City of Fayetteville, Arkansas

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

Planning Commission Final Agenda

Monday, November 10, 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: 898 0776 0731
Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_525093PqRQCE3u4o0bjV2Q

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the October 27, 2025 Planning Commission Meeting. - Mirinda Hopkins, Development Coordinator

Unfinished Business

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

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

THIS ITEM WAS TABLED AT THE SEPTEMBER 22, 2025 PLANNING COMMISSION MEETING. - Jessica Masters, Planning Director

3. 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.

THIS ITEM WAS TABLED AT THE OCTOBER 27, 2025 PLANNING COMMISSION MEETING.
THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Donna Wonsower, Senior Planner

New Business

4. ADM-2025-0045: Administrative Item (Oak Grove Local Historic District Petition, 445):

Submitted by LONG RANGE PLANNING STAFF. In accordance with the Arkansas Historic Districts Act, the request is for the review and recommendation on a Local Historic District encompassing various properties along N. Park Avenue, N. Forest Avenue, N. Highland Avenue, W. Davidson Street, E. Davidson Street, and W. Maple Street within the City Limits of Fayetteville Arkansas containing approximately 9.9 acres. - Kylee Cole, Long Range & Preservation Planner

5. ADM-2025-0046: Administrative Item (21 E. 19TH ST/FARM AT SOUTH SCHOOL, 602):

Submitted by ECOLOGICAL DESIGN GROUP for property located at 21 E. 19TH ST. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT, and contains approximately 3.51 acres. The request is to amend the master street plan designation.

APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE JANUARY 12, 2025 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

6. VAR-2025-0046: Planning Commission Variance (2535 S. CITY LAKE RD/SHADDY, 641):

Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 2535 S. CITY LAKE RD. The property is zoned RSF-4, RESIDENTIAL SINGLEFAMILY, FOUR UNITS PER ACRE and contains approximately 12.10 acres. The request is for a variance from the development review process and drainage standards.

APPLICANT HAS REQUESTED TO TABLE UNTIL THE DECEMBER 8, 2025 PLANNING COMMISSION MEETING. - Jessica Masters, Planning Director

7. VAR-2025-0047: Planning Commission Variance (5 E. TRENTON BLVD/NIERENGARTEN & HENDRICKS, 445):

Submitted by FLINTLOCK LTD for property located at 5 E. TRENTON BLVD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.13 acres. The request is for a variance to the flood damage protection ordinance. - Alan Pugh, Staff Engineer

8. VAC-2025-0023: Vacation (65 S. DUNCAN AVE/OP III FAY S DUNCAN LP, 522):

Submitted by ECOLOGICAL DESIGN GROUP for property located at 65 S.

DUNCAN AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 1.74 acres. The request is to vacate 0.11 acres of right-of-way. - Donna Wonsower, Senior Planner

9. VAC-2025-0024: Vacation (618 N. WILSON AVE/KENT, 445):

Submitted by CENTURY 21 for property located at 618 N. WILSON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.14 acres. The request is to vacate 0.02 acres of right-of-way. - Donna Wonsower, Senior Planner

10. RZN-2025-0050: Rezoning (5901 W. MICHAEL COLE DR/MICHAEL COLE DR LLC, 436):

Submitted by SWOPE CONSULTING for property located at 5901 W. MICHAEL COLE DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL, and contains approximately 8.50 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE, and CCR, CONSERVATION, CULTURAL, AND RECREATION. - Donna Wonsower, Senior Planner

11. RZN-2025-0052: Rezoning (SOUTH OF 111 E. ROCK ST /KCMS DEVELOPMENT LLC, 524):

Submitted by FLINTLOCK LTD for property located SOUTH OF 111 E. ROCK ST. The property is zoned R-O, RESIDENTIAL-OFFICE, and contains approximately 0.20 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL. - Wesley Frank, Planner

12. RZN-2025-0049: Rezoning (258 W. MILLER ST/WELLERMAN TRUST, 367):

Submitted by FLINTLOCK LTD for property located at 258 W. MILLER ST. The property is partially zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and contains approximately 0.20 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

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

Items Administratively Approved by Staff

13. LSIP-2024-0011: Large Site Improvement Plan (N. FUTRALL DR & N. MARINONI DR/HYATT STUDIO HOTEL, 441):

Submitted by JORGENSEN & ASSOCIATES for property located at N. FUTRALL DR & N. MARINONI DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 3.00 acres. The request is for a 60,903-square-foot hotel and associated parking. - Donna Wonsower, Senior 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, 10/27/2025						
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 (10/13/2025)**	**2) VAR-2025-0045 (THE PRESERVE AT STONEBRIDGE)**	**3) ADM-2025-0031 (AMEND TREE PRES. & PROTECTION)**		**4) VAR-2025-0044 (ASHWOOD TOWNHOMES LLC)**	**5) CUP-2025-0046 (ASHWOOD TOWNHOMES LLC)**
Payne	**1**	**1**	**1**	**1**	**0**		**1**
Brink	**1**	**1**	**1**	**0**	**0**		**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**
Cabe	**1**	**1**	**1**	**1**	**1**		**1**
Agenda		**Consent**	**Consent**	**Old**		**Old**	**Old**
Action		Approve	Approve	Bring back	Forward	Withdrawn	Table
Motion By		Cabe	Cabe	Werner	Gulley		Payne
Motion 2nd		Caston	Castin	Madden	Werner		Gulley
Vote		9-0-0	9-0-0	8-1-0	7-2-0		9-0-0
Time		5:33 PM	5:33 PM	5:59 PM	6:15 PM		6:19 PM
Motion Detail				Bring the item back from tabling.			Until December 8, 2025 Planning Commission meeting.
Public Comment		0	0	2			0

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/internetchannel/show/9200?site=1&query=planning+comm&fullText=false

(pg. 2) Planning Commission	Monday, 10/27/2025					
	6) ADM-2025-0043 (IRISH BEND)	**7) CUP-2025-0049 (DO PORTUGAL CIRCUS)**	**8) CUP-2025-0048 (MARKHAM HILL PH 2)**	**9) RZN-2025-0047 (ZHU-WEAVER)**	**10) RZN-2025-0048 (RAMAY JR HIGH SCHOOL)**	
Payne	**1**	**1**	**1**	**0**	**0**	
Brink	**1**	**1**	**1**	**0**	**1**	
Madden	**1**	**1**	**1**	**1**	**1**	
McGetrick	**1**	**1**	**1**	**0**	**1**	
Castin	**1**	**1**	**1**	**1**	**1**	
Werner	**1**	**1**	**1**	**1**	**1**	
Holeyfield	**1**	**1**	**1**	**1**	**1**	
Gulley	**1**	**1**	**1**	**1**	**1**	
Cabe	**1**	**1**	**1**	**1**	**Recused**	
Agenda	**New**	**New**	**New**	**New**	**New**	
Action	Table	Approve	Approve	Forward	Forward	
Motion By	Castin	Castin	Payne	Werner	Payne	
Motion 2nd	Payne	Castin	Cabe	Castin	McGetrick	
Vote	9-0-0	9-0-0	9-0-0	6-3-0	8-1-0	
Time	6:21 PM	6:26 PM	6:30 PM	7:05 PM	9:20 PM	
	Until the November 10, 2025 Planning Commission meeting.	With all conditions as recommended by staff, including the variance.	With all conditions as recommended by staff.	With a recommendation of approval.	With a recommendation of approval.	
Public Comment	0	0	0	6	30	

A video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/internetchannel/show/9200?site=1&query=planning+comm&fullText=false

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: November 10, 2025

SUBJECT: **ADM-2025-0037: Administrative Item (91 W 15th STREET./T-MOBILE CELL TOWER, 601):** Submitted by SMJ INTERNATIONAL for property located at 91 W. 15TH ST. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 12.68 acres. The request is to modify an existing cell tower.

RECOMMENDATION:
Staff recommends approval of **ADM-2025-0037** with conditions.

RECOMMENDED MOTION:
*"I move to approve **ADM-2025-0037** with conditions as recommended by staff."*

BACKGROUND:
The subject property is the site of an existing self-storage facility. Zoned I-1, Heavy Commercial and Light Industrial, and containing approximately 12.68 acres, there is an existing cell tower that has been on the property since 2007. This item was previously scheduled for the September 22, 2025 Planning Commission meeting, but there was no quorum. The applicant also needed to renotify, so the item is now scheduled for this meeting. Surrounding land use and zoning is depicted on *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Walker Park	P-1, Institutional
South	Undeveloped	I-1, Heavy Commercial and Light Industrial
East	Industrial	I-1, Heavy Commercial and Light Industrial
West	Frisco Trail/Razorback Greenway	P-1, Institutional

Request: The applicant requests to modify an existing cell tower that was approved with a conditional use permit in 2007.

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

DISCUSSION:
Staff support the applicants' modification with conditions. Ensuring that technology in existing cell towers remains up to date is critical for wireless communication transmission. The applicant is swapping out existing antennas for new ones. However, with that swap, the applicant will be replacing those antennas with slightly larger equipment and intends to remove the existing shroud to accommodate that. To maintain consistency and compatibility with the surrounding area, staff recommend that the tower remains shrouded and painted in the existing paint scheme, even if

the canister will be slightly larger in some places than before.

RECOMMENDATION: Staff recommend approval of **ADM-2025-0037** with the following conditions.

Conditions of Approval:

1. The new antennas shall be shrouded and placed within a canister to be painted to match the existing tower color scheme.

2. All other conditions of the associated conditional use permit (CUP 07-2688) not affected by this modification shall remain in effect, as attached.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: November 10, 2025	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

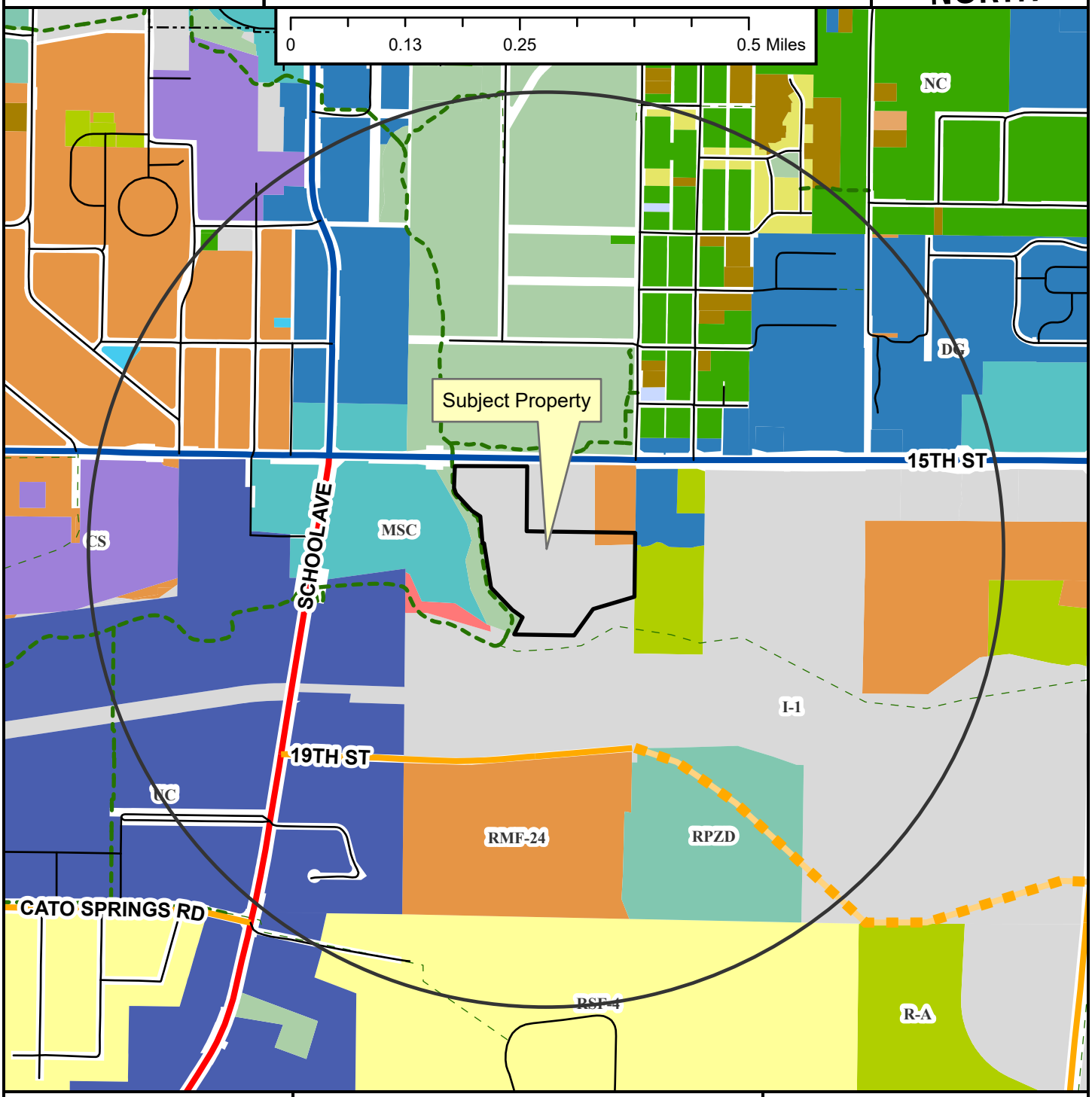
- Project Maps
  - One Mile Map
  - Close-up Map
  - Current Land Use Map
- CUP 07-2688 Conditions of Approval
- Original Tower Elevations
- Applicant Request Letter
- Site Plan and Elevations

ADM-2025-0037

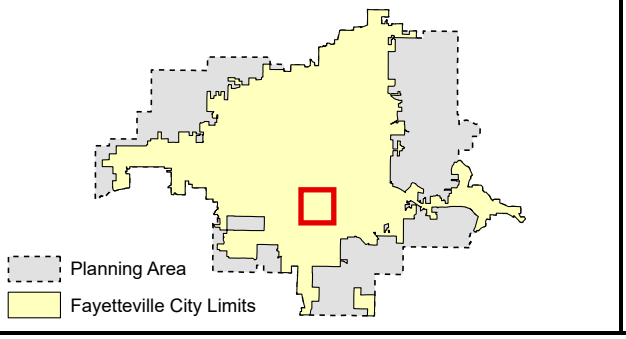
One Mile View

91 W. 15TH ST

NORTH



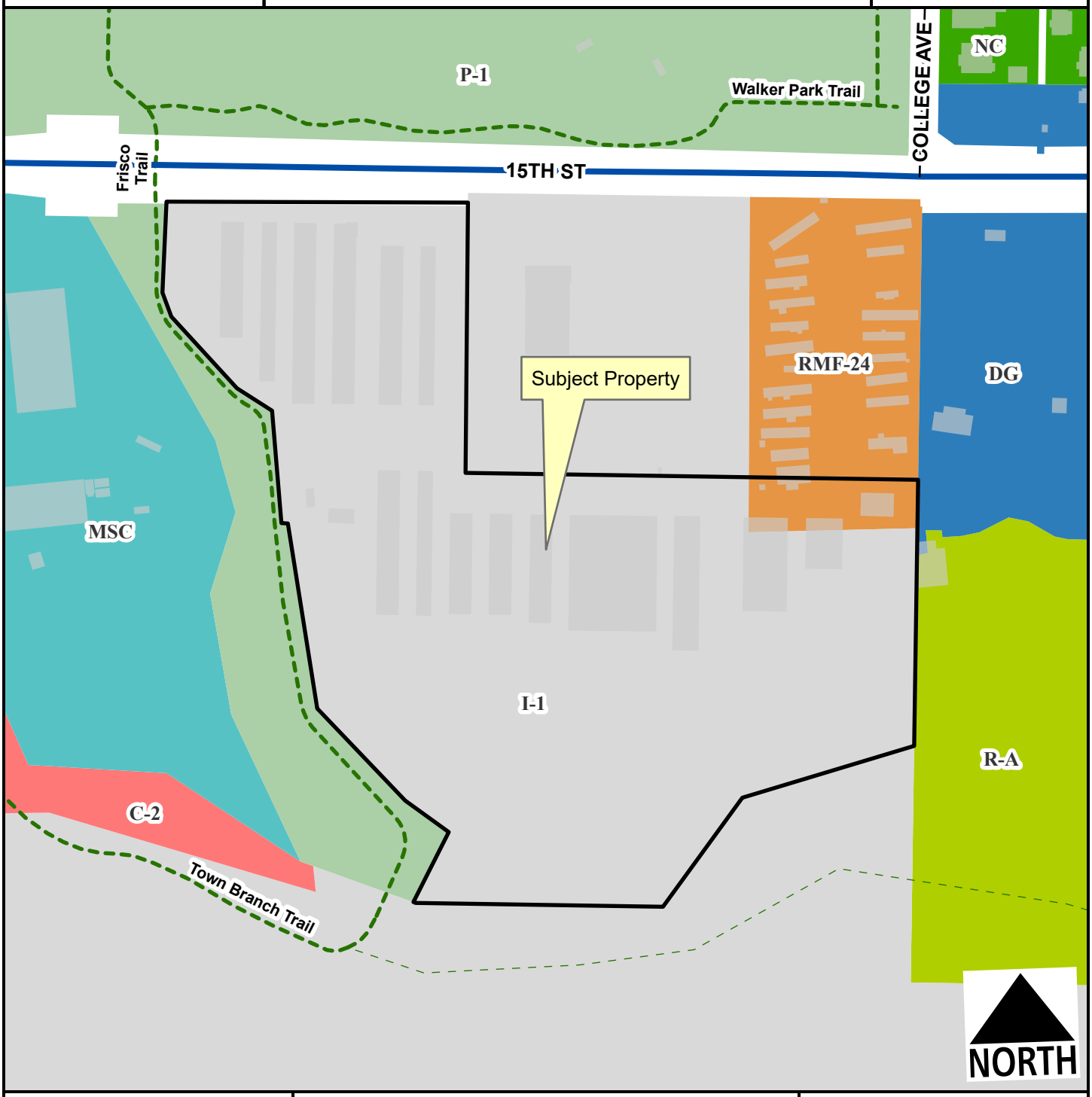
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



ADM-2025-0037

Close Up View

91 W. 15TH ST



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

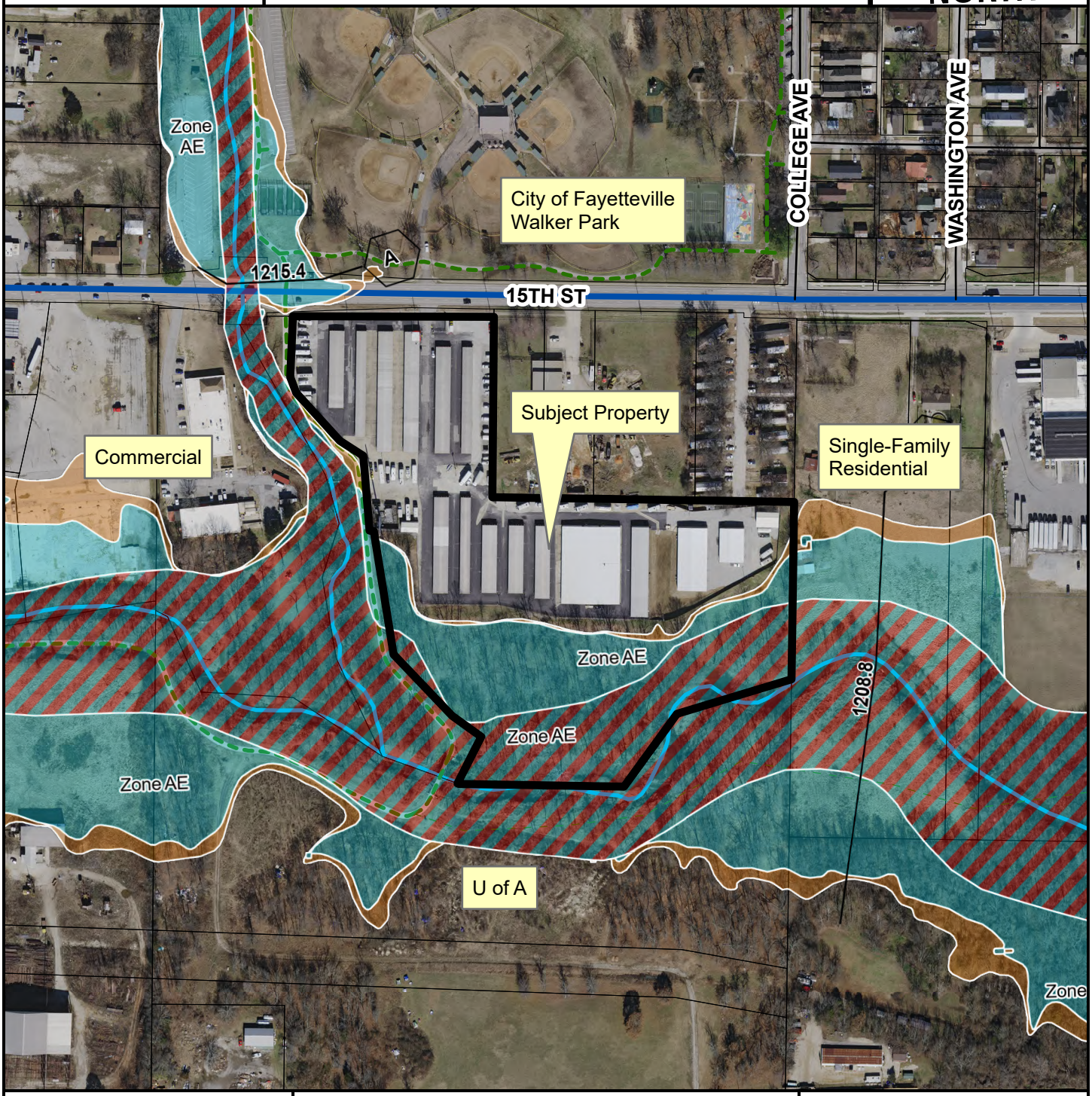
Feet
0 75 150 300 450 600
1:2,400

ADM-2025-0037

Current Land Use

91 W. 15TH ST

NORTH



Regional Link - High Activity

Alley

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

RECOMMENDATION: Staff recommends approval of the requested conditional use application for a 130' cell tower based on the required findings included with this request, subject to the following conditions:

1. **The pole shall be constructed as a stealth flagpole as indicated in the applicants application and shall be painted off-white, or a color as determined by the Planning Commission which blends in with the background.**

2. **The applicant shall comply with all applicable federal regulations.**

3. **Equipment used in conjunction with the tower shall not generate noise which can be heard beyond the site per Chapter 163.14 (A)(1).**

4. **Lighting on the tower shall only be installed if mandated by the FAA. Security lighting or motion-activated lighting may be used around the base of the tower provided that that the lighting is compliant with Chapter 176 Outdoor Lighting of the Unified Development Code.**

5. **The tower shall be no taller than 130' (including all antennas, arrays, or other appurtenances).**

6. **The utility equipment at the base of the tower shall be surrounded by an 8' wooden security fence to prevent the view of the premises from vehicular and pedestrian traffic on adjacent streets.**

7. **Landscaping shall be added to the site as needed to provide a "buffer of dense tree growth and under story vegetation in all directions to create an effective year round visual buffer" as required by UDC Chapter 163.14 (B)(11). Species and location of the required plantings shall be subject to the approval of the Urban Forester. A combination of evergreen and deciduous species shall be provided.**

8. **Some method of irrigation shall be required in landscaped areas. An automated irrigation system is encouraged to ensure adequate moisture to plant material. In landscaped areas without an automated irrigation system the installation of hose bibs (water spigots), installed one for every 100 foot radius, will be required.**

K:\Reports\2007\PC Reports\08-13-07\CUP 07-2668 (Verizon Cell Tower_Allied Storage).doc

9. **Landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have 60 days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.**

10. **Access to the cell tower facility shall be by way of the existing driveway through the development. No additional curb-cuts shall be permitted.**

11. **Any connection to existing utilities to provide power to this site shall be located underground.**

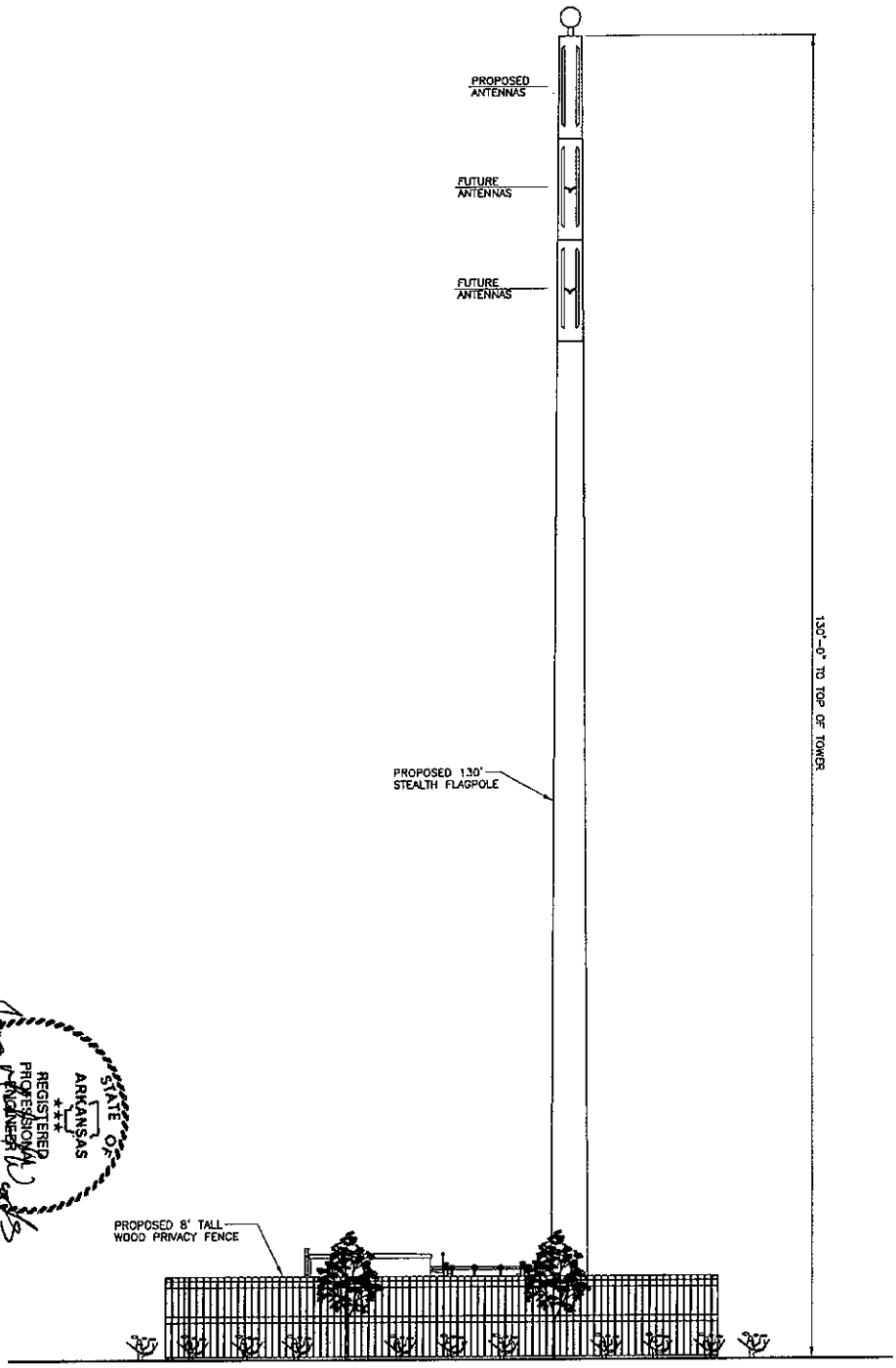
12. **The minimum distance from the base of the tower to any residential dwelling unit shall be the tower height or required setback, whichever is greater, unless all persons owning said residence or the land on which said residences are located consent in writing to the construction of the tower, pursuant to UDC Section 163.14(B)(3).**

13. **Only warning, site identification and FCC signs shall be permitted on the screening fence as provided by Chapter 163.14 (A)(3) and in no case shall any sign exceed 4 square feet.**

14. **Co-location shall be permitted on the subject tower by multiple carriers in compliance with Chapter 163.14 (C). All future carriers shall comply with the standards established in this conditional use application, including the type of antenna utilized, to maintain the "flagpole" appearance.**

15. **In the future, if it is determined that the technology exists that does not require the use of the tower, or the current height of the tower, then the tower shall be lowered to the lowest possible height, or removed if no longer necessary.**

16. **The tower and supporting equipment shelter shall be located outside of the required building setbacks for the I-1 zoning district.**



NOTE:
TOWER HAS NO CLIMB LADDER OR STEPS. ALL ACCESS TO ANTENNAS MUST BE BY BUCKET TRUCK OR CRANE

TOWER ELEVATION

DETAIL 1 / — NTS

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER No. 11601 MICHAEL WOODS

6/28/07

VERIZON WIRELESS
TENNESSEE PARTNERSHIP
500 WEST DOVE ROAD
SOUTHLAKE, TX 76092

APPROVALS
CARRIER
LANDLORD
LEASING
CONSTRUCTION

PROJECT NO:
DRAWN BY: JAL
CHECKED BY: JOH
APPROVED BY: MDB

REV	DATE	DESCRIPTION
D	06/29/2007	ISSUED FOR ZONING

PROFESSIONAL ENGINEER

NOT FOR CONSTRUCTION

PROFESSIONAL ENGINEER INC.
NOT VALID WITHOUT SIGNATURE & SEAL

EXCELL COMMUNICATIONS, INC.
6247 AMBER HILLS ROAD
BIRMINGHAM, ALABAMA 35173
PHONE: 205.956.0198
FAX: 205.956.2632

WALKER PARK_AR
16S206A
SPRINGDALE-ROGERS
STA

SITE ADDRESS / COORDINATES
85 WEST 15TH ST, UNIT 2
FAYETTEVILLE, AR 72701
LAT: 36°02'48.165"N
LON: -94°09'40.816"W

SHEET TITLE
TOWER ELEVATION

SHEET NUMBER
05

SMJ INTERNATIONAL
49030 Pontiac Trail, Suite 100
Wixom, MI 48393
www.smj-llc.com

September 15, 2025

Jessie Masters, AICP
Planning Director
Development Services
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov

RE: Request to Modify Existing CUP 07-266 – 91 W 15TH ST FAYETTEVILLE, AR 72701

Jessie,

Per request, this is a cover letter request to modify an existing conditional use permit (CUP 07-266) for a cell tower located, 91 W 15TH ST, FAYETTEVILLE, AR 72701 with a proposed Scope of Work below:

TOWER WORK:
REMOVE (1) CANISTER, (3) ANTENNA(S), (6) TMA(S), AND (12) 7/8" COAX CABLE(S)
INSTALL (1) FLUSH MOUNT, (3) ANTENNA(S), (6) RRU(S), AND (1) 2.00" HYBRID TRUNK 6/24 4AWG 50M CABLE
GROUND WORK:
REMOVE (9) RRU(S), (3) DIPLEXER(S), (3) TRIPLEXER(S), (1) AMOB, AND (1) PURCELL SITEFLEX 3031 CABINET
INSTALL (1) DELTA HPL3.05 600A DC CABINET AND (1) DELTA LB3 BATTERY CABINET

None of the proposed equipment changes and modifications will alter compliance of the existing tower per the requirements of 163.13 Wireless Communications Facilities. The tower structure itself is not being modified, only the existing carrier equipment for T-Mobile is being modified.

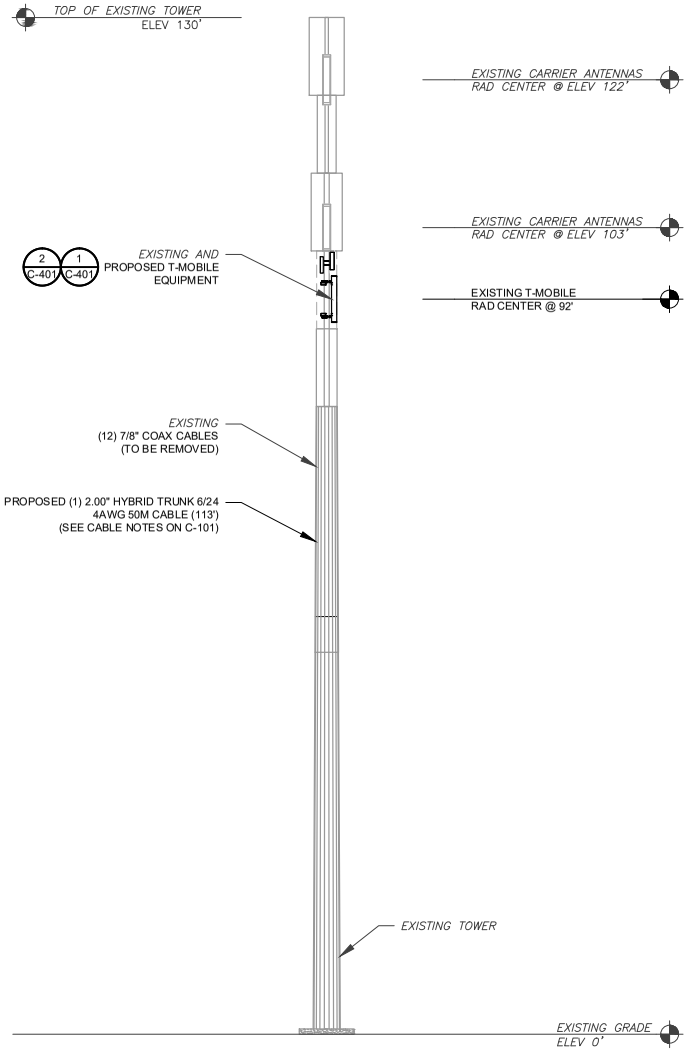
Thanks for your assistance with this process.

Mark Knapek
SMJ INTERNATIONAL

m (502) 592-8432
mknapek@smj-llc.com

1. GC TO PERMANENTLY REMOVED T-MOBILE'S SHROUD/CANISTER.

2. EQUIPMENTS TO BE PAINTED TO MATCH THE EXISTING TOWER COLOR SCHEME.



1 TOWER ELEVATION

SCALE: N.T.S.

ALL ELEVATIONS REFLECT ABOVE GROUND LEVEL (A.G.L.)

TOWER NOTE:

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM WITH THE PROJECT MANAGER THAT THEY HAVE THE MOST RECENT VERSION OF THE STRUCTURAL ANALYSIS BEFORE COMMENCING WORK. EXISTING AND PROPOSED TOWER APPURTENANCES, MOUNTS, AND ANTENNAS ARE SHOWN BASED ON THE STRUCTURAL ANALYSIS.
2. WHERE APPLICABLE, ALL NEW ANTENNAS, EQUIPMENT, MOUNTS, CABLING, ETC. SHALL BE PAINTED/SOCKED TO MATCH EXISTING EQUIPMENT IN ACCORDANCE WITH FAA, JURISDICTION, AND/OR OTHER LOCAL REQUIREMENTS.
3. ROUTE PROPOSED CABLES ALONG SAME PATH AS EXISTING CABLES AND IN ACCORDANCE WITH STRUCTURAL ANALYSIS.
4. ALL COAX LINES MUST BE TERMINATED AT 2' BELOW THE BASE OF THE BOTTOM CANISTER WITH ½" JUMPERS RUNNING UP TO CUSTOMER'S EQUIPMENT.
5. CONCEALMENT CANISTER CLOSURE MECHANISMS SHALL BE INSPECTED FOR PROPER SEAL AND COMPLETE CLOSURE WHENEVER OPENED/ CLOSED. STRIPPED CLOSURE MECHANISMS OR DAMAGE TO THE CONCEALMENT CANISTER PREVENTING PROPER REINSTALLATION SHALL BE BROUGHT TO THE ATTENTION OF THE ATC OSL (OPERATIONS SITE LEAD) OR ATC CM. CANISTERS WITH STRIPPED CLOSURES SHALL HAVE CLOSURE HARDWARE REPLACED OR BE REINSTALLED WITH WIND-BAND STRAPPING.
6. TOWER ELEVATION DEPICTION MAY NOT REFLECT ALL EQUIPMENT INCLUDED IN STRUCTURAL ANALYSIS. REFER TO STRUCTURAL ANALYSIS FOR FULL TOWER LOADING.

AMERICAN TOWER®
ATC TOWER SERVICES LLC
1 FENTON MAIN
SUITE 300
CARY, NC 27511
PHONE: (919) 468-0112
862

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	MNC	07/22/25

ATC SITE NUMBER:
415410

ATC SITE NAME:
WALKER_PARK_AR AR

T-MOBILE SITE NAME:
AR02115A

SITE ADDRESS:
91 W 15TH ST
FAYETTEVILLE, AR 72701

SEAL:

Digitally Signed: 2025-07-22

T-Mobile

ATC PROJ. #:	14864141_G0
CUST. ID:	AR02115A
CUST. #:	AR02115A

TOWER ELEVATION

SHEET NUMBER:	REVISION:
C-201	0

Copyright © 2025 ATC IP LLC. All Rights Reserved.

SITE PLAN / ELECTRICAL NOTES:

1. THIS SITE PLAN REPRESENTS THE BEST PRESENT KNOWLEDGE AVAILABLE TO THE ENGINEER AT THE TIME OF THIS DESIGN. THE CONTRACTOR SHALL VISIT THE SITE PRIOR TO CONSTRUCTION AND VERIFY ALL EXISTING CONDITIONS RELATED TO THE SCOPE OF WORK FOR THIS PROJECT.

2. ICE BRIDGE, CABLE LADDER, COAX PORT, AND COAX CABLE ARE SHOWN FOR REFERENCE ONLY. CONTRACTOR SHALL CONFIRM THE EXACT LOCATION OF ALL PROPOSED AND EXISTING EQUIPMENT AND STRUCTURES DEPICTED ON THIS PLAN. BEFORE UTILIZING EXISTING CABLE SUPPORTS, COAX PORTS, INSTALLING NEW PORTS OR ANY OTHER EQUIPMENT, CONTRACTOR SHALL VERIFY ALL ASPECTS OF THE COMPONENTS MEET THE ATC SPECIFICATIONS.

3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE T-MOBILE REPRESENTATIVE AND LOCAL UTILITY COMPANY FOR THE INSTALLATION OF CONDUITS, CONDUCTORS, BREAKERS, DISCONNECTS, OR ANY OTHER EQUIPMENT REQUIRED FOR ELECTRICAL SERVICE. ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH LATEST EDITION OF THE STATE AND NATIONAL CODES, ORDINANCES AND REGULATIONS APPLICABLE TO THIS PROJECT.

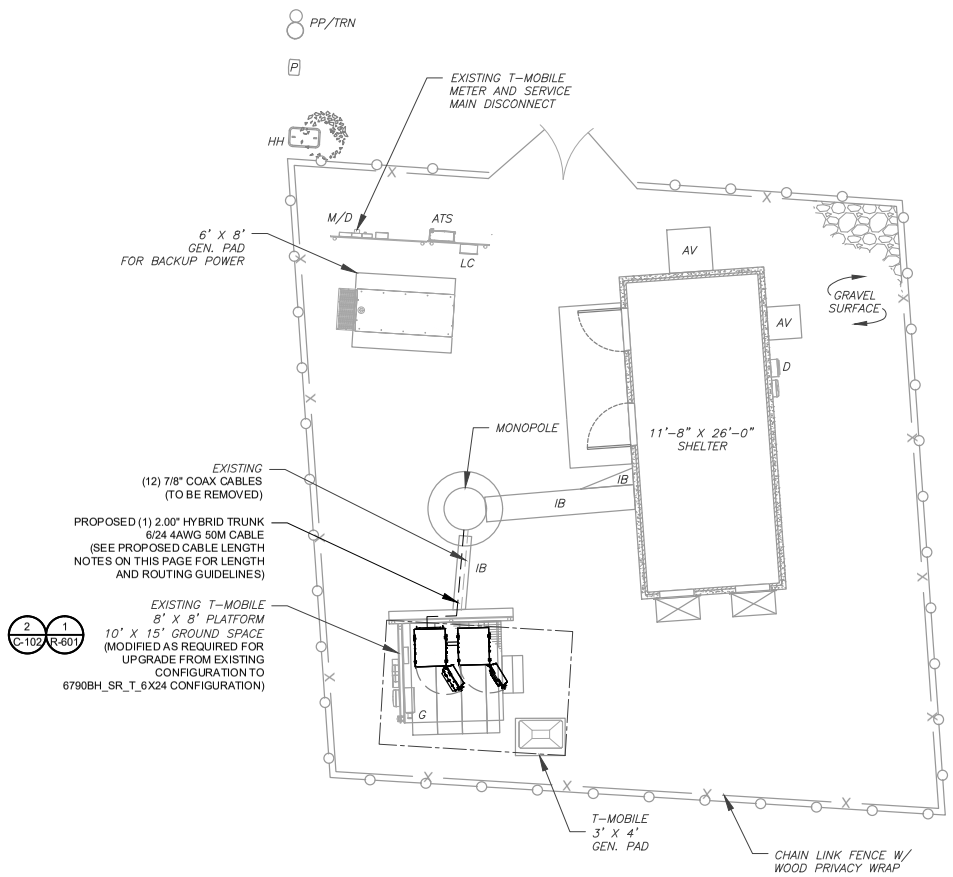
4. ALL CONDUITS SHALL BE INSTALLED UNDERGROUND AND PER APPLICABLE NEC AND LOCAL REQUIREMENTS UNLESS SHOWN OTHERWISE ON THESE PLANS. ANY CONDUITS INSTALLED ABOVE GRADE SHALL BE SECURED PER NEC 344 (MAX INTERVAL 10') AND THE ENTIRE CONDUIT SHALL BE PAINTED SAFETY/REFLECTIVE YELLOW OR ORANGE TO INCREASE VISIBILITY AND REDUCE TRIP HAZARDS.

LEGEND

⊗	GROUNDING TEST WELL
ATS	AUTOMATIC TRANSFER SWITCH
B	BOLLARD
CSC	CELL SITE CABINET
D	DISCONNECT
E	ELECTRICAL
F	FIBER
GEN	GENERATOR
G	GENERATOR RECEPTACLE
HH, V	HAND HOLE, VAULT
IB	ICE BRIDGE
K	KENTROX BOX
LC	LIGHTING CONTROL
M	METER
PB	PULL BOX
PP	POWER POLE
T	TELCO
TRN	TRANSFORMER
———	CHAINLINK FENCE

PROPOSED CABLE NOTES:

1. ESTIMATED LENGTH OF PROPOSED CABLE IS **113**'. ESTIMATED LENGTH OF CABLE WAS PROVIDED BY CUSTOMER OR CALCULATED BY ADDING THE RAD CENTER AND THE DISTANCE FROM THE SHELTER ENTRY PLATE TO THE TOWER (ALONG THE ICE BRIDGE) AND A SAFETY FACTOR MEASUREMENT OF 15% (OF THE TWO PREVIOUS VALUES), CDS DEFER TO GREATEST CABLE LENGTH.
2. ROUTE PROPOSED CABLES ALONG SAME PATH AS EXISTING CABLES AND IN ACCORDANCE WITH STRUCTURAL ANALYSIS. IF ADEQUATE SPACE EXISTS, ROUTE CABLES THROUGH ENTRY PORT HOLE, UP INSIDE OF MONOPOLE, AND THROUGH EXIT PORT HOLE. IF ROUTING OUTSIDE THE MONOPOLE, ATTACH CABLES USING STAND-OFF ADAPTERS MOUNTED TO TOWER USING STAINLESS STEEL BANDING. ADEQUATELY SECURE CABLES USING EITHER APPROPRIATELY SIZED STAINLESS STEEL SNAP-INS OR MOUNTING HARDWARE AND BRACKETS AS SPECIFIED BY CABLE MANUFACTURER.



1 DETAILED SITE PLAN

GRAPHIC SCALE

10 0 5 10

(IN FEET)
1 UNIT = 10 FEET

N

AMERICAN TOWER®
ATC TOWER SERVICES LLC
1 FENTON MAIN
SUITE 300
CARY, NC 27511
PHONE: (919) 468-0112
862

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	MNC	07/22/25

ATC SITE NUMBER:
415410

ATC SITE NAME:
WALKER_PARK_AR AR

T-MOBILE SITE NAME:
AR02115A

SITE ADDRESS:
91 W 15TH ST
FAYETTEVILLE, AR 72701

SEAL:

STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 16359
PATRICK P. BARRY

Digitally Signed: 2025-07-22

T-Mobile

ATC PROJ. #:	14864141_G0
CUST. ID:	AR02115A
CUST. #:	AR02115A

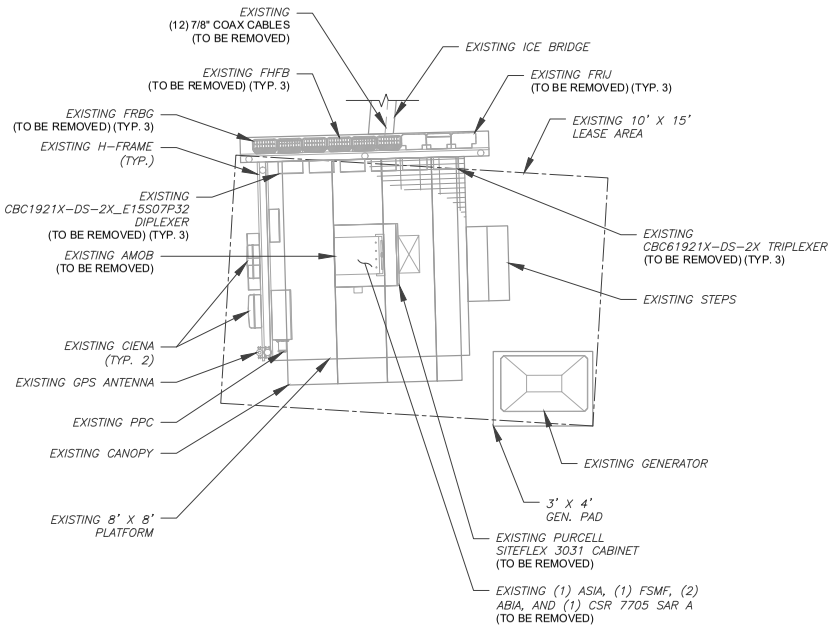
DETAILED SITE PLAN

SHEET NUMBER:	REVISION:
C-101	0

Copyright © 2025 ATC IP LLC. All Rights Reserved.

SITE PLAN NOTES:

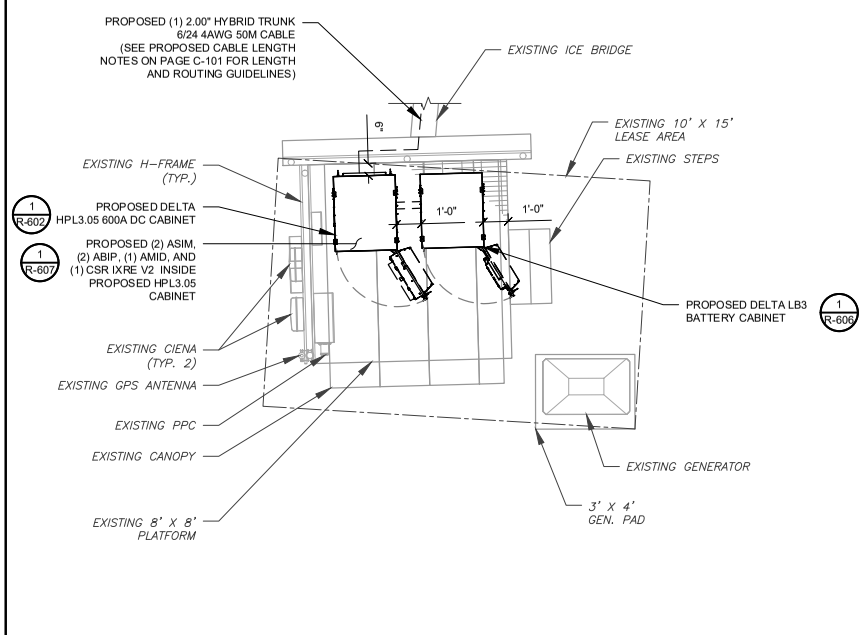
1. CONTRACTOR TO VERIFY THERE IS NO LIVE AAV FIBER RUNNING THROUGH EXISTING DEAD EQUIPMENT. IF SO, THIS WILL NEED TO BE RERUN THROUGH CONDUIT PRIOR TO REMOVING DEAD 2G (6201 CABS) EQUIPMENT.
2. ALL OPEN PORTS NEED TO BE SEALED / WEATHERPROOFED PROPERLY
3. ALL UNNEEDED / EXCESS EQUIPMENT AND GARBAGE TO BE REMOVED FROM EQUIPMENT AREA. DISPOSE OF MATERIALS PROPERLY OFF SITE.



1 EXISTING GROUND EQUIPMENT LAYOUT

GRAPHIC SCALE
5 0 2.5 5
(IN FEET)
1 UNIT = 5 FEET

T-MOBILE CM APPROVAL REQUIRED BEFORE INSTALLING CABINETS.



2 PROPOSED GROUND EQUIPMENT LAYOUT

GRAPHIC SCALE
5 0 2.5 5
(IN FEET)
1 UNIT = 5 FEET

AMERICAN TOWER®
ATC TOWER SERVICES LLC
1 FENTON MAIN
SUITE 300
CARY, NC 27511
PHONE: (919) 468-0112
862

THE USE AND PUBLICATION OF THESE DRAWINGS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO AMERICAN TOWER OR THE SPECIFIED CARRIER IS STRICTLY PROHIBITED. NEITHER THE ARCHITECT NOR THE ENGINEER WILL BE PROVIDING ON-SITE CONSTRUCTION REVIEW OF THIS PROJECT. CONTRACTOR(S) MUST VERIFY ALL DIMENSIONS AND ADVISE AMERICAN TOWER OR THE SPECIFIED CARRIER OF ANY DISCREPANCIES. ANY PRIOR ISSUANCE OF THIS DRAWING IS SUPERSEDED BY THE LATEST VERSION.

REV.	DESCRIPTION	BY	DATE
0	FOR CONSTRUCTION	MNC	07/22/25

ATC SITE NUMBER:
415410
ATC SITE NAME:
WALKER_PARK_AR AR
T-MOBILE SITE NAME:
AR02115A
SITE ADDRESS:
91 W 15TH ST
FAYETTEVILLE, AR 72701

SEAL:

Digitally Signed: 2025-07-22

T-Mobile

ATC PROJ. #:	14864141_G0
CUST. ID:	AR02115A
CUST. #:	AR02115A

DETAILED EQUIPMENT PLAN

SHEET NUMBER: C-102
REVISION: 0

Copyright © 2025 ATC IP LLC. All Rights Reserved.

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Planning Commission

THRU: Historic District Commission

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: November 10, 2025

SUBJECT: **ADM-2025-0045: Administrative Item (Oak Grove Local Historic District Petition, 445):** Submitted by LONG RANGE PLANNING STAFF. In accordance with the Arkansas Historic Districts Act, the request is for the review and recommendation on a Local Historic District encompassing various properties along N. Park Avenue, N. Forest Avenue, N. Highland Avenue, W. Davidson Street, E. Davidson Street, and W. Maple Street within the City Limits of Fayetteville Arkansas containing approximately 9.9 acres.

Background:
On September 4, 2025, residents submitted a petition to the City Clerk Treasurer's office to propose a local historic district called Oak Grove. This proposed district includes a portion of the Wilson Park Historic District, which is listed on the National Register of Historic Places, and several properties outside of the Wilson Park NRHP Historic District, consisting of approximately 9.9 acres total.

Since this honorary National Register designation provides no protections, property owners have initiated a petition to strengthen the protection of the neighborhood's architecture through the creation of a local ordinance district.

Property owners initiated this petition to create a local historic district to protect the unique and significant architectural character of this portion of the neighborhood from inappropriate alterations, demolitions, and incompatible new construction.

The Clerk's office verified 34 signatures out of the total of 47 property owners within the proposed boundary. Their final calculation shows that 72% of property owners within the proposed district signed the petition.[1] The required percentage of signatures is 51% to initiate the local historic district review and approval process.

At the October 9, 2025 regular meeting, the Historic District Commission unanimously voted to forward this report to the Planning Commission for review. In accordance with the Arkansas Historic Districts Act § 14-172-207 (attached), the Planning Commission will have 60 days from receipt of this notice to provide a recommendation, if they choose to. If no response is made it shall be taken as approval of the report.

[1] Since then, additional signatures of support have been collected from property owners and an adjacent property owner has requested to be included in the district.

