City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8267

Planning Commission Tentative Agenda

Thursday, September 4, 2025

4:30 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: 864 0729 2141
Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_jp_TPTGRTnmtQZ9Om9EHag

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the August 25, 2025 Planning Commission. -

2. VAR-2025-0037: Planning Commission Variance (339 N. WEST AVE/ICE HOUSE LLC, 484):

Submitted by COMBS CONSTRUCTION GROUP for property located at 339 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.72 acres. The request is for variance from Building Design Standards. - Donna Wonsower, Senior Planner

Unfinished Business

3. ADM-2025-0036: Administrative Item (E. PUMP STATION RD & S. DEAD HORSE MTN RD/ CITY OF FAYETTEVILLE, WATERSHED CONSERVATION RESOURCE CENTER, BENTON, 604 & 605):

Submitted by the CITY OF FAYETTEVILLE for property located at E. PUMP STATION RD & S. DEAD HORSE MTN RD. The property is zoned P-1, INSTITUTIONAL, and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 434.80 acres. The request is to modify the master street plan.

THIS ITEM WAS TABLED AT THE AUGUST 25, 2025 PLANNING COMMISSION MEETING. - Jessica Masters, Planning Director

4. RZN-2025-0029: Rezoning (5911 W. TACKETT DR/THOMAS, 436):

Submitted by JOYCE THOMAS for property located at 5911 W. TACKETT DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.33 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

THIS ITEM WAS TABLED AT THE AUGUST 11, 2025, AND THE AUGUST 25, 2025 PLANNING COMMISSION MEETINGS. - Wesley Frank, Planner

New Business

5. VAR-2025-0039: Planning Commission Variance (2800 N. GREGG AVE/DRAKE ST TRAIL PROJECT, 250):

Submitted by CITY OF FAYETTEVILLE for property located at 2800 N. GREGG AVE. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.64 acres. The request is for a variance to the flood damage prevention code. - Alan Pugh, Staff Engineer

6. CUP-2025-0039: Conditional Use Permit (71 W. COLT SQUARE DR/BIG PAWS OF THE OZARKS, 328):

Submitted by KAYLA MAYES for property located at 71 W. COLT SQUARE DR. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.78 acres. The request is for an animal training facility. - Wesley Frank, Planner

7. CUP-2025-0040: Conditional Use Permit (5817 W. TACKETT DR/PHILLIPS & SHANNON, 436):

Submitted by ALLAN SHANNON for property located at 5817 W. TACKETT DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.99 acres. The request is for an accessory structure exceeding 50% the size of the principal structure. - Donna Wonsower, Senior Planner

8. CUP-2025-0042: Conditional Use Permit (900 N. LEVERETT AVE/BERRY PLACE, 444):

Submitted by MODUS STUDIOS for property located at 900 N. LEVERETT AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 8.12 acres. The request is for a private dormitory.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Jessica Masters, Planning Director

9. RZN-2025-0033: Rezoning (922 E. ROCKWOOD TRL/CAHOON, 447):

Submitted by NILES EVIN ALLEN HOLDINGS for property located at 922 E. ROCKWOOD TRL. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION. - Wesley Frank, Planner

10. RZN-2025-0036: Rezoning (1146 N. MAXWELL DR/12TH STREET HEIGHTS, 365):

Submitted by WESLEY BATES for property located at 1146 N. MAXWELL DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Donna Wonsower, Senior Planner

11. RZN-2025-0037: Rezoning (902 & 908 W. HUGHES ST/MARKS, 444):

Submitted by BATES & ASSOCIATES for property located at 902 & 908 W. HUGHES ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.29 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Donna Wonsower, Senior Planner

12. RZN-2025-0038: Rezoning (338 S. COMBS AVE/BROOKS, 524):

Submitted by WESLEY BATES for property located at 338 S. COMBS AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Wesley Frank, Planner

13. RZN-2025-0039: Rezoning (NORTH OF 229 N. OKLAHOMA WAY/CASETIM PROPERTIES, 486):

Submitted by ODYSSEY SURVEYING for property located NORTH OF 229 N. OKLAHOMA WAY. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.49 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE. - Wesley Frank, Planner

14. RZN-2025-0034: Rezoning (3066 E. JOYCE BLVD/BERKSHIRE AT UPTOWN, 177):

Submitted by JORGENSEN & ASSOCIATES for property located at 3066 E. JOYCE BLVD. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE, NS-G, NEIGHBORHOOD SERVICES-GENERAL, and CS, COMMUNITY SERVICES and contains approximately 9.05 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Jessica Masters, Planning Director

15. RZN-2025-0035: Rezoning (BETWEEN S. CITY LAKE RD AND S. BLACK OAK RD/CITY OF FAYETTEVILLE, 642):

Submitted by CITY OF FAYETTEVILLE for property located BETWEEN S. CITY LAKE RD AND S. BLACK OAK RD. The property is zoned I-2 GENERAL INDUSTRIAL and contains approximately 13.01 acres. The request is to rezone the property to CCR, CONSERVATION, CULTURAL, AND RECREATION.

THE APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE SEPTEMBER 22, 2025 PLANNING COMMISSION MEETING. - Jessica Masters, Planning Director

16. VAR-2025-0038: Planning Commission Variance (2893 N. MANSFIELD AVE/DRAKE FARMS, 250):

Submitted by ECOLOGICAL DESIGN GROUP for property located at 2893 N. MANSFIELD AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 28.15 acres. The request is for a variance from Parking Lot Design Standards.

STAFF HAS WITHDRAWN THIS REQUEST ON BEHALF OF THE APPLICANT. A VARIANCE IS NO LONGER NEEDED. - Jessica Masters, Planning Director

Items Administratively Approved by Staff

17. SIP-2024-0004: Site Improvement Plan (542 W. DICKSON ST/MOTO & TEMPO BY HILTON, 484):

Submitted by HOPE CONSULTING for property located at 542 W. DICKSON ST. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.34 acres. The proposal is for a 19,129-square-foot hotel with associated parking. - Jessica Masters, Planning Director

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, 08/25/2025						
Time:	**5:30 PM**						
Staff :	☐ Jonathan Curth ☒ Jessie Masters ☒ Donna Wonsower ☒ Wesley Frank ☒ Willa Thomason ☐ Bethany Douglas						
	☐ Britin Bostick ☐ Kylee Cole ☐ Chris Brown ☒ Justin Bland ☐ Melissa Boyd ☐ Dayten Moses ☐ Alan Pugh ☒ Fire Marshal						
	Roll Call	**1) Minutes (08/11/2025)**	**2) ADM-2025-0031 (AMEND UDC TREE PRES)**	**3) ADM-2025-0029 (VAUGHN RECYCLING)**	**4) CUP-2025-0036 (T BASS INVESTMENTS)**	**5) CUP-2025-0037 (CONLEY)**	**6) RZN-2025-0029 (THOMAS)**
Werner	**1**	**1**	**0**	**0**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**0**						
Cabe	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**0**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**0**	**0**	**0**	**1**	**1**
McGetrick	**1**	**1**	**1**	**1**	**0**	**1**	**1**
Castin	**0**						
Agenda		**Consent**	**Old**	**Old**	**Old**	**Old**	**Old**
Action		Approve	Table	Approve	Approve	Approve	Table
Motion By		Cabe	Payne	Payne	Werner	Werner	Cabe
Motion 2nd		Garlock	Cabe	Cabe	Gulley	Garlock	Werner
Vote		7-0-0	5-2-0	5-2-0	4-3-0	7-0-0	7-0-0
Time		5:32 PM	6:07 PM	6:22 PM	6:35 PM	6:41 PM	6:43 PM
Motion Detail			Indefinitely.	With all conditions as recommended by staff.	Failed - With all conditions as recommended by staff.	With all conditions as recommended by staff.	Until the September 8th, 2025 Planning Commission meeting.
Public Comment		0	1	0	1	0	0

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/9107?site=1

(pg. 2) Planning Commission Monday, 08/25/2025

	7) ADM-2025-0030 (KTB LIMITED PARTNERSHIP)	8) PZD-2025-0003 (KTB LIMITED PARTNERSHIP)	9) ADM-2025-0036 (COF WATERSHED CONSERVATION)	10) ADM-2025-0034 (LANDMARC CUSTOM HOMES)	11) VAR-2025-0036 (ENCLAVE CAPITAL PARTNERS)
Werner	**0**	**1**	**1**	**1**	**1**
Gulley	**0**	**1**	**1**	**1**	**1**
Madden					
Cabe	**Recuse**	**Recuse**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**Recuse**	**1**
Brink	**1**	**1**	**1**	**1**	**1**
Garlock	**0**	**1**	**1**	**1**	**1**
McGetrick	**1**	**1**	**1**	**Recuse**	**1**
Castin					
Agenda	**New**	**New**	**New**	**New**	**New**
Action	Forward	Forward	Table	Forward	Approve
Motion By	Payne	Garlock	Gulley	Cabe	Werner
Motion 2nd	McGetrick	Werner	Cabe	Garlock	Cabe
Vote	3-3-1	6-0-1	7-0-0	5-0-2	7-0-0
Time	7:21 PM	7:22 PM	7:28 PM	7:34 PM	7:40 PM
	Failed - With all conditions as recommended by staff.	With a recommendation of aspproval.	Until the September 8, 2025 Planning Commission meeting.	With a recommendation of approval.	With all conditions recommended by staff.
Public Comment	1	0	2	0	0

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/9107?site=1

	12) RZN-2025-0031 (TEAGUE)	13) ANX-2025-0001 (MOORE)	14) RZN-2025-0032 (MOORE)	15) VAR-2025-0037 (ICE HOUSE LLC)		
Werner	**1**	**1**	**1**			
Gulley	**1**	**1**	**1**			
Madden						
Cabe	**1**	**1**	**1**			
Payne	**1**	**1**	**0**			
Brink	**1**	**1**	**1**			
Garlock	**1**	**1**	**0**			
McGetrick	**1**	**Recuse**	**Recuse**			
Castin						
Agenda	**New**	**New**	**New**	**New**		
Action	Forward	Forward	Forward	Withdrawn		
Motion By	Werner	Cabe	Werner			
Motion 2nd	Payne	Werner	Gulley			
Vote	7-0-0	6-0-1	4-2-1			
Time	7:45 PM	8:01 PM	8:03 PM			
Motion Detail		With a recommendation of approval.	With a recommendation of approval.			
Public Comment	0	1	**1**			

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: September 8, 2025

SUBJECT: **VAR-2025-0037 Planning Commission Variance (339 N WEST AVE AVE/SHIPLEY, 484):** Submitted by COMBS CONSTRUCTION GROUP for property located at 339 N. WEST AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.72 acres. The request is for a variance from building design standards.

RECOMMENDATION:
Staff recommends approval of **VAR-2025-0037** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0037**, determining:*

- *In favor of a variance to UDC §166.21(D)(2)(a)(ii); and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in downtown Fayetteville approximately 100 feet south of the intersection of N. West Ave. and W. Lafayette St. The property is developed with the Ice House, a 16,552-square-foot mixed-use structure composed of retail, restaurants, and residential uses. An existing salon, Luxe Beauty, seeks to add a balcony to their existing unit. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Vacant Commercial	DG, Downtown General
South	Mixed-Use	DG, Downtown General
East	University of Arkansas Four-Family Residential	MSC, Main Street Center
West	Razorback Greenway	MSC, Main Street Center

Request: The applicant is requesting a variance from Unified Development Code §166.21(D)(2)(a)(ii), which requires that balconies maintain 10 feet minimum clear to the underside of the horizontal floor. The applicant proposes a minimum clear distance of 8'-9 1/16".

DISCUSSION:

Staff is supportive of the applicant's request. The proposal maintains at least 7 feet of clearance below supports and appendages of the balcony, which staff finds would permit pedestrians to travel beneath the balcony. Given the location of the balcony within an interior courtyard, staff finds that the reduced height is not likely to negatively impact the public realm, where sidewalk cafes, street trees, or other public amenities could conflict with a lower balcony floor. Additionally, staff finds that the required height for the balcony per ordinance would not be feasible for this location given the story heights of the existing building. As the impact to the public realm is anticipated to be minimal and the balcony would still have sufficient space available for pedestrians to access the space beneath, staff recommends no special conditions of approval.

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

RECOMMENDATION: Staff recommends approval of VAR-2025-0037 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.21(D)(2)(a)(ii) Balcony Height.** *Staff recommend approval of this variance for the reasons stated above.*

2. Approval of this item does not constitute approval of the associated building permit. Review and approval of the building permit shall be required in accordance with city code.

Planning Commission Action:	❒ **Approved**	❒ **Tabled**	❒ **Denied**
Meeting Date: **September 8, 2025**			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code:
  - §166.21 Downtown Design Overlay District
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Applicant Exhibits
  - Request Letter
  - Exhibit

166.21 Downtown Design Overlay District

(A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.

(B) *Applicability.* The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:

(1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed-Use Design and Development Standards in the Downtown Design Overlay District and College Avenue Overlay District.

(2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.

(3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.

(4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.

(5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.

…

(D) *Special Building Elements and Appurtenances.* If a building has a marquee, awning, balcony, colonnade, arcade, turret, cupola, porch or stoop then it shall comply with the following regulations:

…

(2) *Balconies.*

(a) *Standard*.

(i) *Depth.* To the back of the curb maximum. Balconies above the second floor shall have a maximum projection of 4 feet from the principal façade.

(ii) *Height.* 10 feet minimum clear to the underside of the horizontal floor. Supports or appendages may not extend below 7 feet clear.

(iii) *Length.* 80% maximum of principal building façade for the second floor. 40% maximum for all balconies above the second floor.

(iv) *Roofs.* Balconies may have roofs, but are required to be open, non-air conditioned parts of the building.

(v) *Underside.* The underside of a balcony extending over a sidewalk shall be covered with a solid material and lighting may be required, depending upon the proximity to a street light.

(b) *Right-of-Way Encroachment.* Balconies may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

(c) *Placement.* Balconies shall not interfere with street trees, street lights, street signs, utilities, or other such civic infrastructure.

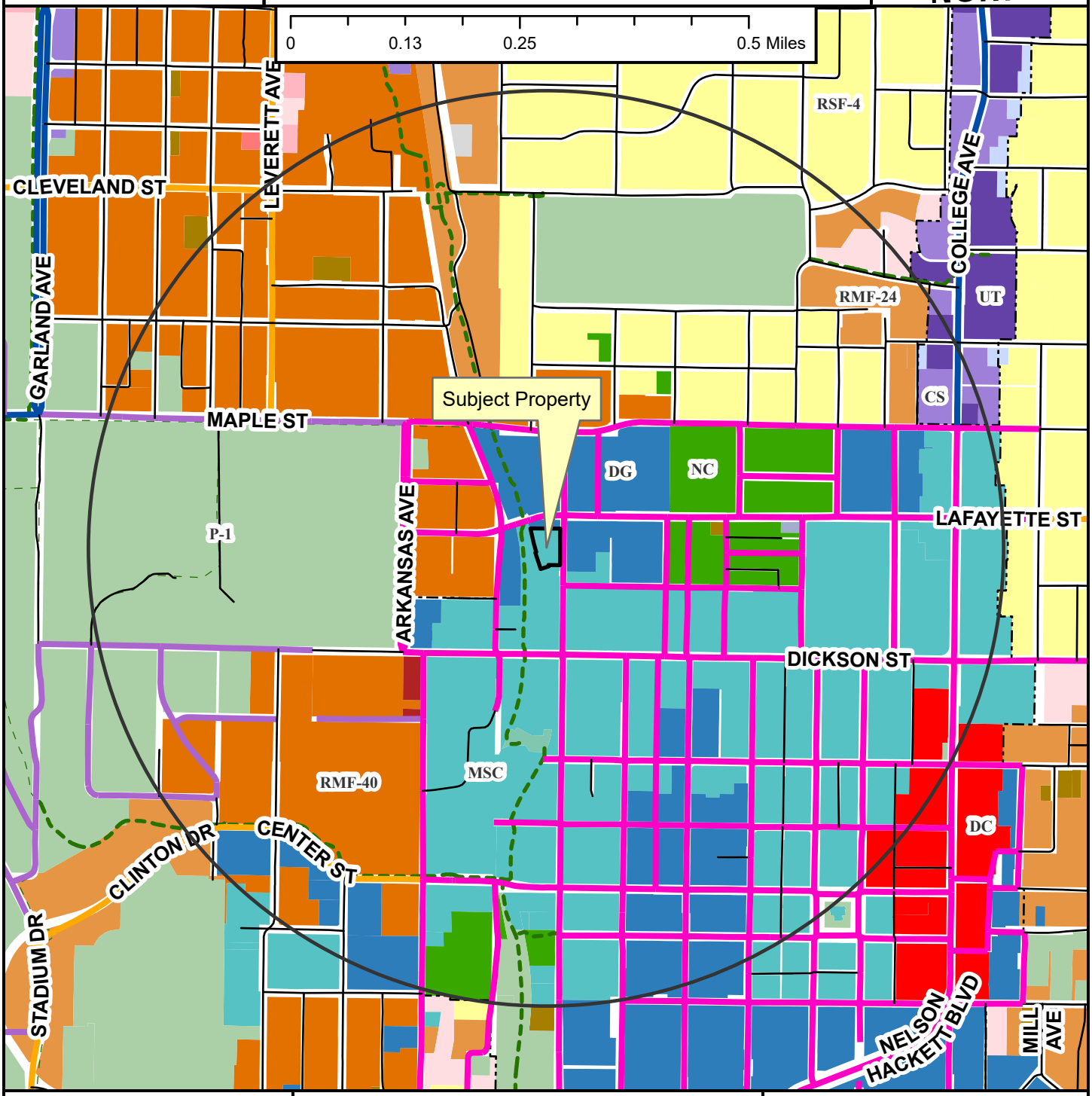
…

(Ord. No. 5056, 9-04-07; Ord. No. 5679, 4-15-14; Ord. No. 6017, §1, 12-5-17)

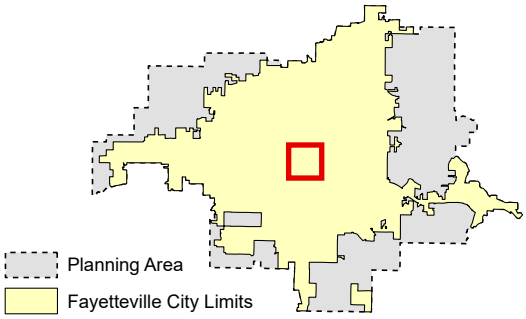
VAR-2025-0037

One Mile View

339 N. WEST AVE



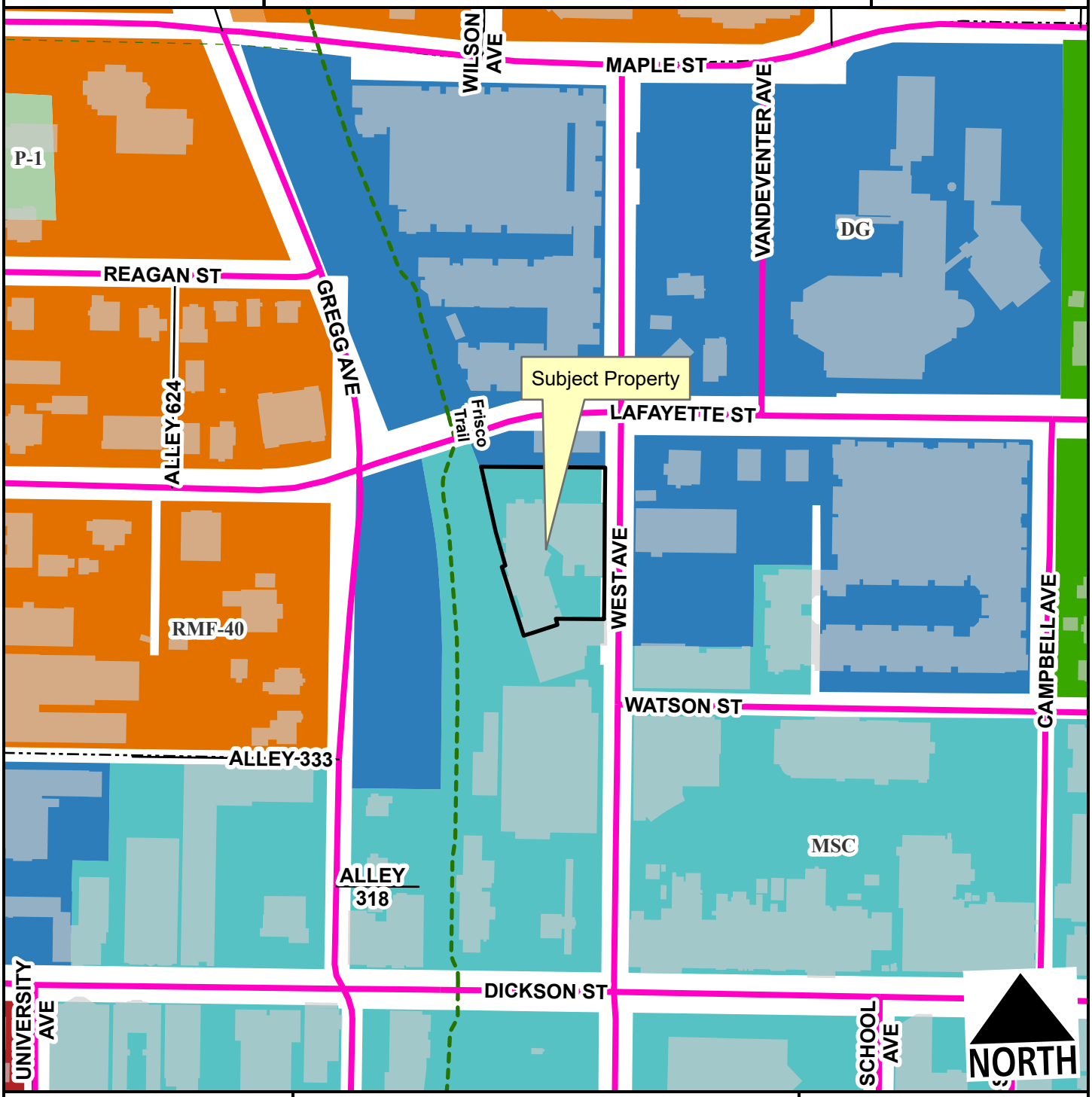
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Urban Center
Unclassified
Alley
Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



VAR-2025-0037

Close Up View

339 N. WEST AVE



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

Feet

0 75 150 300 450 600

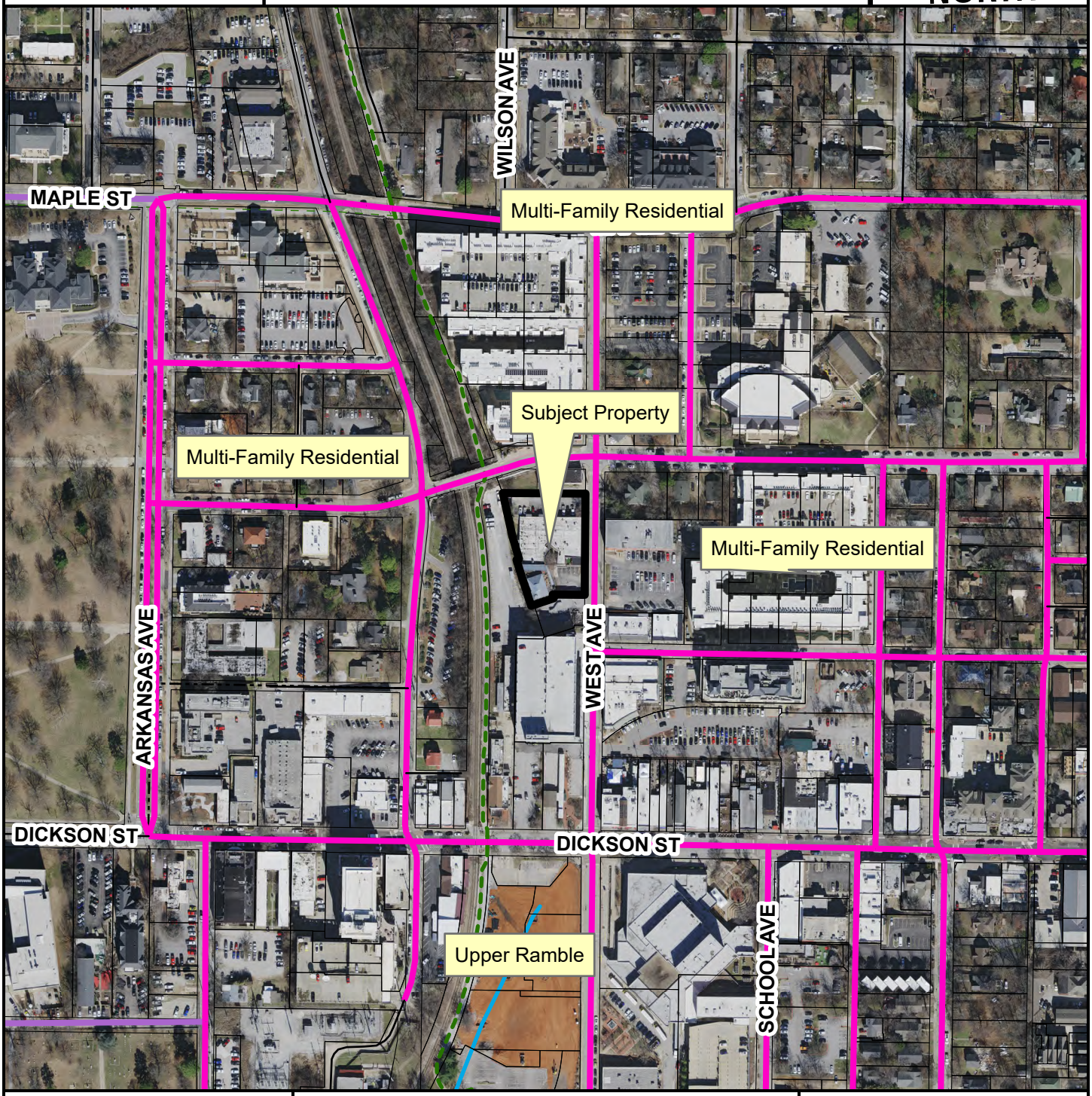
1:2,400

VAR-2025-0037

Current Land Use

339 N. WEST AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

NATHAN M MORTON ARCHITECT

COVER LETTER

PROJECT NAME: LUXE BEAUTY

ADDRESS: 339 N WEST AVE STE 112
FAYETTEVILLE, AR 72701

OWNER REP.: NATHAN MORTON

DATE: 7.30.2025

PROJECT NO.: 2516

PLEASE REMIT PAYMENT TO:

716 W. WHILLOCK ST.
FAYETTEVILLE, AR 72701
(479) 879.3826
INFO@NM-ARCH.COM

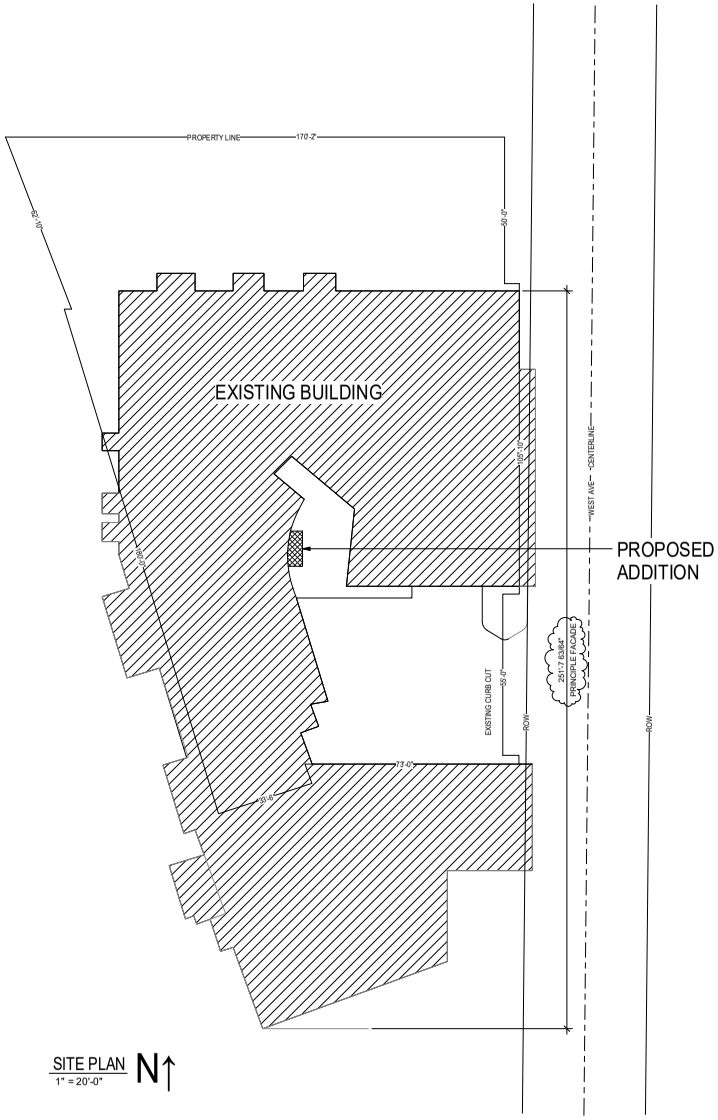
DESCRIPTION: VARIANCE REQUEST TO UDC 166.21(D)(2) (ii)
10 FEET MINUMUM CLEAR TO UNDERSIDE OF HORIZONTAL FLOOR

THE PROPOSED BALCONY IS DESIGNED TO SERVE THE SECOND FLOOR AND THE SECOND FLOOR HEIGHT 8′-10″ IS LESS THAN THE REQUIRED 10 FEET.

WE FEEL THAT THE PROPOSED BALCONY BEING LOCATED IN AN INTERIOR COURTYARD AND NOT READILY VISABLE FROM THE STREET SHOULD ALLOW SOME LENIENCY TO THE STRICT ADHERENCE TO THE CODE IN THIS INSTANCE.

THANK YOU FOR YOUR CONSIDERATION,

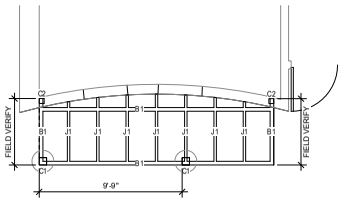
NATHAN M. MORTON



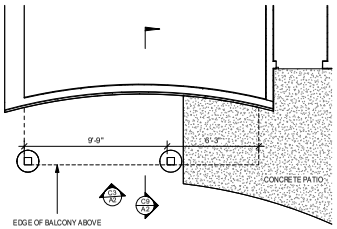
SITE PLAN
1" = 20'-0"

STEEL SCHEDULE

C1	6X6X1/4" HSS TUBE COLUMN
C2	4X4X1/4" HSS TUBE COLUMN
B1	3"X12"X1/4" HSS CHANNEL BEAM
J1	2"X8"X1/4" HSS CHANNEL JOIST



FRAMING PLAN
1/4" = 1'-0"



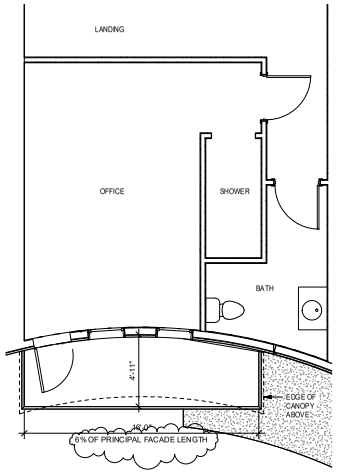
FIRST FLOOR PLAN
1/4" = 1'-0"

PROJECT & CODE DATA

PROPERTY DESCRIPTION:	EXISTING B OCCUPANCY (SALON)
PROPERTY OWNER:	PEACHTREE HOLDINGS, LLC
PROPERTY ADDRESS:	339 N WEST STE 112, FAYETTEVILLE, AR 72701
PROJECT DESCRIPTION:	73 SF STEEL BALCONY ADDITION
ZONING:	MSC (MAIN STREET CENTER)
OCCUPANCY TYPE:	B
CONSTRUCTION TYPE:	VB
ALLOWABLE AREA:	9,000*200% (SPRINKLER INCREASE)= 18,000 SF PER FLOOR
ACTUAL AREA:	1,812 SF
ALLOWABLE HEIGHT:	60'-0"
ACTUAL HEIGHT:	20'-0"
ALLOWABLE STORIES:	3
ACTUAL STORIES:	2
FIRE-RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS:	TYPE VB CONSTRUCTION - 0HRS
AUTOMATIC FIRE SPRINKLER SYSTEM:	PROVIDED
APPLICABLE CODES:	2018 ARKANSAS STATE FUEL AND GAS CODE
	2018 ARKANSAS STATE PLUMBING CODE
	2020 NATIONAL ELECTRICAL CODE
	2017 ANSI A117.1
	2021 ARKANSAS STATE MECHANICAL CODE
	2014 ARKANSAS ENERGY CODE (2009 IECC)
	2021 ARKANSAS FIRE PREVENTION CODE (2021 IBC & IRC W/ AMMENDMENTS)
	2021 PROPERTY MAINTENANCE CODE
	2021 INTERNATIONAL SWIMMING POOL & SPA CODE

I HEREBY CERTIFY THAT THESE PLANS AND SPECIFICATIONS HAVE BEEN PREPARED BY ME OR UNDER MY SUPERVISION. I FURTHER CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THESE PLANS AND SPECIFICATIONS ARE AS REQUIRED BY LAW AND IN COMPLIANCE WITH THE ARKANSAS FIRE PREVENTION CODE FOR THE STATE OF ARKANSAS

6.23.2025



SECOND FLOOR PLAN
1/4" = 1'-0"

NATHAN M MORTON ARCHITECT
INFO@NM.ARCH.COM 479.879.3826
716 W WHILLOCK ST. FAYETTEVILLE, AR 72701

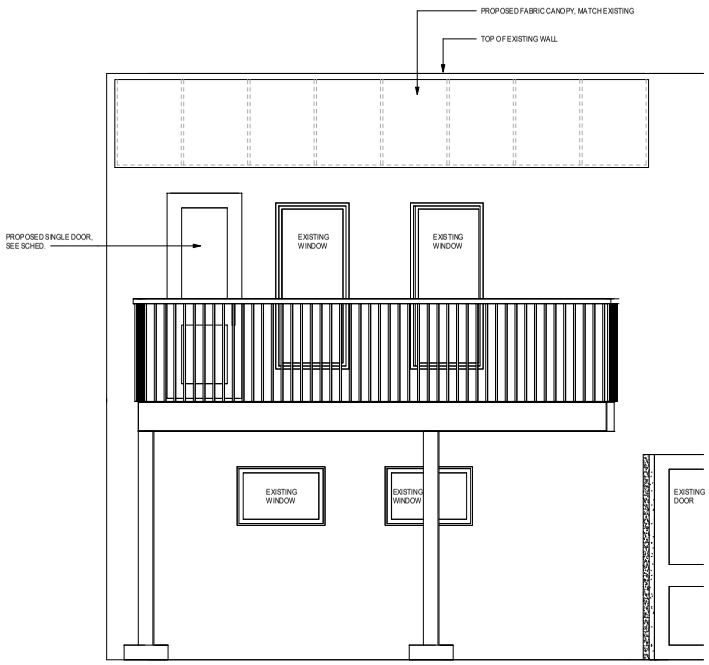
Planning Commission
September 8, 2025
VAR-2025-0037 (SHIPLEY)

A NEW ADDITION FOR
LUXE BEAUTY
339 N WEST AVE FAYETTEVILLE, AR 72701

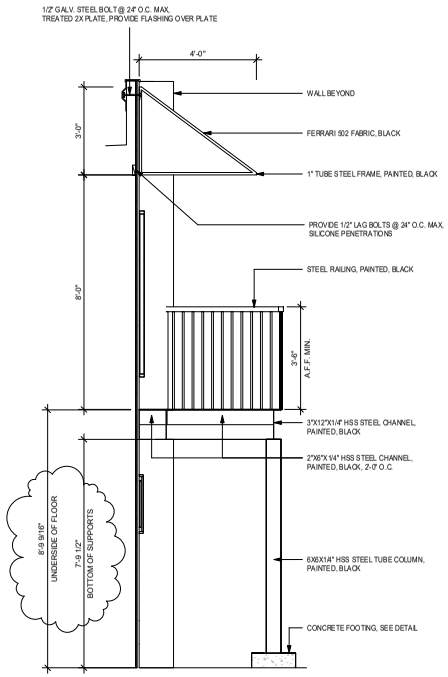
ISSUE DATE: 6.23.2025
PROJECT NO: 2516
REVISION DATES: 7.30.2025

A1

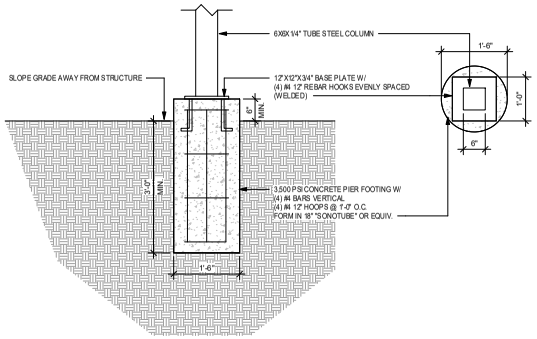
COPYRIGHT 2025
NATHAN M. MORTON, ARCHITECT



C3 EXTERIOR ELEVATION
1/2" = 1'-0"



C9 WALL SECTION
1/2" = 1'-0"



C13 FOOTING DETAIL
3/4" = 1'-0"

NATHAN M MORTON ARCHITECT
716 W WHILLOCK ST. FAYETTEVILLE, AR 72701
479.879.3826
INFO@NM.ARCH.COM

Planning Commission
September 8, 2025
VAR-2025-0037 (SHIPLEY)
Page 9 of 9

A NEW ADDITION FOR
LUXE BEAUTY
339 N WEST AVE FAYETTEVILLE, AR 72701

ISSUE DATE: 6.23.2025
PROJECT NO: 2516
REVISION DATES: 7.30.2025

A2

COPYRIGHT 2025
NATHAN M. MORTON, ARCHITECT

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jonathan Curth, Development Services Director
Jessie Masters, Planning Director
Justin Bland, Engineering Development Review Manager

MEETING DATE: September 8, 2025

SUBJECT: **ADM-2025-0036: Administrative Item (E. PUMP STATION RD & S. DEAD HORSE MTN RD/ CITY OF FAYETTEVILLE, WATERSHED CONSERVATION RESOURCE CENTER, BENTON, 604 & 605):** Submitted by the CITY OF FAYETTEVILLE for property located at E. PUMP STATION RD & S. DEAD HORSE MTN RD. The property is zoned P-1, INSTITUTIONAL, and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 434.80 acres. The request is to modify the master street plan.

RECOMMENDATION:
Staff recommends forwarding **ADM-2025-0036** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **ADM-2025-0036** to City Council with a recommendation of approval."*

BACKGROUND:
The subject area is in southeast Fayetteville and situated between the West Fork of the White River and S. Dead Horse Mountain Road. This area encompasses multiple parcels, including about 223 acres of land that was purchased in 2023 in a three-party agreement with the Watershed Conservation Resource Center, the Beaver Water District, and the City of Fayetteville (Res. 257-22). A significant portion of the site lies within a FEMA-designated floodplain, and hydric soils are present throughout the area. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	R-A, Residential-Agricultural
South	Single-Family Residential/Agricultural	R-A, Residential-Agricultural
West	Undeveloped	R-A, Residential-Agricultural; P-1, Institutional
East	Undeveloped	R-A, Residential-Agricultural

Proposal: City staff is requesting an amendment to the 2040 Master Street Plan to remove an approximately one-mile section of a planned Neighborhood Link Street, extending from E. Pump Station Road, across the West Fork of the White River, and ultimately terminating at S. Dead Horse Mountain Road.

DISCUSSION:
The planned connection has been on the Master Street Plan since 2007 (Resolution 161-07) where it was originally classified as a Collector Street; this is the equivalent of a Neighborhood Link Street under 2040 Master Street Plan standards. It was upgraded to a minor arterial in 2011 with the adoption of City Plan 2030 (Resolution 146-11) and then received its current designation in 2020 with the adoption of City Plan 2040 (Resolution 15-20).

The Master Street Plan is intended to serve as a policy document to help guide decisions regarding location, form, function, design, and classifications of streets. The Plan considers infrastructure and anticipates where new building developments might occur to plan for possible street connections and capital expenditures. The Master Street Plan is not intended to serve as a formal land acquisition, an allocation of funding, or a construction document, nor does it establish a final alignment.

Given the proposed connection's location on property now owned for the purpose of permanent conservation and natural restoration, and that there are multiple City plans to conserve, protect, and rehabilitate this area in perpetuity, staff recognizes that fulfilling this connection may run counter to the public's interest. These plans include redevelopment of Combs Park, which is also in the direct path of the proposed connection. Beyond ownership questions, constructability of this connection is limited, given restrictions on FEMA-protected land, as well as streamside protection requirements that would be costly to achieve (see attached memo from the City Engineering Division on this). While the City recognizes the lack of east/west connections in this area, staff recognize that this location is not feasible. Additionally, due to frequent flooding and environmental constraints along the West Fork of the White River, staff cannot reasonably propose an alternative automotive route and instead recommend reinforcing the planned Saint Paul trail from the Active Transportation Plan for potential emergency vehicle use while limiting further development in the affected area to the east to the extent possible.

Public Comment: Staff has received public comment in response to this request. Most of the public comment has been related to lack of information about the proposal, though staff has also received feedback in favor of removing the connection from the master street plan from the private property owner who owns the land that the street would potentially traverse.

RECOMMENDATION: Staff recommends forwarding this item to City Council with a recommendation of approval with the following conditions:

<u>Conditions of Approval:</u>

1. Approval of the removal of this segment of the Master Street Plan connection does not reflect approval of any planned development; any planned developments must be submitted according to the allowances in relevant city code.

