map
- One (1) copy of the draft petition to vacate
- One (1) copy of the utility approvals

Thank you for your consideration of this request. Please let me know if you have any questions or if you need additional information.

Sincerely,



Brian Teague
Community By Design

PETITION TO VACATE 14' ALLEY RIGHT-OF-WAY LOCATED IN LOTS 8, 9, 10, BLOCK 6 OF SAID JENNING'S ADDITION CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the 14' Alley Right-Of-Way herinafter sought to be abandoned and vacated, lying in Lots 8, 9, 10, Block 6 of said Jennings Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate 14' Alley Right-Of-Way which is described as follows:

A 14 FOOT WIDE PLATTED ALLEY AS SHOWN ON THE FINAL PLAT OF JENNING'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, SAID ALLEY RUNNING PARALLEL AND ADJACENT TO THE SOUTH LINE OF LOTS 8, 9 AND 10, BLOCK 5, AND RUNNING PARALLEL AND ADJACENT TO THE NORTH LINE OF LOTS 8, 9, 10, BLOCK 6 OF SAID JENNING'S ADDITION, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°50'34"E 75.00' AND N02°47'27"E 68.00' FROM AN EXISTING MAG NAIL MARKING THE SOUTHEAST CORNER OF LOT 10 OF SAID BLOCK 6 OF JENNING'S ADDITION AND RUNNING THENCE N86°35'50"W 134.96', THENCE N02°49'00"E 14.00', THENCE S86°35'50"E 134.95', THENCE S02°47'27"W 14.00' TO THE POINT OF BEGINNING, CONTAINING 0.04 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

That the abutting real estate affected by said abandonment of the alley are Lots 8, 9, 10, Block 6 of said Jennings Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare will not be adversely affected by the abandonment of the portion of the above described 14' Alley Right-Of-Way.

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

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

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

Dated this ____ day of 7/19/25, 20____.

Zara Niederman, Managing Member, Cinquefoil LLC

Printed Name

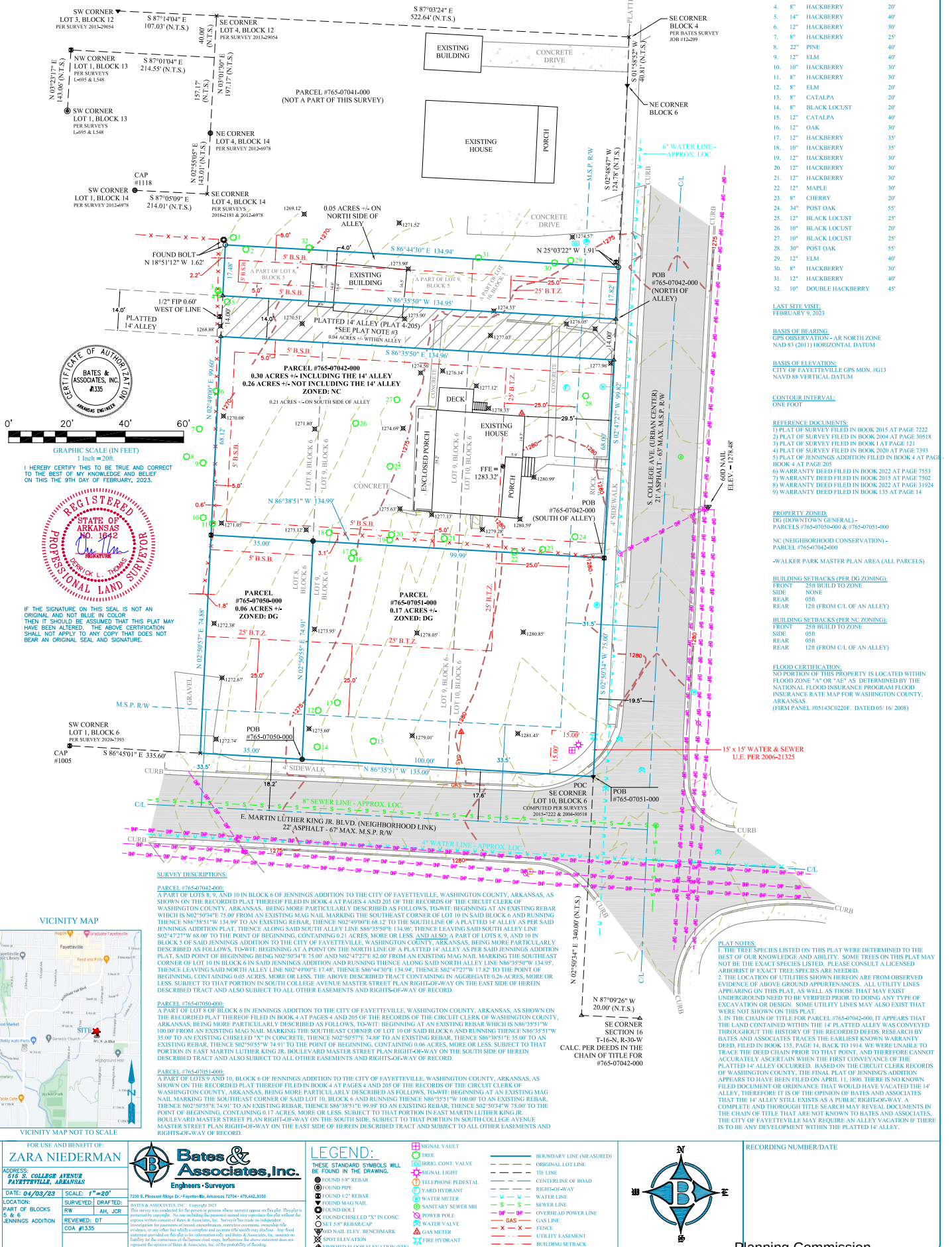
Signature

Printed Name

Signature

:

BOUNDARY, TOPOGRAPHIC & TREE LOCATION SURVEY



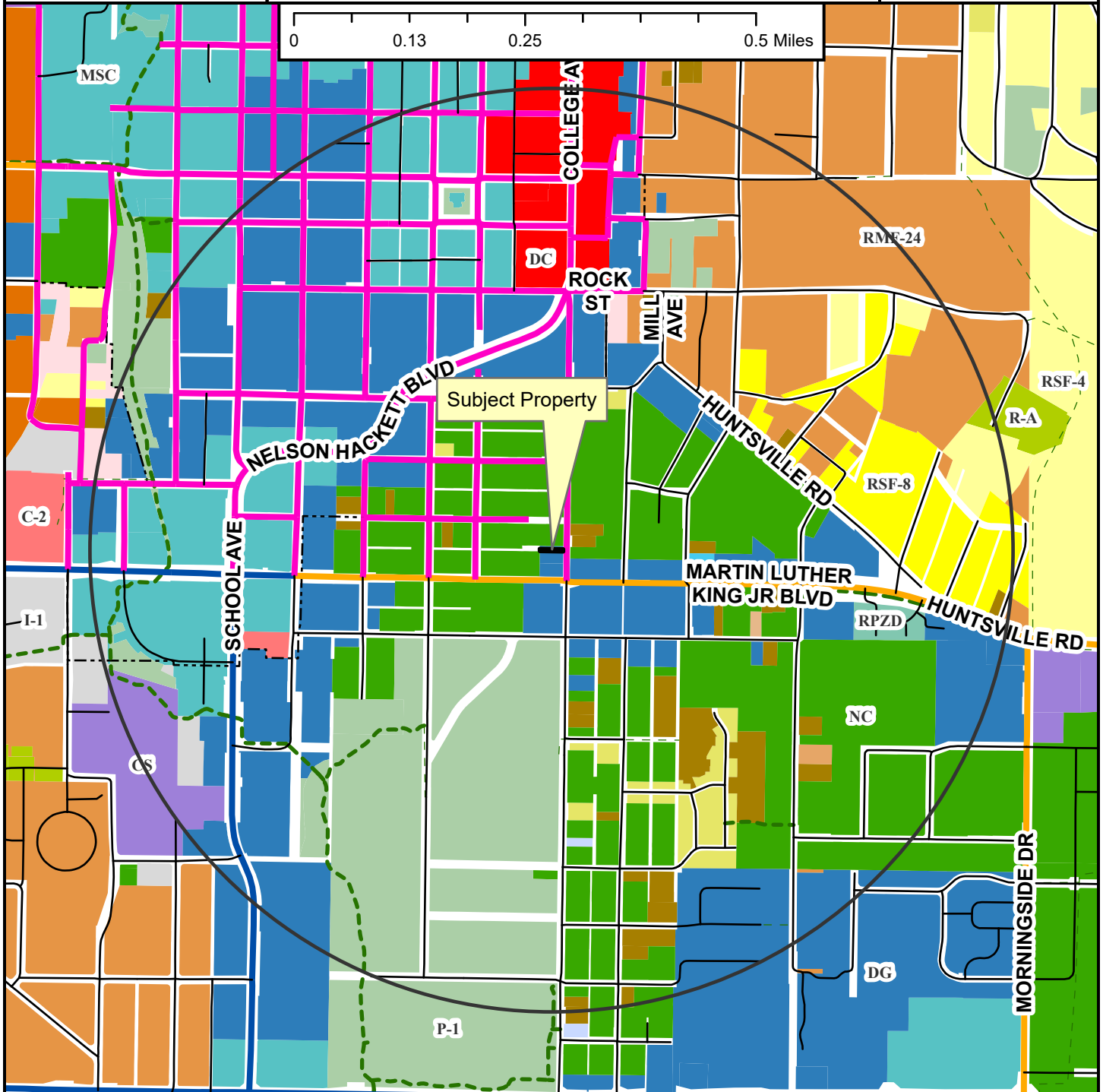
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One Mile View

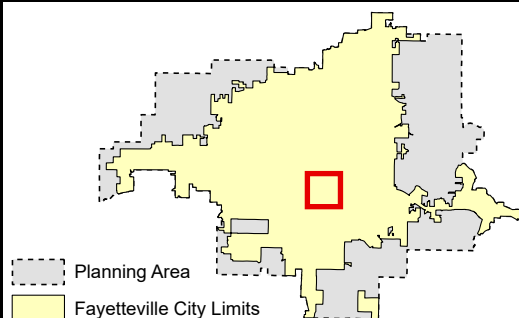
E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE

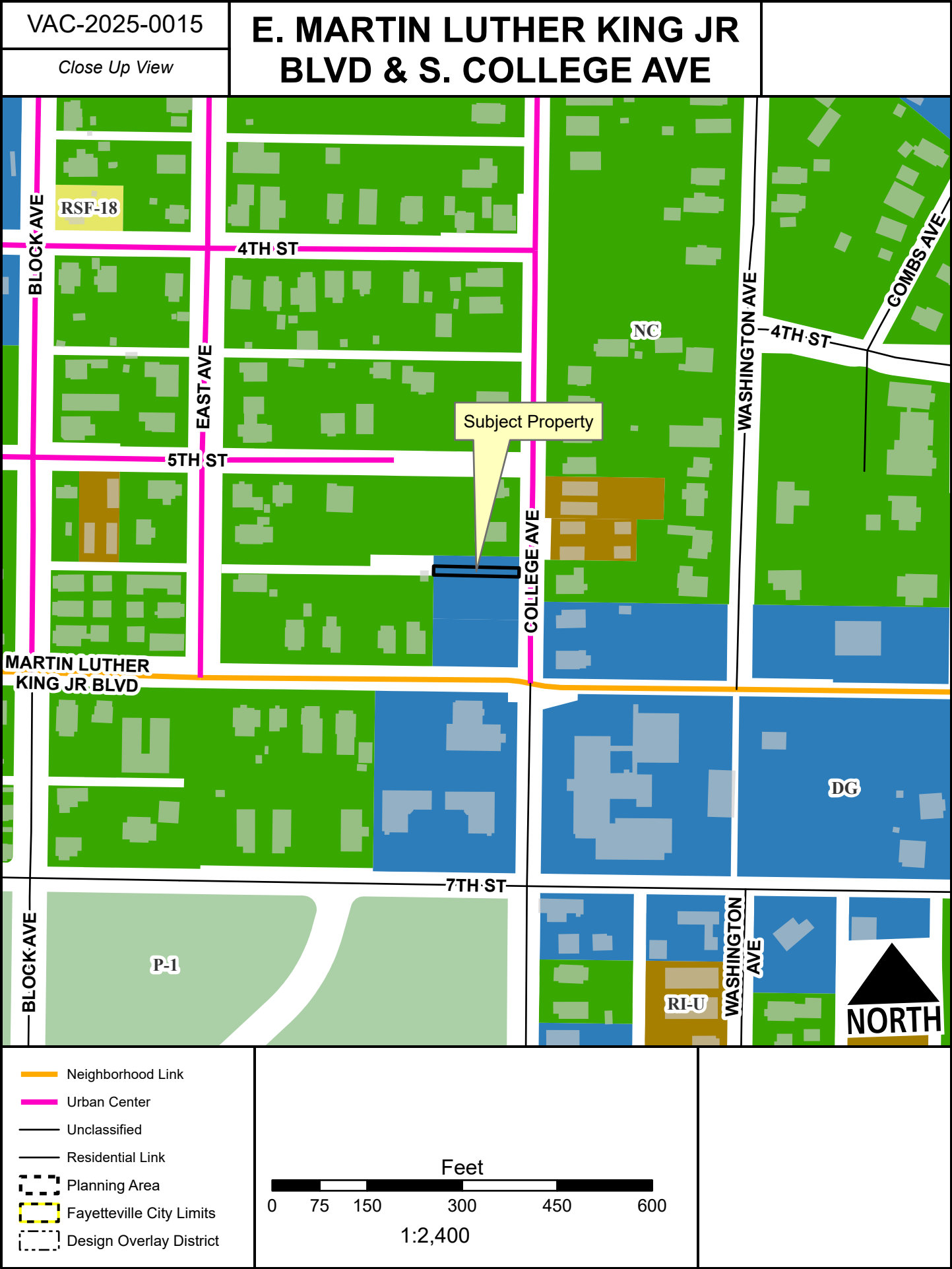


0 0.13 0.25 0.5 Miles



- Regional Link
- 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

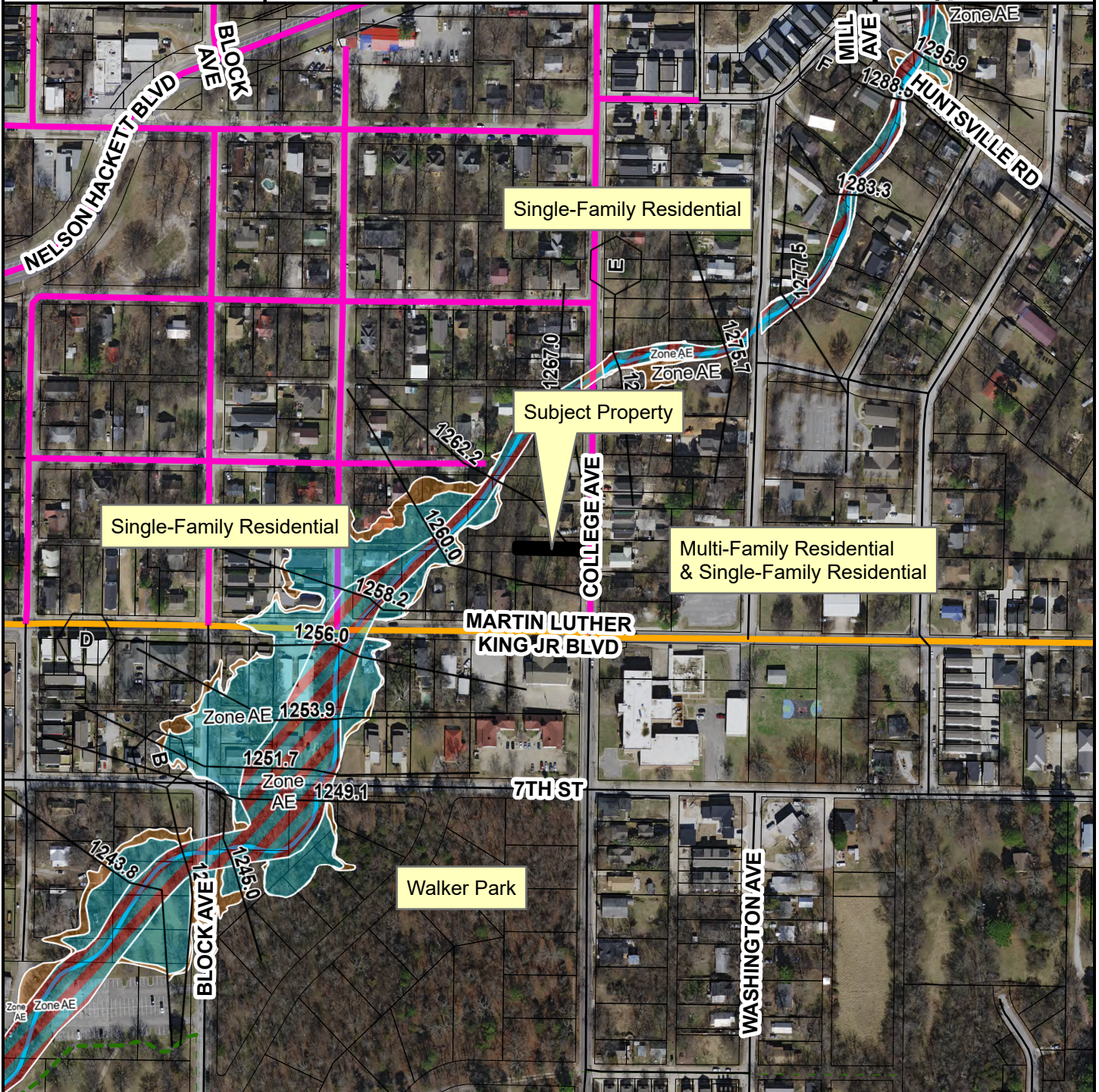




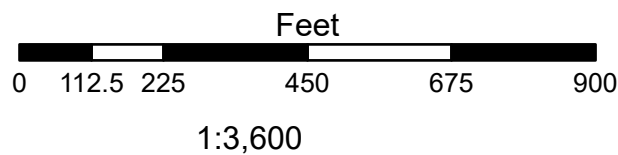
VAC-2025-0015

Current Land Use

E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE



- 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



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: July 28, 2025

SUBJECT: **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.

RECOMMENDATION:
Staff recommends approval of **CUP-2025-0028**.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0028**, determining:*

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

BACKGROUND:
The subject property is the Washington County Fairgrounds, located west of N. Garland Avenue and east of I-49. The property is approximately 30 acres, and is zoned R-A, Residential Agricultural. A conditional use permit for outdoor music was previously approved at this location for the Arkansas Music Pavilion, where it was located from 2011 until 2014 when the venue was relocated to Rogers. On November 10, 2024, City of Fayetteville Police received 14 complaints regarding loud music at the Fairgrounds. The venue no longer had a valid conditional use permit to operate as an outdoor music venue with the AMP having relocated, and a violation letter was sent by City Planning staff on January 21, 2025 to inform the property owner of the situation and the remedial actions necessary. With no response from the property owner, the code case was forwarded to the City Prosecutor's office on March 3, 2025. Meetings were held between City staff and the property owner between March 2025 through April 2025 to assist the property owner with the application process, and to clarify the nature of the violation. Two subsequent outdoor music events were held at the Fairgrounds during this time (one March 6, 2025, and again on April 11-13). Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
South	University of Arkansas Agri Farm	R-A, Residential Agricultural
East	University of Arkansas Agri Farm	R-A, Residential Agricultural
West	Interstate I-49	N/A

City Plan 2040 Future Land Use Designation: Civic Institutional

Proposal: The applicant requests a conditional use permit to operate an outdoor music establishment (Use Unit 35) on the subject property. The applicant proposes to use the existing structure and property as an occasional outdoor live music venue and intends to host concerts up to twice a month.

Public Comment: No public comment has been received regarding the request.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0028**, with conditions as outlined below.

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed use is compatible with surrounding land uses;*
2. Prior to the operation of outdoor music on the subject property, a Business License, indicating all conditions have been met for this Conditional Use Permit, shall be obtained by the applicant to validate this approval.
3. Parking in the open field(s) shall be managed with parking attendants and/or signage or other marking to ensure safe and efficient parking and traffic flow into and out of the site.
4. The number of outdoor music events shall be limited to a maximum of 26 per calendar year. Outdoor music shall not be permitted between 11:00 PM and 9:00 AM.
5. Speakers shall be directed to the west/northwest towards the interstate.
6. The maximum occupancy for events at the Washington County Fairgrounds for outdoor music shall be 8,000 patrons unless a lesser occupancy rate is established by the Fayetteville Fire Marshall and/or Building Official.
7. The Planning Commission shall review the conditional use permit within one year from approval. At that time the Planning Commission may extend the conditional use permit as determined appropriate.
8. Should the City receive valid complaints as a result of the outdoor music establishment, a subsequent review shall be made by the Zoning and Development Administrator and the item shall be brought back to the Planning Commission at the next available date. Three documented violations of the City's noise ordinance shall also be considered a violation of this conditional use permit subject to revocation by the Planning Commission.
9. If the establishment or any band or any person operating at such establishment is convicted of violating the Fayetteville noise ordinance (§96.06 of the Code of Fayetteville), such violation may constitute grounds for revocation of this conditional use to operate an outdoor music establishment.
10. All events shall be compliant with the City's noise ordinance, as enforced by the Police Department. All music (acoustic or electronically amplified) shall be subject to the regulations as follows: The project shall comply with the City's noise ordinance, as

enforced by the Police Department. All music (acoustic or electronically amplified) shall be subject the commercial regulations as follows:

(A) No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 1 below which exceeds the maximum noise levels as set forth in Table 1 as measured at any point on the boundary of the property from which the sound or noise was emanating. Except between the hours of 10:00 p.m. and 1:00 a.m., a complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

TABLE 1

Use Districts	Maximum Time	Noise Levels
All residential zones	7:00 a.m. to 11:00 p.m.	60 dB(A)
All residential zones	11:00 p.m. to 7:00 a.m.	55 dB(A)
All commercial zones	7:00 a.m. to 11:00 p.m.	75 dB(A)
All commercial zones	11:00 p.m. to 7:00 a.m.	70 dB(A)
All industrial zones	7:00 a.m. to 11:00 p.m.	80 dB(A)
All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

All measurements shall be taken with a sound level meter in its fast or peak level setting.

11. All outdoor lighting on-site, with the exception of existing fixtures, must meet the requirements of §176, Outdoor Lighting.

12. Per §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is for one year to obtain licensing.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>July 28, 2025</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting conditional use approval of an outdoor music establishment in the R-A, Residential-Agricultural zoning district. The applicant proposes outdoor music events to occur no more than twice per month.

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 Chapter §161.03 to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use permit may adversely affect the public interest, since there have been violations of the noise

ordinance reported at this location in the past. That said, with appropriate guardrails in place as outlined by the conditions of approval above, staff finds that approving the permit will provide a more formalized mechanism for enforcement, should problems arise in the future. Further, should the property owner continue to violate the noise ordinance, there is an established process for revocation if those conditions are not met. Regardless of previous violations at this location, the proposed use is likely compatible. This site is bounded by I-49 to the west, a horse-riding club to the east, the University of Arkansas farm to the south, and an apartment complex to the north. The apartment complex is located almost a quarter mile north of the area on the fairground site proposed for the music venue. Because of the separation between uses, hours of operation, and surrounding white noise from the I-49 corridor, the proposed music events should not pose adverse noise, light, traffic, or visual impacts as long as the volume is handled appropriately.

(c.) The Planning Commission shall certify:

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

Finding: An outdoor music establishment must be compliant with §163.10.

A. *Site plan.* A site plan showing the proposed location and size of the outdoor music area; location and direction of the speakers; noise absorbing walls, structures or devices; proposed days and hours of operation of the outdoor music area; and measures proposed to lessen or eliminate any adverse affects upon nearby residences and businesses.

Finding: The applicant submitted a site plan that only indicated where the live music would occur and did not show any information about where the location and direction of the speakers or other noise dampening structures or devices would be. That said, the applicant indicated in their request letter that all outdoor music activities would be directed towards I-49 to reduce the noise to adjacent properties.

B. *Planning Commission review.* In addition to all normal considerations for a conditional use, the Planning Commission may require noise reducing measures and structures be incorporated into an outdoor music area, may limit the size, power, number and direction of speakers, and may limit the hours of outdoor music generation from the establishment.

Finding: Should the Commission choose to approve the applicant's request staff recommends additional measures be taken to reduce the impact on residential properties to the north and east. Staff recommends that a violation of the City's noise ordinance shall also be considered a violation of this conditional use permit. Further, speakers shall be directed toward interstate.

C. *Fayetteville noise ordinance violation.* If the establishment or any band or any person operating at such establishment is convicted of violating the Fayetteville

noise ordinance (§96.06 of the *Code of Fayetteville*), such violation may constitute grounds for revocation of this conditional use to operate an outdoor music establishment.

Findings: All sound complaints are inspected and measured by the Fayetteville Police Department. Violations of the noise ordinance may result in the conditional use approval being brought back to the Planning Commission for review, amendment, or revocation. A condition has been included mandating compliance with the City's noise ordinances.

D. *Fayetteville entertainment district.* The City Council's policy is to encourage outdoor music establishments along Dickson Street from Block Avenue to Arkansas Avenue and on West Avenue from Spring Street to Lafayette Street as long as such establishments are reasonably compatible with adjoining neighborhoods.

Findings: The property is not located within the Fayetteville entertainment district, but the Washington County Fairgrounds have been an event venue for decades, hosting a variety of events ranging from an annual fair and events with the University of Arkansas.

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

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

Finding: The applicant does not propose any changes to the current ingress and egress of the fairgrounds with this request. Currently, there are 6 means of access to the site, the primary of which is through the double gated entry on the northeast corner of the property at McConnell Avenue. There are two double gated access points on Knapp Street; one at the southeast corner and a second approximately 500 ft to the West. The fourth access is at the far southwest corner of the property which disperses onto a private drive eventually intersecting with N. Stephen Carr Memorial Blvd. All of the southern points are adjacent to the city-wide trail system. There is a fifth gate at the Northeast corner of the property providing access from the north parking lot. The applicant works with the County Sheriff's office or the Fayetteville police department to manage traffic during large events and staff does not anticipate any issues with traffic control at this location.

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

Finding: The applicant has indicated that all parking will occur on-site in a manner

consistent with how parking has operated on this property for decades.

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

Finding: The applicant intends to continue to use existing dumpster facilities on site. Staff does not recommend any additional conditions with this request.

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

Finding: The property is currently served by all utilities.

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

Finding: Staff is not recommending screening requirements for the proposed conditional use permit. Rather, staff recommends the Commission consider inclusion of any noise reducing measures with any permit approval.

- 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 §174, Signs, and all the regulations therein. Signage shall be submitted for permit through the City's Planning Division.

- g) Required yards and other open space; and

Finding: The proposed structures comply with the existing setbacks associated with the R-A zoning district. The siting and construction of additional buildings will be reviewed at the time of any development submittal.

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

Finding: Staff finds that the proposed music events will be consistent with the fairground events that have occurred on this property for decades, and would be compatible with the surrounding land uses. This site is surrounded by an interstate corridor to the west, and civic and agricultural uses to the south and east. The limited number of music events on this site should be compatible with the surrounding non-residential uses. The music events will result in some additional noise and traffic in the vicinity of the apartments. However, due to the distance of the apartments away from the stage area, these impacts should be minimal.

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

strategic plans.

Finding: Staff is generally supportive of the request and finds the establishment to be compatible for the reasons outlined in this report. However, with previous violations on record at the location, staff recommends higher scrutiny and bringing the item back within one calendar year to evaluate its continued compliance.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - §161.03 District R-A, Residential-Agricultural
 - §163.10 - Outdoor Music Establishments
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Police Complaints
- Request Letter
- Site Plan

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an

additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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

163.10 - Outdoor Music Establishments

Outdoor music establishments operating during May or June of 2002 may continue to operate at the same location without this conditional use even if the ownership or name of the outdoor music establishment changes in the future as long as the establishment does not terminate its outdoor music for twelve (12) consecutive months or longer. All other outdoor music establishments may be allowed as conditional uses where they are permitted subject to the following additional conditions:

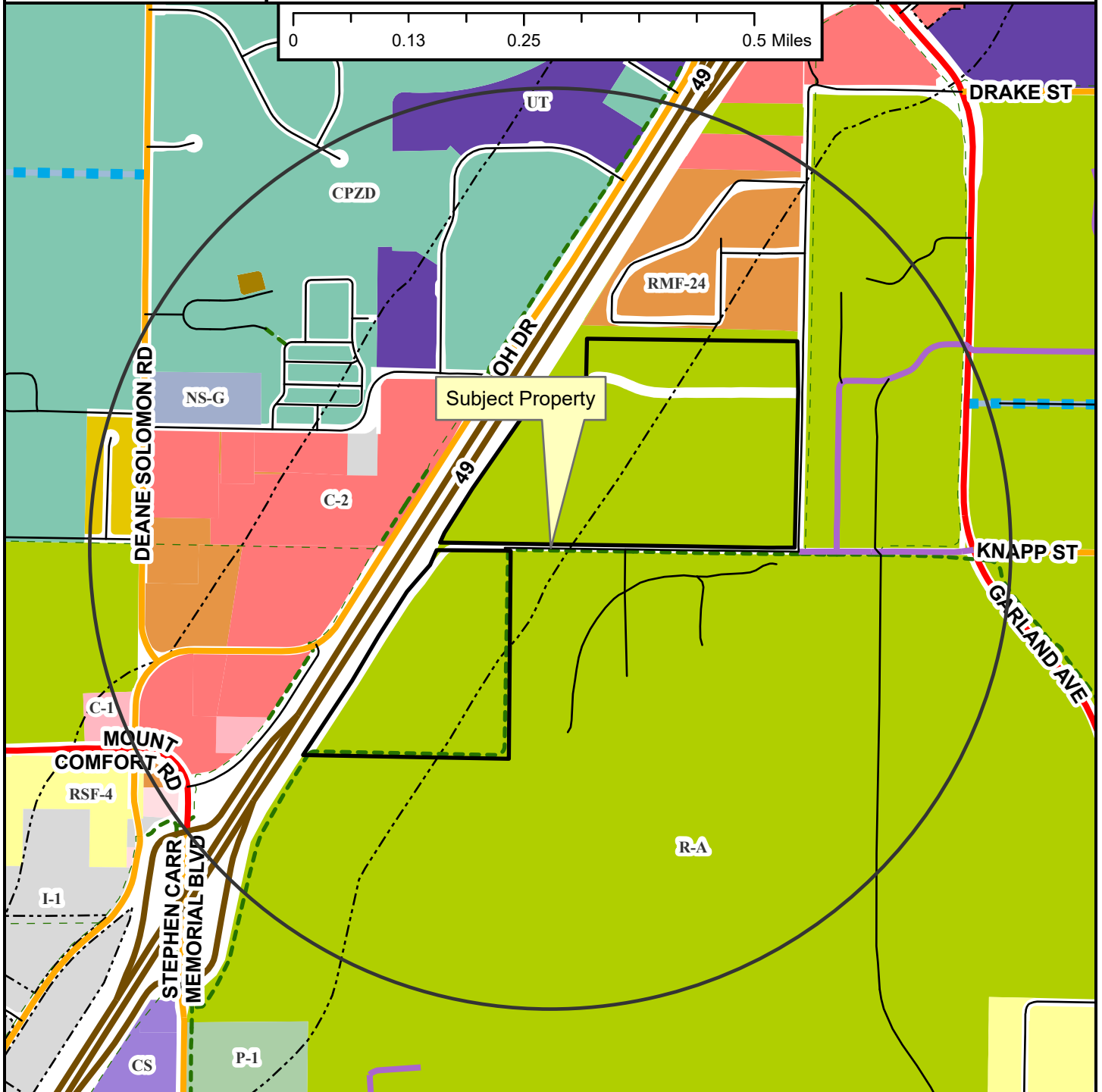
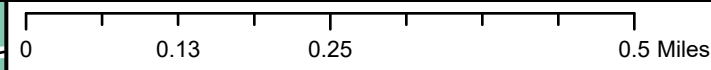
- (A) *Site Plan.* A site plan showing the proposed location and size of the outdoor music area; location and direction of the speakers; noise absorbing walls, structures or devices; proposed days and hours of operation of the outdoor music area; and measures proposed to lessen or eliminate any adverse effects upon nearby residences and businesses.
- (B) *Planning Commission Review.* In addition to all normal considerations for a conditional use, the Planning Commission may require noise reducing measures and structures be incorporated into an outdoor music area, may limit the size, power, number and direction of speakers, and may limit the hours of outdoor music generation from the establishment.
- (C) *Fayetteville Noise Ordinance Violation.* If the establishment or any band or any person operating at such establishment is convicted of violating the Fayetteville noise ordinance (§96.06 of the *Code of Fayetteville*), such violation may constitute grounds for revocation of this conditional use to operate an outdoor music establishment.
- (D) *Fayetteville Entertainment District.* The City Council's policy is to encourage outdoor music establishments along Dickson Street from Block Avenue to Arkansas Avenue and on West Avenue from Spring Street to Lafayette Street as long as such establishments are reasonably compatible with adjoining neighborhoods.