The creation of local historic districts is supported by four elements of the City's Heritage & Historic Preservation Plan adopted in July 2023:

Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

- *Goal 1: Strengthen the Preservation Program*
  - *1.9 Plan Review* - Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
  - *1.10 Demolition Ordinance* - Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
- *Goal 2: Encourage Compatible Development that Prioritizes Historic Preservation*
- *Goal 3: Identify and Protect Historic Properties*
  - *3.7 Local Historic District Designation* - Poll NRHP historic district property owners to gauge interest in becoming a local historic district. Based on poll results, prioritize facilitation of local historic district designation.
- *Goal 4: Provide Learning Opportunities for the Community*
  - *4.9 Community Engagement: Transparency* - Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

Discussion:

The proposed district is highly significant for its Craftsman architecture and prominent use of locally sourced fieldstone, associated with neighborhood builder Noah Fields Drake (Criterion C). This subset of the larger Wilson Park National Register Historic District represents the highest concentration of homes associated with Drake and the most architecturally intact homes in the neighborhood.

The Planning Commission may be interested in discussion of support for unique development challenges that may arise within this historic district. Variances from the Master Street Plan standards may be requested in the future to preserve the historic neighborhood character of narrower streets with wide greenspaces. Many of the platted streets in the Oak Grove Historic District were originally laid out with 30–45-foot rights-of-way. The Fayetteville Master Street Plan requires that all Residential Link Streets (all interior streets in the district) have a minimum of 45 feet of street right-of-way and are improved with a six-foot sidewalk, six-foot greenspace, and one-and-a-half-foot curb and gutter. This regulation is based on larger lot suburban standards developed in the mid-20th century. The Master Street Plan also requires that all Urban Center Streets (W. Maple St.) have a minimum right-of-way of 39 feet and are improved with an eight-foot sidewalk, four-foot greenspace, and one-and-a-half-foot curb and gutter. From a historic preservation lens, variance from these standards and exception from dedication of additional street right-of-way would be a way the Planning Commission could support this historic district.

Future support from the Planning Commission might also involve rezoning the district to more closely match the existing historic development patterns in the area. Currently there is a mixture of RSF-4 and RMF-24 zoned properties in the area, which may result in new buildings that are inconsistent with historic building setbacks.

Public Comment:

Staff have received one request from an adjacent owner to be included in the district boundary and one call from an adjacent owner with questions. Two property owners within the boundary have voiced support (see attached).

Recommendation:
Staff recommend the Commission respond to the Historic District Commission with a recommendation of approval for the Local Historic District.

Attachments:

- Letter from HDC Chair Christine Myres
- Staff Report: Oak Grove Local Historic District
- Letter of Support from State Historic Preservation Office
- Public Comment

CITY OF
FAYETTEVILLE
ARKANSAS

Historic District Commission
Fayetteville, Arkansas

October 9, 2025

Chair Andrew Brink & Fayetteville Planning Commission
City of Fayetteville, Arkansas

RE: Oak Grove Local Historic District

Dear Mr. Brink & Planning Commissioners,

The Historic District Commission is excited to present for your consideration a petition for the creation of a local ordinance historic district, called Oak Grove.

This proposed district includes a portion of the Wilson Park Historic District, which is listed on the National Register of Historic Places, and several additional properties to the east. Since this honorary National Register designation provides no protection for historic properties, residents have initiated a petition to create a local ordinance district as outlined in the Arkansas Historic Districts Act.

This proposed local historic district includes 33 residential buildings constructed primarily in the 1920s and 1930s. The area is highly architecturally significant for its Craftsman architecture and prominent use of locally sourced fieldstone, principally associated with neighborhood builder and University of Arkansas geologist, Noah Fields Drake. The area captures the highest concentration of homes associated with Drake and the most architecturally intact homes in the neighborhood. This local ordinance historic district would protect the unique and significant architectural character of the neighborhood from inappropriate alterations, demolitions, and incompatible new construction.

On September 4, 2025, property owners submitted a petition to the City Clerk Treasurer's office to propose a local historic district. Upon review of the petition signatures, the Clerk has verified that 72% of property owners within the proposed district have signed the petition in support. The required percentage of signatures is 51%.

In accordance with the Arkansas Historic Districts Act § 14-172-207 (attached) the Historic District Commission is forwarding this report for your consideration. The Planning Commission will have 60 days from receipt of this notice to provide a recommendation.

Thank you for your time and consideration.

Respectfully,

Christine Myres
Chair, Historic District Commission

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Historic District Commission

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: October 9, 2025

SUBJECT: **Proposed Oak Grove Local Historic District**

Background:
On September 4, 2025, residents submitted a petition to the City Clerk's office to propose a local historic district called Oak Grove. This proposed district includes a portion of the Wilson Park Historic District, which is listed on the National Register of Historic Places, and several properties outside of the Wilson Park NRHP Historic District.

Since this honorary National Register designation provides no protections, residents have initiated a petition to strengthen the protection of the neighborhood's architecture through the creation of a local ordinance district.

Citizens initiated this petition to create a local historic district to protect the unique and significant architectural character of this portion of the neighborhood from inappropriate alterations, demolitions, and incompatible new construction.

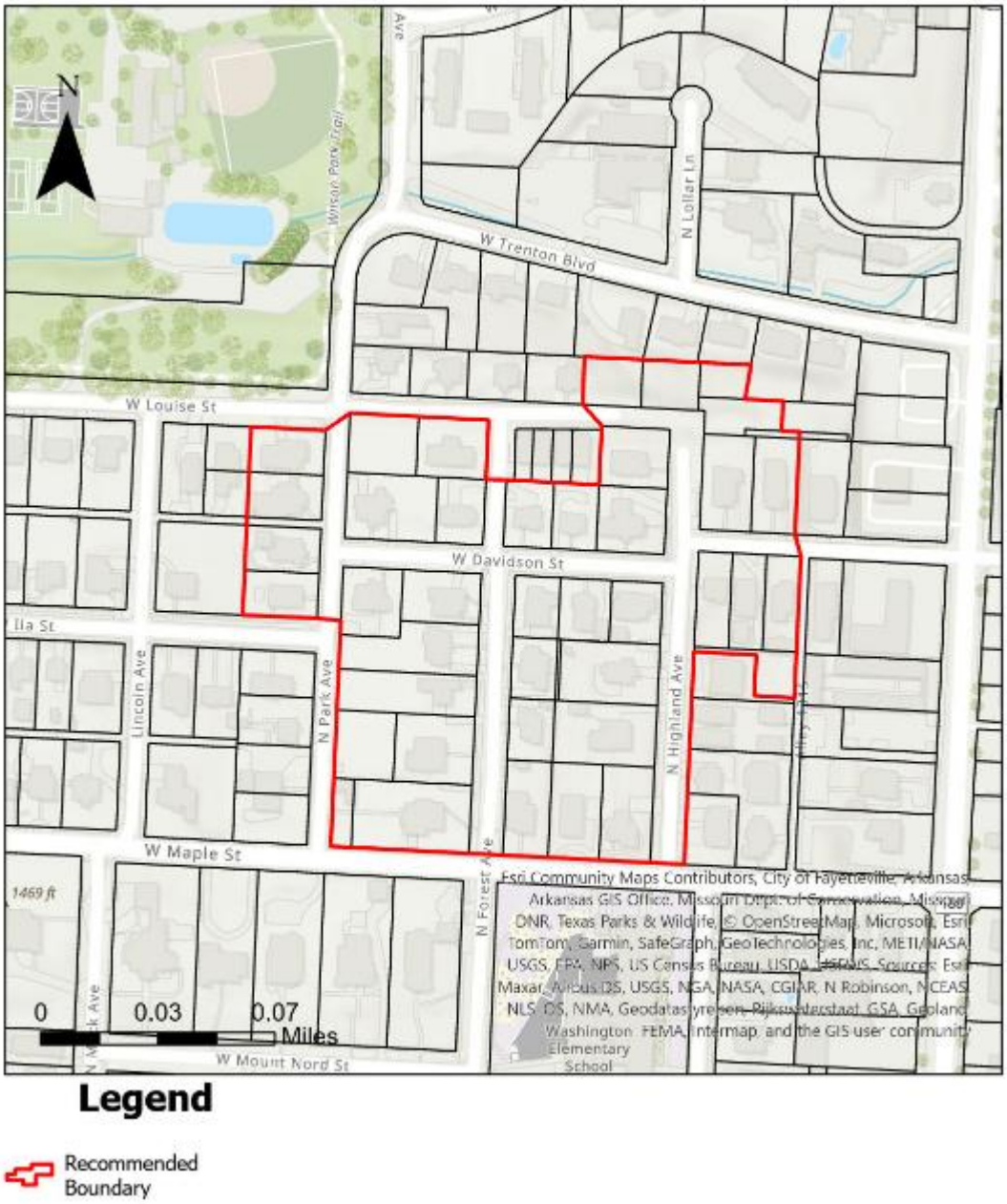
The Clerk's office verified 34 signatures out of the total of 47 property owners within the proposed boundary. Their final calculation shows that 72% of property owners within the proposed district signed the petition. The required percentage of signatures is 51%.

The creation of local historic districts is supported by four elements of the City's Heritage & Historic Preservation Plan adopted in July 2023:
Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
3.7	Local Historic District Designation	Poll NRHP historic district property owners to gauge interest in becoming a local historic district. Based on poll results, prioritize facilitation of local historic district designation.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

Boundary:
Roughly bounded by North Highland Avenue on the east, West Maple Street on the south, North

Park Avenue on the west, and West Louise Street on the north. More specifically, the boundaries are shown in Figure 1.



Number of Resources within Boundary:
Contributing: 31
Non-Contributing: 2

History:
The Oak Grove Historic District, located just north of Fayetteville's historic commercial downtown, extends roughly between Highland Avenue on the east, North Park Avenue on the west, West Louise Street on the north, and West Maple Street on the south. This area contains land originally incorporated into the city through the Oak Grove and Englewood Additions in the early 1900s.

This area broadly captures the eastern portion of the Wilson Park Historic District (NRHP). As outlined in the National Register of Historic Places nomination, the Wilson Park area reflects the economic evolution of the community:

> *The initial development of the Wilson Park District occurred in the early part of the century during a boom period for Fayetteville. By 1910 the population had reached nearly 5000 and Fayetteville Lumber and Cement, Hill City Lumber and the Red Star Spoke Factory were doing a record business. The tons of produce and grain leaving Fayetteville yearly kept three train lines running. Canning factories and cold storage companies were built to package the produce for shipping. Many permanent homes were established during this period within the district. Summer cabins were built on East Mountain, later renamed Mt. Sequoyah, for vacationers taking advantage of the temperate climate. There were four banks and the square became the retail center for NW Arkansas with shops staying open until 9:00 p.m. to accommodate farmers in the outlying communities who needed to shop after their farm work was done.* [1]

The development of Oak Grove was primarily led by Noah Fields Drake. Drake was born on January 30,1864 near Summers, around 20 miles west of Fayetteville. He graduated in 1888 from the Arkansas Industrial University (now University of Arkansas) with a degree in civil engineering. After graduation, he worked on the Arkansas Geological Survey, then relocated to Texas for work with the State Geological Survey. In 1893, he followed mentor Dr. J.C. Banner to Leland Stanford University in California, where he earned several degrees, including a Ph.D. in geology in 1897. Following graduation, he spent one year with the United States Geological Survey before accepting a position at Pei Yang University in Tientsin China to teach geology and mining. He worked on many influential projects during his tenure in Tientsin, including creating the first geological maps of any part of China. He worked with the Chinese government, the Public Works Department of Tientsin, and as a consulting geologist for the American China Development Company.

Figure 1. Noah Fields Drake. Source: Orange County California Genealogical Society (Vera Wade Drake).

In 1911, Drake returned to the U.S. and accepted a position at the University of Arkansas as a professor of geology and mining.[2] Drake served as the state geology, chair of the Geology Department, and curator of the University Museum before retiring from academia in 1920.[3]

Upon his return to Fayetteville, he purchased the house at 513 Highland Avenue, formerly owned by geology professor A.H. Purdue. The house was in the Gates subdivision of the Oak Grove Addition to the City of Fayetteville.

---

[1] Kenneth Story, "Wilson Park Historic District National Register of Historic Places Nomination", Arkansas Historic Preservation Program, February 2, 1995.
[2] "Memorial: Noah Fields Drake (1864-1945)," *Bulletin of the American Association of Petroleum Geologists*, vol. 29, no. 12 (December 1945), pp 1794, https://archives.datapages.com/data/bull_memorials/029/029012/pdfs/1794.htm, accessed October 6, 2025.
[3] Annie Dowling, "Building a Vernacular Neighborhood and Beyond: Noah Drake's Legacy in Wilson Park and Fayetteville," (unpublished manuscript, October 30, 2014), typescript.

Drake purchased land in the Gates subdivision in August 1914 for $3,250. He also purchased land in the adjacent Englewood Addition in 1920 for $1,350. The following year, he purchased additional land for $1,250 and began the construction of his family home at 501 N. Forest Avenue.[4]

After the Drake house was completed, Noah Fields Drake tried his hand at real estate development. He constructed eleven residences between 1925 and 1936, many of which are located in area of the proposed Oak Grove Local Historic District.[5] He also constructed two commercial buildings downtown in the late 1920s which housed Montgomery Ward & Co. and Sears Roebuck & Co.[6] The Montgomery Ward Building at 41 West Center was constructed in 1929. The 20,000 square foot department store occupied the building until 1961 when it moved into the Evelyn Hills Shopping Center and the Clark-Eoff Furniture Company leased the space. In the mid-1970s, the building became an annex of the Washington County Courthouse and it served that purpose until its demolition in 2005.[7]

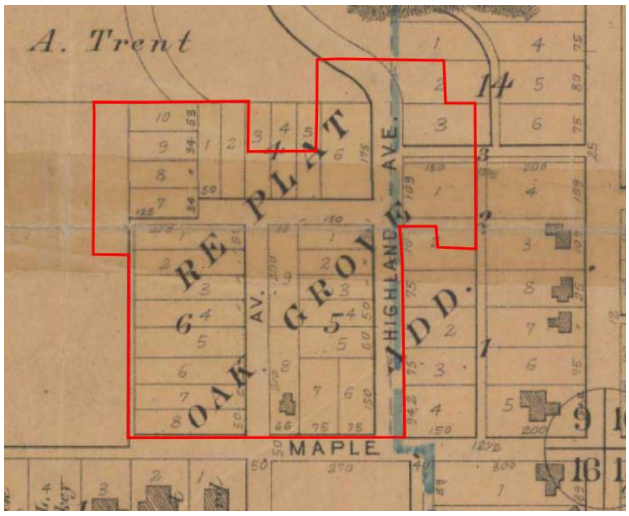


Figure 2. 1908 Plat Map of Oak Grove Addition. Portion in proposed district outlined in red.

Drake was instrumental in the development of Wilson Park, Fayetteville's original City Park, just northwest of the neighborhood. He and other businessmen formed the City Park Company, which improved the park and built the first permanent pool in 1926.[8] Drake was also vital in the establishment of the municipal airport. In 1929, he donated $3,500 to the city to purchase the land for an airport, then in 1947 the City renamed the airport Drake Field in honor of Noah Fields Drake.[9]

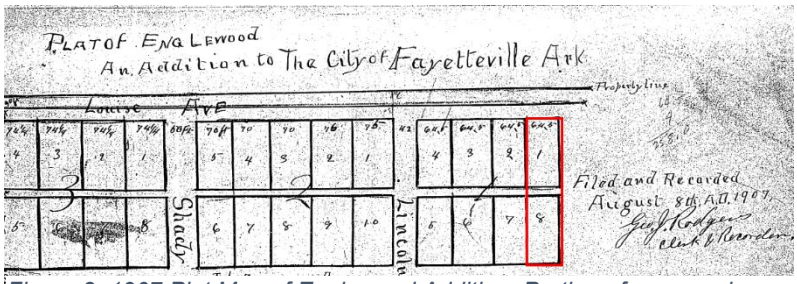


Figure 3. 1907 Plat Map of Englewood Addition. Portion of proposed district outlined in red.

<u>Architecture of Oak Grove</u>

The Oak Grove neighborhood is architecturally distinctive, with a high concentration of Craftsman homes, including significant examples of residences constructed by Noah Fields Drake.

Most of the homes within the proposed boundary present with some level of Craftsman detail or influence. Many feature

[4] Dowling, "Building a Vernacular Neighborhood and Beyond."
[5] He created Drake's Replat of Block IV of the Revised Plat of Gate's [sic] Subdivision to Oak Grove Addition and Drake's Replat of Blocks I and VI of Englewood Addition. Four of Drake's houses are located on Park Avenue, six of them on West Davidson Street and one on Highland Avenue. Dowling, "Building a Vernacular Neighborhood and Beyond."
[6] Vera Drake Wade, "The Pioneer Drake Family," *Orange County California Geological Society*, https://occgs.com/projects/rescue/family_files/files/DRAKE%20Family.pdf, accessed October 6, 2025.
[7] Anthony J. Wappel and Dennis L. Garrison, *On the Avenue: An Illustrated History of Fayetteville's US Highway 71B*, (Fayetteville, AR: Signature Book Printing, 2015), 105. Washington County Arkansas, "Brief History of County Buildings, Washington County Arkansas, https://www.washingtoncountyar.gov/government/departments-a-e/archives/brief-history-of-county-buildings, accessed October 13, 2025.
[8] Story, "Wilson Park Historic District."
[9] Wappel and Garrison, *On the Avenue*, 9.

prominent front porches, deeply set windows, exposed rafter tails, and low-pitched gabled roofs, characteristic of the Craftsman style.[10]

Seven examples of “Rock Houses” constructed by Noah Fields Drake are extant in the neighborhood. Drake’s family home at 501 N. Forest Ave. was the first he constructed in the area and was the largest. According to the Arkansas Historic Preservation Program Survey Form for the property, the home used limestone from the “Highland & Dickson Church excavation” in it’s construction.[11] In his other examples, Drake extensively used locally quarried sandstone. Although similar in composition to the vernacular stone “Ozark Giraffe” examples in other areas of Fayetteville, Drake’s stone houses are distinctly different. In contrast to the Ozark Giraffe’s large stone slabs with uncut or very rough-cut margins and no coursing with thick white mortar, Drake’s stone is rough to square cut and applied in a neat, organized courses with thin mortar joints. Drake also commonly pairs his stonework with brick. The stone used by Drake does have the typical variety of earthy tones observed in Ozark Giraffe homes, with stone ranging from yellows to deep orange hues, which gave the houses a warmth and compliment the lush, wooded surroundings.[12] Drake’s prominent use of local stone connected the homes to their natural environment, and was an architectural detail honored by other builders who sited homes in the neighborhood.

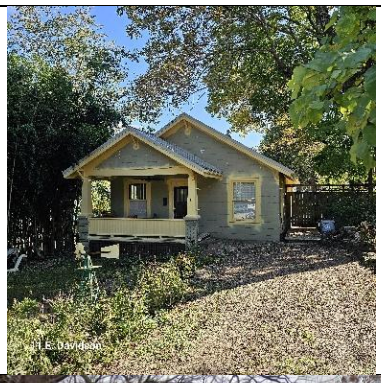
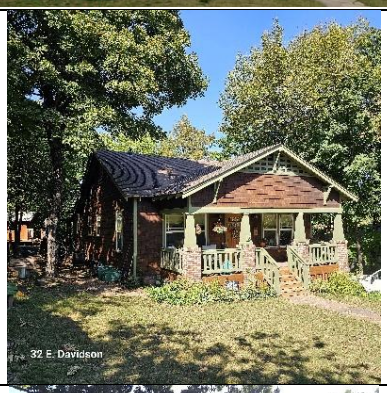
Discussion:
The proposed district is highly significant for its Craftsman architecture and prominent use of locally sourced fieldstone, associated with neighborhood builder Noah Fields Drake (Criterion C). This subset of the larger Wilson Park National Register Historic District represents the highest concentration of homes associated with Drake and the most architecturally intact homes in the neighborhood.

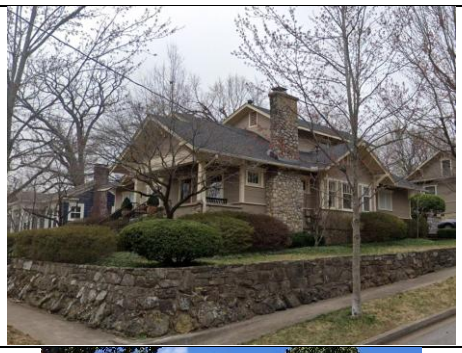
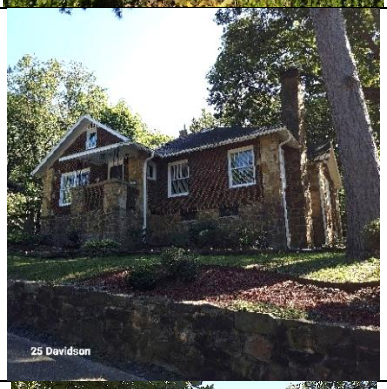
Recommendation:
Staff recommend the Commission forward the Local Historic District to the Planning Commission and AHPP for review and comment.

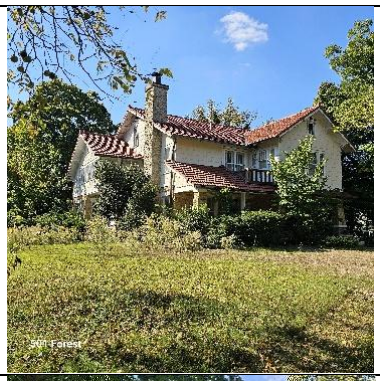
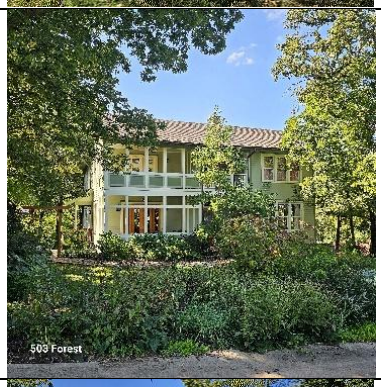
Properties:
All photos by City of Fayetteville unless otherwise noted.

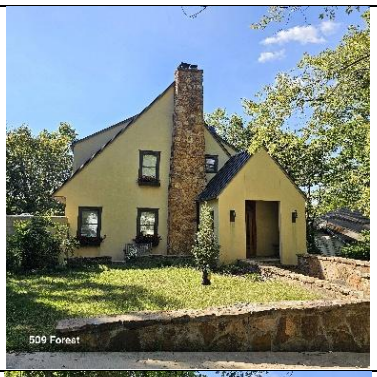
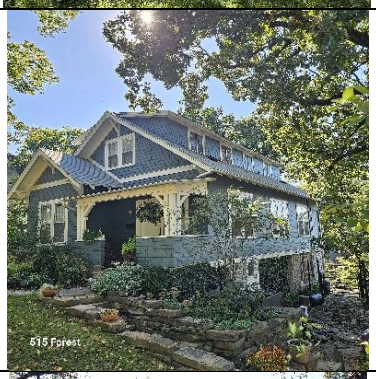
Address	Photo
5 E. Davidson St. Date of Construction: c.1925 Style/Form: Craftsman Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	

[10] Virginia Savage McAlester, *A Field Guide to American Houses*, (New York: Knoft, 2023), 567.
[11] Arkansas Historic Preservation Program, “Arkansas Architectural Resources Form WA0592,” November 21, 1992.
[12] Cyrus A. Sutherland with Gregory Herman, Claudia Shannon, Jean Sizemore Jeannie M. Whayne and Contributors, "Wilson Park and Rock Houses", [Fayetteville, Arkansas], SAH Archipedia, eds. Gabrielle Esperdy and Karen Kingsley, Charlottesville: UVaP, 2012—, http://sah-archipedia.org/buildings/AR-01-WA20, accessed: October 6, 2025.

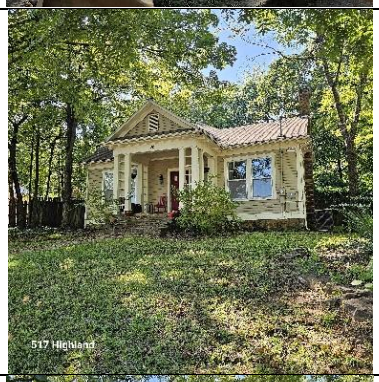
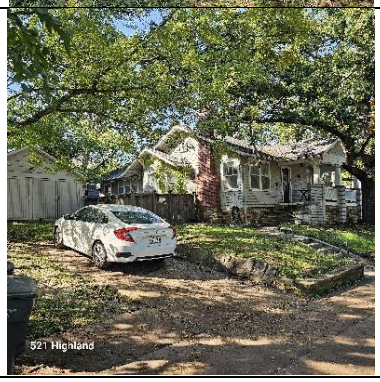
11. E. Davidson St. Date of Construction: c. 1923 Style/Form: Craftsman Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
12 E. Davidson St. Date of Construction: c. 1925 Style/Form: Craftsman Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium Photo Source: Google Streetview (March 2025)	
32 E. Davidson St. Date of Construction: c. 1925 Style/Form: Craftsman Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
9 W. Davidson St. Date of Construction: c. 1920 Style/Form: Plain/Traditional w/ Greek Revival Influence Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
14 W. Davidson St. Date of Construction: c. 1925 Style/Form: Craftsman Association(s): Constructed by Noah Fields Drake; Vera Drake Wade Contributing to Local Historic District: Y Preservation Priority: High	

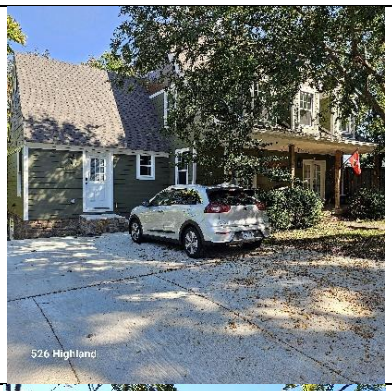
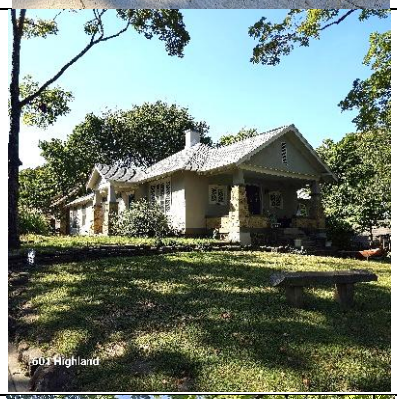
15 W. Davidson St. Date of Construction: c.1925 Style/Form: Craftsman Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium Photo source: Google Streetview (March 2025)	
16 W. Davidson St. Date of Construction: c. 1925 Style/Form: Craftsman Association(s): Constructed by Noah Fields Drake Contributing to Local Historic District: Y Preservation Priority: High	
25 W. Davidson St. Date of Construction: c. 1922 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
26 W. Davidson St. Date of Construction: c. 1930 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: High	

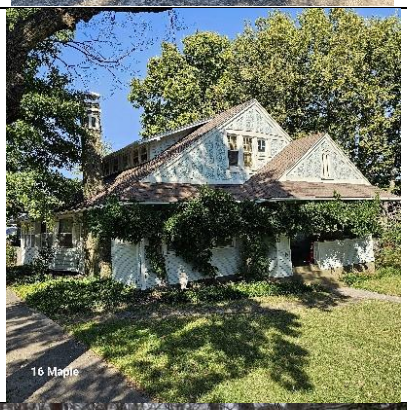
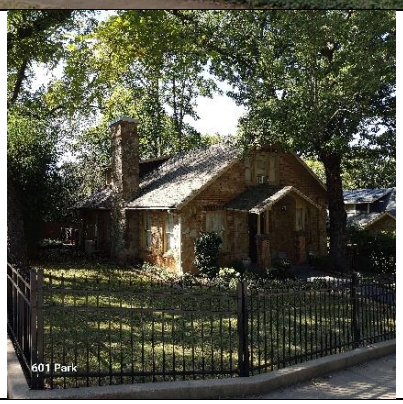
501 N. Forest Ave. Date of Construction: c. 1922 Style/Form: Craftsman Association(s): Constructed by Noah Fields Drake; Mary Eleanor Shockley Drake (3rd Vice President of Arkansas Woman's Suffrage Association); George Clifton Wade (State senator) Contributing to Local Historic District: Y Preservation Priority: High	
503 N. Forest Ave. Date of Construction: c. 1924 Style/Form: I-House Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
506 N. Forest Ave. Date of Construction: c. 1925 Style/Form: Plain/Traditional Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
508 N. Forest Ave. Date of Construction: c. 1925 Style/Form: Craftsman Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	

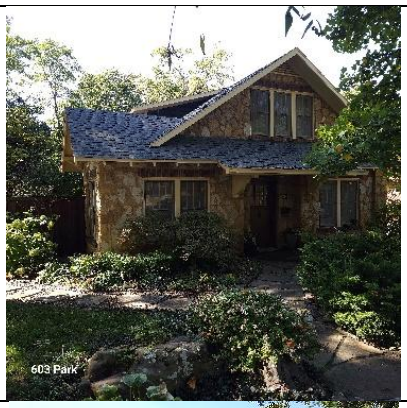
509 N. Forest Ave. Date of Construction: c. 1928 Style/Form: Plain/Traditional Association(s): Harry R. Rosen, U of A scientist named Arkansas Man of the Year in Agriculture in 1953 for developing disease-resistant varieties of wheat and oats.[13] Contributing to Local Historic District: N Preservation Priority: Low	
511 N. Forest Ave. Date of Construction: c. 1922 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
515 N. Forest Ave. Date of Construction: c.1923 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
601 N. Forest Ave. Date of Construction: c.1925 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Low	

[13] University of Arkansas Agricultural Experiment Station, "Rosen Center for Alternative Pest Control," University of Arkansas Division of Agriculture Research & Extension, https://aaes.uada.edu/centers-and-programs/rosen-alternative-pest-control-center/, accessed October 7, 2025.

625 N. Forest Ave. Date of Construction: 2019 Style/Form: Contemporary Contributing to Local Historic District: N Preservation Priority: Low Photo source: Google Streetview (March 2025)	
513 N. Highland Ave. Date of Construction: c. 1911 Style/Form: Plain/Traditional Association(s): Occupied by Noah Fields Drake upon his return to Arkansas; Mary Eleanor Shockley Drake (Third Vice President of Arkansas Woman's Suffrage Association) Contributing to Local Historic District: Y Preservation Priority: Medium	
517 N. Highland Ave. Date of Construction: c.1920 Style/Form: Plain/Traditional w/ Greek Revival Influence Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
521 N. Highland Ave. Date of Construction: c.1925 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	

526 N. Highland Ave. Date of Construction: c.1930 Style/Form: Plain/Traditional Contributing to Local Historic District: Y Preservation Priority: Medium	
601 N. Highland Ave. Date of Construction: c.1920 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
603 N. Highland Ave. Date of Construction: c.1920 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
12 W. Maple St. Date of Construction: c.1925 Style/Form: Craftsman Bungalow Association(s): Attributed to Noah Fields Drake Contributing to Local Historic District: Y Preservation Priority: Medium Photo source: Google Streetview (March 2025)	

14 W. Maple St. Date of Construction: c.1926 Style/Form: Craftsman Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
16 W. Maple St. Date of Construction: c.1925 Style/Form: Craftsman Bungalow Association(s): Contributing to Local Historic District: Y Preservation Priority: Medium	
98 W. Maple St. Date of Construction: c.1926 Style/Form: Plain/Traditional Association(s): Originally constructed as a barn for home at 501 N. Forest Ave. Contributing to Local Historic District: Y Preservation Priority: Medium Photo Source: Google Streetview (March 2025)	
601 N. Park Ave. Date of Construction: c.1927 Style/Form: Craftsman Association(s): Constructed by Noah Fields Drake Contributing to Local Historic District: Y Preservation Priority: High	

603 N. Park Ave. Date of Construction: c.1927 Style/Form: Craftsman Bungalow Association(s): Constructed by Noah Fields Drake Contributing to Local Historic District: Y Preservation Priority: High	
605 N. Park Ave. Date of Construction: c.1925 Style/Form: Craftsman Bungalow Association(s): Attributed to Noah Fields Drake Contributing to Local Historic District: Y Preservation Priority: Medium	

Attachments:

- City Clerk Treasurer Verification Letter
- Excerpt from Arkansas Historic Districts Act

Office of the City Clerk Treasurer

Kara Paxton – City Clerk Treasurer
Courtney Spohn – Senior Deputy City Clerk

Phone: 479.575.8323
cityclerk@fayetteville-ar.gov

113 W. Mountain Street
Fayetteville, Arkansas 72701

Date: September 26, 2025

Historic District Commission
Commissioner Christine Myres, Chair
Commissioner Meredith Mahan, Vice Chair
Commissioner Cheri Coley
Commissioner Tommie Flowers Davis
Commissioner Jennifer Didway
Commissioner Mark Harper
Commissioner Karen Rorex
Board Staff Contact - Kylee Cole, Long Range & Historic Preservation Planner

RE: Proposed Historic District – Oak Grove

Commissioners,

After a detailed review of the Arkansas Historic Districts Act, deed records, and the petition signatures submitted on September 4, 2025, our office has verified that there are enough signatures to meet the required threshold of 51%. Our team was able to verify thirty-four (34) signatures out of the total of forty-seven (47) property owners within the proposed boundary. Our final calculation shows that 72% of property owners within the proposed historic district signed the petition.

Respectfully,

Kara Paxton

Kara Paxton, MMC, CAMC, MSISM
City Clerk Treasurer
City of Fayetteville

14-172-203. Applicability.

None of the provisions of this subchapter shall be in operation until and unless:

(1) There shall have been filed, with the clerk of the city, town, or county in which an historic district is contemplated, a petition signed by a majority in numbers of the property owners within the proposed historic district agreeing that their property shall be included in the historic district; or

(2) The boundaries of the proposed historic district are identical to and encompass the area of a National Register of Historic Places Historic District as certified by the United States Department of the Interior.

History. Acts 1963, No. 484, § 10; 1965, No. 170, § 2; 1979, No. 371, § 1; A.S.A. 1947, § 19-5010; Acts 1993, No. 194, § 1

14-172-207. Establishment of historic districts.

By ordinance adopted by vote of the governing body thereof, any city, town, or county may establish historic districts and may make appropriations for the purpose of carrying out the provisions of this subchapter, subject to the following provisions:

(1)(A)(i) An historic district commission, established as provided in § 14-172-206, shall make an investigation and report on the historic significance of the buildings, structures, features, sites, or surroundings included in any such proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program, a division of the Department of Arkansas Heritage, to the planning commission of the municipality or county, if any, and in the absence of such commission, to the governing body of the municipality or county for its consideration and recommendation.

(ii) Each such body or individual shall give its recommendation to the historic district commission within sixty (60) days from the date of receipt of the report.

(B)(i) Recommendations shall be read in full at the public hearing to be held by the commission as specified in this section.
(B)(i) Recommendations shall be read in full at the public hearing to be held by the commission as specified in this section.

(ii) Failure to make recommendations within sixty (60) days after the date of receipt shall be taken as approval of the report of the commission.

(2)(A) The commission shall hold a public hearing on the establishment of a proposed historic district after giving notice of the hearing by publication in a newspaper of general circulation in the municipality or county once a week for three (3) consecutive weeks, the first such publication to be at least twenty (20) days prior to the public hearing.

(B) The notice shall include the time and place of the hearing, specify the purpose, and describe the boundaries of the proposed historic district.

(3)(A) The commission shall submit a final report with its recommendations and a draft of a proposed ordinance to the governing body of the municipality or county within sixty (60) days after the public hearing.

(B) The report shall contain the following:

(i) A complete description of the area or areas to be included in the historic district. Any single historic district may embrace noncontiguous lands;

(ii) A map showing the exact boundaries of the area to be included within the proposed district;

(iii) A proposed ordinance designed to implement the provisions of this subchapter; and

(iv) Such other matters as the commission may deem necessary and advisable.

(4) The governing body of the municipality or county, after reviewing the report of the commission, shall take one (1) of the following steps:

(A) Accept the report of the commission and enact an ordinance to carry out the provisions of this subchapter;

(B) Return the report to the commission, with such amendments and revisions thereto as it may deem advisable, for consideration by the commission and a further report to the governing body of the municipality or county within ninety (90) days of such return; or

(C) Reject the report of the commission, stating its reasons therefore, and discharge the commission.

(5) The commission established under the provisions of this subchapter, by following the procedures set out in subdivisions (2) to (4), inclusive, of this section, may, from time to time, suggest proposed amendments to any ordinance adopted under this section or suggest additional ordinances to be adopted under this section.

History. Acts 1963, No. 484, § 3; 1965, No. 170, § 1; 1977, No. 480, § 11; A.S.A. 1947, § 19- 5003; Acts 1993, No. 194, § 3.

Office of the City Clerk Treasurer

Kara Paxton – City Clerk Treasurer
Courtney Spohn – Senior Deputy City Clerk

Phone: 479.575.8323
cityclerk@fayetteville-ar.gov

113 W. Mountain Street
Fayetteville, Arkansas 72701

Date: September 26, 2025

Historic District Commission
Commissioner Christine Myres, Chair
Commissioner Meredith Mahan, Vice Chair
Commissioner Cheri Coley
Commissioner Tommie Flowers Davis
Commissioner Jennifer Didway
Commissioner Mark Harper
Commissioner Karen Rorex
Board Staff Contact - Kylee Cole, Long Range & Historic Preservation Planner

RE: Proposed Historic District – Oak Grove

Commissioners,

After a detailed review of the Arkansas Historic Districts Act, deed records, and the petition signatures submitted on September 4, 2025, our office has verified that there are enough signatures to meet the required threshold of 51%. Our team was able to verify thirty-four (34) signatures out of the total of forty-seven (47) property owners within the proposed boundary. Our final calculation shows that 72% of property owners within the proposed historic district signed the petition.

Respectfully,

Kara Paxton

Kara Paxton, MMC, CAMC, MSISM
City Clerk Treasurer
City of Fayetteville

ARKANSAS HERITAGE

Sarah Huckabee Sanders
Governor
Shea Lewis
Secretary

October 28, 2025

Christine Myres, Chair
Historic District Commission
Fayetteville, AR

Dear Chair Myres:

Thank you for your submission, dated October 10, 2025, of Fayetteville's official report regarding the proposed creation of the Oak Grove Local Historic District. In accordance with the Arkansas Historic Districts Act, this letter serves as the Arkansas Historic Preservation Program's (AHPP) official reply.

It is with pleasure that AHPP gives its full support to this proposal. The Oak Grove report encapsulates multiple reasons why this area is a suitable location for local preservation design review. First, residents of the neighborhood evinced an overwhelming support for the proposal. Second, the structures in the proposed district, when taken as a whole, display a distinct and cohesive historic fabric, both in construction era and in their architectural style. This second factor is further substantiated by the fact that the proposed boundaries of Oak Grove overlap with the eastern boundary of the Wilson Park National Register Historic District. Finally, several of the proposed district's individual properties hold historical ties with Noah Fields Drake, a prominent Fayetteville native and an accomplished academic.

On behalf of AHPP's staff, I want to acknowledge the commendable efforts by multiple parties to bring this accomplishment to fruition. Among those that deserve thanks are the members of the Fayetteville Historic District Commission, Kylee Cole and Britin Bostick of the Fayetteville Planning Department, and the property owners in the Oak Grove neighborhood that worked diligently to garner support for this project.

Should you have any questions regarding this project, such as procedural matters or potential updates to your local ordinance to reflect this district's creation, feel free to contact AHPP at any time. Thank you for your contribution to the important work of preserving historic resources in Arkansas.

Sincerely,

Scott Kaufman
AHPP Director &
State Historic Preservation Officer

Arkansas Historic Preservation Program
1100 North Street • Little Rock, AR 72201 • 501-324-9150
ArkansasPreservation.com

Outlook

Historic District

From Andrea Fournet <andreafournet@gmail.com>
Date Wed 11/5/2025 11:56 AM
To Cole, Kylee <kcole@fayetteville-ar.gov>; Martin Schapiro <martin.schapiro@gmail.com>

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 Kylee and Martin,

I am so glad you both have worked so diligently and efficiently to get this designation for our neighborhood. We (Myself, David, and Adele) are all in favor of this plan.

May the planning commission pass it.

Respectfully,
Andrea

Outlook

Oak Grove Historic District

From Joseph Candido <candido@uark.edu>
Date Tue 11/4/2025 3:07 PM
To Cole, Kylee <kcole@fayetteville-ar.gov>

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.

Andrew Brink,
Planning Commission Chair
City of Fayetteville
Fayetteville, AR 72701

Dear Mr. Brink:

Since we will not be able to attend the Planning Commission meeting on November 10 to consider the establishment of the Oak Grove Historic District, we are writing to you to express our unequivocal support for the proposal of this local historic district in accordance with the Arkansas Historic Districts Act. We have resided at 15 West Davidson Street for the last 47 years and have seen many changes to our local environs, not all of them welcome. We strongly support the protections that a local historic district will provide to preserve the unique architecture and atmosphere of our distinctive residential neighborhood. We urge you to support this endeavor by voting to recommend the formation of this district.

Sincerely,

Joseph and Anne Marie Candido
15 West Davidson Street
Fayetteville, AR 72701

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: November 10, 2025

SUBJECT: **ADM-2025-00046: Administrative Item (19 E. 19TH ST/THE FARM AT SOUTH SCHOOL, 602)** Submitted by ECOLOGICAL DESIGN GROUP for properties located at 19 E. 19TH ST. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT, and contains approximately 3.51 acres. The request is to modify the Master Street Plan.

RECOMMENDATION:
Staff recommends denial of **ADM-2025-0046.**

RECOMMENDED MOTION:
*"I move to forward **ADM-2025-0046** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in south Fayetteville at the end of E. 19th Street and is approximately 3/10 mile east of S. School Avenue. Currently developed with a residential structure and associated outbuildings, the property has recently applied for and received a business license for a small brewery. The southern portion of the property is within the Hillside/Hilltop Overlay District. A planned zoning district was approved on February 18, 2025, to permit a mix of agricultural, outdoor recreation, natural areas, and event spaces on the property (PZD-2024-0008). The surrounding land use and zoning is depicted on *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Industrial	I-1, Heavy Commercial and Light Industrial
South	Low-Density Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Residential Undeveloped	I-1, Heavy Commercial and Light Industrial
East	Undeveloped (University of Arkansas)	RMF-24, Residential Multi-Family, 24 Units per Acre

Proposal: The petitioners request to have an approximately 0.25-mile section of a planned 0.50-mile connection of the 2040 Master Street Plan removed from the subject properties. The proposed Neighborhood Link Street would provide a future east/west connection from the existing stub out of E. 19th St. to a future connection at E. Pump Station Road.

DISCUSSION:
On the balance of considerations, staff does not support the applicants' request. The proposed connection has been on the Master Street Plan since 2007 (Resolution 161-07) where it was originally classified as a Collector Street for the 2025 Master Street Plan; this is the equivalent of a Neighborhood Link Street under 2040 Master Street Plan Standards. After being re-classified as a Minor Arterial in 2011 (under the 2030 Master Street Plan, Resolution 166-11), the portion in question was downgraded from a Minor Arterial requiring 77 feet of right-of-way to a Neighborhood Link Street requiring 67 feet of right-of-way with the adoption of the 2040 Master Street Plan (Resolution 15-20). In 2007, the street was established after significant study, public interaction, and multiple considerations by the Planning Commission and City Council.

Master Street Plans account for a longer-term potential for the property and are considered to be just that; a plan. The Master Street Plan is a policy document to help guide decisions regarding location, form, function, design, and classifications of streets. The Plan considers infrastructure and anticipates where new building developments might occur to plan for possible street connections and capital expenditures. Arkansas State Law charges the Planning Commission to prepare plans, which includes the creation of a Master Street Plan; that plan may be adopted to designate the general location, characteristics, and functions of streets and highways to be reserved for future public acquisition. The Master Street Plan is not a formal land acquisition, an allocation of funding, or a construction document, nor does it establish a final alignment.

Staff finds that the removal of this section of the master street plan could be detrimental to furthering connectivity in the area. While the approved PZD does not require public street frontage, preliminary meetings with development staff and the applicant team indicate that a paved surface of at least 26 feet in width shall be required to serve fire access needs given the length of the dead-end access. Given existing topography and floodplain in the area, staff finds that reduction in the master street plan classification could be supportable in order to reduce the impact on the hillside and natural areas. A reduction from a Neighborhood Link to a Residential link would reduce the required ROW from 67 feet to 52 feet (15 feet) and would potentially permit further a reduction to the Alternative Residential Link Section, which requires only 40 feet of total right-of-way. The Alternative Residential Link section is administratively approvable within the Hillside/Hilltop Overlay District and may be approved by Planning Commission outside of this area. Staff finds that a reduction of the master street plan classification would permit a more sensitive development of the hillside without eliminating street connectivity in an area of the city pending imminent development.

The final alignment of any master street plan connection is ultimately determined at the time of a development, when constructability (including any necessary floodplain, wetland, or tree preservation mitigation) is taken into consideration. While also taking topographic and geographic considerations into account, redundancy in street connections is another important factor in establishing necessary future streets. No other proposed master street plan connections exist between E. 15th St. to the north and W. Willoughby Rd. to the south, a distance of approximately 2 miles. With the Town Branch Creek and its associated floodplain to the north and further significant topography south of the subject Master Street Plan connection, this link represents the sole, viable, planned transportation link in the area.

Prior to the preparation and adoption of the current Master Street Plan, the City conducted extensive studies as required by Ark. Code Ann. § 14-56-414. Without another more formal study for the area to re-evaluate the necessity of the proposed street or the proposed alternative alignment, staff recommends that the street connection be maintained to protect the potential for future east/west connectivity in the area should development occur within the next 20 years to the east.

Public Comment: Staff has met with the requesters and discussed the proposal and alternative options. Applicants' major concerns are reflected in the cover letter provided.

RECOMMENDATION: Staff recommends denial of ADM-2025-0046; if the Planning Commission votes to forward the item to City Council with a recommendation of approval, staff recommends the following conditions.

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

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 10, 2025</u>	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:
- Engineering Memo
- Applicant Request Letter
- 2007 Master Street Plan Exhibit
- 2030 Master Street Plan Exhibit
- 2040 Master Street Plan Exhibit
- Current Land Use Map

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Planning Director

FROM: Justin Bland, City Engineer

DATE: November 6, 2025

SUBJECT: **Planning Commission Engineering Comments for ADM-2025-0046**

City engineering staff is not supportive of the applicant's request to remove said section of E. 19th Street from the Master Street Plan. This connection would provide an East/West connection between School Ave. and City Lake Rd. by connecting E. 19th Street to Pump Station Road. This would greatly improve connectivity in the southern part of the city. A connection at this location is important because the connection becomes impractical as you move further south due to worsening topography, existing subdivisions and the Fayetteville Country Club property.

Regarding the topography along this alignment, it is possible this alignment could be shifted slightly north. There is an old railroad bed in the area closer to Town Branch that would make the construction of the roadway much more feasible than the current alignment that traverses a very steep hillside. The Master Street Plan alignments are somewhat flexible, and staff can make slight adjustments to avoid problematic areas. Engineering staff would recommend seeking this alignment adjustment as development occurs in the area to help avoid many of the issues the applicant is stating in their request letter.

CITY OF FAYETTEVILLE, ARKANSAS

Master Street Plan

This certifies that this is the official Master Street Plan map referred to in Resolution No. 161-07 of the City of Fayetteville.

Adopted by the Fayetteville City Council on September 4th, 2007 Resolution No. 161-07

Mayor

City Clerk

LAKE FAYETTEVILLE

LAKE SEQUOYAH

DOWNTOWN MASTER PLAN

- ST-37
- ST-40 (ONE WAY)
- ST-45
- LOCAL URBAN
- MS-63

STREET PLANNED

- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY
- LOCAL

STREET EXISTING

- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY

- STREET
- NEW STREET
- CITY LIMIT
- PLANNING AREA
- PARK
- LAKE
- STREAM

0 0.25 0.5 1 1.5 2 Miles

1:24,000

N W E S

Map Document: (G:\GISWORK\ARCMAP\MASTER_STREET_PLAN\Maps\Master Street Plan (Official).mxd)
9/13/2007 -- 8:59:39 AM

City Plan 2030

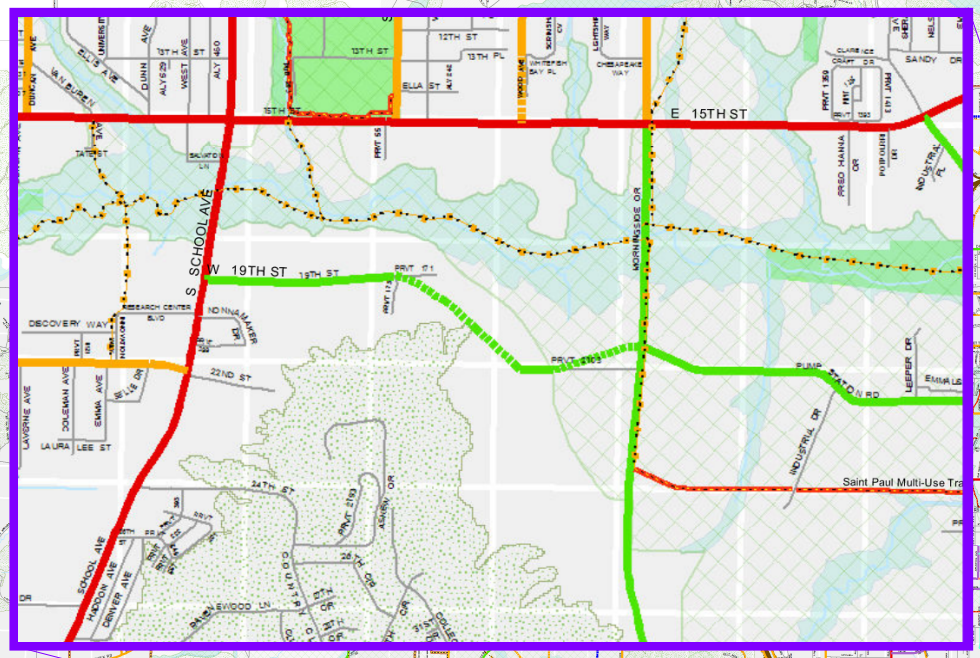
Master Street Plan

Fayetteville
ARKANSAS

Adopted by the Fayetteville City Council on August 16, 2011 Resolution No. 146-11

Mayor

City Clerk



Downtown Master Plan
- ST-37
- ST-40 (ONE WAY)
- ST-45
- LOCAL URBAN
- MS-63

EXISTING STREETS
- U of A Campus Master Plan
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY

PLANNED STREETS
- COLLECTOR
- FREEWAY/EXPRESSWAY
- MINOR ARTERIAL
- PRINCIPAL ARTERIAL
- PRIN ARTERIAL PKWY
- LOCAL
- Future Trails
- Multi-Use Trails--Existing
- Platted Street
- Enduring Green Network
- Stream_Polygons
- 100 YEAR FLOOD
- Planning Area Boundary
- Hillside/Hilltop Overlay District
- PARK
- Other Cities
- Quarter Mile Grid

0 0.5 1 Mile

N

Map Document: (I:\GIS\Core Maps\Master Street Plan\2030\Maps\MSP_2030_FINAL_Edgar.mxd)
8/9/2011 -- 9:38:58 AM

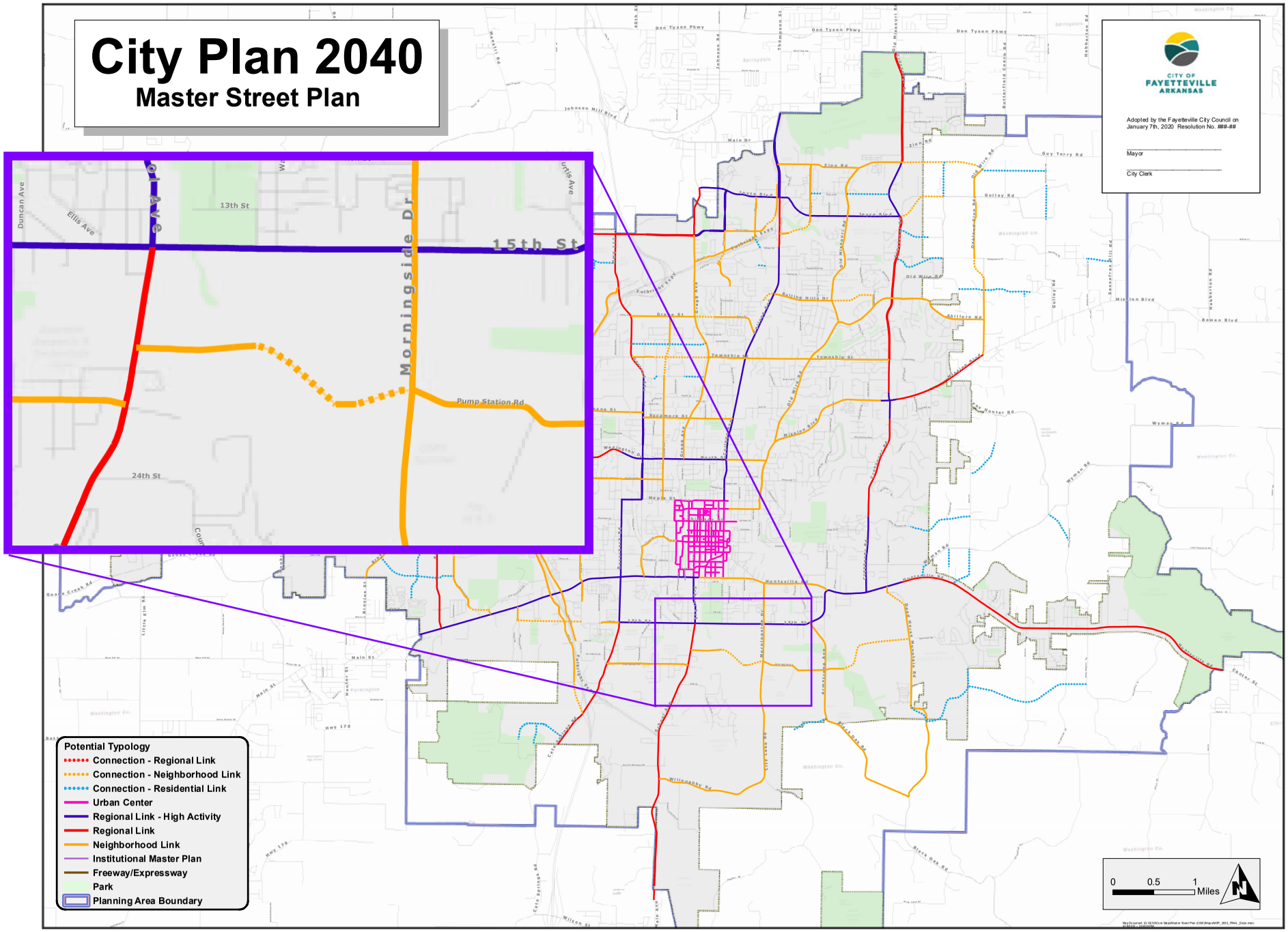


Figure 12.7 - Master Street Plan Map

ADM-2025-0046

Current Land Use

21 E. 19TH ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain
Floodway

E | D | G

To: Andrew Brink, Chair of Planning Commission, City of Fayetteville
From: Ecological Design Group – on behalf of JCS Fayetteville Properties LLC
Date: October 14, 2025
Re: Removal of the Master Street Plan Request

Dear Mr. Brink, on behalf of *JCS Fayetteville Properties LLC*, Ecological Design Group (EDG) is submitting this Variance Request to the *City of Fayetteville*.

