City of Fayetteville, Arkansas

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

Planning Commission Tentative Agenda

Thursday, October 9, 2025

4:30 PM

100 W. Rock Street

Planning Commission Members

Andrew Brink, Chair
Brad Payne, Vice Chair
Matthew Cabe
Nick Castin
Fred Gulley
Ashlyn Holeyfield
Mary Madden
Mary McGetrick
Nick Werner

Senior Assistant City Attorney Blake Pennington

Zoom Information

Webinar ID: 839 1855 3728
Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_PHVsGWmgTiKKESIlgkh9wA

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the September 8, 2025 and September 22, 2025 Planning Commission Meetings. - Mirinda Hopkins, Development Coordinator

2. ADM-2025-0041: Administrative Item (NORTH OF 2200 N. RUPPLE RD/HOLT SUBDIVISION, 323):

Submitted by BATES & ASSOCIATES for property located NORTH OF 2200 N. RUPPLE RD. The property is zoned CS, COMMUNITY SERVICES AND RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 18.66 acres. The request is to amend a previously-approved preliminary plat. - Jessica Masters, Planning Director

3. VAC-2025-0019: Vacation (W. HUGHES ST & N. STORER AVE/MARKS, 444):

Submitted by BATES & ASSOCIATES for property located on W. HUGHES ST & N. STORER AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.14 acres. The request is to vacate 0.01 acres of right-of-way. - Donna Wonsower, Senior Planner

Unfinished Business

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

Submitted by VICTOR BARRIOS 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THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Wesley Frank,

Planner

5. 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.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT.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

New Business

6. VAR-2025-0041: Planning Commission Variance (191 E. REBECCA ST/MAURER, 446):

Submitted by M&M PAINTING & REMODELING for property located at 191 E. REBECCA ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMIL Y, FOUR UNITS PER ACRE and contains approximately 0.39 acres. The request is for a variance from the streamside protection zone. - Alan Pugh, Staff Engineer

7. ADM-2025-0039: Administrative Item (E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE/CINQUEFOIL LLC, 523):

Submitted by 3V DEVELOPMENT for property located on E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.60 acres. The request is for a lesser dedication of right-of-way. - Jessica Masters, Planning Director

8. VAR-2025-0040: Planning Commission Variance (E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE/CINQUEFOIL LLC, 523):

Submitted by 3V DEVELOPMENT for property located on E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.60 acres. The request is for a variance to access management standards. - Jessica Masters, Planning Director

9. ADM-2025-0040: Administrative Item (W. ELM ST & N. LEVERETT AVE/RAZORBACK HOUSING LLC, 366):

Submitted by CRAFTON TULL for property located at W. ELM ST & N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 14.40 acres. The request is to amend the master street plan. - Jessica Masters, Planning Director

10. VAC-2025-0022: Vacation (W. ELM ST & N. LEVERETT AVE/RAZORBACK

HOUSING LLC, 366):

Submitted by CRAFTON TULL for property located at W. ELM ST & N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 14.40 acres. The request is to vacate 0.15 acres of right-of-way. - Jessica Masters, Planning Director

11. VAR-2025-0042: Planning Commission Variance (EAST OF 1228 S. WEST AVE/BATES-SIEMEK, 562):

Submitted by WESLEY BATES & KONRAD SIEMEK for property located EAST OF 1228 S. WEST AVE. The property is zoned UN, URBAN NEIGHBORHOOD and contains approximately 0.12 acres. The request is for a variance from parking standards and street tree requirements. - Donna Wonsower, Senior Planner

12. VAR-2025-0043: Planning Commission Variance (W. HUGHES ST & N.STORER AVE/MARKS, 444):

Submitted by BATES & ASSOCIATES for property located at the intersection of W. HUGHES ST & N. STORER AVE. The property is zoned RMF-40, RESIDENTIAL MUL TI-FAMILY, 40 UNITS PER ACRE (rezoning to RI-U in progress) and contains approximately 0.29 acres. The request is for variance from urban residential design standards and conformance to plans and regulations.

APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE OCTOBER 27, 2025 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

13. VAR-2025-0044: Planning Commission Variance (SOUTHWEST OF RAZORBACK RD & S. ASHWOOD AVE/ASHWOOD TOWNHOMES LLC, 598, 599 & 638):

Submitted by JORGENSEN AND ASSOCIATES for property located SOUTHWEST OF S. RAZORBACK RD & S. ASHWOOD AVE. The property is zoned RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, R-A, RESIDENTIAL-AGRICULTURAL, and CS, COMMUNITY SERVICES and contains approximately 9.99 acres. The request is for variance from Tree Preservation Requirements. - Willa Thomason, Urban Forester

14. CUP-2025-0046: Conditional Use Permit (SOUTHWEST OF S. RAZORBACK RD. AND S. ASHWOOD AVE/ASHWOOD TOWNHOMES LLC, 598, 599 & 638):

Submitted by JORGENSEN AND ASSOCIATES for property located SOUTHWEST OF S. RAZORBACK RD. AND S. ASHWOOD AVE. The property

is zoned RMF-24, RESIDENTIAL MUL TI FAMILY, 24 UNITS PER ACRE, R-A, RESIDENTIAL-AGRICULTURAL, and CS, COMMUNITY SERVICES and contains approximately 9.99 acres. The request is for a private dormitory.

APPLICANT HAS REQUESTED TO TABLE UNTIL THE OCTOBER 27, 2025 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

15. PPL-2025-0003: Preliminary Plat (W. VAN ASCHE DR & N. GREGG AVE/STEEL CROSSING INVESTMENT III LLC, 172):

Submitted by KIMLEY-HORN for property located on W. VAN ASCHE DR & N. GREGG AVE. The property is zoned UT, URBAN THROUGHFARE, and contains approximately 17.30 acres. The request is for the preliminary plat of 12 commercial and one unbuildable lot. - Donna Wonsower, Senior Planner

16. CUP-2025-0044: Conditional Use Permit (1923 E. JOYCE BLVD/BUTTERFIELD TRAIL VILLAGE, 175):

Submitted by 4IE ENGINEERING INC for property located at 1923 E. JOYCE BLVD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and R-A, RESIDENTIAL-AGRICULTURAL, and contains approximately 4.86 acres. The request is for a 50-unit assisted living facility and a commercial parking lot within a residential zoning district. - Donna Wonsower, Senior Planner

17. LSD-2025-0013: Large Scale Development (1923 E. JOYCE BLVD/BUTTERFIELD TRAIL VILLAGE, 175):

Submitted by 4IE ENGINEERING INC for property located at 1923 E. JOYCE BLVD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and R-A, RESIDENTIAL-AGRICULTURAL, and contains approximately 4.86 acres. The request is for a 38-unit addition to an existing assisted living facility with associated parking. - Donna Wonsower, Senior Planner

18. CUP-2025-0043: Conditional Use Permit (3600 S. TOWER CIR/LAUREN GLOW CO, 284):

Submitted by LAUREN GLENN for property located at 3600 S. TOWER CIR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.21 acres. The request is for a home occupation. - Wesley Frank, Planner

19. CUP-2025-0045: Conditional Use Permit (4147 W. MARLOWE LN/PARNELL, 439):

Submitted by JAMIE PARNELL for property located at 4147 W. MARLOWE LN. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and

contains approximately 0.10 acres. The request is to use the residence as a short-term rental. - Wesley Frank, Planner

20. CUP-2025-0047: Conditional Use Permit (645 W. CATO SPRINGS RD/APPLE LILY MANAGEMENT LLC, 639):

Submitted by GUANGYU ZHU-WEAVER for property located at 645 W. CATO SPRINGS RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMIL Y, FOUR UNITS PER ACRE and contains approximately 0.19 acres. The request is for a duplex. - Wesley Frank, Planner

21. RZN-2025-0045: Rezoning (234 S. WILLOW AVE/BLACKBURN, 524):

Submitted by ODYSSEY ENGINEERING LLC for property located at 234 S. WILLOW AVE. The property is zoned RSF-8, RESIDENTIAL SINGLEFAMIL Y, EIGHT UNITS PER ACRE, and P-1, INSTITUTIONAL, and contains approximately 0.70 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Donna Wonsower, Senior Planner

22. RZN-2025-0040: Rezoning (1414 S. WEST AVE/OSAGE CREEK CATTLE CO, 562):

Submitted by ANDREW BRINK for property located at 1414 S. WEST AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Wesley Frank, Planner

23. RZN-2025-0042: Rezoning (2201 W. DEANE ST/ATKINS, 364):

Submitted by ARKANSAS REAL ESTATE GROUP for property located at 2201 W. DEANE ST. The property is zoned RMF-6, RESIDENTIAL MULTI-FAMILY, SIX UNITS PER ACRE and contains approximately 2.20 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Wesley Frank, Planner

24. RZN-2025-0044: Rezoning (1229 N. LEWIS AVE/FINLEY, 403):

Submitted by HOPE CONSULTING for property located at 1229 N. LEWIS AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.52 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD. - Wesley Frank, Planner

25. RZN-2025-0041: Rezoning (1124 W CLEVELAND ST/LEVERETT ELEMENTARY SCHOOL, 443):

Submitted by ECOLOGICAL DESIGN GROUP for property located at 1124 W. CLEVELAND ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and P-1, INSTITUTIONAL, and contains

approximately 2.18 acres. The request is to rezone all the property to P-1, INSTITUTIONAL. - Jessica Masters, Planning Director

26. RZN-2025-0046: Rezoning (2097 N. PENELOPE LN/HENBEST, 363):

Submitted by BATES & ASSOCIATES for property located at 2097 N. PENELOPE LN. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and contains approximately 8.41 acres. The request is to rezone 2.58 acres of the property to R-A, RESIDENTIAL-AGRICULTURAL and 1.51 acres to RI-U, RESIDENTIAL INTERMEDIATE, URBAN. - Jessica Masters, Planning Director

27. ADM-2025-0037: Administrative Item (91 W. 15TH ST/AMERICAN TOWER, 601):

Submitted by SMJ INTERNATIONAL for property located at 91 W. 15TH ST. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 12.68 acres. The request is to modify an existing cell tower.

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

Items Administratively Approved by Staff

28. LSP-2025-0006: Lot Split (1780 E. HAMMOND ST/JARRATT, 409):

Submitted by BLEW & ASSOCIATES for property located at 1780 E. HAMMOND ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.95 acres. The request is to split a parcel into two lots containing 0.47 and 0.47 acres. - Jessica Masters, Planning Director

29. LSP-2025-0038: Lot Split (457 E. 7TH ST/BATES & SIEMEK, 563):

Submitted by SATTERFIELD LAND SURVEYORS for property located at 457 E. 7TH ST. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains 0.26 acres. The request is to split the property into two lots containing approximately 0.08, and 0.15 acres. - Wesley Frank, Planner

30. LSP-2025-0039: Lot Split (1230 W. HENDRIX ST/REAGOR HOMES LLC, 404):

Submitted by ENGINEERING SERVICES INC for property located at 1230 W. HENDRIX ST. The property is zoned RI-12, RESIDENTIAL INTERMEDIATE – 12 UNITS PER ACRE and contains 0.52 acres. The request is to split the property into two lots containing approximately 0.26 and 0.26 acres. - Wesley Frank, Planner

31. SIP-2025-0002: Site Improvement Plan (NORTHEAST OF E. TOWNSHIP ST & N. COLLEGE AVE/ENCLAVE CAPITAL PARTNERS LP, 290):

Submitted by BATES & ASSOCIATES for property located NORTHEAST OF E. TOWNSHIP ST & N. COLLEGE AVE. The property is zoned UC, Urban Corridor and contains approximately 0.79 acres. The request is for 16 residential town home units. - Wesley Frank, Planner

Agenda Session Items

32. **PLANNING COMMISSION SECRETARY VOTE**
SLATE OF CANDIDATES:
Matthew Cabe
Nick Castin
Fred Gulley
Mary Madden
Mary McGetrick
Nick Werner

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, 09/08/2025						
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 (08/25/2025)**	**2) VAR-2025-0037 (ICE HOUSE LLC)**	**3) VAR-2025-0039 (DRAKE ST TRAIL PROJECT)**	**4) ADM-2025-0036 (WATERSHED CONSERVATION)**	**5) RZN-2025-0029 (THOMAS)**	**6) CUP-2025-0039 (BIG PAWS OF THE OZARKS)**
Gulley	1	1	1	1	1	1	1
Madden	1	1	1	1	1	1	1
Cabe	0						
Payne	1	1	1	1	1	1	1
Brink	1	1	1	1	1	1	1
Garlock	1	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1	1
Castin	1	1	1	1	1	1	1
Werner	1	1	1	1	1	1	1
Agenda		**Consent**	**Consent**	**Consent**	**Old**	**Old**	**New**
Action		Approve	Approve	Approve	Forward	Table	Approve
Motion By		Werner	Werner	Werner	Payne	Werner	Garlock
Motion 2nd		Payne	Payne	Payne	Garlock	Gulley	Madden
Vote		8-0-0	8-0-0	8-0-0	8-0-0	8-0-0	8-0-0
Time		5:33 PM	5:33 PM	5:33 PM	5:51 PM	6:18 PM	6:27 PM
Motion Detail						Untill the September 22, 2025 Planning Commission meeting.	With all conditions as recommended by staff.
Public Comment		0	0	0	2	1	0

	7) CUP-2025-0040 (PHILLIPS-SHANNON)	8) CUP-2025-0042 (BERRY PLACE)	9) RZN-2025-0033 (CAHOON)	10) RZN-2025-0037 (MARKS)	11) RZN-2025-0036 (12TH STREET HEIGHTS)
Gulley	**1**		**1**	**1**	**1**
Madden	**1**		**1**	**1**	**1**
Cabe					
Payne	**1**		**1**	**1**	**0**
Brink	**1**		**0**	**1**	**1**
Garlock	**1**		**1**	**1**	**0**
McGetrick	**1**		**0**	**1**	**1**
Castin	**1**		**0**	**1**	**1**
Werner	**1**		**1**	**1**	**1**
Agenda	**New**	**New**	**New**	**New**	**New**
Action	Approve	Withdrawn	Deny	Forward	Forward
Motion By	Payne		Payne	Garlock	Werner
Motion 2nd	McGetrick		Garlock	Maddon	McGetrick
Vote	8-0-0		5-3-0	8-0-0	6-2-0
Time	6:38 PM		6:52 PM	6:55 PM	7:49 PM
	2400sqft, striking #2 & #3. With all other conditions as recommended by staff.		Denied	With recommendation of approval by staff.	With recommendation of approval by staff.
Public Comment	0		2	0	10

	12) RZN-2025-0038 (BROOKS)	13) RZN-2025-0039 (CASETIM PROPERTIES)	14) RZN-2025-0034 (BERKSHIRE AT UPTOWN)	15) RZN-2025-0035 (CITY OF FAYETTEVILLE)	16) VAR-2025-0038 (DRAKE FARMS)	
Gulley	**1**	**0**	**1**	**1**		
Madden	**1**	**0**	**1**	**1**		
Cabe						
Payne	**1**	**1**	**1**	**1**		
Brink	**1**	**1**	**1**	**1**		
Garlock	**1**	**0**	**1**	**1**		
McGetrick	**1**	**0**	**1**	**1**		
Castin	**1**	**1**	**1**	**1**		
Werner	**1**	**0**	**1**	**1**		
Agenda	**New**	**New**	**New**	**New**	**New**	
Action	Forward	Forward	Forward	Table	Withdrawn	
Motion By	Werner	Gulley	Payne	Werner		
Motion 2nd	Payne	Werner	Madden	Garlock		
Vote	8-0-0	3-5-0	8-0-0	8-0-0		
Time	7:57 PM	8:18 PM	8:23 PM	8:24 PM		
Motion Detail	With recommendation of approval by staff.	Denied	With recommendation of approval by staff.	Untill the September 22, 2025 Planning Commission meeting.		
Public Comment	1	2	**0**	**0**		

(pg. 1) Planning Commission	Monday, 09/22/2025					
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 (09/08/2025)**	**2) VAC-2025-0019 (MARKS)**	**3) RZN-2025-0029 (VICK ENTERPRISES)**	**4) RZN-2025-0035 (CITY OF FAYETTEVILLE)**	**5) ADM-2025-0037 (AMERICAN TOWER)**
Madden	**0**					
Cabe	**1**					
Payne	**0**					
Brink	**1**					
McGetrick	**0**					
Castin	**1**					
Werner	**1**					
Gulley	**0**					
Agenda		**Consent**	**Consent**	**Old**	**Old**	**New**
Action				Withdrawn	Withdrawn	
Motion By						
Motion 2nd						
Vote						
Time						
Motion Detail	Quorum not met. Meeting cancelled until 10/13/2025 PC Meeting.					
Public Comment						

	6) ADM-2025-0039 (CINQUEFOIL)	7) VAR-2025-0040 (CINQUEFOIL)	8) CUP-2025-0043 (LAUREN GLOW CO)	9) CUP-2025-0044 (BUTTERFIELD TRAIL VILLAGE)	10) LSD-2025-0013 (BUTTERFIELD TRAIL VILLAGE)	11) RZN-2025-0040 (OSAGE CREEK CATTLE CO)
Madden						
Cabe						
Payne						
Brink						
McGetrick						
Castin						
Werner						
Gulley						
Agenda	New	New	New	New	New	New
Action						
Motion By						
Motion 2nd						
Vote						
Time						
Public Comment						

	12) RZN-2025-0042 (ATKINS)	13) RZN-2025-0041 (LEVERETT ELEMENTARY SCHOOL)				
Madden						
Cabe						
Payne						
Brink						
McGetrick						
Castin						
Werner						
Gulley						
Agenda	New	New	New	New		
Action	[redacted]					
Motion By						
Motion 2nd						
Vote						
Time						
Motion Detail						
Public Comment						

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: October 13, 2025

SUBJECT: **ADM-2025-0041: Administrative Item (NORTH OF 2200 N. RUPPLE RD/HOLT SUBDIVISION, 323):** Submitted by BATES & ASSOCIATES for property located NORTH OF 2200 N. RUPPLE RD. The property is zoned CS, COMMUNITY SERVICES AND RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 18.66 acres. The request is to amend a previously-approved preliminary plat.

RECOMMENDATION:
Staff recommends forwarding **ADM-2025-0041** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
"I move to forward **ADM-2025-0041** *to City Council with a recommendation of approval.*

BACKGROUND:
The subject property is in northwest Fayetteville, northeast of the intersection of Rupple Road and Mount Comfort Road and east of Holt Middle School. The property is largely undeveloped with the exception of one single-family home with associated outbuildings that were built in the late 1970s. In total, the property contains about 18.66 acres and is currently split-zoned CS, Community Services and RPZD, Residential Planned Zoning District. A preliminary plat was approved in February 2025, and a subsequent modification to the overall PZD was approved by City Council in September 2025. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Commercial/Undeveloped	CS, Community Services
East	Undeveloped/Pending Goddard School	R-A, Residential-Agricultural/ CS, Community Services
West	Holt Middle School/Mount Comfort Cemetery	P-1, Institutional/ RSF-1, Residential Single-Family, One Unit per Acre

Request: The request is for a modification to the approved preliminary plat to increase the number of lots from 105 to 123 and with a resulting density of 6.6 units per acre over the entire property.

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

DISCUSSION:
Staff is supportive of the applicant's request to amend their preliminary plat. City staff have reviewed the request and have found that the proposed plan meets the requirements as outlined in the modified Planned Zoning District. Further, the previous preliminary plat received approval

for block length, connectivity, access management, and street trees. Staff finds the proposed development arrangement still meets the conditions that were approved with those variances, including a pedestrian connection to the east and maintaining public alleyway to the convenience store to the south. Further, the applicant has not made any modifications to previous Planning Commission determinations for street improvements. With all of the above, staff recommends approval.

RECOMMENDATION: Staff recommends approval of **ADM-2025-0041** subject to the following conditions:

Conditions of Approval:

1. All conditions of approval as outlined with the original preliminary plat (PPL-2024-0010) not modified with this request remain in effect;

2. Parks Fees shall be adjusted to reflect final unit count, to be determined and paid for at the time of final plat;

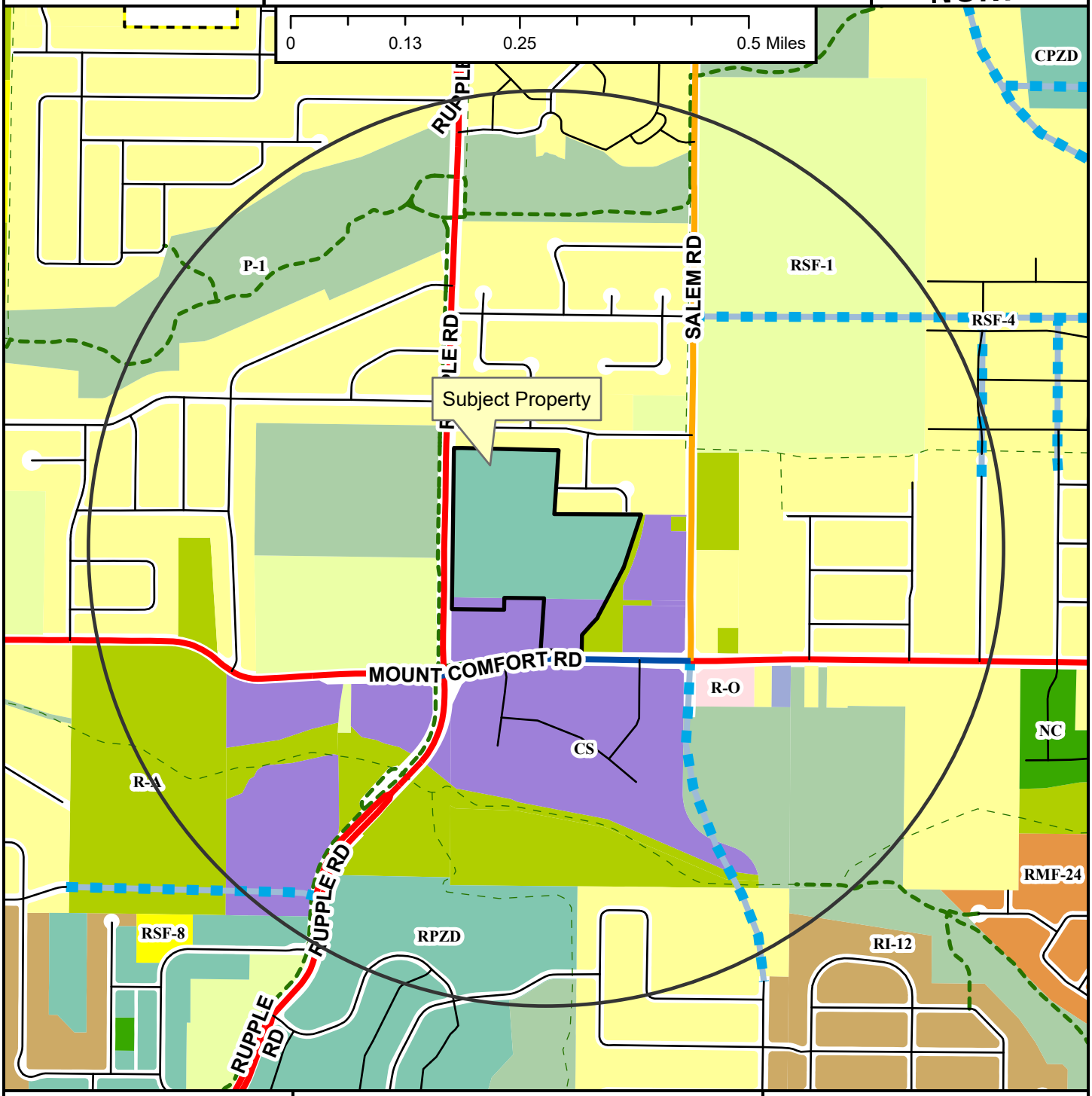
3. The next grading permit submittal shall be accompanied by a detailed narrative outlining changes to the plans, including tree preservation, and drainage report resulting from this modification.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

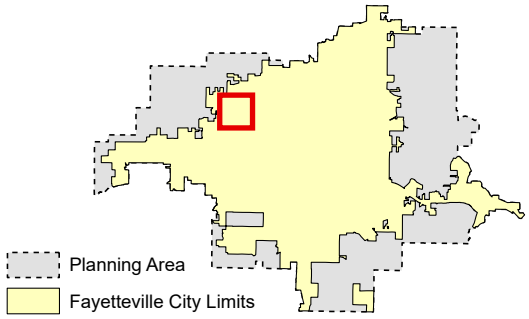
BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- One Mile Map
- Close-up Map
- Current Land Use Map
- Engineering Memo
- Urban Forestry Memo
- Originally Approved Plans
- Conditions of Approval
- Applicant Request Letter
- Proposed Site Plan

ADM-2025-0041	3568 W. MOUNT COMFORT RD	NORTH
One Mile View		



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

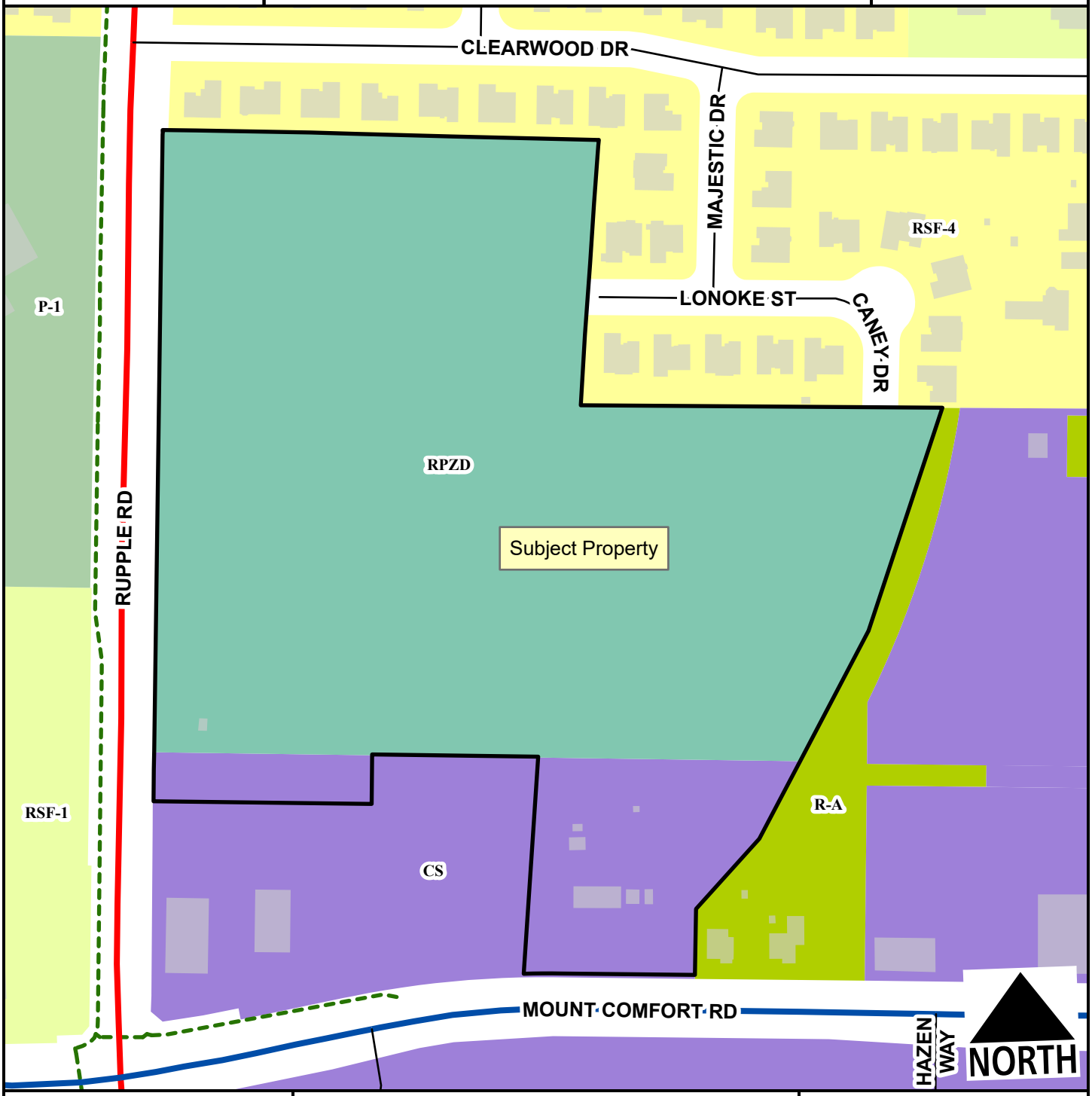
COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

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

PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2025-0041	3568 W. MOUNT COMFORT RD	
Close Up View		



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

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

Residential-Agricultural
RSF-1
RSF-4
Community Services
Commercial, Industrial, Residential
P-1

ADM-2025-0041

Current Land Use

3568 W. MOUNT COMFORT RD

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Residential 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

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Planning Director

FROM: Melissa Boyd, Staff Engineer

DATE: September 16, 2025

SUBJECT: **Planning Commission Engineering Comments for ADM-2025-0041 Holt Village**

The previously approved preliminary plat for Holt Village (PPL-2024-0010) has gone through three construction level grading permit reviews under GRD-2025-0038. The layout of the public water and sewer mains, storm drain system, and streets generally follow what has been reviewed under prior submittals. In depth review of the requested changes will occur with the next grading permit submittal should the Planning Commission approve this modification. The next submittal must include a revised drainage report with updated drainage maps and calculations reflecting any changes that have been made. In addition to providing an annotated comment response addressing any prior comments, the next grading permit submittal shall be accompanied by a detailed narrative outlining changes to the plans and drainage report resulting from the modification.

CITY OF FAYETTEVILLE ARKANSAS

Planning Commission Memo

TO: Fayetteville Planning Commission

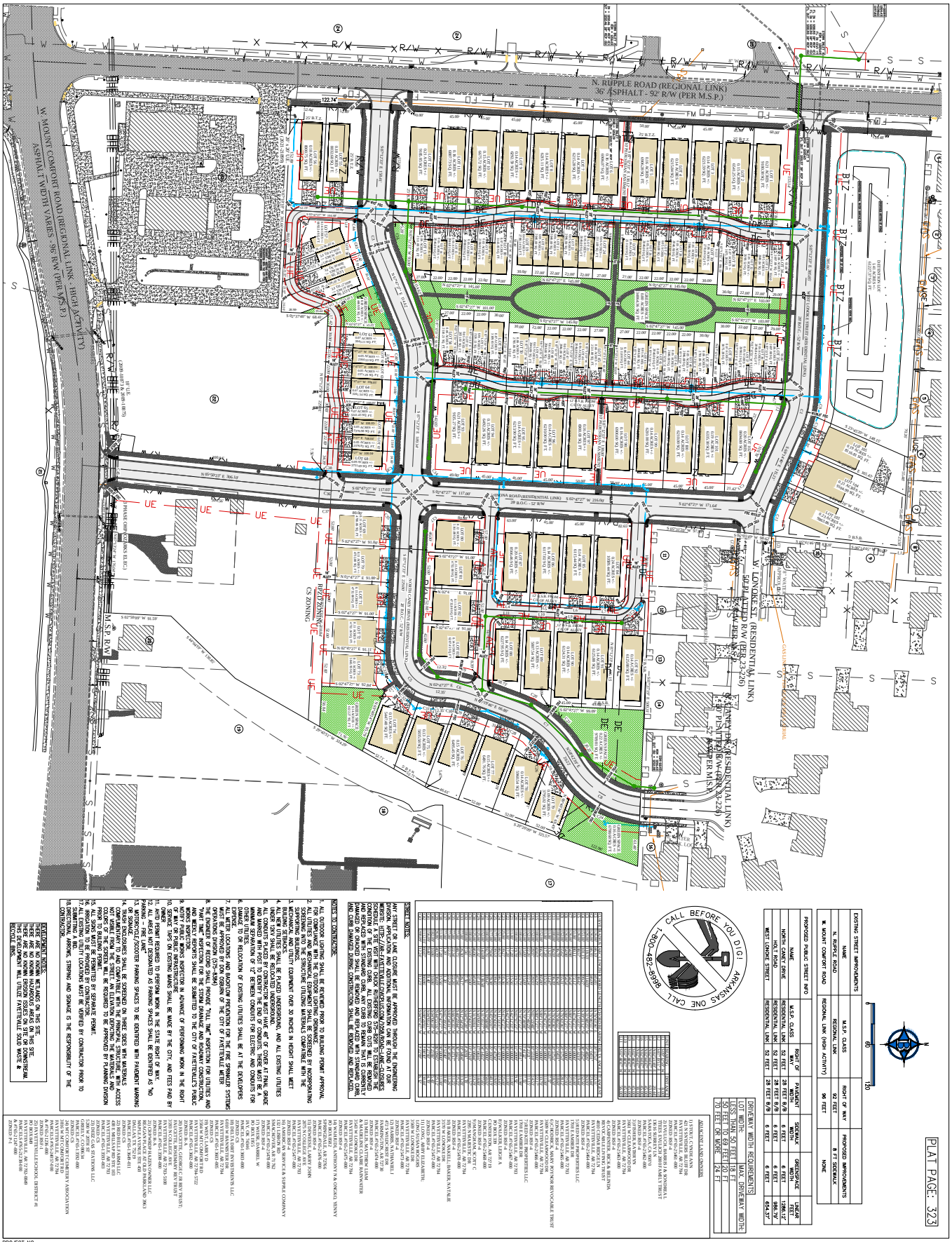
THRU: Jessie Masters, Planning Director

FROM: Willa Thomason, Urban Forester

SUBJECT: **ADM-2025-0030: Administrative Item NORTH OF 2200 N. RUPPLE RD -** Submitted by BATES & ASSOCIATES for property located NORTH OF 2200 N. RUPPLE RD. The property is zoned CS, COMMUNITY SERVICES AND RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 18.66 acres. The request is to amend a previously-approved preliminary plat. PP 323

RECOMMENDATION:
Urban Forestry Staff recommends approval of ADM-2025-0041, an administrative modification to the previously approved plans for Holt Subdivision (PPL-2024-0010). The amended tree preservation plan shows an additional 5,735 sf of tree removal, requiring the installation of 24 additional mitigation trees. On the previously approved plans, 240 mitigation trees were planned with the remaining 34 to be paid into the City's Tree Escrow Account. The modified plans show all 298 required mitigation trees accounted for on-site. The next submittal under GRD-2025-0038 will include a thorough urban forestry review to ensure there is no conflict between utilities and planned tree locations, provided this modification is approved by the Planning Commission.

ORIGINAL PLAN



PROJECT NO. 20-086

DRAWING NO. PP01

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

HOLT VILLAGE
PRELIMINARY PLAT

PRELIMINARY PLAT

FAYETTEVILLE, ARKANSAS

REVISIONS	DATE
1ST SUBMITTAL – SITE PLAN SUBMITTAL	09/18/24
2ND SUBMITTAL – SITE PLAN SUBMITTAL	10/16/24
3RD SUBMITTAL – SITE PLAN SUBMITTAL	11/13/24
4TH SUBMITTAL – SITE PLAN SUBMITTAL	01/15/25
5TH SUBMITTAL – SITE PLAN SUBMITTAL	02/05/25

DRAWN BY: MW ENGINEER: GB

02/05/25

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the amount of 46 feet from centerline along Rupple Road, 48 feet from centerline along Mount Comfort Road, and in the amount of 52 feet along internal streets.*

2. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*
    a. *Rupple Road: Staff recommends that eight-foot sidewalk be installed along the property's Rupple Road frontage as shown on the provided site plan.*
    b. *Mount Comfort Road: Staff recommends minimal improvements along that frontage to include 10-foot sidewalk where existing sidewalk will be removed as shown on the provided site plan.*
    c. *Internal Streets (Caney Drive, Holt Road, Lonoke Street): Staff recommends that each street in the subdivision be improved to meet the typical standards for a Residential Link Street with six-foot sidewalks, six-foot greenspace, curb, gutter, and asphalt as shown on the provided site plan.*

3. **Planning Commission determination of a variance to UDC §166.08(E)(1)(c): Block Length – Residential Link.** *Staff is supportive of this variance request for the reasons outlined above and with the following condition:*
    a. *A pedestrian path shall be installed from the sidewalk along Caney Drive to the southeast corner of the property to facilitate a pedestrian connection to the sidewalk stub-out on the Goddard School's property.*

4. **Planning Commission determination of a variance to UDC §166.08(E)(3): Connectivity.** *Staff is supportive of this variance request for the reasons outlined above.*

5. **Planning Commission determination of a variance to UDC §166.08(F)(2)(a): Access Management - Regional and Regional High Activity Links.** *Staff is supportive of this variance request for the reasons outlined above and with the following condition:*
    a. *Public alleyway must be maintained to the convenient store and gas station to the south to maintain options for connectivity.*

6. **Planning Commission determination of a variance to UDC §177.05(B)(1)(b): Street Tree Planting Plan Requirements.** *Staff is supportive of this variance request for the reasons outlined above.*

7. Fee-in-lieu of parkland dedication is required in the amount of $106,947 based on the number of proposed residential lots;

8. Streetlights shall be installed in accordance with code at all street intersections and spaced every 300 feet;

9. All remaining comments from Planning shall be addressed prior to Planning Commission:
    a. A variance will need to be requested from UDC §166.08(E)(3) to not provide a street stub-out to the east of this development.

b. Staff is still recommending that public right-of-way be dedicated along this portion of alley to accommodate future connectivity. Only 20 feet of right-of-way is required for a standard two-way residential rear alley.

10. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval attached herein;

Standard Conditions of Approval:

11. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;

12. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;

13. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;

14. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;

15. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;

16. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication);

17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements; and

18. Preliminary Plat approval shall be valid for one year.

PLANNING COMMISSION ACTION:	Required	YES	
Date: February 24, 2025	❒ Tabled	☒ Approved with conditions as recommended by staff	❒ Denied
Motion: Werner			
Second: Payne			
Vote: 6-0-0			

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

September 3rd, 2025

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

RE: Holt Village PZD

Dear Planning Staff,

Bates & Associates, Inc., on behalf of Landmarc Custom Homes has applied for a Preliminary Plat permit in Fayetteville. The location of the proposed single family development is NE of the corner of Rupple Road and West Mount Comfort Road (Washington County Parcels 765-13591000, 765-13589-000, & 765-13593-002). The total acreage of the development is 18.52 acres. The current zoning district is currently CS. However a PZD has been approved by the City Council and the Preliminary Plat will follow the requirements and restrictions of said PZD.

The development consists of 123 residential lots, 1 detention lot, and 7 greenspace lots. The resulting density will be 6.6 units per acre over the entire property.

The development is proposed to be served by a connection to Mount Comfort road and Rupple Road.
If you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Bates & Associates, Inc.

Geoffrey Bates
President of Engineering

PROPOSED MODIFICATION



PROJECT NO. 20-086

DRAWING NO. PP01

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

HOLT VILLAGE
PRELIMINARY PLAT

PRELIMINARY PLAT

FAYETTEVILLE, ARKANSAS

REVISIONS	DATE
SITE PLAN CONCEPT	07/11/25
1ST SUBMITTAL	09/03/25

DRAWN BY: BW ENGINEER: GB

09/03/25

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: October 13, 2025

SUBJECT: **VAC-2025-0019: Vacation 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 vacate 0.01 acres of street right-of-way.

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

RECOMMENDED MOTION:
*"I move to forward **VAC-2025-0019** to City Council with a recommendation of approval and with conditions as recommended by staff."*

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 further depicted 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

Proposal: The applicant proposes to vacate a portion of undeveloped street right-of-way totaling 0.01 acres.

DISCUSSION:
Staff supports the applicant's request to vacate the subject right-of-way, with conditions. The existing right-of-way is wider than what is required by the Master Street Plan. Vacating it would align the width of the right-of-way to 26 feet from the centerline of W. Hughes Street in accordance with the Master Street Plan standard for a Residential Link Street.

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

Utility	Response
Cox Communications	No objections, provided any damage or relocation of any Cox facilities will be at the applicant's expense.
AEP/SWEPCO	No objections and no comments.
Black Hills Energy	No objections and no comments.
AT&T	No objections, provided any possible incursion from existing AT&T facilities incorrectly marked – located will (if need be) relocated at the property owner's request and expense.
Ozarks Electric	No objections and no comments.
Ozarks Go	A 10' U.E. shall be dedicated centered along the OzarksGo fiber line.

City of Fayetteville	Response
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

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

RECOMMENDATION: Staff recommends forwarding **VAC-2025-0019** to the City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

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

2. A 10-foot-wide utility easement shall be dedicated adjacent to OzarksGo's underground fiber line on the north side of W. Hughes St. as requested by OzarksGo.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 2025	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

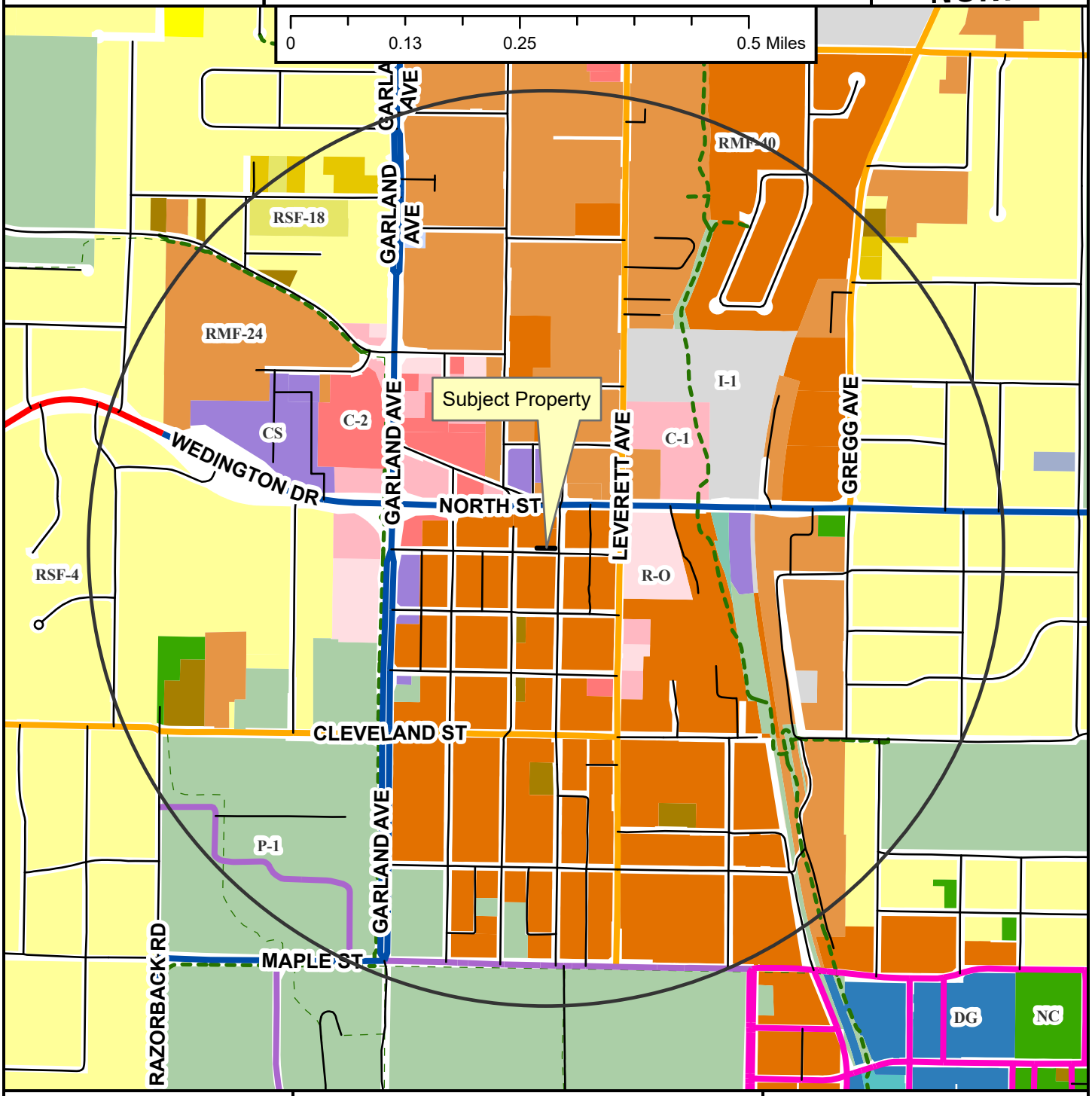
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Applicant Exhibits
  - Request Letter
  - Petition to Vacate
  - Survey – Right-of-way to be Vacated

VAC-2025-0019

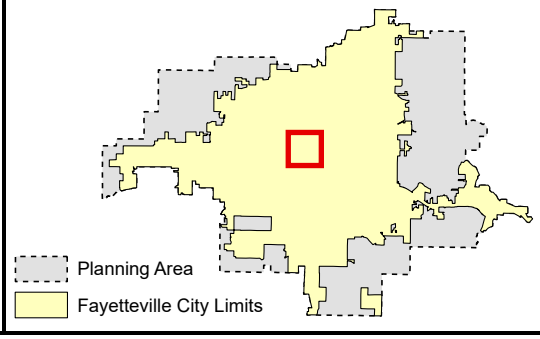
One Mile View

W. HUGHES ST & N. STORER AVE

NORTH



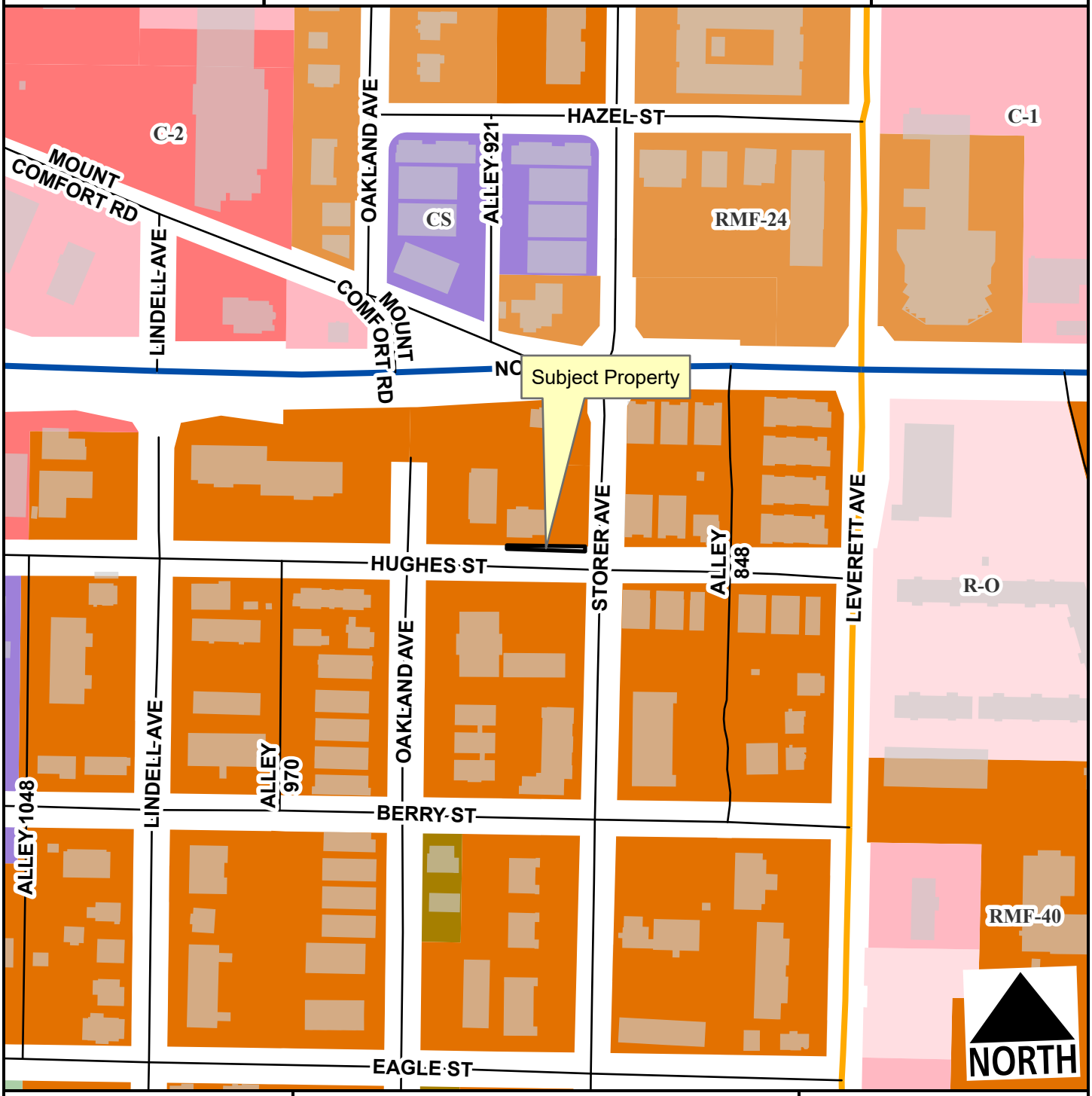
- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAC-2025-0019

Close Up View

W. HUGHES ST & N. STORER AVE



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

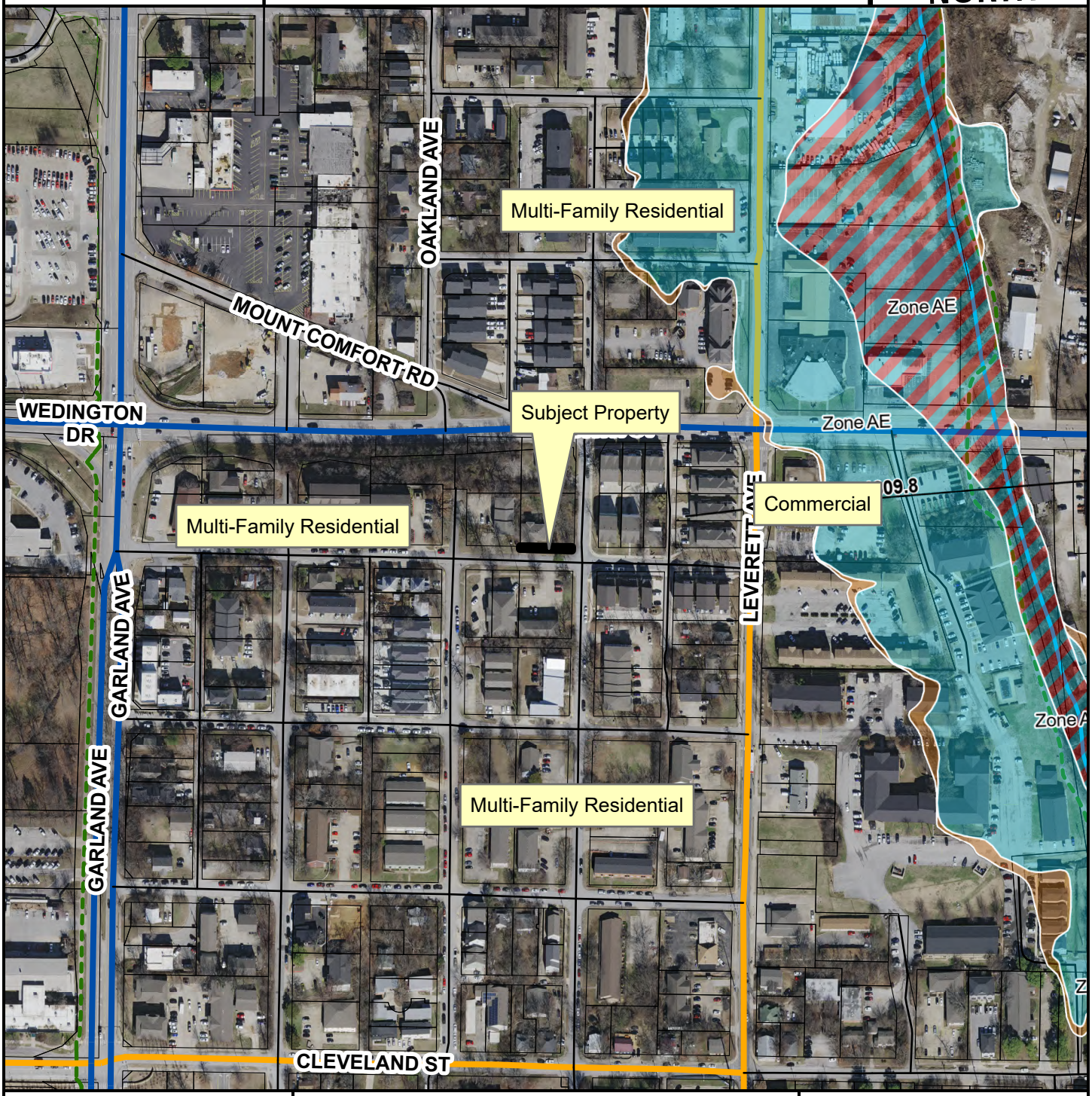
Feet
0 75 150 300 450 600
1:2,400

VAC-2025-0019

Current Land Use

W. HUGHES ST & N. STORER AVE

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

BATES
Engineers · Surveyors

7230 S. Pleasant Ridge Dr. Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350
www.batesnwa.com

August 1, 2025

To the City of Fayetteville Planning Staff and Fayetteville City Council,

Our client, Martin Building Group, is requesting a vacation of right-of-way of a portion of West Hughes Street adjacent to lots 7 & 8, Block 2 of Rose Hill Addition to the City of Fayetteville, Washington County, Arkansas. The addresses of the affected parcels are 902 & 908 West Hughes Street and the parcel numbers are 765-10325-000 & 765-10325-001, respectively. The vacation location is adjacent to the southern property line of both parcels and is due to an excess of land between the platted right-of-way and West Hughes Street Master Street Plan right-of-way. The area total area of the vacation is 0.02 acres or 655.78 square feet.

Please feel free to reach out with any questions or concerns.

Sincerely,

Justin Reid – Project Manager
Bates & Associates
justin@batesnwa.com
479-442-9350

PETITION TO VACATE A RIGHT-OF-WAY LOCATED IN LOTS 7 & 8, BLOCK 2 OF ROSE HILL ADDITION, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the **RIGHT-OF-WAY** hereinafter sought to be abandoned and vacated, lying in **ADJACENT TO LOTS 7 & 8, BLOCK 2 OF ROSE HILL ADDITION**, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a **RIGHT-OF-WAY**which is described as follows:

A PART OF THE EXISTING PLATTED RIGHT-OF-WAY OF WEST HUGHES STREET, ADJACENT AND PARALLEL TO THE SOUTH LINE OF LOTS 7 AND 8 IN BLOCK 2 OF ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE FINAL PLAT FILED IN BOOK 5 AT PAGE 78, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 2 WHICH IS N87°05'52"W 4.16' FROM THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE S03°09'52"W 6.91' TO THE NORTH MASTER STREET PLAN RIGHT-OF-WAY OF WEST HUGHES STREET, THENCE ALONG SAID RIGHT-OF-WAY N86°11'35"W 108.24', THENCE LEAVING SAID RIGHT-OF-WAY N03°04'07"E 5.20' TO THE SOUTH LINE OF SAID BLOCK 2, THENCE ALONG SAID SOUTH BLOCK LINE S87°05'52"E 108.25' TO THE POINT OF BEGINNING, CONTAINING 655.78 SQUARE FEET.

That the abutting real estate affected by said abandonment of the alley are **LOTS 7 & 8, BLOCK 2 OF ROSE HILL ADDITION**, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described **RIGHT-OF-WAY.**

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

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

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

Dated this 4 day of Aug, 2025.

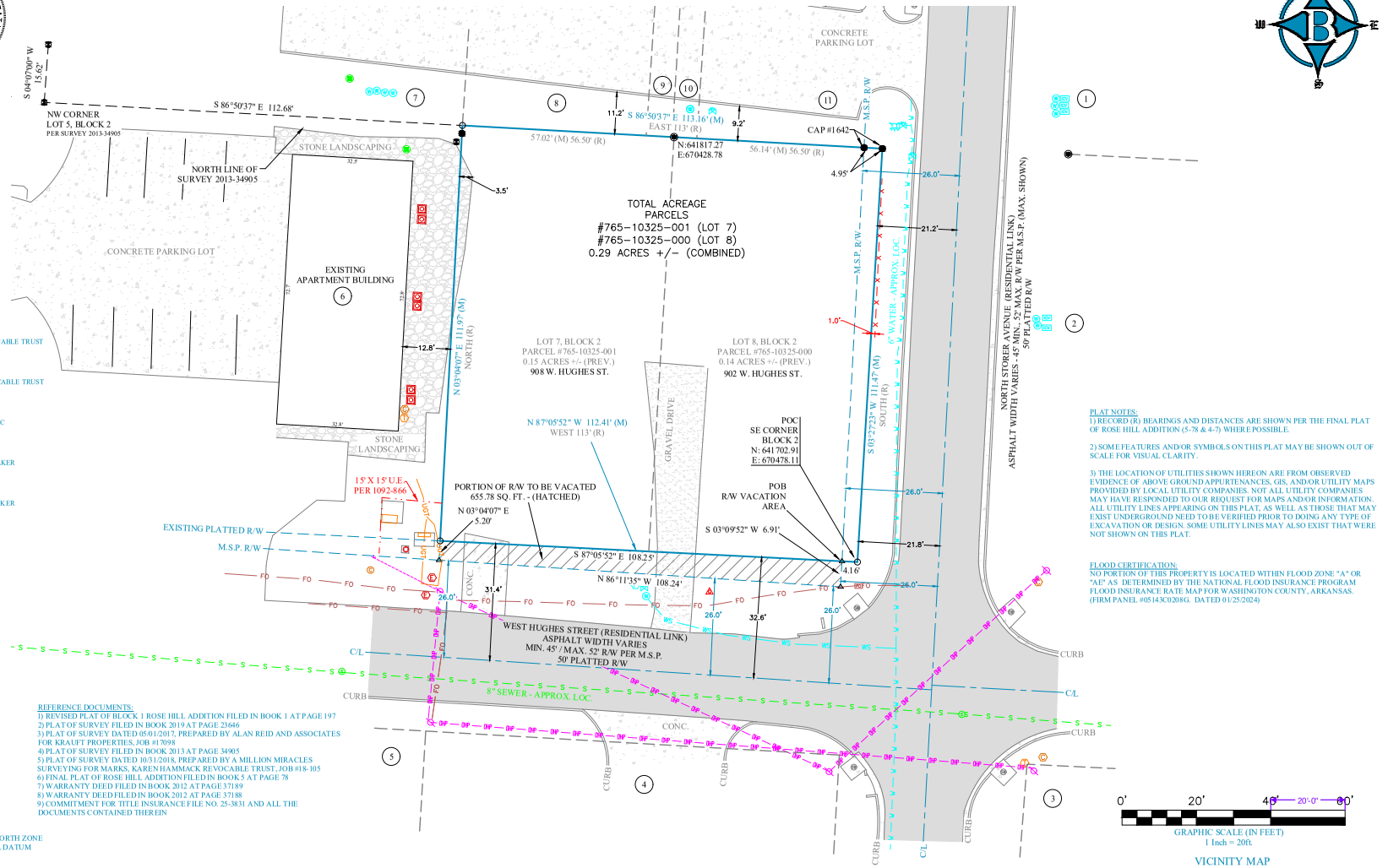
Printed Name:
Andrew Glen Marks, trustee for Andrew Glen Marks Revocable Trust

Signature: Andrew Marks

Printed Name:
Karen Hammack Marks, trustee for Karen Hammack Marks Revocable Trust

Signature: Karen Marks

RIGHT-OF-WAY VACATION EXHIBIT



ADJACENT LAND OWNERS

1) VIRGINIA KRAUFT REVOCABLE TRUST
1603 RAINBOW ROAD
ROGERS, AR 72758
PARCEL #765-10313-000
ZONED: RMF-40
2) VIRGINIA KRAUFT REVOCABLE TRUST
1603 RAINBOW ROAD
ROGERS, AR 72758
PARCEL #765-10311-000
ZONED: RMF-40
3) HUGHES TOWNHOMES LLC
5674 WILLEAN LANE
EAGLE, ID 836 16
PARCEL #765-10369-000
ZONED: RMF-40
4) DAVID M & NANCY M FELKER
PO BOX 8786
FAYETTEVILLE, AR 72703
PARCEL #765-10356-000
ZONED: RMF-40
5) DAVID M & NANCY M FELKER
PO BOX 8786
FAYETTEVILLE, AR 72703
PARCEL #765-10357-000
ZONED: RMF-40
6) 922 HUGHES LLC
985 WEST HUGHES STREET
FAYETTEVILLE, AR 72701
PARCEL #765-10324-000
ZONED: RMF-40
7) JORDAN GROUP LLC
16623 CANTRELL ROAD
LITTLE ROCK, AR 72223
PARCEL #765-10322-000
ZONED: RMF-40
8) JORDAN GROUP LLC
16623 CANTRELL ROAD
LITTLE ROCK, AR 72223
PARCEL #765-10320-000
ZONED: RMF-40
9) JORDAN GROUP LLC
16623 CANTRELL ROAD
LITTLE ROCK, AR 72223
PARCEL #765-10321-000
ZONED: RMF-40
10) JORDAN GROUP LLC
16623 CANTRELL ROAD
LITTLE ROCK, AR 72223
PARCEL #765-10318-000
ZONED: RMF-40
11) JORDAN GROUP LLC
16623 CANTRELL ROAD
LITTLE ROCK, AR 72223
PARCEL #765-10316-000
ZONED: RMF-40

FIELD WORK:
MAY 19 & 20, 2025

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD83(2011) HORIZONTAL DATUM

PROPERTY ZONED:
RMF-40 (RESIDENTIAL MULTIFAMILY - FORTY UNITS PER ACRE):

BUILDING SETBACKS:

FRONT	25ft B.T.Z. (SHOWN)
SIDE (SINGLE & TWO FAMILY)	05ft
SIDE (OTHER USES)	08ft (SHOWN)
REAR (SINGLE FAMILY)	05ft
REAR (OTHER USES)	20ft (SHOWN)

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.

REFERENCE DOCUMENTS:
1) REVISED PLAT OF BLOCK 1 ROSE HILL ADDITION FILED IN BOOK 1 AT PAGE 197
2) PLAT OF SURVEY FILED IN BOOK 2019 AT PAGE 23646
3) PLAT OF SURVEY DATED 05/01/2017, PREPARED BY ALAN REID AND ASSOCIATES FOR KRAUFT PROPERTIES, JOB #17098
4) PLAT OF SURVEY FILED IN BOOK 2013 AT PAGE 34905
5) PLAT OF SURVEY DATED 10/31/2018, PREPARED BY A MILLION MIRACLES SURVEYING FOR MARKS, KAREN HAMMACK REVOCABLE TRUST, JOB 818-105
6) FINAL PLAT OF ROSE HILL ADDITION FILED IN BOOK 5 AT PAGE 78
7) WARRANTY DEED FILED IN BOOK 2012 AT PAGE 37189
8) WARRANTY DEED FILED IN BOOK 2012 AT PAGE 37188
9) COMMITMENT FOR TITLE INSURANCE FILE NO. 25-3831 AND ALL THE DOCUMENTS CONTAINED THEREIN

SURVEY DESCRIPTIONS:

COMBINED PARCELS #765-10325-000 & #765-10325-001:
LOTS 7 AND 8, BLOCK 2, ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE , WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY OF WEST HUGHES STREET MARKING THE SOUTHEAST CORNER OF SAID LOT 8 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N87°05'52"W 112.41', THENCE LEAVING SAID RIGHT-OF-WAY N03°04'07"E 111.97', THENCE S86°50'37"E 113.16' TO AN EXISTING REBAR ON THE WEST RIGHT-OF-WAY OF NORTH STORER AVENUE, THENCE ALONG SAID RIGHT-OF-WAY S03°27'23"W 111.47' TO THE POINT OF BEGINNING, CONTAINING 0.29 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN NORTH STORER AVENUE MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

AREA OF RIGHT-OF-WAY VACATION:
A PART OF THE EXISTING PLATTED RIGHT-OF-WAY OF WEST HUGHES STREET, ADJACENT AND PARALLEL TO THE SOUTH LINE OF LOTS 7 AND 8 IN BLOCK 2 OF ROSE HILL ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE FINAL PLAT FILED IN BOOK 5 AT PAGE 78, SAID RIGHT-OF-WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID BLOCK 2 WHICH IS N87°05'52"W 4.16' FROM THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE S03°09'52"W 6.91' TO THE NORTH MASTER STREET PLAN RIGHT-OF-WAY OF WEST HUGHES STREET, THENCE ALONG SAID RIGHT-OF-WAY N86°11'35"W 108.24', THENCE LEAVING SAID RIGHT-OF-WAY N03°04'07"E 5.20' TO THE SOUTH LINE OF SAID BLOCK 2, THENCE ALONG SAID SOUTH BLOCK LINE S87°05'52"E 108.25' TO THE POINT OF BEGINNING, CONTAINING 655.78 SQUARE FEET.

PROPERTY OWNERS:
1) KAREN HAMMACK MARKS REVOCABLE TRUST
PO BOX 533
FAYETTEVILLE, AR 72702
479-442-9350
PARCEL #765-10325-000
2) ANDREW GLEN MARKS REVOCABLE TRUST
PO BOX 533
FAYETTEVILLE, AR 72702
479-442-9350
PARCEL #765-10325-001

PLAT PAGE INDEX:
444

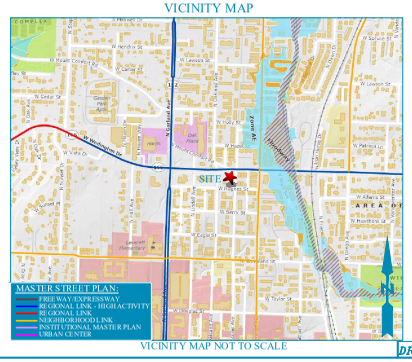
PLAT NOTES:
1) RECORD (R) BEARINGS AND DISTANCES ARE SHOWN PER THE FINAL PLAT OF ROSE HILL ADDITION (5-78 & 4-7) WHERE POSSIBLE.

2) SOME FEATURES AND/OR SYMBOLS ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR VISUAL CLARITY.

3) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES, GIS, AND/OR UTILITY MAPS PROVIDED BY LOCAL UTILITY COMPANIES. NOT ALL UTILITY COMPANIES MAY HAVE RESPONDED TO OUR REQUEST FOR MAPS AND/OR INFORMATION. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS. (FIRM PANEL #05143C0208G. DATED 01/25/2024)

VICINITY MAP



VICINITY MAP NOT TO SCALE

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
(R) RECORD BEARING & DISTANCE
(M) MEASURED BEARING & DISTANCE

FOUND 5/8" REBAR	SET 5/8" REBAR/CAP
FOUND PIPE	FOUND 1/2" REBAR
COMPUTED POINT	

BOUNDARY LINE (MEASURED)
TRUE BOUNDARY
PARCEL / LOT LINE
CENTERLINE OF ROAD
RIGHT-OF-WAY
OVERHEAD POWER LINE
GUY WIRE
SEWER LINE
WATER LINE
GAS SERVICE LINE
FENCE
UTILITY EASEMENT
BUILDING SETBACK

FIBER OPTIC VAULT
YARD HYDRANT
WATER METER
FIRE HYDRANT
WATER VALVE

STORM SEWER MH
TELEPHONE PEDESTAL
CABLE PEDESTAL
ELECTRIC PEDESTAL
AC CONDENSER UNIT
ELECTRICAL METER
POWER POLE
GUY ANCHOR
GAS METER
CLEANOUT
SANITARY SEWER MH

RECORDING NUMBER/DATE

BATES & ASSOCIATES, INC.
Engineers • Surveyors
7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9350

This plat is the property of Bates & Associates, Inc. and is protected by copyright. No part of this plat, in whole or in part, whether material appears on this plat. This plat is protected by copyright. No use, including the previously claimed may reproduce this plat without the written permission of Bates & Associates, Inc. Copyright 2025
Bates & Associates, Inc. disclaims any responsibility or liability for unauthorized alterations, or reuse of this plat for any other purpose than that for which it was prepared by Bates & Associates, Inc. Any such alteration or reuse without the written permission of Bates & Associates, Inc. shall be without liability to Bates & Associates, Inc. and the undersigned surveyor makes no guarantees or warranties, express or implied, as to the accuracy of any reproduction of this plat. Any such reproduction is the responsibility of the party making the reproduction. Any such reproduction is the responsibility of the party making the reproduction. Any such reproduction is the responsibility of the party making the reproduction

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

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

FROM: Alan Pugh, Staff Engineer

MEETING DATE: October 13, 2025

SUBJECT: **VAR-2025-0041: Planning Commission Variance (191 E. REBECCA ST/MAURER, 446):** Submitted by M&M PAINTING & REMODELING for property located at 191 E. REBECCA ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMIL Y, FOUR UNITS PER ACRE and contains approximately 0.39 acres. The request is for a variance from the streamside protection zone.

RECOMMENDATION:
Staff recommends approval of **VAR-2025-0041**, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0041** with conditions, determining:*

- *The property was developed prior to the streamside protection provisions being adopted; and*
- *The area that has been covered previously served as a gravel parking area,*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located on the south side of E. Rebecca St. just east of the intersection of E. Rebecca and N. College Ave. Scull Creek flows generally east to west through the property with the covered parking area being located along the south side of Scull Creek adjacent to the existing home. The property contains approximately 0.4 acres and is currently developed with a single-family home. The property is located almost entirely within Zone AE, base flood elevation determined, according to FEMA Flood Insurance Rate Map Panel 051430209G dated January 25, 2024. Scull Creek is 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	RSF-4 and UT see attached project maps
South	Residential	
East	Residential	
West	Commercial	

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

DISCUSSION:
The applicant has partially constructed a carport with a second story living space over what was an existing gravel parking area within the streamside protection zones located on the property. The applicant was advised of the presence of streamside protection and floodplain prior to the construction of the carport; however, the property is currently in violation for not obtaining the appropriate permits and variance from streamside protection. The applicant has subsequently provided a no adverse impact analysis indicating that the carport does not increase the base flood elevation, channel velocity or flood flows. However, the carport area is within the streamside protection zones which prohibits the construction of permanent structures.

The area of the carport has historically been utilized as a gravel parking area. Staff had previously discussed the potential addition of a garage or carport to the property with the applicant as they wanted covered parking for their vehicles and storage for tools and other items. It was determined that the location of the partially constructed carport may be the most feasible given the extent of the floodplain and streamside protection on the property. However, they were advised that this would require a variance from streamside protection prior to construction. Staff are supportive of the request finding that the area has historically been utilized as gravel parking area and it appears that most of the carport is located within the management zone. There may be a small portion of the NW corner of the carport that extends into the waterside zone.

RECOMMENDATION: Staff recommends approval of **VAR-2025-0041** with the following conditions of approval:

Conditions of Approval:

1. The applicant will obtain all necessary permits prior to continuing construction of the improvements including, but not limited to, a building permit with required floodplain and streamside protection reviews.

2. No additional encroachments will be allowed without obtaining a separate variance and a revised flood study.

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

PLANNING COMMISSION ACTION: Required YES
Date: October 13, 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

(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.

The lot was developed prior to the streamside ordinance being adopted and much of the lot is taken up by the streamside protection zones and floodplain. As stated in the request letter, the applicant did consider at least two areas to place a carport or garage. The location under which it is currently being constructed should have the least impact on the floodplain but is located within the streamside zones. The existing home and parking area were constructed prior to the streamside zones being adopted.

(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.

Rezoning or rulings from the board of adjustments would not change the extent of the streamside protection zone and would not alleviate the need for a variance in this case.

(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.

See staff conditions listed above.

BUDGET/STAFF IMPACT:
None

Attachments:

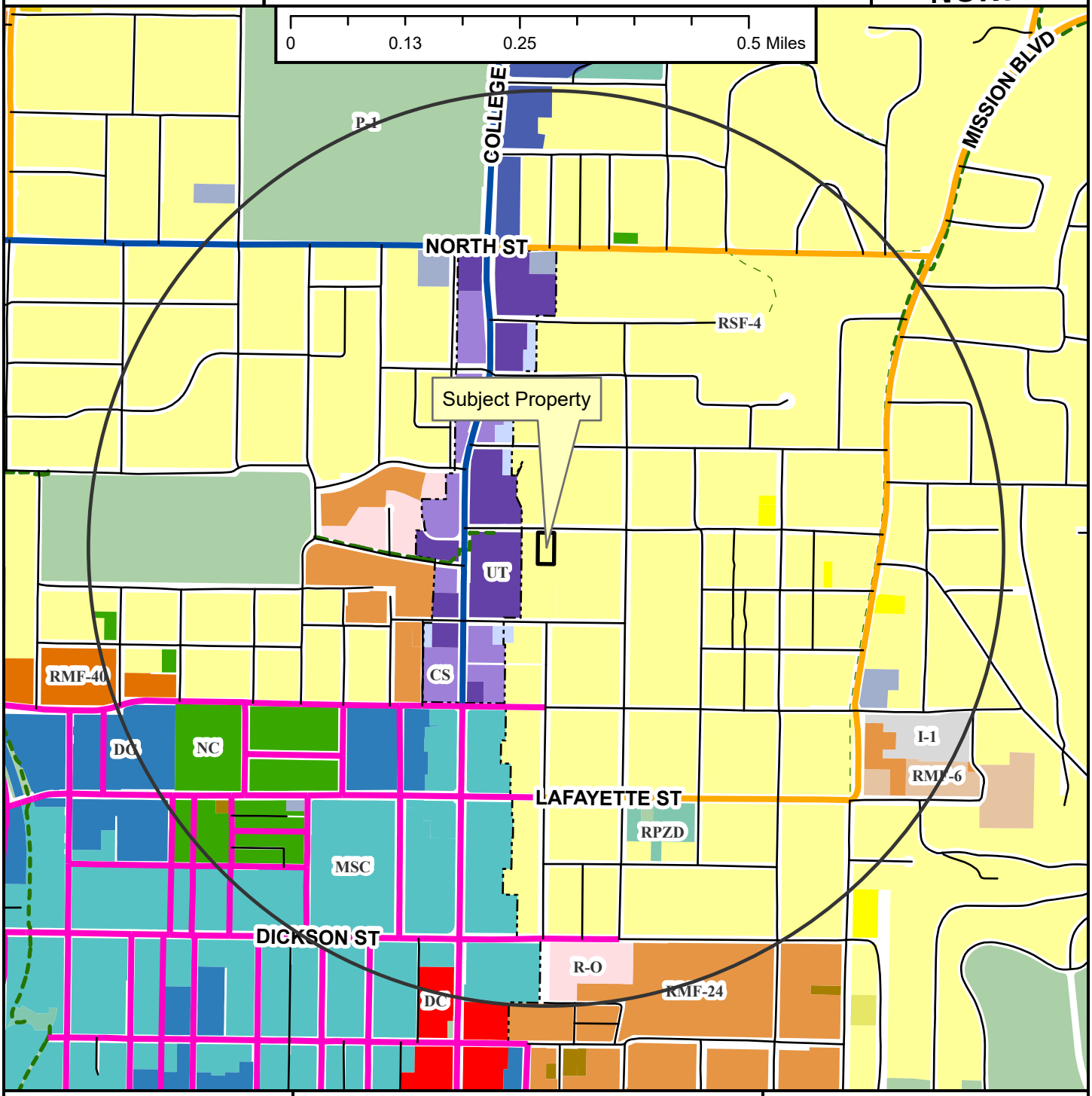
- One Mile Map
- Close Up Map
- Current Land Use Map
- Applicant Request Letter
- Site Plan

VAR-2025-0041

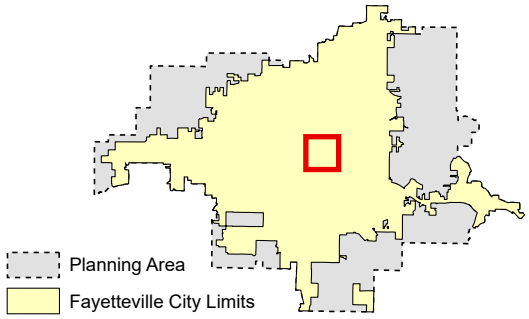
One Mile View

191 E. REBECCA ST

NORTH



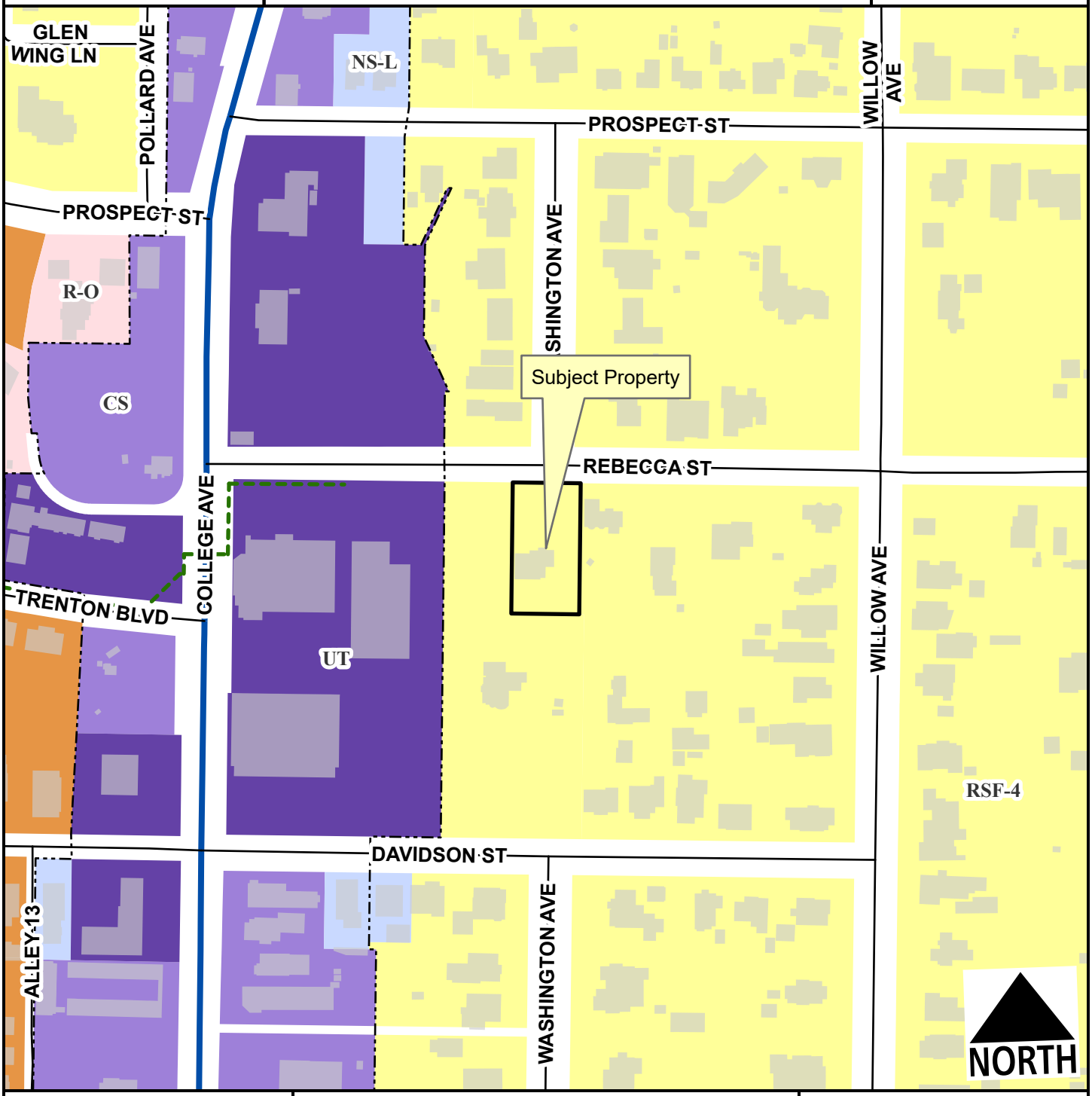
Neighborhood Link
Regional Link - High Activity
Urban Center
Unclassified
Alley
Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



VAR-2025-0041

Close Up View

191 E. REBECCA ST



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

Feet

0 75 150 300 450 600

1:2,400

VAR-2025-0041

Current Land Use

191 E. REBECCA ST

NORTH



- Regional Link - High Activity
- Urban Center
- 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

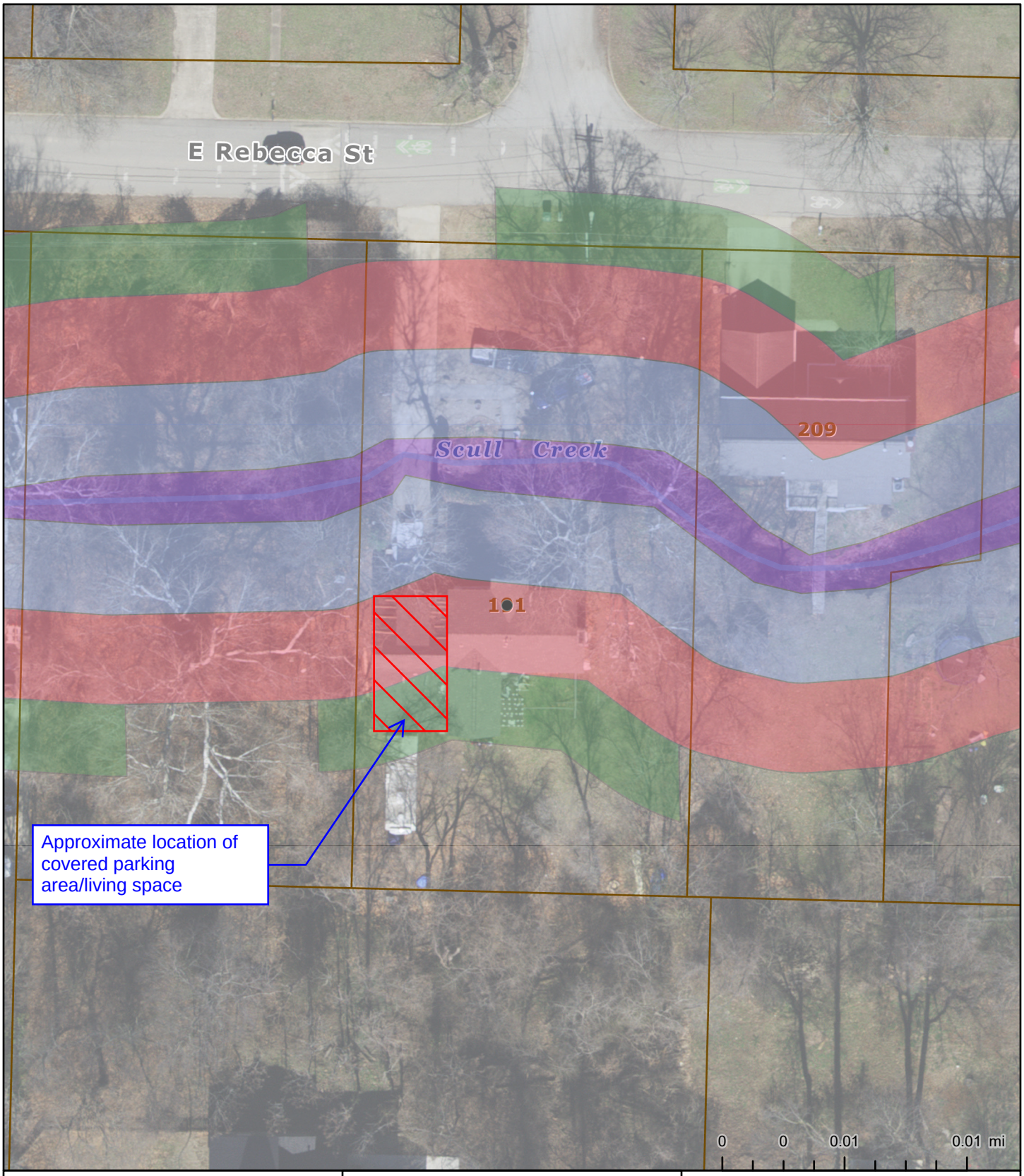
I am requesting a variance at my property at 191 East Rebecca street from the streamside protection zone.

This is a hardship request because our lot was platted before the streamside protection was put into place.

Our lot includes are large area in the streamside protection zone. We looked at multiple areas to place the carport, but ultimately chose the least intrusive, which is right beside the existing structure. We have been parking there on a gravel area for over thirty years. We are simply adding a covered area to protect vehicles and provide a covered area for our tools.

Sincerely,

Kristi Maurer



Additional

Bankfull

Management

Waterside

191 E Rebecca St

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warrantees with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 8/26/2025
Credits: 2025 Imagery | EagleView Technologies | Surdex Corporation, City of Fayetteville, AR
Map Author:

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

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

MEETING DATE: October 13, 2025

SUBJECT: **ADM-2025-0039: Administrative Item (E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE/CINQUEFOIL LLC, 523):** Submitted by 3V DEVELOPMENT for property located on E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.60 acres. The request is for a lesser dedication of right-of-way.

RECOMMENDATION:
Staff recommends denial of **ADM-2025-0039**.

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

BACKGROUND:
The subject property is at the northwest corner of E. Martin Luther King Jr. Blvd. and S. College Avenue. Zoned DG, Downtown General, the property is currently undeveloped, though was previously developed with two small structures. A site improvement plan for the development of a small commercial structure, townhomes, and associated parking was submitted for review by City staff (SIP-2025-0001). Further, a variance for the consideration of a driveway entry onto E. Martin Luther King Jr. Blvd. has also been submitted, and will also be heard at the October 13, 2025 Planning Commission meeting. The item was scheduled for September 22, 2025, but the Planning Commission failed to make quorum. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	NC, Neighborhood Conservation
South	Church	DG, Downtown General
West	Single-family Residential	NC, Neighborhood Conservation
East	Single-family Residential	DG, Downtown General

Request: The request is for a lesser dedication of right-of-way than is typically required by the master street plan for a neighborhood link street. Where 67 feet of right-of-way would typically be required (or 33.5 feet from street centerline), the applicant is requesting to dedicate only 55 feet, or 27.5 feet from street centerline.

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

DISCUSSION:
Staff recommends denial of the applicant's request to dedicate less right-of-way than is typically required by the Master Street Plan. The typical master street plan requirements for a Neighborhood Link Street call for two lanes of traffic, and a third lane for on-street parking. That said, there are certain considerations that are called out in the master street plan requirements to allow for flexibility in the design where warranted. This includes flexibility for the allowance of a dedicated turn-lane. City Engineering staff have identified that left turn lane improvements will be needed at this location in the future to maintain safety and capacity at this location. High traffic counts and over 20 crashes within a 5-year time-frame from 2017-2021 at this location have indicated to Public Works that intersection improvements are needed, especially as development continues to occur in the area. It is standard under the requirements in §166.04 that an applicant dedicate right-of-way in alignment with the master street plan requirements with an associated development. While staff can make necessary administrative reductions, staff finds that it is not warranted in this instance to reduce the master street plan requirement beyond the typical requirement for 33.5 feet.

RECOMMENDATION: Staff recommends denial of **ADM-2025-0039.**

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 22, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

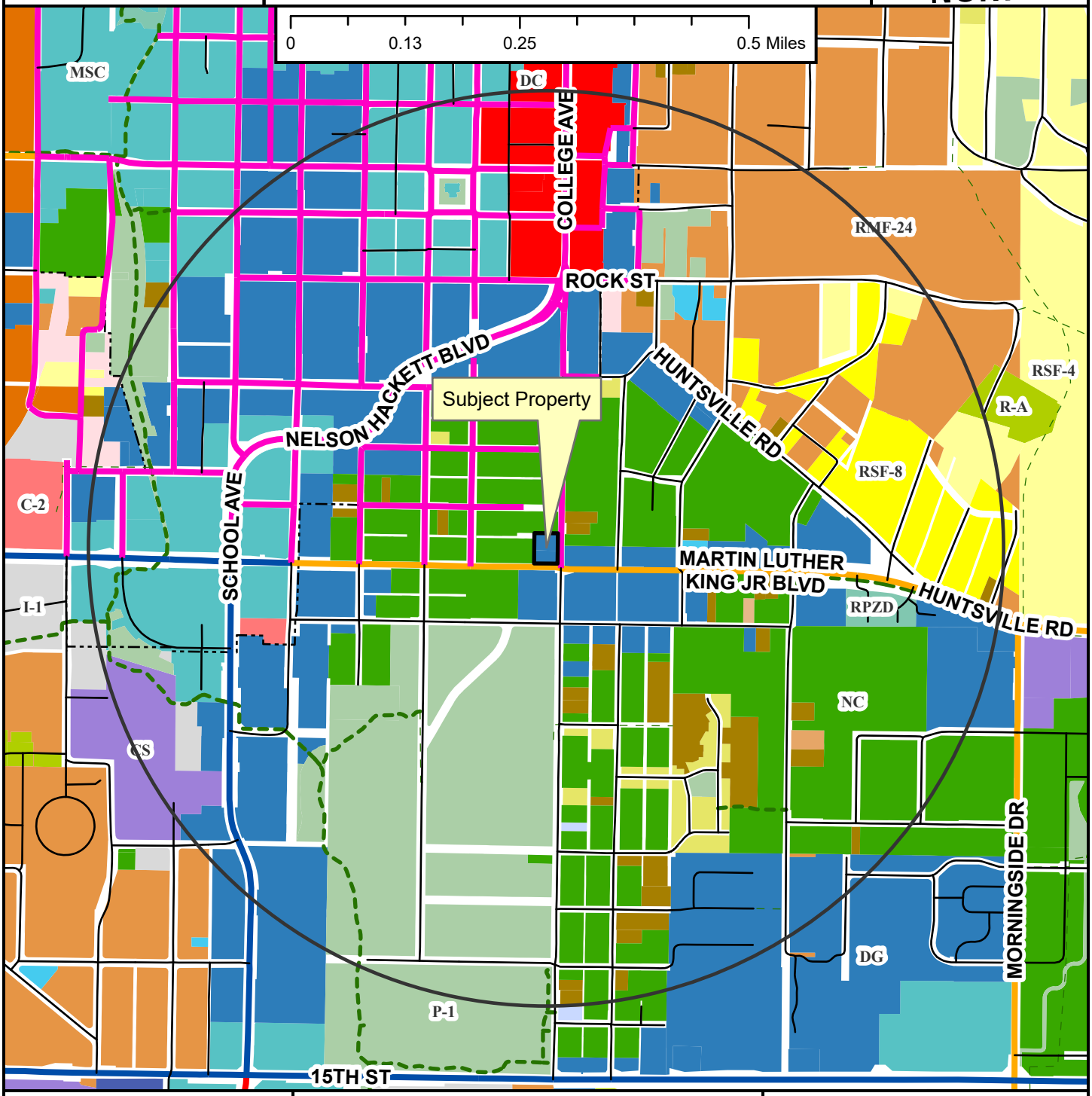
ATTACHMENTS:
- One Mile Map
- Close-up Map
- Current Land Use Map
- City Engineering Memo
- Applicant Request Letter and Exhibits

ADM-2025-0039

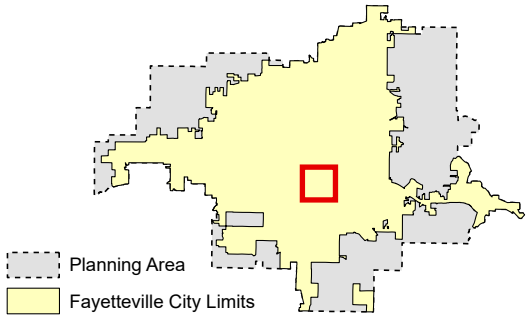
One Mile View

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

NORTH



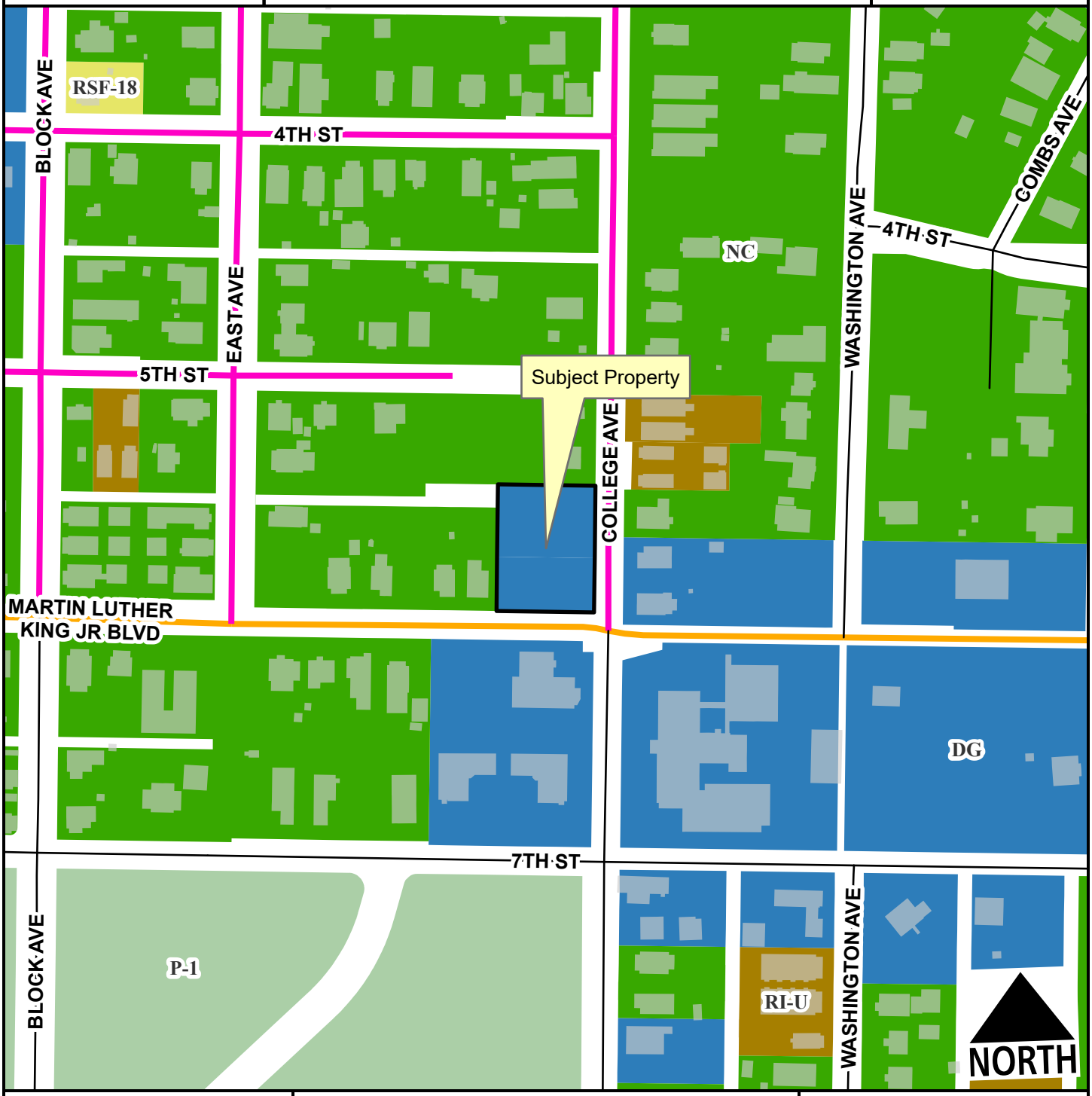
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



ADM-2025-0039

Close Up View

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



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

Feet

0 75 150 300 450 600

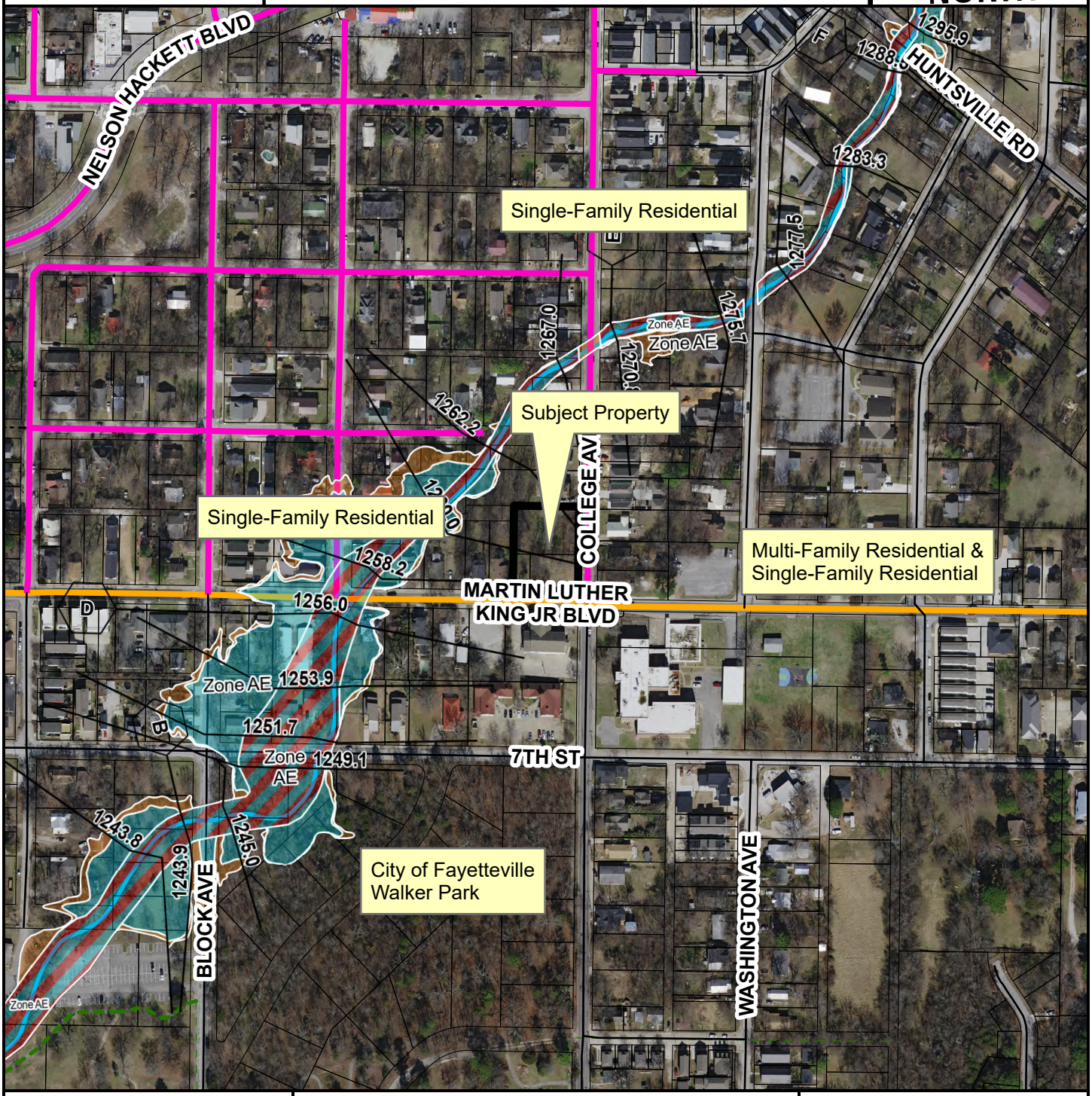
1:2,400

ADM-2025-0039

Current Land Use

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

NORTH



- Neighborhood Link
- 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

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Planning Director

FROM: Justin Bland, Engineering Development Review Manager

DATE: September 16, 2025

SUBJECT: Planning Commission Engineering Comments for ADM-2025-0039

Engineering Staff does not support the variance request to reduce the required right-of-way dedication along MLK Blvd. from 67' to 55'. This dedication is essential for plans to add a left-turn lane at the intersection of MLK Blvd. and S. College Ave.

The intersection of MLK Blvd. and S. College Ave. is a relatively high-volume intersection (13,000 and 4,200 vehicles per day, respectively) where traffic volumes are expected to increase with future development in the area. A left-turn lane will eventually be warranted to improve both safety and capacity.

- Safety: A 2002 Federal Highway Administration study on urban arterials found that adding left-turn lanes to signalized intersections can reduce crashes by 10-20%. City GIS data shows approximately 20 crashes at this location from 2017-2021. As traffic volumes rise, the number of accidents is also expected to increase. Having the right-of-way is key for having the ability to make safety improvements when needed.
- Capacity: Left-turn lanes prevent a single turning vehicle from blocking through-traffic, which can quickly lead to intersection backup and reduced service levels. While some traffic signal configurations can help (i.e. split phasing, etc.), they typically result in a reduction of efficiency. Typically, the most efficient traffic signal configuration has protected left turn lanes and free-flowing through-traffic.

Staff recognizes the challenges of adding turn lanes due to the offset intersection and nearby structures. However, acquiring the right-of-way now, before the land is developed, is critical. This is considered a best practice for transportation planning. If this dedication is not provided at this time, the northwest corner of the intersection will be built out, creating significant obstacles to the future construction of the turn lanes. Unfortunately, the other corners of the intersection are already built out to some degree and will require future right-of-way dedication as part of a future redevelopment project, or an acquisition of the property by the city.

Based on these factors, Engineering Staff recommends denying the variance request to give the city the most options for future safety and capacity improvements at this intersection.

8/12/25

Zara Niederman
3V Development LLC
620 Bella Vista Rd
Bentonville, AR 72712

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

RE: Variance Request – Lesser Dedication of Master Street Plan ROW
Property: 519 S College Avenue / MLK Boulevard

Dear Chair and Commissioners,

I am requesting a variance from the Master Street Plan ROW dedication requirement for MLK Blvd. The Master Street Plan seeks to widen the street and install a turning lane at this corner. We believe this is inadvisable for two reasons.

First, we believe that the City should focus on increasing the connectivity of the street grid in this neighborhood, rather than widening individual streets. This includes extending 5th Street to connect from East to S College, which is just one block to the north. Years ago, the City re-routed traffic coming west on Highway 16 to re-route from Huntsville Road (which turns into MLK) to S Happy Hollow Rd. In addition, Archibald Yell (Now Nelson Hackett Blvd) was built to allow traffic coming east on MLK to go North onto College Ave. Widening the road here to add room for more ease of flow for cars would be a detriment to the neighborhood.

Secondly, functionally it does not make sense to widen the MLK Blvd, adding a turning lane on the north side of the street. The street is already misaligned, such that the eastbound lane on the west side of S College is in direct alignment with the westbound lane on the east side of S College. Adding an additional lane to the north of the existing eastbound lane on the west side would only exacerbate this alignment, and cause more traffic problems.

Attached are pictures of this existing alignment issue.

Therefore we request that the ROW remain at the minimum of 55’ for a Neighborhood Link per the Master Street Plan adopted as part of City Plan 2040.

Regards

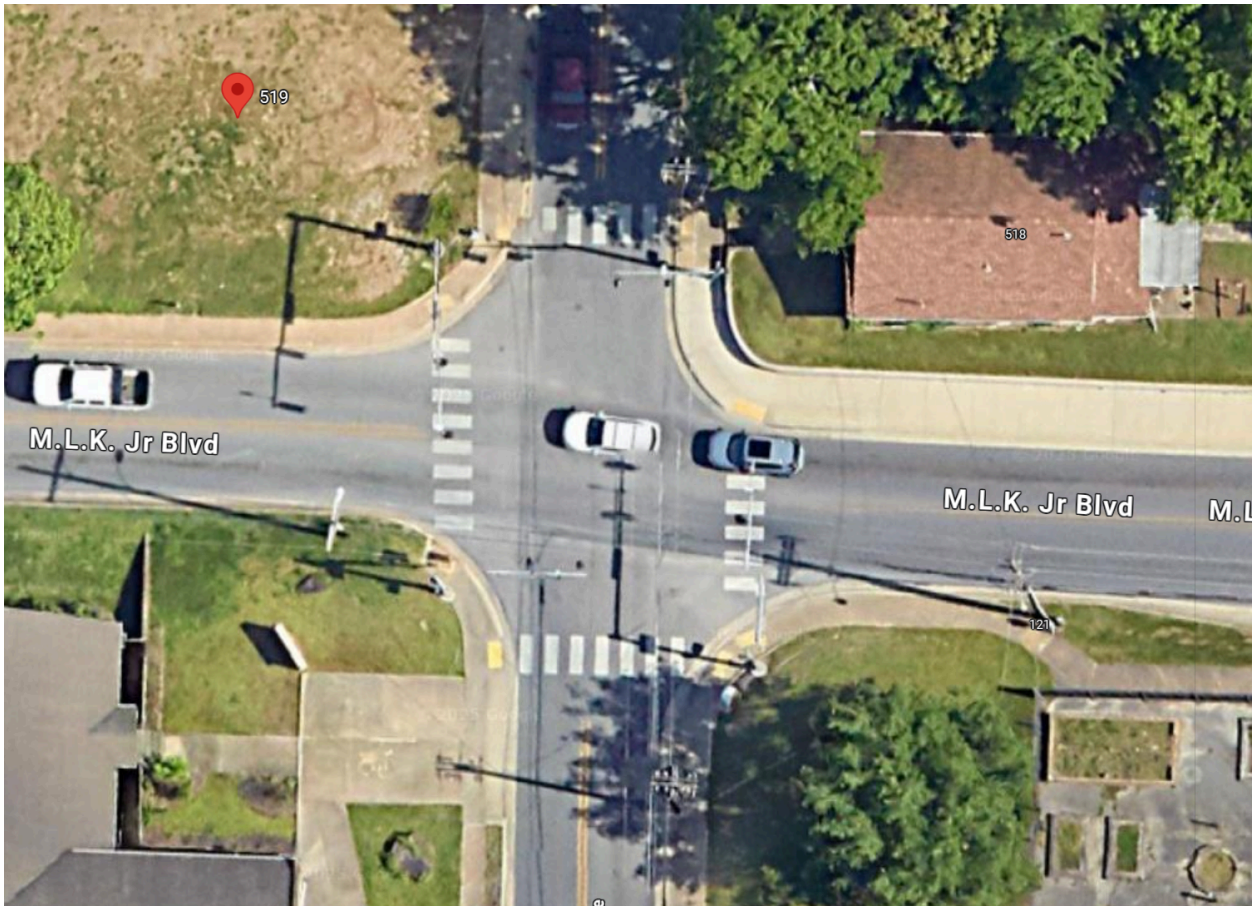
Zara Niederman

Zara Niederman


Share
College
M.L.K. Jr Blvd
Google


512
516
518
E Martin Luther King Jr Blvd
S College Ave
121
613
Rooted
Church
600


City of Fayettevil


519
518
M.L.K. Jr Blvd
M.L.K. Jr Blvd
121

<u>Neighborhood Link Street</u> (Collector)
Design Service Volume: <6,000 vpd - Desired Operating Speed: 25-30 mph

Neighborhood link streets are intended to bridge between local, low-volume streets and larger regional arterial streets. Larger greenspaces are provided for pedestrian comfort and cyclists are intended to be outside the roadway in a separated facility due to vehicular speeds and volumes. Special design consideration for cyclists at intersections is necessary to ensure intuitive safety for both drivers and riders of all skill levels. These streets may have on-street parking, center turn lanes, or wider lanes accommodating truck or transit vehicles where appropriate. Low-Impact Development (LID) features in green spaces are recommended best practices to incorporate alternative stormwater treatment techniques.

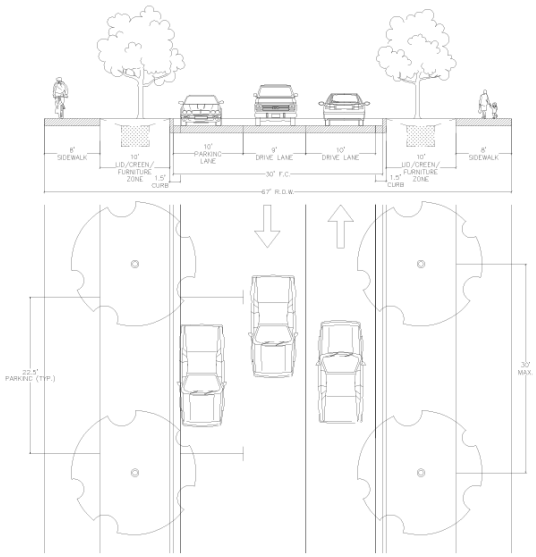


Figure 12.11 - Neighborhood Link Street

As determined by city staff, additional roadway elements may be required and include:

- An additional 2-ft frontage zone where buildings abut right-of-way. This may be accomplished with setbacks or additional right-of-way.
- Streets planned with on street bike facilities as shown on the Active Transportation Plan, shall accommodate one 10-ft sidewalk, as determined by the Zoning and Development Administrator, by reducing greenspaces.
- Where a dedicated turn-lane is warranted, 3-ft additional pavement may be necessary based on intersection design.

Alternative design elements may be approved administratively and include:

- Removal of the 10-ft parking lane will be considered when adequate parking is provided elsewhere.
- Sidewalk widths may be reduced to a minimum of 6-ft.
- Greenspace or parking may be modified intermittently to provide parking/delivery/loading lane or to provide an aerial fire apparatus access area.

Minimum Right-of-Way: 55-feet
Maximum Right-of-Way: 67-feet

Hopkins, Mirinda

From: Z Niederman <zniederman@gmail.com>
Sent: Friday, September 26, 2025 2:54 PM
To: Hopkins, Mirinda
Subject: ADM 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 Mirinda
Could you please add this to the packet for comments for ADM 2025-0039 (MSP ROW at 519 S College)
If you look at this heat map, there is a much higher rate of accidents at the corner of MLK and S School Ave, than MLK and S College.
Obviously the traffic count is much higher, and so that is not unexpected. However, there are turning lanes here with dedicated turning signals.
If the turning signals are so much safer, why are we still seeing so many accidents here.
What the Engineering study of accidents does not provide is how or whether this will impact pedestrian and bike safety. The main goal here it seems is efficiency of traffic flow.
This is the center of the neighborhood, the center of the Walker Park Neighborhood Master Plan. We should not be looking for traffic efficiency here.
The Highway 12 bypass at Huntsville and 15th was created so that this would not be a thoroughfare. Nelson Hackett exists so that people coming east on MLK can go North there, and don't need to turn at College.
The only people who might need to turn left here would be those people living on MLK, between Locust and S College. That section is already close to built out with townhouses and multifamily apartments.
If Engineering Department wants to make this intersection safer, I think a better option would be to remove the ability to make a left turn going North onto College going from West to East.
This is a neighborhood center, not a high traffic interchange. We should prioritize the safety of people walking and biking over shaving seconds off vehicle delay
Thank you.


LOWER
RAMBLE
S Nelson Hackett Blvd
W South St
W 4th St
E 4th St
W 5th St
E 5th St
Spout Spring Branch
Combs Street Church of Christ
Jefferson Center
JEFFERSON PARK
W 7th St
E 7th St
Disc Golf
Tanglewood Branch
S Church Ave
S Locust Ave
S Washington Ave
S Willow Ave
S Mill Ave
S Block Ave
S Collins Ave
S Easy Ave
S West Ave
E Rock St
E 9th St

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

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

MEETING DATE: October 13, 2025

SUBJECT: **VAR-2025-0040: Planning Commission Variance (E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE/CINQUEFOIL LLC, 523):** Submitted by 3V DEVELOPMENT for property located on E. MARTIN LUTHER KING JR BLVD & S. COLLEGE AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.60 acres. The request is for a variance to access management standards.

RECOMMENDATION:
Staff recommends partial approval of **VAR-2025-0040, with conditions.**

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0040**, determining:*

- *In favor of a variance to UDC §166.08(F) Access Management;*
- *In denial of a variance to UDC §166.08(F)(2)(b) Curb Separation Requirements;*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is at the northwest corner of E. Martin Luther King Jr. Blvd. and S. College Avenue. Zoned DG, Downtown General, the property is currently undeveloped, though was previously developed with two small structures. A site improvement plan for the development of a small commercial structure, townhomes, and associated parking was submitted for review by City staff (SIP-2025-0001). Further, a consideration for the reduction of the master street plan right-of-way has been submitted to be heard at the October 13, 2025 Planning Commission meeting. The item was originally scheduled for the September 22, 2025 meeting, but the Commission failed to make quorum. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-family Residential	NC, Neighborhood Conservation
South	Church	DG, Downtown General
West	Single-family Residential	NC, Neighborhood Conservation
East	Single-family Residential	DG, Downtown General

Request: The applicant is requesting two variances from the Unified Development Code. The first requires that properties fronting more than one public street prioritize access from the street with the lowest functional classification (§166.08(F)). The second requires a minimum separation of 100 feet from intersections or driveways (§166.08(F)(2)(b)).

The applicant proposes construction of a full-access driveway on E. Martin Luther King Jr. Blvd., in addition to a driveway on S. College, and the proposed driveway also fails to meet the required 100-foot separation distance from the intersection and an adjacent driveway.

DISCUSSION:.

Variance #1: §166.08(F) Access management: Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer. The applicant's proposed site plan shows two driveway entrances, one located along S. College Avenue, and the other located along E. Martin Luther King Jr. Blvd. Typically, one driveway would be permitted along S. College Avenue, since the urban street classification is the lower classification street.

- *Staff recommendation: Staff recommend approval of this request. The intent of the ordinance is to prevent an overabundance of curb cuts to promote walkability and safer traffic interactions; staff understand the applicant's right to access E. Martin Luther King Jr. Blvd, given the precedent set by the Arkansas Supreme Court. It is worth noting that under the definition of "site" in chapter 151, it is required that this development is considered in its entirety, rather than separately, since all three parcels are under the same ownership, and grading will be performed. Staff acknowledge that granting a single driveway per parcel would not be a desirable outcome should these parcels be developed separately, but that appears to be outside of the City's control, and outside of what the applicant is requesting. So, staff finds that granting a variance to allow one driveway along E. Martin Luther King Jr. Blvd is a good legal alternative that protects the applicant's right to access and also protects the overall public interest and safety in the area. Staff find, however, that allowing a full-access driveway to serve a commercial use would likely contribute to a traffic and safety issue in this location, given the circumstances with traffic counts and visibility. Staff recommend that if access onto Martin Luther King Jr. Blvd is granted, that a right-in, right-out scenario be constructed to protect the public interest and safety in the area.*

Variance #2: §166.08(F)(2)(b) Neighborhood Links. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots. The applicant's proposed site plan shows a full-access driveway along E. Martin Luther King Jr. Blvd. that is under the separation distance requirements for an existing driveway to the west, as well as to the existing intersection to the east.

- *Staff recommendation: Staff recommends denial of this request, finding that the applicant has failed to provide enough concrete information to provide the basis for hardship. Acknowledging that there is still an existing driveway to the west that serves a residential structure, the location of the proposed driveway and its distance from the S. College Avenue intersection appears to be derived from design- and development-related decisions, rather than site-specific constraints. The overall site has 135 feet of street frontage along E. Martin Luther King Jr. Blvd, which indicates that compliance is possible. The applicant has not provided enough information to indicate whether there are conflicting ordinances, design constraints, or site-specific hardships that have informed the overall design. Further, the driveway in its current location as shown would likely create conflict if a left turn lane were to be installed at this intersection, or any other necessary improvements are made in the future. The City Engineer also did not find enough evidence*

to grant the separation distance variance administratively, which they are empowered to do under 166.08(F)(4). Should the applicant make modifications to the site, the City Engineer could potentially still approve a reduction administratively, if there were not an associated safety concern.

RECOMMENDATION: Staff recommends approval of VAR-2025-0040 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.08(F) Access management.** *Staff recommend approval of this variance for the reasons stated above, with the following condition:*
    a. *Any driveway installed along E. Martin Luther King Jr. Blvd. shall be constructed with a right-in, right-out only configuration.*

2. **Planning Commission determination of a variance to UDC §166.08(F)(2)(b) Curb cut location.** *Staff recommend denial of this variance for the reasons stated above.*

3. Approval of this item does not constitute approval of the associated development entitlement or any necessary permits. Approval of this item also does not constitute approval of any variances not yet reviewed or received yet. Review and approval of separate applications shall be required in accordance with city code.

Planning Commission Action:	**❒ Approved**	**❒ Tabled**	**❒ Denied**
Meeting Date: October 13, 2025			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code:
    - §166.08 Street Design And Access Management Standards
- One Mile Map
- Close-Up Map
- Current Land Use Map
- City Engineering Memo
- Applicant Request Letter
- Applicant Exhibit

166.08 Street Design And Access Management Standards

…

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Residential link streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) and four (4) family, multi-family and nonresidential development.

(a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.

(c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) *Separation for Single-Family Homes.*

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) *Regional and Neighborhood Links.* Individual curb cuts along regional and neighborhood links streets shall be discouraged. When necessary, curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.

(4) *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

(5) *Speed.* All streets should be designed to discourage excessive speeds.

(G) *Non-Conforming Access Features.*

(1) *Existing.* Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;
(b) Upon expansion greater than 50% of the property's appraised or market value as established by the Washington County Assessor; or
(c) As roadway improvements allow.
(d) With development of a new primary structure on the property.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

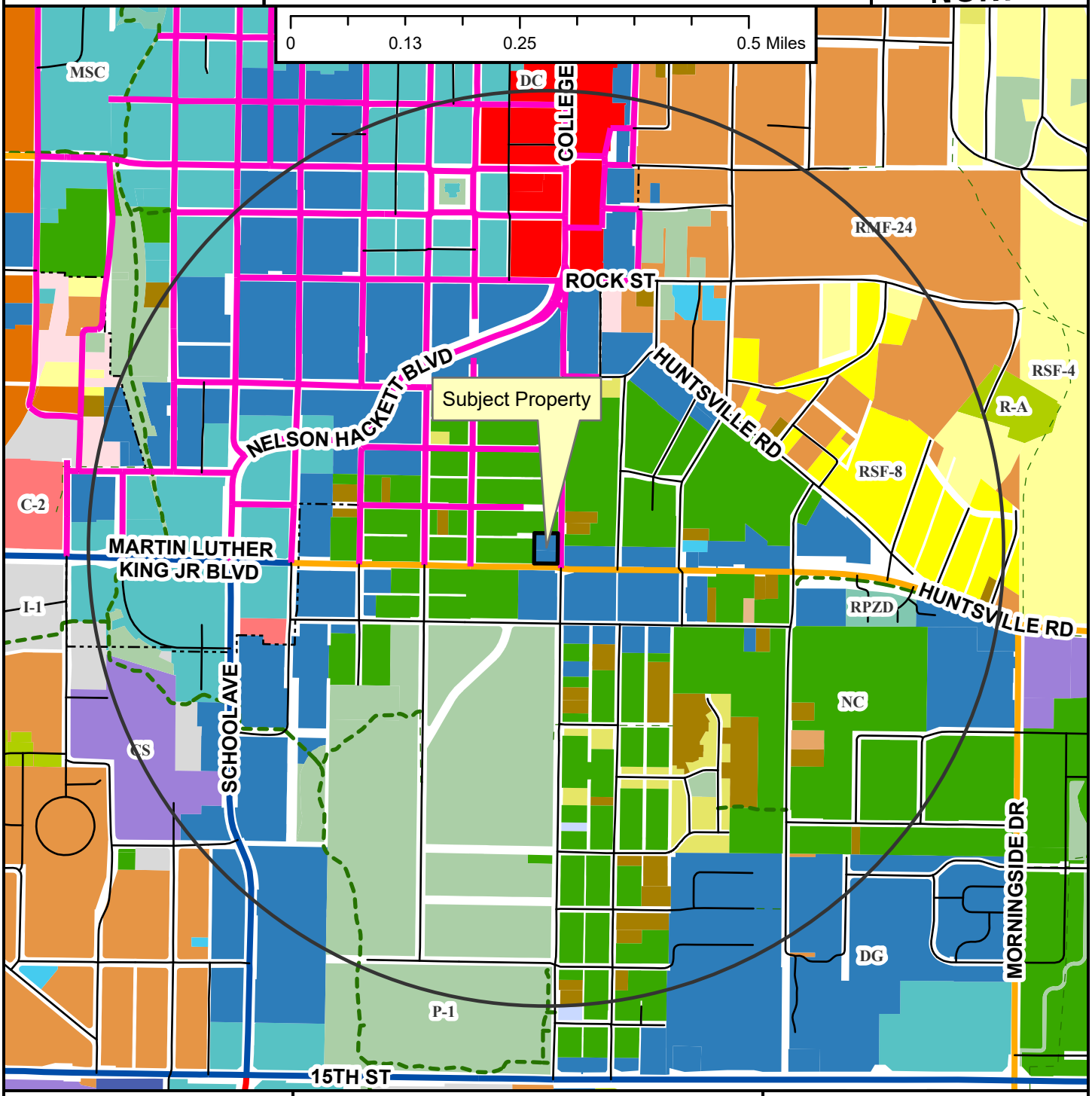
(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296,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

VAR-2025-0040

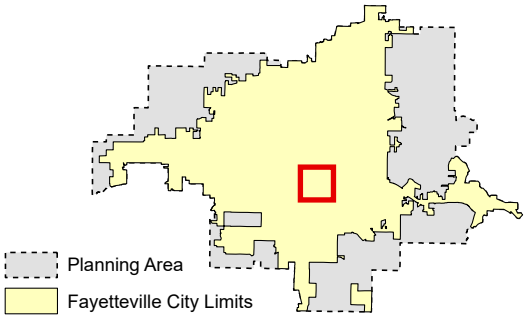
One Mile View

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

NORTH



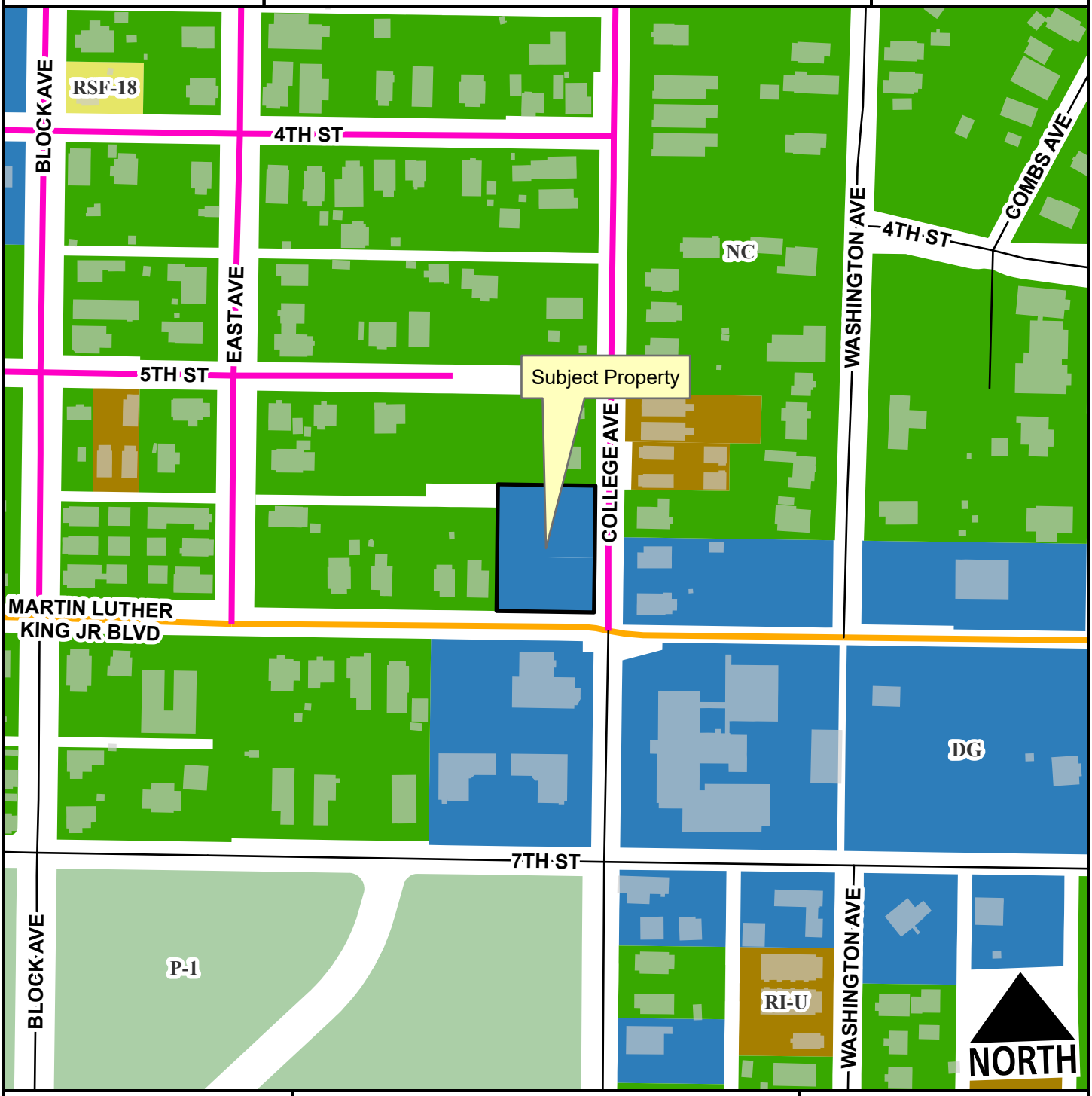
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAR-2025-0040

Close Up View

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



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

Feet

0 75 150 300 450 600

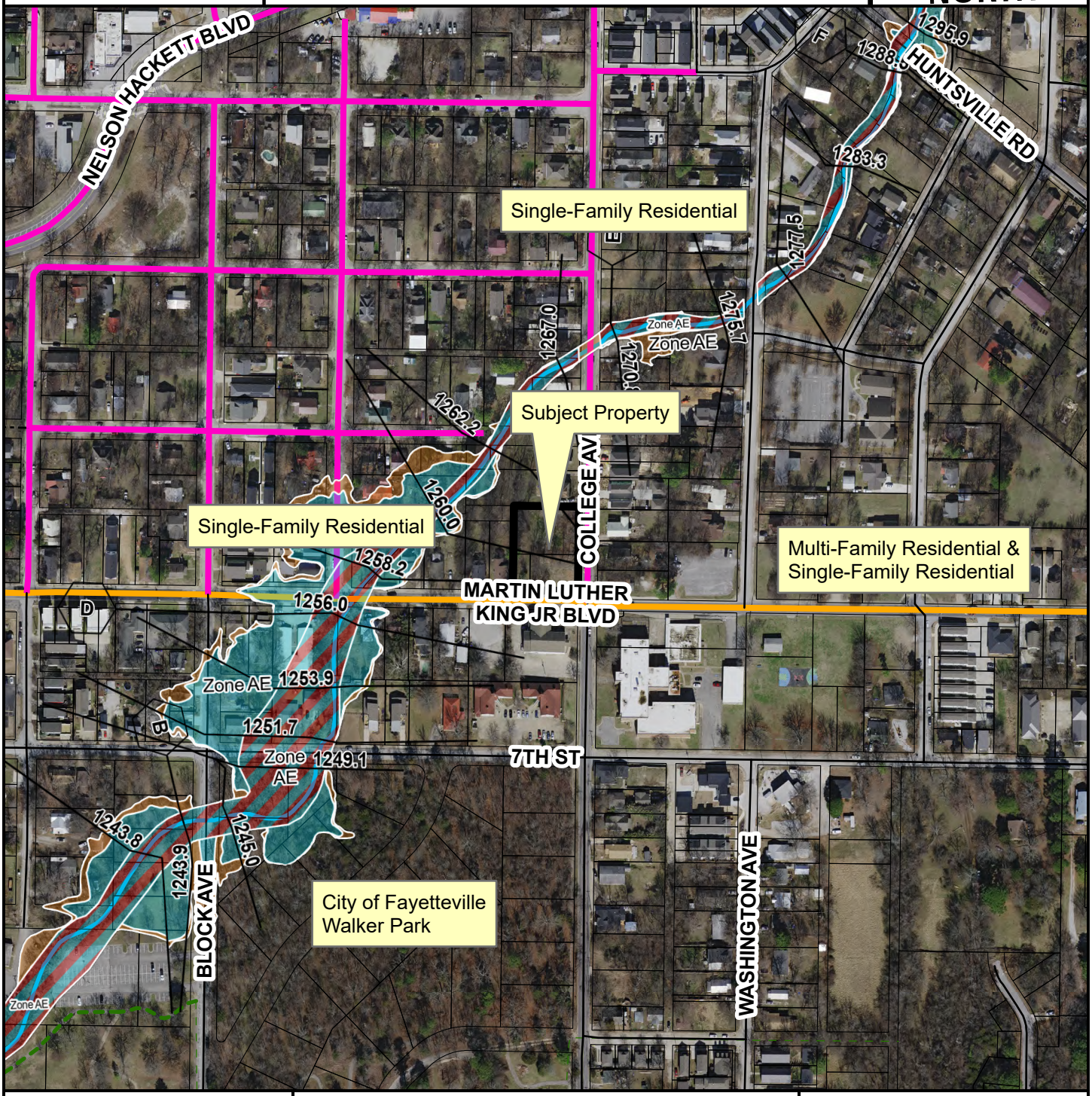
1:2,400

VAR-2025-0040

Current Land Use

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

NORTH



- Neighborhood Link
- 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

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Planning Director

FROM: Justin Bland, Engineering Development Review Manager

DATE: September 16, 2025

SUBJECT: Planning Commission Engineering Comments for VAR-2025-0040

Engineering staff does not support the variance request to the curb cut separation at the proposed site. The applicant's site plan provides 83' of separation, which fails to meet the 100' requirement specified in the code (§166.08(F)) for Neighborhood Links. It is staff's opinion that granting this variance could reduce public safety at a relatively high-volume intersection. Staff's review of this matter included consideration of the following:

- Traffic Volume: The intersection of MLK Blvd. and S. College Ave. is a relatively high-volume intersection (13,000 and 4,200 vehicles per day, respectively) and these volumes will likely increase in the future as more development occurs in the southeast part of town.
- Turn Lanes: To accommodate traffic growth, the city has long-term plans to install left turn lanes at this intersection, which would be impacted by a non-compliant curb cut.
- Intersection Offset: The 12' north/south horizontal shift of MLK Blvd. as it crosses S. College Ave. requires drivers to adjust their lane position. Maximizing the distance between the driveway and the intersection would provide additional reaction time for drivers, enhancing safety.

Based on these items, Engineering Staff recommends that providing the drive separation required by the code at this location is in the best interest of public safety.

There is a nuance to this discussion due to the applicant owning three separate parcels at this location, that creates two separate scenarios with different recommendations:

- Scenario 1: Development all three parcels - Since the combined frontage of all three parcels exceeds 135', meeting the 100' separation requirement is feasible. In this scenario, staff recommends denying the variance to ensure compliance with the code.
- Scenario 2: Development of only the corner parcel. If the applicant were to develop only the corner parcel with 100' of frontage, meeting the 100' separation requirement would be impossible and staff would request to maximize the separation distance within the lot's constraints (approximately 80'). This would have been administratively approved.

It is Staff's opinion that these are two different scenarios with different considerations. The fact that staff would approve a reduced separation in Scenario 2, where it is not feasible to meet the code, does not inform the decision for Scenario 1, where compliance is feasible.

Finally, if the Planning Commission decides to grant the variance for the full development, staff recommends requiring the driveway to be right-in/right-out only. The applicant has previously offered this as an option, and staff agrees it would help mitigate the safety risks associated with a non-compliant separation distance.

APPLICANT REQUEST LETTER

8/12/25

Zara Niederman
3V Development LLC
620 Bella Vista Rd
Bentonville, AR 72712

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

RE: Variance Request – Driveway Separation Distance
Property: 519 S College Avenue / MLK Boulevard

Dear Chair and Commissioners,

I am requesting a variance from the driveway access separation requirement in UDC §166.08(F) to allow the proposed driveway on the southeast corner parcel of 519 S College Avenue to remain in its current proposed location, which is within 100 feet of the MLK/College intersection. This driveway location is at the farthest western point on this parcel, maximizing the distance from the intersection and thus the most functionally safe location. This proposed driveway would be replacing the curb cuts on the property that currently exist at the corner on both MLK and S College Ave, as you can see from the photos below.

Project Background

This project is at the corner of MLK and S. College at the heart of the Walker Park Neighborhood and a central part of the Walker Park Neighborhood Master Plan, adopted in 2008. This corner lot had been the location of the Johnson Corner Store for many years prior to being closed up at about the time of the closure of Jefferson School diagonally across the street. One of the guiding principles of that Master Plan was to create Jefferson Square as the core of the neighborhood. Another guiding principle was to retain a balance of uses and housing, to allow for small scale neighborhood commercial activity. As such, the plan rezoned this lot from RSF-4 to Downtown General, allowing for commercial activity on this corner.

I have controlled this property for over 10 years, waiting for the right time to build, such that we could build a small commercial building to serve the neighborhood in a way that would reflect the character of the original building. I chose this rather than building student housing, which would be the easiest, and likely most lucrative option. I believe that now the time is right to build a small commercial building here, given all of the residential infill. I engaged with a local civil engineer, Brian Teague of Community by Design, who has designed numerous innovative

designs in Fayetteville, and in this neighborhood in particular. In addition I have engaged with a local Fayetteville architect, Rob Sharp, who has designed numerous iconic buildings in Fayetteville, and has served on numerous City boards and task forces involving housing, including the Fayetteville Planning Commission. In addition, before bringing them on, I previously sought out advice from other qualified architects to get their opinions on the site. Their sketches are included below, and show similar site designs with the driveway placed approximately where we have it in this plan. I write this to express that we have spent countless hours, and tens of thousands of dollars, designing something that would work well here. We have been working in earnest on this specific design since last November.

This corner lot development is a part of a three parcel development. We intend to have townhomes on the north lot. We will have 3 1-bedroom apartments on the S West lot. The commercial building in discussion here is on the SE lot. We had the option to put these all on separate permits. We chose to put this all on one permit, with an SIP so that all the staff could weigh in at one time and provide more coordination. The properties will remain on separate lots to optimize financing, while maintaining leasing and sales flexibility to separate rentals units from townhouse units from commercial buildings.

Code Analysis

Prior to November of 2019, the City Development code stated that the Planning Commission **shall** grant a variance to the curb cut minimums at the safest functional location:

(4) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.

In June of 2019 (Ordinance 6207), the the City Staff and Development Services director requested, and the City Council approved changes to the above code, giving the City Engineer the right to administratively approve these variances, given that:

> "*The code is written such that existing curb cuts that cannot be brought into compliance must go through a Planning Commission variance process. This results in unnecessary delays in many cases because there is no feasible alternative to the existing curb cuts, and the variance must be approved because of a legal right of a property to access adjacent streets. In the last year, the Planning Commission has started putting most of the access management variances on their consent agenda."*

This ordinance passed with unanimous consent of the City Council and was signed into law by Mayor Jordan.

The code was changed to:

(4) *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

After the Engineering department denied the location of the driveway after our permit submission, per Senior Assistant City Attorney Pennington, we requested an administrative variance from the City Engineer via 166.08(F)(4).

We have shown that:

1) strict compliance with this distance proves impractical for this corner lot;

2) we are providing joint access and cross access for the adjacent parcels; and

3) the ingress/egress curb cut is placed at the safest functional location along the property.

In addition, we offered a right-in/right-out only option. We were still rejected by the City Engineer yet denial here undermines the purpose of that amendment. We then notified the Engineering Department that should the City deny access here, that would be a regulatory taking (see below). Nevertheless we were still denied.

The Engineering staff acknowledges that had we submitted a permit for only one property at a time, they would have approved it. However, because we are providing the City with the opportunity to have cross collaboration, the Engineering Department is choosing to deny this request.

> *"If you were to just develop the corner lot, this conversation changes. In that case we would recommend to push the drive as far west as is possible on the corner lot or provide a shared drive (even though this would be less than the 100' of separation mentioned in the code). However, the full development you submitted provides the opportunity for the driveway on the site to meet the minimum code requirement, which is all that we are requesting."*

The Engineering Department is not claiming that the driveway at this location is prohibitively unsafe. They are instead stating that they want us to move the driveway off of this property. What this is functionally doing is giving us incentive to break up all of our future projects into smaller bites to minimize any oversight and requirements by Engineering.

<u>Legal Precedents</u>

This issue of driveway access rights has come up multiple times previously before the Planning Commission. In fact this issue has come up twice on West MLK Blvd. In 2017 the developer sought to have access directly onto the 5-lane Principal Arterial for Panera Bread despite having access on both sides of the property to lower class streets. In addition, there was a similar issue before the Planning Commission in 2012 for the Kum & Go on MLK by Hill St. Both of those access points were approved by the City Council on much wider and busier sections of MLK with the traffic moving much faster, and the future volume of cars on-site much greater. In both of these cases, the applicant had access on side streets as well. In both cases, the City Attorney's Office notified the Staff and Council of the developer's access rights based on State Law with precedents from the Arkansas Supreme Court. The full memo for the 2017 Panera Bread application is attached, but here are comments from Assistant City Attorney Pennington:

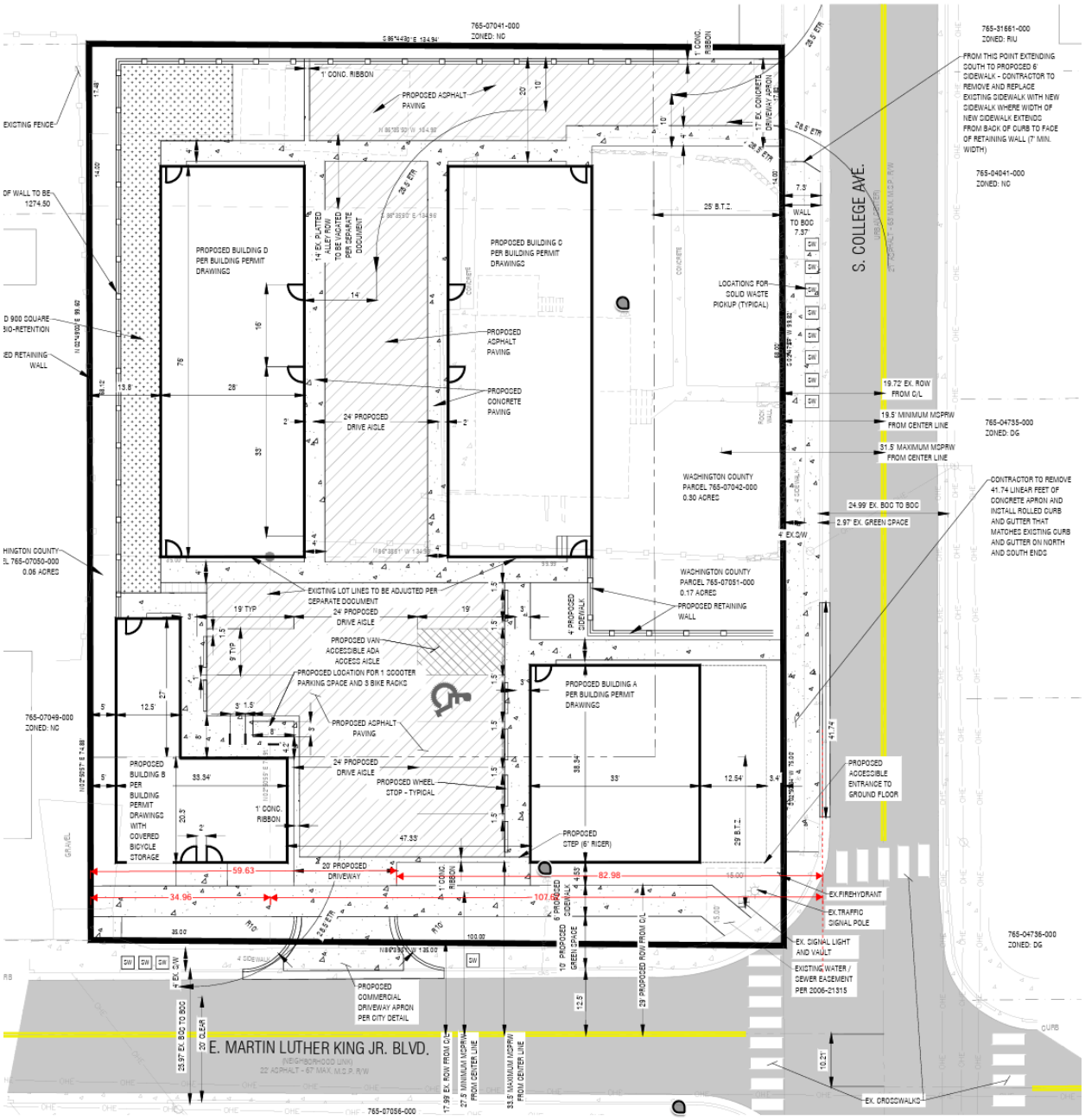
> On Friday April 21, the Assistant City Attorney provided Planning staff with a memo (attached) citing case law and arriving at the following conclusion:
>
> > *"A blanket denial of Panera Bread's request for access to or from Martin Luther King, Jr. Blvd., even for important traffic safety issues and even though it has access by way of Eastern A venue and South Arbuckle Lane, might be deemed a taking by a Court for which the City of Fayetteville would have to pay just compensation. "*
>
> *As a result of this memo, City Planning Division staff modified their initial recommendation and advised the Planning Commission to approve a variance.*

Given that Arkansas State Law protects a property owner's ingress and egress rights, and in addition we have addressed all three issues of 166.08(F)(4), we request a variance to this access management standards.