(Ord. No. 4409, §2, 8-6-02; Ord. No. 5271, 9-1-09)

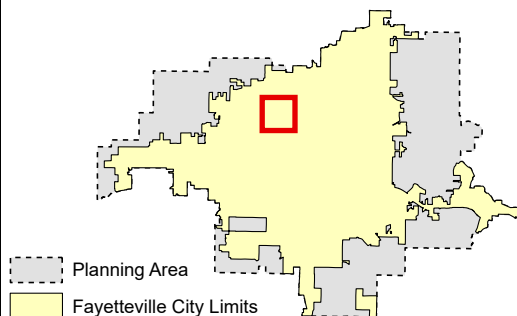
CUP-2025-0028

2537 N MCCONNELL AVE

One Mile View



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



Planning Commission

July 28, 2025

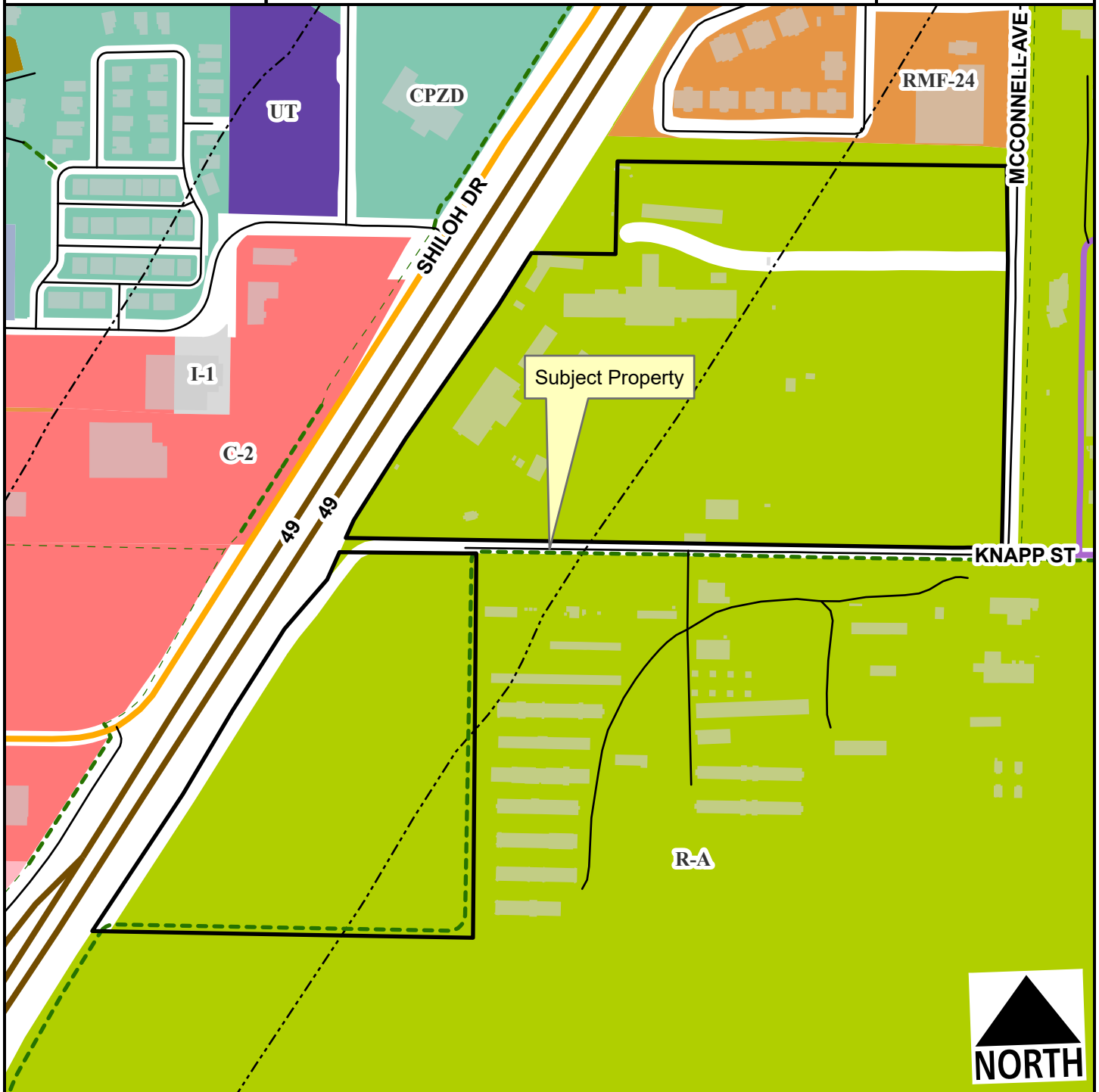
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2537 N MCCONNELL AVE

Close Up View



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

Feet
0 165 330 660 990 1,320
1:5,400



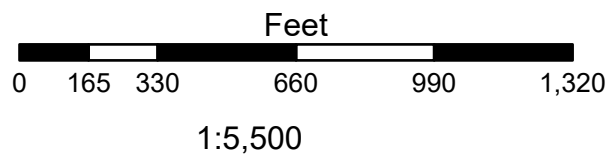
CUP-2025-0028

2537 N MCCONNELL AVE

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Lawson, Jacob

From: Jennings, James
Sent: Monday, November 11, 2024 8:23 AM
To: Lawson, Jacob
Cc: Reynolds, Mike
Subject: Fw: WC Fairground Rodeo

We had several calls concerning noise again. The ambient noise was louder than the zoned area. We usually do not write a ticket unless it's ten over the ambient noise. No tickets were issued, but the event was consistently over the noise limits for the residential-zoned area. A few of the readings were over the limits where a ticket could have been issued a citation.

From: Hanby, Patrick <phanby@fayetteville-ar.gov>
Sent: Monday, November 11, 2024 5:47 AM
To: Jennings, James <jjennings@fayetteville-ar.gov>
Cc: Pope, Doug <dpope@fayetteville-ar.gov>; Lawson, Jacob <jlawson@fayetteville-ar.gov>; Anderson, Evan <eanderson@fayetteville-ar.gov>
Subject: WC Fairground Rodeo

Noise complaints: 78864, 78877, 78876, 78885, 78888, 78890, 78892, 78891, 78893, 78898, 78897, 78900, 78903, 78911.

I also spoke with Caroline Hruska, who lives near Cleveland, via phone. She had my desk number from the event two weeks ago. She was understanding and impressed with the department's quick response to the issue and our having officers present to ensure there were readings. The event shut down just after we ended our call. I contacted her to let her know and she wanted to express her gratitude for the responding officers and the promptness of the department to the concerns of our citizens. Below are readings from Ofc. Gonzalez.

Washington County Fairgrounds Noise Complaints

61.5 ambient noise reading at N. McConnell Ave. at 1630 hours

68.3 N. McConnell Ave. at 1945 hours

72.5 W. Knapp St. at 1957 hours

70.2 W. Knapp St. at 2030 hours

79.7 W. Knapp St. at 2055 hours

74.1 W. Knapp St. at 2058 hours

69.4 W. Knapp St. at 2110 hours

59.2 W. Knapp St. / N. McConnell Ave at 2115 hours

72.9 W. Knapp St. at 2118 hours

61.1 W. Live Oak Dr. / W. Red Tip Dr. at 2150 hours

71 W. Knapp St. / N. McConnell Ave. at 2155 hours

73.8 W. Knapp St. at 2157 hours

61.4 ambient noise reading at 1040 hours

Readings from north side of 1800 Stephen Carr.

69.3 @ 9:29PM

63.6 @ 10:31PM.

Sgt. Anderson made contact with the organizer. He provided images of the zoning (residential - agriculture) map for the area and of the ordinance table to ensure he was clearly aware of all limits/ zones/ times. When the organizer learned this information, he promptly stopped all music. He mentioned this is the last concern until March.

Patrick Hanby

Lieutenant

Fayetteville Police Department - Patrol Division

1800 Stephen Carr Memorial Blvd., Fayetteville, AR 72704

office: 479-587-3543

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

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Lawson, Jacob

From: Reynolds, Mike
Sent: Tuesday, November 12, 2024 10:24 AM
To: Wiederkehr, Mike; Curth, Jonathan
Cc: mmehussey@gmail.com; Moore, Sarah; CityClerk; Norton, Susan; Jennings, James; Lawson, Jacob; Miller, Michele; Scott, Tad; French, Jason
Subject: RE: Fair grounds event. Please make it stop.

Hey Mike,

Good morning. Yes, we received several complaints Sunday night as a result of this event (Rodeo/Concert) being held at the Washington County Fairgrounds. This venue is within the jurisdiction of the City of Fayetteville, and it's a noise compliance issue. The challenge with enforcement is the ambient noise that is constant with traffic associated with I-49, and for whatever reason, this noise from the fairgrounds carries a great distance throughout our city. For these reasons, I DO NOT permit a noise variance for ANY event that is held at the fairgrounds. The event organizer for this particular event was granted an ABC "temporary picnic permit", which allows them to serve alcohol on the premises during a specific date with no time restrictions.

This event organizer has indicated he has no plans for another rodeo/concert, until March 2025, and based on the number of complaints these events have generated this year, I have no plans of approving a future request for a temporary picnic permit. Keep in mind, that would only prevent them from legally selling alcohol; currently, there's no legislation that would prevent a concert at the Washington County Fairgrounds. FPD will work with City Planning to review the zoning to see if tighter restrictions would help alleviate future issues/complaints with noise coming from this venue?

Take care,
Mike

Mike Reynolds

Chief of Police
1800 North Stephen Carr Memorial Boulevard
Fayetteville, Arkansas 72701
mreynolds@fayetteville-ar.gov
T 479.587.3500 | F 479.973.4844
FAYETTEVILLE POLICE DEPARTMENT
[Website](#) | [Facebook](#) | [YouTube](#)



CITY OF
FAYETTEVILLE
ARKANSAS



From: Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>
Sent: Tuesday, November 12, 2024 9:14 AM
To: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Reynolds, Mike <mreynolds@fayetteville-ar.gov>
Cc: mmehussey@gmail.com; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-

ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>

Subject: Re: Fair grounds event. Please make it stop.

Dear Jonathan and Chief Reynolds,

Please see the noise complaint below. I'm not sure if this could be an event permitting or a noise compliance issue or both. Please forward to the right people.

I'm also not sure if the Fair Grounds are city or county property, BUT if ours, I presume that event permits regulate both times and music volumes. It appears that it would be appropriate to have an officer/staff person calibrate our sound meter so they can determine decibel levels, and consideration given for work night events.

Thank you,
Mike Wiederkehr

On Nov 12, 2024, at 8:58 AM, CityClerk <cityclerk@fayetteville-ar.gov> wrote:

Good morning Samantha!

Thank you for submitting your concern regarding Fair Ground events. Your message has been forwarded to City Council Members.

Janice Ave is located within Ward 2; I recommend contacting Ward 2 Council Members (Sarah Moore and Mike Wiederkehr) or any Council Member for a more in-depth conversation regarding the issue.

Please be aware that your concern does not pertain to an upcoming agenda item, therefore, it will be archived but not posted to the City's website.

Let me know if I can be of further assistance.

Thank you and have a great rest of your day!

Jonathan Ramirez

Deputy City Clerk - Communications

Office of the City Clerk-Treasurer

City of Fayetteville, Arkansas

479-575-8323

fayetteville-ar.gov

jramirez@fayetteville-ar.gov



From: Samantha hussey <mmehussey@gmail.com>

Sent: Sunday, November 10, 2024 8:55 PM

To: CityClerk <cityclerk@fayetteville-ar.gov>

Subject: Fair grounds event. Please make it stop.

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

I live on Janice Avenue and about once a month I have to suffer with loud base and screaming so loud it rattles my walls and my eardrums. I have called the non emergency police line to complain but apparently it's a city council issue. I have to work early in the morning and these events can last till 11pm on a Sunday? I am so tired of this. How can you allow this to be so loud? The fair is not even this loud when it's going on.

Please consider shutting this down or moving somewhere not right next to people's homes... it's so disrespectful.

-Samantha

Lawson, Jacob

From: Reynolds, Mike
Sent: Tuesday, November 12, 2024 7:51 AM
To: Lawson, Jacob
Cc: Pope, Doug; Miller, Michele; Jennings, James; French, Jason; Scott, Tad
Subject: FW: COMPLAINT - Concert at the Fairgrounds

Lt. Lawson,

Good morning. Please respond to Ms. Warren's concerns regarding the concert at the Fairgrounds this past Sunday evening.

These concerts/rodeos seem to be a problem that the special event applicant and our agency cannot seem to manage. Please inform the applicant, Mr. Reyes, I will not approve any future alcohol permits for his events.

Thanks,
Mike

Mike Reynolds

Chief of Police
1800 North Stephen Carr Memorial Boulevard
Fayetteville, Arkansas 72701
mreynolds@fayetteville-ar.gov
T 479.587.3500 | F 479.973.4844
FAYETTEVILLE POLICE DEPARTMENT
[Website](#) | [Facebook](#) | [YouTube](#)



CITY OF
FAYETTEVILLE
ARKANSAS



From: Mayor <Mayor@fayetteville-ar.gov>
Sent: Tuesday, November 12, 2024 7:32 AM
To: Reynolds, Mike <mreynolds@fayetteville-ar.gov>
Cc: Jordan, Lioneld <ljordan@fayetteville-ar.gov>; Norton, Susan <snorton@fayetteville-ar.gov>
Subject: FW: COMPLAINT - Concert at the Fairgrounds

fyi

From: Carrie Warren <lcarrie.warren66@gmail.com>
Sent: Monday, November 11, 2024 11:55 AM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: COMPLAINT - Concert at the Fairgrounds

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.

Mayor Jordan,

On the night of Sunday, November 10, 2024, there was a couple bands at the fairgrounds called Los Dos De Tamaulipas, Los Alegres Del Barranco and La Adrenalina Nortena. As far as I can see anywhere I have looked, they advertised to play from 3-7. One of the ticket sites I found (in Spanish) advertised their concert would go 10am-3pm. I don't know who's wires got crossed, but one (or more?) of the bands really started cranking it up after 7pm. That intense, obtrusive, brain rattling, and deafening crap they were playing went on until someone was finally reached that went to shut it down by 10:28PM! I saw on my NextDoor app that people from VA Hill, Markham Hill, my neighborhood off Wedington/Salem and the greater expanse of neighborhoods west of the interstate from the fairgrounds (all the way back to Ruppel) were posting concerns about it. I live almost 4.4 miles driving distance from the fairgrounds, and 2.8 miles "as the crow flies". I heard music so loud that I could feel the vibration from it inside my house. I don't have a decibel meter, but I would guess that is probably off the gauge from that distance!

I'm all about a good concert! I have attended many in my life. I have lived in my home for the most part since 2006 and have rarely ever heard anything besides an occasional and far distant train whistle – they are required to sound at 96-110 decibels. Even those, I almost have to strain to hear. Prior to 2006, I lived about a city block from the tracks in downtown Fayetteville and the train wasn't as loud as what this city experienced on the evening of November 10, 2024!!

I do hope that there will be repercussions to the organizer of that event and to the bands for violating our right to quiet enjoyment. I feel that the Washington County Fairgrounds Board needs to take action on this as does the City of Fayetteville who I believe would have had to issue the permit for this event. This was extremely stressful not just for myself, but also to my neighbors and fellow Fayetteville citizens, not to mention the dogs that were incessantly barking and further disrupting the peace. Please reference the Fayetteville Police Dispatch 911 call logs for all the NOISE complaints within a 5 mile radius of the fairgrounds for more clarity on that!

Please do not allow this to happen in the future! That was utterly ridiculous!

Respectfully submitted,

Carrie Warren

Washington County Fair Association - Conditional Use Permit Application

(2) Legal description of property (may be found on deed or current survey of property). A survey may be required if the deed cannot be platted accurately.

See attached Property Record Card from Washington County Assessor

Extended Legal: PT SE SW 6.95 A. PT S1/2 SE 22.66 A. Washington County Fair Grounds

(3) Complete description of this request (what is proposed by the applicant) to include all applicable items below (indicate N/A if it does not apply to your project): The Washington County Fair Association wishes to host community-based outdoor activities which can occasionally include outdoor music. Outdoor activities would not exceed an average of two events per month.

(a) Building size in square feet; existing and proposed – N/A – Temporary Structures Only

(b) Color elevations of all exterior sides of the structure – N/A – Temporary Structures Only

(c) Number of off-street parking spaces to be provided / number required –3,599-see CUP 12-4048

(d) When request applies to a business or non-residential use:

-Hours of operation Outdoor events will vary by event but not later than 11:00pm

-Number of employees Zero full employees, Association Board is volunteer

-Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour) -up to 5,000 but generally less than 1,500

(e) Outdoor lighting – permeant LED lighting along interior roads with supplemental temporary lighting added for overflow parking as needed

(f) Noise – request to increase Maximum Noise Levels to 80 dB(A) from 7:00am to 11:00pm and 75 dB(A) from 11:00pm to 7:00am consistent with Industrial Zones. The site layout has taken into account optimal site selection, placement of temporary structures and topography when analyzing the noise level of the events. The stage and speakers are located in the eastern part of the property and are oriented to the W/SW some 1,200+/- ft from the nearest residence. The expected stage dB levels are in the 85-100 range without excess of 105dB. For comparison, a phone ring is 80dB, a lawn mower is 90-100dB, a car horn is 110dB, a football game is 117dB, and a train horn is 130 dB. This property has been previously approved for these noise levels under CUP 12-4048.

(g) Screening or buffering from adjacent properties – Outdoor music activities will be directed towards Interstate 49 which has Noise Limits of 90 dB(A). Ambient vehicular traffic noise will reduce the propagation of outdoor music from adjacent properties. The adjacent RMF-24 land to the North would be behind any outdoor music activities as to reduce sound propagation. Properties across the Interstate are zoned Commercial and Industrial. Surrounding property to the South and East are part of the Arkansas Agricultural Research & Extension Center and while also zoned R-A (Residential-Agricultural), there is no residential development on these properties.

(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties) – No change to current operations. 5-40yd dumpsters used for events. Not visible from street or adjacent properties

(i) Ingress and egress to the property; traffic impacts. – No change to current operations. There are 6 means of access to the Washington County Fairgrounds. The primary access is through the double gated entry on the Northeast corner of the property at McConnell Avenue. There are two double gated access points on Knapp Street; one at the Southeast corner and a second approximately 500 ft to the West. The fourth access is at the far Southwest corner of the property which disperses onto a private drive eventually intersecting with Porter Road. All of the southern points are adjacent to the city-wide trail system. There is a fifth gate at the Northeast corner of the property providing access from the north parking lot.

Any large events requiring traffic control will contract with the county sheriff's office and/ or with the City of Fayetteville to handle traffic control during events. All gates will have controlled ingress and egress. The County Fair has operated for several decades at this site with a successful traffic control plan; special events will utilize a similar traffic and safety plan.

(j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood **The Washington County Fairgrounds is surrounded on the West by Interstate 49 followed by Commercial and Industrial, to the South and East by Residential-Agricultural however there is not any residential development, and to the North by Residential Multi-Family-24 units per acre. It is the intent of the Washington County Fairgrounds to host varying community-based events throughout the year which could include outdoor music. By hosting fairs, arts & crafts events, agricultural events, and collegiate events, all with varying forms of entertainment for the community, the Washington County Fair Association will attract patrons from all throughout the Northwest Arkansas region and will consequently benefit the surrounding commercial businesses and citizens of Fayetteville.**

(4) Site plan drawn to scale (if applicable), based on the deed or survey, showing all proposed structures dimensioned from the overhang to the property line, parking, driveways, Master Street Plan right-of-way, required setbacks. **Attached sample site layout**

(5) Preliminary floor plans drawn to scale (if applicable) showing: (a) Location of walls, doors, windows (b) Identification of activity areas **N/A**

(6) A copy of the county parcel map from the Washington County Assessor's office website (www.co.washington.ar.us) or the Fayetteville Address Point File (website instructions). The subject property and all parcels within 200 feet should be identified on this parcel map. (Applications for special conditional uses that require notification within 500 feet should show all properties within 500 feet of the project site. See the notification requirements section of this application.) **See Attached Property Record Card from Washington County Assessor's office website**

(7) Signature by current property owner of record on consent of owner form or written verification signed by such owner designating a project representative

(8) The applicant is responsible for meeting the public notification requirements for a conditional use permit listed on the Notification Requirements pages in this application. This is required at a later date after initial submittal of request.





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Dona Wonsower, Planner

MEETING DATE: July 28, 2025

SUBJECT: **CUP-2025-0033: Conditional Use Permit (2425 W. VALLEY DR/BROWN, 402):** Submitted by ALESSANDRA BROWN for property located at 2424 W VALLEY DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to use the property as a short-term rental.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0033** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0033**, 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 west Fayetteville approximately ¼ mile northwest of the I-49/W. Wedington Dr. intersection. The overall property is approximately 0.30 acres and is zoned RSF-4, Residential Single-Family, Four Units per Acre. It is currently developed with a 1,654 square-foot single-family structure built in 1967 per the Washington County Assessor. There is a significant history of flooding in the area, including during the flood major events of April of 2017 and May of 2022. The subject property is located outside of the floodway but within floodplain. City Council passed a resolution on June 6, 2023, for to hire Fresse and Nichols, Inc. for assistance in developing a solution for flooding in the Hamestring Creek Watershed, one of Fayetteville's Repetitive Loss Areas, and in seeking grant funding in order to implement a solution. The study is currently underway.

On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap from two percent of all dwelling units to 475 units city wide. This report reflects those changes. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	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**

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

Public Comment: To date, staff has not received any public comment regarding this request.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0033** with the following conditions:

Conditions of Approval:

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

10. Per Business Regulations §120.02(A), the owners of only short-term rentals shall be required to designate and register their landlord's representative into the Landlord's Representative Registry.
-

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 28, 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 RSF-4 zoning district.**

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

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

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

the application to grant the conditional use; and

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

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

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

(c.) The Planning Commission shall certify:

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

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

§163.18. SHORT-TERM RENTALS.

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

Finding: The request is to operate a Type 2 short-term rental in RSF-4 zoning. Since RSF-4 is a residential zoning district, a conditional use permit is required.

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

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

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

Finding: Parking for single-family dwellings is required to be provided at a rate of two spaces per unit and up to four vehicles are permitted to be parked outdoors at any given time. The applicant indicated that there is space to park four vehicles on site with four spaces in a driveway and no spaces available within the garage. On-street parking is also available nearby.

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

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

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

Finding: **The application is for use of the property at 2425 W. Valley Dr. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

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

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of July 23, 2025, the City had issued 465 Type 2 short-term rental business licenses and 8 remain in the queue for processing. An additional 51 are on the waitlist. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.**

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

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

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

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

Finding: There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. Four off-street parking spaces are available on site and a maximum of eight guests would be permitted. On-street parking is also available nearby. City records indicate that one other unit, or less than 0.5% of estimated housing units, within a quarter-mile radius of the property has a business license to operate as a Type 2 short-term rental. Staff finds the applicant's request to be suitable given the low concentration of licensed short-term rentals nearby. The property is also not near a public or private K-12 school.

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

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

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

Finding: One driveway with access onto W. Valley Dr. is available to accommodate vehicular ingress and egress. Staff finds that the proposal to use the property as a short-term rental would not adversely affect vehicular traffic flows when considering that the use of the property would be limited to a maximum of eight guests which would not be out of character with the use of the property for residential purposes.

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

Finding: A total of four off-street parking spaces are available in a paved driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of 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 to utilize existing residential trash cart services. Staff recommends a condition confirming that the containers are stored in a location that is screened from public view when not placed at the curb for pick-up.

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

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

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

Finding: Staff recommends that residential 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 Chapter 174, Signs, and all regulations therein.

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

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

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

Finding: Staff finds the proposed use to be compatible with surrounding properties. One other licensed Type 2 short-term rental is within a quarter-mile radius. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request.

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

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

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Business Regulations
 - §118.01 Applicability
- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - STRs within ¼ Mile Map
- Applicant Request Letter
- Site Plan
- Building Floor Plans

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).
 - (9) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:
 - (a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
 - (b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
 - (c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.
 - (10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible

- by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.
- (11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.
 - (12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.
 - (13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.
 - (14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.
 - (15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).
 - (16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:
 - (a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.
 - (b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
 - (c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
 - (d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.
 - (17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.
 - (18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

163.18 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

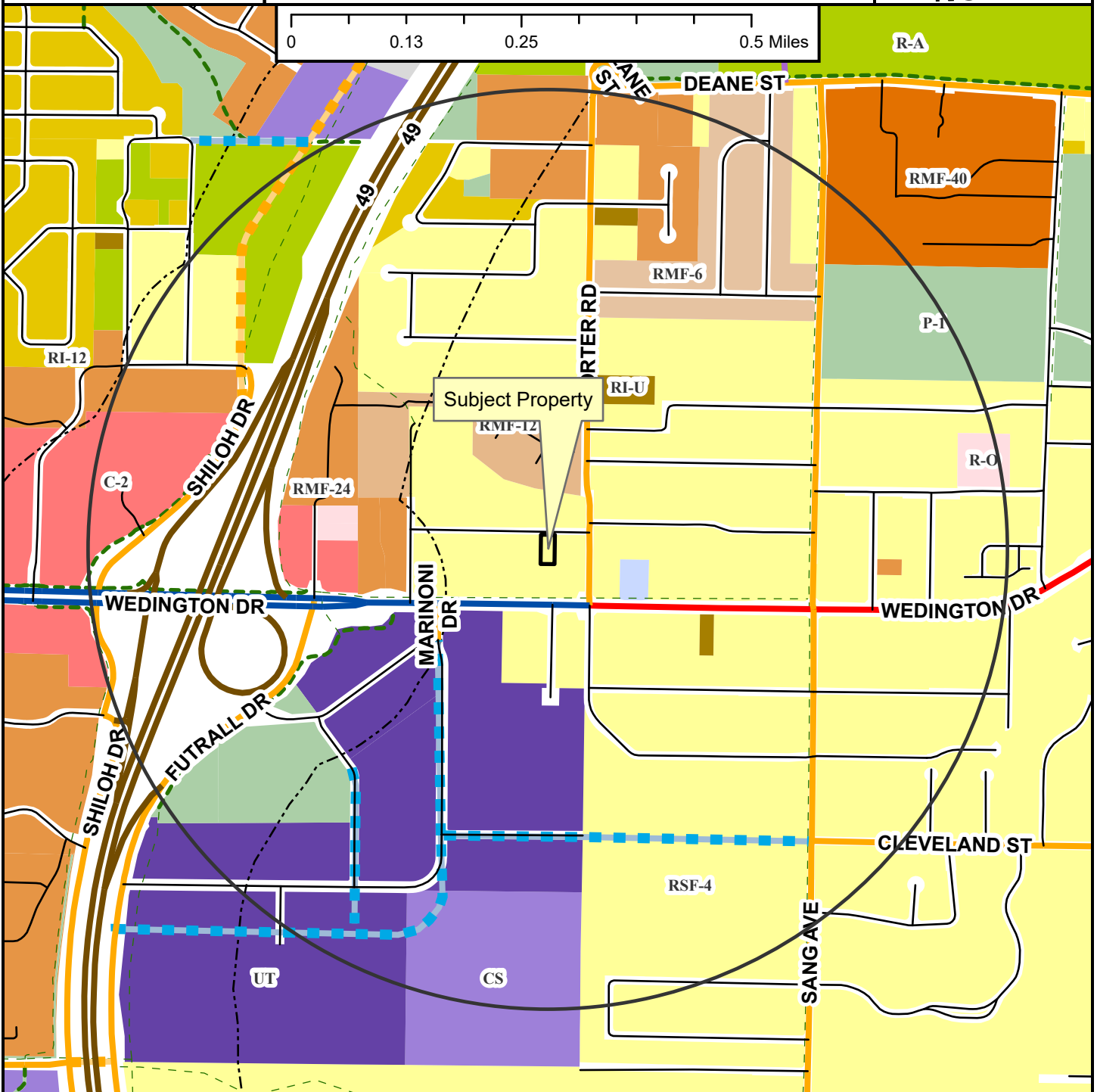
CUP-2025-0033

2425 W. VALLEY DR

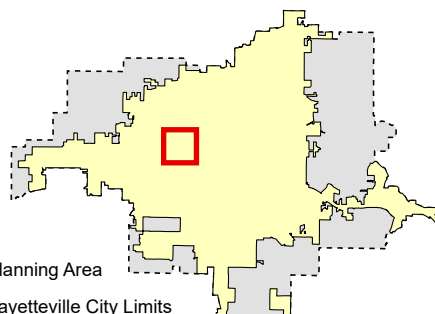
One Mile View



0 0.13 0.25 0.5 Miles



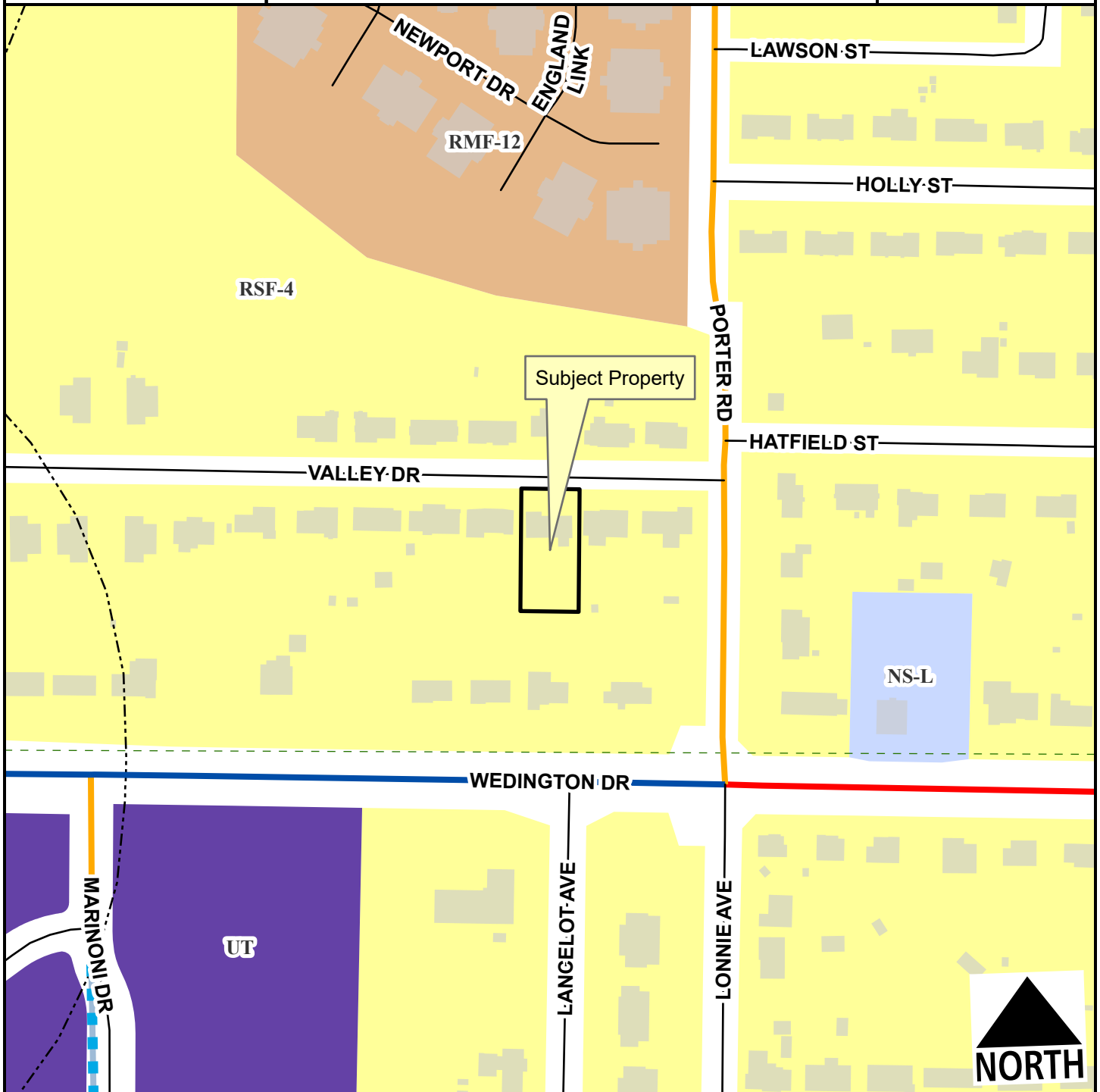
- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City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