Project Description: The Farm at South School Development includes two buildings that will house a micro-brewery, food prep areas, and dining and event spaces. The development seeks to create a unique place that offers nature-based hospitality, event hosting, and agricultural experiences while being in close proximity to the heart of downtown Fayetteville and trail networks. The project also includes a driveway, parking areas, soft trails, and utility connections to serve the site. The site is approximately 22 acres and is zoned PZD (Planned Area Zoning).

The Variance Request items are listed below:

<u>Removal of Master Street Plan</u>

- City of Fayetteville Unified Development Code – Chapter 166 Development
  - Section 166.04 Required Infrastructure Improvements – Development in City Limits
    - "(4.a.i) Dedication of Right-of-Way. "*On-Site. Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property and new streets proposed interior to the property, into conformance with the right-of-way requirements of the Master Street Plan for said streets, shall be approved by the Planning Commission; provided, the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council*."
  - The Master Street Plan classifies the section of road on the project site as Neighborhood Link. See Exhibit A.
  - Variance request: Removal of Master Street Plan traversing though the properties shown in red in Exhibit A.
  - Justification/ Explanation:
    - The construction of the planned street would be difficult to achieve due to steep grades along the proposed road alignment. The owner would need to push the road alignment to the north and east edges of the property in order to keep the intended functions of the site, such as: nature cabins, trails, and agricultural areas. In order to adhere to the city of Fayetteville's maximum allowable slope for emergency access, retaining walls of up to 6.5' in height would need to be built alongside a large portion of the road, making long sections of the road inaccessible to future connections for nearby properties (see Exhibit B).
    - Slopes cut into the uphill side of the road would exceed the maximum of 10' vertical height of cut per section 169.04 – Land Alteration Requirements:

- *"(d.1) Vertical Height. Cuts shall be limited to 10 feet in vertical height unless information demonstrating slope stability, erosion control, and drainage control is provided together with a re-vegetation plan. For nonsolid rock cuts, terraces shall be required for cuts greater than 10 feet in height. It is recommended that terracing be at a maximum ratio of 1 foot of horizontal terrace for every foot of vertical surface.*

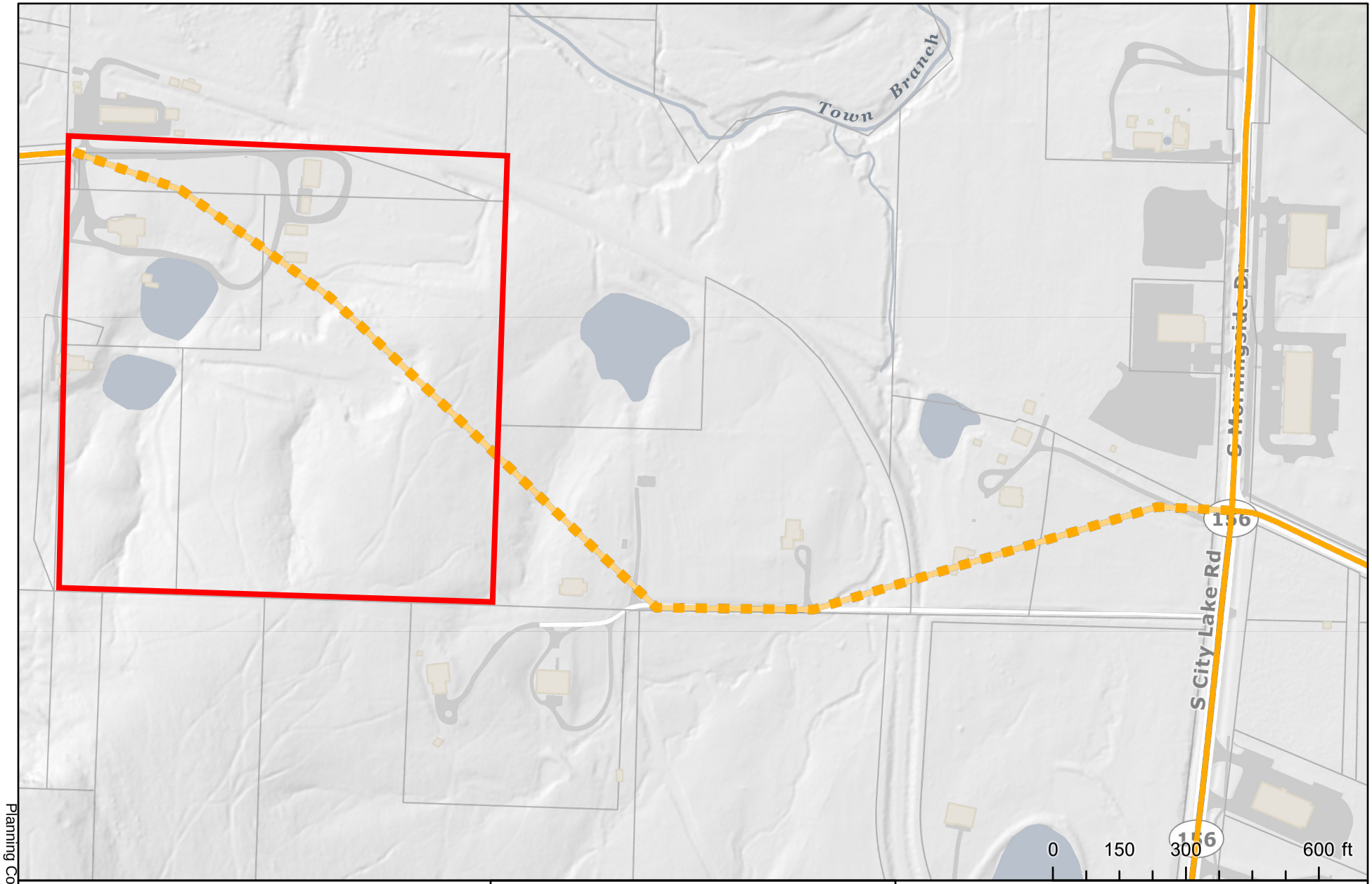
- Construction costs to build the road with the proposed alignment will be prohibitively expensive. The estimated cost to build the road would be around $2,750,000 when taking into account the challenges of grading.
- The current alignment would require clearing roughly 2 acres of wooded slopes and disruption of the site's natural topography, undermining the development's intent to create a nature-based, low-impact setting.
- To maintain the City's goal of improving connectivity, an alternate connection could begin at West 22nd Street and reconnect to South City Lake Road, as shown in Exhibit C. The alternate alignment would offer even better E-W connectivity in that it is providing a more direct link between Cato Springs Rd and Pump Station Rd. This proposed route follows existing City of Fayetteville easements as shown in the exhibit and would improve utility access.

If you have any questions, comments or concerns, please do not hesitate to contact me at snorman@ecologicaldg.com or 501-282-2567.

Respectfully,

Shannon Norman

ECOLOGICAL DESIGN GROUP



Neighborhood Link

Neighborhood Link

Exhibit A

Master Street Plan

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: 10/7/2025
Credits: City of Fayetteville, AR
Map Author:

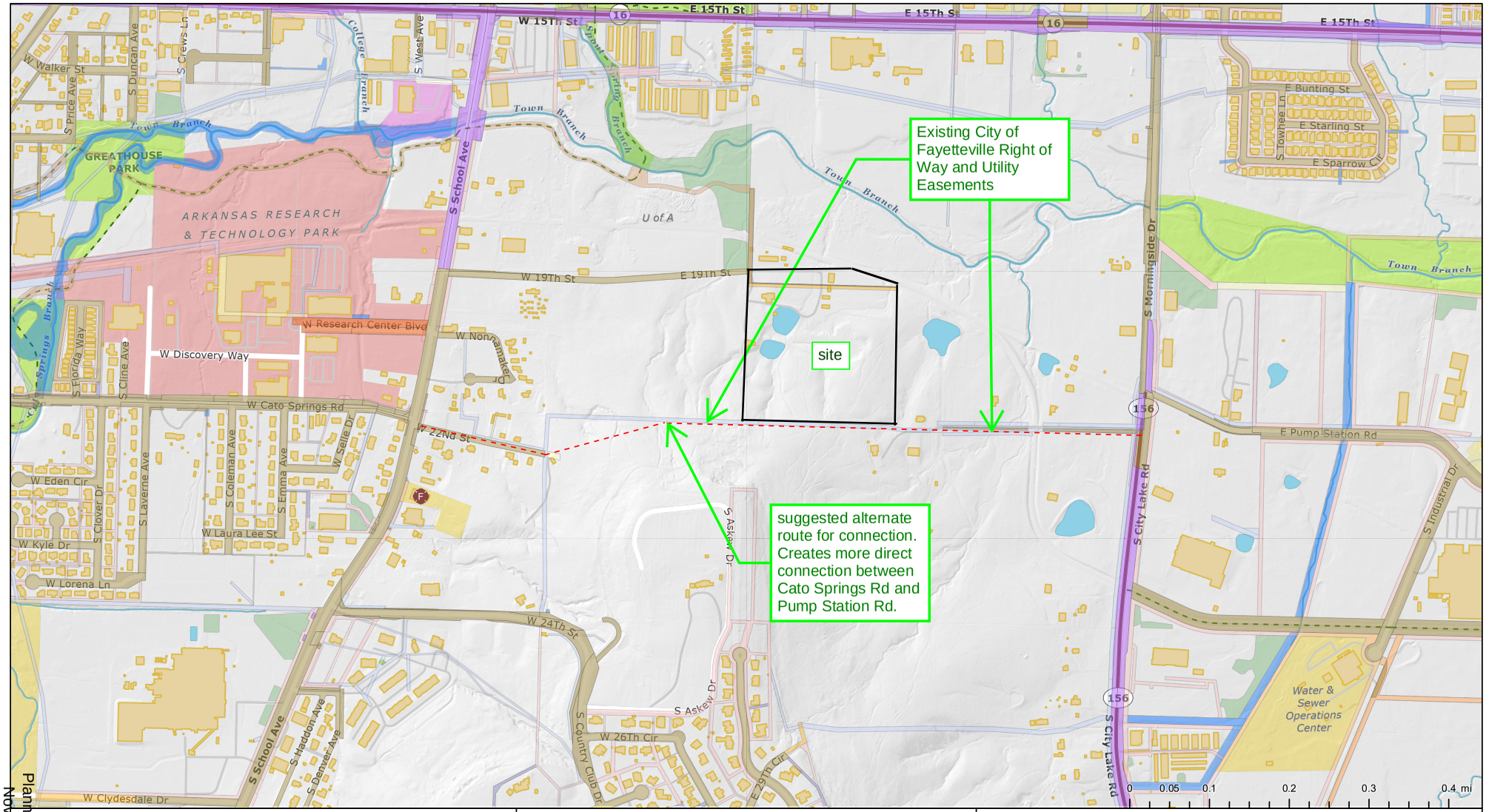
Shown here is a site concept plan prepared before a grading exercise on the road was conducted.

Retaining walls of up to 6.5' in height would need to be installed along the road edge (shown in red) in order to not disturb neighboring properties. The walls would make the public road inaccessible for any future connections on this side.

19th St Master Plan **Site Design**

1" = 115'

E | D | G



Other Easement
Water/Sewer Easement
Tree Preservation Easement
Trail Easement
Drainage Easement
Access Easement
General Utility Easement
AHTD
Fayetteville
University of Arkansas
suggested alternate route

Farm at South School Context Map

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: 10/9/2025
Credits: City of Fayetteville, AR
Map Author:

1 SITE PLAN

SCALE: 1" = 60'-0"

NORTH

0' 60' 120' 240'

EXISTING LEGEND

- OVERHEAD ELECTRIC LINE
- UNDERGROUND ELECTRIC LINE
- GAS LINE
- SANITARY SEWER LINE
- STORM SEWER LINE
- TELEPHONE LINE
- WATER LINE
- PROPERTY LINE
- CENTERLINE ROAD
- RIGHT-OF-WAY LINE
- WIRE FENCE
- MAJOR CONTOUR INTERVAL
- MINOR CONTOUR INTERVAL
- EASEMENT LINE
- DRAIN GRATE
- ELECTRIC BOX
- ELECTRIC METER
- FENCE POST
- FIRE HYDRANT
- GAS METER
- LAMP POST
- POWER POLE
- SANITARY SEWER MANHOLE
- TRANSFORMER BOX
- WATER METER
- WATER VALVE

LINE	BEARING	DISTANCE
L1	N30°46'01"W	6.22'
L2	N19°45'45"W	117.95'
L3	N05°34'02"E	138.82'
L4	N03°43'08"E	131.68'
L5	N13°18'21"E	16.87'
L6	S76°30'56"E	35.99'
L7	S76°45'58"E	57.97'
L8	S78°35'30"E	40.32'
L9	S11°57'21"W	29.72'
L10	S27°37'35"W	17.25'
L11	S87°08'20"E	30.00'
L12	N02°49'53"E	82.40'
L13	S87°08'20"E	39.92'

E | D | G
Ecological Design Group
www.ecologicaldg.com
phone: 501 378 0200
LITTLE ROCK | ROGERS | WYNNE

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

811 Know what's below. Call before you dig.

FARM AT SOUTH SCHOOL

Fayetteville, Arkansas

EDG PROJECT NO. 25-054

DATE 2025.08.28

REVISIONS

Mark	Date	Description

PHASE SCHEMATIC DESIGN

TITLE SITE PLAN OVERVIEW

SHEET NO. C1.00

Copyright Ecological Design Group 2024

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director
Justin Bland, City Engineer

MEETING DATE: November 10, 2025

SUBJECT: **VAR-2025-0046: Planning Commission Variance (2535 S. CITY LAKE RD/SHADDY, 641):** Submitted by HALL ESTILL ATTORNEY AT LAW for property located at 2535 S. CITY LAKE RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 12.10 acres. The request is for a variance from the development review process and drainage standards.

RECOMMENDATION:
Staff recommends partial approval of **VAR-2025-0046,** with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0046** determining:*

- *In favor of the requested variance to UDC §166.01(C)(1), Large scale development requirements;*
- *In denial of the requested variance to UDC §169.03(B) Grading permit required;*
- *In denial of the requested variance to UDC §170.05(B) Performance criteria (stormwater management and maintenance); and*
- *In favor of all conditions as recommended by City staff.*

BACKGROUND:
The subject property is in south Fayetteville on S. City Lake Road approximately 0.25 miles south of E. Pump Station Road. Containing 12.10 acres, the property is currently undeveloped and is zoned RSF-4, Residential Single-Family, 4 Units per Acre. A portion of the property is located within the Hillside-Hilltop Overlay District. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Rural Residential/Undeveloped	R-A, Residential-Agricultural
South	Rural Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Commercial/Industrial	I-1, Heavy Commercial and Light Industrial
West	Undeveloped	RSF-4, Residential Single-Family 4 Units per Acre

Request: The applicant is requesting a variance to the following code sections to allow for the development of two single-family homes.

- **§166.01(C)(1) Large scale development requirements.** Applicant requests an exemption to these requirements.
- **§169.03(B) Grading permit required.** Applicant requests an exemption to the requirement of a grading permit.

- **170.05(B) Performance criteria (stormwater management and maintenance).** Applicant requests an exemption to the minimum requirements as outlined in the Drainage Criteria Manual.

DISCUSSION:

Variance #1: §166.01(C)(1), Large scale development requirements. A large scale development is generally intended for development on a site of 1 acre or greater in size and proposes to a development and/or redevelopment area of more than 10,000 square feet of impervious surface and where a corresponding subdivision of land is not proposed. The applicant intends to develop the 12-acre property with two single-family homes and associated shared driveway for a total impervious surface area of over 25,000 square feet.

Staff recommendation: Staff recommends in favor of the request. There are multiple reasons why a project of this scale would typically require review and approval as a large-scale development. Typically, at this size or scale, multiple ordinances and requirements need to be reviewed for to ensure full compliance and prevent future issues. This can include the future provision of City services such as emergency response and adequate trash and recycling service, and water and sewer provision. Further, projects of this scale are typically commercial in nature, which may have additional traffic considerations and other off- on on-site impacts that would require adequate infrastructure improvements to be borne by the developer. In this instance, though the size is larger than would typically be expected for residential projects, the overall scale of impact of the project and the proposed use is not likely to necessitate additional fire code or access requirements, and may not necessarily impose additional traffic impacts. Staff finds that the applicant's proposal may not necessarily trigger the need for full site plan approval by the Planning Commission and is in favor of waiving this requirement for this project.

Variance #2: §169.03(B)(1): Grading Permit Required. Unless exempted by §169.03(C), all grading, clearing, filling (including the placement of mulch or compost), excavation, land alteration of any kind, or construction of new impervious area greater than 10,000 feet shall require prior development approval as specified in Chapter 166, except for general grading to an existing developed site that does not impact trees or floodplains and does not significantly alter the natural landform. The applicant has requested an exemption to this requirement to not have to obtain a grading permit.

Staff recommendation: Staff recommends denial of this request. The amount of clearing and land disturbance required at this site for access and utility provision is of the same amount of impact to the land as would occur with any other development, whether commercial or residential. Staff finds that given that this impact is equivalent, there is no hardship, and finds that a grading permit shall be required to perform the necessary work. A grading permit would also be a typical requirement for any project located within the Hillside-Hilltop Overlay District. Staff finds no alternative to this request to ensure adequate review.

Variance #3: §170.05(B), Performance Criteria. Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following stormwater sizing performance criteria. Each minimum standard is intended to be used in conjunction with the others to address the overall stormwater impacts from a development site. The applicant asks for an exemption to the four minimum standards of water quality, channel protection, overbank flood protection, and extreme flood protection as outlined in the Drainage Criteria Manual.

Staff recommendation: City engineering staff does not support the applicant's request to waive drainage mitigation requirements for the two proposed single-family residences. The project will create over 25,000 square feet of impervious area, triggering the highest level of drainage mitigation under city code, which requires compliance with four criteria from the Drainage Criteria Manual. A civil engineer's report shows that, without detention, the site's 100-year storm peak

runoff would rise by about 17%, increasing the risk of downstream flooding. While staff acknowledges that it is unusual for single-family homes to meet these full requirements, the drainage code is based strictly on impervious area, not project type. Given recent citywide flooding concerns and the absence of precedent for waiving these requirements based on financial hardship, staff recommends denying the variance request.

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

RECOMMENDATION: Staff recommends partial approval of VAR-2025-0046, with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to §166.01(C)(1), Large scale development requirements. A large scale development is generally intended for development on a site of 1 acre or greater in size and proposes to a development and/or redevelopment area of more than 10,000 square feet of impervious surface and where a corresponding subdivision of land is not proposed.** *Staff recommends in favor of the variance for the reasons stated above.*
    a. A concept plan shall be submitted to City staff for a coordinated round of review prior to permit approval to ensure compliance with all necessary ordinances that have not yet been reviewed for.

2. **Planning Commission determination of a variance to §169.03(B)(1): Grading Permit Required. Unless exempted by §169.03(C), all grading, clearing, filling (including the placement of mulch or compost), excavation, land alteration of any kind, or construction of new impervious area greater than 10,000 feet shall require prior development approval as specified in Chapter 166, except for general grading to an existing developed site that does not impact trees or floodplains and does not significantly alter the natural landform.** *Staff recommends denial of the variance for the reasons stated above.*

3. **Planning Commission determination of a variance to §170.05(B), Performance Criteria. Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following stormwater sizing performance criteria. Each minimum standard is intended to be used in conjunction with the others to address the overall stormwater impacts from a development site.** *Staff recommends denial of the variance for the reasons stated above.*

4. A grading permit for this site will be required that shows the areas of proposed disturbance, SWPPP, BMPs, tree preservation and mitigation plan, and all other typical requirements.

5. Determination of this variance request is limited to the request as provided by the applicant, and does not provide approval for any associated permits, or other variances not yet identified.

Planning Commission Action:	❒ **Approved**	❒ **Tabled**	❒ **Denied**
Meeting Date: <u>November 10, 2025</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §166.01 Development Categories
  - §169.03 Review And/Or Permits Required; Exceptions
  - §170.05 Performance Criteria
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Engineering Memo
- Applicant Request Letter
- Exhibits

166.01 Development Categories

…

(C) *Site Plan.*

(1) *Large Scale Development.* A large scale development is generally intended for development on a site of 1 acre or greater in size and proposes to a development and/or redevelopment area of more than 10,000 square feet of impervious surface and where a corresponding subdivision of land is not proposed.

(a) *Requirement.* The development of the following must be processed in accordance with the requirements for a large-scale development:

(i) A site 1 acre or greater in size and developing and/or redeveloping an area of more than 10,000 square feet of impervious surface;

(ii) Facilities emitting odors or handling explosives; and

(b) *Excluded Developments.* Proposals developing and/or redeveloping an area of 10,000 square feet or less of impervious area or a development on a site in a zoning district subject to administrative approval.

…

(Code 1965, App. C., Art. II, §§A—D; Ord. No. 1750, 7-6-70; Ord. No. 2581, 12-4-79; Ord. No. 2789, 1-18-82; Code 1991, §§159.010; 159.11(C), 159.12, 159.13; 159.14; Ord. No. 3781, §1, 4-19-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4350, §1, 11-20-01; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 5945, §16, 1-17-17; Ord. No. 6067, §1, 5-1-18; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6785, §§ 1—3, 8-20-24; Ord. No. 6833, §4, 1-21-25)

169.03 Review And/Or Permits Required; Exceptions

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

(1) When located within the Hillside/Hilltop Overlay District boundaries. Parcels of land divided by the Hillside/Hilltop Overlay District boundary shall only be subject to the requirements of this chapter on that portion of land lying within the boundary;

(2) Construction of greater than 1,200 square feet of impervious area on a single site;

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

(1) Prior development approval as specified in Chapter 166, except for general grading to an existing developed site that does not impact trees or floodplains and does not significantly alter the natural landform;

(2) Development and/or redevelopment of an area of more than 10,000 square feet of impervious surface;

(3) An Arkansas Department of Environmental Quality Stormwater Construction Permit and incorporated Stormwater Pollution Prevention Plan, if required by state law.

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

(1) *Excavation Below Finish Grade.* Excavations below finished grade for basements, swimming pools, hot tubs, septic systems, retaining walls under 4 feet in height, and like structures authorized by a valid building permit.

(2) *Cemetery Graves.* Cemetery graves.

(3) *Refuse Disposal.* Refuse disposal sites controlled by other regulations.

(4) Other minor fill, clearing or grading for maintenance purposes such as landscaping that do not require the use of heavy construction equipment, French drains, yard grading, maintenance, farming, gardens, and similar activities.

(5) Placement of mulch, compost, topsoil or like material at reasonable depths of six (6) inches or less for purposes of creating or enhancing landscape beds, gardens, or lawn areas, in accordance with accepted best practices and industry standards for such areas.

(D) *Grading Permit Application and Approval.* No grading permit shall be issued until the Grading and Erosion & Sediment Control Plan, endorsed by an architect, landscape architect, or engineer licensed in the state of Arkansas, is approved by the City Engineer. A separate permit shall be required for each site. Grading permits may be issued jointly for parcels of land that are contiguous, so long as erosion control measures are in place until project completion. Any application for a required grading permit under this chapter shall be submitted concurrently with the application and calculations for a drainage permit if such a drainage permit is required by §170.03. Tree Preservation and Protection is required in accordance with Chapter 167.

(E) *Permit Posted.* A copy of the grading permit cover page shall be posted at or near the street right-of-way line and shall be clearly visible from the street.

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

170.05 Performance Criteria

(A) *Drainage Criteria Manual.* The technical procedures and design standards contained in the *Drainage Criteria Manual*, adopted by §170.02 of this chapter and as may be amended from time to time by the City Engineer, shall be used to determine compliance with the performance criteria established by this chapter.

(B) *Performance Criteria.* Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following stormwater sizing performance criteria. Each minimum standard is intended to be used in conjunction with the others to address the overall stormwater impacts from a development site. Supporting technical detail can be found in the Section 2.1 of the *Drainage Criteria Manual* (DCM):

(1) *Minimum Standard #1 — Water Quality.* Reduce the average annual post-development total suspended solids (TSS) loadings from increased impervious areas either by TSS Reduction Method or the Runoff Reduction Method (RRM).

(2) *Minimum Standard #2 — Channel Protection.* Provide extended detention to reduce flows and protect downstream channels from erosive velocities and unstable conditions. Post-development flows shall not exceed the predevelopment flows.

(3) *Minimum Standard #3 — Overbank Flood Protection.* Provide peak discharge control of the storm events noted in the DCM such that the post-development peak rate does not exceed the predevelopment rate.

(4) *Minimum Standard #4 — Extreme Flood Protection.* Provide peak discharge control such that the post-development peak rate does not exceed the predevelopment rate.

(5) *Better Site Design and Green Stormwater Practices,* as described in the *Drainage Criteria Manual*, to attenuate lesser storms and more closely mimic predevelopment hydrology are encouraged.

(6) *Direct Discharge.* Direct discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc., and that will reduce the likelihood of erosion in the receiving stream due to discharge from the pipe shall be installed at pipe discharges into streams and/or floodways.

(7) *Erosion and Channel Stability.* All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.

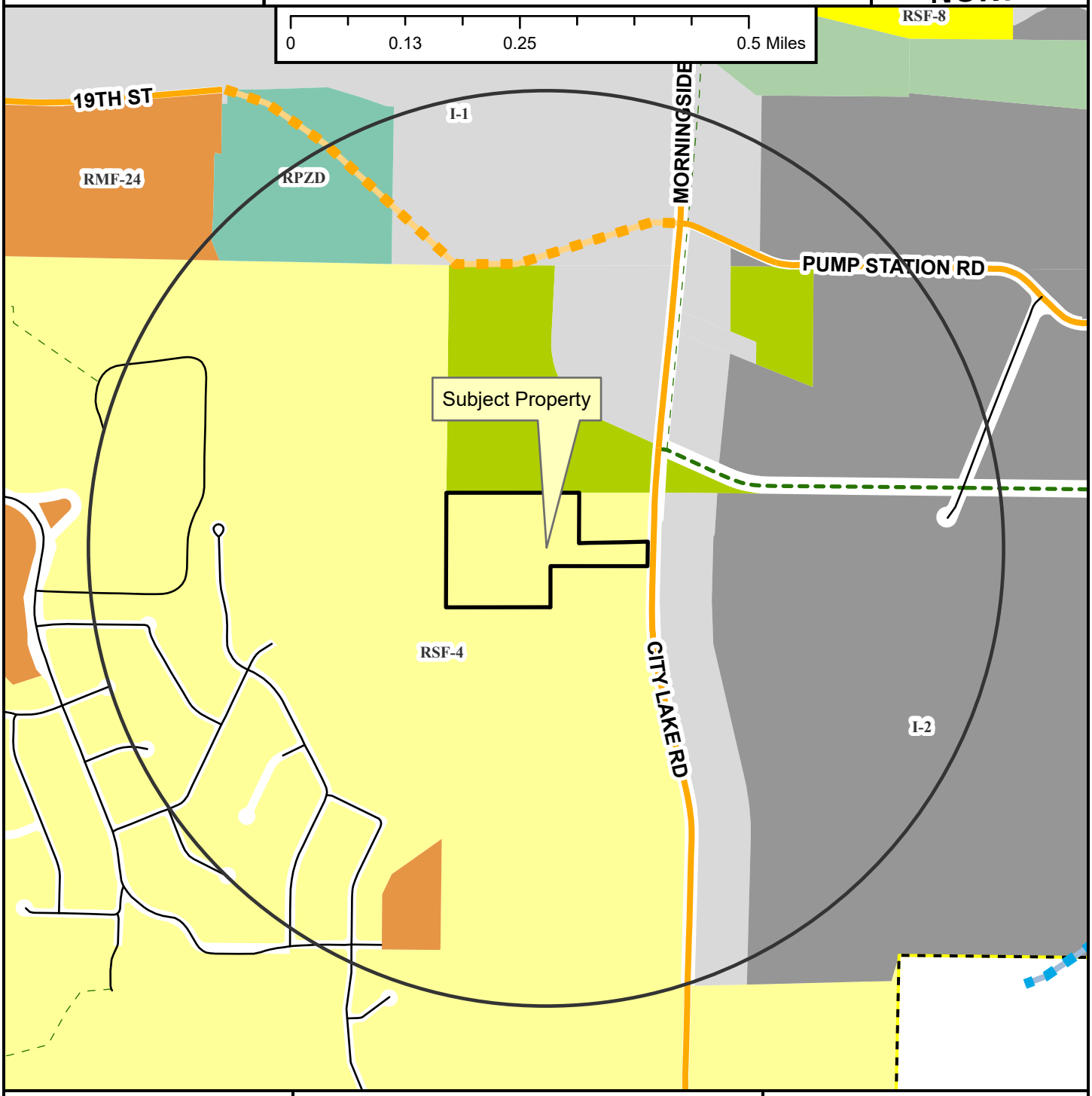
(Ord. No. 6446, §13(Exh. H), 6-15-21)

VAR-2025-0046

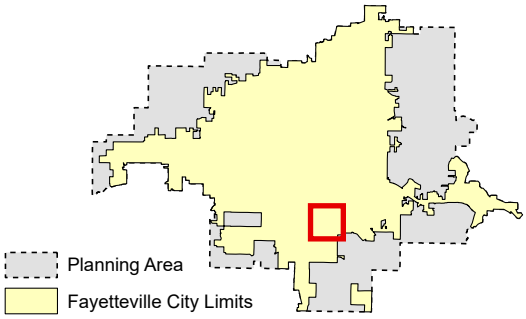
One Mile View

2535 S. CITY LAKE RD

NORTH



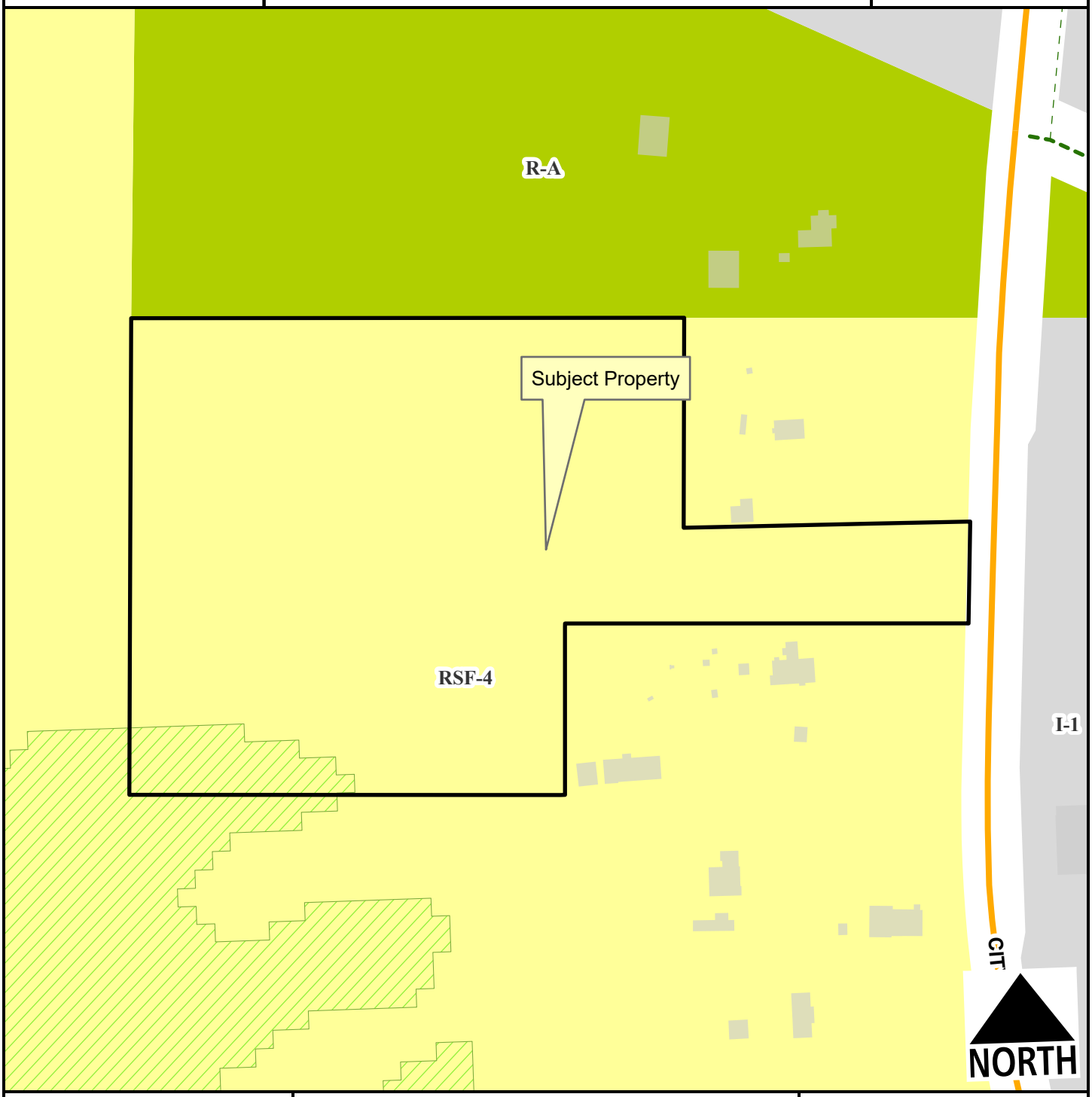
Neighborhood Link
Unclassified
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



VAR-2025-0046

Close Up View

2535 S. CITY LAKE RD



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

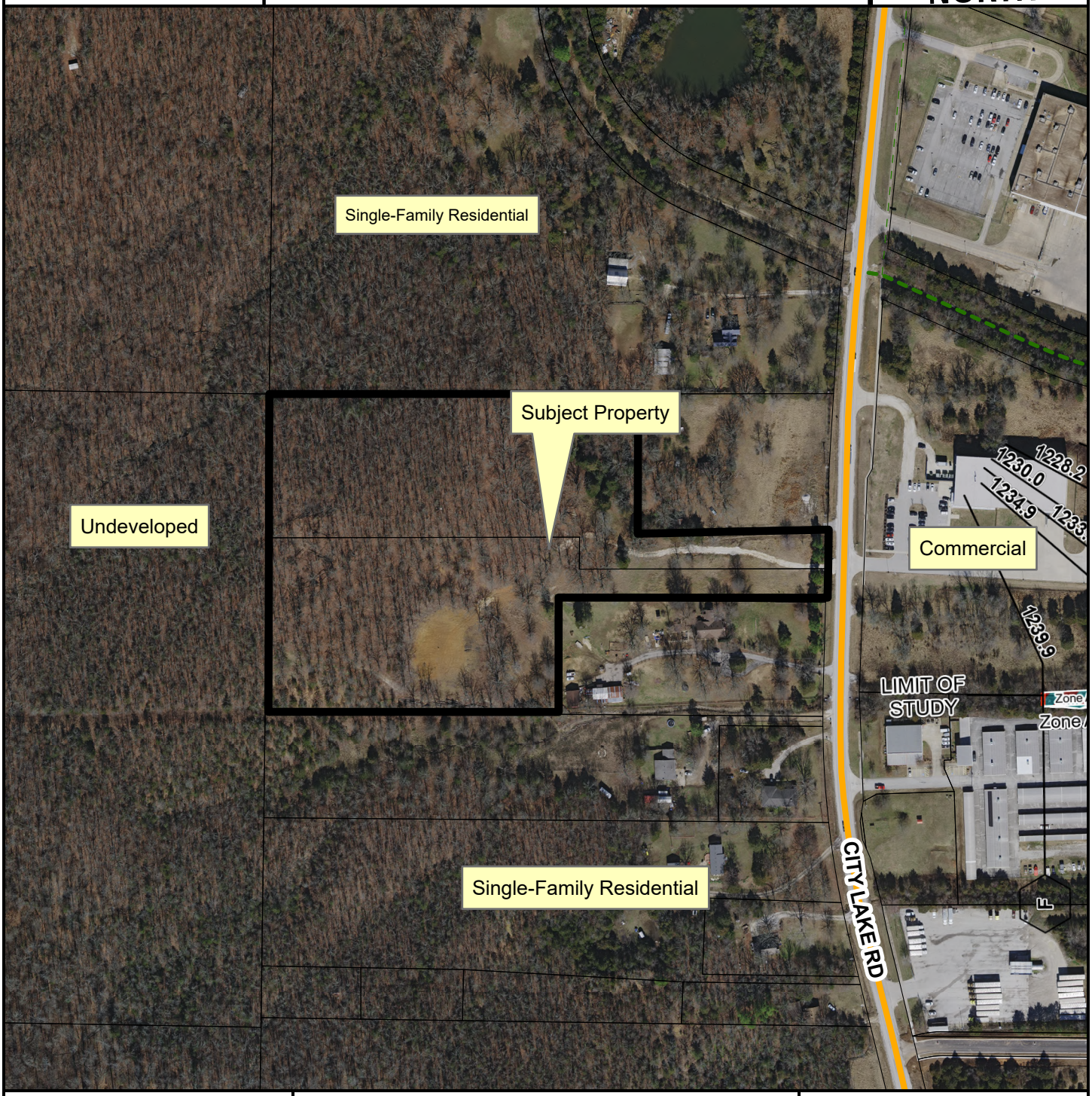
Feet
0 75 150 300 450 600
1:2,400

VAR-2025-0046

Current Land Use

2535 S. CITY LAKE RD

NORTH



Neighborhood Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Planning Director

FROM: Justin Bland, City Engineer

DATE: November 4, 2025

SUBJECT: **Planning Commission Engineering Comments for VAR-2025-0046**

City engineering staff is not supportive of the applicant's request to waive drainage mitigation requirements for the two proposed single-family residences. The code has a tiered structure for drainage mitigation based on the amount of impervious area added by a project as noted below:

Area of Imperious Area Added by Project (sq. ft.)	Drainage Mitigation Measures Required
0 – 1,199	No additional mitigation required
1,200 – 5,999	Green Stormwater Practice (bio-retention, pervious pavers, green roof, infiltration trench)
6,000 – 9,999	Green Stormwater Practice plus Extended Detention
Over 10,000	Four Criteria from Drainage Criteria Manual including: 1. Water Quality 2. Channel Protection Volume 3. Overbank Flood Protection 4. Extreme Flood Protection

In this case, the applicants are proposing two residential structures with a lengthy gravel driveway which have a combined area of impervious area of over 25,000 square feet. Based on this, the code requires the four criteria from the Drainage Criteria Manual to be met. The applicant has engaged a civil engineer to prepare a drainage report that address the four criteria. This report shows that, without any stormwater detention, the peak runoff rates leaving the site in the 100-year storm would increase from 41.39 cubic feet per second (cfs) to 48.33 cfs which is a significant increase (~17%).

Staff does recognize that it is not typical for single family residential permits to meet the requirements of the Drainage Criteria Manual. However, the drainage code is written to be evaluated purely on the amount of impervious area and does not consider type of development. This increase in impervious area will increase peak flows downstream unless it is mitigated which could cause issues on downstream property. Staff is particularly wary of any peak flow increases after dealing with dozens of flooding issues/complaints due to the storm events the city has experienced over the last several months.

Lastly, as this is a standard code requirement, it doesn't appear that any similar variances have been previously granted solely based on a financial hardship.

HALL ESTILL
ATTORNEYS AT LAW

Robert K. Rhoads
75 N. East Ave., Suite 500
Fayetteville, AR 72701-5388
Direct Dial: (479) 973-5203
Facsimile: (479) 973-0520
rrhoads@hallestill.com

September 30, 2025

VIA EMAIL & CSS PORTAL

Fayetteville Planning Commission

Re: Shaddy Property Variance at S. City Lake Road, Fayetteville, AR 72701

To Whom It May Concern:

I represent Carson and Taylor Shaddy in their request for a variance from the requirements of a large-scale development as laid out in Chapter 166 of the Fayetteville City Code. The imposition of the large-scale development requirements and especially as it relates to impervious surface is causing an undue hardship on my clients in that the requirements of detention ponds and a long shared driveway to be made of porous pavers is an extremely expensive proposition for these two individuals who are only trying to build one home for each of them. This is not a classical development that was envisioned when those requirements of the large-scale development ordinance were drafted. Further to put in industrial-looking detention ponds is not only unsightly but more importantly proposes a danger to small children and both of these families have small children. The estimated cost of having to change the driveway and add detention ponds is over $350,000, further the granting of this variance will not lead to any drainage or flooding issues with any of the neighbors.

Upon presentation of an invoice my law firm will cut the city a check for the application fee and notice fee if required. Further enclosed with this petition letter is the legal description in word format and site plans. I would further state that the granting of these variances by the planning commission will be in line with substantial justice, and the public interest will not have any ill effect on the public nor nullify the intent or purpose of the city's development regulations. I thank you in advance for your consideration.

21252061.1:016942.00001

Sincerely,

Hall, Estill, Hardwick, Gable, Golden &
Nelson, P.C.

/s/ Robert K. Rhoads

Robert K. Rhoads
On behalf of Carson and Taylor Shaddy

RKR/mm
enclosures
Cc: Planning staff and clients

21252061.1:016942.00001

HALL
ESTILL
ATTORNEYS AT LAW

Molly Morton
75 N. East Ave., Suite 500
Fayetteville, AR 72701-5388
Direct Dial: (479) 935-1266
Facsimile: (479) 973-0520
mmorton@hallestill.com

October 22, 2025

VIA E-MAIL AND CSS PORTAL

Fayetteville Planning Commission

Re: VAR-2025-00046/Shaddy Property Variance at S. City Lake Rd.
Addendum to Original Petition

To Whom It May Concern:

Pursuant to city staff's request, please consider this letter as an addendum to the letter petition that already has been filed in this matter dated September 30, 2025. Specifically, my clients, Carson and Taylor Shaddy, are requesting variances from multiple requirements in the city's Drainage Criteria Manual and also to be relieved of the requirements of section 169.03 in order to get a grading permit and building permit for these two (2) homes being built for themselves and their families. They are not developers; they are just two brothers who bought a piece of property and decided to build their dream homes. They are also looking for variance and relief from, as said before, the Drainage Criteria Manual, section 170.05(B) and again they need to be able to get grading permits and building permits without having to build detention ponds or be required to put a specific kind of pavers in a 900ft long driveway.

The hardship that has already been mentioned in its original submission and certainly can't be overlooked is the fact that these changes to the driveway and the addition of detention ponds will cost these two (2) brothers over $350,000.00. Exorbitant expense is a true hardship. Further, a site-specific hardship is the fact that this extremely wooded tract of land they're building on that would suffer aesthetically from multi-family housing, industrial looking detention ponds. Again, as stated in my previous petition, another site specific is that putting ponds on their property when they both have families with small kids is a danger they do not want to encounter.

Further, my clients and their builders contend that the work that they have already done to build a driveway which includes ditches, has not altered the course of the water in a negative way toward any neighbor and the rainwater still goes off the mountain to where and at the same volume as it has always gone before they ever bought the property. I thank you in advance.

21321812.1:016942.00001

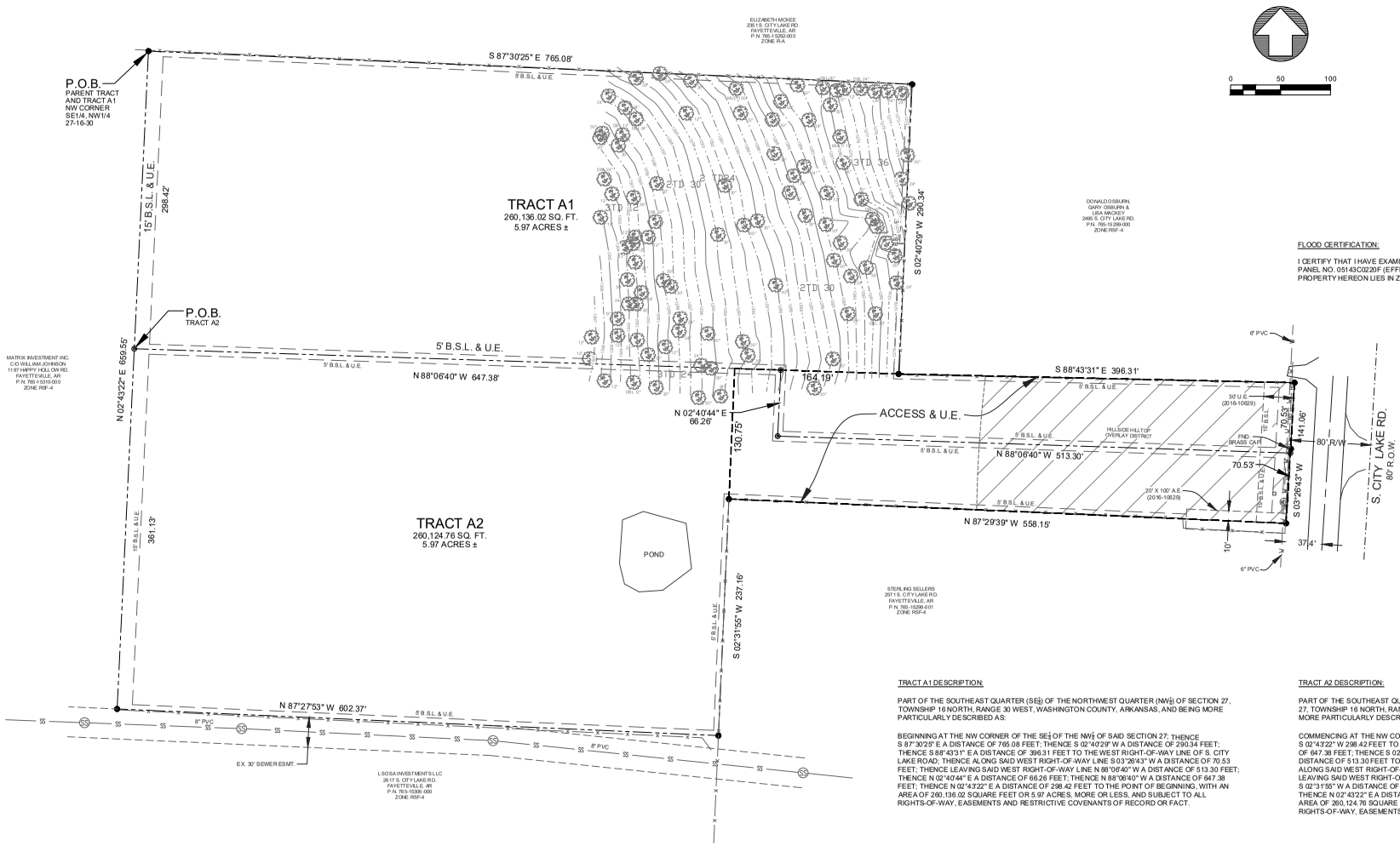
Sincerely,

Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C.

Robert K. Rhoads

RKR/mm
Cc: Jessica Masters (jmasters@fayetteville-ar.gov)

21321812.1:016942.00001



LEGEND

- FOUND REBAR (OR AS NOTED)
- SET 1/2" REBAR W/CAP (LS #1370)
- WATER METER
- GAS RISER
- UTILITY POLE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- FENCE LINE
- CENTERLINE
- SETBACK
- EASEMENT
- OVERHEAD LINE
- SANITARY SEWER LINE
- WATER LINE
- CONTOUR LINE

0 50 100

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05143C0220F (EFFECTIVE DATE MAY 16, 2008) AND FOUND IN THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

TRACT A1 DESCRIPTION:

PART OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NW CORNER OF THE SE¼ OF THE NW¼ OF SAID SECTION 27; THENCE S 87°30'25" E A DISTANCE OF 765.08 FEET; THENCE S 02°40'29" W A DISTANCE OF 290.34 FEET; THENCE S 88°43'31" E A DISTANCE OF 396.31 FEET TO THE WEST RIGHT-OF-WAY LINE OF S. CITY LAKE ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S 03°26'43" W A DISTANCE OF 70.53 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N 88°06'40" W A DISTANCE OF 513.30 FEET; THENCE N 02°40'44" E A DISTANCE OF 66.26 FEET; THENCE N 88°06'40" W A DISTANCE OF 647.38 FEET; THENCE N 02°43'22" E A DISTANCE OF 298.42 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 260,136.02 SQUARE FEET OR 5.97 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

TRACT A2 DESCRIPTION:

PART OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NW CORNER OF THE SE¼ OF THE NW¼ OF SAID SECTION 27; THENCE S 02°43'22" W 298.42 FEET TO THE POINT OF BEGINNING; THENCE S 88°06'40" E A DISTANCE OF 647.38 FEET; THENCE S 02°40'44" W A DISTANCE OF 66.26 FEET; THENCE S 88°06'40" E A DISTANCE OF 513.30 FEET TO THE WEST RIGHT-OF-WAY LINE OF S. CITY LAKE ROAD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S 03°26'43" W A DISTANCE OF 70.53 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N 87°29'39" W A DISTANCE OF 558.15 FEET; THENCE S 02°31'55" W A DISTANCE OF 237.16 FEET; THENCE N 87°27'53" W A DISTANCE OF 602.37 FEET; THENCE N 02°43'22" E A DISTANCE OF 361.13 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 260,124.76 SQUARE FEET OR 5.97 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NOTES:

1. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

2. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

4. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.

5. RSF-4 BUILDING SETBACKS:

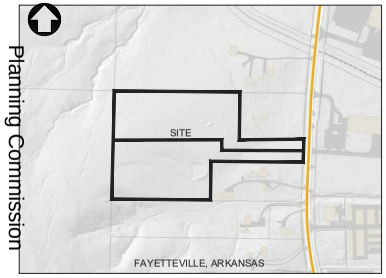
FRONT YARD: 15 FEET
SIDE YARD: 5 FEET
REAR YARD: 15 FEET

6. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, ATLAS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

7. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

8. SURVEY REFERENCE: FILE 2016-00010629.

9. PLAT PAGE NO. 641.



VICINITY MAP
(N.T.S.)

