City of Fayetteville, Arkansas

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

Planning Commission Final Agenda

Monday, October 27, 2025

5:30 PM

City Hall Room 219

Planning Commission Members

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

Senior Assistant City Attorney Blake Pennington

Zoom Information

Webinar ID: 880 8220 4738
Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_G8BI6IgpSYmt7rtzHVu0Tg

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the October 13, 2025 Planning Commission Meeting. - Mirinda Hopkins, Development Coordinator

2. VAR-2025-0045: Planning Commission Variance (S. DEAD HORSE MOUNTAIN RD/THE PRESERVE AT STONEBRIDGE, 645 & 646):

Submitted by JORGENSEN AND ASSOCIATES for property located on S. DEAD HORSE MOUNTAIN RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 53.72 acres. The request is for a variance to the permitted number of model homes within a subdivision. - Wesley Frank, Planner

Unfinished Business

3. ADM-2025-0031 Administrative Item (AMEND UDC 167.04, TREE PRESERVATION AND PROTECTION, UDC 167.05, TREE PROTECTION MEASUERS AND CONSTRUCTION):

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

THIS ITEM WAS TABLED AT THE JULY 28, 2025, AUGUST 11, 2025, AND THE AUGUST 25, 2025 PLANNING COMMISSION MEETINGS. - Willa Thomason, Urban Forester

4. 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.

THIS ITEM WAS TABLED AT THE OCTOBER 13, 2025 PLANNING COMMISSION MEETING.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Willa Thomason, Urban Forester

5. 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.

THIS ITEM WAS TABLED AT THE OCTOBER 13, 2025 PLANNING COMMISSION MEETING.
APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE DECEMBER 8, 2025 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

New Business

6. ADM-2025-0043: Administrative Item (N. DOUBLE SPRINGS RD & W. IRISH BEND DR/IRISH BEND, 474):

Submitted by ENGINEERING SERVICES INC for property located on N. DOUBLE SPRINGS RD & W. IRISH BEND DR. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE, and contains approximately 7.45 acres. The request is to modify a previously approved preliminary plat of 38 residential lots.

APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE NOVEMBER 10, 2025 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

7. CUP-2025-0049: Conditional Use Permit (4201 N. SHILOH DR./DO PORTUGAL CIRCUS, 135):

Submitted by BILL MENDOZA for property located at 4201 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains

approximately 82.69 acres. The request is to use the property for a tent circus. - Donna Wonsower, Senior Planner

8. CUP-2025-0048: Conditional Use Permit (109 N. SANG AVE/MARKHAM HILL PH 2, 481):

Submitted by SPECIALIZED REAL ESTATE GROUP for property located at 109 N. SANG AVE. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.59 acres. The request is for two 5-unit residential town homes with associated parking. - Jessica Masters, Planning Director

9. RZN-2025-0047: Rezoning (2411 W. MEGAN DR/ZHU-WEAVER, 402):

Submitted by GUANGYU ZHU-WEAVER for property located at 2411 W. MEGAN DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to rezone the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE. - Wesley Frank, Planner

10. RZN-2025-0048: Rezoning (N. MARKS MILL LN/RAMAY JR HIGH SCHOOL, 368):

Submitted by CRAFTON TULL for property located on N. MARKS MILL LN. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and UC, URBAN CORRIDOR, and contains approximately 26.7 acres. The request is to rezone the property to P-1, INSTITUTIONAL. - Jessica Masters, Planning Director

Items Administratively Approved by Staff

11. FPL-2025-0005: Final Plat (109 N. SANG AVE/MARKHAM HILL PH II, 481):

Submitted by CEI ENGINEERING ASSOCIATES for property located at 109 N. SANG AVE. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 23.40 acres. The request is for the final plat of 49 residential lots. - Wesley Frank, Planner

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

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

13. LSP-2025-0041: Lot Split (3981 W. OWL CREEK PL/WIRTH, 478):

Submitted by JORGENSEN & ASSOCIATES for property located at 3981 W.

OWL CREEK PL. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains 5 lots with 0.88, 0.40, 0.41, 0.54 and 0.48 acres. The request is to split the property into 6 lots containing 0.70, 0.29, 0.32, 0.39, 0.38, and 0.62 acres. - Wesley Frank, Planner

14. LSP-2025-0043: Lot Split (SOUTH OF 380 S. HAPPY HOLLOW RD/BACKOFEN-JONES, 526):

Submitted by SATTERFIELD LAND SURVEYORS for property located SOUTH OF 380 S. HAPPY HOLLOW RD. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and contains approximately 0.68 acres. The request is to split the property into two lots containing approximately 0.34 and 0.34 acres. - Donna Wonsower, Senior Planner

15. LSP-2025-0042: Lot Split (1440 W. HENDON ST/BAR CAPITAL LLC, 599):

Submitted by BATES & ASSOCIATES for property located at 1440 W. HENDON ST. The property is zoned CS, COMMUNITY SERVICES and contains 2.89 acres. The request is to split the property into two lots containing approximately 1.85 and 1.04 acres. - Donna Wonsower, Senior Planner

16. LSP-2025-0045: Lot Split (1005 W. PATHFINDER WAY/WG LAND COMPANY LTD PARTNERSHIP, 210):

Submitted by BLEW & ASSOCIATES for property located at 1005 W. PATHFINDER WAY. The property is zoned CS, COMMUNITY SERVICES and contains 81.53 acres. The request is to split the property into two lots containing 17.25 and 64.28 acres. - Jessica Masters, Planning Director

17. LSP-2025-0048: Lot Split (1240 S. DUNCAN AVE/MCFARLAND, 561):

Submitted by BATES & ASSOCIATES for property located at 1240 S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTIFAMILY, 24 UNITS PER ACRE and contains 0.43 acres. The request is to split the property into two lots containing approximately 0.14 and 0.29 acres. - Wesley Frank, Planner

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

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

keep your comments brief, to the point, and relevant to the agenda item being considered so that everyone has a chance to speak.

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

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

(pg. 1) Planning Commission	Monday, 10/13/2025					
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 & 9/22/2025)**	**2) ADM-2025-0041 (HOLT SUBDIVISION)**	**3) VAC-2025-0019 (MARKS)**	**4) RZN-2025-0029 (VICK ENTERPRISES LLC)**	**5) RZN-2025-0035 (CITY OF FAYETTEVILLE)**
Cabe	**1**	**1**	**1**	**1**		
Payne	**1**	**1**	**1**	**1**		
Brink	**1**	**1**	**1**	**1**		
Madden	**1**	**1**	**1**	**1**		
McGetrick	**1**	**1**	**1**	**1**		
Castin	**1**	**1**	**1**	**1**		
Werner	**1**	**1**	**1**	**1**		
Holeyfield	**1**	**1**	**1**	**1**		
Gulley	**1**	**1**	**1**	**1**		
Agenda		**Consent**	**Consent**	**Consent**	**Old**	**Old**
Action		Approve	Approve	Approve	Withdrawn	Withdrawn
Motion By		Cabe	Cabe	Cabe		
Motion 2nd		Castin	Castin	Castin		
Vote		9-0-0	9-0-0	9-0-0		
Time		5:33 PM	5:33 PM	5:33 PM		
Motion Detail						
Public Comment		0	0	0		

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/internetchannel/show/9180?seekto=3273&site=1&query=planning+comm&fullText=false

(pg. 2) Planning Commission	Monday, 10/13/2025					
	6) VAR-2025-0041 (MAURER)	7) ADM-2025-0039 (CINQUEFOIL LLC)	8) VAR-2025-0040 (CINQUEFOIL LLC)	9) ADM-2025-0040 (RAZORBACK HOUSING LLC)	10) VAC-2025-0022 (RAZORBACK HOUSING LLC)	11) VAR-2025-0042 (BATES-SIEMEK)
Cabe	**1**	**0**	**1**	**Recuse**	**Recuse**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**1**	**1**	**1**
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**
Castin	**1**	**1**	**1**	**1**	**1**	**1**
Werner	**1**	**1**	**1**	**1**	**1**	**1**
Holeyfield	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**		**1**
Agenda	**New**	**New**	**New**	**New**	**New**	**New**
Action	Approve	Forward	Approve	Forward	Forward	Approve
Motion By	Cabe	Cabe	Werner	Werner	Werner	Madden
Motion 2nd	Gulley	Gulley	Castin	Payne	Castin	McGetrick
Vote	9-0-0	8-1-0	9-0-0	8-0-1	7-0-2	9-0-0
Time	5:38 PM	6:15 PM	6:24 PM	6:33 PM	6:34 PM	6:43 PM
		With a recommendation of approval by staff.		With a recommendation of approval by staff.	With a recommendation of approval by staff.	
Public Comment	0	2	2	0	0	0

	12) VAR-2025-0043 (MARKS)	13) VAR-2025-0044 (ASHWOOD TOWNHOMES LLC)	14) CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)	15) PPL-2025-0003 (CROSSING INVESTMENT III LLC)	16) CUP-2025-0044 (BUTTERFIELD TRAIL VILLAGE)	17) LSD-2025-0013 (BUTTERFILED TRAIL VILLAGE)
Cabe	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**1**	**1**	**1**
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**
Castin	**1**	**1**	**1**	**1**	**1**	**1**
Werner	**1**	**1**	**1**	**1**	**1**	**1**
Holeyfield	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Agenda	**New**	**New**	**New**	**New**	**New**	**New**
Action	Approve	Table	Table	Approve	Approve	Approve
Motion By	Werner	Castin	Cabe	Payne	Castin	Castin
Motion 2nd	Cabe	Werner	Castin	Castin	Payne	Cabe
Vote	9-0-0	9-0-0	9-0-0	9-0-0	9-0-0	9-0-0
Time	6:59 PM	7:04 PM	7:06 PM	7:12 PM	7:20 PM	7:21 PM
Motion Detail	With all conditions as reccomended by staff.	Until the October 27, 2025 Planning Commission meeting.	Until the October 27, 2025 Planning Commission meeting.	With all conditions as reccomended by staff.	With all conditions as reccomended by staff.	With all conditions as reccomended by staff.
Public Comment	0	1	1	0	0	0

	18) CUP-2025-0043 (LAUREN GLOW CO)	19) CUP-2025-0045 (PARNELL)	20) CUP-2025-0047 (APPLE LILY MANAGEMENT LLC)		21) RZN-2025-0040 (OSAGE CREEK CATTLE CO)	22) RZN-2025-0045 (BLACKBURN)	23) RZN-2025-0042 (ATKINS)
Cabe	**1**	**1**	**1**	**0**	**1**	**1**	**1**
Payne	**1**	**1**	**0**	**0**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**0**	**Recuse**	**1**	**1**
Madden	**1**	**0**	**1**	**1**	**1**	**1**	**1**
McGetrick	**1**	**0**	**1**	**1**	**1**	**1**	**1**
Castin	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Werner	**1**	**0**	**1**	**1**	**1**	**1**	**1**
Holeyfield	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**	**1**
Agenda	**New**	**New**	**New**		**New**	**New**	**New**
Action	Approve	Approve	Motion	Approve	Forward	Forward	Forward
Motion By	Cabe	Castin	Castin	Payne	McGetrick	Cabe	Payne
Motion 2nd	Werner	Cabe	Werner	Cabe	Cabe	Werner	Castin
Vote	9-0-0	6-3-0	8-1-0	6-3-0	8-0-1	9-0-0	9-0-0
Time	7:27 PM	7:30 PM	7:54 PM		7:59 PM	8:05 PM	8:08 PM
Motion Detail			Strike condition #3.	With all conditions as outlined by staff.	With a recommendation of approval by staff.	With a recommendation of approval by staff.	With a recommendation of approval by staff.
Public Comment	**0**	**0**	**1**		**0**	**0**	**0**

	24) RZN-2025-0044 (FINLEY)	25) RZN-2025-0041 (LEVERETT ELEMENTARY SCHOOL)	26) RZN-2025-0046 (HENBEST)	27) ADM-2025-0037 (AMERICAN TOWER)	PLANNING COMMISSION SECRETARY	
Cabe	1	1	1		1	
Payne	1	1	1		1	
Brink	1	1	1		1	
Madden	1	1	1		1	
McGetrick	1	1	1		1	
Castin	1	1	1		1	
Werner	1	1	0		1	
Holeyfield	1	1	1		1	
Gulley	1	1	1		1	
Agenda	New	New	New	New	Vote	
Action	Forward	Forward	Forward	Withdrawn	Madden	
Motion By	Payne	Madden	Payne		Brink	
Motion 2nd	Cabe	Payne	McGetrick			
Vote	9-0-0	9-0-0	8-1-0		9-0-0	
Time	8:11 PM	8:15 PM	8:54 PM		8:56 PM	
Motion Detail	With a recommendation of approval by staff.	With a recommendation of approval by staff.	With a recommendation of approval by staff.		Mary Madden elected as new Planning Commission Secretary.	
Public Comment	0	0	0		0	

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/internetchannel/show/9180?seekto=3273&site=1&query=planning+comm&fullText=false

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

THRU: Wesley Frank, Planner

MEETING DATE: October 27, 2025

SUBJECT: **VAR-2025-0045: Planning Commission Variance (S. DEAD HORSE MOUNTAIN RD./THE PRESERVE AT STONEBRIDGE, 645 & 646):** Submitted by JORGENSEN AND ASSOCIATES for property located on S. DEAD HORSE MOUNTAIN RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 53.72 acres. The request is for a variance to the permitted number of model homes within a subdivision.

RECOMMENDATION:
Staff recommends approval of **VAR-2025-0045,** with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0045**, determining:*

- *In favor of a variance to UDC §164.01(A)(1)(a), to allow a maximum of 15 model homes on the property;*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in south Fayetteville, 1.35 miles south of the Huntsville Road and S. Dead Horse Mountain Road intersection abutting the Stonebridge Meadows Golf Club to the south and west. The property totals approximately 53.72 acres and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. A single-family residential development, The Preserve (PPL-2022-0006), is currently underway at this site. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Golf Course – Stonebridge Meadows Golf Club	R-A, Residential-Agriculture
South	Single-Family Residential; Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre
East	Golf Course – Stonebridge Meadows Golf Club	R-A, Residential-Agriculture
West	Single-Family Residential; Undeveloped	R-A, Residential-Agriculture, Washington County

Request: The applicant is requesting a variance from the Unified Development Code to construct up to 15 model homes within The Preserve, where ordinance typically limits the construct to a maximum of 3.

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

DISCUSSION:

Variance #1: §164.01(A)(1)(a) – A subdivision of twenty-one (21) or more single family lots may have three (3) model homes. The applicant is requesting a variance from this requirement to build up to 15 model homes prior to the completion of the final plat.

> *Staff recommendation: Staff recommends in favor of this variance. The intent of the ordinance is to limit the number of structures that can be built prior to final plat to ensure the adequacy of completed infrastructure and fire protection on these structures. The ordinance also clearly spells out a list of protections and infrastructure that must be in place prior to the approval of a model home. The applicant does not intend to vary from any of these required standards and does not intend to sell the homes until after the final plat has been approved and recorded. By allowing the construction to commence on a portion of the lots, this has the potential to allow homes to hit the market sooner. Further, the City of Fayetteville does offer an alternative approval path for residential subdivisions; rather than the traditional preliminary plat/final plat development model, applicants can choose to develop residential subdivisions as large-scale developments, allowing for home construction to begin at the same time as infrastructure. While the applicant did not choose this development path, staff finds that approval of this variance reaches a similar outcome, while maintaining the organizational and project management efficiency of the preliminary/final plat development model. Finding that the model home ordinance still provides necessary guardrails to ensure fire protection and adequacy of infrastructure, the Fire Marshal's office and City Engineering did not express any concerns with the proposal.*

RECOMMENDATION: Staff recommends approval of VAR-2025-0045 with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to §164.01(A)(1)(a), which limits the number of model homes that can be built in a subdivision of more than 21 lots to a maximum of 3.** *Staff recommends approval of this variance for the reasons stated above.*

2. Approval of this variance does not constitute approval of the final plat, any required building permits, or final certificate of occupancy for proposed model homes;

3. All proposed structures shall meet the requirements for model homes as detailed in ordinance 164.01(A)(1)(b) through (n);

4. Approved access and water must be in place prior to bringing combustible materials on-site;

5. Approval of this variance does not modify any original conditions of approval of the associated approved preliminary plat, as attached herein.

Planning Commission Action:	❒ **Approved**	❒ **Tabled**	❒ **Denied**
Meeting Date: <u>October 27, 2025</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §164.01 Accessory Commercial Uses
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Site Plan/Exhibit
- Conditions of Approval – PPL-2022-0006

164.01 Accessory Commercial Uses

Permitted accessory uses in RMF and R-O Districts shall include accessory commercial uses of the types included in Unit 25 provided that:

(A) Permitted accessory uses in districts that allow single-family dwellings.

(1) *Model Home.* In single-family detached subdivisions undergoing the preliminary and final plat process, building permits for model homes may be issued prior to final plat and subject to the following provisions.

(a) A subdivision of ten (10) single family lots or fewer may have one (1) model home; subdivisions of eleven (11) to twenty (20) single family lots may have two (2) model homes. A subdivision of twenty-one (21) or more single family lots may have three (3) model homes.

(b) The preliminary plat of the subdivision has been approved. The model home lots may be indicated on the preliminary plat for planning purposes.

(c) Proposed lot property corners of all lots proposed for a model home have been set by a licensed, professional land surveyor in accordance with the approved preliminary plat lot configuration.

(d) An applicant shall provide a building permit application and all required submittal documents for each model home.

(e) Setbacks for the model home(s) shall be measured from the proposed lot lines and setbacks per preliminary plat approval.

(f) The lots to be developed with a model home must meet one (1) of the following access options:
(i) Frontage upon an existing public street; or
(ii) The Fire Department must grant approval of temporary access road proposed to the model home.

(g) A traffic control plan shall be presented to the satisfaction of the Fire Department and City Engineer to minimize conflicts between construction and model home traffic.

(h) Parking in yards or other unpaved surfaces is not permitted for the model home. Parking may be provided in the driveway, garage, or on street if the street allows parking. Unless otherwise approved as a conditional use permit, parking lots for model homes are not permitted.

(i) Stormwater and drainage facilities necessary for the areas of the subdivision serving the model home(s) are in place and functional to the satisfaction of the City Engineer.

(j) There must be an approved and available water source for connection with the model home sites. Additionally, a fire hydrant must be within 250 feet of a model home's property line. A fire hydrant shall be in good working order and shall be capable of delivering the required fire flow.

(k) Use of the model homes for a sales office shall require inspection and approval for compliance with applicable building and fire codes.

(l) Occupation as or conversion into a residential use shall require inspection and approval of all required improvements that directly or indirectly affect the model home and shall not be permitted until after recordation of the final plat.

(m) If a model home is constructed in a preliminary plat that expires and no extension has been granted, the model home and all associated improvements, including but not limited to any temporary sales office, shall be removed within one hundred twenty (120) days of the expiration of preliminary plat.

(n) A model home shall be converted into a residential use within one hundred twenty (120) days of approval of the issuance of a building permit for the final undeveloped lot of the final phase of the subdivision.

(B) *Convenience.* Such uses are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said building.

(C) *Gross Floor Area.* Do not occupy more than 10% of the gross floor area of the building in which located.

(D) *Signs.* Have no signs or other advertising visible from outside the zoning lot on which located.

(E) *Location.* Are located in or contiguous to the lobby of the principal building.

(F) *Lobby Entrance.* Have at least one (1) lobby entrance.

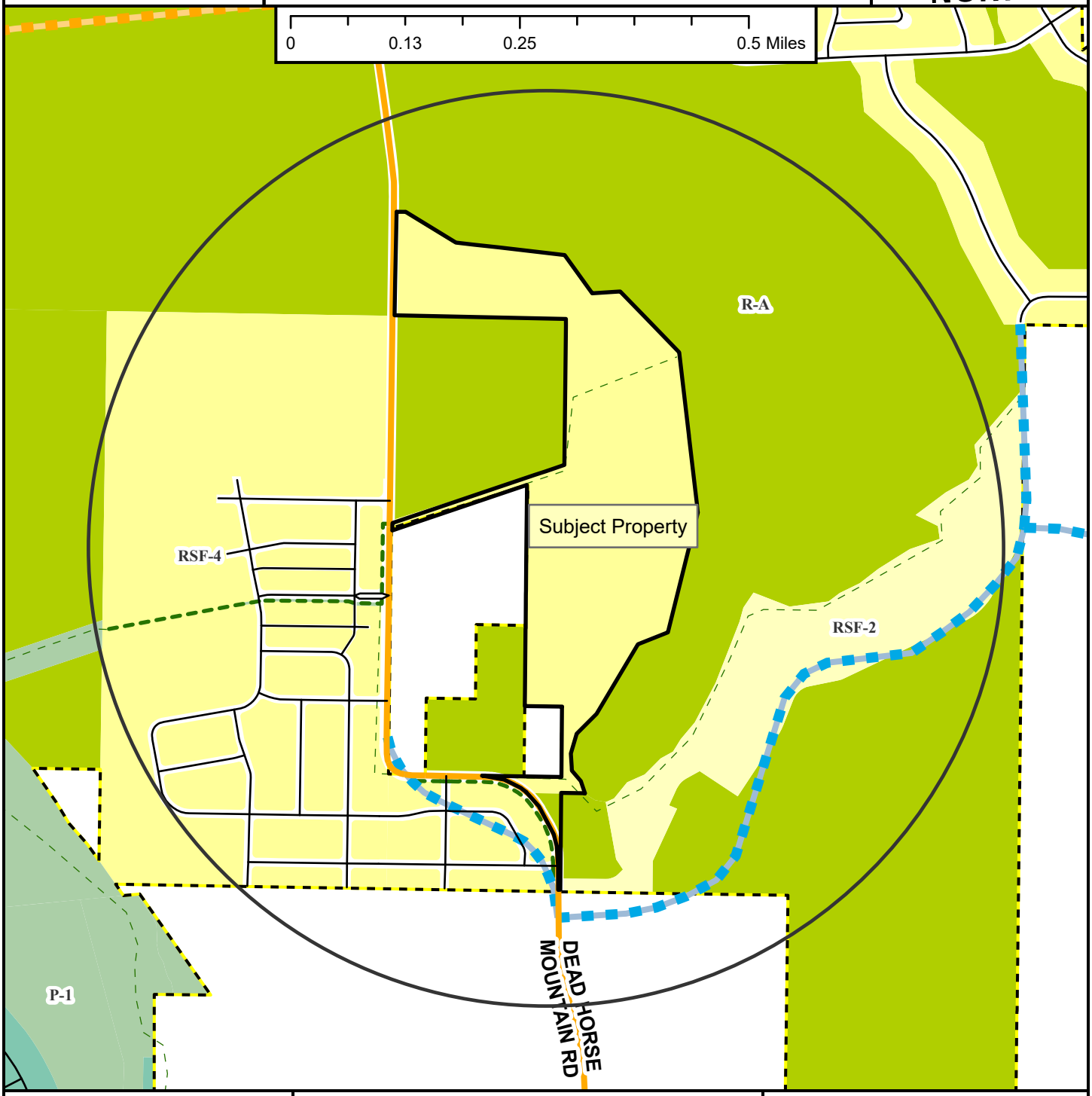
(Code 1965, App. A., Art. 7 (2); Ord. No. 1747, 6-29-70; Code 1991, §160.077; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5312, 4-20-10; Ord. No. 6087, §2, 9-4-18)

VAR-2025-0045

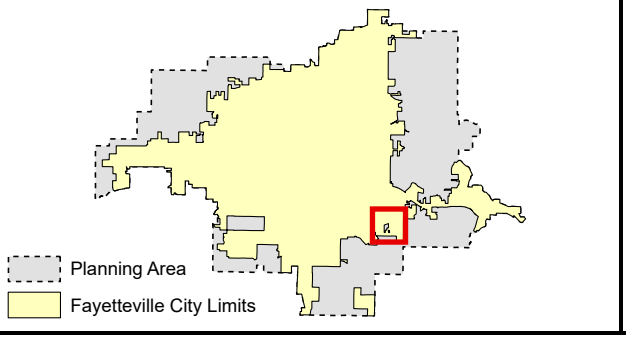
One Mile View

S. DEAD HORSE MOUNTAIN RD

NORTH



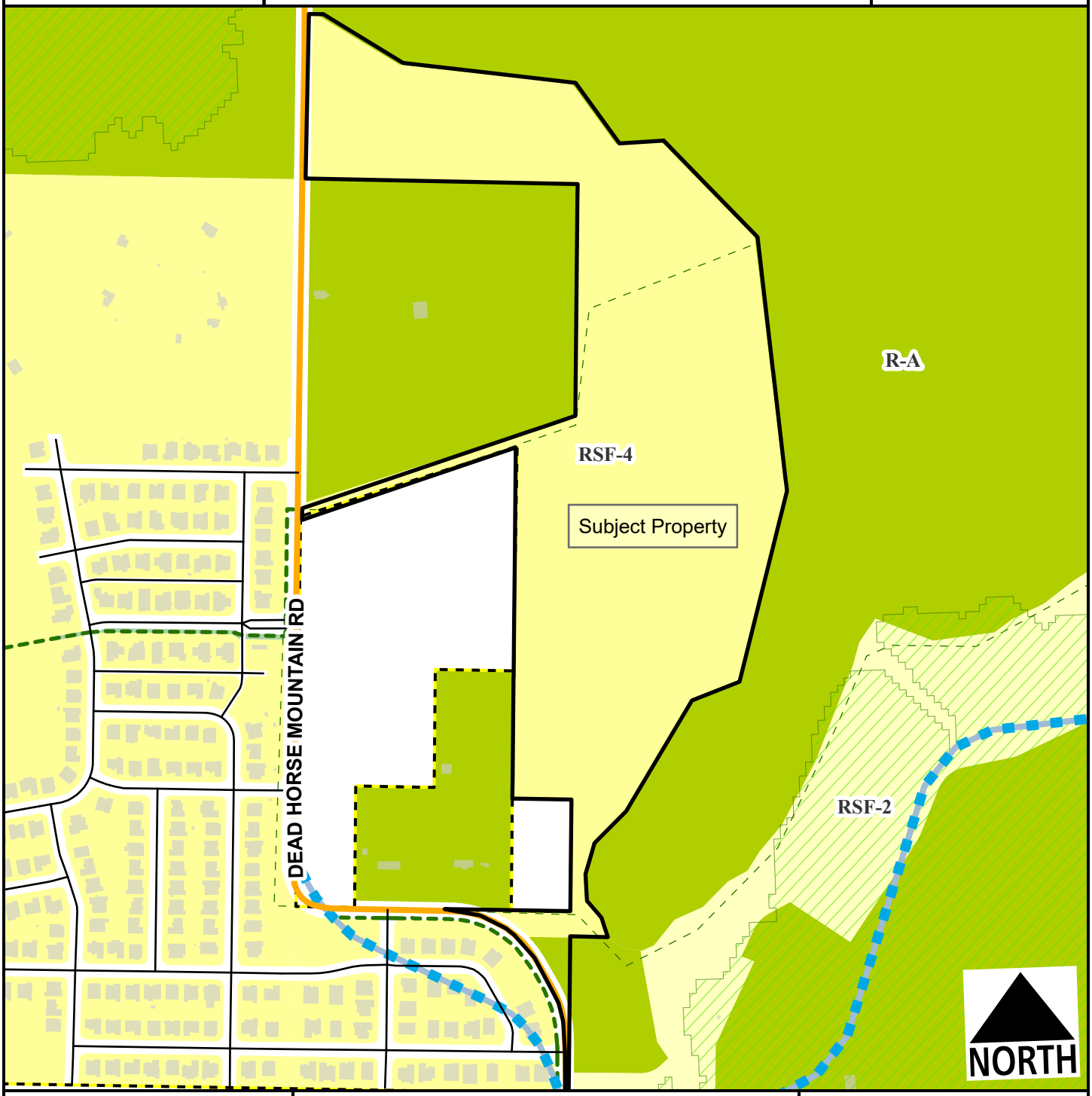
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



VAR-2025-0045

Close Up View

S. DEAD HORSE MOUNTAIN RD



- Neighborhood Link
- Alley
- Residential Link
- Planned Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)

Feet

0 190 380 760 1,140 1,520

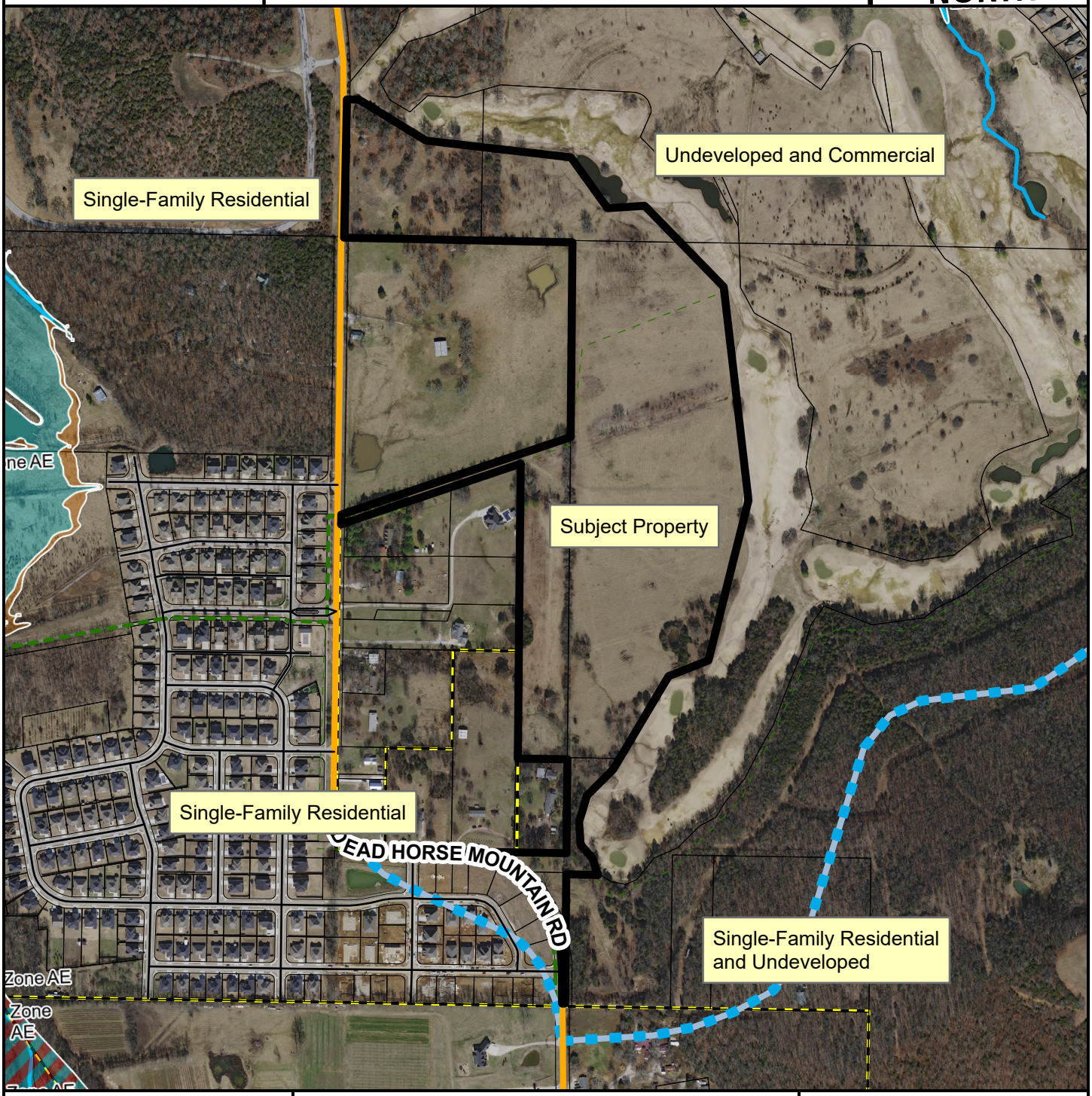
1:6,300

VAR-2025-0045

Current Land Use

S. DEAD HORSE MOUNTAIN RD

NORTH



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

Feet

0 230 460 920 1,380 1,840

1:7,500

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

124 W Sunbridge Drive, Suite 3
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

City of Fayetteville -Development Services
Re: Variance Request to the Model Home Ordinance for The Preserve @ Stonebridge

Please accept this request for a variance as outlined by UDC 164.00(B) to allow the construction of up to 15 model homes within The Preserve @ Stonebridge Phase 1 (A variance to UDC 164.01(A)(1)(a). The current city regulations permit only three model homes; however, we believe increasing this limit is both reasonable and beneficial for the city and the community.

Justification for Variance:

1. Addressing the Hardship Requirement:

The standard three-house limit before Final Plat creates an undue hardship by significantly delaying the ability to bring much-needed housing to market. The delay increases costs for developers, which in turn increases the cost of the future homes.

2. Community Benefit:

Fayetteville is experiencing a growing demand for housing. Increasing the number of houses built before Final Plat will provide homes faster to meet the demand from new residents and local workforce needs. It will also help with affordability by reducing delays and holding costs. Finally it will increase housing availability.

3. Compliance with City Planning Goals

The request aligns with Fayetteville's housing and growth strategies, as the city has emphasized the need for increased housing supply.

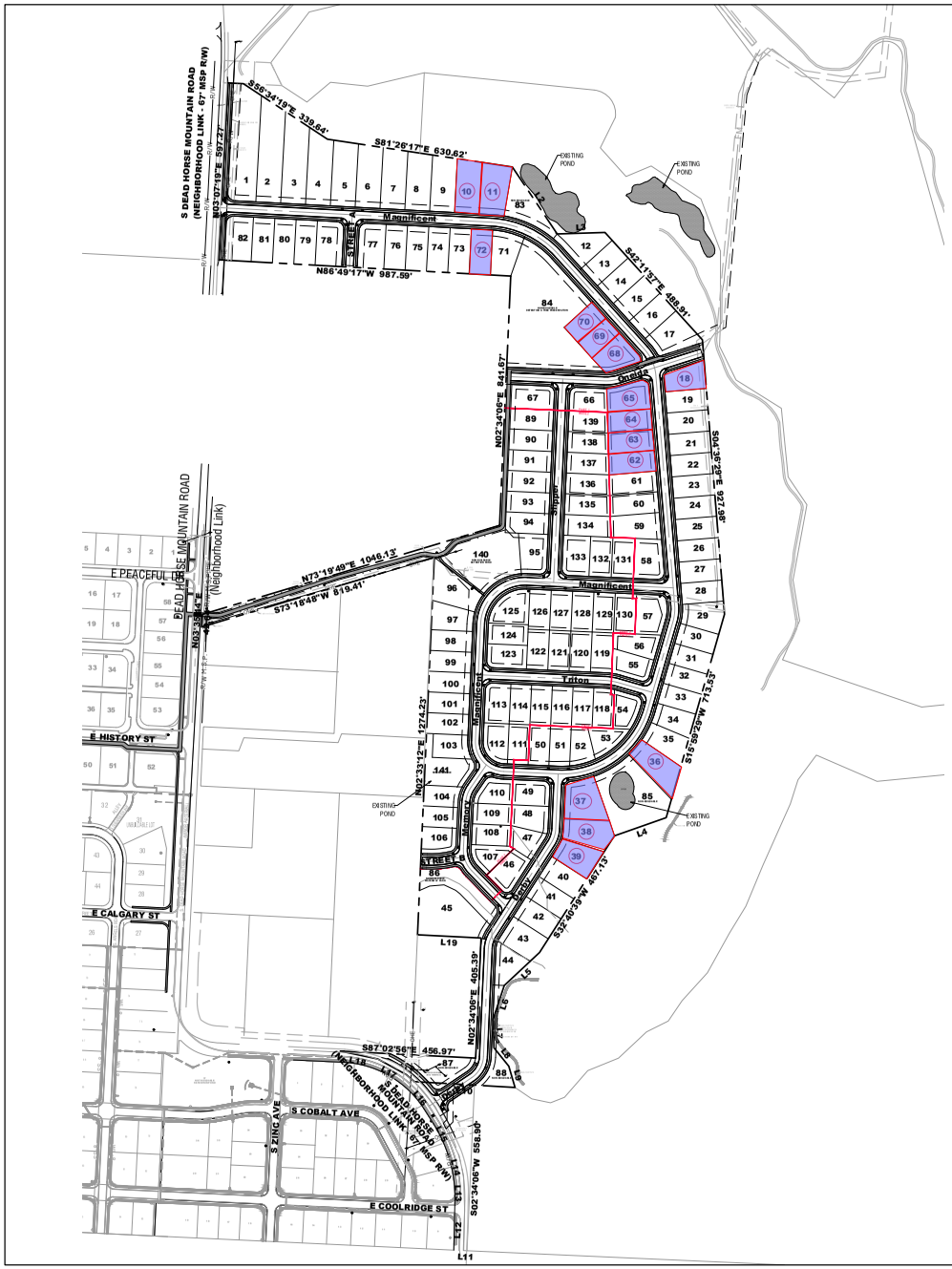
4. Economic and Tax Revenue Impact

Faster home construction leads to quicker property tax contributions to the city that could use the revenue. More housing attracts residents and businesses, fostering economic growth and stability.

Sincerely,

Blake Jorgensen, PE

P.S. Please refer to the marked up Preliminary Plat for the lots being requested for this variance.



LEGAL DESCRIPTION:

A part of the SE1/4 of the SW1/4 and a part of the SW1/4 of the SE 1/4 of Section 24, T16N, R30W and a part of E 1/2 of the NW 1/4, a part of the W1/2 of the NE1/4, a part of the NE1/4 of the SW1/4, and a part of the NW1/4 of the SE1/4 of Section 25, T16N, R30W in Washington County, Arkansas, and being described as follows: Beginning at the SE Corner of said SE1/4 of the SW1/4 of Section 24, T16N, R30W, thence N86°49'17"W987.59 feet, thence N03°37'19"E 597.27 feet, thence S87°14'03"E 52.07 feet, thence S58° 34'19"E 339.64 feet, thence S81°26'17"E 630.62 feet, thence S33°48'42"E 271.55 feet, thence N88°14'57"E 161.24 feet, thence S42°11'57"E 486.81 feet, thence S04°35'25"E 927.88 feet, thence S 15°59'29"W 713.53 feet, thence S70°36'56"W 185.38 feet, thence S32°40'39"W 467.13 feet, thence S46°54'37"W 162.88 feet, thence S18° 19'01"W 118.12 feet, thence S01°23'12"E 98.10 feet, thence S38°52'47"E 79.66 feet; thence S16°20'29"E 74.72 feet, thence N86°40'11"W 137.03 feet, thence S02°34'06"W 558.90 feet, thence N87°25'54"W 12.52 feet, thence N01°49'57"E 136.99 feet, thence N01°41'33"W 113.47 feet, thence N12°09'03"W 70.78 feet, thence N25°55'02"W 183.58 feet, thence N39°54'28"W 110.70 feet, thence N49°21'23"W 36.69 feet, thence N61°14'17"W 108.75 feet, thence N78°06'50"W 129.20 feet, thence S87°02'56"E 456.97 feet, thence N02°34'06"E 405.39 feet, thence N87°05'45"W 214.58 feet, thence N02°33'12"E 1,274.23 feet, thence S73°18'48"W 819.41 feet, thence N03°36'47"E 42.64 feet, thence N73°19'49"E 1,046.13 feet, thence N02°34'06"E 84.67 feet to the POINT OF BEGINNING. Containing 93.72 acres more or less subject to easements and right of way of record.

NOTES:

1. PLAT PAGES: 606,607,640,646,684,685.
2. CURRENT ZONING: RSF-4 (ALL PARCELS EXCEPT 765-15269-000) & R-A.
3. PARCEL NUMBER: 765-15269-000, 765-15268-151, 765-15268-330, 765-15269-101, 765-15269-102 & 765-15269-200.
4. OWNER: TABA20 LLC, 5919 HACKETT RD, SUITE 300, SPRINGDALE, AR 72762 (ALL PARCELS EXCEPT 765-15269-000) & SEVEN SPRINGS HOLDINGS LLC, PO BOX 2257, MEMPHIS, TN 38101.
5. THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #051-43C02-40G DATED JANUARY 19, 2024.
6. ROTATION BASED ON STATE PLANE COORDINATE SYSTEM.
7. ALL UTILITIES UNDER 10kv SHALL BE PLACED UNDERGROUND.
8. PER ORDINANCE 72.19, PARKING BLOCKING A MAILBOX IS PROHIBITED. MAILBOXES SHALL BE PLACED ON "NO PARKING" SIDE OF STREET.
9. PHASE 1 BUILDABLE LOTS: 82 (NUMBERS 1-82) / NON-BUILDABLE LOTS: 6 (NUMBERS 83-88).
PHASE 2 BUILDABLE LOTS: 51 (NUMBERS 89-139) / NON-BUILDABLE: 2 (140-141).
10. DIMENSION LABELED WITH "L" DENOTES THE LENGTH ALONG THE CURVE.
11. DENSITY — 2.29 BUILDABLE LOTS PER ACRE
12. ALL UTILITY CROSSINGS SHALL BE 5 - 6" PVC PIPES BURIED A MINIMUM 42" DEEP.

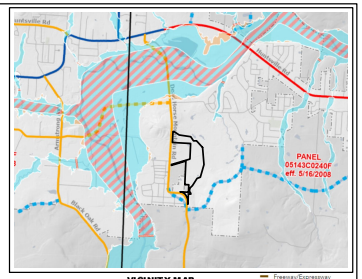
LINE TABLE		
LINE #	LENGTH	BEARING
L1	52.07'	S87° 14' 03"E
L2	271.55'	S33° 48' 42"E
L3	161.24'	N88° 14' 57"E
L4	185.38'	S70° 36' 56"W
L5	162.88'	S46° 54' 37"W
L6	118.12'	S18° 19' 01"W
L7	98.10'	S01° 23' 12"E
L8	79.66'	S38° 52' 47"E
L9	74.72'	S16° 20' 29"E
L10	340.05'	N86° 40' 11"W
L11	12.52'	N87° 25' 54"W
L12	136.99'	N01° 49' 57"E

LINE TABLE		
LINE #	LENGTH	BEARING
L13	113.47'	N01° 41' 33"W
L14	70.78'	N12° 09' 03"W
L15	183.58'	N25° 55' 02"W
L16	110.70'	N39° 54' 28"W
L17	108.75'	N61° 14' 17"W
L18	129.20'	N78° 06' 50"W
L19	214.58'	N87° 05' 45"W
L20	42.64'	N03° 35' 44"E
L21	14.76'	N16° 40' 11"W

CURVE TABLE						
CURVE #	LENGTH	RADIUS	DELTA	CHORD	BEARING	TANGENT
C1	184.21'	408.50'	25°50'14"	182.65'	S5 2°0 2'12"E	93.70'
C3	254.50'	326.00'	44°43'49"	248.09'	N64°33'46"W	134.14'
C4	71.13'	150.00'	27°10'13"	70.47'	N28°36'45"W	36.25'
C5	27.13'	150.00'	10°21'43"	27.09'	N09°50'47"W	13.60'
C6	52.82'	150.00'	20°10'37"	52.55'	N82°27'54"E	26.69'
C8	235.62'	150.00'	90°00'00"	212.13'	S47°33'12"W	150.00'
C9	54.26'	150.00'	20°43'31"	53.96'	N05°41'50"E	27.43'
C10	47.15'	200.00'	13°30'23"	47.04'	N80°41'36"W	23.68'
C11	400.52'	300.00'	76°29'37"	371.43'	N54°18'24"E	236.47'
C12	93.36'	100.00'	53°29'20"	90.00'	S24°11'28"E	50.39'
C13	63.72'	100.00'	36°30'40"	62.65'	S69°11'28"E	32.99'
C14	52.58'	100.00'	30°07'27"	51.97'	N17°36'56"E	26.91'
C16	55.10'	100.00'	31°34'16"	54.41'	S18°41'26"W	28.27'

STREET RIGHT-OF-WAY & SIDEWALK TABLE					
STREET	CLASSIFICATION	RIGHT OF WAY	STREET WIDTH	SIDEWALK	GREENSPACE
DEAD HORSE MOUNTAIN RD	NEIGHBORHOOD LINK	67'	67'	8' (BOTH SIDES)	10'
MAGNIFICENT	RESIDENTIAL STREET LINK	52'	28'	6' (BOTH SIDES)	6'
STREET A	RESIDENTIAL STREET LINK	52'	28'	6' (BOTH SIDES)	6'
ONEIDA	RESIDENTIAL STREET LINK	52'	28'	6' (BOTH SIDES)	6'
SLIPPER	RESIDENTIAL STREET LINK	52'	28'	6' (BOTH SIDES)	6'
TRITON	RESIDENTIAL STREET LINK	52'	28'	6' (BOTH SIDES)	6'
MEMORY	RESIDENTIAL STREET LINK	52'	28'	6' (BOTH SIDES)	6'
DERBY	RESIDENTIAL STREET LINK	52'	28'	* 6' (BOTH SIDES)	6'

* NOTE: A VARIANCE IS BEING REQUESTED FOR A PORTION OF DERBY STREET TO HAVE SIDEWALK ON ONE SIDE.



VICINITY MAP
FAYETTEVILLE, ARKANSAS

- Freeway/Expressway
- Regional Link - High Activity
- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Urban Center

OWNER/DEVELOPER:
TABA20 LLC
5919 HACKETT RD, SUITE 300
SPRINGDALE, AR 72762

N
W E
S

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 200 ft.

JORGENSEN + ASSOCIATES
Planning Civil Engineering Surveying Construction Staking
124 W. Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Planning Commission
October 27, 2025

VAR-2025-0045 (THE PRESERVE AT STONEBRIDGE)

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/BUILD WITH STREETS
- UTILITY CROSSING — UTX
- EXISTING CONTOUR
- FINISHED CONTOUR

PROJECT DETAILS

PROJECT TITLE:
THE PRESERVE AT STONEBRIDGE

PROJECT LOCATION:
FAYETTEVILLE, AR

REVISIONS

DATE: 8.10.23
DRAWN BY: PMM
PROJECT #2021018
FILE PATH: Z:\SUBD\ SB-WEST
SHEET SIZE: 22" x 34"
SCALE:HORZ.1" = 200'

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 725
ARKANSAS – ENGINEER

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13843
BLAKE R. JORGENSEN

SHEET TITLE

OVERALL PRELIMINARY PLAT

SHEET NUMBER

C1.01

PPL-2022-0006
Conditions of Approval:

6. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication as follows:*

   Dead Horse Mountain Road: Staff recommends right-of-way dedication in the amount of at least 33.5 feet from centerline along Dead Horse Mountain Road.

   Street 7: Staff recommends right-of-way be dedicated in the amount of 40-feet, in line with the Alternative Residential Link Street standards.

   All other internal streets: Staff recommends right-of-way to be dedicated in the amount of 52-feet, in line with the Residential Link Street standards.

   Subdivision Committee recommended in favor of right-of-way dedication.

7. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*

   Dead Horse Mountain Road: Staff recommends in favor of a variance to the typical Master Street Plan standards, for the 8-foot sidewalk to be constructed in between two 5-foot greenspaces, to avoid existing power poles. Staff recommends the applicant identify these power poles on the site plan. Streetlights and street trees to be constructed in accordance with code.

   Street 7: Staff recommends in favor of the applicant's proposal to construct 6-foot sidewalk, 6-foot greenspace, curb, gutter, and width for two drive lanes and removing the 7-foot on-street parking lane, and supports the applicant's request to jog the 6-foot sidewalk. Streetlights and street trees to be constructed in accordance with code.

   All other internal streets: Staff recommends construction to typical Master Street Plan standards for Residential Link Street. Streetlights and street trees to be constructed in accordance with code.

   Assessment for temporary turn-around: $13,631.75, to be paid prior to final plat of Phase I.

8. **Planning Commission determination of requested variance to 166.08(E)(d), Block length/connectivity.** Residential Link Streets are required to have intersections at a minimum of 660 feet. *Staff recommends partially in favor of this request.*

   Subdivision Committee recommended in favor of this request

1. Fee in-lieu of parkland dedication is required in the amount of $139,392 for 128 single-family lots for phases I and II. Parks Fees can be paid per Phase for the resultant number of lots prior to building permit issuance.

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

3. The applicant shall be responsible for obtaining the necessary easements to provide sanitary sewer to their development without an additional lift station.

4. All remaining comments from the Planning Division shall be addressed prior to Planning Commission, including:

    a. Plat page numbers need to be provided on the plans (606, 645, 646)

5. Conditions of approval from Engineering, Urban Forestry, and Parks, and Fire are included in the official conditions of approval;

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 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);

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 calendar year.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Willa Thomason, Urban Forester

MEETING DATE: October 27, 2025

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

Staff recommend forwarding **ADM-2025-0031** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **ADM-2025-0031** to the City Council with a recommendation of approval."*

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

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

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

DISCUSSION:

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

- 167.04(H)(4) *Analysis Report* to implement a requirement for projects not meeting their minimum canopy requirement on-site to submit an analysis report prepared by an International Society of Arboriculture (ISA)-certified arborist.
- 167.04(L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements* to add clarifying subsection titles, and to create a new subsection describing the extent of activity permitted within a tree preservation easement.
- 167.05(B) *Tree Protection* to clarify and strengthen the City of Fayetteville's tree protection standards.
- 167.04(A)(8) *Parking Lots* to clarify the tree preservation plan requirements for parking lot permit applications.
- 167.04(A)(9) *Hillside/Hilltop Overlay District* to clarify the tree preservation plan requirements for applicants seeking building or grading permits within the HHOD. This change is needed following the 2024 amendment to §167.04 that introduced the abbreviated tree preservation plan requirement for projects between 1,200 and 6,000 sq. ft. of impervious surface.
- 167.04(C) *Canopy Area* requiring all zoning districts within the HHOD to submit a tree preservation plan, rather than just those with residential and C-1 designations.
- 167.04(H)(1)(d) to clarify the location within the UDC of the definition of "significant trees".

The proposed amendments to the City's Tree Preservation and Protection code directly support the overarching policy that "preservation shall be the first, best, and standard approach". Requiring an ISA-certified arborist to prepare an analysis report for projects that cannot meet their on-site canopy requirements (§167.04(H)(4)) ensures a higher level of professional accountability and informed decision-making regarding tree loss. Clarifications to preservation easement standards (§167.04(L)) and strengthened tree protection fencing measures (§167.05(B)) will provide clearer guidance and more enforceable protections for existing canopy. A scrivener's error correction will clarify the tree preservation plan requirements for parking lot permit applications (§167.04(A)(8). Updates to HHOD-related requirements (§167.04(A)(9), §167.04(C)) expand preservation planning in environmentally sensitive areas, ensuring that development in vulnerable terrains does not come at the expense of long-term ecological health. Finally, improved clarity around the definition and location of "significant trees" (§167.04(H)(1)(d)) reinforces the value of preserving high-impact trees across all projects.

Together, these amendments close critical gaps in the City's regulatory framework, aligning code implementation more closely with the intent of §167—to preserve existing tree canopy as a key public asset and environmental resource.

August 25, 2025 Planning Commission Input:

The primary concerns regarding the proposed ordinance amendments expressed by the Planning Commission at the August 25 meeting were as follows:

- §167.04(H)(4)
    - Clarify who is providing the initial tree survey and site plan
    - Specify ISA assessment levels required with submittal
- §167.04(L)(3)
    - Specify a replacement ratio for unauthorized removal of trees from within a tree preservation easement

To address these concerns, staff have included suggested language in the attachments.

Public Comment: The Urban Forestry Advisory Board has vetted these proposed ordinance changes, and staff have integrated their suggestions. Staff have shared these proposed ordinance changes with stakeholders in the development community and have fielded questions but have not received feedback in support of or opposition to the amendments. Urban forestry staff also corresponded with local tree-care providers to request estimates for the ISA-arborist-conducted analysis report proposed in §167.04(H)(4). The responses are attached.

RECOMMENDATION: Staff recommend forwarding ADM-2025-0031 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>October 27, 2025</u>	**❒ Tabled**	**❒ Forwarded**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- **Proposed Ordinance (Clean):**
  - UDC §167.04. Tree Preservation And Protection During Development
  - UDC §167.05. Tree Protection Measures And Construction
- **Proposed Ordinance (Strikethrough):**
  - UDC §167.04. Tree Preservation And Protection During Development
  - UDC §167.05. Tree Protection Measures And Construction
- **Public Comment**
  - Developer Inquiry
  - ISA-Arborist Assessment Estimate 1
  - ISA-Arborist Assessment Estimate 2

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.*

(8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are not required to go through the subdivision or large scale development process.

(9) *Hillside/Hilltop Overlay District.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted for projects located within the Hillside/Hilltop Overlay District.

(10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.

(11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04 (H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.

(12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.

(a) Person seeking to construct 1,200 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.

(b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.

(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%
UN, Urban Neighborhood	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 zoning districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5%.

(D) *Prior Tree Removal.*

(1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.

(2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(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.

(2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.

(a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.

(b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.

(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.

(4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.

(G) *Initial Review.*

(1) *Meeting with the Urban Forester*. It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.

(2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.

(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 Chapter 151: Definitions 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, 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 prepared and signed by an International Society of Arboriculture (ISA)-certified arborist when minimum percent canopy is not met. The report shall include the following:

a) Tree Health and Structure Evaluation. The arborist shall conduct a Level 1: Limited Visual Assessment of the site. In conjunction with the site plan provided by the design professional, the arborist shall conduct, at their discretion, a Level 2: Basic Assessment or Level 3: Advanced Assessment of significant trees, as defined in §151, shown to be removed or impacted by the proposed development, and preserved trees showing signs of disease or damage.

b) Feasibility of Preservation: Site constraints preventing preservation (e.g. topography, utility conflicts), evaluation of design modifications that could increase tree retention, and tree protection measures explored and their viability.

c) Recommendations and Justification: Summary of why minimum preservation cannot be met, and a recommended course of action.

On sites where invasive tree species, as defined in §177.09, are present, or where existing canopy is of low quality or limited extent, as determined by the urban forester, urban

forestry staff may modify this requirement to prioritize the preservation of high-quality, non-invasive tree species.

(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.

(I) *Request for On-Site Mitigation.*

(1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.

(2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:

(a) The number of trees requested for removal;

(b) The percentage below the percent minimum canopy requirement they represent; and

(c) The species and number of trees to be planted based on the forestation requirements below.

(3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.

(4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:

(a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.

(b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.

(5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.

(6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth

in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.

(7) *Placement of Trees*. The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.

(8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:

(a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).

(b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.

(i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.

(ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

(iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.

(iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.

(c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.

(9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*

(a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.

(b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.

(c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.

(d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.

(e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.

(f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.

(g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.

(i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
(ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
(iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

(1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.

(2) *Off-Site Preservation*. The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.

(3) *Off-Site Forestation.*

(a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.

(b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.

(4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree

Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account $250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund $425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.

(a) Developments proposed as building permits under Level 2 as outlined in §166.02 (E)(2) are eligible for contribution to the tree escrow account as an option.

(b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way detention ponds, common areas or other areas where trees can be protected and have ahigh probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.

(c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.

(d) Money contributed under this section:

    (i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;
    (ii) Shall not revert to the general fund for ongoing operations.

(e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.

(f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.

(g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.

(i) The refund shall be made on a pro rata basis and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.

(j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.

(K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.

(1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.

(2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.

(3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.

(4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.

(L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*

(1) Tree Preservation Easement Dedication. Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing trees are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

(2) Tree Preservation Easement Vacation. The geographical extent and location of a tree preservation easement, once recorded, may only be vacated in whole or in part with the express approval of the City Council. Applicants requesting such vacation of an existing tree preservation easement shall bear the burden of proving to the City Council's satisfaction that such vacation is in the best interests of the City of Fayetteville and its residents and businesses. The application for vacation of a tree preservation easement shall be submitted to the urban forester who should present the request and the urban forester's recommendations to the Urban Forestry Advisory Board for its review and recommendations prior to placing the vacation request on the City Council Agenda. The City Council may require that vacation of some or all of a tree preservation easement shall be offset by the establishment of a new tree preservation easement of greater size and/or improved canopy health and ecological benefit to our community. The City may require that a proposed new tree preservation easement be improved by the owner by substantial removal of invasive species, planting of trees approved by the urban forester to improve the canopy within the proposed new tree preservation easement, and/or other mitigation measures..

(3) Disturbance and Maintenance of Tree Preservation Easements.

Tree preservation easements are established for the purpose of protecting and maintaining existing tree canopy in perpetuity. No grading, excavation, construction, trenching, or any other form of land disturbance or development activity is permitted within the boundaries of a recorded tree preservation easement.