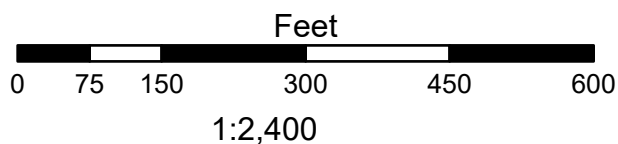
CUP-2025-0033

2425 W. VALLEY DR

Close Up View



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



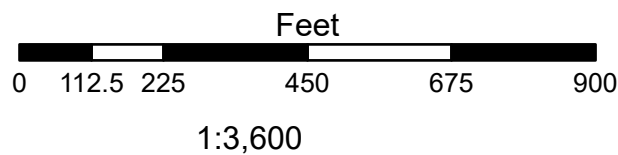
CUP-2025-0033

2425 W. VALLEY DR

Current Land Use



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



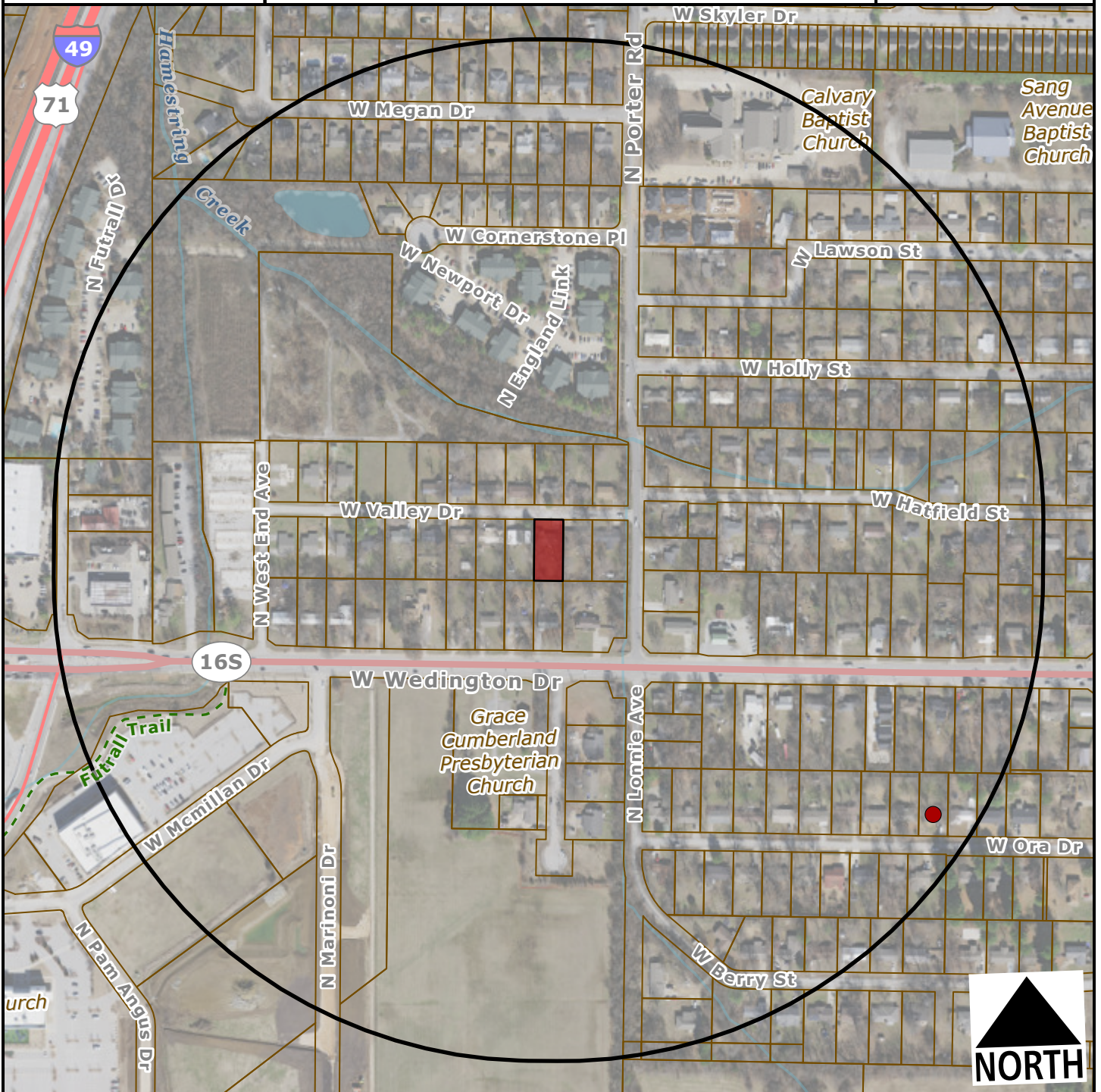
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

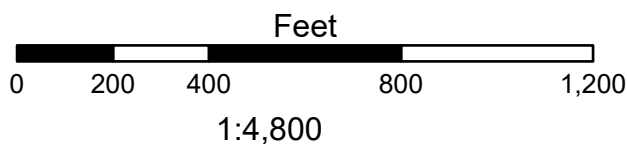
CUP-2025-0033

2425 W. VALLEY DR

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 1

Occupiable
Residential
Addresses
(Estimated
Housing Units): 412

EXECUTIVE SUMMARY

The subject property consists of a typical 1,654 SqFt singlefamily home on 0.31 acres.

2/25/2025 Effective Date

PHYSICAL CHARACTERISTICS

Herbert L & Anni D Buchanan Property Owner

765-11074-000 Parcel #

Fayetteville City

AR State

1,654 SqFt - Gross Living Area

13,520 SqFt - Land Area

RSF-4; Single Family - Four units per acre Zoning

Reviewed by:
Donna Wonsower, Planner
Development Services

B) Color elevations: 1234, 1234, 1233, 1233

C) Number of off-street parking spaces to be provided **4 outside driveway 0 inside garage, the descriptions in the documents forwarded have stated the garage was converted into a family room** / number required

D) When the request applies to a business or non-residential use: -Hours of operation

-Number of employees -1 I, Alessandra Brown, clean and operate the airbnb

E) Outdoor lighting -Front porch/Back Porch



IMPROVEMENTS DESCRIPTION

Built in 1967, the 1,654 SqFt singlefamily home consists of wooden framing on a closed pier foundation, brick exteriors, with a asphalt-shingled gable roof. It is outfitted with central A/C. We performed a general condition inspection from the exterior of the house, and it is in average condition. It has a concrete drive, but the garage was converted and included in the GLA.



↑
Trash
pickup

Parking 4
outside

back
lighting

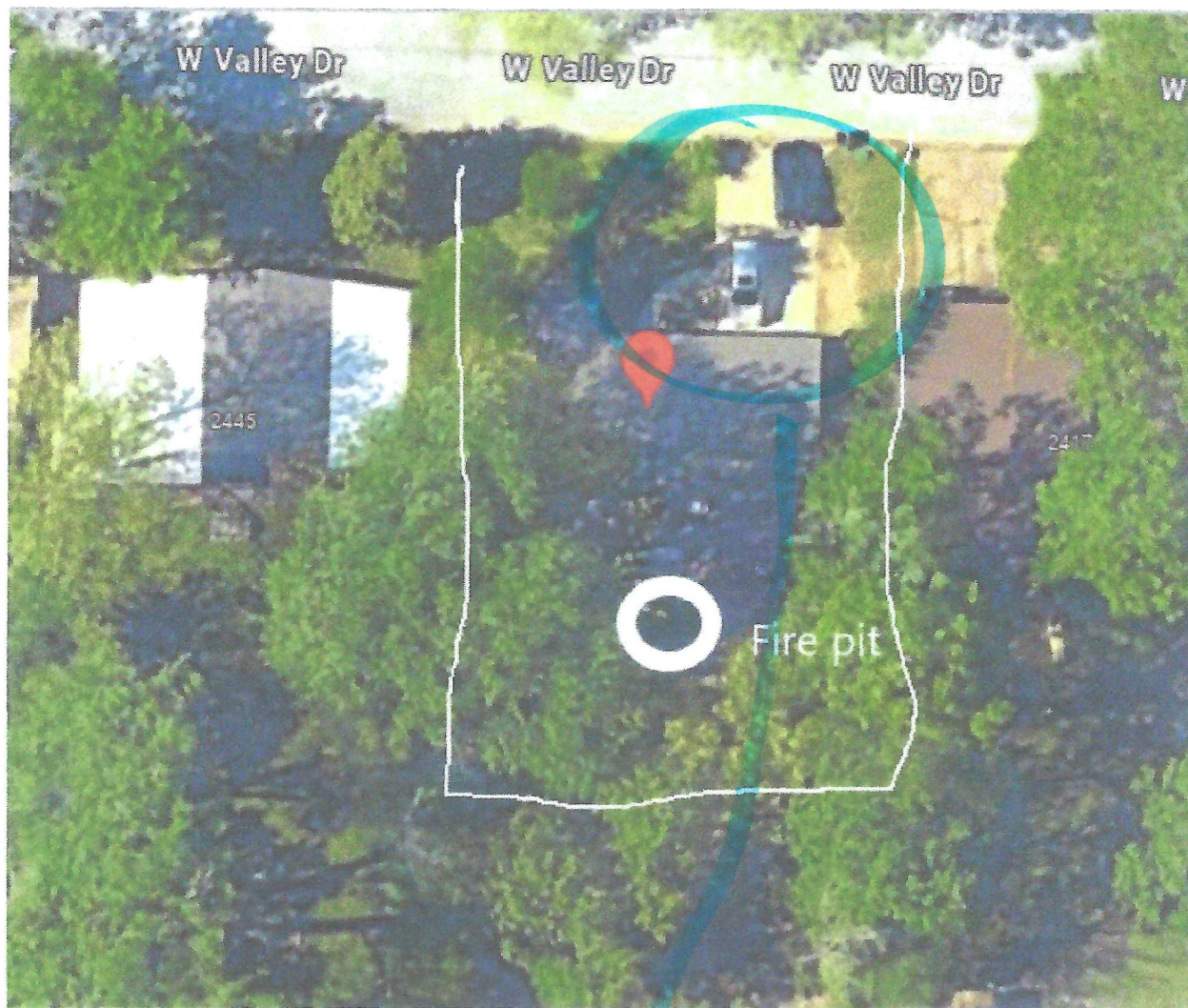


(f) Noise: minimum this is a quiet family neighborhood

(g) screen or buffering from adjacent properties. 4 1/2 ft Wire fence



TRASH
Storage inside
bonus room



Label parking and trash
storage locations

Parking

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

this picture shows that the property does have an activated water and sewer account, and where the trash will be delivered to the trash truck. Tenants will be directed to wheel trash back inside the ~~garage~~ bonus room.



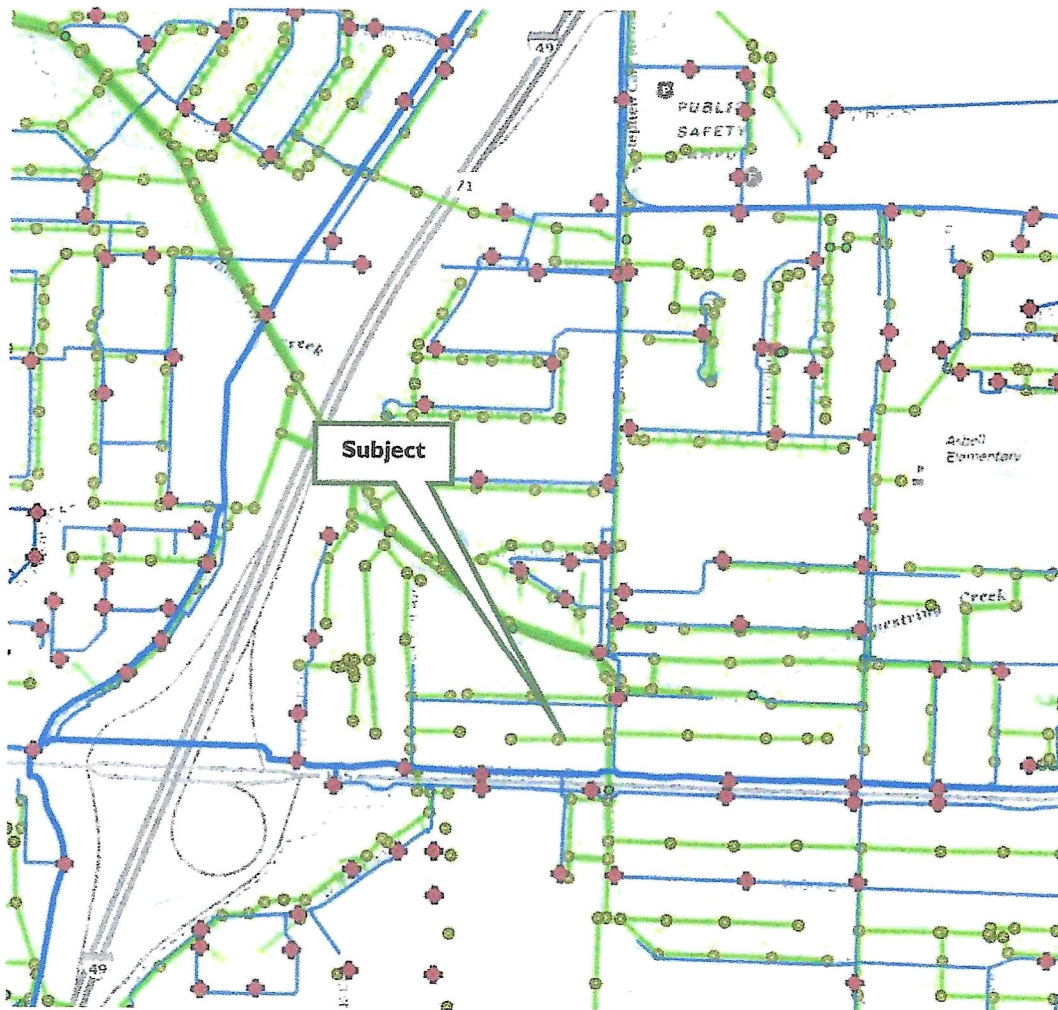
SITE DESCRIPTION

The subject property consists of a typical 1,654 SqFt singlefamily home on 0.31 acres.

Soils: No soil test or analysis was available to the appraisers and no responsibility is taken for the soil conditions. The soil appears to be stable for the improvements.

Topography: The subject site is mostly level.

Utilities: The site has all city utilities.



Streets (Ingress/Egress): Wedington Dr (Hwy 16) is a four-lane, asphalt-paved state highway with moderate to heavy traffic. The subject is located on a small asphalt-paved secondary road off of Wedington.

j) According to a recent search using Airbnb, there are approximately 5 properties within a 2-mile radius. The neighborhood consists of renters and homeowners. The house, for the majority of the time, will be unoccupied, and all customers are vetted before being allowed to book.





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Dona Wonsower, Planner

MEETING DATE: July 28, 2025

SUBJECT: **CUP-2025-0034: Conditional Use Permit (1125 N CROSSOVER RD/PHAT MINH PAGODA- BUDDHIST MEDITATION & RETREAT CENTER, 410):** Submitted by LUONG HOANG for property located at 1125 N CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 2.20 acres. The request is to use the property as a cultural and recreational facility.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0034** with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0034**, finding:*

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

BACKGROUND:

The subject property is located in east Fayetteville just over ½ of a mile southeast of the intersection of W. Mission Blvd. and N. Crossover Rd. The property is developed with a 3,238 square foot single-family residence constructed in 1972 and an 850 square foot outbuilding. There are currently no zoning overlay districts that govern the property, which is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre. Surrounding land uses and zoning are provided 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 Area**

Request: The applicant requests a conditional use permit to redevelop the property for use as a Buddhist Meditation and Retreat Center. The retreat center is proposed largely within the 850 square foot outbuilding, with guest accommodations and a break room available within the existing residence. This use is classified as Use Unit 4 in the Unified Development Code, which

is permitted conditionally in the RSF-4 zoning district. The applicant has described the business as follows:

- Business size: Approximately 4,088 square feet
- Hours of operation: Monday – Friday, 9:00 am – 8:00 pm (appointment only)
Saturday: 9:00 am – 9:00 pm (appointment and walk-in)
Sunday: Services, 8:00 am -11:00 am and 6:00pm – 9:00pm
- Number of Employees: One full-time employee plus two helpers on a volunteer basis. With a Board of Directors.
- Patrons: Monday through Friday: 4-5 clients. Saturday: 5-8 people, Sunday: 20-30 people

Public Comment: Staff has received inquiries but no comments in support or opposition to the request.

RECOMMENDATION: Staff recommend approval of **CUP-2025-0034** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the meditation retreat center to be compatible with the surrounding neighborhood and the City's long-range plans for the area;*
2. **This conditional use permit is limited to the use for Phat Minh Pagoda- Buddhist Meditation and Retreat Center and its associated programming, as described in the applicant's request letter. The following specifications apply:**
 - Business size: Approximately 4,088 square feet
 - Hours of operation: Monday – Friday, 9:00 am – 8:00 pm (appointment only)
Saturday: 9:00 am – 9:00 pm (appointment and walk-in)
Sunday: Services, 8:00 am -11:00 am and 6:00pm – 9:00pm
 - Number of Employees: One full-time employee
3. **Religious institutions are not subject to 166.25, Commercial, Office, Mixed-use, Design and Development standards;**
4. **Additional parking shall not be constructed between the existing structures and public right-of-way.**
5. **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;**
6. **Any future expansion or change in the use shall require Planning Commission approval; and**
7. **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 28, 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 4 in the RSF-4 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 §161.16 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 will not adversely affect the public interest. Religious institutions are considered a conditional use in this primarily residential zoning district due to the traffic-generating nature. In an evaluation of the surrounding land uses, scale, and context, staff finds that surrounding residents are unlikely to experience disruption or nuisance. A church is located to the south of the subject area and the property is located on a major thoroughfare that can likely support additional traffic generation. Further, the anticipated visitor count is minimal with most days estimated to have fewer than ten visitors. Any future expansion of the retreat that would increase impact would be subject to additional review.

(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 4, largely. Architectural design standards do not typically apply to religious institutions. Staff does not recommend any additional screening at this time, given the scale of proposed development associated with 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: Access to the property occurs through an existing loop driveway located on N. Crossover Rd. The southern entry to this loop partially overlaps the adjacent property. Under 166.08, any non-conforming access features are to be brought into compliance when new access connection permits are requested, a property is expanded greater than 50% of the appraised or market value, or with the development of a new primary structure on the property. 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 is currently existing sidewalk along the property's frontage, which extends both north and south along Crossover.

(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: 13 existing off-street parking spaces are located on the site within existing driveways and adjacent to the existing outbuilding. No additional parking is proposed at this time. Staff finds that existing parking is likely sufficient to meet the needs of the current proposal and that any future phases would require an amendment to the conditional use permit as well as a reevaluation of parking needs. As the property is no longer serving as a strictly single-family residence, the property would not be subject to the maximum limitation of four vehicles parked outside as outlined in UDC §172.11(C). Staff recommends a condition that any future parking shall be prohibited between the existing structures and public right-of-way in order to maintain the appearance of a residential structure from the public realm.

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

Finding: Trash will be provided with residential trash carts. Staff recommends that these remain screened and out of view of the public right-of-way when not in use.

(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 does not recommend any additional screening at this time.

(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 setback requirements will be made at the time of grading and building permit. Based on the applicant's submittal, the structure appears to be meeting applicable setbacks.

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

Finding: Staff finds that the proposed use is compatible with the surroundings; there are no apparent nuisance or adverse impacts, and may in fact be positively contributing to the neighborhood environment by activating the neighborhood at an altering time from other uses in the area, and providing necessary services.

- (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 land use, transportation, and other strategic plans. This helps contribute to City Plan 2040 goal number 3, which make compact, complete, and connected development the standard.

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code
 - §161.07 District RSF-24, Residential Single-Family - 4 Units Per Acre
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Applicant Exhibits
 - Request Letter
 - Site Plan
 - Floor Plans and Elevations
- Public Comment

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.*

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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
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Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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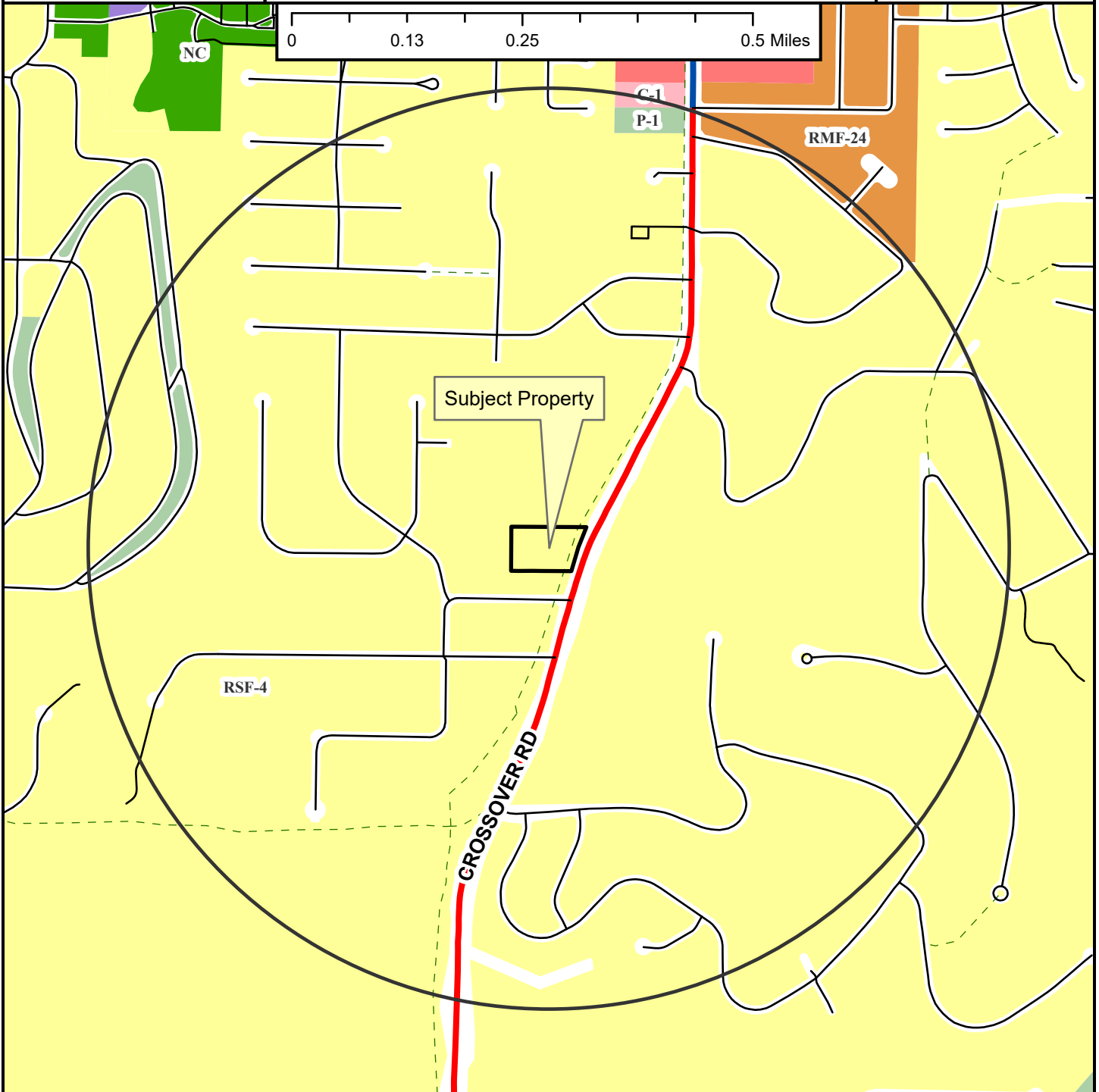
CUP-2025-0034

1125 N. CROSSOVER RD

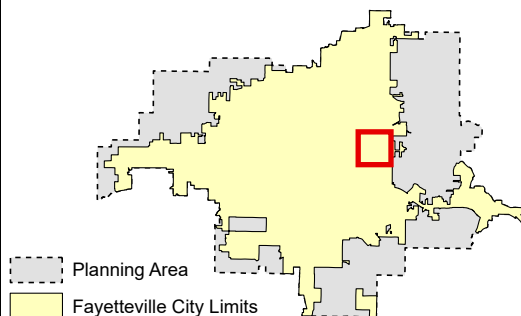
One Mile View



0 0.13 0.25 0.5 Miles



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

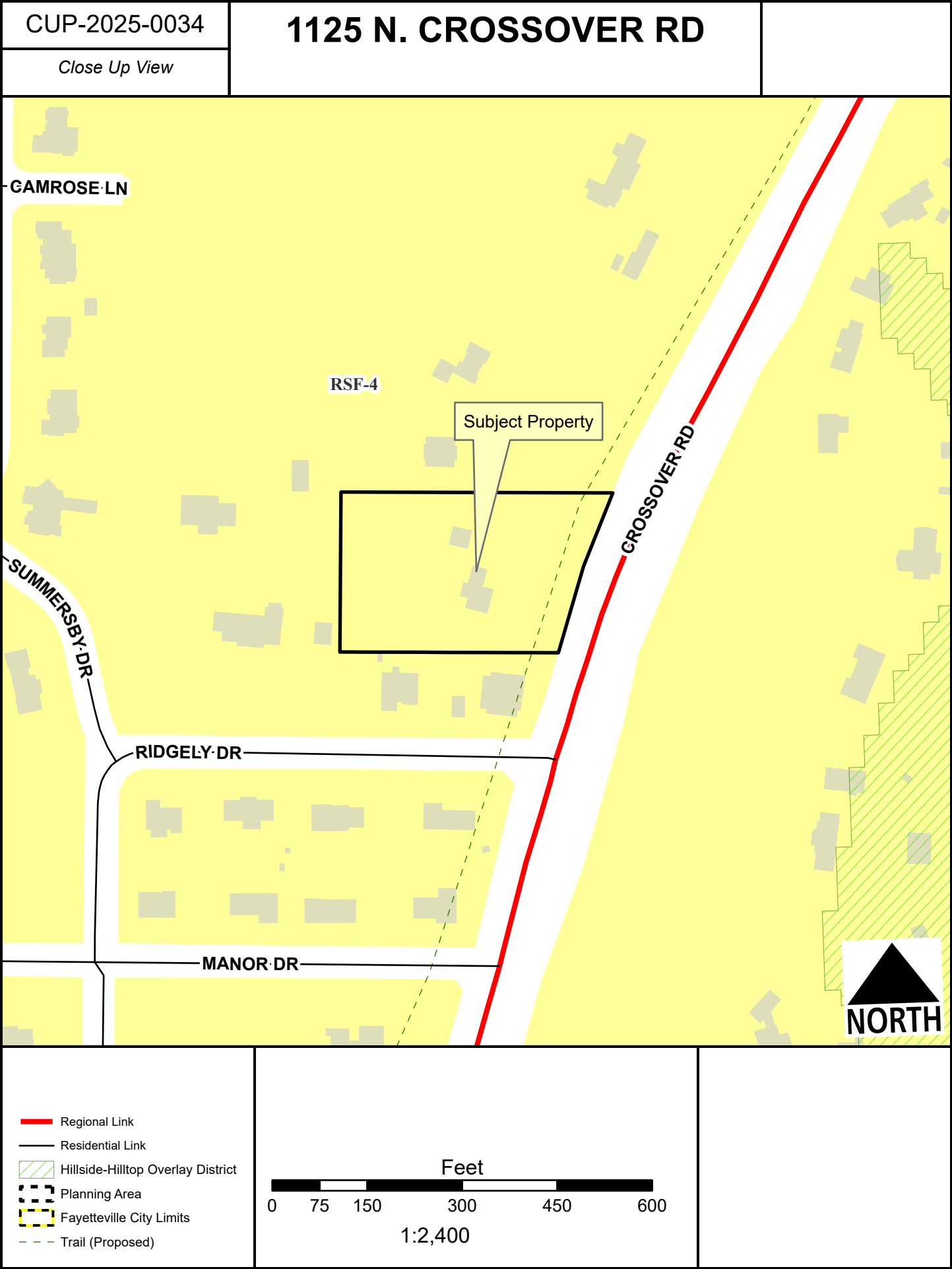


Planning Commission

July 28, 2025

CUP-2025-0034 (MINH PAGODA-BUDDHIST MEDITATION & RETREAT CENTER)

Page 9 of 19





Request Letter

To whom it may concern.

We are Luong Hoang and Ngoc Nguyen. We own the property at 1125 N Crossover Rd, Fayetteville, Arkansas, 72701. We would like to apply for a conditional use permit for Phat Minh Pagoda- Buddhist Meditation and Retreat Center. We provide information as below:

(a) Building size in square feet: there are 2 buildings: a house that is 3,238 sq ft with 4 bedrooms and 2 full bathrooms and 2 half bathrooms, and a detached building 850 sq ft.

(b) Color elevations of all exterior sides of the structure: white brick home and detached building.

(c) Number of off-street parking spaces to be provided: 32 potential parking spaces

(d) Hours of operation

Monday to Friday: 9 am to 8:00 p.m. (appointment only)

Saturday: 9 am to 9 p.m. (appointment and walk in)

Sunday: Services, morning from 8 am to 11 am. Evening from 6 pm to 9 pm

-Number of employees: 1 full time employee plus two helpers on a volunteer basis. Board of directors.

-Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)

Monday- Friday: 4-5 people. Saturday: 5-8 people. Sunday: 20-30 people

(e) Outdoor lighting: No changes to existing residential lights. Some decorative or way-finding lights along driveways and sidewalks.

(f) Noise: not applicable Meditation retreat is a quiet use with minimal noise.

(g) Screening or buffering from adjacent properties: partially fenced includes privacy fence and metal fence also with trees bushes to create a buffer.

(h) Trash and refuse service: residential trash service.

(i) Ingress and egress to the property: circle driveway off Crossover Road (Crossover Road is a high traffic road we do not believe will have a change to traffic impact)

(j) General compatibility of the proposed use with adjacent properties and other properties in the neighborhood: Crossover Road has existing businesses including restaurants, shops, and churches.

The meditation retreat will largely occur within the 850 sf detached building, with a break room and guest quarters available in the first floor of the existing house. The owners of the meditation retreat will reside upstairs in the existing residence.