Regards,

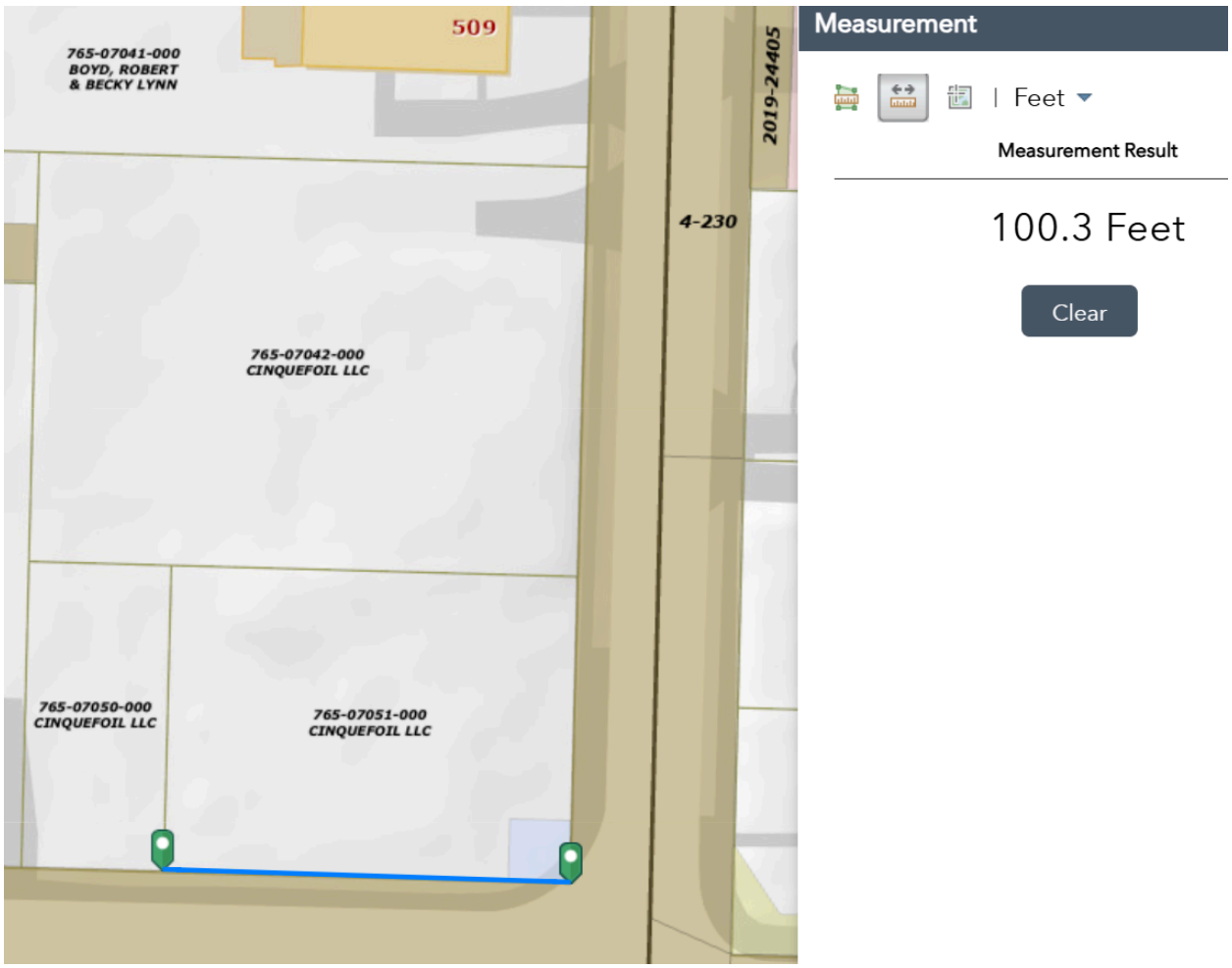
Zara Niederman

Appendix 1: Proposed Design



Appendix 2: Property Lines

Property Lines:



Appendix 3: Existing Curb Cuts

Current Curb Cuts:






519 S College Ave
518 S College Ave
Fayetteville, Arkansas
Google Street View
Mar 2025
See more dates
S College A

Historic Curb Cuts: 2018



Historic Curb Cuts: 2007



Appendix 4: Conceptual Site Designs

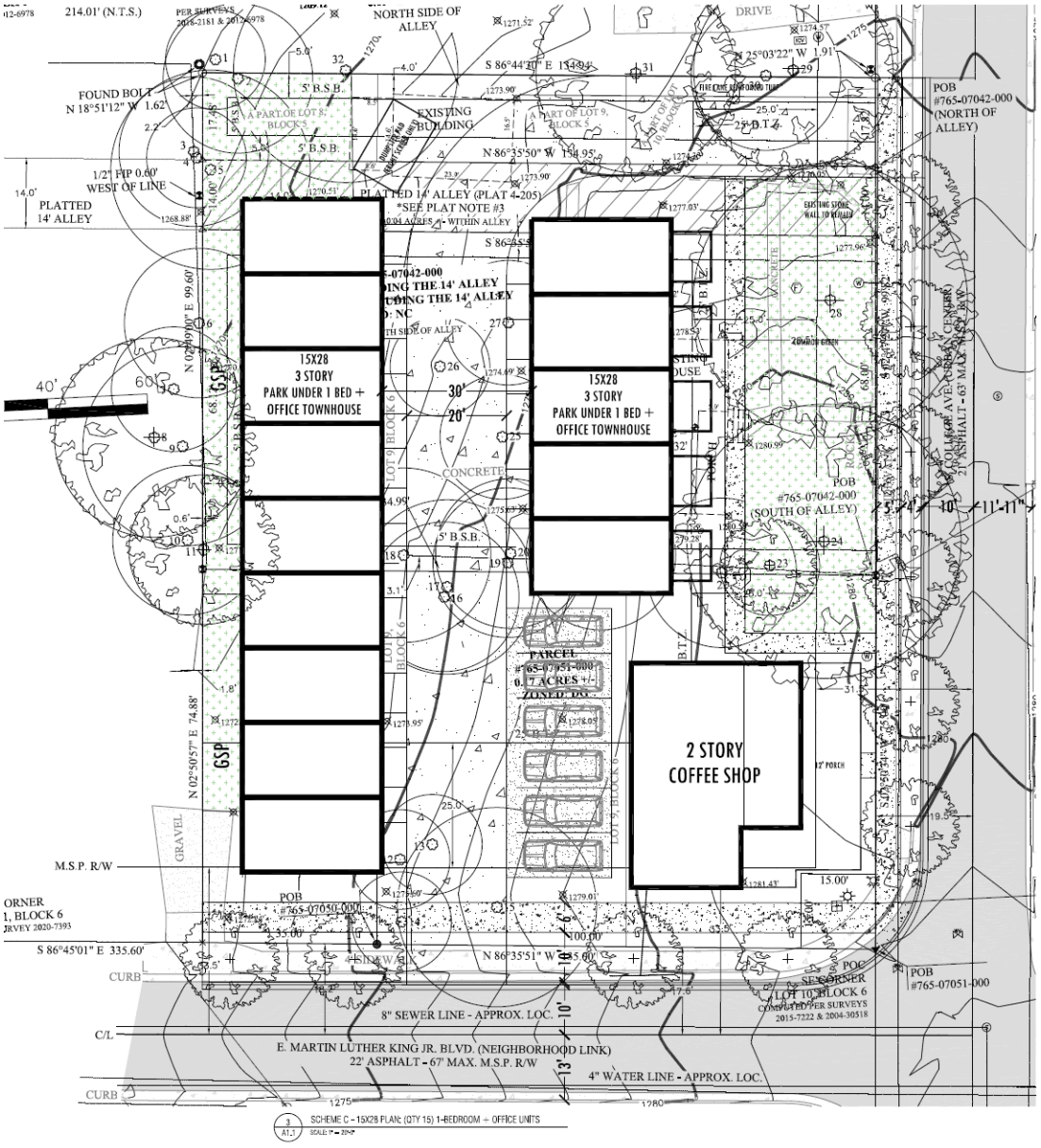
Final Conceptual Design: November 2024



SITE CONCEPT DRAWING, JOHNSON STORE
18 November, 2024 Scale: 1" = 20'

COURTYARD BUILDING & BLOCK LLC

Conceptual Site Designs: August 2023



flintlock
ARCHITECTURE & LANDSCAPE
528 N College Ave
Fayetteville
AR 72701
T 479.306.4807

NO. Date Issues/Revisi

NOT FOR CONSTRUCTIO

515 + 519 S COLLEGE AV
Fayetteville, Arkansas

INITIAL DEVELOPMENT CON

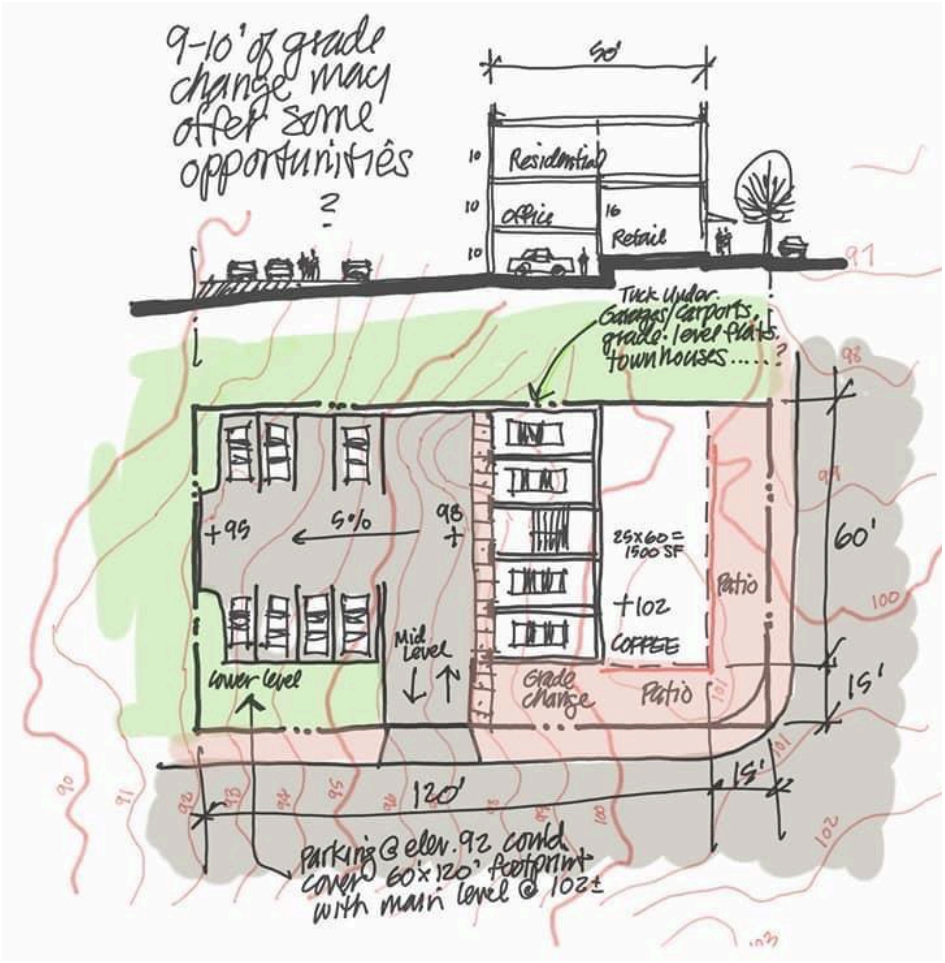
DRAWN BY:
CHECKED BY:

FEASIBILITY STUDY

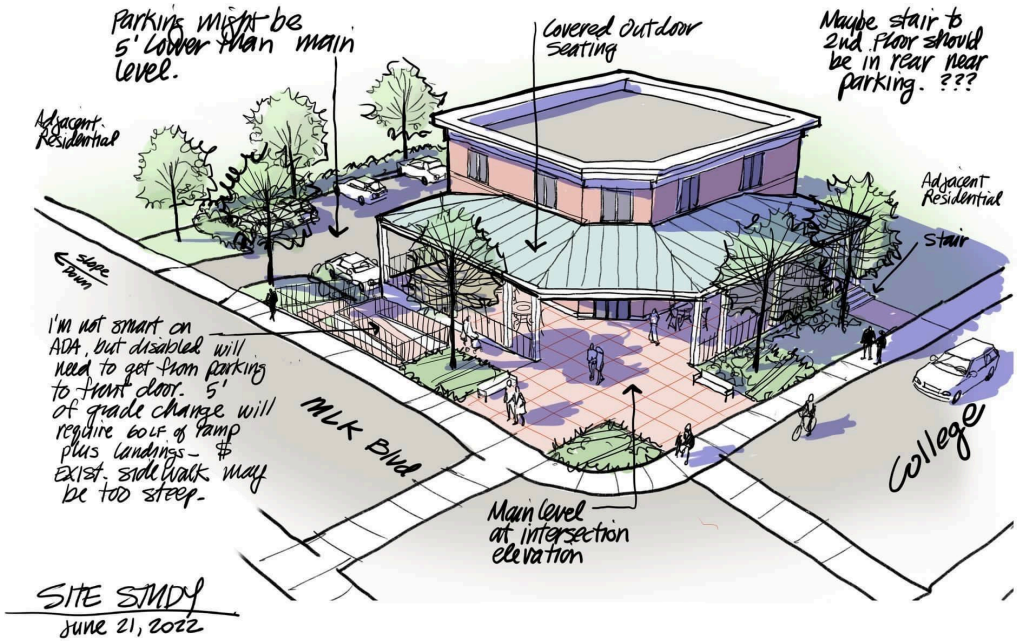
DATE: AUGUST 28, 2025
SCALE:

A1.10

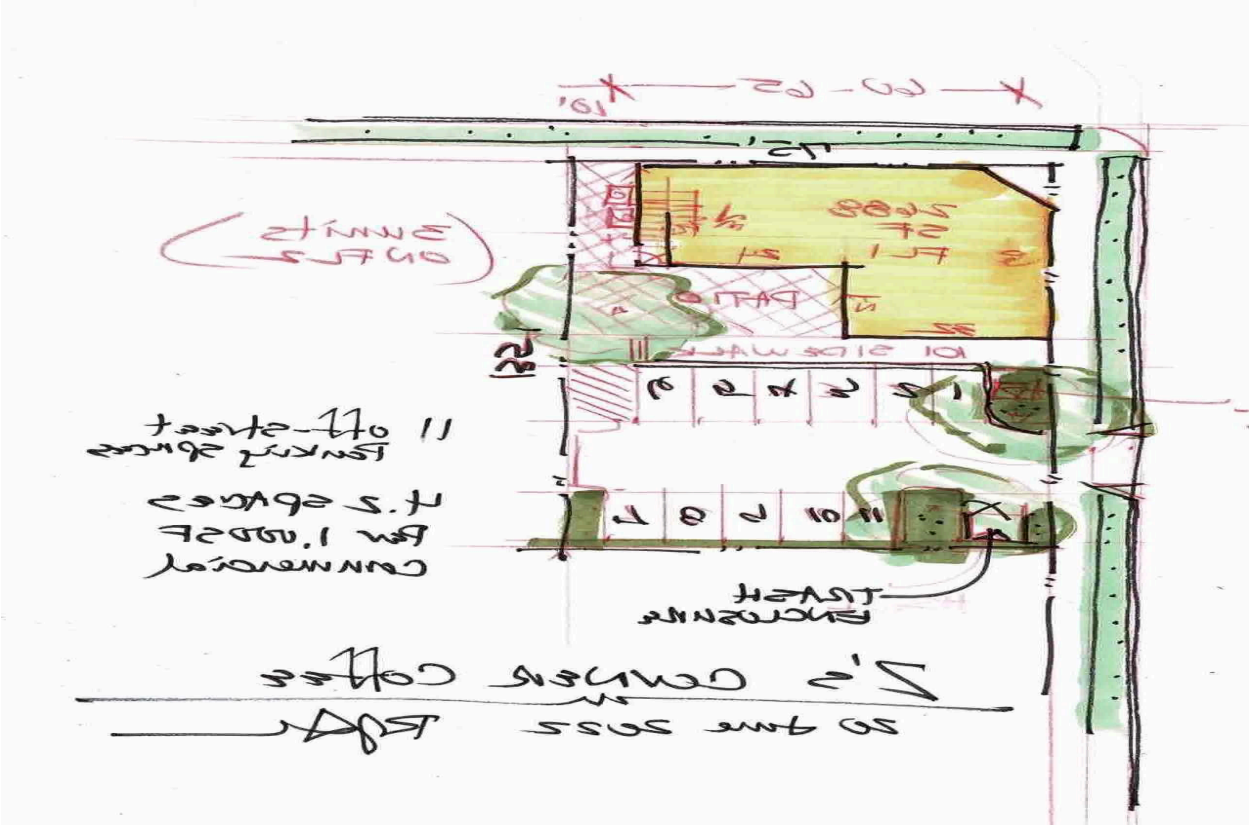
Conceptual Site Designs: August 2022

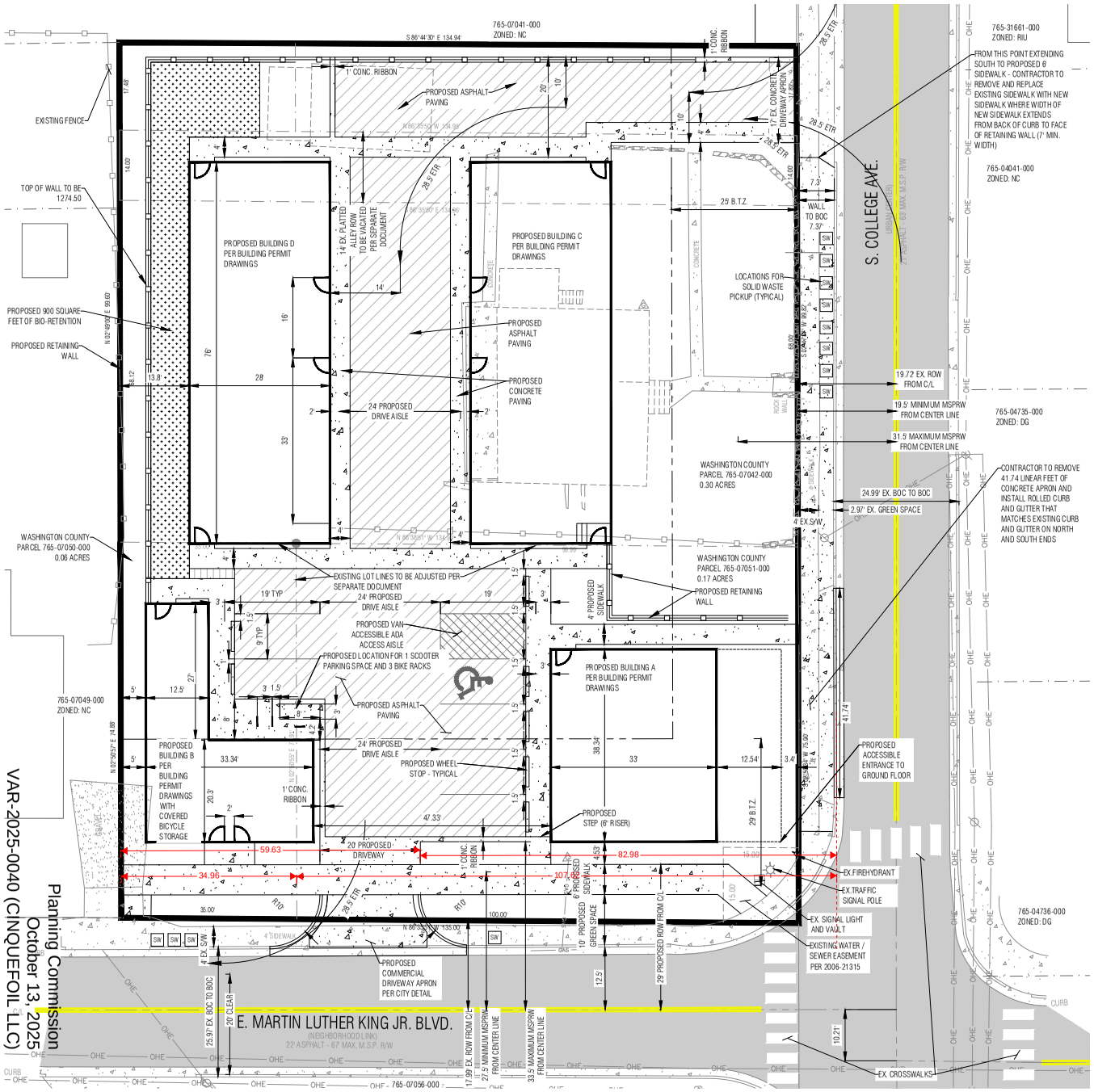


Conceptual Site Design: June 2022



Conceptual Site Design: June 2022 (was drawn in reverse)





APPLICANT SITE PLAN

PROPERTY LOCATION / ADDRESS:

WASHINGTON COUTNY PARCELS 765-07042-000, 765-07050-000, AND 765-07051-000
515/519 S. COLLGE AVE.
FAYETTEVILLE, AR 72701
CITY PLAT PAGE 523

DEVELOPER INFORMATION:

3V QOZB LLC
MR. ZARA WEDERMAN
632 BELLA VISTA RD
BENTONVILLE, AR 72712

REPRESENTATIVE INFORMATION:

MR. BRIAN TEAGUE
COMMUNITY BY DESIGN LLC
100 W CENTER STREET, SUITE 300
FAYETTEVILLE, ARKANSAS 72701
PHONE: 479.769.6775

FLOOD CERTIFICATION:

THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN, ACCORDING TO CITY OF FAYETTEVILLE GIS MAPS PANEL # 05143C0216G EFFECTIVE 1/25/2024

ON-SITE SOIL TYPES

THE SOIL ON-SITE, PER WEBSOILSURVEY.NRCS.USDA.GOV, WAS DETERMINED TO BE ENDERS GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES AND SAVANNAH FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES, ERODED.

ZONING AND SETBACKS

THIS PROPERTY IS ZONED: DOWNTOWN GENERAL (DG)

SETBACKS
FRONT: 0-25' BUILD TO ZONE
SIDE: 0'
REAR: 5' OR 12' FROM CENTERLINE OF AN ALLEY

MINIMUM BUILT STREET FRONTAGE REQUIRED = 50 PERCENT OF LOT FRONTAGE
MINIMUM BUILT STREET FRONTAGE PROVIDED = 50 PERCENT OF LOT FRONTAGE

FAYETTEVILLE, ARKANSAS - MASTER STREET PLAN DESIGNATION
S. COLLEGE AVE.: URBAN CENTER
E. MARTIN LUTHER KING JR. BLVD.: NEIGHBORHOOD LINK

BOUNDARY DESCRIPTION

WASHINGTON COUNTY PARCELS 765-07042-000, 765-07050-000, AND 765-07051-000, 0.53 TOTAL ACRES

PARCEL # 765-07042-000
A PART OF LOTS 8, 9, AND 10 IN BLOCK 6 OF JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE RECORDED PLAT THEREOF FILED IN BOOK A AT PAGES 4 AND 205 OF THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT AN EXISTING REBAR WHICH IS N02°50'34"E 75.00' FROM AN EXISTING MAG NAIL MARKING THE SOUTHEAST CORNER OF LOT 10 IN SAID BLOCK 6 AND RUNNING THENCE N86°38'51"W 134.99' TO AN EXISTING REBAR; THENCE N02°49'00"E 68.12' TO THE SOUTH LINE OF A PLATTED 14' ALLEY AS PER SAID JENNINGS ADDITION PLAT; THENCE ALONG SAID SOUTH ALLEY LINE S86°35'00"E 134.96', THENCE LEAVING SAID SOUTH ALLEY LINE S02°47'27"W 68.00' TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS. AND A 30.0' A PART OF LOTS 8, 9, AND 10 IN BLOCK 6 OF SAID JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH LINE OF A PLATTED 14' ALLEY AS PER SAID JENNINGS ADDITION PLAT, SAID POINT OF BEGINNING BEING N02°50'34"E 75.00' AND N02°47'27"E 82.00' FROM AN EXISTING MAG NAIL MARKING THE SOUTHEAST CORNER OF LOT 10 IN BLOCK 6 IN SAID JENNINGS ADDITION AND RUNNING THENCE ALONG SAID NORTH ALLEY LINE N86°35'00"W 134.95', THENCE LEAVING SAID NORTH ALLEY LINE N02°49'00"E 17.48', THENCE S86°44'30"E 134.94', THENCE S02°47'27"W 17.82' TO THE POINT OF BEGINNING, CONTAINING 0.05 ACRES, MORE OR LESS. THE ABOVE DESCRIBED TRACT CONTAINING IN AGGREGATE 0.26 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN SOUTH COLLEGE AVENUE MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PARCEL # 765-07050-000
A PART OF LOT 8 OF BLOCK 6 IN JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE RECORDED PLAT THEREOF FILED IN BOOK A AT PAGES 4 AND 205 OF THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT AN EXISTING REBAR WHICH IS N86°35'51"W 100.00' FROM AN EXISTING MAG NAIL MARKING THE SOUTHEAST CORNER OF LOT 10 OF SAID BLOCK 6 AND RUNNING THENCE N86°35'51"W 35.00' TO AN EXISTING CHISELED "X" IN CONCRETE, THENCE N02°50'57"E 74.88' TO AN EXISTING REBAR, THENCE S86°38'51"E 35.00' TO AN EXISTING REBAR, THENCE S02°50'57"W 74.91' TO THE POINT OF BEGINNING, CONTAINING 0.06 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN EAST MARTIN LUTHER KING JR. BOULEVARD MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND ALSO SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PARCEL # 765-07051-000
A PART OF LOTS 9 AND 10, BLOCK 6 OF JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN ON THE RECORDED PLAT THEREOF FILED IN BOOK A AT PAGES 4 AND 205 OF THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT AN EXISTING MAG NAIL MARKING THE SOUTHEAST CORNER OF SAID LOT 10, BLOCK 6 AND RUNNING THENCE N86°35'51"W 100.00' TO AN EXISTING REBAR; THENCE N02°50'57"E 74.91' TO AN EXISTING REBAR; THENCE S86°38'51"E 99.99' TO AN EXISTING REBAR; THENCE S02°50'34"W 75.00' TO THE POINT OF BEGINNING, CONTAINING 0.17 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN EAST MARTIN LUTHER KING JR. BOULEVARD MASTER STREET PLAN RIGHT-OF-WAY ON THE SOUTH SIDE. SUBJECT TO THAT PORTION IN SOUTH COLLEGE AVENUE MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ADJACENT PROPERTY OWNERS

765-07041-000
BOYD, ROBERT & BECKY LIVIN
509 S. COLLEGE AVE
FAYETTEVILLE, AR

765-04735-000
TONALINSON PENNY SUE
516 S. COLLEGE AVE
FAYETTEVILLE, AR

765-07056-000
ROOTED CHURCH
613 S COLLEGE AVE
FAYETTEVILLE, AR

765-31661-000
3V QOZB LLC
632 BELLA VISTA RD
BENTONVILLE, AR

765-04041-000
WALSH ROBERT D
512 S COLLEGE AVE
FAYETTEVILLE, AR

765-04736-000
JEFFERSON TRUST
518 S COLLEGE AVE
FAYETTEVILLE, AR

765-07049-000
KJJ INVESTMENT GROUP OF NWA LLC
34 E MLK JR BLVD.
FAYETTEVILLE, AR

community.by.design

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 12646
JOHN BRIAN TEAGUE

CERTIFICATE OF AUTHORIZATION
COMMUNITY BY DESIGN, L.L.C.
#1504
ARKANSAS - ENGINEER

REVISION 0
Date
Date
Date
Date
Date
Date

JOHNSON STORE
515 / 519
S. COLLEGE AVE.

FAYETTEVILLE,
WASHINGTON COUNTY,
ARKANSAS

CITY PLAT PAGE 523

ISSUED FOR REVIEW

ENGINEER: BT
DRAWN BY: AH
DATE: 4/7/2025

SCALE: 1"= 10'

0 10 20
SCALE IN FEET

SITE PLAN

SHEET 3

APPLICANT EXHIBIT

City of Fayetteville Staff Review Form

2019-0359

Legistar File ID

7/16/2019

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Garner Stoll	4/9/2019	DEVELOPMENT SERVICES (620)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

19-6724 Administrative Item (Amend UDC chapter 166.08: Access Management): Submitted by the Development Services Department for revisions to UDC Chapter 166. The proposed code changes would modify the applicability, access management, and nonconforming access features subsections.

Budget Impact:

Account Number			Fund	
Project Number			Project Title	
Budgeted Item?	NA	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	NA	Budget Adjustment		
		Remaining Budget	$	-

V20180321

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 16, 2019

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Garner Stoll, Development Services Director
Andrew Garner, City Planning Director

DATE: June 10, 2018

SUBJECT: **19-6724 Administrative Item (Amend UDC chapter 166.08: Access Management):** Submitted by the Development Services Department for revisions to UDC Chapter 166. The proposed code changes would modify the applicability, access management, and nonconforming access features subsections.

RECOMMENDATION:
Staff recommends approval of a text amendment to 166.08 (Access Management) of the Unified Development. Code to modify the applicability, access management, and nonconforming access features subsections.

BACKGROUND:
Over the last several years, the City has heard from property owners, developers, staff, Planning Commission, and City Council, that the access management portion of the Unified Development Code is too strict and discourages renovation and improvements to existing structures. The code is written such that existing curb cuts that cannot be brought into compliance must go through a Planning Commission variance process. This results in unnecessary delays in many cases because there is no feasible alternative to the existing curb cuts, and the variance must be approved because of a legal right of a property to access adjacent streets. In the last year, the Planning Commission has started putting most of the access management variances on their consent agenda.

DISCUSSION:
The City Planning Division has drafted code changes to clarify that the access management code applies to new primary structures and expansions to existing structures; it does not apply to renovations. The proposed code changes also allow the City Engineer to approve a curb cut separation of less than the minimum, provided that joint access driveways and cross access easements are provided wherever feasible, and that the curb cut is at the safest functional location. This technical determination is most appropriately made by the City Engineer and avoids the delay of a Planning Commission variance that must be approved to allow a property owner access rights to an adjacent public street. This proposed code change has not been presented to the Planning Commission or other appointed body.

Request: Staff requests that the City Council amend Fayetteville Unified Development Code Chapter 166.08 Access Management. The code changes are generally described above and shown in the attached strikeout-highlight and clean versions of the code.

BUDGET/STAFF IMPACT:
None

Attachments:

- Proposed code changes shown in strikeout and clean version

166.08 - Street Design And Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures ~~or redeveloped~~ and all other development where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

(D) *Street Design Principles.*

(1) Extensions. All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) Substandard Widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) Street Names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(5) Street Standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.

(E) *Block Layout/Connectivity.*

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

(a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.

(b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) Local and Residential. Intersections shall occur at a minimum of one every 660 feet.

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

(2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.

(3) Connectivity. Wherever a proposed development abuts undeveloped land,

street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

(4) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(5) Dead-End Streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification, ex. local and collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(1) Curb Cut Separation. For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two (2) or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for Single-Family Homes.

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two (2) or more lots.

(4) ~~Variance~~ Reduction in separation distance. In order to protect the

ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property. ~~a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.~~

(5) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-Conforming Access Features.

(1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion ~~or improvements~~ greater than 50% of the property's appraised or market value as established by the Washington County Assessor.

(c) As roadway improvements allow;

(d) With development of a new primary structure on the property.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

166.08 - Street Design And Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other development where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

(D) *Street Design Principles.*

(1) Extensions. All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) Substandard Widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) Street Names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(5) Street Standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.

(E) *Block Layout/Connectivity.*

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

(a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.

(b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) Local and Residential. Intersections shall occur at a minimum of one every 660 feet.

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

(2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.

(3) Connectivity. Wherever a proposed development abuts undeveloped land,

street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

(4) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(5) Dead-End Streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification, ex. local and collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(1) Curb Cut Separation. For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two (2) or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for Single-Family Homes.

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two (2) or more lots.

(4) Reduction in separation distance. In order to protect the ingress and egress

access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

(5) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-Conforming Access Features.

(1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion greater than 50% of the property's appraised or market value as established by the Washington County Assessor.

(c) As roadway improvements allow;

(d) With development of a new primary structure on the property.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

APPLICANT EXHIBIT

RECEIVED
MAY 01 2017
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

5/1/2017

John H Davidson
Monroe Eaton LLC
PO Box 10647
Fayetteville AR 72703

Fayetteville City Council
Attn: City Clerk
113 W Mountain St - Suite 302
Fayetteville AR

To whom it may concern:

Please accept this letter requesting an appeal to the City Council of Fayetteville from the April 27th Planning Commission meeting. Monroe Eaton LLC, as applicant, requested a variance from the Access Management Ordinance for a curb cut on MLK Blvd.

The property currently has four curb cuts long MLK. The new development would reduce that number to one. Due to the fact that we have streets on both the East and West of the property, there is not a location along MLK that would meet the spacing requirements of the Access Management Code; therefore, we need a variance for the single curb cut.

In the design phase of the project, the former director of development services explained that we would need the variance for the single curb cut, but that with almost 300 feet of frontage along MLK and the fact we currently had four curb cuts, he could support the variance. Additionally, the City Attorney's office assured the applicant that Arkansas law constitutionally protected access to MLK.

The denial of the requested variance would result in our anchor tenant canceling its lease. The tenant made clear when signing the lease that full access to MLK was a must. I spoke with the tenant after the planning commission meeting and was assured the same.

I can be reached at 479-841-4296.

Regards,

John H Davidson
Monroe Eaton LLC

CITY OF Fayetteville ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JUNE 6, 2017

TO: Mayor, Fayetteville City Council

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Current Planner

DATE: April 28, 2017

SUBJECT: **VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521):** Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

RECOMMENDATION:
The Planning Commission approved a limited access driveway (right in, right out only) on Martin Luther King Boulevard, where a full access drive was proposed. The decision has been appealed by the developer. City Planning Division staff recommends in favor of a variance to allow access to Martin Luther King Boulevard, consistent with the advice of the City Attorney.

BACKGROUND:
The property is located on Martin Luther King Boulevard between Eastern Avenue and Arbuckle Lane. The property is currently zoned as CS, Community Services, and contains approximately 1.8 acres. Existing buildings on this site have been removed recently in preparation for redevelopment. The site currently contains four full access driveways from the previous development, in addition to access from both Eastern Avenue and Arbuckle Street, a condition which does not conform to current code requirements.

On Friday April 21, the Assistant City Attorney provided Planning staff with a memo (attached) citing case law and arriving at the following conclusion:

> *"A blanket denial of Panera Bread's request for access to or from Martin Luther King, Jr. Blvd., even for important traffic safety issues and even though it has access by way of Eastern A venue and South Arbuckle Lane, might be deemed a taking by a Court for which the City of Fayetteville would have to pay just compensation. "*

As a result of this memo, City Planning Division staff modified their initial recommendation and advised the Planning Commission to approve a variance.

Request: The proposal is for a full access driveway on Martin Luther King Drive.

Public Comments: No public comment has been presented.

DISCUSSION:

At the April 24, 2017 Planning Commission, discussion was centered on traffic safety and the constitutionality of limiting access to City streets. After a considerable amount of discussion the variance was granted approval of a limited access curb cut by a vote of 6-2-0. Commissioners Hoffman and Autry voted 'No'.

BUDGET/STAFF IMPACT:
N/A

Attachments:

- City Attorney Memo
- Planning Commission Staff Report
- VAR 17-5782 Application
- April 24, 2017 Planning Commission minutes

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Rhonda Lynch
Paralegal

TO: **Planning Commission**

CC: **Andrew Garner**, City Planning Director
Quin Thompson, Current Planner

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

DATE: **April 21, 2017**

RE: **Potential financial liability for denying Panera Bread access to MLK, Jr. Blvd.**

I have some concerns about the recommendation to deny a variance for Panera Bread to directly access Martin Luther King, Jr. Blvd. from its property. In short, cutting off a landowner's access to a street, even for reasons of traffic safety, could very well lead to a damage award against the City because the landowner has a property interest in that access. I am attaching two previous memos from City Attorney Kit Williams on this subject.

The last time this issue arose was during the large scale development review of Casey's General Store on Wedington in 2013, though it had arisen at least twice within two years before that. On an appeal of the Planning Commission's 5-3 denial of Casey's LSD, the City Council voted 7-0 to allow a right turn in only.

In 2012, the City Council considered an appeal by the applicant for the Kum & Go on Martin Luther King, Jr. Blvd at the Hill Avenue intersection. The Planning Commission had voted to deny a full access driveway onto MLK but approved a right in-right out only driveway along with a connection to the street just west of the development. After considering the advice of City Attorney Kit Williams, the City Council unanimously voted to approve a compromise with the applicant to allow the right in-right out with some additional improvements and removal of the connection west.

Arkansas law has remained unchanged since the City Attorney's 2011, 2012 and 2013 memos on this issue. When the City Council considered the Casey's General Store issue in 2013, Kit included in his memo portions of his memo dated December 6, 2011, about Liberty Bank on Joyce Avenue. Relevant portions of that 2011 memo follow:

"(There is) very well established law that an abutting property owner has a legally protected access easement onto a city street. Eighty years ago, the Arkansas Supreme Court explicitly recognized an access easement as a property right.

> 'Under our decisions, the owner of property abutting upon a street or highway has an easement in such street or highway for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself; and any subsequent act, by which that easement is substantially impaired for the benefit of the public, is a damage to the lot itself within the meaning of the constitutional provision for which the owner is entitled to compensation.' *Campbell v. Arkansas State Highway Commission*, 183 Ark. 780, 38 S.W. 2d 753, 753-754 (1931).

"Four decades later, the Arkansas Supreme Court reaffirmed this access easement right as a property right for a lot abutting a street.

> 'The owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself.' *Flake v. Thompson*, 249 Ark. 713, 460 S.W. 2d 789, 795 (1970).

"In that case, the City of Little Rock had passed an ordinance that would have denied access to University Avenue to the property owner and argued that it could do so because the property owner had access to another (lower level) city street. The Arkansas Supreme Court held "that the ordinance constituted an unwarranted invasion of private rights and was discriminatory and oppressive, and thus it is unreasonable and arbitrary." *Id.* at 796

> 'The property right of ingress and egress of appellants in the easement was one that could not be taken from them by the city, at least without the payment of just compensation.' *Id.*

"Ten years ago, the Arkansas Supreme Court yet again affirmed the property owner's right to access a city street and found that interference with that right by the city would require compensation to be paid to the property owner.

> 'We have held that the owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself. *Flake v. Thompson, Inc.*, 249 Ark. 713, 460 S.W. 2d 789 (1970). **We have also noted that this property right is not diminished merely because the property owner has alternative means of ingress and egress**.' *Wright v. City of Monticello*, 345 Ark. 420, 47 S.W. 3d 851, 857 (2001)."

CONCLUSION

A blanket denial of Panera Bread's request for access to or from Martin Luther King, Jr. Blvd., even for important traffic safety issues and even though it has access by way of Eastern Avenue and South Arbuckle Lane, might be deemed a taking by a Court for which the City of Fayetteville would have to pay just compensation.

Kit Williams
City Attorney
Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director

FROM: **Kit Williams**, City Attorney

DATE: **March 27, 2013**

RE: **Casey's General Store's Appeal of its Large Scale Development denied**

I believe the three newly elected Aldermen may not have faced this street access issue before and have not received my memos explaining that a property owner has legally protected access easement rights to an abutting street. I hope that the Mayor and the five other Aldermen forgive me for repeating my concerns expressed in previous memos when a Large Scale Development is proposed for denial or otherwise denied access easement rights. This is especially concerning when Casey's seeks a very limited right-in only access along an abutting street.

The City Council adopted standards for streets and access management a few years ago to enhance traffic safety and discourage too frequent curb cuts. Prior to passage of the Access Management ordinance, I cautioned that the City should provide a variance to ensure we would not violate established property rights of a landowner abutting a street to access this street. Accordingly, the following specific variance was enacted along with the rest of the Access Management requirements. During an appeal from the Planning Commission's 5-3 denial of Casey's LSD, you sit with the same (but no greater) powers than the Planning Commission. Therefore, you are required to follow all the regulations of the Unified Development Code including this variance:

> "(e) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel of feasible. If a parcel on the corner of

> an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only." §116.08 (F)(1)(e) of the UDC.

Please note that the mandatory "**shall**" is used to **require** a variance be allowed with the only exception being when the parcel "provides such short frontage along a major street that there is no safe ingress/egress functional location on that street ...." I believe our Planning and Engineering divisions have stated that they believe even the very restrictive right-in only access from Wedington is too dangerous to allow. As the finders of fact on this issue, you should carefully consider the City Staff's opinions, but also consider well reasoned opinions and arguments of the applicant for Casey's General Stores, Inc. and citizen input.

Both in 2011 and 2012, the City Council faced street access variance issues for which I provided the results of my legal research. In the Liberty Bank on Joyce Street issue, I presented that research in a memo dated December 6, 2011, from which I will quote some relevant parts:

"(There is) very well established law that an abutting property owner has a legally protected access easement onto a city street. Eighty years ago, the Arkansas Supreme Court explicitly recognized an access easement as a property right.

> 'Under our decisions, the owner of property abutting upon a street or highway has an easement in such street or highway for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself; and any subsequent act, by which that easement is substantially impaired for the benefit of the public, is a damage to the lot itself within the meaning of the constitutional provision for which the owner is entitled to compensation.' *Campbell v. Arkansas State Highway Commission*, 183 Ark. 780, 38 S.W. 2d 753, 753-754 (1931).

"Four decades later, the Arkansas Supreme Court reaffirmed this access easement right as a property right for a lot abutting a street.

> 'The owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself.' *Flake v. Thompson*, 249 Ark. 713, 460 S.W. 2d 789, 795 (1970).

"In that case, the City of Little Rock had passed an ordinance that would have denied access to University Avenue to the property owner and argued that it could do so because the property owner had access to another (lower level) city street. The Arkansas Supreme Court held "that the ordinance constituted an unwarranted invasion of private rights and was discriminatory and oppressive, and thus it is unreasonable and arbitrary." *Id.* at 796

> 'The property right of ingress and egress of appellants in the easement was one that could not be taken from them by the city, at least without the payment of just compensation.' *Id.*

"Ten years ago, the Arkansas Supreme Court yet again affirmed the property owner's right to access a city street and found that interference with that right by the city would require compensation to be paid to the property owner.

> 'We have held that the owner of property abutting upon a street has an easement in such street for the purpose of ingress and egress which attaches to his property and in which he has a right of property as fully as in the lot itself. *Flake v. Thompson, Inc.*, 249 Ark. 713, 460 S.W. 2d 789 (1970). We have also noted that this property right is not diminished merely because the property owner has alternative means of ingress and egress.' *Wright v. City of Monticello*, 345 Ark. 420, 47 S.W. 3d 851, 857 (2001)."

CONCLUSION

There is at least a possibility that denial of Casey's General Stores, Inc.'s request for its right-in only access from Wedington even for important traffic safety issues might be deemed a takings by a Court for which the City of Fayetteville would have to pay fair compensation.

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner – Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **January 12, 2012**

RE: **Potential financial liability for denying Kum & Go's curb cut appeal**

DANGEROUS TRAFFIC CONDITIONS HAVE BEEN A CONSIDERATION FOR 37 YEARS

When the Access Management Ordinance was passed by the City Council on August 5, 2008, it did not fundamentally change the Unified Development's Code's regulations concerning "dangerous" street access from proposed developments. Since at least September 17, 1974, a proposed large scale development could be denied if "(t)he proposed development would create or compound a dangerous traffic condition." Ordinance No. 2044, September 17, 1974 (attached). That ordinance regulating developments has remained within the Fayetteville City Code and/or the Unified Development Code for the last 37 years. It defines "dangerous traffic condition" as follows:

> "For the purpose of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern."

I believe that virtually all of the commercial developments along Martin Luther King Boulevard have been constructed or redeveloped since 1974 (which

predates I-540 and the five laning of MLK and Razorback Road). Many of these would have been large scale developments with full access easements to MLK (and some with full access to Razorback Road, the frontage road, Hollywood or other cross streets) and were evidently permitted to be developed by the City as not presenting the "dangerous traffic condition" that could have caused a development's rejection.

The 2008 adoption of the Access Management Ordinance included a clear variance section which **requires** that the Planning Commission grant a variance to a property owner for access to a street unless "there is no safe ingress/egress functional location on that street ...." This is a higher standard of "dangerousness" for the City to meet than the old "create or compound a dangerous traffic condition" under which the existing development was approved along MLK. And yet much of that development along Martin Luther King Boulevard, North College Avenue and other arterial streets in Fayetteville have much closer to the intersection (and thus less safe) full access easements than the three quarters access easement requested by Kum & Go,

In 2008, the City of Fayetteville rebuilt sidewalks and curbs along North College from Rock Street to Maple and constructed numerous full access easements on this arterial street for a gas station/convenience store, auto parts store, grocery store, etc. much closer to major street intersections than Kum & Go's proposal. This is true even though these businesses also had full curb cuts on a collector street. It could certainly hurt us in Court if these inconsistencies are pointed out to a jury. Most concerning to me as City Attorney (if the City Council does not grant Kum & Go's request for the three-quarters access curb cut) is the apparently unequal treatment of Kum & Go versus its business competitors who have not been denied full access curb cuts closer to intersections between higher volume streets. This could inflate any damage award our taxpayers would have to pay.

The law that an abutting property owner has a property right to a curb cut which cannot be deprived without the state or city paying just compensation to the property owner has been consistently applied by the Arkansas Supreme Court for at least 80 years. The City of Fayetteville cannot change or ignore this law which is embedded in constitutional provisions by passing an Access Management Ordinance, nor its earlier "dangerous traffic situation" regulation. We can and should work with developers to try to find the safest and best access possible for an abutting property owner. Kum & Go has agreed to voluntarily give up 25% of its

access rights to MLK by removing its request for a left turn out. The City Council should think very hard before rejecting this compromise proposal.

I should note that during my decade as City Attorney, access or curb cut issues have all been worked out between developers and the Planning Department (except for Liberty Bank). I am not aware of any suit in which the city of Fayetteville has had to pay a damage award for denying a curb cut. I obviously hope this will not be the first, especially since potential damages would be higher here than for other smaller projects on smaller parcels.

COMPENSATION HAS BEEN ASSESSED FOR DAMAGING ACCESS EASEMENT RIGHTS IN THE PAST

I was requested to do more research by the Administration about whether Fayetteville could actually be liable and have to pay for a restrictive curb cut in this case. Further research has only supported my earlier conclusion that the property owner has a property interest to access an abutting street and the requirement of compensation if the government deprives or damages such access.

> "However, we think the commission, in making this argument, overlooks a basic right of an abutting property owner, **for the right of access to a street or highway is one of the incidents of the ownership or occupancy of land abutting thereon**. In Volume 25, *Am. Jur.*, Section 154, Page 448, it is said:
>
> "Such right is appurtenant to the land .... **It is a property right of which the owner cannot be deprived without just compensation.**" *Arkansas State Highway Commission v. Kesner*, 239 Ark. 270, 388 S.W. 2d 905, 909 (1965) (emphasis added).

I should note that I believe constructing a **median in the street** is not a taking of an abutting owner's property interest and falls within the power of the state or city to control its streets. I believe that a median affects **all** drivers and should be controlled by the rule of circuity because abutting owners have no greater rights than the driving public and do not suffer the particular and unique harm that a restrictive curb cut inflicts upon the landowner. Thus, I do not believe

that construction of a median for a boulevard endangers our taxpayers like denying or restricting an abutting property owner's access rights to a street.

The Arkansas Court of Appeals rejected the State Highway Commission's contention that it could restrict or deny a property owner's access easement rights without compensation. It discussed the *Kesner* decision (quoted above) and the rule of circuity. The rule of circuity holds that a state or city can move a road or highway causing a longer drive for a property owner without any liability for such inconvenience.

> "In *Kesner*, the Supreme Court noted the general rule that circuity of travel is not compensable. Unlike the situation here, the landowners in *Kesner* suffered no actual taking of their land. Even so, the court held the evidence established the landowners suffered damages peculiar to themselves and therefore it **awarded compensation.**" *Arkansas State Highway Commission v. Cottrell*, 9 Ark. App. 359, 660 S.W. 2d 179, 182 (1983) (emphasis added)

CONCLUSION

I do not like to intrude upon the City Council's policy prerogatives, but felt your responsibilities required the knowledge of this area of law before your decision because the applicant stated the access easement issue was the "deal breaker" or deciding factor. That elevated this decision and its potential ramifications on Fayetteville's taxpayers. Therefore, my duty as Fayetteville City Attorney is to advise you, as the protectors and conservators of taxpayer revenues, that denying Kum & Go's appeal and its compromise three quarters access easement to Martin Luther King, Jr. Boulevard could result in a substantial judgment against Fayetteville's taxpayers.

1974

FILED
FOR RECORD

'74 SEP 27 AM 8:03

WASHINGTON COUNTY
ARKANSAS
ALMA KOLLMEYER
CIRCUIT CLERK

ORDINANCE NO. 2044

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 1998; TO CLARIFY THE REQUIREMENTS FOR APPROVAL OF A LARGE-SCALE DEVELOPMENT; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That Section 4 of Ordinance No. 1998 is hereby amended by adding Subsection e to read as follows:

e) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

Section 2. That all ordinances and resolutions, or parts thereof, in conflict herewith, be, and are hereby, repealed.

Section 3. It is hereby found and determined by the Board of Directors that the requirements for the development of a lot or parcel larger than one acre required by Ordinance No. 1998 are in need of clarification in order to avoid unnecessary loss of time to property owners and to the Planning Commission; and that the immediate passage of this ordinance is necessary to clarify the requirements for the development of a lot or parcel larger than one acre. Therefore, an emergency is hereby declared to exist, and this ordinance being necessary for the immediate preservation of the public health, safety, and welfare, shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 17th DAY OF September, 1974.

APPROVED:

Russell T Purdy
MAYOR

ATTEST:

Darlene Westbrook
CITY CLERK

DEED 874 PAGE 887

MICROFILMED
DATE OCT 16 1978
REEL 174

Current law

Plat Review Committee: Lot Split, Small Site Improvement Plans, Large Site Improvement Plans, Large Scale Development, Planned Zoning District, Preliminary Plat, Final Plat, and Concurrent Plat. After the Technical Plat Review Committee meeting staff may administratively approve Lot Splits, Final Plats, Small Site Improvement Plans, and Large Site Improvement Plans after review for compliance with all applicable codes subject to UDC 166.02(C).

(2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large Scale Development, Planned Zoning District with Development, Preliminary Plat, and Concurrent Plat. From these applications, the Subdivision Committee may approve only Large Scale Developments.

(3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission: Preliminary Plat, Concurrent Plat, and Planned Zoning District with Development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A Planned Zoning District cannot be approved by the Planning Commission, but may be forwarded to City Council.

(C) *Approval and Denial Criteria*

(1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property Line Adjustment, Lot Split, Final Plat, Small Site Improvement Plan, and Large Site Improvement Plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.

(a) *Reasons for denial.* The Planning Division may refuse administrative approval based on the following criteria:

(i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make an existing non-conforming property or structure more non-conforming.

(ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.

(iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a Small or Large Site Improvement Plan for any of the following reasons:

a. The development plan is not submitted in accordance with the requirements of this chapter.

b. The proposed development would violate a city ordinance, a state statute, or a federal statute.

c. The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.

d. The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

e. City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.

f. The developer refused to comply with ordinance requirements or condition of

CITY OF Fayetteville ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew Garner, City Planning Director

FROM: Quin Thompson, Planner

MEETING DATE: ~~April 24, 2017~~ ***UPDATED 4/26/2017***

SUBJECT: **VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521):** Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

RECOMMENDATION:
Staff recommends denial of **VAR 17-5782** based on the findings discussed herein.

BACKGROUND:

The property is located on Martin Luther King Boulevard between Eastern Avenue and Arbuckle Lane. The property is currently zoned as CS, Community Services, and contains approximately 1.8 acres. Existing buildings on this site have been removed recently in preparation for redevelopment. The site currently contains four full access driveways from the previous development, in addition to access from both Eastern Avenue and Arbuckle Street, a condition which does not conform to current code requirements. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Commercial Retail/Restaurant	C2, Thoroughfare Commercial
South	Undeveloped/Railroad ROW	UT, Urban Thoroughfare
East	Commercial Retail/Restaurant	C2, Thoroughfare Commercial
West	Industrial	I-1, Heavy Commercial/Light Industrial

DISCUSSION:

Request: The applicant proposes to entirely redevelop the site with a new multi-tenant commercial project with approximately 9,000 square feet. The proposed curb cut on Martin Luther King, a 'principal Arterial' street, requires a variance of the City's Access Management Ordinance (Fayetteville Unified Development Code 166.08.F) which requires that if a property has access to two streets, access should only be taken from the lower classification street; in this case Eastern Avenue and Arbuckle Street rather than Martin Luther King Boulevard.

The Access Management Ordinance also requires minimum separation for 250 feet from a driveway or intersection. In this case, the proposed driveway on Martin Luther King Boulevard is located approximately 67 feet from Eastern Avenue and 138 feet from Arbuckle Lane. The minimum separation distance is not met by this proposal. The minimum separation distance is intended to provide safe access to properties by reducing the number of vehicle turning movements and vehicle interactions, and is dependent on traffic speed and volume. The 250 foot separation distance is applied to those streets with highest speeds and traffic volumes.

This site is not appropriate for a curb cut on Martin Luther King for several reasons. The proposed curb cut would create and exacerbate a dangerous traffic condition. A new development for a restaurant and drive-thru will generate much more traffic and turning movements than the previous small church/non-profit use and car wash. This section of MLK contains high volumes of regional traffic and is the major east-west connector directly into the University of Arkansas and the greater downtown area. MLK will at times be very congested with bumper-to-bumper vehicles on eastbound lanes from the major intersection of Razorback Road further to the east, while vehicles travel at higher speeds on westbound lanes. This situation creates a dangerous situation for vehicles turning on and off of the thoroughfare. To minimize traffic danger and protect the public interest, access to this site should be limited to the adjacent local streets. These local streets are spaced approximately 260 apart providing very convenient and acceptable access for the applicant's proposed development while mitigating the potential for traffic and pedestrian accidents.

Recommended Motion:

Staff recommends denial of **ADM 17-5782**, finding that the site is adjacent to local streets on two sides which provide opportunity for safe and functional access to the property.

Condition of Approval:

1. Planning Commission determination of a variance of UDC Section 166.08(F) for the proposed driveway on Martin Luther King Boulevard. *Staff denial of the variance based on the findings discussed in this staff report.*

PLANNING COMMISSION ACTION: Required

Date: April 24, 2017 ☒ **Approved** ☐ **Forwarded** ☐ **Denied**

Motion: ***QUINLAN, MOTION TO APPROVE VARIANCE WITH A LIMITED RIGHT IN / RIGHT OUT ACCESS.***

Second: ***HOFFMAN***

Vote: ***6-2-0, with Commissioners Hoffman and Autry voting 'No'***

BUDGET/STAFF IMPACT:
None

Attachments:

- UDC Section 166.08 (Access Management)
- Applicant's letter
- Site plan
- Existing conditions exhibit
- Close up map
- One mile map

Fayetteville Unified Development Code

166.08 Street Design and Access Management Standards

(F) Access Management. Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification, ex. Local and Collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(2) Separation for two-family, three-family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

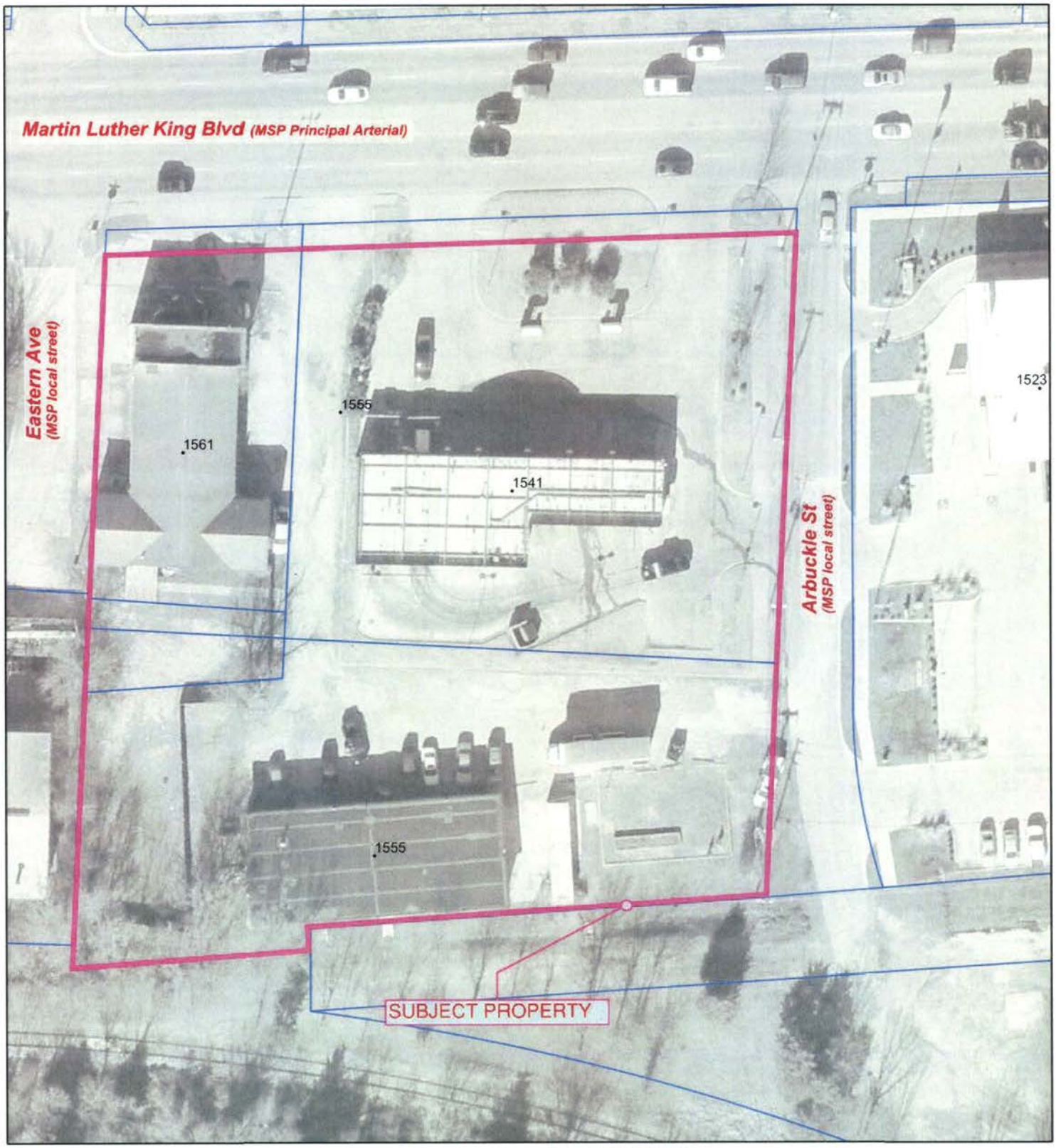
(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for single-family homes.

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5 foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots.

(4) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.



EXISTING ACCESS CONDITIONS

50 25 0 50 Feet

Bates & Associates, Inc.
Civil Engineering · Land Surveying · Landscape Architecture
7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704
PH: 479-442-9350 * FAX: 479-521-9350

March 31, 2017

Planning Commission
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

RE: Acccess Management Ordinance Variance Request – LSIP 17-5740 / Panera Bread Co

Dear Commissioners,

Bates & Associates, Inc, on behalf of John Davidson, requests a variance from The City of Fayetteville Unified Development Code XV.166.08.F.2.a, regarding minimum separation of curb cuts in Nonresidential developments, for the proposed Large Site Improvement Plan at 1541 W Martin Luther King Blvd.

Per the ordinance, minimum separation of curb cuts is required to be 250' for Nonresidential developments accessing Principal and Minor Arterial Street.

The proposed development has one proposed entrance on the north side of the property's street frontage.

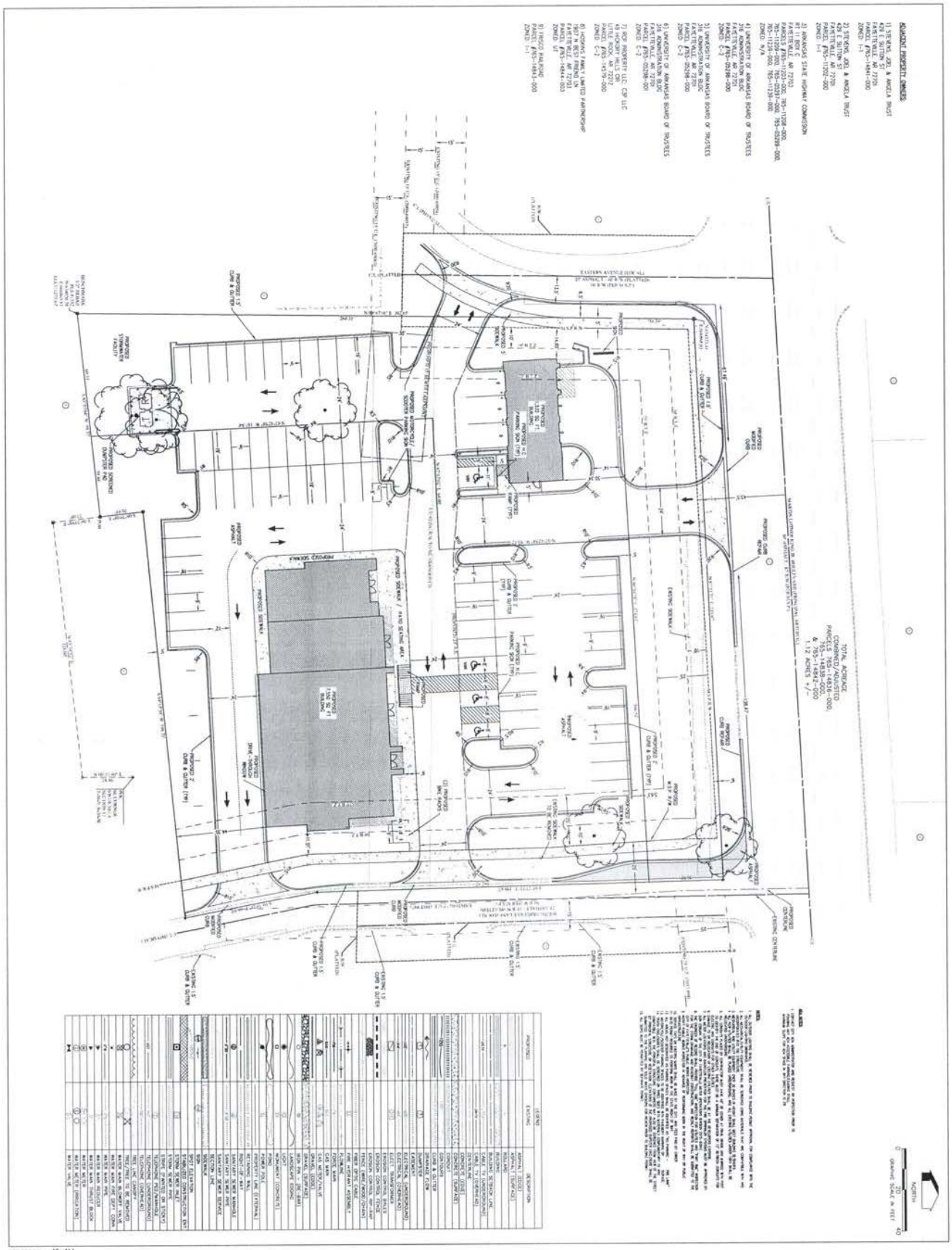
The property in question lies between Eastern Avenue to the West, and South Arbuckle lane to the East, both designated as Local Streets per the Fayetteville Master Street Plan.-The proposed curb cut for access to Martin Luther King Blvd is 67.49' from the curb line of Eastern Avenue, and 138.47' from the proposed curb line of South Arbuckle Land after street improvements.

The Applicant feels that the variance is justified, considering the existing configuration of 4 access points to Martin Luther King Blvd will be reduced to only 1 access point after development.

Please contact Bates & Associates with any questions or concerns regarding this variance request.

Sincerely,

Jason Young
Bates & Associates, Inc



16-414

01

Bates & Associates, Inc.
www.batesinc.com Civil Engineering & Surveying
7230 S. Pleasant Ridge Dr. Fayetteville, Arkansas 72704 · 479.442.9350 · Fax 479.521.9350

PANERA BREAD
LARGE SCALE DEVELOPMENT PLANS

VARIANCE EXHIBIT

FAYETTEVILLE, ARKANSAS

REVISIONS	DATE
1ST SUBMITTAL	03/01/17
REVISIONS PER 3/15/17 TECHNICAL REVIEW	03/17/17

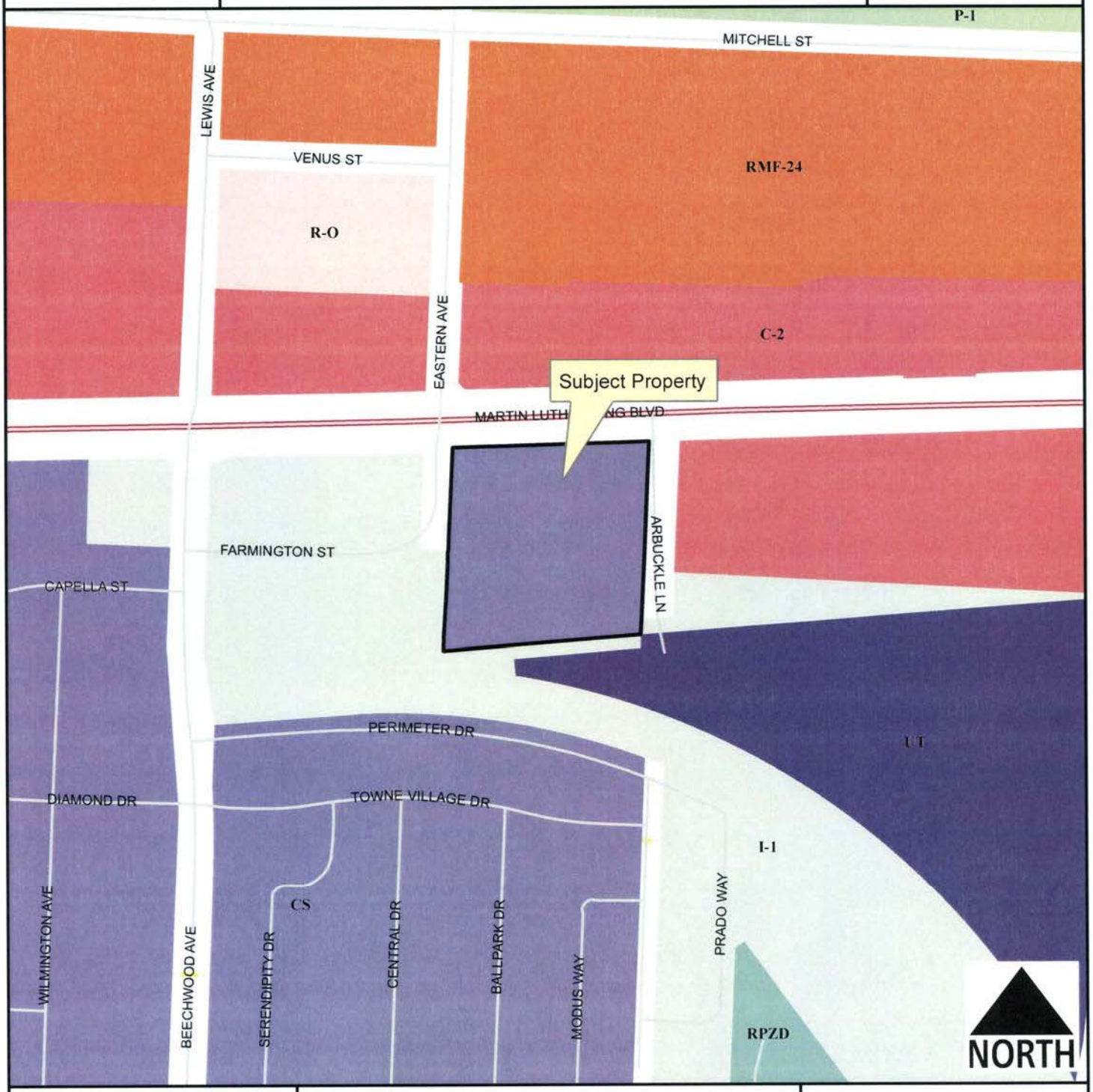
ARKANSAS REGISTERED PROFESSIONAL ENGINEER

Copyright © 2017 Bates & Associates, Inc.

VAR 17-5782

Close Up View

PANERA DRIVEWAY



Legend

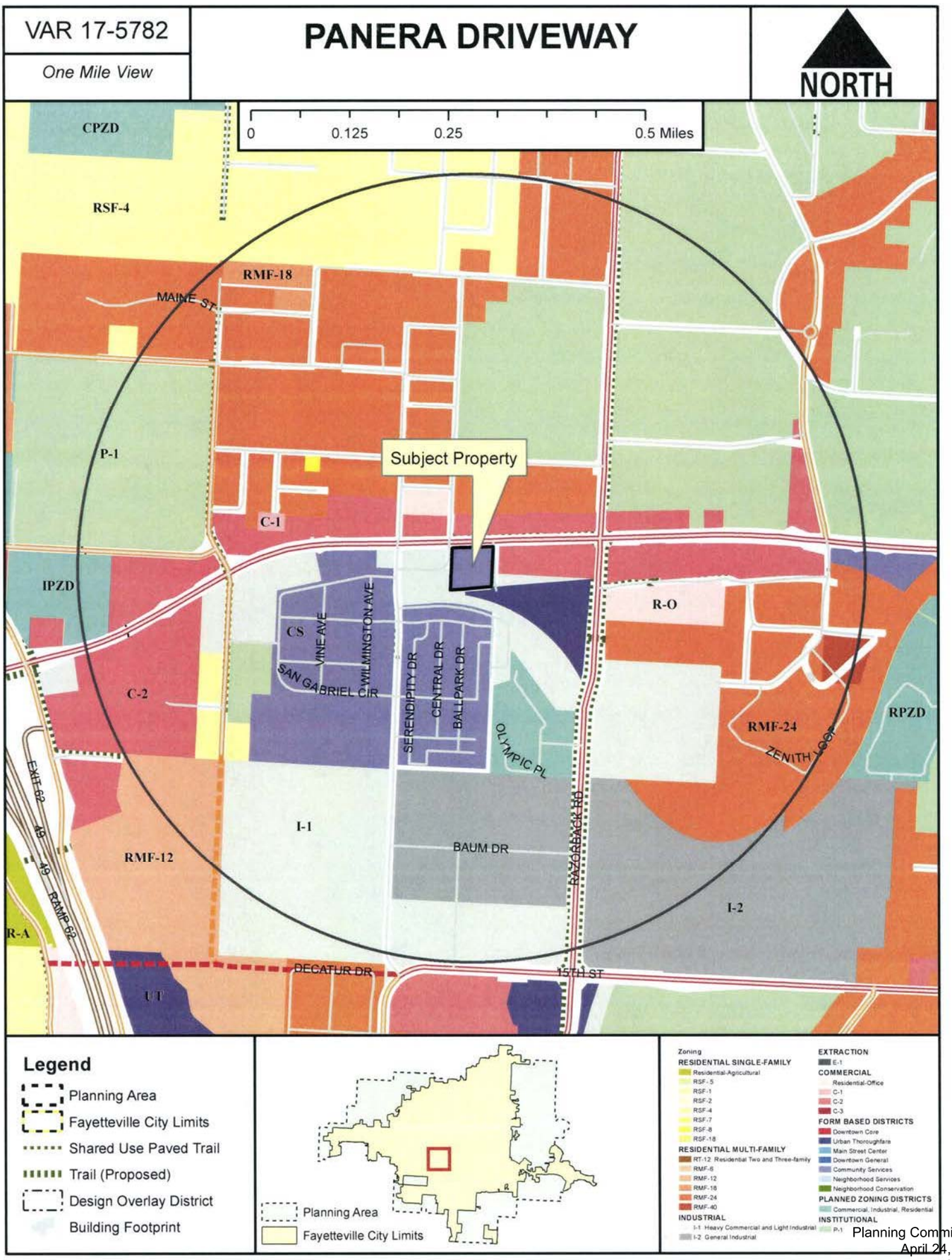
- Planning Area
- Fayetteville City Limits
- Shared Use Paved Trail
- Trail (Proposed)
- Building Footprint

Feet

0 75 150 300 450 600

1 inch = 200 feet

- RMF-24
- I-1 Heavy Commercial and Light Industrial
- Residential-Office
- C-2
- Urban Thoroughfare
- Community Services
- Commercial, Industrial, Residential
- P-1


VAR 17-5782
One Mile View
PANERA DRIVEWAY
NORTH
0
0.125
0.25
0.5 Miles
CPZD
RSF-4
RMF-18
MAINE ST
P-1
Subject Property
C-1
IPZD
R-O
CS
VINE AVE
WILMINGTON AVE
SAN GABRIEL CIR
SERENDIPITY DR
CENTRAL DR
BALLPARK DR
OLYMPIC PL
C-2
RMF-24
ZENITH LOOP
RPZD
EXIT 62
49
RAMP 62
I-1
RMF-12
BAUM DR
RAZORBACK RD
I-2
R-A
DECATUR DR
15TH ST
U T
Legend
Planning Area
Fayetteville City Limits
Shared Use Paved Trail
Trail (Proposed)
Design Overlay District
Building Footprint
Planning Area
Fayetteville City Limits
Zoning
RESIDENTIAL SINGLE-FAMILY
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18
RESIDENTIAL MULTI-FAMILY
RT-12 Residential Two and Three-family
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40
INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial
EXTRACTION
E-1
COMMERCIAL
Residential-Office
C-1
C-2
C-3
FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential
INSTITUTIONAL
P-1

VAR 17-5782

Current Land Use

PANERA DRIVEWAY

NORTH



VAR17-5782
Street
PRINCIPAL ARTERIAL
Shared Use Paved Trail
Trail (Proposed)
County Parcels
Planning Area
Fayetteville City Limits

Feet

0 75 150 300 450 600

1 inch = 200 feet

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

Excerpted from :
Planning Commission Meeting
April 24, 2017
5:30 PM
113 W. Mountain, Room 219

6. VAR 17-5782: Variance Item (1541 W. MLK BLVD./PANERA BREAD, 521): Submitted by BATES & ASSOCIATES, INC. for properties located at 1541 W. MLK BLVD. The properties are zoned CS, COMMUNITY SERVICES and contain approximately 1.80 acres. The request is for a variance to the Access Management Ordinance for a new driveway on an arterial.

Quin Thompson, Planner: Gave the staff report.

John Davidson, Applicant: Said that the discussion should be centered on the access and form-based zoning concerns should not be considered. He said that the design team has met with staff on multiple occasions, and that the former Director of Development services has suggested that a property with 300' of frontage probably could not be prevented. He said that two projects would certainly abandon the contract if the variance is denied.

Public Comment:

No public comment was presented.

Blake Pennington, Asst. City Attorney: Said that it is clear upon review of the case law, that a property owner has a right to access from an adjacent road. He said that the discussion tonight should be about what kind of access the applicant should have.

Leslie Belden, Commissioner: Said that she was in complete agreement with the applicant, and that she appreciates the attempt to improve the area. She noted that the development does not meet the intent of the code, and she regrets the proposed layout. She acknowledged that the proposed access was in the safest location in her opinion.

Matthew Hoffman, Commissioner: Said that he is concerned with pedestrian safety, and thinks that saying that one curb cut is better than four and so this access should be approved is a dangerous road to go down. He spoke about form-based zoning and its beneficial effects on pedestrian traffic and safety. He said he would be in favor of a condition of approval if the building is paced within the build-to-zone.

Matt Johnson, Commissioner: Cited traffic accident records at this location, and noted that at typical MLK traffic speeds it takes approximately 250 feet to stop.

Alison Quinlan, Commissioner: Asked staff to show the similar access arrangement at MLK and Hill. She said that the conditions are different enough based on separation and traffic signal, that this condition should not be used as an example.

Tom Brown, Commissioner: Asked staff to the overall distance of street frontage for the site.

Thompson: Said that it was between 250 and 300 feet.

Brown: Discussed traffic safety studies that he has researched in relation to the City Access Management Code. He said that in terms of accident levels, MLK falls somewhere between Crossover Road and Highway 71b. He said we must not reinforce bad precedent, and yet must provide access that meets the requirements of the law. He said that the site has adequate access from Eastern and Arbuckle. He said that the access management code should be applied in a disciplined way to provide citizen safety. He said that the City Attorney should support the ordinance if we are to provide safe traffic conditions in future.

Pennington: Said that according to case law, removing access to MLK is unconstitutional, and that doing so would open the City to being liable to significant damages.

Zara Niedermann, Commissioner: Said that in looking at access to this road, we are vacating land with considerable value, and that this is a high demand area. He said that he was confused by a project which gives up developable land with a great deal of value along MLK.

Hoffman: Asked Pennington if a 200 foot curb cut would be allowed along this property.

Pennington: Said that providing access to the property is required, but that that does not mean that the entire property does not need to provide access.

Hoffman: Said that the variance should be denied for the reasons outlined by Mr. Brown.

Quinlan: Said that she supports the variance, but that she has concerns about the pedestrian access which does not go anywhere. She said that an adverse impact to pedestrians on MLK exists and should be improved.

Pennington: Said that no conditions may be placed on a variance of 166.08.

Quinlan: Said that improved pedestrian access should be provided. She said she would support the variance. She recommended approval of the variance if access be limited to right in and right out only.

Davidson: Said that he has met with Planning Staff and the Development Services Director for months in order to make sure that he was in compliance with development codes. He said that he was aware that a variance would be required, but understood that the variance would be supported by staff.

Ron Autry, Chair: Said that constitutional law requires this approval, and that that could not be escaped.

Quinlan: Asked Pennington if in his opinion, a limited access could be required.

Pennington: Said he could not give a definitive answer, but that certainly a limited access would remove value from the property. How much value is difficult to determine.

Davidson: Said that he would be potentially willing to accept a three-quarter access in this case, but that if it was limited to right in and right out then his client will cancel the project.

Garner: Discussed the history of the project, including the many conversations between the applicant and staff that had led to this development proposal. He said that in early meetings the applicant understood that staff would support the variance, but that he did not recall that particular conversation.

Brown: Said that he is opposed to the variance, but that he respects the opinion of the Attorneys office and will vote to approve.

Motion:

Commissioner Quinlan made a motion to **approve VAR 17-5782** as a right-in right-out curb cut only. **Commissioner Belden** seconded the motion. **Upon roll call the motion passed with a vote of 6-2-0. Commissioners Hoffman and Autry voted 'no'.**

APPLICANT EXHIBIT

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

Ordinance: 6207

File Number: 2019-0359

AMEND CHAPTER 166.08, STREET DESIGN AND ACCESS MANAGEMENT STANDARDS:

AN ORDINANCE TO AMEND CHAPTER 166.08, **STREET DESIGN AND ACCESS MANAGEMENT STANDARDS** OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO MODIFY THE APPLICABILITY, ACCESS MANAGEMENT, AND NONCONFORMING ACCESS FEATURES REGULATIONS TO REMOVE BARRIERS THAT DISCOURAGE RENOVATION AND IMPROVEMENT OF EXISTING STRUCTURES

WHEREAS, certain access management regulations in the Unified Development Code are too strict and discourage renovations and improvements of existing structures.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.08(C) and enacts a replacement §166.08(C) as follows:

"*Applicability*. The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G)."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.08(F)(4) and enacts a replacement §166.08(F)(4) as follows:

"Reduction in separation distance. In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby strikes "or improvements" from §166.08(G)(1)(b).

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts a new §166.08(G)(1)(d), which will add a condition requiring an existing nonconforming access feature to be brought into compliance, as follows:

"(d) With development of a new primary structure on the property."

PASSED and APPROVED on 7/16/2019

Approved:

Lioneld Jordan, Mayor

Attest:

Sondra E. Smith, City Clerk Treasurer

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

City of Fayetteville, Arkansas

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

Text File

File Number: 2019-0359

Agenda Date: 7/16/2019 **Version:** 1 **Status:** Passed

In Control: City Council Meeting **File Type:** Ordinance

Agenda Number: C. 3

AMEND CHAPTER 166.08, STREET DESIGN AND ACCESS MANAGEMENT STANDARDS:

AN ORDINANCE TO AMEND CHAPTER 166.08, **STREET DESIGN AND ACCESS MANAGEMENT STANDARDS** OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO MODIFY THE APPLICABILITY, ACCESS MANAGEMENT, AND NONCONFORMING ACCESS FEATURES REGULATIONS TO REMOVE BARRIERS THAT DISCOURAGE RENOVATION AND IMPROVEMENT OF EXISTING STRUCTURES

WHEREAS, certain access management regulations in the Unified Development Code are too strict and discourage renovations and improvements of existing structures.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.08(C) and enacts a replacement §166.08(C) as follows:

"*Applicability*. The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G)."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.08(F)(4) and enacts a replacement §166.08(F)(4) as follows:

"Reduction in separation distance. In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby strikes "or improvements" from §166.08(G)(1)(b).

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts a new §166.08(G)(1)(d), which will add a condition requiring an existing nonconforming access feature to be brought into compliance, as follows:

"(d) With development of a new primary structure on the property."

City of Fayetteville Staff Review Form

2019-0359

Legistar File ID

7/16/2019

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Garner Stoll	4/9/2019	DEVELOPMENT SERVICES (620)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

19-6724 Administrative Item (Amend UDC chapter 166.08: Access Management): Submitted by the Development Services Department for revisions to UDC Chapter 166. The proposed code changes would modify the applicability, access management, and nonconforming access features subsections.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	NA	Current Budget	$ -
		Funds Obligated	$ -
		Current Balance	$ -
Does item have a cost?	No	Item Cost	
Budget Adjustment Attached?	NA	Budget Adjustment	
		Remaining Budget	$ -

V20180321

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL AGENDA MEMO

MEETING OF JULY 16, 2019

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff

FROM: Garner Stoll, Development Services Director
Andrew Garner, City Planning Director

DATE: June 10, 2018

SUBJECT: **19-6724 Administrative Item (Amend UDC chapter 166.08: Access Management):** Submitted by the Development Services Department for revisions to UDC Chapter 166. The proposed code changes would modify the applicability, access management, and nonconforming access features subsections.

RECOMMENDATION:
Staff recommends approval of a text amendment to 166.08 (Access Management) of the Unified Development. Code to modify the applicability, access management, and nonconforming access features subsections.

BACKGROUND:
Over the last several years, the City has heard from property owners, developers, staff, Planning Commission, and City Council, that the access management portion of the Unified Development Code is too strict and discourages renovation and improvements to existing structures. The code is written such that existing curb cuts that cannot be brought into compliance must go through a Planning Commission variance process. This results in unnecessary delays in many cases because there is no feasible alternative to the existing curb cuts, and the variance must be approved because of a legal right of a property to access adjacent streets. In the last year, the Planning Commission has started putting most of the access management variances on their consent agenda.

DISCUSSION:
The City Planning Division has drafted code changes to clarify that the access management code applies to new primary structures and expansions to existing structures; it does not apply to renovations. The proposed code changes also allow the City Engineer to approve a curb cut separation of less than the minimum, provided that joint access driveways and cross access easements are provided wherever feasible, and that the curb cut is at the safest functional location. This technical determination is most appropriately made by the City Engineer and avoids the delay of a Planning Commission variance that must be approved to allow a property owner access rights to an adjacent public street. This proposed code change has not been presented to the Planning Commission or other appointed body.

Request: Staff requests that the City Council amend Fayetteville Unified Development Code Chapter 166.08 Access Management. The code changes are generally described above and shown in the attached strikeout-highlight and clean versions of the code.

BUDGET/STAFF IMPACT:
None

Attachments:

- Proposed code changes shown in strikeout and clean version

166.08 - Street Design And Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures ~~or redeveloped~~ and all other development where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

(D) *Street Design Principles.*

(1) Extensions. All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) Substandard Widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) Street Names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(5) Street Standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.

(E) *Block Layout/Connectivity.*

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

(a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.

(b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) Local and Residential. Intersections shall occur at a minimum of one every 660 feet.

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

(2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.

(3) Connectivity. Wherever a proposed development abuts undeveloped land,

street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

(4) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(5) Dead-End Streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification, ex. local and collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(1) Curb Cut Separation. For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two (2) or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for Single-Family Homes.

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two (2) or more lots.

(4) ~~Variance~~ Reduction in separation distance. In order to protect the

ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property. ~~a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.~~

(5) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-Conforming Access Features.

(1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion ~~or improvements~~ greater than 50% of the property's appraised or market value as established by the Washington County Assessor.

(c) As roadway improvements allow;

(d) With development of a new primary structure on the property.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

166.08 - Street Design And Access Management Standards

(A) *Intent.* These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.

(B) *Fitness for Development.* Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.

(C) *Applicability.* The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other development where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G).

(D) *Street Design Principles.*

(1) Extensions. All street extensions shall be constructed to minimum street standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.

(2) Substandard Widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.

(3) Street Names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

(4) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.

(5) Street Standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted minimum street standards.

(E) *Block Layout/Connectivity.*

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

(a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.

(b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.

(c) Local and Residential. Intersections shall occur at a minimum of one every 660 feet.

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

(2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted or discouraged roadways such as expressways or arterials. Alleys are not considered as frontage. Double frontage lots may also be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots.

(3) Connectivity. Wherever a proposed development abuts undeveloped land,

street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.

(4) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.

(5) Dead-End Streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

(F) *Access Management.* Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification, ex. local and collector. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer.

(1) Curb Cut Separation. For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) family, multi-family and nonresidential development.

(a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two (2) or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

(3) Separation for Single-Family Homes.

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) Arterial and Collector Streets. Individual curb cuts for along arterial and collector streets shall be discouraged. When necessary, curb cuts along arterial and collector streets shall be shared between two (2) or more lots.

(4) Reduction in separation distance. In order to protect the ingress and egress

access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

(5) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-Conforming Access Features.

(1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

(a) When new access connection permits are requested;

(b) Upon expansion greater than 50% of the property's appraised or market value as established by the Washington County Assessor.

(c) As roadway improvements allow;

(d) With development of a new primary structure on the property.

(H) *Easements.* Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

RECEIVED

AUG 0 1 2019

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

NORTHWEST ARKANSAS
Democrat Gazette

P.O. BOX 1607, FAYETTEVILLE, AR, 72702 • 479-442-1700 • FAX: 479-695-1118 • WWW.NWADG.COM

AFFIDAVIT OF PUBLICATION

I Carla Gardner, do solemnly swear that I am the Finance Director of the Northwest Arkansas Democrat-Gazette, printed and published in Washington County and Benton County, Arkansas, and of bona fide circulation, that from my own personal knowledge and reference to the files of said publication, the advertisement of:

CITY OF FAYETTEVILLE
Ord. 6207

Was inserted in the Regular Edition on:

July 25, 2019

Publication Charges: 150.80

Carla Gardner

Carla Gardner

Subscribed and sworn to before me
This 26 day of July, 2019.

Cathy Wiles

Notary Public
My Commission Expires: 2/20/2024

CATHY WILES
Arkansas - Benton County
Notary Public - Comm# 12397118
My Commission Expires Feb 20, 2024

NOTE
Please do not pay from Affidavit.
Invoice will be sent.

Ordinance: 6207
File Number: 2019-0359
AMEND CHAPTER 166.08, STREET DESIGN AND ACCESS MANAGEMENT STANDARDS:
AN ORDINANCE TO AMEND CHAPTER 166.08, STREET DESIGN AND ACCESS MANAGEMENT STANDARDS OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO MODIFY THE APPLICABILITY, ACCESS MANAGEMENT, AND NONCONFORMING ACCESS FEATURES REGULATIONS TO REMOVE BARRIERS THAT DISCOURAGE RENOVATION AND IMPROVEMENT OF EXISTING STRUCTURES
WHEREAS, certain access management regulations in the Unified Development Code are too strict and discourage renovations and improvements of existing structures.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.08(C) and enacts a replacement §166.08(C) as follows:
"Applicability. The standards set forth herein shall apply to land which is proposed to be developed with new primary structures and all other developments where the creation of public streets are required, or proposed, or in which new or existing access is created or modified; or developments or expansions containing non-conforming access features which meet the thresholds set forth in subsection (G)."
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.08(F)(4) and enacts a replacement §166.08(F)(4) as follows:
"Reduction in separation distance. In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property."
Section 3: That the City Council of the City of Fayetteville, Arkansas hereby strikes "or improvements" from §166.08(G)(1)(b).
Section 4: That the City Council of the City of Fayetteville, Arkansas hereby enacts a new §166.08(G) (1)(d), which will add a condition requiring an existing nonconforming access feature to be brought into compliance, as follows:
"(d) With development of a new primary structure on the property."
PASSED and APPROVED on 7/16/2019
Approved:
Lioneld Jordan, Mayor
Attest:
Sondra E. Smith, City Clerk Treasurer
75020703 July 25, 2019

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: October 13, 2025

SUBJECT: **ADM-2025-0040: Administrative Item (W. ELM ST & N. LEVERETT AVE/RAZORBACK HOUSING LLC, 366):** Submitted by CRAFTON TULL for property located at W. ELM ST & N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 14.40 acres. The request is to amend the master street plan.

RECOMMENDATION:
Staff recommends approval of **ADM-2025-0040**.

RECOMMENDED MOTION:
*"I move to forward **ADM-2025-0040** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in north Fayetteville, immediately south of the University of Arkansas Agri Farm. The property is largely undeveloped, though previously had a single-family home and agricultural outbuildings which have since been demolished. In total, the property contains about 14.40 acres and is currently RMF-24, Residential Multi-Family, 24 Units per Acre. In July 2025, a conditional use permit for a student housing development was approved by the Fayetteville Planning Commission (CUP-2025-0032). A simultaneous submission has been made to vacate a portion of right-of-way that bisects the property on this site as well, a request that will also need City Council approval (VAC-2025-0022). No overlay districts currently encumber the site. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

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

Proposal: The applicant is requesting an amendment to the 2040 Master Street Plan to remove a small portion of a planned Residential Link Street connection that appears at the northwest corner of the overall property. Planned connections adopted with the Master Street Plan are intended to be developed as public streets with associated assurances of public access and maintenance.

DISCUSSION:
Staff is supportive of the applicant's request, finding development of the planned connection to be infeasible, and that other alternatives for east/west connectivity in this location are in place.

The planned connection has been on the Master Street Plan since at least 2007 (Resolution 161-07) where it was originally classified as a Collector Street. A Collector Street is the equivalent of a Neighborhood Link Street under 2040 Master Street Plan standards. The connection was reaffirmed but downgraded to a Residential Link Street with the adoption of the 2040 Master Street Plan in 2019 (Resolution 15-20). In the intervening time, the Meadow Valley Trail was constructed (around 2012) along the subject property's northern property line, in roughly the same arrangement as was indicated on the Master Street Plan for the proposed Residential Link.

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.

For the subject connection, its inclusion in the Master Street Plan in 2007 reflected the projected need for additional east-west connectivity in the area alongside new development. With the development of the trail that provides alternative connectivity to the Razorback Greenway, and the applicant's associated request to provide a full connection of Elm Street from N. Garland Avenue to N. Leverett Avenue, staff finds that the intent of the master street plan is met and its removal is warranted.

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

RECOMMENDATION: Staff recommends approval.

Should the Planning Commission forward this item to the City Council's Transportation Committee with a recommendation of approval, staff recommends the following conditions:

Conditions of Approval:

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.

PLANNING COMMISSION ACTION: Required YES			
Date: October 13, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

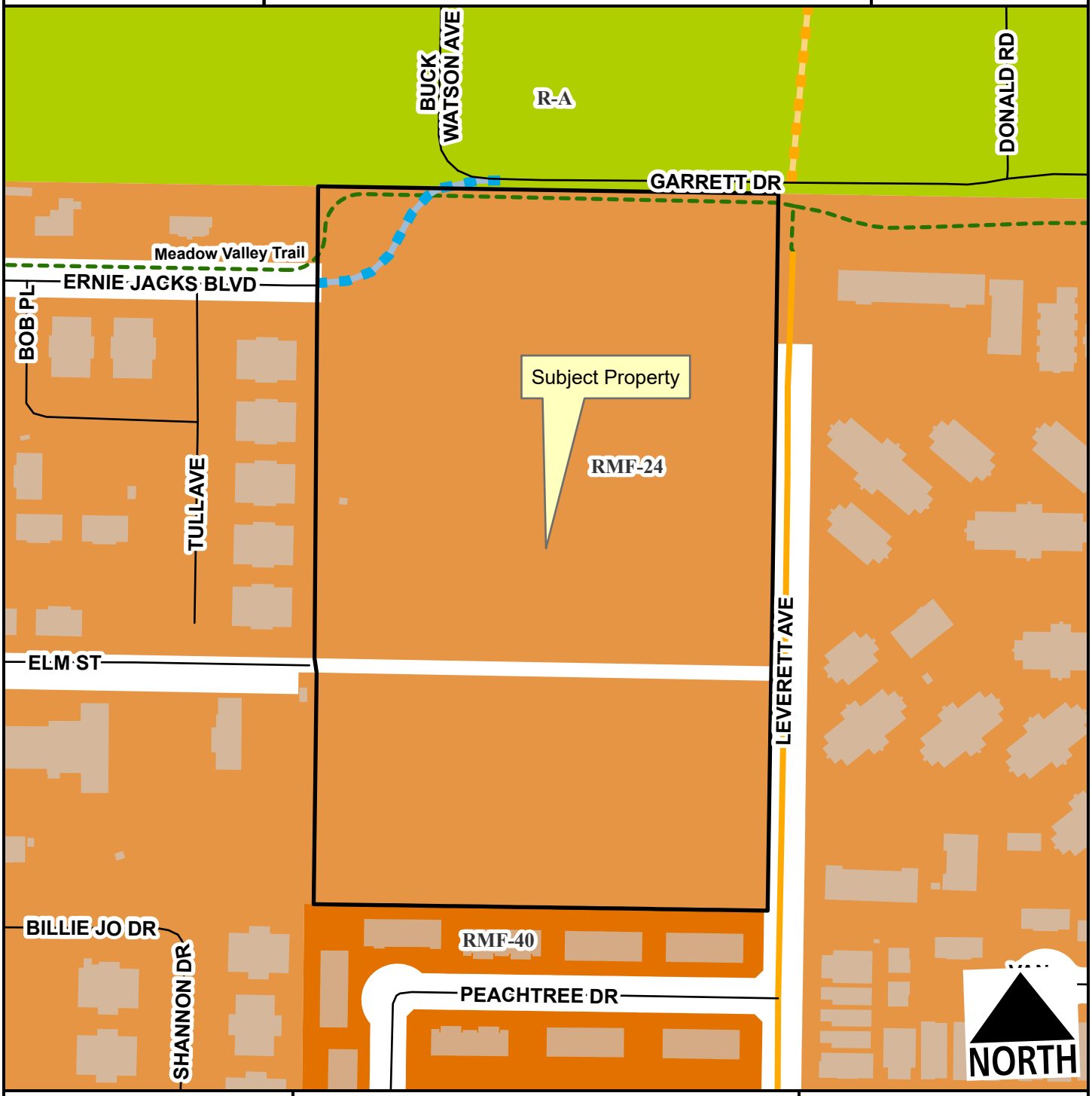
ATTACHMENTS:

- Current Land Use Map
- 2007 Master Street Plan Exhibit
- 2040 Master Street Plan Exhibit
- Applicant Request Letter

ADM-2025-0040

Close Up View

W. ELM ST & N. LEVERETT AVE



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

Feet

0 75 150 300 450 600

1:2,400

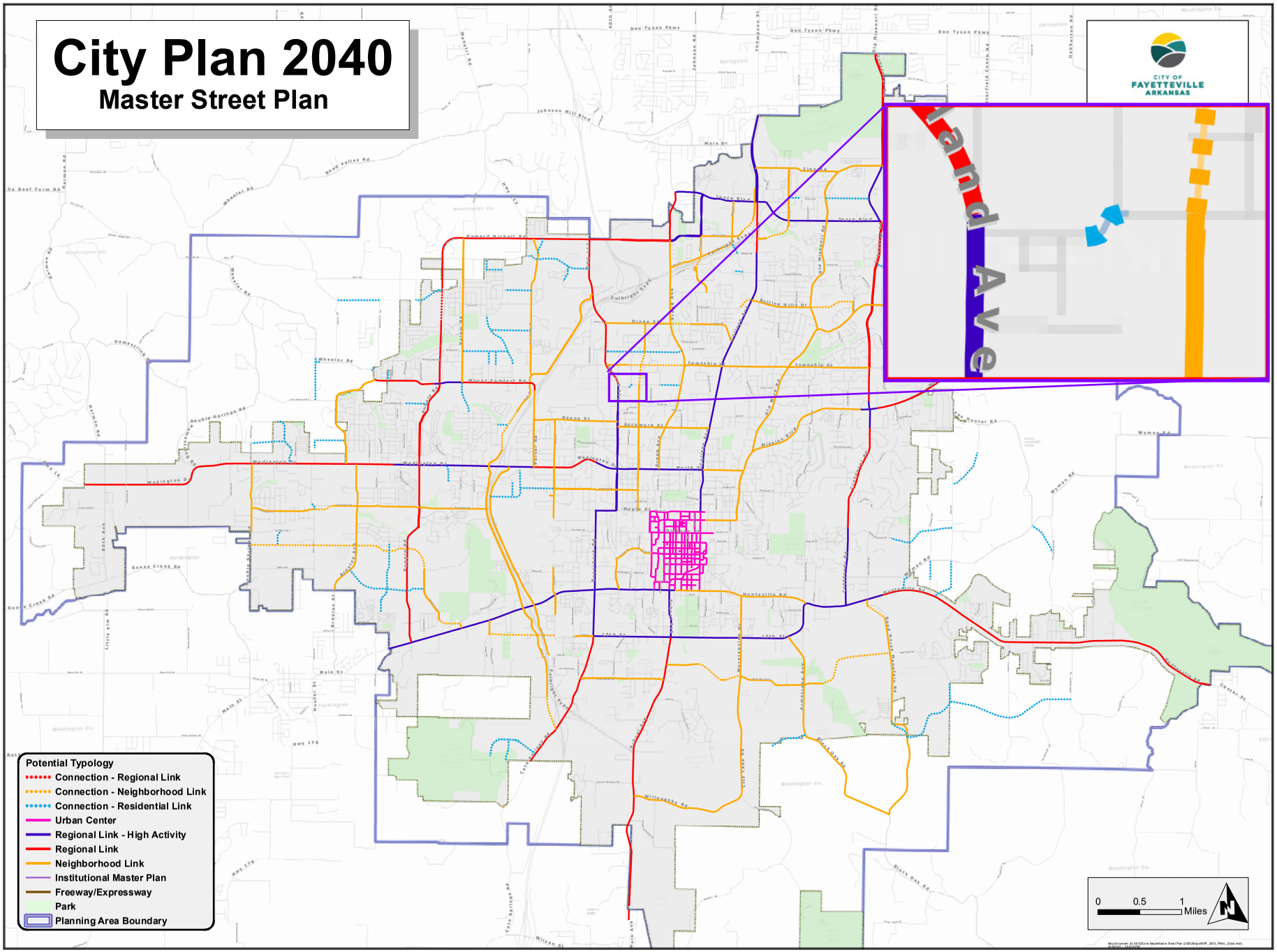
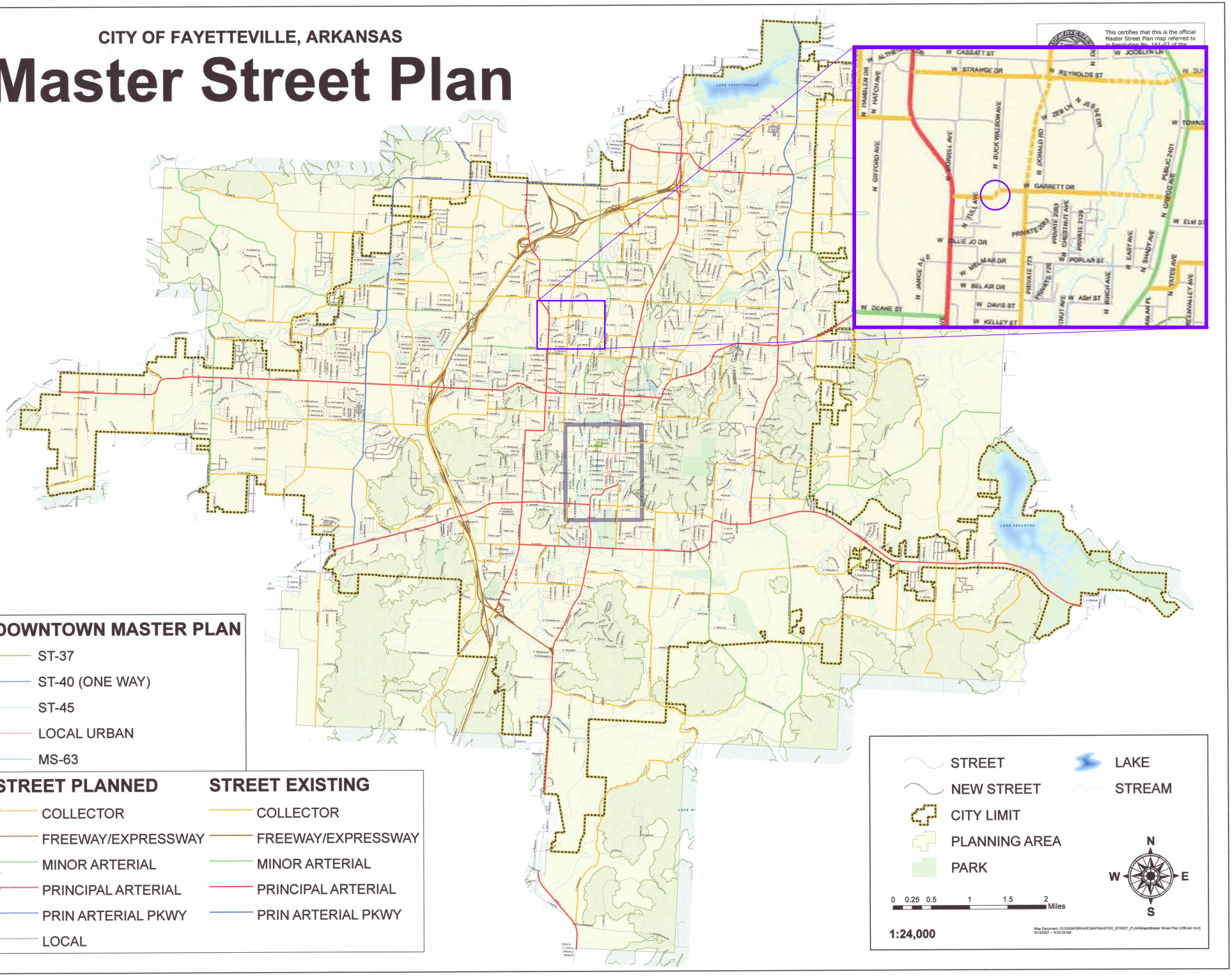


Figure 12.7 - Master Street Plan Map

CITY OF FAYETTEVILLE, ARKANSAS

Master Street Plan



ADM-2025-0040 (RAZORBACK HOUSING LLC)
Planning Commission
October 13, 2025
Page 6 of 9

Crafton Tull
architecture | engineering | surveying

300 North College, Suite 317
Fayetteville, AR 72701
479.455.2207
craftontull.com

August 29, 2025
Planning Department
City of Fayetteville
125 W Mountain Street
Fayetteville, AR 72701

RE: Elm Street Apartments- Master Street Plan Amendment

On behalf of the applicant, I respectfully submit this request for an amendment to the City of Fayetteville's Future Master Street Plan (MSP) for Elm Street Apartments, Parcel ID 765-05140-000.

This request proposes deleting the Future Master Street Plan connection from Ernie Jacks Road to the University of Arkansas Agriculture Farm, as currently illustrated in the adopted Master Street Plan. This future connection is not feasible due to existing institutional and agricultural land uses and is also redundant, since Leverett Avenue is already designated to provide a future connection to the University's Agriculture Farm. With the proposed Elm Street Apartments development, connectivity will instead be achieved through Elm Street improvements, which will provide a new connection between Garland Avenue and Leverett Avenue, and ultimately to the Agriculture Farm.

In accordance with Unified Development Code, Chapter 156 (Variances), the following criteria are addressed to demonstrate justification for this amendment:

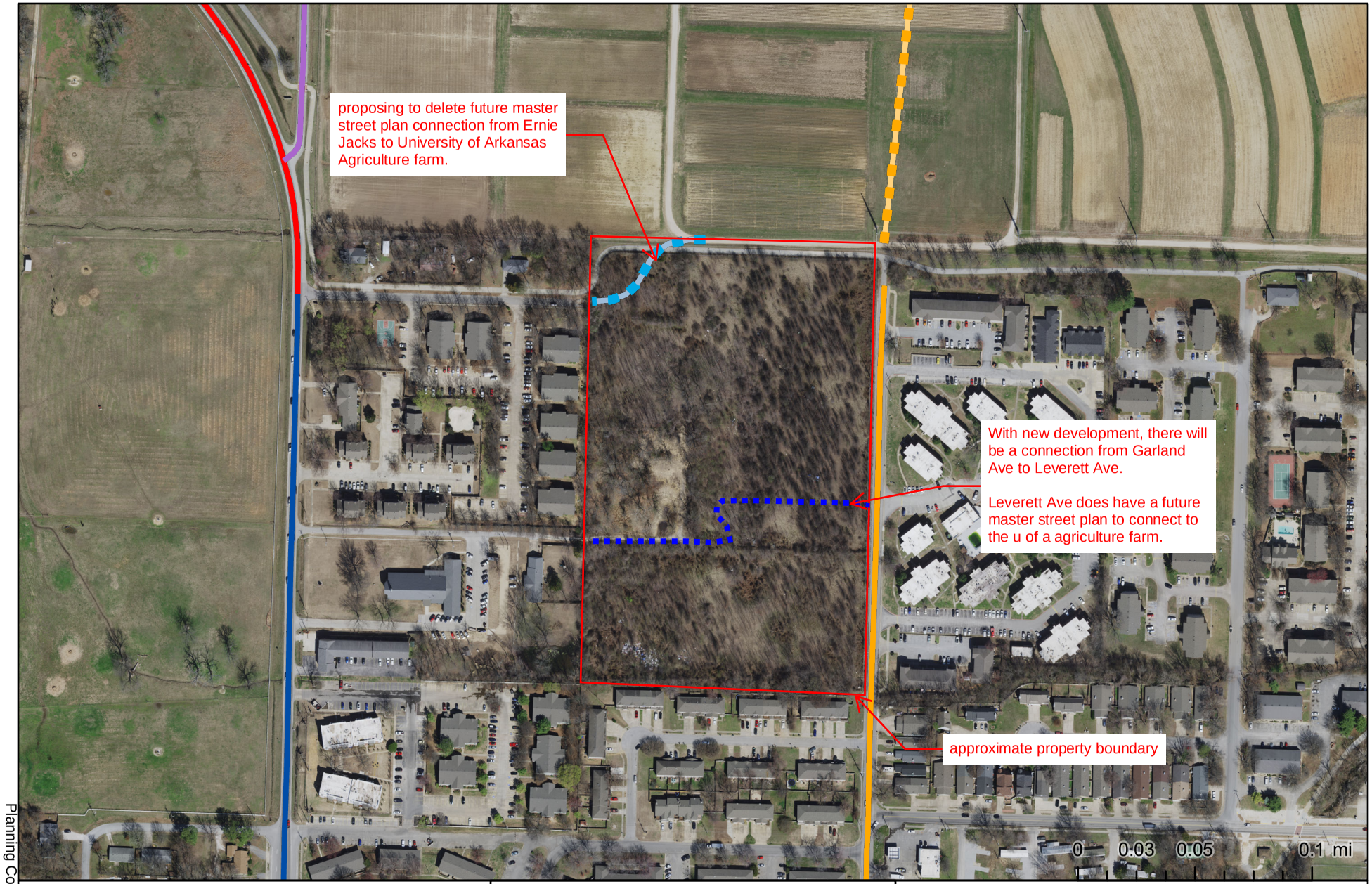
- **Undue Hardship**: Requiring the connection from Ernie Jacks to the Agriculture Farm would create an undue hardship due to existing University property constraints, conflicts with established institutional and agricultural land uses, and duplication of connectivity already provided by Leverett Avenue.
- **Public Interest and Intent of Code**: The amendment continues to advance the purpose of the Master Street Plan by ensuring network connectivity, multimodal access, and orderly development patterns. The Garland-to-Leverett link satisfies the functional role of the deleted segment, ensuring no loss of access or circulation capacity.
- **Consistency with Surrounding Development**: The proposed change aligns with current and planned development patterns, ensuring compatibility with both residential uses and the University's institutional lands.

We appreciate your consideration of our request.

Sincerely,

Caroline Gardner

Caroline Gardner, P.E.
Project Manager
Crafton Tull



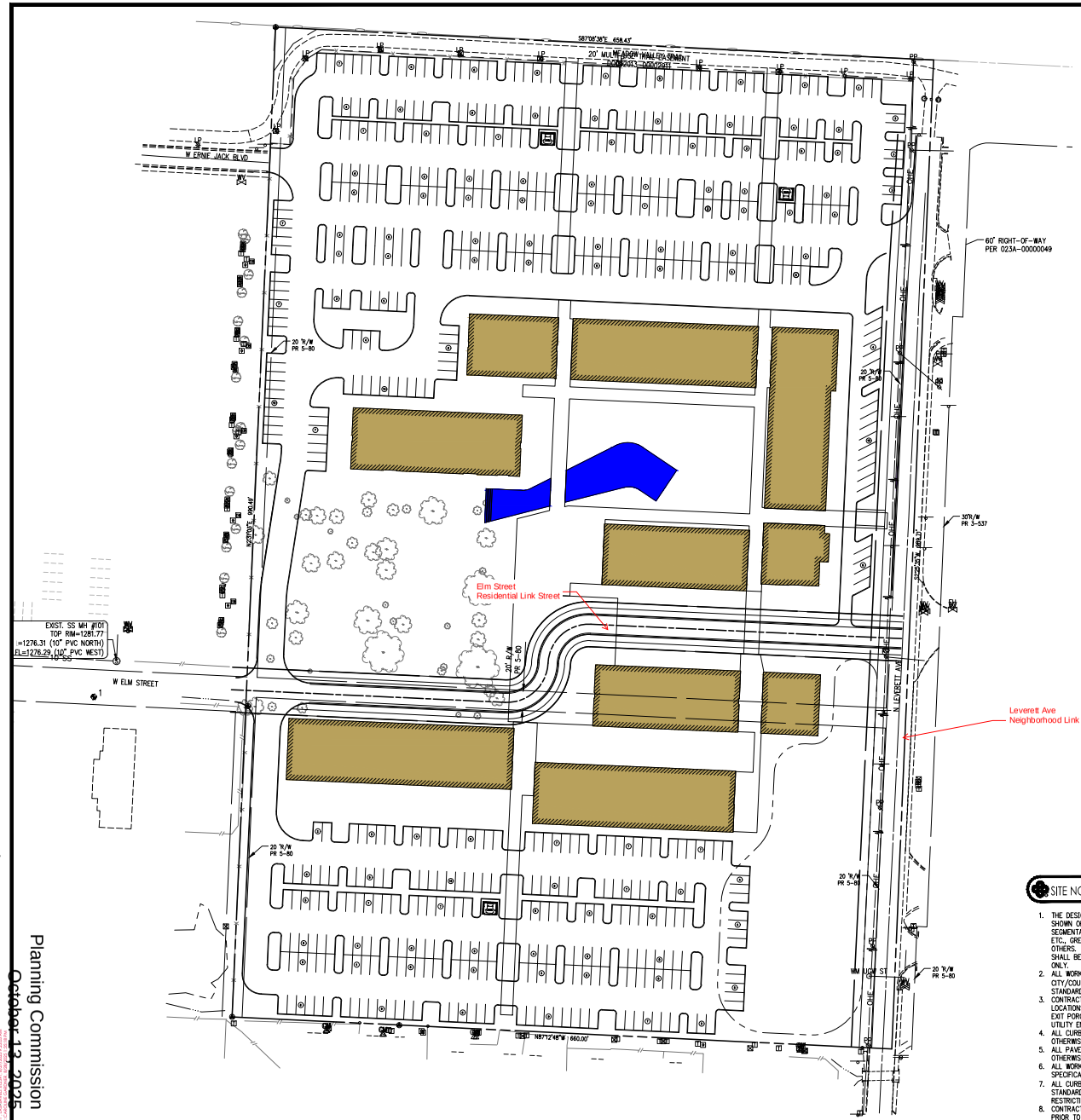
Neighborhood Link
Residential Link
Regional Link - High Activity
Regional Link
Neighborhood Link
Institutional Master Plan

Exhibit

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warrantees with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 8/29/2025
Credits: 2025 Imagery | EagleView Technologies | Surdex Corporation, City of Fayetteville, AR
Map Author:



LEGEND (EXISTING SYMBOLS)

SYMBOLS		LINEWORK
	BENCHMARK	EASEMENT
	FOUND IRON PIPE/REBAR	CURB
	PRIMARY CONTROL/SET MONUMENT	RIGHT OF WAY
	FOUND MONUMENT/ROW	ROAD CENTERLINE
LP	LIGHT POLE	

LEGEND (CONSTRUCT)

SYMBOLS		LINEWORK
	SET IRON PIN	EASEMENT
	LIGHT POLE	CURB
		BUILDING SET BACK
		RIGHT OF WAY
		PROPERTY LINE
		ROAD CENTERLINE

SITE INFORMATION

ZONING: RMF-24

TOTAL BUILDINGS:
TOTAL BEDROOMS:

FRONT SETBACK:
SIDE SETBACK:
REAR SETBACK:

SITE AREA: SQFT
BUILDING AREA: SQFT
IMPERVIOUS AREA:
DENSITY:

PARKING REQUIREMENTS

REQUIRED PARKING:
X PARKING STALL PER UNIT
X PARKING STALLS REQUIRED
X MOTORCYCLE PER 25 STANDARD STALLS
X MOTORCYCLE STALLS REQUIRED

X BIKE RACK PER 30 DWELLING UNITS
X DWELLING UNITS=1 BIKE RACK
X 5 REQUIRED PARKING STALLS
X ADA STALLS REQUIRED

MAXIMUM PARKING:
X PARKING STALLS PER UNIT
X STALLS ALLOWED

PROVIDED PARKING:
X STANDARD PARKING STALLS PROVIDED (X)
X COMPACT STALLS PROVIDED (X)
X ADA STALLS PROVIDED (X)
X MOTORCYCLE STALLS PROVIDED (X)
TOTAL STALLS: X

SITE NOTES

1. THE DESIGN, INSPECTION, AND CERTIFICATION OF ANY RETAINING WALL SHOWN OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, SEGMENTAL RETAINING WALLS, MASS GRAVITY WALLS, GABION WALLS, ETC., GREATER THAN FORTY-EIGHT INCHES IN HEIGHT, SHALL BE BY OTHERS. ANY RETAINING WALL DATA SHOWN OR REFERENCED HEREIN SHALL BE FOR COORDINATION OF THE WALL LOCATION AND ELEVATIONS ONLY.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY/STATE/FEDERAL REGULATIONS AND CODES AND OSHA STANDARDS.
3. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.
4. ALL CURB DIMENSIONS AND RADII ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
5. ALL PAVEMENT MARKINGS DIMENSIONS BACK OF CURB UNLESS OTHERWISE NOTED.
6. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
7. ALL CURB/SIDEWALK/HANDICAP RAMP DESIGNS SHALL CONFORM TO ADA STANDARDS OR LOCAL RESTRICTIVE CODES, WHICHEVER IS MORE RESTRICTIVE.
8. CONTRACTOR SHALL ENSURE ALL NECESSARY PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION START.
9. CONTRACTOR SHALL MATCH NEW CURB AND GUTTER, CONCRETE, AND PAVEMENT TO EXISTING IN GRADE AND ALIGNMENT.
10. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE.
11. CERTAIN SITE AMENITIES, INCLUDING BUT NOT LIMITED TO DUMPSTER ENCLOSURES, FENCES, GATES, MAIL KIOSKS, PLAYGROUNDS, RECREATIONAL, SOCIAL, AND GATHERING FEATURES, SHALL BE DESIGNED AND SPECIFIED BY OTHERS. DUMPSTER ENCLOSURES DETAILED DESIGN AND SPECIFICATIONS SHALL BE PROVIDED BY THE OWNER/PROJECT ARCHITECT AND SHALL MEET LOCAL JURISDICTION DESIGN STANDARDS AND SPECIFICATIONS, IF APPLICABLE, AND THE REQUIREMENTS OF THE PROJECT'S SERVICE PROVIDER. IF APPLICABLE, THE ARCHITECT SHALL PROVIDE, COORDINATE, AND SUBMIT DETAILS FOR THE DUMPSTER ENCLOSURE FOOTPRINT AND SITE PLACEMENT REQUIREMENTS TO CRAFTON TULL.
12. OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL NECESSARY WARNING AND LIFE SAFETY SIGNS AND DEVICES ASSOCIATED WITH THIS PROJECT.

300 N College Ave., Suite 317
Fayetteville, Arkansas 72701
Crafton Tull
479.634.4888
www.craftontull.com

CERTIFICATE OF AUTHORIZATION

CRAFTON, TULL & ASSOCIATES, INC. No. 109 — CERTIFICATE OF AUTHORIZATION — ARKANSAS

GRAPHIC SCALE IN FEET
50' 0 50'

ELM STREET APARTMENTS

FAYETTEVILLE, AR

Key Plan

No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 25303.00
ISSUE DATE: 09/17/2025
CONTACT: C. BARRETT
QC by:
QC Date:

© 2025 Crafton, Tull & Associates, Inc.

OVERALL SITE PLAN

C-101

Planning Commission
October 13, 2025

Electronically signed and sealed using SHA authentication. Printed copies of this document are not considered signed and sealed and the SHA authentication must be verified on any electronic copies.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: October 13, 2025

SUBJECT: **VAC-2025-0022: Vacation (W. ELM ST & N. LEVERETT AVE/RAZORBACK HOUSING LLC, 366):** Submitted by CRAFTON TULL for property located at W. ELM ST & N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 14.40 acres. The request is to vacate 0.15 acres of right-of-way.

RECOMMENDATION:
Staff recommends approval of **VAC-2025-0022**, with conditions.

RECOMMENDED MOTION:
*"I move to forward **VAC-2025-0022** to City Council with a recommendation of approval, with all conditions as recommended by staff."*

BACKGROUND:
The subject property is in north Fayetteville, immediately south of the University of Arkansas Agri Farm. The property is largely undeveloped, though previously had a single-family home and agricultural outbuildings which have since been demolished. In total, the property contains about 14.40 acres and is currently RMF-24, Residential Multi-Family, 24 Units per Acre. In July 2025, a conditional use permit for a student housing development was approved by the Fayetteville Planning Commission (CUP-2025-0032). A simultaneous submission was made to remove a portion of the master street plan in the northwest corner of this property, a request that will need final approval by the City Council (ADM-2025-0040). No overlay districts currently encumber the site. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

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

Proposal: The applicant proposes to vacate a portion of undeveloped street right-of-way totaling 0.15 acres.

DISCUSSION:
Staff is supportive of the applicant's request to vacate the subject right-of-way. In exchange for the right-of-way vacation, the applicant is proposing to rededicate right-of-way in the full width of a residential link street to make a full connection of N. Elm Street from N. Garland Avenue to N. Leverett Avenue. This request is in direct alignment with the City Plan 2040 goal of making compact, complete, and connected development the standard.

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

Utility	Response
Cox Communications	No objections, provided that any damage or relocation of any Cox facilities will be at the applicant's request.
AEP/SWEPCO	No objections, provided an easement is dedicated along the right-of-way for existing overhead line, or the owner will have to pay SWEPCO for relocation.
Black Hills Energy	No objections and no comments.
AT&T	No objections, provided that the developers agree to relocate at their expense the existing AT&T cable out of the existing right-of-way into a new easement or right-of-way path.
Ozarks Electric	No objections and no comments.
City of Fayetteville	Response
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections and no comments.

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

RECOMMENDATION: Staff recommends approval of **VAC-2025-0022**. Should the Planning Commission choose to forward it to the City Council, staff recommends the following conditions:

Conditions of Approval:

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

2. Right-of-way vacation is conditioned upon the approval of an associated large-scale development for a multi-family development that occupies parcel 765-05140-000;

3. Right-of-way in the required width for a residential link street as shown in the applicant's attached exhibits shall be dedicated in association with that large-scale development, prior to the obtaining of any building permits. This right-of-way dedication shall enable the completion of a connection of W. Elm Street from N. Garland Avenue to N. Leverett Avenue;

4. All SWEPCO, AT&T, Black Hills Energy, and water and sewer facilities located within said right-of-way must be relocated as required by those entities, and easements dedicated as necessary.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 2025	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

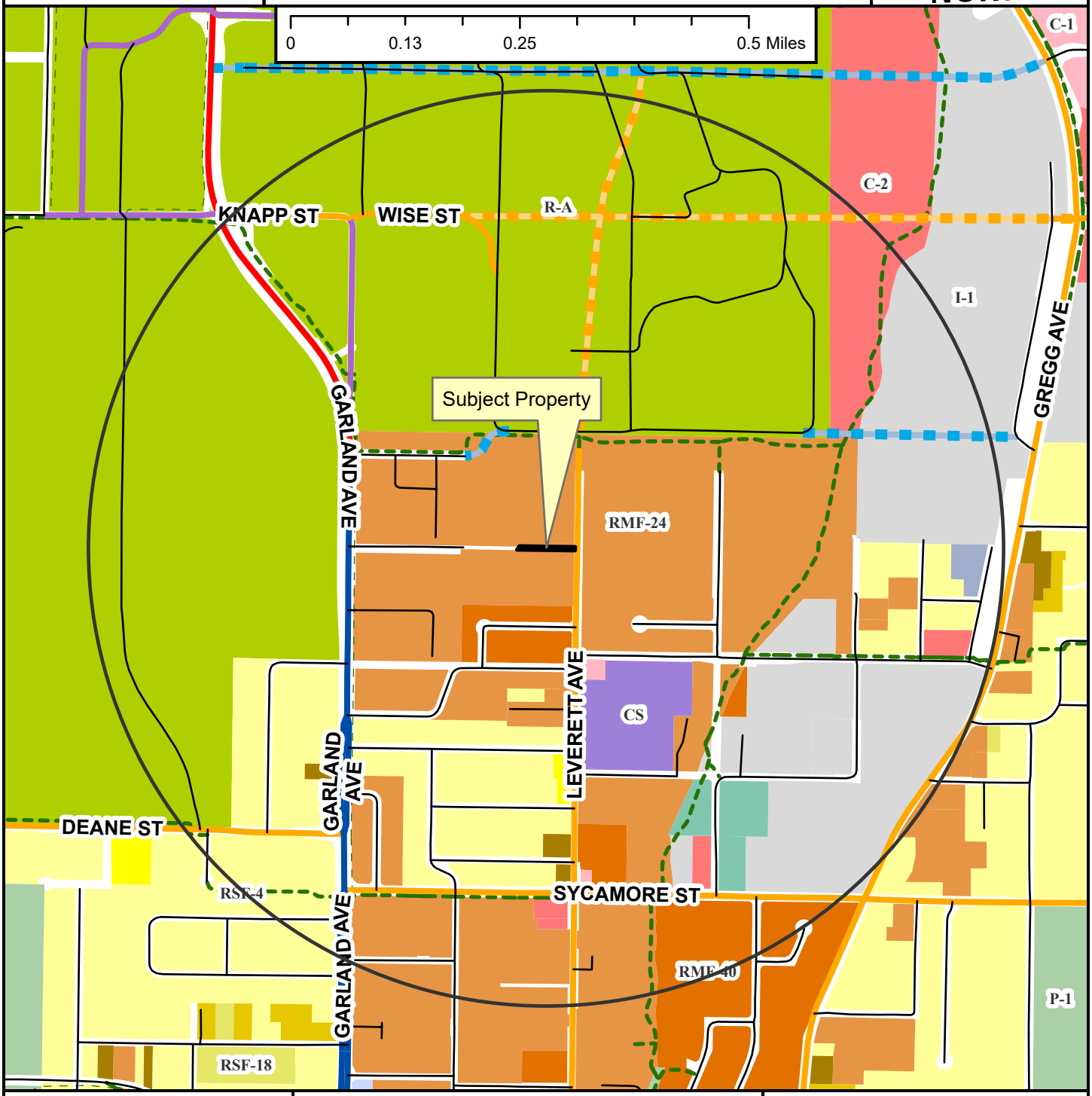
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Applicant Petition to Vacate
- Survey – Right-of-way to be Vacated

VAC-2025-0022

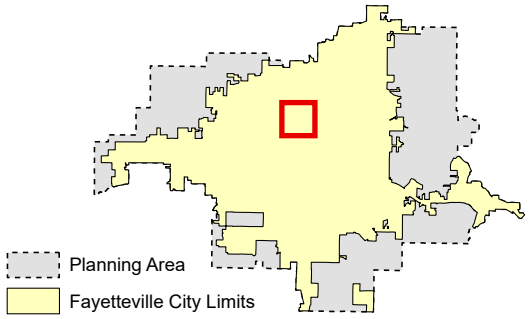
One Mile View

W. ELM ST & N. LEVERETT AVE

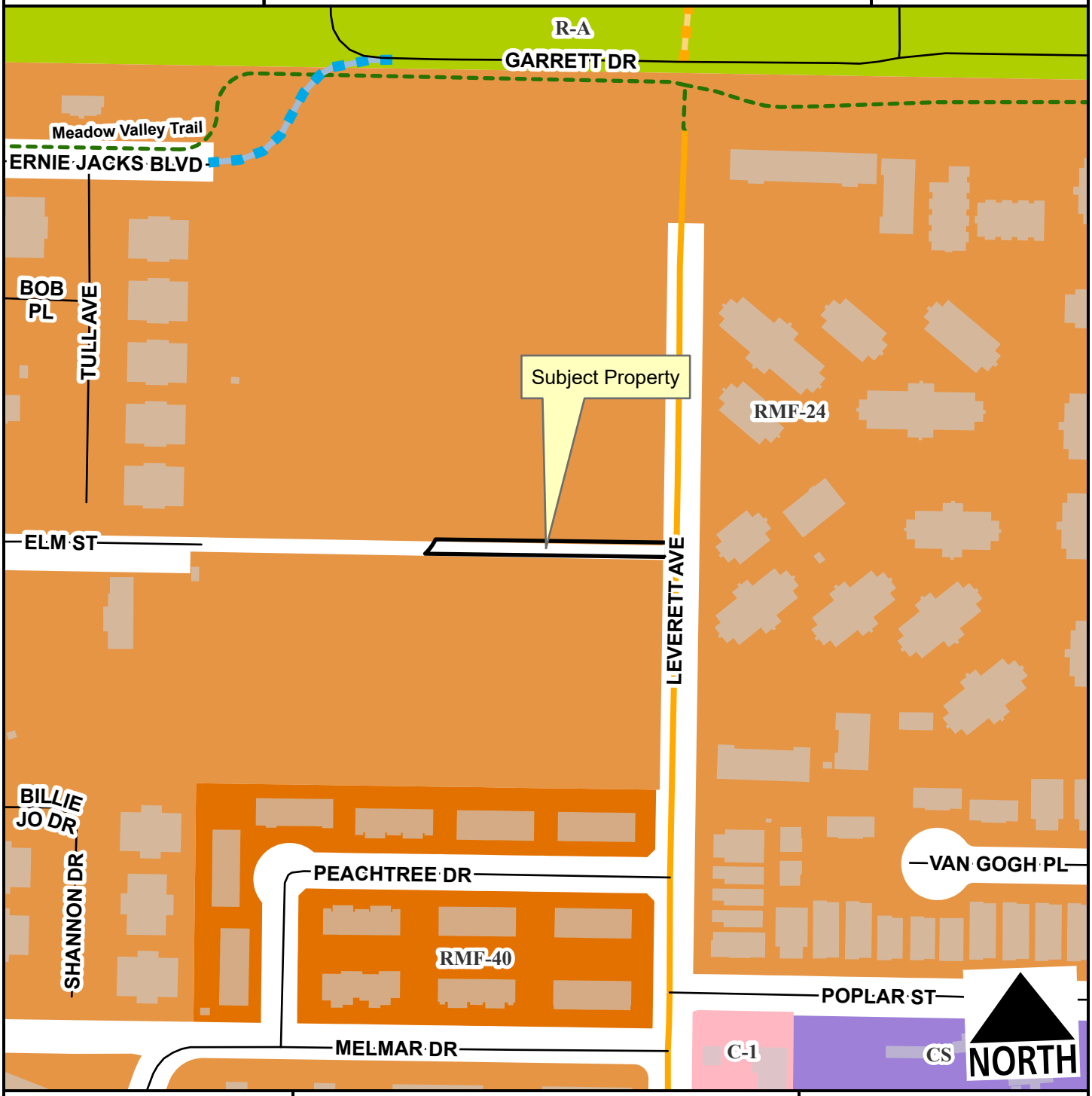
NORTH



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



VAC-2025-0022	W. ELM ST & N. LEVERETT AVE	
Close Up View		



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

Feet

0 75 150 300 450 600

1:2,400

VAC-2025-0022

Current Land Use

W. ELM ST & N. LEVERETT AVE

NORTH



- Regional Link
- Neighborhood Link
- Institutional Master Plan
- 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

Crafton Tull
architecture | engineering | surveying

300 North College, Suite 317
Fayetteville, AR 72701
479.455.2207
craftontull.com

August 29, 2025
Planning Department
City of Fayetteville
125 W Mountain Street
Fayetteville, AR 72701

RE: Elm Street Apartments- Right of way vacation

The Elm Street Apartment development proposes reconfiguring Elm Street's right of way. In order to do this, we are proposing the eastern portion of the existing right-of-way to be vacated. In exchange, new right-of-way will be dedicated as part of the development to maintain public connectivity between Garland Avenue and Leverett Avenue. This adjustment ensures that the existing street network remains intact while accommodating the new site layout.

Within the package you will find the legal description, parcel map, survey of the site, petition to vacate, and the utility department's sign off forms.

We appreciate your consideration of our request.

Sincerely,

Caroline Gardner

Caroline Gardner, P.E.
Project Manager
Crafton Tull

PETITION TO VACATE A STREET RIGHT-OF-WAY LOCATED WITHIN PARCEL 765-05140-000, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the street right-of-way hereinafter sought to be abandoned and vacated, lying within parcel 765-05140-000, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

PARCEL 765-05140-000 RAZORBACK HOUSING LLC

PART OF A 20’ RIGHT-OF-WAY VACATION

A PART OF THE NORTHWEST QUARTER (NW/4) OF THE SOUTHWEST QUARTER (SW/4) OF SECTION 04, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NW/4 SW/4; THENCE ALONG THE NORTH LINE OF SAID NW/4 SW/4, NORTH 87°08'38" WEST A DISTANCE OF 20.00 FEET TO THE WEST RIGHT-OF-WAY OF LEVERETT DRIVE AS DESCRIBED IN A PLAT FILED FOR RECORD IN THE WASHINGTON COUNTY CIRCUIT CLERK’S OFFICE AT PLAT BOOK 5 PAGE 80; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 02°25’35” WEST A DISTANCE OF 649.53 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 87°12’48” WEST A DISTANCE OF 319.96 FEET; THENCE 24.69 FEET ON A CURVE TO THE RIGHT WITH A RADIUS OF 67.00 FEET AND A LONG CHORD BEARING OF SOUTH 38°14’10” WEST 24.55 FEET; THENCE SOUTH 87°12’48” EAST A DISTANCE OF 334.33 FEET TO SAID WEST RIGHT-OF-WAY; THENCE ALONG SAID RIGHT-OF-WAY NORTH 02°25’35” EAST A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,524 SQUARE FEET OR 0.15 ACRES, MORE OR LESS, AND BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

That the abutting real estate affected by said abandonment of the street right-of-way are parcel 765-05140-000, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described street right-of-way.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

WHEREFORE, the undersigned petitioners respectfully ask that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the right-of-way of the public for the use of said street right-of-way.

Dated this 26 day of September, 2025.

David Bird

Printed Name



Signature

EXHIBIT B



GRAPHIC SCALE IN FEET

100' 0 100'

N87°08'38"W 20.00'

P.O.C.
NE COR, NW 1/4, SW1/4,
SEC. 4, T-16-N, R-30-W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	24.69'	67.00'	21°06'52"	S38° 14' 10"W	24.55'

S2°25'35"W 649.53'

30' R/W
PLAT RECORD 3-537

OWNER: RAZORBACK HOUSING LLC
PARCEL: 765-05140-000
DEED: 2024-00678

PROPOSED 52'
RIGHT-OF-WAY

P.O.B.
RIGHT-OF-WAY
TO BE VACATED

20' R/W PLAT RECORD 5-80

C1

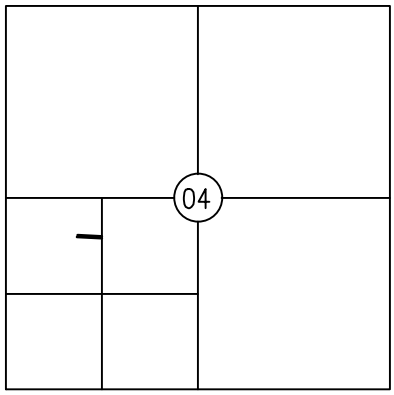
N87°12'48"W 319.96'

S87°12'48"E 334.33'

20.00'

RIGHT-OF-WAY
TO BE VACATED
6,524 SQ. FEET ±
OR 0.15 ACRES ±

20' R/W
PLAT RECORD 5-80



THIS EASEMENT SKETCH IS A REPRESENTATION OF THE SIZE, SHAPE, AND LOCATION OF THE EASEMENT TO WHICH IT IS ATTACHED. THIS DRAWING IS NOT A PLAT OF SURVEY

PROJECT NO.:	
25303200	
DRAWN BY: J. SULLIVAN	DATE: 09/02/2025
SHEET: 1 OF 1	CHECKED: N. CAGLE

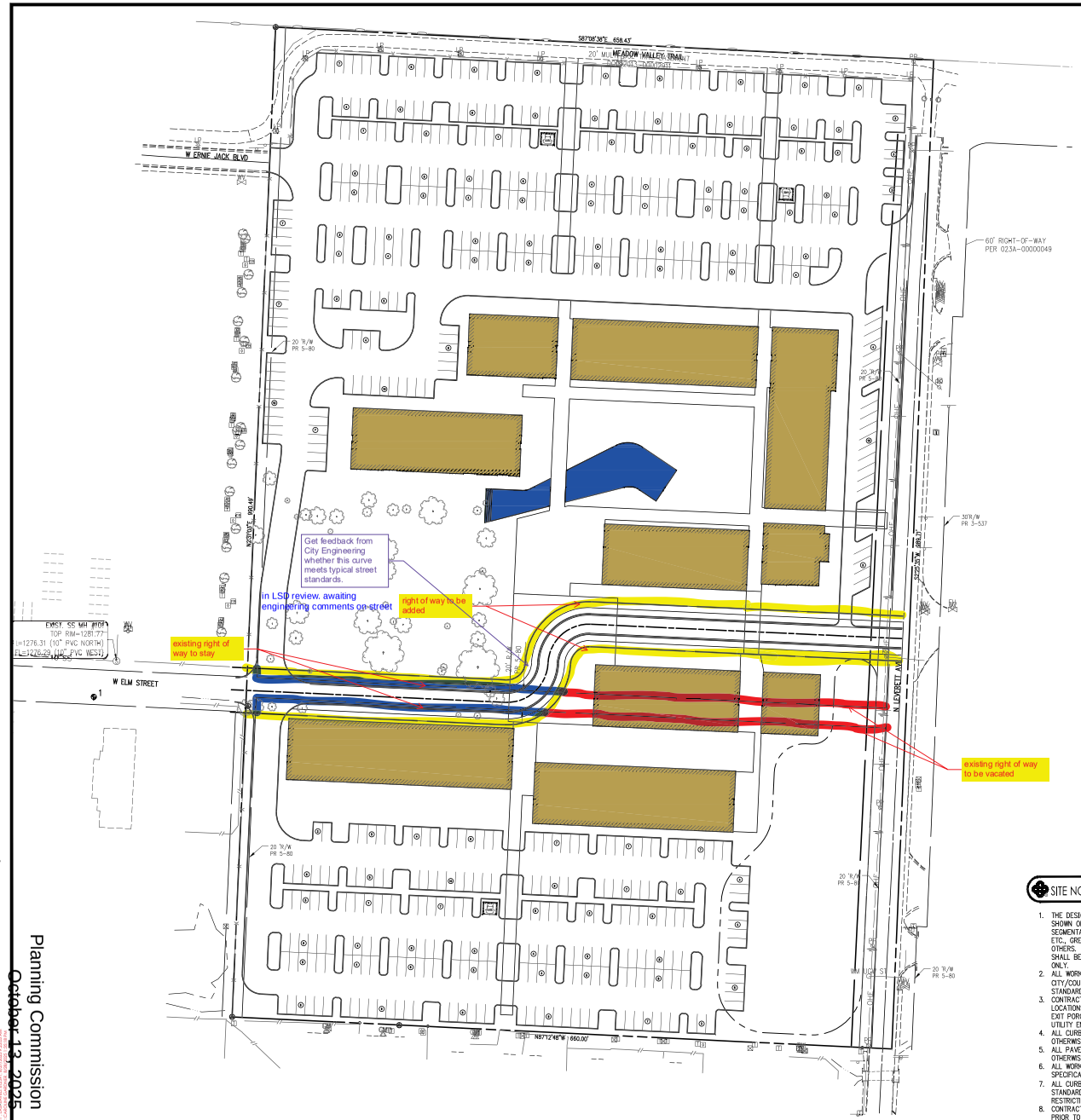
901 N. 47th St, Suite 400
Rogers, Arkansas 72756

Crafton Tull

479.636.4838 t
www.craftontull.com

© 2025 Crafton, Tull & Associates, Inc.