2. When funded, the Saint Paul Trail connection and any associated bridge shall be reinforced and designed to allow for potential emergency vehicle use.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

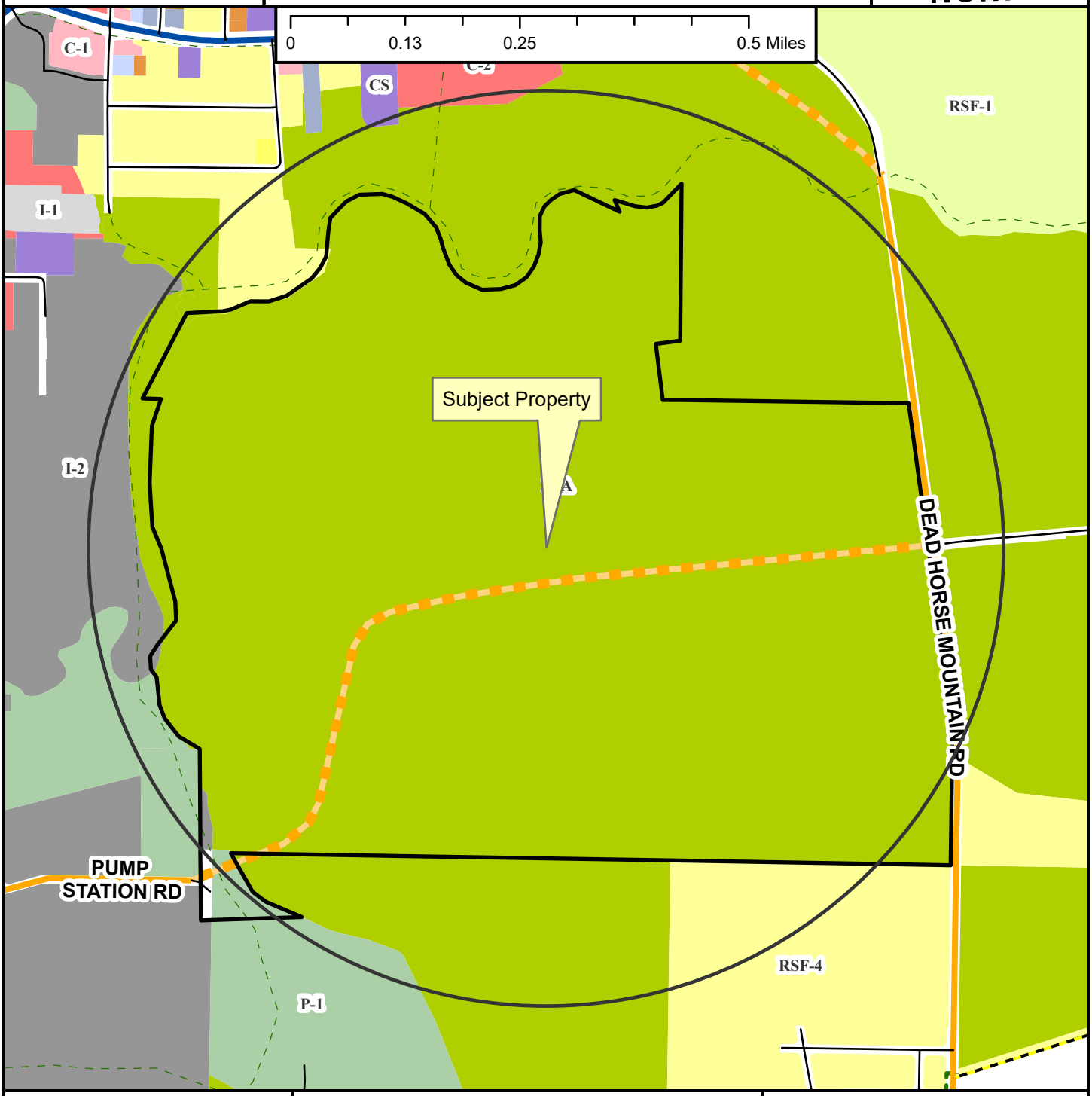
ATTACHMENTS:
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Engineering Memo
- 2007 Master Street Plan Exhibit
- 2030 Master Street Plan Exhibit
- 2040 Master Street Plan Exhibit

ADM-2025-0036

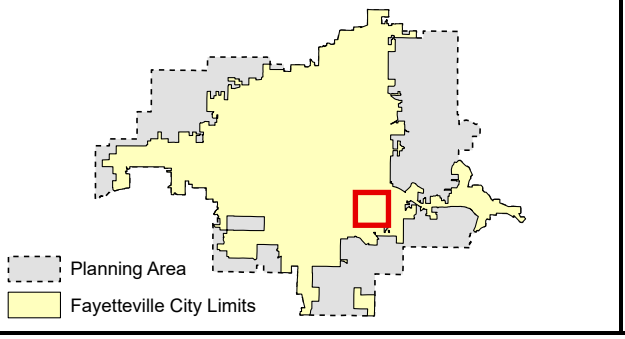
One Mile View

E. PUMP STATION RD & S. DEAD HORSE MTN RD

NORTH



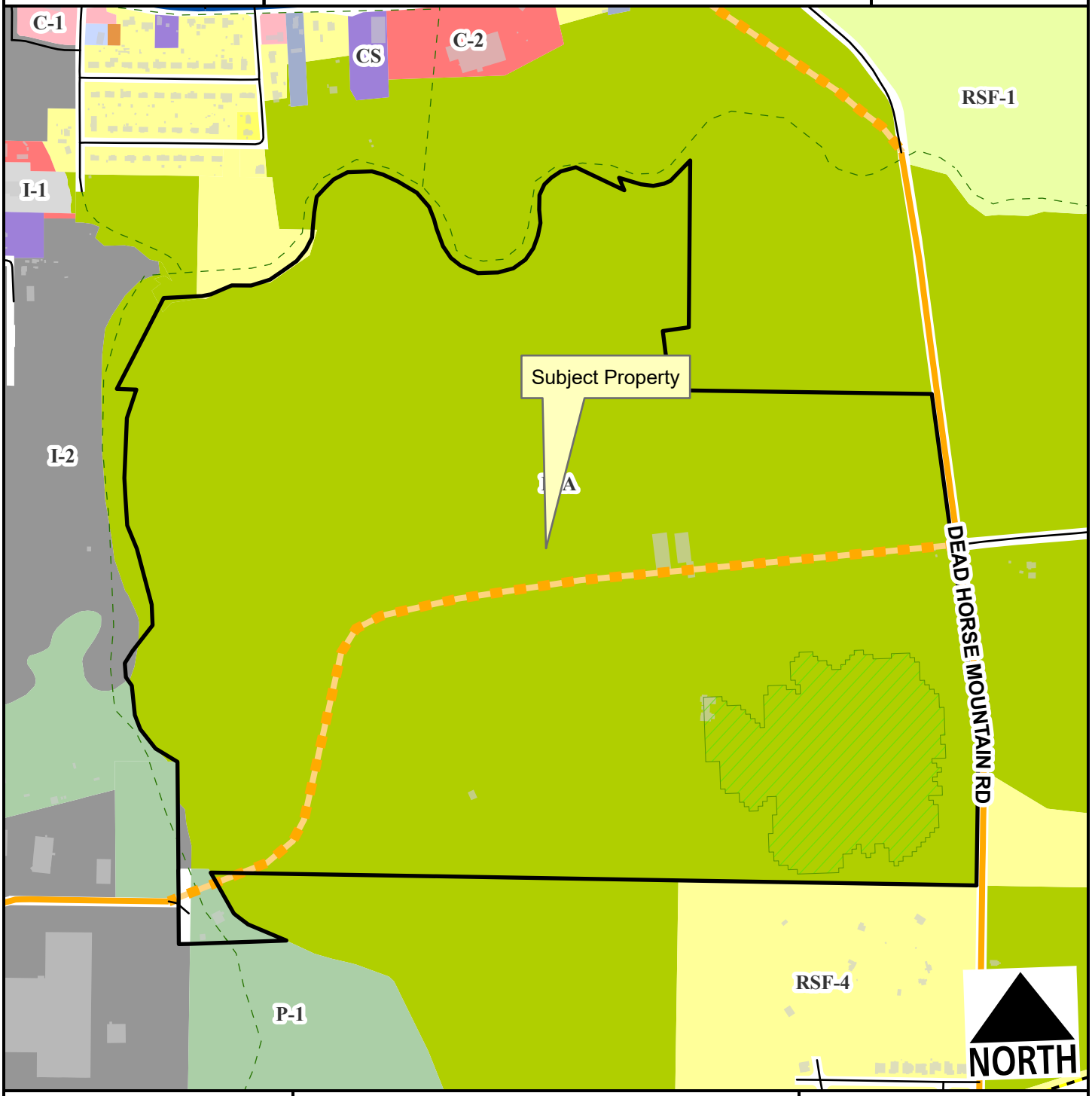
Neighborhood Link
Regional Link - High Activity
Unclassified
Residential Link
Planned Neighborhood Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



ADM-2025-0036

Close Up View

E. PUMP STATION RD & S. DEAD HORSE MTN RD



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

Feet

0 287.5 575 1,150 1,725 2,300

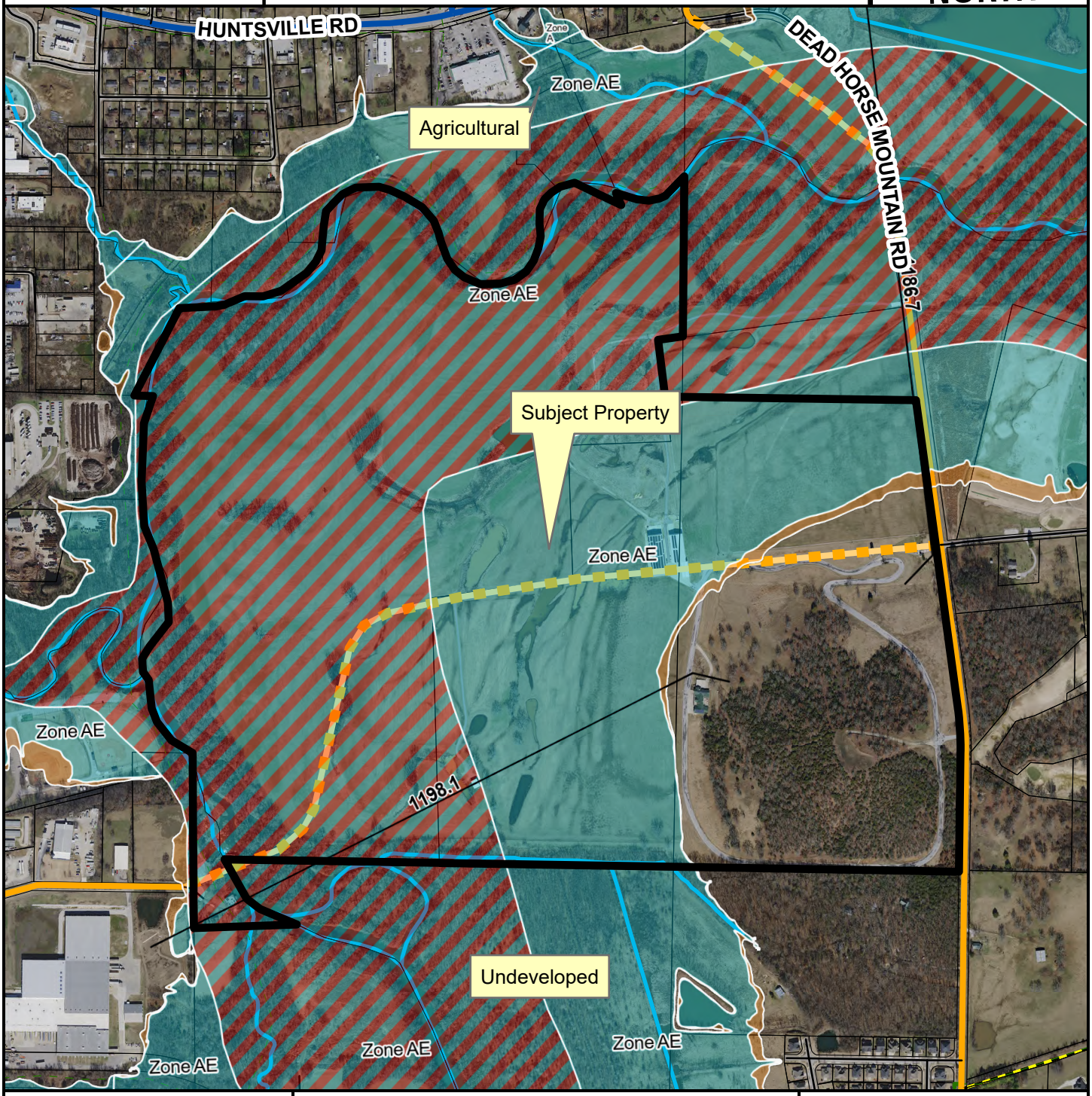
1:9,400

ADM-2025-0036

Current Land Use

E. PUMP STATION RD & S. DEAD HORSE MTN RD

NORTH



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

Feet

0 300 600 1,200 1,800 2,400

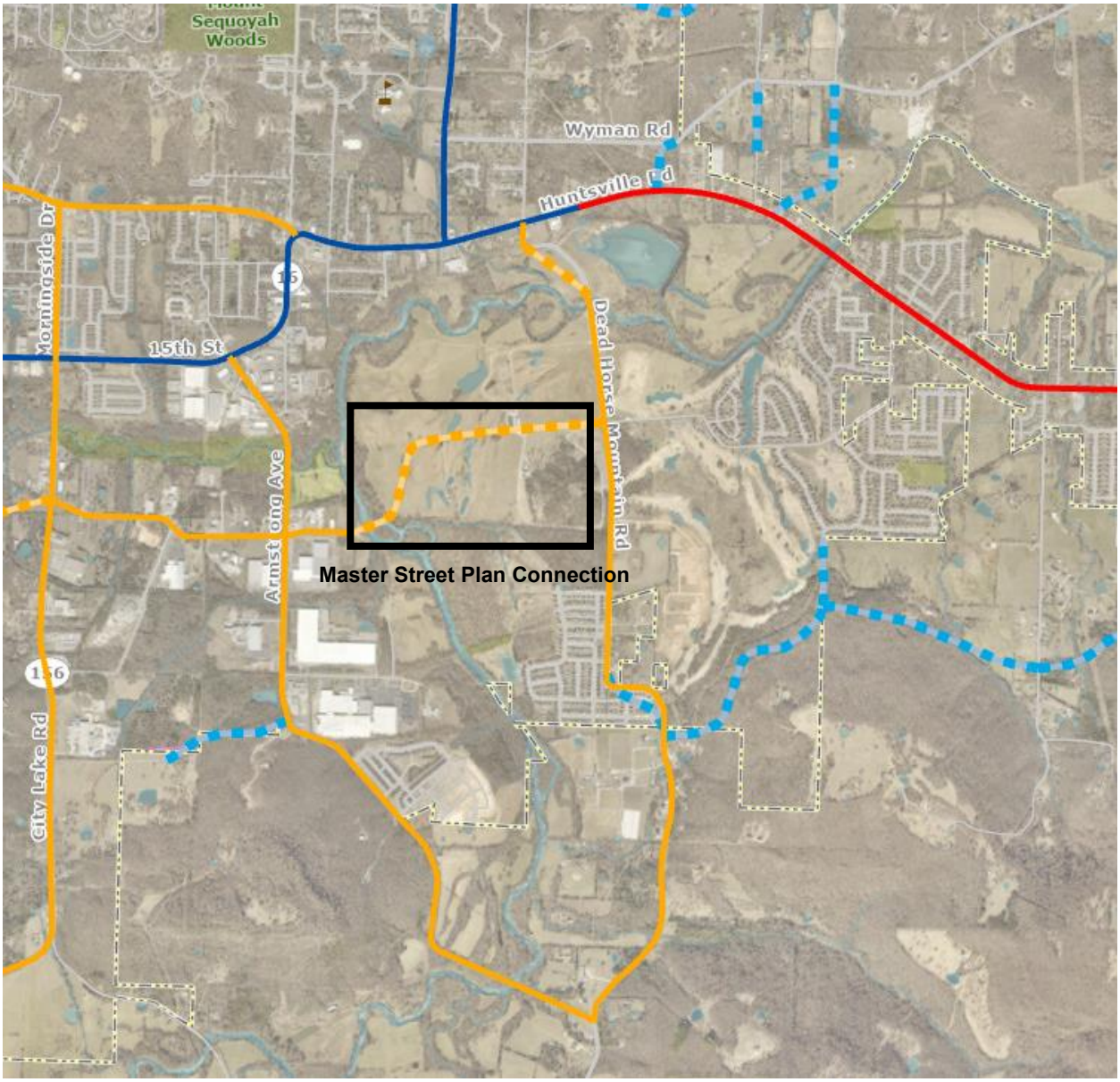
1:9,800

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Planning Commission and City Council,

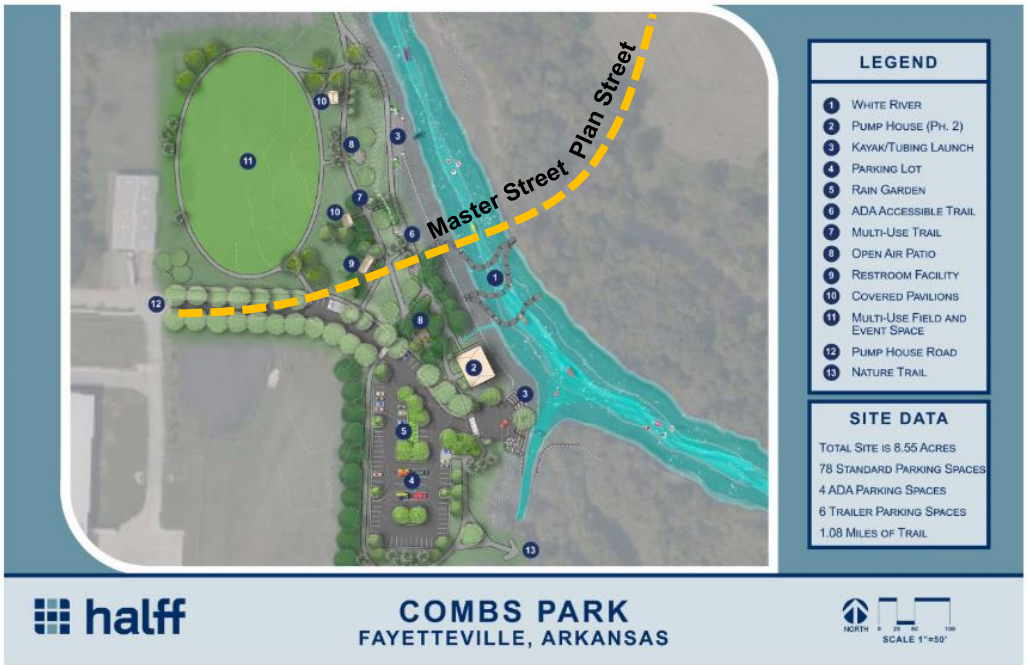
In association with the proposed improvements to Combs Park and the West Fork of the White River, staff requests an amendment to Fayetteville's Master Street Plan to remove a planned Neighborhood Link street. The planned street is located between the east end of Pump Station Road and the intersection of Goff Farm and Dead Horse Mountain Roads. Between these western and eastern points respectively, the connection is proposed to cross a portion of Combs Park, the West Fork of the White River, private property, and a portion of property held in three-party ownership between the City, the Watershed Resource Conservation Center, and Beaver Water District. Along this path, the planned street is aligned along a generally east-west path, with a north-south shift near the West Fork of the White River.



The reasons for staff's request are three-fold. First, since 2020 when the current Master Street Plan was adopted, a larger restoration of the West Fork of the White River has gained momentum. Among the early manifestations of this was a change in ownership of a large portion of the planned street's alignment to the Watershed Resource Conservation Center as a part of a three-party agreement with the City of Fayetteville and Beaver Water District. This land transaction is considered as a clear policy indicator that the property is intended to be conserved for preservation and restoration. A street extension through the area could adversely impact this objective through associated construction and future impacts from run-off. Further indication of the city's commitment to conserving the property came in the form of a 2024 grant award totaling $4,254,743 from the Environmental Protection Agency through the Climate Pollution Reduction Grant program.

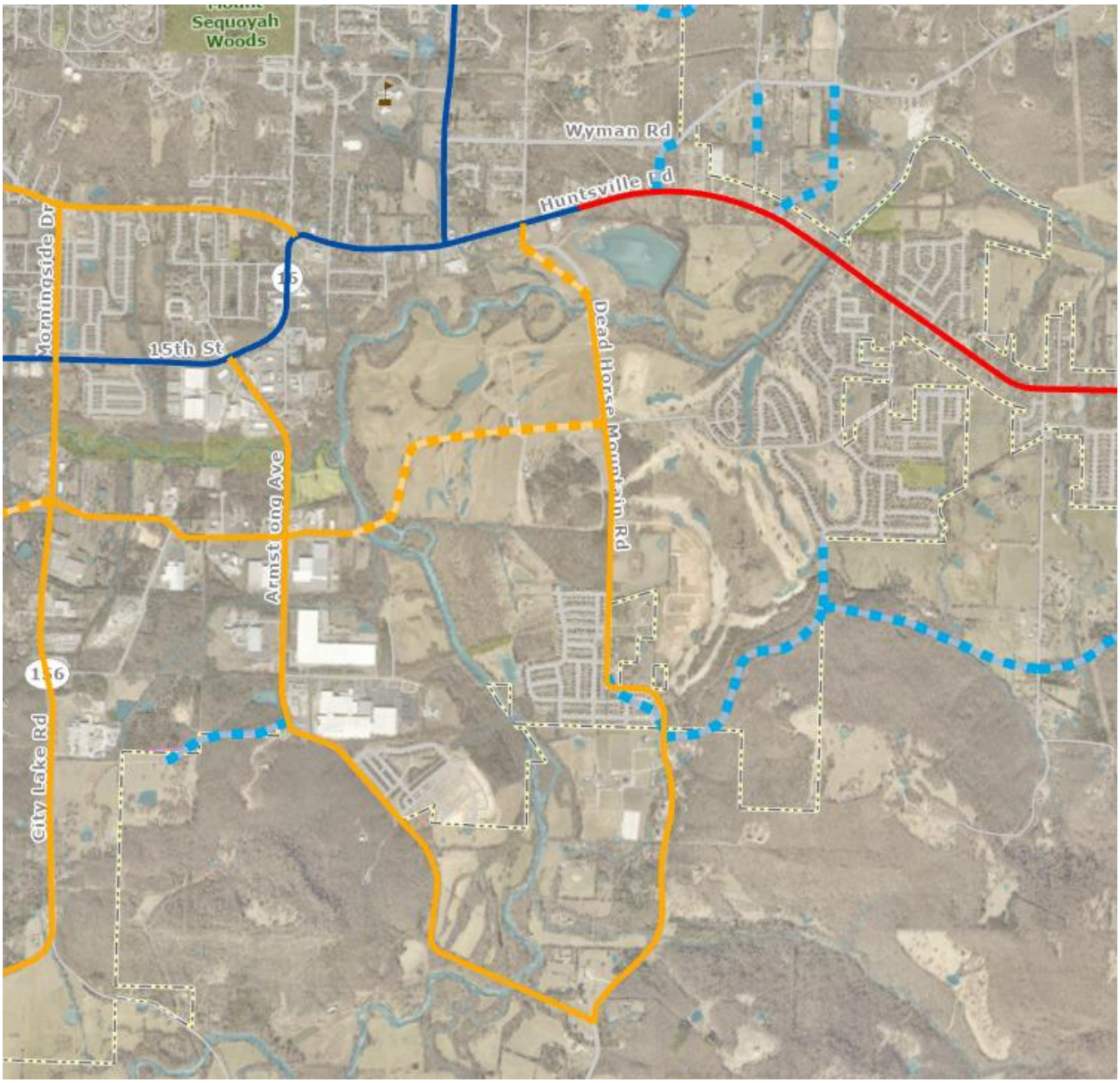
More recently, conceptual design work for Combs Park, located at the western end of the planned street (see below in orange), was finalized and approved by the Parks, Natural Resources, and Cultural Affairs Advisory Board. The plans include extensive river restoration and water recreation for residents. Extension of City Lake Road along any alignment in the area will negatively impact the ability to restore this section of the West Fork of the White River or program the property for its intended Parks use.

Lastly, there are issues of construction and funding feasibility in making the connection of City Lake Road to Goff Farm Road. As noted above, the planned alignment crosses the West Fork of the White River, including approximately 4,000 feet, or 75% of the planned street's length, in floodplain and floodway. While some degree of floodplain and the associated costs have been a consistent factor in the street connection's planning, the combination with the more recent public initiatives outlined above make financial and construction challenges less likely for prioritization in the public's interest.



Of note however, is the impact on area development potential that may occur by removing this connection. Southeast Fayetteville to the east and south of the West Fork of the White River lacks connectivity, with two river crossings in city limits: Dead Horse Mountain Road and Huntsville Road/Highway 16. The planned street that is the subject of this request represents the only potential crossing in approximately three and one-half miles of the West Fork of the White Rivers' course, between Huntsville Road to the northeast and Black Oak Road in unincorporated Washington County to the southwest. The Dead Horse Mountain Road crossing in-between is the subject of regular flooding concerns from residents in the area. Given the breadth of floodplain in the area, conservation priorities, and existing development, staff cannot identify a viable alternative for automotive connectivity, and therefore finds it pertinent to highlight the potential limitations for additional development south and east of Goff Farm and Dead Horse Roads implicit in removing this planned street. In-lieu of an automotive connection, the planned Saint Paul trail connection remains on the Active Transportation Plan, and staff recommends future completion of that river crossing consider reinforced construction that can, in the event of emergency, support the larger vehicles associated with medical, fire, and police response.

Thank you for the consideration of this request.


Sequoyah Woods
Wyman Rd
Huntsville Rd
Morningside Dr
15th St
Dead Horse Mountain Rd
Armstrong Ave
City Lake Rd

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Development Review Manager

FROM: Justin Bland, Engineering Development Review Manager

DATE: August 29, 2025

SUBJECT: **Planning Commission Engineering Comments for ADM-2025-0036**

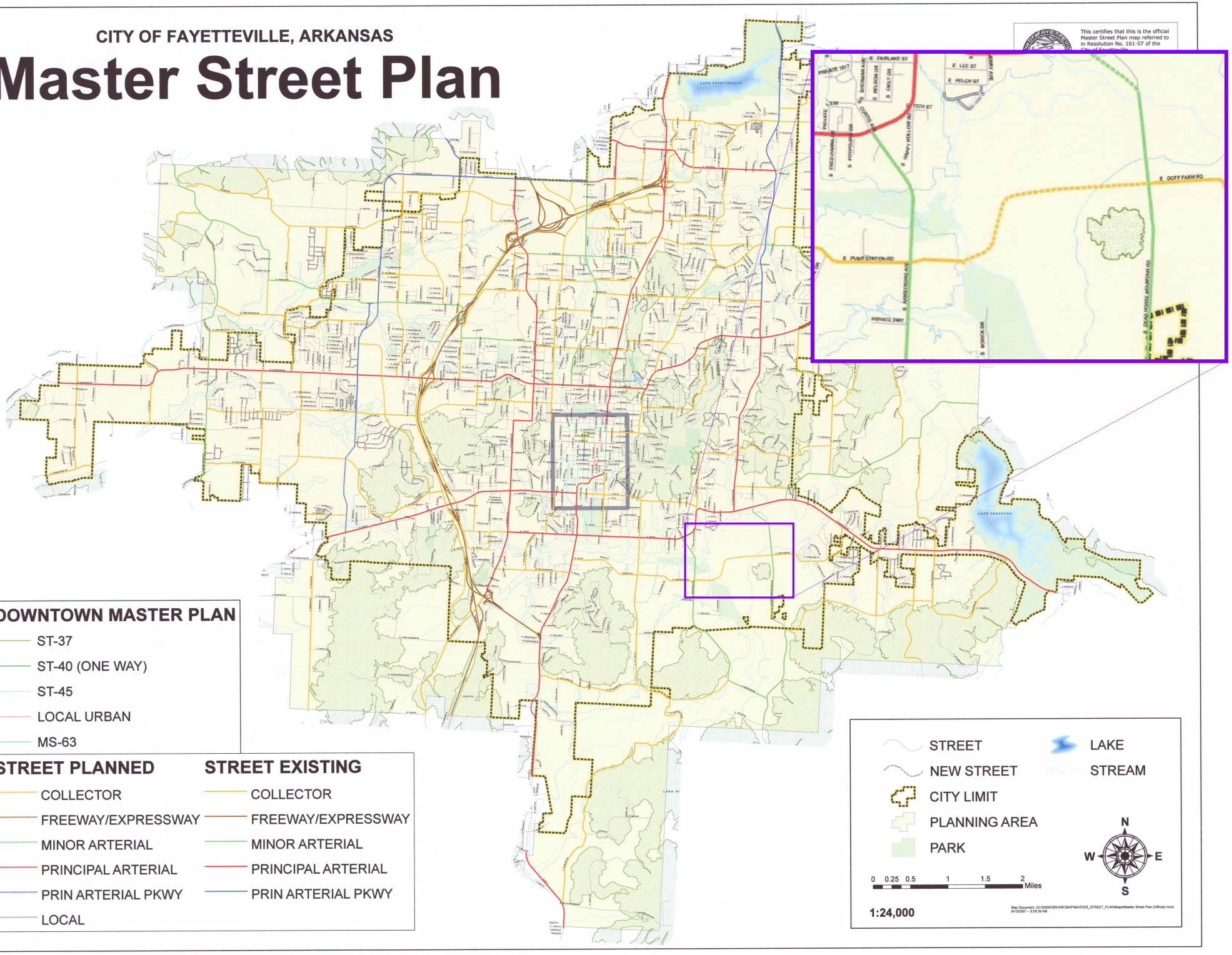
Engineering Staff is supportive of the request to remove a section of E. Pump Station Road from the Master Street Plan due to significant environmental, regulatory, and financial challenges associated with its design and construction. This section of roadway would face several hurdles for its design and construction, including:

- **River and Floodplain Crossing**: The route crosses a wide section of the protected West Fork of the White River including approximately 2,350 linear feet of floodway and an additional 1,800 linear feet of flood plain. A roadway design would have to adhere to the requirements of the City's Flood Damage Prevention Code in addition to any FEMA requirements.
- **Hydric Soils and Wetlands**: The alignment traverses approximately 4,100 linear feet of land with hydric soils, which may indicate the presence of regulated wetlands. The discovery of wetlands would necessitate additional permitting from the U.S. Army Corps of Engineers and would likely increase project complexity, cost, and localized environmental impacts.
- **Streamside Protection Area**: The road would cross approximately 700 linear foot of streamside protection area.
- **Conservation Impacts**: The project would impact land on the east side of the river that has been designated for conservation by the City and the property owner, the Watershed Conservation Resource Center.
- **Regulatory Permitting**: Additional permitting could be required by the Arkansas Department of Environmental Quality, the EPA, and other regulatory agencies.

A roadway design that addresses all these issues would likely be very expensive and difficult to construct. The proposed crossing is located at one of the widest sections of the floodplain, which is the primary basis for the Engineering Staff's recommendation. Ideally, any river crossing would be located at an area with a narrower floodplain to minimize these environmental and design challenges.

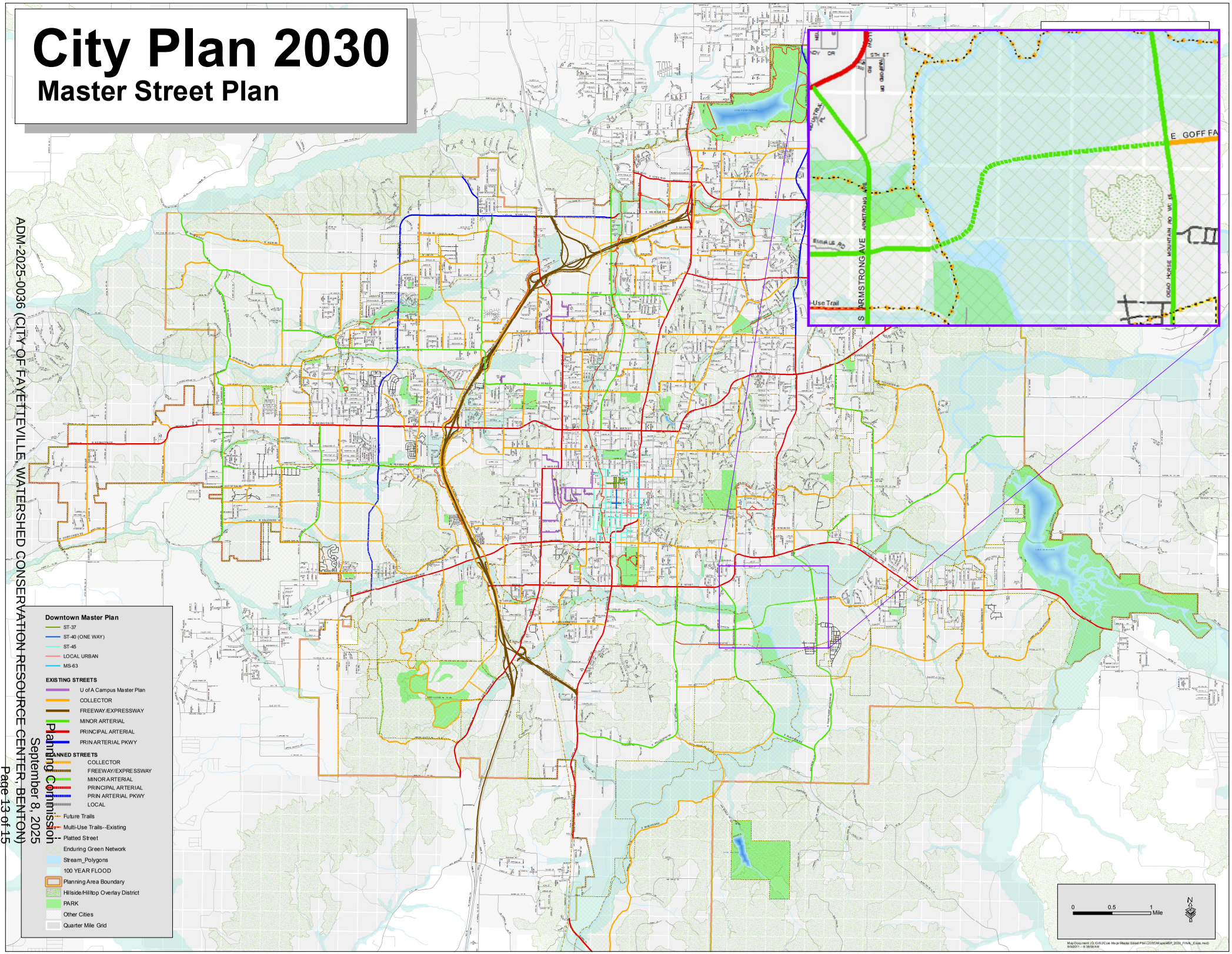
CITY OF FAYETTEVILLE, ARKANSAS

Master Street Plan



City Plan 2030

Master Street Plan



ADM-2025-0036 (CITY OF FAYETTEVILLE, WATERSHED CONSERVATION RESOURCE CENTER, BENTON)

Planning Commission
September 8, 2025

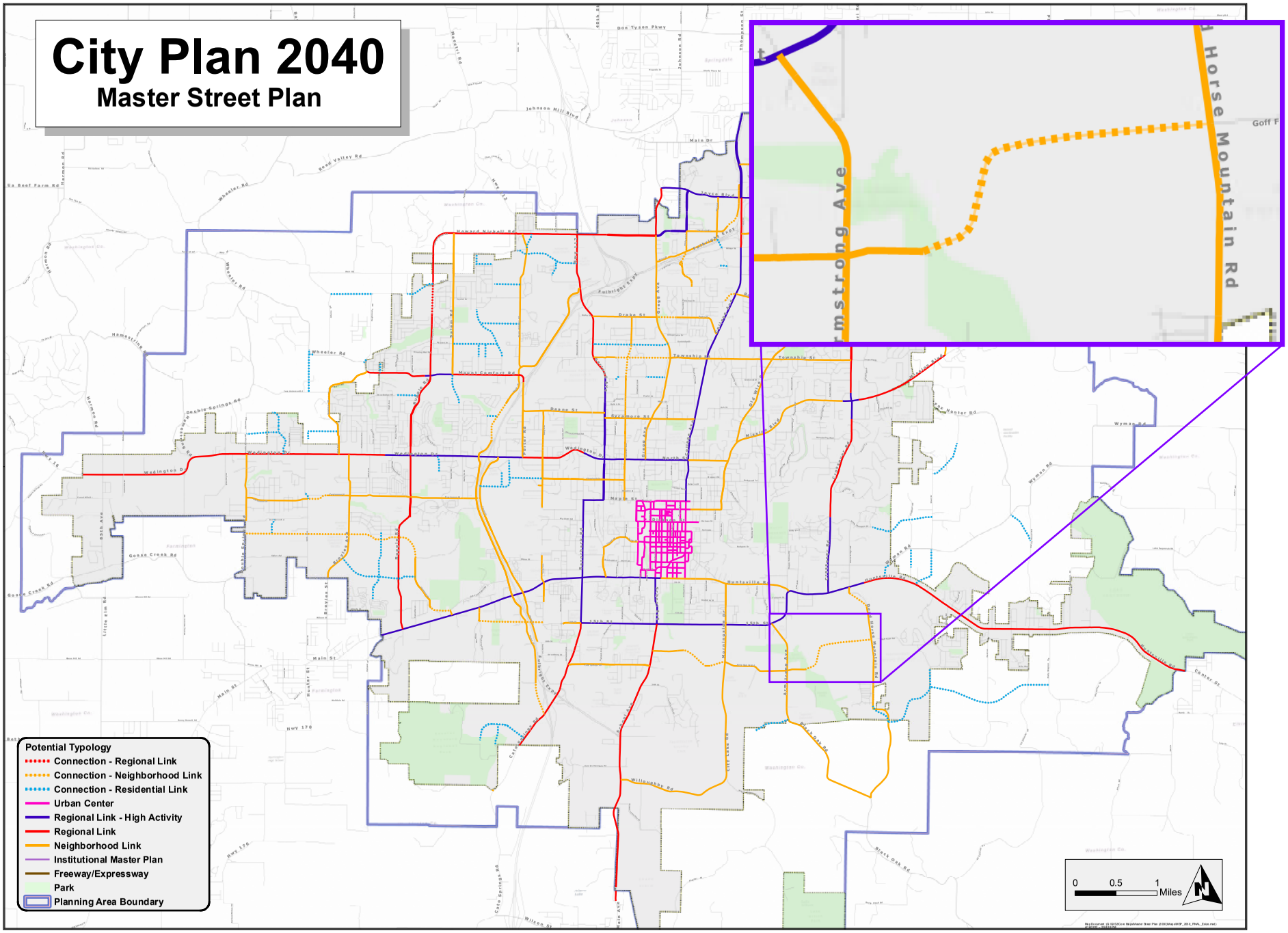
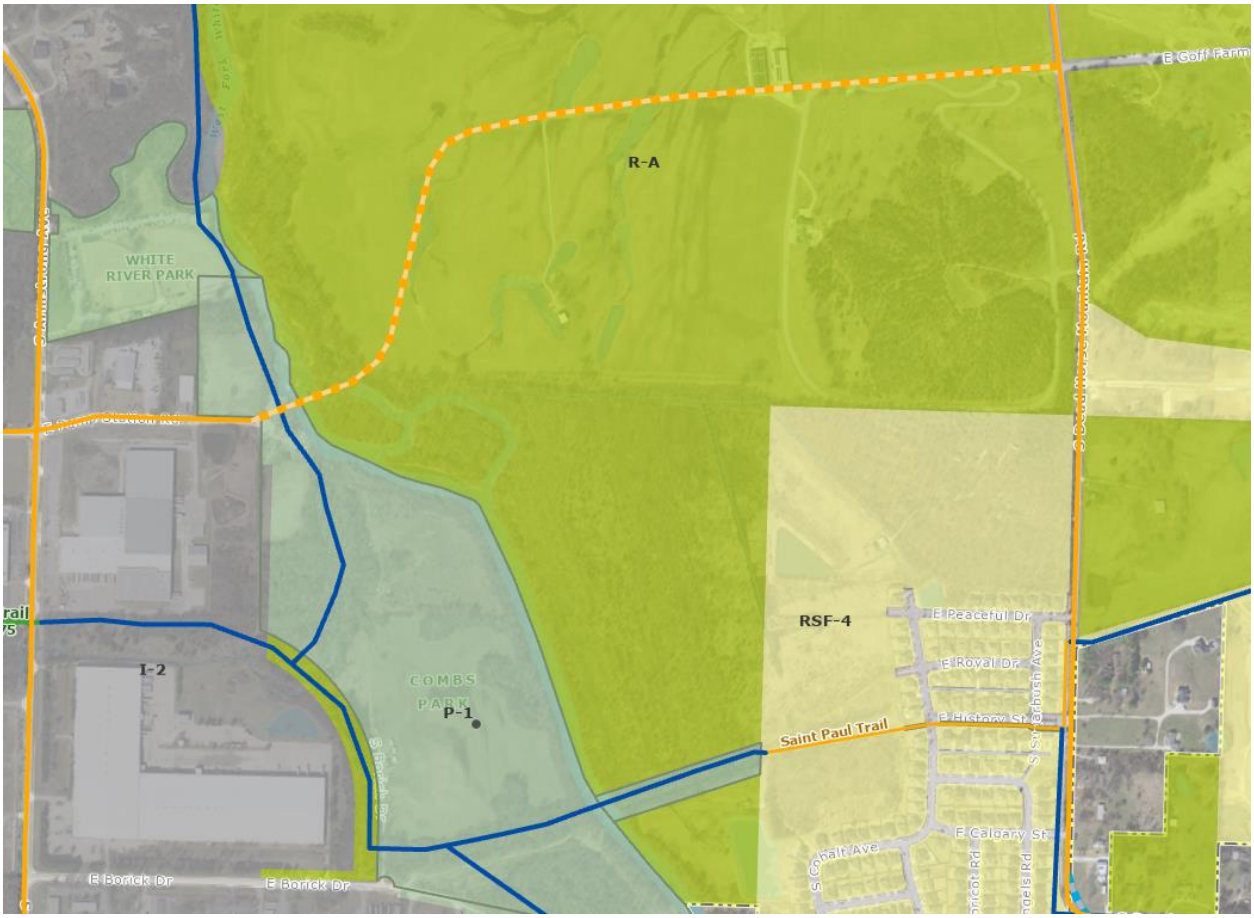


Figure 12.7 - Master Street Plan Map

SAINT PAUL TRAIL TO THE SOUTH



CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: September 8, 2025

SUBJECT: **RZN-2025-0029: Rezoning (5911 W. TACKETT DR./THOMAS, 436):** Submitted by JOYCE THOMAS for property located at 5911 W. TACKETT DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 5.33 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends denial of **RZN 2024-0029**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2024-0029**."*

AUGUST 25, 2025 PLANNING COMMISSION MEETING:
On August 25, 2025, the Planning Commission voted to table this item to the September 8, 2025 meeting. During this time, the applicant provided with staff more material about their intended use for the property.

AUGUST 11, 2025 PLANNING COMMISSION MEETING
On August 11, 2025, the Planning Commission voted to table this item to the August 25, 2025 meeting. This allowed the applicant more time to consider development opportunities.