General Reference

Fayetteville, AR

Explore Additional Content



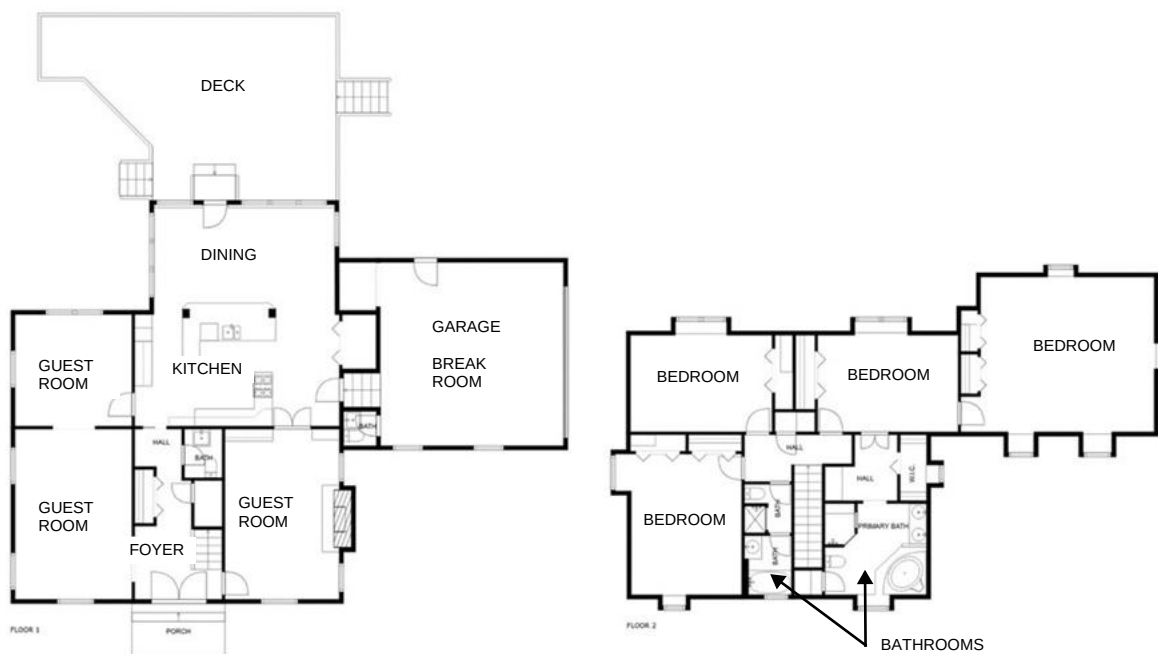
1125 N CROSSOVER RD

X



Show search results for 1125 N CRO...





Floor plan for diagrammatic purposes only, with no guarantees or warranties







Wonsower, Donna

From: Wonsower, Donna
Sent: Tuesday, July 15, 2025 4:20 PM
To: jeaniebhill@cs.com
Subject: RE: Submitted documents for CUP-2025-0034

Good Afternoon,

The letter and site plan indicate that eventually the intent is to utilize the entire property as a retreat; however the rear portion of the property is shown in a future phase. Only the existing structures are intended to be used for a meditation retreat at this time. If approved as submitted, an amendment to the conditional use permit would need to be submitted with more information before a future phase could be approved to expand the use beyond this.

As far as I am aware, the business is not currently in operation. The number of cars indicated on the site plan is intended to represent existing parking capacity and potential future expansions.

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

From: jeaniebhill@cs.com <jeaniebhill@cs.com>
Sent: Tuesday, July 15, 2025 4:04 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Re: Submitted documents for CUP-2025-0034

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

Thank you Donna for the revised letter.
It appears to me that they plan to use the entire property for the Retreat Center. Am I correct?
With the number of cars on this property are they currently operating as a retreat?
Jeanie Hill

On Tuesday, July 15, 2025 at 02:17:40 PM CDT, Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Good Afternoon,

We just received some revised documents with some additional information. I've attached those here.

Donna Wonsower, AICP

Planner, Development Services

City of Fayetteville, Arkansas

479-575-8358

fayetteville-ar.gov

From: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Sent: Tuesday, July 15, 2025 1:49 PM
To: jeaniebhill@cs.com
Cc: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Submitted documents for CUP-2025-0034

Attached are the requested documents as discussed by phone. Feel free to email us if you have any questions.

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267



**CITY OF
FAYETTEVILLE
ARKANSAS**



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: July 28, 2025

SUBJECT: **RZN-2025-0023: Rezoning (N. OF 3003 N. OAK BAILEY DR/HOSKINS, 254):** Submitted by CITY OF FAYETTEVILLE for property located N. OF 3003 N. OAK BAILEY DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.27 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0023** to City Council with a recommendation for approval.

RECOMMENDED MOTION:

"I move to forward **RZN-2025-0023** to City Council with a recommendation for approval."

BACKGROUND:

The subject property is in northeast Fayetteville, approximately 700 feet north of N. Old Wire Road's intersection with N. Oak Bailey Drive, and on the west side of Oak Bailey. The property includes approximately 1.27 acres of a lot that previously totaled almost five acres before being subdivided in 2023. The resulting 4 lots, two of which are tandem lots, were created with the intention of developing single-family homes (LSP-2023-0007). Crossing the property from west-to-east is a Master Street Plan planned connection of E. Rolling Hills Drive from N. Old Missouri Road to Oak Bailey. City Council affirmed the importance of this connection in 2018 when it as preserved on the Master Street Plan after much community inout, albeit downgraded in classification. No dedication of right-of-way for this connection was required with the 2023 lot split due to a lack of rough proportionality between the potential impact of four single-family homes compared with the amount of right-of-way necessary for the connection of Rolling Hills. The applicant was informed however, that setbacks would need to be established at the time of building permit that were in line with the overall master street plan requirements. Following site preparation for construction, staff and the applicant met to evaluate any remaining potential for the connection. With reaffirmation of the connection's value by City Council's Transportation Committee in 2024, staff engaged in street design. No overlay districts, streams, or floodplain occur on the site. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1 - Surrounding Land Use and Zoning

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

Request: The request is to rezone the property from RSF-4, Residential Single-Family, 4 Units Per Acre to RI-12, Residential Intermediate – 12 Units per Acre. During evaluation of potential Rolling Hills connection designs, it was determined that the developability of the property owner's lots would be reduced or fully eliminated. As a result, staff identified the RI-12 zoning district as an alternative to RSF-4 that can both offset impacts to property value and maintain compatibility with the area. Concurrent with the rezoning request, an associated agreement was drafted to receive right-of-way from the property owner and off-set infrastructure improvements they had made in anticipation of development. This agreement will be considered by City Council alongside the rezoning request if forwarded by the Planning Commission.

Public Comment: Staff has received inquiries, but no statements of opposition or support.

INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS:

Streets: The subject area has existing street frontage along N. Oak Bailey Drive. N. Oak Bailey Drive is a partially improved Neighborhood Link Street with asphalt paving and open ditches with sections of curb and gutter. There is a proposed plan for a Neighborhood Link Street to run through this property to complete the connection of E. Rolling Hills. 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 Oak Bailey Drive.

Sewer: Sanitary sewer is available to the Subject area. Existing 8-inch sewer main is present along North Oak Bailey Drive. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,800 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside-Hilltop Overlay District, nor is within a FEMA floodplain, nor are there any protected streams or hydric soils in the area. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately .5 miles from the fire station with an anticipated drive time of approximately 1 minute using existing streets. The anticipated response time would be approximately 3.2 minutes. The Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of RI-12, Residential Intermediate, 12 Units per Acre, requires **20% minimum canopy preservation**. The current zoning district of RSF-

4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation.**

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 4-6 for the area in question, with a weighted score of 6. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #5, 2979 N. Crossover Road)
Near Sewer Main (8" along N. Oak Bailey)
- Near Water Main (6" along N. Oak Bailey)
- Near Public School (Butterfield Trail Elementary)
- Near City Park (Gulley Park)
- Near Paved Trail (E. Farr Lane)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the request to be compatible with surrounding land uses. The RI-12 district allows for additional housing types that are compatible with the surrounding single-family dwellings such as single-, two-, three- and four-family dwellings. Balanced with the allowance of additional uses on the property, the minimum lot size is still 50 feet for single- and two-family dwellings, and 90 feet for three- and four-family dwellings, which is consistent with the general lot pattern in the area. Rezoning the property to allow more density on a portion of the overall site will also concentrate density at the intersection of E. Rolling Hills and N. Oak Bailey, and leave a separate portion of the site zoned to RSF-4.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, envisions primarily residential uses in a variety of complimentary building types and configurations. RI-12 would allow higher

range of residential density not allowed in the current zoning district and in an infill location, consistent with the City's land use policies.

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

Finding: Staff finds the request to be justified. The request would allow for a level of compatible infill development that would be consistent with the future land use goals of the area.

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

Finding: Rezoning and redevelopment of the property under RI-12 has the potential to increase traffic on N. Oak Bailey Road. However, the rezoning of this property will enable the connection of E. Rolling Hills to N. Oak Bailey Road, which will allow for an additional route and direction for traffic to go to the east, rather than creating or compounding any traffic issue at N. Oak Bailey and N. Old Wire. The size of the property will naturally restrict the number of potential dwellings, and therefore the possibility of increased traffic danger and congestion will not be appreciable.

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

Finding: Rezoning the property to RI-12 increases the potential population density but will not undesirably increase the load on facilities and services. As noted above, this half-acre property has access to existing water, sewer, and other public services that eliminate the need for costly extensions or stretched fire or police service. A planned street connection will be enabled through 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-2025-0023 to the City Council with a recommendation for approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 28, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

- Attachments:**
- Unified Development Code:
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
 - 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
-------------------------	-----------

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

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

	Single-family	Two (2) family	Three (3) and four (4) family
Lot width minimum	50 feet	50 feet	90 feet
Lot area minimum	5,000 square feet	7,260 square feet	10,890 square feet.

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

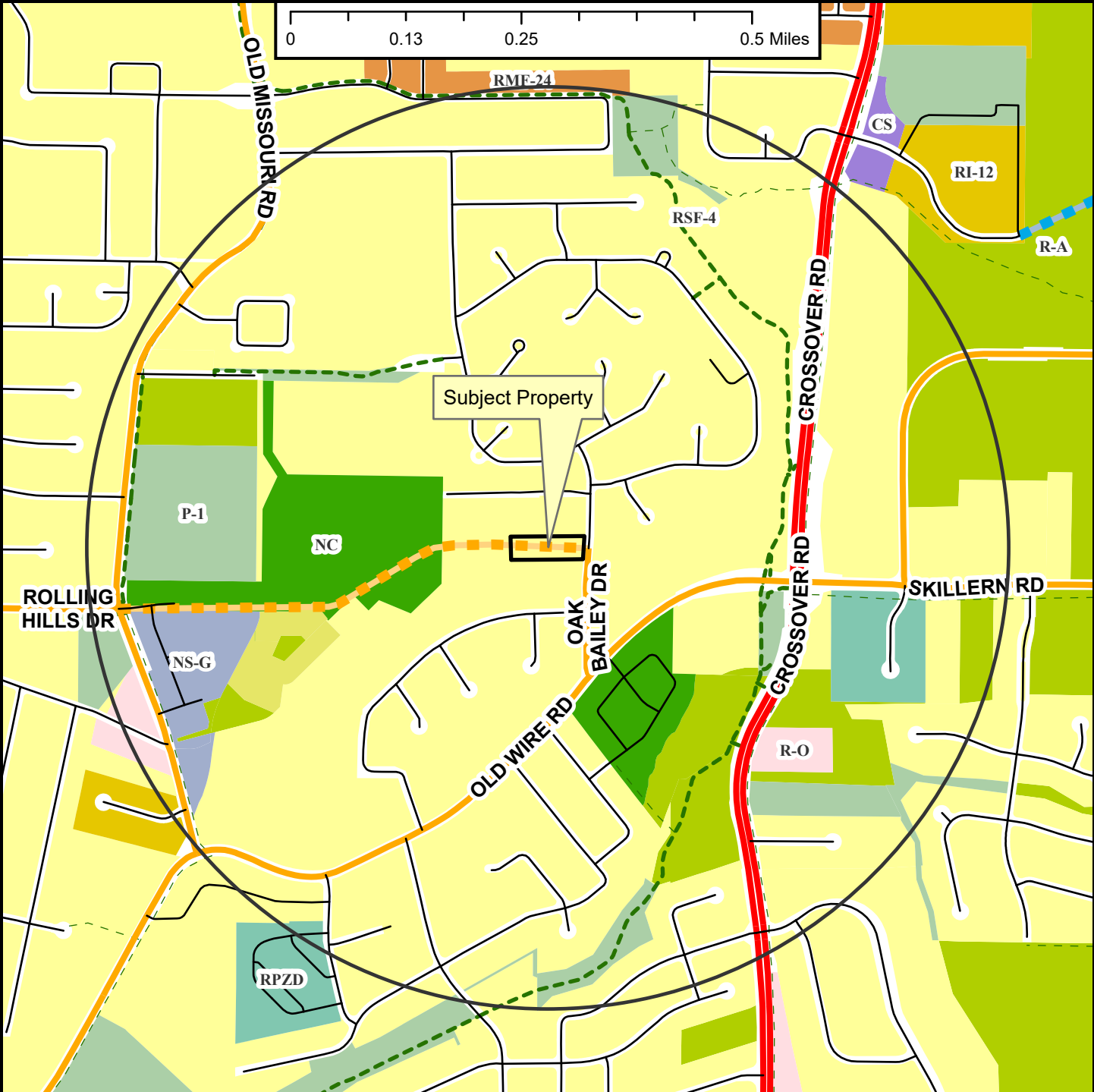
(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 06-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§4, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §2(Exh. A), 5-2-23)

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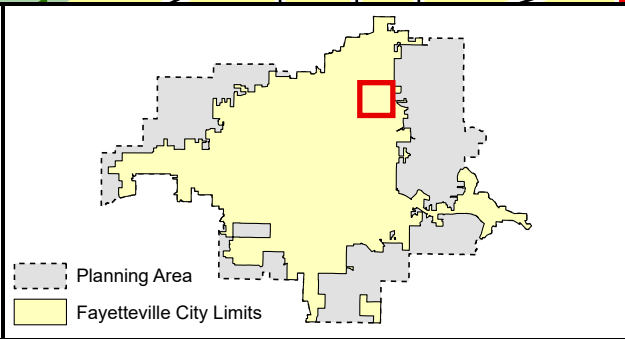
RZN-2025-0023
<i>One Mile View</i>

One Mile View

**N. OF 3003 N. OAK BAILEY
DR**



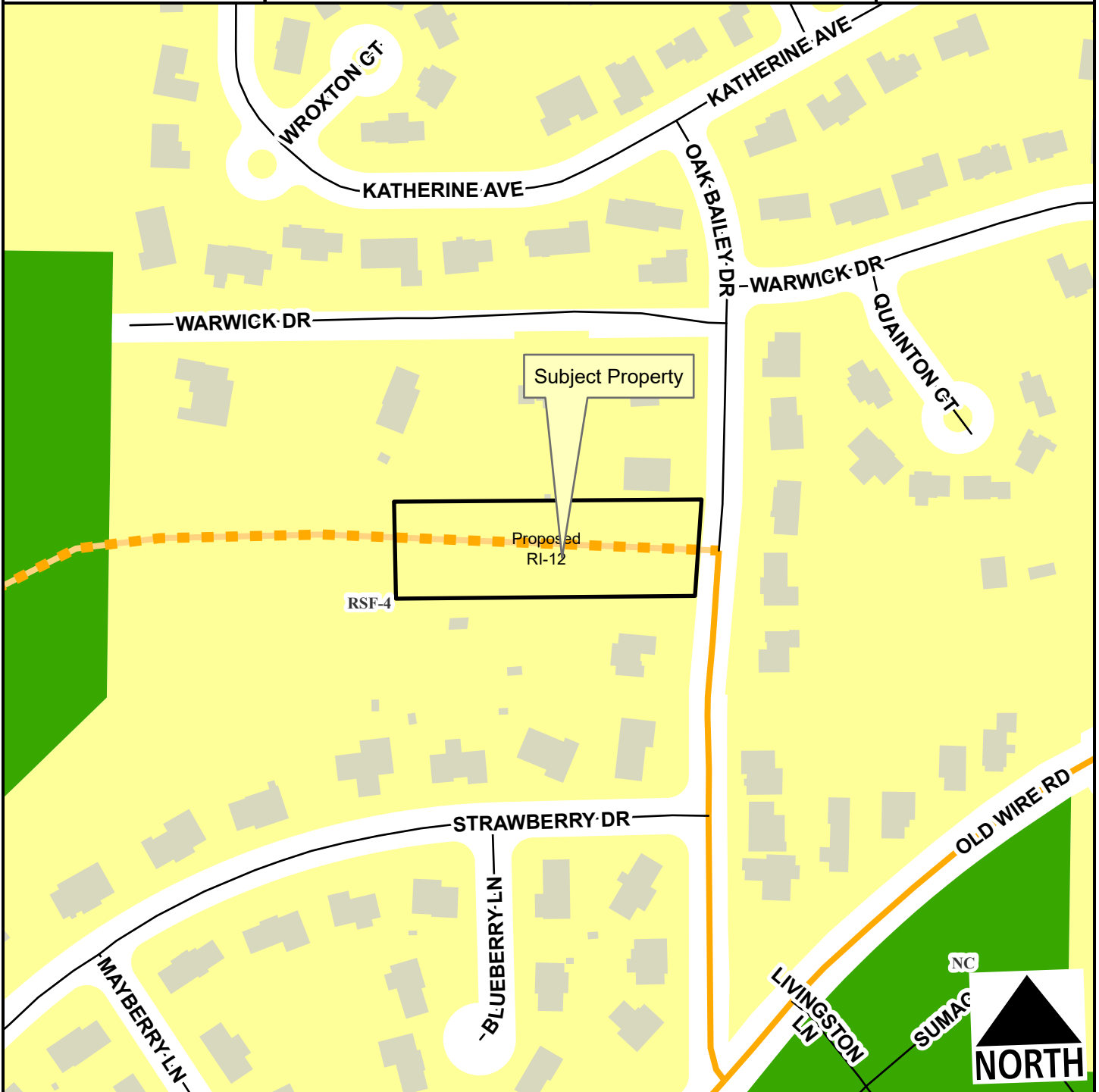
-  Regional Link
-  Neighborhood Link
-  Unclassified
-  Residential Link
-  Planned Neighborhood Link
-  Planned Residential Link
-  Shared-Use Paved Trail
-  Trail (Proposed)
-  Fayetteville City Limits
-  Planning Area



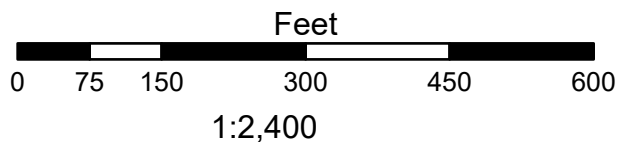
RZN-2025-0023

N. OF 3003 N. OAK BAILEY DR

Close Up View



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



Zone	Current	Proposed
RI-12	0.0	1.3
RSF-4	1.3	0.0

Total 1.3 ac

RZN-2025-0023

N. OF 3003 N. OAK BAILEY DR

Current Land Use

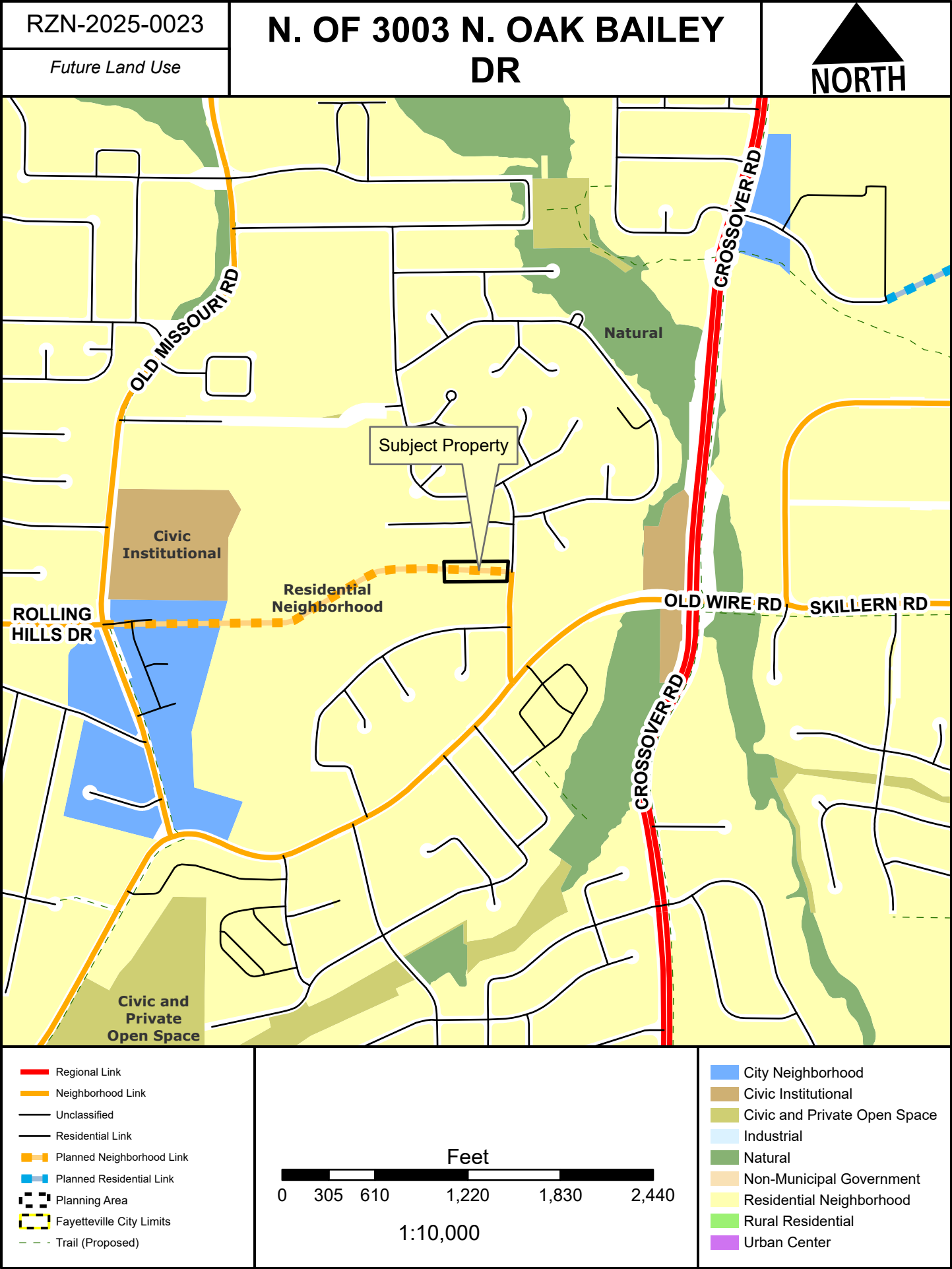


- Regional Link
- Neighborhood Link
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



Jonathan Curth
Development Services Director
City of Fayetteville, AR

6/18/2025

Planning Commission and City Council,

In association with the proposed street extension of East Rolling Hills Drive to North Oak Bailey Drive, staff requests a rezoning of 1.27 acres (a portion of parcels 765-16034-000, -001, and -003) from RSF-4, Residential Single-Family, 4 Units per Acre, to RI-12, Residential Intermediate, 12 Units per Acre. As a part of creating the connection, the developability of two parcels will be reduced, if not fully diminished under the RSF-4 zoning designation. Rezoning the subject property will both acknowledge this and create the potential for more housing variety at a location where street connectivity is being improved.

In terms of land use compatibility, the properties near the proposed rezoning are predominantly single-family in character, although a mixture of additional housing types can also be found. Most prominently, the Huntingdon subdivision to the north includes single-, two-, three-, and multi-family housing, and the Stage Station subdivision to the west has incorporated attached townhouses. Similarly, area lot sizes are varied from less than one-tenth of an acre to five or more acres. The RI-12 zoning district compliments all of these conditions with its allowance for single-, two-, three-, and four-family housing on lot size minimums ranging from approximately one-eighth of an acre to a quarter-acre.

With regards to adopted long-range planning documents and tools, this request is consistent in multiple aspects. First, the property's Residential Neighborhood Area future land use map designation is intended to support a wide variety of housing types in a contextual manner. RI-12 acknowledges both intents by permitting detached and attached residential units at medium to low densities amongst an area of varied housing and property sizes.

Second, this request to rezone the property offers alignment with several long-range planning goals of City Plan 2040, Fayetteville's comprehensive plan. This includes the promotion of appropriate infill with a moderate increase in housing types and potential densities, the encouragement of compact, complete, and connected development by allowing additional, albeit limited density, along a future street connection, and the creation of housing opportunities by permitting the potential for smaller lots and units that can reduce costs.

Lastly, rezoning the property to RI-12 from RSF-4 recognizes the limited number of attributes identified on the property that contribute to appropriate infill. Where a location with access to transit, a grocery store, or other amenities and services could justify greater density or a wider number of land uses, RI-12 acknowledges that the proximity to a public school, trail, water and sewer, and prompt fire service justifies the potential for more housing opportunities.

Thank you for the consideration of this request.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: July 28, 2025

SUBJECT: **RZN-2025-0024: Rezone (SOUTH OF 380 S. HAPPY HOLLOW RD/ JONES, 526):** Submitted by SITEWISE CIVIL ENGINEERING for property located SOUTH OF 380 S HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.70 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0024** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0024** to the City Council with a recommendation for approval."*

BACKGROUND:

The subject property is located in east Fayetteville approximately ¼ mile west of Happy Hollow Elementary School roughly 200 feet north of the intersection of S. Happy Hollow Rd. and E. 4th St. The property contains one parcel totaling 0.70 acres which is currently undeveloped. The property is not within any sensitive ecological areas, zoning overlays, or master plan areas. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Undeveloped	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, 4 Units per Acre, to RSF-8, Residential Single-Family, 8 Units per Acre. The applicant has stated that they are pursuing this rezoning in order to facilitate the subdivision of the lot into two approximately 52' wide parcels.

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

INFRASTRUCTURE:

Streets: The subject area has a road frontage along S. Happy Hollow Road, a partially improved Residential Link with asphalt paving and open ditches. Any street improvements required in this area will be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing 2.25-inch water main is present along S. Happy Hollow Road.

Sewer: Sanitary sewer is available to the subject property. An existing 8-inch sewer main is present along S. Happy Hollow Road. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 4,600 linear feet downstream of this property.

Drainage: No portion of the subject property lies within the Hillside-Hilltop Overlay District or a FEMA floodplain. Additionally, no protected streams or hydric soils are present on the subject property. Any improvements or requirements for drainage will be determined at time of development.

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 0.5 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district of RSF-8, Residential Single-Family, 8 Units per Acre, requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

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

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **6-7** for this site with a weighted score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (8-inch main, S. Happy Hollow Rd.)

- Near Water Main (2.25-inch main, S. Happy Hollow Rd.)
- Near Public School (Happy Hollow Elementary School)
- Near City Park (Mount Sequoyah Woods)
- Near Paved Trail (Mount Sequoyah Woods Trail, Happy Hollow Bicycle Course)
- Near ORT Bus Stop (Happy Hollow & 4th)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning of RSF-8, Residential Single-Family, 8 Units per Acre to be compatible with the surrounding area. Land uses in the immediate vicinity are primarily residential in nature, varying in both form, lot width, and density. Large areas of higher density, including zoning districts such as RI-U, Residential Intermediate Urban; NC, Neighborhood Conservation; and RSF-8 have been developed less than 500 feet to the north. Nonresidential uses are also present nearby and include Happy Hollow Elementary School to the east and a large number of commercial uses less than 1/3 of a mile to the south along E. Huntsville Rd. which include gas stations, a funeral home, restaurants, and other services.

Both uses permitted by right and conditional use permit remain unchanged between the existing and proposed districts. Staff finds the residential uses allowed by right to be directly compatible with the existing land uses in this area. Uses allowed conditionally in RI-U, including cultural and recreational facilities, and limited businesses may also be suitable at this site, subject to further review to determine full compatibility. When compared to the site's current zoning designation of RSF-4, Residential Single-Family, 4 Units per Acre, RSF-8 would allow for a slight increase in residential density and slight reductions in bulk and area standards, which would complement surrounding residential areas and encourage housing types that could accommodate the demand for walkable living and increased housing options within close proximity of existing services.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area. The property has a moderate weighted infill score of 8 which indicates that the site is prepared to accommodate increased housing density, and the property does not lie within any environmentally sensitive areas. Rezoning could support Goals #1 and #6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing and by reducing lot sizes to allow further infill close to services.

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

Finding: Staff finds that the proposed rezoning from RSF-4 to RISF-8 is justified. Rezoning to RSF-8 would allow for housing densities that are comparable to

the existing development pattern in the area and which are consistent with the City's planning objectives and policies.

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

Finding: Rezoning the property to RSF-8 has the potential to increase traffic along S. Happy Hollow Rd. and other adjacent roadways. However, the size of the property and the modest scale of the increased density request will naturally limit the scale of any future development, and thus reduce any possible impacts on traffic danger or congestion.

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

Finding: Rezoning the property from RSF-4 to RSF-8 has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The property has access to existing water and sanitary sewer infrastructure and is close to other public services. Fayetteville Public Schools did not comment on this request.

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

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0024 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>July 28, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-Family, 4 Units per Acre
 - §161.09 – RSF-8, Residential Single-Family, 8 Units per Acre
- Project Maps
 - 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.