Property owners wishing to remove diseased or dead trees, or invasive vegetation of any kind from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a native or regionally appropriate tree species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

Unauthorized removal, cutting, or disturbance of native trees or vegetation within a tree preservation easement constitutes a violation of this chapter and may result in enforcement actions including, but not limited to restoration requirements, and replanting with native or regionally appropriate species at the ratio specified in §167.04(I)(4)(a).

(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; Ord. No. 6830, §4, 1-7-25; Ord. No. 6833, §7, 1-21-25)

167.05 Tree Protection Measures And Construction

(A) *Site Inspection.* A preliminary site inspection followed by periodic inspections will be conducted by the Urban Forester to ensure compliance with the tree preservation plan.

(B) *Tree Protection.* Trees illustrated as preserved on tree preservation plans shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in areas with preserved trees. No filling, excavating or other land disturbance shall take place in areas with preserved trees. Before commencing any construction activity, the applicant shall construct tree protection barriers on the site to establish a tree protection zone (TPZ), the centroid of which shall be the trunk of the tree. If the tree's canopy is asymmetrical, the radius of the TPZ shall extend from the trunk to the furthest extent of the dripline. In all cases, the TPZ shall be no less than 10 feet from the trunk or to the dripline, whichever is greater.. If the area within the tree's dripline is affected by construction, the tree may be preserved but replacement plantings may be required by Urban Forestry as a part of the mitigation requirements. The Urban Forester may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, and the roots of which extend onto the site of the proposed construction. Any applicant damaging or destroying an off-site tree shall be required to mitigate such damage or destruction as prescribed by the Urban Forester. If the required barriers surrounding the areas with preserved trees are not adequately maintained during construction, the Urban Forester shall prescribe remedial measures and may issue a stop work order in accordance with §153.07(C). All remedial measures shall be completed within the specified amount of time and shall be considered prior to granting final plat approval or issuing a certificate of occupancy. 366

(Code 1991, §162.11; Ord. No. 3699, §11, 4-20-93; Ord. No. 3925, §8, 10-3-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §7, 4-16-96; Ord. No. 4008, §1, 12-17-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 5986, §36, 7-6-17)

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.*

(8) *Parking Lots.* Tree preservation requirements apply to all permit applications for the construction of parking lots with five (5) or more spaces. An abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for permits on projects that are not required to go through the subdivision or large scale development process.

(9) *Hillside/Hilltop Overlay District.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted for projects located within the Hillside/Hilltop Overlay District. ~~Undeveloped land located within the Hillside/Hilltop Overlay District shall submit a tree preservation plan with the preliminary plat or site plan. Single and two (2) family residential development shall submit an abbreviated tree preservation and site plan at the time of applying for a building permit.~~

(10) *Grading Permit.* A tree preservation plan or an abbreviated tree preservation plan, as set forth in §167.04(H)(3), shall be submitted with the application for grading permits on projects that are not required to go through the development process.

(11) *Building Permits.* Tree preservation requirements apply to all permit applications for developments of greater than 1,200 square feet of impervious area. An abbreviated tree preservation plan, as set forth in §167.04 (H)(3), shall be submitted with the application for building permits on projects that are not required to go through the subdivision, large scale development, or site improvement plan process. There shall be no land disturbance, grading, or tree removal until an abbreviated tree preservation plan has been submitted and approved, and the tree protection measures at the site inspected and approved.

(12) *Exemptions.* Projects not listed above or not impacting tree canopy are not required to submit a tree preservation plan or review from Urban Forestry.

(a) Person seeking to construct 1,200 square feet or less of impervious area are specifically exempt from the provisions of this section except when the land is located within the Hillside/Hilltop Overlay District; then all the provisions of this ordinance shall apply.

(b) Structural changes to buildings located in the Hillside/Hilltop Overlay District that do not result in an enlargement of the building footprint or roof dripline shall not require an abbreviated tree preservation plan.

(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%
UN, Urban Neighborhood	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%.~~

(D) *Prior Tree Removal.*

(1) If trees have been removed below the required percent minimum canopy within the five (5) years preceding application for a development, the site must be forested to meet the Percent Minimum Canopy requirements set forth in Table 1, plus an additional 10% of the total area of the property for which the applicant is seeking approval, less the right-of-way and park land dedications. The number of trees required to be planted shall be calculated using the base density for high priority trees.

(2) *Waiver.* If an applicant is able to demonstrate to the Planning Commission's satisfaction that the trees were removed for a bona fide agricultural purpose, and not with the intent to thwart enforcement of this chapter, the additional 10% reforestation requirement shall be waived.

(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.

(2) *Nonresidential Developments.* Two (2) options are available for establishing a tree preservation plan for the development of nonresidential developments. The Urban Forester shall recommend to the Planning Commission the option that will potentially preserve the largest amount of high priority canopy based upon the tree preservation criteria set forth in §167.04(B) above.

(a) *Preservation Plan for Entire Development.* The developer may choose to preserve the percent minimum canopy required for the entire development. With this option, the preserved canopy shall be located in areas that will not be impacted by future development of the individual lots. Canopy to be preserved shall be noted on the final plat, and shall be protected as set forth in §167.04(L) below. Should the entire percent minimum canopy requirement for the site be so protected, the preserved canopy shall be placed in a tree preservation easement and the final plat shall include a statement that the individual lots, as represented thereon, shall not require separate tree preservation plans.

(b) *Preservation Plan for Infrastructure Only.* The developer, in consultation with city staff, shall delineate the area required for the construction of the infrastructure and improvements for the development. This area should include street rights-of-way, and utility and drainage easements. Proposed lot lines, streets, and easements shall be

located to avoid placing a disproportionate percentage of existing canopy in any one (1) proposed lot. This option shall not allow the removal of trees during the grading of individual lots, unless shown by the developer to be essential to the project's engineering design. The developer will be required to compensate for the canopy removed from defined individual lots by making the appropriate payment into the Tree Escrow Account. On all other areas of the development, the developer shall protect the existing canopy during the construction phase in accordance with §167.05 below. The final plat shall include a statement that the individual lots shall require separate tree preservation plans.

(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.

(4) Developers have the option of creating cluster development, such as a Planned Zoning District, which would encourage more open space and tree preservation. In this pattern of development, the trees preserved or open space on each lot can be transferred to a larger Tree Preservation Easement instead of individual lots required to meet minimum percent requirements. The Tree Preservation Easements shall be clearly depicted on easement plats or final plats.

(G) *Initial Review.*

(1) *Meeting with the Urban Forester*. It is strongly recommended that prospective applicants meet with the Urban Forester for an initial review of the proposed tree preservation plan for the site prior to submitting a proposed development to the city. During the initial review, the Urban Forester shall make recommendations to ensure the proposed subdivision or development complies with the requirements of this chapter. These recommendations shall be nonbinding. However, applicants proceed at the risk of higher costs and longer approval times due to changes required by a noncompliant submittal should they choose not to have the initial review or to disregard the recommendations of the Urban Forester.

(2) *Confirmation.* The Urban Forester shall document whether the applicant participated in the initial review meeting in the Tree Preservation and Protection staff report given to applicants going through the development review process. If the applicant chooses to attend an initial review meeting, the staff report shall also document any recommendations made. The Urban Forester shall ensure that a copy of the report or email becomes part of the permanent file for the project.

(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,~~ Chapter 151: Definitions 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, 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.~~prepared and signed by an International Society of Arboriculture (ISA)-certified arborist when minimum percent canopy is not met. The report shall include the following:

a) Tree Health and Structure Evaluation. The arborist shall conduct a Level 1: Limited Visual Assessment of the site. In conjunction with the site plan provided by the design professional, the arborist shall conduct, at their discretion, a Level 2: Basic Assessment or Level 3: Advanced Assessment of significant trees, as defined in §151, shown to be removed or impacted by the proposed development, and preserved trees showing signs of disease or damage.

b) Feasibility of Preservation: Site constraints preventing preservation (e.g. topography, utility conflicts, etc.), evaluation of design modifications that could increase tree retention, and tree protection measures explored and their viability.

c) Recommendations and Justification: Summary of why minimum preservation cannot be met, and a recommended course of action.

On sites where invasive tree species, as defined in §177.09, are present, or where existing canopy is of low quality or limited extent, as determined by the urban forester, urban forestry staff may modify this requirement to prioritize the preservation of high-quality, non-invasive tree species.

(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.

(I) *Request for On-Site Mitigation.*

(1) *Timing of Request for On-Site Mitigation.* Requests to remove trees below the percent minimum canopy requirement must be incorporated with the applicant's tree preservation plan.

(2) *Plan Requirements.* The tree preservation plan must graphically represent the species and location for all existing trees on-site. It shall also include a chart clearly stating the following information:

(a) The number of trees requested for removal;

(b) The percentage below the percent minimum canopy requirement they represent; and

(c) The species and number of trees to be planted based on the forestation requirements below.

(3) *Planting Details and Notes.* Planting details and notes shall be included on the tree preservation plan or landscape plan as set forth in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.

(4) *Forestation Requirements.* The number and species of trees required for forestation shall be based upon the quality of the canopy lost:

(a) *High Priority Canopy.* When removing high priority canopy below the percent minimum canopy required, the canopy square footage removed shall be forested at a base density of two hundred (200), 2-inch caliper trees per acre removed.

(b) *Low Priority Canopy.* When removing low priority canopy below the percent minimum required, the canopy square footage removed shall be forested at a base density of one hundred (100), 2-inch caliper trees per acre removed.

(5) *Base Density.* Compensating for the environmental damage caused by removing tree canopy shall be accomplished by forestation on a per acre basis. The base density formula used above is based on 2-inch caliper trees. However, the urban forester may approve the use of trees with less than 2-inch caliper for the planting of smaller tree species required by spatial constraints on the site. In such cases, the number of trees to be planted may be adjusted in accordance with the species table to be found in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual.

(6) *Preferred Species.* All trees to be planted shall be species native to the Ozark region or native cultivars, when available, or selected from the list of preferred tree species set forth in the City of Fayetteville Tree Preservation, Protection and Landscape Manual. Species selection shall be based upon the amount of space available for proper growth on the site, and must be approved by the Urban Forester.

(7) *Placement of Trees*. The applicant is expected to plant trees in locations on the site where the environmental benefits of canopy cover are most likely to offset the impact of development. Trees shall not be placed within utility easements, or in other locations where their future protection cannot be assured.

(8) *Residential On-Site Mitigation.* Applicants requesting on-site mitigation for residential developments shall comply with all the provisions of §167.04(I), as well as the following:

(a) The applicant's mitigation plan shall meet or exceed the required number of mitigation trees based on the forestation requirements as set forth at §167.04(I)(4).

(b) All plans requesting residential on-site mitigation shall include a binding three (3) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted trees.

(i) Approval of a plan requesting residential on-site mitigation shall be contingent upon the applicant depositing with the city an irrevocable letter of credit in an amount equal to the estimated cost of materials and labor for all trees at the time of planting. The irrevocable letter of credit must cover the entire three (3) year maintenance and monitoring period. Applicant shall submit cost estimates to the Urban Forester for approval.

(ii) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the letter of credit.

(iii) In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the applicant does not take remedial steps to bring the property into compliance, the city shall use the necessary moneys from the landscape establishment guarantee to do so.

(iv) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected.

(c) Developers requesting mitigation trees be planted along the street right-of-way of residential developments shall submit a landscape plan that complies with the standards outlined in the City of Fayetteville Tree Preservation, Protection, and Landscape Manual in order to ensure that new trees planted are of the highest quality, require low maintenance, and do not interfere with public safety. The species of trees to be planted shall be selected from the approved street tree species list, or be otherwise specifically approved by the Urban Forester. The applicant's mitigation plan for planting street trees shall describe in detail the method for tracking the development of the individual lots, which shall best ensure that required number and species of mitigation trees are planted.

(9) *Request for On-Site Mitigation Alternatives (Green Roofs or Green Façades).*

(a) *Intent.* The intent is to allow previously developed sites with at least 50% existing impervious area and limited space for planting trees to use on-site mitigation alternatives to meet the mitigation requirements and still contribute beneficial plant materials that provide positive ecosystem services.

(b) *Applicability.* On-Site Mitigation Alternatives shall only be allowed as alternatives to planting trees in form-based zoning districts that allow for mixed-use and do not have a building area maximum requirement. On-Site Mitigation Alternatives may not be utilized on sites that have adequate space to meet landscape requirements.

(c) *Timing of Request for On-Site Mitigation Alternatives.* Requests for on-site alternatives must be incorporated and submitted concurrently with the applicant's tree preservation plan.

(d) *Intensive Green Roof.* A green roof with 6 inches or great soil medium that can sustain plant species with deeper root systems.

(e) *Extensive Green Roof.* A green roof with 2 to 5 inches of soil medium that can sustain plant species with shallow root systems.

(f) *Green Façade.* A green façade is created by growing climbing plants up and across the façade of a building, either from plants grown directly in the ground or a large container of at least 12 inches of soil medium. Plants can attach directly to the building or be supported with a 12-inch by 12-inch trellis system connected to the building.

(g) *Mitigation Alternative Calculations.* The applicant's plan to install an extensive green roof, intensive green roof, and green façade in lieu of a mitigation tree shall be based from square footage of tree canopy.

(i) The calculation for an extensive green roof shall be based from a ratio of 1 square foot of tree canopy to 2.5 square feet of extensive green roof.
(ii) The calculation for an intensive green roof shall be based from a ratio of 1 square foot of tree canopy to 1.4 square feet of intensive green roof.
(iii) The calculation for a green façade shall be done based from a ratio of 1 square foot of tree canopy to 2.5 square feet of green façade.

(J) *Request for Off-Site Alternatives.*

(1) *Timing of Request for Off-Site Alternatives.* Requests for off-site alternatives must be incorporated in, and submitted concurrently with the applicant's tree preservation plan.

(2) *Off-Site Preservation*. The applicant may seek approval of the Urban Forester to preserve an equal or greater amount of canopy cover at a site within the city limits.

(3) *Off-Site Forestation.*

(a) If off-site preservation cannot be achieved, the applicant may seek approval from the Urban Forester to plant the required number of trees on another site owned by the

applicant and located within the city limits. A tree preservation easement must be conveyed concurrently with or prior to submission of a final plat by the applicant to the city to protect any off-site preservation or forestation and the legal description of the tree preservation easement shall also appear on the final plat.

(b) An applicant may plant and maintain mitigation trees needed for the applicant's development as to fulfill the obligation set forth in Chapter 167, Tree Preservation and Protection, in a nearby city park or public right-of-way if expressly approved by City Council resolution. The City Council shall seek advice from the Urban Forester, Parks and Recreation Department staff and citizens about the advisability of forestation of the nearby city park and may apply express conditions including requiring irrigation to be installed and regular maintenance to be performed by the applicant.

(4) *Tree Escrow Account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation, off-site forestation, and on-site mitigation alternatives to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer's obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account $250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund $425.00 as three (3) years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four (4) years to ensure it remains the fair market costs for tree planting and maintenance for three (3) years.

(a) Developments proposed as building permits under Level 2 as outlined in §166.02 (E)(2) are eligible for contribution to the tree escrow account as an option.

(b) Residential developments which cannot achieve the base density tree requirements through preservation or mitigation shall contribute to the Tree Escrow Account. The city shall use the money paid into the Tree Escrow Account to plant trees within the development along rights-of-way detention ponds, common areas or other areas where trees can be protected and have ahigh probability of survival to a mature tree. This shall be accomplished once the development is built out or as approved by the Urban Forester.

(c) Money contributed in lieu of on-site mitigation or off-site forestation shall be paid prior to issuance of a building permit on all commercial, industrial, or multi-family residential buildings and prior to final plat acceptance for all residential and non-residential subdivisions.

(d) Money contributed under this section:

(i) May be used for canopy mitigation, including planting site identification, tree acquisition, planting, and maintenance, utilizing either city staff or contract labor;

(ii) Shall not revert to the general fund for ongoing operations.

(e) If it is not possible to plant trees within the development, planting locations will be sought in appropriate sites within a 1 mile radius of where the original project is located, but if this cannot be achieved, the moneys shall be used to plant the trees in the park quadrant in which the development took place, or pursuant to §167.04(J)(2) and (3). Data extracted from the urban forest analysis should be consulted when identifying appropriate locations to plant escrow funded trees.

(f) The City of Fayetteville shall refund the portion of the money contributed under this section, including the accrued interest that has not been expended seven (7) years from the date of the contribution. Interest shall be based on a 4% annual rate.

(g) Refunds shall be paid to the present owner of the property that was the subject of new development and against which the fee was assessed and collected.

(h) Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the applicant no later than thirty (30) days after the date which the refund becomes due. The sending by regular mail of the notices to the applicant shall be sufficient to satisfy the requirement of notice.

(i) The refund shall be made on a pro rata basis and shall be paid in full no later than ninety (90) days after the date certain upon which the refund becomes due.

(j) At the time of the contribution to the Tree Escrow Account, the Urban Forester shall provide the applicant with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any contribution to the Tree Escrow Account under this ordinance.

(K) *Tree Preservation Plan Review Form.* The Urban Forester shall use a standardized form for all recommendations or administrative determinations made regarding an applicant's tree preservation plan.

(1) The form shall clearly indicate whether the Urban Forester is making a final administrative determination, or a recommendation to the Planning Commission or City Council.

(2) The form shall also clearly indicate the applicant's plan is "APPROVED," "DISAPPROVED," or "CONDITIONALLY APPROVED," and explain the reasoning therefore.

(3) A statement shall appear on the form explaining the process by which a final administrative determination may be appealed in accordance with Chapter 155 of the Unified Development Code.

(4) The Urban Forester shall sign and date the form, and ensure that a copy becomes part of the permanent file for the project.

(L) *Continuing Preservation and Protection Under Approved Tree Preservation Plans and Tree Preservation Easements.*

(1) Tree Preservation Easement Dedication. Large scale developments, large site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing trees are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large and small site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

(2) Tree Preservation Easement Vacation. The geographical extent and location of a tree preservation easement, once recorded, may only be vacated in whole or in part with the express approval of the City Council. Applicants requesting such vacation of an existing tree preservation easement shall bear the burden of proving to the City Council's satisfaction that such vacation is in the best interests of the City of Fayetteville and its residents and businesses. The application for vacation of a tree preservation easement shall be submitted to the urban forester who should present the request and the urban forester's

recommendations to the Urban Forestry Advisory Board for its review and recommendations prior to placing the vacation request on the City Council Agenda. The City Council may require that vacation of some or all of a tree preservation easement shall be offset by the establishment of a new tree preservation easement of greater size and/or improved canopy health and ecological benefit to our community. The City may require that a proposed new tree preservation easement be improved by the owner by substantial removal of invasive species, planting of trees approved by the urban forester to improve the canopy within the proposed new tree preservation easement, and/or other mitigation measures.

(3) Disturbance and Maintenance of Tree Preservation Easements. ~~Property owners wishing to remove diseased or dead trees from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a tree of like or similar species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.~~ Tree preservation easements are established for the purpose of protecting and maintaining existing tree canopy into perpetuity. No grading, excavation, construction, trenching, or any other form of land disturbance or development activity is permitted within the boundaries of a recorded tree preservation easement.

Property owners wishing to remove diseased or dead trees, or invasive vegetation of any kind from within a recorded tree preservation easement shall seek prior approval from the Urban Forester, who shall determine if such removal is consistent with sound arboricultural and horticultural practices, as well as the intent of this chapter. Any tree so removed shall be replaced with a native or regionally appropriate tree species, unless the Urban Forester determines that natural replacements of sufficient health and vigor are already present in the tree preservation easement.

Unauthorized removal, cutting, or disturbance of native trees or vegetation within a tree preservation easement constitutes a violation of this chapter and may result in enforcement actions including, but not limited to restoration requirements, and replanting with native or regionally appropriate species at the ratio specified in §167.04(I)(4)(a).

(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; Ord. No. 6830, §4, 1-7-25; Ord. No. 6833, §7, 1-21-25)

167.05 Tree Protection Measures And Construction

(A) *Site Inspection.* A preliminary site inspection followed by periodic inspections will be conducted by the Urban Forester to ensure compliance with the tree preservation plan.

(B) *Tree Protection.* Trees illustrated as preserved on tree preservation plans shall be protected from construction activity to prevent impingement by or the storage of construction vehicles, materials, debris, spoils or equipment in areas with preserved trees. No filling, excavating or other land disturbance shall take place in areas with preserved trees. Before commencing any construction activity, the applicant shall construct tree protection barriers on the site to establish a tree protection zone (TPZ), the centroid of which shall be the trunk of the tree. If the tree's canopy is asymmetrical, the radius of the TPZ shall extend from the trunk to the furthest extent of the dripline. In all cases, the TPZ shall be no less than 10 feet from the trunk or to the dripline, whichever is greater. If the area within the tree's dripline is affected by construction, the tree may be preserved but replacement plantings may be required by Urban Forestry as a part of the mitigation requirements. ~~along the tree dripline or 10 feet from the trunk, whichever is greater. The applicant shall also post signs [at] areas with preserved trees in accordance with the details, standards, specifications and guidelines provided in the *City of Fayetteville Tree Preservation, Protection, and Landscape Manual*.~~ The Urban Forester may require other protective measures based upon the individual characteristics of the site and the proposed construction methods. Tree protection measures shall also protect any off-site trees, and the roots of which extend onto the site of the proposed construction. Any applicant damaging or destroying an off-site tree shall be required to mitigate such damage or destruction as prescribed by the Urban Forester. If the required barriers surrounding the areas with preserved trees are not adequately maintained during construction, the Urban Forester shall prescribe remedial measures, and may issue a stop work order in accordance with §153.07(C). All remedial measures shall be completed within the specified amount of time and shall be considered prior to granting final plat approval or issuing a certificate of occupancy.

(Code 1991, §162.11; Ord. No. 3699, §11, 4-20-93; Ord. No. 3925, §8, 10-3-95; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §7, 4-16-96; Ord. No. 4008, §1, 12-17-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 5986, §36, 7-6-17)

Thomason, Willa

To: Masters, Jessica
Subject: RE: Proposed Code Changes - Tree Preservation - 167.04/167.05

From: Aaron Wirth <aaron@cobblestonehomes.info>
Sent: Tuesday, August 12, 2025 11:08 AM
To: Thomason, Willa <wthomason@fayetteville-ar.gov>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Madison Melton <madie@cobblestonehomes.info>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Douglas, Bethany <bdouglas@fayetteville-ar.gov>
Subject: Re: Proposed Code Changes - Tree Preservation - 167.04/167.05

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Good Morning Willa,

You bet, and thank you for the response! We will keep at it out here.

AW

From: Thomason, Willa <wthomason@fayetteville-ar.gov>

Sent: Monday, August 11, 2025 8:47 AM

To: Aaron Wirth

Cc: Curth, Jonathan; Madison Melton; Masters, Jessica; Douglas, Bethany

Subject: RE: Proposed Code Changes - Tree Preservation - 167.04/167.05

Hi Aaron,

Thanks for looping me in! If these proposed code changes are enacted, projects with tree preservation plans that have already been submitted and approved, including Brooklands Phases 5, 6, and 7 (PPL-2022-0008/GRD-2023-0006), will not be subject to the new requirements. We will honor the plans that were stamped for construction on 8/14/24. The proposed code changes will affect projects at the entitlement and grading permit phases but will not change the requirements for final landscaping inspections at the time of C of O application.

Please let me know if you have any more questions!

Willa Thomason, M.S., ISA Certified Arborist

Urban Forester

Development Services

City of Fayetteville, Arkansas

(479) 444-3486

Website | Facebook | Twitter | Instagram | YouTube

From: Aaron Wirth <aaron@cobblestonehomes.info>

Sent: Friday, August 8, 2025 9:13 AM

To: Thomason, Willa <wthomason@fayetteville-ar.gov>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Madison Melton <madie@cobblestonehomes.info>

Subject: Fw: Proposed Code Changes - Tree Preservation - 167.04/167.05

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Good Morning Willa-

First of all, thanks for sending this info out so as to limit surprises.

I had a great meeting with Jonathan yesterday (set up previous to this) and we touched on this item, and we agreed to loop you in via email. My understanding is that this will not affect my Brooklands phase 5,6 & 7 and there will remain nothing additional required especially at the time of building the homes (Abbreviated tree plan, etc). As a reminder these are the projects that you and Jonathan toured with Madi and I with the various phases.

If missing anything, please let us know.

Thanks for you help,

AW

From: Masters, Jessica <jmasters@fayetteville-ar.gov>

Sent: Wednesday, August 6, 2025 4:11 PM

To: Masters, Jessica <jmasters@fayetteville-ar.gov>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Thomason, Willa <wthomason@fayetteville-ar.gov>; Douglas, Bethany <bdouglas@fayetteville-ar.gov>

Subject: Proposed Code Changes - Tree Preservation - 167.04/167.05

Good afternoon,

I am reaching out to you today to make you aware of proposed changes to the tree preservation requirements that will be going to the Planning Commission on Monday, August 11 for consideration. The proposed changes have been presented to the Urban Forestry Advisory Board, and have been workshopped with City staff to align with the stated goals and objectives of the Urban Forestry Management Plan that was adopted by City Council in 2024. I have attached a draft of staff's memo on the item for your consideration.

Since they will have an effect on the development community, I wanted to make sure you were informed. Members of the public are invited to attend the Planning Commission meeting, which will begin at 5:30 PM, and will be held in room 219 in City Hall. A zoom option is also available, and information about how to attend virtually can be found at this link: https://www.fayetteville-ar.gov/3949/Zoom-Meeting-Instructions

Thank you, and please let me know if you have any questions.

Jessie

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

Thomason, Willa

To: Masters, Jessica
Subject: RE: City of Fayetteville Tree Ordinance - Proposed ISA Arborist Report Requirement

From: Justin Ulmer <wildrootstree@gmail.com>
Sent: Tuesday, August 19, 2025 8:50 AM
To: Thomason, Willa <wthomason@fayetteville-ar.gov>
Subject: Re: City of Fayetteville Tree Ordinance - Proposed ISA Arborist Report Requirement

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Hello Willa,

Thank you for reaching out. This appears to be an excellent opportunity to address the concerns you have raised, as our mature urban trees and the overall canopy are of paramount importance for numerous reasons.

I conduct between five and ten ISA Tree Risk Assessments per month, and the pricing may slightly vary depending on the specific circumstances, as you are aware.

Please find below a concise outline of our pricing structure, presented in a ballpark manner with the price listed at the upper end of the range.

Single to Two Mature Trees, Level 1 Assessment with Written Report: $150
Level 3 Canopy Assessment: $350

Five to Ten Mature Trees Within 0.5 Acre or Less, Level 1 Assessment with Written Report: $400
Level 3 Canopy Assessment: $1200

Single to Two Acres, Overall Stand and Canopy Level 1 Report with Written Assessment and Mapping: $1000
Canopy Assessment on as Needed Basis: $200/tree

Areas Larger Than 2 Acres for General Risk Assessment and Canopy Reports: $225/hour with Formal Report

Please note that these pricing figures are indicative of our operational efficiency and commitment to delivering high-quality products. I cannot provide a comprehensive assessment of the industry as a whole.

Thank you again for your inquiry. Please do not hesitate to contact me if you require any further information. .

Justin Ulmer

On Wed, Aug 13, 2025 at 10:01 AM Thomason, Willa <wthomason@fayetteville-ar.gov> wrote:

Good morning,

The City of Fayetteville's urban forestry staff is working to enact several ordinance changes, one of which would require developers to submit an assessment from an ISA-certified arborist when the proposed tree preservation falls below the minimum percentage required for the zoning designation of their project. We would like to know what cost this may incur, whether that depends on the density of canopy on-site, or the size of the development, so we can share that information with the Planning Commission at the upcoming hearing on August 25. I have attached the report I shared with the Planning Commission this past Monday, and the language specifying the proposed requirement to submit an independent arborist assessment is detailed under 167.04(H)(4). We would greatly appreciate any feedback you can provide regarding how you would estimate the cost of this type of assessment.

Thank you!

Willa Thomason, M.S., ISA Certified Arborist
Urban Forester

Development Services
City of Fayetteville, Arkansas
(479) 444-3486

Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

Thomason, Willa

From: Jeremy Williams <jeremy@treeclimbersllc.com>
Sent: Monday, August 25, 2025 5:30 PM
To: Thomason, Willa
Cc: Douglas, Bethany; Masters, Jessica
Subject: Re: City of Fayetteville Tree Ordinance - Proposed ISA Arborist Report Requirement

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Generally as an arborist I'm brought in after the fact and am only given partial information. Most of the time it's after plans are set and I'm constantly left in the dark regarding plan options.
The most common thing I see is being asked to provide root pruning on projects after approval only to see that that there is no feasible way to perform said work without creating a safety hazard.
The biggest issue I have on the ground is the legal inability to trespass on neighboring properties to measure and assess the trees off site which I feel is a great requirement but not legal.

Jeremy Williams,
ASCA Registered Consulting Arborist #801

ISA Board Certified Master Arborist #SO-6263BT
ISA Qualified Tree Risk Assessor
ASCA Tree and Plant Appraisal Qualified
ISA Certified Climber Specialist
ISA Southern Wildfire Risk Reduction Instructor
TCIA Tree Care Safety Professional #1267
NCCER Certified Crane Operator

Tree Climbers LLC
Arkansas first and only Accredited Tree Care Company
www.TreeClimbersLLC.com

On Aug 25, 2025, at 4:54 PM, Thomason, Willa <wthomason@fayetteville-ar.gov> wrote:

Jeremy,

I appreciate your feedback!

I started this position in time to review some of the plans for 151 W Dickson St. and, with that, reviewed the arborist reports you wrote throughout the design process. I'm curious to know whether you identified inaccuracies in the tree locations in relation to the proposed buildings when you completed your analysis of that site. I think our hope is that the arborist reports will serve as ground-truthing that City staff do not have capacity for. We do not intend to have additional reports

submitted with each revision – the baseline assessments should be sufficient for Bethany and I to assess the impact of revisions on existing trees.

Again, we really appreciate your feedback!

Thanks,

Willa Thomason, M.S., ISA Certified Arborist
Urban Forester
Development Services
City of Fayetteville, Arkansas
(479) 444-3486
Website | Facebook | Twitter | Instagram | YouTube
<image001.png>

From: Jeremy Williams <jeremy@treeclimbersllc.com>
Sent: Monday, August 25, 2025 4:30 PM
To: Thomason, Willa <wthomason@fayetteville-ar.gov>
Subject: Re: City of Fayetteville Tree Ordinance - Proposed ISA Arborist Report Requirement

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The cost would be based hourly with any ancillary costs attached. Based on the availability of the information requested I would estimate $1,500-$5,000 per report plus fees to have survey and drafting performed.

I appreciate and feel that the intent is good however my concern is the likely net result is going to be ending up with a flood of civil or LA arborists writing bogus reports not due to malice but lack of real knowledge only because they have the in house survey and drafting teams. Arborists generally do not. At least practicing arborists.
The concern I would have doing a report like this is how to guarantee the accuracy of tree location and their relationship to design elements. Tree location on civil plans is largely inaccurate as a general rule. Would you require an additional arborist report with each plan revision? After a plan change the report would then become inaccurate.
The drafting and accuracy issues are my primary concerns. Getting meaningful drawings with accurate tree locations would be the crux of the issue.

Jeremy Williams,
ASCA Registered Consulting Arborist #801

ISA Board Certified Master Arborist #SO-6263BT
ISA Qualified Tree Risk Assessor
ASCA Tree and Plant Appraisal Qualified
ISA Certified Climber Specialist
ISA Southern Wildfire Risk Reduction Instructor

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Arkansas first and only Accredited Tree Care Company
www.TreeClimbersLLC.com

On Aug 13, 2025, at 10:08 AM, Thomason, Willa <wthomason@fayetteville-ar.gov> wrote:

Good morning,

The City of Fayetteville's urban forestry staff is working to enact several ordinance changes, one of which would require developers to submit an assessment from an ISA-certified arborist when the proposed tree preservation falls below the minimum percentage required for the zoning designation of their project. We would like to know what cost this may incur, whether that depends on the density of canopy on-site, or the size of the development, so we can share that information with the Planning Commission at the upcoming hearing on August 25. I have attached the report I shared with the Planning Commission this past Monday, and the language specifying the proposed requirement to submit an independent arborist assessment is detailed under 167.04(H)(4). We would greatly appreciate any feedback you can provide regarding how you would estimate the cost of this type of assessment.

Thank you!

Willa Thomason, M.S., ISA Certified Arborist
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<ADM-2025-0031 PC Report.pdf>

CITY OF
FAYETTEVILLE
ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: October 27, 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 tabling **CUP-2025-0046** to the December 8 Planning Commission meeting, at the applicant's request.

RECOMMENDED MOTION:
*"I move to table **CUP-2025-0046** to the December 8, 2025 Planning Commission meeting."*

PLANNING COMMISSION ACTION: Required YES

Date: October 27, 2025 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

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

MEETING DATE: October 27, 2025

SUBJECT: **ADM-2025-0043: Administrative Item (340 N. DOUBLE SPRINGS RD./IRISH BEND, 474):** Submitted by ENGINEERING SERVICES INC for property located at 340 N. DOUBLE SPRINGS RD. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 9.80 acres. The request is to modify an approved preliminary plat.

RECOMMENDATION:
Staff recommends denial of **ADM-2025-0043**.

RECOMMENDED MOTION:
"I move to approve **ADM-2025-0043***, determining:*

- *In favor of the request to modify PPL-2024-0005, and*
- *In favor of all other conditions as recommended by staff."*

BACKGROUND:
The subject property is in west Fayetteville on the east side of Double Springs Road about three quarters of a mile south of Wedington Drive. The property encompasses three parcels totaling 9.80 acres, is zoned RSF-8, Residential Single-Family, Eight Units per Acre, and is developed with two single-family dwellings. The property is relatively flat with minimal tree canopy and hydric soils present in the far southeast corner of the site. A preliminary plat of a 40-lot residential subdivision was approved by the Planning Commission in May 2022 (PPL-2022-0001) which expired after one year. A preliminary plat with 38 residential lots and two unbuildable lots reserved for detention was approved by Planning Commission on July 22, 2024 (PPL-2024-0005). 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-6, Residential Multi-Family, Six Units per Acre
South	Rural Residential	RSF-1, Residential Single-Family, One Unit per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

Request: The request is for a major modification to an approved preliminary plat (PPL-2024-0005). Specifically, the applicant is requesting to modify a condition of approval in order to require fee-in-lieu rather than the construction of street improvements along N. Double Springs Rd.

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

DISCUSSION:
Staff is not supportive of the applicant's request to amend their preliminary plat as proposed. Staff finds that a fee-in-lieu would not provide necessary street and sidewalk improvements to serve current and future residents of the area. There is a relatively complete sidewalk system within the immediate surroundings and the payment of fee-in-lieu rather than sidewalk construction would create gaps exceeding 100 feet in this system at a time when infrastructure demand is set to increase. The approved Irish Bend preliminary plat would increase residential units by 38 lots and a planned zoning district was recently approved by City Council proposed an additional 108 townhome units and 159 single family units. As both the nearest public park (Harmony Pointe) and multi-use trails (Wedington Rd (existing) and Owl Creek Trail (proposed)) are located north of the subject area adjacent to Double Springs Rd., staff finds that demand for a complete sidewalk system along Double Springs Rd. is likely to be high. Additionally, there is no comparable sidewalk connectivity elsewhere in the vicinity. The nearest street connecting north/south to W. Wedington is N. 54th Ave. is N. 54th Ave.; however, it is located approximately ¾ of a mile to the east and includes gaps exceeding half a mile within the sidewalk system.

Additionally, given the lack of nonresidential services in the area, staff finds that the addition of residential units is likely to increase traffic demands on the adjacent street system. Staff finds no changes are proposed to the overall layout of the preliminary plat nor is a reduction in the overall number of lots indicated that would indicate a reduced demand in this anticipated impact. Both the approved preliminary plat and proposed modification indicates that 340 N. Double Springs Rd. will be subdivided from a single parcel to nine, and that 292 N. Double Springs Rd. will be subdivided from a single parcel to six. The revised plans indicate no ROW dedication along the Double Springs Rd. frontage of either 292 or 240 N. Double Springs Rd; however, staff finds that, based either subdivision alone would exceed the allowances permitted by a lot split, triggering the need for both right-of-way dedication and on-site street improvements per UDC 166.04(B)(4) Minimum Improvements for Preliminary/Final/Concurrent Plats.

UDC 166.04(A)(1) defines on-site improvements as "adjacent to or within a project site; such as widening the street along the project street frontage, constructing interior streets and utilities, etc." Staff finds that, as the proposed subdivision of these parcels is occurring with PPL-2024-0005 and not as a separate application, and as signed consent of owner forms have been provided by all current property owners, street improvements along 292 and 340 N. Double Springs Rd. meet the definition of on-site improvements regardless of the final ownership of the resulting lots.

In evaluating the provided cost estimate, urban forestry finds that the request would likely permit the preservation of existing trees, which would meet the intent of a street tree provision. As such, urban forestry finds in favor of the request. City planning and engineering recommend against the request for the reasons outlined above. If finding in favor, staff recommend that the proposed fee-in-lieu be split into two sections, one for strictly sidewalk improvements and one for all other street improvements as outlined in the cost estimate analysis attached.

RECOMMENDATION: Staff recommends denial of **ADM-2025-0043.** If approved, staff recommends the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the amount of 33.5 feet from centerline along Double Springs*

Road and in the full amount of 52 feet along Irish Bend Drive, Galway Lane, and Torc Drive.

1. A fee-in-lieu of $29,300 shall be required for sidewalk construction within Double Springs Rd. outside of the Irish Bend. right-of-way.

2. A fee-in-lieu of $47,782 shall be required for other street improvements along Double Springs Rd. outside of the Irish Bend right-of-way, asphalt widening, mill and overlay, curb, gutter, and all other work associated with such improvements.

3. Typical master street plan improvements shall be required within the Double Springs Rd. and W. Irish Bend intersection.

4. All other conditions of the associated preliminary plat (PPL-2024-0005) not affected by this modification shall remain in effect.

PLANNING COMMISSION ACTION: Required YES

Date: October 27, 2025 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

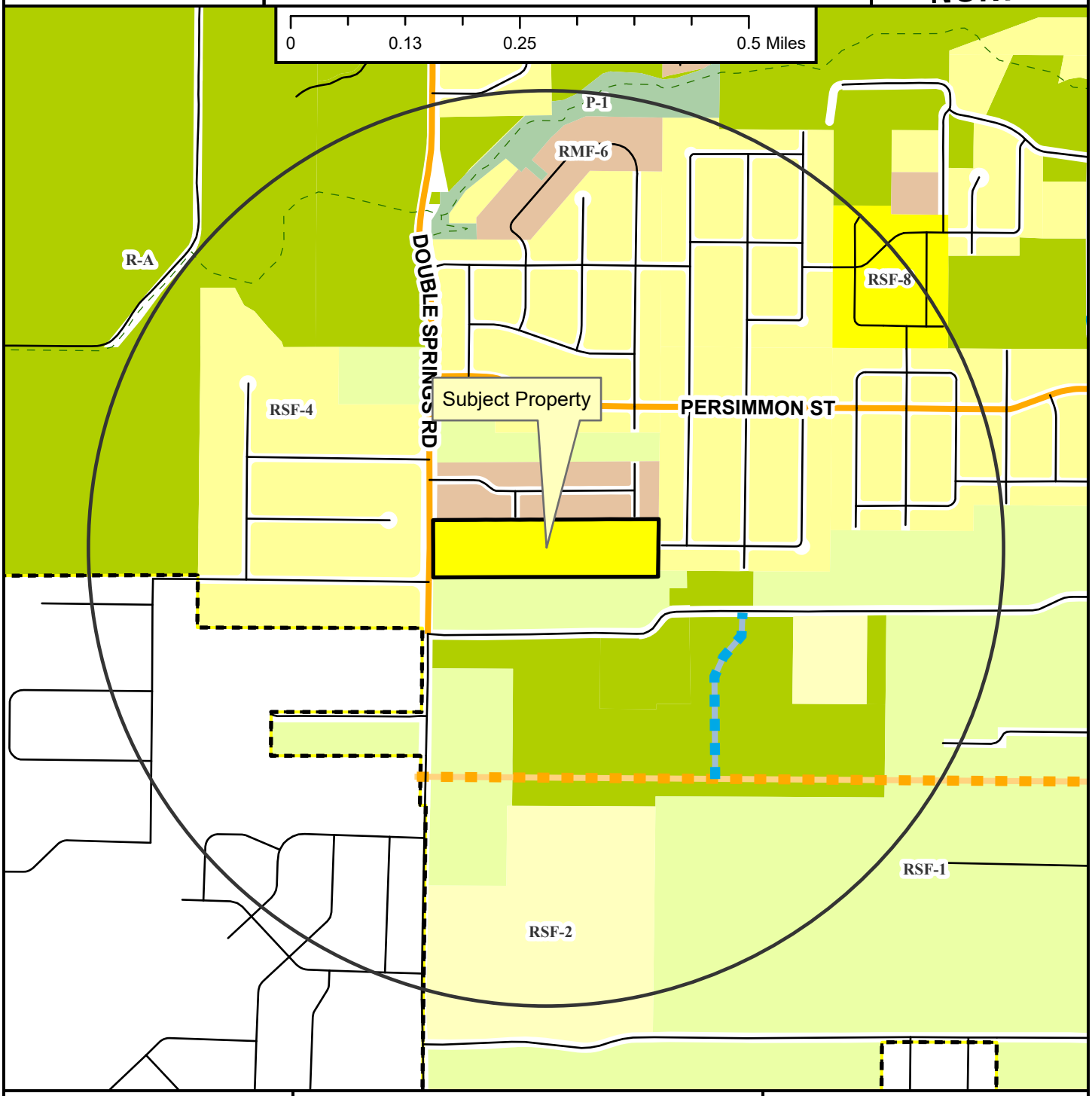
- Project Maps
  - One Mile Map
  - Close-up Map
  - Current Land Use Map
- Engineering Memo
- Staff Exhibits
  - Proposed Fee-in-Lieu Areas
  - Staff Analysis of Cost
  - Adjacent Sidewalk System
  - Potential Gaps in Sidewalk System
- PPL-2024-0005 Conditions of Approval
- PPL-2024-0005 Approved Site Plan
- Applicant Request Letter and Exhibits

ADM-2025-0043

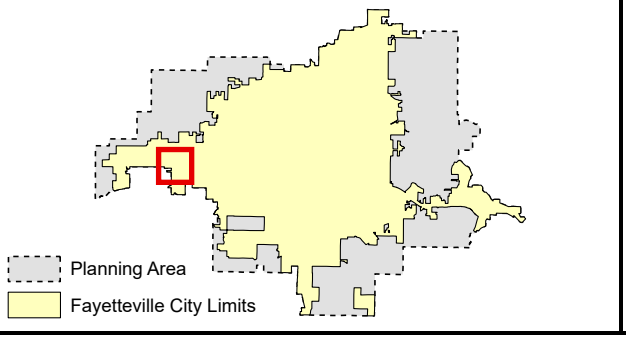
One Mile View

N. DOUBLE SPRINGS RD & W. IRISH BEND DR

NORTH



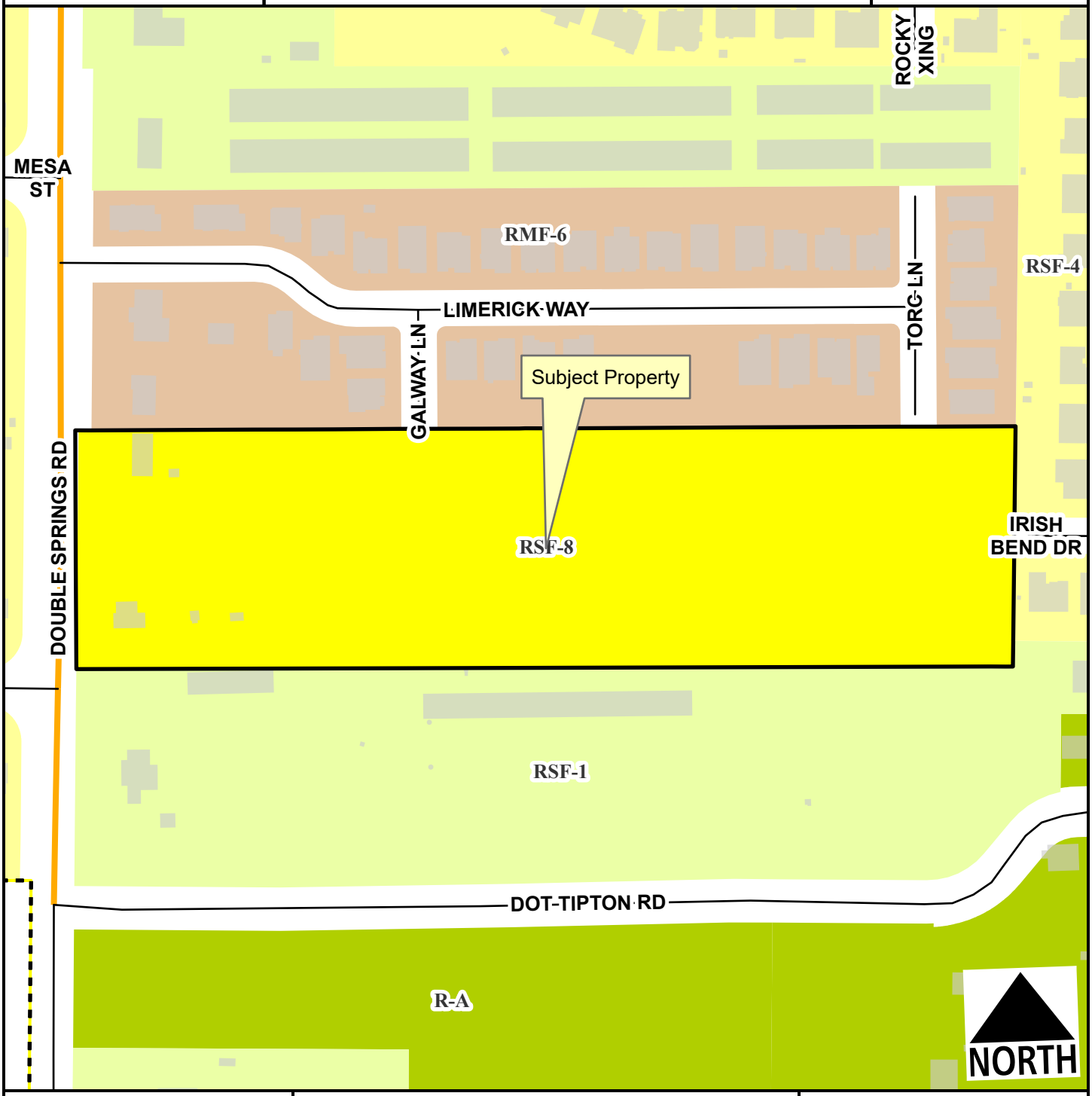
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



ADM-2025-0043

Close Up View

N. DOUBLE SPRINGS RD & W. IRISH BEND DR



Neighborhood Link

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

ADM-2025-0043

Current Land Use

N. DOUBLE SPRINGS RD & W. IRISH BEND DR

NORTH

Neighborhood Link

Residential Link

Planned 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

PPL-2024-0005 Conditions of Approval

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the amount of 33.5 feet from centerline along Double Springs Road and in the full amount of 52 feet along Irish Bend Drive, Galway Lane, and Torc Drive.*

   Subdivision Committee recommended in favor of right-of-way dedication.

2. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*
   a. *Double Springs Road: Staff recommends that the property's Double Springs Road frontage be improved with an eight-foot sidewalk, 10-foot greenspace, curb, gutter, and asphalt.*
   b. *Irish Bend Drive, Galway Lane, and Torc Drive: Staff recommends that these streets be improved to meet the typical standards for a Residential Link Street with six-foot sidewalks, six-foot greenspace, curb, gutter, and asphalt.*

   Subdivision Committee recommended in favor of street improvements.

3. Fee-in-lieu of parkland dedication is required in the amount of $43,560 based on the number of proposed single-family lots;

4. Streetlights shall be installed in accordance with code at all street intersections and at intervals of no more than every 300 feet;

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

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 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);

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.

Proposed Fee in Lieu Exhibit

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Justin Bland, Engineering Development Review Manager

DATE: October 22, 2025

SUBJECT: **Planning Commission Engineering Comments for ADM-2025-0043**

Engineering staff is not supportive of the proposed preliminary plat amendment. This is primarily due to the determination that the property for the homes at 292 and 340 N. Double Springs Rd. are part of the project and, therefore, considered frontage. Staff recommends the construction of the street and sidewalk improvements that were previously approved for the original preliminary plat. However, if ADM-2025-0043 is approved, staff recommends collecting a fee-in-lieu of $29,300 for the sidewalk improvements and $47,782 for the street improvements.

