

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, November 24, 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: 872 7828 7008

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_9kiNHT2iRPy0CCyiUhgSQA

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the November 10, 2025 Planning Commission Meeting. - Mirinda Hopkins, Development Coordinator

Unfinished Business

New Business

2. **LSD-2025-0015: Large Scale Development (W. ELM ST AND N. LEVERETT AVE/RAZORBACK HOUSING, LLC, 366):**

Submitted by CRAFTON TULL for property located on W. ELM ST AND N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 14.40 acres. The request is for a 278-unit private dormitory with associated parking.

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

3. **VAR-2025-0048: Planning Commission Variance (S. SCHOOL AVE & W. 22ND ST/MACVILLE LLC, 640):**

Submitted by FLINTLOCK LTD for property located on S. SCHOOL AVE & W. 22ND ST. The property is zoned UC, URBAN CORRIDOR and contains approximately 1.07 acres. The request is for a variance to street improvements. - Jessica Masters, Planning Director

4. **LSD-2025-0016: Large Scale Development (1020 S. SCHOOL AVE/STEVENS PROPERTIES FAYETTEVILLE LLC, 562):**

Submitted by DCI for property located at 1020 S. SCHOOL AVE. The property is

zoned DG, DOWNTOWN GENERAL and contains approximately 2.60 acres. The request is for a 130-unit multi-family development with associated parking. - Jessica Masters, Planning Director

5. VAC-2025-0025: Vacation (1370 & 1378 S. VAN BUREN AVE/HJL INVESTMENTS LLC, 561):

Submitted by HJL INVESTMENTS LLC for property located at 1370 & 1378 S. VAN BUREN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and both properties each contain approximately 0.30 acres. The request is to vacate 0.25 acres of right-of-way. - Wesley Frank, Planner

6. CUP-2025-0051: Conditional Use Permit (W. CENTER ST & S. GREGG AVE/REINDL INVESTMENTS, 522):

Submitted by PRISM DESIGN STUDIO for property located at W. CENTER ST & S. GREGG AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.62 acres. The request is to use the property for offsite parking. - Jessica Masters, Planning Director

7. CUP-2025-0052: Conditional Use Permit (WEST OF 2143 S. CLOVER DR/SNODGRASS, 639):

Submitted by SNODGRASS SIGNS for property located WEST OF 2143 S. CLOVER DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to allow an accessory structure on a lot without a principal structure. - Wesley Frank, Planner

8. CUP-2025-0053: Conditional Use Permit (2096 N. BOX AVE/BOX PROPERTY HOLDINGS LLC, 372):

Submitted by BATES & ASSOCIATES for property located at 2096 N. BOX AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.40 acres. The request is for a cluster housing development. - Donna Wonsower, Senior Planner

9. CUP-2025-0054: Conditional Use Permit (168 N. CROSSOVER RD/HARPS, 488):

Submitted by JAMES HARPS for property located at 168 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.53 acres. The request is for an accessory structure without a residential dwelling. - Citlali Samano, Planner

10. 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. - Donna Wonsower, Senior Planner

11. RZN-2025-0053: Rezoning (1539 W. SLIGO ST/EASY SUNSET LLC, 599):

Submitted by EASY SUNSET LLC for property located at 1539 W. SLIGO ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.17 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Citlali Samano, Planner

12. RZN-2025-0054: Rezoning (187 E. 12TH ST/ROSENGARDEN, 563):

Submitted by WESLEY BATES for property located at 187 E. 12TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD. - Wesley Frank, Planner

13. RZN-2025-0055: Rezoning (2040 N. EASY AVE/FLETCHER, 367):

Submitted by GREENWAY CARRIAGE HOUSE for property located at 2040 N. EASY AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL. - Wesley Frank, Planner

14. RZN-2025-0056: Rezoning (1723 N. CHESTNUT AVE/MASCHOFF & HALASZ, 366):

Submitted by DABS PROPERTIES LLC for property located at 1723 N. CHESTNUT AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL, and contains approximately 0.83 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Jessica Masters, Planning Director

15. LSD-2025-0014: Large Scale Development (1755 S. ARMSTRONG AVE/PACKAGING SPECIALTIES INC, 604):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 1755 S. ARMSTRONG RD. The property is zoned 1-2, GENERAL INDUSTRIAL and contains approximately 5.14 acres. The request is for a 790-square foot loading dock, associated driveway, and minor park improvements.

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

Items Administratively Approved by Staff

16. LSP-2025-0044: Lot Split (245 S. HAPPY HOLLOW RD/CRIST, 526):

Submitted by TRACEY FLETCHER for property located at 245 S. HAPPY HOLLOW RD. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE and contains 2.47 acres. The request is to split the property into two lots containing approximately 2.00 and 0.47 acres. - Wesley Frank, Planner

Agenda Session Items**Announcements****Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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

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

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

(pg. 1) Planning Commission		Monday, 11/10/2025				
Time: 5:30 PM						
Staff : ☐ Jonathan Curth ☒ Jessie Masters ☐ Donna Wonsower ☐ Wesley Frank ☒ Citlali Samano ☐ Willa Thomason ☐ Bethany Douglas						
☒ Britin Bostick ☒ Kylee Cole ☐ Chris Brown ☐ Justin Bland ☐ Melissa Boyd ☐ Dayten Moses ☒ Alan Pugh ☒ Fire Marshal						
	Roll Call	1) Minutes (10/27/2025)	2) ADM-2025-0037 (AMERICAN TOWER)	3) ADM-2025-0043 (IRISH BEND)	4) ADM-2025-0045 (OAK GROVE LOCAL HISTORIC DISTRICT PETITION)	5) ADM-2025-0046 (FARM AT SOUTH SCHOOL)
Brink	1	1	1		1	1
Madden	1	1	1		1	1
McGetrick	1	1	1		1	1
Castin	1	1	1		1	1
Werner	0					
Holeyfield	1	1	1		1	1
Gulley	1	1			1	1
Cabe	1	1	1		1	1
Payne	1	1	1			
Agenda		Consent	Old	Old	New	New
Action		Approve	Approve	Withdrawn	Forward	Table
Motion By		Cabe	Cabe		Cabe	Cabe
Motion 2nd		Madden	Castin		Payne	Castin
Vote		8-0-0	8-0-0		8-0-0	7-0-1
Time		5:31 PM	5:37 PM		6:12 PM	6:14 PM
Motion Detail			With all conditions as recommended by staff.		Motion to forward to HDC with a recommendation of approval.	Until the Jan. 12, 2025 Planning Commission meeting.
Public Comment		0	0		4	0

(pg. 2) Planning Commission		Monday, 11/10/2025						
	6) VAR-2025-0046 (SHADDY)	7) VAR-2025-0047 (NIERENGARTEN & HENDRICKS)			8) VAC-2025-0023 (OP III FAY S DUNCAN)	9) VAC-2025-0024 (KENT)	10) RZN-2025-0050 (MICHAEL COLE DR LLC)	11) RZN-2025-0052 (KCMS)
Brink	1	1	0	1	1	1	1	1
Madden	1	1	0	1	1	1	1	1
McGetrick	1	1	0	1	1	1	1	1
Castin	1	1	0	1	1	1	1	1
Werner								
Holeyfield	1	1	0	1	1	1	1	1
Gulley	1	1	0	1	1	1	1	1
Cabe	1	0	1	0	1	1	1	1
Payne	1	1	1	0	1	1	1	1
Agenda	New	New			New	New	New	New
Action	Table	Divide	Conditions	Approve	Forward	Forward	Table	Forward
Motion By	Castin	Castin		Payne	Cabe	Cabe	Cabe	Cabe
Motion 2nd	Cabe	McGetrick		Cabe	Payne	Castin	Madden	Castin
Vote	8-0-0	7-1-0	2-6-0	6-2-0	8-0-0	8-0-0	8-0-0	8-0-0
Time	6:16 pm		7:08 PM		7:11 PM	7:29 PM	7:30 PM	7:36 PM
	Until the Dec. 8, 2025 Planning Commission meeting.		Approval with conditions. Failed- Conditions removed.		With a recommendation of approval.	With a recommendation of approval.	Until the Dec. 8, 2025 Planning Commission meeting.	
Public Comment	0	1			0	1	0	1

(pg. 3) Planning Commission		Monday, 11/10/2025				
	12) RZN-2025-0049 (WELLERMAN TRUST)					
Brink						
Madden						
McGetrick						
Castin						
Werner						
Holeyfield						
Gulley						
Cabe						
Payne						
Agenda	New					
Action	Withdrawn					
Motion By						
Motion 2nd						
Vote						
Time						
Motion Detail						
Public Comment						



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director
Justin Bland, City Engineer
Bethany Douglas, Urban Forester

MEETING: November 24, 2025

SUBJECT: **LSD-2025-0015: Large Scale Development (W. ELM ST AND N. LEVERETT AVE/RAZORBACK HOUSING, LLC, 366):** Submitted by CRAFTON TULL for property located on W. ELM ST AND N. LEVERETT AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 14.40 acres. The request is for a 278-unit private dormitory with associated parking.

RECOMMENDATION:

Staff recommends tabling **LSD-2025-0015** to the December 8 Planning Commission meeting, at the applicant's request.

RECOMMENDED MOTION:

"I move to table LSD-2025-0015 to the December 8 Planning Commission meeting."

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>November 24, 2025</u>		☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

BUDGET/STAFF IMPACT:

None



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Justin Bland, City Engineer
Willia Thomason, Urban Forester

MEETING DATE: November 24, 2025

SUBJECT: **VAR-2025-0048: Planning Commission Variance (S. SCHOOL AVE & W. 22ND ST/MADVILE LLC, 640):** Submitted by FLINTLOCK LTD for property located on S. SCHOOL AVE & W. 22ND ST. The property is zoned UC, URBAN CORRIDOR and contains approximately 1.07 acres. The request is for a variance to street improvements.

RECOMMENDATION:

Staff recommends partial approval of **VAR-2025-0048**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0048** determining:*

- In denial of the requested variance to UDC §171.13(A) Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk;*
- In approval of the requested variance to UDC §177.05(A)(2)(a), which requires street trees with new development;*
- In favor of all conditions as recommended by City staff.*

BACKGROUND:

The subject property is in south Fayetteville on the northeast corner of S. School Avenue and W. 22nd Street. Containing 1.07 acres, the property is currently undeveloped and is zoned UC, Urban Corridor. Residential building permits for four townhomes have been submitted for review. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1: Surrounding Land Use and Zoning

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

Request: The applicant is requesting a variance to the following code sections in response to a proposal to construct a 4-unit townhome:

- §171.13(A)** Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk.
- §177.05(A)(2)(a)** All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section

DISCUSSION:

Variance #1: §171.13(A) Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk. The owner of any property abutting a public street or highway for which a sidewalk is required by the city's Master Street Plan shall construct a sidewalk in accordance with this chapter, along said street or highway upon the receipt of notice issued at the time a building permit is issued. The applicant would like to omit required sidewalk improvements on S. School Avenue and W. 22nd Street.

Staff recommendation: Staff recommends denial of this request. The City Engineer has the authority in this section of ordinance to review whether sidewalk shall be installed, or whether to accept fee-in-lieu as an alternative. In this instance, the City Engineer has determined that a fee-in-lieu is still warranted, which is why the applicant is seeking this variance. Along S. School, there is an existing retaining wall, and the cost to remove it and install sidewalk to the full master street plan standards would likely exceed the rough proportionality of the project's scale. The City Engineer is recommending a fee-in-lieu of \$4,546.01 for the 101 linear feet of frontage along S. School. Along W. 22nd Street, the City Engineer recommends a fee-in-lieu of \$19,290, though acknowledges that if sidewalk is ultimately installed with other phases, the money would be returned to the applicant. Further information is attached in a memo.

Variance #2: §177.05(A)(2)(a) All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section; street trees are intended to be planted in a greenspace strip between the curb and sidewalk or in urban tree wells in accordance with the Master Street Plan. The applicant has requested an exemption to this requirement to delay planting street trees along W. 22nd Street.

Staff recommendation: Urban Forestry staff recommend in favor of this request, finding it reasonable to allow the delay so that there will not be conflicts with future construction. Should future development occur on the property, an evaluation of necessary street tree plantings will be done with future development.

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

RECOMMENDATION: Staff recommends partial approval of VAR-2025-0048, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §171.13(A) Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk.** *Staff recommends denial of the variance, and recommends approval of the following fees-in-lieu:*
 - a. S. College Avenue: \$4,546.01
 - b. W. 22nd Street: \$19,290.00
2. **Planning Commission determination of a variance to §177.05(A)(2)(a) All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section.** *Staff recommends in favor of the variance for the reasons stated above.*
3. 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 or requested.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: November 24, 2025

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §171.13(A), Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk.
 - §177.05, Street Tree Planting Standards
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Engineering Memo
 - Urban Forestry Memo
 - Applicant Request Letter
-

171.13 Property Owner To Construct Sidewalk Or Contribute Cost Of Sidewalk

(A) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the city's Master Street Plan shall construct a sidewalk in accordance with this chapter, along said street or highway upon the receipt of notice issued at the time a building permit is issued.

- (1) The property owner shall construct the sidewalk in accordance with the specifications provided in the Minimum Street Standards.
- (2) The property owner may request a variance to §171.13(A)(1) requiring sidewalk construction. The City Engineer shall review the following factors to determine whether or not to grant the variance to allow payment of a fee in lieu of sidewalk construction:
 - (a) Pedestrian traffic generators such as parks and schools in the area.
 - (b) The existence of a sidewalk network in the area.
 - (c) The density of current and future development in the area.
 - (d) The amount of pedestrian traffic likely to be generated by the proposed development.
 - (e) Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which trees, ground cover and natural areas would be adversely impacted by the construction of the sidewalk.
 - (f) The overall need for a sidewalk to be constructed on the lot.
- (3) A project being constructed pursuant to §166.28 Permit-Ready Building Design Program shall have the option to pay a fee in lieu of constructing the sidewalk without receiving a variance.
- (4) If the City Engineer grants the variance, the owner shall have an option to construct the sidewalk, or to contribute money in lieu of construction as set forth below:
 - (a) The amount of money in lieu of construction to be dedicated shall be determined based upon the rough proportionality of the impact of the development upon the sidewalk infrastructure needs near the development including consideration of the persons served by the development and approximate pedestrian trip generation rates of the development.

- (b) Unless the developer presents evidence that the number of persons served by the development and the pedestrian trip generation rates of the development justify a reduced contribution in lieu of the construction of sidewalks, all developments shall make a cash contribution in lieu of the construction of the sidewalk in an amount established by the City Engineer and based on current construction costs, as determined by a yearly bid for construction, Arkansas Department of Transportation published weighted averages, or similar data.
 - (c) Contribution in lieu of construction of sidewalks shall be paid or construction of the sidewalks shall be completed before receiving final plat approval, or issuance of a certificate of occupancy.
 - (d) Contributions must be expended within seven (7) years to build a sidewalk close enough to serve the project being constructed.
 - (e) If the owner voluntarily consents in writing, the contributions may be used to construct sidewalk projects where most needed as determined by the City Engineer.
 - (5) An owner/builder may appeal the City Engineer's refusal to grant a variance or the administrator's determination of the amount of contribution in lieu of construction to the Planning Commission pursuant to §155.06(D).
- (B) *Application of Provisions.* The provisions of this section shall only apply to the following property:
- (1) *New Structure.* On which a new structure is being built.
 - (2) *Existing Residential Structure.* On which an existing residential structure is being modified so as to increase the number of dwelling units located therein or to change the use of the nonresidential use.
 - (3) *Parking Lot/Garage.* On which a parking lot, or parking garage having a minimum capacity of five (5) automobiles is constructed.
 - (4) *Building Additions.* Additions of 2,500 square feet or larger.
 - (5) *Conditional Use.* Any development which requires conditional use approval.
- (C) *Exceptions.* Sidewalk construction is not required for accessory dwelling units; however, reconstruction or repairs resulting from the construction of the accessory dwelling unit may be required.

(Code 1965, §18-31; Ord. No. 2653, 8-5-80; Ord. No. 2780, 11-17-81; Ord. No. 2917, 5-3-83; Ord. No. 3113, 9-3-85; Code 1991, §98.66; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4311, 5-1-01; Ord. No. 4387, 4-16-02; Ord. No. 5789, Repealed & Replaced Chp. 171, 8-4-15; Ord. No. 6350, §7(Exh. F), 8-18-20; Ord. No. 6724, §1(Exh. A), 3-19-24; Ord. No. 6870, §2, 5-6-25)

177.05 Street Tree Planting Standards

- (A) *Applicability.* All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section and the adopted policies of the Landscape Manual and Fayetteville's Tree Ordinance.
- (1) All street tree planting plans shall follow the submittal criteria set forth in Ch. 177.03 Landscape Plan Requirements.
 - (2) *Street Tree Planting Requirements.*
 - (a) Street trees are intended to be planted in a greenspace strip between the curb and sidewalk or in urban tree wells in accordance with the Master Street Plan. The intent of the street tree planting location is to shade the sidewalk, provide a barrier between vehicles on the street and pedestrians, increase motorized traffic and pedestrian safety, and spatially frame the street. Existing trees within the build-to-zone shall be counted towards the required number of street trees. When there is not adequate greenspace between the curb and sidewalk and urban tree wells are not appropriate, or there are utilities or other structural conflicts in the greenspace strip between the curb and sidewalk, the Urban Forester may permit street trees in greenspace behind the sidewalk and on private property.
 - (b) Plans shall indicate the spacing of trees along all newly created public and private streets within the development site. At the request of the developer, the Urban Forester may exempt specific areas from required tree planting where the terrain or existing trees make the planting of new trees impracticable. Examples include, but are not limited to:
 - (i) Where the finish grade slope in the planting area between the top back of the street curb and the property line is in excess of 30%.
 - (ii) Where bedrock is encountered within 30 inches of finish grade in the planting area between the top back of the curb and the property line.
 - (iii) Where existing healthy trees that are shown to be preserved within the right-of-way are in such close proximity they would prevent a new tree from establishing a full canopy when mature.

- (c) Plans shall identify the species of trees to be planted, which must be selected from the Landscape Manual or otherwise approved by the Urban Forester. Street trees shall be large species canopy trees.
 - (d) Plans shall identify the size and quality of trees which must meet or exceed the standards adopted in the Landscape Manual.
 - (e) Indicate the location of all points of access (driveways, sidewalks and public & private utilities) within the proposed development. The developer shall ensure that driveways, sidewalks, utilities, etc. will not endanger the livelihood of the proposed trees, and shall plan accordingly.
 - (f) A maintenance agreement and landscape establishment guarantee shall be established. All plans shall include a binding three (3) year maintenance and monitoring plan, which shall hold the developer responsible for the health of all planted trees.
 - (g) Approval of a maintenance agreement and landscape establishment guarantee shall be contingent upon the developer depositing with the City of Fayetteville a surety or contract, as outlined in 177.10.
 - (h) Upon completion of the three (3) year landscape establishment period, the Urban Forester shall inspect the site and determine whether 90% percent of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the City of Fayetteville shall release the currency, bond or letter of credit.
 - (i) In the absence of such a finding, the developer shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Urban Forester. If the developer does not take remedial steps to bring the property into compliance, the City of Fayetteville shall use the necessary monies from the landscape establishment guarantee to do so.
 - (j) In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail or lightning strikes, or through the independent actions of their parties, the developer shall be relieved of the responsibility of replanting the tree or trees so affected.
 - (k) Contain such other information as may be required to reflect how the plan addresses the remaining policies within the Landscape Manual.
- (3) Street tree plantings that are above and beyond the requirements as established herein may count as on-site tree mitigation, with approval of the Urban Forester.
- (4) *Timing of Planting.* The Urban Forester shall recommend to the Planning Commission the option that will potentially result in accomplishing the most objectives of this chapter.
- (a) *Street Tree Planting with Infrastructure (Subdivisions Only).* The developer may choose to provide a landscape plan that conforms to the regulations herein, with all landscaping along streets to be installed prior to final plat approval and acceptance of public improvements associated with the development. If planted prior to final plat approval, the developer shall provide proper measures to ensure the longevity of health of all planted trees during development of individual lots; or
 - (b) *Street Tree Planting with Development (Subdivisions Only).* The developer may choose to provide a landscape plan that conforms to the regulations herein only to the extent that future development on lots created by the subdivision shall be responsible for individual landscape plans as each lot develops.
 - (c) *Street Tree Planting with Concurrent Development.* Where development approval is requested (large scale, building permit, parking lot permit, etc.), the developer shall provide a detailed landscape plan that conforms to the regulation established by this chapter.
 - (d) Street tree planting plans shall be submitted with the plans submitted for development or subdivision approval by the Planning Commission, in accordance with the options listed herein.
 - (e) A written description of the method(s) and time frame the project will utilize to track development of each individual lot shall be submitted by the developer to ensure the required street trees are planted and their longevity of health assured.

(Ord. No. 4917, 9-05-06; Ord. No. 5003, 4-17-07; Ord. No. 5057, 9-04-07; Ord. No. 5513, 7-17-12; Ord. No. 5818, 10-20-15; Ord. No. 5859, §4, 5, 3-15-16; Ord. No. 6579, §1, 6-21-22)

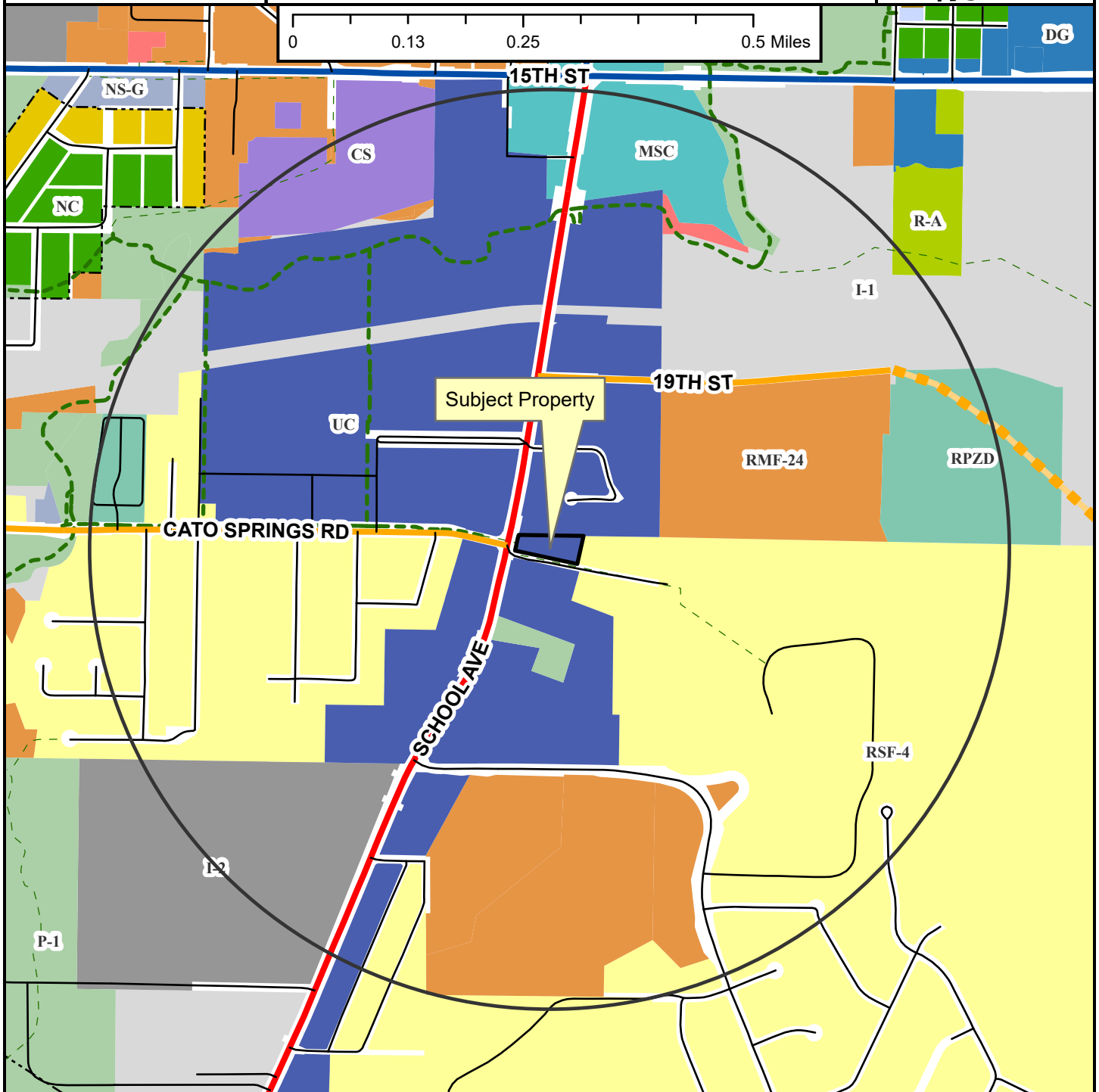
VAR-2025-0048

One Mile View

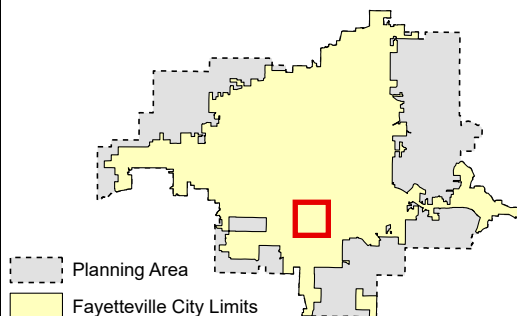
S. SCHOOL AVE & W. 22ND ST

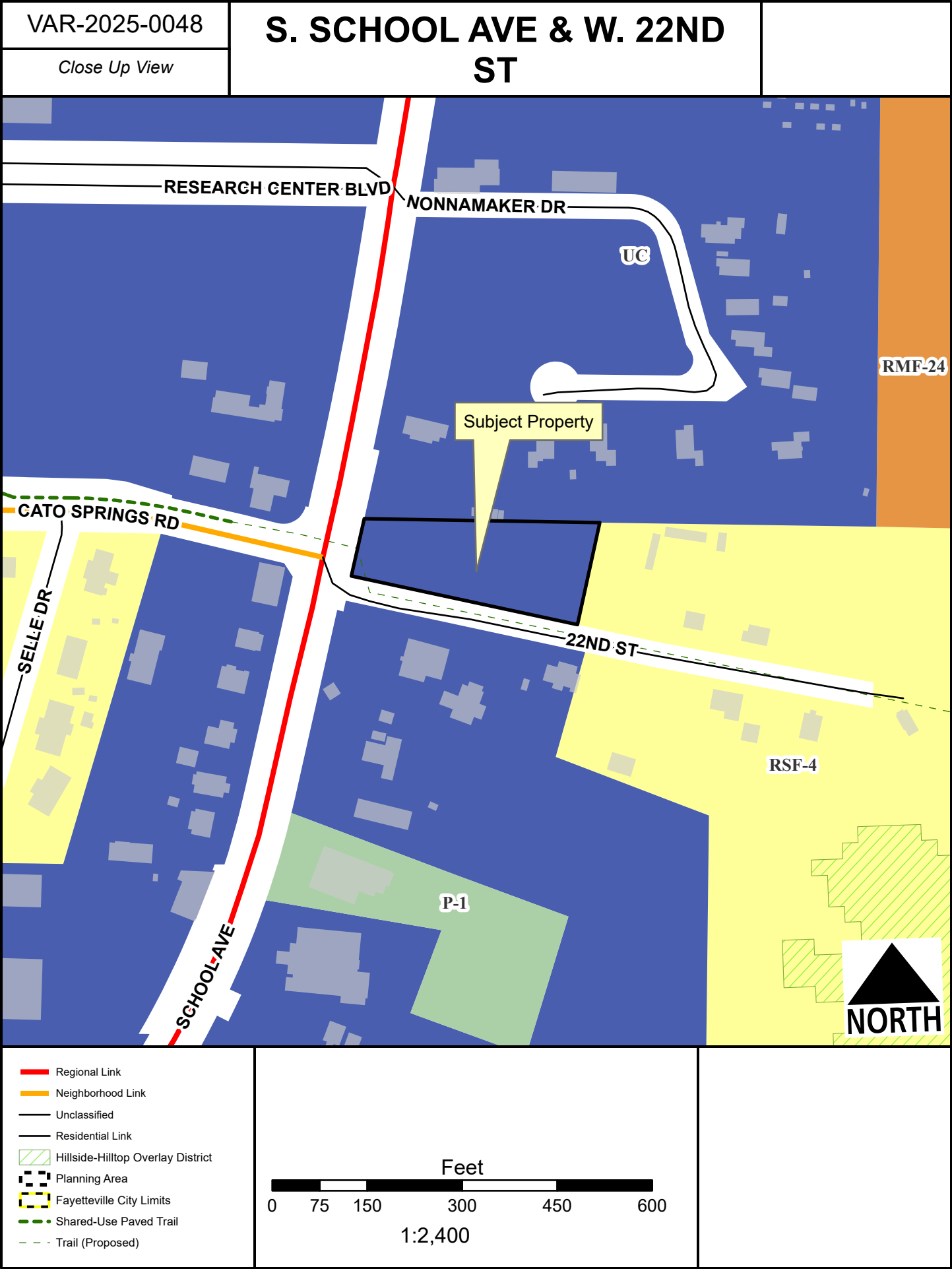


0 0.13 0.25 0.5 Miles



- 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





VAR-2025-0048

S. SCHOOL AVE & W. 22ND ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

November 11, 2025

2100 S SCHOOL: RESI-2025-06(33-36)

PETITION FOR STREET IMPROVEMENTS VARIANCE

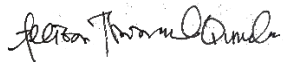
Dear Justin,

Flintlock LTD Co on behalf of Troy Orsburne, respectfully requests the following variances:

- A variance of UDC171.13(A) to omit street improvements on S School. Due to the existing grading and an existing retaining wall that is continuous past this property, widening the sidewalk would require a substantial investment to demolish and rebuild a retaining wall further into the hillside for limited pedestrian benefit for a single lot improvement along a long stretch of state highway. We have provided a pedestrian connection from the front and back of the units to the proposed sidewalk along W 22nd St. We believe the impact of this project is not high enough to warrant providing street improvements at this time and would create a hardship for our client.
- A variance of UDC171.13(A) to omit street improvements on the entirety of W 22nd St. The linear footage of street improvements is over the rational nexus of impact of these four small houses. They will not be using the street or sidewalk in that direction as it is a dead-end street. The street improvements for the remainder of W 22nd will be built as the future phases are installed. We believe the impact of this project is not high enough to warrant providing street improvements for the entire length at this time and would create a hardship for our client.

Granting of these variances will allow development of this property in a manner that is reasonable, customary, and consistent with other properties in the area.

Respectfully,
FLINTLOCK LTD CO



Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect

November 11, 2025

2100 S SCHOOL: RESI-2025-06(33-36)

PETITION FOR STREET IMPROVEMENTS VARIANCE

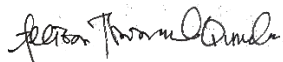
Dear Willa,

Flintlock LTD Co on behalf of Troy Orsburne, respectfully requests the following variance:

- A variance of UDC177.05(A)2(a) to provide the street trees along the initial phase of this phased project, and to delay street tree planting along the entirety of W 22nd St. A future phase will be built along W 22nd Street, which will then provide the remaining street trees in conjunction with the street improvements. The linear footage of street improvements is over the rational nexus of impact of these four small houses. They will not be using the street or sidewalk in that direction as it is a dead-end street. We believe the impact of this project is not high enough to warrant providing street trees and improvements for the entire length at this time and would create a hardship for our client.

Granting of this variance will allow development of this property in a manner that is reasonable, customary, and consistent with other properties in the area.

Respectfully,
FLINTLOCK LTD CO



Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect



TO: Jessie Masters, Planning Director

FROM: Justin Bland, City Engineer

DATE: November 19, 2025

SUBJECT: **Planning Commission Engineering Comments for
VAR-2025-0048 School and 22nd Street**

Staff is not supportive of the variance request to not construct or pay a fee-in-lieu of sidewalk construction across the full frontage of the subject property as described below:

S. School Ave. – This section of School Ave. is a Regional Link which has a 56' wide roadway and 8' sidewalks. Staff agrees that the cost to move the existing retaining wall would not be proportional to the proposed residential development. However, since the existing sidewalk is approximately 4.5' wide, staff does recommend a fee-in-lieu for the remaining 3.5' to meet the Regional Link cross section. The standard fee-in-lieu amount is based upon the published average sidewalk cost from ArDOT's most recent bid listing. That is currently \$115.74/sq. yard or \$12.86/sq. ft. This results in a fee-in-lieu cost of \$4,546.01 for the 101 linear feet of frontage.

W. 22nd St. – This section of W. 22nd St. is a Residential Link which has a 28' roadway and 6' sidewalks. The request to not build the sidewalk is reasonable considering the phased approach to this development. Any sidewalk constructed now would likely be damaged during future construction. However, staff is recommending a fee-in-lieu be paid for this sidewalk. This is in case the future phases of the project are never completed. In the event they are built, the city would be able to refund the paid fee-in-lieu for any future sidewalk constructed. The fee for the remaining 250' of frontage along W. 22nd St. is \$19,290.



Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Willa Thomason, Urban Forester

MEETING DATE: November 24, 2025

SUBJECT: **VAR-2025-0042: 2098 S School Ave** - S. SCHOOL AVE & W. 22ND ST - Submitted by FLINTLOCK LTD for property located on S. SCHOOL AVE & W. 22ND ST. The property is zoned UC, URBAN CORRIDOR and contains approximately 1.07 acres. The request is for a variance to street improvements. PP 640

RECOMMENDATION: Urban forestry staff recommends approval of VAR-2025-0048, a variance request to §177.05(A)(2)(a): Street Tree Planting Requirements.

DISCUSSION: The applicant is requesting a variance to UDC §171.13 to omit street improvements along S School Ave, and W 22nd St, and to §164.06(G)(4) to reduce the minimum street frontage along W 22nd St. While urban forestry staff do not have an official recommendation regarding the request for variances to §164.06(G)(4) and §172.05(B)(1)(a), urban forestry staff recommend approval of the applicant's request for a variance to §177.05(A)(2)(a), to delay street-tree installation along the entirety of W 22nd St. until later phases of the proposed development. The applicant intends to install street trees at the required ratio of one per 30 linear feet of right-of-way along W 22nd St. adjacent to the initial phase of development. Street trees shall be required at the same ratio adjacent to S School Ave, regardless of the applicant's requested variance to §171.13. While street trees along W 22nd St. shall be large shade canopy species to meet the intent of §177.05(A)(2)(a), the applicant may install understory species (maximum height of <30') at the back of the retaining wall on S School Ave to avoid conflict with the existing overhead power lines.



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Justin Bland, City Engineer
Willa Thomason, Urban Forester

MEETING: November 24, 2025

SUBJECT: **LSD-2025-0016: Large Scale Development (1020 S. SCHOOL AVE./THE MICK MULTIFAMILY HOUSING, 523):** Submitted by DCI for property located at 1020 S. SCHOOL AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 3.43 acres. The request is for a 124-unit multi-family development with associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2025-0016** with conditions.

RECOMMENDED MOTION:

*"I move to approve **LSD-2025-0016**, recommending:*

- In favor of recommended right-of-way dedication,*
- In favor of recommended street improvements,*
- In favor of a variance to UDC §177.04(D)(1), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in south Fayetteville just northeast of the intersection of S. School Ave. and W. 11th St. The property is comprised of multiple parcels totaling 3.43 acres which are zoned DG, Downtown General, and located within the City's Walker Park Master Plan and 71B Corridor Plan areas. There is one existing 1,944 square-foot commercial structure on the property: which is currently vacant and which the applicant indicates shall be removed. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Commercial	DG, Downtown General
South	Tanglewood Branch Creek Vacant Commercial	DG, Downtown General
East	Walker Park	P-1, Institutional
West	Restaurant, Mixed Commercial; Multifamily Residential	DG, Downtown General CS, Community Services

Proposal: The applicant requests large scale development approval for a 124-unit multifamily development with associated parking. One variance from the Unified Development Code has been requested.

- **Variance: UDC §177.05(A)(2), Street Tree Planting Requirements.** All new developments that create or develop along a public or private street shall be required to establish street trees in accordance with the standards and procedures provided for in this section and the adopted policies of the Landscape Manual and Fayetteville's Tree Ordinance. The applicant is requesting a variance to in order to pay into the tree escrow account rather than planting street trees along their property frontage.
 - *Staff recommendation: Staff supports the requested variance. Allowing the applicant to pay fee-in-lieu for necessary street trees avoids coordination issues with planned public improvements along S. School Avenue. The fee-in-lieu rate shall be established as \$675.00 per tree.*

Right-of-Way to be Dedicated:

S. School Avenue: College Avenue is classified as a High-Activity Regional Link with variable width right-of-way ranging from 30.18 feet to 47.24 feet from the centerline. Staff recommends dedication of 48 feet of right-of-way from the centerline in line with typical requirements for a High Activity Regional Link. No right-of-way dedication is recommended along the W. 11th Street platted right-of-way near the south boundary.

Street Improvements:

S. School Avenue: The project has frontage to S. School St. along the west side which is an improved Regional Link – High Activity. The Master Street Plan calls for a 56' roadway with a 10' sidewalk. This section of S. School St. is part of a Safe Streets for All federal grant that was awarded to the city. The design for the improvements along this section just began, however construction is expected to begin in 2027 and will include sidewalk improvements. Due to this, city staff is recommending as fee-in-lieu of sidewalk for this project for a 10-foot sidewalk across the full frontage of their property in the amount of \$52,404.50.

W. 11th Street: A platted but undeveloped right-of-way is located at the southern border of the property. Staff recommends that a 6-foot pedestrian connection be installed in a manner consistent with the applicant's site plan to enable connectivity in this location.

Access Management/Connectivity: Staff has determined that the proposed development is largely compliant with the City's access management and connectivity standards. The applicant has received an administrative variance from the City Engineer for a reduction in curb cut separation from the required 250 feet for a Regional Link to 156' from an existing curb cut to the north.

Design Standards: Staff finds that the proposed development largely complies with pertinent design standards, including those associated with architectural design and parking regulations.

Water and Sewer System: There is an existing 6" water main along the east side of School Ave. The applicant is proposing to tap it directly for their domestic service. They also plan to tap it and extend an 8" water main extension inside the site to provide a new fire hydrant for the development. There is an existing 8" sewer main to the south side of the property which the proposes to tie in to with an 8" sewer service.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on October 15, 2025. The Parks and Recreation Advisory Board recommended a fee-in-lieu of parkland dedication. Based on current information, fees for 124 multifamily residential units would be required in the amount of \$118,048, with final fees to be determined and paid prior to the issuance of any building permits.

Tree Preservation:

Canopy minimum requirement: 10%

Existing canopy: 42.4%

Preserved canopy: 36.4%

Mitigation required: Six 2-inch caliper trees

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

RECOMMENDATION: Staff recommends approval of **LSD-2025-0016** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends 48 feet of right-of-way dedication from the centerline in line with the High-Activity Regional Link section. No right-of-way dedication is recommended along the W. 11th Street platted right-of-way near the south boundary.*
2. **Planning Commission determination of street improvements.** Staff recommends the following improvements:
 - a. *\$52,404.50 sidewalk fee-in-lieu for the required 10' sidewalk along S. School Ave. frontage*
 - b. *An 8-foot sidewalk shall be built in a manner consistent with the applicant's site plan in the platted 11th Street right-of-way to the south.*
3. **Planning Commission determination of a variance to UDC §177.05(A)(2), Street Tree Planting Requirements.** *Staff recommends approval of this variance for the reasons stated above with the following conditions;*
 - a. *A payment of \$675 shall be paid into the tree escrow account for each required street tree.*
4. Parks Fees in the amount of \$118,048 for 124 units shall be paid prior to issuance of building permit, or in the amount of
5. All remaining comments from Planning and other city divisions shall be addressed prior to permitting;
6. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto;

Standard Conditions of Approval:

7. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;
8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, and Cox Communications);

9. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;
10. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principal structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit;
11. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements;
13. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;
14. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the I-540 Design Overlay District;
15. Large scale development approval shall be valid for one year;
16. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
17. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and
18. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits;
 - b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
 - c. Exterior lighting package must be provided to the Planning Division;
 - a. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - b. Project Disk with all final revisions; and
 - c. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

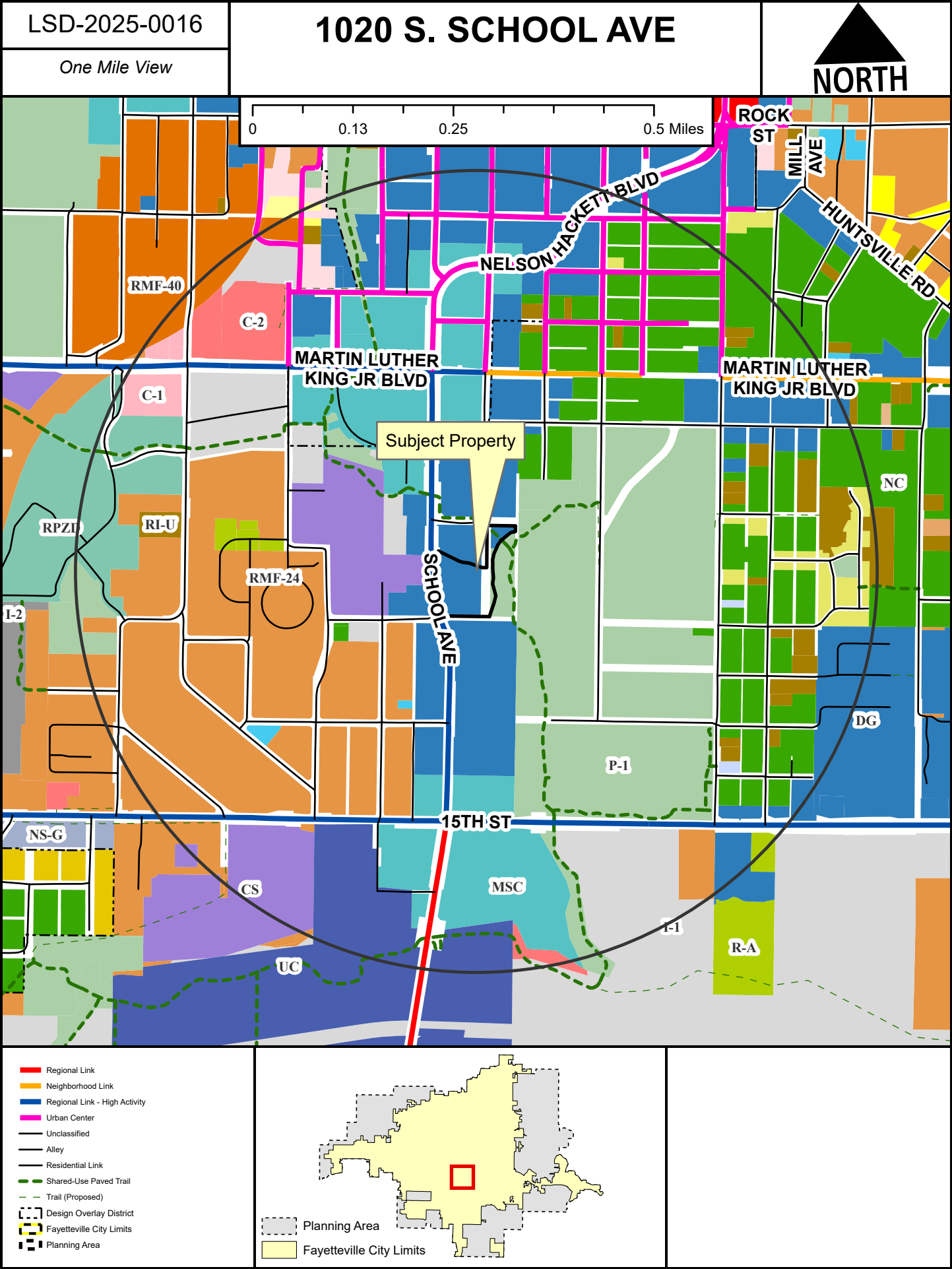
PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>November 24, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied	
Motion:					
Second:					
Vote:					

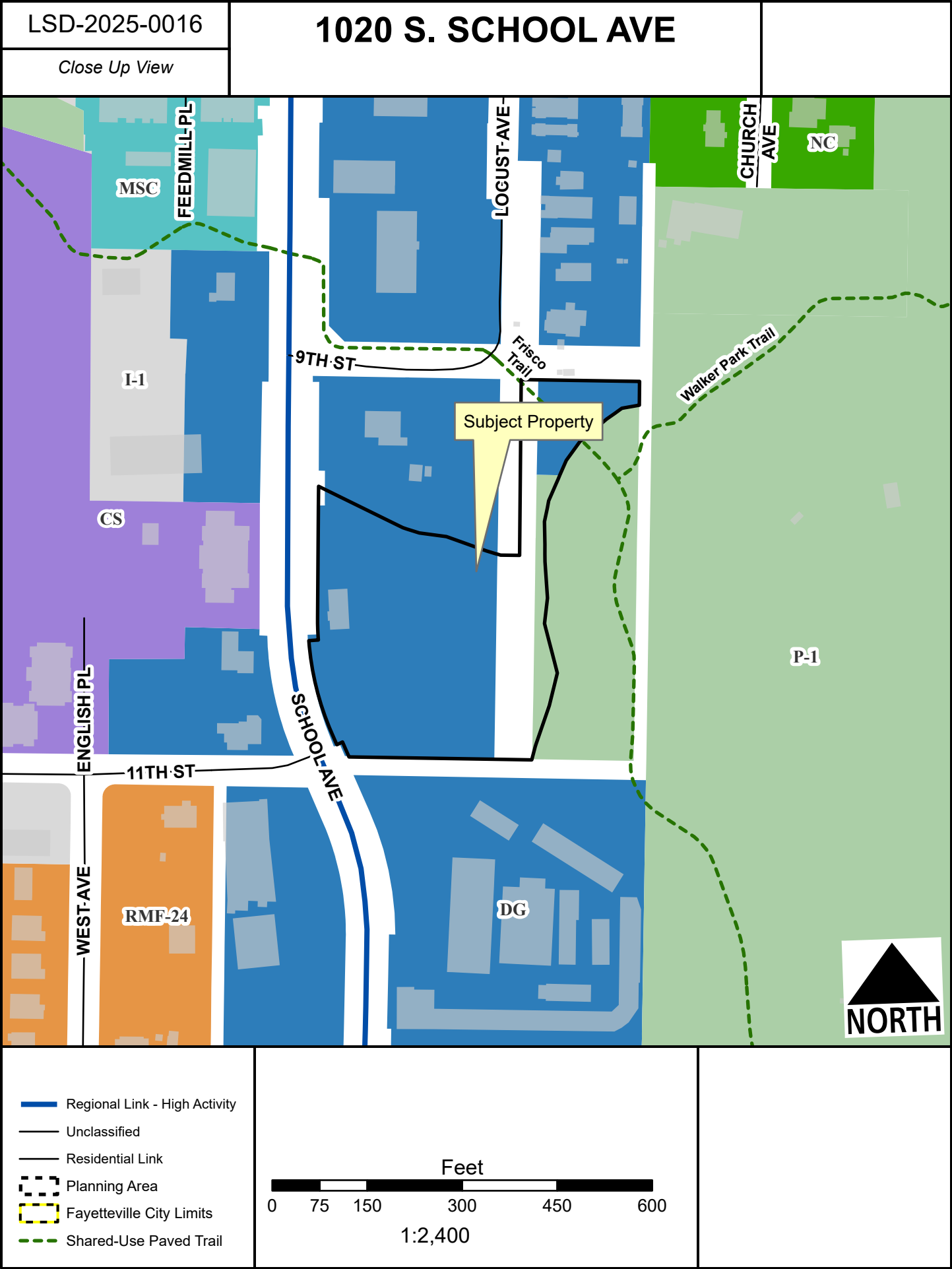
BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Engineering Memo
- Urban Forestry Memo
- Request Letter
- Site Plan
- Building Elevations





LSD-2025-0016
<i>Current Land Use</i>

Multi-Family Residential

1020 S. SCHOOL AVE



-  Regional Link - High Activity
-  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

1:3,600

FEMA Flood Hazard Data

 100-Year Floodplain

 Floodway

-  100-Year Floodplain
 Floodway



TO: Jessie Masters, Planning Director

FROM: Justin Bland, City Engineer

DATE: November 19, 2025

SUBJECT: **Planning Commission Engineering Comments for
LSD-2025-0016**

Water: There is an existing 6" water main along the east side of School Ave. The applicant is proposing to tap it directly for their domestic service. They also plan to tap it and extend an 8" water main extension inside the site to provide a new fire hydrant for the development.

Sewer: There is an existing 8" sewer main to the south side of the property. The applicant is proposing tying to it with an 8" sewer service.

In addition, there is an existing sewer main crossing the site which will be beneath the proposed building. The applicant is proposing to abandon this line by installing a new pipe along 9th St.

Streets: The project has frontage to S. School St. along the west side which is an improved Regional Link – High Activity. The Master Street Plan calls for a 56' roadway with a 10' sidewalk. This section of S. School St. is part of a Safe Streets For All federal grant was awarded to the city. The design for the improvements along this section just began, however construction is expected to begin in 2027 and will include sidewalk improvements. Due to this, city staff is recommending as fee-in-lieu of sidewalk for this project for a 10' sidewalk across the full frontage of their property in the amount of \$52,404.50.

The applicant has requested and received an administrative variance from the City Engineer for a reduction in curb cut separation. The code requires a 250' curb cut separation for a Regional Link street. The waiver was granted to permit this to be reduced to 156' from an existing curb cut to the north.

Natural Features: The site has significant areas of floodplain and streamside protection area. The developer has proposed a site plan which strategically builds to the edge of these zones without encroaching. This includes retaining wall along the majority of the eastern side of the site.