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

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

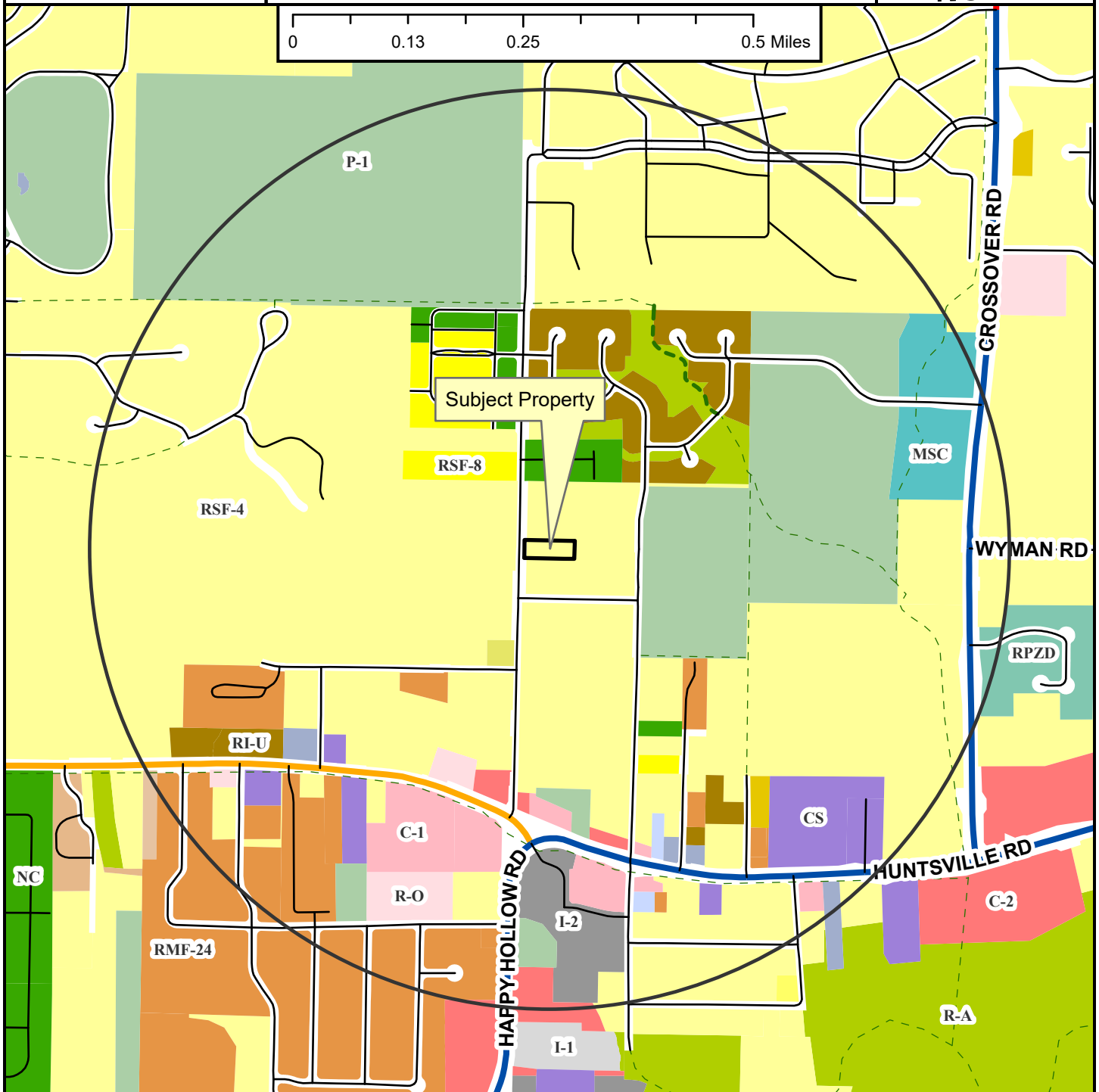
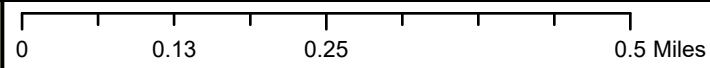
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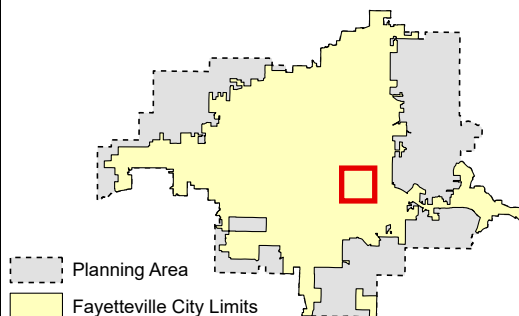
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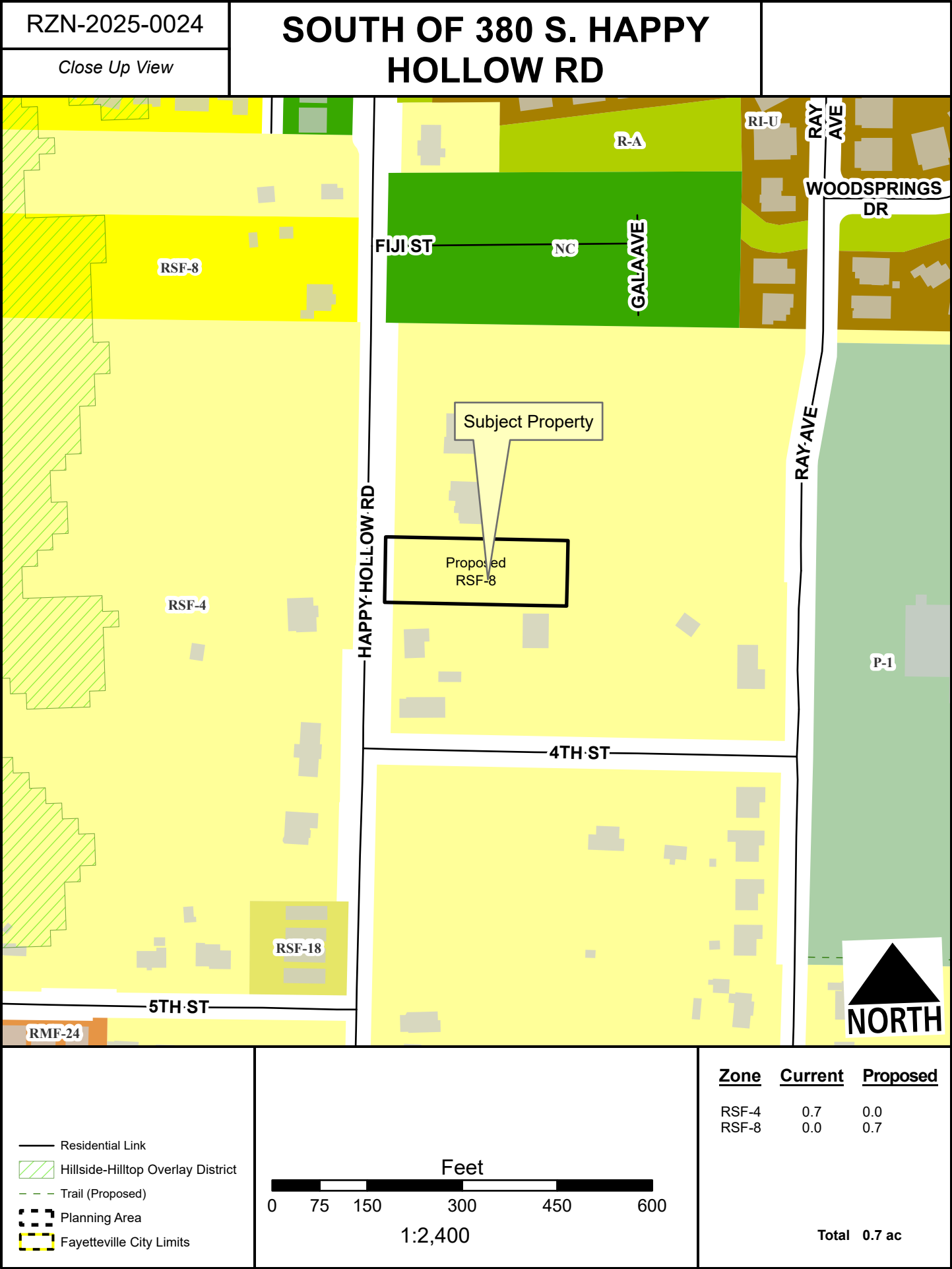
One Mile View

SOUTH OF 380 S. HAPPY HOLLOW RD



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

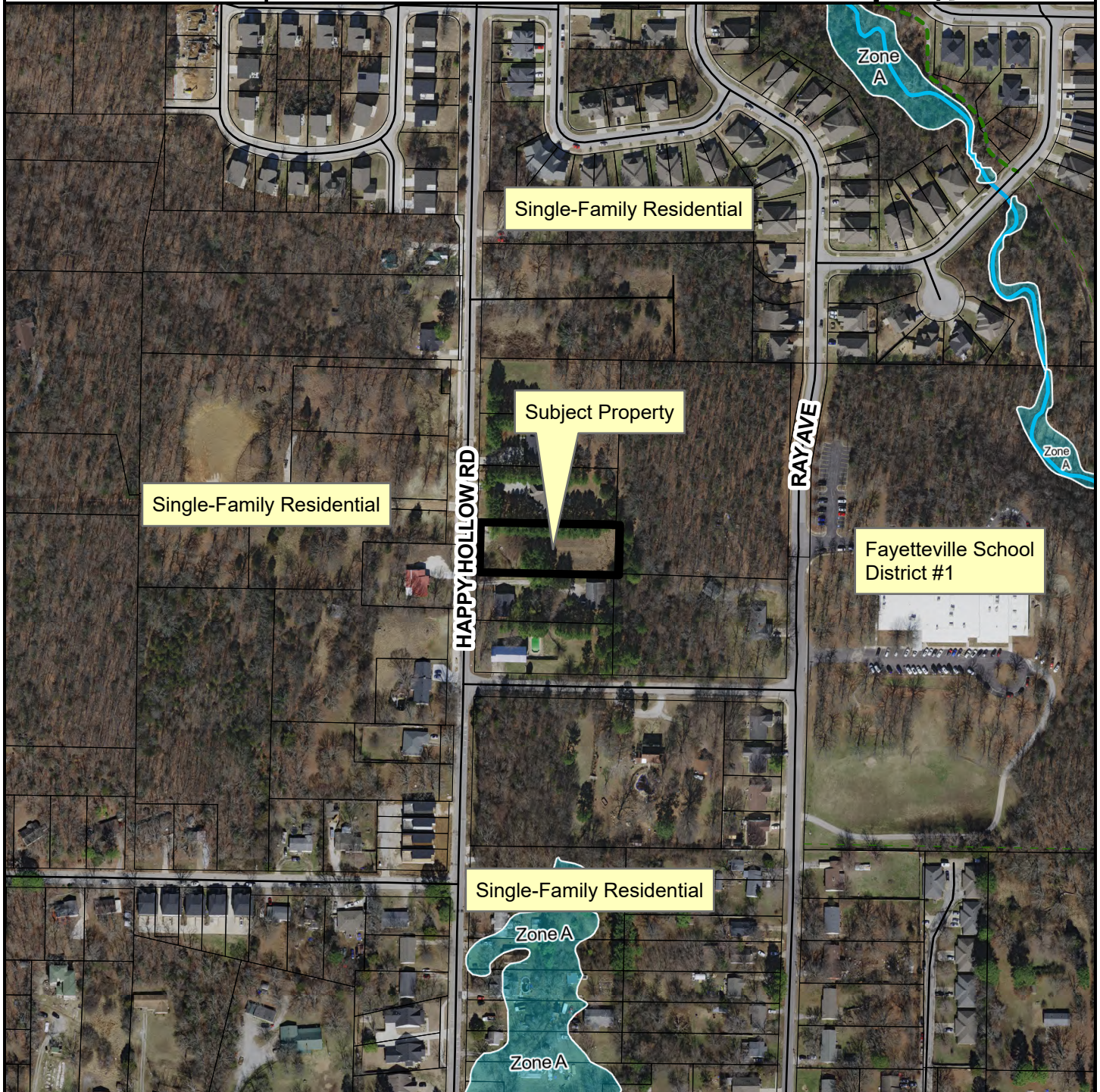




RZN-2025-0024

Current Land Use

SOUTH OF 380 S. HAPPY HOLLOW RD



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



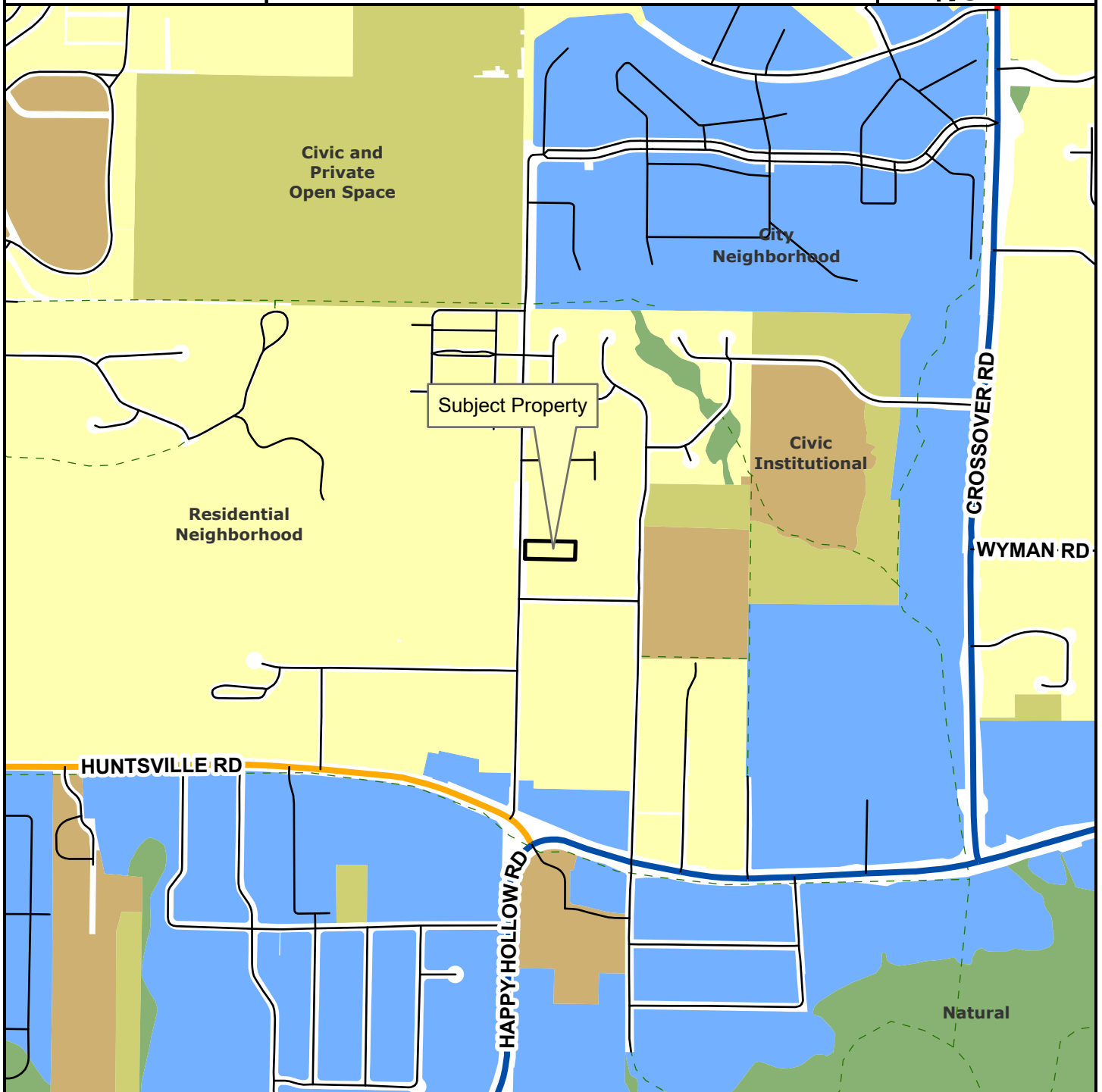
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

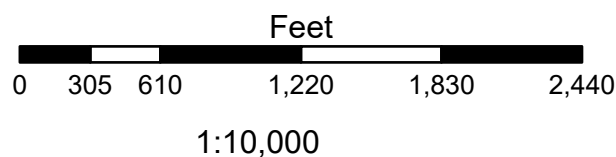
RZN-2025-0024

Future Land Use

SOUTH OF 380 S. HAPPY HOLLOW RD



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



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

June 16, 2025

Jessica Masters
Development Review Manager
125 W Mountain Street
Fayetteville, AR 72701



RE: Washington County Parcel # 765-14305-000 – Rezone Application

The property owners of Washington County Parcel # 765-14305-000 are requesting to rezone the 0.70 acre property from RSF-4, Residential Single Family 4 units per acre, to RSF-8, Residential Single Family 8 units per acre.

The existing property is +/-105 feet wide, and would support a single family house or a two family dwelling if approved by a Conditional Use . The minimum lot width in the RSF-4 district is 70’.

The property owners desire to rezone the parcel to RSF-8 to facilitate the future creation of two individual lots to construct a single family structure on both new lots. Should the rezoning be approved, the owners plan to split the existing 105’ wide tract into two +/-52.5’ wide lots. The owners have engaged a licensed surveyor to complete the future lot split.

The proposed rezoning to Residential Single-Family 8 units per acre (RSF-8) is consistent with the character of the surrounding neighborhood, which is predominantly zoned for single-family residential use. RSF-8 and the current RSF-4 zoning share identical permitted uses, ensuring land use compatibility. Additionally, an existing RSF-8 zoned parcel is located approximately 350 feet north of the subject property, further supporting the appropriateness of this request.

Rezoning to RSF-8 would enable the creation of two lots, each approximately 52 feet in width. In contrast, the current RSF-4 zoning requires a minimum lot width of 70 feet, limiting flexibility in future development. The proposed change would not introduce any adverse impacts or conflicts with surrounding residential uses and aligns with the existing development pattern in the area.



Thank you for your consideration. If I can be of any further assistance, please contact me.

Respectfully submitted,

Nathan Streett, PLA

nstreett@sitewisecivil.com

Direct: 479-621-3762



TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: July 28, 2025

SUBJECT: **RZN-2025-0025: Rezoning (VARIOUS PARK PROPERTIES/ FAYETTEVILLE PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS):** Submitted by CITY OF FAYETTEVILLE STAFF for VARIOUS PARK PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are in VARIOUS ZONING DISTRICTS and total approximately 180.84 acres. The request is to rezone the properties to P-1, INSTITUTIONAL.

RECOMMENDATION:

Staff recommends **RZN-2025-0025** be forwarded to the City Council with a recommendation for approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0025** to the City Council with a recommendation for approval."*

BACKGROUND:

The subject properties are owned by the City of Fayetteville and managed by the City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs. A wide-ranging collection of properties encompassing approximately 180.84 acres of City-owned land, the properties vary in size, scale, and level of development. They range from small, undeveloped neighborhood parks and green spaces that have been acquired through parkland dedication, to parks that are developed with larger, regional Fayetteville attractions. While non-conforming properties can continue to exist and be maintained, code prohibits the expansion or reconstruction of those facilities if they are not in compliance with current zoning standards. The City also recently adopted the Parks Master Plan in February 2023 (Imagine Tomorrow's Parks), which established guiding principles and goals for the next ten years. The full list of properties under consideration can be found in *Table 1*.

Request: City of Fayetteville Department of Parks, Natural Resources, and Cultural Affairs requests to rezone the subject properties from their current zoning designations (various) to P-1, Institutional. This rezoning request is intended to align Parks-owned properties with the correct zoning designation.

Public Comment: Staff have received many inquiries from the public about the proposal, but no direct comments in opposition or support of the request. Rather, most members of the public that staff spoke to were satisfied upon learning that the effort was to make sure that Parks properties were zoned correctly. Members of the public did ask questions regarding any planned development on the heels of this rezoning, and were directed to the Parks department directly for feedback on future development and master planning processes.

**TABLE 1
PARK PROPERTIES TO BE REZONED**

	Park	Location	Current Zoning	Acreage
1	Cato Springs Trail Corridor	S. Garland Avenue and Cato Springs Road	I-1, Heavy Commercial and Light Industrial, RSF-4, Residential Single-Family, 4 Units per Acre, RPZD	4.9
2	Combs Park	E. Pump Station Road	RPZD	25.9
3	Greathouse Park	SE of W. Boone Street	I-1, Heavy Commercial and Light Industrial	2.8
4	Gulley Park	E of N. Old Wire Road and W. of E. Magnolia Drive	RPZD, RSF-4, Residential Single-Family, 4 Units per Acre	11.1
5	Hamestring Creek Trail Corridor	SW. of W. Riverridge Drive	RMF-24, Residential Multifamily, 24 Units per Acre, CS, Community Services	1.7
6	Kessler Mountain Regional Park	SE of S. Hoot Owl Lane and W. Martin Luther King Jr. Blvd.	R-A, Residential Agricultural	20.0
7	Madison Natural Area	NE of E. Mission Blvd. and N. Starr Drive	RSF-4, Residential Single-Family, 4 Units per Acre	13.5
8	Markham Hill Woods	E. of N. Futtrall Drive	RSF-4, Residential Single-Family, 4 Units per Acre	61.2
9	Mud Creek Trail Corridor	SE of E. Sain Street	RPZD	4.8
10	Owl Creek Park Land	SW of N. Ruppel Road and W. Huron Loop	R-A, Residential Agricultural	2.0
11	Park Meadows Park Land	NE of S. Morningside Drive and E. Swift Lane	NC, Neighborhood Conservation	3.9
12	Razorback Trail Corridor	Various	C-2, Thoroughfare Commercial, I-1, Heavy Commercial and Light Industrial, MSC, Main Street Center, DG, Downtown General, RMF-24, Residential Mutli-Family, 24 Units per Acre	3.0
13	Razorback Road City Entrance	S. Razorback Road and S. Ashwood Ave.	RMF-24, Residential Multi-Family, 24 Units per Acre	0.2
14	Rocky Branch	S. of E. Skillern Road and N. Brookbury Xing	R-A, Residential Agricultural, RSF-4, Residential Single-Family, 4 Units per Acre, P-1, Insitutional	5.6
15	Saint Paul Trail Corridor	SW of Dead Horse Mountain Road and E. History Str	RSF-4, Residential Single-Family, 4 Units per Acre	0.34
16	Town Branch Trail Corridor	E. of S. Garland Avenue	NC, Neighborhood Conservation	0.3

17	White River Park Area	E. of S. Morningside Drive	RSF-8, Residential Single-Family, 8 Units per Acre	12.3
18	Willoughby City Entrance	E. Willoughby and S. School Avenue	RSF-4, Residential Single-Family, 4 Units per Acre, and I-1, Heavy Commercial and Light Industrial	2.0
19	Willow Bend Park Land	E. 10 th Street	RSF-18, Residential Single-Family, 18 Units per Acre	0.4

**Police did not comment on the proposed rezonings. 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. Available infrastructure needs would be evaluated at the time of a development proposal from the Parks Department.*

Tree Preservation: The proposed zoning district of P-1, Institutional requires **25% minimum canopy preservation.**

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 proposed zoning change is compatible with surrounding land uses. The properties are already being used as parks facilities and trails, though with different classifications associated with them. The Parks Department uses 8 different classifications of parks: Regional Parks, Community Parks, Neighborhood Parks, Non-City Parks, Special Use, Natural Area, Undeveloped Parks, and Trail Corridors and Greenways. Each designation has a specific set of criteria, and staff finds those criteria can be met with a rezoning to the P-1 zoning district, especially with the consideration for the adoption of new standards to apply to that district.*

The Regional Parks are meant to have a regional draw and have direct access from arterial streets and access to regional trail systems. Zoning these locations as P-1 would allow for the continuation of the existing uses, such as lakes, trails, and the redevelopment of ball and playfields. The Neighborhood Parks under consideration are typically 2 to 10 acres in size and are meant to provide leisure opportunities (including play fields, and shaded areas for gathering) within walking distance of individual neighborhoods. The uses, setbacks, and allowances in P-1 would allow for the continuation of these neighborhood needs to be met, by allowing for Use Unit 4 by-right, where many of those neighborhood parks are currently zoned for residential uses. Many of the parks under consideration with this request are currently “Undeveloped.” Undeveloped parks differ from “Natural Areas” in that they are not necessarily intended to remain undeveloped but have perhaps not yet been improved in accordance with long-term plans. Many of the parks in this classification have only been acquired within the last decade through parkland dedication with associated residential developments.

Land Use Plan Analysis: The proposed zoning to P-1, Institutional is compatible with the Future Land Use Map, which in most instances (though not all) identify the areas in question as Civic and Private Open Space. By rezoning to P-1, these parks can be redeveloped to help meet future goals and needs to meet the neighborhoods and immediate communities that they serve. If they are to stay in their existing zoning districts (such as RSF-1, NC, or I-1), the City would have a more difficult time implementing the 2023 Parks Master Plan, and would involve a more piecemeal approach to rezoning these properties. Staff finds that taking this broader approach saves City resources and time instead of rezoning at the time of a specific development proposal or funding opportunity.

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

Finding: Staff finds that the recommended zoning is justified and needed to avoid issues in the future with any expansion of a non-conforming use, and to ensure that city-owned property is zoned accordingly. While this proposed zoning change may not identify all future changing needs of the Parks, Natural Resources, and Cultural Affairs Department, staff finds that zoning the property to the established zoning district for parks and associated cultural and recreational facilities to be an appropriate course of action and protects the public interest.

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

Finding: Rezoning the properties will not likely increase traffic danger or congestion in a manner that is inconsistent with the way the properties are already used. No redevelopment plans are currently underway, and the properties have already been acquired and used for parks and recreational purposes. With any proposed development, full impact on traffic and congestion would be evaluated at that time.

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

Finding: Rezoning the properties will not substantially increase the potential population density or load on public services. The proposed rezoning districts are substantially compatible with the existing development patterns and uses that currently exist on each property. The Police and Fire Departments have expressed no objections to the proposal. The Fayetteville School District also expressed no objections to the proposal.

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

PLANNING COMMISSION ACTION: Required YES

Date: July 28, 2025 ☐ Tabled ☐ Forwarded ☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.32 District P-1, Institutional
 - Applicant Request Letter
 - Applicant Exhibit
 - Zoning Map
 - Future Land Use Map
-

161.32 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(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 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	30 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	20 feet
Side, when contiguous to a residential district	25 feet
Rear	25 feet
Rear, from center line of public alley	10 feet

- (F) *Height Regulations*. There shall be no maximum height limits in P-1 Districts, provided, however, 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 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.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5945, §§5, 7, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §8, 1-18-22)



June 17, 2025

City of Fayetteville Planning Department
City of Fayetteville Planning Commission
125 West Mountain Street
Fayetteville, Arkansas 72701

RE: Letter of Intent for Park Property Rezoning

Property Information: Various, see attached

Current Owner: City of Fayetteville
113 W Mountain St, Fayetteville, Arkansas 72701

Applicant: City of Fayetteville
113 W Mountain St, Fayetteville, Arkansas 72701

This letter serves as a request for rezoning park properties to P-1 Institutional zoning.

Legal Description:

Various, see attached.

Property Description:

Fayetteville Parks, Natural Resources and Cultural Affairs owns over 50 parks and park lands. The majority of these properties are zoned P-1; however several remain that need to be rezoned.

The properties are proposed to be rezoned from various zonings to Institutional Use (P-1). Per City Code, the Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations. This zoning allows cultural and recreational facilities as permitted uses. Additionally, the zoning allows for signage and uses not allowed in many of the existing zonings such as active park facilities including courts, ballfields, etc.

Enclosed please find Attachments "A" and "B". Attachment "A" lists the park properties along with the current zoning(s) and address(es). Attachment "B" illustrates the locations of the proposed park properties for this rezoning request. There are 19 park properties included in this request. Attachment "B"

No adverse affect on adjoining properties is anticipated as all of the properties are existing parks with the exception of Owl Creek Park Land, which was dedicated to become a future park and simply have not been developed yet.

Days and Hours of Operation:

Parks are generally open from daylight until 11pm. Lakes are open from daylight until dusk. Trails identified as transportation corridors on the city's GIS map are open 24/7 and the Upper Ramble is open from daylight until 3am.

Parking:

Parking exists in the parks or will be properly designed when land is developed as a park.

Outdoor Lighting:

Lighting varies throughout the park system depending on use.

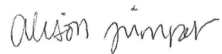
Noise:

Noise from the facility is not expected to change and is typical of park activities.

Trash and refuse service:

Trash is managed by the Parks Maintenance in the Public Works Department.

Sincerely,

**City of Fayetteville**

Alison Jumper

Parks, Natural Resources and Cultural Affairs Director

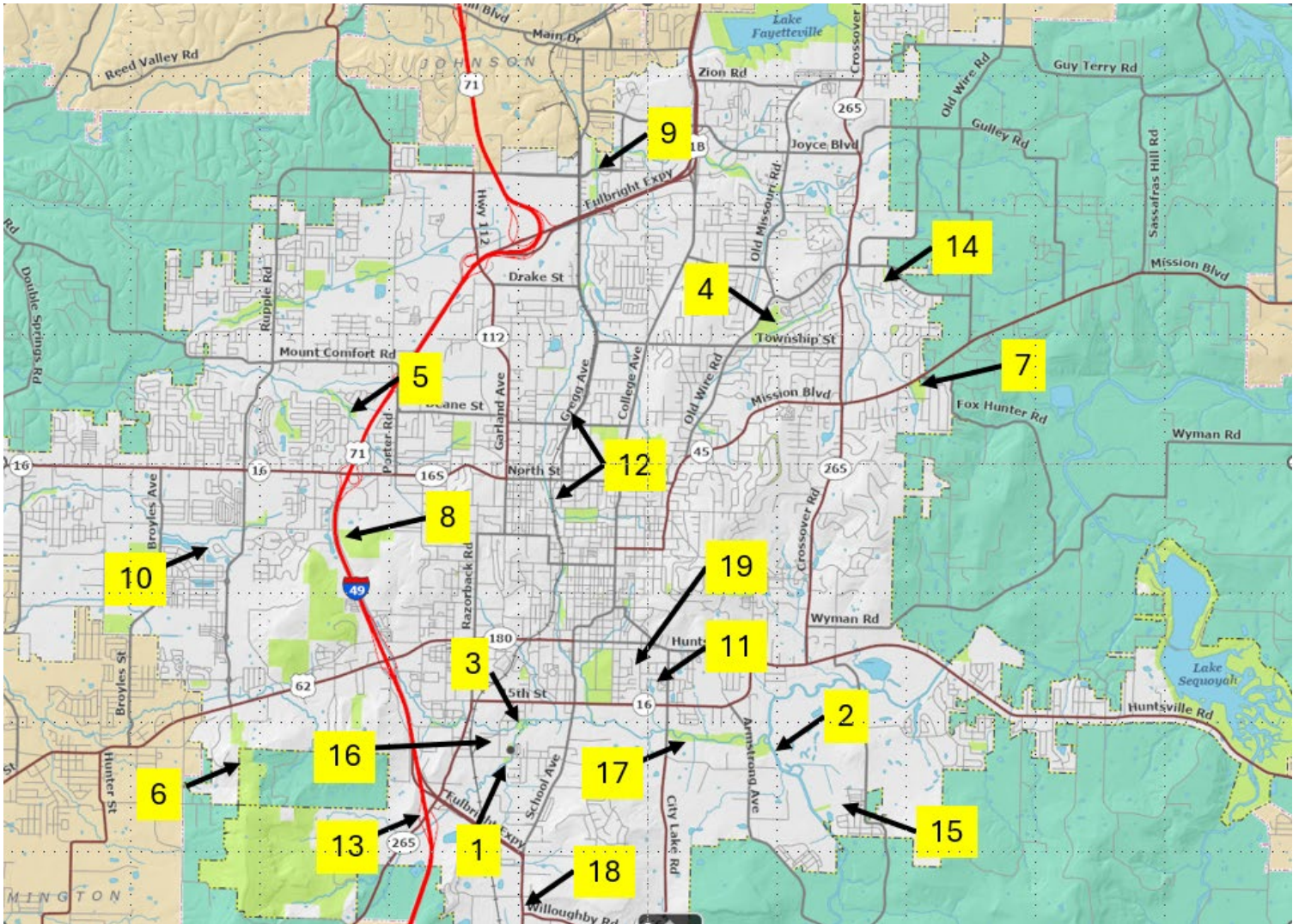
Attachment A

Park Properties to be rezoned:

Portions of or entire properties:

1	Cato Springs Trail Corridor	I-1, RSF-4, RPZD	multiple parcels
2	Combs Park	P-1, R-A, RPZD	2300 E. Borick Drive
3	Greathouse Park	I-1	1710 Price Avenue
4	Gulley Park	RSF-4, RPZD	1850 E. Township Street
5	Hamestring Creek Trail Corridor	RMF-24	multiple parcels
6	Kessler Mountain Regional Park	R-A	2600 W. Judge Cummings Road
7	Madison Natural Area	RSF-4	1930 N. Candleshoe Drive
8	Markham Hill Woods	RSF-5	N. Futtrall Drive
9	Mud Creek Trail Corridor	RPZD	multiple parcels
10	Owl Creek Park Land	R-A	multiple parcels
11	Park Meadows Park Land	NC	S. Nighthawk Ln
12	Razorback Regional Greenway Trail Corridor	C-2,I-1, DG, MSC, RMF-24, RMF-40	multiple parcels
13	Razorback Road City Entrance	RMF-24	Razorback Rd
14	Rocky Branch Park	R-A	3263 E. Skillern Road
15	Saint Paul Trail Corridor	RSF-4	multiple parcels
16	Town Branch Trail Corridor	NC	S. Stirman Ave.
17	White River Park Area	I-1, RSF-4, RPZD	S. Morningside Dr.
18	Willoughby City Entrance	I-1, RSF-4	3510 S. School Avenue
19	Willow Bend Park Land	RSF-18	E. 10th Street