DRAWING: G:\25303200_ELMSTAPT\SURVEY\DWG\25303200_RW_EXHIBIT.DWG
LAYOUT: ---- , LAST SAVED: JS5348, 9/3/2025 7:41:44 AM
LAST PLOTTED BY: JADE SULLIVAN, 9/3/2025 7:41:58 AM ("PLOTTED BY:" VALID ON HARD COPY ONLY)



LEGEND (EXISTING SYMBOLS)

SYMBOLS	
	BENCHMARK
	FOUND IRON PIPE/REBAR
	PRIMARY CONTROL/SET MONUMENT
	FOUND MONUMENT/ROW
LP	LIGHT POLE

LINEWORK
EASEMENT
CURB
RIGHT OF WAY
ROAD CENTERLINE

LEGEND (CONSTRUCT)

SYMBOLS	
	SET IRON PIN
	LIGHT POLE

LINEWORK
EASEMENT
CURB
BUILDING SET BACK
RIGHT OF WAY
PROPERTY LINE
ROAD CENTERLINE

SITE INFORMATION

ZONING: RMF-24

TOTAL BUILDINGS:
TOTAL BEDROOMS:

FRONT SETBACK:
SIDE SETBACK:
REAR SETBACK:

SITE AREA: SQFT
BUILDING AREA: SQFT
IMPERVIOUS AREA:
DENSITY:

PARKING REQUIREMENTS

REQUIRED PARKING:
X PARKING STALL PER UNIT
X PARKING STALLS REQUIRED
X MOTORCYCLE PER 25 STANDARD STALLS
X MOTORCYCLE STALLS REQUIRED

X BIKE RACK PER 30 DWELLING UNITS
X DWELLING UNITS=1 BIKE RACK
X 5 REQUIRED PARKING STALLS
X ADA STALLS REQUIRED

MAXIMUM PARKING:
X PARKING STALLS PER UNIT
X STALLS ALLOWED

PROVIDED PARKING:
X STANDARD PARKING STALLS PROVIDED (X)
X COMPACT STALLS PROVIDED (X)
X ADA STALLS PROVIDED (X)
X MOTORCYCLE STALLS PROVIDED (X)
TOTAL STALLS: X

SITE NOTES

1. THE DESIGN, INSPECTION, AND CERTIFICATION OF ANY RETAINING WALL SHOWN OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, SEGMENTAL RETAINING WALLS, MASS GRAVITY WALLS, GABION WALLS, ETC., GREATER THAN FORTY-EIGHT INCHES IN HEIGHT, SHALL BE BY OTHERS. ANY RETAINING WALL DATA SHOWN OR REFERENCED HEREIN SHALL BE FOR COORDINATION OF THE WALL LOCATION AND ELEVATIONS ONLY.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY/STATE/FEDERAL REGULATIONS AND CODES AND OSHA STANDARDS.
3. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.
4. ALL CURB DIMENSIONS AND RADII ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
5. ALL PAVEMENT MARKINGS DIMENSIONS BACK OF CURB UNLESS OTHERWISE NOTED.
6. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
7. ALL CURB/SIDEWALK/HANDICAP RAMP DESIGNS SHALL CONFORM TO ADA STANDARDS OR LOCAL RESTRICTIVE CODES, WHICHEVER IS MORE RESTRICTIVE.
8. CONTRACTOR SHALL ENSURE ALL NECESSARY PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION START.
9. CONTRACTOR SHALL MATCH NEW CURB AND GUTTER, CONCRETE, AND PAVEMENT TO EXISTING IN GRADE AND ALIGNMENT.
10. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE.
11. CERTAIN SITE AMENITIES, INCLUDING BUT NOT LIMITED TO DUMPSTER ENCLOSURES, FENCES, GATES, MAIL KIOSKS, PLAYGROUNDS, RECREATIONAL, SOCIAL, AND GATHERING FEATURES, SHALL BE DESIGNED AND SPECIFIED BY OTHERS. DUMPSTER ENCLOSURES DETAILED DESIGN AND SPECIFICATIONS SHALL BE PROVIDED BY THE OWNER/PROJECT ARCHITECT AND SHALL MEET LOCAL JURISDICTION DESIGN STANDARDS AND SPECIFICATIONS, IF APPLICABLE, AND THE REQUIREMENTS OF THE PROJECT'S SERVICE PROVIDER. IF APPLICABLE, THE ARCHITECT SHALL PROVIDE, COORDINATE, AND SUBMIT DETAILS FOR THE DUMPSTER ENCLOSURE FOOTPRINT AND SITE PLACEMENT REQUIREMENTS TO CRAFTON TULL.
12. OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL NECESSARY WARNING AND LIFE SAFETY SIGNS AND DEVICES ASSOCIATED WITH THIS PROJECT.

300 N College Ave., Suite 317
Fayetteville, Arkansas 72701
Crafton Tull
479.634.4888
www.craftontull.com

CERTIFICATE OF AUTHORIZATION

CRAFTON, TULL & ASSOCIATES, INC. No. 109

GRAPHIC SCALE IN FEET
50' 0 50'

ELM STREET APARTMENTS
FAYETTEVILLE, AR

Key Plan

No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 25303120
ISSUE DATE: 08/11/2025
DRAWN BY: C. BARRETT
QC By:
QC Date:

© 2025 Crafton, Tull & Associates, Inc.

OVERALL SITE PLAN

C-101



BASIS OF BEARING: GRID NORTH, ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD 83 HORIZONTAL DATUM AND NGVD 29 VERTICAL DATUM DETERMINED BY GPS OBSERVATION ON THE CITY OF FAYETTEVILLE CONTROL MONUMENTS USING THEIR PUBLISHED VALUES.
BEARING: GRID
DISTANCE: GRID
CONVERGENCE ANGLE: -01°15'46.66"
COMBINED SCALE FACTOR: 0.99973679
VALUE CALCULATED AT THE POINT OF BEGINNING,
N 647217.95 E 671113.90 Z 1281.81

SURVEY DESCRIPTION

BEING ALL OF BLOCK 3 AND THE NORTH HALF OF BLOCK 6 OF EVN'S FARM FINAL PLAT ACCORDING TO THE OFFICIAL PLAT THEREOF RECORDED IN PLAT BOOK 5 AT PAGE 80 IN THE RECORDS OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF SAID BLOCK 3 BEING COINCIDENT WITH THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE 5TH PRINCIPAL MERIDIAN BEING A FOUND 1.5 INCH PIPE; THENCE SOUTH 02° 25' 35" WEST ALONG THE EAST LINE THEREOF, A DISTANCE OF 989.71 FEET TO THE SOUTH LINE OF AFOREMENTIONED NORTH HALF; THENCE NORTH 87° 12' 48" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 660.00 FEET TO A FOUND 5 INCH CONCRETE MONUMENT MARKING THE SOUTHWEST CORNER OF SAID NORTH HALF; THENCE NORTH 02° 31' 03" EAST ALONG THE WEST LINE THEREOF, A DISTANCE OF 990.49 FEET TO A FOUND 1 INCH DETERIORATED PIPE MARKING THE NORTHWEST CORNER OF AFOREMENTIONED BLOCK 3; THENCE SOUTH 87° 08' 38" EAST ALONG THE NORTH LINE OF SAID BLOCK 3, A DISTANCE OF 658.43 FEET TO THE POINT OF BEGINNING CONTAINING 14.98 ACRES MORE OR LESS BEING SUBJECT TO ANY EASEMENTS OF RECORD OR FACT.

300 N College Ave., Suite 317
Fayetteville, Arkansas 72701
Crafton Tull
479.636.4838 1
www.craftontull.com

CERTIFICATE OF AUTHORIZATION:

CERTIFICATE OF AUTHORIZATION
CRAFTON, TULL & ASSOCIATES, INC.
No. 109
ARKANSAS ENGINEER

GRAPHIC SCALE IN FEET
50' 0 50'

ELM STREET APARTMENTS

FAYETTEVILLE, AR

Key Plan

No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 253031200
ISSUE DATE: 08/11/2025
CONTACT: C. THREET
QC by:
QC Date:

© 2025 Crafton, Tull & Associates, Inc.

Planning Commission
October 13, 2025

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner
Willa Thomason, Urban Forester

MEETING DATE: October 13, 2025

SUBJECT: **VAR-2025-0042: Planning Commission Variance (EAST OF 1228 S. WEST AVE/BATES-SIEMEK, 562):** Submitted by WESLEY BATES AND KONRAD SIEMEK for property located EAST OF 1228 S. WEST AVE. The property is zoned UN, URBAN NEIGHBORHOOD and contains approximately 0.12 acres. The request is for a variance from parking standards and street tree requirements.

RECOMMENDATION:
Staff recommends approval of **VAR-2025-0042** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0042**, determining:*

- *In favor of a variance to UDC §172.11(D),*
- *In favor of a variance to UDC §177.05(A) & (B), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is comprised of one parcel totaling 0.12 acres which was recently created as part of a lot split (LSP-2025-0003). The property was established as a tandem lot and is located behind a lot that has street frontage along West Avenue just north of 13th Street. Based on recent revisions to the City's lot frontage requirements which were approved by City Council (Ordinance No. 6869), the subject property may be considered a conforming lot, rather than a tandem lot, with frontage on the alley to the east. The property is undeveloped and located within the boundaries of the 71B Corridor Master Plan area. The property was rezoned from RMF-24, Residential Multifamily, 24 Units per Acre to UN, Urban Neighborhood earlier this year (RZN-2025-0021). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Auto Repair Store	DG, Downtown General
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The applicant is requesting two variances from the Unified Development Code. Each variance is described further below alongside staff's recommendations.

Public Comment: To date, staff has received one inquiry but no public comment specifically in support or opposition of this item.

DISCUSSION:

Variance #1: UDC §172.11(D), Use of Front Yard Area for a Driveway and Off-Street Parking. Driveways and off-street parking areas shall be limited to a maximum of 40% of the front yard area. The applicant is requesting a variance from this standard to permit parking to compose 86% of the front yard of lots 1 and 3 and 75% of lot 2.

Staff recommendation: Staff is supportive of this request. The property's front yard is located along an alley; therefore, concerns about large driveways and parking spaces adjacent to the public realm are lessened. Staff finds that alley-loaded parking creates a more walkable pedestrian environment at the street and that locating the parking spaces directly off the alley likely reduces the total amount of impervious surface on the site since no driveway is required. Staff finds the proposal generally aligns with the intent of the ordinance "to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts" and recommends no added conditions.

Variance #2: UDC §177.05(A) & (B), Street Tree Planting Standards. Street trees shall be planted one (1) tree per lot, and lots with multiple street frontages shall be planted at one (1) tree per street frontage. The applicant is requesting a variance from this standard to provide no street trees along the adjacent alley.

Staff recommendation: Staff is supportive of this variance request. Based on recent revisions to the City's lot frontage requirements which were approved by City Council (Ordinance No. 6869), where a lot only has utilized frontage on an alley, trail, or public park to meet lot width minimums, all landscaping standards shall apply as if that alley, trail, or public park were a street. As this provision includes street trees, a variance is required. While the intent of the street tree requirement is to shade the sidewalk and provide a buffer between pedestrians and vehicles, this site faces the adjacent alley to the east rather than the street. Additionally, the applicant intends to remove one tree onsite, replacing it with three required mitigation trees. Generally, staff would recommend asking the applicant to plant the required street tree elsewhere on-site but, in this case, the small lot size will not accommodate an additional tree.

RECOMMENDATION: Staff recommends approval of VAR-2025-0042 with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to UDC §166.04(B)(4)(c), Required Infrastructure Improvements – Streets.** *Staff recommends approval of this variance for the reasons stated above.*

2. **Planning Commission determination of a variance to UDC §177.05(A) & (B), Street Tree Planting Standards.** *Staff recommends approval of this variance for the reasons stated above.*

3. Approval of this item does not constitute approval of any associated permits, nor does it constitute approval of any variances that may be needed that have not yet been reviewed for. Review and approval of the associated permits shall be required in accordance with city code.

Planning Commission Action:	**❒ Approved**	**❒ Tabled**	**❒ Denied**
Meeting Date: October 13, 2025			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §151.01 Definitions
  - §172.11 Driveway and Parking Standards for Four (4) Or Less Parking Spaces
  - §177.05 Street Tree Planting Standards
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Urban Forestry Memo
- Applicant Request Letter
- Site Plans

151.01 Definitions

…

Lot frontage (zoning). The front of a lot shall be construed to be the portion nearest the street, alley, multi-use trail, or public park. Where lots utilize only a public alley, multi-use trail or park to meet lot frontage requirements, development, landscaping, and other standards shall be required as if said alley, multi-use trail, or park were a public street.

…

(Code 1965, §§13A-1; 13B-1; 17B-7(a0, 19-24, 1713-2; App. A, Art. 17; App. B, §1; App. C, Art. 1, §D; Ord. No. 1509, 8-8-66; Ord. No. 1747, 6-20-70; Ord. No. 1790, 3-15-71; Ord. No. 1801, 6-21-71; Ord. No. 1859, 3-20-72; Ord. No. 1893, 12-19-72; Ord. No. 1998, 5-7-74; Ord. No. 2581, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 2753, 8-18-81; Ord. No. 2789, 1-18-82; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3011, 6-5-84; Ord. No. 3024, 8-21-84; Ord. No. 3231, 12-2-86; Ord. No. 4024, §2, 3-28-87; Ord. No. 3298, 10-6-87; Code 1991, §§98.60, 118.01, 150.02, 156.001, 156.065, 158.03, 158.35, 159.04, 160.002, 160.096(A), 160.121, 161.06, 162.02, 163.02; Ord. No. 3551, 6-4-91; Ord. No. 3138, 11-5-85; Ord. No. 3165, 2-4-86; Ord. No. 3699, §2, 4-20-93; Ord. No. 3780, §1, 4-19-94; Ord. No. 3794, §1 5-17-94; Ord. No. 3870, §1, 4-1-94; Ord. No. 3895, 6-20-95; Ord. No. 3901, §1, 2, 7-5-95; Ord. No. 3908, §1, 7-18-95; Ord. No. 3970, §1, 7-18-95; Ord. No. 3913, §1, 8-1-95; Ord. No. 3963, §1, 4-16-96; Ord. No. 3970, §1, 5-7-96; Ord. No. 3971, §1, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, 8-18-98; Ord. No. 4127, 12-15-98; Ord. No. 4178, 8-31-99; Ord. No. 4226, 2-15-00; Ord. No. 4285, 1-2-01; Ord. No. 4321, 6-19-01; Ord. No. 4340, 10-2-01; Ord. 4714, 6-21-05; Ord. No. 4817, 1-03-06; Ord. No. 4847, 3-7-06; Ord. No. 4855, 4-18-06; Ord. No. 4919, 09-05-06; Ord. No. 4930, 10-03-06; Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5056, 9-04-07; Ord. No. 5128, 4-15-08; Ord. No. 5206, 12-16-08; Ord. No. 5238, 5-5-09; Ord. No. 5296, 12-15-09; Ord. No. 5304; 1-19-10; Ord. No. 5312, 4-20-10; Ord. No. 5313, 4-20-10; Ord. No. 5327. 6-1-10; Ord. No. 5339, 8-3-10; Ord. No. 5352, 9-7-10; Ord. No. 5348, 9-7-10; Ord. No. 5375, 12-21-10; Ord. No. 5453, 10-18-11; Ord. No. 5490, 4-3-12; Ord. No. 5526 9-18-12; Ord. No. 5559, 01-03-13; Ord. No. 5592, 06-18-13; Ord. No. 5634, 11-05-13; Ord. No. 5653, 01-21-14; Ord. No. 5679, 4-15-14; Ord. No. 5735, 1-20-15; Ord. No. 5793, 8-18-15; Ord. No. 5866, §1, 4-5-16; Ord. No. 5888, §1, 6-21-16; Ord. No. 5901, §1, 9-6-16; Ord. No. 5951, §1, 2-7-17; Ord. No. 5986, §3, 7-6-17; Ord. No. 6015, §2, 11-21-17; Ord. No. 6087, §1, 9-4-18; Ord. No. 6245, §1, 10-15-19; Ord. No. 6350, §2(Exh. A), 8-18-20; Ord. No. 6407 §1, 1-19-21; Ord. No. 6427, §§1(Exh. B), 2, 4-20-21; Ord. No. 6440, §1, 5-18-21; Ord. No. 6442, §7(Exh. G), 6-1-21; Ord. No. 6446, §2(Exh. A), 6-15-21; Ord. No. 6520, §§1, 2, 1-18-22; Ord. No. 6521, §3, 1-18-22; Ord. No. 6630, §3, 12-20-22; Ord. No. 6658, §1, 5-2-23; Ord. No. 6659, §1, 5-2-23; Ord. No. 6678, §1, 9-5-23; Ord. No. 6689, §1, 10-3-23; Ord. No. 6869, §§1—4, 5-6-25; Ord. No. 6874, §§1, 2, 5-20-25; Ord. No. 6879, §1, 5-20-25)

Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (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 November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

172.11 Driveway And Parking Standards For Four (4) Or Less Parking Spaces

(A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.

(B) *Applicability.* The following requirements shall apply to properties that require four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located completely within or underneath garages or carports, nor to properties zoned Residential Agricultural.

(C) *Maximum number of parking spaces permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.

(D) *Use of Front Yard Area for a Driveway and Off-Street Parking.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of 40% of the front yard area and shall meet the maintenance requirements as identified by this chapter.

(E) …

(Ord. No. 5044, 8-07-07; Ord. No. 5304, 1-19-10; Ord. No. 5800, §5, 10-6-15; Ord. No. 6864, §4, 5-6-25)

177.05 Street Tree Planting Standards

(A) *Applicability.* All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section and the adopted policies of the Landscape Manual and Fayetteville's Tree Ordinance.

(1) All street tree planting plans shall follow the submittal criteria set forth in Ch. 177.03 Landscape Plan Requirements.

…

(B) *Street Tree Planting Plan Requirements for Proposed Residential and Non-Residential Subdivisions.*

(1) *Residential Subdivisions.* Submittals for all proposed residential subdivisions shall include a street tree planting plan at the time of final plat submittal.

(a) Street trees shall be planted one (1) tree per lot, and lots with multiple street frontages shall be planted at one (1) tree per street frontage.

(b) Street trees shall be planted within or along the right-of-way; where possible, between the sidewalk and the curb. Location shall be approved by the Urban Forester. Refer to the Landscape Manual for spacing requirements.

…

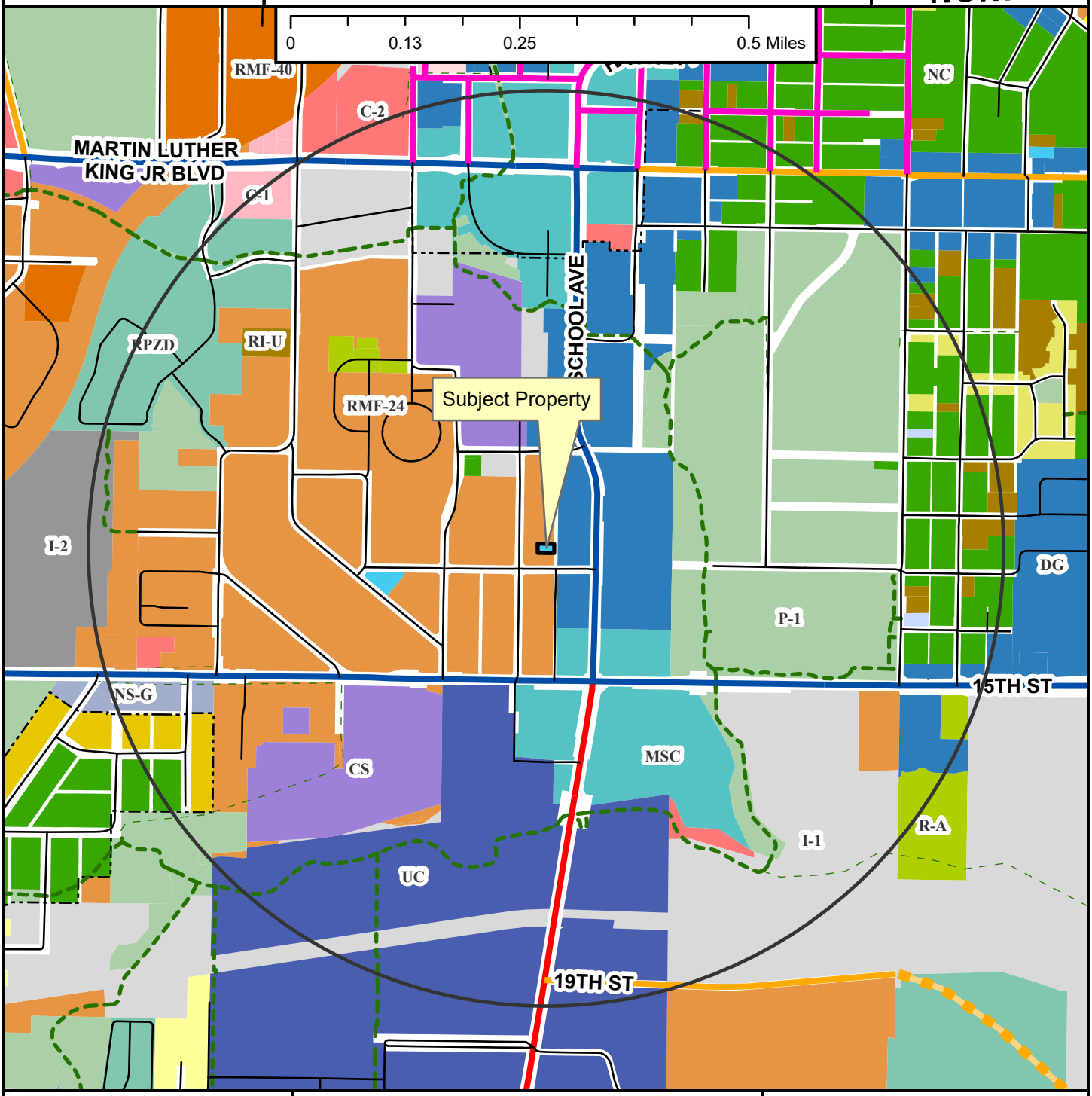
(Ord. No. 4917, 9-05-06; Ord. No. 5003, 4-17-07; Ord. No. 5057, 9-04-07; Ord. No. 5513, 7-17-12; Ord. No. 5818, 10-20-15; Ord. No. 5859, §4, 5, 3-15-16; Ord. No. 6579, §1, 6-21-22)

VAR-2025-0042

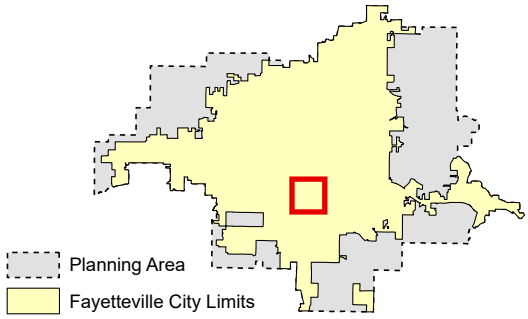
One Mile View

EAST OF 1228 S. WEST AVE

NORTH



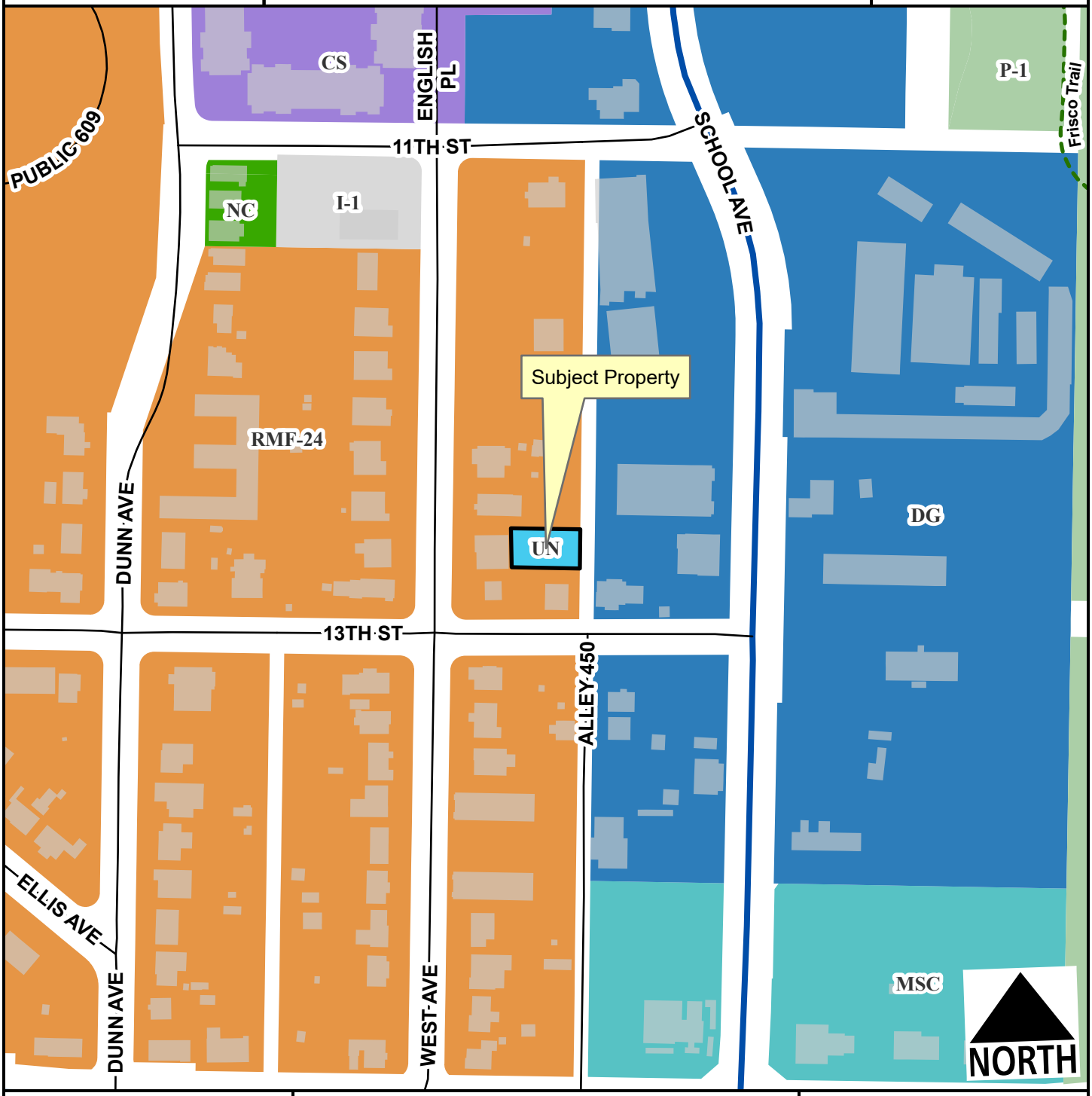
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAR-2025-0042

Close Up View

EAST OF 1228 S. WEST AVE



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

Feet

0 75 150 300 450 600

1:2,400

VAR-2025-0042

Current Land Use

EAST OF 1228 S. WEST AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Donna Wonsower, Senior Planner

FROM: Willa Thomason, Urban Forester

MEETING DATE: October 13, 2025

SUBJECT: **VAR-2025-0042: EAST OF 1228 S. WEST AVE** - Submitted by WESLEY BATES & KONRAD SIEMEK for property located EAST OF 1228 S. WEST AVE. The property is zoned UN, URBAN NEIGHBORHOOD and contains approximately 0.12 acres. The request is for a variance from Driveway Standards and Street Tree Requirements. PP 562

RECOMMENDATION: Urban forestry staff recommends approval of VAR-2025-0042, a variance to §177.05(A) & (B), Street Tree Requirements.

DISCUSSION: The applicant is requesting a variance to §177.05(A) & (B), Street Tree Requirements, waiving the requirement to provide a street tree within or along the right-of-way between the sidewalk and the curb. While the intent of the street tree requirement is to shade the sidewalk and provide a buffer between pedestrians and vehicles, this site faces the adjacent alley to the east rather than the street. Additionally, the applicant intends to remove one tree on-site, replacing it with three required mitigation trees. Generally, staff would recommend asking the applicant to plant the required street tree elsewhere on-site but, in this case, the small lot size will not accommodate an additional tree.

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

RE: Variance Request – Parcel ID 765-12401-000 (Lot East of 1228 S West)

Dear Chair and Members of the Planning Commission,

We, Wesley Bates and Konrad Siemek, as owners of Parcel ID 765-12401-000 (lot east of 1228 S West), respectfully request variances from the following sections of the Unified Development Code (UDC):

1. **UDC §172.11(D) – Driveway and Parking Standards.** The ordinance limits driveway and off-street parking areas to a maximum of 40% of the front yard. As this property is an alley lot, it has no true front yard. Parking off the alley is the most practical and environmentally responsible approach, avoiding unnecessary impervious surface from a long driveway. Gravel surfacing will be used to minimize runoff and remain consistent with the intent of the code. Currently drawn Lot 1 and 3 - 86% (18ft of 21ft) and Lot 2 - 75% (9ft of 12ft)

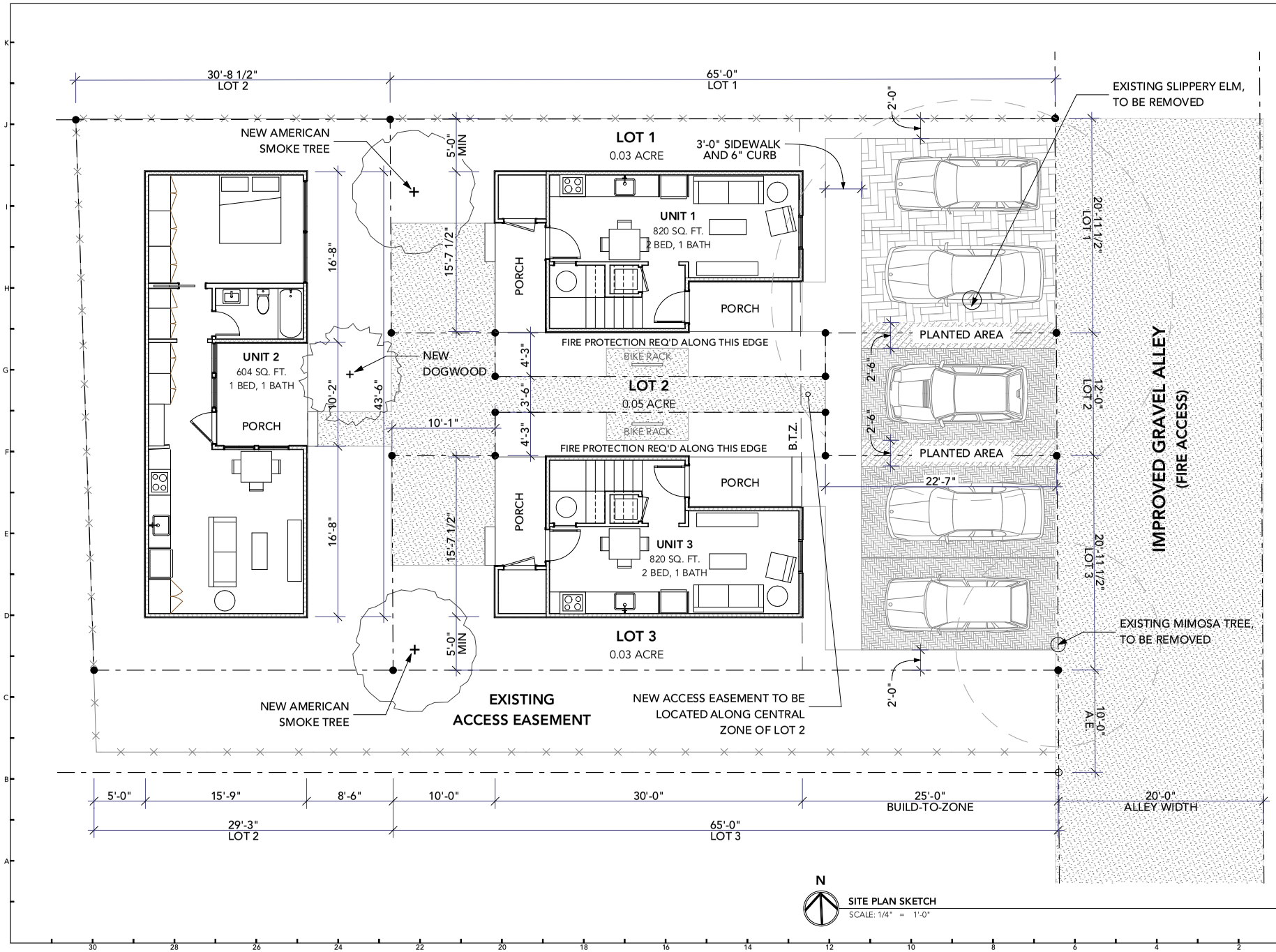
2. **UDC §177.05(A) & (B) – Street Tree Requirements.** The ordinance requires street trees along frontages, intended to provide sidewalk shading, pedestrian safety, and vehicle/pedestrian separation. This lot fronts only an alley, where these conditions do not exist. Requiring street trees here would remove the space necessary for mitigation trees on-site, undermining the ordinance's overall intent of maintaining healthy tree canopy.

We believe strict application of these provisions would create an **undue hardship** unique to this property's configuration as an alley-accessed lot. The requested variances are not self-imposed, will not negatively impact neighbors or the public, and remain consistent with the **spirit and intent** of the UDC by providing safe, defined parking and appropriate tree planting on site.

Thank you for your consideration of this request. We appreciate your commitment to balancing neighborhood character, environmental standards, and practical site conditions.

Respectfully,

Wesley Bates
Konrad Siemek



CATALPA ARCHITECTS

620 N. College Ave. #202
Fayetteville, AR 72701
office 501.658.4788

NOT FOR CONSTRUCTION

ISSUED
9/30/2025

REVISIONS

MARK	DATE	DESCRIPTION

Planning Commission
October 13, 2025
VAR-2025-0042 (BATES-SIEMEK)
Page 11 of 11

1228 S. West Ave.

1228 S. West Avenue
Fayetteville AR 72701

PROJECT NO: 2504

G0.1
SITE PLAN SKETCH

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner
Bethany Douglas, Urban Forester
Justin Bland, Engineering Development Review Manager

MEETING DATE: October 13, 2025

SUBJECT: **VAR-2025-0043: Planning Commission Variance (W. HUGHES ST. & N. STORER AVE./MARKS, 444):** Submitted by BATES AND ASSOCIATES for property located at the intersection of W. HUGHES ST. & N. STORER AVE. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.29 acres. The request is for a variance from urban residential design standards and conformance to plans and regulations.

RECOMMENDATION:
Staff recommends partial approval of **VAR-2025-0043** based on the findings herein.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0043**, determining:*

- *Against a variance to UDC §166.11(A),*
- *In favor of a variance to UDC §166.23(C)(4), and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is comprised of two parcels (0.29 acres) located 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. A request to rezone the subject property from RMF-40, Residential Multi-Family, 40 Units per Acre to RI-U, Residential Intermediate-Urban was forwarded to City Council at the September 8, 2025 Planning Commission meeting and is still pending a final decision (RZN-2025-0037). Surrounding land uses and zoning are depicted 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 applicant is requesting two variances from the Unified Development Code in association with a proposed development of eight townhomes. Each variance is described further below alongside staff's recommendations.

Public Comment: To date, staff has received one public comment on this item expressing general concerns about drainage, potential for gravel washout, and a desire to see the alley fully improved with paving.

DISCUSSION:

Variance #1: UDC §166.11(A), Conformance to Plans and Regulations – Streets. Interior streets and streets adjacent to the project frontage shall be improved to meet Master Street Plan standards. The applicant is requesting to vary from this standard to provide atypical street improvements for the corner of the property's intersection of Hughes and Storer. The applicant proposes to provide a combination of timber stairs and natural surface path between the two accessible ramp crossings.

Staff recommendation: Staff is not supportive of this request. The applicant is requesting a waiver of this requirement due to site slopes and to preserve the catalpa tree located within the right-of-way. Additionally, the applicant has raised concerns about being able to construct an ADA pathway in this location due to the slopes. While it is true that sidewalks are not permitted to exceed 5% slope on a site without additional requirements such handrails and landings, sidewalks within a street right-of-way may exceed this slope if they are following the grade of the adjacent street. The result, in this case, would be a sidewalk that is steep, however could be traversable by a wheelchair, whereas the proposed stairs and natural surface would not be suitable or approved for wheelchair access. As such, a wheelchair user, cyclist, or other person unable to traverse steps would be required to cross multiple streets or to walk within the vehicle travel lanes in order to maneuver around the proposed surfacing. Staff also has concerns about maintenance of this proposed alternate surface. This location is in an area where storm water could potentially overflow the street in larger rain events which could cause significant erosion for both the stairs and natural surface that is proposed. In addition, the proposed timber steps and natural surface would have much more expected maintenance and a shorter lifespan than typical concrete.

The proposed grading ends approximately 11 feet from the trunk of the existing catalpa tree, which should minimize root disturbance within the critical root zone; however, given the potential impacts of nearby grading and the anticipated root pruning, staff recommends a condition that the catalpa tree be placed in a 3-year Landscape Maintenance Bond should the variance be approved. Upon the expiration of this bond, the Urban Forester will conduct an inspection to determine the condition of the tree. If the tree is found to be dead or exhibiting signs of decline, the applicant must remove and replace the tree at this time.

Variance #2: UDC §166.23(C), Pedestrian Circulation. Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The applicant is requesting to vary from this standard to provide no direct pedestrian connection facing W. Hughes St. for the proposed corner unit and for both residential units abutting N. Storer to have residential connections which run parallel to the sidewalk for greater than 12 feet in length before connecting to the sidewalk.

Staff recommendation: Staff is supportive of this variance request. In the northern building, the applicant proposes a pedestrian connection which runs parallel to the sidewalk for

approximately 20 feet along a raised deck before joining the shared driveway. Additionally, the corner unit includes a door facing only N. Storer with a pedestrian connection only to W. Hughes. While separate pedestrian systems are preferred, staff finds that the shared driveway is a dead-end that only serves the garage units for the eight shared townhomes. As such, the shared circulation system on the northern is unlikely to be hazardous and likely still meets the intent. Staff recommends a condition that the decks be constructed of high-quality materials such as wood, masonry, stone, or other similar materials in order to provide visual interest adjacent to the public right-of-way. Additionally, staff recommends the southern façade of Suite 8 on the corner shall include glazing of a substantially similar amount as shown on the proposed elevations.

RECOMMENDATION: Staff recommends partial approval of VAR-2025-0043 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.11(A), Conformance to Plans and Regulations.** *Staff recommends denial of this variance for the reasons stated above. If approved, staff recommends the following conditions:*
    a. *The Catalpa tree must be placed in a 3-year Landscape Maintenance Bond. Upon the expiration of this bond, the Urban Forester will conduct an inspection to determine the condition of the tree. If the tree is found to be dead or exhibiting signs of decline, the applicant must remove and replace the tree at this time.*

2. **Planning Commission determination of a variance to UDC §166.23(C), Pedestrian Circulation.** *Staff recommends approval of this variance for the reasons stated above and with the following conditions.*
    a. *Decks be constructed of high-quality materials such as wood, masonry, stone, or other similar materials in order to provide visual interest adjacent to the public right-of-way.*
    b. *The southern façade of Suite 8 on the corner shall include glazing that is substantially similar to that shown on the proposed elevations.*

3. Approval of this item does not constitute approval of the associated large site improvement plan. Review and approval of the large site improvement plan shall be required in accordance with city code.

Planning Commission Action:	**❒ Approved**	**❒ Tabled**	**❒ Denied**
Meeting Date: October 13, 2025			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code:
  - §166.11 Street Design and Access Management Standards
  - §166.23 Urban Residential Design Standards
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Engineering Memo
- Applicant Request Letter
- Building Elevations
- Site Plans

166.11 Conformance To Plans And Regulations

(A) *Conform to Plans and Regulations.* The subdivision shall conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Future Land Use Plan, the Master Street Plan, access control, setback ordinances, the Community Facilities Plan and Zoning, Chapters 160 through 164.

(B) *Reserve Sites for Public Use.*

(1) For a period of six (6) months after submitting application for approval of a preliminary plat with the Planning Commission, the Planning Commission may require the subdivider to reserve sites for public use that are indicated within the boundaries of the proposed subdivision which are indicated on an officially adopted plan, to permit the public board, commission, or body having jurisdiction, or financial responsibility, the opportunity to acquire said sites.

(2) The subdivider at his or her option may provide such areas or may be required to make them available for acquisition by the city under statutory procedure. All such areas shall be maintained at the expense of the city or other body which may be involved.

(C) *Future Acquisition.* The Planning Commission may require the subdivider to establish building lines to allow for future acquisition of right-of-way for streets on the Master Street Plan.

(Code 1965, App. A., Art. 8(10.1); Ord. No. 1747, 6-29-70; Ord. No. 3073, 3-19-86; Code 1991, §160.119; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4919; 9-05-06; Ord. No. 6350, §5(Exh. D), 8-18-20)

166.23 Urban Residential Design Standards

(A) *Purposes.*

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.

(3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.

(4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

(1) Two (2) family dwellings

(2) Three (3) and four (4) family dwellings

(3) Multi-family dwellings

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

(1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.

(2) *Vehicular Access/Circulation/Parking.*

(a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.

(i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.

(ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.

(iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.

(3) *[Reserved.]*

(4) *Pedestrian Circulation.*

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

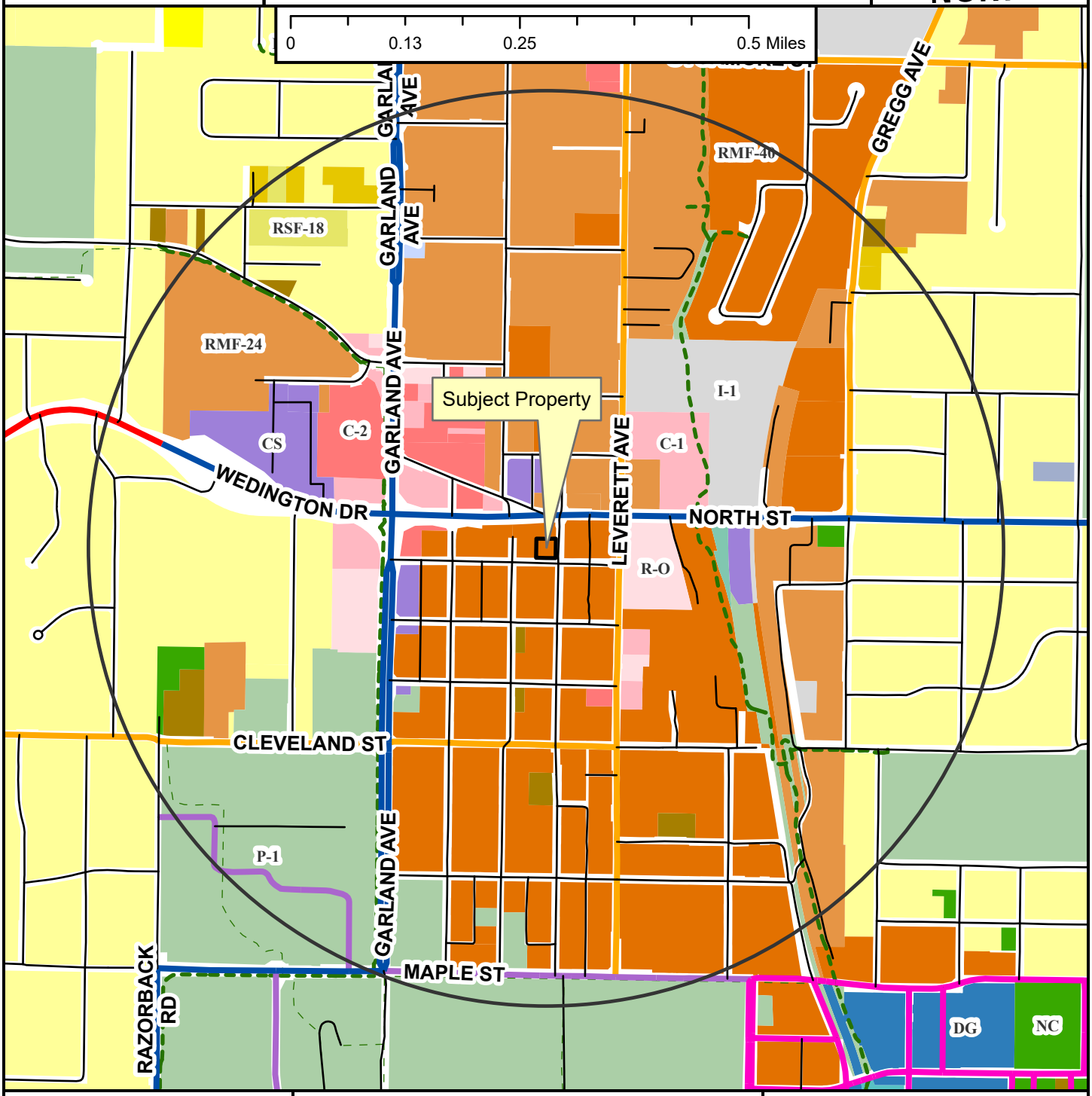
(b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.

VAR-2025-0043

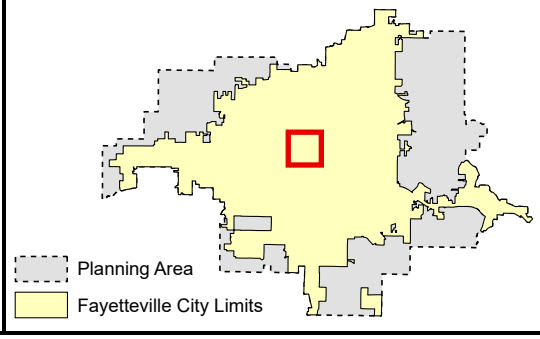
One Mile View

W. HUGHES ST & N. STORER AVE

NORTH



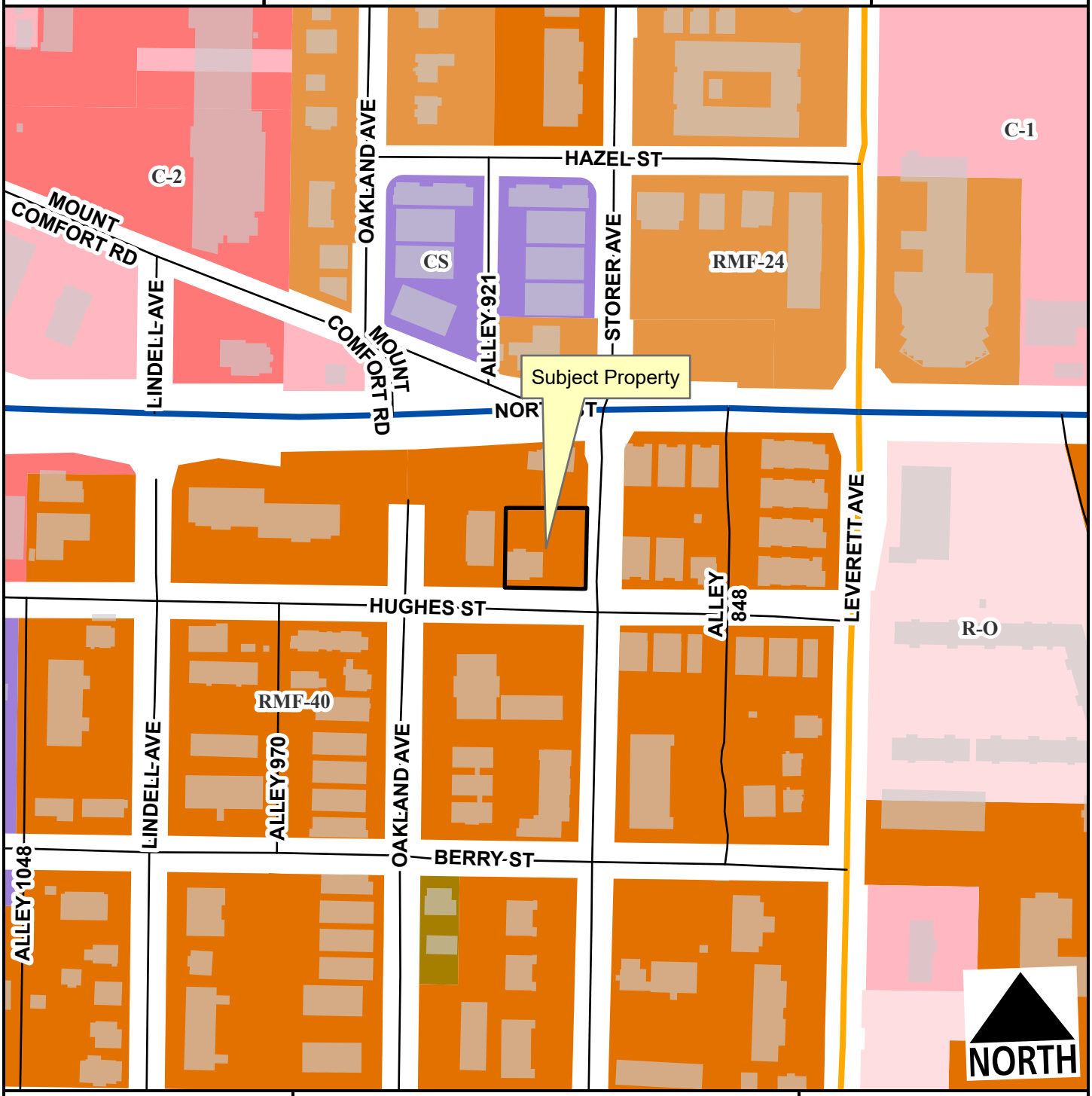
- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAR-2025-0043

Close Up View

W. HUGHES ST & N. STORER AVE



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

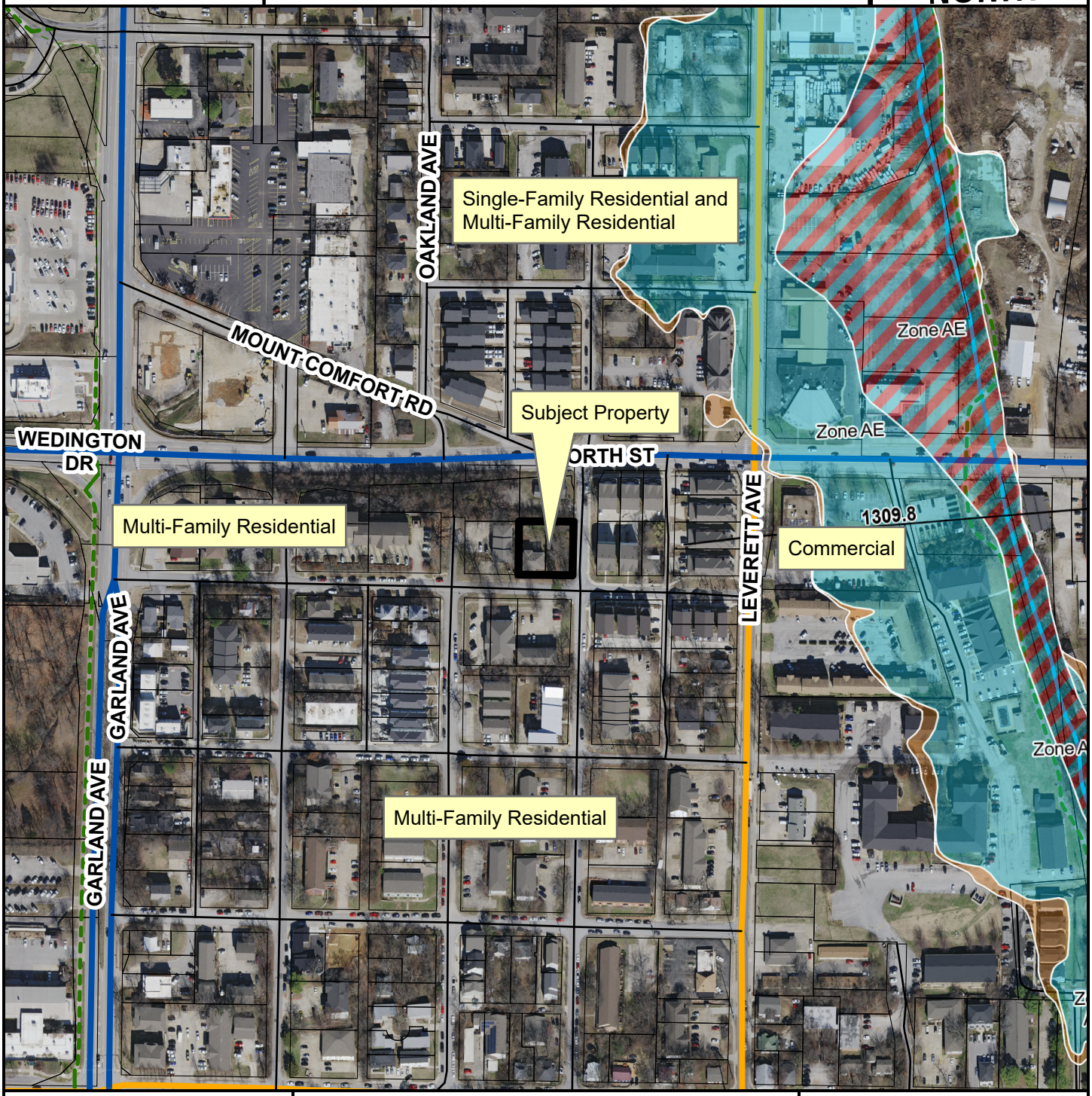
Feet
0 75 150 300 450 600
1:2,400

VAR-2025-0043

Current Land Use

W. HUGHES ST & N. STORER AVE

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

CITY OF FAYETTEVILLE ARKANSAS

Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Donna Wonsower, Senior Planner

FROM: Bethany Douglas, Urban Forester

MEETING DATE: October 13, 2025

SUBJECT: **VAR-2025-0043: W Hughes & N Storer** - Submitted by Bates & Associates for property located at W Hughes & N Storer. The property is zoned RMF-40, MULTI-FAMILY RESIDENTIAL and contains approximately 0.1 acres. The request is for a variance from Conformance to Plans and Regulations. PP 562

RECOMMENDATION: Urban forestry staff recommends conditional approval of VAR-2025-0043, a variance to §166.11(A), Conformance to Plans and Regulations.

DISCUSSION: The applicant is requesting a variance to §166.11(A), Conformance to Plans and Regulations, waiving the requirement of pedestrian connection. The applicant is requesting a waiver of this requirement to preserve the Catalpa tree located within the right-of-way. The tree is in good health and exhibits codominant stems that, while present, do not currently demonstrate significant included bark or other high-risk structural concerns. According to ISA guidance, codominant stems are common in many species and are not inherently problematic unless accompanied by acute branch unions or signs of structural weakness.

The proposed grading ends approximately 11 feet from the trunk, which should minimize root disturbance within the critical root zone. Additionally, the limited excavation needed for the stone path is expected to have negligible impact on the tree's health and structural stability. Preserving this tree will maintain existing canopy cover and contribute to the ecological and aesthetic value of the site.

RECOMMENDED CONDITIONS OF APPROVAL: Urban forestry staff recommends the following conditions of approval:

1. Given the potential impacts of nearby grading and the anticipated root pruning, the Catalpa tree must be placed in a 3-year Landscape Maintenance Bond. Upon the expiration of this bond, the Urban Forester will conduct an inspection to determine the condition of the tree. If the tree is found to be dead or exhibiting signs of decline, the applicant must remove and replace the tree at this time.

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

October 1st, 2025

Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

RE: Hughes Development Variance Request

To whom it may concern,

Bates & Associates, Inc., on behalf of Marks, Andrew Glen Revocable Trust And Marks, Karen Hammack Revocable Trust respectfully requests a variance from UDC 166.11(A) – Conformance to Plans and Regulations for the conceptual tech plat review project located at the northwest corner of the intersection of Storer Avenue and Hughes Street in Fayetteville.

Given the existing topography, utilities, and trees, a sidewalk connection cannot be constructed to meet ADA compliance. The southern sidewalk is at elevation 1353 and the northern sidewalk at 1347, with only 30 feet between the sidewalks, resulting in a 20% slope—further supporting the need for this alternative. As an alternative, we are proposing a natural wood/stone path, which better accommodates these site constraints while also preserving the natural landscaping of the site. See the site plan submitted.

We also recognize the importance of tying into the right-of-way to support urban connectivity. To that end, we are proposing pedestrian crossings on both the southern and eastern sides of the property. Existing ramps are located near or adjacent to these crossings, providing safe and accessible pedestrian connections

We are requesting a variance from UDC 166.23(C)(4) – Urban Residential Design Standards, Pedestrian Circulation requirements. Providing additional entrances on both right-of-way frontages is not feasible due to safety concerns related to building entrances and exits as well as existing grading concerns.
As an alternative, we propose:

- SE Building: A primary entrance on the southern side of the building, adjacent to the right-of-way, with a direct connection to the public sidewalk.
- NE Building: A pedestrian connection to the drive, due to the significant slope between the building's finished floor elevation and the sidewalk.

Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Addie Manzi, E.I.
Project Engineer
Bates & Associates, Inc

Site Plan Exhibit
902 & 908 Hughes St.



Martin Development

STREET NOTES:
1. ANY STREET OR LANE CLOSURE MUST BE APPROVED THROUGH THE ENGINEERING DIVISION. APPLICATION AND ADDITIONAL INFORMATION CAN BE FOUND AT OUR WEBSITE: HTTP://AR-FAYETTEVILLE.CIVICPLUS.COM/1058/ROAD-LANE-CLOSURES
-SCHEDULE A SITE VISIT WITH CHUCK RUTHERFORD 575-8291 TO ESTABLISH THE CONDITION OF THE EXISTING CURB. ALL EXISTING CURB CUTS WILL BE REMOVED AND REPLACED WITH STANDARD CURB, ANY CURB TO REMAIN THAT IS CURRENTLY DAMAGED OR CRACKED SHALL BE REMOVED AND REPLACED WITH STANDARD CURB, AND CURB DAMAGED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED.

NOTES TO CONTRACTOR:
1. ALL OUTDOOR LIGHTING SHALL BE REVIEWED PRIOR TO BUILDING PERMIT APPROVAL FOR COMPLIANCE WITH THE OUTDOOR LIGHTING ORDINANCE.
2. ALL UTILITIES AND MECHANICAL EQUIPMENT SHALL BE SCREENED BY INCORPORATING SCREENING INTO THE STRUCTURE UTILIZING MATERIALS COMPATIBLE WITH THE SUPPORTING BUILDINGS.
3. MECHANICAL AND UTILITY EQUIPMENT OVER 30 INCHES IN HEIGHT SHALL MEET BUILDING SETBACKS.
4. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND, AND ALL EXISTING UTILITIES UNDER 12KV SHALL BE RELOCATED UNDERGROUND.
5. ALL CONDUITS PLACED BY CONTRACTOR MUST HAVE 48" OF COVER AT FINAL GRADE AND MARKED WITH POST TO IDENTIFY THE END OF CONDUITS. THERE MUST BE A MINIMUM SEPARATION OF 12" BETWEEN CONDUITS FOR ELECTRIC AND CONDUITS FOR OTHER UTILITIES.
6. DAMAGE TO OR RELOCATION OF EXISTING UTILITIES SHALL BE AT THE DEVELOPERS EXPENSE.
7. ALL METER LOCATIONS AND BACKFLOW PREVENTION FOR THE FIRE SPRINKLER SYSTEMS MUST BE APPROVED BY DON OSBURN OF THE CITY OF FAYETTEVILLE METER OPERATIONS DIVISION (575-8384)
8. THE ENGINEER OF RECORD SHALL PROVIDE "FULL TIME" INSPECTION FOR UTILITIES AND "PART TIME" INSPECTION FOR THE STORM DRAINAGE AND ROADWAY CONSTRUCTION, AND WEEKLY REPORTS SHALL BE SUBMITTED TO THE CITY OF FAYETTEVILLE'S PUBLIC WORKS INSPECTOR.
9. NOTIFY PUBLIC WORKS INSPECTOR IN ADVANCE OF PERFORMING WORK IN THE RIGHT OF WAY OR PUBLIC INFRASTRUCTURE
10. SERVICE TAPS ON EXISTING MAINS SHALL BE MADE BY THE CITY, AND FEES PAID BY OWNER
11. AHTD PERMIT REQUIRED TO PERFORM WORK IN THE STATE RIGHT OF WAY.
12. ALL AREAS NOT DESIGNATED AS PARKING SPACES SHALL BE IDENTIFIED AS "NO PARKING - FIRE LANE"
13. MOTORCYCLE/SCOOTER PARKING SPACES TO BE IDENTIFIED WITH PAVEMENT MARKING OR SIGNAGE.
14. TRASH ENCLOSURES SHALL BE SCREENED ON THREE SIDES WITH MATERIALS COMPLIMENTARY TO AND COMPATIBLE WITH THE PRINCIPAL STRUCTURE, WITH ACCESS NOT VISIBLE FROM THE STREET. AN ELEVATION DEPICTING THE MATERIALS AND COLORS OF THE SCREEN WILL BE REQUIRED TO BE APPROVED BY PLANNING DIVISION PRIOR TO BUILDING PERMIT.
15. ALL SIGNS MUST BE PERMITTED BY SEPARATE PERMIT.
16. IRRIGATION TO BE PROVIDED BY CONTRACTOR.
17. ALL EXISTING UTILITY LOCATIONS MUST BE VERIFIED BY CONTRACTOR PRIOR TO SUBMITTING A BID.
18. DIRECTIONAL ARROWS, STRIPING AND SIGNAGE IS THE RESPONSIBILITY OF THE CONTRACTOR.
19. PER ORDINANCE 6165, NO GAS STATIONS OR UNDERGROUND CHEMICAL/PETROLIUM STORAGE TANKS SHALL BE PERMITTED ON SITE.
20. ALL UTILITIES 12KV AND UNDER SHALL BE RELOCATED UNDERGROUND.

ZONING REGULATIONS:
DENSITY: 40 OR LESS UNITS PER ACRE
LOT WIDTH MINIMUM: 70'(MULTIFAMILY DWELLINGS)
LOT AREA MINIMUM: 7000FT²(MULTIFAMILY DWELLINGS)
BUILDING HEIGHT: 2/3/5 STORIES*
BUILDING AREA: THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 50% OF THE TOTAL LOT AREA. ACCESSORY GROUNGD MOUNTED SOLAR ENERGY SYSTEMS SHALL NOT BE CONSIDERED BUILDINGS.

MINIMUM BUILDABLE
STREET FRONTAGE: 50% OF THE LOT WIDTH

* 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.

BUILDING SETBACKS: URBAN NEIGHBORHOOD
FRONT — A BUILD-TO ZONE THAT IS LOCATED BETWEEN THE FRONT PROPERTY LINE AND A LINE 25 FEET FROM THE FRONT PROPERTY LINE
SIDE — NONE
REAR — 05ft
REAR (FROM CENTERLINE OF ALLEY) — 20ft

PARKING TABLE

SINGLE-FAMILY REQUIRES MINIMUM OF 2 PARKING SPACES PER DWELLING UNIT.

NUMBER OF UNITS: 8
REQUIRED SPACES: 16 SPACES
REQUIRED SPACES AFTER 15% REDUCTION DUE TO PROXIMITY TO TRANSIT STOP(660ft < 1/4mi): 1.5(2)-16= 14 SPACES

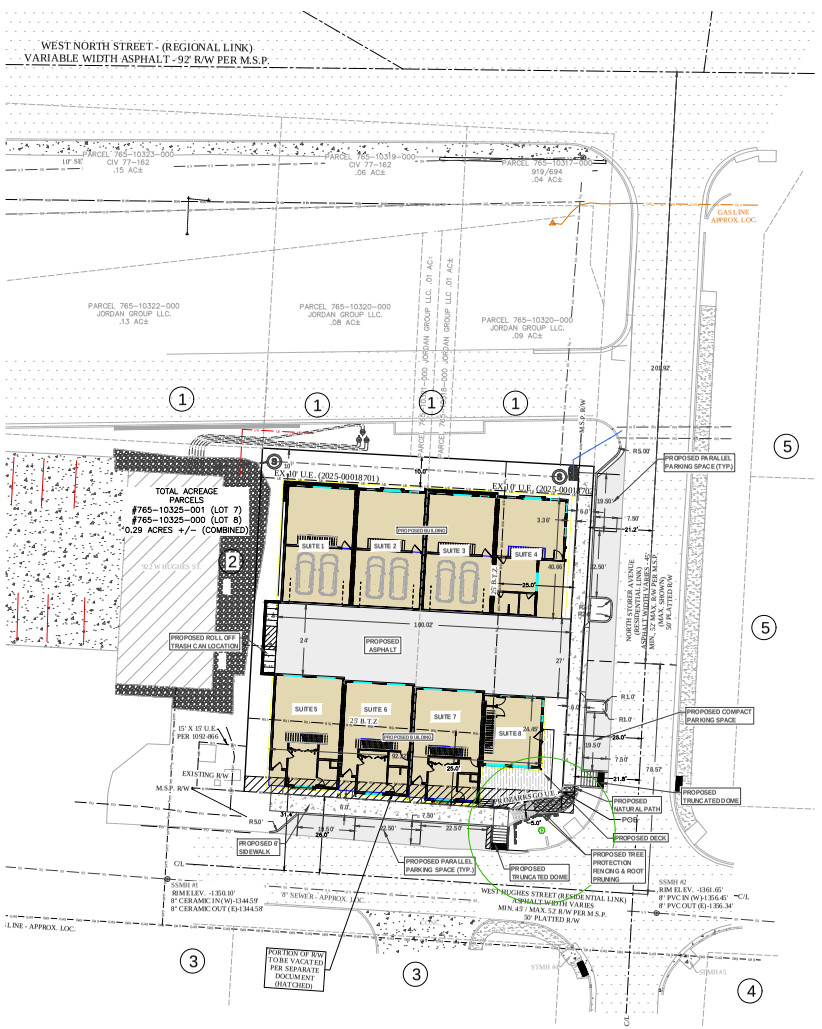
PROPOSED GARAGE PARKING: 12
PROPOSED STANDARD PARKING SPACES: 6
PROPOSED BIKE PARKING: 2

TOTAL PARKING PROPOSED: 20

AREA CALCULATIONS

NET AREA OF SITE (AFTER HUGHES VACATION): 12,748 FT²
TOTAL OPEN SPACE: 2,868 FT²(22.50%)
TOTAL IMPERVIOUS AREA: 9,880 FT²(77.50%)
TOTAL AREA OCCUPIED BY BUILDINGS: 7,097 FT² (55.67%)

Street	Classification	Existing R/W	Proposed R/W	Sidewalk Width	Street Frontage (ft)	Building Length Within BTZ
West Hughes Street	Residential Link	26'-0"	26'-0"	6'-0"	108.24	92.22ft (85.20%)
North Storer Avenue	Residential Link	Variable width	26'-0"	6'-0"	118.40	65.11ft (54.99%)



B A T E S
Engineers - Surveyors
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704
PH: (479) 442-9350 / batesnwa.com

DWELL HOUSES 3.0
CONCEPTUAL DEVELOPMENT PLANS
SITE PLAN
FAYETTEVILLE, ARKANSAS

Martin Development

REVISIONS

	DATE
1st Submittal	09/12/25
2nd Submittal	10/01/25

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9814
GEOFFREY K. MANEY
10-01-2025
CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC.
#1335

ENGINEER-G. BATES
DRAWN BY - K. HANEY

Planning Commission
October 13, 2025
VAR-2025-0043 (MARKS)
Page 13 of 17

PROJECT NO. 25-093
DRAWING NO. SP01

CITY GRADING NOTES:
GRADING PLAN
1. ALL GRADING SHALL BE SET BACK A MINIMUM OF 5' FROM THE PROPERTY LINES UNLESS WRITTEN PERMISSION IS SUBMITTED FROM THE ADJACENT PROPERTY OWNER OR A JOINT GRADING PLAN IS SUBMITTED.
2. ALL IMPORTED FILL SHALL BE FREE OF ROCKS GREATER THAT 12" IN DIAMETER AND ANY DETRIMENTAL ORGANIC MATERIAL OR REFUSE DEBRIS.
3. REVEGETATION OF DISTURBED AREAS SHALL BE IN ACCORDANCE WITH §169.06.F OF THE CITY OF FAYETTEVILLE GRADING ORDINANCE. (INCLUDE ACTUAL NOTES ON THE PLANS)

CITY STREET NOTES
1. ANY STREET OR LANE CLOSURE MUST BE APPROVED THROUGH THE ENGINEERING DIVISION. APPLICATION AND ADDITIONAL INFORMATION CAN BE FOUND AT OUR WEBSITE HTTP://AR-FAYETTEVILLE.CIVICPLUS.COM/1058/ROAD-LANE-CLOSURES
   - SCHEDULE A SITE VISIT WITH CHUCK RUTHERFORD 575-8291 TO ESTABLISH THE CONDITION OF THE EXISTING CURB. ALL EXISTING CURB CUTS WILL BE REMOVED AND REPLACED WITH STANDARD CURB, ANY CURB TO REMAIN THAT IS CURRENTLY DAMAGED OR CRACKED SHALL BE REMOVED AND REPLACED WITH STANDARD CURB, AND CURB DAMAGED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED.

CONSTRUCTION NOTES:
1. GRADING PERMIT TO BE POSTED ON-SITE AT ALL TIMES DURING CONSTRUCTION.
2. CITY OF FAYETTEVILLE STAMPED PLANS MUST BE ON-SITE AT ALL TIMES DURING CONSTRUCTION.
3. ALL AREAS UNDER BUILDINGS AND PAVED AREAS SHALL BE STRIPPED OF TOPSOIL. THE RESULTING SUB GRADE SHALL BE THOROUGHLY COMPACTED. ANY SOFT OR YIELDING AREAS SHALL BE STABILIZED OR REMOVED AND REPLACED WITH SUITABLE MATERIAL.
4. FILL MATERIAL SHALL BE APPROVED BY THE ENGINEER. ALL FILL SHALL BE MADE IN LIFTS NOT EXCEEDING 8" THICKNESS WITH EACH LIFT COMPACTED TO 95% STANDARD PROCTOR DENSITY. FILL SLOPES SHALL NOT BE STEEPER THAN 3:1 SLOPE.
5. ALL GRADED AREAS SHALL HAVE 4" OF TOP SOIL, SOD, EROSION FABRIC, HERBACEOUS GROUND COVER, AND/OR HYDROSEEDED WITH A WARM SEASON GRASS. REVEGETATION SHALL BE IMMEDIATELY AFTER THE PHYSICAL ALTERATION OF THE LAND IS COMPLETE (MAXIMUM OF 15 DAYS).
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY GRADING REGULATIONS. SILT FENCES, BERMS, DETENTION PONDS, OR OTHER MEANS NEEDED TO MEET THE CITY GRADING REQUIREMENTS SHALL BE PROVIDED AS REQUIRED TO MEET THESE REGULATIONS.
7. ALL HEAVILY TRAVELED DIRT AREAS SHALL BE WETTED TO PREVENT EXCESSIVE DUST, DURING CONSTRUCTION.
8. ALL MUD/DIRT LEFT ON PUBLIC STREETS OR ADJACENT PROPERTIES AS A RESULT OF THIS CONSTRUCTION SHALL BE SHOVELED OR SWEPT AWAY UNTIL IT IS COMPLETELY REMOVED BY THE CONTRACTOR.
9. OBTAIN WRITTEN PERMISSION FROM ADJACENT PROPERTY OWNERS TO CONSTRUCT RETAINING WALL AT PROPERTY LINE.
10. OBTAIN WRITTEN PERMISSION FROM ADJACENT PROPERTY OWNERS TO CONSTRUCT SLOPE OF 3:1 WITHIN 5 FEET OF PROPERTY LINE.
11. THE SLOPE FROM 1 FOOT BEYOND THE SIDEWALK AHOULD BE 2% TO BACK OF CURB - ADJUST AS NECESSARY TO MEET AHTD DRIVEWAY DETAIL.

REVEGETATION NOTES:
REVEGETATION OF DISTURBED AREAS SHALL BE IN ACCORDANCE WITH §169.06.F OF THE FOLLOWING CITY OF FAYETTEVILLE GRADING ORDINANCE:
1. PERMANENT IMPROVEMENTS: PERMANENT IMPROVEMENTS SUCH AS STREETS, STORM SEWERS, CURB AND GUTTERS, AND OTHER FEATURES

FOR CONTROL OF RUNOFF SHALL BE SCHEDULED COINCIDENTAL TO REMOVING VEGETATIVE COVER FROM THE AREA SO THAT LARGE AREAS ARE NOT LEFT EXPOSED BEYOND THE CAPACITY OF TEMPORARY CONTROL MEASURES.

2. PHASED CONSTRUCTION: THE AREA OF DISTURBANCE ONSITE AT ANY ONE TIME SHALL BE LIMITED TO 20 ACRES. AN ADDITIONAL 20 ACRES (A MAXIMUM OF 40 ACRES OF DISTURBANCE AT ANY ONE TIME) MAY BE STRIPPED WITH THE PERMISSION OF THE CITY ENGINEER IN ORDER TO BALANCE CUT AND FILL ONSITE. NO ADDITIONAL AREA MAY BE OPEN WITHOUT THE PERMISSION OF THE CITY ENGINEER UNTIL THE PREVIOUSLY DISTURBED AREAS HAVE BEEN TEMPORARILY OR PERMANENTLY STABILIZED.
3. STOCKPILING OF TOP SOIL: TOP SOIL MAY BE STOCKPILED AND PROTECTED FOR LATER USE ON AREAS REQUIRING LANDSCAPING. ALL STORAGE PILES OF SOIL, DIRT OR OTHER BUILDING MATERIALS (E.G. SAND) SHALL BE LOCATED MORE THAN 25 FEET FROM A ROADWAY, DRAINAGE CHANNEL OR STREAM (FROM TOP OF BANK), WETLAND, AND STORMWATER FACILITY. THE CITY ENGINEER MAY ALSO REQUIRE TOP SOIL STOCKPILES TO BE LOCATED UP TO FIFTY (50) FEET FROM A DRAINAGE CHANNEL OR STREAM, AS MEASURED FROM THE TOP OF THE BANK TO THE STOCKPILE, FOR ESTABLISHED TMDL WATER BODIES, STREAMS LISTED ON THE STATE 303(D) LIST, AN EXTRAORDINARY RESOURCE WATER, ECOLOGICALLY SENSITIVE WATERBODY, AND/OR NATURAL AND SCENIC WATERBODY, AS DEFINED BY ARKANSAS POLLUTION CONTROL AND ECOLOGY COMMISSION REGULATION NO. 2 AND/OR ANY OTHER USES AT THE DISCRETION OF THE CITY ENGINEER.

TOP SOIL PILES SURFACES MUST BE IMMEDIATELY STABILIZED WITH APPROPRIATE STABILIZATION MEASURES. STABILIZATION PRACTICES MAY INCLUDE: TEMPORARY SEEDING (I.E. ANNUAL RYE OR OTHER SUITABLE GRASS), MULCHING, AND OTHER APPROPRIATE MEASURES. SEDIMENT CONTROL MEASURES SUCH AS BUFFER STRIPS, WATTLES, OR SILT FENCE SHALL BE PROVIDED IMMEDIATELY FOR STOCKPILES AND REMAIN IN PLACE UNTIL OTHER STABILIZATION IS IN PLACE. STORM DRAIN INLETS MUST BE PROTECTED FROM POTENTIAL SEDIMENTATION FROM STORAGE PILES BY SILT FENCE OR OTHER APPROPRIATE BARRIERS.

PROPERLY STABILIZED TOPSOIL STOCKPILES MAY BE USED FOR SEDIMENTATION CONTROL.

4. PLANTWATER: PLANT MATERIALS SHALL BE WATERED OR IRRIGATED AND TENDED. WHERE IRRIGATION OR REGULAR WATERING IS NOT AVAILABLE, ONLY NATIVE OR ACCLIMATED PLANT SPECIES SHALL BE USED. IF THE SOIL CANNOT PROPERLY SUSTAIN VEGETATION, IT MUST BE APPROPRIATELY AMENDED. IF RE-VEGETATION IS NOT FIRMLY ESTABLISHED AND HEALTHY AFTER ONE YEAR, THE URBAN FORESTER SHALL REQUIRE THAT IT BE REDONE IN PART OR TOTAL.
5. PERMANENT EROSION CONTROL: THE DEVELOPER SHALL INCORPORATE PERMANENT EROSION CONTROL FEATURES AT THE EARLIEST PRACTICAL TIME. TEMPORARY EROSION CONTROL MEASURES WILL BE USED TO CORRECT CONDITIONS THAT DEVELOP DURING CONSTRUCTION THAT WERE UNFORESEEN DURING THE DESIGN STAGE, THAT ARE NEEDED PRIOR TO INSTALLATION OF PERMANENT EROSION CONTROL FEATURES, OR THAT ARE NEEDED TEMPORARILY TO CONTROL EROSION THAT DEVELOPS DURING NORMAL CONSTRUCTION PROJECTS, BUT ARE NOT ASSOCIATED WITH PERMANENT CONTROL FEATURES ON THE PROJECT.

FAYETTEVILLE STANDARD COMMENTS:
1. PRIOR TO FINAL ACCEPTANCE BY THE CITY OF FAYETTVILLE, THE PROJECT SHALL BE SUBJECT TO A JOINT FINAL INSPECTION BY A DESIGNATED REPRESENTATIVE OF THE CITY ENGINEER'S OFFICE, THE ENGINEER OF RECORD FOR THE PROJECT, AND THE CONTRACTOR.
2. ALL MATERIALS AND CONSTRUCTION SHALL COMPLY WITH THE CITY OF FAYETTEVILLE'S REQUIREMENTS. IN THE CASE OF CONFLICTS, THE CITY'S CRITERIA SHALL GOVERN.
3. THE ENGINEER OF RECORD SHALL PROVIDE CONSTRUCTION INSPECTION FOR THIS PROJECT.
4. CUT OR FILL SLOPES SHALL HAVE A FINISH GRADE NO STEEPER THAN 3:1.
5. ALL GRADING SHALL BE SET BACK A MINIMUM OF 5' FROM THE PROPERTY LINES UNLESS WRITTEN PERMISSION IS SUBMITTED FROM THE ADJACENT PROPERTY OWNER OR A JOINT GRADING PLAN IS SUBMITTE.
6. ANY RETAINING WALL MORE THAN FOUR FEET IN HEIGHT SHALL BE DESIGNED BY A REGISTERED PROFESSIONAL ENGINEER AND SHALL BE FIELD INSPECTED BY THE DESIGN ENGINEER.
7. SAFETY RAILINGS ARE REQUIRED ON ANY RETAINING WALL GREATER THAN 30" IN HEIGHT. THE SAFETY RAILING SHALL BE BUILT IN TO THE MORE STRINGENT REQUIREMENTS OF THE SBCC OR AASHTO.
8. AREAS WILL BE STABILIZED WITH A TEMPORARY SEED AND MULCH WITHIN 14 DAYS OF THE LAST DISTURBANCE IF CONSTRUCTION ACTIVITY IS TO TEMPORARILY CEASE FOR MORE THAN 21 DAYS.
9. ONCE CONSTRUCTION ACTIVITY CEASES PERMANENTLY IN AN AREA, THAT AREA WILL BE STABILIZED WITH PERMANENT SEED AND MULCH.
10. ALL IMPORTED FILL SHALL BE FREE OF ROCKS GREATER THAT 12" IN DIAMETER AND ANY DETRIMENTAL ORGANIC MATERIAL OR REFUSE DEBRIS.

CITY EROSION CONTROL NOTES
ALL PROJECTS IN THE CITY OF FAYETTEVILLE MUST IMPLEMENT AND FOLLOW THE GUIDELINES OF SECTION 8.2: EROSION, RUNOFF, AND SEDIMENT CONTROLS FOR CONSTRUCTION SITES, CONTAINED WITHIN THE CITY'S DRAINAGE CRITERIA MANUAL.
REVEGETATION OF DISTURBED AREAS SHALL BE PERFORMED AS SOON AFTER THE COMPLETION OF CONSTRUCTION ACTIVITIES AS IS PRACTICABLE. THE AREA OF DISTURBANCE AT ANY ONE TIME SHALL BE LIMITED TO 20 ACRES. NO ADDITIONAL AREA MAY BE OPEN WITHOUT THE PERMISSION OF THE CITY ENGINEER UNTIL THE PREVIOUSLY DISTURBED AREAS HAVE BEEN TEMPORARILY OR PERMANENTLY STABILIZED.
REVEGETATION SHALL BE REQUIRED TO MEET THE FOLLOWING PERFORMANCE STANDARDS PRIOR TO ISSUANCE OF THE FINAL PLAT OR CERTIFICATE OF OCCUPANCY:
1. TOPSOIL: A MINIMUM OF OF TOPSOIL SHALL BE REQUIRED IN AREAS TO BE REVEGETATED. ANY APPLICATION OF TOPSOIL AND SEEDING UNDER THE DRIP LINE OF A TREE SHOULD BE MINIMIZED TO 3 INCHES SO AS NOT TO DAMAGE THE ROOT SYSTEM OF THE TREE.
2. ZERO TO 10% GRADE: REVEGETATION SHALL BE A MINIMUM OF SEEDING AND MULCHING. SAID SEEDING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF IN NO MORE THAN TWO GROWING SEASONS.
3. 10:1 UP TO 4:1 GRADE: REVEGETATION SHALL BE A MINIMUM OF HYDROSEEDING WITH MULCH AND FERTILIZER, OR STAKED SOD, OR GROUNDCOVER. SAID PLANTING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF IN NO MORE THAN TWO GROWING SEASONS.
4. 4:1 TO 3:1 GRADE: THE SLOPE SHALL BE COVERED WITH LANDSCAPE FABRIC AND HYDRO-SEEDED WITH MULCH AND FERTILIZER OR STAKED SOD GROUNDCOVER. SAID PLANTING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE IN NO MORE THAN TWO GROWING SEASONS.
5. STEEPER THAN 3:1 GRADE: THE SLOPE SHALL BE STABILIZED WITH ONE OR MORE OF THE FOLLOWING:
   - RETAINING WALLS
   - CRIBBING WITH LANDSCAPING FABRIC
   - TERRACING WITH GROUNDCOVER
   - RIPRAP
   - STAKED SOD (UP TO 2:1 SLOPE)
   - IF CRIBBING, TERRACING, OR RIP RAP ARE USED, THE SLOPE STABILITY AND ERODIBILITY CHARACTERISTICS MUST BE EQUIVALENT TO OR BETTER THAN ITS PREDEVELOPMENT STATE. LAND SHALL BE REVEGETATED AND RESTORED AS CLOSE AS PRACTICALLY POSSIBLE TO ITS ORIGINAL CONDITIONS SO FAR AS TO MINIMIZE RUNOFF AND EROSION ARE CONCERNED. PREVIOUSLY FORESTED AREAS SHALL FOLLOW THE CITY'S LANDSCAPE MANUAL FOR MITIGATION OF FORESTED AREAS.

- ALL DISTURBED AREAS SHALL RECEIVE OF TOP SOIL AND RE-VEGETATED PER SECTION 8.2: EROSION, RUNOFF, AND SEDIMENT CONTROLS FOR CONSTRUCTION SITES, OF THE CITY'S DRAINAGE CRITERIA MANUAL. VEGETATION MUST BE ESTABLISHED TO MINIMIZE EROSION PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
- DEBRIS, MUD AND SOIL SHALL NOT BE ALLOWED ON PUBLIC STREETS BUT IF ANY DEBRIS, MUD, OR SOIL FROM DEVELOPMENT SITES REACHES THE PUBLIC STREET IT SHALL BE IMMEDIATELY REMOVED VIA SWEEPING OR OTHER METHODS OF PHYSICAL REMOVAL. DEBRIS, MUD, OR SOIL IN THE STREET MAY NOT BE WASHED OFF THE STREET OR WASHED INTO THE STORM DRAINAGE SYSTEM. STORM DRAINAGE SYSTEMS DOWNSTREAM OF A DEVELOPMENT SITE SHOULD BE PROTECTED FROM DEBRIS, MUD, OR SOIL IN THE EVENT THAT DEBRIS, MUD, OR SOIL REACHES THE DRAINAGE SYSTEM.
- THE PROPERTY OWNER OR MAIN CONTRACTOR ONSITE WILL BE RESPONSIBLE FOR RESTORING ALL EROSION AND SEDIMENT CONTROL SYSTEMS AND PUBLIC INFRASTRUCTURE DAMAGED OR DISTURBED BY UNDERGROUND PRIVATE OR FRANCHISE UTILITY CONSTRUCTION SUCH AS WATER AND SEWER SERVICE LEADS, TELEPHONE, GAS, CABLE, ETC. EROSION AND SEDIMENT CONTROL SYSTEMS MUST BE IMMEDIATELY RESTORED AFTER EACH UTILITY CONSTRUCTION.

PLAT PAGE: 444



STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9814
GEOFFREY W. BATES
10-01-2025
CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC.
#1335

ENGINEER-G. BATES
DRAWN BY:- K. HANEY

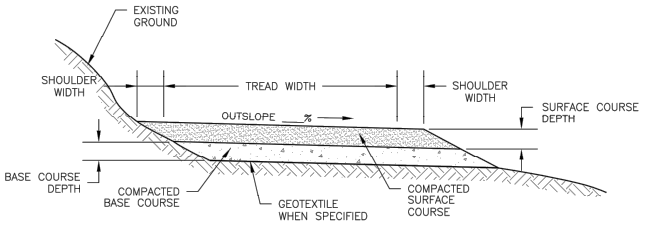
Planning Commission
October 13, 2025
VAR-2025-0043 (MARKS)
Page 14 of 17

REVISIONS	DATE
1st Submittal	08/13/25
2nd Submittal	10/01/25

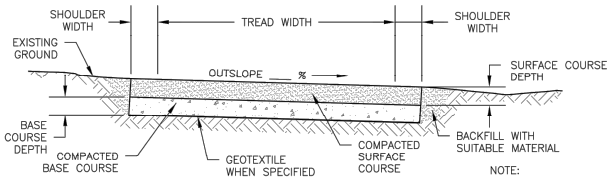
Martin Development
DWELL HOUSES
DWELL HOUSES 3.0
CONCEPTUAL DEVELOPMENT PLANS
GRADING PLAN
FAYETTEVILLE, ARKANSAS

B A T E S
Engineers - Surveyors
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704
PH: (479) 442-9350 / batesnwa.com

PROJECT NO. 25-083
DRAWING NO. GP01



Ⓐ OUTSLOPED SECTION



Ⓑ EXCAVATED SECTION

BASE COURSE MATERIAL TYPE

TYPE	MATERIAL	GRADATION	COMMENTS
B1	PITRUN		
B2	AGGREGATE		
B3			

SURFACE COURSE MATERIAL TYPE

TYPE	MATERIAL	GRADATION	COMMENTS
S1	PITRUN		
S2	AGGREGATE		
S3	CLAY		
S4	WOODCHIPS		
S5			

TRAIL SURFACE SECTION DETAIL

NTS

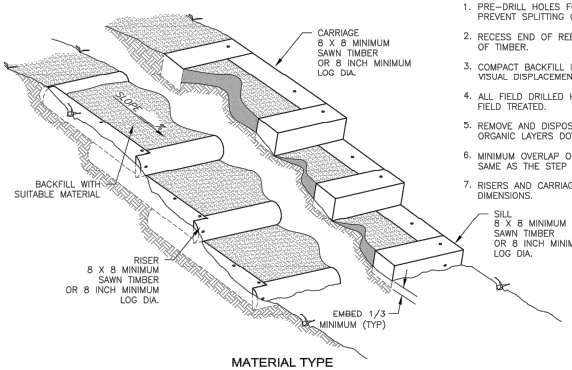
NOTE:

1. REMOVE AND DISPOSE OF DUFF AND TOP ORGANIC LAYERS DOWN TO MINERAL SOIL.
2. COMPACT BACKFILL IN 6 INCH LIFTS UNTIL NO VISUAL DISPLACEMENT.

OVERLAPPING TIMBER STEP

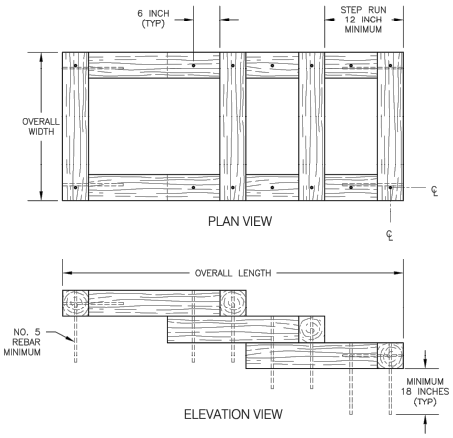
TYPICAL ID	MATERIAL TYPE	OVERALL LENGTH	OVERALL WIDTH	STEP RUN	COMMENTS
OTS–1	M				

N/A WHEN NOT APPLICABLE



NOTES:

1. PRE–DRILL HOLES FOR REBAR AND PINS TO PREVENT SPLITTING OF LOGS OR SAWN TIMBERS.
2. RECESS END OF REBAR 1/2 INCH BELOW TOP OF TIMBER.
3. COMPACT BACKFILL IN 6 INCH LIFTS UNTIL NO VISUAL DISPLACEMENT.
4. ALL FIELD DRILLED HOLES AND CUTS SHALL BE FIELD TREATED.
5. REMOVE AND DISPOSE OF DUFF AND TOP ORGANIC LAYERS DOWN TO MINERAL SOIL.
6. MINIMUM OVERLAP OF BOTTOM CARRIAGE IS THE SAME AS THE STEP RUN LENGTH.
7. RISERS AND CARRIAGES SHALL BE THE SAME DIMENSIONS.



OVERLAPPING TIMBER STEP DETAIL

NTS

MATERIAL TYPE

TYPE	MATERIAL	SIZE	SPECIES/ GRADE	PRESERV. TYPE	COMMENTS
M1	LOG				
M2	SAWN TIMBER				
M3	RAIL ROAD TIES				
M4					

PRESERVATIVE TREATMENT – (REFER TO AWPA USE CATEGORY SYSTEM)			
PRESERVATIVE TYPE	TREATMENT TYPE	USE CATEGORY	COMMENTS
P1	WB	UC4A	
P2	WB	UC3B	
P3			

TREATMENT TYPE
WB = WATERBORNE
OT = OIL–BORNE

USE CATEGORY
UC3B = ABOVE GROUND – EXPOSED
UC4A = GROUND CONTACT – GENERAL USE
UC4B = GROUND CONTACT – HEAVY DUTY

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9811
GEOFFREY H. BATES
09-11-2025

CERTIFICATE OF AUTHORIZATION
BATES ASSOCIATES, INC.
#1335

ENGINEER: G. BATES
DRAWN BY: K. HANEY

REVISIONS	DATE
1st Submittal	09/12/25
2nd Submittal	09/11/25

Planning Commission
October 13, 2025
VAR-2025-0043 (MARKS)
Page 15 of 17

Martin Development

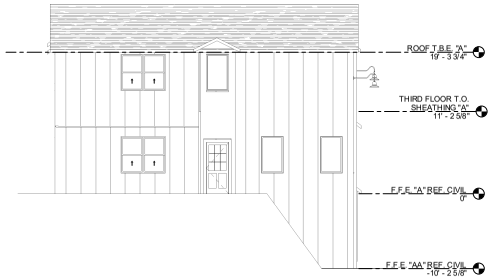
DWELL HOUSES

DWELL HOUSES 3.0
CONCEPTUAL DEVELOPMENT PLANS
SITE DETAILS
FAYETTEVILLE, ARKANSAS

B A T E S
Engineers - Surveyors
7230 S Pleasant Ridge Dr / Fayetteville, AR 72704
PH: (479) 442-9350 / batesnwa.com

PROJECT NO. 25-093

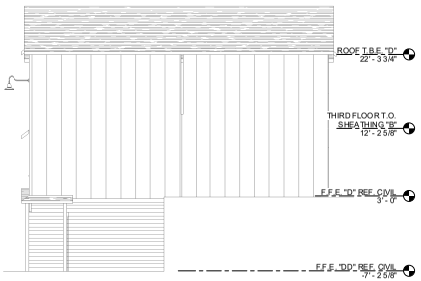
DRAWING NO. DT06



2 A200 **BUILDING A_EAST ELEVATION**
1/8" = 1'-0"



1 A200 **BUILDING A_NORTH ELEVATION**
1/8" = 1'-0"



4 A200 **BUILDING A_WEST ELEVATION**
1/8" = 1'-0"



3 A200 **BUILDING A_SOUTH ELEVATION**
1/8" = 1'-0"

C:\Users\navarretea\Documents\25083_Hughes St Townhouses_R24_navarretea.rvt

b·u·f STUDIO
702 SE 5TH ST. SUITE 50
BENTONVILLE, AR 72712
TEL: 479.579.9959

Drawings & Specifications as instruments of service are & shall remain the property of the Architect. They are not to be used on other projects or extensions to this project by any party except by written agreement & with appropriate compensation to the Architect.

Contractor is responsible for confirming and correlating all dimensions at job site; the Architect will not be responsible for construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the Work.

©Copyright 2024

CLIENT NAME

CIVIL CONSULTANT

MEP CONSULTANT

STRUCTURAL CONSULTANT

Planning Commission
October 13, 2025
VAR-2025-0043 (MARKS)

Martin E

DWELL HOUSES

Dwe Houses 3 0
HUGHES
FAYETTEVILLE, AR 72762

9/2/2025

Architect Name -
Architect Number -

THE SEAL & SIGNATURE APPLY ONLY TO THE DOCUMENT TO WHICH THEY ARE AFFIXED & WE EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS OR OTHER DOCUMENTS OR INSTRUMENTS RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT.

REVISIONS

NO.	DATE	DESCRIPTION

Drawing Size:	Project #:
24 x 36	25083
Drawn By:	Checked By:
Author	Checker

Title:
EXTERIOR ELEVATIONS
- BUILDING A

Sheet Number:
A200

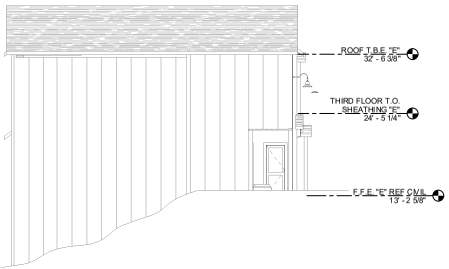
ISSUE DATE: 9/2/2025



2 A201 **BUILDING B_EAST ELEVATION**
1/8" = 1'-0"



1 A201 **BUILDING B_NORTH ELEVATION**
1/8" = 1'-0"



4 A201 **BUILDING B_WEST ELEVATION**
1/8" = 1'-0"



3 A201 **BUILDING B_SOUTH ELEVATION**
1/8" = 1'-0"

C:\Users\navarretea\Documents\25083_Hughes St Townhouses_R24_navarretea.rvt

b·u·f STUDIO
702 SE 5TH ST. SUITE 50
BENTONVILLE, AR 72712
TEL: 479.579.9959

Drawings & Specifications as instruments of service are & shall remain the property of the Architect. They are not to be used for other projects or extensions to this project, except by agreement in writing & with appropriate compensation to the Architect.

Contractor is responsible for confirming and correlating dimensions at job site. The Architect will not be responsible for construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the project.

©Copyright 2024

CLIENT NAME

CIVIL CONSULTANT

MEP CONSULTANT

STRUCTURAL CONSULTANT

Martin D M

DWELL HOUSES

Dwe Houses 3 0
HUGHES
FAYETTEVILLE, AR 72762

9/2/2025

Architect Name -

Architect Number -

THE SEAL & SIGNATURE APPLY ONLY TO THE DOCUMENT TO WHICH THEY ARE AFFIXED & WE EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS OR OTHER DOCUMENTS OR INSTRUMENTS RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT.

REVISIONS

NO.	DATE	DESCRIPTION

Drawing Size: 24 x 36	Project #: 25083
Drawn By: Author	Checked By: Checker

Title:
EXTERIOR ELEVATIONS - BUILDING B

Sheet Number:
A201

ISSUE DATE: 9/2/2025

Planning Commission
October 13, 2025
VAR-2025-0043 (MARKS)

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Willa Thomason, Urban Forester

MEETING DATE: October 13, 2025

SUBJECT: **VAR-2025-0044: Planning Commission Variance (SOUTHWEST OF RAZORBACK RD & S. ASHWOOD AVE/ASHWOOD TOWNHOMES LLC, 598, 599 & 638)** Submitted by JORGENSEN AND ASSOCIATES for property located SOUTHWEST OF RAZORBACK RD. & S. ASHWOOD AVE. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, 24 UNITS PER ACRE, R-A, RESIDENTIAL AGRICULTURAL, and CS, COMMUNITY SERVICES and contains approximately 9.99 acres. The request is for a variance from tree preservation plan requirements.

RECOMMENDATION:
Staff recommends denial of **VAR-2025-00044.**

RECOMMENDED MOTION:
*"I move to forward **VAR-2025-0044** to the City Council with a recommendation of approval, finding:*

- *In favor of the requested variance to §167.04(H)(1)(d) Significant Trees; and*
- *In favor of all other conditions recommended by staff."*

BACKGROUND:
The subject property is in south Fayetteville, at the southwest corner of the intersection of S. Razorback Rd. and S. Ashwood Ave. The property is composed of three parcels which are split zoned between RMF-24, Residential Multifamily, 24 Units Per Acre, R-A, Residential Agricultural, and CS, Community Services and which total 9.99 acres. The property is entirely undeveloped and is entirely covered with tree canopy. The property is also nearly entirely within the Hillside Hilltop Overlay District, is included within the Fayette Junction Neighborhood Plan, and is partially encumbered by the I-49 Sign Overlay District.

A concurrent large-scale development request for a 140-unit, 405 bed student housing townhome development has been submitted and is under review (LSD-2025-0012). A conditional use permit has also been submitted for a private dormitory (CUP-2025-0046). Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Undeveloped Office	CS, Community Services I-1, Heavy Commercial and Light Industrial
West	Single-family Residential City Park	RSF-4, Residential Single-family, 4 Units per Acre P-1, Institutional
East	Undeveloped Office Two Family Dwellings	NS-L, Neighborhood Services Limited RMF-24, Residential Multifamily, 24 Units per Acre P-1, Institutional CS, Community Services I-1, Heavy Commercial and Light Industrial

Request: The applicant is requesting a variance to UDC §167.04(H)(1)(d) which states that tree preservation plans must include, "Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree."

Per UDC §156.03(C)(6), "A developer may petition the Planning Commission for a variance from the requirements of Chapter 167, Tree Preservation and Protection, in those cases where their strict application would work an injustice as applied to the proposed development due to a situation unique to the subject real property; provided that such variance shall not have the effect of nullifying the intent and purpose of the chapter. The Planning Commission's approval of said variance must be affirmed by the City Council to become effective, and a denial of the requested variance may be appealed to the City Council."

DISCUSSION

Urban forestry staff recommends denial of VAR-2025-0044, a variance to §167.04 Tree Preservation and Protection During Development waiving the requirement to survey and locate significant trees on-site. The applicant is requesting to provide tree grouping with approximate locations and general species composition in lieu of the typical requirement to show the location of individual significant trees, as defined in §151 Definitions, including the location of trunks, spread of the species, diameter at breast height (DBH), and the overall health of each significant tree on the plans. They state that the requirement to survey and locate individual trees on-site is uniquely burdensome given the fully wooded condition of the site. Urban forestry staff do not agree that the steep topography and dense vegetation on-site qualify as unique conditions or that the strict application of the survey requirements of §167 would work an injustice in this case, given that these conditions characterize many parcels in City limits. Recent development projects on steep and densely wooded properties that have met the survey requirements outlined in §167.04(H)(1)(d) include Kessler Creek (PPL-2024-0011), Mission Heights (PPL-2025-0002), and The Resort at Markham Hill (CCP-2025-0008).

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

RECOMMENDATION: Staff recommend denial of VAR-2025-0044. If approved, staff recommends the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance to §167.04(H)(1)(d) Significant Trees.** *Staff recommends denial of the requested variance for the reasons outlined above.*

2. The survey requirements specified in UDC §167.04(H)(d) and UDC §167.04(H)(e) must be fulfilled within 100 feet on either side of the limits of disturbance requiring tree removal or root pruning.

3. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION: Required YES
Date: October 13, 2025 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

BUDGET/STAFF IMPACT:
None

Attachments:
- Unified Development Code:
  - §167.01 Tree Preservation and Protection Purpose
  - §167.04 Tree Preservation and Protection During Development
- Project Maps
  - One Mile Map
  - Close-up Map
  - Current Land Use Map
- Applicant Exhibits
  - Request Letter
  - Site Plan
- Public Comment

167.01 Purpose

It is the purpose of this chapter to preserve and protect the health, safety, and general welfare, and enhance the natural beauty of Fayetteville by providing for regulations of the preservation, planting, maintenance, and removal of trees within the city, in order to accomplish the following objectives:

(A) *Objectives.*

(1) To preserve existing tree canopy;

(2) To create a healthful environment for Fayetteville residents, businesses, and industries;

(3) To moderate the harmful effects of sun, wind, and temperature changes;

(4) To buffer noise, air and visual pollution;

(5) To filter pollutants from the air that assist in the generation of oxygen;

(6) To reduce storm water runoff and the potential damage it may create;

(7) To stabilize soil and prevent erosion, with an emphasis on maintaining tree canopy on hillsides defined as canopied slopes in Chapter 151;

(8) To provide habitat for birds and other wildlife;

(9) To preserve riparian banks and beds, and prevent sedimentation;

(10) To screen incompatible land;

(11) To promote energy conservation; and

(12) To protect and enhance property values.

(B) *Principles.* This chapter shall be enforced according to the following principles:

(1) Preservation shall be the first, best, and standard approach.

(2) If preservation cannot be achieved, on-site mitigation (trees) shall next be pursued.

(3) If on-site mitigation (trees) cannot be achieved, off-site preservation shall be pursued.

(4) If off-site preservation cannot be achieved, off-site forestation shall be pursued.

(5) If off-site forestation cannot be achieved, on-site mitigation alternatives (green roofs and or green façades) shall be pursued.

(6) If none of the above approaches can be achieved, payment shall be made to the tree escrow account.

(Code 1991, §162.01; Ord. No. 3699, §1 4-20-93; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 5986, §1, 7-6-17; Ord. No. 6442, §6(Exh. F), 6-1-21)

167.04 Tree Preservation And Protection During Development

(A) *Applicability.* The provisions of this section shall apply to proposed developments as defined by the Unified Development Code as follows:

(1) *Large Scale Developments.*

(2) *Large Site Improvement Plan.*

(3) *Small Site Improvement Plan.*

(4) *Preliminary Plat.*

(5) *Final Plat.*

(6) *Concurrent Plat.*

(7) *Planned Zoning Districts.*

….

(B) *Tree Preservation Criteria.* The Urban Forester shall consider the following factors, and any other relevant information, when evaluating tree preservation plans:

(1) The desirability of preserving a tree or group of trees by reason of age, location, size, or species.

(2) Whether the design incorporates the required tree preservation priorities.

(3) The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

(4) The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

(5) Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

(6) Whether the size or shape of the lot reduces the flexibility of the design.

(7) The general health and condition of the tree or group of trees, or the presence of any disease, injury, or hazard.

(8) The placement of the tree or group of trees in relation to utilities, structures, and the use of the property.

(9) The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

(10) Whether proposed roads and proposed utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

(11) Construction requirements of on-site and off-site drainage.

(12) The effects of proposed on-site mitigation or off-site alternatives.

(13) The effect other chapters of the Unified Development Code, or city policies have on the development design.

(14) The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations.

(15) The impact a substantial modification or rejection of the application would have on the applicant.

***Note—**The above items are not presented in any particular order of importance. The weight each is given will depend in large part on the individual characteristics of each project.

(C) *Canopy Area.* In all proposed developments that are required to submit a tree preservation plan or abbreviated tree preservation plan, trees shall be preserved as outlined in Table 1 under Percent

Minimum Canopy, unless the applicant has been approved for on-site mitigation or off-site alternatives as set forth in §167.04(I) and (J) below. The square foot percentage of canopy area required for preservation in new development is based on the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. An applicant shall not be required to plant trees in order to reach the percent minimum canopy requirement on land where less than the minimum exists prior to development.

Table 1
Minimum Canopy Requirements

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential — Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential — One-Half Unit per Acre	25%
RSF-1, Single-family Residential — One Unit per Acre	25%
RSF-2, Single-family Residential — Two Units per Acre	20%
RSF-4, Single-family Residential — Four Units per Acre	25%
RSF-7, Single-family Residential — Seven Units per Acre	20%
RSF-8, Single-family Residential — Eight Units per Acre	20%
RSF-18, Single-family Residential — Eighteen Units per Acre	20%
R-O, Residential — Office	20%
RI-12, Residential Intermediate — Twelve Units Per Acre	20%
RI-U, Residential Intermediate — Urban	15%
RMF-6, Multi-family Residential — Six Units per Acre	20%
RMF-12, Multi-family Residential — Twelve Units per Acre	20%
RMF-18, Multi-family Residential — Eighteen Units per Acre	20%
RMF-24, Multi-family Residential — Twenty-Four Units per Acre	20%
RMF-40, Multi-family Residential — Forty Units per Acre	20%
NS-L, Neighborhood Services — Limited	20%
NS-G, Neighborhood Services — General	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UC, Urban Corridor	20%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

…

(E) *Tree Preservation Priorities.*

(1) *Percent Minimum Canopy.* Proposed designs must meet the percent minimum canopy requirements for the particular zoning designation, emphasizing the preservation and protection of high priority trees on the site. Trees in existing and not to be vacated utility

easements shall not be counted toward the percent minimum canopy requirement and such utilities shall be routed, wherever possible, to avoid existing canopy.

(2) *Existing Natural Features.* Each design shall consider the existing natural features of the site, the preservation priorities for the trees, and the impact their proposed removal may have both on and off-site.

(3) *Priority Trees.* The preservation and protection of high priority trees shall be enforced most stringently to meet the minimum percentage of canopy preservation. High priority trees are alive, healthy, greater than or equal to an 8-inch diameter at breast height for large and medium species of trees. High priority for small species of trees is greater than or equal to a 4-inch diameter. Low priority trees are invasive species or unhealthy as determined by a tree care professional pursuant to §167.07. Low priority trees are less than an 8-inch diameter at breast height for larger and medium species and less than a 4-inch diameter at breast height for smaller trees species.

(F) *Tree Preservation Requirements for Proposed Residential and Non-Residential Developments.*

(1) *Residential Developments.* The percent minimum canopy in residential developments shall be located in areas that have the least possibility of impact as public infrastructure and proposed utilities are installed and homes built. The intent is to leave undisturbed as many existing trees as possible for the use and enjoyment of prospective lot owners. Residential developments requesting tree removal below the percent minimum canopy requirement may choose either residential on-site mitigation, or to contribute to the Tree Escrow Account as set forth in §167.04(J)(4)(a). Trees in existing and not to be vacated utility easements shall not be counted toward the percent minimum canopy requirement, and such proposed utilities shall be routed to avoid existing canopy and shall count toward the percent minimum canopy requirement.

…

(3) *Hillside/Hilltop Overlay District.* Individual parcels or lots located within the Hillside/Hilltop Overlay District boundary shall submit a tree preservation plan or an abbreviated tree preservation plan as set forth in §167.04(H)(3) indicating the location of the structure and the preservation of the minimum tree canopy requirement.

….

(H) *Submittal of Plans.* Applicants should bear in mind that all plans will be evaluated according to the tree preservation criteria and percent minimum canopy requirements as set forth under §167.04(B) and (C).

(1) *Tree Preservation Plan.* On sites with existing tree canopy, the applicant shall conduct a tree preservation analysis to determine the approximate age, health, size and species distribution of the trees, noting each on a tree preservation plan, and clearly showing the locations and types of all natural features on a site, including features 100 feet beyond the property lines. The tree preservation plan shall also specifically depict the applicable preservation priority level for each tree or group of trees on the site. The plan should include, but not be limited to, delineation of the following features as they exist on the site:

(a) The existing topography of the site highlighting slopes of 15% or greater, and indicating the natural drainage patterns;

(b) The property line boundaries of the site;

(c) Soils identified according to the Unified Soil Classification System;

(d) Any significant trees, as defined in the City of Fayetteville's Tree Preservation, Protection and Landscape Manual, existing on the site, and the location of trunks, spread of the canopy, species, diameter at breast height (DBH), and the overall health of each significant tree;

(e) Groupings of trees, delineating the edges of the overall canopy, noting the predominate species, average height, diameter at breast height (DBH), and general health of the trees.

(f) All existing utilities and utility easements;

(g) All features, including trees, buildings, perennial and intermittent streams and creeks that exist on the site or within 100 feet of the limits of disturbance;

(h) Floodplains and floodways on the site;

(i) All existing rights-of-way within and surrounding the project site, including any designated trails or bike paths; and,

(j) Any other factors that may impact the design of the site.

(2) *Additional Tree Preservation Plan Content.* The applicant shall indicate all proposed site improvements, and delineate in the tree preservation plan the trees to be retained on-site, and the measures to be implemented for their protection. These measures shall include, but need not be limited to, fencing, limits of root pruning, as well as restrictions on traffic and material storage. The plan shall also clearly depict the limits of soil disturbance to include all areas to be graded both on and off-site, as well as the proposed location of utilities. The applicant should consult the City of Fayetteville Tree Preservation, Protection and Landscape Manual for details, examples and specific checklists. Examples can be provided upon request to the Urban Forester.

(3) *Abbreviated Tree Preservation Plan.* Applicants requesting approval of development projects for between 1,201 to 10,000 square feet of impervious area that require building permits, grading, or parking lot permits, but that do not fall under the requirements for developments required to go through the development review process of Technical Plat Review Committee, Subdivision Committee and/or Planning Commission, shall prepare and submit an abbreviated tree preservation plan. The information for an abbreviated tree preservation plan may be combined with the site plan, plat drawing, or grading plan. The applicant is expected to show the general location of all existing groups of trees, individual significant trees, and to clearly depict the limits of soil disturbance to include all areas to be graded, both on and off-site, as well as the proposed location of utilities. Protective measures such as fencing, limits of root pruning, restriction on traffic and materials storage shall be depicted on the plan. A preliminary site visit with the Urban Forester is highly recommended before applying for any of the above-mentioned permits. The applicant should consult the City of Fayetteville Tree Preservation, Protection, and Landscape Manual for details, and specific checklists. Applicants submitting abbreviated tree preservation plans shall not be required to submit an analysis report, nor shall they be required to hire architects, engineers, or landscape architects to prepare the abbreviated tree preservation plan.

(4) *Analysis Report.* The applicant shall submit an analysis report when minimum percent canopy is not met. The report shall detail the design approaches used to minimize damage to or removal of existing canopy that were considered in arriving at the proposed design. Written justification shall be presented as to why individual trees or canopy must be removed. The report shall also detail proposed on-site mitigation options or off-site alternatives, as detailed below.

(5) *Grading and Utility Plans.* All subsequent grading and utility plans shall depict Tree Preservation Areas, preserved trees, and the physical limits of all protective measures on site required during construction.

(6) *Submittal Requirements.* The applicant shall submit a tree preservation plan. Development plans with removal of tree canopy below percent minimum canopy shall submit an analysis report to the Urban Forester, concurrently with their tree preservation plan. Applicants submitting abbreviated tree preservation plans shall not be required to submit analysis report.

(7) *Tree Preservation Easements.* The City of Fayetteville shall encourage the use of Tree Preservation Easements for the added protection of trees preserved to meet percent minimum canopy requirements or trees planted, in those instances where such would be of mutual benefit to the applicant and the City of Fayetteville.

…

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824, §3, 11-17-15; Ord. No. 5945, §17, 1-17-17; Ord. No. 5986, §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442, §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446, §9(Exh. D), 6-15-21; Ord. No. 6786, §§ 2—6, 8-20-24; Ord. No. 6793, § 5, 9-17-24)

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: October 13, 2025

SUBJECT: **CUP-2025-0046: Conditional Use Permit (SOUTHWEST OF RAZORBACK RD & S. ASHWOOD AVE/ASHWOOD TOWNHOMES LLC, 598, 599 & 638)** Submitted by JORGENSEN AND ASSOCIATES for property located SOUTHWEST OF RAZORBACK RD. & S. ASHWOOD AVE. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, 24 UNITS PER ACRE, R-A, RESIDENTIAL AGRICULTURAL, and CS, COMMUNITY SERVICES and contains approximately 9.99 acres. The request is for a private dormitory.

RECOMMENDATION:
Staff recommends denial of **CUP-2025-0046**.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0046**, 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 south Fayetteville, at the southwest corner of the intersection of S. Razorback Rd. and S. Ashwood Ave. The property is composed of three parcels which are split zoned between RMF-24, Residential Multifamily, 24 Units Per Acre, R-A, Residential Agricultural, and CS, Community Services and which total 9.99 acres. The property is entirely undeveloped and is entirely covered with tree canopy. The property is also nearly entirely within the Hillside Hilltop Overlay District, is included within the Fayette Junction Neighborhood Plan, and is partially encumbered by the I-49 Sign Overlay District.

A concurrent large-scale development request for a 140-unit, 405 bed student housing townhome development has been submitted and is under review (LSD-2025-0012). A concurrent variance request to tree preservation plan requirements has also been submitted for planning commission consideration (VAR-2025-0044). Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-family, 4 Units per Acre
South	Undeveloped Office	CS, Community Services I-1, Heavy Commercial and Light Industrial
East	Single-family Residential City Park	RSF-4, Residential Single-family, 4 Units per Acre P-1, Institutional
West	Undeveloped Office Two Family Dwellings	NS-L, Neighborhood Services Limited RMF-24, Residential Multifamily, 24 Units per Acre P-1, Institutional CS, Community Services I-1, Heavy Commercial and Light Industrial

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

Request: The applicant requests approval of a conditional use permit to allow for the development of a private dormitory, recently defined in code as use unit 48, which is a conditional use in the RMF-24 and CS zoning districts. The portion of the property zoned R-A is intended to remain as a tree preservation area.

Public Comment: To date, staff has received two public comments expressing concerns about potential environmental impacts of the proposed development, displacement of wildlife, the steep hillsides, and drainage concerns.

RECOMMENDATION: Staff recommends denial of **CUP-2025-0046.** If approved, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties.** *Staff finds the proposed private dormitory to be compatible based on the findings contained herein;*

2. A 20' x 7' concrete pad shall be constructed adjacent to a 26' long bus loading zone along the property's frontage near Ashwood and Razorback. This concrete pad shall include a bench or other seating and shall be designated as micromobility rideshare parking;

3. Approximately 200 linear feet of off-site 12 foot wide trail construction shall be required south of property line to complete the trail connection to Mount Kessler as indicated in the attached exhibit;

4. Permanent seating, and at least two of the following shall be installed at each proposed driveway and the intersection of Ashwood and Razorback adjacent to the trail in order to activate the public realm: planting beds, water features, public art, bicycle service areas, or other similar features;

5. A 10-foot buffer shall be required adjacent to the existing conservation easement located to the west of the proposed property. No grading may occur within this buffer.

6. Compliance with UDC §166.23, Urban Residential Design Standards shall be fully reviewed at the time of large-scale development;

7. All outdoor lighting shall meet the requirements as outlined in UDC Chapter 176, Outdoor Lighting; and

8. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs.

9. Any other necessary improvements to water, sewer, streets, or sidewalks, will be determined at the time of development entitlement.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 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 a conditional use permit for Use Unit 48: Private Dormitories in the RMF-40 and CS zoning district.

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

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

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

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

Finding: **The Planning Commission is empowered under UDC §161.16 and §161.22 to grant the requested conditional use permit to allow Use Unit 48 in the RMF-24 and CS zoning districts.**

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

Finding: **Staff finds that granting the requested conditional use is likely to adversely affect public interest. While staff finds that private dormitory use is likely compatible in this location given its proximity to S. Razorback Rd. and direct sidewalk connections to the University campus, staff finds that the proposed development plans depict intense development on a steep hillside which may ultimately be incompatible with the natural character of the site and surrounding developed areas, and that the proposed plans do not comply with a substantial portion of city ordinances, including UDC §161.23 Urban Residential Design Standards and UDC §172.04 Parking Design Standards. Further, staff finds that the plans do not depict required street improvements to adjacent streets or trail systems. Given the lack of compliance with city ordinances, staff finds that the proposed site design may pose risks to life and property that outweigh the benefits of additional private dormitory units within the city.**

(c.) The Planning Commission shall certify:

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

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

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

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

Finding: **Multi-family developments, including that oriented towards student housing, are required to meet a parking ratio of one space per bedroom. While the site plan indicates a roughly even combination of garage and on-site parking that meets this total number, staff finds that the site design does not comply with UDC §172.04 Parking Design Standards and that either substantial redesign or multiple planning commission variances shall likely be required in order to meet ordinance.**

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

Finding: **Staff finds the applicant's request is incompatible with surrounding land uses. The property in question is primarily surrounded by either single family residential neighborhoods or city parkland, though the property is bordered primarily by S. Razorback Rd. to the east. The adjacent neighborhood to the north is undergoing substantial infill, with multiple residential projects approved within the past year. Extensive use of retaining walls are proposed with the development, with walls exceeding 10' in height adjacent to all property lines and public streets. Several areas include retaining walls exceeding 15'. No activated public space is proposed nor are street improvements shown along most of Ashwood or any portion of Razorback. As only one sidewalk connection is shown to the public right-of-way to service the entire development, most of the area visible from outside of the property would be these large retaining walls. Additionally, the development is proposed as a strictly student housing development with no nonresidential uses or other services that would cater to the surrounding public. If approved, staff recommends that permanent seating, and at least two of the following shall be installed at the proposed driveways and the intersection of Ashwood and Razorback adjacent to the trail in order to activate the public realm: planting beds, water features, public art, bicycle service areas, or other similar features.**

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

Finding: **The applicant provided a vehicle trip generation letter which shows the development would only add 80 trips to the peak hour of traffic (P.M. peak). This would be below the threshold for which a detailed traffic impact study would typically be required according to the Minimum Street Standards. Staff generally thinks this increase in vehicular traffic can safely be accommodated with connections to both Ashwood Ave. and Razorback Rd. A final analysis and any recommended improvements will be finalized during the entitlement phase.**

The traffic letter did not include any information on estimated impacts to existing sidewalk, bus, or bike infrastructure. Staff has recommended conditions of approval related to anticipated increased in pedestrian and cycling traffic. Staff recommends that a 20' x 7' concrete pad shall be constructed adjacent to a 26' long bus loading zone along the property's frontage near Ashwood and Razorback that could be converted to a bus pad if routes are later expanded to this area. Staff recommends that this concrete pad include a bench or other seating and that the area be designated as micromobility rideshare parking. Additionally, staff recommends

approximately 200 feet of off-site trail construction south of property line to complete the trail connection to Mount Kessler, a regional park that is likely to serve residents of the private dormitories due to its provision of hiking, mountain biking, and other services not provided by parks located to the north.

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

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

Finding: **Vehicular access is proposed from curb cuts along S. Ashwood Ave. and S. Razorback Rd. to the east, and appears to meet relevant separation distance requirements. Only one pedestrian connection is shown to the public right-of-way which only extend to the proposed clubhouse. Staff finds the lack of a complete, separate pedestrian system throughout the development would likely result in pedestrians, cyclists, and other alternative transportation users utilizing spaces intended for vehicles which has the potential to create conflicts and safety concerns for future residents.**

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

Finding: **A combination of off-street parking on surface lots throughout the site and garage parking is proposed; however, staff finds the proposed design does not generally comply with UDC §172.04 Parking Design Standards. Parking pads within the Hillside Hilltop Overlay District are limited to a maximum of 30 spaces per pad and a central pad near the clubhouse includes 62 spaces. Additionally, while there is an allowance for parking spaces to utilize up to 2' of a landscape overhang to make up the full depth of a standard parking space, most of these landscape overhangs within the site include steep grades that would prevent most vehicles from utilizing this space. As such, staff finds that most on-site parking spaces on site would not be of sufficient depth to serve standard size vehicles, which could create maneuvering and safety issues throughout the development.**

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

Finding: **The applicant has not identified two trash locations on the site plan that appear to meet city ordinance.**

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

Finding: **There is currently an 8" water line along the east side of Razorback Rd. and a 6" water main along S. Ashwood Ave that the property can tie to. During entitlement review these connections will be analyzed to determine if a looped connection across the site between these two lines is adequate or if additional improvements are needed. There is currently a 6" sanitary sewer main available to the site at the northeast corner of the property. The applicant has engaged the city's sewer modeling consultant to model this development within the existing sewer system and confirm any issues. This study will be finalized during the entitlement phase and will recommend any additional downstream improvements.**

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

Finding: **Extensive grading is proposed throughout the site with large retaining walls along multiple property lines. A conservation easement currently exists on city property to the west of the property. While not identical to a tree preservation easement, conservation easements serve a similar function. For trees intended to be preserved, UDC 167.05(B) requires tree protection barriers be installed along either the dripline of the canopy or 10 feet from the trunk, whichever is greater. In order to mitigate potential impact to this conservation easement, staff recommends a 10-foot buffer shall be required adjacent to its boundaries within which no grading may occur.**

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

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

(g.) Required yards and other open space;

Finding: **Based on the applicant's submittal, the proposed site plan appears to comply with minimum buildable street frontage requirements. Within the RMF-24 zoning district, buildings adjacent to a single-family district which exceed two stories have additional side setback requirements based on their final story-height determination, which will be fully evaluated with permitting. Full compliance with the City's tree preservation and landscape requirements will be evaluated at the time of development submittal.**

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

Finding: **Staff finds the applicant's request to be incompatible with adjacent properties. The proposed development is substantially more intense than surrounding properties and is inconsistent with other recent infill developments in the area which are street-facing. The proposal is substantially noncompliant with city ordinances and neither activates the public realm or treats the hillside with sensitive design.**

163.19 Private Dormitories

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

(A) *Subject to Residential Parking Standards.* Dormitories shall be subject to Chapter 172, Parking and Loading, and shall be subject to residential parking requirements.

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

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

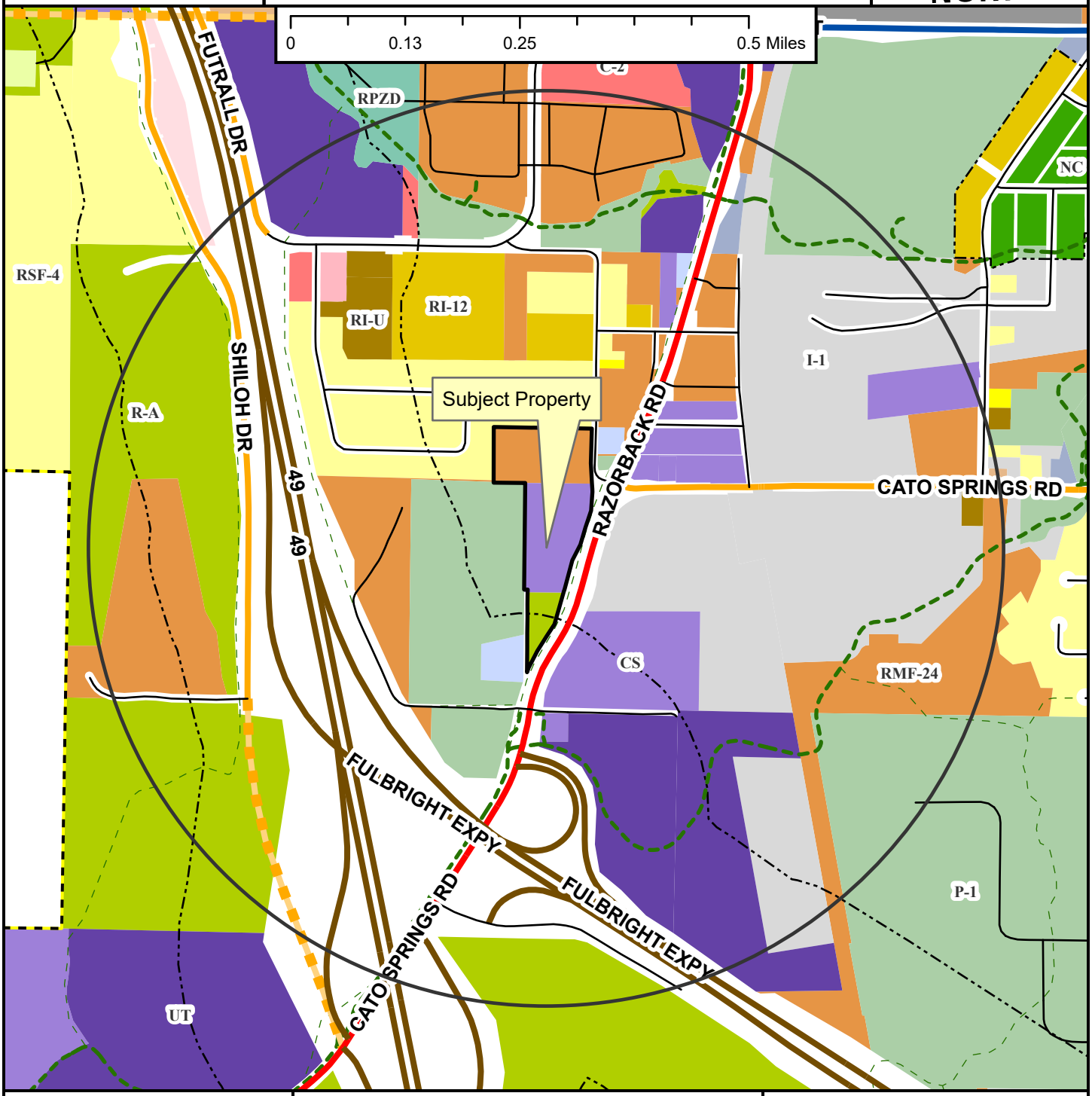
(Ord. No. 6879, §4, 5-20-25)

CUP-2025-0046

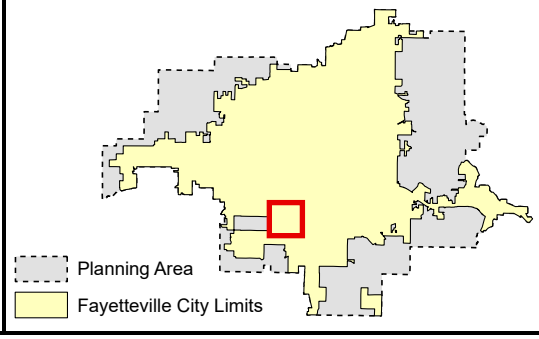
One Mile View

SOUTHWEST OF S. RAZORBACK RD. AND S.

NORTH



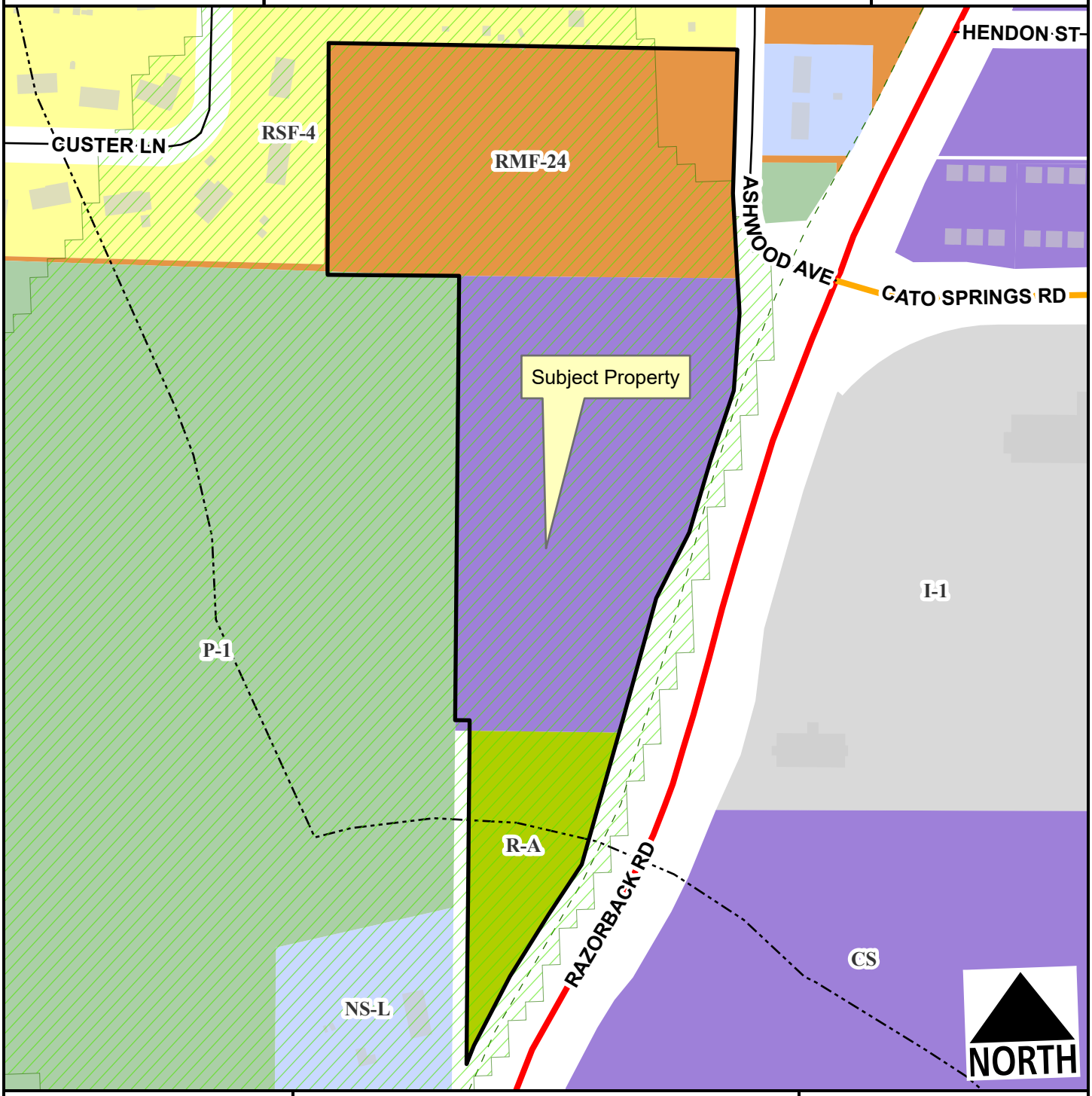
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



CUP-2025-0046

Close Up View

SOUTHWEST OF S. RAZORBACK RD. AND S.



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

Feet

0 75 150 300 450 600

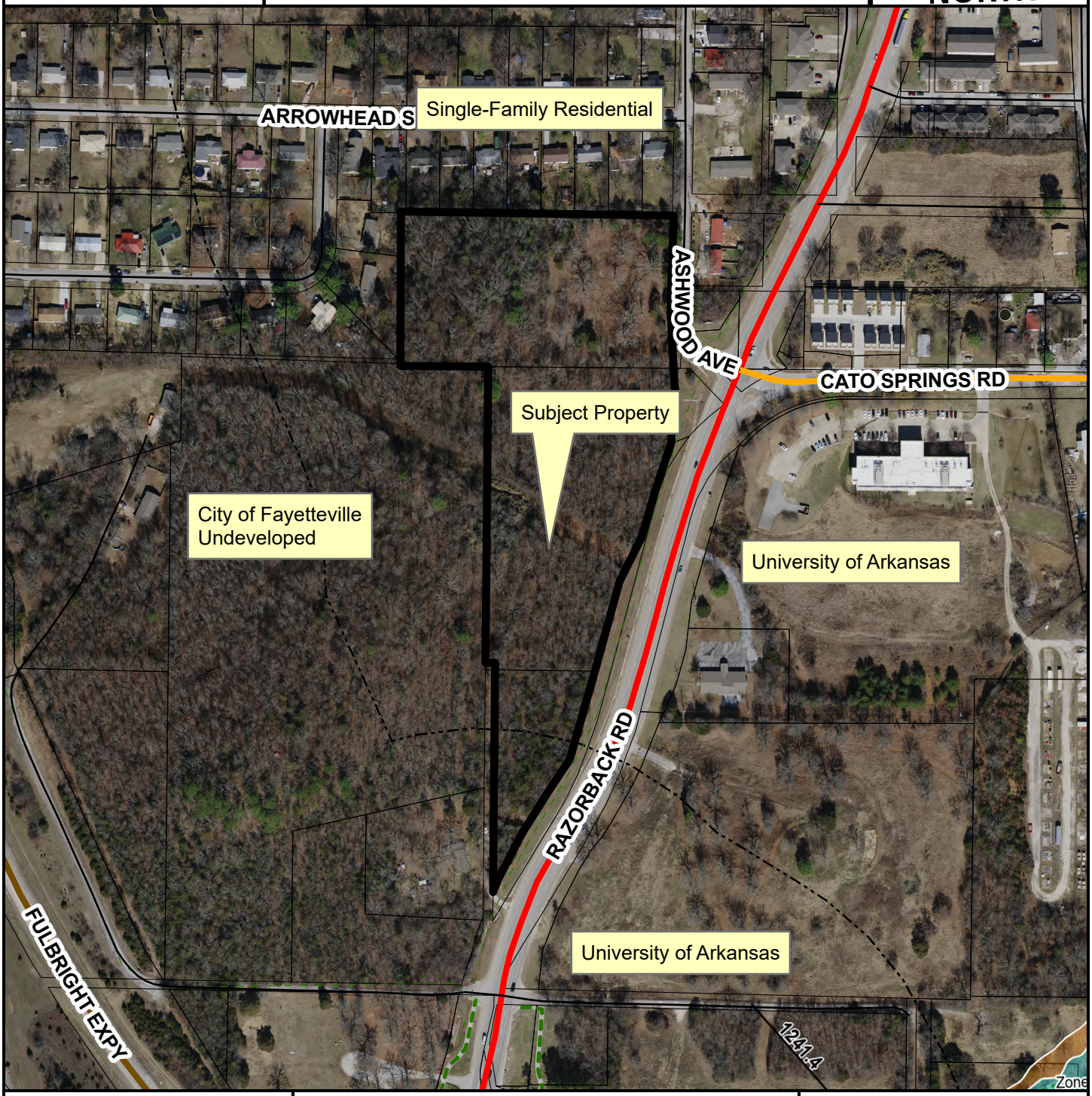
1:2,400

CUP-2025-0046

Current Land Use

SOUTHWEST OF S. RAZORBACK RD. AND S. ASHWOOD AVE

NORTH



- Regional Link
- Neighborhood Link
- Freeway/Expressway
- Unclassified
- 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

(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 does not align with the goals and intent of the city's adopted land use plans. The existing zoning districts permit multifamily developments by right, with density capped at 24 units per acre within the RMF-24 zoning and with no cap in the CS zoning. As such, staff finds that the existing zoning permits intensive development without a conditional use permit; however, the proposed development is intended to be constructed as primarily student housing, limiting its broader contributions to the city's overall housing market and triggering the need for a conditional use permit, and is further substantially noncompliant with city development standards. The proposed single use of the site, the turning away from the public realm, extensive grading of the hillside with large retaining walls, and lack of pedestrian services run counter to city goals to encourage alternative transportation; establish complete, connected developments; assemble an enduring green network; and to create a livable transportation network.**

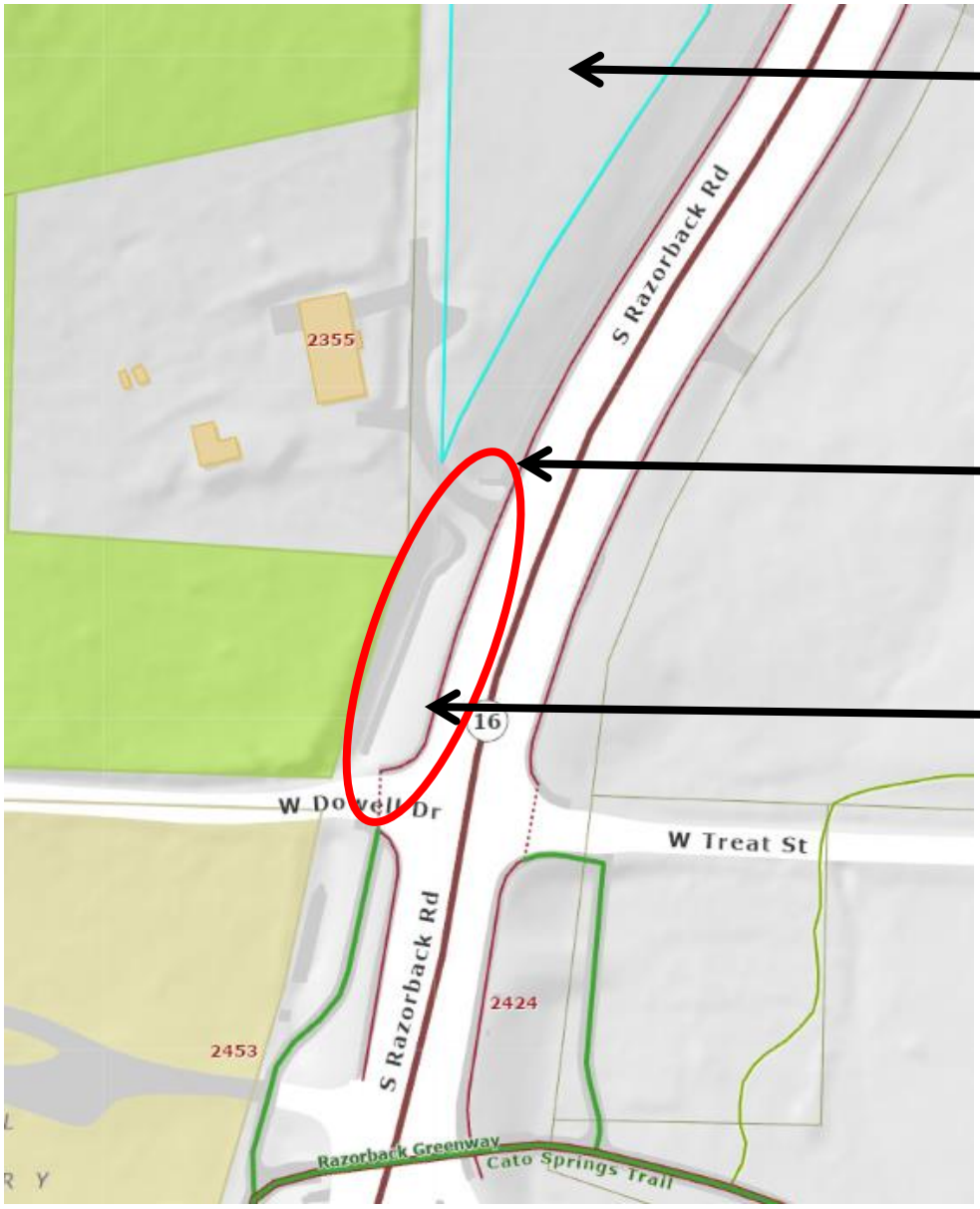
This area is also part of the Fayette Junction Master Plan, which calls for this property to be part of the "Shining Gateway," a largely preserved and reforested hillside that is intended to preserve views of Old Main, mitigate negative impacts of development on an environmentally sensitive site, and act as a southern gateway into the city. All proposed tree preservation in the site is located at the southern corner, with total tree removal and extensive grading proposed elsewhere.