CERTIFICATE OF SURVEY AND ACCURACY:

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

DATE SURVEYOR REGISTERED LAND SURVEYOR/PROFESSIONAL LAND

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 S.E."I" Street, Suit 5
Bentonville, AR 72712
(479) 268-4464

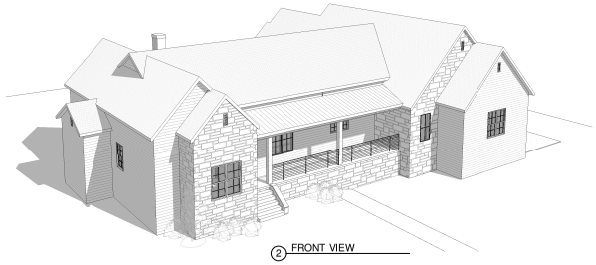
REGISTERED PROFESSIONAL LAND SURVEYOR STATE OF ARKANSAS NO.1370 ROBERT L. CASTER

SCALE 1" = 60'	DATE: 3-6-23

TOPOGRAPHIC/BOUNDARY SURVEY
PART SE1/4 OF NW1/4, 27-16-30

S. CITY LAKE ROAD
FAYETTEVILLE, WASHINGTON CO. ARKANSAS

JOB #	DRAWN BY:	CHKD BY:	PAGE
22-290TB	ASD	RJC	1 OF 1



② FRONT VIEW

CERTIFICATE OF AUTHENTICATION

I hereby certify that these plans & specifications have been prepared by me, or under my supervision. I further certify that to the best of my knowledge these plans & specifications are as required by law & in compliance with the Arkansas Fire Prevention code for the state of Arkansas.

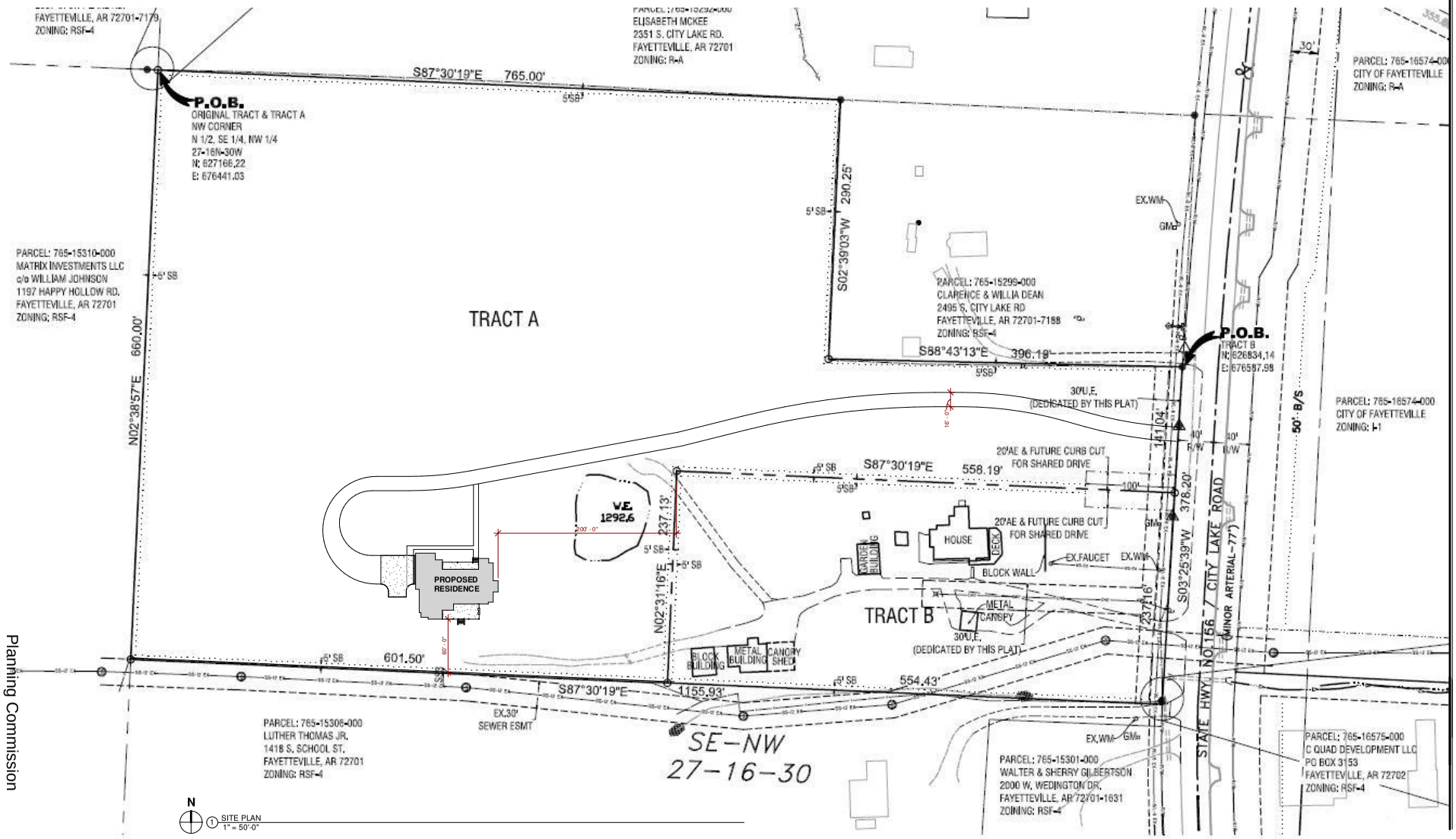
Name / Date: 9.29.25

SHEET INDEX

A1.0	TITLE SHEET, PROJECT DATA, 3d IMAGES, ROOF PLAN & TYP. WALL SECTION
A2.0	FIRST FLOOR PLAN
A2.1	SECOND FLOOR PLAN, TYP. WALL SECTION & ROOF PLAN
A3.0	ELEVATIONS
A3.1	ELEVATIONS

AREA SCHEDULE

NAME	LEVEL	AREA	HT./GL.
BONUS	PLATE 2	535 SF	NO
3 CAR GARAGE	FLOOR PLAN	1087 SF	NO
SCREENED PORCH	FLOOR PLAN	607 SF	NO
FRONT PORCH	FLOOR PLAN	183 SF	NO
		2411 SF	
MAIN FLOOR	FLOOR PLAN	3445 SF	YES
TOTAL HEATED SF		3445 SF	
TOTAL UNDER ROOF		5856 SF	



① SITE PLAN
1" = 50'-0"

blueROCK design · build
479-459-2838 - bluerockdesignbuild@gmail.com

PROPOSED PROJECT FOR:
SHADDY RESIDENCE
CITY LAKE ROAD - FAYETTEVILLE, AR

REGISTERED ARCHITECT

TITLE SHEET, PROJECT DATA, 3d IMAGES, ROOF PLAN & TYP. WALL SECTION

Seal

Revisions

Date 9.29.25

Project 24.14

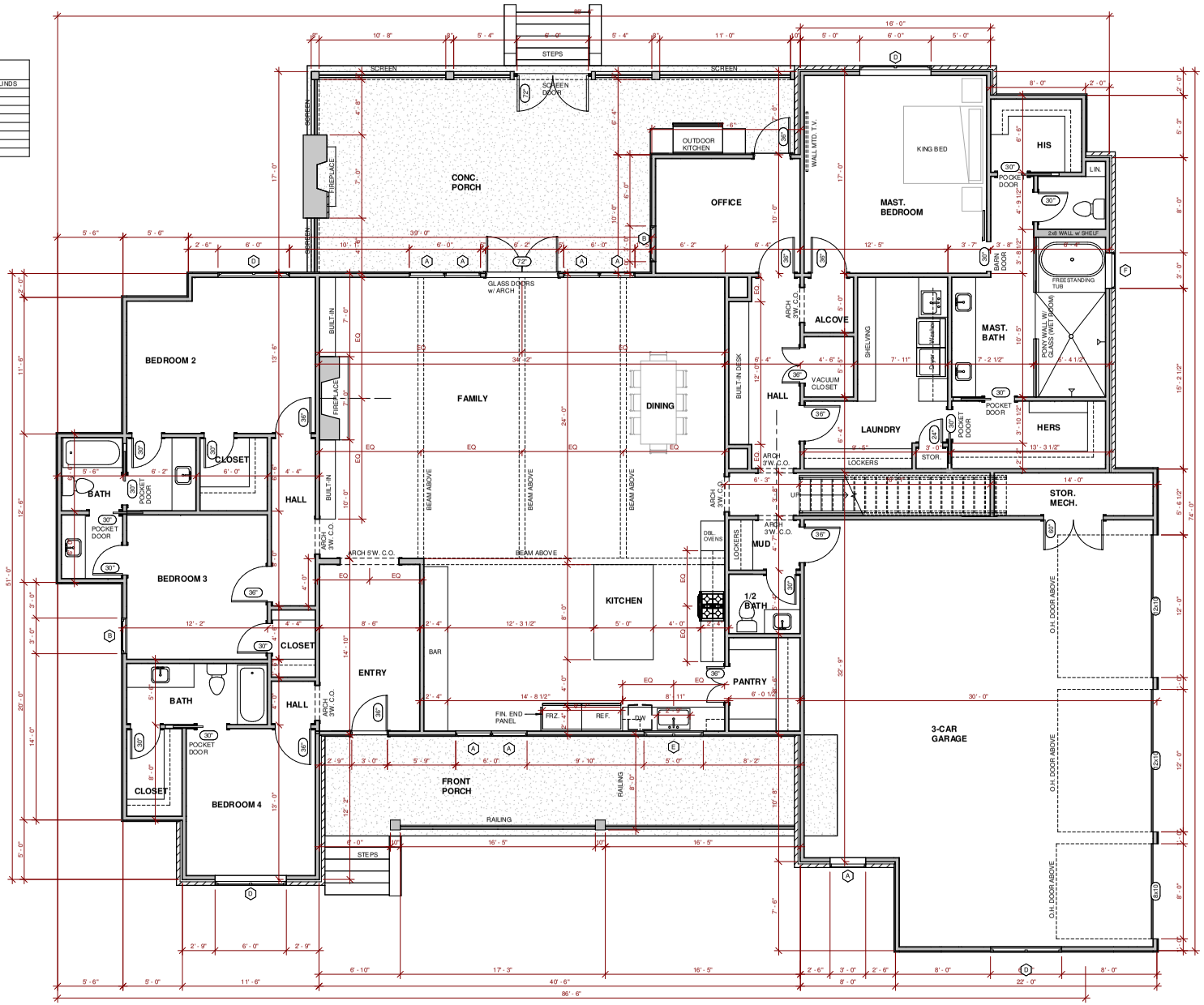
A1.0

WINDOW COUNT SCHEDULE

TYPE	COUNT	DESCRIPTION	BLINDS
A	7	3'-0" W. x 6'-0" T., FIXED, INSULATED	
B	2	3'-0" W. x 5'-0" T., DOUBLE HUNG, INSULATED	
C	3	4'-0" W. x 4'-0" T., FIXED, INSULATED	
D	4	2'3'-0" W. x 6'-0" T., DOUBLE HUNG, INSULATED	
E	1	2'2'-6" W. x 4'-0" T., DOUBLE HUNG, INSULATED	
F	1	3'-0" W. x 4'-0" T., FIXED., INSULATED	
Grand total: 18			

GENERAL NOTES

1. ALL INTERIOR DRYWALL STUDS & GYP. BD. FURR DOWNS ARE 3 1/2" WOOD UNLESS NOTED OTHERWISE
2. SEE FLOOR PLAN SHEET FOR PARTITION TYPES & FINISH SCHEDULE
3. PLAN DIMENSIONS ARE TO CENTERLINE OF COLUMN, FACE OF STUD, OR FACE OF BRICK UNLESS NOTED OTHERWISE
4. PROVIDE SOUND BATTS @ ALL INTERIOR DRYWALL PARTITIONS EXCEPT @ WALLS SEPARATING STORAGE ROOM FROM STORAGE ROOM, STORAGE ROOM FROM CORRIDOR, & PARTITIONS THAT DO NOT EXTEND TO THE BOTTOM OF THE DECK OR ABOVE FINISH CEILING
5. SEE REFLECTED CEILING PLAN FOR CEILING LAYOUT, TYPES & MECH. DIFFUSER & LIGHT LAYOUTS.
6. PROVIDE RESILIENT REDUCER STRIPS BETWEEN CARPET & CONCRETE.
7. PAINT ALL VTR'S AND ROOF PENETRATIONS TO MATCH ROOF; WHERE POSSIBLE ROUTE TO LEAST VISIBLE SIDE OF ROOF.
8. PROVIDE ALUMINUM THRESHOLDS AT EXTERIOR DOORS.
9. PROVIDE SAFETY GLASS AT ANY WINDOW AND/OR GLAZED DOOR IN A HAZARDOUS LOCATION PER 2021 IRC R308.4
10. PROVIDE FIRE SEPARATION BETWEEN DWELLING & GARAGE PER 2021 IRC R302.5 & R302.6
11. INSTALL SMOKE DETECTORS PER IRC R314
12. INSTALL CARBON MONOXIDE DETECTORS PER IRC R315
13. EMERGENCY ESCAPE AND RESCUE OPENINGS REQUIRED FOR BEDROOMS PER 2021 IRC R310
14. GREEN STORMWATER PRACTICE REQUIRED
15. ANY FOUNDATION WALL OVER 4' IN HEIGHT REQUIRES AN INSPECTION OF THE REINFORCEMENT PRIOR TO POURING CONCRETE / FILLING CELLS



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

blueROCK design · build
479-459-2838 - bluerockdesignbuild@gmail.com

PROPOSED PROJECT FOR:
SHADDY RESIDENCE
CITY LAKE ROAD - FAYETTEVILLE, AR

ROBERT A. REDDICK
REGISTERED ARCHITECT
AR 4431

FIRST FLOOR PLAN

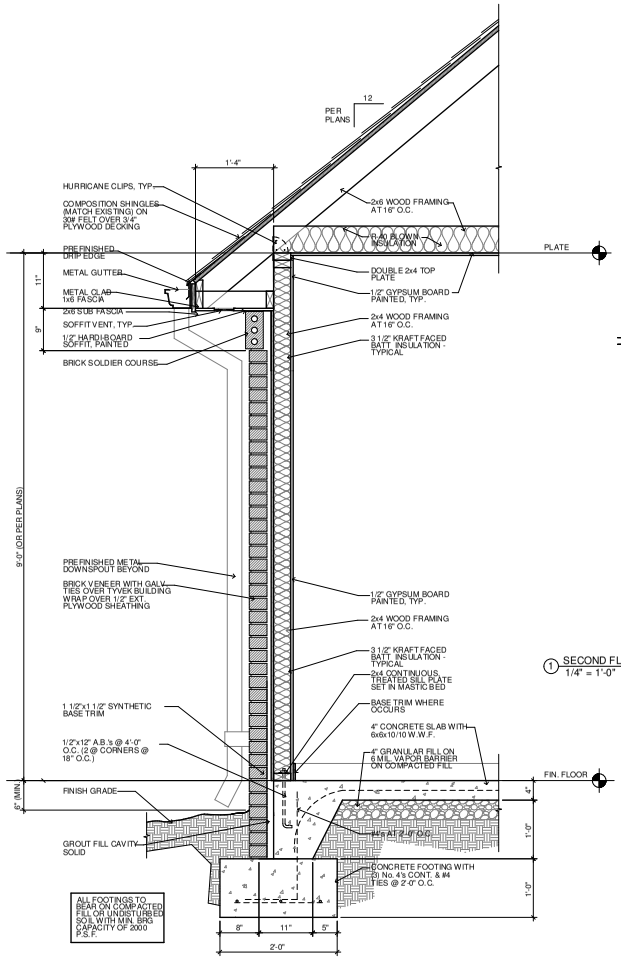
Seal

Revisions

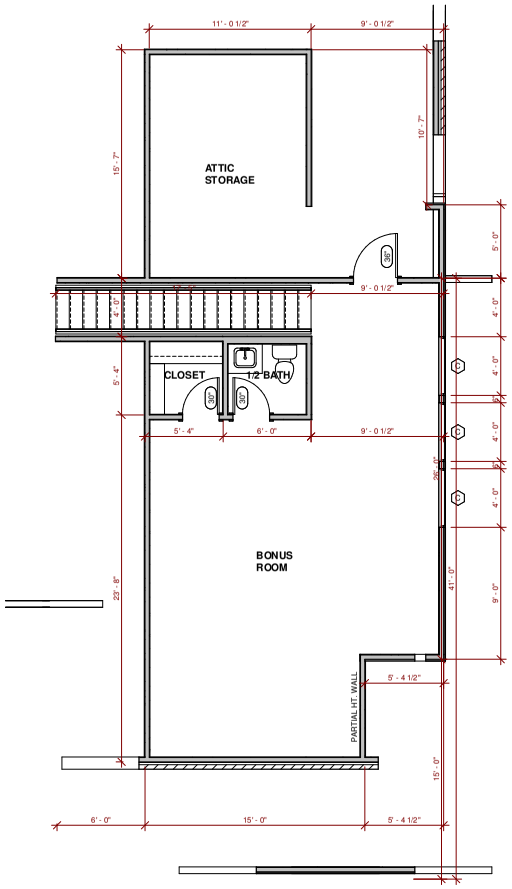
Date 9.29.25

Project 24.14

A2.0



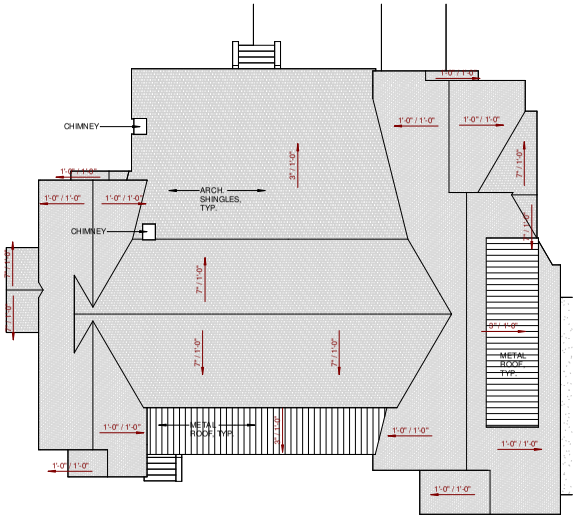
3 TYP. WALL SECTION
1" = 1'-0"



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

WINDOW COUNT SCHEDULE			
TYPE	COUNT	DESCRIPTION	BLINDS
A	7	3'-0" W. x 6'-0" T., FIXED, INSULATED	
B	2	3'-0" W. x 5'-0" T., DOUBLE HUNG, INSULATED	
C	3	4'-0" W. x 4'-0" T., FIXED, INSULATED	
D	4	(2)3'-0" W. x 6'-0" T., DOUBLE HUNG, INSULATED	
E	1	(2)2'-6" W. x 4'-0" T., DOUBLE HUNG, INSULATED	
F	1	3'-0" W. x 4'-0" T., FIXED, INSULATED	
Grand total: 18			

4 REAR VIEW



2 ROOF PLAN
1" = 10'-0"

blueROCK design · build
479-459-2838 - bluerockdesignbuild@gmail.com

PROPOSED PROJECT FOR:

SHADDY RESIDENCE

CITY LAKE ROAD - FAYETTEVILLE, AR

REGISTERED ARCHITECT

SECOND FLOOR PLAN, TYP. WALL SECTION & ROOF PLAN

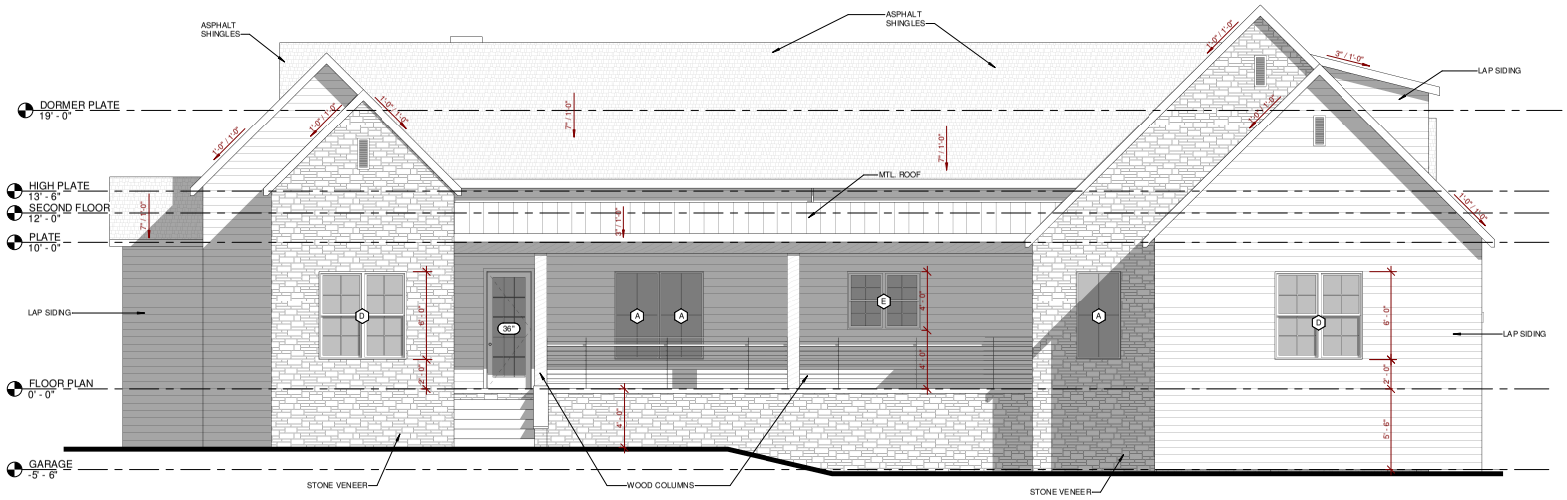
Seal

Revisions

Date 9.29.25

Project 24.14

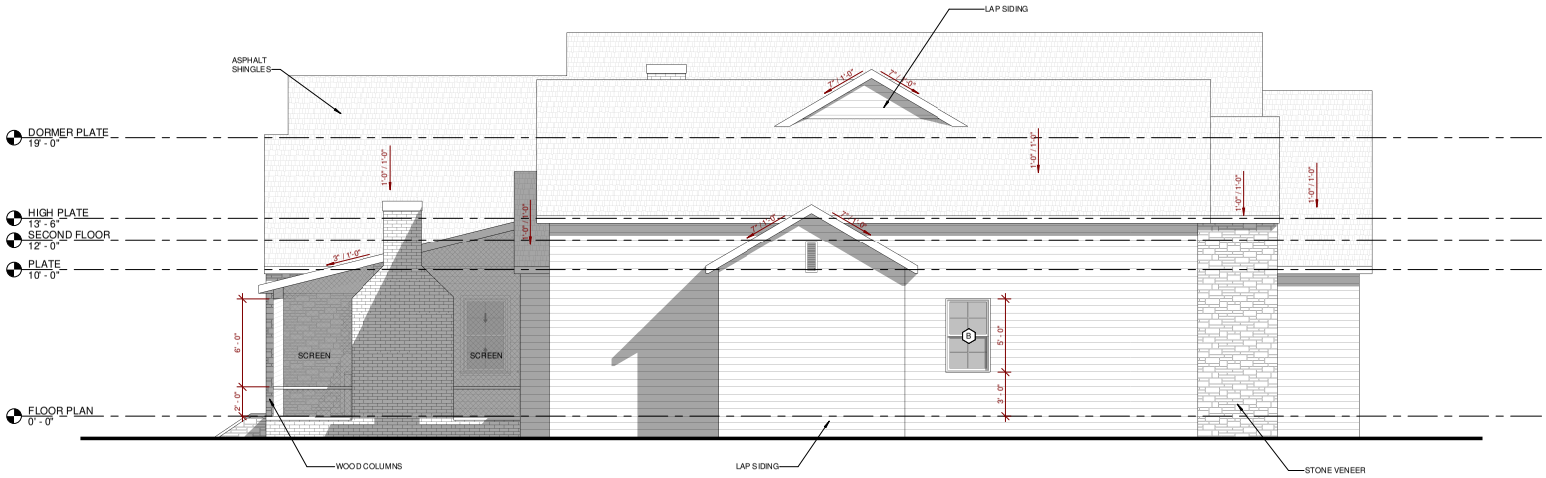
A2.1



1 FRONT ELEVATION
1/4" = 1'-0"

WINDOW COUNT SCHEDULE

TYPE	COUNT	DESCRIPTION	BLINDS
A	7	3'-0" W. x 6'-0" T., FIXED, INSULATED	
B	2	3'-0" W. x 5'-0" T., DOUBLE HUNG, INSULATED	
C	3	4'-0" W. x 4'-0" T., FIXED, INSULATED	
D	4	(2)3'-0" W. x 6'-0" T., DOUBLE HUNG, INSULATED	
E	1	(2)2'-6" W. x 4'-0" T., DOUBLE HUNG, INSULATED	
F	1	3'-0" W. x 4'-0" T., FIXED., INSULATED	
Grand total: 18			



2 SIDE ELEVATION 1
1/4" = 1'-0"

PROPOSED PROJECT FOR:

SHADDY RESIDENCE

CITY LAKE ROAD - FAYETTEVILLE, AR

blueROCK design · build

479-459-2838 - bluerockdesignbuild@gmail.com

REGISTERED ARCHITECT

ELEVATIONS

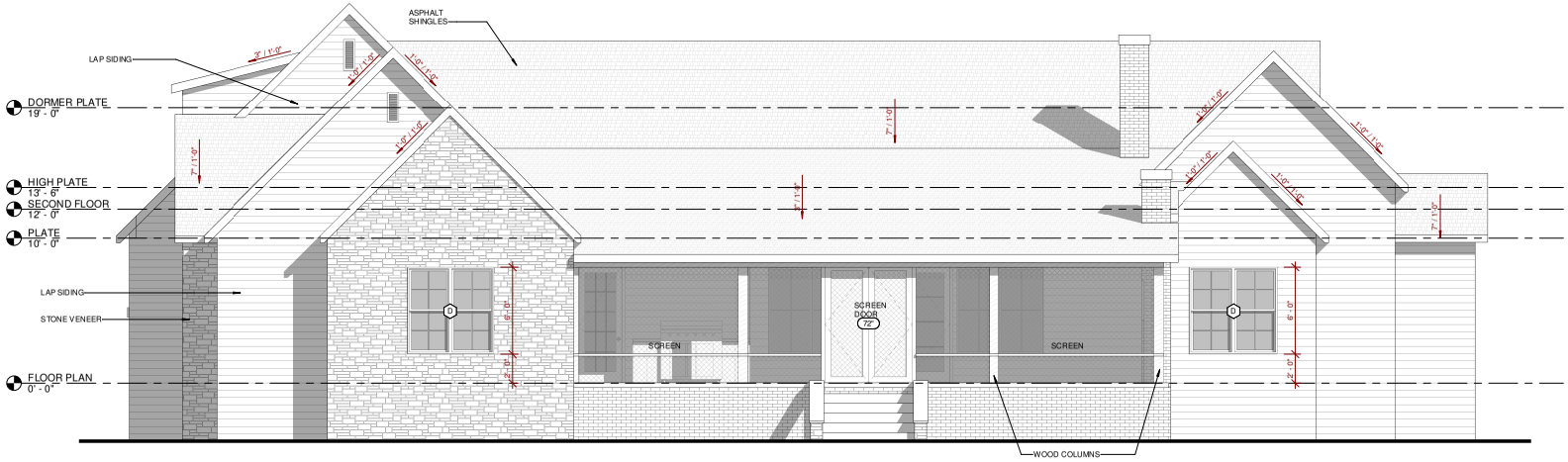
Seal

Revisions

Date 9.29.25

Project 24.14

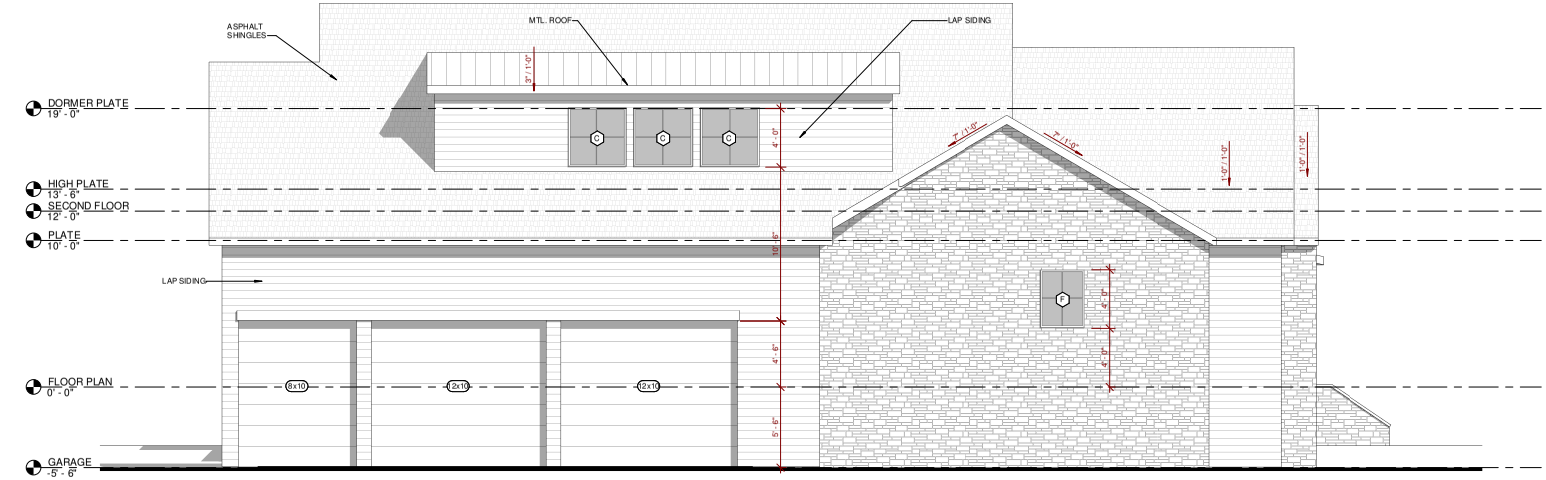
A3.0



1 REAR ELEVATION
1/4" = 1'-0"

WINDOW COUNT SCHEDULE

TYPE	COUNT	DESCRIPTION	BLINDS
A	7	3'-0" W. x 6'-0" T., FIXED, INSULATED	
B	2	3'-0" W. x 5'-0" T., DOUBLE HUNG, INSULATED	
C	3	4'-0" W. x 4'-0" T., FIXED, INSULATED	
D	4	(2)3'-0" W. x 6'-0" T., DOUBLE HUNG, INSULATED	
E	1	(2)2'-6" W. x 4'-0" T., DOUBLE HUNG, INSULATED	
F	1	3'-0" W. x 4'-0" T., FIXED., INSULATED	
Grand total: 18			



2 SIDE ELEVATION 2
1/4" = 1'-0"

blueROCK design · build
479-459-2838 - bluerockdesignbuild@gmail.com

PROPOSED PROJECT FOR:
SHADDY RESIDENCE
CITY LAKE ROAD - FAYETTEVILLE, AR

REGISTERED ARCHITECT

ELEVATIONS

Seal

Revisions

Date 9.29.25

Project 24.14

A3.1

CERTIFICATE OF AUTHENTICATION

I hereby certify that these plans & specifications have been prepared by me, or under my supervision. I further certify that to the best of my knowledge these plans & specifications are as required by law & in compliance with the Arkansas Fire Prevention code for the state of Arkansas.

9.23.25

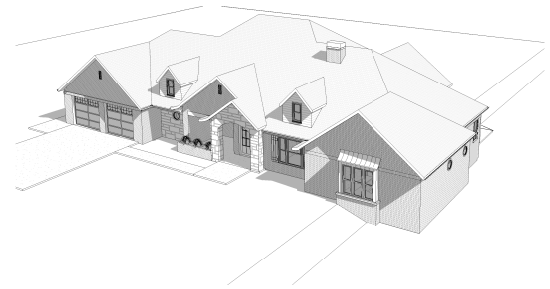
Name / Date:

AREA SCHEDULE

NAME	LEVEL	AREA	HT./CL.
2-CAR GARAGE	FIN. FLOOR	824 SF	NO
FRONT PORCH	FIN. FLOOR	199 SF	NO
UNCOVERED DECK	FIN. FLOOR	210 SF	NO
SCREENED PORCH	FIN. FLOOR	430 SF	NO
		1664 SF	
MAIN FLOOR	FIN. FLOOR	3371 SF	YES
TOTAL HEATED		3371 SF	
TOTAL UNDER ROOF		5035 SF	

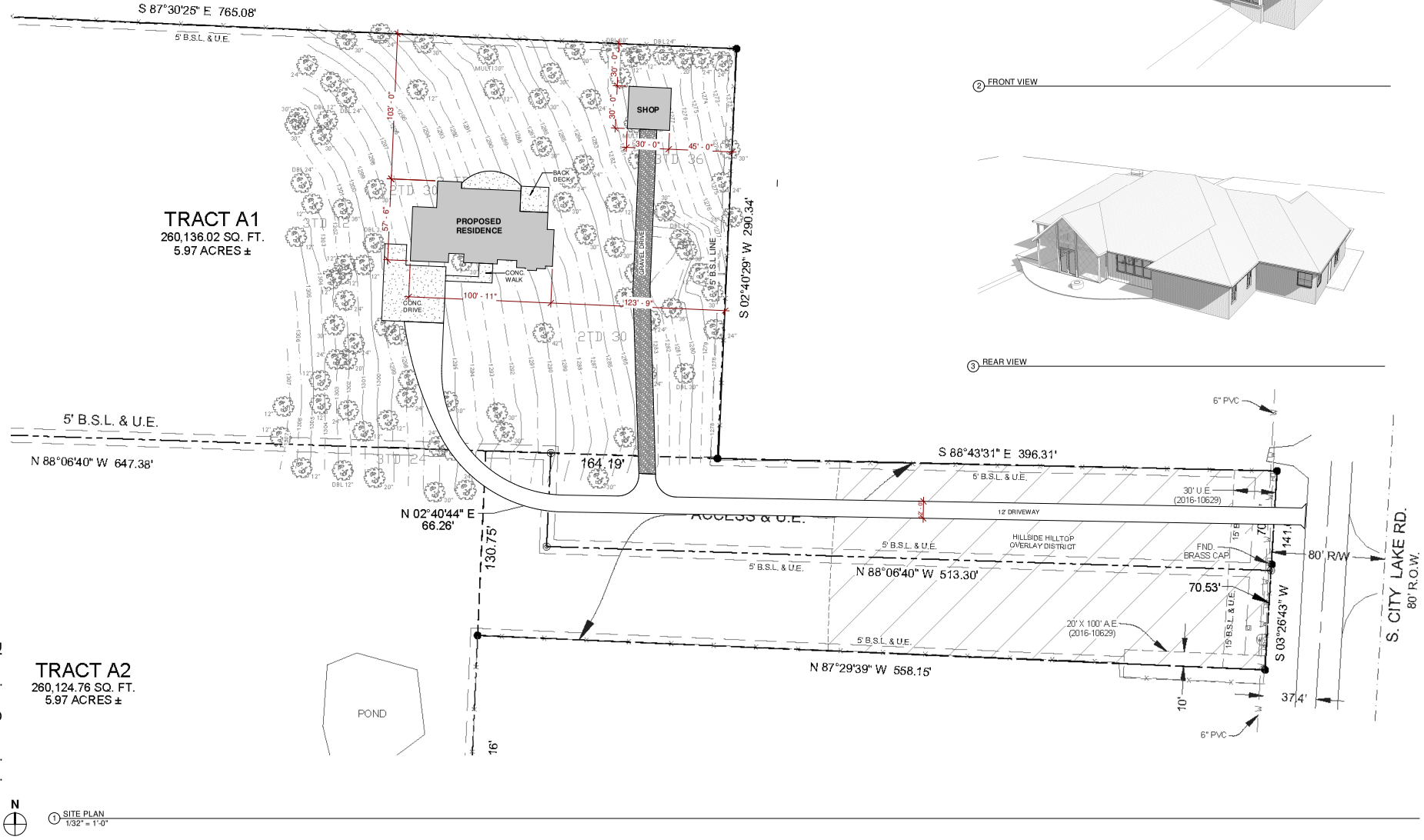
SHEET INDEX

A1.0	TITLE SHEET, PROJECT DATA, 3d IMAGES & SITE PLAN
A2.0	FLOOR PLAN
A2.1	ROOF PLAN & TYP. WALL SECTION
A3.0	ELEVATIONS
A3.1	ELEVATIONS



2 FRONT VIEW

3 REAR VIEW



1 SITE PLAN
1/32" = 1'-0"

blueROCK design · build
479-459-2838 · BLUEROCKDESIGNBUILD@GMAIL.COM

PROPOSED PROJECT FOR:

SHADDY RESIDENCE

S. CITY LAKE ROAD - FAYETTEVILLE, AR

TITLE SHEET, PROJECT DATA, 3d IMAGES & SITE PLAN

Seal

Revisions

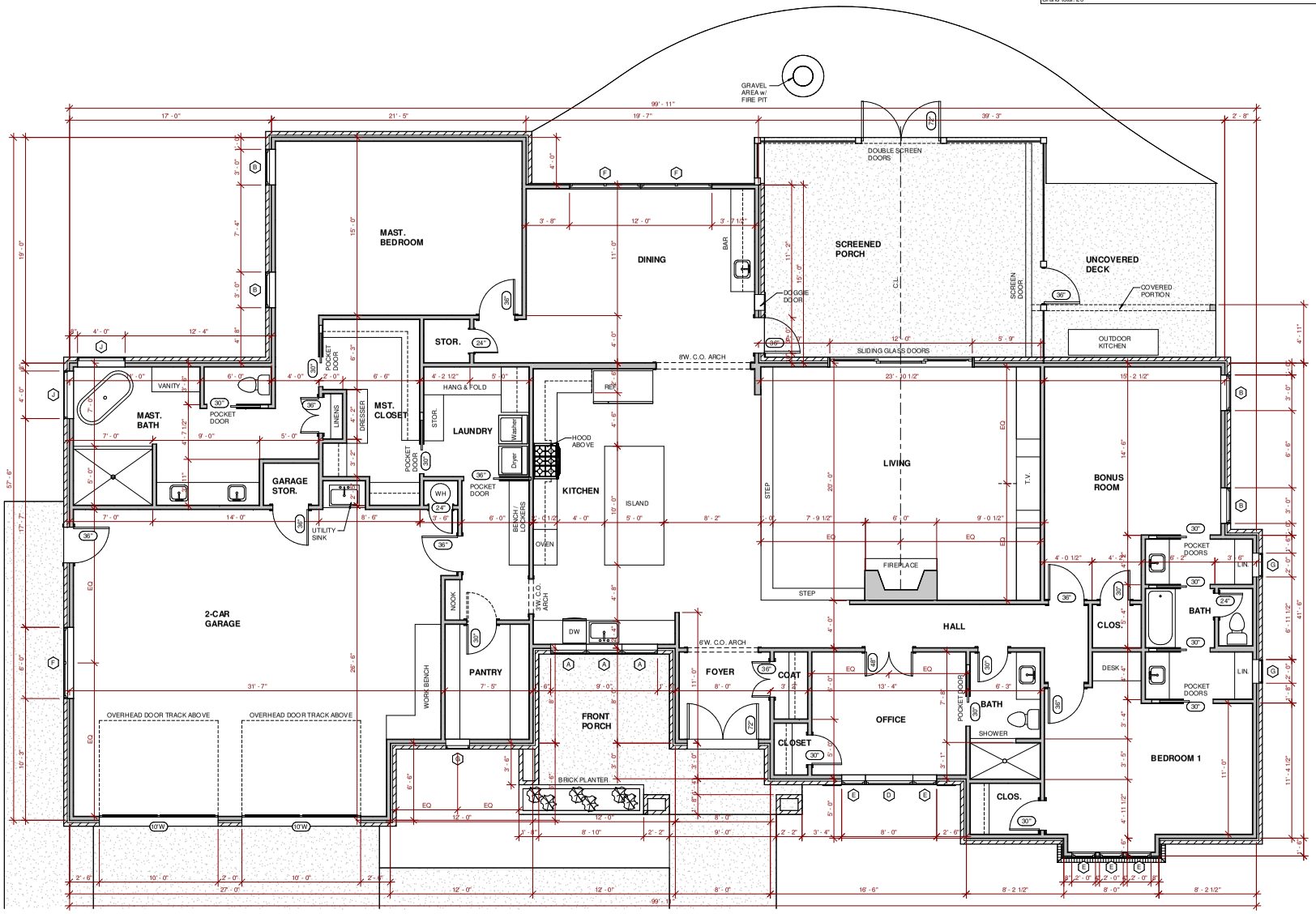
Date 9.23.25

Project 24.86

A1.0

WINDOW COUNT SCHEDULE

TYPE	COUNT	DESCRIPTION	BLINDS
A	3	3'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
B	4	3'-0" W. x 5'-0" T., SINGLE HUNG, INSULATED	
C	2	2'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
D	1	4'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
E	5	2'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
F	3	(2) 3'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
G	3	2'-6" DIA., ROUND, FIXED	
J	2	4'-0" W. x 4'-0" T., FIXED, INSULATED	
Grand total: 23			



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

blueROCK design · build
479-459-2838 · BLUEROCKDESIGNBUILD@GMAIL.COM

PROPOSED PROJECT FOR:
SHADDY RESIDENCE
S. CITY LAKE ROAD - FAYETTEVILLE, AR

BRIAN A. RAMSEY
REGISTERED ARCHITECT
AR 431

FLOOR PLAN

Seal

Revisions

Date 9.23.25

Project 24.86

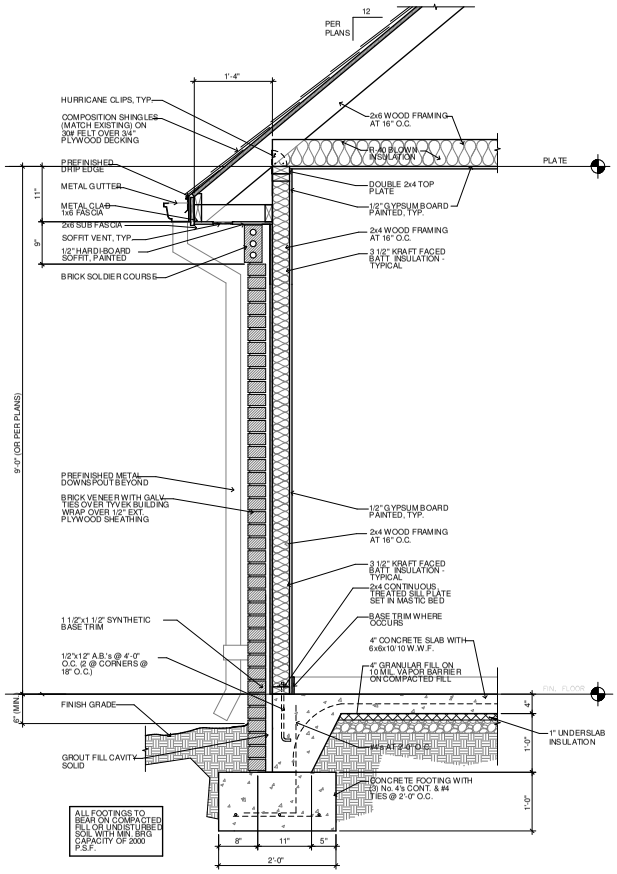
A2.0

WINDOW COUNT SCHEDULE

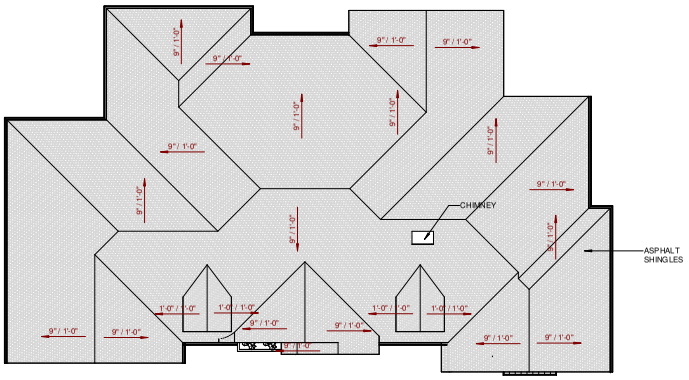
TYPE	COUNT	DESCRIPTION	BLINDS
A	3	3'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
B	4	3'-0" W. x 5'-0" T., SINGLE HUNG, INSULATED	
C	2	2'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
D	1	4'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
E	5	2'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
F	3	(2) 3'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
G	3	2'-6" DIA., ROUND, FIXED	
J	2	4'-0" W. x 4'-0" T., FIXED, INSULATED	
Grand total: 23			

GENERAL NOTES

1. ALL INTERIOR DRYWALL STUDS & GYP. BD. FURR DOWNS ARE 3 1/2" WOOD UNLESS NOTED OTHERWISE
2. SEE FLOOR PLAN SHEET FOR PARTITION TYPES & FINISH SCHEDULE
3. PLAN DIMENSIONS ARE TO CENTERLINE OF COLUMN, FACE OF STUD, OR FACE OF BRICK UNLESS NOTED OTHERWISE
4. PROVIDE SOUND BATTS @ ALL INTERIOR DRYWALL PARTITIONS EXCEPT @ WALLS SEPARATING STORAGE ROOM FROM STORAGE ROOM, STORAGE ROOM FROM CORRIDOR, & PARTITIONS THAT DO NOT EXTEND TO THE BOTTOM OF THE DECK OR ABOVE FINISH CEILING
5. SEE REFLECTED CEILING PLAN FOR CEILING LAYOUT, TYPES & MECH. DIFFUSER & LIGHT LAYOUTS.
6. PROVIDE RESILIENT REDUCER STRIPS BETWEEN CARPET & CONCRETE.
7. PAINT ALL VTR'S AND ROOF PENETRATIONS TO MATCH ROOF; WHERE POSSIBLE ROUTE TO LEAST VISIBLE SIDE OF ROOF.
8. PROVIDE ALUMINUM THRESHOLDS AT EXTERIOR DOORS.
9. PROVIDE SAFETY GLASS AT ANY WINDOW AND/OR GLAZED DOOR IN A HAZARDOUS LOCATION PER 2021 IRC R308.4
10. PROVIDE FIRE SEPARATION BETWEEN DWELLING & GARAGE PER 2021 IRC R302.5 & R302.6
11. INSTALL SMOKE DETECTORS PER IRC R314
12. INSTALL CARBON MONOXIDE DETECTORS PER IRC R315
13. EMERGENCY ESCAPE AND RESCUE OPENINGS REQUIRED FOR BEDROOMS PER 2021 IRC R310
14. GREEN STORMWATER PRACTICE REQUIRED
15. ANY FOUNDATION WALL OVER 4' IN HEIGHT REQUIRES AN INSPECTION OF THE REINFORCEMENT PRIOR TO POURING CONCRETE / FILLING CELLS



3 TYP. WALL SECTION
1" = 1'-0"



2 ROOF PLAN
1" = 10'-0"

blueROCK design · build
479-459-2838 · BLUEROCKDESIGNBUILD@GMAIL.COM

PROPOSED PROJECT FOR:
SHADDY RESIDENCE
S. CITY LAKE ROAD - FAYETTEVILLE, AR

REGISTERED ARCHITECT

ROOF PLAN & TYP. WALL SECTION

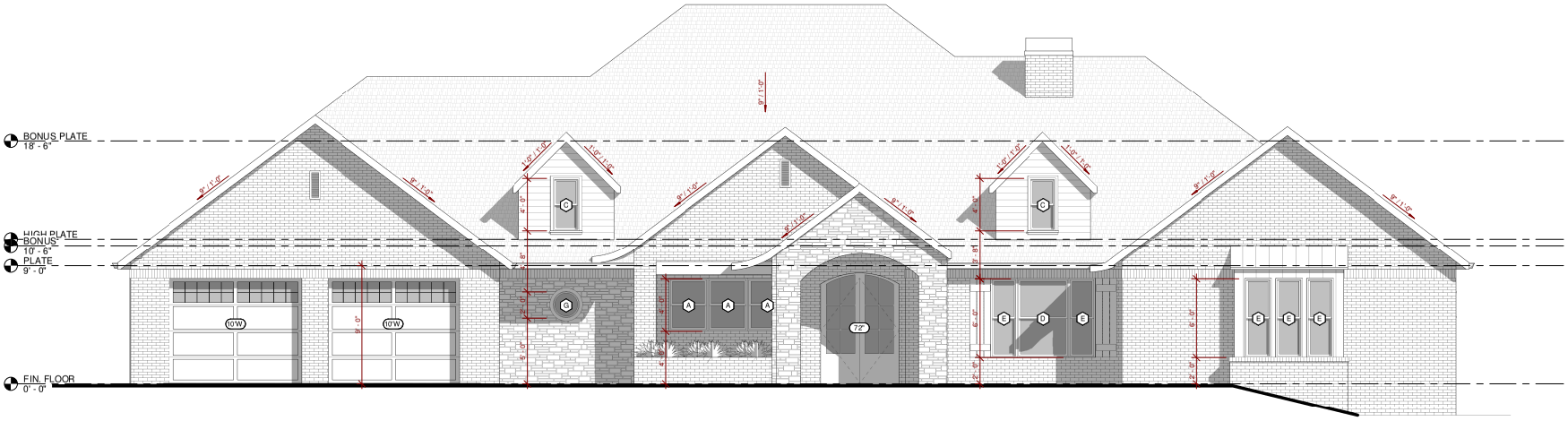
Seal

Revisions

Date 9.23.25

Project 24.86

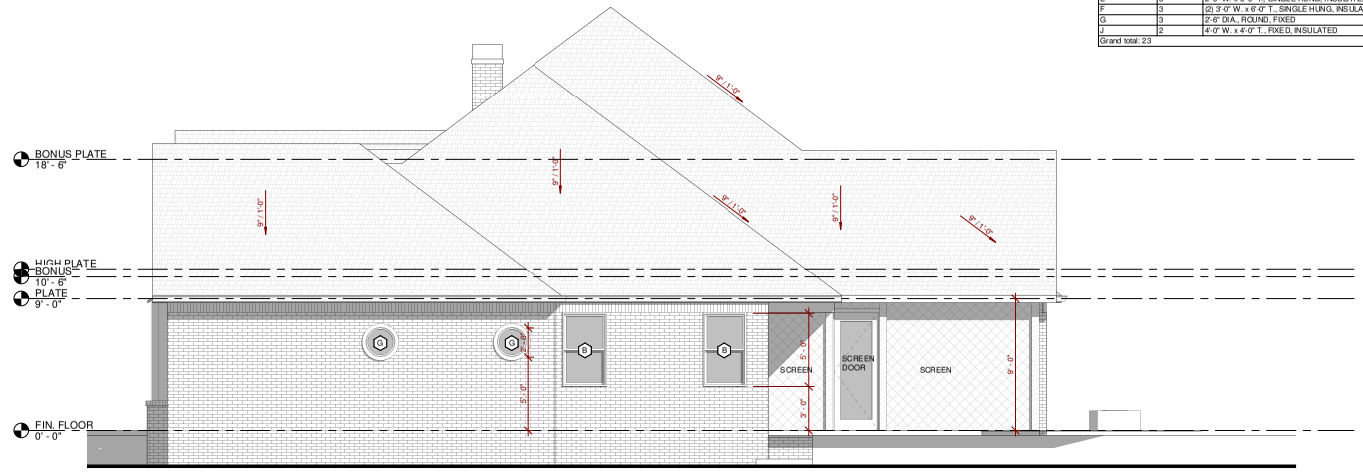
A2.1



1 FRONT ELEVATION
1/4" = 1'-0"

WINDOW COUNT SCHEDULE

TYPE	COUNT	DESCRIPTION	BLINDS
A	3	3'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
B	4	3'-0" W. x 5'-0" T., SINGLE HUNG, INSULATED	
C	2	2'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
D	1	4'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
E	5	2'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
F	3	(2) 3'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
G	3	2'-6" DIA., ROUND, FIXED	
J	2	4'-0" W. x 4'-0" T., FIXED, INSULATED	
Grand total: 23			



4 SIDE ELEVATION 1
1/4" = 1'-0"

blueROCK design · build
479-459-2838 · BLUEROCKDESIGNBUILD@GMAIL.COM

PROPOSED PROJECT FOR:

SHADDY RESIDENCE

S. CITY LAKE ROAD - FAYETTEVILLE, AR

REGISTERED ARCHITECT

ELEVATIONS

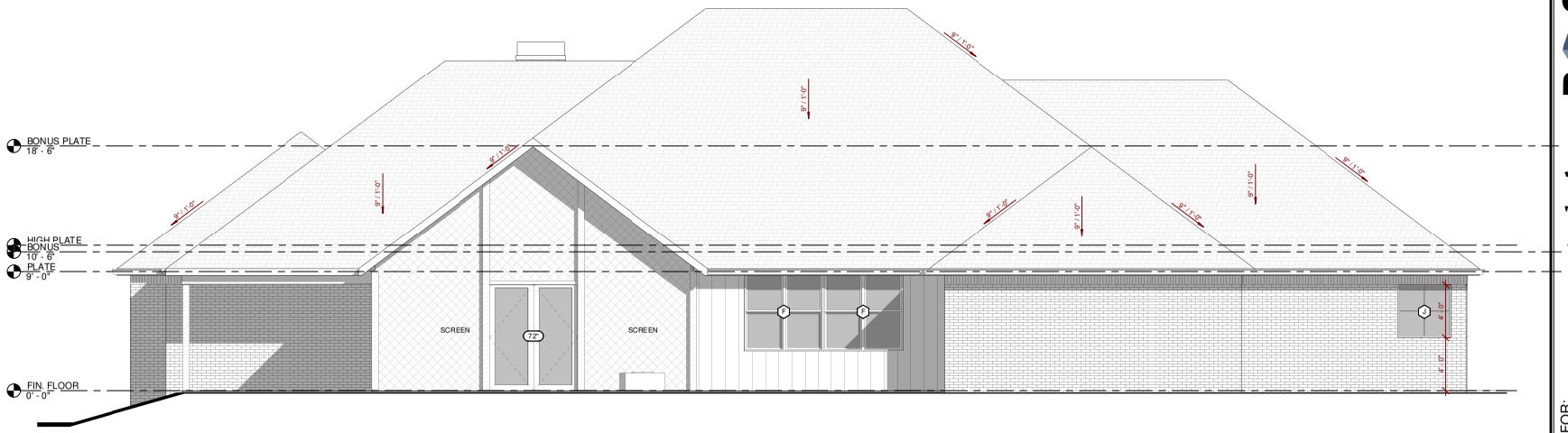
Seal

Revisions

Date 9.23.25

Project 24.86

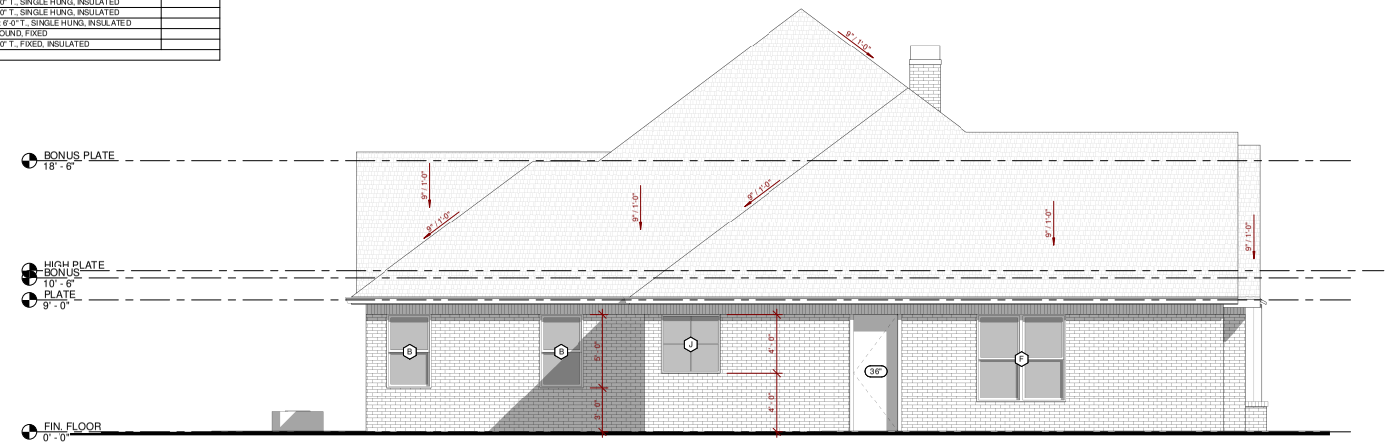
A3.0



1 REAR ELEVATION
1/4" = 1'-0"

WINDOW COUNT SCHEDULE

TYPE	COUNT	DESCRIPTION	BLINDS
A	3	3'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
B	4	3'-0" W. x 5'-0" T., SINGLE HUNG, INSULATED	
C	2	2'-0" W. x 4'-0" T., SINGLE HUNG, INSULATED	
D	1	4'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
E	5	2'-0" W. x 6'-0" T., SINGLE HUNG, INSULATED	
F	3	(2) 3'-0"W. x 6'-0"T., SINGLE HUNG, INSULATED	
G	3	2'-6" DIA., ROUND, FIXED	
J	2	4'-0" W. x 4'-0" T., FIXED, INSULATED	
Grand total: 23			



2 SIDE ELEVATION 2
1/4" = 1'-0"

blueROCK design · build
479-459-2838 · BLUEROCKDESIGNBUILD@GMAIL.COM

PROPOSED PROJECT FOR:

SHADDY RESIDENCE

S. CITY LAKE ROAD - FAYETTEVILLE, AR

REGISTERED ARCHITECT

ELEVATIONS

Seal

Revisions

Date 9.23.25

Project 24.86

A3.1

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

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

FROM: Alan Pugh, Staff Engineer

MEETING DATE: November 10, 2025

SUBJECT: **VAR-2025-0047: Planning Commission Variance (5 E. TRENTON BLVD/NIERENGARTEN & HENDRICKS, 445):** Submitted by FLINTLOCK LTD for property located at 5 E. TRENTON BLVD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.13 acres. The request is for a variance to the flood damage protection ordinance.