Attachment B



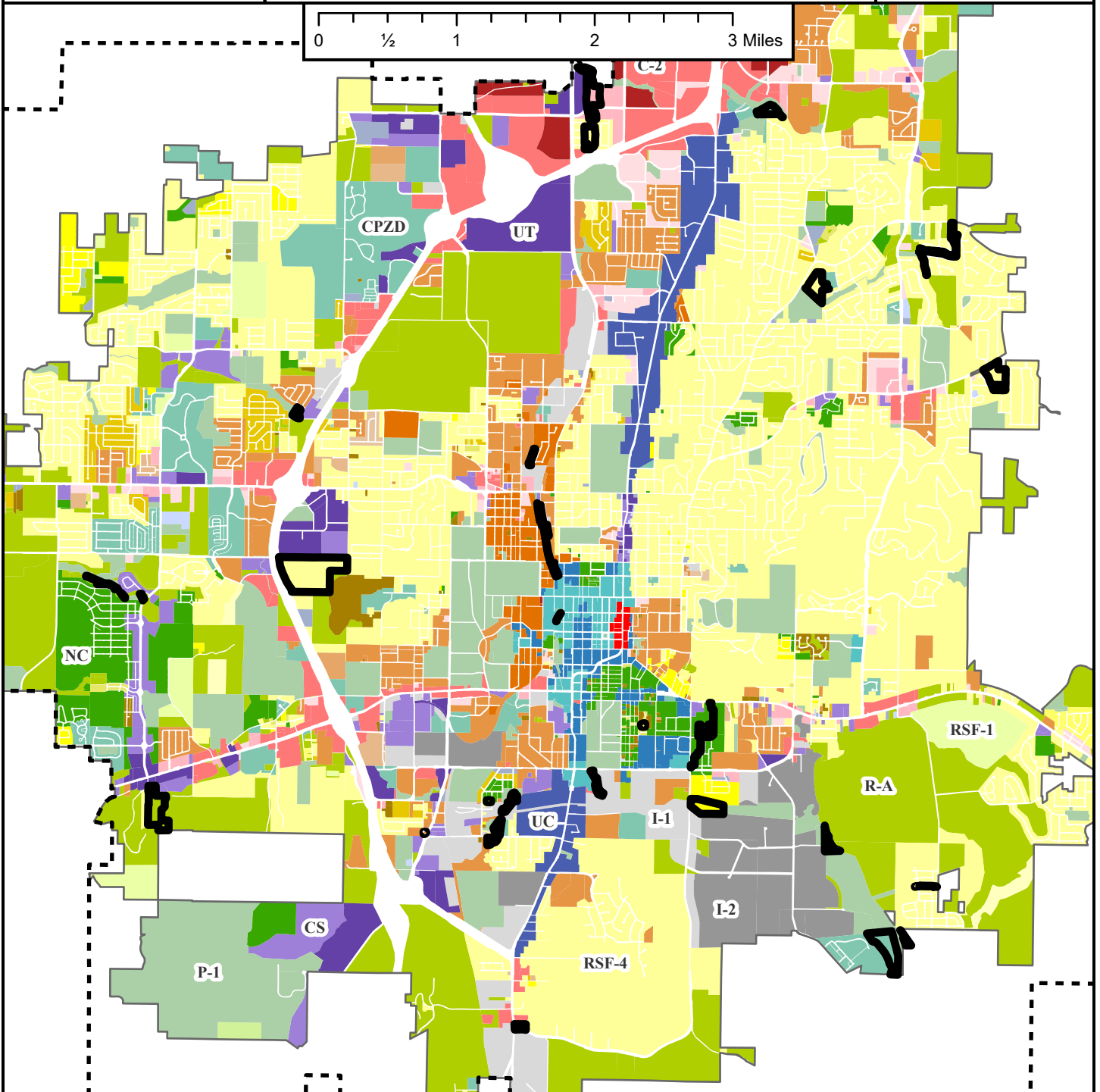
RZN-2025-0025

Current Zoning

Various City Parks

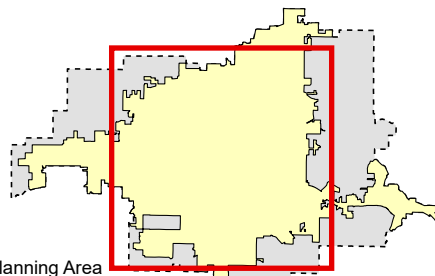


0 1/2 1 2 3 Miles



Fayetteville City Limits
 Planning Area

Planning Area
 Fayetteville City Limits

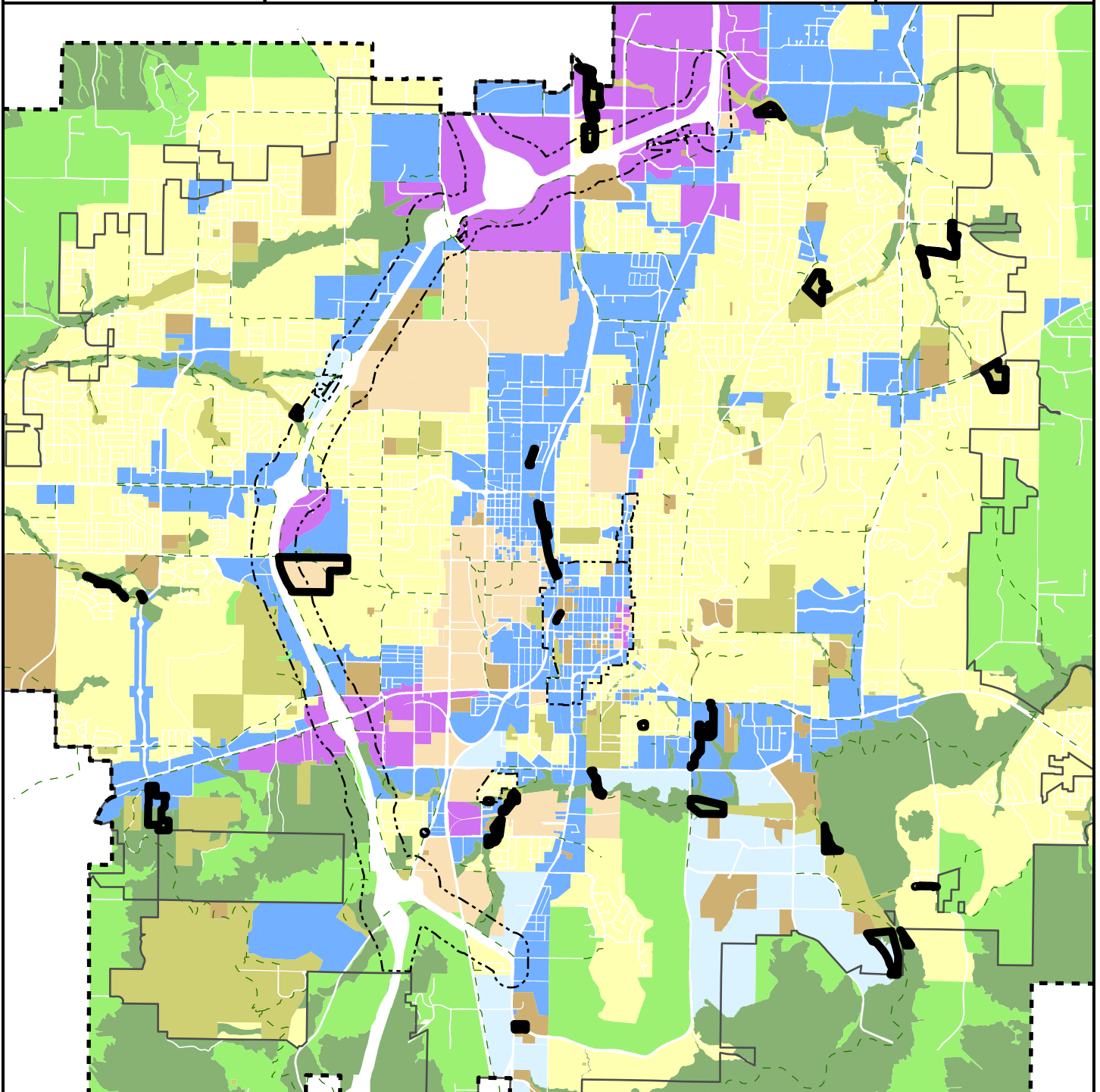


- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
 - Residential-Agricultural
 - RSF-5
 - RSF-1
 - RSF-2
 - RSF-4
 - RSF-7
 - RSF-8
 - RSF-18
 - RESIDENTIAL MULTI-FAMILY**
 - RI-12
 - RI-U
 - RMF-6
 - RMF-12
 - RMF-18
 - RMF-24
 - RMF-40
 - COMMERCIAL**
 - General Industrial
 - Residential-Office
 - C-1
 - C-2
 - C-3
 - FORM BASED DISTRICTS**
 - Downtown Core
 - Main Street Center
 - Downtown General
 - Community Services
 - Neighborhood Services - Ltd.
 - Neighborhood Services - Gen.
 - Neighborhood Conservation
 - Urban Corridor
 - Urban Neighborhood
 - Urban Thoroughfare
 - PLANNED ZONING DISTRICTS**
 - Commercial Industrial, Residential
 - I-1 Heavy Commercial and Light Industrial

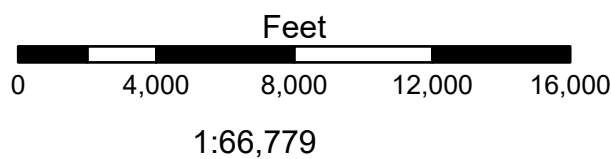
RZN-2025-0025

Various City Parks

Future Land Use



- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Planner

MEETING: July 28, 2025

SUBJECT: **PZD-2025-0002: Planned Zoning District (SE OF N DOUBLE SPRINGS RD AND W DOT TIPTON RD/MONARCH SUMMERS, 474, 475 & 514):** Submitted by PRISM DESIGN STUDIO for property located SE OF N DOUBLE SPRINGS RD AND 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 66.78 acres. The request is to rezone the property to a planned zoning district.

RECOMMENDATION:

Staff recommends denial of **PZD-2025-0002**.

RECOMMENDED MOTION:

*"I move to forward **PZD-2025-0002** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:

The subject property is located in west Fayetteville, just southeast of the intersection of Dot Tipton Road and Double Springs Road within city limits. It's comprised of multiple parcels totaling 66.78 acres, with the northern half of the site zoned R-A, Residential Agricultural, and the southern half zoned RSF-1, Residential Single-Family, One Unit per Acre. The property was annexed into the City of Fayetteville in 2006 and has remained undeveloped since. A portion of the site contains hydric soils.

Several rezoning requests have been submitted for the northern half of the property. In 2008, a planned zoning district (PZD) proposal sought to develop 182 single-family homes across three planning areas, with 3.50 acres of public pedestrian trails and greenspace. The proposed overall density for that project was 4.55 units per acre. While city staff and the Planning Commission recommended denial, the City Council ultimately approved the request. However, in 2015, following the expiration of the PZD without any development, the City Council reverted the property's zoning back to R-A.

In 2020, another rezoning request was submitted to change the zoning for that area to RSF-4, Residential Single-Family, Four Units per Acre. That request was also recommended for denial by staff and the Planning Commission with concerns raised about the proposed density and the property's location just within city limits. The applicant did not appeal that denial to the City Council. Another rezoning request was received in 2021 which sought to rezone that area to RSF-2, Residential Single-Family, Two Units per Acre. Staff and the Planning Commission again recommended denial, citing concerns regarding suburban sprawl and insufficient infrastructure.

That denial was appealed to the City Council but was ultimately upheld during the second reading. In April 2025, another request was received to rezone the entire 66.78 acres to NC, Neighborhood Conservation (RZN-2025-0012). That request was also recommended for denial by staff and the Planning Commission with concerns raised about the proposed density, the property's location near city limits, and existing infrastructure capacity.

Land uses and zoning surrounding the subject property are depicted below in *Table 1*. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Rural Residential	R-A, Residential-Agricultural; RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre
South	Rural Residential; Undeveloped	RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre
East	Rural Residential	RSF-1, Residential Single-Family, One Unit per Acre
West	Rural Residential	RSF-1, Residential Single-Family, One Unit per Acre; RSF-2, Residential Single-Family, Two Units per Acre; A-1, Agriculture (City of Farmington)

Proposal: The applicant requests to rezone the property to a Planned Zoning District with four planning areas, as described below:

- **Planning Area 1 (Estimated Density of 6.02 Units per Acre):** The intention of this area is to provide attached townhomes (two-family dwellings) with rear entry access.
- **Planning Area 2 (Estimated Density of 4.92 Units per Acre):** This planning area is intended to provide small single-family dwelling lots.
- **Planning Area 3 (Estimated Density of 5.24 Units per Acre):** This planning area is intended to provide large single-family dwelling lots.
- **Planning Area 4 (Zero Units per Acre):** This planning area is intended to protect open and natural areas on the site, trails, parks, utilities, and stormwater management areas.

Public Comment: To date, staff has received two comments in opposition, citing drainage and flooding which impacts both adjacent streets and properties, narrow adjacent streets, impacts from infilling an existing pond, urban sprawl, an inappropriate location for high-density housing and the proximity of townhomes to large existing lots, inadequate infrastructure, creation of a commuter neighborhood with a lack of services, negative impacts to property values, and an increase in the number of rental properties. Staff has also received a letter in support of the request signed by three adjacent neighbors.

INFRASTRUCTURE:

Streets: The property has frontage along two Residential Link Streets, Double Springs Road and Dot Tipton Road. Both streets are unimproved with asphalt paving. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject area. There is an existing 8-inch water main along the west side of the property on N. Double Springs Rd. and an existing 8-inch on the north side of the property that has been stubbed across Dot Tipton Rd.

Sewer: Sanitary Sewer is not available to the subject area. There is an existing lift station (#44) on the north side of the property that collects sewer from several subdivisions

to the north. However, it is currently at capacity, as is as the next lift station (#22) downstream of it. As such, this development would not be permitted to tie to this series of lift stations. However, the property owner has been in discussions with the City for off-site gravity sewer improvements for the property. This off-site gravity sewer main would drain to the west to an existing lift station (#12) with capacity at the intersection of Double Springs Rd. and Goose Creek Rd. As part of these discussions the city has engaged a consultant to prepare engineering plans for this off-site work. In addition, the city is engaged in the process of acquiring easement for this sewer main. At this time, the Utilities Department has indicated that this will be their contribution for the off-site sewer and the developer would be responsible for all construction costs.

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

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately three miles from the fire station with an anticipated drive time of approximately five minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck.

In addition to the response times of the fire department, other factors will have to be met for this proposed development.

- Access for this development off of Dot Tipton will have to meet fire code requirements including but not limited to remoteness, width, length, dead-end turnaround requirements.
- Developments of single-or two-family dwellings, where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads that meets the requirements of D107.1
- See AFPC 2021 edition Vol1 for more fire code requirements.

Police: The Police Department did not comment on this request.

Tree Preservation:

The current zoning districts, R-A, Residential-Agricultural and RSF-1, Residential Single-Family, One Unit per Acre, require **25% minimum canopy preservation**. The proposed PZD will require **25% minimum canopy preservation**.

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

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **0-3** for this site with a weighted score of **3** at the highest level. The following elements of the matrix contribute to the score:

- Near Water Main (8-inch main, on site)
- Near Sewer Main (8-inch main, on site)
- Near City Park (Harmony Pointe Park)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** Staff finds the proposed rezoning to be generally incompatible with adjoining land uses. This 67-acre site, located on the far west side of Fayetteville, is currently surrounded by large rural residential lots and agricultural land at very low densities. Properties along Double Springs Road and in adjacent areas are composed of residential lots that are generally a few acres in size. While there are some neighborhoods further north and within Farmington city limits that reflect a slightly higher density, similar to RSF-4 zoning, those remain exceptions in the area.

Staff finds that the proposal would create an exclusively residential subdivision in an area lacking access to public services, nonresidential amenities, and with minimal or inadequate existing infrastructure. The proposal represents a significant departure from the existing development pattern which would be out of character with the surrounding area. While staff could potentially support the creation of a complete, connected neighborhood which incorporates multiple uses, staff finds the existing proposal is both out of scale and likely to contribute to automobile dependence due to the lack of either existing or proposed nonresidential services in the area.

Additionally, there are multiple staff comments remaining to be addressed. The proposed rezoning to a PZD proposes an aggregate residential density of 4.00 units per acre; however, the overall site plan indicates an overall density of 4.01 acres, requiring either an increase in the proposed density or the removal of lot(s). Staff has requested additional information on the proposed density within each planning area multiple times in order to fully evaluate the request but has not yet to receive this information. As such, staff completed an estimate of zoning densities based on the number of units

shown on the provided site plan within each planning area. Based on this, individual planning areas range between approximately five to six units per acre. Planning Area 3 lists Use Unit 9: Two-Family Dwellings as both a conditional and by-right use, and Planning Area 4 does not include a minimum buildable street frontage requirement. Staff also notes there is a notable variation between the stated lot widths listed in the booklet and those shown in the site plan, with the site plan showing lots averaging between 10' and 20' larger than the lot widths indicated in the booklet.

Finally, because Planning Areas 1-3 include Use Unit 8: Single Family Dwellings even within areas indicated for two-family dwellings, but do not include either maximum lot sizes or widths, the property could feasibly be developed as a single-family subdivision with identical lot widths throughout the site.

Land Use Plan Analysis: Staff finds that the proposed rezoning does not align with several of the goals outlined in City Plan 2040. The request is not considered infill or revitalization and instead promotes outward growth that conflicts with the City's goal of discouraging suburban sprawl. The site lies at the western edge of city limits in an area with limited access to city services and infrastructure. City Plan 2040 encourages growth and infill near the City's core in order to ensure sustainable land use patterns and infrastructure improvements. The subject property currently lacks proximity to non-residential services, employment centers, and alternative modes of transportation, which would likely result in increased automobile dependence. The only nonresidential uses are proposed by right within the PZD are Use Unit 4, Cultural and Recreation Facilities within Planning Area 4, with limited options such as home occupations or government facilities proposed through conditional use permits. This conflicts with the City's goal of building a livable transportation network. The property also only has access to two existing streets, Dot Tipton and Double Springs Roads, which are largely unimproved and are not sufficient to support higher-density development. The proposed site plan only indicates public street access to Dot Tipton Rd., with only an alley shown to connect to Double Springs Rd.

Further, the proposed PZD zoning restricts by-right development to only single-family or two-family homes, but with single-family dwellings allowed by right in all residential planning areas. Discouraging a wider range of housing types undermines the City's goal of promoting attainable housing and conflicts with the property's Future Land Use Map designation as Residential Neighborhood Area. With these considerations in mind, staff finds that the proposed rezoning is not consistent with the City's future land use plans. However, the site may be suitable for more dense zoning and development in the future as infrastructure and other services extend to this part of the city, particularly if a mix of residential and nonresidential services are proposed that could better serve city goals for compact, complete, and connected developments.

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

Finding: Staff believes that there is not sufficient justification for rezoning the property to the proposed PZD. Conflicts with the Future Land Use Map and City Plan 2040's goals suggest that a rezoning is not justified or needed at this time.

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

Finding: Rezoning the property from R-A and RSF-1 to the proposed PZD is likely to significantly increase traffic at this location due to the number of vehicle trips associated with increased residential densities. The area lacks a diverse transportation network as there is no sidewalk or trail connectivity and the main routes to and from the property are along streets that are largely unimproved. Double Springs Road, which would likely facilitate most regional traffic, can support volumes up to 6,000 vehicle trips per day according to the Master Street Plan. In 2022, ArDOT recorded approximately 4,900 average daily trips farther north on Double Springs near Owl Creek, and 120 average daily trips on Dot Tipton Road just east of this site. Staff finds that the proposed rezoning would likely result in an increase in traffic congestion, given the increase in density associated with it. While staff acknowledges that future development could contribute to a complete and more connected street network, such benefits do not currently outweigh the challenges posed by this rezoning. The 2040 Master Street Plan also shows planned Neighborhood Link and Residential Link connections through this site, intersecting near the middle of the property. However, staff finds that those future connections do not provide sufficient justification for a rezoning at this time.

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

Finding: Rezoning the property to the proposed PZD would lead to an increased density over the current R-A and RSF-1 zonings. Water and sanitary sewer mains exist on site which would support a residential development, though downstream sewer capacity issues have been identified. The property lies within the Farmington School District. Farmington Schools have not provided comment. In terms of emergency services, the Fire Department has commented that this property is beyond the response time goal for both engines and ladder trucks.

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

§ 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: Staff finds the proposed PZD does not meet the criteria in 161.35 for Planning Zoning Districts as proposed. While the site plan indicates ample open space exceeding standard zoning requirements with relatively minimal disruption to existing features, it includes very few permitted uses and the proposed planning areas are nearly identical. Further, without restrictions such as maximum building or lot sizes, staff will have no enforcement mechanism by which to require a builder to limit the size of the proposed residences. As the size of the dwellings is the primary means by which the applicant proposes to provide a variety of housing, staff finds the lack of this provision would permit Planning Areas 2 and 3 to be platted and constructed in an identical manner. Additionally, while lot sizes as small as 30 feet are permitted through the PZD booklet, the site plan generally shows townhome lots as 40 feet in width, “small” single-family residential lots as 50-feet wide and “large” single-family homes at 70 feet wide. In order to meet the stated intent to provide small residential units,

staff recommends that, if approved, the stated lot minimums shall instead be maximums except in the cases of corner lots.

Further, while two-family dwellings are permitted within Planning Areas 1 and 2, single-family residences are as well, and staff has no enforcement mechanism to require the construction of two-family dwellings in a planning area where both uses are permitted by right. Two-family dwellings are listed both as a by-right and a conditional use within Planning Area 3 and it is not clear what the intent is at this time. Use Unit 10: Three- and Four-Family Dwellings are listed as a conditional use permit in Planning Areas 1 and 2, providing potential opportunities for alternative housing types; however, there are no guarantees this housing type would be included as proposed.

Given the lack of nonresidential services in the area, staff also finds the lack of permitted nonresidential uses runs counter to Planned Zoning District's intent to "achieve variety and integration of economic and redevelopment opportunities." If approved, staff recommends that Use Unit 12b General Business shall be permitted within Planning Area 1. Use Unit 12b consists of small-scale establishments offering commercial goods and services within a building containing 8,000 square feet or less, excluding area dedicated to residential uses, such as day cares, salons, bakeries, groceries, retail, and offices that could be a benefit to the surrounding communities.

RECOMMENDATION: Staff recommends denial of **PZD-2025-0002**. If forwarding to City Council, staff recommends the following conditions:

Conditions of Approval:

1. Associated development will be required to provide adequate access for water, sewer, and emergency services; and
2. Where dwellings have access to a public or private alley, driveway access shall be required from that alley.
3. Recreational amenities including an outdoor playground, shade structures, and trail system shall be provided in a substantially similar type and location as shown on the conceptual plans. Installation of amenities shall be required prior to final plat sign-off.
4. The following corrections shall be made to the PZD booklet
 - a) Remove Use Unit 8: Single-Family Residential from Planning Area 1.
 - b) Use Unit 12b General Business shall be permitted by right within Planning Area 1.
 - c) Remove Use Unit 9: Two-Family Residential from the Conditional Use list in Planning Area 3.
 - d) Planning Area 4 shall have a minimum buildable street frontage requirement of 50%.
 - e) Lots within Planning Area 1 shall have a maximum lot width of 30 feet, except in the case of corner lots.
 - f) Lots within Planning Area 2 shall have a maximum lot width of 30 feet, except in the case of corner lots.
 - g) Lots within Planning Area 3 shall have a maximum lot width of 50 feet, except in the case of corner lots.
 - h) Planning Area 1 and 3 shall have a maximum density of 6 units per acre.

- i) Planning Area 2 shall have a maximum density of 5 units per acre.

Planning Commission Action: ☐ Forwarded ☐ Tabled ☐ Denied

Meeting Date: July 28, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

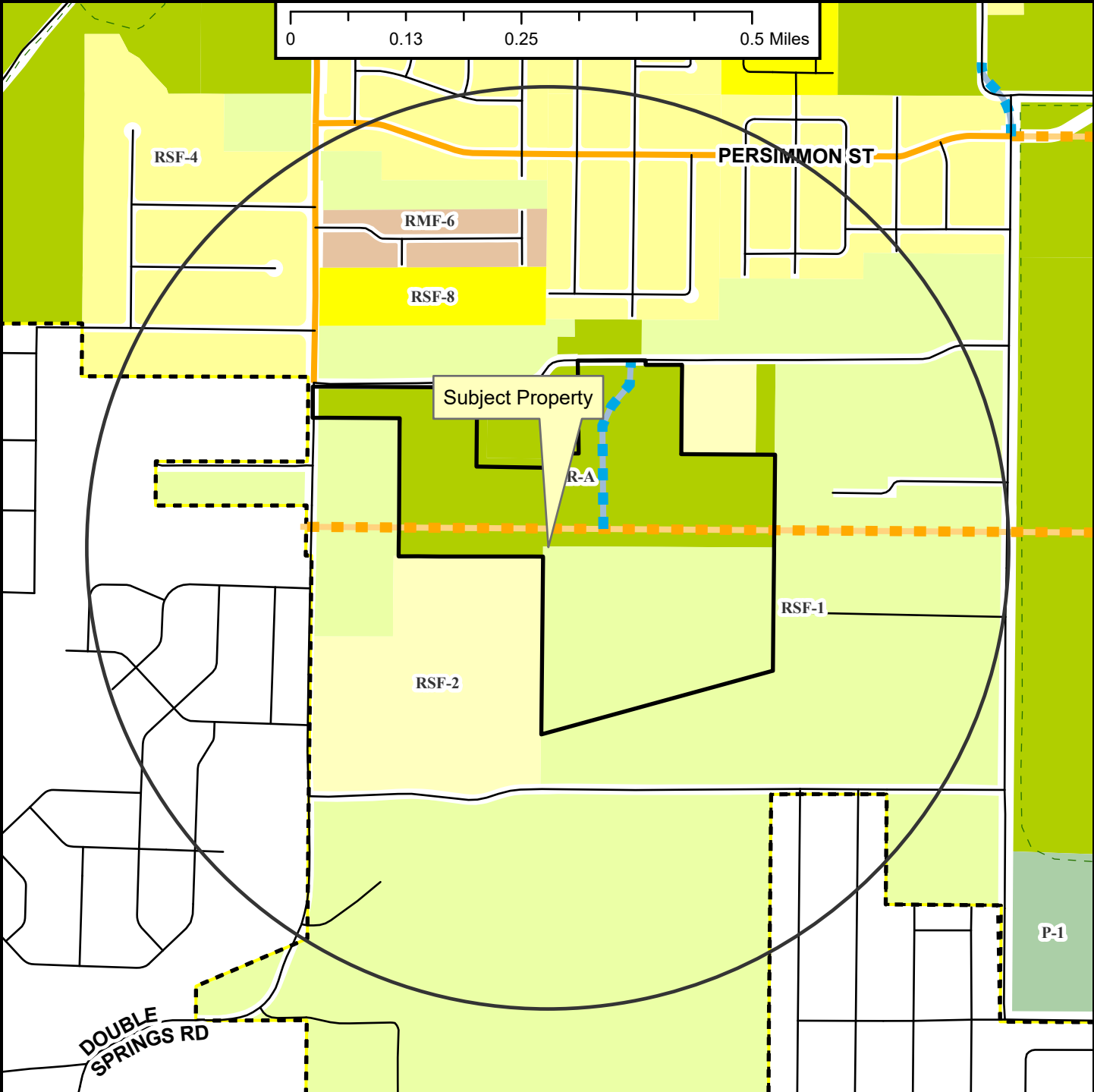
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close Up Map
 - Current Land Use Map
 - Future Land Use Map
- Staff Exhibit:
 - Zoning Comparison Exhibits
- Applicant Exhibits
 - Request Letter
 - Site Plans
 - PZD Booklet
- Public Comment

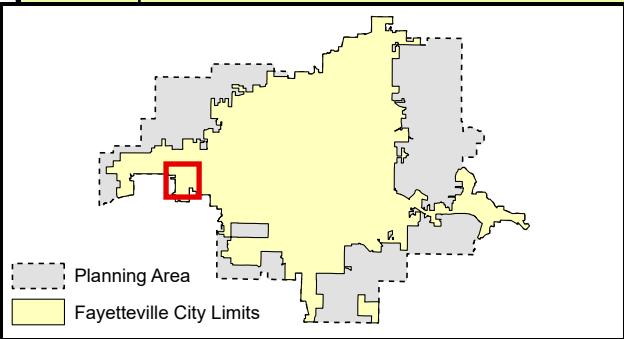
PZD-2025-0002
<i>One Mile View</i>

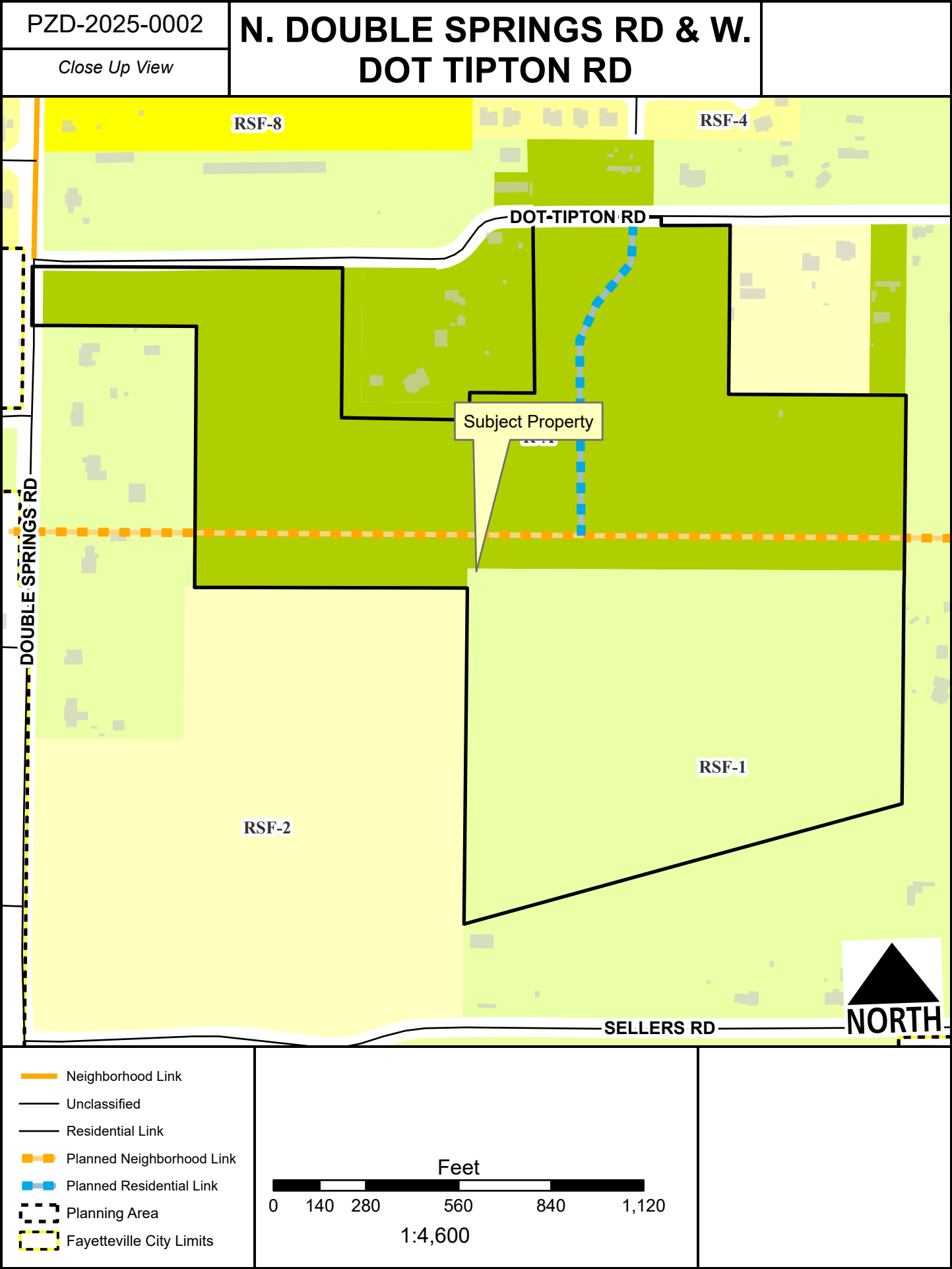
One Mile View

**N. DOUBLE SPRINGS RD & W.
DOT TIPTON RD**



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





PZD-2025-0002

Current Land Use

N. DOUBLE SPRINGS RD & W. DOT TIPTON RD



Single-Family Residential

DOT TIPTON RD

Subject Property

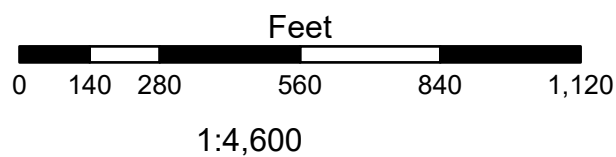
Undeveloped

Zone A

Zone A

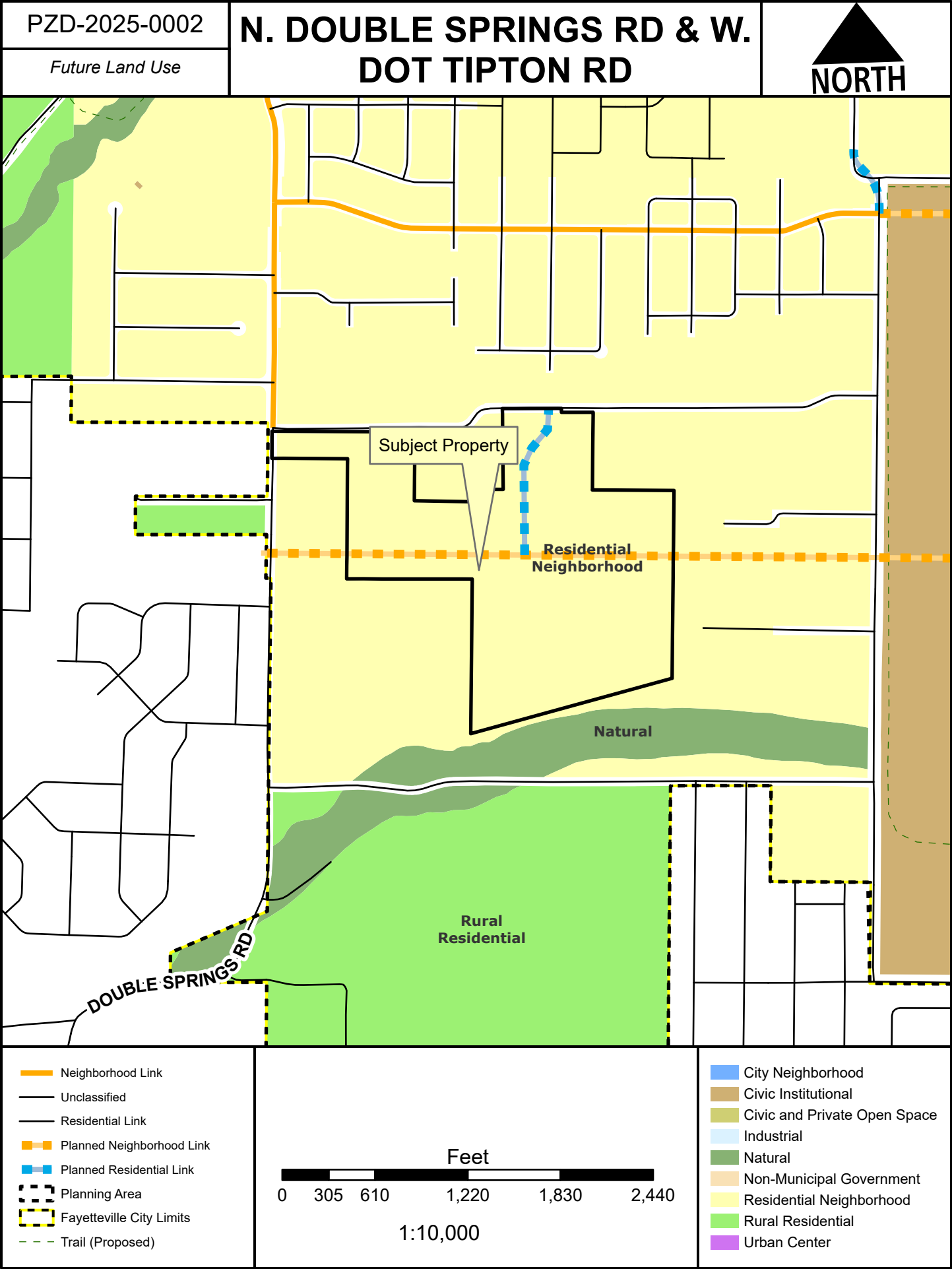
SELLERS RD

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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