BACKGROUND:
The subject property is in west Fayetteville, approximately 3/5th of a mile southwest of the intersection of W. Wedington Dr. and N. 54th Ave. The property is zoned R-A, Residential-Agricultural, and contains approximately 5.33 acres. It is currently developed with a single-family dwelling constructed in 1956, per Washington County records, with some outbuildings located throughout the site. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential/Undeveloped	R-A, Residential-Agriculture
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	R-A, Residential-Agriculture
West	Parkland	P-1, Institutional/ RSF-4, Residential Single-Family, Four Units per Acre

Request: The request is to rezone the subject property from R-A, Residential-Agricultural to RI-

U, Residential Intermediate-Urban.

Public Comment: Staff received two comments from residents who both were concerned of the potential increase in traffic and impact to the value of their property.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along N. Phoenix Road. N. Phoenix Road is a fully improved Residential Link Street with asphalt paving, sidewalk and curb and gutter. 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 2-inch water main is present along W. Tackett Drive but nothing else can be connected to it. Existing 8-inch water main along N. Phoenix Road.

Sewer: Sanitary sewer is available to the subject area. Existing 8-inch sewer main is present along N. Phoenix Road. Existing 6-inch sewer main is present along W. Tackett Drive.

Drainage: No portion of the subject property lies within the Hillside/Hilltop Overlay District. A portion of the subject property is within a FEMA-designated floodplain. A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This “protected area” is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Hydric soils are indicated to be present. 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 will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 285 linear feet downstream of this property.

Fire: Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 2.2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The current zoning district of R-A, Residential Agricultural, requires **25% minimum canopy preservation.** The proposed zoning district of RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation.**

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

Natural Areas consist of lands approximating or reverting to a wilderness conditions, including those with limited development potential due to topography, hydrology, vegetation or value as an environmental resource. These resources can include stream and wildlife corridors, as well as natural hubs and cores, many of which are identified in the generalized enduring green network. A Natural Area designation would encourage a development pattern that requires conservation and preservation, prevents degradation of these areas, and would utilize the principles of low impact development stormwater infrastructure for all developments. Natural Areas are prime candidates for conservation subdivision design and/or clustered development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **4** for this site with a weighted score of **4.** The following elements of the matrix contribute to the score:

- Near Sewer Main (2-inch main, W. Tackett Dr.; 8-inch main, N. Phoenix Rd.)
- Near Water Main (6-inch main, W. Tackett Dr.; 8-inch main, N. Phoenix Rd.)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (W. Wedington Dr. path trail)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the subject property would benefit from a rezoning, though the proposed rezoning from R-A to RI-U would negatively impact area. The subject property is adjacent to detached single-family development properties to the south, which would support this zoning district that promotes additional housing uses. Single-family dwellings to north and east are present; however, many of these properties zoned R-A are not complying to the zoning's lot width requirements as they are under the 200-foot required minimum. A rezoning of a property this size may bring development that is compliant to their zoning district which would benefit the area overall. However, the high-density allowances of RI-U on the subject property may be a detriment to the area. W. Tackett Drive, a roadway to the subject property, is significantly underdeveloped, requiring extensive improvements to meet the allowances of RI-U - no density maximum and small lot widths (18 feet) - which would impact neighboring properties.**

Staff recommends split zoning the property to adequately minimize impact to the area while still allowing for development. First, Staff recommends zoning the northern portion of the property that is engulfed by floodplain to CCR, Conservation, Cultural, and Recreation, to protect and enhance the floodplain while preventing development here. For the remaining portion of the property, Staff recommends rezoning to RI-12 as this would allow for the same use schedule of RI-U but with significantly less intensive density allowances - 12 units per acre and large lot widths (50 foot). Staff finds that the subject property is viable for rezoning, but the proposed RI-U would require extensive development in a small area, disproportionally impacting neighboring properties. Staff proposes considering split zoning the property with districts CCR and RI-12 to protect the floodplain, allow for development, and have less impact on the nearby properties.

Land Use Plan Analysis: **On the balance of considerations, Staff finds the proposed district to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. Staff finds that a rezoning to RI-U would support this designation as Residential Neighborhood Areas to provide a mix of residential uses of varying scale. However, the Future Land Use Map also designates a northern portion of the property to be Natural Area, which promotes conservation and preservation of the area. This designation discourages development; yet, this portion of the property is encumbered by the floodplain, which would prevent development here. The property has a relatively low infill score and is partially located within Tier 3, located 0.37 miles northwest of the property at the intersection of W. Wedington Drive and N. Double Springs Road. Staff finds that the requested rezoning could allow for the creation of missing middle housing and meets City Goals 1 (development), 3 (connected neighborhoods), and 6 (attainable housing).**

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 is incompatible with surrounding properties but is consistent with the City's future land use plans showing that a rezoning to a by-right residential zoning district is justified.**

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

Finding: **A rezoning from R-A to RI-U does have the potential to increase traffic danger and congestion due to an increase in density with only access to two streets. The size of the parcel at 5.33 acres is large, which would invite high density with the rezoning. W. Tackett Drive, a potential primary roadway to the subject property, is underdeveloped, which may not be able to adequately and safely handle a considerable increase in use. During the development review process, the potential impact of any development would be assessed and remedial development to offset the infrastructure impact will be deliberated here. Although the floodplain on the property would limit the density on the site, the proposed zoning district would still allow for a significant increase. The roadway may be able to adequately handle an increase in density outlined by the suggested RI-12 and CCR zoning districts more efficiently than the proposed RI-U.**

Additionally, no public transit is located near the site, which would result in residents resorting to personal vehicles that can be used only on two streets (N. Phoenix Road and W. Tackett Road). The property is located near a paved trail, but there is no direct connection to this. Staff finds that any new development on the site would be subject to the development review process and infrastructure evaluation that would be roughly proportional to the proposal.

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

Finding: **The proposed rezoning has the potential to alter the population density significantly since the proposed district has no density maximum. The suggested zoning districts CCR and RI-12 both have significantly less development allowances, which would limit significant growth. The property has access to public streets, water, and sewers. Any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends denial of **RZN-2025-0029.**

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.03 District R-A, Residential-Agricultural
  - § 161.12 District RI-U, Residential Intermediate – Urban
  - § 161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
  - § 161.38 District CCR, Conservation, Cultural, and Recreation
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

161.03 District R-A, Residential-Agricultural

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

(B) *Uses*.

(1) *Permitted Uses.*

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

(2) *Conditional Uses*.

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

(C) *Density.*

Units per acre	One-half (½)

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

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

(G) *Building area.* None.

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6710, §1, adopted November 21, 2023, determines that Ordinance 6427 (Sunset Clause) and Ord. No. 6625 (extending Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.11 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*

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

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

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

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

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

161.38 District CCR: Conservation, Cultural, and Recreation District

(A) *Purpose.* The Conservation, Cultural, and Recreation District is a designation requested by the owner of property that the City and the owner have determined beneficial and desirable to conserve, preserve, protect, or enhance natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of restoring such ecosystem services. Further, this district serves to permit certain limited uses and activities which are not detrimental to the land and consistent with these purposes.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right

(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

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) At least 80 percent of the parcel area shall be left undeveloped as green space.

(2) No more than 10 percent of the Conservation, Cultural, and Recreation zoned area may be dedicated to open space that also contains hard surface areas such as parking, paved trail, or other impervious ground cover.

(E) *Setback Requirements.*

(1) Minimum setback from the front property line shall be 20 feet.

(2) Minimum setbacks from all other property lines shall be 50 feet.

(3) A minimum setback of 50 feet shall be established parallel to all floodplain lines shown on currently adopted FIRM panels.

(4) A minimum setback of 100 feet shall be established parallel to the top of bank along all streams protected within the Streamside Protection Zones of §168.12.

(5) A minimum setback of 100 feet shall be established parallel to the edge of open bodies of water.

(F) *Height Requirements.*

Building Height Maximum	2 stories

(G) *Building area.* Maximum lot coverage shall be five percent of the zoned area.

(H) *Legal instrument for permanent protection.* Green space shall be protected in perpetuity by an easement deed or other binding legal instrument that is recorded with the rezoning at

the time of rezoning. The instrument shall be a permanent conservation easement or equivalent legal document such as:

(1) A permanent conservation easement conveyed to the City or a land trust or similar conservation oriented nonprofit organization with legal authority to accept such easements. The conservation organization must be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for conveyance to another nonprofit conservation organization or to the City in the event the originally designated organization becomes unable to fulfill its functions, or

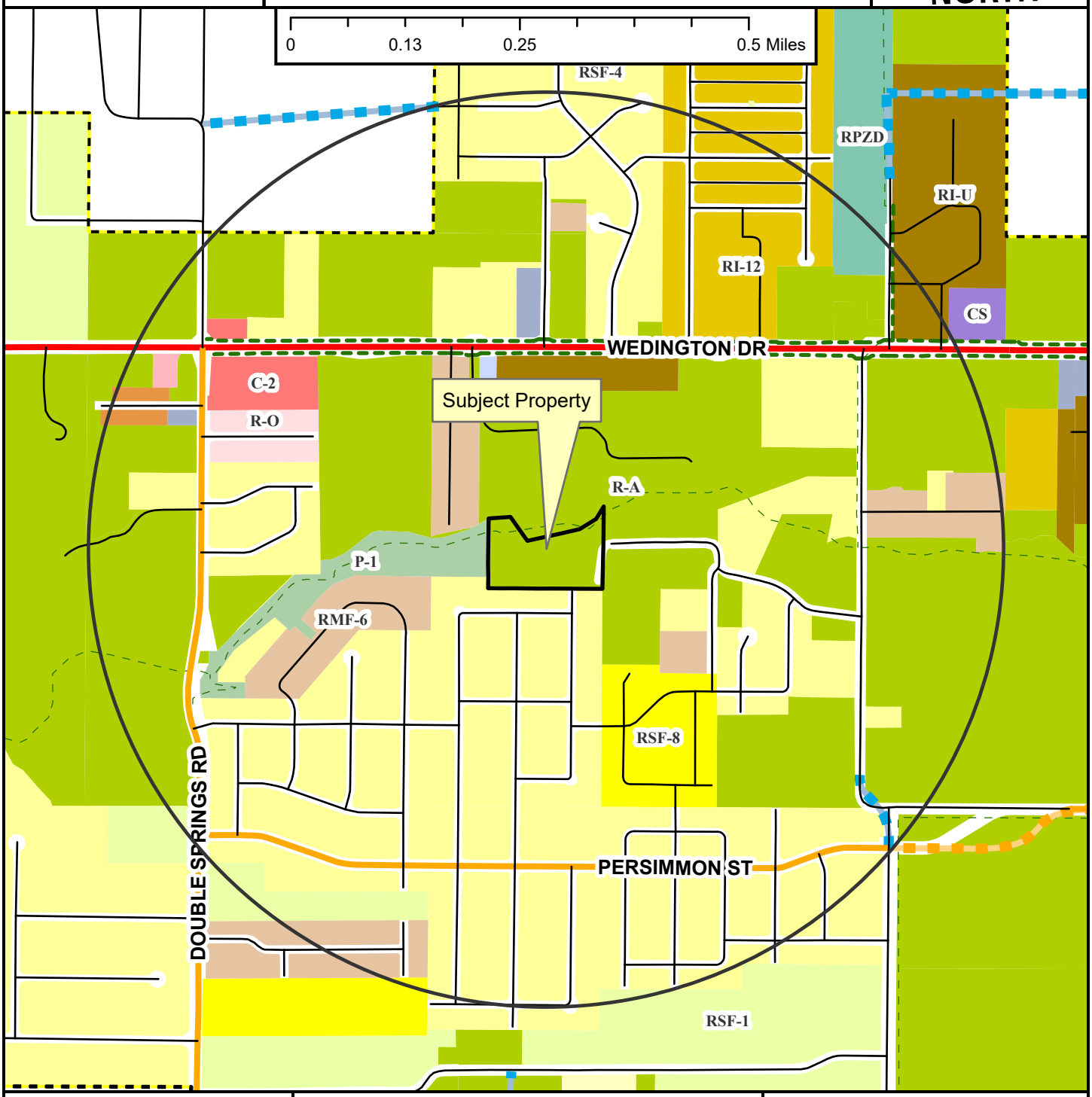
(2) An equivalent legal that provides permanent protection, if approved by the City.

RZN-2025-0029

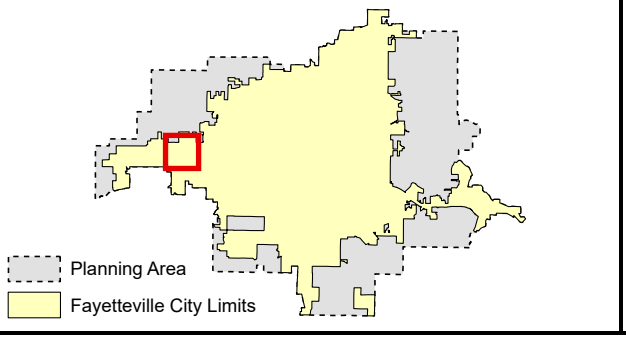
One Mile View

5911 W. TACKETT DR

NORTH



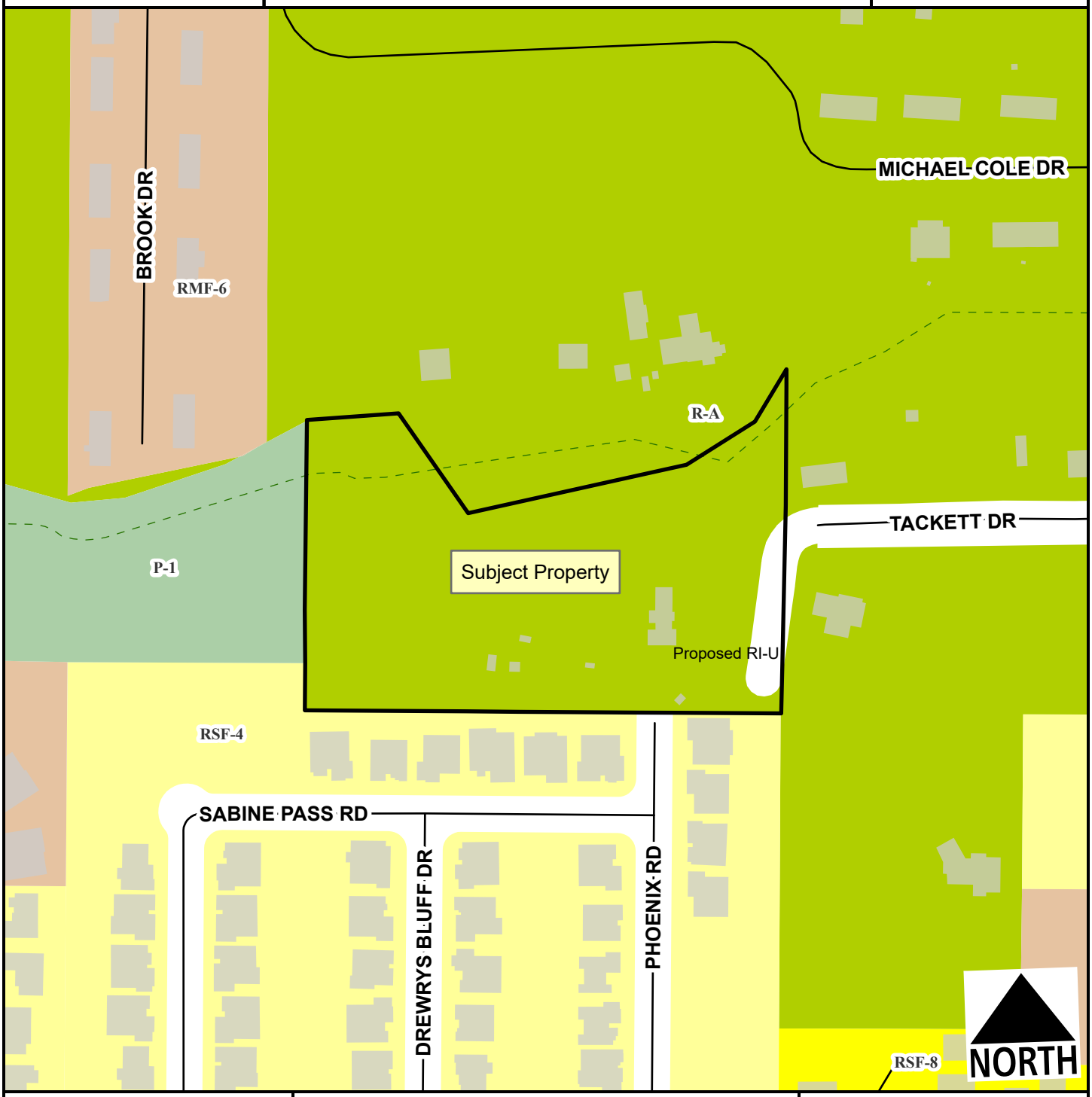
- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



RZN-2025-0029

Close Up View

5911 W. TACKETT DR



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

Feet
0 75 150 300 450 600
1:2,400

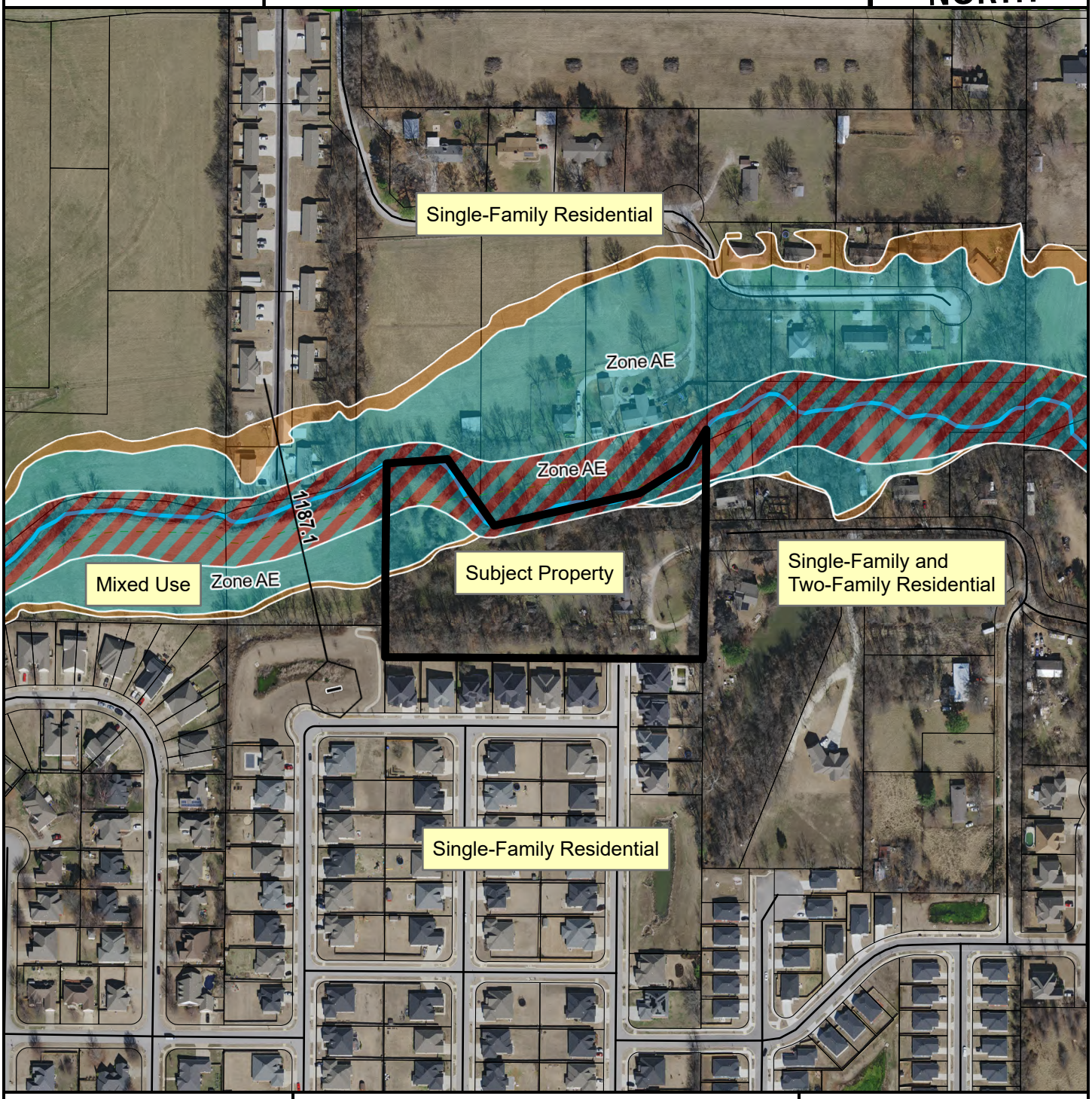
Zone	Current	Proposed
P-1	0.0	0.0
R-A	5.1	0.0
RI-U	0.0	5.3
Total	**5.3 ac**	

RZN-2025-0029

Current Land Use

5911 W. TACKETT DR

NORTH



Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

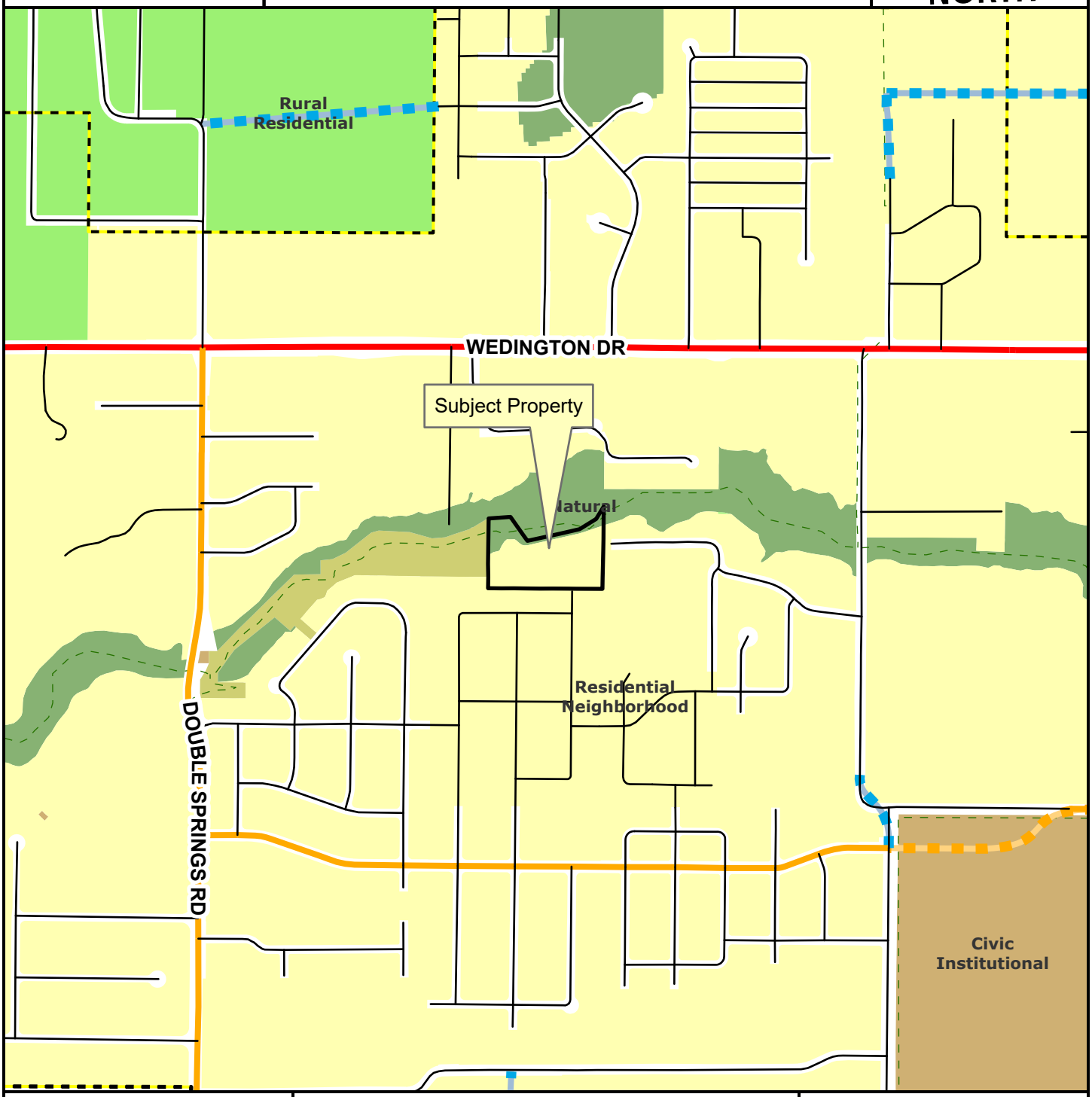
Floodway

RZN-2025-0029

Future Land Use

5911 W. TACKETT DR

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

Vick Enterprises, LLC
618 S Thompson St
Springdale, AR 72764
479-725-2566
vickenterprisesllc@gmail.com

June 25, 2025

Subject: Request for Rezoning - 5911 W Tackett Dr. Fayetteville, AR 72704.

To whom it may concern:

I am writing to formally request a rezoning of the property located at 5911 W Tackett Dr. Fayetteville, AR 72704, from its current designation of R-A (Residential-Agricultural) to RI-U (Residential Intermediate-Urban). The purpose of this rezoning is to facilitate the development of an affordable home subdivision.

Sincerely,

Victor Barrios

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director
Chris Brown, Public Works Director

FROM: Alan Pugh, Stormwater Manager

MEETING DATE: September 8, 2025

SUBJECT: **VAR-2025-0039: Planning Commission Variance (2800 N Gregg Ave/CITY OF FAYETTEVILLE, 250):** Submitted by CITY OF FAYETTEVILLE for property located at 2800 N. GREGG AVE. The property is zoned P-1, INSTITUTIONAL and contains approximately 0.64 acres. The request is for a variance to the flood damage prevention code.

RECOMMENDATION:
Staff recommends approval of **VAR-2025-0039**, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0039** with conditions, determining:*

- *The engineering analysis provided indicates the improvements will not increase the base flood elevation and marginally increase the channel velocity around the bridge crossing; and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located on the east side of N. Gregg Ave. near the intersection of N. Gregg Ave. and W. Drake St. Scull Creek flows generally south to north through the property with an existing low water crossing located within Gordon Long Park. The applicant proposed a total of two crossings, one crossing on Scull Creek and one crossing on Tributary 2 to Scull Creek. The property is located largely within Zone AE, base flood elevation determined, according to FEMA Flood Insurance Rate Map Panel 051430206G dated January 25, 2024. Both creeks are on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	RI-12, RMF-24 and P-1 (see attached project maps)
South	Residential	
East	Residential	
West	Residential	

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

DISCUSSION:
The applicant desires to construct a pedestrian bridge crossing Scull Creek within Gordon Long Park and a second crossing east of the Park across Scull Creek Tributary 2. These crossings would connect Scull Creek Trail with a new trail being constructed along W Drake St east of Gordon Long Park. The applicant has researched several bridge cross sections to determine which would have the least amount of impact to the floodplain. The current configuration includes an approximately 40' span 4' in height over Scull Creek and a similar structure over Sull Creek Tributary 2. They are both designed to overtop similarly to previous trail bridges that were constructed on Hamestring Creek, and signage will be included warning the public not to utilize the crossing when under water. The crossing of Scull Creek will be in the same location as the previously mentioned low water crossing. The crossing of Scull Creek Tributary 2 will be located just downstream of an earthen dam owned and operated by the Greens at Lakeside Villate.

The analysis of the bridges shows that they will not impact the base flood elevations in the area, however, they will increase the velocity in and around the crossings as shown on the attached request letter. The crossing of Scull Creek will create a slight increase in velocity on the upstream side of the bridge; however, it will generally continue to be just below what is considered erosive. Some localized armoring may be included to mitigate this increase around the bridge if issues are anticipated or uncovered in the future. The crossing of Scull Creek Tributary 2 will create a larger increase just downstream of the proposed crossing. This appears to be, in part, due to a large drop off that exists just downstream of the bridge which may be skewing the results. Again, some localized armoring can be included within the project to armor this area and protect it from further erosion.

As stated previously, several different options for crossings were considered. The option presented created the least impact to the floodplain and surrounding areas while meeting the requirements of no increase in base flood elevation. Like the trail bridges on Hamestring Creek that were approved in the recent past, it is common for crossing that overtop to have an impact on channel velocity. Given the need for the crossing, extent of the analysis with options considered and the limited impact to velocity staff is in support of the request.

RECOMMENDATION: Staff recommends approval of **VAR-2025-0039** with the following conditions of approval:

<u>Conditions of Approval</u>:

1. The applicant will obtain all necessary permits prior to the construction of the improvements including, but not limited to, a floodplain development permit or floodplain review associated with a building permit.

2. Existing low water crossing will be abandoned and no longer utilized.

3. No additional encroachments within the floodplain would be allowed without a modification to the flood study being performed.

4. Applicant shall abide by all other conditions of Chapter 168 with regard to both floodplain and streamside provisions.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

Section 156.03 Development Variances

Certain variances of the development regulations may be applied for as follows:

(C) Consideration by the Planning Commission

(7) Flood Damage Prevention Code. The Planning Commission shall hear and decide requests for variances from the requirement of this ordinance.

(a) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance.

(b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this ordinance. Variances may only be issued for such repair, or rehabilitation if strict enforcement of the ordinance would preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in §168.05(B)(4) have been fully considered. As the lot size increases beyond half acre, the technical justification required for issuing the variance increases.

(d) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(f) Floodplain variances shall only be issued if:

> (i) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;

As stated, the applicant has explored many options to limit the impact to the floodplain with the proposed crossing. The option presented was found to have the least amount of impact of the analyzed options.

(ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

Given the number of options considered to complete the trail in this location, the only option to create no impact may be elimination of the crossing. However, this may eliminate this trail connection entirely or significantly re-route the trail. The planning commission has the authority to determine if this would pose an exceptional hardship.

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with the other provisions of the Code of Fayetteville.

As shown in the flood study, no increase in flood flows or elevations are anticipated with some increases in velocity in and around the crossing. These are not anticipated to be in conflict with this variance requirement. Although the crossing is designed to overtop, signage will be included to warn the general public not to use the crossing when under water.

(g) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of §168.05(B)(4) are considered and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

These items were taken into consideration when outlining this memorandum and included conditions.

(h) Upon consideration of the factors in this section, and the purpose of this ordinance, the Planning Commission may impose conditions to the granting of floodplain variances as it deems necessary to further the purpose of this ordinance.

See staff recommended conditions listed above

(i) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation surcharge and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of the Washington County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

N/A to this project.

(9) *Streamside Protection Zones*

(a) *Undue hardship.* If the provisions of the Streamside Protection Ordinance are shown by the owner or developer to cause undue hardship as strictly applied to the owner or developer's property because of its unique characteristics, the Planning Commission may grant a variance on a permanent or temporary basis from such provision so that substantial justice may be done and the public interest protected, provided that the variance will not have the effect of nullifying the intent and purpose of the Streamside Protection regulations.

N/A to this project.

(b) *Consideration of alternative measures.* The applicant for the variance shall establish that a reasonable rezoning by the City Council or variance request from the Board of Adjustment will not sufficiently alleviate the claimed undue hardship caused by the Streamside Protection regulations.

N/A to this project.

(c) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to substantially secure the objectives and purpose for the regulations so varied and to mitigate any detrimental effects the variance may cause. The Planning Commission should consider the Streamside Protection Best Management Practices Manual and any mitigation recommendations from the City Engineer.

N/A to this project.

BUDGET/STAFF IMPACT:
None

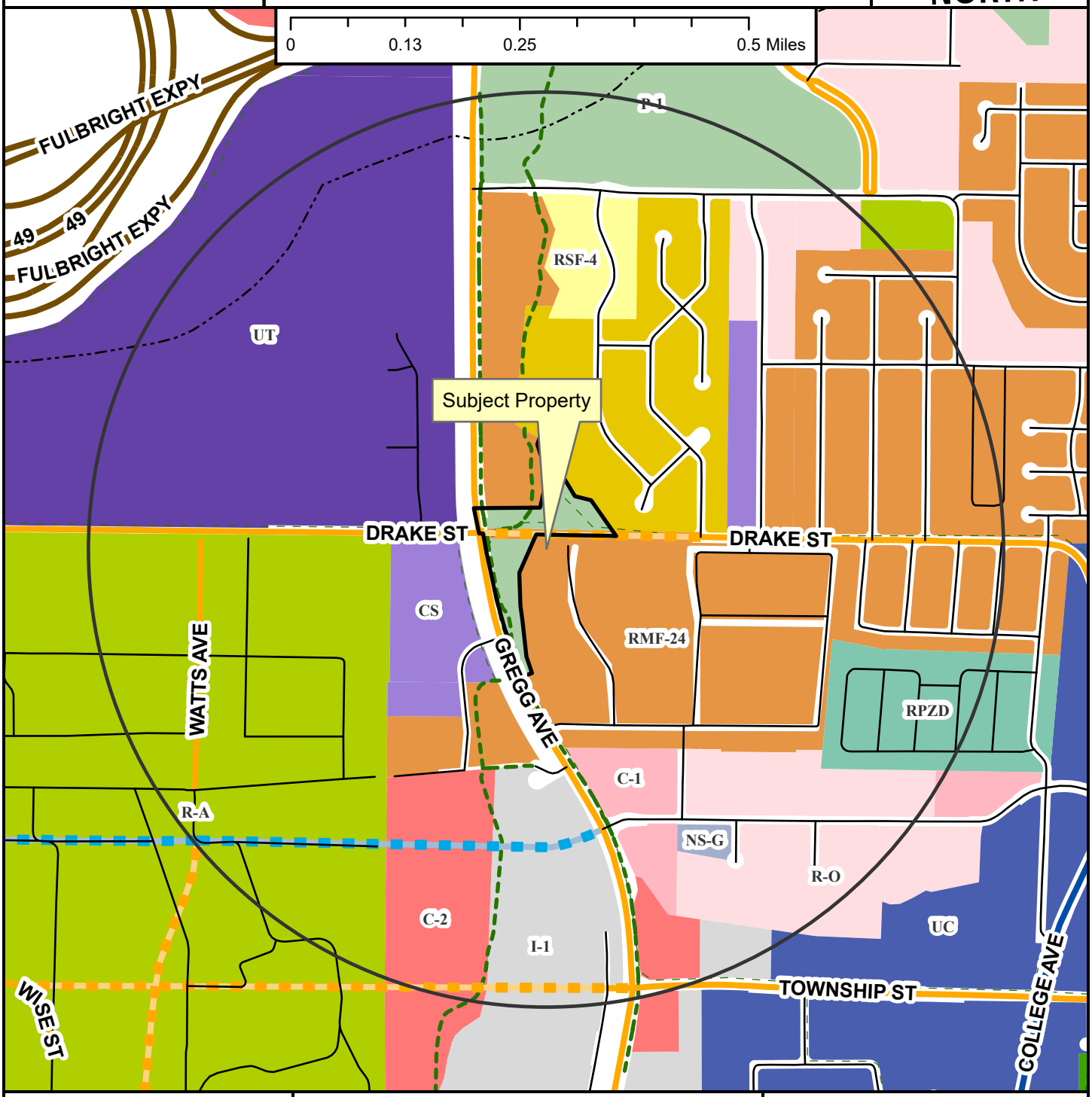
Attachments:
- One Mile Map
- Close Up Map
- Current Land Use Map
- Applicant Request Letter
- Trail Plans

VAR-2025-0039

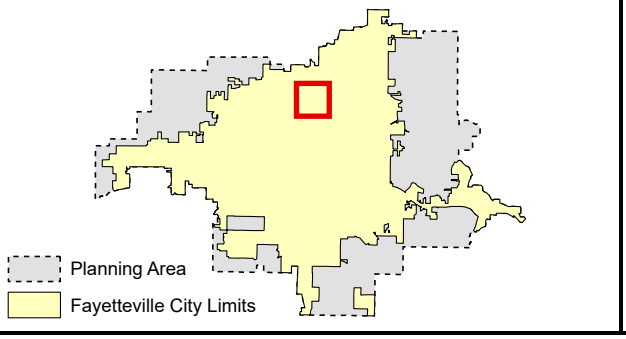
One Mile View

2800 N. GREGG AVE

NORTH



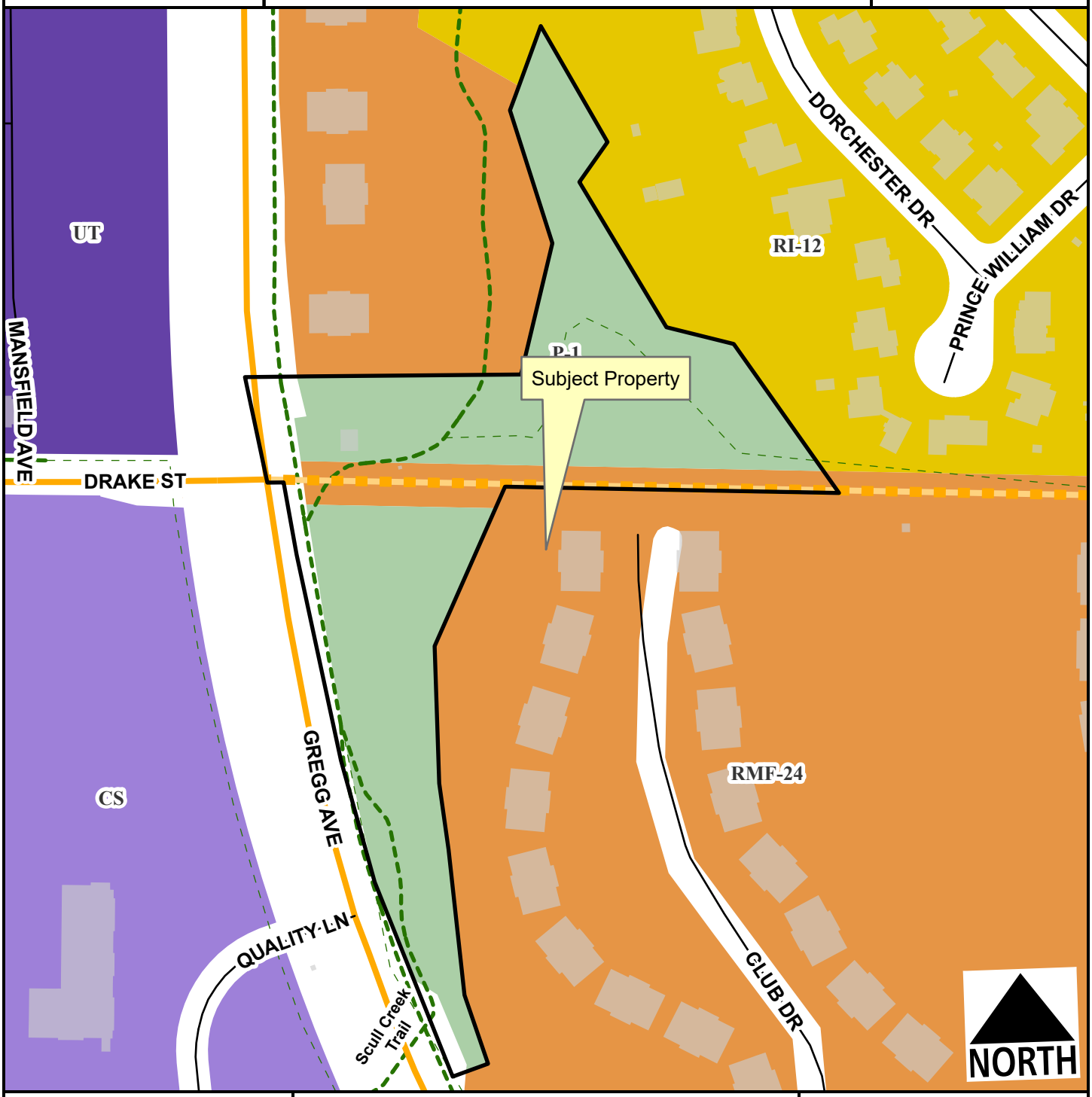
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAR-2025-0039

Close Up View

2800 N. GREGG AVE



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

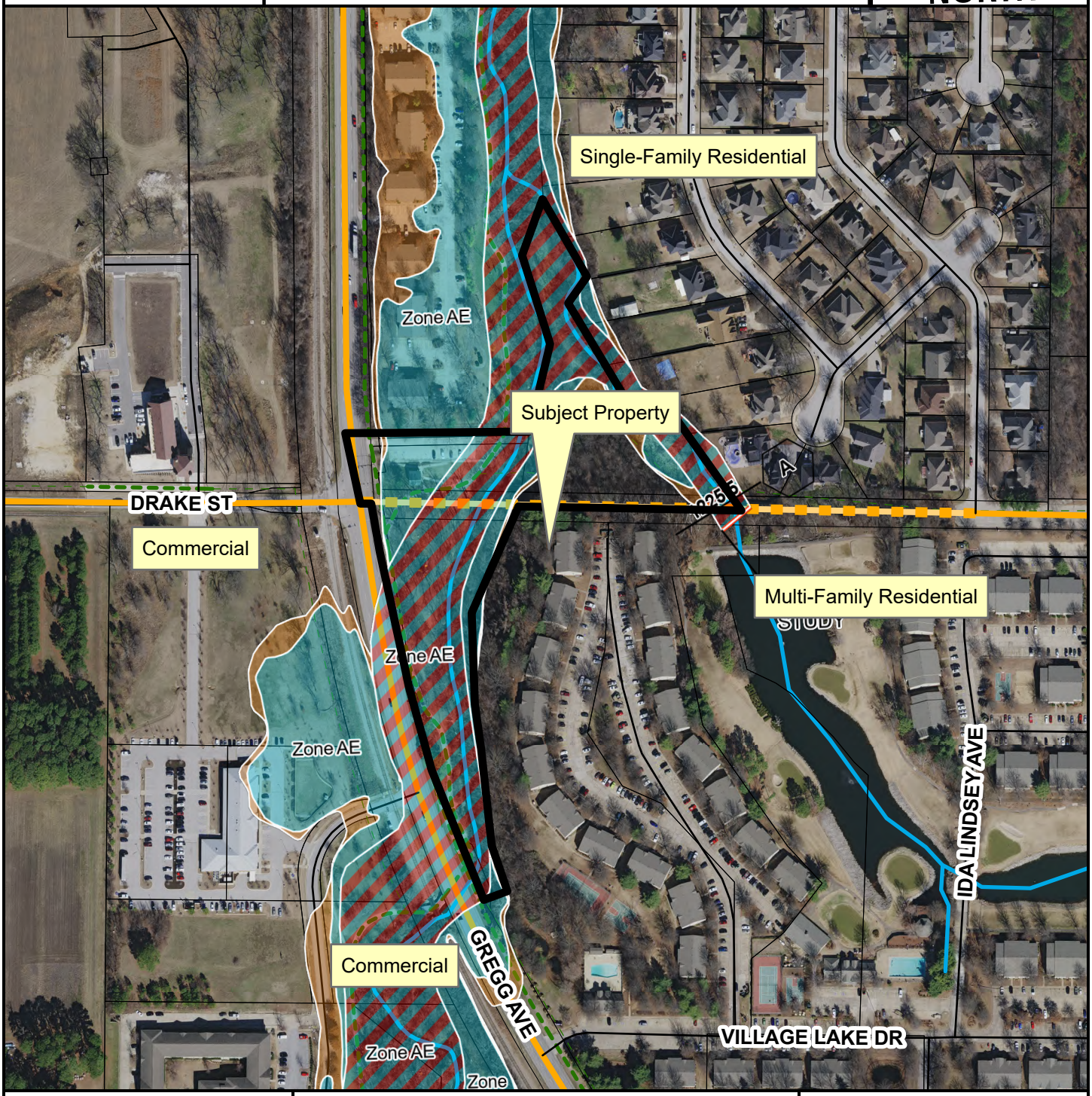
Feet
0 75 150 300 450 600
1:2,400

VAR-2025-0039

Current Land Use

2800 N. GREGG AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

Crafton Tull

300 N College Ave., Suite 317
Fayetteville, AR 72701

479.636.4838 (ph)
479.631.6224 (fax)

August 27, 2025

City of Fayetteville Planning Commission
Fayetteville, AR

Re: Drake Street Trail
Fayetteville, AR
CTA No. 23110100

Fayetteville Planning Commission:

We are respectfully submitting a variance application for the Drake Street Trail project for the channel velocity requirements of Sec. 168.10 (U) (1) of the City of Fayetteville Unified Development Code, which states:

(U) Any new construction, addition or other development may be approved in a special flood hazard area only if:

(1) The applicant has provided a detailed hydrologic and hydraulic study performed by a professional engineer licensed in the state of Arkansas which delineates the floodway, 1% annual chance (100-year) floodplain boundary, and base flood elevations and demonstrates through a hydrologic and hydraulic analysis, that the development will not increase flood flows (0.0 cubic feet per second), flood heights (0.00 feet) or flood channel velocities (0.0 feet per second) on the subject property or any property upstream or downstream.