Proposed Fee in Lieu Exhibit

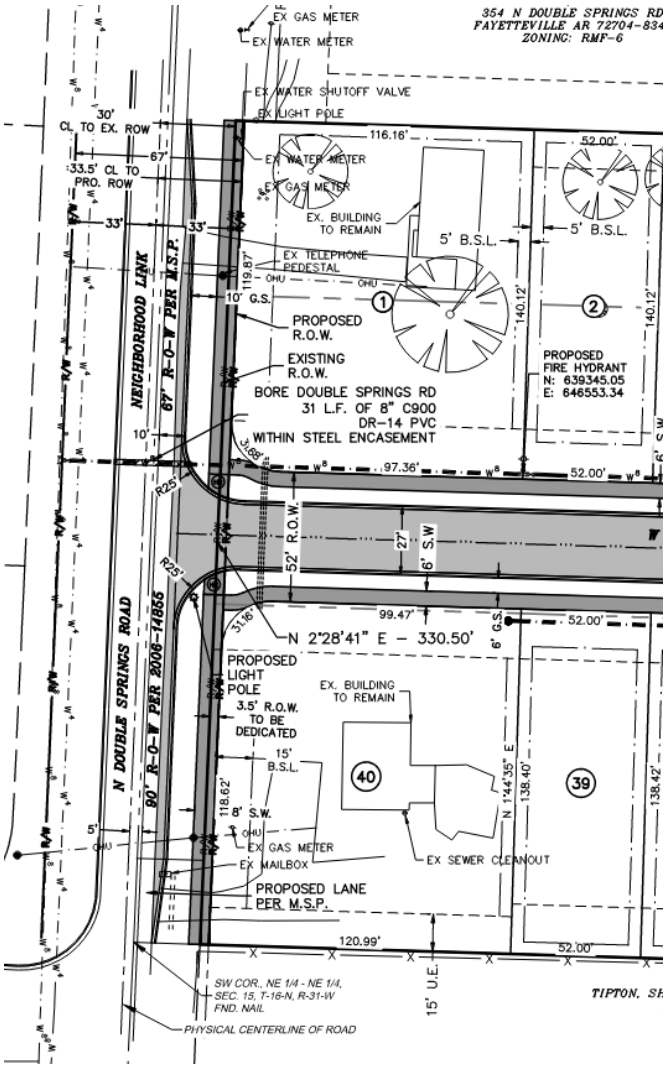


Image 1: Previously Approved Street Improvements

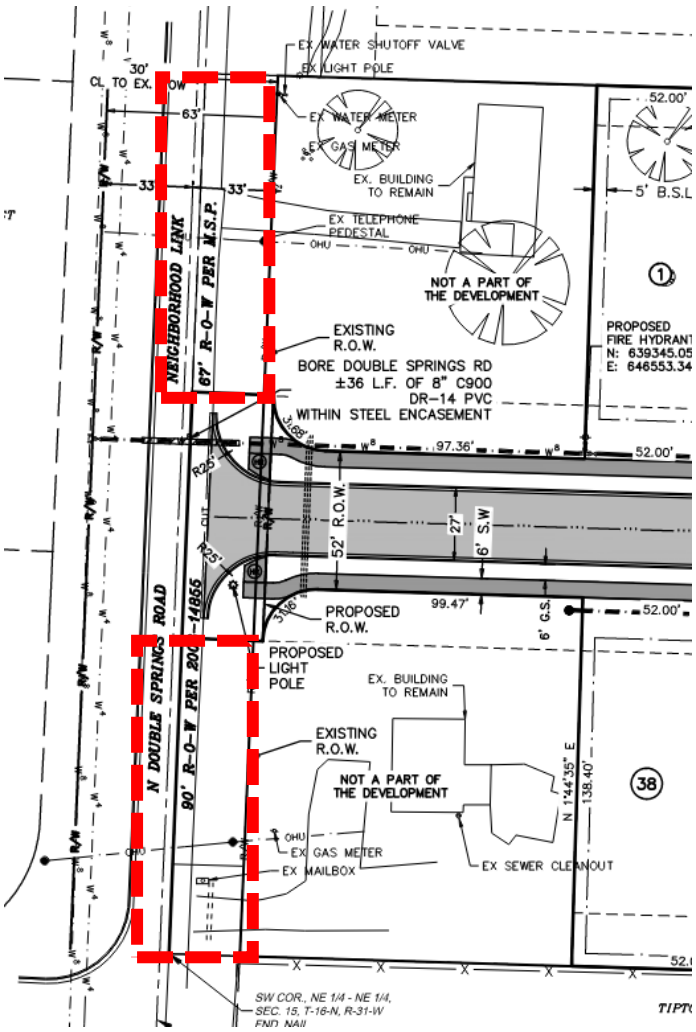


Image 2: Area of Requested Fee-in-Lieu

Staff Analysis of Cost Estimate Exhibit

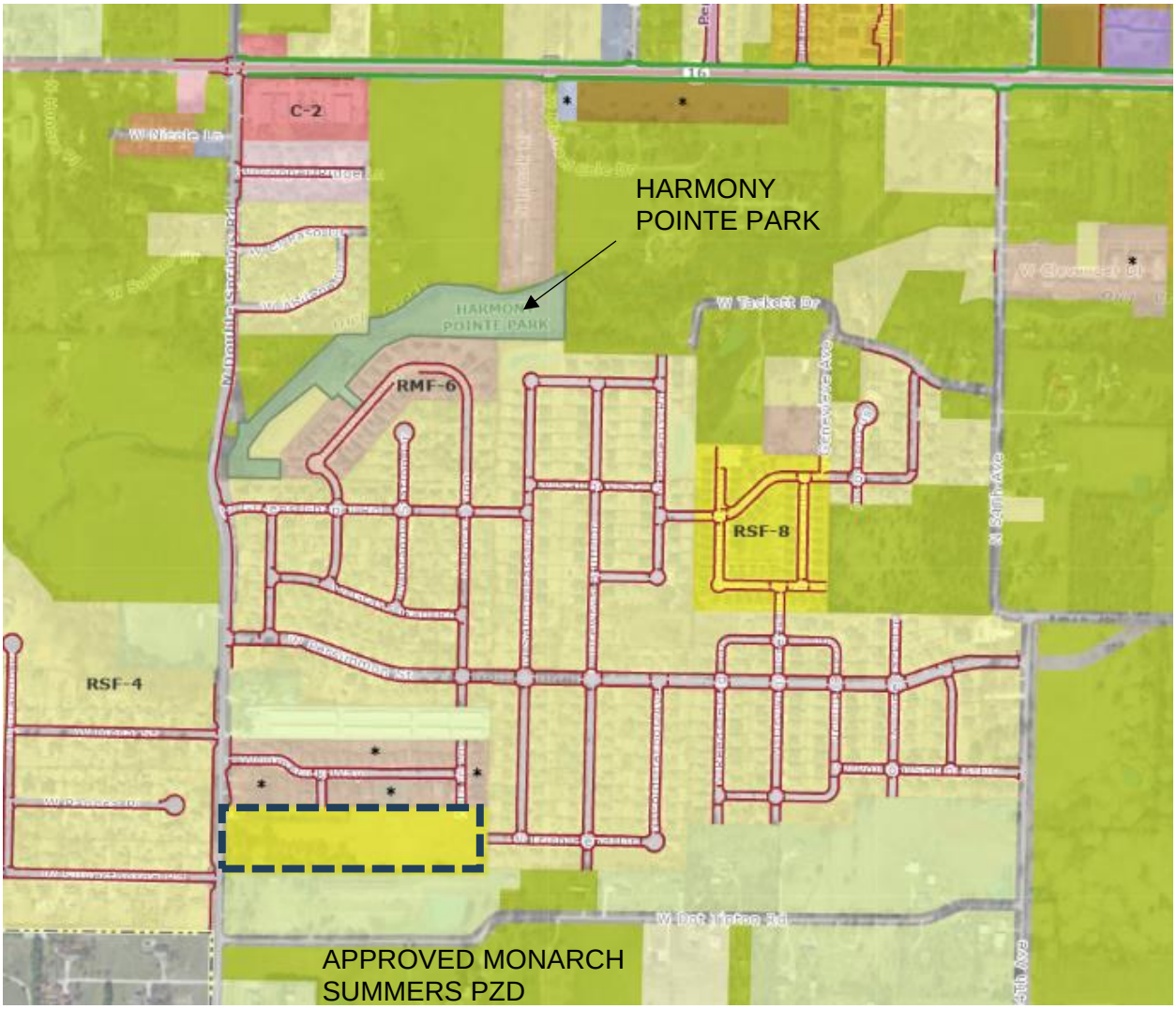
Double Springs Improvements (5'Wide)	Quantity		Unit Price	Total
2" ACHM Surface Course (Type 2)	118	SY	$ 30.00	$ 3,540.00
3" Asphalt Binder	118	SY	$ 25.00	$ 2,950.00
6" Class 7 Aggregate Base Course	236	SY	$ 17.00	$ 4,012.00
Mill & Overlay (10' Wide)	394	SY	$ 30.00	$ 11,820.00
Dirt Work	354	LF	$ 40.00	$ 14,160.00
Traffic Control	1	LS	$ 5,000.00	$ 5,000.00
Sidewalk	293	SY	$ 100.00	$ 29,300.00
~~ADA Ramps~~	~~2~~	~~EA~~	~~$ 1,200.00~~	~~$ 2,400.00~~
Curb and Gutter	300	LF	$ 21.00	$ 6,300.00
			Sub-total	$ 79,482.00

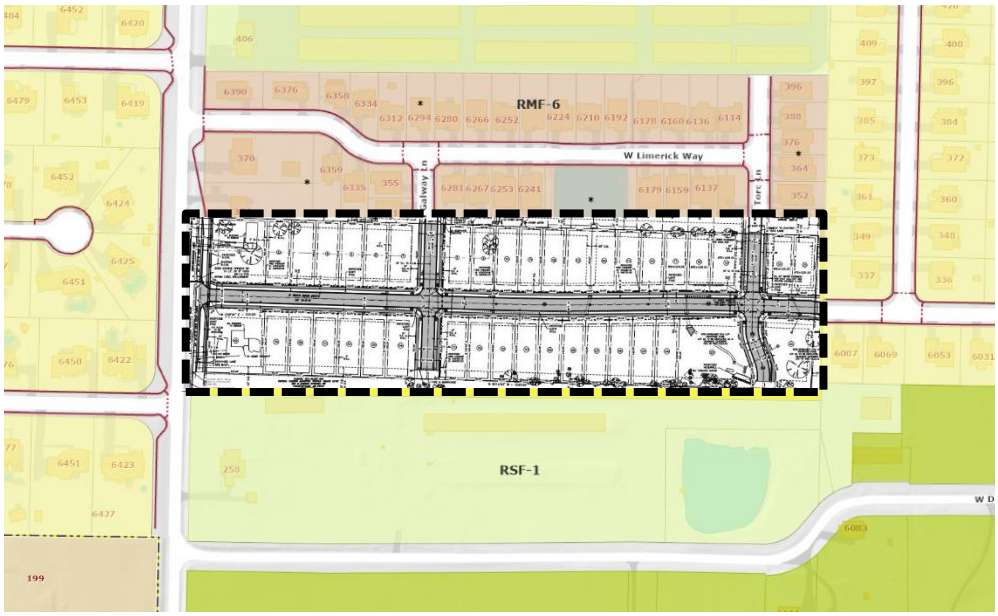
* ADA Ramps removed from fee-in-lieu calculations as ramps are shown to be constructed within Irish Bend ROW

<u>Fee-in-Lieu 1 (Sidewalk Only): $29,300</u>
Sidewalk:

<u>Fee-in-Lieu 2(All Other Street Improvements): $47,782</u>
2" ACHM Surface Course (Type 2)
3" Asphalt Binder
6" Class 7 Aggregate Base Course
Mill and Overlay (10' Wide)
Dirt Work
Traffic Control
Curb and Gutter

Adjacent Sidewalk System Analysis





Trails

Razorback Greenway (Open 24/7)

Paved Trail (Open 24/7)

Connector

Regional Network

Paved Trail (Open Sunrise to 11pm)

Unpaved Trail

Mountain Bike (Easy)

Mountain Bike (More Difficult)

Mountain Bike (Very Difficult)

Hiking

On-Street Bicycle Facility

Bike Lane(s)

Climbing Lane

Shared Roadway

Bikeway (Left),Bikeway (Right)

Sidewalk

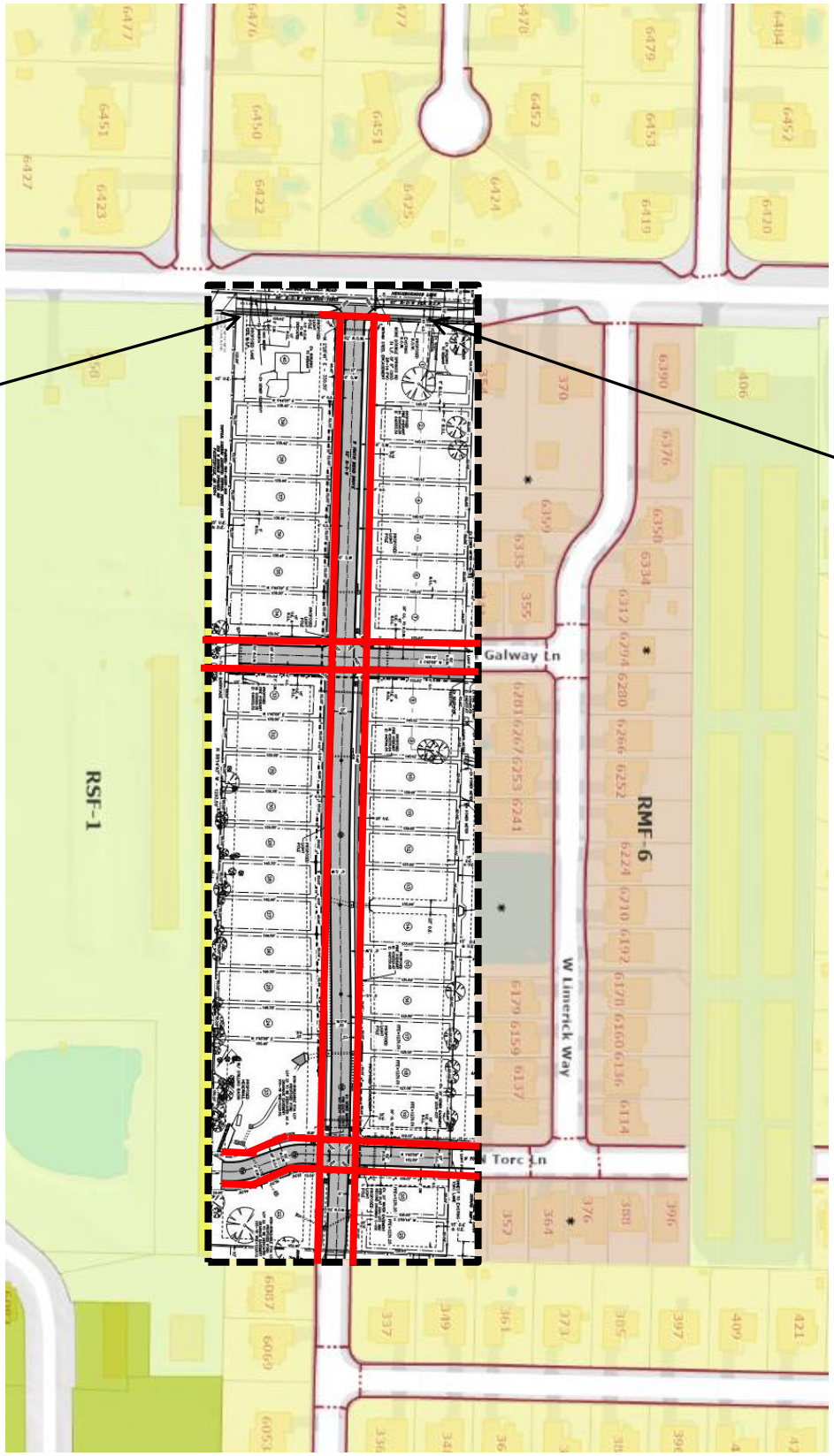
Crossing

Sidewalk

Parks

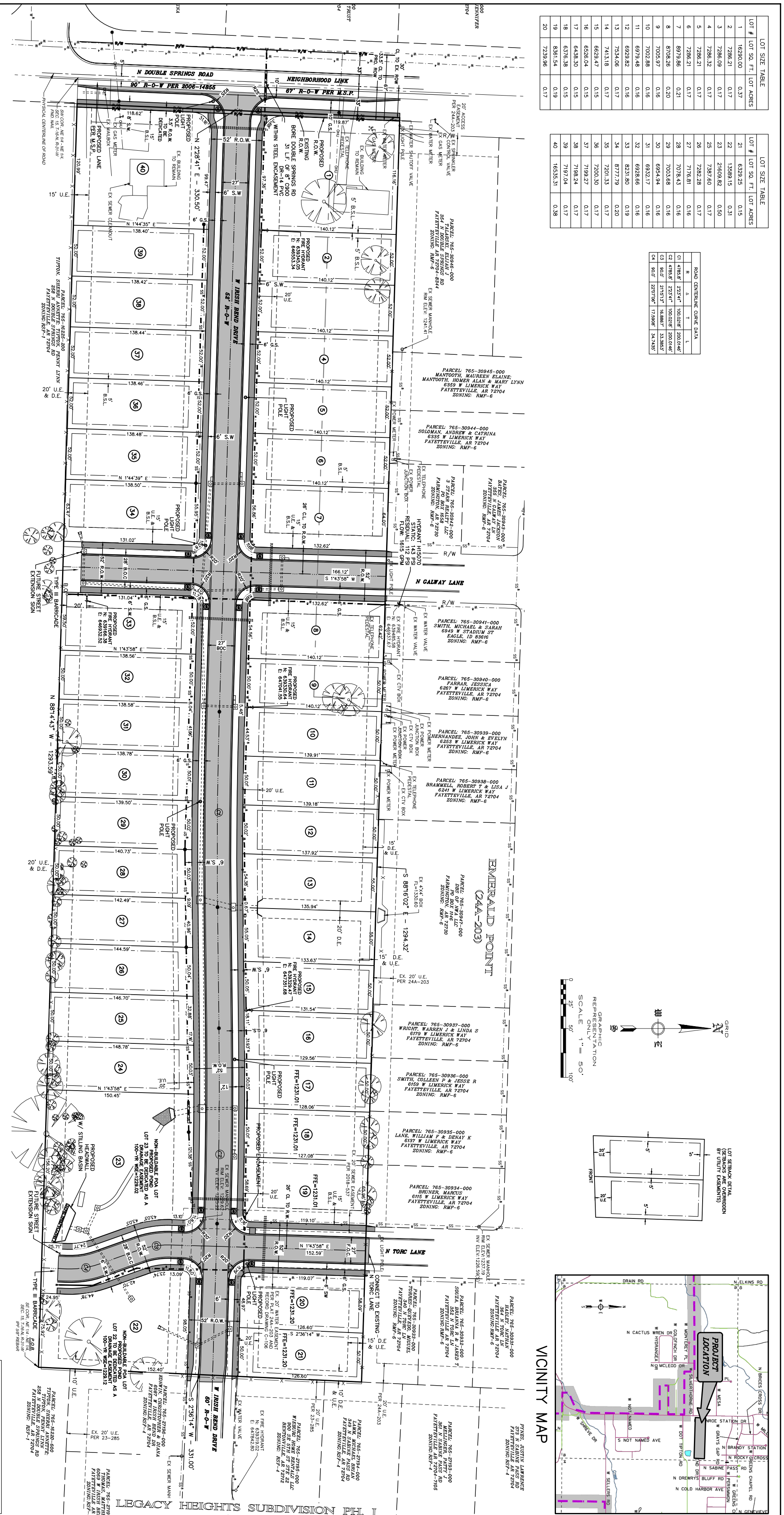
Park Outline

Gaps in Sidewalk System if Fee-in-Lieu Accepted



SURVEY DESCRIPTION TOTAL TRACT (PARCEL NO.'S 765-16224-600, 765-24089-300, & 765-24089-400):

A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NE 1/4 OF THE NE 1/4 OF SECTION 15, SAID POINT BEING A FOUND 5/8 INCH REBAR; THENCE ALONG THE SOUTH LINE OF SAID NE 1/4 OF THE NE 1/4, N88°14'43"W A DISTANCE OF 1293.59 FEET TO A SET IRON PIN WITH CAP "PLS 1156" ON THE EASTERLY RIGHT-OF-WAY LINE OF NORTH DOUBLE SPRINGS ROAD; THENCE LEAVING SAID SOUTH LINE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N02°28'41"E A DISTANCE OF 330.50 FEET TO A SET IRON PIN WITH CAP "PLS 1156"; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, S88°16'02"E A DISTANCE OF 1294.32 FEET TO A POINT ON THE EAST LINE OF SAID NE 1/4 OF THE NE 1/4, SAID POINT BEING A FOUND IRON PIN WITH CAP "CRAFTON TULL PS 1460"; THENCE ALONG SAID EAST LINE, S02°36'14"W A DISTANCE OF 331.00 FEET TO THE POINT OF BEGINNING, CONTAINING 9.82 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.



LOT SIZE TABLE

LOT #	LOT SQ. FT.	LOT ACRES
1	16290.00	0.37
2	7286.21	0.17
3	7286.09	0.17
4	7286.32	0.17
5	7286.21	0.17
6	7286.21	0.17
7	8979.86	0.21
8	8708.26	0.20
9	7005.97	0.16
10	7002.88	0.16
11	6979.48	0.16
12	6929.82	0.16
13	7534.06	0.17
14	7413.18	0.17
15	6629.47	0.15
16	6526.04	0.15
17	6438.30	0.15
18	6376.38	0.15
19	8361.54	0.19
20	7239.96	0.17

LOT SIZE TABLE

LOT #	LOT SQ. FT.	LOT ACRES
21	6329.25	0.15
22	13589.15	0.31
23	21609.82	0.50
25	7387.60	0.17
26	7282.28	0.17
27	7176.81	0.16
28	7078.43	0.16
29	7003.68	0.16
30	6954.94	0.16
31	6932.17	0.16
32	6928.66	0.16
33	8231.80	0.19
34	8777.79	0.20
35	7201.33	0.17
36	7200.30	0.17
37	7199.27	0.17
38	7198.24	0.17
39	7197.04	0.17
40	16535.31	0.38

ROAD CENTERLINE CURVE DATA

	R	Δ	T	L
C1	4785.8'	2°23'41"	100.0218'	200.0146'
C2	4785.8'	2°23'41"	100.0218'	200.0146'
C3	90.0'	21°15'13"	16.8867'	33.3853'
C4	90.0'	22°07'06"	17.5908'	34.7435'

STREET TABLE

STREET	CLASSIFICATION	RIGHT OF WAY	RIGHT OF WAY FROM CENTERLINE	ASPHALT	CURB	GUTTER	OBSERVED GREENSPACE	OBSERVED SIDEWALK	PROPOSED GREENSPACE	PROPOSED SIDEWALK
WEST IRISH BEND DRIVE	RESIDENTIAL LINK	52'	26'	27'	6"	1'	7'	4'	6'	6'
N GALWAY LANE	RESIDENTIAL LINK	52'	26'	27'	6"	1'	7'	4'	6'	6'
N TORC LANE	RESIDENTIAL LINK	52'	26'	27'	6"	1'	7'	4'	6'	6'
N DOUBLE SPRINGS ROAD	NEIGHBORHOOD LINK	67'	33.5'	24'	6"	1'	–	–	10'	8'

PLAT PAGE 474

FLOOD PLAIN ZONING:

THIS PROPERTY IS WITHIN FLOOD ZONE "X" (NOT SHADED) AS SHOWN ON F.I.R.M. MAP #05143C0185G, AND #05143C0205G WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: JANUARY 25, 2024.

OWNER / DEVELOPER : 1234 NWA PROPERTIES
PO BOX 1865
FARMINGTON, AR 72730

HOMETOWN LAND, LLC
9312 E WAGON WHEEL RD
SPRINGDALE, AR 72762

HOMETOWN, INC
PO BOX 8835
FAYETTEVILLE, AR 72703

ENGINEER/SURVEYOR : ENGINEERING SERVICES, INC.
1207 S. OLD MISSOURI RD.
P.O. BOX 282
SPRINGDALE, AR 72762

ZONING : RSF-8

SETBACKS : FRONT SETBACK: 15'
SIDE SETBACK = 5'
REAR SETBACK = 5'

NET AREA: 9.82 ACRES

GROSS AREA: 9.80 ACRES

PROPOSED RESIDENTIAL LOTS: 38 LOTS

PROPOSED UNBUILDABLE LOT: LOTS 22 & 23

REVISION	DATE	DESCRIPTION

@ COPYRIGHT 2024, ENGINEERING SERVICES, INC. 7/15/2024 9:04 AM

SCALE: 1"=50'
DATE: Jul 15, 2024
ENGINEER: TJA
DRAWN BY: BAP
W.O. #: 22903

1

Z:\SUBD\22903 - Runnels Subd\22903 - PRELIMINARY.dwg

PRELIMINARY PLAT
IRISH BEND
FAYETTEVILLE, ARKANSAS

ENGINEERING SERVICES INC.
1207 SOUTH OLD MISSOURI

CITY OF FAYETTEVILLE ARKANSAS

Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Donna Wonsower, Senior Planner

FROM: Bethany Douglas, Urban Forester

SUBJECT: **ADM-2025-0043: Administrative Item EAST OF N DOUBLE SPRINGS RD -** Submitted by ENGINEERING SERVICES INC for property located EAST OF N DOUBLE SPRINGS RD. The property is zoned RSF-8 and contains approximately 9.06 acres. The request is to amend a previously-approved preliminary plat. PP 323

RECOMMENDATION:

Urban Forestry Staff recommends approval of ADM-2025-0043, an administrative modification to the previously approved plans for Irish Bend (PPL-2025-0004). The proposed modification limits required street improvements to the 52 feet of right-of-way on the applicant's property, allowing the existing trees along the remaining street frontages to be preserved. As tree preservation is identified as the highest priority under §167, this request is consistent with the intent of the City's Urban Forestry canopy preservation goals.

Wonsower, Donna

From: Jesse Fulcher <jesse.fulcher@calara.com>
Sent: Tuesday, October 21, 2025 2:06 PM
To: Bland, Justin; Wonsower, Donna; Masters, Jessica; Boyd, Melissa
Cc: Curth, Jonathan; Josh Haley; Jason Appel; Keren Ramírez-Rosas
Subject: RE: Irish Bend ADM-2025-0043

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.

Justin,

Mill and overlay has been added if it is required.

Thanks, Jesse

Double Springs Improvements (5'Wide)	Quantity		Unit Price	Total
2" ACHM Surface Course (Type 2)	118	SY	$ 30.00	$ 3,540.00
3" Asphalt Binder	118	SY	$ 25.00	$ 2,950.00
6" Class 7 Aggregate Base Course	236	SY	$ 17.00	$ 4,012.00
Mill & Overlay (10' Wide)	394	SY	$ 30.00	$ 11,820.00
Dirt Work	354	LF	$ 40.00	$ 14,160.00
Traffic Control	1	LS	$ 5,000.00	$ 5,000.00
Sidewalk	293	SY	$ 100.00	$ 29,300.00
ADA Ramps	2	EA	$ 1,200.00	$ 2,400.00
Curb and Gutter	300	LF	$ 21.00	$ 6,300.00
			Sub-total	$ 79,482.00

CALARA

Jesse Fulcher, AICP | **Director of Land Acquisitions**
The Calara Group
4058 North College Avenue, Ste 300, Fayetteville, AR 72703
M: 479.301.6639 | O: 479.439.0375
Connect With Us:

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From: Bland, Justin <jbland@fayetteville-ar.gov>
Sent: Tuesday, October 21, 2025 11:46 AM
To: Jesse Fulcher <jesse.fulcher@calara.com>; Wonsower, Donna <dwonsower@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Boyd, Melissa <mboyd@fayetteville-ar.gov>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Josh Haley <jhaley@engineeringservices.com>; Jason Appel

September 8, 2025

Jessie Masters
Planning Director
City of Fayetteville

Mrs. Masters,

Please accept this letter as a request to amend the conditions of approval for the preliminary plat of Irish Bend Subdivision on Double Springs Road. Our group is purchasing approximately 9.06 acres from the current owners, and this purchase does not include the two homes at 292 or 340 N. Double Springs Road. These homes and their frontage along Double Springs will be retained by the sellers. The only frontage we will have access and control of is approximately 52' of right-of-way for the new street that will connect to Double Springs Road. Accordingly, we are requesting to only improve the road frontage we have along Double Springs Road, but are able to provide a fee in-lieu for the trail improvements along Double Springs Road.

Sincerely,

Jesse Fulcher

LOT SIZE TABLE		
LOT #	LOT SQ. FT.	LOT ACRES
2	7286.09	0.17
3	7286.32	0.17
4	7286.21	0.17
5	7286.21	0.17
6	8979.86	0.21
7	8708.26	0.20
8	7005.97	0.16
9	7002.88	0.16
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11	6929.82	0.16
12	7534.06	0.17
13	7413.18	0.17
14	6629.47	0.15
15	6526.04	0.15
16	6438.30	0.15
17	6376.38	0.15
18	8361.54	0.19
19	7239.96	0.17
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32	8231.80	0.19
33	8777.79	0.20
34	7201.33	0.17
35	7200.30	0.17
36	7199.27	0.17
37	7198.24	0.17
38	7197.04	0.17

ROAD CENTERLINE CURVE DATA				
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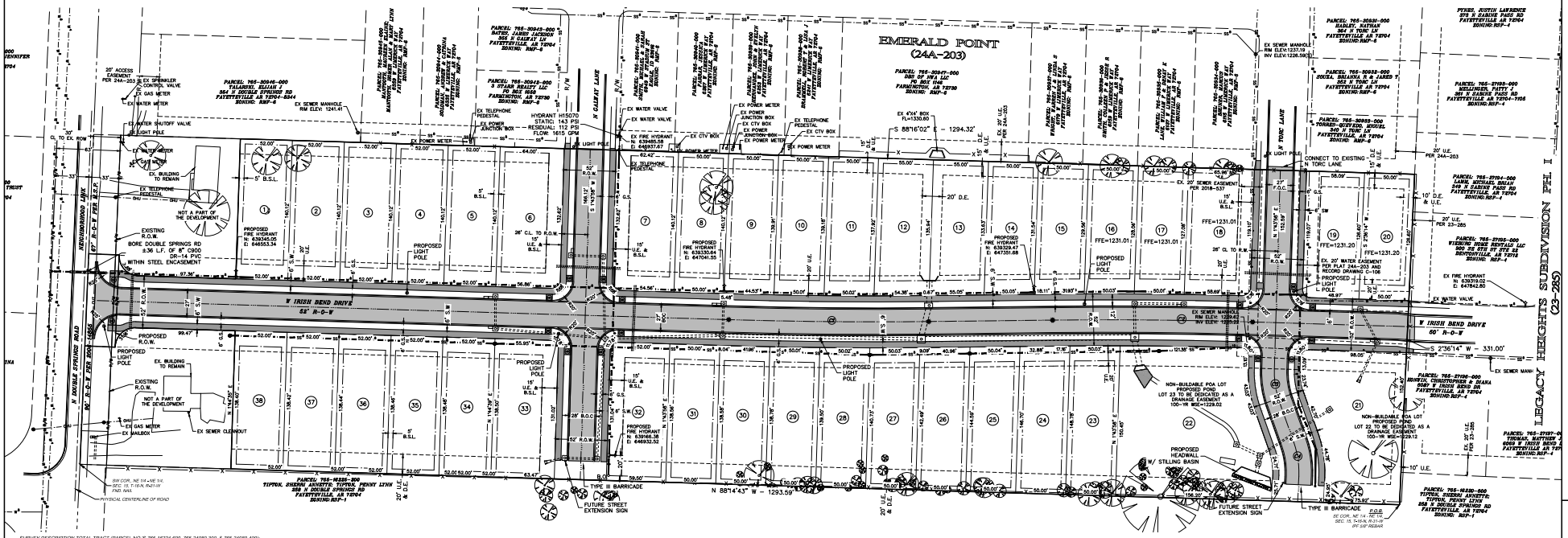

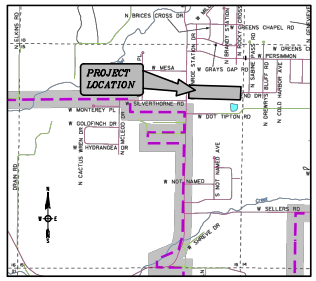

VICINITY MAP

SURVEY DESCRIPTION TOTAL TRACT (PARCEL NO'S 765-16224-000, 765-24089-300, & 765-24089-400)

A PART OF PARCEL 765-16224-000 (WARRANTY DEED 2011-24222), PARCEL 765-24089-400 (WARRANTY DEED 2021-34398), AND PARCEL 765-24089-300 (WARRANTY DEED 2021-4153), ALL BEING FILED IN THE WASHINGTON COUNTY RECORDS; ALL BEING A PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION FIFTEEN (15), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NE 1/4 OF THE NE 1/4 OF SECTION 15; SAID POINT BEING A NAIL IN NORTH DOUBLE SPRINGS ROAD; THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE NE 1/4, N02°22'05"E A DISTANCE OF 118.68 FEET TO THE POINT OF BEGINNING; THENCE N02°22'05"E A DISTANCE OF 92.27 FEET; THENCE LEAVING SAID WEST LINE, S87°37'55"E A DISTANCE OF 30.39 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.68 FEET AND A CHORD BEARING AND DISTANCE OF S42°53'40"E – 28.47 FEET; THENCE S88°16'02"E A DISTANCE OF 97.36 FEET; THENCE N01°53'44"E A DISTANCE OF 140.12 FEET; THENCE S88°16'02"E A DISTANCE OF 1174.66 FEET TO A REBAR WITH CAP "CRAFTON TULL PS 1460" ON THE EAST LINE OF SAID SECTION 15; THENCE ALONG SAID EAST LINE, S02°36'14"W A DISTANCE OF 331.00 FEET TO A 5/8 INCH REBAR AND THE SOUTHEAST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SECTION 15; THENCE LEAVING SAID EAST LINE, N88°14'43"W A DISTANCE 1169.10 FEET; THENCE N01°14'35"E A DISTANCE OF 138.40 FEET; THENCE N88°16'02"W A DISTANCE OF 99.47 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET, AN ARC LENGTH OF 31.42 FEET AND A CHORD BEARING AND DISTANCE OF S46°41'07"W – 28.29 FEET; THENCE N87°37'55"W A DISTANCE OF 30.21 FEET TO THE POINT OF BEGINNING, CONTAINING 9.108 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD AND FACT.

LESS AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT EMBRACED IN THE TIPTON AND FARMINGTON ROAD. (NOW NORTH DOUBLE SPRINGS ROAD)

STREET TABLE									
STREET	CLASSIFICATION	RIGHT OF WAY	RIGHT OF WAY FROM CENTERLINE	ASPHALT	CURB	GUTTER	OBSERVED GREENSPACE	OBSERVED SIDEWALK	PROPOSED GREENSPACE	PROPOSED SIDEWALK
WEST IRISH BEND DRIVE	RESIDENTIAL LINK	52'	26'	27'	6"	1'	7'	4'	6'	6'
N GALWAY LANE	RESIDENTIAL LINK	52'	26'	27'	6"	1'	7'	4'	6'	6'
N TORC LANE	RESIDENTIAL LINK	52'	26'	27'	6"	1'	7'	4'	6'	6'
N DOUBLE SPRINGS ROAD	NEIGHBORHOOD LINK	67'	33.5'	24'	6"	1'	–	–	10'	6'

ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 13828 THOMAS JASON APPLE

ENGINEERING SERVICES, INC. STATE OF ARKANSAS 131 EXPIRES 6/30/2026

PLAT PAGE 474

FLOOD PLAIN ZONING:

THIS PROPERTY IS WITHIN FLOOD ZONE "X" (NOT SHADED) AS SHOWN ON F.I.R.M. MAP #05143C0185G, AND #05143C0205G WASHINGTON COUNTY, ARKANSAS & INCORPORATED AREAS. EFFECTIVE DATE: JANUARY 25, 2024.

OWNER / DEVELOPER: 1234 NWA PROPERTIES, PO BOX 1866, FARMINGTON, AR 72730

HOMETOWN LAND, LLC, 9312 E WAGON WHEEL RD, SPRINGDALE, AR 72762

HOMETOWN, INC, PO BOX 8835, FAYETTEVILLE, AR 72703

ENGINEER/SURVEYOR: ENGINEERING SERVICES, INC., 1207 S. OLD MISSOURI RD., P.O. BOX 282, SPRINGDALE, AR 72762

ZONING: RSF-8

SETBACKS: FRONT SETBACK: 15' SIDE SETBACK = 5' REAR SETBACK = 5'

GROSS AREA: 9.108 ACRES

NET AREA: 6.881 ACRES

PROPOSED RESIDENTIAL LOTS: 36 LOTS

PROPOSED UNBUILDABLE LOT: LOTS 21 & 22

LEGEND

- C. PROPERTY LINE
- SAW-CUT LINE
- EX. EASEMENT LINE
- EX. BUILDING SETBACK LINE
- EX. ROAD CENTERLINE
- EX. CURB & GUTTER
- EX. CONTOUR
- PROPOSED CONTOUR
- OHP/T — EX. OVERHEAD POWER LINE
- G — EX. GAS LINE
- UGT — EX. UNDERGROUND TELEPHONE LINE
- SS — EX. 8" SEWER LINE
- EX. STORM DRAIN LINE
- W — EX. WATER LINE
- F.O. — EX. FIBER OPTIC LINE
- PROPOSED EASEMENT LINE
- PROPOSED BUILDING SETBACK LINE
- PROPOSED HADICAP RAMP
- PROPOSED STORM BOX & PIPE
- SS — PROPOSED SEWER MANHOLE & PIPE
- W — PROPOSED WATER MAIN PIPE

PSI Professional Services, Inc. 2701 SOUTH OLD MISSOURI ROAD SPRINGDALE, ARKANSAS 72764 (479) 361-9111

Plat Review

ADM-2025-0043 (IRISH BEND)

Page 18 of 18

PRELIMINARY PLAT
IRISH BEND
FAYETTEVILLE, ARKANSAS

REVISION	DATE	DESCRIPTION

SCALE: 1"=50'

DATE: Oct 1, 2025

ENGINEER: TJA

DRAWN BY: BAR

W.O. #: 22903

1

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CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: October 27, 2025

SUBJECT: **CUP-2025-0049: Conditional Use Permit (4201 N. SHILOH DR./DO PORTUGAL CIRCUS, 135):** Submitted by BILL MENDOZA for property located at 4201 N. SHILOH DR. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 82.69 acres. The request is for a tent circus.

RECOMMENDATION:
Staff recommends approval of **CUP-2025-0049** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0049**, determining:*

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

BACKGROUND:
The subject property is the site of the Northwest Arkansas Mall. The property is zoned C-2, Thoroughfare Commercial and is located within the 71B Corridor Plan study area. According to Washington County records, the mall was initially constructed in 1972 and underwent a major renovation and expansion during the 1990s. The parking lot of the mall has hosted various temporary events over the years, including outdoor concerts and carnivals. The area under consideration with this request is confined to the parking lot on the southeast side of the mall. A conditional use permit for this circus was approved last year for three weekends in October and November (CUP-2024-0040). Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Northwest Arkansas Mall	C-2, Thoroughfare Commercial
South	Commercial	CS, Community Services
East	Commercial	C-2, Thoroughfare Commercial
West	Northwest Arkansas Mall	C-2, Thoroughfare Commercial

City Plan 2040 Future Land Use Designation: **Urban Center Area**

Proposal: The applicant requests approval to operate a circus on the property on the following dates this year: November 7-10, 12-17, 19-24, and 26-30. The circus will be located at the southeast side of the mall property and will encompass an area of 396 feet by 231 feet. Temporary circus events are classified as Use Unit 2: City-wide Uses by Conditional Use Permit, which is a conditional use in the underlying C-2 zoning district.

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0049** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for a temporary circus in C-2 zoning.** *Staff finds the proposed circus to be compatible for the reasons outlined in this report;*

2. **Planning Commission determination of a variance to UDC §163.04(B) Temporary Use Permit.** *Staff finds the proposed circus to be compatible for the reasons outlined in this report;*
   a) The proposed circus may operate for no more than seven consecutive days at a time and no more than four (4) such periods for the same location within any ninety (90) day period.

3. Conditional use approval shall be granted indefinitely. Granting of said conditional use shall not constitute approval of any other required permits nor signify approvals of required inspections.

4. Hours of operation shall be limited to the following times this year:
   a) Saturday and Sunday, 2:00 p.m. – 11:00 p.m.
   b) Monday through Friday, 7:30 p.m. – 11:00 p.m.

5. The circus shall comply with the City's noise ordinance as enforced by the Police Department. All noise shall be subject to the commercial regulations outlined below, and violation of the city's noise ordinance shall be considered grounds for a potential revocation of the conditional use permit:

   a. No person shall operate or cause to be operated, or permit, contract or allow to be operated on premises on public or private property any identifiable source of sound in such a manner as to create a sound level within the use districts in Table 2 below which exceeds the maximum noise levels as set forth in Table 2 as measured at any point on the boundary of the property from which the sound or noise was emanating. Except between the hours of 10:00 p.m. and 1:00 a.m., a complaint under this section must be brought by a property owner or leaseholder affected by excessive noise on their property.

Table 2:
Noise Limitations by Land Use Category

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

All industrial zones	11:00 p.m. to 7:00 a.m.	75 dB(A)

6. Trash collection shall be coordinated with the City's Recycling and Trash Collection Division;

7. Do Portugal Circus shall be responsible for maintaining their site in a clean and orderly fashion. Lack of proper trash disposal or the creation of unsightly and/or unsanitary conditions shall be considered grounds for a potential revocation of the conditional use permit;

8. Any signage associated with the proposed use shall comply with UDC Chapter 174, Signs, and all regulations therein;

9. Any outdoor lighting associated with the proposed use shall comply with UDC Chapter 176, Outdoor Lighting; and

---

PLANNING COMMISSION ACTION: Required YES

Date: October 27, 2025 ❒ **Tabled** ❒ **Approved** ❒ **Denied**

Motion:

Second:

Vote:

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

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

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

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

Finding: **The applicant has submitted a written application requesting conditional use approval for a temporary circus (Use Unit 2) in C-2 zoning.**

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.23 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 not likely to adversely affect the public interest. The temporary circus is proposed to be located at the Northwest Arkansas Mall on a large site with an abundance of parking. The property is located next to 71B/College Avenue, which is classified as a Regional High-Activity Link Street, and far away from residential areas. Additional traffic will be generated by the proposed use and additional noise may be generated. The applicant has indicated that performances will end by no later than 10:00 p.m. each night, so no late night noise would be generated by the proposed use. The nearest residences are about 2,000 to the west on the other side of the mall, and 800 feet to the east on the other side of 71B/College Avenue.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing circuses in Unified Development Code §163.04, Carnival, Circus, Amusement Park or Similar Temporary Open-Air Enterprise.**

§163.04 CARNIVAL, CIRCUS, AMUSEMENT PARK OR SIMILAR TEMPORARY OPEN-AIR ENTERPRISE.

A. **Location of Structure.** Any carnival, circus, amusement park, tent revival, or similar temporary open-air enterprise shall be so located that no facilities are nearer than 500 feet to any occupied dwelling. Adequate off-street parking, access controls, lighting and utility connections shall be provided.

Finding: **The closest occupied dwelling is over 800 feet away from the site of the proposed circus. The applicant has indicated that the circus tent holds about 1,000 occupants and staff finds that there is adequate parking available on**

site to accommodate them. The applicant is also coordinating with the City's Fire Marshal's office to ensure that the circus is set up in a way that complies with fire code.

B. **Temporary Use Permit.** All such enterprises shall obtain a temporary occupancy permit which shall be valid for not more than seven (7) days and shall not be granted for more than three (3) such periods for the same location within any ninety (90) day period.

The applicant has requested a variance to this requirement in order to permit the circus to operate for four periods within the same location within a 90-day period. Staff recommends in support of this variance, finding that the circus is proposed to be located at the Northwest Arkansas Mall on a large site with an abundance of parking. Staff finds that the addition of a fourth series of events is unlikely to negatively contribute to the surroundings given the vast supply of parking, the distance to adjacent residences, and the extensive commercial uses of the nearby mall.

§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: **The mall property has four separate entrances with access onto 71B/College Avenue, Mall Avenue, and Steele Boulevard. Staff finds that there is sufficient ingress and egress to the property to support the existing use of the property as a mall and the proposed circus.**

(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 mall property has a large parking area with more than 4,000 spaces which could easily serve the mall and the proposed circus. Based on the site plan provided, the circus would use approximately 100 spaces for their operation.**

(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 have a plan for collecting trash generated by circus events. Staff recommends a condition requiring that**

the applicant coordinate the City's Recycling and Trash Collection Division to coordinate trash pick-up.

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

Finding: **No connections to city water or sewer are proposed with the associated temporary use.**

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

Finding: **Screening is not required for this use and given its temporary nature, staff is not recommending that any be required as part of this conditional use permit.**

(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: **All signage shall be reviewed separately in accordance with UDC Chapter 174, Signs.**

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

Finding: **No permanent structures are proposed with this conditional use permit. As proposed, the circus tent would be located in the center of a parking lot and set back from public streets.**

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

Finding: **Staff finds that the applicant's request for a temporary circus is appropriate and compatible with adjacent properties. The circus would set up on the southeast side of the property, more than 800 feet away from the nearest residences, and it would be subject to compliance with the City's regulations for noise, lighting, and signage.**

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

Finding: **The goals outlined in City Plan 2040 are intended to guide more permanent land uses and development. Given the temporary nature of the proposed use, staff find that it does not directly support the stated goals in City Plan 2040 and it would not adversely impact the City's ability to achieve those goals. That said, staff finds that a circus would contribute to goals of the Arts and Culture Master Plan to facilitate and encourage temporary and pop-up uses, thus allowing activation of underutilized spaces for the arts.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

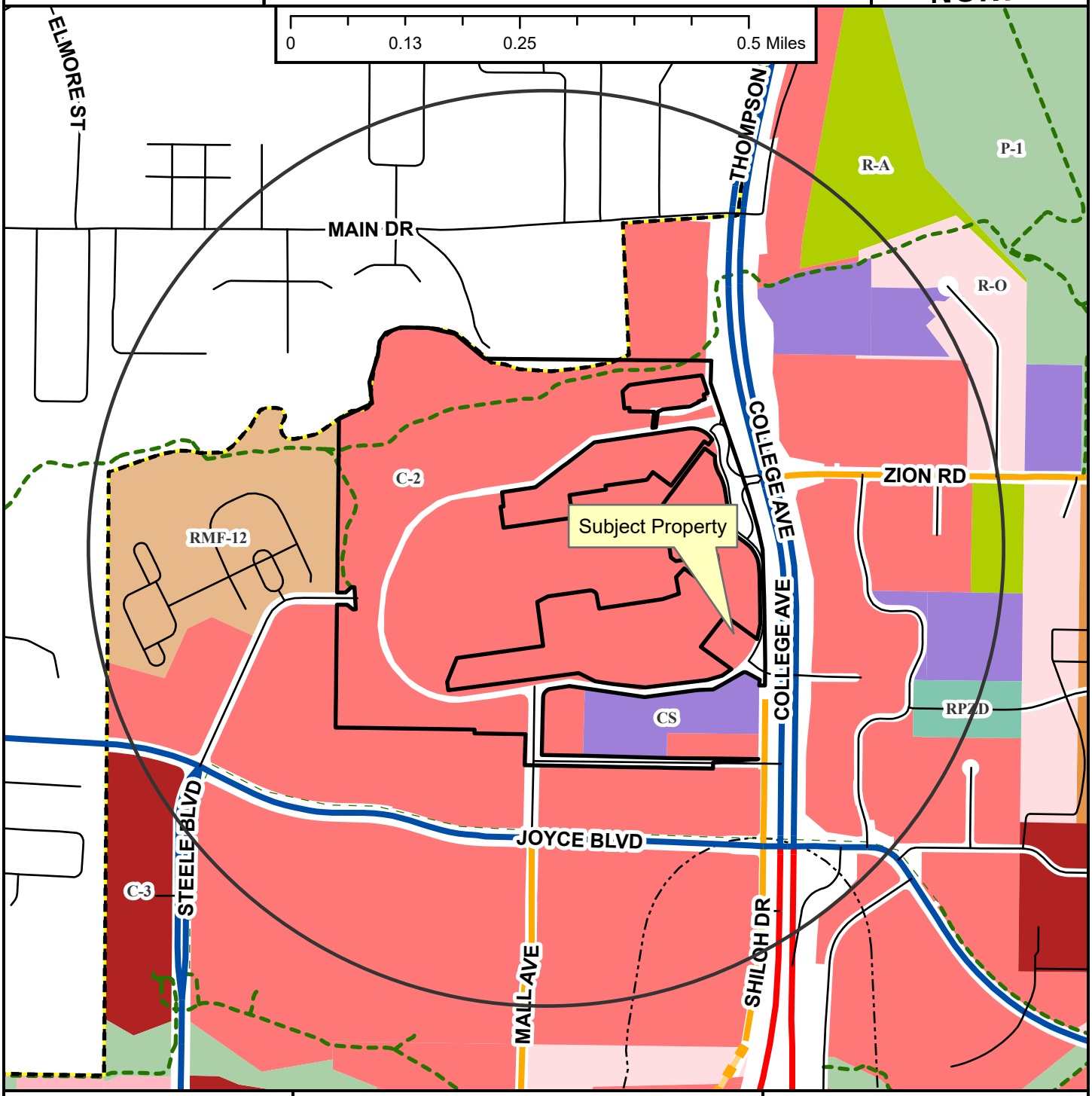
- Project Maps
    - One Mile Map
    - Close-Up Map
    - Current Land Use Map
- Applicant Request Letters
- Applicant Exhibits

CUP-2025-0049

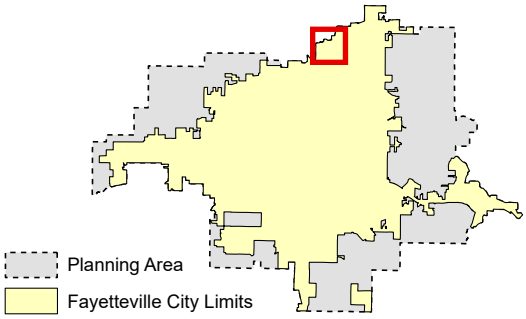
One Mile View

4201 N. SHILOH DR UNIT 1535

NORTH



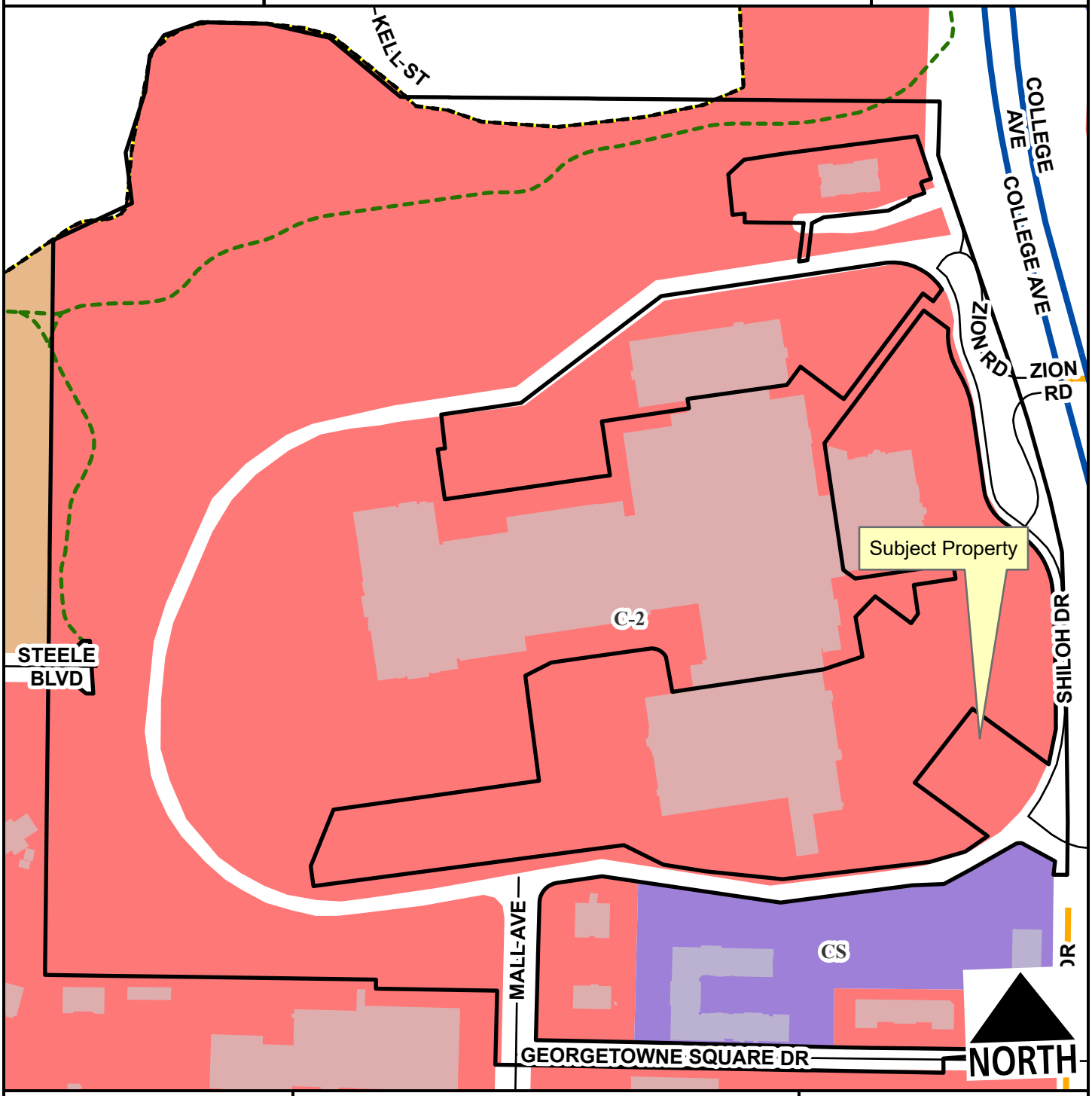
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



CUP-2025-0049

Close Up View

4201 N. SHILOH DR UNIT 1535



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

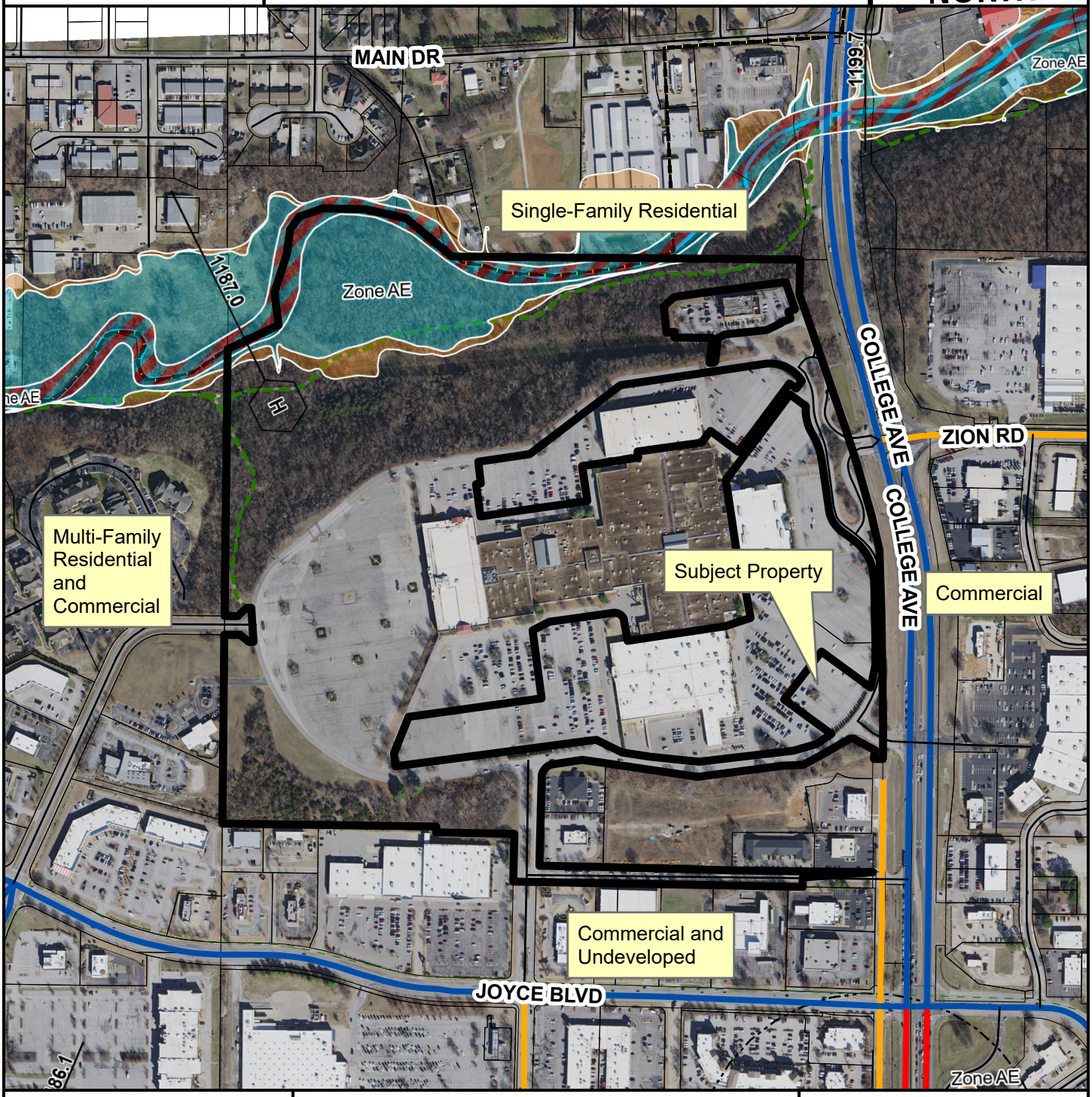
Feet
0 125 250 500 750 1,000
1:4,200

CUP-2025-0049

Current Land Use

4201 N. SHILOH DR UNIT 1535

NORTH



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

Feet

0 200 400 800 1,200 1,600

1:6,500

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

September 19, 2025

Bill Mendoza

977 Second St

Sanger, CA 93657

978 – 235 - 3939

Zak Tamijani

Planning Technician

Development Services

City of Fayetteville

113 West Mountain Street

Fayetteville, AR 72701

Subject: Do Portugal circus

Dear Mr. Tamijani

I am applying for a conditional use permit for Do Portugal Circus to be hosted at the Northwest Arkansas Mall from November 7 to November 30, 2025.

By way of this letter, we cordially seek to be granted an opportunity to present this family circus tent show in the City of Fayetteville, as we look forward to bringing together entire families to be entertained and leave an unforgettable Joyous Circus experience.

Do Portugal Circus is committed to providing enchanting and delightful high-quality wholesome family Circus entertainment to all families in Fayetteville throughout the entire city and county in a safe and pleasant setting. A State-of-the-art lighting and sound system, combined with theatrical and special effects, is installed with super artistry to produce a tapestry of awe, amazement, wonder, and admiration that spellbinds the senses and emotions of the audience.

No animals or exotics of any kind in the show, nor are they performing or for exhibition. It is a high-quality family Circus Tent show delivering a world-class performance.

Please allow us to be in the next public committee meeting for this Circus family tent show. I had some health matters, which is why I was not able to make the deadline of September 17, 2025

With kind regards,

Bill Mendoza

Do Portugal Family Circus Entertainment

Summary - Informative

Do Portugal circus is a family owned and operated European style Big Top Traveling Circus. The performances are one hour and 45 minutes, with a 15 minutes intermission for patrons to indulge at the candy concession food tent.

The Portugal Family is committed to provide enchanting and delightful high quality wholesome family entertainment to the American public in a safe and pleasant setting. State- of the art lighting and sound system combined with theatrical and special effects are copied and intertwine with superb artistry to produce a tapestry of awe, amazement wonder and admiration that spellbinds the senses and emotions of the audience. There are no animals or exotics of any kind in the show, neither or performing or for exhibition it is definitely a high quality circus delivering a world-class performance.

The two-hour performance is presented I a European / Latin Style, combined the best circus elements of both continents. The performance takes place in a one-ring stage with the audience at a comfortable distance. This yields an amazing first-class performance. The spectators can better appreciate the show, and the players can enjoy the audience's undivided attention. Theatrical style, lighting, and a modern sound system provide an exuberant and vivacious circus experience. live Jugglers, clowns, dare devils, contortionist, and a whole array of world class performers live are the acts presented under the big top circus family tent show.

It is in no manner a carnival. We do not offer any games of chance, mechanical rides, freak shows, or exhibition of any kind. WE are a wholesome family entertainment serving the community by fostering the continuity of age–old family tradition, yet in doing so we present it with a modern and unique professional touch.

Circuses are indubitably, a cultural event, but more so a wonderful and delightful experience that brings families together for two hours of solid fun and excitement creating starry-eye memories that will be cherished throughout a lifetime. We have the ability to capture the hearts and imagination of the young and old alike, casting a magical spell over the spectators leaving them with eyes wide open and often mouths wide open as well, as the audience watch in awe and disbelief the incredible and daring feats of the young men and women who fly over the air in great elegance, gracefulness and incredible ease like flying birds in a spectacular flight.

Our circus is professionally managed and directed by executives that have work in the entertainment industry for more thirty years. WE provide a quality, world-class, family entertainment service to enhance the life and lift the spirits of the community creating a delightful sentiment and leaving an unforgettable lasting impression.

Do Portugal circus
Trash and Recycling Plan

Do Portugal circus does not hire or contract with any outside vendors or temporary staff employees. Our staff is made up of family members that travels with the circus show and are currently trained on proper sanitary clean up procedures protocol. Our staff members are prepping and cleaning throughout the day during the days of shows. As all are present one hour before each show begins and stay until the end of shows are over with then clean up resumes until completion.

As opposed to a carnival where customer Patrons wander all over the event property grounds purchased and consumes food items throughout their stay, a circus limits the areas in which the public travels, therefore the major portion of the clean up will be in a limited area.

Our staff continuously cleans up the circus entrance area throughout the time the show is open to the public so trash does not remain on the ground. Trash is clean up after each performance in side the tent and once each day the trash will be picked up in the vehicles parking lot area which is expected to be minimal since most people consume items early inside the show and are unlikely to bring trash back to their vehicles upon leaving the event site location.

Several trash cans and recycle bins are available for public use in the circus perimeters. However, due to the nature of our operation most patrons buy their food snacks products from our candy concession tent and take them immediately in to the main big top circus tent for consumption while being delighted by our world renowned circus performers. Patrons normally let their trash fall through the grand stand bucket seats where we clean up after each show. For this reason almost all of the concession trash remains inside the circus big top. Making this impossible from blowing around outside the event property grounds.

Since soft drinks and bottle water are serve to our patrons the left overs are cleaned up along with appropriate paper products are recycle into bins and transported to an appropriate recycling facility in the city of our event stay.

D0 PORTUGAL CIRCUS

55 Cove Circle Brownsville, Texas 78521

October 20, 2025

Donna Wonsower, AICP

Senior Planner Development Services

City of Fayetteville

113 West Mountain Street

Fayetteville, AR 72701

Subject: Variance request **UDC 163.04(B)**

Dear Ms., Wonsower

By way of this letter, we cordially are requesting to the honorable planning commission members a variance request to **UDC 163.04(B to allow more than three event periods within 90 days.** and present this family circus tent show November 7 through November 30, 2025.

I was not aware that this Special event permit could only be permitted for three weeks. Please allow us for this year's permit to be granted through November 30, 2025, as we look forward to bringing together entire families to be entertained and leave an unforgettable Joyous Circus experience for all children and adults.

Do Portugal Circus is committed to providing enchanting and delightful high-quality wholesome family Circus entertainment to all family's children and adults in a safe and pleasant setting. A State-of-the-art lighting and sound system, combined with theatrical and special effects, is installed with super artistry to produce a tapestry of awe, amazement, wonder, and admiration that spellbinds the senses and emotions of the audience.

No animals or exotics of any kind in the show, nor are they performing or for exhibition. It is a high-quality family Circus Tent show delivering a world-class performance.