Existing and Proposed Uses Allowed by Right

Use Unit	Description	R-A (Existing)	RSF-1 (Existing)	Planning Area 1 (Proposed)	Planning Area 2 (Proposed)	Planning Area 3 (Proposed)	Planning Area 4 (Proposed)
1	City-wide uses by right	X	X	X	X	X	X
3	Public protection and utility facilities	X					
4	Cultural and recreational facilities						X
6	Agriculture	X					
7	Animal husbandry	X					
8	Single-family dwellings	X	X	X	X	X	
9	Two-family dwellings	X		X	X	X	
37	Manufactured homes	X					
41	Accessory dwellings	X	X	X	X	X	
43	Animal boarding and training	X					
44	Cluster Housing Development				X		
46	Short-term rentals	X	X	X	X	X	

Existing and Proposed Uses Allowed by Conditional Use Permit

Use Unit	Description	R-A (Existing)	RSF-1 (Existing)	Planning Area 1 (Proposed)	Planning Area 2 (Proposed)	Planning Area 3 (Proposed)	Planning Area 4 (Proposed)
2	City-wide uses by conditional use permit	X	X	X	X	X	X
3	Public protection and utility facilities		X	X	X	X	X
4	Cultural and recreational facilities	X	X	X	X	X	
5	Government facilities	X	X	X	X	X	
9	Two-family dwellings					X	
10	Three (3) and four (4) family dwellings			X	X		
20	Commercial recreation, large sites	X					
24	Home occupation	X	X	X	X	X	
35	Outdoor music establishments	X					
36	Wireless communications facilities	X	X	X	X	X	X
40	Sidewalk Cafes			X	X		
42	Clean technologies	X					
44	Cluster Housing Development		X			X	

Existing and Proposed Uses Allowed by Right

Purpose Statement	Description	R-A (Existing)	RSF-1 (Existing)	Planning Area 1 (Proposed)	Planning Area 2 (Proposed)	Planning Area 3 (Proposed)	Planning Area 4 (Proposed)
	The regulations to the agricultural district are designed to protect agricultural land units and thereby to anchor to urban development has been accomplished; prevent waste by scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of a duly prompt, conserve the tax payer's money; and to increase the tax base by increasing scenic attractions, and conserve open space.	A district having single-family detached residences on lots with a minimum size of one (1) unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.	Provide an appropriately flexible neighborhood buffer, allowing more density along main street frontages without impacting neighborhood character. Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements within the overall development of the neighborhood. Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure.	Provide an alternative, smaller lot configurations for additional single-family detached housing, providing flexibility for smaller, efficient, affordable house types to increase user diversity and overall appeal. Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of the life cycle. Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure.	Provide a buffer to the existing creek that will contribute to the overall neighborhood character. Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of the life cycle. Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure.	Provide shared open space that contributes to the health and well-being of the neighborhood and its users. Utilize natural spaces for stormwater management, allowing for re-use, filtering, and absorption, rather than collection, piping and quick-conveyance, which has proven to be detrimental to our public watersheds. Utilize existing or proposed public utility easements as activated spaces, rather than a direct, unmitigated area.	
Intent	NA	NA	1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City Standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of the usage; 2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern; 3. Block structure should be compact and connected, lots with alley frontage shall use said alleys for sole access to property, with an emphasis on pedestrian pathways creating connectivity throughout the neighborhood; 4. Buildings should address the street appropriately with visible pedestrian entries on the primary facade connected to pedestrian pathways; 5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage; 6. Building setbacks from the street should be minimized whenever possible to shorten the length of utility service lines and minimize maintenance and leakage potential; 7. Set backs are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestrian. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods.	1. To preserve and enhance natural features, promoting habitat for wildlife, stream health and environmental stewardship. 2. Allow public and neighborhood access to open spaces, bringing awareness to natural systems and functions. 3. Utilize existing drainage patterns to minimize land disturbance, loss of soil, erosion, and sediment off loading in streams.			
Neighborhood Standards	Residential	Residential	Residential	Residential	Residential	Residential	
Development Allowed to be Approved	No	No	No	No	No	No	
Density of Residential Dwellings per Acre (Max)	0.5 units	1 unit	4 units per acre (larger scale between all planning areas)	4 units per acre (larger scale between all planning areas)	4 units per acre (larger scale between all planning areas)	None	
Lot Width Minimum	200 feet	150 feet	30 feet	30 feet	50 feet	NA	
Lot Area Minimum	Residential & Nonresidential 2 acres	32,720 square feet	NA	NA	NA	NA	
Lot Area per Dwelling Unit	2 acres Front: 35' Side: 20' Rear: 35'	Front: 35' Side: 20' Rear: 35'	NA	NA	NA	Front: 10' Side: 5' Rear: 5'	
Setback Requirements (Euclidean)	NA	NA	NA	NA	NA	NA	
Setback Requirements (Unit Form)	NA	NA	Front: 6' 35' R12" Side: 5' Rear: 15'	Front: 6' 35' R12" Side: 5' Rear: 15'	Front: 6' 35' R12" Side: 5' Rear: 15'	2 Stories	
Building Height	There shall be no maximum height limit in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	3 Stories	3 Stories	3 Stories	3 Stories	2 Stories	
Building Area	NA	NA	NA	NA	NA	NA	
Minimum Building Street Frontage	NA	NA	50%	50%	50%	NA	
Tree Preservation	20%	25%	20%	25%	20%	20%	

Rezoning Request Narrative

June 04, 2025

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

RE: Planned Zoning District Rezoning Request

Project Location: Multiple properties near W Dot Tipton Rd., Fayetteville, AR

Parcels: 765-16202-150, 765-16202-450, 765-16202-500, 765-16202-550, 765-16202-600, 765-16202-650, 765-16223-800, 765-16223-900, 765-20489-100

To Whom It May Concern:

We are pleased to submit a request for rezoning to Planned Zoning District (PZD) for a new development in west Fayetteville, Monarch Summers. The residential project includes detached single-family homes, and attached two-family homes (townhomes), totaling 267 units over 66.65 acres. The PZD proposal is based on an aggregate 4 units per acre, but requests smaller lot widths and minimum lot areas. By utilizing smaller lots, existing natural features and drainage patterns can be respected and enhanced. Monarch Summers boasts over 25% open space, including a long central green that doubles as a stormwater park and wildlife viewing area.

As illustrated in the PZD booklet, this project is compatible with the adjacent zoning and will not unreasonably or adversely affect or conflict with surrounding land uses. The proposed zoning district design aligns with City 2040 plan and aims to provide much-needed housing opportunities in a rapidly growing area of Fayetteville. This rezoning will support the City's long-term vision by addressing housing demand and fostering community growth while enhancing the overall quality of life for residents.

Please reach out with any additional questions or concerns regarding this rezoning request to Jenny Burbidge at 479.883.2845 or jenny.burbidge@prismds.co.

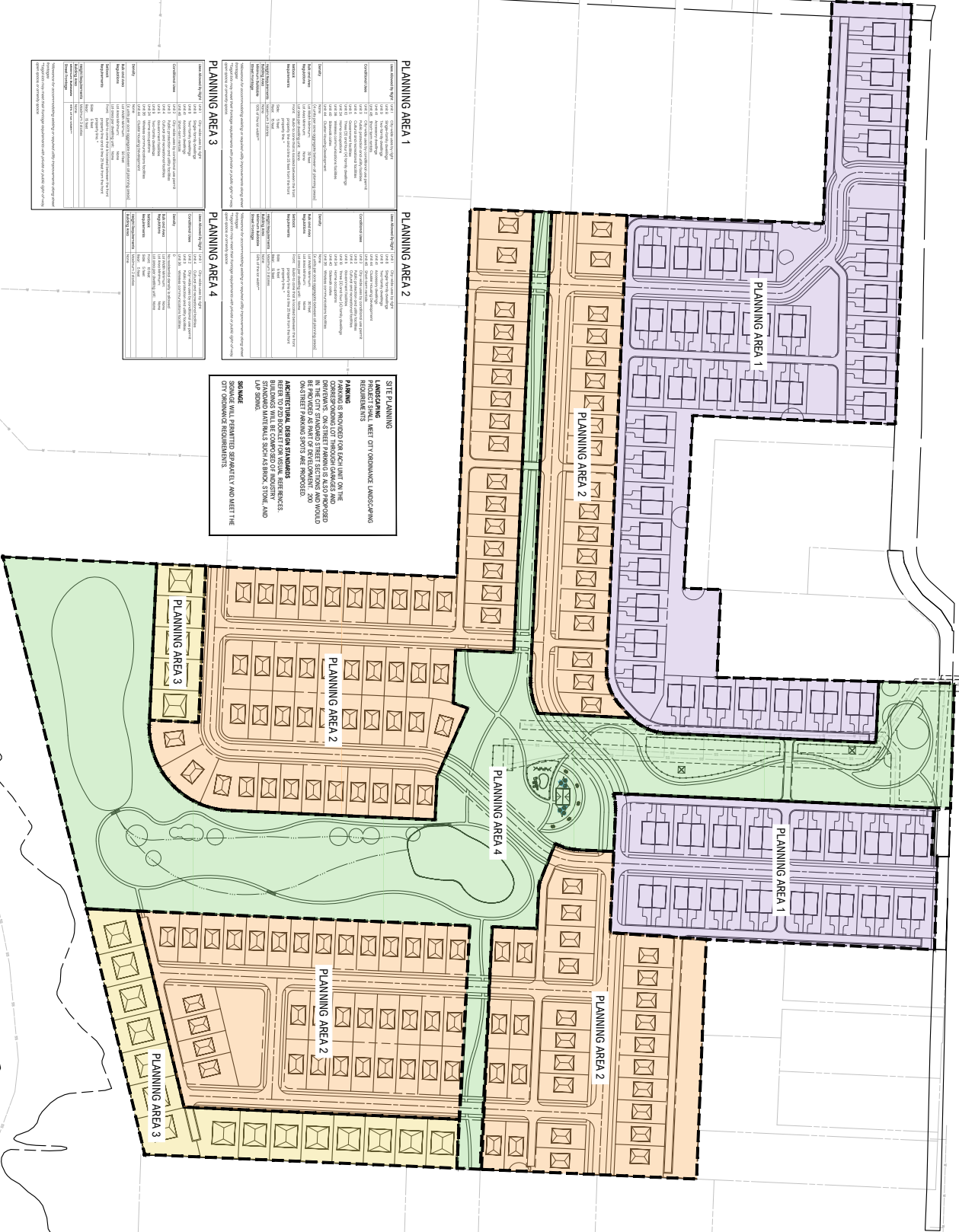
Sincerely,



Jenny C. Burbidge, PLA, ASLA
Vice President
Prism Design Studio

1 OF 1

MONARCH SUMMERS



PLANNING AREA 1

Item	Description
1.1	Single-Family Detached
1.2	Single-Family Attached
1.3	Multi-Family Detached
1.4	Multi-Family Attached
1.5	Commercial
1.6	Industrial
1.7	Office
1.8	Public Use
1.9	Recreation
1.10	Other

PLANNING AREA 2

Item	Description
2.1	Single-Family Detached
2.2	Single-Family Attached
2.3	Multi-Family Detached
2.4	Multi-Family Attached
2.5	Commercial
2.6	Industrial
2.7	Office
2.8	Public Use
2.9	Recreation
2.10	Other

PLANNING AREA 3

Item	Description
3.1	Single-Family Detached
3.2	Single-Family Attached
3.3	Multi-Family Detached
3.4	Multi-Family Attached
3.5	Commercial
3.6	Industrial
3.7	Office
3.8	Public Use
3.9	Recreation
3.10	Other

PLANNING AREA 4

Item	Description
4.1	Single-Family Detached
4.2	Single-Family Attached
4.3	Multi-Family Detached
4.4	Multi-Family Attached
4.5	Commercial
4.6	Industrial
4.7	Office
4.8	Public Use
4.9	Recreation
4.10	Other

SITE PLANNING

LANDSCAPING: MEET CITY ORDINANCE LANDSCAPING REQUIREMENTS

PARKING: PARKING IS PROVIDED FOR EACH UNIT ON THE LOT. PARKING SPACES ARE PROVIDED FOR EACH UNIT. IN THE CITY STANDARD STREET SECTIONS AND WOULD BE PROVIDED FOR EACH UNIT. PARKING SPACES ARE PROVIDED FOR EACH UNIT. PARKING SPACES ARE PROVIDED FOR EACH UNIT.

ARCHITECTURAL DESIGN STANDARDS: REFER TO PD BOOKLET FOR VISUAL REFERENCES. STANDARDS WILL BE SUCH AS BRICK, STONE, AND LAP SIDING.

NO SIGNAGE WILL BE PERMITTED SEPARATELY AND MEET THE CITY ORDINANCE REQUIREMENTS.



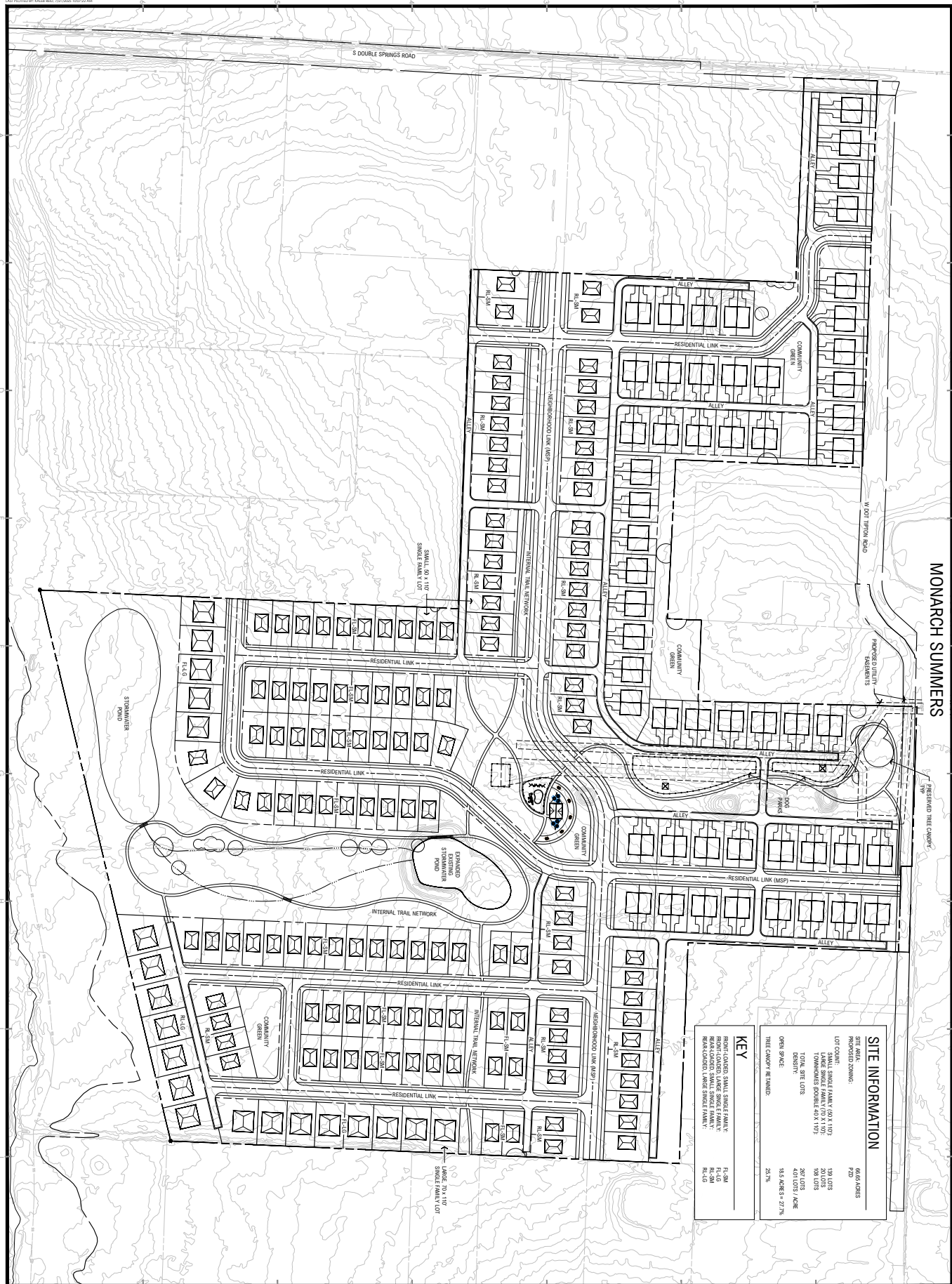
Planning Commission
July 28, 2025
PZD-2025-0002 (MONARCH SUMMERS)

MONARCH SUMMERS
NEAR DOT TYPON ROAD
FAIRFELDE ARKANSAS

NO.	REVISION	DATE
1	PRELIMINARY	7/28/25
2	REVISION	7/28/25
3	REVISION	7/28/25
4	REVISION	7/28/25
5	REVISION	7/28/25
6	REVISION	7/28/25
7	REVISION	7/28/25
8	REVISION	7/28/25
9	REVISION	7/28/25
10	REVISION	7/28/25

The document is not for construction and is not to be used for construction purposes. It is a preliminary plan and is subject to change without notice. It is not to be used for construction purposes. It is a preliminary plan and is subject to change without notice. It is not to be used for construction purposes. It is a preliminary plan and is subject to change without notice.

CONCEPT MASTERPLAN
PLANNING AREAS
L-101



MONARCH SUMMERS

— PRESERVED TREE CANOPY

SITE INFORMATION

SITE AREA:	66.65 ACRES
PROPOSED ZONING:	P20
LOT COUNT:	139 LOTS
SMALL SINGLE FAMILY (50 X 107):	20 LOTS
LARGE SINGLE FAMILY (70 X 107):	108 LOTS
TOWNHOMES (DOUBLE 40 X 107):	
TOTAL SITE LOTS:	287 LOTS
DENSITY:	4.01 LOTS
OPEN SPACE:	16.5 ACRES
TREE CANOPY RETAINED:	25.7%

KEY

FRONT-LOADED, SMALL SINGLE FAMILY;	FL-SM
FRONT-LOADED, LARGE SINGLE FAMILY;	FL-LG
REAR-LOADED, SMALL SINGLE FAMILY;	RL-SM
REAR-LOADED, LARGE SINGLE FAMILY;	RL-LG

MONARCH SUMMERS
NEAR DOT TIPTON ROAD
FAYETTEVILLE, ARKANSAS

 Crafton Tui
on
25

PRISM
DESIGN STUDIO
COMMERCIAL PHOTOGRAPHY
4000 14th Ave. S.
Seattle, WA 98148

Planning Commission
July 28, 2025

PZD-2025-0002 (MONARCH SUMMERS)

Page 20 of 53

MASTERPLAN

L-102

[illegible]

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Planned Zoning District Booklet for

Monarch Summers Development



Prepared By:
Prism Design Studio

Date:
July 21, 2025

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I. Owner Information

Name: Goose Creed Addition LLC
Address: 60 South 6th Street
Fort Smith, AR 72901

Project Information

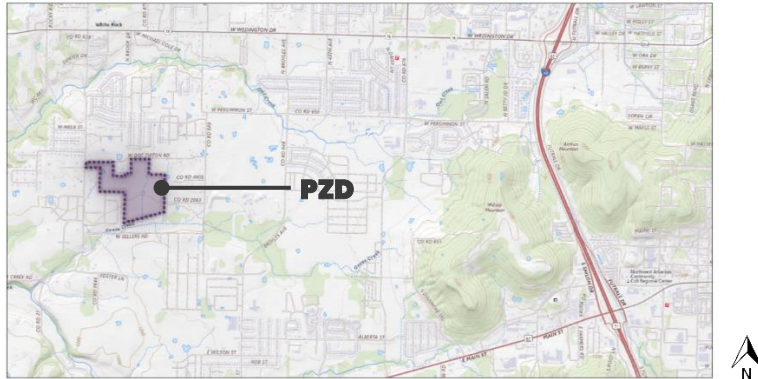
Parcels: 765-16202-150, 765-16202-450, 765-16202-500,
765-16202-550, 765-16202-600, 765-16202-650,
765-16223-800, 765-16223-900, 765-20489-100
Address: Near Dot Tipton Rd., Fayetteville, AR
Acreage: ±66.65 Acres
Existing Zoning: R-A (Residential Agriculture) &
RSF-1 (Residential Single Family- 1 units per acre)
Existing Use: Vacant – hay field
Proposed Zoning: PZD (Planned Zoning District)
Proposed Use: Residential – attached townhomes and detached
Single-family homes
Units: 108 townhomes | 159 Single-family homes
267 total units
Density: 4 units/acre aggregate

Project Narrative

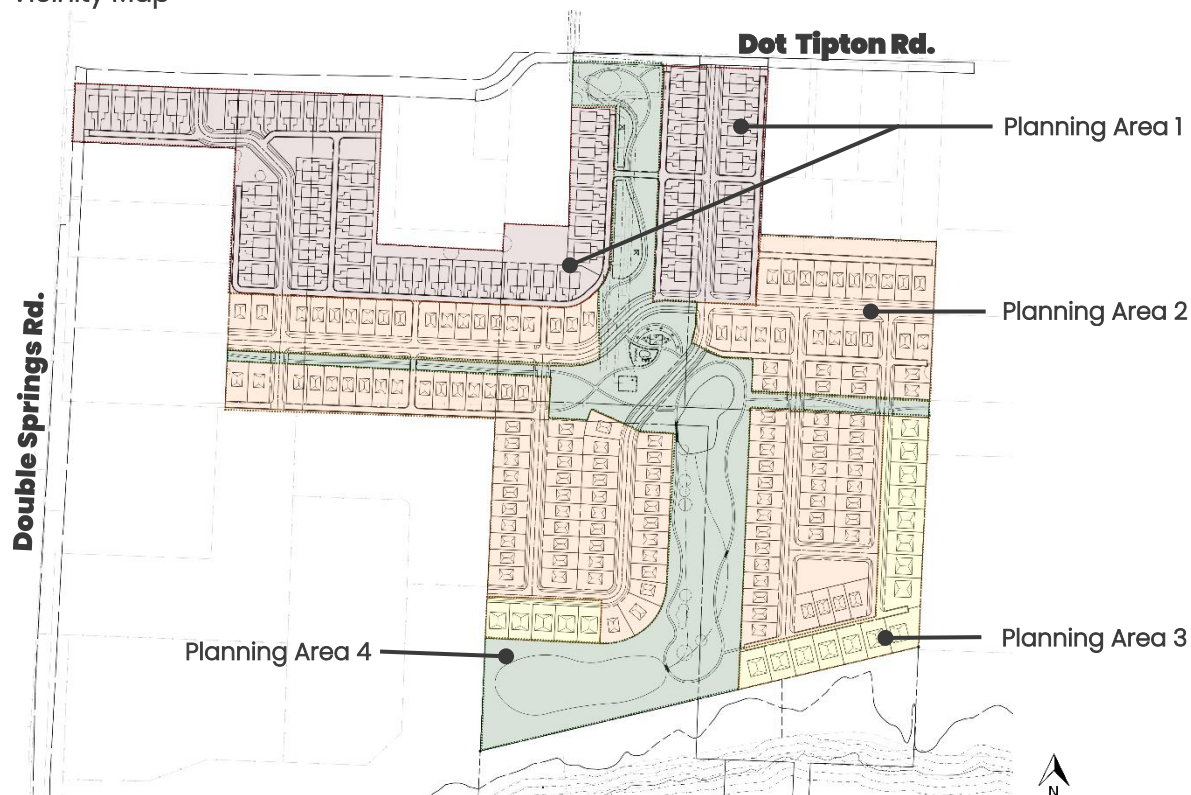
Monarch Summers development is a new housing development along Dot Tipton Road in west Fayetteville. It proposes mixed unit types, including attached townhomes and single-family homes, connected through walkable, compact streets, while maximizing greenspace for recreational use and stormwater management. The neighborhood provides trails around restored wildlife habitat areas, planted with native species such as milkweed, the host plant for Monarch butterfly. Monarch Summers aims to create an active, environmental community that seeks to enhance existing natural features through increasing biodiversity on site. These initiatives include creating connected green spaces preventing habitat fragmentation and connecting to the existing wildlife corridor and ecosystem along Goose Creek.

II. Planned Zoning District & Planning Areas

The proposed Planned Zoning District includes four planning areas. The proposed lot restrictions are the same throughout the development, with permitted uses being the driving difference in the planning areas. This is in efforts to create visual consistency between housing types for the neighborhood.



Vicinity Map



PZD Areas – Enlargement Plan

PZD Area 1: Attached townhomes (duplexes) with rear entry access

PZD Area 2: Detached Single Family – small lots

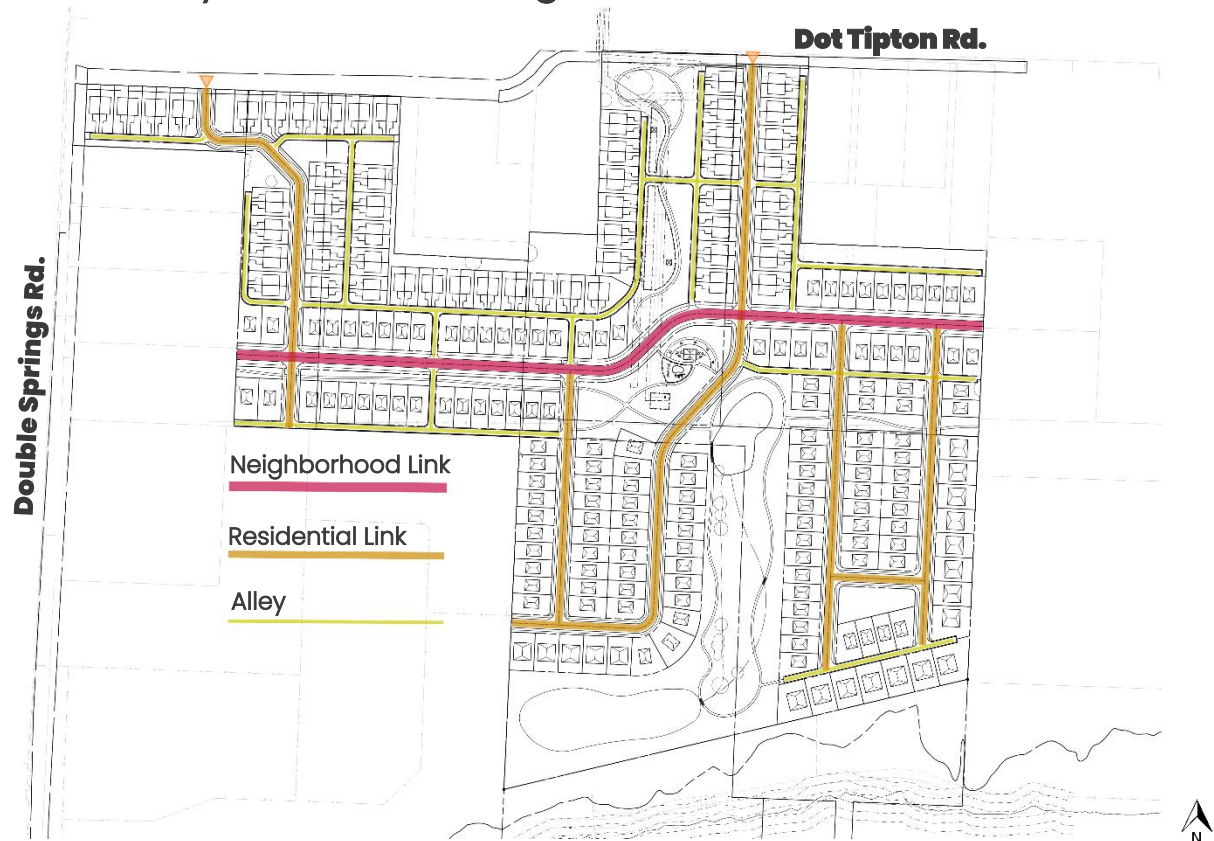
PZD Area 3: Detached Single Family – large lots

PZD Area 4: Open/Natural space, trails, parks utilities, stormwater management

III. Site Plan



Streets, Lot Layout, and Parking



The project proposes two new access points along Dot Tipton Road and includes approximately 1500 linear feet of street frontage. The eastern access aligns with a planned Residential Link shown on the City's Master Street Plan.