A detailed study has been conducted by Crafton Tull for the pedestrian bridges included in the Drake Street Trail project. As shown in the table below for the 100-year event, for most of the study's analyzed length the flood elevations and velocities are equal to or decreasing in comparison with pre-construction conditions. However, along the existing channels there are localized increases in four areas. Cross sections 7362 and 7360, located 50 feet upstream of the proposed pedestrian bridge adjacent to Gordon Long Park and immediately downstream of the bridge, respectively, has an increase in the flow velocities. Cross Sections 1001, 1000 and 999 on the Scull Creek tributary, located immediately upstream of the trail bridge, 75 feet and 215 feet downstream of the trail bridge, respectively, see increases to the velocity as a result of the project. See the table on the following page for the hydraulic modeling results.

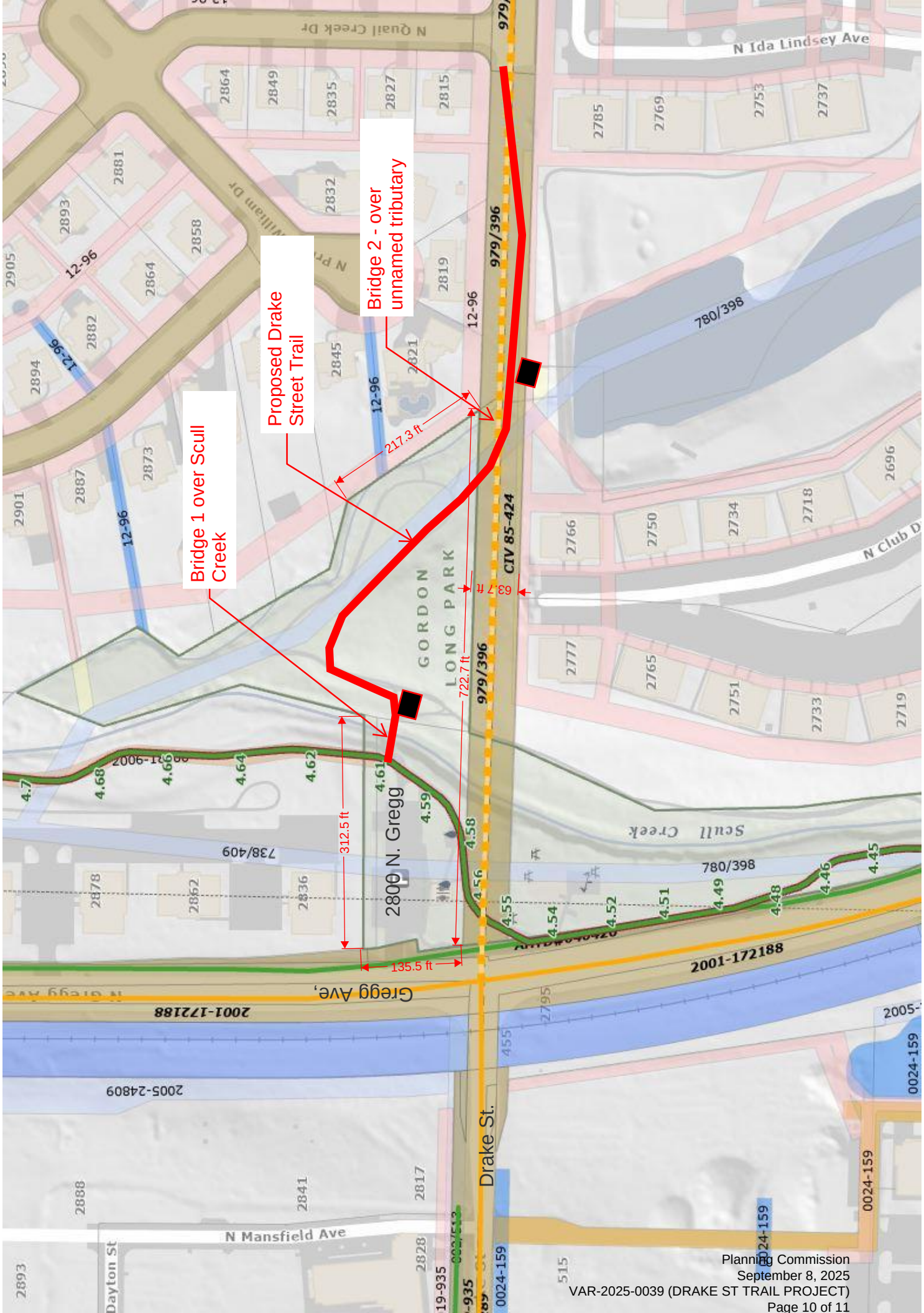
The design of the pedestrian bridges are constrained by the existing conditions such that no feasible alternative is available to remedy these increases. The Scull Creek bridge adjacent to Gordon Long Park is restricted by the need to connect to the existing greenway. The tributary bridge is restricted by hillsides to the west, east, and south with wetlands to the north.

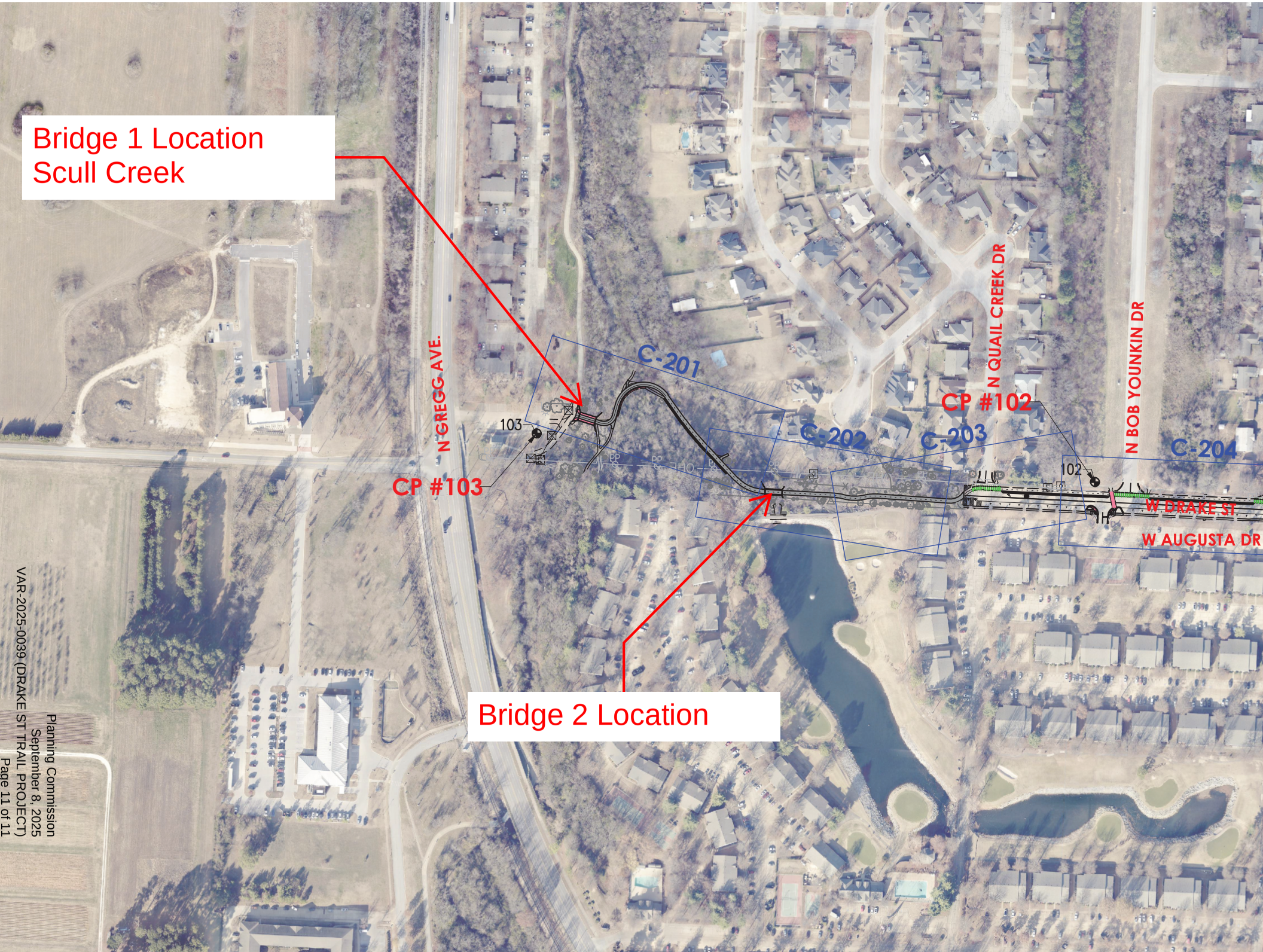
Should you have any questions, please feel free to call us.

Sincerely,

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 23707
FAITH R. WILKERSON

Faith Wilkerson, P.E.
Project Engineer


Bridge 1 over Scull Creek
Proposed Drake Street Trail
Bridge 2 - over unnamed tributary
217.3 ft
63.7 ft
722.7 ft
312.5 ft
135.5 ft
GORDON LONG PARK
2800 N. Gregg
Gregg Ave.
Drake St.
Scull Creek
N Quail Creek Dr
N Ida Lindsey Ave
N Mansfield Ave
N Club D
Dayton St
CIV 85-424
979/396
780/398
738/409
2001-172188
2005-24809
0024-159
12-96


Bridge 1 Location
Scull Creek
N GREGG AVE.
C-201
103
CP #103
C-202
C-203
CP #102
N QUAIL CREEK DR
N BOB YOUNKIN DR
C-204
102
W DRAKE ST
W AUGUSTA DR
Bridge 2 Location

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: September 8, 2025

SUBJECT: **CUP-2025-0039: Conditional Use Permit (71 W. COLT SQUARE DR./BIG PAWS OF THE OZARKS, 328):** Submitted by KAYLA MAYES for property located at 71 W. COLT SQUARE DR. The property is zoned UC, URBAN CORRIDOR and contains approximately 0.78 acres. The request is for an animal training facility.

RECOMMENDATION:
Staff recommends approval of **CUP-2025-0039** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0039**, determining:*

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

BACKGROUND:
The subject property is located on the central Fayetteville in the Colt Square commercial area. The property contains one parcel totaling 0.78 acres which is zoned UC, Urban Corridor and is developed with a commercial structure that was developed in 1989. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Commercial	UC, Urban Corridor
South	Commercial	UC, Urban Corridor
East	Commercial	UC, Urban Corridor
West	Public Utility (electrical)	I-1, Heavy Commercial and Light Industrial

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

Proposal: The applicant requests a conditional use permit approval for Use Unit 43: Animal Boarding and Training, which is a conditional use in UC zoning. The applicant intends to conduct an animal training business at this location.

The applicant has described the business as follows:

- *Size of business:* *3,000-square-foot tent*
- *Number of employees:* *4*
- *Number of customers:* *Approximately 20 per day*

- *Off-street parking:* *Approximately 10 spaces*
- *Hours of operation:* *8:00 a.m. to 6:00 p.m. Monday through Friday*

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0039** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds that the proposed use is compatible based on the findings contained herein;*

2. This conditional use permit is limited to the animal training facility as outlined in the applicant's request letter. The following specifications apply:

    - Hours of operation: 8:00 AM – 6:00 PM, Monday – Friday
    - Number of employees: 4
    - Parking: 10 spaces in existing parking lot

3. Approval of this conditional use permit does not ensure approval of any required variances.

4. Animals at this location outside of the hours of operation shall remain indoors of the building.

5. Trash collection shall be coordinated with the City's Trash and Recycling Division.

6. Signs shall be limited to those permitted by UDC § 174 – Signs. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation.

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

PLANNING COMMISSION ACTION: Required YES

Date: September 8, 2025 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. **Authority; Conditions.** The Planning Commission shall:

1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,

3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or

4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting conditional use approval for a dog training facility (Use Unit 43) at 71 W. Colt Square Drive in UC zoning.**

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

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

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

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

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

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

Finding: **Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest due to existing factors. Use unit 43 is a conditional use due to the increased likelihood of noise and aesthetic impacts to nearby properties. Factors exist that limit those negative impacts: an existing 6-foot fence enclosure in the rear of the building; properties with large lot widths allowing for sufficient separation; the subject property is located in a heavy industrial, lightly trafficked commercial area; the residential development to the south is nearly 400 feet away, further**

reducing any impact. Additionally, the business does not intend to board animals at the location overnight, eliminating off-hour impact.

(c.) The Planning Commission shall certify:

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

Finding: **No specific rules apply to the request for Use Unity 43: Animal boarding and training.**

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

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

Finding: **The applicant has indicated that there would be no development on the site that would alter automotive or pedestrian access or safety as well as traffic. No substantial increase in traffic is anticipated. At this time, Staff does not recommend any improvements to access on this site.**

No sidewalk has been developed along W. Colt Square Drive at this property, which is not in compliance to the respective Master Street Plan requirement for a Residential Link Street. Given the size of the lot and the applied for use on this property, Staff does not recommend development of this sidewalk. Should the property be developed in the future, adherence to this requirement may be triggered.

(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: **Staff does not anticipate any economic, noise, flare, or odor effects on adjoining properties. The proposed use will be conducted indoors or in the enclosed fenced area in the rear, all of which would be managed to limit spillover effects. The parking area is paved accessing W. Colt Square Drive through a driveway. The applicant has not proposed development of the parking lot, which can allow for 10 parking spaces. The anticipated impact effect to nearby properties would be minimal. No animal will be at the location overnight.**

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

Finding: **The applicant has indicated that trash will be collected by City services with regular bins.**

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

Finding: **The subject property has access to City water and sewer.**

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

Finding: **The subject property is not screened with abutting properties, which keeps in line with the character of the area.**

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

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

(g.) Required yards and other open space;

Finding: **The existing structure on the property does not appear to adhere to the required build-to-zone regulations of the underlying UC zoning district – UDC § 161.36. The property is not undergoing additional development, and as such, this requirement is not being reviewed further. The current development work on the site do not trigger conformance standards – UDC § 164.12. Any additions or alterations to the building would be subject to permitting requirements.**

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

Finding: **Staff finds the proposed animal boarding to be compatible with adjacent properties and others in the vicinity. The small number of employees, limited traffic volume, fence screening, and amount of parking available on site suggest that the proposed use is unlikely to have a negative impact on surrounding properties. Given its modest scale and operations, the business is expected to have minimal impact on the area.**

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

Finding: **Staff finds that the proposed use generally aligns with the goals and intent of the City's adopted land use plans. The City Plan 2040 Future Land Use Map designates the property as a City Neighborhood Area, which is intended to support a variety of land uses. Approval of the requested conditional use would allow a commercial property to be used which supports the City's land use designation in an established commercial area.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.36 Urban Corridor
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Request Letter
- Site Plan

161.36 Urban Corridor

(A) *Purpose.* The Urban Corridor District is designed to provide a mix of commercial uses and housing along corridors that provide multi-modal transportation options. The district encourages walkable commercial, residential, and mixed-use developments in urban form that enhance function, economic vitality, and appearance along major urban thoroughfares.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 10	Three- and Four-Family Dwellings
Unit 13	Eating places
Unit 14	Hotel, Motel, and Amusement Facilities
Unit 16	Shopping Goods
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 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of the 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 8	Single-Family Dwellings
Unit 9	Two-Family Dwellings
Unit 17	Transportation trades and services
Unit 18	Gasoline Service Stations and Drive-Thru Restaurants
Unit 20	Commercial Recreation, Large Sites
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 29	Dance Halls
Unit 32	Sexually Oriented Business
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-Storage Units
Unit 42	Clean Technologies
Unit 43	Animal Boarding and Training
Unit 44	Cluster Housing Development

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.* None.

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 30 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

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

(G) *Building Height Regulations.*

Building Height Maximum	8 stories

(Ord. No. 6793, § 1, 9-17-24; Ord. No. 6810, §1, 11-19-24)

161.36 Urban Corridor

(A) *Purpose.* The Urban Corridor District is designed to provide a mix of commercial uses and housing along corridors that provide multi-modal transportation options. The district encourages walkable commercial, residential, and mixed-use developments in urban form that enhance function, economic vitality, and appearance along major urban thoroughfares.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 10	Three- and Four-Family Dwellings
Unit 13	Eating places
Unit 14	Hotel, Motel, and Amusement Facilities
Unit 16	Shopping Goods
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 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of the 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 8	Single-Family Dwellings
Unit 9	Two-Family Dwellings
Unit 17	Transportation trades and services
Unit 18	Gasoline Service Stations and Drive-Thru Restaurants
Unit 20	Commercial Recreation, Large Sites
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 29	Dance Halls
Unit 32	Sexually Oriented Business
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-Storage Units
Unit 42	Clean Technologies
Unit 43	Animal Boarding and Training
Unit 44	Cluster Housing Development

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.* None.

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 30 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

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

(G) *Building Height Regulations.*

Building Height Maximum	8 stories

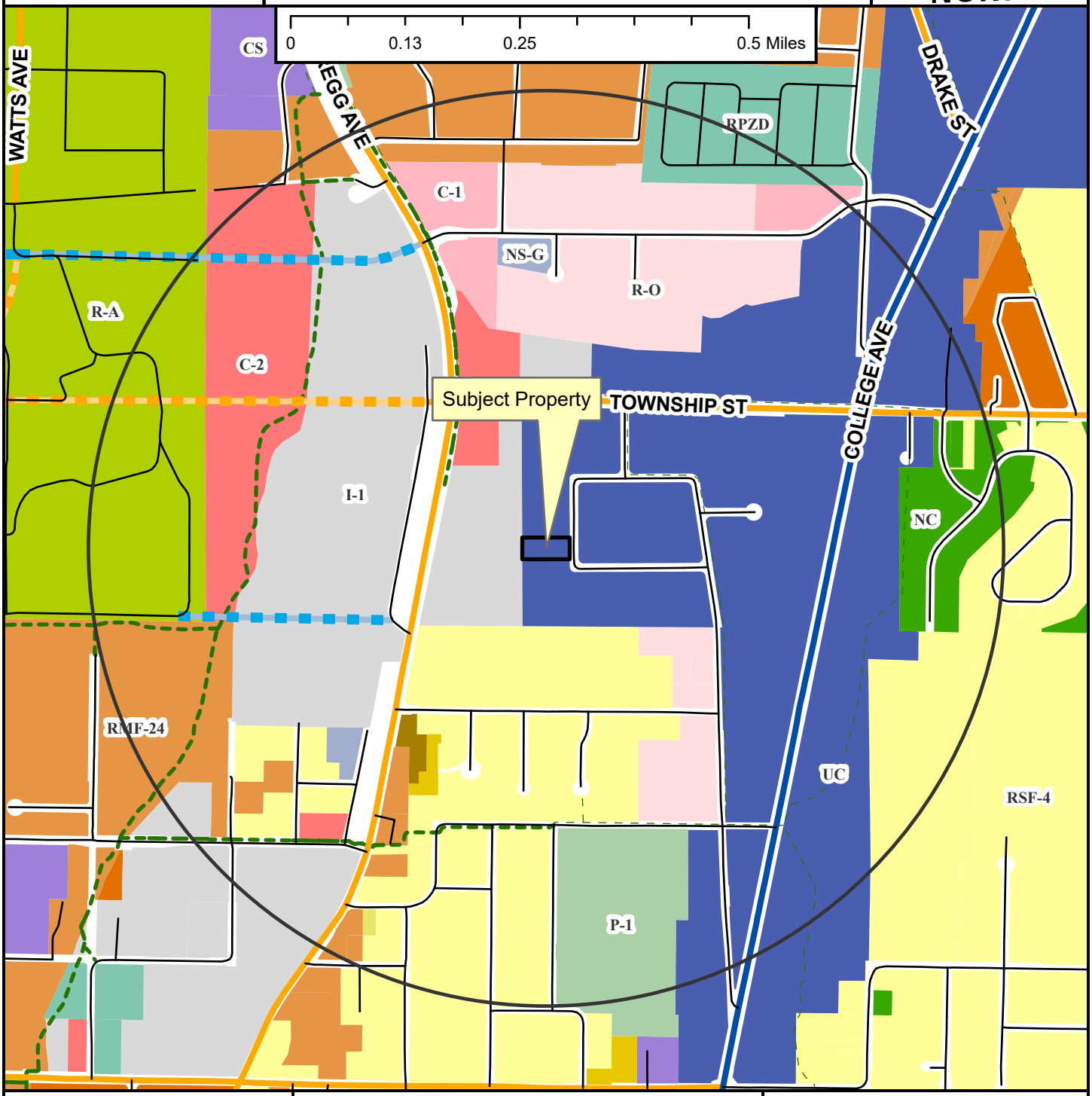
(Ord. No. 6793, § 1, 9-17-24; Ord. No. 6810, §1, 11-19-24)

CUP-2025-0039

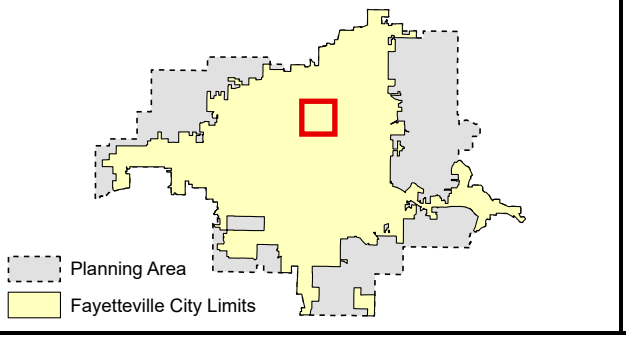
One Mile View

71 W. COLT SQUARE DR

NORTH



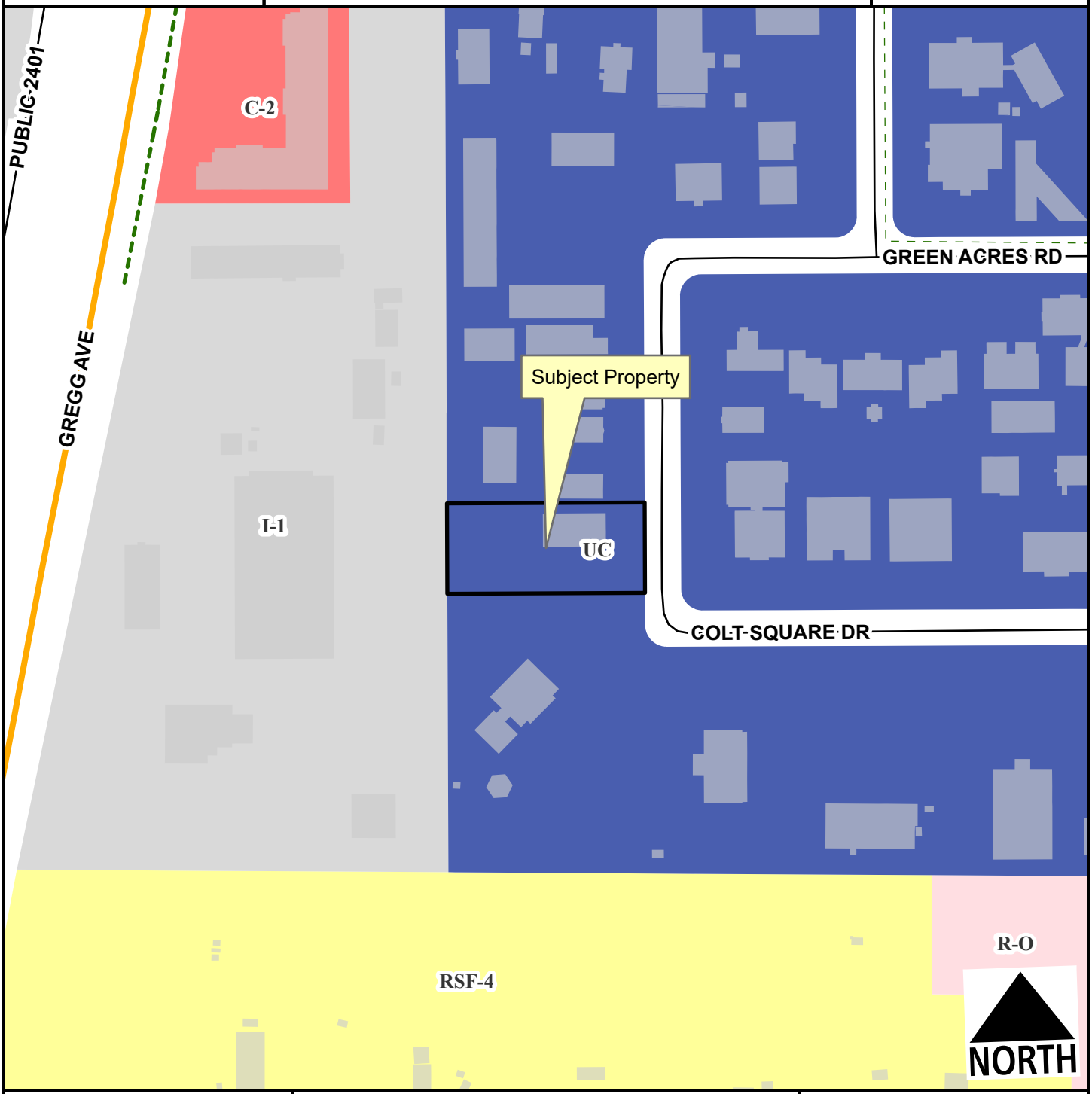
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



CUP-2025-0039

Close Up View

71 W. COLT SQUARE DR



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

Feet

0 75 150 300 450 600

1:2,400

CUP-2025-0039

Current Land Use

71 W. COLT SQUARE DR

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

Conditional Use Request Letter

71 W. Colt Square Dr

Fayetteville, AR 72703

To Whom It May Concern,

Big Paws of the Ozarks is requesting approval for a conditional use of the existing fenced yard space located at 71 W. Colt Square Dr. for the purpose of dog training and care. The outdoor area will be utilized to support our rescue and community-based dog training programs, which include:

- One-on-one training sessions with professional trainers and community-owned dogs
- Structured dog play groups (maximum 5–7 dogs at a time)
- Designated potty areas for dogs visiting the facility

This is a new use of an existing outdoor yard, which is enclosed by a privacy fence. We plan to make minor structural modifications to reinforce safety and usability, including repairing damaged sections of the privacy fence and adding interior chain link fencing within the perimeter.

(a) Building Size

The existing building is approximately 3,000 square feet on a 0.75-acre lot. No new buildings are being constructed; the conditional use applies only to the existing outdoor yard.

(b) Color Elevations

Detailed architectural elevations of the building are not being submitted, as this request pertains solely to the use of the existing exterior fenced yard. However, building plans with active permits are on file and available for reference. No changes are being proposed to the exterior of the building structure at this time.

(c) Parking

No changes to existing off-street parking are proposed as part of this conditional use permit. The current parking configuration is sufficient to support staff and visitors, and no expansion or modification of parking areas is planned.

(d) Hours of Operation, Staffing, and Use

- Hours of Operation: Monday–Friday, 8:00 AM to 5:00 PM
- Employees On-Site: 4 staff members
- Estimated Use: Approximately 20 patrons/clients/dogs per day
  This includes a mix of community clients attending training appointments and rescue dogs participating in structured activities.

(e) Outdoor Lighting

No changes to outdoor lighting are proposed. The yard will continue to operate during daylight hours only (8:00 AM to 5:00 PM), and no new lighting fixtures will be added as part of this request.

(f) Noise

Sound levels from the yard are expected to be minimal. Dogs will be outside intermittently throughout the day depending on training sessions and use. Most activities will involve one-on-one training with a single dog, two dogs meeting for adoption introductions, or occasional small supervised playgroups of 5–7 dogs. All dogs are under the care of trained staff during their time outdoors, and sessions are structured to promote calm, focused behavior. As a result, barking and other noise are expected to remain limited and well-managed.

(g) Screening or Buffering

The designated yard area is fully enclosed by a 6-foot privacy fence on all sides, providing a visual and physical buffer from adjacent properties. No additional screening or landscaping modifications are proposed at this time.

(h) Trash and Refuse Service

This request does not impact or modify any trash or refuse services on the property. No trash bins will be located in or near the designated yard space, and this use does not generate any additional refuse.

(i) Ingress, Egress, and Traffic Impacts

This request does not involve any changes to site access, ingress/egress points, or driveways. The use of the outdoor yard is not expected to create additional traffic beyond current activity levels. No new traffic patterns, drop-off zones, or circulation changes are proposed.

(j) Compatibility with Adjacent Properties

The proposed use of the outdoor yard is consistent with the surrounding area and is expected to have minimal impact on neighboring properties. The space is fully enclosed, operated during daytime business hours, and managed by trained staff to ensure cleanliness, safety, and noise control. No additional traffic, lighting, or operational changes are proposed. The use supports the organization's mission of providing community-based services and contributes positively to the neighborhood through its emphasis on responsible pet care and training.

Sincerely,

Kayla Mayes

Executive Director

Big Paws of the Ozarks

Frank, Wes

From: Kayla Mayes <kayla@bigpawsoftheozarks.org>
Sent: Tuesday, August 19, 2025 11:51 AM
To: Frank, Wes
Subject: Re: CUP-2025-0039

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

Hi Wes!

I think we have about 10 parking spaces currently in our parking lot. We aren't doing any parking lot renovations or work as part of our construction. We will use the trash bins that are existing and plan to haul off any bulky trash.

Please let me know if you have any other questions or I need to answer more in depth.

Best,

On Mon, Aug 18, 2025 at 2:40 PM Frank, Wes <wfrank@fayetteville-ar.gov> wrote:

> H Kayla,

My name is Wes; I am helping process your application. I have a few quick questions:

1. Can you tell me how many parking spots you intend to have at your location?
2. How do you anticipate storing trash? Will it be bins or something larger?

Sincerely,

Wesley Frank

Planner

Development Services

City of Fayetteville, Arkansas

Office: 479.575.8265

Website | Facebook | Twitter | Instagram | YouTube

Our office is shortstaffed, and as a result, please allow 2-3 business days for a response. If I were to miss this window, please follow up with me.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: September 8, 2025

SUBJECT: **CUP-2025-0040: Conditional Use Permit (5817 W TACKETT DR/ SHANNON, 436):** Submitted by ALAN SHANNON for property located at 5817 W. TACKETT DR. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.99 acres. The request is to build an accessory structure that exceeds 50% the size of a principal structure.

RECOMMENDATION:
Staff recommends denial of **CUP-2025-0040.**

RECOMMENDED MOTION:
"I move to approve **CUP-2025-0040** with conditions, determining:

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

BACKGROUND:
The subject property is in far west Fayetteville approximately 1/3 of a mile southwest of the intersection of W. Wedington Dr. and N. 54th Ave. The 1.99-acre parcel is bordered by W. Tackett Dr. to the north and W. Holdcroft Dr. to the south. The property is currently developed with a 2,664 square-foot single-family dwelling per the Washington County Assessor. The parcel was annexed into the city in 1982 (ORD 2857), which is when it received its current zoning designation of R-A, Residential Agricultural. The property is not subject to any zoning overlays, streamside protection boundaries, hydric soils, or FEMA floodplain. Surrounding land uses and zoning are listed in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	R-A, Residential Agricultural
South	Single-Family Residential	RSF-8, Residential Single-Family, 8 Units per Acre
West	Low Density Residential	R-A, Residential Agricultural
East	Two-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre RMF-6, Residential Multifamily, 6 Units per Acre R-A, Residential Agricultural

Proposal: The applicant requests approval to construct a 3,200-square-foot enclosed accessory structure. Fayetteville's Unified Development Code, under §164.02, Accessory Structures,

prohibits accessory structure(s) that exceed 50% of the size of the principal structure. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. As the principal structure on the parcel is 2,664 square feet, the total area of all accessory structures may be 1,332 square feet before a conditional use permit is required.

City Plan 2040 Future Land Use Designation: **Rural Residential**.

Public Comment: Staff has not received any public comment or inquiries about the request.

RECOMMENDATION: Staff recommends denial of **CUP-2025-0040.** If approved, staff recommends the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility for a 3,200 square foot detached accessory structure to be constructed exceeding 50% the size of the principal structure.** *Staff finds the accessory building to be incompatible with adjacent properties.*

2. **A view-obscuring fence shall be installed to prevent the view of the structure from vehicular and pedestrian traffic on W. Holdcroft Dr.**

3. **Any portion of the metal structure visible from W. Holdcroft Dr. above the screening shall be painted or otherwise treated to reduce glare.**

4. **This approval does not grant building permit approval for the associated structure. A building permit shall be submitted for review of compliance with all city codes.**

PLANNING COMMISSION ACTION: Required YES

Date: September 8, 2025 ❒ **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 accessory structure that is greater than 50% the size of the principal structure, as outlined in 164.02(A)(5).**

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §164.02(A)(5) 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 the applicant's request may adversely affect the public interest. Alone, the proposed 3,200 sq ft shop would total more than 120% of the principal building's size. As this single accessory structure is greater in size than the principal structure, staff finds that its approval does not align with the ordinance's intent, which is to ensure that accessory structures remain incidental and subordinate to the primary structure. Furthermore, although the property is zoned R-A (Residential Agricultural) and large outbuildings are typical within more rural areas, the property directly abuts a built-out single-family residential neighborhood to the south. This structure would be the visual endpoint of a roughly 700-foot-long public street with a 100-foot-wide turn around at the southern boundary of this property that provides no**

visual barrier. The adjacent neighborhood does not include either metal buildings or large accessory structures which are visible from the public right-of-way. Staff finds that its current location could substantially alter the visual character of the adjacent properties.

(c.) The Planning Commission shall certify:

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

Finding: **Per Unified Development Code §164.02, accessory structures exceeding 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located. The proposed shop is meeting setback requirements per the provided site plan.**

(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 proposes to utilize an existing driveway which accesses W. Tackett Dr. and which currently serves the existing residence. As the shop is not intended to be commercial in nature, staff finds anticipated traffic impacts are likely to be minimal; however, given the size of the proposed metal structure adjacent to public right-of-way, staff recommends that any façades visible from W. Holdcroft Dr. shall be painted or otherwise treated to reduce visual glare.**

(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 accessory structure is proposed approximately 36 feet from the southern property line adjacent to W. Holdcroft Dr. Staff anticipates parking to be either within either the existing driveway or within the proposed shop.**

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

Finding: **Refuse containers will likely be contained within the proposed structure, and the site is likely to be served by residential carts. No additional conditions are recommended.**

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

Finding: **The property appears to have direct access to city utilities from either W. Tackett Dr. to the north or W. Holdcroft Dr. to the south.**

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

Finding: **The proposed accessory structure is located directly at the end of W. Holdcroft Dr., a public Residential Link which extends 700 feet directly south of the proposed structure. W. Holdcroft Dr. includes a 100-foot-wide cul-de-sac directly abutting the southern boundary of 1518 W. Tackett and the proposed structure would essentially function as the northern viewshed for the neighborhood to the south. These adjacent homes do not include metal, nor do they include large accessory structures which are fully visible from the public right-of-way as this structure would be. If approved, staff recommends a view-obscuring fence shall be installed to prevent the view of the premises from vehicular and pedestrian traffic on W. Holdcroft Dr.**

(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, Signs, and all regulations therein.**

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

Finding: **One new structure is proposed with this conditional use permit. Compliance with building setbacks will be confirmed at the time of building permit submittal, though the applicant appears to be meeting relevant setbacks.**

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

Finding: **Staff finds that the proposal is incompatible with adjacent properties. Adjacent properties are generally rural or low-density residential to the north and west, with more dense developments to the south and east. Metal structures are not common in surrounding properties and the proposal would locate a large metal structure with minimal fenestration or other architectural detailing directly abutting public right-of-way.**

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

Finding: **On the balance of issues, staff finds the proposal to be generally compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. Staff finds that the request to place an accessory structure exceeding 120% the size of the principal structure would allow for greater flexibility in the use of the parcel but would also increase intensity of uses on the parcel beyond what staff would consider compatible in this district, particularly considering the potential visual impact to the adjacent neighborhood.**

BUDGET/STAFF IMPACT:
None.

Attachments:

- Unified Development Code
  - §164.02 Accessory Structures And Uses
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Staff Exhibits
  - Google Street Views
  - Relationship of Shop to Public Right-of-Way
- Applicant Request Letter
- Site Plan
- Building Elevations

1

164.02 Accessory Structures And Uses

Accessory Structures and Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) *Accessory Structures*.

(1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.

(2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.

(3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which is it located.

(4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.

(5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.

(6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.

(7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.

(8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

(B) *Swimming Pools.* Swimming pools shall not be located in any required front setback.