RECOMMENDATION:
Staff recommends denial of **VAR-2025-0047**, based on the findings contained in this report.

RECOMMENDED MOTION:
*"I move to approve **VAR-2025-0047**, determining:*

- *The property is partially within the 100-year floodplain; and*
- *In favor of all conditions as recommended by staff."*

BACKGROUND:
The subject property is located on E. Trenton Blvd just west of the intersection of E. Trenton Blvd and N. College Ave. The property totals approximately 0.13 acres and contains one single-family residence. Scull Creek flows generally east to west just north of Trenton Blvd. and across from the property. The creek is currently indicated as Zone AE, base flood elevation determined, according to the 2024 Flood Insurance Study (FIS). The creek is further on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	RMF-24; CS and R-O, see attached project maps
South	Residential	
East	Residential/Commercial	
West	Residential	

Request: The applicant is requesting a variance from §168.11(A)(1)(a), which requires new structures to be elevated a minimum of 2' above the base flood elevation.

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

DISCUSSION:
The applicant is requesting to demolish the existing structure located at 5 E Trenton Ave and construct a new residential home that will only be one foot above the base flood elevation rather than two feet as required by the Unified Development Code Chapter 168, Flood Damage Prevention. While staff do understand some of the design and construction challenges associated with redeveloping sites, staff cannot support this request for the reasons outlined below.

The City of Fayetteville requires the lowest floor of any structure to be minimum of 2' above the base flood elevation. This requirement is consistent with the State of Arkansas model Flood Damage Prevention Code that is published by the Arkansas Department of Agriculture Division of Natural Resources. This requirement extends to any structure located on a property partially or entirely within the 100-year floodplain even if the structure itself is located outside of the floodplain. This provision was put in place by the City Council in 2021 to recognize the fact that flood waters do not necessarily stop at the line on a map which approximates the floodplain. New homes were at risk of being constructed that would be prone to flooding as they may be located just outside of the floodplain as depicted on the mapping. The requirement of being two feet above the base flood elevation also helps to reduce the risk of structure flooding due to errors or inaccuracies within the flood studies/mapping. In many instances, the flood studies for Washington County are many decades old. It is also important to note that at least two other large cities in NWA require new construction to be at least three feet above the base flood elevation rather than two as required by Fayetteville.

Additional concerns by staff include:

- The property in question is located within a repetitive loss area as defined by the Federal Emergency Management Agency (FEMA) which would be indicative of repetitive flooding within one or more structures within the area.

- The existing structure appears to meet the requirement of being 2' above the base flood elevation. The applicant is requesting to remove a structure that meets the elevation requirement and replace it with one that does not.

- The current design shows an approximately 23' drive at 16% to raise the garage floor to an elevation at the base flood elevation with an addition 1' rise from the garage floor to the lowest floor of the home. The applicant has expressed a desire to construct an ADA ramp inside the garage for access; however, this is not shown on the plan. The proposed garage appears to be 17' by 26' in size and could accommodate a lengthy ramp for the desired ADA access and meet the 2' freeboard requirement, the applicant could change the design as necessary to provide additional room to meet that desire or as an alternative the applicant could consider an ADA lift which would occupy less space to meet the desired access.

- The applicant could consider moving the structure further from the front property line, giving more driveway length to further elevate the garage floor an additional foot if the desire is only one foot of difference between the garage floor and the lowest floor of the home. It appears moving the garage/structure approximately 6.25' further south could achieve that while maintaining the same driveway slope. It appears that the structure

would still meet the front build to and rear setback requirements if it were moved further back.

- The City participates in the Community Rating System which affords residents discounts on flood insurance for requirements above the FEMA minimum flood damage requirements. A portion of the current discount is due to the minimum 2' above base flood elevation requirement and could be removed if Fayetteville were to show a pattern of varying from this requirement.

As shown, there appear to be alternatives to the requested variance and the additional 1' in total structure height would not violate any height restrictions based on the current zoning. The requirement for elevation of structure 2' above the base flood elevation is critical to reduce future flood losses within the City of Fayetteville and for these reasons, staff is recommending denial of the variance request.

RECOMMENDATION: Staff recommends denial of **VAR-2025-0047**

If the Planning Commission were to grant the variance, staff would recommend the following conditions be applied:

Conditions of Approval:

1. The applicant is required to dry floodproof the structure to at least 3' above the base flood elevation. Although this will not meet the conditions of Chapter 168, it could help mitigate flood losses in the future.
2. The plans for the structure include the nature of the proposed floodproofing.
3. The applicant provides a floodproofing certificate on FEMA's standard form at the end of construction signed and sealed by the engineer or architect of record certifying that all conditions of dry floodproofing have been met.
4. The applicant shall disclose to any future buyer of the property that floodproofing has been installed to meet the conditions of this variance.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: November 10, 2025	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

Section §156.03 Development Variances: Certain variances of the development regulations may be applied for as follows:

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

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

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

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

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

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

(f) Floodplain variances shall only be issued if:

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

Staff does not find exceptional or extraordinary circumstances in this instance as described above.

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

Staff does not find exceptional hardship in this instance as described above.

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

Staff does not anticipate an increase in base flood heights or any additional threats to public safety. However, if the property were to flood they may seek the City's assistance to try and mitigate the flooding which would be additional costs to the citizens of Fayetteville.

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

As stated previously, due to the size of the project and the existing floodplain obstructions in the area, staff does not anticipate an increase in base flood heights or any additional threats to public safety.

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

See staff recommended conditions listed above should Planning Commission choose to grant the variance

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

Not applicable

Attachments:

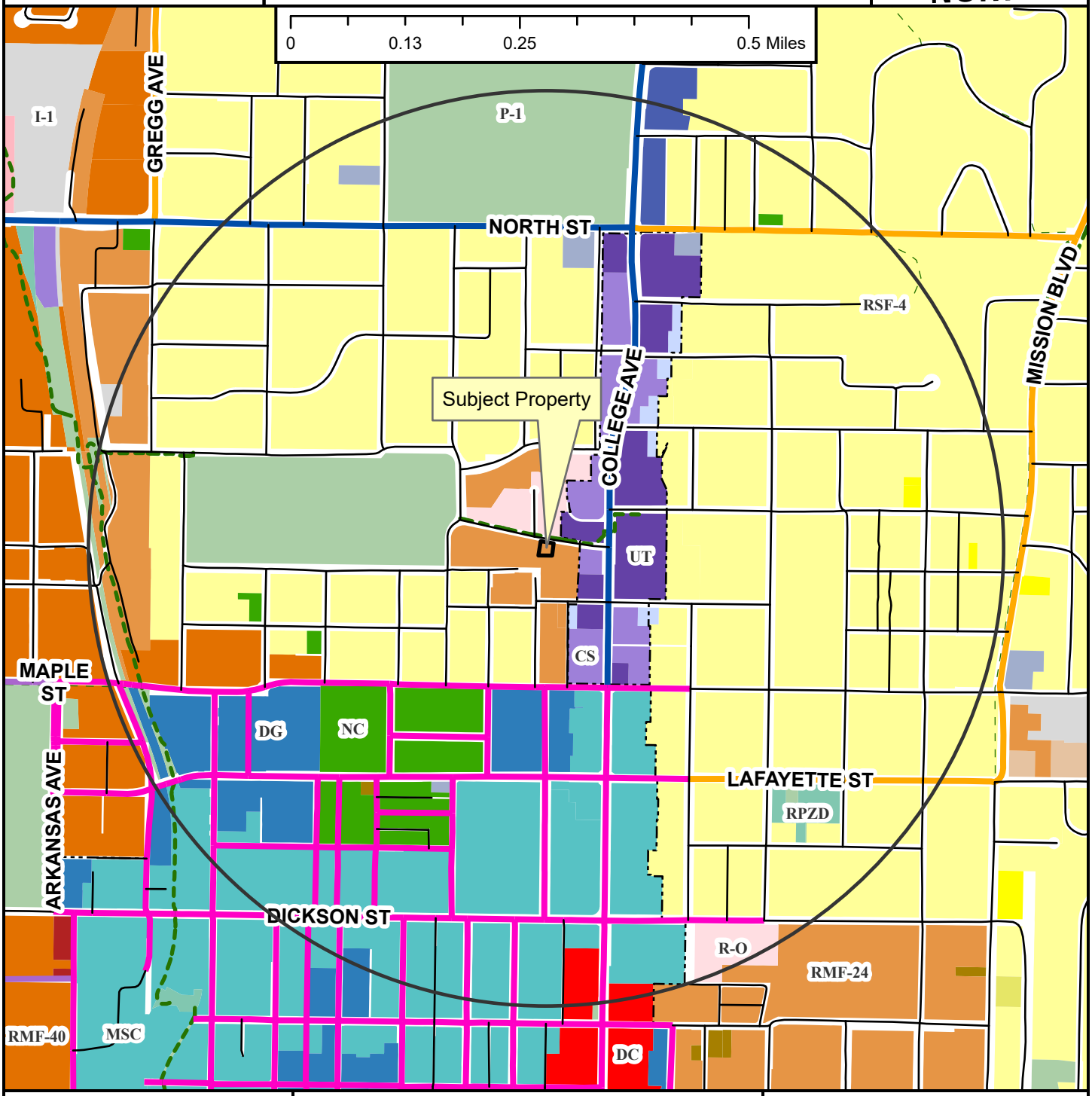
- One Mile Map
- Close Up Map
- Current Land Use Map
- Applicant Request Letter
- Proposed variance request exhibit
- FEMA Floodplain Mapping

VAR-2025-0047

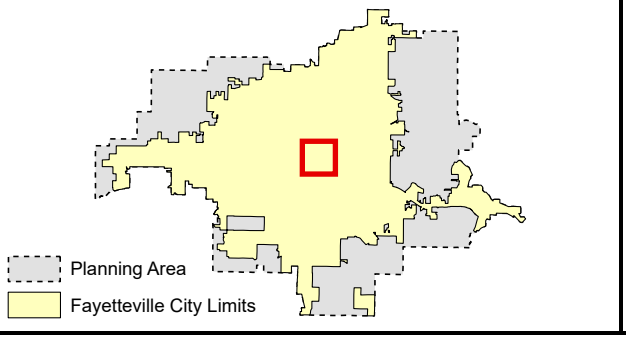
One Mile View

5 E. TRENTON BLVD

NORTH



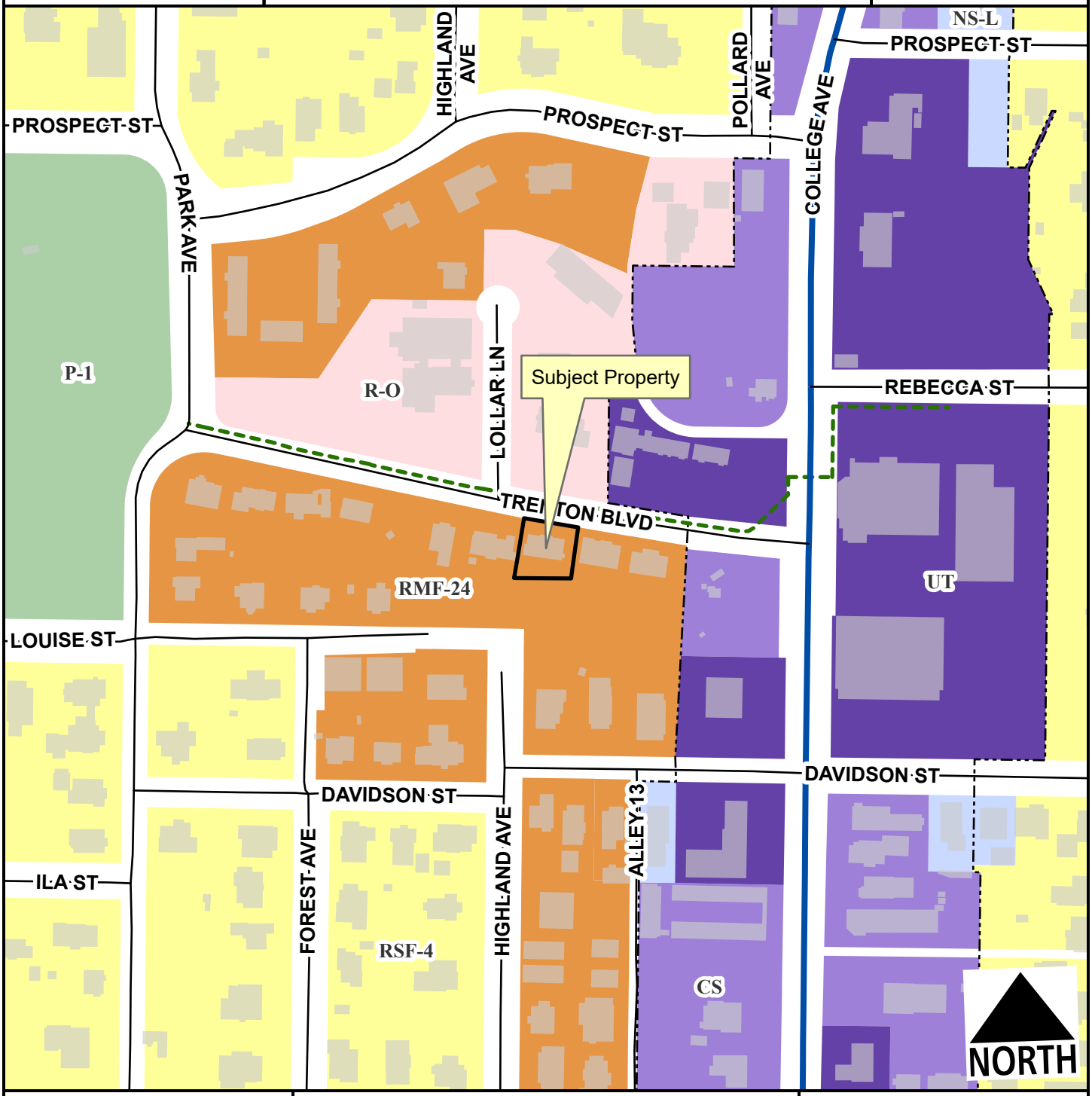
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAR-2025-0047

Close Up View

5 E. TRENTON BLVD



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

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

VAR-2025-0047

Current Land Use

5 E. TRENTON BLVD

NORTH

- Regional Link - High Activity
- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

September 29, 2025

5 E TRENTON

PETITION FOR FLOOD ELEVATION VARIANCE

Dear Fayetteville Planning Commissioners and Planning Staff,

We respectfully request a variance for the redevelopment of a small infill lot at 5 E. Trenton Blvd, to enable the inclusion of a basement Accessory Dwelling Unit (ADU). The ADU is a central feature of the design, as it provides an additional, smaller-scale housing option on the same lot. By creating both a primary residence and a secondary unit, this project increases density and directly supports Fayetteville's efforts to address the current housing shortage.

This proposal aligns with adopted city policies and plans:

- City Plan 2040 emphasizes "Encouraging Infill" and "Housing Variety" as key goals. This project contributes to both by adding a new unit within the existing urban fabric and offering a smaller, more affordable housing type.
- The College Avenue Corridor Plan identifies this area for reinvestment, walkability, and transit-supportive development. Adding a primary unit and an ADU here leverages existing infrastructure, increases residential density near services and transit, and fulfills the plan's vision for compact, efficient growth.

The new home is being constructed within the footprint of the existing structure and will be located outside the FEMA flood hazard zone, as well as the flow path of the nearby stream. Requiring the home to be built two feet above the floodplain creates an unnecessary hardship that undermines city goals. On this constrained site, raising the structure adds substantial cost and site-design complications, effectively eliminating the feasibility of the ADU. Allowing construction of the ADU at one foot above the floodplain, maintains a safe level of flood protection while ensuring that both housing units can be delivered. We request your consideration for the following variances:

VARIANCE REQUESTS:

- 168.10.V – Provisions For Flood Hazard Reduction
  - *"Any structure, including but not limited to new structures, additions and substantial improvement, constructed on property fully or partially within the special flood hazard area (SFHA) shall meet the elevation or floodproofing requirements within §168.11 as applicable, even if the structure itself is located outside the SFHA."*
- 168.11.A.1.a – Risk Zone Specific Standards for Residential Structures in Zone AE
  - *"For all new residential structures, the top surface of the lowest floor and any mechanical equipment must have an elevation 2 feet or more above the published BFE. This elevation must be documented on an elevation certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the State of Arkansas"*

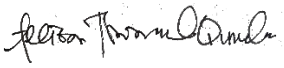
- We request a variance to this 2' above BFE requirement to construct an ADU 1' above the BFE. While the property touches zone AE, the house itself is located in zone X, outside the 500-year flood level.

This variance request represents a practical balance between flood safety and the city's pressing housing needs. Approval would allow the project to advance in a way that is fully consistent with City Plan 2040's guiding principles and the College Avenue Corridor Plan's redevelopment objectives.

We believe, and hope you agree, that this design will help contribute to Fayetteville's housing supply and long-term growth vision. We respectfully request this variance and hope you will be able to support our application.

Thank you for your consideration,

Respectfully,
FLINTLOCK LTD CO

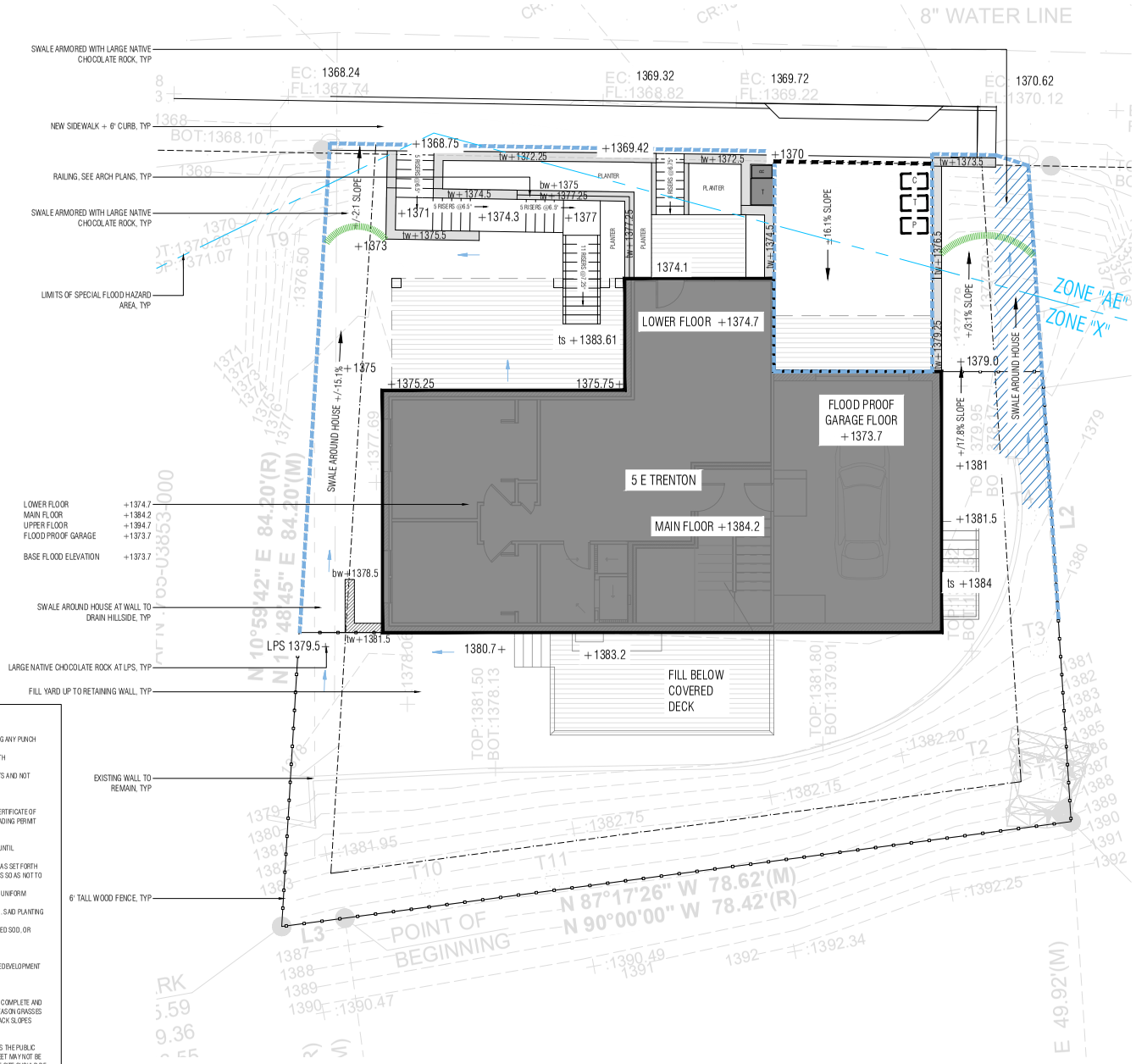


Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect

See next page for description of Flood Design Classes ➔		Flood Design Class 1	Flood Design Class 2	Flood Design Class 3	Flood Design Class 4
Minimum Elevation* of Lowest Floor (Zone A: ASCE 24-14 Table 2-1)	Zone A not identified as Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation of Bottom of Lowest Horizontal Structural Member (Zone V: ASCE 24-14 Table 4-1)	Coastal High Hazard Areas (Zone V) and Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation Below Which Flood-Damage-Resistant Materials Shall be Used (Table ASCE 24-14 5-1)	Zone A not identified as Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
	Coastal High Hazard Areas (Zone V) and Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation of Utilities and Equipment (ASCE 24-14 Table 7-1)**	Zone A not identified as Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
	Coastal High Hazard Areas (Zone V) and Coastal A Zone	DFE	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
Minimum Elevation of Dry Floodproofing of non-residential structures and non-residential portions of mixed-use buildings (ASCE 24-14 Table 6-1)	Zone A not identified as Coastal A Zone	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher
	Coastal High Hazard Areas (Zone V) and Coastal A Zone	Not permitted	Not permitted	Not permitted	Not permitted
Minimum Elevation of Wet Floodproofing* (ASCE 24-14 Table 6-1)**	Zone A not identified as Coastal A Zone; Coastal A Zone; Coastal High Hazard Areas (Zone V)	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +1 ft or DFE, whichever is higher	BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher

* Flood Design Class 1 structures shall be allowed below the minimum elevation if the structure meets the wet floodproofing requirements of ASCE 24-14 Section 6.3.
** Unless otherwise permitted by ASCE 24-14 Chapter 7
*** Only if permitted by ASCE 24-14 Section 6.3.1

ASCE 24-14 Table 1-1 Flood Design Class of Buildings and Structures	
Use or Occupancy of Buildings and Structures	**Flood Design Class**
Buildings and structures that normally are unoccupied and pose minimal risk to the public or minimal disruption to the community should they be damaged or fail due to flooding. Flood Design Class 1 includes (1) temporary structures that are in place for less than 180 days, (2) accessory storage buildings and minor storage facilities (does not include commercial storage facilities), (3) small structures used for parking of vehicles, and (4) certain agricultural structures. [Note (a)]	1
Buildings and structures that pose a moderate risk to the public or moderate disruption to the community should they be damaged or fail due to flooding, except those listed as Flood Design Classes 1, 3, and 4. Flood Design Class 2 includes the vast majority of buildings and structures that are not specifically assigned another Flood Design Class, including most residential, commercial, and industrial buildings.	2
Buildings and structures that pose a high risk to the public or significant disruption to the community should they be damaged, be unable to perform their intended functions after flooding, or fail due to flooding. Flood Design Class 3 includes (1) buildings and structures in which a large number of persons may assemble in one place, such as theaters, lecture halls, concert halls, and religious institutions with large areas used for worship; (2) museums; (3) community centers and other recreational facilities; (4) athletic facilities with seating for spectators; (5) elementary schools, secondary schools, and buildings with college or adult education classrooms; (6) jails, correctional facilities, and detention facilities; (7) healthcare facilities not having surgery or emergency treatment capabilities; (8) care facilities where residents have limited mobility or ability, including nursing homes but not including care facilities for five or fewer persons; (9) preschool and child care facilities not located in one- and two-family dwellings; (10) buildings and structures associated with power generating stations, water and sewage treatment plants, telecommunication facilities, and other utilities which, if their operations were interrupted by a flood, would cause significant disruption in day-to-day life or significant economic losses in a community; and (11) buildings and other structures not included in Flood Design Class 4 (including but not limited to facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, hazardous waste, or explosives) containing toxic or explosive substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. [Note (b)]	3
Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the community at large in the event of failure, disruption of function, or damage by flooding. Flood Design Class 4 includes (1) hospitals and health care facilities having surgery or emergency treatment facilities; (2) fire, rescue, ambulance, and police stations and emergency vehicle garages; (3) designated emergency shelters; (4) designated emergency preparedness, communication, and operation centers and other facilities required for emergency response; (5) power generating stations and other public utility facilities required in emergencies; (6) critical aviation facilities such as control towers, air traffic control centers, and hangars for aircraft used in emergency response; (7) ancillary structures such as communication towers, electrical substations, fuel or water storage tanks, or other structures necessary to allow continued functioning of a Flood Design Class 4 facility during and after an emergency; and (8) buildings and other structures (including, but not limited to, facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, or hazardous waste) containing sufficient quantities of highly toxic substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. [Note (b)]	4
[Note (a)] Certain agricultural structures may be exempt from some of the provisions of this standard; see ASCE 24-14 Section C1.4.3. [Note (b)] Buildings and other structures containing toxic, highly toxic, or explosive substances shall be eligible for assignment to a lower Flood Design Class if it can be demonstrated to the satisfaction of the authority having jurisdiction by a hazard assessment as described in ASCE 7-10 Section 1.5.3 of *Minimum Design Loads for Buildings and Other Structures* that a release of the substances is commensurate with the risk associated with that Flood Design Class.	



1 SITE PLAN
SCALE 3/16" = 1'-0"

LEGEND

- B STONE CONSTRUCTION ENTRANCE
- SILT FENCE
- COMPOST FILTER SOCKS
- TRASH
- CONCRETE WASHOUT
- PORTA-POTTY

NOTE: B-STONE TO BE INSTALLED BEFORE FOUNDATION
WATTLES TO BE INSTALLED AFTER FRAMING COMPLETE

CITY OF FAYETTEVILLE TYP 15% GRADE NOTES

1. WHEN THE PROJECT IS COMPLETE AND PRIOR TO FINAL ACCEPTANCE BY ENGINEERING NECESSARY FOR ANY CERTIFICATE OF OCCUPANCY:
   - THE WORK SHOWN ON THE GRADING PLAN MUST BE COMPLETE AND INSPECTED BY THE ASSIGNED PUBLIC WORKS INSPECTOR, INCLUDING ANY PUNCH LIST COMPLETED.
   - VEGETATION MUST BE ESTABLISHED PER THE HHOD REQUIREMENTS ON THE PERMITTED LOT AND ALL DISTURBED AREAS ASSOCIATED WITH CONSTRUCTION INCLUDING OFFSITE.
   - CERTIFICATION THAT ANY DESIGNED RETAINING WALLS WERE INSTALLED PER APPROVED PLANS AND CITY OF FAYETTEVILLE REQUIREMENTS AND NOT PLACED IN UTILITY EASEMENT;
   - PERIMETER EROSION CONTROLS REMOVED.
   - SIDEWALKS AND ADA RAMPS MUST BE IN COMPLIANCE WITH ADA SPECIFICATIONS.
   - ONCE THE ABOVE REQUIREMENTS ARE MET, AND PRIOR TO REQUEST OF THE TEMPORARY CERTIFICATE OF OCCUPANCY OR PERMANENT CERTIFICATE OF OCCUPANCY, THE CONTRACTOR SHALL CONTACT THE ENGINEERING DIVISION AT 575-8206 TO REQUEST A FINAL SITE INSPECTION FOR GRADING PERMIT COMPLIANCE.
2. RE-VEGETATION SHALL BE REQUIRED TO MEET THE FOLLOWING PERFORMANCE STANDARDS (SEDIMENT CONTROLS SHALL REMAIN IN PLACE UNTIL RE-VEGETATION IS ESTABLISHED) UNLESS OTHERWISE ALLOWED BY THE CITY ENGINEER:
   - *TOPSOIL*: A MINIMUM OF 4 INCHES OF TOPSOIL SHALL BE REQUIRED TO BE EITHER EXISTING OR INSTALLED IN AREAS TO BE REVEGETATED AS SET FORTH IN §18B.06(F)(6) BELOW. ANY APPLICATION OF TOPSOIL AND SEEDING UNDER THE DRIP LINE OF A TREE SHOULD BE MINIMIZED TO 3 INCHES SO AS NOT TO DAMAGE THE TREES ROOT SYSTEM.
   - *ZERO TO 10% GRADE*: RE-VEGETATION SHALL BE A MINIMUM OF SEEDING AND MULCHING. SAID SEEDING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF.
   - *10:1 UP TO 4:1 GRADE*: RE-VEGETATION SHALL BE A MINIMUM OF HYDRO-SEEDING WITH MULCH AND FERTILIZER, SOD, OR GROUNDCOVER. SAID PLANTING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF.
   - *4:1 TO 3:1 GRADE*: THE SLOPE SHALL BE COVERED WITH LANDSCAPE FABRIC AND HYDRO-SEEDED WITH MULCH AND FERTILIZER, OR STAKED SOD, OR GROUNDCOVER. SAID PLANTING SHALL PROVIDE COMPLETE AND UNIFORM COVERAGE THAT MINIMIZES EROSION AND RUNOFF
   - *MORE THAN 3:1 GRADE*: ANY FINISH GRADE OVER 3:1 SHALL BE STABILIZED WITH ONE OR MORE OF THE FOLLOWING:
   - RETAINING WALLS, CRIBBING WITH LANDSCAPE FABRIC, TERRACING WITH GROUNDCOVER, RIPRAP, STAKED SOD (UP TO 2:1 SLOPE)
   - IF CRIBBING, TERRACING, OR RIPRAP IS USED, THE SLOPES STABILITY AND ERODIBILITY MUST BE EQUIVALENT TO OR BETTER THAN ITS PREDEVELOPMENT STATE.
3. REVEGETATION OF LANDS WITHIN 15% GRADE AREAS SHALL BE PLANTED IMMEDIATELY AFTER THE PHYSICAL ALTERATION OF THE LAND WITH COMPLETE AND UNIFORM GROUND COVER. SOD, EROSION FABRIC, HERBACEOUS GROUNDCOVER (IN WOODED AREAS), AND/OR A HYDROSEED WITH WARM SEASON GRASSES IS REQUIRED. REVEGETATION REQUIREMENTS SHALL BE MET PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. CUT AND FILL TIE-BACK SLOPES SHALL BE RE-VEGETATED WITH APPROPRIATE TREE SPECIES TO ACHIEVE A MINIMUM OF 25% TREE CANOPY AT MATURITY
4. DEBRIS, MUD AND SOIL SHALL NOT BE ALLOWED ON PUBLIC STREETS BUT IF ANY DEBRIS, MUD, OR SOIL FROM DEVELOPMENT SITES REACHES THE PUBLIC STREET IT SHALL BE IMMEDIATELY REMOVED VIA SWEEPING OR OTHER METHODS OF PHYSICAL REMOVAL. DEBRIS, MUD, OR SOIL IN THE STREET MAY NOT BE WASHED OFF THE STREET OR WASHED INTO THE STORM DRAINAGE SYSTEM. STORM DRAINAGE SYSTEMS DOWNSTREAM OF A DEVELOPMENT SITE SHOULD BE PROTECTED FROM DEBRIS, MUD, OR SOIL IN THE EVENT THAT DEBRIS, MUD, OR SOIL REACHES THE DRAINAGE SYSTEM.
5. CONTACT CHUCK RUTHERFORD (ADA ADMINISTRATOR 575-8291) AND REQUEST AN INSPECTION PRIOR TO POURING ANY SIDEWALK OR DRIVEWAY IN THE RIGHT-OF-WAY.

flintlock
ARCHITECTURE & LANDSCAPE
512 N Mission Blvd
Fayetteville
AR 72701
T 479.305.4807
www.flintlocklab.com

NO.	Date	Issues/Revisions

STAMP

NOT FOR CONSTRUCTION

PROJECT NAME

5 EAST TRENTON
Fayetteville, Arkansas

CONSTRUCTION DOCUMENTS

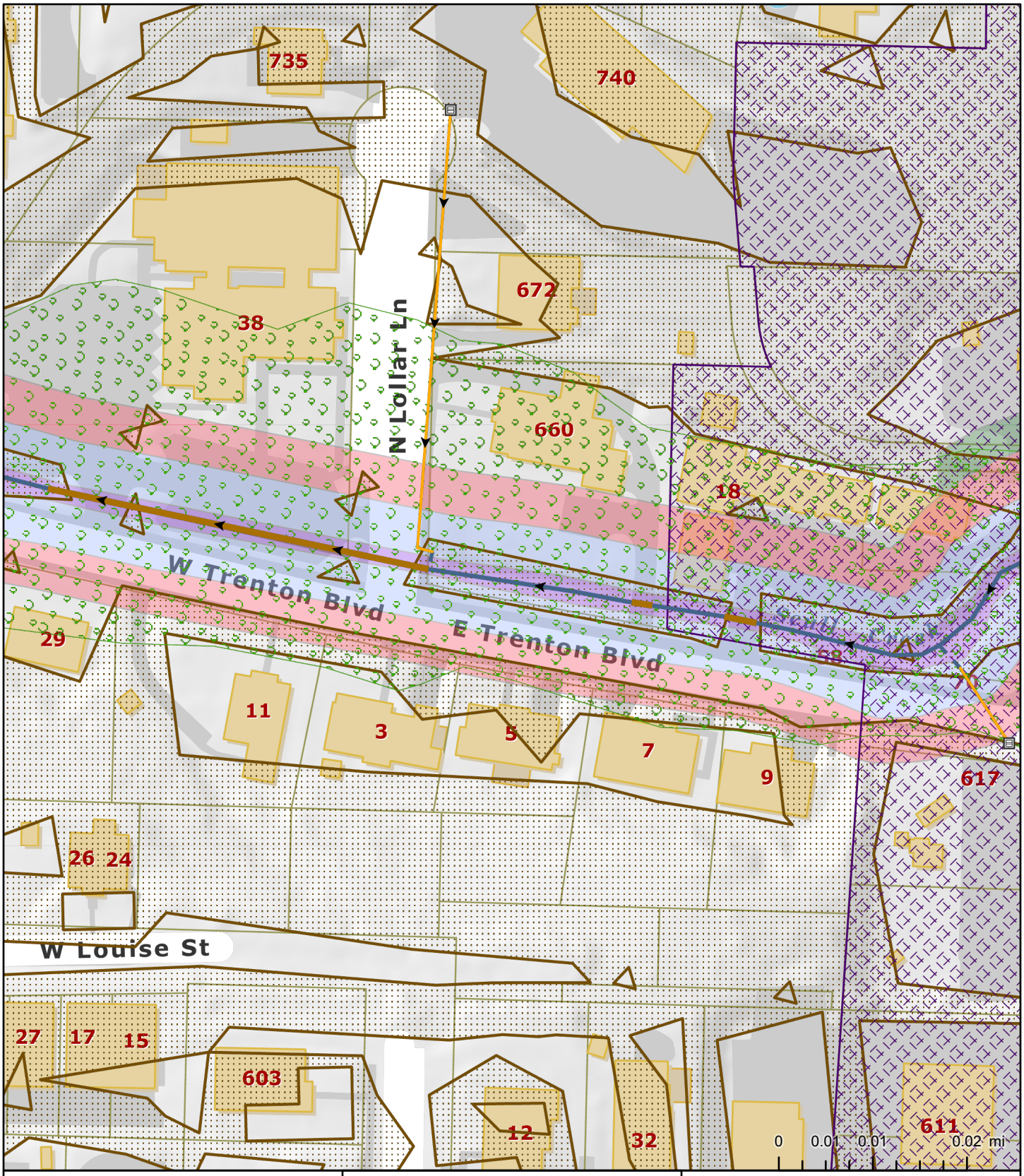
DRAWN BY:
CHECKED BY:

DRAWING TITLE

SITE PLAN

DATE: AUG 22nd, 2025
SCALE:

DRAWING NUMBER



Stream
Stormwater Channel
4-18"
Stormwater Box Culvert
Stormwater Flow
Inlet
Slope Greater Than 15%
Additional
Bankfull
Management
Waterside
Design Overlay District
Enduring Green Network

Exhibit

Fayetteville, AR

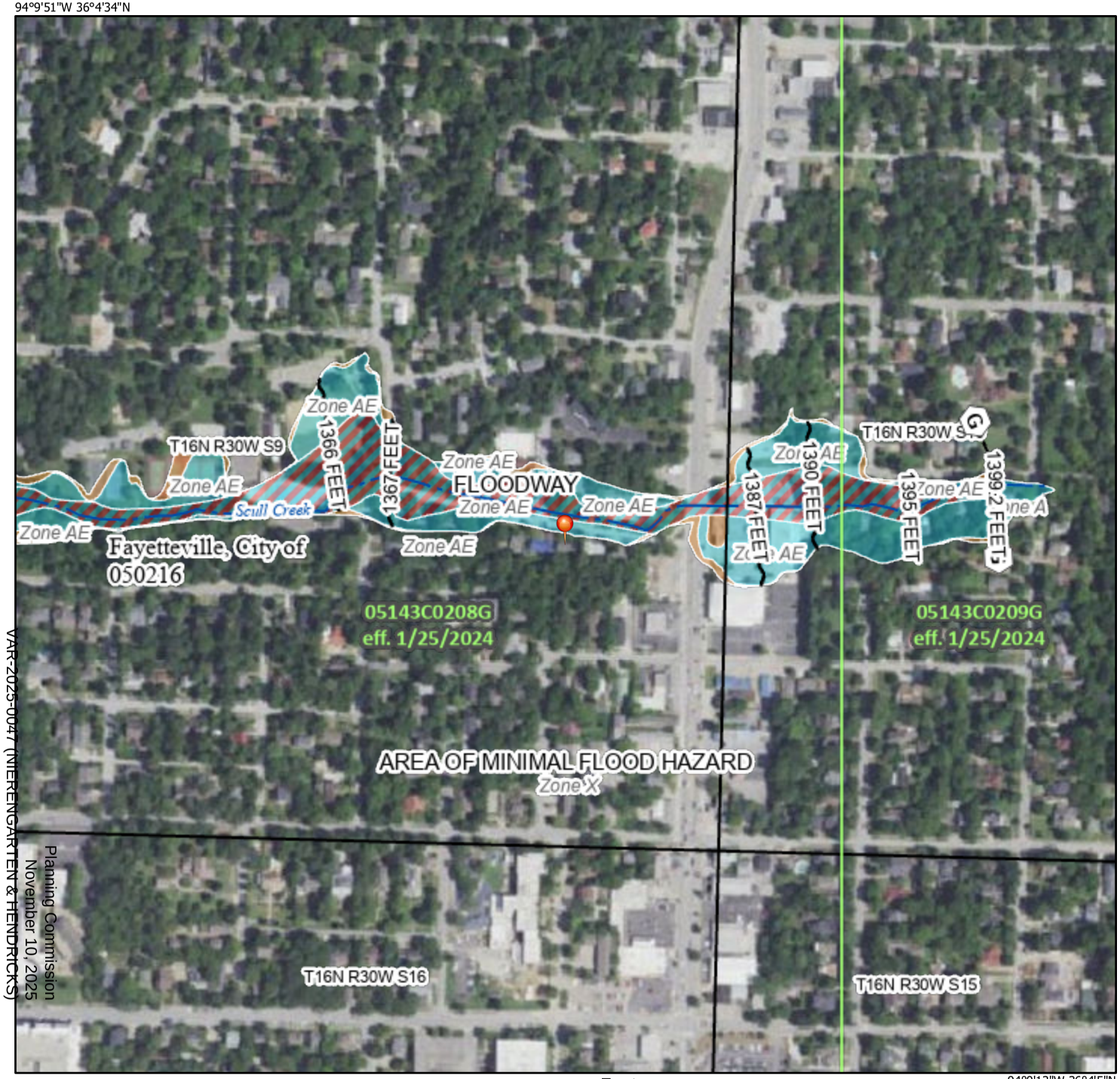
The data contained herein was compiled from various sources for the sole use and benefit of the City of Fayetteville Geographic Information System and the public agencies it serves. Any use of the data by anyone other than the City of Fayetteville is at the sole risk of the user; and by acceptance of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

Created: 9/19/2025
Credits: City of Fayetteville, AR, USDA | Watershed Conservation Resource Center
Map Author:

National Flood Hazard Layer FIRMette

FEMA

94°9'51"W 36°4'34"N



94°9'13"W 36°4'5"N

Feet

0 250 500 1,000 1,500 2,000

1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- B 20.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/19/2025 at 5:08 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: November 10, 2025

SUBJECT: **VAC-2025-0023: Vacation (65 S. DUNCAN AVE/DUNCAN AVE APARTMENTS, 522):** Submitted by ECOLOGICAL DESIGN GROUP for property located at 65 S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.94 acres. The request is to vacate 0.11 acres of right-of-way.

RECOMMENDATION:
Staff recommends forwarding **VAC-2025-0023** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **VAC-2025-0023** to City Council with a recommendation of approval, with all conditions as outlined by staff."*

BACKGROUND:
The subject area is in central Fayetteville directly east of Harmon Field and 600 feet northeast of the Fayetteville High School building. The subject area contains ten parcels along S. Duncan Ave. containing a total of 3.7 acres split between two areas (1 acre and 2.7 acres) which have been developed with a range of uses from single-, two-, three-and four-family dwellings and larger apartment buildings. The existing structures were built between 1926 -1986. Additional details on each parcel is included in a staff attachment. The subject area does not fall within any overlay districts or Master Plan areas. A rezoning from RMF-40, Residential Multifamily, 40 Units per Acre to MSC, Main Street Center was approved by City Council on August 20, 2025, subject to a Bill of Assurance (RZN-2024-0028) limiting some uses of the property. A Large-Scale Development for a mixed-use development with a total of 3,000 square feet of commercial space, 294 multi-family residential units and associated parking was approved by Planning Commission on May 27, 2025 (LSD-2025-0007). Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multifamily Residential	RMF-40, Residential Multifamily, 40 Units per Acre
South	Fayetteville High School Campus	P-1, Institutional
East	Mixed-Density Residential	RMF-40, Residential Multifamily, 40 Units per Acre MSC, Main Street Center
West	Fayetteville High School Campus	RMF-40, Residential Multifamily, 40 Units per Acre P-1, Institutional

Proposal: The applicant proposes to vacate a portion of developed street right-of-way totaling 0.11 acres, ranging from 0- to 29-feet-wide along S. Duncan Ave. with an average width of approximately 5 feet.

DISCUSSION:
Staff recommends approval of the applicant's request. The approved large-scale development included a combination of right-of-way vacations and dedications to align master street plan requirements with existing road centerlines. The proposed right-of-way vacation generally aligns with that approval.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses.

Utility	Response
Cox Communications	No objections, provided that any damage or relocation of existing facilities will be at the property owner/developer's expense.
AEP/SWEPCO	No objections, provided that easements required by SWEPCO shall be dedicated as necessary to bury the existing overhead line.
Black Hills Energy	No objections, provided a 15-foot utility easement shall remain centered on the existing gas line.
AT&T	No objections, but noted that Units 13, 21, and 22 at 65 S. Duncan still have service, and those customers will need to terminate their service before AT&T can abandon the cable feeding them.
Ozarks Electric	No objections and no comments.
City of Fayetteville	Response
Water/Sewer	No objections, provided that the 12-inch waterline shall be constructed along the project frontage per LSD-2025-0007
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections, provided any necessary easements are retained.

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

RECOMMENDATION: Staff recommends forwarding **VAC-2025-0023** to City Council with a recommendation of approval, with the following conditions:

Conditions of Approval:

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

2. A 15-foot utility easement shall be dedicated centered on the existing gas line;

3. The existing AT&T service shall be terminated before AT&T can abandon a cable serving them. This includes units 13, 21, and 22 at 65 S. Duncan;

4. The 12-inch water line shall be constructed along the project's frontage per the approval of the associated large-scale development (LSD-2025-0007).