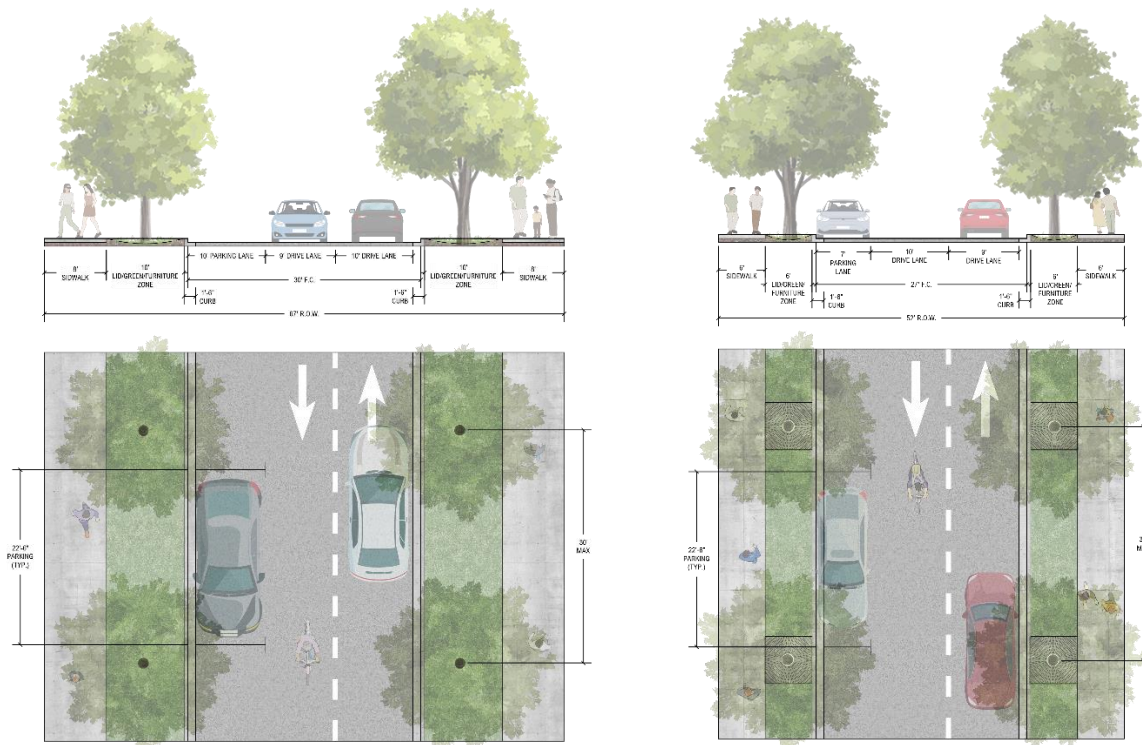
The two new drives lead to the project's "main street", a strong east to west corridor with a street section prioritizing pedestrian safety and maneuverability. This connector is also on the City's Master Street Plan, as a Residential Link. Other local streets spur off this "main street" into sections of the neighborhood, creating a network of streets and alleys focused on connectivity, rather than dead-end cul-de-sacs.

All of the attached townhomes and over 41% of single-family homes are rear-loaded from alleys. This prevents repetitive street cuts and prioritizes pedestrian safety and landscape buffers from vehicular traffic in the more active section of the development. The southern portion of the project is front

loaded, and homes are oriented to overlook restored wildlife areas and stormwater features. All homes having alley frontage shall be required to be rear loaded, as indicated on the Site Plan.

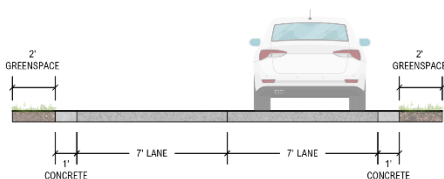
In summary, this project completes two future streets indicated on the City's Master Street Plan, and uses urbanist design principles for tight, safe, walkable streets, through alleys, and the lack of dead-end streets.

The proposed street sections are shown below:



Typical Neighborhood Link Street

Typical Residential / Local Street



Typical Residential Rear Alley – Two -Way

Proposed street sections align with the City of Fayetteville standard street sections.

Up to 300 on-street parking spaces are available along the streets within Monarch Summers, following standard street sections. Full size garages fitting 2 vehicles will be provided for all single-family homes. A minimum of a one-car garage will be provided for attached townhomes. Note that all townhomes are rear-loaded and include space for additional vehicles in the driveway. Guest parking is accommodated fully by the on-street parking facilities. At the time of development, it is recommended that an adequate number of on-street parking be determined, as 300 spaces is excessive where most homes have vehicle accommodations. Rather than maximizing on-street parking, more robust landscape islands between stalls and roughly 200 stalls is more appropriate.

b. Traffic

The development will provide a traffic study concurrently with development plans as part of the preliminary plat process, and required by the City's Municipal Code. Dot Tipton Road is a paved rural road with open swales on both sides, and it varies in width with travel lanes of 7-8', generally. As part of this development, Dot Tipton will be improved from the most eastern drive to the intersection at Double Springs, where the property has street frontage.



Photo of Dot Tipton Rd, near the western new proposed access.

Double Springs Road is improved and supporting other neighborhoods, connecting to Wedington Rd, a Tier 3 City Center. It is in good condition and has been improved by other neighborhoods that front Double Springs Road directly.



Photo near the NW intersection of Double Springs Rd & Dot Tipton Rd.

c. Site Characteristics & View Protection

The site is currently unoccupied with remnant barns from farming operations. The site is currently used for hay harvesting. It's generally covered in grassland, consisting of ryes, Johnson grass and other typical forbs in the region. The property generally slopes from north to south with minimal tree cover. No records of previous hazardous uses or materials have been identified or indicated from previous aerial imagery.



The proposed Planned Zoning District matches the height requirements of RSF-4 zoning districts, in efforts to match surrounding neighborhoods and does not impose additional detriment to any existing views.

d. Stormwater Detention Areas and Drainage

The northeastern section of the site slopes from the north to the southwest, while the remainder flows from the north to the south. An existing central pond and swale collect the surface drainage, and this swale continues south towards Goose Creek. An old farm pond in the NW corner of the property also collects existing surface drainage.

The proposed drainage strategy will incorporate the existing low spots and expand the existing ponds. A new large detention pond will be added on the lower section of the site, to the south. The two major ponds will be connected through a linear swale allowing for stormwater infiltration rather than proposing gray infrastructure (pipes). By utilizing large natural areas in the development for stormwater mitigation, the development can prevent erosion concerns and provide flooding relief for adjacent properties.

There is no floodplain located on the subject property.

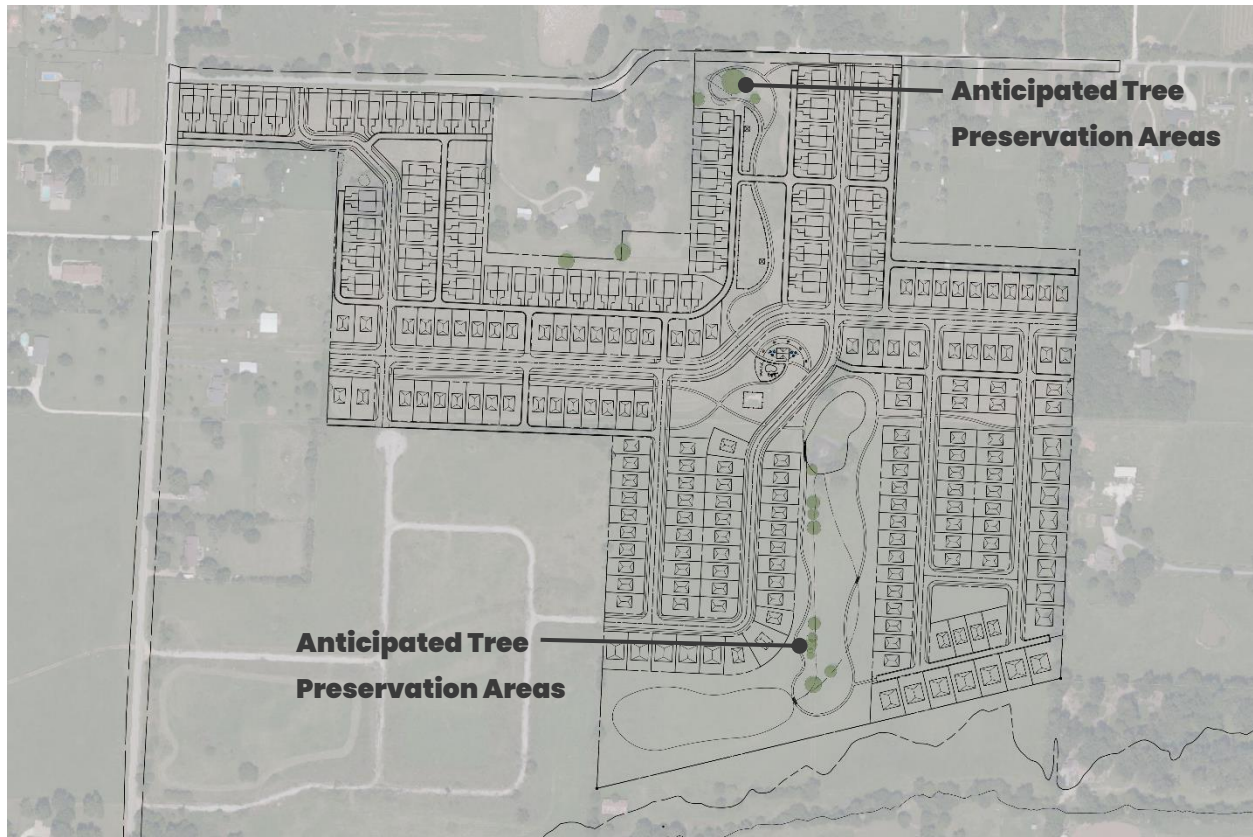
e. Undisturbed Natural Areas

The existing central pond and drainage swale will be utilized and enhanced, as a feature for the neighborhood. Through invasive species removal and planting of native species, like perennial pollinators, and flowering forbs, the integrity of the ecosystem will be a focal point for the development. Mass native species planting with species such as butterfly milkweed, will be a landscape theme carried throughout the property.

In short, the natural drainage area of this property will be respected, expanded and enhanced to minimize impact on the current drainage systems and patterns.

f. Tree Preservation Areas

The property is currently used to harvest hay, and has minimal existing tree coverage. PZD minimum tree preservation percentage is 25%. The anticipated preservation areas are near the existing ponds and swales.



g. Buffer Areas, Perimeter Treatment, Screening and Landscaping

The project will meet all buffer requirements in the Municipal Development Code. Due to compatible uses surrounding the site, no additional buffers are proposed above typical requirements.

The perimeter treatment will vary depending on the access types and building orientation. Where the rear yard faces an adjacent property, a solid fence will be provided. When the front of a unit is facing an adjacent property, a landscape buffer, including shade, ornamental and evergreen trees shall be provided.

Screening and landscaping will be provided as required by the City Municipal Development and Subdivision code. Since all uses surrounding the property, and including the property are low density residential, no screening is planned. Street trees will be planned in accordance with the typical city street sections. Landscape enhancements will be provided in the common areas and in the stormwater park area. The planting palette, including street trees, will be strictly native plant species in support of the enduring green network and nature-based solutions planning initiatives.

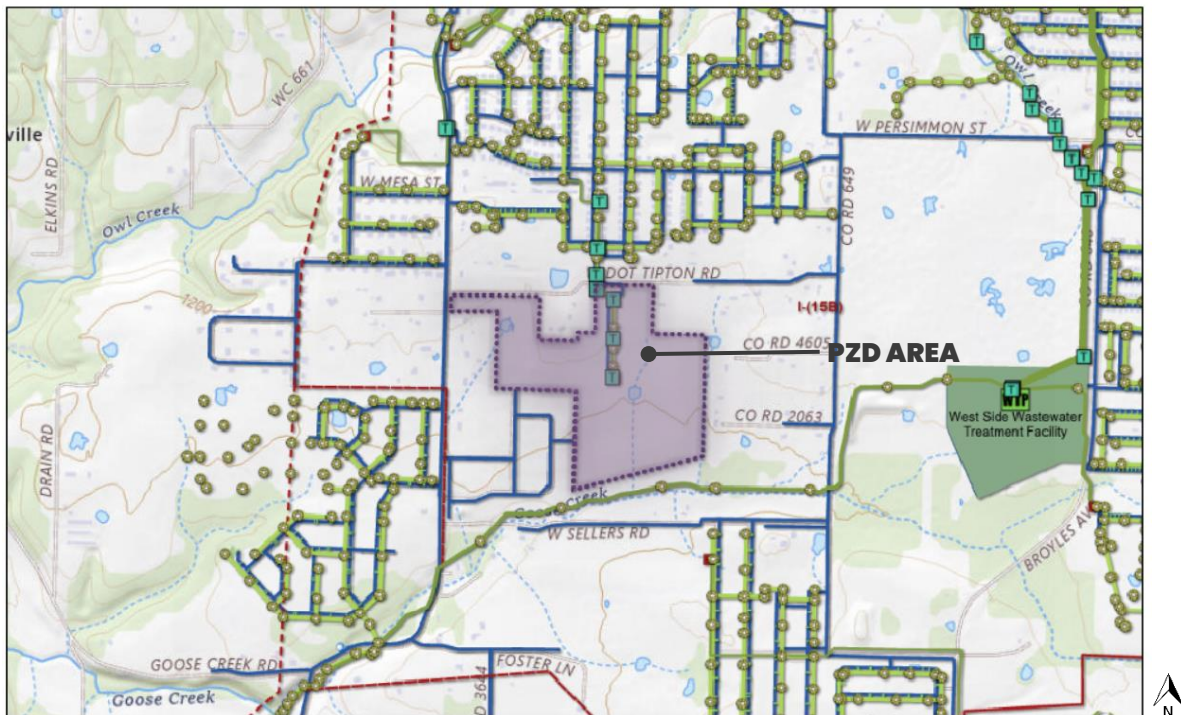
h. Recreational facilities

The neighborhood includes open green spaces interspersed throughout, providing access to quality outdoor space in multiple forms. A series of pocket parks and common greens are used to provide visual interest along strong sight lines and to provide buffer between programmed play areas and private residences. These spaces also act as natural systems enhanced with native plantings, allowing for wildlife migration by being connected, rather than isolated habitats.

An outdoor playground and shade structures are proposed near the center of the property with on-street parking. Lastly, a trail system around the stormwater ponds and habitat area will provide opportunities for walking, running, and wildlife viewing.

i. Existing and Proposed Utility Connections & Extensions

The subject property has access to water and sewer. An existing water main and lift station exist within the property bounds. Per discussions with the Utility Department, the existing lift station (#44) is at capacity, and the next downstream lift station (#22) is also at capacity. Upgrades to these systems would not be approved. The city has completed 100% construction plans (separate from this project or property) for a new gravity mainline along Goose Creek that will connect to lift station #12 and provide adequate capacity for future projects on the subject property. Lift station #44 will be required to be taken offline and routed to the new gravity main to the south, through the subject property. The plans are currently under review with the state Health Department. The property owner has been in discussions with the utility department regarding a cost-share agreement for future off-site gravity mainline improvements. All water improvements and extensions will be typical to provide service for new development. Water pressure and capacity in the area are adequate for the residential services.



Water / Sewer Map

j. Sidewalks & Streetlights

Sidewalks will be proposed in accordance with the street sections included in this packet.

Streetlights will be provided and meet the standard required lighting requirements by the City of Fayetteville Municipal Code, and in coordination with the utility provider. All proposed lighting will also meet the City’s dark sky requirements.

IV. Context

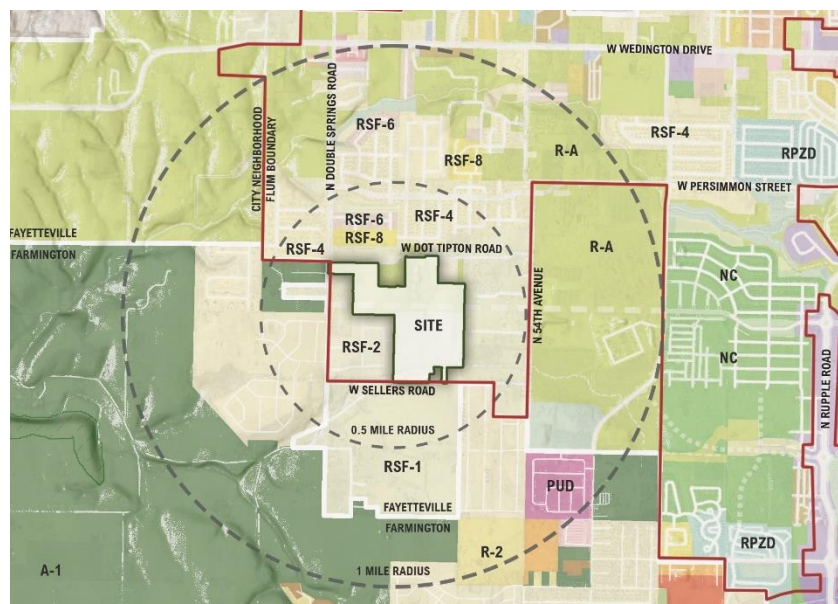
All adjacent properties are residential in use and within residential zoning districts. The following zoning types are located within 0.5 miles of the subject property:

RSF-1	RSF-4	RSF-8	RSF-6	P-1	R-A
City of Farmington (Residential, up to 4 units per acre)					

The additional zoning districts located within 1 mile of the subject property are:

NC	R-O	RI-U	C-2	NS-L	NS-G
RI-12	RPZD				

The proposed aggregate density (units per acre) of this project is similar to the subdivisions in the surrounding areas. Multiple RSF-4 or more dense neighborhoods are within immediate area around this subject property. The development pattern is less intrusive and more efficient with infrastructure investments than low density and rural lot layouts.



V. Development and Architectural Design Standards

The proposed homes will consist of American Traditional architectural style, with nods to Craftsman and Tudor features. There will be some variety in colors and composition to provide each home owner with a custom look to their home. The color palette will be neutrals in general, with architectural accents in bold colors.

A. Primary Materials

Brick *various colors*



Stone *various types and colors*



Lap Siding *various colors and patterns*



Secondary Materials

Aluminum

Steel

Wood

b. Building Elevations- Precedent Imagery

Attached Townhomes



All images are shown for character and architectural style reference and are not images owned by this project or guaranteed final products.

C. Single-Family Homes

Small Single – Family (+/-1,000 sf – 1,750 sf)



Large Single – Family (+/- 1,500 sf – 2,500 sf)



All images are shown for character and architectural style reference and are not images owned by this project or guaranteed final products.

VI. Proposed Signage

Proposed signage will be typical of residential developments and will comply with the City's Municipal Code. Signs are permitted separately from the project development and platting process.

VII. Construction of Nonresidential Facilities

There are no nonresidential facilities or uses associated with this project.

VIII. Covenants, Trusts, Homeowners Association

Monarch Summers will establish a Property Owner Association (POA) to hold responsibility for maintaining shared amenities and spaces, not under private ownership.

VIII. Zoning Standards (Existing)

a. R-A Residential - Agricultural

Uses Allowed By Right	Unit 1	City-wide uses by right
	Unit 3	Public protection and utility facilities
	Unit 6	Agriculture
	Unit 7	Animal husbandry
	Unit 8	Single-family dwellings
	Unit 9	Two-family dwellings
	Unit 37	Manufactured homes
	Unit 41	Accessory dwellings
	Unit 43	Animal boarding and training
	Unit 46	Short-term rentals
Conditional Uses	Unit 2	City-wide uses by conditional use permit
	Unit 4	Cultural and recreational facilities
	Unit 5	Government facilities
	Unit 20	Commercial recreation, large sites
	Unit 24	Home occupations
	Unit 35	Outdoor Music Establishments
	Unit 36	Wireless communications facilities
Density	Unit 42	Clean technologies
	One-half (1/2) unit per acre	
Bulk and Area Regulations	Lot Width Minimum: 200 feet	
	Lot Area Minimum:	
	Residential	2 acres
	Nonresidential	2 acres
	Lot area per dwelling unit: 2 acres	
Setback Requirements	Front:	35 feet
	Side:	20 feet
	Rear:	35 feet
Height Requirements	There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.	
Building Area	None	

b. **RSF-1** *Residential Single Family – One Unit per Acres*

Uses Allowed By Right	Unit 1	City-wide uses by right
	Unit 8	Single-family dwellings
	Unit 41	Accessory dwellings
	Unit 46	Short-term rentals
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 24	Home occupations
	Unit 36	Wireless communications facilities
	Unit 44	Cluster Housing Development
Density	1 unit per acre	
Bulk and Area Regulations	Lot Width Minimum:	150 feet
	Lot Area Minimum:	
	Residential	35,720 square feet
	Lot area per dwelling unit:	35,720 square feet
Setback Requirements	Front:	35 feet
	Side:	20 feet
	Rear:	35 feet
Height Requirements	3 stories	
Building Area	None	

c. Proposed Zoning Standards (Proposed)

PZD – Planned Area 1

Purpose:

- Provide an appropriately flexible neighborhood buffer, allowing more density along main street frontages without impacting neighborhood character.
- Promote and maintain the development of diverse housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, lots with alley frontage shall use said alleys for sole access to property, with an emphasis on pedestrian pathways creating connectivity throughout the neighborhood;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 1

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 46 Short-term rentals
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 10 Three (3) and four (4) family dwellings Unit 24 Home occupations Unit 36 Wireless communications facilities Unit 40 Sidewalk cafes Unit 44 Cluster Housing Development
Density	None (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 30 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	50% of the lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 2

Purpose:

- Provide an alternative, smaller lot configurations for traditional single-family detached housing, providing flexibility for smaller, efficient, affordable house types to increase user diversity and overall appeal.
- Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 2

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 44 Cluster Housing Development Unit 46 Short-term rentals
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 10 Three (3) and four (4) family dwellings Unit 24 Home occupations Unit 40 Sidewalk cafes Unit 36 Wireless communications facilities
Density	None (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 30 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	50% of the lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 3

Purpose:

- Provide larger lots near the existing creek that will contribute to the overall neighborhood character.
- Promote and maintain the development of varied housing types at a range of sizes and price points for a range of household arrangements within the overall development to meet the needs of all citizens in all phases of life;
- Allow more efficient and flexible use of existing and new housing stock at appropriate densities to support the long term maintenance of required infrastructure;

Intent:

1. The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standard, in the minimum easements and land encumbrances to ensure practical maintainability and access to all units without restricting future adaptations of site usage;
2. The form and massing of buildings should be scaled and detailed to create an inviting and timeless neighborhood pattern;
3. Block structure should be compact and connected, with a preference for alleys and pedestrian pathways creating additional mid-block connectivity and flexibility;
4. Buildings should address the street appropriately with visible pedestrian entries on the primary façade connected to pedestrian pathways;
5. Parking and car connectivity should be secondary to safe, walkable, adaptable block structure and building usage.
6. Building setbacks from the street should be minimized wherever possible to shorten the length of utility service lines and minimize maintenance and leakage potential;
7. Side yards are encouraged to be minimized unless functionally useful for building occupants or necessary for services like trash, stormwater, and utility pedestals. This allows additional units to be provided and reduces the length of infrastructure required to serve each unit, creating more financially sustainable neighborhoods;

PZD – Planned Area 3

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 8 Single-family dwellings Unit 9 Two-family dwellings Unit 41 Accessory dwellings Unit 46 Short-term rentals
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 24 Home occupations Unit 36 Wireless communications facilities Unit 44 Cluster Housing Development
Density	None (4 units per acre aggregate between all planning areas)
Bulk and Area Regulations	Lot Width Minimum: 50 feet Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: Build-to zone that is located between the front property line and a line 25 feet from the front property line. * Side: 5 feet Rear: 15 feet
Height Requirements	Maximum 3 stories
Building Area	None
Minimum Buildable Street Frontage	40% of lot width**

**Allowance for accommodating existing or required utility improvements along street frontages*

***Legal lots may meet their frontage requirements with private or public right-of-way, open space, or amenity space.*

PZD – Planned Area 4

Purpose:

- Provide shared open space that contributes to the health and well-being of the neighborhood and its users.
- Utilize natural spaces for stormwater management, allowing for re-use, filtering, and absorption, rather than collection, piping and quick conveyance, which has proven to be detrimental to our public waterways.
- Utilize existing or proposed public utility easements as activated spaces, rather than derelict, unmaintained areas.

Intent:

1. To preserve and enhance natural features, promoting habitat for wildlife, stream health and environmental stewardship.
2. Allow public and neighborhood access to open spaces, bringing awareness to natural systems and functions.
3. Utilize existing drainage patterns to minimize land disturbance, loose soil, erosion, and sediment off-loading in streams.

Uses Allowed By Right	Unit 1 City-wide uses by right Unit 4 Cultural and recreational facilities
Conditional Uses	Unit 2 City-wide uses by conditional use permit Unit 3 Public protection and utility facilities Unit 36 Wireless communications facilities
Density	0 No residential density is allowed
Bulk and Area Regulations	Lot Width Minimum: None Lot Area Minimum: None Lot area per dwelling unit: None
Setback Requirements	Front: 10 feet Side: 5 feet Rear: 5 feet
Height Requirements	Maximum 2 stories
Building Area	None

X. Compliance with Future Land Use Plan

The subject property and all adjacent properties are designated as Residential Neighborhood. This designation begins near Goose Creek, south of the property, and extends to Wedington Drive, a regional link 1.5 miles north, encompassing existing neighborhoods with a variety of residential zoning designations. The City's 2040 Plan describes these areas as:

"Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily, and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments, which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood."

This project proposes single-family and townhome development with low to medium aggregate density, similar to RSF-4. The proposed uses and design of this project clearly align with the neighborhood development objectives listed in the City's 2040 Plan.



Figure 3.5 - Suburban Sprawl



Figure 3.6 - Traditional Development

Figures from the City of Fayetteville 2040 Comprehensive Plan

XI. Reason for requesting rezoning

The request for rezoning is to further align with the smart growth initiatives the City has prioritized in the 2040 Comprehensive plan. The property is currently zoned for low density, typical suburban and rural sprawl. Roughly 46 homes are allowed by right, sitting on large, detached lots, providing little benefit to neighborhood connectivity and sense of place. Extending utilities and roads over long distances to serve only a few homes makes development less feasible and fails to maximize infrastructure investments or support their maintenance over time.

This proposal seeks an aggregate density of 4 units per acre (RSF-4) with modifications to standard lot sizes to maximize green space within the property. RSF -4 requires a minimum 70 foot lot width and 8,000 sf lot size, yet homes ranging from 1,000 – 3,000 square feet can be built on narrower lots. As noted throughout this booklet, by reducing the private greenspace, larger community areas can be planned and integrated into environmental programming like stormwater management and habitat development.

RSF-4 zoning allows single-family detached homes being allowed by right, and two-family homes require conditional use approval. In this proposal, single family and two-family dwellings are allowed by right, but limited to an aggregate density of 4 units per acre. This matches the development patterns in the surrounding area and causes no adverse impact to adjacent properties.

In summary, this project is an opportunity to provide a diversity of housing types for families in a walkable neighborhood format that promotes community building while increasing ecological diversity. This smart growth approach to residential development has been recognized by the community and NWA regional planners as necessary in order to meet housing needs while correcting outdated development patterns that no longer serve the growing region.

Wonsower, Donna

From: Planning Shared
Sent: Monday, July 21, 2025 2:52 PM
To: Wonsower, Donna
Subject: FW: Rezoning Request for Monarch Summers Development on Dot Tipton Road for Parcels: 765-16202-150, 765-16202-450, 765-16202-500, 765-16202-550, 765-16202-600, 765-16202-650, 765-16223-800, 765-16223-900, 765-20489-100

For you

Thank you

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



CITY OF
FAYETTEVILLE
ARKANSAS

From: Rusty Rumley <rustyrumley@gmail.com>
Sent: Monday, July 21, 2025 2:17 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Rezoning Request for Monarch Summers Development on Dot Tipton Road for Parcels: 765-16202-150, 765-16202-450, 765-16202-500, 765-16202-550, 765-16202-600, 765-16202-650, 765-16223-800, 765-16223-900, 765-20489-100

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.

To whom it may concern,

My name is Rusty Rumley, and I live with my family on the west side of the property in question. I greatly appreciate the opportunity to provide comments regarding the proposed zoning change that would significantly tax local infrastructure, uncharacteristically increase residential density in our area, and potentially create drainage issues on my property. This property was last considered earlier in 2025 and the concerns raised by the Planning Commission and city staff during that request for rezoning remain largely unchanged. I am writing to express my opposition to this proposal for the following reasons:

1. Strain on Local Infrastructure

The proposed development would put a considerable burden on our already strained infrastructure. Traffic congestion is a daily challenge during peak hours, and the addition of dozens—or even hundreds—of new housing units will only exacerbate this issue and increase the likelihood of accidents. This new plan addresses concerns about Dot Tipton Rd; however, it does not address the additional traffic on Double Springs Rd. The continued development of the Goose Creek subdivision on

the west side of Double Springs Rd. continues to increase traffic on this road since the last time this property was considered for rezoning, which has only made the issue worse. Land on the north side of Dot Tipton has also been rezoned for development and the additional strain on Double Springs Rd will create long-term traffic and safety issues moving forward. Finally, the property is at the furthest west extent of city limits with little proximity to city services. Fayetteville's long-range plans discourage sprawl by supporting revitalization nearer to the urban center and by limiting growth on the edges of the city. This area lacks non-residential services and employment centers which would likely result in increased automobile dependence, contrary to the plan.

2. Impact on Neighborhood Character

This proposal is inconsistent with the existing character of our community, which is largely composed of single-family homes (although lot sizes do vary). There is no zoning in the area commensurate with the proposed density level due to the townhomes in this plan, which would be more appropriate for redevelopment near the urban center rather than on the outskirts of town which has no retail establishments or public transportation. The proposed substantial increase in residential density would alter the appearance, atmosphere, and quality of life in the neighborhood, and would be contrary to thoughtful, sustainable growth in alignment with the area's long-term planning goals. This plan merely contributes to urban sprawl by creating yet another commuter neighborhood. Fayetteville is suffering a housing shortage that needs to be addressed; however, urban sprawl will create more long-term problems down the road.

3. Environmental Concerns

We are also concerned about the environmental impact of this development. Increased density typically results in more paved surfaces and reduced green space, which contributes to stormwater runoff, a higher risk of flooding, and diminished habitat for local wildlife. There are already existing issues with runoff on this property and replacing pasture with densely packed development would absolutely exacerbate this issue. In the submitted Planned Zoning District Booklet for Monarch Summers Development these issues are allegedly addressed; however, the plans show that the planned Neighborhood link will substantially increase runoff by creating a paved canal to move water down to the entire western side of the proposed development and directly onto my and my neighbor's property.

For all of the above reasons, I respectfully ask that the proposed zoning change be denied. Thank you for your attention.

Rusty W. Rumley
phone: (405) 779-3680
email: rustyrumley@gmail.com

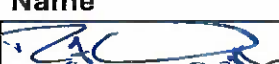
City of Fayetteville
Planning Department
125 W Mountain Street
Fayetteville, AR 72701

RE: Rezone request (PZD:-2025-0002)

Dear Planning Commission and City Council,

Please find this letter in support of the rezone request for multiple properties near 6061 W. Dot Tipton Road in Fayetteville, AR. We understand the properties are currently zoned R-A and RSF-1, and the proposed zoning is a Planned Zoning District (PZD). As neighbors of these properties, we do not believe the new zoning classification will have any adverse effect on our property or the surrounding area.

Please find the names and addresses below of neighbors supporting the request:

Date	Name	Address
7/23/25		35 acres Doune Springs & Linger Springs
7/24/25		5769 W. Chaloff Dr.
7/25/2025	Dale Carlton	20 Acres on Wayne Sellers corner Dale Carlton