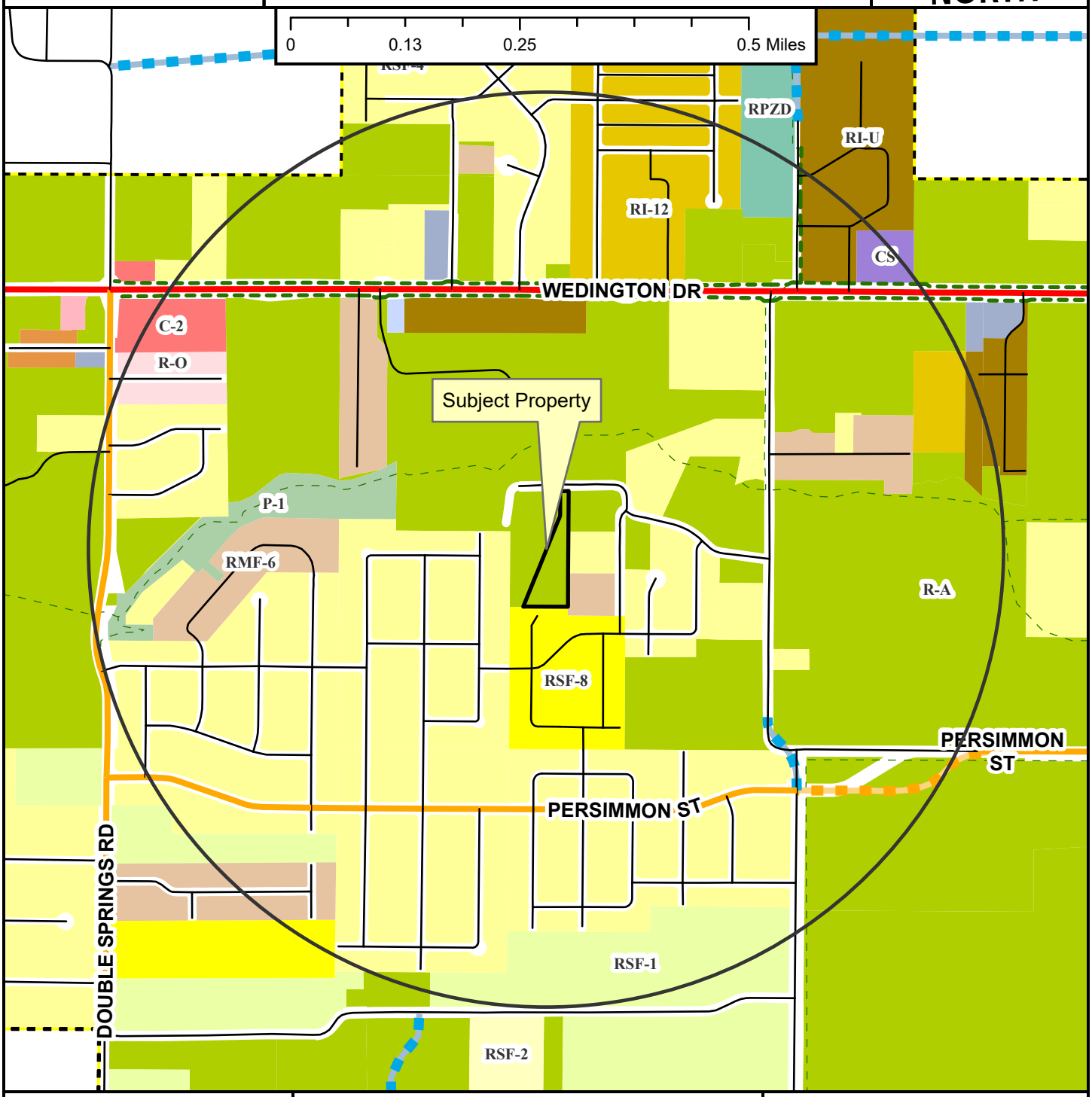
(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4817, 1-3-06; Ord. No. 5239, 5-5-09; Ord. No. 5592, 06-18-13; Ord. No. 5950 , §1, 2-7-17; Ord. No. 6245 , §§4, 5, 10-15-19; Ord. No. 6407 §2, 1-19-21)

CUP-2025-0040

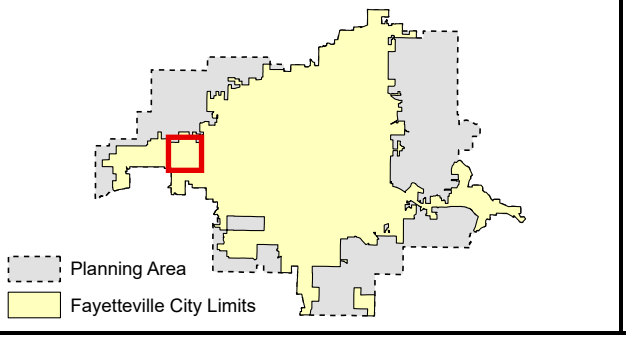
One Mile View

5817 W. TACKETT DR

NORTH



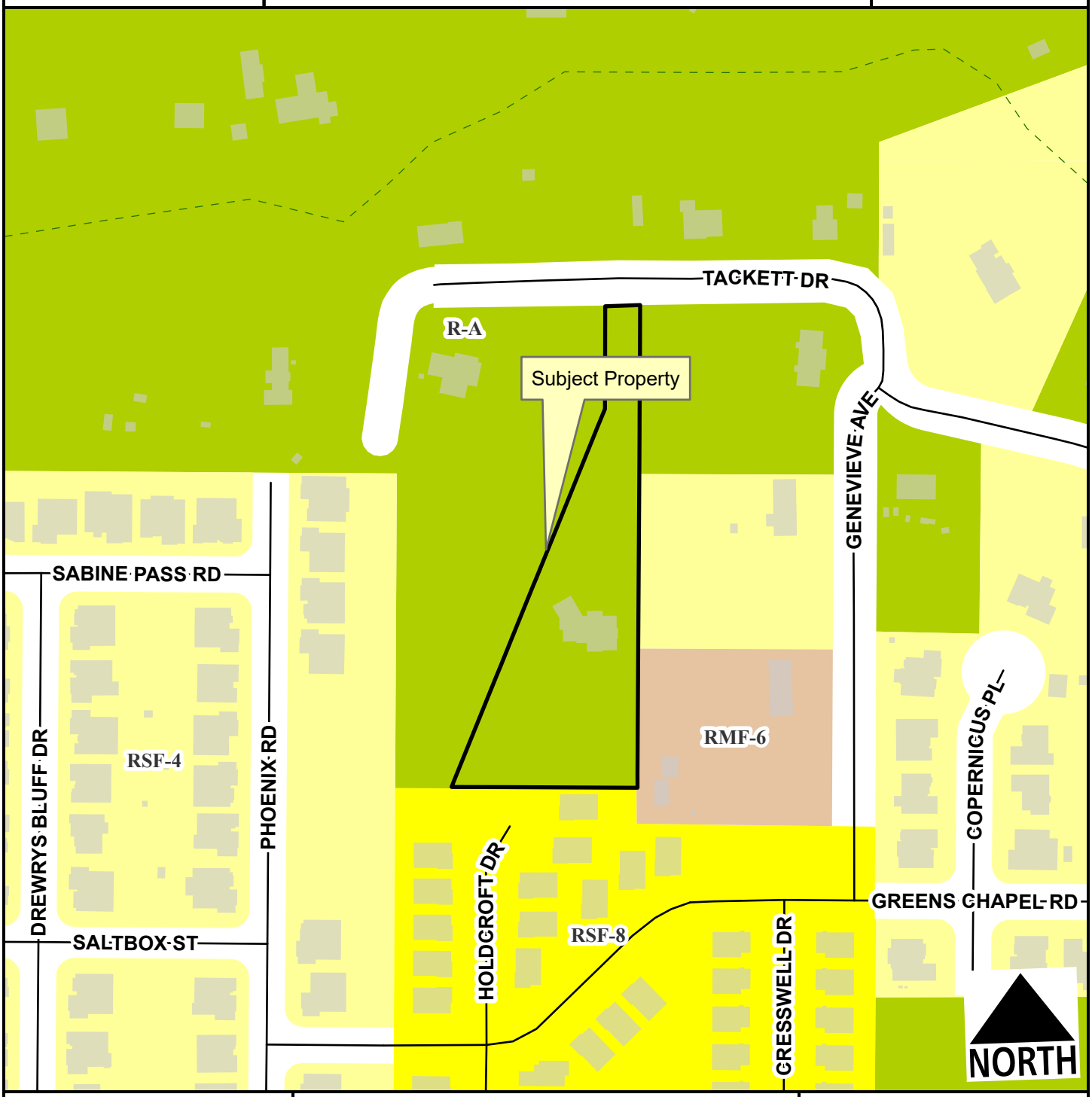
Regional Link
Neighborhood Link
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



CUP-2025-0040

Close Up View

5817 W. TACKETT DR



Residential Link

Planning Area

Fayetteville City Limits

Trail (Proposed)

Feet

0 75 150 300 450 600

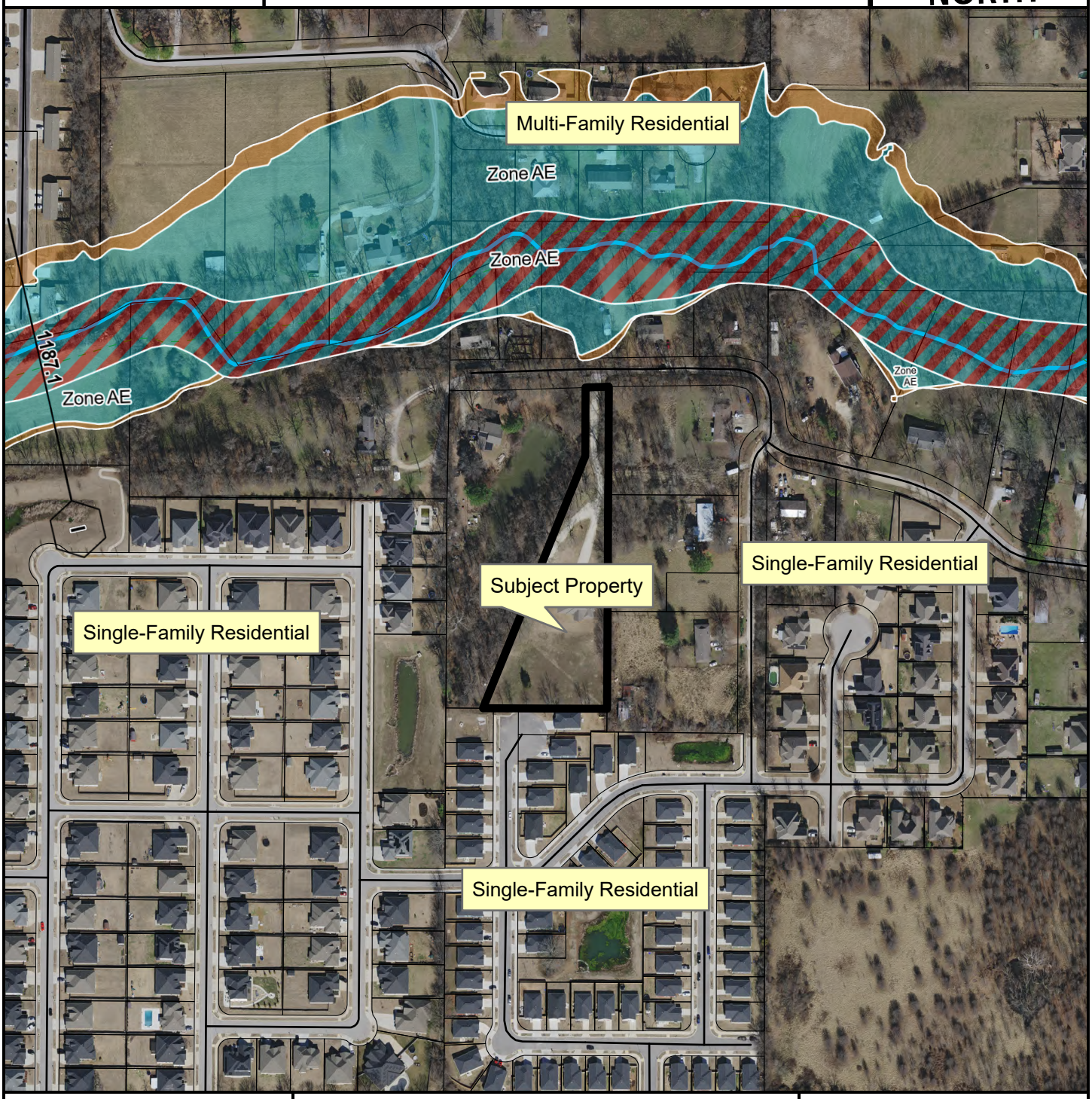
1:2,400

CUP-2025-0040

Current Land Use

5817 W. TACKETT DR

NORTH



Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

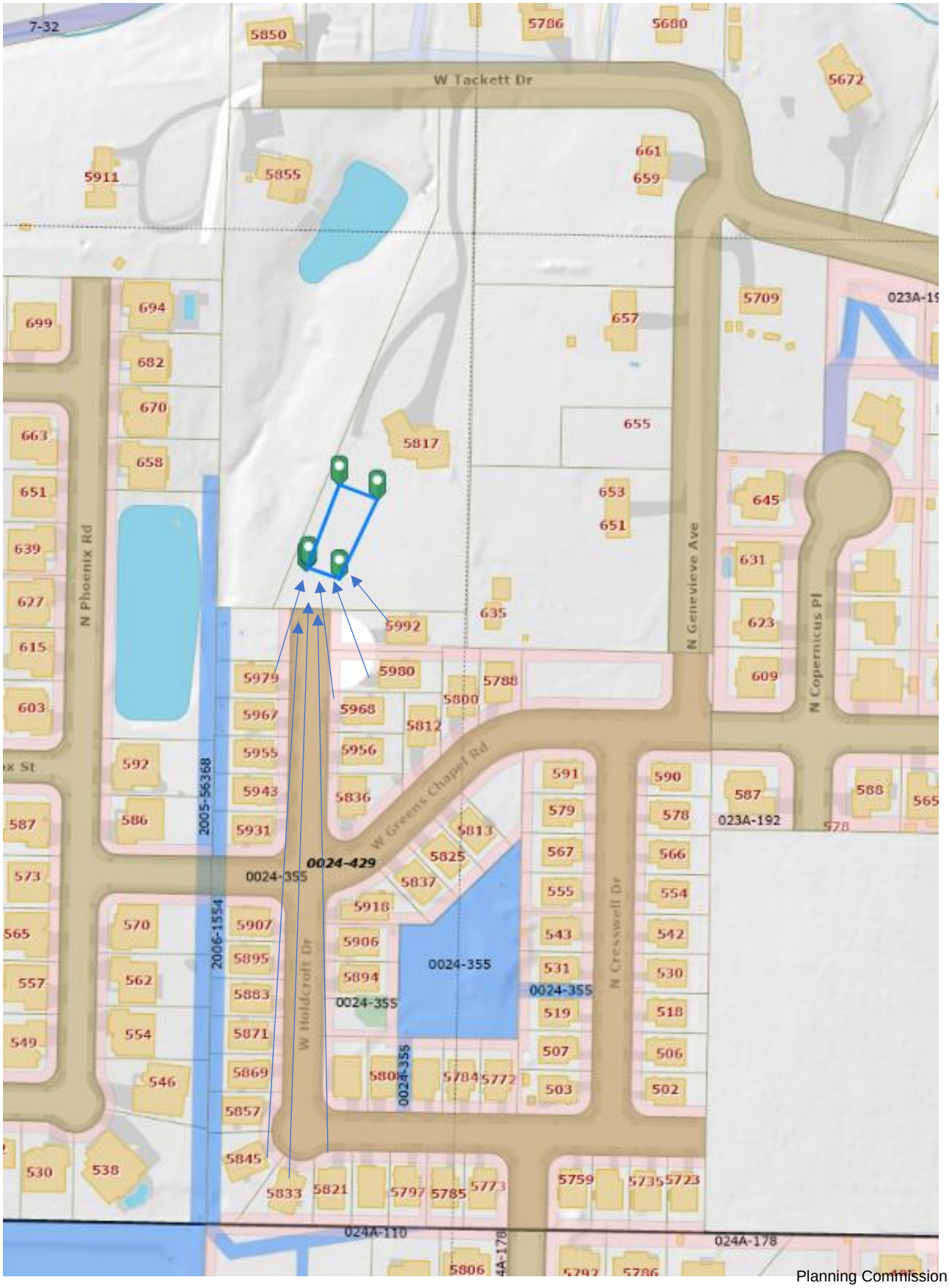
100-Year Floodplain

Floodway

STAFF EXHIBIT:
GOOGLE STREET VIEW

Exhibit 1 and 2: Proposed Structure Location

STAFF EXHIBIT:
RELATIONSHIP OF SHOP TO PUBLIC RIGHT-OF-WAY



Allan Shannon
5817 W. Tackett Dr
Fayetteville, AR 72704
479-601-4072
a.shannon@risebakingcompany.com

7-24-2025

City of Fayetteville
113 West Mountain St
Fayetteville, AR 72701

Subject: Request Letter for Proposed Residential Shop Project

To Whom It May Concern,

I am submitting this request for the review and approval of a proposed project on my property, as outlined below. The proposed use is for a **residential shop**, with no commercial or retail activity, and minimal impact to the surrounding neighborhood.

Project Description:

(a) Building Size:
The existing and proposed structure is a **3,200 square foot** residential shop.

(b) Exterior Elevations:
The building will have **brown and tan** color elevations on all exterior sides.

(c) Off-Street Parking:
There is **no off-street parking required or proposed** for this structure, as it is not intended for public or employee use.

(d) Business/Non-Residential Use Details:

- **Type of Use:** Residential shop (non-commercial)
- **Hours of Operation:** N/A
- **Number of Employees:** N/A
- **Anticipated Number of Patrons/Clients/Visitors:** N/A

(e) Outdoor Lighting:
Outdoor lighting will be limited to **downward-facing fixtures**, minimizing light pollution and impact on neighbors.

(f) Noise:
The shop will generate **low noise**, consistent with typical residential use.

(g) Screening/Buffering:
No screening or buffering is proposed, as the shop is located in a residential setting and does not negatively impact adjacent properties.

(h) Trash and Refuse Service:
No special trash or refuse service is required, and no waste bins will be visible from the street or adjacent properties.

(i) Ingress and Egress / Traffic Impact:
The project will **not alter existing ingress or egress** patterns and will have **no anticipated traffic impact**.

(j) Compatibility with Surrounding Area:
The proposed residential shop is **compatible with adjacent properties** and consistent with the character of the surrounding neighborhood. There will be **no adverse effects** on nearby properties.

Legal Description:

The legal description for the property is attached to this letter for your reference.

Thank you for your consideration of this request. Please do not hesitate to contact me should you need any additional information or documentation.

Sincerely,
Allan Shannon

PLAT OF SURVEY

BASIS OF BEARING:
BEARINGS SHOWN ARE BASED ON
GRID NORTH FOR ARKANSAS
COORDINATE SYSTEM, NORTH ZONE, NAD83.
LATITUDE = 36°04'28.4549"
LONGITUDE = 94°14'40.2921"
CONVERGENCE ANGLE = -1°18'21.91495
DISTANCES SHOWN ON PLAT ARE GRID.
COMBINED SCALE FACTOR
(GRID TO GROUND) = 1.000076637872913

Miscellaneous Notes

STATE RECORDING NUMBER:
500-16N-31W-0-11-300-72-1826

COMPLETED FIELD WORK:
OCTOBER 18, 2019

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2008 AT PAGE 13198.
2. SURVEY PLAT FILED IN PLAT BOOK DR1 AT PAGE 565.
3. SURVEY PLAT FILED IN PLAT BOOK 2010 AT PAGE 654.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

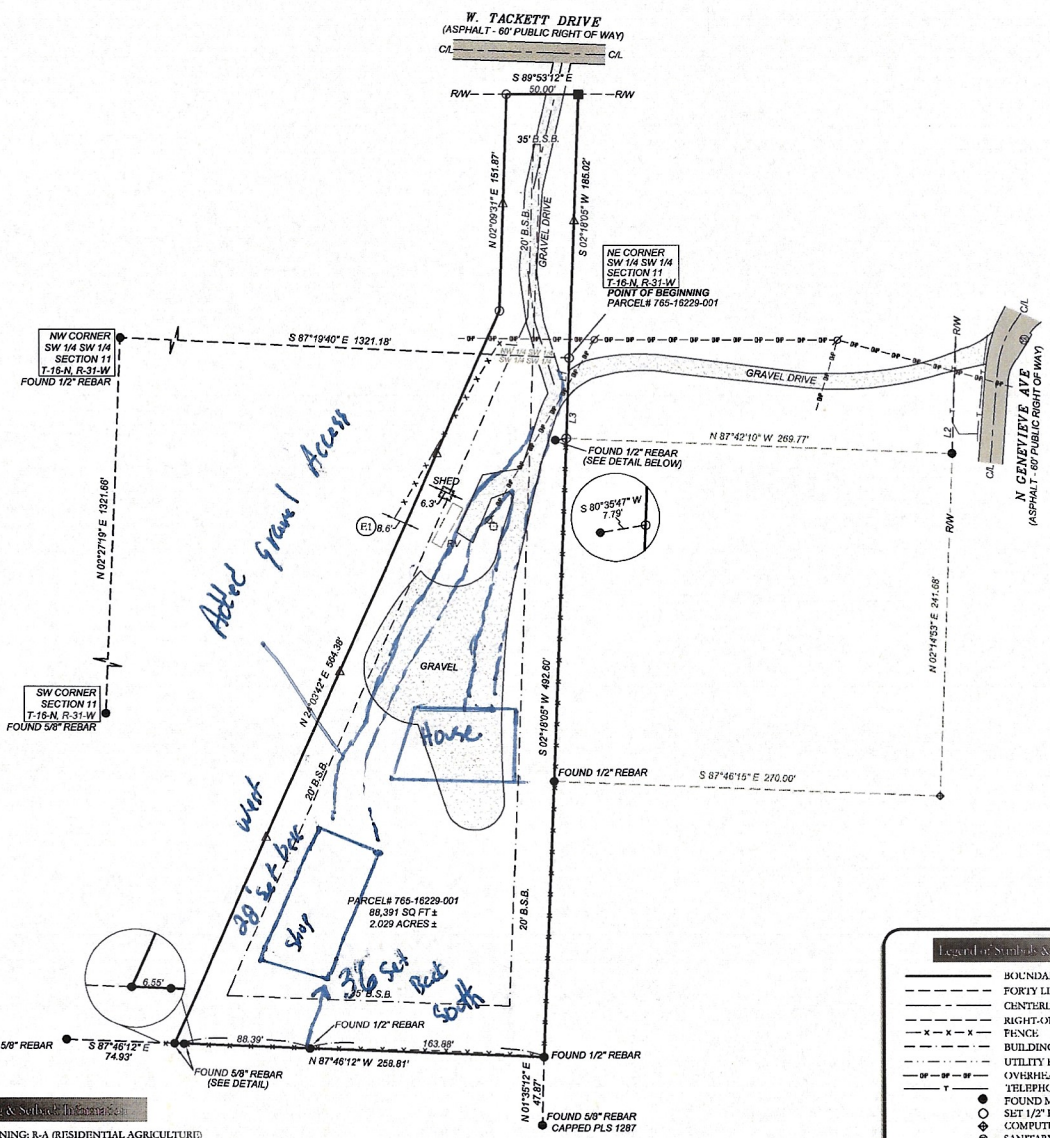
DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0215J, WHICH BEARS AN EFFECTIVE DATE OF 09/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

Survey Description

PARCEL# 765-16229-001
A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING DESCRIBED MORE PARTICULARLY AS FOLLOWS, TO-WIT:
BEGINNING AT A SET 1/2" REBAR MARKING THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION, THENCE S02°18'05"W A DISTANCE OF 492.60' TO A FOUND 1/2" REBAR; THENCE N87°46'12"W, PASSING THROUGH A FOUND 1/2" REBAR AT A DISTANCE OF 163.88', ALSO PASSING THROUGH A FOUND 5/8" REBAR AT A DISTANCE OF 252.27' FOR A TOTAL DISTANCE OF 258.81' TO A FOUND 5/8" REBAR; THENCE N24°03'42"E A DISTANCE OF 564.38' TO A SET 1/2" REBAR; THENCE N02°09'31"E A DISTANCE OF 151.87' TO A SET 1/2" REBAR LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF WEST TACKETT DRIVE, THENCE LONG SAID RIGHT-OF-WAY S89°53'12"E A DISTANCE OF 50.00' TO A FOUND 3" CONCRETE MONUMENT; THENCE LEAVING SAID RIGHT-OF-WAY S02°18'05"W A DISTANCE OF 185.02' TO THE POINT OF BEGINNING. CONTAINING 88,391 SQUARE FEET, 2.029 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



Zoning & Setback Information

CURRENT ZONING: R-A (RESIDENTIAL AGRICULTURE)

SETBACK REQUIREMENTS:
FRONT: 35 FEET
SIDE: 20 FEET
REAR: 35 FEET

FOR FURTHER INTERPRETATION AND/OR DETAILED EXPLANATION OF THE CITY OF FAYETTEVILLE ZONING ORDINANCE AND LAND CONFIRMATIONS, PLEASE CONTACT THE CITY OF FAYETTEVILLE, ARKANSAS PLANNING DEPARTMENT
CONTACT:
CITY OF FAYETTEVILLE PLANNING DEPARTMENT
PHONE: 479-575-8267
ADDRESS: 125 W MOUNTAIN ST, FAYETTEVILLE, AR 72701
EMAIL: planning@fayetteville-ar.gov

Significant Observations

(121) FENCE APPEARS TO POTENTIALLY ENCROACH OVER PROPERTY LINE BY AS MUCH AS 8.6' ±

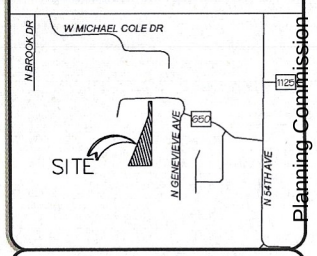
Acreage Table

NW 1/4 SW 1/4	0.214 ACRES ±
SW 1/4 SW 1/4	1.815 ACRES ±

Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FORTY LINE / TIE LINE
- CENTERLINE OF ROAD (C/L)
- RIGHT-OF-WAY (R/W)
- FENCE
- BUILDING SET BACK (B.S.B.)
- UTILITY EASEMENT (U.E.)
- OVERHEAD POWER LINE
- TELEPHONE LINE
- FOUND MONUMENT (AS NOTED)
- SET 1/2" REBAR & CAP #1826
- COMPUTED POINT
- SANITARY SEWER
- POWER POLE
- ELECTRICAL BOX
- FOUND 3" CONCRETE MONUMENT
- STAKE ON LINE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- N.T.S. NOT TO SCALE
- O.V.H. OVERHANG
- (M) MEASURED
- (R) RECORDED

Vicinity Map



Utility Notes

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

Line Table

LINE	BEARING	DISTANCE
L1	S 02°18'05" W	26.46'
L2	S 02°14'53" W	30.00'
L3	N 02°18'05" E	30.00'

0 60 120 180

1 INCH = 60 FEET

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 14TH DAY OF FEBRUARY, 2020.

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
No. 1826
SIGNATURE
HEATH A MYERS

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
3825 N. SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com
Certificate of Authorization № 1534

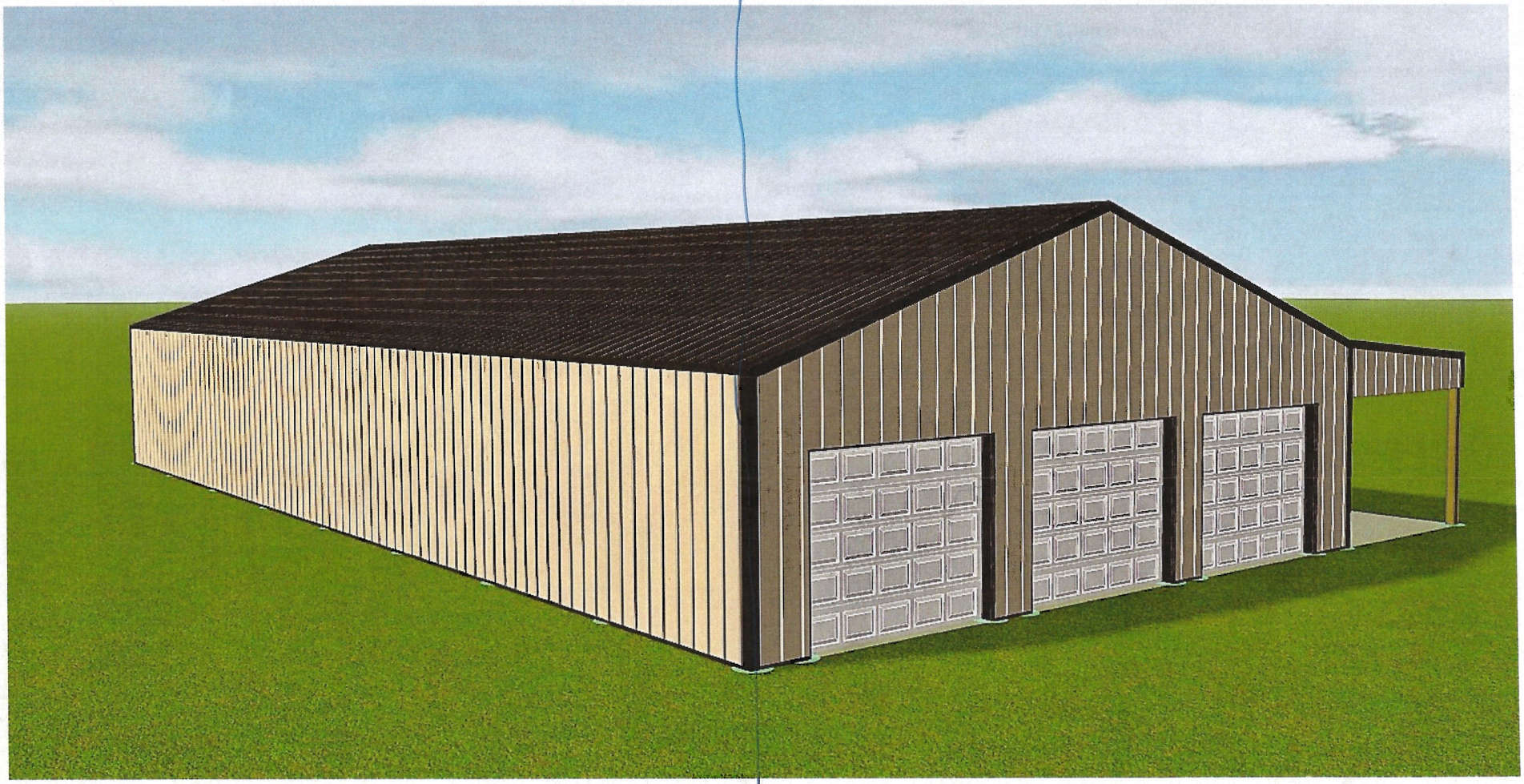
DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
TPN 10/25/19	J.B.	R.S.
COUNTY & STATE: WASHINGTON COUNTY, ARKANSAS	JOB NUMBER: 19-4992	

LOCATION:
663 N. GENEVIEVE AVE, FAYETTEVILLE, AR

FOR THE USE AND BENEFIT OF:

JILL PHILLIPS

3d View for Allan Shannon



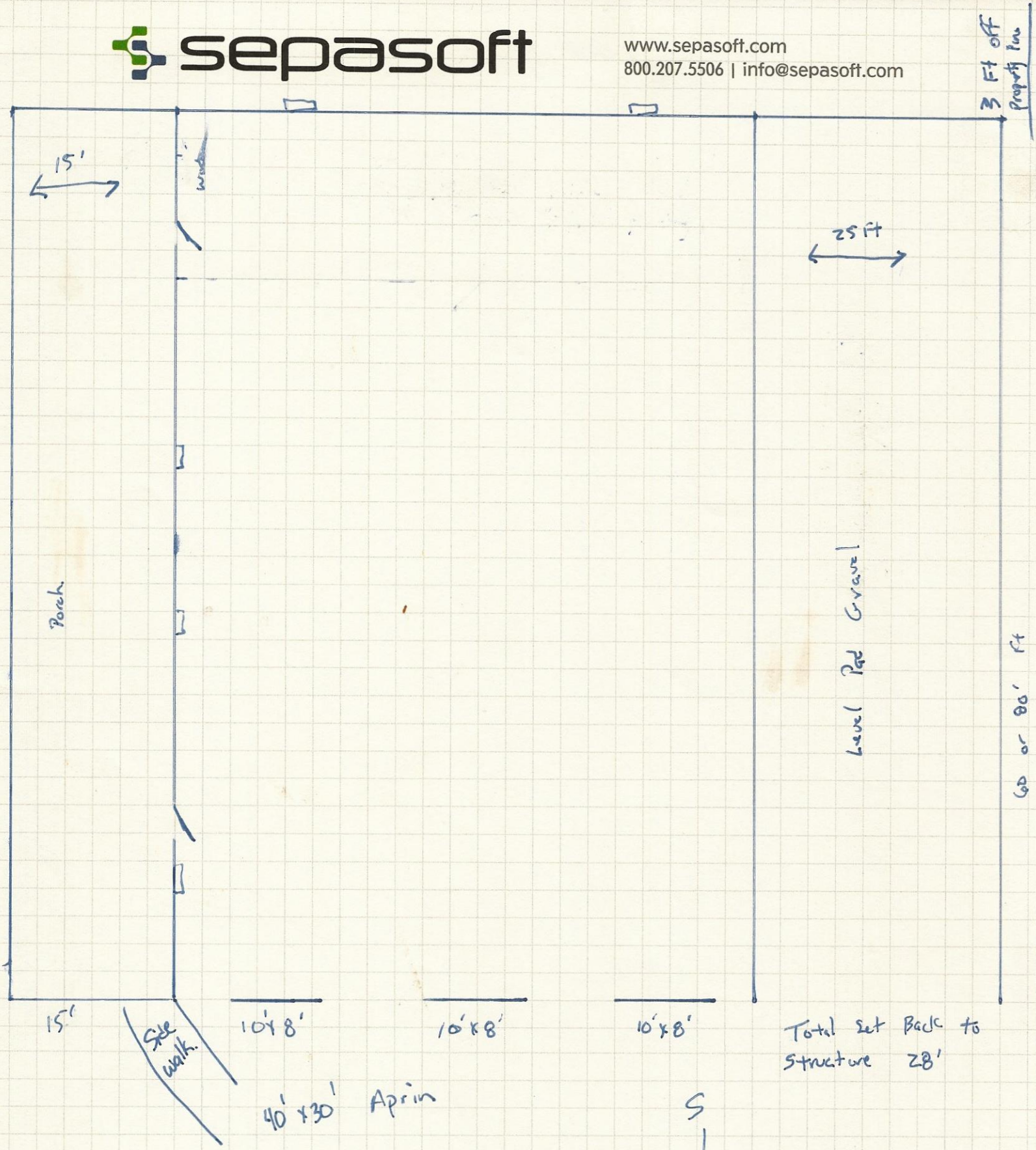
West view

North view

3d View for Allan Shannon

East view

South view


3 Ft off Property line
15'
25 ft
Porch
Level Pad Gravel
60 or 80' ft
15'
Side walk
10'x8'
10'x8'
10'x8'
Total Set Back to Structure 28'
40' x 30' Aprin
S
E
W
N

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: September 8, 2025

SUBJECT: **RZN-2025-0033: Rezoning (922 E. ROCKWOOD TRL/ CAHOON, 447):** Submitted by NILES EVIN ALLEN HOLDINGS for property located at 922 E. ROCKWOOD TRL. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to rezone the property to NC, NEIGHBORHOOD CONSERVATION

RECOMMENDATION:
Staff recommends denial of **RZN-2025-0033**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2025-0033**."*

BACKGROUND:
The subject area is in central Fayetteville at the corner of the N. Jackson Drive and E. Rockwood Trail intersection and approximately 880 feet east of N. Mission Boulevard. The 0.33-acre subject property is developed with a single-family home that was built in 1961, per Washington County Records. The subject property is located in the Hillside/Hilltop Overlay District and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

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

Request: The request is to rezone the property from RSF-4, Residential Single-family, 4 Units per Acre to NC, Neighborhood Conservation.

Public Comment: Staff has received one public comment that was against this request citing that this would impact trees in the area, be out of character in the area, and invite higher density development.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The property's frontage along E. Rockwood Trail and N. Jackson Drive, both Residential Links, are partially improved with sidewalk, curb and gutter, and

asphalt paving. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 8-inch water main on the east side of the subject property along the west side of N. Jackson Drive. Additionally, there is an existing 8-inch water main on the south side of the subject property along the south side of E. Rockwood Trail.

Sewer: Sanitary Sewer is available to the subject property. There is an existing 6-inch sewer main on the south side of the subject property along the north side of E. Rockwood Trail.

There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 900 linear feet downstream of this property.

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 2, located at 138 W North St, protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. 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 expressed no concerns with this request.

Drainage: The property falls within the Hillside-Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans. No portion of the site falls within a FEMA floodplain, nor is there a protected stream in the area. There are also no hydric soils on the property. Any additional improvements or requirements for drainage will be determined at time of development.

Tree Preservation:

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

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

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity 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.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **4-5** for this site, with a weighted score of **4.5.** The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station 2, 138 W North St.)
- Near Sewer Main (6-inch main E. Rockwood Trail.)
- Near Water Main (8-inch main N. Jackson Drive; 8-inch main E. Rockwood Trail)
- Near City Park (Mount Sequoyah Woods)
- Near Paved Trail (Rebecca Street Trail and Side-Path Trail)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **The subject property is adjacent to RSF-4-zoned single-family properties to the north, east, south, and west. To introduce NC in the area would be a marked difference to the established character of the area as it would introduce out-of-character standards and allowances. NC and RSF-4 are similar as both districts allow for the by-right use of single-family. The largest difference are the conditional uses allowed for NC with two- to four-family residential units as well as less-intensive commercial. These potential allowances could introduce diverse housing opportunities in an otherwise homogeneous detached single-family area. NC requires significantly less to develop as lots 4,000 sqft with a 40-foot lot width. RSF-4 requires more space with 6,000 (HHOD) to 8,000 sqft lot area with 60 (HHOD) to 80 feet required for lot width. In addition, NC has a 10 unit per acre density maximum compared to RSF-4's 4 units. With NC's smaller lot requirements and with the property's size, this property could be divided into 3 lots. No other property in the area is comparable to NC's small lot requirements, highlighting how much the neighborhood's character could change with the proposed rezoning. Another marked difference between the two zoning districts would be the introduction of a 0 to 25-foot build-to-zone, furthering altering the established standard setback character. Staff finds the requested rezoning to be incompatible with surrounding land uses as it introduces diversity in a standardized area.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as Residential Neighborhood area. Areas with this designation are intended for diverse residential development opportunities, that both RSF-4 and NC can allow through a conditional use (e.g., two-family residential). Appropriate infill could likely be achieved under the property's existing zoning designation, with the by-right addition of accessory dwellings, and the ability to subdivide the existing lot into two lots without having to rezone or seek conditional use. Staff finds that the requested rezoning would allow for the creation of more homes on**

the lot while introducing additional housing types, but argues that it may be more appropriate to develop the site in a manner that is more consistent in size and scale with the surrounding properties.

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

Finding: **Although rezoning from RSF-4 to may support several goals of City Plan 2040, staff finds that there is insufficient justification to rezone the property as it may alter the neighborhood's character too negatively.**

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

Finding: **A rezoning from RSF-4 to NC does have the potential to slightly increase traffic danger and congestion due to a minor increase in density, however the size of the parcel at 0.33 acres will limit the density on the site. Access management will be reviewed at the time of development.**

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

Finding: **The proposed rezoning has the potential to slightly alter the population density since it would allow for additional single-family residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Staff recommends denial of RZN-2025-0033.

PLANNING COMMISSION ACTION: Required YES

Date: September 8, 2025 ❒ **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
  - §161.29 - Neighborhood Conservation
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map
- Applicant Request Letter
- 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*.

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)

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property

	line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

161.07 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)

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations*.