Knowing now that only three weeks are allowed next year we will only apply for three weeks.

With kind regards,

Bill Mendoza

CIRCUS SHOWTIMES SCHEDULE

Friday, November 7, opening night at 7:30 pm
Saturday, November 8, at 2:00 pm, 5:00 pm, 8:00 pm
Sunday, November 9, shows at 2:00 pm and 5:00 pm
Monday, November 10, one show at 7:30 pm
Note: no shows on Tuesday, November 11, 2025

Wednesday, November 12, one show at 7:30 pm
Thursday, November 13, one show at 7:30 pm
Friday, November 14, one show at 7:30 pm
Saturday, November 15, at 2:00 pm, 5:00 pm, 8:00 pm
Sunday, November 16, shows at 2:00 pm and 5:00 pm
Monday, November 17, one show at 7:30 pm
Note: no shows on Tuesday, November 18, 2025

Wednesday, November 19, one show at 7:30 pm
Thursday, November 20, one show at 7:30 pm
Friday, November 21, one show at 7:30 pm
Saturday, November 22, at 2:00 pm, 5:00 pm, 8:00 pm
Sunday, November 23, shows at 2:00 pm and 5:00 pm
Monday, November 24, one show at 7:30 pm
Note: no shows on Tuesday, November 25, 2025

Wednesday, November 26, one show at 7:30 pm
Thursday, November 27, one show at 7:30 pm
Friday, November 28, one show at 7:30 pm
Saturday, November 29, at 2:00 pm, 5:00 pm, and 8:00 pm
Sunday, November 30, shows at 2:00 pm and 5:00 pm

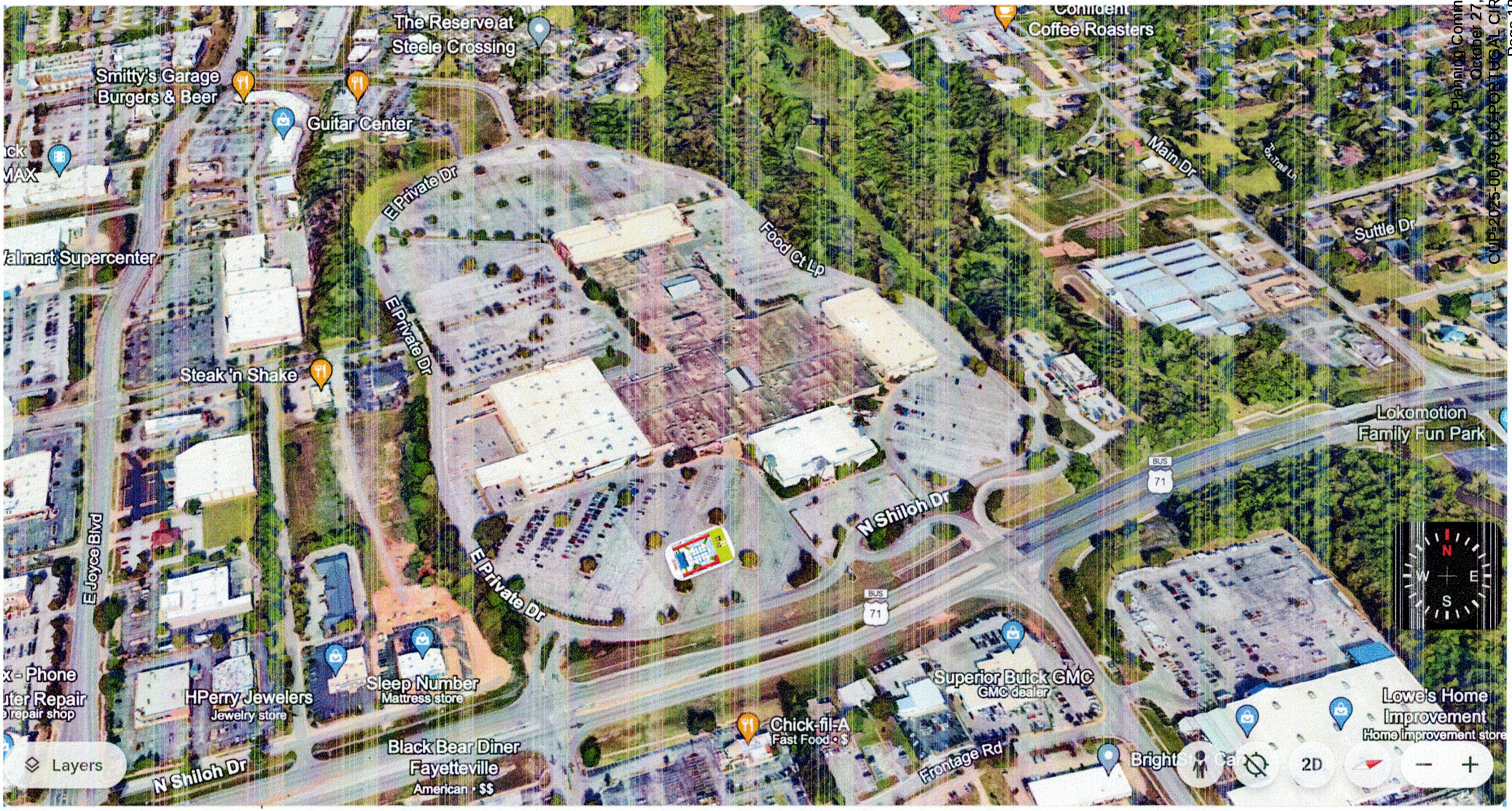
Disassemble on December 1 and Departure on December 2, 2025

EVENT CIRCUS CONTACT

Billy Mendoza 978 – 235 – 3939 – Email: mycircus55@gmail.com

DO PORTUGAL
Since 1994
CIRCUS

Circus Patrons Parking
Circus Patrons Parking
Circus Patrons Parking
Circus Patrons Parking
Circus Patrons Parking
E Private Dr
E Shepherd Ln
N Shiloh Dr
N Shiloh Dr
N Shiloh Dr
N Shiloh Dr
N Shiloh Dr
Dillard's
Layers
2D


The Reserve at Steele Crossing
Coffee Roasters
Smitty's Garage Burgers & Beer
Guitar Center
Walmart Supercenter
E Private Dr
Food Ct Lp
Main Dr
Central Ln
Suttle Dr
Steak 'n Shake
Lokomotion Family Fun Park
N Shiloh Dr
BUS 71
E Joyce Blvd
Sleep Number
Mattress store
HPerry Jewelers
Jewelry store
Superior Buick GMC
GMC dealer
Lowe's Home Improvement
Home improvement store
Chick-fil-A
Fast Food • $
Black Bear Diner Fayetteville
American • $$
Frontage Rd
Layers
2D

Aesthetica
N COLLEGE AVE
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N COLLEGE AVE
N COLLEGE AVE
ChargePoint
M·A·C
U.S. Air Force Recruiting
N SHILOH DR
Gymnastics Joe's
PacSun
JCPenney
Northwest Arkansas Mall
Dippin' Dots
Bath & Body Works
Crunch
Avis
Dillard's
N STEELE BLVD
Superior Buick GMC
Royal Nails
Hibbett Sports
Department of Human Services
N SHILOH DR
Club Car Wash
N MALL AVE
E SHEPHERD LN
Shoe Carnival
Steak 'n Shake
Best Buy
T.J.Maxx
Andy's Frozen
73°
AQI 53
Aspen Dental
Massage Therapy
N SHILOH
N
W
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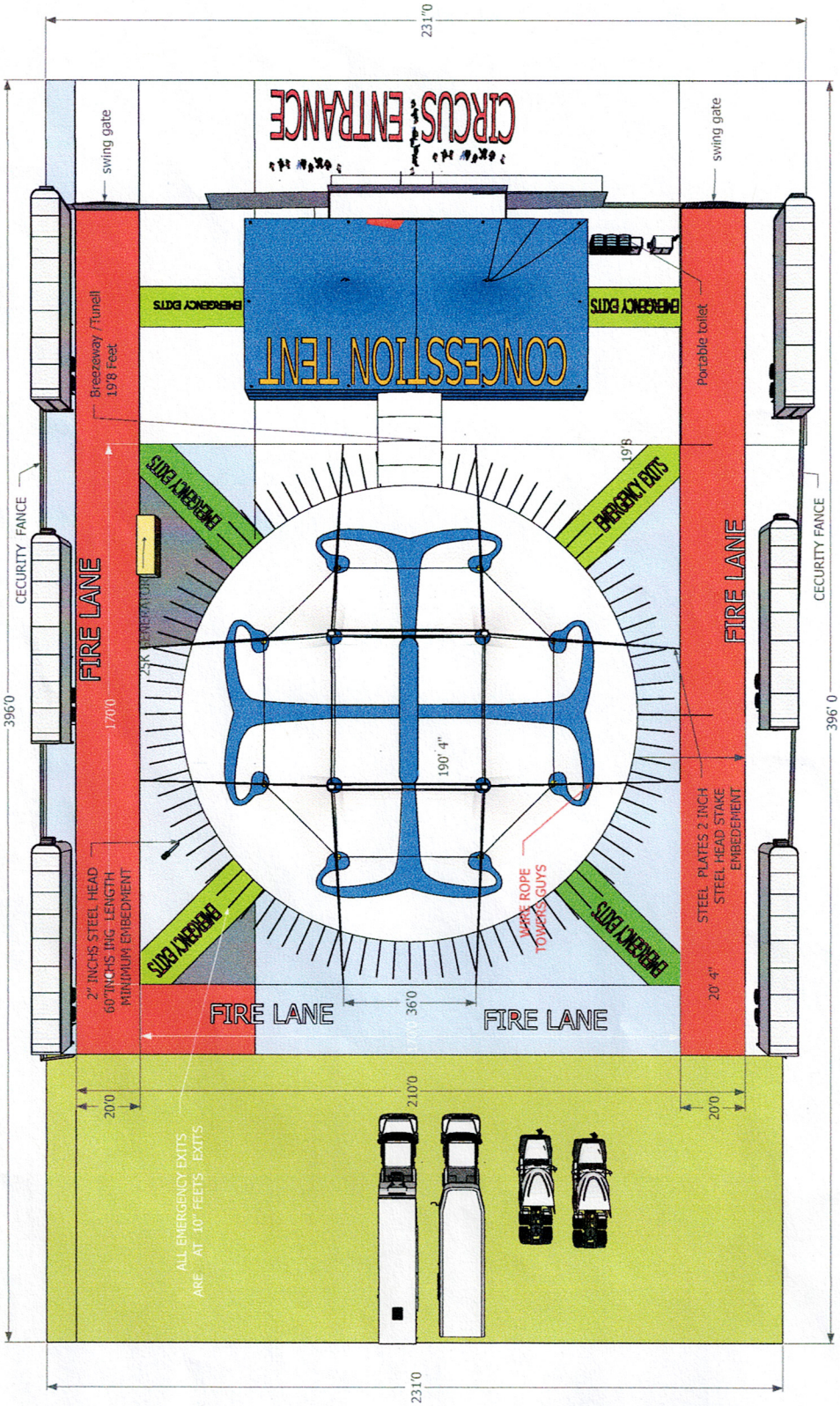
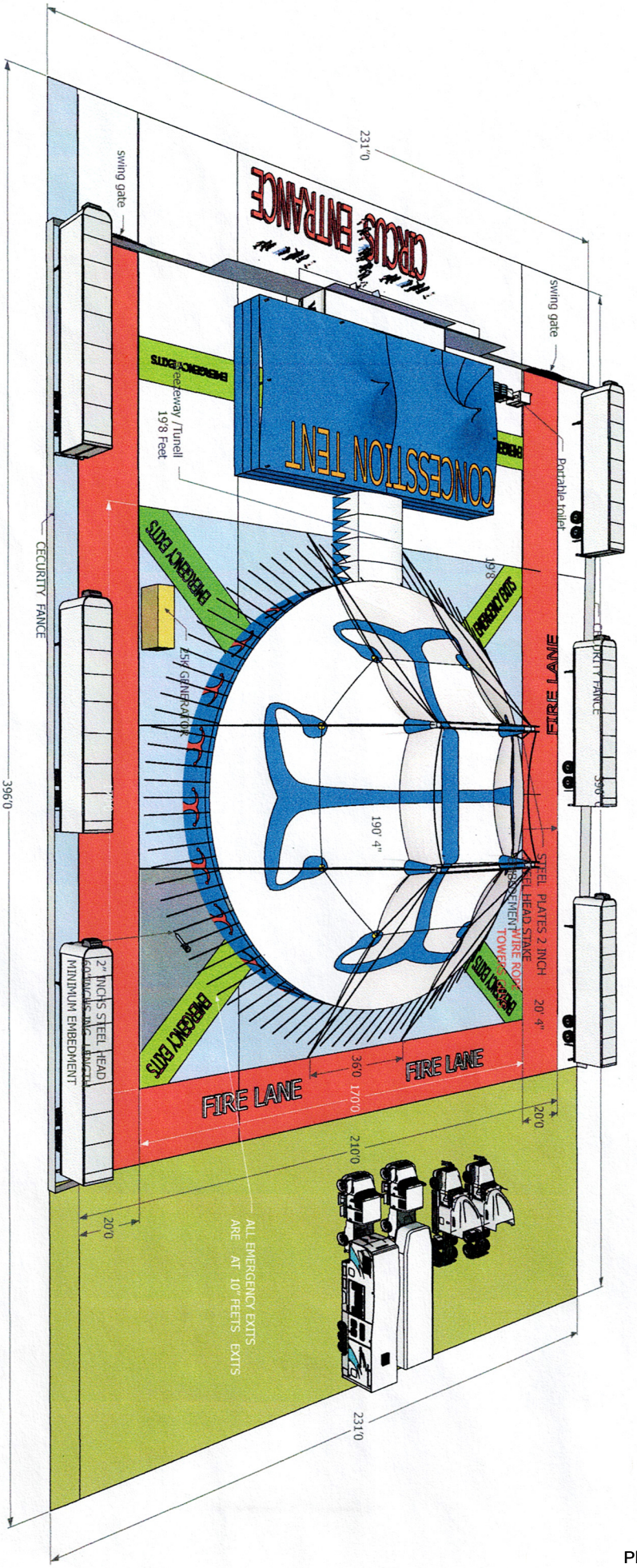
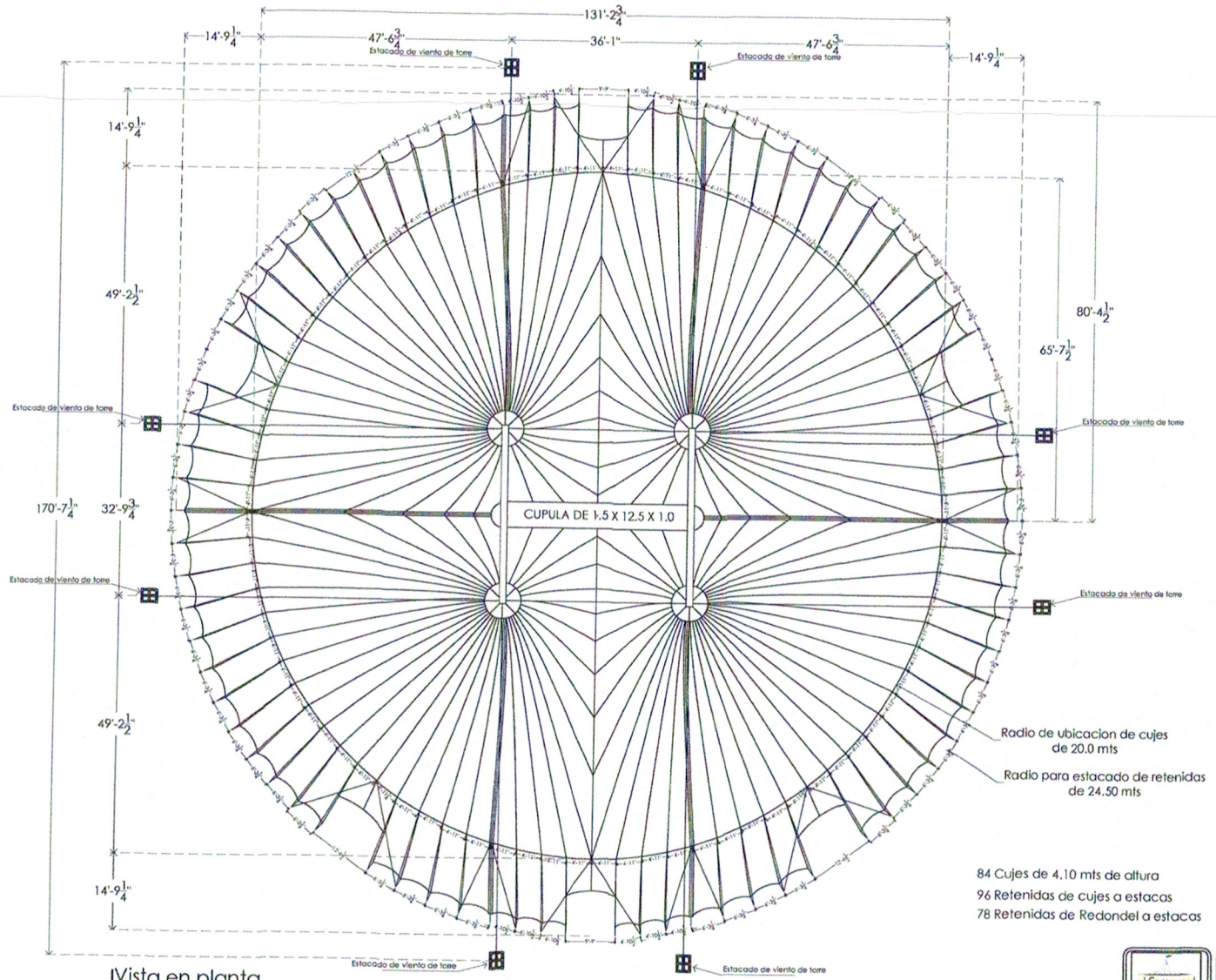
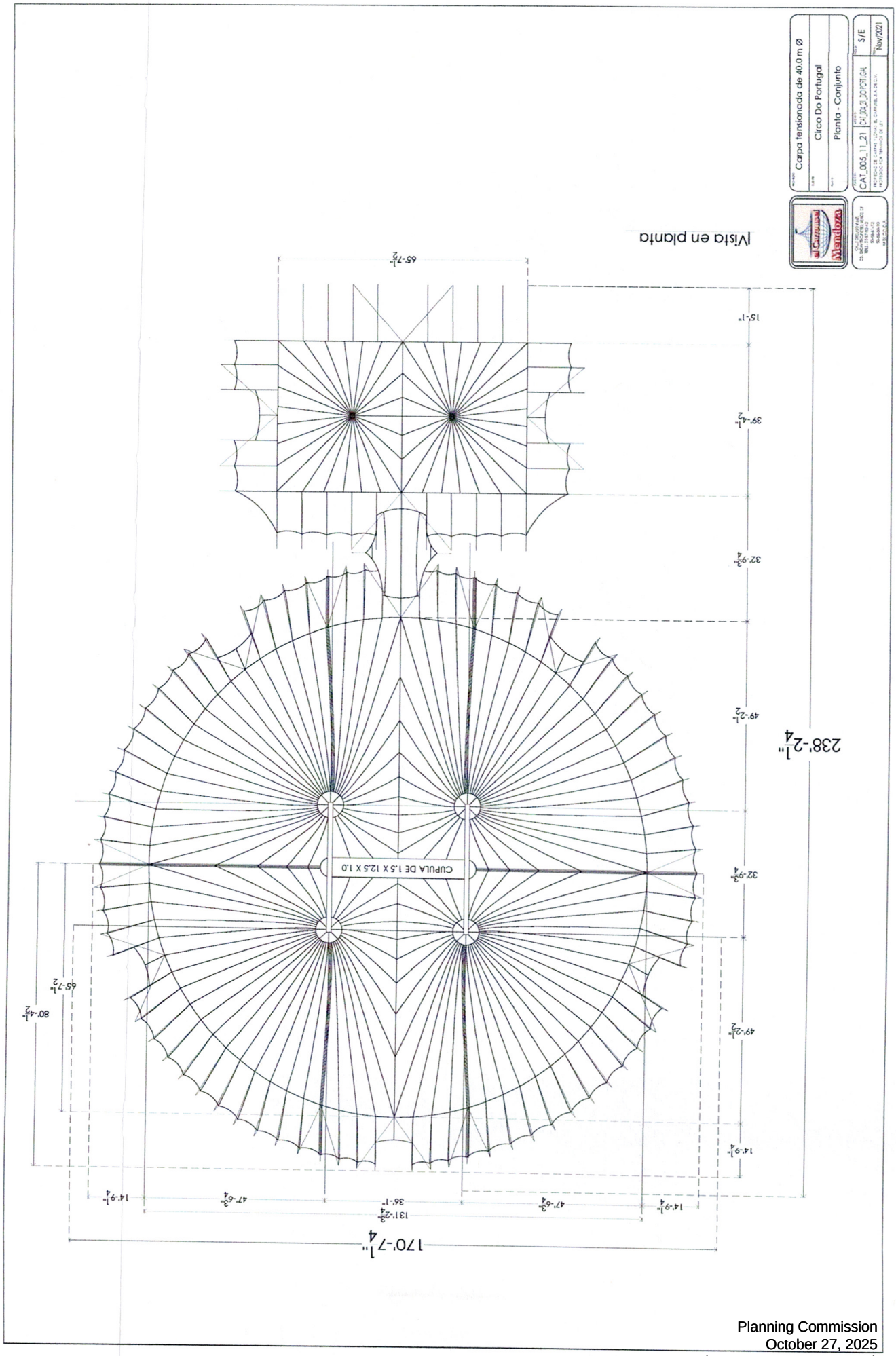

231'0
396'0
CIRCUS ENTRANCE
swing gate
swing gate
CONCESSION TENT
EMERGENCY EXITS
EMERGENCY EXITS
Breezeway /Tunell
19'8 Feet
Portable toilet
CECURITY FANCE
CECURITY FANCE
EMERGENCY EXITS
EMERGENCY EXITS
19'8
FIRE LANE
FIRE LANE
25K GENERATOR
170'0
190' 4"
2" INCHS STEEL HEAD
60"INCHS ING LENGTH
MINIMUM EMBEDMENT
STEEL PLATES 2 INCH
STEEL HEAD STAKE
EMBEDEMENT
WIRE ROPE
TOWARD GUYS
EMERGENCY EXITS
EMERGENCY EXITS
20' 4"
FIRE LANE
FIRE LANE
36'0
210'0
20'0
20'0
ALL EMERGENCY EXITS
ARE AT 10' FEETS EXITS
231'0

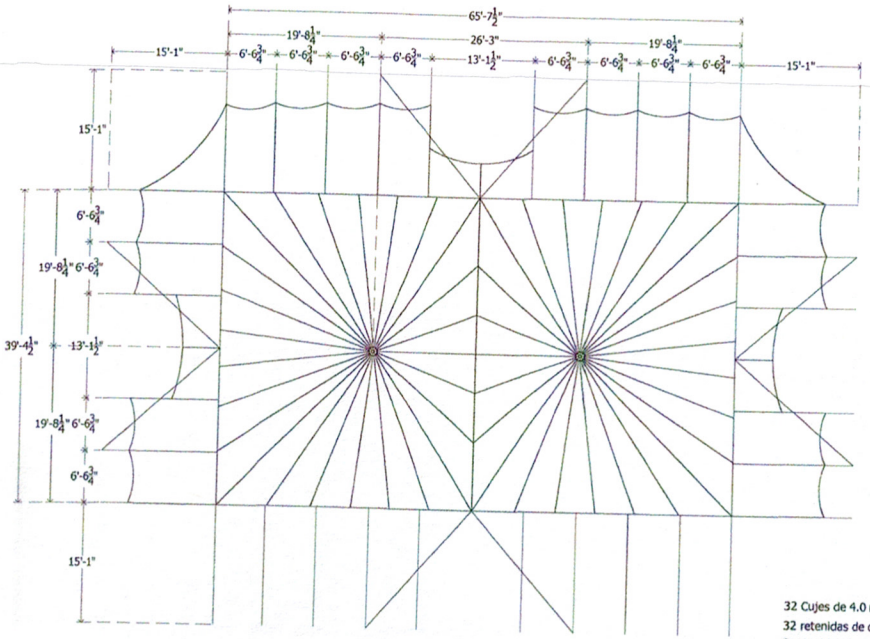

CIRCUS ENTRANCE
CONCESSTION TENT
swing gate
swing gate
Portable toilet
CECURITY FANCE
CECURITY FANCE
231'0
396'0
396'0
231'0
FIRE LANE
FIRE LANE
FIRE LANE
STEEL PLATES 2 INCH
STEEL HEAD STAKE
REBEMENT WIRE ROPE
TOWER
20' 4"
190' 4"
19'8
19'8 Feet
Gateway /Tunell
15K GENERATOR
EMERGENCY EXITS
EMERGENCY EXITS
EMERGENCY EXITS
EMERGENCY EXITS
EMERGENCY EXITS
2" INCHS STEEL HEAD
MINIMUM EMBEDMENT
36'0
17'0'0
20'0
20'0
210'0
ALL EMERGENCY EXITS
ARE AT 10" FEETS EXITS



|Vista en planta

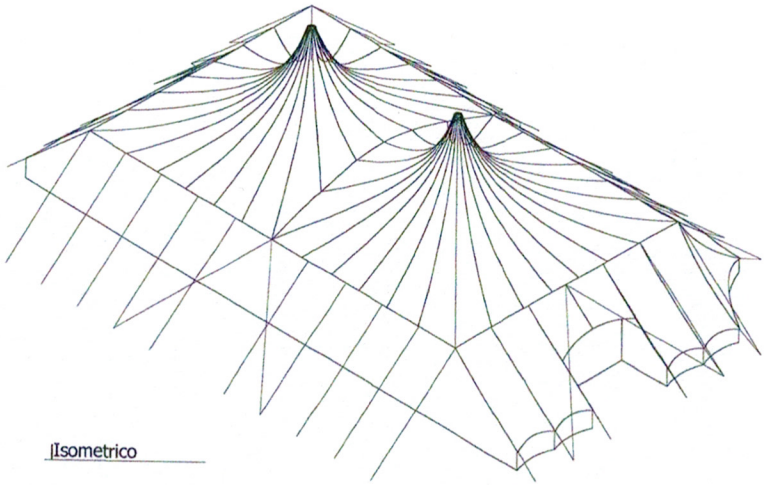
PROYECTO	Carpa tensionada de 40.0 m Ø
CLIENTE	Circo Do Portugal
PLANO	Estacados
CALLE CIELITO # 665, COL. VIGA 1ER C.P. 09300, MEXICO, D.F. TELS. 55-57-03-42 55-58-61-73 55-58-80-95 MEXICO, D.F.	PROYECTO: CAT_005_11_21 · ARCHIVO: CAT_004_21_DO PORTUGAL · ESCALA: S/E · FECHA: Nov/2021
	PROPIEDAD DE CARPAS Y LONAS EL CARRUSEL S.A. DE C.V. PROTEGIDO POR TERMINOS DE LEY


Carpa tensionada de 40.0 m Ø
Circo Do Portugal
Planta - Conjunto
CAT_005_11_21
S/E
Nov/2021
Mendoza
170'-7 1/4"
131'-2 3/4"
14'-9 1/4"
47'-6 3/4"
36'-1"
47'-6 3/4"
14'-9 1/4"
14'-9 1/4"
49'-2 1/2"
80'-4 1/2"
65'-7 1/2"
32'-9 3/4"
CUPULA DE 1.5 X 12.5 X 1.0
32'-9 3/4"
49'-2 1/2"
238'-2 1/4"
39'-4 1/2"
15'-1"
65'-7 1/2"
Vista en planta

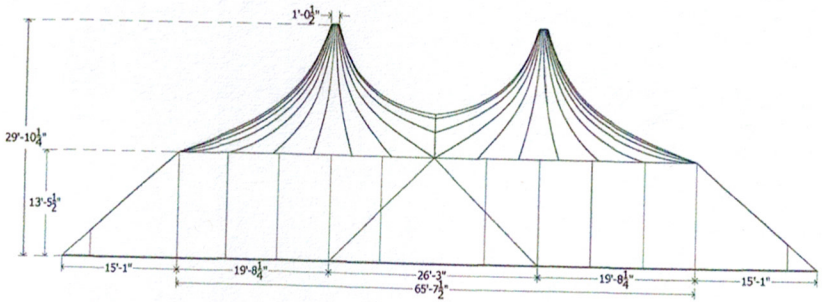


Vista en planta

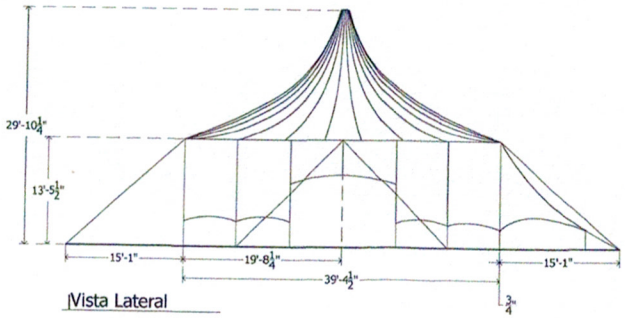
32 Cujes de 4.0 mts de altura
32 retenidas de cujes a estacas
8 retenidas de cujes de accesos a estacas
22 retenidas de redondel a estacas



Isometrico



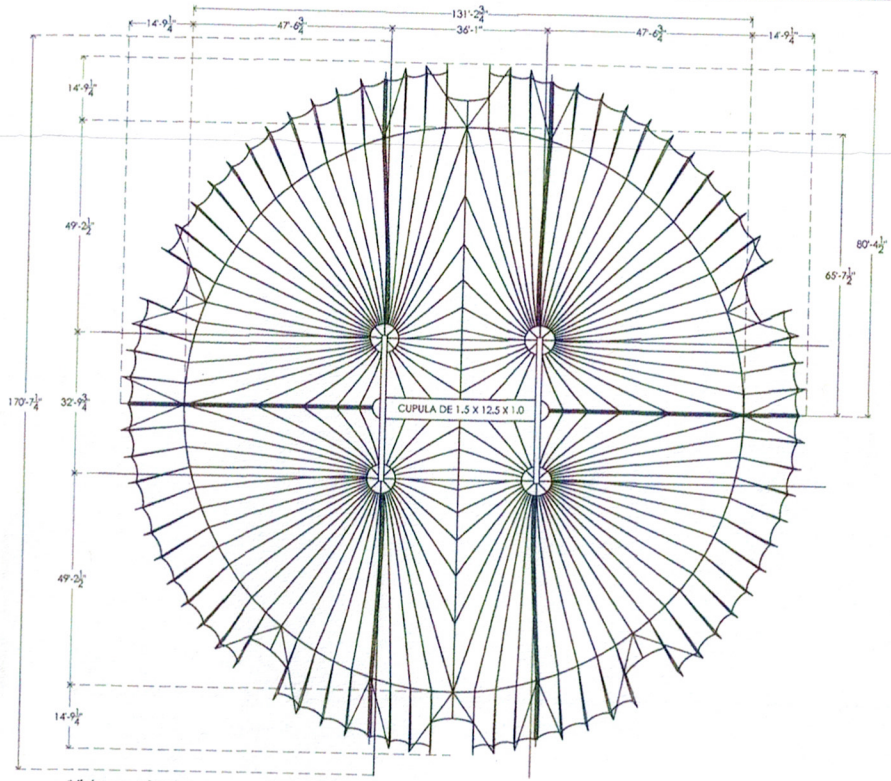
Vista Frontal



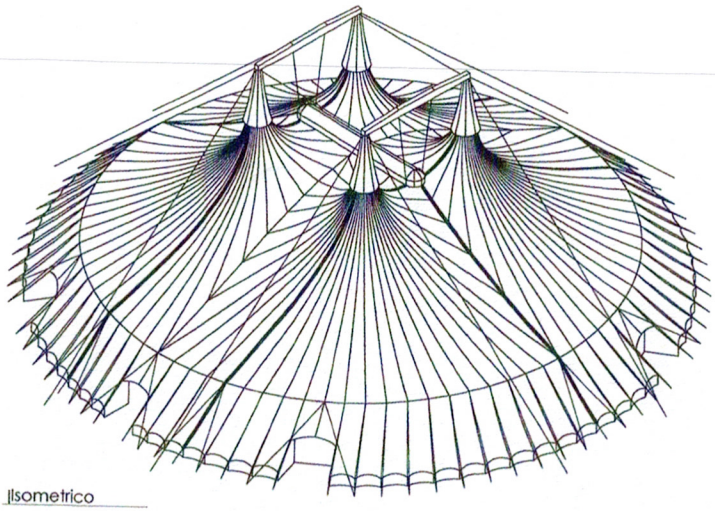
Vista Lateral

Proyecto	Dulceria de 12.0 x 20.0 mts
Cliente	Circo Do Portugal
Plano	Vistas Generales
Plano No.	DU_003_12_21
Archivo	DU_003_21_DO PORTUGAL
Escala	S/E
Fecha	Dic/2021

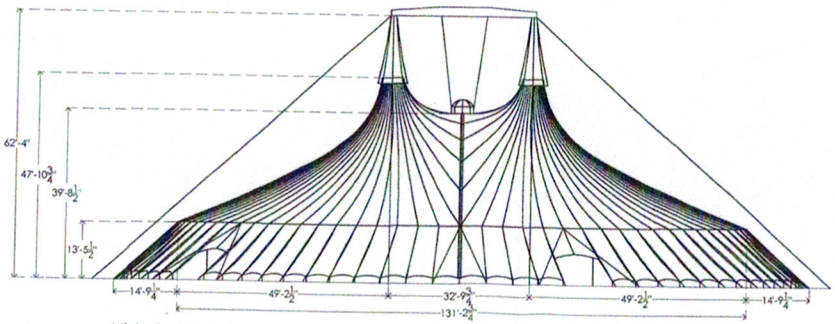
PROPIEDAD DE CARPAS Y LONAS EL CARRUSEL S.A. DE C.V. PROTEGIDO POR TECNICOR DE LEY



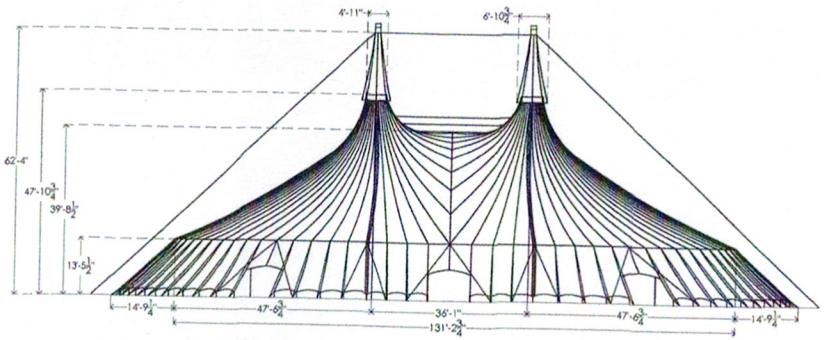
|Vista en planta



|Isometrico

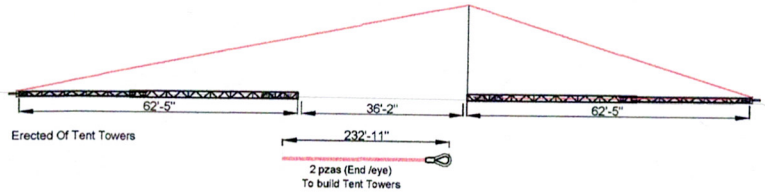


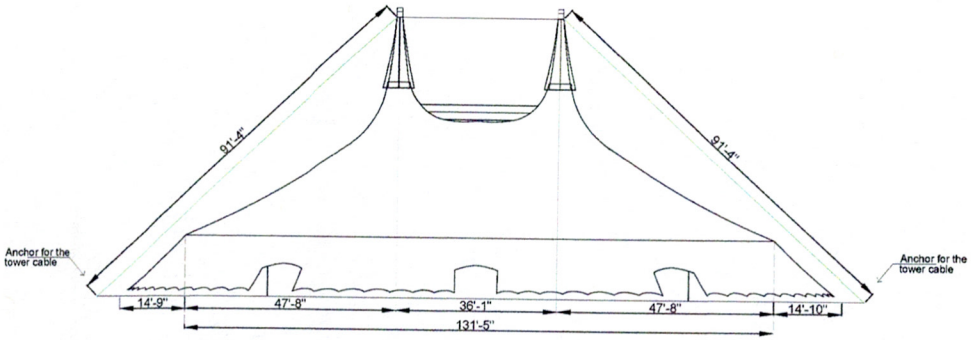
|Vista Lateral



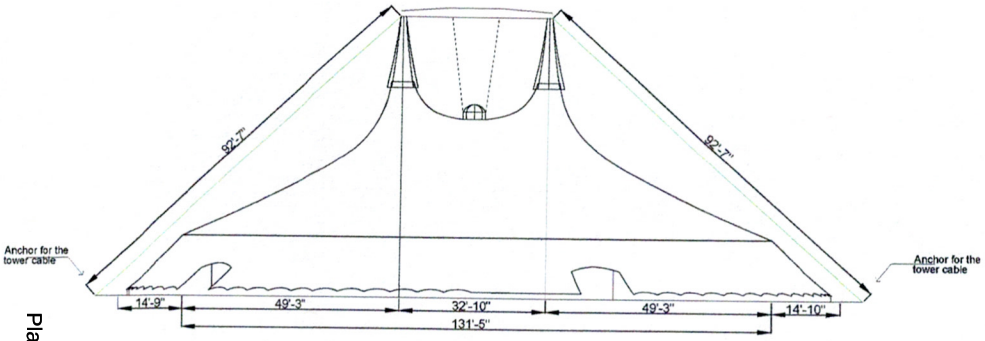
|Vista frontal

Carpa tensionada de 40.0 m Ø			
Circo Do Portugal			
Vistas Generales			
CAT_005_11_21	CAT_004_21_DO PORTUGAL		S/E
			Nov/2021





Lateral Elevation



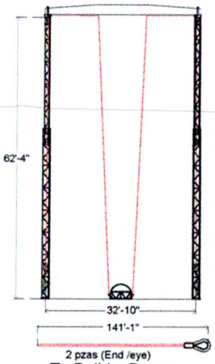
Front Elevation

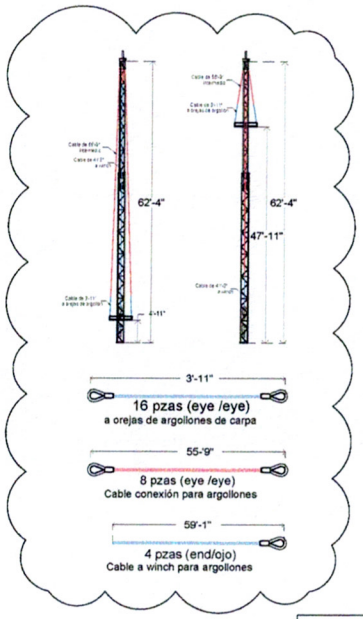
27.80 mts*
4 pzas (eye/eye)
Tent Towers cables

28.10 mts*
4 pzas (eye/eye)
Tent Towers cables

*Note: That these cables are considered to the floor so the length of the anchor element will have be discounted

Cables to Climb the Dome





Summary of 1/2" Ø cable for tent

232'11"
2 pzas (end /eye)
To Build Tent Towers

141'-1"
4 pzas (end /eye)
To Build a Dome

Checar descuento de anclaje

91'-2"
4 pzas (eye /eye)
Tent Tower cables

92'-2"
4 pzas (eye /eye)
Tent Tower cables

3'-11"
16 pzas (eye /eye)
a orejas de argollones de carpa

55'-9"
8 pzas (eye /eye)
Cable intermedio para argollones

59'-1"
4 pzas (end/ojo)
Cable a winch para argollones

List of Shackeles for Tents 40.0 m Circo Do Portugal

Conceit	Shackles 5/8"	Shackles de 1"
Lift the Towers	2	
Lift the Dome		4
Wind Towers	16	
Lifting Tent Rings	28	
To attach a Tent to a Dome	122	
To Hold a Tent to Rings	96	
TOTAL	264	4

\\ \\ \Desktop\25b23833-dece-4155-a477-5dc507b78497.jpg

DALLE CHICLAYO # 645.
TELS. 55-67-92-42
53-68-81-72
53-68-80-30
MEXICO D.F.

Proyecto: Carpa tensionada de 40.0 m Ø
Cliente: Circo Do Portugal
Tema: Cables y Accesorios

Archivo: CAT_005_11_21 | Dibujo: CAT_004_21_DO PORTUGAL | Escala: S/E | Fecha: Feb/2022

PROPIEDAD DE CARPAS Y LONAS EL CARRUSEL, S.A. DE C.V.
PROTEGIDO POR DERECHOS DE LEY

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: October 27, 2025

SUBJECT: **CUP-2025-0048: Conditional Use Permit (109 N. SANG AVE/MARKHAM HILL PH 2, 481):** Submitted by SPECIALIZED REAL ESTATE GROUP for property located at 109 N. SANG AVE. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.59 acres. The request is for two 5-unit residential town homes with associated parking.

RECOMMENDATION:
Staff recommends approval of **CUP-2025-0048** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2025-0048** 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 roughly 500 feet west of the west end of W. Markham Road, where the road transitions into a private drive serving the Pratt Place Inn and Barn. The subject application involves Phase II of the larger Markham Hill Subdivision which received approval in January 2020 (PPL 19-6861). The property is zoned RI-U, Residential Intermediate-Urban which was approved in 2018 with a bill of assurance that limits the density of the area to four units per acre across the 119.43-acre subdivision. The site is wholly within the Hillside-Hilltop Overlay District and under mature tree canopy. The area is at the crest of Markham Hill, with the most significant topographical contours falling from the hilltop to the northeast and southwest. A final plat was submitted for this area and is currently pending final administrative approval from City staff. 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/Undeveloped	RI-U, Residential Intermediate, Urban
South	Single-Family Residential/Undeveloped	RI-U, Residential Intermediate, Urban
East	Single-Family Residential; Hotel/Commercial Uses	RI-U, Residential Intermediate, Urban; CPZD (Markham Hill)
West	Single-Family Residential/Undeveloped	RI-U, Residential Intermediate, Urban

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

Proposal: The applicant is requesting a conditional use permit to construct 10 attached townhome units in two 5-unit structures within the Markham Hill residential area. Because there are 5

attached units, code defines this as Use Unit 26, Multi-Family, which requires a conditional use permit in the RI-U zoning district.

Public Comment: No public comments have been received.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0048** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for Use Unit 26 in the RI-U zoning district.** *Staff finds the proposal to be compatible for the reasons outlined in the report.*

2. The architectural design and overall size and scale shall be substantially compliant with what is provided with this application;

3. Trash and mechanical equipment shall be screened from view of the right-of-way in line with the requirements and allowance in §166.23;

4. Outdoor lighting on this property shall comply with UDC §176, Outdoor Lighting; and

5. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval will expire after one year.

PLANNING COMMISSION ACTION: Required YES			
Date: October 27, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

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

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

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

Finding: **The applicant has submitted a written application requesting conditional use approval for two multi-family structures.**

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §161.12 to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. Though attached, each proposed unit will be subdivided onto its own lot and will operate similarly to a detached single-family dwelling. Further, the architectural design and the scale of five attached units as opposed to four attached, which would be allowed by right, is compatible with other single-family dwellings in the area. The structures are oriented to be rear-loaded, which will minimize pedestrian and vehicular conflicts at the public sidewalk, and include architectural elements like porches, insets and relief, and high-quality building materials that will enhance and contribute to the pedestrian realm.**

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules or use conditions associated with multi-family structures, generally. They are subject to heightened design standards, and the applicant's submittal appears to be substantially compliant with those.**

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

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

Finding: **Vehicular ingress and egress to the two structures is planned to be from a rear-loaded alley, which would help avoid pedestrian and vehicular conflict at the street level, and minimize conflict points between any traffic on the street and vehicles pulling out of driveways.**

(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: **No substantial economic, noise, glare, or odor effects on adjoining properties are anticipated. These units are intended to be used as typical residential dwellings. Parking will need to be provided for at 1 space per bedroom.**

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

Finding: **The applicant will be using residential trash carts which will be required to be screened from view of the right-of-way when not in use.**

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

Finding: **Utilities have been provisioned for with the associated preliminary plat and forthcoming final plat. Staff does not foresee any issues with utility provision for this proposal.**

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

Finding: **Staff does not recommend any additional screening beyond that required by code for mechanical equipment and trash.**

(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: **All signage shall be reviewed separately in accordance with UDC Chapter 174, Signs.**

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

Finding: **The applicant appears to be meeting relevant setbacks within the RI-U zoning district.**

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

Finding: **Staff finds that the applicant's request for a multi-family structure at this location is compatible. The RI-U zoning district is meant to be a flexible zoning district in terms of form and type of residential use. The request to have five attached single-family townhomes where four would be permitted by right is a minor increase. The applicant's proposal is also a unique and symmetrical architectural design. The overall development is currently under construction, and the area in question will be surrounded by primarily single-family homes of similar size and scale.**

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

Finding: **Providing a variety of housing types within the same residential subdivision is directly in line with City goals or creating opportunities for attainable housing. For instance, allowing people to age into a neighborhood as their housing needs change allows for cross-generational living. The developer's proposal to have some attached units near detached units is in line with future City goals and with long-term planning best practices.**

BUDGET/STAFF IMPACT:
None

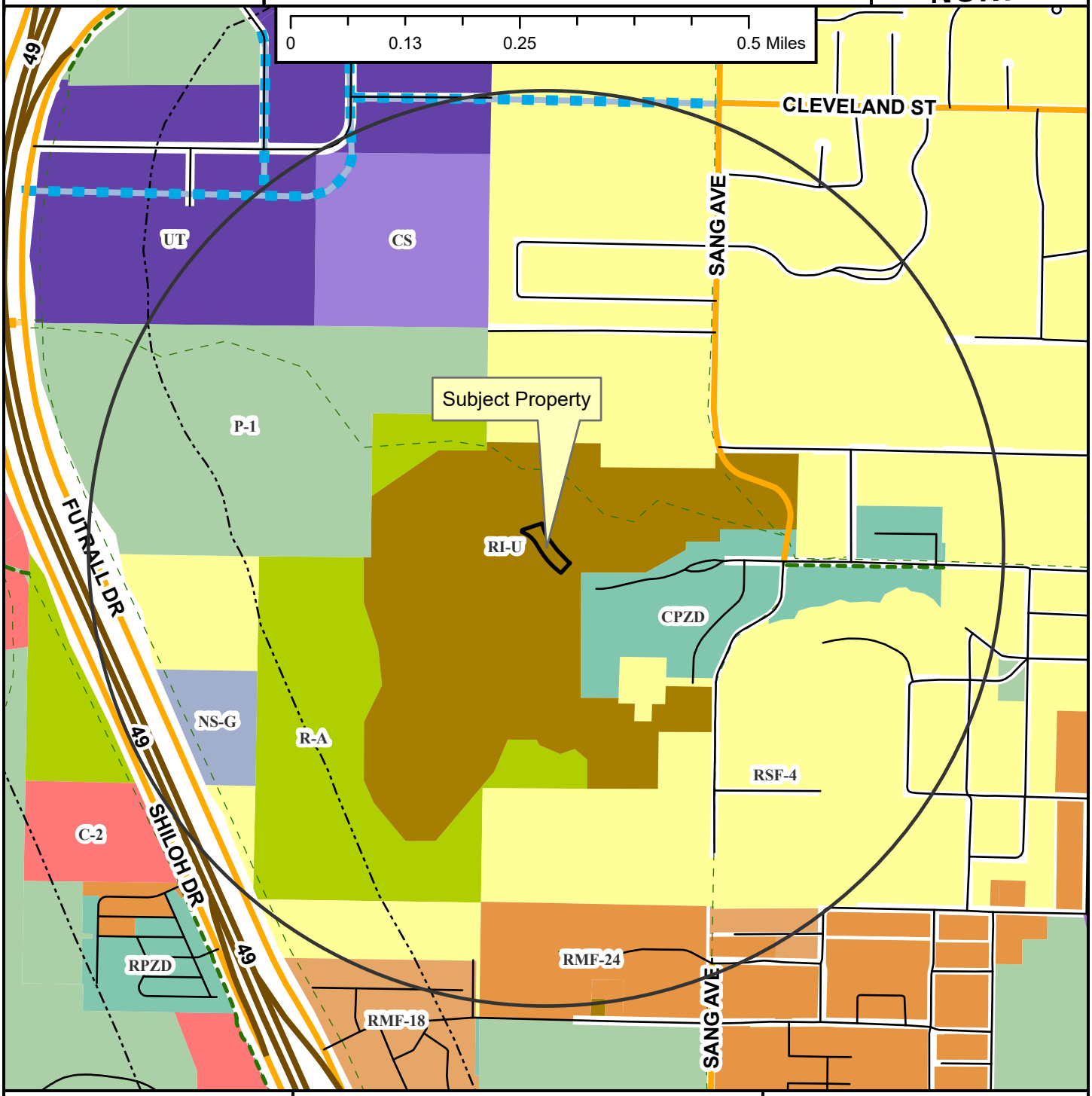
ATTACHMENTS:
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Applicant Exhibit

CUP-2025-0048

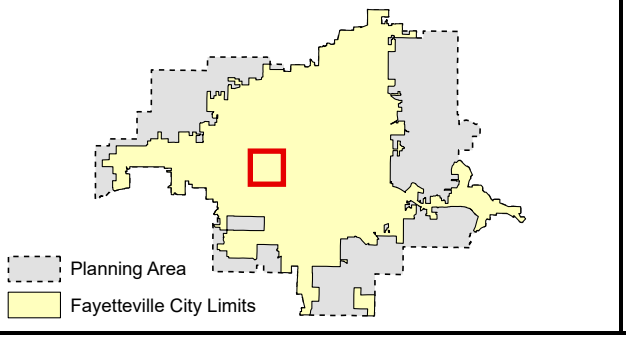
One Mile View

109 N. SANG AVE

NORTH



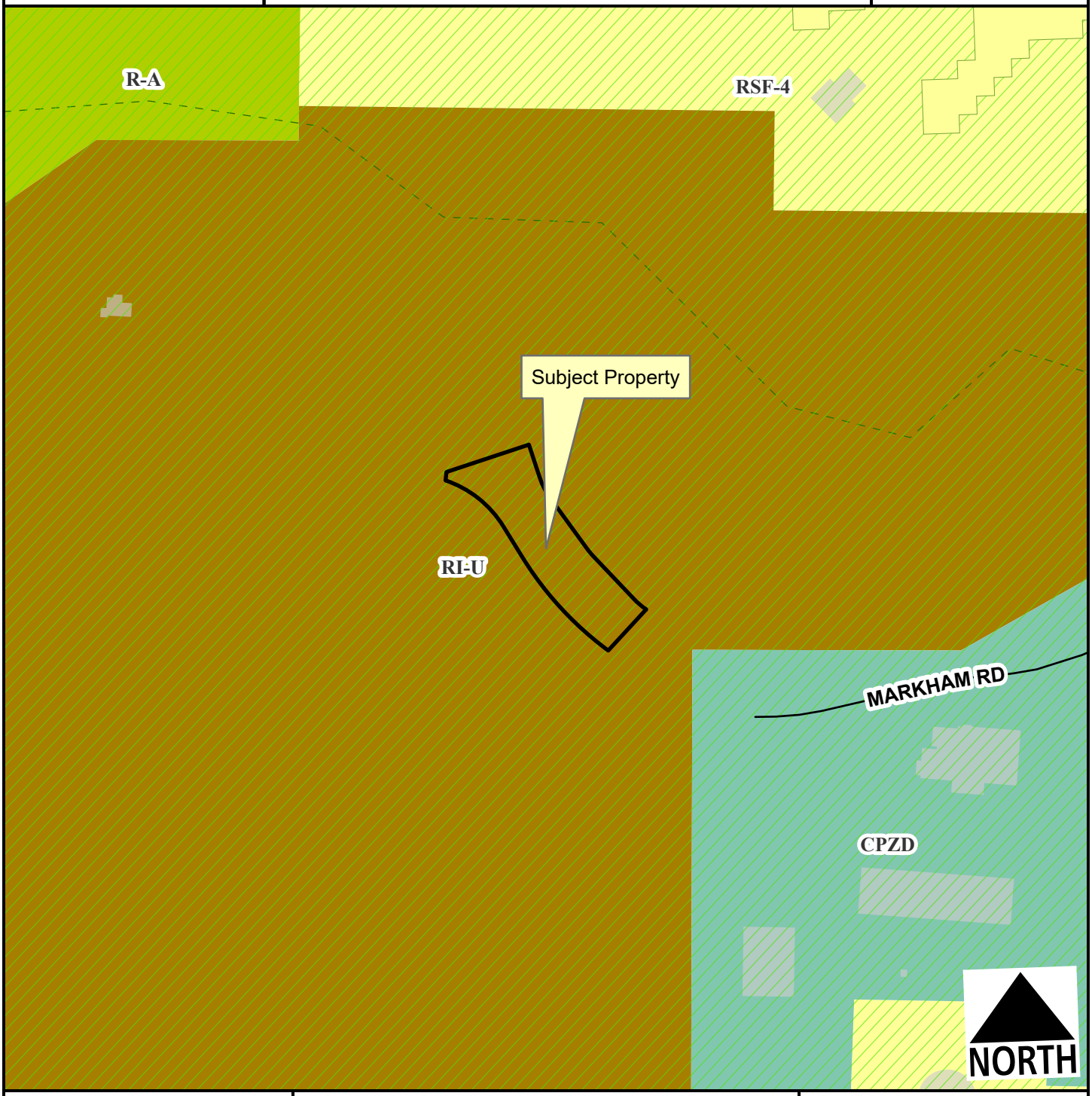
Neighborhood Link
Institutional Master Plan
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



CUP-2025-0048

Close Up View

109 N. SANG AVE



Unclassified
Hillside-Hilltop Overlay District
Planning Area
Fayetteville City Limits
Trail (Proposed)

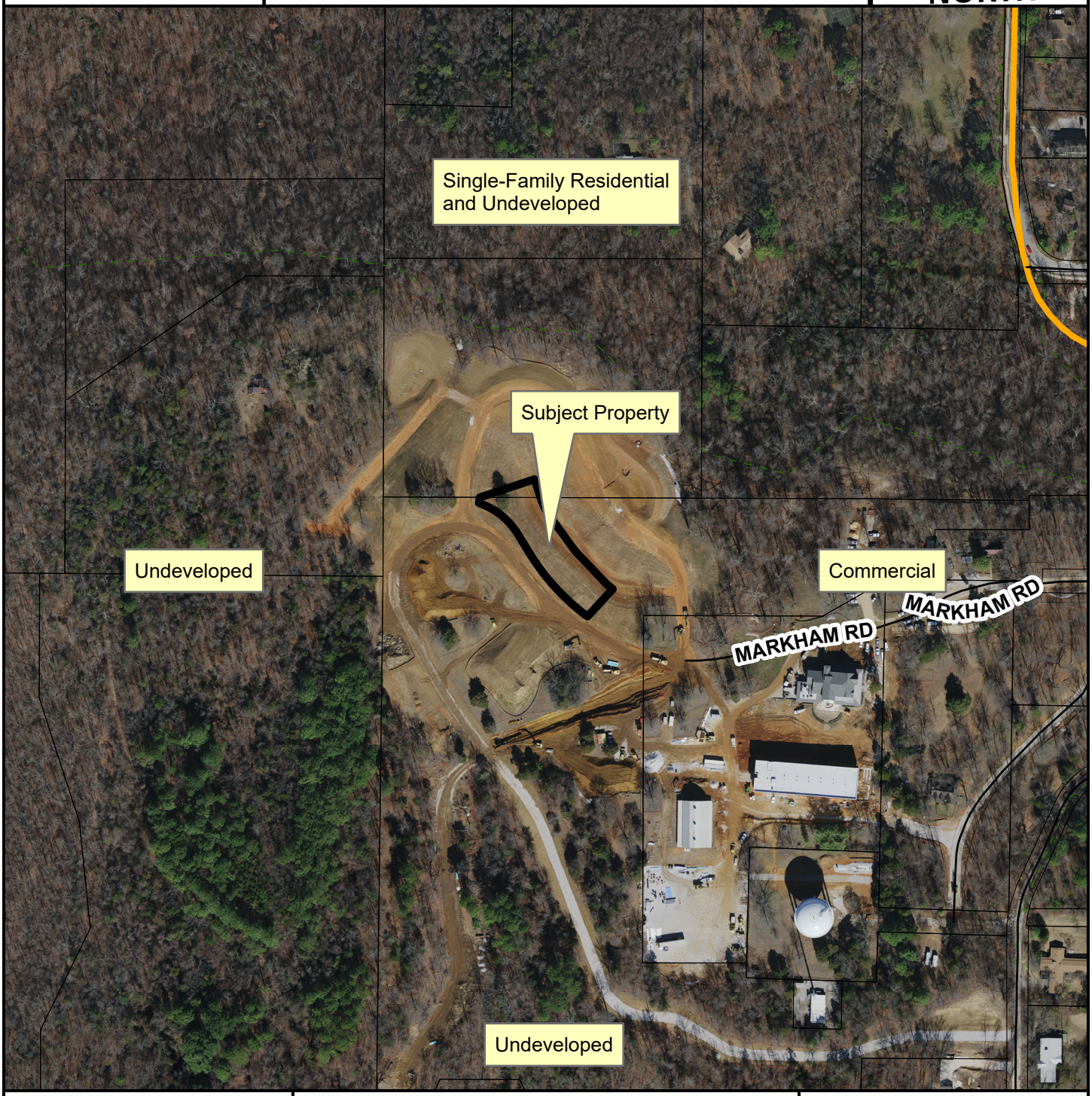
Feet
0 75 150 300 450 600
1:2,400

CUP-2025-0048

Current Land Use

109 N. SANG AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Markham Hill Phase 2 Meadowside Townhomes – Conditional Use Permit

Markham Hill Residential Owner LLC is requesting a Conditional Use Permit for (2) 5 Unit Townhomes on lots 8 – 13 and 9 - 17 within the Markham Hill Phase 2 Subdivision (FPL-2025-0005).