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- UDC 163.19 Private Dormitories
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Staff Exhibits
  - Recommended Off-Site Improvements
  - Fayette Junction Master Plan Excerpts
- Staff Memos
  - Engineering Memo
  - Long Range Planning Memo
- Applicant Request Packet
  - Site Plans
  - Building Elevations
  - Traffic Generation Letter
- Public Comment

Staff Exhibit
Recommended Off-Site Trail Connection

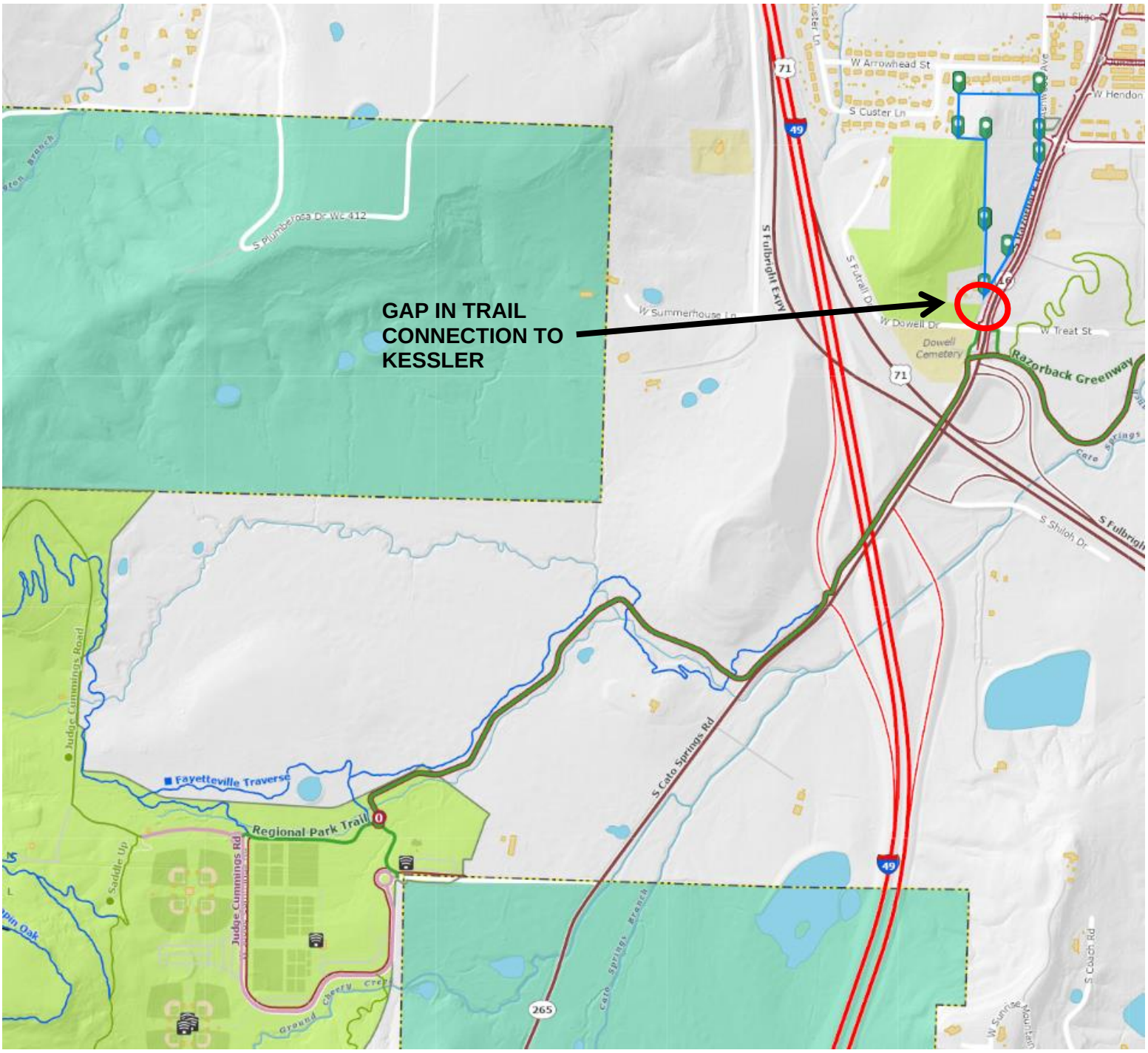


SUBJECT PROPERTY

EDGE OF ON-SITE STREET IMPROVEMENTS

~200 FOOT GAP IN TRAIL AND PEDESTRIAN CROSSINGS




GAP IN TRAIL
CONNECTION TO
KESSLER
W Arrowhead St
S Custer Ln
W Hendon
S Fulbright Expy
W Summerhouse Ln
W Dowell Dr
Dowell
Cemetery
W Treat St
Razorback Greenway
S Shiloh Dr
S Cato Springs Rd
Fayetteville Traverse
Regional Park Trail
Judge Cummings Road
Judge Cummings Rd
Saddle Up
Cato Springs Branch
S Couch Rd
W Sunrise Mountain
71
49
265

Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 15 of 62

Integrate the built and natural environments.

The Fayette Junction Neighborhood Plan area has a wide variety of topography, landform types, soil classifications, floodplain and wetlands. In the past, a substantial amount of development occurred in the floodplain, such as the old Levi Strauss Plant. Negative impacts of floodplain development can include diminshed property value and environmental damage to the stream system. The new development shown in the Fayette Junction Illustrative plan is intentionally placed outside of the 100-year floodplain. The steep hillside areas have reforested and have generally been left undisturbed. These diverse landforms present both opportunities and challenges that have been addressed in the Illustrative Plan.

Shining Gateway

The intersection of Razorback Road and I-540 provides a prime opportunity to preserve and enhance the southern gateway into the City. Razorback Road is flanked on the east by a smaller hillside that provides a distinctive vantage point opposite the Dowell Cemetery hillside. Development on this site could potentially impair the terminated vista of the iconic Old Main. The University of Arkansas Facilities Management Planning Group expressed the desire to keep this site unobstructed for this important viewshed.

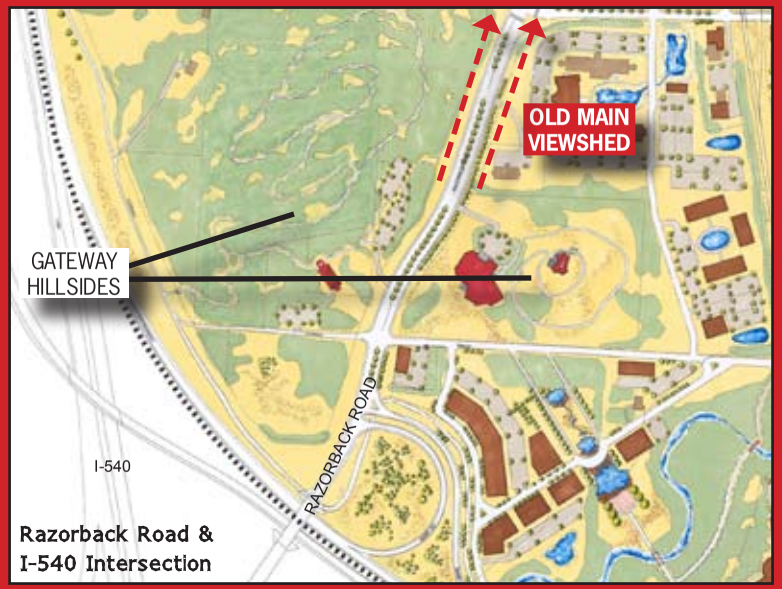
The Fayette Junction Illustrative Plan shows this gateway with a small church or civic building constructed above Dowell Cemetery with parking that could be shared with visitors to the adjacent city owned open space. Across Razorback Road on the smaller hilltop, a civic building is illustrated that could be associated with the clean tech cluster envisioned in this area.

The hillsides reflect the natural beauty of the Ozarks, serving as sentinels to the City. The preservation of these two hillsides adjacent to the development of a clean tech park would symbolize the City's commitment to sustainability and the attention to balance between preservation and development. The opportunity to preserve this most dramatic of gateways is in the near future - before development pressures make it cost prohibitive.

WHAT IS A 100-YEAR FLOODPLAIN?

Flooding is a natural and recurring event for a river or stream. Flooding occurs when heavy or continuous rainfall exceeds the absorptive capacity of soil and the flow capacity of the river or stream, causing a watercourse to overflow its banks onto adjacent lands. Floodplains are, in general, those lands most subject to recurring floods, situated adjacent to rivers and streams. Floodplains are therefore "flood-prone" and are hazardous to development activities if the impact of those activities exceeds an acceptable level.

Floods are usually described in terms of their statistical frequency. A "100-year flood" or "100-year floodplain" describes an event or an area subject to a 1% probability of a certain size flood occurring in any given year.



Razorback Road &
I-540 Intersection

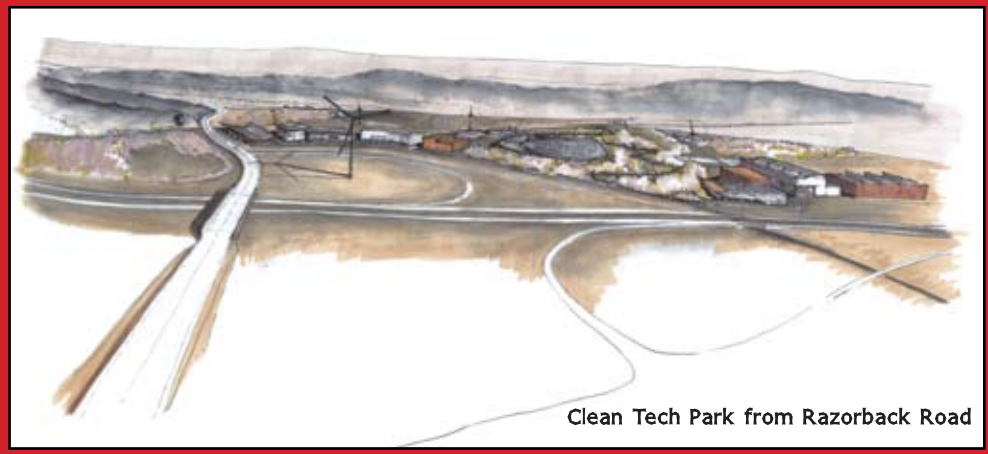
Fayette Junction

Capturing "Green Valley" in Fayetteville's southern gateway

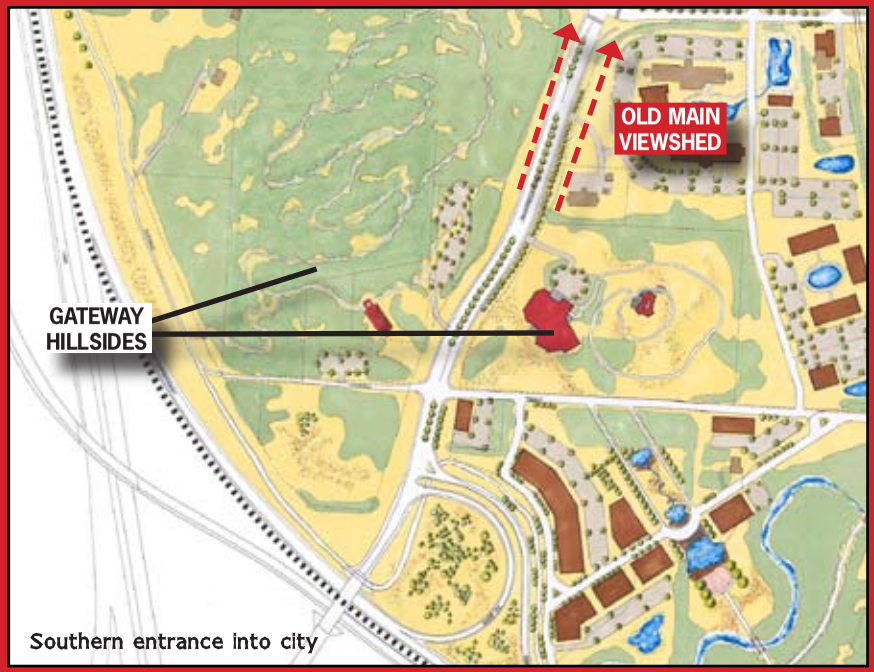
The vision for "Green Valley" has become a shared vision in Fayetteville among industry leaders, the University of Arkansas and City government. The southern gateway into Fayetteville from I-540 currently lacks defining features but has potential to become a striking entrance into the city, highlighting the "Green Valley" concept and building upon the strengths of ARTP.

The potential for a grand entrance into the City of Fayetteville exists first in the natural landscape. Dowell Cemetery Hillside lies to the west of the entrance. A smaller hill and undeveloped land lie to the east. The two hillsides frame a view of the University's Old Main, serving as sentinels into the city. Extending the boulevard south along Razorback Road to I-540 as envisioned in the Illustrative Plan would enhance the streetscape at Fayetteville's southernmost exit. This boulevard would also limit curb cuts onto Razorback Road, limiting the starts and stops in traffic flow caused by vehicles entering and exiting onto the arterial.

The Illustrative Plan envisions a clean tech park located at the undeveloped land southeast of the I-540 exit with a focus on fabrication and manufacturing, complementing rather than competing with the research and development activities at ARTP. Clean tech labs or offices within the identified park or east of BioBased Companies could also utilize the existing rail line for deliveries by constructing a spur. Locating clean tech industries on the undeveloped land just east of this entrance accomplishes two things: 1) Close proximity to ARTP and BioBased Companies allows a cluster of companies to take advantage of material and intellectual resources; and 2) Clean tech companies that employ "green" building techniques such as those envisioned in the Illustrative Plan create an advertisement and announcement for "Green Valley" with Fayetteville as its epicenter.



Clean Tech Park from Razorback Road



Southern entrance into city

Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 16 of 62

Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 17 of 62

Mid-term Projects

1. Preserve the Ogden hillside at Razorback Road and I-540.

The Razorback Road entrance to the City presents the unique opportunity to establish a natural gateway to the City. The large Dowell Cemetery hillside has been preserved through City ownership and a conservation easement. The smaller hillside located across Razorback Road is in private ownership. This land is owned by the Joyce Ogden Family Trust and comprises a 10-acre parcel. The University of Arkansas has expressed interest in acquiring this land in order to preserve the viewshed of Old Main and the Fayetteville downtown skyline. The Illustrative Master Plan depicts this land as being utilized for a welcome or visitor's center.

The City of Fayetteville in partnership with the University of Arkansas should work to acquire the Ogden land either through ownership or a conservation easement. A conservation easement separates the ownership of the land from the development rights. The landowner relinquishes these development rights but can continue to use and enjoy the land while protecting it from further development in perpetuity. An easement assures property owners that their heirs and successors will maintain the land in uses consistent with open space purposes and the landowner's wishes. A variety of tax benefits may be available to landowners who place their land in a conservation easement. These may include deductions in income, property and estate taxes.

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

THRU: Britin Bostick, Long Range Planning/Special Projects Manager

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 13, 2025

SUBJECT: **Long Range Planning Comments Regarding CUP-2025-0046**

BACKGROUND:
The applicant requests conditional use approval to construct private dormitories (Use Unit 48) on approximately 9.99 acres in southwest Fayetteville. The applicant, Ashwood Townhomes LLC, is a registered entity in Texas. The application also indicates that local developer Bransen Harris is associated with the project. Harris has constructed several student-oriented and multi-family housing projects in Fayetteville. This project is a greenfield development and does not include the redevelopment or loss of existing housing units.

Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *2025 Fayetteville Housing Assessment.*

***City Plan 2040* (2020):**
- 3.3.1 – Require new growth that results in neighborhoods, districts and corridors that are: compact, complete, and connected. (p.32)
- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

***Fayetteville Housing Assessment* April 2025 Update (2025):**
The *Fayetteville Housing Assessment* addressed the role of the University of Arkansas and purpose-built student housing in the city's greater housing ecosystem. At the time of publication, 81% of students found housing off campus. Private dormitories are one type of development aimed at housing university students specifically and are leased on a by-the-bedroom basis, "which has an advantage to both the property owner and tenants. Leasing by the bedroom provides a shared unit at a lower individual cost to the renter than a more traditional unit, and the owner has the benefit of receiving multiple rents instead of one…. [which] allows property owners to charge a higher overall rent per unit than leasing a unit to a conventional household. Rents for an entire house, duplex, or apartment unit built for this purpose can then be increased above the typical market rate for leasing by the unit."[1]

[1] Fayetteville Housing Assessment April 2025 Update, 11. https://www.fayetteville-ar.gov/DocumentCenter/View/37686/2025-Fayetteville-Housing-Assessment.

The Housing Assessment further stated that "if enrollment continues on the current trend, 5% annual growth, more student-focused housing will be needed. However, if enrollment declines or even a flattening of enrollment, in the context of a still-growing non-student population, will cause a need to focus on meeting housing needs that are not as successfully addressed by the market… **housing for the city's residents earning below median income, and for whom new housing is increasingly out of reach."**

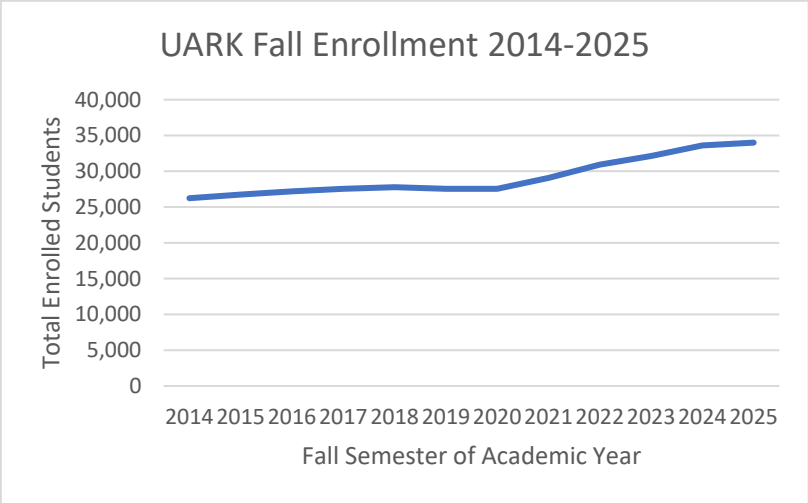


Figure 1. Note that enrollment numbers for Fall 2025 have not been formally published. These numbers were provided by University of Arkansas Dean of Admissions at the July 28, 2025 Town & Gown Committee meeting and may be lower.

Between 2014 and 2024, total student enrollment at the University of Arkansas increased 28.1%, from 26,237 to 33,610.[2] The most recent enrollment boom occurred between 2021 and 2024, when enrollment increased by an average of approximately 1,500 students annually. Data released by UA in late July 2025 reveals that enrollment fell short of the anticipated 36,000 students for Fall 2025 by approximately 2,000 students (Figure 1). With a stated total enrollment of approximately 34,000 students for Fall 2025, this represents a mere 1.16% increase over the previous year's enrollment, suggesting a plateau, or at the least a slowing, in enrollment. UA anticipates an enrollment cliff in 2026, with an anticipated -5% enrollment decline statewide (WICHE Data).

DISCUSSION:

Assessment of by-the-bedroom Student Housing

It is important to consider the impact of private dormitories as it relates to objectives of *City Plan 2040*:

- 3.3.1 – Require new growth that results in neighborhoods, districts and corridors that are: compact, complete, and connected. (p.32)
- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.44)

University of Arkansas on-campus housing has not kept pace with enrollment with only 708 new beds added in the past ten years and an additional 744 beds planned for delivery in academic year 2028-2029.[3] As a result, the private market has stepped in to make up for the lack of student housing available near campus. Between 2014 and 2024, student oriented private developments have added 7,040 beds, which effectively closed the gap between student enrollment growth (an increase of 7,373 students from 2014-2024) and housing needs.

Of note, it is important to understand that the goal should not be to completely close the gap between total undergraduate enrollment and UARK beds and private beds, as the private

[2] This includes undergraduate, graduate, and law school students.
[3] Number of bedrooms updated following July 28, 2025 Town & Gown Committee meeting.

market provides many housing options to meet the needs of the variety of undergraduate students both historically and at present. Rather, the goal should be to close the gap between enrollment growth and housing growth to maintain balance in the system that has existed for over twenty years in Fayetteville. This goal has been surpassed.

Review of recent development data indicates that the city may be approaching market saturation for private dormitories. There are currently 2,419 bedrooms under construction, with nearly 7,000 additional bedrooms in various stages of development review. These additions will exceed the difference between current enrollment growth and student housing production in the context of a statewide anticipated -5% enrollment cliff.[4]

The continued construction of student-only developments is in opposition to stated goals and objectives in *City Plan 2040.* By serving only students in housing units with mostly 3-4+ bedrooms and equivalent private bathrooms, these developments are not providing a variety of housing types or creating complete neighborhoods. Private dormitories are not a resilient housing type that can be easily or affordably adapted to other user types, like young professionals, families, or elderly residents who could similarly benefit from the connectivity and amenities that come from relative proximity to the University of Arkansas and Downtown Fayetteville.

Developments that create additional opportunities for walkability, a mix of uses, housing density near employment and entertainment centers, etc. are supported by the city's adopted plans and policies. However, these opportunities are already attainable through the development of multi-family housing which is available without a conditional use permit. Further, the development of multi-family housing that could serve a variety of tenants (beyond solely students) and provide increased housing options for all Fayetteville residents would most closely meet adopted goals and objectives.

[4] Town & Gown Committee Meeting, July 28, 2025.

JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

September 4, 2025

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services
Re: Ashwood Townhomes CUP

On behalf of Ashwood Townhomes LLC, we are submitting this Conditional Use Permit application for a large-scale development located on approximately 9.99 acres at the west side of the Razorback Road and Ashwood Avenue intersection. This development is being categorized as "private dormitory" as defined by Ordinance 6879.

The proposed project includes 140 townhome units with a total of 405 beds, associated parking, a centrally located underground detention facility, and supporting infrastructure. The site is zoned RMF-24, CS, and R-A.

We believe this project represents a compatible and appropriate use at this location adjacent to the University of Arkansas and within an established student housing corridor. The development is designed to mitigate potential impacts through internalized circulation, landscaped buffering, professional management, and compliance with applicable City codes.

Enclosed with this application is a Conditional Use Permit narrative addressing each of the approval criteria required by the City's Unified Development Code. Supporting documents include the site plan, traffic analysis, and tree preservation plan.

We respectfully request your approval of this Conditional Use Permit so that the project may proceed through the Large-Scale Development review process.

Thank you for your time and consideration. We look forward to working with staff and the Commission to ensure a project that benefits the City of Fayetteville and surrounding community.

Sincerely;

Jared Inman
Jared S. Inman, P.E.

Applicant: Ashwood Townhomes LLC (Bransen Harris)
Project: Ashwood Townhomes LSD
Location: West side of Razorback Road & Ashwood Avenue Intersection
Zoning: RMF-24, CS, and R-A
Acreage: ±9.99 acres

Response to Conditional Use Approval Criteria

1. The proposed use is compatible with the surrounding properties.

- The property lies in an established student housing corridor adjacent to the University of Arkansas.
- Nearby land uses include other multi-family and student-oriented housing developments.
- The proposed 26 building development (140 townhomes totaling 405 beds) are consistent in density and character with surrounding uses.

2. The proposed use will not adversely affect adjacent properties or the neighborhood.

- The site design internalizes parking and circulation to reduce traffic impacts on Razorback Road and Ashwood Avenue.
- Stormwater detention will be provided through a centrally located underground system meeting all City standards.
- Professional property management, landscaped buffers, and controlled access will minimize noise, traffic conflicts, and other potential impacts.

3. The proposed use is consistent with the purpose of the zoning district.

- RMF-24 and CS zoning encourage higher-density housing and mixed residential uses near major transportation corridors and the University.
- The project provides diverse housing options for students in direct alignment with the intent of these zoning districts.

4. Adequate utilities, roads, drainage, and other public services are available.

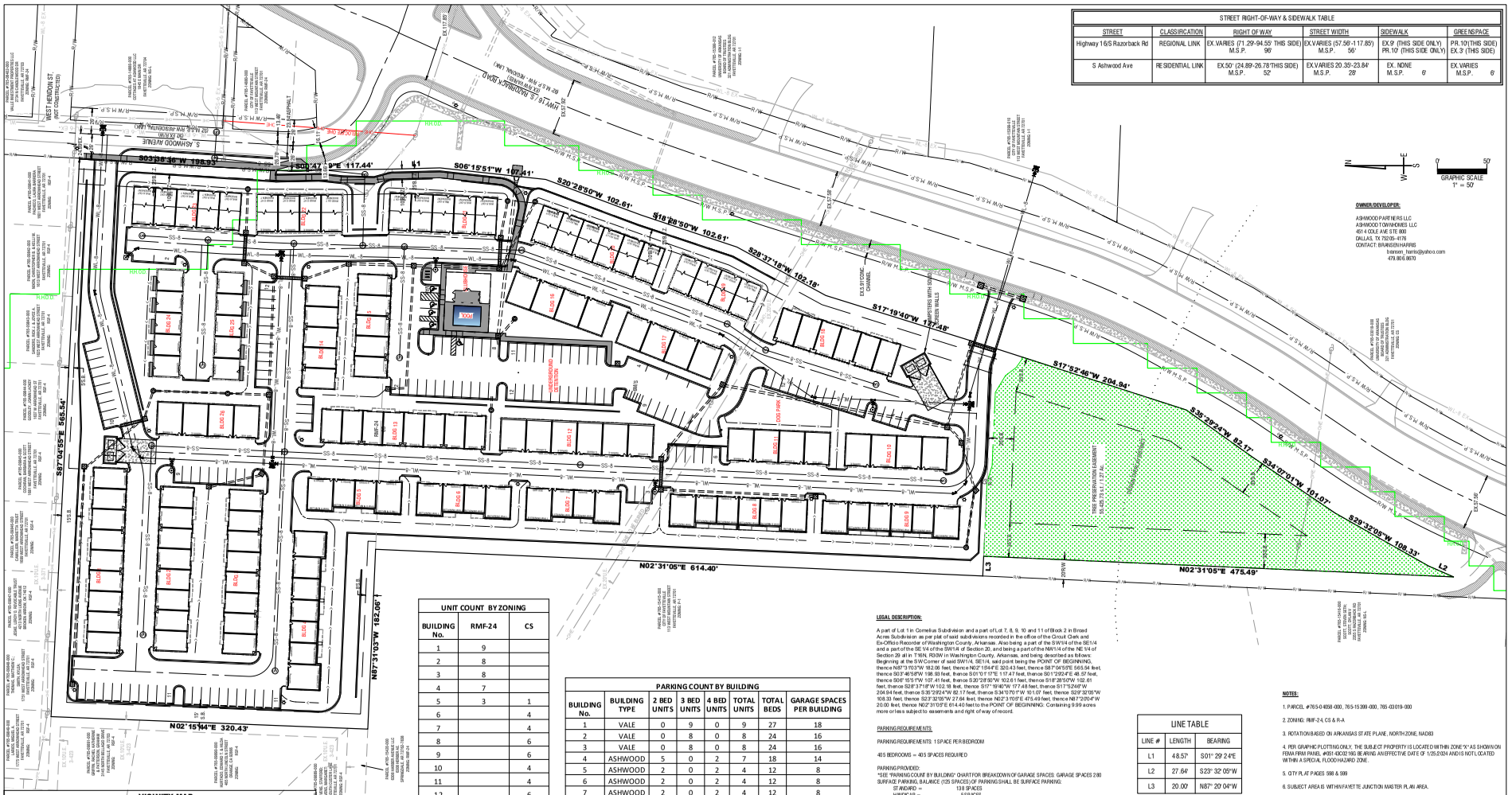
- Water and sewer services are located along Ashwood Avenue and will be extended into the development.
- A downstream sewer capacity study by RJN has been commissioned at the City's request.
- A trip generation study by Peters & Associates was performed to evaluate traffic impacts. They estimate less than 200 peak hour trips (67 trips in AM peak hour and 80 trips in the PM peak hour) during AM and PM peak hour conditions.
- Fire, police, and other services are readily available in this area of the City.

5. The proposed use complies with all other City regulations.

- The site will comply with Hillside Hilltop Overlay District standards and tree preservation requirements.
- Tree preservation is planned across the entirety of the R-A parcel.
- A variance will be requested from UDC 166.23(C)(4)(a) for individual ground-floor pedestrian connections due to steep topography and retaining wall constraints; however, pedestrian access to the public right-of-way will be provided at three locations (at each entrance and a central connection).
- All other City codes and conditions imposed by the Planning Commission will be met.

Conclusion

The proposed development provides much-needed student housing in a location appropriate for higher-density uses. It is compatible with its surroundings, consistent with zoning intent, adequately served by public infrastructure, and designed to mitigate impacts to adjacent properties. For these reasons, we respectfully request approval of this Conditional Use Permit.


S03°38'36"W 198.99'
S09°47'39"E 417.44'
S06°15'51"W 107.41'
S20°26'50"W 102.61'
S18°26'50"W 102.61'
S26°37'18"W 102.18'
S17°19'40"W 137.45'
S17°52'46"W 204.94'
S35°29'24"W 82.17'
S34°07'01"W 101.07'
S29°32'05"W 108.33'
S87°04'55"E 565.54'
N87°31'03"W 182.06'
N02°15'44"E 320.43'
N02°31'05"E 614.40'
N02°31'05"E 475.49'
L1
L2
L3
S. ASHWOOD AVENUE
WEST HERNDON ST.
(NOT CONSTRUCTED)
S. ASHWOOD AVENUE
(NOT CONSTRUCTED)
S. ASHWOOD AVENUE
(NOT CONSTRUCTED)
EX. 8" SEWER
EX. 12" WATER
EX. 8" SEWER
EX. 8" SEWER
EX. 8" SEW

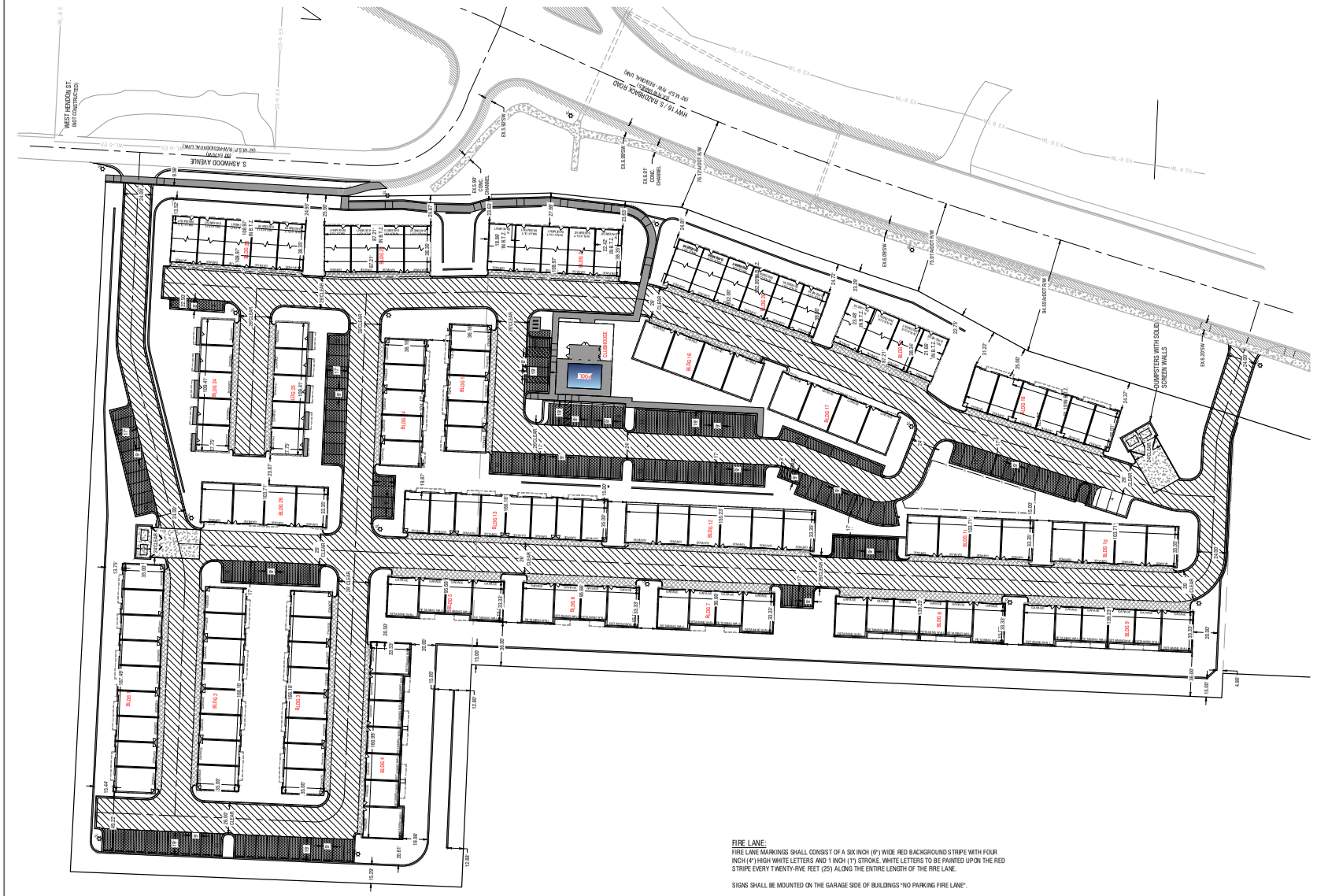

MATCHLINE
N02°15'44"E 320.43'
N87°31'03"W 192.09'
S87°04'55"E 565.54'
S20°28'50"W 102.61'
S06°15'51"W 107.41'
S00°47'09"E 117.44'
S03°38'36"W 198.93'
S. ASHWOOD AVENUE
(52' M.S.P. R/W-RESIDENTIAL LINK)
HWY 16 / S. RAZORBACK ROAD
(92' M.S.P. R/W - REGIONAL LINK)
RELOCATE OHE
POOL
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 10
BLOCK 11
BLOCK 12
BLOCK 13
BLOCK 14
BLOCK 15
BLOCK 16
BLOCK 17
BLOCK 18
BLOCK 19
BLOCK 20
BLOCK

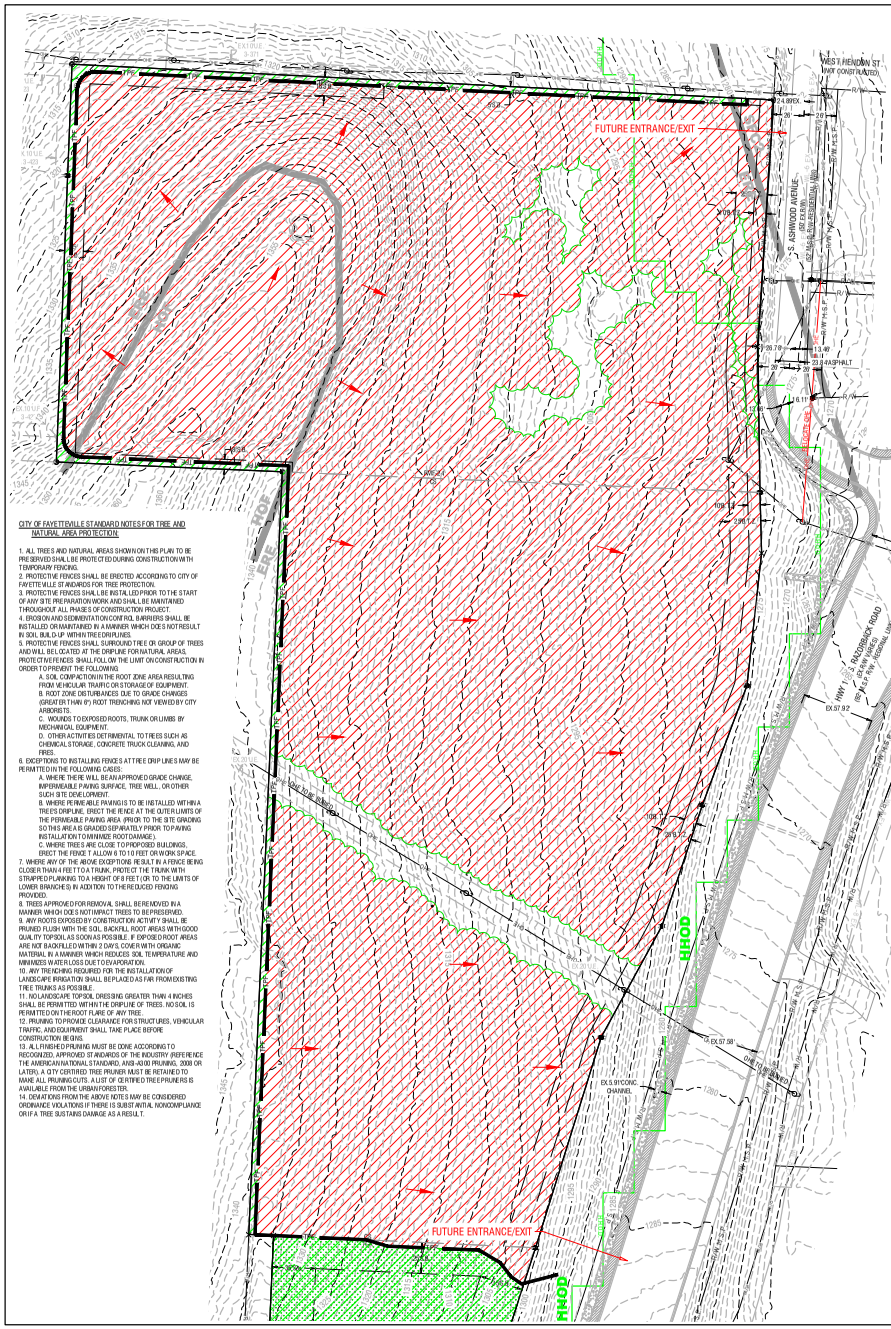

MATCHLINE
N02°31'05"E 475.49'
N02°31'05"E 614.40'
S38°29'24"W 82.17'
S17°52'46"W 204.94'
S17°19'40"W 177.48'
S28°31'18"W 102.16'
S18°28'50"W 102.61'
DUMPSTERS WITH SOLID SCREEN WALLS
ONE TOE BLVD
DOG PARK
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 10
BLOCK 11
R/W M.S.P.
EX. 8" WATER LINE
EX. 8" SEWER LINE
EX. ELECTRIC OVERHEAD
EX. GAS LINE
EX. 8" W LINE
EX. 8" S LINE
EX. 8" W/S LINE
EX. 8" G LINE
EX. 8" E LINE
EX. 8" T LINE
EX. 8" W/G LINE
EX. 8" W/T LINE
EX. 8" W/E LINE
EX. 8" S/T LINE
EX. 8" S/E LINE
EX. 8" S/G LINE
EX. 8" S/W LINE
EX. 8" W/S/T LINE
EX. 8" W/S/E LINE
EX. 8" W/S/G LINE
EX. 8" W/S/W LINE
EX. 8" W/S/T/E LINE
EX. 8" W/S/T/G LINE
EX. 8" W/S/T/W LINE
EX. 8" W/S/E/G LINE
EX. 8" W/S/E/W LINE
EX. 8" W/S/G/W LINE
EX. 8" W/S/T/E/G LINE
EX. 8" W/S/T/E/W LINE
EX. 8" W/S/T/G/W LINE
EX. 8" W/S/E/G/W LINE
EX. 8" W/S/T/E/G/W LINE
TREE PRESERVATION EASEMENT
SHEET NUMBER
C1.03
SHEET TITLE
LARGE SCALE DEVELOPMENT SOUTH AREA
PROJECT TITLE:
ASHWOOD TOWNHOMES LSD
PROJECT LOCATION:
FAYETTEVILLE, AR
REVISIONS
PROJECT DETAILS
LEGEND
CALCULATED POINT
FOUND IRON PIN
SET IRON PIN & CAP
POWER POLE
CENTERLINE MARKER
SEWER MANHOLE
STREET LIGHT
EXISTING WATERLINE
PROPOSED W WATER LINE
EXISTING SEWER LINE
PROPOSED SS SEWER LINE
CONCRETE STREET
BUILDING SETBACK
UTILITY EASEMENT
NEW SIDEWALK
UTILITY CROSSING
EXISTING CONTOUR
FINISHED CONTOUR
DATE: 4.15.25
DESIGNED BY: PMM
DRAWN BY: PMM
FILE PATH: Z:\LSD\TOWNHOMES
SHEET SIZE: 22" x 34"
SCALE: 1" = 30'
JORGENSEN & ASSOCIATES
No. 725
REGISTERED LANDSCAPE ARCHITECT
STATE OF ARKANSAS
JORGENSEN +ASSOCIATES
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Civil Engineering + Surveying Established 1985
GRAPHIC SCALE
1" = 30'
0
30
60



SHEET NUMBER: C1.04	SHEET TITLE: GRADING & EROSION CONTROL PLAN	CERTIFICATE OF AUTHORIZATION JORGENSEN & ASSOCIATES No. 725 ARKANSAS	DATE: 4.15.25 DRAWN BY: PMM PROJECT NO: 2024-0004 FILE PATH: Z:\24-0004\TOWNHOMES SHEET SIZE: 22" x 34" SCALE: 1" = 40'	REVISIONS	PROJECT TITLE: ASHWOOD TOWNHOMES LSD PROJECT LOCATION: FAYETTEVILLE, AR	PROJECT DETAILS: PROPERTY LINE; EXISTING CONTOUR; FINISHED CONTOUR; UTILITY CROSSING; NEW SIDEWALK; UTILITY EASEMENT; CENTERLINE STREET; BUILDING SETBACK; PROPOSED 8" WATERLINE; EXISTING WATERLINE; PROPOSED 8" SEWER LINE; EXISTING 8" SEWER LINE; STREET LIGHT; SEWER MANHOLE; CENTERLINE MARKER; POWER POLE; SET IRON PIN & CAP; FOUND IRON PIN; CALCULATED POINT; LEGEND

JORGENSEN +ASSOCIATES 124 W Sunbridge Drive, Suite 5 Fayetteville, AR 72703 Office: 479.443.9927 www.jorgensenassociates.com Civil Engineering + Surveying Established 1985


S. ASHWOOD AVENUE
WEST HERIDON ST.
(NOT DEDICATED)
HWY 16 / S. RAZORBACK ROAD
(SR 45 S - R/W VARIABLE WIDTH)
EX.6.0" CONC. CHANNEL
EX.6.0" CONC. CHANNEL
EX.6.0" CONC. CHANNEL
EX.6.0" CONC. CHANNEL
75.0' HIGHWAY R/W
54.5' HIGHWAY R/W
DUMPSTERS WITH SOLID SCREEN WALLS
CLUBHOUSE
POOL
BLDG 1
BLDG 2
BLDG 3
BLDG 4
BLDG 5
BLDG 6
BLDG 7
BLDG 8
BLDG 9
BLDG 10
BLDG 11
BLDG 12
BLDG 13
BLDG 14
BLDG 15
BLDG 16
BLDG 17
BLDG 18
BLDG 19
BLDG 20
BLDG



CITY OF FAYETTEVILLE STANDARD NOTES FOR TREE AND NATURAL AREA PROTECTION:

1. ALL TREES AND NATURAL AREAS SHOWN ON THIS PLAN TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION WITH TEMPORARY FENCING.
2. PROTECTIVE FENCES SHALL BE ERECTED ACCORDING TO CITY OF FAYETTEVILLE STANDARDS FOR TREE PROTECTION.
3. PROTECTIVE FENCES SHALL BE INSTALLED PRIOR TO THE START OF ANY SITE PREPARATION WORK AND SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION PROJECT.
4. EROSION AND SEDIMENTATION CONTROL BARRIERS SHALL BE INSTALLED OR MAINTAINED IN A MANNER WHICH DOES NOT RESULT IN SOIL BUILD-UP WITHIN TREE DRIPLINES.
5. PROTECTIVE FENCES SHALL SURROUND TREE OR GROUP OF TREES AND WILL BE LOCATED AT THE DRIPLINE FOR NATURAL AREAS. PROTECTIVE FENCES SHALL FOLLOW THE LIMIT ON CONSTRUCTION IN ORDER TO PREVENT THE FOLLOWING:
   A. SOIL COMPACTION IN THE ROOT ZONE AREA RESULTING FROM VEHICULAR TRAFFIC OR STORAGE OF EQUIPMENT.
   B. ROOT ZONE DISTURBANCES DUE TO GRADE CHANGES (GREATER THAN 6") ROOT TRENCHING NOT VIEWED BY CITY ARBORISTS.
   C. WOUNDS TO EXPOSED ROOTS, TRUNK OR LIMBS BY MECHANICAL EQUIPMENT.
   D. OTHER ACTIVITIES DETRIMENTAL TO TREES SUCH AS CHEMICAL STORAGE, CONCRETE TRUCK CLEANING, AND TIRES.
6. EXCEPTIONS TO INSTALLING FENCES AT TREE DRIP LINES MAY BE PERMITTED IN THE FOLLOWING CASES:
   A. WHERE THERE WILL BE AN APPROVED GRADE CHANGE, IMPERMEABLE PAVING SURFACE, TREE WELL, OR OTHER SUCH SITE DEVELOPMENT.
   B. WHERE PERMEABLE PAVING IS TO BE INSTALLED WITHIN A TREES DRIPLINE, ERECT THE FENCE AT THE OUTER LIMITS OF THE PERMEABLE PAVING AREA (PRIOR TO THE SITE GRADING SO THIS AREA IS GRADED SEPARATELY PRIOR TO PAVING INSTALLATION TO MINIMIZE ROOT DAMAGE).
   C. WHERE TREES ARE CLOSE TO PROPOSED BUILDINGS, ERECT THE FENCE TALLOW 6 TO 10 FEET OR WORK SPACE.
7. WHERE ANY OF THE ABOVE EXCEPTIONS RESULT IN A FENCE BEING CLOSER THAN 4 FEET TO A TRUNK, PROTECT THE TRUNK WITH STRAPPED PLANKING TO A HEIGHT OF 8 FEET (OR TO THE LIMITS OF LOWER BRANCHES) IN ADDITION TO THE REDUCED FENCING PROVIDED.
8. TREES APPROVED FOR REMOVAL SHALL BE REMOVED IN A MANNER WHICH DOES NOT IMPACT TREES TO BE PRESERVED.
9. ANY ROOTS EXPOSED BY CONSTRUCTION ACTIVITY SHALL BE PRUNED FLUSH WITH THE SOIL BACKFILL ROOT AREAS WITH GOOD QUALITY TOPSOIL AS SOON AS POSSIBLE. IF EXPOSED ROOT AREAS ARE NOT BACKFILLED WITHIN 2 DAYS, COVER WITH ORGANIC MATERIAL IN A MANNER WHICH REDUCES SOIL TEMPERATURE AND MINIMIZES WATER LOSS DUE TO EVAPORATION.
10. ANY TREE WORK REQUIRED FOR THE INSTALLATION OF LANDSCAPE IRRIGATION SHALL BE PLACED AS FAR FROM EXISTING TREE TRUNKS AS POSSIBLE.
11. NO LANDSCAPE TOPSOIL DRESSING GREATER THAN 4 INCHES SHALL BE PERMITTED WITHIN THE DRIPLINE OF TREES. NO SOIL IS PERMITTED ON THE ROOT FLARE OF ANY TREE.
12. PRUNING TO PROVIDE CLEARANCE FOR STRUCTURES, VEHICULAR TRAFFIC, AND EQUIPMENT SHALL TAKE PLACE BEFORE CONSTRUCTION BEGINS.
13. ALL FINISHED PRUNING MUST BE DONE ACCORDING TO RECOGNIZED, APPROVED STANDARDS OF THE INDUSTRY (REFERENCE THE AMERICAN NATIONAL STANDARD, ANSI-A300 PRUNING, 2008 OR LATER). A CITY CERTIFIED TREE PRUNER MUST BE RETAINED TO MAKE ALL PRUNING CUTS. A LIST OF CERTIFIED TREE PRUNERS IS AVAILABLE FROM THE URBAN FORESTER.
14. DEVIATIONS FROM THE ABOVE NOTES MAY BE CONSIDERED ORDINANCE VIOLATIONS IF THERE IS SUBSTANTIAL NONCOMPLIANCE OR IF A TREE SUSTAINS DAMAGE AS A RESULT.

USRED SOIL CLASSIFICATION:

EVE - ENDERS-LEESBURG COMPLEX, 8 TO 20 PERCENT SLOPES
HOF - HECTOR-MOUNTAINBURG STONY FINE SANDY - 3 TO 40 PERCENT SLOPES, ROCKY

TREE GROUPING NOTE:

EXISTING TREE CANOPY IS A MIXTURE OF PREDOMINATELY POST OAK WITH VARIOUS OTHER OAKS ALONG WITH PINE, ELM, CHERRY, WALNUT, CATALPA, AND HACKBERRY TREES. SIZES VARY FROM SAPLING TO 40" TRUNK DIA. DUE TO NECESSARY MASS GRADING OF THE SITE, INTERNAL TREE PRESERVATION AREAS ARE NOT POSSIBLE.

Tree Preservation Calculations Square Feet

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	372,070	100%
*Zoning Designation * Select Below with drop down arrow*		
RMF-24 Multi-Family Residential-Twenty-Four Units Per Acre	74,414	20%
*HHOD * Select Below with Drop Down Arrow*		
Yes	18,603	5%
Total Canopy for Minimum Preservation Requirements	93,017	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	353,790	95.1%
Tree Canopy Preserved	8,378	2.3%
Tree Canopy Removed *On Site	345,412	92.8%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	345,412	92.8%
Removed Below Minimum	**84,639**	
Mitigation Requirements	**84,639**	

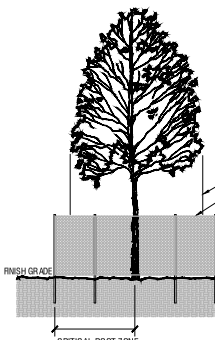
Tree Preservation Calculations Square Feet

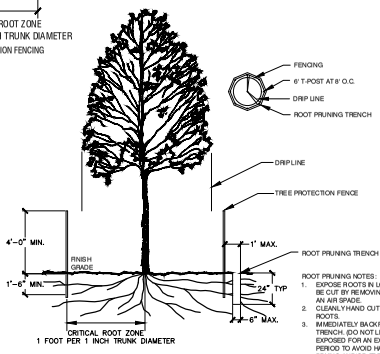
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	56,503	100%
*Zoning Designation * Select Below with drop down arrow*		
R-A Residential - Agriculture	14,126	25%
*HHOD * Select Below with Drop Down Arrow*		
Yes	2,825	5%
Total Canopy for Minimum Preservation Requirements	16,951	30.0%
Existing Tree Canopy * Minus Right of Way and Easements	56,271	99.6%
Tree Canopy Preserved	55,193	97.7%
Tree Canopy Removed *On Site	1,078	1.9%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	1,078	1.9%
Removed Below Minimum	**0**	
Mitigation Requirements	**0**	

OWNER/DEVELOPER:
ASHWOOD PARTNERS LLC
ATTN: BRAWSEN HARRIS
PO BOX 1002
ALMA, AR 72921
479-806-8670

TREE PROTECTION FENCE
TPF
CANOPY PRESERVED
CANOPY REMOVED

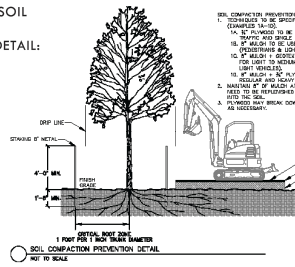
GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 inch = 200 ft.





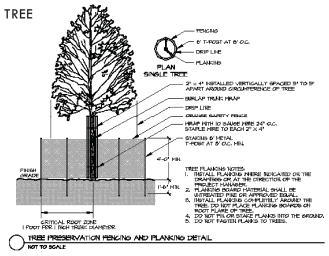
ROOT PRUNING NOTES:
1. EXPOSE ROOTS IN LOCATIONS TO BE CUT BY REMOVING SOIL WITH AN AIR SPADE.
2. CLEANLY HAND CUT EXPOSED ROOTS.
3. IMMEDIATELY BACKFILL OPEN TRENCH. (DO NOT LEAVE ROOTS EXPOSED FOR AN EXTENDED PERIOD TO AVOID HARMFUL DRYING AND/OR FREEZING.

EXAMPLE OF SOIL COMPACTION PREVENTION DETAIL:



SOIL COMPACTION PREVENTION NOTES:
1. TECHNIQUES TO BE SPECIFIED BY URBAN FORESTRY (STANDARDS 164-00).
   1A. 4" MULCH TO BE USED FOR LIGHT FOOT TRAFFIC AND SINGLE VEHICLE CROSSING.
   1B. 6" MULCH TO BE USED FOR LIGHT TRAFFIC (PEDESTRIANS & LIGHT VEHICLES).
   1C. 8" MULCH + GEOTEXTILE FABRIC TO BE USED FOR LIGHT TO MEDIUM TRAFFIC (PEDESTRIANS & LIGHT VEHICLES).
   1D. ¾" PLYWOOD TO BE USED FOR REGULAR AND HEAVY TRAFFIC.
2. MAINTAIN 6" OF MULCH AT ALL TIMES. MULCH MAY NEED TO BE REPURPOSED DUE TO RAIN OR SINKING INTO THE SOIL.
3. PLYWOOD MAY BREAK DOWN DURING USE, REPLACE AS NECESSARY.

EXAMPLE OF SOIL TREE PLANKING :



TREE PLANKING NOTES:
1. INSTALL PLANKING WHERE INDICATED ON THE DRAWINGS OR AT THE DIRECTION OF THE LANDSCAPE ARCHITECT.
2. PLANKING AND MATERIAL SHALL BE DETERMINED PRIOR OR APPROVED EQUAL.
3. INSTALL PLANKING COMPLETELY AROUND THE TREE. DO NOT PLACE PLANKING BETWEEN OR ON TOP OF BUTTRESS.
4. DO NOT NAIL OR SCRAPE PLANKS INTO THE GROUND.
5. DO NOT FASTEN PLANKS TO TREES.

JORGENSEN + ASSOCIATES
Planning Commission
Civil Engineering · Surveying · Landscape Architecture
124 W Sunbridge Drive, Suite S
Fayetteville, AR 72703
479.443.4506

October 13, 2025

CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)

LEGEND

- CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- POWER POLE
- CENTERLINE MARKER
- SEWER MANHOLE
- FIRE HYDRANT
- STREET LIGHT
- EXISTING 8" SEWER LINE SS-8
- PROPOSED 8" SEWER LINE SS-8
- EXISTING WATERLINE
- PROPOSED 8" WATER LINE
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE: ASHWOOD TOWNHOMES LSD

PROJECT LOCATION: FAYETTEVILLE, AR

REVISIONS

DATE: 16FEB2024
DRAWN BY: PMM
PROJECT #2020099
FILE PATH: Z:\LSD\2020099\KIDDER
SHEET SIZE: 22" x 34"
SCALE: 1" = 50'

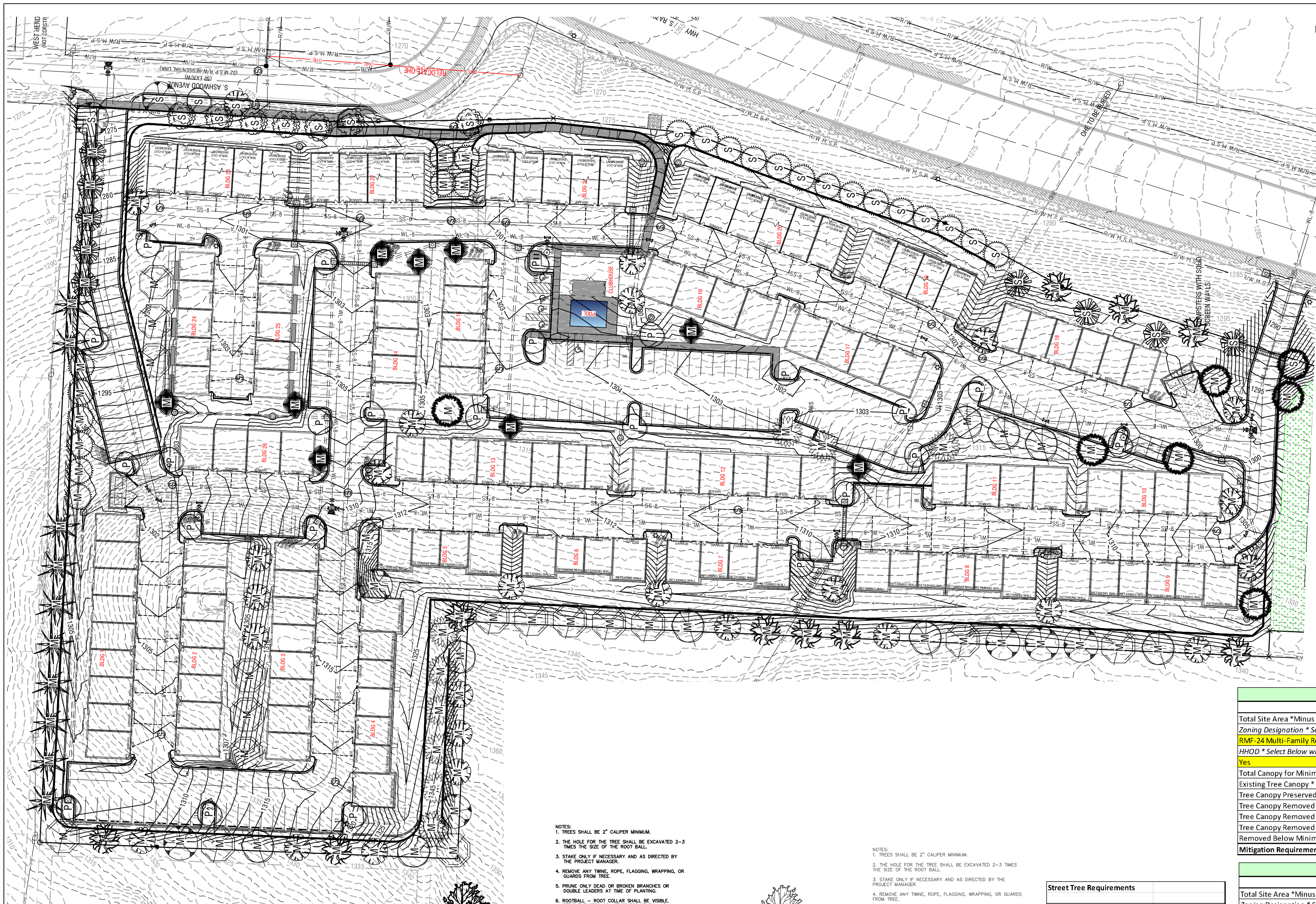
CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 725
ARKANSAS – ENGINEER

SHEET TITLE

TREE PRESERVATION PLAN

SHEET NUMBER

L1.01



OWNER/DEVELOPER:

ASHWOOD PARTNERS LLC
ASHWOOD TOWNHOMES LLC
4514 COLE AVE STE 800
DALLAS, TX 75205-4176
CONTACT:

CITY OF FAYETTEVILLE LANDSCAPE NOTES:

1. CONTRACTOR SHALL CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO STARTING ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ARKANSAS ONE-CALL TO CONFIRM ALL UTILITIES.
2. ALL PLANTS MUST BE HEALTHY, VIGOROUS AND FREE OF PESTS AND DISEASE.
3. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
4. ALL PLANTS MUST BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED ON THE PLANT LIST.
5. ALL REQUIRED TREES SHALL BE 2" MINIMUM CALIPER, WITH A SINGLE DOMINATE CENTRAL LEADER. MULTI LEADERED TREES WILL NOT BE ACCEPTABLE WITHOUT PRIOR APPROVAL FROM URBAN FORESTRY.
6. ALL TREES MUST BE STRAIGHT TRUNKED AND FULL HEADED, UNLESS SPECIFIED OTHERWISE, AND MUST MEET ALL REQUIREMENTS SPECIFIED ON PLANS.
7. ALL TREES AND SHRUBS SHALL BE INSTALLED PER STANDARD CITY OF FAYETTEVILLE PLANTING DETAILS.
8. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER CONSTRUCTION.
9. ALL PLANTING AREAS MUST BE COMPLETELY MULCHED WITH A 4" LAYER OF ORGANIC HARDWOOD MULCH. MULCH SHALL BE NOT BE PLACED IMMEDIATELY ADJACENT TO TREE TRUNKS, BUT SHALL BE KEPT AT LEAST 3" FROM ROOT COLLAR AT THE SOIL LINE.
10. ALL PROPOSED PLANTING AREAS COVERED BY GRASS SHALL HAVE THE SOD COMPLETELY REMOVED BEFORE PLANTING BEGINS.
11. ALL PLANTING BEDS SHALL BE CONTAINED BY EDGING MATERIAL OTHER THAN VEGETATION.
12. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION AT NO COST TO THE OWNER.
13. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
14. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING MATERIAL (INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, FERTILIZING, ETC.) IN ALL PLANTING AREAS AND LAWN AREAS UNTIL THE WORK IS ACCEPTED IN TOTAL BY THE OWNER.
15. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
16. ANY PLANT MATERIAL WHICH DIES, TURNS BROWN, OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
17. NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DESCREPANCIES PRIOR TO ANY PLANTING. LOCATE ALL UTILITIES AND SITE LIGHTING CONDUITS BEFORE CONSTRUCTION BEGINS.
18. ALL DISTURBED AREAS SHALL BE SEEDED WITH A GRASS SEED MIX CONSISTING OF 70% TURF TYPE FESCUE, 20% PERENNIAL RYE, AND 10% BERMUDA GRASS AT 5 POUNDS PER 1,000 SQUARE FEET.
19. ALL AREAS TO BE SEEDED SHALL RECEIVE 4" OF TOPSOIL AND BE GRADED PER THE GRADING PLAN.
20. IRRIGATION SHALL BE EITHER AN UNDERGROUND AUTOMATIC SYSTEM OR SHALL UTILIZE HOSE BIBS EVERY 100' AS REQUIRED BY FAYETTEVILLE LANDSCAPE ORDINANCE.
21. MAINTENANCE: THE CURRENT OWNER OF THE PROPERTY SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF REQUIRED LANDSCAPING.
22. REPLACEMENT LANDSCAPING: REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED SHALL BE REMOVED AND REPLACED BY THE CURRENT OWNER OF THE PROPERTY. THE OWNER SHALL HAVE 60 DAYS FROM THE RECEIPT OF WRITTEN NOTICE ISSUED BY THE CITY TO REMOVE AND REPLACE ANY REQUIRED LANDSCAPING THAT DIES OR IS DAMAGED.
23. THREE (3) YEAR MAINTENANCE SURETY SHALL BE DEPOSITED FOR EACH REQUIRED STREET AND MITIGATION TREE.
24. PRIOR TO GRADING PERMIT, ALL TREE PRESERVATION MEASURES SHALL BE IN PLACE PER APPROVED TREE PRESERVATION PLAN.
25. PRIOR TO BUILDING PERMIT, A LANDSCAPE ESTIMATE PER APPROVED LANDSCAPE PLAN SHALL BE SUBMITTED TO URBAN FORESTRY. A PERFORMANCE LANDSCAPE SURETY IN THE AMOUNT OF 150% OF THE APPROVED LANDSCAPE ESTIMATE SHALL THEN BE SUBMITTED WITH LANDSCAPE SURETY FORM.
26. AN EASEMENT PLAT DEPICTING TREE PRESERVATION AREAS MUST BE SIGNED BY URBAN FORESTRY AND FILED PRIOR TO BUILDING PERMIT.
27. PRIOR TO CERTIFICATE OF OCCUPANCY, LANDSCAPE ARCHITECT OF RECORD SHALL PERFORM AN INSPECTION CONFIRMING THAT IMPLEMENTATION OCCURRED PER APPROVED LANDSCAPE PLAN. UPON SUCCESSFUL RESULTS AND INSPECTION, REQUEST FINAL LANDSCAPE INSPECTION BY URBAN FORESTRY.
28. MAINTAIN 5' MINIMUM HORIZONTAL SEPARATION BETWEEN TREE PLANTINGS AND UTILITY LINES.
29. ALL PLANTING DETAILS ARE ACCORDING TO THE FAYETTEVILLE LANDSCAPE MANUAL.

Tree Preservation Calculations Square Feet

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	372,070	100%
*Zoning Designation * Select Below with drop down arrow*		
RMF-24 Multi-Family Residential-Twenty-Four Units Per Acre	74,414	20%
*HHOD * Select Below with Drop Down Arrow*		
Yes	18,603	5%
Total Canopy for Minimum Preservation Requirements	93,017	25.0%
Existing Tree Canopy * Minus Right of Way and Easements	353,790	95.1%
Tree Canopy Preserved	8,378	2.3%
Tree Canopy Removed *On Site	345,412	92.8%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	345,412	92.8%
Removed Below Minimum	**84,639**	
Mitigation Requirements	**84,639**	

Tree Preservation Calculations Square Feet

	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	56,503	100%
*Zoning Designation * Select Below with drop down arrow*		
R-A Residential - Agriculture	14,126	25%
*HHOD * Select Below with Drop Down Arrow*		
Yes	2,825	5%
Total Canopy for Minimum Preservation Requirements	16,951	30.0%
Existing Tree Canopy * Minus Right of Way and Easements	56,271	99.6%
Tree Canopy Preserved	55,193	97.7%
Tree Canopy Removed *On Site	1,078	1.9%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	1,078	1.9%
Removed Below Minimum	**0**	
Mitigation Requirements	**0**	

ZONED: CS
SETBACKS:
SIDE & REAR: NONE

ZONED: R-A
SETBACKS:
FRONT: 35'
SIDE: 20'

*BOTH RMF-24 & CS ARE 20% CANOPY REQUIRED, THEREFORE TABLE REFLECTS BOTH COMBINED.
MITIGATION REQUIRED FOR RMF-24 & CS (20%): 84,639 S.F. LESS R-A CANOPY PRESERVED OVER REQUIRED MINIMUM IN HHOD (30%): -38,242 S.F.
NET REMOVED CANOPY: 46,397 S.F. TO BE MITIGATED

Street Tree Requirements

Linear Feet minus driveways	Required Trees
909.26	30

CITY LANDSCAPE REQUIREMENTS

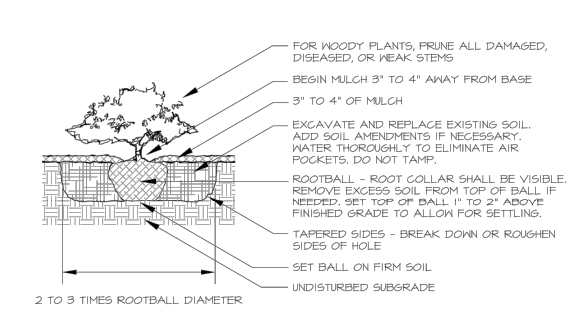
MITIGATION TREES (LABELED WITH AN "M"):
REQUIRED: 213 MITIGATION TREES
PROVIDED: 116 MITIGATION TREES TO BE PROVIDED

STREET TREES (LABELED WITH AN "S")
REQUIRED: 30
PROVIDED: 30 STREET TREES

STORMWATER FACILITY TREES (LABELED WITH AN "D")

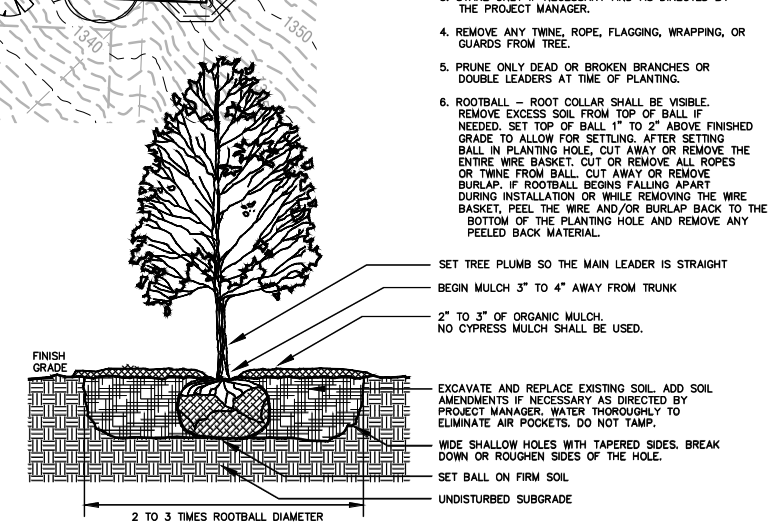
ALL DETENTION IS LOCATED UNDERGROUND.

Canopy Below Requirments Sq. Ft.	Preservation Priority Type	Forestation Base Density/Acre	Number of 2" Caliper Trees to be Planted
46,397	High Priority	200	**213**
0	Low Priority	100	0



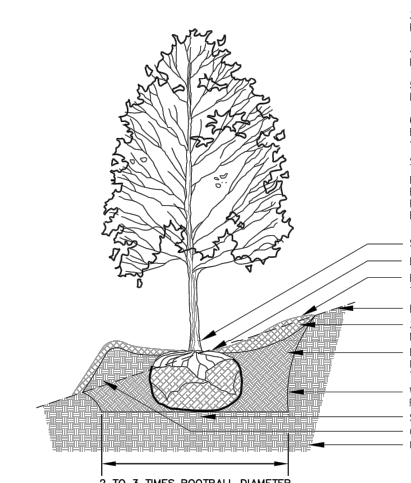
SHRUB PLANTING DETAIL
NOT TO SCALE

NOTES:
1. TREES SHALL BE 2" CALIPER MINIMUM.
2. THE HOLE FOR THE TREE SHALL BE EXCAVATED 2-3 TIMES THE SIZE OF THE ROOT BALL.
3. STAKE ONLY IF NECESSARY AND AS DIRECTED BY THE PROJECT MANAGER.
4. REMOVE ANY TWINE, ROPE, FLAGGING, WRAPPING, OR GUARDS FROM TREE.
5. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING.
6. ROOTBALL - ROOT COLLAR SHALL BE VISIBLE. REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED. SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING. AFTER SETTING BALL IN PLANTING HOLE, CUT AWAY OR REMOVE THE ENTIRE WIRE BASKET. CUT OR REMOVE ALL ROPES OR TWINE FROM BALL. CUT AWAY OR REMOVE BURLAP. IF ROOTBALL BEGINS FALLING APART DURING INSTALLATION OR WHILE REMOVING THE WIRE BASKET, PEEL THE WIRE AND/OR BURLAP BACK TO THE BOTTOM OF THE PLANTING HOLE AND REMOVE ANY PEELED BACK MATERIAL.



TREE PLANTING DETAIL
NOT TO SCALE

NOTES:
1. TREES SHALL BE 2" CALIPER MINIMUM.
2. THE HOLE FOR THE TREE SHALL BE EXCAVATED 2-3 TIMES THE SIZE OF THE ROOT BALL.
3. STAKE ONLY IF NECESSARY AND AS DIRECTED BY THE PROJECT MANAGER.
4. REMOVE ANY TWINE, ROPE, FLAGGING, WRAPPING, OR GUARDS FROM TREE.
5. PRUNE ONLY DEAD OR BROKEN BRANCHES OR DOUBLE LEADERS AT TIME OF PLANTING.
6. ROOTBALL - ROOT COLLAR SHALL BE VISIBLE. REMOVE EXCESS SOIL FROM TOP OF BALL IF NEEDED. SET TOP OF BALL 1" TO 2" ABOVE FINISHED GRADE TO ALLOW FOR SETTLING. AFTER SETTING BALL IN PLANTING HOLE, CUT AWAY OR REMOVE THE ENTIRE WIRE BASKET. CUT OR REMOVE ALL ROPES OR TWINE FROM BALL. CUT AWAY OR REMOVE BURLAP. IF ROOTBALL BEGINS FALLING APART DURING INSTALLATION OR WHILE REMOVING THE WIRE BASKET, CUT AWAY ONLY HALF OF THE BURLAP.



TREE PLANTING ON SLOPE DETAIL
NOT TO SCALE

JORGENSEN + ASSOCIATES
Civil Engineering + Surveying
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

LEGEND

- CALCULATED POINT
- FOUND IRON PIN
- SET IRON PIN & CAP
- POWER POLE
- CENTERLINE MARKER
- SEWER MANHOLE
- FIRE HYDRANT
- STREET LIGHT
- EXISTING 8" SEWER LINE (EX SS-8)
- PROPOSED 8" SEWER LINE (SS-8)
- EXISTING WATERLINE (EX WL-8)
- PROPOSED 8" WATER LINE (WL-8)
- CENTERLINE STREET
- BUILDING SETBACK
- UTILITY EASEMENT
- NEW SIDEWALK
- UTILITY CROSSING (UTX)
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE: ASHWOOD TOWNHOMES LSD

PROJECT LOCATION: FAYETTEVILLE, AR

REVISIONS

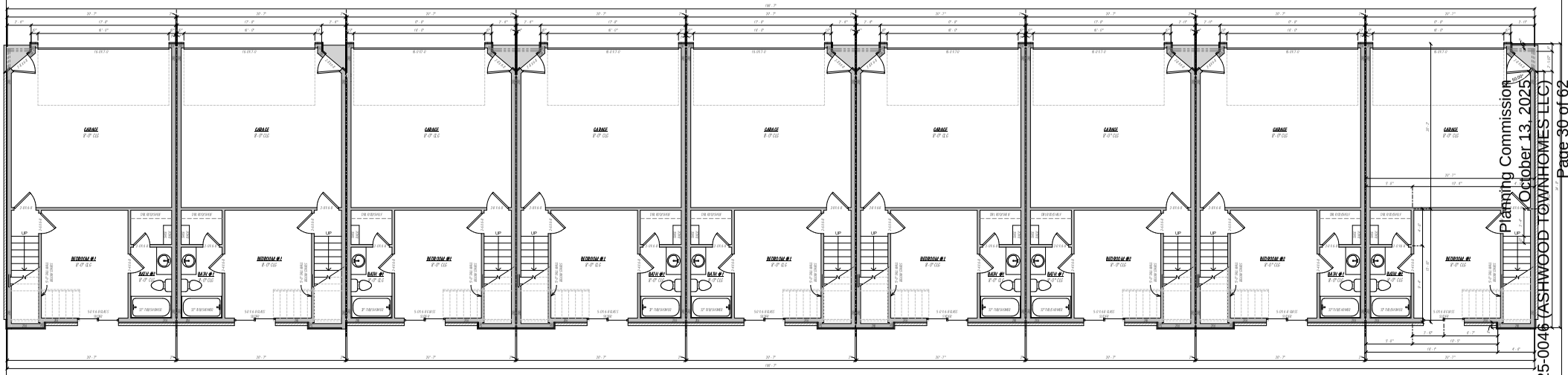
DATE: 7.2.25
DRAWN BY: PMM
PROJECT #2025044
FILE PATH: Z:\LSD\LANDSCAPE
SHEET SIZE: 22" x 34"
SCALE: 1" = 40'

SHEET TITLE

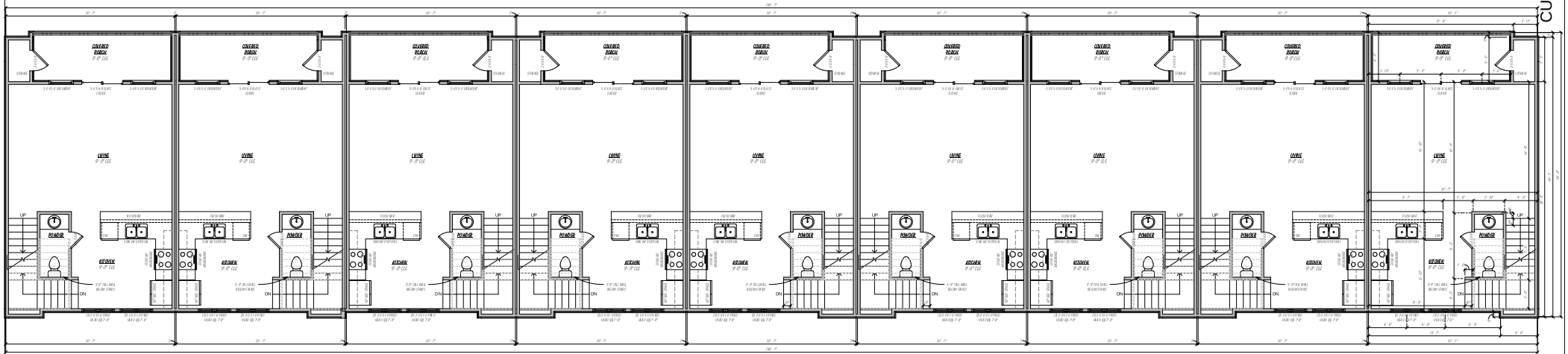
LANDSCAPE PLAN

SHEET NUMBER

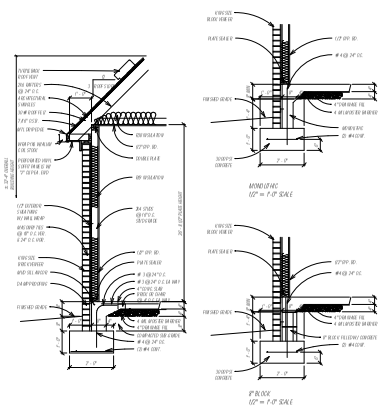
L1.02



Floor Plan
1/4" = 1'-0"



Second Floor
1/4" = 1'-0"



Typ. Wall Section
1/2" = 1'-0"

Footage Tabulation (Each Unit)	
1ST FLOOR HEATED OVER FRAME	295 SF
2ND FLOOR HEATED OVER FRAME	516 SF
3RD FLOOR HEATED OVER FRAME	617 SF
COVERED PORCHES	87 SF
GARAGE SPACE	407 SF
TOTAL UNDER ROOF	1918 SF
TOTAL HEATED OVER BRICK	1458 SF

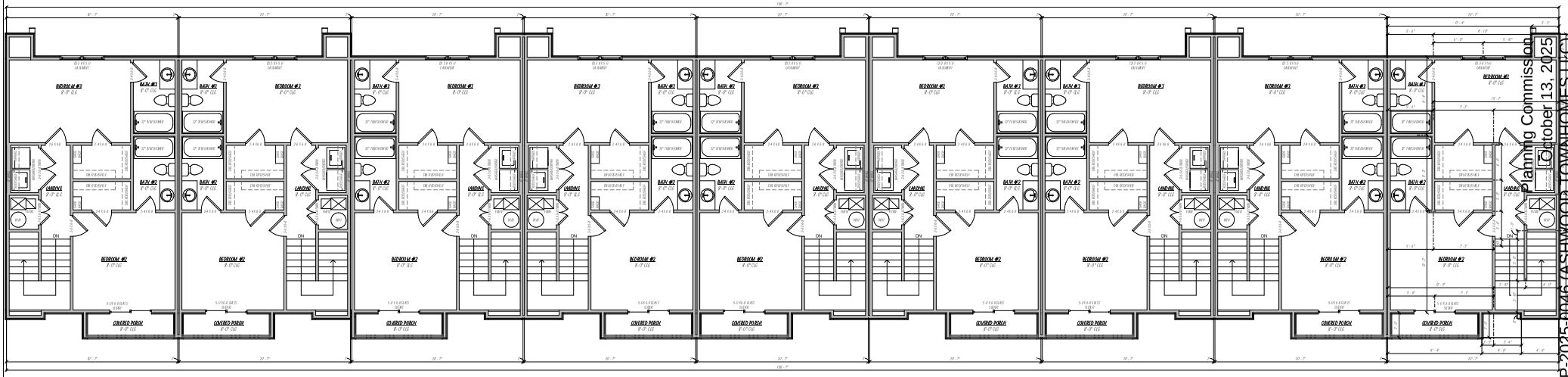
KCP
Residential Design
Phone: (479) 414-4181
www.KCPH.net

3 Bed 9 plex
Bldg. 1
Bransen Harris

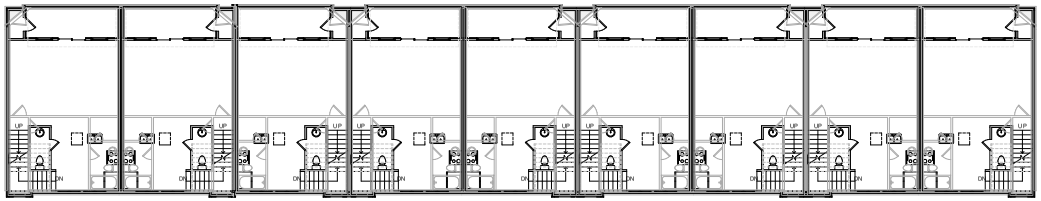
1st Floor, 2nd Floor, Typ. Wall Section

1/4" = 1'-0" Floor Plan
1/4" = 1'-0" Second Floor
1/2" = 1'-0" Typ. Wall Section
1/2" = 1'-0" MOD 4 PEC
1/2" = 1'-0" 8" BLOCK

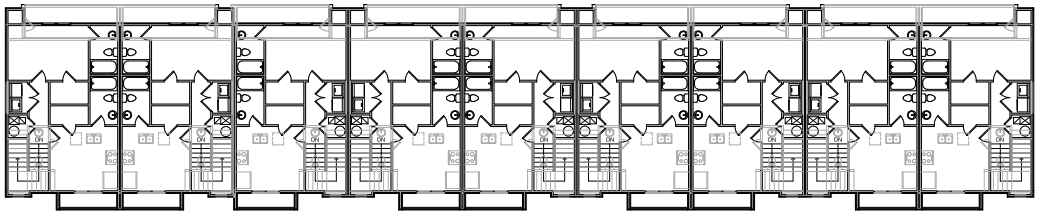
1 of 3



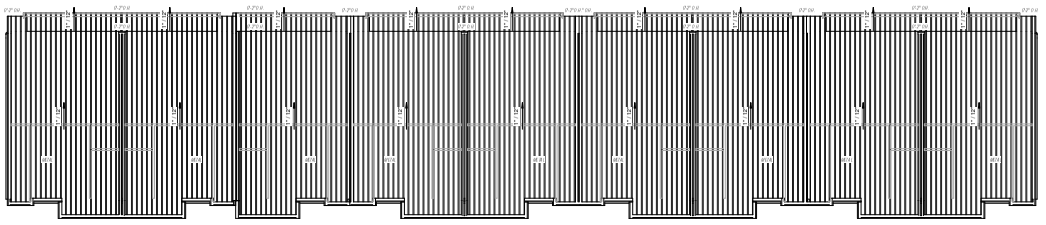
Third Floor
1/4" = 1'-0"



Overlay
1/8" = 1'-0"



Underlay
1/8" = 1'-0"



Roof Plan
1/8" = 1'-0"

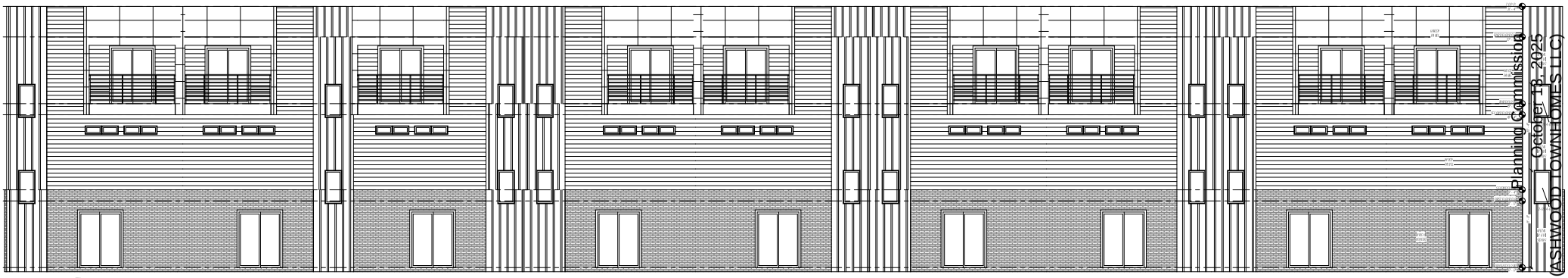
CUP-2025-0046 (ASHWOOD TOWNHOMES LTD.)
Planning Commission
October 13, 2025
Page 31 of 62

KCP
Residential Design
Phone: (403) 431-4161
www.KCPH.net

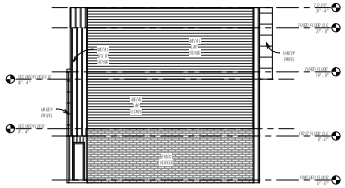
3 Bed 9 plex
Bldg. 1
Bransen Harris

3rd Floor, Overlay, Underlay, Roof Plan

2 of 3



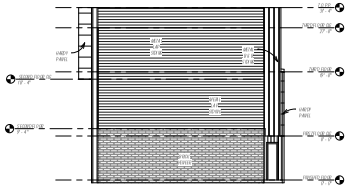
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



3D View Rear

KCP
Residential Design
Phone: (479) 411-4183

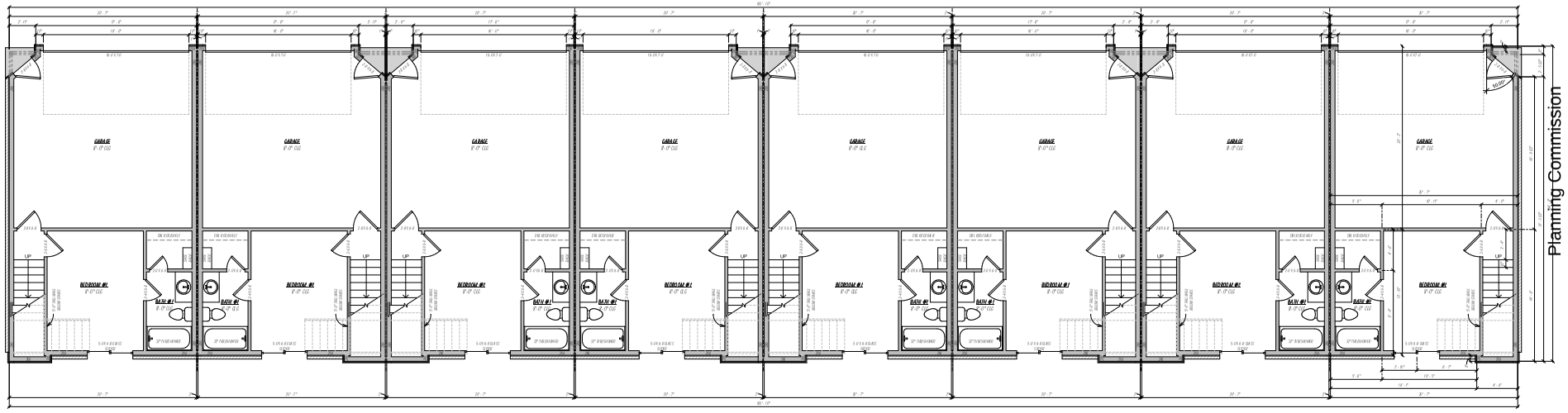
www.KCPH.net

3 Bed 9 plex
Bldg. 1
Bransen Harris

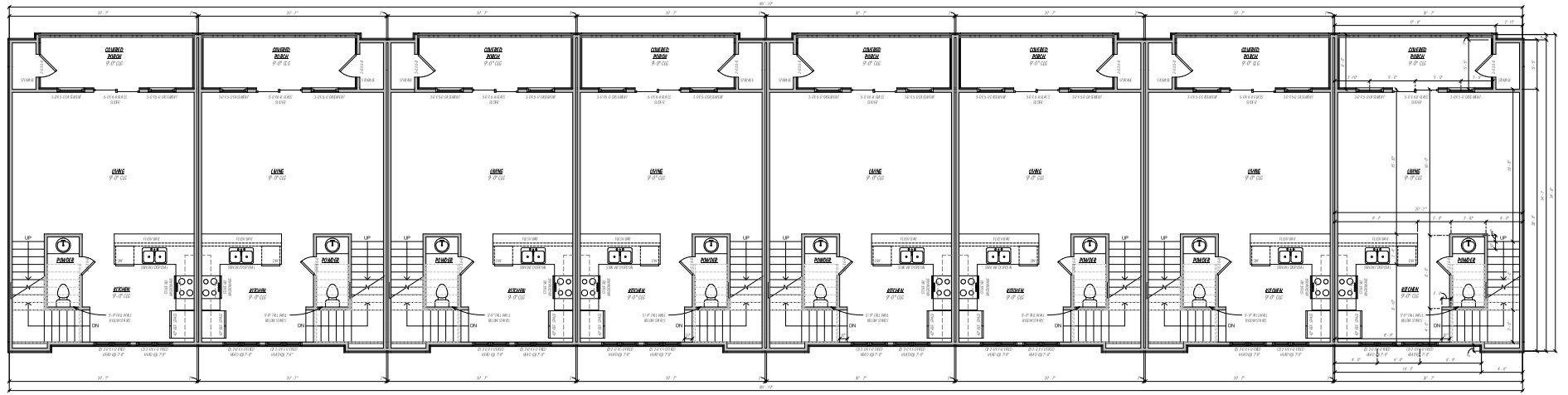
Elevations

3 of 3

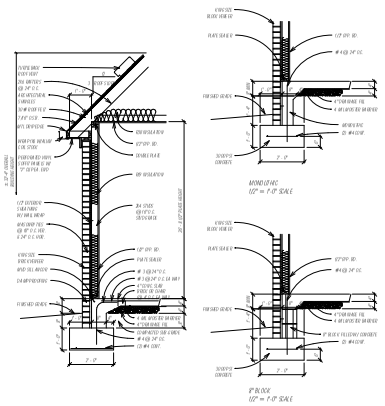
Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 32 of 62



Floor Plan
1/4" = 1'-0"



Second Floor
1/4" = 1'-0"



Typ. Wall Section
1/2" = 1'-0"

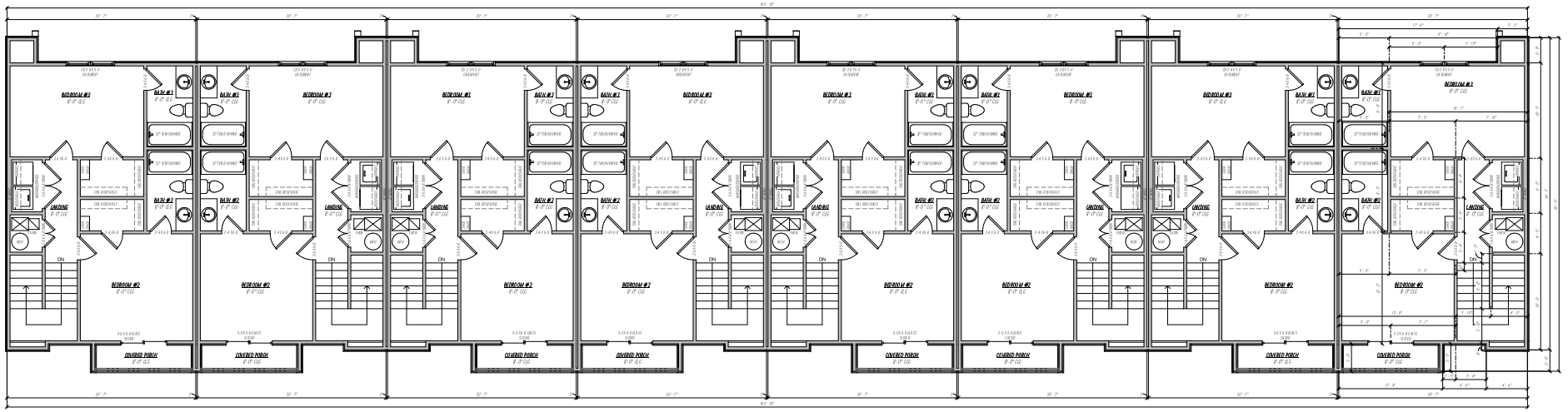
Footage Tabulation (Each Unit)	
1ST FLOOR HEATED OVER FRAME	295 SF
2ND FLOOR HEATED OVER FRAME	595 SF
3RD FLOOR HEATED OVER FRAME	617 SF
COVERED PORCHES	87 SF
GARAGE SPACE	407 SF
TOTAL UNDER ROOF	1982 SF
TOTAL HEATED OVER BRICK	1508 SF

KCP
Residential Design
Phone: (479) 431-4161
www.KCPH.net

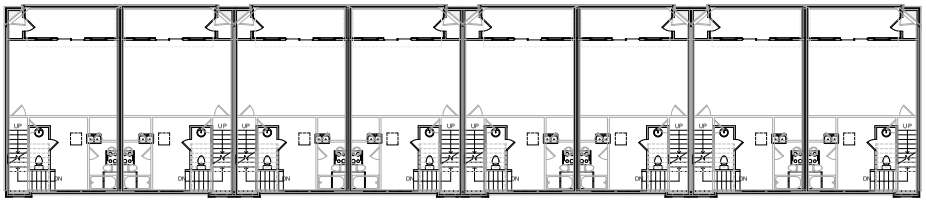
3 Bed 8 plex
Bldg. 2,3,13
Bransen Harris

1st Floor, 2nd Floor, Typ. Wall Section

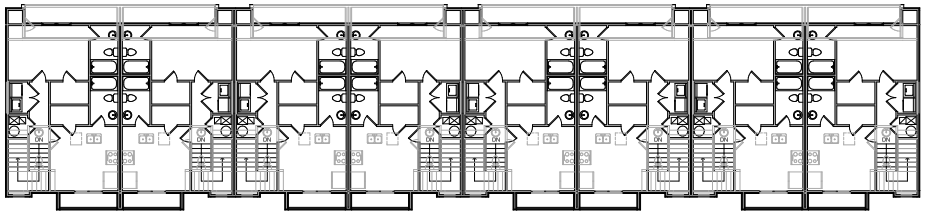
1 of 3



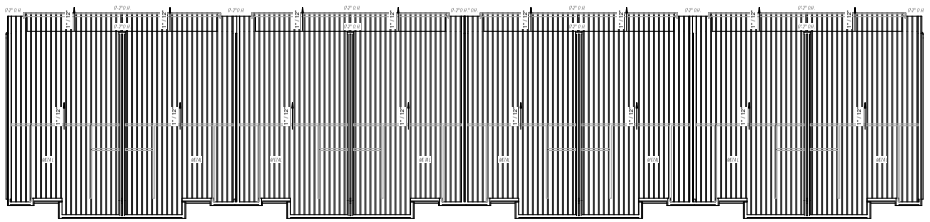
Third Floor
1/4" = 1'-0"



Overlay
1/8" = 1'-0"



Underlay
1/8" = 1'-0"

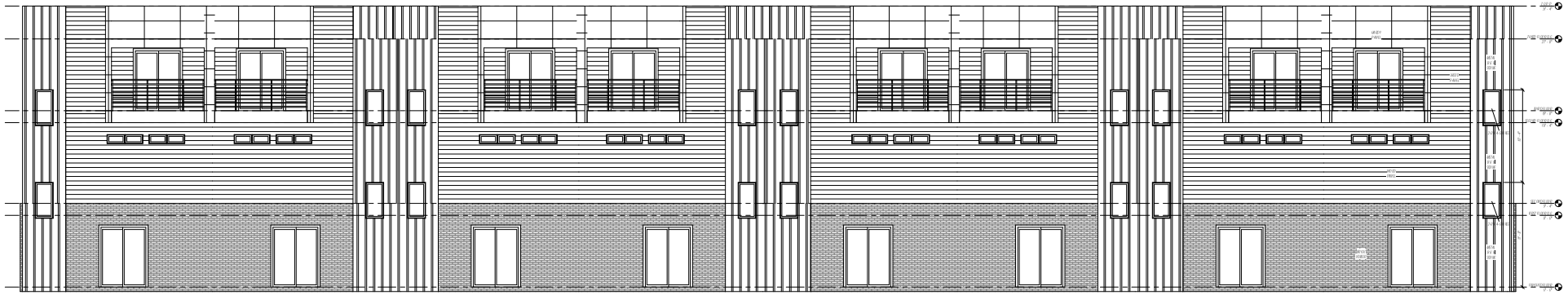


Roof Plan
1/8" = 1'-0"

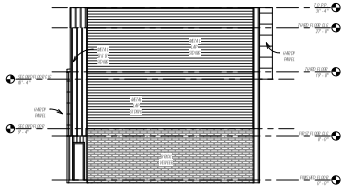
KCP
Residential Design
Phone: (403) 401-4181
www.KCPH.net

3 Bed 8 plex
Bldg. 2,3,13
Bransen Harris

3rd Floor, Overlay, Underlay, Roof Plan



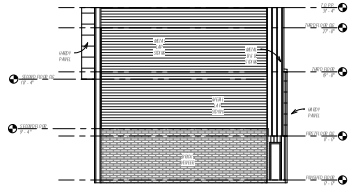
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



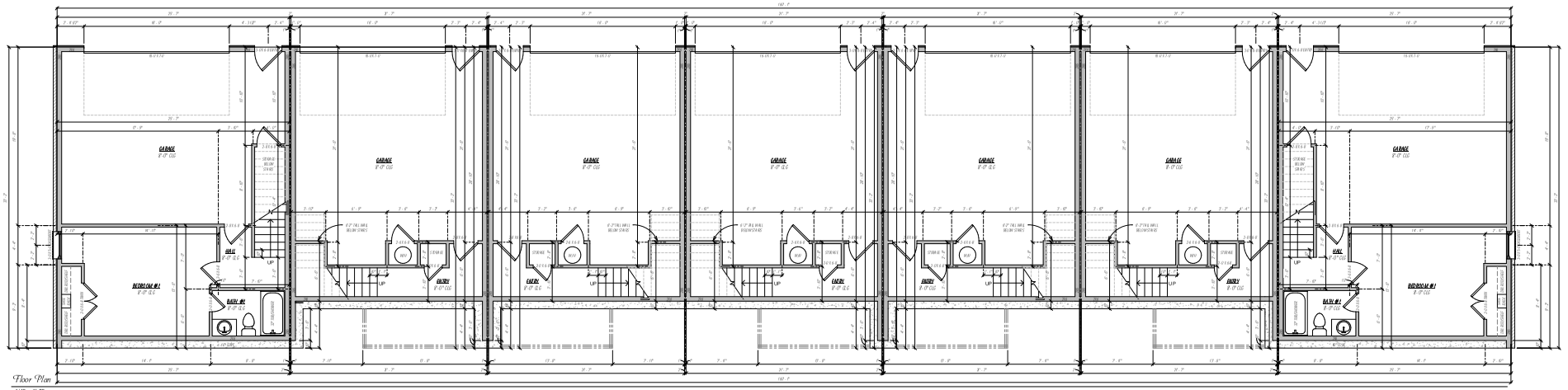
3D View Rear

KCP
Residential Design
Phone: (403) 431-4181
www.KCPH.net

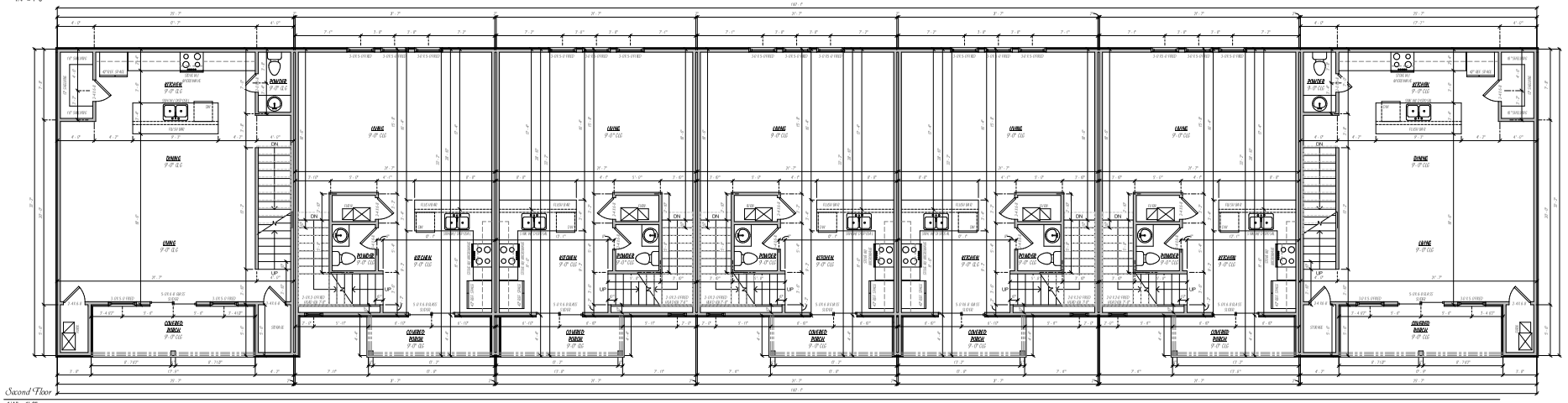
3 Bed 8 plex
Bldg. 2,3,13
Bransen Harris

Elevations

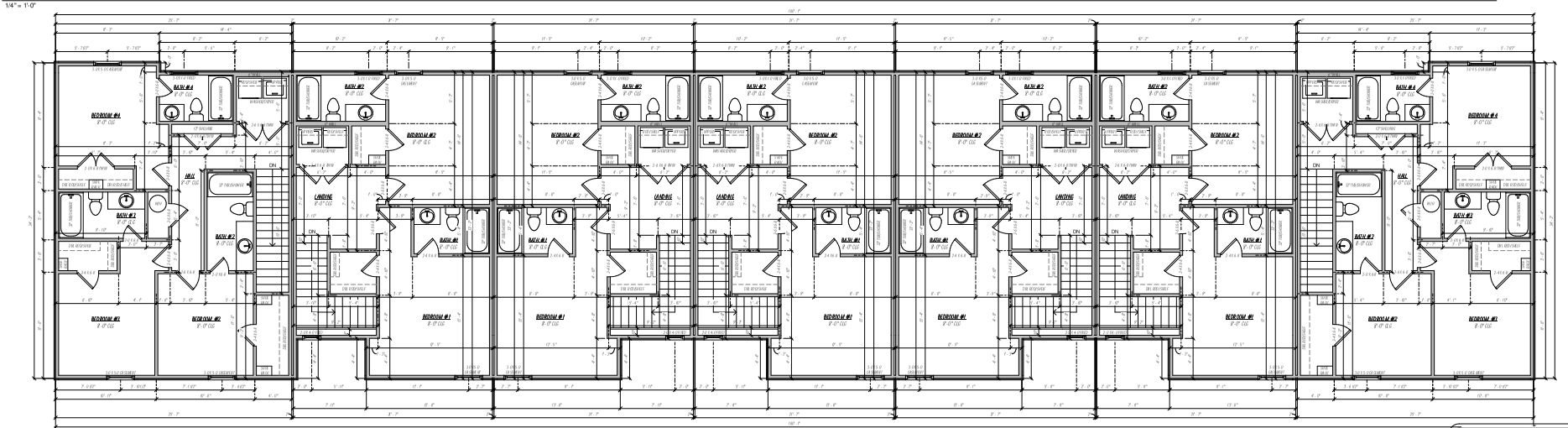
3 of 3



Floor Plan
1/4" = 1'-0"



Second Floor
1/4" = 1'-0"



Third Floor
1/4" = 1'-0"

FOOTAGE TABULATION (2 BED EACH UNIT)	
1ST FLOOR HEATED OVER FRAME	117 SF
2ND FLOOR HEATED OVER FRAME	529 SF
3RD FLOOR HEATED OVER FRAME	640 SF
COVERED PORCHES	68 SF
GARAGE SPACE	456 SF
TOTAL UNDER ROOF	1810 SF
TOTAL HEATED OVER BRICK	1286 SF

Footage Tabulation (4 Bed Each Unit)	
1ST FLOOR HEATED OVER FRAME	389 SF
2ND FLOOR HEATED OVER FRAME	754 SF
3RD FLOOR HEATED OVER FRAME	910 SF
COVERED PORCHES	98 SF
GARAGE SPACE	463 SF
TOTAL UNDER ROOF	2791 SF
TOTAL HEATED OVER BRICK	1958 SF

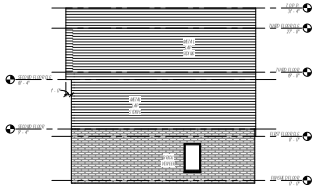
KCP
Residential Design
Phone: (479) 431-4161
www.KCPH.net

2 Bed_4 Bed 7 plex
Bldg. 4
For Bransen Harris
1st Floor, 2nd Floor, 3rd Floor

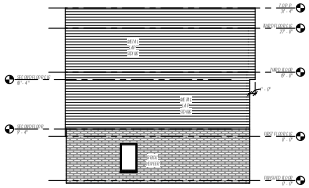
1 of 2



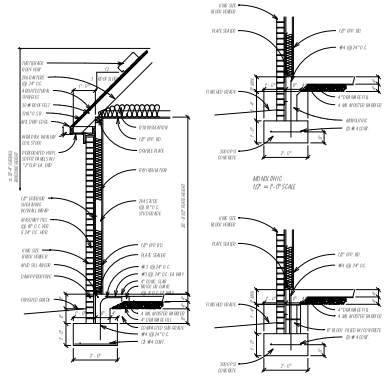
Front
1/4" = 1'-0"



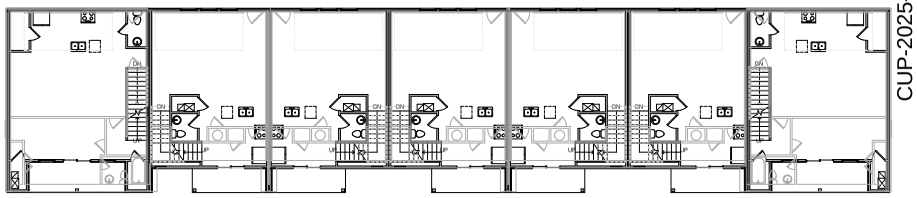
Left
1/8" = 1'-0"



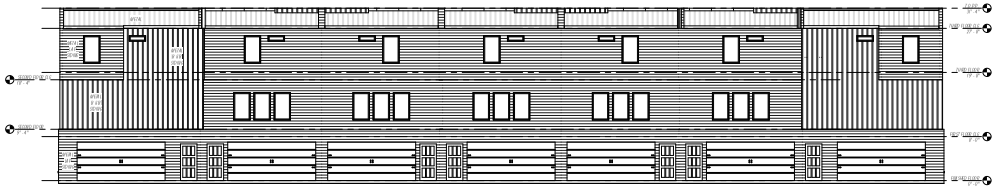
Right
1/8" = 1'-0"



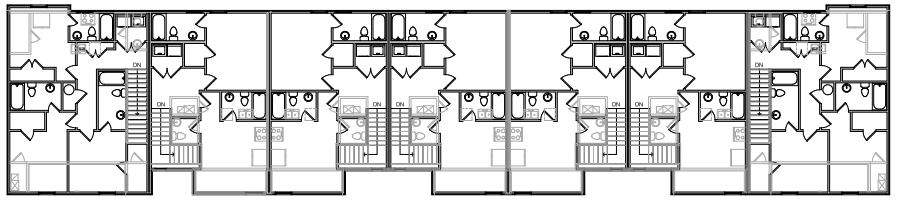
Typ Wall Section
1/2" = 1'-0"



Overlay
1/8" = 1'-0"



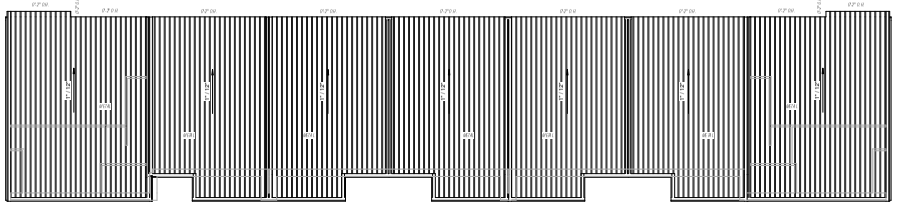
Rear
1/8" = 1'-0"



Underlay
1/8" = 1'-0"



3D View Front



Roof Plan
1/8" = 1'-0"



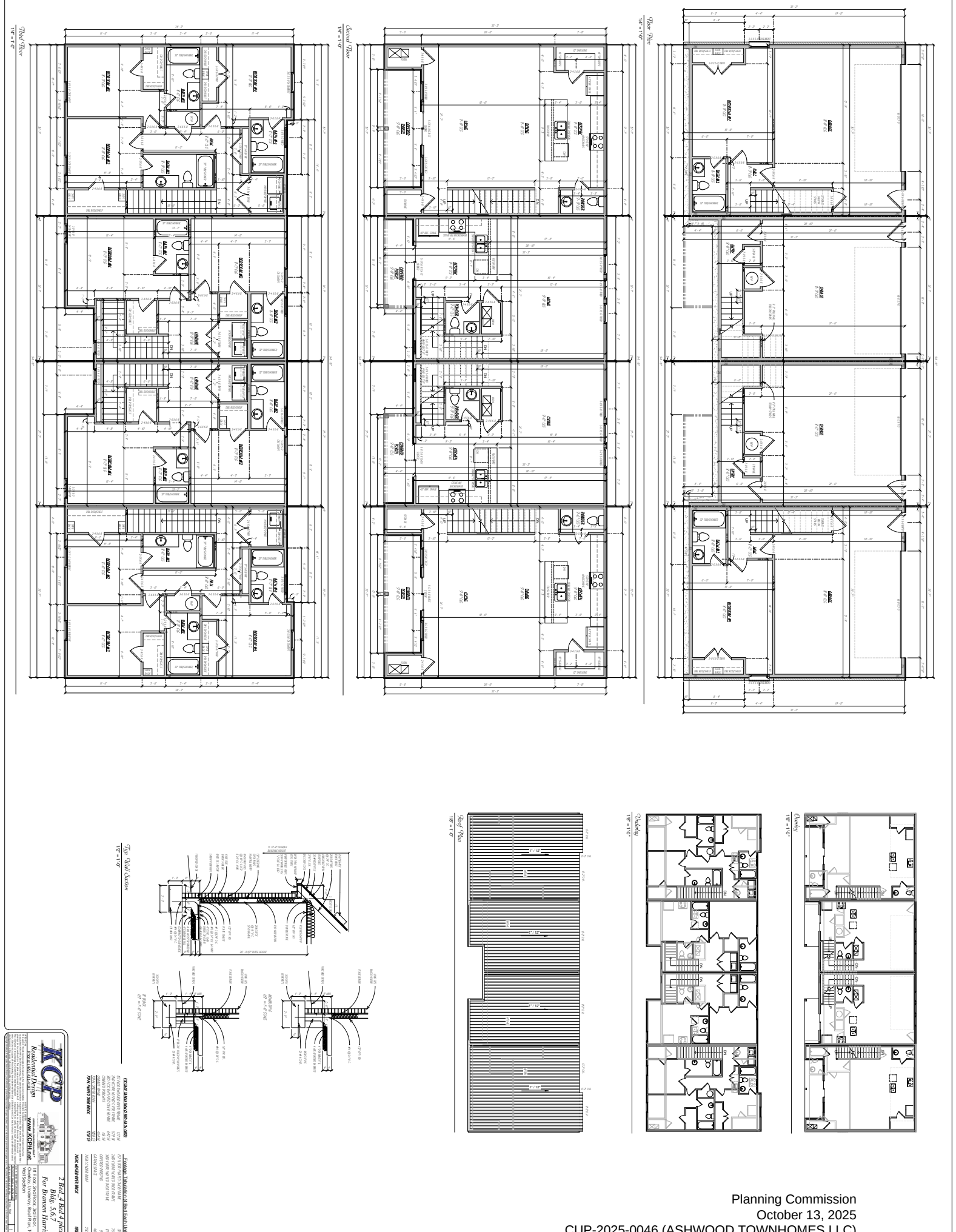
3D View Rear

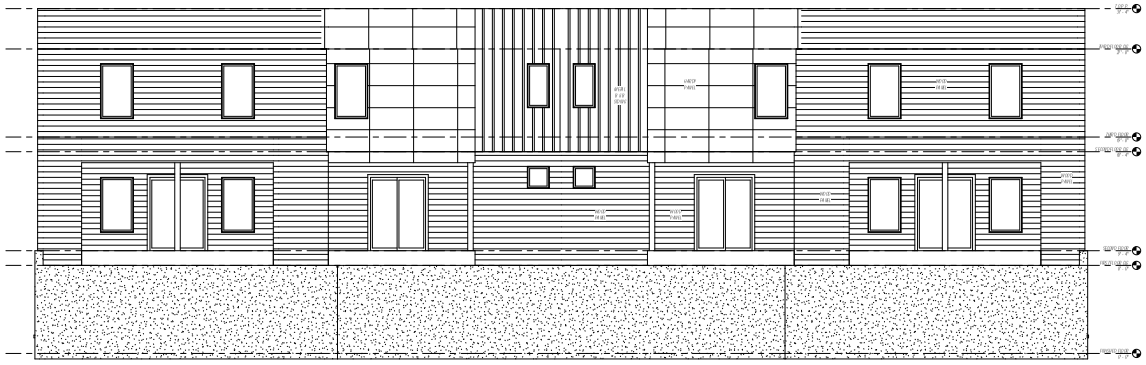
KCP
Residential Design
Phone: (403) 614-4161
www.KCPH.net

2 Bed_4 Bed 7 plex
Bldg. 4
For Bransen Harris

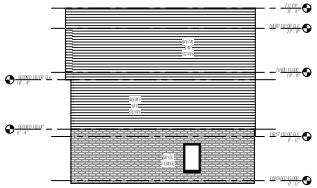
Elevations, Overlay, Underlay, Roof Plan, Typ. Wall Section

2 of 2

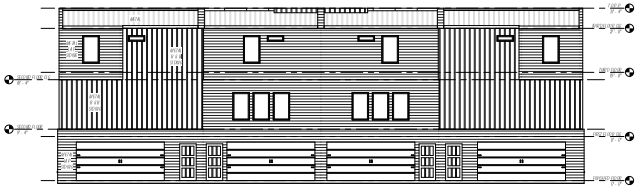

Third Floor
Second Floor
Floor Plan
Typ. Wall Section
Roof Plan
Underlay
Overlay
KCP
Residential Design
www.KCPH.net
2 Bed, 4 Bed 4 plex
Bldg. 5,6,7
For Branson Harris
1st Floor, 2nd Floor, 3rd Floor, Overlay, Underlay, Roof Plan, Typ. Wall Section
1 of 2



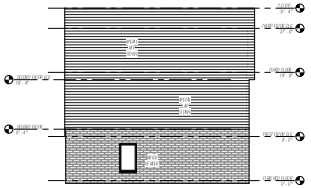
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



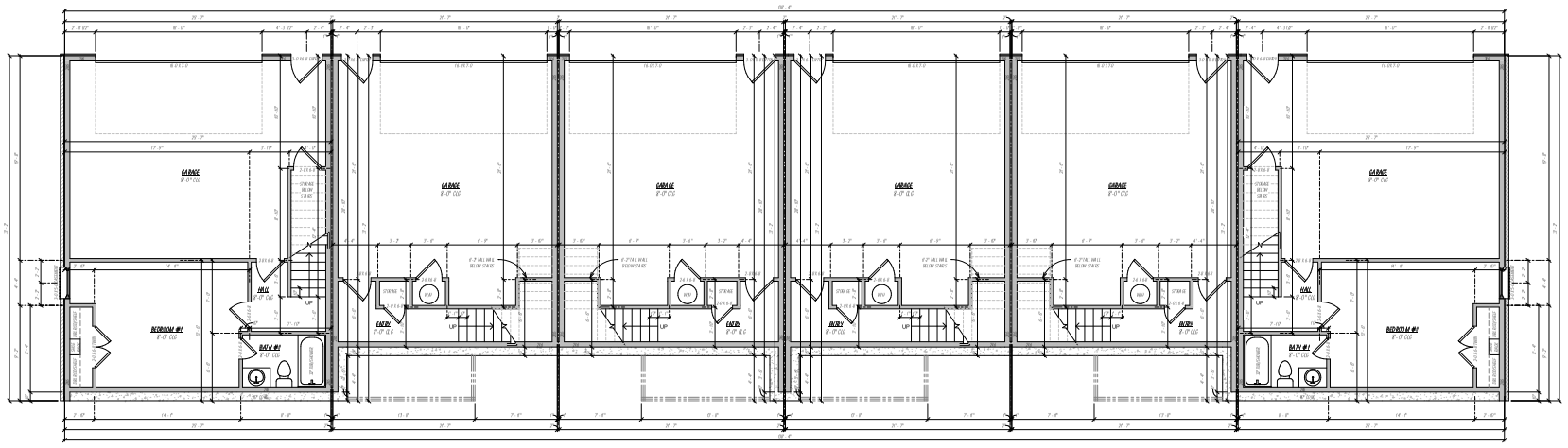
3D View Rear

KCP
Residential Design
Phone: (425) 451-4161
www.KCPH.net

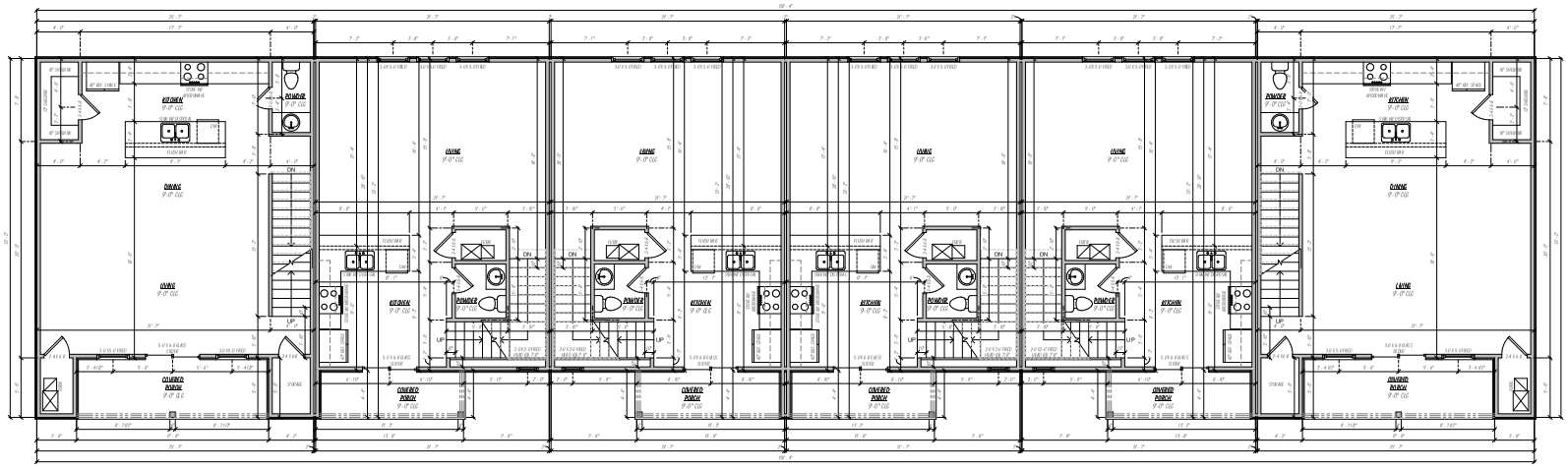
2 Bed_4 Bed 4 plex
Bldg. 5,6,7
For Bransen Harris

Elevations

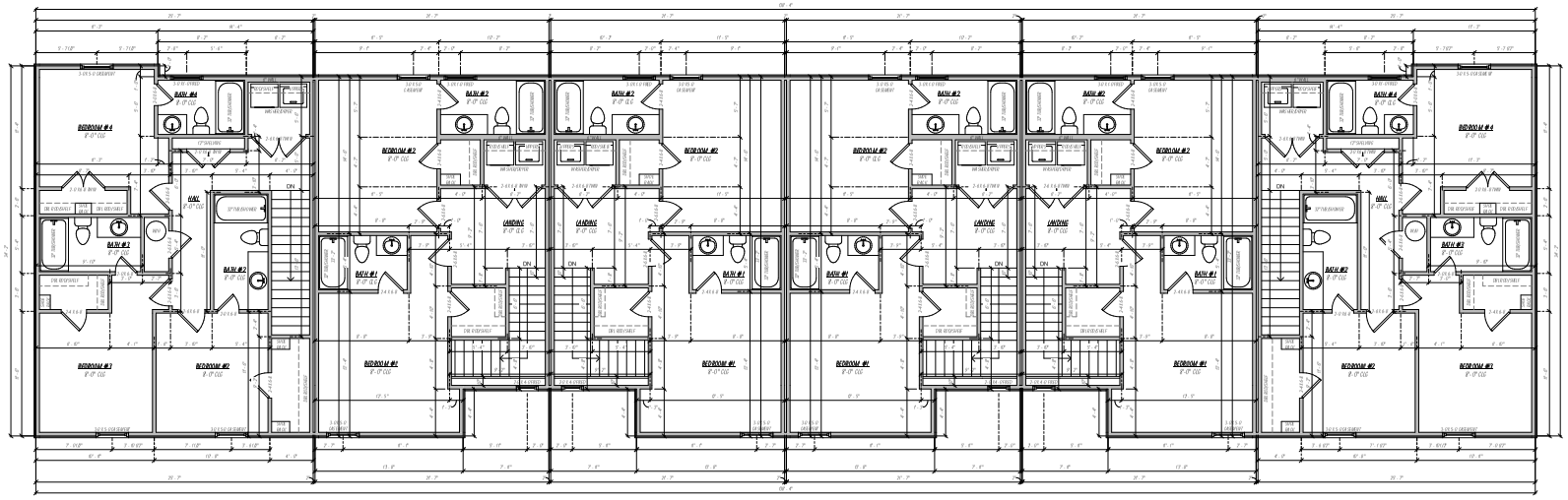
2 of 2



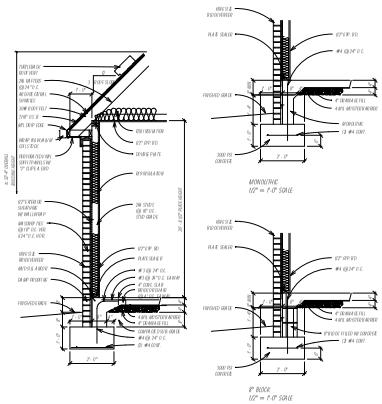
Floor Plan
1/4" = 1'-0"



Second Floor
1/4" = 1'-0"



Third Floor
1/4" = 1'-0"



Typ Wall Section
1/2" = 1'-0"

FOOTAGE TABULATION (2 BEDS EACH UNIT)	
1ST FLOOR HEATED OVER FRAME	1171 SF
2ND FLOOR HEATED OVER FRAME	579 SF
3RD FLOOR HEATED OVER FRAME	640 SF
COVERED PORCHES	66 SF
GARAGE SPACE	464 SF
TOTAL UNDER ROOF	2920 SF
TOTAL HEATED OVER BRICK	1958 SF

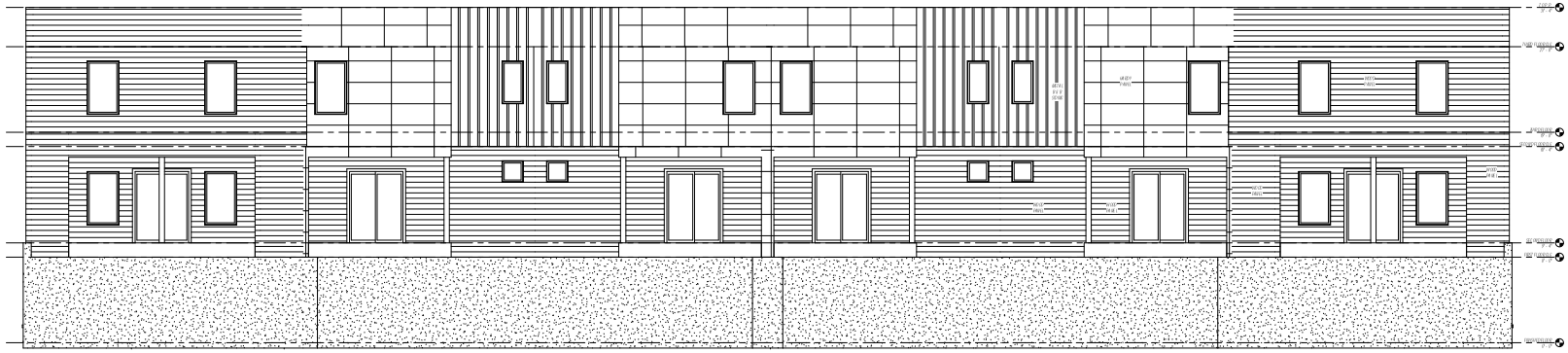
Footage Tabulation (4 Bed Each Unit)	
1ST FLOOR HEATED OVER FRAME	1171 SF
2ND FLOOR HEATED OVER FRAME	754 SF
3RD FLOOR HEATED OVER FRAME	810 SF
COVERED PORCHES	78 SF
GARAGE SPACE	463 SF
TOTAL UNDER ROOF	3291 SF
TOTAL HEATED OVER BRICK	1958 SF

KCP
Residential Design
Phone: (479) 431-4183
www.KCPH.net

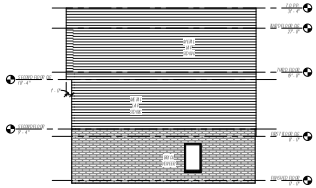
2 Bed_4 Bed 6 plex
Bldg. 8,9
For Bransen Harris

1st Floor, 2nd Floor, 3rd Floor, Typ. Wall Section

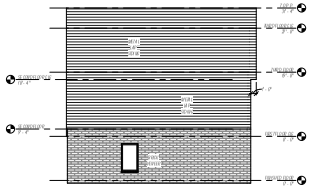
1 of 2



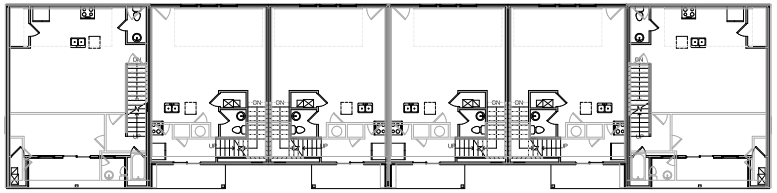
Front
1/4" = 1'-0"



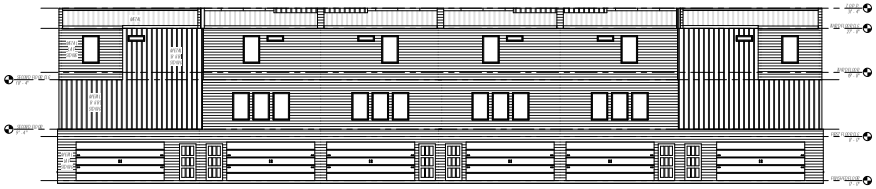
Left
1/8" = 1'-0"



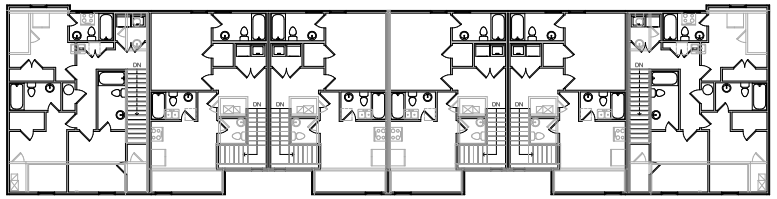
Right
1/8" = 1'-0"



Overlay
1/8" = 1'-0"



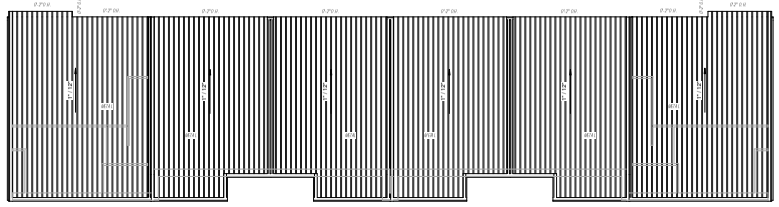
Rear
1/8" = 1'-0"



Underlay
1/8" = 1'-0"



3D View Front



Roof Plan
1/8" = 1'-0"



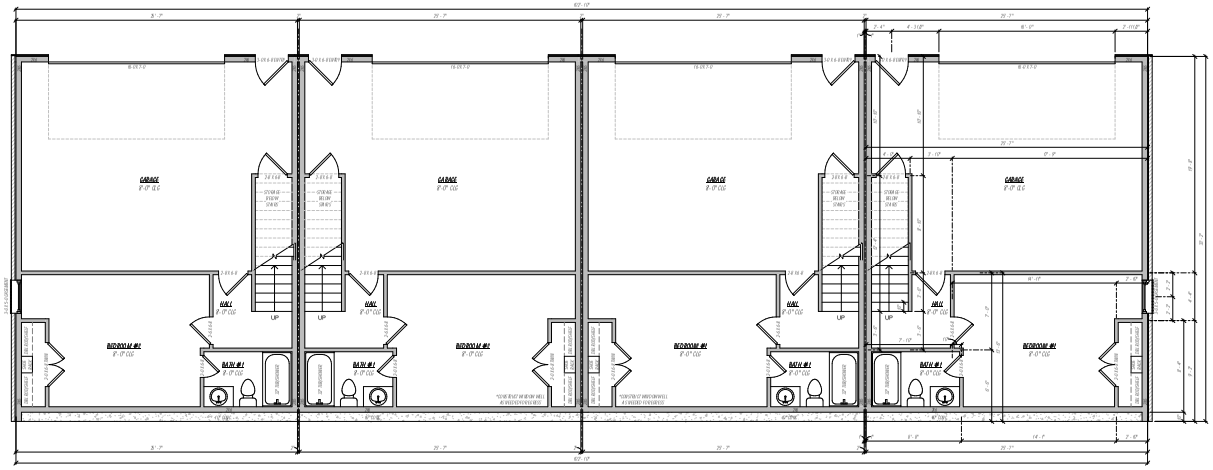
3D View Rear

KCP
Residential Design
Phone: (470) 431-4181
www.KCPH.net

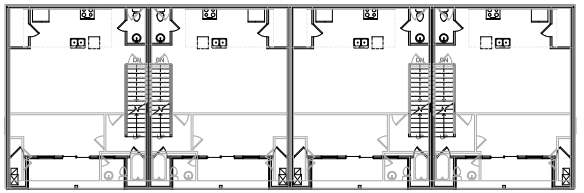
2 Bed_4 Bed 6 plex
Bldg. 8,9
For Bransen Harris

Elevations, Overlay, Underlay, Roof Plan

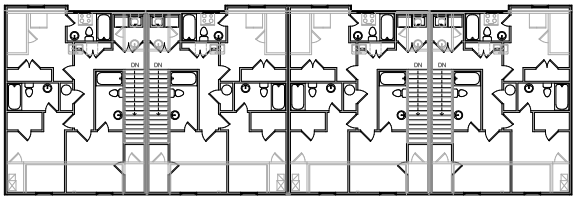
2 of 2



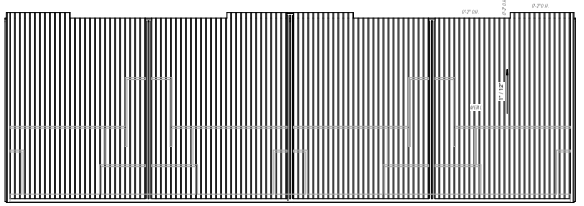
Floor Plan
1/4" = 1'-0"



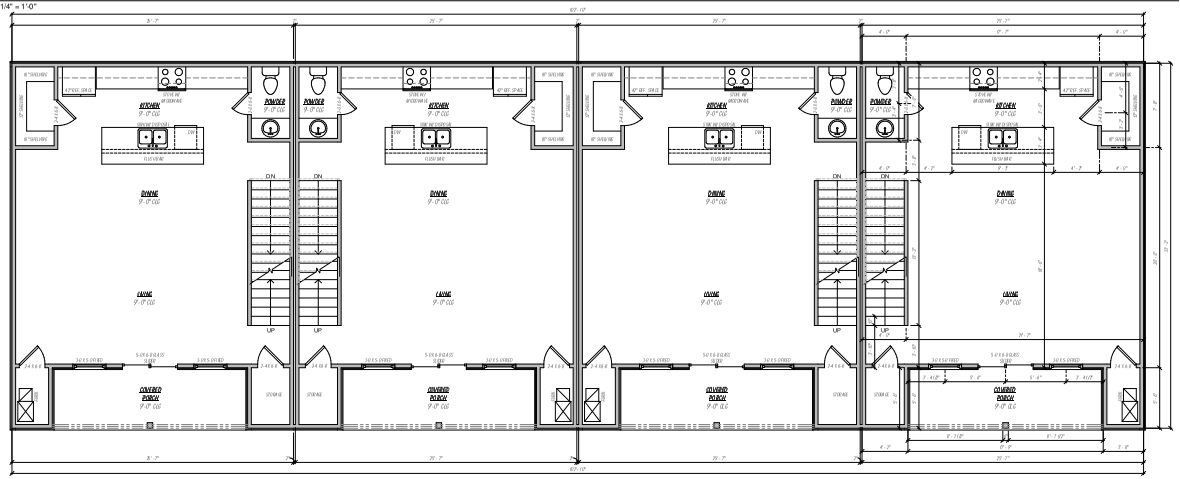
Overlay
1/8" = 1'-0"



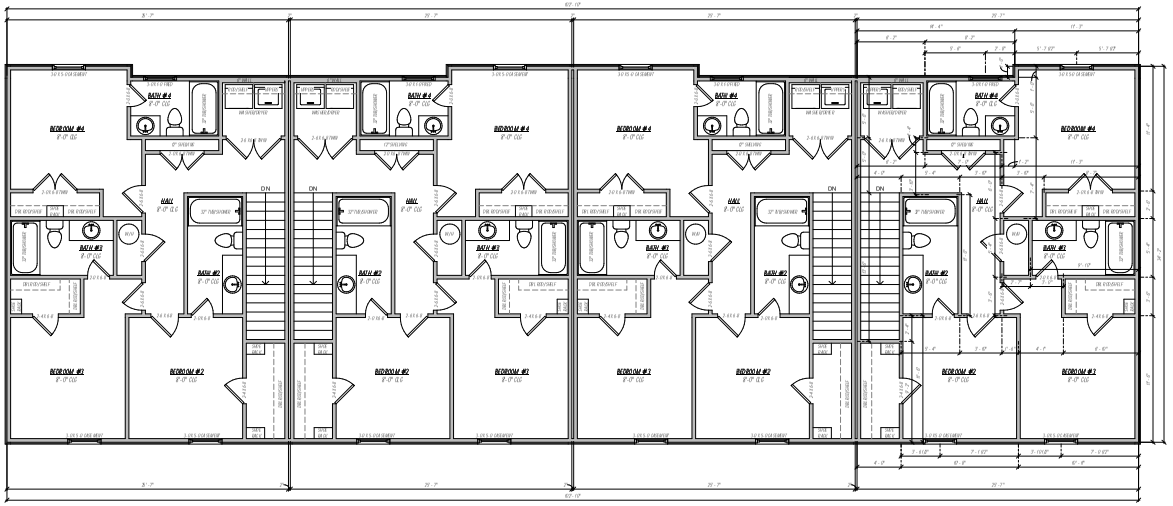
Underlay
1/8" = 1'-0"



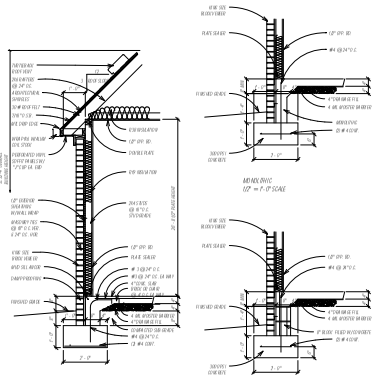
Roof Plan
1/8" = 1'-0"



Second Floor
1/4" = 1'-0"



Third Floor
1/4" = 1'-0"



Typ Wall Section
1/2" = 1'-0"

Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 42 of 62

Footage Tabulation (4 Bed Each Unit)	
1ST FLOOR HEATED OVER FRAME	389 SF
2ND FLOOR HEATED OVER FRAME	754 SF
3RD FLOOR HEATED OVER FRAME	810 SF
COVERED PORCHES	58 SF
GARAGE SPACE	463 SF
TOTAL UNDER ROOF	2511 SF
TOTAL HEATED OVER BRICK	1958 SF

KCP
Residential Design
Phone: (425) 451-4183
www.KCPH.net

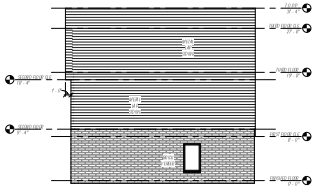
4 Bed 4 plex
Bldg. 10,11,16,17,26
For Bransen Harris

1st Floor, 2nd Floor, 3rd Floor, Overlay, Underlay, Roof Plan, Typ. Wall Section

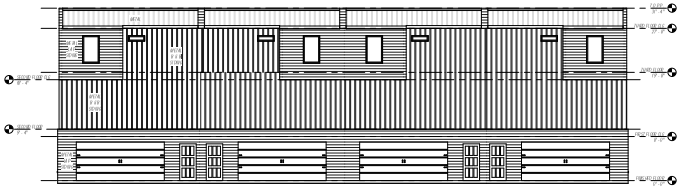
1 of 2



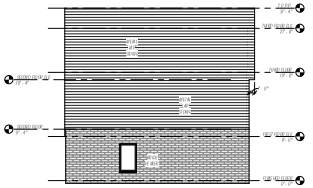
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



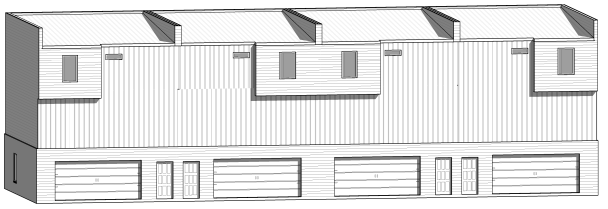
Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



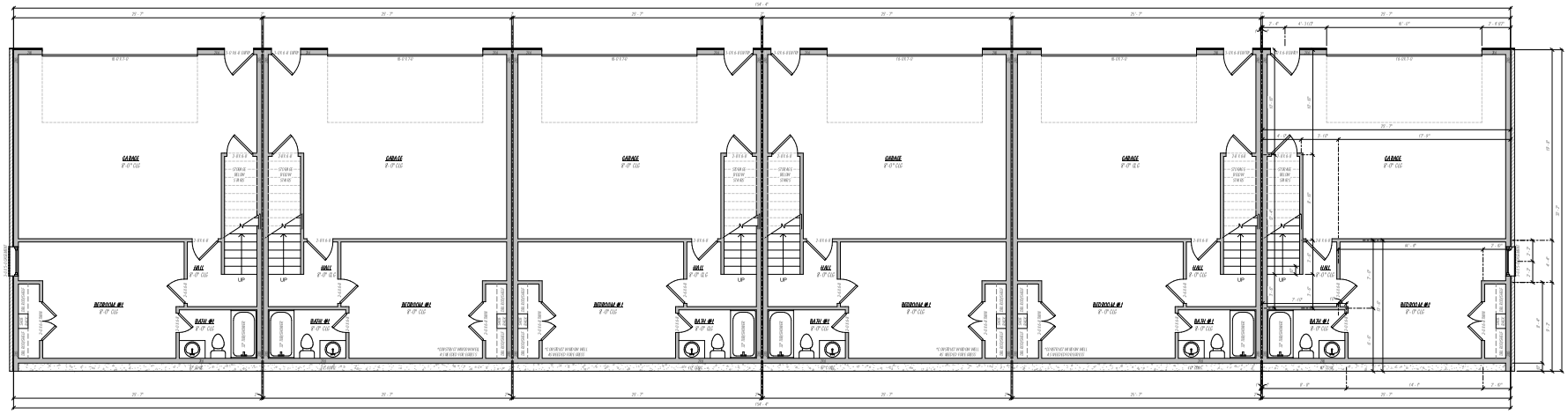
3D View Rear

KCP
Residential Design
Phone: (479) 431-4181
www.KCPH.net

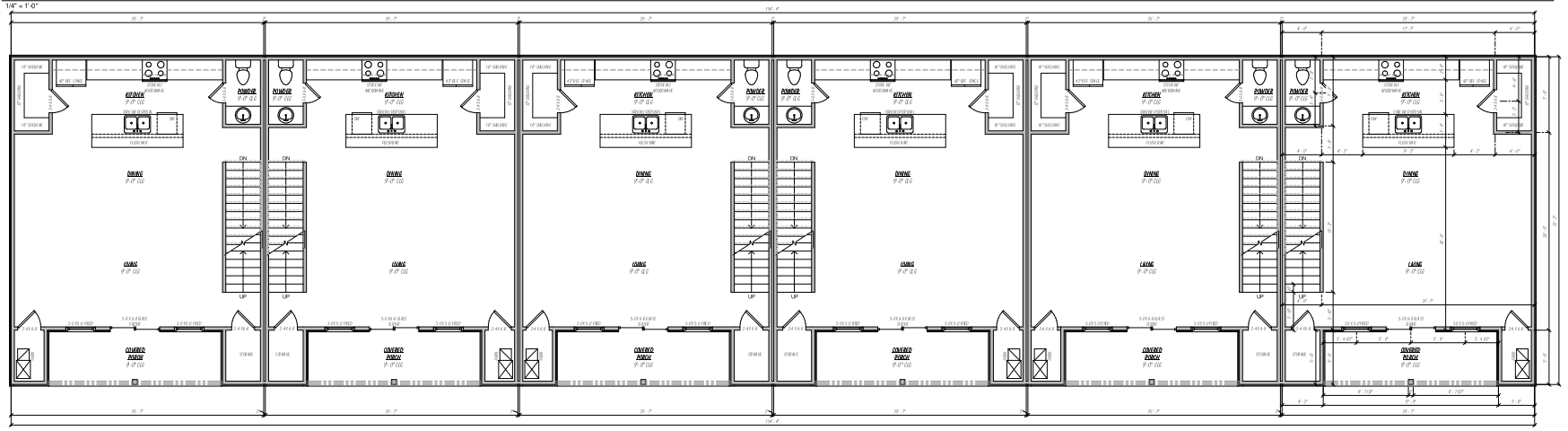
4 Bed 4 plex
Bldg. 10,11,16,17,26
For Bransen Harris