5. Any easements required to serve the associated development shall be dedicated with the easement plat.

PLANNING COMMISSION ACTION: **Required** **YES**

Date: **November 10, 2025** ❒ **Tabled** ❒ **Forwarded** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

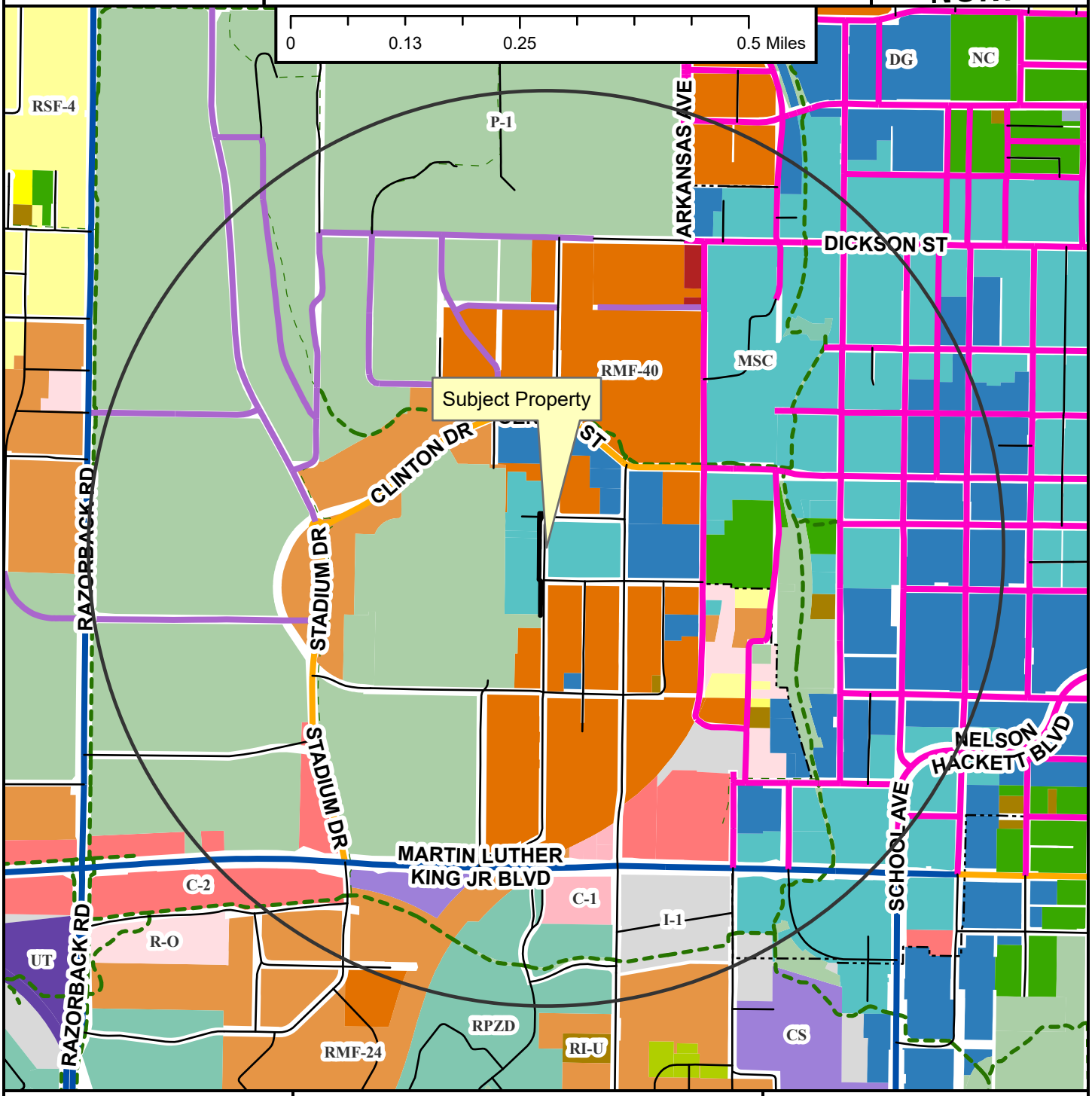
ATTACHMENTS:
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Applicant Exhibits
  - Applicant Request Letter
  - Applicant Petition to Vacate
  - Survey – Right-of-way to be Vacated

VAC-2025-0023

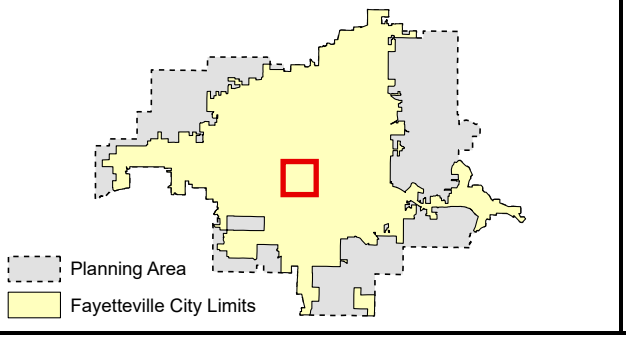
One Mile View

65 S. DUNCAN AVE

NORTH



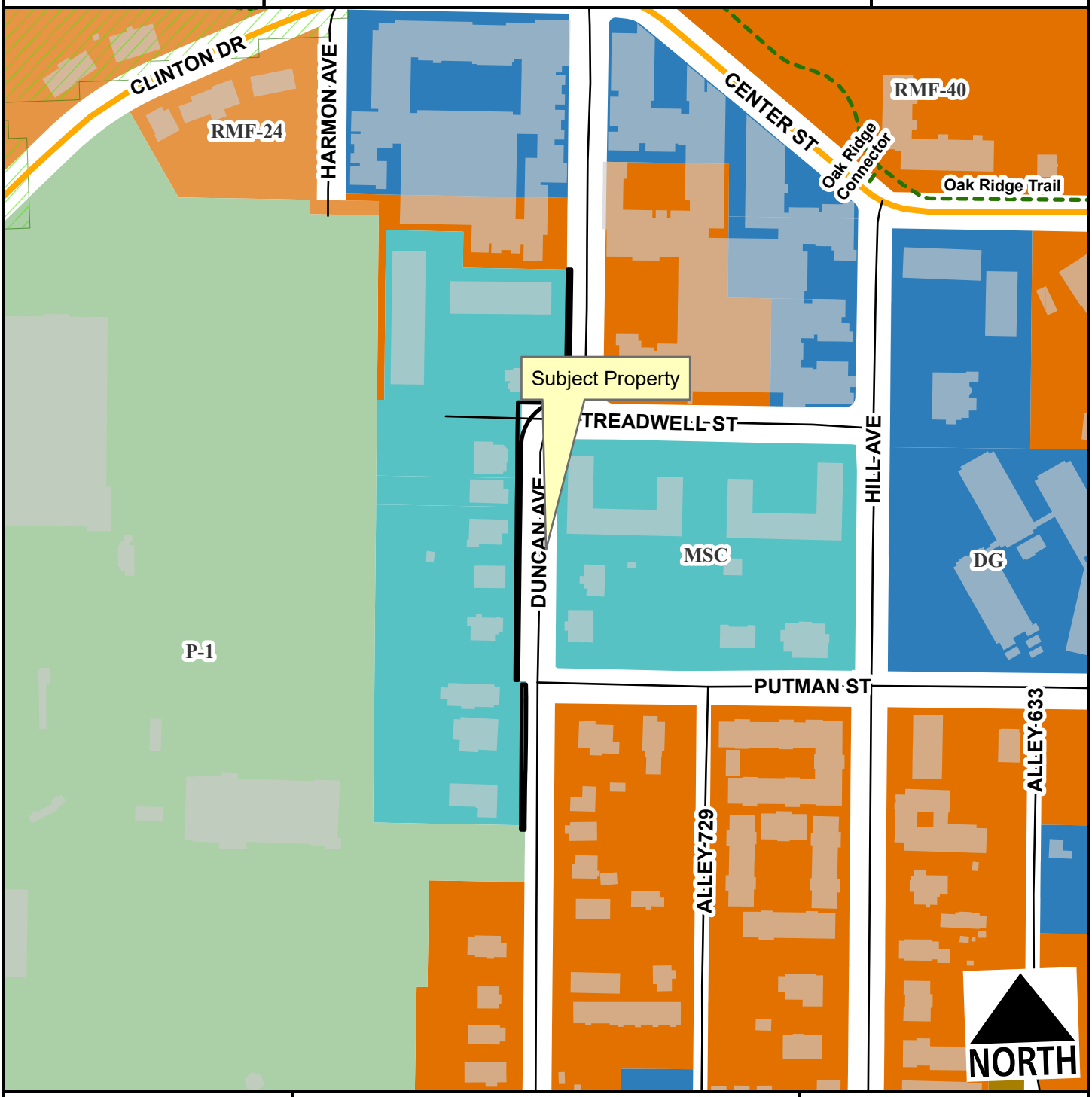
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAC-2025-0023

Close Up View

65 S. DUNCAN AVE



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

Feet

0 75 150 300 450 600

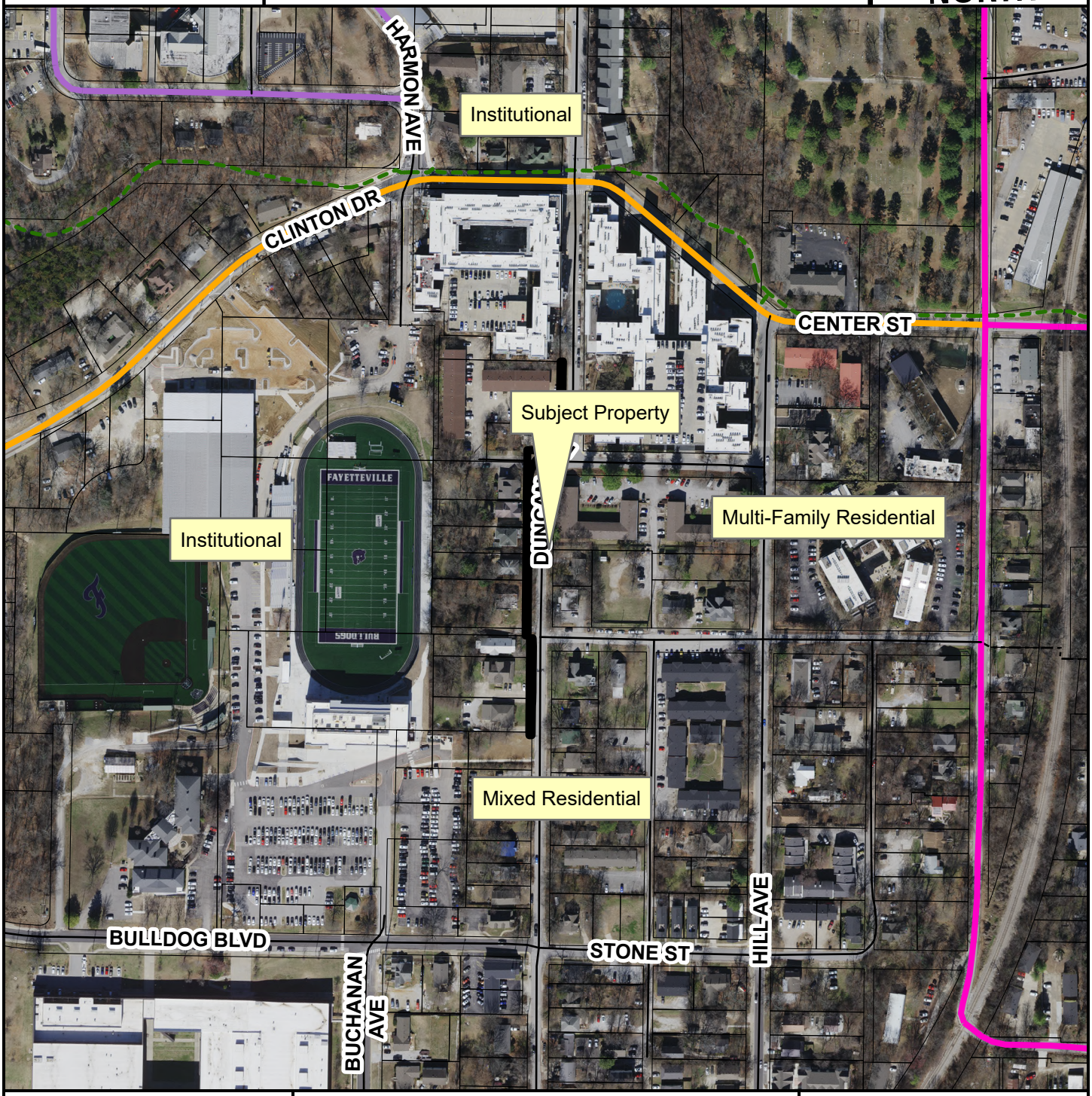
1:2,400

VAC-2025-0023

Current Land Use

65 S. DUNCAN AVE

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

E | D | G

Ecological Design Group
216 West Birch St,
Rogers, AR 72756

August 4, 2025

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

RE: Right-of-Way Vacation Request

Planning Commission:

Please accept this Right-of-Way Vacation request for the Duncan Ave Student Housing Development located at South Duncan Avenue, Fayetteville, AR 72701. These Right-of-Way Easement Vacation requests are to remove existing street right-of-way dedications to the City of Fayetteville along the West side of S. Duncan Ave to bring the existing ROW into compliance with the Master Street Plan. This Right-Of-Way Vacation request consists of three segments along S. Duncan Ave. The first right-of-way vacation in question is approximately 899 sq. ft. that runs parallel to South Duncan Avenue, north of Treadwell Street. The second is approximately 2,436 sq. ft. that runs parallel to South Duncan Avenue, south of Treadwell Street to parcel #765-14436-000. The third vacation is approximately 1,129 sq. ft. and extends adjacent to South Duncan Avenue to parcel #765-14440-000. The intent of this request is to bring the existing ROW into compliance with the street sections as proposed in the adopted Master Street Plan.

If you should have any questions, please do not hesitate to contact me. We appreciate your continued support of this project.

Sincerely,

Katelynn Hopkins
EIT
(479) 441-0231

PETITION TO VACATE RIGHT-OF-WAY

PETITION TO VACATE A *street right-of-way* **LOCATED ON** *South Duncan Avenue,* **CITY OF FAYETTEVILLE, ARKANSAS.**

To: The Fayetteville City Planning Commission
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street right-of-way hereafter sought to be abandoned and vacated, lying on *South Duncan Avenue*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

SEE LEGAL DESCRIPTION ATTACHED.

The abutting real estate affected by the abandonment of the street right-of-way along South Duncan Avenue in the City of Fayetteville has been considered, and it has been determined that the public interest and welfare will not be adversely affected by the vacation of said street right-of-way.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing utility easements as required, and that the real estate be used for the respective benefit and purpose as currently authorized by law.

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

OP III FAY S Duncan, LP,
a Delaware limited Partnership

By: EOP III Sub GP, LLC,
a Delaware limited liability company
Its general Partner

Dated this 14 day of July, 2025.

Andy Poster, EVP
Printed Name

By:

Signature

Docusign Envelope ID: D26A375E-071C-44DF-9B22-A7A002684E79

PETITION TO VACATE RIGHT-OF-WAY

PETITION TO VACATE A *street right-of-way* **LOCATED ON** *South Duncan Avenue,* **CITY OF FAYETTEVILLE, ARKANSAS.**

To: The Fayetteville City Planning Commission
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street right-of-way hereafter sought to be abandoned and vacated, lying on *South Duncan Avenue*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

SEE LEGAL DESCRIPTION ATTACHED.

The abutting real estate affected by the abandonment of the street right-of-way along South Duncan Avenue in the City of Fayetteville has been considered, and it has been determined that the public interest and welfare will not be adversely affected by the vacation of said street right-of-way.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing utility easements as required, and that the real estate be used for the respective benefit and purpose as currently authorized by law.

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

Dated this 7/14/2025 day of _____, 20_____.

Chip Dickenson
_____
Printed Name

DocuSigned by:
Chip Dickenson
C39B934099254AB...
_____
Signature

Docusign Envelope ID: 8FBED754-E316-420B-B2CF-92DB0E8902A0

PETITION TO VACATE RIGHT-OF-WAY

PETITION TO VACATE A *street right-of-way* **LOCATED ON** *South Duncan Avenue,* **CITY OF FAYETTEVILLE, ARKANSAS.**

To: The Fayetteville City Planning Commission
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street right-of-way hereafter sought to be abandoned and vacated, lying on *South Duncan Avenue*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

SEE LEGAL DESCRIPTION ATTACHED.

The abutting real estate affected by the abandonment of the street right-of-way along South Duncan Avenue in the City of Fayetteville has been considered, and it has been determined that the public interest and welfare will not be adversely affected by the vacation of said street right-of-way.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing utility easements as required, and that the real estate be used for the respective benefit and purpose as currently authorized by law.

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

Dated this _____ day of _____, 20_____.

7/15/2025

Elaine Lynch

Printed Name

Signed by:
Elaine Lynch
6AEA486E417A4B3...

Signature

Docusign Envelope ID: CE8C4466-2477-4678-816C-2CACD1EAE34C

PETITION TO VACATE RIGHT-OF-WAY

PETITION TO VACATE A *street right-of-way* **LOCATED ON** *South Duncan Avenue,* **CITY OF FAYETTEVILLE, ARKANSAS.**

To: The Fayetteville City Planning Commission
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street right-of-way hereafter sought to be abandoned and vacated, lying on *South Duncan Avenue*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

SEE LEGAL DESCRIPTION ATTACHED.

The abutting real estate affected by the abandonment of the street right-of-way along South Duncan Avenue in the City of Fayetteville has been considered, and it has been determined that the public interest and welfare will not be adversely affected by the vacation of said street right-of-way.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing utility easements as required, and that the real estate be used for the respective benefit and purpose as currently authorized by law.

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

Dated this _____ day of _____, 20_____.

7/14/2025

John Adam

Printed Name

Signed by:
John Adam
8A4E028AF40D43F...

Signature

Docusign Envelope ID: 85193263-7225-4158-B222-8996AC2DD99E

PETITION TO VACATE RIGHT-OF-WAY

PETITION TO VACATE A *street right-of-way* **LOCATED ON** *South Duncan Avenue,* **CITY OF FAYETTEVILLE, ARKANSAS.**

To: The Fayetteville City Planning Commission
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street right-of-way hereafter sought to be abandoned and vacated, lying on *South Duncan Avenue*, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

SEE LEGAL DESCRIPTION ATTACHED.

The abutting real estate affected by the abandonment of the street right-of-way along South Duncan Avenue in the City of Fayetteville has been considered, and it has been determined that the public interest and welfare will not be adversely affected by the vacation of said street right-of-way.

The petitioners request that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing utility easements as required, and that the real estate be used for the respective benefit and purpose as currently authorized by law.

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

Dated this 7/16/2025 day of _____, 20_____.

Rachel Smith
_____
Printed Name

Signed by:
Rachel Smith
E0488FAB1CF9417...
_____
Signature

Travis Smith

Printed Name

DocuSigned by:

F9E166A3DA1A41C...

Signature

LEGAL DESCRIPTION

Duncan Avenue- ROW Easement Vacation

SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #1:

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY, BEING LOCATED PARALLEL TO PART OF LOT 3 AND LOTS 4 THROUGH 6, BLOCK 7, I. W. DUNCANS ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING N02°54'25"E 50.22 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE; THENCE RUNNING ALONG SAID RIGHT OF WAY N02°53'29"E 39.98 FEET; THENCE LEAVING SAID RIGHT OF WAY S86°46'37.6"W 51 FEET; THENCE S02°54'25"W 39.67 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 65.56 FEET, AND WHOSE LONG CHORD BEARS N89°14'47.5"W 50.0 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.02 ACRES, OR 899 SQUARE FEET, MORE OR LESS.

SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #2

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY AND A PORTION OF EXISTING WEST TREADWELL STREET RIGHT OF WAY, BEING LOCATED PARALLEL TO THE EASTERN BOUNDARY OF LOTS 1 THROUGH 6, BLOCK 6, AND ALONG THE SOUTH BOUNDARY OF LOT 6, BLOCK 7, I. W. DUNCANS ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING THENCE ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS

OF 65.61 FEET, AND WHOSE LONG CHORD BEARS S35°29'42"W 73.34 FEET; THENCE S02°47'38"W 45.51 FEET; THENCE S02°47'38"W 37.76 FEET; THENCE S02°47'38"W 104.24 FEET; THENCE S02°47'38"W 49.65 FEET; THENCE S02°47'38"W 63.9 FEET; THENCE S02°40'19"W 3.01 FEET; THENCE N87°13'37.3"W 38.3 FEET TO THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 6 COURSES: N02°28'08"E 148.2 FEET; N02°26'55.1E 60.2 FEET; N02°31'36.6"E 50.0 FEET; N02°29'22.4"E 40.0 FEET; N02°27'42.4"E 50.00 FEET TO THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING ALONG SAID RIGHT OF WAY S87°07'49.4"E 49.0 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.06 ACRES, OR 2,436 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

<u>SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #3</u>

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY, BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING S02°38'36"W 70.05 FEET AND N87°31'57"W 13.97 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE S02°31'17"W 33.92 FEET; THENCE S02°31'37"W 52.4 FEET; THENCE S03°34'50"W 19.62 FEET; THENCE S03°48'37"W 20.29 FEET; THENCE S02°43'19.7"E 77.79 FEET; THENCE S02°34'24"W 43.05 FEET; THENCE N87°27'24"W 92.72 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 3 COURSES: N02°30'43"W 79.56 FEET; N02°37'32.1"W 72.81 FEET; N02°28'08"E 73.83 FEET; THENCE LEAVING SAID WESTERN RIGHT OF WAY N87°31'57"E 50.97 FEET; THENCE S02°43'31.7"E 16.27 FEET; THENCE N02°28'22.9"W 28.9 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.03 ACRES, OR 1,129 SQUARE FEET, MORE OR LESS.

NOTES:

1. PARCEL #765-04823-001; #765-04824-000; #765-04825-000; #765-04810-000; #765-04811-000; #765-04812-000; #765-04813-000; #765-04814-000; #765-14436-000; #765-14441-000; #765-14440-000

2. CURRENT ZONING: MSC & RMF-40

3. ROTATION BASED ON ARKANSAS STATE PLANE, NORTH ZONE, NAD83

4. BOUNDARY BASED ON:
   I. WARRANTY DEED, FILE #93-17965
   II. WARRANTY DEED, FILE #2016-00030689
   III. WARRANTY DEED, FILE #2024-00019470
   IV. PROPERTY LINE ADJUSTMENT, PLAT FILE #2013-00011396
   V. EASEMENT PLAT FOR LOT 1, HARVEY HILL SUBDIVISION, PLAT FILE #0024-00000067

5. PER GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" AS SHOWN ON FEMA FIRM PANELS #05143C0208G & #05143C0216G, BOTH BEARING AN EFFECTIVE DATE OF 1/25/2024 AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.

ZONING & SETBACKS:

ZONED: MSC, MAIN STREET / CENTER

SETBACKS:
FRONT: 25' BUILD-TO ZONE
SIDE: NONE
REAR: 5'
REAR (FROM CENTERLINE OF ALLEY): 12'

ZONED: RMF-40

SETBACKS:
FRONT: 25' BUILD-TO ZONE
SIDE: 5'
REAR: 5'

PARCEL #765-04824-000:

A PART OF LOT 3, ALL OF LOTS 4 AND 5, A PART OF LOT 6, A PORTION OF A VACATED ALLEY, ALL IN BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND A PORTION OF THE NORTHERN HALF OF VACATED WEST TREADWELL STREET, ALL LOCATED IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SAID BLOCK 7, AND RUNNING N02°52'45"E 55.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING THENCE N87°07'15"W 150.00 FEET; THENCE S02°52'45"W 80.00 FEET TO A POINT LOCATED ON THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET; THENCE N87°07'15"W 111.00 FEET; THENCE N02°52'45"E 25.00 FEET TO THE INTERSECTION OF THE WESTERN AND SOUTHERN RIGHT OF WAY OF A PLATTED ALLEY, AND RUNNING ALONG SAID SOUTHERN RIGHT OF WAY S87°07'15"E 10.00 FEET TO THE EASTERN RIGHT OF WAY OF SAID PLATTED ALLEY, AND RUNNING ALONG SAID EASTERN RIGHT OF WAY N02°52'45"E 186.60 FEET; THENCE LEAVING SAID ALLEY RIGHT OF WAY S86°46'29"E 251.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY S02°52'45"W 130.08 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.95 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04825-000:

A PART OF LOT 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND A PORTION OF THE NORTHERN HALF OF VACATED WEST TREADWELL STREET, ALL LOCATED IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID WEST TREADWELL RIGHT OF WAY N87°07'15"W 66.00 FEET TO THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID WESTERN RIGHT OF WAY S02°52'45"W 25.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°07'15"W 84.00 FEET; THENCE N02°52'45"E 80.00 FEET; THENCE S87°07'15"E 150.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING ALONG SAID RIGHT OF WAY S02°52'45"W 55.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.24 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04810-000:

LOT 1, BLOCK 6, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND THE SOUTHERN HALF OF THE VACATED WEST TREADWELL STREET, ALL LOCATED IN FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF THE SAID LOT 1, AND RUNNING THENCE N02°52'45"E 25.00 FEET; THENCE S87°07'15"E 195.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING ALONG SAID RIGHT OF WAY S02°52'45"W 25.00 FEET; AND S02°27'49"W 55.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°07'15"W 195.01 FEET; THENCE N02°28'08"E 55.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.36 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04811-000:

THE NORTH 40 FEET OF LOT 2, BLOCK 6, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF THE SAID LOT 2, AND RUNNING THENCE S87°07'15"E 195.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING ALONG SAID RIGHT OF WAY S02°28'05"W 40.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°07'15"W 195.00 FEET; THENCE N02°28'15"E 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.18 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04812-000:

THE SOUTH 15 FEET OF LOT 2 AND THE NORTH 45 FEET OF LOT 3, BLOCK 6, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF THE SAID LOT 2, AND RUNNING N02°28'08"E 15.00 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE S87°07'15"E 195.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING ALONG SAID RIGHT OF WAY S02°28'05"W 60.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°07'15"W 195.00 FEET; THENCE N02°28'08"E 60.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.27 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04813-000:

THE SOUTH 10 FEET OF LOT 3 AND ALL OF LOT 4, BLOCK 6, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF THE SAID LOT 4, AND RUNNING THENCE N02°28'08"E 65.00 FEET; THENCE S87°07'15"E 195.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING ALONG SAID RIGHT OF WAY S02°28'05"W 65.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°07'15"W 195.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.29 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-04814-000:

LOT 5 AND THE NORTH 45 FEET OF LOT 6, BLOCK 6, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF THE SAID LOT 5, AND RUNNING THENCE S87°07'15"E 195.00 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING ALONG SAID RIGHT OF WAY S02°28'05"W 100.00 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°07'13"W 195.01 FEET; THENCE N02°28'08"E 100.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.45 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-14436-000:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SAID 40 ACRE TRACT, AND RUNNING S02°36'38"W 705.00 FEET; AND N87°31'57"W 4.88 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING THENCE N87°31'57"W 215.25 FEET; THENCE N02°31'37"E 45.00 FEET; THENCE S87°31'57"E 215.20 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN STREET, AND RUNNING ALONG SAID RIGHT OF WAY S02°28'03"W 45.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.22 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-14441-000:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SAID 40 ACRE TRACT, AND RUNNING S02°36'38"W 705.00 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE S02°36'38"W 86.17 FEET; THENCE N87°17'27"W 220.00 FEET; THENCE N02°31'37"E 85.25 FEET; THENCE S87°31'57"E 220.13 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.43 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

PARCEL #765-14440-000:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SAID 40 ACRE TRACT, AND RUNNING S02°36'38"W 791.17 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE S02°36'38"W 70.00 FEET; THENCE N87°17'27"W 219.81 FEET; THENCE N02°31'37"E 60.00 FEET; THENCE S87°17'27"E 20.07 FEET; THENCE N02°31'37"E 10.00 FEET; THENCE S87°17'27"E 199.93 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.35 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #1:

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY, BEING LOCATED PARALLEL TO PART OF LOT 3 AND LOTS 4 THROUGH 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING N02°52'45"E 5.20 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, SAID RUNNING ALONG SAID RIGHT OF WAY N02°52'39"E 179.89 FEET; THENCE LEAVING SAID RIGHT OF WAY S86°46'33"E 5.01 FEET; THENCE S02°52'45"W 179.67 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 65.56 FEET, AND WHOSE LONG CHORD BEARS N89°14'47"W 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.02 ACRES, OR 899 SQUARE FEET, MORE OR LESS.

SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #2:

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY AND A PORTION OF EXISTING WEST TREADWELL STREET RIGHT OF WAY, BEING LOCATED PARALLEL TO THE EASTERN BOUNDARY OF LOTS 1 THROUGH 6, BLOCK 6, AND ALONG THE SOUTH BOUNDARY OF LOT 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING THENCE N87°07'15"W 21.10 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 65.81 FEET, AND WHOSE LONG CHORD BEARS S35°29'42"W 73.34 FEET; THENCE S02°47'38"W 149.47 FEET; THENCE S02°40'19"W 173.01 FEET; THENCE N87°31'57"W 3.83 FEET TO THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 6 COURSES: N02°28'08"E 14.28 FEET; N02°28'05"E 165.00 FEET; N02°28'13"E 60.00 FEET; N02°28'22"E 40.00 FEET; N02°27'44"E 55.00 FEET; AND N02°52'45"E 50.00 FEET TO THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING ALONG SAID RIGHT OF WAY S87°07'15"E 44.90 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.06 ACRES, OR 2,436 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #3:

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY, BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING S02°36'38"W 705.00 FEET AND N87°31'58"W 13.97 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE S02°32'17"W 33.92 FEET; THENCE S02°31'37"W 32.54 FEET; THENCE S03°34'50"W 19.62 FEET; THENCE S03°48'37"W 9.20 FEET; THENCE S02°46'34"W 17.79 FEET; THENCE S02°34'24"W 43.05 FEET; THENCE N87°17'27"W 4.92 FEET TO THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 3 COURSES: N02°22'37"E 179.56 FEET; N01°57'32"E 13.71 FEET; AND N00°42'33"E 7.83 FEET; THENCE LEAVING SAID WESTERN RIGHT OF WAY S87°31'57"E 5.90 FEET; THENCE S00°42'33"W 16.72 FEET; THENCE S02°28'22"W 28.29 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.03 ACRES, OR 1,129 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY DEDICATION:

A PART OF LOT 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET N87°07'15"W 21.10 FEET; THENCE LEAVING SAID RIGHT OF WAY, ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 65.56 FEET, AND WHOSE LONG CHORD BEARS N29°01'41"E 21.73 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY S02°52'45"W 5.20 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 68 SQUARE FEET, MORE OR LESS.

SURVEYORS CERTIFICATION:

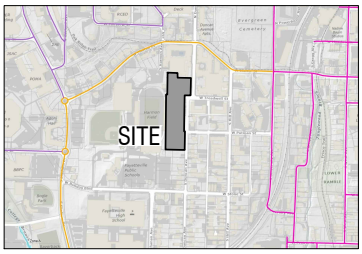
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON.

DAVID L. JORGENSEN, ARLS #1118 DATE

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
DAVID L. JORGENSEN
NO. 1118

VICINITY MAP - FAYETTEVILLE, AR

NOT TO SCALE FOR CLARITY



PROJECT TITLE:
HARMON PLACE

PROJECT LOCATION:
FAYETTEVILLE, AR

LEGEND

- FOUND MONUMENT AS NOTED
- SET IRON PIN WITH CAP
- CALCULATED POINT
- WATER METER
- WATER VALVE
- SEWER MANHOLE
- SANITARY CLEAN OUT
- STORM DRAIN MANHOLE
- ELECTRIC BOX
- ELECTRIC METER
- ELECTRIC PEDESTAL
- TELEPHONE PEDESTAL
- TELEPHONE BOX
- POWER POLE
- AC UNIT ON PAD
- GAS METER
- UTILITY VAULT
- FIRE HYDRANT
- GRATED DRAIN INLET
- ELECTRIC PANEL
- LIGHT POLE
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTERLINE OF ROAD
- FENCE LINE
- RIGHT OF WAY
- BUILDING SETBACK
- UTILITY EASEMENT
- EXISTING OVERHEAD ELECTRIC
- WALL
- EXISTING SEWER LINE
- EXISTING STORM SEWER
- EXISTING WATER LINE
- PROPOSED WATER LINE

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
ARKANSAS – ENGINEERING

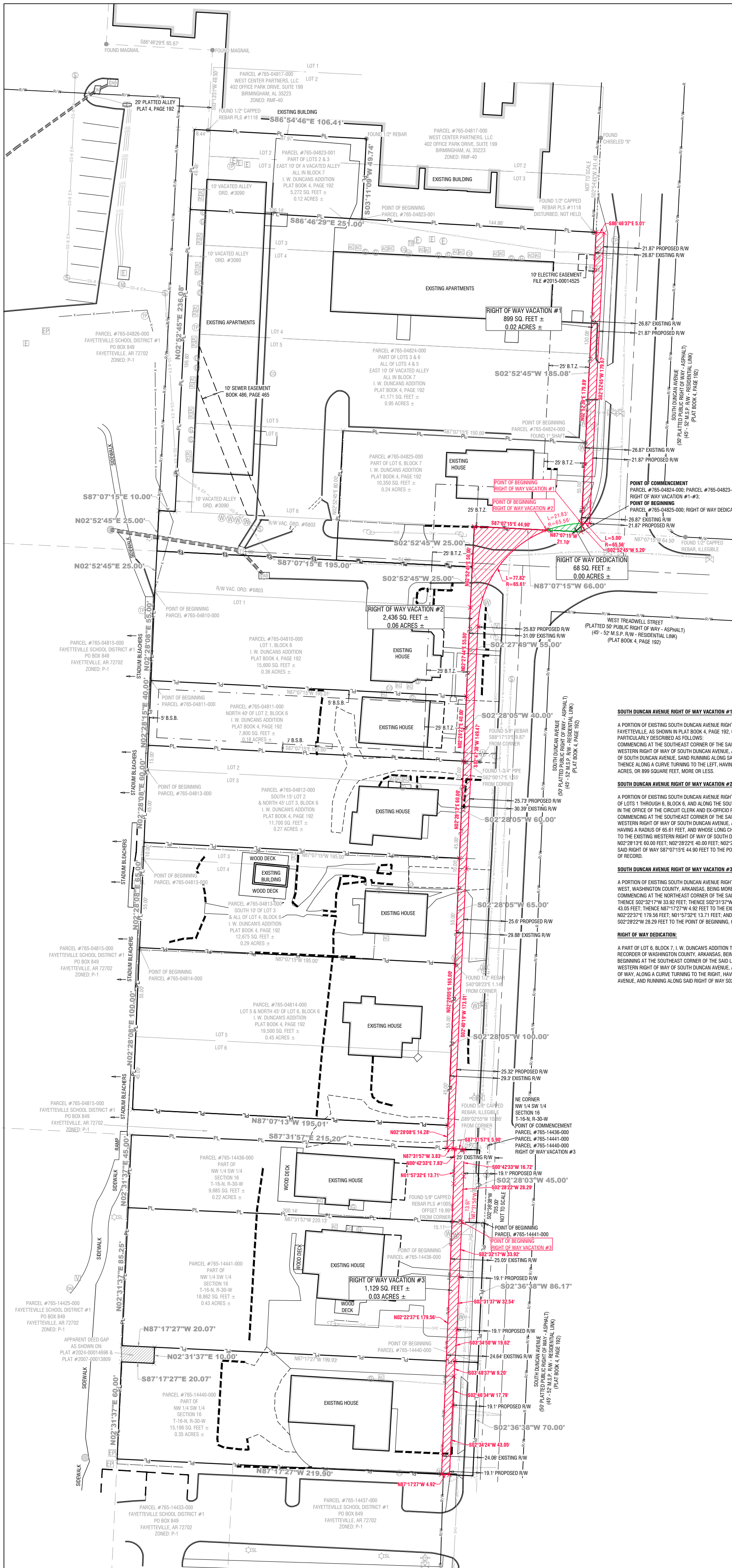
REVISIONS

JORGENSEN +ASSOCIATES
Civil Engineering + Surveying
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

DATE: 11/5/2024
DRAWN BY: JH
PROJECT #2024-088
FILE PATH: Z:/LOTS\2024088
SHEET SIZE: 22" x 34"
SCALE: 1" = 30'

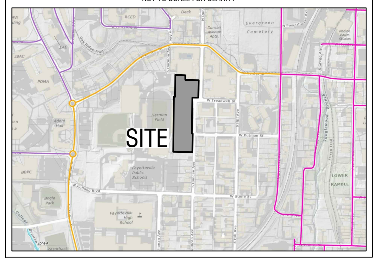
SHEET TITLE
HARMON PLACE
RIGHT OF WAY VACATION & DEDICATION

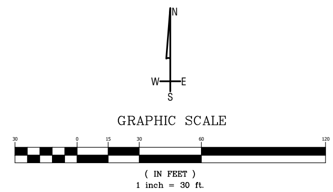
SHEET NUMBER
1 OF 2



VICINITY MAP - FAYETTEVILLE, AR

NOT TO SCALE FOR CLARITY





SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #1:

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY, BEING LOCATED PARALLEL TO PART OF LOT 3 AND LOTS 4 THROUGH 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING N02°52'45"E 5.20 FEET TO THE POINT OF BEGINNING, SAID POINT BEING LOCATED ON THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, SAND RUNNING ALONG SAID RIGHT OF WAY N02°52'39"E 179.89 FEET; THENCE LEAVING SAID RIGHT OF WAY S86°46'37"E 5.01 FEET; THENCE S02°52'45"W 179.67 FEET; THENCE ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 65.56 FEET, AND WHOSE LONG CHORD BEARS N89°14'47"W 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.02 ACRES, OR 899 SQUARE FEET, MORE OR LESS.

SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #2:

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY AND A PORTION OF EXISTING WEST TREADWELL STREET RIGHT OF WAY, BEING LOCATED PARALLEL TO THE EASTERN BOUNDARY OF LOTS 1 THROUGH 6, BLOCK 6, AND ALONG THE SOUTH BOUNDARY OF LOT 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING THENCE N87°07'15"W 21.10 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 65.61 FEET, AND WHOSE LONG CHORD BEARS S35°29'42"W 73.34 FEET; THENCE S02°47'38"W 149.47 FEET; THENCE S02°40'19"W 173.01 FEET; THENCE N87°31'57"W 3.83 FEET TO THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 6 COURSES: N02°28'08"E 14.28 FEET; N02°28'05"E 165.00 FEET; N02°28'13"E 60.00 FEET; N02°28'22"E 40.00 FEET; N02°27'44"E 55.00 FEET; AND N02°52'45"E 50.00 FEET TO THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET, AND RUNNING ALONG SAID RIGHT OF WAY S87°07'15"E 44.90 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.06 ACRES, OR 2,436 SQUARE FEET, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

SOUTH DUNCAN AVENUE RIGHT OF WAY VACATION #3:

A PORTION OF EXISTING SOUTH DUNCAN AVENUE RIGHT OF WAY, BEING A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING S02°36'38"W 705.00 FEET AND N87°31'56"W 13.97 FEET TO THE POINT OF BEGINNING, AND RUNNING THENCE S02°32'17"W 33.92 FEET; THENCE S02°31'37"W 32.54 FEET; THENCE S03°34'50"W 19.62 FEET; THENCE S03°48'37"W 9.20 FEET; THENCE S02°46'34"W 17.79 FEET; THENCE S02°34'24"W 43.05 FEET; THENCE N87°17'27"W 4.92 FEET TO THE EXISTING WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 3 COURSES: N02°22'37"E 179.56 FEET; N01°57'32"E 13.71 FEET; AND N00°42'33"E 7.83 FEET; THENCE LEAVING SAID WESTERN RIGHT OF WAY S87°31'57"E 5.90 FEET; THENCE S00°42'33"W 16.72 FEET; THENCE S02°28'22"W 28.29 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 0.03 ACRES, OR 1,129 SQUARE FEET, MORE OR LESS.

RIGHT OF WAY DEDICATION:

A PART OF LOT 6, BLOCK 7, I. W. DUNCAN'S ADDITION TO THE CITY OF FAYETTEVILLE, AS SHOWN IN PLAT BOOK 4, PAGE 192, ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF THE SAID LOT 6, BLOCK 7, SAID POINT ALSO BEING THE INTERSECTION OF THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET AND THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG THE NORTHERN RIGHT OF WAY OF WEST TREADWELL STREET N87°07'15"W 21.10 FEET; THENCE LEAVING SAID RIGHT OF WAY, ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 65.56 FEET, AND WHOSE LONG CHORD BEARS N79°01'41"E 21.73 FEET TO THE WESTERN RIGHT OF WAY OF SOUTH DUNCAN AVENUE, AND RUNNING ALONG SAID RIGHT OF WAY S02°52'45"W 5.20 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 68 SQUARE FEET, MORE OR LESS.

PROJECT TITLE:
HARMON PLACE

PROJECT LOCATION:
FAYETTEVILLE, AR

JORGENSEN + ASSOCIATES
Civil Engineering + Surveying
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
www.jorgensenassoc.com
Established 1985

CERTIFICATE OF AUTHORIZATION
JORGENSEN & ASSOCIATES
No. 722
ARKANSAS – ENGINEER

REVISIONS

DATE: 11/5/2024
DRAWN BY: JH
PROJECT #2024-088
FILE PATH: Z:\LOTS\2024088
SHEET SIZE: 22" x 34"
SCALE: 1" = 30'

SHEET TITLE

HARMON PLACE
RIGHT OF WAY VACATION & DEDICATION

SHEET NUMBER

2 OF 2

LEGEND

- FOUND MONUMENT AS NOTED
- SET IRON PIN WITH CAP
- CALCULATED POINT
- WATER METER
- WATER VALVE
- SEWER MANHOLE
- SANITARY CLEAN OUT
- STORM DRAIN MANHOLE
- ELECTRIC BOX
- ELECTRIC METER
- ELECTRIC PEDESTAL
- TELEPHONE PEDESTAL
- TELEPHONE BOX
- POWER POLE
- AC UNIT ON PAD
- GAS METER
- UTILITY VAULT
- FIRE HYDRANT
- GRATED DRAIN INLET
- ELECTRIC PANEL
- LIGHT POLE
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTERLINE OF ROAD
- FENCE LINE
- RIGHT OF WAY
- BUILDING SETBACK
- UTILITY EASEMENT
- EXISTING OVERHEAD ELECTRIC
- WALL
- EXISTING SEWER LINE
- EXISTING DRAIN PIPE
- EXISTING WATER LINE
- EXISTING ELECTRIC LINE

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: November 10, 2025

SUBJECT: **VAC-2025-0024: Vacation (618 N. WILSON AVE/KENT, 445):** Submitted by CENTURY 21 for property located at 618 N. WILSON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.14 acres. The request is to vacate 0.02 acres of right-of-way.

RECOMMENDATION:
Staff recommends denial of **VAC-2025-0024.**

RECOMMENDED MOTION:
*"I move to forward **VAC-2025-0024** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:
The subject property is in central Fayetteville approximately 160 feet south of Wilson Park along N. Wilson Ave. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre and is included within the city's Enduring Green Network. The property is currently developed with a 1,447 square foot single-family dwelling that County records indicate was constructed in 1936. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Use and Zoning

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

Proposal: The applicant proposes to vacate a portion of platted alley right-of-way that both begins and terminates about halfway through the block between W. Louise St. and W. Ila St. The applicant intends to sell their existing single-family residence, a portion of which is located within the existing right-of-way.

DISCUSSION:
On the balance of considerations, staff recommends denial of the applicant's request to vacate the right-of-way. The removal of the alley does not appear to be in line with the stated goals of City Plan 2040. Alley-loaded development supports the City's goals to create sites that are compact, complete, and connected. The alley right-of-way is partially improved with existing driveways that are partially filling the role of an alley to the north and south, though these are disconnected within the center of the block. That said, staff recognizes that there are barriers to a potential alley development as it currently stands; including steep topography immediately north of the proposed vacation area, retaining walls, fencing, unpermitted building expansions, and the previous vacation of roughly the northern third of the alley in 1987 (ORD 3267).

Contributing to staff's recommendation to deny is related to a lack of unanimity from adjacent property owners. The property owner to the northwest has not provided a signed adjacent property owner form, though they did reach out to the planning department and were sent documentation on the requested vacation over email. No signoff or contact has been received from the property owner to the southeast.

Vacation Approval: The applicant has submitted the required vacation approval forms to relevant city departments and franchise utility companies with the following responses.

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

Public Comment: Two adjacent property owners have expressed support for the proposed vacation and staff received a request for additional information from the adjacent property owner to the north. No other comments have been received.

RECOMMENDATION: Staff recommends denial of **VAC-2025-0024.** Should the Planning Commission choose to forward, staff recommends the following conditions:

Conditions of Approval:

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

PLANNING COMMISSION ACTION: **Required** **YES**

Date: **November 10, 2025** ❒ **Tabled** ❒ **Forwarded** ❒ **Denied**

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

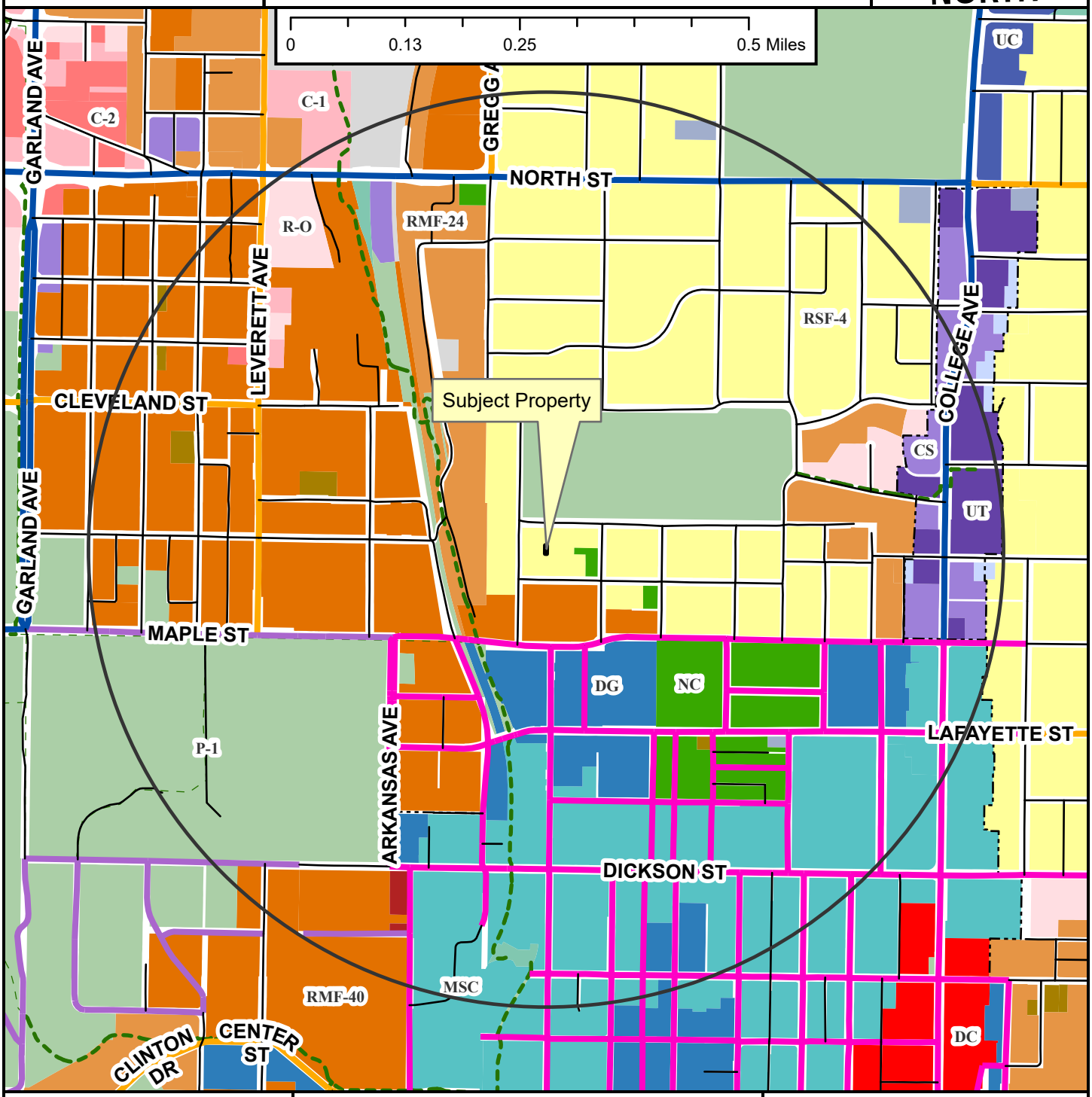
- Project Maps
  - One Mile Map
  - Close-Up Map
  - Current Land Use Map
- Staff Exhibits:
  - Topography Exhibit
  - Site Photographs
- Applicant Request Letter
- Applicant Petition to Vacate
- Survey

VAC-2025-0024

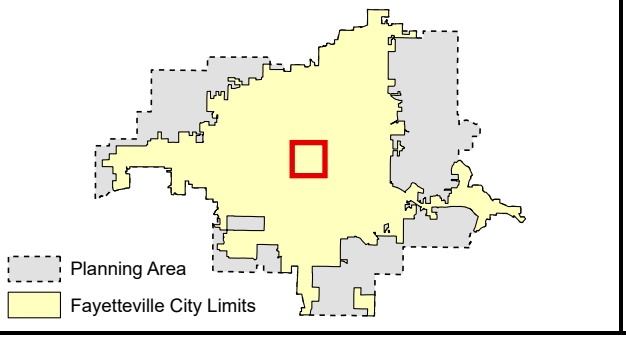
One Mile View

618 N. WILSON AVE

NORTH



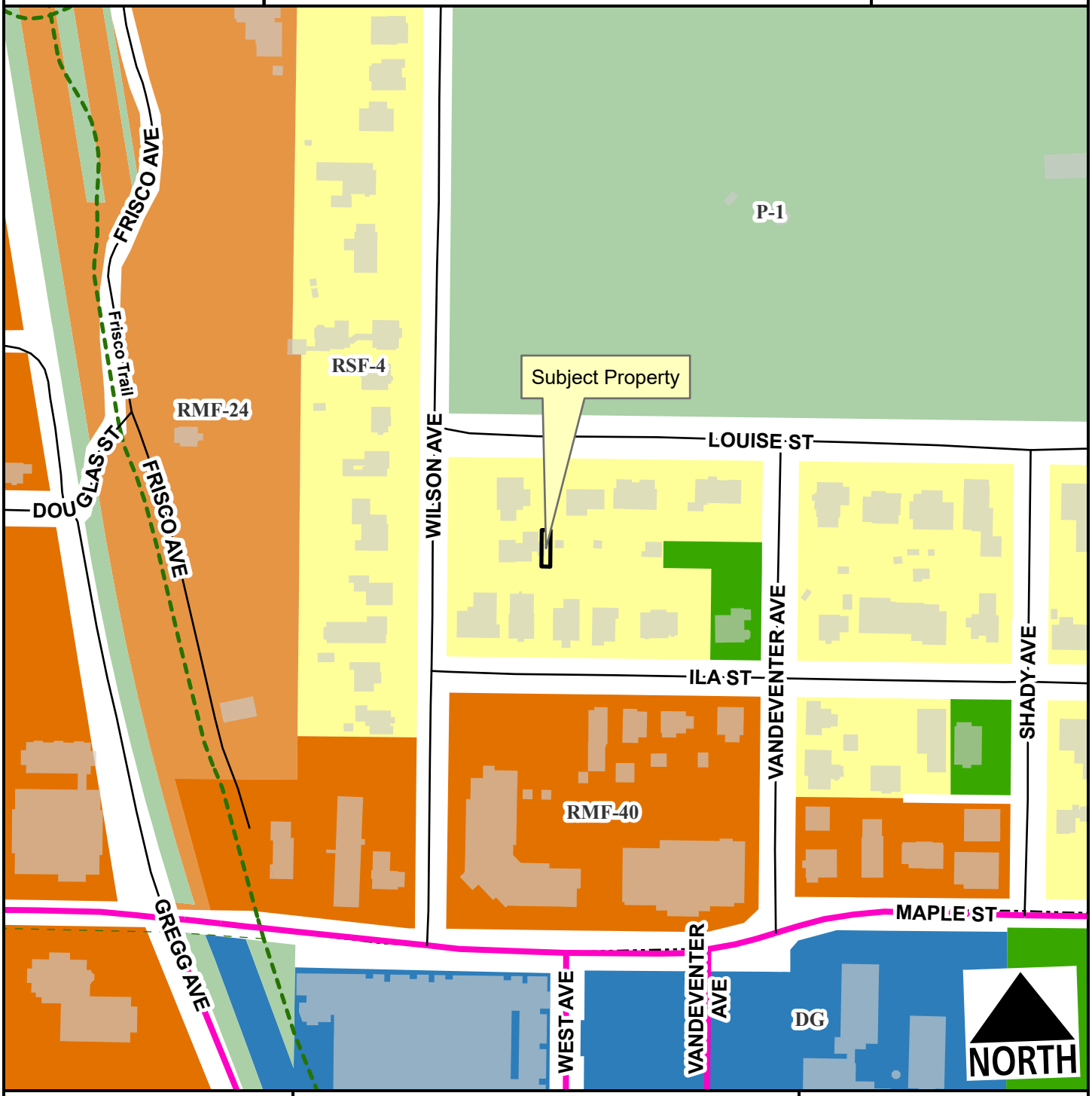
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



VAC-2025-0024

Close Up View

618 N. WILSON AVE



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

Feet

0 75 150 300 450 600

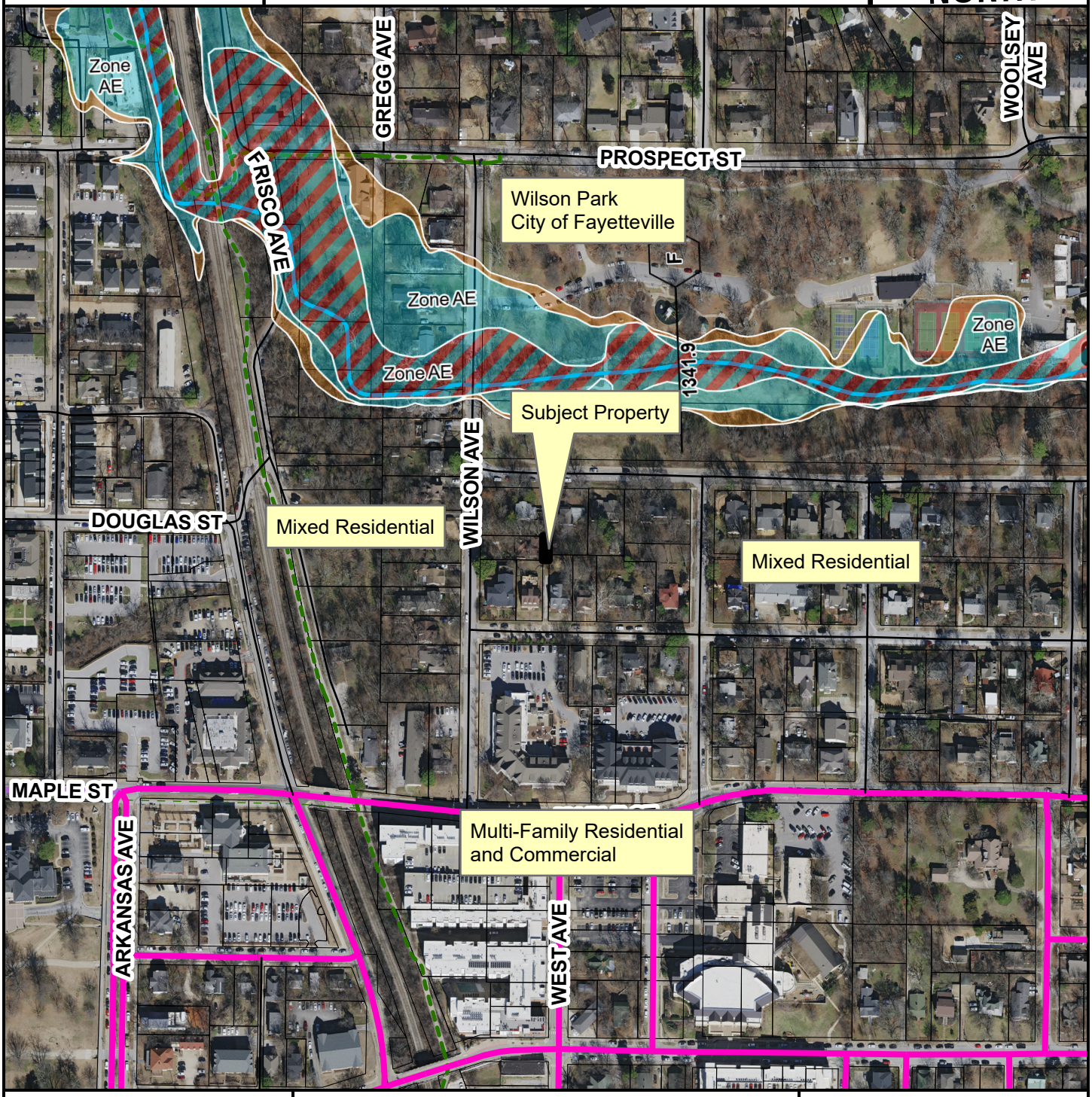
1:2,400

VAC-2025-0024

Current Land Use

618 N. WILSON AVE

NORTH



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

Feet

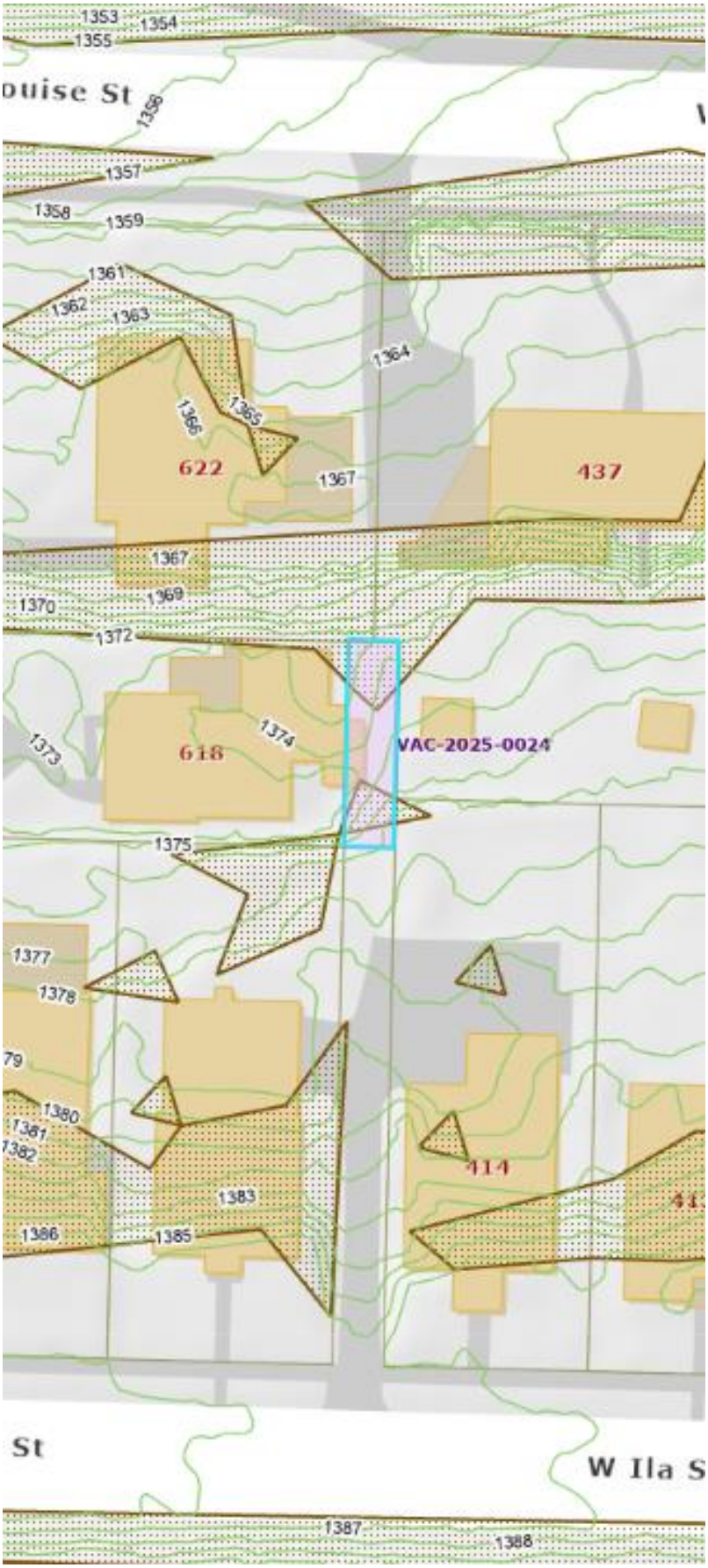
0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

STAFF EXHIBIT: TOPOGRAPHY



Planning Projects

Land Use Case - Active

- Board of Adjustment Meeting
- City Council Hearing
- Planning Commission
- Subdivision Committee Hearing
- Tech Plat Meeting

Zoning

Zoning Overlays

Master Plan Area

Design Overlay District

Slope Greater Than 15%

Streamside Protection Zone (Approximate)

- Additional
- Bankfull
- Management
- Waterside

Contours

Contour 1'

STAFF EXHIBIT: SITE PHOTOGRAPHS

Fence located within ROW

Unpermitted porch expansion

Halfway marker of alley ROW

Looking South

Looking North

Retaining wall and stairs north of proposed alley vacation

Driveway entrance in vacated alley ROW on Louise St

Driveway entrance in alley ROW on Ila St

September 25, 2015

Dear Planning Commission Members,

I am Patricia N. Kent, 618 N. Wilson, Fayetteville, living in my house 40 years. Many, many years ago a screened-in porch was added for outside enjoyment free of bugs and mosquitos. The new buyer is happy to enjoy bug free space. We found out a couple of weeks ago that the back of this porch is in the old alley a couple of feet. So, we are following the instructions to apply for vacating the few feet of this old alley. We are under contract with a new buyer trying to close as soon as possible. We got a new survey yesterday to complete the application. We are hopeful this application goes through smoothly and successfully.