(a) The Meadowside 1 townhomes have a total square footage building footprint of 6,322 sf with 10,525 total conditioned square feet. The Meadowside 2 townhomes have a total square footage building footprint of 6,358 sf with 5,733 total conditioned square feet.
(b) Color elevations included
(c) (15) Off-street parking stalls are provided along W Markham Road directly adjacent to the townhome's front entrance.
(d) NA – Residential use
(e) (6) Streetlights currently approved through FPL-2025-005 will be installed per city standards along W Markham Road.
(f) NA – Residential use
(g) NA – Residential use
(h) The townhomes will operate under residential waste disposal conditions with individual trash bins located on the alley side of the property.
(i) Ingress and egress will be through currently built W Markham Road on the south side of the townhomes, the alleyway providing access to each individual unit, and Runners Ridge north of the properties.
(j) The townhomes meet the residential use within the planned subdivision.

LEGEND

PROPERTY LINE

EASEMENTS

1 L1.01 **MEADOWSIDE TOWNHOMES - ARCHITECTURAL SITE PLAN**

1" = 10'-0"

Planning Commission
October 27, 2025
CUP-2025-0048 (MARKHAM HILL PH 2)
Page 24

MARKHAM HILL TOWNHOMES | MEADOWSIDE

WEST MARKHAM ROAD, FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG

Permit Set	09/09/2025

MEADOWSIDE ARCHITECTURAL SITE PLAN

L1.01

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NEQUETTE
ARCHITECTURE & DESIGN

MARKHAM HILL TOWNHOMES

MEADOWSIDE

Project Description

10 Dwelling Unit Development

Buildings Consist of (2) IRC Three Story Townshomes. This project is also pursing EPA Indoor AirPlus V2 and EnergyStar Gold

THIS IS A BUILDER'S SET OF DRAWINGS.
This set of drawings consist of limited architectural drawings provided for the builder's use within a defined development area. This set is designed for the site identified in the overall site layout diagram. Further, this Builder's Set is limited to the general configuration of the building and is not intended to address all construction details necessary to construct the design. Foundation layout, wall sections and section details will be provided to allow for coordination of necessary heights and clearances and most typical conditions. The builder is responsible for all structural design. Interior design, finish selections and coordination are not included in these drawings.Builder responsible for meeting geotechnical limitations, local building code, PUD zoning requirements and any other governing authority including design review boards. Exterior materials must match what is represented herein. Typical wall sections will be provided to communicate the intended profile of building conditions and will call for framing arrangements, generic material choices and flashing locations. However, because the builder will construct conditions not represented in the drawings, it is the responsibility of the builder to apply as needed typical details for these conditions. If Construction Administration services are provided, it is to observe and verify the design intent represented in the drawings is met, and will not constitute a review of the structure, site conditions, or any other portion of work that is not in the architect's scope of work as it pertains to the means, methods, or the work of the builder.

Project Team

Developer:	Architect:	Owner's Civil Engineer:	Owners Structural Engineer:	Owners Mechanical, Electrical and Plumbing Engineer:
Specialized Real Estate Group Contact: Corey Arnold corey@specializedreg.com 479.419.8650 1 N. Church Ave, STE 103 Fayetteville, AR 72701	**Nequette Architecture & Design** Contact: Carlene Posala Carlene@nequette.com 205.224.4277	**CEI Engineering Associate, INC.** Contact: Derek K. Herman bwintergar@dvwma.com dherman@cei-eng.com 479.302.6823 (cell)	**Gavin Smith Civil Engineering** Contact: Gavin Smith gavin@gsmithcivilengineering.com 479.935.0644	**Forward Engineers** Contact: Kevin Jensen TBC@gaconsultants.com 479.282.1028 ext. 101

NEQUETTE
ARCHITECTURE & DESIGN

REGISTERED LOUIS NEQUETTE BROOKS STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

Planning Commission
October 27, 2025
CUP-2025-0048 (MARKHAM HILL PH 2)
Page 11 of 24

DISTRIBUTION LOG

Permit Set	12/19/2024

MEADOWSIDE - COVER SHEET

T11.00

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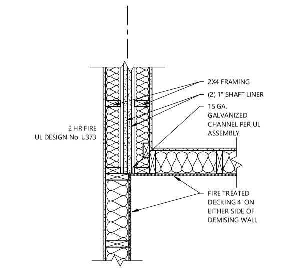
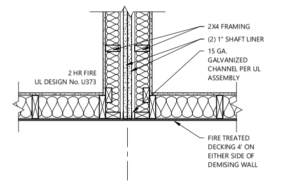
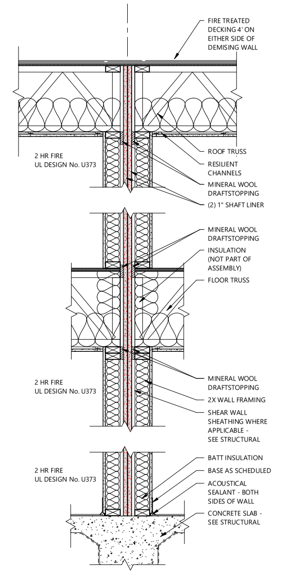


3 T11.01 **2 HR WALL - ENLARGED PLAN**
1" = 1'-0"

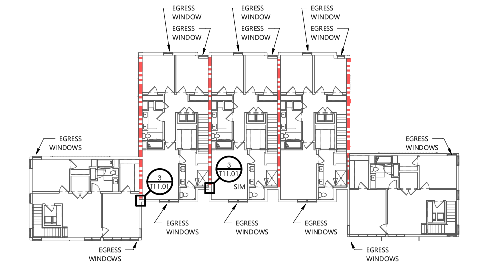


2 T11.01 **2 HR WALL - ENLARGED PLAN**
1" = 1'-0"

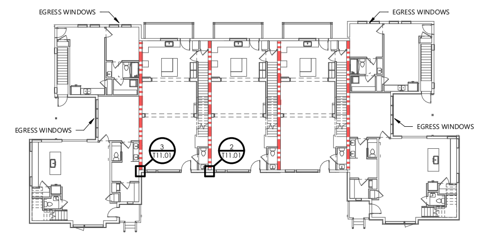


1 T11.01 **2 HR WALL - SECTION**
1" = 1'-0"

LIFE SAFETY



LEVEL 3 LSP
1/16" = 1'-0"



LEVEL 2 LSP
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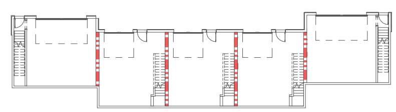

LEVEL 1 LSP
1/16" = 1'-0"

LIFE SAFETY LEGEND

●- - - -►	MEANS OF EGRESS
▮▮▮ ▮▮▮	2-HR. PARTITION (BOTH SIDES) U373, U375

VICINITY MAP

N.T.S.

CODE ANALYSIS

Buildings designed per the requirements of 2021 International Residential Code (IRC)
Occupancy Classification: R-3 One and two family dwellings

CHAPTER 3 - FIRE RESISTANT CONSTRUCTION

Table R302.1(1) Walls 1-hr if less than 5 feet; 0-hr if greater than 5 feet
Projections Not allowed < 2'; 1-hr underside from 2' to 5'; 0-hr > 5'
Openings in Walls Not allowed < 3'; 25% from 3' to 5'; unlimited >5'
Penetrations Protected less than 3'; None required greater than 3'

R302.2 Townhouses
Walls Separating townhouse units shall be constructed in accordance with Section R302.2.2 Item 2. (2 HR Common Wall)

R302.5 Dwelling/Garage Opening and Penetration Protection
Openings and penetrations through the walls or ceilings separating the dwelling from the garage shall be in accordance with sections R302.5.1 through R302.5.3.

R302.6 Dwelling-Garage Fire Separation
5/8 inch Type-X gypsum board required above at ceiling from garage to rooms above.

R302.7 Under-Stair Protection
Enclosed accessible space under stairs shall have walls, under-stair surface, and any soffits protected on the enclosed side with 1/2 inch gypsum board.

R302.11 Fireblocking
In combustible construction, fireblocking shall be provided to cut off both vertical and horizontal concealed draft openings and to form an effective fire barrier between stories, and between a top story and the roof space. Fireblocking shall be provided in wood framed construction in the following locations:

1. In concealed spaces of stud walls and partitions, including furred spaces and parallel rows of studs or staggered studs, as follows:
   1.1 Vertically at the ceiling and floor levels.
   1.2 Horizontally at intervals not exceeding 10 feet.
2. At interconnections between concealed vertical and horizontal spaces such as occur at soffits, drop ceilings, and cove ceilings.
3. In concealed spaces between stair stringers at the top and bottom of the run. Enclosed spaces under stairs shall comply with R302.7.
4. At openings around vents, pipes, ducts, cables, and wires at ceiling and floor level, with an approved material to resist the free passage of flame and products of combustion. The material filling this annular space shall not be required to meet the ASTM E 136 requirements.
5. For fireblocking of chimneys and fireplaces, see Section R1003.19.
6. Fireblocking of cornices of a two-family dwelling is required at the line of dwelling unit separation.

R302.12 Draftstopping
In combustible construction where there is usable space both above and below the concealed space of a floor-ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1000 square feet. Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor-ceiling assemblies under the following circumstances:

1. Ceiling is suspended under the floor framing.
2. Floor framing is constructed of truss-type open-web or perforated members.

R303.1 Habitable Rooms
Habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms.

R304.1 Minimum Area
Habitable rooms shall have a floor area of not less than 70 square feet (except kitchens).

R304.2 Minimum Dimensions
Habitable rooms shall be not less than 7 feet in any horizontal dimension (except kitchens).

R305.1 Minimum Height
Habitable space, hallways, and portions of basements containing these spaces shall have a ceiling height of not less than 7 feet. Bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches. For rooms with sloped ceilings, the required floor area of the room shall have a ceiling of not less than 5 feet and not less than 50 percent of the required floor area shall have a ceiling height of not less than 7 feet.

R308.4.1 Glazing in Doors
Glazing in fixed and operable panels of swinging, sliding, and bifold doors shall be considered a hazardous location except for openings of a size through which a 3-inch-diameter sphere is unable to pass or decorative glass.

R308.4.3 Glazing in Windows
Glazing in an individual fixed or operable panel that meets all the following conditions shall be considered to be a hazardous locations:

1. The exposed area of an individual pane is larger than 9 square feet.
2. The bottom edge of the glazing is less than 18 inches above the floor.
3. The top edge of the glazing is more than 36 inches above the floor, and
4. One or more walking surfaces are within 36 inches, measured horizontally and in a straight line, of the glazing.

R308.4.6 Glazing Adjacent to Stairs and Ramps.
Glazing where the bottom exposed edge of the glazing is less than 36 inches above the plane of the adjacent walking surface of stairways, landings between flights of stairs and ramps shall be considered a hazardous location except if there is a guard between 34 and 38 inches or if glazing is more than 36 inches measured horizontally from the walking surface.

R308.4.7 Glazing Adjacent to the Bottom Stair Landing
Glazing adjacent to the landing at the bottom of a stairway where the glazing is less than 36 inches above the landing and with a 60-inch horizontal arc less than 180 degrees from the bottom tread nosing shall be considered to be a hazardous location.

R310.1 Emergency Escape and Rescue Opening Required
Basements, habitable attics, and every sleeping room shall have not less that one operable emergency escape and rescue opening.

R310.2 Emergency Escape and Rescue Openings
Emergency escape and rescue openings shall have minimum dimensions as specified in this section.

R310.2.1 Minimum Opening Area
Emergency escape and rescue openings shall have a net clear opening of not less than 5.7 square feet.
Exception: Grade floor or below grade openings shall have a net clear opening of not less than 5 square feet.

R310.2.2 Minimum Dimensions.
The minimum net clear opening height dimensions shall be 24 inches. The minimum net clear opening width shall be not less than 20 inches. The net clear opening dimensions shall be the result of normal operation of the opening.

R310.2.3 Maximum height from floor
Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches above the floor

R311.2 Means of Egress Door
Not less than 1 egress door shall be provided for each dwelling unit. The egress door shall be side hinged, and shall provide a clear width of not less than 32 inches where measured between the face of the door and the stop, with the door open 90 degrees. The clear height of the door opening shall be not less than 78 inches (6 feet 6 inches) in height measured from the top of the threshold to the bottom of the stop.

R311.6 Hallways
The width of a hallway shall be not less than 3 feet.

R311.7.1 Stairway Width
Stairways shall not be less than 36 inches in clear width at all points above the permitted handrail height and below the required headroom height. The clear width of stairways at and below the handrail height, including treads and landings, shall be not less than 31 1/2 inches where a handrail is installed on one side and 27 inches where hadrails are installed on both sides

R311.7.2 Stairway Headroom
The headroom in stairways shall be not less than 6 feet 8 inches measured vertically from the sloped line adjoining the tread nosing from the floor surface of the landing or platform on that portion of the stairway.

R311.7.3 Vertical Rise
A flight of stairs shall not have a vertical rise larger than 151 inches (12 feet 7 inches) between floor levels or landings.

R311.7.5.1 Stair Risers
The riser height shall be not more than 7-3/4 inches. Open risers are permitted provided that the openings located more than 30 inches, as measured vertically, to the floor or grade below do not permit the passage of a 4-inch-diameter sphere.

R311.7.5.2 Stair Treads
The tread depth shall be not less than 10 inches. Open risers are permitted provided that the openings located more than 30 inches, as measured vertically, to the floor or grade below do not permit the passage of a 4-inch-diameter sphere.

R311.7.5.3 Stair Nosings
The radius of curvature at the nosing shall be not greater than 9/16 inch. A nosing projection not less than 3/4 inch and not more than 1-1/4 inches shall be provided on stairways with solid risers. a nosing is not required where the tread depth is not less than 11 inches.The greatest nosing projection shall not exceed the smallest by more than 3/8 inch.

R311.7.8 Handrails
Handrails shall be provided on not less than one side of each continuous run of treads or flight with four or more risers.

R311.7.8.1 Handrail Height
Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finished surface of ramp slope, shall be not less than 34 inches and not more than 38 inches.

R311.7.8.2 Handrail Projection
Handrails shall not project more than 4-1/2 inches on either side of the stairway

R311.7.8.5 Handrail Grip Size
Required handrails with a circular cross section shall have an outside diameter of not less than 1-1/4 inches and not greater than 2 inches.

R312.1.1 Guards and Window Fall Protection Required
Guards shall be provided along open sided walking surfaces, including stairs, ramps, and landings, that are located more than 30 inches measured vertically to the floor or grade below at any point where a downward slope exceeds 3V:12H within 36 inches horizontally to the edge of the open side.

R312.1.2 Guard Height
Required guards at open-sided walking surfaces, including stairs, porches, balconies, or landings, shall be not less than 36 inches in height as measured vertically above the adjacent walking surface or the line connecting the leading edges of the treads.

R312.1.3 Guard Opening Limitations
Required guards shall not have openings from the walking surface to the required guard height that allow passage of a sphere 4 inches in diameter.

R312.2.1 Window Opening Height
In dwelling units, where the bottom of the clear opening of an operable window is located less than 24 inches above the finished floor and greater than 72" above the finished grade or other surface below on the exterior of the building, the operable window shall comply with one of the following:

1. Operable windows with openings that will not allow a 4-inch diameter sphere to pass through the opening where the opening is in its largest opened position.
2. Operable windows are provided with window opening control devices that comply with ASTM F2090

R312.2.2 Emergency Escape and Rescue Openings
Where an operable window serves as an emergency escape and rescue opening, a window opening control device of fall prevention device, after operation to release the control device or fall prevention device allowing the window to fully open, shall not reduce the net clear opening area of the window unit to less than the area required by Sections R310.2.1 and R310.2.2

R314 Smoke Alarms
Smoke alarms shall comply with NFPA 72 and Section R314.

R314.2.1 Where Required in New Construction
Smoke alarms shall be provided in dwelling units.

R314.3 Smoke Alarm Locations

1. In each sleeping room.
2. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and habitable attics and not including crawl spaces and uninhabitable attics. In dwelling units with split levels and without intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. Smoke alarms shall be installed not less than 3 feet horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by R314.3.
5. In the hallway and in the room open to the hallway in dwelling units where the ceiling height of a room open to a hallway serving bedrooms exceeds that of the hallway by 24 inches or more

R314.4 Interconnection
Where more than one smoke alarm is required to be installed within an individual dwelling unit in accordance with R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling unit.

GENERAL NOTES

1. Any directives, notation or design information provided by any other qualified consulting engineers or design professionals, for the work represented herein, by the owner, architect, or contractor that is not included in the scope of work represented herein, or conflicts with the information provided herein, shall take precedent.
2. All materials, supplies and equipment shall be installed in accordance with the manufacturer's written specifications. Where the manufacturer's recommended details are used, the manufacturer shall be responsible for the performance of their product. All items not specifically mentioned that are required to make the work complete and operational shall be included.
3. Construction shall comply with all applicable national, state and local building codes. It is the responsibility of the contractor and owner to ensure compliance with said codes and modify the drawings, notation and specifications as needed to comply with such codes.
4. The contractor shall check and verify all dimensions and conditions before proceeding with construction. Do not scale drawings. Noted dimensions take precedence.
5. All work shall be plumb, level, and square unless noted otherwise.
6. All contractors shall provide and be solely responsible for necessary barricades and safety precautions, and strictly adhere to all governing codes on safety, including the osha act.
7. All connections and extensions required to provide temporary utilities shall be coordinated by the contractor including, but not limited to, temporary utilities including electricity, heating, cooling and ventilation, temporary lighting, temporary sanitary facilities such as portable toilets, temporary construction such as stairs, ladders, ramps, runways and hoists for use of all trades, scaffolding and platforms, temporary barriers and enclosures, and temporary erosion and siltation control consistent with state and local control standards.
8. Workmanship shall conform to the best and highest standards of quality in each trade and shall include all items of fabrication, construction and installation. All work shall be completed by skilled tradesmen and mechanics. Installation of all equipment and materials shall be in strict accordance with manufacturers recommendations.
9. Contractor is responsible for the identification and abatement of any hazardous material or substance before beginning construction. Contractor shall contract with a properly licensed and qualified hazardous material contractor.
10. Plumbing: contractor shall obtain from a design professional or procure through the subcontractor adequate construction documentation as required by the local building official. Plumbing shall be a fully operational system of hot and cold water. Per the construction documentation by other, provide and install all piping, soil, vents, drains, sewage removal and water supply systems to connect with appropriate water and sewage systems, and provide and install appropriate insulation around piping. All permits and inspections are to be obtained by contractor as required by local building codes and the uniform plumbing code.
11. Mechanical: contractor shall obtain from a design professional or procure through the subcontractor adequate construction documentation as required by the local building official and provide labor and materials pertaining to the mechanical systems as required in said documents and as generally described herein, while complying with all applicable building codes. Field verify with owner prior to rough in, layouts for vents and diffusers unless they are located by other.
12. Electrical: contractor shall obtain from a design professional or procure through the subcontractor adequate construction documentation as required by the local building official, including energy code calculations, and provide labor and materials pertaining to the electrical systems as required in said documents and as generally described herein, while complying with all applicable building codes. Field verify with owner prior to rough in, final layout of light fixtures, switch locations and arrangement, outlets, data, alarm systems, security systems, fans, doorbells, appliances, fixtures, garage doors and any other specialty equipment that requires power, unless they are specified by other.
13. Install at least one smoke alarm on every floor of a structure (including the basement if applicable), inside and directly outside of each sleeping area or as required by nfpa 72, national fire alarm code and may be modified by local authority. Mount the smoke alarms on ceilings or high on walls. Ceiling-mounted alarms should be installed at least four inches away from the nearest wall; wall-mounted alarms should be installed at least four inches, but not more than 12 inches away from the ceiling. On vaulted ceilings, mount the alarm at the highest point of the ceiling. Don't install smoke alarms near windows, outside doors, or ducts where drafts might interfere with their operation. Do not paint, apply finish or obstruct smoke alarms.
14. All sitework, including but not limited to, rough and finish grading, erosion control, curbing and asphalt, hardscape, fencing, retaining walls, landscaping, irrigation, planting and sod, site drainage and any other related work is by other and not in the scope of work. All local zoning ordinances and building code shall be followed, in addition to any of the above work described within construction documents by other.
15. Owner or contractor to verify all property covenants and design review or administrative review processes required by a neighborhood, development, local, state or national authority, or any other governing entity.
16. REQUIRED MOCK-UPS: Contractor to provide in-place mock-ups (min. 4'-0" x 4'-0") for all exterior materials applied to structure for approval by Nequette Architecture & Design. This includes, but not limited to, brick and stone veneers, stucco, trim and siding colors, roofing.

APPLICABLE CODES

2021 ARKANSAS FIRE PREVENTION CODE VOL. III - RESIDENTIAL (2021 IRC WITH AMENDMENTS)
2021 ARKANSAS STATE MECHANICAL CODE
2018 ARKANSAS PLUMBING CODE
2021 ARKANSAS FIRE PREVENTION CODE VOL. I - FIRE
2014 ARKANSAS ENERGY CODE (2009 IECC)
2020 NATIONAL ELECTRICAL CODE

ENERGY CODE INFO.

2021 INTERNATIONAL ENERGY CONSERVATION CODE and ARM Rule 24.301.161

Table 301.1 Climate Zone **4A** Fayetteville, Arkansas

Table 402.1.3 Insulation and Fenestration Requirements by Component

Fenestration U-Factor	0.30
Glazed Fenestration SHGC	0.40
Ceiling R-Value	R-60, minimum
Wood Framed Wall R-Value	R-20+5 ci, minimum
Floor R-Value	R-19
Basement Wall R-Value	10 ci or R-13
Slab R-Value & Depth	10 ci, 4 ft

SHEET INDEX

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T11.01	MEADOWSIDE - INDEX AND CODE STUDY
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S500	FOUNDATION DETAILS
04 ARCHITECTURAL	
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A11.01	MEADOWSIDE - FLOOR PLAN - LEVEL 1 & 2
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05 MECHANICAL	
M-001	MECHANICAL SPECIFICATIONS & SCHEDULES
M-101	MECHANICAL PLANS

NEQUETTE ARCHITECTURE & DESIGN

REGISTERED ARCHITECT STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE
FAYETTEVILLE, AR.
NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG

Permit Set	12/19/2024

MEADOWSIDE - INDEX AND CODE STUDY

T11.01

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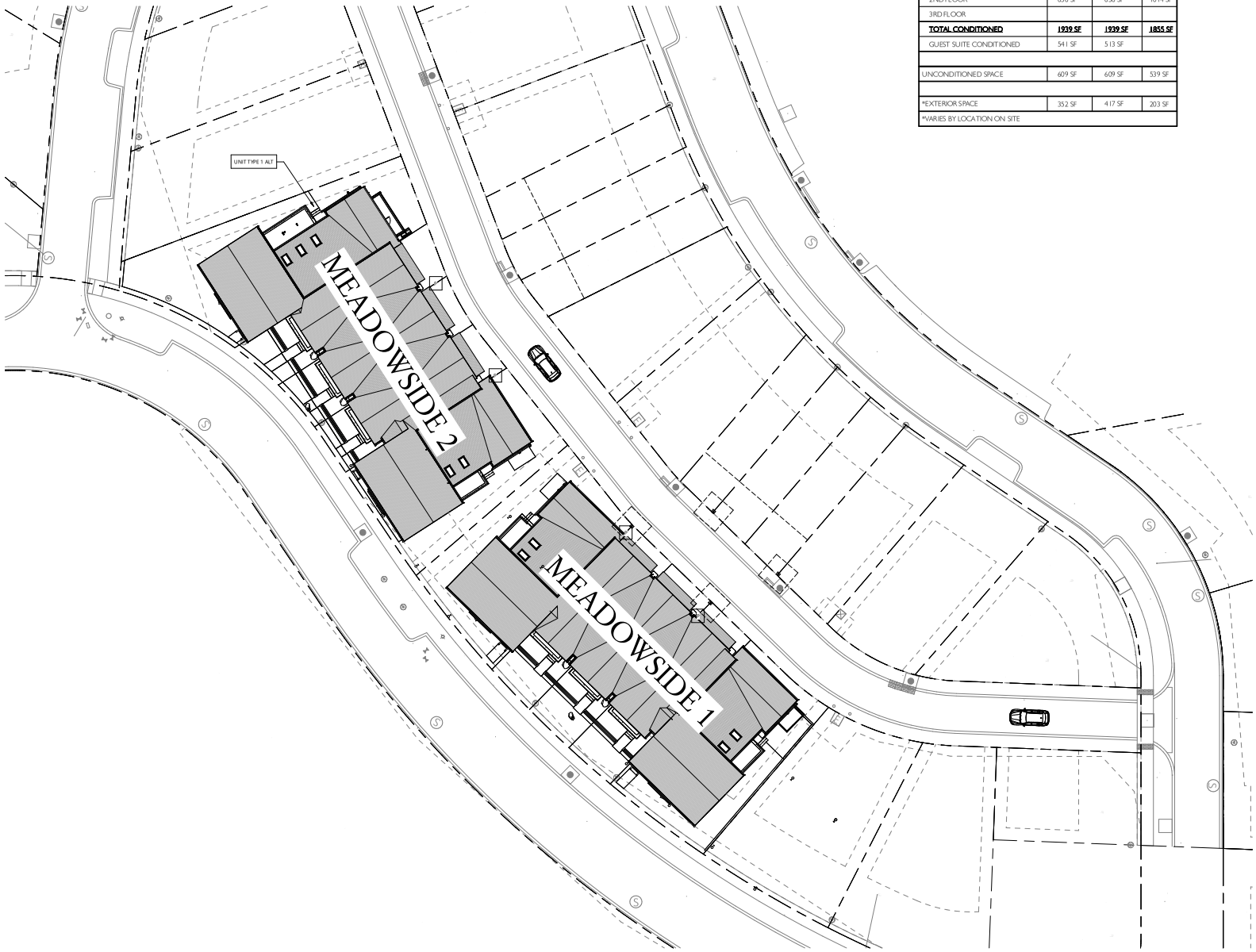
	MEADOWSIDE		
UNIT TYPES	UNIT 1	UNIT 1 ALT	UNIT 2
CONDITIONED SPACE			
1ST FLOOR	1083 SF	1083 SF	841 SF
2ND FLOOR	856 SF	856 SF	1014 SF
3RD FLOOR			
TOTAL CONDITIONED	**1939 SF**	**1939 SF**	**1855 SF**
GUEST SUITE CONDITIONED	541 SF	513 SF	
UNCONDITIONED SPACE	609 SF	609 SF	539 SF
*EXTERIOR SPACE	352 SF	417 SF	203 SF
*VARIES BY LOCATION ON SITE			



1 A01.00 **SITE PLAN**
1/16" = 1'-0"

NEQUETTE
ARCHITECTURE & DESIGN

REGISTERED ARCHITECT
LOUIS NEQUETTE
ARKANSAS
STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

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SITE DIAGRAM

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Planning Commission
October 27, 2025
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Planning Commission
October 27, 2025
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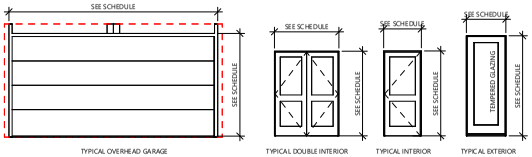
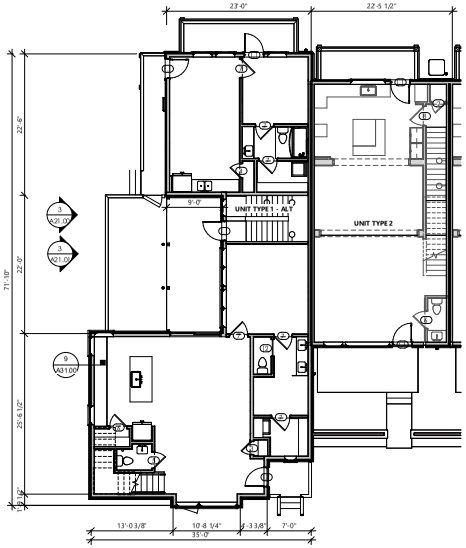


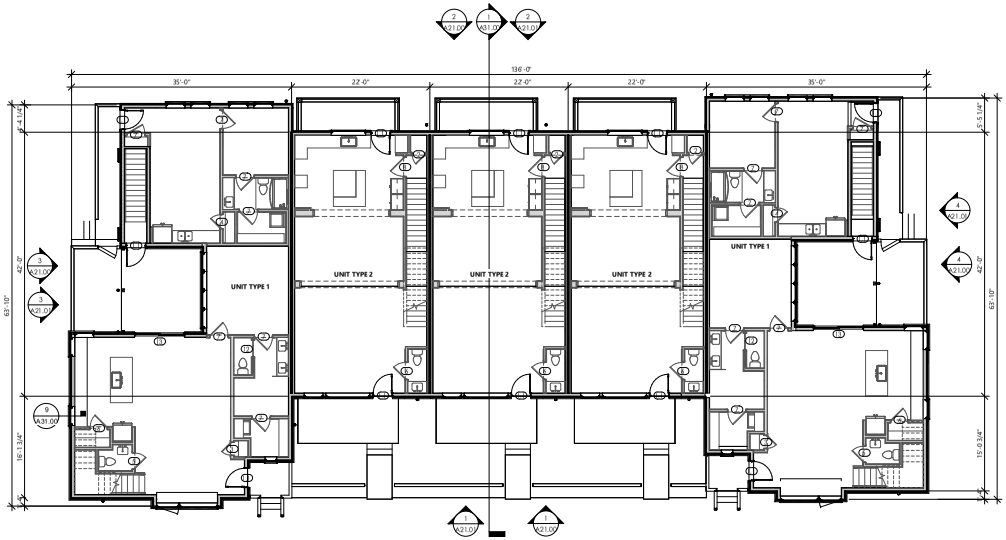
DOOR LEGEND

1/4" = 1'-0"



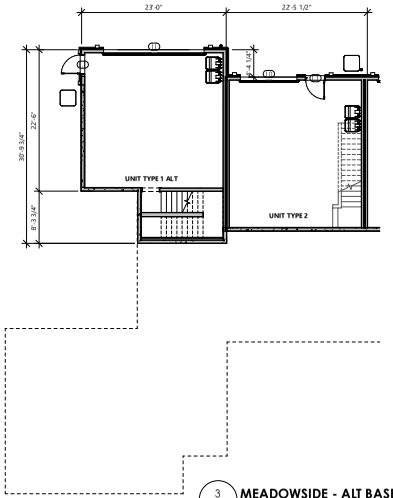
MEADOWSIDE - ALT LEVEL 1

4 A11.01 — 1/8" = 1'-0"



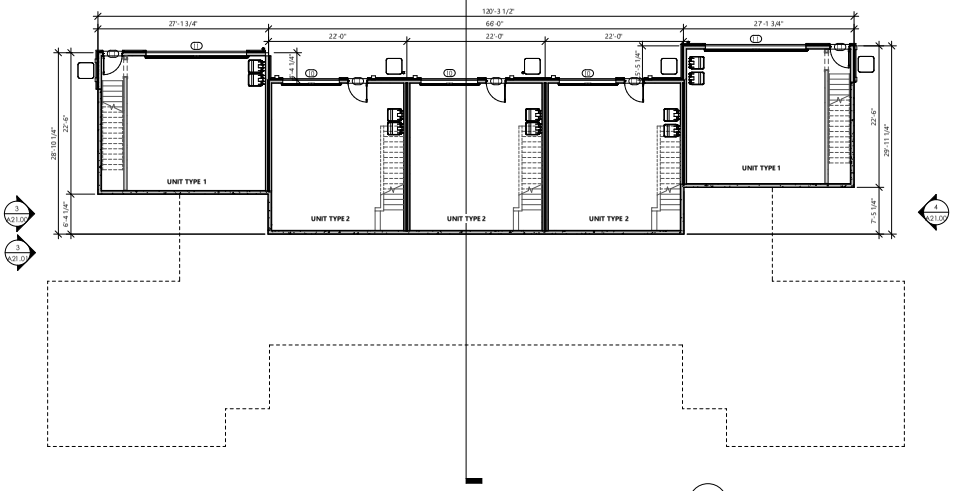
MEADOWSIDE - LEVEL 1 PLAN

2 A11.01 — 1/8" = 1'-0"



MEADOWSIDE - ALT BASEMENT

3 A11.01 — 1/8" = 1'-0"



MEADOWSIDE - BASEMENT PLAN

1 A11.01 — 1/8" = 1'-0"

FLOOR PLANS - GENERAL NOTES

1. ALL FRAMING DIMENSIONS ARE TO OUTSIDE FACE OF STUD AND CENTER LINE OF WINDOWS AND DOORS UNLESS NOTED OTHERWISE. "F.O." MEANS "FACE OF", "T.O." MEANS "TOP OF" AND "B.O." MEANS "BOTTOM OF". KITCHEN AND BATH CABINET DIMENSIONS, STAIR AND HANDRAIL DIMENSIONS (IF PRESENT ON PLAN) ARE TO OUTSIDE FACE OF FINISH MILLWORK.
2. ALL MECHANICAL EQUIPMENT, SUPPLY AND RETURN AIR DUCTS AND ATTIC ACCESS LOCATIONS TO BE VERIFIED IN FIELD.
3. DO NOT SCALE DRAWINGS. DIMENSIONS SHALL TAKE PRECEDENT OVER SCALED OR NOT TO SCALE DRAWINGS.
4. CONTRACTOR TO CONFIRM WITH THE WINDOW MANUFACTURER THAT WINDOW AND DOOR OPENINGS ARE COMPLIANT WITH ALL APPLICABLE BUILDING CODES CONCERNING EGRESS, LIGHTING AND VENTILATION REQUIREMENTS.
5. TEMPER ALL GLASS IN FIXED, SLIDING, SWINGING, OPERABLE OR BIFOLD DOORS UNLESS LAMINATED GLASS IS INSTALLED, WITHIN 2'-0" FROM A DOORWAY AND THE BOTTOM EDGE IS 60 INCHES OR LESS ABOVE THE WALKING SURFACE, AND ALL GLASS ABOVE TUB ENCLOSURES.
6. CONTRACTOR RESPONSIBLE FOR PLUMBING, MECHANICAL AND ELECTRICAL FIXTURE AND FINISH SELECTIONS AND ALL APPLIANCE SELECTIONS INCLUDING GAS APPLIANCES & FIXTURES AND COORDINATING THESE SELECTIONS WITH THE DRAWINGS AS SHOWN. ALL ITEMS MENTIONED ABOVE THAT ARE SHOWN ON THE DRAWINGS ARE FOR REFERENCE ONLY.
7. CONTRACTOR TO PROVIDE ALL FINISH SELECTIONS AND DETAILS FOR FINISH FLOORS, WALLS, CEILINGS, INTERIOR TRIM, GUARD AND HANDRAILS, CABINETS, COUNTERTOPS, BACKSPLASHES, FIXTURES, EQUIPMENT AND HARDWARE WHERE REQUIRED BY APPLICABLE BUILDING CODES.
8. FIRE-RATED GYPSUM WALLBOARD, WATER RESISTANT GYPSUM WALLBOARD AND ALL OTHER FINISH AND SUBSTRATE MATERIALS SHALL BE PROVIDED WHERE REQUIRED BY APPLICABLE BUILDING CODES.
9. CONTRACTOR TO PROVIDE OUTLETS, SWITCH PLATES AND ALL OTHER ELECTRICAL DEVICES REQUIRED BY APPLICABLE BUILDING CODES.
10. CONTRACTOR TO PROVIDE AND COORDINATE ALL VENTING, SUPPLY, AND ELECTRICAL REQUIREMENTS PER MANUFACTURERS FOR REQUIRED ELECTRICAL OR GAS APPLIANCES AND EQUIPMENT, INCLUDING BUT NOT LIMITED TO WHAT IS SHOWN ON THE DRAWINGS, INCLUDING FIREPLACE ASSEMBLIES.
11. CONTRACTOR TO PROVIDE FINAL SELECTION FOR PREFABRICATED FIREPLACE UNIT IN THE SIZE INDICATED ON THE DRAWINGS TO OWNER FOR APPROVAL.
12. DETERMINE RISE AND RUN FOR ALL STAIRS BASED ON FINISH FLOOR TO FINISH FLOOR DIMENSION AND THE NUMBER OF TREADS SHOWN THE DRAWINGS.
13. COORDINATE SHELF AND/OR ROD CONFIGURATION FOR ALL CLOSETS WITH OWNER.
14. VERIFY BASE CABINETRY AND SHELVING WITH IN PANTRY. COORDINATE SHELF HEIGHTS WITH OWNER.
15. POCKET DOOR FRAMES AND HARDWARE TO BE JOHNSON HARDWARE OR EQUAL.
16. CONTRACTOR TO VERIFY EXACT LOCATIONS OF FLOOR DRAINS WITH OWNER.
17. DOOR SIZES ARE INTERPRETED AS FOLLOWS: 3080 = 3'-0" x 8'-0" OR 2668 = 2'-6" x 6'-8"
18. WINDOW SIZES ARE PROVIDED ON EXTERIOR ELEVATIONS.

DOOR & FRAME SCHEDULE

DOOR					
TYPE	WIDTH	HEIGHT	Function	Operation	COMMENTS
1.1	3' - 11 11/16"	7' - 11 1/2"	Exterior	SWING	
2	2' - 0"	6' - 8"	Interior	SWING	LOUVERED
3	2' - 0"	8' - 0"	Interior	SWING	
4	2' - 2"	6' - 8"	Interior	SWING	
5	2' - 6"	6' - 8"	Interior	SWING	
6	2' - 8"	6' - 8"	Interior	SWING	
7	2' - 10"	6' - 8"	Interior	SWING	
8	3' - 0"	6' - 8"	Interior	SWING	
9	5' - 0"	6' - 8"	Interior	SWING	DOUBLE DOOR, LOUVERED
9.5	5' - 0"	6' - 8"	Interior	SWING	DOUBLE DOOR
10	9' - 0"	8' - 0"	Exterior	ROLLUP	
11	16' - 0"	8' - 0"	Exterior	ROLLUP	
12	2' - 8"	6' - 8"	Interior	POCKET	
13	8' - 0"	7' - 2 7/16"	Interior	SLIDING	

NEQUETTE ARCHITECTURE & DESIGN

REGISTERED LOUIS NEQUETTE BROOKS STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG

Permit Set	10/19/2024

MEADOWSIDE - FLOOR PLAN - LEVEL 1 & 2

A11.01

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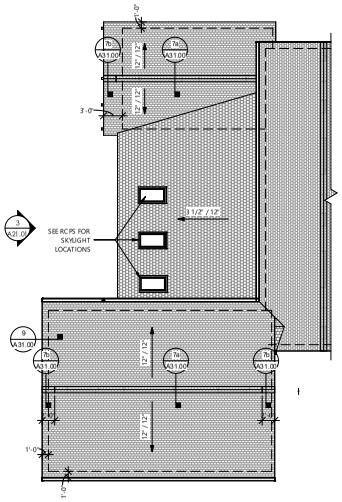
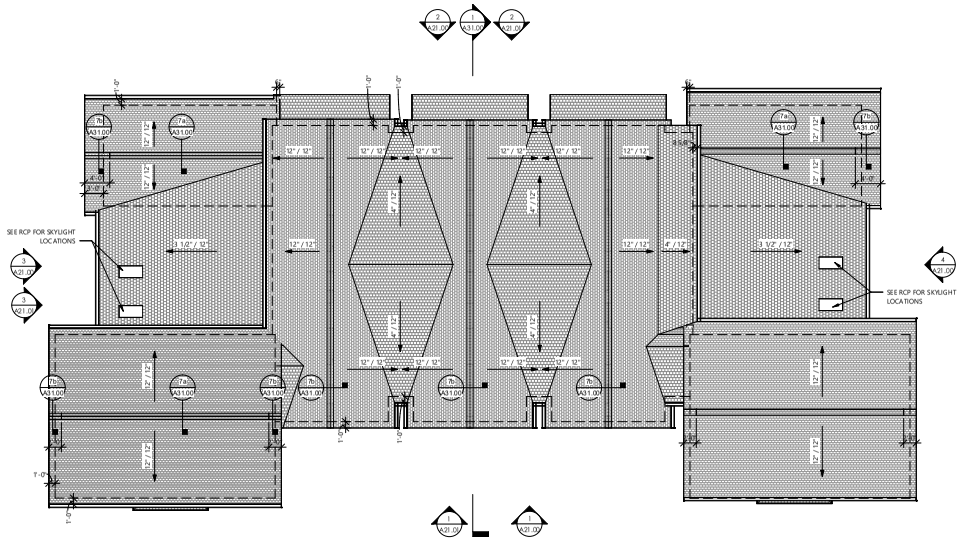
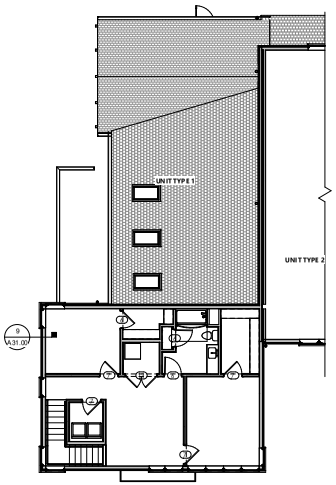
CUP-2025-0048 (MARKHAM HILL PH 2)
Planning Commission
October 27, 2025



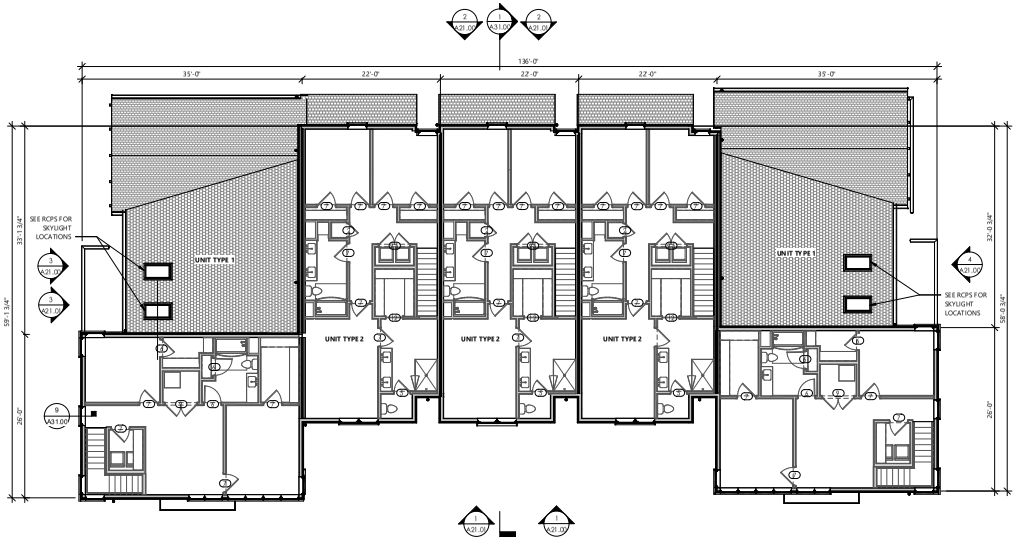
4 A11.02 **MEADOWSIDE - ALT ROOF PLAN**
1/8" = 1'-0"



2 A11.02 **MEADOWSIDE - ROOF PLAN**
1/8" = 1'-0"



3 A11.02 **MEADOWSIDE - ALT LEVEL 2 PLAN**
1/8" = 1'-0"



1 A11.02 **MEADOWSIDE - LEVEL 2 PLAN**
1/8" = 1'-0"

FLOOR PLANS - GENERAL NOTES

1. ALL FRAMING DIMENSIONS ARE TO OUTSIDE FACE OF STUD AND CENTER LINE OF WINDOWS AND DOORS UNLESS NOTED OTHERWISE. "F.O." MEANS "FACE OF", "T.O." MEANS "TOP OF" AND "B.O" MEANS "BOTTOM OF". KITCHEN AND BATH CABINET DIMENSIONS, STAIR AND HANDRAIL DIMENSIONS (IF PRESENT ON PLAN) ARE TO OUTSIDE FACE OF FINISH MILLWORK.
2. ALL MECHANICAL EQUIPMENT, SUPPLY AND RETURN AIR DUCTS AND ATTIC ACCESS LOCATIONS TO BE VERIFIED IN FIELD.
3. DO NOT SCALE DRAWINGS. DIMENSIONS SHALL TAKE PRECEDENT OVER SCALED OR NOT TO SCALE DRAWINGS.
4. CONTRACTOR TO CONFIRM WITH THE WINDOW MANUFACTURER THAT WINDOW AND DOOR OPENINGS ARE COMPLIANT WITH ALL APPLICABLE BUILDING CODES CONCERNING EGRESS, LIGHTING AND VENTILATION REQUIREMENTS.
5. TEMPER ALL GLASS IN FIXED, SLIDING, SWINGING, OPERABLE OR BIFOLD DOORS UNLESS LAMINATED GLASS IS INSTALLED, WITHIN 2'-0" FROM A DOORWAY AND THE BOTTOM EDGE IS 60 INCHES OR LESS ABOVE THE WALKING SURFACE, AND ALL GLASS ABOVE TUB ENCLOSURES.
6. CONTRACTOR RESPONSIBLE FOR PLUMBING, MECHANICAL AND ELECTRICAL FIXTURE AND FINISH SELECTIONS AND ALL APPLIANCE SELECTIONS INCLUDING GAS APPLIANCES & FIXTURES AND COORDINATING THESE SELECTIONS WITH THE DRAWINGS AS SHOWN. ALL ITEMS MENTIONED ABOVE THAT ARE SHOWN ON THE DRAWINGS ARE FOR REFERENCE ONLY.
7. CONTRACTOR TO PROVIDE ALL FINISH SELECTIONS AND DETAILS FOR FINISH FLOORS, WALLS, CEILINGS, INTERIOR TRIM, GUARD AND HANDRAILS, CABINETS, COUNTERTOPS, BACKSPLASHES, FIXTURES, EQUIPMENT AND HARDWARE WHERE REQUIRED BY APPLICABLE BUILDING CODES.
8. FIRE-RATED GYPSUM WALLBOARD, WATER RESISTANT GYPSUM WALLBOARD AND ALL OTHER FINISH AND SUBSTRATE MATERIALS SHALL BE PROVIDED WHERE REQUIRED BY APPLICABLE BUILDING CODES.
9. CONTRACTOR TO PROVIDE OUTLETS, SWITCH PLATES AND ALL OTHER ELECTRICAL DEVICES REQUIRED BY APPLICABLE BUILDING CODES.
10. CONTRACTOR TO PROVIDE AND COORDINATE ALL VENTING, SUPPLY, AND ELECTRICAL REQUIREMENTS PER MANUFACTURERS FOR REQUIRED ELECTRICAL ORGAS APPLIANCES AND EQUIPMENT, INCLUDING BUT NOT LIMITED TO WHAT IS SHOWN ON THE DRAWINGS, INCLUDING FIREPLACE ASSEMBLIES.
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Downspout & Gutter Sizing Reports

Project Name: Markham Hill Townhouses - Meadowside

Rainfall Intensity (in/hr): 10.2
Based on rainfall averages in Bentonville, ARKANSAS (100 years)

Roof Rainfall Design Area (ft²): 1,711.00
** Area of largest Roof Serving a Single Gutter System*
Design Area manually entered by user

Gutter in Lineal Ft: 88
** Length of Largest Roof Serving a Single Gutter System*

Gutter Length Serving Single DS (ft.): 44
**Assumption: downspouts are equally spaced*
***Maximum gutter length to be served by a downspout is 50ft per SMACNA ASPRR*

M (depth to width ratio): 0.75

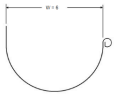
Sloped Roof Gutters: 1/8
***Per Table 1-4 on page 1-8 of SMACNA ASPRR*
****The area of a sloped rectangular gutter may be approximated by using a gutter cross section area not less than that of a semicircular gutter and a depth to width ratio of at least 0.75.*

Min. Gutter Width (in.): 6 [Half-Round]

# of Downspouts: 2

Min. Area per DS (in²): 7.13

Min. DS Size (in): 4 [Plain Round]
***Per Table 1-5 on page 1-9 of SMACNA ASPRR*



Downspout & Gutter Sizing Reports

Project Name: Markham Hill Townhouses - Meadowside Opt 2

Rainfall Intensity (in/hr): 10.2
Based on rainfall averages in Bentonville, ARKANSAS (100 years)

Roof Rainfall Design Area (ft²): 1,732.00
** Area of largest Roof Serving a Single Gutter System*
Design Area manually entered by user

Gutter in Lineal Ft: 99
** Length of Largest Roof Serving a Single Gutter System*

Gutter Length Serving Single DS (ft.): 50
**Assumption: downspouts are equally spaced*
***Maximum gutter length to be served by a downspout is 50ft per SMACNA ASPRR*

M (depth to width ratio): 0.75

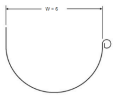
Sloped Roof Gutters: 1/8
***Per Table 1-4 on page 1-8 of SMACNA ASPRR*
****The area of a sloped rectangular gutter may be approximated by using a gutter cross section area not less than that of a semicircular gutter and a depth to width ratio of at least 0.75.*

Min. Gutter Width (in.): 6 [Half-Round]

# of Downspouts: 2

Min. Area per DS (in²): 7.22

Min. DS Size (in): 4 [Plain Round]
***Per Table 1-5 on page 1-9 of SMACNA ASPRR*



NEQUETTE ARCHITECTURE & DESIGN

LOUIS NEQUETTE BROOKS
REGISTERED ARCHITECT
STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG

Permit Set	02/19/2024

MEADOWSIDE - FLOOR PLAN - LEVEL 3 & ROOF PLAN

A11.02

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WINDOW SCHEDULE

TYPE MARK	WINDOW WIDTH	WINDOW HEIGHT	HEAD HEIGHT	OPERATION	GLAZING TYPE
A1	1' - 10"	3' - 0"	8' - 0"	FIXED	
A2	1' - 10"	4' - 0"	7' - 6"	FIXED	
A3	2' - 10"	5' - 6"	8' - 0"	FIXED	
A4	3' - 0"	3' - 10"	7' - 6"	FIXED	
A5	5' - 6"	4' - 0"	8' - 0"	FIXED	TEMPERED
A6	6' - 0"	6' - 0"	7' - 6"	FIXED	
A7	7' - 0"	7' - 6"	8' - 0"	FIXED	
C1	2' - 4"	5' - 0"	8' - 0"	CASEMENT	
C2	2' - 6"	5' - 6"	8' - 0"	CASEMENT	
C3	2' - 10"	5' - 6"	8' - 0"	CASEMENT	
C4	3' - 0"	5' - 0"	8' - 0"	CASEMENT	
C5	3' - 0"	5' - 6"	8' - 0"	CASEMENT	
C6	3' - 6"	6' - 0"	7' - 6"	CASEMENT	
F0	3' - 0"	2' - 6"	<varies>	FIXED CASEMENT	TEMPERED
F4	3' - 0"	5' - 0"	8' - 0"	FIXED CASEMENT	
F5	3' - 0"	5' - 6"	8' - 0"	FIXED CASEMENT	
S1	4' - 1 1/2"	2' - 1 1/2"		SKYLIGHT	TEMPERED

EXTERIOR FINISH SCHEDULE

SHINGLE	SHINGLE
EAVE/FASCIA COLOR	SW6201, THUNDEROUS
BOARD AND BATTEN COLOR	SW6201, THUNDEROUS
LAP SIDING COLOR	SW6200, LINK GRAY
HORIZONTAL & VERTICAL TRIM	SW6201, THUNDEROUS
WINDOW COLOR	PELLA BROWN
DOOR PANEL COLOR	PELLA BROWN
RAILING COLOR	SW6201, THUNDEROUS
GUTTER FINISH	BRONZE / BROWN
GARAGE DOOR COLOR	SW6201, THUNDEROUS

ELEVATIONS - GENERAL NOTES

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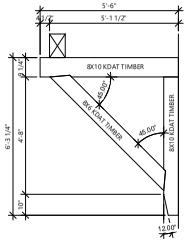
5. COORDINATE EXTERIOR FINISHES WITH EXTERIOR ELEVATIONS AND DETAILS
6. ENSURE FLASHING, WATERPROOFING, AND INSULATION DETAILS ARE FOLLOWED AS PER SPECIFICATIONS.
7. ALL EXTERIOR SURFACES ARE TO BE PRIMED, PAINTED, CAULKED AND FINISHED
8. SEE SHEET INDEX FOR WALL TYPES.
9. SEE SHEET INDEX FOR DOOR & WINDOW SCHEDULES

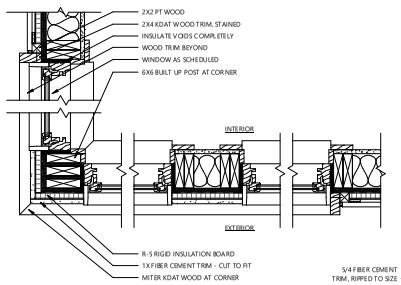
EXTERIOR MATERIAL SCHEDULE

1	PAINTED FIBER CEMENT SIDING, ARTISAN HORIZONTAL LAP SIDING (SMOOTH TEXTURE) W/ MITERED CORNERS	8	PAINTED ALUMINUM GARAGE DOOR	13	PRE-FINISHED ALUMINUM HALF ROUND GUTTERS & ROUND DOWNSPOUTS
2	PAINTED FIBER CEMENT SIDING, VERTICAL BOARD & BATTEN SYSTEM (SMOOTH TEXTURE)	9	STAINED KDAT WOOD FASCIA	14	LAMINATED ARCHITECTURAL ASPHALT SHINGLE ROOFING SYSTEM
3	PAINTED ARTISAN HORIZONTAL 4/4X8 FIBER CEMENT BOARDS 10" O.C. ON SMOOTH FIBER CEMENT PANEL	10	STAINED KDAT WOOD RAILING - SEE DETAIL	17	PRE-FINISHED ALUMINUM COLLECTOR HEAD GUTTER & ROUND DOWNSPOUT
4	PAINTED FIBER CEMENT TRIM	11	STAINED KDAT WOOD WINDOW TRIM	18	PRE-FINISHED METAL FLASHING OVER RIGID INSULATION - SEE FOUNDATION DETAIL
5	STONE VENEER SYSTEM (SELECTION TBD BY ARCH)	12	STAINED KDAT WOOD BRACKETS	19	NOT USED
6	PELLA IMPERVIA SERIES FIBERGLASS WINDOWS	13	STAINED KDAT WOOD COLUMNS & BEAMS	20	NOT USED
7	PELLA PRE-FINISHED ALUMINUM WOOD/GLASS DOORS	14	STAINED KDAT WOOD COLUMNS W/ DECORATIVE CHAMFERED CUT & BEAMS	21	NOT USED

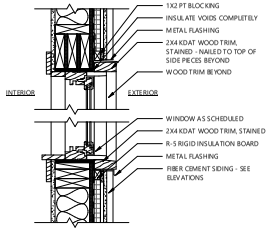
SEE SHEET INDEX FOR DOOR, WINDOW, & STOREFRONT SCHEDULES
SEE SITE PLAN FOR RISER ROOM LOCATIONS
SEE CIVIL DRAWINGS FOR GRADING INFORMATION