Elevations

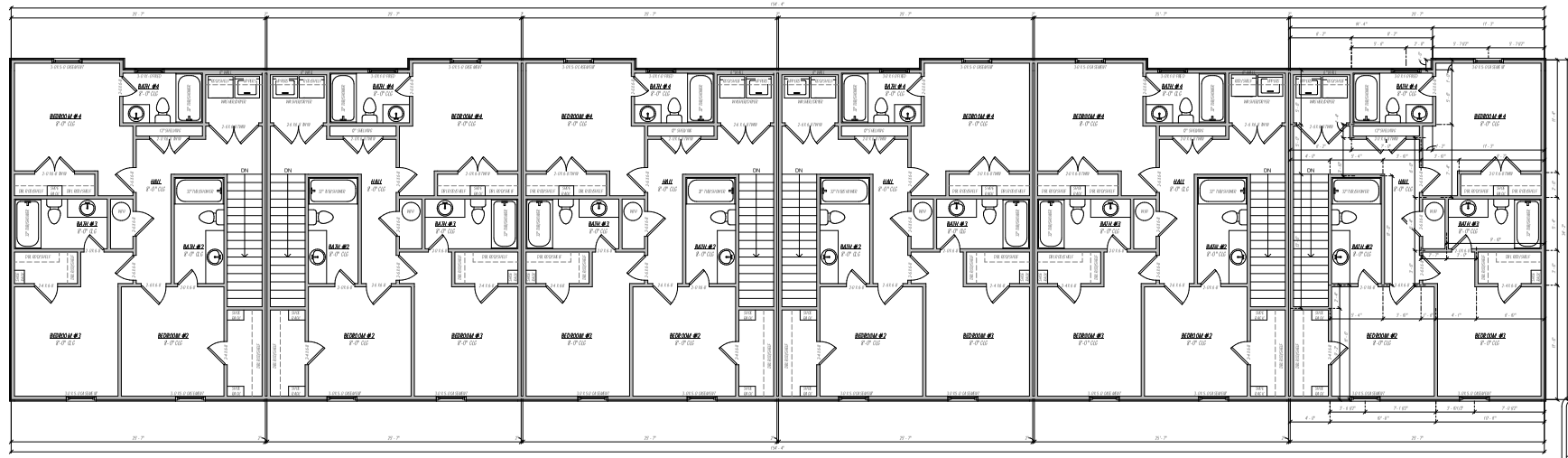
2 of 2



Floor Plan
1/4" = 1'-0"



Second Floor
1/4" = 1'-0"



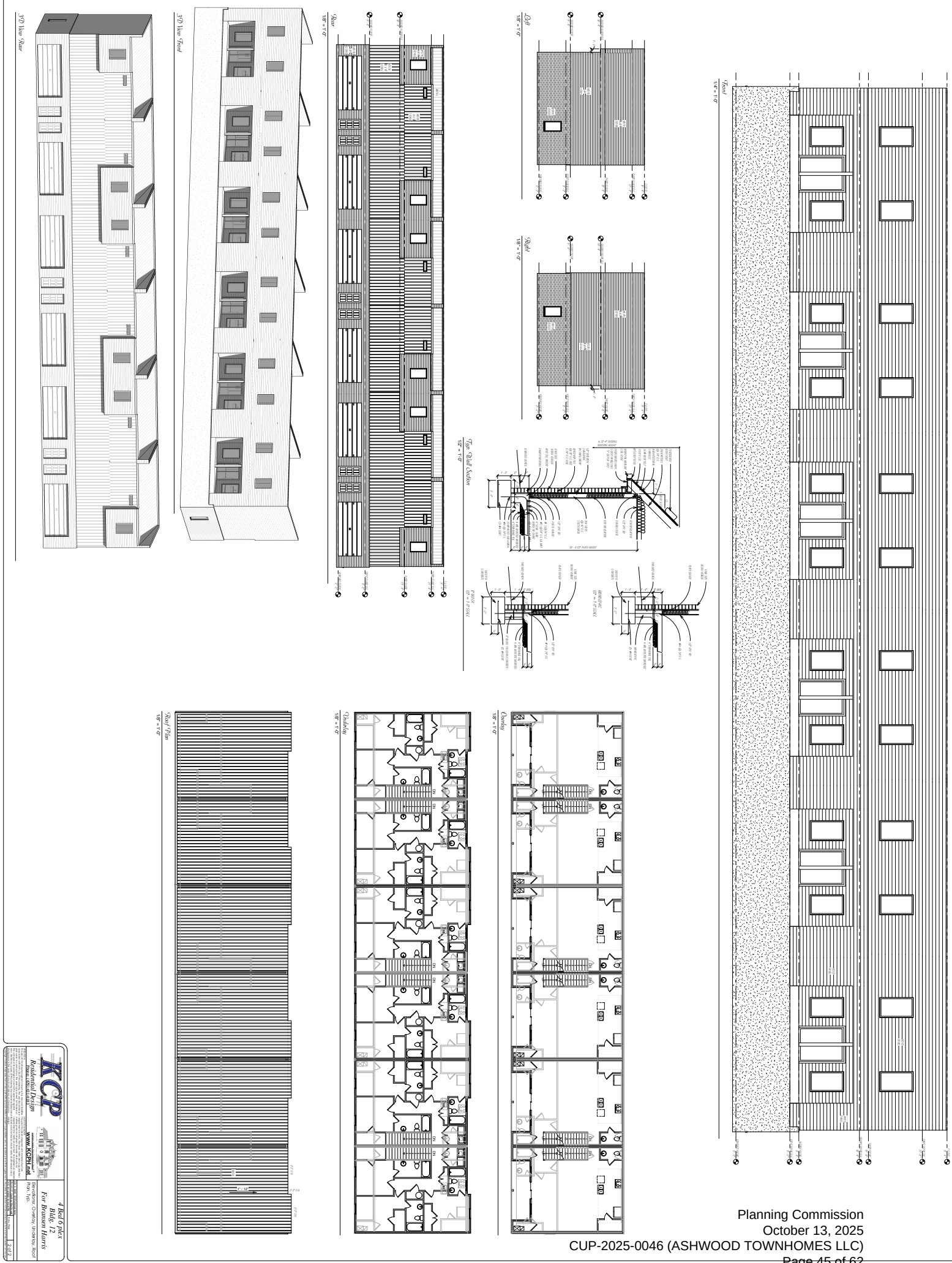
Third Floor
1/4" = 1'-0"

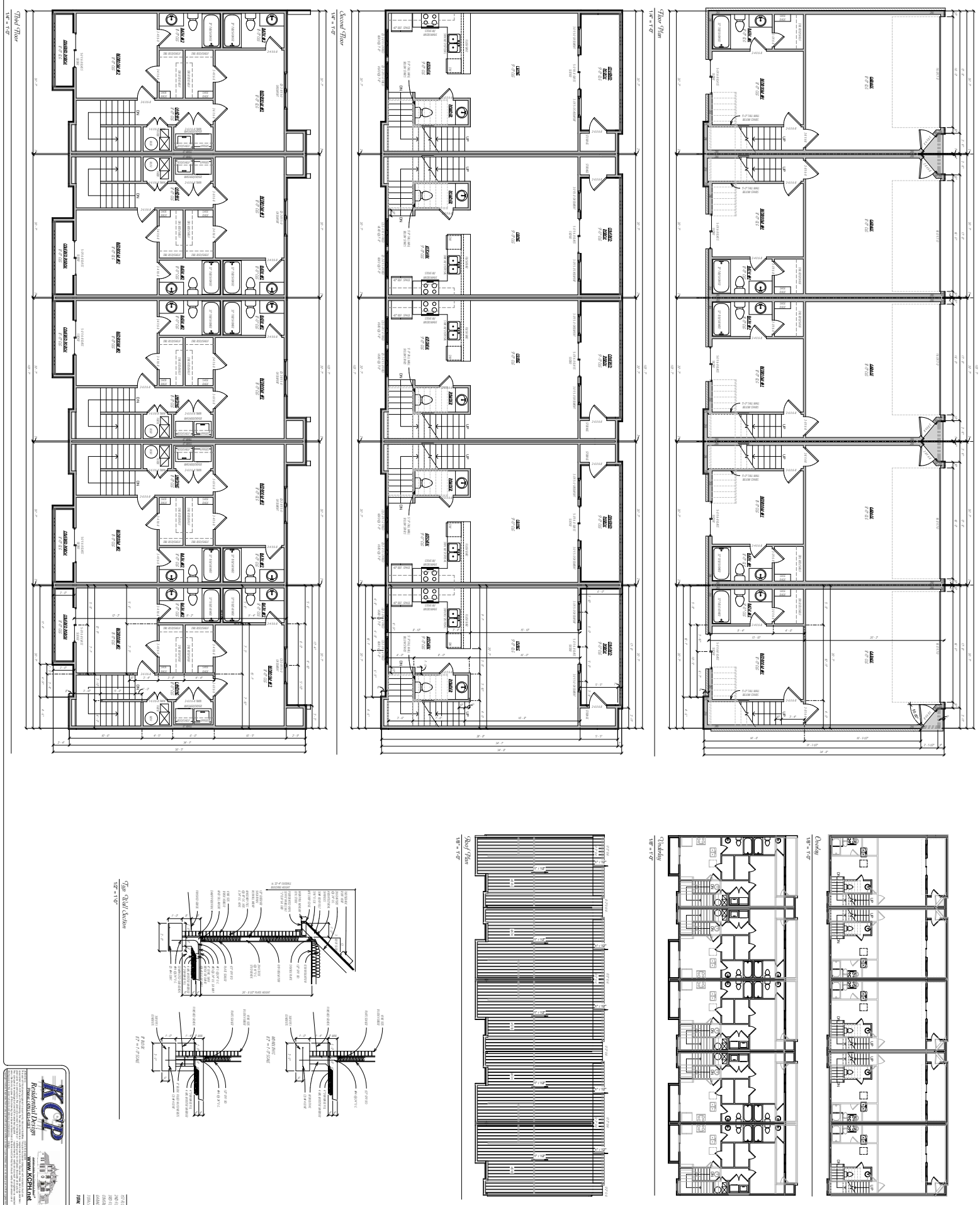
Footage Tabulation (4 Bed Each Unit)	
1ST FLOOR HEATED OVER FRAME	389 SF
2ND FLOOR HEATED OVER FRAME	754 SF
3RD FLOOR HEATED OVER FRAME	810 SF
COVERED PORCHES	78 SF
GARAGE SPACE	463 SF
TOTAL UNDER ROOF	2751 SF
TOTAL HEATED OVER BRICK	1958 SF

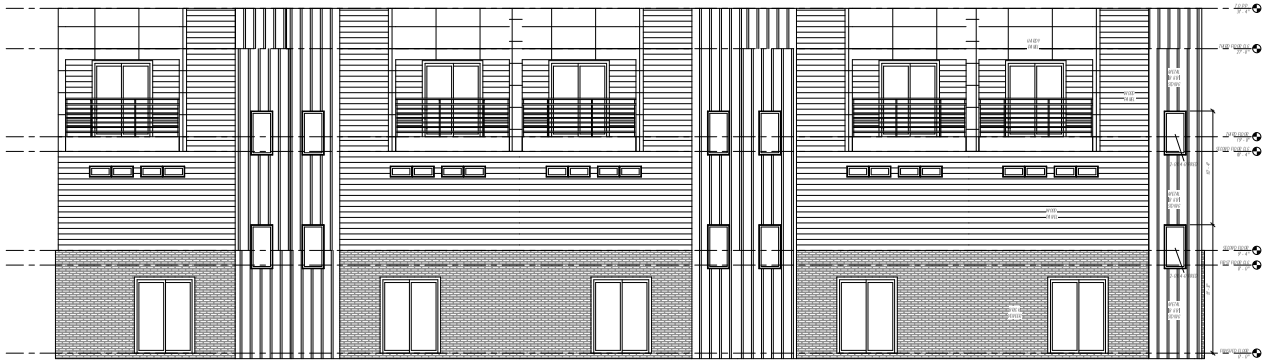
KCP
Residential Design
Phone: (479) 431-4161
www.KCPH.net

4 Bed 6 plex
Bldg. 12
For Bransen Harris
1st Floor, 2nd Floor, 3rd Floor Wall Section

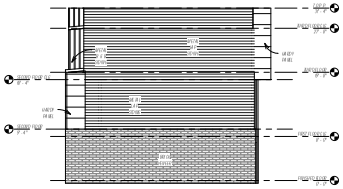
1 of 2


3D View Rear
3D View Front
Rear
Left
Right
Front
Type Wall Section
Roof Plan
Underlay
Overlay
KCP
Residential Design
www.KCPH.net
4 Bed 6 plex
Bldg. 12
For Bransen Harris
Elevations, Overlay, Underlay, Roof Plan, Typ.
2 of 2


Third Floor
Second Floor
Floor Plan
Typ. Wall Section
Roof Plan
Underlay
Overlay
KCP
Residential Design
www.KCPH.net
3 Bed 5 plex
Bldg. 14,15
Branson Harris
1st Floor, 2nd Floor, 3rd Floor, Typ.
Wall Section



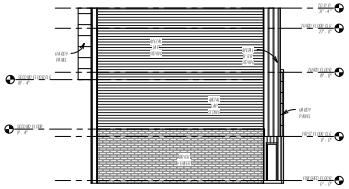
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



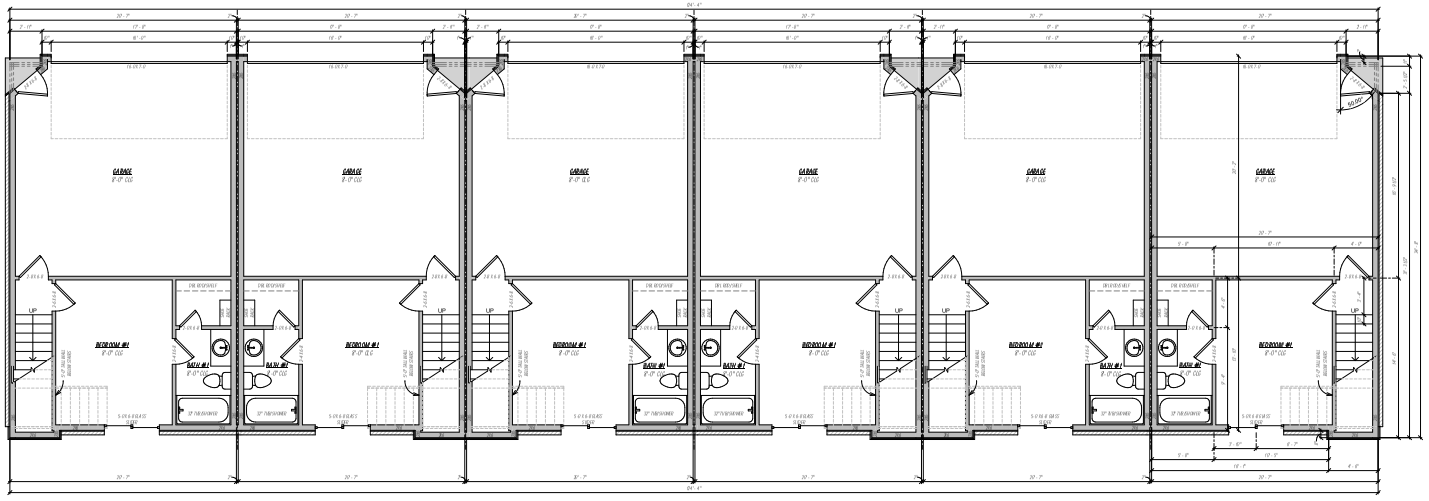
3D View Rear

KCP
Residential Design
Phone: (470) 451-4181
www.KCPH.net

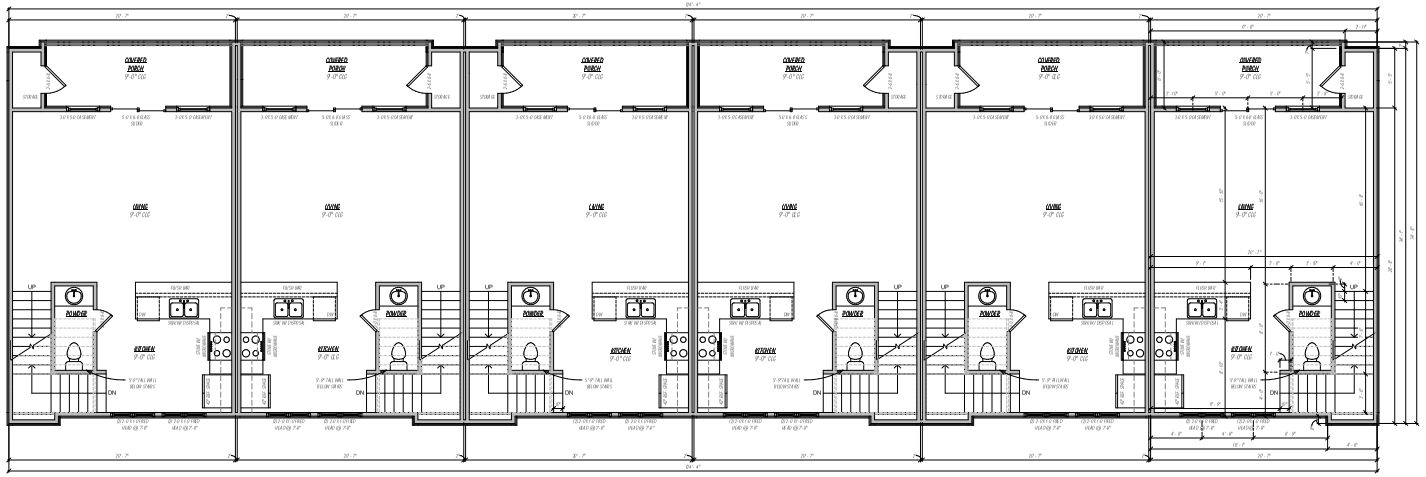
3 Bed 5 plex
Bldg. 14,15
Bransen Harris

Elevations, Overlay, Underlay, Roof Plan

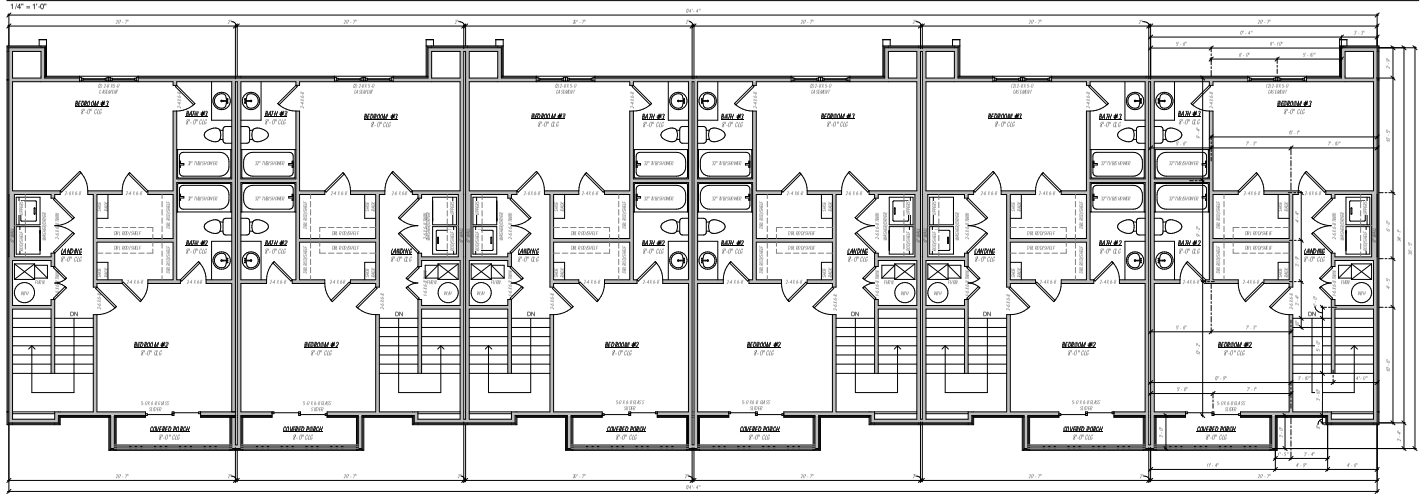
2 of 2



'Floor 'Plan
1/4" = 1'-0"



Second 'Floor
1/4" = 1'-0"



Third 'Floor
1/4" = 1'-0"

Footage Tabulation (Each Unit)	
1ST FLOOR HEATED OVER FRAME	295 SF
2ND FLOOR HEATED OVER FRAME	516 SF
3RD FLOOR HEATED OVER FRAME	617 SF
COVERED PORCHES	87 SF
GARAGE SPACE	407 SF
TOTAL UNDER ROOF	1908 SF
TOTAL HEATED OVER BRICK	1828 SF

KCP
Residential Design
Phone: (479) 431-4181
www.KCPH.net

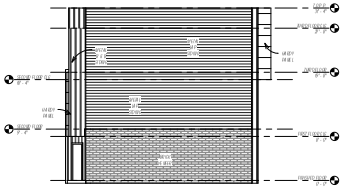
3 Bed 6 plex
Bldg. 18
Bransen Harris

1st Floor, 2nd Floor, 3rd Floor

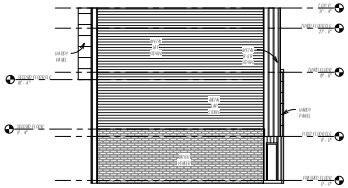
1 of 2



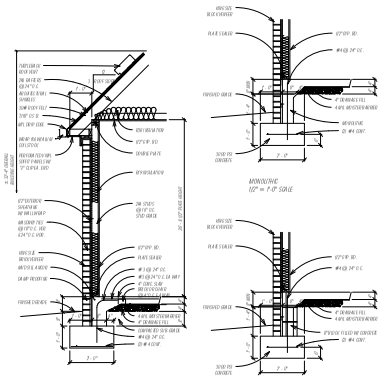
Front
1/4" = 1'-0"



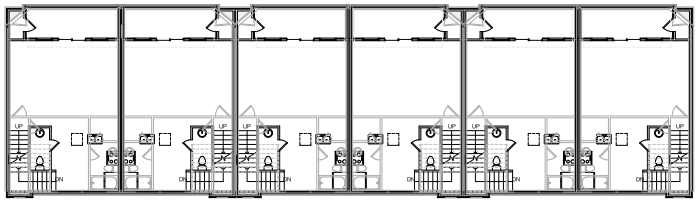
Left
1/8" = 1'-0"



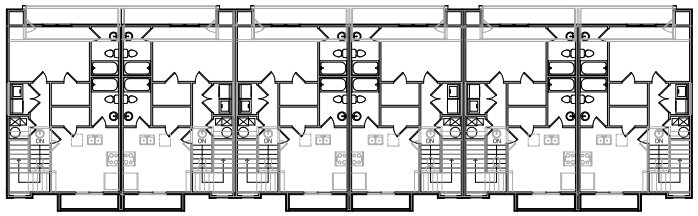
Right
1/8" = 1'-0"



Typ. Wall Section
1/2" = 1'-0"



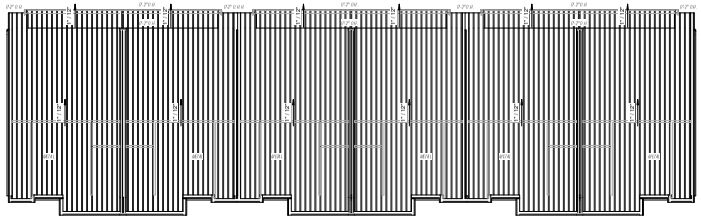
Overlay
1/8" = 1'-0"



Underlay
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Roof Plan
1/8" = 1'-0"



3D View Front



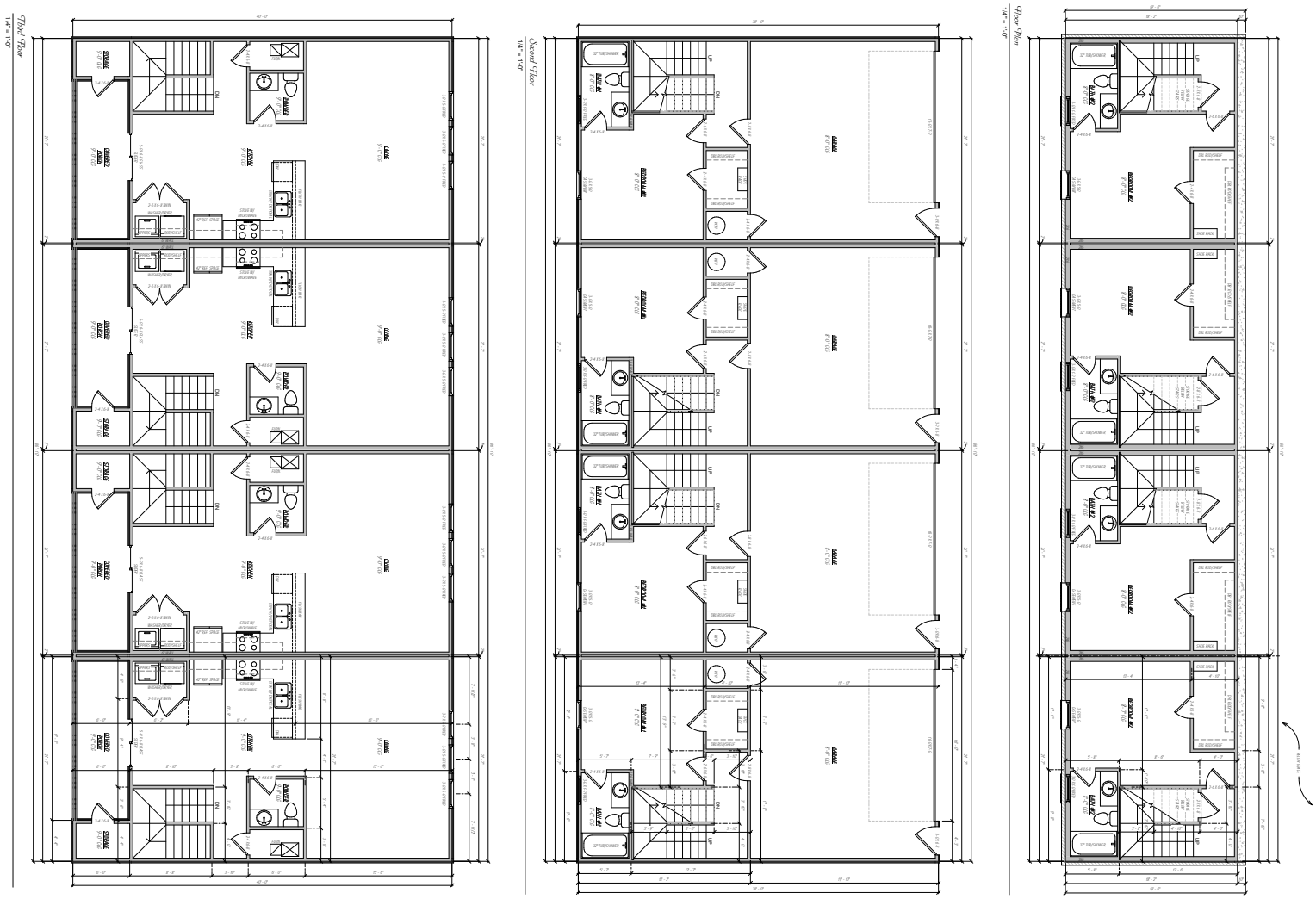
3D View Rear

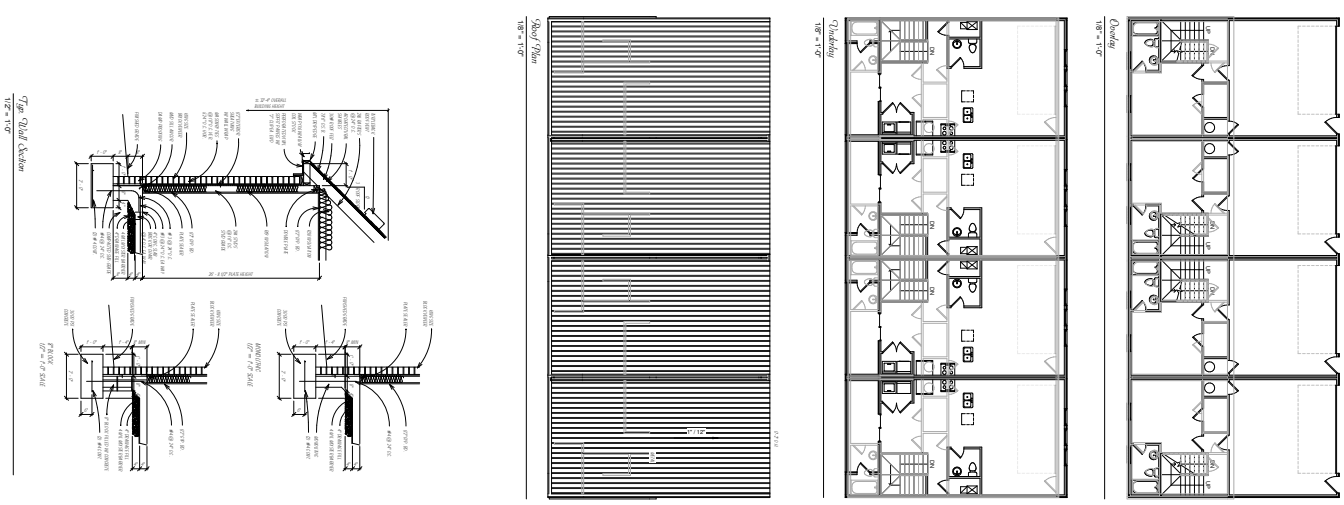
KCP
Residential Design
Phone: (470) 414-4161
www.KCPH.net

3 Bed 6 plex
Bldg. 18
Bransen Harris

Elevations, Overlay, Underlay, Roof Plan, Typ. Wall Section

2 of 2





KCP
Residential Design
Phone: (205) 631-1333
www.KCPH.net

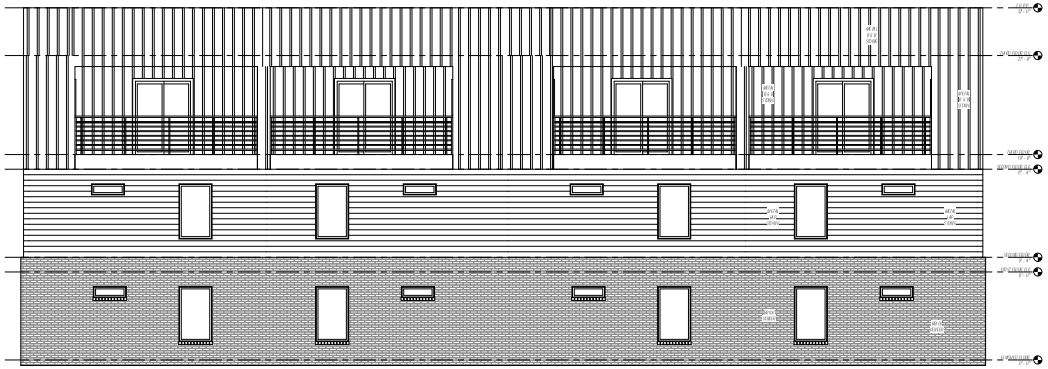
2 Bed Walkout Aplex
Bldg. 19.22
For Bransen Harris

1st Floor, 2nd Floor, 3rd Floor, Overlay, Underlay, Roof Plan, Typ. Wall Section

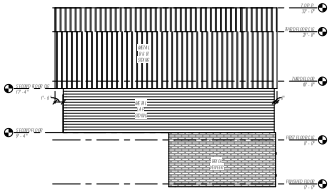
Footage Tabulation (Each Unit)

1ST FLOOR HEATED OVER FRAME	1794 SF
2ND FLOOR HEATED OVER FRAME	1779 SF
3RD FLOOR HEATED OVER FRAME	1673 SF
OVERLAY DECKING	1419 SF
GARAGE SPACE	469 SF
TOTAL OVER ROOF	2028 SF
TOTAL HEATED OVER ROOF	4867 SF

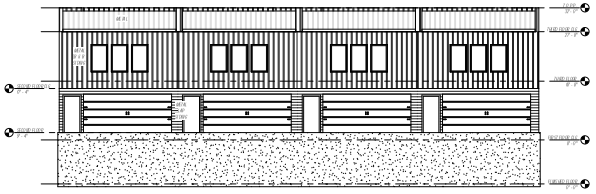
Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 50 of 62



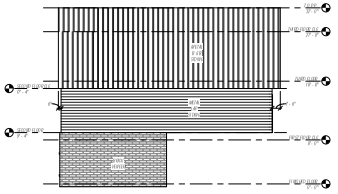
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



3D View Rear

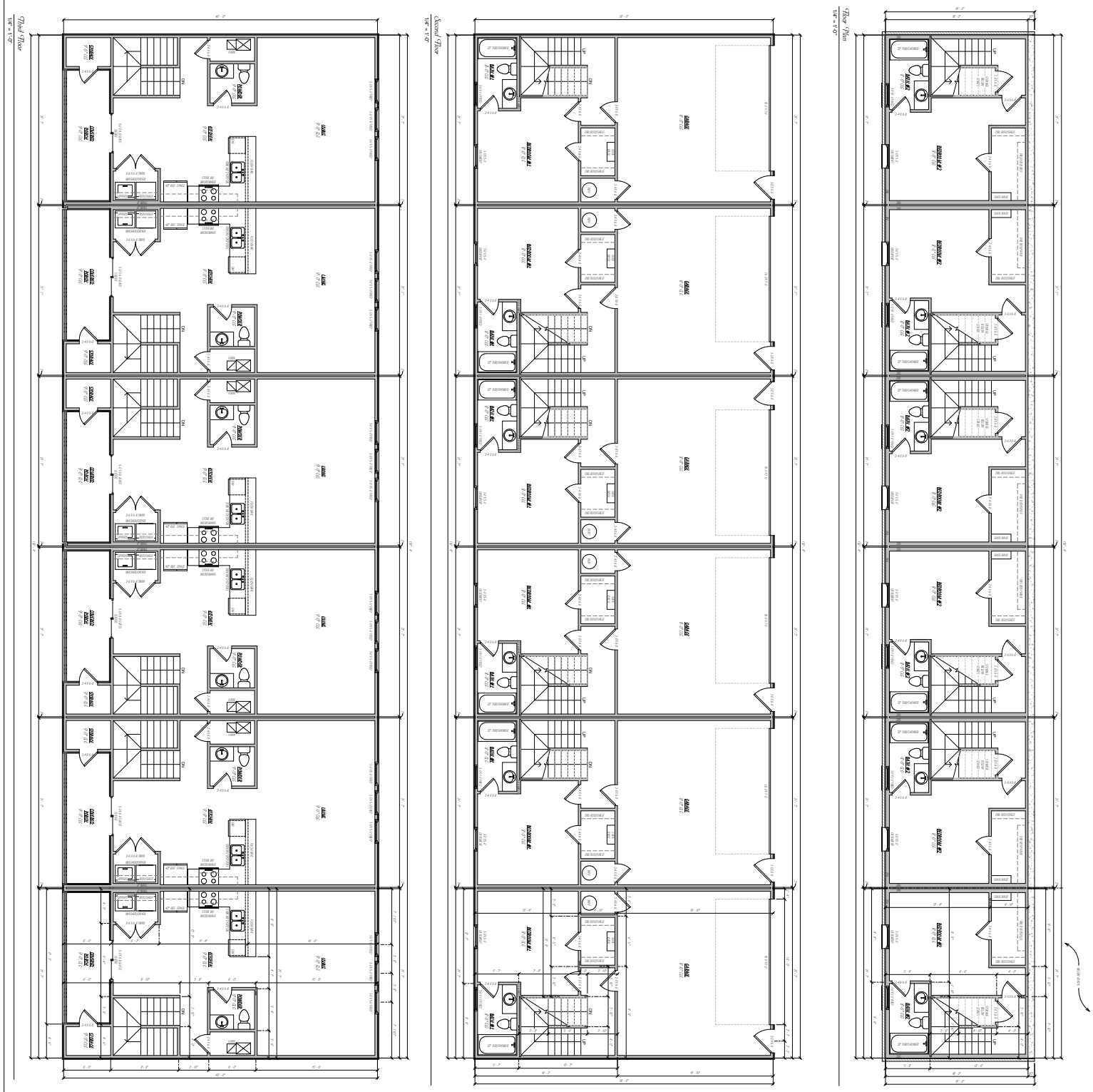
KCP
Residential Design
Phone: (425) 411-4181
www.KCPH.net

2 Bed Walkout 4plex
Bldg. 19,22
For Bransen Harris

Elevations

2 of 2

Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 51 of 62



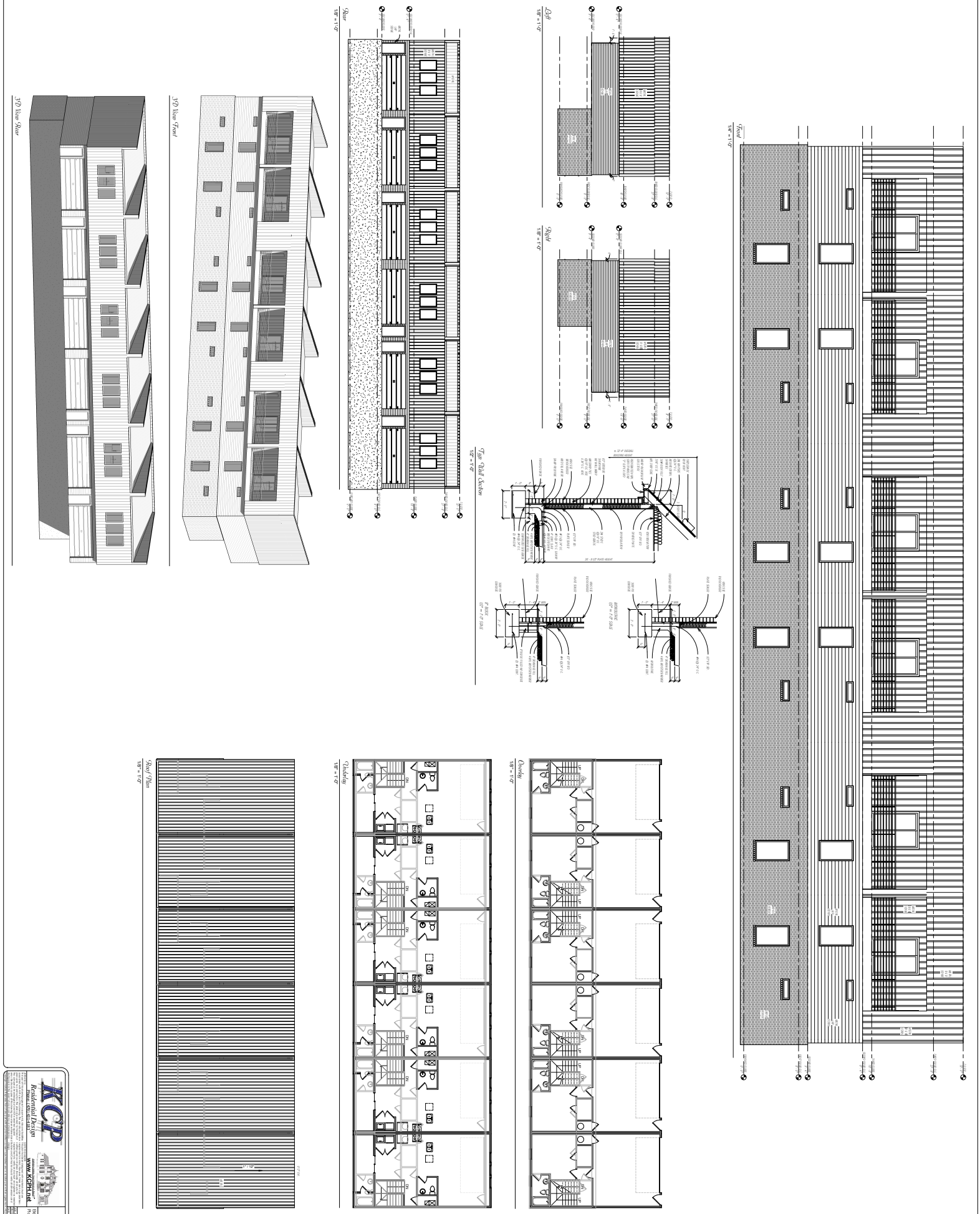


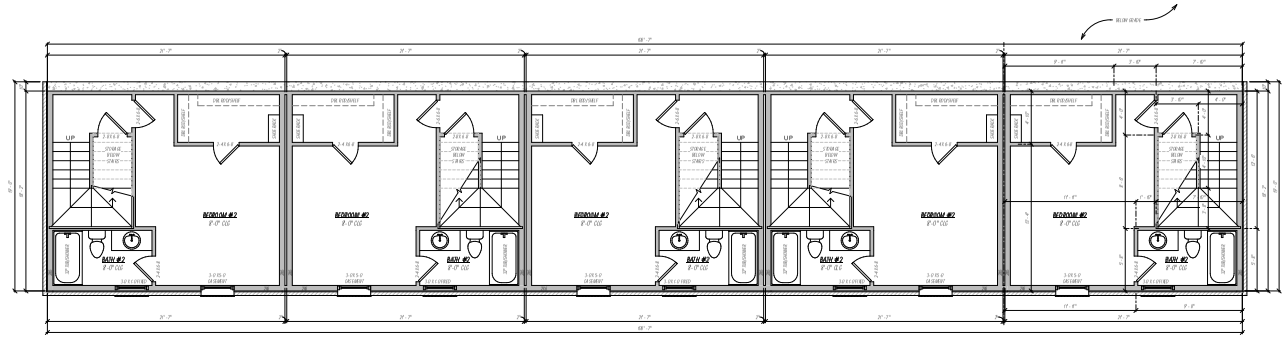
Footage Tabulation (Each Unit)

1ST FLOOR HEATED OVER FRAME	194 SF
2ND FLOOR HEATED OVER FRAME	179 SF
3RD FLOOR HEATED OVER FRAME	637 SF
ENTRY PORCHES	13 SF
GARAGE SPACE	449 SF
FOOTAGE OVER 2001	2028 SF
FOOTAGE HEATED OVER 2001	1963 SF

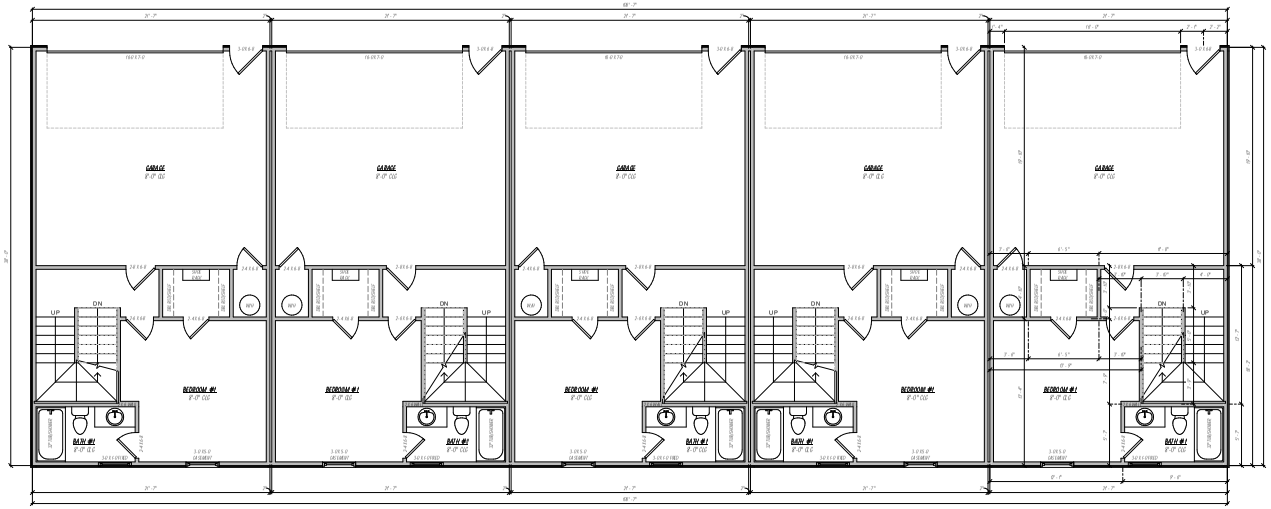
TOTAL HEATED OVER 2001 | 1963 SF

Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 52 of 62

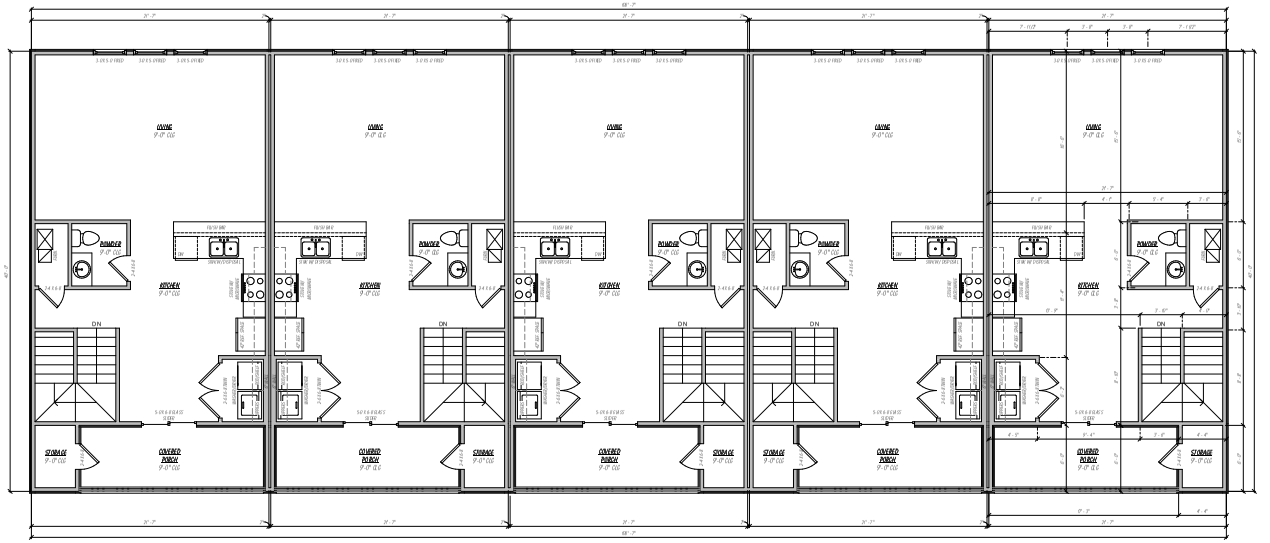

3D View Rear
3D View Front
Rear
Left
Right
Typ Wall Section
Front
Roof Plan
Underlay
Overlay
KCP
Residential Design
www.KCPH.net
2 Bed Walkout 6plex
Bldg. 20
For Bransen Harris
Elevations, Overlay, Underlay, Roof Plan, Typ. Wall Section
2 of 2



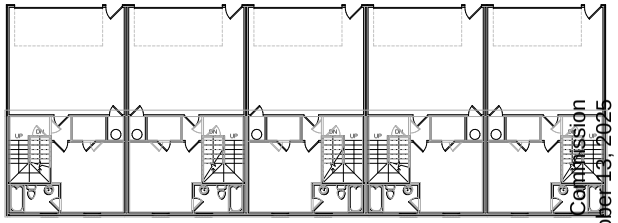
Floor Plan
1/4" = 1'-0"



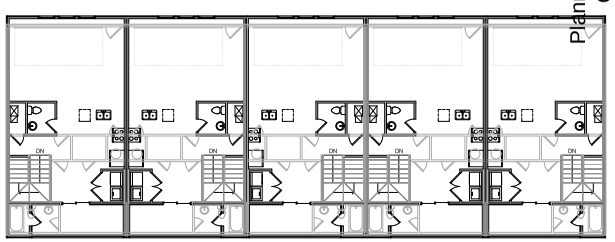
Second Floor
1/4" = 1'-0"



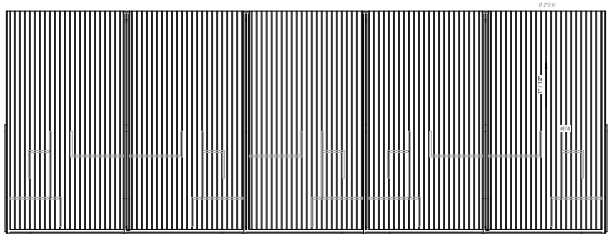
Third Floor
1/4" = 1'-0"



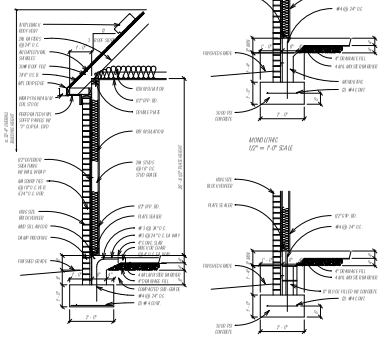
Overlay
1/8" = 1'-0"



Underlay
1/8" = 1'-0"



Roof Plan
1/8" = 1'-0"



Typ. Wall Section
1/2" = 1'-0"

Footage Tabulation (Each Unit)	
1ST FLOOR HEATED OVER FRAME	1344 SF
2ND FLOOR HEATED OVER FRAME	1379 SF
3RD FLOOR HEATED OVER FRAME	673 SF
COVERED PORCHES	131 SF
GARAGE SPACE	640 SF
TOTAL UNDER ROOF	3018 SF
TOTAL HEATED OVER BRICK	**1965 SF**

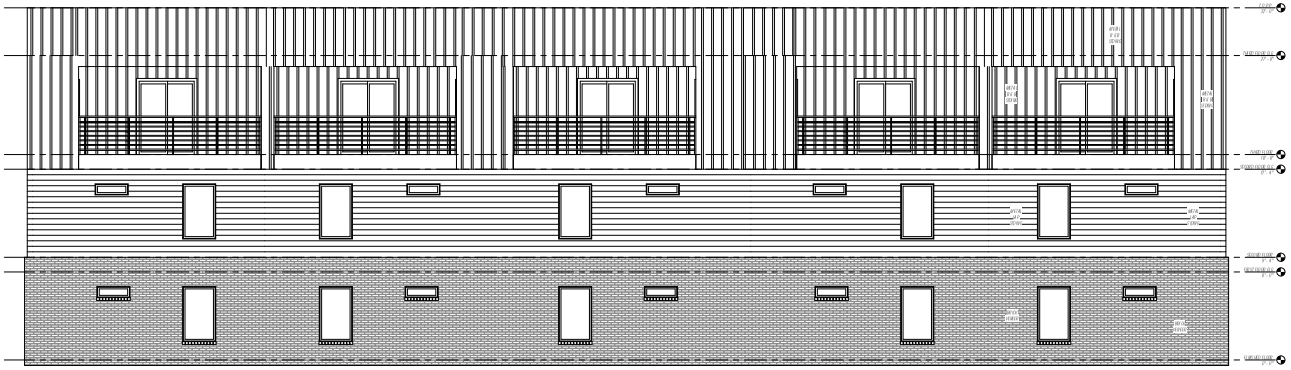
KCP
Residential Design
Phone: (450) 431-4181
www.KCPH.net

2 Bed Walkout 5plex
Bldg. 21,23
For Bransen Harris

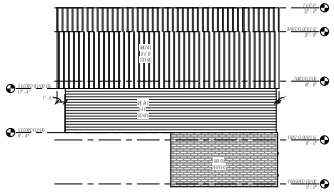
1st Floor, 2nd Floor, 3rd Floor, Overlay, Roof Plan, Typ. Wall Section

1 of 2

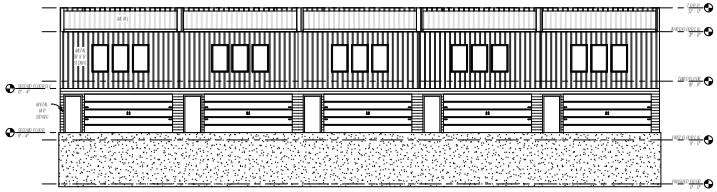
Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 54 of 62



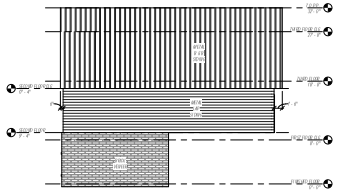
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



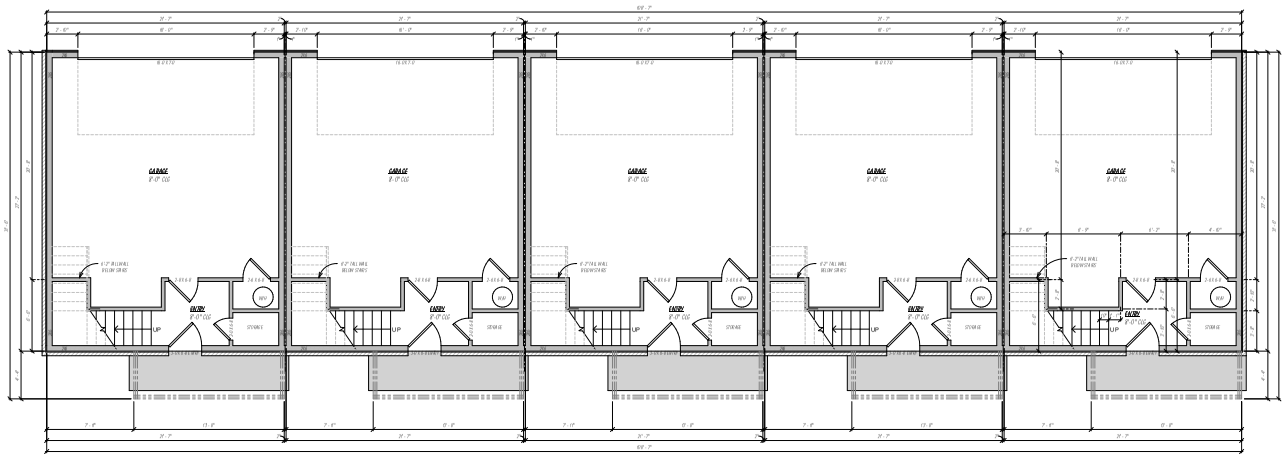
3D View Rear

KCP
Residential Design
Phone: (475) 411-4183
www.KCPH.net

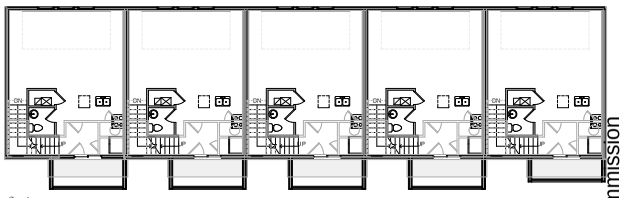
2 Bed Walkout 5plex
Bldg. 21,23
For Bransen Harris

Elevations

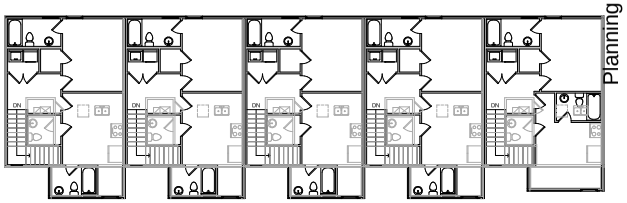
2 of 2



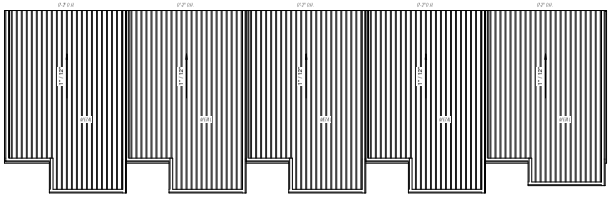
Floor Plan
1/4" = 1'-0"



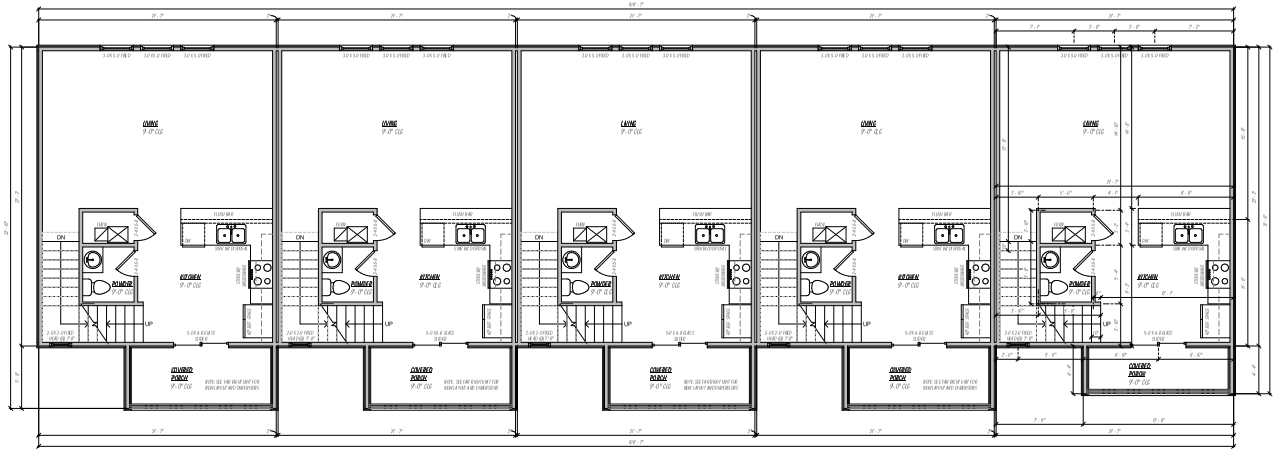
Overlay
1/8" = 1'-0"



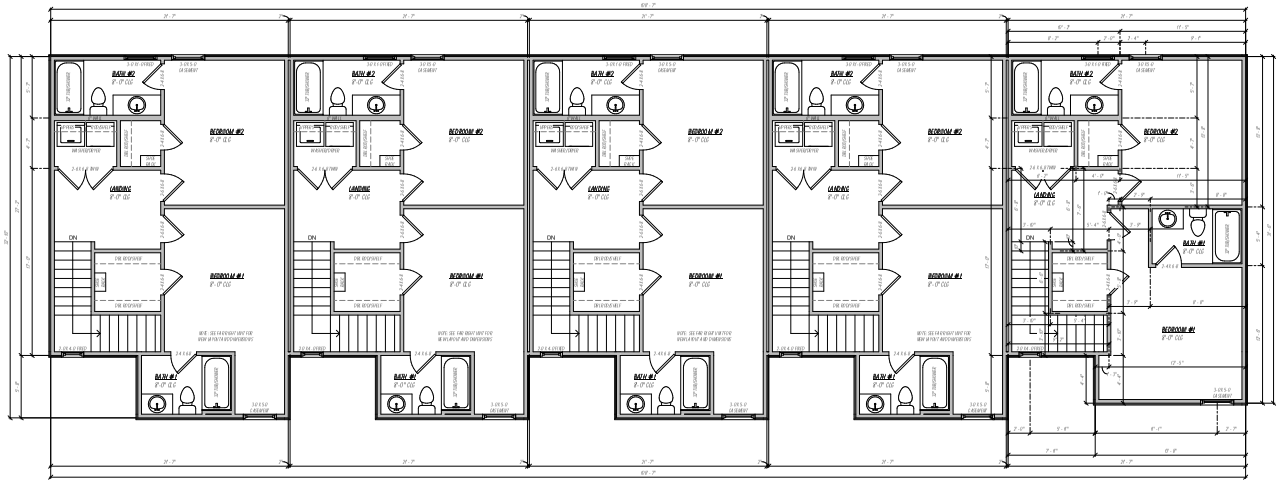
Underlay
1/8" = 1'-0"



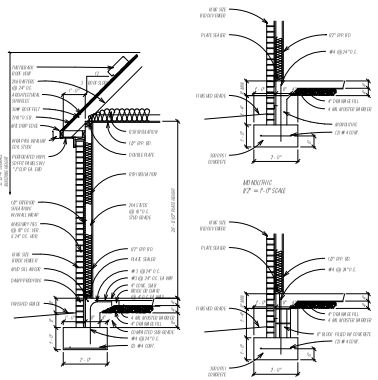
Roof Plan
1/8" = 1'-0"



Second Floor
1/4" = 1'-0"



Third Floor
1/4" = 1'-0"



Typ. Wall Section
1/2" = 1'-0"

Footage Tabulation (Each Unit)	
1ST FLOOR HEATED OVER FRAME	194 SF
2ND FLOOR HEATED OVER FRAME	545 SF
3RD FLOOR HEATED OVER FRAME	606 SF
COVERED PORCHES	97 SF
GARAGE SPACE	475 SF
TOTAL UNDER ROOF	1016 SF
TOTAL HEATED OVER BRICK	1076 SF

KCP
Residential Design
Phone: (479) 431-4183
www.KCPH.net

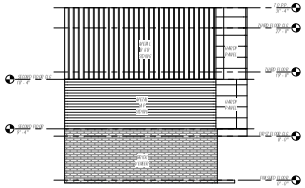
2 Bed 5plex
Bldg. 24,25
For Bransen Harris

1st Floor, 2nd Floor, 3rd Floor, Overlay, Underlay, Roof Plan, Typ. Wall Section

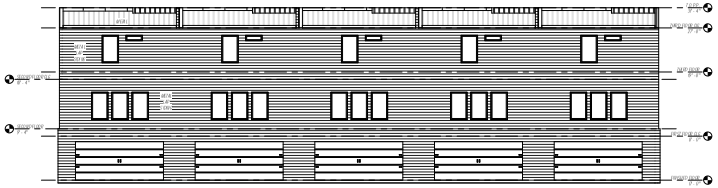
1 of 2



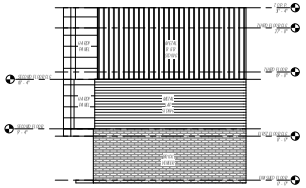
Front
1/4" = 1'-0"



Left
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Front



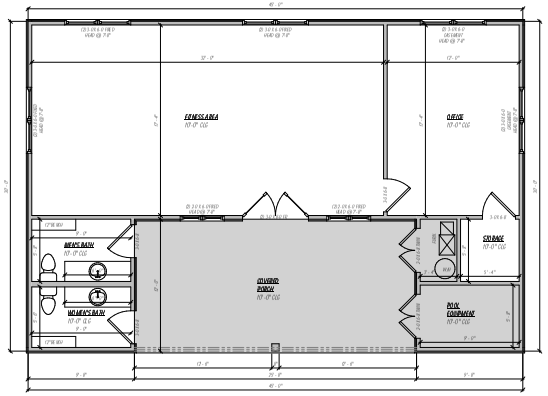
3D View Rear

KCP
Residential Design
Phone: (479) 431-4181
www.KCPH.net

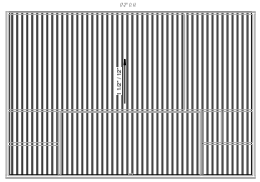
2 Bed 5plex
Bldg. 24,25
For Bransen Harris

Elevations

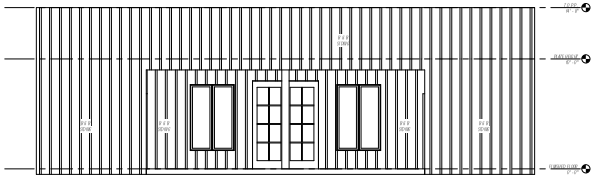
2 of 2



Floor Plan
1/4" = 1'-0"



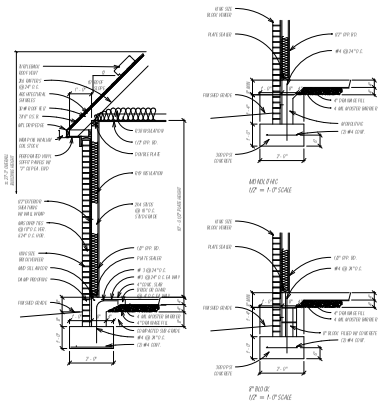
Roof Plan
1/8" = 1'-0"



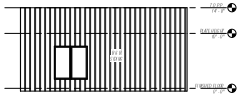
Front
1/4" = 1'-0"



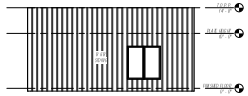
3D View Front



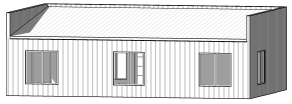
Typ. Wall Section
1/2" = 1'-0"



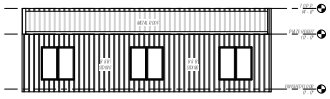
Left
1/8" = 1'-0"



Right
1/8" = 1'-0"



3D View Rear



Rear
1/8" = 1'-0"

Footage Tabulation	
1ST FLOOR HEATED OVER FRAME	982 SF
BONUS ROOM HEATED OVER FRAME	0 SF
COVERED PORCHES	189 SF
GARAGE SPACE	0 SF
TOTAL UNDER ROOF	1250 SF
TOTAL HEATED OVER BRICK	**982 SF**

KCP
Residential Design
Phone: (479) 431-4183
www.KCPH.net

Clubhouse
Ashwood Townhomes
For Bransen Harris

Floor Plan, Roof Plan, Elevations, Typ. Wall Section

1 of 1

Planning Commission
October 13, 2025
CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)
Page 58 of 62

PETERS & ASSOCIATES
ENGINEERS, INC.

August 20, 2025

Mr. Bransen Harris
Ashwood Partners LLC
4514 Cole Avenue
Suite 800
Dallas, TX 75205

Re: P2291
Vehicle Trip Generation Conformance Study
Ashwood Townhomes Residential Development (140 Units)
Fayetteville, Arkansas

Peters & Associates Engineers, Inc. has calculated what could be the expected trip-generation of the proposed 140 townhouse residential development (Ashwood Townhomes) as proposed to be constructed on the west side of Razorback Road (Highway 16) and Ashwood Avenue intersection in Fayetteville, Arkansas.

The Trip Generation, an Informational Report, published by the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition, 2023, was researched for calculating the magnitude of traffic volumes expected to be generated by the proposed land-use of this development. These are typically reliable sources for this information and are commonly used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made to provide a reliable estimate of traffic volumes that can be expected to be associated with the development as proposed. Applying the appropriate trip-generation rates to the land use proposed for this development makes these calculations. Results of these calculations are summarized on Table 1, "Summary of Trip-Generation."

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME		PM PEAK HOUR VOLUME	
				ENTER	EXIT	ENTER	EXIT
Residential Townhomes	140 Units	215	1,008	17	50	47	33
		TOTAL ENTERING + EXITING		67		80	

Table 1 – Summary of Trip-Generation

These calculations indicate that approximately 1,008 vehicle trips (combined in and out) per average weekday are projected to be generated by the proposed 140-unit residential townhouse development on this site. Of this total, approximately only 67 vehicle trips (17 entering and 50 exiting) are estimated during the traffic conditions of the AM peak hour, and approximately only 80 vehicle trips (47 entering and 33 exiting) are estimated during the traffic conditions of the PM peak hour. These calculations are included with this letter summary.

Access proposed for the proposed development is as follows:

- One new drive intersecting Razorback Road (Highway 16), just south of Ashwood Avenue.
- One new drive intersecting Ashwood Avenue, just west of S Razorback Road (Highway 16).

The City of Fayetteville has recently set out traffic impact study guidelines and criteria. The City of Fayetteville Municipal Code Requirement Criteria states that if a development trip generation is calculated to generate more than 200 vehicle trips per hour a full traffic study will be required.

The calculated peak hour trip-generation expected to be associated with the proposed 140-unit residential townhouse development is less than 200 peak hour trips (approximately only 67 vehicle trips are estimated during the traffic conditions of the AM peak hour, and approximately only 80 vehicle trips are estimated during the traffic conditions of the PM peak hour). Therefore, per the City of Fayetteville Impact Study Guidelines, a traffic impact analysis study (TIA) should not be required for the development as proposed.

Please let us know if you need additional information.

Sincerely,
PETERS & ASSOCIATES, ENGINEERS, INC.



Randy Tolbert
Dir. of Operations

Mark Nichols, P.E.

ITE TRIP-GENERATION 11TH EDITION
140-Townhomes
Residential Development (ITE 215)
8/20/2025
P2291

Weekday Daily Volume

DATA STATISTICS

Land Use:
Single-Family Attached Housing (215) Click for Description and Data Plots

Independent Variable:
Dwelling Units

Time Period:
Weekday

Setting/Location:
General Urban/Suburban

Trip Type:
Vehicle

Number of Studies:
22

Avg. Num. of Dwelling Units:
120

Average Rate:
7.20

Range of Rates:
4.70 - 10.97

Standard Deviation:
1.61

Fitted Curve Equation:
T = 7.62(X) - 50.48

R^2:
0.94

Directional Distribution:
50% entering, 50% exiting

Calculated Trip Ends:
Average Rate: 1008 (Total), 504 (Entry), 504 (Exit)
Fitted Curve: 1016 (Total), 508 (Entry), 508 (Exit)

Weekday AM Peak Hour of Adjacent Street

Directional Distribution:
25% entering, 75% exiting

Calculated Trip Ends:
Average Rate: 67 (Total), 17 (Entry), 50 (Exit)
Fitted Curve: 67 (Total), 17 (Entry), 50 (Exit)

Weekday PM Peak Hour of Adjacent Street

Directional Distribution:
59% entering, 41% exiting

Calculated Trip Ends:
Average Rate: 80 (Total), 47 (Entry), 33 (Exit)
Fitted Curve: 80 (Total), 47 (Entry), 33 (Exit)

Wonsower, Donna

From: Necia Parker-Gibson <neciap@gmail.com>
Sent: Thursday, October 2, 2025 11:10 AM
To: Wonsower, Donna
Subject: development off Razorback Rd.

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.

Dear Ms. Wonsower-
There's a new development plan that was presented this week for an area close to my neighborhood. I wasn't able to attend because I am recovering from knee surgery, but I have some concerns related to the size of the unit and the carrying capacity of the local infrastructure. I understand that there are other code problems, but I didn't get the details about those things.

When we moved into the Red Arrow subdivision in 1993, we had little trouble with water pressure, power or traffic except on football game days. With the addition of several apartment complexes on Beechwood, and several planned for the area, the water pressure is barely adequate unless you are showering at 10 a.m. The electrical power ebbs and flows (I have an electric tea pot which shows it very well), which is hard on appliances, especially computers. I can only consider that more apartments close by will make this worse. Add the recent more frequent droughts and heat, which make more water line breaks, and it's going to have the potential to be a royal mess.

I know that the goal for the city is to infill, and that there is a constant shortage of affordable housing, so I know that it has to be built somewhere. Given the impact of more units on what's already a system under strain, I hope that the decision will be to build fewer units, spread them out more over the space, leave as many trees intact as possible, and make the drainage very good. My uphill neighbor 'improved' his drainage a few years ago, which meant we had to spend a lot of money correcting problems that were caused in our yard, which of course also had an impact on my downhill neighbors. His property abuts one end of the p;lanned project, and I can only imagine that this project would have more of an impact than that one house had. It's not ideal for building in the first place- I have more rocks and clay than anything, and cracking foundations even with a simple ranch house.
Sincerely, Necia Parker-Gibson

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner
Justin Bland, City Engineer
Willa Thomason, Urban Forester

MEETING: October 13, 2025

SUBJECT: **PPL-2025-0003: Preliminary Plat (W. VAN ASCHE DR & N. GREGG AVE/STEEL CROSSING INVESTMENT III LLC/172):** Submitted by KIMLEY HORN for property located on W. VAN ASCHE DR. & N. GREGG AVE. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 17.30 acres. The request is for the preliminary plat of 12 commercial lots and one unbuildable lot.

RECOMMENDATION:
Staff recommends approval of **PPL-2025-0003** with conditions.

RECOMMENDED MOTION:
*"I move to approve **PPL-2025-0003**, recommending:*

- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements,*
- *In favor of a variance to UDC §166.25(D)(2), and*
- *In favor of all other conditions as outlined by staff."*

BACKGROUND:
The subject property is located in north Fayetteville at the northeast corner of the intersection of N. Gregg Ave. and W. Van Asche near the city's border with Johnson. The property contains approximately 17.30 acres and is currently undeveloped. It received its current zoning of UT, Urban Thoroughfare, as a result of a rezoning that was approved in 2019 (RZN-19-6809). The east and north boundaries of the site are bounded by Scull Creek and Mud Creek, and these riparian corridors are developed with the Scull Creek/Razorback Greenway trails. The subject property was previously almost entirely covered with the Scull Creek 100-year floodplain; however, a grading permit in 2007 and subsequent FEMA LOMR in 2008 reduced those boundaries. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Fayetteville Utilities / Scull Creek Trail Corridor	P-1, Institutional R-O, Residential Office
South	Undeveloped	C-1, Neighborhood Commercial
East	Scull Creek Trail Corridor	P-1, Institutional
West	Railroad Corridor Concrete Manufacturing	UT, Urban Thoroughfare NC, Neighborhood Conservation

Proposal: The applicant proposes a subdivision with 12 commercial lots and one unbuildable lot. One variance from the Unified Development Code has been requested which is described below alongside staff's recommendations.

- **Variance #1: UDC §166.25(D)(2): Cross Access. Cross access shall be required to adjacent developed and undeveloped properties.** The applicant is requesting approval to not install cross access to the north or east.
    - *Staff recommendation: Staff is supportive of this request. The property is bordered by Scull and Mud Creek and their associated floodplains. These corridors are owned by the city of Fayetteville and are developed with paved trails including the Razorback Greenway. Additionally, extensive utility equipment is located on city land to the north, and the subject property was previously raised with substantial retaining walls in order to elevate it out of said floodplains. Given the substantial grade plane differences and the high likelihood that the adjacent city properties will remain undeveloped trail corridors, staff recommends in favor of the requested cross access variance with the condition that a bench or other permanent seating shall be installed adjacent to the public trail connections to the north and south, or in two locations approved by Active Transportation.*

Right-of-Way to be Dedicated: The subject property has frontage along W. Van Asche Dr., a high-activity regional link, and N. Gregg Ave., a regional link. Staff does not recommend any right-of-way dedication as both streets currently have right-of-way which exceeds typical master street plan requirements.

Street Improvements: Both streets are currently improved with curb and gutter, sidewalk, and an existing traffic signal is located at the intersection. Staff recommends street trees and streetlights along both property frontages, and that the sidewalk shall be reconstructed to meet typical master street plan requirements where the existing sidewalk is either of insufficient width or is located at the back of curb. For W. Van Asche Dr., a regional high-activity link, the master street plan requires a 10-foot sidewalk. N. Gregg Ave., a regional link, would require 8-foot sidewalks. Additionally, staff recommend a direct sidewalk connection be installed to the Razorback Greenway from the property's frontage along W. Van Asche.

Block Length/Connectivity: The proposed plans include private streets. A variance has been requested to §166.25(D)(2) Cross Access, discussed above.

Water and Sewer System: The applicant is proposing to install new 8" water mains throughout the subdivision to provide domestic water service and fire hydrants. This line will create a looped connection off the existing 12" water main adjacent to the property along Gregg Ave.

The applicant is proposing to install new 8" sewer mains within the subdivision to provide sanitary sewer service to each lot. This proposed on-site sewer will connect to the existing 18" sanitary sewer east of the property that is on property owned by the City of Fayetteville and that has a tree preservation easement on it. The proposed sewer line would connect to the existing by boring and installing encasement underneath the limits of the tree preservation easement. This would allow for installation and maintenance of the proposed line without disturbing any trees. This design was previously approved for a project under consideration in 2022-2023 that was ultimately never built.

Another option that is being considered for the sewer connection is an existing line that was installed in the same location in ~2009 as part of an approved project that was not finished due to the recession. The issue with this line is that it's not clear that it was ever accepted by the City. In addition, it was installed across the tree preservation easement. It appears that the intent was for the line to be in an exception to the tree preservation easement, but that this was never legally documented. In order to use this line, a partial vacation of this tree preservation easement would be needed so that maintenance could be performed on the line. In addition, the developer would need to test the line and confirm it still meets current requirements. This option is the preference of the Engineering and Utilities as it would ease the maintenance of the line in the long term. The developer is pursuing a request for a partial vacation of the tree preservation easement. If the vacation is granted, this existing line would be repaired rather than the new line with encasement being constructed. These details would be ironed out during the grading permit review.

Tree Preservation:
Canopy minimum requirement: 15%
Existing canopy: 41.5%
Preserved canopy: 38.6%
Mitigation required: 0 two-inch caliper trees

Parks: Commercial developments are not subject to parkland dedication.

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

RECOMMENDATION: Staff recommends approval of **PPL-2025-0003** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no right-of-way dedication with this request.*

2. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*
    a. *Street trees and streetlights along both property frontages,*
    b. *Sidewalk shall be reconstructed to meet typical master street plan requirements along both streets where the existing sidewalk is either of insufficient width or is located at the back of curb. W. Van Asche Dr., a regional high-activity link, requires a 10-foot sidewalk and N. Gregg Ave., a regional link, would require 8-foot sidewalk.*
    c. *A direct sidewalk connection be installed to the Razorback Greenway from the property's frontage along W. Van Asche.*

3. **Planning Commission determination of a variance to UDC §166.25(D)(2): Cross Access.** *Staff is supportive of this variance request for the reasons outlined above with the following condition.*
    a. *A bench or other permanent seating shall be installed adjacent to the public trail connections to the north and south, or in two locations approved by Active Transportation.*

4. Sanitary sewer routing may be one of the two options described below, with design and additional details to be coordinated through the grading permit review.
    a. Option #1: Connect to the existing line by boring and installing encasement underneath the limits of the tree preservation easement; or
    b. Option #2: Utilization of an existing line that was installed in in 2009, pending any work or repairs necessary to bring the existing line to current city standards. Any tree preservation easement vacations required to complete this work must be submitted and approved by City Council in order for this option to be utilized.

5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto, and including:
    a. A tree preservation easement shall be dedicated over proposed tree preservation areas.

Standard Conditions of Approval:

6. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;

7. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;

8. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;

9. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;

10. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;

11. Plat Review comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication);

12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements; and

13. Preliminary Plat approval shall be valid for one year.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

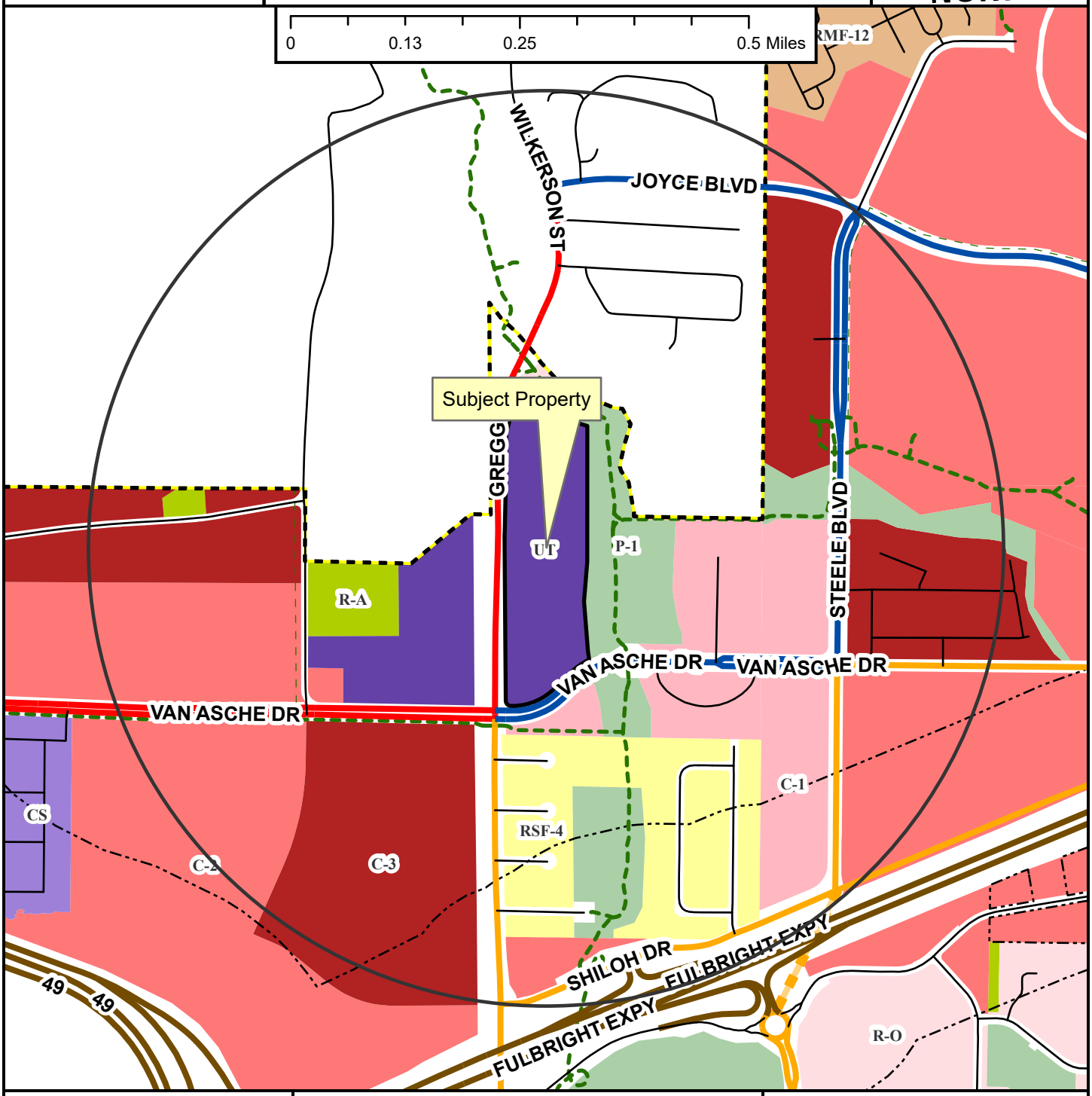
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Staff Memos
  - Engineering Comments
  - Urban Forestry Comments
- Request Letter
- Variance Request Letter
- Preliminary Plat

PPL-2025-0003

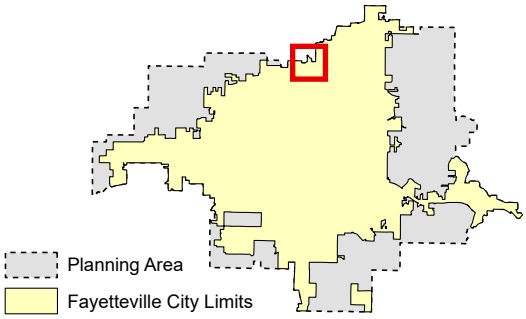
One Mile View

W. VAN ASCHE DR & N. GREGG AVE

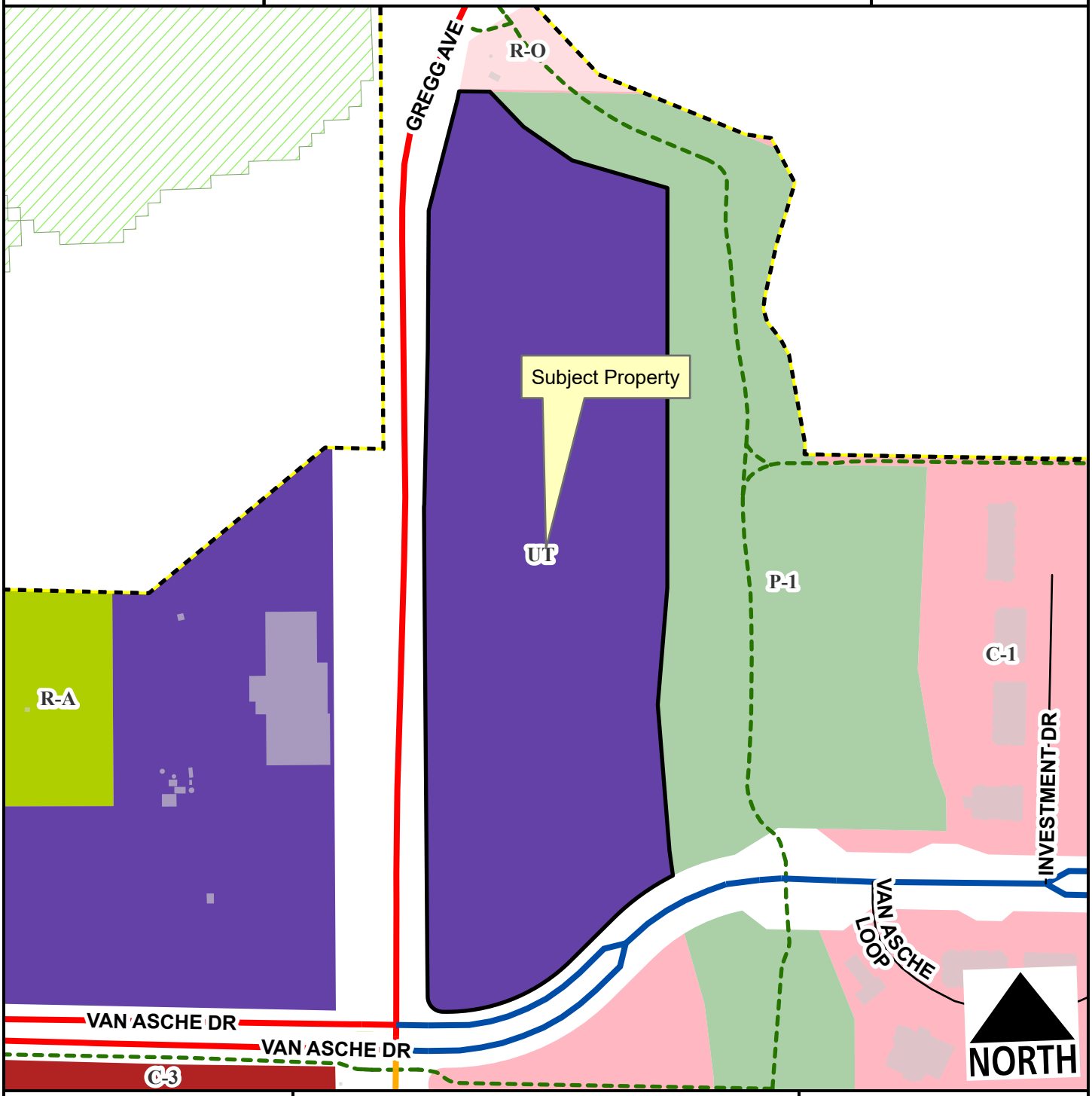
NORTH



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



PPL-2025-0003	W. VAN ASCHE DR & N. GREGG AVE	
Close Up View		



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail

Feet

0 105 210 420 630 840

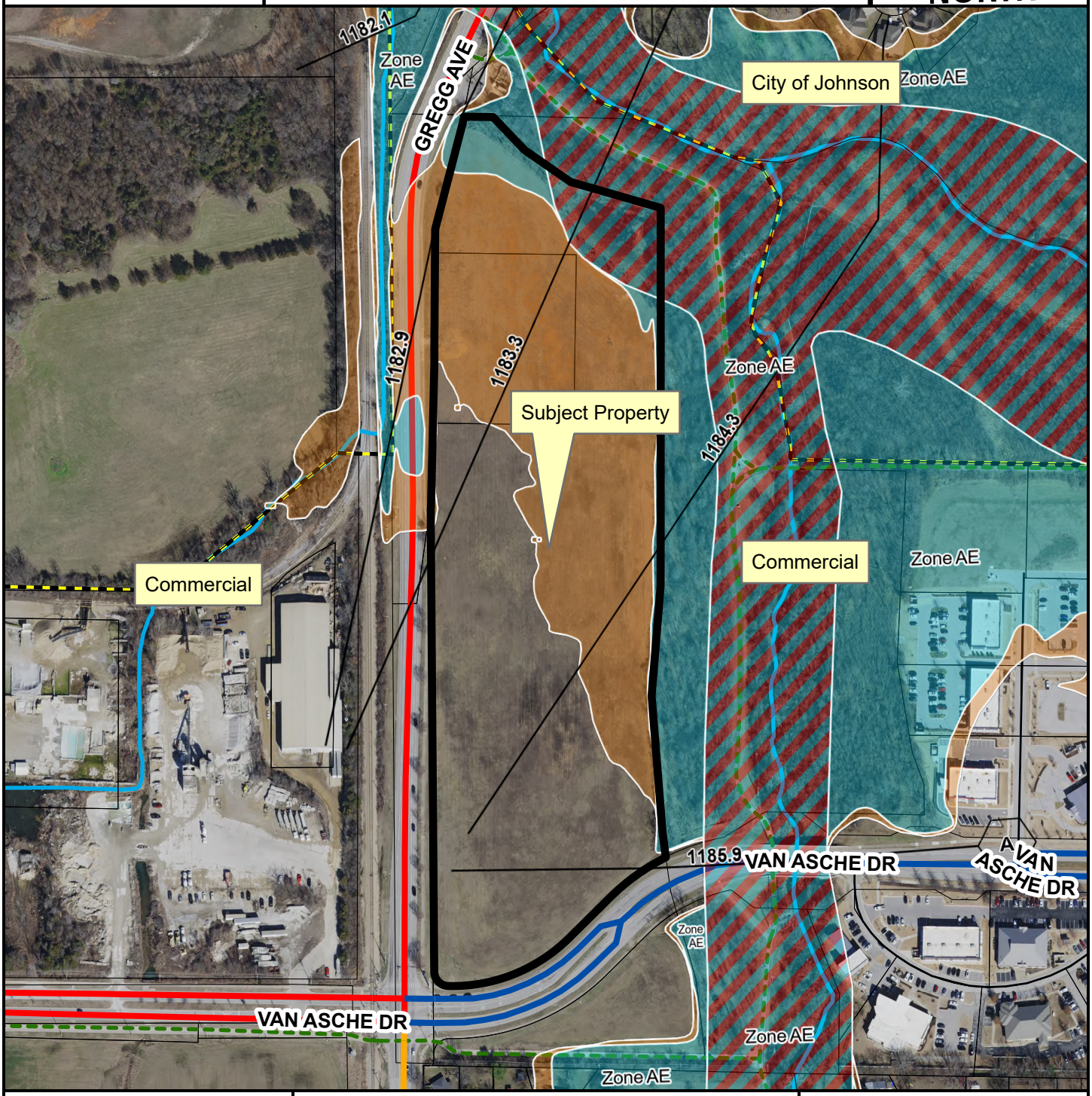
1:3,400

PPL-2025-0003

Current Land Use

W. VAN ASCHE DR & N. GREGG AVE

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: October 5, 2025

SUBJECT: **Planning Commission Engineering Comments for PPL-2025-0003**

Water: The applicant is proposing to install new 8" water mains throughout the subdivision to provide domestic water service and fire hydrants. This line will create a looped connection off the existing 12" water main adjacent to the property along Gregg Ave.

Sewer: The applicant is proposing to install new 8" sewer mains within the subdivision to provide sanitary sewer service to each lot. This proposed on-site sewer will connect to the existing 18" sanitary sewer east of the property that is on property owned by the City of Fayetteville and that has a tree preservation easement on it. The proposed sewer line would connect to the existing by boring and installing encasement underneath the limits of the tree preservation easement. This would allow for installation and maintenance of the proposed line without disturbing any trees. This design was previously approved for a project under consideration in 2022-2023 that was ultimately never built.

Another option that is being considered for the sewer connection is an existing line that was installed in the same location in ~2009 as part of an approved project that was not finished due to the recession. The issue with this line is that it's not clear that it was ever accepted by the City. In addition, it was installed across the tree preservation easement. It appears that the intent was for the line to be in an exception to the tree preservation easement, but that this was never legally documented. In order to use this line, a partial vacation of this tree preservation easement would be needed so that maintenance could be performed on the line. In addition, the developer would need to test the line and confirm it still meets current requirements. This option is the preference of the Engineering and Utilities as it would ease the maintenance of the line in the long term. The developer is pursuing a request for a partial vacation of the tree preservation easement. If the vacation is granted, this existing line would be repaired rather than the new line with encasement being constructed. These details would be ironed out during the grading permit review.

Streets: The applicant is proposing to install private streets throughout the site.

A traffic impact study was performed by the applicant which analyzed the intersections located at Gregg & Van Asche and Gregg & Shiloh. Each intersection was analyzed for existing conditions, conditions in 2028 when the project is expected to be built out, conditions in 2030 (5-year horizon) and in 2045 (20-year horizon). In addition, an apartment complex on Van Asche west of this site that is currently in permitting was added for all scenarios except the existing conditions.

In the A.M. peak hour both intersections currently operate at a level of service of C better. In all scenarios except the 2045 analysis, the level of service for each leg of each intersection stays the same. In the 2045 analysis, there are a couple of legs that drop one level of service; however, each leg remains at a C or better.

In the P.M. peak hour both intersections currently operate at a level of service of C better. For the Gregg & Van Asche intersection, the level of service for each leg of each intersection stays the same, except for in the 2045 analysis. In the 2045 analysis there are a couple of legs that drop one level of service; however, each leg remains at a C or better.

In the P.M. peak hour for the Gregg & Shiloh intersection, issues begin to arise for the northbound lanes. The analysis shows the level of service for this leg to be E in the 2030 analysis and then F in the 2045 analysis. However, the analysis also shows this leg to have a level of service of F in the 2045 scenario without the proposed development. The study goes on to show that with changes in signal timing the intersection can operate at a level of service of C in the 2045 scenario (with two legs operating as D). This is without any infrastructure improvements. Overall, staff agrees that an adjustment in the signal timing is an adequate solution for purposes of this study. In the future, this intersection is expected to change drastically which will also have an impact in the area. This includes connecting across the railroad to the west as development occurs.

The traffic study also analyzed the proposed driveway intersection on the site and unsignalized intersections. The results show that all driveways will operate at a level of service of B or C which is satisfactory.

Natural Features: The Mud Creek flood plain runs adjacent to the east side of the site. The property was filled and a retaining wall was constructed along its east side to raise it out of the flood plain. This approach was effective for the majority of the project. However, there is an area in the northeast corner of the site still in the floodplain. It has been proposed as a separate one acre "non-buildable" tract of land.

Drainage: This development is required to meet the four minimum criteria of Fayetteville's Drainage Criteria Manual. The applicant is proposing to meet them as follows:

1. Water Quality – Water quality requirements will be met with the use of AquaSwirl hydrodynamic separators at each discharge point from the site.
2. Channel Protection Volume – The applicant has requested a waiver from this requirement which was granted by the City Engineer. This waiver was granted due to the discharges from the site discharge to the tree preservation easement on the east side of the site. The runoff will be is proposed to be met by sizing the pond outlet structures to detain and release the runoff from the 1-year, 24-hour storm over a period of 40 hours. Similarly, overbank flood protection and extreme flood protection requirements are proposed to be met by sizing the outlet structures so that peak flows post-development do not exceed pre-development peak flows. Detailed review of the drainage design will be done with grading permit review.
3. Overbank and Extreme Flood Protection – The applicant has requested a waiver from both requirements due to the proximity to the flood plain. The Drainage Manual outlines a procedure for this type of scenario where the requirement can be waived if it is shown that providing stormwater detention would make conditions downstream worse. The applicant has prepared a hydraulic study for the site with and without stormwater

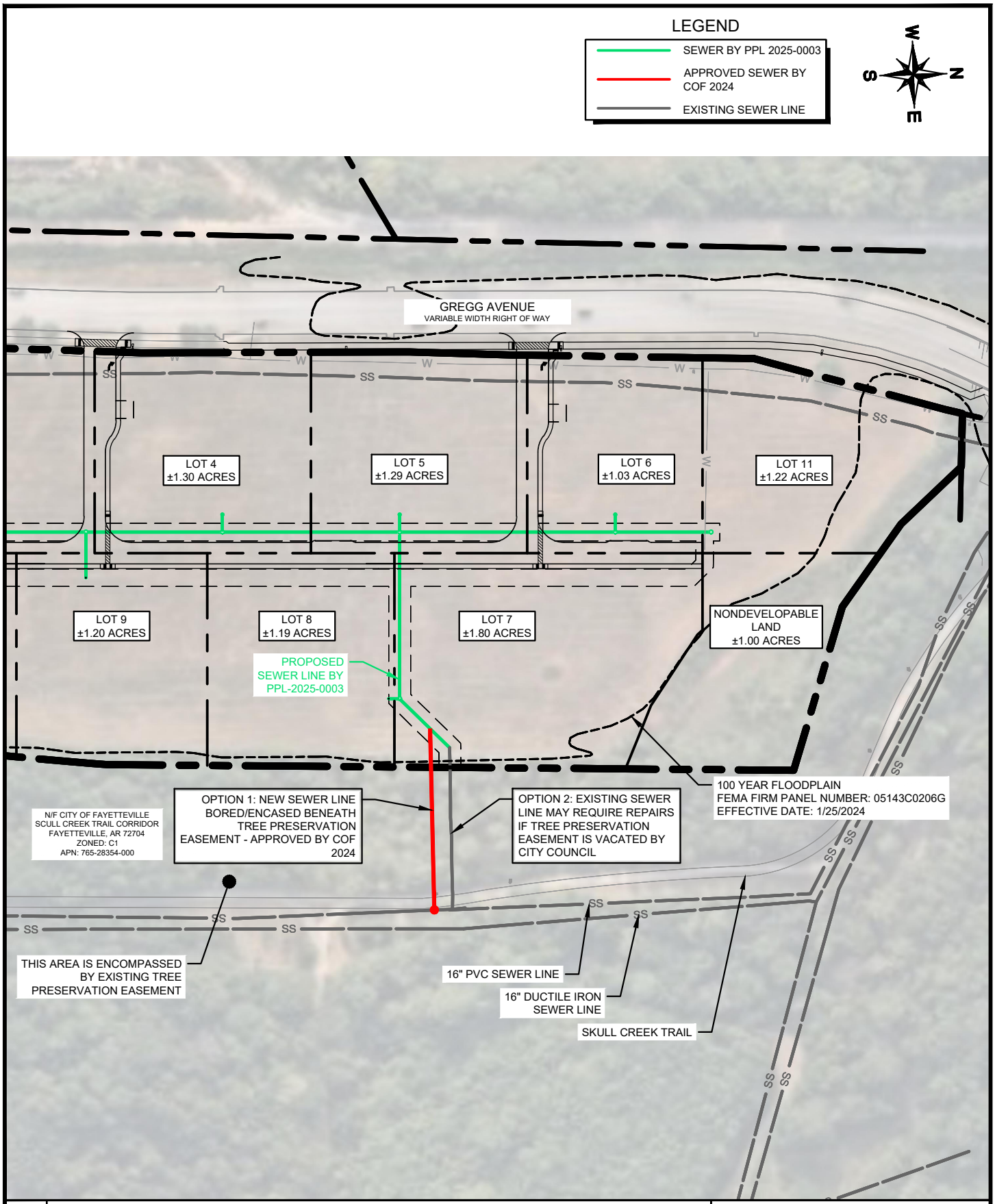
detention. The results show that providing stormwater detention on the site will slightly raise flood water depths and velocities downstream. Based on this analysis, the City Engineer has granted the waiver for these requirements.

Plan Comments:

1. As described in the sewer section, the previously approved sewer design for the site that includes boring/encasing the pipe beneath the tree preservation easement is required for sewer access. If the tree preservation easement vacation is requested and approved, the existing sewer line may be repaired instead of constructing the new sewer line.
2. Additional plan review will be performed with subsequent submittals.

Standard Comments:

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



SHEET NUMBER

SEWER EXHIBIT

TWIN CREEKS VILLAGE

PREPARED FOR

CITY OF FAYETTEVILLE

WASHINGTON COUNTY ARKANSAS

Kimley»Horn

© 2025 KIMLEY-HORN
2600 N CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-617-0535
TEXAS REGISTERED ENGINEERING FIRM F-928

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Kimley-Horn & Associates

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: October 13, 2025

Subject: PPL-2025-0003: Twin Creeks Village (Van Asche and N Gregg)

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

2. Tree Preservation Calculations

Tree Preservation Calculations Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	18,610	100%
*Zoning Designation * Select Below with drop down arrow*		
UT, Urban Thoroughfare	2,792	15%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	2,792	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	7,725	41.5%
Tree Canopy Preserved	7,175	38.6%
Tree Canopy Removed *On Site	550	3.0%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	550	3.0%
Removed Below Minimum	**0**	
Mitigation Requirements	**0**	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority		**N/A**
Low Priority		
Total Mitigation Trees Required		

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation			X
Off-Site Mitigation			X

	Tree Escrow (See Conditions of Approval)			**X**

5.	**Tree Preservation Plan Checklist** *UDC Chapter 167.04H1and 167.04L1*	**Tech Plat**		**Planning Commission**
a.	5 year Aerial Check on Existing Trees	**Yes**		**Yes**
b.	Property Boundary	**Yes**		**Yes**
c.	Natural Features (100ft beyond limits of disturbance)	**Yes**		**Yes**
d.	Existing Topography and Proposed Grading	**Yes**		**Yes**
e.	Soil Types	**No**		**Yes**
f.	Significant Trees	**N/A**		**N/A**
g.	Groupings of Trees	**N/A**		**N/A**
h.	Table Inventory List (species, size, health, priority)	**N/A**		**N/A**
i.	All Existing and Proposed Utilities	**Yes**		**Yes**
j.	All Existing and Proposed Utility Easements and ROW's	**Yes**		**Yes**
k.	All Streams (with approximate center line)	**N/A**		**N/A**
l.	Floodplains and floodways	**N/A**		**N/A**
m.	Existing Street, Sidewalk or Bike Path ROW	**Yes**		**Yes**
n.	Submitted Site Analysis Plan (if required)	**N/A**		**N/A**
o.	Shows ALL Proposed Site Improvements	**Yes**		**Yes**
p.	Delineates trees/canopy to be preserved and removed	**Yes**		**Yes**
q.	Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	**No**		**No**
Tree Protection Methods				
a.	Tree Protection Fencing	**Yes**		**Yes**
b.	Limits of Root Pruning	**Yes**		**Yes**
c.	Traffic flow on work site	**Yes**		**Yes**
d.	Location of material storage	**No**		**N/A**
e.	Location of concrete wash out	**No**		**Yes**
f.	Location of construction entrance/exit	**Yes**		**Yes**

6.	**Site Analysis Report (if required)** *UDC Chapter 167.04H4*	**Yes**	**No**	**N/A**
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy			**X**
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.			**X**

7.	**Review Status (See Comments)**	**Tech Plat**	**Planning Commission**
	Conditionally Approved	**9-12-25**	**9-30-25**

Approved

Tabled

Denied

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

Comments

1. Address items above marked “No” and all Redlines provided.
2. You must dedicate tree preservation easement on the undevelopable lot, avoiding overlapping with any other types of easements.
3. A partial vacation of the existing tree preservation easement to the east will be necessary to clear trees and perform maintenance on the sewer line running perpendicular to the property boundary.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Kimley-Horn & Associates

From: Willa Thomason, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: October 13, 2025

Subject: PPL-2025-0003: Twin Creeks Village (Van Asche and N Gregg)

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

2. Parking Lot Requirements 1 Tree : 12 Parking Spaces	Yes	No	N/A
a. Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*	X		
b. Wheel Stops/Curbs *UDC Chapter 177.04B1*	X		

c.	Narrow Tree Lawn (8’ min. width, 37.5’ length) *UDC Chapter 177.04C*			**X**
d.	Tree Island (8’ min. width, 18.7’ min length, 150 square feet) *UDC Chapter 177.04C*	**X**		
e.	Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*	**X**		

3.	**Perimeter Landscaping Requirements**	**Yes**	**No**	**N/A**
a.	Front Property Line (15’ wide landscape) and 5’ on sides and rear. *UDC Chapter 177.04D2a*	**X**		
b.	Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*	**X**		
c.	Screening of parking lot from adjacent residential properties.	**X**		

4.	**Street Tree Planting Requirements**	**Yes**	**No**	**N/A**
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot *UDC Chapter 177.05B1a*			**X**
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30’ (planted in greenspace) *UDC Chapter 177.05B2a*	**X**		
c.	Urban Tree Well – Urban Streetscapes Trees every 30’ (8’ sidewalk) *UDC Chapter 177.05B3a-f*			**X**
d.	Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*			**X**
e.	Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			**X**
f.	Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			**X**

5.	**Landscape Requirement Totals**	**Amount**
	Mitigation Trees	**N/A**
	Parking Lot Trees	**N/A**
	Street Trees	**57**
	Detention Pond – Large Trees (1 Tree/3,000 square feet)	**N/A**

Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**N/A**
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**N/A**

6. Review Status (See Comments)	**Tech Plat**	**Planning Commission**
Conditionally Approved	**9-12-25**	**9-30-25**
Approved		
Tabled		
Denied		

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

Comments

1. Address items above marked “No” and all Redlines provided.
2. Landscape plans must be stamped by a licensed landscape architect.
3. As noted on the LSIP, please provide one or two additional species of trees to increase diversity.

Kimley»Horn

August 13th, 2025

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

Project: Twin Creeks Village
Subject: Letter of Intent – Preliminary Plat

To Whom it may Concern,

Kimley-Horn is submitting this Letter of Intent in support of the Preliminary Plat required by the City of Fayetteville. The 17.29-acre property is currently zoned Urban Thoroughfare and positioned at the northeast corner of Van Asche Drive and Gregg Avenue.

The intent is to preliminarily subdivide the property and provide infrastructure that will support future development. The site is bordered by floodway along the eastern and northern property boundaries, which restricts the cross-access opportunity of the development. These restrictions will require a variance from UDC 166.25(D)(2).

The documents included in this submittal consist of a Site Plan with associated Preliminary Engineering, Owner Authorization, Landscape Plans, Drainage Report, Drainage Variance Letter, Fire Department Technical Plat Review Form, Address Point File, Survey, Preliminary Plat, Traffic Impact Analysis, and this Letter of Intent. If there is additional information that is required, please contact me at (972) 770-1370 or jonathan.kerby@kimley-horn.com.

Regards,

KIMLEY-HORN AND ASSOCIATES, INC.

Jonathan Kerby, P.E.

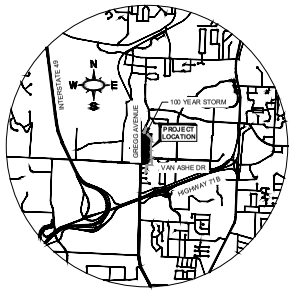
STREET TABLE			
STREET NAME	R.O.W. WIDTH	SIDEWALK WIDTH	GREEN SPACE WIDTH
GREEG AVENUE	VARIABLE WIDTH	8'	10'
VAN ASCHE DRIVE	110'	6'	10'
STREET A	N/A	5'	3'
STREET B	N/A	5'	0'
STREET C	N/A	5'	0'
STREET D	N/A	5'	0'

LOTS ENCUMBERED BY FLOODPLAIN			
LOT	AREA OUTSIDE OF FLOODPLAIN (ACRES)	AREA INSIDE OF FLOOD PLAIN (ACRES)	TOTAL LOT AREA (ACRES)
LOT 7	± 1.68	± 0.12	± 1.8
LOT 8	± 1.15	± 0.04	± 1.19
LOT 9	± 1.13	± 0.07	± 1.2
LOT 10	± 1.26	± 0.05	± 1.31
LOT 11	± 0.81	± 0.41	± 1.22
LOT 12	± 1.32	± 0.04	± 1.36
NONDEVELOPABLE LAND	± 0.86	± 0.14	± 1
TOTAL	± 8.21	± 0.87	± 9.08

NOTES

1. CITY PLAT PAGE 172
2. BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS WITHIN 100 YEAR FLOODPLAIN FROM FEMA FIRM PANEL NUMBER:0514GC0209G EFFECTIVE DATE: 1/25/2024
   - 2.1. ZONE "X-SHADED" - AREA OF MODERATE FLOOD HAZARD, USUALLY THE AREA BETWEEN THE LIMITS OF THE 100- YEAR AND 500-YEAR FLOODS.
   - 2.2. ZONE "A" - AREAS WITH A 1% ANNUAL CHANCE OF FLOODING AND A 26% CHANCE OF FLOODING OVER THE LIFE OF A 30-YEAR MORTGAGE. BECAUSE DETAILED ANALYSES ARE NOT PERFORMED FOR SUCH AREAS; NO DEPTHS OR BASE FLOOD ELEVATIONS ARE SHOWN WITHIN THESE ZONES.
   - 2.3. ZONE "AE" - THE BASE FLOODPLAIN WHERE BASE FLOOD ELEVATIONS ARE PROVIDED. "AE" ZONES ARE NOW USED ON NEW FORMAT FIRMS INSTEAD OF A1-A30 ZONES.

SETBACKS:
FRONT: BUILD-TO-ZONE LOCATED BETWEEN 10' AND 25' FROM FRONT PROPERTY LINE.
SIDE: NONE
REAR: NONE

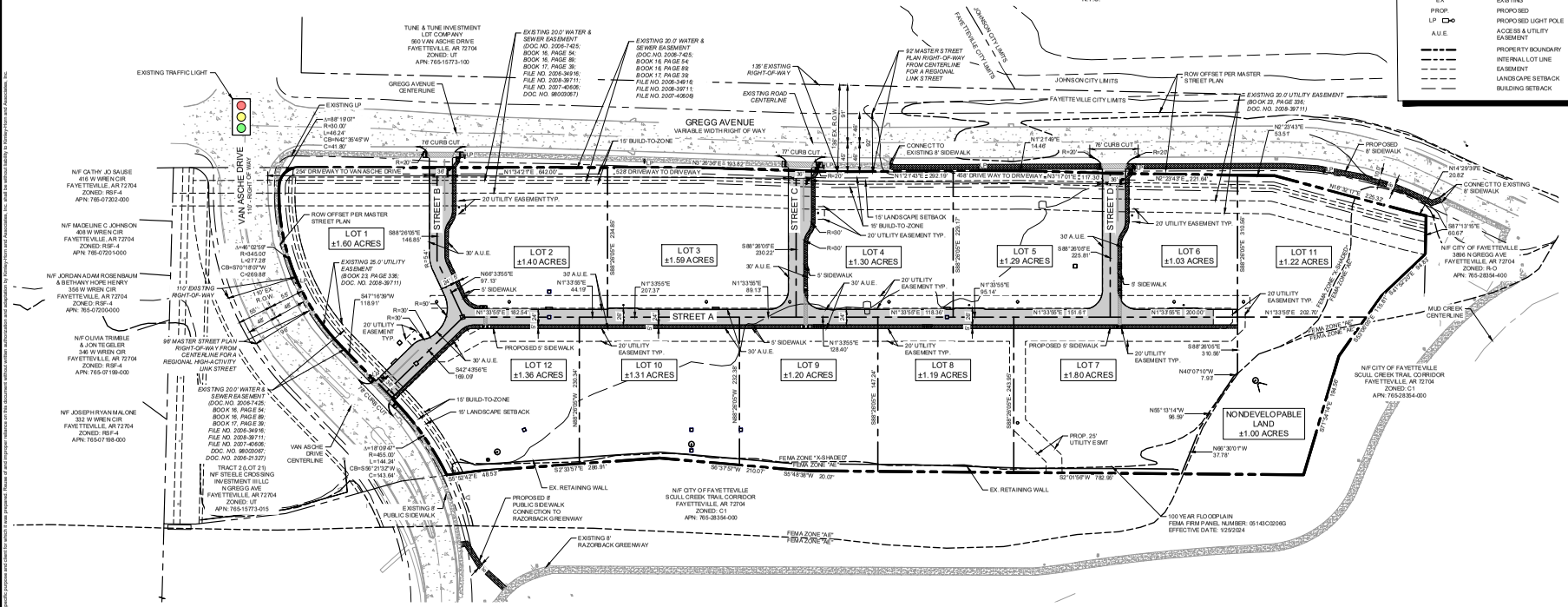


VICINITY MAP
N.T.S.

GRAPHIC SCALE 80' (0, 80', 160')

LEGEND

- PROPOSED FIRE LANE
- EXISTING PAVEMENT
- EXISTING SIDEWALK
- PROPOSED BUILDING
- PROPOSED SIDEWALK PAVEMENT
- BARRIER FREE RAMP (BFR)
- ACCESSIBLE PARKING SYMBOL
- WATER METER (AND VAULT)
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- CURB INLET
- GRATE INLET
- JUNCTION BOX OR WYE INLET
- HEADWALL
- TYP TYPICAL
- EX EXISTING
- PROP. PROPOSED
- LP PROPOSED LIGHT POLE
- A.U.E. ACCESS & UTILITY EASEMENT
- PROPERTY BOUNDARY
- INTERNAL LOT LINE
- EASEMENT
- LANDSCAPE SETBACK
- BUILDING SETBACK



811 Know what's below. Call before you dig.

PRELIMINARY PLAT
TWIN CREEKS VILLAGE FAYETTEVILLE
Being ±17.3 Acres
12 LOTS, 1 UNDEVELOPABLE LOT
Zoned: Urban Throughfare
Proposed Use: Commercial
City of Fayetteville
Washington County, Arkansas
City Project PPL 2025-0003
September 24, 2025

Owner:
Steele Crossing Investment III, LLC
P.O. Box 22407
Little Rock, Arkansas 72221
Contact: Leonard Boen
Email: lboen@commercialrealtyllc.com

Developer:
Steele Crossing Investment III, LLC
P.O. Box 22407
Little Rock, Arkansas 72221
Contact: Leonard Boen
Email: lboen@commercialrealtyllc.com

Engineer:
Kimley-Horn and Associates, Inc.
2600 N Central Expy
Suite 400
Richardson, Texas 75080
Contact: Jonathan Kerby, P.E.
Phone: (972)-770-1370
Email: jonathan.kerby@kimley-horn.com

© 2025 KIMLEY-HORN AND ASSOCIATES, INC.
2600 N CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214-617-0636
WWW.KIMLEY-HORN.COM TBPE #: COA-61

FOR REVIEW ONLY
Not for construction or permit purposes.
Kimley»Horn
Engineer: JONATHAN L. KERBY
P.E. No. 128704 Date: 09/24/2025

KHA PROJECT 060096100
DATE SEPTEMBER 2025
SCALE AS SHOWN
DESIGNED BY KJA
DRAWN BY RPS
CHECKED BY JCK

TWIN CREEKS VILLAGE
FAYETTEVILLE, ARKANSAS

PRELIMINARY PLAT

SHEET NUMBER
PLAT

No.	REVISIONS	DATE	BY

PPL-2025-0003 (STEELE CROSSING INVESTMENT III LLC)

Planning Commission
October 13, 2025
Page 20 of 24

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2025 KIMLEY-HORN AND ASSOCIATES, INC.
2500 N. CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214.617.0535
WWW.KIMLEY-HORN.COM AR COA-51

KHA PROJECT	060036100
DATE	SEPTEMBER 2025
SCALE	AS SHOWN
DESIGNED BY	KJA
DRAWN BY	RPS
CHECKED BY	JCK

TWIN CREEKS VILLAGE
FAYETTEVILLE, ARKANSAS

WATER AND SANITARY SEWER PLAN

SHEET NUMBER C-8.00

KHA PROJECT 060036100
DATE SEPTEMBER 2025
SCALE AS SHOWN
DESIGNED BY KLA
DRAWN BY RPS
CHECKED BY JCK

TWIN CREEKS VILLAGE

FAYETTEVILLE, ARKANSAS

GRADING AND DRAINAGE PLAN

SHEET NUMBER C-02

Kimley»Horn
© 2025 KIMLEY-HORN AND ASSOCIATES, INC.
2500 N. CENTRAL EXPRESSWAY, SUITE 400
RICHARDSON, TEXAS 75080
PHONE: 214.617.0535
WWW.KIMLEY-HORN.COM AR COA-51

No.	REVISIONS	DATE	BY

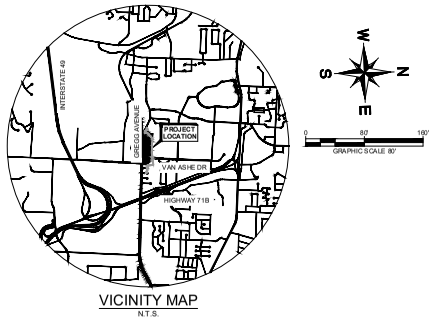
These documents, including all text, drawings, and graphic elements, are the property of Kimley-Horn and Associates, Inc. and the contents hereof are not to be used in whole or in part for any purpose or project except with the written authorization of Kimley-Horn and Associates, Inc. Unauthorized use of these documents shall be at the user's sole risk and without liability to Kimley-Horn and Associates, Inc. Unauthorized reuse of and modifications to these documents without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be at the user's sole risk and without liability to Kimley-Horn and Associates, Inc.

Tree Preservation Calculations Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	18,610	100%
*Zoning Designation * Select Below with drop down arrow*		
UT, Urban Thoroughfare	2,792	15%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	2,792	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	7,725	41.5%
Tree Canopy Preserved	7,175	38.6%
Tree Canopy Removed *On Site	550	3.0%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	550	3.0%
Removed Below Minimum	**0**	
Mitigation Requirements	**0**	

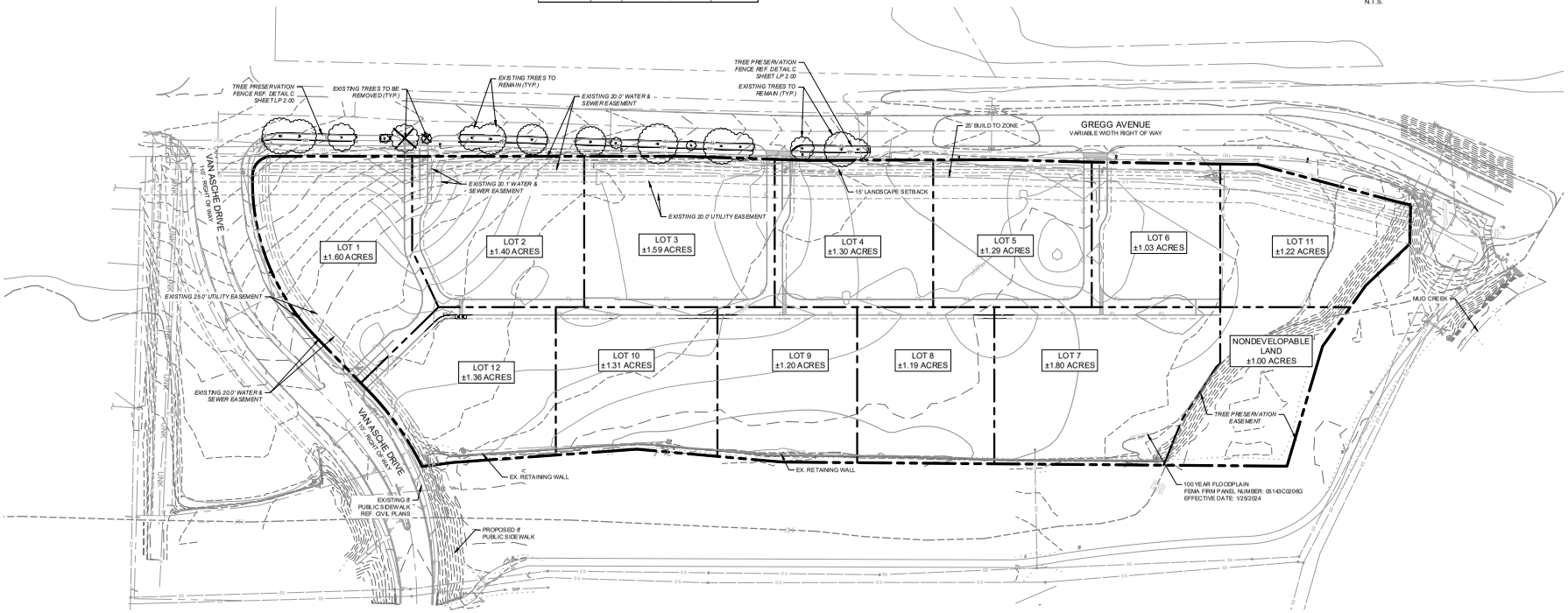
Tree Number	DBH	Common Name	Action
T2	8	Oak spp.	**Preserve**
T3	10	Elm spp.	**Preserve**
T4	9	Oak spp.	**Preserve**
T5	12	Elm spp.	**Preserve**
T6	13	Elm spp.	**Preserve**
T7	3	Elm spp.	**Preserve**
T8	15	Elm spp.	**Preserve**
T9	8	Oak spp.	**Preserve**
T10	15	Elm spp.	**Preserve**
T11	12	Elm spp.	**Preserve**
T12	14	Oak spp.	**Preserve**
T13	12	Elm spp.	**Preserve**
T14	3	Elm spp.	**Remove**
T15	13	Elm spp.	**Remove**
T16	3	Elm spp.	**Preserve**
T17	12	Elm spp.	**Preserve**
T18	16	Oak spp.	**Preserve**
T19	18	Elm spp.	**Preserve**

SOILS NOTE:

SOILS ON SITE, PER THE GEOTECH REPORT COMPLETED BY OLOSSON DATED JULY 2022, IS A MIX OF TOPSOIL, CHERTY CLAY, AND BROWN LEAN CLAY EXTENDING BETWEEN 4 TO 5 FEET. WEATHER SHALE WAS ALSO ENCOUNTERED UNDERLYING THE COHESIVE GRANULAR SOILS TO A DEPTH OF 11.5 FEET TO 19 FEET.



VICINITY MAP
N.T.S.



Know what's below. Call before you dig.

OVERALL TREE PRESERVATION PLAN
TWIN CREEKS VILLAGE FAYETTEVILLE
Being ±17.3 Acres Out Of The BLEW Survey
Job Number 25-2624/2624.01/2625
Zoned: Urban Throughfare
Proposed Use: Mixed Use
City of Fayetteville
Washington County, Arkansas
City Project No.PPL 2025-0003
October 9, 2025

Owner:
Commercial Realty NWA, LLC
3732 N. Investment Drive, Suite 4
Fayetteville, Arkansas 72703
Contact: Paxton R. Singleton
Phone: (479) 935-4597
Email: paxton@commercialrealtyllc.com

Developer:
Commercial Realty NWA, LLC
3732 N. Investment Drive, Suite 4
Fayetteville, Arkansas 72703
Contact: Paxton R. Singleton
Phone: (479) 935-4597
Email: paxton@commercialrealtyllc.com

Landscape Architect:
Kimley-Horn and Associates, Inc.
2500 Pacific Ave., Suite 1100
Dallas, Texas 75226
Contact: Lorien Lockwood, P.L.A
Phone: (972)-770-3025
Email: lorien.lockwood@kimley-horn.com

© 2025 KIMLEY-HORN AND ASSOCIATES, INC.

2500 PACIFIC AVE., SUITE 1100
DALLAS, TEXAS 75226
PHONE: 469-718-8848
WWW.KIMLEY-HORN.COM/ AR.COA-51

No.	REVISIONS	DATE	BY

10/09/2025

KHA PROJECT 060036100
DATE 10/09/2025
SCALE AS SHOWN
DESIGNED BY LLL
DRAWN BY CJG
CHECKED BY LLL

TWIN CREEKS VILLAGE
FAYETTEVILLE, ARKANSAS

OVERALL TREE PRESERVATION PLAN

SHEET NUMBER
TP 1.00

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

PLANT SCHEDULE

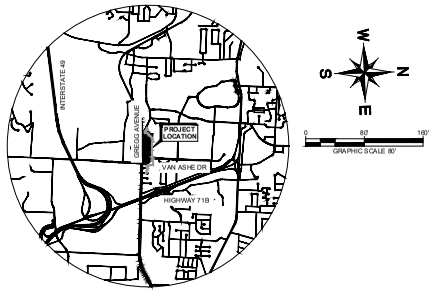
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	ROOT	CAL.	REMARKS
STREET TREES						
	S3	15	ULMUS AMERICANA / AMERICAN ELM	B&B	2" CAL.	FULL, STRAIGHT, SINGLE LEADER
	S1	13	QUERCUS MUHLENBERGII / CHINQUAPIN OAK	B&B	2" CAL.	FULL, STRAIGHT, SINGLE LEADER
	S2	15	QUERCUS SHUMARDII / SHUMARD OAK	B&B	2" CAL.	FULL, STRAIGHT, SINGLE LEADER
	S4	14	PINUS STROBUS / WHITE PINE	B&B	2" CAL.	FULL, STRAIGHT, SINGLE LEADER

NOTE: PLANT QUANTITIES ARE PROVIDED FOR CONVENIENCE ONLY. IN THE CASE OF A DISCREPANCY, THE DRAWING SHALL TAKE PRECEDENCE.

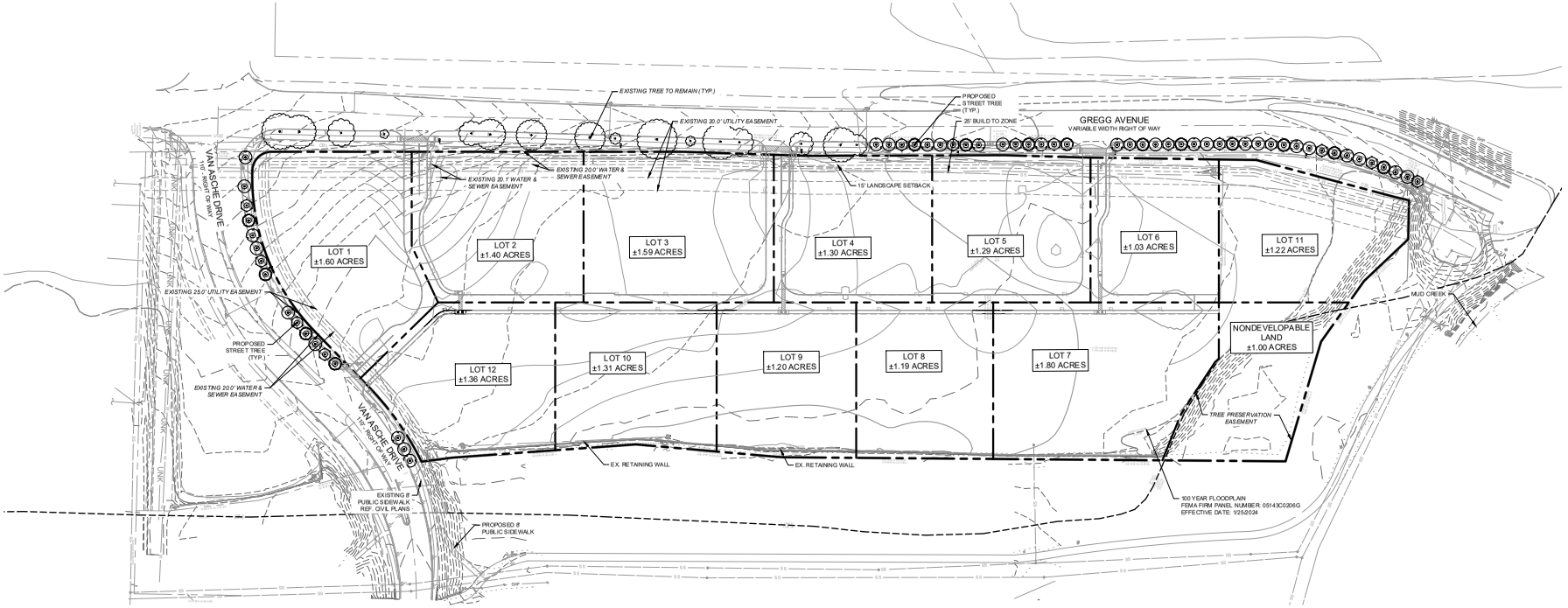
NOTE:
1. CONTRACTOR TO SEED TO LIMITS OF DISTURBANCE.
2. IRRIGATION TO BE PROVIDED PER CITY STANDARDS.

CITY ORDINANCE CALCULATIONS FOR FAYETTVILLE, AR

	REQUIRED	PROVIDED
SITE DATA		
ZONING/LAND USE	UT ZONING	
STREET TREE REQUIREMENTS*		
VAN ASCHE DRIVE - ONE LARGE SPECIES TREE PER 30 LF OF FRONTAGE 502 LF MINUS DRIVEWAYS/30 = 17	VAN ASCHE DRIVE 17 TREES	VAN ASCHE DRIVE 17 TREES
GREGG AVENUE - ONE LARGE SPECIES TREE PER 30 LF OF FRONTAGE *1,673 LF MINUS DRIVEWAYS/ 30 = 56*	GREGG AVENUE 56 TREES	GREGG AVENUE 16 EXISTING TREES + 40 TREES
* REQUIRED STREET TREES PLACED SO AS NOT TO CONFLICT WITH UTILITY EASEMENTS.		



VICINITY MAP
N.T.S.



811
Know what's below.
Call before you dig.

OVERALL LANDSCAPE PLAN
TWIN CREEKS VILLAGE FAYETTEVILLE
Being ±17.3 Acres Out Of The BLEW Survey
Job Number 25-2624/2624.01/2625
Zoned: Urban Throughfare
Proposed Use: Mixed Use
City of Fayetteville
Washington County, Arkansas
City Project No.PPL 2025-0003
October 9, 2025

Owner:
Commercial Realty NWA, LLC
3732 N. Investment Drive, Suite 4
Fayetteville, Arkansas 72703
Contact: Paxton R. Singleton
Phone: (479) 935-4597
Email: paxton@commercialrealtyllc.com

Developer:
Commercial Realty NWA, LLC
3732 N. Investment Drive, Suite 4
Fayetteville, Arkansas 72703
Contact: Paxton R. Singleton
Phone: (479) 935-4597
Email: paxton@commercialrealtyllc.com

Landscape Architect:
Kimley-Horn and Associates, Inc.
2500 Pacific Ave., Suite 1100
Dallas, Texas 75226
Contact: Lorien Lockwood, P.L.A
Phone: (972)-770-3025
Email: lorien.lockwood@kimley-horn.com

No.	REVISIONS	DATE	BY

Kimley»Horn

© 2025 KIMLEY-HORN AND ASSOCIATES, INC.

2500 PACIFIC AVE., SUITE 1100
DALLAS, TEXAS 75226
PHONE: 469-718-8949
WWW.KIMLEY-HORN.COM CA COA-61

REGISTERED LANDSCAPE ARCHITECT
STATE OF ARKANSAS

10/09/2025

KHA PROJECT	060036100
DATE	10/09/2025
SCALE	AS SHOWN
DESIGNED BY	LLL
DRAWN BY	CJG
CHECKED BY	LLL

TWIN CREEKS VILLAGE
FAYETTEVILLE, ARKANSAS

OVERALL LANDSCAPE PLAN

SHEET NUMBER
LP 1.00

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: October 13, 2025

SUBJECT: **CUP-2025-0044: Conditional Use Permit (1923 E. JOYCE BLVD./ BUTTERFIELD TRAIL VILLAGE, 175):** Submitted by 4IE ENGINEERING INC for property located at 1923 E. JOYCE BLVD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and R-A, RESIDENTIAL-AGRICULTURAL, and contains approximately 4.86 acres. The request is for an assisted living facility and a commercial parking lot within a residential zoning district.

RECOMMENDATION:
Staff recommends approval of **CUP-2025-0044** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0044**, finding:*

- *In favor of compatibility with adjacent properties for a Cultural and Recreational Facility,*
- *In favor of compatibility with adjacent properties for a parking lot located within a residential zone but serving uses in a nonresidential zone, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in north Fayetteville approximately 900 feet southwest of the intersection of E. Joyce Blvd. and N. Old Missouri Rd. The subject area is split zoned between RMF-24, Residential Multifamily, 24 Units per Acre and R-A, Residential Agricultural and is partially encumbered by streamside protection zones, floodplain and hydric soils. Mud Creek Trail runs through the southernmost portion of the campus.

The first phase of the Butterfield Trail Village campus was completed in the late 1980's and the facility has continued to expand in the decades since. There are approximately 350 residential units and many amenities, including an Alzheimer's care unit, general store, pool, gardens, art studio, dining hall and lodge, fitness studio, and convocation center. Previous expansions have received conditional use approvals. The existing 9,355 square-foot 12-unit assisted living building within the overall Butterfield Trail Village campus was constructed and placed into operation in 2014 along with the associated parking lot, which is located within a portion of the property which is still zoned R-A, Residential Agricultural. No conditional use permit was found within city records for this facility. A concurrent large-scale development application has been submitted for the proposed expansion (LSD-2025-0013). Surrounding land uses and zoning are provided in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Medical and Other Offices	R-O, Residential Office C-1, Neighborhood Commercial
South	Single-Family Residential	P-1, Institutional RSF-4, Residential Single-Family, Four Units per Acre
East	Athletic Club / Golf Course	R-A, Residential Agricultural
West	Offices and Financial Institutions Single-Family Residential	C-1, Neighborhood Commercial P-1, Institutional RSF-4, Residential Single-Family, Four Units per Acre

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

Request: The applicant requests a conditional use permit to expand an existing assisted living facility in the eastern portion of the Butterfield Trail Village campus. The structure and its associated programming are classified as Use Unit 4 in the Unified Development Code, which is permitted conditionally in the RMF-24 zoning district. Under the requirements of 164.12(B)(1)(a), a non-conforming use may not be "enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the land or structure to a use permitted in the district in which it is located or as required by other ordinances." Given that the request is for an addition and that a conditional use permit was not granted previously for this use, the Planning Commission may bring this use into compliance by granting a conditional use permit.

- Business size: Approximately 51,540 sq. ft. (9,355 square-foot existing building and 42,185 square foot expansion)
- Number of Units: 50 (12 existing units, 38 proposed units)
- Hours of operation:24/7

The applicant is also requesting approval to modify an existing parking lot. Fayetteville's Unified Development Code, under §172.06 – Parking Lot Location Standards, notes that parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission. This request is necessary since 1) the existing parking lot is located within the R-A, Residential Agricultural zoning district while the proposed nonresidential use is located within the RMF-24, Residential Multi-Family, 24 Units per Acre district and, 2) the parking lot is proposed to be modified as part of the associated expansion.

Public Comment: Staff has received no comments at this time.

RECOMMENDATION: Staff recommend approval of **CUP-2025-0044.** Should the Planning Commission choose to approve the permit, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for a Cultural and Recreational Facility.** *Staff finds the assisted living facility to be compatible with the surrounding neighborhood and the City's long-range plans for the area;*

2. **Planning Commission determination of compatibility for a parking lot located within a residential zone but serving uses in nonresidential zones.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*

3. **This conditional use permit is limited to the use for Butterfield Trail Village, as described in the applicant's request letter. The following specifications apply:**
    a. Business size: Approximately 51,540 sq. ft. (9,355 square-foot existing building

and 42,185 square foot expansion)
b. Number of Units: 50 (12 existing units, 38 proposed units)
c. Hours of operation: 24/7

4. **Approval of this conditional use permit does not ensure approval of a development application. The conditional use permit grants the applicant rights to submit a development proposal based on the conceptual layout included herein. The applicant shall comply with all other development requirements, including but not limited to, tree preservation, drainage, exterior lighting, utility installation, and Fire Department access standards. These details shall be reviewed with the development application;**

5. **Any future expansion or change in the use shall require Planning Commission approval; and**

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 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 a conditional use permit for Use Unit 4 in the RMF-24 and R-A zoning districts, and for a parking lot located within a residential zone but serving uses in a nonresidential zone.**

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 Codes §161.03, §161.16, and §172.06 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use will not adversely affect the public interest. The property has been utilized as a retirement community for over 30 years and all previous expansions have been found to be compatible. In an evaluation of the surrounding land uses, scale, and context, staff finds that surrounding residents are unlikely to experience disruption or nuisance. Offices and other commercial uses are present in large numbers to the north, east, and the single-family residential neighborhood to the south is separated from the campus by a wide, heavily wooded floodplain that includes the Mud Creek trail corridor as well as substantial grade change.**

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules that govern either Use Unit 4 or a parking lot located within a different zoning district than the use it is serving.**

(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: **Existing access from Joyce Blvd. and Old. Missouri Rd. are not proposed to be modified with the proposed expansion; therefore, ingress and egress is not anticipated to be affected. There is an existing sidewalk system that provides pedestrian access to adjacent streets as well as Mud Creek Trail. Any required improvements shall be determined with the associated development application.**

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

Finding: **The applicant has provided overall parking counts for the entire campus which indicate sufficient parking for all uses. The existing parking lot contains 120 standards spaces and 3 motorcycle/scooter spaces. Thirty-two spaces are proposed to be removed with this development, with portions of the remaining parking lot redesigned to accommodate accessible parking spaces and a vehicle drop-off lane adjacent to the proposed expansion. A concurrent request under CPL-2025-0012 is proposed to replace 28 of the lost spaces, resulting in a cumulative loss of only four spaces. The existing parking lot is currently screened from the public right-of-way. Staff finds that the parking lot, while located within a residential zoning district serving a nonresidential use, is still within the same retirement community campus and is unlikely to negatively affect the surroundings. Staff recommends no additional conditions.**

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

Finding: **Refuse and service areas are being reviewed with the concurrent large-scale development application.**

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

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

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

Finding: **Staff does not recommend any additional screening at this time.**

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

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

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

Finding: **The proposed development shall meet open space and required building setbacks for the RMF-24 zoning district.**

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

Finding: **Staff finds that the proposed use is compatible with the surroundings; there are no apparent nuisance or adverse impacts and may in fact be positively contributing to the neighborhood environment by providing necessary services and allowing a tiered approach for residents to age in place within the retirement community.**

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

Finding: **Staff finds the proposed use to be compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. The future land use map identifies this area as a City Neighborhood Area, which encourages a wide mix of residential and nonresidential uses. City Plan 2040 also acknowledges a growing senior population and encourages the development of senior living in close proximity to retail and medical facilities. Staff finds the expansion of these facilities, including the redevelopment of its existing parking, align with these goals and should not result in any adverse impacts to traffic, public services, or aesthetic impacts that would be incompatible with the surrounding properties.**

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code
  - §161.03 District R-A, Residential-Agricultural
  - §161.17 District RMF-24, Residential Multi-Family - 24 Units Per Acre
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Applicant Request Exhibits
  - Request Letter
  - Site Plan
  - Building Plans

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.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-

09; Ord. No. 5479, 2-7-12; Ord. No. 5945, §3, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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

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

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

(B) *Uses.*

(1) Permitted Uses.