Drainage: The development must meet the 4 minimum standards outlined in the City's Drainage Criteria Manual. The developer proposes hydrodynamic separator unit to meet Minimum Standard 1 for water quality. Minimum Standards 2-4, which are for channel protection volume and stormwater detention, are proposed to be met with an underground detention pond. The site drainage will discharge into Tanglewood Branch. A detailed review of the drainage improvements will be performed during the grading permit review process.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.
4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - Waterline fittings, callouts, or utility conflicts
 - Street profiles
 - Fine grading/spot elevations



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: Development Consultants Incorporated

From: Willa Thomason, Urban Forester

CC: Jessie Masters, Planning Director

Meeting Date: November 24, 2025

Subject: LSD-2025-0016: The Mick Multi-family (1020 S School Ave.)

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03C7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03C7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03C7b,c</i>	X		
d.	Soil amendments notes include that soil is amended and sod removed <i>UDC Chapter 177.03C6b</i>	X		
e.	Mulch notes indicate organic mulching around trees and within landscape beds <i>UDC Chapter 177.03C6c,d</i>	X		
f.	LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer <i>UDC Chapter 177.03B</i>		X	
g.	Planting bed contained by edging <i>UDC Chapter 177.03C6f</i>	X		
h.	Planting details according to Fayetteville's Landscape Manual <i>UDC Chapter 177.03C6g</i>	X		
i.	Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. <i>UDC Chapter 177.05 A2g</i>	X		
2. Parking Lot Requirements 1 Tree : 12 Parking Spaces		Yes	No	N/A
a.	Wheel Stops/Curbs <i>UDC Chapter 177.04B1</i>	X		
b.	Narrow Tree Lawn (8' min. width, 37.5' length) <i>UDC Chapter 177.04C</i>			X

- | | |
|---|----------|
| c. Tree Island (8' min. width, 18.7' min length OR 150 square feet)
<i>UDC Chapter 177.04C</i> | X |
| d. Placement of Trees (either side at entrances and exits)
<i>UDC Chapter 177.04C2</i> | X |

3. Perimeter Landscaping Requirements	Yes	No	N/A
--	------------	-----------	------------

- | | | | |
|--|----------|--|-----------------------------------|
| a. Front Property Line (15' wide landscape).
<i>UDC Chapter 177.04D2a</i> | | | X
(urban zoning) |
| b. Side and Rear Property Lines (5' Wide Landscape Area)
<i>UDC Chapter 177D1</i> | X | | |
| c. Shade trees planted on south and west sides of parking lots
<i>UDC Chapter 177.04D2e</i> | X | | |
| d. Screening of parking lot from adjacent residential properties and the street. | X | | |

4. Street Tree Planting Requirements	Yes	No	N/A
---	------------	-----------	------------

- | | | | |
|--|----------|--|----------|
| a. Residential Subdivisions
1 Large Shade Species Tree per Lot
<i>UDC Chapter 177.05B1a</i> | | | X |
| b. Non-Residential Subdivisions
1 Large Species Shade Tree every 30' (planted in greenspace)
<i>UDC Chapter 177.05B2a</i> | X | | |
| c. Urban Tree Well – Urban Streetscapes
Trees every 30' (8' sidewalk)
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| d. Structural Soil – Urban Tree Wells
Include a note and/or detail of structural soil on Landscape Plan
<i>UDC Chapter 177.05B3a-f</i> | | | X |
| e. Residential Subdivisions
Timing of planting indicated on plans
<i>UDC Chapter 177.05A4</i> | | | X |
| f. Residential Subdivisions
Written description for method of tracking planting
<i>UDC Chapter 177.05A4e</i> | | | X |

5. Landscape Requirement Totals	Amount		
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Mitigation Trees	6
Parking Lot Trees	10
Street Trees	13
	(escrow)

Detention Pond – Large Trees (1 Tree/3,000 square feet)	0
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	0
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	0

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	10-13-25 10-27-25	11-13-25
Approved		
Tabled		
Denied		

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments
1. Address items above marked “No” and all Redlines provided.
2. Variance request to pay street trees into escrow has been submitted.



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: Development Consultants Incorporated

From: Willa Thomason, Urban Forester

CC: Jessie Masters, Planning Director

Meeting Date: November 24, 2025

Subject: LSD-2025-0016: The Mick Multi-family (1020 S School Ave.)

1. Submittal Requirements	Yes	No	N/A
Pre-Application Meeting with the Urban Forester	X		
Site Analysis Map Submitted (if justification is needed)			X
Site Analysis Written Report Submitted (justification is needed)			X
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans	X		
Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)			X

2. Tree Preservation Calculations

Tree Preservation Calculations <u>Square Feet</u>		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	149,492	100%
DG, Downtown General	14,949	10%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	14,949	10.0%
Existing Tree Canopy * Minus Right of Way and Easements	63,346	42.4%
Tree Canopy Preserved	54,441	36.4%
Tree Canopy Removed *On Site	8,905	6.0%
Tree Canopy Removed *Off Site	1,915	
Tree Canopy Removed Total	10,820	7.2%
Removed Below Minimum	0	
Mitigation Requirements	1,915	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	894	4
Low Priority	1,012	2
Total Mitigation Trees Required		6

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation	X		
Off-Site Mitigation			X
Tree Escrow (See Conditions of Approval)			X

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1and 167.04L1</i>		Tech Plat	Planning Commission	
a.	5 year Aerial Check on Existing Trees	Yes	Yes	
b.	Property Boundary	Yes	Yes	
c.	Natural Features (100ft beyond limits of disturbance)	No	Yes	
d.	Existing Topography and Proposed Grading	Yes	Yes	
e.	Soil Types	Yes	Yes	
f.	Significant Trees	No	Yes	
g.	Groupings of Trees	Yes	Yes	
h.	Table Inventory List (species, size, health, priority)	Yes	Yes	
i.	All Existing and Proposed Utilities	Yes	Yes	
j.	All Existing and Proposed Utility Easements and ROW's	Yes	Yes	
k.	All Streams (with approximate center line)	Yes	Yes	
l.	Floodplains and floodways	Yes	Yes	
m.	Existing Street, Sidewalk or Bike Path ROW	Yes	Yes	
n.	Submitted Site Analysis Plan (if required)	Yes	Yes	
o.	Shows ALL Proposed Site Improvements	Yes	Yes	
p.	Delineates trees/canopy to be preserved and removed	Yes	Yes	
q.	Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	Yes	Yes	
Tree Protection Methods				
a.	Tree Protection Fencing	Yes	Yes	
b.	Limits of Root Pruning	Yes	Yes	
c.	Traffic flow on work site	No	No	
d.	Location of material storage	Yes	Yes	
e.	Location of concrete wash out	Yes	Yes	
f.	Location of construction entrance/exit	Yes	Yes	
6. Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>		Yes	No	N/A
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy			X
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.			X
7. Review Status (See Comments)		Tech Plat	Planning Commission	
Conditionally Approved		10-13-25	11-13-25	
		10-21-25		
Approved				

Tabled

Denied

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

- 1. Address items above marked “No” and all Redlines provided.

October 17, 2025

City of Fayetteville
Planning Commission
309 S Block Ave
Fayetteville, AR 72701
479.575.8267

DCI Job Number: 25-143
LSD Number: 2025-0016
Project Name: The Mick - 1020 S School Multi-Family
Subject: Project Narrative

On behalf of the landowners, I am petitioning the Fayetteville City Planning Commission to accept the included Large Scale Development Plan of the property located at 1020 S School Street, parcel numbers 765-05436-000, 765-05426-000, 765-05427-000, 765-05428-000, 765-05430-000, 765-05431-000, 765-05432-000, 765-05433-000, 765-05434-000, and 765-05435-000,, in the City of Fayetteville, Arkansas.

This property was previously an electric shop and vacant land adjacent to Tanglewood Branch and Spout Spring Branch.

Current zoning is DG, downtown general, encouraging dense urban design. The proposed multi-family development will include 124 micro-loft units within one three-story structure. Improvements to water, sewer, drainage, and tree plantings are included with this project. The proposed development intends to have one vehicular access located along the northwest side of the property from S School Street.

A fee-in-lieu has been requested for the Park Land Dedication requirement. The fee-in-lieu totals \$117,800.00 for 124 multi-family units.

One variance for planting street trees is being requested. A fee-in-lieu is being sought due to the ongoing Safe-Streets-for-All design of S. School, sight distance requirements, and the presence of utilities.

By accepting this large-scale development request, the current owners would benefit, and no other landowner would be adversely affected.

The public interest and welfare would not be adversely affected by accepting this large site improvement request.

Sincerely,



Chase Henrichs
Development Consultants, Inc.

17 October 2025

City of Fayetteville

Urban Forestry
125 W. Mountain Street
Fayetteville, AR 72701
479.575.8267

DCI Job Number: 2025-143
LSD Number: LSD-2025-0016
Project Name: The Mick - 1020 S School Multi-Family
Owner: Stevens Properties Fayetteville, LLC
429 E Sutton Street
Fayetteville, AR 72701

Project Narrative:

1020 S School Multi-Family development is located at 1020 S School Street, Parcels 765-05436-000, 765-05426-000, 765-05427-000, 765-05428-000, 765-05430-000, 765-05431-000, 765-05432-000, 765-05433-000, 765-05434-000, and 765-05435-000. Current zoning is DG, downtown general, encouraging dense urban design. The proposed multi-family development will include 124 micro-loft units within one three-story structure bounded by S School Street to the west, Tanglewood Branch to the north, Spout Spring Branch to the east, and City right-of-way to the south. Improvements to water, sewer, drainage, hardscapes, and landscape are included with this project. The proposed development intends to have one vehicular access located along the northwest side of the property from S School Street.

Variance Request:

On behalf of the owner, DCI is requesting one variance from Section 117.05.A.2.a of the UDC. The variance request is to plant street trees along S. School Street between the curb and sidewalk. The reason for this variance request is multifaceted. The City is currently designing a Safe-Streets-for-All (SS4A) project along S. School, which would likely impact any street trees planted along this frontage. Additionally, S. School Street will be the primary aerial firefighting access point for the structure, which limits where and what type of street trees may be planted. Existing utilities are also along this frontage, making it difficult to locate street trees with proper clearances. And finally, street trees would interfere with the sight distance requirements in this area.

We have communicated with the City Staff regarding street trees and are proposing to pay a fee-in-lieu for the required 13 street trees.

Thank you for your consideration and we look forward to working with the City and the Urban Forestry Department moving forward.

Sincerely,



Chase Henrichs, P.E.
ChaseH@DCIUS.PRO
479.444.7880
Development Consultants

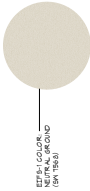
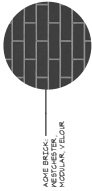
Engineering • Planning • Land Surveying • Landscape Architecture

CITY STAMP



REVISIONS	
REV. NO.	DATE

EXTERIOR BUILDING MATERIALS



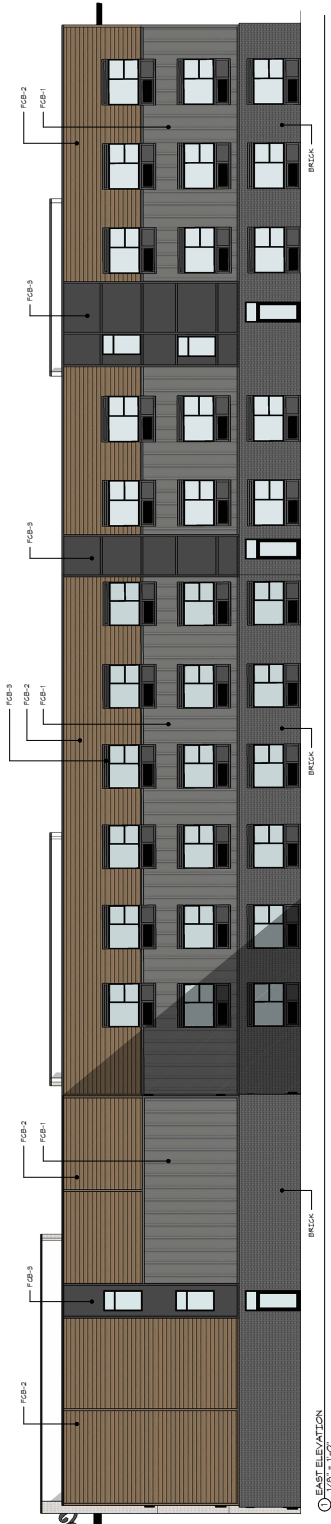
⑤ NORTH ELEVATION
1/8" = 1'-0"



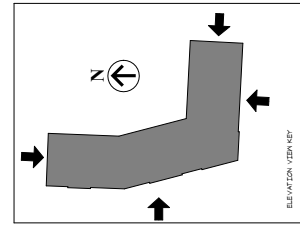
④ SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION



① EAST ELEVATION
1/8" = 1'-0"





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: November 24, 2025

SUBJECT: **VAC-2025-0025: Vacation (1378 S. VAN BUREN AVE./HJL INVESTMENTS, 561):** Submitted by HJL INVESTMENTS LLC for property located at 1370 & 1378 S. VAN BUREN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and both properties each contain approximately 0.30 acres. The request is to vacate 0.25 acres of right-of-way.

RECOMMENDATION:
Staff recommends approval of **VAC-2025-0025**.

RECOMMENDED MOTION:
*"I move to forward **VAC-2025-0025** to City Council with a recommendation of approval and with conditions as recommended by staff."*

BACKGROUND:
The subject property is in central Fayetteville approximately 215 feet northwest of the W. 15th street and S. Van Buren Avenue intersection. The property is zoned RMF-24, Residential Multi-Family, 24 Units per Acre. Both subject properties are currently developed with two single-family dwellings that Washington County records indicate were constructed in 1956 and 1936. The subject street right-of-way was originally platted in 1946 as part of the Wilson-Dunn addition. 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	RMF-24, Residential Multi-Family, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
West	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Proposal: The applicant proposes to vacate a 0.25-acre portion of right-of-way that extends from S. Ellis Avenue to S. Van Buren Avenue.

DISCUSSION:

Staff supports the applicant's request to vacate this right-of-way with conditions. Engineering staff recognizes that fully improving this street right-of-way would come at a major cost as the College Branch stream bisects the right-of-way, which is subject to the development requirements of UDC 168.12 – Streamside Protection Zone. To develop this potential street link within this floodplain, engineering staff has stated that there would be extensive development for the construction of a bridge for a street link, something that may not be a near or long term priority for because of the potentially high financial cost. To ensure that a connection is still retained, staff recommends a condition requiring that a public access easement be dedicated jointly within the recommended conditional 30-foot wide drainage easement so that a future pedestrian walkway may be developed.

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

<u>Utility</u>	<u>Response</u>
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 and no comments.
Black Hills Energy	No objections and no comments.
AT&T	No objections and no comments.
Ozarks Electric	No objections and no comments.
<u>City of Fayetteville</u>	<u>Response</u>
Water/Sewer	No objections and no comments.
Solid Waste & Recycling	No objections and no comments.
Transportation	No objections, provided a 30-foot access and drainage easement retained for the entire length of abutting Lot 1 to maintain the existing storm drain pipe to the end.

Public Comment: No public comment has been received.

RECOMMENDATION: Staff recommends approval of **VAC-2025-0025**. 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;
2. A 30-foot wide drainage and public access easement shall be dedicated for the entire length of the vacated right of way abutting Lot 1 to maintain an existing storm pipe and provide for future pedestrian access. The owner of Lot 12 shall be required to execute the document by which the easement is dedicated for any portion of the new easement that may extend into Lot 12.

PLANNING COMMISSION ACTION: Required YES

Date: November 24, 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 Request Letter
- Applicant Petition to Vacate
- Survey

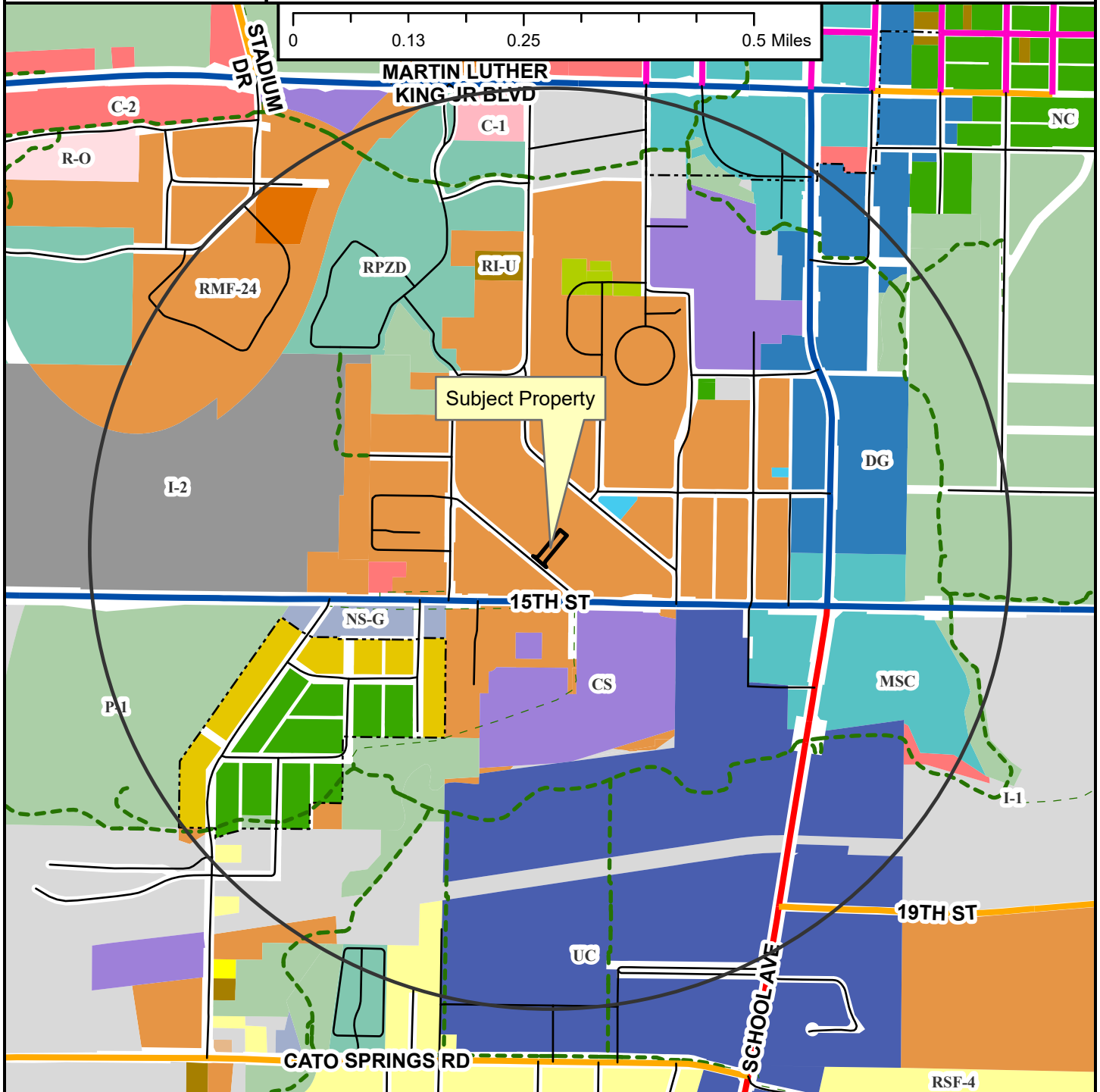
VAC-2025-0025

1378 S. VAN BUREN AVE

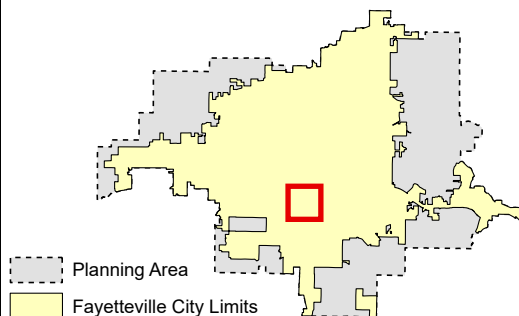
One Mile View

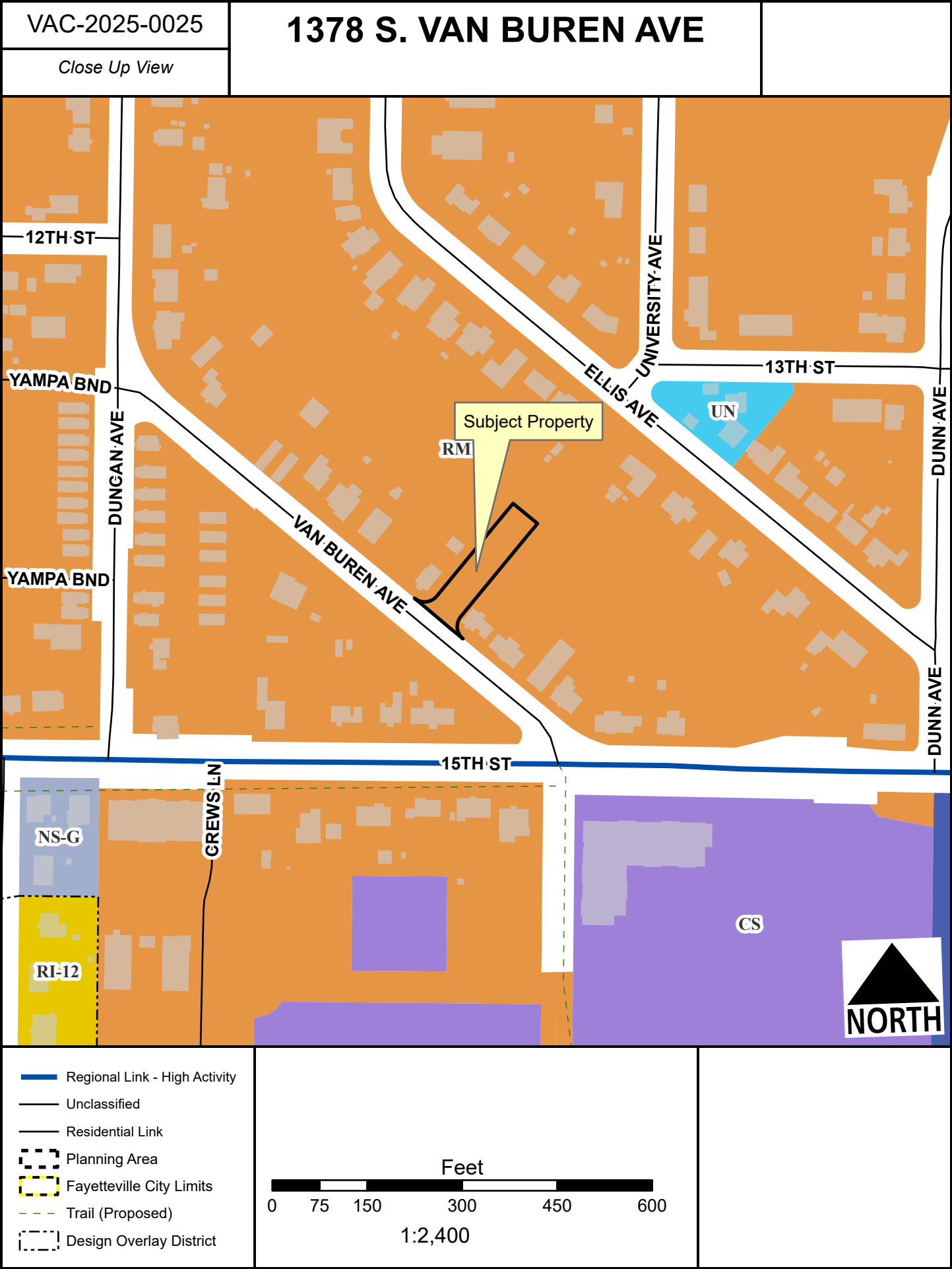


0 0.13 0.25 0.5 Miles



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

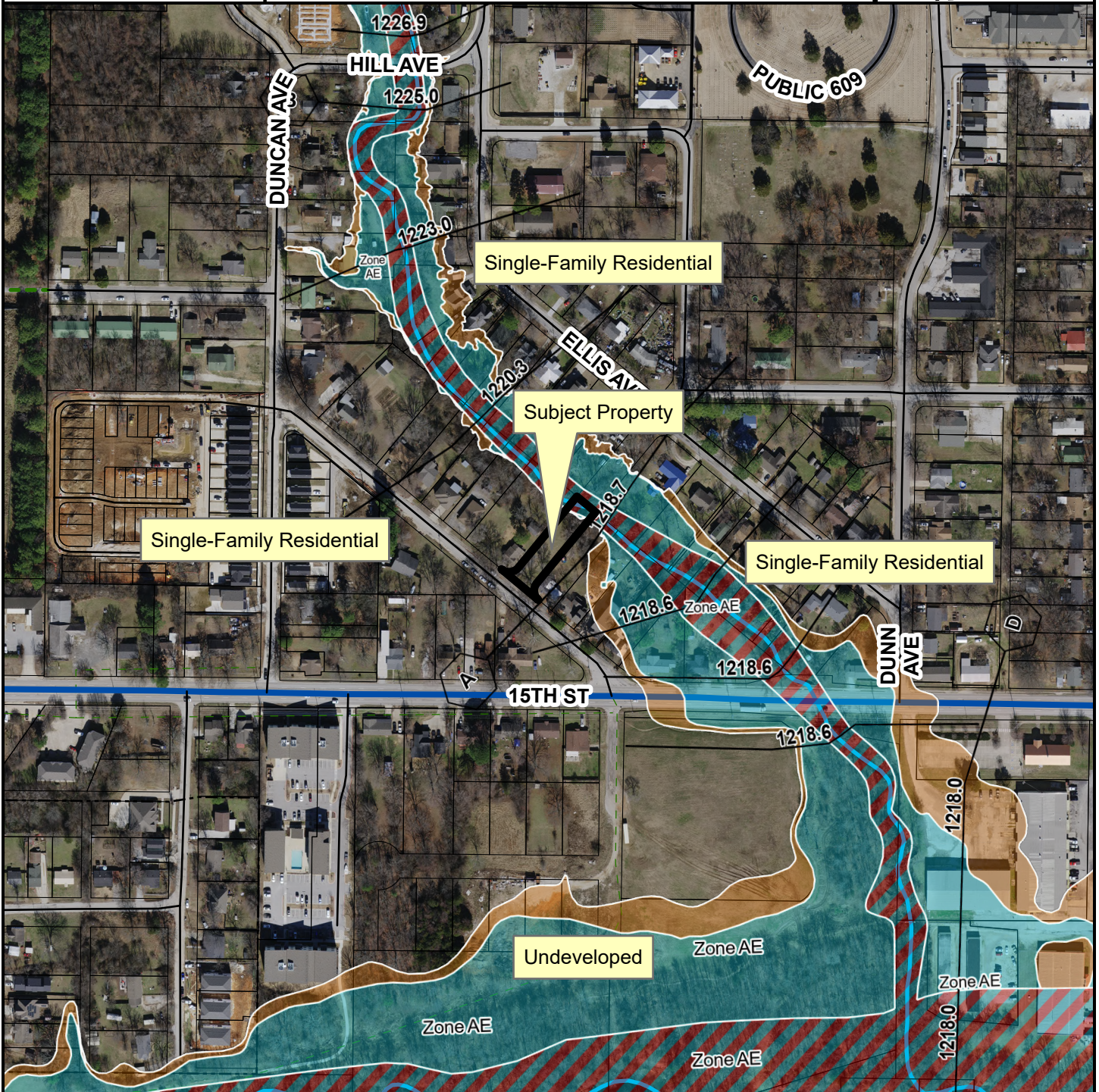




VAC-2025-0025

1378 S. VAN BUREN AVE

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

August 21, 2025

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

RE: Right-of-way vacation request for a portion of S. University Avenue

Planning Commission and City Council,

Please accept this request for right-of-way vacation of an approximately 0.25 acre portion of S. University Avenue between Lot 1 in Block 7 and Lot 12 in Block 9 of Wilson-Dunn Addition. The addresses of these two properties are 1370 and 1378 S. Van Buren Avenue. This vacation would enable me to combine my two properties to enable a wider variety of use.

The proposed vacation area runs Southwest to Northeast and is approximately 215' in length and 50' wide. It terminates at College Branch at the Northeast end and S. Van Buren Avenue at the Southwest end. This intersection with S. Van Buren Avenue is less than 300 feet from the intersection of S. Van Buren Avenue and W. 15th Street. The proposed vacation area has never been used by the City as a street. I'm assuming because it is so close to W. 15th Street.

There currently resides within this right-of-way an existing storm drain from a curb inlet along S. Van Buren Avenue to College Branch as shown on the survey. An easement would have to be granted for this storm drain if this vacation is approved. There is also a small portion of sewer line that runs through College Branch across the Northeastern end of the proposed vacation as shown on the survey. An easement would need to be granted for this section as well.

I have been maintaining this right-of-way as long as I have owned the adjacent properties and I'm assuming the previous owner's did as well. In my opinion, this vacation would not affect the adjacent properties in any way. I kindly ask for your approval of this vacation.

Sincerely,



Leon Lee
HJL Investments, LLC

PETITION

PETITION TO VACATE A STREET RIGHT-OF-WAY LOCATED BETWEEN BLOCKS 7 AND 9, WILSON-DUNN 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 street right-of-way hereinafter sought to be abandoned and vacated, lying between Lot 1 of Block 7 and Lot 12 of Block 9 in Wilson-Dunn Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a street right-of-way which is described as follows:

AN AREA OF UNIVERSITY AVENUE A PLATTED STREET OF WILSON-DUNN ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST (NE) CORNER OF LOT 12 IN BLOCK 9 OF WILSON-DUNN ADDITION; THENCE SOUTH 48°28'07" EAST A DISTANCE OF 50.00 FEET TO THE NORTHWEST (NW) CORNER OF LOT 1 IN BLOCK 1 OF WILSON-DUNN ADDITION; THENCE SOUTH 41°31'04" WEST A DISTANCE OF 190.00 FEET TO A SET 5/8" REBAR PLS 1845; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF SOUTH 03°28'30" EAST, A CHORD DISTANCE OF 35.36 FEET TO A SET 5/8" REBAR; THENCE NORTH 48°28'04" WEST A DISTANCE OF 25.00 FEET TO A FOUND PIPE; THENCE NORTH 47°49'14" WEST A DISTANCE OF 49.68 FEET TO A FOUND PIPE; THENCE NORTH 48°30'37" WEST A DISTANCE OF 25.00 FEET TO A SET 5/8" REBAR PLS 1845; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CHORD BEARING OF NORTH 86°27'37" EAST, A CHORD DISTANCE OF 35.34 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 41°25'50" EAST A DISTANCE OF 189.44 FEET TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES OR 10,969 SQUARE FEET MORE OR LESS.

That the abutting real estate affected by said abandonment of the right-of-way are Lot 1 of Block 7 and Lot 12 of Block 9 in Wilson-Dunn Addition, City of Fayetteville, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described street right-of-way.

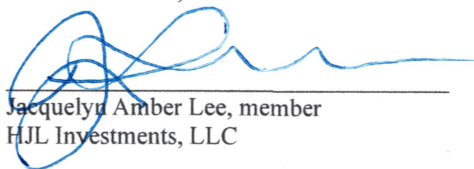
The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements and new drainage easement as required, and that the above described real estate be used for their respective benefit 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 new drainage easement, 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 street right-of-way.

Dated this 13th day of March, 2025



Edward Leon Lee, member
HJL Investments, LLC



Jacquelyn Amber Lee, member
HJL Investments, LLC

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C1	39.24'	25.00'	S66° 27' 37"W	35.34'
C2	39.28'	25.00'	S57° 28' 30"E	35.36'



30' 0 30'

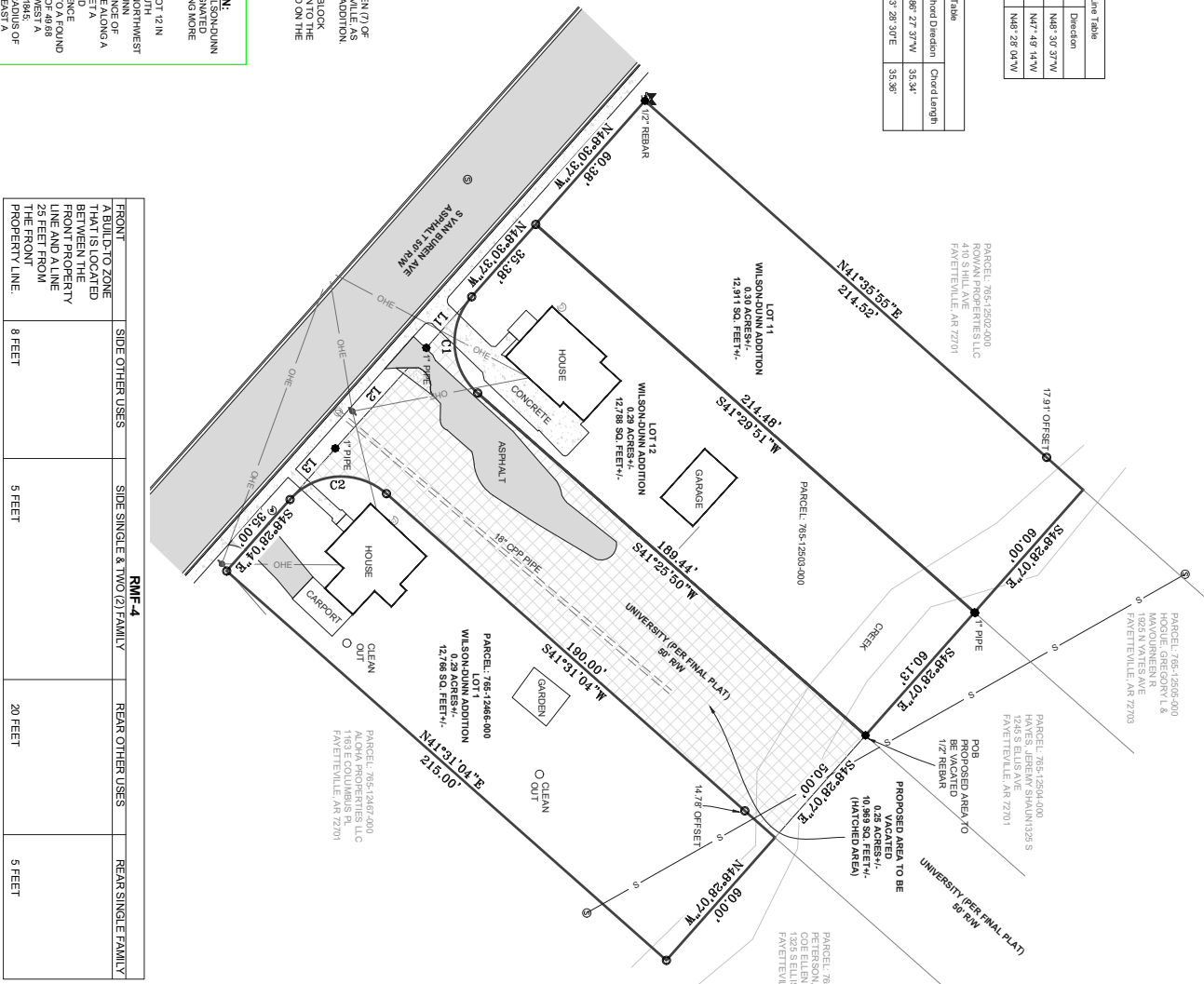
SCALE: 1" = 30'

DESCRIPTION:
 LOT NUMBERED ONE (1) IN BLOCK NUMBERED SEVEN (7) OF WILSON-DUNN ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION
 LOTS NUMBERED ELEVEN (11) AND TWELVE (12) IN BLOCK NUMBERED NINE (9) IN THE WILSON-DUNN ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS DESIGNATED ON THE RECORDED PLAT OF SAID ADDITION.

GIS Approved
10/23/2025

PROPOSED VACATED AREA DESCRIPTION:
AN AREA OF UNIVERSITY A PLATTED STREET OF WILLSON DUNN ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING THE NORTHEAST LINE CORNER OF LOT 12 IN BLOCK 6 OF WILSONDALE ADDITION, THENCE SOUTH 89°07'00" WEST ALONG THE EAST LINE OF SAID BLOCK 6 A DISTANCE OF 101.1 FEET TO AN IRON PIN; THENCE SOUTHWEST ALONG THE NORTHWEST CORNER OF LOT 11 IN BLOCK 6 OF WILSONDALE ADDITION, THENCE SOUTH 43°13'00" WEST, A DISTANCE OF 180.0 FEET TO A SET 56 REBAR; S 1845; THENCE LONGA 180.0 FEET TO A SET 56 REBAR; S 20°00'00" E 20.0 FEET TO A SET 56 REBAR; A POLAR BEARING OF 20°00'00" E A DISTANCE OF 35.36 FEET TO A SET 56 REBAR; THENCE NORTH 48°20'00" WEST A DISTANCE OF 25.00 FEET TO A FOUND PIPE, THENCE NORTH 41°44'00" WEST A DISTANCE OF 40.88 FEET TO A SET 56 REBAR; S 89°07'00" WEST A DISTANCE OF 20.00 FEET TO A SET 56 REBAR; S 1845; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, A CHORD BEARING OF NORTH 46°27'00" EAST A CHORD DISTANCE OF 35.34 FEET TO A SET 56 REBAR; PLUS A DISTANCE OF 20.00 FEET TO A SET 56 REBAR; S 1845; THENCE SOUTH 89°07'00" WEST ALONG THE EAST LINE OF SAID BLOCK 6 A DISTANCE OF 101.1 FEET TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES OR 0.989 SQUARE FEET MORE OR LESS, SUBJECT TO ANY CLAIMS OR RIGHTS-OF-WAY OF RECORD OR FACT.



RMF-4				
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.	0 FEET	5 FEET	20 FEET	5 FEET

A vicinity map showing the location of the site. The map includes streets such as W 15th St, S Duncan Ave, W 14th St, W 13th St, W 12th St, W 11th St, W 10th St, W 9th St, W 8th St, W 7th St, W 6th St, W 5th St, W 4th St, W 3rd St, W 2nd St, W 1st St, W 1/2 St, W 1/4 St, W 1/8 St, W 1/16 St, W 1/32 St, W 1/64 St, W 1/128 St, W 1/256 St, W 1/512 St, W 1/1024 St, W 1/2048 St, W 1/4096 St, W 1/8192 St, W 1/16384 St, W 1/32768 St, W 1/65536 St, W 1/131072 St, W 1/262144 St, W 1/524288 St, W 1/1048576 St, W 1/2097152 St, W 1/4194304 St, W 1/8388608 St, W 1/16777216 St, W 1/33554432 St, W 1/67108864 St, W 1/134217728 St, W 1/268435456 St, W 1/536870912 St, W 1/1073741824 St, W 1/2147483648 St, W 1/4294967296 St, W 1/8589934592 St, W 1/17179869184 St, W 1/34359738368 St, W 1/68719476736 St, W 1/137438953472 St, W 1/274877906944 St, W 1/549755813888 St, W 1/1099511627776 St, W 1/2199023255552 St, W 1/4398046511104 St, W 1/8796093022208 St, W 1/17592186044416 St, W 1/35184372088832 St, W 1/70368744177664 St, W 1/140737488355328 St, W 1/281474976710656 St, W 1/562949953421312 St, W 1/1125899906842624 St, W 1/2251799813685248 St, W 1/4503599627370496 St, W 1/9007199254740992 St, W 1/18014398509481984 St, W 1/36028797018963968 St, W 1/72057594037927936 St, W 1/144115188075855872 St, W 1/288230376151711744 St, W 1/576460752303423488 St, W 1/1152921504606846976 St, W 1/2305843009213693952 St, W 1/4611686018427387904 St, W 1/9223372036854775808 St, W 1/18446744073709551616 St, W 1/36893488147419103232 St, W 1/73786976294838206464 St, W 1/147573952589676412928 St, W 1/295147905179352825856 St, W 1/590295810358705651712 St, W 1/1180591620717411303424 St, W 1/2361183241434822606848 St, W 1/4722366482869645213696 St, W 1/9444732965739290427392 St, W 1/18889465931478580854784 St, W 1/37778931862957161709568 St, W 1/75557863725914323419136 St, W 1/151115727451828646838272 St, W 1/302231454903657293676544 St, W 1/604462909807314587353088 St, W 1/1208925819614629174706176 St, W 1/2417851639229258349412352 St, W 1/4835703278458516698824704 St, W 1/9671406556917033397649408 St, W 1/19342813113834066795298816 St, W 1/38685626227668133590597632 St, W 1/77371252455336267181195264 St, W 1/154742504910672534362390528 St, W 1/309485009821345068724781056 St, W 1/618970019642690137449562112 St, W 1/1237940039285380274899124224 St, W 1/2475880078570760549798248448 St, W 1/4951760157141521099596496896 St, W 1/9903520314283042199192993792 St, W 1/19807040628566084398385987584 St, W 1/39614081257132168796771975168 St, W 1/79228162514264337593543950336 St, W 1/158456325028528675187087900672 St, W 1/316912650057057350374175801344 St, W 1/633825300114114700748351602688 St, W 1/1267650600228229401496703205376 St, W 1/2535301200456458802993406410752 St, W 1/5070602400912917605986812821504 St, W 1/10141204801825835211973625643008 St, W 1/20282409603651670423947251286016 St, W 1/40564819207303340847894502572032 St, W 1/81129638414606681695789005144064 St, W 1/162259276829213363391578010288128 St, W 1/324518553658426726783156020576256 St, W 1/649037107316853453566312041152512 St, W 1/1298074214633706907132624082305024 St, W 1/2596148429267413814265248164610048 St, W 1/5192296858534827628530496329220096 St, W 1/10384593717069655257060992658440192 St, W 1/20769187434139310514121985316880384 St, W 1/41538374868278621028243970633760768 St, W 1/83076749736557242056487941267521536 St, W 1/166153499473114484112975882535043072 St, W 1/332306998946228968225951765070086144 St, W 1/664613997892457936451903530140172288 St, W 1/1329227995784915872903807060280344576 St, W 1/2658455991569831745807614120560689152 St, W 1/5316911983139663491615228241121378304 St, W 1/10633823966279326983230456482242756608 St, W 1/21267647932558653966460912964485513216 St, W 1/42535295865117307932921825928971026432 St, W 1/85070591730234615865843651857942052864 St, W 1/170141183460469231731687303715884105728 St, W 1/340282366920938463463374607431768211456 St, W 1/680564733841876926926749214863536422912 St, W 1/1361129467683753853853498429727072845824 St, W 1/2722258935367507707706996859454145691648 St, W 1/5444517870735015415413993718908291383296 St, W 1/10889035741470030830827987437816582766592 St, W 1/21778071482940061661655974875633165533184 St, W 1/43556142965880123323311949751266331066368 St, W 1/87112285931760246646623899502532662132736 St, W 1/174224571863520493293247799005065324265472 St, W 1/348449143727040986586495598010130648530944 St, W 1/696898287454081973172991196020261297061888 St, W 1/1393796574908163946345982392040522594123776 St, W 1/2787593149816327892691964784081045188247552 St, W 1/5575186299632655785

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

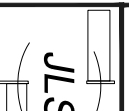
Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations; or any other facts which an accurate and current title search may disclose.

Notes:

2. Every document of record reviewed and considered as a part of this survey is noted here. Only the documents noted hereon were supplied to the surveyor.
3. This plot represents a boundary survey of the parcel recorded in Deed Records, Book 2021, Page 18069 at the office of the Circuit Clerk Washington County, Arkansas.
4. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
5. Basis of Bearings: Arkansas State Plane System North Zone (NAD83).
6. This survey is valid only if the drawing includes the seal and signature of the surveyor.
7. This survey meets current Arkansas Minimum Standards for Property Boundary Surveys and Plans.
8. No abstract of title, nor the comment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect the parcel.
9. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
10. This property is currently zoned RFW-4.
11. No attempt was made to show building setback lines graphically on the survey.
12. Subsurface and environmental conditions were not considered nor considered a part of this survey.
13. No attempt has been shown as a part of this boundary survey to obtain or show data concerning existing, size, depth, location, capacity, or location of any utility or facilities.

Boundary/Proposed Street Vacation Survey
For: HJL Investments LLC

James Layout Services, LLC
P.O. Box 611
Farmington, Arkansas 72730
Telephone: (479) 439-9929
survey@jlsnwa.com



Recording Information
Job Number: 24
Field Work: A.S.
Drawn By: N.R.
Checked By: M. R.
Certificate of Authority
Arkansas Land Survey
No. 2399
Date: 10/3/2022
Scale: 1"=30'
Basis of Bearings: TN
Arkansas State PI
North Zone

Planning Commission
November 24, 2025

Page 9 of 9

VAC-2025-0025 (HJL INVESTMENTS)

LEGEND

- MONUMENT
- MONUMENT
- ▲ AHTD R-C
- ⊕ BENCHMARK
- GUARD P
- ⚡ UTILITY P
- T TELEPHONE
- F FIBER OPT
- E ELECTRICAL

SHEET NO.
1 OF 1

SHEET NO
1 OF 1



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: November 24, 2025

SUBJECT: **CUP-2025-0051: Conditional Use Permit (W. CENTER ST & S. GREGG AVE/REINDL INVESTMENTS, 522):** Submitted by PRISM DESIGN STUDIO for property located at W. CENTER DT & S. GREGG AVE. The property is zoned MSC, MAIN STREET CENTER and contains approximately 0.62 acres. The request is to use the property for offsite parking.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0051** with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0051** with conditions, determining:*

- In favor of compatibility with adjacent properties,*
- In favor of a variance to UDC §172.02(C), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is downtown Fayetteville at the southwest corner of W. Center Street and S. Gregg Avenue. Zoned MSC, Main Street Center, the property contains 0.60 acres and is within the Downtown Design Overlay District. Concept plans to develop this site with a mixed-use structure were presented to the Planning Commission on August 11, 2025. The Planning Commission was receptive to the project, generally, and gave comments accordingly, but concept plans are not voted on. Further, one major consideration for this site is the presence of the Streamside Protection Zone, which encumbers most of this site. A request to remove this portion will be heard by Planning Commission on December 8, 2025, with final approval needed ultimately by the City Council (ADM-2025-0048). Finally, this property was purchased by the group responsible for developing a hotel on the south side of the newly-completed Upper Ramble. A Planned Zoning District was approved for that site on May 7, 2024, which outlined a requirement that the proposed hotel ensure that parking was accounted for and in place prior to certificate of occupancy. The site is currently under construction, and a building permit is under review (COMM-2025-0148). This request, ultimately, is meant to help satisfy that requirement. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Multi-Family Residential/Mixed-Use	MSC, Main Street Center
South	Single-Family Residential	NC, Neighborhood Conservation
East	Razorback Greenway; Single-Family Residential	MSC, Main Street Center
West	Arkansas Missouri Railroad/Mixed-Use	MSC, Main Street Center

City Plan 2040 Future Land Use Designation: City Neighborhood Area within the **Downtown Master Plan** area.

Proposal: The applicant is requesting a conditional use permit to install an off-site parking lot containing 67 valet parking stalls for the associated hotel, and an additional 51 parking stalls for proposed residential units in a mixed-use structure. Fayetteville's Unified Development Code, under §172.06 – Parking Lot Location Standards, notes that parking lots cannot be provided on the same site as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

Also, the applicant has requested one variance from the Unified Development Code to the distance standard of 600 which is described later in the staff report.

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0051** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for an off-site parking lot in MSC zoning.** *Staff finds the proposed parking lot to be compatible for the reasons outlined in this report;*
 2. **Planning Commission determination of a variance to UDC §172.02(C), off-site parking lots may be located on other property not more than 600 feet distant from the principal use.** *Staff is supportive of this variance request for the reasons outlined above.*
 3. The proposed structure shall be phased according to the plans provided to ensure that an enclosed parking garage with at least 67 valet spaces shall be fully completed prior to a certificate of occupancy being issued on the associated hotel.
 4. A determination of streamside encroachment or streamside protection zone removal shall be made prior to the issuance of any grading or building permits on this property.
 5. Outdoor lighting on this property shall comply with UDC Chapter 176, Outdoor Lighting; and
 6. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval will expire after one year. A building permit for this parking garage shall be issued prior to this one-year period, or an extension shall be granted as required in said chapter.
-

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>November 24, 2025</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: **The applicant has submitted a written application requesting conditional use approval for an off-site parking lot.**

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §172.06 to grant the requested conditional use permit.**

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

Finding: Staff finds that granting the requested conditional use permit will require the balance of considerations of many elements of the public's interest. The proposed project meets an intent for infill by bringing a mixed-use, multi-family structure to a highly-walkable and centrally-located portion of the City. The request for valet parking to serve the hotel also allows for more valuable real estate within downtown to be available for the hotel purposes. Understanding, however, that without a larger alternative transportation network, most hotel travelers will be arriving by vehicle, providing a location nearby for those vehicles to be stored makes reasonable sense. Further, both properties are easily served by the Razorback Greenway, providing a safe option for valet workers to travel the distance back and forth for vehicle retrieval. Staff finds that the applicant's intent to encapsulate the parking lot within a building and create a more vibrant space also helps serve the public's interest of visually shielding parking lots from public view of the right-of-way. The main point of conflict arises with the existing Streamside Protection Zone. The ordinance regulates how land within those zones may be used or developed in order to safeguard water quality, prevent erosion and flooding, and preserve natural stream functions. A proposal to culvert the stream, or to remove this area from the overall zone may run counter to that ordinance's intent, and may run counter to other long-term city goals, such as finding ways to provide nature-based solutions in accordance with the recently-adopted Climate Action Plan. On the balance, however, staff finds that with appropriate conditions of approval in place to protect the existing natural resources on site, this project's proposal is likely to better serve the public's interest in the long-run.

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing off-site parking locations in Unified Development Code §172.06, Parking Lot Location Standards.

§172.06. PARKING LOT LOCATION STANDARDS.

- A. **Permitted Locations by Right.** Parking lots shall be located within the same zoning district and on the same site as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

Finding: The request is for an off-site parking lot located in MSC zoning which would primarily serve a use that is located within a recently-approved Planned Zoning District. The applicant seeks a conditional use permit to allow for this.

- A. **Permitted Locations as a Conditional Use.**

1. Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.
2. Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

Finding: The proposed parking lot would be in a mixed-use zoning district. Staff finds that given the applicant's priority to enclose this proposed parking lot within a structure, rather than solely provide a single-use surface parking lot for the hotel is a better outcome for this property. The proposal will help enliven the streetscape and activate the adjacent trail. It is currently being used as a construction lay-down yard for the adjacent multi-family structure that is under construction.

- C. Off-Site Locations.** If off-street parking cannot be provided on the same site as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

Finding: The proposed off-site parking lot will be located approximately 825 feet from the proposed hotel, and the applicant is seeking a variance to maximum 600-foot distance requirement. Staff finds that given the applicant's proposed valet-only solution, this distance is acceptable. It is not meant to be a self-park option, and there is a clear path for valet drivers to move back and forth for vehicle drop-off and retrieval.

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

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

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

Finding: Vehicular ingress and egress to the parking garage is proposed through two proposed curb cuts; one on W. Center Street and the other on S. Gregg Avenue. The separation distance requirement would be 50 feet from the nearest intersection and adjacent driveways. From the site plan provided, the applicant appears to be meeting this standard from the intersection of S. Gregg and W. Center Street. Typically, access shall be prioritized from the higher classification street, which in this instance, would need to be determined ultimately by the City Engineer. A variance to access

management may need to be sought when the item is submitted for development approval. Given that many of the vehicles in the garage will likely be stored for longer periods of time, staff anticipates that the proposal may not cause a significant issue with pedestrians and other traffic, though any necessary improvements will be fully evaluated with the project submittal.

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

Finding: No substantial economic, noise, glare, or odor effects on adjoining properties are anticipated. A site improvement plan for the proposed project would need to be submitted for review and approval, but staff finds that headlight glare is likely to be fully contained within the proposed structure. Further, hotels are permitted to have up to 1 space per room, plus 75% of any necessary space for accessory uses. The proposed hotel will have 114 guest rooms, and the applicant intends to provide 67 valet spaces for that use. Staff finds that this is an appropriate number of reserved spaces, given that hotels are not likely to be fully booked on every given day. Further, there is additional public parking available in the downtown area.

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

Finding: No refuse or service areas were shown on the plans provided, but the overall trash plan would need to be evaluated with this project's approval. The parking lot itself is not likely to generate much trash, but any trash that is provided will need to be screened from view of the right-of-way.

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

Finding: Water and sewer mains appear to be present along the property's frontages with W. Center Street and N. Gregg Avenue. Any improvements or upsizing would be evaluated with the overall project's approval. That said, staff anticipates that a sewer study may need to be evaluated or provided by the applicant, given impacts of other recent developments in the area.

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

Finding: Landscape screening and buffering is required in accordance with UDC Chapter 177, Landscape Regulations. Since the property is directly adjacent to residential uses, staff recommends a condition requiring that should the parking be installed prior to the overall structure, as shown in the applicant's site plan, that screening shall be fully in place at the time of any certificate of occupancy.

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

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

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

Finding: The applicant's proposal appears to be generally meeting the build-to zones and setback requirements as outlined in the Main Street Center zoning district. Given that the property is located adjacent to single-family residences to the south, the home protection ordinance in 164.11 would also apply, which would require additional setback and step back requirements of the structure. This has not yet been fully evaluated for, but it appears the applicant's proposal may be within that setback requirement currently.

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

Finding: Staff finds that the proposed use of this property as a mixed-use structure with parking within a garage is compatible with surroundings. Full compliance with necessary design and development standards will be reviewed for at the time of development submittal, but given the proposed scale and current surroundings, staff supports this project's compatibility and alignment with overall City goals.

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

Finding: Staff finds that the applicant's request for an off-site parking lot is generally consistent with the intent of the City's adopted plans. While the City's comprehensive plan promotes walkability and discourages automobile dependence, staff recognizes that the proposed parking lot is necessary to serve the needs of future hotel guests in at least the short-term. The applicant's proposal also goes one step further to incorporate a fully mixed-use structure of appropriate scale and allowable density within the Main Street Center zoning district, which makes the off-site parking request that much more in line with future land use plans. While there is a potential conflict with other existing ordinances (Streamside Protection Zone most obviously), the promotion of appropriate infill in the City's downtown meets a significant amount of other long-term goals.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §172.06 - Parking Lot Location Standards

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

172.06 Parking Lot Location Standards

The location of all required and nonrequired parking lots with five (5) or more spaces shall meet the location requirements below. All conditional uses hereunder shall be granted by the Planning Commission in accordance with Chapter 163, governing applications of conditional uses; procedures.

- (A) *Permitted Locations by Right.* Parking lots shall be located within the same zoning district and on the same site as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

(B) *Permitted Locations as a Conditional Use.*

(1) Parking lots located within residential zones which serve uses in nonresidential zones may be allowed as a conditional use by the Planning Commission.

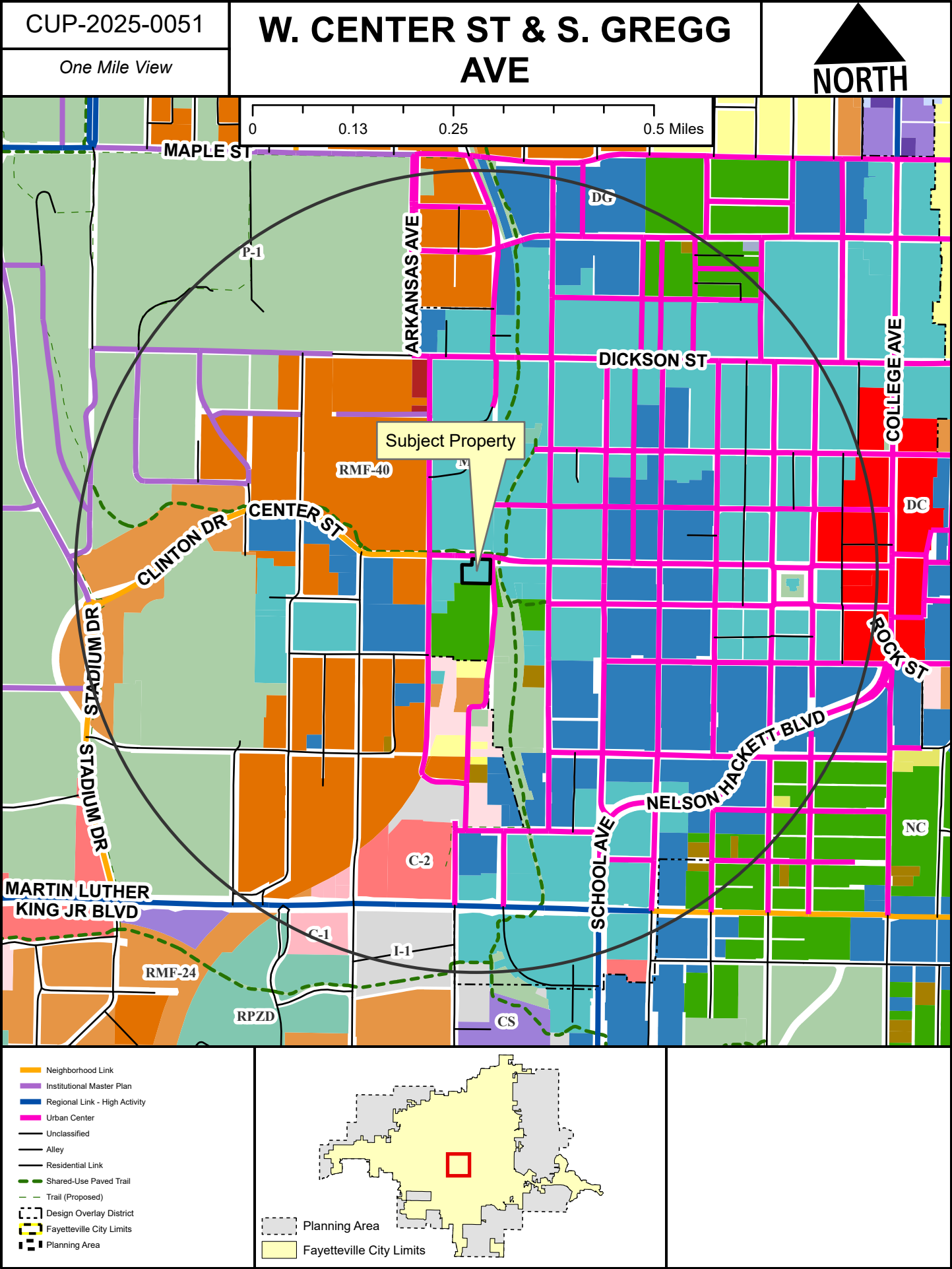
(2) Parking lots for uses allowed as conditional uses within residential zones must also be approved as a conditional use. A conditional use for a parking lot may be approved at the same time the use is approved or may be approved separately if additional parking lots are developed later.

The Planning Commission shall make a finding based upon the size, scale, and location of these activities that the proposed parking lot will not adversely affect adjacent residential uses or the residential character of the neighborhood.

(C) *Off-Site Locations.* If off-street parking cannot be provided on the same site as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.

(D) *Intermittent Parking.* Uses which generate only intermittent demand for parking may count available on-street parking within 600 feet of the building as part of required parking, subject to the approval of the Planning Commission.

(Ord. No. 6864, §3(Exh. B), 5-6-25)

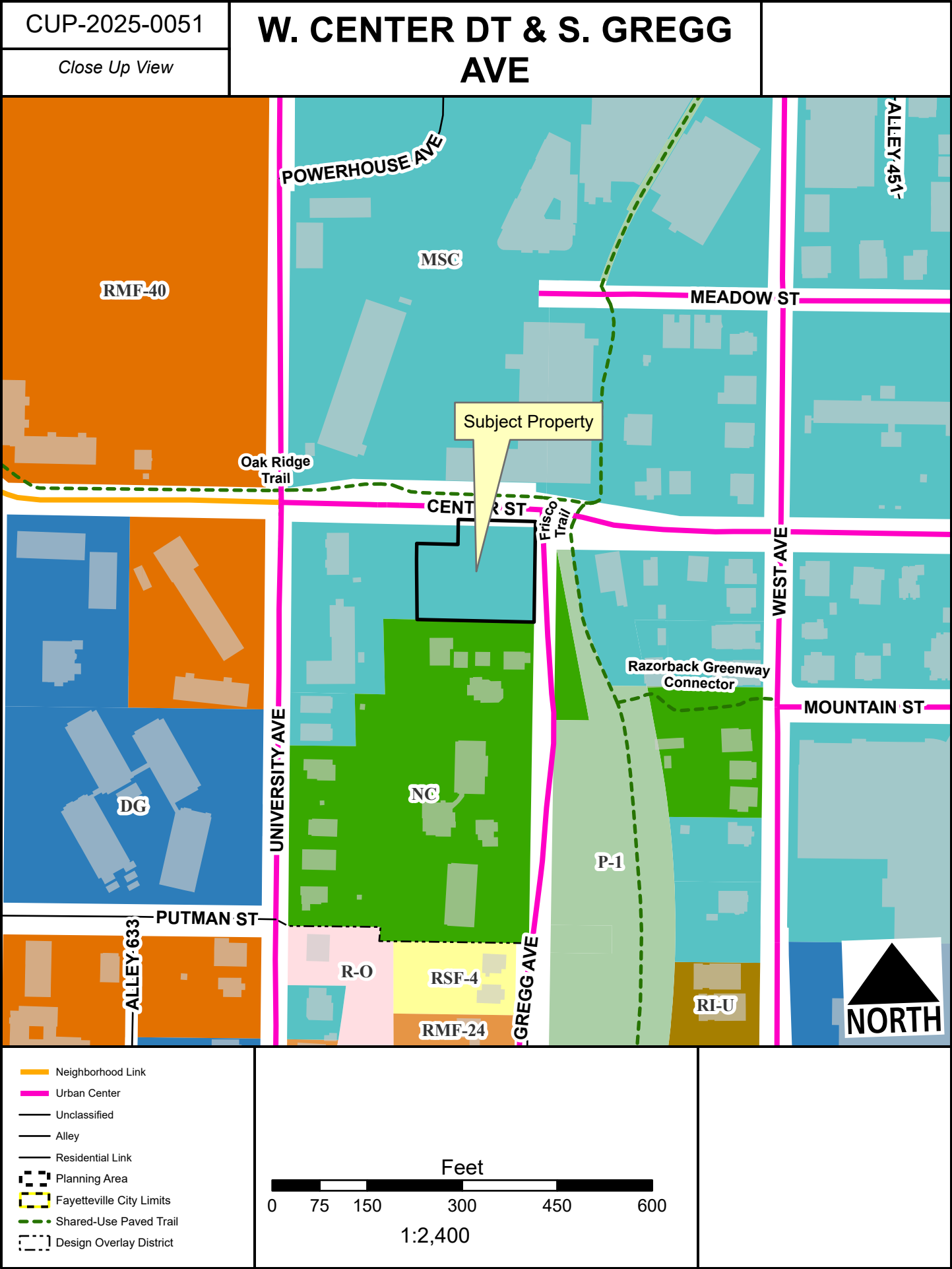


Planning Commission

November 24, 2025

CUP-2025-0051 (REINDL INVESTMENTS)

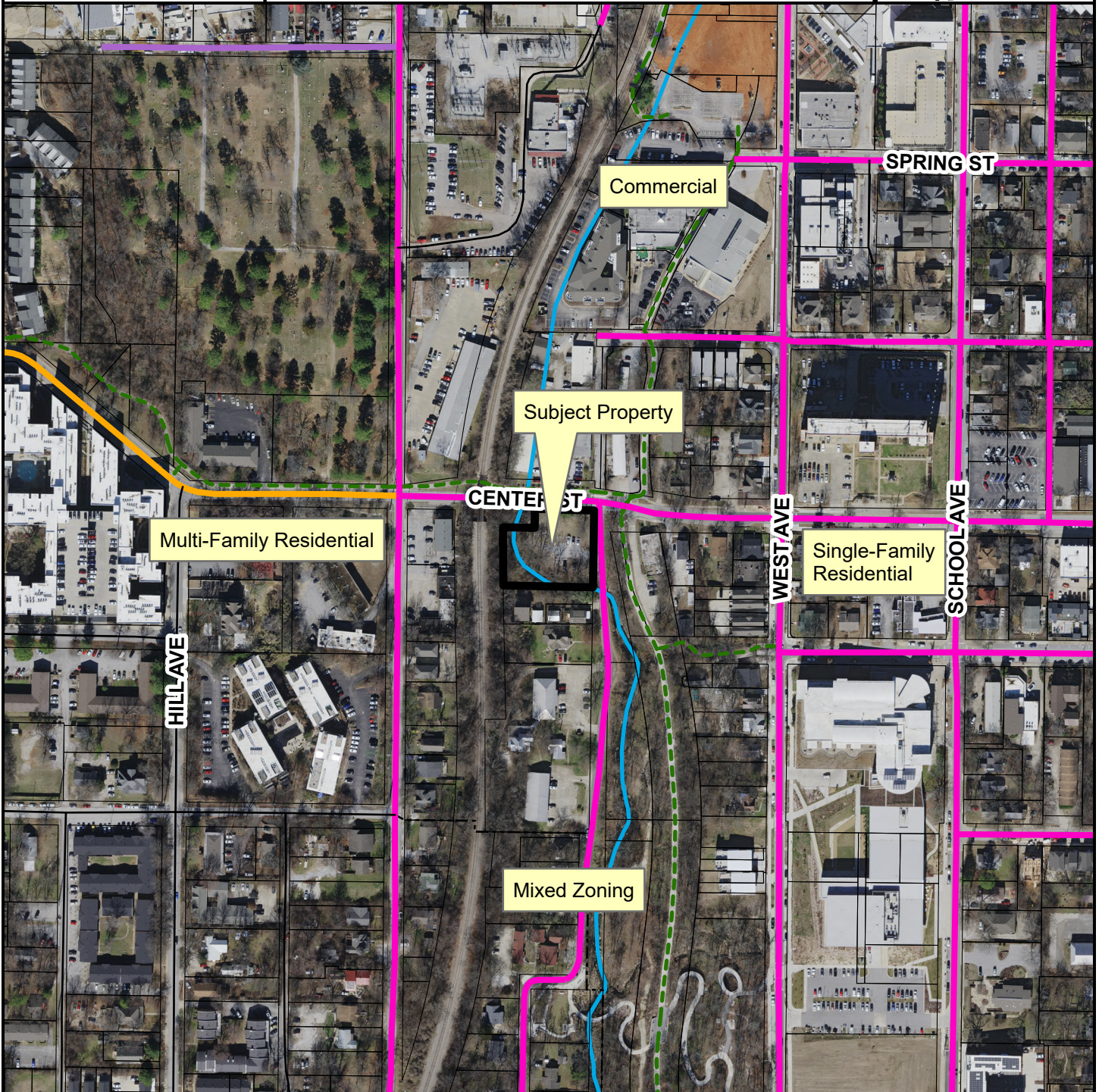
Page 9 of 68



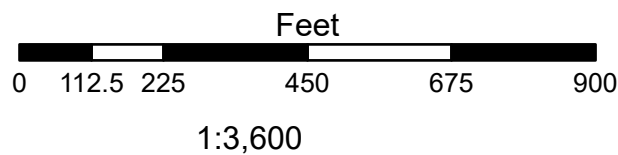
CUP-2025-0051

W. CENTER ST & S. GREGG AVE

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

17 October, 2025

TO	Fayetteville Planning Commission Chair, Commissioners, + City Staff
PROJECT LOCATION	765-01743-003 (Park Hotel, 500 W Spring St) 765-12944-000 (Camden Court, 601 W Center St)
CODE SECTION	<u>172.06</u> (C) Off Site Locations (for Parking) <i>If off-street parking cannot be provided on the same site as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 600 feet distant from the principal use, subject to conditional use approval by the Planning Commission.</i>
REFERENCE DOCUMENTS	Resolution 251-23, file number 2023-1171, passed and approved November 7, 2023: Real Estate Purchase Contract Ordinance 6748, file number 2024-26, passed and approved May 7, 2024: Planned Zoning District (PZD) at 500 W Spring St CPL-2025-0011 Conceptual Plat, conditionally approved August 11, 2025: Conceptual Plat for W Center St + S Gregg Ave

PROJECT NARRATIVE	The use of 601 W Center St as an off-site parking location meets a contractual demand to the approval of the Real Estate Purchase Contract and associated Planned Zoning District (PZD) for the Park Hotel at 500 W Spring St. The stipulations of the Purchase Contract, under section 31. Development of the Mixed-Use Building, part K, states: <i>“Buyer must provide all parking required by Seller’s parking codes and requirements at Buyer’s cost. Buyer must provide the amount of valet parking to Building guests that is usual and typical for the size of the Building. As a condition of this Contract and prior to Closing, Buyer must own or have a written lease for sufficient property to provide parking as required by Seller’s parking requirements, including but not limited to City Code sections 172. 05 and 156. 03 C (5). Buyer owns a parcel of land located at 601 W. Center Street, Fayetteville, Arkansas containing approximately . 8 acres and which shall be used for valet parking for guests of the Building (the " Reindl Parking Parcel"). The Reindl Parking Parcel will provide a minimum of approximately 55 to 65 parking spaces. To the extent Seller has any excess parking spaces available Seller agrees to lease the excess parking spaces to Buyer at current market rates. Seller makes no representations that it has any parking spaces available to lease to Buyer. The deed to Buyer will contain a deed restriction requiring future owners to comply with all City of Fayetteville parking requirements, including, but not limited to the parking requirements</i>
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contained in the approved PZD plan.”¹

This contract language specifically states that this 601 W Center St location shall be used for the valet parking of Park Hotel guests, as does the ensuing PZD. The staff memo recommending the approval of the PZD noted that “valet drop-off...will be developed with the overall proposal, but will be included on a separate property,” and the PZD booklet identified the need for a conditional use permit to allow the use of off-site parking at 601 W Center St beyond the code standard of 600’. The PZD booklet further notes:

“Per approved contract with the City, a minimum of approximately 55 - 65 spaces shall be provided off-site at 601 W Center Street (parcel # 765 -12944-000), located 0.16 miles from the hotel. This parcel is under the same ownership, and shall serve as a valet and employee parking only.”²

In an effort to provide additional desired infill, the Owner is now proposing this off-site parking as part of a larger project, Camden Court, as submitted to the City in June 2025 for conceptual plat. It currently proposes 67 parking stalls for valet and employee use at the Park Hotel and 51 parking stalls for the residential dwelling units at 601 W Center St.

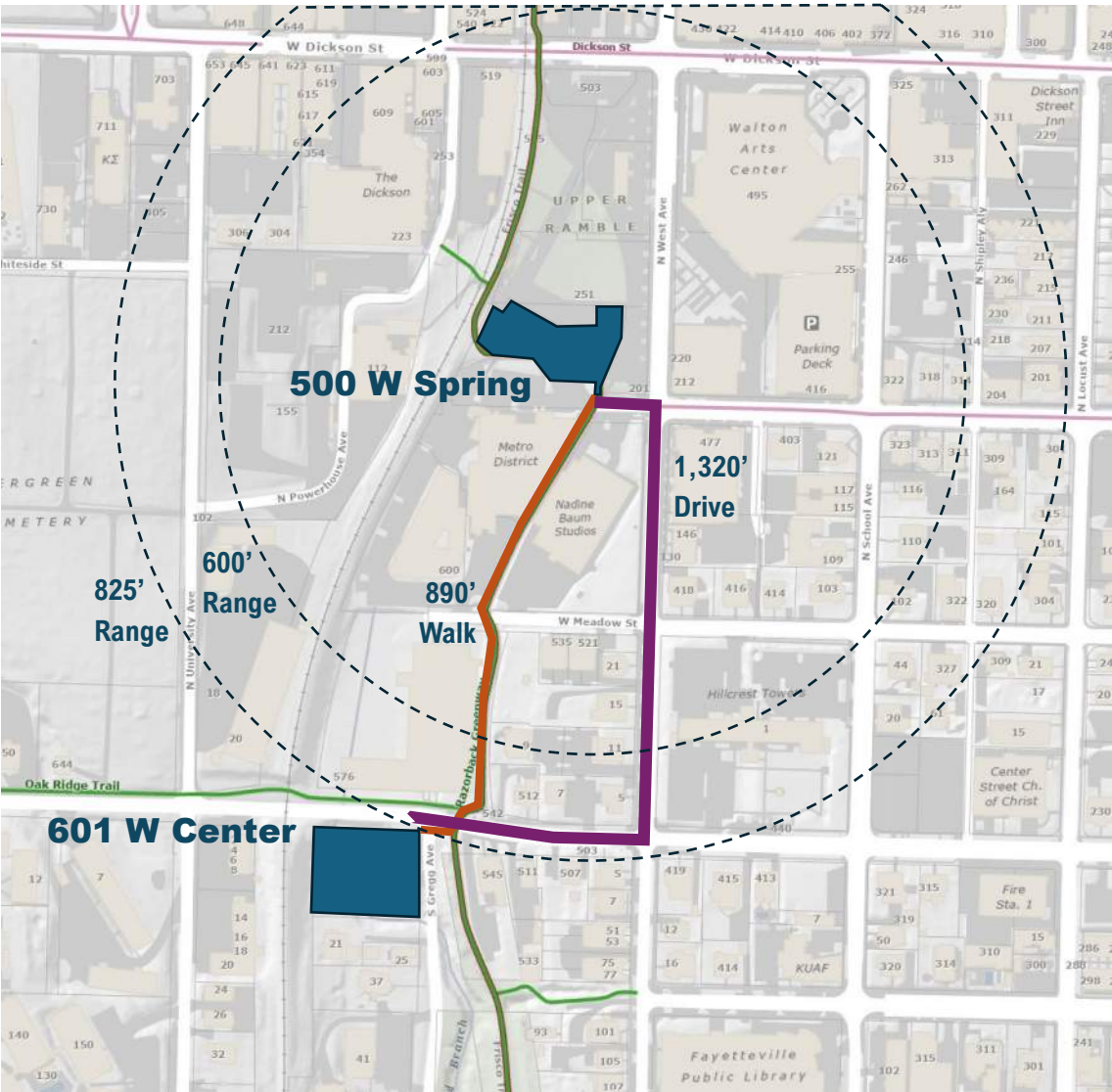
The Park Hotel property sale and PZD approval require that off-site parking shall be in place before the certificate of occupancy is released for the hotel. As such, the Camden Court project will be phased to ensure parking for the hotel is available upon opening.

¹ Resolution 251-23, Real Estate Purchase Contract

² Ordinance 6748, approved Planned Zoning District Booklet

PROXIMITY

Distance listed in 172.06 (C):		600'
Distance straight-line (as the crow flies):	+/-	825'
Distance along Greenway:	+/-	890'
Expected walk time:	+/-	2.5 – 3 minutes
Drive distance along West Ave:	+/-	1,320'



REQUEST

To allow the use of 601 W Center St as off-site parking to support the operations of the Park Hotel at 500 W Spring St and a variance to the allowed distance stated in 172.06 (C). The sites are a straight-line distance of +/- 825', which is +/- 225' beyond the allowed 600' distance. This use is a condition of the real estate purchase agreement for 500 W Spring St between the Owner and the City.

SUMMARY

We believe the nearness of off-site parking provided in this request satisfies the intent of the proximity requirement, especially given its operational valet function rather than typical parking, and adapts well to the challenges of developing high-quality projects

Conditional Use Permit + Variance Request

Camden Court

within the mosaic of our downtown infill constraints.

This project directly supports the City's goals of infill and revitalization and promises to be a significant economic and social boon to civic investments, and we respectfully propose that this requested use is reasonable and necessary per the approved real estate contract and rezoning documents.

Grateful for your consideration,



Hunter Adkisson

PLA, ASLA

Prism Design Studio

O: 479-878-2435

C: 501-339-1986

hunter.adkisson@prismds.co

CAMDEN COURT TYPICAL APARTMENT LEVEL PLAN

CONDITIONAL USE PERMIT REQUEST





CAMDEN COURT

VIEW OF SOUTHEAST CORNER

CONDITIONAL USE PERMIT REQUEST



Planning Commission

November 24, 2025

CUP-2025-0051 (REINDL INVESTMENTS)

Page 20 of 68

CAMDEN COURT

VIEW OF SOUTHEAST CORNER

CONDITIONAL USE PERMIT REQUEST



Planning Commission

November 24, 2025

CUP-2025-0051 (REINDL INVESTMENTS)

Page 21 of 68

CAMDEN COURT
COURTYARD BUILDING & BLOCK LLC
MAY 29, 2025

CAMDEN COURT
NORTH FACADE

CONDITIONAL USE PERMIT REQUEST



CAMDEN COURT
COURTYARD BUILDING & BLOCK, LLC
MAY 29, 2025

CAMDEN COURT
EAST FACADE

CONDITIONAL USE PERMIT REQUEST



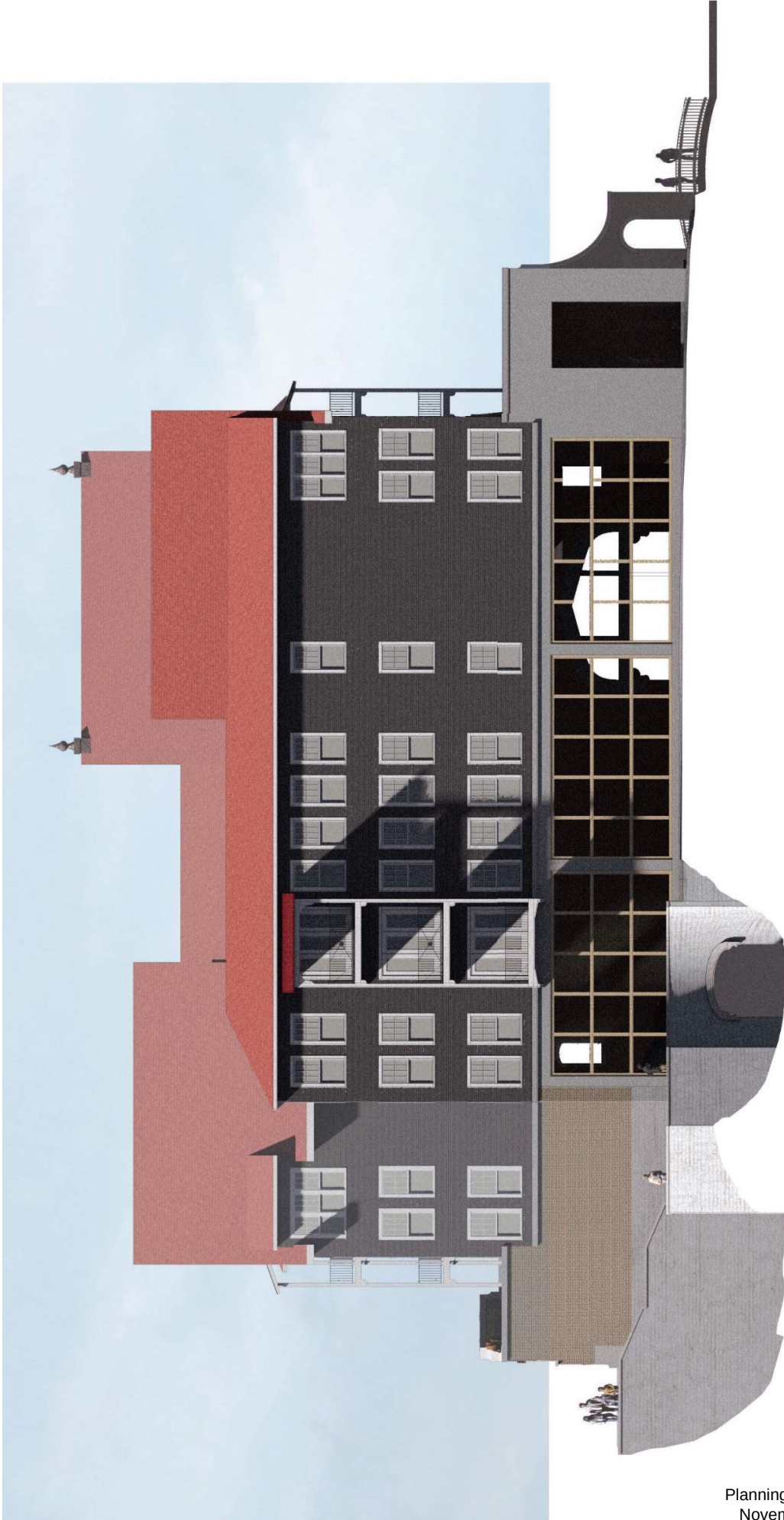
CAMDEN COURT
SOUTH FACADE

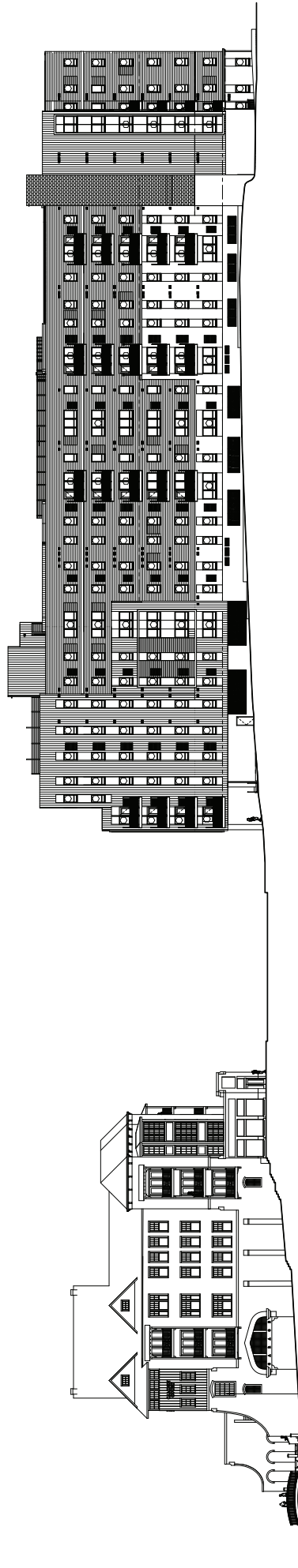
CONDITIONAL USE PERMIT REQUEST



CAMDEN COURT
WEST FACADE

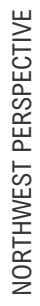
CONDITIONAL USE PERMIT REQUEST





Center Street Section Facing East Elevations

CONDITIONAL USE PERMIT REQUEST



EFFECTIVELY PRICED PUBLIC PARKING

Effectively Price Public Parking

Extend paid parking hours

Recommendation

- Extend public parking hours of enforcement to between 8 AM to 2 AM; free parking remains from 2 AM to 8 AM

Considerations

- Charging for parking earlier in the day will deter students and other long-term parkers from parking on-street and give more access to customers for local businesses
- Validate on-street or “core” parking in the short-term to ensure it does not deter patrons

Create a price difference between on and off-street parking

Recommendation

- Charge a higher hourly rate for on-street spaces vs. off-street public parking.

Considerations

- Reevaluate current policies for employee and residential on-street parking use
- On-street spaces are only 20% of total parking supply in study area and should be prioritized for high turnover activity (≤ 2-hour duration)
- Moves long-term parking needs (such as employee parking) to off-street facilities

Positive Impacts of Time-Limited On-Street / “Core” Parking in Commercial Areas

	Cost	Time Limit	Turnover
Current	2 AM – 2 PM: Free 2 PM – 6 PM: \$0.50/hr. 6 PM – 2 AM: \$1/hr. All day option: \$5	N/A	~2.2 cars per day*
Proposed	2 AM – 8 AM: Free 8 AM – 2 AM: \$1.50/hr.	2-hour limit	9 cars per day

Effectively Price Public Parking

Match parking revenues to fund future supply

Recommendation

- Continue to focus on long-term financial planning to raise capital for additional entertainment needs, such as streetscape improvements, parking maintenance and new parking structures.

Considerations

- Ensure that parking pricing is continuously monitored and adjusted to fund these future expenditures

CITY vs. PRIVATE SECTOR ROLE IN PROVIDING PARKING

Further Explore City's Role in Providing Parking vs. Private Sector Providing its Own

Option 1: Require future developments to self-park

Recommendation

- Future developments demonstrate through a shared parking study that they can effectively share parking between uses on their own site and build the amount the shared parking methodology indicates it needs, thus not relying on other parking throughout the Dickson/Block area
- If developer does not build the parking needed to serve the site, the developer would be responsible for securing additional spaces needed via lease agreements

Considerations

- Allows developers to reduce parking built to serve their site while also accommodating the needs of their site
- May discourage some development due to cost to build parking

Or...

Option 2: City to build additional parking facilities to serve district demands

Recommendation

- Without a parking requirement for new developments, the City takes responsibility for providing additional parking facilities to meet future development demands throughout the district

Considerations

- Limited by bond capacity
- Parking needs will depend on future developments coming to fruition
- Opportunity cost of using taxpayer dollars to fund parking vs. other needs (such as transit, housing, revitalization efforts, etc.)

BUILDING MORE PARKING

Building More Parking

City-sponsored new parking facility

Opportunity

- Approximately 55-90 spaces per level for a parking garage on the School Lot or another location
- Proximate location to Dickson/Block patrons and event-goers
- New garage can include street-level activation to bring activity to School Street

Considerations

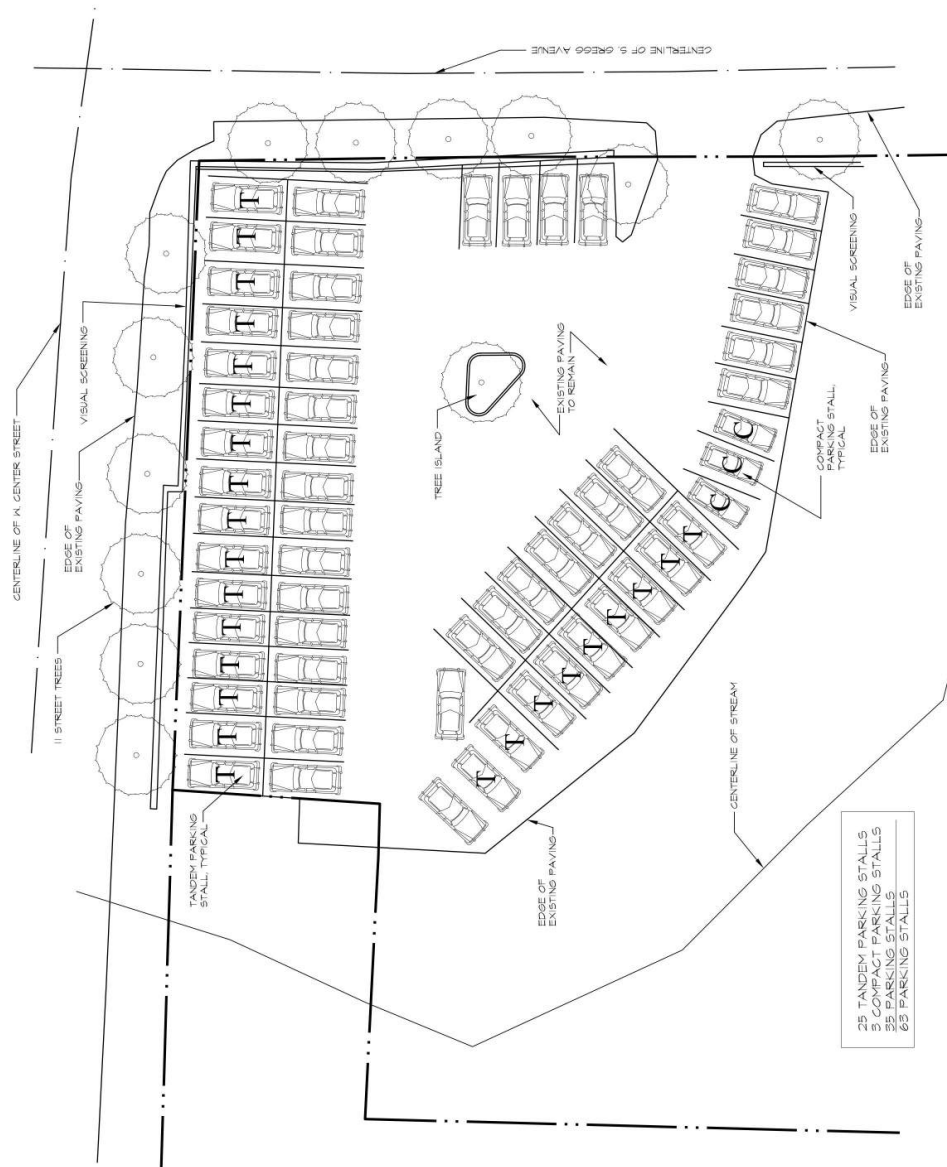
- Lose 58 spaces in the current School Lot
- Parking deficit depends on all future developments coming to fruition
- High cost; ~\$13.2M for a 330-space garage in Fayetteville
- Decreases vibrancy of the block with two garages across the street from each other
- May require the purchase of private property to expand garage footprint

Summary of Recommendations

If all future developments come to fruition, Dickson/Block area will need ~500 additional spaces during an event to account for the increased demand.

Strategy	Actions	Effort	Cost	Impact to Proximate Parking Supply
Manage Current Supply	Unified approach to private off-street parking	Medium	Low	Unknown*
	District-wide wayfinding	Medium	Medium	~50 spaces**
Policy Change / Increase Parking Supply	Extend paid parking hours	Low	Low	Estimated ~100-200 lunchtime, little impact in evenings
	Create a price difference between on and off-street parking	Medium	Low	
	Match parking revenues to fund future supply	Medium	Low	N/A
	Future developments self park (reduced parking through shared parking study)	Low	Low	Satisfied
	City-sponsored new parking facility	High	High	Satisfied

*Conversations with Dickson/Block property owners needed
** Squeezes out approximately 10% more capacity of parking facilities signed.



Valet Parking Plan – Diagram with Tandem Usage

Robert Sharp Architect - 17 October 2023



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor**
City Council

CC: **Susan Norton**, Chief of Staff
Wade Abernathy, Bond Projects & Construction Manager; Facilities
Management

FROM: **Kit Williams**, City Attorney

DATE: **October 17, 2023**

RE: **Survival of Contractual Obligations, Representations, and Agreements
as Restrictive Covenants**

**"Survival" Provision in Proposed Contract Needs to be Amended to Ensure all
Warranties, Representations, Covenants, Obligations, and Agreements in the
Real Estate Purchase Contract Remain Enforceable as Deed Restrictions**

Paragraph 17 SURVIVAL states as follows:

"17. SURVIVAL Except as otherwise set forth herein, all warranties, representations, covenants, obligations, and agreements contained in this Contract shall survive the closing hereunder and the transfer and conveyance of the Property and any and all performances hereunder for a period of six (6) months."

This could reasonably be interpreted and may have been intended to mean that all warranties, representations, covenants, obligations, and agreements in the Real Estate Purchase Contract would become invalid and unenforceable and would not survive beyond six months after Closing. The proposed Real Estate Purchase Contract's Paragraph 31 DEVELOPMENT OF THE MIXED-USE BUILDING goes on for four (4) full pages of representations, covenants, obligations, and agreements requiring Mr. Reindl's corporation to build and operate his mixed-use building in ways beneficial to the City and our citizens.

All of those representations, covenants, agreements and obligations could vanish six months after closing because of the proposed Survival paragraph.

This paragraph should be amended substantially to incorporate all those warranties, representations, covenants, obligations, and agreements into the City's deed conveying the property to Mr. Reindl's corporation as follows:

"17. SURVIVAL. All warranties, representations, covenants, obligations, and agreements contained within this Real Estate Purchase Contract shall survive closing and the transfer and conveyance of the property by being incorporated as restrictive covenants into the deed and so shall remain effective and enforceable by and against the grantor and grantee and their successors until and unless both Brian Reindl for Reindl Properties, Inc. or its successor in interest and the City of Fayetteville through City Council Resolution jointly agree to modify, remove, or otherwise change one or more of the restrictive covenants which reflect the warranties, representations, covenants, obligations, or agreements contained in this Contract."

Hopefully, Brian Reindl for Reindl's Properties, Inc. always intended that the representations, covenants, obligations and agreements within this Real Estate Purchase Contract that he has already agreed to and signed would remain valid and effective during the long life and operation of the Hotel and the many other uses which the mixed-use building businesses would enjoy under this Contract. My proposed amendment would just ensure that these covenants, representations, agreements and obligations would not vanish six months after closing. I do believe the continuing enforceability of all the covenants, obligations, representations and agreements need to remain effective and enforceable to protect our taxpayers' over \$30 Million investment in the Cultural Arts Corridor Project. Only if Mr. Reindl does not wish to abide by the promises and commitments he makes in this Contract during the life of this important project would he object to my proposed clarifying language.

The wording of the City's deed can be controlled by this Real Estate Purchase Contract. That is why this Contract's wording must accurately reflect the concerns and interests of the City Council when the Real Estate Purchase Contract is approved. Failure to amend the current Survival paragraph will likely mean that the promises in the Contract will be illusory and unenforceable.

REAL ESTATE PURCHASE CONTRACT

THIS **REAL ESTATE PURCHASE CONTRACT** (this “**Contract**”) is made and executed as of the ____ day of _____, 2023, by and between **REINDL PROPERTIES, INC.** (“**Buyer**”) and **CITY OF FAYETTEVILLE, ARKANSAS** (“**Seller**”) as follows:

1. THE PROPERTY

For the price and upon and subject to the terms, conditions and provisions set forth in this Contract, Seller shall sell and convey to Buyer and Buyer shall purchase from Seller that certain real estate owned by Seller located adjacent to West Avenue and Spring Street in Fayetteville, Washington County, Arkansas, (the “**Property**”), in the approximate location as depicted on Exhibit 1 attached hereto, the exact legal description to be determined by survey, together with all Seller’s rights, title and interest in all public and private streets, roads, avenues, alleys and passageways, and all and singular the estates, rights, privileges, easements and appurtenances belonging or in any way appertaining to the Property.

2. PURCHASE PRICE

Purchase Price. The purchase price for the Property (“**Purchase Price**”) shall be One Million Two Hundred Forty-seven Thousand Four Hundred Fifty-five Dollars (\$1,247,455.00,) to be paid in cash at Closing.

3. DEED

On the Closing Date, Seller shall execute a deed to sell and convey to Buyer good and marketable title to the Property by special warranty deed in the form reasonably prescribed by Buyer (the “**Deed**”), subject to no liens, claims, or encumbrances (“**Encumbrances**”), except (a) a restriction concerning Prohibited Uses as defined in Paragraph 31; (b) a restriction requiring the Property to comply with all City of Fayetteville parking requirements including parking requirements contained in the approved PZD plan for the Building as contained in Paragraph 31(k); (c) liens for ad valorem taxes that are not yet due and payable; and (d) those title and survey exceptions either waived or approved in writing by Buyer after Buyer’s review of the Commitment, Survey (as those terms are hereinafter defined), and legible copies of all title exception documents identified on the Commitment and Survey (the “**Permitted Exceptions**”). Title to the Real Property as aforesaid shall be insured by the Title Company as provided in Section 5.

4. SURVEY

Buyer will order an ALTA survey (the “**Survey**”) within five (5) days of the execution of this Contract. Buyer and Seller will each pay one half of the cost of the Survey. The Survey will include the location and boundaries of the Property and the Public Easement (defined and described in paragraph 30). The Survey and the boundary lines of the areas surveyed therein shall be subject to the mutual agreement of Buyer and Seller.

5. TITLE INSURANCE

Commitment and Title Policy. Within ten (10) business days after the date of this Contract, Seller will order a preliminary title insurance commitment (the “**Commitment**”) from Bronson Abstract Company, Fayetteville, Arkansas (the “**Title Company**”) pursuant to which the Title Company shall agree to issue to Buyer, an ATLA owner’s policy of title insurance (the “**Title Policy**”) in the amount of the Purchase Price, insuring marketable fee simple title to the Real Property in Buyer upon recording of the Deed.

Seller’s Title Documents. Seller shall, at Seller’s sole expense, execute, acknowledge and deliver or cause to be executed, acknowledged and delivered to the Title Company, on or before the Closing Date, such affidavits and other documents approved by the Seller, as the Title Company shall require as a condition to issuance of the Title Policy in the form herein provided (collectively, “**Seller’s Title Documents**”).

Buyer’s Title Documents. Buyer shall, at Buyer’s sole expense, execute, acknowledge and deliver or cause to be executed, acknowledged and delivered to the Title Company, on or before the Closing Date, such affidavits and other documents approved by Buyer, as the Title Company shall require as a condition to issuance of the Title Policy in the form herein provided (collectively, “**Buyer’s Title Documents**”).

6. TITLE AND SURVEY DEFECTS

Buyer shall have ten (10) days from the receipt of the Title Commitment and copies of documents constituting exceptions to title and the Survey to examine the same and to specify to Seller in writing any matters which Buyer finds objectionable (the “**Encumbrances**”).

Seller shall have thirty (30) days to cure or remove all Encumbrances at its cost and expense. If Seller fails to cause all the Encumbrances to be removed within such 30-day period or if Seller notifies Buyer of its decision not to cure or remove some or all of the Encumbrances, Buyer’s remedy shall be to:

- (i) Terminate this Agreement by giving Seller written notice thereof;
- (ii) Agree to extend additional time to Seller to cure or remove all Encumbrances; or
- (iii) Elect to purchase the Property subject to the Encumbrances and the Encumbrances not so removed or cured shall be deemed Permitted Exceptions and the Purchase Price shall not be reduced by any amount.

7. INVESTIGATION BY BUYER

Buyer has the right to conduct such due diligence as Buyer deems necessary in Buyer’s sole discretion from the date of the execution of this agreement and continuing through five (5) business days prior to Closing; provided, however, Buyer may not conduct any intrusive testing in the subsurface soil or take any bore samples without the prior, written consent of the Seller. If Buyer, in its sole discretion is not satisfied with the results of its due diligence, Buyer may terminate this Contract at any time prior to Closing by providing written notice to Seller, whereupon this Contract shall be terminated and neither party shall have any further obligation to the other party.

8. REPRESENTATIONS AND WARRANTIES OF SELLER

Seller represents and warrants to Buyer the following through the date hereof and as of the Closing Date to the best of Seller's knowledge:

- 8.1 Except as disclosed to Buyer in writing there are no unrecorded leases, arrangements, agreements, understandings, options, contracts, or rights of first refusal affecting or relating to the Property in any way.
- 8.2 Seller represents and warrants that at the time of acceptance hereof and at Closing, Seller is not a "foreign person" as such term is defined in Section 1445(f) of the Internal Revenue Code of 1954.
- 8.3 There are no actions, suits, lawsuits, proceedings, or claims affecting any part of the Property, or affecting Seller with respect to the ownership, occupancy, use, or operation of any part of the Property pending in or before any court, agency, commission, or board.
- 8.4 No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against Seller.
- 8.5 Seller has not received notice from any governmental authority, stating that the Property is currently in violation of any zoning, environmental, or other land use regulations or in violation of any required licenses, registrations, certificates, permits, approvals, or other governmental authorizations relating to the use and operation of the Property. If Seller receives such a notice prior to Closing, Seller shall promptly notify Buyer of such a notice and deliver a copy thereof to Buyer.
- 8.6 Seller has not received any notice relating to its period of ownership of the Property that the Property is in violation of any applicable governmental law, regulation, or requirement relating to environmental or occupational health and safety matters or Hazardous Substances ("Environmental Laws"). As used in this Agreement, the term "Hazardous Substances" means any and all substances, materials, and wastes which are regulated as hazardous or toxic under applicable local, state, or federal law or which are classified as hazardous or toxic under applicable Environmental Laws.
- 8.7 Seller has not stored, processed, or disposed of hazardous or toxic substances on the Property.
- 8.8 No underground storage tanks are located on the Property.

For the purposes hereof, the term "Seller's Knowledge" means the actual knowledge of Lionel Jordan, without any duty of inquiry or investigation.