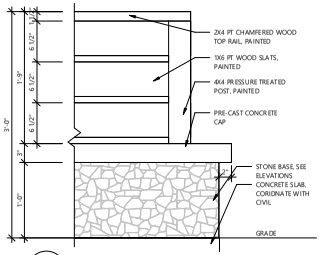
11 A21.00 **ENLARGED BRACKET DETAIL**
1/2" = 1'-0"



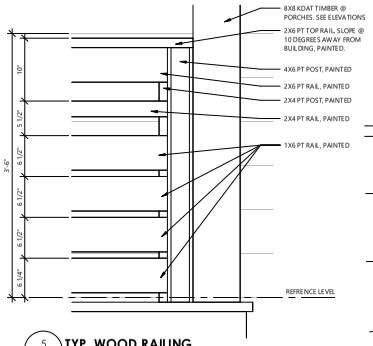
10 A21.00 **TYP. JAMB DETAIL**
1 1/2" = 1'-0"



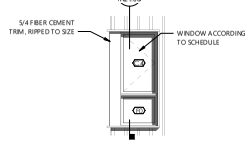
9 A21.00 **TYP. HEADER & SILL DETAILS**
1 1/2" = 1'-0"



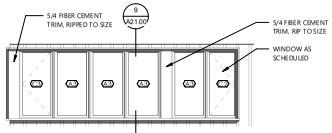
8 A21.00 **RAILING WITH STONE BASE**
1 1/2" = 1'-0"



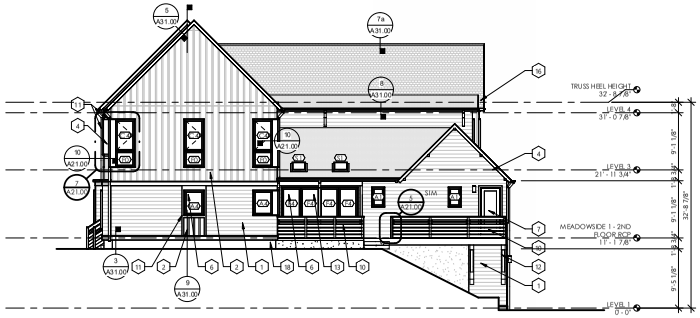
5 A21.00 **TYP. WOOD RAILING**
1 1/2" = 1'-0"



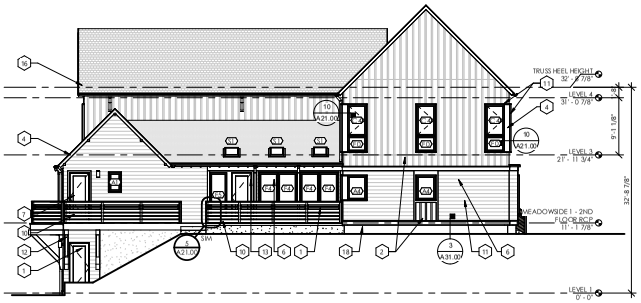
7 A21.00 **ELEV. @ CORNER WINDOW**
1/4" = 1'-0"



6 A21.00 **ELEV. @ GANGED WINDOWS**
1/4" = 1'-0"



4 A21.00 **MEADOWSIDE - SIDE ELEVATION 1**
1/8" = 1'-0"



3 A21.00 **MEADOWSIDE - SIDE ELEVATION 2**
1/8" = 1'-0"

2 A21.00 **MEADOWSIDE - REAR ELEVATION**
1/8" = 1'-0"

1 A21.00 **MEADOWSIDE - FRONT ELEVATION**
1/8" = 1'-0"

NEQUETTE ARCHITECTURE & DESIGN

MARKHAM HILL TOWNHOMES | MEADOWSIDE
FAYETTEVILLE, AR.
NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG	
Permit Set	10/19/2024

MEADOWSIDE - BUILDING ELEVATIONS

A21.00

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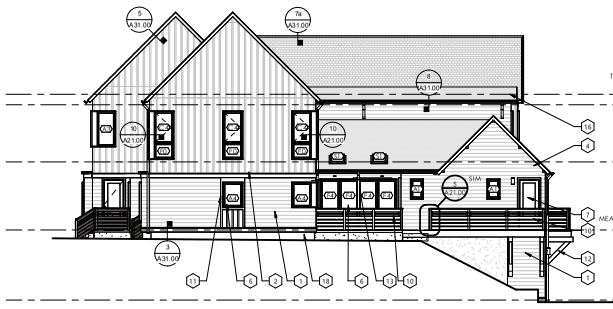
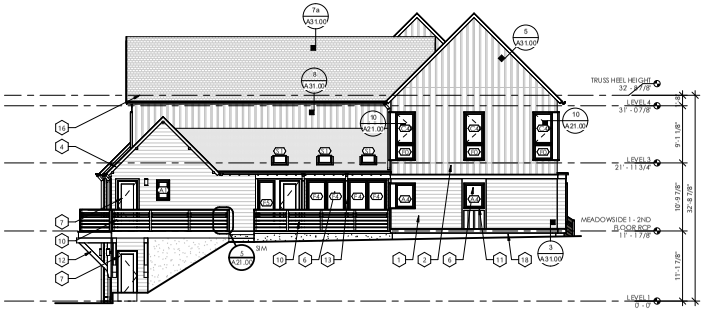


4 A21.01 **MEADOWSIDE - ALT SIDE ELEVATION**
1/8" = 1'-0"



3 A21.01 **MEADOWSIDE - ALT SIDE ELEVATION 2**
1/8" = 1'-0"

2 A21.01 **MEADOWSIDE - ALT REAR ELEVATION**
1/8" = 1'-0"

1 A21.01 **MEADOWSIDE - ALT FRONT ELEVATION**
1/8" = 1'-0"

NEQUETTE
ARCHITECTURE & DESIGN

REGISTERED LOUIS NEQUETTE BOARD OF ARCHITECTS STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG	
Permit Set	10/19/2024

MEADOWSIDE - BUILDING ELEVATIONS - ALT

A21.01

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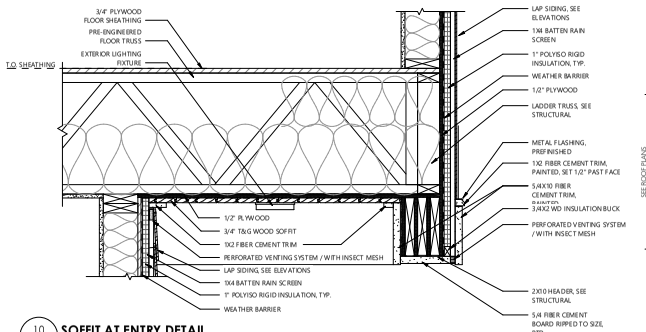
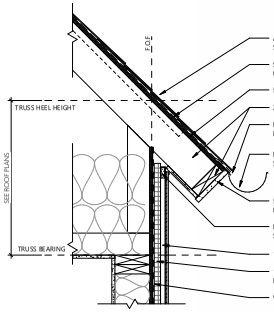
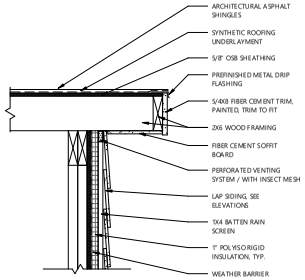


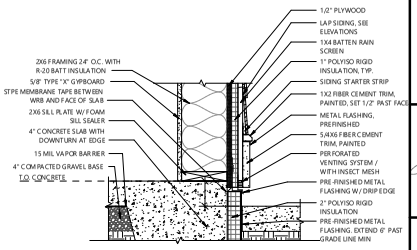
10 A31.00 **SOFFIT AT ENTRY DETAIL**
1 1/2" = 1'-0"



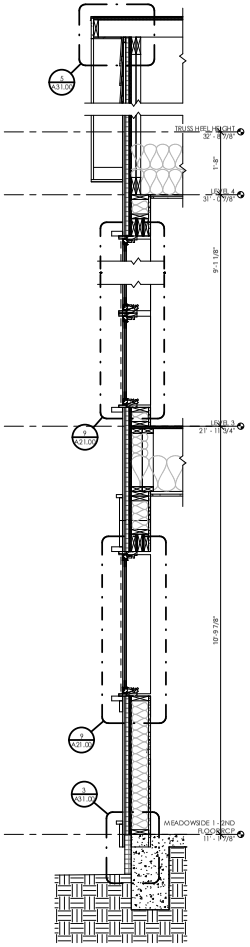
8 A31.00 **TYP. EAVE DETAIL**
1 1/2" = 1'-0"



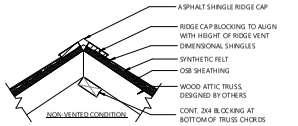
5 A31.00 **TYP. RAKE DETAIL**
1 1/2" = 1'-0"



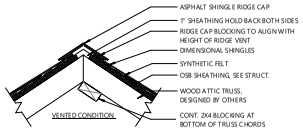
3 A31.00 **TYP. BASE OF WALL DETAIL**
1 1/2" = 1'-0"



9 A31.00 **WALL SECTION @ SIDE GABLE**
3/4" = 1'-0"

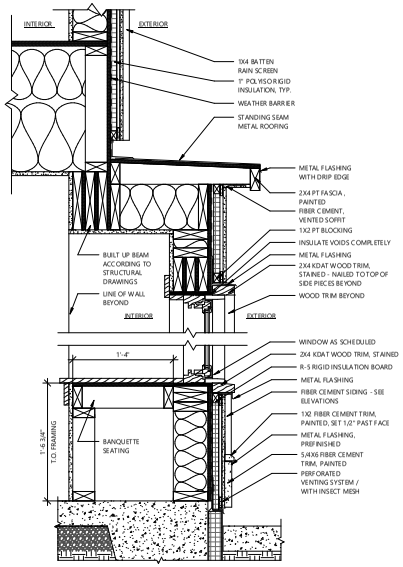


7b A31.00 **RIDGE VENT DETAILS - UNVENTED**
1 1/2" = 1'-0"



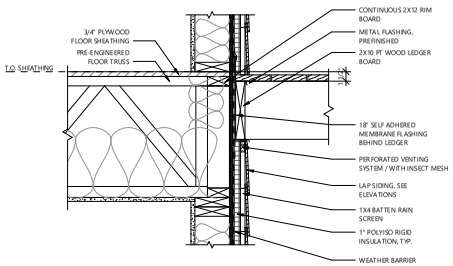
NOTE: 2'-0" FROM GABLE ENDS TO BE UNVENTED. PROVIDE BLOCKING TO ALIGN WITH HEIGHT OF RIDGE VENT. SEE ROOF PLANS.

7a A31.00 **RIDGE VENT DETAILS - VENTED**
1 1/2" = 1'-0"

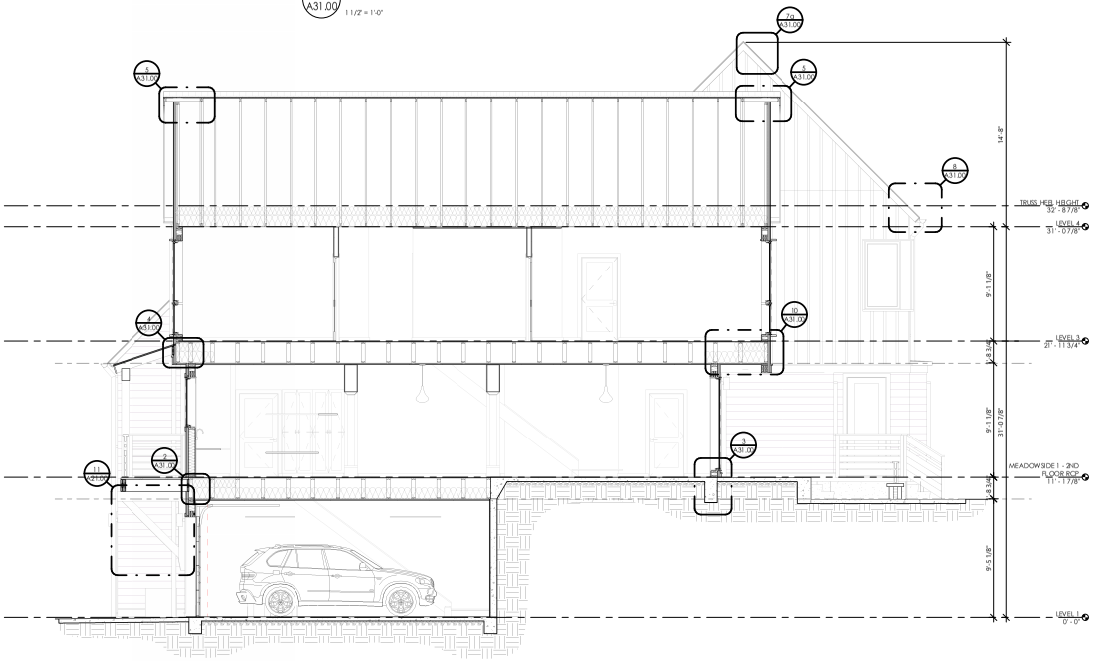


6 A31.00 **WALL SECTION @ BAY WINDOW**
1 1/2" = 1'-0"

4 A31.00 **PORCH ROOF TO WALL DETAIL**
1 1/2" = 1'-0"



2 A31.00 **PORCH LEDGER DETAIL**
1 1/2" = 1'-0"



1 A31.00 **BUILDING SECTION 1**
1/4" = 1'-0"

NEQUETTE ARCHITECTURE & DESIGN

REGISTERED LOUIS NEQUETTE BOARD STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG	
Permit Set	10/19/2024

MEADOWSIDE - BUILDING SECTIONS

A31.00

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Planning Commission
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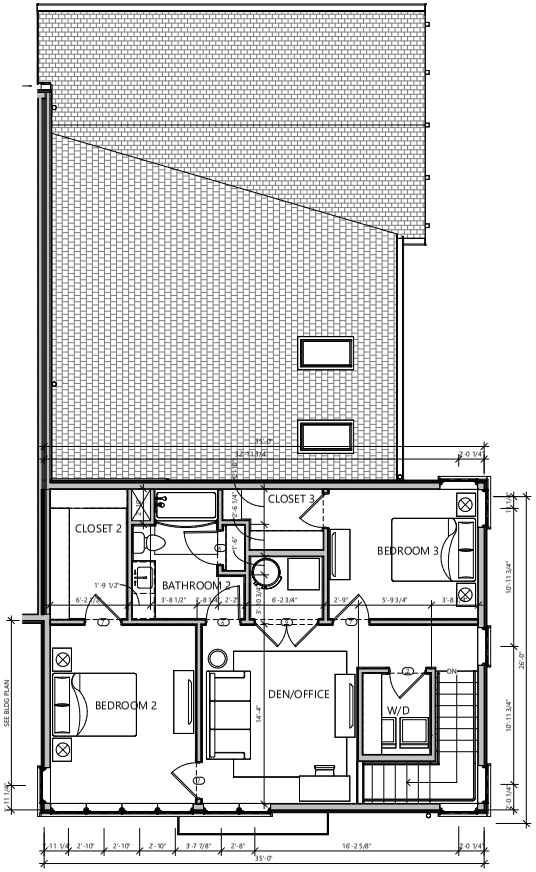
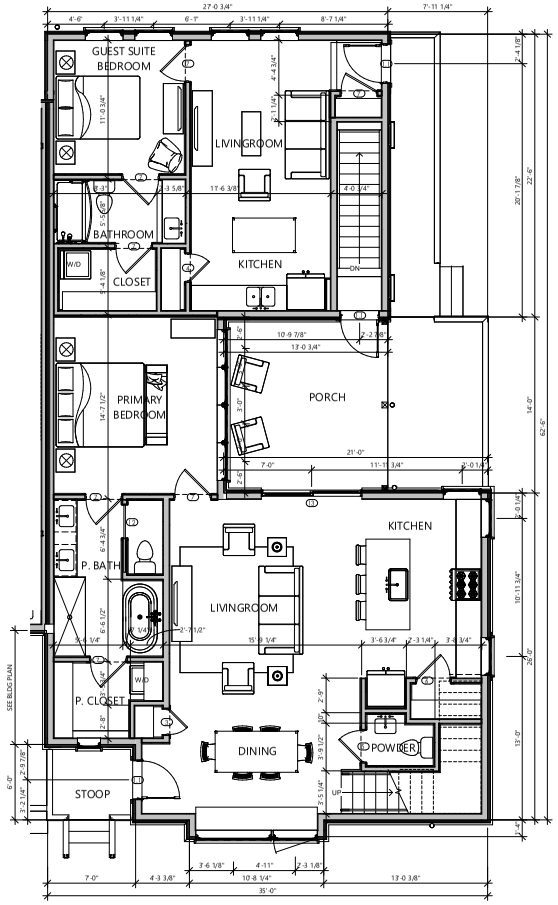
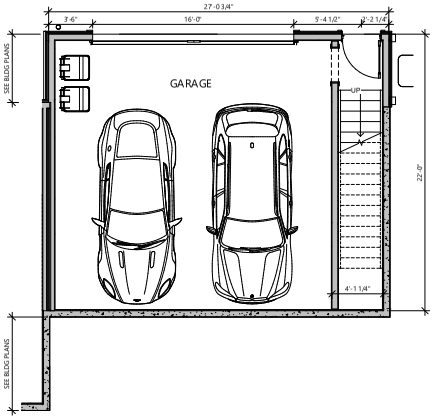


3 A41.10 **UNIT TYPE 1 - LEVEL 2**
1/4" = 1'-0"



2 A41.10 **UNIT TYPE 1 - LEVEL 1**
1/4" = 1'-0"



1 A41.10 **UNIT TYPE 1 - BASEMENT LEVEL**
1/4" = 1'-0"

NEQUETTE
ARCHITECTURE & DESIGN

REGISTERED ARCHITECT
LOUIS NEQUETTE
ARKANSAS
STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG	
Permit Set	10/20/2024

MEADOWSIDE
- UNIT TYPE 1

A41.10

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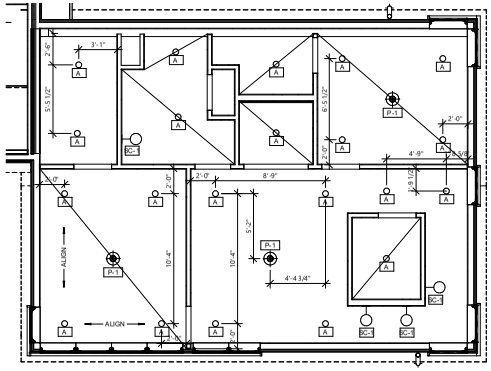
9'-0" A1 — CEILING HEIGHT / CEILING FINISH

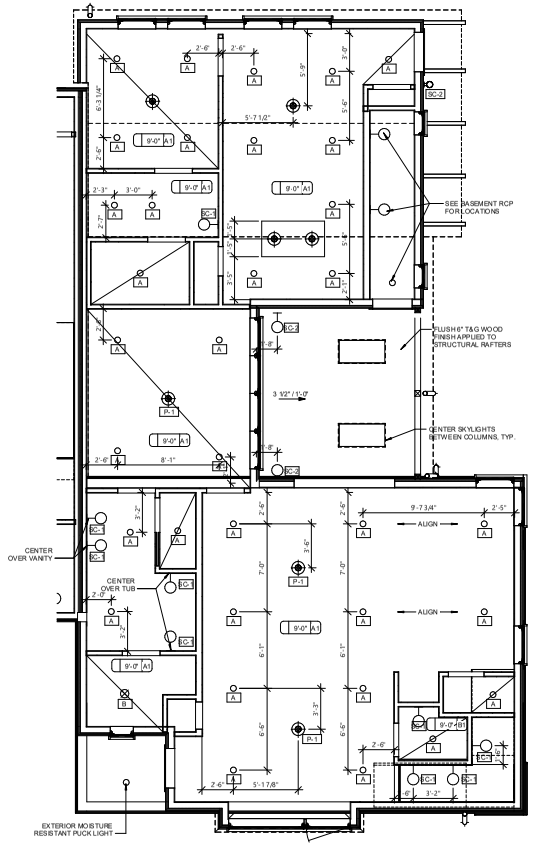
	FINISH
A1	PAINTED GYPSUM
B1	MOISTURE RESISTANT PAINTED GYPSUM

LIGHTING FIXTURES		
A	○	6" LED PUCK LIGHT
A-1	○	6" LED PUCK LIGHT, MOISTURE RESISTANT
B	⊗	12" DIFFUSE SPREAD LIGHTING
P-1	⊕	CEILING HUNG LIGHTING PENDANT
SC-1	⊢○	WALL MOUNTED SCONCE, MOUNTED AT 5'-6" TYP.
SC-2	⊢○	EXTERIOR WALL MOUNTED SCONCE, MOUNTED AT 5'-6" TYP.
E	▭	4' CEILING MOUNTED AREA LIGHT

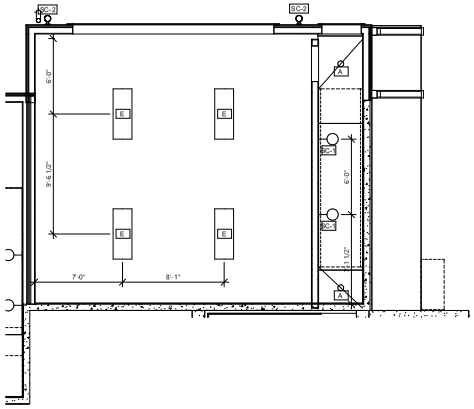
REFLECTED CEILING PLAN LEGEND



3 A41.11 **Level 2**
1/4" = 1'-0"



2 A41.11 **Level 1**
1/4" = 1'-0"



1 A41.11 **BASEMENT(1)**
1/4" = 1'-0"

NEQUETTE ARCHITECTURE & DESIGN

REGISTERED LOUIS NEQUETTE BRADLEY STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG	
Permit Set	10/20/2024

MEADOWSIDE - UNIT TYPE 1 REFLECTED CEILING PLANS

A41.11

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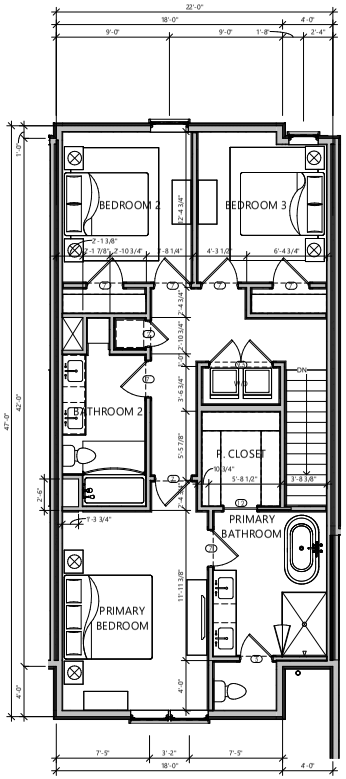
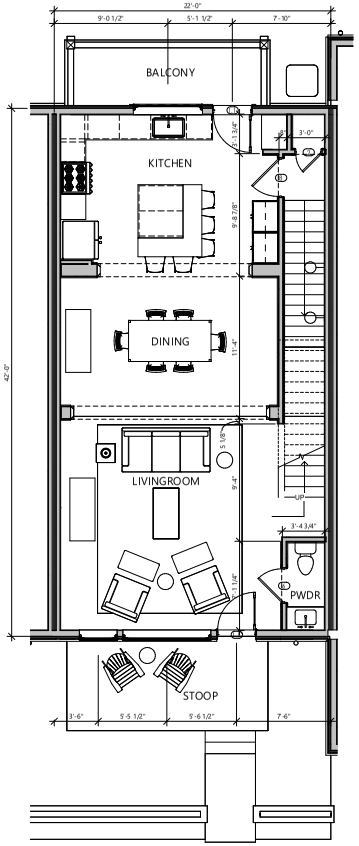


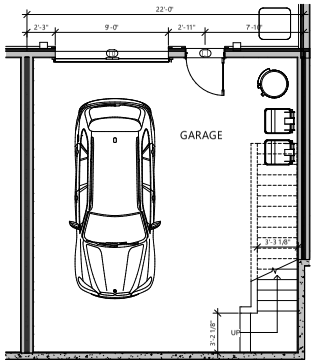
3 A41.20 **UNIT TYPE 2 - UNIT PLAN - LEVEL 3**

1/4" = 1'-0"



2 A41.20 **UNIT TYPE 2 - UNIT PLAN - LEVEL 2**

1/4" = 1'-0"



1 A41.20 **UNIT TYPE 2 - LEVEL 1**

1/4" = 1'-0"

NEQUETTE
ARCHITECTURE DESIGN

REGISTERED LOUIS NEQUETTE BROOKS STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG	
Permit Set	9/10/2024

MEADOWSIDE
- UNIT TYPE 2

A41.20

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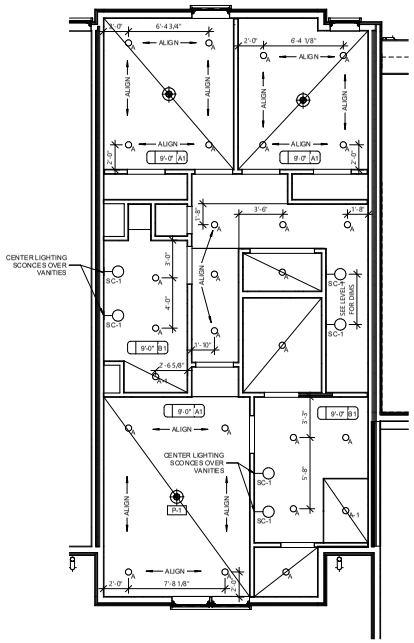
9'-0" A1 — CEILING HEIGHT / CEILING FINISH

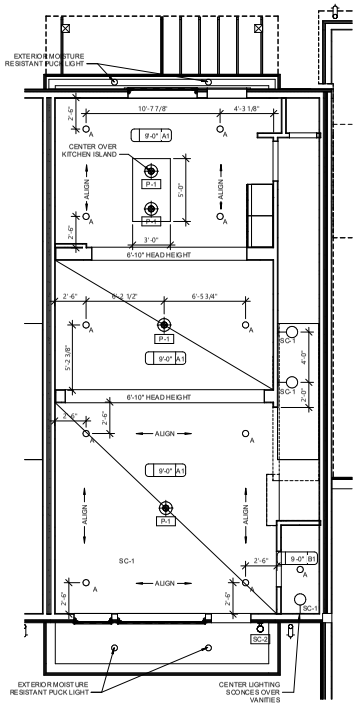
CEILING FINISH	
A1	PAINTED GYPSUM
B1	MOISTURE RESISTANT PAINTED GYPSUM

LIGHTING FIXTURES		
A	○	6" LED PUCK LIGHT
A-1	○	6" LED PUCK LIGHT, MOISTURE RESISTANT
B	⊠	12" DIFFUSE SPREAD LIGHTING
P-1	⊕	CEILING HUNG LIGHTING PENDANT
SC-1	⊢○	WALL MOUNTED SCONCE, MOUNTED AT 5'-6" TYP.
SC-2	⊢○	EXTERIOR WALL MOUNTED SCONCE, MOUNTED AT 5'-6" TYP.
E	▭	4' CEILING MOUNTED AREA LIGHT

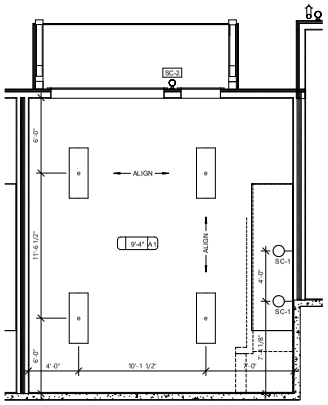
REFLECTED CEILING PLAN LEGENDS



3 A41.21 **Level 3**
1/4" = 1'-0"



2 A41.21 **Level 2**
1/4" = 1'-0"



1 A41.21 **Level 1**
1/4" = 1'-0"

NEQUETTE ARCHITECTURE & DESIGN

REGISTERED ARCHITECT LOUIS NEQUETTE III STATE OF ARKANSAS

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG

Permit Set	9/10/2024

MEADOWSIDE - UNIT TYPE 2 REFLECTED CEILING PLANS

A41.21

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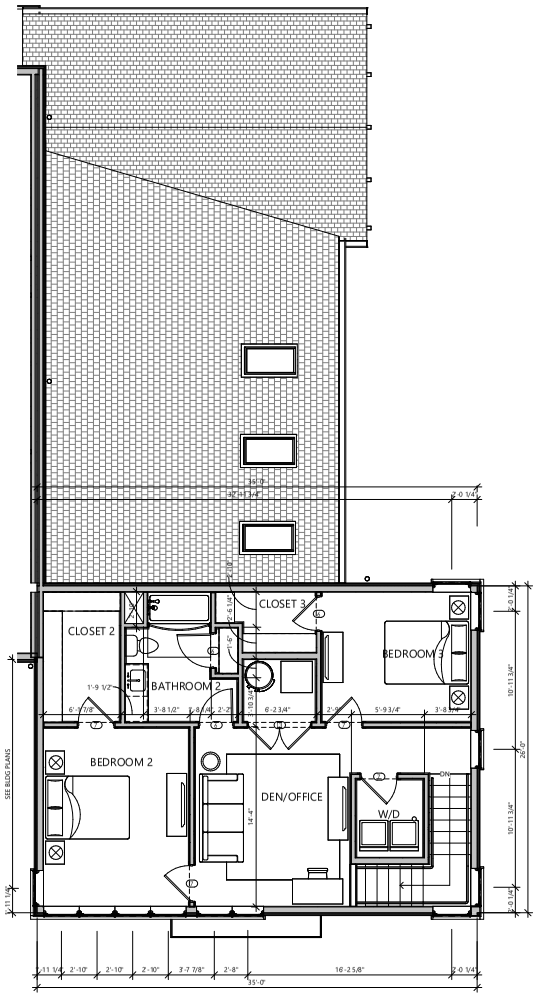
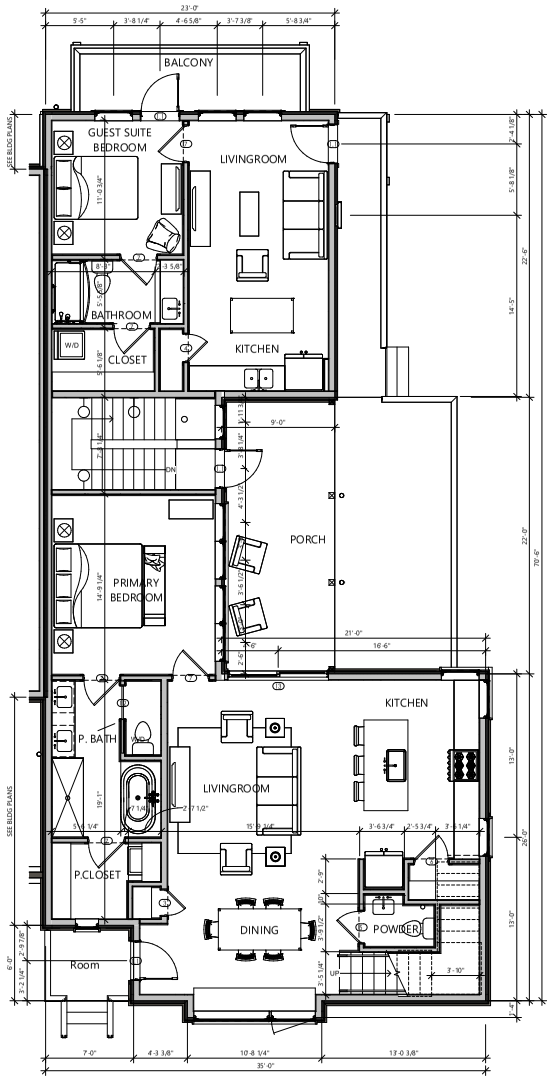
CUP-2025-0048 (MARKHAM HILL PH 2)

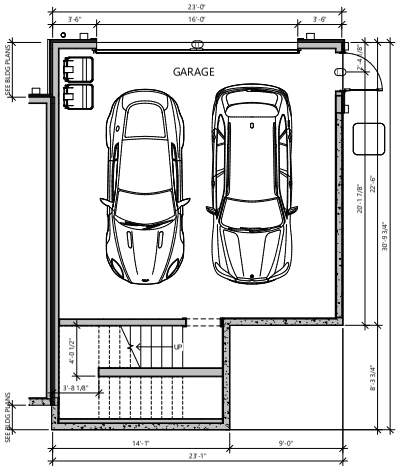
Planning Commission
October 27, 2025



3 A41.30 **UNIT TYPE 1 ALT - LEVEL 2**
1/4" = 1'-0"



2 A41.30 **UNIT TYPE 1 ALT - LEVEL 1**
1/4" = 1'-0"



1 A41.30 **UNIT TYPE 1 ALT - BASEMENT LEVEL**
1/4" = 1'-0"

NEQUETTE
ARCHITECTURE DESIGN

MARKHAM HILL TOWNHOMES | MEADOWSIDE

FAYETTEVILLE, AR.

NEQUETTE PROJECT NUMBER: 24027

DISTRIBUTION LOG	
Permit Set	10/20/2024

MEADOWSIDE
- UNIT TYPE 1
ALT

A41.30

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front elevation - south - markham road

side elevation - east

rear elevation - north

side elevation - west

materials:

1. cedar shake
2. board and batten
3. lap siding

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: October 27, 2025

SUBJECT: **RZN-2025-0047: Rezoning (2411 W. MEGAN DR./WEAVER, 402):** Submitted by GUANGYU ZHU-WEAVER for property located at 2411 W. MEGAN DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to rezone all the property to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0047** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0047** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is a corner lot located in central Fayetteville at the intersection of W. Megan Drive and N. Porter Road, approximately 0.3 of a mile south of the City's Public Safety Campus. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre and is developed with one single-family dwelling which Washington County records indicate was built in 1995. The subject property is located in the Qual Ridge subdivision which was originally platted in 1988. It does not lie within any of the City's overlay districts. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Church – Calvary Baptist Church & Multi-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre; RI-U, Residential Intermediate - Urban
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, 4 Units per Acre to RSF-8, Residential Single-Family, 8 Units per Acre.

Public Comment: Staff has received some inquiries about this request and a comment in opposition for the rezoning citing issues with local development.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along W. Megan Drive. W. Megan Drive is a fully improved Residential Link Street with asphalt paving, Sidewalk, Curb and Gutter. The subject area has a road frontage along North Porter Road. North Porter Road is a partially improved Residential Link Street with asphalt paving, open ditches and Sidewalk. 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. An existing 6-inch water main is present along W. Megan Drive. An existing 4-inch water main is present along N. Porter Road.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present along W. Megan Drive. An existing 6-inch sewer main is present along N. Porter Road. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 600 linear feet downstream of this property.

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

Fire: Station 8, located at 2266 W. Deane St., protects this site. The property is located approximately 0.4 miles from the fire station with an anticipated drive time of approximately 1.0 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, RSF-8, Residential Single-Family, 8 Units per Acre, requires **20% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

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

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

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

- Adequate Fire Response (Station 8, 2266 W. Deane St.)
- Near Water Main (6-inch main, W. Megan Drive; 4-inch main N. Porter Road)
- Near Sewer Main (6-inch main, W. Megan Drive; 6-inch main N. Porter Road)
- Near Public School (Asbell Elementary School)
- Near City Park (Friendship Park)
- Near Paved Trail (Porter Road and W. Lawson Shared Roadway)
- Near Razorback Bus Stop (Porter & Skyler; Porter & Lawson)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the proposed zoning of RSF-8, Residential Single-Family, 8 Units per Acre to be compatible with the surrounding mix of residential. All nearby properties located in this subdivision appear to adhere to the current lot width (70 feet) and setback standards of RSF-4. With the introduction of RSF-8 on the subject property, the neighborhood fabric would change, but not significantly. RSF-4 and RSF-8 have an identical use schedule, keeping with the dwelling character. There would be an increase to the maximum permitted density as RSF-8 has a reduced required lot width standards from 70 feet to 50 feet for single-family structures. Additionally, the minimum lot size would be reduced from 8,000 square feet to 5,000 square feet for single-family structures. The maximum percentage of lots that may be covered by a building would increase from 40% to 50% with no change in the permitted building height. As this is a corner lot with no rear property line, the side setbacks would remain the same at five feet; other setbacks would remain the same. A nearby property to the east across N. Porter Road has undergone development following up-zoning to allow for additional density. With this trend, a rezoning to RSF-8 would allow for additional development with lower requirements but while keeping with the single-family allowances and setbacks. Staff finds that the proposed rezoning is a modest increase in density and that this increase would not be out-of-character with the area.**

Land Use Plan Analysis: **Staff finds that a rezoning to RSF-8 for the subject property would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood. These areas are intended to support a wide variety of housing types in walkable urban neighborhoods. The by-right allowances of RSF-8 allow for housing with light commercial conditional uses. A rezoning to RSF-8 would align with City Plan 2040 goals 1 (infill), 3 (compact development), 6 (opportunities for attainable housing) while potentially placing an additional home within a ¼ mile distance of an existing school, as well as parks and trails. Additionally, the property has a moderate infill score of 7 which indicates that it is a suitable location for a slight increase of scale of development.**

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

Finding: **Staff finds that the proposed rezoning from RSF-4 to RSF-8 is justified. Rezoning to RSF-8 would allow for housing densities that are comparable to the existing development pattern in the area and which are consistent with the City's planning objectives and policies.**

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

Finding: **Staff finds that rezoning the property to RSF-8 has the potential to increase the traffic along W. Megan Drive and N. Porter Road. However, the size of the property and the modest scale of the increase density request will naturally limit the scale of any future development, thus capping that increase in traffic due to the rezoning.**

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

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

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

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

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

Finding: **N/A**

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0047 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: October 27, 2025	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
  - §161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

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

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.

161.09 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)

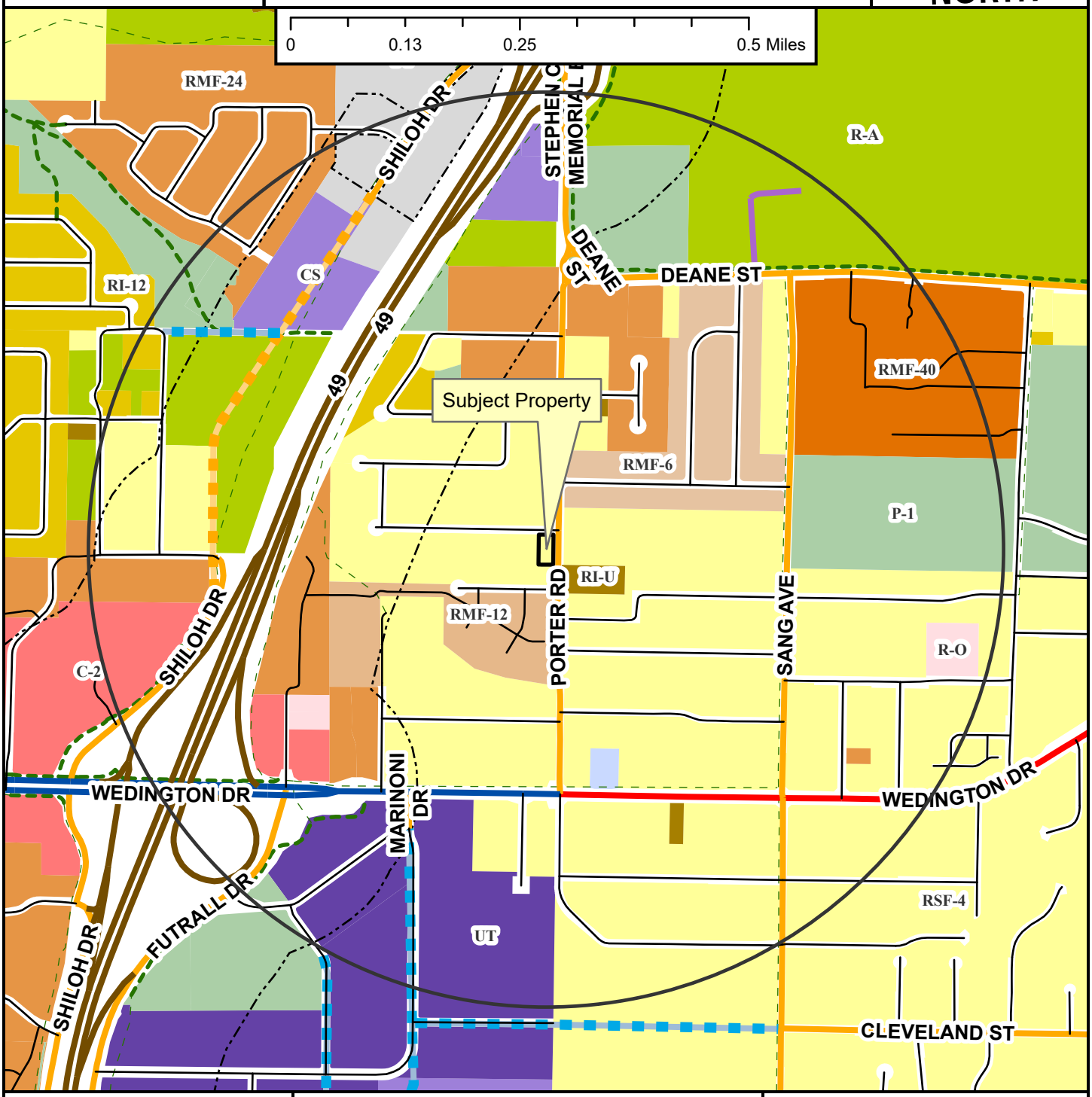
Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 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-2025-0047

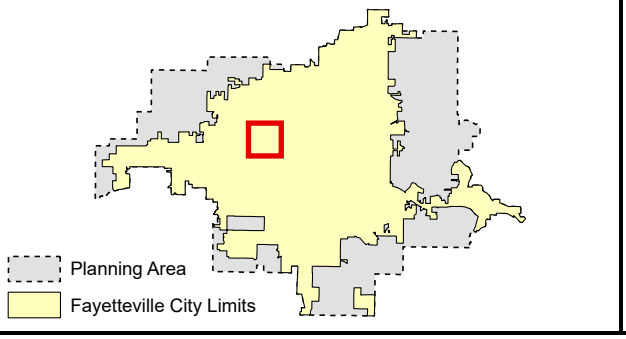
One Mile View

2411 W. MEGAN DR

NORTH



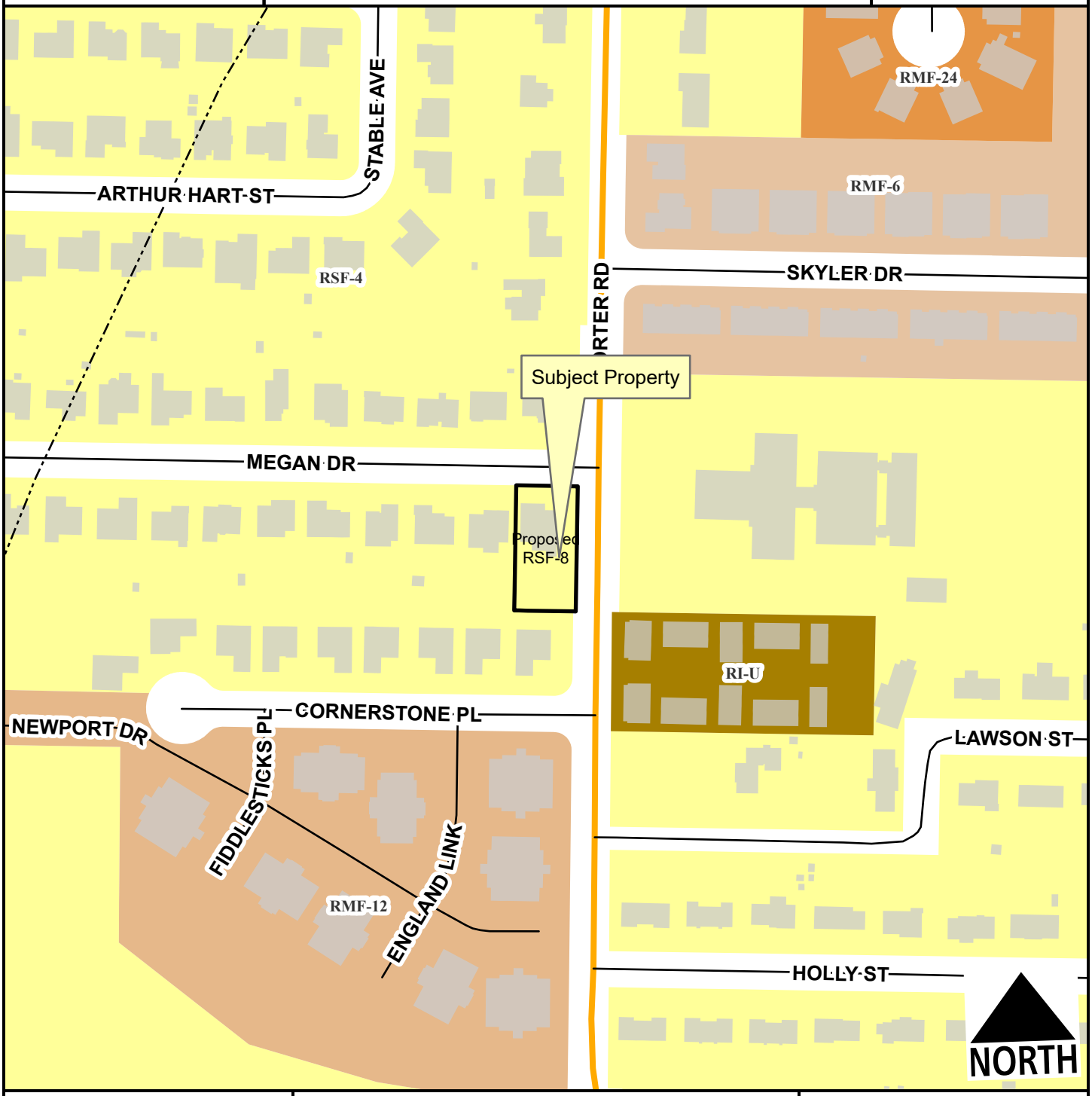
Regional Link
Neighborhood Link
Institutional Master Plan
Regional Link - High Activity
Freeway/Expressway
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Design Overlay District
Fayetteville City Limits
Planning Area



RZN-2025-0047

Close Up View

2411 W. MEGAN DR



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

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RSF-4	0.3	0.0
RSF-8	0.0	0.3
Total	**0.3 ac**	

RZN-2025-0047

Current Land Use

2411 W. MEGAN DR

NORTH

- 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

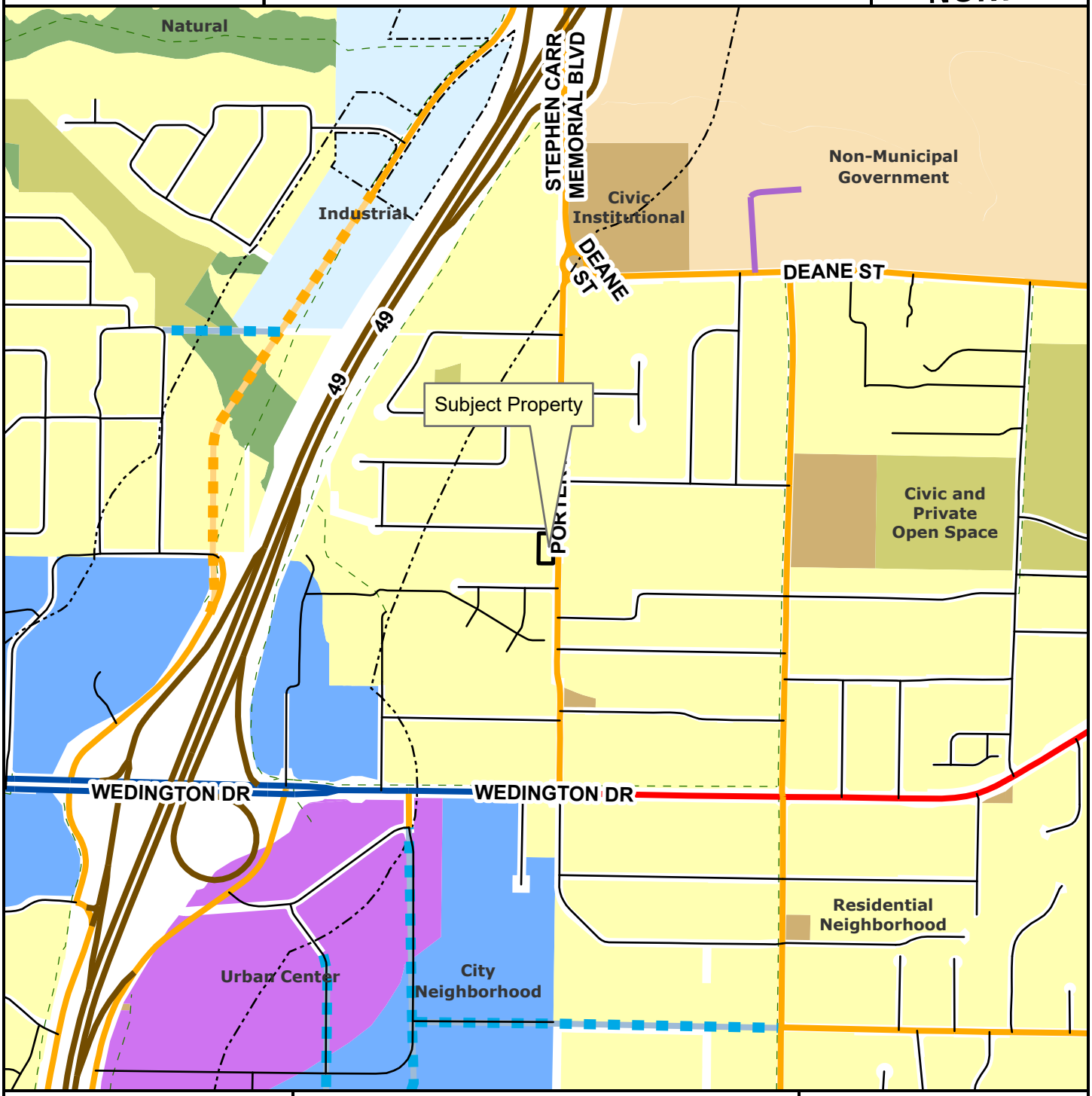
- 100-Year Floodplain
- Floodway

RZN-2025-0047

Future Land Use

2411 W. MEGAN DR

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

2411 W Megan Dr
Fayetteville, AR 72703

Subject: Rezoning Request for 2411 W Megan Dr – From RSF-4 to RSF-8

Dear Commissioners,

I respectfully request the rezoning of **2411 W Megan Dr, Fayetteville, AR 72703**, from RSF-4 (Residential Single-Family, 4 units/acre) to RSF-8 (Residential Single-Family - Eight (8) Units Per Acre). This rezoning supports the City's housing, transportation, and sustainability goals while aligning with City Plan 2040.

Key Reasons for Rezoning

Established Precedent
The subject property is located directly across from an RI-U zoning district (frontage along Porter Rd). In addition, RMF-12 zoning lies immediately southwest, and RMF-6 zoning lies just north along Skyler Dr. These nearby districts demonstrate a consistent development pattern that supports higher-density urban housing along Porter Road.

Appropriate Frontage & Access
The property has frontage with direct access to Porter Road, a designated collector street designed for higher-capacity, multimodal urban development.

Transportation & Compatibility
Porter Road is classified as a Neighborhood Link Street, intended to connect neighborhoods with arterials, support bicycle/pedestrian facilities, and accommodate urban-scaled housing. RSF-8 zoning is consistent with this classification and promotes walkable, connected neighborhoods.

Alignment with City Plan 2040
The request advances City Plan 2040's guiding principles by encouraging infill, supporting walkability, making efficient use of existing infrastructure, and reducing sprawl.

No Adverse Impacts
Infrastructure is in place, access is directly from collector street, and the building scale permitted under RSF-8 is compatible with nearby developments.

Housing Needs
Rezoning contributes to Fayetteville's housing diversity and affordability goals by enabling centrally located, attainable housing options in a growing corridor.

Conclusion

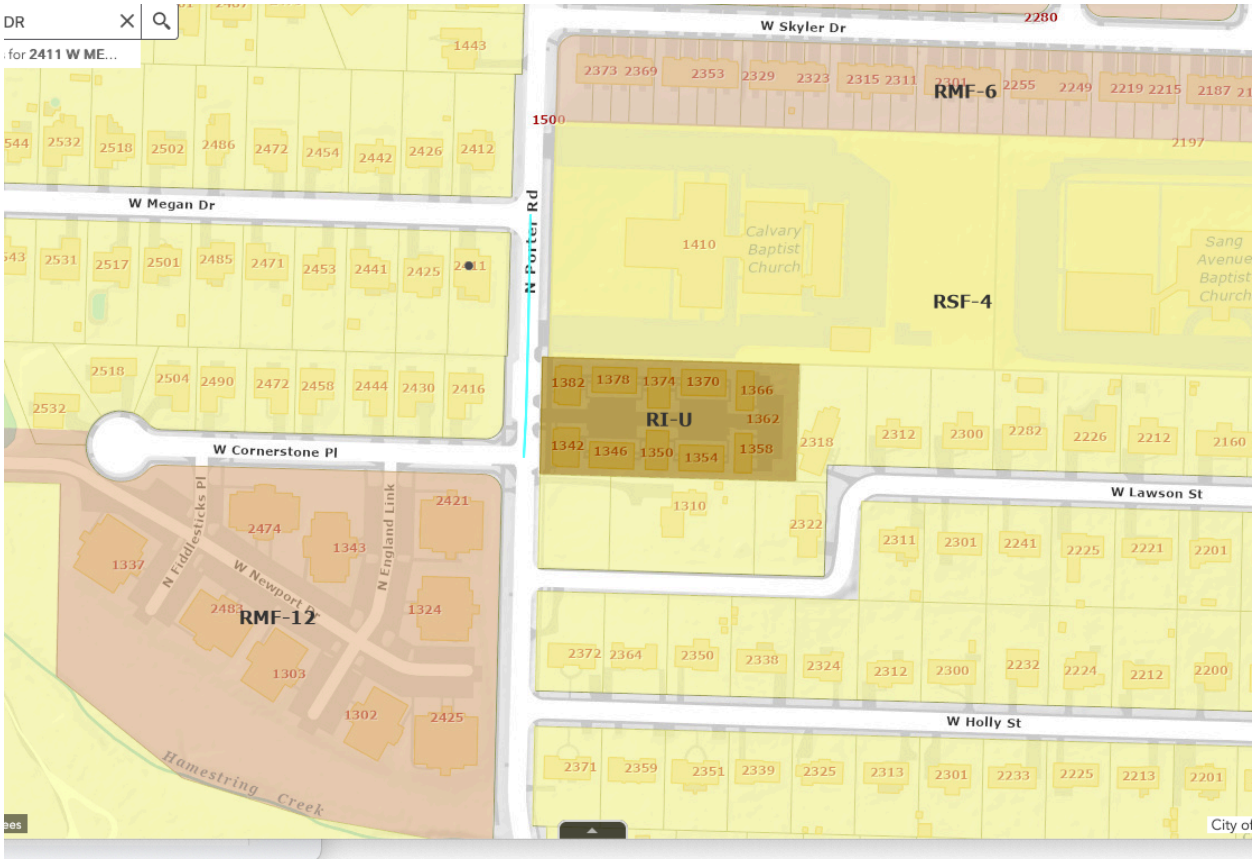
The proposed rezoning is consistent with adopted policy, corridor planning efforts, and nearby precedent. It introduces no adverse impacts, strengthens housing supply, and provides a compatible transition that supports Fayetteville's long-term growth vision.

I respectfully urge the Planning Commission to approve this request. Please let me know if any additional information or exhibits are needed.

Thank you for your time and consideration.

Sincerely,

Guangyu Zhu-Weaver



CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: October 27, 2025

SUBJECT: **RZN-2025-0048: Rezoning (N. MARKS MILL LN/RAMAY JR. HIGH SCHOOL, 368):** Submitted by CRAFTON TULL for property located SOUTH OF N. MARKS MILL LANE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and UC, URBAN CORRIDOR, and contains approximately 26.7 acres. The request is to rezone the property to P-1, INSTITUTIONAL.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0048** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0048** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in central Fayetteville, east of College Avenue and south of where N. Marks Mill Lane terminates. Totaling approximately 26.7 acres, the property is zoned RSF-4, Residential Single-Family, 4 Units per Acre and UC, Urban Corridor, and is within the Hillside/Hilltop Overlay District. The site is almost entirely covered with tree canopy and has an approximately 23% slope upward as the property moves eastward away from N. College Avenue. 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	UC, Urban Corridor; NC, Neighborhood Conservation
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Commercial	UC, Urban Corridor

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, 4 Units per Acre, and UC, Urban Corridor, to P-1, Institutional.