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §6(Exh. E), 5-2-23)

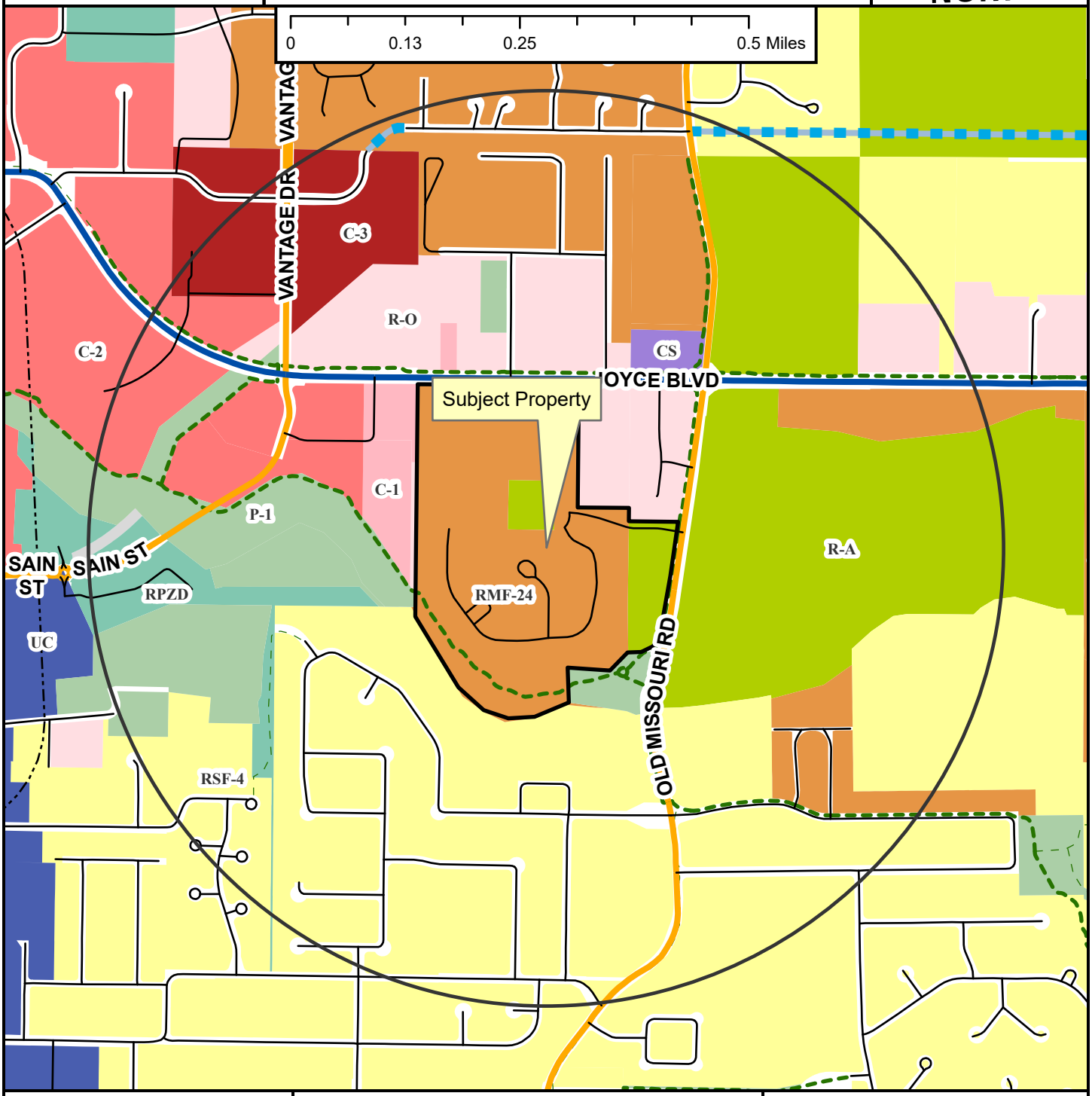
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance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

CUP-2025-0044

One Mile View

1923 E. JOYCE BLVD

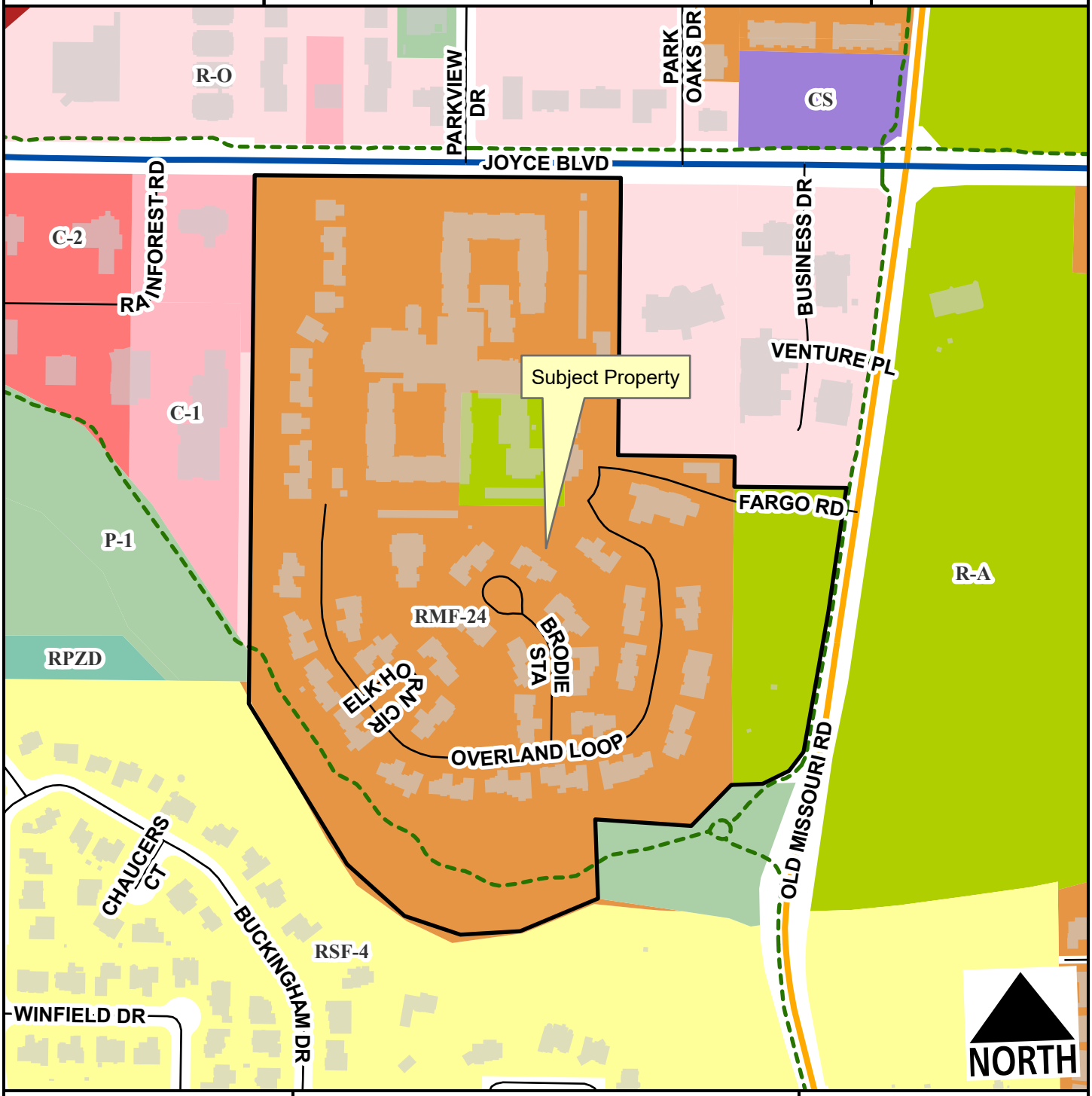
NORTH



CUP-2025-0044

Close Up View

1923 E. JOYCE BLVD



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

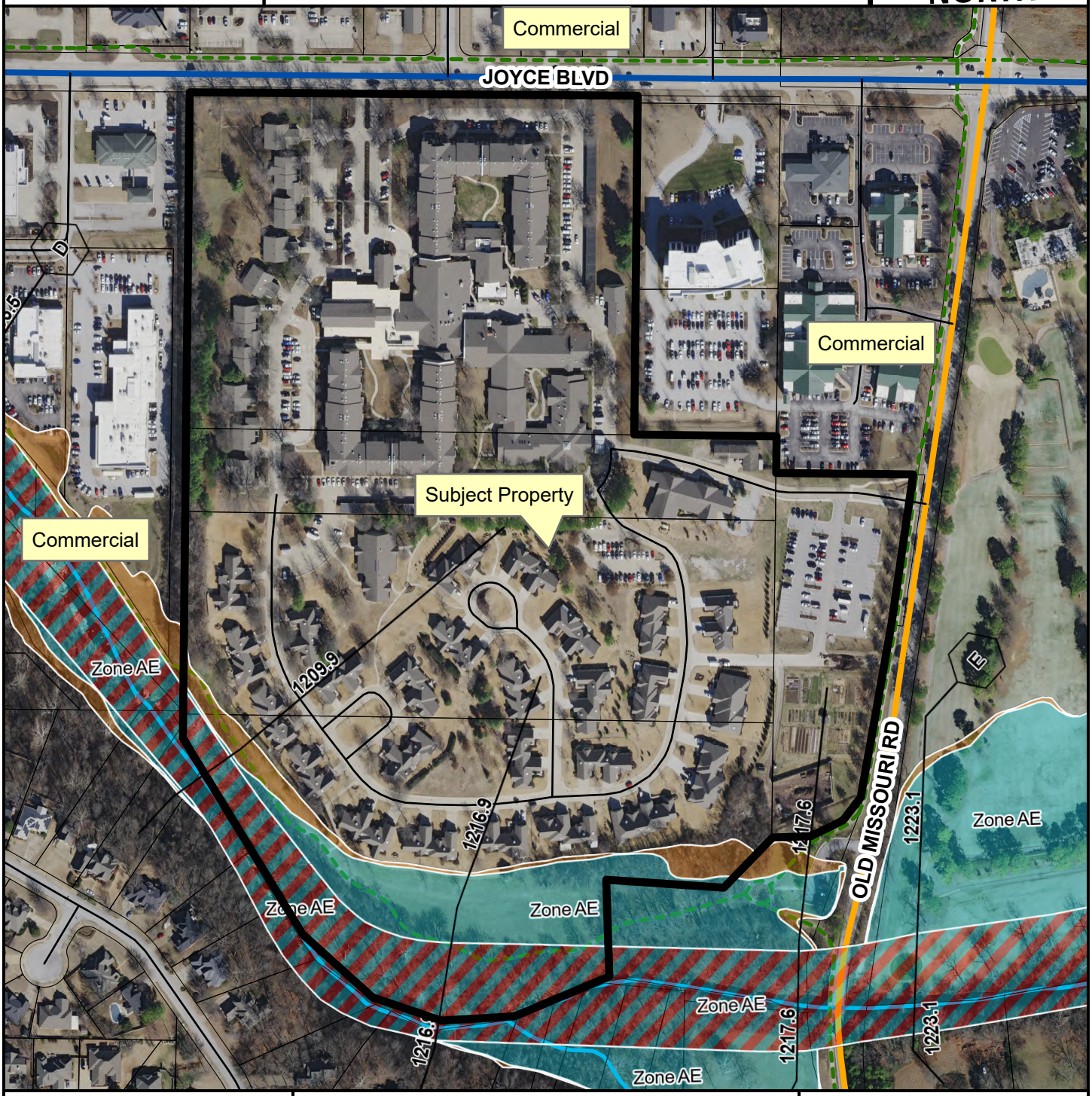
Feet
0 135 270 540 810 1,080
1:4,400

CUP-2025-0044

Current Land Use

1923 E. JOYCE BLVD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

4iE Engineering, Inc.

P.O. Box 56, Cave Springs, AR 72718 Phone: (479)381-1066 Email: ffourie@civilde.com

September 3, 2025
Jessie Masters
Planning Director
Development Services
125 W. Mountain Street
Fayetteville, AR 72701
Phone: 479.575.82637

Ferdinand Fourie, P.E.
P.O. Box 56
Cave Springs, Arkansas 72718
479.381.1066
ffourie@4iE.Engineering

Re: Conditional Use Application
Assisted Living Facility Expansion
Butterfield Trail Village
Fayetteville, Arkansas

This request is to allow for the construction and use of the expansion to the existing Assisted Living Facility (ALF) on the Butterfield Trail Village campus along E. Fargo Road, west of Old Missouri Road. The expansion to the existing facility will meet a growing need for quality assisted living care. The existing facility has been operating within the Butterfield Village campus to the benefit and service of the residents.

The existing facility is a 9,355 square-foot building that provides twelve units and has been in operation for over ten years since 2014. There is no other assisted living facility on the Butterfield Trail campus.

The proposed expansion will add thirty-eight (38) units with forty (40) total beds in a two-story and 42,185 (gross) square-foot addition. The addition will be to the east side of the existing building and encroach on a portion of the existing parking lot area that has been recently added.

The entire campus is zoned RMF-24 (Residential Multi-Family) and R-A (Residential Agricultural) as shown on the attached exhibit. These districts do not appear to include an Assisted Living Facility as a Permitted Use, however, it may be allowed as a Conditional Use classified as Use Unit 4 (Eldercare).

As part of this project the existing parking area to the east will be reconfigured to accommodate this building expansion. This parking facility to the east is located within the R-A (Residential Agricultural) district, however it provides parking space capacity for the existing and proposed Assisted Living Facilities, in addition to employee parking for the overall Butterfield Village campus.

Therefore, this Conditional Use includes a request for the parking lot use within differing zoning districts within the Butterfield Village campus.

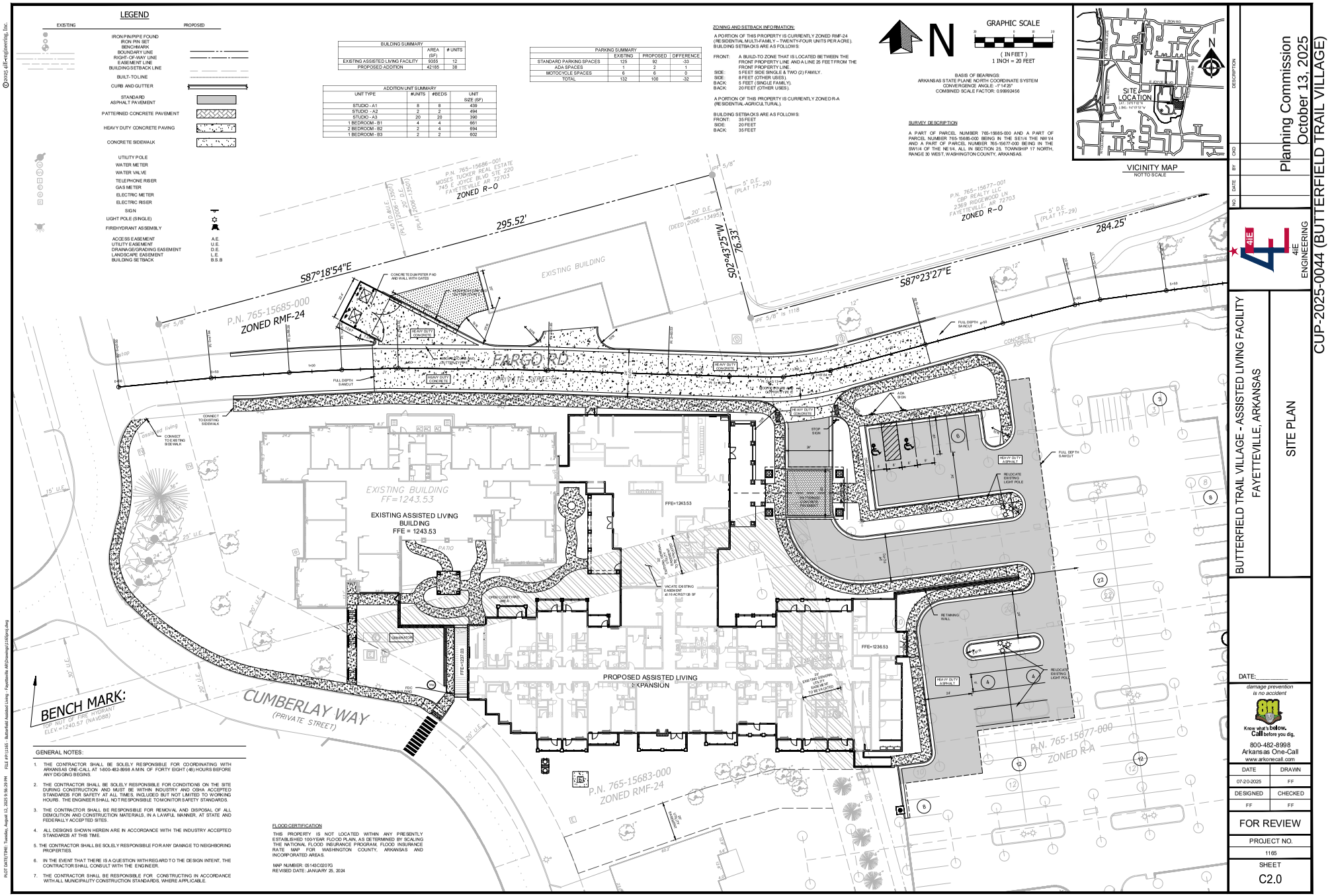
This facility provides services to permanent residents and does not create any significant customer traffic, noise, or other adverse impacts on the surrounding neighbors. It is located within the retirement campus with commercial office use to the north. No public amenities are provided as part of this assisted living facility. Amenities as shown within the outside courtyard will be for the use of the assisted living facility residents and family members.

Please let me know if you have any questions.

Sincerely,

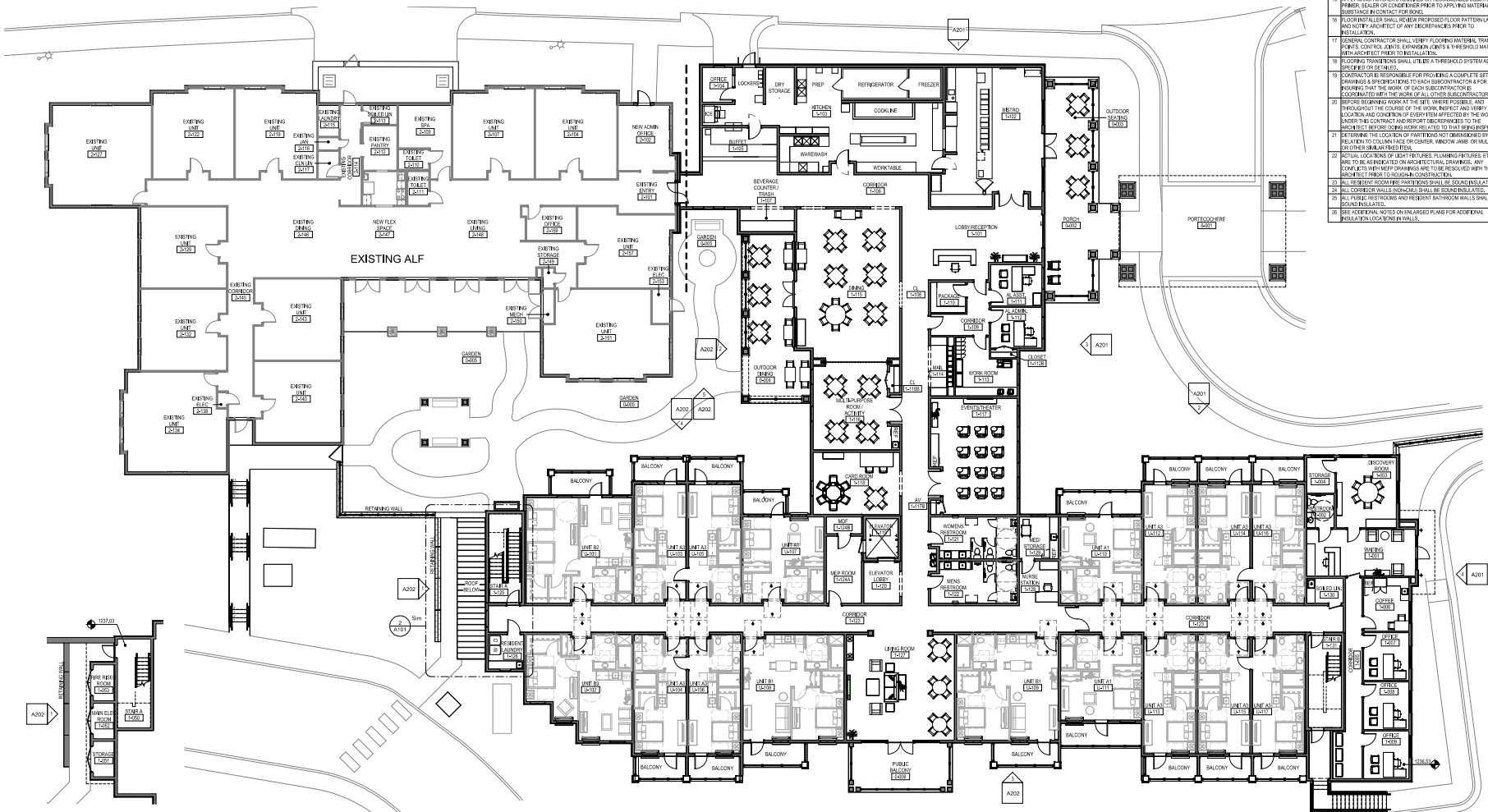


Ferdi Fourie, P.E.
FF/FF



©2025 4IE-ENGINEERING, Inc.

PLOT DATE/TIME: Tuesday, August 12, 2025 9:56:29 PM FILE: #P\1165 - Butterfield Assisted Living - Fayetteville AR\Drawings\1165proj.dwg



GROSS AREA - EXISTING ALF

TYPE	AREA
LEVEL 1	
CONDITIONED	6955
UNCONDITIONED	604
COMBINED	6955
EXISTING ALF PORTECOCHERE TO BE DEMOLISHED	974 SF (NOT INCLUDED IN ABOVE AREA)

NET AREA - ADDITION ONLY

LEVEL (CONDITIONED ONLY)	AREA
LOWER LEVEL EAST	1574
LEVEL 1	19402
LEVEL 2	14940
TOTAL	36916

GROSS AREA - ADDITION ONLY

LEVEL	AREA
LOWER LEVEL EAST	1574
LOWER LEVEL WEST	379
LEVEL 1	23053
LEVEL 2	17180
TOTAL	42185

UNIT COUNTS - ADDITION ONLY

TYPE	DEPARTMENT	AREA	QTY	BEDS
UNIT A1	STUDIO	438 SF .. 439 SF	8	8
UNIT A2	STUDIO	494 SF .. 494 SF	2	2
UNIT A3	STUDIO	390 SF .. 397 SF	20	20
UNIT B1	1BD 1BA	661 SF .. 662 SF	4	4
UNIT B2	2BD 1BA	694 SF .. 694 SF	2	4
UNIT B3	1BD 1BA	802 SF	2	2
			38	40

FLOOR PLAN LEGEND

SYMBOL	DESCRIPTION
<x>	WALL TYPE TAG, REFER TO PARTITION SHEET A501 FOR DETAILS. NUMBER ON UPPER RIGHT CORNER REPRESENTS RATING AS APPLICABLE, SEE LIFE SAFETY SHEETS (G100 SERIES) FOR DETAILED RATING INFORMATION.
<x>/<x>	DOOR TAG, REFER TO DOOR SCHEDULE (SHEET A601) FOR DETAILS, DOOR NUMBERS TO MATCH ROOM NUMBERS.
<x>	WINDOW TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
<x>	STOREFRONT TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
FE / FEC	FIRE EXTINGUISHER OR SEMI-RECESSED FIRE EXTINGUISHER CABINET.
HB	HOSE BIB, REFER TO PLUMBING DRAWINGS.
AD / FD	AREA OR FLOOR DRAIN, REFER TO PLUMBING DRAWINGS.
RD / OD	ROOF OR OVERFLOW DRAIN, REFER TO PLUMBING DRAWINGS.

FLOOR PLAN GENERAL NOTES

NO.	DESCRIPTION
1	DIMENSIONS ARE FROM FACE OF STUD TO FACE OF GWB OR STUD, UNLESS OTHERWISE NOTED.
2	REFER TO SHEETS A-501, 502 & 503 FOR WALL AND PARTITION TYPES.
3	REFER TO A-600'S SHEETS FOR DOOR, WINDOW SCHEDULES, AND LEGENDS.
4	REFER TO A-193'S FOR ENLARGED UNIT PLANS.
5	ALL ANGLED WALLS ARE 45 DEGREES, UNLESS NOTED OTHERWISE.
6	DOOR LOCATIONS NOT DIMENSIONED SHALL BE LOCATED AT MIDPOINT OF WALL OR 6" CLEAR OF ROOM FROM ADJACENT WALL CORNER, TYPICAL.
7	CONTRACTOR TO VERIFY AND COORDINATE PLUMBING ROUGH-IN WALL DIMENSIONS. ALL PLUMBING WALLS ARE TYPICALLY FRAMED WITH 6" WIDE STUDS. REFER TO PLANS FOR ACTUAL LOCATIONS. U.N.O.
8	ALL SHELVING IN CLOSETS IN COAT CLOSETS, LAUNDRY ROOMS AND LINEN CLOSETS TO BE PROVIDED AND MOUNTED IN ACCORDANCE WITH THE FOLLOWING: A.) PROVIDE SHELF SUPPORTS @ 36" MAX SPACING. B.) ALL SHELVING IN PANTRY CLOSETS TO BE "CLOSE MESH" VENTILATED WIRE SHELVING SYSTEM, (4 SHELVES) C.) ALL STORAGE CLOSETS SHALL HAVE SHELVES D.) ALL LINEN CLOSETS TO HAVE (4) FOUR SHELVES
9	SEE FINISH SCHEDULES FOR ACTUAL FLOOR FINISH MATERIALS. FLOOR DEMARCATION LINE/ESS ON PLANS ARE FOR REFERENCE WHEN MATERIALS ARE TO DIFFER.
10	VERIFY FRAMING OPENING DIMENSIONS SHOWN FOR TUBS AND SHOWERS WITH ACTUAL UNIT SUPPLIED, ADJUST AS REQUIRED.
11	FOR PROPER INSTALLATION FRAMING CONTRACTOR SHALL PROVIDE BLOCKING FOR ALL CABINETS, CEILING FANS, AND BATH ACCESSORIES. INCLUDE BLOCKING FOR GRAB BARS AT ALL LOCATIONS TO MEET FFH AND ADA AS REQUIRED.
12	SMOKE DETECTORS SHALL BE CONTINUOUSLY POWERED BY BUILDING ELECTRICAL SYSTEM AND INSTALLED IN ACCORDANCE WITH NFPA 101, 7-6.2.9 AND NFPA 74 W/ BATTERY BACK UP.
13	CONTRACTOR TO COORDINATE WITH CABINET MANUFACTURER FOR EXACT LOCATIONS OF EQUIPMENT AND FIXTURES. CONTRACTOR TO REVIEW PLUMBING, ELECTRICAL, AND FINISH LOCATIONS WITH CABINET DESIGN.
14	INSPECT, REPAIR, AND PREPARE FLOORS AS REQUIRED TO PROVIDE A SATISFACTORY SUB FLOOR FOR FLOOR FINISH MATERIALS. SATISFACTORY SUB FLOOR IS DEFINED AS A SURFACE THAT IS LEVEL AND FREE FROM CRACKS, HOLES, RIDGES, COATINGS, OR DEFECTS THAT WOULD PREVENT ADHESIVE BOND OR IMPAIR PERFORMANCE OR APPEARANCE OF FINISHED FLOOR MATERIALS.
15	APPLY MANUFACTURER'S REQUIRED OR RECOMMENDED SUBSTRATE PRIMER, SEALER OR CONDITIONER PRIOR TO APPLYING MATERIAL OR SUBSTANCE IN CONTACT FOR BOND.
16	FLOOR INSTALLER SHALL REVIEW PROPOSED FLOOR PATTERN LAYOUTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO INSTALLATION.
17	GENERAL CONTRACTOR SHALL VERIFY FLOORING MATERIAL TRANSITION POINTS, CONTROL JOINTS, EXPANSION JOINTS & THRESHOLD MATERIALS WITH ARCHITECT PRIOR TO INSTALLATION.
18	FLOORING TRANSITIONS SHALL UTILIZE A THRESHOLD SYSTEM AS SPECIFIED OR DETAILED.
19	CONTRACTOR IS RESPONSIBLE FOR PROVIDING A COMPLETE SET OF DRAWINGS & SPECIFICATIONS TO EACH SUBCONTRACTOR & FOR INSURING THAT THE WORK OF EACH SUBCONTRACTOR IS COORDINATED WITH THE WORK OF ALL OTHER SUBCONTRACTORS.
20	BEFORE BEGINNING WORK AT THE SITE, WHERE POSSIBLE, AND THROUGHOUT THE COURSE OF THE WORK, INSPECT AND VERIFY THE LOCATION AND CONDITION OF EVERY ITEM AFFECTED BY THE WORK UNDER THIS CONTRACT AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE DOING WORK RELATED TO THAT BEING INSPECTED.
21	DETERMINE THE LOCATION OF PARTITIONS NOT DIMENSIONED BY THEIR RELATION TO COLUMN FACE OR CENTER, WINDOW JAMB OR MULLION, OR OTHER SIMILAR FIXED ITEM.
22	ACTUAL LOCATIONS OF LIGHT FIXTURES, PLUMBING FIXTURES, ETC., ARE TO BE AS INDICATED ON ARCHITECTURAL DRAWINGS. ANY CONFLICTS WITH MEPP DRAWINGS ARE TO BE RESOLVED WITH THE ARCHITECT PRIOR TO ROUGH-IN CONSTRUCTION.
23	ALL RESIDENT ROOM FIRE PARTITIONS SHALL BE SOUND INSULATED.
24	ALL CORRIDOR WALLS (NON-CMU) SHALL BE SOUND INSULATED.
25	ALL PUBLIC RESTROOMS AND RESIDENT BATHROOM WALLS SHALL BE SOUND INSULATED.
26	SEE ADDITIONAL NOTES ON ENLARGED PLANS FOR ADDITIONAL INSULATION LOCATIONS IN WALLS.

Chancey
A R C H I T E C T U R E
Tampa
1241 E Hillsborough Ave, Suite 400, Tampa, FL 33605
Phone: 813-247-3507 Fax: 813-247-3507
Bradenton
5240 14th Street West, Bradenton, FL 34207
Phone: 941-896-2424 Fax: 941-896-2423
www.chancey.com

INFO

NOT TO BE USED FOR CONSTRUCTION

SCHEMATIC DESIGN

SEAL

TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE AND THE APPLICABLE FIRE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY IN ACCORDANCE WITH CHAPTER 553 AND CHAPTER 633.

STATEMENT

CUP-2025-0044 (BUTTERFIELD TRAIL VILLAGE)
Planning Commission - October 13, 2025
Page 16 of 20

KEY PLAN

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

CLIENT / CONSULTANTS

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION
1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

PROJECT

© CHANCEY

PROJECT # 25250

SHEET ISSUED XX/XX/XXXX

REVISIONS

NO.	DATE	DESCRIPTION

LEVEL 1 - OVERALL FLOOR PLAN

SHEET TITLE

A101

Drawing Plotted on 8/12/2025 4:33:58 PM

GROSS AREA - EXISTING ALF	
TYPE	AREA
LEVEL 1	
CONDITIONED	6955
UNCONDITIONED	604
COMBINED	9959
EXISTING ALF PORTECOCHERE TO BE DEMOLISHED	974 SF (NOT INCLUDED IN ABOVE AREA)

NET AREA - ADDITION ONLY	
LEVEL (CONDITIONED ONLY)	AREA
LOWER LEVEL EAST	1574
LEVEL 1	15402
LEVEL 2	14948
TOTAL	36916

GROSS AREA - ADDITION ONLY	
LEVEL	AREA
LOWER LEVEL EAST	1574
LOWER LEVEL WEST	379
LEVEL 1	23053
LEVEL 2	17180
TOTAL	42185

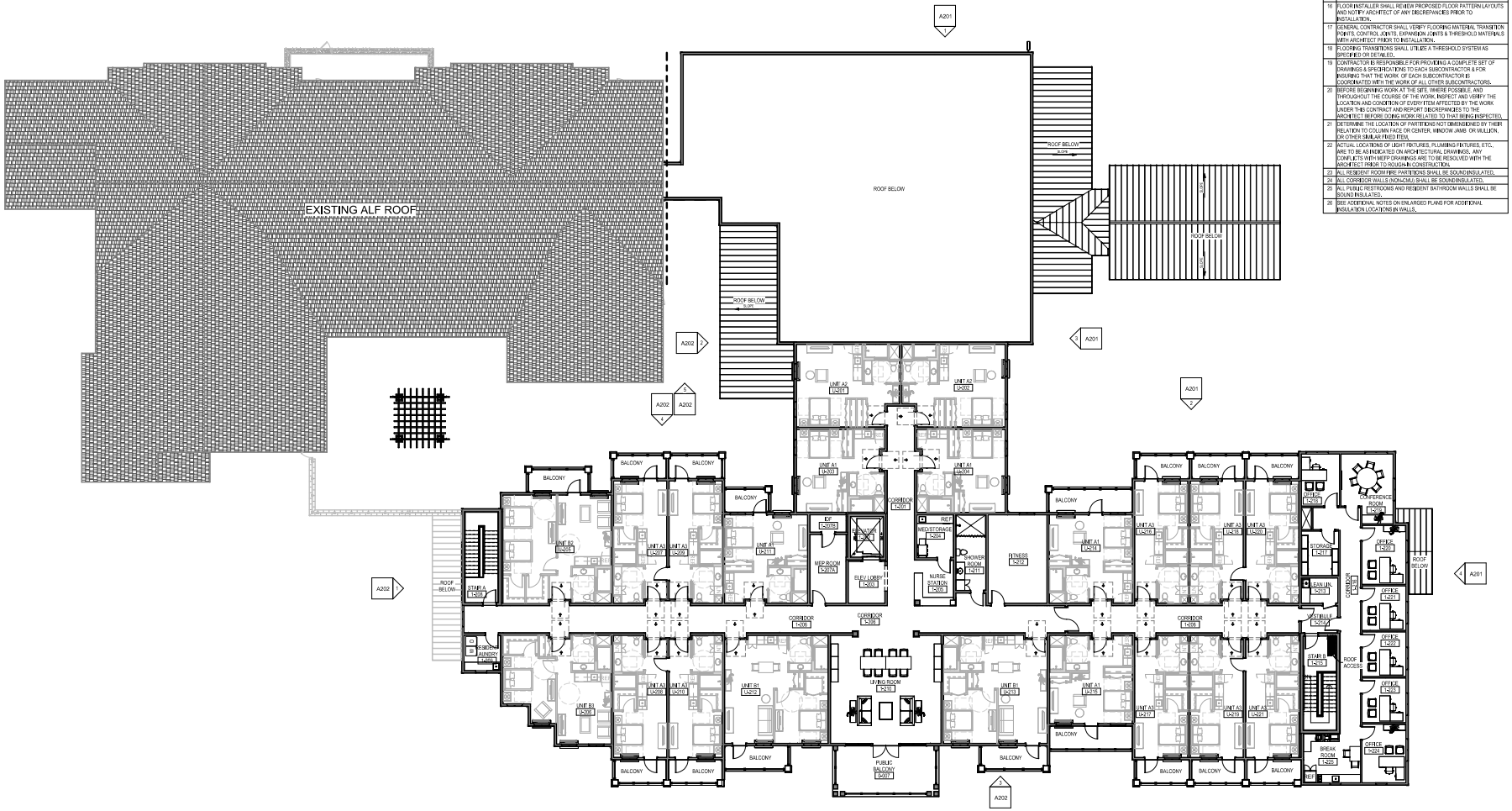
UNIT COUNTS - ADDITION ONLY				
TYPE	DEPARTMENT	AREA	QTY.	BEDS
UNIT A1	STUDIO	438 SF .. 439 SF	8	8
UNIT A2	STUDIO	494 SF .. 494 SF	2	2
UNIT A3	STUDIO	390 SF .. 397 SF	20	20
UNIT B1	1BD 1BA	661 SF .. 662 SF	4	4
UNIT B2	2BD 1BA	694 SF .. 694 SF	2	4
UNIT B3	1BD 1BA	602 SF	2	2
			38	40

FLOOR PLAN LEGEND

SYMBOL	DESCRIPTION
A/X	WALL TYPE TAG, REFER TO PARTITION SHEET A501 FOR DETAILS. NUMBER ON UPPER RIGHT CORNER REPRESENTS RATING AS APPLICABLE. SEE LIFE SAFETY SHEETS (G100 SERIES) FOR DETAILED RATING INFORMATION.
#-XXXX	DOOR TAG, REFER TO DOOR SCHEDULE (SHEET A601) FOR DETAILS. DOOR NUMBERS TO MATCH ROOM NUMBERS.
XX	WINDOW TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
XX	STOREFRONT TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
FE / FEC	FIRE EXTINGUISHER OR SEMI-RECESSED FIRE EXTINGUISHER CABINET.
HB	HOSE BIB, REFER TO PLUMBING DRAWINGS.
AD / FD	AREA OR FLOOR DRAIN, REFER TO PLUMBING DRAWINGS.
RD / OD	ROOF OR OVERFLOW DRAIN, REFER TO PLUMBING DRAWINGS.

FLOOR PLAN GENERAL NOTES

NO.	DESCRIPTION
1	DIMENSIONS ARE FROM FACE OF STUD TO FACE OF CMU OR STUD, UNLESS OTHERWISE NOTED.
2	REFER TO SHEETS A-501, 502 & 503 FOR WALL AND PARTITION TYPES.
3	REFER TO A-600'S SHEETS FOR DOOR, WINDOW SCHEDULES, AND LEGENDS.
4	REFER TO A-193'S FOR ENLARGED UNIT PLANS.
5	ALL ANGLED WALLS ARE 45 DEGREES, UNLESS NOTED OTHERWISE.
6	DOOR LOCATIONS NOT DIMENSIONED SHALL BE LOCATED AT MIDPOINT OF WALL OR 6" CLEAR OF ROOM FROM ADJACENT WALL CORNER, TYPICAL.
7	CONTRACTOR TO VERIFY AND COORDINATE PLUMBING ROUGH-IN WALL DIMENSIONS. ALL PLUMBING WALLS ARE TYPICALLY FRAMED WITH 6" WIDE STUDS. REFER TO PLANS FOR ACTUAL LOCATIONS. U.N.O.
8	ALL SHELVING IN CLOSETS IN COAT CLOSETS, LAUNDRY ROOMS AND LINEN CLOSETS TO BE PROVIDED AND MOUNTED IN ACCORDANCE WITH THE FOLLOWING: A.) PROVIDE SHELF SUPPORTS @ 36" MAX SPACING. B.) ALL SHELVING IN PANTRY CLOSETS TO BE 'CLOSE MESH' VENTILATED WIRE SHELVING SYSTEM, (4 SHELVES) C.) ALL STORAGE CLOSETS SHALL HAVE SHELVES D.) ALL LINEN CLOSETS TO HAVE (4) FOUR SHELVES
9	SEE FINISH SCHEDULES FOR ACTUAL FLOOR FINISH MATERIALS. FLOOR DEMARCATION LINE/ESS ON PLANS ARE FOR REFERENCE WHEN MATERIALS ARE TO DIFFER.
10	VERIFY FRAMING OPENING DIMENSIONS SHOWN FOR TUBS AND SHOWERS WITH ACTUAL UNIT SUPPLIED. ADJUST AS REQUIRED.
11	FOR PROPER INSTALLATION FRAMING CONTRACTOR SHALL PROVIDE BLOCKING FOR ALL CABINETS, CEILING FANS, AND BATH ACCESSORIES. INCLUDE BLOCKING FOR GRAB BARS AT ALL LOCATIONS TO MEET FFH AND ADA AS REQUIRED.
12	SMOKE DETECTORS SHALL BE CONTINUOUSLY POWERED BY BUILDING ELECTRICAL SYSTEM AND INSTALLED IN ACCORDANCE WITH NFPA 101, 7-6.2.9 AND NFPA 74 W/ BATTERY BACK UP.
13	CONTRACTOR TO COORDINATE WITH CABINET MANUFACTURER FOR EXACT LOCATIONS OF EQUIPMENT AND FIXTURES. CONTRACTOR TO REVIEW PLUMBING, ELECTRICAL, AND FINISH LOCATIONS WITH CABINET DESIGN.
14	INSPECT, REPAIR, AND PREPARE FLOORS AS REQUIRED TO PROVIDE A SATISFACTORY SUB FLOOR FOR FLOOR FINISH MATERIALS. SATISFACTORY SUB FLOOR IS DEFINED AS A SURFACE THAT IS LEVEL AND FREE FROM CRACKS, HOLES, RIDGES, COATINGS, OR DEFECTS THAT WOULD PREVENT ADHESIVE BOND OR IMPAIR PERFORMANCE OR APPEARANCE OF FINISHED FLOOR MATERIALS.
15	APPLY MANUFACTURER'S REQUIRED OR RECOMMENDED SUBSTRATE PRIMER, SEALER OR CONDITIONER PRIOR TO APPLYING MATERIAL OR SUBSTANCE IN CONTACT FOR BOND.
16	FLOOR INSTALLER SHALL REVIEW PROPOSED FLOOR PATTERN LAYOUTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO INSTALLATION.
17	GENERAL CONTRACTOR SHALL VERIFY FLOORING MATERIAL TRANSITION POINTS, CONTROL JOINTS, EXPANSION JOINTS & THRESHOLD MATERIALS WITH ARCHITECT PRIOR TO INSTALLATION.
18	FLOORING TRANSITIONS SHALL UTILIZE A THRESHOLD SYSTEM AS SPECIFIED OR DETAILED.
19	CONTRACTOR IS RESPONSIBLE FOR PROVIDING A COMPLETE SET OF DRAWINGS & SPECIFICATIONS TO EACH SUBCONTRACTOR & FOR INSURING THAT THE WORK OF EACH SUBCONTRACTOR IS COORDINATED WITH THE WORK OF ALL OTHER SUBCONTRACTORS.
20	BEFORE BEGINNING WORK AT THE SITE, WHERE POSSIBLE, AND THROUGHOUT THE COURSE OF THE WORK, INSPECT AND VERIFY THE LOCATION AND CONDITION OF EVERY ITEM AFFECTED BY THE WORK UNDER THIS CONTRACT AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE DOING WORK RELATED TO THAT BEING INSPECTED.
21	DETERMINE THE LOCATION OF PARTITIONS NOT DIMENSIONED BY THEIR RELATION TO COLUMN FACE OR CENTER, WINDOW JAMB OR MULLION, OR OTHER SIMILAR FIXED ITEM.
22	ACTUAL LOCATIONS OF LIGHT FIXTURES, PLUMBING FIXTURES, ETC., ARE TO BE AS INDICATED ON ARCHITECTURAL DRAWINGS. ANY CONFLICTS WITH MEPP DRAWINGS ARE TO BE RESOLVED WITH THE ARCHITECT PRIOR TO ROUGH-IN CONSTRUCTION.
23	ALL RESIDENT ROOM FIRE PARTITIONS SHALL BE SOUND INSULATED.
24	ALL CORRIDOR WALLS (NON-CMU) SHALL BE SOUND INSULATED.
25	ALL PUBLIC RESTROOMS AND RESIDENT BATHROOM WALLS SHALL BE SOUND INSULATED.
26	SEE ADDITIONAL NOTES ON ENLARGED PLANS FOR ADDITIONAL INSULATION LOCATIONS IN WALLS.



1 LEVEL 2 - OVERALL FLOOR PLAN
SCALE: 1" = 10'-0"

Drawing
Plotted on 8/12/2025 4:33:01 PM

Chancey
ARCHITECTS
Tampa
4211 W Boy Scout Blvd, Suite 400, Tampa, FL 33607
Main: 813-247-3507
Sarasota
1800 2nd Street, Suite 758, Sarasota, FL 34236
Phone: 941-366-2213 Fax: 866-221-4353
www.chancey.com

INFO

NOT TO BE USED FOR CONSTRUCTION

SCHEMATIC DESIGN

SEAL

TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE AND THE APPLICABLE FIRE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY IN ACCORDANCE WITH CHAPTER 553 AND CHAPTER 633.

STATEMENT

KEY PLAN

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

CLIENT / CONSULTANTS

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION
1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

PROJECT

© CHANCEY

PROJECT # 25250

SHEET ISSUED XX/XX/XXXX

REVISIONS

NO.	DATE	DESCRIPTION

LEVEL 2 - OVERALL FLOOR PLAN

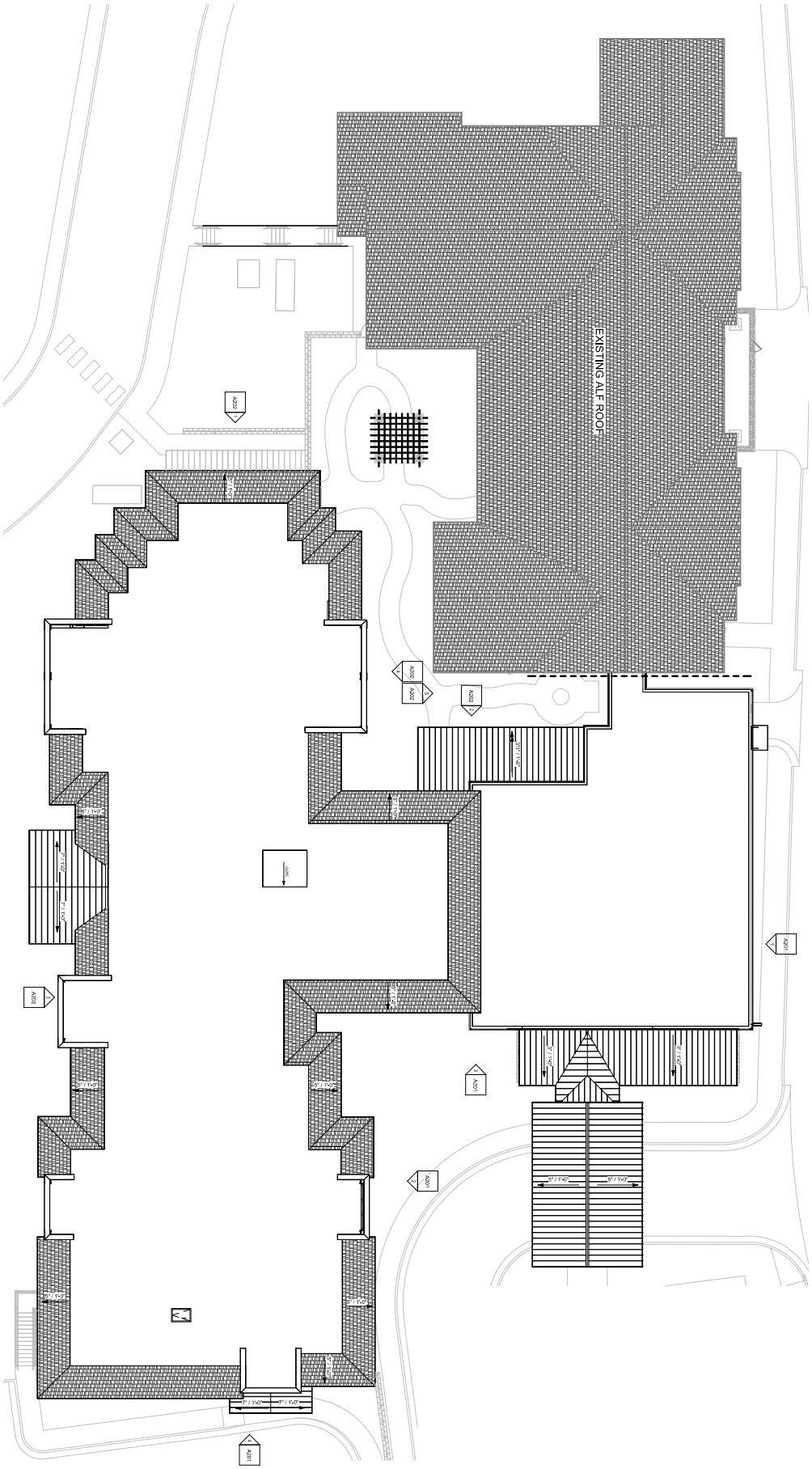
SHEET TITLE

A102

Planning Commission - October 13, 2025
CUP-2025-0044 (BUTTERFIELD TRAIL VILLAGE)
Page 17 of 20

Drawing:
Plotted on 8/12/2025 4:33:03 PM

1 ROOF LEVEL - OVERALL FLOOR PLAN
SCALE: 1" = 1'0"



NO.	ROOF PLAN GENERAL NOTES DESCRIPTION
1	VERIFY LOCATIONS OF ALL ROOF PENETRATIONS WITH STRUCTURAL, MECHANICAL, AND PLUMBING DRAWINGS. PAINT TO MATCH ROOF.
2	PROVIDE VALLEY FLASHING WHERE ROOFTOPS CHANGE AND WHERE ROOFTOPS ABUT VERTICAL SURFACE.
3	ROOFING TO BE ATTACHED TO ROOF TRUSSES. SEE ATTACHMENT TYPE AND LOCATIONS.
4	ROOFING TO BE INSTALLED PER MANUFACTURER'S APPROVED DETAILS. OFF RIDGE, VENTS, AND CONTINUOUS WITH PROPER FLASHING AT ALL PENETRATIONS.
5	PROVIDE ALL CAULKING AND SEALANTS AS REQUIRED FOR A WEATHERTIGHT ROOF SYSTEM.
6	FLASH ALL ROOF AND WALL PENETRATIONS WITH METAL FLASHING PAINTED TO MATCH ROOF.
7	BUILDING SHALL HAVE EITHER MECHANICAL OR NATURAL VENTILATION PROVIDED.
8	PROVIDE INSECT SCREENING AT ALL ROOF OPENINGS TO THE OUTSIDE AIR.
9	ROOF SHALL BE CLASS A RATED.
10	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
11	ROOF SHALL BE CLASS A RATED.
12	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
13	ROOF SHALL BE CLASS A RATED.
14	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
15	ROOF SHALL BE CLASS A RATED.
16	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
17	ROOF SHALL BE CLASS A RATED.
18	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
19	ROOF SHALL BE CLASS A RATED.
20	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
21	ROOF SHALL BE CLASS A RATED.
22	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
23	ROOF SHALL BE CLASS A RATED.
24	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
25	ROOF SHALL BE CLASS A RATED.
26	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
27	ROOF SHALL BE CLASS A RATED.
28	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
29	ROOF SHALL BE CLASS A RATED.
30	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
31	ROOF SHALL BE CLASS A RATED.
32	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
33	ROOF SHALL BE CLASS A RATED.
34	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
35	ROOF SHALL BE CLASS A RATED.
36	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
37	ROOF SHALL BE CLASS A RATED.
38	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
39	ROOF SHALL BE CLASS A RATED.
40	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
41	ROOF SHALL BE CLASS A RATED.
42	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
43	ROOF SHALL BE CLASS A RATED.
44	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
45	ROOF SHALL BE CLASS A RATED.
46	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
47	ROOF SHALL BE CLASS A RATED.
48	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
49	ROOF SHALL BE CLASS A RATED.
50	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
51	ROOF SHALL BE CLASS A RATED.
52	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
53	ROOF SHALL BE CLASS A RATED.
54	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
55	ROOF SHALL BE CLASS A RATED.
56	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
57	ROOF SHALL BE CLASS A RATED.
58	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
59	ROOF SHALL BE CLASS A RATED.
60	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
61	ROOF SHALL BE CLASS A RATED.
62	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
63	ROOF SHALL BE CLASS A RATED.
64	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
65	ROOF SHALL BE CLASS A RATED.
66	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
67	ROOF SHALL BE CLASS A RATED.
68	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
69	ROOF SHALL BE CLASS A RATED.
70	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
71	ROOF SHALL BE CLASS A RATED.
72	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
73	ROOF SHALL BE CLASS A RATED.
74	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
75	ROOF SHALL BE CLASS A RATED.
76	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
77	ROOF SHALL BE CLASS A RATED.
78	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
79	ROOF SHALL BE CLASS A RATED.
80	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
81	ROOF SHALL BE CLASS A RATED.
82	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
83	ROOF SHALL BE CLASS A RATED.
84	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
85	ROOF SHALL BE CLASS A RATED.
86	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
87	ROOF SHALL BE CLASS A RATED.
88	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
89	ROOF SHALL BE CLASS A RATED.
90	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
91	ROOF SHALL BE CLASS A RATED.
92	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
93	ROOF SHALL BE CLASS A RATED.
94	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
95	ROOF SHALL BE CLASS A RATED.
96	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
97	ROOF SHALL BE CLASS A RATED.
98	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.
99	ROOF SHALL BE CLASS A RATED.
100	ALL ROOF MATERIALS SHALL BE INSTALLED PER THE MANUFACTURER'S INSTRUCTIONS.

SHEET TITLE
ROOF OVERALL PLAN
A105

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT
BUTTERFIELD TRAIL VILLAGE - ALF ADDITION
1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703
© CHANCEY ARCHITECTURE
PROJECT # 23030
SHEET ISSUED XXXXXXXXX

CLIENT / CONSULTANTS
Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

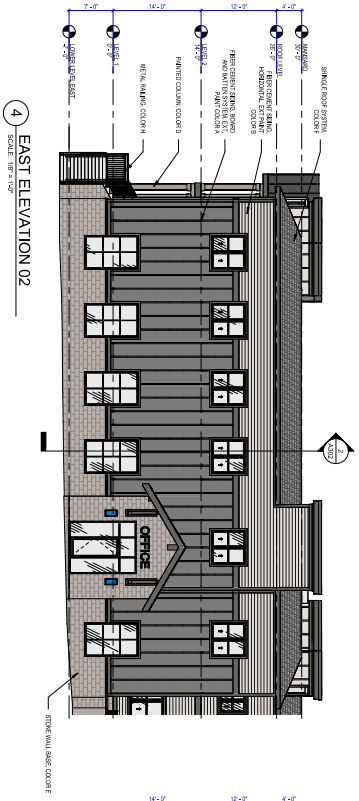
KEY PLAN

STATEMENT
TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE PROVISIONS OF THE 2018 INTERNATIONAL BUILDING CODE AND THE APPLICABLE FIRE SAFETY AND ACCESSIBILITY PROVISIONS OF THE LOCAL AUTHORITY IN ACCORDANCE WITH CHAPTER 100, ARKANSAS CODE.

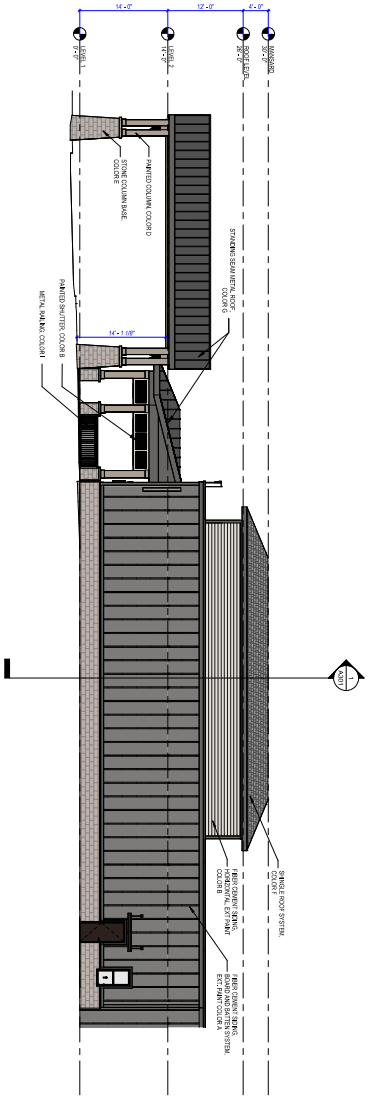
SEAL
SCHEMATIC DESIGN
NOT FOR CONSTRUCTION

INFO
Chancey ARCHITECTURE
Tampa
1228 East 7th Avenue, Suite 400, Tampa, FL 33605
Phone 813-247-3507 Fax 813-247-3507
Seagrove
3550 South County Highway 30A, Suite 108
P.O. Box 3459, Seagrove Beach, FL 32459
Phone 850-231-3553 Fax 850-231-3553
www.chancey.com

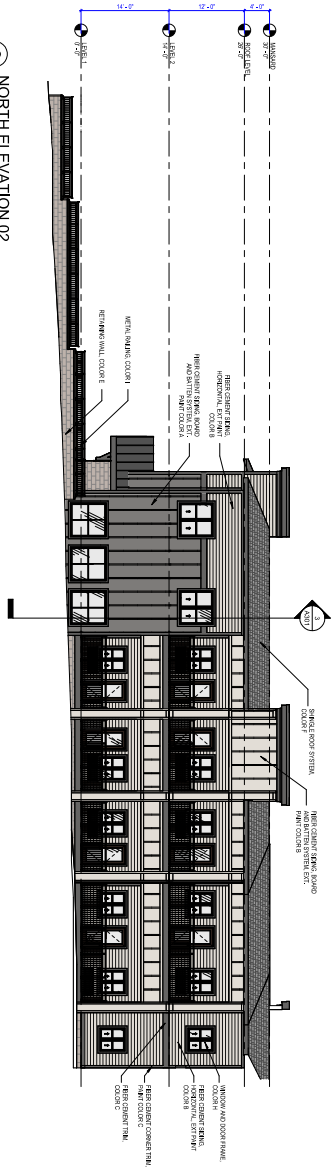
Drawing:
Plotted on 8/12/2025 4:33:08 PM



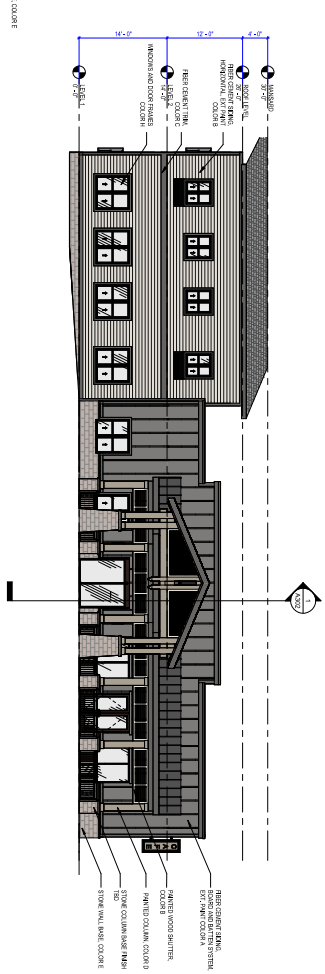
4 EAST ELEVATION 02
SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION 01
SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION 02
SCALE: 1/8" = 1'-0"



3 EAST ELEVATION 01
SCALE: 1/8" = 1'-0"

COLOR LEGEND

COLOR	DESCRIPTION
	COLOR A
	COLOR B - SKYLINE STEEL
	COLOR C
	COLOR D
	COLOR E - NAPOLI
	COLOR F - PEWTER GRAY
	COLOR G - CHARCOAL GREY
	COLOR H - BRONZE
	COLOR I - TRIDORN BLACK

SHEET TITLE
A201

EXTERIOR ELEVATIONS - OVERALL

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT
© CHANCEY
PROJECT # 25250
SHEET ISSUED XXXXXXXXX

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION

1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

CLIENT / CONSULTANTS

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

KEY PLAN

STATEMENT

TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE AND THE APPLICABLE FIRE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY IN ACCORDANCE WITH CHAPTER 553 AND CHAPTER 633.

SEAL

SCHEMATIC DESIGN

NOT FOR CONSTRUCTION

INFO

Chancey
ARCHITECTURE

Tampa
1226 East 7th Avenue, Suite 400, Tampa, FL 33605
Tel 813-247-3500 Fax 813-247-3507

Seagrove
5355 Emerald Coast Highway 30A, Suite 108
Seagrove, FL 32459
Tel 850-231-3553
www.chancey-arch.com

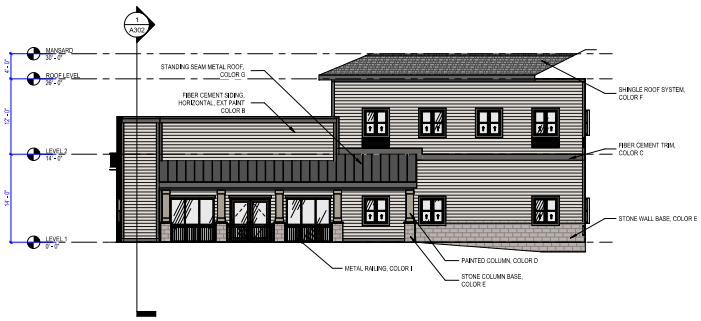
Planning Commission
October 13, 2025
CUP-2025-0044 (BUTTERFIELD TRAIL VILLAGE)
Page 19 of 20

COLOR LEGEND

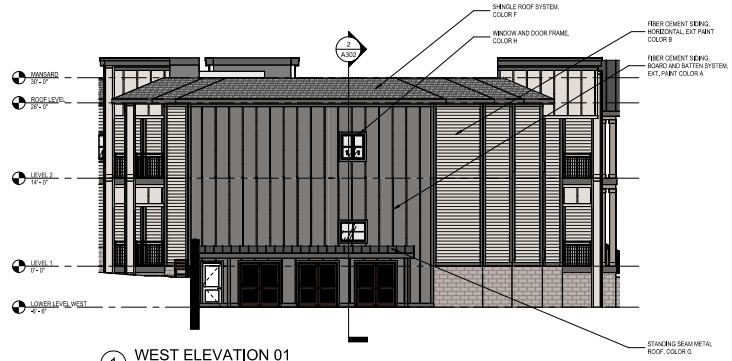
COLOR	DESCRIPTION
	COLOR A
	COLOR B - SKYLINE STEEL
	COLOR C
	COLOR D
	COLOR E - NAPOLI
	COLOR F - PEWTER GRAY
	COLOR G - CHARCOAL GREY
	COLOR H - BRONZE
	COLOR I - TRICORN BLACK



3 SOUTH ELEVATION 01
SCALE: 1/8" = 1'-0"



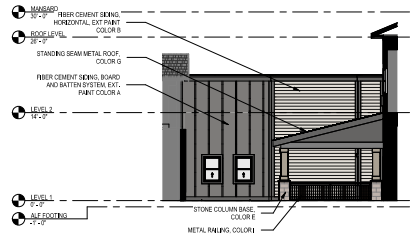
2 WEST ELEVATION 02
SCALE: 1/8" = 1'-0"



1 WEST ELEVATION 01
SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION 03
SCALE: 1/8" = 1'-0"



5 SOUTH ELEVATION 02
SCALE: 1/8" = 1'-0"

Drawing:
Plotted on 8/12/2025 4:33:14 PM

Chancey
ARCHITECTURE
Tampa
1228 East 7th Avenue, Suite 400, Tampa, FL 33605
Tel: 813-247-3507 Fax: 813-247-3507
Sebastopol
Sebastopol Highway 30A, Suite 108
Sebastopol, FL 32459
Tel: 850-231-3553 Fax: 850-231-3553
www.chancey.com

INFO

NOT FOR CONSTRUCTION
SCHEMATIC DESIGN

SEAL

TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE AND THE APPLICABLE FIRE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY IN ACCORDANCE WITH CHAPTER 553 AND CHAPTER 633.

STATEMENT

KEY PLAN

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

CLIENT / CONSULTANTS

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION

1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

PROJECT

© CHANCEY

PROJECT # 25250
SHEET ISSUED XX/XX/XXXX

REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS - OVERALL

SHEET TITLE

A202

CUP-2025-0044 (BUTTERFIELD TRAIL VILLAGE)
Page 20 of 20

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner
Justin Bland, Staff Engineer
Willa Thomason, Urban Forester

MEETING: October 13, 2025

SUBJECT: **LSD-2025-0013: Large Scale Development (1923 E. JOYCE BLVD./ BUTTERFIELD TRAIL VILLAGE, 175):** Submitted by 4IE ENGINEERING INC for property located at 1923 E. JOYCE BLVD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and R-A, RESIDENTIAL-AGRICULTURAL, and contains approximately 4.86 acres. The request is for a 38-unit addition to an existing assisted living facility with associated parking.

RECOMMENDATION:
Staff recommends approval **LSD-2025-0013,** with conditions.

RECOMMENDED MOTION:
"I move to approve **LSD-2025-0013***, recommending:*

1. *In favor of variance to §166.24(D)(7)(b)(ii), Glazing;*
2. *In favor of the recommended street improvements;*
3. *In favor of the recommended right-of-way dedication, and*
4. *All other conditions as recommended by staff."*

BACKGROUND:
The subject property is located in north Fayetteville approximately 900 feet southwest of the intersection of E. Joyce Blvd. and N. Old Missouri Rd. The subject area is split zoned between RMF-24, Residential Multifamily, 24 Units per Acre and R-A, Residential Agricultural and is partially encumbered by streamside protection zones, floodplain and hydric soils. Mud Creek Trail runs through the southernmost portion of the campus.

The first phase of the Butterfield Trail Village campus was completed in the late 1980's and the facility has continued to expand in the decades since. There are approximately 350 residential units and many amenities, including an Alzheimer's care unit, general store, pool, gardens, art studio, dining hall and lodge, fitness studio, and convocation center. Previous expansions have received conditional use approvals. The existing 9,355 square-foot 12-unit assisted living building within the overall Butterfield Trail Village campus was constructed and placed into operation in 2014 along with the associated parking lot, which is located within a portion of the property which is still zoned R-A, Residential Agricultural. No conditional use permit was found within city records for this facility. A concurrent conditional use permit application has been submitted for the proposed expansion (CUP-2025-0044) as well as the existing units. Surrounding land uses and zoning are provided in *Table 1*.

.

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Medical and Other Offices	R-O, Residential Office C-1, Neighborhood Commercial
South	Single-Family Residential	P-1, Institutional RSF-4, Residential Single-Family, Four Units per Acre
East	Athletic Club / Golf Course	R-A, Residential Agricultural
West	Offices and Financial Institutions Single-Family Residential	C-1, Neighborhood Commercial P-1, Institutional RSF-4, Residential Single-Family, Four Units per Acre

Proposal: The applicant requests Large Scale Development approval for a 42,185 square-foot, 38-unit expansion of an existed living facility, as well as site improvements including the renovation of the existing parking lot. The proposed conditional use request also included the existing facility (9,355 square feet, 12 units). One variance has been requested.

UDC §166.24(D)(7)(b)(ii), Glazing. A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE). The applicant is requesting permission to provide 8% glazing on the northern and 18% glazing on the southern facade of the proposed addition.

a. *Staff recommendation: Staff recommends approval of this request. While the space is considered a commercial structure per city regulations, it still includes inherently residential functions as part of its use, which naturally limit some portions of the building. The north elevation, which proposes only 9% glazing, hosts a large industrial kitchen meant to serve residents of the property. The kitchen includes multiple features such as refrigerators, freezers, storage areas, and other spaces not conducive to providing glazing. Staff recommends the exterior of the north façade shall include material, texture, and / or color changes at a maximum separation of 20 feet in order to provide visual interest and minimize the appearance of a large, blank façade.*

   The south façade proposes 21% glazing. This façade includes balcony access from nine assisted living units, a common living area space with balcony, and an office space. Staff finds that the first floor is approximately 7' above grade along this façade and that this raised floor substantially impacts the proposed calculations. Windows and doors with glazing are proposed for each unit. Staff recommends that shrubs, trees, or other plantings with vertical elements shall be planted in adjacent to the south façade in order to minimize the appearance of a large CMU wall and to provide visual interest.

Right-of-Way to be Dedicated: Butterfield Trail Village has property along N. Joyce Blvd., a regional high activity link, and N. Old Missouri Rd., a neighborhood link. The proposed addition is approximately 300 feet from N. Old Missouri Rd. and nearly 900 feet from E. Joyce Blvd. Given the relatively minor scope of the improvements and its location internal to the property, no additional right-of-way dedication is recommended.

Street Improvements: The project is internal to the existing site and does not have any project specific street frontage. Due to this, Staff's recommendation for sidewalk improvements address

existing issues with sidewalk along the E. Joyce Blvd. frontage. Staff recommends the applicant make necessary improvements to this sidewalk to make it ADA compliant or pay a fee-in-lieu.

Access Management/Connectivity: Existing access from Joyce Blvd. and Old. Missouri Rd. are not proposed to be modified with the proposed expansion; therefore, ingress and egress is not anticipated to be affected. There is an existing sidewalk system that provides pedestrian access to adjacent streets as well as Mud Creek Trail.

Design Standards: The development is subject to §166.24 Nonresidential Design Standards, §166.25 Commercial, Office and Mixed-Use Design Standards, and §172.04 Parking Lot Design Standards; the project is substantially compliant with these standards except for the variance requested above.

Commercial uses within Fayetteville include parking maximums rather than minimums. The applicant has provided overall parking counts for the entire campus which indicate sufficient parking for all residential and commercial uses. The existing parking lot contains 120 standards spaces and 3 motorcycle/scooter spaces. Thirty-two spaces are proposed to be removed with this development, with portions of the remaining parking lot redesigned to accommodate accessible parking spaces and a vehicle drop-off lane adjacent to the proposed expansion. A concurrent request under CPL-2025-0012 is proposed to replace 28 of the lost spaces, resulting in a cumulative loss of only four spaces.

Water and Sewer System: There is an existing 8” water along the north side of the site along E. Joyce Blvd. and the site has an internal 8” water main loop that connects to the 8” water main along E. Joyce Blvd. in two spots. The applicant is proposing to tie to this internal water main loop for domestic water and fire hydrants. Additionally, the site has several internal 8” sewer mains serving the site that connect to a 27” sewer main that runs across the south side of the site. The applicant is proposing to tie to this internal sewer main for sewer service.

Parkland dedication or fee in-lieu: Commercial developments are not subject to parkland dedication.

Tree Preservation:
Canopy minimum requirement: 20%
Existing canopy: 21.0%
Preserved canopy: 20.9%
Mitigation required: 0 2-inch caliper trees

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

RECOMMENDATION: Staff recommends approval of **LSD-2025-0013**, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of variance to UDC §166.24(D)(7)(b)(ii), Glazing.** *Staff recommends approval of the requested variance with added conditions.*
    a. *The exterior of the north façade shall include material, texture, and / or color changes at a maximum separation of 20 feet.*
    b. *Shrubs, trees, or other plantings with vertical elements shall be planted adjacent to the south façade.*

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

3. **Planning Commission determination of street improvements.** *Staff recommends necessary improvements to E. Joyce Blvd. sidewalk along E. Butterfield Trail Village frontage to make it ADA compliant or a fee-in-lieu.*

4. All comments from Planning staff must be addressed prior to grading permit including:
    a. Utility easement vacation shall be required prior to building permit approval.
    b. A property line adjustment shall be required prior to building permit approval.
    c. Bike racks shall be required per UDC 172.10

5. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto:

Standard conditions of approval:

6. Development review comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

7. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the development review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;

8. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;

9. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;
    d. A cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy;
    e. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
    f. Project Disk with all final revisions; and
    g. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action:	**❒ Approved**	**❒ Tabled**	**❒ Denied**
Meeting Date: October 13, 2025			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- UDC Code Sections
- Project Maps
  - One Mile Map
  - Close Up Map
  - Current Land Use Map
- Staff Exhibits
  - Engineering Memo
  - Urban Forestry Memo
- Applicant Exhibits
  - Request Letter
  - Variance Request Letters
  - Site Plans
  - Elevations

166.24 Nonresidential Design Standards

(D) *Building Mass, Scale, and Articulation.* The following regulations shall apply to break down the mass of large structures:

…

(b) Glazing. In order to create a proportion of solids to voids and pedestrian interest the following standards shall apply:

(i) A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the sidewalk.

(ii) A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE).

(iii) Glazing above the first story shall not exceed 80% of the total building wall area.

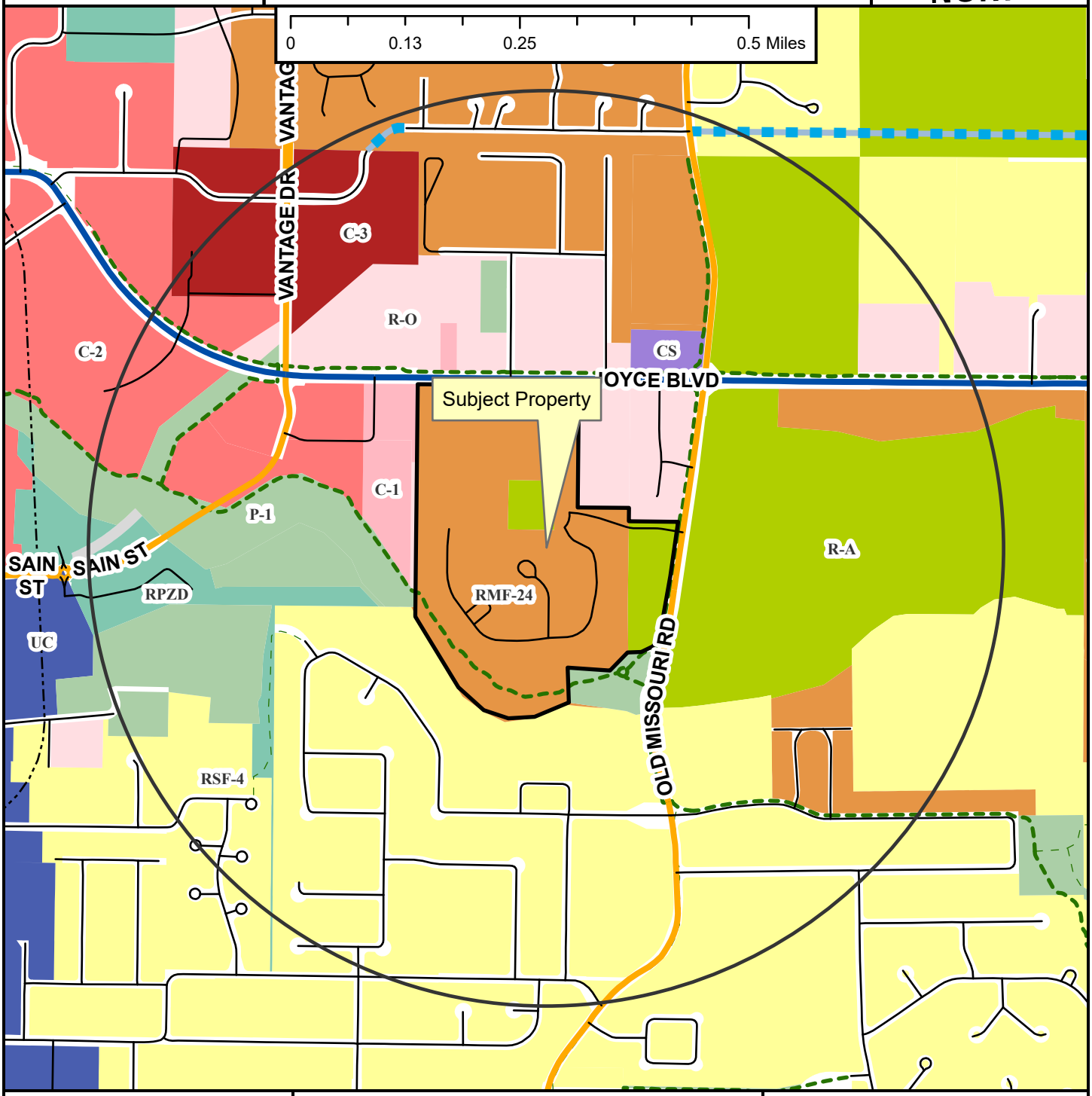
(Ord. No. 5312, 4-20-10; Ord. No. 5519, 8-21-12; Ord. No. 5859, §1(Exh. A), 3-15-16; Ord. No. 6164, §10, 4-2-19)

LSD-2025-0013

One Mile View

1923 E. JOYCE BLVD

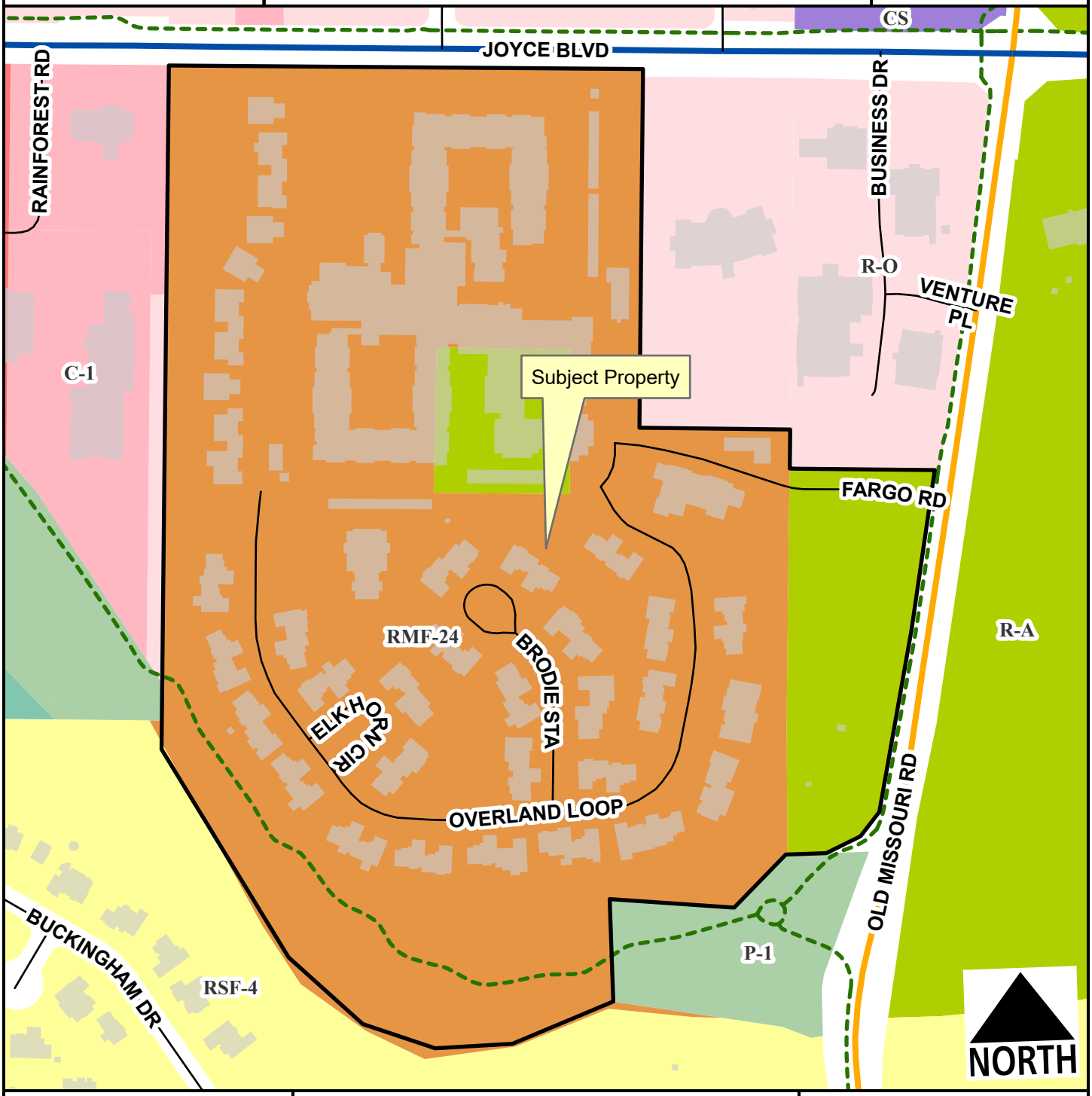
NORTH



LSD-2025-0013

Close Up View

1923 E. JOYCE BLVD



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

Feet

0 105 210 420 630 840

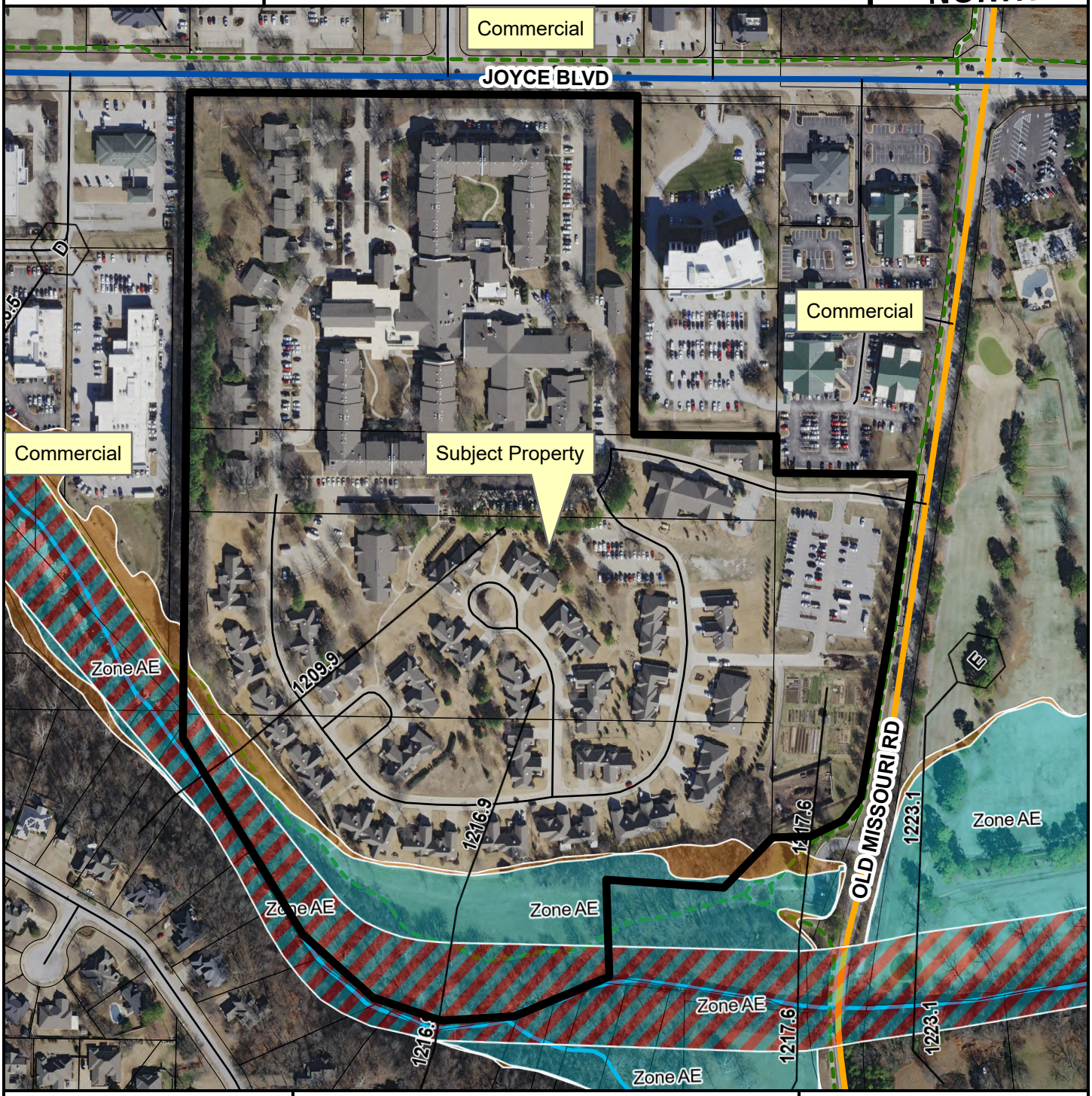
1:3,400

LSD-2025-0013

Current Land Use

1923 E. JOYCE BLVD

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: September 16, 2025

SUBJECT: Planning Commission Engineering Comments for LSD-2025-0013

Water: There is an existing 8" water along the north side of the site along E. Joyce Blvd. The site has an internal 8" water main loop that connects to the 8" water main along E. Joyce Blvd. in two spots. The applicant is proposing to tie to this internal water main loop for domestic water and fire hydrants.

Sewer: The site has several internal 8" sewer mains serving the site that connect to a 27" sewer main that runs across the south side of the site. The applicant is proposing to tie to this internal sewer main for sewer service.

Streets: The project is internal to the existing site and does not have any project specific street frontage. Due to this, Staff's recommendation for sidewalk improvements address existing issues with sidewalk along the E. Joyce Blvd. frontage. Staff recommends to make necessary improvements to this sidewalk to make it ADA compliant or pay a fee-in-lieu.

Drainage: The parking lot adjacent to the east of the proposed building was constructed approximately 5 years ago. At the time, the drainage system for the parking lot anticipated a future building in the area and provided additional water quality and detention volume for it. However, the proposed project exceeds the amount of impervious area that was previously planned for. Therefore, the applicant is proposing to expand the existing enhanced dry swale system to accommodate the difference in impervious area. This expansion to the dry swale system would address all four drainage criteria typically required by the Drainage Manual. At the time this memo was prepared the applicant had yet to provide all the calculations supporting the proposed design, however, the concept appears to work in concept and staff believes the details can be worked out during the grading permit process.

Plan Comments:

1. Please provide additional calculations showing that the proposed drainage design meets all four criterium from the Drainage Criterium Manual.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense

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

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: 4IE Engineering

From: Bethany Douglas, Urban Forester

CC: Donna Wonsower, Planner

Meeting Date: September 22 , 2025

Subject: LSD-2025-0013: 1923 E Joyce Blvd. (Butterfield Trail Village)

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

2. Parking Lot Requirements 1 Tree : 12 Parking Spaces	Yes	No	N/A
a. Wheel Stops/Curbs *UDC Chapter 177.04B1*	X		
b. Narrow Tree Lawn (8' min. width, 37.5' length) *UDC Chapter 177.04C*			X

c.	Tree Island (8’ min. width, 18.7’ min length OR 150 square feet) *UDC Chapter 177.04C*	**X**		
d.	Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*	**X**		

3.	**Perimeter Landscaping Requirements**	**Yes**	**No**	**N/A**
a.	Front Property Line (15’ wide landscape) and five on sides. *UDC Chapter 177.04D2a*	**X**		
b.	Side and Rear Property Lines (5’ Wide Landscape Area) *UDC Chapter 177D1*	**X**		
c.	Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*	**X**		
d.	Screening of parking lot from adjacent residential properties and the street.			**X**

4.	**Street Tree Planting Requirements**	**Yes**	**No**	**N/A**
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot *UDC Chapter 177.05B1a*			**X**
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30’ (planted in greenspace) *UDC Chapter 177.05B2a*	**X**		
c.	Urban Tree Well – Urban Streetscapes Trees every 30’ (8’ sidewalk) *UDC Chapter 177.05B3a-f*			**X**
d.	Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*			**X**
e.	Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			**X**
f.	Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			**X**

5.	**Landscape Requirement Totals**	**Amount**
	Mitigation Trees	**0**
	Parking Lot Trees	**8**
	Street Trees	**20**
	Detention Pond – Large Trees (1 Tree/3,000 square feet)	**1**

Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**5**
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**7**

6. Review Status (See Comments)	**Tech Plat**	**Planning Commission**
Conditionally Approved	**8-22-25**	**9-22-25**
Approved		
Tabled		
Denied		

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

Comments

1. Address items above marked “No” and all Redlines provided.
2. Please be aware that 3-year maintenance surety for all required landscaping (to be submitted prior to building permit) should include trees to be relocated.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: 4IE Engineering

From: Bethany Douglas, Urban Forester

CC: Donna Wonsower, Senior Planner

Meeting Date: September 22, 2025

Subject: LSD-2025-0013: Butterfly Trail Village (1923 E Joyce Blvd)

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

2. Tree Preservation Calculations

Tree Preservation Calculations		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	2,087,956	100%
*Zoning Designation * Select Below with drop down arrow*		
RMF-24 Multi-Family Residential-Twenty-Four Units Per Acre	417,591	20%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	417,591	20.0%
Existing Tree Canopy * Minus Right of Way and Easements	438,470	21.0%
Tree Canopy Preserved	435,565	20.9%
Tree Canopy Removed *On Site	2,905	0.1%
Tree Canopy Removed *Off Site	0	
Tree Canopy Removed Total	2,905	0.1%
Removed Below Minimum	**0**	
Mitigation Requirements	**0**	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	0	0
Low Priority		
Total Mitigation Trees Required		**N/A**

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation			X
Off-Site Mitigation			X

	Tree Escrow (See Conditions of Approval)			**X**

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

7.	**Review Status (See Comments)**	**Tech Plat**	**Planning Commission**
	Conditionally Approved	**8-26-25**	**9-22-25**

Approved

Tabled

Denied

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

Comments

1. Address items above marked “No” and all Redlines provided.
2. Preserved trees must be dedicated in a tree preservation easement.

4iE Engineering, Inc.

P.O. Box 56, Cave Springs, AR 72718 Phone: (479)381-1066 Email: ffourie@civilde.com

September 3, 2025
Jessie Masters
Planning Director
Development Services
125 W. Mountain Street
Fayetteville, AR 72701
Phone: 479.575.82637

Ferdinand Fourie, P.E.
P.O. Box 56
Cave Springs, Arkansas 72718
479.381.1066
ffourie@4iE.Engineering

Re: Assisted Living Expansion
Butterfield Trail Village
Fayetteville, Arkansas

Please find enclosed submittal items for the proposed building expansion to the existing assisted living facility on the Butterfield Trail Village campus along E. Fargo Road, from Old Missouri Road.

Under this project, thirty-eight (38) units with forty (40) total beds will be added in a two-story and 42,185 (gross) square-foot addition to the existing twelve-unit and 9,355 square-foot facility. The addition will be to the east of the existing building and encroach on a portion of the existing parking lot area that has been recently added. Therefore, as part of this project the existing parking lot will be reconfigured to accommodate the addition. A portion of E. Fargo Road will also be vertically realigned to allow ADA access to the sidewalk along the street.

Public water and sewer facilities are available at the project site, and service line extensions from the new addition to these public lines are proposed as part of this project.

The encroachment to the east will reduce the total number of parking spaces to the east of the facility by thirty-three (33). A total of ninety-two (92) standard spaces and two (2) accessible spaces will remain. A separate parking lot expansion to the north of this project has been proposed under a separate project (CPL-2025-0012) to provide additional parking. Under that project, a total of twenty-eight (28) spaces will be replaced. The intent is also for the parking expansion project to provide additional parking during the construction period of this development.

The proposed addition will encroach on a portion of an existing general utility easement. Vacationing of this portion of the easement will be required to allow this development to proceed. Therefore, a request is included with this submittal. It appears that this utility easement only contains electrical and cable service lines. As part of this project, these utility facilities will have to be rerouted, and this will be coordinated with the respective utility owners.

The existing assisted living facility, as well as this proposed addition, is currently within the RMF-24 (Residential Multi-Family) and R-A (Residential Agricultural) zoning districts. The assisted living facility does not appear to be a permitted use within these zoning districts. However, it may be allowed as a Conditional Use as it could be classified under Use Unit 4 – Cultural and Recreational Facilities (Eldercare). Therefore, a Conditional Use application is included along with this submittal as a request to allow this development within the current zoning districts. This will allow the project to move through permitting and state licensing amendment approvals at this point, but we will plan to rezone the area of this assisted living facility to P-1 as recommended by the City.

As part of the parking lot expansion that was constructed in 2021, drainage detention and enhanced drainage swales were constructed to meet stormwater quality requirements. It appears that provisions were made in the design of these facilities to accommodate this future expansion of the assisted living building.

Please let me know if you have any questions.

Sincerely,



Ferdi Fourie, P.E.
FF/FF

September 17, 2025
Jessie Masters
Planning Director
Development Services
125 W. Mountain Street
Fayetteville, AR 72701
Phone: 479.575.82637

Re: Variance of Nonresidential Design Standards
Assisted Living Facility Expansion
Butterfield Trail Village
Fayetteville, Arkansas

Please accept this letter as a request for relief of specific City of Fayetteville design requirements for the proposed expansion of the Assisted Living Facility on the Butterfield Trail Village campus along Old Missouri Road and E. Joyce Blvd.

1. Variance: Chapter 166.24-Nonresidential Design Standards (D)(7-b)(ii)

   "A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE)."

   In incorporating fenestration design changes, we were able to increase the glazing percentages somewhat at each elevation. Along the east elevation, which faces Old Missouri Road, the proposed building expansion will exceed the requirement for 30% with glazing at 38%.

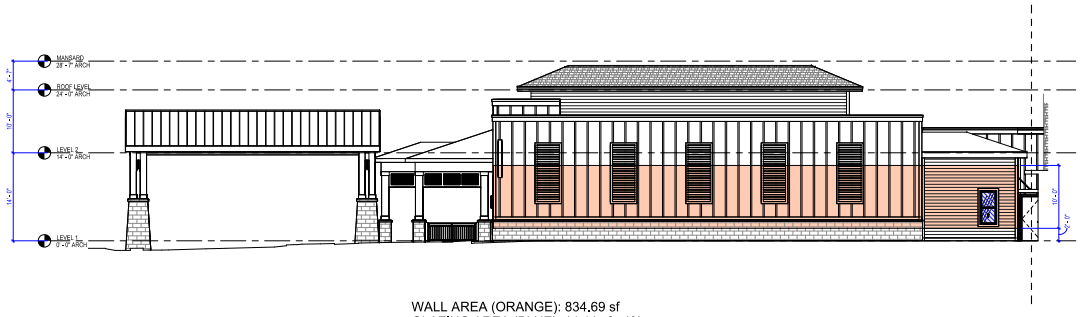
   A portion of the north elevation forms the exterior wall of the commercial kitchen and, by design, does not include windows. This elevation faces a private drive (Fargo Road) and is largely screened from view along Old Missouri Road. The kitchen plays a vital role in supporting the residential units, and its placement and configuration are intentionally designed to optimize service efficiency. As such this elevation cannot reach the minimum glazing requirements.

   The south elevation incorporates 21% glazing, providing natural light and visual connection for the residential units it serves. Located approximately 260 feet from the Old Missouri Road right-of-way, this area of the expansion is dedicated to residential use and reflects the scale and character appropriate for that context.

Please let me know if you have any questions.

Sincerely,

Larry Nuzum
Managing Partner



1 PARTIAL NORTH ELEVATION 01 - CUP
SCALE: 1/8" = 1'-0"

WALL AREA (ORANGE): 834.69 sf
GLAZING AREA (BLUE): 14.11 sf - 1%



2 PARTIAL NORTH ELEVATION 02 - CUP
SCALE: 1/8" = 1'-0"

WALL AREA (ORANGE): 1087.86 sf
GLAZING AREA (BLUE): 169.20 sf - 15%

NORTH ELEVATION
TOTAL WALL AREA (ORANGE): 1922.55 sf
TOTAL GLAZING AREA (BLUE): 183.31 sf - 9%



4 PARTIAL EAST ELEVATION 02 - CUP
SCALE: 1/8" = 1'-0"

WALL AREA (ORANGE): 790.52 sf
GLAZING AREA (BLUE): 289.55 sf - 36%



3 PARTIAL EAST ELEVATION 01 - CUP
SCALE: 1/8" = 1'-0"

WALL AREA (ORANGE): 1088.85 sf
GLAZING AREA (BLUE): 426.26 sf - 39%

EAST ELEVATION
TOTAL WALL AREA (ORANGE): 1879.37 sf
TOTAL GLAZING AREA (BLUE): 715.81 sf - 38%

Drawing:
Plotted on 9/16/2025 5:09:37 PM

Chancey
ARCHITECTURE

Tampa
1511 East 7th Avenue, Suite 400, Tampa, FL 33605
Phone: 813-247-3507 Fax: 813-247-3507

Stuart
3300 SW Martin Highway 304, Suite 108
Stuart, FL 34994
Phone: 772-220-3383 Fax: 800-201-3553

www.chancey.com

INFO

NOT TO BE USED FOR CONSTRUCTION

DESIGN DEVELOPMENT

SEAL

TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE AND THE APPLICABLE FIRE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY IN ACCORDANCE WITH CHAPTER 553 AND CHAPTER 633.

STATEMENT

KEY PLAN

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

CLIENT / CONSULTANTS

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION

1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

PROJECT

© CHANCEY

PROJECT # 25250

SHEET ISSUED XX/XX/XXXX

REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS - PARTIAL

SHEET TITLE

X211

Placing Commission October 13, 2025
LSD-2025-0013 (BUTTERFIELD TRAIL VILLAGE)
Page 20 of 26



1 PARTIAL SOUTH ELEVATION 01 - CUP
SCALE: 1/8" = 1'-0"

WALL AREA (ORANGE): 2242.40 sf
GLAZING AREA (BLUE): 480.93 sf - 21%

SOUTH ELEVATION
TOTAL WALL AREA (ORANGE): 2242.40 sf
TOTAL GLAZING AREA (BLUE): 480.93 sf - 21%

Drawing:
Plotted on 9/16/2025 5:09:39 PM

Chancey
ARCHITECTURE

Tampa
1228 East 7th Avenue, Suite 400, Tampa, FL 33605
Tel: 813-247-3507 Fax: 813-247-3507

Sarasota
1800 Ringling Blvd, Suite 108
Sarasota, FL 33459
Tel: 850-231-3553

Chancey.com

INFO

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

SEAL

TO THE BEST OF THE ARCHITECT'S KNOWLEDGE, THE PLANS AND SPECIFICATIONS COMPLY WITH THE APPLICABLE MINIMUM BUILDING CODE AND THE APPLICABLE FIRE SAFETY STANDARDS AS DETERMINED BY THE LOCAL AUTHORITY IN ACCORDANCE WITH CHAPTER 553 AND CHAPTER 633.

STATEMENT

KEY PLAN

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

CLIENT / CONSULTANTS

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION

1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

PROJECT

© CHANCEY

PROJECT # 25250

SHEET ISSUED XX/XX/XXXX

REVISIONS

NO.	DATE	DESCRIPTION

EXTERIOR ELEVATIONS - PARTIAL

SHEET TITLE

X212

LSD-2025-0013 (BUTTERFIELD TRAIL VILLAGE)
Page 21 of 26

©2025 4IE-Engineering, Inc.

LEGEND

EXISTING	PROPOSED
IRON PIN/PIPE FOUND	
IRON PIN SET	
BENCHMARK	
BOUNDARY LINE	
RIGHT-OF-WAY LINE	
EASEMENT LINE	
BUILDING SETBACK LINE	
BUILT-TO LINE	
CURB AND GUTTER	
STANDARD ASPHALT PAVEMENT	
PATTERNED CONCRETE PAVEMENT	
HEAVY DUTY CONCRETE PAVING	
CONCRETE SIDEWALK	
UTILITY POLE	
WATER METER	
WATER VALVE	
TELEPHONE RISER	
GAS METER	
ELECTRIC METER	
ELECTRIC RISER	
SIGN	
LIGHT POLE (SINGLE)	
FIREHYDRANT ASSEMBLY	

ACCESS EASEMENT	A.E.
UTILITY EASEMENT	U.E.
DRAINAGE/GRADING EASEMENT	D.E.
LANDSCAPE EASEMENT	L.E.
BUILDING SETBACK	B.S.B

BUILDING SUMMARY		
	AREA (SF)	# UNITS
EXISTING ASSISTED LIVING FACILITY	9355	12
PROPOSED ADDITION	42185	38

ADDITION UNIT SUMMARY			
UNIT TYPE	#UNITS	#BEDS	UNIT SIZE (SF)
STUDIO - A1	8	8	439
STUDIO - A2	2	2	494
STUDIO - A3	20	20	390
1 BEDROOM - B1	4	4	661
2 BEDROOM - B2	2	4	694
1 BEDROOM - B3	2	2	602

PARKING SUMMARY			
	EXISTING	PROPOSED	DIFFERENCE
STANDARD PARKING SPACES	125	92	-33
ADA SPACES	1	2	1
MOTOCYCLE SPACES	6	6	0
TOTAL	132	100	-32

ZONING AND SETBACK INFORMATION:

A PORTION OF THIS PROPERTY IS CURRENTLY ZONED RMF-24 (RESIDENTIAL MULTI-FAMILY – TWENTY-FOUR UNITS PER ACRE). BUILDING SETBACKS ARE AS FOLLOWS:

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 SIDE SINGLE & TWO (2) FAMILY.
SIDE: 8 FEET (OTHER USES).
BACK: 5 FEET. (SINGLE FAMILY).
BACK: 20 FEET (OTHER USES).

A PORTION OF THIS PROPERTY IS CURRENTLY ZONED R-A (RESIDENTIAL-AGRICULTURAL).

BUILDING SETBACKS ARE AS FOLLOWS:
FRONT: 35 FEET
SIDE: 20 FEET
BACK: 35 FEET

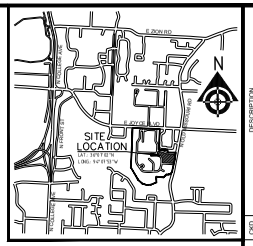
N

GRAPHIC SCALE
(IN FEET)
1 INCH = 20 FEET

BASIS OF BEARINGS:
ARKANSAS STATE PLANE NORTH COORDINATE SYSTEM
CONVERGENCE ANGLE: -1°14'25"
COMBINED SCALE FACTOR: 0.99992456

SURVEY DESCRIPTION

A PART OF PARCEL NUMBER 765-15685-000 AND A PART OF PARCEL NUMBER 765-15685-000 BEING IN THE SE1/4 THE NW1/4 AND A PART OF PARCEL NUMBER 765-15677-000 BEING IN THE SW1/4 OF THE NE1/4, ALL IN SECTION 25, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS.



VICINITY MAP
NOT TO SCALE

P.N. 765-15686-001
MOSES TUCKER REAL ESTATE
745 E JOYCE BLVD STE 220
FAYETTEVILLE AR 72703
ZONED R-O

P.N. 765-15677-001
CBP REALTY LLC
2360 RIDGEWOOD LN
FAYETTEVILLE AR 72703
ZONED R-O

P.N. 765-15685-000
ZONED RMF-24

P.N. 765-15677-000
ZONED R-A

P.N. 765-15683-000
ZONED RMF-24

S87°18'54"E 295.52'
S02°43'25"W 76.33'
S87°23'27"E 284.25'

EXISTING BUILDING
EXISTING BUILDING FF=1243.53
EXISTING ASSISTED LIVING BUILDING FFE = 1243.53
PROPOSED ASSISTED LIVING EXPANSION
FFE=1243.53
FFE=1236.53
FFE=1237.03
FARCO DR.
CUMBERLAY WAY
(PRIVATE STREET)
CONCRETE DUMPSTER PAD AND WALL WITH GATES
ACCESSIBLE RAMP TO BUILDING ENTRANCE
HEAVY DUTY CONCRETE
HEAVY DUTY ASPHALT
FULL DEPTH S/MCUT
CONCRETE ASPHALT
CONNECT TO EXISTING SIDEWALK
ADA SIGN
STOP SIGN
RELOCATE EXISTING LIGHT POLE
RETAINING WALL
VACATE EXISTING EASEMENT ±0.16 ACRES/7126 SF
OPEN COURTYARD AREA
PATIO
GENERATOR
27' EASEMENT VACATED BOOK 98-M OF MISC. PAGE 10 VACATED
BENCH MARK:
TOP NUT OF FIRE HYDRANT
ELEV.=1240.57 (NAVD88)

GENERAL NOTES:

1. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR COORDINATING WITH ARKANSAS ONE-CALL AT 1-800-482-8998 A MIN. OF FORTY EIGHT (48) HOURS BEFORE ANY DIGGING BEGINS.
2. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR CONDITIONS ON THE SITE DURING CONSTRUCTION AND MUST BE WITHIN INDUSTRY AND OSHA ACCEPTED STANDARDS FOR SAFETY AT ALL TIMES, INCLUDED BUT NOT LIMITED TO WORKING HOURS. THE ENGINEER SHALL NOT RESPONSIBLE TO MONITOR SAFETY STANDARDS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND DISPOSAL OF ALL DEMOLITION AND CONSTRUCTION MATERIALS, IN A LAWFUL MANNER, AT STATE AND FEDERALLY ACCEPTED SITES.
4. ALL DESIGNS SHOWN HEREIN ARE IN ACCORDANCE WITH THE INDUSTRY ACCEPTED STANDARDS AT THIS TIME.
5. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY DAMAGE TO NEIGHBORING PROPERTIES.
6. IN THE EVENT THAT THERE IS A QUESTION WITH REGARD TO THE DESIGN INTENT, THE CONTRACTOR SHALL CONSULT WITH THE ENGINEER.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTING IN ACCORDANCE WITH ALL MUNICIPALITY CONSTRUCTION STANDARDS, WHERE APPLICABLE.

FLOOD CERTIFICATION

THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN, AS DETERMINED BY SCALING THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR WASHINGTON COUNTY, ARKANSAS AND INCORPORATED AREAS.

MAP NUMBER: 05143C0207G
REVISED DATE: JANUARY 25, 2024

NO	DATE	BY	CKD	DESCRIPTION
				Planning Commission October 13, 2025

4IE ENGINEERING

BUTTERFIELD TRAIL VILLAGE - ASSISTED LIVING FACILITY
FAYETTEVILLE, ARKANSAS

SITE PLAN

DATE:

damage prevention is no accident
Know what's below. Call before you dig,
800-482-8998
Arkansas One-Call
www.arkonecall.com

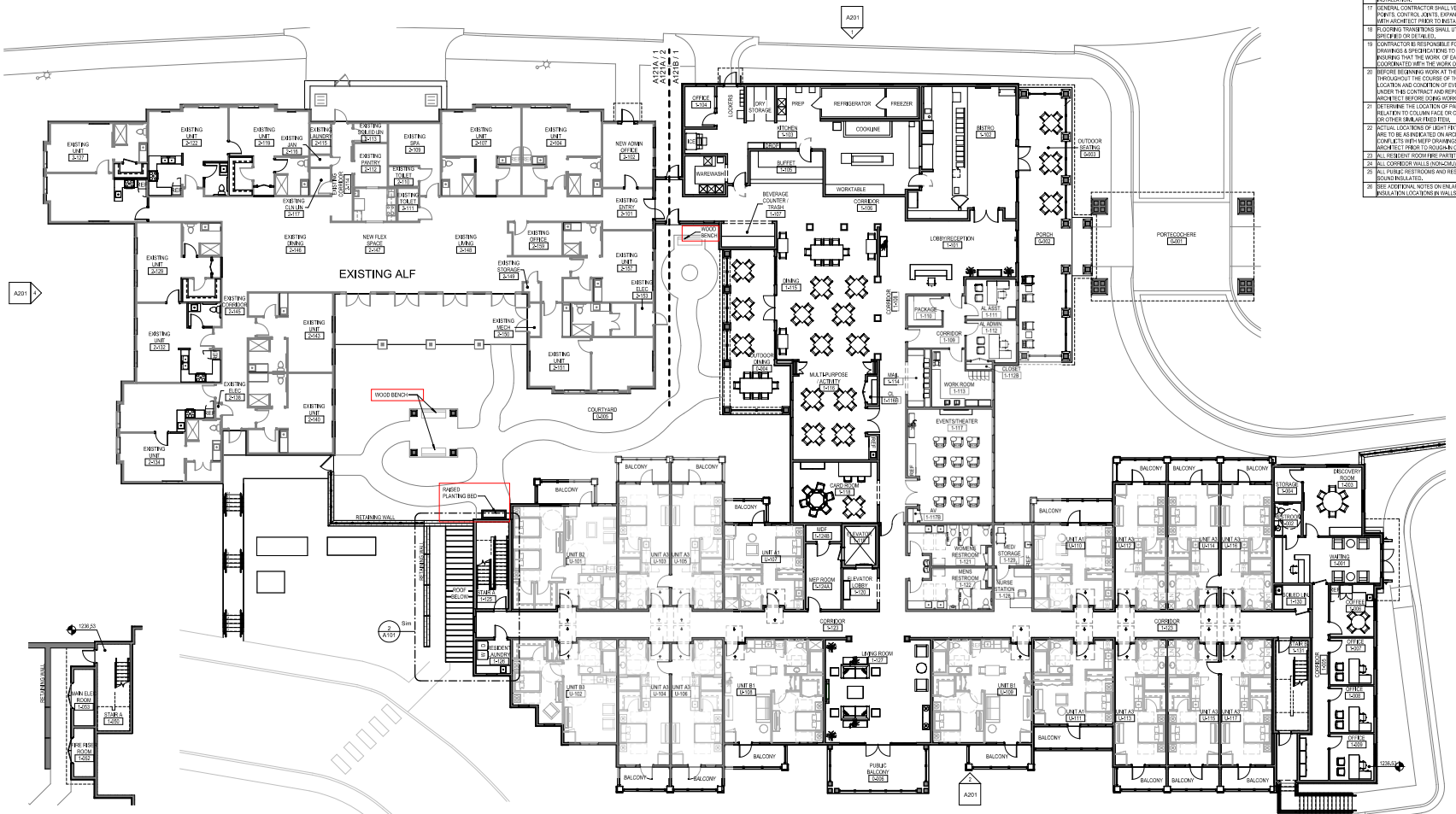
DATE	DRAWN
07-20-2025	FF
DESIGNED	CHECKED
FF	FF

FOR REVIEW

PROJECT NO.
1165

SHEET
C2.0

PLOT DATE/TIME: Tuesday, August 12, 2025 9:56:29 PM FILE: #P\1165 - Butterfield Assisted Living - Fayetteville, AR\Drawings\1165prof.dwg



GROSS AREA - EXISTING ALF

TYPE	AREA
LEVEL 1	
CONDITIONED	6955
UNCONDITIONED	604
COMBINED	6955
EXISTING ALF PORTECOCHERE TO BE DEMOLISHED	974 SF (NOT INCLUDED IN ABOVE AREA)

NET AREA - ADDITION ONLY

LEVEL (CONDITIONED ONLY)	AREA
LOWER LEVEL EAST	1574
LEVEL 1	19094
LEVEL 2	15230
TOTAL	35498

GROSS AREA - ADDITION ONLY

LEVEL	AREA
LOWER LEVEL WEST	375
LOWER LEVEL EAST	1574
LEVEL 1	23464
LEVEL 2	17466
TOTAL	42879

UNIT COUNTS - ADDITION ONLY

TYPE	DEPARTMENT	AREA	QTY	BEDS
UNIT A1	STUDIO	438 SF .. 441 SF	8	8
UNIT A2	STUDIO	494 SF .. 494 SF	2	2
UNIT A3	STUDIO	419 SF .. 426 SF	20	20
UNIT B1	1BD 1BA	662 SF .. 663 SF	4	4
UNIT B2	2BD 1BA	695 SF	2	4
UNIT B3	1BD 1BA	605 SF	2	2
			38	40

FLOOR PLAN LEGEND

SYMBOL	DESCRIPTION
<x>	WALL TYPE TAG, REFER TO PARTITION SHEET A501 FOR DETAILS. NUMBER ON UPPER RIGHT CORNER REPRESENTS RATING AS APPLICABLE. SEE LIFE SAFETY SHEETS (G100 SERIES) FOR DETAILED RATING INFORMATION.
(P-XXX)	DOOR TAG, REFER TO DOOR SCHEDULE (SHEET A601) FOR DETAILS. DOOR NUMBERS TO MATCH ROOM NUMBERS.
(W)	WINDOW TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
(SF)	STOREFRONT TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
FE FEC	FIRE EXTINGUISHER OR SEMI-RECESSED FIRE EXTINGUISHER CABINET.
HB	HOSE BIB, REFER TO PLUMBING DRAWINGS.
AD FD	AREA OR FLOOR DRAIN, REFER TO PLUMBING DRAWINGS.
RD OD	ROOF OR OVERFLOW DRAIN, REFER TO PLUMBING DRAWINGS.

FLOOR PLAN GENERAL NOTES

NO.	DESCRIPTION
1	DIMENSIONS ARE FROM FACE OF STUD TO FACE OF CMU OR STUD, UNLESS OTHERWISE NOTED.
2	REFER TO SHEETS A-501, 502 & 503 FOR WALL AND PARTITION TYPES.
3	REFER TO A-600'S SHEETS FOR DOOR, WINDOW SCHEDULES, AND LEGENDS.
4	REFER TO A-193'S FOR ENLARGED UNIT PLANS.
5	ALL ANGLED WALLS ARE 45 DEGREES, UNLESS NOTED OTHERWISE.
6	DOOR LOCATIONS NOT DIMENSIONED SHALL BE LOCATED AT MIDPOINT OF WALL OR 6" CLEAR OF ROOM FROM ADJACENT WALL CORNER, TYPICAL.
7	CONTRACTOR TO VERIFY AND COORDINATE PLUMBING ROUGH-IN WALL DIMENSIONS. ALL PLUMBING WALLS ARE TYPICALLY FRAMED WITH 6" WIDE STUDS. REFER TO PLANS FOR ACTUAL LOCATIONS. U.N.O.
8	ALL SHELVING IN CLOSETS IN COAT CLOSETS, LAUNDRY ROOMS AND LINEN CLOSETS TO BE PROVIDED AND MOUNTED IN ACCORDANCE WITH THE FOLLOWING: A.) PROVIDE SHELF SUPPORTS @ 36" MAX SPACING. B.) ALL SHELVING IN PANTRY CLOSETS TO BE 'CLOSE MESH' VENTILATED WIRE SHELVING SYSTEM, (4 SHELVES) C.) ALL STORAGE CLOSETS SHALL HAVE SHELVES D.) ALL LINEN CLOSETS TO HAVE (4) FOUR SHELVES
9	SEE FINISH SCHEDULES FOR ACTUAL FLOOR FINISH MATERIALS. FLOOR DEMARCATION UNLESS ON PLANS ARE FOR REFERENCE WHEN MATERIALS ARE TO DIFFER.
10	VERIFY FRAMING OPENING DIMENSIONS SHOWN FOR TUBS AND SHOWERS WITH ACTUAL UNIT SUPPLIED, ADJUST AS REQUIRED.
11	FOR PROPER INSTALLATION FRAMING CONTRACTOR SHALL PROVIDE BLOCKING FOR ALL CABINETS, CEILING FANS, AND BATH ACCESSORIES. INCLUDE BLOCKING FOR GRAB BARS AT ALL LOCATIONS TO MEET FFH AND ADA AS REQUIRED.
12	SMOKE DETECTORS SHALL BE CONTINUOUSLY POWERED BY BUILDING ELECTRICAL SYSTEM AND INSTALLED IN ACCORDANCE WITH NFPA 101, 7-6.29 AND NFPA 74 W/ BATTERY BACK UP.
13	CONTRACTOR TO COORDINATE WITH CABINET MANUFACTURER FOR EXACT LOCATIONS OF EQUIPMENT AND FIXTURES. CONTRACTOR TO REVIEW PLUMBING, ELECTRICAL, AND FINISH LOCATIONS WITH CABINET DESIGN.
14	INSPECT, REPAIR, AND PREPARE FLOORS AS REQUIRED TO PROVIDE A SATISFACTORY SUB FLOOR FOR FLOOR FINISH MATERIALS. SATISFACTORY SUB FLOOR IS DEFINED AS A SURFACE THAT IS LEVEL AND FREE FROM CRACKS, HOLES, RIDGES, COATINGS, OR DEFECTS THAT WOULD PREVENT ADHESIVE BOND OR IMPAIR PERFORMANCE OR APPEARANCE OF FINISHED FLOOR MATERIALS.
15	APPLY MANUFACTURER'S REQUIRED OR RECOMMENDED SUBSTRATE PRIMER, SEALER OR CONDITIONER PRIOR TO APPLYING MATERIAL OR SUBSTANCE IN CONTACT FOR BOND.
16	FLOOR INSTALLER SHALL REVIEW PROPOSED FLOOR PATTERN LAYOUTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO INSTALLATION.
17	GENERAL CONTRACTOR SHALL VERIFY FLOORING MATERIAL TRANSITION POINTS, CONTROL JOINTS, EXPANSION JOINTS & THRESHOLD MATERIALS WITH ARCHITECT PRIOR TO INSTALLATION.
18	FLOORING TRANSITIONS SHALL UTILIZE A THRESHOLD SYSTEM AS SPECIFIED OR DETAILED.
19	CONTRACTOR IS RESPONSIBLE FOR PROVIDING A COMPLETE SET OF DRAWINGS & SPECIFICATIONS TO EACH SUBCONTRACTOR & FOR ENSURING THAT THE WORK OF EACH SUBCONTRACTOR IS COORDINATED WITH THE WORK OF ALL OTHER SUBCONTRACTORS.
20	BEFORE BEGINNING WORK AT THE SITE, WHERE POSSIBLE, AND THROUGHOUT THE COURSE OF THE WORK, INSPECT AND VERIFY THE LOCATION AND CONDITION OF EVERY ITEM AFFECTED BY THE WORK UNDER THIS CONTRACT AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE DOING WORK RELATED TO THAT BEING INSPECTED.
21	DETERMINE THE LOCATION OF PARTITIONS NOT DIMENSIONED BY THEIR RELATION TO COLUMN FACE OR CENTER, WINDOW JAMB OR MULLION, OR OTHER SIMILAR FIXED ITEM.
22	ACTUAL LOCATIONS OF LIGHT FIXTURES, PLUMBING FIXTURES, ETC., ARE TO BE AS INDICATED ON ARCHITECTURAL DRAWINGS. ANY CONFLICTS WITH MEP/FP DRAWINGS ARE TO BE RESOLVED WITH THE ARCHITECT PRIOR TO ROUGH-IN CONSTRUCTION.
23	ALL RESIDENT ROOM FIRE PARTITIONS SHALL BE SOUND INSULATED.
24	ALL CORRIDOR WALLS (NON-CMU) SHALL BE SOUND INSULATED.
25	ALL PUBLIC RESTROOMS AND RESIDENT BATHROOM WALLS SHALL BE SOUND INSULATED.
26	SEE ADDITIONAL NOTES ON ENLARGED PLANS FOR ADDITIONAL INSULATION LOCATIONS IN WALLS.

Chancey ARCHITECTURE
Tampa
4211 West Boy Scout Blvd., Suite 600, Tampa, FL 33607
Phone: 813-247-3507 Fax: 813-247-3507
Sarasota
1800 2nd Street, Suite 774, Sarasota, FL 34236
Phone: 941-251-3503 Fax: 800-201-3503
www.chancey.com

INFO

Placing Commission
October 13, 2025

NOT TO BE USED FOR CONSTRUCTION

SCHEMATIC DESIGN

SEAL

STATEMENT

KEY PLAN

LSD-2025-0013 (BUTTERFIELD TRAIL VILLAGE)

Page 23 of 26

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

CLIENT / CONSULTANTS

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION

1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

PROJECT

© CHANCEY

PROJECT # 25250

SHEET ISSUED XX/XX/XXXX

REVISIONS

NO.	DATE	DESCRIPTION

LEVEL 1 - OVERALL FLOOR PLAN

SHEET TITLE

A101

Drawing
Plotted on 9/2/2025 4:16:11 PM

GROSS AREA - EXISTING ALF

TYPE	AREA
LEVEL 1	
CONDITIONED	6955
UNCONDITIONED	604
COMBINED	9959
EXISTING ALF PORTECOCHERE TO BE DEMOLISHED	974 SF (NOT INCLUDED IN ABOVE AREA)

NET AREA - ADDITION ONLY

LEVEL (CONDITIONED ONLY)	AREA
LOWER LEVEL EAST	1574
LEVEL 1	19094
LEVEL 2	19230
TOTAL	35498

GROSS AREA - ADDITION ONLY

LEVEL	AREA
LOWER LEVEL WEST	376
LOWER LEVEL EAST	1574
LEVEL 1	23464
LEVEL 2	17466
TOTAL	42879

UNIT COUNTS - ADDITION ONLY

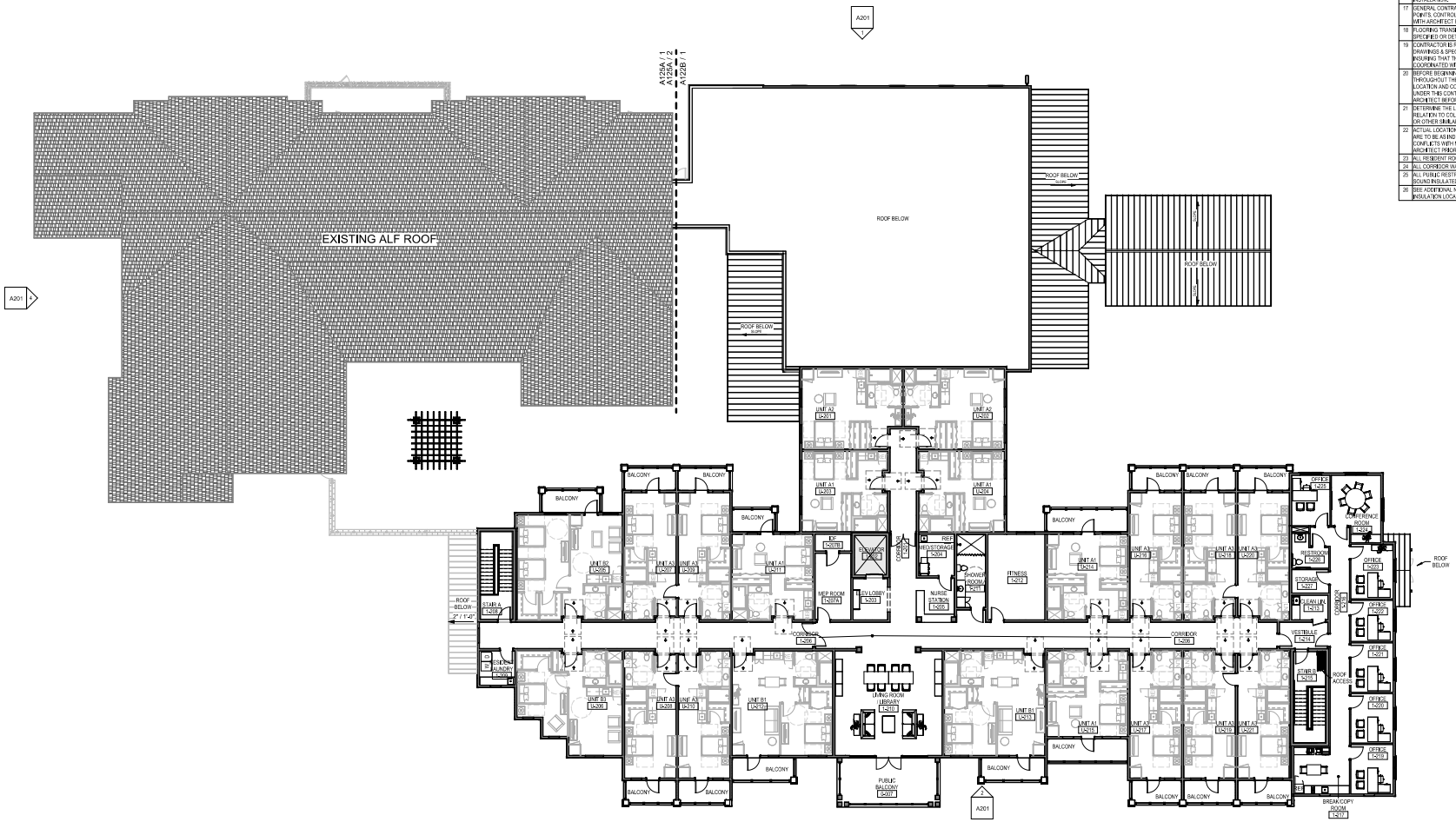
TYPE	DEPARTMENT	AREA	QTY.	BEDS
UNIT A1	STUDIO	438 SF .. 441 SF	8	8
UNIT A2	STUDIO	494 SF .. 494 SF	2	2
UNIT A3	STUDIO	419 SF .. 426 SF	20	20
UNIT B1	1BD 1BA	662 SF .. 663 SF	4	4
UNIT B2	2BD 1BA	695 SF	2	4
UNIT B3	1BD 1BA	805 SF	2	2
			38	40

FLOOR PLAN LEGEND

SYMBOL	DESCRIPTION
<X>	WALL TYPE TAG, REFER TO PARTITION SHEET A501 FOR DETAILS. NUMBER ON UPPER RIGHT CORNER REPRESENTS RATING AS APPLICABLE. SEE LIFE SAFETY SHEETS (G100 SERIES) FOR DETAILED RATING INFORMATION.
(P-XXX)	DOOR TAG, REFER TO DOOR SCHEDULE (SHEET A601) FOR DETAILS. DOOR NUMBERS TO MATCH ROOM NUMBERS.
(X)	WINDOW TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
<XX>	STOREFRONT TAG, REFER TO WINDOW SCHEDULE (SHEET A601) FOR DETAILS.
FE / FEC	FIRE EXTINGUISHER OR SEMI-RECESSED FIRE EXTINGUISHER CABINET.
HB	HOSE BIB, REFER TO PLUMBING DRAWINGS.
AD / FD	AREA OR FLOOR DRAIN, REFER TO PLUMBING DRAWINGS.
RD / OD	ROOF OR OVERFLOW DRAIN, REFER TO PLUMBING DRAWINGS.

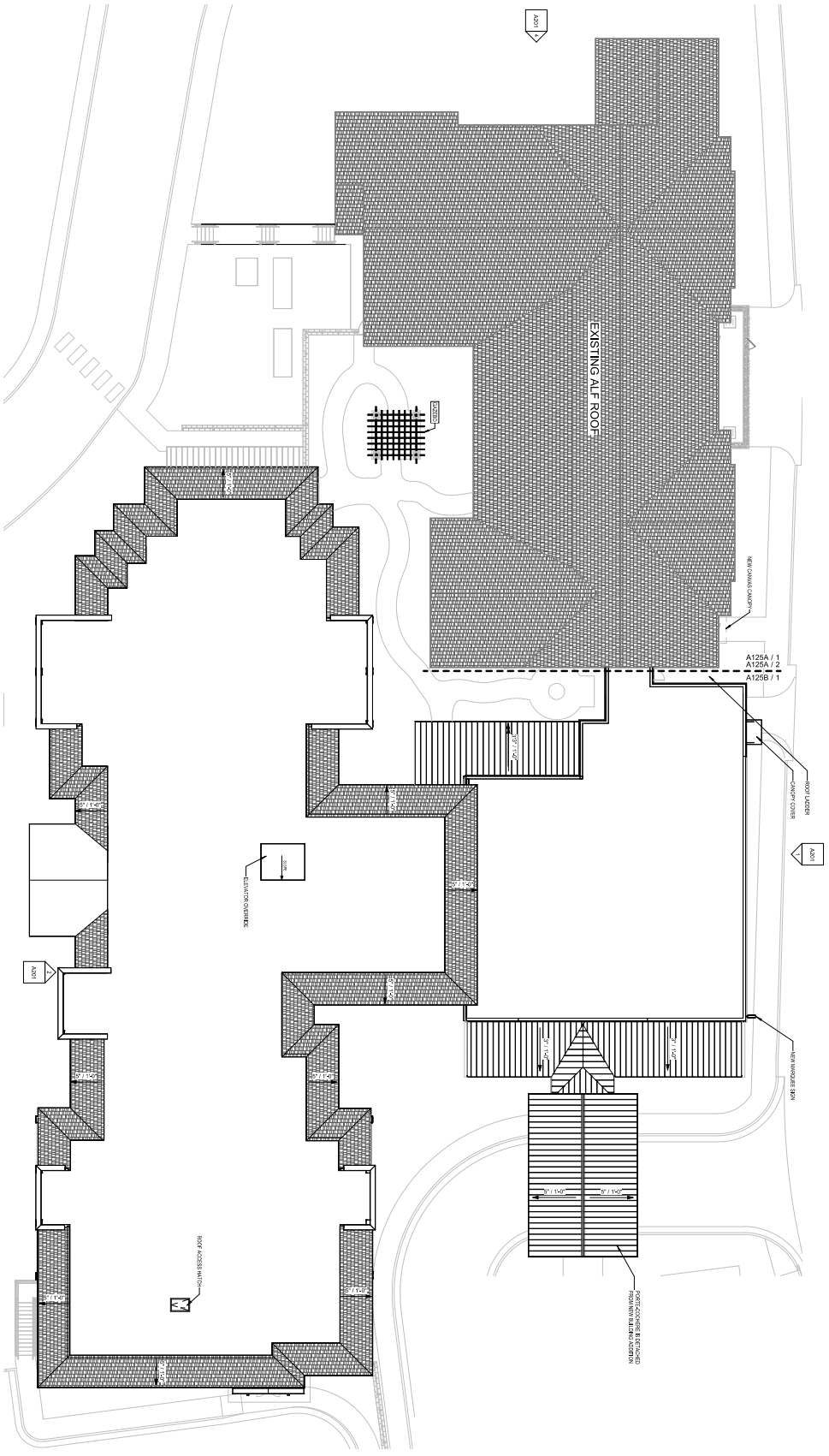
FLOOR PLAN GENERAL NOTES

NO.	DESCRIPTION
1	DIMENSIONS ARE FROM FACE OF STUD TO FACE OF CMU OR STUD, UNLESS OTHERWISE NOTED.
2	REFER TO SHEETS A-501, 502 & 503 FOR WALL AND PARTITION TYPES.
3	REFER TO A-600'S SHEETS FOR DOOR, WINDOW SCHEDULES, AND LEGENDS.
4	REFER TO A-193'S FOR ENLARGED UNIT PLANS.
5	ALL ANGLED WALLS ARE 45 DEGREES, UNLESS NOTED OTHERWISE.
6	DOOR LOCATIONS NOT DIMENSIONED SHALL BE LOCATED AT MIDPOINT OF WALL OR 6" CLEAR OF ROOM FROM ADJACENT WALL CORNER, TYPICAL.
7	CONTRACTOR TO VERIFY AND COORDINATE PLUMBING ROUGH-IN WALL DIMENSIONS. ALL PLUMBING WALLS ARE TYPICALLY FRAMED WITH 6" WIDE STUDS. REFER TO PLANS FOR ACTUAL LOCATIONS. U.N.O.
8	ALL SHELVING IN CLOSETS IN COAT CLOSETS, LAUNDRY ROOMS AND LINEN CLOSETS TO BE PROVIDED AND MOUNTED IN ACCORDANCE WITH THE FOLLOWING: A.) PROVIDE SHELF SUPPORTS @ 36" MAX SPACING. B.) ALL SHELVING IN PANTRY CLOSETS TO BE 'CLOSE MESH' VENTILATED WIRE SHELVING SYSTEM, (4 SHELVES) C.) ALL STORAGE CLOSETS SHALL HAVE SHELVES D.) ALL LINEN CLOSETS TO HAVE (4) FOUR SHELVES
9	SEE FINISH SCHEDULES FOR ACTUAL FLOOR FINISH MATERIALS. FLOOR DEMARCATION UNIENESS ON PLANS ARE FOR REFERENCE WHEN MATERIALS ARE TO DIFFER.
10	VERIFY FRAMING OPENING DIMENSIONS SHOWN FOR TUBS AND SHOWERS WITH ACTUAL UNIT SUPPLIED, ADJUST AS REQUIRED.
11	FOR PROPER INSTALLATION FRAMING CONTRACTOR SHALL PROVIDE BLOCKING FOR ALL CABINETS, CEILING FANS, AND BATH ACCESSORIES. INCLUDE BLOCKING FOR GRAB BARS AT ALL LOCATIONS TO MEET FFH AND ADA AS REQUIRED.
12	SMOKE DETECTORS SHALL BE CONTINUOUSLY POWERED BY BUILDING ELECTRICAL SYSTEM AND INSTALLED IN ACCORDANCE WITH NFPA 101, 7-6.2.9 AND NFPA 74 W/ BATTERY BACK UP.
13	CONTRACTOR TO COORDINATE WITH CABINET MANUFACTURER FOR EXACT LOCATIONS OF EQUIPMENT AND FIXTURES. CONTRACTOR TO REVIEW PLUMBING, ELECTRICAL, AND FINISH LOCATIONS WITH CABINET DESIGN.
14	INSPECT, REPAIR, AND PREPARE FLOORS AS REQUIRED TO PROVIDE A SATISFACTORY SUB FLOOR FOR FLOOR FINISH MATERIALS. SATISFACTORY SUB FLOOR IS DEFINED AS A SURFACE THAT IS LEVEL AND FREE FROM CRACKS, HOLES, RIDGES, COATINGS, OR DEFECTS THAT WOULD PREVENT ADHESIVE BOND OR IMPAIR PERFORMANCE OR APPEARANCE OF FINISHED FLOOR MATERIALS.
15	APPLY MANUFACTURER'S REQUIRED OR RECOMMENDED SUBSTRATE PRIMER, SEALER OR CONDITIONER PRIOR TO APPLYING MATERIAL OR SUBSTANCE IN CONTACT FOR BOND.
16	FLOOR INSTALLER SHALL REVIEW PROPOSED FLOOR PATTERN LAYOUTS AND NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO INSTALLATION.
17	GENERAL CONTRACTOR SHALL VERIFY FLOORING MATERIAL TRANSITION POINTS, CONTROL JOINTS, EXPANSION JOINTS & THRESHOLD MATERIALS WITH ARCHITECT PRIOR TO INSTALLATION.
18	FLOORING TRANSITIONS SHALL UTILIZE A THRESHOLD SYSTEM AS SPECIFIED OR DETAILED.
19	CONTRACTOR IS RESPONSIBLE FOR PROVIDING A COMPLETE SET OF DRAWINGS & SPECIFICATIONS TO EACH SUBCONTRACTOR & FOR INSURING THAT THE WORK OF EACH SUBCONTRACTOR IS COORDINATED WITH THE WORK OF ALL OTHER SUBCONTRACTORS.
20	BEFORE BEGINNING WORK AT THE SITE, WHERE POSSIBLE, AND THROUGHOUT THE COURSE OF THE WORK, INSPECT AND VERIFY THE LOCATION AND CONDITION OF EVERY ITEM AFFECTED BY THE WORK UNDER THIS CONTRACT AND REPORT DISCREPANCIES TO THE ARCHITECT BEFORE DOING WORK RELATED TO THAT BEING INSPECTED.
21	DETERMINE THE LOCATION OF PARTITIONS NOT DIMENSIONED BY THEIR RELATION TO COLUMN FACE OR CENTER, WINDOW JAMB OR MULLION, OR OTHER SIMILAR FIXED ITEM.
22	ACTUAL LOCATIONS OF LIGHT FIXTURES, PLUMBING FIXTURES, ETC., ARE TO BE AS INDICATED ON ARCHITECTURAL DRAWINGS. ANY CONFLICTS WITH MEPP DRAWINGS ARE TO BE RESOLVED WITH THE ARCHITECT PRIOR TO ROUGH-IN CONSTRUCTION.
23	ALL RESIDENT ROOM FIRE PARTITIONS SHALL BE SOUND INSULATED.
24	ALL CORRIDOR WALLS (NON-CMU) SHALL BE SOUND INSULATED.
25	ALL PUBLIC RESTROOMS AND RESIDENT BATHROOM WALLS SHALL BE SOUND INSULATED.
26	SEE ADDITIONAL NOTES ON ENLARGED PLANS FOR ADDITIONAL INSULATION LOCATIONS IN WALLS.



Drawing:
Plotted on 9/2/2025 4:16:17 PM

1 ROOF LEVEL - OVERALL FLOOR PLAN
SCALE: 3/32" = 1'-0"



ROOF PLAN GENERAL NOTES

NO.	DESCRIPTION
1.	VERIFY LOCATIONS OF ALL ROOF PENETRATIONS WITH STRUCTURAL, MECHANICAL AND PLUMBING DRAWINGS. PRINT TO ARCHITECT IMMEDIATELY.
2.	PROVIDE VALLEY FLASHING WHERE ROOFTOPS CHANGE AND WHERE ANY ROOF SLOPES INTERSECT.
3.	ROOF FLOORING TO BE ATTACHED TO ROOF TRUSSES. SEE STRUCTURAL DRAWINGS FOR ATTACHMENT TYPE AND LOCATIONS.
4.	ROOF PENETRATIONS SHALL BE LOCATED ON THE ROOF SLOPE FACING AWAY FROM THE PRIMARY STREET. OFF RIDGE, VALLEYS, AND CORNICES WHERE POSSIBLE. CALCULATE PIPE DROP SIZING AND LOCATIONS.
5.	FLASH ALL ROOF AND WALL PENETRATIONS WITH ALL ROOFING MATERIALS.
6.	BUILDING SHALL HAVE EITHER MECHANICAL OR GRAVITY VENTILATION.
7.	PROVIDE INSECT SCREENING AT ALL ROOF OPENINGS TO THE OUTSIDE AIR.
8.	ANY ROOF MOUNTED EQUIPMENT SHALL BE SCREENED FROM VIEW. MATERIALS OF ANY ROOF ACCESSORY FROM THE ROOF PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM THE RESPONSIBILITIES FOR SUCH ITEMS.

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION

1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

NOT FOR CONSTRUCTION

SCHEMATIC DESIGN

Chancey ARCHITECTURE
Tampa
1228 East 7th Avenue, Suite 400, Tampa, FL 33605
Tel 813-248-3000 Fax 813-247-3507
Seagrove
3140 Scenic Highway 30A, Suite 108
Santa Rosa Beach, FL 32459
Tel 850-231-3553 Fax 850-231-3553
www.chancey.com

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT
© CHANCEY
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF CHANCEY ARCHITECTURE AND SHALL NOT BE USED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF CHANCEY ARCHITECTURE.
PROJECT # 23090
SHEET ISSUED XXXXXXXXX

SHEET TITLE
ROOF OVERALL PLAN

A105

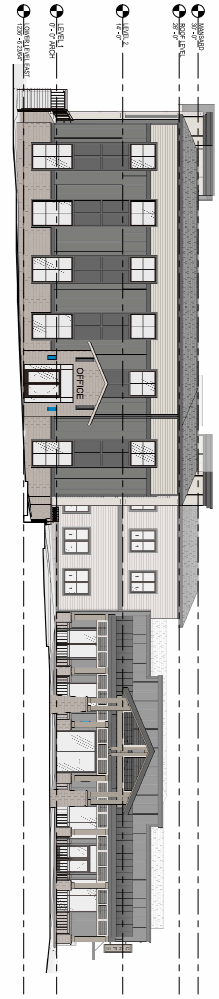
Drawing:
Plotted on 9/3/2025 11:26:14 AM



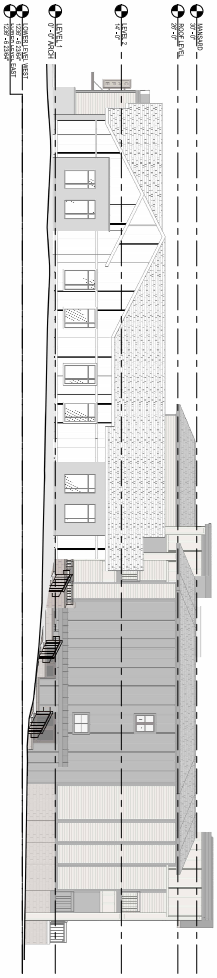
1 OVERALL NORTH ELEVATION
SCALE: 3/32" = 1'-0"



2 OVERALL SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



3 OVERALL EAST ELEVATION
SCALE: 3/32" = 1'-0"



4 OVERALL WEST ELEVATION
SCALE: 3/32" = 1'-0"

SHEET TITLE
A201
EXTERIOR ELEVATIONS - OVERALL

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT
© CHANCEY
PROJECT # 25250
SHEET ISSUED XXXXXXXXX

BUTTERFIELD TRAIL VILLAGE - ALF ADDITION
1923 E JOYCE BLVD, FAYETTEVILLE, AR 72703

CLIENT / CONSULTANTS

Butterfield TRAIL VILLAGE
LIVING YOUR Best RETIREMENT

KEY PLAN

STATEMENT

SEAL
SCHEMATIC DESIGN

NOT FOR CONSTRUCTION

INFO
Chancey
ARCHITECTURE
Tampa
1226 East 7th Avenue, Suite 400, Tampa, FL 33605
Tel 813-247-3500 Fax 813-247-3507
Seagrove
5395 East County Highway 30A, Suite 108
Seagrove, FL 32459
Tel 850-231-3553
www.chancey-design.com

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: October 13, 2025

SUBJECT: **CUP-2025-0043: Conditional Use Permit (3600 S. TOWER CIRCLE/ GLENN, 284):** Submitted by LAUREN GLENN for property located at 3600 S. TOWER CIR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.21 acres. The request is for a home occupation.

RECOMMENDATION:
Staff recommends approval of **CUP-2025-0043** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0043**, finding:*

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

BACKGROUND:
The subject property is located in north west Fayetteville roughly 450 feet east from the intersection of N. Rupple Road and W. Thames Drive. The property is developed with a single-family residence constructed in 2004, per Washington County records. The subject property is located in the Salem Village Planned Unit Development (PUD) in 1997 and was later rezoned to RSF-4, Residential Single-Family, 4 Units per Acre. Surrounding land uses and zoning are provided in *Table 1*.

Table 1
Surrounding Land Use and Zoning

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

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

Request: The applicant requests a conditional use permit to conduct a spray tanning business. This use is classified as Use Unit 24: Home Occupation, which is permitted conditionally in RSF-4 zoning.

The applicant has described the business as follows:

- Business size: Approximately 1,954 square feet in the home – 110 square feet in the garage where the business is located.
- Hours of operation: Monday – Sunday 8:00 am- 10:00 pm (appointment only)
- Number of Employees: One full-time employee who lives at the subject property
- Patrons: 1-2 average per day; 5 per week

Public Comment: Staff has received four public comments in opposition of the request citing the neighborhood's POA covenants does not allow for home businesses and that the increase in traffic may disrupt the area.

RECOMMENDATION: Staff recommend approval of **CUP-2025-0043** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the home occupation (spray tanning business) to be compatible with the surrounding neighborhood and the City's long-range plans for the area;*

2. **This conditional use permit is limited to the use of a home occupation at the property, as described in the applicant's request letter. The following specifications apply:**
    - Business size: Approximately 1,954 square feet in the home, including garage – 110 square feet in the garage where the business is located.
    - Hours of operation: 7 days a week, 7:30 am – 5:30 pm (appointment only)
    - Number of Employees: One full-time employee who lives on the property

3. **Home occupations are subject to 163.08, Home Occupations standards;**

4. **The applicant shall reapply with the Zoning and the Development Administrator for a conditional use permit for Use Unit 24 one year after Planning Commission approval (set to expire September 22, 2026)**

5. **The applicant shall meet Arkansas Fire and Building code requirements prior to obtaining a business license.**

6. **The applicant shall meet the parking standards as outlines in 172.11 that only allows a maximum of four vehicles on a property in single family zoning district.**

7. **Approval of this conditional use permit does not ensure approval of a development application. The conditional use permit grants the applicant rights to submit a development proposal based on the conceptual layout included herein. The applicant shall comply with all other development requirements, including but not limited to, tree preservation, drainage, exterior lighting, utility installation, and Fire Department access standards. These details shall be reviewed with the development application;**

8. **Any future expansion or change in the use shall require Planning Commission approval; and**

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 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 a conditional use permit for Use Unit 24 in the RSF-4 zoning district.**

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.07 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, with the necessary conditions of approval, that granting the requested conditional use will not adversely affect the public interest. Home occupations are a conditional use in this residential zoning district due to the traffic and noise generating nature. With the applicant confining the business to the garage and with the appropriate conditions of approval in place that limit nuisance effect spillover, staff finds that the surrounding residents are unlikely to experience disruptions or impact. The home is located on W. Clabber Creek Boulevard, a collector street for the development, which is likely to support minor traffic generation. Further, the anticipated customer count is minimal with an estimated 5 a week. Any future expansion of the home occupation that would increase impact would be subject to additional review.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing home occupations Unified Development Code §163.08, Home Occupations.**

A. Exterior Alterations.

a. No exterior alterations of the structure may be made which are of a nonresidential nature.