Front	A build-to zone that is located between the front property

	line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

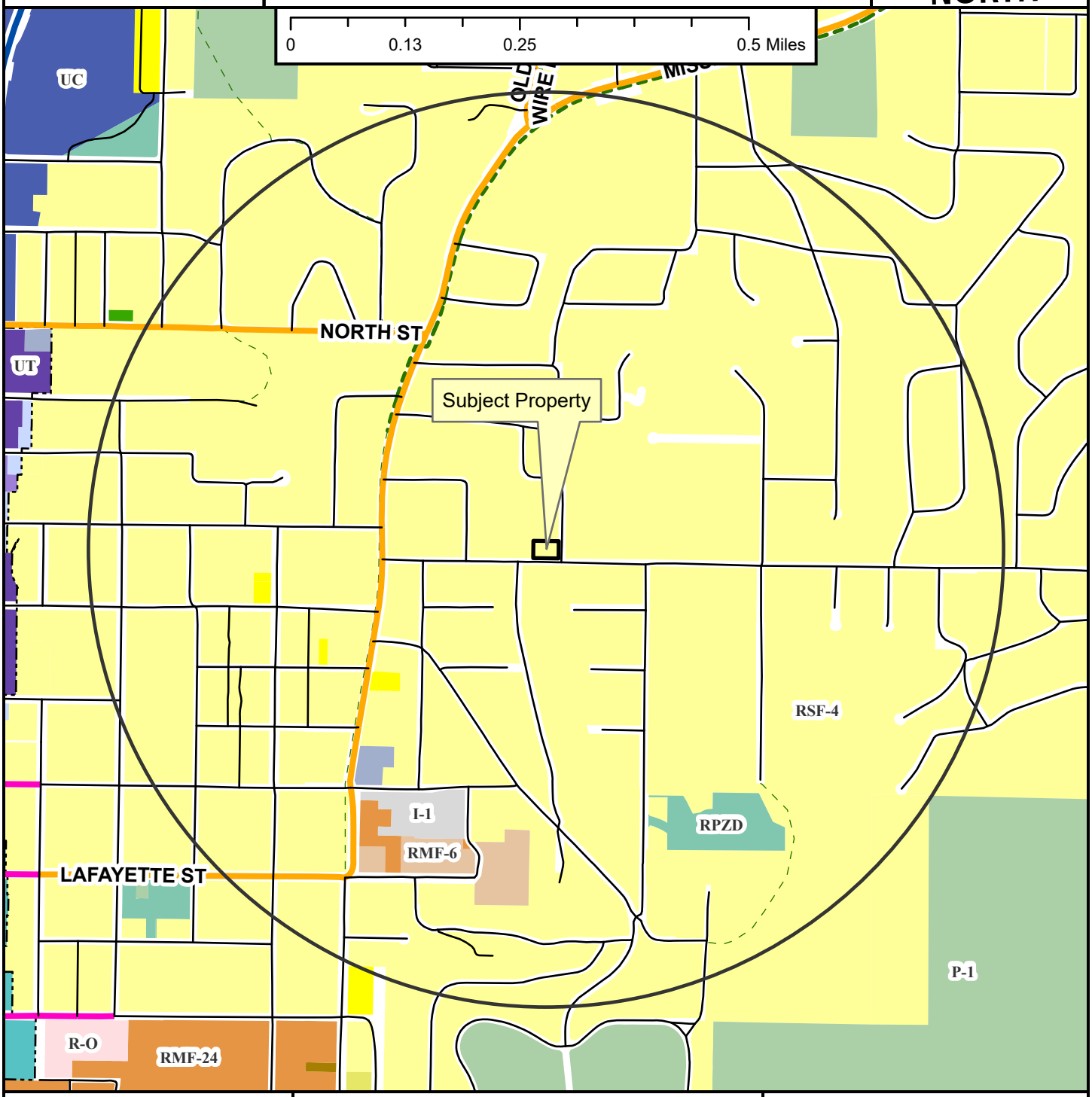
(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

RZN-2025-0033

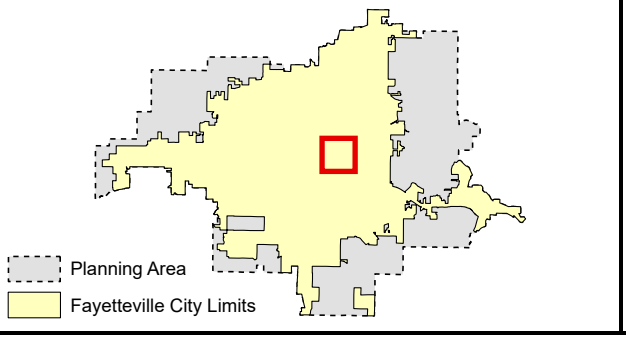
One Mile View

922 E. ROCKWOOD TRL

NORTH



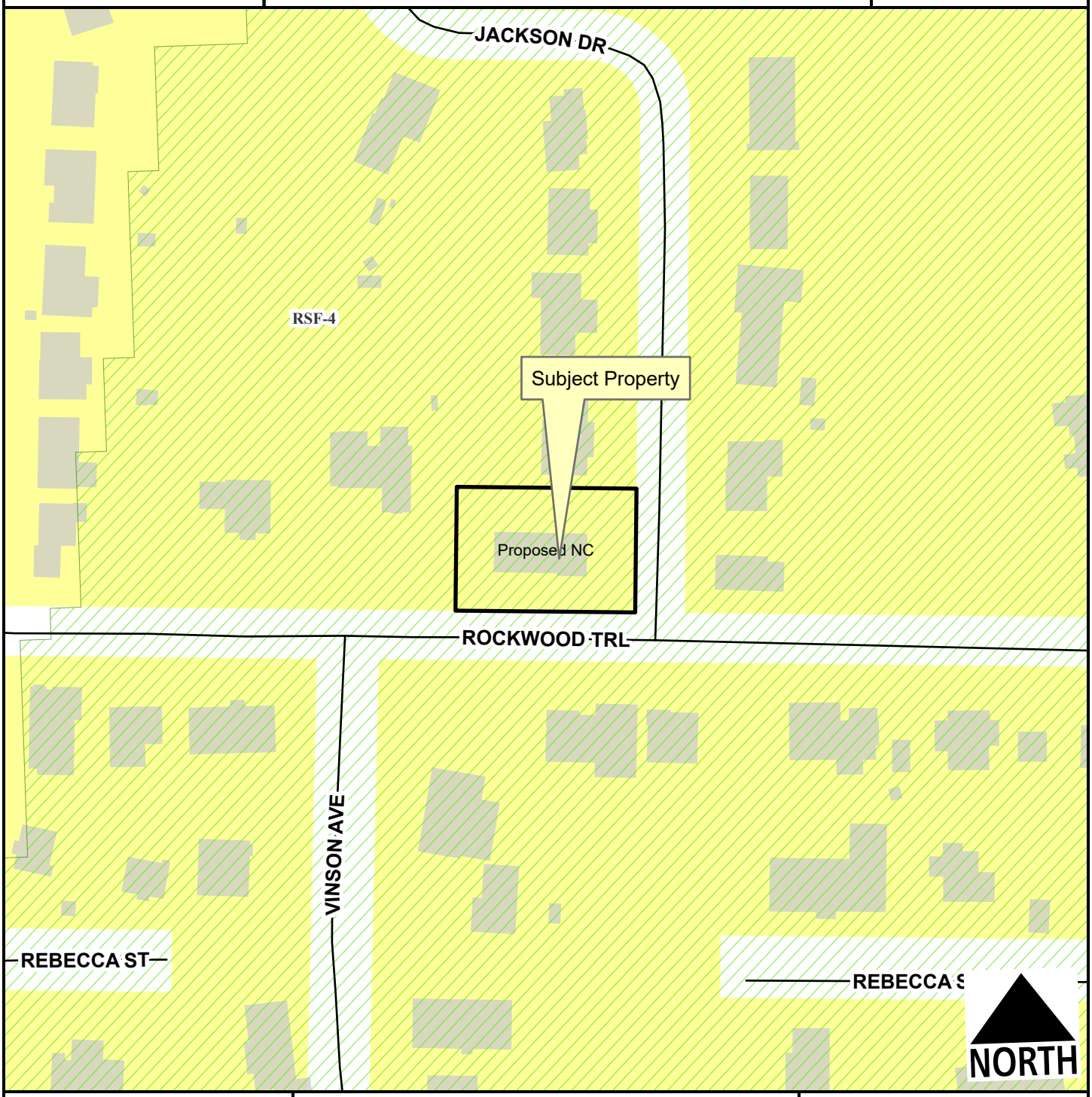
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2025-0033

Close Up View

922 E. ROCKWOOD TRL



Residential Link
Hillside-Hilltop Overlay District
Planning Area
Fayetteville City Limits

Feet
0 40 80 160 240 320
1:1,400

Zone	Current	Proposed
NC	0.0	0.3
RSF-4	0.3	0.0
Total	**0.3 ac**	

RZN-2025-0033

Current Land Use

922 E. ROCKWOOD TRL

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

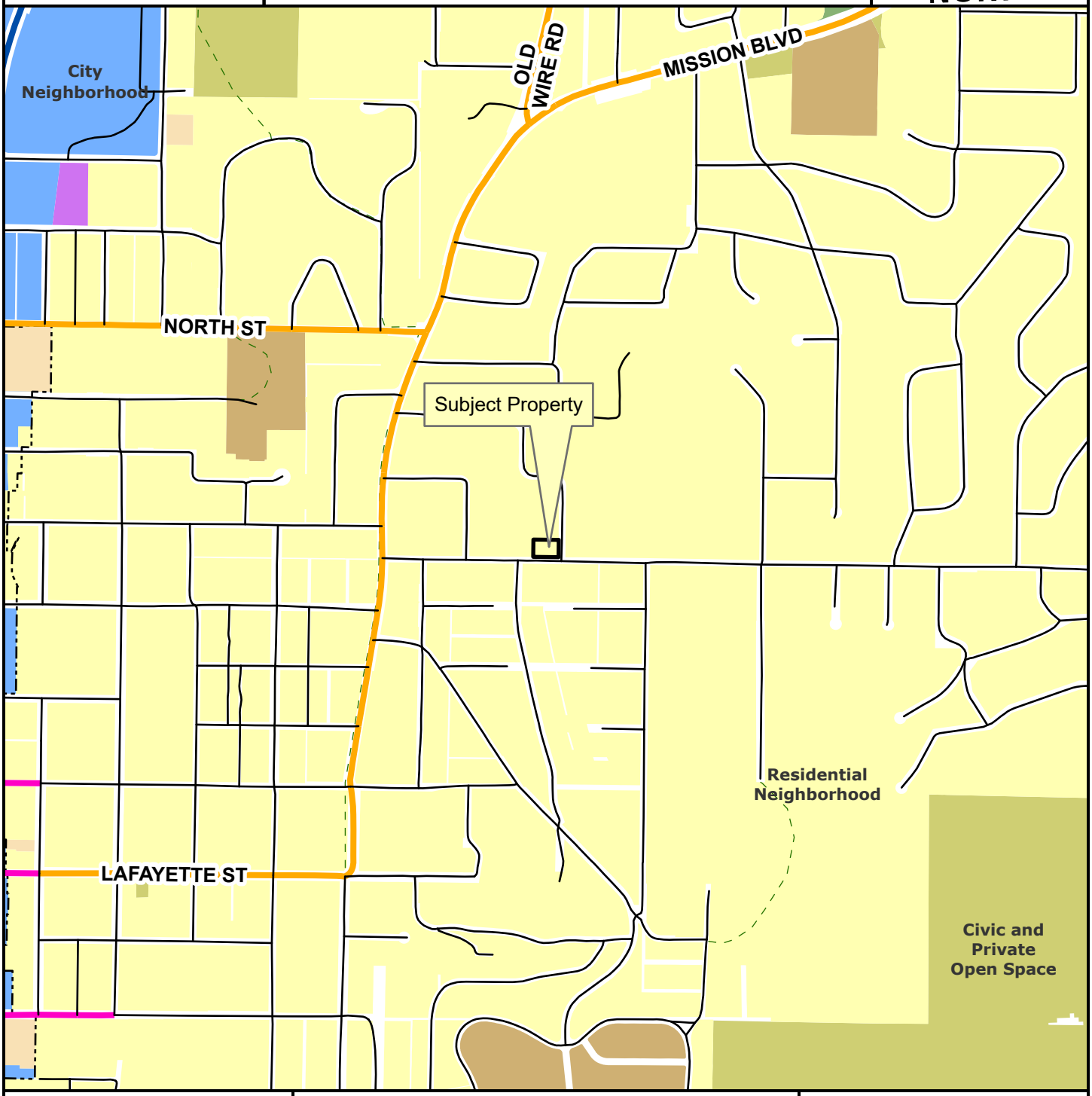
- 100-Year Floodplain
- Floodway

RZN-2025-0033

Future Land Use

922 E. ROCKWOOD TRL

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

Niles Allen

TS Construction

768 Tuttle rd

Elkins Ar, 72727

479-305-1815

Allen.niles@yahoo.com

Date: 6/25/2025

To:

Fayetteville Planning Commission

City of Fayetteville

113 W. Mountain Street

Fayetteville, AR 72701

Subject: Rezoning Request – From RSF-4 to Neighborhood Conservation (NC)

Dear Planning Commission,

I am writing to respectfully request a rezoning of a parcel located at [Insert Property Address or Parcel ID], currently zoned RSF-4 (Residential Single-Family, 4 units per acre), to Neighborhood Conservation (NC). The property consists of approximately 0.334 acres and is located within an established residential area of Fayetteville.

This request is rooted in a commitment to thoughtfully contribute to Fayetteville's growing housing needs while embracing the existing character and fabric of the neighborhood. Our goal is to develop tasteful,

context-sensitive single-family homes that align with the architectural identity of the area and promote long-term neighborhood vitality.

Rezoning to Neighborhood Conservation would allow us to maintain a walkable, human-scale streetscape while adding critically needed housing in a way that respects the surrounding built environment. Our design approach prioritizes compatibility, sustainability, and a deep appreciation for the community's values.

We believe this proposal supports the city's mission to encourage responsible infill development, expand housing opportunities, and preserve neighborhood integrity.

Thank you for considering this request. I would welcome the opportunity to meet with staff or commission members to discuss the project in more detail and answer any questions.

Warm regards,

Niles Allen

Developer

Frank, Wes

From: Henry Renegar <henryrenegar@sbcglobal.net>
Sent: Tuesday, September 2, 2025 4:46 PM
To: Frank, Wes; renegar@uark.edu; Masters, Jessica
Subject: RZN-2025-0033 for 922 E. Rockwood Trail

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi Wesley,

My name is Henry Renegar, and my wife and I live at 925 E Rockwood Trail across the street from 922 E Rockwood Trail. We have called Fayetteville home since 1988. We purchased our land on Rockwood Trail in 1990, and we built our current home on this land in 2005.

After seeing the City Planning sign across the street last week, we went to the Fayetteville Planning Office and spoke with Jessie Masters this past Friday to understand the details of the rezoning request. Jessie explained to us that the owner of the 922 E Rockwood Trail property is seeking to rezone the property so that three homes can be built on the parcel which is approximately 1/3 acre.

We are opposed to this rezoning for the following reasons:
1. Placing three homes on such small lots would not be consistent with the neighborhood layout and it would change the appearance and character of the neighborhood. Rockwood Trail along with the roads that feed into Rockwood Trail comprise a neighborhood with a very unique character. With lots of trees, lots of green space between the roads and the homes, fantastic sunsets, and an eclectic blend of home architectures than run the gambit from simple ranch-style to classic E. Faye Jones, the Rockwood Trail area has a personality that is unique to Fayetteville.
2. Constructing three homes on this land would require that most if not all of the large old growth trees on the property be removed. There are several oak trees on the petitioned property that are well over 100 years old. We had an oak tree in our back yard that died a few years ago that the arborist counted 169 rings on when it was taken down. A big part of the beauty of Mt. Sequoyah and the Rockwood Trail area is the tree cover. There aren't a lot of places left where folks can have breakfast on the back patio or deck while enjoying the shade of 169 year-old trees.
3. Granting the rezoning request for 922 E Rockwood Trail could set a precedent for high density home development that could propagate to other areas of the neighborhood. The end result will be older homes with large lots being purchased by developers to be razed and replaced with multiple smaller homes.

Certainly, any homeowner or landowner has the right to build and develop their property within the established guidelines of the neighborhood and the city. However, a single property owner does not have the right to change the entire character of a neighborhood without the approval of the community. Building high density housing on Rockwood Trail would be analogous to building the same thing on Washington Street in the historic district or building this type of development around the Mt. Sequoyah Assembly. Both of these example neighborhoods are adjacent to the Rockwood Trail Mountain View neighborhood. The end result of rezoning 922 E Rockwood Trail to increase the home density will not be more affordable housing in Fayetteville. The result will be the razing of ancient tress that cannot be replaced in our lifetime, the setting of a precedent for

high density home construction in an older established neighborhood, and the destruction a unique neighborhood character that, along with the other older neighborhoods, helps make Fayetteville such a desirable place to live.

My wife and I request that these issues be considered and that the rezoning request RZN-2025-0033 for 922 E. Rockwood Trail be rejected.

Sincerely,

Henry and Jefferie Renegar

925 E. Rockwood Trail
Fayetteville, AR 72701
479-841-9187

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: September 8, 2025

SUBJECT: **RZN-2025-0036: Rezoning (1146 N. MAXWELL DR./BATES-SIEMEK, 365):** Submitted by WESLEY BATES for property located at 1146 N. MAXWELL DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0036** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0036** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is comprised of one parcel totaling 0.30 acres, located approximately 200 feet east of the intersection N. Garland Ave. and W. Sycamore St. on the south side of Midtown Trail. The property directly abuts Tri-Cycle Farms and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. It is developed with one 1,158 square foot single-family dwelling which Washington County records indicate was built in 1961. No zoning overlay districts, or master planning areas apply to the parcel. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Tri-Cycle Farms	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 subject property from RSF-4, Residential Single-Family, 4 Units per Acre to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has received multiple inquiries and three public comments in opposition to the proposed rezoning, citing narrow streets, increased traffic, inadequate parking, noise and higher infrastructure demands. A public comment in opposition was also provided via phone,

citing traffic, potential negative impacts to the existing neighborhood character, and general opposition to any increase in density.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property's frontage along N. Maxwell Drive, a Residential Link, is partially improved 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 property. There is an existing 8-inch water main on the south side of the subject property along the south side of N. Maxwell Drive.

Sewer: Sanitary sewer is available to the subject property. There is an existing 6-inch sewer main on the south side of the subject property along the north side of N. Maxwell Drive. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,100 linear feet downstream of this property.

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

Fire: Station 8, located at 2266 W. Deane St., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:
The proposed zoning district, RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood 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 **7** for this site with a weighted score of **8**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 8, 2266 W. Deane St.)
- Near Water Main (8-inch main, Maxwell Dr.)
- Near Sewer Main (6-inch main, Maxwell Dr.)
- Near Grocery Store (Harps)
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (Midtown Trail, On Subject Parcel)
- Near Razorback Bus Stop (Garland and Sycamore)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **The subject property is primarily surrounded by single-family homes to the east, west, and south, though there are nearby apartment complexes on Mount Comfort and Garland. Tri-Cycle Farm, a nonprofit teaching farm is located directly north of the subject area. Other nonresidential services including churches, city parks, a police and fire station, and commercial business are also located in the area. Staff finds the proposed RI-U rezoning compatible with surrounding uses. RI-U permits a mix of low-intensity residential types, including up to four-unit buildings, but maintains a minimum lot width of 18 feet. Several rezonings in recent years have slowly increased the permitted density in the area, with anticipated increased in the built environment as those areas redevelop. The applicant has indicated an intent to add two additional homes, though staff finds up to five lots could potentially be created along the street or trail. That said, staff finds that parking, drainage, tree preservation and other requirements will likely limit the development potential of the parcel. While RSF-4 and RI-U allow similar uses, RI-U permits more housing types with smaller lot size requirements, encouraging compatible infill development without disrupting neighborhood scale.**

Land Use Plan Analysis: **Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as Residential Neighborhood Area. The RI-U zoning district would allow a greater variety of land uses in an urban setting, which staff finds to be compatible with the surrounding area. The property has a relatively high infill score of 7 with a weighted score of 8, indicating it is a suitable location for infill development. The property also fronts onto Midtown Trail, a recent public improvement by the city in the area that would enable residents to utilize alternative means of transportation. Infill in this area could help support Goals 1 and 3 by promoting moderate infill in an area that is highly walkable and near transit routes.**

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

Finding: **The applicant has stated that they have requested this rezoning to create two small housing units facing Midtown Trail. Staff finds that two separate dwelling units could be constructed by right as accessory dwelling units with no additional parking required. A rezoning to RI-U would permit those units to be subdivided onto individual lots, potentially enabling home-ownership of smaller, more attainable dwelling units in an area of town with a relatively high concentration of services, amenities, and employment opportunities.**

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

Finding: **Staff finds that rezoning the property to RI-U is not likely to create or appreciable increase traffic danger and congestion since the subject property is relatively small. RI-U would also permit trail-oriented development in line with recent code changes. Any street improvements required in this area would be determined at the time of development proposal.**

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

Finding: **Rezoning the property from RSF-4 to RI-U has the potential to alter the population density when considering that RI-U has no set density limitation. However, given the presence of existing public infrastructure, the presence of Midtown Trail on the northern portion of the property, and proximity to nonresidential services such as grocery stores, transit and parks, staff finds that the proposed rezoning is not likely to increase the load on public services to an undesirable degree. While there are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,100 linear feet downstream of this property, the small size of the property is also likely to naturally limit the development capacity of the parcel. Any street improvements required in this area would be determined at the time of development proposal. Fayetteville Public Schools did not comment on this request.**

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

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0036 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	❒ **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
  - §161.12 Residential Intermediate-Urban
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Request Letter
- 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*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

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

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

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

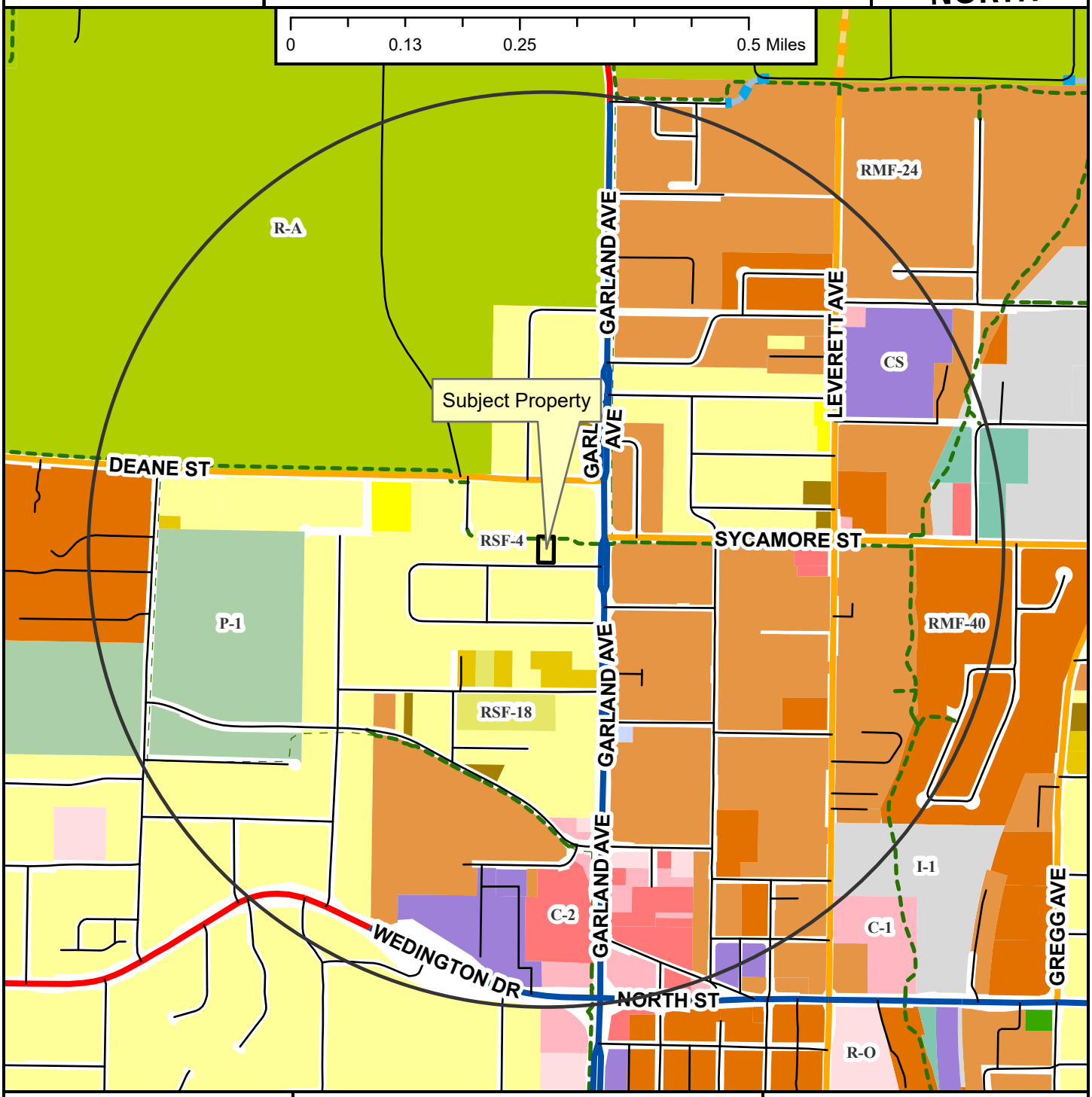
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance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

RZN-2025-0036

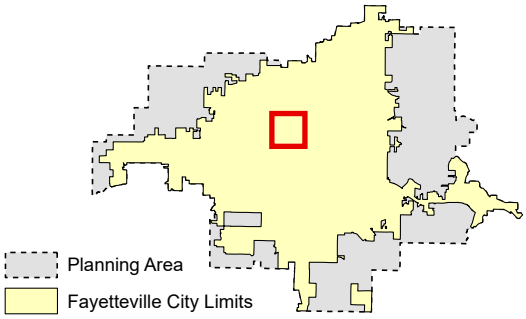
One Mile View

1146 N. MAXWELL DR

NORTH



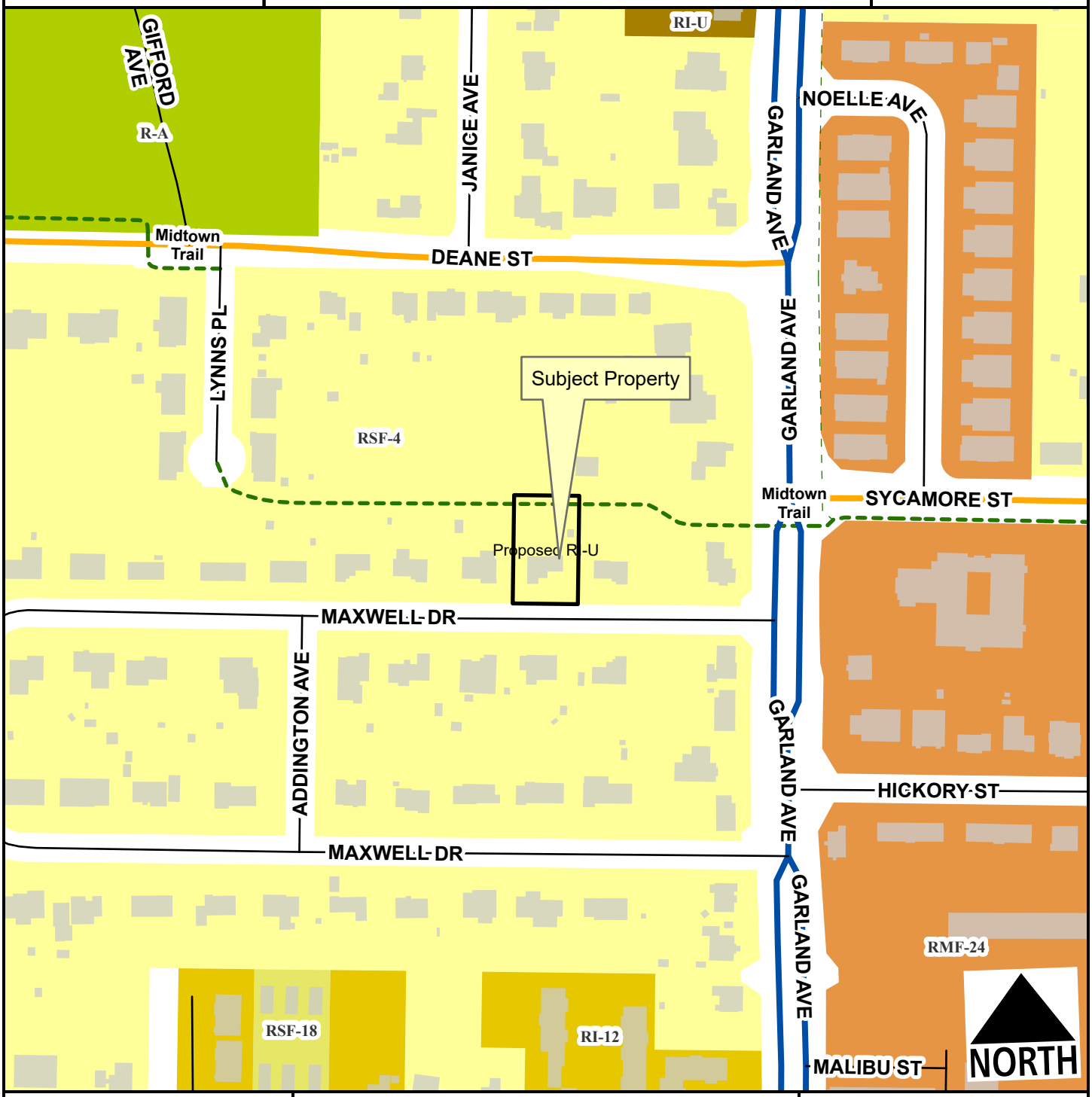
- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



RZN-2025-0036

Close Up View

1146 N. MAXWELL DR



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.3
RSF-4	0.3	0.0
Total	**0.3 ac**	

RZN-2025-0036

Current Land Use

1146 N. MAXWELL DR

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

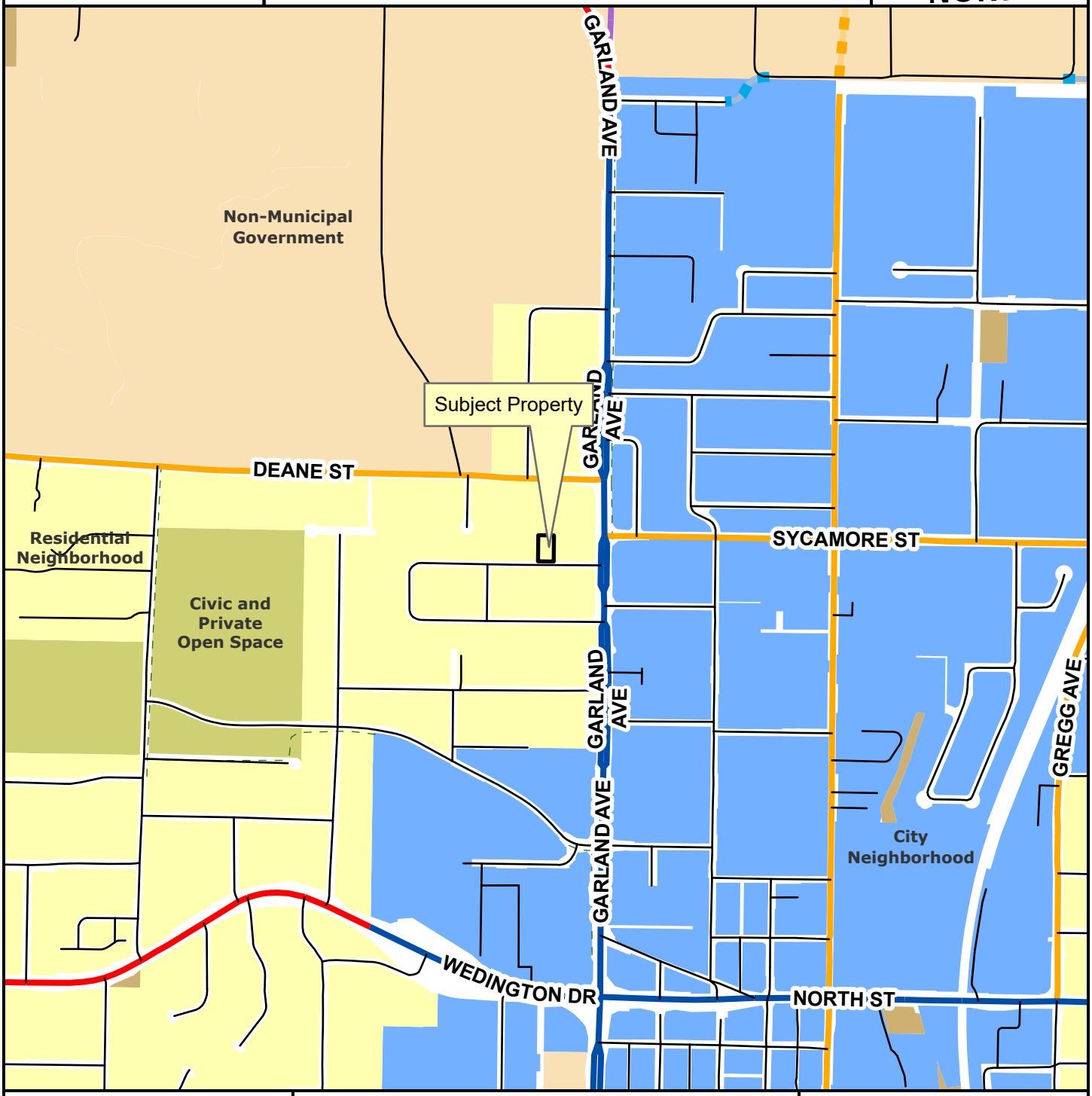
- 100-Year Floodplain
- Floodway

RZN-2025-0036

Future Land Use

1146 N. MAXWELL DR

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

To the Planning Commission and City Staff,

I am writing to respectfully request the rezoning of the property at 1146 N Maxwell Drive from Residential Single-Family, 4 units per acre (RSF-4) to Residential Intermediate-Urban (RI-U).

This property backs up directly to the new Midtown Trail, part of Fayetteville's expanding trail network, and is located just across from Tri-Cycle Farms. The site offers a rare opportunity to create two small housing units that connect directly to the trail and are within walking or biking distance of local amenities, including the new neighborhood coffee shop on Sycamore Street. The property is also located close to a city bus route, supporting transit-oriented development and reducing car dependency.

The proposed RI-U zoning would allow for gentle density in a way that's compatible with the existing residential character, while offering more housing options in a highly livable and connected location. Small-scale, trail-oriented housing at this site would support the City's goals of sustainability, equity, and smart growth.

Statement of Compatibility:
This rezoning is compatible with surrounding land uses and Fayetteville's broader planning vision. The property is located in a walkable, bikeable neighborhood with existing mixed housing types nearby. RI-U zoning maintains a residential form and scale, while allowing for incremental infill that fits within the existing neighborhood context. The proximity to trail infrastructure, transit, and local businesses makes this an ideal site for thoughtful, modest densification.

Thank you for your time and consideration. We believe this rezoning aligns with the values of the community and offers a meaningful opportunity to support housing diversity and connectivity in Fayetteville.

Sincerely,
Wes Bates

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 29, 2025 7:50 AM
To: Wonsower, Donna
Subject: FW: Rezone for 1146 N Maxwell Dr.
Attachments: Letter to Planning 082825.docx

RZN-2025-0036

Thank you

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

CITY OF FAYETTEVILLE ARKANSAS

From: Christine Myres <christine.myres@gmail.com>
Sent: Thursday, August 28, 2025 5:10 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Rezone for 1146 N Maxwell Dr.

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 have attached a letter for the Commission about this rezoning request, and would appreciate it being distributed to the members. Thank you.

Christine A. Myres

"Give up all hope of a better past" Prudence MacLeod
"Never give up hope of a better future." said someone or other.

August 28, 2025

To the Fayetteville Planning Commission

Re: Rezoning request for 1146 N. Maxwell Dr.

RSF-4 to RI-U

I am writing to ask the Planning Commission to deny this requested rezoning. I live next door at 1158 N. Maxwell Dr. and own my home. As a former member of the Commission I am aware of the ramifications of most rezoning requests.

The idea of adding to the current traffic on our narrow street is troublesome, since there is no opportunity to widen the road; there are ditches on both sides, we currently have no sidewalks, and the street is only wide enough for two cars at best. There are frequently cars parked on the sides of the street (often for days at a time) and that narrows the driving lane to one car. When you turn the corner from Garland, you never know if you will have the whole road to drive down the block or not.

Our neighborhood is largely single-family owner occupied and although there are several rentals, they still conform to the single-family model. Adding two more units at the back of the .3-acre lot does not conform to best practices for this type of neighborhood. I believe they are allowed one 'accessory' unit under current zoning? Unless there is adequate off-street parking, the addition of any units would create an unsustainable situation for the street. Currently, the rental house residents frequently park on the street since there is inadequate parking in the driveway; the renters have 4 cars. And of course, if they have visitors, those park in the street.

Please consider this request carefully, as you usually do, in light of the increased traffic and cars using our narrow street. I am especially concerned that this will create a precedent for others to overload a small lot with too many dwelling units and consequently create more traffic and car problems.

Yours sincerely,

Christine A. Myres

1158 N. Maxwell Dr.

Fayetteville, AR 72703

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 28, 2025 9:18 AM
To: Wonsower, Donna
Subject: FW: 1146 North Maxwell propose rezoning from RSF-4 to RI-U

Follow Up Flag: Follow up
Flag Status: Flagged

Re: RZN-2025-0036

Zak Tamijani
Planning Technician
Development Services
City of Fayetteville
479-444-3443
fayetteville-ar.gov

From: Mei Ziegler <Mei.Ziegler@arisahealth.org>
Sent: Wednesday, August 27, 2025 5:25 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 1146 North Maxwell propose rezoning from RSF-4 to RI-U

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.

Planning Commission,

I received a letter today from Wesley Bates requesting a rezoning of a property that is across from mine.

I believe he wants to add two tiny houses behind his property that will face the bicycle trail. My understanding is that under current city laws, he can add two ADUs without any parking requirements, however, he does want to add a driveway west of his property so there can be access to the tiny houses behind the current house, thus the proposed rezoning.

My concern is if this were to take precedence and every house here were to add two ADUs to their backyards, wouldn't that put stress to our sewer system, and how can we address the increased traffic on a narrow street like North Maxwell? Have we addressed the increased noise level from traffic?

My other concern is wouldn't this devalue the surrounding properties, and take away the aestheticness of the area? I enjoyed living here for over 20 years because of the peacefulness, and hopefully for the next 20 years.

Thank you for your kind consideration.

Regards,

Mei Ziegler

479-466-5125

Disclaimer: The information contained in this message may be confidential and any unauthorized retention, forwarding, printing, copying, distribution, or use of such information by the addressee or any other recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender immediately and permanently delete all electronic record of this message and any hardcopies you may have created.

Secured by Paubox - HITRUST certified

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 28, 2025 4:36 PM
To: Wonsower, Donna
Subject: FW: Proposed Re-Zoning at 1146 N. Maxwell Dr. In Fayetteville

For you!

Jessie Masters, AICP
Planning Director
Development Services
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----
From: Lorraine Miller <lwmiller46@yahoo.com>
Sent: Thursday, August 28, 2025 11:43 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Proposed Re-Zoning at 1146 N. Maxwell Dr. In Fayetteville

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 received a letter from Wesley Bates regarding a proposed re-zoning from RSF-4 to RI-U at 1146 N. Maxwell, the residence is next door to the residence directly across the street from me. I live at 1157 N. Maxwell.
I have lived in my home since the summer of 1979…46 years. During these last 4 1/2 decades, I have witnessed changes in our neighborhood… some good, others not so good.
In the past several years, many good things have happened on N. Maxwell and S. Maxwell , connected by the curve at the end of the street. Younger people, some of whom are families with young children have been moving in. Often, before they move in, I have observed extensive remodeling (if not complete remodeling of the interior), being done. While taking my daily walk with my dogs around the N Maxwell/ S Maxwell blocks, I have observed this and met so many of my new neighbors and their children playing outside. It's a good feeling to see this re-vitalization of the neighborhood I love so much!
However, as I see more children riding their bikes or trikes on our street, or young couples with a stroller taking their newborn around the loop, I worry because we now have more vehicles on our very narrow street. I also worry about the increased traffic on our loop as I walk my dogs.
We have a few homes in our neighborhood that are rental homes, often renting to students all of whom have their own vehicles. It's just a LOT of added vehicles to a very narrow street. For example, the address requesting re-zoning is currently occupied by students. There are usually at least 4 SUV's and often 5 vehicles parked in the driveway and on the street. Needless to say, navigating down the street around these cars is quite difficult, especially when meeting cars.

Now, as I understand the proposal, by adding 2 additional residences with parking for additional vehicles in the back yard of the current home, this can only magnify an already serious problem.

Often, I wonder how our trash and re-cycling trucks can make it around the loop. I especially am concerned during the " mowing season" when additional trucks and trailers are providing yard work to neighbors. Just this week, I noticed where a mailbox had been hit, the wooden post split obviously by a vehicle. This is one of the homes that was completely renovated before she moved in. This tells me she intends on staying in our neighborhood for a while. I hate this for her. Another neighbor has had her mailbox hit several times and has had a difficult time finding a place to put it so this won't happen.

I am afraid if this re-zoning request is approved, it will only be the beginning. Other people who own rental property will see this as an opportunity for increased income and do the same. A very bad problem can only get worse when this happens.

I very much appreciate your taking the time to read my letter. I love my home and my neighbors and we ABSOLUTELY do not need increased vehicles and traffic on our streets. Please, please deny this request.

Respectfully,

Lorraine Miller
1157 N. Maxwell Dr.
Fayetteville, AR 72703

Sent from my iPad

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: September 8, 2025

SUBJECT: **RZN-2025-0037: Rezoning (902 & 908 W HUGHES ST/MARKS REVOCABLE TRUST, 444):** Submitted by BATES AND ASSOCIATES for property located at 902 & 908 W. HUGHES ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.29 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE- URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0037** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0037** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is comprised of two parcels (0.29 acres) located about 800 feet southeast of the intersection of N. Garland Ave. and W. North St. directly on the northwest corner of N. Storer Ave. and W. Hughes Ave The property is zoned RMF-40, Residential Multi-Family, 40 Units per Acre. The parcels was previously developed with a single-family home which was demolished in 2024. No zoning overlay districts or master planning areas apply to the parcel. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Multifamily Residential (Under Construction)	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Multifamily Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Two-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Two-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre

Request: The request is to rezone the subject property from RMF-40, Residential Multi-Family, 40 Units per Acre to RI-U, Residential Intermediate-Urban.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along W. Hughes Street and N. Storer Avenue, both residential links, which are partially improved with sidewalk and asphalt paving. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 6-inch water main on the east side of the subject property along the west of N. Storer Avenue.

Sewer: Sanitary sewer is available to the subject property. There is an existing 8-inch sewer main on the south side of the subject property along the south of W. Hughes Street. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 400 linear feet downstream of this property.

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

Fire: Station 2, located at 138 W. North St., protects this site. The property is located approximately 1 mile 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. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**. The current zoning district, RMF-40, Residential Multifamily, 40 Units per Acre, requires **20% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **11** for this site with a weighted score of **15**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, 138 W. North St.)
- Near Water Main (6-inch main, Storer Ave.)
- Near Sewer Main (8-inch main, Hughes St.)
- Near Grocery Store (Harps)
- Near Public School (Leverett Elementary)
- Near University of Arkansas
- Near City Park (Scull Creek Trail Corridor)
- Near Paved Trail (Razorback Greenway)
- Near Razorback Bus Stop (South Creekside)
- Appropriate Future Land Use
- Sufficient Intersection Density

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **The subject property is surrounded by multifamily dwellings to the east, west, and south, with smaller two- to four-family units scattered throughout. Extensive nonresidential services are present on the north side of W. North Street, and the subject area is approximately just over 1,000 feet northeast of the University of Arkansas' main campus. Staff finds the proposed RI-U rezoning compatible with surrounding uses. RI-U permits a mix of low-intensity residential types, including up to four-unit buildings, with a minimum lot width of 18 feet. Given the density of surrounding residential uses and mix of existing housing types, staff finds that the uses permitted in RI-U align with the surrounding neighborhoods. RI-U permits missing middle housing types with smaller lot size requirements, encouraging compatible infill development without disrupting neighborhood scale. Additionally, staff finds that parking, drainage, tree preservation and other requirements will likely limit the development potential of the parcel.**

Land Use Plan Analysis: **Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as City Neighborhood Area. The RI-U zoning district would shift Use Unit 26: Multifamily Dwellings to a conditional use permit but would remove density maximums and permit smaller lot sizes, which staff finds to be compatible with the surrounding area. The property has a relatively high infill score of 11 with a weighted score of 15, indicating it is a suitable location for infill development. Infill in this area could help support Goals 1 and 3 by promoting moderate infill in an area that is highly walkable and near transit routes.**

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

Finding: **The applicant has stated that they have requested this rezoning to create permit the subdivision of smaller lots within a proposed townhome development. Staff finds that the parcel could be developed with up to 11**

dwelling units by right under the existing zoning. A rezoning to RI-U would likely permit a similar number of units in a missing middle style which subdivided onto individual lots, potentially enabling homeownership of smaller, more attainable dwelling units in an area of town with a relatively high concentration of services, amenities, and employment opportunities.

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

Finding: **Staff finds that rezoning the property to RI-U is not likely to create or appreciably increase traffic danger and congestion since the subject property is relatively small and already permits a high density under the existing zoning regulations.**

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

Finding: **Rezoning the property from RMF-40 to RI-U has the potential to alter the population density when considering that RI-U has no set density limitation. However, given the presence of existing public infrastructure, existing density allowances, the small size of the property, and proximity to nonresidential services such as grocery stores, schools, and commercial establishments, staff finds that the proposed rezoning is not likely to increase the load on public services to an undesirable degree. While there are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 400 linear feet downstream of this property, the small size of the property is also likely to naturally limit the development capacity of the parcel. Any street improvements required in this area would be determined at the time of development proposal. Fayetteville Public Schools did not comment on this request.**

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

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0037 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.12 District RI-U Residential Intermediate-Urban
  - §161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Request Letter

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	Forty (40) or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

Manufactured home park	3 acres

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

(3) *Land Area Per Dwelling Unit*.