Thank you for all your assistance in this process.

Patricia N Kent

Patricia N Kent

September 25, 2015

Dear City Council Members,

I am Patricia N. Kent, 618 N. Wilson, Fayetteville, living in my house 40 years. Many, many years ago a screened-in porch was added for outside enjoyment free of bugs and mosquitos. The new buyer is happy to enjoy bug free space. We found out a couple of weeks ago that the back of this porch is in the old alley a couple of feet. So, we are following the instructions to apply for vacating the few feet of this old alley. We are under contract with a new buyer trying to close as soon as possible. We got a new survey yesterday to complete the application. We are hopeful this application goes through smoothly and successfully.

Thank you for all your assistance in this process.

Patricia N Kent

Patricia N Kent

PETITION TO VACATE AN ALLEY RIGHT-OF-WAY LOCATED EAST OF AND IMMEDIATELY ADJACENT TO THE EAST BOUNDARY OF LOTS THREE (3), FOUR (4) AND FIVE (5) IN BLOCK TWO (2) OF WILSON'S FIRST ADDITION, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the alley right-of-way hereinafter sought to be abandoned and vacated, lying EAST OF AND IMMEDIATELY ADJACENT TO THE EAST BOUNDARY OF LOTS THREE (3), FOUR (4) AND FIVE (5) IN BLOCK TWO (2) OF WILSON'S FIRST ADDITION, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an alley right-of-way which is described as follows:

A PART OF A 12.5 FOOT WIDE ALLEY, SAID ALLEY LYING EAST OF AND IMMEDIATELY ADJACENT TO THE EAST BOUNDARY OF LOTS THREE (3), FOUR (4) AND FIVE (5) IN BLOCK TWO (2) OF WILSON'S FIRST ADDITION, AS PER THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT THREE (3), SAID POINT BEING AN EXISTING IRON REBAR ON THE WEST LINE OF AN ALLEY; THENCE N02°45'49"E 50.39 FEET ALONG THE WEST SIDE OF SAID ALLEY TO THE NORTHEAST CORNER OF SAID LOT THREE (3); THENCE S87°10'40"E 6.29 FEET TO AN EXISTING IRON REBAR; THENCE S87°10'40"E 5.93 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY; THENCE S02°41'47"W 50.42 FEET ALONG THE EAST LINE OF SAID ALLEY TO A POINT; THENCE LEAVING THE EAST LINE OF SAID ALLEY, N87°02'03"W 12.28 FEET TO THE POINT OF BEGINNING, CONTAINING 617.4 SQUARE FEET, MORE OR LESS.

That the abutting real estate affected by said abandonment of the alley are Block 2, Lots 2, 4, and 8, Wilsons First Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described alley right-of-way.

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

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

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

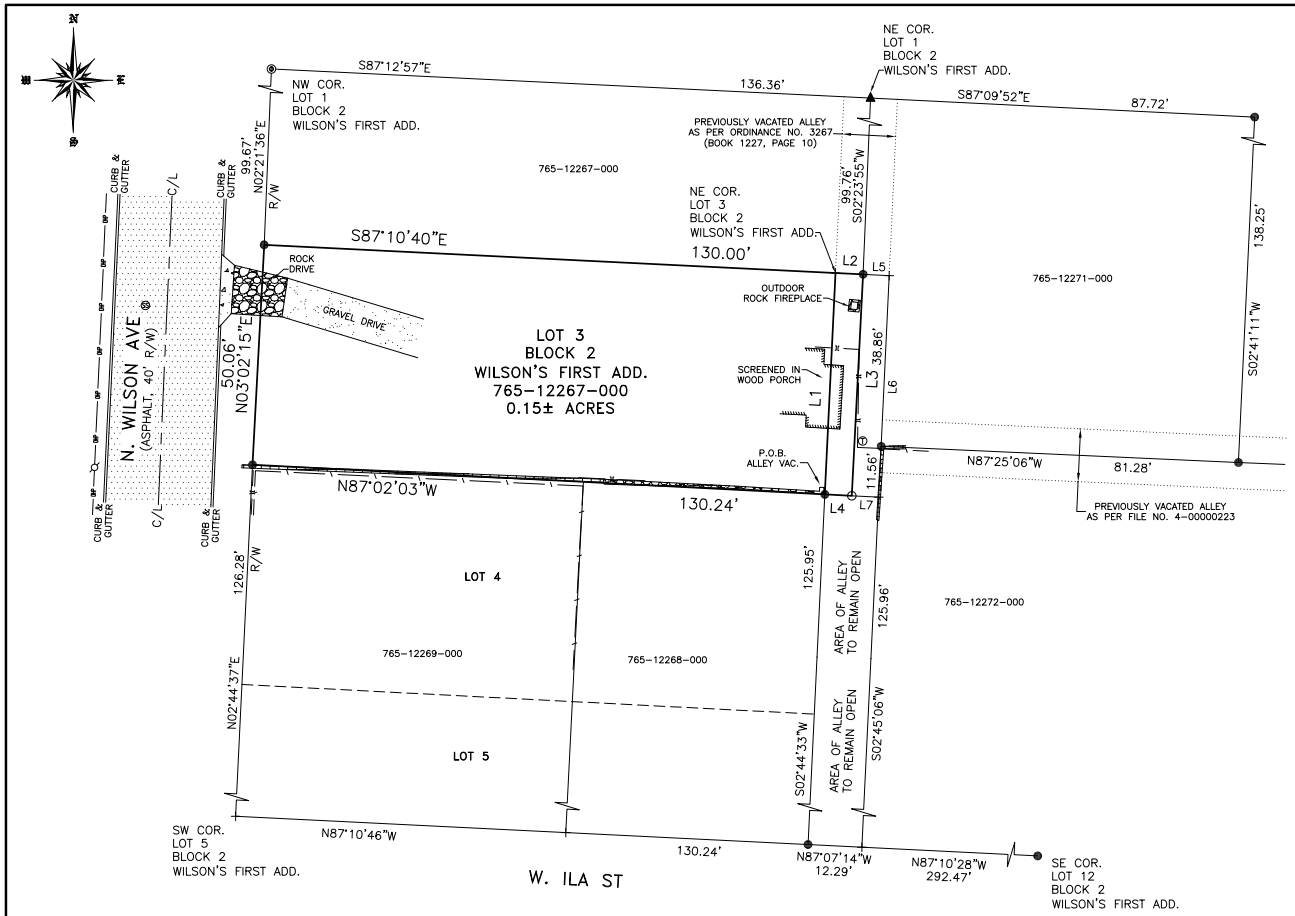
Dated this ___ day of 10/22/2025 04:56 PM, 2025.

Patricia N Kent
Printed Name

10/22/2025 04:57 PM

Patricia N Kent
Signature

Electronically Signed using eSignOnline™ [Session ID: c315721b-db58-45ed-a35e-8d08230fdcc]



PROPERTY DESCRIPTION – BENEFICIARY DEED (FILE NO. 2016-00014797)
LOT NUMBERED THREE (3) IN BLOCK TWO (2) OF WILSON'S FIRST ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS.

AREA OF ALLEY VACATION
A PART OF A 12.5 FOOT WIDE ALLEY, SAID ALLEY LYING EAST OF AND IMMEDIATELY ADJACENT TO THE EAST BOUNDARY OF LOTS THREE (3), FOUR (4) AND FIVE (5) IN BLOCK TWO (2) OF WILSON'S FIRST ADDITION, AS PER THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT THREE (3), SAID POINT BEING AN EXISTING IRON REBAR ON THE WEST LINE OF AN ALLEY; THENCE N02°45'49"E 50.39 FEET ALONG THE WEST SIDE OF SAID ALLEY TO THE NORTHEAST CORNER OF SAID LOT THREE (3); THENCE S87°10'40"E 6.29 FEET TO AN EXISTING IRON REBAR; THENCE S87°10'40"E 5.93 FEET TO A POINT ON THE EAST LINE OF SAID ALLEY; THENCE S02°41'47"W 50.42 FEET ALONG THE EAST LINE OF SAID ALLEY TO A POINT; THENCE LEAVING THE EAST LINE OF SAID ALLEY, N87°02'03"W 12.28 FEET TO THE POINT OF BEGINNING, CONTAINING 617.4 SQUARE FEET, MORE OR LESS.

AREA OF PORCH IN ALLEY
A PART OF A 12.5 FOOT WIDE ALLEY LYING EAST OF AND IMMEDIATELY ADJACENT TO THE EAST BOUNDARY OF LOT THREE (3) IN BLOCK TWO (2) OF WILSON'S FIRST ADDITION, AS PER THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT THREE (3), SAID POINT BEING AN EXISTING IRON REBAR; THENCE N02°45'49"E 15.03 FEET ALONG THE EAST LINE OF SAID LOT THREE (3) TO A POINT ON THE SOUTH FACE OF A SCREENED IN PORCH FOR THE TRUE POINT OF BEGINNING; THENCE N02°45'49"E 14.44 FEET TO A POINT ON THE NORTH FACE OF SAID PORCH; THENCE S86°43'18"E 2.86 FEET TO THE NORTHEAST CORNER OF SAID PORCH; THENCE S03°16'42"W 14.44 FEET TO THE SOUTHEAST CORNER OF SAID PORCH; THENCE N86°43'18"W 2.73 FEET TO THE POINT OF BEGINNING, CONTAINING 40.4 SQUARE FEET, MORE OR LESS.

0 20 40 60
1" = 20'

LEGEND

	AC UNIT		FIBER OPTICS SIGN		SANITARY SEWER MANHOLE
	BACKFLOW VALVE		FIRE HYDRANT		SATELLITE DISH
	BOLLARD POST		FIRE SPRINKLER		SEPTIC TANK LID
	BUGGY AXLE		FLAG POLE		SET ALUMINUM MONUMENT
	CABLE BOX		GAS LINE SIGN		SET COTTON SPINDLE
	CABLE TV PEDESTAL		GAS METER		SET STAKE ON LINE
	CHISELED 'X'		GAS STUB		SET 1/2" IRON REBAR
	COMPUTED POINT		GAS REGULATOR		STATE MONUMENT
	CONC. MONUMENT		GENERATOR		STONE MONUMENT
	C.O.E. MONUMENT		GROUND LIGHT		STORM DRAIN MANHOLE
	DOWN GUY		IRRIG. CONTROL VALVE		STREET SIGN
	DRAIN GRATE		JUNCTION BOX		T-POST
	ELECTRIC BOX		LAMP POST		TELEPHONE BOX
	ELECTRIC METER		MAIL BOX		TELEPHONE PEDESTAL
	ELECTRIC PEDESTAL		PARKING SIGN		TEMPORARY BENCHMARK
	EXIST. ALUM. CAPPED MON.		PAY PHONE		TRAFFIC SIGNAL BOX
	EXIST. COTTON SPINDLE		POWER POLE		TRANSFORMER BOX
	EXISTING IRON PIPE		PROPANE TANK		TREE
	EXISTING IRON REBAR		RAILROAD SPIKE		WATER LINE SIGN
	EXISTING NAIL		READING		WATER METER
	FENCE POST		RIGHT OF WAY MONUMENT		WATER SPIGOT
	EXIST. IRON IN CONCRETE		SANITARY SEWER CLEANOUT		WATER VALVE

CENTERLINE ROAD		EASEMENT LINE	
RIGHT-OF-WAY LINE		BUILDING SETBACK LINE	
BARBED-WIRE FENCE	x	OVERHEAD ELECTRIC LINE	OP
CHAIN-LINKED FENCE	\	UNDERGROUND ELECTRIC LINE	E
PRIVACY FENCE	x	GAS LINE	G
WIRE FENCE		SANITARY SEWER LINE	S
MAJOR CONTOUR INTERVAL		STORM SEWER LINE	S
MINOR CONTOUR INTERVAL		TELEPHONE LINE	T
BUILDING LINE		WATER LINE	W
FIBER-OPTICS LINE	FO	PROPERTY LINE	
DITCH/WATER LINE			

LINE	BEARING	DISTANCE
L1	N02°45'49"E	50.39'
L2	S87°10'40"E	6.29'
L3	S02°56'16"W	50.40'
L4	N87°02'03"W	6.14'
L5	S87°10'40"E	5.93'
L6	S02°41'47"W	50.42'
L7	N87°02'03"W	6.14'

OWNER: PATRICIA N KENT

ADDRESS: 618 N. WILSON AVE,
FAYETTEVILLE, AR 72701
PARCEL NO. 765-12267-000

BASIS OF BEARINGS: ARKANSAS STATE PLANE
COORDINATE SYSTEM
(NORTH ZONE) NAD83

PLAT NOTES:

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE:

EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDED THE SEAL AND SIGNATURE OF THE SURVEYOR.

THIS SURVEY MEETS OR EXCEEDS THE CURRENT "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS".

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

SHEET 1 OF 1
JOB NO. 25225

REVISIONS		
DATE	DESCRIPTION	BY

ARA
118 S. COLLEGE AVENUE
FAYETTEVILLE, ARKANSAS 72701
479 444 8784
1 888 549 8784
arolandsurvey@gmail.com

Alan Reid & ASSOCIATES
PROFESSIONAL
LAND SURVEYORS
BOUNDARY
TOPO

DRAFTSMAN	DF
DATE	09/24/2025
CHECKED	–
SCALE	1" = 20'
SHEET SIZE	18"x 24"

PATRICIA N KENT
618 N. WILSON AVE, FAYETTEVILLE, AR 72701
PARCEL NO. 765-12267-000

ALLEY VACATION – FAYETTEVILLE, ARKANSAS

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: November 10, 2025

SUBJECT: **RZN-2025-0050: Rezoning (5901 W MICHAEL COLE DR/SCHMIDT, 436):** Submitted by SWOPE CONSULTING for property located at 5901 W. MICHAEL COLE DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 8.50 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE and CCR, CONSERVATION, CULTURAL, AND RECREATION.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0050** to City Council with a recommendation of approval."

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0050** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in west Fayetteville approximately 500 feet south of the intersection of W. Michael Cole Dr. and W. Wedington Dr. The 8.50 subject area is composed of three parcels which are zoned R-A, Residential Agricultural and which have been constructed with a 2,263 square-foot single-family dwelling constructed in 1979 along with multiple outbuildings. The property is located within the floodplain, floodway, and the streamside protection zone. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single- and Two-Family Residential	R-A, Residential Agricultural
South	Single-Family Residential; Harmony Pointe Park	R-A, Residential Agricultural; P-1, Institutional
East	Single- and Two-Family Residential	R-A, Residential Agricultural
West	Two-Family Residential	RMF-6, Residential Multi-Family, 6 Units Per Acre

Request: The request is to rezone the subject property from R-A, Residential Agricultural to RI-12, Residential Intermediate, 12 Units per Acrea (4.14 acres) and CCR, Conservation, Cultural, and Recreation (4.64 acres).

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property's frontage along West Michael Cole Drive, a residential link, is partially improved with asphalt paving. Any street improvements required in these areas would be determined at the time of development proposal

Water: Public water is available to the subject area. There is an existing 4-inch water main along the south side of W. Michael Cole Drive.

Sewer: Sanitary sewer is available to the subject area. There is an existing 10-inch and two 12-inch sewer main connections running east to west though the middle of the subject properties. There are no known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan adjacent to this property.

Drainage: A portion of the property lies within a FEMA Floodplain. There is a protected stream, and hydric soils are present in the area. A floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA. Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. No portion of the property lies within the Hillside-Hilltop Overlay District.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 2.1 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning districts, RI-12, Residential Intermediate, 12 Units per Acre and CCR, Conservation, Cultural, Recreation require **20% and 80% minimum canopy preservation, respectively.** The current zoning district, R-A, Residential-Agricultural requires **25% minimum canopy preservation**.

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

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **1-5** for this site with a weighted score of **4.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 7, 835 N. Rupple Rd)
- Near Sewer Main (10" and 12" within the property)
- Near Water Main (4", Michael Cole Dr.)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (Wedington Side Path)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning appears generally compatible with the surrounding area and existing land uses. The applicant proposes to rezone approximately 4.14 acres in the north to RI-12, Residential Intermediate, 12 Units per Acre. While the property is primarily surrounded by R-A, Residential Agricultural zoning to the north, south, and east, staff finds that these adjacent lots are generally constructed in line with RMF-6 standards rather than the significantly larger lot sizes and lower**

densities required of the R-A district. There are a high number of two-family dwellings in the immediate vicinity and an approximately five-acre development under construction at the W. Wedington / Michael Cole intersection includes primarily four-family dwellings. While there is some overlap with existing floodplain proposed in the RI-12 rezoning area, the applicant has indicated an intent to submit a LOMR to FEMA to revise the floodplain boundaries and remove this encroachment. Additionally, the request proposes to upzone the portion of the property outside of the floodplain and downzone the portion of the property within it, creating an overall density allowance of 49 residential units. Further, adjacent developments and rezonings have been slowly increasing the density of the surroundings, and a rezoning to RI-12 could support a broader range of housing types in an area experiencing increased demand for housing and other services.

A significant portion of the property lies within the floodplain, with some areas located in the floodway. Most of this area is proposed to be rezoned to CCR, Conservation, Cultural and Recreation, a district intended to "to conserve, preserve, protect, or enhance natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of improving and restoring such property's ecosystem services." A legal instrument has been provided to preserve this area in alignment with zoning requirements and would need to be fully executed prior to City Council approval, should the item be forwarded. Staff finds the preservation of this area would remove development entitlements within sensitive environmental areas and provide permanent protection for the floodplain and streamside protection areas. On the balance of considerations, staff recommends approval of this request.

Land Use Plan Analysis: **Staff finds the proposed rezoning to be generally consistent with the goals in City Plan 2040 and the property's split future land use designation as a Residential Neighborhood area and "Natural" area. The applicant's decision to downzone a portion of the area to CCR indicates an attempt to acknowledge and protect ecologically sensitive areas on the property, while zoning the remainder of the subject area to permit a similar development entitlement outside of the floodplain.**

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 justification to rezone the property from R-A to RI-12 and CCR. Staff finds that the combined zoning is roughly in line with adjacent development patterns and would further provide permanent protection over sensitive ecological features. A rezoning to RI-12 could permit units in a missing middle style when subdivided onto individual lots, potentially enabling homeownership of smaller, more attainable dwelling units in an area of town experiencing increased development pressure.**

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

Finding: **A rezoning from R-A to RI-12 and CCR has the potential to increase traffic to this location, and could be to an appreciable degree, though there are limiting factors to the property. While there are relatively limited nonresidential services in the area, staff finds that nonresidential commercial uses are permitted in close proximity. The property has access to existing public infrastructure and proposes to rezone approximately half of the subject area to a conservation zoning district. As such, staff finds the proposed rezoning is not likely to increase the load on public services to an undesirable degree and that an increase in residential density in the area could serve to encourage development of commercial uses. Any street improvements required in this area would be determined at the time of development proposal. Fayetteville Public Schools did not comment on this request.**

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

Finding: **The property has access to water and sewer, and any increase in density would have to be balanced with any necessary upsizing of those facilities required to serve the development to be borne by the developer. Fayetteville Public Schools did not comment on the request.**

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

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

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

Finding: **N/A**

RECOMMENDATION: Planning staff recommends RZN-2024-0050 be forwarded to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: November 10, 2025	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

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

161.03 District R-A, Residential-Agricultural

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

(B) *Uses*.

(1) *Permitted Uses.*

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

(2) *Conditional Uses*.

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

(C) *Density.*

Units per acre	One-half (½)

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

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

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*

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

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

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

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

Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.38 District CCR, Conservation, Cultural, And Recreation

(A) *Purpose.* The Conservation, Cultural, and Recreation District is a designation requested by the owner of property that the city and the owner have determined beneficial and desirable to conserve, preserve, protect, or

enhance natural resources such as floodplains, streams, wetlands, steep topography, woodlands, meadows and wildlife habitat, or for the purpose of improving and restoring such property's ecosystem services. Further, this district serves to permit certain limited uses and activities which are not detrimental to the land and consistent with these purposes.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

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

(E) *Setback Requirements.*

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

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

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

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

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

(F) *Height Requirements.*

Building height maximum	2 stories

(G) *Building area.* Maximum lot coverage shall be 5% of the zoned area.

(H) *Legal Instrument for Permanent Protection.* Green space shall be protected in perpetuity by an easement deed or other binding legal instrument that is recorded with the rezoning at the time of rezoning. The instrument shall be a permanent conservation easement or equivalent legal document such as:

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

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

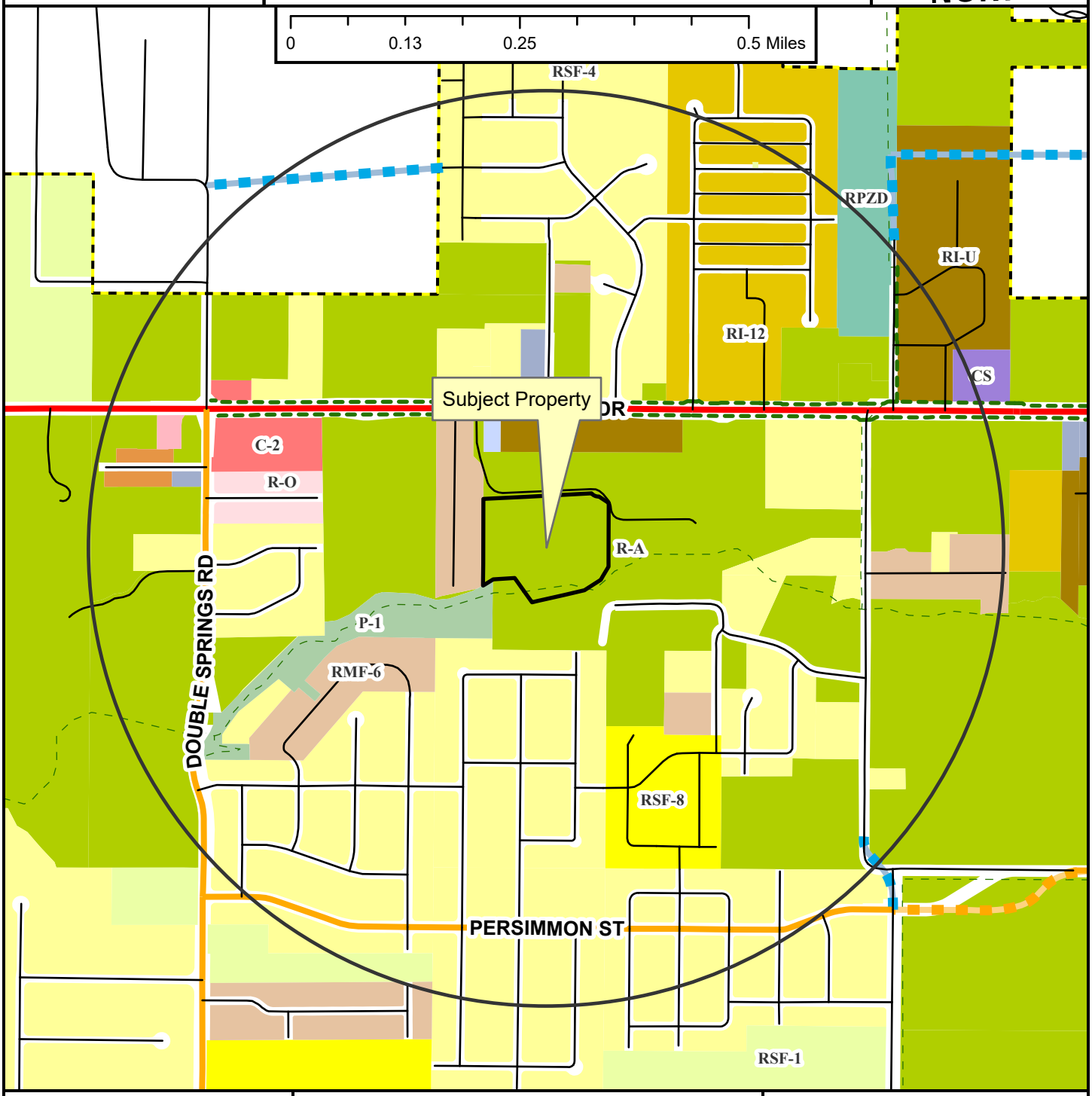
(Ord. No. 6884, §1(Exh. A), 6-17-25)

RZN-2025-0050

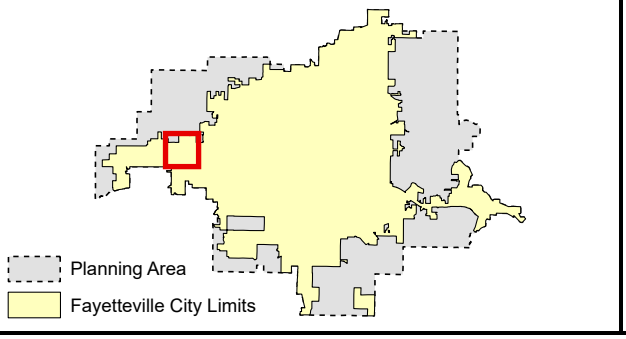
One Mile View

5901 W. MICHALE COLE DR

NORTH



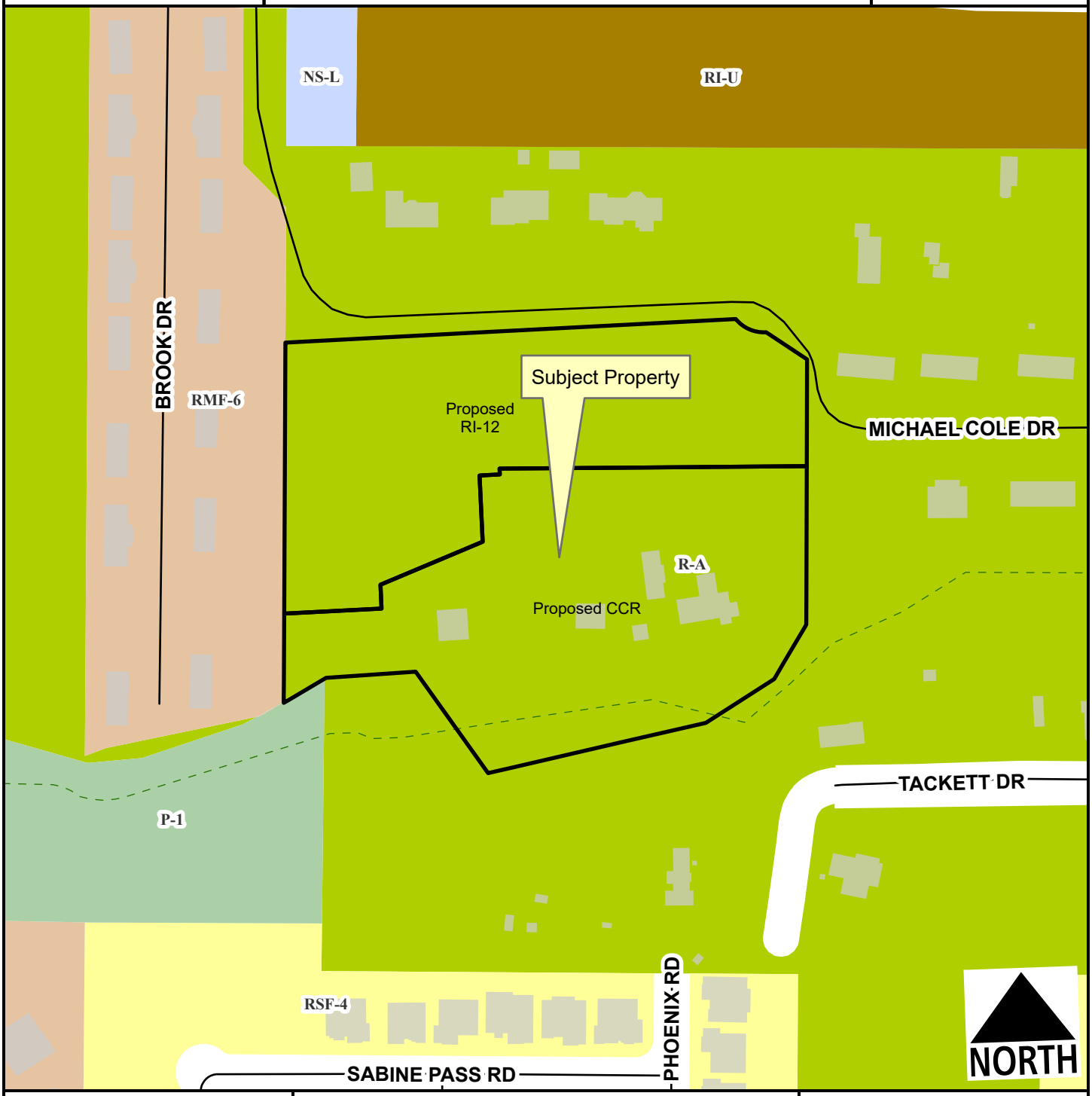
- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



RZN-2025-0050

Close Up View

5901 W. MICHAEL COLE DR



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

Feet

0 75 150 300 450 600

1:2,400

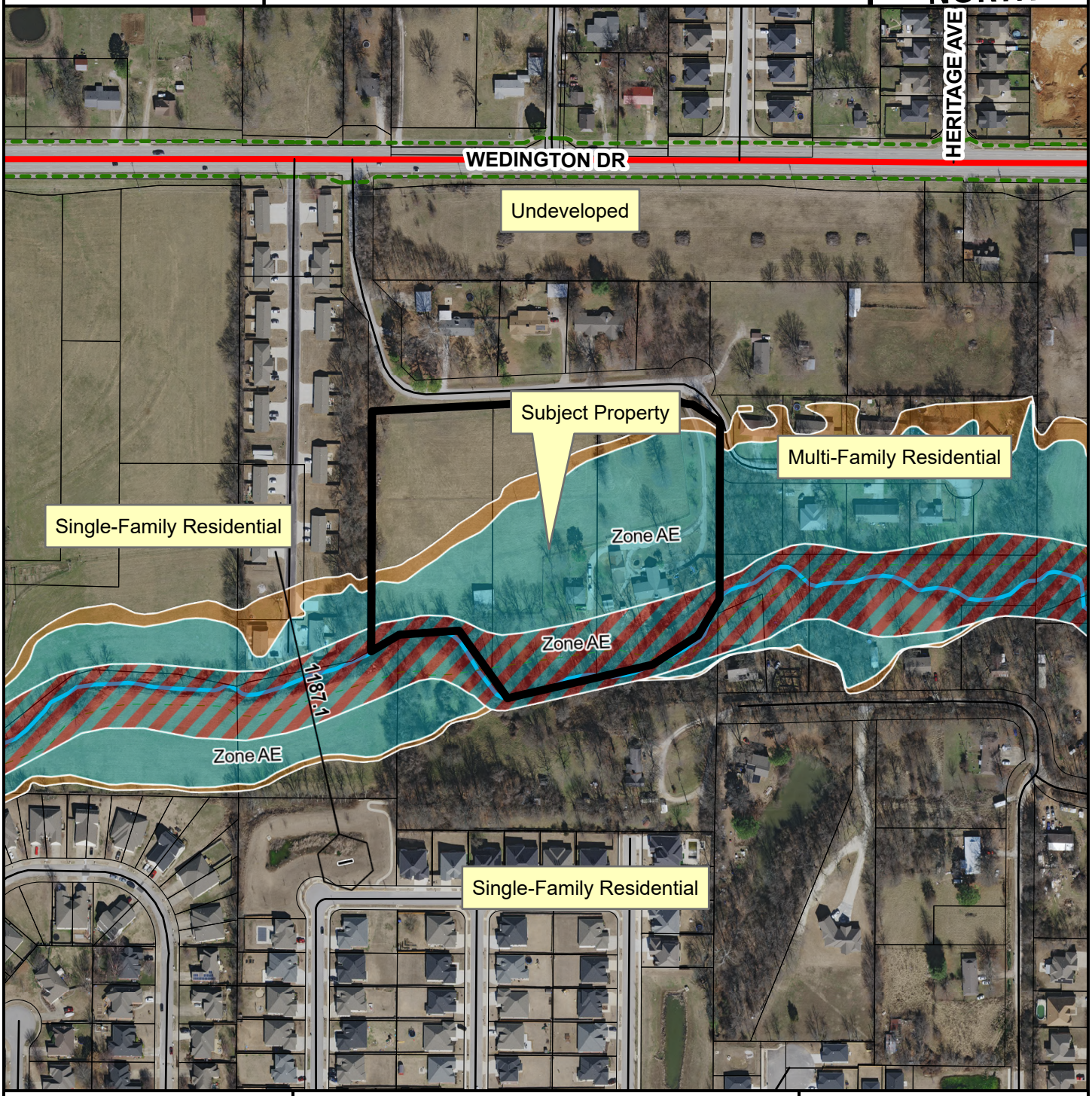
Zone	Current	Proposed
CCR	0.0	4.6
P-1	0.0	0.0
R-A	8.8	0.0
RI-12	0.0	4.1
RMF-6	0.0	0.0
Total	**8.7 ac**	

RZN-2025-0050

Current Land Use

5901 W. MICHAEL COLE DR

NORTH



Regional Link

Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

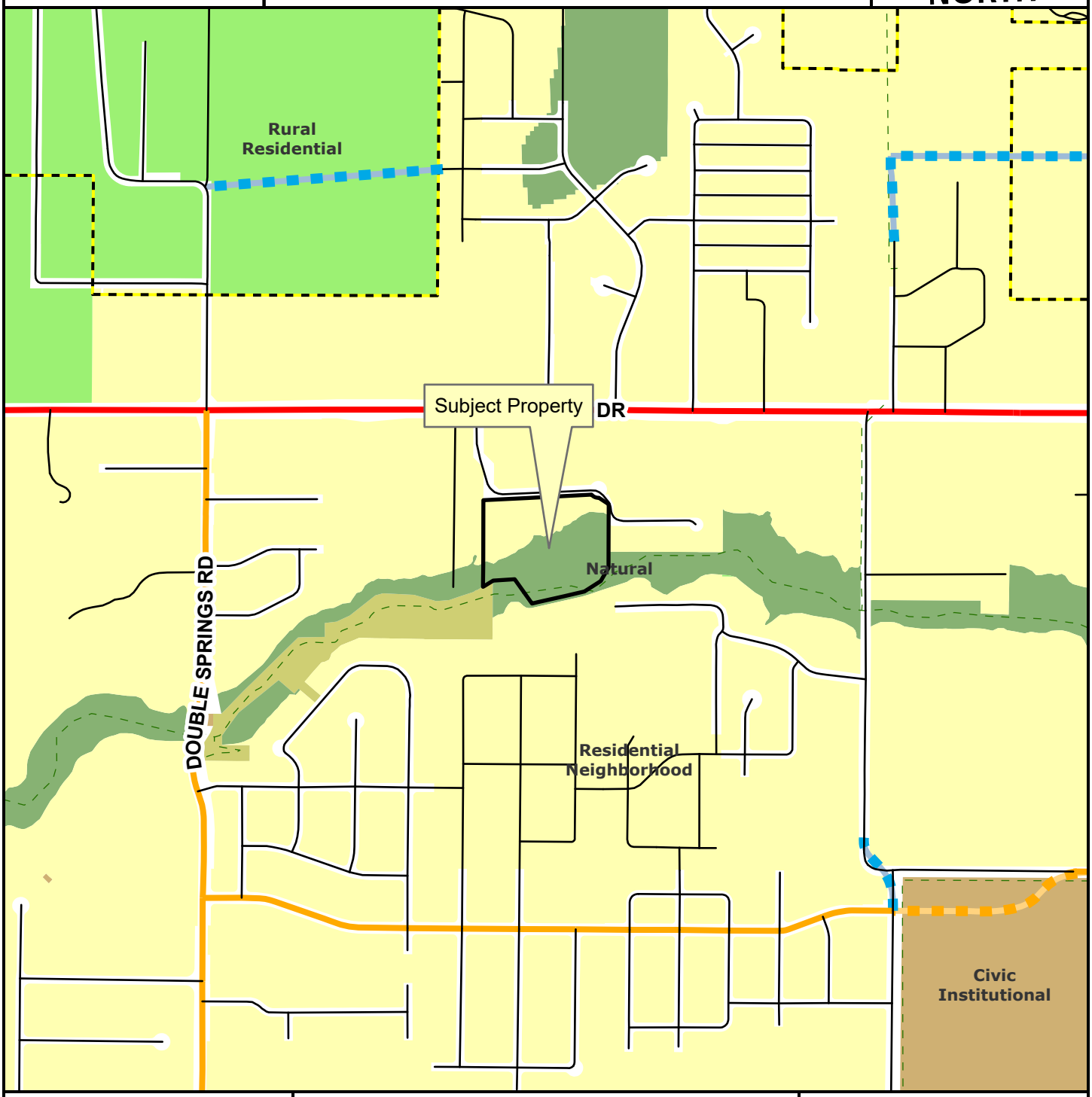
Floodway

RZN-2025-0050

Future Land Use

5901 W. MICHAEL COLE DR

NORTH



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

Feet

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

1:10,000

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

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: November 10, 2025

SUBJECT: **Long Range Planning Comments Regarding RZN-2025-0050**

BACKGROUND:
The applicant requests to rezone approximately 8.5 acres, from R-A, Residential Agricultural to RI-12, Residential Intermediate 12 Units Per Acre (4.14 acres) and CCR, Conservation, Cultural and Recreation (4.64). Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *Climate Action Plan.*

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.
- Goal 2 – We will discourage suburban sprawl.
- Goal 3 – We will make compact, complete, and connected development the standard.
- Goal 5 – We will assemble an enduring green network.
    - 3.5.1 – Vigilantly nurture a continuum of greenspace including: 1. Riparian buffer areas… 3. Small neighborhood parks, squares, commons and greenbelts (p.41)
    - 3.5.3 – Promote conservation easements and alternative development patterns that encourage efficient use of land. (p.41)
- Goal 6 – We will create opportunities for attainable housing.
    - 3.6.1 - Increase housing choices by encouraging a mixture of housing types and sizes dispersed throughout the city and in proximity to transit and active transportation networks. (p.45)

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".

***Climate Action Plan* (2024):**
The Climate Action Plan conceptualizes "nature-based solutions that utilize ecosystem services provided by lands" in the City that contribute to flood and erosion control. Limiting development in a floodplain will maintain these vital ecosystem services and reduce flood threats to public infrastructure and private property.[1]

DISCUSSION:
The property was annexed into the City by special election in November 1982 and assigned the

[1] *Climate Action Plan*, 38-39.

R-A zoning at that time. R-A zoning is no longer the appropriate designation for this area as surrounding land uses have evolved, infrastructure has been established, and more appropriate zoning districts that limit development and conserve ecological areas have been created. This request includes a creative approach to maximize gentle residential density and conserve a sensitive riparian area. By zoning the northern portion of the site RI-12, it would concentrate density, infrastructure, and impervious surface away from the floodplain. Limiting development in a floodplain will maintain these vital ecosystem services and reduce flood threats to public infrastructure and private property, aligning with concepts in the *Climate Action Plan*.[2]

City Plan 2040 and Future Land Use Plan:
This area is designated as both Residential Neighborhood and Natural areas, with Natural roughly following the floodplain. Residential Neighborhood areas are primarily residential in nature but emphasizes using "principles of traditional residential urban design to create compatible, livable and accessible neighborhoods."[3] Prioritizing creating compact and connected neighborhoods in areas where infrastructure already exists provides better outcomes for residents, 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*. Further, the designation of the southern portion of the site as CCR aligns with the future land use designation (Natural) and would contribute to the conservation of an area with limited development potential and high flood risk, but with value as an environmental resource, which supports Goal 5 of *City Plan 2040*.[4]

Property History:
The subject properties contain two single-family dwellings constructed in 1979 and ca. 2001 as well as a detached garage that appears to function as an accessory dwelling unit constructed in 2006. This request does not impact historic resources.

From Left: 5901 W. Michael Cole Dr. (Source: Realtor.com), 5913 W. Michael Cole Dr. (Source: Google Streetview), and 5925 W. Michael Cole Dr. (Source: Google Streetview)

[2] *Climate Action Plan*, 38-39.
[3] *City Plan 2040*, 130.
[4] *City Plan 2040*, 126.

SWOPE CONSULTING
Land Surveying & Civil Engineering
www.swope-consulting.com

October 20th, 2025

City of Fayetteville – Planning Department
Attn: Donna Wonsower
125 W Mountain St
Fayetteville, AR 72701

RE: Rezoning Request for 5901, 5913, and 5925 West Michael Cole Drive, Fayetteville, Arkansas

This narrative is submitted in support of the rezoning request for the properties located at 5901, 5913, and 5925 West Michael Cole Drive, Fayetteville, Arkansas, encompassing approximately 8.5 acres. This request seeks to rezone the northern portion of the property from its current R-A, Residential Agricultural, designation to RI-12, Residential Intermediate, while simultaneously rezoning the southern portion, which contains an existing floodplain and floodway, to a Conservation, Cultural, And Recreation (CCR) District. This two-part request is a thoughtful and deliberate approach to land use that is fully compatible with and will not adversely affect or conflict with the surrounding land uses, and is consistent with the goals of the City of Fayetteville's Master Street Plan and the 2040 City Plan.

The subject properties are situated on Michael Cole Drive, a street classified as a Residential Link Street by the City's Master Street Plan. The proposed RI-12 zoning for the developable northern portion of the property is a harmonious fit for this context. The RI-12 district is designed to permit and encourage the development of detached and attached dwellings, offering a development potential that is intermediate between low and medium density. This provides a greater variety of housing values and types, which is a key objective of the City's comprehensive planning. Furthermore, the RI-12 zoning is expressly intended to encourage development in areas with existing public facilities, which is the case here.

The current land use designation for this area is "Residential Neighborhood." This designation is intended to support a wide variety of housing types, including single-family, duplexes, rowhouses, and multifamily units, of appropriate scale and context. The proposed RI-12 zoning, which allows for both detached and attached dwellings, aligns perfectly with this vision. The R-A zoning, while protective of agricultural land, is a transitional designation. The requested rezoning to RI-12 represents a logical and orderly transition from a rural to an urban development pattern, in accordance with the City's growth strategy. It prevents the wasteful scattering of development and promotes a more compact, well-planned residential environment, contributing to the conservation of the tax base and the efficient use of public funds for services.

Preliminary analysis indicates that the subject properties are adequately supported by existing infrastructure. Public utilities, including without limitation, water and sewage systems, are available to the site, and the street network, specifically Michael Cole Drive, is a Residential Link Street that can accommodate the anticipated traffic from the proposed development. This robust infrastructure support further demonstrates the site's readiness for the requested zoning change and its ability to absorb the development without creating an adverse impact on the surrounding area.

A critical and innovative component of this rezoning request is the proposal to rezone the southern portion of the property, which is encompassed by an existing floodplain and floodway, to Conservation, Cultural, And Recreation (CCR) District. This proactive measure is a testament to the applicant's commitment to responsible development and environmental stewardship. The Conservation, Cultural, And Recreation (CCR) District designation will protect and maintain this natural site amenity, preventing development in a sensitive ecological area. This not only preserves the natural function of the floodplain and floodway but also provides a valuable open space and green corridor that will enhance the quality of life for future residents and the surrounding neighborhood permanently.

In conclusion, the proposed rezoning to RI-12 and CCR (Conservation, Cultural, And Recreation) is a compatible and well-reasoned request that will not adversely affect or conflict with the surrounding land uses. It aligns with the City of Fayetteville's comprehensive plan, provides for a greater variety of housing options in a suitable location, and utilizes a dual-zoning approach to responsibly develop a portion of the property while permanently protecting a critical natural feature. This request represents a logical step in the orderly growth of Fayetteville and will result in a valuable and well-planned residential community.

Sincerely,

Phil Swope

Phil Swope, PE
Project Engineer

CONSERVATION EASEMENT

This CONSERVATION EASEMENT is made this_____day of _____ 2025, by and between Michael Cole Drive, LLC, an Arkansas limited liability company ***{"Grantor"),*** and the City of Fayetteville, Arkansas (the ***"Grantee").***

R E C I TA L S:

A. Grantor is the owner in fee simple of approximately 4.64 acres of real property, in **Washington County,** Arkansas, located along Owl Creek of the Illinois River and tributaries, shown **on Exhibit "A".**

B. The Protected Property is a significant natural area that qualifies as a "...relatively natural habitat of fish, wildlife, or plants, or similar ecosystem," as that phrase is used in Section 107(h)(4)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 170(h)(4)(A)(ii), as amended, and in regulations promulgated thereunder.

C. The specific conservation values of the Protected Property are documented in an Easement Documentation Report, prepared by Grantee and signed and acknowledged by the Grantor, that establishes the baseline condition of the Protected Property at the time of this grant and includes reports, maps, photographs, and other documentation.

D. Grantee is a qualified organization under Section 501(c) of the Internal Revenue Code, 26 U.S.C. § 501(c), as amended, and is eligible to be a holder of conservation easements under Arkansas law, and Grantee has agreed to accept this Conservation Easement granted hereunder.

Grantor and Grantee have the common purpose of conserving the above-described conservation values of the Protected Property in perpetuity, and the State of Arkansas has authorized the creation of Conservation Easements pursuant to Ark. Code Ann. §15-20-401 *et seq.,* and Grantor and Grantee wish to avail themselves of the provisions of that law.

NOW, THEREFORE, the Grantor, for and in consideration of the facts recited above and of the mutual covenants, terms, conditions and restrictions contained herein and as an absolute and unconditional gift, hereby gives, grants, bargains, sells and conveys unto the Grantee a Conservation Easement in perpetuity over the Protected Property of the nature and character as follows:

1. Purpose. The purpose of this Conservation Easement is to ensure that the Protected Property will be retained forever predominantly in its condition; to protect the watershed and water quality, any rare plants, animals, or plant communities on the Protected Property; and to prevent any use of the Protected Property that will significantly impair or interfere with the property's watershed or conservation values or interests of the Protected Property described above.

2. Prohibited Uses. Any activity on or use of the Protected Property inconsistent with the purpose of this Conservation Easement is prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited, except as provided in **Paragraph** 3 below.

2.1. No Construction. There shall be no constructing or placing of any buildings, tennis or other recreational court, landing strip, mobile home, swimming pool, fence or sign (other than those required by the Grantee for appropriate management), asphalt or concrete pavement, billboard or other advertising display, antenna, utility pole, underground utilities, tower, conduit, line, lighting or any other temporary or permanent structure or facility on or above the Protected Property, except as provided in **Paragraph** 3 below.