Finding: **The applicant has not stated that they intend to make alterations to the home.**

B. **Sign/Evidence of Business.**

a. No advertising, display, storage or other external evidence of business shall be permitted, except that for each dwelling unit with a permitted home occupation, one (1) unanimated, non-illuminated home occupation sign which identifies the home occupation shall be permitted, if such sign is erected flat against a wall or door or is displayed in a window, and does not exceed three (3) square feet in area. No freestanding signs shall be permitted for home occupations in any zone.

Finding: **The applicant has stated that no signs would be present on the property. If the applicant intends to place a sign on the property, it will be subject to the limitations as listed above.**

C. Employees.

a. No person may be employed other than a member of the immediate family residing on the premises.

Finding: The applicant has stated that the only employee would be themself.

D. Mechanical Equipment.

a. No mechanical equipment may be used which creates a disturbance such as noise, dust, odor, or electrical disturbance.

Finding: The operation of the business would be enclosed via the garage that would contain the minor mechanical noise that would emanate from the mechanical equipment.

E. **Parking.**

a. No parking spaces other than normal residential parking spaces shall be permitted.

Finding: The applicant has stated that they intend to use off-site parking via the property's driveway and would use the on-street parking of S. Tower Circle and W. Clabber Creek Boulevard. However, a condition of approval required by the Fire Department is that the applicant shall not use these streets to provide parking and must use the driveway. The subject property has a driveway that is 17 feet wide, which would be able to adequately handle the owner's and a customer's vehicle. Staff finds that the driveway would be able to sufficiently meet the standards outlined in 172.11.

F. Additional Regulations. Home occupations in an RSF District shall be subject to the following additional regulations:

a. **Term.** No conditional use permit for a home occupation in any RSF District shall be issued for a period exceeding one year, but such a permit may be for a period shorter than one year. Upon expiration of a conditional use permit, the Zoning and Development Administrator shall have the authority to renew a conditional use permit for the same period as originally authorized, if the Zoning and Development Administrator has received no complaints or opposition from residents of the neighborhood in which the home occupation is located. The Zoning and Development Administrator may refer any proposed renewal of a conditional use permit to the Planning Commission for final decision.

b. **Hours**. No home occupation shall be open to the public earlier than 7:30 a.m. or later than 5:30 p.m.; provided, the Planning Commission may vary the restrictions imposed hereby upon a determination that such a variance will not adversely affect the health, safety, peace, tranquility, or welfare of the neighborhood in which the home occupation is located.

c. **Traffic.** No home occupation shall be allowed in an RSF District if the Planning Commission determines that the home occupation would generate such excessive traffic as would adversely affect the safety, peace, tranquility or welfare of the neighborhood.

Finding: Staff has reviewed the application and subject property to ensure that the added conditions of approval would adequately meet the standard's term, hours, and traffic requirements.

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

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

Finding: **Access to the property occurs through an existing driveway to the rear of the property via an alley. No change to the existing access features is being proposed or recommended by staff, given that no major improvements are being made to the site. There is currently existing sidewalk along the property's frontage, which extends both west and east along S. Tower Circle and W. Clabber Boulevard.**

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

Finding: **The applicant has stated that they intend to use the property's driveway for customer parking with one reserved for the property owner and another for a customer.**

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

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

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

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

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

Finding: **Staff does not recommend any additional screening at this time.**

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

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

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

Finding: **The existing appears to comply with setback regulations of the underlying RSF-4 zoning district.**

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

Finding: **Use unit 24 is a conditional use as home occupations create nuisances through traffic, parking, noise, and other factors. With the appropriate conditions in place that prevent these impacts, Staff finds that the proposed use could be compatible with the surrounding properties. The proposed home occupation may in fact be positively contributing to the neighborhood environment by activating the neighborhood for local services.**

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

Finding: **Staff finds the proposed use to be compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. This helps contribute to City Plan 2040 goal number 3, which calls for opportunities to allow for a mix of uses that can allow for residents to live, work, and play in their area.**

BUDGET/STAFF IMPACT:
None

Attachments:

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

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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)

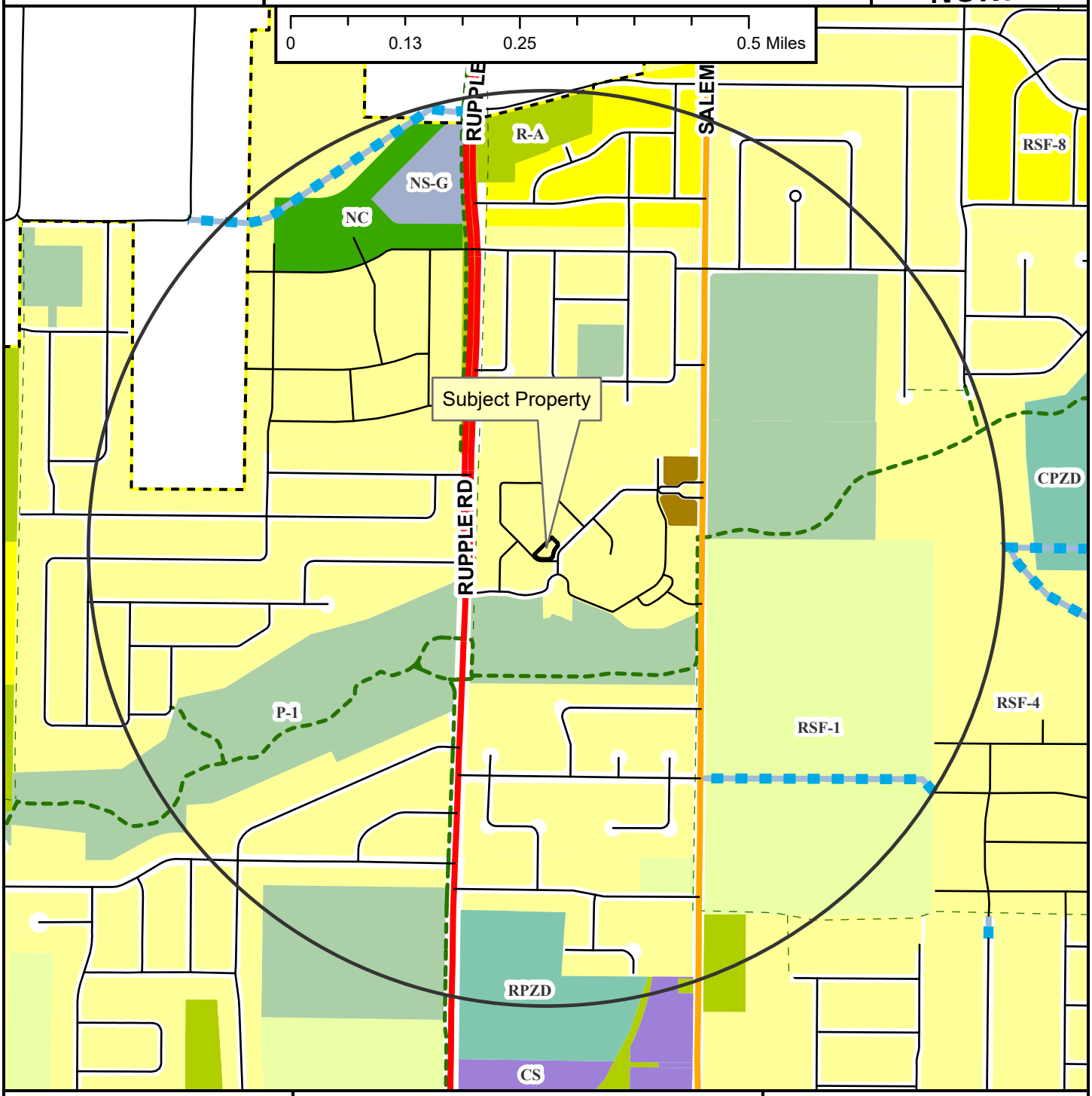
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 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.

CUP-2025-0043

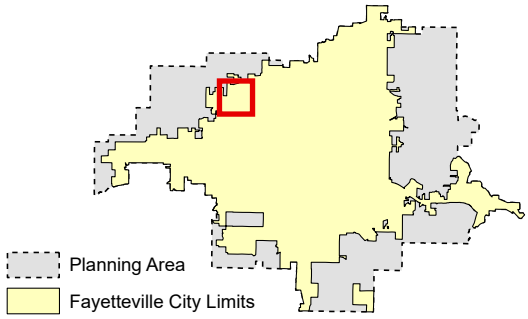
One Mile View

3600 S TOWER CIR

NORTH



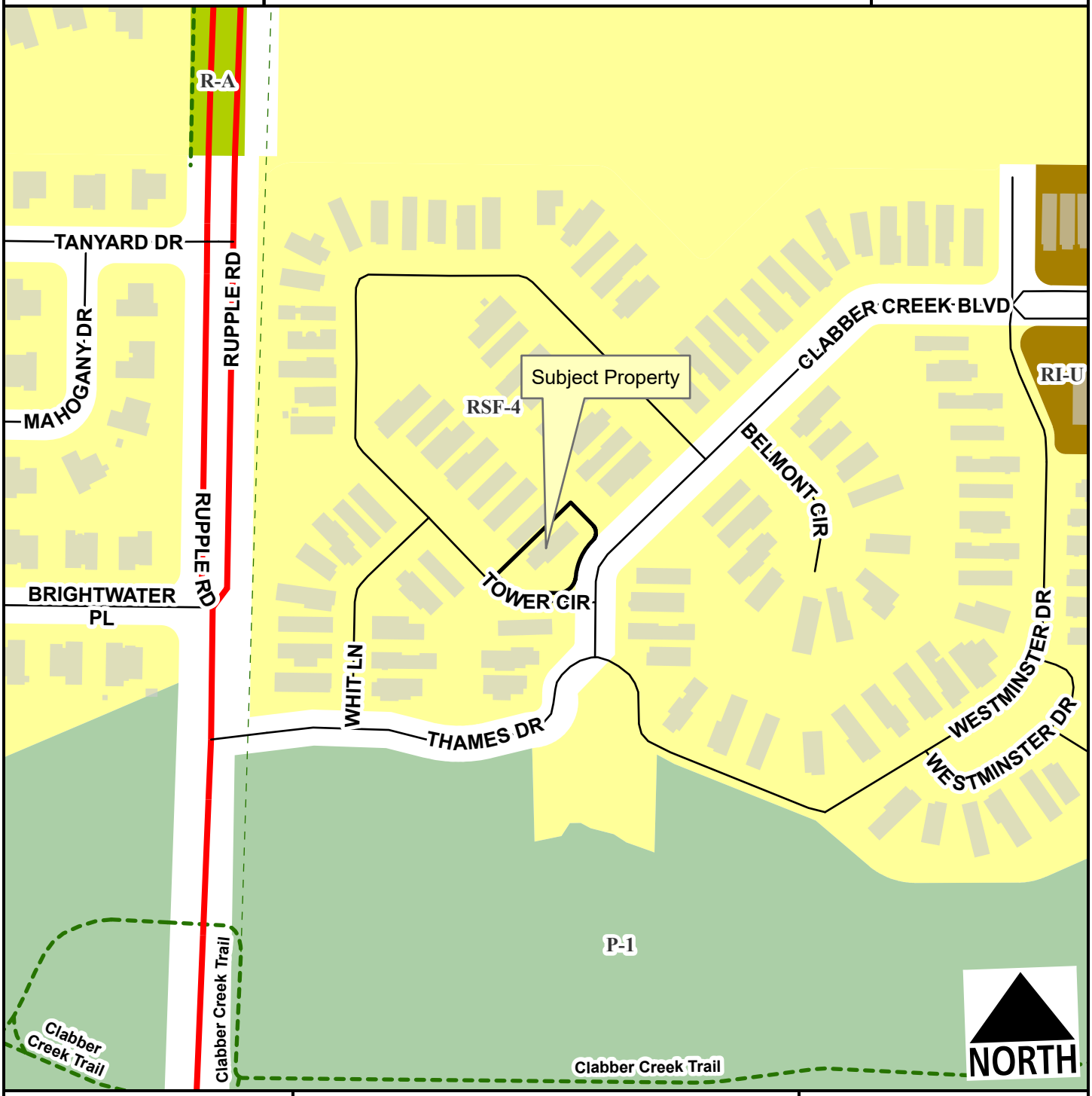
- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



CUP-2025-0043

Close Up View

3600 S TOWER CIR



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

Feet

0 75 150 300 450 600

1:2,400

CUP-2025-0043

Current Land Use

3600 S TOWER CIR

NORTH



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

Feet

0 112.5 225 450 675 900

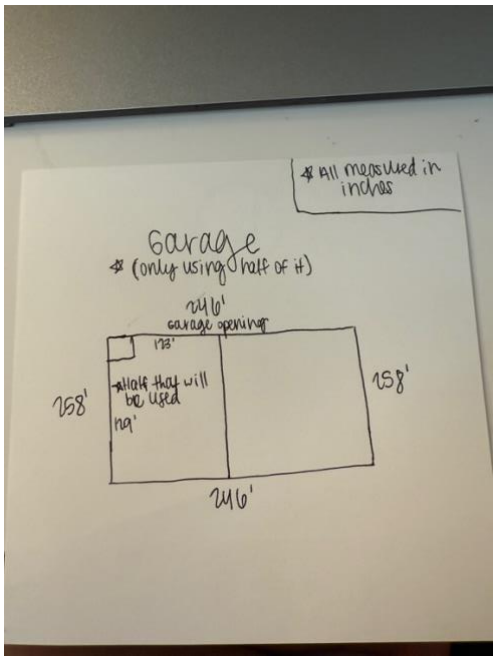
1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

1.

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

- Whole house: 1,954 square feet
- Garage (where the business will be used): 123w x 129l
    - I converted it to feet and found the square footage and it should be 110.19 square feet.
- 

- (b) Color elevations of all exterior sides of the structure





- 
- 

- 
- 

- Color: tan all the way around
- Siding all the way around

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

• One in driveway, if that is full- one on the side of the lot or by the front of the house

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

-Hours of operation: Monday-Sunday, 8:00am-10:00pm. By appointment only. There won't be any signs as I will instruct them beforehand where to park when they get there.

-Number of employees: 1 (myself)

-Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour): 5 per week, 15 min appointments

(e) Outdoor lighting: garage lighting, outdoor lights by door; no add ons

(f) Noise: minimal, sounds like a vacuum. Equipment is a spray tan gun with a hose attached, and there is solution connected to the bottom of the gun to give the spray tan.

(g) Screening or buffering from adjacent properties: none

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

- a Will just use regular trash bin that is picked up weekly by the city. Minimal trash used in this job.

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

- a Appointments are one person/one car at a time and take 15 minutes. They will come to my house and park in the driveway and leave right after their appointment. They will access my property by driving to it.

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

- a You will not notice it as it's in my garage and it is always closed when appointments come in and out. It does not harm the area in any way as there is a tent provided in my garage.

Frank, Wes

From: Planning Shared
Sent: Thursday, September 18, 2025 8:42 AM
To: Frank, Wes
Subject: FW: CUP-2025-0043 3600 S Tower Cir

For you

Thank you

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

CITY OF FAYETTEVILLE ARKANSAS

From: Anonymousemail <noreply@anonymousemail.se>
Sent: Wednesday, September 17, 2025 11:25 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: CUP-2025-0043 3600 S Tower Cir

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.

Powered by **Anonymousemail**

Hello there! I'm writing to express my concern about the commercial spray tan business being opened in a home in our neighborhood. This goes against our POA laws that they agreed to when they moved in. This uptick in traffic is also going to be dangerous for the children who walk around in a normally quiet neighborhood and arent used to so many vehicles coming through and add to the parking troubles already happening here. Please do not approve this. This business should open in a commercial space, not in a neighborhood. Again, we appeal to you to please shut this down. Thank you for your time.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: October 13, 2025

SUBJECT: **CUP-2025-0045: Conditional Use Permit (4147 W. MARLOWE LN./PARNELL, 439):** Submitted by JAMIE PARNELL for property located at 4147 W. MARLOWE LN. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.10 acres. The request is to use the residence as a short term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2025-0045** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0045**, 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 in west Fayetteville approximately 200 feet east of the N. Keats Drive and W. Persimmon Street intersection. It contains one parcel totaling 0.10 acres which is developed with a single-family home that was built in 2006 as part of the Rupple Row subdivision. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap from two percent of all dwelling units to 475 units city wide. This report reflects those changes. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RPZD, Residential Planned Zoning District
South	Single-Family Residential	RPZD, Residential Planned Zoning District
East	Single-Family Residential	RPZD, Residential Planned Zoning District
West	Single-Family Residential	RPZD, Residential Planned Zoning District

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

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

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0045** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*

2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code;

3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval;

4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental;

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers, and business seminars are prohibited from occurring in the short-term rental;

6. No recreational vehicle, trailer, other vehicle, or structure not classified as a permanent residential dwelling may be used as a short-term rental;

7. All trash receptacles shall be screened from view of the right-of-way;

8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting;

9. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs; and

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 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 a conditional use permit for a Type 2 short-term rental in the RPZD zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

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

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

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

(c.) The Planning Commission shall certify:

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

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

§163.18. SHORT-TERM RENTALS.

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

Finding: **The request is to operate a Type 2 short-term rental in the associated RPZD. All residential PZD's require a conditional use permit for use unit 46.**

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

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

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

Finding: **Parking for single-family dwellings is required to be provided at a rate of two spaces per unit and up to four vehicles are permitted to be parked outdoors at any given time. The applicant indicated that there are two off-street spaces in the driveway. To ensure that there is sufficient space for fire access, no vehicles will be permitted to park on W. Marlowe Lane.**

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

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

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

Finding: **The application is for use of the property at 4147 W. Marlow Lane. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

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

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 475 units. As of October 1, 2025, the City had issued 341 Type 2 short-term rental business licenses, 118 were under review for renewal and 8 additional remain in the queue for processing. An additional 66 are on the waitlist. Granting a conditional use permit for this location would give the applicant the zoning entitlement necessary to apply for a business license, but it would not guarantee approval of a business license.**

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

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

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

1. Adequate parking infrastructure;

2. Adequate adjoining or nearby streets for on-street parking;

3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4. Prior zoning or code violations; and

5. Proximity to public or private K-12 schools when the proposed property is within 1,000 feet of the school boundary line.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. With two off-street parking spaces available, the subject property would be able to adequately meet the parking standards for a residential single-family. City records indicate that seven other units, or roughly 2% of estimated housing units, within a quarter-mile radius of the property have a business license to operate as a Type 2 short-term rental. Staff finds the applicant's request to be suitable given the low concentration of licensed short-term rentals nearby. The property is within 1,000 feet of a public or private K-12 school – Owl Creek School.**

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

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

(a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience,

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

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

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

Finding: **A total of two off-street parking spaces are available in a paved driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of four vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes to utilize existing residential trash cart services. Staff recommends a condition confirming that the containers are stored in a location that is screened from public view when not placed at the curb for pick-up.**

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

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

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

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

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

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

(g.) Required yards and other open space;

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

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

Finding: **Staff finds the proposed use to be compatible with surrounding properties. There are seven other licensed Type 2 short-term rental within a quarter-mile radius with one currently operating along N. Marlow Lane. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request.**

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

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

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

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

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(9) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, 'availability' means that the owner or agent is accessible

by telephone, and, able to be physically present at the short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

(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. 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.

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

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

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

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

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

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

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

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

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

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

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

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

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

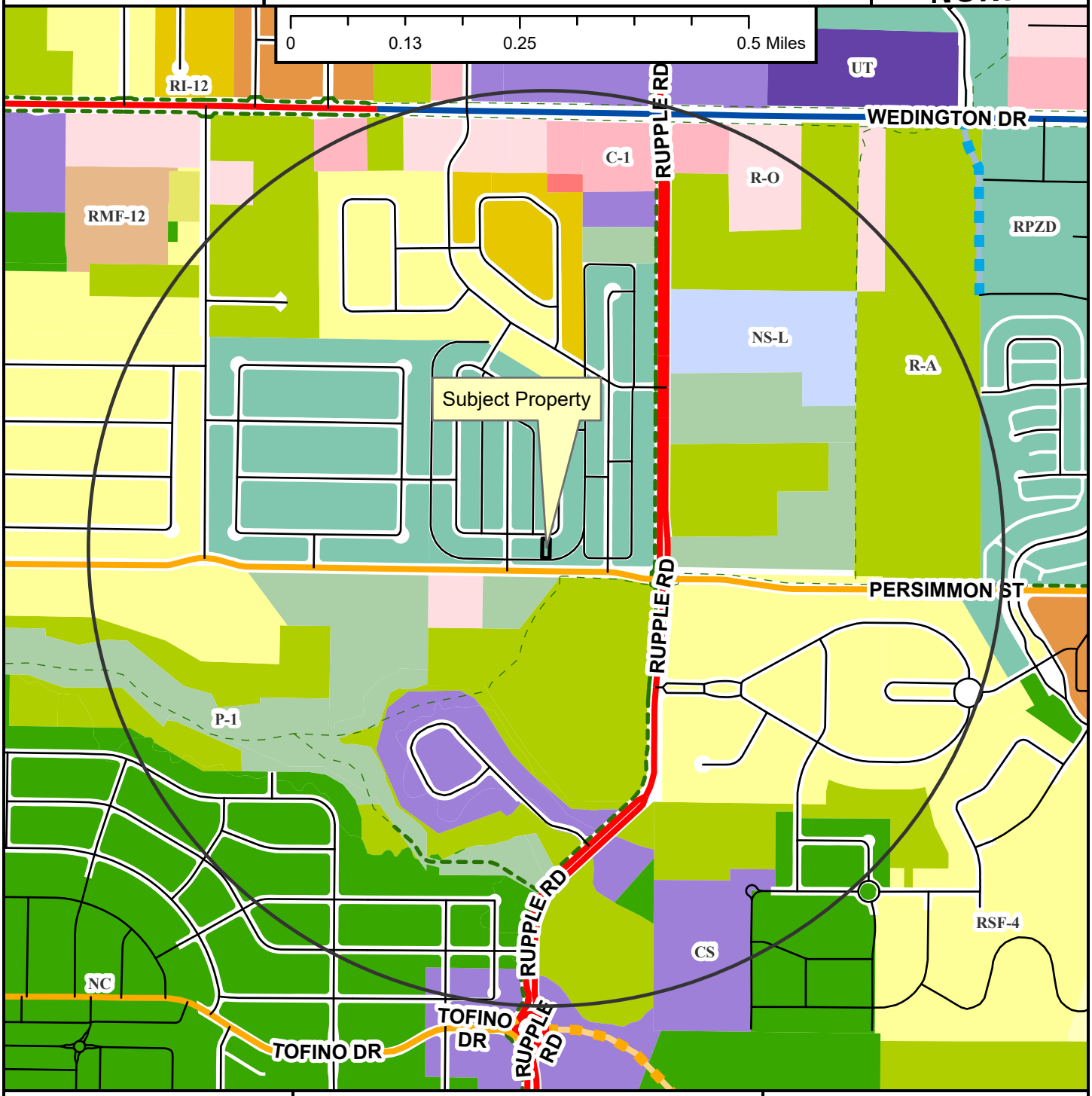
4) Prior zoning or code violations

CUP-2025-0045

One Mile View

4147 W MARLOWE LN

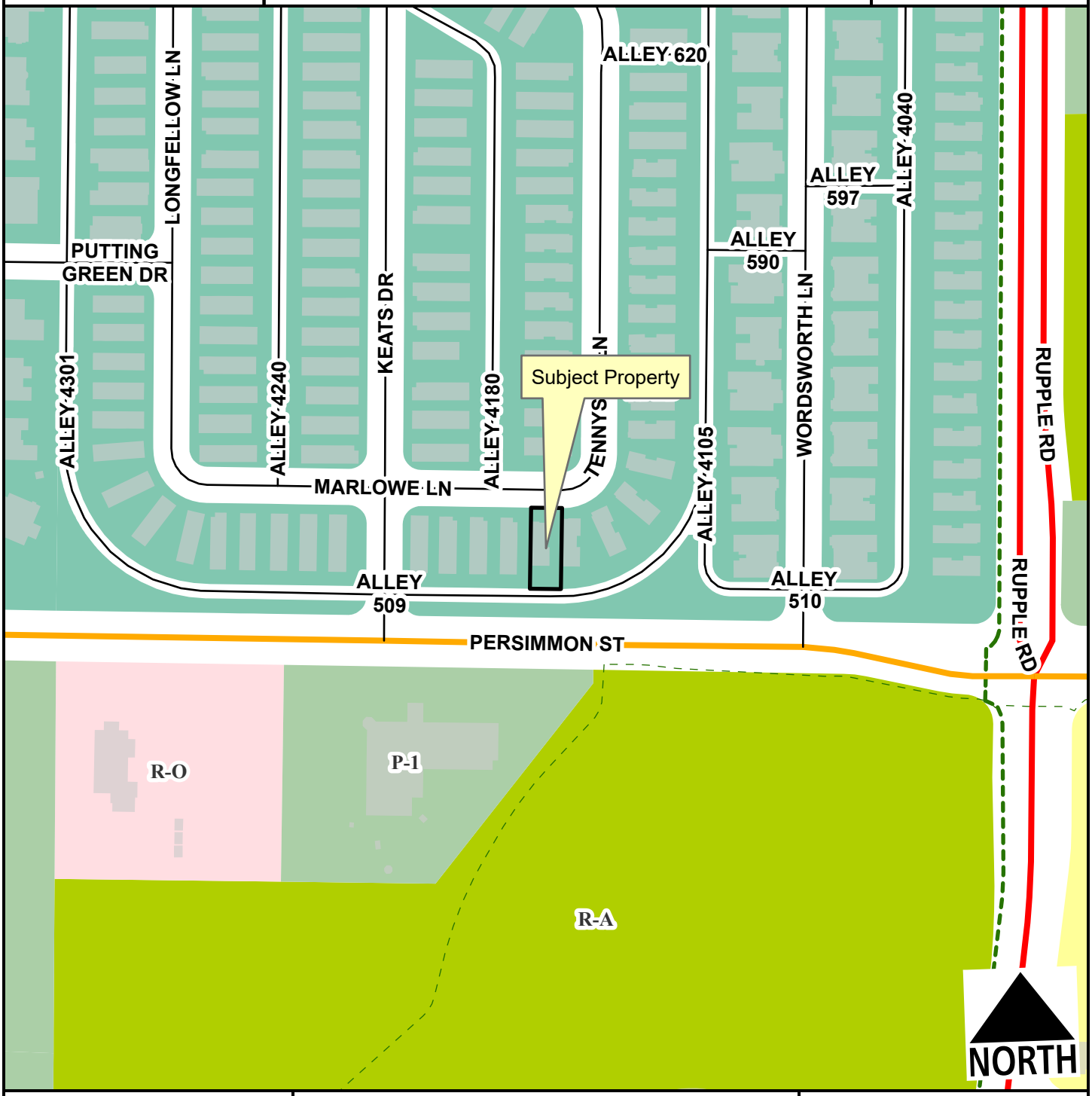
NORTH



CUP-2025-0045

Close Up View

4147 W MARLOWE LN



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

Feet

0 75 150 300 450 600

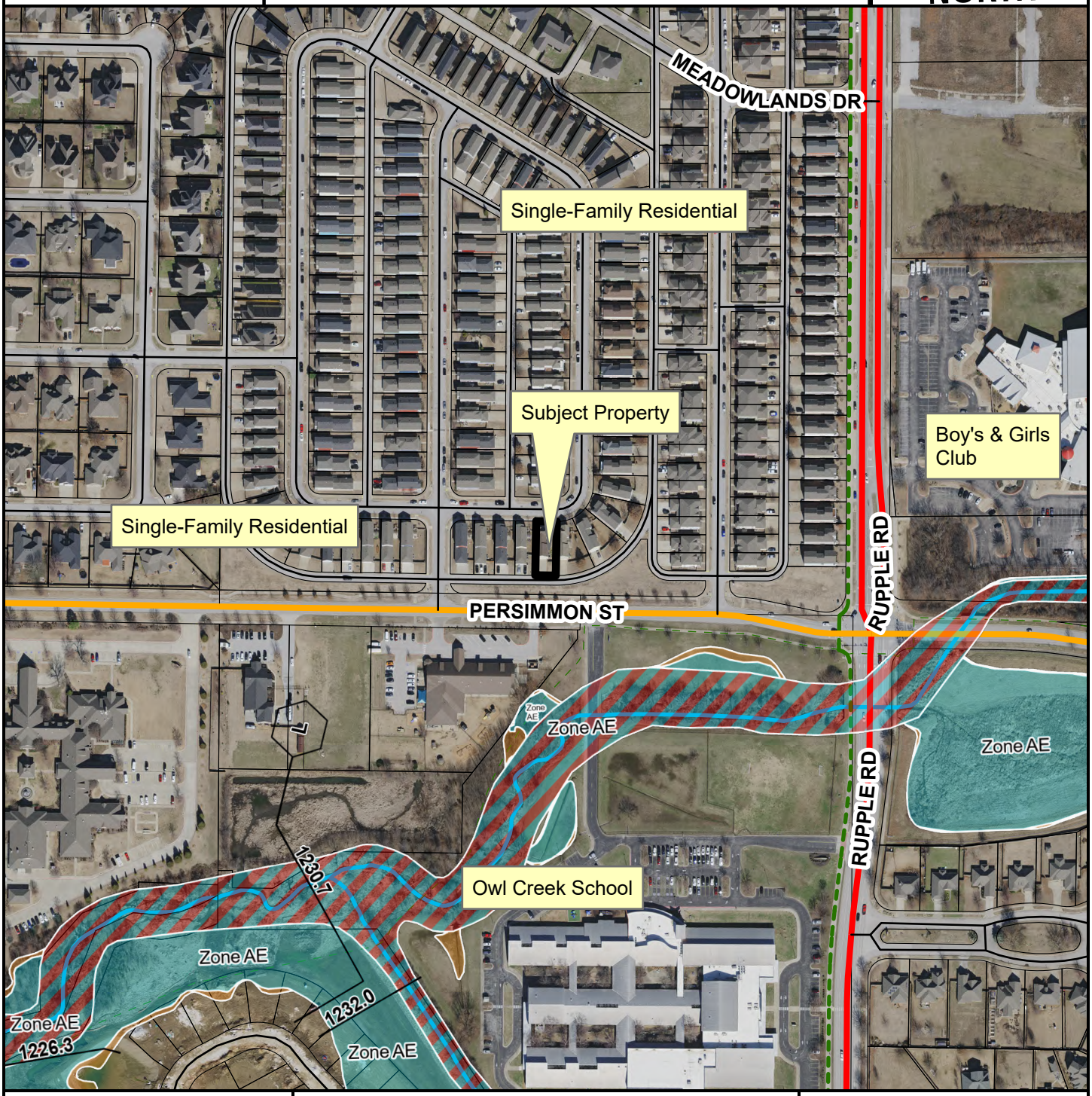
1:2,400

CUP-2025-0045

Current Land Use

4147 W MARLOWE LN

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

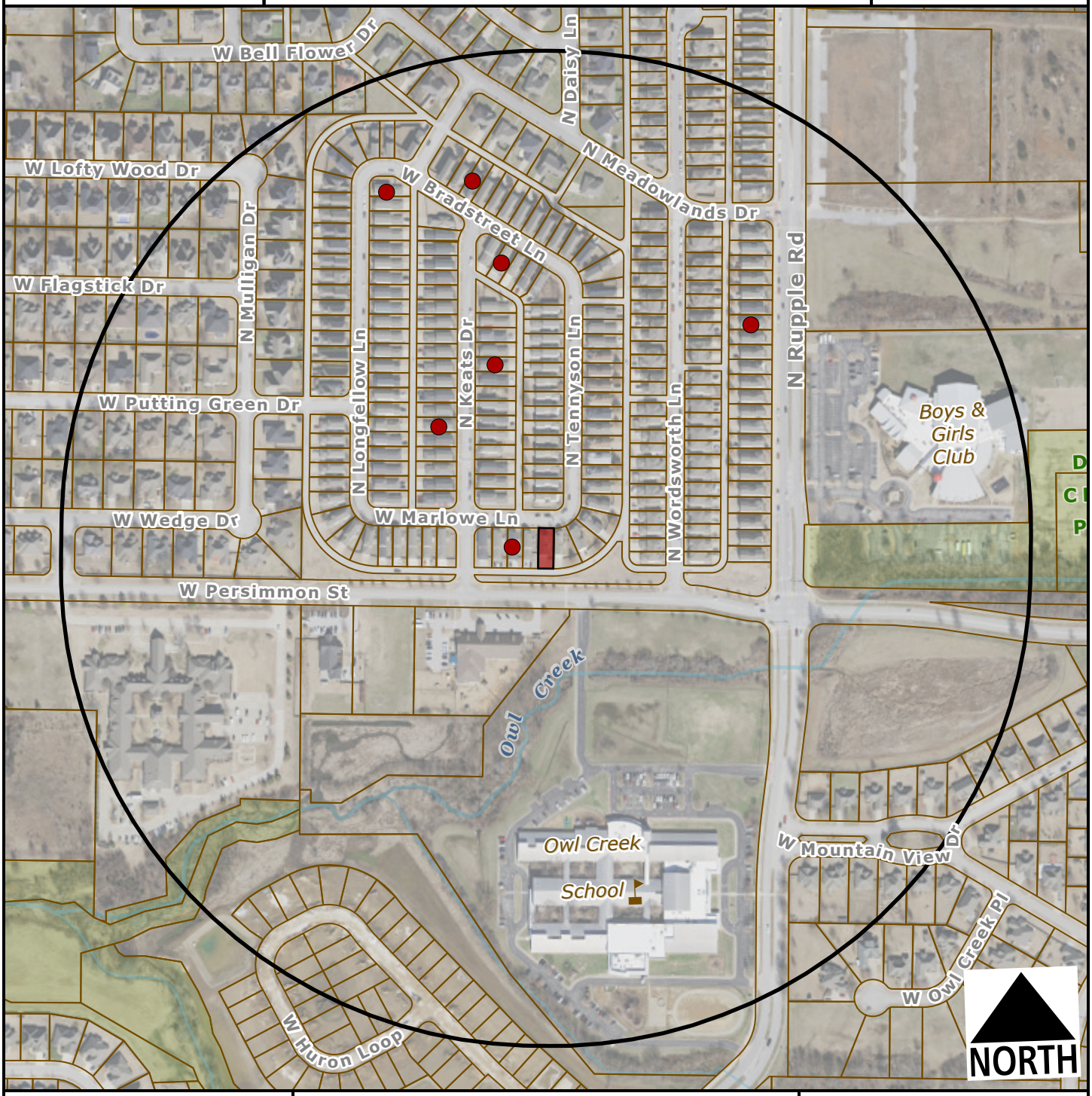
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2025-0045

STRs Within 1/4 Mile

4147 W MARLOWE LN



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Within 1/4 Mile

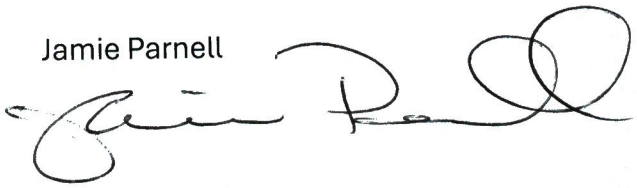
Type 2 STRs: 7

Occupiable Residential Addresses (Estimated Housing Units): 315

August 25, 2025

I, Jamie Parnell owner of 4147 Marlowe Lane Fayetteville, AR 72702 am requesting a permit for a short term rental.

Jamie Parnell



Answers to Question 3

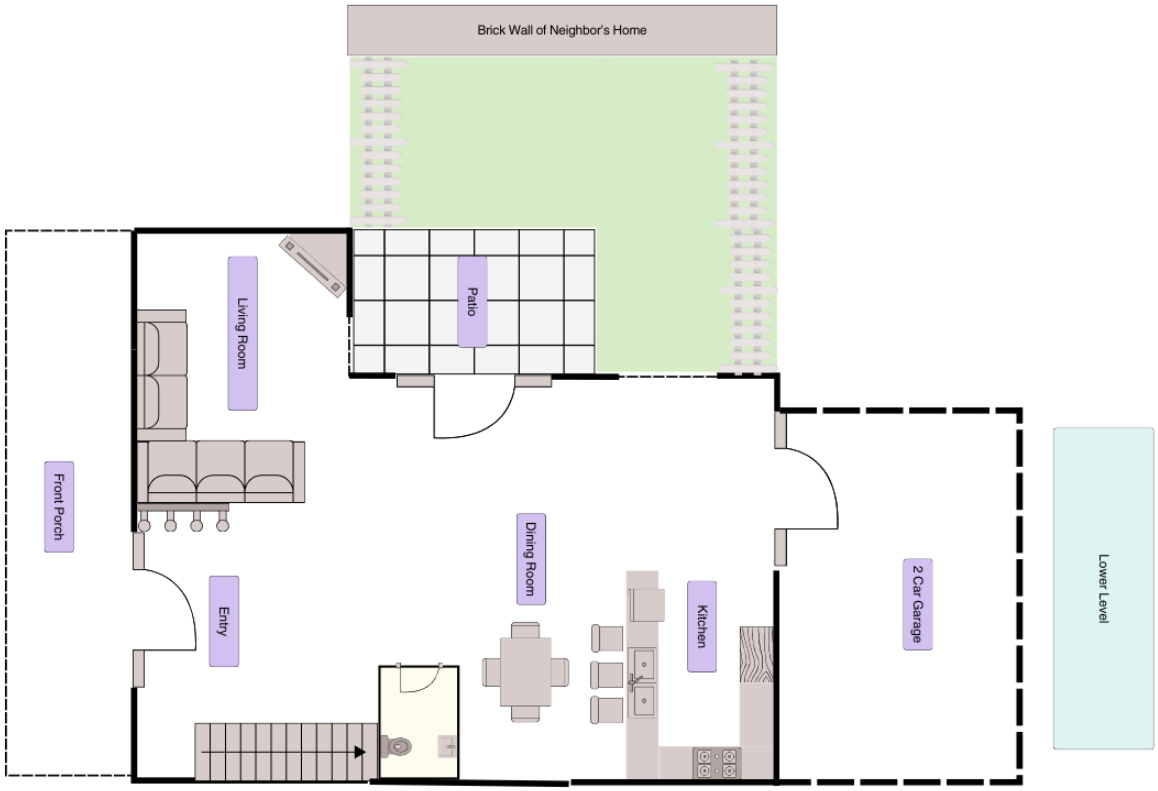
a. 1827 square feet
b. Brick & gold siding with white trim detached 2 story townhouse 3 bedrooms 2 ½ bath with 2 car garage.
c. No designated spaces street parking first comes first serve. Renters will have 2 designated spots in back at the garage entrance.
d. 24-hour rental on weekly or monthly basis. No employees and the property hold 8 guest max
e. Porch lights, side lights, carport lights, night sensor lights.
f. Quite neighborhood some traffic noise
g. Side yard fenced in
h. City trash/container picked up weekly
i. Normal traffic 2 entrances and exits to subdivision from N Rupple Road to N Keats Drive
j. Owned since 2010 always been a rental mostly to college kids. We are wanting to change it to short term so we can use the property to visit our grandkids. We have had problems finding responsible college kids, and have had to do repairs, and want to be able to use the property as we need to.

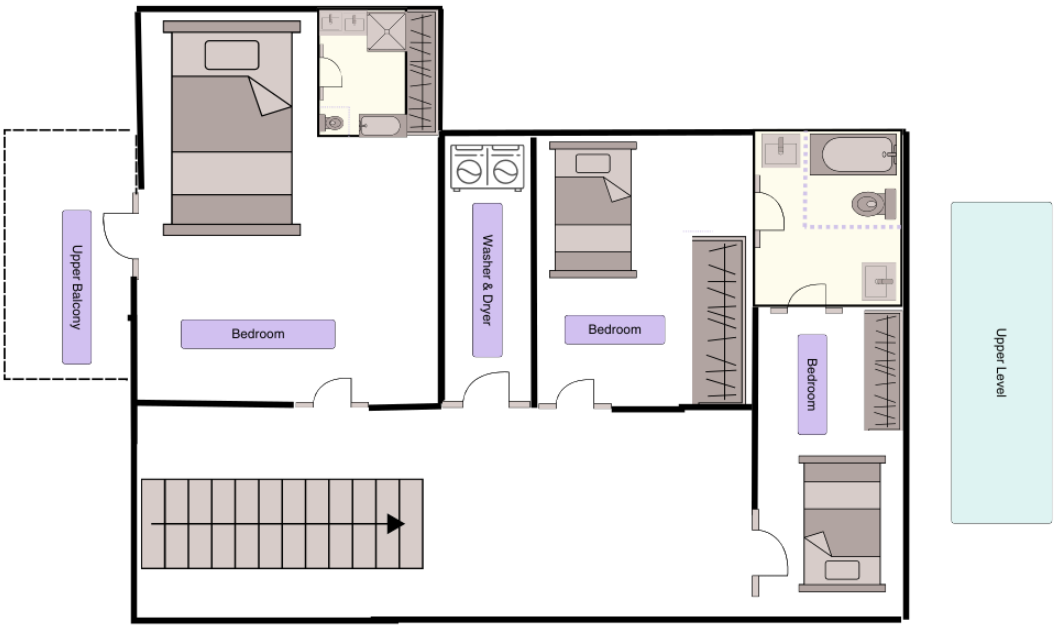







535
W Marlowe Ln
171
4165
4153
4147
4135
4123
W Persimmon St


Brick Wall of Neighbor's Home
Patio
Living Room
Front Porch
Entry
Dining Room
Kitchen
2 Car Garage
Lower Level


Upper Balcony
Bedroom
Washer & Dryer
Bedroom
Bedroom
Upper Level

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: October 13, 2025

SUBJECT: **CUP-2025-0047: Conditional Use (645 W. CATO SPRINGS RD./WEAVER, 639):** Submitted by GUANGYU ZHU-WEAVER for property located at 645 W. CATO SPRINGS RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.19 acres. The request is for a duplex.

RECOMMENDATION:
Staff recommends denial of **CUP-2025-0047** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP 2025-0047** 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 south Fayetteville across the street from the Arkansas Research & Technology Park, approximately 950 feet west of the S. School Avenue and W. Cato Springs Road intersection. The 0.19-acre subject property is zoned RSF-4, Residential Single-Family, 4 Units per Acre, and is part of the Meadowlark development. The subject property is not located in the Hillside/Hilltop Overlay District. The property was part of a lot split to divide the principle lot into two (LSP-2024-0039); the subject property is the split, vacant lot. Surrounding land use and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

North	University of Arkansas – Research & Technology Park	UC, Urban Corridor
South	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
East	Single-family Residential	RSF-4, Residential Single Family, 4 Units per Acre

FUTURE LAND USE DESIGNATION: **Residential Neighborhood, Fayette Junction Neighborhood**

Request: The applicant requests approval of a conditional use permit for the development of a two-family dwelling on the subject property. Two-family dwellings (Use Unit 9) are conditional use in the underlying RSF-4 zoning district. A site plan, building floor plans, and elevations have been provided, though the project would be fully reviewed for compliance with the City's development

standards at the time of the permit submittal.

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

RECOMMENDATION: Staff recommends denial of **CUP-2025-0047.** Should the Planning Commission choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for two-family structures for 645 W. Cato Springs Road.** *Staff finds the proposed two-family structure use is incompatible for the reasons outlined in this report;*

2. **Any proposed two-family structure shall be fully compliant with 166.23, Urban Residential Design Standards.**

3. **The proposed two-family structure at 645 W. Cato Springs Road shall be limited to a maximum of habitable space of 2,800 gross square feet.**

4. **Any future expansion or change in the use shall require Planning Commission approval.**

5. **Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is valid for one year; and**

6. **Approval of this conditional use permit does not constitute approval of associated building plans or permits. The conditional use permit grants the applicant the right to submit a development proposal. The applicant shall coordinate with the City's Building Safety and Engineering Divisions to ensure that all proposed building and site renovations, including improvements to existing or proposed driveways, meet applicable permitting requirements.**

PLANNING COMMISSION ACTION: Required YES
Date: October 13, 2025 ❒ Tabled ❒ Approved ❒ Denied
Motion:
Second:
Vote:

FINDINGS OF THE STAFF

Section 163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for two-family dwellings. Two-family dwellings are conditionally allowed in the RSF-4 zoning district.**

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

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

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

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

Finding: **The Planning Commission is empowered under Chapter §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 would likely adversely affect the public interest, given the scale and lack of compatibility of what the applicant has presented. Approval of this permit would introduce two-family dwellings into the area. Two-family structures, when designed with neighborhood context, can be inherently compatible with single-family dwellings, so from a use perspective, staff takes no issue. Staff finds that the applicant's proposal lacks the same level of neighborhood character as what can be found in the surrounding neighborhood. Dwellings in this area are relatively small in this low-density neighborhood, and the square footage of the proposed duplex greatly exceeds that of nearby developments. Two-family dwellings are subject to compliance with heightened access and**

design standards when compared to single-family dwellings. Given these findings, staff recommends denial of the proposed two-family structure.

(c.) The Planning Commission shall certify:

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

Finding: **Two-family structures are subject to chapter 166.23, Urban Residential Design Standards.**

(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 subject property has frontage and a driveway is proposed to access along W. Cato Springs Road, a Neighborhood Link street. As required in 166.23, a primary pedestrian walkway shall connect to the public sidewalk to allow pedestrians access the two-family dwelling. The applicant has not shown this connection in what has been submitted, which would need to be corrected during permit review. A sidewalk does not exist along the property's frontage, which will be assessed at time of development to ensure that it meets Master Street Plan requirements – 10-foot greenspace and 8-foot sidewalk developed in the right-of-way. Any additional street improvements required along the property's frontage would be determined at the time of development review.**

(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: **Based on the applicant's submittal, there would be sufficient space to park the required amount of vehicles on site per zoning requirements with four spaces in attached garages. The development is subject to compliance with the City's standards for two-family dwellings in single-family zoning districts as described in UDC Chapter 172, Parking and Loading. Staff recommends the design proposed of the rear-loading garage as this helps improve the pedestrian interaction when vehicles are hidden.**

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

Finding: **The applicant has indicated that they intend to utilize residential trash cart services and then placed at the curb for pick-up. Two-family structures are subject to compliance with the City's Urban Residential Design Standards, as outlined in UDC §166.23, which requires screening of trash and recycling facilities.**

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

Finding: **An existing 8-inch water main is present on the north side of W. Cato Springs Road. An existing 8-inch sewer main is present on W. Cato Springs Road. Capacity will be reviewed with future development permits.**

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

Finding: **Staff is not recommending additional screening for the proposed conditional use. The City's Urban Residential Design Standards would require that trash and recycling containers and mechanical and utility equipment be screened from view of the street. The applicant indicated that the carts shall be stored inside the garage.**

(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 the City's sign ordinance and all the regulations therein.**

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

Finding: **Staff finds that the proposed development appears to meet the setback requirements associated with the underlying zoning district based on the site and building plans provided. Compliance with setback and landscaping requirements would be determined at the time of development review.**

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

Finding: **Staff finds the requested conditional use to be incompatible with adjacent properties due to the proposed size. Duplexes have not been developed in this area, so the introduction of one would be unique. What is proposed contrasts with the neighborhood's character of small dwelling units. Conditions limiting the size of the duplex would reduce potential impact to the surrounding areas by helping to conform to the fabric of the neighborhood. The property is near public infrastructure which may not be impacted by what is proposed. Staff finds allowing a duplex in this area is suitable; however, what has been presented would impact the character of the neighborhood in such a way that staff recommends denial.**

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

Finding: **Staff finds the requested conditional use to be compatible with the goals and intent of the City's adopted plans. City Plan 2040 designates the property as Residential Neighborhood Area and Fayette Junction, both designations call for appropriate and increased infill. Staff's recommended size condition for the duplex would be consistent with other nearby single-family dwelling units. The property has an infill score of 7, supporting the two land-use plans' intentions. Allowing the development of a two-family dwelling on this**

property would also be aligned with the goals of City Plan 2040 as it would encourage a wider range of housing types in an area that is appropriate for infill.

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code
    - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Staff Exhibit of Nearby Dwellings and their Livable Square Footage (Washington County records)
- Applicant Request letter
- Site Plan
- Floor Plan
- Elevations

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)

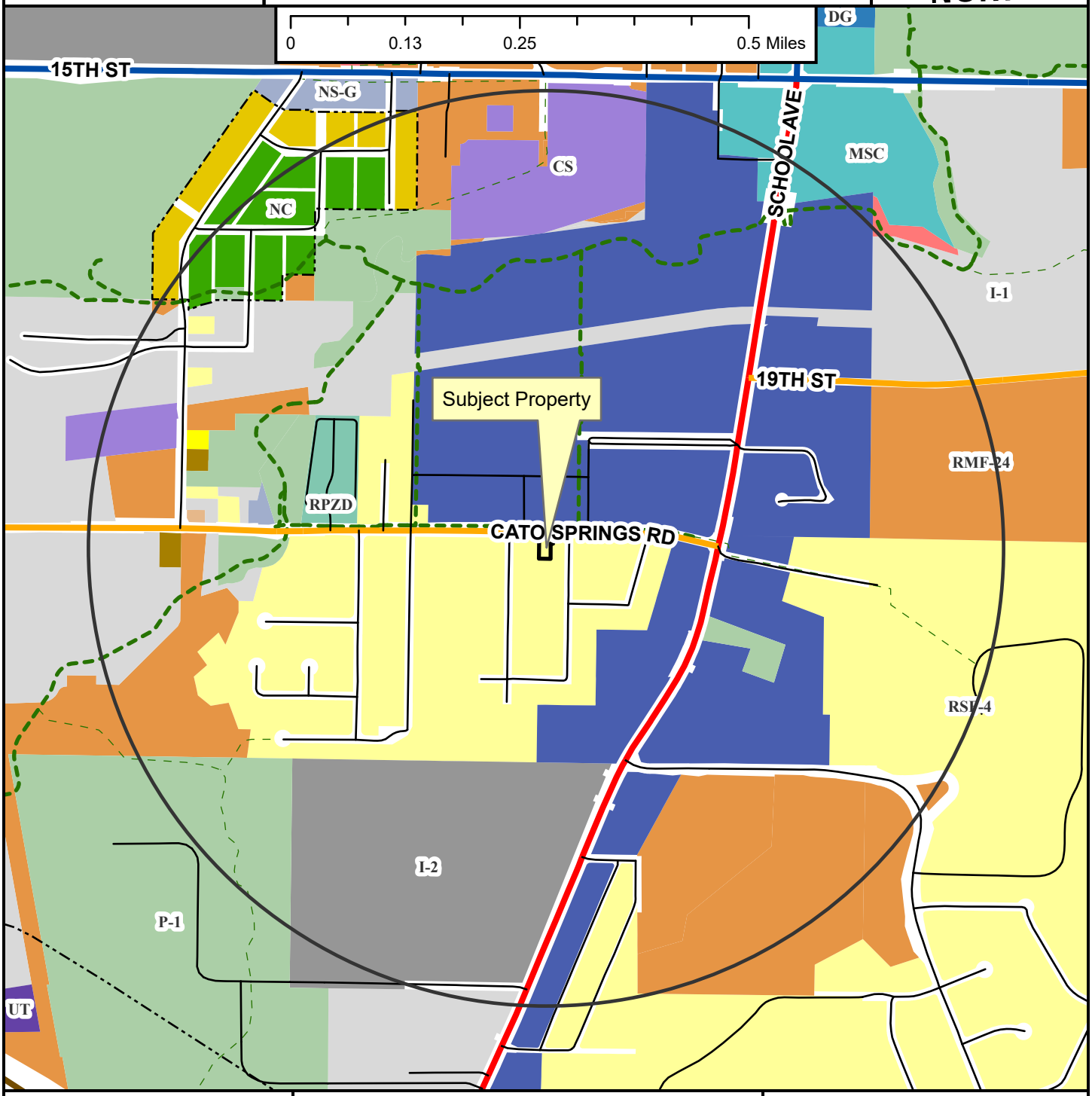
Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

CUP-2025-0047

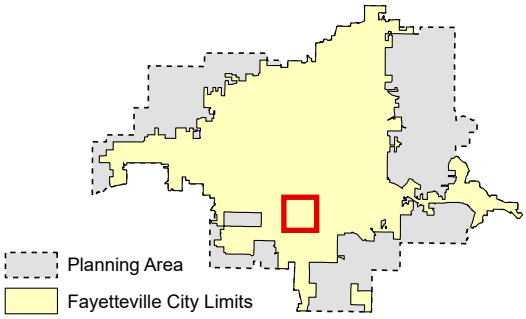
One Mile View

645 W. CATO SPRINGS RD

NORTH



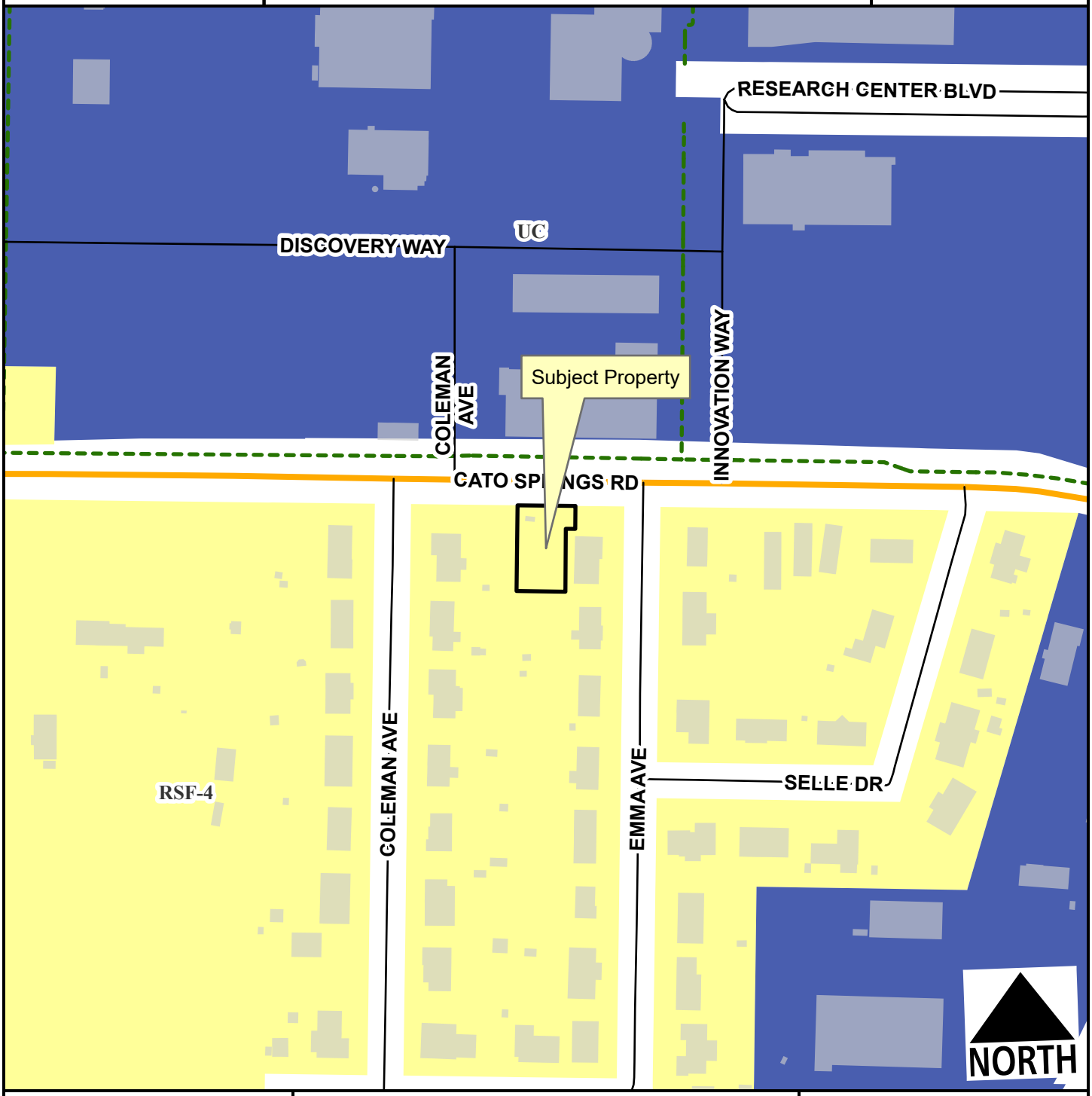
Regional Link
Neighborhood Link
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



CUP-2025-0047

Close Up View

645 W. CATO SPRINGS RD



Neighborhood Link
Unclassified
Residential Link
Planning Area
Fayetteville City Limits
Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

CUP-2025-0047

Current Land Use

645 W. CATO SPRINGS RD

NORTH



- Regional Link
- Neighborhood Link
- 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

Staff Exhibit of Nearby Dwellings and their Livable square footage (Washington County records)



2101 S Emma Avenue
Livable SQFT: 1290



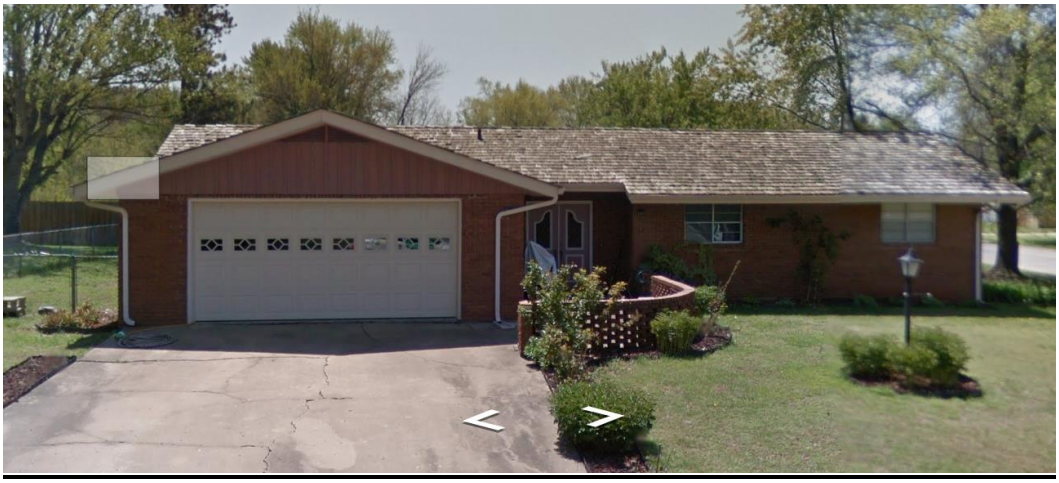
2116 S Emma Avenue
Livable SQFT: 1773



2123 S Laverne Ave
Livable SQFT: 1148



638 Laura Lee Street
Livable SQFT: 2047



545 W Selle Drive
Livable SQFT: 1627

Subject: CUP Request — Two-Family Dwelling (Duplex) with Rear-Loaded Parking

Site: 645 Cato Springs, Fayetteville, AR (Parcel 765-08310-001)

To: Fayetteville Planning Commission / Planning Staff

Dear Planning Staff and Commissioners,

I currently have plans approved under permits RESI-2025-0240 and RESI-2025-0239 for Parcel 765-08310-001 to build a single-family house with a front-loaded garage and an ADU; however, construction has not yet begun. After discussing the plans with builders, we determined that the approved layout's tight turnaround between the two structures creates constructability challenges and would require significant additional dirt work.

If permitted, I plan to:

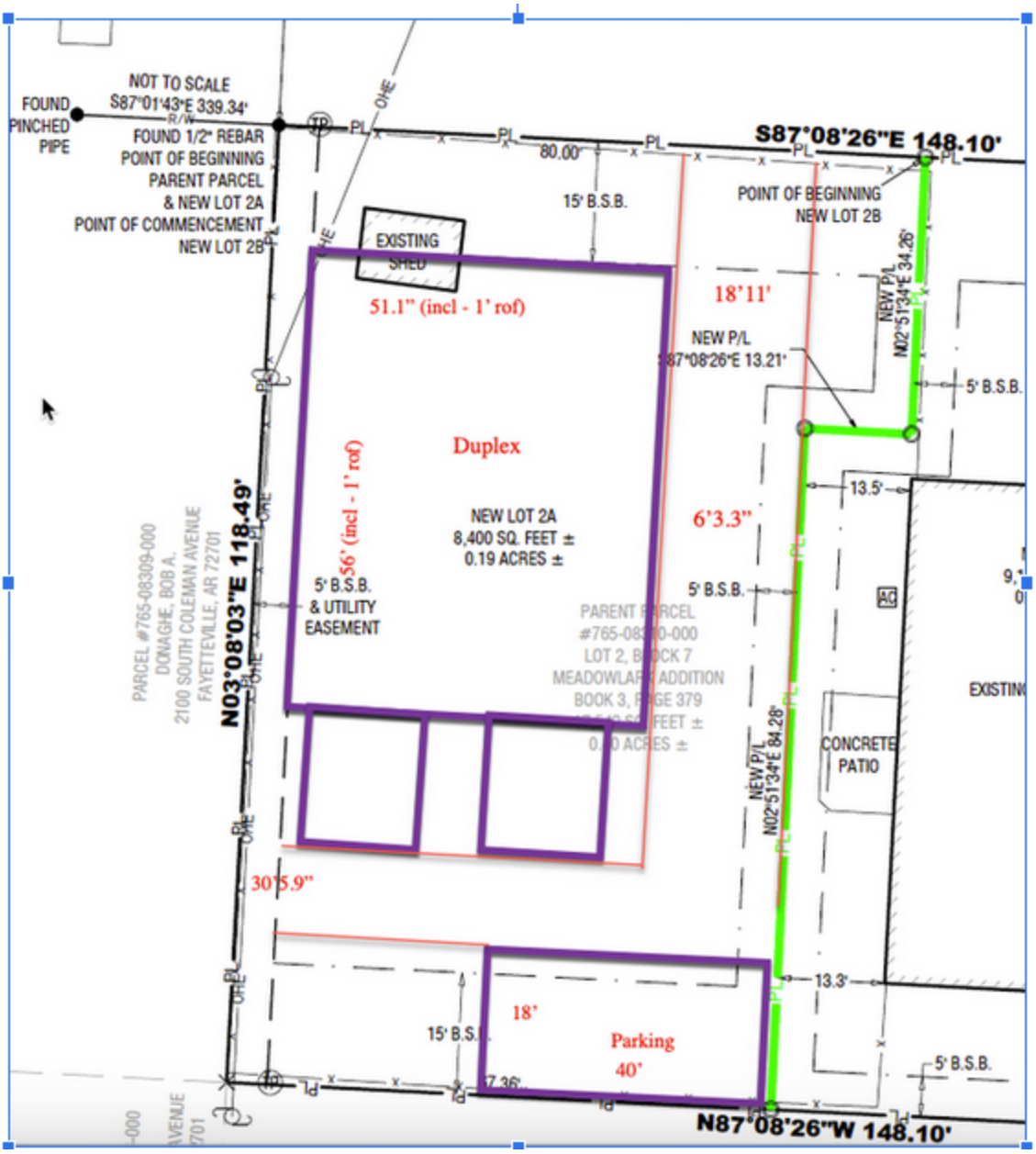
- Build a duplex similar to my house at 776 S Benchmark (see Floor Plan), but with rear-loaded driveway/parking instead of front-loaded garage.
- Reduce impervious area and minimize driveway frontage along Cato Springs Rd.
- Improve safety by eliminating the need for vehicles to back out onto this busy corridor.

Accordingly, I am requesting a Conditional Use Permit (CUP) to allow a safer, more efficient duplex design with rear parking and reduced driveway frontage on Cato Springs Rd. I have submitted a rezoning request under RZN-2025-00433, but following discussion with Planning (Wes Frank) on 9/5/2024, a CUP appears to be the most appropriate path to achieve these goals.

Below are the requested items (a)–(j):

(a) Building size — existing and proposed

- Existing: 0 sq ft (vacant)
- Proposed: 3,866 sq ft total (1,933 sq ft per unit, two stories)
- Footprint: per site plan



(b) Color elevations (all exterior sides)

- Provided at submittal. Exterior to match 776 S Benchmark: fiber-cement lap/panel siding in a light neutral, brick/stone accents, charcoal architectural shingles/standing-seam roof, white windows & doors.

- 

(c) Off-street parking (provided / required)

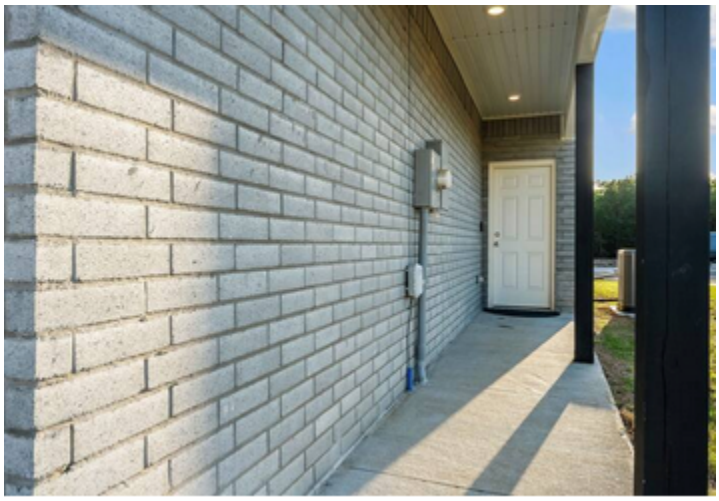
- Required: 0 off street parking. All parking will be on site.
- Provided: 4 on-site spaces (rear-loaded) — 2 spaces per unit. The duplex will have two 2-car garages (one garage per unit), with on-site maneuvering (no front garage doors facing Cato Springs).

(d) Business / non-residential info

- N/A (residential duplex)

(e) Outdoor lighting

- Full cut-off, down-shielded fixtures at entries, rear parking, and egress doors like 776 S Benchmark.

- 
- 

- 

(f) Noise

- Typical residential use only; construction will comply with City noise-hour limits.

(g) Screening / buffering

- foundation landscaping and a light buffer using a shallow swale along residential edges.

(h) Trash & refuse

- Individual rollout carts (one per unit) stored inside the garage, not visible from the street except on pickup day.

(i) Ingress/egress; traffic impacts

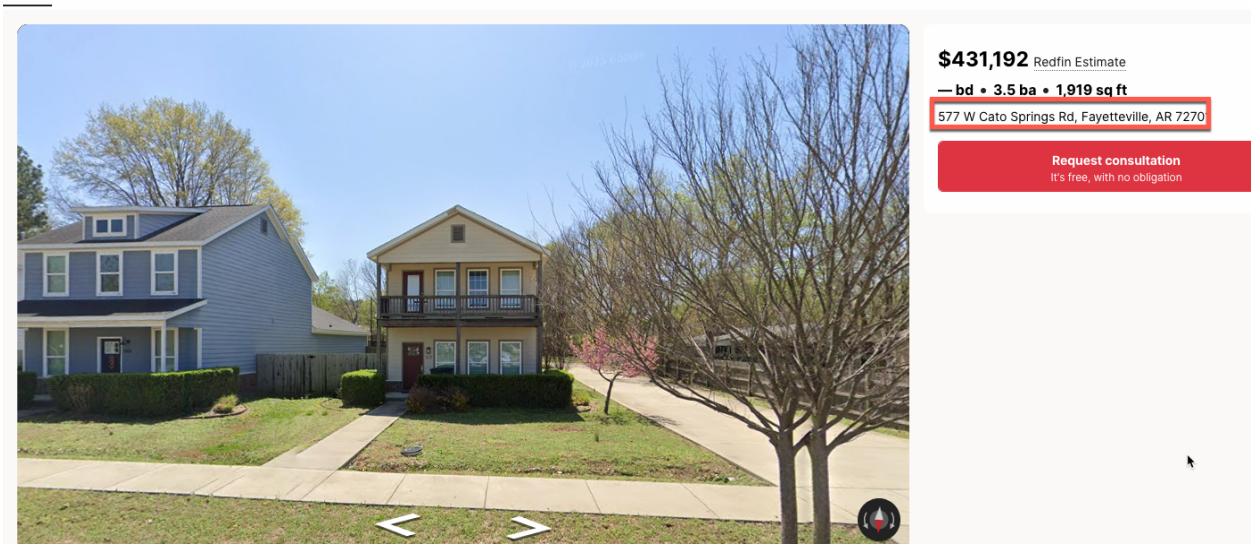
- Access: Rear-loaded driveway/parking to eliminate backing movements to Cato Springs Rd and reduce driveway frontage.

- Traffic: Cato Springs Road is classified as a Neighborhood Link Street (design service volume: <4,000 vpd), intended to connect neighborhoods to arterials and support bike/ped facilities. On-site parking prevents spillover, and the rear-loaded configuration improves operational safety.

(j) Compatibility with adjacent properties / neighborhood

- The duplex is context-sensitive infill that modestly increases housing supply with limited externalities.

- Height, massing, and materials are compatible with surrounding homes and comparable to nearby 2 story new construction at 567 and 577 Cato Springs Rd.

- 

- Public utilities are available; we will comply with all easements, utility clearances, stormwater, and building codes.

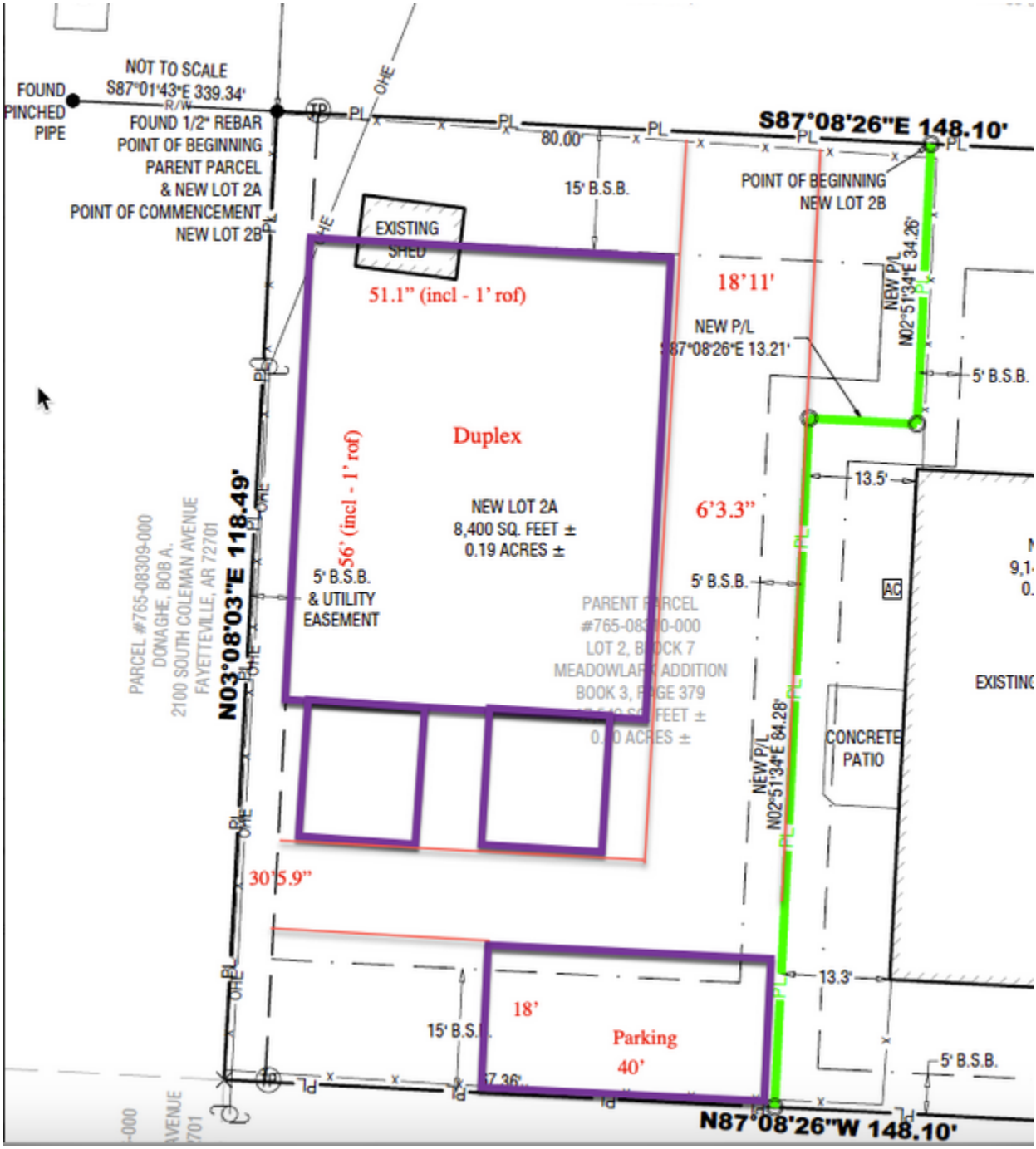
Request: Approve a CUP to allow a Two-Family Dwelling (duplex) at 645 Cato Springs with rear-loaded parking, reduced driveway frontage, and materials/appearance consistent with 776 S Benchmark. This revision addresses constructability, reduces impervious surface, and improves safety along Cato Springs Rd.

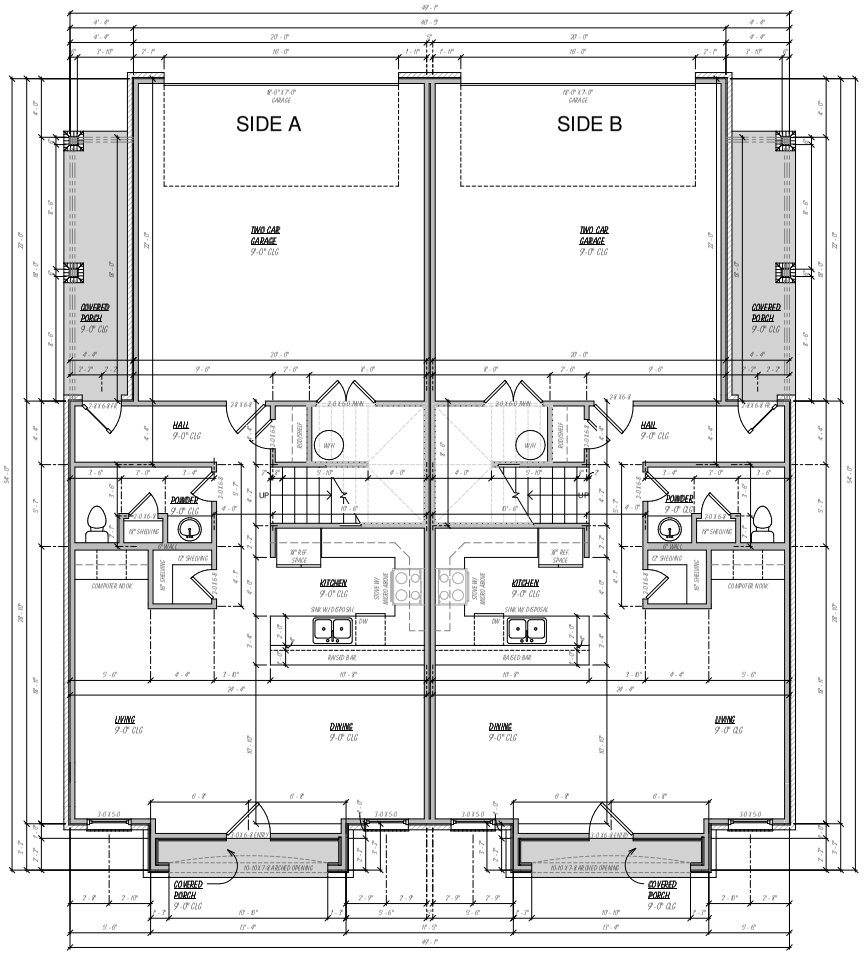
Thank you for your consideration.

Sincerely,
Christina Zhu-Weaver

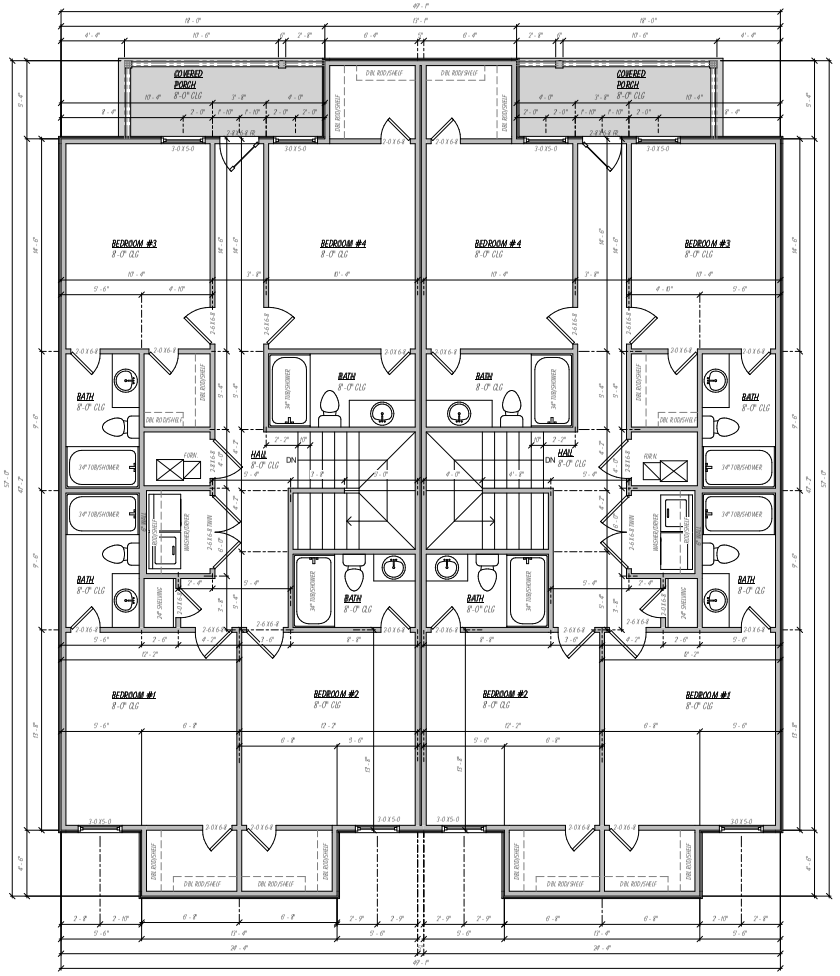
Two-family dwellings

765-08310-001
645 W CATO SPRINGS RD





Floor Plan
1/4" = 1'-0"



2nd Floor
1/4" = 1'-0"



3D View Front



3D View Rear

FOOTAGE TABULATION SIDE A	
1ST FLOOR HEATED OVER FRAME	721 SF
2ND FLOOR HEATED OVER FRAME	1184 SF
GARAGE SPACE	445 SF
COVERED PORCHES	178 SF
TOTAL UNDER ROOF	2528 SF
HEATED OVER BRICK	1933 SF

FOOTAGE TABULATION SIDE B	
1ST FLOOR HEATED OVER FRAME	721 SF
2ND FLOOR HEATED OVER FRAME	1184 SF
GARAGE SPACE	445 SF
COVERED PORCHES	178 SF
TOTAL UNDER ROOF	2528 SF
HEATED OVER BRICK	1933 SF

KCP
Residential Design
Phone: (479) 451-4183
Interested in Your Dream A Real?
www.KCPH.net

ATTENTION
The user of this drawing agrees to assume ALL risks and liabilities associated with ANY use of this drawing. This user should review the plans and construction. The drawings consist of the best of the contractor's knowledge but each MUST read carefully and agree. Electronic copies of this drawing have been entered and field govern in the event of any inconsistencies or discrepancy.

NOTE TO BUILDER
This plan has been designed with material structure requirements in mind. However, there are no guarantees that this plan will meet any specific code requirements. It is verify and consult an engineer as needed. Builder and Contractor should verify all dimensions and design.

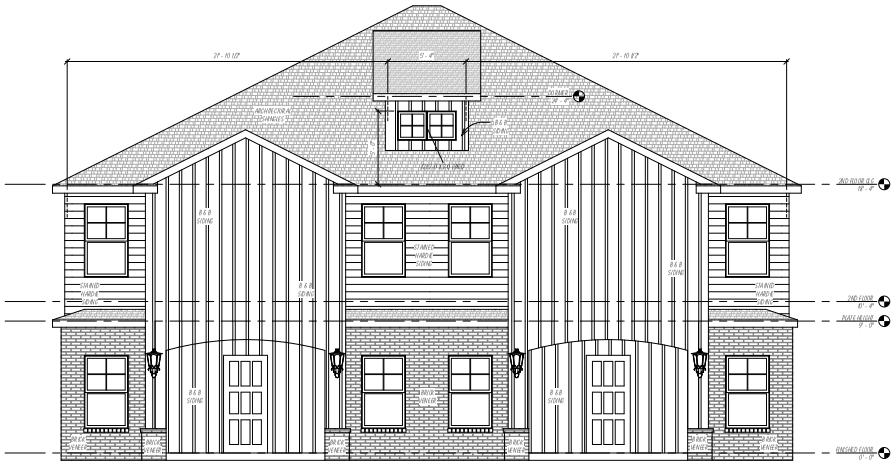
Copyright Notice: Reproduction of any part without prior written consent is prohibited and in violation per with no agreement. All parties in violation will be prosecuted to the fullest extent of the law.

Moses B Plan
For
Towne West

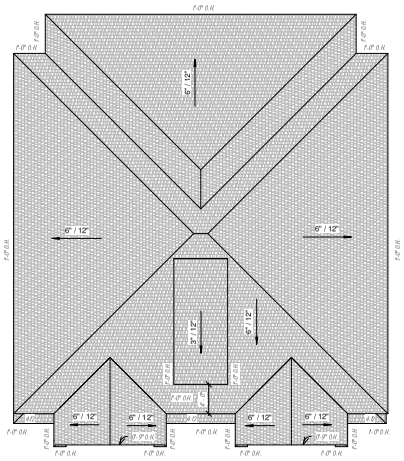
Floor Plan, 2nd Floor, 3D Views

JOB #: BP Moses TW
DRAWN BY: Geoffrey McDonald
DATE: 9/6/2025 2:05:19 PM
Status: Final

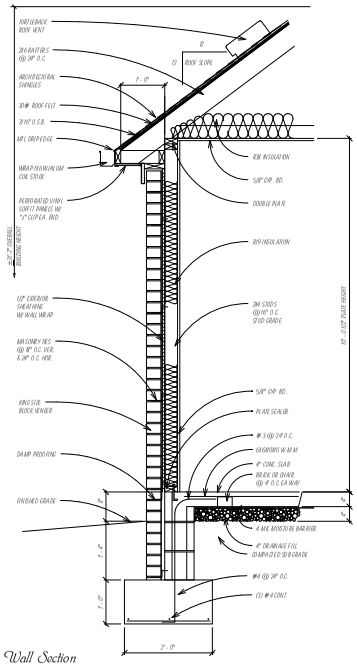
1 of 2



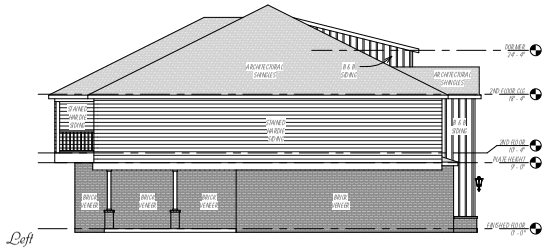
Front
1/4" = 1'-0"



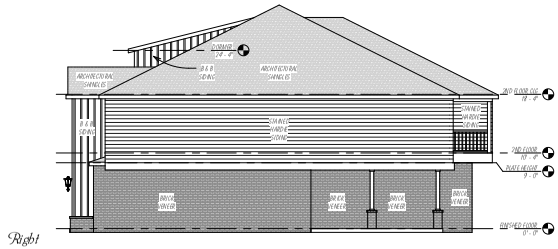
Roof Plan
1/8" = 1'-0"



Wall Section
3/4" = 1'-0"



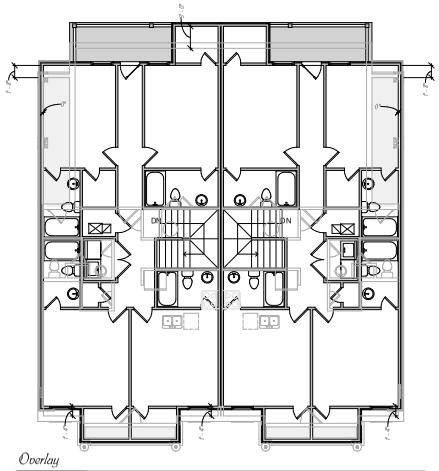
Left
1/8" = 1'-0"



Right
1/8" = 1'-0"



Rear
1/8" = 1'-0"



Overlay
1/8" = 1'-0"

KCP
Residential Design
Phone: (479) 451-4183
www.KCPH.net

Moses B Plan
For
Towne West

Elevations, Roof Plan, Overlay, Typ. Wall Section

ATTENTION
The user of this drawing agrees to assume ALL risks and liabilities associated with ANY use of this drawing. This user should review the contents and construction. The drawing is correct to the best of the contractor's knowledge but errors DO exist and NO warranties as to error. Electronic copies of this drawing have been entered and field verified. In the event of any inconsistencies the electronic

HOW TO BUILDER
This plan has been designed with matted structure requirements in mind. However, there are no guarantees that this plan will pass local code requirements. It is very important to verify and consult an engineer as needed. Builder and Contractor should verify all dimensions and design.

Job #: BP Moses TW
DRAWN BY: Geoffrey MacDonald
DATE: 5/6/2025 2:03:16 PM
Status: Final

2 of 2

Copyright Notice: Reproduction of any part without prior written consent is prohibited and in violation per with agreement. All parties in violation will be prosecuted to the fullest extent of the law.





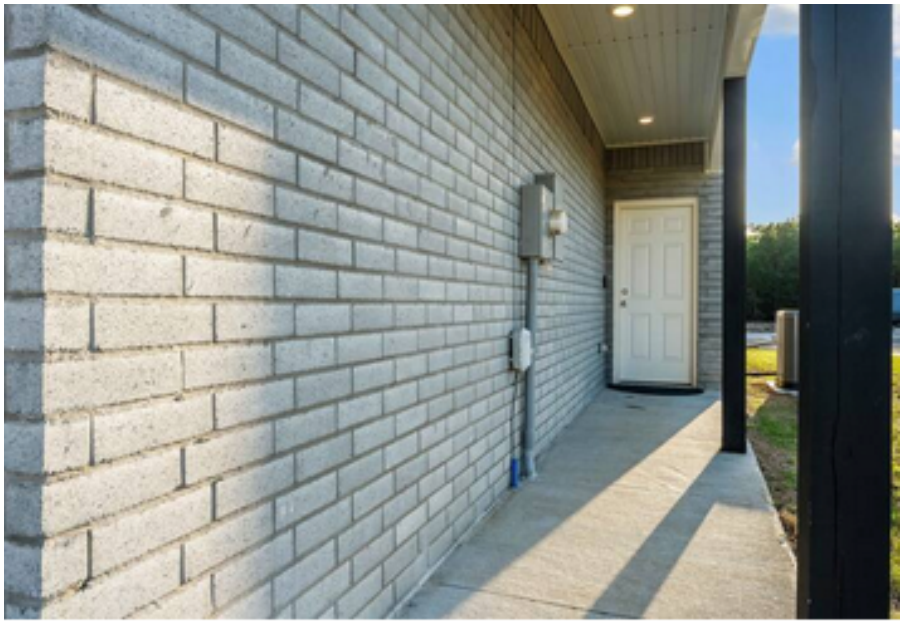





777 S Benchmark Ln
Google Street View
Apr 2025 See more dates







CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: October 13, 2025

SUBJECT: **RZN-2025-0045: Rezoning (234 S. WILLOW AVE/BLACKBURN, 524):** Submitted by ODYSSEY ENGINEERING LLC for property located at 234 S. WILLOW AVE. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and contains approximately 0.70 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0045** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0045** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is comprised of two parcels (0.70 acres) located at the northeast corner of the intersection of S. Willow Ave. and S. Walker Rd. The property is zoned RSF-8, Residential Single-Family, 8 Units per Acre. The southern parcel is developed with an 864-square-foot single family house constructed in 1905 per the Washington County Assessor. The subject area is fully located within the Hillside Hilltop Overlay District and is within the Historic Black Community of Southeast Fayetteville, which recently completed a historic context statement further described in the long-range planning memo. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Single-Family Residential	RSF-8, Residential Single-Family, 8 Units per Acre RMF-24, Residential Multi-Family, 24 Units per Acre
East	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the subject property from RSF-8, Residential Single-Family, 8 Units per Acre to RI-U, Residential Intermediate-Urban.

Public Comment: One member of the public stated opposition to the request, citing the historic nature of the neighborhood, inadequate infrastructure, drainage, and inability to support additional density.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property has frontage along S. Willow Ave. and S. Walker Rd, both residential links, which are partially improved with asphalt paving. S. Willow Ave. has curb and gutter, and S. Walker Rd. has open ditches. 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. Existing 6-inch water main is present along S. Willow Ave. and existing 1-inch water main is present along S. Walker Rd.

Sewer: Sanitary sewer is available to the subject property. Existing 8-inch sewer main is present along S. Willow Ave. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 1,430 linear feet downstream of this property..

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

Fire: Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1 mile 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 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-8, Residential Single-Family, 8 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 **8** for this site with a weighted score of **11**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Water Main (6-inch main, S. Willow Ave.)
- Near Sewer Main (8-inch main, S. Willow Ave.)
- Near City Park (Ralph "Buddy" Hayes Park)
- Near Paved Trail (Marked Shared Roadway on S. Willow Ave.)
- Near ORT Bus Stop (On property, S. Willow Ave. and S. Walker Rd.)
- Near Razorback Bus Stop (Route 17 Peak, Downtown Square)
- 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 primarily undeveloped land to the north and east, with single-family dwellings to the south and west. Nonresidential services are present throughout the area, including the Yvonne Richardson Community Center, public parks, cemeteries, and churches. 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. RI-U permits missing middle housing types with smaller lot size requirements, encouraging compatible infill development without disrupting neighborhood scale. RI-U would also require a 0'-25' build-to zone, which aligns with historic development patterns. Additionally, staff finds that parking, drainage, tree preservation and other requirements will likely limit the development potential of the parcel.**

Long-range planning notes that development on this parcel could adversely impact a historic-age property via the future demolition of an identified historic structure tied to the Historic Black Community of Southeast Fayetteville. While the city does not have any regulations pertaining to the demolition of historic structures, long-range planning requests that the property owner and/or applicant consult with their division prior to demolition or alteration of historic structures in order to capture photo documentation of the existing building.

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. While surrounding housing is currently primarily single-family dwellings, the area is largely zoned to permit up to multifamily dwellings and could include this kind of development by right. The RI-U zoning district would bring the property's zoning into closer alignment with surrounding permitted uses. The property has a relatively high infill score of 8 with a weighted score of 11, indicating it is a suitable location for infill development. 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 and nonresidential services.**

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 development of "several cottage style homes." Staff finds that the parcel could be developed with up to 5 dwelling units by right under the existing zoning. A rezoning to RI-U could likely permit a slightly higher number of units in a missing middle style when 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 and amenities.**

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 includes frontage on multiple streets in an area of time with a relatively high intersection density.**

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-8 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 small size of the property, and proximity to nonresidential services such as community centers, churches, and the downtown at large, 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 1,430 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-2025-0045 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 2025	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre
  - §161.12 District RI-U Residential Intermediate-Urban
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
  - Future Land Use Map
- Long-Range Planning Memo
- Request Letter

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)

Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (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 November 30, 2025 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)

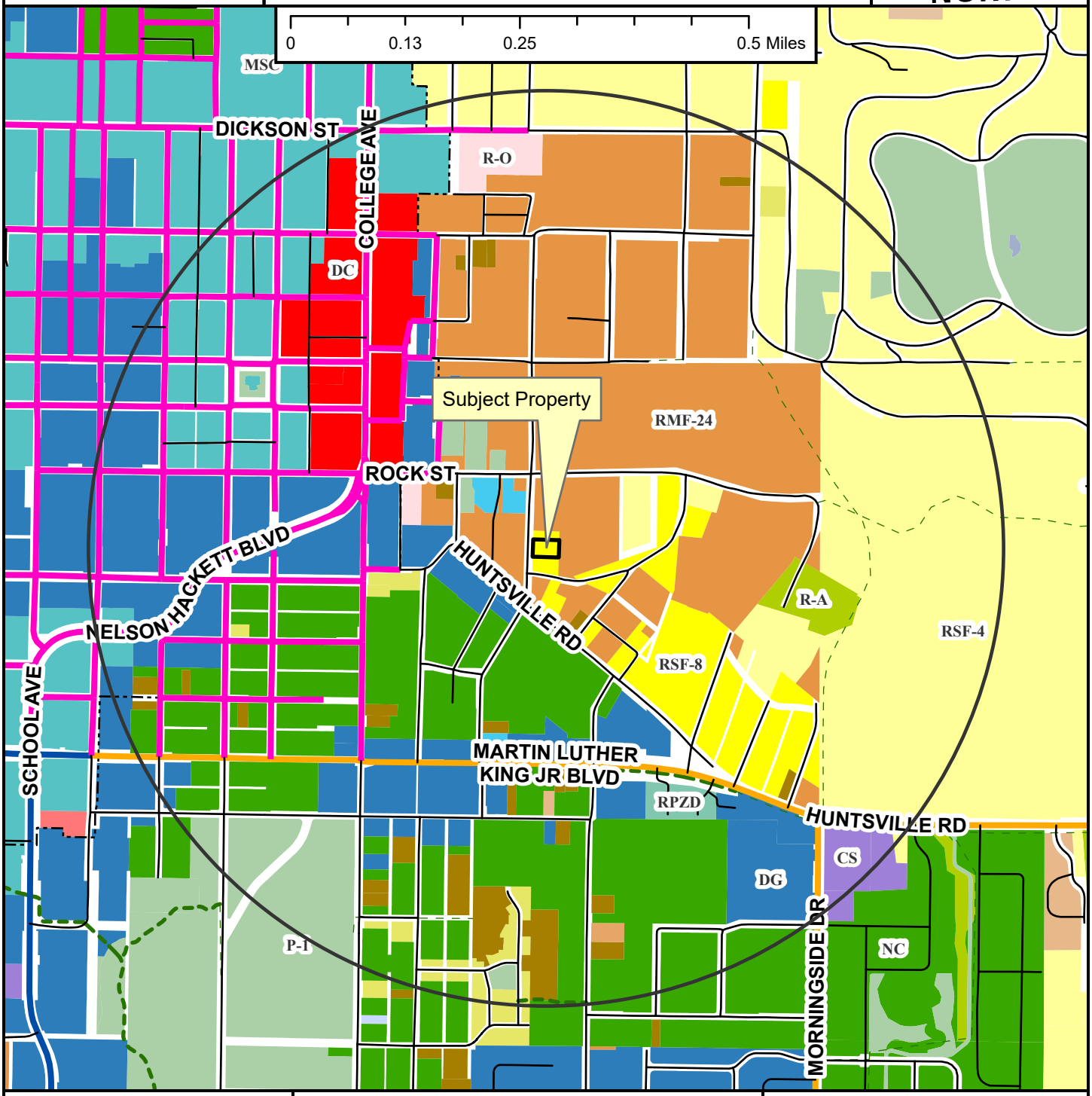
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 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-2025-0045

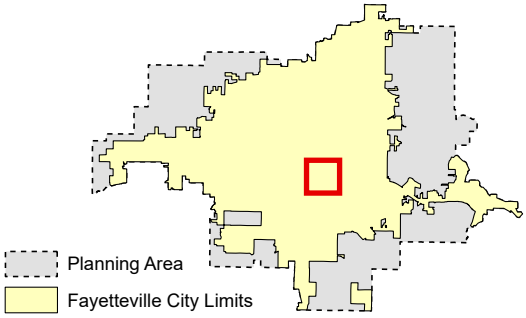
One Mile View

234 S. WILLOW AVE

NORTH



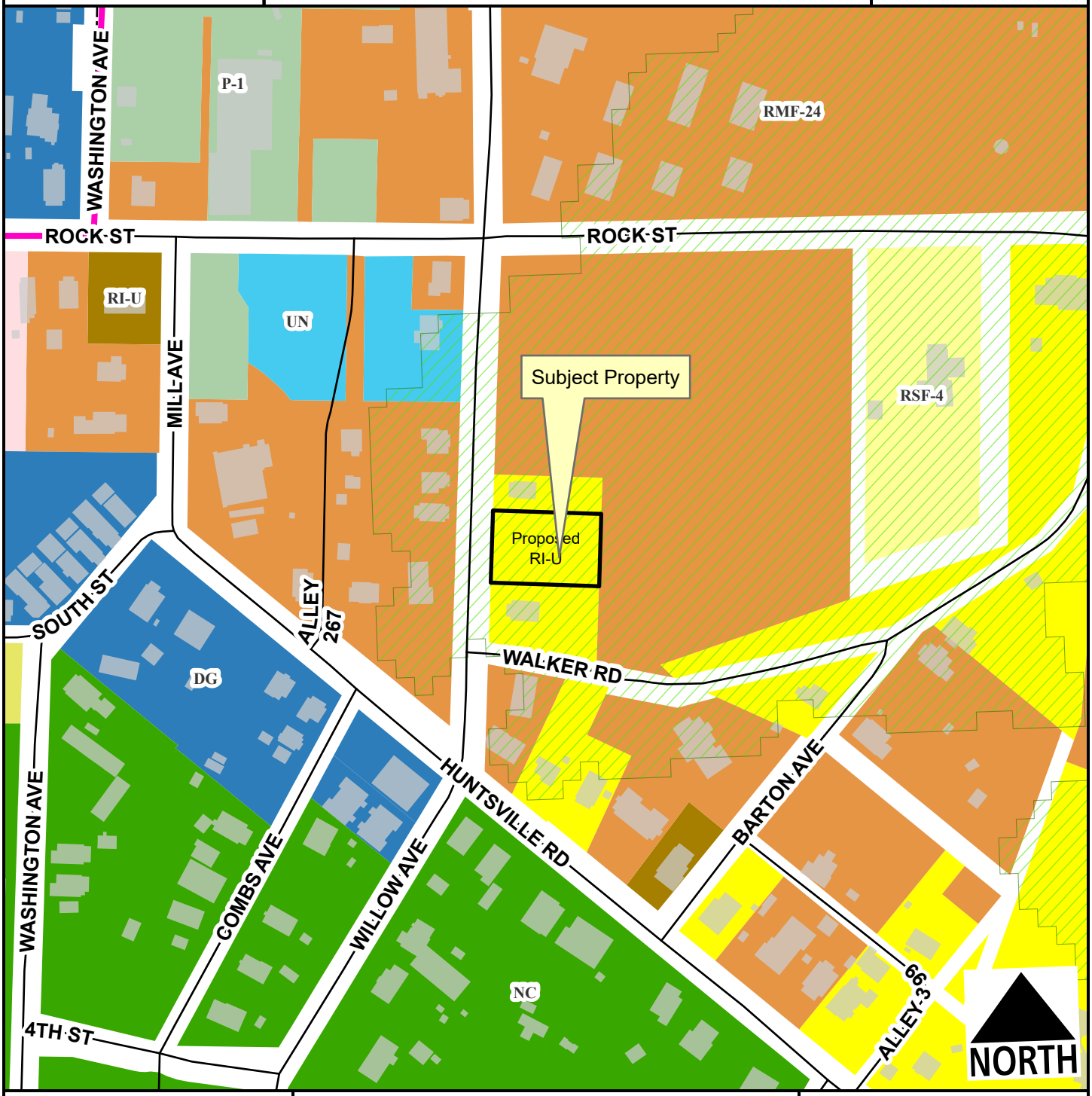
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2025-0045

Close Up View

234 S. WILLOW AVE



- 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
RI-U	0.0	0.3
RMF-24	0.0	0.0
RSF-8	0.3	0.0

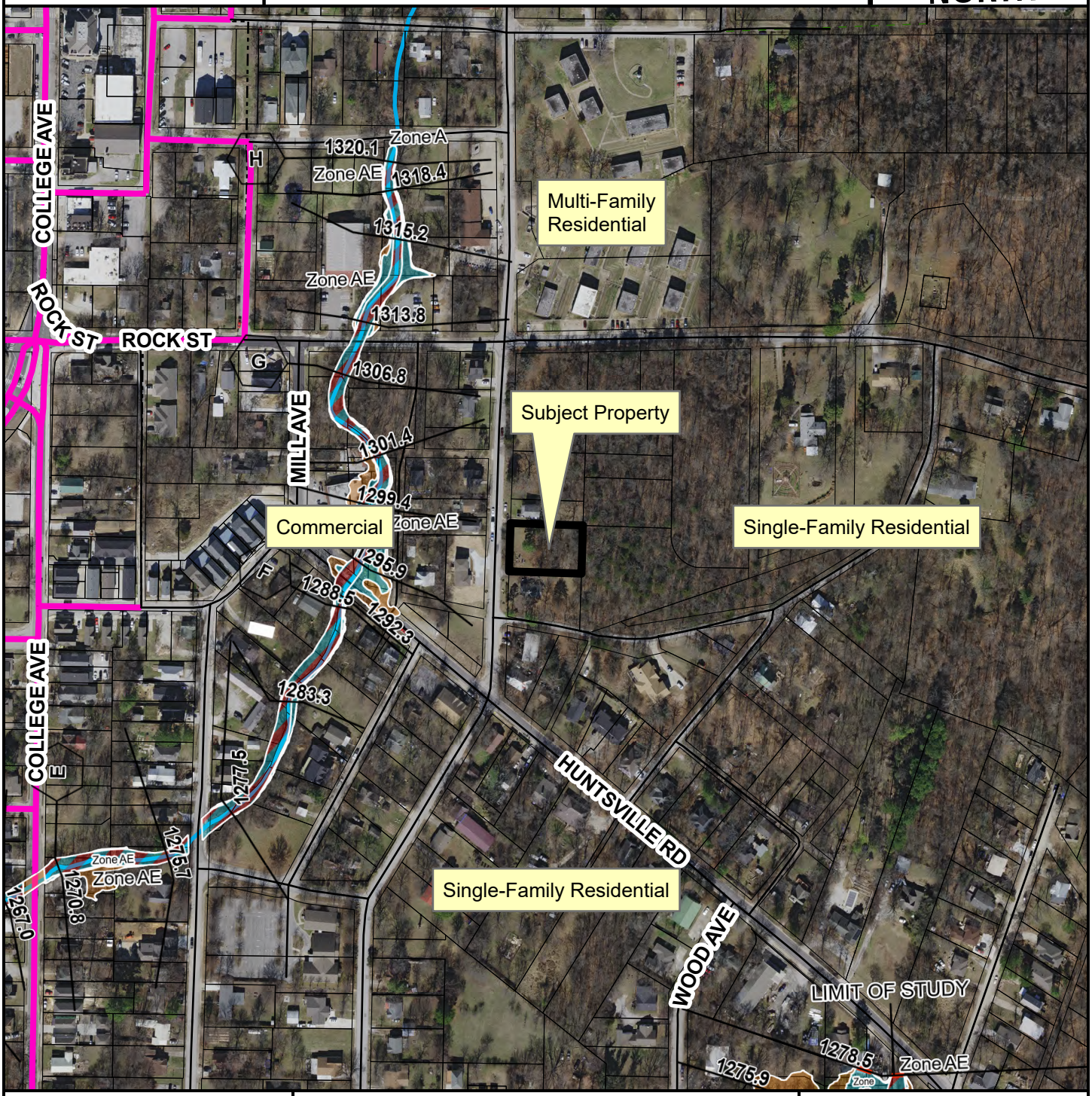
Total 0.3 ac

RZN-2025-0045

Current Land Use

234 S. WILLOW AVE

NORTH



- 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

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 13, 2025

SUBJECT: **Long Range Planning Comments Regarding RZN-2025-0045**

RECOMMENDATION:

Advisory Only: Property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

BACKGROUND:

The applicant requests to rezone approximately 0.67 acres, from RSF-8, Residential Single Family, Eight Units Per Acre to RI-U, Residential Intermediate-Urban Neighborhood. The applicant states the purpose of this zoning change is to facilitate the construction of "several cottage style homes," which would adversely impact a historic-age property via the future demolition of an identified historic structure. Three long range planning documents are relevant when evaluating this request: *City Plan 2040,* the *Heritage & Historic Preservation Plan,* and the *Historic Black Community of Southeast Fayetteville Historic Context Statement.*

City Plan 2040 (2020):

Although the City does not have a demolition review ordinance in place currently, it is important to review and acknowledge the proposal's impact on historic properties as part of the City Plan 2040 objectives that may be considered with the zoning request:

- 3.1.6 – Encourage historic preservation and adaptive reuse of buildings (p.24)
- 3.1.7 – Encourage protection of community character in established neighborhoods (p.25)
- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.44)

Heritage & Historic Preservation Plan (2023):

The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.

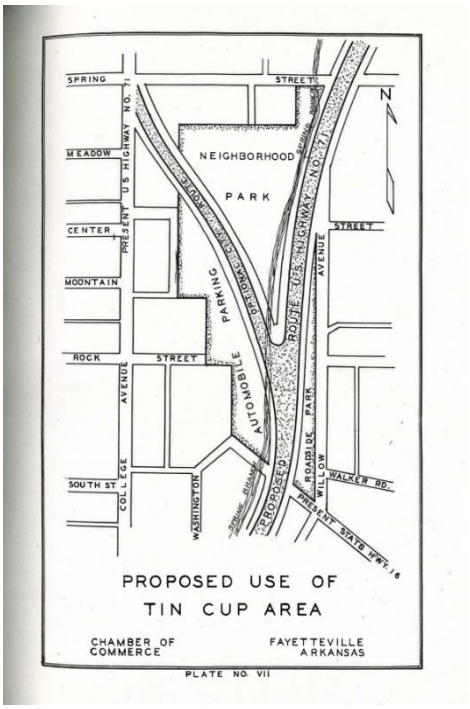
Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

Historic Black Community of Southeast Fayetteville Historic Context Statement (2025): The subject property is within an area settled by Black families after emancipation. The presence of Spout Spring Branch, or "the Branch," made the area prone to flooding, and the steep terrain made building difficult. Since the lots weren't ideal for building, they were more affordable to Black families who were largely limited to low wage employment in Fayetteville.

The terrain also impacted where and how residents constructed their homes, and the relatively flat Willow Avenue became the community's main street. Many homes were constructed close to the street with sloping back yards, and maps showed that land was divided into "irregularly shaped lots of varying sizes" (p. 28). The community was inherently mixed use, as residences, churches, schools, and small businesses dotted the landscape. Three properties were listed in The Green Book, one of which is still standing. The Green Book was a guidebook for African American travelers in the US. It was founded by Victor Hugo Green, an African American postal worker from New York City, and was published annually from 1936 to 1966.

Additionally, the zoning history of the neighborhood merits consideration with this request. The 1945 "A Master City Plan and Public Works Program for Fayetteville, Arkansas", sponsored jointly by the Fayetteville Chamber of Commerce and Fayetteville City Council, called for the construction of U.S. Highway 71 through the neighborhood, following Willow Ave. and Spring Branch to the intersection of Maple and Mission. Part of the justification for the route was that "It would afford an opportunity to build roadside parks and parking area in what is now sub-standard housing districts.", and that "The highway would not pass by important public buildings such as schools, hospitals, etc." The historic St. James Methodist and Missionary Baptist churches as well as the Lincoln School, the segregated elementary school, were all on the proposed highway route.



Map showing proposed route of Hwy. 71. 1945 Master City Plan, pg. 41.

While many of the projects proposed in the 1945 plan did not come to fruition, the neighborhood was subjected to many of the proposals of the 1968 "Program for Community Renewal" written by consulting planner James Vizzier. Like many urban renewal plans of the mid-20th century, the plan was paid for in part by a grant from the federal Urban Renewal Administration under the Housing Act of 1954. The plan noted that Fayetteville's "general plan should be updated and expanded to include plans for community renewal.", and further explained that, "…about 65% of the housing supply (in the city) might be susceptible to blight…Most of these improvements are in older neighborhoods where the units that must be cleared are deficient or dilapidated rather than sound." Vizzier counted 1,327 families to be displaced by public improvements for University expansion, street construction, hospitals or schools and playgrounds, while at the same time noting an imbalance between the cost of housing and family income. He laid out an ambitious and costly ($47,615,400 in 1968 dollars) plan for urban renewal in Fayetteville, most of which was never accomplished. One of the significant outcomes of Vizzier's recommendations, however, was Fayetteville's zoning ordinance in 1970. Vizzier had criticized the city's zoning as being based "primarily on existing land use instead of the future land use plan. And second, it does not recognize the need for raising the standards for land use in older areas. Upgrading and renewal of older areas are not provided for in the document (referring to the city's comprehensive plan). The rules do not provide for large scale

developments such as renewal projects."

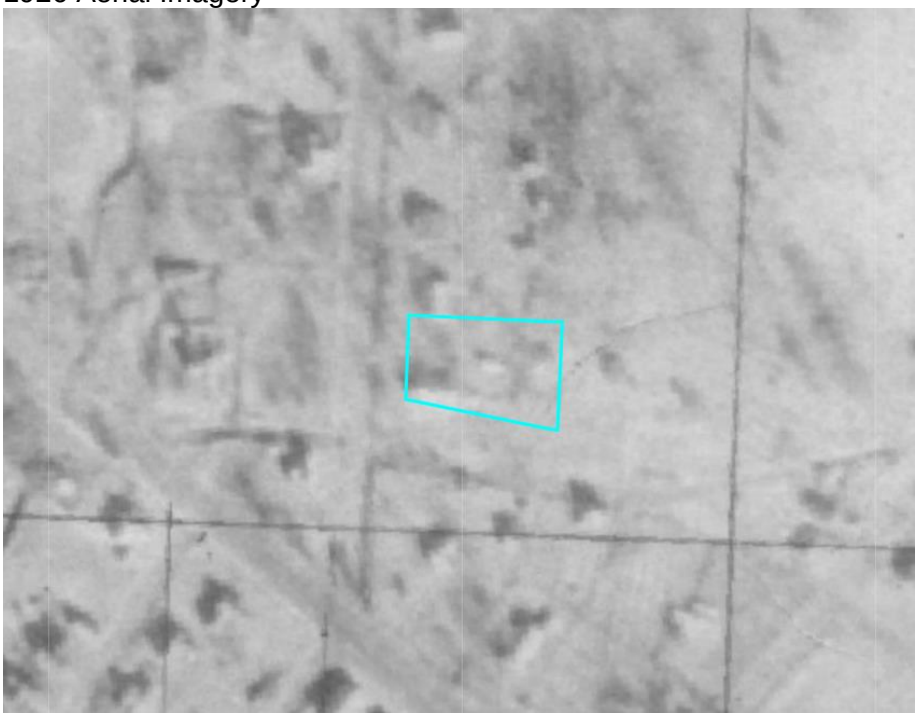
On October 18, 1968 the City Council passed Resolution No. 33-68 approving the undertaking of an Urban Renewal Plan, which included the subject property and surrounding neighborhood. Ultimately some houses were repaired, but others were razed with the occupants moved into the new Willow Heights apartments which were constructed atop the former site of the Lincoln School. Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. While the black and white scan of the ordinance map is difficult to read, a full-color version dated with the ordinance and signed by the Mayor shows the subject property and surrounding neighborhood as being zoned into the medium-density "R-2" zoning district, which was subsequently translated to "RMF-24" with the adoption of the city's Unified Development Code.

DISCUSSION:
From a historic perspective, the request is appropriate as RI-U would provide options for detached and attached dwellings in scale with single-family homes and require a 0'-25' build-to zone, which aligns with historic patterns. However, the proposal would result in the loss of an identified historic structure associated with Fayetteville's historic and living Black community.

Property History:
The property contains a single-family dwelling constructed ca. 1905, according to the County Assessors Records. This historic-age house is an example of gable-front, rectangular form. Gable front houses were a dominant folk house form during the late 19th and early 20th century and are very typical of the historic Black neighborhood in southeast Fayetteville. Individually, the property is unlikely to be eligible for state or National Register of Historic Places listing based on architectural significance alone, however it is significant in the context of a historic district as discussed in the *Historic Black Community of Southeast Fayetteville Historic Context Statement.*


Looking southeast.

ATTACHMENTS:
1926 Aerial Imagery



Though the property lines aren't clearly aligned with the photo, the existing house is visible near the bottom left portion of the rectangle in this aerial photo from 1926.

ODYSSEY ENGINEERING

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

Re: Rezoning Request – Parcels 765-06407-000 and 765-06406-000

To Whom It May Concern,
On behalf of the property owners, we respectfully request the rezoning of parcels **765-06407-000** and **765-06406-000**, located in Fayetteville, Arkansas. The property is currently zoned **RSF-8 (Residential Single-Family, 8 units per acre)** and is designated as **"Residential Neighborhood"** on the City's Future Land Use Map. A portion of the property is also located within the **Hillside-Hilltop Overlay District (HHOD)**.

We are requesting to rezone the property to **RI-U (Residential Intermediate–Urban)** to allow for the development of several **cottage-style homes** in a neighborhood setting. This rezoning is consistent with the intent of the **Residential Neighborhood** land use designation, which supports a mix of housing types, including small-lot single-family and cottage housing, at compatible scales.

The proposed RI-U zoning will:

- Provide a variety of housing options within walking and biking distance of surrounding neighborhoods.
- Encourage efficient use of existing infrastructure and public services.
- Support the City's goals of fostering compact, context-sensitive development.
- Respect the hillside overlay standards by carefully designing and siting homes to minimize environmental impacts.

We believe this rezoning aligns with the City's long-range planning goals and will enhance the character and livability of the surrounding neighborhood.

Thank you for your consideration of this request. Please let us know if any additional information or materials are needed to support this application.

479.480.3330
OdysseyNWA.com
124 Grant Place, Suite E, Lowell, AR 72745

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, October 8, 2025 12:38 PM
To: Wonsower, Donna
Subject: FW: RZN-2025-0045 234 S. Willow St

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

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

CITY OF FAYETTEVILLE ARKANSAS

From: esyule gamache <esyule@yahoo.com>
Sent: Wednesday, October 8, 2025 10:23 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: RZN-2025-0045 234 S. Willow St

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

Dear Sirs:
I saw the sign on 234 S. Willow Street proposing to change the existing zoning of RSF-8 to RI-U and I object as a neighbor and home owner in this area for the following reasons:

* This is a historic area, an established old neighborhood and should be treated as such and allow building single family homes that blend in and following existing zoning codes.
*The existing zoning will allow 5 single family units I believe and that is all that this spot can afford comfortably which means removing the one home and making it 5. That seems sufficient even though it will be a tight fit.
* The infrastructure in the area can only afford the building allowed with RSF-8.
*This property is now mostly field and woodland around the single two story home that is presently on this land, and already the flooding that comes down Willow is a serious situation. The more coverage on this property will equal more water flowing down S. Willow, across E. Huntsville road carrying debris and flooding the lower properties. The drains do NOT accommodate the water now.
* The road allows parking on the opposite side of Willow now. It makes the road only one lane wide. Just this morning, the school bus could not come down the street as a car was coming up

Willow toward Rock. This area can not accommodate any more street parking and presently presents a safety hazard.

Please do not approve of this request to change the zoning, as submitted presently by Odyssey Engineering LLC (and in the future by other groups wanting to overbuild this hilly historic area).

Thank you,

Louise Gamache
311 E Huntsville Rd
(I am 4 houses away from proposed change)

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: October 13, 2025

SUBJECT: **RZN-2025-0040: Rezoning (1414 S WEST AVE./ BRINK, 562):** Submitted by ANDREW BRINK for property located at 1414 S. WEST AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.23 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0040** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0040** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in south Fayetteville about 250 feet west of the S. School Avenue and W. 15th Street intersection. The property is zoned RMF-24, Residential Multi-Family, 24 Units per Acre and overall contains 0.23 of an acre. The property is developed with a single-family home that was built in 1962, per Washington County records. The property is in the 71-B Corridor Master Plan district. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Undeveloped/Commercial	MSC, Main Street Center
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the property from RMF-24, 24 Residential Multi-Family, to RI-U, Residential Intermediate-Urban.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The property's frontage South West Avenue, a residential link, is partially improved with asphalt paving and sidewalk on the west side of the street. 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 6-inch water main along the west frontage of the property along South West Avenue and an addition existing 6-inch water main along the east side of the property in the alley.

Sewer: Sanitary sewer is available to the subject area. There is a 6-inch sewer main in the alley on the east side of the property.

There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 100 linear feet downstream of this property.

Drainage: No portion of the property is within a FEMA floodplain, the Hillside-Hilltop Overlay District or includes a protected stream. Hydric soils are present and 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. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.1 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, RMF-24, Residential Multi-Family, 24 Units per Acre, requires **20% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8** for this site with a weighted score of **9.5**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (6-inch main along the property to the west)
- Near Water Main (6-inch main South West Avenue, 6-inch main along the property to the east)
- Near Public School (Fayetteville High School)
- Near City Park (Walker Park)
- Near Paved Trail (Fayetteville Traverse Trail and Razorback Greenway)
- Near ORT Bus Stop (School & 15th)
- 71-B Corridor

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 as it continues to allow for residential development. The subject property is located within a residential area, highlighting the compatibility RI-U as its by-right residential allowances are similar to the existing zoning. The by-right and conditional uses for both RI-U and RMF-24 are similar, maintaining the fabric of neighborhood. RI-U requires smaller lot bulk and area requirements with less intensive setbacks will still maintaining an urban form, which is in keeping with the integrity of the area. The bulk and area requirements of for RMF-24 are intended for different types of residential development, which require more space for that development than what would be required of RI-U. A significant difference between the two are the density allowances with RI-U at no maximums and RMF-24 with 24 units per acre. RI-U would also remove Use Unit 26 from the by-right permission while also reducing building height allowances. Given that the proposed zoning district is less demanding 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 RI-U**

zoning district would support this designation as it would allow for more residential opportunities. The property has a moderately high infill score of 8, which indicates that it is a suitable location for infill due to its close proximity to the City's prioritization points. The property is located within a Tier 2 city node located at the S. School Avenue and W. 15th Street intersection. The proposed rezoning would allow a slight increase in development within an area while adhering to City Goals #1 (appropriate infill), #3 (compact development), and #6 (attainable housing opportunities). Staff finds that a rezoning to RI-U 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 RMF-24 to RI-U. 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 RMF-24 to RI-U could increase traffic in the area, but only minimally as the size of the property is small, capping density.**

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-2025-0040 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		**Required**	**YES**
Date: October 13, 2025	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre
  - §161.12 District RI-U, Residential Intermediate – Urban
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

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

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

(B) *Uses.*

(1) Permitted Uses.

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

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

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §6(Exh. E), 5-2-23)

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

161.12 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)

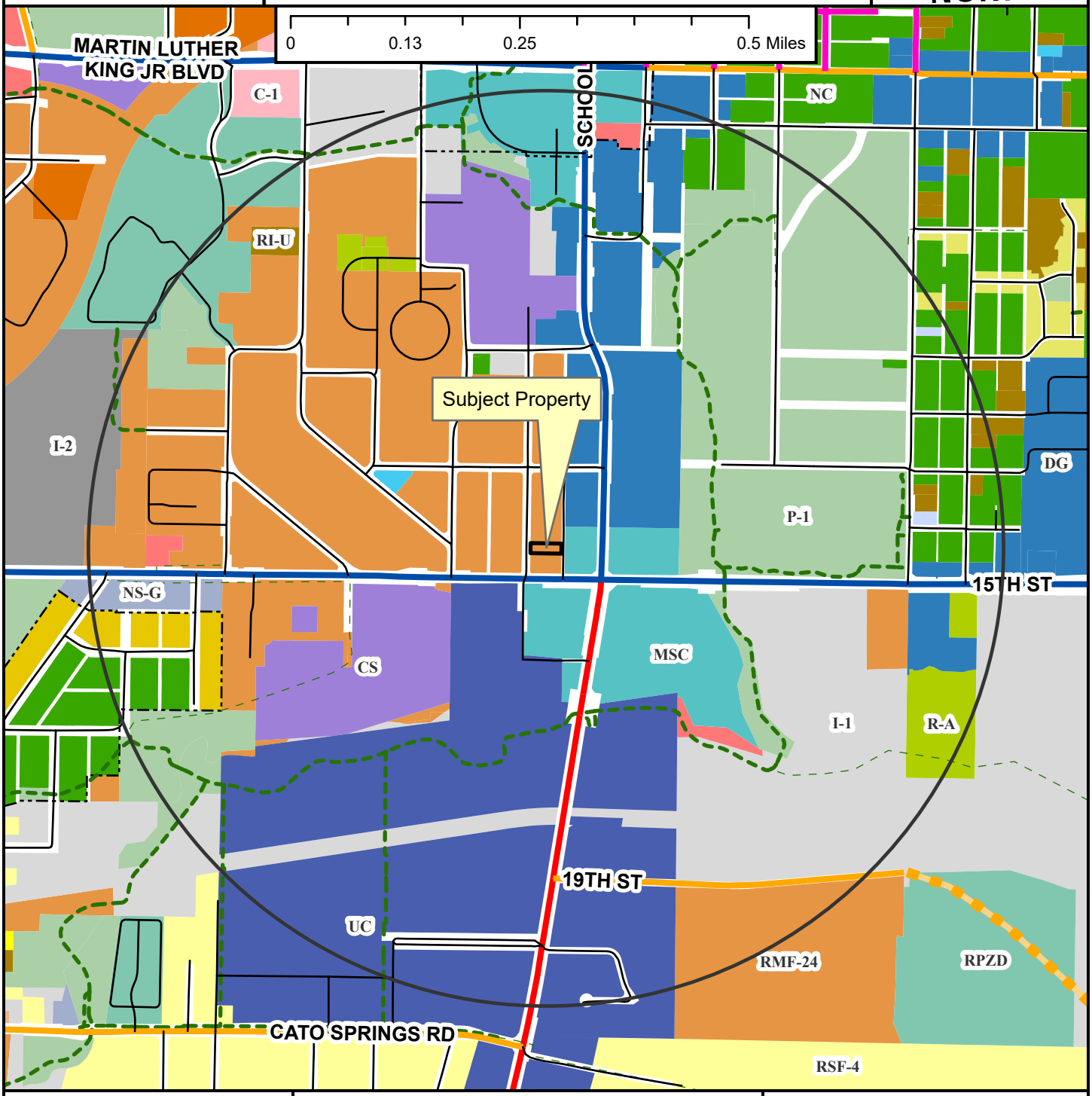
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 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-2025-0040

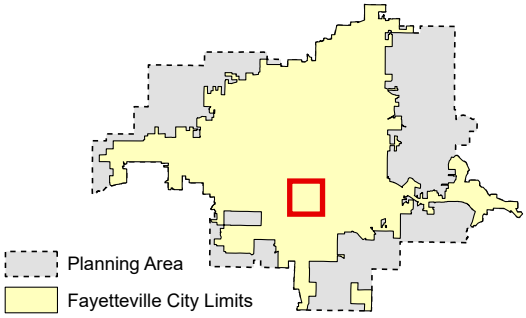
One Mile View

1414 S WEST AVE

NORTH



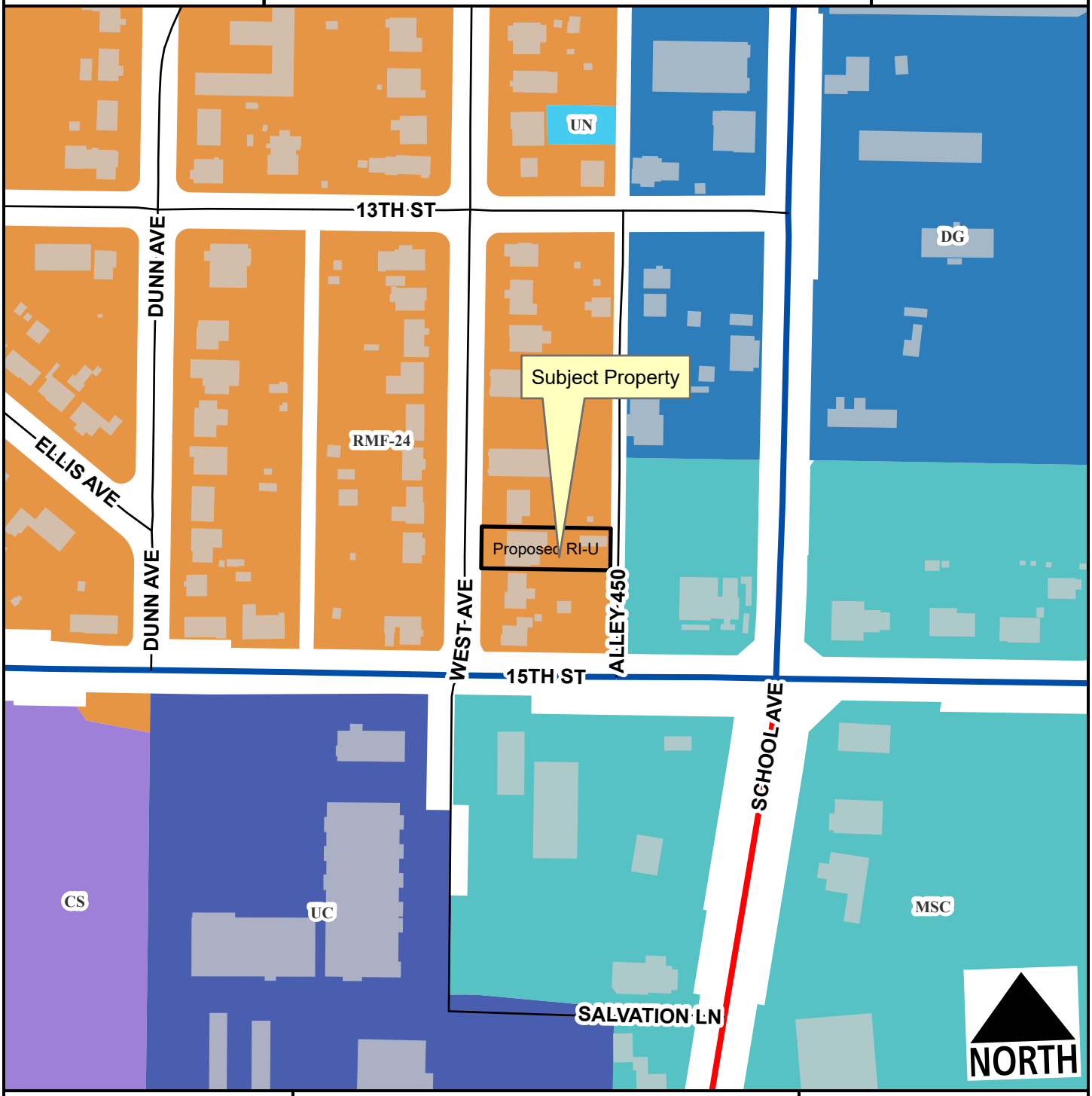
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2025-0040

Close Up View

1414 S WEST AVE



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

Feet

0 75 150 300 450 600

1:2,400

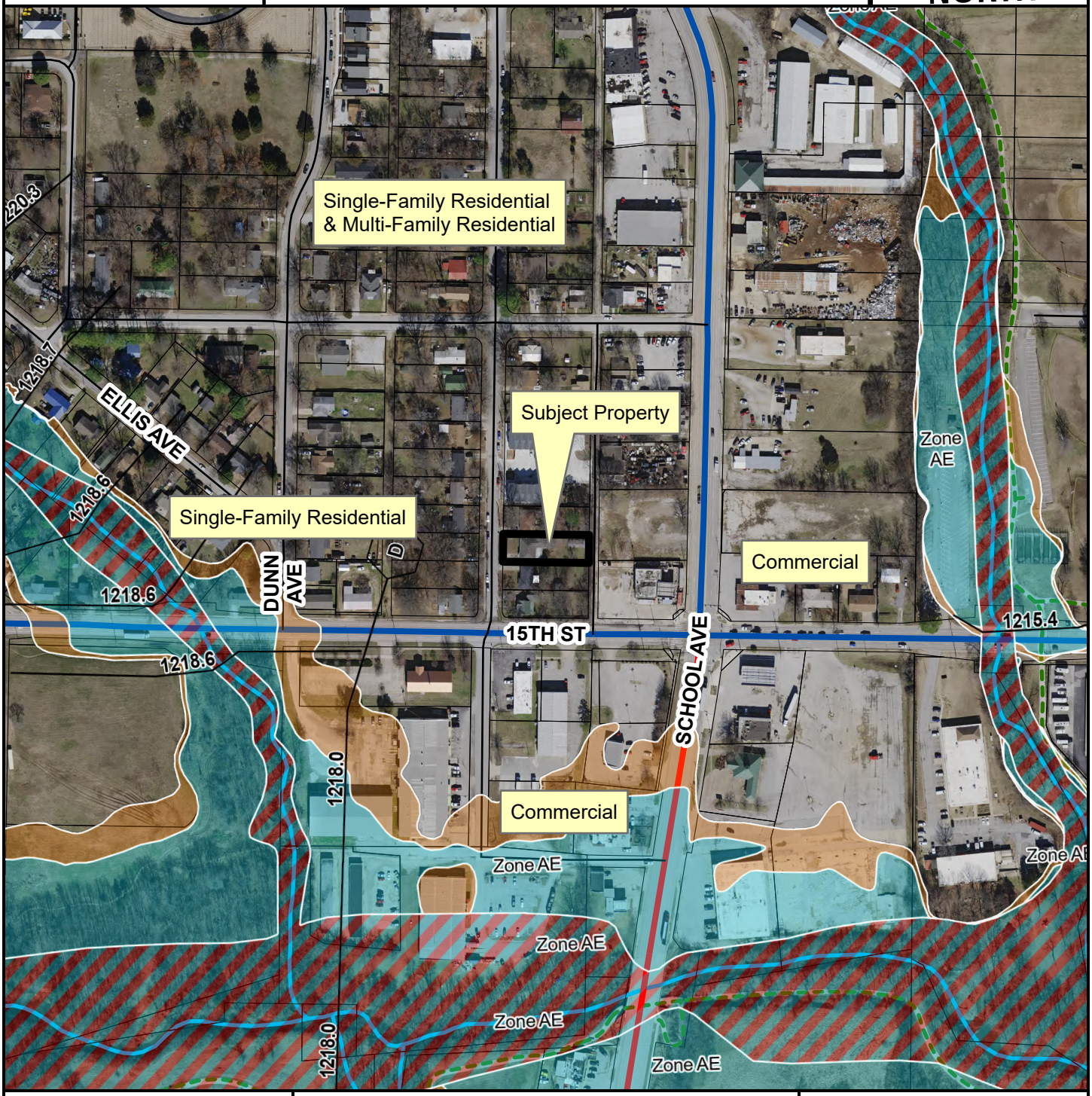
Zone	Current	Proposed
RI-U	0.0	0.2
RMF-24	0.2	0.0
	Total	0.2 ac

RZN-2025-0040

Current Land Use

1414 S WEST AVE

NORTH



Regional 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

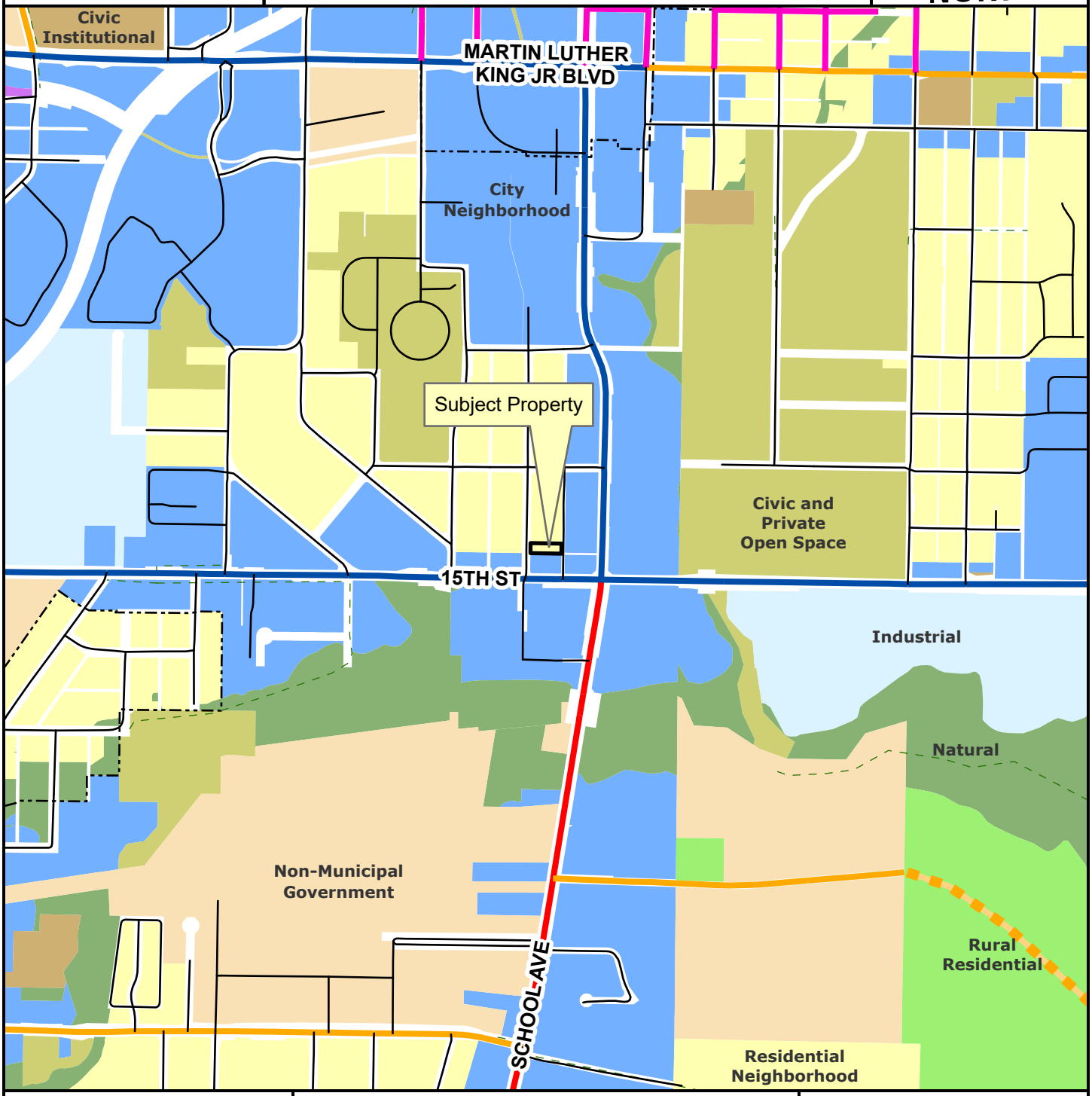
100-Year Floodplain
Floodway

RZN-2025-0040

Future Land Use

1414 S WEST AVE

NORTH



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

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

OSAGE CREEK CATTLE CO.

August 6, 2025

RE: Request for Rezone from RMF-24 to RI-U

Dear Planning Commission and City Council,

On behalf of Osage Creek Cattle Company, I am requesting to rezone the property at 1414 S. West Avenue from RMF-24 to RI-U. A rezone to RI-U presents the opportunity to provide additional housing in Fayetteville through the production of missing middle housing. RI-U will help facilitate the splitting of the lot to create two lots; one that faces West Avenue and one that faces the alley. My intention is NOT to demolish the existing house, but rather complete necessary repairs and maintenance.

RI-U is compatible with surrounding land uses due to the residential only by-right uses. Furthermore, RI-U removes the by-right use for multifamily. As such, I do not believe that RI-U will adversely impact or conflict with the existing surrounding land uses. A comparison of the permitted uses are below:

EXISTING RMF-24		**PROPOSED RI-U**	
Unit	*Allowed*	***Unit***	***Allowed***
1	*City-wide uses by right*	***1***	***City-wide uses by right***
8	*Single Family*	***8***	***Single Family***
9	*Two Family*	***9***	***Two Family***
10	*Three and Four Family*	***10***	***Three and Four Family***
26	*Multifamily*		
41	*Accessory Dwellings*	***41***	***Accessory Dwellings***
44	*Cluster Housing*	***44***	***Cluster Housing***
46	*STR*	***46***	***STR***

Sincerely,

Andrew C. Brink

Andrew C. Brink

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: October 13, 2025

SUBJECT: **RZN-2025-0042: Rezoning (2201 W. DEANE ST./ ATKINS, 364):** Submitted by ARKANSAS REAL ESTATE GROUP for property located at 2201 W. DEANE ST. The property is zoned RMF-6, RESIDENTIAL MULTI-FAMILY, SIX UNITS PER ACRE and contains approximately 0.36 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0042** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0042** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in west Fayetteville about 200 feet east of the City's Public Safety Campus. The property is zoned RMF-6, Residential Multi-Family, 6 Units per Acre and overall contains 0.36 of an acre. The property is developed with a single-family home that was built in 1947, per Washington County records. The property does not lie in an overlay district. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	University of Arkansas – Agricultural Research & Extension Center	R-A, Residential-Agricultural
South	Two-Family Residential	RMF-6, Residential Multi-Family, 6 Units per Acre
East	Two-Family Residential	RMF-6, Residential Multi-Family, 6 Units per Acre
West	Four-Family Residential	RMF-6, Residential Multi-Family, 6 Units per Acre

Request: The request is to rezone the property from RMF-6, 6 Residential Multi-Family, to RI-U, Residential Intermediate-Urban.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has a road frontage along W. Deane Street. W. Deane Street is a fully improved Neighborhood Link Street with asphalt paving, sidewalk, curb and gutter. The subject area has a road frontage along N. Evening Shade Drive. N. Evening Shade Drive is a fully improved Residential Link Street with asphalt paving sidewalk, curb and gutter. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject area. Existing 12-inch water main is present along W. Deane Street. Existing 2-inch water main is present along W. Deane Street. Existing 8-inch water main is present along N. Evening Shade Drive.

Sewer: Sanitary Sewer is available to the subject area. Existing 8-inch sewer main is present along N. Evening Shade Drive. Existing 8-inch sewer main is present on the subject property.

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

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 269 ft from the fire station with an anticipated drive time of approximately 1 minutes using existing streets. The anticipated response time would be approximately 3.2 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, RMF-6, Residential Multi-Family, 6 Units per Acre, requires **20% minimum canopy preservation**.