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

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

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

6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §7(Exh. F), 5-2-23)

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

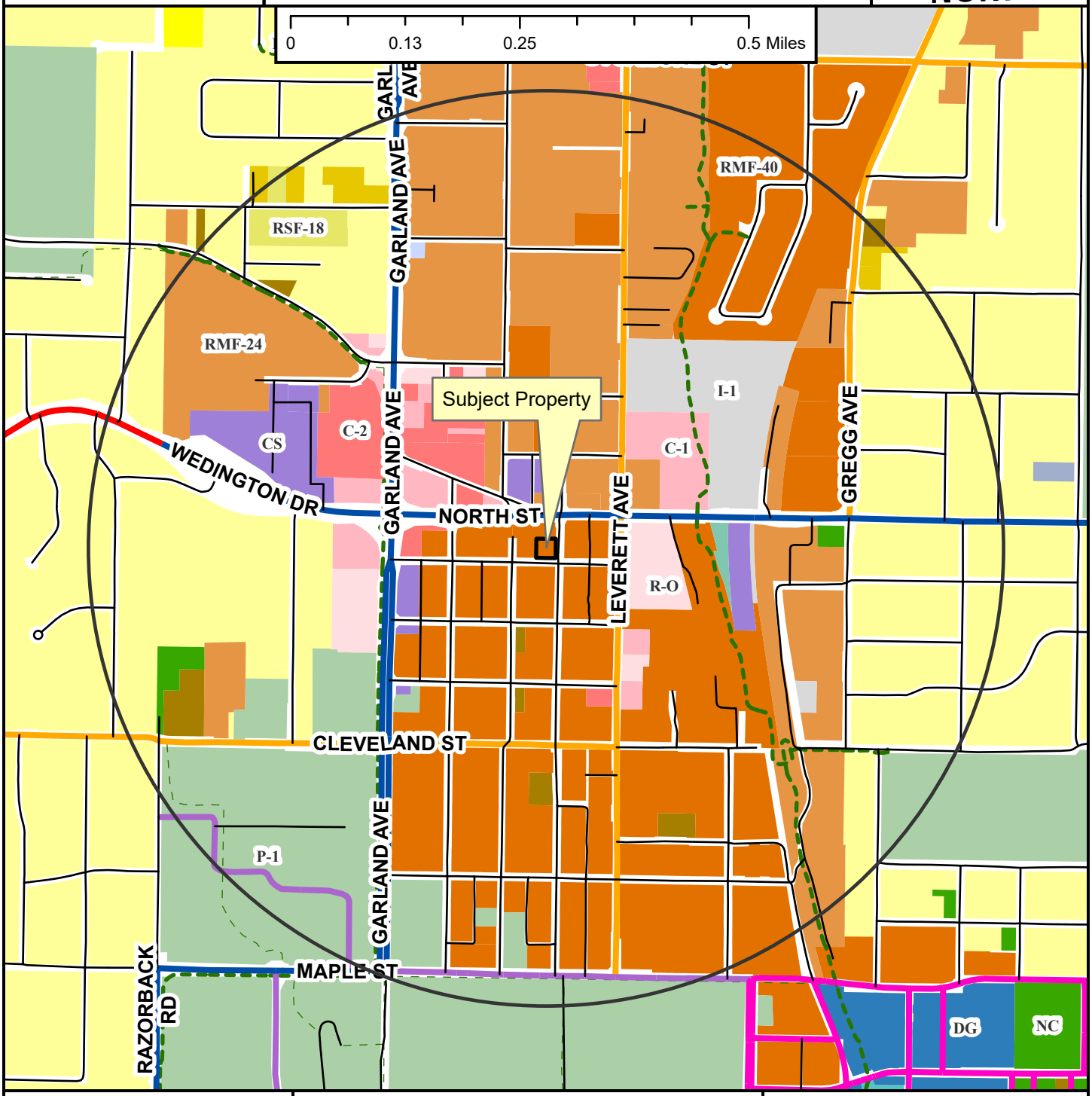
•

RZN-2025-0037

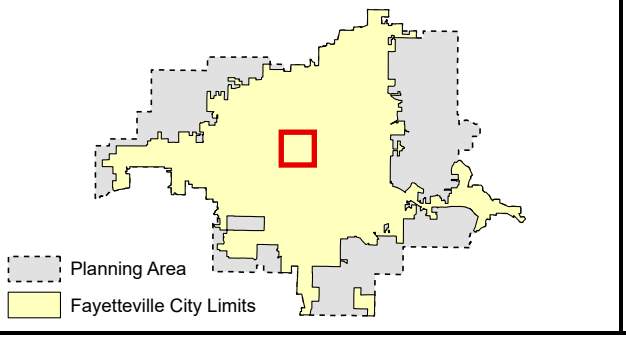
One Mile View

902 & 908 W. HUGHES ST

NORTH



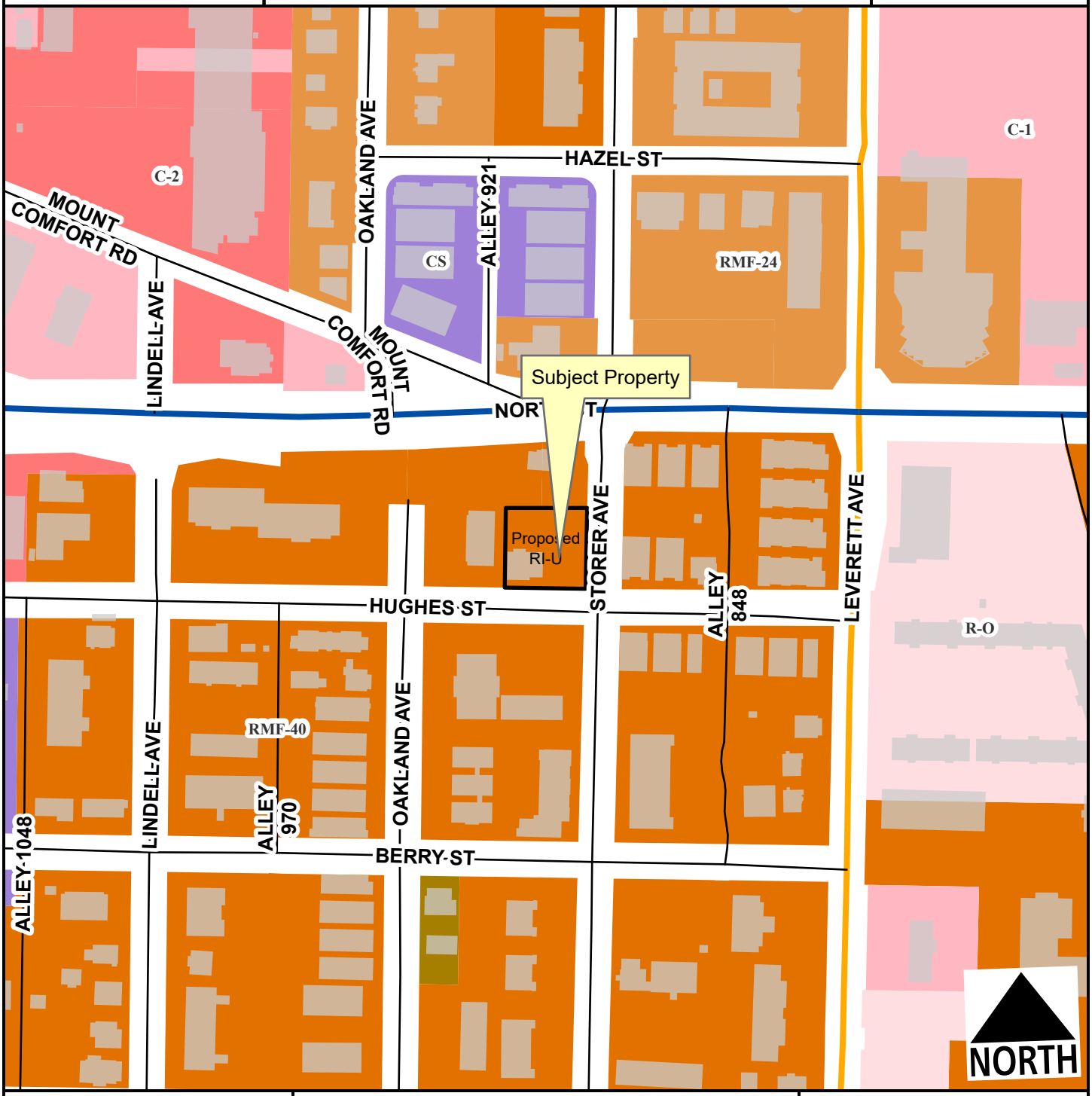
- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2025-0037

Close Up View

902 & 908 W. HUGHES ST



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

Feet

0 75 150 300 450 600

1:2,400

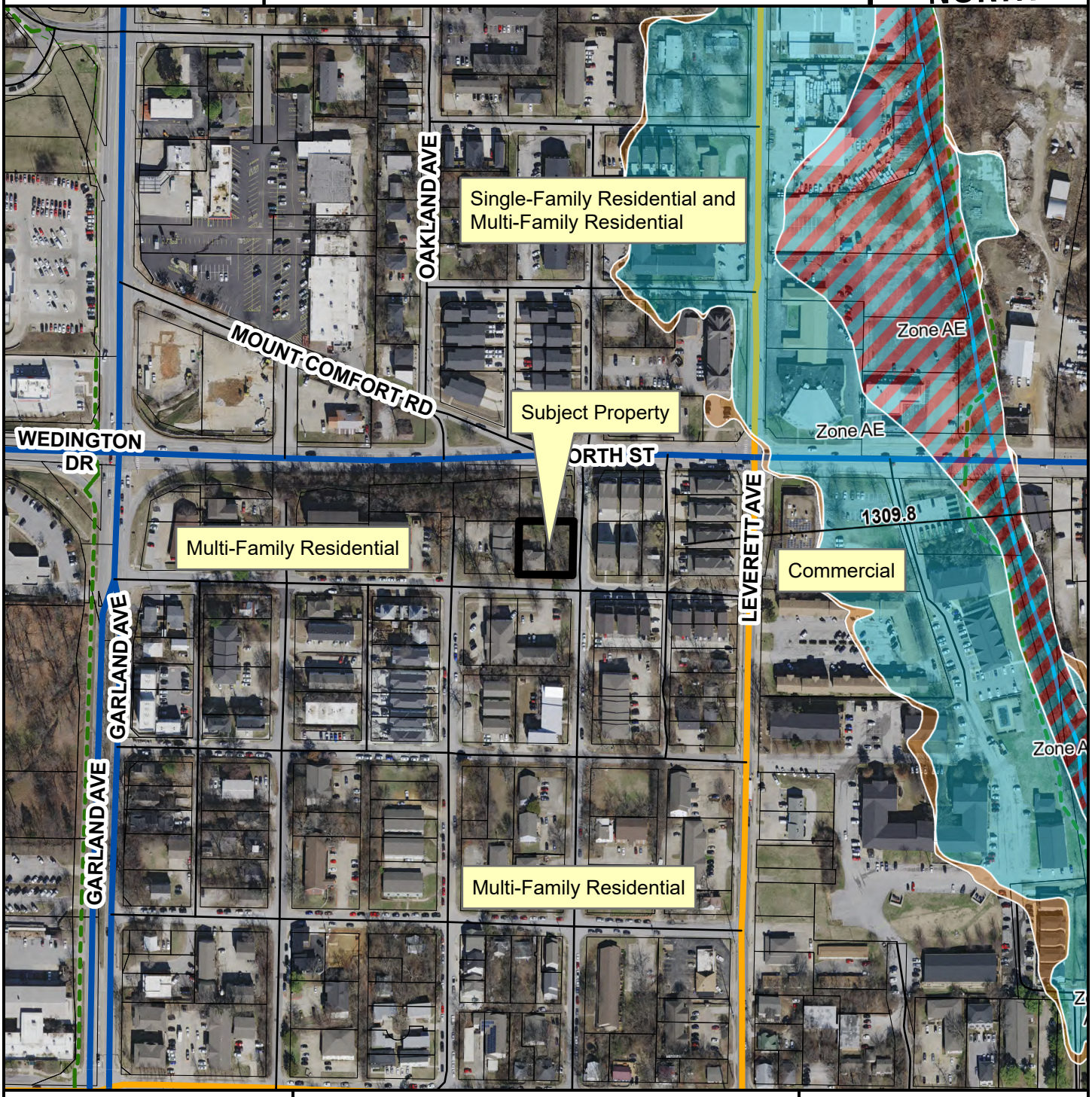
Zone	Current	Proposed
RI-U	0.0	0.3
RMF-40	0.3	0.0
Total	**0.3 ac**	

RZN-2025-0037

Current Land Use

902 & 908 W. HUGHES ST

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

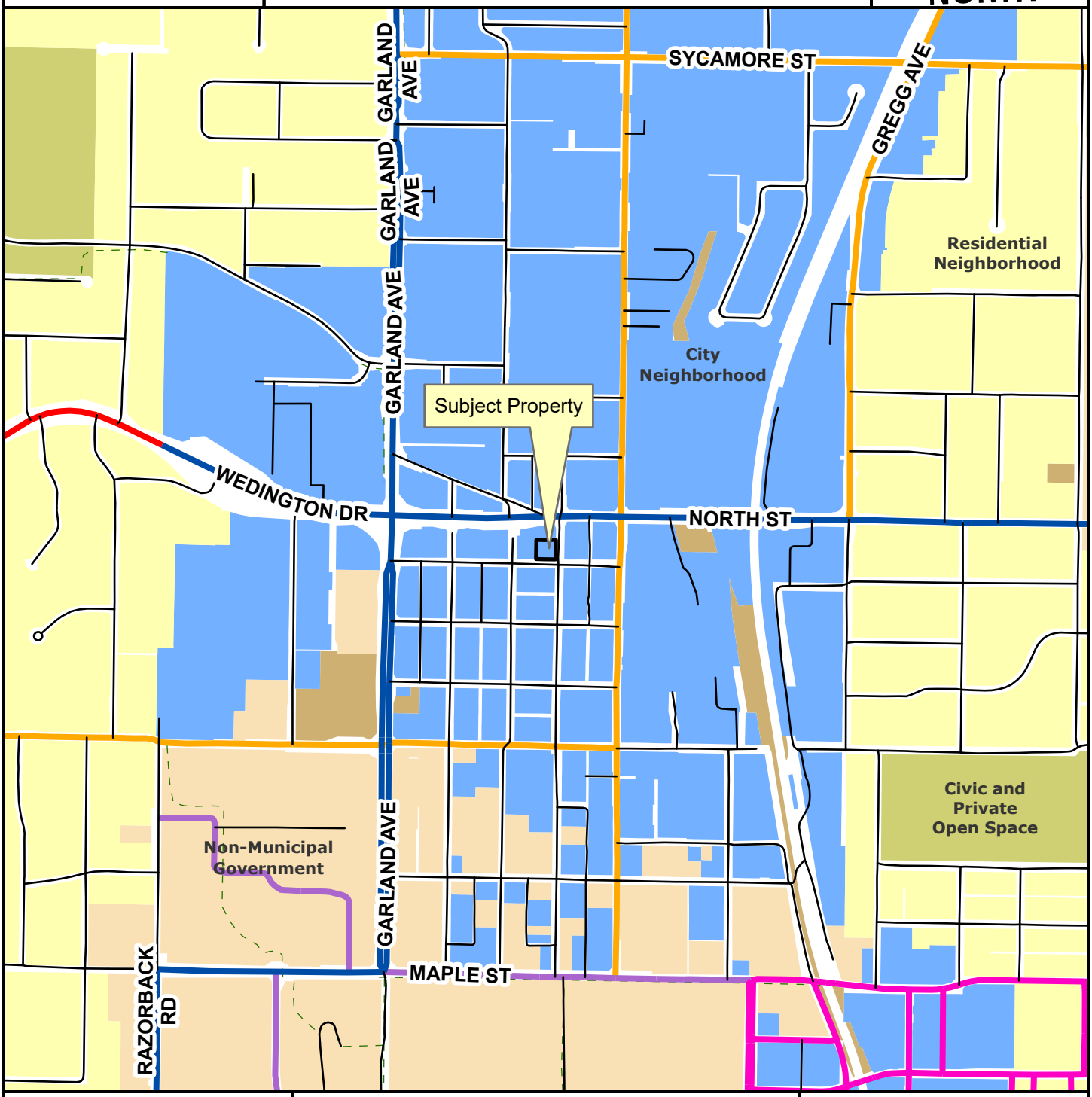
- 100-Year Floodplain
- Floodway

RZN-2025-0037

Future Land Use

902 & 908 W. HUGHES ST

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

BATES
Engineers · Surveyors
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704
PH: (479) 442-9350 / batesnwa.com

July 29th, 2025

Planning Staff
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Hughes Development Rezoning

Dear Planning Staff,

Bates & Associates, Inc., on behalf of Andrew Glen Revocable Trust And Marks, Karen Hammack Revocable Trust, has applied for a rezoning in Fayetteville. The location of the proposed rezoning is NW of the corner of W Hughes Street and North Storer Avenue (Washington County Parcels 765-10325-001, & 765-10325-000). The total acreage of the development is 0.29 acres. The current zoning district is currently RMF-40 with the request to rezone to RI-U.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Bates & Associates, Inc.

Geoffrey Bates

Geoffrey Bates
President of Engineering

BATES
Engineers · Surveyors
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704
PH: (479) 442-9350 / batesnwa.com

July 29th, 2025

Planning Staff
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Hughes Development Rezoning

Dear Planning Staff,

The existing adjacent properties are currently zoned as RMF-40 and RMF-24. We are proposing the rezone from RMF-40 to RI-U which meets the adjacent land use. The exhibit on the next page is depicting the existing zoning as well as the neighboring properties. The proposed request for the rezone will not adversely affect the surrounding land use due to the request matching the adjacent properties current urban usage.

If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Bates & Associates, Inc.

Geoffrey Bates

Geoffrey Bates
President of Engineering

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: September 8, 2025

SUBJECT: **RZN-2025-0038: Rezoning (338 S. COMBS AVE/BATES, 524):** Submitted by WESLEY BATES for property located at 338 S. COMBS AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0038** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0038** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in central Fayetteville about 320 feet south of the S. Combs Avenue and E. Huntsville Road intersection. The property is zoned NC, Neighborhood Conservation and overall contains approximately 0.20 acres. The property is developed with a single-family home that was built in 1930; the property is not located in an overlay district but is in the Walker Park Master Plan area. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	NC, Neighborhood Conservation
South	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the property from Nc, Neighborhood Conservation, to RI-U, Residential Intermediate-Urban.

Public Comment: Staff has received one comment in support of the rezoning citing development opportunities.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The property's frontage along S. Combs Avenue and S. Willow Avenue, Residential Links, is partially improved with sidewalk and asphalt paving. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 4-inch water main on the north-west side of the subject property along the south-east of S. Combs Avenue. In addition, there is an existing 2-inch water main on the south-east side of the subject property along the north-west side of S. Willow Avenue.

Sewer: Sanitary Sewer is available to the subject property. There are two existing 12-inch sewer main on the north-west side of the subject property along the north-west of S. Combs Avenue. In addition, there is a 6-inch sewer main on the south-east side of the subject property along the north-west side of S. Willow Avenue.

There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 400 linear feet downstream of this property

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

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately .9 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate-Urban, requires **15% minimum canopy preservation**. The current zoning district, NC, Neighborhood Conservation, requires **20% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Residential Neighborhood**. The property is also located within the **Walker Park Neighborhood Master Plan** area.

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also

encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. This designation recognizes the existing conventional subdivision developments that may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment.

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **9** for this site with a weighted score of **12.5**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station 1, located at 303 W. Center St.)
- Near Sewer Main (12-inch main Combs Avenue; 6-inch main South Willow Avenue.)
- Near Water Main (4-inch main S. Combs Avenue; 2-inch main S. Willow Avenue.)
- Near City Park (Ralph "Buddy" Hayes Park)
- Near Paved Trail (Willow Avenue Trail; Side Path Trail)
- Near ORT Bus Stop (Willow & Huntsville)
- Near Razorback Bus Stop (MLK BLVD & Willow)
- Walker Park Master Plan
- Sufficient Intersection Density

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the requested rezoning to be generally compatible with surrounding land use but is inconsistent with zoning patterns. The City's comprehensive plan acknowledges the value of increasing density in locations where City services and utilities already exist, but only where it "reflects the existing community character." The subject property is located in the Walker Park Neighborhood Master Plan area, which recommends appropriate infill of single-family residential units with high-density. The potential in RI-U does allow for single-family in the interior of the neighborhood, which would be in keeping with the master plan and established character. However, the additional by-right and conditional residential and commercials allowances in RI-U would not be upholding the intent of the plan nor established character. Allowing businesses to be located by-right in the middle of this residential block, could result in compromising the integrity of the Walker Park Neighborhood Plan goals. The plan notes Southgate Commercial Center, the intersection of School & 15th, Jefferson Square, and along Huntsville Road as intended places to grow commercial nodes and streets. The DG zoning to the north along E. Huntsville Road allows for commercial and diverse housing uses (two-, three-, and four-family), adhering to the goals of the plan. Allowing a zoning district with more allowances in an area that was not intended for variety could hurt the intent of the master plan area.**

But the lot standards in RI-U would be in keeping with that same plan. The plan recommends smaller lot sizes in the area as it would allow for a more sustainable pattern of development. RI-U would allow for smaller lot sizes with an 18-foot lot width compared to NC's 40-foot requirement. The subject property is also in non-compliance as it is a through-lot, which is discouraged as this design impacts the public's visual and physical interaction with the development here. A rezoning could allow for development in the rear of the property, which would eliminate this nonconformity. Both zoning types are comparable as both do allow for a maximum height of three stories for housing uses. Another similarity would be that both require a build-to-zone requirement, ensuring that the urban form fabric of the area is maintained. The setback requirements for this subject property would also remain the same as both would require 5-foot side and rear setbacks. The proposed zoning is generally incompatible with the Walker Park Neighborhood Master Plan, but on the balance of considerations, staff is in support of this rezoning request.

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. These areas are intended to support a wide variety of housing types in walkable urban neighborhoods. The RI-U zoning district would allow for a mixture of residential densities that are urban form, which supports walkability in the area. The proposed zoning is compatible with the surrounding NC zoning district in terms of requiring a build-to-zone; and is compatible with existing buildings that are located nearby. However, where the subject property is located, as noted above, would not comply to the Walker Park Neighborhood Master Plan as this location is not intended for zoning districts that allow for diverse housing types. The location is intended to be primarily single-family, which is at odds with the proposed zoning. But, RI-U does fulfill one goal of the plan that includes smaller lot sizes to allow for a sustainable development pattern. The property has a high infill score of 9, which indicates that it is a suitable location for infill. It is also located within a third of a mile of a Tier 1 center, which advocates for a mixture of uses, both commercial and residential. Staff finds that the requested rezoning could allow for the creation of missing middle housing and meets City Goals 1 (appropriate infill), 3 (compact, complete, and connected development), and 6 (opportunities for attainable housing).**

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

Finding: **Staff finds that there is sufficient justification for rezoning the subject property from NC to RI-U since the rezoning would be consistent with the property's future land use designation and supports several goals of City Plan 2040.**

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

Finding: **A rezoning from NC to RI-U could increase traffic in the area as the allowances in RI-U allow for more development with no density maximums**

and smaller lot widths. Given the small property which would prevent substantial development, Staff does not anticipate a noticeable increase in traffic as a result of the rezoning.

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

Finding: **The proposed rezoning has the potential to slightly alter the population density since it would allow for more intense residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0038 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.29 Neighborhood Conservation
  - §161.12 District RI-U, Residential Intermediate - Urban

- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter
- Public Comment

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations*.

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

Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

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

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

All dwelling types	40 feet

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations*.

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

Rear, from center line of an alley	12 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

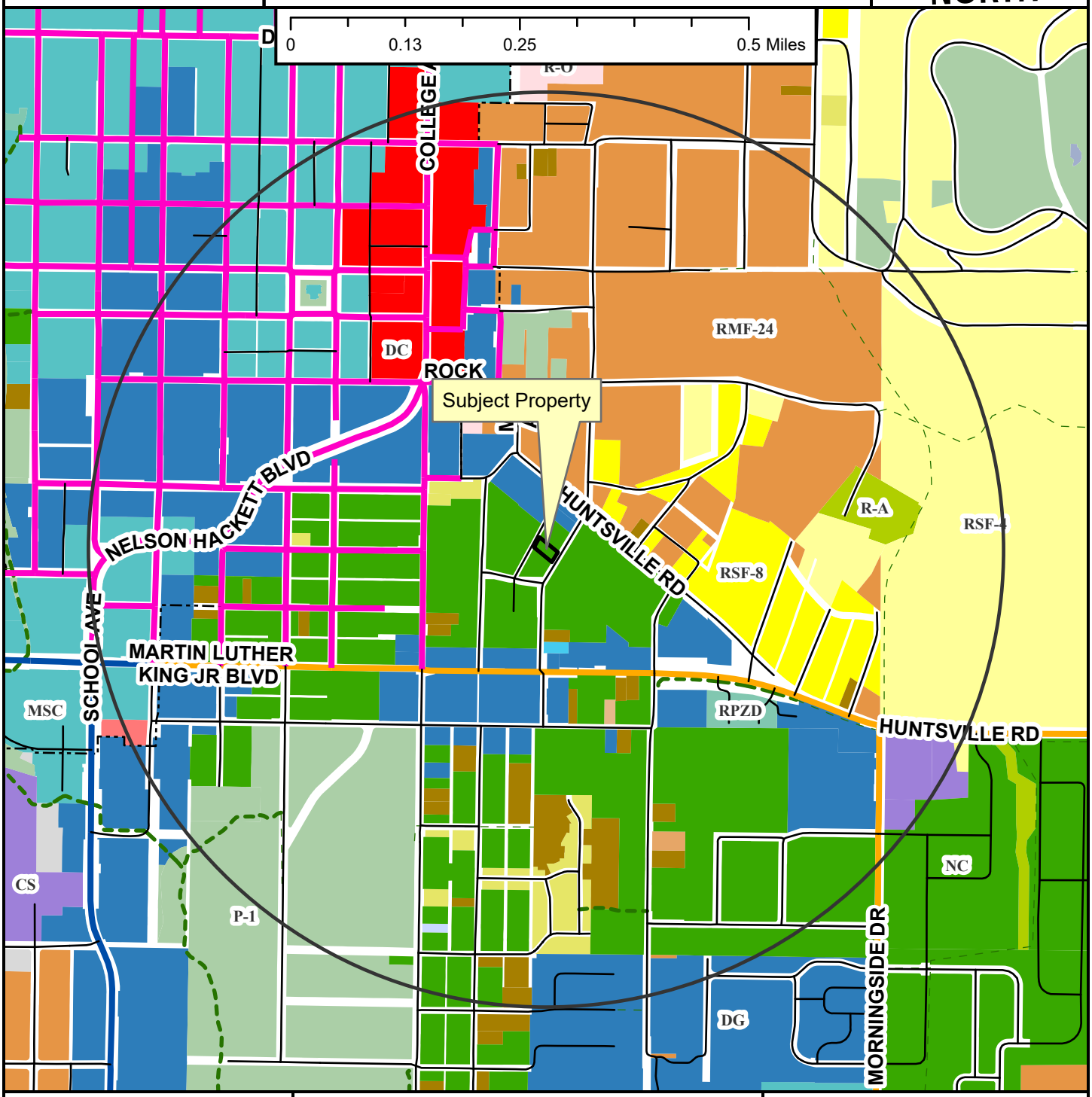
(Ord. No. 5945, §5(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

RZN-2025-0038

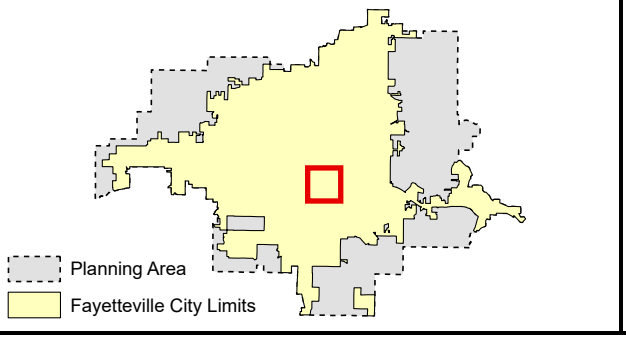
One Mile View

338 S. COMBS AVE

NORTH



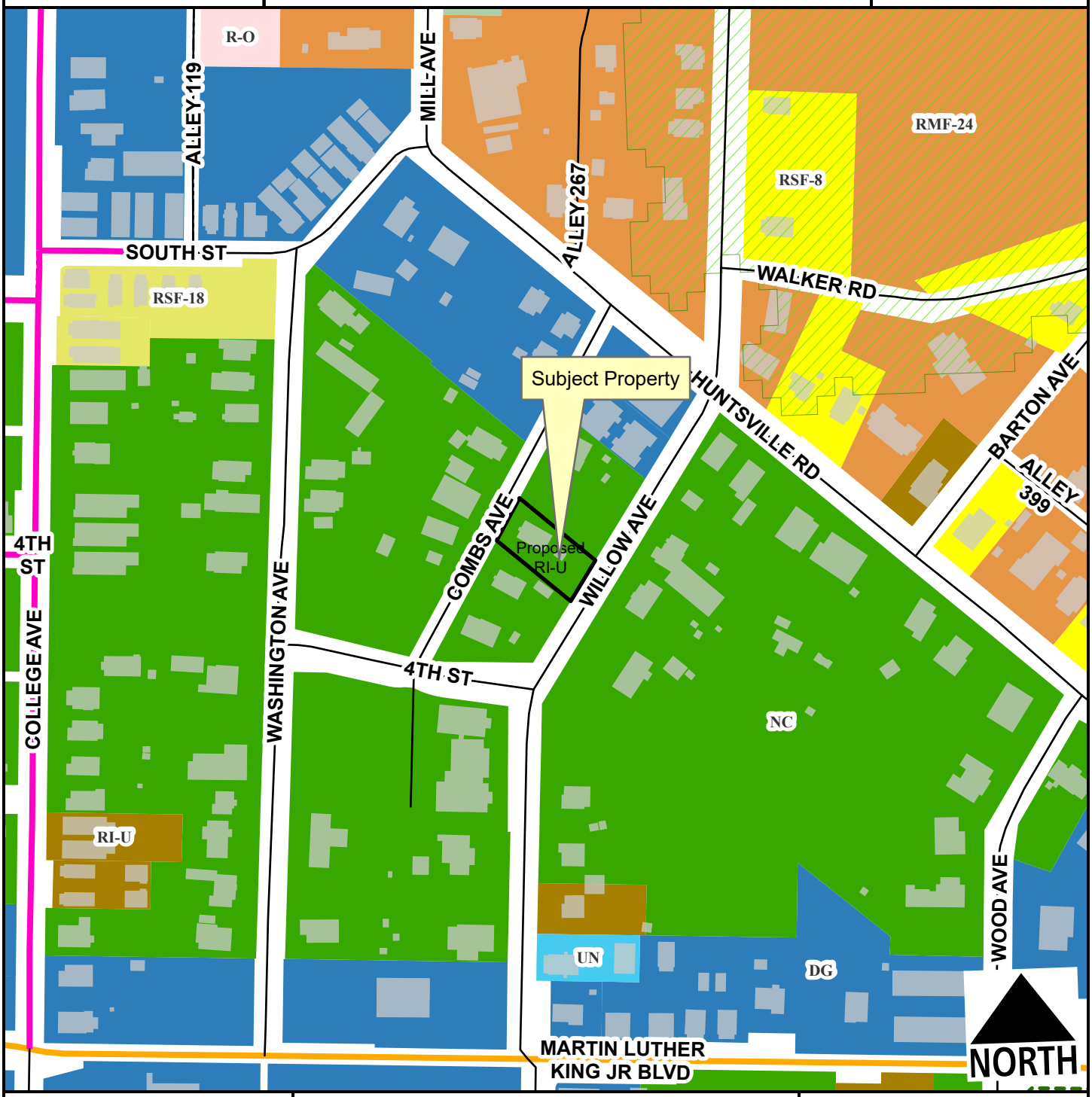
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2025-0038

Close Up View

338 S. COMBS AVE



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

Feet

0 75 150 300 450 600

1:2,400

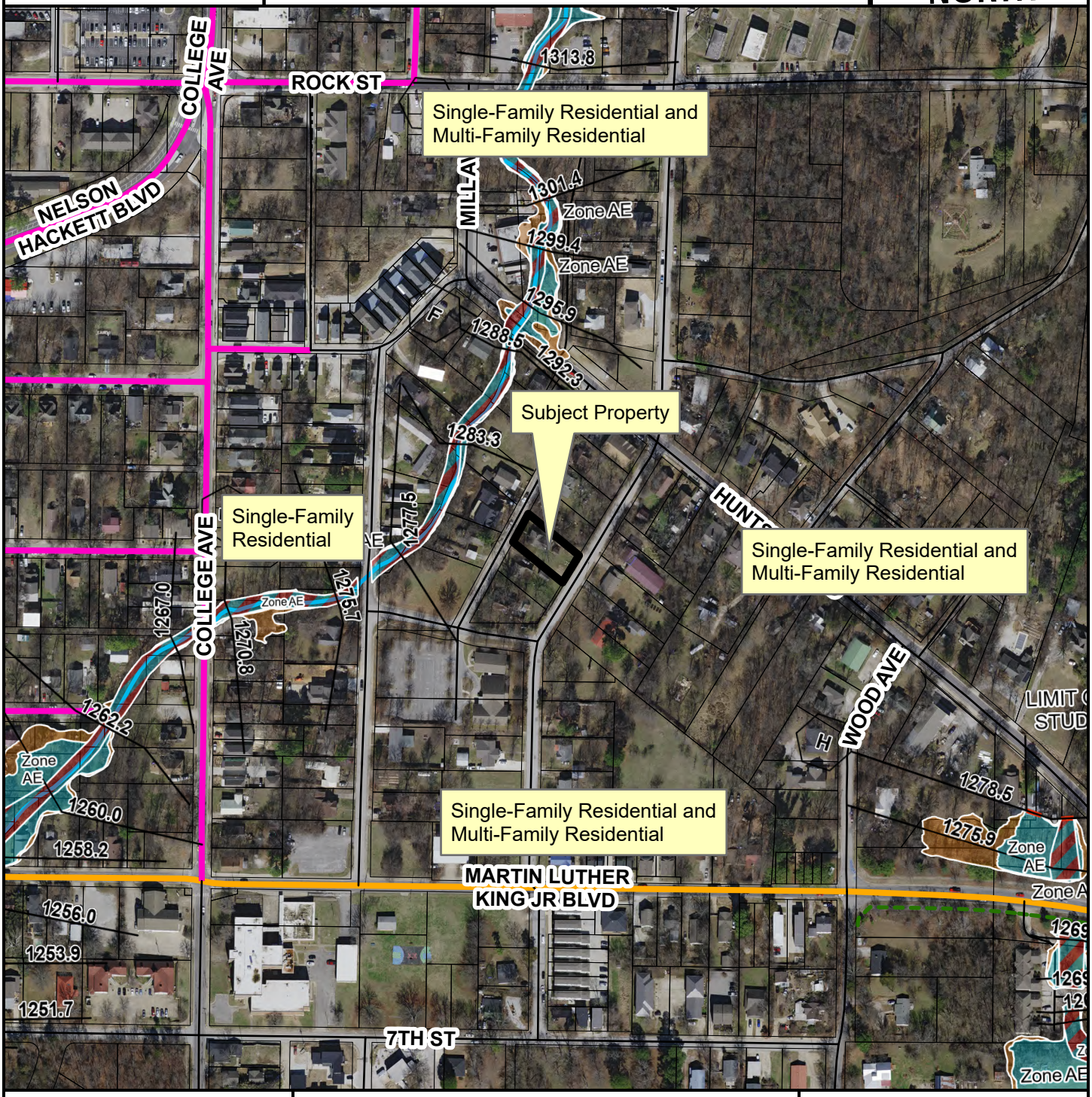
Zone	Current	Proposed
NC	0.2	0.0
RI-U	0.0	0.2
Total	**0.2 ac**	

RZN-2025-0038

Current Land Use

338 S. COMBS AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

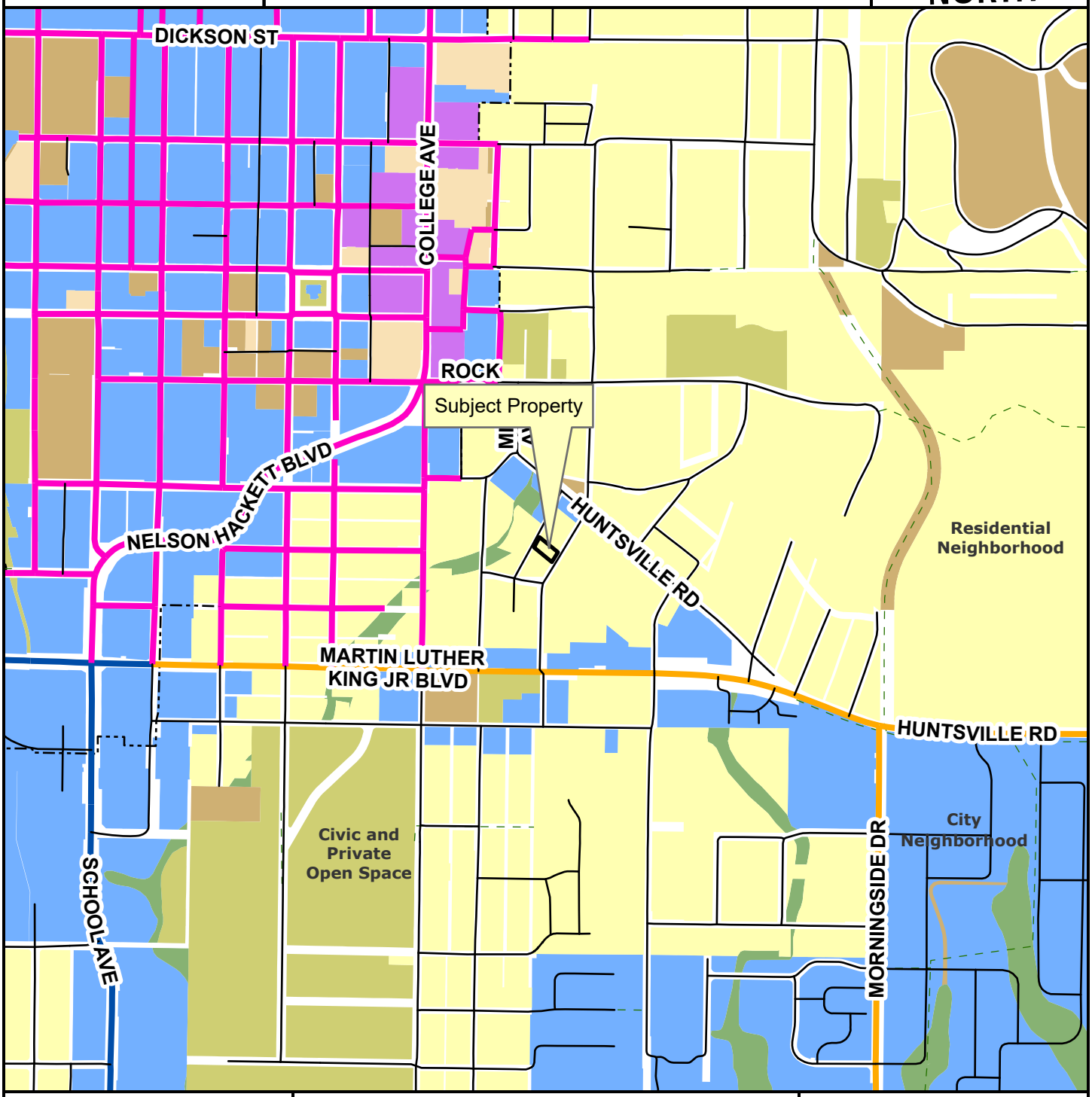
- 100-Year Floodplain
- Floodway

RZN-2025-0038

Future Land Use

338 S. COMBS AVE

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

To the Planning Commission and City Staff,

I am writing to respectfully request the rezoning of the property located at **338 S Combs Avenue** from **Neighborhood Conservation (NC)** to **Residential Intermediate-Urban (RI-U)**.

This property is located in a walkable, centrally located neighborhood that is well positioned to support gentle residential infill. The existing NC zoning is overly restrictive and limits the ability to make use of the lot in a way that reflects both the historic development pattern and the City's current goals for sustainable, context-appropriate growth.

Rezoning to RI-U would allow for modestly increased density while preserving the residential scale and character of the area. It would open the door for more flexible housing options—such as duplexes or small footprint homes—helping meet the growing demand for attainable housing near the urban core.

Statement of Compatibility:
The proposed RI-U zoning is compatible with the surrounding neighborhood and aligns with the development pattern already emerging in nearby areas. Several properties within a few blocks have already been rezoned or redeveloped to support a greater mix of housing types. RI-U zoning maintains a residential form while allowing for more efficient land use and increased housing diversity. This request is in line with the goals of **City Plan 2040**, including increased housing choice, infill development, and enhanced walkability.

Thank you for your consideration. We believe this rezoning is a thoughtful and appropriate step toward ensuring that neighborhoods like this one can grow in a sustainable, inclusive, and responsive manner.

Sincerely,

Wesley Bates

From: Damian Gallo <damianmgallo@gmail.com>
Sent: Friday, August 29, 2025 9:11 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Public Comment for 338 S Combs

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

Dear Planning Division,

I wanted to take a moment to show my support for the rezoning of 338 S Combs.

Andrew Brooks has been an outstanding neighbor and community member. Doing a rezoning at 338 S Combs will allow the neighborhood to grow and supports the city's goals of adding in-fill development.

Damian and Sevin Gallo
335 S Combs Ave, Fayetteville, AR 72701

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: September 8, 2025

SUBJECT: **RZN-2025-0039: Rezoning (NORTH OF 229 N. OKLAHOMA WAY/CASETIM, 486):** Submitted by ODYSSEY SURVEYING for property located NORTH OF 229 N. OKLAHOMA WAY. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.49 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0039** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0039** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in central Fayetteville about 200 feet west of Mount Sequoyah Center and 800 feet north of the Mount Sequoyah Gardens. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre and overall contains 0.49 of an acre. The property is undeveloped but does lie in the Hillside/Hilltop Overlay District. A lot split (LSP-2025-0034) has been submitted to divide the principle lot into three. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	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 RSF-8, Residential Single-Family, 8 Units per Acre.

Public Comment: Staff has received one inquiry about the proposed rezoning, but no statements of opposition or support.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The property's frontage along N. Oklahoma Way, a Residential Link, is partially improved with asphalt paving. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject area. There is an existing 8-inch water main on the east side of the subject property along east N. Oklahoma Way.

Sewer: Sanitary Sewer is available to the subject area. There is an existing 6-inch sewer main on the north side of the subject property.

There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 2,000 linear feet downstream of this property.

Drainage: The property lies within the Hillside/Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

No portion of the sites falls within a FEMA-designated floodplain and no protected streams or hydric soils are present. Any improvements or requirements for drainage would be determined at the time of development submittal.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

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

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

Residential Neighborhood areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context. 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 **4** for this site with a weighted score of **5**. The following elements of the matrix contribute to the score:

- Near Sewer Main (6-inch sewer north of property.)
- Near Water Main (8-inch main N. Oklahoma Way.)
- Near City Park (Mount Sequoyah Gardens)
- Near ORT Bus Stop (Willow & Spring)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located within a residential area, highlighting the compatibility of introducing a new, similar residential zoning district. The by-right and conditional uses permitted in both RSF-4 and RSF-8 are the same by allowing single-family, preventing anything out-of-character from being built. The bulk and area for RSF-8 are slightly smaller as the required lot width is 50 feet with 5,000 sqft minimum lot area for both single- and two-family homes. The required lot width for RSF-4 is larger with 60 (HHOD) to 70 feet for single-family and 8,000 lot area minimums for single-family and 12,000 for two-family. A significant number of nearby RSF-4 zoned properties have insufficient lot widths and area minimums with an inconsistent block pattern. A rezoning of the subject property to a district with less lot requirements would begin to bring compliance and uniformity into the area. RSF-8 has a higher density maximum of 8 units per acre compared to RSF-4's 4, allowing for a slight increase of density in the area. The maximum percentage of lots that may be covered by a building would increase from 40% to 50%. Additional similarities include same allowance for building height at three stories and identical setback standards. Given that the proposed zoning district is slightly different than the current zoning and would not result in significant impact to neighboring properties, staff is in support of this rezoning request.**

Land Use Plan Analysis: **The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which is primarily residential in nature and supports a wide variety of housing types of appropriate scale and context. The RSF-8 zoning district would support this designation as it would allow for more residential opportunities due to its smaller lot requirements. The property has a low infill score of 4, which indicates that the area is not quite suitable for intense development; however, what is being requested is not anticipated as being overburdening to the area as there would only be a minimal density increase. With both RSF-4 and RSF-8 allowing for the by-right development of single-family and with the only substantial difference being smaller lot requirements for RSF-8, rezoning would see a negligible difference in the**

area's integrity. With the proposed district's slight differences to the existing zoning, conclusions find that the rezone would allow for further support City Goals #1 (appropriate infill), #3 (compact development), and #6 (attainable housing opportunities). Staff finds that a rezoning to RSF-8 would allow for development opportunities that would be in character with surrounding residential properties.