Public Comment: To date, staff has received public comment both in support of an opposition to this request. Those in support value the centralized location for a potential school. Those in opposition have major concerns with the environmental implications of building a school facility on a tree-covered hillside, including erosion, stormwater runoff, and removal of significant tree canopy and negative effects to wildlife. Opposition also reflects concerns about traffic patterns and adequacy of existing street networks.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has street frontage along North College Avenue. North College Avenue is an improved Regional Link – High Activity Street with asphalt paving, sidewalk, curb, and gutter. The subject area has street frontage along East Ash Street. East Ash Street is a partially improved Residential Link Street with asphalt paving and open ditches. The subject area has street frontage at the end of N. Marks Mill Lane, which is a partially improved Residential Link Street with asphalt paving and open areas at the end of the street. 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 8-inch water main is present along N. College Avenue. An existing 8-inch water main is present along E. Ash Street, and an existing 8-inch water main is present at the end of North Marks Mill Lane.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present along N. College Avenue. An existing 6-inch sewer main is present along E. Ash Street and along the East side of the subject property. An existing 8-inch sewer main is present at the end of N. Marks Mill Lane and along the North side of the subject property. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 6,500 linear feet downstream of this property.

Drainage: Portions of this site are located within the Hillside-Hilltop Overlay District. Portions of the site along N. College Avenue are also located within a FEMA floodplain, contain a protected stream and there are hydric soils present. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and tree preservation plans. 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 can 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 2, located at 138 W North St, protects this site. The property is located approximately 1.1 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. 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, requires **25% minimum canopy preservation.** RSF-4, Residential Single-Family, 4 Units per Acre requires **25% minimum canopy preservation** and UC, Urban Corridor requires **20% 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 **City Neighborhood and Residential Neighborhood Areas.**

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **5-9** for this site with a weighted score of **11**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #2, 138 W. North Street)

- Near Sewer Main (N. College Ave., Marks Mill Lane, E. Ash Street)
- Near Water Main (N. College Ave., Marks Mill Lane, E. Ash Street)
- Near Public School (Woodland Jr. High)
- Near City Park (Gregory Park)
- Near Paved Trail (Old Wire Sidepath Trail)
- Near ORT Bus Stop (N. College and Poplar)
- Appropriate Future Land Use (City Neighborhood, west side of site)
- Near 71B Corridor (Adjacent to N. College Avenue)

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. The property in question encompasses approximately 26 acres which fronts the 71-B Corridor to the west, and transitions into a residential neighborhood as it moves eastward. RSF-4 zoning allows for single-family residential uses where P-1 would allow for institutional uses such as schools, parks, and government facilities. More broadly, while the applicant intends to use this property for a public school, P-1 would be the appropriate zoning district to apply to this site if it were to be used for parks purposes, or other community-oriented uses such as hospitals or community centers. Under the current zoning allowances, the RSF-4 portion of the site could be built to an overall density of 4 units per acre, or up to 92 single-family dwelling units. The UC portion could be constructed with an unspecified density allowance and up to 8 stories in building height. The lot widths, areas, and building height requirements in P-1 are compatible as well. While RSF-4 has a maximum building height of 3 stories, P-1 allows for a maximum building height of 6 stories. Given the property's slope, a 6-story structure would likely need to be built into the hillside for structural reasons, so a 6-story building is not likely to overpower either N. College Avenue or the surrounding residential neighborhood. The City of Fayetteville's zoning code governs story height by building code requirements, which state that a story is measured having its finished floor surface entirely above grade plane.**

The Hillside Hilltop Overlay District also affects this property; this overlay is meant to protect development outcomes along hillsides by requiring additional tree preservation and engineered footings for structures to help avoid foundational issues in the future. Further, while the property is currently within a floodplain and there is a protected stream on site, these details are evaluated and reviewed for compliance at the time of development. Tree preservation requirements are also reviewed for at the time of development.

Land Use Plan Analysis: **Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040. 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 rather than the existing designation. Building schools, parks, and other facilities closely to residential areas promotes walkability and desirability for residents and families and aligns with the City's goals for infill. These anchor institutions can also be catalysts for other types of nearby, compatible development, as opposed to citing these facilities in peripheral areas. Given the City's recent initiative to rezone the 71-B Corridor to a zoning designation that allows for residential uses, staff finds that this location for a school or other institutional use could help promote the type of development goals that the City intends for the overall corridor.

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. 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 significantly worse than how the property could be developed under its current zoning entitlement. The property has access to three street frontages, which can help deconcentrate and diffuse traffic for development. It is worth noting that institutional uses, such as churches or schools, can have more concentrated traffic patterns than a residential district would, and any necessary street improvements to off-set those challenges would have to be borne by the developer.**

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, water, and street 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.**

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-2025-0048 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: October 27, 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
  - §161.36 Urban Corridor
  - §161.32 District P-1, Institutional
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter
- Long-Range Planning Memo
- Public Comment

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

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

(B) *Uses.*

(1) *Permitted Uses*.

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

(2) *Conditional Uses*.

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements*.

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	3 stories

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

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

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

161.36 Urban Corridor

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

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 10	Three- and Four-Family Dwellings
Unit 13	Eating places
Unit 14	Hotel, Motel, and Amusement Facilities
Unit 16	Shopping Goods
Unit 19	Commercial Recreation, Small Sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor Stores
Unit 40	Sidewalk Cafes
Unit 41	Accessory Dwellings
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 8	Single-Family Dwellings
Unit 9	Two-Family Dwellings
Unit 17	Transportation trades and services
Unit 18	Gasoline Service Stations and Drive-Thru Restaurants
Unit 20	Commercial Recreation, Large Sites
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 29	Dance Halls
Unit 32	Sexually Oriented Business
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-Storage Units
Unit 42	Clean Technologies
Unit 43	Animal Boarding and Training
Unit 44	Cluster Housing Development
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.* None.

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

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

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

(G) *Building Height Regulations.*

Building Height Maximum	8 stories

(Ord. No. 6793, § 1, 9-17-24; Ord. No. 6810, §1, 11-19-24; Ord. No. 6879, §2, 5-20-25)

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.

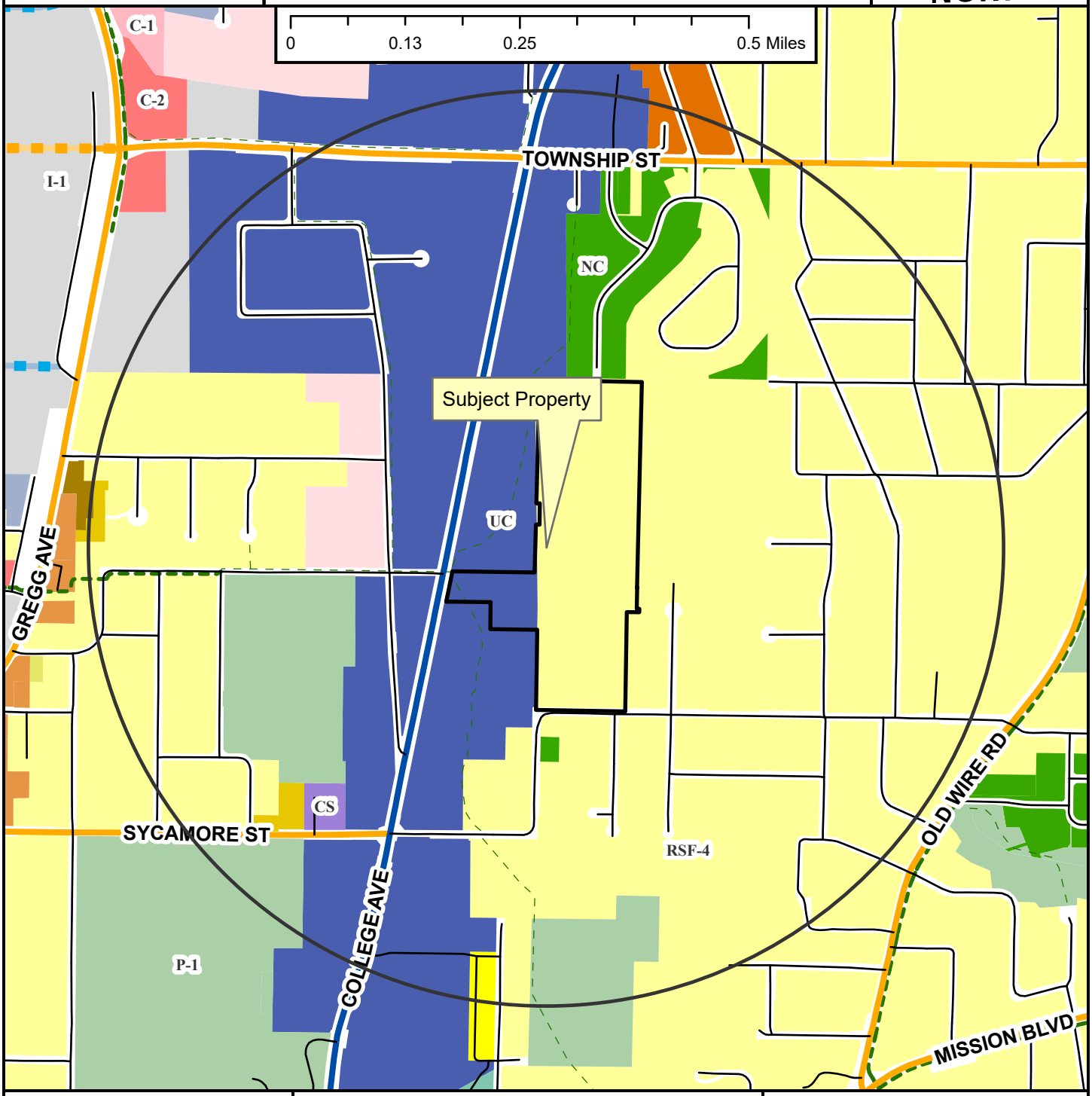
(Code 1965, App. A., Art. 5(XI); Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5073, 11-06-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 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-2025-0048

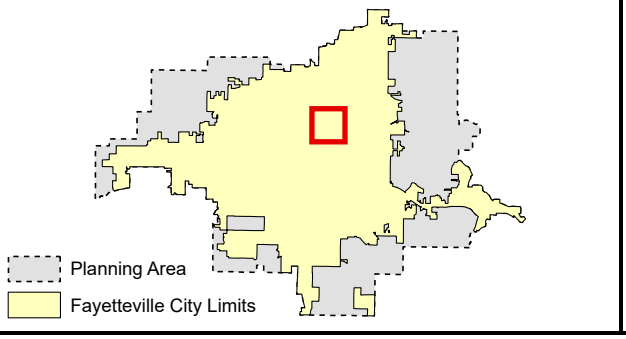
One Mile View

N. MARKS MILL LN

NORTH



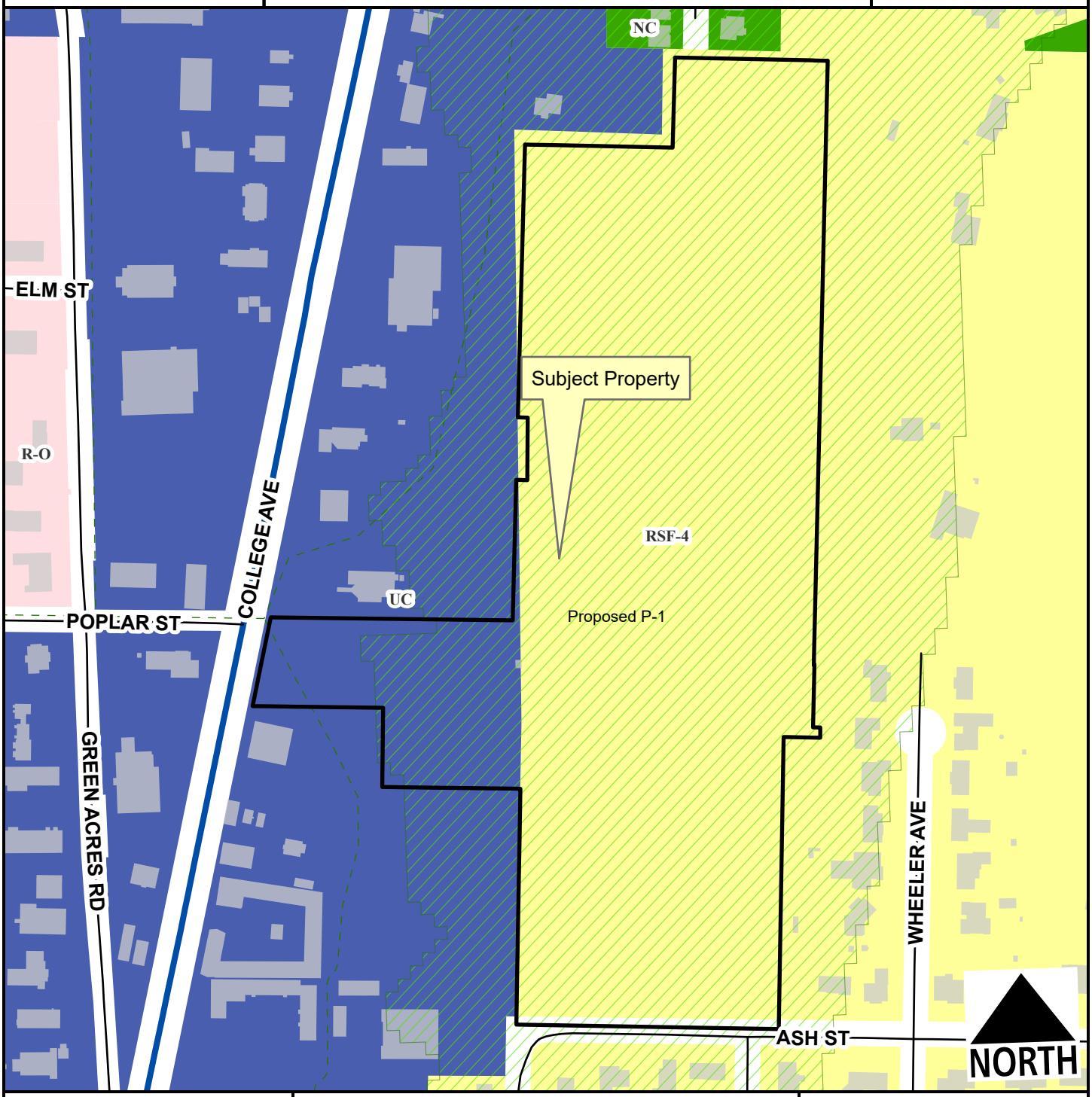
Neighborhood Link
Regional Link - High Activity
Unclassified
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



RZN-2025-0048

Close Up View

N. MARKS MILL LN



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

Feet

0 105 210 420 630 840

1:3,400

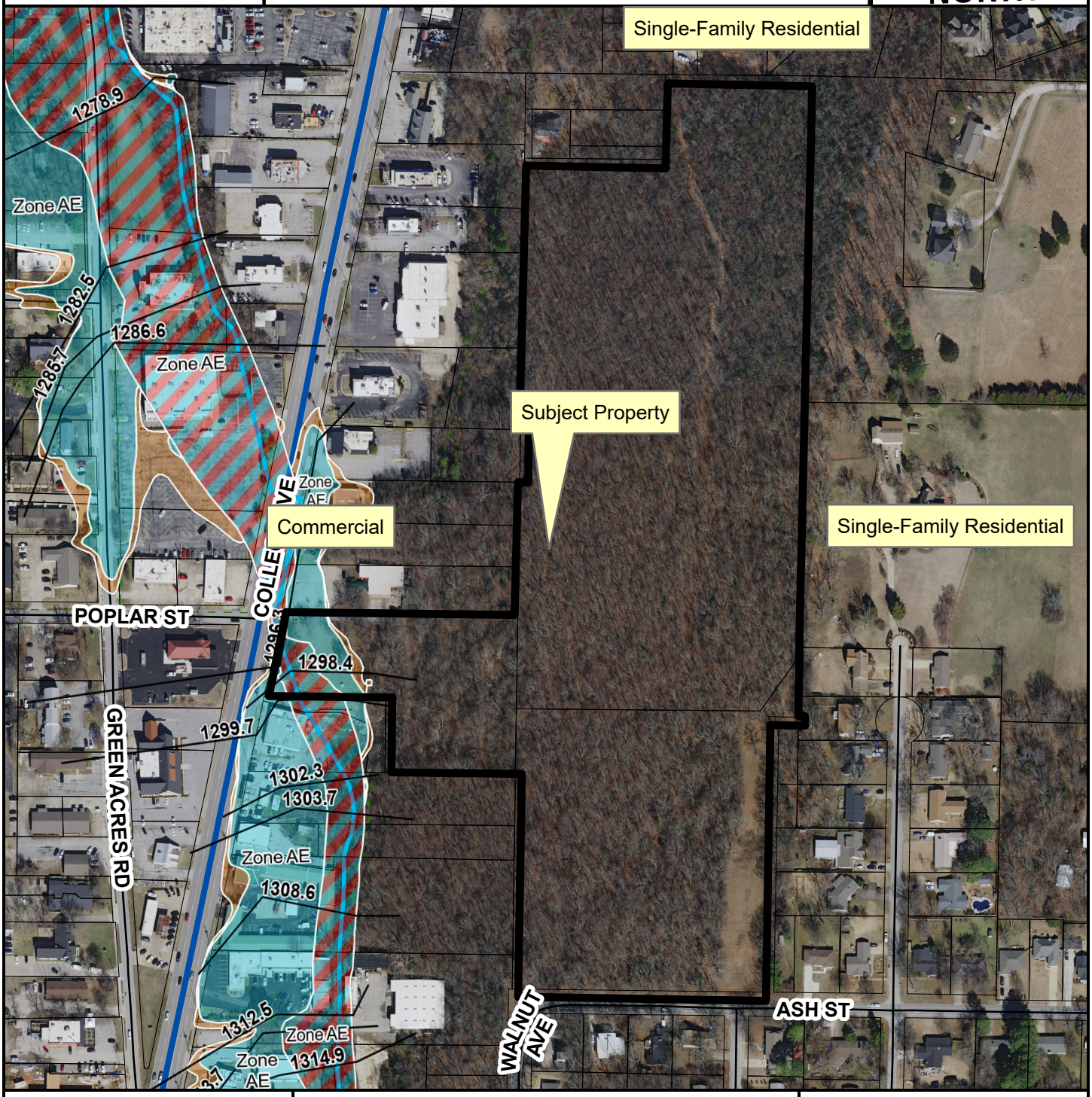
Zone	Current	Proposed
P-1	0.0	26.5
RSF-4	23.2	0.0
UC	3.1	0.0
Total	**26.5 ac**	

RZN-2025-0048

Current Land Use

N. MARKS MILL LN

NORTH



Regional Link - High Activity

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

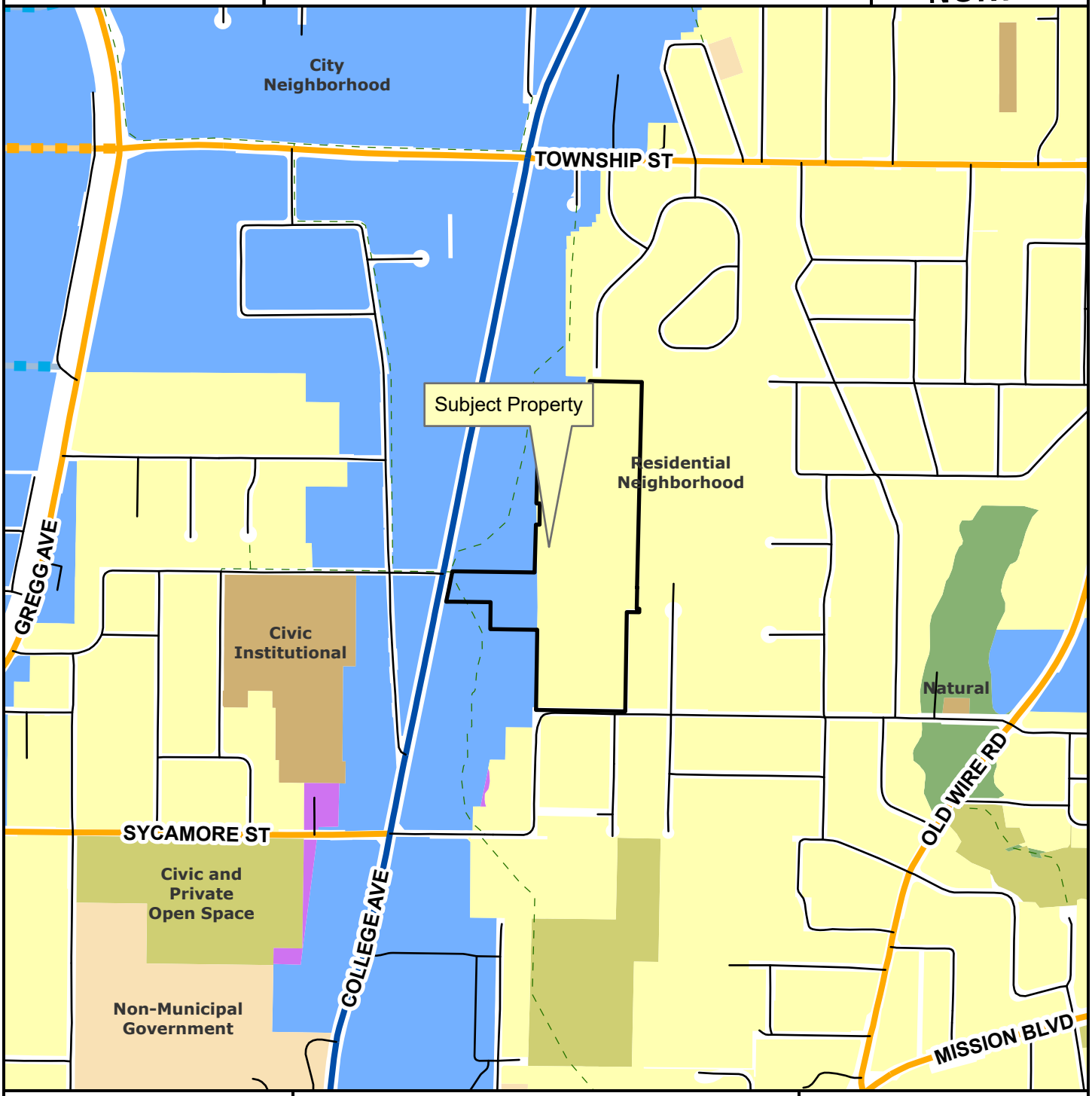
Floodway

RZN-2025-0048

Future Land Use

N. MARKS MILL LN

NORTH



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

Feet

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

1:10,000

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

Crafton Tull
architecture | engineering | surveying

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

September 17th, 2025

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

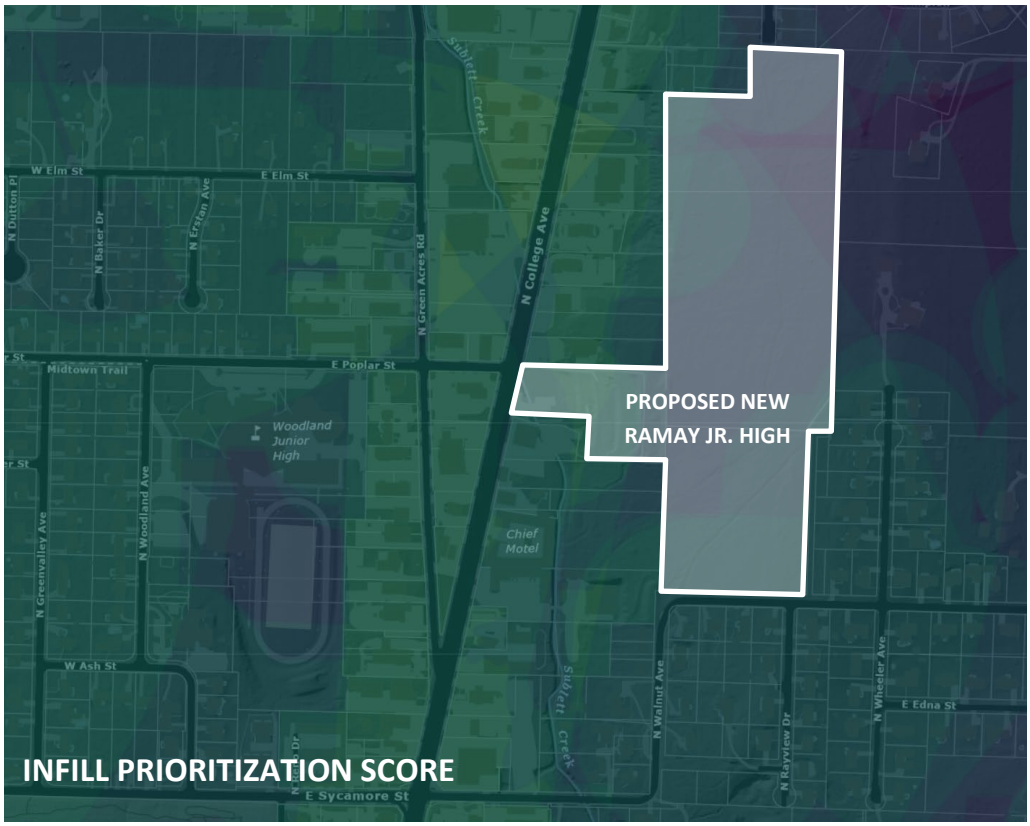
Re: Rezoning Request for Parcels 765-13438-000, 765-13436-001, and 765-13516-001
Attn: Planning Staff

Dear Ms. Masters,

On behalf of our client, Fayetteville School District # 1, we are submitting the attached application to rezone the above-refenced parcels from RSF-4 and UC to P-1. These are parcel numbers 765-13438-000, 765-13436-001, and 765-13516-001.

The intent of rezoning these parcels is to accommodate public institutions. Fayetteville Public Schools (FPS) seeks to proactively update its system-wide feeder patterns for improved student experience and greater facility parity between schools across the district. This approach also supports the following City Plan 2040 goals:

- 3.1 Make appropriate infill and revitalization our highest priorities.
    - Cost savings of utility and road infrastructure that already exists in the core of the city.
        - All utility infrastructure is readily available to the site.
        - Infill prioritzation score ranges from 3-9 across the site, averaging around 6 for the entire site.



300 North College, Suite 317
Fayetteville, AR 72701
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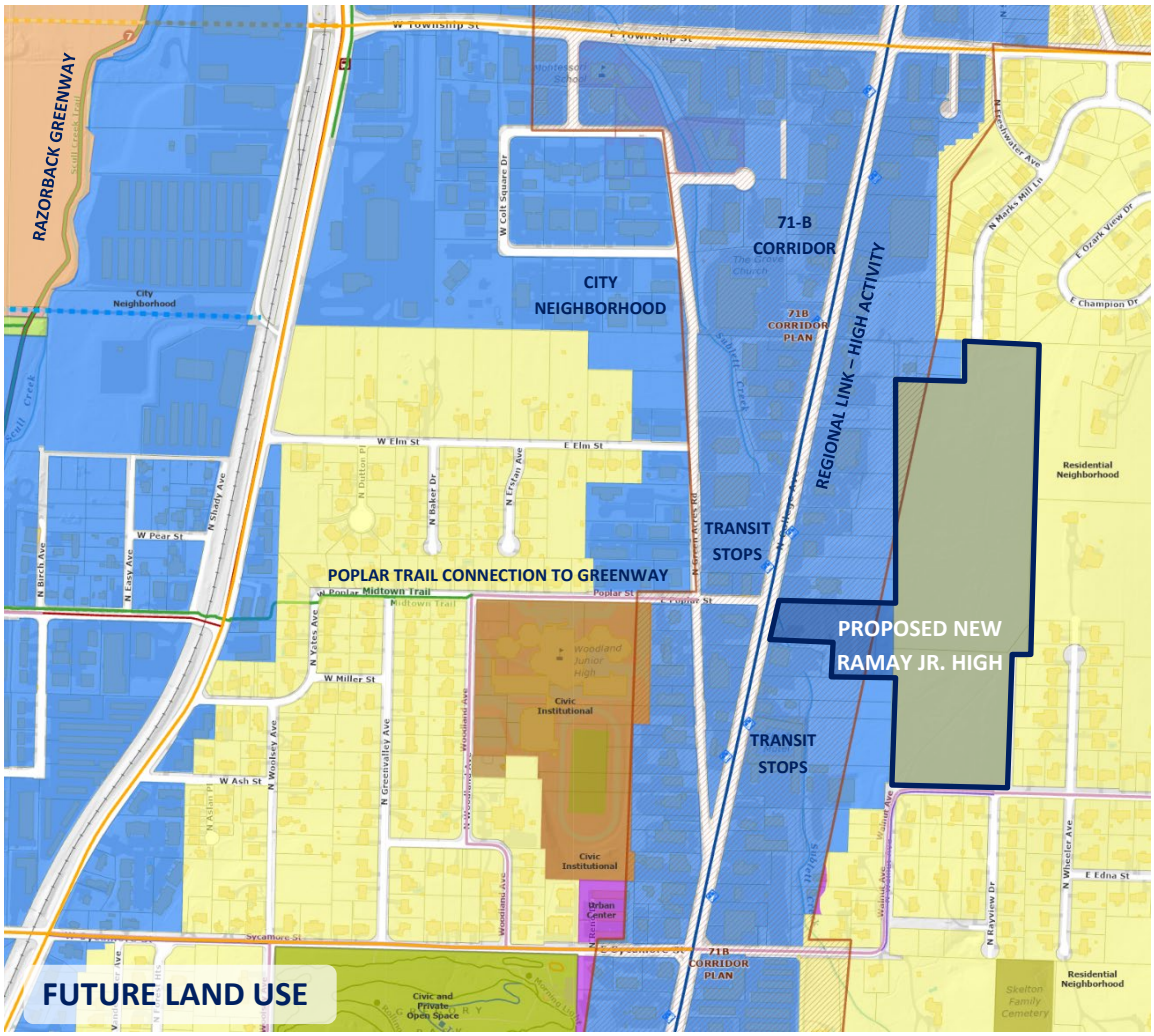
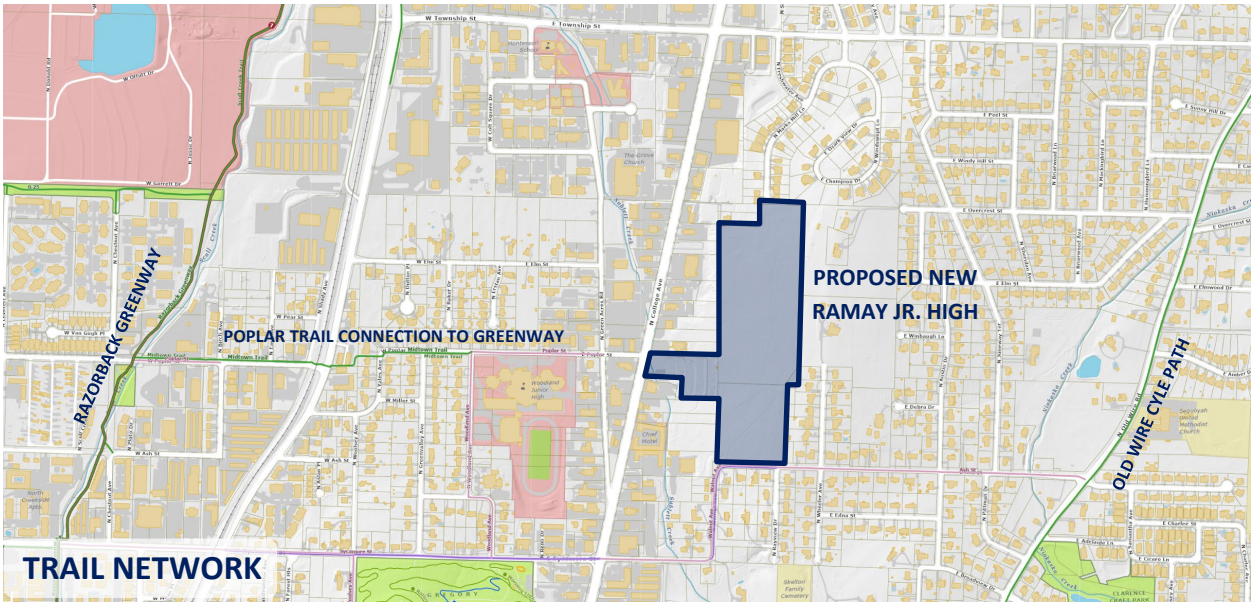
- Promote the densest development around logical future transit stops.
  - Site entry sits on College Avenue, a High Activity Regional Link, with multiple nearby existing Ozark Regional Transit stops.
  - Supports the City's Future Land Use Plan by activating the 71-B Corridor and proposed City Neighborhood running north-south through central Fayetteville.

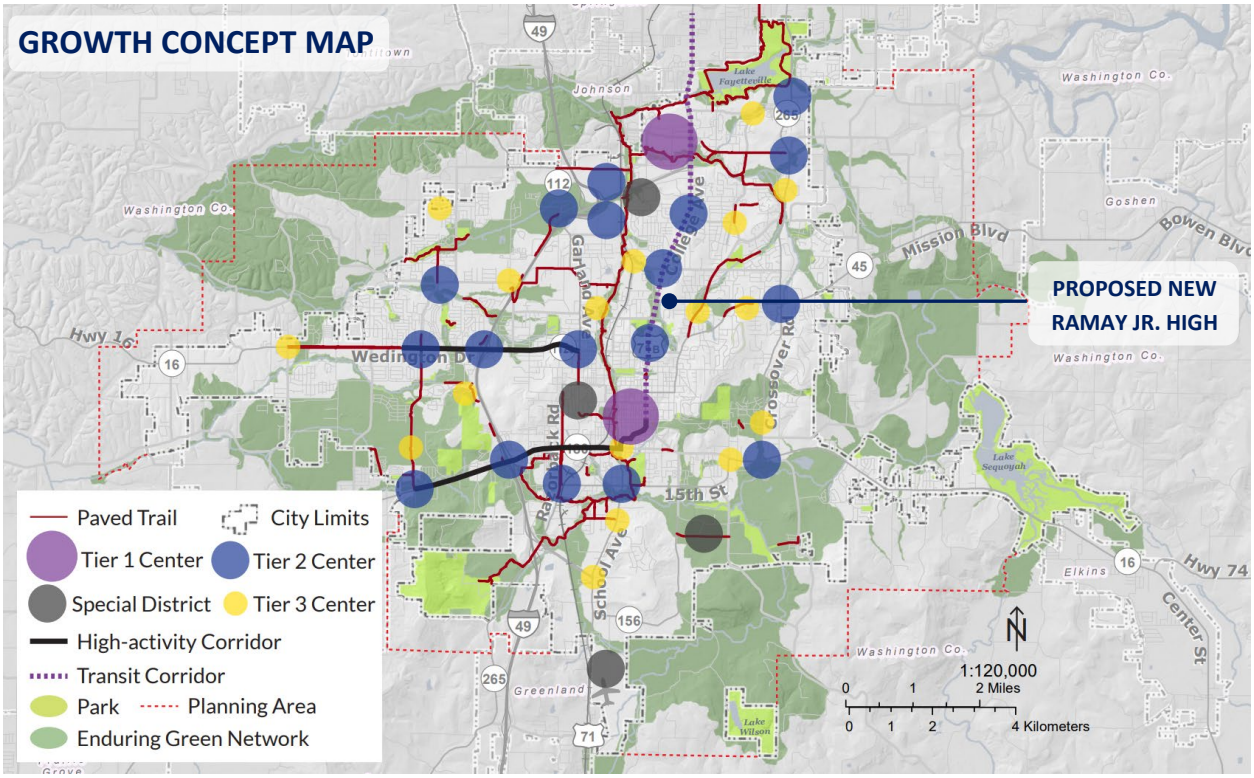


- 3.2 Discourage suburban sprawl.
  - Direct capital improvements that encourage and support infill and revitalization.
    - A school encourages the City's desired community character along College Avenue and reduces car travel
- 3.3 Make traditional town form the standard.
  - Prepare a transit-worthy community.
    - Locating cultural institutions that are visited daily, like a Junior High School, on this transit-served corridor further develops College Avenue as a multimodal community thoroughfare.
  - Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space.
    - The school's placement at the eastern termination of Poplar Avenue, especially with its future planned trail extension, expands the "economic development

catalyst…in mid-town around Poplar Street"[1] of the Greenway and City trail network.



- The school's position as a mid-point node between two planned Tier 2 centers will act as an anchor institution for redevelopment along 71-B and promote an active, mixed use community main street.



[1] Fayetteville City Plan 2040, p.32.

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Fayetteville, AR 72701
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craftontull.com

- Aggregate employment into mixed-use centers with amenities.
  - The school's need for faculty and staff will create valuable employment opportunities in Fayetteville's central corridor.
- 3.4 We will grow a livable transportation network.
  - Community design should precede and outrank traffic planning.
    - Locating schools near neighborhoods and active transportation networks makes it possible for students and staff to have shorter car trips or use alternative transportation options. More importantly, it connects the school to residential and commercial areas in a way that makes it a part of the community fabric.

P-1 zoning will serve as a transitional zone between the commercial UC zoning to the west and the residential zoning to the east. This change in land use aligns with the City's Climate Action Plan by reducing car miles traveled[2] and the 71-B Corridor Plan that encourages mixed-uses along College Avenue and a multimodal transportation network. The plan notes that "Poplar is the most direct and comfortable route from the Midtown segment of College to the Razorback Greenway."[3]

Rezoning these centrally located parcels to P-1 supports the district's educational and community goals while furthering the City's planning goals.

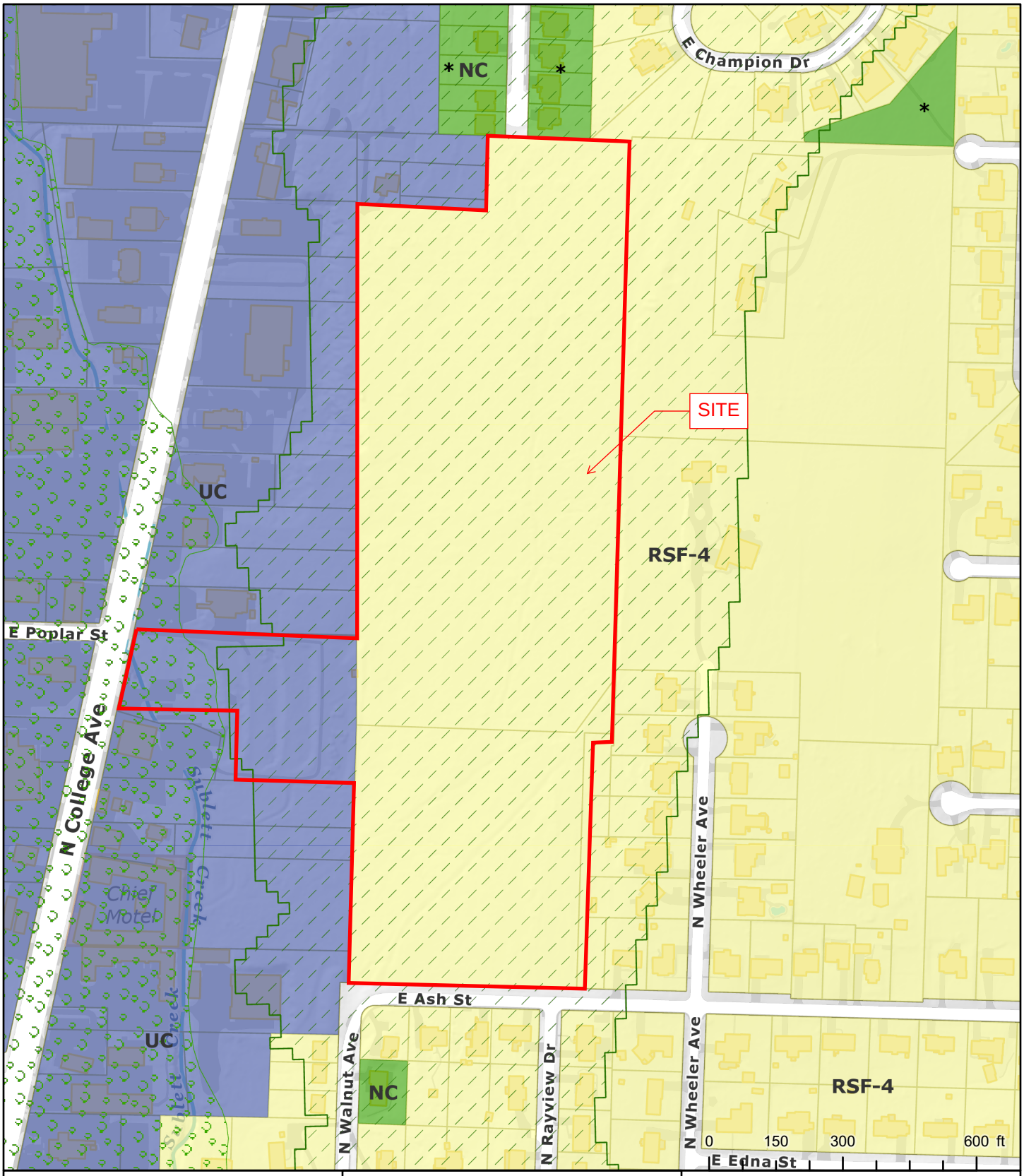
Thank you for your consideration in this matter. If you have any questions or concerns, please contact Steve Flickinger (FPS) at steve.flickinger@fayar.net or 479-444-3098 or Wes Burgess (Crafton Tull) at wes.burgess@craftontull.com or 479-636-4838.

Sincerely,

Trent R. Woessner

Trent Woessner, P.E.
Civil Project Engineer
Crafton Tull & Associates, Inc.

[2] Ashlea Milborn, via E. McKinnon. (2025, 31 Aug). "Officials: Due dili gence done for Ramay site." NWA Democrat Gazette. https://edition.nwaonline.com/article/286495804335963.
[3] 71-B Corridor Master Plan, p.82.



Hillside/Hilltop Overlay District

Enduring Green Network

NC

RSF-4

UC

Site Exhibit for Ramay Rezone

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: 9/12/2025
Credits: City of Fayetteville, AR
Map Author:

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessica Masters, Planning Director

THRU: Britin Bostick, Long Range Planning/Special Projects Manager

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 27, 2025

SUBJECT: **Long Range Planning Comments Regarding RZN-2025-0048**

BACKGROUND:
The applicant, Crafton Tull on behalf of Fayetteville Public Schools, requests to rezone approximately 26.7 acres from RSF-4, Residential Single-Family, 4 Units Per Acre and UC, Urban Corridor to P-1, Institutional. *City Plan 2040* and the *71B Corridor Plan* are both relevant when evaluating this request. The *Climate Action Plan* and its predecessor, the *Energy Action Plan*, are also applicable.

City Plan 2040 (2020):
City Plan 2040 includes several relevant plan goals and objectives:

- Goal 1 – We will make appropriate infill and revitalization our highest priority.
    - 3.1.2 – Recognize the benefits and cost savings of utility and road infrastructure that already exists in the core of the city… (p.23)
    - 3.1.3 – Convert shopping centers and commercial corridors to mixed-use centers by adding residences, offices and lodging (p.23)
    - 3.1.4 – Promote the densest development around logical future transit stops (p.24)
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
    - 3.3.3 Increase the viability of businesses by leveraging the economic performance of appealing environments that are mixed-use, walkable, and integrated with green space (p. 32)
    - 3.4.9 Expand and interconnect the sidewalk and trail system at the neighborhood, citywide, and regional levels (p. 39)
- Goal 5 – We will assemble an enduring green network.
    - 3.5.2 Strategically plan for and acquire land that can be incorporated into the Enduring Green Network (p. 41)
    - 3.5.3 Promote conservation easements and alternative development patterns that encourage efficient use of land (p. 41)

On its adoption in early 2020, *City Plan 2040* carried forward goals from prior comprehensive plans and organized them into six primary goals. The goals were meant to focus the City's efforts on appropriate infill that furthers a variety of transportation options, supports the creation of affordable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl". Increasing density within the existing city limits and limiting the annexation of additional land has therefore been the lens through which a multitude

of decisions have been made over the last five plus, and that increase in density includes more than just residential development. While *City Plan 2040* does not address school sites or campus planning with a great degree of detail, it does offer goals to balance in the consideration of development requests, particularly rezonings, or changes to the city's land use patterns.

71B Corridor Plan:
The *71B Corridor Plan* does not directly address either future public school sites or the development of large institutional sites along or adjacent to the corridor, and instead focuses primarily on transportation, housing, and retail frameworks. The plan does include discussion of and preference for mixed use development. It also points to the creation of transportation nodes, alternative transportation routes, and the need to create housing opportunities along the corridor that support transit options. The subject property is largely outside of the corridor study area, which focused on properties abutting or on streets connecting to College Avenue. The plan does also contemplate green space interspersed with development in response to the *Energy Action Plan* adopted in 2018. The *71B Corridor Plan* states, "This does not imply that existing buildings should never be replaced. Free-standing commercial buildings built during an earlier period can be very inefficient, and the plan also proposes replacement and redevelopment of inefficient or uneconomic buildings with new development at higher density and, under current city codes, higher efficiency."[1] Other significant plan recommendations and illustrations include redesigning parking lots to increase efficiency and reduce impermeable area, rethinking intersections and interchanges to reduce pavement and introduce a variety of functional green spaces from neighborhood squares, accessible large-scale spaces at the Fulbright interchange, and greenways along trails and drainage corridors. All of these create important opportunities for both stormwater management and increasing tree cover. The plan's street design guides for 71B and associated streets also envision extensive use of street trees and landscaping." Page 120 of the *71B Corridor Plan* also states an *Energy Action Plan* goal to "Achieve 40% tree canopy coverage by 2030" with the goal stated above as a direct response to the tree canopy percentage identified.

The plan continues to offer a statement in support of reducing vehicle miles traveled, a component of greenhouse gas emissions, "The vision of corridor urbanism ultimately is to show a practical way to achieve mixed use urban corridors that uses the land use inefficiency inherent in commercial strips as a resource to build quality living environments, placing residents within easy walking or biking distance from the goods, services, and attractions offered by these corridors. If achieved, this concept reduces the number of short- and medium-distance auto trips that people now make by default."[2]

In 2024, City Council rezoned sections of the 71B Corridor area from a mixture of primarily commercial-only zoning to UC, Urban Corridor which facilitates a mixture of commercial and residential uses and implements several objectives outlined in the *71B Corridor Plan*. Much of the property subject to this request was outside of the area identified for rezoning to UC, but the area directly abutting College Avenue was rezoned as part of the larger initiative. A rezoning to facilitate institutional uses on the periphery of the 71B Corridor may further advance these goals and objectives, including the development of new residential uses along the corridor.

DISCUSSION:
Historic Landscape:
Much discussion about the historic landscape and role of natural resource conservation in Fayetteville has emerged via this request. Although the presence of a 20+ acre stand of trees

[1] *71B Corridor Plan*, 120.
[2] *71B Corridor Plan*, 121.

near the center of the city may present an image of a pristine forest, historical accounts suggest otherwise. In fact, historical accounts remark that the first white settlers to Fayetteville weren't met with pristine forests, but hills "bare of timber, and… covered with a luxuriant growth of grasses, which afforded excellent pasturage for buffaloes and other herbivorous animals." [3] As the area became increasingly settled and farmed, natural occurrences like fire that maintained the prairie were controlled, stands of trees were planted or seeds were spread naturally, and the area became increasingly forested. Well into the late-nineteenth century, the landscape of Fayetteville looked very different than it does today, with significantly less tree canopy, more open pasture, and, of course, fewer buildings.

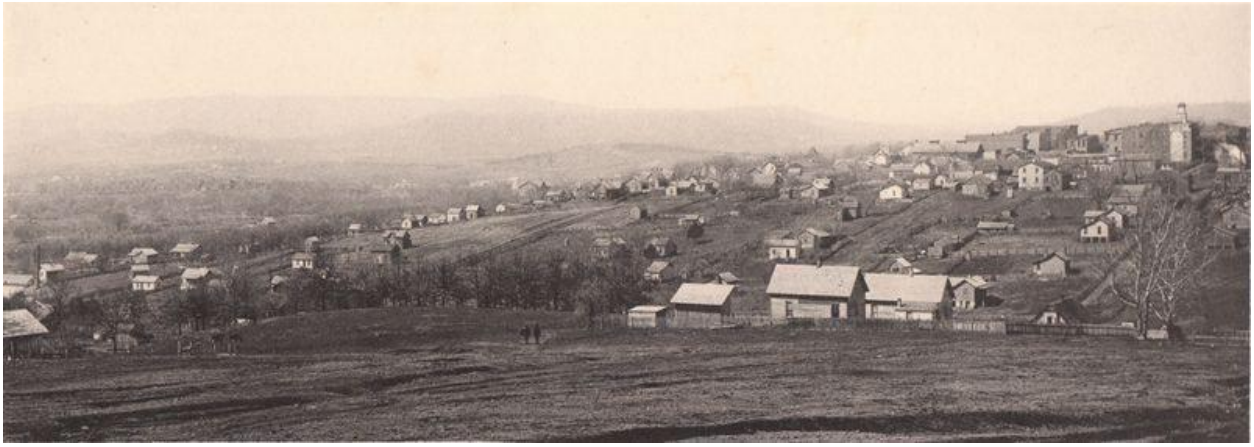


Figure 1. View to the southwest from Mount Sequoyah, ca. 1890.

By the mid-twentieth century, Fayetteville's landscape had evolved to something that would be nearly unrecognizable to those who came before. As cars became cheaper and more available, the landscape of cities changed dramatically, including Fayetteville, particularly along State Highway 71/College Avenue. Development along the corridor was increasingly auto oriented with large parking lots, increasing width, and uses that catered to regional rather than neighborhood needs. The subject property, at least the portion directly adjacent to College Ave., has a history as the former location of a residence and several businesses including Cliff's Dairy Mart, a miniature golf course, and the Cliffside Trailer Park between approximately 1950 and 1990.[4]

Especially as the city experiences increasing development, maintaining a healthy urban forest is a priority for Fayetteville's residents. As outlined in the *71B Corridor Plan* and former

[3] Goodspeed, *History of Benton, Washington, Carroll, Madison, Crawford, Franklin, and Sebastian Counties, Arkansas, County* (Chicago: The Goodspeed Publishing Company: 1889), 149. https://www.google.com/books/edition/History_of_Benton_Washington_Carroll_Mad/zFW0FccemgAC?hl=en&gbpv=1, accessed October 20, 2025.

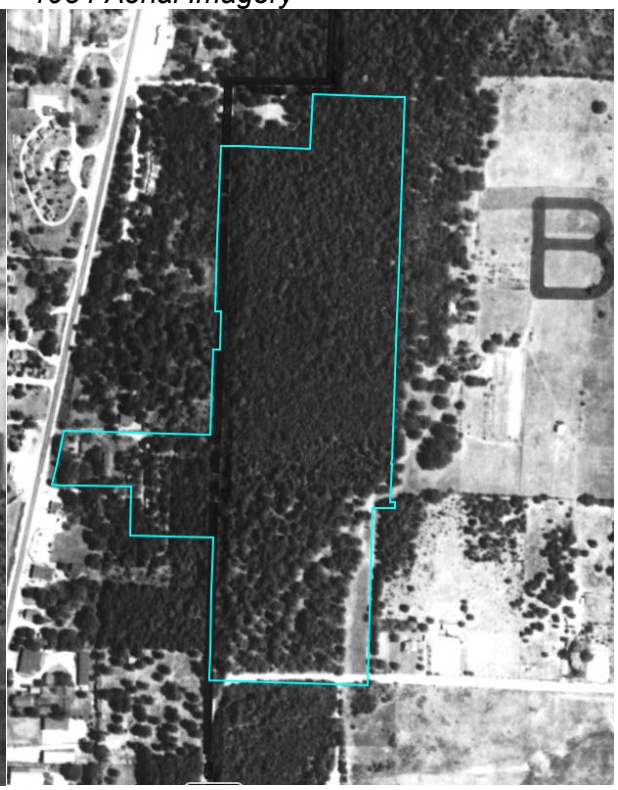
[4] Anthony J. Wappel and Dennis L. Garrison, *On the Avenue: An Illustrated History of Fayetteville's US Highway 71B*, (Fayetteville, AR: Anthony J. Wappel, 2015), 231.

Energy Action Plan, later replaced by the *Climate Action Plan*, there is a goal for 40% tree canopy citywide by 2030. According to *Urban Forestry Management Plan* this number was at 39.4% in 2019.[5] Strategic parkland acquisition, annexation, private conservation efforts (land trusts), and development requirements have contributed to ensuring that Fayetteville's urban forest areas are part of our future. Standards for developments require that parkland dedication, tree canopy preservation, and mitigation of lost trees are evaluated during the development process, which helps advance climate and urban forestry goals as development occurs.

The following series of aerial images illustrate the subject property's evolution from 1941 to 2025. The photos show a dynamic landscape that includes sparse areas of canopy cover, a mobile home/RV park, and evidence of convenience or social trails through the site.

1941 Aerial Imagery

1954 Aerial Imagery



[5] *71B Corridor Plan*, 120. *Urban Forestry Management Plan*, 9.

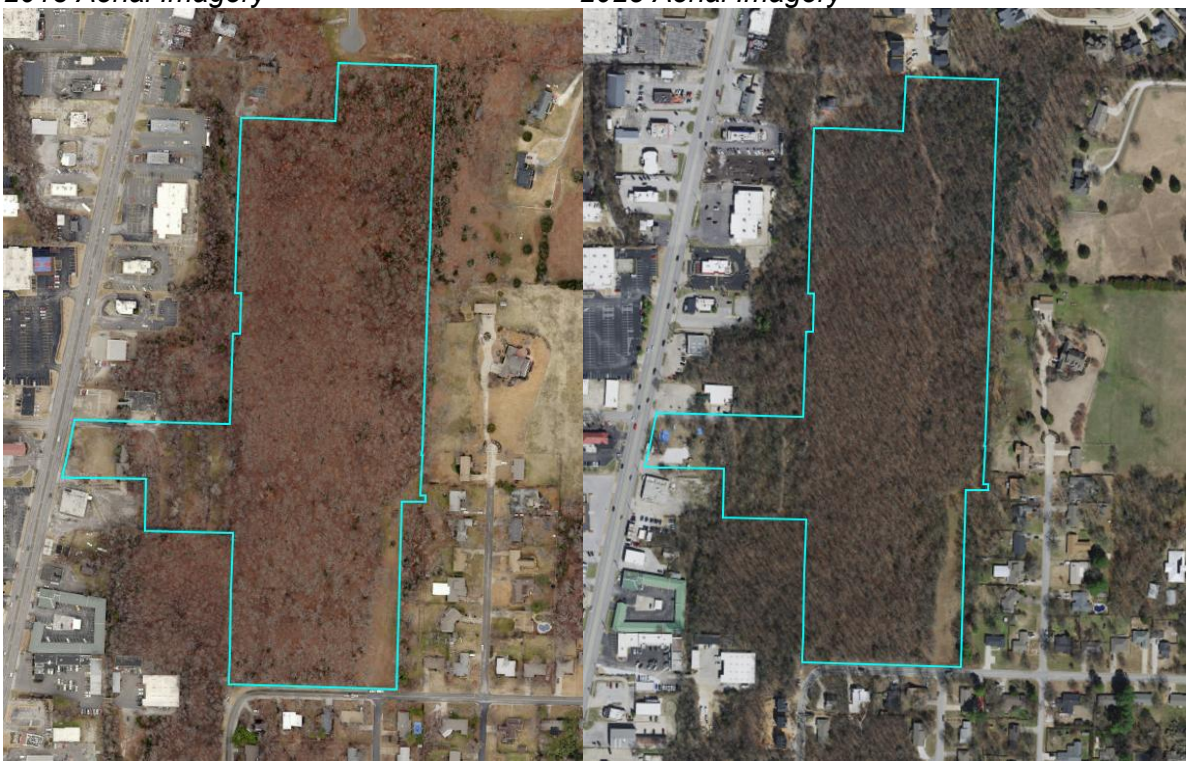
1965 Aerial Imagery

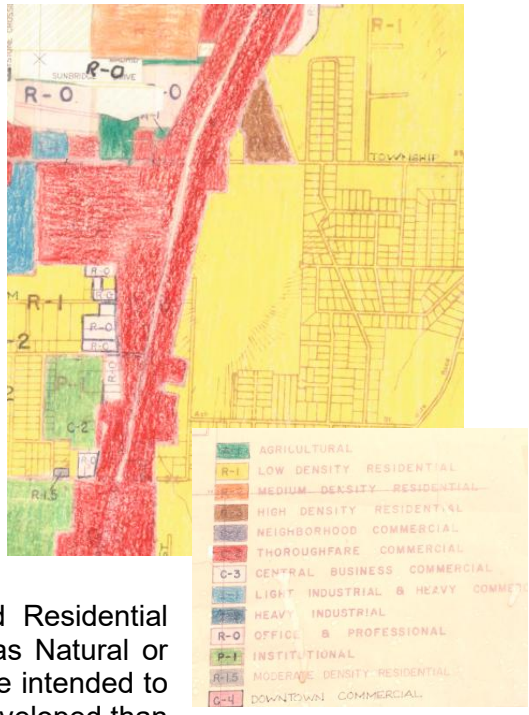
1978 Aerial Imagery

1994 Aerial Imagery

2003 Aerial Imagery

2013 Aerial Imagery *2025 Aerial Imagery*





Zoning History:
In June 1970, City Council adopted the first "modern" zoning map of Fayetteville. Since that time, the subject area has been designated for low-density single-family development. This zoning designation was consistent for decades, including through the updates to the General Plan in the early 2000s and the new zoning map adopted in 2003. This zoning map had been amended hundreds of times over the preceding thirty-three years, and at any point ecologically sensitive areas or areas identified for conservation could be set aside, typically by changing to R-A designation (as it was the de-facto conservation and parks district for many years). Since the subject properties were privately owned until August 2024[6] and no requests to downzone the property were filed, the City did not initiate this process.