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

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 Sewer Main (8-inch N. Evening Shade Drive, 8-inch on the subject property)
- Near Water Main (12-inch W. Deane Street. Existing, 2-inch W. Deane Street, 8-inch N. Evening Shade Drive.)
- Near Public School (Asbell Elementary School)
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (Midtown Trail)
- Near ORT Bus Stop (Deane & Evening Shade)

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 and zoning patterns. The surrounding neighborhood to the east, south, and west consists of single-, two-, and four-family dwellings in close proximity to the site. The majority of nearby dwellings are in zoning district that are comparable to RI-U (RMF-6, RMF-24, RI-U, and RMF-40) that have similar by-right and conditional allowances with required urban form setback standard, so the introduction of RI-U would not potentially introduce completely foreign zoning district requirements and allowances. RI-U requires smaller comparative bulk and area requirements, which is in keeping with the neighborhood character. The bulk and area requirements for RMF-6 are intended for different types of residential development, which require more space for that development than what would be required of RI-U. A significant difference between the two are the density allowances with RI-U with no maximums and RMF-6 with 6 units per acre. This can be a concern because of the potential increase in development; however, RI-U would decrease in the scale of what could be developed compared to the impact of RMF-6. Given that the proposed zoning district would not result in significant impact to neighboring properties due to its similar requirements and allowances, 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 RI-U zoning district would support this designation as it would allow for more residential opportunities. The property has a moderate infill score of 7, which indicates that it is a suitable location for infill because of the local infrastructure and development. The property is located within a Tier 3 city node located 2,700 feet to the northwest at the W. Mount Comfort Road and N. Shiloh Drive intersection across Highway 71. The proposed rezoning would allow a slight increase in development within an area while adhering to City Goals #1 (appropriate infill), #3 (compact development), and #6 (attainable housing opportunities). Staff finds that a rezoning to RI-U 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 RMF-6 to RI-U. 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 RMF-6 to RI-U could increase traffic in the area, but only minimally as the size of the property is small, capping density.**

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 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-2025-0042 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		**Required**	**YES**
Date: October 13, 2025	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - 161.13 District RMF-6, Residential Multi-Family—Six (6) Units Per Acre
  - 161.12 District RI-U, Residential Intermediate – Urban
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

161.13 District RMF-6, Residential Multi-Family—Six (6) Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	6 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	50 feet
Two (2) family	50 feet
Three (3) family or more	90 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	7,000 square feet
Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

(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	25 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.

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.

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)

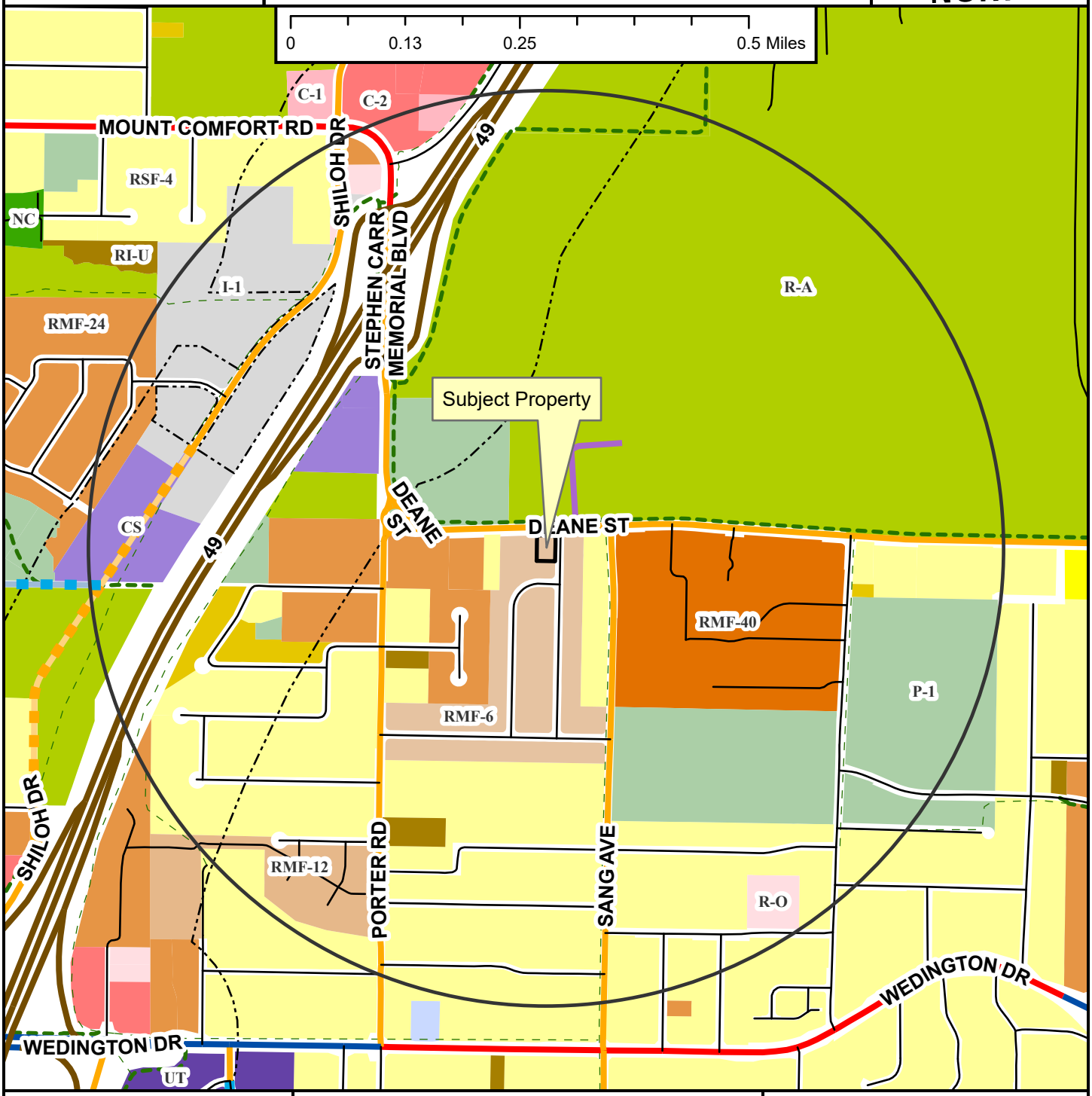
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 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-2025-0042

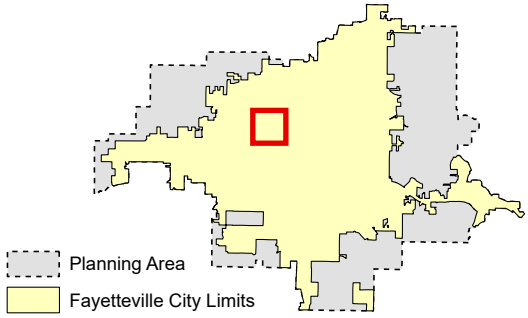
One Mile View

2201 W. DEANE ST

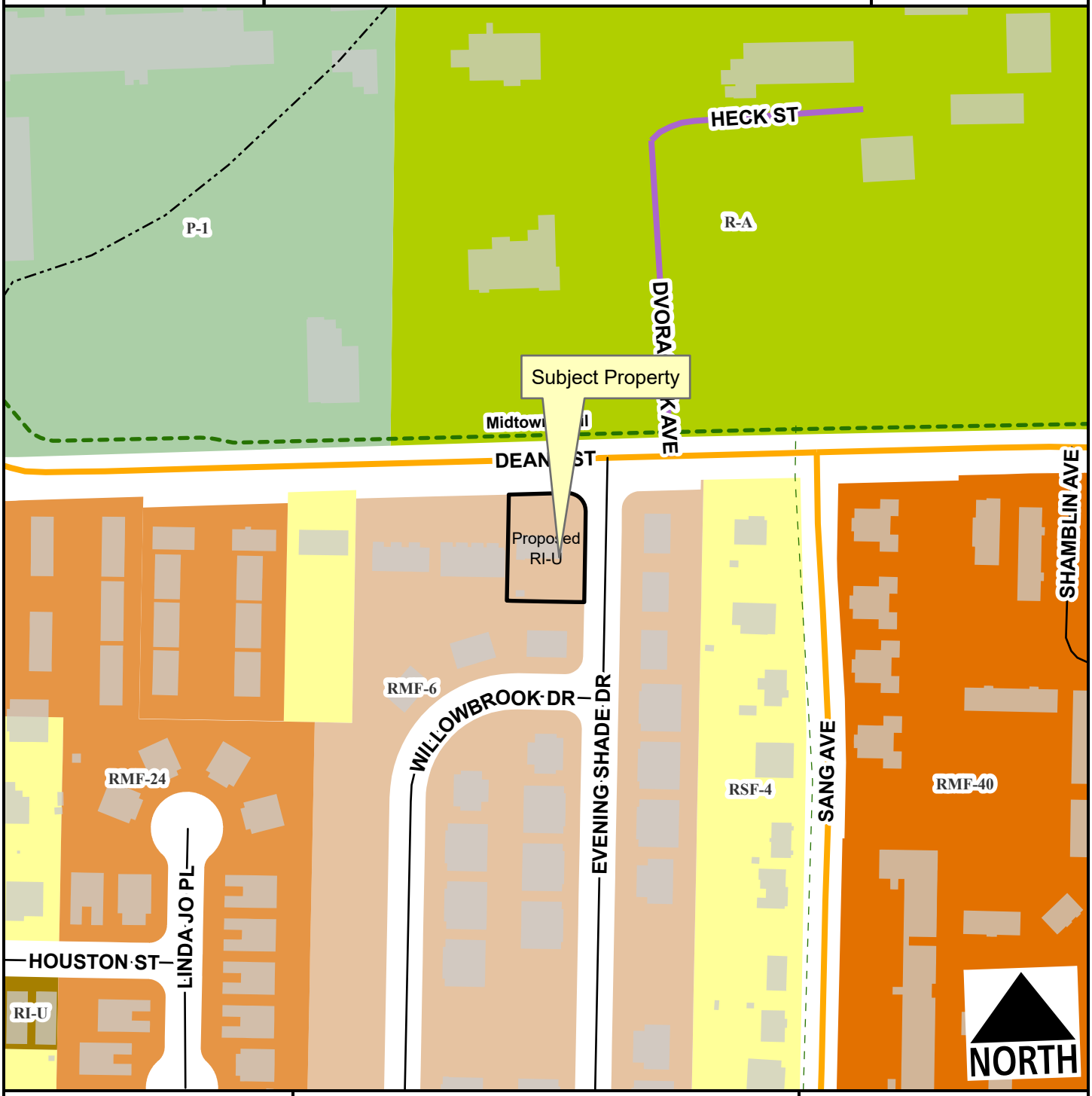
NORTH



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



RZN-2025-0042	2201 W. DEANE ST	
Close Up View		



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.4
RMF-6	0.4	0.0

Total 0.4 ac

RZN-2025-0042

Current Land Use

2201 W. DEANE ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Freeway/Expressway
- Unclassified
- 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

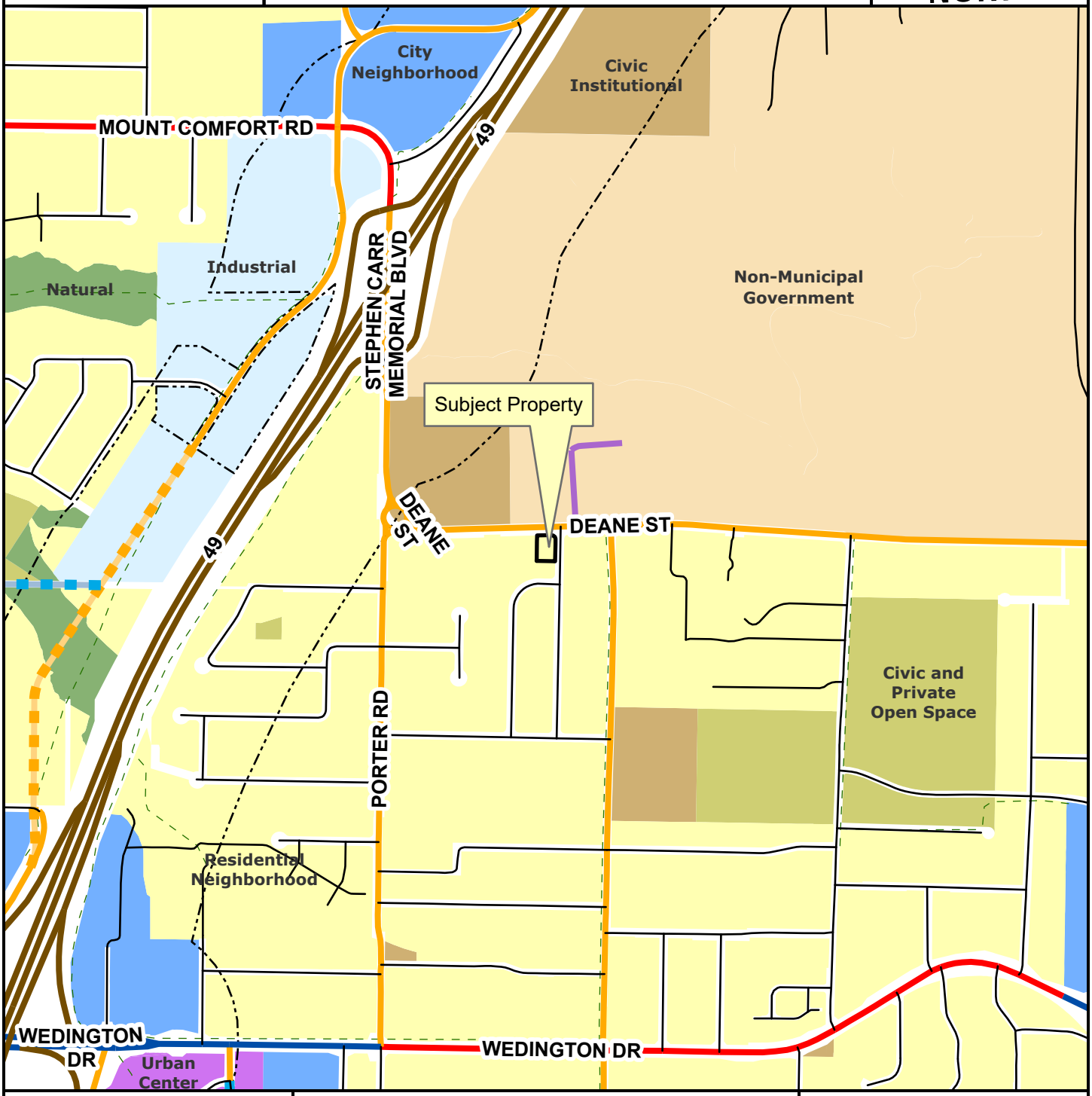
- 100-Year Floodplain
- Floodway

RZN-2025-0042

Future Land Use

2201 W. DEANE ST

NORTH



Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned 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

August 11, 2025

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

RE: 2201 W Deane St, Fayetteville, AR
Rezone Request

Staff and Commissioners,

This is a formal request for rezoning of the property located at 2201 W Deane St (Parcel 765-23359-000) from RMF-6 to RI-U.

The subject property contains approximately 0.36 acres on the southwest corner of W Deane St and N Evening Shade Dr. The property is currently zoned RMF-6, Residential Multi-Family - Six (6) Units Per Acre, and is developed with one single family residence. **I am requesting to rezone the property to RI-U, Residential Intermediate - Urban.**

The property is located with a variety of housing developments and residential zoning in the immediate vicinity, including direct adjacency to RMF-6 zoning, RMF-24 zoning approximately 300 feet to the west and RMF-40 zoning approximately 350 feet to the east. The property is also located directly adjacent to a quadplex and triplex to the west, as well as a variety of single- and multi-family developments nearby. The subject property has frontage along two streets, W Deane St and N Evening Shade Dr, as well as direct access to both water and sewer on the property. In addition, multiple City projects have occurred in the area, including street improvements to W Deane St and the new Police Headquarters and Fire Station #8 just 200 feet away. The future land use map designates this area as a Residential Neighborhood, and the property has an infill score of 7. For these reasons, the proposed zoning of RI-U is compatible with the neighboring properties, can be supported by nearby facilities and infrastructure, coincides with the city's designated future use of the area, and will not unreasonably adversely affect or conflict with the surrounding land uses.

In summary, and considering the information above, I am requesting a minor increase in residential density with the rezoning of the property at 2201 W Deane St from RMF-6 to RI-U. Should you have any questions or require any additional information, please do not hesitate to reach out at kdatkins21@gmail.com or 870.584.8986.

Sincerely,

Kyle Atkins

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

THRU: Wesley Frank, Planner

MEETING DATE: October 13, 2025

SUBJECT: **RZN-2025-0044: Rezoning (1229 N. LEWIS AVE/FINLEY, 403):** Submitted by HOPE CONSULTING for property located at 1229 N. LEWIS AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.52 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0044** to City Council with a recommendation for approval.

RECOMMENDED MOTION:
"I move to forward **RZN-2025-0044** to City Council with a recommendation for approval."

BACKGROUND:
The subject property is in west Fayetteville at the corner of W. Holly Street and N. Lewis Avenue and 570 feet north of the N. Lewis Avenue and W. Wedington Drive intersection. The property contains 0.52 of an acre which is currently zoned RSF-4, Residential Single-Family, 4 Units per Acre, and is developed with a single-family home that Washington County records indicate was built in 1926. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Commercial – Radio Station	R-O, Residential-Office

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, 4 Units per Acre to UN, Urban Neighborhood.

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

INFRASTRUCTURE AND ENVIRONMENTAL ANALYSIS:

Streets: The subject area has a road frontage along North Lewis Avenue. North Lewis Avenue is a Partially improved Residential Link Street with asphalt paving and open ditches. The subject area has a road frontage along West Holly Street. West Holly Street is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the Subject area. Existing 8-inch water main is present along North Lewis Avenue. Existing 8-inch water main is present along West Holly Street.

Sewer: Sanitary Sewer is available to the Subject area. Existing 6-inch sewer main is present along North Lewis Avenue.

There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system adjacent to this property.

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

Hydric soils are present on the property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits 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.

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 8, located at 2266 W Deane St., protects this site. The property is located approximately 0.8 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district of UN, Urban Neighborhood requires **15% minimum canopy preservation.** The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre requires **25% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: The 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 **8-9** for this site with a weighted score of **11**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8, Deane Street)
- Near Sewer Main (6-inch N. Lewis Avenue)
- Near Water Main (8-inch N. Lewis Avenue, 8-inch W. Holly Street)
- Near Grocery Store (Harps)
- Near Public School (Asbell Elementary School)
- Near U of A Campus
- Near City Park (Lewis Soccer Complex)
- Near Paved Trail (Lawson Street)
- Near Razorback Bus Stop (Wedington & Sang, Mount Comfort & Stephens)

FINDINGS OF THE STAFF

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

   Finding: *Land Use Compatibility:* Staff finds the proposed rezoning from RSF-4 to UN to be compatible with the surrounding land uses. The uses permitted by right in UN, which include all types of dwellings as well as some commercial uses such as general business, offices, and eating places, are directly compatible with the existing land uses in this area. Those diverse uses in UN are intended to support both commercial and residential zoning districts. Both residential and non-residential zoning districts are in the area, which include a radio station, a park, and school. Staff finds the addition of limited commercial on a corner lot could be a benefit to the existing residents and that the small size of the lot with a zoning height maximum of three-stories would likely mitigate negative impacts that could result from larger commercial development. Uses allowed conditionally in UN, including hotels, neighboring shopping, and small-scale production, may be suitable at this site, though any proposed conditional use would be contingent on Planning Commission approval. When compared to the site's current zoning of RSF-4, UN would allow for a slight increase in residential density as there

is no density maximums and narrower lots than the current zoning (12 feet against 70 feet). However, the small property size paired with design standards of parking and access would likely act as a cap while introducing and encouraging diverse residential options. The urban form setback standards of UN would additionally benefit the area as this compliments City's goal of a walkable urban area. Staff finds that the residential allowances and limited nonresidential uses introduce would support the area and have limited negative impacts on the area.

The property contains a single-family dwelling constructed in 1926, according to the County Assessors Records. However, aerial maps of the area indicate that the building may have been constructed later, sometime between 1956 and 1965. This dwelling represents an early- to mid-twentieth century vernacular residence, with prominent native stone chimney on the façade. Individually, the property is unlikely to be eligible for state or National Register of Historic Places listing based on architectural significance alone, as modifications over the years have negatively impacted its integrity of design and materials. City Staff requests that the property owner and/or applicant consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

Land Use Plan Analysis: **The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential Neighborhood Area, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. The UN zoning district would allow for a mixture of residential densities that are urban in form. If the property were to be redeveloped or subdivided, Staff finds that UN would encourage an environment that is more appealing to pedestrians while offering supporting uses to the area. The property has a moderately high weighted infill score of 11 which indicates that the site is prepared to accommodate increased housing density and potentially the introduction of small commercial use. Rezoning could support Goals 1, 3, and 6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing that could enable residents to remain in the neighborhood as their housing needs change.**

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

Finding: **Staff finds that rezoning the subject property from RSF-4 to UN is justified and is consistent with the city's future land use plans.**

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

Finding: **A rezoning from RSF-4 to UN has the potential to increase traffic at this location considering that the site is currently developed with a single-family**

home. Staff does not find, however, that given the size of the site, and the requirements for access management, that it would be to an appreciable degree.

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

Finding: **The proposed rezoning has the potential to alter the population density since it would allow for increased residential development. However, the property currently has access to public streets and water. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system adjacent to the property, and any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

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

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

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

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0044 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required YES
Date: October 13, 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
    - §161.37 Urban Neighborhood
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map
- Long Range Planning Memo
- 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)

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

161.37 Urban Neighborhood

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

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

(F) *Building Height Regulations.*

Building Height Maximum	3 stories

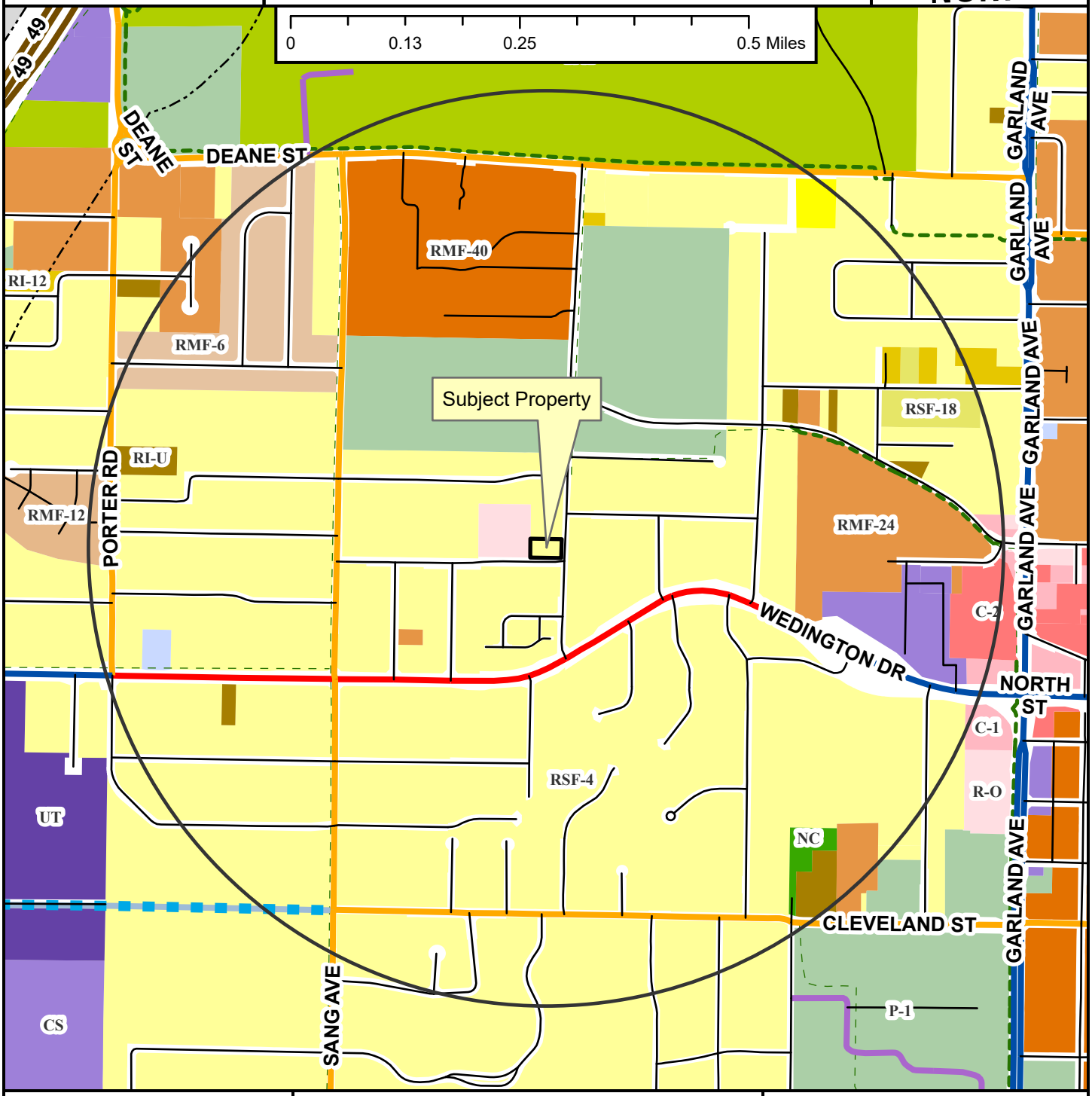
(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 6830, §1(Exh. A), 1-7-25; Ord. No. 6879, §2, 5-20-25)

RZN-2025-0044

One Mile View

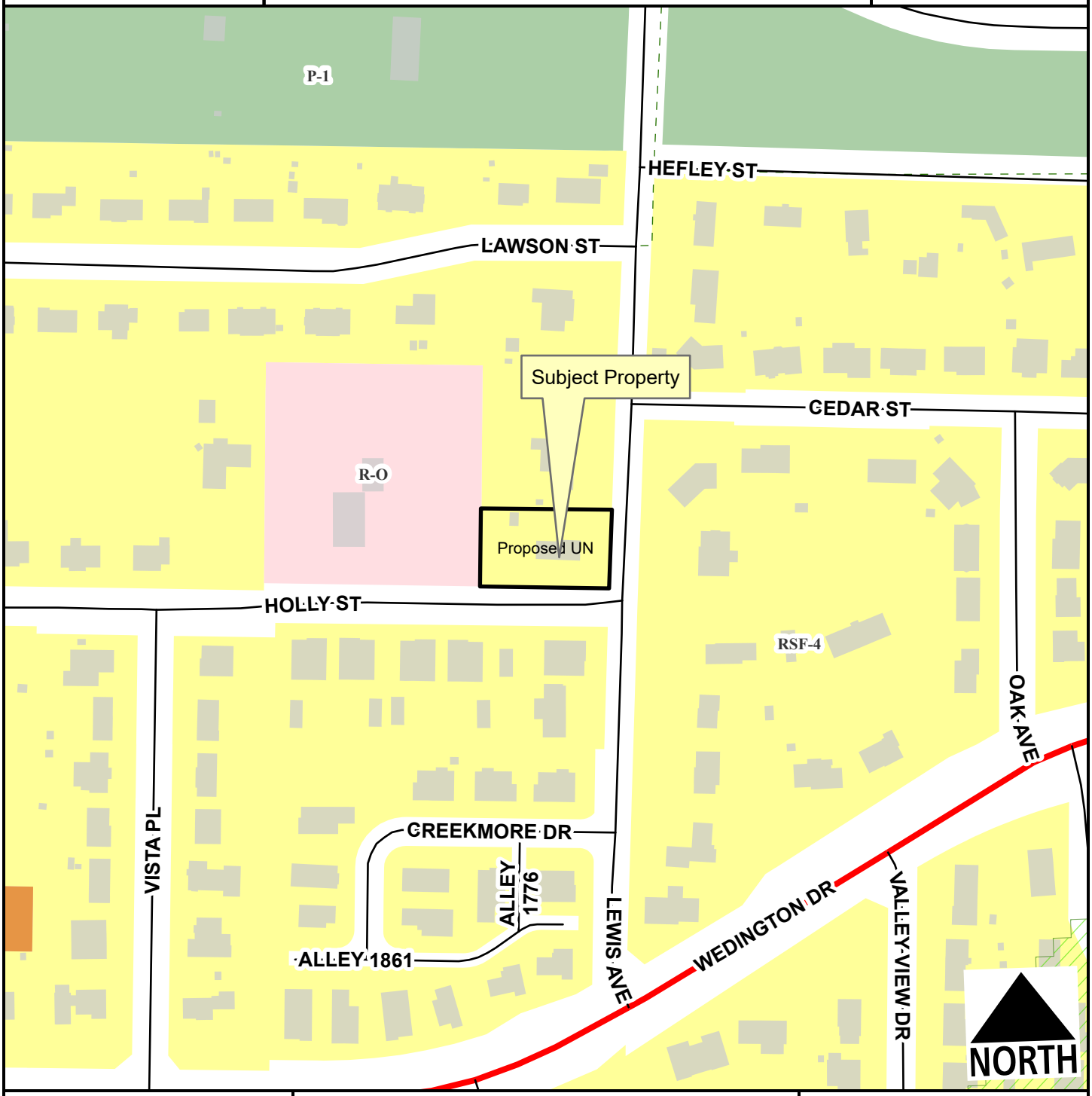
1229 N. LEWIS AVE



RZN-2025-0044

Close Up View

1229 N. LEWIS AVE



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
R-O	0.0	0.0
RSF-4	0.4	0.0
UN	0.0	0.4

Total 0.4 ac

RZN-2025-0044

Current Land Use

1229 N. LEWIS AVE

NORTH



- Regional Link
- 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

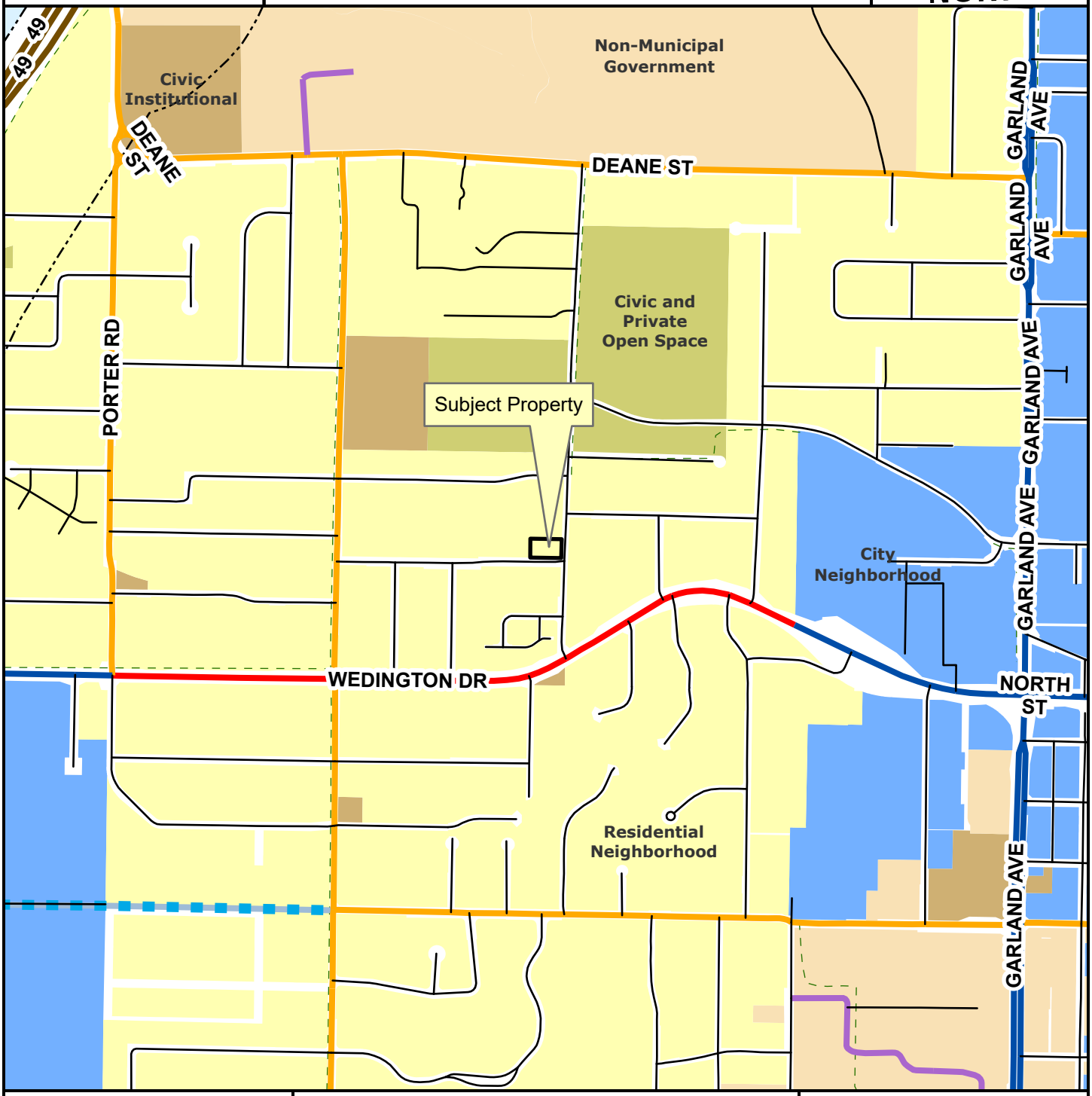
- 100-Year Floodplain
- Floodway

RZN-2025-0044

Future Land Use

1229 N. LEWIS AVE

NORTH



Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned 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

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Wes Frank, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 13, 2025

SUBJECT: **Long Range Planning Comments Regarding RZN-2025-0044**

RECOMMENDATION:
Advisory Only: Property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

BACKGROUND:
The applicant requests to rezone approximately 0.52 acres, from RSF-4, Residential Single Family, Four Units Per Acre to UN, Urban Neighborhood. Rezonings often precede projects that involve substantial demolition and redevelopment of sites. The proposed rezoning of the property has the potential to adversely impact a historic-age property via the future demolition of an identified historic structure. Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *Heritage & Historic Preservation Plan.*

City Plan 2040 (2020):
Although the City does not have a demolition review ordinance in place currently, it is important to review and acknowledge the proposal's impact on historic properties as part of the City Plan 2040 objectives that may be considered with the zoning request:

- 3.1.6 – Encourage historic preservation and adaptive reuse of buildings (p.24)
- 3.1.7 – Encourage protection of community character in established neighborhoods (p.25)
- 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.44)

Heritage & Historic Preservation Plan (2023):
The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.
Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

DISCUSSION:
The house will be nonconforming to setbacks under UN, which has a front build-to zone of 0'-25'. When this house was constructed, it was located in a rural area on the outskirts of Fayetteville where it was common for houses to be set back farther from the road and on larger lots than in urban areas.

Property History:
The property contains a single-family dwelling constructed ca. 1926, according to the County Assessors Records. However, aerial maps of the area indicate that the building may have been constructed later, sometime between 1956 and 1965 (see attachments).[1] This dwelling represents an early- to mid-twentieth century vernacular residence, with prominent native stone chimney on the façade. Individually, the property is unlikely to be eligible for state or National Register of Historic Places listing based on architectural significance alone, as modifications over the years have negatively impacted its integrity of design and materials.


Façade, looking west.


South side, looking north.

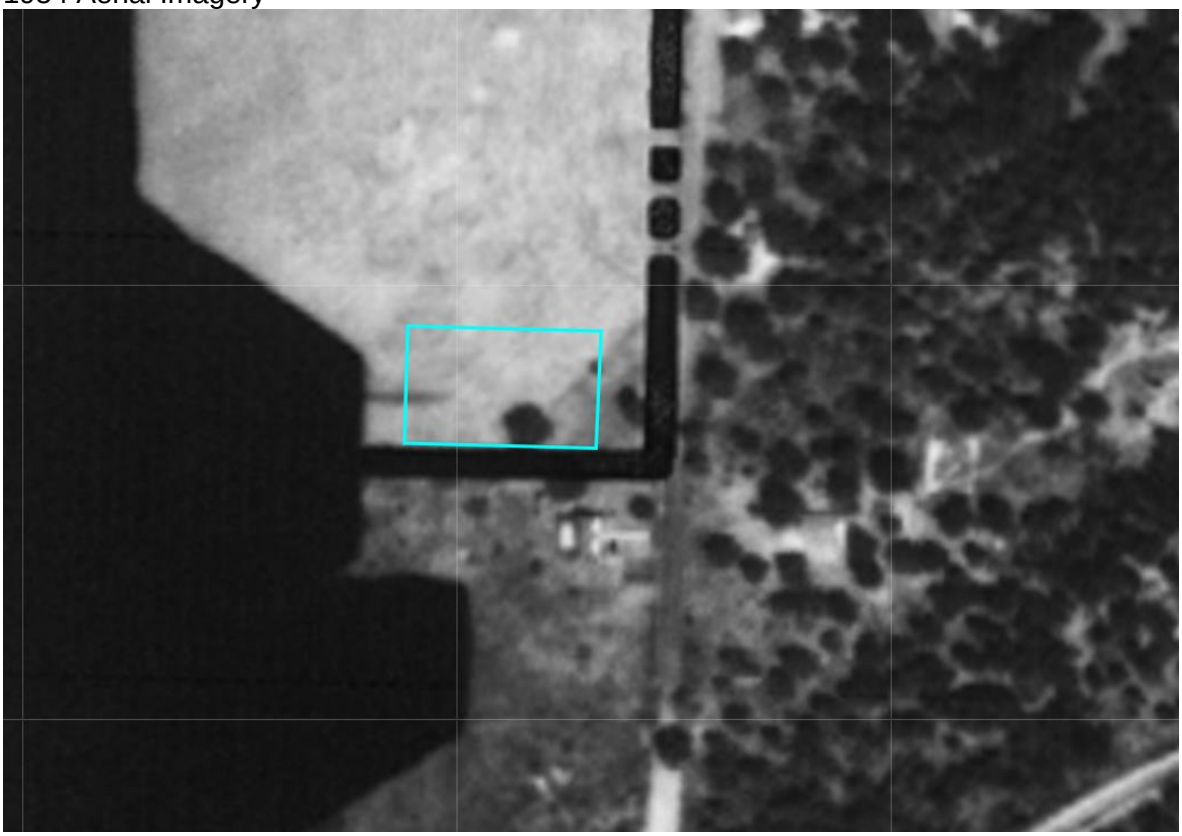
[1] Long Range Planning staff have received grant funding from Arkansas Historic Preservation Program to support a survey of historic structures within the Fayetteville city limits. The survey is launching in Fall 2025. Current survey information is incomplete and may include inaccurate estimated construction dates for historic structures. Some historic homes, for example, are older than they initially appear due to exterior changes that mask original design features and building forms. Maps and other public records can serve as resources to improve accuracy in identifying historic structures, particularly those over a century in age.

ATTACHMENTS:

1965 Aerial Imagery



1954 Aerial Imagery



HOPE CONSULTING

129 NORTH MAIN STREET, BENTON, ARKANSAS 72015
T: (501) 315-2626 E: WWW.HOPECONSULTING.COM

August 25, 2025

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

1229 North Lewis Avenue (Parcel No. 765-13812-000) Rezone Narrative Letter

Dear Planning Staff,

Please let this letter serve as a narrative for the submission of 1229 North Lewis Avenue Rezoning request. The property is currently zone RSF-4, Residential Single Family – Four Units per Acre, and consists of 0.52 Acres. A portion of about 0.10 acres of the subject property is within the North Lewis Avenue & West Holly Street Right-of-Way.

We are seeking to rezone this property from its current RSF-4, Residential Single Family – Four Units per Acre, to UN, Urban Neighborhood. The proposed rezoning of UN would not unreasonably adversely impact the neighboring properties or conflict with the surrounding land uses. This is because UN is consistent and compatible with the current surrounding land use of the neighboring properties. The adjacent properties are zoned RSF-4, & R-O, Residential Office which has a density of Twenty-four Units per Acre. Rezoning the property to UN is consistent and compatible with the current land uses of these adjacent properties that have similar zoning permitted uses. The requested rezoning will not change the residential nature of the area.

A meeting was held with Planning & Engineering Staff June 26th to discuss the potential of rezoning the subject property to Urban Neighborhood and was received with support of this zoning classification. The property owner has also expressed developing this property in the future as residential. UN zoning gives more flexibility to the type of residential development on this property. The single-family residential land use of this overall area will be maintained. The rezoning also would not unreasonably impact any of the neighboring properties.

For the reasons stated herein, we request that the property be rezoned from RSF-4, Residential Single Family - Four Units per Acre to UN, Urban Neighborhood.

Please feel free to contact me if you have any questions or concerns with this rezone request.

Sincerely,

Dillon B. Bentley

Dillon Bentley, P.E.
NWA Lead Engineer
Hope Consulting

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: October 13, 2025

SUBJECT: **RZN-2025-0041: Rezoning (1124 W CLEVELAND ST/LEVERETT ELEMENTARY SCHOOL, 443):** Submitted by ECOLOGICAL DESIGN GROUP for property located at 1124 W. CLEVELAND ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and P-1, INSTITUTIONAL, and contains approximately 2.18 acres. The request is to rezone all the property to P-1, INSTITUTIONAL.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0041** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0041** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located at the northwest corner of W. Cleveland Street and N. Garland Avenue. While the property is currently developed with a public elementary school and primarily zoned P-1, Institutional, a portion of the property along the intersection of N. Hall Avenue and W. Cleveland Street are zoned RSF-4, Residential Single-Family, 4 Units per Acre. The property overall contains five parcels which total 4.8 acres. The two parcels in question, 765-02579-000 and 765-02585-000, were purchased in 1988 and 2000, respectively, by the Fayetteville Public School district. This item was originally scheduled for the September 22, 2025 Planning Commission hearing, but the Commission failed to make quorum. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential/Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre; R-O, Residential-Office
South	University of Arkansas	P-1, Institutional
East	Mixed-Density Residential/City of Fayetteville	CS, Community Services; P-1, Institutional; RMF-40, Residential Multi-Family, 40 Units per Acre
West	Residential Single-Family/University of Arkansas Parking	P-1, Institutional

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, 4 Units per Acre, to P-1, Institutional. The applicant has indicated that they are requesting the rezoning to bring the existing school facility into zoning compliance.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has street frontage along West Cleveland Street, which is a fully improved Neighborhood Link Street with asphalt paving, sidewalk, curb and gutter. The subject area has street frontage along North Garland Avenue, which is a fully improved Regional Link High Activity 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. An existing 12-inch water main is present along North Garland Avenue and an existing 12-inch water main is present along West Cleveland Street.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present along West Cleveland Street and an existing 8-inch sewer main is present on the subject property.

Drainage: No portion of the property lies within a FEMA floodplain, protected stream, or within the Hillside-Hilltop overlay district. No hydric soils are present on site. Any requirements for drainage improvements will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 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 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. The Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district, P-1, Institutional, and the existing zoning district, RSF-4, Residential Single-Family, 4 Units per Acre, both require **25% minimum canopy preservation**.

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

Civic Institutional Areas are dedicated for buildings generally operated by not-for-profit organizations dedicated to culture, government, education or transit and municipal parking.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **10** for this site with a weighted score of **13**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #2)
- Near Sewer Main (W. Cleveland Street and subject property)
- Near Water Main (N. Garland and W. Cleveland Street)
- Near Grocery Store (Harps)
- Near Public School (Leverett Elementary)
- Near U of A Campus (Immediately south)
- Near City Park (Frisco Trail)
- Near Paved Trail (Frisco Trail)
- Near ORT Bus Stop (Stadium Gate 10)
- Near Razorback Bus Stop (Hotz Hall)

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 compatible with the surrounding area and current land uses. RSF-4 zoning allows for single-family residential uses and P-1 would allow for institutional uses such as schools, parks, and government facilities. The specific property in question is currently operating as Leverett Elementary School, and has been owned by the school district and operating in this capacity since at least the year 2000. Further, Leverett Elementary has operated on this site since the 1950s. Given the property's proximity to the University and residential uses to the north, staff finds that rezoning to P-1 provides for good compatibility to the area. The lot widths, areas, and building height requirements in P-1 are compatible as well; P-1 is a strictly institutional zoning district, which, after new regulations were approved by City Council earlier in 2024, now also allows for a form-based option. While RSF-4 has a maximum building height of 3 stories, P-1 allows for a maximum building height of 6 stories. Staff finds that even if a 6-story facility were to be built on this property, given its proximity to the large institutional uses at the U of A, this building height could be appropriate.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as a Civic Institutional area. A rezoning from RSF-4 to P-1 contributes to City Plan 2040 goal #3, in that it helps promote a compact, complete, and connected development throughout the area by affording the ability to develop additional amenities and services to this area, rather than the existing designation. This site is highly walkable, and there is available transit. The continued use of this property as a school is justified and necessary to contribute to the City's future land use goals, and this rezoning will clarify a long-outdated boundary.**

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

Finding: **Staff finds there is sufficient justification to rezone the property from RSF-4 to P-1. This request will allow for the development of institutional uses in the area, one that is already identified as being a Civic Institutional area in the City's future land use map. Schools and other cultural and recreational facilities are a vital service and while not strictly residential, are a necessary neighborhood amenity.**

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

Finding: **A rezoning from RSF-4 to P-1 has the potential to increase traffic to this location, though not necessarily in a way that is considerably different than how the site has been used for decades. Staff does not find that this request will appreciably increase traffic or congestion.**

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

Finding: **The P-1 zoning district does not permit by-right residential uses and is therefore unlikely to increase the population density in this area. The overall property has access to existing water and sanitary sewer as well as fully-improved streets. Any development on this site will be responsible for increasing sewer capacity as needed. As for the project's impact on school capacity, the proposal is a response to increasing attendance in the Fayetteville Public School District and will clarify an existing non-conforming situation.**

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-2024-0041 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 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
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.32 District P-1, Institutional
- 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)

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.

161.32 District P-1, Institutional

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

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right

Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

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

(F) *Height Regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

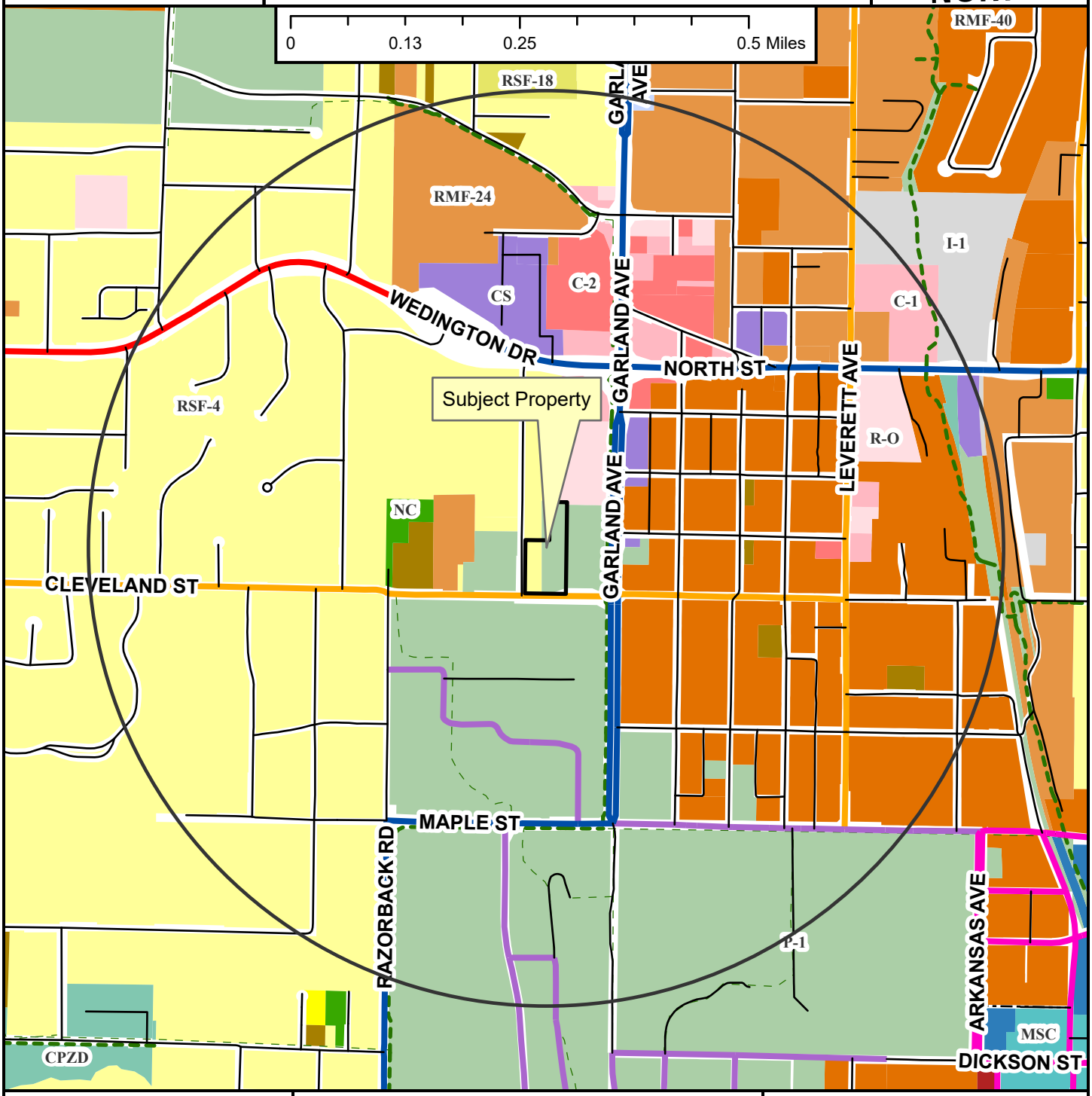
(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No.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

RZN-2025-0041

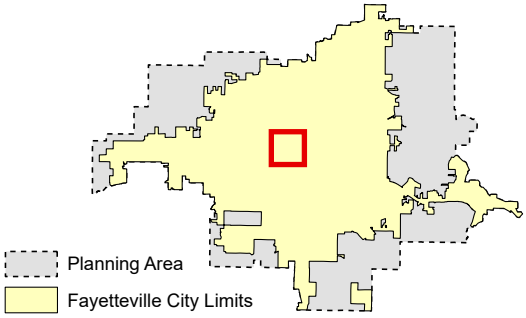
One Mile View

1124 W CLEVELAND ST

NORTH



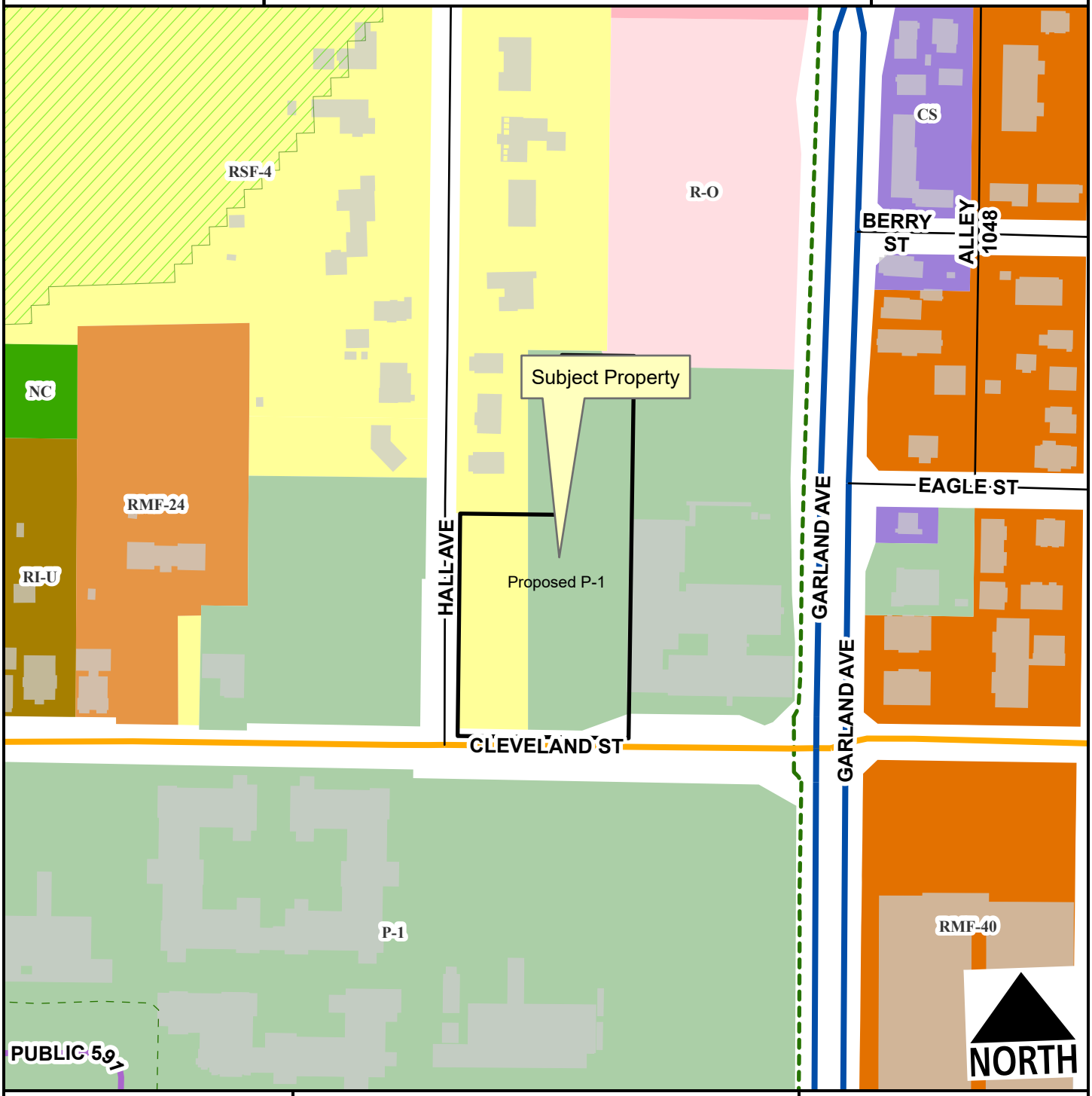
Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Urban Center
Unclassified
Alley
Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



RZN-2025-0041

Close Up View

1124 W CLEVELAND ST



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
P-1	1.5	2.2
R-O	0.0	0.0
RSF-4	0.7	0.0

Total 2.2 ac

RZN-2025-0041

Current Land Use

1124 W CLEVELAND ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- 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

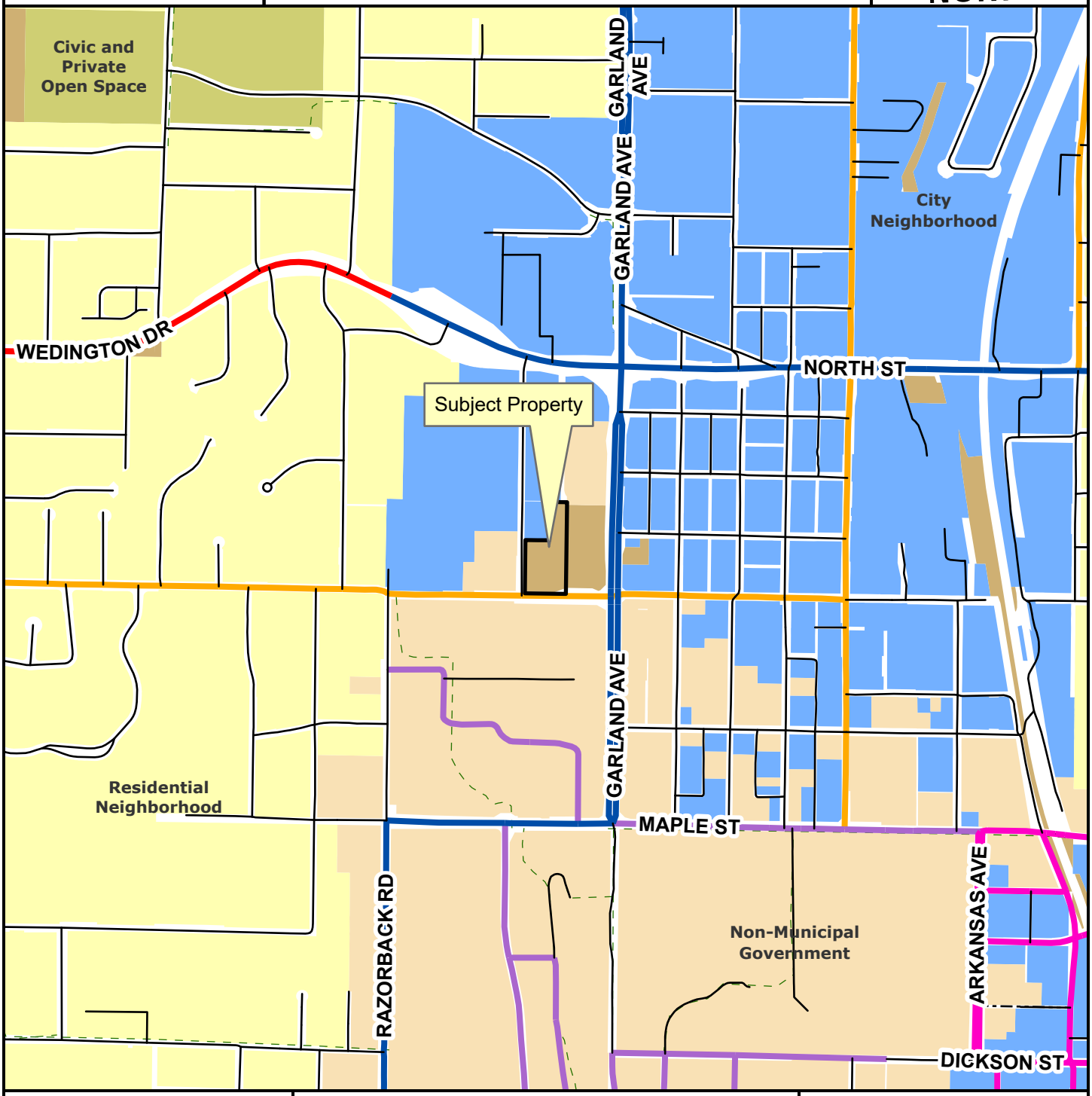
- 100-Year Floodplain
- Floodway

RZN-2025-0041

Future Land Use

1124 W CLEVELAND 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

E | D | G

Ecological Design Group
216 West Birch St,
Rogers, AR 72756

Date: 8/6/2025
Project: Leverett Elementary Playground- Rezoning
Location: 1124 Cleveland St, Fayetteville, AR 72701
EDG Project No: #24-075

RE: Rezoning Request

To whom it may concern:

Ecological Design Group, on behalf of Fayetteville Public Schools, request the rezoning of parcels #765-02579-000 and #765-02585-000, located at 1124 W. Cleveland Street, from RSF-4 (Residential Single Family, four units per acre) to P-1 (Institutional).

In the existing conditions, the playground use on these parcels does not conform to the current zoning. There are no proposed changes to the use or function of the property—this rezoning is being pursued solely to bring the zoning into alignment with its long-established public and institutional use.

The proposed P-1 zoning is consistent with adjacent properties to the east, south, and west, which are also zoned P-1. Therefore, the requested rezoning is not expected to negatively impact surrounding properties and will support the continued operation of the playground as an amenity for the public school system.

Sincerely,



Molly Pace
(501) 378-0200

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: October 13, 2025

SUBJECT: **RZN-2025-0046: Rezoning (2097 N. PENELOPE LN/HENBEST, 363):** Submitted by BATES & ASSOCIATES for property located at 2097 N. PENELOPE LN. The property is zoned R-A, RESIDENTIAL--AGRICULTURAL and RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and contains approximately 8.41 acres. The request is to rezone 2.58 acres of the property to R-A, RESIDENTIAL-AGRICULTURAL and 1.51 acres to RI-U, RESIDENTIAL INTERMEDIATE, URBAN.

RECOMMENDATION:
Staff recommends denial of **RZN-2025-0046**.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0046** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located approximately ½ mile west of I-49, just south of W. Mount Comfort Road. While the overall property contains approximately 8.41 acres, the applicant requests to rezone a portion of the property to R-A, Residential-Agricultural, and another portion of the property to RI-U, Residential-Intermediate, Urban. The property is located within the floodplain, floodway, and the streamside protection zone. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	NC, Neighborhood Conservation
South	Mixed-Density Residential	RMF-24, Residential Multi-Family, 24 Units Per Acre
East	Single-Family Residential	R-A, Residential Agricultural; RMF-24, Residential Multi-Family, 24 Units Per Acre
West	Undeveloped	RSF-4, Residential Single-Family, 4 Units Per Acre

Request: The request is to rezone a portion of the subject property from RMF-24, Residential Multi-Family, 24 Units Per Acre, to R-A, Residential Agricultural, and another portion of the property from R-A, Residential Agricultural to RI-U, Residential Intermediate, Urban.

Public Comment: Staff has received public comment in opposition to this request, with primary concerns centered around traffic impacts, negative environmental impacts, and safety concerns for nearby families with children.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has no street frontage.

Water: Public water is available to the subject area. An existing 8-inch water main is present along N. Penelope Lane.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present along east side of the subject properties, and an existing 10-inch sewer main is present across the middle of the subject properties. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system adjacent to this property.

Drainage: A portion of the property lies within a FEMA Floodplain, there is a protected stream, and hydric soils are present in the area. 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 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. No portion of the property lies within the Hillside-Hilltop Overlay District.

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 8, located at 2266 W Deane St., protects this site. The property is located approximately 1 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 did not comment on this request.

Tree Preservation:

The proposed zoning districts, RI-U, Residential Intermediate, Urban and R-A, Residential Agricultural require **15% and 25% minimum canopy preservation, respectively.** The current zoning districts, RMF-24, Residential Multi-Family, 24 Units per Acre and R-A, Residential-Agricultural require **20% and 25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: The 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 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 of **3-5** for this site with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Insert fire information here)
- Near Sewer Main (8" and 10" adjacent to the property)
- Near Water Main (8" along Penelope Ln)
- Near City Park (Bryce Davis Park)
- Near Paved Trail (Hamestring Creek Park)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning appears generally compatible with the surrounding area and existing land uses. The applicant proposes to rezone approximately 4 acres of an 8-acre parcel, which is currently split-zoned R-A (Residential-Agricultural) to the north and RMF-24 (Residential Multi-Family, 24 units/acre) to the south. Adjacent land uses include a recently developed single-family subdivision to the north, a cluster housing development zoned RI-U (Residential Intermediate–Urban)**

to the east, and a two-family residential development to the south. While the request could support a broader range of housing types consistent with nearby development patterns, staff notes concerns related to the environmental constraints of the site. A significant portion of the property lies within the floodplain, with some areas located in the floodway. These conditions, along with limited street access, already restrict development potential and present challenges for future infrastructure and site design. The proposed upzoning to RI-U, which does not include a density cap, may allow the applicant to concentrate development in less environmentally sensitive portions of the site, potentially improving feasibility while aligning with broader housing goals. However, the lack of direct street frontage to the area proposed for rezoning could pose access and connectivity issues, which may impact future development outcomes. Overall, the request presents both opportunities and challenges. While the rezoning could provide flexibility for compatible residential development, the site's environmental constraints and access limitations will need to be carefully considered as part of any future development plan. The property also has a high level of zoning entitlement on the southern portion of the property. On the balance of considerations, staff recommends denial of this request.

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as Residential Neighborhood area, though inconsistent with the portion of the property that is designated as a "Natural" area. The applicant's decision to downzone a portion of the RMF-24 area to R-A indicates an attempt to acknowledge some portion of the ecologically sensitive areas on the property, but leaving a portion of the property as R-A rather than rezoning to RI-U would be more in line with the intent of the "Natural Area" designation. Given the future land use classification of this portion of the site, staff would recommend denial of the request to stay in line with that plan.**

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

Finding: **Staff finds there is insufficient justification to rezone the property from R-A to RI-U, though recognizes the existing entitlement on the southern half of the property that is being downzoned from RMF-24 to R-A. This limited exchange in density and land use allowance may make for a project that is more reflective of the floodplain requirements by avoiding development in the floodway entirely.**

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 has the potential to increase traffic to this location, and could be to an appreciable degree, though there are limiting factors to the property. The property has a very limited amount of public street frontage, so fire access in the future could be challenging, and could limit the number of overall units that are provided. Further, the property is**

within the floodplain, which carries a set of additional design standards that could also naturally limit the amount of development on the property.

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 property has access to water and sewer, and any increase in density would have to be balanced with appropriate upsizing of those facilities to be borne by the developer. There are known wet-weather issues in the adjacent sewer line. Fayetteville Public Schools 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 denial of RZN-2024-0046.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 13, 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
  - §161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre
- 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.

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

Editor's note(s)—Ord. No. 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.

161.12 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.

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

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

(B) *Uses.*

(1) Permitted Uses.

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

(2) *Conditional Uses.*

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

Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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

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

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §6(Exh. E), 5-2-23)

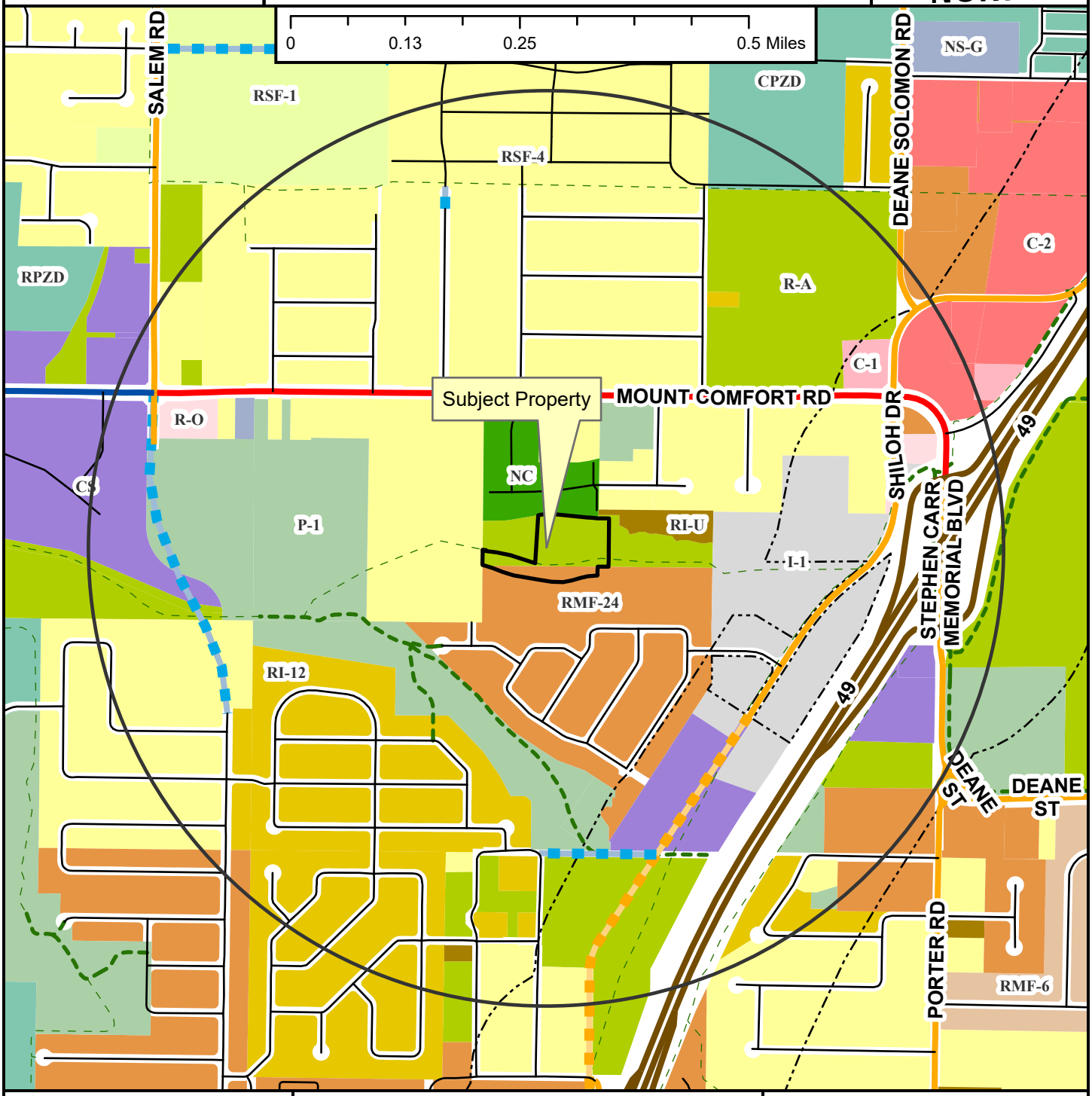
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance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

RZN-2025-0046

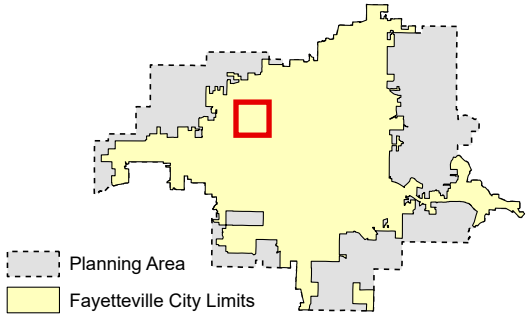
One Mile View

W MT COMFORT RD

NORTH



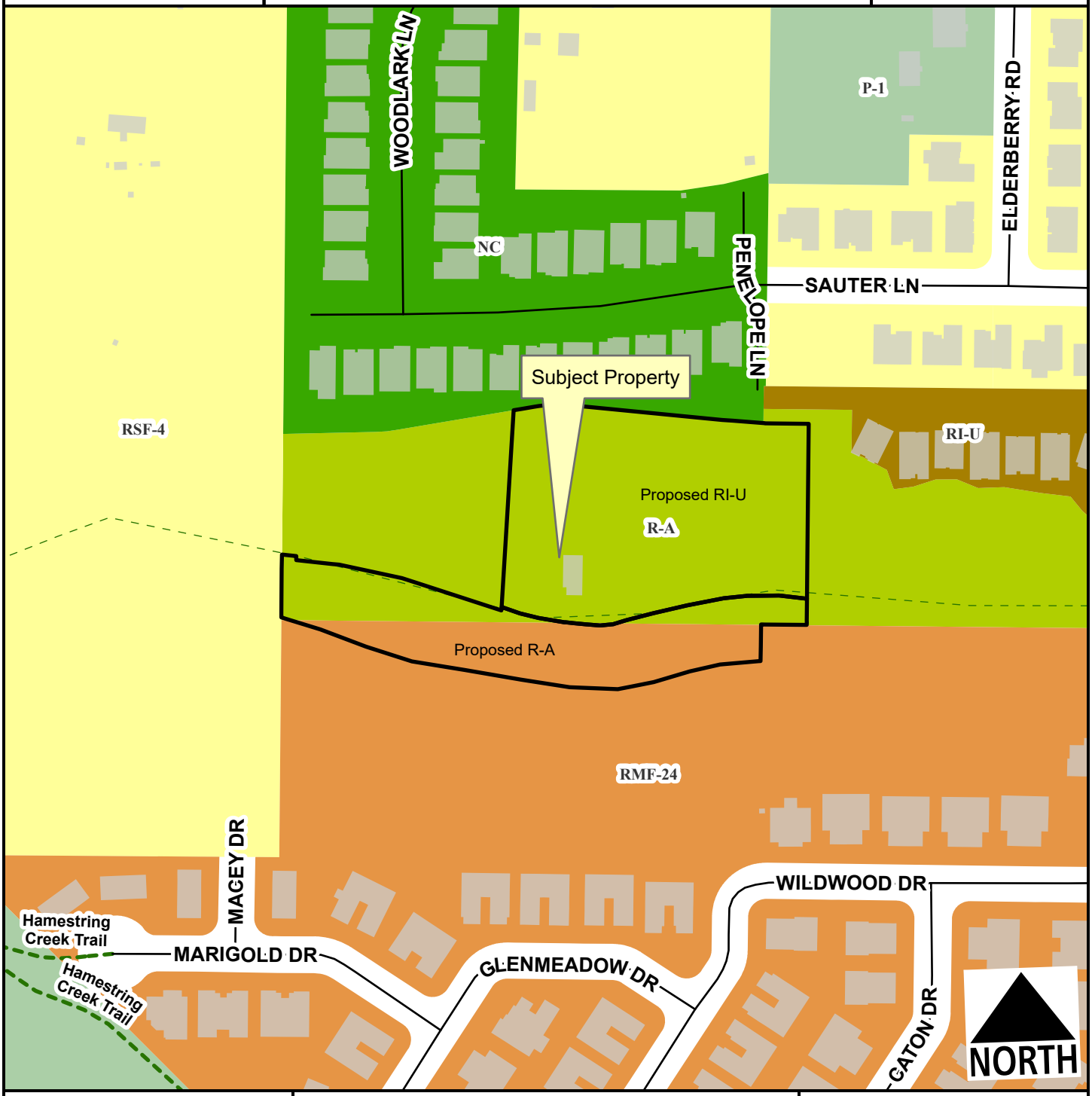
Regional Link
Neighborhood Link
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



RZN-2025-0046

Close Up View

W MT COMFORT RD



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
R-A	3.2	1.5
RI-U	0.0	2.6
RMF-24	0.9	0.0
RSF-4	0.0	0.0

Total 4.1 ac

RZN-2025-0046

Current Land Use

W MT COMFORT RD

NORTH



- Regional Link
- Unclassified
- Residential Link
- Planned Neighborhood 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

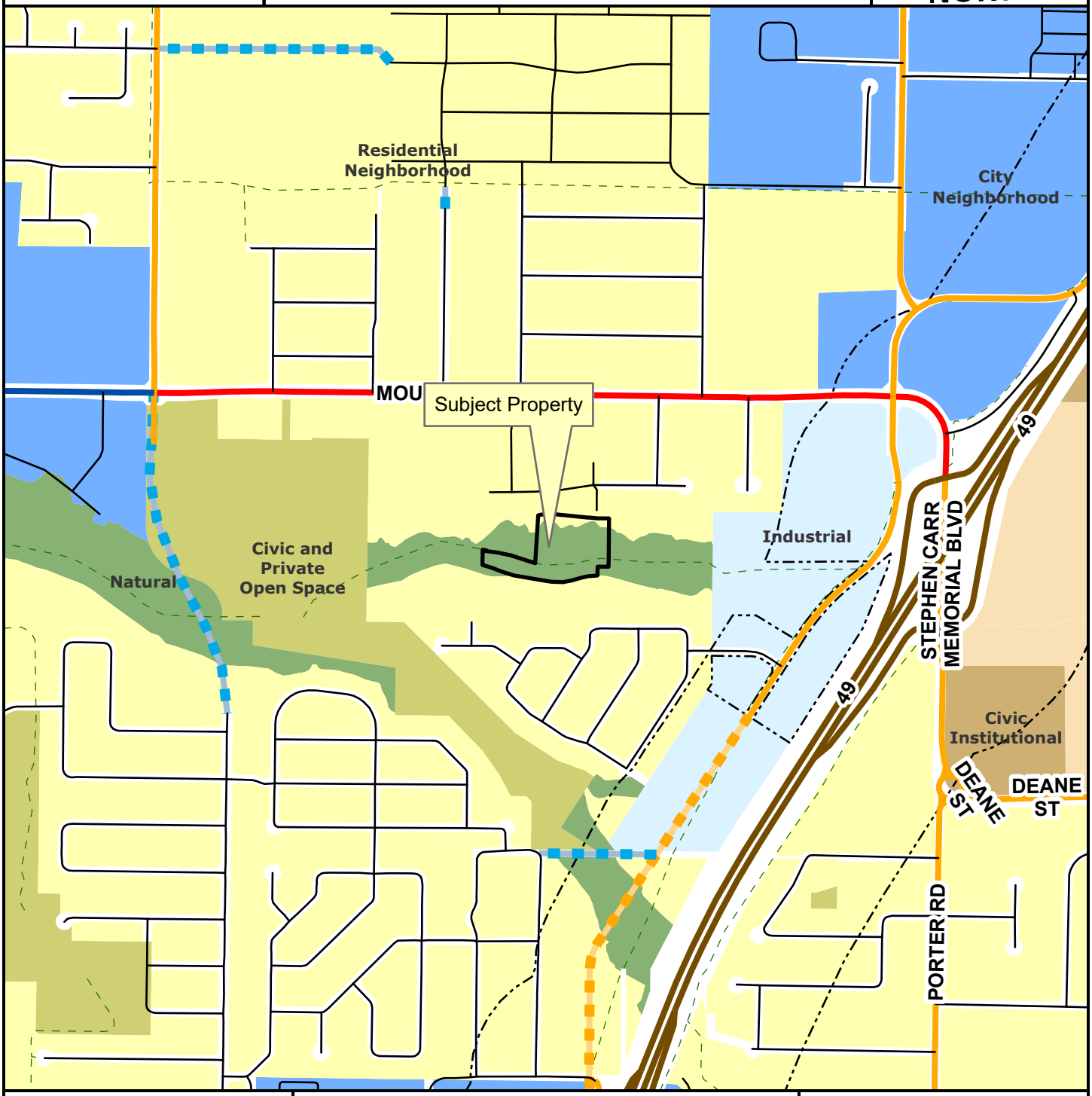
- 100-Year Floodplain
- Floodway

RZN-2025-0046

Future Land Use

W MT COMFORT RD

NORTH



Regional Link
Neighborhood Link
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned 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

Public Comment

From: Todd Hays <haystodd1@gmail.com>
Sent: Thursday, October 9, 2025 8:54 AM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Concern Regarding Proposed Rezoning and Development Behind Westview Meadows

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

Good morning,

It has come to our attention that there is an upcoming meeting regarding the potential rezoning and development of the property located directly behind the Westview Meadows subdivision. We are original homeowners in this neighborhood and were among the first residents to move in.

We are very concerned that development of the land behind our subdivision would have a detrimental impact on our community. Since Westview Meadows was completed, we've observed that a large portion of the homes have been purchased by investors and are now used as rental properties. One neighboring home operates as a VRBO, with transient occupants rotating through on a weekly basis. Other rental properties often house multiple unrelated tenants, resulting in significant congestion, excessive street parking, and overall safety concerns.

Despite multiple complaints to both the POA board and the Fayetteville Police Department, the situation has not improved. Introducing additional development in such a limited area will only worsen these issues—particularly with increased traffic, parking challenges, and neighborhood safety risks.

For these reasons, we are strongly opposed to any rezoning or new development in the area adjacent to Westview Meadows.

Thank you for your time and consideration.

Sincerely,

Todd and Kim Hays
2946 West Sauter Lane
Fayetteville, AR. 72701
Mobile: 479-236-6405
Home: 479-935-4214
haystodd1@gmail.com

October 8, 2025

Dear Ms. Masters and Members of the Fayetteville Planning Commission,

My name is Chesley Hart Whiteside, homeowner at 2959 W. Sauter Lane, within the Westview Meadows Property Owners Association (POA).
I am writing to formally and respectfully oppose Rezoning Case RZN-2025-0046, proposed by Bates & Associates, Inc. on behalf of the Juanita & Jack Henbest Revocable Trust, concerning approximately 4.09 acres at 2097 N. Penelope Lane.

This request should be denied in its entirety. It fails to meet the Planning Commission's mandate that rezonings must be *"compatible and harmonious with surrounding land uses and future land uses."* It also undermines Fayetteville's environmental commitments, compromises neighborhood safety, and erodes the very character and trust that this city has long worked to preserve.

1. The Applicant's Basis for Its Rezoning Claim Is Inherently Against Public Policy

The proponents assert that the rezoning *"is consistent with adjacent land uses, supports the established urban development pattern, provides a compatible transition between existing zoning districts, ensures responsible land use management, aligns with the City's planning goals, and will not adversely impact neighboring properties."*

Each of those claims is contradicted by the record:

- **Not Consistent:** The parcel being up-zoned to RI-U lies within 1% and 0.2% Annual Chance Flood Hazard areas and the Regulatory Floodway, as shown in the applicant's own exhibit (City of Fayetteville GIS, Created 9/17/2025). No adjacent property within that corridor carries urban zoning. Urbanizing a floodway is not consistent — it's dangerous and out of step with City and FEMA policy.
- **Not a Transition:** A "compatible transition" requires a gradual scaling of densities. This proposal places high-density zoning directly against single-family homes and a protected creek corridor. That is not transition — it is encroachment.
- **Not Responsible Land Use Management:** The applicant's "down-zoning" of floodway land to R-A is misleading. Those areas are already undevelopable by law. The gesture is cosmetic and does not offset the intensity increase along the residential boundary.
- **Not Compatible and Harmonious:** The Planning Commission's goal is to ensure rezonings remain *"compatible and harmonious with surrounding and future land uses."* Introducing RI-U density, construction traffic, and lighting into a quiet single-family neighborhood violates that standard in every measurable way — use, scale, safety, and environmental integrity.
- **Not Environmentally Sensitive:** The claim that this rezoning "ensures sensitive environmental areas are preserved" is untrue. The developer's own map confirms that the area includes floodway and wetland designations. No hydrology or habitat assessments have been submitted to validate their statement (at least at this time).

2. Endangered Species and Federal Habitat Protections

According to the U.S. Fish & Wildlife Service IPaC Official Species List generated for the project area:

"The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of the proposed project and/or may be affected by the proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under Section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.)."

The IPaC list identifies the following species as potentially present or affected within the project boundary:

- **Gray Bat (*Myotis grisescens*) — Endangered**
- **Indiana Bat (*Myotis sodalis*) — Endangered**
- **Northern Long-eared Bat (*Myotis septentrionalis*) — Endangered**
- **Tricolored Bat (*Perimyotis subflavus*) — Proposed Endangered**
- **Eastern Black Rail (*Laterallus jamaicensis jamaicensis*) — Threatened**
- **Piping Plover (*Charadrius melodus*) — Threatened**
- **Rufa Red Knot (*Calidris canutus rufa*) — Threatened**
- **Alligator Snapping Turtle (*Macrochelys temminckii*) — Proposed Threatened**
- **Monarch Butterfly (*Danaus plexippus plexippus*) — Proposed for Listing**

The same report identifies that bald and golden eagles, seventeen species of migratory birds, and wetlands are also present or may be impacted by development within this boundary.

All of these species depend on forested riparian corridors, wetlands, and floodplain habitats identical to those behind Westview Meadows. Any alteration of canopy, light, noise, or hydrology within this corridor would degrade those habitats and risk violations of the Endangered Species Act and Migratory Bird Treaty Act.

To my knowledge, the applicant has not initiated Section 7 consultation with the U.S. Fish & Wildlife Service as possibly required under Federal law. Proceeding without that review would potentially place Fayetteville in procedural conflict with the ESA and expose both the City and the developer to legal risk.

3. Environmental, Floodplain, and Infrastructure Failures

The parcel's location within a Regulatory Floodway and 1% Flood Hazard Zone makes it unfit for high-density development. Increasing impervious surfaces will heighten runoff, erode the creek, and overburden the Westview Meadows retention pond—infrastructure engineered only for current capacity. In addition, the Westview Meadows POA has stated that on our retention pond side, the land cannot be developed. On the side of the property with the Cottages, the POA owns that land nearly all the way to the creek and is partially protected as a nature reserve. Approving an urban development in between these two areas of land would destroy the current ecological

system, the aesthetics for the current residents, and place undue harm and an undue burden on the neighborhood.

To my knowledge, no hydrology, drainage, or traffic impact studies have been produced, despite the site's clear environmental sensitivity. Approving rezoning under these conditions contradicts UDC §166.04 (Stormwater Management) and the City's MS4 permit obligations.

4. Child Safety, Traffic, and Construction Hazards

Westview Meadows is a family-oriented neighborhood. Children walk, ride bikes, and play outside daily along Sauter Lane and Penelope Lane — streets that currently lack continuous sidewalks or traffic-calming devices.

Adding a new road, construction equipment, and increased vehicle trips during and after development will significantly raise risks to children's safety. Heavy machinery, debris, and limited sight lines pose a constant hazard. Post-construction, the permanent increase in cars and population density will degrade walkability, increase congestion, and diminish the neighborhood's peace and safety.

5. Aesthetic and Character Degradation

The defining aesthetic of Westview Meadows lies in its open green spaces, tree lines, and natural creek buffer. These features are not decorative — they are part of the neighborhood's identity, and the reason residents chose to live here. In addition, several residents were told by the current landowner that the area in question would more than likely not be developed in any way due to its current layout, and restrictions.

Replacing those natural views with dense units, pavement, and artificial lighting will permanently damage the visual harmony and ecological beauty of the area. The result will be an urbanized pocket wedged into a residential zone — fundamentally incompatible and disharmonious with the surrounding environment.

6. Community Impact and Stewardship

I was born and raised in Fayetteville. The values that define this city — environmental stewardship, thoughtful growth, and community balance — are values I was raised with. I built my own home here at 2959 W. Sauter Lane because I believe in Fayetteville's vision of a city that grows responsibly, respects nature, and honors the families who live here.

Westview Meadows represents that vision: a place where open space, safety, and community coexist. The proposed rezoning would undermine that legacy. It would replace green buffers with asphalt, peace with noise, and safety with risk. More importantly, it would erode the public's trust in Fayetteville's planning process — trust that has been built over decades of responsible, balanced development.

7. Procedural and Transparency Deficiencies

Despite the scope and sensitivity of this rezoning, no site plan, hydrology study, drainage analysis, or traffic report has been shared with the public. Without those, neither residents nor the Commission can meaningfully assess impacts. Moving forward under such incomplete information would violate basic due process and the City's obligation to conduct transparent, data-driven planning.

8. Conflict with City and Mayoral Growth Principles

Mayor **Molly Rawn** has stated that Fayetteville's path forward depends on *responsible, transparent growth that respects environmental systems and infrastructure limits.* This proposal achieves none of those goals. It prioritizes density over safety, expedience over stewardship, and private gain over the public good.

9. Conclusion

Rezoning Case **RZN-2025-0046** fails every applicable criterion. It is not *compatible* with surrounding land uses, not *harmonious* with neighborhood character, not *safe* for residents and children, not *environmentally sound*, and not *truthfully represented.*

The applicant's claims of "logical growth" and "preserving sensitive areas" are contradicted by their own evidence — floodway encroachment, habitat destruction, traffic risk, and procedural omission.

For these reasons, and consistent with the **City of Fayetteville's Plan 2040** and the Planning Commission's duty to ensure growth remains **compatible, harmonious, and safe**, I respectfully urge the **Commission to deny Rezoning RZN-2025-0046 in full.**

Please confirm receipt of this letter and enter it into the official record for the **October 13, 2025,** hearing.

Sincerely,
Chesley Hart Whiteside
2959 W. Sauter Lane
Fayetteville, AR 72704
479-305-4360

October 9, 2025

To: Ms. Jessie Masters, Planning Staff, and Members of the Fayetteville Planning Commission
City of Fayetteville, Arkansas
113 W. Mountain Street
Fayetteville, AR 72701

Subject: Supplemental Letter of Opposition and Request for Clarification (Please include this supplemental letter with my original letter sent on October 8, 2025) – *Wildwood Townhomes Rezoning Proposal (W. Sauter Lane / N. Penelope Lane)*

Dear Planning Staff and Commissioners,

My name is Chesley Hart Whiteside, and I am a homeowner at 2959 W. Sauter Lane, immediately adjacent to the area proposed for rezoning under the Wildwood Townhomes Development. My property sits directly along the project's boundary, and my home would be among the most immediately affected by any change in use intensity. After reviewing the applicant's materials submitted by Bates & Associates on behalf of the Henbest Revocable Trust, I respectfully submit the following supplemental comments and questions for the Commission's consideration.

1. Scope and Zoning Clarity

The project documentation references approximately 8.41 total acres across three parcels (765-13627-000, 765-13625-001, and 765-13626-000). However, the rezoning request only addresses 4.09 acres—2.58 acres to RI-U and 1.51 acres to R-A (floodway).
It remains unclear what zoning designation or intended use applies to the remaining 4.3 acres. Residents deserve clarity on whether that area will retain existing Neighborhood Commercial (NC) zoning or be subject to future rezoning phases.

2. Neighborhood Character and Lot Compatibility

The proposed RI-U zoning would allow multi-unit townhome structures and denser lots directly behind homes on W. Sauter Lane. These parcels would have drastically reduced lot widths and setbacks, fundamentally altering the low-intensity, neighborhood-scale character that NC zoning was meant to preserve.

This is not a compatible extension of the neighborhood—it is a dense, high-turnover enclave inserted into a corridor designed for small-scale, low-traffic, mixed-use living. The proposed two-story townhomes would hover over existing single-story homes, introducing privacy and visual intrusions and eliminating the green buffers that define the area today.

While the applicant asserts that RI-U provides a "compatible transition," it does not. NC zoning already serves that transitional function; replacing it with RI-U would leapfrog the City's zoning hierarchy and erode the very compatibility that NC was designed to protect.

3. Rebuttal to Developer's Comparisons

The applicant will likely point to the previously approved RI-U area nearby as precedent. However, this comparison is misleading and contextually inaccurate:

- The existing RI-U pocket is located off a main roadway in a contained cul-de-sac, not directly abutting homes.
- The proposed site connects directly to W. Sauter and N. Penelope Lanes—narrow residential streets with no sidewalks, limited visibility, and insufficient capacity for multifamily traffic volumes.
- The proposed site poses significant safety risks to current Westview Meadows residents due to increased traffic, construction activity, and other unknown factors.
- The existing RI-U development is buffered by topography and distance; this proposal shares property lines with existing homes and offers no transition zone.
- This parcel also borders a floodway, compounding storm-water and safety concerns.

Although both may bear an RI-U label, they differ dramatically in scale, infrastructure, and adjacency. This site is simply not appropriate for that level of density or traffic load.

4. Zoning Context Along W. Sauter Lane

My property and the surrounding area are zoned Neighborhood Commercial (NC)—a low intensity, neighborhood-serving zone intended to support small offices, live/work spaces, or limited residential use. NC zoning provides a buffer between purely residential neighborhoods and higher-density commercial or multi-family districts. The intent behind NC is clearly residential purposes with low intensity and density.

That designation reflects the City's intent for this corridor to remain walkable, calm, and neighborhood-oriented, not to accommodate multi-unit rental clusters or the traffic volumes of RIU zoning. Allowing RI-U here would directly undermine the purpose of NC zoning and introduce urban density incompatible with the surrounding built environment.

5. Traffic, Infrastructure, and Safety Impact

Of all potential impacts, the most immediate and measurable threat to neighborhood livability comes from traffic and safety. W. Sauter Lane and N. Penelope Lane were never designed for multi-family volumes—they are narrow, two-lane neighborhood roads with no continuous sidewalks, minimal shoulders, and direct residential driveways on both sides.

Introducing a 24-unit RI-U project would conservatively add 150–200 additional daily vehicle trips, including delivery, rideshare, and service vehicles. This area is already heavily impacted by traffic due to its proximity to Mount Comfort Road, and a new apartment complex currently under construction nearby is expected to worsen congestion. Approving additional RI-U density here would exacerbate existing hazards without addressing known deficiencies.

This level of activity would:

- Overburden the Sauter–Penelope intersection, which lacks turn lanes or signalization;
- Create unsafe conditions for pedestrians and children, particularly near driveways and mailboxes;
- Restrict emergency vehicle access during peak hours due to parked cars and congestion; and
- Accelerate wear and tear on infrastructure not rated for dense traffic patterns.

Fayetteville's transportation and planning goals emphasize *complete streets, safe access, and context-sensitive infill.* This proposal violates all three principles by placing urban-intensity traffic on a local neighborhood roadway that was never designed to sustain it.

6. Potential Short-Term Rentals and Turnover

RI-U zoning allows short-term rentals (STRs) through Conditional Use Permits. This opens the door for a high-turnover, transient lodging complex rather than stable, long-term housing.NC zoning restricts such use specifically to maintain neighborhood stability and safety. Replacing NC with RI-U would remove those safeguards and effectively convert a quiet residential corridor into a transient rental zone, undermining community trust, safety, and the property values of long-term residents.

7. Floodway and Drainage Concerns

While rezoning 1.51 acres to R-A preserves the floodway, the project's proximity raises serious concerns about storm-water runoff, erosion, and drainage. Increased impervious surfaces from multi-unit construction would channel water toward existing homes. A comprehensive hydrologic and drainage study must be required prior to any rezoning consideration.

8. Comprehensive Plan Consistency

Fayetteville's City Plan 2040 calls for *context-sensitive infill* and *responsible land-use management.* This rezoning does neither. The area already fulfills its transitional role through NC zoning. Increasing density without corresponding upgrades to street, drainage, or pedestrian infrastructure would contradict City Plan 2040's goals for balanced, infrastructure-supported growth.

Requested Clarifications and Conditions

Before any approval, I respectfully ask the Commission and Planning Staff to clarify or condition the following:

1. What zoning remains for the unaddressed 4.3 acres?

2. Will the applicant be required to complete traffic-impact, drainage studies, and environmental impact studies?

3. Will there be height, setback, and screening requirements to protect the existing NC corridor?
4. Will short-term rental eligibility be limited or prohibited?
5. Does the City find this rezoning consistent with the true intent of the City Plan 2040?

Closing

The Wildwood Townhomes proposal represents a dramatic and incompatible increase in density, traffic, safety risks, and transient activity within a corridor intentionally zoned for low intensity, neighborhood-serving uses. RI-U zoning is not appropriate for this area and would set a harmful precedent for future infill development on streets unequipped for such demand.

I respectfully urge the Planning Commission to deny the requested rezoning, or at minimum, defer the case until comprehensive traffic, drainage impact studies, and environmental impacts are completed and publicly reviewed.

Thank you for your time and consideration, and for including this letter in the official public record for this rezoning case.

Respectfully,
Chesley Hart Whiteside
Homeowner, 2959 W. Sauter Lane Fayetteville,
AR 72704

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

September 17th, 2025

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

RE: Wildwood Townhomes Development Rezoning

Dear Planning Staff,

On behalf of the Henbest, Juanita & Jack Revocable Trust, Bates & Associates, Inc. respectfully submits this request for rezoning of the property located south of the intersection of West Sauter Lane and North Penelope Lane. The property includes Washington County Parcels 765-13627-000, 765-13625-001, and 765-13626-000, totaling approximately 8.41 acres.

The rezoning request is as follows:

- 2.58 acres of the site to be rezoned to RI-U
- 1.51 acres (a portion of Parcel 765-13627-000) to be rezoned from RMF-24 to R-A, as this area falls within the designated floodway.

Currently, Parcel 765-13627-000 is split-zoned between R-A and RMF-24. This request seeks to unify zoning by extending RI-U across Parcels 765-13625-001 and 765-13626-000 and ensuring the floodway area remains zoned R-A to prevent residential development within those bounds.

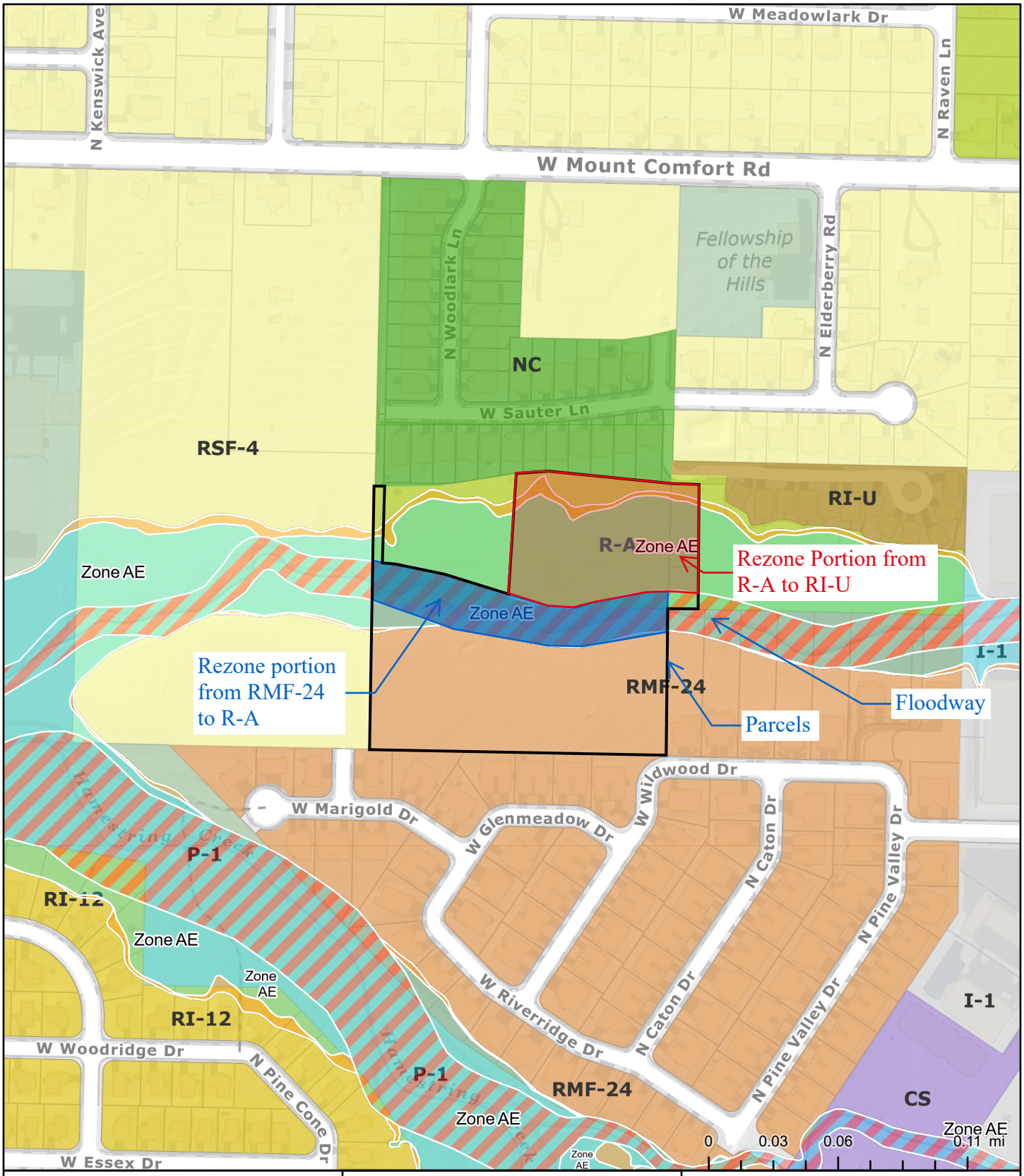
The subject property is surrounded by zoning districts including RMF-2, RI-U, NC, and RSF-4. The proposed rezoning to RI-U and R-A is consistent with these adjacent land uses, supports the established urban development pattern of the area, and provides a compatible transition between existing zoning districts. Rezoning the floodway portion to R-A further ensures responsible land use management. This request is also in alignment with the City's planning goals and will not adversely impact neighboring properties. Rather, it supports logical growth while ensuring sensitive environmental areas are preserved.

An exhibit on the following page illustrates the current zoning classifications of both the subject property and the surrounding parcels.

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

Sincerely,
Bates & Associates, Inc.

Geoffrey Bates
President of Engineering



Exhibit

Fayetteville, AR

The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of this data, the user does hereby agree to indemnify the City of Fayetteville and hold the City of Fayetteville harmless from and without liability for any claims, actions, cost for damages of any nature, including the city's cost of defense, asserted by user or by another arising from the use of this data. The City of Fayetteville makes no express or implied warrantees with reference to the data. No word, phrase, or clause found herein shall be construed to waive that tort immunity set forth under Arkansas law.

Created: 9/17/2025
Credits: City of Fayetteville, AR
Map Author:

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: September 22, 2025

SUBJECT: **ADM-2025-0037: Administrative Item (91 W 15th STREET./T-MOBILE CELL TOWER, 601):** Submitted by SMJ INTERNATIONAL for property located at 91 W. 15TH ST. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 12.68 acres. The request is to modify an existing cell tower.

RECOMMENDATION:
Staff recommends approval of **ADM-2025-0037** with conditions.

RECOMMENDED MOTION:
*"I move to approve **ADM-2025-0037** with conditions as recommended by staff."*

BACKGROUND:
The subject property is the site of an existing self-storage facility. Zoned I-1, Heavy Commercial and Light Industrial, and containing approximately 12.68 acres, there is an existing cell tower that has been on the property since 2007. Surrounding land use and zoning is depicted on *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Walker Park	P-1, Institutional
South	Undeveloped	I-1, Heavy Commercial and Light Industrial
East	Industrial	I-1, Heavy Commercial and Light Industrial
West	Frisco Trail/Razorback Greenway	P-1, Institutional

Request: The applicant requests to modify an existing cell tower that was approved with a conditional use permit in 2007.

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

DISCUSSION:
Staff support the applicants' modification with conditions. Ensuring that technology in existing cell towers remains up to date is critical for wireless communication transmission. The applicant is swapping out existing antennas for new ones. However, with that swap, the applicant will be replacing those antennas with slightly larger equipment and intends to remove the existing shroud to accommodate that. To maintain consistency and compatibility with the surrounding area, staff recommend that the tower remains shrouded and painted in the existing paint scheme, even if the canister will be slightly larger in some places than before.

RECOMMENDATION: Staff recommend approval of **ADM-2025-0037** with the following conditions.

Conditions of Approval:

1. The new antennas shall be shrouded and placed within a canister to be painted to match the existing tower color scheme.

2. All other conditions of the associated conditional use permit (CUP 07-2688) not affected by this modification shall remain in effect, as attached.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: September 22, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

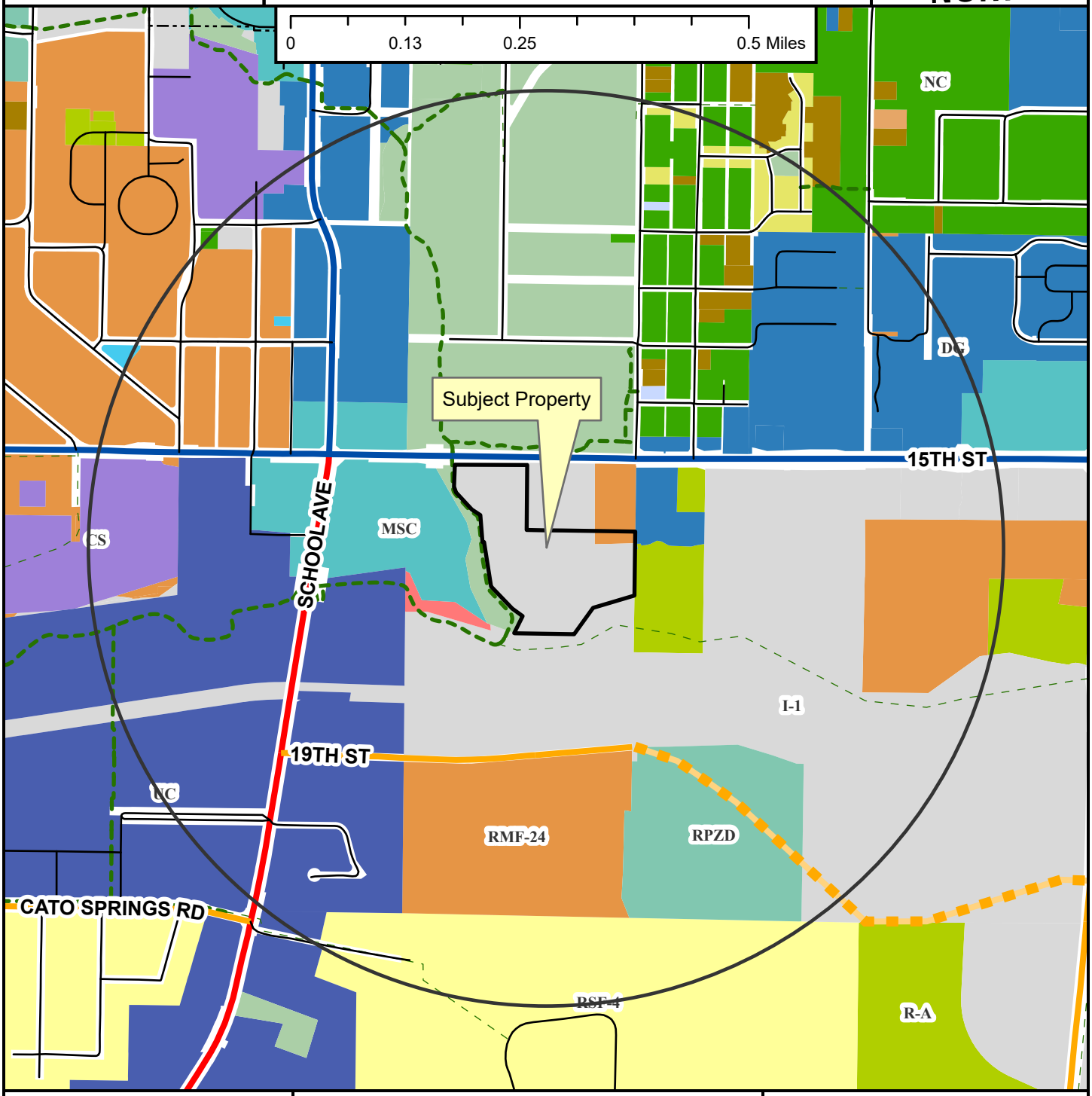
- Project Maps
  - One Mile Map
  - Close-up Map
  - Current Land Use Map
- CUP 07-2688 Conditions of Approval
- Original Tower Elevations
- Applicant Request Letter
- Site Plan and Elevations

ADM-2025-0037

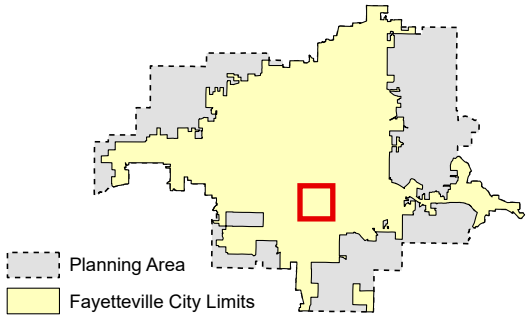
One Mile View

91 W. 15TH ST

NORTH



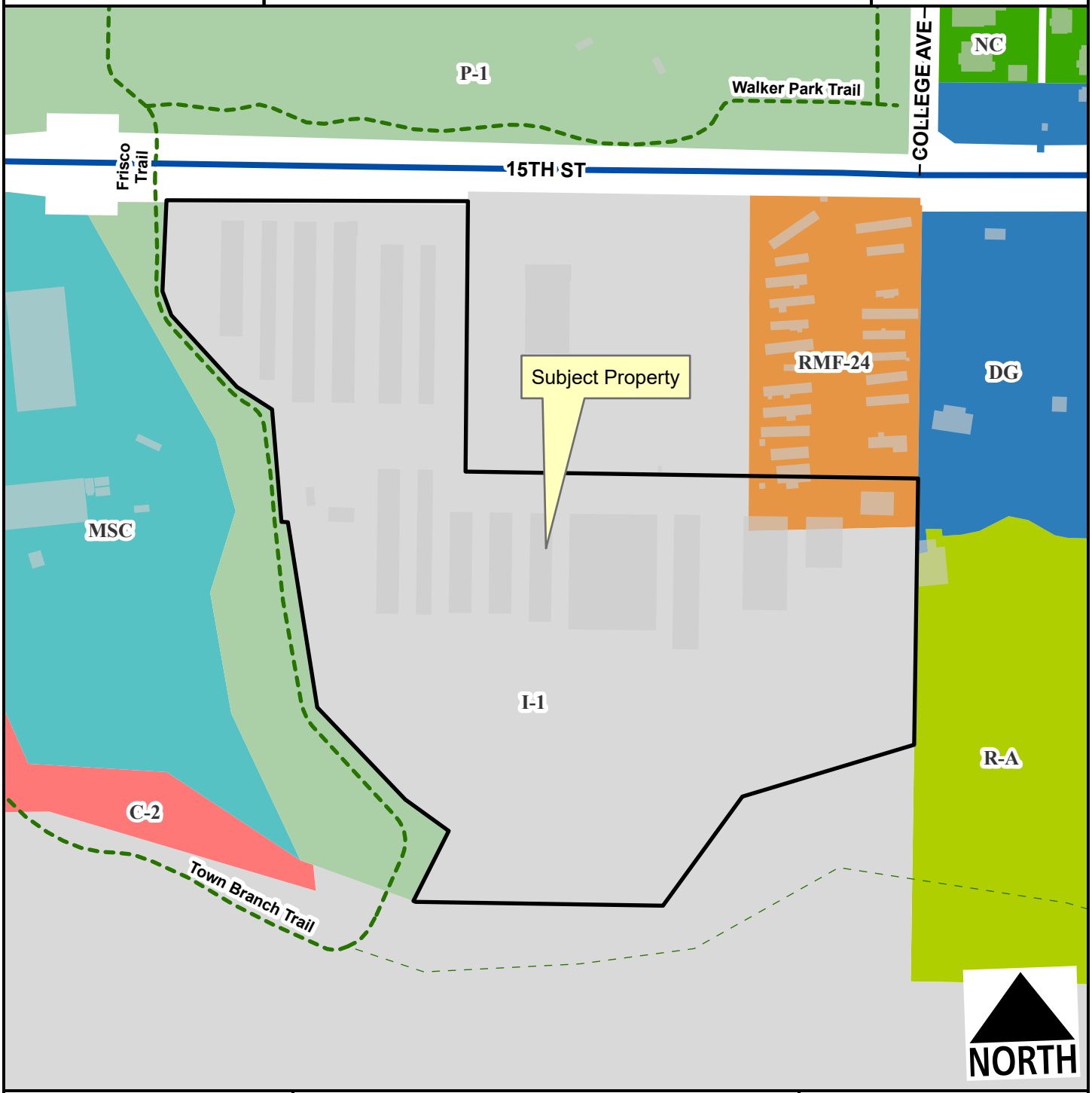
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



ADM-2025-0037

Close Up View

91 W. 15TH ST



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

Feet

0 75 150 300 450 600

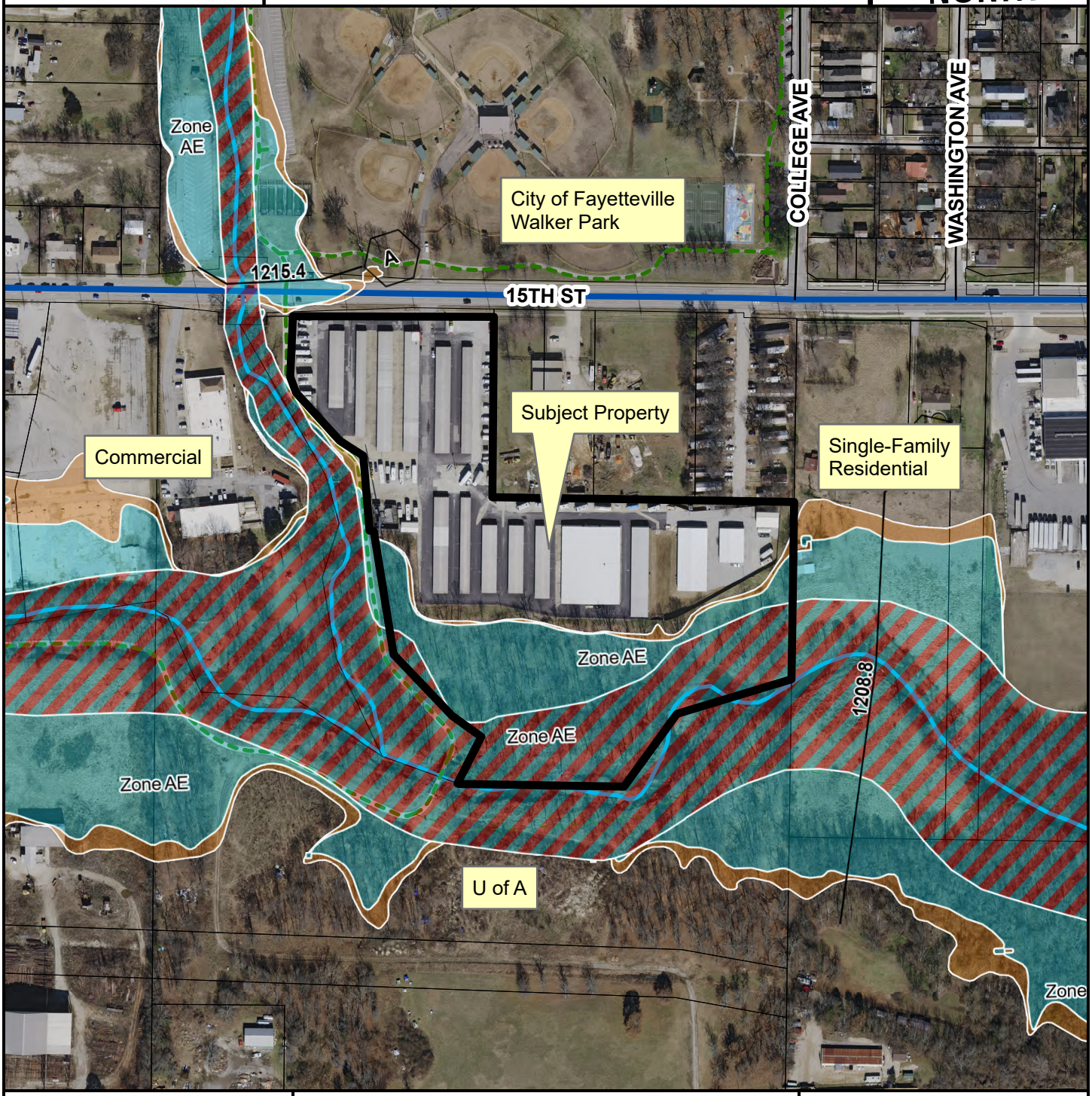
1:2,400

ADM-2025-0037

Current Land Use

91 W. 15TH ST

NORTH



- Regional Link - High Activity
- 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

RECOMMENDATION: Staff recommends approval of the requested conditional use application for a 130' cell tower based on the required findings included with this request, subject to the following conditions:

1. **The pole shall be constructed as a stealth flagpole as indicated in the applicants application and shall be painted off-white, or a color as determined by the Planning Commission which blends in with the background.**

2. **The applicant shall comply with all applicable federal regulations.**

3. **Equipment used in conjunction with the tower shall not generate noise which can be heard beyond the site per Chapter 163.14 (A)(1).**

4. **Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base of the tower provided that that the lighting is compliant with Chapter 176 Outdoor Lighting of the Unified Development Code.**

5. **The tower shall be no taller than 130' (including all antennas, arrays, or other appurtenances).**

6. **The utility equipment at the base of the tower shall be surrounded by an 8' wooden security fence to prevent the view of the premises from vehicular and pedestrian traffic on adjacent streets.**

7. **Landscaping shall be added to the site as needed to provide a "buffer of dense tree growth and under story vegetation in all directions to create an effective year round visual buffer" as required by UDC Chapter 163.14 (B)(11). Species and location of the required plantings shall be subject to the approval of the Urban Forester. A combination of evergreen and deciduous species shall be provided.**

8. **Some method of irrigation shall be required in landscaped areas. An automated irrigation system is encouraged to ensure adequate moisture to plant material. In landscaped areas without an automated irrigation system the installation of hose bibs (water spigots), installed one for every 100 foot radius, will be required.**

K:\Reports\2007\PC Reports\08-13-07\CUP 07-2668 (Verizon Cell Tower_Allied Storage).doc

9. **Landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have 60 days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.**

10. **Access to the cell tower facility shall be by way of the existing driveway through the development. No additional curb-cuts shall be permitted.**

11. **Any connection to existing utilities to provide power to this site shall be located underground.**

12. **The minimum distance from the base of the tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in writing to the construction of the tower, pursuant to UDC Section 163.14(B)(3).**

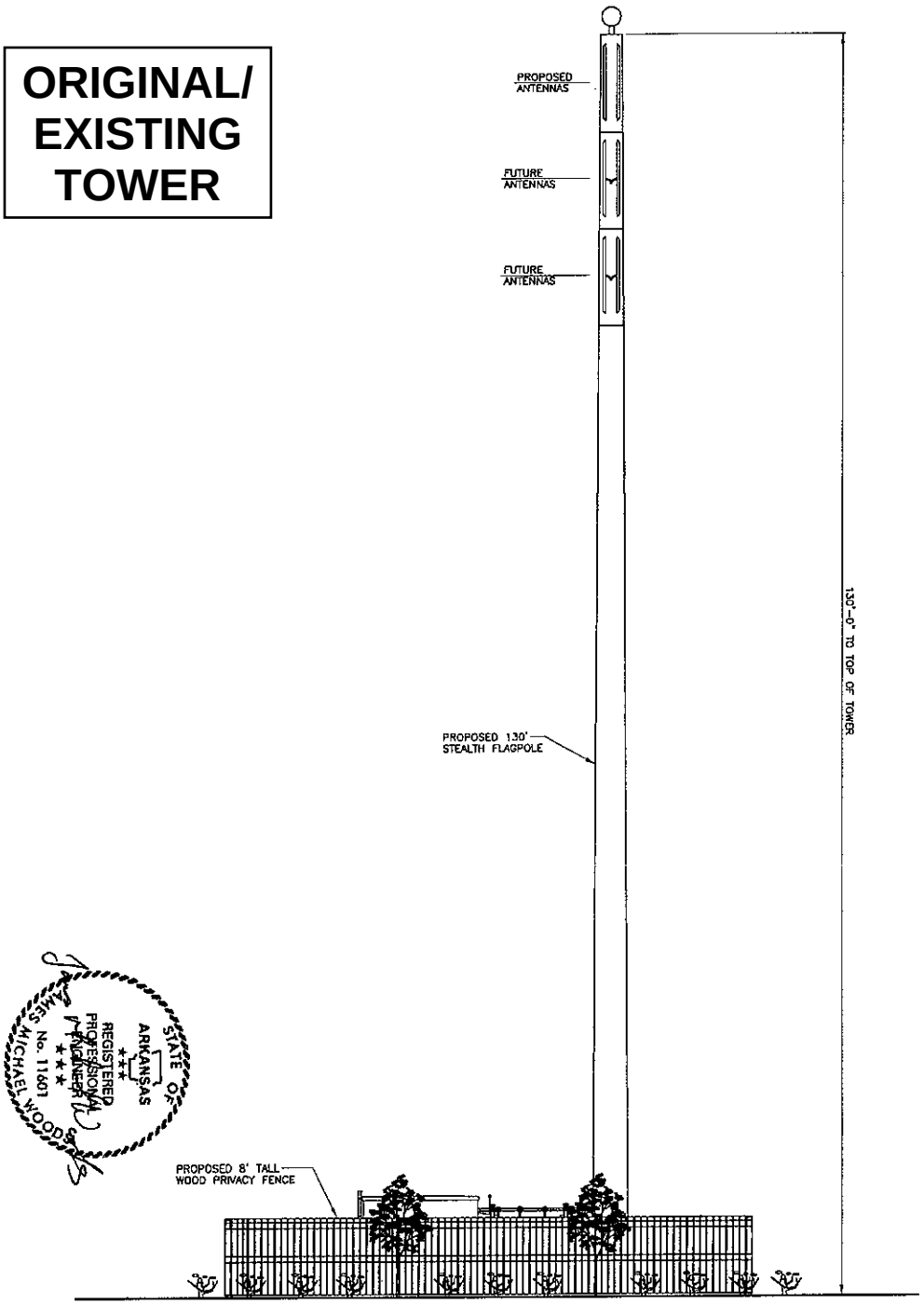
13. **Only warning, site identification and FCC signs shall be permitted on the screening fence as provided by Chapter 163.14 (A)(3) and in no case shall any sign exceed 4 square feet.**

14. **Co-location shall be permitted on the subject tower by multiple carriers in compliance with Chapter 163.14 (C). All future carriers shall comply with the standards established in this conditional use application, including the type of antenna utilized, to maintain the "flagpole" appearance.**

15. **In the future, if it is determined that the technology exists that does not require the use of the tower, or the current height of the tower, then the tower shall be lowered to the lowest possible height, or removed if no longer necessary.**

16. **The tower and supporting equipment shelter shall be located outside of the required building setbacks for the I-1 zoning district.**

ORIGINAL/ EXISTING TOWER



NOTE:
TOWER HAS NO CLIMB LADDER OR STEPS. ALL ACCESS TO ANTENNAS MUST BE BY BUCKET TRUCK OR CRANE

TOWER ELEVATION

DETAIL 1
NTS

VERIZON WIRELESS
TENNESSEE PARTNERSHIP
500 WEST DOVE ROAD
SOUTHLAKE, TX 76092

APPROVALS
CARRIER
LANDLORD
LEASING
CONSTRUCTION

PROJECT NO:
DRAWN BY: JAL
CHECKED BY: JOH
APPROVED BY: MDB

REV	DATE	DESCRIPTION
0	06/28/07	ISSUED FOR ZONING

PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

PROFESSIONAL ENGINEER No.
(NOT VALID WITHOUT SIGNATURE & SEAL)

EXCELL COMMUNICATIONS, INC.
6247 AMBER HILLS ROAD
BIRMINGHAM, ALABAMA 35173
PHONE: 205.956.0198
FAX: 205.956.2632

WALKER PARK_AR
165206A
SPRINGDALE-ROGERS
BTA

SITE ADDRESS / COORDINATES
85 WEST 15TH ST, UNIT 2
FAYETTEVILLE, AR 72701
LAT: 36°02'49.165"N
LON: -94°09'40.816"W

SHEET TITLE
TOWER ELEVATION

SHEET NUMBER
05

SMJ INTERNATIONAL
49030 Pontiac Trail, Suite 100
Wixom, MI 48393
www.smj-llc.com

September 15, 2025

Jessie Masters, AICP
Planning Director
Development Services
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov

RE: Request to Modify Existing CUP 07-266 – 91 W 15TH ST FAYETTEVILLE, AR 72701

Jessie,

Per request, this is a cover letter request to modify an existing conditional use permit (CUP 07-266) for a cell tower located, 91 W 15TH ST, FAYETTEVILLE, AR 72701 with a proposed Scope of Work below:

TOWER WORK:
REMOVE (1) CANISTER, (3) ANTENNA(S), (6) TMA(S), AND (12) 7/8" COAX CABLE(S)
INSTALL (1) FLUSH MOUNT, (3) ANTENNA(S), (6) RRU(S), AND (1) 2.00" HYBRID TRUNK 6/24 4AWG 50M CABLE
GROUND WORK:
REMOVE (9) RRU(S), (3) DIPLEXER(S), (3) TRIPLEXER(S), (1) AMOB, AND (1) PURCELL SITEFLEX 3031 CABINET
INSTALL (1) DELTA HPL3.05 600A DC CABINET AND (1) DELTA LB3 BATTERY CABINET

None of the proposed equipment changes and modifications will alter compliance of the existing tower per the requirements of 163.13 Wireless Communications Facilities. The tower structure itself is not being modified, only the existing carrier equipment for T-Mobile is being modified.

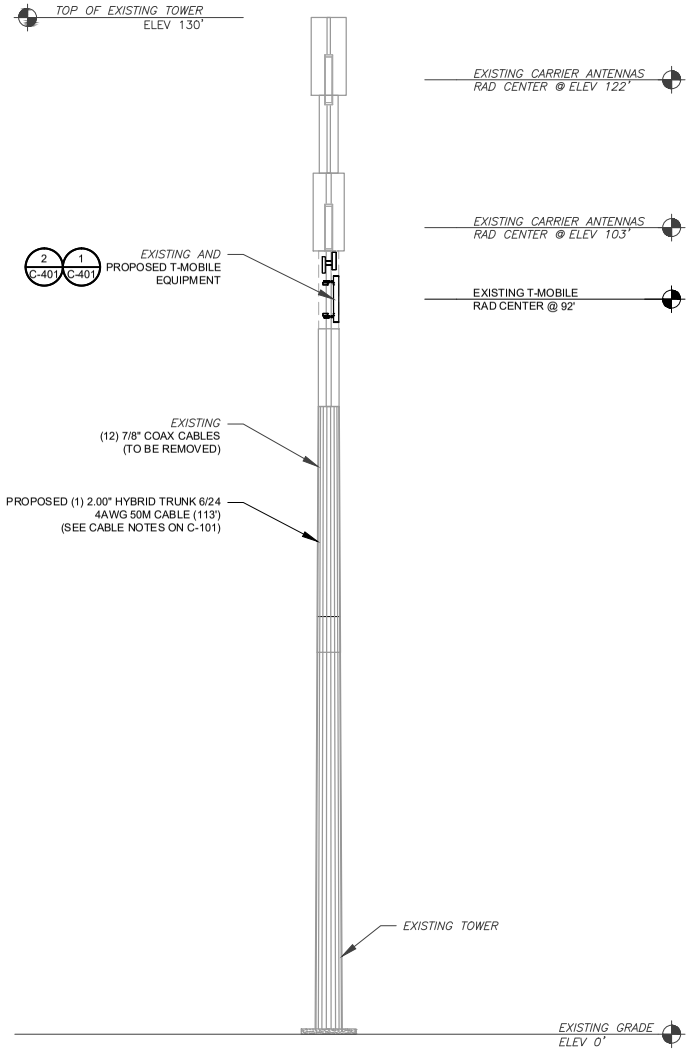
Thanks for your assistance with this process.

Mark Knapek
SMJ INTERNATIONAL

m (502) 592-8432
mknapek@smj-llc.com

1. GC TO PERMANENTLY REMOVED T-MOBILE'S SHROUD/CANISTER.

2. EQUIPMENTS TO BE PAINTED TO MATCH THE EXISTING TOWER COLOR SCHEME.



1 TOWER ELEVATION
SCALE: N.T.S.

APPLICANT'S REQUEST TO MODIFY

ALL ELEVATIONS REFLECT ABOVE GROUND LEVEL (A.G.L.)

TOWER NOTE:

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM WITH THE PROJECT MANAGER THAT THEY HAVE THE MOST RECENT VERSION OF THE STRUCTURAL ANALYSIS BEFORE COMMENCING WORK. EXISTING AND PROPOSED TOWER APPURTENANCES, MOUNTS, AND ANTENNAS ARE SHOWN BASED ON THE STRUCTURAL ANALYSIS.
2. WHERE APPLICABLE, ALL NEW ANTENNAS, EQUIPMENT, MOUNTS, CABLING, ETC. SHALL BE PAINTED/SOCKED TO MATCH EXISTING EQUIPMENT IN ACCORDANCE WITH FAA, JURISDICTION, AND/OR OTHER LOCAL REQUIREMENTS.
3. ROUTE PROPOSED CABLES ALONG SAME PATH AS EXISTING CABLES AND IN ACCORDANCE WITH STRUCTURAL ANALYSIS.
4. ALL COAX LINES MUST BE TERMINATED AT 2' BELOW THE BASE OF THE BOTTOM CANISTER WITH ½" JUMPERS RUNNING UP TO CUSTOMER'S EQUIPMENT.
5. CONCEALMENT CANISTER CLOSURE MECHANISMS SHALL BE INSPECTED FOR PROPER SEAL AND COMPLETE CLOSURE WHENEVER OPENED/ CLOSED. STRIPPED CLOSURE MECHANISMS OR DAMAGE TO THE CONCEALMENT CANISTER PREVENTING PROPER REINSTALLATION SHALL BE BROUGHT TO THE ATTENTION OF THE ATC OSL (OPERATIONS SITE LEAD) OR ATC CM. CANISTERS WITH STRIPPED CLOSURES SHALL HAVE CLOSURE HARDWARE REPLACED OR BE REINSTALLED WITH WIND-BAND STRAPPING.
6. TOWER ELEVATION DEPICTION MAY NOT REFLECT ALL EQUIPMENT INCLUDED IN STRUCTURAL ANALYSIS. REFER TO STRUCTURAL ANALYSIS FOR FULL TOWER LOADING.

AMERICAN TOWER®
ATC TOWER SERVICES LLC
1 FENTON MAIN
SUITE 300
CARY, NC 27511
PHONE: (919) 468-0112
862

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	MNC	07/22/25

ATC SITE NUMBER:
415410

ATC SITE NAME:
WALKER_PARK_AR AR

T-MOBILE SITE NAME:
AR02115A

SITE ADDRESS:
91 W 15TH ST
FAYETTEVILLE, AR 72701

SEAL:



Digitally Signed: 2025-07-22

T-Mobile

ATC PROJ. #:	14864141_G0
CUST. ID:	AR02115A
CUST. #:	AR02115A

TOWER ELEVATION

SHEET NUMBER:	REVISION:
C-201	0

Copyright © 2025 ATC IP LLC, All Rights Reserved.

SITE PLAN / ELECTRICAL NOTES:

1. THIS SITE PLAN REPRESENTS THE BEST PRESENT KNOWLEDGE AVAILABLE TO THE ENGINEER AT THE TIME OF THIS DESIGN. THE CONTRACTOR SHALL VISIT THE SITE PRIOR TO CONSTRUCTION AND VERIFY ALL EXISTING CONDITIONS RELATED TO THE SCOPE OF WORK FOR THIS PROJECT.

2. ICE BRIDGE, CABLE LADDER, COAX PORT, AND COAX CABLE ARE SHOWN FOR REFERENCE ONLY. CONTRACTOR SHALL CONFIRM THE EXACT LOCATION OF ALL PROPOSED AND EXISTING EQUIPMENT AND STRUCTURES DEPICTED ON THIS PLAN. BEFORE UTILIZING EXISTING CABLE SUPPORTS, COAX PORTS, INSTALLING NEW PORTS OR ANY OTHER EQUIPMENT, CONTRACTOR SHALL VERIFY ALL ASPECTS OF THE COMPONENTS MEET THE ATC SPECIFICATIONS.

3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE T-MOBILE REPRESENTATIVE AND LOCAL UTILITY COMPANY FOR THE INSTALLATION OF CONDUITS, CONDUCTORS, BREAKERS, DISCONNECTS, OR ANY OTHER EQUIPMENT REQUIRED FOR ELECTRICAL SERVICE. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH LATEST EDITION OF THE STATE AND NATIONAL CODES, ORDINANCES AND REGULATIONS APPLICABLE TO THIS PROJECT.

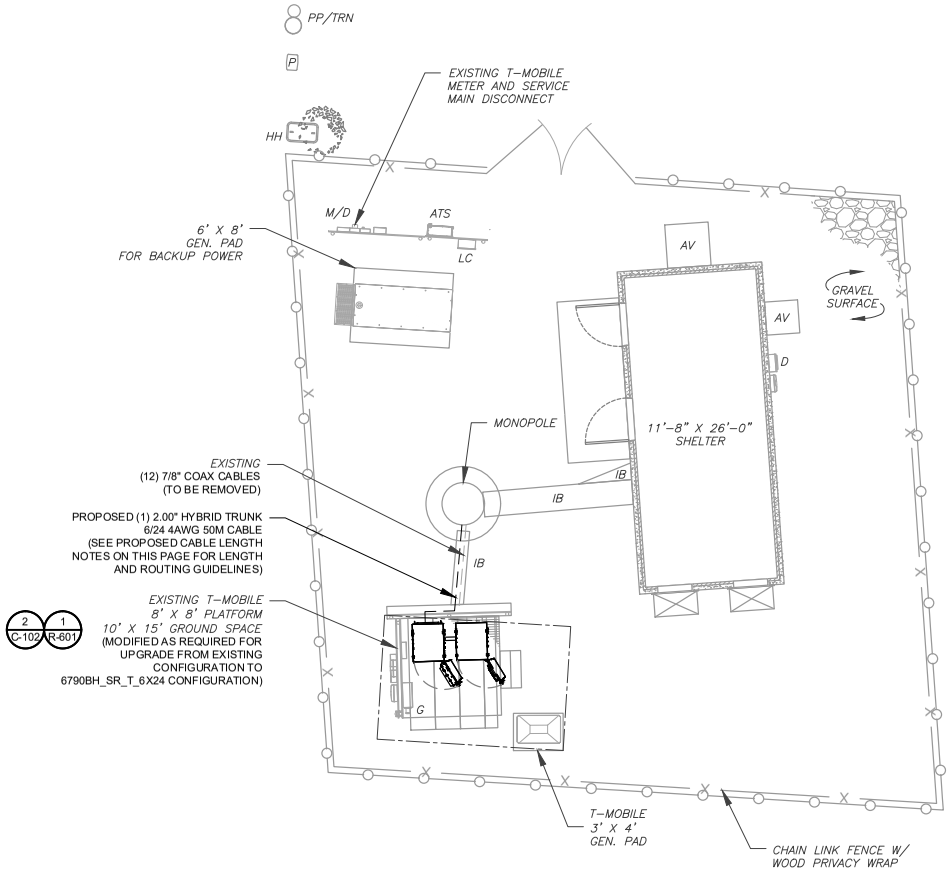
4. ALL CONDUITS SHALL BE INSTALLED UNDERGROUND AND PER APPLICABLE NEC AND LOCAL REQUIREMENTS UNLESS SHOWN OTHERWISE ON THESE PLANS. ANY CONDUITS INSTALLED ABOVE GRADE SHALL BE SECURED PER NEC 344 (MAX INTERVAL 10') AND THE ENTIRE CONDUIT SHALL BE PAINTED SAFETY/REFLECTIVE YELLOW OR ORANGE TO INCREASE VISIBILITY AND REDUCE TRIP HAZARDS.

LEGEND

⊗	GROUNDING TEST WELL
ATS	AUTOMATIC TRANSFER SWITCH
B	BOLLARD
CSC	CELL SITE CABINET
D	DISCONNECT
E	ELECTRICAL
F	FIBER
GEN	GENERATOR
G	GENERATOR RECEPTACLE
HH, V	HAND HOLE, VAULT
IB	ICE BRIDGE
K	KENTROX BOX
LC	LIGHTING CONTROL
M	METER
PB	PULL BOX
PP	POWER POLE
T	TELCO
TRN	TRANSFORMER
————	CHAINLINK FENCE

PROPOSED CABLE NOTES:

1. ESTIMATED LENGTH OF PROPOSED CABLE IS **113'**. ESTIMATED LENGTH OF CABLE WAS PROVIDED BY CUSTOMER OR CALCULATED BY ADDING THE RAD CENTER AND THE DISTANCE FROM THE SHELTER ENTRY PLATE TO THE TOWER (ALONG THE ICE BRIDGE) AND A SAFETY FACTOR MEASUREMENT OF 15% (OF THE TWO PREVIOUS VALUES), CDS DEFER TO GREATEST CABLE LENGTH.
2. ROUTE PROPOSED CABLES ALONG SAME PATH AS EXISTING CABLES AND IN ACCORDANCE WITH STRUCTURAL ANALYSIS. IF ADEQUATE SPACE EXISTS, ROUTE CABLES THROUGH ENTRY PORT HOLE UP INSIDE OF MONOPOLE, AND THROUGH EXIT PORT HOLE. IF ROUTING OUTSIDE THE MONOPOLE, ATTACH CABLES USING STAND-OFF ADAPTERS MOUNTED TO TOWER USING STAINLESS STEEL BANDING. ADEQUATELY SECURE CABLES USING EITHER APPROPRIATELY SIZED STAINLESS STEEL SNAP-INS OR MOUNTING HARDWARE AND BRACKETS AS SPECIFIED BY CABLE MANUFACTURER.



1 DETAILED SITE PLAN

GRAPHIC SCALE

10 0 5 10

(IN FEET)
1 UNIT = 10 FEET

N

AMERICAN TOWER®
ATC TOWER SERVICES LLC
1 FENTON MAIN
SUITE 300
CARY, NC 27511
PHONE: (919) 468-0112
862

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	MNC	07/22/25

ATC SITE NUMBER:
415410
ATC SITE NAME:
WALKER_PARK_AR AR
T-MOBILE SITE NAME:
AR02115A
SITE ADDRESS:
91 W 15TH ST
FAYETTEVILLE, AR 72701

SEAL:



Digitally Signed: 2025-07-22

T-Mobile

ATC PROJ. #:	14864141_G0
CUST. ID:	AR02115A
CUST. #:	AR02115A

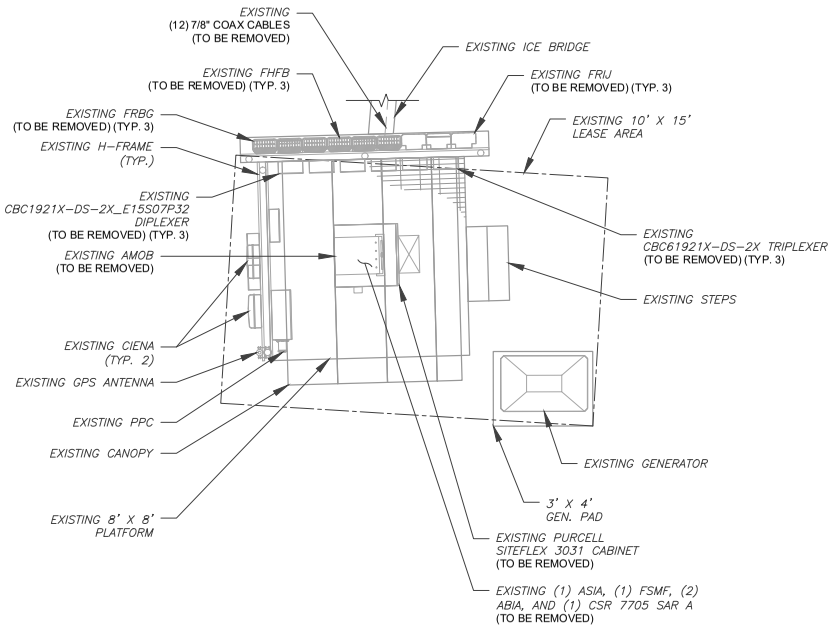
DETAILED SITE PLAN

SHEET NUMBER:	REVISION:
C-101	0

Copyright © 2025 ATC IP LLC, All Rights Reserved.

SITE PLAN NOTES:

1. CONTRACTOR TO VERIFY THERE IS NO LIVE AAV FIBER RUNNING THROUGH EXISTING DEAD EQUIPMENT. IF SO, THIS WILL NEED TO BE RERUN THROUGH CONDUIT PRIOR TO REMOVING DEAD 2G (6201 CABS) EQUIPMENT.
2. ALL OPEN PORTS NEED TO BE SEALED / WEATHERPROOFED PROPERLY
3. ALL UNNEEDED / EXCESS EQUIPMENT AND GARBAGE TO BE REMOVED FROM EQUIPMENT AREA. DISPOSE OF MATERIALS PROPERLY OFF SITE.



1 EXISTING GROUND EQUIPMENT LAYOUT

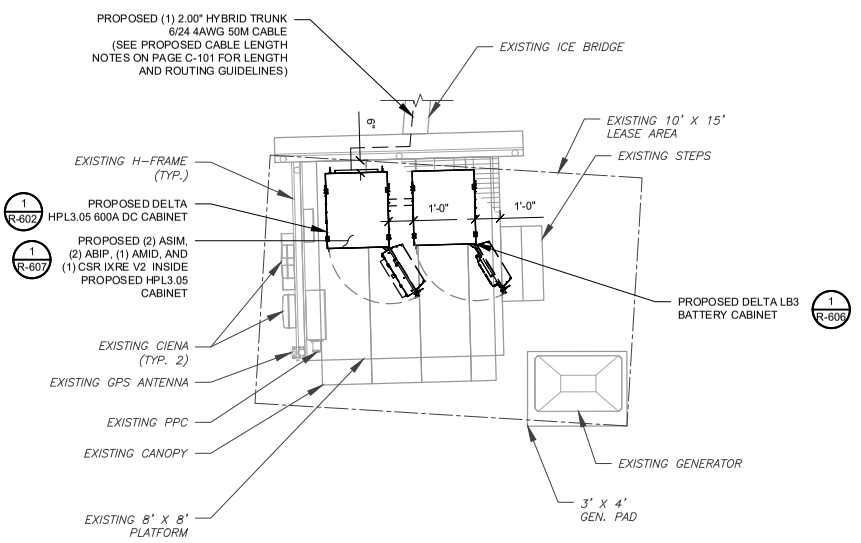
GRAPHIC SCALE

5 0 2.5 5

(IN FEET)
1 UNIT = 5 FEET

N

T-MOBILE CM APPROVAL REQUIRED BEFORE INSTALLING CABINETS.



2 PROPOSED GROUND EQUIPMENT LAYOUT

GRAPHIC SCALE

5 0 2.5 5

(IN FEET)
1 UNIT = 5 FEET

N

AMERICAN TOWER®
ATC TOWER SERVICES LLC
1 FENTON MAIN
SUITE 300
CARY, NC 27511
PHONE: (919) 468-0112
862

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	MNC	07/22/25

ATC SITE NUMBER:
415410

ATC SITE NAME:
WALKER_PARK_AR AR

T-MOBILE SITE NAME:
AR02115A

SITE ADDRESS:
91 W 15TH ST
FAYETTEVILLE, AR 72701

SEAL:



Digitally Signed: 2025-07-22

T-Mobile

ATC PROJ. #:	14864141_G0
CUST. ID:	AR02115A
CUST. #:	AR02115A

DETAILED EQUIPMENT PLAN

SHEET NUMBER:	REVISION:
C-102	0

Copyright © 2025 ATC IP LLC, All Rights Reserved.