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

Finding: **Staff finds that there is sufficient justification for rezoning the subject property from RSF-4 to RSF-8. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans.**

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

Finding: **A rezoning from RSF-4 to RSF-8 could increase traffic in the area, but only minimally as the allowances in RSF-8 allow for slightly more density with 8 units per acre and smaller lot widths.**

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

Finding: **The proposed rezoning has the potential to slightly alter the population density since it would allow for somewhat more intense residential development. However, the property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0039 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	❒ **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
  - §161.09 District RSF-8, Residential Single-Family - Eight (8) 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)

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

(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.

(Ord. No. 4783, 10-18-05; 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)

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)

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

(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.

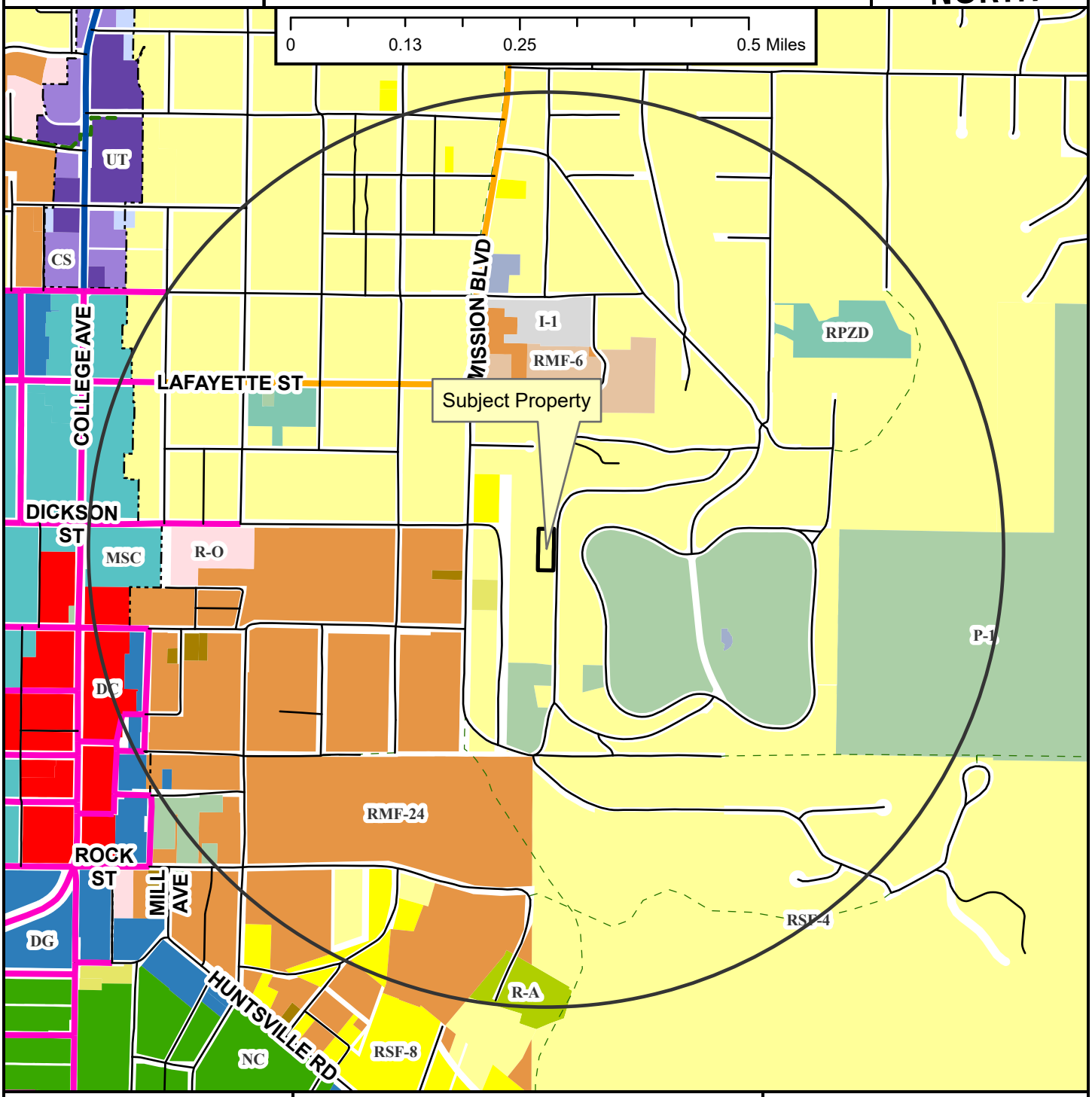
(Ord. No. 4783, 10-18-05; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

RZN-2025-0039

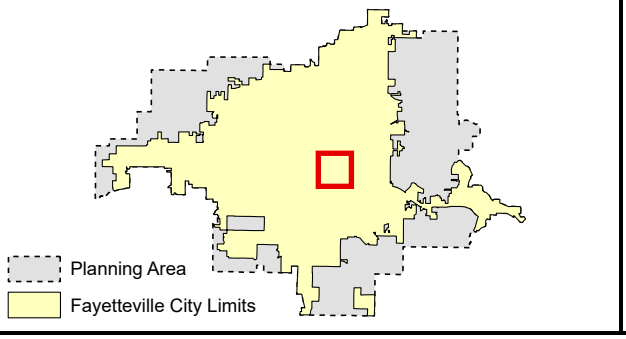
One Mile View

N. OKLAHOMA WAY

NORTH



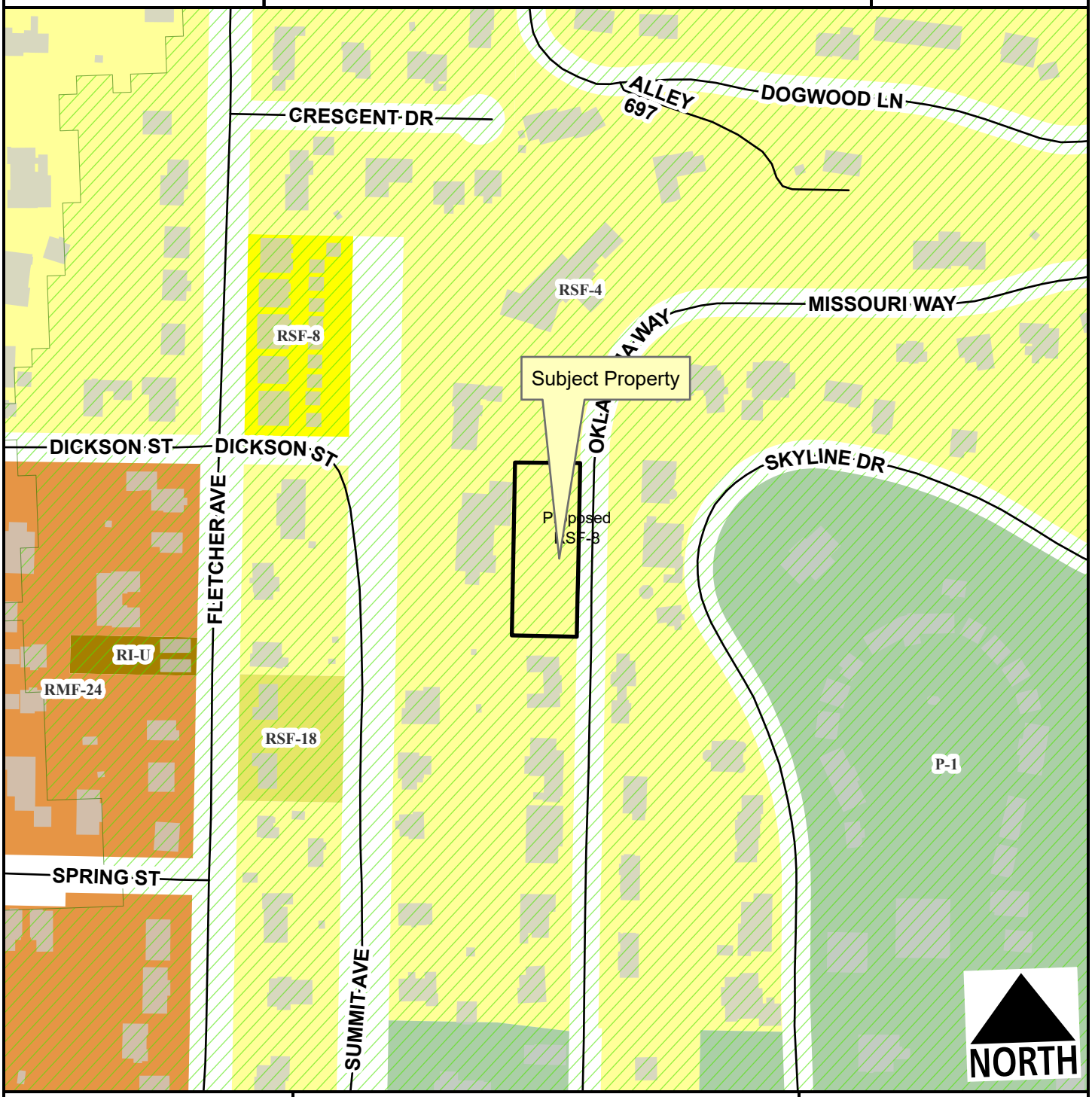
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2025-0039

Close Up View

N. OKLAHOMA WAY



Alley
Residential Link
Hillside-Hilltop Overlay District
Planning Area
Fayetteville City Limits

Feet
0 75 150 300 450 600
1:2,400

Zone	Current	Proposed
RSF-4	0.5	0.0
RSF-8	0.0	0.5
Total	**0.5 ac**	

RZN-2025-0039

Current Land Use

N. OKLAHOMA WAY

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

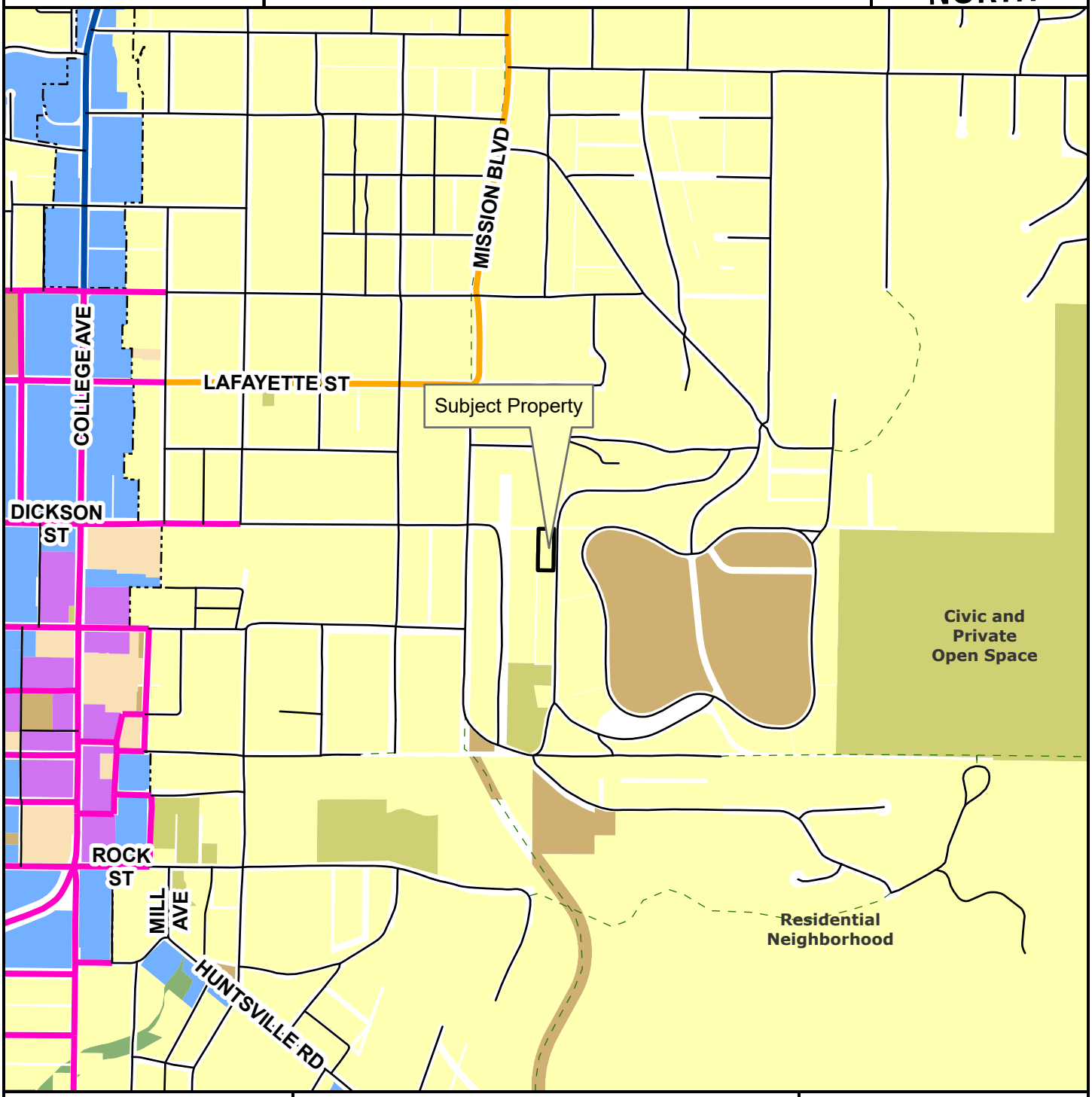
- 100-Year Floodplain
- Floodway

RZN-2025-0039

Future Land Use

N. OKLAHOMA WAY

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

ODYSSEY SURVEYING

Date: July 31, 2025

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

Subject: Request for Rezoning of Parcel from RSF-4 to RSF-8

Dear Planning Division,

I am writing to formally request the rezoning of a parcel of land located on Oklahoma Way, Parcel 765-11975-000, which is currently zoned as RSF-4 (Residential Single Family, 4 units per acre). I respectfully request that this parcel be considered for rezoning to RSF-8 (Residential Single Family, 8 units per acre).

The purpose of this rezoning request is to allow for a more efficient and appropriate use of the land consistent with the surrounding neighborhood character and in alignment with the City of Fayetteville's goals for responsible growth and increased housing availability. Rezoning to RSF-8 would support a greater variety of housing options and contribute to the city's objectives of promoting infill development, increasing affordability, and reducing urban sprawl.

I understand that this request will require a formal application and public hearing process. I am prepared to submit all necessary documentation, including a legal description of the property, a site plan (if applicable), and payment of associated fees, as outlined by the city's rezoning procedures.

Please let me know the next steps required to initiate the rezoning process. I would be happy to meet with a staff member to discuss this proposal in more detail.

Thank you for your time and consideration.

Sincerely,
Wayman White PS
Representative
Odyssey Surveying

479.789.3650
OdysseyNWA.com
124 Grant Place, Suite E, Lowell, AR 72745

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: September 8, 2025

SUBJECT: **RZN-2025-0034: Rezoning (3066 N. JOYCE BLVD./BERKSHIRE AT UPTOWN, 177):** Submitted by JORGENSEN & ASSOCIATES for property located at 3066 E. JOYCE BLVD. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE, NS-G, NEIGHBORHOOD SERVICES GENERAL and contains approximately 4.01 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0034** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
"I move to forward **RZN-2025-0034** to City Council with a recommendation of approval."

BACKGROUND:
The subject property is in north Fayetteville approximately 700 feet north of N. Crossover Road's intersection with E. Joyce Boulevard. While the full property contains 9.05 acres, the applicant is requesting to rezone only a 4.01-acre portion of the site. The overall property has approximately 700 feet of frontage along N. Crossover Road, a Regional Link – High Activity street, and also has street frontage along the eastern side along E. Joyce Boulevard, a Residential Link Street in this location. The property was rezoned to its current designation in 2022. 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 request is to rezone a 4.01-acre portion of the property to CS, Community Services. A large-scale development that was previously approved for this property has expired; the applicant has indicated an intent to move forward with that development following a reconsideration of this zoning district.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has frontage along N. Crossover Road. N. Crossover Road is a fully improved Residential Link – High Activity street with asphalt paving, sidewalk, and curb and gutter. The property also has frontage along E. Joyce Boulevard, which is partially improved with asphalt paving. Improvements to E. Joyce Boulevard are forthcoming with the development of a new public school. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is an existing 8-inch water main on the south side of the subject property. In addition, there is an existing 12-inch water main on the west side of the subject property along the west side of North Crossover Road.

Sewer: Sanitary sewer is available to the subject property. There is an existing 8-inch sewer main on the west side of the subject property along the west side of North Crossover Road. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 4,500 linear feet downstream of this property.

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 2 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Drainage: Any additional improvements or requirements for drainage will be determined at time of development. No portion of the site is located within a FEMA floodplain, there are no hydric soils on site, and there is not a protected stream on the site. The property is not located within the Hillside-Hilltop Overlay District.

Tree Preservation:

The proposed zoning district of CS, Community Services, requires **20% minimum canopy preservation**, which is the same as the existing zoning districts of NS-G, Neighborhood Services General, and RI-12, Residential Intermediate, 12 Units per Acre.

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

City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single-family to multi-family.

Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranging score of **4-7** for this site, with a weighted score of **6.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #5, 2979 N. Crossover Rd.)
- Near Sewer Main (West side of N. Crossover Road)
- Near Water Main (South side of the property)
- Near Public School (Forthcoming; FPS under development)
- Near Paved Trail (Bike Lanes on N. Crossover Road)
- Near ORT Bus Stop (Route 30)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **The surrounding property is a mix of land uses, and staff finds that the applicant's request is compatible with those surroundings. While the current zoning designation on this property took a nuanced approach to the surrounding land uses, staff recognizes that the development pattern in the area has changed. To the east, former agricultural land is being developed into a new public school, accompanied by a full redevelopment of the street infrastructure along E. Joyce into a neighborhood link street. To the south is a commercial strip, to the west are single-family homes, and to the north is multi-family residential. The overall property has frontage along N. Crossover Road, as well as what is currently called E. Joyce Blvd. CS as an allowable building height of up to 5 stories, which staff finds given the new surroundings, is compatible with the area. The change in zoning from lower intensity districts to CS throughout the site is consistent with the change in street alignment, proposed new traffic patterns, and addition of a public school in the area.**

Land Use Plan Analysis: **Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area is designated as a City Neighborhood Area, which indicates an intent for more densely developed residential in close, connected proximity to commercial and neighborhood services. This zoning request has the potential to meet goal #3, by growing the potential for a more compact, complete, and connected development pattern. The request will also create opportunities for attainable housing by introducing a variety of housing types in the area, and help grow a livable transportation network (goal #4) by bringing added density to an area with existing transit stops, as well as bringing services and residences within walking distance to a school.**

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

Finding: **A rezone from NS-G and RI-12 to CS is justified to bring the area into agreement with the "City Neighborhood" designation at this site, which would allow a mix of residential and non-residential uses by right and lead to a more compact, complete, and connected neighborhood in this area.**

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

Finding: **Rezoning the property from RI-12 and NS-G as the applicant is requesting does have the potential to appreciably increase traffic at this site. However, given the property's frontage along N. Crossover Road, a north-south Regional Link as well as close access to E. Joyce Boulevard, an east-west connection through the City that is soon to be redeveloped, staff does not find that the request would increase traffic to a dangerous degree. The site also has access to an Ozark Regional Transit line, which helps contribute to meeting the City's goal #4 of growing a livable transportation network.**

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 as the applicant is requesting could alter the population density in the area, though not to an undesirable degree. CS does not have a maximum density, should residential uses be developed. However, given the existing access to utilities and services, staff finds that increased density in this location would take advantage of those existing services and would not negatively impact those existing services. The Fayetteville Public School system did not comment on the request.**

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

    a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

    b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommends approval of RZN-2025-0034.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 8, 2025	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map
- Unified Development Code:
  - §161.11 District RI-12, Residential Intermediate, Twelve (12) Units Per Acre
  - §161.19 NS-G, Neighborhood Services – General
  - §161.22 Community Services
- Applicant Request Letter
- Applicant Site Exhibit

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) 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*

* 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)

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

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood

development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement	None	15 feet

		is filed**. The remaining side setback(s) shall be 10 feet.		

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

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

(Ord. No. 5945 , §7(Exh. A), 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

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

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services

Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

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

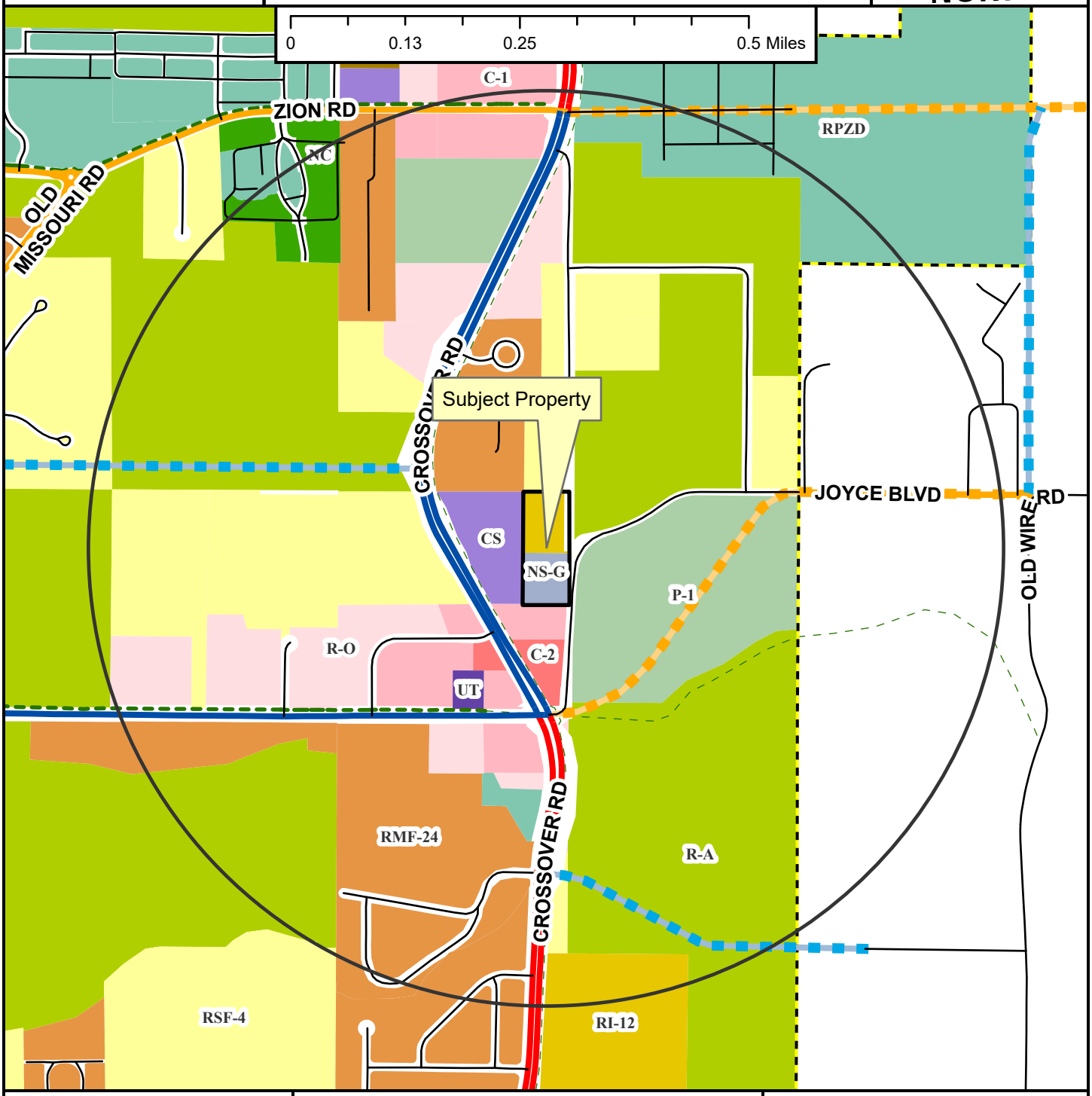
(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21)

RZN-2025-0034

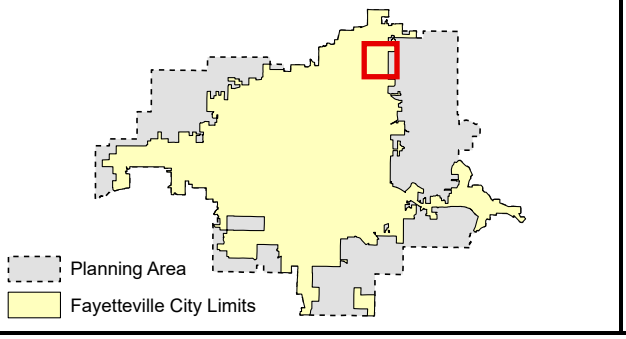
One Mile View

Berkshire @ Uptown

NORTH



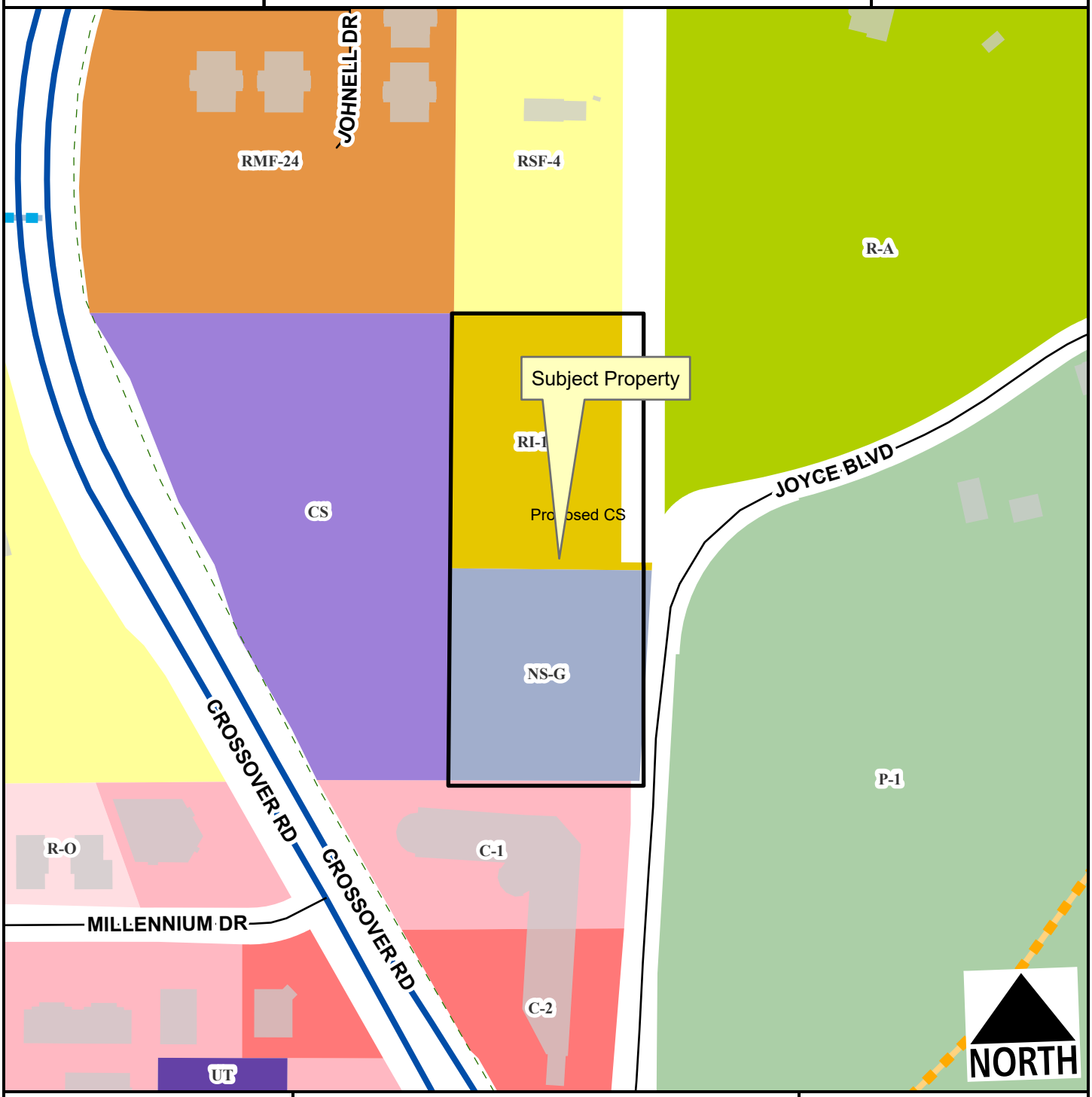
Regional Link
Neighborhood Link
Regional Link - High Activity
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



RZN-2025-0034

Close Up View

Berkshire @ Uptown



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

Feet

0 75 150 300 450 600

1:2,400

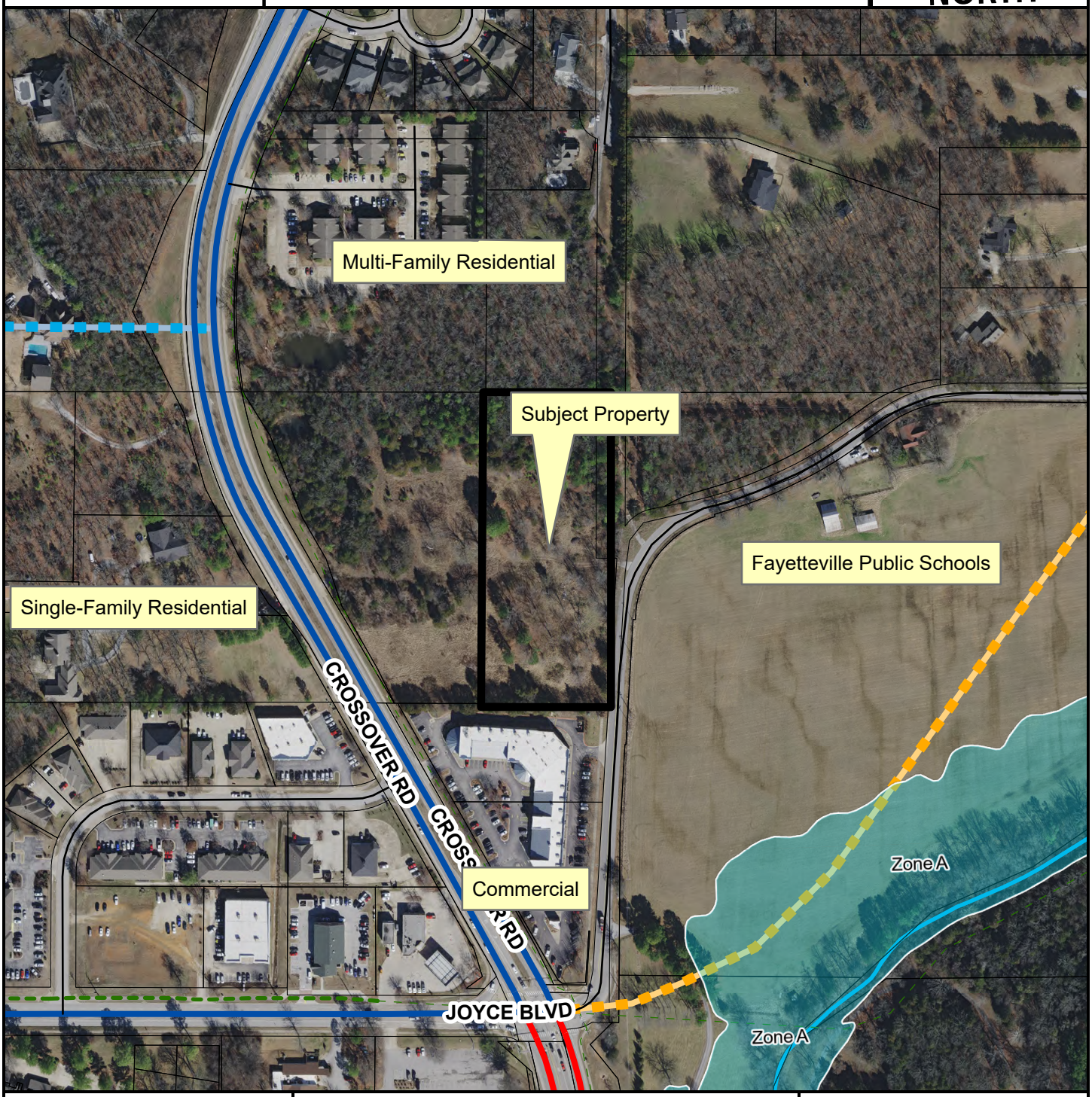
Zone	Current	Proposed
C-1	0.0	0.0
CS	0.0	4.0
NS-G	1.8	0.0
RI-12	1.9	0.0
Total	**4.0 ac**	

RZN-2025-0034

Current Land Use

Berkshire @ Uptown

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

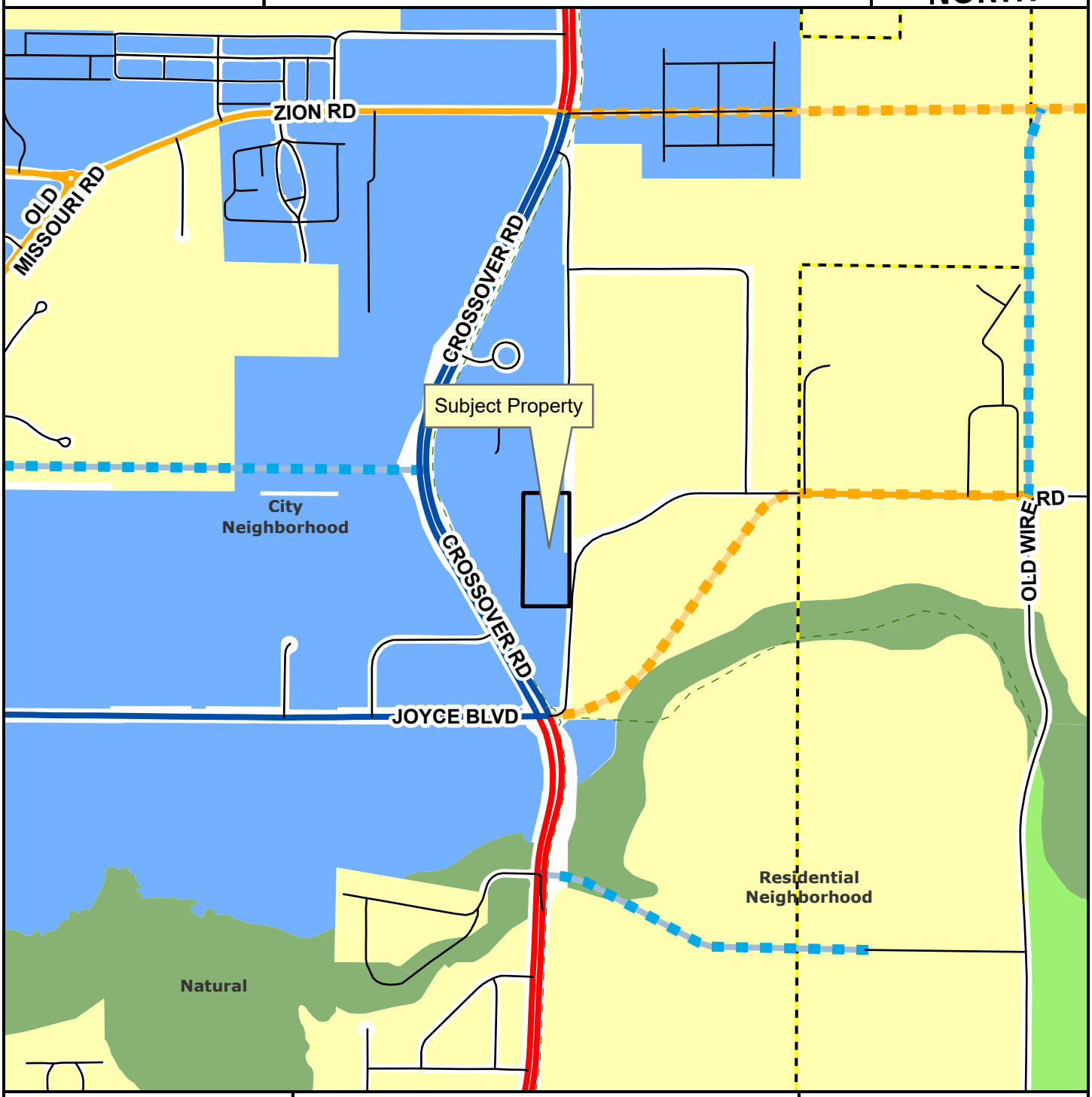
- 100-Year Floodplain
- Floodway

RZN-2025-0034

Future Land Use

Berkshire @ Uptown

NORTH



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

Feet

0 305 610 1,220 1,830 2,440

1:10,000

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

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 3
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

July 21, 2025

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

Please accept this request to rezone parcel 765-13240-000. The original zoning was R-A, and then we rezoning it to CS along 265, RI-12 (2.14 acres) in the NE corner, and NS-G (1.87 acres) in the SE corner. After several years and many iterations of designs on the project, the owner has found that the best way to develop this property is to create a Preliminary Plat that will accommodate commercial development in the SW corner and then plat townhome lots, along with some single family, and two-family lots. In all there would be 9.05 acres of CS that will allow for the most flexible setbacks and lot minimum dimensions. The main factor driving this request is lot widths:

RI-12 has a lot min of 50' for single family, two-family, and 90' for 3 and 4 family.
NS-G has a lot min. of 35'.
CS has lot min. of 18'.

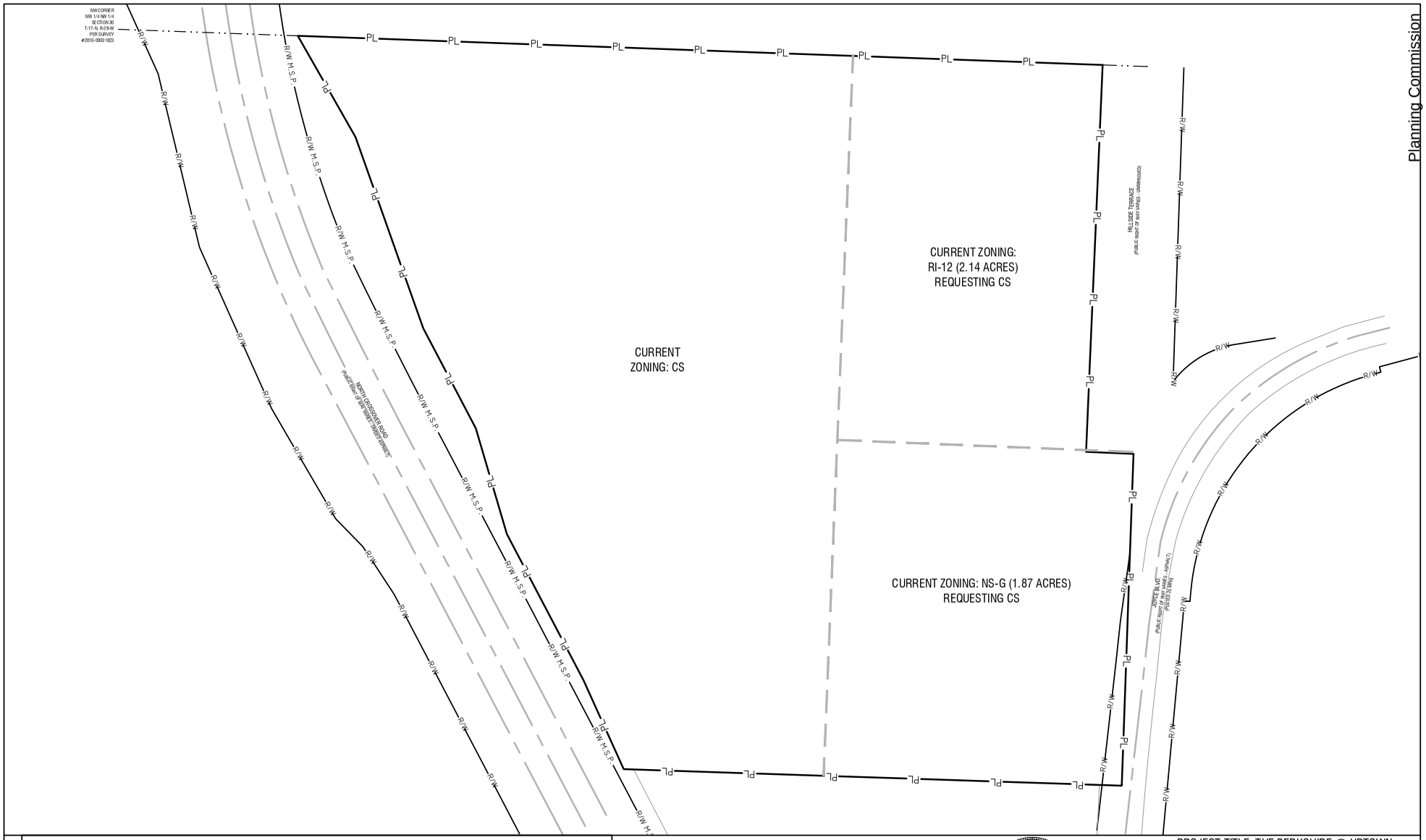
This proposed development will have a range of townhomes with widths of 20, some duplexes with widths of 20', and some single family homes with widths of 30'-35'. CS is the most flexible zoning that will allow our development to have a dispersed typology of homes.

Several factors have changed since our original request, namely that Woodland Junior High School is under construction to the east and we feel that the addition of a townhome development be compatible in this area. The site currently has adequate access to water, sewer, and ample street capacity. Of note, there is some downstream sewer capacity issues; however, we have designed the plans and these improvements are scheduled for this winter.

Please review this application and let us know if there are any questions that we may be able to answer.

Thanks.

_____
Blake Jorgensen, PE
Jorgensen + Associates



LEGEND

JORGENSEN +ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
ARKANSAS ENGINEERS

PROJECT TITLE: THE BERKSHIRE @ UPTOWN
LOCATION: FAYETTEVILLE, AR
SHEET TITLE: REZONING EXHIBIT
DRAWN BY: JH
SHEET SCALE: BTS
DATE: 7.20.25
PROJECT FILE: Z:\LSD\2021173 - BERKSHIRE

SHEET # 1