City Plan 2040 and Future Land Use Plan:
This area is designated as both City Neighborhood and Residential Neighborhood areas, and there are no areas designated as Natural or Civic and Private Open Space. City Neighborhood areas are intended to serve the residents of Fayetteville and are "more densely developed than residential neighborhood areas and provide a mix of non-residential uses." Residential Neighborhood areas are primarily residential in nature but emphasizes using "principles of

[6] One parcel (765-13436-001) is still under private ownership according to Washington County Assessor records as of October 21, 2025.

traditional residential urban design to create compatible, livable and accessible neighborhoods."[7] A critical component of livable and accessible neighborhoods are vital public services like schools, childcare, and small businesses that support those living in the area. Further, when these services are supported by existing infrastructure like water, sewer, streets, and trails it reduces costs to developers and taxpayers. Prioritizing creating complete and connected neighborhoods in areas where infrastructure already exists provides better outcomes for citizens, reduces dependency on vehicles via alternative transit options, minimizes public investment in infrastructure costs, and supports Goals 1, 2, 3, and 4 of *City Plan 2040*.

As discussed above, the subject area has not been identified for land conservation. This includes on the Enduring Green Network Map. The map was a result of the 2010 Fayetteville Natural Heritage Association study, which evaluated "floodplains, riparian corridors, parks and trails, and land identified as having high ecological value." Only a small portion of the property directly abutting College Avenue is included in the Enduring Green Network Map. Importantly, this map and concept was never intended to be a regulatory tool. Rather, it is intended to inform land use recommendations and guide discussions on parkland acquisition, trail corridors, and land conservation.[8]

Conclusions:

A level of expectation setting is always necessary when evaluating rezoning requests, particularly in cases where there are concerns about a specific natural or historic resource. To be clear, no zoning district mandates the conservation or preservation of natural or historic resources. Under the current zoning, RSF-4 requires 25% minimum canopy and UC requires 20%. This would not change under the requested P-1 designation which similarly requires 25% canopy. The only zoning district with significantly higher minimum canopy is CCR, at 80%, but written into that particular zoning district is the expectation that it would be voluntarily initiated by the property owner. The proposed P-1 district would still permit the active conservation management of the site and would not "save" trees so much as encourage land management for a healthy forested ecosystem.

This report will defer to the Urban Forestry team in making a determination about the health and priority of trees on the site. While trees may be lost with any type of development, in many ways, a P-1 designation that intends to create a public school may be the ideal partner for best-practice land management. Opportunities to re-establish and manage not only the tree canopy, but also the understory, shrub layer, and herb layer, exist school through outdoor and environmental education, outdoor classrooms, and service projects that would benefit young learners. Similarly, the city's park system is primarily zoned P-1, the same zoning district as that requested, which facilitates stewardship of publicly owned lands, including those with substantial tree canopies.

[7] *City Plan 2040*, 130.
[8] *City Plan 2040*, 40-41.

The *71B Corridor Plan* outlined the 71B area as an "opportunity" to evolve into "an urban environment with greater vitality and lower impact." More specifically, by offering a mixture of businesses and destinations (including schools) 71B has the capacity to be an ideal place for people to live. Additionally underused land or vacant land provides major opportunities "for new and different development and connections," like a school that would transition from low density residential uses to the more intense mixed-use developments that may one day line the corridor.[9] Placing key services strategically near what the city envisions as a new center of urban development will capitalize on existing infrastructure and elevate vacant land to its highest and best use.

Values for tree canopy, natural resources, climate resilience, and natural beauty are strong in Fayetteville and merit consideration, as do goals for walkability, compact development, and revitalization. While it is ideal for these values and goals to be aligned, there are circumstances, particularly as the city grows, where alignment does not occur, and in which a balancing of competing values and goals must be evaluated. In 2017 nine guiding principles were captured as the city looks toward the year 2050:

- Diverse, Growing Local Economy - Pathways to Prosperity
- Naturally Beautiful City
- Ecosystem Preservation
- Well-Maintained City Infrastructure and Facilities
- Safe and Fun City in which to Live
- Greater Ease of Transportation Mobility
- Financially Sustainable City Government
- Quality Public Schools
- Educational, Research and Healthcare Excellence

Those nine guiding principles also offer context in which to evaluate this proposal. Urban forests, the protection of hillsides, and the maintenance of our natural beauty are rightly a component of our desired future, as are well maintained infrastructure, fiscal sustainability, quality public schools, and educational excellence. While the proposed rezoning in itself does not create any of these outcomes, it does set the stage for future outcomes that may occur under the zoning constraints.

Recommendation:
On the balance of considerations, long range planning staff recommends approval of this request finding that the request is supported by currently adopted plans and policies and stated City goals.

[9] *71B Corridor Plan,* 68.

From: Jason Smith <jason.edward.smith@gmail.com>
Sent: Monday, October 20, 2025 12:49 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: support for RZN-2025-0048

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.

Just wanted to reach out and voice my support for the new Ramay Jr High school location. We currently live in the center of the City of Fayetteville and our son buses to JLC across town. The central location looks so much better both for our kids and for parents to be involved at the school more easily.

I have seen some loud opposition to cutting of the trees there, while little to no opposition in the developments going in on Old Wire and Old Missouri Roads.

Thanks,

Jason Smith

408 E Lafayette

From: Sarah Rack <sarah.rack@gmail.com>
Sent: Monday, October 20, 2025 10:00 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Support for RZN-2025-0048, Land for Ramay Junior High

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

Dear Planning Commissioners -

I am writing to express my strong support for the zoning change **RZN-2025-0048** to allow for the development of the new Ramay Junior High in the heart of Fayetteville.

This school represents a critical investment in the future of our city—one that aligns directly with Fayetteville's Vision 2050 Guiding Principles. Building Ramay in this central location supports:

- A **diverse, growing local economy** by ensuring equitable access to quality education across our community.
- The preservation of a **naturally beautiful city** through thoughtful planning and responsible land use.
- **Well-maintained infrastructure** and facilities that meet the needs of our growing population.
- A **safe, vibrant community** where families can live, learn, and thrive.
- **Quality public schools** that serve as cornerstones of educational excellence and opportunity.

Locating this junior high in the heart of the city strengthens our neighborhoods, reduces transportation barriers, and demonstrates Fayetteville's continued commitment to smart, sustainable growth.

Thank you for your consideration and for your leadership in ensuring Fayetteville remains a city where every child has access to exceptional educational opportunities close to home.

Warm regards,
Sarah Rack

Fayetteville Resident and Public School Supporter

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

From: Leslie Reeves <leslierreeves05@gmail.com>

Sent: Tuesday, October 14, 2025 4:32 PM

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

Subject: RZN-2025-0048 Rezoning Land for Ramay Junior High School

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.

City of Fayetteville Planning Commissioners,

Knowing that you must not communicate among yourselves I have blind-copied you. I hope I typed all of the email addresses correctly. First, I want to thank you for your service to the City of Fayettevile - for the long hours you must often put in, and for listening to the citizens of our city. I rotated off the Planning Commission a number of years ago now, and hadn't anticipated either coming to speak before you, or sending you an email advocating for or against something before you. But here I am!

I want to encourage you to approve sending the rezoning for the new Ramay Junior High to the City Council with a recommendation that they approve it. It's difficult to rezone property knowing that trees will be removed. But the choice is almost always between density and sprawl. And I believe that the values of our city - and the best alternative for the Planning Commission and City Council - is infill.

I don't envy you the decision before you, but I trust that you will endure the input and make a good decision.

Sincerely,

Leslie (Belden) Reeves

From: D Neely <dgn.edensgreen@gmail.com>
Sent: Saturday, October 11, 2025 1:26 PM
To: Rawn, Molly <molly.rawn@fayetteville-ar.gov>; john.mulford@fayar.net
Cc: Macedo, Keith <kmacedo@fayetteville-ar.gov>; tim.hudson@fayar.net; justin.eichmann@fayar.net;

keaton.smith@fayar.net; ivone.hudson@fayar.net; tracey.pomeroy@fayar.net; katrina.osborne@fayar.net; nika.waitsman@fayar.net; alan.wilbourn@fayar.net; kfreeman@connect-advisors.com; emckinnon@nwaonline.com; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Jones, Monique <monique.jones@fayetteville-ar.gov>; jeff.pummill@gmail.com; glpatterson01@gmail.com; staceybuff@gmail.com; grimsleygraham@gmail.com; darlinton.imhanzuaria@gmail.com; alexmauroner@gmail.com; spencer.vicki@gmail.com; mmbritain@gmail.com; Andrew Dominick <andrew.dominick@marshalltown.com>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; aholeyfield@impactpolicystrategies.com; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Long Range Planning <LongRangePlanning@fayetteville-ar.gov>; Carlo Bertani <carlo.bertani@maersk.com>; hannah.ashh <hannah.ashh@gmail.com>; jnparrish54 <jnparrish54@gmail.com>; joedona@gmail.com; shirleykatharine8 <shirleykatharine8@gmail.com>; tas <tas@biodesicstrategies.com>; foresterfox51 <foresterfox51@gmail.com>; gharrison@fayetteville-ar.gov; Bostick, Britin <bbostick@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; kkellam@uark.edu; Hunter.Adkisson@prismds.co; jennyb@prismds.co; Nierengarten, Peter <pnierengarten@fayetteville-ar.gov>; Douglas, Bethany <bdouglas@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; gharton@nwaonline.com; dustin@fayettevilleflyer.com; stacy@fayettevilleflyer.com; news@knwa.com; news@kfsm.com
Subject: Aquatic Recreation Center and “New” Ramay Project

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

Hello, Mayor Rawn and Dr John!

(Cc: FPS Board, City of Fvl Admin/Staff/Boards/Commissions, Contractors, Fayetteville Flyer, KNWA, KFSM, NWADG, KUAF, KPSQ)

Thanks to responses I’ve received from Mike Wiederkehr and Scott Berna, I better understand why bond proposals are not the proper funding mechanisms for housing AND have an enlightened perspective regarding public input supporting the Aquatic Recreation Center.

On another topic, so much about the "New" Ramay Project . . . .

Considering the potential dramatic negative impact in the N College Urban Corridor from large-scale construction on an unstable hill slope, unforeseen drainage issues, inadequate routes for traffic, site SAFETY and ADA accessibility limitations, as well as COST OVERRUNS wasting tax dollars . . . the FPS District and City should give the PUBLIC the same opportunity to provide input as was the case for the Aquatic Recreation Center* **(see Scott Berna email excerpt below).**

ALL ASPECTS of the plan for the "New" Ramay Hill-Slope Site are WHOLLY INAPPROPRIATE.

So much about the “New” Ramay plan has been mis-handled, forced, and out of proper sequence that it has given ever more members of the general public (who are becoming aware of the plans . . . over 1100

on change.org and still counting) the sense that the FPS Board and the City decided to push re-zoning and the project approval through sometime in 2024.

Far better would be to use the Old Woodland site for building the "New" Ramay.

STUDENTS could lead a RE-GREENING INITIATIVE to design and plant a native botanical landscape on the Old Woodland property. This would give students life-long pride in CREATING A NEW GREEN OASIS OF NATIVE SPECIES AND SAVING THE HILLSIDE URBAN FOREST for use as a STEAM Outdoor Classroom/Gym/Lab.

Another better site could be acquired for a middle-school with a smaller foot-print requiring less acreage and NO FOOTBALL FIELD ON A TREE-DENUDED SLOPE.

Where there's a will there's a way for the FPS Board, the City, and local non-profit(s) to collaborate on saving the Ash/N College Urban Forest property (possibly putting it into a conservation easement).

Everybody WINS in this scenario.

IMHO & Cheers! Dot Neely/Fayetteville Resident-UAF M.S. Geology-Environmental Educator

*On Oct 10, 2025, at 6:12 PM, Berna, Scott <scott.berna@fayetteville-ar.gov> wrote:

" In regards to the aquatic center, for **over a year, the City has taken the time to really listen to Fayetteville residents about what they want** in a new aquatic and recreation center.

Starting August 1, 2024, we launched an **extensive community engagement campaign**.

- Online and surveys, pop-up events, and public meetings were designed specifically to reach people where they already spend their time.
- Over a nine-month window, two online surveys* through Speak Up Fayetteville drew more than 6,500 views and 2,854 participants.
- City staff also hosted tables at First Thursday, Movie in the Park, and the Yvonne Richardson Community Center's Back-to-School Night, and met residents at Wilson Park Pool to hear from families and swimmers directly.
- Together with social media, email, and Parks and City newsletter outreach, those City-led efforts directly reached an estimated 75,000 residents.
- Local television and digital coverage, including stories from 4029 News and the Fayetteville Flyer, expanded widespread community awareness to drive participation.

Sent from my iPhone

On Oct 10, 2025, at 6:12 PM, Berna, Scott <scott.berna@fayetteville-ar.gov> wrote:

Dot,

Thank you for reaching out on this issue. We don't always agree but I do appreciate your input.

I do want to push back a little on one of your comments. The administration is working every day on the housing issue and just because we feel this bond issue is not the right vehicle to fund housing does NOT mean we are "TONE DEAF".

Multiple staff members work on this daily and the Mayor has hired a new Housing Officer to focus on this exact issue. I might add the Housing Officer spoke Tuesday night and publicly stated this bond with its water and sewer infrastructure requests does in fact improve our ability to build housing.

In my time on council we have approved well over a million dollars to agencies who help the underserved. Just in the last couple of months the Mayor and city council have approved $450000.00 towards improving housing to the underserved. We have another item coming before us on the next council agenda that talks about housing as well as workforce training which I personally think is a critical component too improving someone's future.

In regards to the aquatic center, for over a year, the City has taken the time to really listen to Fayetteville residents about what they want in a new aquatic and recreation center. Starting August 1, 2024, we launched an extensive community engagement campaign. Online and surveys, pop-up events, and public meetings were designed specifically to reach people where they already spend their time.

Over a nine-month window, two online surveys* through Speak Up Fayetteville drew more than 6,500 views and 2,854 participants. City staff also hosted tables at First Thursday, Movie in the Park, and the Yvonne Richardson Community Center's Back-to-School Night, and met residents at Wilson Park Pool to hear from families and swimmers directly. Together with social media, email, and Parks and City newsletter outreach, those City-led efforts directly reached an estimated 75,000 residents. Local television and digital coverage, including stories from 4029 News and the Fayetteville Flyer, expanded widespread community awareness to drive participation.

What staff heard was clear and consistent: people want a year-round aquatic and recreation center that serves everyone — families, lap swimmers, seniors, and kids learning to swim. They asked for a space that brings indoor and outdoor features together, with places to play, exercise, and relax. In every type of feedback session, residents overwhelmingly said they support building a modern, multi-use facility that Fayetteville can be proud of for decades to come.

*3,000 views and 1,545 participants in the first round, and 3,600 views and 1,309 participants in the second.

Again thank you for reaching out and expressing your opinion. You clearly have a passion for Fayetteville and for that I applaud you.

Scott

From: D Neely <dgn.edensgreen@gmail.com>
Sent: Thursday, October 9, 2025 5:31 PM
To: Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Jones, Monique <monique.jones@fayetteville-ar.gov>; Rawn, Molly <molly.rawn@fayetteville-ar.gov>
Cc: keith.macedo@fayetteville-ar.gov <keith.macedo@fayetteville-ar.gov>
Subject: Tues Oct 7 Bond Proposal

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 Mayor Rawn and City Council Members (Cc: Keith Macedo):
The overall proposal is sound . . . However; it is REALLY TONE-DEAF to designating $60 million for an Aquatic Recreation Center in Lewis Park before funding affordable housing, especially after all of the City Pronouncements in Support of Low-Middle Income Housing, Calls for Public Input, Special Housing Task Force Problem-Solving Efforts/etc . . .

Fayetteville needs homes for workers who contribute to community creativity and economic viability . . .

Endeavor to persevere and do the next right thing, y'all . . .
Yours, Citizen Dot

Sent from my iPhone

Sent from my iPad

From: Colley Bailey <colley.bailey@gmail.com>
Sent: Thursday, October 9, 2025 11:25 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Support for RZN-2025-0048, Land for Ramay Junior High

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 City Planning Commission Members,

I am writing to express my support for the proposed rezoning of the hillside land in Fayetteville, AR, for the development of Ramay Junior High. This new school will provide valuable educational opportunities in a well thought out new facility for our students. It will allow them to thrive educationally amongst nature and give them an appreciation of green spaces.

Many of us believe that investing in our local schools is essential for the future of our children and community. I respectfully ask you to consider the importance of this project and to support the approval of the rezoning to make Ramay Junior High a reality.

Thank you for your time and consideration.

Sincerely,

--

Colley Bailey, Principal Broker,

LoneRock Realty

479-777-3379 (work cell)

479-856-9422 (personal cell)

https://www.LoneRockHomeTeam.com/

649 E Huntsville Rd, Fayetteville, AR 72701

From: amanda bailey <amanda.bailey32@gmail.com>
Sent: Wednesday, October 8, 2025 10:09 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Support for RZN-2025-0048, Land for Ramay Junior High

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 City Planning Commission Members,

I am writing to express my support for the proposed rezoning of the hillside land in Fayetteville, AR, for the development of Ramay Junior High. This new school will provide valuable educational opportunities in a well thought out new facility for our students. It will allow them to thrive educationally amongst nature and give them an appreciation of green spaces.

After reading the breakdown of the 2040 City Plan, it seems like this school is aligned with Fayetteville's growth goals. The school has been so intentional, and thoughtful about ecological issues, with their design and accompanying studies for that design. I feel like this school won't be the eyesore that some others think it will be. I believe that it will blend beautifully with the surrounding trees and give the kids that attend there such an amazing place to attend Junior High.

Many of us believe that investing in our local schools is essential for the future of our children and community. I respectfully ask you to consider the importance of this project and to support the approval of the rezoning to make Ramay Junior High a reality.

Thank you for your time and consideration.

Sincerely,

Amanda Bailey

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

From: Paige Goodman Wolven <paigelorrabeth@gmail.com>

Sent: Tuesday, September 30, 2025 6:30 PM

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

Subject: Support of RZN - 2025-0048

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

Hello,

I'm emailing to voice my support of the rezone of the land for the future Ramay build. The proposed school right in the center of town would be a great thing for our city.

Paige

From: D Neely <dgn.edensgreen@gmail.com>
Sent: Monday, September 29, 2025 1:03 PM
To: John Mulford <john.mulford@fayar.net>
Cc: tim.hudson@fayar.net; justin.eichmann@fayar.net; keaton.smith@fayar.net; ivone.hudson@fayar.net; tracey.pomeroy@fayar.net; katrina.osborne@fayar.net; nika.waitsman@fayar.net; alan.wilbourn@fayar.net; kfreeman@connect-advisors.com; emckinnon@nwaonline.com; Rawn, Molly <molly.rawn@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; Jones, Monique <monique.jones@fayetteville-ar.gov>; jeff.pummill@gmail.com; glpatterson01@gmail.com; staceybuff@gmail.com; grimsleygraham@gmail.com; darlinton.imhanzuaria@gmail.com; alexmauroner@gmail.com; spencer.vicki@gmail.com; mmbritain@gmail.com; Andrew Dominick <andrew.dominick@marshalltown.com>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; aholeyfield@impactpolicystrategies.com; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Long Range Planning <LongRangePlanning@fayetteville-ar.gov>; Carlo Bertani <carlo.bertani@maersk.com>; hannah.ashh <hannah.ashh@gmail.com>; jnparrish54 <jnparrish54@gmail.com>; joedona@gmail.com; shirleykatharine8 <shirleykatharine8@gmail.com>; tas <tas@biodesicstrategies.com>; foresterfox51 <foresterfox51@gmail.com>; gharrison@fayetteville-ar.gov
Subject: Ash-N College School Site Conservation Easement Collaboration

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

Hello, Dr John! (Cc: FPS Board, City of Fvl Admin/Staff/Boards/Commissions)

Y'all will be in over your heads on the hillside site. Just trying to save the FPSD, City, and tax payers exorbitant expense and problems yet to be encountered.

Urban forests are irreplaceable . . . There are other better site options for school construction.

I have a respected 501(c)(3)non-profit ready to collaborate and combine resources with FPSD and the City on a Conservation Easement for the Ash/N College junior high site.

Do the right thing . . . Preserve Fayetteville's Enduring Green Network . . .

Cheers! Dot

Sent from my iPhone

On Sep 29, 2025, at 10:06 AM, John Mulford <john.mulford@fayar.net> wrote:

Thank you, Dot.

Both emails have been received. As I watch these videos I things of two things:

1. I am excited about how we can improve this type of runoff that currently exists for our neighbors to the west of us due to the condition of the site and lack of runoff mitigation strategies on the site. Our design team has given great care in coming up with a plan that will keep more water onsite and lead to slower runoff during heavy remains.

2. For this family on Walnut, with their home being further south than where our property is located, I don't know that they will benefit from our site improvements. But, I am hopeful that they will.

Storm water runoff continues to be a top focus for our design team and we remain committed to improving the situation over what currently exists.

John Mulford, Ed.D.

Superintendent

Fayetteville Public Schools

479-444-3000

john.mulford@fayar.net

"Don't let what you cannot do interfere with what you can do." - John Wooden

On Fri, Sep 26, 2025 at 4:53 PM D Neely <dgn.edensgreen@gmail.com> wrote:

Greetings Dr. John! (Cc: FPS Board Members, Alan Wilbourn, Kelly Freeman, Edward McKinnon)

A new friend on the Walnut segment of the Sycamore-Walnut-Ash hill sent two videos of the Tuesday 9/23/2025 storm runoff from the slope behind her recently purchased home.

Video #2 is attached with this email.

Video #1 was sent previously in a separate email due to file size.

As you are now aware, the New Ramay hillside site is a "Pandora's Box" of problems which development will unleash at great expense to the FPSD, City, business owners on adjacent downslope properties, and resident

tax payers.

Building Ramay anew on the current Woodland property and securing a smaller parcel on level-to-gently sloping ground is a better, more affordable way forward.

The best scenario for the 20+ hillside acres is for the FPS Board to partner with the City and a respected local non-profit (TBA) to place the site into a Conservation Easement, in keeping with the City's 2040 Master Plan, Hillside and Tree Preservation Ordinances, and the Climate Action Plan.

Placed in a Conservation Easement, the site would effectually preserve and extend the City's Enduring Green Network north of the Brooks-Hummel Preserve. The wooded slope will provide an essential green-buffer between planned intensive infill development along the N College Urban Corridor and neighborhoods to the east.

I can get with each of you individually at your convenience to talk more about issues with the proposed hillside site and partnering to place it in a Conservation Easement, if you like.

Cheers! Dot

P.S. Please check through your FPS Email Inbox for my email of 7/26/2025 with attached information re: the New Ramay Site.

From: Amylou Wilson <hattiemcneil@hotmail.com>
Sent: Sunday, September 28, 2025 7:48 PM
To: Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; JGarlock@fayetteville-ar.gov; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>; Wonsower, Donna <dwonsower@fayetteville-ar.gov>; Hyke, Bliss <ehyke@fayetteville-ar.gov>; gharrison@fayetteville-ar.gov; Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>; Tamijani, Zak <ztamijani@fayetteville-ar.gov>; Frank, Wes <wfrank@fayetteville-ar.gov>; Bostick, Britin <bbostick@fayetteville-ar.gov>; Olson, Leif <lolson@fayetteville-ar.gov>
Subject: Against Rezoning/New Ramey School

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

I am against the rezoning of land the school board has purchased for the new Ramey Junior High. We can do better than this! I've worked in the water sector and this is a disaster in the making. Mr. Bayyari is correct in his assessment as a developer in the letter to the editor printed in the newspaper recently. Please do not allow this to happen.

Amy (Amylou) Wilson

1833 E. Applebury Drive

Fayetteville, AR

Compiled Public Comment
RZN-2025-0048

hattiemcneil@hotmail.com

From: Masters, Jessica
Sent: Friday, September 26, 2025 4:49 PM
To: 'Lana Harris' <lanalharris08@gmail.com>
Subject: RE: Question regarding proposed Ramay Jr. High site

Lana,

Thank you for your questions; it's what we're here for, so I don't mind answering them.

Yes, the school district recently submitted their request to rezone the property in question, and I've attached their documents for your consideration. The rezoning item will be heard by Planning Commission on October 27 at a meeting which will begin at 5:30 PM. The variance that was approved recently was for a separate matter, and does not take the property's zoning into account. Geotechnical borings are a typical, due diligence process that is often done on a property where no clearing is involved, so no permits are involved or necessary from the City. In that particular matter, a grading permit was required because of the amount of clearing the developer required given the level of geotechnical work they were planning on doing. However, in order for them to obtain that permit, code requires that typically a large-scale development has already been approved. Since a large-scale development has NOT yet been approved, (nor, as you've mentioned, has the property been rezoned yet), the developer sought a variance to that standard so that they could begin that site analysis work.

You are correct that the developer has not yet obtained a grading permit in relation to that variance, but it is my understanding they are still working through that process. So, the test results won't necessarily be a part of the rezoning, but it sounds like many Commissioners will be interested to hear if that information will be ready yet. The applicant has not provided it, nor is it a typical requirement of any rezoning item, though I would anticipate that the question will arise, and perhaps the developer will have more information at the time of the rezoning hearing.

Let me know if I can be of further assistance.

Jessie

Jessie Masters, AICP

Planning Director

Development Services

City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

Website | Facebook | Twitter | Instagram | YouTube

Compiled Public Comment
RZN-2025-0048

From: Lana Harris <lanalharris08@gmail.com>
Sent: Friday, September 26, 2025 12:11 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Question regarding proposed Ramay Jr. High site

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 afternoon, Jessie,

I hope you're doing well. I hate to bug you with questions, but I'm struggling to fully understand all of the moving parts and pieces to the Ramay Jr. High site rezoning process.

I believe the school district has submitted their application for rezoning for the 19.7 acre parcel, as well as the 7-acre parcel to the south, which they have under contract.

Can you help me understand how the variance approval impacts the rezoning decision?

I thought the variance approval for boring was so the school district could conduct their geotechnical tests to determine if the site is suitable for a school. Since they haven't even applied for their grading permit yet, I would assume that means they haven't completed any of their testing.

Wouldn't those test results be necessary prior to the planning commission voting on rezoning? I was under the impression, based on conversation by commissioners at the meeting where they approved the variance, that the rezoning wouldn't be considered until the boring results were presented. Many of the commissioners discussed how the results of the boring tests would impact their decisions on rezoning, which is why I'm a bit confused.

I'd appreciate any insight or clarification you could give me around this. If it would be easier to explain via phone call or an in-person meeting, I'm more than happy to do either. Thank you so much for your help. I hope you have a great weekend.

Sincerely,

Lana Harris

479-445-8002

lanalharris08@gmail.com

From: John Mulford <john.mulford@fayar.net>
Sent: Monday, August 18, 2025 3:49 PM
To: Andrea Fournet <andreafournet@gmail.com>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>; jeff.pummill@gmail.com; glpatterson01@gmail.com; Andrew Dominick <andrew.dominick@marshalltown.com>; mmbritain@gmail.com; alexmauroner@gmail.com; grimsleygraham@gmail.com; staceybuff@gmail.com; tomdeere13@yahoo.com; tod.yeslow@yeslow-law.com; spencer.vicki@gmail.com; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; bpayne51@gmail.com; Fredgulley1@gmail.com; wesinfay@gmail.com; mmadden86@hotmail.com;

Mjmcgetr@gmail.com; cabe.arch@gmail.com; ncastin@gmail.com; werner.nickc@gmail.com
Subject: Re: Urgent: Parking & Traffic at current Woodland Campus and possible new Ramay Campus

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

Hello, Andrea.

I will do my best to provide answers to the questions you have presented. Please keep in mind that many of the things asked will be navigated during the Design Development phase of the project. Up to this point, Schematic design is the only thing that has occurred as we investigate how a building will best fit on the site while minimizing the footprint and saving as many significant trees as possible. The Schematic design is on hold until we know whether or not the rezoning will move forward and whether or not the additional 7 acres to the south will be available to be used for placement of school facilities.

Thar said, I think we need to distinguish a key difference between the current Woodland site and the proposed Ramay site. When Woodland was built roughly 70 years ago, the district was much smaller and the site was on the west edge, if not outside of town. There were no houses or businesses around it. And as is typical, after the school was constructed, other developments popped up around it. Additions were made to this site as the district grew, leaving limited room for parking. Currently, Woodland Junior high has roughly 170 designated parking spaces. Outside of these parking spaces, the small driveways are often used for additional parking along the curbs during things like open house and ball games. While these drives do provide some additional parking, it is limited because the drives are relatively small and were not designed to serve in that way at the time the building was built. It is also important to note that Woodland currently serves about 800 students, as does the current Ramay.

With a new feeder pattern set to take effect August 2027, a third junior high will be added, which will be done by converting John L Colbert Middle school to a junior high, and the current Woodland building will become a middle school. By doing so, and using current enrollment data and projections, the middle school to be housed there and Ramay Junior High would each have about 600 students.

Given all that background, one of the things we have at the top of our design focus is the need for sufficient parking onsite for the new Ramay. Unlike the current Woodland, there isn't a parking lot at a neighboring church that is easily accessible, nor are their bordering streets immediately adjacent to the school that people can park along. When you consider the neighborhoods that are close by, they still aren't immediately adjacent like the current Woodland, which I believe will greatly reduce the amount of people who will try to park in neighborhoods like Summit Place and walk.

With all that said, below (in purple) are the response we have at this time:

Follow-Up Questions

1. Capacity – How many parking spaces will the possible new Ramay campus include? - As you know, the City of Fayetteville has parking maximums. It is my understanding from our design team that our maximum number of actual designated parking spaces allowed is around 200. That said, the ability to park at least 350 cars onsite is the target we are currently working toward. To accomplish this, we are designing the road around the school to be wide enough to allow for parallel parking during evening and special events. Using our current schematic design, we estimate roughly another 130-

140 cars can park on the side of the drive. All that said, it is still early in the design process and design aspects must go through city planning. Additionally, our approach to parking is to avoid a large parking lot, so we haven't yet hit the target of 200 actual parking spaces, but we are getting there. Based on the current Schematic Design, we feel confident we will be able to accommodate 300 cars between the actual spots and the drive, but will continue to work toward 350. With an anticipated 600 student enrollment, we believe this will be sufficient parking.

2. Event Load – How many attendees are projected for an open house? - Open house is a hard thing to predict, but would easily be the event during which the most vehicles would be present. What makes it unique is ALL staff are present, plus families on top of that. Unlike an athletic event, during which minimal staff are present. And even for those who do attend, not all are there at the same time. For the junior high level, we estimate between 50-65% of students/families attend. Then within that number, we have families with multiple kids at the building and parents coming at different times. So looking ahead, with an enrollment of 600 students, we would anticipate 300-400 students/families might attend. If needed, we can stagger open house, which some of our buildings that have limited parking already do. Additionally, if needed, we could have staff park at the current woodland site on open house night and shuttle them back and forth.

3. Infrastructure Plan – Will additional parking be built to meet that need? - I think this question is answered above.

4. Traffic Flow – How will gridlock on the hillside and in adjacent neighborhoods be prevented? - We have to keep in mind that 800 students are already flowing to the current Woodland campus, many of which come from the east and/or south. Once that building becomes a middle school and the new Ramay opens, there will be 1200 students between the two of them, a net increase of 400 students. Several of these additional students will be the same families who have multiple kids in grades 5-8, so their car would be going that way already to drop off their middle school child. Assuming the district does not purchase the additional 7 acres to the south, we expect there to be little noticeable difference between the amount of school-related cars traveling those roads then vs. now. The key difference will be traffic between the two campuses. And, with an intersection being added, that should allow for ease of flow between the two sites. As a reminder, that intersection was already in the city plans prior to the district purchasing the land. As for the new Ramay site, the driveway that circles the building should be more than sifficient to keep cars off of College during parent drop-off and pick-up. Now, if the district purchases the additional 7 acres, an additional traffic study will be conducted to see how that Ash Street access could/should be best used. Of course, the city will have a big part in determining that as well.

5. Alternate Transport – If buses/shuttles are planned, how will they be scheduled and incentivized? - This location allows for potential partnerships with the city around public transportation due to its location to existing routes. We would have to collaborate with the city about how we might collaborate to provide more options for families beyond district run bus routes. We already have about 45-50% of students who ride our own buses, which is strong participation. The development of this site would also allow the trail to connect from Poplar to Ash. Now, I know it would be uphill coming from the west, but it would provide a safe crossing at College that would at least provide the opportunity for more students to walk or cycle to school. I also feel it provides a walkable/bikeable opportunity for students who live to the east that really isn't available now.

6. Timeline – When will the community be informed of the finalized traffic and parking plan? - As referenced above, many of those details will be finalized as part of the Design Development phase. We will not ask the Design Team to start on that phase unless the property is rezoned. However, the Schematic Design will give us a pretty firm idea of how traffic and parking will flow. One key piece outstanding is that additional 7 acres. We are hoping to know one way or the other on that property very soon. Our Design Team will be presenting an update at the August 28th board meeting.

John Mulford, Ed.D.

Superintendent

Fayetteville Public Schools

479-444-3000

john.mulford@fayar.net

"Don't let what you cannot do interfere with what you can do." - John Wooden

On Mon, Aug 18, 2025 at 7:57 AM Andrea Fournet <andreafournet@gmail.com> wrote:

Dear Dr. Mulford,

The Woodland Junior High open house on August 14, 2025, created severe traffic congestion and a dangerous parking shortage. Cars overflowed into neighborhoods, businesses and onto lawns. It was unsafe. Woodland admin and staff were clearly unprepared for the number of families attending. Many people parked in the huge parking lot owned by the church on Green Acres Rd and walked on level flat sidewalks to get to the Woodland campus.

I am very concerned the same—or worse—will occur at the new Ramay campus on the hillside. With limited on-site parking, open houses could easily draw over 500 cars, leading to bottlenecks on the hill and spillover into nearby neighborhoods. Parents will not rely on buses or bikes, and many will find alternative routes—parking up and down the streets in the Summit Place neighborhood to the north, walking through woods, and creating hazards. They sure won't park at the bottom of the hillside and walk up the switch back!

What is the district's concrete plan to prevent this? Will a parking lot be built to handle open house attendance, or will we see a repeat of Woodland? This is not a minor inconvenience—it is a safety issue for students, families, and the community. Advance planning is essential.

Follow-Up Questions

1. Capacity – How many parking spaces will the possible new Ramay campus include?
2. Event Load – How many attendees are projected for an open house?
3. Infrastructure Plan – Will additional parking be built to meet that need?
4. Traffic Flow – How will gridlock on the hillside and in adjacent neighborhoods be prevented?
5. Alternate Transport – If buses/shuttles are planned, how will they be scheduled and incentivized?
6. Timeline – When will the community be informed of the finalized traffic and parking plan?

I look forward to your detailed response.

Sincerely,
Andrea Fournet

ARKANSAS YOGA & THERAPY CENTER

ANDREA FOURNET, C-IAYT
CEO/Founder

479-521-9642
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All we have is emails.

Brink, Andrew andrew.brink@fayetteville-ar.gov

McGetrick, Mary mary.mcgetrick@fayetteville-ar.gov

Madden, Mary mary.madden@fayetteville-ar.gov

Payne, Brad brad.payne@fayetteville-ar.gov

Gulley, Fred Fred.Gulley@fayetteville-ar.gov

Werner, Nick nick.werner@fayetteville-ar.gov

Castin, Nick Nick.Castin@fayetteville-ar.gov

Cabe, Matthew Matthew.Cabe@fayetteville-ar.gov

Ashlyn Holeyfield ashlyn.holeyfield@fayetteville-ar.gov

Thank you

Mirinda Hopkins

Development Coordinator

Planning Division

City of Fayetteville

479-575-8267

Compiled Public Comment
RZN-2025-0048

From: Nancy Harris <nanghar@gmail.com>
Sent: Tuesday, October 7, 2025 4:08 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: can you give me the individual contact info for planning commission members

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this is in regard to the project to build a new Ramay on the hill.

Thanks, Nancy Harris

Fyi and apologies that I just realized you were not included. The attachment more than the email appears to be the substance of the public comment.

Jonathan Curth, AICP

Development Services Director

Development Services Department

City of Fayetteville, Arkansas

jcurth@fayetteville-ar.gov

479.575.8308

Website l Facebook l Twitter l Youtube

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

From: Mayor <Mayor@fayetteville-ar.gov>

Sent: Monday, September 22, 2025 1:10 PM

To: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Rutherford, Blake <blrutherford@fayetteville-ar.gov>; Ziegler, Gracie <gziegler@fayetteville-ar.gov>; Macedo, Keith <kmacedo@fayetteville-ar.gov>

Subject: FW: Letter RE Selected Site for Ramay Junior High

Compiled Public Comment
RZN-2025-0048

This was sent to me, council, planning commissioners, and Peter's team. I am simply making you aware.

I had not yet heard school security/student safety used as an argument against this site so that was a new one.

Mayor Molly Rawn

City of Fayetteville, Arkansas

Mayor@fayetteville-ar.gov

(479) 575-8330

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

From: Dawn Fisher <dawn_fisher@fastmail.fm>

Sent: Sunday, September 21, 2025 5:28 PM

To: Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>; Berna, Scott <scott.berna@fayetteville-ar.gov>; Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Jones, Monique <monique.jones@fayetteville-ar.gov>; Jones, D'Andre <dandre.jones@fayetteville-ar.gov>; Wiederkehr, Mike <mike.wiederkehr@fayetteville-ar.gov>; Moore, Sarah <sarah.moore@fayetteville-ar.gov>; robert.stafford@fayetteville-ar.gov

Cc: Nierengarten, Peter <pnierengarten@fayetteville-ar.gov>; Olson, Leif <lolson@fayetteville-ar.gov>

Subject: Letter RE Selected Site for Ramay Junior High

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 evening,

I submit to members of the Planning Committee and to the Mayor and City Council Members, with a cc. to two Planning Committee staff members, regarding the proposed site for the Ramay Junior High School. Parts of this have been communicated to the Environmental Action Committee, and parts to the Fayetteville Public Schools Superintendent and Board members. (Three minutes doesn't seem to cover much when I'm before an august board for the first time in my life, and public speaking is not my strength.) However, I hope you will consider with some weight what I have given much of my thought to since I heard about FSB plans to build on this site and all the implications that followed as a result of my conversations and queries.

Since then, though my background in education gives me to understand the motivations of the school board, I really must express my concerns about this proposal and what I feel to be very real and LIKELY negative outcomes, should the school be built on the site as proposed.

I am not certain I have all e-mail addresses correct, but if any return as "undeliverable," I will try to deliver by alternate means (via hard copy directly to City Hall). Thank you in advance for your time and consideration.

With regards,

Dawn Fisher, 848 E. Peel St.

Fayetteville, AR 72703

--

Dawn Fisher

dawn_fisher@fastmail.fm

From: **Dawn Fisher**, 848 E. Peel St., Fayetteville, 72703

To: **Mayor** Molly Rawn

City Council Members: Robert Stafford, D'Andre Jones, Sarah Moore, Mike Wiederkehr, Scott Berna, Sarah Bunch, Teresa Turk, Monique Jones

City Planning Committee Members: Andrew Brink, Brad Payne, Fred Gulley, Mary Madden, Mary McGetrick, Matthew Cabe, Nick Castin, Nick Werner,

CC: Peter Nierengarten
Leif Olson

September 21, 2025

I have already communicated by letter (7.17.25) to the members of the Environmental Action Committee and to the Superintendent and members of the Fayetteville Public Schools in person (8.29.25) regarding FPS plans to build a junior high school on the hill between Township and Ash, to the east of College.

I write to you not as an expert, but as an observer, a reader, an inquisitive person who has an interest in promoting what is good for the community (children, residents, and taxpayers) of the city of Fayetteville and the FP School District, and admittedly taking the position that what is good for preserving the natural environment is good for humans who share the space, the air, the resources.

This is not the best site for a school, ***nor is a school the best use of this site***. This steep wooded hillside is NOT CURRENTLY ZONED for a school facility. It is also in the City's Hillside/Hilltop Overlay District, which protects fragile natural areas from development. Dr. Mulford has admitted that the location is ideal; the site is not. Wes Burgess, Crafton Tull representative, said he could "make it happen," that the facility CAN be built FOR A PREMIUM: Development costs are estimated to be three times that of building on flat land.

Also, Dr. Mulford initially estimated that the design could preserve up to 50% of the trees/coverage (but that 50% coverage assumed successful purchase of an additional parcel to the south); after further design work, Burgess assured the board that with creative design, "We will have to retain a minimum of 25% of that wooded area…we want to preserve as much wooded area as possible… ***so I think we'll be able to do that."*** *I have heard since that time more qualifying comments regarding that aspiration.*

This "Big Beautiful Building" in the woods is a conceptual idea, of opportunities, collaboration, a spectacular space…presented in renderings, projections, and promises. The renderings are actually very seductive. I wish it could be so. But wishing does not make it so.

The question has been asked, **"Can we build it?"** Probably.
The appropriate question here is: **"SHOULD we build it?"**
Should we build the thing if what we value most ***about that thing*** cannot be manifest?
…If we harm what we say we value*?* And if it comes at great cost AND great risk?
(This brings to my mind the lesson in ***The Gift of the Magi****.)*

What example of nature appreciation are we ***to our children*** when we cut down the trees and impose a 4-story structure and lines of traffic for access and egress to hundreds every day? It is counter-intuitive to talk about using multiple strategies to ***mitigate the damage*** done to the hillside and to prevent downhill flooding and erosion caused by this imposition…and when the base of the only in-and-out access for the public, and the traffic light/crosswalk…is in a floodway? (Not a flood zone, but a **FLOODWAY.)**

Wes Burgess, Crafton Tull representative plainly laid it out: It will cost a PREMIUM. He estimated that development will cost an estimated THREE TIMES that of developing flat land before the school is even built. Some experienced local builders and objective geologists with specialties in the soils and hydrogeology/geohydrology of the area suspect that this may be only a PORTION of the additional cost…(to the taxpayers, mind you).

Governmental entities have the power of the purse and tools of law to pursue public goals for the public good. As we have seen, our political culture has pressed into service laws to expedite specific goals not necessarily "of, by, and for the people," and even challenged some of those boundaries which are set into place to protect the public from the urgent impulses of those who might not have the same long-term view that their predecessors did when establishing safeguards.

So it is to be expected that these cultural changes translate into the public being in general more skittish and skeptical, and for it to scrutinize decisions that elected officials make. Though inconvenient, or a seeming nuisance, this can be a **good thing** in the decision-making process.

I would also gather that City and FPS council/boards and staff have close working relationships and history of cooperation and collaboration. I do hope that does not translate (in this case) into one overlooking violations or making accommodations that they wouldn't for other requests of equal merit. That, in truth, might translate into double-charging tax-payers for both additional cost of the school plus the ultimate cost of additional street and infrastructure improvements necessary to accommodate the building and maintenance of, and access to the school.

OTHER IMPORTANT FACTORS FOR YOUR CONSIDERATION:

Assaults on school children are becoming all too common. They happen not just INSIDE, but AROUND the school and grounds. We value our children and our neighborhoods. Safety is paramount. "One way in, one way out. Surrounded by woods." Ask any school safety specialist if this is a good combination. Years ago, when the Dalai Lama visited, an initial plan included lodging our honored guests in a peaceful inn in the woods very near the University of Arkansas campus. When the Special Agents of Diplomatic Security Service (DSS) of the State Department did their site visit to inspect arrangements, they nixed this plan immediately: **One way in, one way out, woods all around. An invitation to disaster.**

I am not saying that there will be stalkers in the woods targeting our children/students. But Superintendent Mulford is promoting this site as walkable and bike-able. **Is it? And is it safe**? Last month's UA assault and RazALERT was a hoax. But will the next assault be? With predictable accuracy, one knows when our children will be on established paths surrounded by woods. Can the school board provide that surround which is promoted as an asset

for science exploration and appreciation of nature, and still provide the safe, accessible environment for those whose safety and well-being we so value? OR, after construction is complete, will it even still be the forest surround and habitat envisioned and marketed?

MANY other issues remain unresolved as the School Board goes ahead with its plans:

In this particular case, and with the selected parcels, the goals of infill and incorporating greenways in the city seem to be incompatible. Previous-mentioned concerns don't BEGIN to address the logistical challenges of evacuation in the event of severe weather or other emergency.

Nor does it address the hazardous alternate route sometimes suggested through the Ash/Walnut/Sycamore route/corridor. It would be an engineer's or bus-driver's nightmare, let alone a parent's on a slippery day…Dr. Mulford responded to the "what if" question that school would be called off on inclement weather days. But this hill is a different situation. The option I imagine the City resorting to is designate one of the now-quiet residential streets to serve as a collector and take a straight shot to the top of the hill from Old Wire. Has this been discussed as a back-up plan? The neighbors want to know in advance, not after-the-fact.

When asked about how the traffic lights on College will affect traffic at the Poplar intersection, Dr. Mulford simply replied something to the effect that "sometimes during the day better, sometimes not."

Many businesses along College below this site already suffer from the down-slope water and residuals after a rain event. In addition, several businesses are "adult" in nature. There are no prohibitions against their existence since they precede the building of the school, but if the school is built, it will affect their ability to sell their location to other similar businesses.

Certainly, infill where it makes sense. It doesn't make sense on this slope, with its ***geohydrology*** and the constraints of our **already imposed development.** Take a lesson from the cities around Seattle, Washington where builders in their hubris built on steep hillsides, only to see their structures buried by the super-saturated hillsides behind them; or losing deep footings as eroding land around them gave way.

Just as there is a human community, there is a forest community. When there is loss, the ***whole*** experiences that loss; we experience loss, whether it is of the forest itself, or of what it offers us: clean air, a climate buffer, a natural habitat for those who were here before us and who now struggle to survive because of our human-centric priorities. There is an intelligence in nature. We dominate and manipulate at our own peril. The trees, in THEIR Natural State, help make our burgeoning community not just livable, but outstanding.

I am not blind to the stated needs of FPS to establish and ensure completion of their in-progress "feeder pattern" of student cohorts, and to make it a fait-accompli. They have searched for options, found one they are invested in (with our tax dollars): land, development and architecture/design fees, contracts... This site seems to be the lynchpin, the hill not to be given up.

The truth is, school enrollments are NOT increasing (even though the City's population is). Changing demographics, private schools and home-schooling are taking some of the pressure off; there's no rush. I urge the City Planning Department, which I understand is short on engineers, to take ITS time to consider carefully the request from FPS to change the zoning and for the Planning Department and City Council to encourage them to seek other options.

I know that the EAC has offered to help with FSB efforts to consider other options, and there may be potential stakeholders interested in participating in a plan that could enable the school board to recoup some of their investment, should they reconsider other options.

I apologize for the length of this. It comes with my hope for a positive resolution, whatever that may be.

Respectfully yours,

Dawn Fisher

From: Andrea Fournet <andreafournet@gmail.com>
Sent: Tuesday, April 29, 2025 7:35 AM
To: Carlo Bertani <carlo.bertani@maersk.com>; Nathan Walker <nathan-walker@outlook.com>; Bethany Douglas <bedouglas17@gmail.com>; James Parrish <jnparrish54@gmail.com>; foresterfox51@gmail.com <foresterfox51@gmail.com>; Scott, John <jscott@fayetteville-ar.gov>; Kate Shirley <shirleykatharine8@gmail.com>; Thomason, Willa <wthomason@fayetteville-ar.gov>; Tas Zinck (tas@biodesicstrategies.com) <tas@biodesicstrategies.com>; Hannah Ash <hannah.ashh@gmail.com>
Subject: Future Ramay Junior High school location

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

Dear Members of the Fayetteville Urban Forestry Advisory Board,

I am writing to urgently bring to your attention a deeply troubling situation.

The Fayetteville School District is advancing plans to construct a new junior high school and football field atop one of our city's last undeveloped hillsides — an approximately 18-acre old-growth hardwood forest just east of College Avenue. Disturbingly, the district has moved forward without first seeking the city's required zoning approvals, without adequately addressing hillside and drainage protections, and without meaningful solutions to critical traffic concerns, given there is currently only one point of public access, (emergency exit doesn't count).

Public funds have already been spent to purchase the land and commission architectural plans, even though this project would permanently destroy an irreplaceable urban forest. This forest has quietly served our community for generations — stabilizing the hillside, protecting our watershed, cooling and purifying the air, sheltering wildlife, and providing immeasurable beauty to Fayetteville.

At a time when our community and nation are investing heavily in climate resilience, it is unthinkable to pursue a project that echoes the destructive development practices of the past. It is 2025. We have better knowledge and better tools. We must uphold higher standards.

Fayetteville is nationally recognized for environmental stewardship and smart, sustainable growth. Allowing this project to proceed without full public transparency, compliance with city ordinances, and an exhaustive exploration of alternatives would represent a significant failure of governance and vision.

This hillside is not simply a hardwood forest; it is a vital natural asset. Its loss would be irreversible, leaving a permanent scar on our landscape and, I believe, casting a lasting shadow on the legacy of current city leadership.

I respectfully urge you to intervene, enforce all applicable regulations, and explore every possible avenue to protect this forested hillside. Our responsibility is not just to today's residents, but to future generations.

Thank you for your attention and service to our community. Let's help keep Fayetteville Shay by preserving our long existing hardwood forests, like this one, in tack.

Sincerely,
Andrea Fournet
Fayetteville Resident and Business Owner

Andrea Fournet, C-IAYT

CEO/Founder-AYC

Arkansas Yoga and Therapy Center

Good morning, Andrea,

I appreciate you reaching out to express your concerns about this project, and I will do my best to address them. However, I would recommend that you reach out to the Planning Commission and City Council representatives as they will ultimately be the ones to vote on this development.

- **Disturbingly, the district has moved forward without first seeking the city's required zoning approvals, without adequately addressing hillside and drainage protections, and without meaningful solutions to critical traffic concerns, given there is currently only one point of public access, (emergency exit doesn't count).**

As of now, this project has not been submitted to the City for formal review. When the applicant submits plans for this project, it will be processed as a large-scale development and will be reviewed by planning, urban forestry, engineering, building safety, fire, and any other applicable departments to ensure the plans adhere to our City's municipal code. This review will include assessment of the plans adherence to zoning regulations, hillside and drainage protections, traffic considerations, and appropriate locations of ingress/egress.

- **Fayetteville is nationally recognized for environmental stewardship and smart, sustainable growth. Allowing this project to proceed without full public transparency, compliance with city ordinances, and an exhaustive exploration of alternatives would represent a significant failure of governance and vision.**

Because this project will be processed as a large-scale development, review comments and staff determinations will be heard at Tech Plat, a public meeting with the applicant, and at Planning Commission, a public hearing. This process ensures public transparency throughout the development of the project. If staff determine that any aspect of the plans do not comply with City ordinances, the project will be tabled until changes are made to bring the plans into compliance.

- **This hillside is not simply a hardwood forest; it is a vital natural asset. Its loss would be irreversible, leaving a permanent scar on our landscape and, I believe, casting a lasting shadow on the legacy of current city leadership.**

This parcel is zoned RSF-4 which, per §167.04(C) Table 1, requires 25% minimum canopy preservation. Because the parcel is in the Hillside/Hilltop Overlay District (HHOD), the percent minimum canopy requirement must be increased by 5% to a total requirement of 30%. This is the maximum percent minimum canopy requirement outlined in UDC §167. Additionally, land located within the HHOD is subject to additional grading and erosion control requirements administrated by engineering.

- **I respectfully urge you to intervene, enforce all applicable regulations, and explore every possible avenue to protect this forested hillside.**

While the Urban Forestry Advisory Board may issue opinions on development projects, the administration of Code is the responsibility of staff, and final decisions are made by Planning commissioners and City Council members. Again, I recommend that you voice your concerns to the Planning Commission , City Council, and the Mayor, as well as UFAB and staff.

Please let me know if you have any questions or want to discuss this further.

Thanks!

Willa

Willa Thomason, M.S.
Urban Forester

Development Services
City of Fayetteville, Arkansas
(479) 444-3486

Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

PUBLIC COMMENT

The Fayetteville Youth Advisory Council writes to formally recommend against the rezoning of parcel #765-13438-000, which is currently owned by the Fayetteville Public School District. After discussion and careful consideration, the YAC voted 8-0 on May 29, 2025 in favor of forwarding this letter to the City Council and the Planning Commission. The YAC determines that this land is unsuitable for development, and urges the City Council to consider the following:

1. The soil on this land is key in controlling water flow, disrupting and compacting it during construction increases the likelihood of floods onto N. College Ave. and the businesses below parcel #765-13438-000.
2. The accessibility to the school in proposed plans is highly limited, with one official road, and one 'emergency' road. The official road stems off of N. College, and the traffic congestion due to the proposed school and the revamped middle school (formally Woodland Jr. High) would greatly increase. In the situation of bad weather or emergency, getting in and out of the school would be difficult, and a potential danger to the students.
3. Parcel #765-13438-000 is a densely forested slope, any construction would be difficult and destructive of its ecological systems. As one of few areas of dense, native vegetation and wildlife left in Fayetteville, the YAC deems it important to protect the nature of this land as much as possible.

Furthermore, the Fayetteville Youth Advisory Council urges the Fayetteville Public School District to utilize this land for alternative, non-destructive stewardship and educational opportunities. The YAC also encourages the FPS District to pursue the purchase and development of underutilized land, such as unused parking lots, for the building of the new Ramey school.

This decision will affect hundreds of Fayetteville's youth, and the YAC feels a deep responsibility to advocate for the safest and most sustainable route in regards to the development of the new schools. We respectfully ask the FPS to consider alternative locations that would better meet the schools goals of safety and would cause minimal harm to the ecosystems and environment surrounding it.

We appreciate the work of the City Council and Planning Commission and thank you for your attention to our concerns. The YAC welcomes the opportunity to discuss this further as decisions are made, and remains committed to finding solutions that best reflect the interests of Fayetteville's Youth.

PUBLIC COMMENT

Bland, Justin

From: Andrea Fournet <andreafournet@gmail.com>
Sent: Monday, September 22, 2025 4:32 PM
To: Brown, Chris; Bland, Justin; Moore, Sarah; Wiederkehr, Mike
Subject: Traffic study for proposed Ramay Junior High site

Follow Up Flag: Follow up
Flag Status: Completed

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

Hello Chris and Justin,

Could the City conduct its own traffic safety study for the proposed Ramay Junior High site off College Avenue? The City has done so before—such as for the Zion Road project—when line-of-sight and turning safety were in question. This site raises even greater concerns: students crossing five lanes of traffic, and two left-hand turns off College on to Poplar from both directions. Left turns across multiple lanes are among the most dangerous traffic movements for pedestrians, bikes, scooters, wheelchairs, and cars and relying solely on the school district's consultants may risk overlooking that.

Many recent developments on major arterials avoid this hazard by allowing only right-in/right-out access. Will the City require similar protections here?

And how will the College Avenue entrance be made ADA accessible for students walking or using a wheelchair from neighborhoods west of the site?

Will the continuation of Poplar be a city maintained road or private maintained by our public school system?

Thank you for your time concerning this project.

Best regards,
Andrea