BUYER ACKNOWLEDGES AND AGREES THAT, EXCEPT AS OTHERWISE EXPRESSLY PROVIDED IN THIS AGREEMENT OR IN ANY CLOSING DOCUMENT DELIVERED BY SELLER, (A) BUYER HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF SELLER IN CONNECTION WITH THE PROPERTY OR THIS TRANSACTION, (B) SELLER WILL SELL AND CONVEY TO BUYER, AND BUYER WILL ACCEPT THE PROPERTY "AS IS", "WHERE IS", AND "WITH ALL FAULTS" ON THE CLOSING DATE, AND THERE ARE NO ORAL AGREEMENTS, WARRANTIES OR

REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE PROPERTY BY SELLER OR ANY THIRD PARTY, AND (C) SELLER DOES NOT, BY THE EXECUTION AND DELIVERY OF THIS AGREEMENT, AND SELLER WILL NOT, BY THE EXECUTION AND DELIVERY OF ANY DOCUMENT OR INSTRUMENT EXECUTED AND DELIVERED IN CONNECTION WITH CLOSING, MAKE ANY REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE WHATSOEVER, WITH RESPECT TO THE PROPERTY AND ALL SUCH WARRANTIES ARE HEREBY DISCLAIMED.

9. REPRESENTATIONS AND WARRANTIES OF BUYER

Buyer represents and warrants to Seller the following through the date hereof and as of the Closing Date to the best of Buyer's knowledge:

- 9.1 Buyer represents and warrants that at the time of acceptance hereof and at Closing, Buyer is not a "foreign person" as such term is defined in Section 1445(f) of the Internal Revenue Code of 1954.
- 9.2 No petition in bankruptcy (voluntary or otherwise), assignment for the benefit of creditors, or petition seeking reorganization or arrangement or other action under Federal or State bankruptcy laws is pending against Buyer.
- 9.3 Buyer has full authority to enter into this Contract and fulfill all its obligations pursuant therewith.

"Buyer's Knowledge" means the actual knowledge of Brian Reindl.

10. TAXES AND ASSESSMENTS

No tax prorations will occur because Seller is not subject to real estate taxes. Buyer is responsible for paying all real property taxes and assessments due and payable after the date of Closing.

11. CLOSING COSTS AND ADJUSTMENTS

Seller's Costs. Seller shall pay the cost of (1) one-half of the documentary stamps; (2) the cost of the owner's portion of the title insurance policy; (3) one-half the Title Company's closing fee and document preparation fee; (4) the Title Company's title search fee; (5) all certificates, instruments and documents which Seller is required to deliver or cause to be delivered; (6) one-half of the Survey; (8) one-half of the cost of appraisals required in connection with the Purchase Price of the Property or in connection with the Public Easement as provided in this Contract; and (7) its legal fees and expenses.

Buyer's Costs. Buyer shall pay the cost of (1) one-half of the documentary stamps; (2) one-half the Title Company's closing fee and document preparation fees; (3) the cost of any loan policy of title insurance including all endorsements required by Buyer's lender; (4) all certificates, instruments and documents which Buyer is required to deliver or cause to be delivered; (5) Buyer's legal fees and expenses; (6) one half of the Survey; and (7) one-half of the cost of any third appraisal required in connection with the Purchase Price of the Property or in connection with the Public Easement as provided in this Contract.

12. CONDEMNATION AND CASUALTY

If, prior to the Closing Date, all or any part of the Property shall be condemned by governmental or other lawful authority such that the remaining property is insufficient for Buyer to construct the Mixed Use Building (as defined below), Buyer shall have the option, exercised by delivery to Seller of written notice of such election on or before the fifteenth (15th) business day following the date on which Buyer receives from Seller written notice of such condemnation of either (a) completing this transaction, in which event (i) there shall be no reduction of the Purchase Price, (ii) Seller shall have no duty to repair or restore, (iii) Seller shall pay to Buyer all condemnation proceeds received by Seller with respect to such condemnation, and (iv) Seller shall assign to Buyer all rights of Seller in and to such condemnation proceeds, or (b) terminating this Contract.

13. LEASES AND OTHER AGREEMENTS

During the period from the date of this Contract to and including the Closing Date, Seller shall not, without the prior written consent of Buyer enter into a lease of the Property that has a term extending beyond the Closing Date.

14. CLOSING

Closing Date. Provided all conditions to closing set forth in this Contract have been satisfied or waived by Buyer and Seller, and this Contract has not been terminated in accordance with the provisions herein set forth, the transaction contemplated herein shall close within thirty (30) days of the satisfaction or fulfillment of all conditions of closing, or such other date as is mutually agreeable to Seller and Buyer, PROVIDED, however, that if Closing does not occur on or before _____, Seller may, in its sole discretion, terminate this Contract and neither party shall have any further obligations to the other party. Such date for the closing of title is herein called the “**Closing Date**” or such occurrence is called the “**Closing**” or “**closing**”.

Seller’s Deliverables. On or before the Closing Date, Seller shall deliver or cause to be delivered to the Title Company the following: (a) Special Warranty Deed; and (b) Seller’s Closing Statement and such other documents as Title Company may require at Closing and which are approved by the Seller.

Buyer’s Deliverables. On or before the Closing Date, Buyer shall deliver or cause to be delivered to the Title Company the following: (a) by federal wire transfer of funds to the Title Company’s escrow account an amount equal to (i) the balance of the Purchase Price due at closing, adjusted as herein provided, plus (ii) the aggregate amount of closing costs for which Buyer is responsible as provided herein, all as shown on Buyer’s closing statement; (b) and Buyer’s Closing Statement and such other documents as Title Company may require at Closing.

15. POSSESSION

Exclusive possession of the Property shall be delivered to Buyer on the Closing Date.

16. BROKERAGE

Seller hereby represents and warrants that it has not engaged the services of any real estate agent, broker or firm in connection with the Property or this real estate transaction. Buyer hereby represents and warrants that it has not engaged the services of any real estate agent, broker or firm in connection with the Property or this real estate transaction.

17. SURVIVAL

Except as otherwise set forth herein, all warranties, representations, covenants, obligations, and agreements contained in this Contract shall survive the closing hereunder and the transfer and conveyance of the Property and shall remain effective and enforceable by and against the parties and their successors and assigns until and unless both Reindl Properties, Inc. or its successor in interest and the City of Fayetteville through City Council Resolution jointly agree to modify, remove, or otherwise change any such warranties, representations, covenants, obligations, or agreements contained in this Contract.

18. TIME

Time is of the essence of this Contract.

19. NO WAIVER

Except as herein expressly provided, no waiver by a party of any breach of this Contract or of any warranty or representation hereunder by the other party shall be deemed to be a waiver of any other breach by the other party (whether preceding or succeeding and whether or not of the same or similar nature), and no acceptance of payment or performance by a party after any breach by the other party shall be deemed to be a waiver of any breach of this Contract or of any representation or warranty hereunder by such other party, whether or not the first party knows of such breach at the time it accepts such payment or performance. No failure or delay by a party to exercise any right it may have by reason of the default of the other party shall operate as a waiver of default or modification of this Contract or shall prevent the exercise of any right by the first party while the other party continues to be so in default.

20. INSTRUMENTS IN WRITING

No agreement, consent, approval, notice, amendment, modification, understanding, or waiver of or with respect to this Contract or any agreement, instrument, or document entered into pursuant to or with respect to this Contract, or any term, provision, covenant, or condition hereof or thereof, nor any approval or consent given under or with respect to any of the foregoing, shall be effective for any purpose unless contained in a writing signed by the party against which such agreement, amendment, modification, understanding, waiver, approval or consent is asserted.

21. NOTICES

Any and all notices, requests, demands, or other communications hereunder shall be deemed to have been duly given if in writing and if transmitted by hand delivery with receipt

therefor, by facsimile delivery (with confirmation by hard copy), by overnight courier, or by registered or certified mail, return receipt requested, first class postage prepaid addressed as follows (or to such new address as the addressee of such a communication may have notified the sender thereof) (the date of such notice shall be the date of actual delivery to the recipient thereof):

If to Buyer: Reindl Properties, LLC
Attn: Brian Reindl

If to Seller:

City of Fayetteville
Attn: Mayor's Office
113 W. Mountain Street
Fayetteville, AR 72701
Mayor@fayetteville-ar.gov

With a copy to: Vicki Bronson
Conner & Winters, LLP
4375 N. Vantage Dr., Suite 405
Fayetteville, AR 72703
vbronson@cwlaw.com

Either party may designate a different address or addresses for itself by notice similarly given. Any notice given by registered or certified mail shall be deemed to have been given on the third day after the same is deposited in the mail, and any notice not so given shall be deemed to have been given upon receipt of the same by the party to whom the same is to be given.

22. ENTIRE AGREEMENT

This Contract contains the entire agreement with respect to the transactions contemplated herein, and there are no other terms, conditions, promises, understandings, statements, or representations, express or implied, concerning the same, and neither party is relying on any representation or statement not specifically contained herein.

23. GOVERNING LAW

This Contract shall be governed by and construed in accordance with the laws of the State of Arkansas.

24. ESTOPPEL

Each party confirms and agrees that (a) it has read and understood all of the provisions of this Contract; (b) it has negotiated with the other party at arm's length with equal bargaining power; and (c) it has been advised by competent legal counsel of its own choosing.

25. JOINT PREPARATION

This Contract is deemed to have been jointly prepared by the parties hereto, and any uncertainty or ambiguity existing herein, if any, shall not be interpreted against any party, but shall be interpreted according to the application of the rules of interpretation for arm's length agreements.

26. ASSIGNMENT

Neither party may assign this contract without the prior written consent of the other party.

27. INTENTIONALLY DELETED.

28. ATTORNEYS FEES

If either party is required to bring litigation to enforce its rights under this contract, the prevailing party shall be entitled to recover its attorney's fees and costs, including expert witness fees.

29. CONTINGENCIES

In addition to any other conditions or contingencies contained herein, the parties' obligations to close on this transaction are conditioned upon satisfaction of the following conditions on or prior to Closing:

- A. Buyer and Seller's approval of the Survey.
- B. Buyer and Seller's approval and execution of a Development Agreement concerning the Mixed-Use Building as more particularly described in Paragraph 31.
- C. Buyer and Seller's approval and Buyer's execution of the Public Easement, as more particularly described in Paragraph 30.
- D. Buyer's execution and delivery to Seller of a perpetual easement for the use of the City Restrooms and Storage Space as provided in Paragraph 31.

30. ADDITIONAL CONSIDERATION

As additional consideration for the transactions contemplated herein Buyer agrees to grant a permanent easement to Seller for pedestrian walking and biking trails ("**Public Easement**") located across real property currently owned by Buyer adjacent to the Property. The exact location of the Public Easement shall be determined by the Survey. In consideration for Buyer's conveyance of the Public Easement, Seller will pay Buyer the fair market value for the Public Easement which is estimated to be Two Hundred Fifty-nine Thousand Eighty-four Dollars (\$259,084.00), which amount may be adjusted as determined by the parties' appraisals prior to the separate closing on the Public Easement, but not to exceed \$49.63 per square foot.

31. DEVELOPMENT OF THE MIXED-USE BUILDING

A material condition of Seller's agreement to sell the Property to Buyer is for Buyer to develop and construct a Mixed-Use Building ("Building") on the Property as described in that

certain Letter of Intent executed between the parties dated effective November 9, 2022. The approval of a Development Agreement by Buyer and Seller concerning the design, construction, and use of the Building and allocation of any shared costs associated with the construction of the City Restrooms and Storage Space is an express condition to the Buyer and Seller's obligations under this Contract. The Development Agreement shall incorporate, at a minimum, the following terms:

A. Buyer will construct a multi-story Mixed Use Building (the "Building") containing hotel uses and associated meeting spaces, office spaces, street level retail, and hospitality spaces, and must contain a minimum of one restaurant, café, or coffee shop at ground level. The Building may include additional uses as necessary to meet the financial goals of the project if approved by Seller. The following Use Units *may* be allowed, subject to the Seller's prior approval in conjunction with the Seller's typical processes and procedures for considering and approving zoning, development, licenses, and permits, including conditional use restrictions:

Unit 4: Cultural and Recreational Facilities; Unit 13: Eating Places; 12a: Limited Business; 12b: General Business; Unit 14: Hotel, Motel and Amusement Facilities; Unit 15: Neighborhood Shopping Goods; Unit 16: Shopping Goods; Unit 19: Commercial Recreation, Small Sites; Unit 25: Offices, Studios, and Related Services; Unit 26: Multi-Family Dwellings; Unit 29: Dance Halls; Unit 34: Liquor Stores; Unit 35: Outdoor Music Establishments; Unit 40: Sidewalk Cafes; Unit 45: Small Scale Production; and Unit 46: Short Term Rentals.

Provided, however, that nothing contained in this Contract is intended to be nor may be construed to be a promise or agreement that Seller will approve any of the specific uses described above. The uses permitted are subject to Seller's prior approval according to Seller's typical processes and procedures for considering and determining permitted uses. In addition, certain uses which may be allowed under the zoning categories described above require a conditional use permit, including, but not limited to Unit 35: Outdoor Music Establishments. Because of the proximity to the Civic Space (Seller's property adjacent to the Property a/k/a the Ramble) as well as the Walton Arts Center and other local businesses, the use of amplified music on the Property requires specific approval by Seller in advance and is subject to all reasonable conditions which Seller requires, including, but not limited to prohibiting the use of amplified music after 10:00 p.m. Nothing in this Contract is intended to be nor may be construed to be a waiver or release of any of Seller's requirements or conditions for receiving a conditional use permit for any use that may be allowed under the zoning categories stated above.

Further provided, none of the following uses will be permitted on the Property (the "**Prohibited Uses**") at any time: crematorium; mausoleum; funeral home; furniture repair and refinishing; taxidermist; vape shops; body piercing/tattoo; gunsmith; animal hospital; animal day care; day care; bail bonding agencies; hospital; vehicle sales; convalescent home; boarding/rooming housing (other than is typically associated with hotel use); dormitory; fraternity/sorority housing; and slot car track. Any deed from the Seller conveying the Property to Buyer will contain a restriction against the Prohibited Uses and the restriction will be a restriction that runs with the Property for a minimum of 75 years.

B. As befits its prominent location, the Building will be a substantial and attractive building. The Building's design, plans and specifications, including, but not limited to exterior

finishes, and site development are subject to Seller's development review process, ordinances, and rules and must be approved by Fayetteville City Council. Nothing in this Contract is intended to or may be construed as a waiver of any of Seller's ordinances, rules, or regulations.

C. The Building will have three primary facades; one facing the Civic Space to the north, one facing the vacated Spring Street right-of-way to the south, and the third facing West Avenue to the east. All primary facades will be attractive, well-proportioned, and constructed of high-quality materials in accordance with the plans and specifications.

D. The Building shall be designed and built in substantial compliance with the drawings, depictions, and concepts on the attached Exhibit 2 which depict the minimum standards for materials, design, and architectural features. Any significant deviation from exterior design reflected on Exhibit 2 may not be approved by Fayetteville City Council.

E. The design and construction of the Building shall comply with all local, state, and federal building codes, rules, regulations, and laws, including those of Seller.

F. Buyer must present its application for Planned Zoning District (PZD) Review approval, along with all required documents no later than July 1, 2024. The Building, associated improvements, and parking plans are subject to approval pursuant to City of Fayetteville Development Review codes, processes, and procedures, including review by Planning Staff, Planning Commission, and City Council. Documents shall include all building facades, floor plans of all levels, infrastructure improvements, multi-use trail details, and all other requirements of City of Fayetteville codes.

G. Notwithstanding anything contained herein to the contrary, if Buyer does not secure a Building Permit for the Building within twelve (12) months of substantial completion of Seller's Civic Space, then this Contract and all agreements pertaining to this Contract shall be null and void and neither party shall have any obligations to the other party.

H. If Buyer fails to either (a) commence construction of the Building within sixty (60) days of Seller issuing a Building Permit or (b) complete construction of the Building within twenty-four (24) months of issuance of the Building Permit, then Seller at its sole discretion shall have the absolute and unconditional right to buy the Property back from Buyer, and any improvements made as of that date. If Seller elects to exercise its rights under this paragraph, the purchase price Seller will pay Buyer will be the original Purchase Price Buyer paid Seller for the Property, plus the fair market value of the completed improvements on the Property as determined by a third-party real estate appraiser, less all amounts paid by Seller for construction or construction estimates for the City Restrooms and Storage Space. The provisions for selection of appraisers contained in Paragraph 30 also apply to this Paragraph.

I. The Building must be designed and constructed to provide a ground floor that is open and inviting to the public on the north side to accentuate and facilitate the use of the Civic Space. The hotel lobby shall be located on the ground floor and shall be open and inviting. Additionally, a bar, restaurant or café and retail uses will be provided on the ground floor.

J. Buyer agrees to make a good faith effort to purchase building supplies and materials locally to support sales tax revenue for Seller.

K. Buyer must provide all parking required by Seller's parking codes and requirements at Buyer's cost. Buyer must provide the amount of valet parking to Building guests that is usual and typical for the size of the Building. As a condition of this Contract and prior to Closing, Buyer must own or have a written lease for sufficient property to provide parking as required by Seller's parking requirements, including but not limited to City Code sections 172.05 and 156.03C(5). Buyer owns a parcel of land located at 601 W. Center Street, Fayetteville, Arkansas containing approximately .8 acres and which shall be used for valet parking for guests of the Building (the "Reindl Parking Parcel"). The Reindl Parking Parcel will provide a minimum of approximately 55 to 65 parking spaces. To the extent Seller has any excess parking spaces available Seller agrees to lease the excess parking spaces to Buyer at current market rates. Seller makes no representations that it has any parking spaces available to lease to Buyer. The deed to Buyer will contain a deed restriction requiring future owners to comply with all City of Fayetteville parking requirements, including, but not limited to the parking requirements contained in the approved PZD plan.

L. All Building loading recycling, and solid waste and associated receptacles must be located on the west side of the Building. No such activities will be permitted from or facing any public street.

M. The Building design and construction will incorporate sufficient air filtering to promote indoor air quality.

N. The Building will be designed and constructed to provide an efficient and properly designed envelope that will prevent air and water infiltration and reduce thermal bridging. The Building will implement the use of smart energy-management systems to decrease energy use in the Building, including but not limited to the installation of smart systems to avoid heating and cooling vacant rooms.

O. Buyer and Seller will coordinate design consultants on designing bicycle, pedestrian, automotive, and landscape infrastructure on all sides of the Building. The amount of the costs of those improvements and an agreement as to which costs will be paid by Seller and which will be paid by Buyer are a condition of this Contract and a condition of Closing. Once the costs for these improvements are established, Buyer and Seller agree to pay their pro-rata share of such costs.

P. Seller agrees to pay one half of the cost of extending water and sanitary sewer to the Building's site to provide water and sewer to the City Restrooms. Once the costs for these improvements are established, Seller agrees to pay that amount to Buyer. The amount of such costs must be reasonable and must be approved by Seller in advance in writing.

Q. Seller will assist Buyer in coordinating burial of existing power lines to the extent necessary; however, Seller has no obligation to incur any costs associated with burying overhead power lines.

R. Buyer is responsible for providing all water, sewer, electrical, cable, telephone, gas, or other utilities to the Building. Seller has no obligation to incur any costs associated with Buyer's installation of utilities except for the costs associated with extending water and sewer to the Building site, if any, for the City Restrooms as described above. If it is necessary for Seller to grant utility easements across its property to provide utilities to the Property, Seller agrees to

grant a utility easement, provided however, that the location of the easement and any utility lines and equipment are subject to Seller's prior approval.

S. The Building shall contain public restrooms at street level, accessible from the Frisco Trail to serve trail and other public space users (the "City Restrooms"). The Building shall also contain a storage space for storing equipment associated with the planned performance area of the Civic Space and such other items which City desires ("Storage Space"). In addition:

i. All City Restrooms must comply with the Americans with Disabilities Act.

ii. Buyer shall be responsible for constructing the City Restrooms and Storage Space to a "white box" finish, subject to Seller's approval of the design. The City Restrooms and Storage Space contain a minimum of 1,600 square feet. The Storage Space shall be located on the west side of the Building for convenient access to the City Space. The approximate location of the City Restrooms and Storage Space are shown on Exhibit 3, attached.

iii. The costs of construction of the City Restrooms as a white box finish and the Storage Space, including the pro-rata share of the cost of foundations, structure, roof, and exterior walls as well as the electrical rough in, plumbing, and HVAC equipment and services, and other elements desired by the Seller prior to commencement of construction of the Building. Buyer is responsible for completing and delivering the City Restrooms in a white box finish and Seller is responsible for contracting for and paying the costs to finish out the interior of the City Restrooms as it deems appropriate with a contractor of its choice.

iv. The Seller shall have exclusive use, control, possession, and right to the City Restrooms and Storage Space pursuant to a perpetual exclusive easement to be granted by Buyer, the form of which must be agreed to by the parties and executed prior to or at Closing.

v. In addition to the City Restrooms, the Building must contain separate public restrooms at ground level for the use of the Building's patrons as required by all Seller, state, and federal ordinances, rules, and regulations.

T. The Building shall contain a street level "back of house" space to be used by event organizers in the approximate location as shown on Exhibit 3.

U. Buyer, at its expense, will implement, install, and maintain landscaping on the Property as required by Seller pursuant to plans developed by Seller's landscape design architects.

V. Seller shall maintain exclusive control of all of Seller's property and exterior spaces adjacent to the Building and Property. Should Buyer desire to use any Seller property, the use must be coordinated with Seller and anchor institutions adjacent to the area, (e.g., Walton Arts Center, TheatreSquared, etc.) and any other group selected by the Seller to represent its interests in creating a lively and attractive park and Civic Plaza. Buyer must apply for use of Seller's property in the same manner as any other member of the public.

W. The Building shall provide a location for the display of local art, to be coordinated between Buyer and local arts organizations, schools, or the Seller.

X. All other terms and conditions as the parties may agree.

IN WITNESS WHEREOF, the parties have executed this Contract as of the date first above written.

(signatures appear on following pages)

BUYER:

REINDL PROPERTIES, INC.

By:



Brian Reindl

Date: _____

SELLER:

CITY OF FAYETTEVILLE, ARKANSAS

By:

Lioneld Jordan, Mayor

Date: _____

ATTEST:

By: _____
Kara Paxton, City Clerk-Treasurer

EXHIBIT 1

Drawing of appropriate location of the Property

EXHIBIT 2

Conceptual Building design and materials

EXHIBIT 3

Depiction of approximate location of City Restrooms, Storage Space,
and back of house space



October 30, 2023

To the Fayetteville City Council,

The board members of the Downtown Fayetteville Coalition are excited about the opportunities this new hotel development could bring to our downtown entertainment district.

The developers have been open and transparent about their plans for the hotel and have been willing to make adjustments throughout this process based on feedback from stakeholders. We believe their current plan addresses our needs and our concerns for this development, and we **SUPPORT** this project.

Thank you for your continued efforts in making a strong and successful downtown.

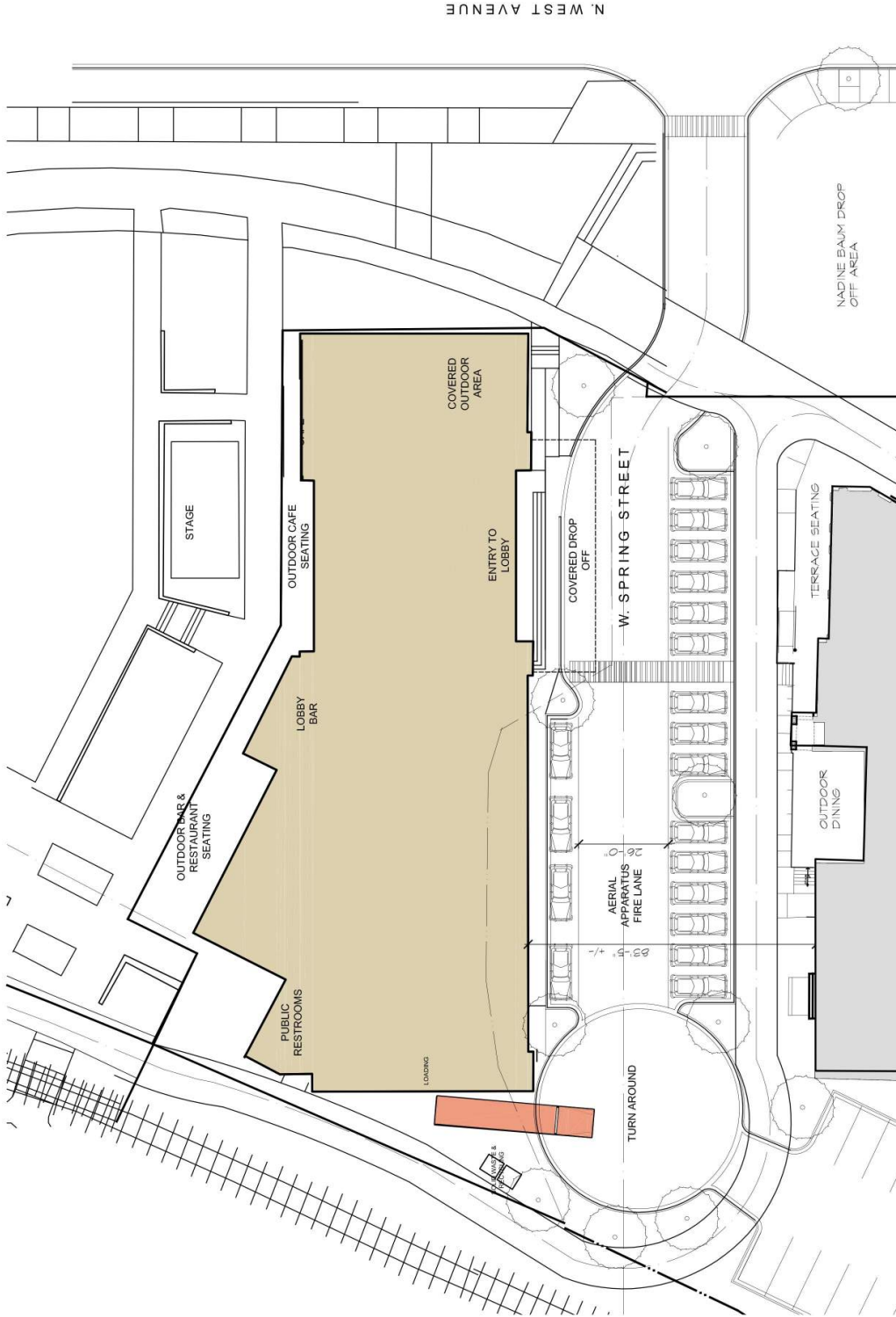
Kelly Rich, DFC Executive Director and Brian Crowne, DFC President

Downtown Fayetteville Coalition Board of Directors

- 1) Brian Crowne, President
- 2) Richard Gathright, Treasurer/Secretary
- 3) Molly Rawn
- 4) Rachel Pendergraft
- 5) Morgan Scholz
- 6) Bo Counts
- 7) Justin Clay
- 8) William Waite
- 9) Jennifer Wilson

Respectfully,

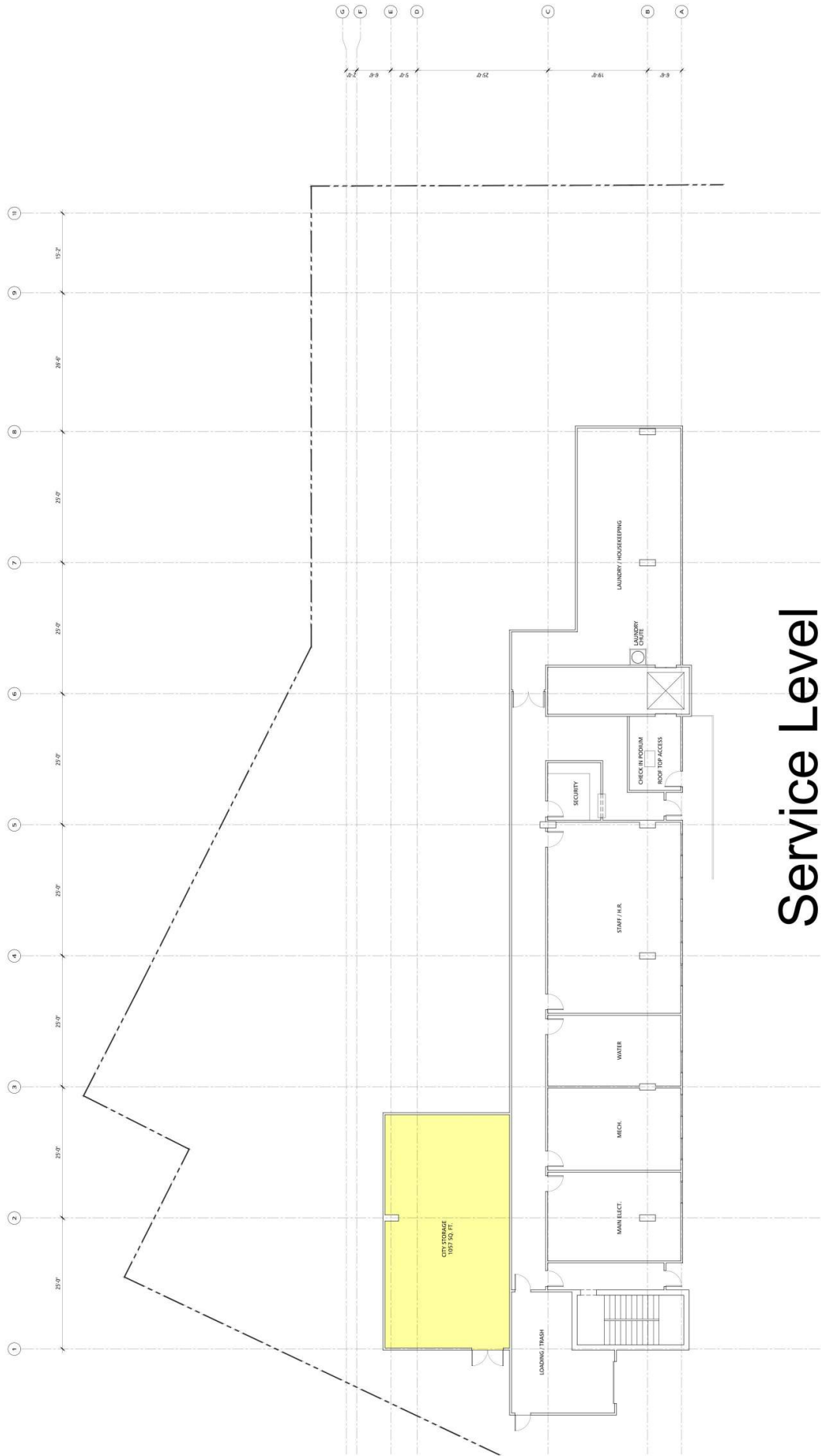
Brian Crowne



Site Plan

Robert Sharp Architect – 17 October 2023

EXHIBIT A



Service Level

Two Trout, LLC. / Johnson Nathan Strohe - 17 October 2023

EXHIBIT B



Lobby Level

Two Trout, LLC. / Johnson Nathan Strohe - 17 October 2023



Page 1664 of 1977



Fourth Level

Two Trout, LLC. / Johnson Nathan Strohe - 17 October 2023



Fifth Level

Two Trout, LLC. / Johnson Nathan Strohe - 17 October 2023



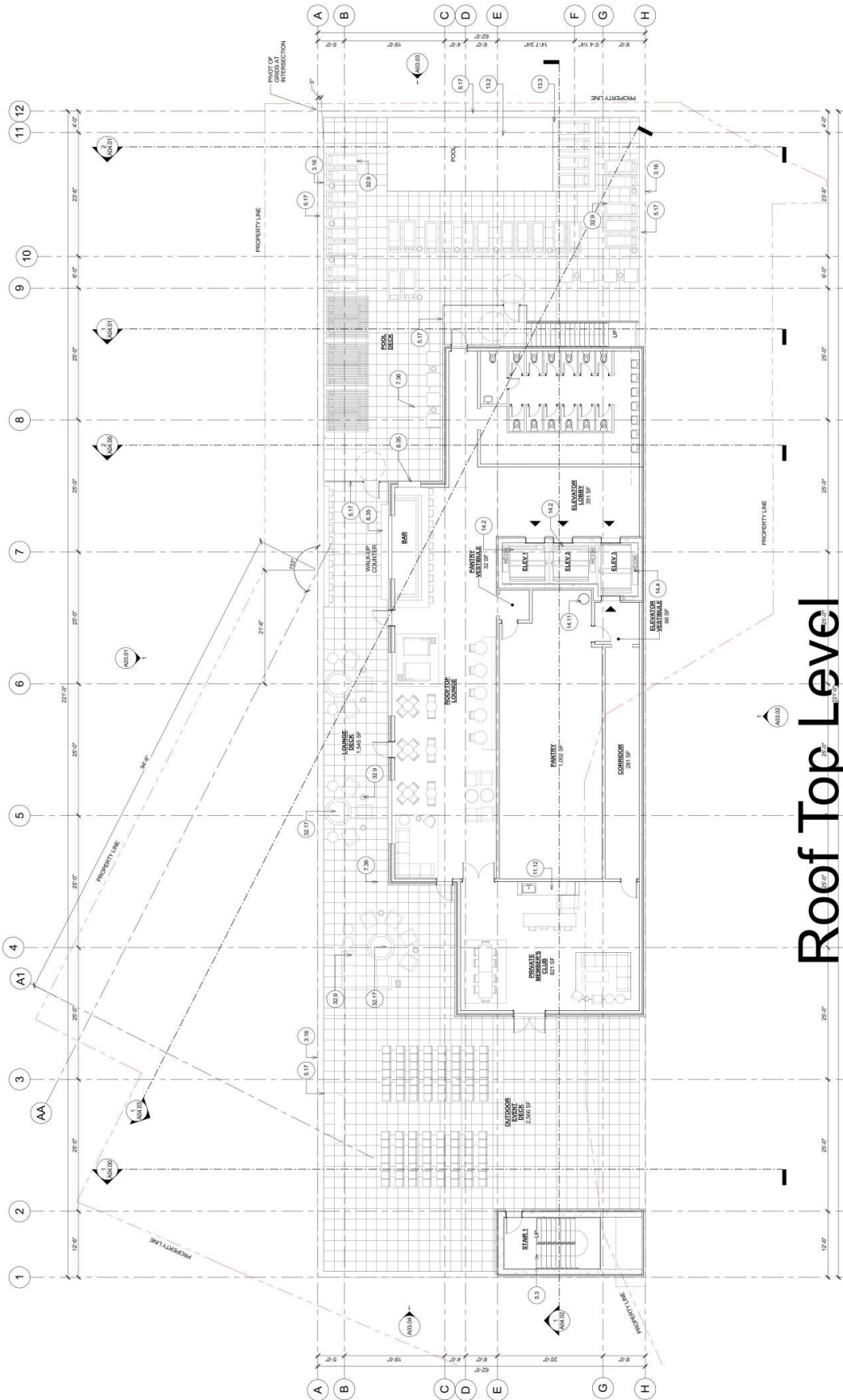
Sixth Level

Two Trout, LLC. / Johnson Nathan Strohe - 17 October 2023



Seventh Level

Two Trout, LLC. / Johnson Nathan Strohe - 17 October 2023



Roof Top Level

Two Trout, LLC. / Johnson Nathan Strohe - 17 October 2023



South Façade – Image looking northwest at the hotel main entry

Johnson Nathan Strohe – 17 October 2023

EXHIBIT C



North Façade – Image looking south across the Ramble Park

Johnson Nathan Strohe – 17 October 2023



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: November 24, 2025

SUBJECT: **CUP-2025-0052: Conditional Use Permit (2143 S. CLOVER DR., 639):**
Submitted by SNODGRASS SIGNS for property located at 2143 S. CLOVER DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to allow an accessory structure on a lot without a principal structure.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0052** with conditions as outlined by staff.

RECOMMENDED MOTION:

"I move to approve **CUP-2025-0052** with conditions, determining:

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

BACKGROUND:

The subject property is approximately 0.40 of one acre and is located in south Fayetteville approximately 250 feet south of the W. Cato Springs Road and S. Clover Road intersection. The subject property is vacant and is tandem to 2143 S. Clover Drive. This property is not located in any overlay districts. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

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

Proposal: The applicant requests approval to allow for the placement of proposed accessory structure (shop) to be on a tract without an associated principal structure. Fayetteville's Unified Development Code, under §164.02, Accessory Structures, prohibits accessory structures on a lot that does not have a principal structure. Accessory structures may only be allowed without an associated principal structure with conditional use permit approval from the Planning Commission.

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

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0052**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility for a tract to have an accessory structure without a principal structure.** *Staff finds the accessory building to be compatible with, and unlikely to have a negative impact on, adjacent properties.*

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

Finding: The applicant has submitted a written application requesting conditional use approval of an accessory structure on a lot without a principal structure, as outlined in 164.02(A)(1).

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: The Planning Commission is empowered under Unified Development Code §164.02(A)(1) to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. The subject property has not frontage as it is a tandem lot to 2143 S. Clover. With that, the subject property has ample distance from the right-of-way, and is hidden due to existing screening, depth, and tree canopy. For neighboring properties, there exists fencing along the north, south, and west property lines, which should provide sufficient screening.

- (c.) The Planning Commission shall certify:

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

Finding: There are no specific rules governing the request.

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

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

Finding: The applicant would have street access to onto S. Clover Drive from the primary tract. Staff finds that the second tract will be able to have sufficient ingress and egress to the property with little to no impact on neighboring properties.

- (b.) Off-street parking and loading areas where required, with particular attention to ingress and egress, economic, noise, glare, or odor effects of the special

exception on adjoining properties and properties generally in the district;

Finding: No plans for a principal structure on this lot was given to staff by the applicant. Should one be developed, conformance to parking standards would be reviewed.

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

Finding: Refuse containers will likely be contained correctly on the property, and the site is likely to be served by residential carts.

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

Finding: The property has direct access to City water and sewer through the second lot that fronts onto S. Clover Drive.

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

Finding: Staff is not recommending additional screening for the proposed conditional use permit.

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

Finding: No signage is proposed. Any proposed signage will be subject to UDC §174, Signs, and all regulations therein. Signage shall be submitted for permit through the City's Planning Division.

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

Finding: The RSF-4, Residential Single-Family, Four Unit Per Acre zoning district has a tandem lot setbacks of 15 feet for all sides. The proposed placement of the accessory structure appears to meet these requirements.

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

Finding: Staff finds the proposed use to be compatible with adjacent properties. The subject property is hidden from the public behind additional properties and there exists a fence that would additionally screen the property and structure. Given the modest scale and low impact to the public, Staff finds that the proposed structure is compatible with adjacent properties.

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

Finding: City Plan 2040's Future Land Use Plan designates the subject property as Residential Neighborhood Area, and its infill matrix indicates a score of 7 for this site. Staff finds the applicant's request to be generally aligned with the City's land use plans as this allows for additional use to the subject and second property.

BUDGET/STAFF IMPACT:

None.

Attachments:

- Unified Development Code
 - §164.02 Accessory Structures And Uses
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Site Plan

164.02 Accessory Structures And Uses

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

(A) Accessory Structures.

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
- (7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.
- (8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

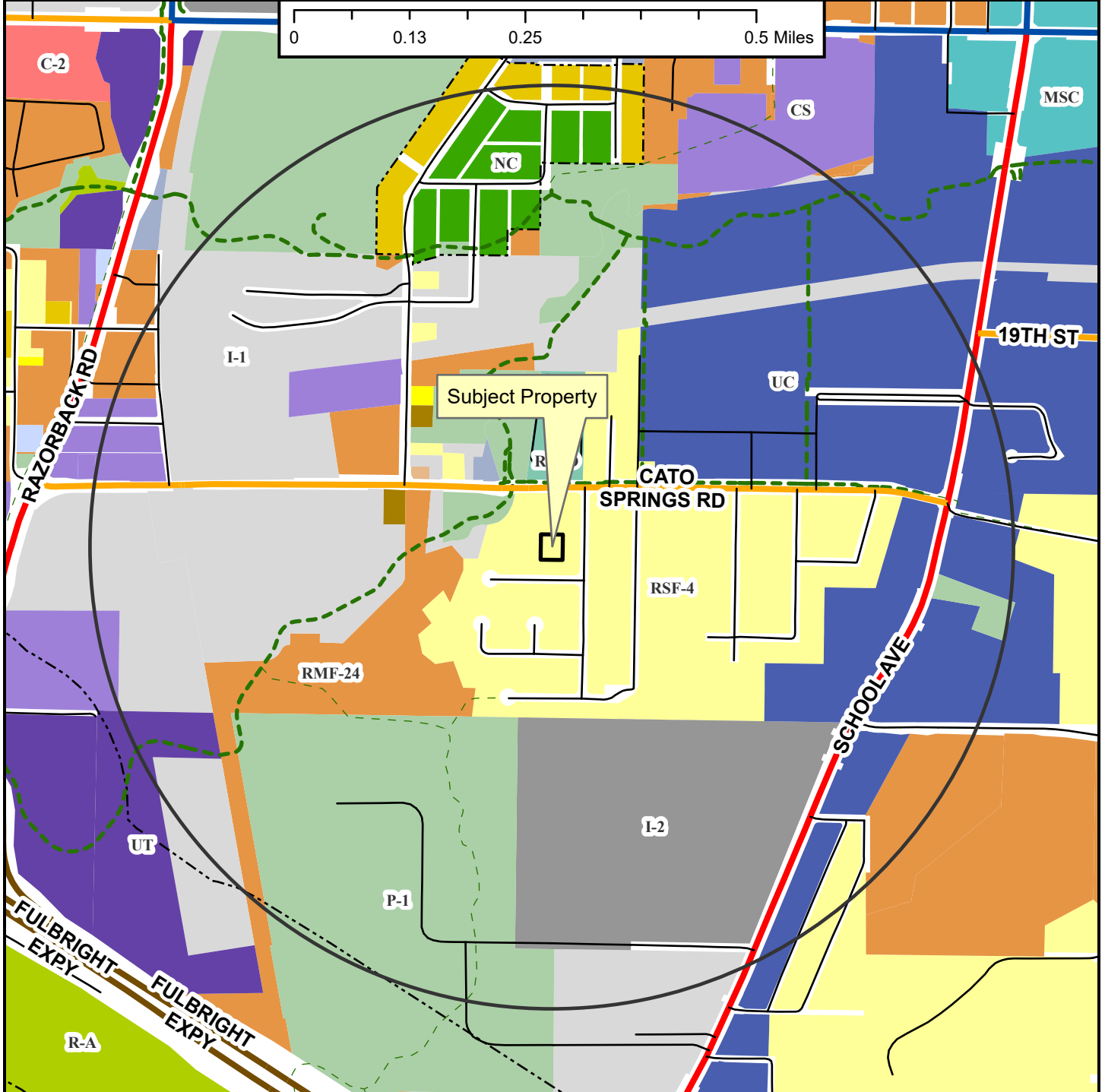
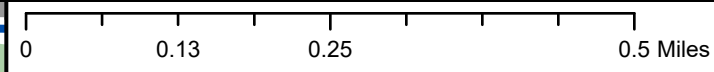
(B) Swimming Pools. Swimming pools shall not be located in any required front setback.

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

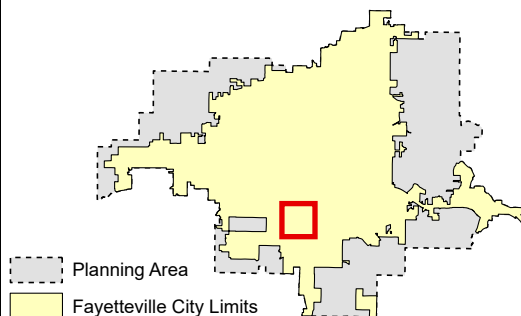
CUP-2025-0052

WEST OF 2143 S. CLOVER DR

One Mile View



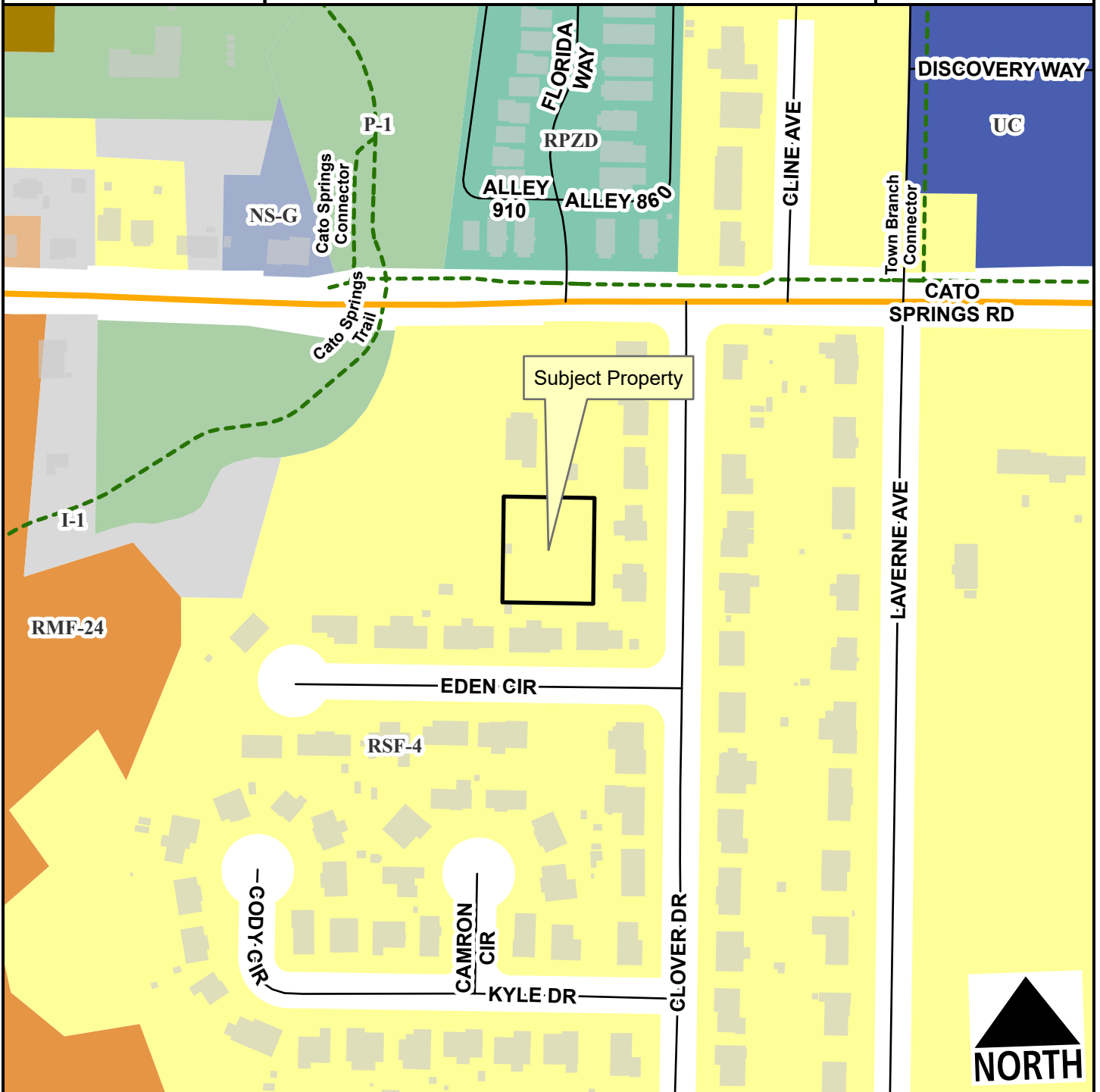
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



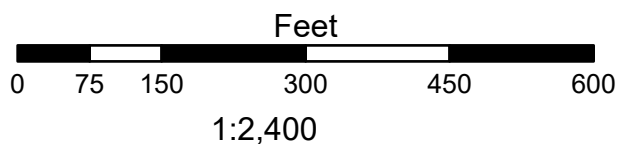
CUP-2025-0052

WEST OF 2143 S. CLOVER DR

Close Up View



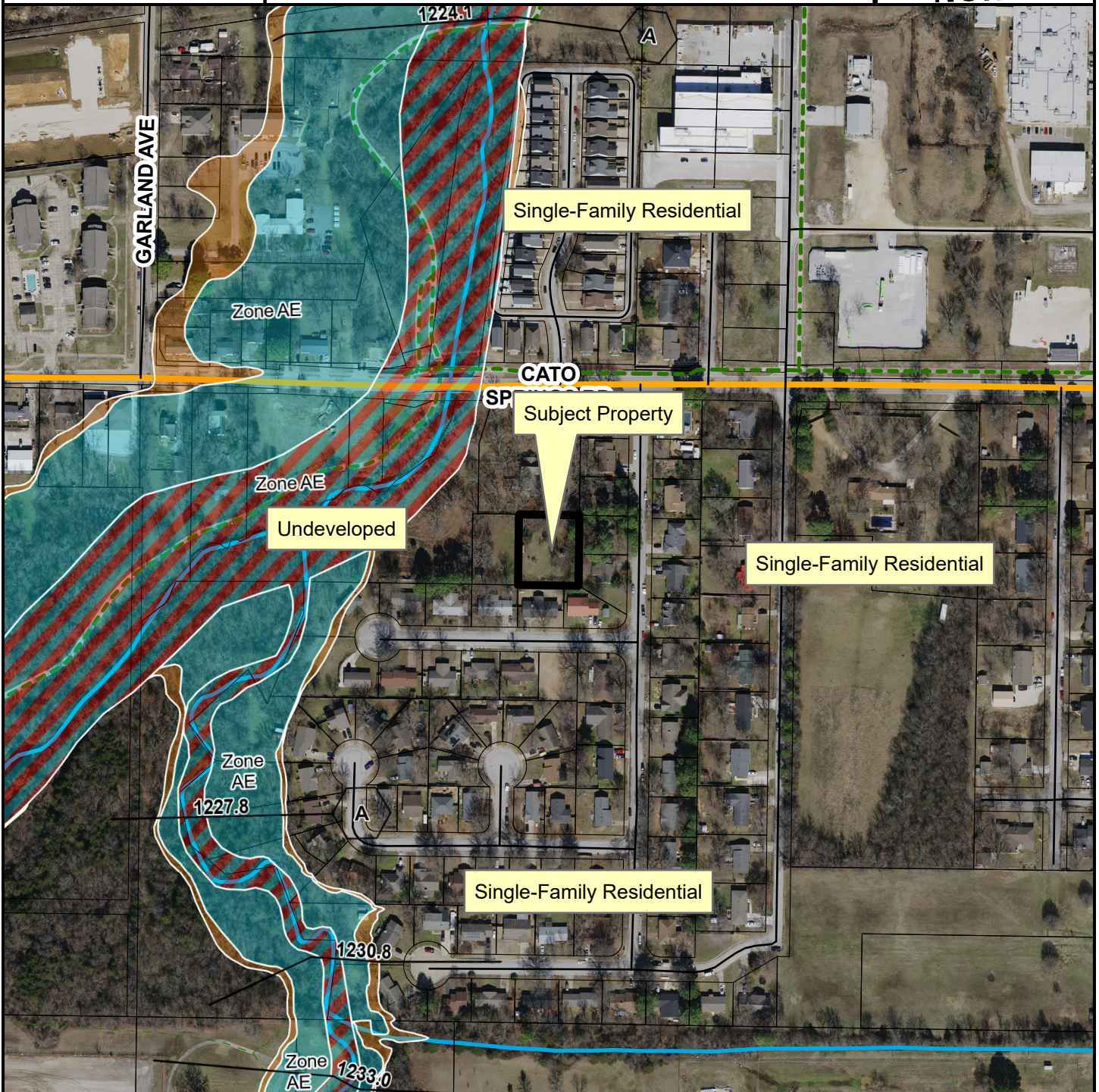
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail



CUP-2025-0052

WEST OF 2143 S. CLOVER DR

Current Land Use

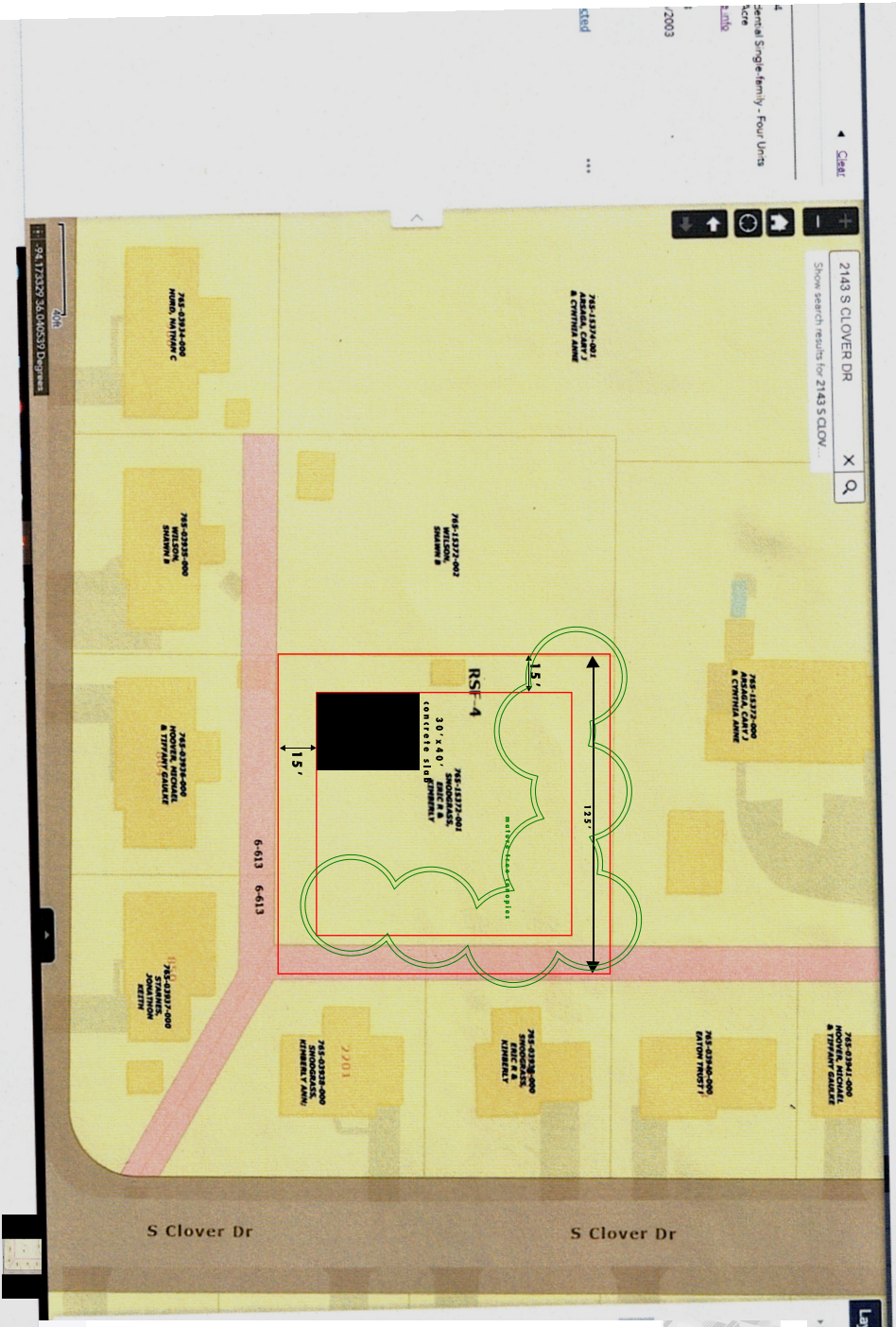


- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



CUP Description Request Letter

I would like to build a shop building on my back property for personal use. It will be a steel pre-fabricated type building on a 30'x40'concrete slab. I have a picture attached here of the exterior.

Dimensions are on the rendering. I have shown the placement of the building using a 15' setback away from the SW corner of the property. Concerning items (c)-(i) I believe are N/A and item (j) will be addressed upon approval.

30x40x10 steel stash

Width 30' Length 40' Height 10'

\$16,279.00

Get Your Quote >

View Details >

888-383-8086

UP TO 20% OFF YOUR PROJECT

VIEW OUR FEATURED 2023 MODELS

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DESIGN NOW IN 3D



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: November 24, 2025

SUBJECT: **CUP-2025-0053: Conditional Use Permit (2096 N. BOX AVE./ BOX AVE. COTTAGES, 372):** Submitted by BATES & ASSOCIATES for property located at 2096 N. BOX AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.40 acres. The request is for a cluster housing development

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0053** with conditions as outlined by staff.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0053** with conditions, determining:*

- In favor of a variance to UDC 164.22(D)(1) Number of Cluster Housing Units Permitted;*
- In favor of compatibility of Use Unit 44: Cluster Housing Development with adjacent properties; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in northeast Fayetteville directly west of McNair Middle School on N. Box Ave. The site totals approximately 2.40 acres and is zoned RSF-4, Residential Single-family, Four Units per Acre. The property is currently developed with a 1,732 square foot single-family dwelling that was constructed in 1965 per the Washington County Assessor. The parcels are not part of any zoning overlay districts, streamside protection zones, or floodplain. 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	McNair Middle School	P-1, Institutional
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre RMF-6, Residential Multifamily, 6 Units per Acre

City Plan 2040 Future Land Use Designation: City Neighborhood

Proposal: The applicant requests conditional use permit approval to develop the property with a cluster housing development containing nineteen detached single-family units within two clusters. Classified under the UDC as Use Unit 44, a cluster housing development is a conditional use in the RSF-4 zoning district. Conformance with development requirements, including drainage, tree

preservation, and fire apparatus access shall be fully reviewed with required development entitlement plans.

Public Comment: Four members of the public have stated opposition to the request, citing increased traffic on a narrow, dead-end street, inadequate water and sewer infrastructure, stormwater and flood risk, incompatibility with neighborhood character, removal of mature trees, light pollution, need to conserve water, and a misapplication of the city neighborhood plan.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0053** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility for Use Unit 44: Cluster Housing Development.** *Staff finds the proposed cluster housing development to be compatible with the neighborhood based on the findings in this report;*
2. **Planning Commission determination of variance to UDC 164.22(D)(1) Number of Cluster Housing Units Permitted.** *Staff recommends approval of the requested variance to permit a cluster with 13 units with no added conditions.*
3. Pedestrian system within each cluster shall extend to the eastern property line to provide potential east / west connectivity to the school.
4. Tree preservation plan shall place a higher priority on tree preservation within common open spaces and internal to the cluster housing development rather than along property edges.
5. Approval of the conditional use permit does not ensure approval of a development application. The conditional use grants the applicant rights to submit a development proposal based on the conceptual layout included herein. However, the applicant must still be able to comply with all other development requirements, including but not limited to, tree preservation, drainage, utility installation and Fire Department access. These details shall be reviewed with the development application. The final project design shall follow the general layout and design of the conditional use concept plan;
6. A condominium association, homeowner's association, or similar mechanism to maintain the common amenities shall be established prior to issuance of construction permits. The City of Fayetteville does not enforce these private agreements, but will require that this agreement be in place prior to issuing building permits;
7. Prior to receiving a certificate of occupancy for the first home, all shared drives and bike racks shall be installed. All development requirements, such as detention facilities, utilities, required landscaping, etc. shall be installed prior to any building permits being issued. The exact phasing of improvements will be determined at development review;
8. The maximum number of unrelated persons in any dwelling unit is three, pursuant to the underlying single-family zoning district;
9. Per UDC §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is valid for one year; and

10. Any signage shall meet the requirements as outlined in UDC Chapter 174, Signs.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>	
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

- B. Authority; Conditions.** The Planning Commission shall:
1. Hear and decide only such special exemptions as it is specifically authorized to pass on by the terms of this chapter.
 2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
 3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
 4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.
- C. Procedures.** A conditional use shall not be granted by the Planning Commission unless and until:
1. A written application for a conditional use is submitted indicating the section of this chapter under which the conditional use is sought and stating the grounds on which it is requested.

Finding: The applicant has submitted a written application requesting conditional use approval for Use Unit 44: Cluster Housing Development in the RSF-4 zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

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

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

Finding: Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest. The detached, single-family dwellings are of a type and scale that is comparable to the surrounding homes, are directly adjacent to a large, institutional use, and are near areas where high intensity uses are permitted by right including properties zoned CS, Community Services and C-2 Throughfare Commercial. Developing the property as a cluster housing development will subject it to the extent of Fayetteville's tree preservation and drainage criteria, which are both intended to minimize off-site impacts and protect the public interest, as well as the potential for public street improvement requirements which could benefit surrounding properties and neighbors. Staff recommends a condition that the pedestrian system be extended to the subject areas eastern property line to provide the potential for east/west connectivity to the school.

Additionally, urban forestry staff recommend that the tree preservation plan shall place a higher priority on tree preservation within common open spaces and internal to the cluster housing development rather than along property edges. The preservation of trees within areas where they can serve to provide shade and other services for residents using common amenities will better serve the intent of the cluster housing ordinance to facilitate flexible design options which encourage interaction and community.

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules Use Unit 44: Cluster Housing Development, as follows:

§164.22, CLUSTER HOUSING DEVELOPMENT

D. Dwellings Permitted.

1. *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of twelve (12) dwelling units. In multi-family zones where the proposed cluster housing development exceeds the minimum open space requirements of 164.22(G)(3)(a) by at least 20%, and in which at least 75% of the planned units are attached

dwelling units, there shall be no maximum number of dwelling units, except to conform to the density limitations herein.

Finding: The proposal includes two clusters. The north cluster includes six new detached single-family dwellings on the northern portion of the site. A second cluster of thirteen detached single-family dwellings (twelve new and one existing) is proposed within the remainder of the site. A variance has been requested to UDC 164.22(D)(1) to permit a cluster to contain thirteen units. Staff recommends in favor of this request, finding that it permits the existing house to be maintained rather than demolished, contributing to housing affordability in the redevelopment of the overall site.

2. *Existing Nonconforming Structures.* On a lot to be used for a cluster housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cluster density.

Finding: One existing single-family structure is located on the subject property which appears to be conforming with the standards of this section. Compliance with cluster housing requirements shall be further reviewed with development entitlement.

E. Zoning Regulations.

1. *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Chapter 161, Zoning Regulations, as a permitted or conditional use.

Finding: Use Unit 44 is conditional use in the RSF-4 zoning district.

2. *Density.* Cluster housing development permitted as a use by right shall be allowed a density in conformance with the underlying zoning district. Zoning districts that allow cluster housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.

Finding: The subject property is 2.40 acres, which would allow 19.2 units per acre as cluster housing, the applicant's proposal is for nineteen units (eighteen new and one existing), which is within the permitted density allowance.

3. Bulk and Area Regulations.
 - (a.) Lot Width Minimum. There is no lot width requirement for individual cluster housing lots.
 - (b.) Lot Area Minimum. The lot area minimum for cluster housing lots is 750 square feet.
 - (c.) Land Area per Dwelling Unit. The land area per dwelling unit requirement is 750 square feet.

Finding: **Review of the provided site plan indicates that bulk and area regulations are being met. Lot widths, lot areas, and land area per dwelling unit will be considered with the associated development review.**

4. Setback Requirements. All structures shall meet setback and separation requirements of the International Building Code, as applicable. For zoning purposes:
 - (a.) In single family districts, all cluster housing units shall have a minimum separation from one another of ten feet measured from exterior wall to exterior wall, not counting eaves or other architectural projections.
 - (b.) In multi-family districts, there are no separation requirements from one cluster housing structure to another.
 - (c.) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.

Finding: **Separation and setback requirements for the RSF-4 zoning district will apply along exterior property lines. Based on the conceptual site plan provided, the proposed cluster housing development is compliant with required zoning setbacks. With a property line adjustment to remove the internal lot lines, individual buildings appears to be meeting the separation requirements of the International Building Code. Separation and setbacks shall be fully reviewed with development entitlement.**

5. Building Height Regulations. The height for all structures in a cluster housing development shall not exceed the permitted height requirement of the underlying zoning district.

Finding: **The RSF-4 zoning district permits three-story buildings; the applicant is proposing one-story dwellings.**

6. Building Area. None.

Finding: **N/A.**

7. Accessory Dwelling Units. Accessory dwelling units are permitted in cluster housing developments by conditional use. Where a cluster housing development is permitted as a conditional use, accessory dwelling units may be requested within the same application.

Finding: **No accessory dwelling units are proposed.**

- F. **Common Property Maintenance.** Community buildings, parking areas and common open space shall be owned and maintained commonly by the cluster housing development residents, through a condominium association, a homeowners' association or a similar mechanism, and shall not be dedicated to the city unless accepted by the City Council.

Finding: **Proof of Common Property Maintenance regulations will be required during the development process.**

- G. Development Standards.** The UDC outlines specific development standards for Cluster Housing Developments.

Finding: Development standards including floor area, building orientation, open space, parking, bicycle racks, Fire Department access, pedestrian connectivity, utilities, and recycling and trash collection will be considered at the time of development entitlement. Compliance with certain cluster housing requirements, including architectural, private and common open space, and trash and recycling standards, will need to be fully reviewed for at the time of building permit. Staff has evaluated the submitted site plan with this application and noted that the developer is substantially complying with the City's code requirements.

H. Building Design Standards.

1. *Variety in Detached Cluster Housing Units Floor Plans and Architectural Treatments.* These standards are intended to avoid the overly repetitive use of the same building design, structural features, detailing or finishes among detached units within the cluster housing development. In cluster housing developments no two (2) structures shall be identical in terms of exterior finishes. All cluster housing units shall differ from each other by utilizing at least two (2) of the following options:
 - (a.) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
 - (b.) Variations in adjacent cluster housing unit floor plans that alter the location of exterior windows and doors;
 - (c.) Variations in the size of main floor area and/or building height of adjacent structures; or
 - (d.) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of six feet. No structurally identical front porches shall be located on adjacent cluster housing units.
 - (e.) Variations in roof shapes or gables between adjacent structures.
 - (f.) Other variations as approved by the Zoning and Development Administrator.

Finding: In cluster housing developments no two structures shall be identical in terms of exterior finishes and must vary in building height, main floor size, location of windows and doors, porches, and/or roof shape. Additional information is needed to fully verify compliance with these standards; however, with the exception of the three units in the far northwest corner no units with identical floor plans are located adjacent to each other. The provided building elevations and site plan suggest that variations to roof shapes and window and door placement will be utilized to meet these requirements. While floor plans are repeated within clusters, they generally include mirroring or other rotations that alter their exterior appearance. Materials appear to be primarily board and batten siding. Full compliance with these architectural design standards will be reviewed for and determine at the time of building permit.

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

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

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

Finding: As proposed, the cluster housing development will have access onto N. Box Ave., a Residential Link, by way of two driveways accessing shared parking lots. The proposal is a relatively minor increase. The fire marshal's office has indicated support for the request, with the comment that Box Ave. would need to be brought into compliance with current fire access standards and may also need to install an additional fire hydrant. Compliance with the City's access management and public safety standards will be fully considered as part of the associated development review.

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

Finding: The submitted site plan includes on-site parking in the existing garage for the existing structure and within shared parking lots for the new dwellings. In cluster housing developments, the applicant may choose to supply 1 parking space per bedroom, as this applicant has done. Otherwise, parking will be required at a rate of 1.5 spaces per unit for dwellings less than 1,000 square feet in size, and at a rate of 2 spaces per unit dwellings greater than 1,000 square feet. As proposed, the developer has allocated approximately one parking space per bedroom, as well as 3 bike racks. Additional bike racks shall be required to meet the one rack per unit requirement. Where parking abuts adjacent properties or public right-of-way, screening shall be required per UDC 172.04.

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

Finding: The applicant has indicated the development is intended to be served with residential trash carts. The City's ability to serve the development will be fully reviewed at the time of development entitlement.

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

Finding: Utilities are currently available at or near the site. An eight-inch water main is available along the eastern property line and a 2.25-inch water line is available within N. Box Ave. An eight-inch sewer main is available approximately 430 feet to the south along E. Mission Blvd. Determinations of capacity or the need for improvements will be made with development submittal.

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

Finding: Given the single-family residential nature of the proposal and institutional use along most of the eastern property line, staff recommends limited buffering. That said, screening will be required around the proposed parking lots per the requirements of Chapter 177.

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

Finding: All signage shall be reviewed separately in accordance with UDC Chapter 174.

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

Finding: Review of the submitted site plan indicates that the required open space of the overall property is being provided. All separation and setback requirements will be reviewed for compliance with development entitlement.

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

Finding: Staff finds the applicant's proposal to be compatible with adjacent properties and those in the surrounding neighborhood. While varying from a typical single-family residential neighborhood, cluster developments are intended to orient dwelling units around a common open space and foster a sense of community. When considering the intent of cluster housing in relation to the proposed single-family residential cluster housing development, staff finds the proposed use to be generally compatible. Further, the property is located directly adjacent to two public schools (McNair Middle School and Vandergriff Elementary) and less than 700 feet from the intersection of two High-Activity Regional Link Streets (Crossover Rd. and Mission Blvd.), which suggests that it is in an appropriate location for slightly denser development.

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

Finding: Staff finds that the proposed development to be generally compatible with

the goals and intent of the City's adopted land use, transportation, and other strategic plans. The RSF-4 zoning district is designed primarily to permit the development of low-density detached dwellings in suitable environments, and cluster housing is intended to orient dwellings around common areas and foster a sense of community. The proposed development may support Goal 1 of City Plan 2040 and align with the property's future land use designation as City Neighborhood area by encouraging appropriate infill. Further, City Plan 2040 specifically encourages residential infill in close proximity to public schools and on increasing easy, safe access to affordable housing within walking and biking access to schools and other amenities. Smaller housing directly adjacent to public schools directly addresses this goal.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 – District RSF-4, Residential Single-Family, Four Units per Acre
 - §164.22 – Cluster Housing Development
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Staff Exhibits: Fire Memo
- Applicant Request Letter
- Variance Request Letter
- Applicant Site Plan
- Floor Plans & Elevations
- Public Comment

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
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15 feet	5 feet	15 feet
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(F) *Building Height Regulations.*

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

164.22 Cluster Housing Development

- (A) *Purpose.* The purpose of the cluster housing development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide housing opportunities for a population diverse in age, income and household size.
- (B) *Applicability.* The provisions of this section shall apply to proposed cluster housing development proposals, as defined in Chapter 162, Use Units, and authorized by Chapter 161, Zoning Regulations of the Unified Development Code, however zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cluster housing development are enforced subject to the criteria adopted in this chapter.
- (C) *Development Review Process.* For the purpose of development review, cluster housing developments less than one (1) acre shall be processed as a site improvement plan. Cluster housing development on lots one (1) acre or larger shall be processed as a large scale development. If individual cluster housing unit lots are proposed and the proposal meets all of the requirements in this section, the subdivision shall be processed through the subdivision platting process as a lot split regardless of the number of lots created.
- (D) *Dwellings Permitted.*
- (1) *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of twelve (12) dwelling units. In multi-family zones where the proposed cluster housing development exceeds the minimum open space requirements of 164.22(G)(3)(a) by at least 20%, and in which at least 75% of the planned units are attached dwellings, there shall be no maximum number of dwelling units, except to conform to the density limitations herein.
 - (2) *Existing Nonconforming Structures.* On a lot to be used for a cluster housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cluster density.
- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.
- (1) *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Chapter 161, Zoning Regulations, as a permitted or conditional use.
 - (2) *Density.* Cluster housing development permitted as a use by right shall be allowed a density in conformance with the underlying zoning district. Zoning districts that allow cluster housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.
 - (3) *Bulk and Area Regulations.*
 - (a) *Lot Width Minimum.* There is no lot width requirement for individual cluster housing lots.
 - (b) *Lot Area Minimum.* The lot area minimum for cluster housing lots is 750 square feet.
 - (c) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 square feet.

- (4) *Setback Requirements.* All structures shall meet setback and separation requirements of the International Building Code, as applicable. For zoning purposes:
- (a) In single family districts, all cluster housing units shall have a minimum separation from one another of ten feet measured from exterior wall to exterior wall, not counting eaves or other architectural projections.
 - (b) In multi-family districts, there are no separation requirements from one cluster housing structure to another.
 - (c) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.
- (5) *Building Height Regulations.* The height for all structures in a cluster housing development shall not exceed the permitted height requirement of the underlying zoning district.
- (6) *Building Area.* None.
- (7) *Accessory Dwelling Units.* Accessory dwelling units are permitted in cluster housing developments by conditional use. Where a cluster housing development is permitted as a conditional use, accessory dwelling units may be requested within the same application.
- (F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cluster housing development residents, through a condominium association, a homeowners' association or a similar mechanism, and shall not be dedicated to the city unless accepted by the City Council.
- (G) *Development Standards.* All cluster housing developments are subject to the following standards:
- (1) *Floor Area.* The total conditioned floor area of any individual cluster housing unit shall not exceed 2,500 square feet.
 - (2) *Building Orientation.* A minimum of 75% of dwelling units in a cluster housing development shall be oriented around and face the common open space, a public trail or towards the street, having pedestrian access to the common open space and the street. Where a cluster housing unit fronts onto a public trail, the façade facing the public trail shall be considered a principal façade for the purposes of meeting design standards.
 - (3) *Open Space.*
 - (a) For units up to 1,500 square feet, a minimum of 250 square feet of common open space shall be provided per unit. For units exceeding 1,500 square feet and up to 2,000 square feet, 500 square feet of common open space shall be required per unit. For units exceeding 2,000 square feet, 750 square feet of common open space shall be required per unit. Common open space is subject to the following performance criteria:
 - (i) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than ten feet.
 - (ii) Required common open space shall be divided into no more than two (2) separate areas per cluster of dwelling units.
 - (iii) Common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the site plan for approval.
 - (iv) Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space. Low Impact Development stormwater management facilities may be placed within the common open space when they are integrated with the amenities listed above.
 - (b) Each cluster housing unit shall be provided with a private open space of 250 square feet with no dimension of less than ten feet. Private open space should be contiguous to each dwelling unit, for the exclusive use of each respective resident. In multi-family zones in which at least 75% of the planned units are attached dwellings, private open space shall not be required where the development exceeds the minimum open space requirements of (G)(3)(a) by at

- least 20% and it can be demonstrated that each unit has easily available access to open space amenities.
- (c) Parking areas and driveways shall not be counted as open space.
- (4) *Fences.* Fencing located between a cluster housing unit and a public street or trail or the common open space shall not exceed 48 inches in height.
- (5) *Parking Requirements and Standards.* Parking areas should be located within the cluster housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are permitted in cluster housing developments as described in Chapter 172, Parking and Loading. Permitted on-street parking spaces adjacent to a project's frontage may count towards the parking requirements of the development. Parking standards for cluster housing developments shall be as follows:
- (a) The owner/developer may choose to supply one (1) parking space per bedroom for his or her entire cluster housing development. Otherwise, the required number of parking spaces shall be determined according to the square footage of the cluster housing unit as described below:
- (i) Dwelling units less than 1,000 square feet shall have one and one-half (1.5) parking spaces provided.
- (ii) Dwelling units over 1,000 square feet shall have two (2) parking spaces provided.
- (b) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cluster housing units.
- (6) Cluster housing developments shall provide at least one (1) bicycle parking rack per cluster housing unit.
- (7) *Fire Department Access.* Fire Department access shall be determined at the time of development review.
- (8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.
- (9) *Utilities.* Individual cluster housing lots shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cluster housing unit developments shall be located in a dedicated easement.
- (10) *Community Buildings.* Indoor or covered common areas less than 2,000 square feet are permitted by right in cluster housing development. These structures shall be architecturally integrated with the architectural style of the cluster housing development.
- (11) *Recycling and Trash Collection Service.* For the purposes of recycling and trash collection cluster housing developments are considered a residential use and should receive residential recycling and trash collection service (individual carts and recycling bins) where possible. In certain instances, it may be necessary to service cluster housing developments with commercial trash collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial trash pickup. It is incumbent on the developer to design recycling and trash collection facilities into the cluster housing development plan early in the process. The final determination of recycling and trash collection service and pick-up areas will be made at the time of development review by the city. Specific requirements for residential and commercial trash and recycling pick-up shall be as follows:
- (a) Residential trash and recycling collection service requires a designated location near the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated pick-up day. An appropriate linear distance is required to accommodate each cluster housing unit's trash cart and recycling bin, subject to city approval.
- (b) Commercial trash collection service requires a dumpster location that is freely accessible for front end loading and screened from public view.

- (c) Recycling and trash facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.
- (H) *Building Design Standards.*
 - (1) *Variety in Detached Cluster Housing Units Floor Plans and Architectural Treatments.* These standards are intended to avoid the overly repetitive use of the same building design, structural features, detailing or finishes among detached units within the cluster housing development. In cluster housing developments no two (2) structures shall be identical in terms of exterior finishes. All cluster housing units shall differ from each other by utilizing at least two (2) of the following options:
 - (a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
 - (b) Variations in adjacent cluster housing unit floor plans that alter the location of exterior windows and doors;
 - (c) Variations in the size of main floor area and/or building height of adjacent structures; or
 - (d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of six feet. No structurally identical front porches shall be located on adjacent cluster housing units.
 - (e) Variations in roof shapes or gables between adjacent structures.
 - (f) Other variations as approved by the Zoning and Development Administrator.
 - (2) All attached cluster housing units shall comply with §166.23, Urban Residential Design Standards. Where a cluster housing unit fronts onto a public trail or open space, the façade facing the public trail or open space shall be considered a principal façade, for the purposes of meeting this section.
- (I) *Variances From the Minimum Cluster Housing Development Requirements.* Variances of this section, Cluster Housing Development, shall be administered as normal development regulations for variances of General Design Standards, except that (E) Zoning Regulations shall be administered as zoning regulations for variance purposes.

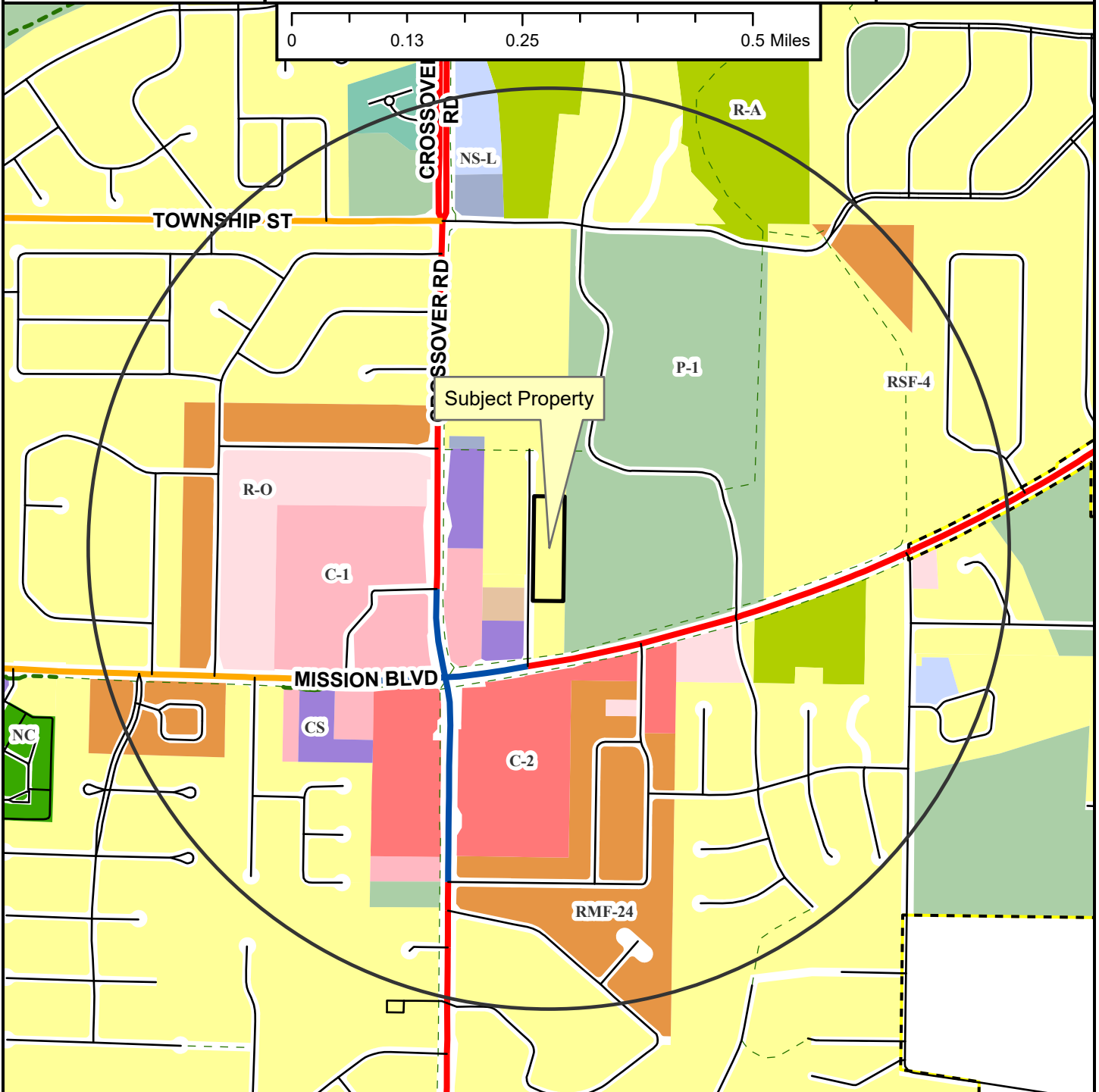
CUP-2025-0053

2096 N. BOX AVE

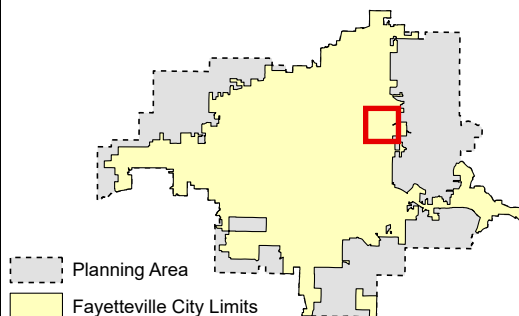
One Mile View



0 0.13 0.25 0.5 Miles



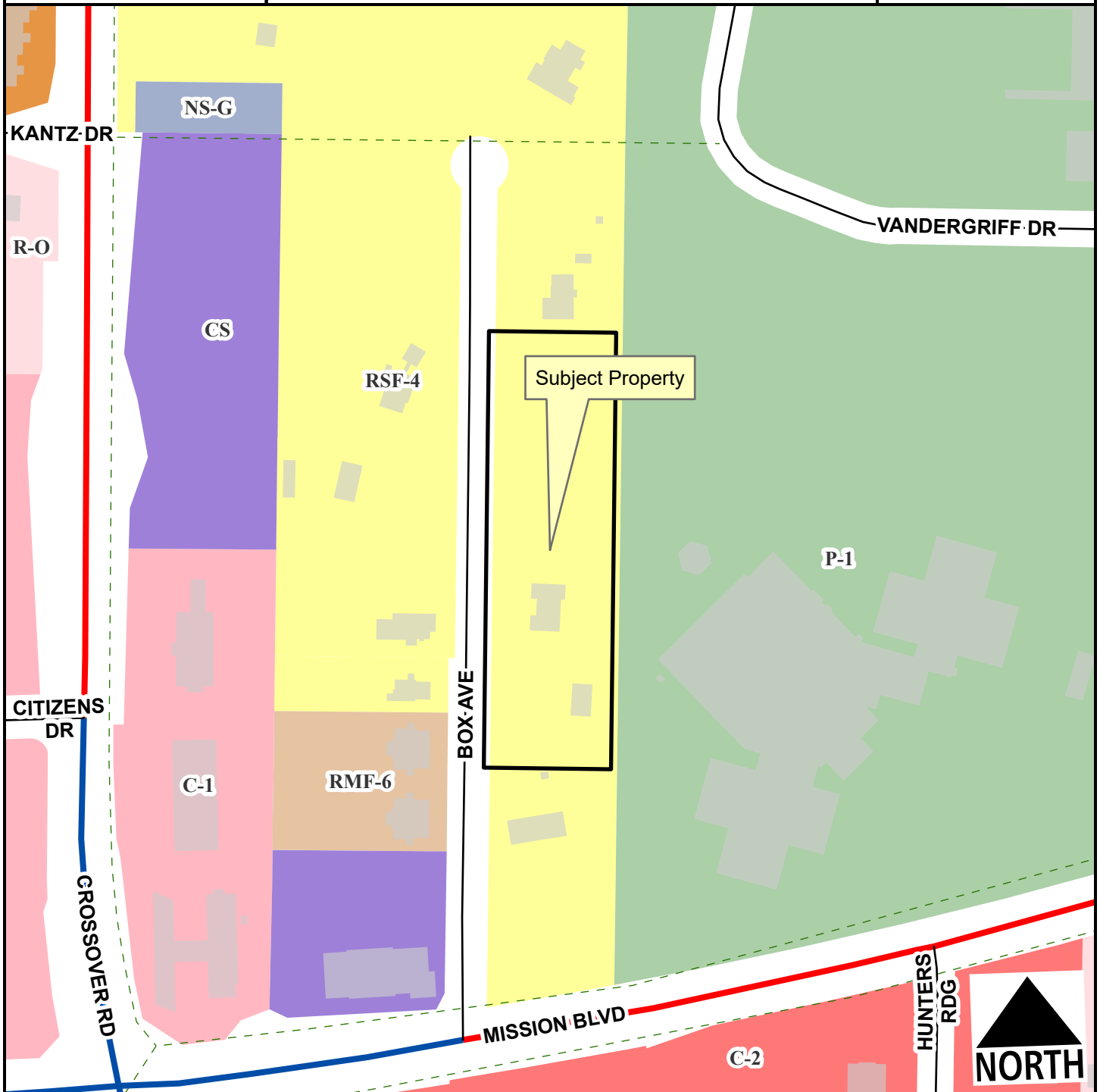
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- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



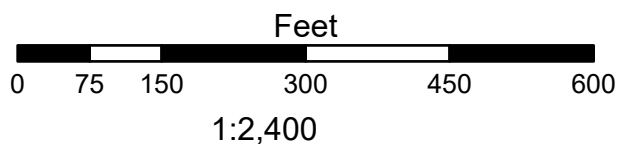
CUP-2025-0053

2096 N. BOX AVE

Close Up View



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



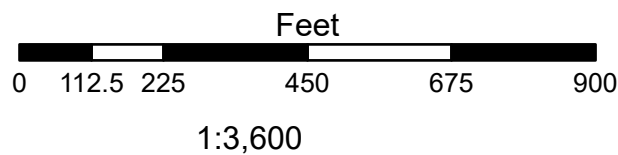
CUP-2025-0053

2096 N. BOX AVE

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



To: Jessie Masters, Planner

From: Battalion Chief Clint Price, Deputy Fire Marshal

CC: Division Chief Jeremy Ashley, Fire Marshal

Date: 10/22/2025

Subject: CUP-2025-0053

The Fayetteville Fire Marshal Office will support this conditional use permit; however, it does appear N Box Avenue, the road that accesses the property does not meet the required fire department access. With the addition of 18 new homes, a fire hydrant may need to be added closer to the requested development. These two factors along with the rest of fire code requirements will be reviewed at the entitlement process.



Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Donna Wonsower, Planner

FROM: Willa Thomason, Urban Forester

MEETING DATE: November 24, 2025

SUBJECT: **CUP-2025-0053 Conditional Use Permit** (2096 N. BOX AVE) - Submitted by BATES & ASSOCIATES for property located at 2096 N. BOX AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 2.40 acres. The request is for a cluster housing development. PP 372

RECOMMENDATION:

Urban Forestry Staff recommends conditional approval of CUP-2025-0053, a request to permit a cluster housing development on four parcels near the intersection of N Box Avenue and E Mission Boulevard. This is a wooded site zoned RSF-4 which requires 25% minimum canopy preservation on-site. While a full tree preservation plan has not been submitted, the applicant has submitted a tree canopy survey overlaying the proposed site plan. Roughly 1/3 of the on-site trees, many of them "significant" as defined in UDC §151, are shown to be removed, while many smaller trees both within the interior of the site and along the periphery are proposed to be preserved.

The applicant states the intent to dedicate a tree preservation easement located on the west side of the property in conjunction with the subsequent large-scale development. While the conditional use of this site as a cluster housing development will increase its residential density, potentially requiring more tree removal than its by-right use, cluster-housing require common open space which may be strategically located to increase tree preservation, or may be improved with tree planting and other landscaping.

CONDITIONS OF APPROVAL:

Urban forestry staff recommend that, as a condition of the approval of this conditional use permit, tree preservation requirements shall be met through on-site preservation and, if necessary, on-site mitigation, rather than through off-site preservation or forestation, on-site mitigation alternatives, or payment into the tree escrow fund. Additionally, staff recommend that at least one significant tree be preserved within a common open space on-site, and included in the tree preservation easement dedication for the large-scale development.

November 4th, 2025

Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

RE: Box Avenue CUP Request

To whom it may concern,

Box Property Holdings LLC is requesting a conditional use permit for a Cluster Housing Development for the large scale project located near the intersection of Box Avenue and E Mission Blvd, Washington County parcels #765-03002-000, 765-03003-000, 765-03004-000, & 765-03005-000. This request is required per UDC 164.22 (E)(1) – Cluster Housing Development Zoning Regulation, stating that cluster housing development is permitted as chapter 161 zoning regulations or conditional use.

The proposed cluster development will utilize the existing zoning and adhere to the City of Fayetteville’s Unified Development Code (UDC) regulations for Cluster Developments. The proposal includes a total of 18 residential homes on approximately 2.39 acres, with one of the existing homes to remain as part of the development for a total of 19 units within the cluster development area. The project is thoughtfully designed to provide shared open space, consolidated parking, and private open space for each dwelling unit, ensuring both efficiency and quality of life for future residents. This development will not negatively impact adjacent properties. It will provide several public and infrastructure improvements that will enhance the surrounding area. These improvements include street widening in accordance with fire code requirements, the installation of new fire hydrants, utility extensions to serve the site and nearby properties, and improved sidewalk connectivity to promote pedestrian access and safety. These enhancements will strengthen neighborhood infrastructure and contribute positively to the overall community.

According to the City of Fayetteville’s Future Land Use Map, the subject property lies within the City Neighborhood Plan area. This plan emphasizes six key strategies; Creating and showcasing a walkable environment, encouraging increased residential density in and around downtown areas, developing efficient parking that enhances the sense of place, establishing forward-thinking regulations that attract desirable development, creating a network of interconnected and distinctive neighborhood places, and supporting an experience-based economy through arts, culture, and entertainment.

This proposed cluster housing development directly supports these goals by introducing a thoughtfully scaled residential community that complements surrounding commercial uses, schools, and parks. The project’s compact design promotes walkability and connectivity, allowing residents convenient access to nearby amenities while reducing reliance on vehicular travel. By efficiently utilizing existing infrastructure and emphasizing shared and private open spaces, this development reinforces the City’s commitment to sustainable growth, neighborhood vitality, and the creation of vibrant, livable urban environments. Additionally, we are planning to dedicate a portion of the property on the west side of the development, as part of the LSD process, as a tree preservation area to maintain the natural vegetation and provide a valuable neighborhood amenity.

Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Addie Manzi, E.I.
Project Engineer
Bates & Associates, Inc



November 19th, 2025

Planning Commission
125 West Mountain Street
Fayetteville, AR 72701

RE: Box Avenue Variance Request

To whom it may concern,

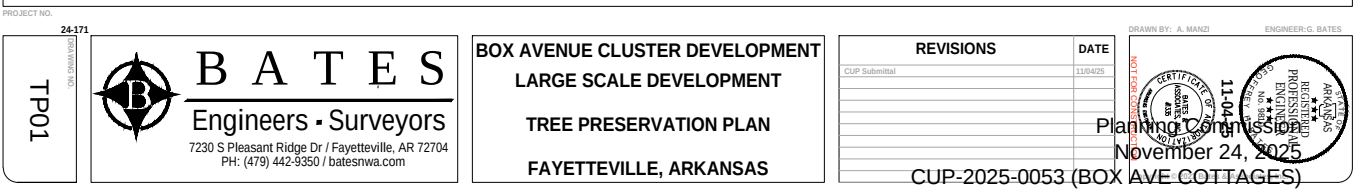
Box Property Holdings, LLC is requesting a variance to UDC 164.22(D)(1) for the proposed Cluster Housing development located near the intersection of Box Avenue and E. Mission Blvd, encompassing Washington County parcels #765-03002-000, 765-03003-000, 765-03004-000, and 765-03005-000.

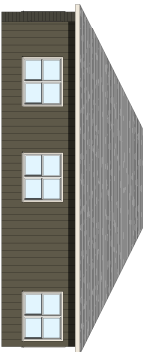
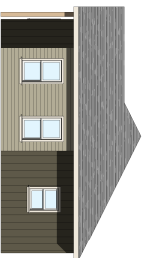
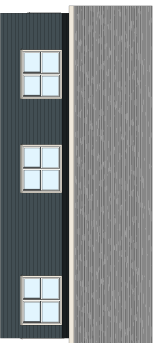
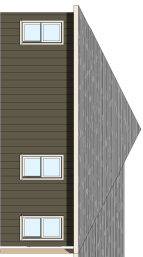
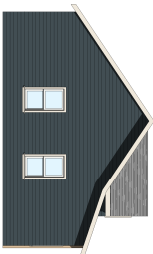
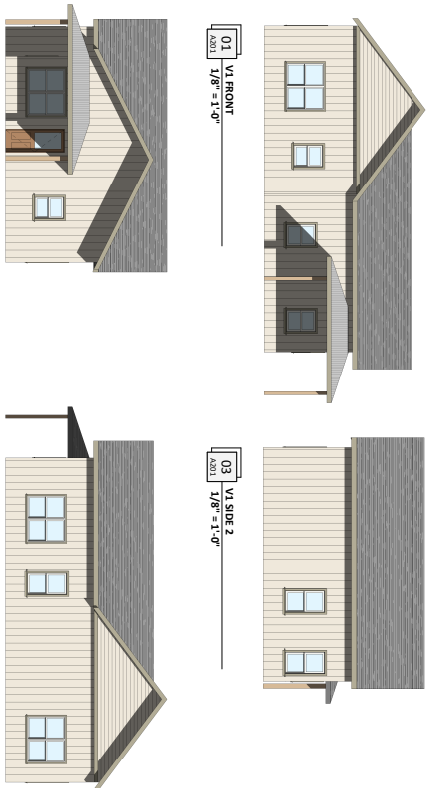
The Unified Development Code limits cluster housing developments to a maximum of twelve dwelling units. This project proposes a total of thirteen units due to the existing home remaining on the property. The existing home will meet the requirements and characteristics of the cluster housing development; however, its current walls and location will remain unchanged.

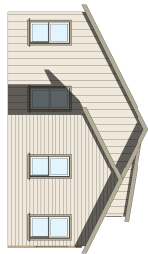
Thank you for your consideration in the matter and if you have any questions or require additional information, please feel free to contact me at your convenience.

Sincerely,

Addie Manzi, E.I.
Project Engineer
Bates & Associates, Inc







03
A200

V1 - SIDE 2
1/8" = 1'-0"



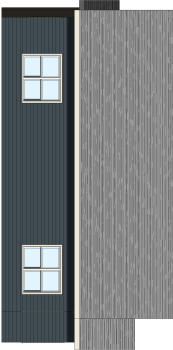
04
A200

V1 - REAR
1/8" = 1'-0"



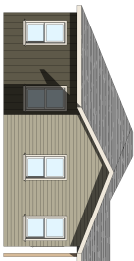
07
A200

V2 - SIDE 2
1/8" = 1'-0"



08
A200

V2 - REAR
1/8" = 1'-0"



12	V3 - SIDE 2
A200	1/8" = 1'-0"



11 A200	V3 - REAR 1/8" = 1'-0"
------------	---------------------------

Wonsower, Donna

From: Planning Shared
Sent: Monday, November 10, 2025 3:08 PM
To: Wonsower, Donna
Subject: FW: Box Ave - Proposed Cluster Housing

Follow Up Flag: Follow up
Flag Status: Flagged

Concerning CUP-2025-0053

Thank you

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



CITY OF
FAYETTEVILLE
ARKANSAS

From: Lane Graves <lane18graves@gmail.com>
Sent: Monday, November 10, 2025 2:53 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Tamijani, Zak <ztamijani@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Holeyfield, Ashlyn <ashlyn.holeyfield@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>
Subject: Box Ave - Proposed Cluster Housing

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Hello,

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The developer admits the street must be widened for fire-code access, proving current infrastructure is inadequate for this density. Street widening is not a benefit — it's an admission that the site is unsuitable. It would remove trees, reduce front yards, and change the neighborhood's scale. All traffic, emergency, and delivery vehicles would rely on one intersection with Mission Blvd, creating visibility and turning hazards. The proposed plants would add roughly 40–50 daily vehicle trips to a street designed for light residential use. Fayetteville's UDC (§166.23 and §164.26) allows denial when safe and adequate access is not provided.

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For these reasons, I respectfully request that the City Planning Department **deny approval of this development** or require substantial revisions to address these deficiencies. Approving the current plan would compromise public safety, environmental integrity, and the quality of life for existing residents.

Please confirm receipt of this objection.

Thank you,

Wonsower, Donna

From: Daniel Norton <danorton93@gmail.com>
Sent: Monday, November 10, 2025 4:26 PM
To: Planning Shared; Tamijani, Zak; Brink, Andrew; Holeyfield, Ashlyn; Payne, Brad; Gulley, Fred; Madden, Mary; McGetrick, Mary; Cabe, Matthew; Castin, Nick; Werner, Nick; Wonsower, Donna
Subject: Box Ave - Proposed Cluster Housing Project

Follow Up Flag: Follow up
Flag Status: Flagged

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Hello,

My name is Daniel Norton, and I am one of several residents on Box Avenue who strongly oppose the proposed cluster housing project (CUP-2025-0053). Below, I've outlined several reasons why we believe this development would negatively impact our neighborhood.

To provide greater context, I would be happy to invite members of the City Planning Commission to visit Box Avenue. Seeing the area firsthand may help illustrate why this project is not a good fit for our small street.

If you're open to discussing this further, please feel free to contact me at [\(972\) 352-0850](tel:9723520850). I appreciate your time and consideration, and I look forward to hearing from you.

Kind regards,

-Daniel Norton

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Thank you,

-Daniel Norton

danorton93@gmail.com

Wonsower, Donna

From: Hopkins, Mirinda
Sent: Monday, November 10, 2025 3:39 PM
To: Wonsower, Donna
Subject: FW: Box avenue

Follow Up Flag: Follow up
Flag Status: Flagged

Cup-2025-0053

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



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FAYETTEVILLE
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From: Tom Smith <twsmithjr@icloud.com>
Sent: Monday, November 10, 2025 3:08 PM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Subject: Box avenue

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.

Sent from my iPhone Box Ave - Cluster housing

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Please confirm receipt of this objection.

Thank you, Thomas Smith

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, November 19, 2025 9:59 AM
To: Wonsower, Donna
Subject: FW: 2096 N Box Ave - Cluster Housing Development

Follow Up Flag: Follow up
Flag Status: Flagged

Concerning CUP-2025-0053

Thank you

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



CITY OF
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From: bills coonfield <bills@coonfield.net>
Sent: Tuesday, November 18, 2025 7:35 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Holeyfield, Ashlyn <ashlyn.holeyfield@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>
Subject: 2096 N Box Ave - Cluster Housing Development

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Thank you, Jennifer Akin
Owner, 1238 N Box Ave



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: November 24, 2025

SUBJECT: **CUP-2025-0054: Conditional Use Permit (168 N CROSSOVER RD):**
Submitted by JAMES HARPS for property located at 168 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.53 acres. The request is for an accessory structure without a residential dwelling. – Citlali Samano, Planner

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0024** with conditions as outlined by staff.

RECOMMENDED MOTION:

"I move to approve **CUP-2025-0024** with conditions, determining:

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

BACKGROUND:

The subject property is located on the east side of N. Crossover Rd. near the intersection of N. Crossover Rd and E. Deerpath Dr. on the east side of town. The property totals approximately 0.52 acres and is currently vacant. An unnamed tributary of Beaver Reservoir flows generally north to south along the western portion of the site. The watershed is on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:

Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Density Residential	RSF-4, Residential Single-Family, 4 Units per Acre; Residential Intermediate, Twelve (12) Units per Acre
South	Mixed-Density Residential	RSF-4, Residential Single-Family, 4 Units per Acre; Residential Office
West	Single-family Residential	RSF-4, Residential Single-family, 4 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Proposal: The applicant seeks approval to build a detached garage on two merged lots (168 and 172 N Crossover Rd). The owner's primary residence is on the adjacent lot (156 N Crossover Rd). Fayetteville's Unified Development Code, under §164.02, Accessory Structures, prohibits accessory structures on a lot that does not have a primary structure.

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

Public Comment: Staff did not received public inquiry about the request, nor any comments in opposition.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0054**, with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility for a 50-foot by 60-foot garage to be constructed on a lot without a primary structure.** *Staff finds the accessory building to be compatible with, and unlikely to have a negative impact on, adjacent properties.*
2. **Landscaping and Screening must be maintained.** As indicated by the applicant, existing trees and landscape must be preserved and maintained to provide ample screening and buffering from adjacent properties. This includes multiple trees along the property and a large native pollinator patch of wildflowers that will be re-planted on the cleared section and the back of the property between neighbors.
3. **This approval does not grant building permit approval for the associated structure or any new primary dwelling. A building permit shall be submitted for review in compliance with all city codes.** Staff find that when there is between 6,000 sq. ft. to 10,000 sq. ft. of impervious surface to be developed or redeveloped, a Concept Plan will need to be submitted to receive feedback and recommendations from city staff prior to submitting a fully engineered development plan for review. Developments below or above this threshold, or in the city's planning area boundary, may submit a concept plan to obtain feedback and recommendations prior to submitting a fully engineered development plan for review.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

2. Decide such questions as are involved in determining whether a conditional use should be granted; and,
3. Grant a conditional use with such conditions and safeguards as are appropriate under this chapter; or
4. Deny a conditional use when not in harmony with the purpose and intent of this chapter.

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

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

Finding: **The applicant has submitted a written application requesting conditional use approval of an accessory structure to be built prior to a primary structure, as outlined in 164.02(A)(1).**

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §164.02(A)(1) to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use is not likely to adversely affect public interest. However, the property also shares a high-pressure gas pipeline facility on the northwest corner therefore there may be some interest by the pertinent party. Only this building requires conditional use approval as it is an accessory structure without a principal dwelling structure. The subject property is located along a residential block which is intended to be developed with four-family dwellings. Accessory structures are subject to compliance with the city's Standards as outlined in UDC §166.23, as well as the outdoor lighting standards outlines in UDC Chapter §176.**

- (c.) The Planning Commission shall certify:

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

Finding: There are no specific rules governing the request.

- (2.) That satisfactory provisions and arrangements have been made concerning the following, where applicable:
 - (a.) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Finding: The applicant proposes one gravel driveway from N. Crossover Rd that extends past the current asphalt drive. Staff finds that the location on the proposed site plan meets separation requirements for curb cut locations (a minimum of 5 feet from the property line). Advisory comment of width requirements for single-family dwellings (maximum of 24 feet for lots with more than 70 feet of frontage) are noted. Additionally, N. Crossover Rd is ARDOT right-of-way, and additional distance separation requirements may govern this area.

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

Finding: The City of Fayetteville does not have parking nor driveway standards for the proposed location, however no more than 4 vehicles may be parked on the property at a time. Driveway and Parking Standards for Four (4) or Less Parking Spaces are outlined in UDC §172.11

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

Finding: The applicant has indicated that refuse containers will not be contained on site but will be provided through the applicant's primary residence (156 N Crossover Rd). The city's Urban Residential Design Standards require that trash containers be stored in a location that is not visible from the street.

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

Finding: The property does have access to water and sewer. Existing trees and landscaping will be preserved to provide ample screening and buffering from adjacent properties. Additionally, multiple trees and a large native pollinator patch of wildflowers will be re-planted on the cleared section at the back of

the property between neighbors. Screening is subject to Urban Residential Design Standards as outlined in UDC §166.23(5).

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

Finding: Applicant has noted that outdoor lighting, if used, will be small, shielded, and downward facing. Staff is recommending driveway be of 24-feet to assist in delineating any lighting disruptions.

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

Finding: No signage is proposed. Any proposed signage will be subject to UDC §174, Signs, and all regulations therein. Signage shall be submitted for permit through the City's Planning Division.

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

Finding: The proposed structure appears to meet all required setbacks as regulated by the RSF-4 zoning district.

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

Finding: Staff finds the proposed use to be compatible with adjacent properties. Given the natural landscape, the acreage of the site, and the scale of the shed, staff finds the request to be compatible. The provision of the structure to store and contain tools and other items on the site in an orderly fashion prior to the primary structure being constructed on the site will likely positively contribute to the street, rather than negatively affect the surrounding property.

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

Finding: Staff finds the proposed use to be generally compatible with the long-term land use plans for the area. Detached garages are typically considered to be an accessory structure to the primary use of the property, which long-term land use plans identify this area to be a residential neighborhood area.

BUDGET/STAFF IMPACT:

None.

Attachments:

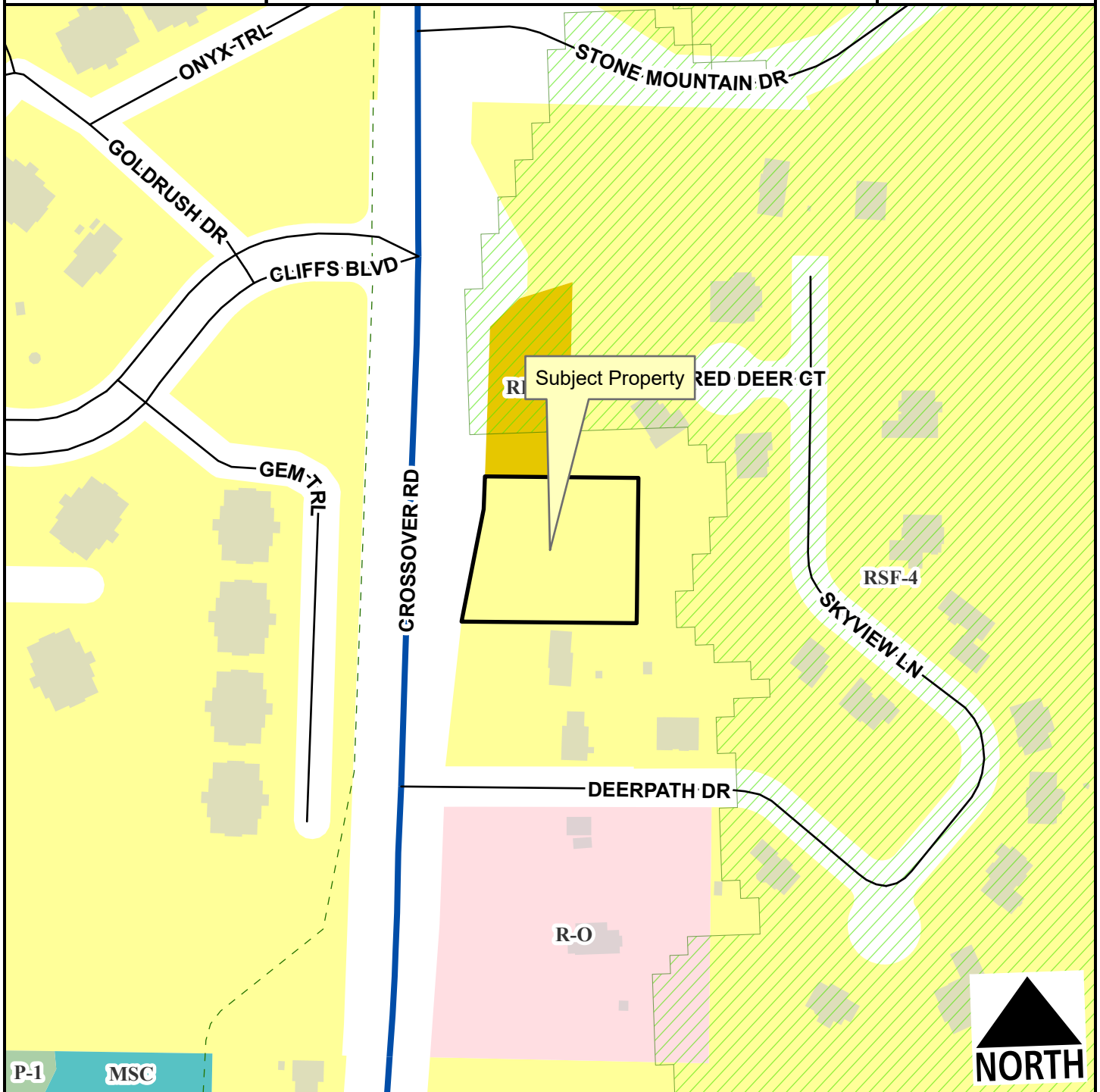
- Project Maps
 - Site Plan
 - One Mile Map

- Close-Up Map
 - Current Land Use Map
- Unified Development Code
 - §164.02 Accessory Structures And Uses
- Applicant Exhibits
 - Request Letter
 - Site Plans

CUP-2025-0054

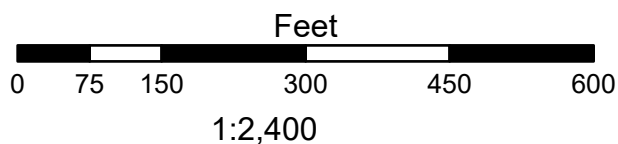
168 N. CROSSOVER RD

Close Up View



P-1 MSC

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



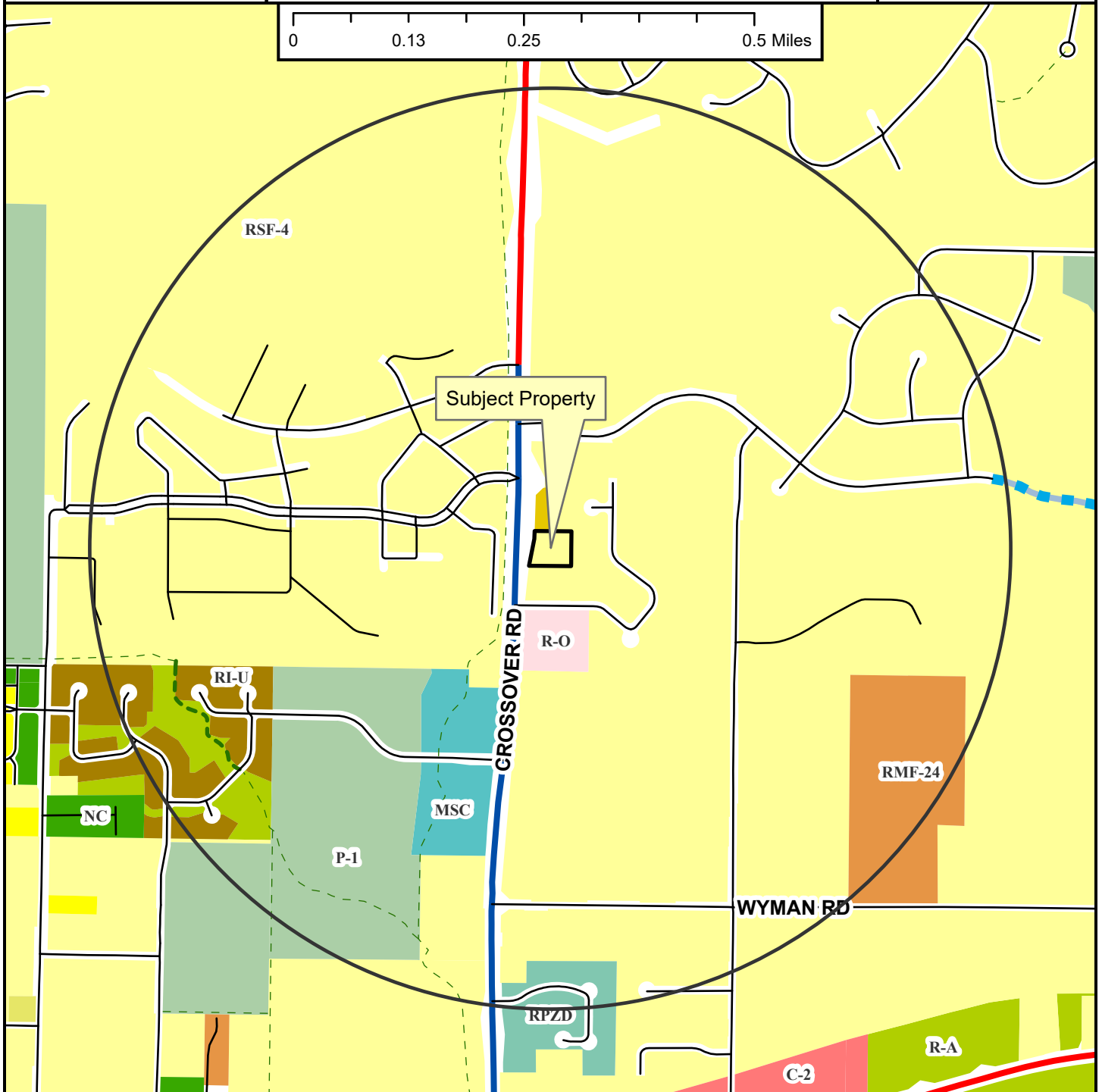
CUP-2025-0054

168 N. CROSSOVER RD

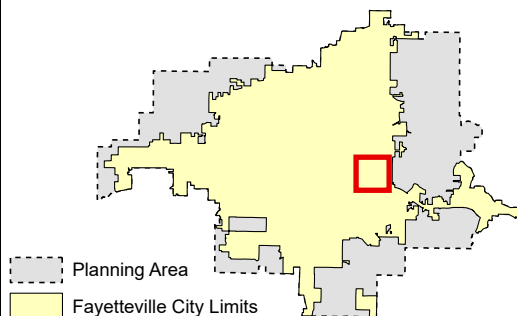
One Mile View



0 0.13 0.25 0.5 Miles



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



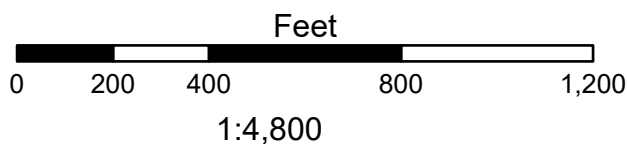
CUP-2025-0054

168 N. CROSSOVER RD

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



Within 1/4 Mile

Type 2 STRs: 0

Occupiable
Residential
Addresses
(Estimated
Housing Units): 324

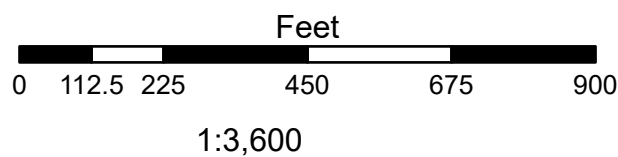
CUP-2025-0054

168 N. CROSSOVER RD

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

164.02 Accessory Structures And Uses

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

(A) Accessory Structures.

- (1) *When Erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral Part of Principal Structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Height and Setback Restrictions.* Accessory structures 10 feet or less in height shall maintain a minimum side setback of 3 feet and a minimum rear setback of 5 feet from the property lines. Accessory structures greater than 10 feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.
- (4) *Build-to Zones.* Accessory structures shall be exempt from meeting the requirements of the build-to zone in any zoning district.
- (5) *Size of Accessory Structure(s).* Any accessory structure(s) shall be 50% or less of the size of the principal structure, except for accessory roof mounted solar energy systems and accessory ground mounted solar energy systems. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.
- (6) *Shared Accessory Structures.* Shared accessory structures may be constructed across common property lines, subject to all building and fire codes. Building setbacks for shared accessory structures may be administratively varied to permit zero lot line development. Easements for driveway access and maintenance of the structure and driveway shall be provided prior to the issuance of a building permit. For purposes of calculating size of shared accessory structures, only that portion of the shared accessory structure on the lot with the principal structure shall count toward the maximum allowable size.
- (7) *Accessory Ground Mounted Solar Energy Systems.* An accessory ground mounted solar energy system shall be considered an accessory structure and shall be subject to applicable accessory structure requirements.
- (8) *Electric Vehicle Charging Stations.* Electric vehicle charging stations that are publicly accessible shall be considered an accessory use in all commercial, mixed-use, industrial, and institutional zoning districts. Publicly accessible electric vehicle charging stations shall be reserved for the parking and charging of electric vehicles only and information shall be posted indicating that the space is reserved for electric vehicle charging purposes only. Electric vehicle charging equipment must be designed and located to not impede pedestrian, bicycle or wheelchair movement. Property owners may collect a service fee for the use of an electric vehicle charging station. Information shall be posted identifying voltage and amperage levels and any type of use, fee, or safety information related the electric vehicle charging station. Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number, email address, or some other contact information must be provided on the charging equipment for reporting when it is not functioning, or for when other problems are encountered.

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

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

James A. Harps
156 N Crossover Rd
Fayetteville, AR, 72701
james.harps12@gmail.com
678-517-6822
15 April 2025

Chair of the Fayetteville AR. Planning Commission

Planning Commission
Fayetteville/ Washington County

RE: Conditional Use Permit Application for Detached Garage – 168 & 172 N Crossover Rd – Pursuant to Fayetteville City Code 142.02(A)(1)

Dear Chairperson and Members of the Planning Commission,

I am writing to request a Conditional Use Permit pursuant to Fayetteville City Code 142.02(A)(1) to construct a detached garage on the merged lots of 168 and 172 N Crossover Rd, Fayetteville, AR. My current residence is located at 156 N Crossover Rd, and this garage will be associated with and used in conjunction with my home.

Code Reference:

Fayetteville City Code 142.02(A)(1) states: "No accessory structure shall be erected on any property prior to the construction of the principal structure, unless such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited."

Justification for Conditional Use Permit:

I am requesting a Conditional Use Permit to construct a detached garage on the merged lots of 168 & 172 N Crossover Rd. While this lot is separate from my residence at 156 N Crossover Rd, the garage will be directly associated with and used in conjunction with my existing home. I am maintaining the lots separately to avoid unnecessary resurveying fees that would be incurred if I were to merge all three lots at this time.

My current residence at 156 N Crossover Rd has limited space and cannot accommodate my need for additional storage and hobbyist activities. Constructing this detached garage on the adjacent lot provides the necessary space for these purposes.

My primary concern is ensuring this structure remains compatible with the neighborhood's existing character. The proposed detached garage, with a maximum size of 2,200 sq ft

(most likely smaller), is in line with, and in some cases, smaller than existing accessory structures in the area. For example, my neighbor two lots to the north at 280 N Crossover Rd. has a 2,000 sq ft detached shop, and a similar residence just 0.3 miles south on Crossover at 2510 E Wyman Rd. has a 2,400 sq ft detached building. There are many other “pole barn” style garages in the vicinity, these are the closest on the same road. This demonstrates that the proposed garage's size is consistent with, or even less than, the scale of existing outbuildings in the vicinity.

It's important to emphasize that this request is for a *non-commercial use* of the garage. There will be no business operations conducted on the premises, meaning no hours of operation, no employees, and no patrons visiting on a daily basis. The garage will serve as a hobby space and storage area. Any noise generated will be minimal and consistent with typical residential hobby activities and will be quieter and less nuance than the activity at the existing natural gas meter station on the property.

Furthermore, the following measures will be taken to ensure minimal impact on the surrounding properties:

- **Outdoor Lighting:** Outdoor lighting, if used, will be small, shielded, and downward facing, in full compliance with local codes to minimize light pollution.
- **Screening and Buffering:** Existing trees and landscaping will be preserved to provide ample screening and buffering from adjacent properties. Additionally, multiple trees and a large native pollinator patch of wildflowers will be re-planted on the cleared section at the back of the property between neighbors.
- **Trash Service:** Trash service will continue to be provided through my primary residence at 156 N Crossover Rd.
- **Ingress and Egress:** Access to the garage will be via a dedicated driveway and a small trail to my home driveway. This dedicated access will result in substantially less traffic than if multiple single-family homes were to share the driveway, as previously approved for this location (Permit number RESI-2023-0484). This reduction in potential traffic contributes to improved safety and smoother traffic flow in the accident-prone section at the bottom of Crossover hill.
- **Off-Street Parking:** Ample off-street parking will be provided by a gravel driveway, similar in size and appearance to the driveway at my primary residence.
- **Signage:** No signs will be erected on the property.
- **Setbacks and Easements:** All required setbacks and easements will be strictly adhered to during construction of the structure.

The proposed detached garage location and layout has been carefully chosen to avoid natural gas easements on the property while minimizing any further cutting of trees and any impact on neighboring properties. This location's suitability for construction is further supported by the previous approval for a much larger residential structure at this site.

I believe this project addresses a practical need while respecting the established character of the neighborhood. The garage will be built in accordance with all applicable building codes and will not be inhabited.

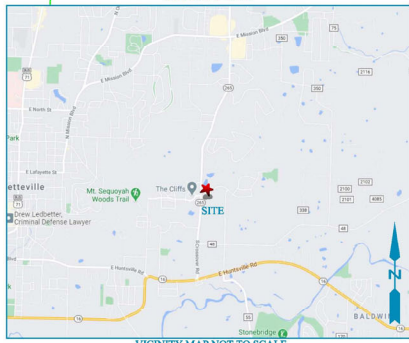
Conclusion:

I respectfully request the Planning Commission approve this Conditional Use Permit to construct the detached garage. This project addresses a practical need for storage and hobby space, considers existing site constraints, and contributes positively to the neighborhood. The garage will be built in accordance with all applicable building codes and will not be inhabited.

I appreciate your time and consideration. Please contact me if you require any additional information or documentation.

Sincerely,

James A. Harps 156 N Crossover Rd Fayetteville, AR, 72701 james.harps12@gmail.com
678-517-6822



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

SURVEY DESCRIPTION (P. CELLS #765-14278-000 & #765-14279-000):
A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE EAST RIGHT-OF-WAY OF ARKANSAS HIGHWAY #265 WHICH SAID HIGHWAY #265 RUNS NORTH AND SOUTH, BEING THE SOUTHWEST CORNER OF THE FORECLOSURE TRACT AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY OF WAY N15°22'26" E 157.56', THENCE CONTINUING ALONG SAID RIGHT-OF-WAY N04°04'18" E 45.12' TO AN EXISTING RECORD, THENCE LEAVING SAID RIGHT-OF-WAY S87°21'10" N11.42' TO AN EXISTING RECORD, THENCE S02°42'40" W 200.00', THENCE N11°04'20" W 29.00' TO AN EXISTING RECORD, CONTAINING 1.02 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Location Map:

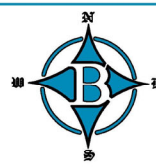
R-30-W

A 4x4 grid representing a location map. A circle containing the number 14 is located in the second row, second column. A small square is located in the second row, fourth column.

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- FOUND PIPE
- SET 5/8" REBAR/CAP
- △ COMPUTED POINT
- ⑤ SANITARY SEWER MH
- ① TELEPHONE PEDESTAL
- ② ELECTRICAL BOX
- ③ STORM SEWER MH

POWER POLE	SIGN
—	BOUNDARY LINE (MEASURED)
---	PARCEL LINE
---	FORTY LINE/ TIE LINE
---	CENTERLINE OF ROAD
---	RIGHT-OF-WAY
W W	WATER LINE
OP OP	OVERHEAD POWER LINE
S S	SEWER LINE
X X	FENCE
.	BUILDING SETBACK
.	UTILITY EASEMENT
G	GAS LINE
FO	FIBER OPTIC LINE

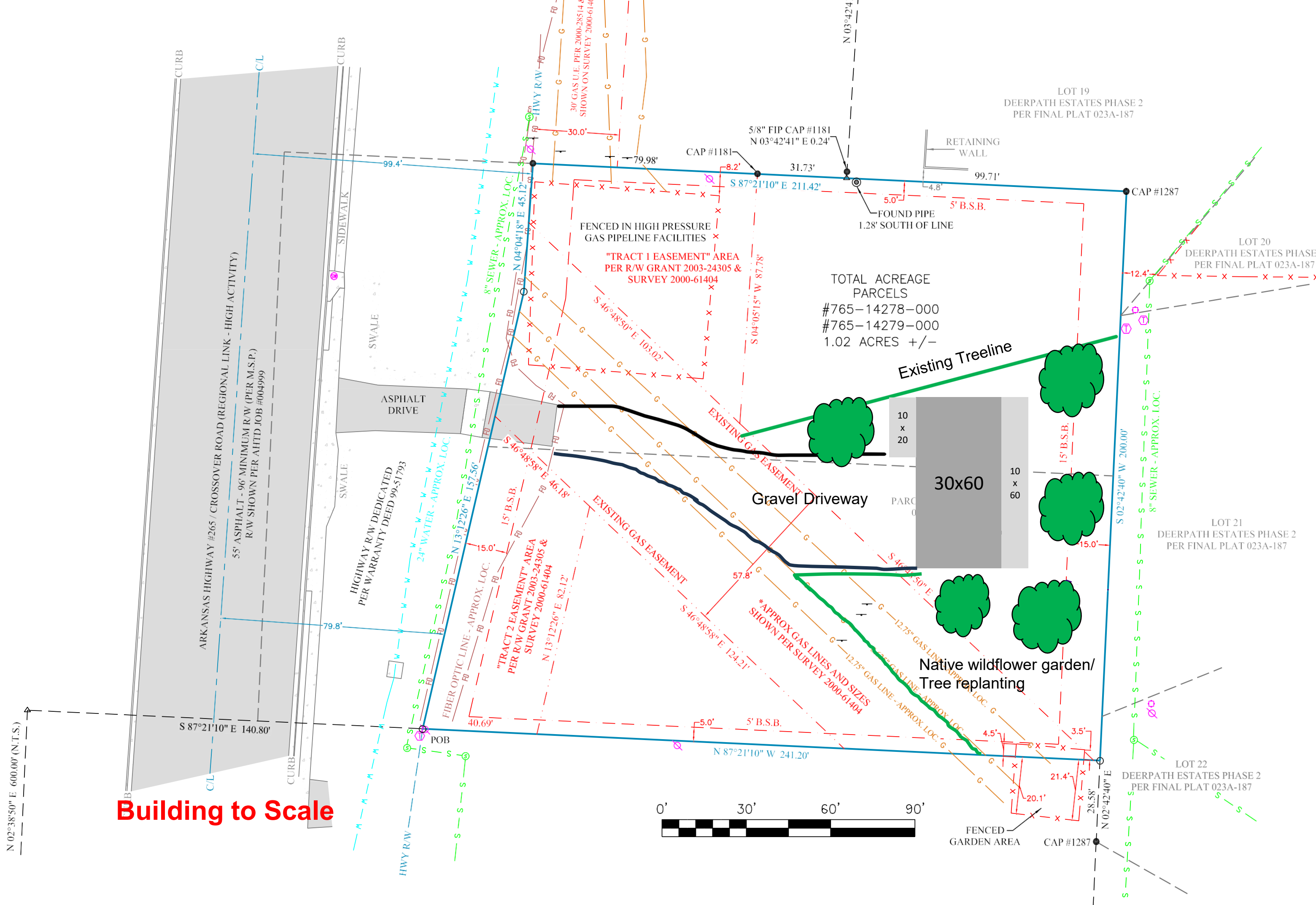


RECORDING NUMBER/DATE

Planning Commission
November 24, 2025

CUP-2025-0054 (HARPS)

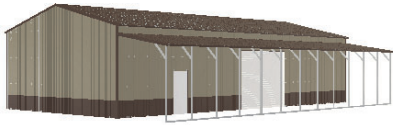
Page 15 of 19





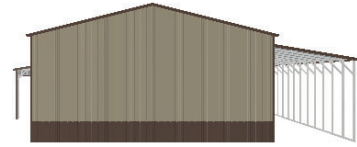
**Building approximately
to Scale**

BUILDING IMAGES



TEXWIN

Perspective View



TEXWIN

Front



TEXWIN

Left Side



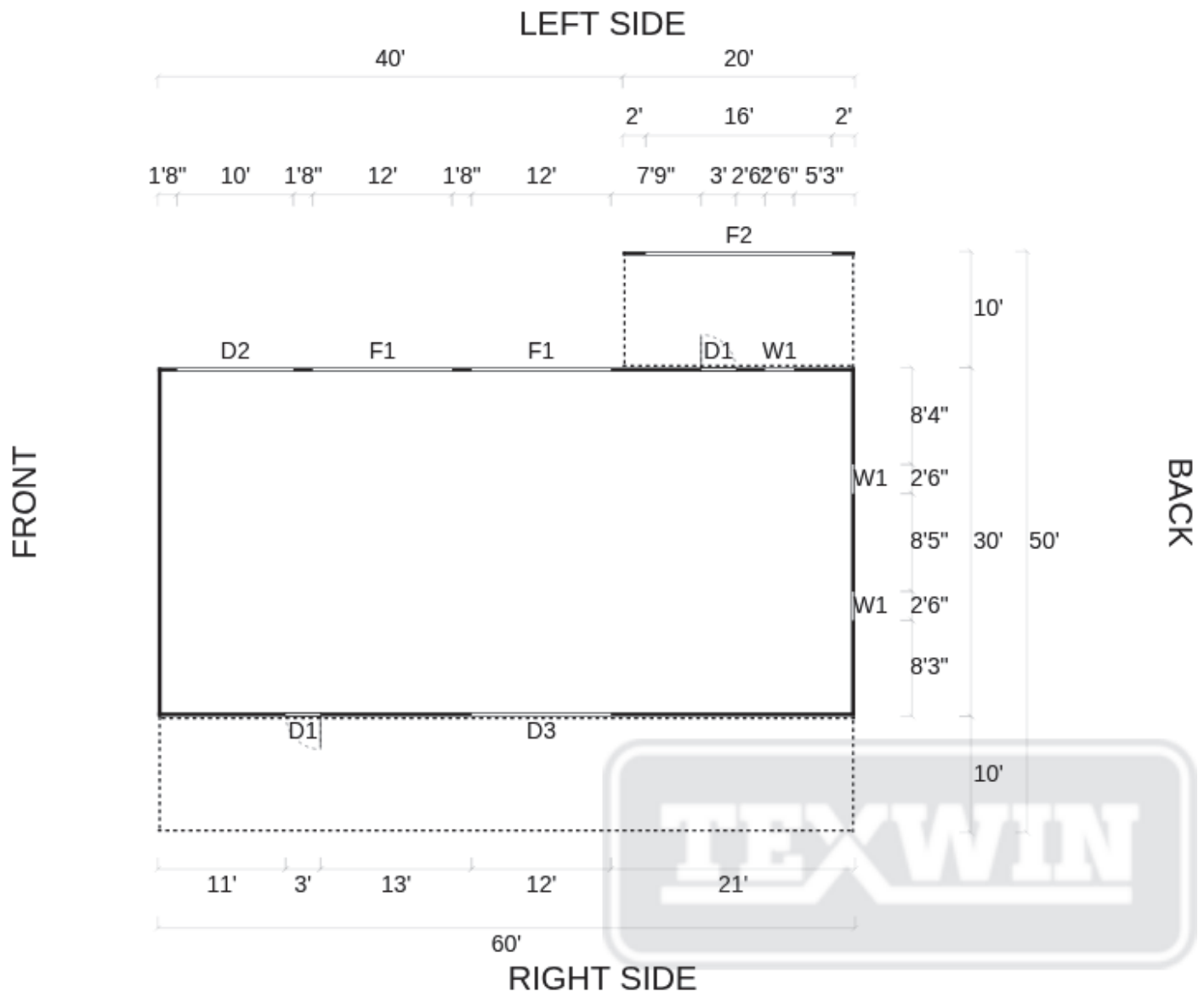
TEXWIN

Right Side



TEXWIN

Back



□ = 1'

SYMBOL LEGEND			
F1	12'x12' Garage Door-Frameout	D1	Classic Walk-In Door (36x80)
W1	30W x 27H White Frame (Includes Shutters if Horizontal Siding)	D2	10'x8' Rollup Door
D3	12'x10' Chain Hoist Rollup Door*	F2	16'x8' Garage Door-Frameout
—	Closed Wall		Open Wall



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: November 24, 2025

SUBJECT: **RZN-2025-0049: Rezone (258 W. MILLER ST / FLINTLOCK LTD, 367):**
Submitted by FLINTLOCK LTD for property located at 258 W. MILLER ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.20 acres. The request is to rezone the property to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0049** to the City Council with a recommendation of approval, based on the findings herein.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0049** to the City Council with a recommendation for approval."*

BACKGROUND:

The subject property is located in north Fayetteville at the northeast corner of the intersection of N. Gregg Ave. and W. Miller St. The property contains one parcel totaling 0.20 acres which is currently developed with a 896-square-foot single-family house constructed in 1960 per the Washington County Assessor. 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	Multifamily Residential	RMF-24, Residential Multifamily, 24 Units per Acre
South	Mixed-Density Residential	RMF-24, Residential Multifamily, 24 Units per Acre RSF-18, Residential Single-Family, 18 Units per Acre
East	Two-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Railroad Right-of-Way	I-1, Heavy Commercial and Light Industrial

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

Public Comment: Staff has received three public comments against the rezoning citing parking concerns, commercial density, and lagging street improvements.

INFRASTRUCTURE:

Streets: The subject area has a road frontage along N. Gregg Ave., a Neighborhood Link with asphalt paving, sidewalk, and curb and gutter. The subject area also has frontage along W. Miller St., a Residential Link with asphalt paving, sidewalk, and curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is available to the subject property. There is existing 8-inch water main along N. Gregg Ave. and existing 6-inch water main along W. Miller St.

Sewer: Sanitary sewer is available to the subject property. There is existing 6-inch sewer main along N. Gregg Ave. and existing 6-inch sewer main along W. Miller St. There are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system adjacent to this property.

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

Fire: Station 2, located at 138 W. North St., protects this site. The property is located approximately one mile from the fire station with an anticipated drive time of approximately three minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district of DG, Downtown General, requires **10% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a ranged score of **8** for this site with a weighted score of **10**. The following elements of the matrix contribute to the score:

- 4 Minute Fire Response (Station #2, 138 W. North St.)
- Near Sewer Main (6-inch main, N. Gregg Ave. & W. Miller St)

- Near Water Main (8-inch main, N. Gregg Ave. | 6-inch main, W. Miller St.)
- Near Public School (Woodland Junior High)
- Near City Park (Gregory Park)
- Near Paved Trail (Midtown Trail)
- Near ORT Bus Stop (College & Poplar)
- Near Razorback Bus Stop (Chestnut Apartments, Gregg & Township)

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. Land uses in the immediate vicinity vary, with primarily commercial or light industrial uses present on the west side of N. Gregg Ave. and a range of residential densities present on the east side of N. Gregg. Other nonresidential uses are also present nearby and include Gregory Park, Woodland Junior High School, and the Veteran's Health Care System of the Ozarks. The uses permitted by right in DG, which include all types of dwellings as well as commercial uses such as neighborhood shopping goods, offices, eating places, and sidewalk cafes are directly compatible with the existing land uses in this area. Staff finds the addition of commercial on a corner lot fronting a Neighborhood Link could be a benefit to the existing residents. The small size of the lot and triangular shape are likely to mitigate negative impacts that could result from larger commercial developments. Additionally, the five-story height limit is likely a compatible transition between the higher-intensity street and industrial uses to the west and lower intensity residential which is capped at three stories to the east.

Small Scale Production is also permitted by right in DG; however, staff finds this use is likely compatible given the proximity of N. Gregg Ave. and nearby industrial uses. Further, uses allowed conditionally in DG, including hotels, transportation trades and services, commercial recreation and other similar uses, may also be suitable at this site, though any land uses allowed conditionally would be subject to further review to determine full compatibility. When compared to the site's current zoning designation of RSF-4, DG would allow for an increase in residential density, which would complement surrounding residential areas and encourage housing types that could accommodate the demand for walkable urban living. While DG would permit narrower lots than zoning currently allows (18 feet versus 70 feet), staff finds the shape of the parcel and other design standards such as tree preservation, parking, and access will likely limit development of the overall parcel. The Downtown General zoning district is also considered residential zoning for the purpose of Chapter 96: Noise Control; therefore, the property would be required to meet the same noise regulations as it currently does.

Land Use Plan Analysis: The proposed zoning is consistent with the property's City Plan 2040 Future Land Use Map designation as a Residential

Neighborhood Area, which encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods. Further, the property is surrounded by a City Neighborhood designation to both the north and south. The DG zoning district would allow for a mixture of residential densities that are urban in form while permitting the addition of commercial uses along a major transportation corridor. If the property were to be redeveloped or subdivided, staff finds that DG would encourage an environment that is more appealing to pedestrians and would reduce the visual impact of parking areas. The property has a moderate weighted infill score of 10 which indicates that the site is prepared to accommodate increased housing density, and the property does not lie within any environmentally sensitive areas. Rezoning could support Goals #1 and #6 of City Plan 2040 by making appropriate infill a priority and creating an opportunity to develop a greater variety of housing that could enable residents to remain in the neighborhood as their housing needs change.

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

Finding: Staff finds that the proposed rezoning from RSF-4 to DG is justified. Rezoning to DG would allow for infill development that is comparable to the existing development pattern in the area and 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 roadways. However, the size of the property will naturally limit the scale of any future development, and thus reduce any possible impacts on traffic danger or congestion.

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

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

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even

though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0049 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION		Required	<u>YES</u>
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code:
 - §161.07 – RSF-4, Residential Single-Family, 4 Units per Acre
 - §161.28 Downtown General
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map
- Request Letter
- Public Comment

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
-------------------------	-----------

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

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

Editor's note(s)—Ord. No. 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

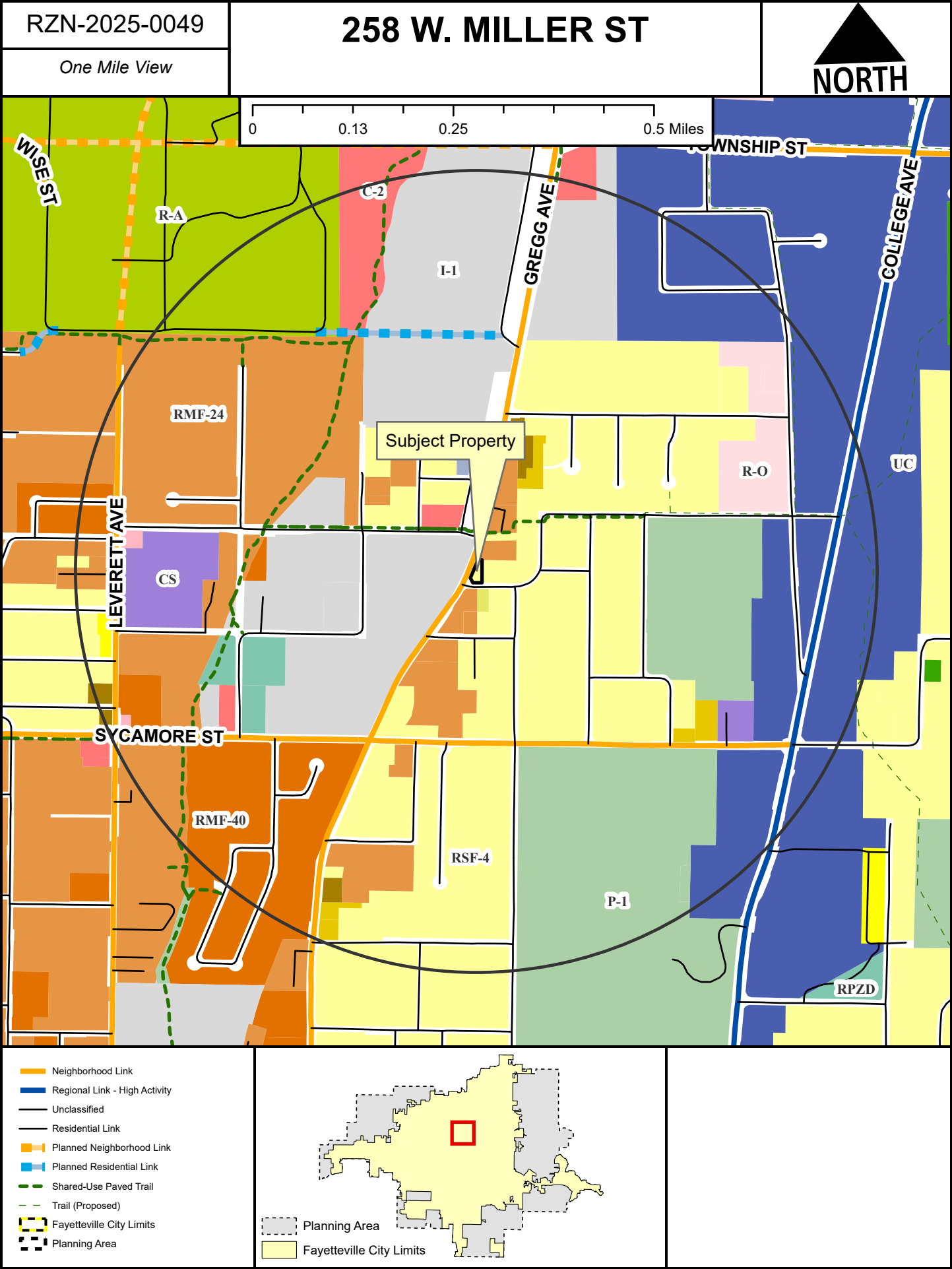
(F) *Minimum Buildable Street Frontage.* 50% of lot width.

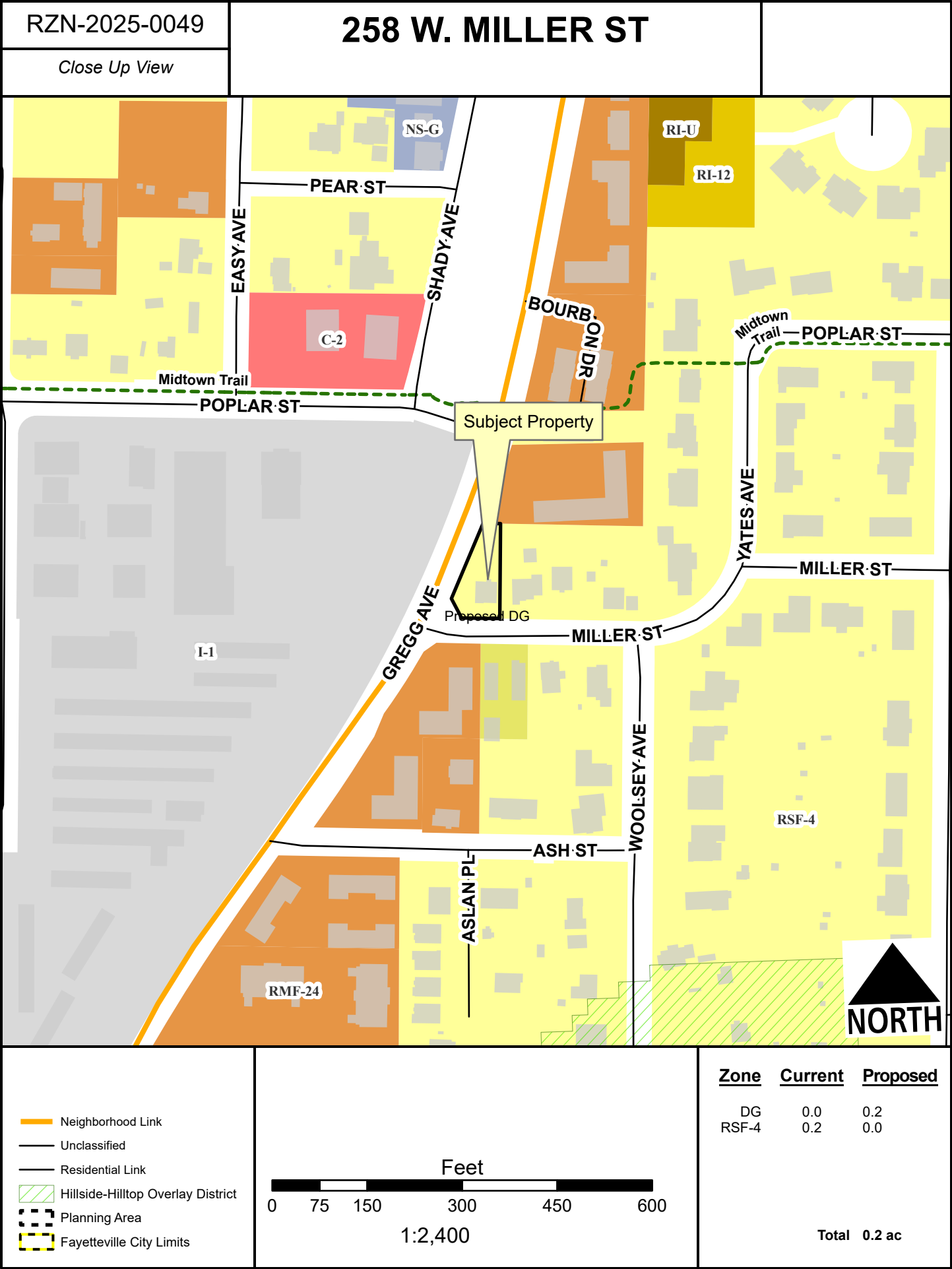
(G) *Building Height Regulations.*

Building Height Maximum	5 stories
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(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-2025-0049

258 W. MILLER ST

Current Land Use

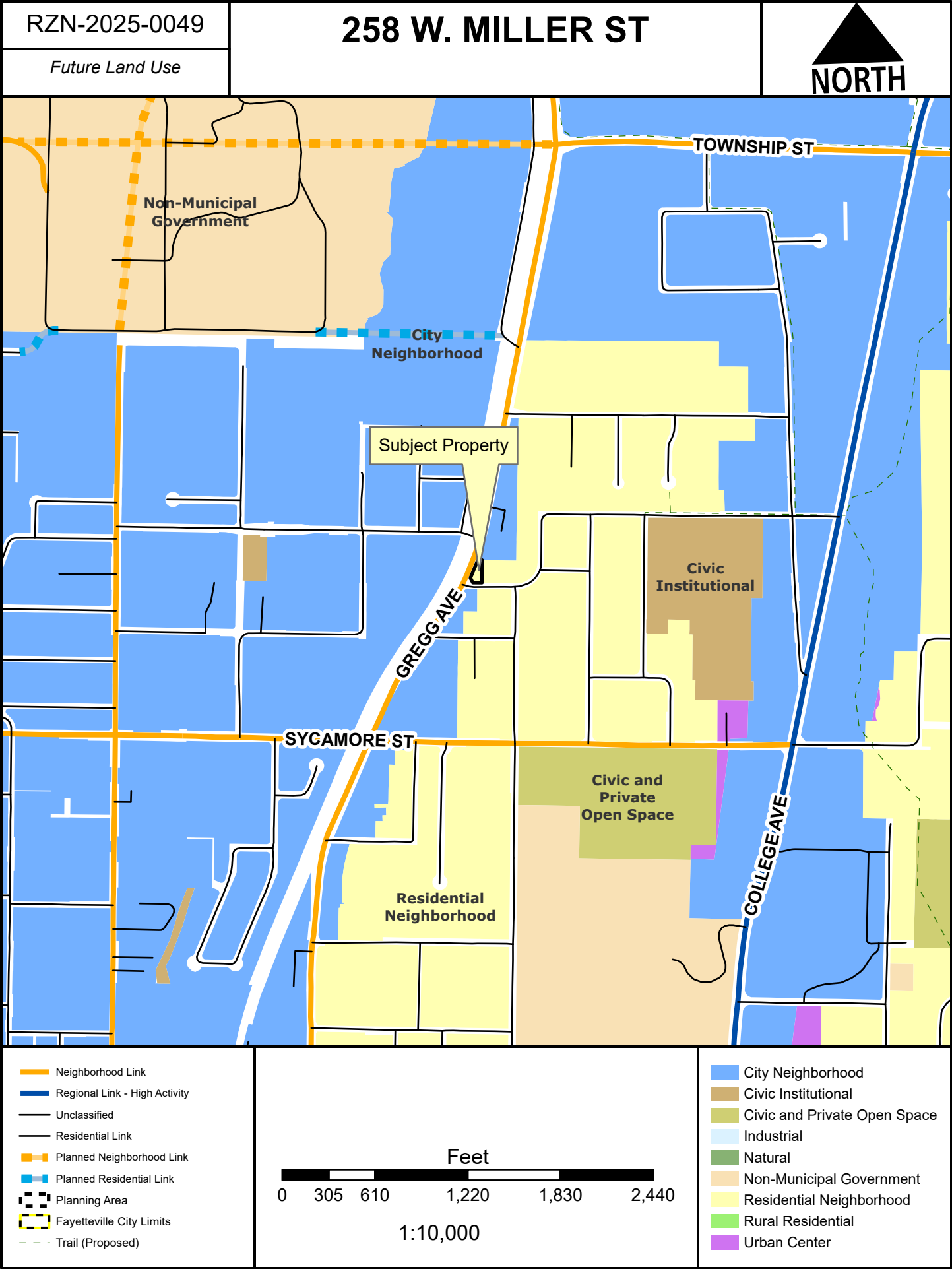


- Neighborhood Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



September 29, 2025

258 W MILLER

Dear Fayetteville Staff,

Responses to the project comments are below:

Planning:

- Washington County indicates the property owner is "WELLERMAN TRUST ALLISONTHURMOND QUINLAN." Update consent of owner form to reflect legal property owner.
 - **This has been updated in resubmission.**
- Is DG necessary for potential development? This request is outside of downtown and in an area without a lot of DG, so I could see the commission and/or Council pushing back on this zoning district. Would NS-G or UN meet potential development needs? These districts are not as much of a jump and are less likely to face the same degree of pushback.
 - **This is adjacent to downtown general so our preference is to request DG (which is the best zone in our opinion) - please note in the purpose and description that it is a low intensity residential mixed use zone. We think great development should happen throughout town, not only in the historic core which experiences the most intense development pressure already.**

Respectfully,
FLINTLOCK LTD CO



Hillary Ramsay, PLA
Landscape Architect

September 15, 2025

258 W MILLER

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 # 765-09564-000) be changed from Residential Single-family – 4 units/acre to Downtown General:

- 258 W Miller Street (765-09564-000)

REASON FOR ZONING CHANGE REQUEST / STATEMENT OF NEED:

The zoning change request will allow for infill development of attainable housing along a very busy street that is surrounded by high intensity zoning. The DG zoning district was designed to promote a flexible area. The zone allows for residential use as well as live/work units, defined as a “flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses”. Specifically, it 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.

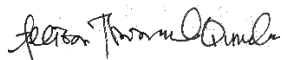
IMPACT ON NEIGHBORS & CITY:

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 shared in an easement off the existing circle drive, with no additional curb cuts. Water and Sewer are available to the lot. For noise purposes, the DG district is a residential zone, and any light commercial use of the existing building would provide valuable neighborhood services. 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 surrounding area to be primarily City Neighborhood Areas, which will “provide a mix of non-residential and residential uses”. 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 traditional town form the standard: with neighborhoods that include not just houses, but a mix of uses that can adapt over time and allow residents to live, work, and play without relying on vehicles.”

Respectfully,
FLINTLOCK LTD CO



Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect

Wonsower, Donna

From: Planning Shared
Sent: Friday, November 7, 2025 8:56 AM
To: Wonsower, Donna
Subject: FW: 258 W Miller Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Concerning RZN-2025-0049

Thank you

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

-----Original Message-----

From: Kristen Smith <kleraris@gmail.com>
Sent: Thursday, November 6, 2025 10:06 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 258 W Miller Rezoning

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

Dear Planning Department,

My husband and I own our home at 201 W Miller Street. We are opposed to the rezoning request of 258 W Miller Street for the following reasons.

While the proposed business does not seem disruptive, our fear is that once this property is rezoned, it could become a variety of businesses. The home is in a neighborhood and should serve as a single family home. In addition, parking is not allowed on Gregg or Miller Street. There is minimal parking at that home so customers would be using Woolsey to park. While we don't mind parking on occasion, our 6 year old son really enjoys riding his bike on Woolsey and it becomes much more dangerous when cars are parked there.

We love our neighborhood and do not believe allowing a business would be beneficial at all. There are numerous locations across Fayetteville that are much more appropriate for businesses and available for rent.

Thank you for your consideration.
Kristen Smith

Wonsower, Donna

From: Planning Shared
Sent: Friday, November 7, 2025 10:36 AM
To: Wonsower, Donna
Subject: FW: Proposed Re-Zoning of 258 West Miller Street

Follow Up Flag: Follow up
Flag Status: Flagged

Also concerning RZN-2025-0049

Thank you

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



CITY OF
FAYETTEVILLE
ARKANSAS

From: pastormelissa.upchurch@gmail.com <pastormelissa.upchurch@gmail.com>
Sent: Friday, November 7, 2025 10:20 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Proposed Re-Zoning of 258 West Miller Street

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.

Gentlemen and Ladies,

I live at 1840 North Woolsey, essentially at the corner of Woolsey and Miller. I am writing to object to the requested rezoning of the property at 258 West Miller street. The property under consideration is at the corner of Miller and Gregg streets. I oppose the rezoning of the West Miller property for the following reasons:

- This property was constructed to be a residential property. It was never intended to be a business. It does not have the parking to support a business. It was bad enough as a short-term lease. The property needs to be returned to being a residence, hopefully an affordable home for someone to live. There is plenty of vacant commercial space around town for a business.
- There is a massage business directly across from Woodland Junior High. There is also commercial space available there, as well as on West Township. This neighborhood doesn't NEED another massage place, or any commercial enterprise.

- Miller was recently designated a No Parking zone so the buses that serve Woodland Junior High School get through to Gregg street. Prior to the No Parking designation, Miller was a busy street. It still IS a busy street.

The No Parking designation on Miller street means that anyone wanting to park for this proposed commercial property will be parking on Woolsey. With a ditch on one side, and below-grade residential properties on the other side, Woolsey is not currently able to support parking along both sides. It's not that wide of a street, and college students visiting the apartments that front up to Miller street typically wind up taking lane space because of the sides. Such parking is a nuisance to those of us who are property-owning and tax-paying residents. We did not sign up for this.

- I understand that the business being proposed for 258 Miller street will be a massage place. Now, a massage place may seem like a perfectly innocent and legitimate enterprise; however, it's what could come AFTER the massage place leaves the premises that concerns the neighborhood. Rezoning the property to be a commercial property is writing a blank check for anything to come in next. My neighbors and I have worked to keep our properties presentable and "nice," and we do not want a commercial enterprise coming into the neighborhood to devalue the investments we have all made. Cars being parked along Woolsey will do just that, as will people we don't know roaming here and there. Nobody here wants to worry about strangers and look at cars all day any more than you would that in front of your homes. Besides, there are children who live along Woolsey and also children who walk along Woolsey to get to Woodland.
- Finally, I visited with the City Engineer and my council representatives earlier this year, and Woolsey is on a list for major drainage improvements; it's waiting to be prioritized and funded. It NEEDS major drainage improvements, because as a native of Fayetteville who grew up nearby, I can tell you no significant action to upgrade Woolsey has occurred in the last 63 years at least. (How do I know it's been 63 years? As a child I played in the yard of the home I now own. Woolsey has always looked just like it does now.) Woolsey floods in heavy rain because the culverts cannot handle the volume of water coming from Sycamore and Ash Streets, and further uphill. Woolsey doesn't even have sidewalks; offloading surplus parking from Miller onto Woolsey for a business will create safety problems for patrons of the proposed business as well as for residents trying to enter and leave their properties, regardless of the weather.

For these reasons, I do not think this rezoning request will be good for our neighborhood. When we come home from work / school, we do not want to have to contend with extra traffic and noise and people and vehicles. Our homes are places of respite and should be preserved as such.

Thank you for considering my viewpoint and those of my neighbors.

Kind Regards,

The Rev. Melissa Upchurch (Ret.)

Wonsower, Donna

From: Wonsower, Donna
Sent: Thursday, October 30, 2025 3:14 PM
To: 'Kristen Smith'
Subject: RE: Rezoning Question

Good Afternoon,

Questions are fine! It's particularly difficult to say if a conditional use permit would be supported. Conditional use permits require preliminary plans to be submitted that include building and site plans, and whether or not staff would support a request often depends on the scope of what is being proposed and how that proposal fits in with its surroundings. For example, a fiveplex catered to students would have different considerations than a used car lot, arcade, or tavern. When considering a conditional use permit, staff evaluates screening, noise, parking, the scale of building proposed, tree preservation, compliance with city standards, and impacts to city infrastructure among other requirements. Additionally, city staff only make recommendations on conditional use permits and these requests are ultimately heard by the planning commission at another public hearing.

You are also welcome to email staff with any concerns. I will make sure any public comment I receive before the staff packet is finalized is included in the report for the commission to review. Speaking at the meeting has a limit of three minutes, but emails are included in full.

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

I will be out of the office from Wednesday, November 5 through Tuesday, November 11.

-----Original Message-----

From: Kristen Smith <kleraris@gmail.com>
Sent: Tuesday, October 28, 2025 4:14 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Re: Rezoning Question

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

Hi Donna,

I'm so sorry for all of the questions! Would the department ever issue a conditional permit? I emailed the architecture firm and I think our neighbors would be okay with the proposed business but to change the zoning forever where it would allow the property to be something else in the future may be problematic. Lastly, in addition to attending the meeting and voicing concerns, is there anything else we should be doing?

Thank you again!
Kristen

> On Oct 27, 2025, at 3:59 PM, Kristen Smith <kleraris@gmail.com> wrote:
>
> Thank you, Donna! Appreciate the information.
>
>> On Oct 27, 2025, at 1:41 PM, Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:
>>
>> Good Afternoon,
>>
>> At this point, staff has not received any development plans for the property, so I cannot say what uses may be proposed with any certainty. What I can say is that the property is relatively small, so any use that goes in will naturally be somewhat limited in how big it could be. The uses permitted in the proposed zoning district are outlined in the below link, and include uses like offices, retail, services like barber shops or repair studios, and potentially more traffic generating uses like restaurants.
>>
>>
https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH161ZORE_161.28DOGE
>>
>> Donna Wonsower, AICP
>> Senior Planner, Development Services
>> City of Fayetteville, Arkansas
>> 479-575-8358
>> fayetteville-ar.gov
>>
>>
>> -----Original Message-----
>> From: Kristen Smith <kleraris@gmail.com>
>> Sent: Monday, October 27, 2025 12:12 PM
>> To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
>> Subject: Re: Rezoning Question
>>
>> CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>>
>>
>> Hi Donna,
>>
>> Can you let me know what type of business they are planning for this location? I think the neighbors would be fine if it's someone just using as an office but if there is going to be consistent traffic, that may be an issue.
>>
>> Thanks so much!
>> Kristen
>>
>>>> On Oct 23, 2025, at 9:35 AM, Planning Shared <planning@fayetteville-ar.gov> wrote:
>>>>
>>>> Kristen, attached is their submitted request letter. The planner's packet will be posted by this afternoon with more details. I have also copied the planner on this email in case you have more questions.
>>>>
>>>> Thank you
>>>>
>>>> Mirinda Hopkins

>>> Development Coordinator

>>> Planning Division

>>> City of Fayetteville

>>> 479-575-8267

>>>

>>>

>>> -----Original Message-----

>>> From: Kristen Smith <kleraris@gmail.com>

>>> Sent: Thursday, October 23, 2025 9:07 AM

>>> To: Planning Shared <planning@fayetteville-ar.gov>

>>> Subject: Rezoning Question

>>>

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

>>>

>>>

>>> Good morning! I was wondering if you could provide additional information on the rezoning request for 258 W Miller Street. I know there's a public hearing but was hoping to have more information before then. I believe they are asking to be zoned "downtown general".

>>>

>>> Thanks very much!

>>> Kristen Smith

>>> <250929 - 258 W Miller - Zoning Letter_v2 (2).pdf>



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: November 24, 2025

SUBJECT: **RZN-2025-0053: Rezoning (1539 W Sligo St):** Submitted by Easy Sunset, LLC for property located at 1539 W. Sligo St. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.17 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE - URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0053** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0053** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located at the northeast corner of W. Sligo Street and S. Ashwood Avenue. While the property is currently zoned as RSF-4, Residential Single-Family, 4 Units per Acre, the surrounding area is mixed-density residential. The property overall contains one parcel which total 0.17 acres. The parcel in question, 765-08398-000, was recently purchased in September 2025 by East Sunset, LLC. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Mixed-Density Residential	RMF-24, Residential Multi-Family – Twenty-Four Units per Acre
West	Mixed-Density Residential	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, 4 Units per Acre, to RI-U, Residential Intermediate - Urban. The applicant has indicated that they are requesting the rezoning to bring additional housing through the production of fee simple housing.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along West Sligo Street. West Sligo Street is a Fully improved Residential Link Street with asphalt paving, sidewalk, Curb and Gutter. The subject area has road frontage along South Ashwood Avenue. South Ashwood Avenue is a Partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the Subject area. Existing 6-inch water main is present along West Sligo Street. Existing 6-inch water main is present along South Ashwood Avenue.

Sewer: Sanitary Sewer is available to the Subject area. Existing 6-inch sewer main is present along South Ashwood Avenue.

Drainage: No portion of the property lies within a FEMA floodplain, protected stream, or within the Hillside-Hilltop overlay district. No hydric soil is present on site. However, there are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 260 feet North of this property. Any requirements for drainage improvements will be determined at times of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 900 S. Hollywood Ave. protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. 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 existing zoning district, RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**, however the proposed zoning district, RI-U, Residential Intermediate – Urban requires **15% 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 **a Residential Neighborhood (the Fayette Junction Neighborhood)**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting

corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score between 8-9 for this site with a weighted score of 12.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (2250 S School Ave)
- Near Sewer Main (Intersection of S Ashwood Ave and W Sligo St)
- Near Water Main (Along S Ashwood Ave and along W Sligo St)
- Near U of A Campus
- Near City Park (Town Branch Trail Corridor)
- Near Paved Trail (Town Branch Trail)
- Near Razorback Bus Stop (15th & Razorback)
- Within Master Plan Area

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the requested rezoning to be compatible with the surrounding area and current land uses. RSF-4 zoning allows for single-family residential uses and RI-U would allow for a range of housing types in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living. The specific property in question is currently operating as a single-family dwelling, originally built in 1946, but has since been in a dilapidated state. Given the property's proximity to the University and mixed-residential uses surrounding the property, staff finds that rezoning to RI-U provides for good compatibility to the area. The lot widths, areas, and building height requirements in RI-U are compatible as well. While RSF-4 has a maximum building height of 3 stories, RI-U allows between 2 and 3 stories, depending on proximity to any Master Street Plan ROW. For RI-U any property located between 0 and 10 ft would have a maximum height of 2 stories, however, buildings greater than 10 ft in RI-U shall have a maximum height of 3 stories. Staff finds that even if a 3-story facility were to be built on this property, this building height could be appropriate.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as a Residential Neighborhood. A rezoning from RSF-4 to RI-U contributes to City Plan 2040 goal #6, in that it helps create opportunities for attainable housing by allowing fee simple. This site is highly walkable, and there is available transit. The use of this property as mixed-residential dwellings are justified and necessary to contribute to the City's future land use goals, and this rezoning will clarify a long-outdated boundary.

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

Finding: **Staff finds there is sufficient justification to rezone the property from RSF-4 to RI-U.** This request will allow for the development of mixed-residential uses in the area, one that is already identified as being a Residential Neighborhood area on the City's future land use map. Mixed-density dwellings, accessory dwellings, cluster housing development, and short-term rentals are considered a necessary neighborhood amenity.

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

Finding: **Staff does not find that this request will appreciably increase traffic or congestion.** A rezoning from RSF-4 to RI-U has the limited potential to increase traffic to this location that is not necessarily considerably different than how the site has been used for decades.

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 RI-U zoning district does not permit by-right certain uses such as limited businesses, home occupations, government facilities, nor other cultural and recreational facilities – and is therefore unlikely to increase the population density in this area. However, a rezone could potentially add additional residential units, that may lead to an increase in population within the neighborhood. The overall property has access to existing water and sanitary sewer as well as fully improved streets. Any development on this site will be responsible for increasing sewer capacity as needed.**

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-2025-0053 to City Council with a recommendation of approval.

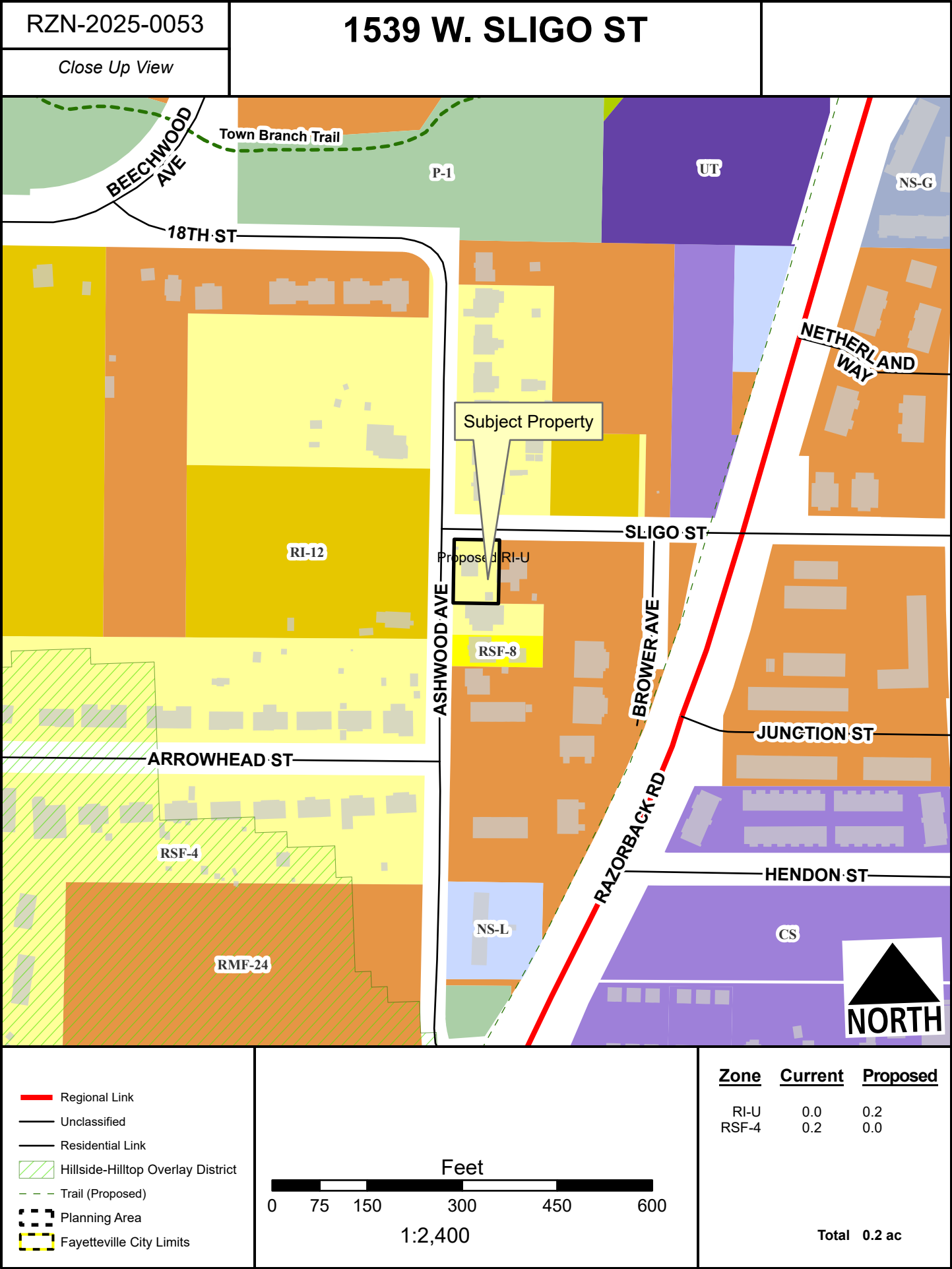
PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map
 - Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.12 District RI-U, Residential Intermediate - Urban
 - Applicant Exhibits
 - Request Letter
 - Site Plans
-



RZN-2025-0053

1539 W. SLIGO ST

Current Land Use



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



FEMA Flood Hazard Data

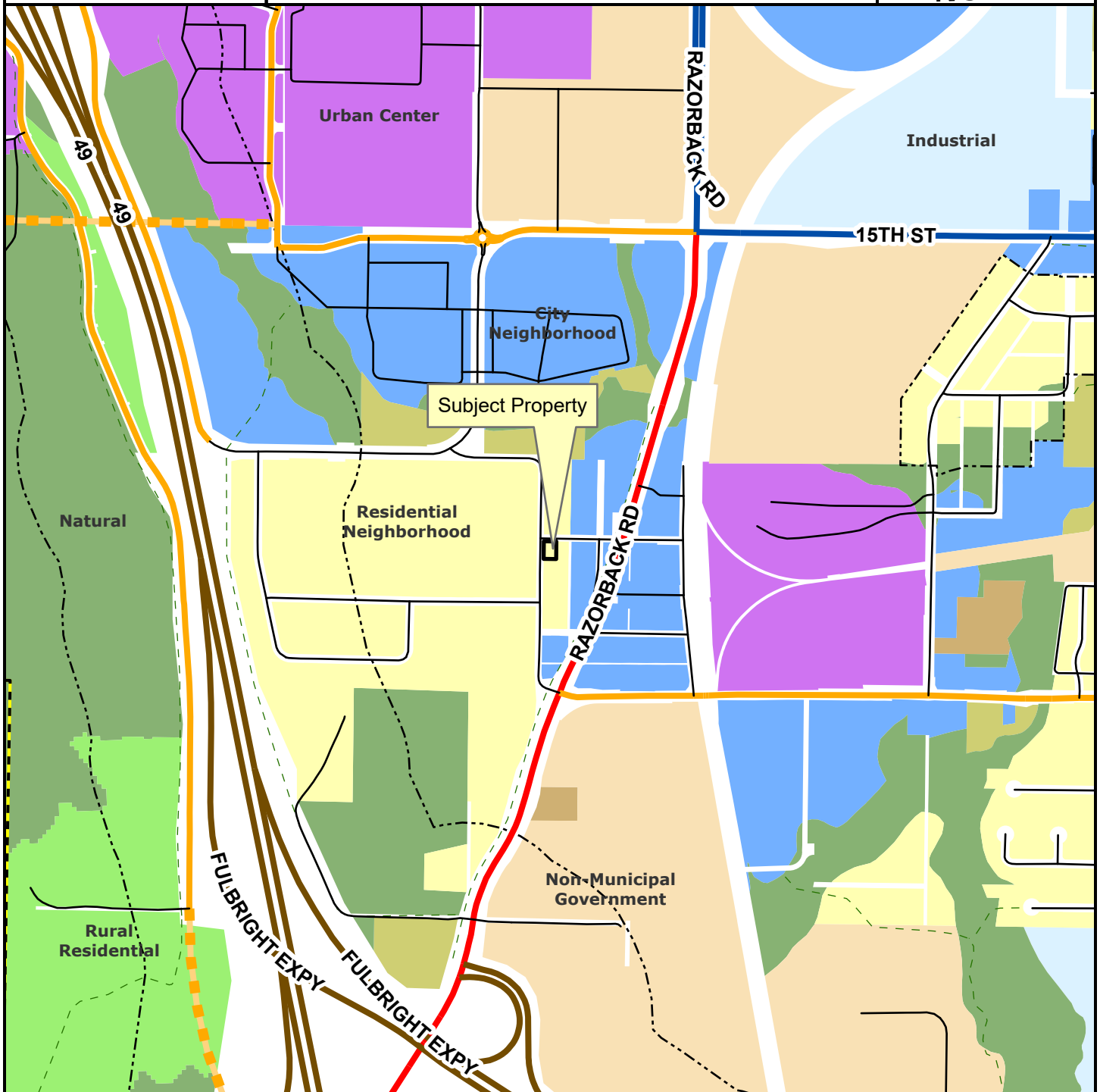
- 100-Year Floodplain
- Floodway

RZN-2025-0053

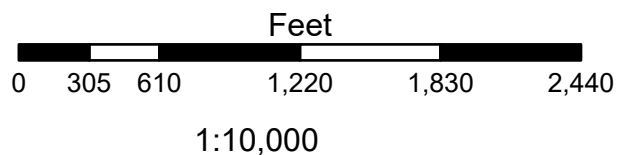
1539 W. SLIGO ST



Future Land Use



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



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

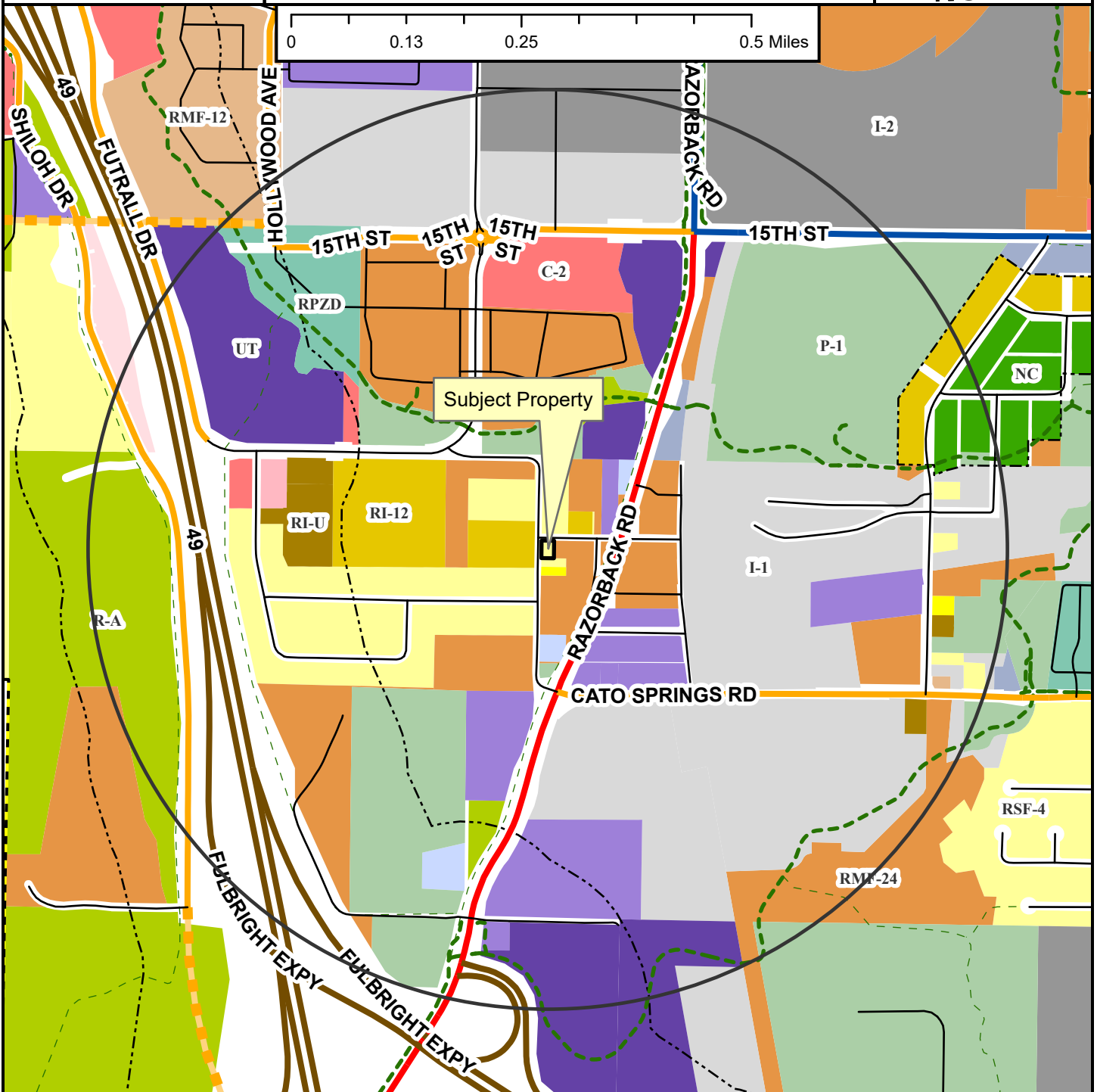
RZN-2025-0053

1539 W. SLIGO ST

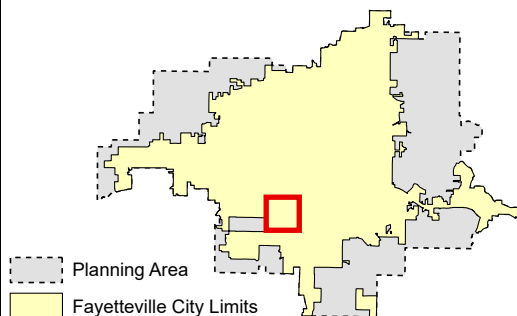
One Mile View



0 0.13 0.25 0.5 Miles



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



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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

161.12 - District RI-U, Residential Intermediate - Urban

modified

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

- (B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

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

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

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

(Ord. No. [5945](#), §5(Exh. A), 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-19; [Ord. No. 6427](#), §§1(Exh. C), 2, 4-20-21; Ord. No. [6879](#), §2, 5-20-25)

Editor's note— 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.

EASY SUNSET, LLC

October 27, 2025

RE: 1539 W. Sligo_Request for Rezone from RSF-4 to RI-U

Dear Planning Commission and City Council,

On behalf of Easy Sunset, LLC I am requesting to rezone the property at 1539 W. Sligo from RSF-4 to RI-U (Residential Intermediate - Urban). A rezone to RI-U presents the opportunity to provide additional housing in Fayetteville through the production of fee simple housing. RI-U's lot width requirements create simplicity when selling attached townhomes in a fee-simple manner. Through fee simple ownership, we can add an appropriate level of density to an area that is not outsized in scale but adds homeowners to an area. The house that is currently on site is dilapidated to a point that rehabilitation is not possible. Our intent is to place two attached townhomes on the site with a max height of two stories. I have provided a PRELIMINARY site plan and elevations for your consideration. These preliminary drawings are only intended to provide an idea of scale. The design may change as we progress.

RI-U is compatible with surrounding land uses and does not adversely impact the area. With the height limitation of 3 stories residential uses we believe RI-U does not adversely impact the neighborhood.

Sincerely,

Andrew Brink

Andrew C. Brink

[illegible]

LINE	BEARING	DISTANCE
L1(M)	N 03°32'09" E	100.05(M)
L1(R)	N/A	100(R)

TOPOGRAPHICAL SURVEY

CERTIFICATE OF SURVEYING ACCURACY

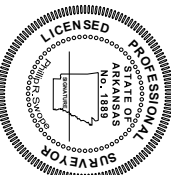
This property lies in Zone 'X' (Special Flood Hazard Areas inundated by 100-year Flood) as determined from the F.I.R.M. maps of Benton County, Arkansas, and Incorporated Areas, Map Number 05143C0216G, effective January 25, 2024.



ASOPE CONSULTING
Civil Engineering and Land Surveying
www.asope-consulting.com

OWNER INFORMATION
Easy Sunset, LLC
1539 WEST SLIGO STREET
FAYETTEVILLE, AR 72701
APN: 765-08398-000

SIGNED: _____
REGISTERED LAND SURVEYOR
NO. 1889
STATE OF ARKANSAS



U. ROWEN B. B.
H.G.M.
25-295

SUBMITTAL DATE: 09/19/2025	City Number:
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DRAWING NAME: 25-205.dwg

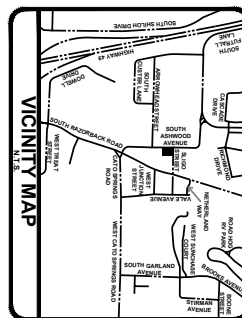
SHEET NUMBER:

101

1 of 1

GRAPHIC SCALE

nch = 10 feet



DEED INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME AS THE WEST HALF OF LOTS 11 AND 12
AS DESCRIBED IN WARRANTY DEED, FILE# 2010-00019896, WITH A RECORDING DATE OF
07/16/2010 AT 10:53 A.M.

DEED DESCRIPTION

THE WEST HALF OF LOTS 11 AND 12, BLOCK 3, MEADOWVALE ADDITION, FAYETTEVILLE
WASHINGTON COUNTY, ARKANSAS.

SIGNIFICANT OBSERVATIONS

- A OVERTHANG APPEARS TO EXTEND OVER EAST PROPERTY LINE BY AS MUCH AS 3.5 FEET.
- B STORM SHELTER APPEARS TO EXTEND OVER THE WEST PROPERTY LINE BY AS MUCH AS 5.9 FEET.
- C STORM SHELTER APPEARS TO EXTEND OVER THE WEST SIDE BUILDING SETBACK LINE BY AS MUCH AS 0.9 FEET.

SURVEYOR'S CERTIFICATION

[illegible]

LEGEND

- | | | | |
|---|--------------------------|------|-----------------------|
| ● | FOUND MONUMENT AS NOTED | ———— | BOUNDARY LINE |
| ○ | CENTRELINE OF ROAD | ———— | CENTRELINE OF ROAD |
| ◐ | SET MONUMENT AS NOTED | ———— | RIGHT-OF-WAY (ROW) |
| ◑ | GUY ANCHOR | ———— | BUILDING SETBACK LINE |
| ⚡ | ELECTRIC METER | ———— | OVERHEAD POWER LINE |
| ⚡ | POWER POLE | ———— | GAS LINE |
| ⚡ | WATER METER | ———— | CANOPY |
| ⚡ | GAS METER | ———— | CANOPY |
| ⚡ | WATER VALVE | ———— | ASPHALT |
| ⚡ | FIELD MEASUREMENT | ———— | CONCRETE |
| ⚡ | RECORDED MEASUREMENT | ———— | GRAVEL |
| ⚡ | NOW OR FORMERLY | ———— | |
| ⚡ | MASTER STREET PLAN | ———— | |
| ⚡ | BUILDING HEIGHT LOCATION | ———— | |
| ⚡ | SIGN | ———— | |
| ⚡ | TREE | ———— | |

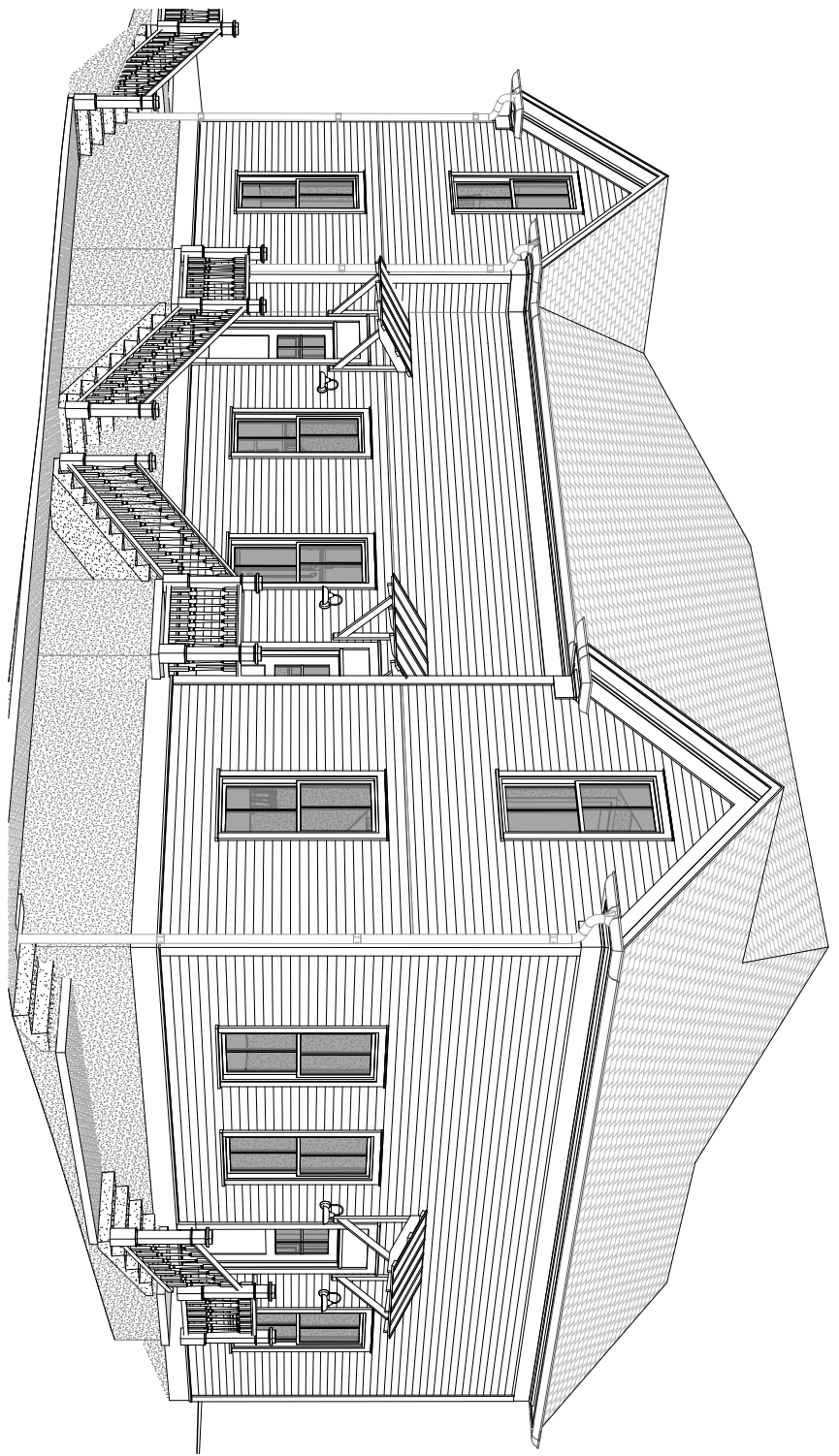
Recording Block

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH PER GPS COORDINATE OBSERVATIONS ARKANSAS STATE PLANE, NORTH ZONE NAD83

Planning Commission
November 24, 2025

Page 15 of 16





TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

THRU: Wesley Frank, Planner

MEETING DATE: November 24, 2025

SUBJECT: **RZN-2025-0054: Rezoning (187 E. 12th ST./ROSENGARDEN, 563):**
Submitted by WESLEY BATES for property located at 187 E. 12TH ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.20 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:
Staff recommends denial of **RZN-2025-0054**.

RECOMMENDED MOTION:
*"I move to deny **RZN-2025-0054**."*

BACKGROUND:
The subject property is located in central Fayetteville approximately 200 feet east of Walker Park at the corner of E. 12th St and S. Washington Avenue. The property contains 0.20 of an acre and is developed with a single-family dwelling that Washington County records indicate was constructed in 2003. The property is zoned, NC, Neighborhood Conservation, which it received in 2008. The property is located in within the Walker Park Master Plan Area. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	NC, Neighborhood Conservation
South	Single-Family Residential	NC, Neighborhood Conservation
East	Two-Family Residential	RI-U, Residential Intermediate - Urban
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The request is to rezone the subject property from NC, Neighborhood Conservation to UN, Urban Neighborhood.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along South Washington Avenue. South Washington Avenue is a fully improved Residential Link Street with asphalt paving, sidewalk, curb and gutter. The subject area has a road frontage along East 12th

Street. East 12th Street is a Partially improved Residential Link Street with asphalt paving, curb & gutter. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject area. An existing 6-inch water main is present along South Washington Avenue.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present along South Washington Avenue.

There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 295 feet south of this property.

Drainage: No portion of the property lies within a FEMA floodplain, protected stream, or within the Hillside-Hilltop overlay district. No hydric soils are present on site. Any requirements for drainage improvements will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 1.8 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The current zoning district, NC, Neighborhood Conservation, requires **20% minimum canopy preservation**. The proposed zoning district, UN, Urban Neighborhood, requires **15% minimum canopy preservation**.

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

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

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

walkability, creating a core of the neighborhood at Jefferson Square, and preserving accessible greenspace throughout the neighborhood.

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

- Adequate Fire Response (Station #3)
- Near Sewer Main (8-inch main along S. Washington)
- Near Water Main (6-inch main along S. Washington Avenue)
- Near City Park (Walker Park)
- Near Paved Trail (Walker Park Trail)
- Near ORT Bus Stop (College at Walker Park)
- Within Master Plan Area (Walker Park Neighborhood)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning of UN, Urban Neighborhood to be incompatible with the surrounding area land uses. Like the existing NC zoning district, UN is an urban district which has a 0- to 25-foot build to zone, promoting pedestrian-oriented development by encouraging buildings to be constructed closer to the street. What sets Urban Neighborhood apart is it is designed to both support and allow for a diverse range of housing and non-residential types, which would be an outlier in the Walker Park single-family neighborhood fabric. The use schedule of UN allows for the development of small commercial, multi-family, and others that greatly exceeds the allowances of nearby zoning districts. The conditional uses of NC do allow for additional development and infill opportunities that would be more in character with the area than upzoning to a more intense district. UN - when compared to NC - allows for smaller lot sizes, reduced setbacks, and increased residential and small commercial densities, changing the established area's lot size and character. Staff recommends the applicant find an appropriate conditional use that would fit their needs or to rezone to a zoning district that is not as intense, such as NS-L, a zoning district that is in the area that allows for modest, diverse development.

Land Use Plan Analysis: Staff finds the proposed upzoning to be inconsistent with the Walker Park master plan area but would be consistent with the Future Land Use Map designation and City Plan 2040. The Walker Park Neighborhood Plan encourages a variety of housing types while conserving the existing single-family fabric where it is intact. The proposed allowances would impact that homogenous goal and would introduce residential and non-residential diversity in the area. The Future Land Use Map identifies this area as a Residential Neighborhood Area, which is primarily residential in nature and supports a wide variety of housing types of appropriate scale and context. The subject property has a modest weighted infill score of 8 which could indicate the area can likely support

modest development. The zoning request also meets Goals 1 (appropriate infill), 3 (mixed-use development), and 6 (attainable housing opportunities) of City Plan 2040. However, meeting these goals would potentially negatively impact the Walker Park Neighborhood Master Plan. Long Range Staff have provided a memo that shows the rezoning supports City Plan 2040 and the Future Land Use Plan but does not support the Walker Park Master Plan, with both stances citing the use allowances introduced by UN in the Walker Park neighborhood.

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

Finding: Staff finds there is insufficient justification to rezone the property from NC to UN. This request would introduce a wide range of uses that would negatively impact nearby residential uses.

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

Finding: A rezoning from NC to UN has the potential to create and increase traffic danger or congestion as this property is not located on a major corridor with higher traffic capacity. With that, the subject property is small, which would place a cap on any substantial increase in 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 NC to UN could increase population density and therefore the load on public services; however, the impact is not expected to be detrimental. Adequate water and sewer connections are available to the site, suggesting the area can support the increase and avoid costly extensions to 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 denial of RZN-2025-0054.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.29 Neighborhood Conservation
 - §161.37 Urban Neighborhood
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map
 - Long Range Planning Memo
 - Request Letter
-

161.29 Neighborhood Conservation

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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

161.37 Urban Neighborhood

(A) *Purpose.* The Urban Neighborhood District is designed to serve as a mixed use area of medium intensity and provide a transition into residential neighborhoods from more intense, mixed-use districts. Urban Neighborhood promotes a walkable, pedestrian-oriented neighborhood development form with a variety of housing options and complementary neighborhood businesses that are compatible in scale and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Urban Neighborhood district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 13	Eating places
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 6830, §1(Exh. A), 1-7-25; Ord. No. 6879, §2, 5-20-25)

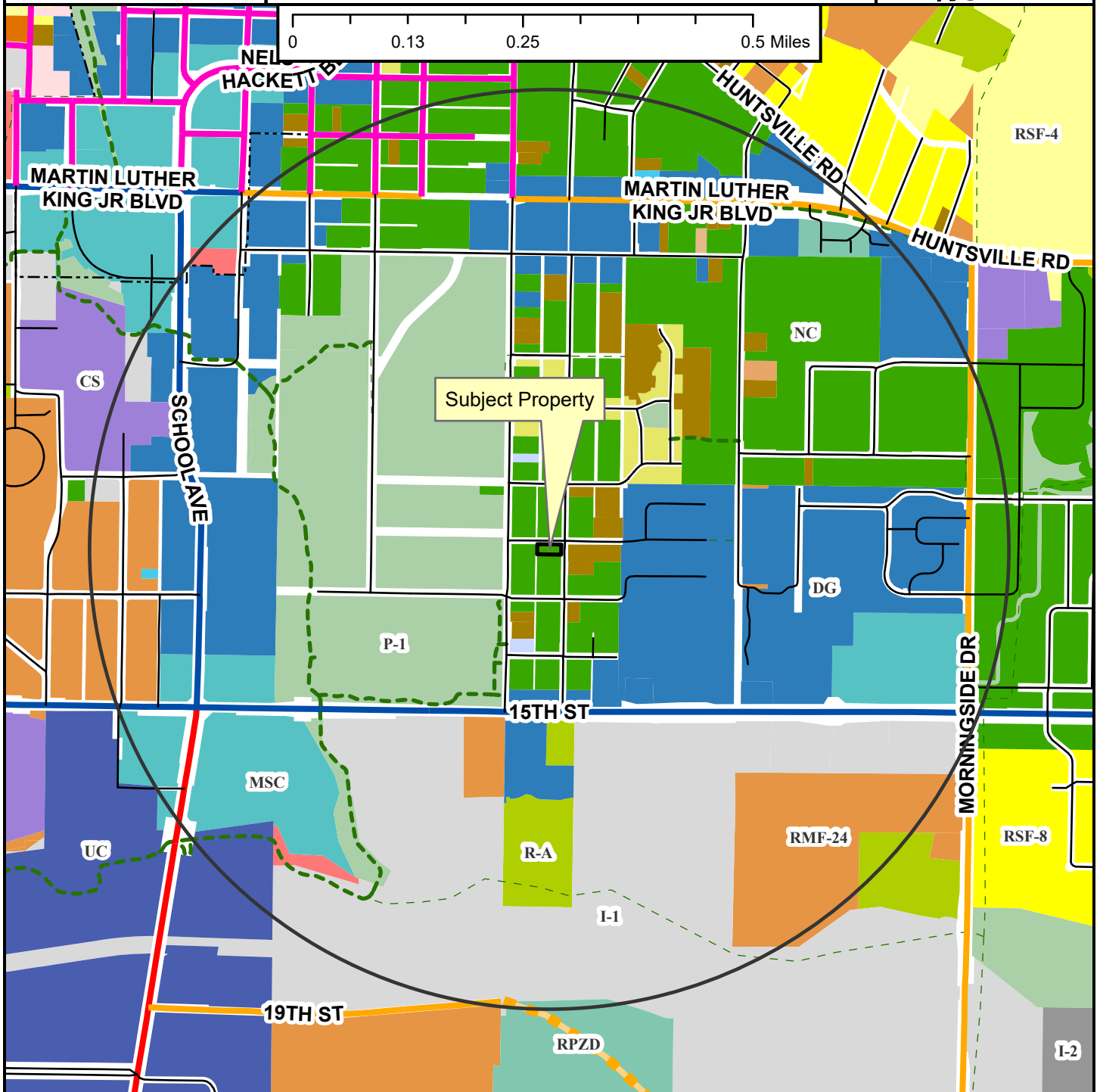
RZN-2025-0054

187 E. 12TH ST

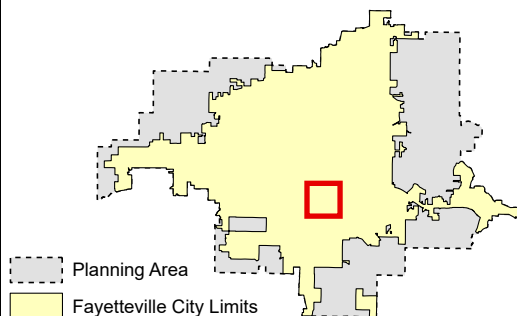
One Mile View

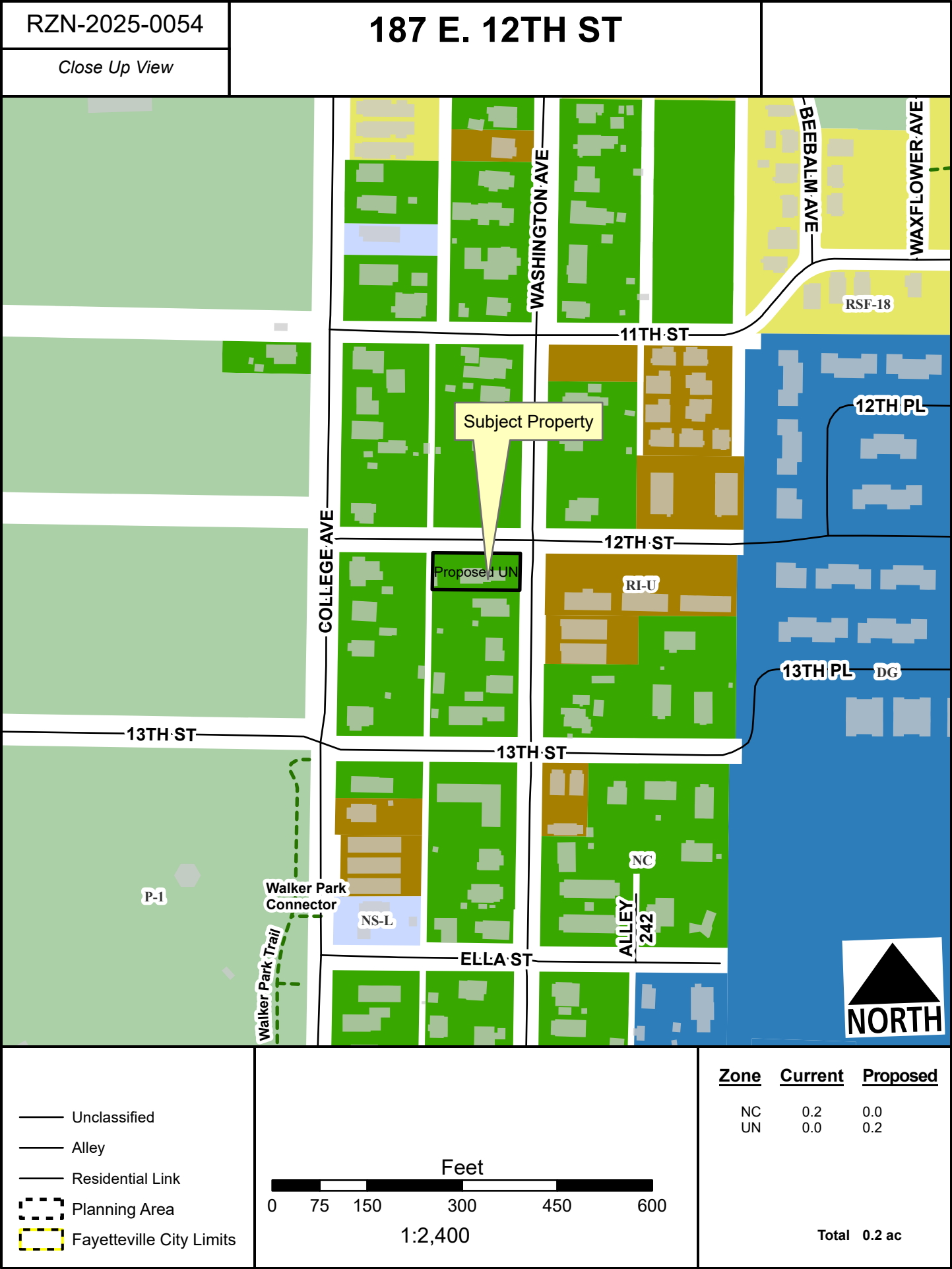


0 0.13 0.25 0.5 Miles



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





RZN-2025-0054

187 E. 12TH ST

Current Land Use



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



FEMA Flood Hazard Data

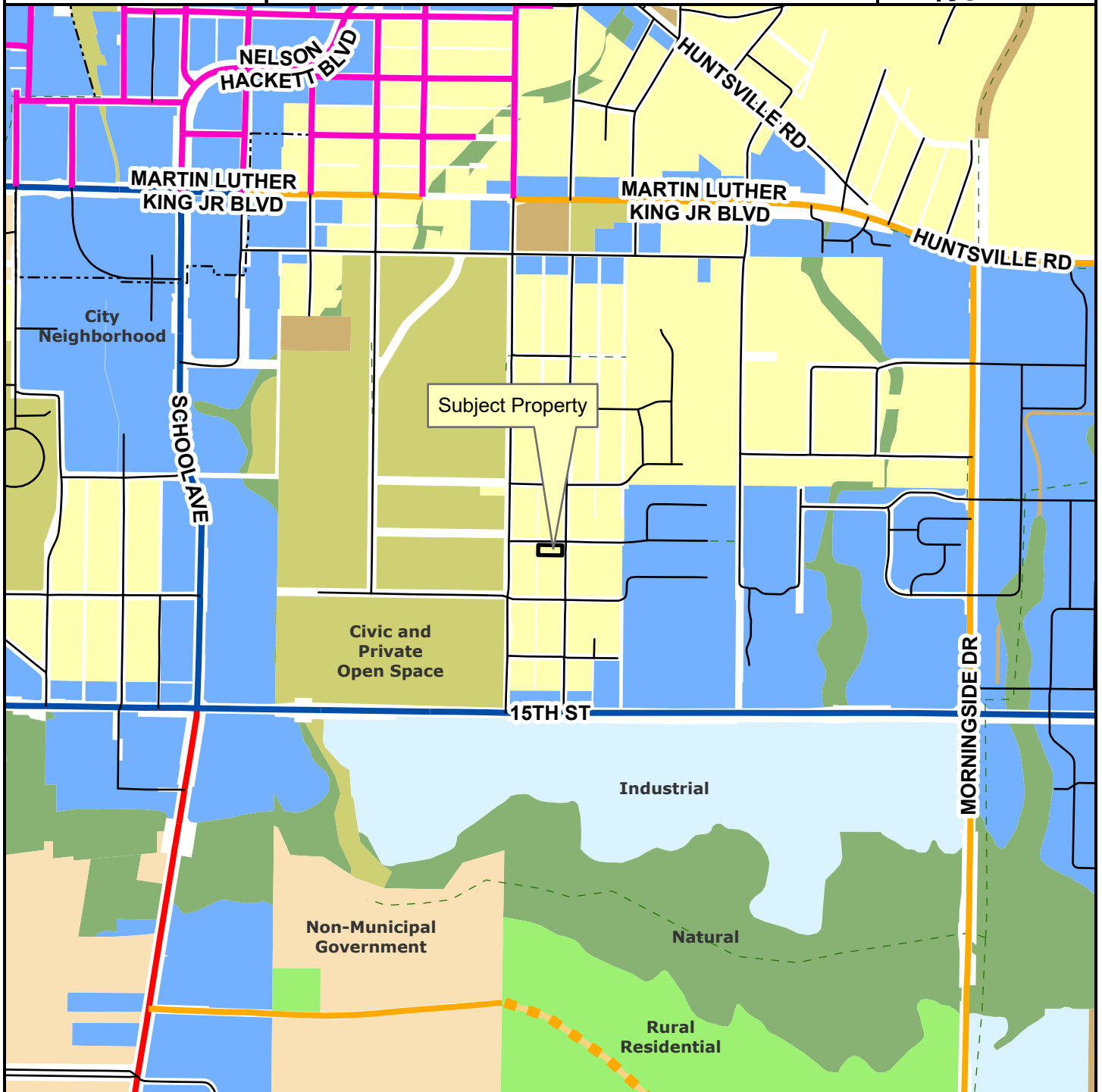
- 100-Year Floodplain
- Floodway

RZN-2025-0054

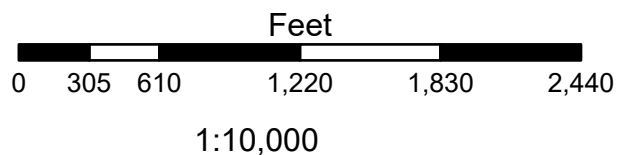
187 E. 12TH ST



Future Land Use



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



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



TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: November 24, 2025

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0054

BACKGROUND:

The applicant requests to rezone approximately 0.20 acres from NC, Neighborhood Conservation to UN, Urban Neighborhood. Two long range planning documents are relevant when evaluating this request: *City Plan 2040* and the *Walker Park Neighborhood 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 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 attainable housing, and limits the amount of land consumed by development on the City's periphery, often termed "suburban sprawl".

Walker Park Neighborhood Plan (2008):

Adopted in February 2008, the Walker Park Neighborhood Plan outlined four guiding principles, of which one is relevant to this request:

1. Balance of Uses and Housing

DISCUSSION:

City Plan 2040 and Future Land Use Plan:

This area is designated as a Residential Neighborhood area, which are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context." This land use designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices.¹ The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, four-, and multifamily housing. The UN district would also incorporate non-residential uses, however the intensity of some may extend beyond what was envisioned for this area.

¹ City Plan 2040, 128.

Specifically, UN permits General Business (Use Unit 12b) and Eating Places (Use Unit 13), which may increase traffic or noise. However, uses like a small office may not result in a significant impact to the neighborhood. Given this concern, a zoning district like NS-L may be more appropriate, however it does not come with as flexible lot width minimums that may spark redevelopment into fee-simple lots for denser housing. In reviewing the applicant's request letter and desire to retain the existing house but allow low-intensity commercial uses, rezoning to NS-L could be an appropriate compromise.

It is also worth noting that the *intent* of the Urban Neighborhood district is to "serve as a mixed use area of medium intensity and *provide a transition* into residential neighborhoods from more intense, mixed-use districts." The subject property is in the midst of solely residential properties, and not on the periphery where it could serve as a transitional space. As such, this request may not align with the intent of the Urban Neighborhood district.

Walker Park Neighborhood Plan:

The subject property is included in the Walker Park Neighborhood Plan, which outlines goals and a vision for the area. Including a balance of commercial uses and diverse housing types.

While on its face, the request for UN may appear appropriate given the *Neighborhood Plan's* vision for balancing commercial uses and housing variety, the plan does acknowledge the value of retaining single-family housing and other housing patterns where appropriate. The *Walker Park Neighborhood Plan* acknowledges the "predominately single-family nature of the interior of the neighborhood."² A large swathe of primarily single-family zoned property is located roughly between E. 7th St. to E. 15th St. While mixed-use zoning districts may be appropriate along major streets like E. 7th, E. 15th, and even S. College Ave. it is not clear that this portion of the neighborhood was envisioned for commercial uses. RI-U offers increased housing flexibility, which aligns with both the goals of the *Walker Park Plan* and *City Plan 2040*, without inserting commercial uses into an established residential neighborhood like would be permitted under UN. This alternative would advance housing priorities and avoid locating commercial uses in an incompatible area.

Property History:

The subject properties contains a single-family dwelling constructed ca. 2003, according to Washington County Tax Assessor records. The property is not of historic age, is not eligible for the state or National Register of Historic Places, and is not within a local historic district.



² Walker Park Neighborhood Plan, 18.

To: Fayetteville Planning Commission
From: Wes Bates
Re: Rezoning Request – 187 E. 12th Street (NC → UN)
Date: 10-7-2025

Dear Commissioners,

I am requesting a rezoning for the property located at 187 E. 12th Street from Neighborhood Conservation (NC) to Urban Neighborhood (UN). The property is currently zoned for single-family use, but the existing structure and location make it well-suited for small neighborhood commercial or office use that complements the surrounding area.

The goal of this rezoning is to allow flexibility to add a small neighborhood commercial space on site while keeping the existing house. This would create an opportunity for a small office or local business that serves nearby residents, adding a neighborhood amenity without disrupting the residential character of the property or surrounding area.

Statement of Compatibility

The proposed UN zoning is compatible with the surrounding context and supports the city's goals for mixed-use, walkable neighborhoods. The area already includes a blend of residential, institutional, and small commercial uses, and this rezoning would reinforce that pattern by allowing a low-intensity use that fits within the existing built environment.

The UN district includes design and scale standards that ensure any future use remains consistent with neighborhood character. The intent is not to introduce high-traffic or large-scale development, but to create space for small local businesses or professional offices that serve and strengthen the neighborhood.

This rezoning aligns with the City Plan's emphasis on infill development, adaptive reuse, and expanding opportunities for walkable, mixed-use neighborhoods. Allowing this small-scale commercial flexibility at 187 E. 12th supports those objectives while preserving the form and scale of the existing streetscape.

Thank you for your consideration,

Wes Bates



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: November 24, 2025

SUBJECT: **RZN-2025-0055: Rezoning (2040 N. EASY AVE./ FLETCHER, 367):** Submitted by GREENWAY CARRIAGE HOUSE for property located at 2040 N. EASY AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to NS-G, NEIGHBORHOOD SERVICES-GENERAL.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0055** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0055** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in central Fayetteville about 400 feet west of the N. Gregg Avenue and W. Poplar Street intersection at the corner of W. Pear St. and N. Easy Avenue. The property is zoned RSF-4, Residential Single-Family, 4 Units per Acre and overall contains 0.30 of an acre. The property is undeveloped. The property does not lie in an overlay district. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped & 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	Two-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre; RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the property from RSF-4, 4 Residential Single-Family, to NS-G, Neighborhood Services - General.

Public Comment: Staff has received one public comment in support of the item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has a road frontage along North Easy Avenue. North Easy Avenue is a partially improved Residential Link Street with asphalt paving and open ditches. The subject area has a road frontage along West Pear Street. West Pear Street is a partially improved Residential Link Street with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of the development proposal.

Water: Public water is available to the subject area. Existing 6-inch water main is present along North Easy Avenue. Existing 6-inch water main is present along West Pear Street.

Sewer: Sanitary sewer is available to the subject area. Existing 18-inch sewer main is present along North Easy Avenue. Existing 18-inch sewer main is present along West Pear Street.

There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 633 feet to the Southwest of this property.

Drainage: No portion of the subject property lies within the Hillside-Hilltop Overlay District or a FEMA floodplain. Additionally, no protected streams are present.

Hydric soils are present on the subject property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 2, located at 138 W North St, protects this site. The property is located approximately 1.4 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. The Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district, NS-G, Neighborhood Services — General, requires **20% minimum canopy preservation**. The current zoning district, RSF-4, Residential Single-Family, 4 Units per Acre, requires **25% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of **8-9** for this site with a weighted score of **11.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, 138 W. North St.)
- Near Sewer Main (18-inch main N. Easy Avenue; 18-inch main W. Pear Street)
- Near Water Main (6-inch main N. Easy Avenue; 6-inch main W. Pear Street)
- Near Public School (Woodland Junior High School)
- Near City Park (Razorback Greenway)
- Near Paved Trail (Midtown Trail)
- Near ORT Bus Stop (N College & Poplar)
- Near Razorback Bus Stop (Chestnut Apartments – Route 26)
- Appropriate Future Land Use

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the proposed rezoning from RSF-4 to NS-G to be compatible with the surrounding land uses by introducing complementary uses and relieves development barriers. RSF-4 is a single-family district that typically requires 70 feet of street frontage and a minimum lot area of 8000 sq. feet. The NS-G development requirements are significantly lesser as it requires 35 foot lot width for dwellings and 0 ft for all else; and 4,000 sqft lot area minimum for single-family to 0 feet for all non-dwelling developments, highlighting how less restrictive development the proposed zoning district is. With this proposed rezoning, setbacks would transition from the RSF-4 standard setbacks to the urban form of NS-G, furthering complementing to the transitioning urban form in the area. The nearby area is scattered with different zoning districts - C-2, NS-G, RSF-4, RMF-24, and I-1 – which allow for a mix of differing uses. The introduction of NS-G could support this area with the addition of a mixed-use zoning district

compared to the single-use residential allowance of RSF-4. While allowing a density up to 18 units per acre, staff finds that given the size of the site, the lot area minimums for dwelling units, and the limited nature of developable area, the site would likely never reach that maximum threshold.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the City's adopted land use plans, including its Future Land Use Map designation as City Neighborhood area and is within a Tier Three Center – intersection of W. Sycamore Street and N. Gregg Avenue. A rezoning to NS-G would support those designations as designations as both City Neighborhood Areas and Tier Three Centers exist to provide a mix of commercial and residential uses of varying scale. The allowed uses in NS-G promotes neighborhood development with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. The subject property has a moderate infill score, with access to trails, parks, and public infrastructure that make it appropriate for moderate density infill development. Staff finds that the requested rezoning could allow for convenience goods and services and housing which will assist with the City Goals #1 (appropriate infill), 3 (compact development), and 6 (opportunities for affordable housing).

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

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

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

Finding: A rezoning from RSF-4 to NS-G could increase traffic in the area, but only minimally as the size of the property is small, capping density.

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

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

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

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

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0055 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.19 NS-G, Neighborhood Services – General
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Request Letter

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

Editor's note(s)—Ord. No. 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.

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
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Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §7(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; 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.

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

Editor's note(s)—Ord. No. 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.

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
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Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

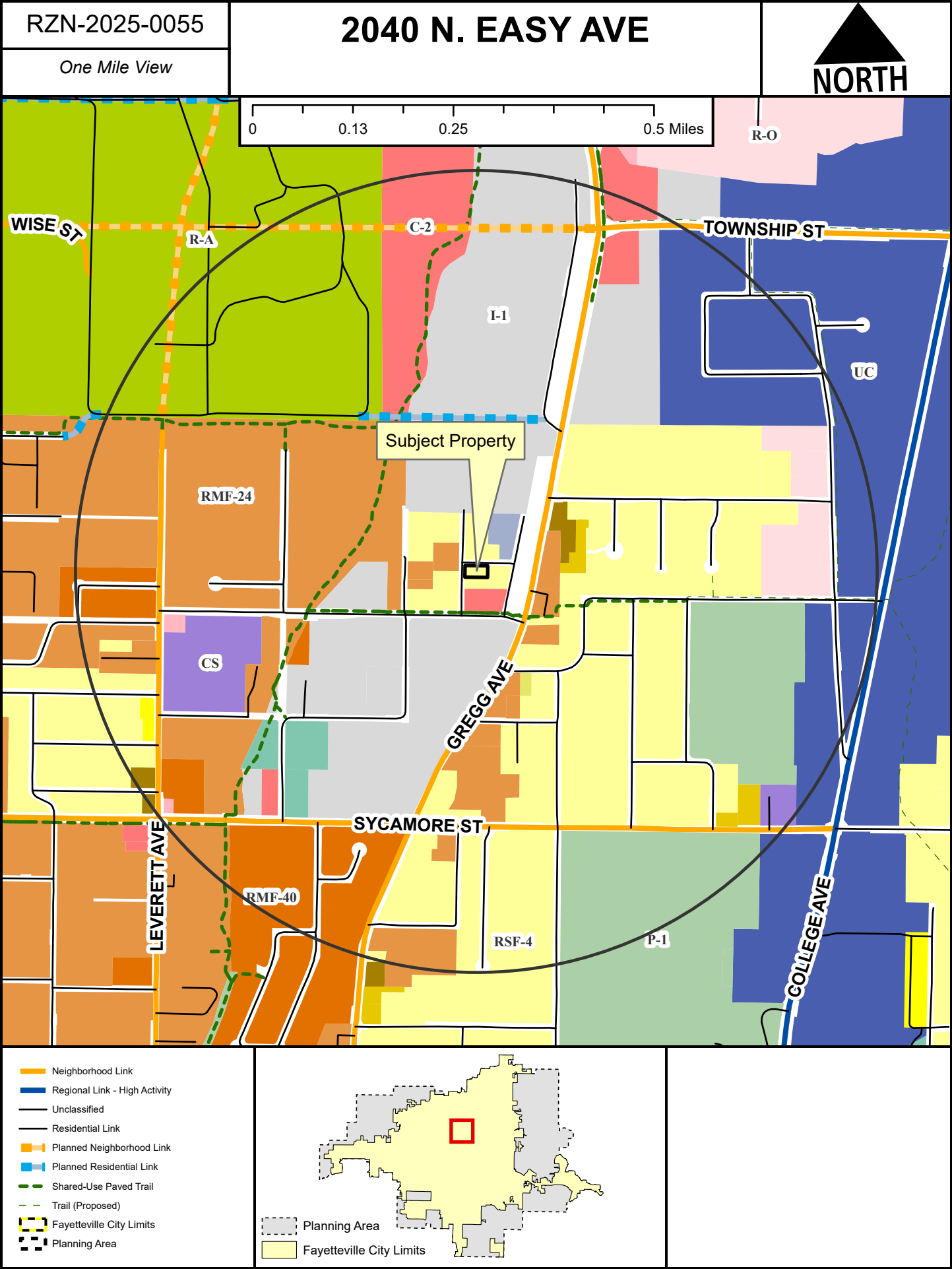
(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §7(Exh. A), 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

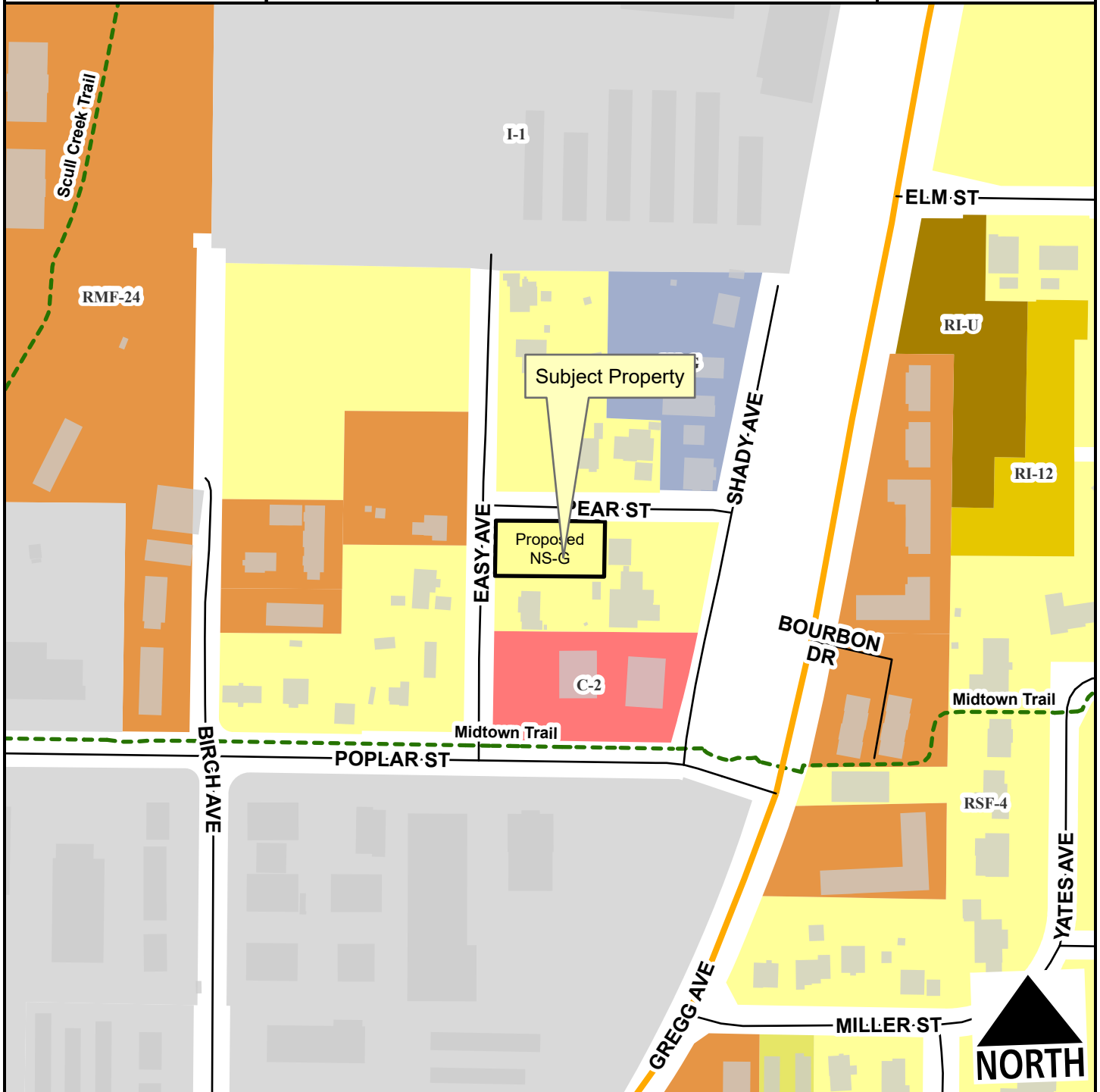
Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code 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.



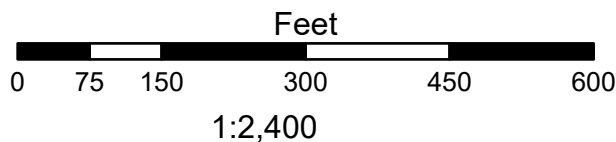
RZN-2025-0055

2040 N. EASY AVE

Close Up View



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



Zone	Current	Proposed
NS-G	0.0	0.3
RSF-4	0.3	0.0

Total 0.3 ac

RZN-2025-0055

2040 N. EASY AVE

Current Land Use



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



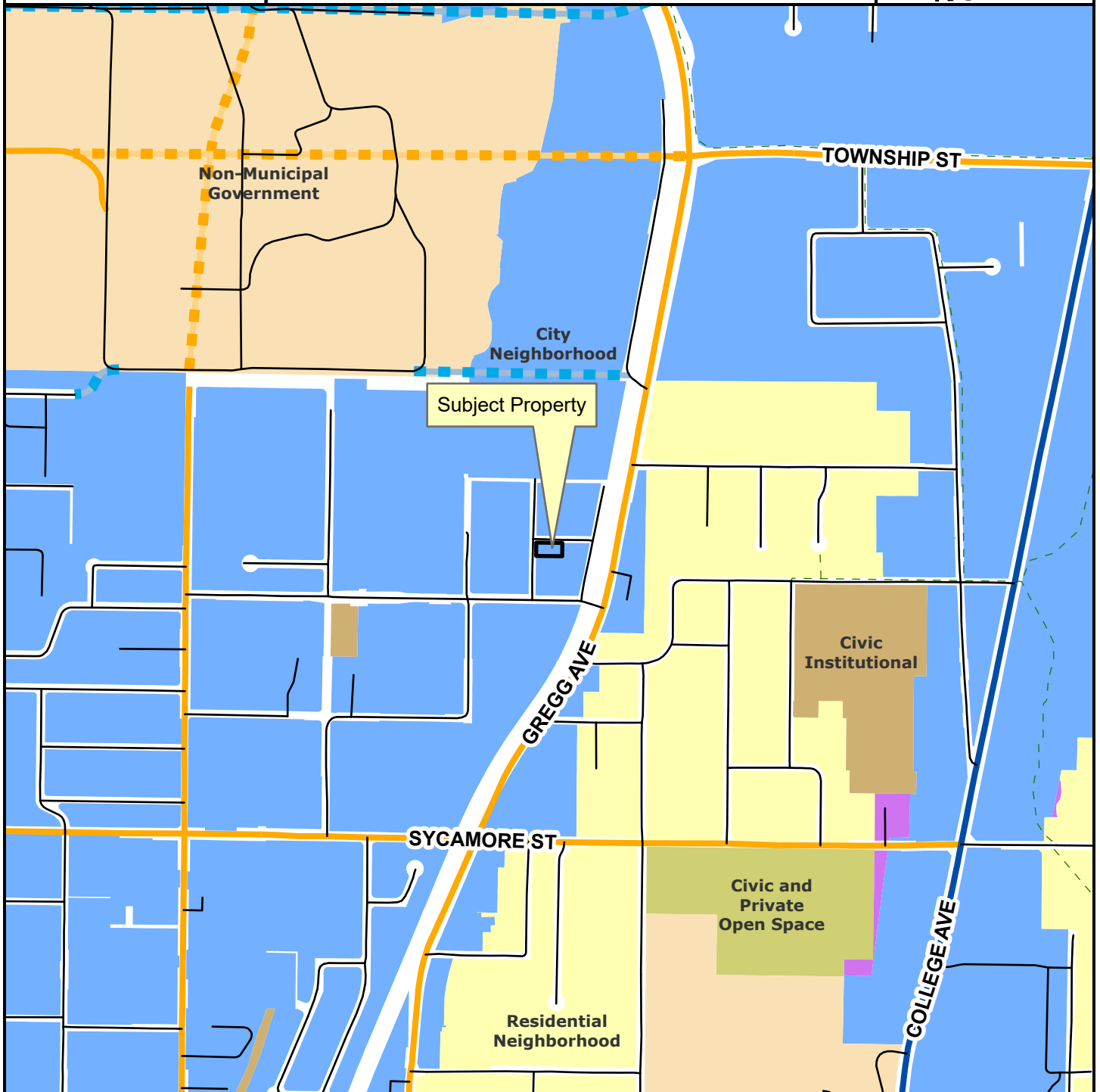
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

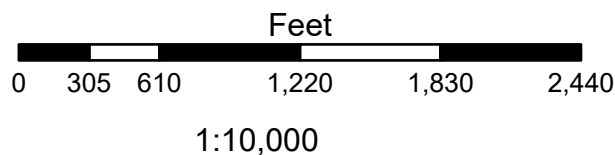
RZN-2025-0055

2040 N. EASY AVE

Future Land Use



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



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

From: Virginia Hillis <carriagehouseonthetrail@gmail.com>
Subject: Planning C. letter
Date: October 8, 2025 at 10:54:02 AM CDT
To: Stan Fletcher <stan7fletcher@gmail.com>

Proposed Rezone Parcel: 765-09519-000 N. Easy Avenue
Fayetteville Arkansas 72703

This lot is currently zoned RSF-4
Proposal zoning: NS-G

After consulting with a member from Planning department and asking for recommendations that would best suit our current neighborhood dynamics and the future interest of the neighborhood as well as future interest of the city of Fayetteville and its rapid growth. NS-G is the zoning that best fits and currently this zoning exists in the Parker Valley neighborhood.

Parker Valley Estates residential makeup consist of single family home owners with the exception of the parcels on North Shady Ave owned by the Davidson Construction which is zoned as NS-G. Our intent is to eventually sell the lot or smaller parcels for the lot

The current zoning is not the most flexible for this and this change would be more desirable for a single owner or for an investor in a landlord/tenant situation. The City of Fayetteville is experiencing a housing crisis. This small zoning change will help a few more future residents have the opportunity to own a home as an alternative to renting. Homeownership in our area of Ward 2 is very low and we have a small opportunity to change this situation. We as homeowners living next to this lot want more flexibility and options in the sale of the lot. Thank you for consideration,

This change is comparable with the neighborhood property owners and will not adversely, unreasonably, or conflict with surrounding land usages. We are in a mixed use neighborhood off of Poplar with Sweetser Construction bordering N Easy Ave. We have multiple zoning in our neighborhood with multiple homes zoned as NS-G. We feel that this change will not be contested by our neighbors and will benefit the development of the neighborhood as well as provide for more home buying opportunities in the City of Fayetteville.
Thank you



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: November 24, 2025

SUBJECT: **RZN-2025-0056: Rezoning (1723 N. CHESTNUT AVE/MASCHOFF & HALASZ, 366):** Submitted by DABS PROPERTIES LLC for property located 1723 N. CHESTNUT AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL, and contains approximately 0.83 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0056** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0056** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located at the northwest corner of W. Sycamore Street and N. Chestnut Avenue. The property is developed with a multi-tenant space that has an intermittent use history. The official certificate of occupancy on the project, constructed around 2008, appears that it was issued for offices, but that it could also be used for apartments. Upon attempting to obtain a business license for the use of one of the spaces as a short-term rental, the property owner was informed that the structure had not been inspected for a multi-family structure, and would likely require additional improvements to bring to current fire and building safety code regulations. Further, since residential uses are not permitted in the C-2 zoning district, a rezoning was needed to allow this structure to be used solely as a multi-family building. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Residential Multifamily	RPZD, Residential Planned Zoning District
South	Residential Multifamily	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Residential Multifamily	RPZD, Residential Planned Zoning District
West	Commercial/Industrial	C-2, Thoroughfare Commercial; I-1, Heavy Commercial and Light Industrial

Request: The request is to rezone the subject property from C-2, Thoroughfare Commercial to CS, Community Services.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The subject area has street frontage along W. Sycamore Street, which is a fully-improved Neighborhood Link Street with asphalt paving, sidewalk, and curb and gutter. The subject area has street frontage along N. Chestnut Avenue, which is a partially improved Residential Link Street with asphalt paving, and partial sidewalk, curb, and gutter. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.
- Water:** Public water is available to the subject area. An existing 6-inch water main is present along N. Chestnut Avenue.
- Sewer:** Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present along N. Chestnut Avenue.
- Drainage:** The property is located fully within the floodplain and hydric soils are present on the subject property. 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. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.
- Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 2, located at 138 W North St, protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. The Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- Police:** The Police Department did not comment on this request.
- Tree Preservation:** The existing zoning district, C-2, Thoroughfare Commercial, requires **15% minimum canopy preservation**. The proposed zoning district, CS, Community Services, requires **20% minimum canopy preservation**.

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

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 6-8 for this site with a weighted score of 9.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #2, 138 W. North St.)
- Near Sewer Main (N. Chestnut Ave. and W. Sycamore Street)
- Near Water Main (N. Chestnut Ave. and W. Sycamore Street)
- Near Grocery Store (Harps)
- Near City Park (Gregory Park)
- Near Paved Trail (Scull Creek/Midtown Trail)
- Near Razorback Bus Stop (Leverett and Sycamore)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:** Staff finds the requested rezoning to be compatible with the surrounding area and current land uses. The C-2 zoning district is among the City's highest intensity districts, and is a very traditional, auto-oriented zoning district at that. It allows for buildings up to 6 stories tall, with exclusively commercial uses permitted by-right, including auto-oriented services, drive-thru restaurants, and gas stations. Further, residential uses are not typically permitted in this district. The property in question is currently surrounded by I-1 zoning, but a mix of residential and commercial properties also exist in the surrounding area. Conversely, the CS zoning district is a form-based zoning district, which typically requires structures to be placed closer to the street with a build-to zone, rather than with a traditional setback, to help activate the pedestrian and public realm and provide a more welcoming environment. Parking is typically required to be placed at the rear of the property, or to be more hidden from general view. CS also allows for residential uses by-right, which promotes a more mixed-use, traditional town form type of development. Rezoning this corner property near the convergence of two of the City's major trails could help activate the area and inspire development that is consistent with overall City goals.*

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the goals in City Plan 2040 and the property's future land use designation as a City Neighborhood area. A rezoning from C-2 to CS contributes to City Plan 2040 goals 1-3, in that it helps promote a compact, complete, and connected development on an infill-ready site near the center of town. This site is highly walkable, and there is available transit.

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

Finding: Staff finds there is sufficient justification to rezone the property from C-2 to CS. This request will allow for the development of neighborhood and community services, as well as allow for the development and the use of the property for housing, which is not currently permitted under the current zoning allowances.

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

Finding: A rezoning from C-2 to CS is not likely to appreciably increase traffic danger or congestion at this location. C-2 allows for high-intensity commercial uses, and while CS allows for many of the same by-right, it limits some of the auto-oriented uses, and also introduces residential uses, promoting walkability.

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 CS zoning district allows for residential uses, so the request could add population to this area, but staff does not find that this would be undesirable. This is a good location for moderate infill given access to water, sewer, streets, and the City's trail network to promote alternative transportation options.

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-2025-0056 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>November 24, 2025</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.22 Community Services
 - §161.23 District C-2, Thoroughfare Commercial
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map
 - Request Letter
-

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
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 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21; 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.

161.23 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers. 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 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
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 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
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Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	15 feet
Rear	20 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	6 stories*
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* 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 side boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

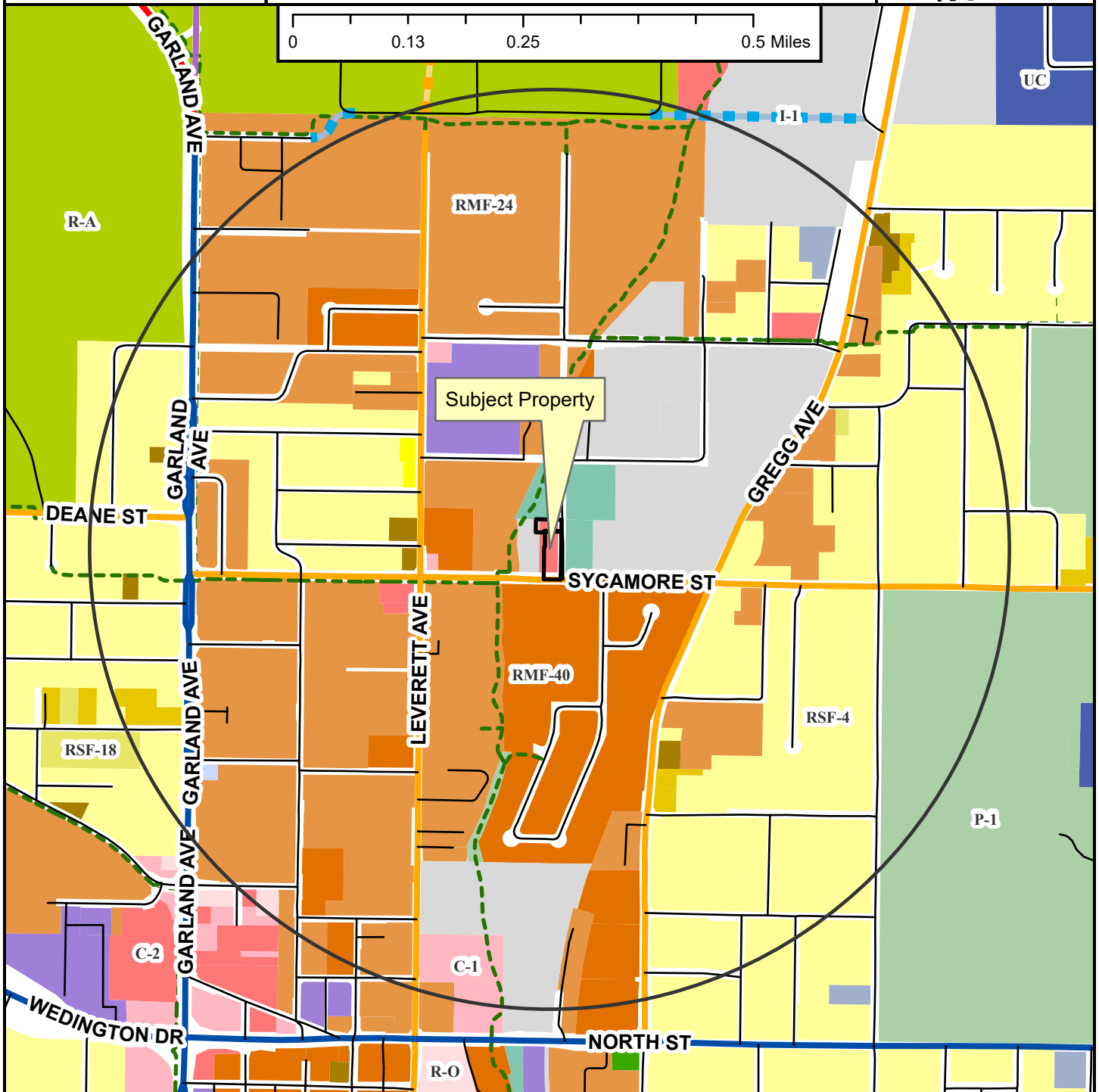
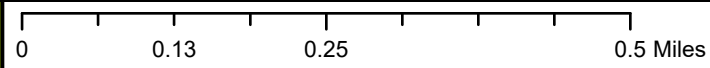
(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4727, 7-19-05; Ord. No. 4992, 3-06-07; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; 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, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6164, §§1, 6, 7, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §5, 1-18-22)

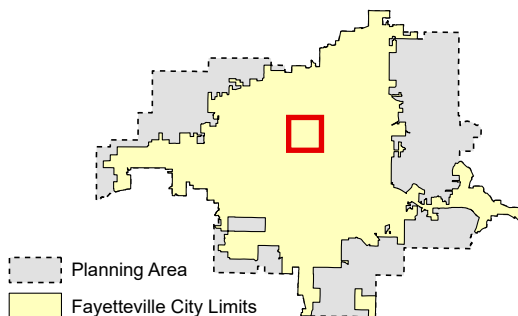
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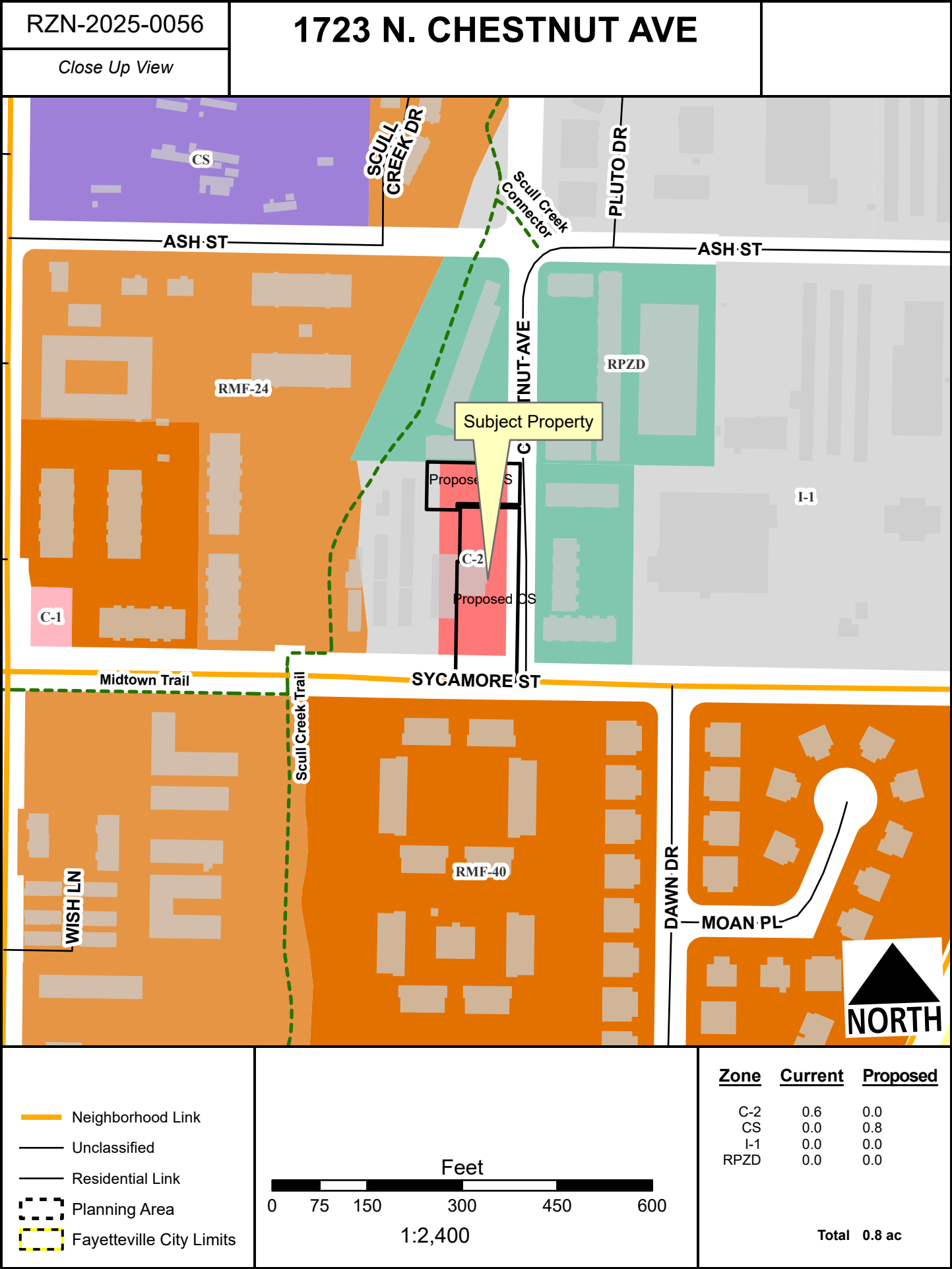
1723 N. CHESTNUT AVE

One Mile View



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

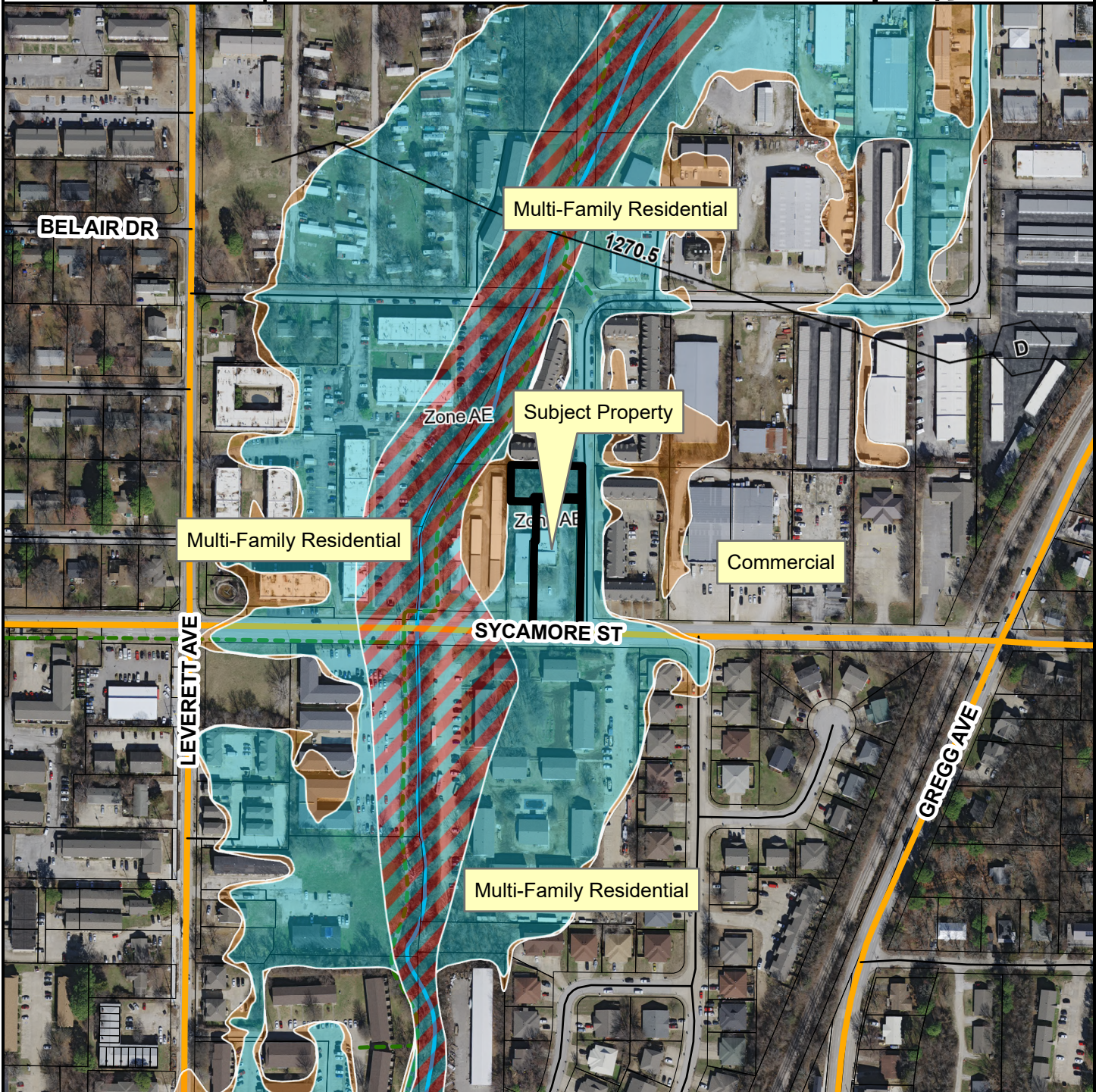




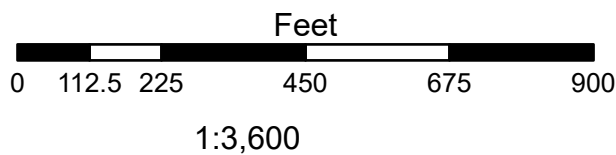
RZN-2025-0056

1723 N. CHESTNUT AVE

Current Land Use



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



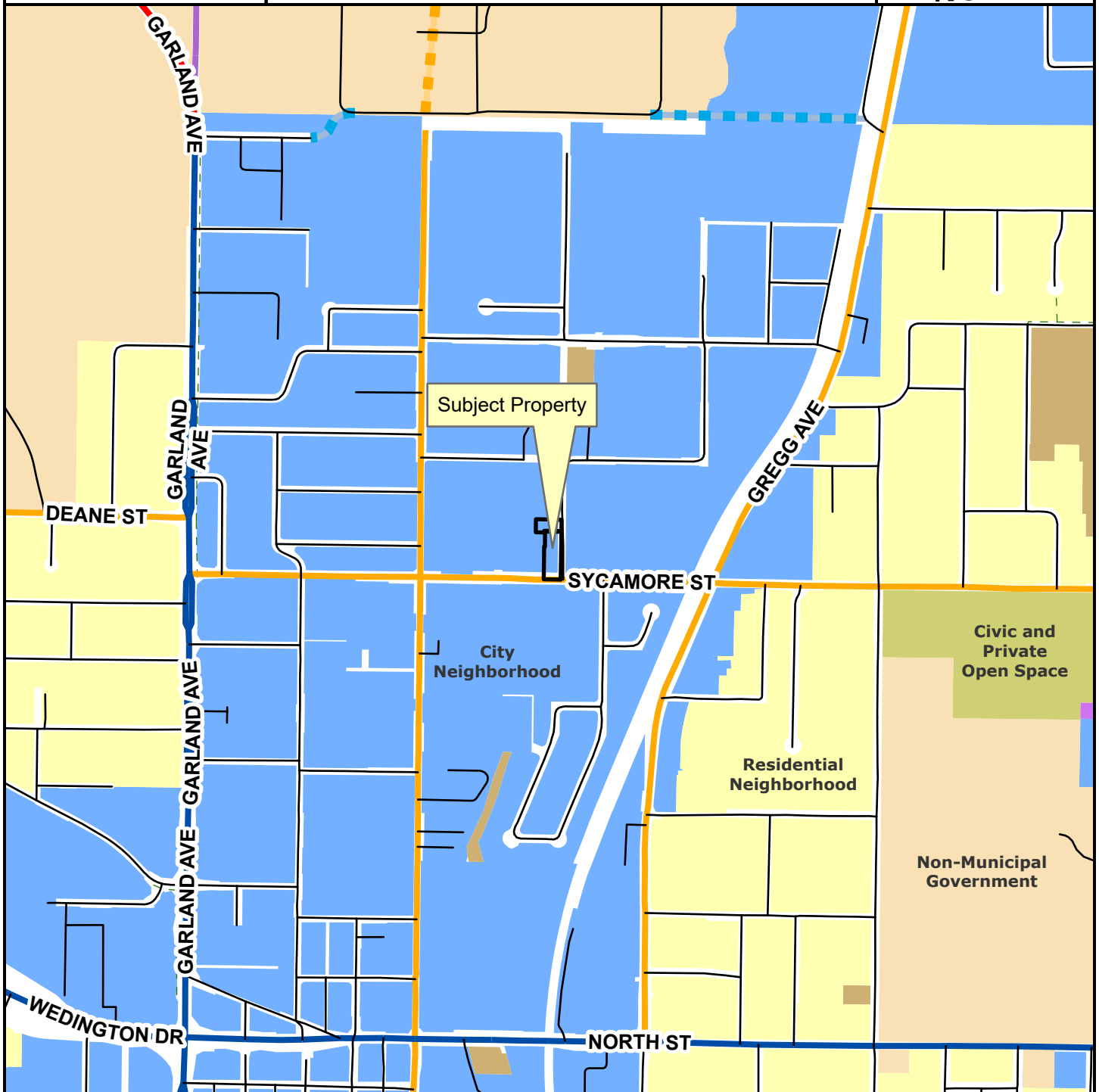
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

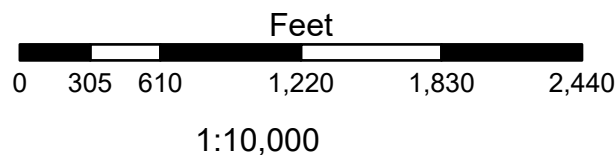
RZN-2025-0056

1723 N. CHESTNUT AVE

Future Land Use



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



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

DABS Properties LLC
1723 N Chestnut Ave
Fayetteville, AR 72703
Email: dabspropertiesllc@gmail.com

City of Fayetteville – Planning Division
City Hall
113 W Mountain St
Fayetteville, AR 72701

Re: Rezoning Request – 1723 N Chestnut Ave, Fayetteville, AR 72703

To the Fayetteville Planning Division,

We, the owners of DABS Properties LLC (Shane Maschhoff, Maria Dalva Halasz, Amire Abed, and Beatriz Abed), respectfully submit this request to rezone our property at 1723 N Chestnut Ave, Fayetteville, AR 72703 from C-2 (Thoroughfare Commercial) to CS (Community Services).

PURPOSE OF REZONING

The building on this property has historically been used for residential purposes; however, the existing C-2 zoning does not allow residential occupancy. Rezoning to CS will bring the property into compliance and allow us to continue offering safe, long-term residential rentals consistent with its past use and the surrounding neighborhood.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The property is surrounded by residential apartments, a church, and a storage facility. The continued use of the structure as residential rentals is compatible with all nearby land uses and matches the character of the area.

LACK OF ADVERSE IMPACT

The rezoning will not adversely affect surrounding properties because:

- Residential use produces less noise and traffic than many C-2 commercial uses.
- Adjacent uses are low-impact and compatible with housing.
- Any future improvements will comply with UDC requirements for buffering, setbacks, lighting, and access.

SUPPORT OF CITY PLANNING GOALS

Rezoning the property to CS will correct zoning inconsistencies, support appropriate residential use, and encourage reinvestment under a zoning category that reflects existing neighborhood conditions.

We respectfully request approval of this rezoning application. Thank you for your time and consideration.

Sincerely,
DABS Properties LLC
Shane Maschhoff
Maria Dalva Halasz
Amire Abed
Beatriz Abed