2.2. No Excavation. There shall be no ditching, draining, diking, filling, excavating, dredging, mining or drilling, removal of topsoil, sand, gravel, rock, minerals or other materials, nor any building of roads or change in the topography or surface hydrology of the Protected Property in any manner, except as provided in **Paragraph** 3 below.

2.3. No Cutting. There shall be no removal, harvesting, destruction or cutting of trees, shrubs or plants, planting of trees, shrubs or plants, use of fertilizers, plowing, introduction of non-native animals, grazing of domestic animals, or disturbance or change in the natural habitat in any manner (other than those required by the Grantee for appropriate management), except **as provided in Paragraph** 3 below.

2.4. No Biocides. There shall be no use of pesticides or biocides, including but not limited to insecticides, fungicides, and rodenticides, and no use of devices commonly known as “bug-zappers”, except as provided in **Paragraph** 3 below.

2.5. No Dumping. There shall be no storage or dumping of ashes, trash, garbage, solid waste or other unsightly or offensive material, hazardous or petroleum substance, hazardous or toxic waste, nor any placement of aboveground or underground storage tanks in, on, or under the Protected Property; there shall be no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils, not shall

activities be conducted on the Protected Property or on adjacent property, if owned by the Grantor, that could cause erosion or siltation on the Protected Property, except as provided in **Paragraph** 3 below.

2.6. No Pollution. There shall be no pollution, alteration, depletion or extraction of surface water, natural water courses, lakes, ponds, marshes, subsurface water or any other water bodies, nor shall activities be conducted on the Protected Property or on adjacent property, if owned by Grantor, that would be detrimental to water purity or that could alter the natural water level or flow in or over the Protected Property, except as provided in **Paragraph** 3 below.

2.7. No Vehicles. There shall be no recreational operation of snowmobiles, dune buggies, motorcycles, all-terrain or off-road vehicles, hang gliders, aircraft, jet skis, motorized **boats or** any other types of mechanized vehicles, except as provided **in Paragraph** 3 below.

2.8. No Subdivision. The Protected Property may not be divided, partitioned, or subdivided, nor conveyed except in its current configuration as an entity, except as provided in **Paragraph** 3 below.

2.9. Density. Neither the Protected Property nor any portion of it shall be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open space requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights that have been encumbered or extinguished by this Conservation Easement shall be transferred to any other lands pursuant to a transferrable development rights, scheme cluster development arrangement or otherwise; provided, however, that with prior written permission of the Grantee, this paragraph shall not preclude such transfer of development rights resulting from the destruction or demolition of any existing residential building on the Protected Property.

3. Grantor's Reserved Rights. The Grantor hereby reserves the following rights on areas designated on the attached rezone exhibit which is **Exhibit "A"** Hereto:

3.1. Existing Uses. The right to undertake or continue any historical activity of traditional agricultural use not prohibited by this Conservation Easement. Prior to making any change in use of the Protected Property, the Grantor shall notify the Grantee in writing to allow the Grantee a reasonable opportunity to determine whether such change would violate the terms of this Conservation Easement.

3.2. Transfer. The right to sell, give, mortgage, lease, or otherwise convey the Protected Property, provided such conveyance is subject to the terms of this Conservation Easement and written notice is provided to the Grantee in accordance with **paragraph 19.6** below.

3.3. Diseased Trees. The right to cut and remove diseased trees, shrubs, or plants and to cut firebreaks, subject to the prior written approval of the Grantee pursuant to

paragraph 4.5 below, except that such approval shall not be required in the case of emergency firebreaks.

3.4. Fencing. The right to build, maintain, and repair Protected Property perimeter, provided that fencing will not exclude or restrict wildlife movement on or off Grantor's Land.

3.5. Vehicle Usage. The right to operate motorized equipment, including All Terrain Vehicles (ATV's), for historical activity of traditional agricultural use, provided that no new trails or roads are created for this purpose, and provided that vehicles do not enter or cross waterways, and that their use does not or impair the integrity or stability of protected riparian

3.6. Stream Restoration Construction and Repairs. The right to carry out stream restoration activities including, excavation, fill, rock structures, tree and vegetation establishment, erosion control, and natural channel construction and repairs as needed, through the site mitigation bank owner or qualified stream restoration experts.

4. Grantee's Rights. To accomplish the purpose of this Conservation Easement, the following rights are conveyed to the Grantee and assigns by this Conservation Easement:

4.1. Right to Protect. The right to preserve and protect the conservation values of the Protected Property.

4.2. Right of Entry. The right to enter the Protected Property at all reasonable times and, if necessary, across other lands retained by the Grantor, for the purposes of: (a) inspecting the Protected Property to determine if the Grantor is complying with the covenants and purposes of this Conservation Easement; (b) enforcing the terms of this Conservation Easement; (c) taking any and all actions with respect to the Protected Property as may be necessary or appropriate, with or without order of court, to remedy or abate violations hereof; (d) making scientific and educational observations and studies and taking samples in such a manner as will not disturb the quiet enjoyment of the Protected Property by the Grantor; and (e) monitoring and management as described below.

4.3. Monitoring and Management. The right, but not the obligation, to monitor the condition of any rare plant and animal populations, plant communities, natural habitats, restored areas and natural features on the Protected Property, and to manage or repair them, to the extent deemed appropriate by the Grantee, to ensure their continued presence, functionality and viability on the Protected Property. Such activities shall be in accordance with management practices of the Grantee, which may include but not be limited to maintenance and repairs to the natural features.

4.4. Enforcement. The right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use, pursuant to **paragraph 10.**

4.5. Discretionary Consent. The Grantee's consent for activities otherwise prohibited under **paragraph** 2 above, or for any activities requiring Grantee's consent under **paragraph** 3 above, may be given under the following conditions and circumstances. If, owing to unforeseen or changed circumstances, any of the activities listed in **paragraph** 2 are deemed desirable by both the Grantor and the Grantee, the Grantee may, in its sole discretion, give permission for such activities, subject to the limitations herein. Such requests for permission and permission for activities requiring the Grantee's consent under **paragraph 3,** shall be in writing and shall describe the proposed activity in sufficient detail to allow the Grantee to judge the consistency of the proposed activity with the purpose of this Conservation Easement. The Grantee may give its permission only if it determines, in its sole discretion, that such activities (1) do not violate the purpose of this Conservation Easement and (2) either enhance or do not impair any significant conservation interests associated with the Protected Property. Notwithstanding the foregoing, the Grantee and Grantor have no right or power to agree to any activities that would result in the termination of this Conservation Easement or to allow any residential, commercial or industrial structures or any commercial or industrial activities not provided for above.

5. Access. Nothing contained in this Conservation Easement shall give or grant to the public a right to enter upon or to use the Protected Property or any portion thereof if no such right existed in the public immediately prior to the execution of this Conservation Easement.

6. Costs and Liabilities. The Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Protected Property, including the maintenance of adequate comprehensive general liability insurance coverage. The City of Fayetteville, Arkansas shall be named as an additional named insured on the Grantor's liability insurance policy. The Grantor shall keep the Grantee's interest in the Protected Property free of any liens arising out of any work performed for, materials furnished to or obligations incurred by the Grantor.

Each party agrees to release, hold harmless, defend and indemnify the other from any and all liabilities including, but not limited to, injury, losses, damages, judgments, costs, expenses and fees that one party may suffer or incur as a result of or arising out of the activities of the other party on the Protected Property.

7. Taxes. The Grantor agrees to pay any real estate taxes or other assessments levied on the Protected Property. If the Grantor becomes delinquent in payment of taxes or assessments, so that a lien is created against the Protected Property, the Grantee, at its option, shall, after written notice to the Grantor, have the right to purchase and acquire the Grantor's interest in the Protected Property by paying funds to discharge the lien or delinquent taxes or assessments, or to take such other actions as may be necessary to protect the Grantee's interest in the Protected Property and to assure the continued enforceability of this Conservation Easement.

8. Title. The Grantor covenants and represents that the Grantor is the sole owner and is seized of the Protected Property in fee simple and has good right to grant and convey this Conservation Easement; that the Protected Property is free and clear of any and all encumbrances, including but not limited to, any mortgages not subordinated to this Conservation

Easement, and that the Grantee shall have the use of and enjoy all of the benefits derived from and arising out of this Conservation Easement.

9. Hazardous Waste. The Grantor covenants, represents and warrants to the Grantee that no hazardous or petroleum substance or hazardous or toxic waste exists nor has been generated, treated, stored, used, disposed of, or deposited in or on the Protected Property, and that there are not now any aboveground or underground storage tanks located on the Protected Property.

10. Grantee's Remedies. If the Grantee becomes aware of a **violation** of the terms of this Conservation Easement, the Grantee **shall give notice** to the **Grantor, at** the Grantor's last known post office address, of such violation via certified mail, return receipt requested, and request corrective action sufficient to abate such violation and restore the Protected Property to its previous condition at the time of this grant. Grantor agrees that the Easement Documentation Report shall be deemed to provide objective information concerning the Protected Property's condition at the time of this grant. Failure by the Grantor to abate the violation and take such other corrective action as may be requested by the Grantee within thirty (30) days after receipt of such notice shall entitle the Grantee to bring an action at law or equity in a court of competent jurisdiction to enforce the terms of this **Conservation** Easement; to require the restoration of the property **to its previous condition;** to **enjoin** the non-compliance by en ***parte*** temporary or permanent **injunction in a** court of competent **jurisdiction; and/or to** recover **any** damages **arising from** the **non-compliance.** Such **damages,** when recovered, **may** be applied by the Grantee, in its sole **discretion, to corrective** action on the Protected **Property.** If the court determines that the Grantor has failed **to comply with this Conservation** Easement, the Grantor shall reimburse the Grantee for any reasonable costs of enforcement, including costs of restoration, court costs and reasonable attorney's fees, **in addition to any** other **payments** ordered by such court.

10.1. Emergency Enforcement. If the Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Property, the Grantee may pursue its remedies under this paragraph without prior notice to the Grantor or without waiting for the period for cure to expire.

10.2. Failure to Act or Delay. The Grantee does not waive or forfeit the right to take action as may be necessary to insure compliance with this Conservation Easement by any prior failure to act and the Grantor hereby waives any defenses of waiver, estoppel or laches with respect to any failure to act or delay by the Grantee, its successors or assigns, in acting to enforce any restriction or exercise any rights under this Conservation Easement.

10.3. Violations Due to Causes Beyond Grantor's Control. Nothing herein shall be construed to entitle the Grantee to institute any enforcement proceedings against the Grantor for any changes to the Protected Property due to causes beyond the Grantor's control, such as changes caused by fire, flood, storm, earthquake or the unauthorized wrongful acts of third persons. In the event of violations of this Conservation Easement caused by the unauthorized wrongful acts of third persons, the Grantor agrees, upon request by the Grantee, to assign its right of action to the Grantee, to join in any suit, or to appoint the Grantee its attorney-in-fact for the purposes of pursuing enforcement action, all at the election of the Grantee.

11. Parties Subject to Easement. The covenants agreed to and the terms, conditions, and restrictions imposed by this grant shall not only be binding upon the Grantor but also its lessees, agents, personal representatives, successors and assigns, and all other successors to Grantor in interest and shall continue as a servitude running in perpetuity with the Protected Property.

12. Subsequent Transfers. The Grantor agrees that the terms, conditions, restrictions and purposes of this grant or reference thereto will be inserted by the Grantor in any subsequent deed or other legal instrument by which the Grantor divests either the fee simple title or possessory interest in the Protected Property; and the Grantor further agrees to notify the Grantee of any pending transfer at least thirty (30) days in advance.

13. Right of First Refusal. The Grantor hereby gives to the Grantee a Right of First Refusal to purchase the Protected Property. The conditions of this Right of First Refusal shall be such that whenever the Grantor receives a *bonafide* written offer to purchase all or any part of the Protected Property, Grantor shall deliver to the Grantee, by certified mail, return receipt requested, a duplicate original of the written offer, together with such other instruments as may be required to show the *bona fides* of the offer. The Grantee may elect to purchase the Protected Property at the offered price and upon such other terms and conditions not less favorable to the Grantor than those contained in the offer by giving to the Grantor by certified mail, return receipt requested, written notice of such election within ninety (90) days after delivery of the offer to the Grantee. The Grantee's failure to elect to exercise a particular right to purchase the Protected Property when offered shall not affect the continued existence or enforceability of this Right of First Refusal, including as it may apply to other portions of the Property subsequently offered or to successors in interest to the Grantor, and such successors in interest shall be bound thereby.

14. Merger. The Grantor and the Grantee agree that the terms of this Conservation Easement shall survive any merger of the fee and easement interest in the Protected Property.

15. Amendment. In the event that the property is affected by unusual and unforeseen circumstances and conditions, Grantor and Grantee by mutual consent may amend this easement; provided that the amendment is not inconsistent with the conservation purpose of this easement; will not result in a net degradation of the conservation values of the property; will not affect the enforceability of the easement; and is accomplished in compliance with any applicable state statute and with section 170(h) of the Internal Revenue Code, 26 U.S.C. § 170(h), as amended. Any such amendment shall be recorded in the official land records where the Protected Property is located.

16. Assignment. The parties hereto recognize and agree that the benefits of this easement are in gross and assignable, and the Grantee hereby covenants and agrees that if it transfers or assigns the easement it holds under this indenture, the organization receiving the interest will be a qualified organization as that term is defined in Section 170(h)(3) of the Internal Revenue Code, 26 U.S.C. § 170(h)(3), as amended and in regulations promulgated thereunder, that is organized and operated primarily for one of the conservation purposes specified in Section 170(h)(4)(A) of the Internal Revenue Code, 26 U.S.C. § 170(h)(4)(A), as amended and in regulations promulgated thereunder, and the Grantee further covenants and agrees that the **terms** of the **transfer** or assignment will be such that the transferee or assignee will

be required to continue to carry out in perpetuity the conservation purposes that the contribution was originally intended to advance.

17. Extinguishment. The Grantor hereby agrees that, at the time of the conveyance of this Conservation Easement to the Grantee, this Conservation Easement gives rise to a real property right, immediately vested in the Grantee, with a fair market value of the Conservation Easement as of the date of the conveyance that is at least equal to the proportionate value that this Conservation Easement at the time of the conveyance bears to the fair market value of the property as a whole at that time.

That proportionate value of the Grantee's property rights shall remain constant. When a change in conditions takes place which makes impossible or impractical any continued protection of the Protected Property for conservation purposes, and the restrictions contained herein are extinguished by judicial proceeding, the Grantee, upon a subsequent sale, exchange or involuntary conversion of the Protected Property, shall be entitled to a portion of the proceeds at least equal to that proportionate value of the Conservation Easement. The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth herein or for the protection of a "relatively natural habitat of fish, wildlife, or plants or similar ecosystem," as that phrase is used in and defined under Section 107(h)(4)(A)(ii) of the Internal Revenue Code, 26 USC 170(h)(4)(A)(ii), as amended and in regulations promulgated thereunder.

18. Eminent Domain. Whenever all or part of the Protected Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate the restrictions imposed by this Conservation Easement, the Grantor and the Grantee shall join in appropriate actions at the time of the taking to recover the full value of the taking and all incidental or direct damages resulting from it, and the proceeds shall be divided in accordance with the proportionate value of the Grantee's and Grantor's interests, and Grantee's proceeds shall be used as specified above. All expenses incurred by the Grantor and the Grantee in such action shall be paid out of the recovered proceeds.

19. Miscellaneous Provisions.

19.1. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

19.2. Successors and Assigns. The term "Grantor" shall include the Grantor and the Grantor's heirs, 'executors, administrators, successors and assigns and shall also mean the masculine, feminine, corporate, singular or plural form of the word as needed in the context of its use. The term "Grantee" shall include City of Fayetteville and its successors and assigns.

19.3. Re-recording. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Easement; for such purpose, the Grantor appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any necessary instrument on its behalf. Without limiting the foregoing, the Grantor agrees to execute any such instruments upon request.

19.4. Captions. The captions herein have been inserted solely for convenience of reference and are not a part of this Conservation Easement and shall have no effect upon construction or interpretation.

19.5. Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

19.6. Notices. Prior to taking any action to void or modify this Conservation Easement, to transfer of title thereto, or to establish any other legal claims over the Protected Property, the party seeking such action shall provide at least 60 days prior written notice thereof to the US Army Corps of Engineers, Little Rock District. Any notices required in this Conservation Easement shall be sent by registered or certified mail to the following address or such address as may be hereafter specified by notice in writing.

Grantor:	Michael Cole Dr, LLC PO Box 1287 Bentonville, AR 72712-1221
Grantee:	City of Fayetteville 125 West Mountain Street Fayetteville, AR 72701

TO HAVE AND TO HOLD the said Conservation Easement unto the said Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed and sealed this document the day and year first above written.

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

On this day before me, the **undersigned Notary** Public **within** and for the County and State aforesaid, duly commissioned, qualified and acting, appeared the within named, Michael Cole Drive LLC, who executed the foregoing writing as the Grantor hereunder, and stated and acknowledged to me that the foregoing instrument was executed for the considerations and purposes therein mentioned and contained, and I hereby so certify.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as such Notary Public on this the_____day of_____2025.

My Commission Expires: _____
Notary Public

ACKNOWLEDGEMENT

)
) ss.
COUNTY OF WASHINGTON)

On this day before me, the undersigned Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, appeared the within named_____, who executed the foregoing writing as Grantee, and acknowledged before me that they executed the Mayor of the City of Fayetteville in name of and on behalf of the said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as such Notary Public on this the_____day of_____2025.

My Commission Expires: _____
Notary Public

BASIS OF BEARING:
ARKANSAS STATE PLANE,
COORDINATE SYSTEM,
(NAD-83) NORTH ZONE.

DEED DESCRIPTION
FILE # 2025-00008131

SURVEY DESCRIPTION LOT 3A (THIS PLAT).

A TRACT OF LAND BEING ALL OF LOT 3, ALL OF LOT 4 AND ALL OF LOT 5 OF THE MILDRED LEE ESTATES, AS RECORDED IN PLAT BOOK 7 AT PAGE 32, WASHINGTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND THE NORTHWEST CORNER OF SAID LOT 3, BEING ON THE SOUTH RIGHT-OF-WAY LINE OF W. MICHAEL COLE DRIVE (60' R/W); THENCE ALONG SAID SOUTH LINE N89°00'20"E 623.73 FEET TO AN IRON PIN FOUND; THENCE ALONG A CURVE TO THE LEFT HAVING A DELTA OF 54°24'08", A RADIUS OF 50.00 FEET, A LONG CHORD THAT BEARS S64°26'47"E 45.71 FEET, AN ARC DISTANCE OF 47.47 FEET TO AN IRON PIN FOUND; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE S54°29'46"E 67.90 FEET TO AN IRON PIN FOUND; THENCE S02°09'41"W PASSING AT A DISTANCE OF 322.64 AN IRON PIN FOUND FOR TOTAL DISTANCE OF 366.78 FEET; THENCE S32°33'23"W 87.47 FEET; THENCE S59°20'23"W 112.10 FEET; THENCE S78°59'23"W 309.15 FEET; THENCE N33°33'07"W 172.35 FEET; THENCE S88°05'50"W 124.20 FEET; THENCE S61°22'11"W 68.00 FEET; THENCE N02°16'02"E PASSING AT A DISTANCE OF 33.58 FEET AN IRON PIN FOUND FOR A TOTAL DISTANCE OF 498.24 FEET TO THE POINT OF BEGINNING, CONTAINING 8.79 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

PROPOSED RI-12 ZONING
SURVEY DESCRIPTION

A TRACT OF LAND BEING A PART OF LOT 3A, OF THE MILDRED LEE ESTATES, AS RECORDED IN PLAT FILE #2025-00008131, WASHINGTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF LOT 3A IN MILDRED LEE ESTATES, PHASE 1; THENCE ALONG THE NORTH LINE OF SAID LOT N 88°59'29" E A DISTANCE OF 250.64' TO A ; THENCE N 89°00'55" E A DISTANCE OF 373.09' TO A FOUND IRON REBAR; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 47.47', WITH A RADIUS OF 50.00', WITH A CHORD BEARING OF S 64°26'47" E, WITH A CHORD LENGTH OF 45.71' TO A FOUND IRON REBAR; THENCE S 54°29'46" E A DISTANCE OF 67.90' TO A FOUND IRON REBAR BEING THE NE CORNER OF LOT 3A; THENCE ALONG THE EAST LINE OF SAID LOT 3A S 02°09'41" W A DISTANCE OF 147.65' TO A POINT; THENCE N 88°28'43" W A DISTANCE OF 424.82' TO A POINT; THENCE S 00°00'00" E A DISTANCE OF 8.00' TO A POINT; THENCE S 89°00'16" W A DISTANCE OF 27.92' TO A POINT; THENCE S 00°35'00" E A DISTANCE OF 91.69' TO A POINT; THENCE S 69°11'26" W A DISTANCE OF 153.42' TO A POINT; THENCE S 00°48'53" E A DISTANCE OF 33.00' TO A POINT; THENCE S 89°00'16" W A DISTANCE OF 134.85' TO A POINT ON THE WEST LINE OF SAID LOT 3A; THENCE ALONG SAID WEST LINE N 02°16'02" E A DISTANCE OF 374.90' TO THE POINT OF BEGINNING, CONTAINING 180,455 SQ. FEET, 4.14 ACRES, MORE OR LESS.

PROPOSED CONSERVATION, CULTURAL, AND RECREATION ZONING DISTRICT
SURVEY DESCRIPTION

A TRACT OF LAND BEING A PART OF LOT 3A, OF THE MILDRED LEE ESTATES, AS RECORDED IN PLAT FILE #2025-00008131, WASHINGTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NW CORNER OF LOT 3A IN MILDRED LEE ESTATES, PHASE 1; THENCE ALONG THE WEST LINE OF SAID LOT 3A S 02°16'02" W A DISTANCE OF 374.90' TO A POINT BEING THE POINT OF BEGINNING; THENCE LEAVING SAID WEST LINE N 89°00'16" E A DISTANCE OF 134.85' TO A POINT; THENCE N 00°48'53" W A DISTANCE OF 33.00' TO A POINT; THENCE N 69°11'26" E A DISTANCE OF 153.42' TO A POINT; THENCE N 00°35'00" W A DISTANCE OF 91.69' TO A POINT; THENCE N 89°00'16" E A DISTANCE OF 27.92' TO A POINT; THENCE N 00°00'00" W A DISTANCE OF 8.00' TO A POINT; THENCE S 88°28'43" E A DISTANCE OF 424.82' TO A POINT ON THE EAST LINE OF SAID LOT 3A; THENCE ALONG SAID EAST LINE S 02°09'41" W A DISTANCE OF 219.13' TO A POINT BEING THE SE CORNER OF LOT 3A; THENCE ALONG THE SOUTH LINE OF LOT 3A S 32°33'23" W A DISTANCE OF 87.47' TO A POINT; THENCE S 59°20'23" W A DISTANCE OF 112.10' TO A POINT; THENCE S 78°59'23" W A DISTANCE OF 309.15' TO A POINT; THENCE N 33°33'07" W A DISTANCE OF 172.35' TO A POINT; THENCE S 88°05'50" W A DISTANCE OF 124.20' TO A POINT; THENCE S 61°22'11" W A DISTANCE OF 68.00' TO A POINT BEING THE SW CORNER OF LOT 3A; THENCE ALONG THE WEST LINE OF SAID LOT N 02°16'02" E A DISTANCE OF 123.34' TO THE POINT OF BEGINNING, CONTAINING 202,228 SQ. FEET, 4.64 ACRE, MORE OR LESS.

LEGEND

- FOUND MONUMENT AS-NOTED
- SET MONUMENT AS-NOTED
- GUY ANCHOR
- ELECTRIC METER
- WATER METER
- POWER POLE
- AIR CONDITIONER
- (M) FIELD MEASUREMENT
- (R) RECORDED MEASUREMENT
- N/F NOW OR FORMERLY
- BOUNDARY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY (R/W)
- BUILDING SETBACK LINE
- OVERHEAD POWER LINE
- PROPOSED RI-12 ZONING
- PROPOSED CONSERVATION ZONING

REZONE EXHIBIT

SWOPE CONSULTING
Civil Engineering and Land Surveying
www.swope-consulting.com

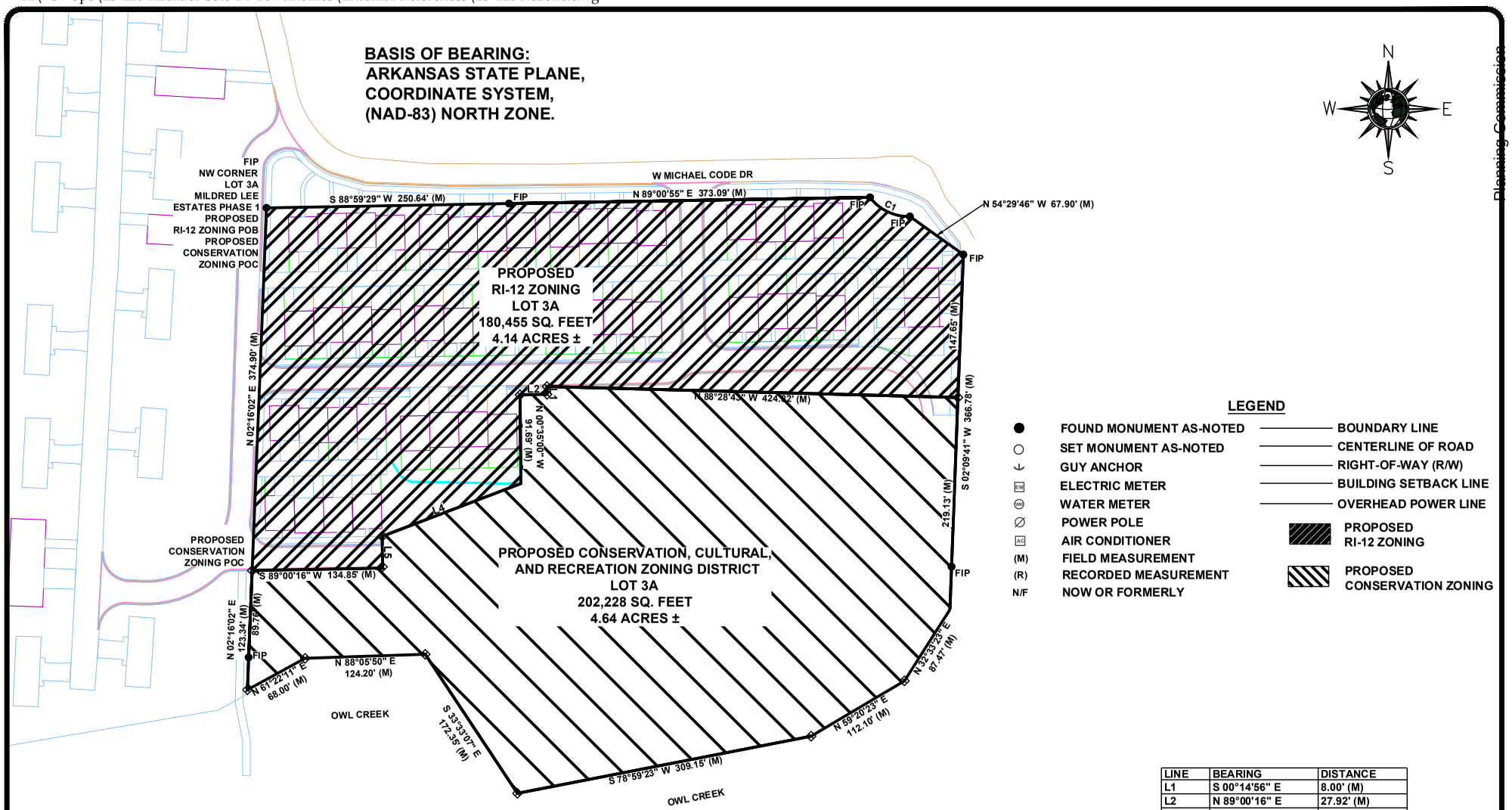
150 0 75 150
(in feet) 1 inch = 150 ft.

PAGE 1 OF 2

Project Number:
23-120

Certificate of Authorization № 2831

Date: 10/17/2025



LEGEND

●	FOUND MONUMENT AS-NOTED
○	SET MONUMENT AS-NOTED
	GUY ANCHOR
EM	ELECTRIC METER
WM	WATER METER
	POWER POLE
AC	AIR CONDITIONER
(M)	FIELD MEASUREMENT
(R)	RECORDED MEASUREMENT
N/F	NOW OR FORMERLY
	BOUNDARY LINE
	CENTERLINE OF ROAD
	RIGHT-OF-WAY (R/W)
	BUILDING SETBACK LINE
	OVERHEAD POWER LINE
	PROPOSED RI-12 ZONING
	PROPOSED CONSERVATION ZONING

LINE	BEARING	DISTANCE
L1	S 00°14'56" E	8.00' (M)
L2	N 89°00'16" E	27.92' (M)
L4	N 69°11'26" E	129.27' (M)
L5	S 00°48'53" E	33.00' (M)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	50.00' (M)	47.47' (M)	45.71' (M)	N 64°26'47" W	54°24'08"

REZONE EXHIBIT

SWOPE CONSULTING
Civil Engineering and Land Surveying
www.swope-consulting.com

150 0 75 150
(in feet) 1 inch = 150 ft.

PAGE 2 OF 2

Project Number:
23-120

Certificate of Authorization № 2831

Date: 10/17/2025

#7 Halsted Circle, Suite 210 ♦ Rogers, Arkansas 72756 ♦ 479.877.7388 Office

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: November 10, 2025

SUBJECT: **RZN-2025-0052: Rezone (SOUTH OF 111 E. ROCK ST./KCMS, 524):** Submitted by FLINTLOCK LTD for property located SOUTH OF 111 E. ROCK ST. The property is zoned R-O, RESIDENTIAL-OFFICE, and contains approximately 0.20 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:
Staff recommends forwarding **RZN-2025-0052** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0052** to the City Council with a recommendation for approval."*

BACKGROUND:
The subject property is located in an alley between E. Rock Street and E. South Street about 300 feet southeast from the S. Nelson Hackett Boulevard and E. Rock Street intersection. The property contains one parcel totaling 0.20 of an acre which is currently undeveloped. A concept plat (CPL-2025-0008) has been submitted for the development of cluster housing with additional discussions between the applicant and staff about multi-family development. The property is not part of any zoning overlay or master plan area. Surrounding land uses and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Two-Family Residential	R-O, Residential-Office
South	Undeveloped	DG, Downtown General
East	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Single-Family Residential; Undeveloped	DG, Downtown General

Request: The request is to rezone the subject property from R-O, Residential-Office, to DG, Downtown General.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The property's western frontage, an alley, is partially improved with asphalt paving. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is not available to the subject area.

Sewer: Sanitary sewer is not available to the subject area.

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

Fire: Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:
The proposed zoning district of DG, Downtown General, requires **10% minimum canopy preservation**. The current zoning district of R-O, Residential-Office, requires **20% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as a **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 ranged score of **9** for this site with a weighted score of **12.5**. The following elements of the matrix contribute to the score:

- AdequateFire Response (Station #1, 303 W. Center St.)
- Near Sewer Main (8-inch main, S. College Avenue (separate from subject property to the west))
- Near Water Main (8-inch main, S. College Avenue (separate from subject property to the west))
- Near U of A Campus
- Near City Park (Yvonne Richardson Community Center; Ralph "Buddy" Hayes Park)
- Near Paved Trail (Willow Avenue)
- Near ORT Bus Stop (Willow & Huntsville; Willow & Rock; Huntsville & Ray; N. College & Center (East))
- Near Razorback Bus Stop (Downtown Square)

- Near Sufficient Intersection Density

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds the proposed zoning of DG, Downtown General to be compatible with the surrounding area. The DG zoning use schedule is designed to support and allow a diverse range of residential, commercial, and institutional uses, which are located nearby (e.g., varied housing, Yvonne Richardson Community Center, Penguin Ed's, Feed & Folly, and downtown Fayetteville). Compare that with R-O which has limited by-right residential uses and is focused predominantly on allowing office commercial use. The property only fronts onto an alley, and with the City passing Ord. 6869, it is permissible for alleys to be used as frontage, allowing for this property to be developed. Like the existing R-O and nearby DG, RMF-24, and RI-U zoning districts, DG is an urban-form district which has a 0 to 25-foot build to zone, promoting pedestrian-oriented development by encouraging buildings to be constructed closer to the front property line. Additionally, the bulk and area requirements for R-O are considerably greater (60-90 lot widths for single- to three-family) than the 18-foot width requirement of DG, which allows for more development opportunities on smaller properties. The area requirements of R-O are more intense as well requiring 6,000 to 8,000 square feet of lot area for development compared to DG not having any. The setbacks for R-O are significantly greater than DG, further highlighting the required size of any property for development. Given the use allowances and greater flexibility for development that DG permits, Staff finds that rezoning the subject property to DG would allow for greater opportunities for development in the area.**

Land Use Plan Analysis: **Staff finds that a rezoning to DG 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 Area; these areas are intended to support a wide variety of housing types in walkable urban neighborhoods. A rezoning to DG could allow for the creation of residential opportunities due to the reduced lot size requirements, which can in turn can allow for diverse options of housing types. The property has a high infill score of 9, which indicates that this area is a suitable location for additional infill because of the available local infrastructure and development. The subject property is located near a Tier 1 city node, which is located at the Downtown Square, 1,900 feet away. As per the City's 2040 plan, "buildings found in a Tier One Center include multi-story residential and commercial with a dense mix of shops, homes, jobs, and amenities." Staff finds that the requested rezoning could allow for the creation of missing middle housing that meets City Goals #1 (appropriate infill), #3 (compact development), and #6 (attainable housing options).**

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 R-O to DG is justified. Rezoning to DG would allow for infill development that is consistent with the City's planning objectives and policies.**

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

Finding: **Rezoning the property to DG has the potential to increase traffic along adjacent streets, but only minimally as the size of the property is small with significant topography challenges, capping density.**

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

Finding: **Rezoning the property from R-O to DG has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The property does not have access to existing water and sanitary sewer infrastructure, though this could be developed due to its close proximity to existing mains. The subject property is close to other public services. Fayetteville Public Schools did not comment on this request.**

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

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

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0052 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION		**Required**	**YES**
Date: November 10, 2025	❒ **Tabled**	❒ **Forwarded**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
  - §161.20 District R-O, Residential Office
  - §161.28 Downtown General
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

161.20 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses*.

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density*.

Units per acre	24 or less

(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet

Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum*.

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet
Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

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

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

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5735 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6164, §§1, 2, 3, 4-2-19; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

161.28 Downtown General

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

(B) *Uses.*

(1) *Permitted Uses.*

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

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling (all unit types)	18 feet

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations*.

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

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

(G) *Building Height Regulations.*

Building Height Maximum	5 stories

(Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

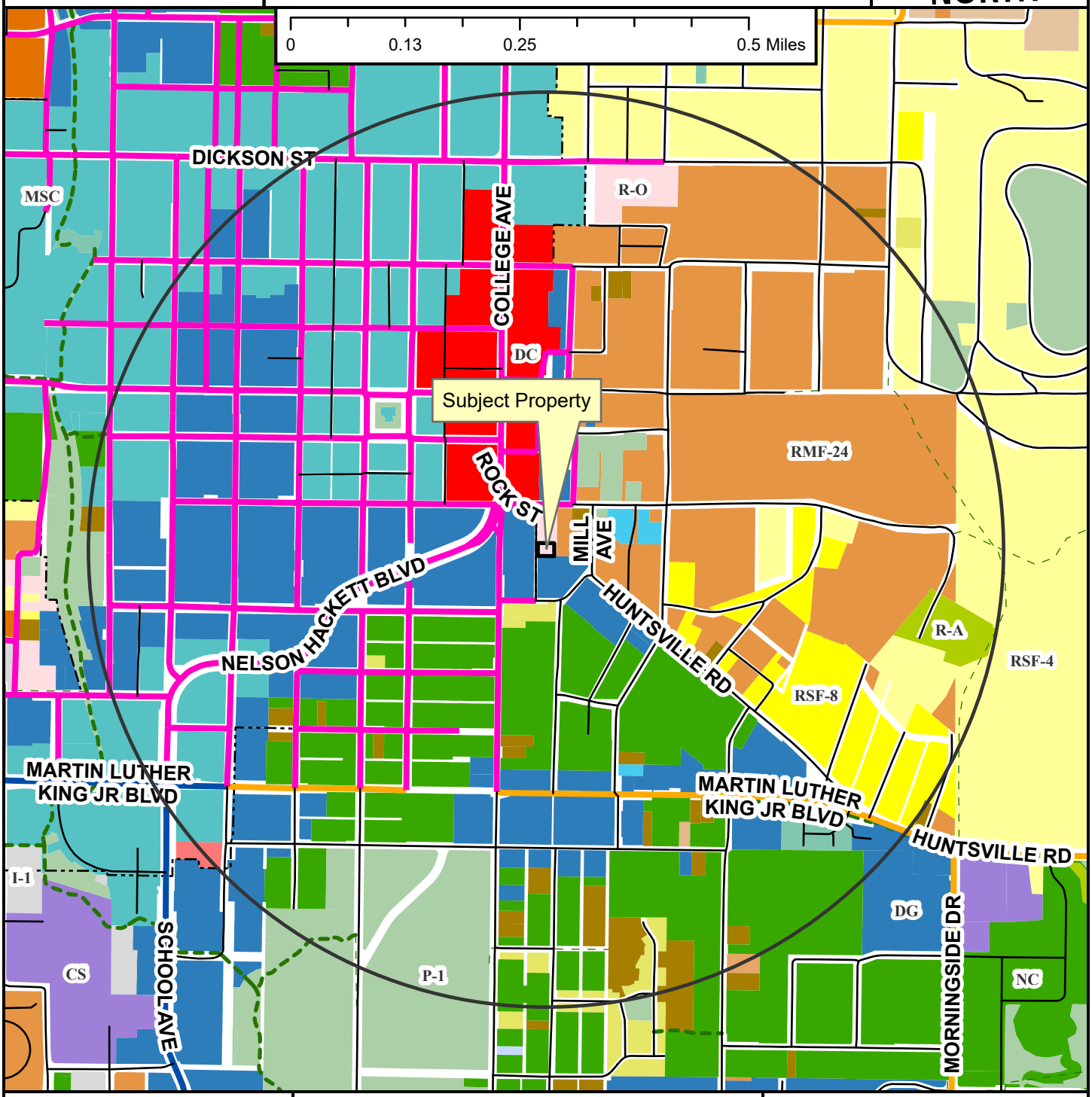
Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

RZN-2025-0052

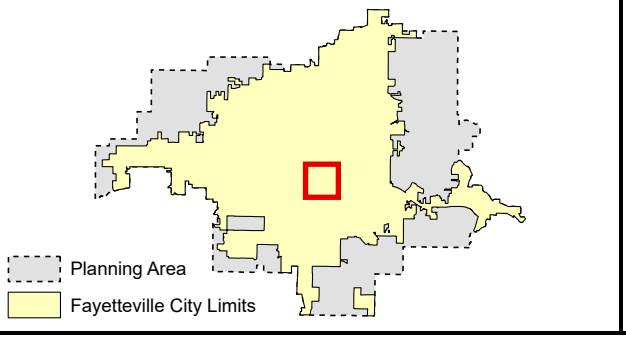
One Mile View

SOUTH OF 111 E. ROCK ST

NORTH



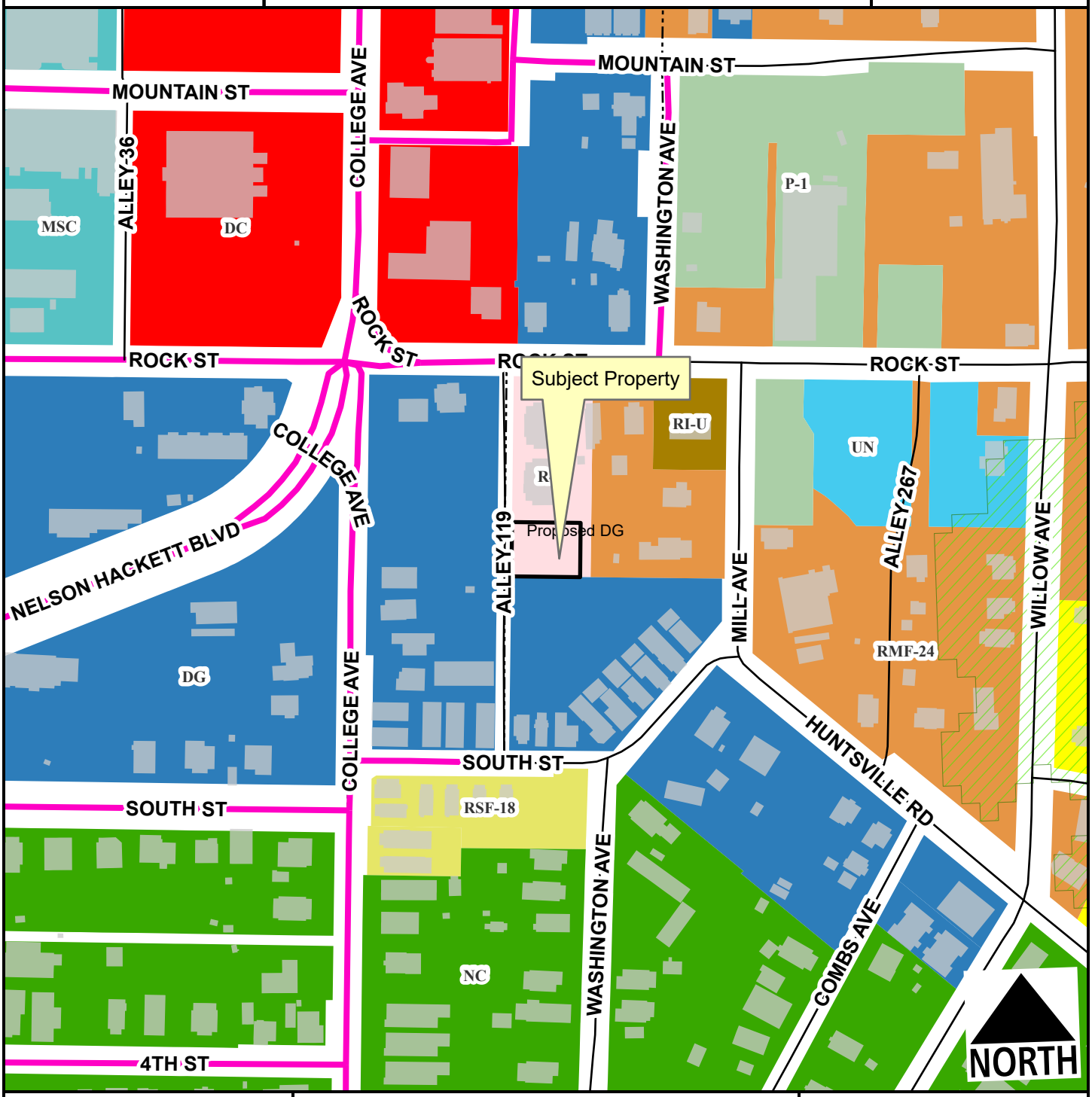
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



RZN-2025-0052

Close Up View

SOUTH OF 111 E. ROCK ST



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

Feet

0 75 150 300 450 600

1:2,400

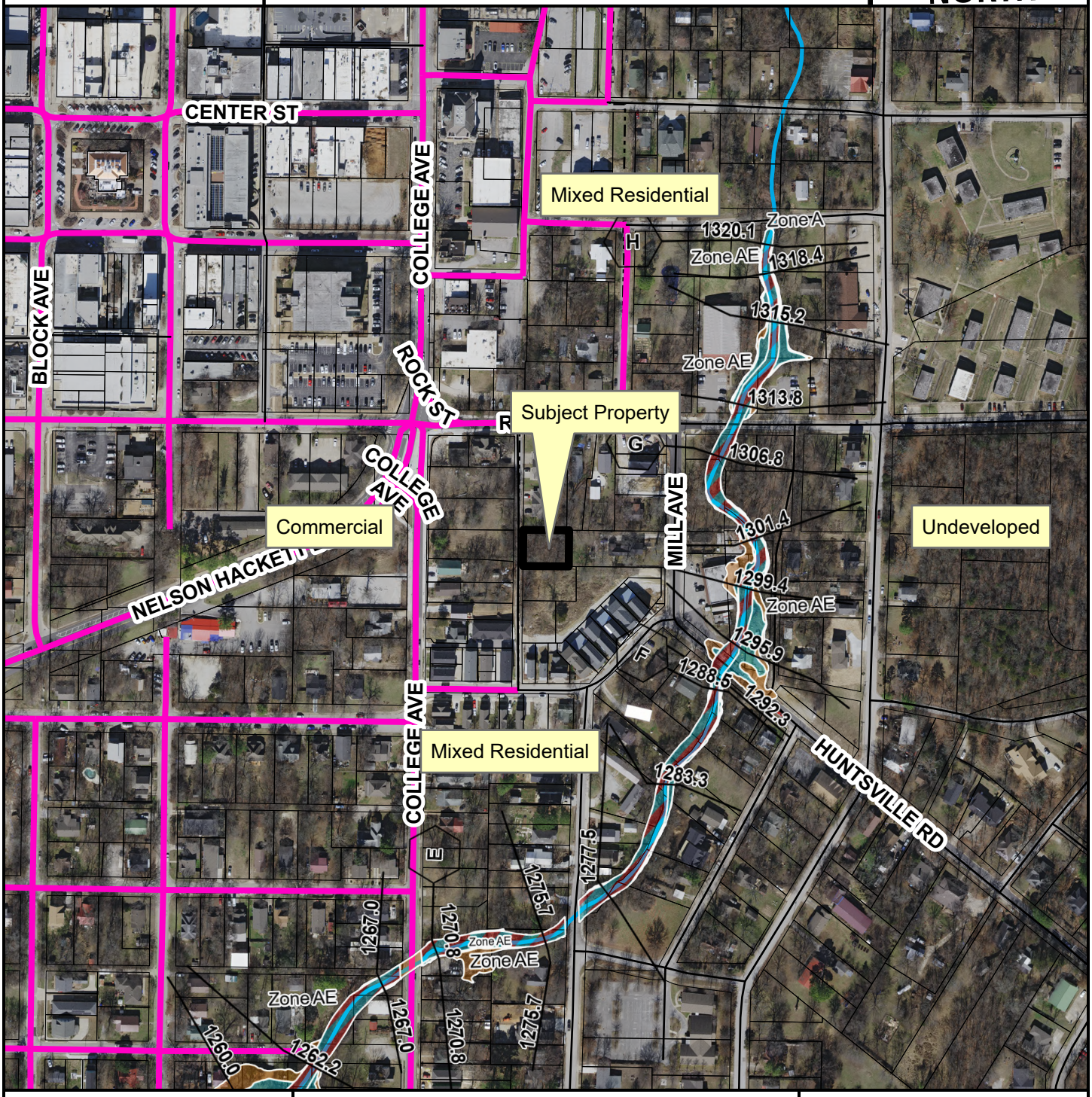
Zone	Current	Proposed
DG	0.0	0.2
R-O	0.2	0.0
Total	**0.2 ac**	

RZN-2025-0052

Current Land Use

SOUTH OF 111 E. ROCK ST

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

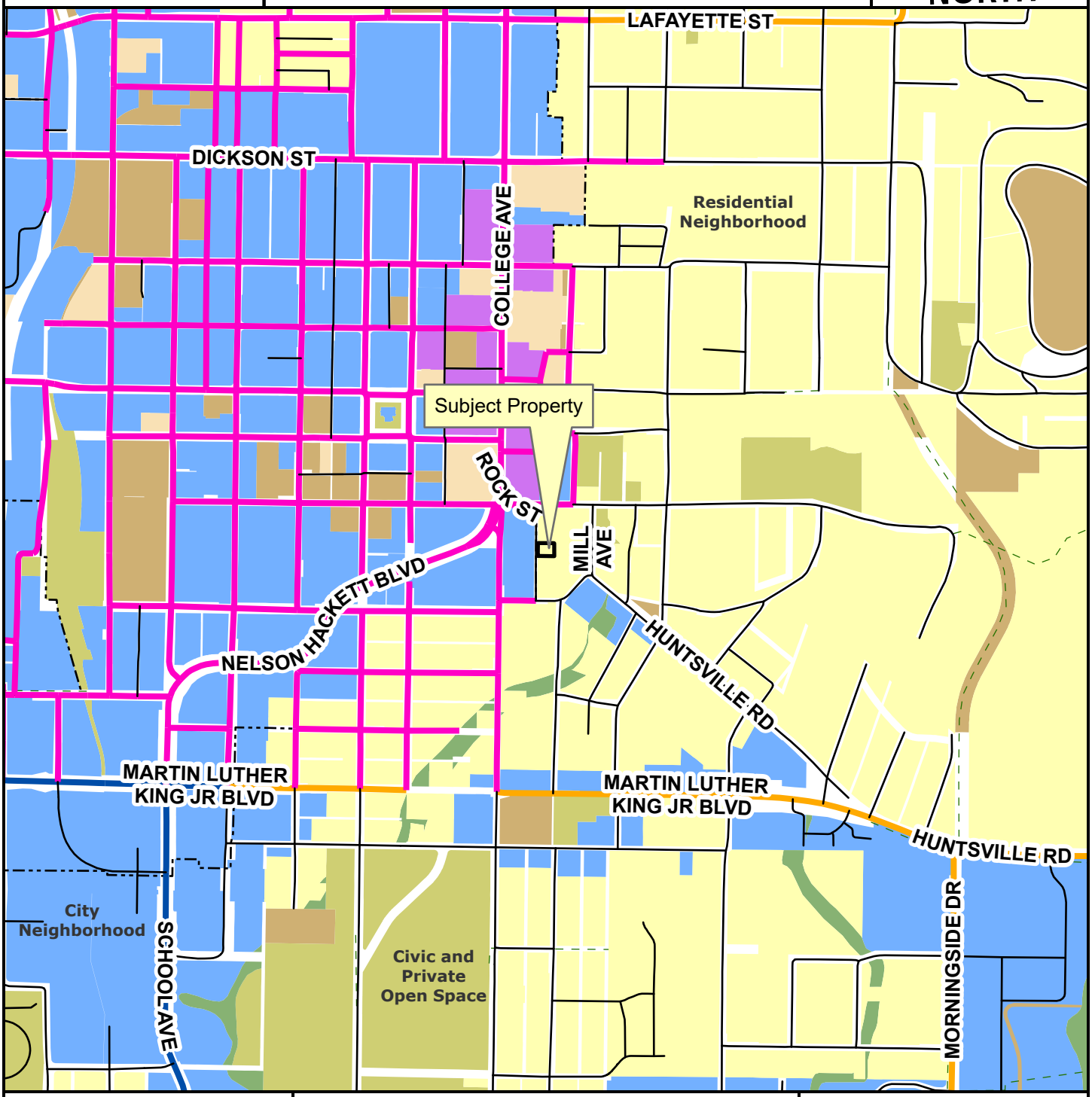
100-Year Floodplain
Floodway

RZN-2025-0052

Future Land Use

SOUTH OF 111 E. ROCK ST

NORTH



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

Feet

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

1:10,000

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

flintlock
ARCHITECTURE & LANDSCAPE

September 25, 2025

222 S COLLEGE

PETITION TO CHANGE ZONING OF A SINGLE LOT

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

Flintlock Ltd Co requests that the zoning designation of the following lot (parcel # 765-02973-000) be changed from Residential Office (R-O) to Downtown General (DG):

- 222 S College Avenue (765-02973-000)

REASON FOR ZONING CHANGE REQUEST / STATEMENT OF NEED:

The zoning change request will allow for rational redevelopment of the lot. RO is not suited for this type of lot, as it does not have traditional street frontage, and it is currently surrounded by the DG zoning district. The DG zone was designed to promote "a flexible and dynamic range of uses" and allows for narrow lot width and no lot area minimum, which will help in the development of this lot and its compatibility with the surrounding neighborhood.

IMPACT ON NEIGHBORS & CITY:

The requested zoning change will minimally impact the surrounding properties in terms of land use, traffic, and signage. It is not expected to increase traffic danger or congestion. Parking will be off street, located on the property. Water and Sewer are available at the flag lot of this property. For noise purposes, the DG district is a residential zone. The proposed zoning is the most well-matched change that will allow the site to be compatible with the adjacent growth.

CONSISTENT WITH LAND USE PLANS:

It is our opinion that the proposed zoning change is entirely consistent with both land use planning objectives, principles, and policies and is consistent with the neighborhood. The Future Land Use Map calls out the flag lot to be designated as City Neighborhood, which "supports the widest spectrum of uses and encourages density in all housing types…". The rezoning will allow the property to be developed in a manner that is directly in line with the City's 2040 goal to "…make appropriate infill and revitalization our highest priorities."

Respectfully,
FLINTLOCK LTD CO

Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect