

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Tentative Agenda

Thursday, January 8, 2026

4:30 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: 851 8990 4484

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_4gaP67OgTESwBRmai1IQhg

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the December 8, 2025 Planning Commission Meeting. - Mirinda Hopkins, Development Coordinator

2. VAR-2025-0051: Planning Commission Variance (1143 E. SAIN ST/THE TRAILS ON THE CREEK APARTMENTS, 174):

Submitted by BLEW & ASSOCIATES for property located at 1143 E. SAIN ST. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 4.10 acres. The request is for a variance to urban residential design standards. - Citlali Samano, Planner

3. VAR-2025-0058: Planning Commission Variance (3610 W. WEDINGTON DR/DISCOUNT TIRE CO., 401):

Submitted by VASQUEZ ENGINEERING for property located at 3610 W. WEDINGTON DR. The property is zoned UT, URBAN THOROUGHFARE and contains 4.16 acres. The request is for a variance to glazing requirements. - Donna Wonsower, Senior Planner

4. LSD-2025-0020: Large Scale Development (4500 S. SCHOOL AVE/N79TW, LLC, 834):

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 4500 S. SCHOOL AVE. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 0.73 acres. The request is for a 14,500-square-foot airplane hanger and associated parking. - Wesley Frank, Planner

Unfinished Business

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

SCHOOL, 602):

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

THIS ITEM WAS TABLED AT THE NOVEMBER 10, 2025 PLANNING COMMISSION MEETING.

APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE FEBRUARY 9, 2025 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

New Business**6. VAR-2025-0057: Planning Commission Variance (4500 S. SCHOOL AVE/DRAKE FIELD, 718,756,795,796,834,835,873 & 874):**

Submitted by CITY OF FAYETTEVILLE for property located at 4500 S. SCHOOL AVE. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 37.65 acres. The request is for a variance to the flood damage prevention code.

APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE JANUARY 26, 2026 PLANNING COMMISSION MEETING. - Alan Pugh, Staff Engineer

7. RZN-2025-0067: Rezoning (660 S. CROSSOVER RD/PEAK ROOFING AND EXTERIORS, 527):

Submitted by KADEN DAVIS for property located at 660 S. CROSSOVER RD. The property is partially zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE, and C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.42 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

THE APPLICANT HAS REQUESTED TO TABLE THIS ITEM UNTIL THE JANUARY 26, 2026 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

8. RZN-2025-0069: Rezoning (S. DEAD HORSE MOUNTAIN RD & E. GOFF FARM RD/STONEBRIDGE GOLF COURSE, 606, 607, 646 & 685):

Submitted by JORGENSEN & ASSOCIATES for property located on S. DEAD HORSE MOUNTAIN RD & E. GOFF FARM RD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 157 acres. The request is to rezone 4.63 acres of the property to UN, URBAN NEIGHBORHOOD, and 37.65 acres of the property to NC, NEIGHBORHOOD CONSERVATION.

THE APPLICANT HAS REQUESTED TO TABLE THIS ITEM. - Jessica Masters, Planning Director

9. RZN-2025-0064: Rezoning (1417 N. ADDINGTON AVE/BAUER HAUS LLC, 404):

Submitted by BAUER REAL ESTATE & DEVELOPMENT for property located at 1417 N. ADDINGTON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE. - Wesley Frank, Planner

10. VAR-2025-0054: Planning Commission Variance (553 E. MCCLINTON ST, UNIT 2/SIEMEK, 563):

Submitted by KONRAD SIEMEK for property located at 553 E. MCCLINTON ST, UNIT 2. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.18 acres. The request is for a variance to flood damage prevention code. - Alan Pugh, Staff Engineer

11. VAR-2025-0056: Planning Commission Variance (504 N. SEQUOYAH DR/ARENS REVOCABLE TRUST, 486):

Submitted by BATES & ASSOCIATES for property located at 504 N. SEQUOYAH DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and RPZD, RESIDENTIAL PLANNED ZONING DISTRICT, and contains approximately 1.63 acres. The request is for a variance to access management requirements. - Wesley Frank, Planner

12. VAR-2025-0059: Planning Commission Variance (3143 W. TULSA ST/SOUTHERN WOODS, 401):

Submitted by COMMUNITY BY DESIGN for property located at 3143 W. TULSA ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains 14.42 acres. The request is for a variance to the expiration of approved plans and permits. - Donna Wonsower, Senior Planner

13. CUP-2025-0057: Conditional Use Permit (1391 S. BALDWIN AVE/ART OF MASSAGE, 572):

Submitted by SUNDI TYLER for property located at 1391 S. BALDWIN AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is for a massage therapy practice. - Citlali Samano, Planner

14. CUP-2025-0060: Conditional Use Permit (SOUTH OF 3900 N. PARKVIEW DR/ADVANCED ORTHO FAYETTEVILLE, 175):

Submitted by WHITE RIVER CONTRACTORS INC for property located SOUTH

OF 3900 N. PARKVIEW DR. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 2.51 acres. The request is for a temporary 2800-square-foot mobile MRI commercial unit. - Citlali Samano, Planner

15. RZN-2025-0065: Rezoning (1807 N. GARLAND AVE/COOKE, 365):

Submitted by WESLEY BATES for property located at 1807 N. GARLAND AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Citlali Samano, Planner

16. RZN-2025-0068: Rezoning (1967 E. HUNTSVILLE RD/DMM HOLDINGS LLC, 565):

Submitted by ENGINEERING SERVICES INC for property located at 1967 E. HUNTSVILLE RD. The property is partially zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and C-1, NEIGHBORHOOD COMMERCIAL, and contains approximately 0.83 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Citlali Samano, Planner

17. RZN-2025-0062: Rezoning (1439 & SOUTH OF N. RUPPLE RD/RUPPLE ROAD LLC, 400):

Submitted by WESLEY BATES for property located at 1439 & SOUTH OF N. RUPPLE RD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL, RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE, and RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE, and contains approximately 4.80 acres. The request is to rezone the property to CS, COMMUNITY SERVICES. - Wesley Frank, Planner

18. RZN-2025-0063: Rezoning (1090 S. WASHINGTON AVE/HORNBACK, 563):

Submitted by WESLEY BATES for property located at 1090 S. WASHINGTON AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Donna Wonsower, Senior Planner

19. RZN-2025-0066: Rezoning (1171 & 1173 N. DOUBLE SPRINGS RD/WELLS, 441):

Submitted by BATES & ASSOCIATES for property located at 1171 & 1173 N. DOUBLE SPRINGS RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL, and contains approximately 1.18 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE. - Donna Wonsower, Senior Planner

20. RZN-2025-0061: Rezoning (N. FUTRALL DR & N. MARINONI DR/MISHY HOSPITALITY GROUP LLC, 441):

Submitted by COMMERCIAL REALTY DEVELOPMENT SERVICES for property located on N. FUTRALL DR & N. MARINONI DR. The property is zoned UT, URBAN THOROUGHFARE, and contains approximately 2.09 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL. - Jessica Masters, Planning Director

21. PZD-2025-0005: Planned Zoning District (N. CROSSOVER RD & E. ZION RD/THE MARKET AT CROSSOVER, 138):

Submitted by CEI ENGINEERING for property located on N. CROSSOVER RD & E. ZION RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 9.0 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT. - Jessica Masters, Planning Director

22. ADM-2025-0049: Administrative Item (1156 E. LAKEFRONT DR/BUTLER, 407):

Submitted by APPLE BLOSSOM HOLDINGS LLC for property located at 1156 E. LAKEFRONT DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE contains approximately 0.26 acres. The request is to modify a conditional use permit for a short-term rental.

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

23. ADM-2025-0052: Administrative Item (1753 & 1801 S. SHILOH DR/BENSON, 598):

Submitted by ANDY BENSON for property located at 1753 & 1801 S. SHILOH DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.50 acres. The request is for an appeal of a City Engineer determination for sidewalk requirements.

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

24. CCP-2025-0010: Concurrent Plat (2759 S. ARMSTRONG AVE/BRIGHT INVESTMENTS LLC, 643):

Submitted by ENGINEERING SERVICES INC for property located at 2759 S. ARMSTRONG AVE. The property is zoned I-2, GENERAL INDUSTRIAL and contains approximately 31.68 acres. The request is for the concurrent plat of two lots.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR AN INSUFFICIENT REQUEST. - Wesley Frank, Planner

25. CUP-2025-0056: Conditional Use Permit (2630 E. CITIZENS DR, UNIT 20/MERMAIDS EVENT CENTER, 371):

Submitted by TODD GOLDEN for property located at 2630 E. CITIZENS DR, UNIT 20. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 8.91 acres. The request is for a 5000-square-foot commercial event venue.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION. - Wesley Frank, Planner

26. CUP-2025-0059: Conditional Use Permit (121 W. TOWNSHIP ST, UNIT 21/YES MA'AM, 328):

Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at 121 W. TOWNSHIP ST, UNIT 21. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 0.52 acres. The request is for a sexually oriented business.

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

Items Administratively Approved by Staff

27. LSP-2025-0054: Lot Split (355 N. COLLEGE AVE/STAFFORD, 484):

Submitted by BATES & ASSOCIATES for property located at 355 N. COLLEGE AVE. The property is zoned MSC, MAIN STREET CENTER and contains 0.33 acres. The request is to split the property into two lots containing 0.12 and 0.21 acres. - Donna Wonsower, Senior Planner

28. LSP-2025-0056: Lot Split (700 S. CHURCH AVE/RIGGINS VENTURES LLC, 562):

Submitted by ENGINEERING SERVICES INC for property located at 700 S CHURCH AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains 0.38 acres. The request is to split the property into three lots containing 0.13, 0.12 and 0.12 acres. - Citlali Samano, Planner

29. LSP-2025-0057: Lot Split (702 S. WOOD AVE/TERRY & RICHTER, 563):

Submitted by BATES & ASSOCIATES for property located at 702 S. WOOD AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains 9.36 acres. The request is to split the property into two lots containing 1.50 and 7.86 acres. - Citlali Samano, Planner

30. FPL-2025-0006: Final Plat (SOUTH OF W. PLANETREE ST/ELEMENT PH 4,516):

Submitted by JORGENSEN & ASSOCIATES for property located SOUTH OF W. PLANETREE ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 40.03 acres. The request is for the final plat of 143 residential lots.
- 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, 12/08/2025				
Time: 5:30 PM						
Staff : ☐ Jonathan Curth ☒ Jessie Masters ☒ Donna Wonsower ☒ Wesley Frank ☒ Citali 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 (11/24/2025)	2) VAR-2025-0046 (SHADDY)	3) VAR-2025-0053 (7 BREW)	4) VAR-2025-0055 (GULLEY PARK PETS CLINIC)	5) LSD-2025-0014 (PACKAGING SPECIALTIES INC)
McGetrick	1	1	1	1	1	1
Castin	1	1	1	1	1	1
Werner	1	1	1	1	1	1
Holeyfield	0					
Gulley	1	1	1	1	1	1
Cabe	1	Abstain	Abstain	Abstain	Abstain	Abstain
Payne	1	1	1	1	1	1
Brink	1	1	1	1	1	1
Madden	1	1	1	1	1	1
Agenda		Consent	Consent	Conset	Consent	Consent
Action		Approve	Approve	Approve	Approve	Approve
Motion By		Werner	Werner	Werner	Werner	Werner
Motion 2nd		Castin	Castin	Castin	Castin	Castin
Vote		7-0-1	7-0-1	7-0-1	7-0-1	7-0-1
Time		5:34 PM	5:34 PM	5:34 PM	5:34 PM	5:34 PM
Motion Detail						
Public Comment		0	0	0	0	0

(pg. 2) Planning Commission		Monday, 12/08/2025				
	6) LSD-2025-0018 (FAYETTEVILLE PUBLIC SCHOOLS)	7) CUP-2025-0046 (ASHWOOD TOWNHOMES)	8) RZN-2025-0050 (MICHAEL COLE DR)	9) LSD-2025-0015 (MICHAEL COLE DR LLC)	10) CUP-2025-0053 (BOX PROPERTY HOLDINGS)	11) ADM-2025-0048 (CAMDEN COURT)
McGetrick	1	1	1	1	0	1
Castin	1	1	1	1	1	1
Werner	1	1	1	1	0	1
Holeyfield						
Gulley	1	1	1	1	0	1
Cabe	Abstain	1	1	Recuse	1	Recuse
Payne	1	1	1	1	0	0
Brink	1	1	1	1	1	1
Madden	1	1	1	1	0	1
Agenda	Consent	Old	Old	Old	Old	New
Action	Approve	Table	Forward	Approve	Approve	Forward
Motion By	Werner	Werner	Payne	Payne	Payne	Werner
Motion 2nd	Castin	Cabe	Cabe	Castin	Cabe	Castin
Vote	7-0-1	8-0-0	8-0-0	7-0-1	3-5-0	6-1-1
Time	5:34 PM	5:35 PM	5:45 PM	6:03 PM	6:56 PM	7:33 PM
		Until the February 9, 2026 Planning Commission meeting.		With all conditions and variances as recommended by staff.	With all conditions as recommended by staff.	With a recommendation of approval with all conditions as recommended by staff.
Public Comment	0	0	0	1	5	2

(pg. 3) Planning Commission			Monday, 12/08/2025			
	12) VAR-2025-0049 (WOOLSEY TRAIL MAINTENANCE)	13) VAR-2025-0050 (ALEXANDER)	14) CUP-2025-0055 (BROOKSTONE ASSITED LIVING COMMUNITY)	15) VAC-2025-0028 (WEAVER)	16) RZN-2025-0057 (TERRA FIRMA HOLDINGS LLC)	17) RZN-2025-0058 (BARNES FAMILY TRUST)
McGetrick						
Castin						
Werner						
Holeyfield						
Gulley						
Cabe						
Payne						
Brink						
Madden						
Agenda	New	New	New	New	New	New
Action	Approve	Table	Approve	Forward	Forward	Forward
Motion By	Payne	Madden	Cabe	Cabe	Cabe	Cabe
Motion 2nd	Cabe	Cabe	Castin	Castin	Castin	Castin
Vote	7-0-0	7-0-0	7-0-0	6-1-0	6-1-0	7-0-0
Time	7:37 PM	7:57 PM	8:01 PM	8:12 PM	8:22 PM	8:51 PM
Motion Detail	With all conditions as recommended by staff.	Until the January 12, 2026 Planning Commission meeting.	With all conditions as recommended by staff.	With a recommendation of approval.	With a recommendation of approval.	With an amended motion to NS-G.
Public Comment	0	0	0	0	1	1

(pg. 4) Planning Commission			Monday, 12/08/2025			
	18) RZN-2025-0059 (BARNES FAMILY TRUST)	19) RZN-2025-0060 (MOUNT COMFORT PRESBYTERIAN CHURCH)	20) RZN-2025-0061 (MISHY HOSPITALITY GROUP LLC)	21) RZN-2025-0051 (WILLIAMS)		
McGetrick	1					
Castin	1	1				
Werner						
Holeyfield						
Gulley	1	1				
Cabe	1	1				
Payne	1	1				
Brink	1	1				
Madden	0	1				
Agenda	New	New	New	New		
Action	Forward	Forward	Withdrawn	Withdrawn		
Motion By	Castin	Payne				
Motion 2nd	Cabe	Cabe				
Vote	6-1-0	6-0-0				
Time	8:54 PM	8:59 AM				
Motion Detail	With a recommendation of approval by staff for NS-G zoning.					
Public Comment	1	0				



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: January 12, 2026

SUBJECT: **VAR-2025-0051: Planning Commission Variance (1143 E. SAIN ST, PP 174):** Submitted by BLEW AND ASSOCIATES for property located at the intersection of E. SAIN ST. & N. HEMLOCK AVE. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 4.1 acres. The request is for a variance from urban residential design standards and conformance to plans and regulations.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0051** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0051**, determining:*

- In favor of a variance to UDC §166.23(C)(4), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property consists of approximately 4.1 acres located east of N. Hemlock Avenue and bounded by E. Sain Street and E. Milan Drive, identified as 1143 E. Sain Street and associated parcels. The site is zoned RPZD (Residential Planned Zoning District) and is under development as a multifamily residential project by The Trails on the Creek Apartments, which acquired the property in 2020. The Trails on the Creek Apartments owns approximately 13.6 acres along Sain Street; however, only the portion containing the subject property is addressed in this request. The property at 1143 E. Sain Street lies partially within the Master Plan Area, while the remaining parcels are located outside of the Master Plan boundary. Portions of the site are also within the Enduring Green Network. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Multifamily Residential (Under Construction)	RPZD, Residential Planned Zoning District
South	Undeveloped	RPZD, Residential Planned Zoning District
East	Multifamily Residential (Under Construction)	RPZD, Residential Planned Zoning District
West	University (U of A Uptown Campus)	UC, Urban Corridor

Request: The applicant is requesting one variance from Unified Development Code §166.23 (C)(4) in association with the proposed development of 4 apartment units. The sole variance is described further below alongside staff's recommendations.

Public Comment: To date, staff has received no public comment

DISCUSSION:

Variance #1: UDC §166.23 (C)(4), Site Development Standards – Pedestrian Circulation. Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk. The applicant is requesting a variance from this standard to allow alternative pedestrian connections for the ground-floor, street-facing properties along E. Sain Street. Due to significant grade changes, steep slopes, and privacy considerations, the applicant proposes providing pedestrian access via a breezeway along the northern side of the building. This path would connect to the entrance of the sprinkler closet and then continue north to tie into the existing sidewalk.

Staff Recommendation:

Staff is supportive of the request. The applicant is seeking a waiver of the pedestrian entry requirement due to significant site slopes that would necessitate extensive grade modifications, negatively impacting drainage, increasing construction costs, and potentially compromising site stability. Constructing sidewalks in these locations would require extensive grading and retaining walls, which could negatively affect drainage patterns, increase construction costs, and potentially compromise site stability. This variance is also requested to avoid routing pedestrian access through private porches, which are neither gated nor intended for public use. While sidewalks on private sites are generally limited to a maximum 5% slope without additional features such as handrails and landings, sidewalks within the street right-of-way may exceed this slope when they follow the grade of the adjacent street. In this case, complying with the standard would likely result in steep sidewalks and stairways that would be impractical given the site conditions. Staff finds that providing an alternative pedestrian connection through a breezeway is a reasonable solution. Additionally, this area is subject to potential stormwater overflow during significant rain events, which could lead to erosion issues for proposed stairs or natural surface paths.

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

Conditions of Approval:

- 1. Planning Commission determination of a variance to UDC §166.23(C), Pedestrian Circulation**
 - a. Pedestrian connectivity to the building shall avoid steep slopes and significant grade changes by providing a sidewalk along the northern side of the building, connecting to the entrance of the sprinkler closet, and continuing north to tie into the existing breezeway connection.*
- 2. Applicant must provide direct pedestrian connections from public sidewalks to 1143 E Sain St.**
 - a. Pedestrian connectivity by means of a breezeway that connects to units 101, 102, 103, and 104 as shown on the attached applicant exhibit.*

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied

Meeting Date: January 12, 2026

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Unified Development Code:
 - §166.23 Urban Residential Design Standards
- Applicant Exhibits
 - Request Letter
 - Site Plans
 - Sidewalk Exhibit

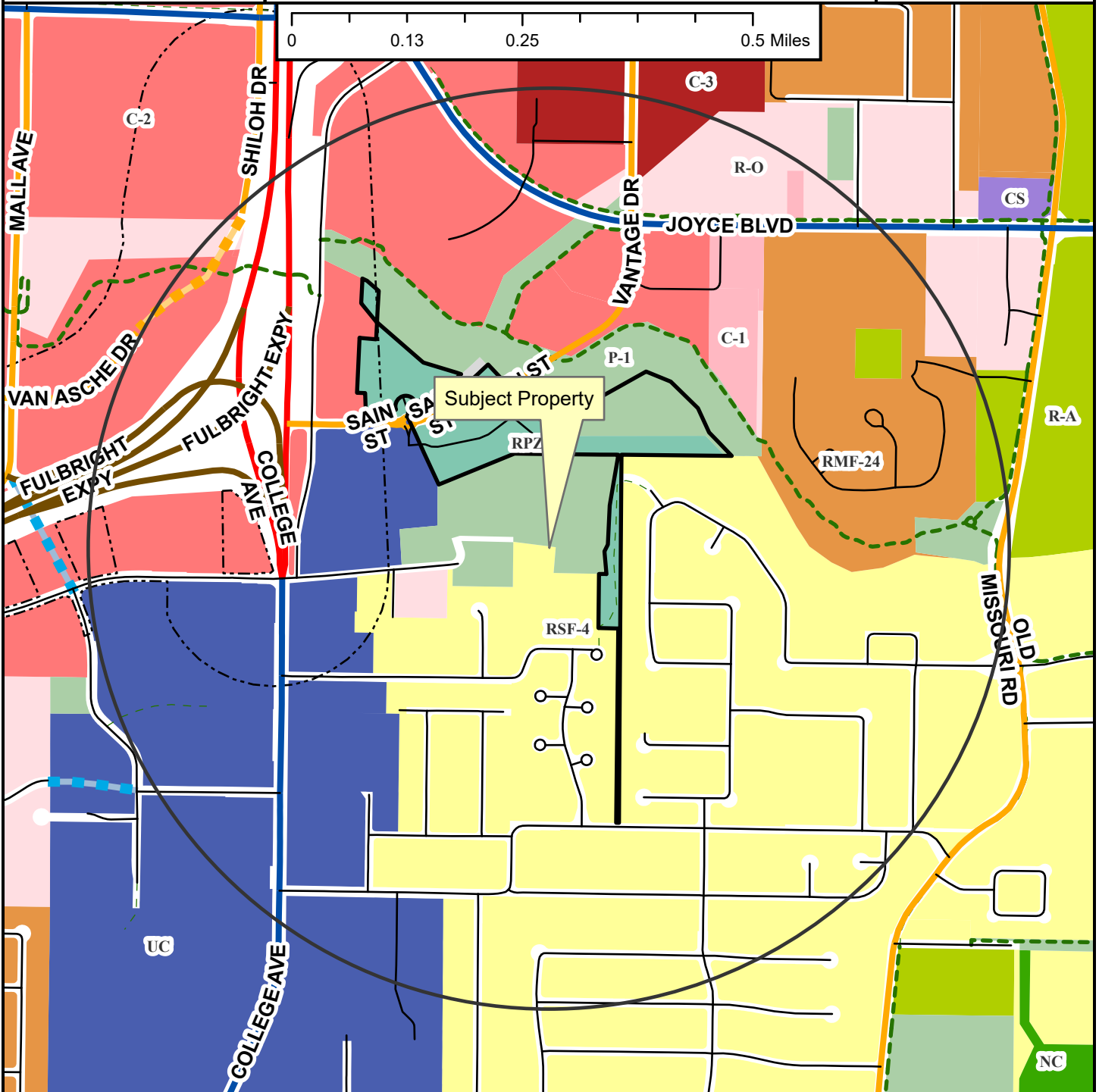
VAR-2025-0051

1143 E. SAIN ST

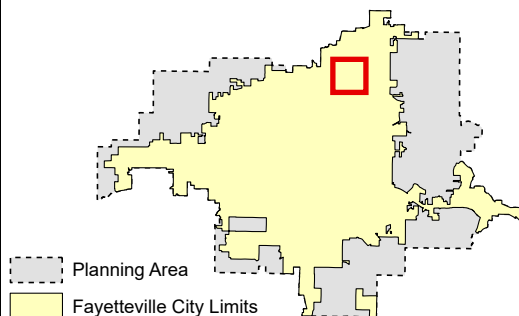
One Mile View



0 0.13 0.25 0.5 Miles



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



Planning Commission

January 12, 2026

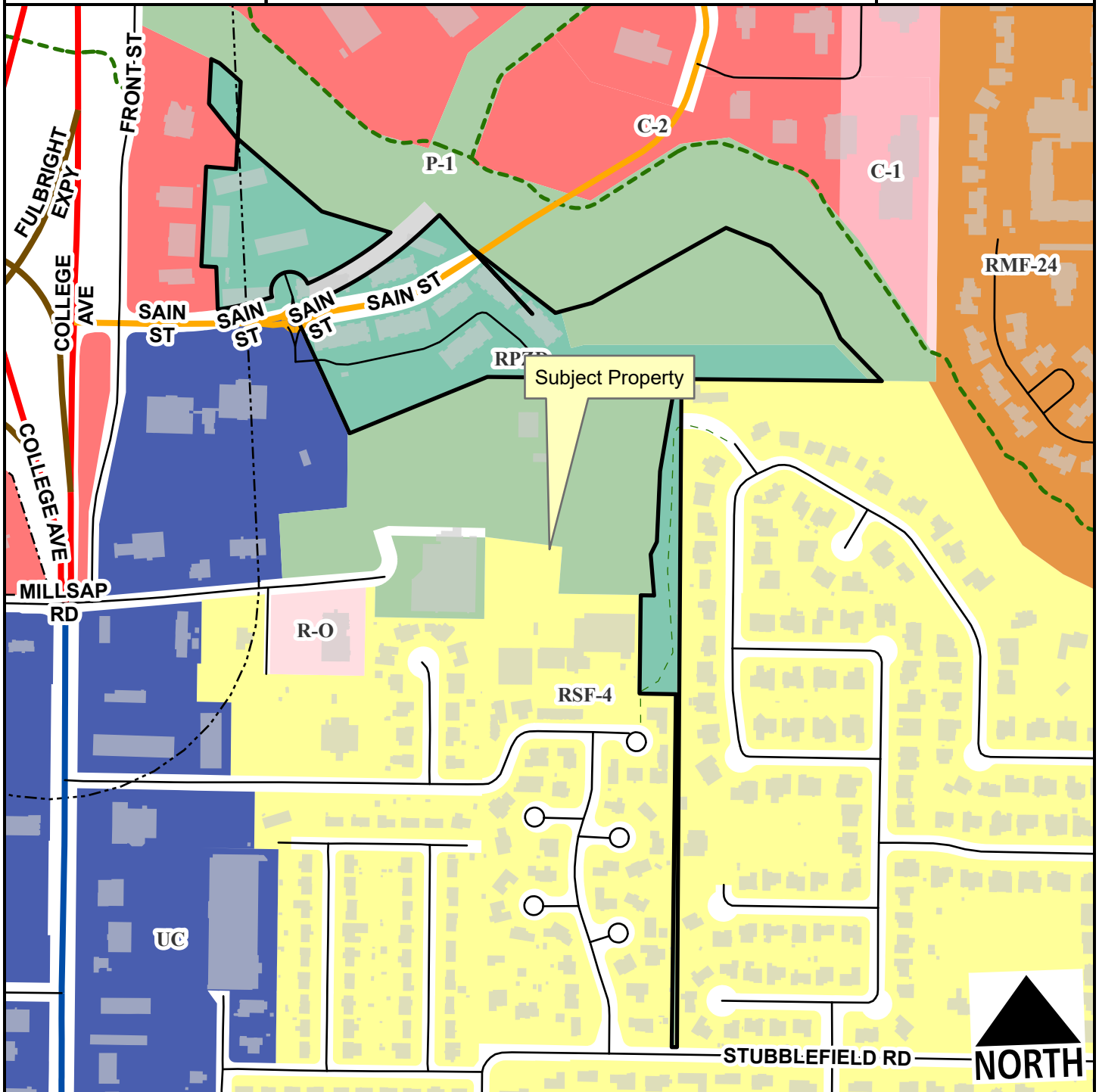
VAR-2025-0051 (THE TRAILS ON THE CREEKS APARTMENTS)

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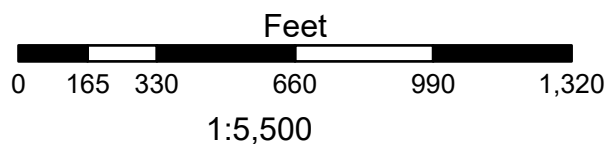
VAR-2025-0051

1143 E. SAIN ST

Close Up View



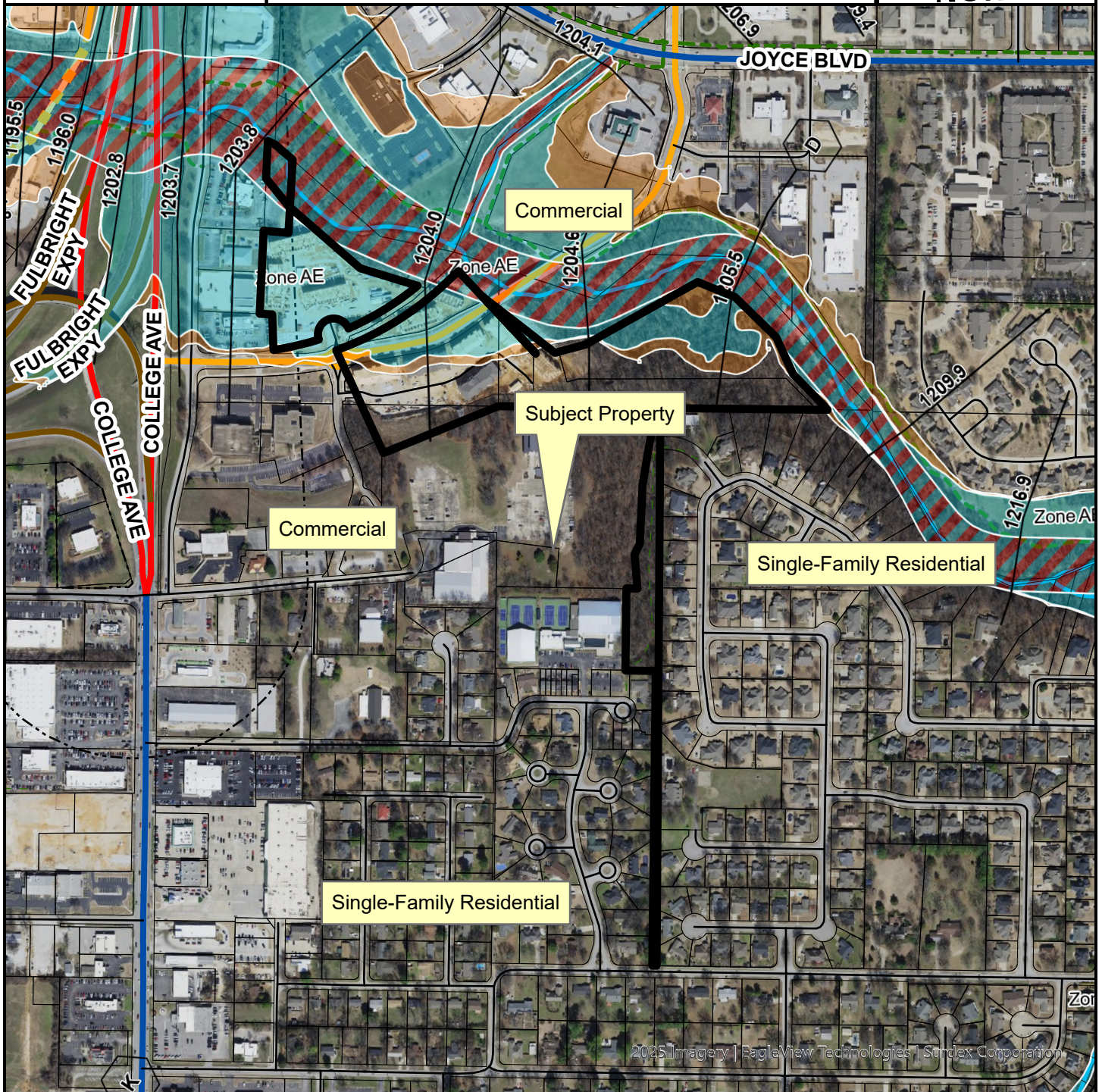
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Design Overlay District



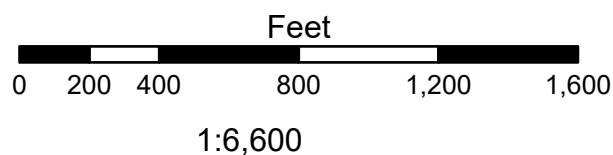
VAR-2025-0051

1143 E. SAIN ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

166.11 Conformance To Plans And Regulations

- (A) *Conform to Plans and Regulations.* The subdivision shall conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Future Land Use Plan, the Master Street Plan, access control, setback ordinances, the Community Facilities Plan and Zoning, Chapters 160 through 164.
- (B) *Reserve Sites for Public Use.*
- (1) For a period of six (6) months after submitting application for approval of a preliminary plat with the Planning Commission, the Planning Commission may require the subdivider to reserve sites for public use that are indicated within the boundaries of the proposed subdivision which are indicated on an officially adopted plan, to permit the public board, commission, or body having jurisdiction, or financial responsibility, the opportunity to acquire said sites.
 - (2) The subdivider at his or her option may provide such areas or may be required to make them available for acquisition by the city under statutory procedure. All such areas shall be maintained at the expense of the city or other body which may be involved.
- (C) *Future Acquisition.* The Planning Commission may require the subdivider to establish building lines to allow for future acquisition of right-of-way for streets on the Master Street Plan.
- (Code 1965, App. A., Art. 8(10.1); Ord. No. 1747, 6-29-70; Ord. No. 3073, 3-19-86; Code 1991, §160.119; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4919, 9-05-06; Ord. No. 6350, §5(Exh. D), 8-18-20)

166.23 Urban Residential Design Standards

- (A) *Purposes.*
- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
 - (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
 - (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
 - (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.
- (B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:
- (1) Two (2) family dwellings
 - (2) Three (3) and four (4) family dwellings
 - (3) Multi-family dwellings
- (C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.
- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
 - (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.

(3) *[Reserved.]*

(4) *Pedestrian Circulation.*

- (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.
- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks exist unless this requirement is otherwise waived by the Planning Commission.

October 29, 2025

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

SUBJECT: **Variance Request –1143 E. Sain Street / Parcel Numbers: 765-02504-000**

Dear Chairperson and Members of the Planning Commission:

On behalf of The Trails on the Creek, A Limited Partnership, I respectfully submit this request for a development variance in accordance with Chapter 156 (Variances) of the Unified Development Code (UDC) for the properties located at 1143 E. Sain Street.

This request seeks a variance from UDC Section 166.23(4)(a), which requires the following:

Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the city sidewalk. The connection shall match the sidewalk in material type and shall be at least 3 feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.

We are requesting permission to allow the sidewalk to travel west along the northern face of the building where it would tie into the entrance to the sprinkler closet and then turn to the north to tie into the existing sidewalk.

The requested variance is based on existing **site conditions that create an undue hardship**. The properties along E. Sain Street exhibit **significant grade changes and steep slopes** between the public sidewalk and the building entrances, please see the pictures attached. Installing sidewalks in these locations would require extensive grading and retaining structures, which would negatively impact drainage, increase construction costs, and potentially compromise site stability. Furthermore, these sidewalks would not contribute to public connectivity or pedestrian circulation, as they terminate at private porches without gates or access to the public realm.

It is important to note that **pedestrian access to all units will still be provided from the public right-of-way**. In addition, **all ground-floor units open onto these internal breezeways**, maintaining compliance with accessibility and circulation while eliminating unnecessary and impractical sidewalk extensions along steep grades.



Granting this variance would not negatively affect neighboring properties or public safety. Rather, it would maintain the integrity of the existing terrain, reduce unnecessary impervious surface area, and preserve a consistent pedestrian experience along the public sidewalk.

We believe this request satisfies the intent and criteria outlined in **UDC Chapter 156 (Variances)**, as the hardship results from the unique topographic conditions of the site and not from any self-imposed actions of the property owner. Approval of this variance will not alter the essential character of the surrounding area or impair the intent of the City's development standards.

We appreciate the Commission's consideration of this request and welcome the opportunity to provide any additional information or answer questions during the hearing.

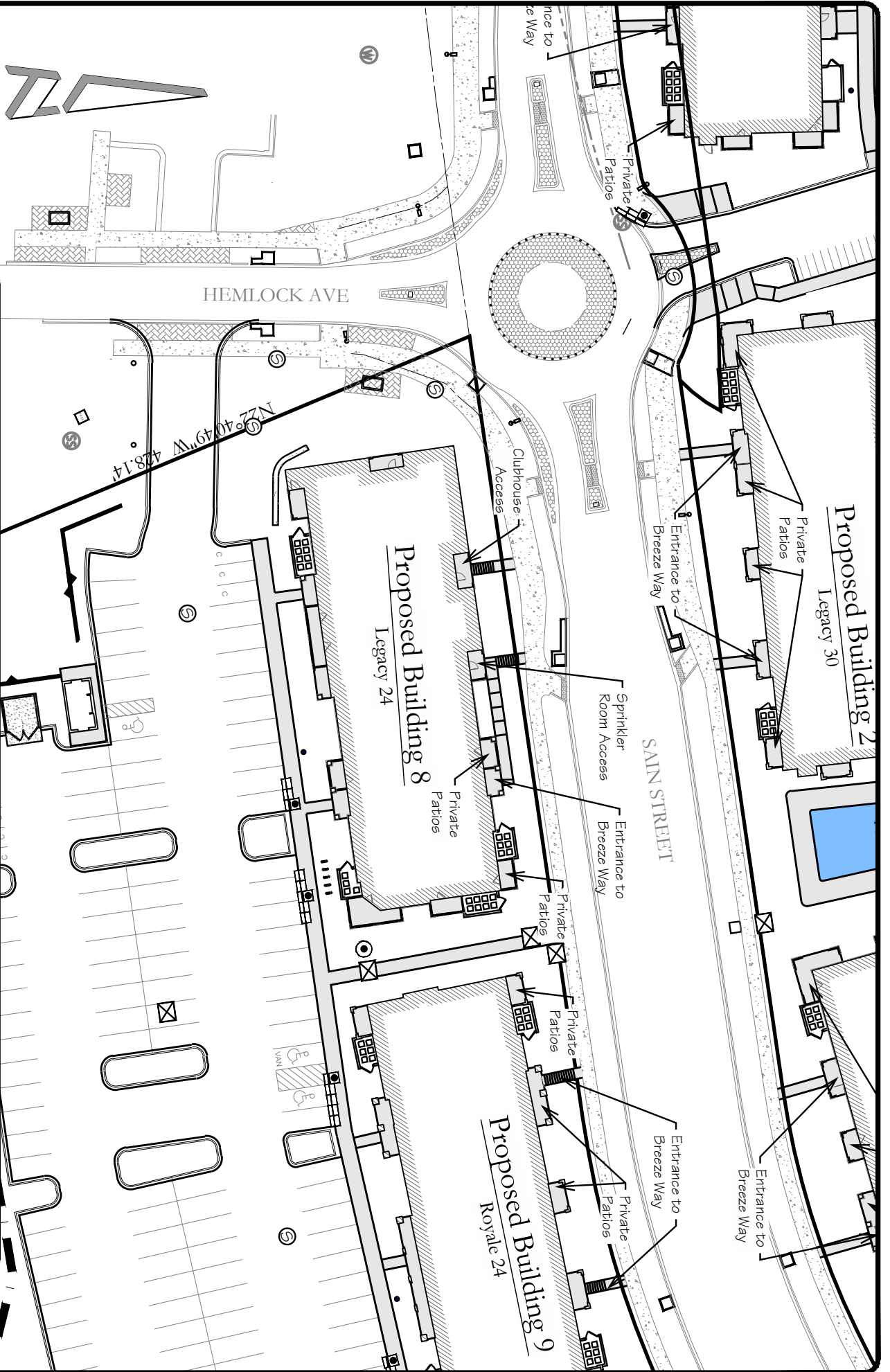
Thank you for your time and thoughtful review.

Respectfully submitted,



Jorge Du Quesne
Blew & Associates, PA





Variance Exhibit

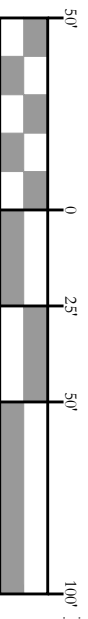


Project Number: 20-4434 Trails on the Creek

Certificate of Authorization No 1534

Date: 10/28/2025

3825 N. Shiloh Drive ♦ Fayetteville, Arkansas 72703 ♦ 479.443.4506 Office ♦ 479.582.1883 Fax





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 12, 2026

SUBJECT: **VAR-2025-0058: Planning Commission Variance (3610 W. WEDINGTON DR./DISCOUNT TIRE, 401)**
Submitted by VASQUEZ ENGINEERING for property located at 3610 W. WEDINGTON DR. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 4.16 acres. The request is for a variance to glazing requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0058** with conditions.

RECOMMENDED MOTION:

"I move to approve VAR-2025-0058, recommending:

- In favor of the requested variance to UDC §166.24(D)(7)(b)(ii) Glazing*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in west Fayetteville at the intersection of W. Wedington Dr. and N. Golf Club Dr. directly south of the Links at Fayetteville apartment complex. It is within the Wedington Corridor Master Plan area. The property received its current zoning designation of UT, Urban Thoroughfare as a result of a rezoning in 2014 (ORD 5656). A preliminary plat for six commercial lots and one unbuildable detention lot (PPL-2023-0002) was approved by the Planning Commission on May 22, 2023. A grading permit was issued on April 12, 2024 (GRD-2023-0053) and a modification to permit an additional buildable lot was approved on February 10, 2025 (ADM-2025-0002). A final plat for the overall development is currently under review. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Multi-family Residential	RPZD, Residential Planned Zoning District
South	Bank, Freight Company	R-A, Residential Agriculture; R-O, Residential Office
West	Undeveloped (Under Construction)	UT, Urban Thoroughfare
East	Restaurant	RPZD, Residential Planned Zoning District

Request: The applicant is requesting a variance to UDC §166.24(D)(7)(b)(ii) to permit 0% glazing at the pedestrian level between 2 and 12 feet above the finished floor elevation where 30% would be required by ordinance.

DISCUSSION

Staff recommends in favor of the request, finding that the intent of the ordinance is still met. The intent of the glazing requirement is to create a proportion of solids to voids and encourage pedestrian interest at the street level. Three sides - south, east, and west - are visible from public right-of-way and are subject to UDC 166.24, which requires those portions outside a build-to-zone to provide 30% glazing between 2 and 12 feet above the finished floor elevation. The proposed building is to be a tire repair shop, which includes areas for dead tire storage, receiving areas for tire deliveries, and a fire compressor room. Staff finds these requirements add structural and security challenges to placing glazing within the areas required by code and that the applicant has made a good faith effort to meet the intent of code by providing windows at a higher elevation. Staff recommends a condition that the final building elevations shall include these clerestory windows substantially as shown on the provided elevation.

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

RECOMMENDATION: Staff recommend approval of VAR-2025-0058 with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.24(D)(7)(b)(ii), Glazing.**
Staff recommends approval of the requested variance for the reasons outlined above with the following condition:
 - a. *Building elevation shall include clerestory windows on the east façade substantially as shown in the provided elevations.*
2. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

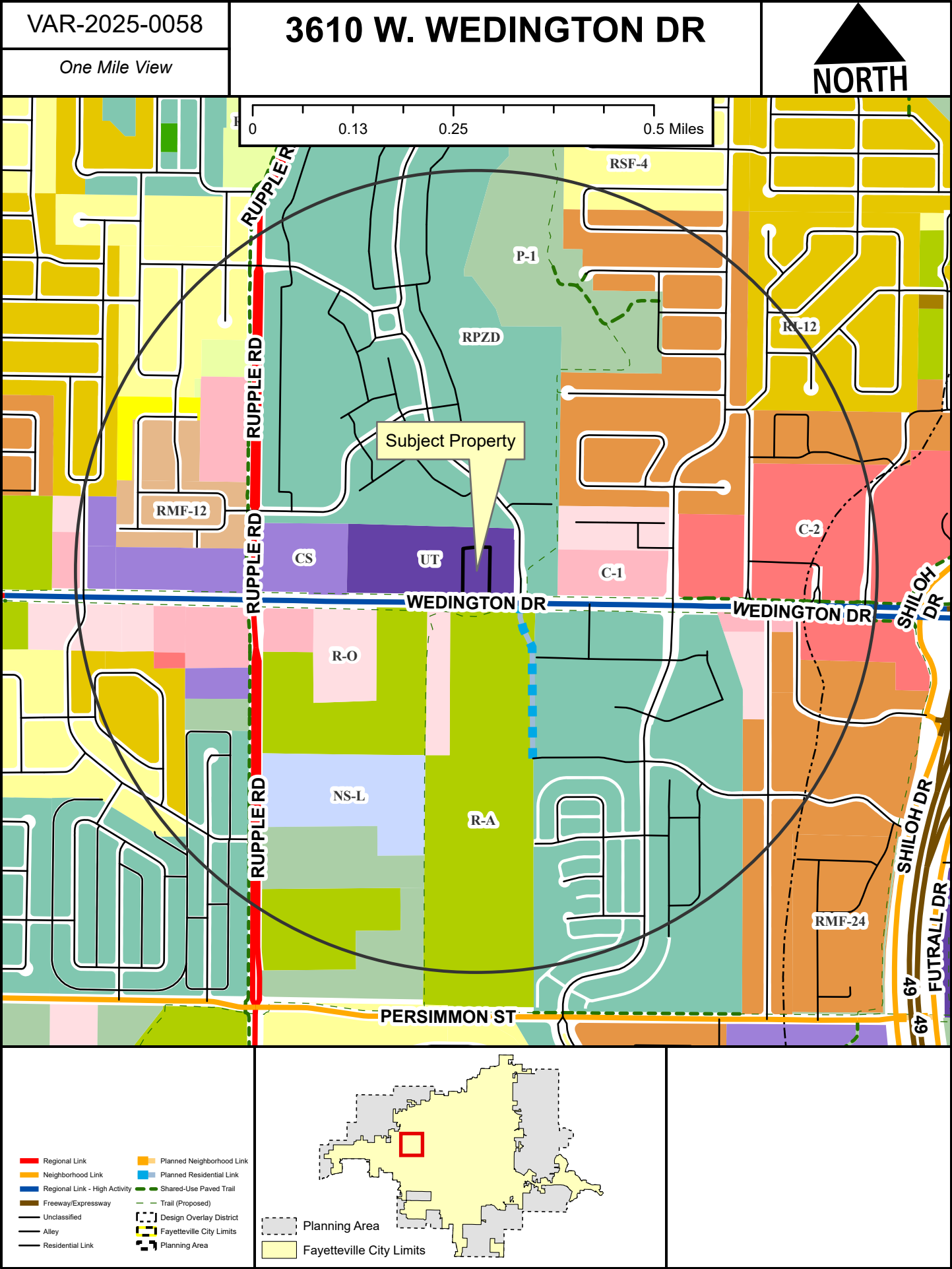
PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Project Maps
 - One Mile Map
 - Close-up Map
 - Current Land Use Map
- Unified Development Code:
 - §166.24 Nonresidential Design Standards
- Applicant Exhibits
 - Request Letter
 - Site Plan
 - Building Plans and Elevations



Regional Link

Neighborhood Link

Regional Link - High Activity

Freeway/Expressway

Unclassified

Alley

Residential Link

Planned Neighborhood Link

Planned Residential Link

Shared-Use Paved Trail

Trail (Proposed)

Design Overlay District

Fayetteville City Limits

Planning Area

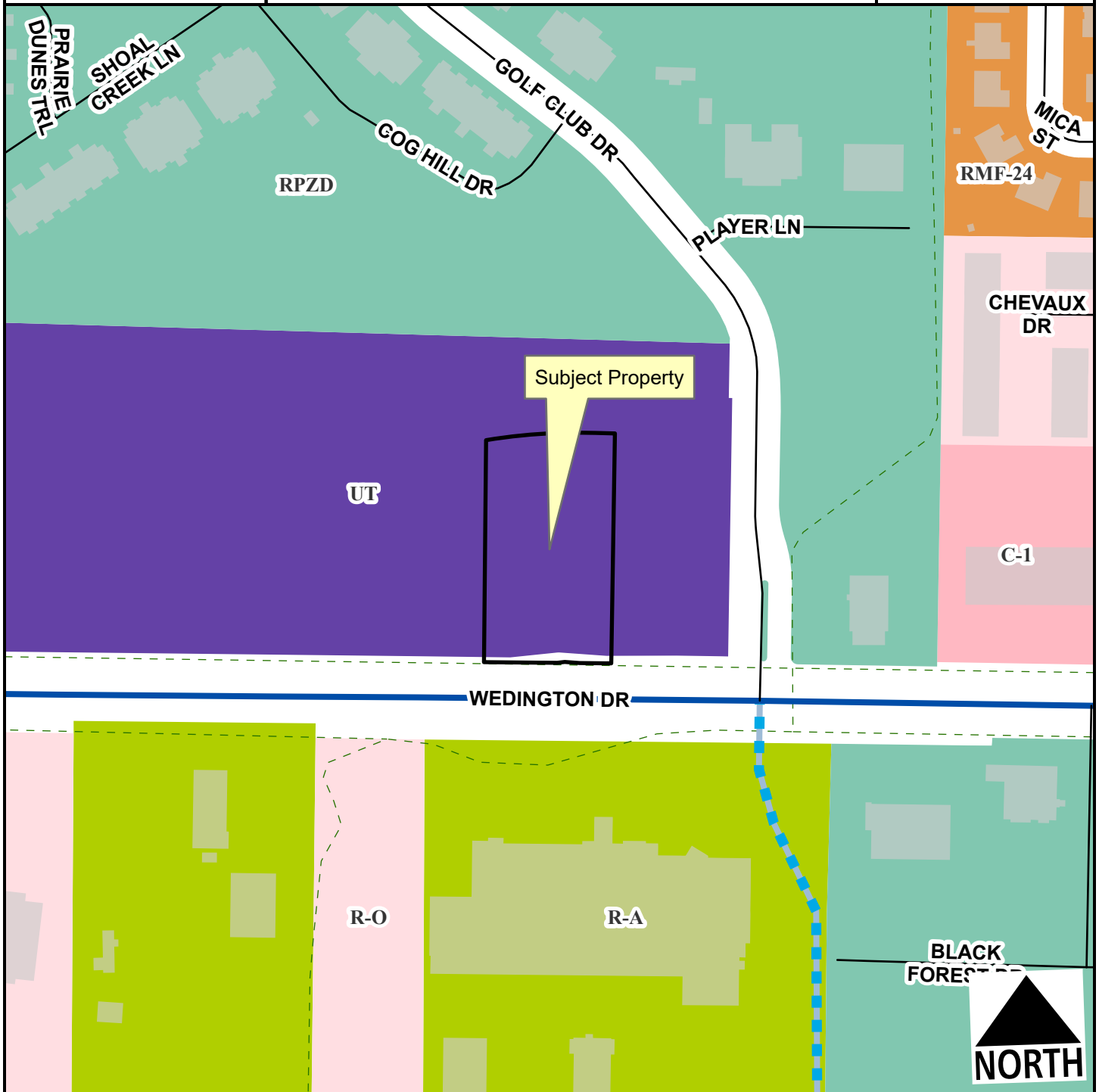
Planning Area

Fayetteville City Limits

VAR-2025-0058

3610 W. WEDINGTON DR

Close Up View

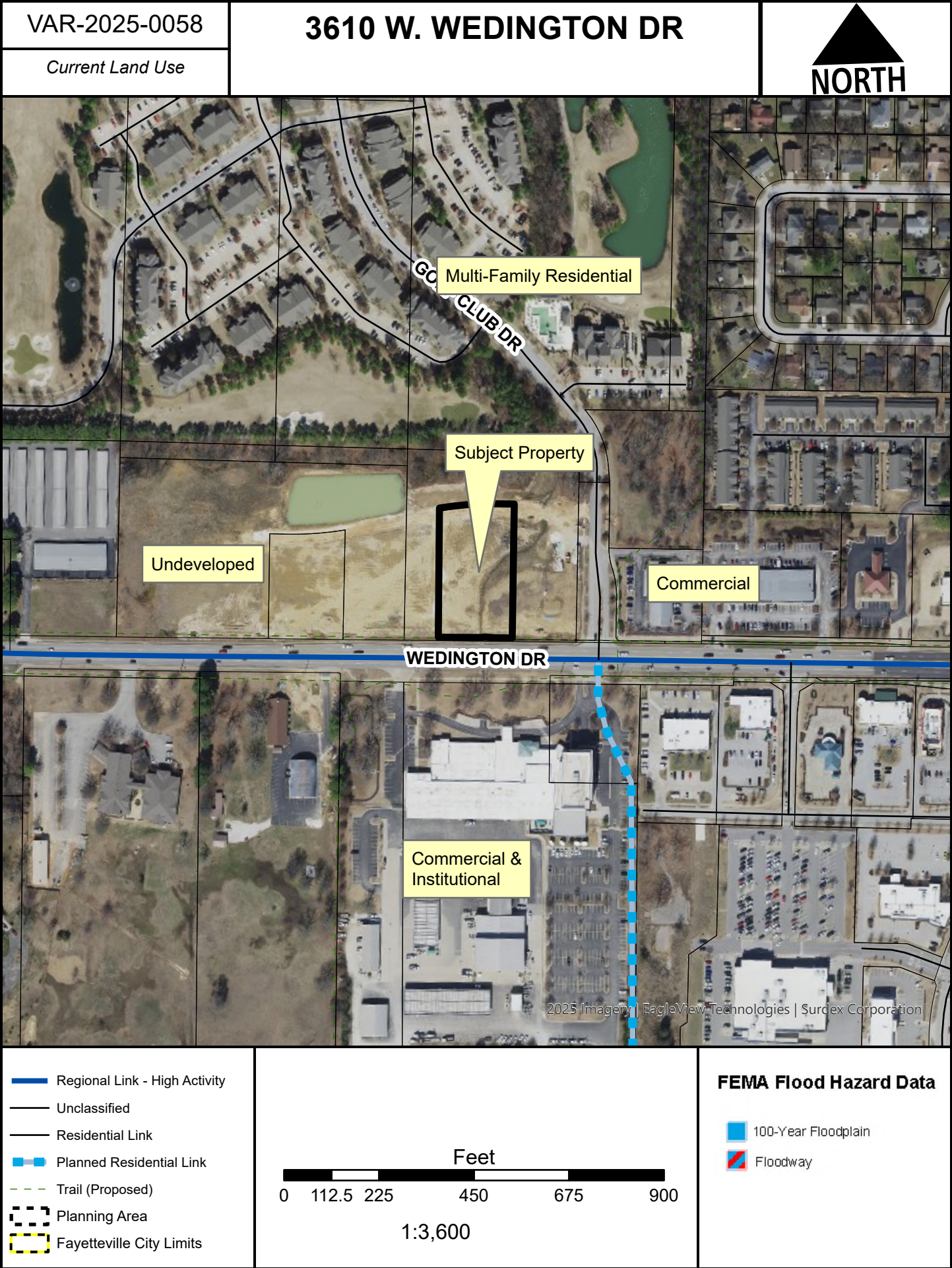


- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 75 150 300 450 600

1:2,400



166.24 Nonresidential Design Standards

- (A) *Purpose.* It is the intent of these standards to provide the methods and means by which designers and developers may achieve the city's adopted goals to produce quality development and to manage growth within the City of Fayetteville. These regulations complement the city's urban zoning districts and those districts that allow development in urban form, with site and architectural design regulations to produce a visually interesting and high quality development that responds to the needs of pedestrians, cyclists and vehicular traffic.
- (B) *Applicability.* These design standards shall apply to all non-residential development located in urban or form-based zoning districts that require a build-to zone, as well as non-residential development in conventional districts when built in an urban form allowing administrative approval, with the exception of those districts located within the Downtown Master Plan boundary. In addition to the city's Commercial Design and Development Standards, the standards apply when either new development occurs or expansion of 25% or more of the existing nonresidential building square footage occurs. All sides of a building that are visible from the public right-of-way shall be subject to design review.

...

- (7) *Fenestration.* Fenestration patterns should encourage design, reinforce rhythm, and create shadows. The following shall be met to satisfy the fenestration requirements for a principal façade:
- (a) *Entryways.* A primary entrance for buildings located in a build-to zone shall face the public street. When a structure is not in a build-to zone, the primary entrance shall be well-defined from access drives, sidewalks, and/or major parking areas.
- (i) Multiple entryways are encouraged for all structures; however, a building entrance shall occur at a minimum of every 100 feet of building façade length that is within the build-to zone.
- (ii) Each primary entrance shall be made visible and prominent by using special architectural treatment that signifies the entrances, such as large entry doors, porches, or protruding or recessed entrances.
- (b) *Glazing.* In order to create a proportion of solids to voids and pedestrian interest the following standards shall apply:
- (i) A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the sidewalk.
- (ii) A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE).
- (iii) Glazing above the first story shall not exceed 80% of the total building wall area.

...

- (F) *Variances.* An applicant may request approval from the Planning Commission of a variance from the minimum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring properties. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5312, 4-20-10; Ord. No. 5519, 8-21-12; Ord. No. 5859, §1(Exh. A), 3-15-16; Ord. No. 6164, §10, 4-2-19)

DECEMBER 15, 2025

CITY OF FAYETTEVILLE PLANNING COMMISSION

113 WEST MOUNTAIN STREET
FAYETTEVILLE, AR 72701
479-575-8267
planning@fayetteville-ar.gov

To Whom It May Concern:

We are requesting a design variance for the east elevation of the proposed Discount Tire site located at Lot 6, W Wedington Drive, City of Fayetteville, AR. We cannot comply with the full requirements of the Unified Development Code section 166.24 (b) glazing requirements on the east elevation only.

The interior spaces along the east elevation include Discount Tire's fire riser/compressor room, dead-tire storage, and the receiving area for new tires. This east wall is not simply an exterior façade; it provides essential structural reinforcement for the interior mezzanine and delivers the required fire-rated separation for the fire riser/compressor room.

In addition to these structural and life-safety functions, maintaining visual privacy at this elevation is critical. Allowing public visibility into areas used for equipment, storage, and tire receiving poses operational and security risks and could compromise both staff and customer safety. For these reasons, transparency or public visibility into these interior spaces is not advisable.

Although we are unable to meet the full intent of the Unified Development Code section 166.24 (b) glazing requirements, we have added clerestory glazing windows at 20'-8" above grade which equates to approximately 10% of the total façade.

We appreciate your time and consideration.

Kind Regards,



STACEY GRACIA, PRINCIPAL
GRACIA@OTJ.COM
6315136566

OTJ ARCHITECTS

580 WATER STREET SW
SUITE 300
WASHINGTON, DC
20024
202.621.1000
OTJ.COM

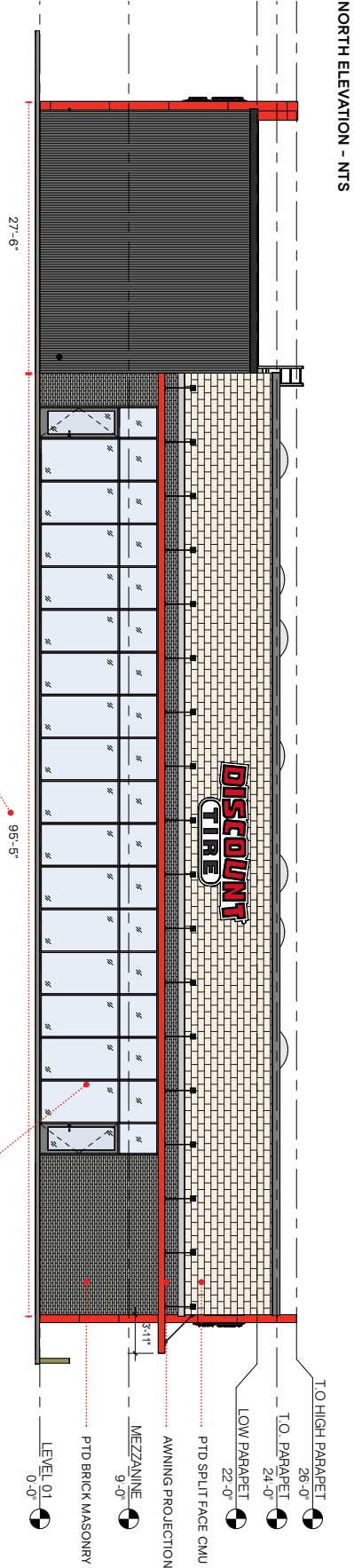
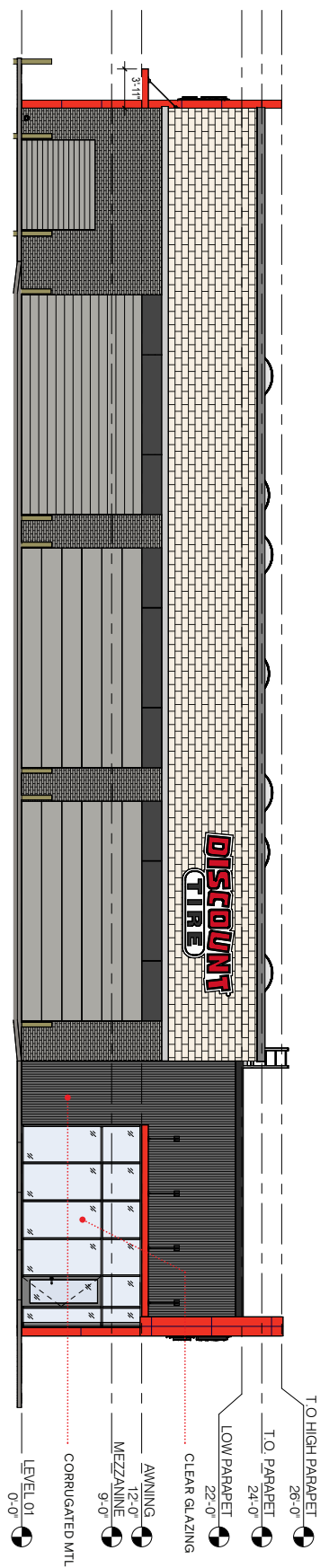
WASHINGTON DC

BOSTON
CHICAGO
DALLAS
MIAMI
NEW YORK
SAN FRANCISCO

01 / PROPOSED RENDERING *Fayetteville, AR*



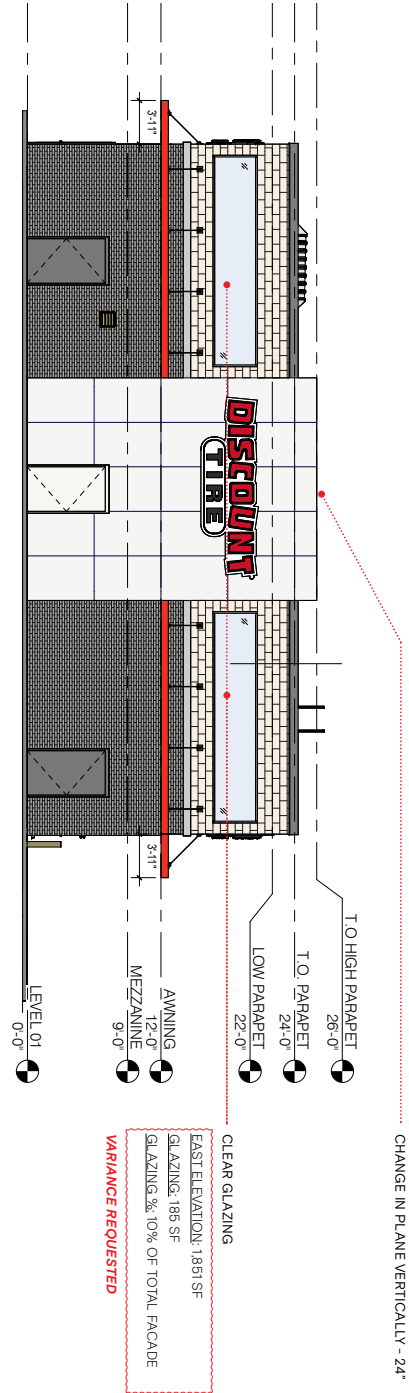
01 / EXTERIOR ELEVATIONS Fayetteville, AR



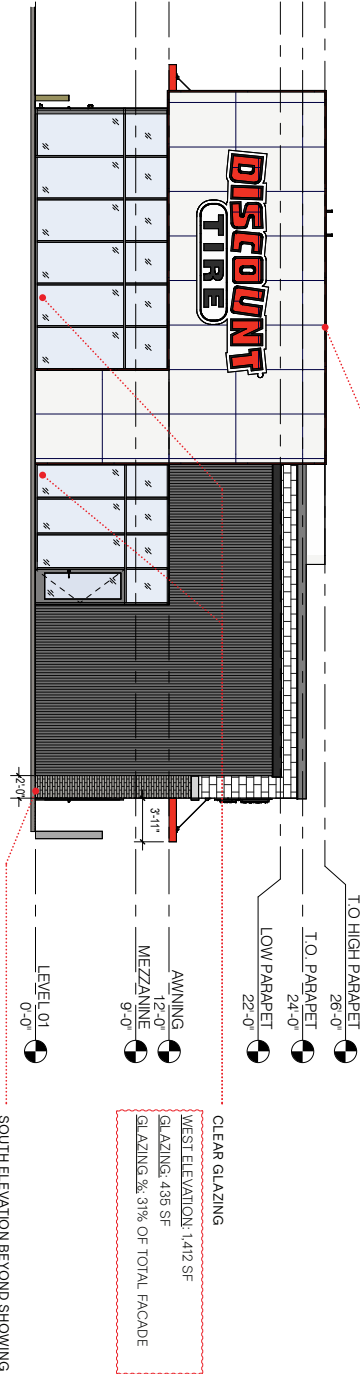
- SPLIT FACE CMU
SHERWIN WILLIAMS, SW704
COTTON WHITE
- CORRUGATED MTL SIDING
BLACK
- BRICK MASONRY
PAINTED SHERWIN
WILLIAMS, SW7650
ELLIE GRAY
- METAL PANELS
ALUCOBOND PLUS, MATTE
BONE WHITE
- STOREFRONT
CLEAR ANODIZED
ALUMINUM

SOUTH ELEVATION: 2,902 SF
GLAZING: 910 SF
GLAZING %: 31% OF TOTAL FACADE

01 / EXTERIOR ELEVATIONS Fayetteville, AR



EAST ELEVATION - NTS



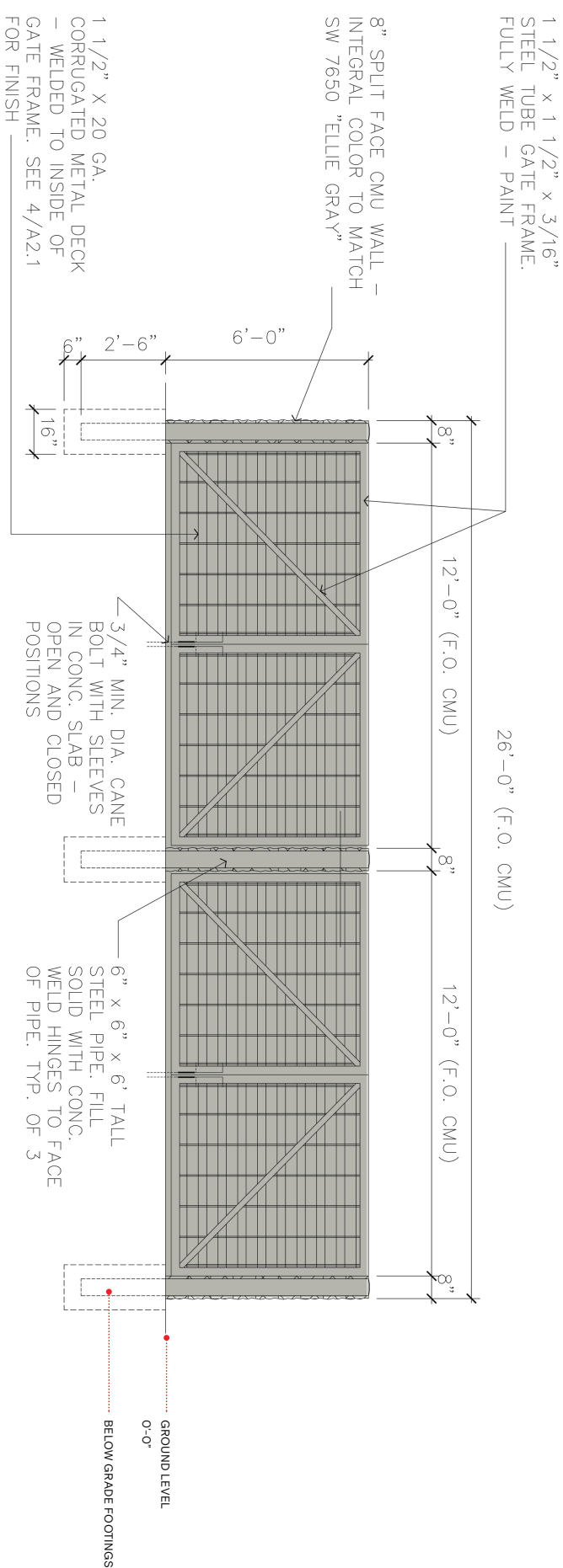
WEST ELEVATION - NTS

- SPLIT FACE CMU
SHERWIN WILLIAMS, SW7104
COTTON WHITE
- CORRUGATED MTL SIDING
BLACK
- BRICK MASONRY
PAINTED SHERWIN
WILLIAMS, SW7650
ELLIE GRAY
- METAL PANELS
ALUCOBOND PLUS, MATTE
BONE WHITE
- STOREFRONT
CLEAR ANODIZED
ALUMINUM

OTJ

DISCOUNT TIRE

01 / EXTERIOR ELEVATIONS Fayetteville, AR



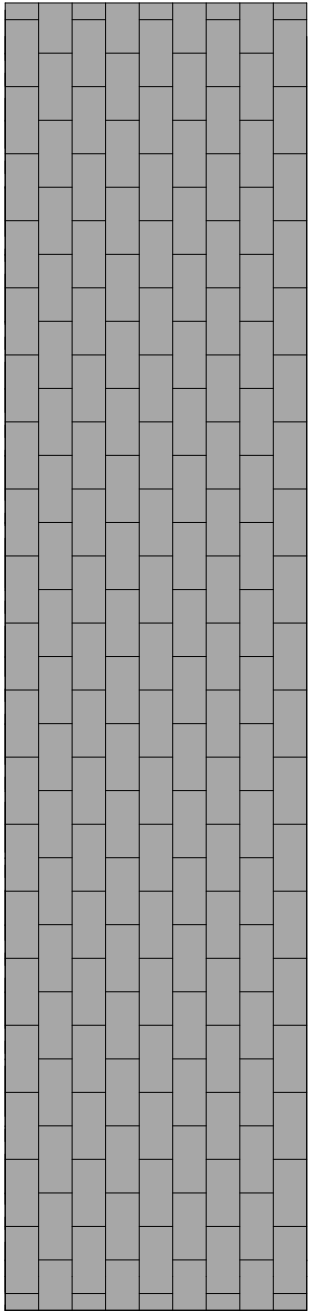
TYPICAL TRASH ENCLOSURE

SPLIT FACE CMU & PAINT
SHERWIN WILLIAMS, SW7650
ELLIE GRAY

OTJ

DISCOUNT TIRE

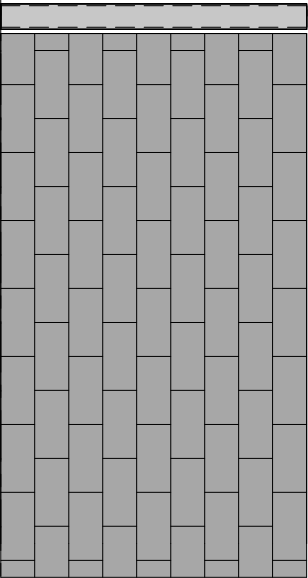
01 / EXTERIOR ELEVATIONS Fayetteville, AR



6'-0"



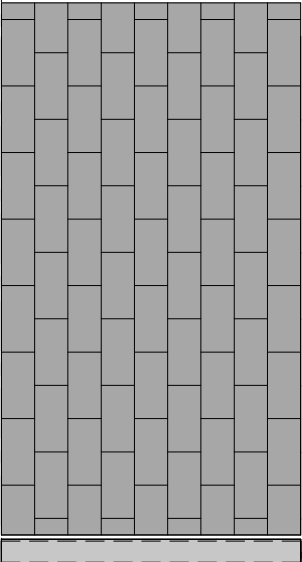
TYPICAL TRASH ENCLOSURE - REAR ELEVATION



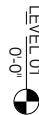
6'-0"



TYPICAL TRASH ENCLOSURE - SIDE ELEVATION



6'-0"



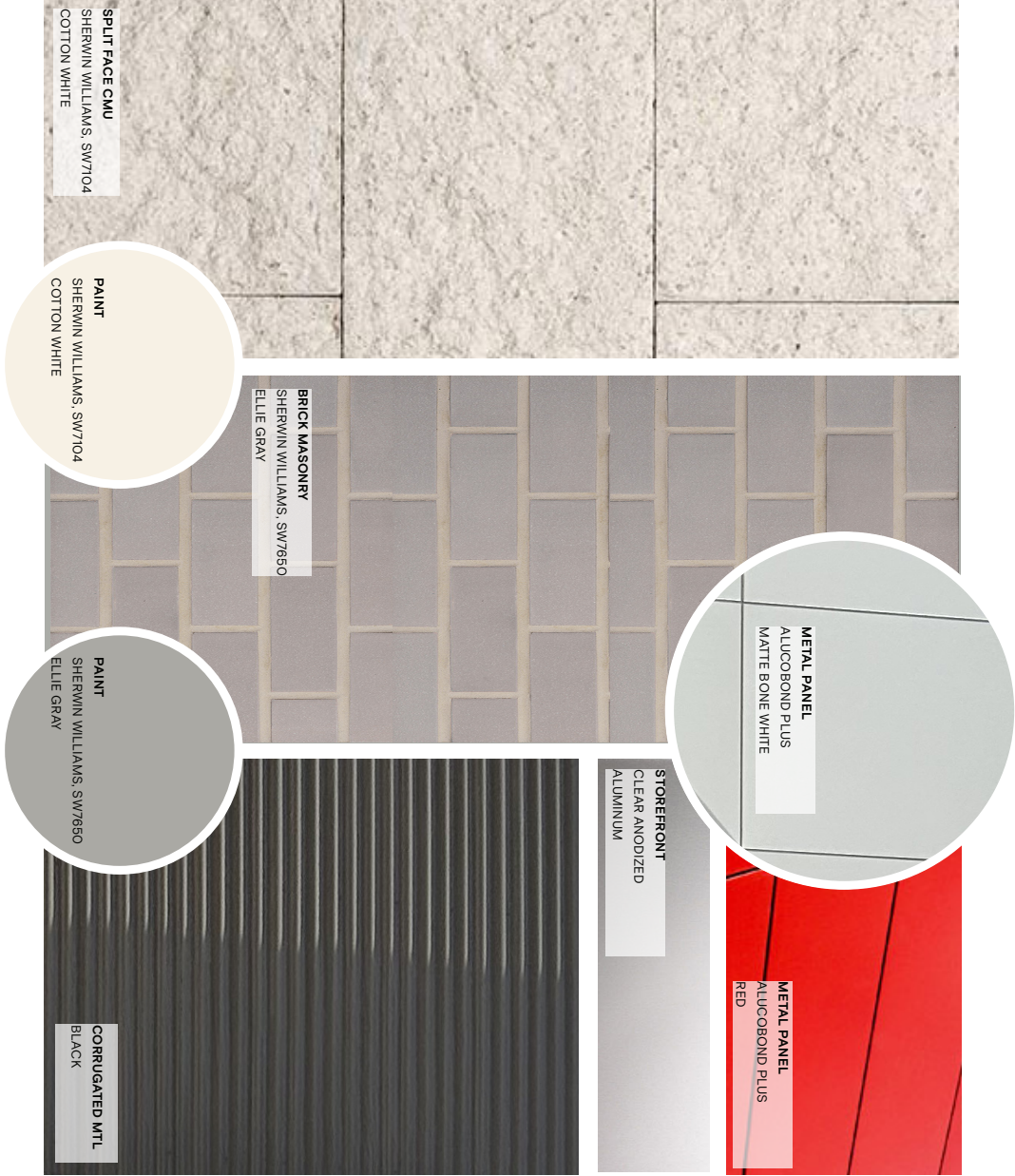
TYPICAL TRASH ENCLOSURE - SIDE ELEVATION

SPLIT FACE CMU & PAINT
SHERWIN WILLIAMS, SW7650
ELLIE GRAY

OTJ

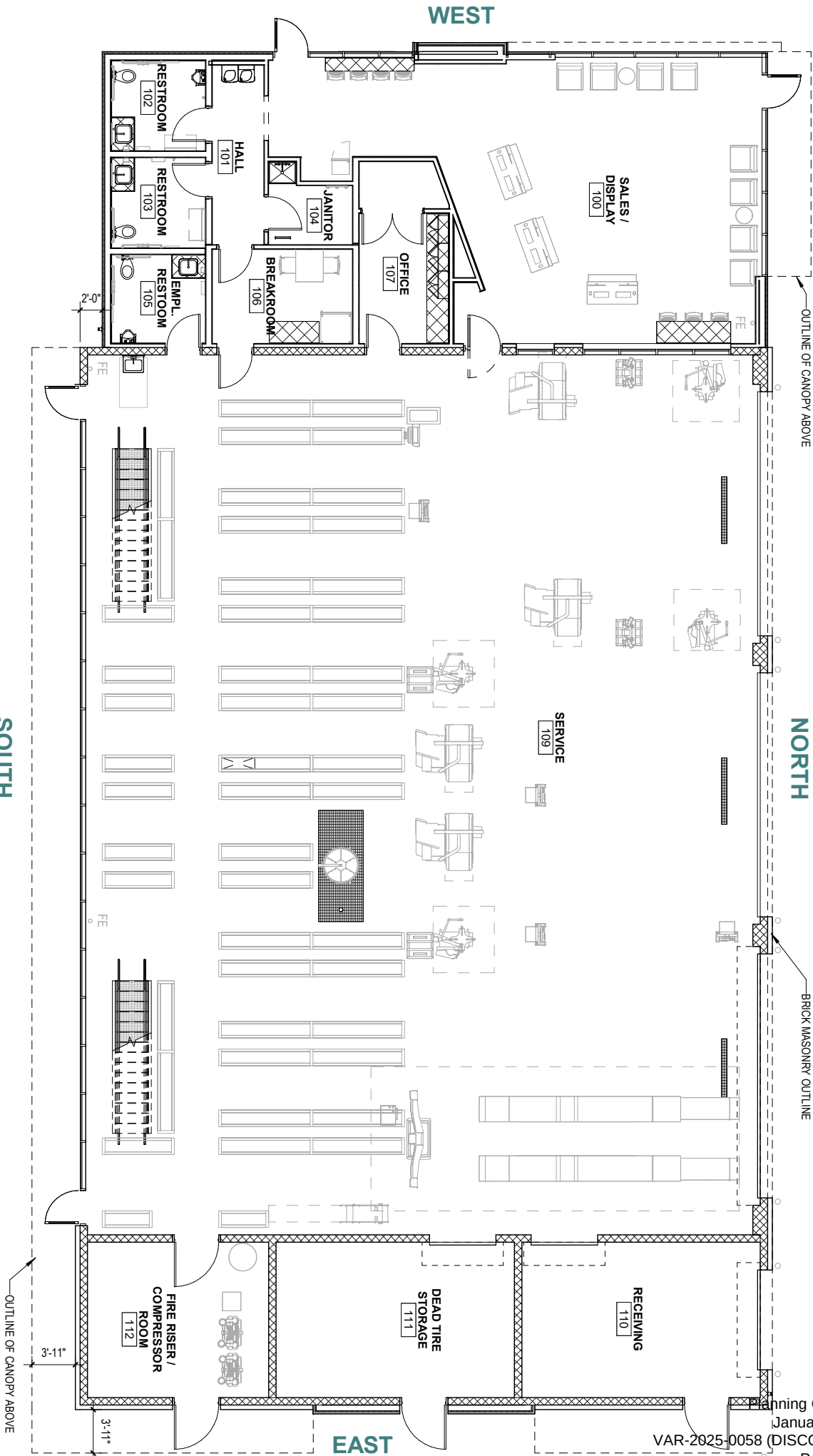
DISCOUNT TIRE

01 / MATERIAL BOARD *Fayetteville, AR*



OTJ

DISCOUNT TIRE



DISCOUNT TIRE FAYETTEVILLE, AR - FLOOR PLAN
SCALE 1/8" = 1'-0"



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner
Justin Bland, City Engineer
Willia Thomason, Urban Forester

MEETING: January 12, 2026

SUBJECT: **LSD-2025-0020: Large Scale Development (4500 S. SCHOOL AVE/N79TW, LLC, 834):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at 4500 S. SCHOOL AVE. The property is zoned I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL and contains approximately 0.76 acres. The request is for a 14,500-square-foot airplane hangar and associated parking.

RECOMMENDATION:

Staff recommends approval of **LSD-2025-0020**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **LSD-2025-0020**, recommending:*

- 1. In favor of the recommended street improvements, and*
- 2. All other conditions as recommended by staff."*

BACKGROUND:

The subject property is located at the west side of Drake Field, approximately 650 feet north of the Arkansas Air & Military Museum. The parcel contains 0.76 acres on the Drake Field airport. Existing land uses and zoning surrounding the property are depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Airport	I-1, Heavy Commercial and Light Industrial
South	Airport	I-1, Heavy Commercial and Light Industrial
East	Airport	I-1, Heavy Commercial and Light Industrial
West	Residential Single-Family; Undeveloped	Washington County – Agricultural/Single-Family – 1 Unit per Acre

Proposal: The applicant requests large scale development approval for the construction of a 14,500-square-foot airplane hangar and associated parking. The applicant's client has entered into a ground-lease agreement with the City for the property.

Right-of-Way to be Dedicated: The subject property has frontage along S. School Ave, which is classified as a Regional Link Street in the 2040 Master Street Plan. The existing right-of-way exceeds the minimum established in the 2040 Master Street Plan, and no additional right-of-way is required.

Street Improvements: Staff recommend fee-in-lieu of \$4,966.50 for sidewalks. This fee-in-lieu was determined by measuring the adjacent street frontage (96.25 linear feet), then multiplying by a 5-foot sidewalk width. This equaled 481.25 square feet of sidewalks at a cost of \$10.32 per square foot, totaling \$4,966.50.

Access Management/Connectivity: Staff has determined that the proposed improvements meet access management standards.

Design Standards: Staff has determined that the proposed improvements meet relevant design standards. Although there is not a specific parking ratio established for airplane hangars, staff determined that “commercial recreation-large sites” ratio of 1 space per 1,000 square feet would be the closest metric given the form and function of an airplane hangar. A maximum of fourteen parking spaces would be permitted. Three standard spaces and one ADA space are proposed. Twenty-six existing parking spaces are adjacent to the subject property.

Water and Sewer System: There is an existing 12-inch water main present along the east side of S. School Ave. The applicant is proposing to tap this line and install an 8-inch water main extension with fire hydrant. This water main extension will provide fire and domestic water service. There is an existing 8-inch sanitary sewer main to the south of the proposed building. The applicant is proposing to connect to this line for sewer service.

Parkland dedication or fee in-lieu: N/A; Institutional developments are not subject to parkland dedication.

Tree Preservation: The applicant is required to submit a tree preservation plan waiver since the property is located within Drake Field and no trees are present at the site. This waiver has been submitted by the applicant.

Public Comment: Staff has not received any public comment on the item to date.

RECOMMENDATION: Staff recommends approval of **LSD-2025-0020** with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends no additional right-of-way dedication.*
2. **Planning Commission determination of street improvements.** *Staff recommends the following:*
 - a. *Fee-in-lieu of \$4,966.50 shall be paid for sidewalks.*
3. All remaining comments from City division, whether Urban Forestry, Fire, or Engineering shall be addressed.

Standard conditions of approval:

1. Development review comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);
2. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the development review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;
3. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
4. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits;
 - b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
 - c. Exterior lighting package must be provided to the Planning Division;
 - d. A cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy;
 - e. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
 - f. Project Disk with all final revisions; and
 - g. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☐ Denied ☐ Tabled ☐ Approved

Meeting Date: January 12, 2026

Motion:

Second:

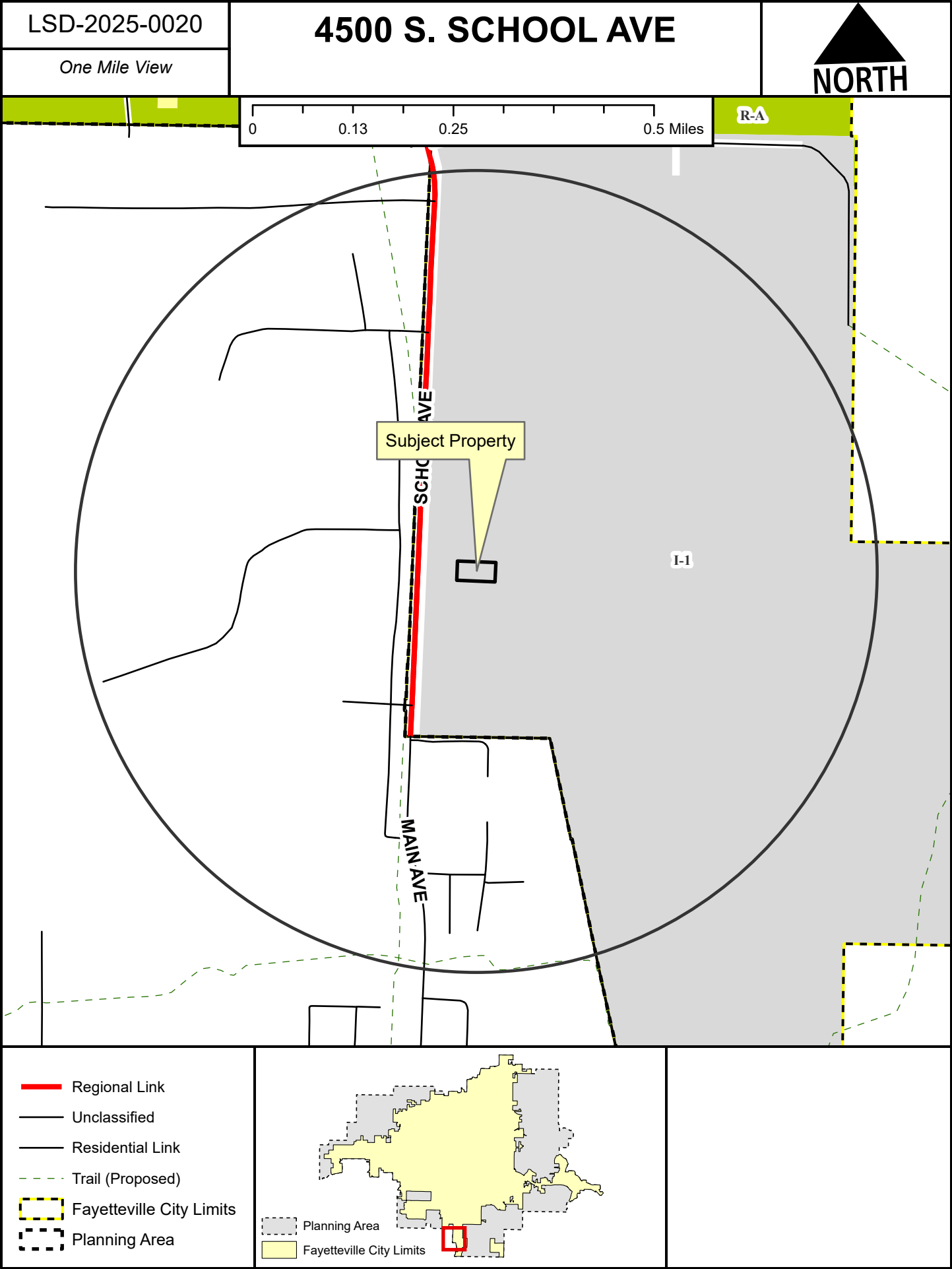
Vote:

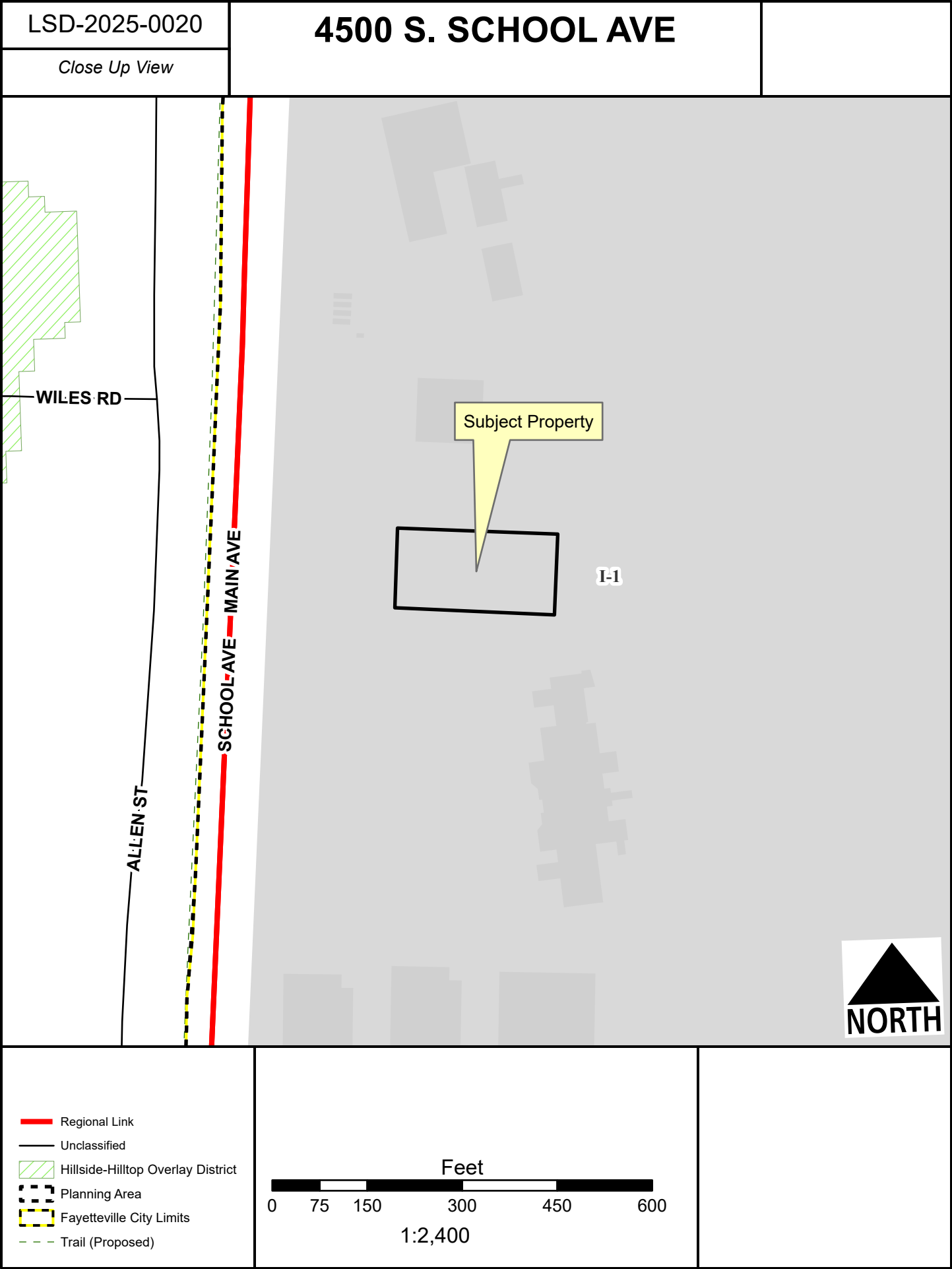
BUDGET/STAFF IMPACT:

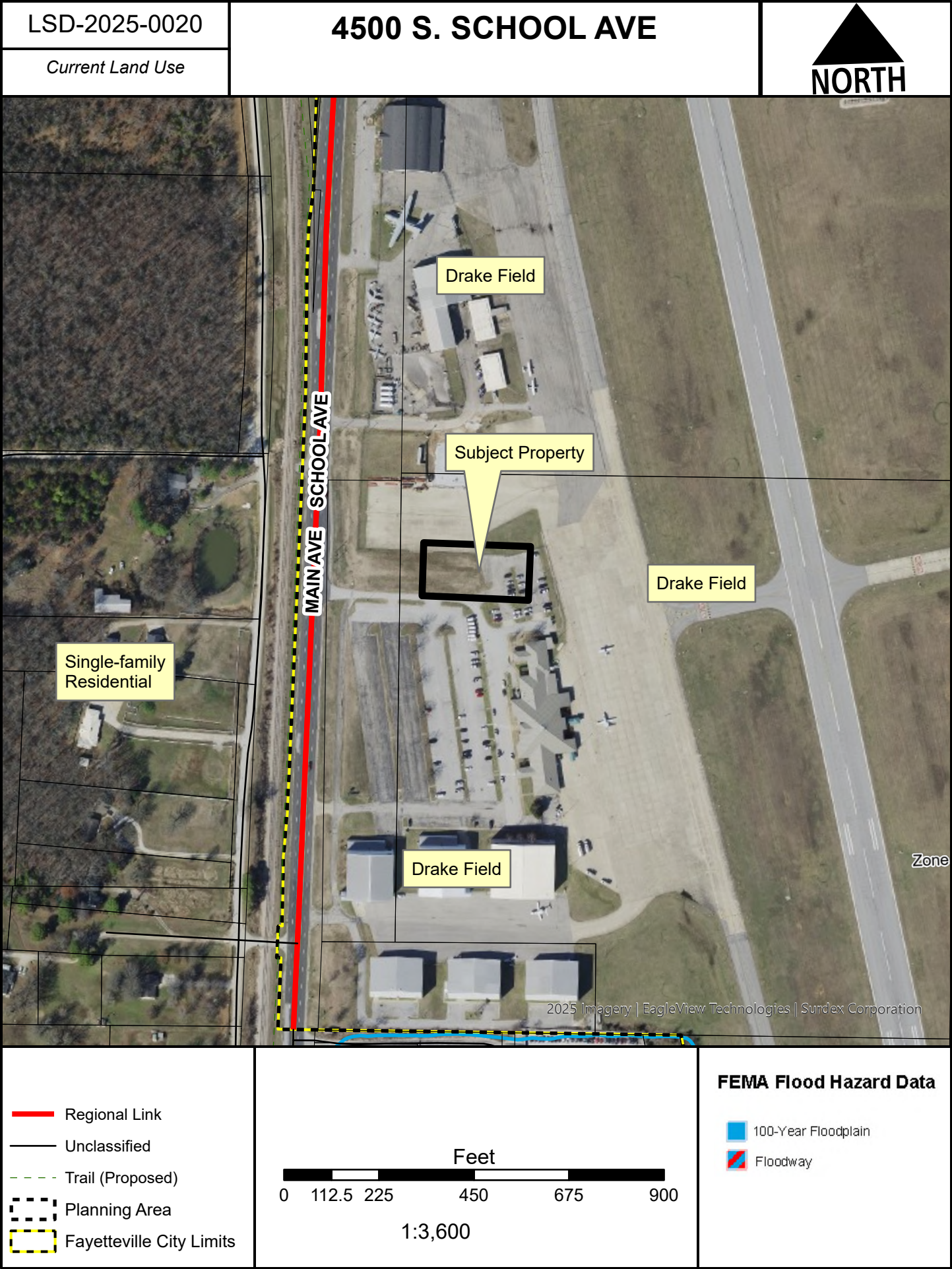
None

Attachments:

- One Mile Map
- Close Up Map
- Current Land Use Map
- Engineering memo
- Urban Forestry memo
- Applicant Request Letter
- Site Plan
- Elevations









TO: Wesley Frank, Planner

FROM: Justin Bland, City Engineer

DATE: January 12, 2026

**SUBJECT: Planning Commission Engineering Comments for
LSD-2025-0020 Drake Field Hangar**

Water: There is an existing 12-inch water main present along the east side of S. School Ave. The applicant is proposing to tap this line and install an 8-inch water main extension with fire hydrant. This water main extension will provide fire and domestic water service.

Sewer: There is an existing 8-inch sanitary sewer main to the south of the proposed building. The applicant is proposing to connect to this line for sewer service.

Streets: No public street improvements are proposed with this development. As was done with LSD-2024-0012, staff recommends a fee in lieu of construction of a 5-foot-wide sidewalk along S. School Ave. A total of four hangars are anticipated to be constructed in the same area at the airport, one of which are included with this proposal. To determine the proportional impact to be assessed for each hangar in this area, the distance was measured between two consecutive driveways on S. School Ave in near proximity to the hangars location and divided by four. The breakdown of the amount assessed for the two hangars proposed with this project is outlined below:

Recommended Sidewalk Fee in Lieu Amount

- Impact based on frontage: 385 linear feet (LF) / 4 hangars = 96.25 LF / hangar
- Sidewalk area: 96.25 LF x 5-foot-wide sidewalk = 481.25 square feet (SF)
- Proportional impact per hangar: 481.25 SF x \$10.32 per SF = \$4,966.50

Natural Features: The proposed hangar is not within a floodplain regulated by FEMA or in direct proximity to any Streamside Protection Zones. The overall Drake Field Airport property does have areas within a FEMA-regulated Zone AE floodplain and contains three protected streams, Ward Slough and two unnamed tributaries.

Drainage: Drake Field Airport master planned drainage improvements in 2022 to accommodate forthcoming development at the airport. An Aqua Swirl hydrodynamic separator was installed to provide water quality treatment for a total of 63,200 square feet (SF) of added impervious area. To date, approximately 42,102 SF of impervious area has been added to the airport with COMM-2022-0136 (Teague Hangar), LSD-2023-0021 (Tom Sims Hangar) and LSD-2024-0012. This proposal includes 12,438 SF of added impervious area. This will leave around 8,660 SF of impervious area that can be added to the airport before additional drainage measures will have to be taken.

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 TREE PRESERVATION COMMENTS

To: McClelland Consulting Engineers

From: Willa Thomason, Urban Forester

CC: Wesley Frank, Planner

Meeting Date: December 17, 2025

Subject: LSD-2025-0020: Drake Field Hangar (4500 S School)

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

N/A

3. Mitigation Requirements		Canopy below requirement	Number of 2" caliper trees to be planted	
High Priority				
Low Priority				
Total Mitigation Trees Required				
4. Mitigation Type		Yes	No	N/A
On-Site Mitigation				X
Off-Site Mitigation				X
Tree Escrow (See Conditions of Approval)				X

5. Tree Preservation Plan Checklist	Tech Plat	Planning Commission
UDC Chapter 167.04H1 and 167.04L1		
a. 5 year Aerial Check on Existing Trees	Yes	
b. Property Boundary	Yes	
c. Natural Features (100ft beyond limits of disturbance)	N/A	
d. Existing Topography and Proposed Grading	N/A	
e. Soil Types	N/A	
f. Significant Trees	N/A	

g. Groupings of Trees	N/A
h. Table Inventory List (species, size, health, priority)	N/A
i. All Existing and Proposed Utilities	N/A
j. All Existing and Proposed Utility Easements and ROW's	N/A
k. All Streams (with approximate center line)	N/A
l. Floodplains and floodways	N/A
m. Existing Street, Sidewalk or Bike Path ROW	N/A
n. Submitted Site Analysis Plan (if required)	N/A
o. Shows ALL Proposed Site Improvements	N/A
p. Delineates trees/canopy to be preserved and removed	N/A
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	N/A

Tree Protection Methods

a. Tree Protection Fencing	N/A
b. Limits of Root Pruning	N/A
c. Traffic flow on work site	N/A
d. Location of material storage	N/A
e. Location of concrete wash out	N/A
f. Location of construction entrance/exit	N/A

6. Site Analysis Report (if required)	Yes	No	N/A
<i>UDC Chapter 167.04H4</i>			

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	11-10-25	
Approved	12-9-25	
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. Tree preservation waiver has been submitted.



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: McClelland Consulting Engineers

From: Willa Thomason, Urban Forester

CC: Wesley Frank, Planner

Meeting Date: December 17, 2025

Subject: LSD-2025-0020: Drake Field Hangar (4500 S School)

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		Yes	No	N/A
1 Tree : 12 Parking Spaces				
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
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		
Mitigation Trees			N/A	
Parking Lot Trees			N/A	
Street Trees			N/A	
Detention Pond – Large Trees (1 Tree/3,000 square feet)			N/A	

Detention Pond – Small Tree/Large Shrub
(4 small trees or large shrubs/3,000 square feet) **N/A**

Detention Pond – Small Shrubs/Large Grasses
(6 shrubs or grasses (1 gallon)/3,000 square feet) **N/A**

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	11-10-25	
Approved	12-9-25	
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. There are no landscaping requirements associated with this project.

October 28, 2025

Development Services

RE: N79TW, LLC. Hangar Development

Development Services,

We are pleased to submit our drawings for the small-scale development of a new aircraft hangar at the Fayetteville Airport at Drake Field. The proposed hangar will measure approximately 100 feet by 145 feet and is designed to accommodate multi-engine and light business jet aircraft. All design and construction activities will comply with City of Fayetteville codes, FAA design standards, and the Airport Layout Plan. The development will be reviewed and coordinated with airport management to ensure compatibility with surrounding facilities and airside operations.

Please note the following key aspects of the project scope:

The hangar is a clear span metal building system that is 145 feet wide and 100 feet deep, approximately 14,500 square feet.

The hangar will include insulated metal wall and roof panels that meet current code requirements, and a reinforced concrete foundation and floor slab suitable for aircraft loading. Associated site work will include the necessary grading, apron connection, vehicular access, and utility extensions to provide water, sewer, power, and communications to the facility.

We are requesting a variance from the City's tree preservation and landscaping requirements. The nature of airport development presents unique constraints that limit the ability to meet the full tree preservation and replacement standards. The proposed hangar site is located within the airfield operations area, where clear zones, taxiway object-free areas, and FAA safety requirements prohibit the placement of trees or tall landscaping materials.

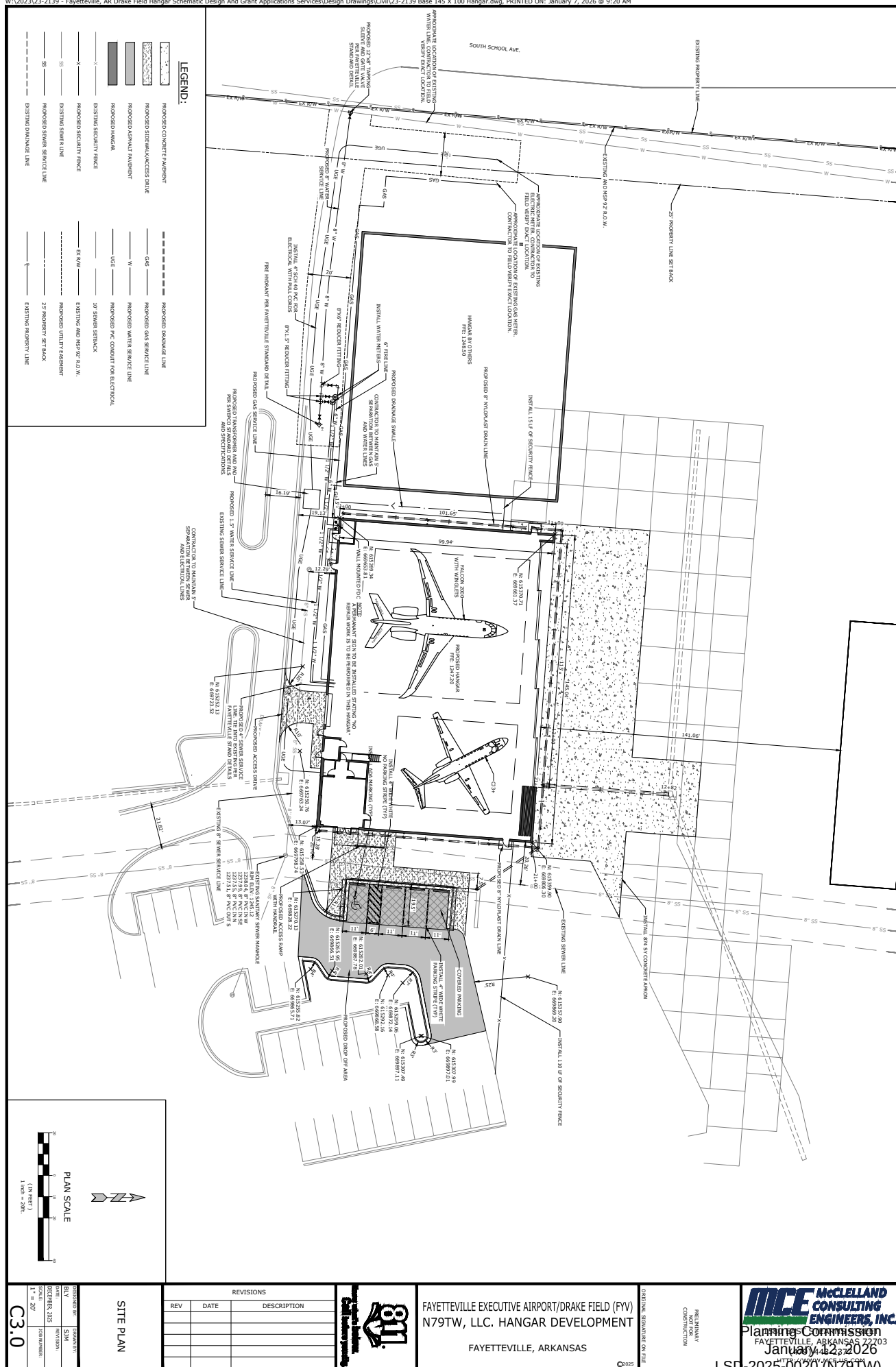
We are committed to ensuring this project aligns with the city's standards and vision. Should you have any questions or require further information, please feel free to contact us directly.

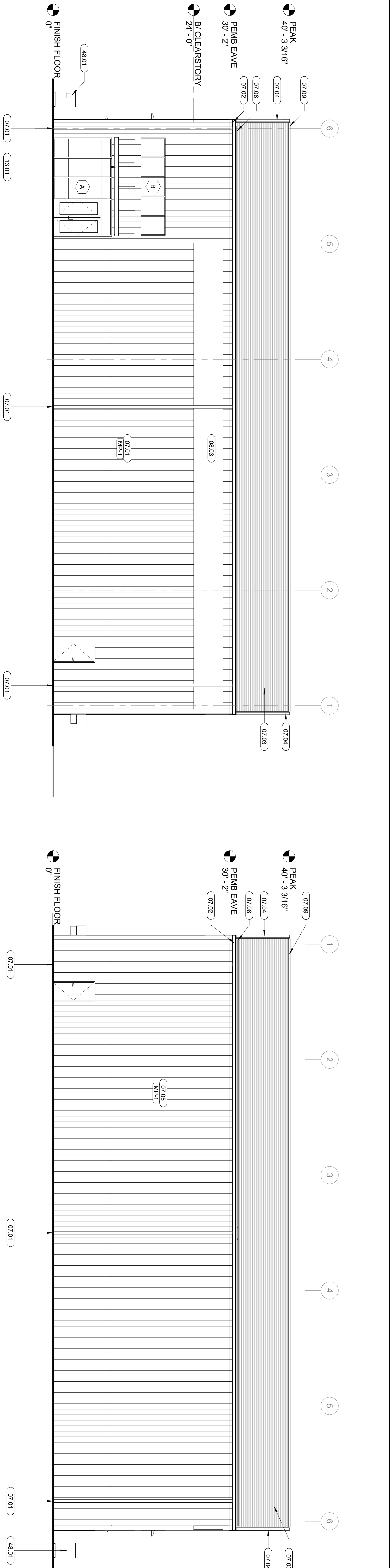
Thank you for your consideration. We look forward to working together on this hangar development at the Fayetteville Airport at Drake Field.

Sincerely,

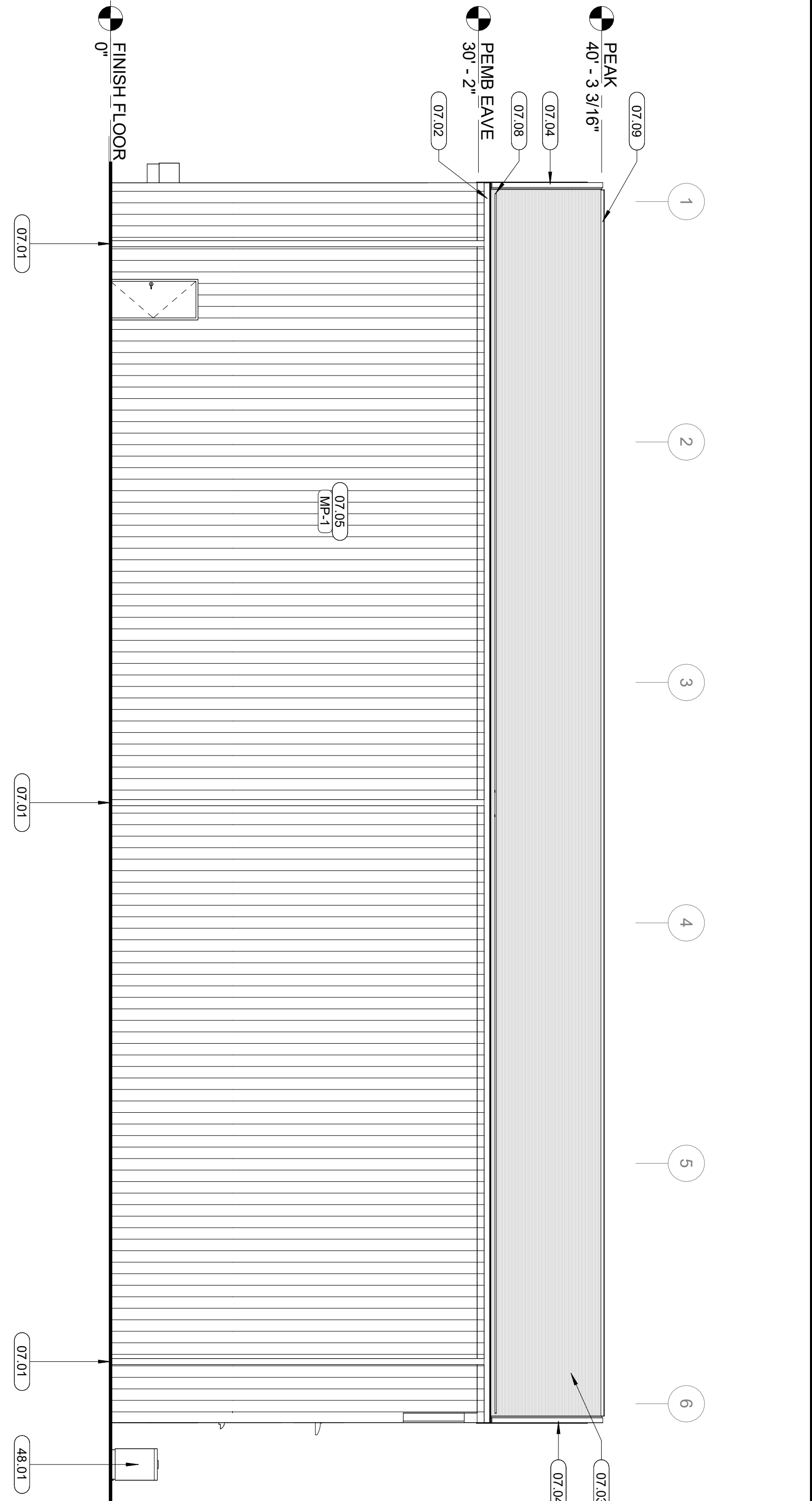


Bailey Yanik, P.E.
McClelland Consulting Engineers, Inc.
Aviation Project Manager
479-443-2377
byanik@mce.us.com

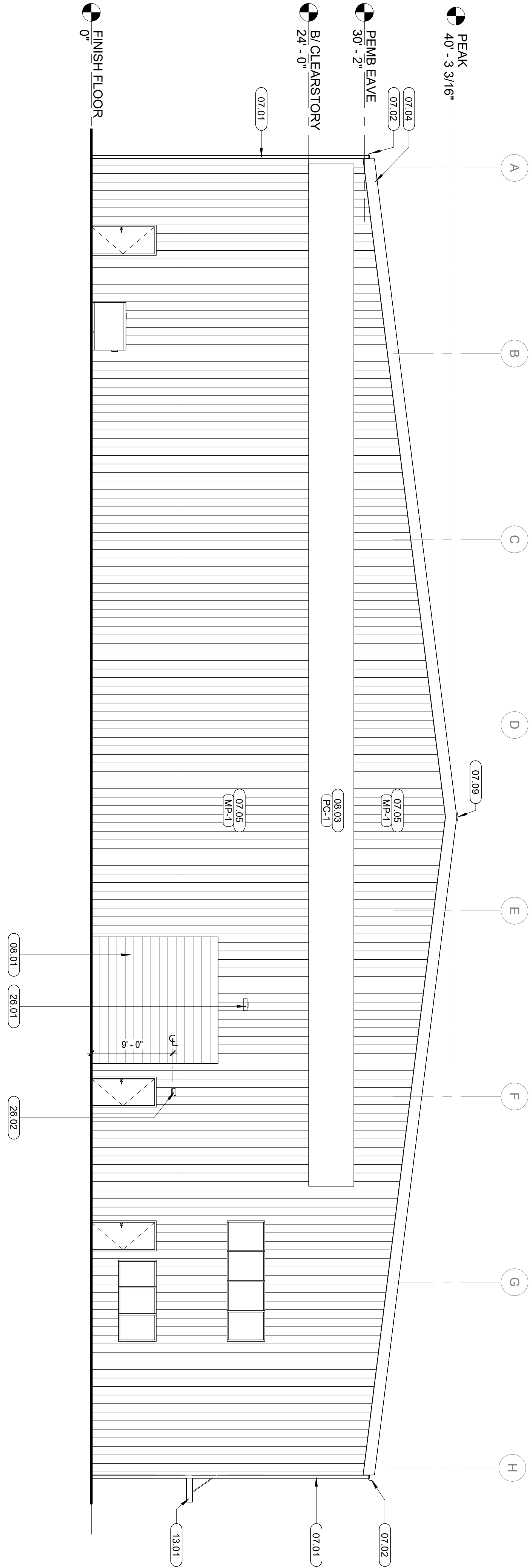




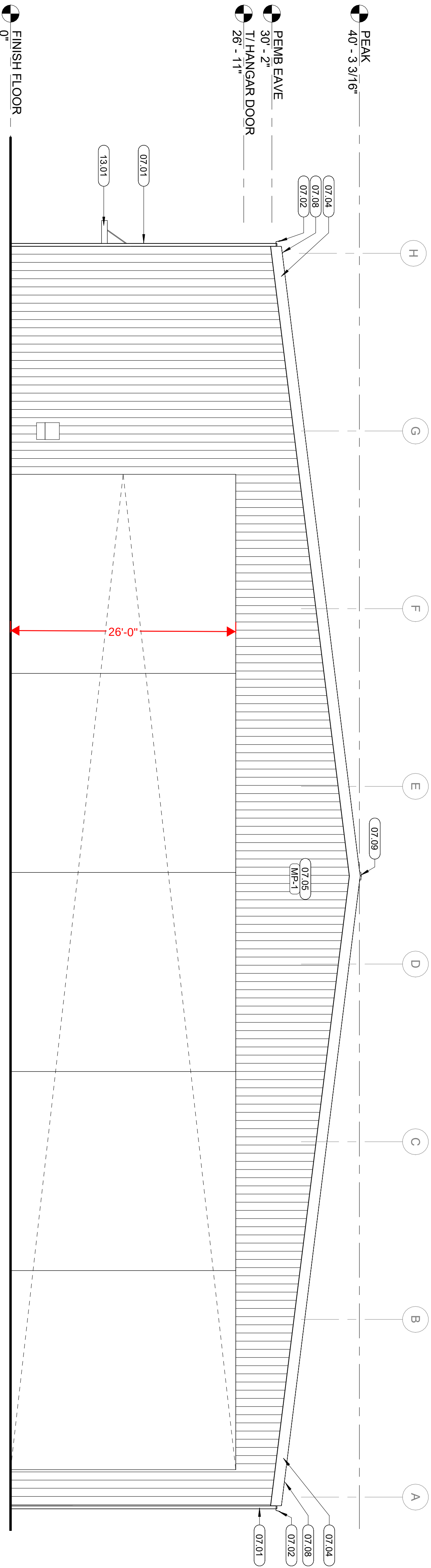
4 EAST ELEVATION
1/8" = 1'-0"



3 WEST ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



1 NORTH ELEVATION
1/8" = 1'-0"

KEYNOTE LEGEND	
KEYNOTE	DESCRIPTION
07.01	PRE-FINISHED DOWNPOUT
07.02	PRE-FINISHED DOWNPOUT
07.03	TRAPAZOIDAL STANDING SEAM METAL ROOF SYSTEM
07.04	RAKE TRIM
07.05	FASTENERS CONCEALED FASTENERS WITH WALL PANELS
07.06	SNOW GUARD INSTALL PER MANUFACTURER'S INSTRUCTIONS
07.07	REF / 1/8" ROOF CAP
08.01	SECTIONAL OVERHEAD DOOR
08.02	CONCRETE
08.03	PRE-FINISHED METAL CANOPY
13.01	PRE-ENGINEERED EXTERIOR LIGHTING
26.01	ENTERED ABOVE BAY
26.02	ENTERED ABOVE MAIN ELEVATIONS, REF ELEC
48.01	GENERATOR, REF ELEC

COLOR LEGEND	
TAG	COLOR
MP-1	PAC-CLOD SIERRA TAN
PC-1	VULCAN PLASTICS TRIMDEK
TCE	



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 12, 2026

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

RECOMMENDATION:

Staff recommends tabling **ADM-2025-0046** to the next scheduled Planning Commission meeting, at the applicant's request.

RECOMMENDED MOTION:

*"I move to table **ADM-2025-0046** to the January 26, 2026 Planning Commission meeting."*

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>January 12, 2026</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Alan Pugh, Staff Engineer

MEETING DATE: January 12, 2026

SUBJECT: **VAR-2025-0057: Planning Commission Variance (4500 S. SCHOOL AVE/DRAKE FIELD, 718,756,795,796,834,835,873 & 874):** Submitted by CITY OF FAYETTEVILLE for property located at 4500 S. SCHOOL AVE. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 37.65 acres. The request is for a variance to the flood damage prevention code.

RECOMMENDATION:

Staff recommends tabling **VAR-2025-0057** to the next scheduled Planning Commission meeting, at the applicant's request.

RECOMMENDED MOTION:

*"I move to table **VAR-2025-0057** to the January 26, 2026 Planning Commission meeting."*

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0067: Rezoning (660 S. CROSSOVER RD/PEAK ROOFING AND EXTERIORS, 527):** Submitted by KADEN DAVIS for property located at 5901 W. MICHAEL COLE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and C-2, THOUROUGHFARE COMMERCIAL and contains approximately 2.42 acres. The request is to rezone the property to C-2, THOUROUGHFARE COMMERCIAL.

RECOMMENDATION:

Staff recommends tabling **RZN-2025-0067** to the next scheduled Planning Commission meeting, at the applicant's request.

RECOMMENDED MOTION:

*"I move to table **RZN-2025-0067** to the January 26, 2026 Planning Commission meeting."*

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>January 12, 2026</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0069: Rezoning (S. DEAD HORSE MOUNTAIN RD & E. GOFF FARM RD/STONEBRIDGE GOLF COURSE, 606, 607, 646 & 685):**
Submitted by JORGENSEN & ASSOCIATES for property located on S. DEAD HORSE MOUNTAIN RD & E. GOFF FARM RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 157.05 acres. The request is to rezone 4.63 acres of the property to UN, URBAN NEIGHBORHOOD, and 37.65 acres of the property to NC, NEIGHBORHOOD CONSERVATION.

RECOMMENDATION:

Staff recommends tabling **RZN-2025-0069** to the February 9, 2026 Planning Commission meeting at the applicant's request.

RECOMMENDED MOTION:

*"I move to table **RZN-2025-0069** to the February 9, 2026 Planning Commission meeting."*

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0064: Rezone (1417 N. ADDINGTON AVE/BAUER HAUS, 404):** Submitted by BART & PATRICIA BAUER for property located at 1417 N. ADDINGTON AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.33 acres. The request is to rezone the property to RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of RZN-2025-0064.

RECOMMENDED MOTION:

If in support:

1. "I move that there is sufficient evidence to justify reconsideration of this item."
2. "I move to forward RZN-2025-0064 to City Council with a recommendation of approval."

If not in support:

1. "I move that there is insufficient evidence to justify reconsideration of this item."

BACKGROUND:

The subject property is located at the corner of the N. Addington Avenue and W. Mount Comfort Street intersection. The property contains 0.33 acres and is currently developed with a single-family dwelling which Washington County records indicate was built in 1941, and an accessory dwelling unit which was developed in 2020. A previous rezoning request on this property was denied by City Council on March 10, 2025. Commissioners discussed how the proposed rezoning would not introduce additional housing options and that RI-U may be better suited at this location. 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	Multi-Family Residential	RMF-24, Residential Multi-Family – 24 Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family – 4 Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family – 4 Units per Acre

Request: The applicant is requesting to rezone the property from RSF-4, Residential Single-Family – 4 Units per Acre, to RSF-18, Residential Single-Family – 18 Units per Acre. The applicant has stated that rezoning would allow for appropriate infill. The applicant has also offered a Bill of

Assurance that limits the number of residential units to two structures allowed on the property. It is attached to this staff packet for the Commission's consideration.

Public Comment: Staff has received one comment that was in opposition to the rezoning citing higher density concerns.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

Streets: The subject area has a road frontage along North Addington Avenue. North Addington Avenue is a partially improved Residential Link Street with asphalt paving and open ditches. The subject area has a road frontage along West Mount Comfort Road. West Mount Comfort Road 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 Addington Avenue. Existing 8-inch water main is present along West Mount Comfort Road.

Sewer: Sanitary Sewer is available to the subject property. There is an existing 8-inch and 6-inch sewer main present along North Addington Avenue. In addition, there is an existing 6-inch sewer main present along West Mount Comfort Road. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 350 feet Northwest of this property.

Fire: Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 1 mile from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 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. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department expressed no concerns with this request.

Drainage: No portion of the property lies within the Hillside-Hilltop Overlay District, nor within a Streamside Protection Zone. The property does not lie in the FEMA floodplain. Any additional improvements or requirements for drainage will be determined at the time of development.

There are hydric soils present on the property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property, a statement/report

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

Tree Preservation:

The proposed zoning district of RSF-18, Residential Single-Family – 18 Units per Acre, requires **20% 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**.

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 nonresidential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 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 8, 2266 W. Deane Street)
- Near Sewer Main (8-inch and 6-inch sewer mains N. Addington Avenue; 6-inch main W. Mount Comfort Road)
- Near Water Main (6-inch main N. Addington Avenue)
- Near Grocery Store (Harps Food Store)
- Near City Park (Lewis Soccer Complex)
- Near U of A Campus
- Near Paved Trail (Mount Comfort Road)
- Near Razorback Bus Stop (Garden Park and Mount Comfort & Stephens)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:** The subject property's neighboring properties are comprised mostly of low-density single-family dwellings. There does exist a diversity of housing types on the street, especially similarly zoned RSF-18 properties on W. Hendrix Street – the properties in this zoning district have not currently developed to increase the lots' density. The lot within the subject property is relatively small, at 0.33 acre, which suggests that any future development will be limited in size. Given the building requirements*

and permitted uses associated with the RSF-18 zoning district, any future development will likely be compatible in scale with surrounding properties. In terms of land use, the subject property is located near single-family, multi-family, commercial, and industrial zoning districts. The building height maximum for both RSF-4 and RSF-18 zoning districts is 3 stories, which means that rezoning would not permit the construction of any taller buildings. However, the front and rear setback requirements, lot size, and lot width requirements would all be reduced. Where RSF-4 requires a 15-foot front and rear setback, RSF-18 would require a 25-foot build-to-zone and a 5-foot rear setback. Also, where RSF-4 requires a lot size of 8,000 square feet and a minimum width of 70 feet, RSF-18 would require a lot size of 2,500 square feet (single-family) or 2,000 square feet (two-family), and a lot width minimum of 30 feet.

The applicant has submitted a Bill of Assurance for consideration, limiting the property to only allow for two residential units.

Land Use Plan Analysis: City Plan 2040's Future Land Use Map designates the property as Residential Neighborhood, but does border the City Neighborhood designation. The subject property also has an infill score of 8 and is located 0.35 of a mile north west from a Tier 2 center at the intersection of W. Wedington Drive and N. Garland Avenue. The City Plan 2040 describes Tier 2 centers as being "characterized by housing that ranges from one- to three- story detached dwellings, duplexes, row houses, and mid-rise apartments." Staff finds that with the Bill of Assurance limiting the potential for housing options, the requested rezoning would not be compatible with the City's housing development goals (#1, 2, 3, and 6).

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

Finding: As the request has not changed since the previous submittal and is limited by the proposed Bill of Assurance, staff does not find that the rezoning request to be justified.

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

Finding: Rezoning the property from RSF-4 to RSF-18 has the potential to increase traffic in this area. However, given the size of the lot and the ability to access it via a Residential Link street, staff finds that the possibility of increased traffic danger and congestion is minimal.

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 subject property from RSF-4 to RSF-18 would have the potential to increase population density in this area in a way that would not undesirably increase the load on public services. Staff finds that the water and sewer infrastructure available to this site could support the impact that

this zoning change would bring. The Fayetteville School District did not provide comment on this rezoning.

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-2025-0064.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code:
 - §161.07 RSF-4, Residential Single-Family – Four (4) Units per Acre
 - §161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map
- Long Range Planning Memo
- Applicant Request Letter
- Bill of Assurance

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. 6427, § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

161.10 District RSF-18, Residential Single-Family - Eighteen (18) Units Per Acre

(A) *Purpose.* The RSF-18 Single-family Residential District is designed to promote and encourage the efficient development of single-family detached residences in a variety of densities.

(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.*

Units per acre	Eighteen (18) or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	30 feet
Two (2) family	30 feet

(2) *Lot Area Minimum.*

Townhouses: individual lot	1,250 square feet
Single-family	2,500 square feet
Two-family	2,000 square feet

(E) *Setback Requirements.*

Front	Side	Side-Zero Lot Line*	Rear
A build-to zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet on both sides	A setback of less than five 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.	5 feet

* A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.

** At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

(F) *Building Height Regulations.*

Building Height Maximum	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 for two-family dwellings.

(Ord. No. 5800, §2(Exh. B), 10-6-15; Ord. No. 5824, §2, 11-17-15; 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.

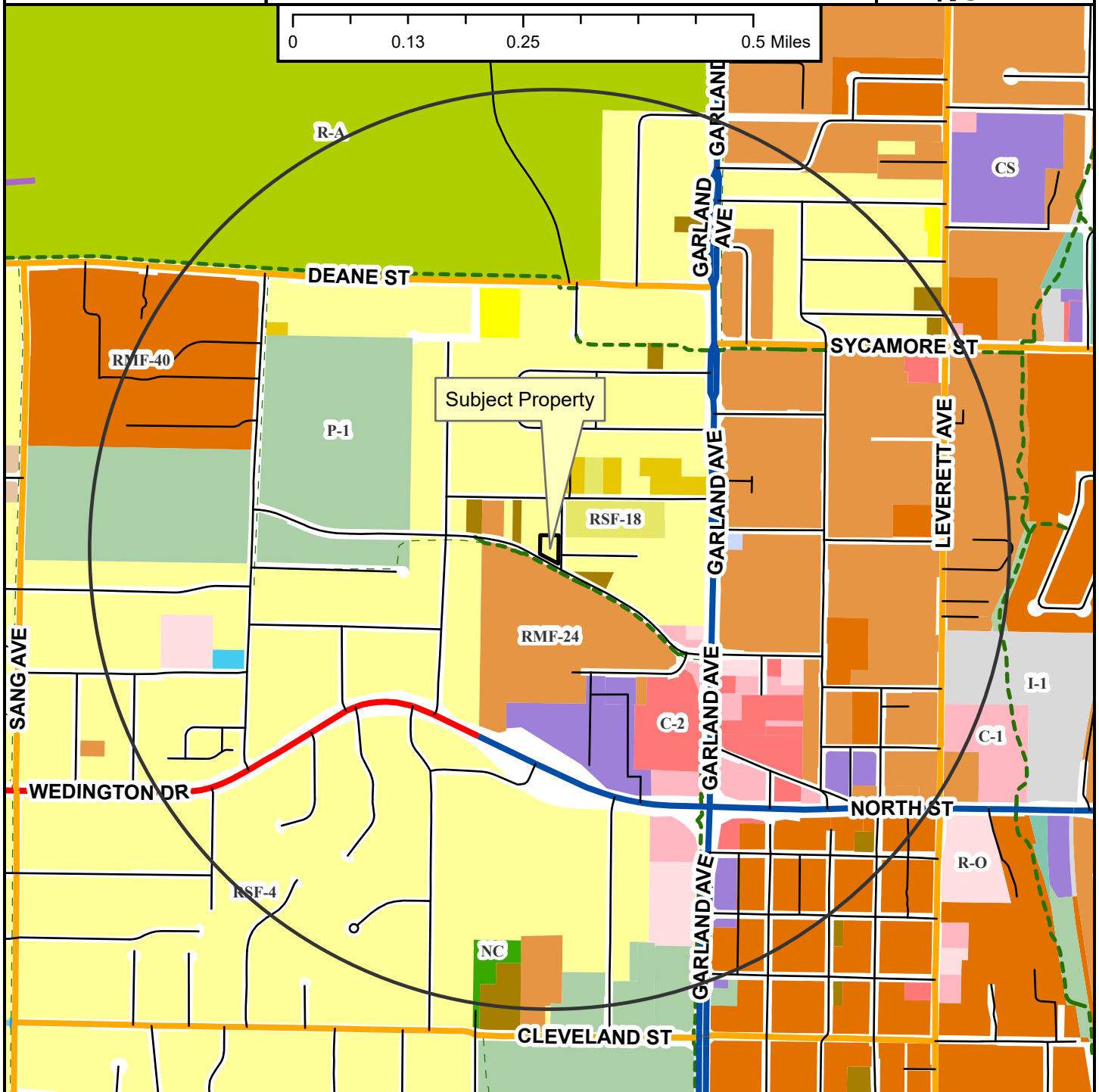
RZN-2025-0064

1417 N. ADDINGTON AVE

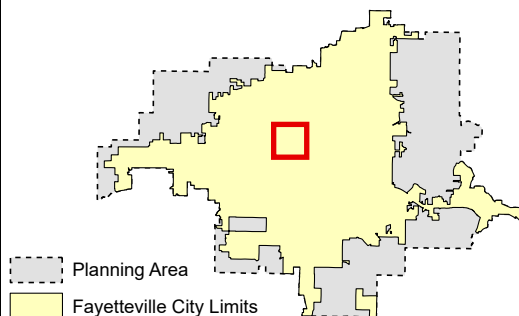
One Mile View



0 0.13 0.25 0.5 Miles



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

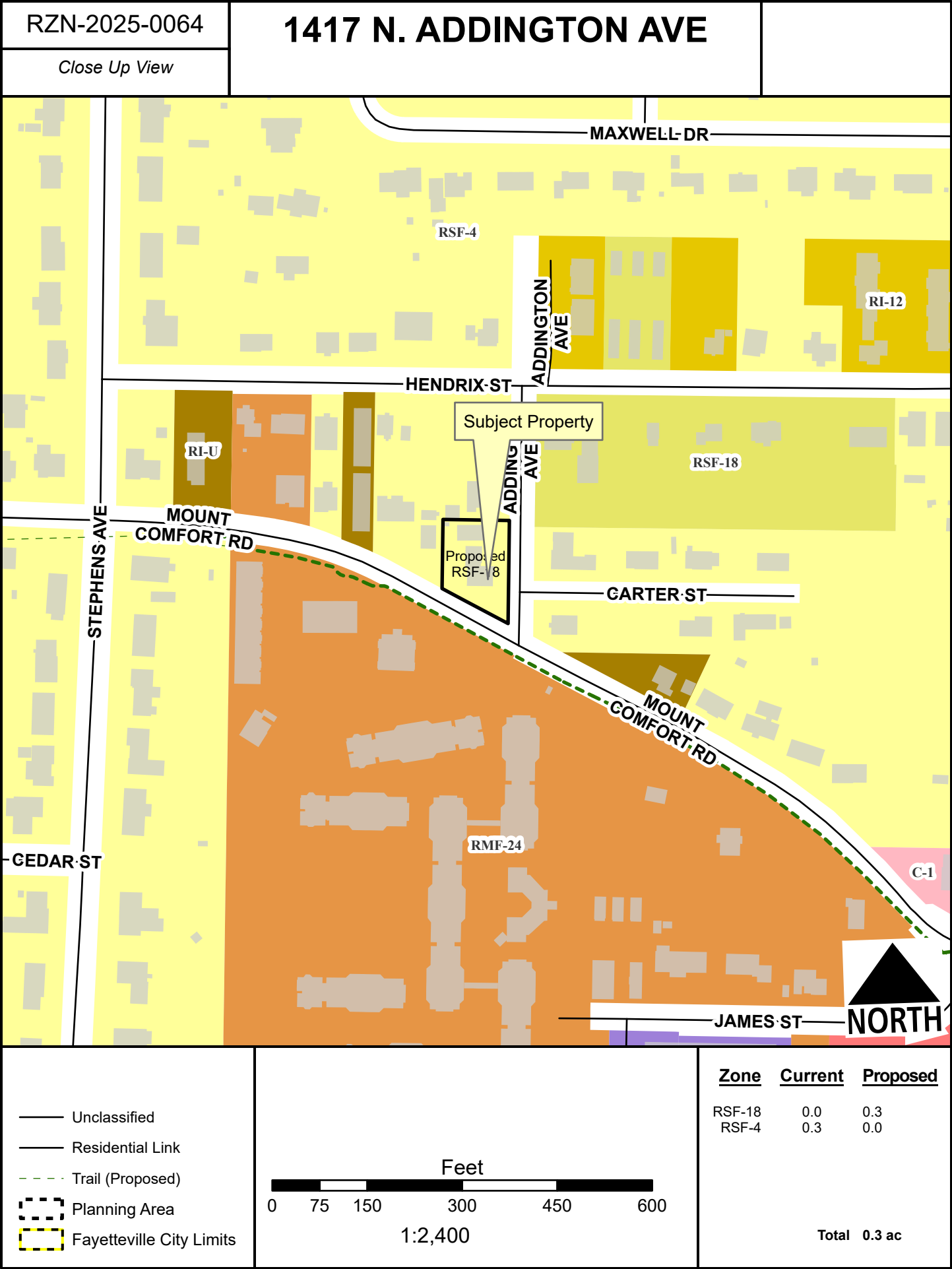


Planning Commission

January 12, 2026

RZN-2025-0064 (BAUER HAUS LLC)

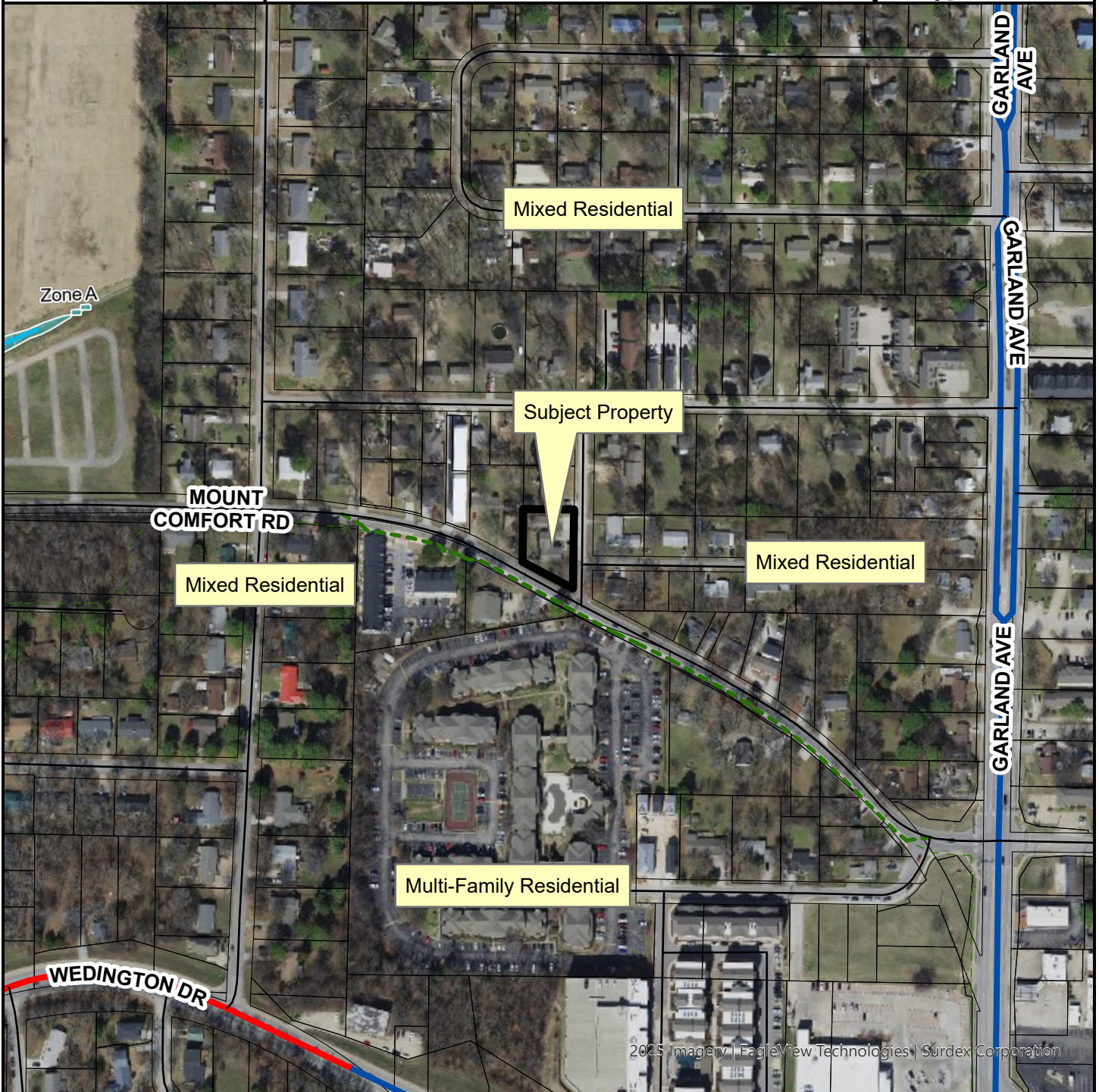
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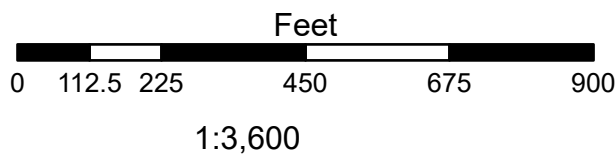
1417 N. ADDINGTON AVE

Current Land Use



2025 Imagery | EagleView Technologies | Surdex Corporation

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



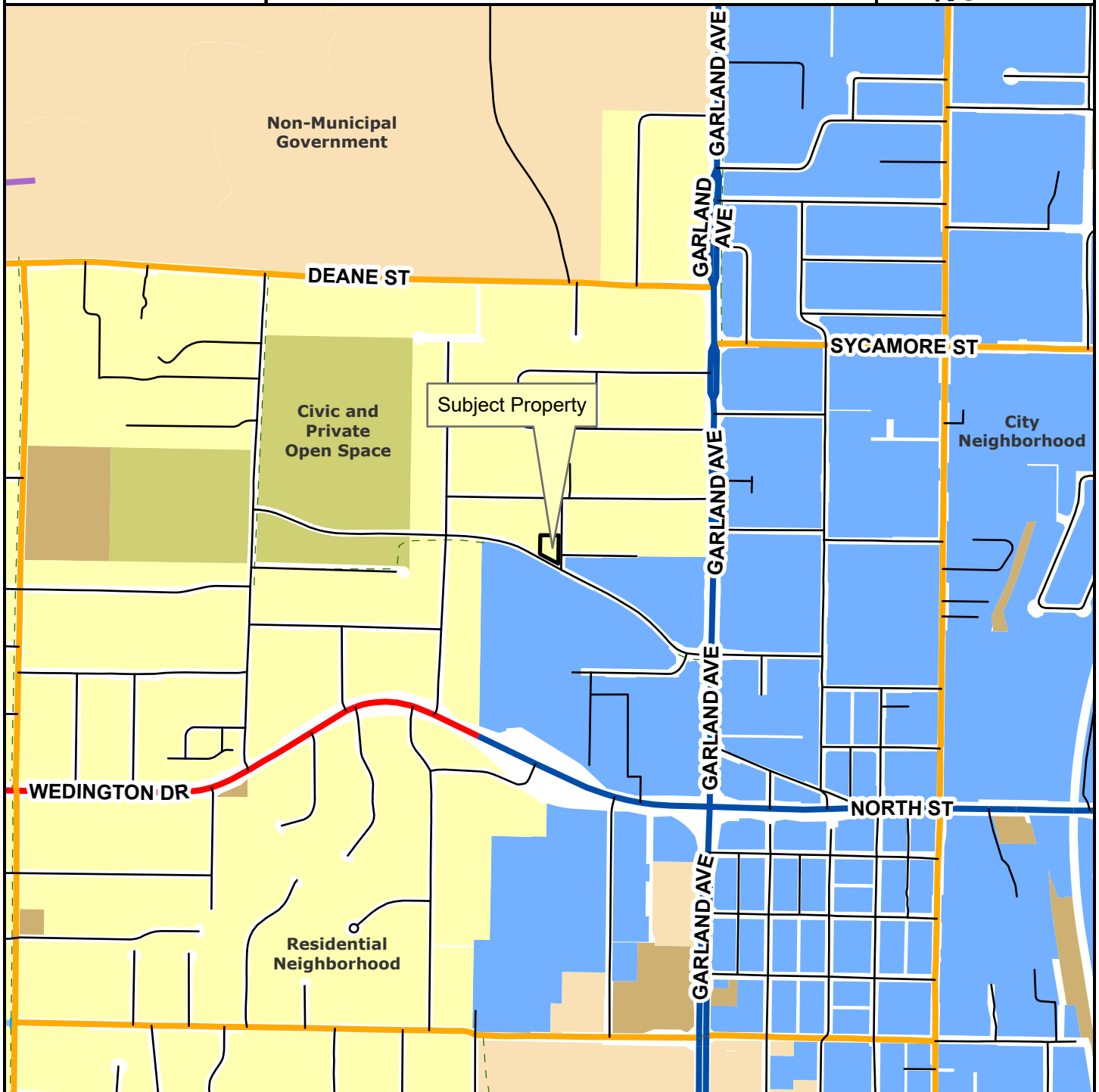
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

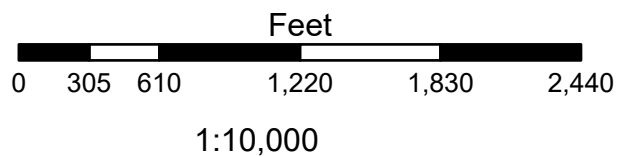
RZN-2025-0064

1417 N. ADDINGTON AVE

Future Land Use



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



TO: Wes Frank, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0064

BACKGROUND:

The applicant requests to rezone approximately 0.33 acres from RSF-4, Residential Single-Family, Four Units per Acre to RSF-18, Residential Single-Family, Eighteen Units per Acre. One long range planning document is relevant when evaluating this request: *City Plan 2040*.

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".

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."¹ The request aligns with this designation by increasing the density of single family dwellings through more flexible lot width and area requirements, although other districts like RI-U may provide even greater flexibility for future residential development by adding the potential for two-, three-, or four-family dwellings by right.

The applicant refers to a Bill of Assurance that would state "only the two existing homes would be allowed on that parcel and that no new homes can be built ever and no more lot splits would be allowed." At the time of writing, the actual Bill of Assurance was not available for review. However, even without this document, the permitted uses and development standards allowed under RSF-18 are all appropriate for the area and the Commission could consider forwarding

¹ City Plan 2040, 128.

the item without the Bill of Assurance if one is provided. The applicant's stated intent to simply split the lot to sell the buildings separately is appropriate, and RSF-18 would facilitate the narrower lot width minimum for the lot split. Numerous requests for rezoning along this stretch of W. Mount Comfort Road indicate that there may be a need for a neighborhood plan to clearly illustrate the vision for the future of this neighborhood.

Property History:

The subject property contains two single-family dwellings constructed ca. 1941 and 2020, according to Washington County Tax Assessor records. The 1941 building is of historic age, but does not retain its integrity of design or materials and is not eligible for the state or National Register of Historic Places. The property is not within a local historic district.



This area was annexed into the city in 1956 (Ord. No. 1121). In 1970, the city's first zoning map identified the property as R-1, Low Density Residential, which was then changed to its current zoning designation RSF-4 in 2003.



Figure 1. 1970 Zoning Map. Approximate location of property shown in red.

REQUEST FOR REZONING 1417 N. ADDINGTON AVENUE

We are requesting that Parcel ID 765-06290-000, also known as 1417 N. Addington Avenue, be rezoned from RSF-4 to RSF-18.

This parcel is located at the corner of Addington Avenue and Mount Comfort Road. Directly across Mount Comfort Road to the South the zoning is RMF-24. Directly across Addington Avenue to the East the zoning is RSF-18. The property currently contains a main home and an accessory dwelling unit.

This is our second request for this rezone. Our previous request was denied by City Council and the main reason seemed to be because the public was concerned about the number of units that could potentially be built on this parcel. To address this concern, we will be providing a Bill of Assurance to the City of Fayetteville stating no more than two (2) residential homes will be allowed on this parcel. There are already two existing homes on the parcel, so there will be no more construction on that parcel. The goal of the rezone is to be able to sell the homes separately.

This request is a compatible land use to adjacent properties and the same rezoning request had been granted by the Planning Commission in 2020 for a strip of land that runs from the corner of Addington and Hendrix to Garland Avenue (i.e. Rezone Petition RZN 20-7089 / Ordinance 6333).

The neighborhood is a diverse mix of housing types – several low-density single-family dwellings along with higher density residential and multi-family. In 2020, the City Plan 2040's Infill Matrix indicated a score of 7 with a weighted score of 8.5 for 1283 W. Hendrix which is across the street from the subject property. It was indicated by the City Planner at that time that "capping the density at 18 units per acre will provide a sense of predictability for the surrounding neighborhood."

The use is also harmonious to the uses and activities being conducted now on the properties in the neighborhood. The neighborhood is very walkable and less than a mile from the University of Arkansas campus. The property is within closing walking distance to: (i) an active bus route along Mount Comfort Road, (ii) Harp's grocery store at Garland, (iii) the Razorback Greenway; (iv) retail and dining choices at Oak Plaza on Garland. It is made up largely of both short and long-term rental properties.

This rezoning would not adversely affect or unreasonably impact any use or enjoyment of the contiguous lands as surrounding properties that are not higher density are single-family residential and our petition is also for single-family residential. City Plan 2040 was adopted to make infill a high priority and to encourage the redevelopment of underdeveloped property. The subject property definitely aligns with the goals of City Plan 2040.

**BILL OF ASSURANCE
FOR THE CITY OF FAYETTEVILLE, ARKANSAS**

In order to attempt to obtain approval of a request for a zoning reclassification the owners, developers or buyers of this property described below, Bauer Haus, LLC an Arkansas Limited Liability Company (hereinafter called "Petitioners"), hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

Lot 1, Block 3, Hendrix Addition, to the City of Fayetteville, Washington County, Arkansas, as per plat on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Less & Except:

200 feet of equal and uniform width off the North end of Lot 1, Block 3, Hendrix Addition, to the City of Fayetteville, Washington County, Arkansas, as per plat on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Subject to recorded instruments, covenants, rights of way, and easements, if any.
Subject to all prior mineral reservations and oil and gas leases, if any.

The Petitioners expressly grant to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if the Petitioners or Petitioners' heirs, assigns, or successors violate any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas. The Petitioners acknowledge that the Fayetteville Planning Commission and the Fayetteville City Council will reasonably rely upon all the terms and conditions within this Bill of Assurance in considering whether to approve Petitioners' rezoning request.

Petitioners hereby voluntarily offer assurances that Petitioners and Petitioners' property shall be restricted as follows **IF** Petitioners' rezoning is approved by the Fayetteville City Council.

1. There shall be no more than two (2) single-family residential homes on the subject property.
2. No further lot splits shall be allowed.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, Bauer Haus, LLC as the owner, developer or buyer (Petitioner) voluntarily offers all such assurances and sign my name below.

BAUER HAUS, LLC
An Arkansas Limited Liability Company:

BY: _____
Patricia M. Bauer, Member

STATE OF ARKANSAS)

) ss.

COUNTY OF WASHINGTON)

ACKNOWLEDGEMENT

On this the ____ day of _____, 2025, before me, _____ the undersigned officer, personally appeared Patricia M. Bauer, who acknowledged herself to be the Member of Bauer Haus, LLC. An Arkansas Limited Liability Company, and that she, as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by herself as President.

In witness whereof I hereunto set my hand and official seal.

NOTARY PUBLIC

My Commission Expires:



TO: City of Fayetteville Planning Commission

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

FROM: Alan Pugh, Staff Engineer

MEETING DATE: January 12, 2026

SUBJECT: **VAR-2025-0054: Planning Commission Variance (553 E. MCCLINTON/BATES & SIEMEK, 563):** Submitted by Wesley Bates and Konrad Siemek for property located at 553 E. McClinton Ave. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.2 acres. The request is for a variance to the flood damage protection ordinance.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0054**, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0054**, determining:*

- An additional home was permitted 10/23 and construction completed 8/25*
- A small portion of property was included in the floodplain with the 2024, and*
- In favor of all conditions as recommended by staff."*

BACKGROUND:

The subject property is located on E. McClinton Ave at the intersection of E. McClinton Ave and S. Janelle Ave. The property totals approximately 0.2 acres and contains two single-family residences. Town Branch Tributary 2 flows generally northeast to southwest just east of the property. The creek is currently indicated as Zone AE, base flood elevation determined, according to the 2024 Flood Insurance Study (FIS). The creek is further on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning is depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Residential	NC; RI-U and DG, see attached project maps
South	Residential	
East	Residential	
West	Residential	

Request: The applicant is requesting a variance from §168.10(T)(3), which requires new lots to have at least 6,000 SF or area outside the floodplain or be a minimum of 1 acre in size.

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

DISCUSSION:

In October of 2023, an additional residential structure was permitted for construction on the subject property. The home was recently completed, and the applicant has submitted a lot split (LSP-2025-0051) to split the lot into two separate lots, one for each structure on the property. When the home was permitted, the floodplain did not extend onto the lot in question and was not subject to the requirements of Chapter 168, Flood Damage Prevention. The lot was subsequently placed partially within the floodplain with the January 2024 Flood Insurance Rate Map (FIRM) updates.

Staff's interpretation of the intent of the lot size requirements in Chapter 168 is to prevent high density residential development within flood prone areas. In this instance, the development occurred prior to the lot being brought partially into the floodplain. Given the size of the lots and other restrictions, it appears that little additional development or structures could be placed on the property. The floodplain revisions only brought a small portion of the SE corner of the property into the floodplain, which is largely avoided with the current improvements. A small corner of the recently constructed home does appear to be within the floodplain and would make it subject to the requirement for flood insurance if it is financed through a federally insured bank. For these reasons, staff is in support of the variance request.

RECOMMENDATION: Staff recommends approval of **VAR-2025-0054**

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

Conditions of Approval:

1. Applicants verify that the flood of the home is at or above the base flood elevation on the property or comply with section (h) of the variance requirements below if it is not.
2. Any additional grading, fill or development on the property is subject to the requirements Chapter 168, flood damage prevention of the Unified Development Code

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>January 12, 2026</u>	☐ Tabled	☐ Approved	☐ Denied	
Motion:					
Second:					
Vote:					

FINDINGS OF THE STAFF

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

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

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

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

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

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

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

(f) Floodplain variances shall only be issued if:

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

As stated, the floodplain status of the property did change during the construction of the home, and the size of the lot would significantly limit any future development.

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

As stated, the floodplain status of the property did change during the construction of the home, and the size of the lot would significantly limit any future development. The determination of exceptional hardship in this instance does lie with the commission.

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

Although the floodplain was revised during the construction of the home, it is largely located outside of the floodplain as defined in the January 2024 mapping. Although no flood study was performed as it was not required, it does not appear as though the improvements would have a large impact on flood heights or additional threats to the public as the floodplain on the property appears to have been mostly avoided.

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

As the home was under construction when the floodplain status of the property changed, these may not have been considered by the applicant during the construction of the home.

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

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

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

May not be applicable, see conditions above.

Attachments:

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

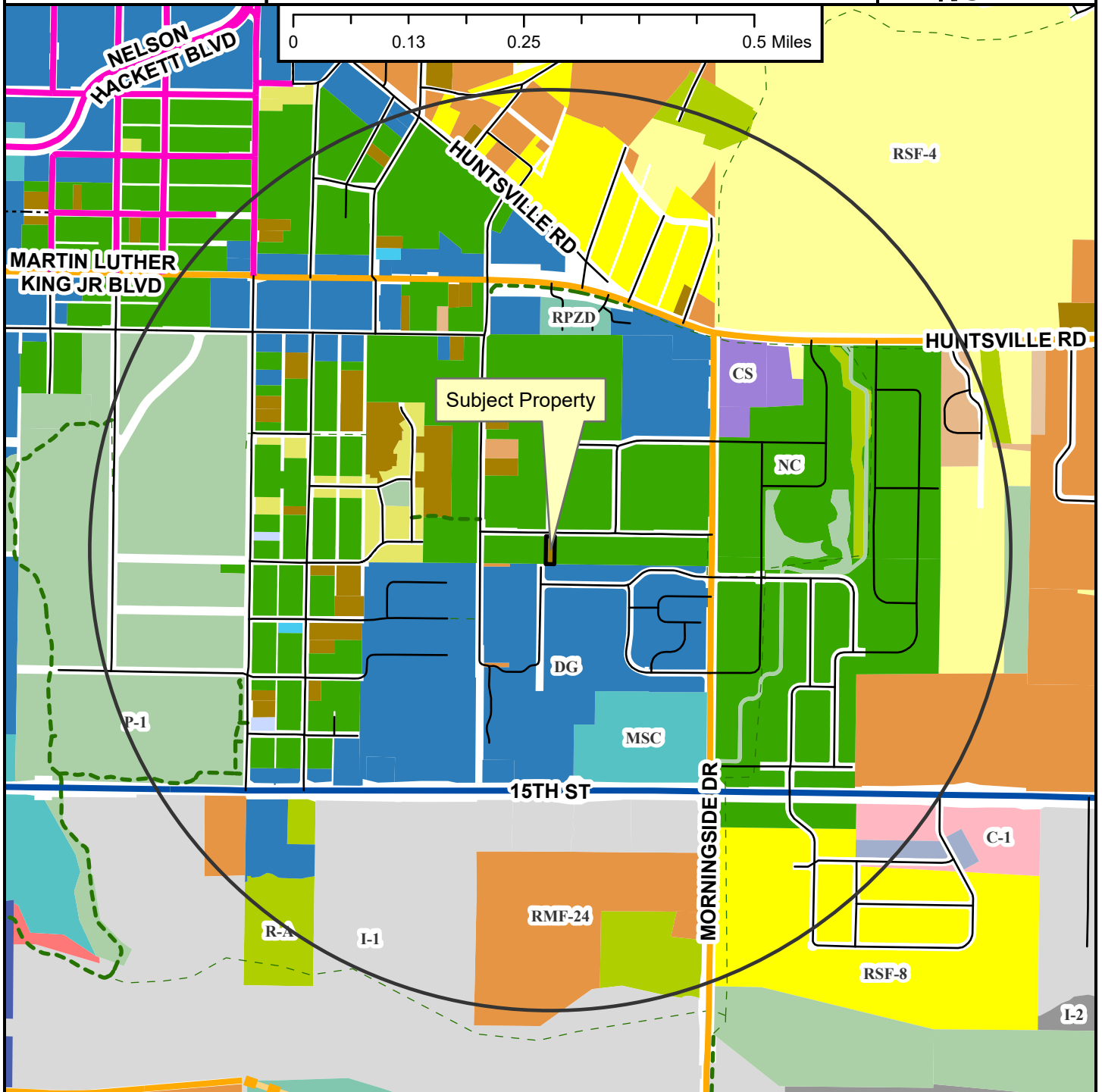
VAR-2025-0054

553 E. MCCLINTON ST, UNIT 2

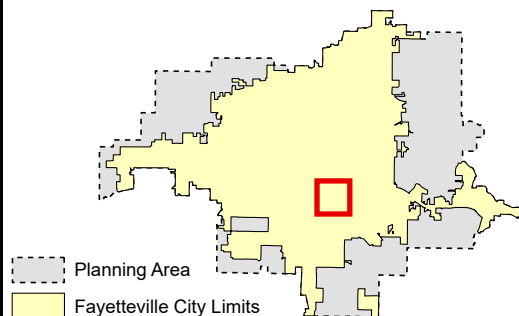
One Mile View



0 0.13 0.25 0.5 Miles



- 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



Planning Commission

January 12, 2026

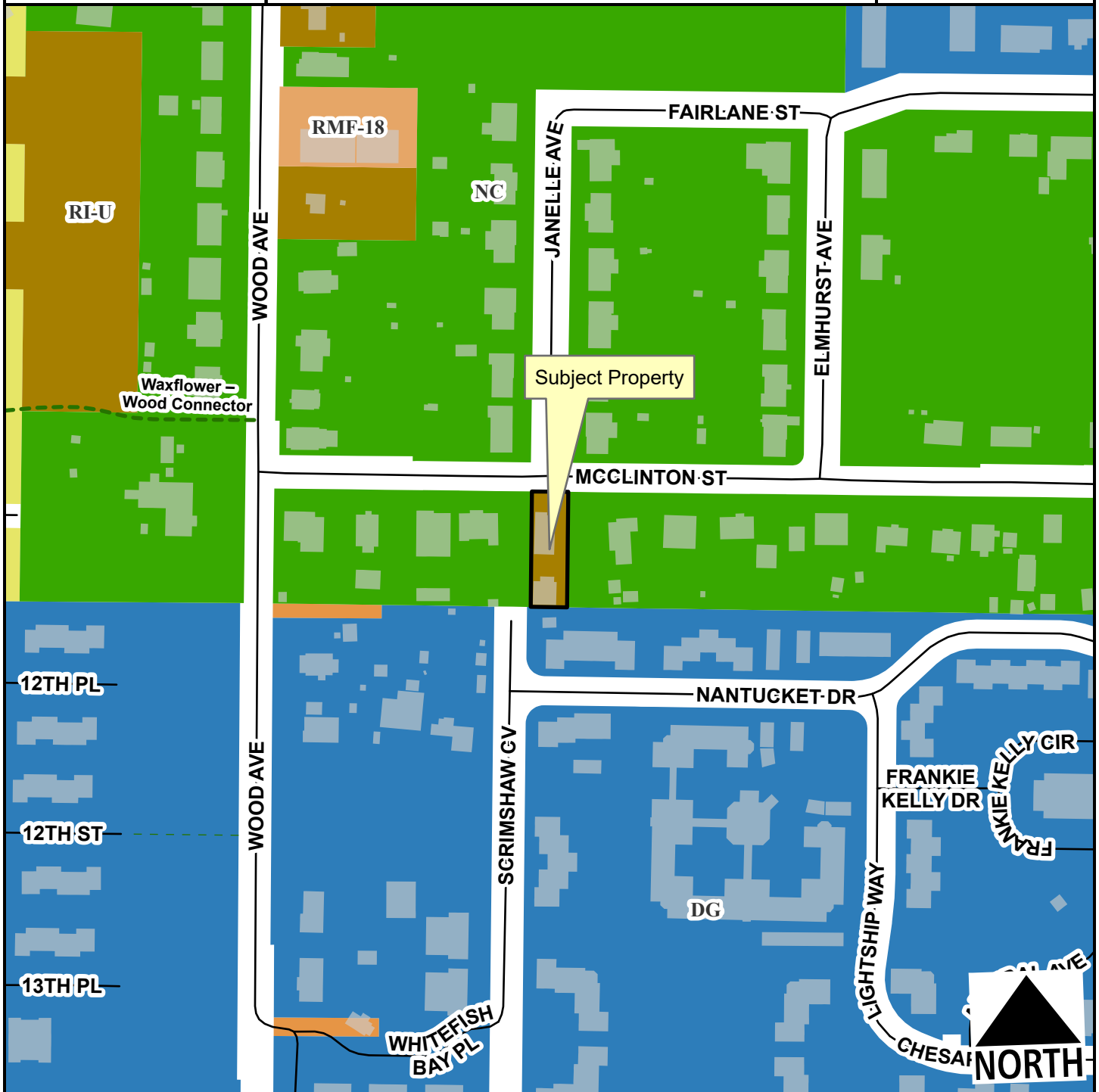
VAR-2025-0054 (BATES & SIEMEK)

Page 5 of 10

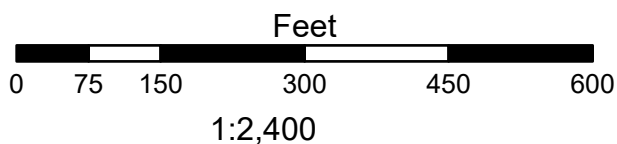
VAR-2025-0054

553 E. MCCLINTON ST, UNIT 2

Close Up View



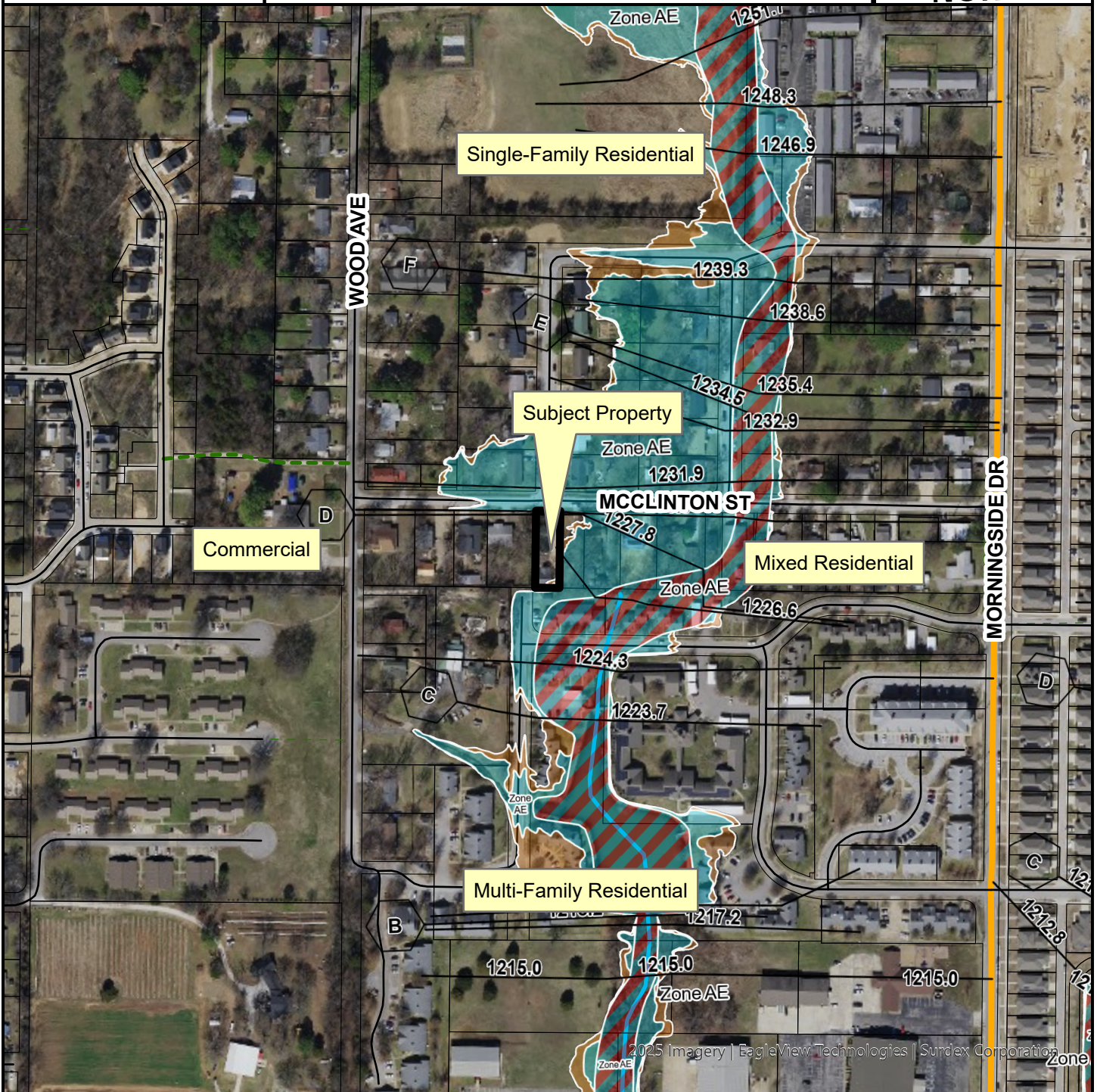
- Unclassified
- Residential Link
- - - Planning Area
- - - Fayetteville City Limits
- - - Shared-Use Paved Trail
- - - Trail (Proposed)



VAR-2025-0054

553 E. MCCLINTON ST, UNIT 2

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Chair, Fayetteville Planning Commission
City of Fayetteville Planning Division
125 W. Mountain St.
Fayetteville, AR 72701

RE: Variance Request – 553 E McClinton Ave

Dear Chair and Members of the Planning Commission,

Konrad Siemek, as owner of 553 E McClinton Ave, respectfully requests a variance related to Section 168.10 (T)(3) of the Unified Development Code (UDC).

The purpose of this request is to allow a tandem lot configuration following construction of an accessory dwelling unit (ADU) on the property. When construction began, the property met all applicable standards. However, after the FEMA flood maps were updated, a portion of the lot was reclassified within the floodplain. Under current interpretation, the City requires a minimum of 6,000 square feet of *buildable area* outside the flood zone for subdivision.

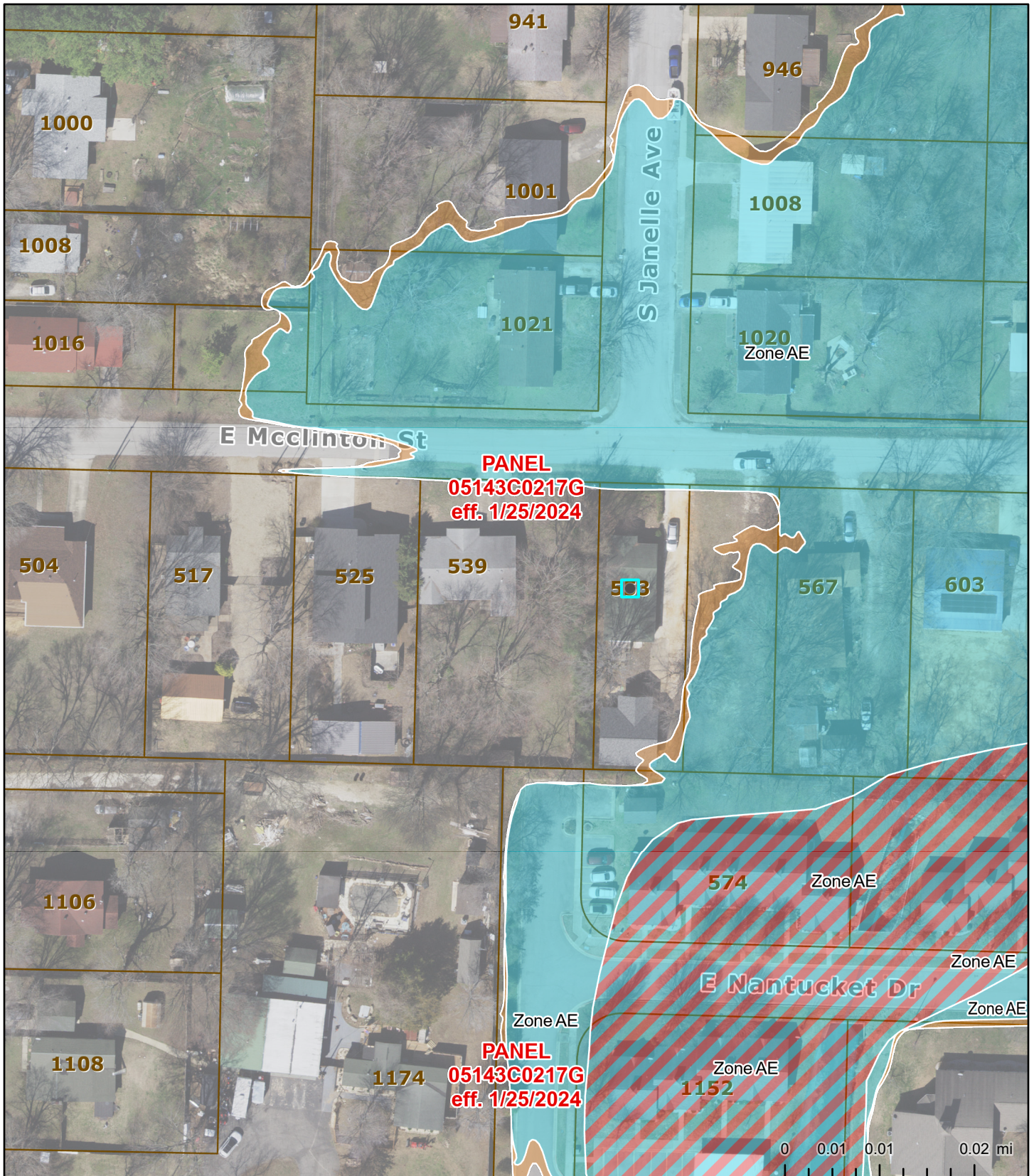
This standard presents a hardship unique to the site. The property already contains a single-family home and a newly constructed ADU; no additional development is proposed. The variance would simply allow the lot split to occur consistent with the development that already exists. Because the site cannot be further developed due to floodplain constraints, granting this variance would not increase density or create additional environmental impacts.

We believe strict application of the 6,000-square-foot buildable area requirement creates an undue hardship due to the timing of the FEMA map update and the site's existing development pattern. The request is not self-imposed, will not negatively affect adjacent properties, and remains consistent with the intent of the UDC by maintaining safe, sustainable residential use while recognizing practical site limitations.

Thank you for your time and consideration. We appreciate your continued efforts to balance neighborhood character, housing flexibility, and environmental stewardship.

Respectfully,

Wesley Bates
Konrad Siemek



- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- 0.2% Annual Chance Flood Hazard
- SFHA / Flood Zone Boundary
- FIRM Panels

553 E McClinton

Fayetteville, AR

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

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 FEMA, City of Fayetteville, AR
 Map Author:



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: January 12, 2026

SUBJECT: **VAR-2025-0056: Planning Commission Variance (504 N. SEQUOYAH DR./ARENS, 486):** Submitted by BATES & ASSOCIATES for property located at 504 N. SEQUOYAH DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, and RPZD, RESIDENTIAL PLANNED ZONING DISTRICT, and contains approximately 1.63 acres. The request is for a variance to access management requirements.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0056** with conditions.

RECOMMENDED MOTION:

"I move to approve VAR-2025-0056, recommending:

- No action of the requested variance to §166.08(E)(2), Double Street Frontage;*
- In favor of the requested variance to §166.08(F), Access Management;*
- In favor of the requested variance to §166.08(F)(1), Curb Cut Separation; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in central Fayetteville, approximately 1,300 feet south of the intersection of E. Rockwood Trl. And N. Sequoyah Dr. The parcel is developed with two single-family structures, with one being built in 2001 and the other prior to 1980. A residential planned zoning district was approved for this area (ORD 6532) was approved for this area by City Council in 2022. The subject property lies in the Hillside/Hilltop Overlay District. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Use and Zoning

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

Request: The applicant requests three variances from access management standards to allow for the development of a driveway that would connect to N. Crest Dr. The first variance is to §166.08(E)(2) which prohibits double-street frontage lots. The property is a non-conforming through-lot that was approved through a property line adjustment in 2018 (PLA-17-6019). The

second is to §166.08(F) which requires a property that is accessing two public streets to access the lower classification street. The third is to §166.08(F)(1) which prohibits a curb cut separation of less than 5' between the drive and an adjoining property line. The applicant intends to develop a driveway to access N. Crest Dr which would be utilized by emergency response vehicles and when weather prevents access to N. Sequoyah Dr.

DISCUSSION

Variance #1: §166.08(E)(2), Street Design and Access Management Standards. With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted roadways such as expressways.

- *Staff finds that the property is a nonconforming through-lot that was created in 2018 through a property line adjustment (PLA-17-6019) prior to the City adopting code in 2019 that prevented the creation of through-lots (ORD. 6244). As the situation is not worsened with the proposed driveway, Staff does not recommend action on the requested variance.*

Variance #2: §166.08(F), Access Management. Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer. The applicant is requesting to develop a driveway that accesses both N. Sequoyah Dr and N. Crest Dr, both Residential Link streets. Since access is proposed to multiple streets, a variance is required.

- *Staff recommendation: Staff supports the variance request due to the low density of the property. The intent of this ordinance is to ensure the safety of pedestrians and vehicles coming onto the roadway. Both roadways are Residential Link streets, which are the lowest classification, meaning there is minimal traffic. A concern would be an increase in traffic to the proposed roadway N. Crest Dr. Given the low-density zoning districts that the subject property is in – RSF-4 and RPZD – staff does not anticipate any density growth that would substantially increase the traffic volume along N. Crest Dr. to create unsafe conditions. Additionally, the Fire Department has expressed support of the variance request because of the difficulty accessing the property from the N. Sequoyah Dr approach due to the steep topography. A second access on more favorable terrain would allow for more readily access during emergency calls.*

Variance #3: §166.08(F)(1), Access Management: Curb Cut Separation. Curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared. The applicant is intending to develop a driveway that will access N. Crest Dr that will be within 5' of the adjoining property line.

- *Staff recommendation: Staff finds the applicant does have a hardship given the access concerns raised by the Fire Department and that there is no other reasonable option. The intent of the 5' separation is to ensure that there is no encroachment of a vehicle onto a neighboring property. The width of the property that is accessing N. Crest Dr is 8.13' and the proposed driveway would encumber the entire width, preventing the 5' separation. The Fire Department has expressed support for the variance as they are prevented from accessing the residential homes from the drive fronting N. Sequoyah Dr. With a drive located on N. Crest Dr, the emergency response vehicles can more readily reach the residential*

homes. No neighboring driveways exist within 5' of the proposed drive, ensuring compliance with UDC § 166.08(F)(3)(a). Staff does not anticipate frequent use of the N. Crest Dr driveway, limiting any potential for vehicle encroachment onto neighboring properties.

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

RECOMMENDATION: Staff recommends approval of VAR-2025-0056 with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.08(F), Access Management to permit the construction of a new driveway on a higher volume street of the same classification.** *Staff recommends in favor of the request for the reasons outlined above.*
2. **Planning Commission determination of a variance to §166.08(F)(1), Access Management to permit a curb cut to be within the minimum 5' from the adjoining property line.** *Staff recommends in favor of the request for the reasons outlined above.*
3. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION:			
Required	<u>YES</u>		
Date: <u>January 12, 2025</u>	☐ Tabled	☐ Approved	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Developed Code:
 - § 166.08 Street Design and Access Management Standards
- One Mile Map
- Close-up Map
- Current Land Use Map
- Request Letter
- Site Plan

166.08 Street Design And Access Management Standards

...

(E) *Block Layout/Connectivity.*

- (1) *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) *Regional and Regional High Activity Links.* Signalized intersections should be located at a minimum of one (1) every 2,640 feet (half a mile) along regional links and should be based on traffic warrants.
 - (b) *Neighborhood Links.* Intersections should be located at a minimum of one (1) every 1,320 feet (quarter of a mile) along neighborhood links.
 - (c) *Residential Link and Downtown/Urban Street.* Intersections shall occur at a minimum of one (1) every 660 feet.
 - (d) *Variances.* Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.
- (2) With the exception of corner lots, double-street frontage lots are prohibited except where such lots front on access restricted roadways such as expressways. Alleys are not considered as frontage. Double frontage lots may be permitted by the Planning Commission for topographical problems, feasibility issues relating to the parcel's dimensions, or other good cause which must be established and proven by the developer. The Planning Commission may impose additional landscape requirements along the back of such double-frontage lots. Unless otherwise approved by the Planning Commission, all primary structures shall be oriented toward the higher functional classification street.
- (3) *Connectivity.* Wherever a proposed development abuts undeveloped land, street stub-outs shall be provided as deemed necessary by the Planning Commission to abutting properties or to logically extend the street system.
- (4) *Topography.* Local streets should be designed to relate to the existing topography and minimize the disturbance zone.
- (5) *Dead-End Streets.* Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the city and the Fire Department. The maximum length of a dead end street (without a street stub-out) shall be 500 feet.

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

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

intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

...

(Code 1965, App. C., Art. IV, §§C, D, F—H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51—159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4757, 9-6-05; Ord. No. 4919, 9-05-06; Ord. No. 5156, 8-5-08; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12; Ord. No. 5642, 12-03-13; Ord. No. 6179, §1, 4-16-19; Ord. No. 6207, §§1—4, 7-16-19; Ord. No. 6244, §1, 10-1-19; Ord. No. 6350, §4(Exh. C), 8-18-20; Ord. No. 6658, §9, 5-2-23)

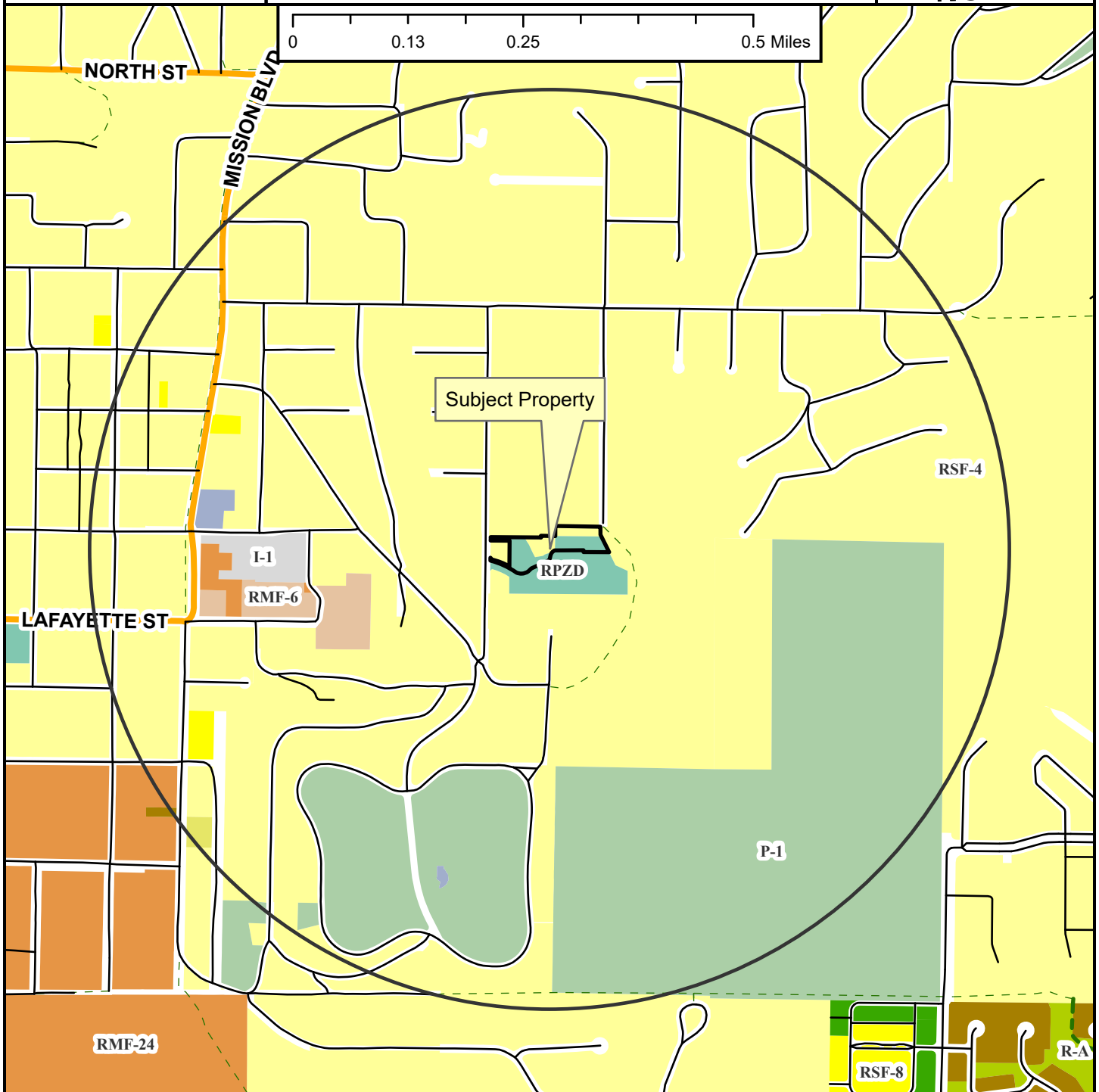
VAR-2025-0056

504 N. SEQUOYAH DR

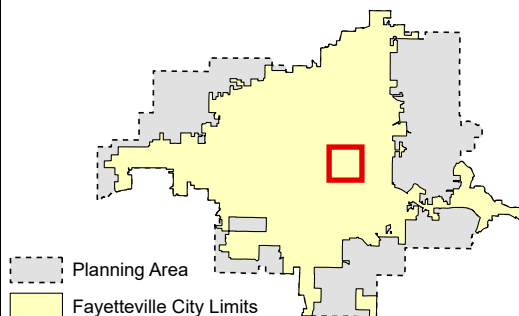
One Mile View



0 0.13 0.25 0.5 Miles



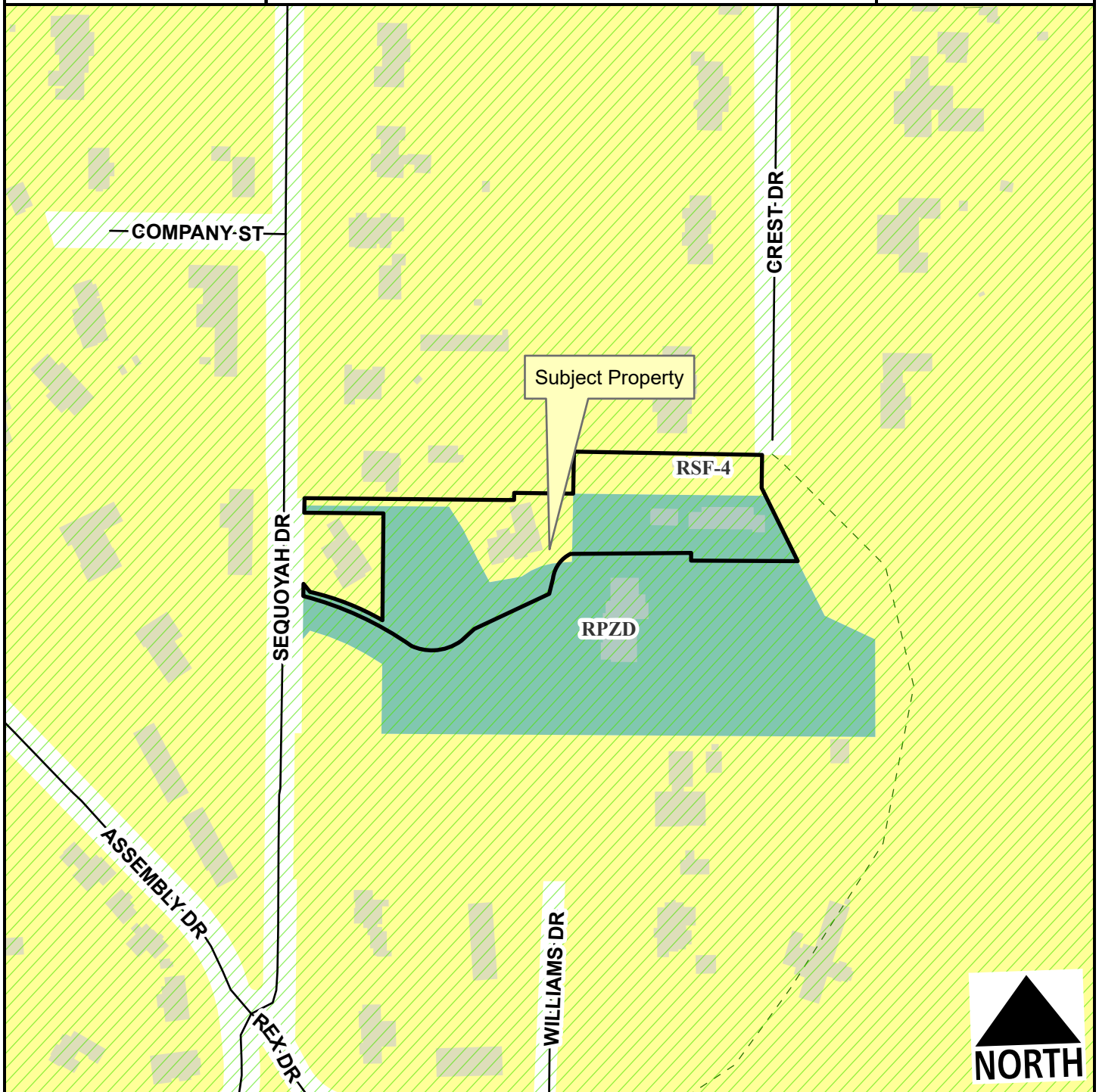
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- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



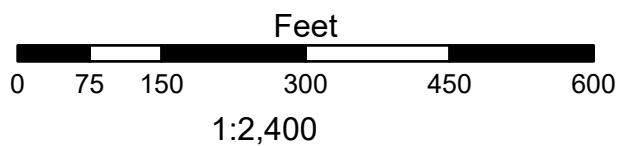
VAR-2025-0056

504 N. SEQUOYAH DR

Close Up View



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



VAR-2025-0056

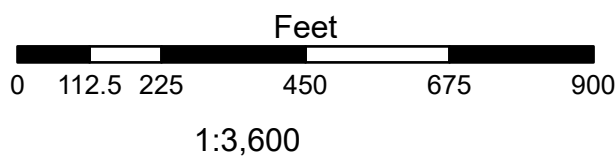
504 N. SEQUOYAH DR

Current Land Use



2025 Imagery | EagleView Technologies | Surdex Corporation

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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

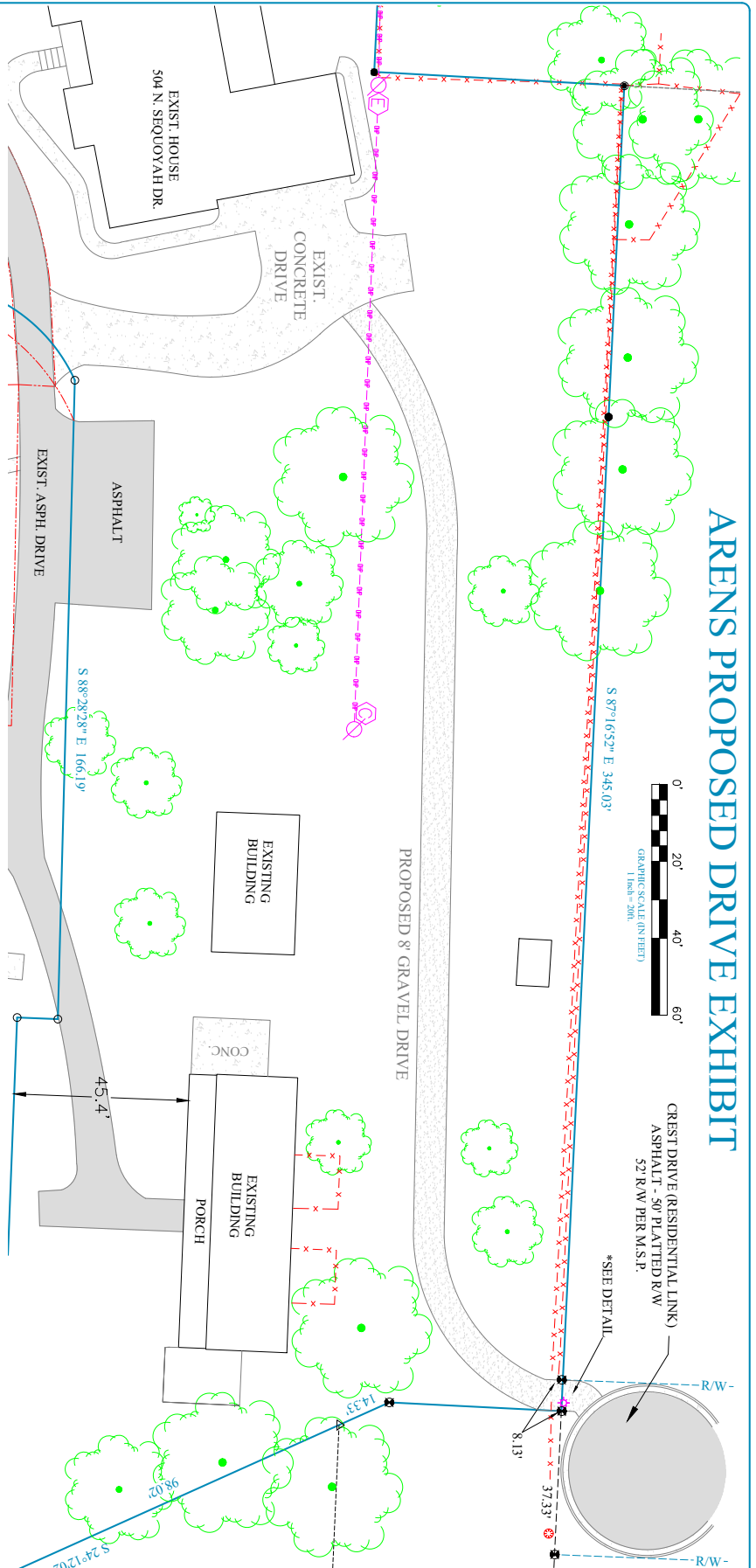
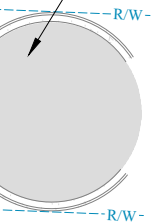
ARENS PROPOSED DRIVE EXHIBIT



CREST DRIVE (RESIDENTIAL LINK)
ASPHALT - 50' PLATTED R/W
52' R/W PER M.S.P.

S 87°16'52" E 345.03'

*SEE DETAIL



DETAIL - N.T.S.

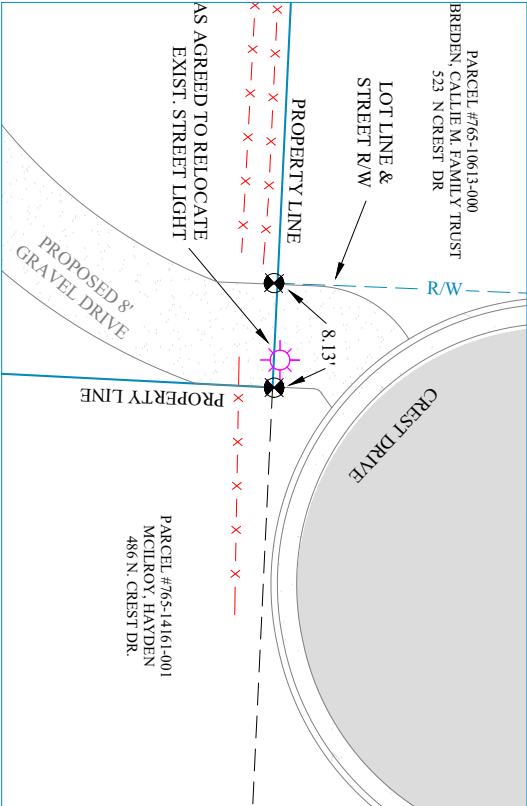
PARCEL #765-10613-000
BREIDEN, CALIE M. FAMILY TRUST
523 N CREST DR

LOT LINE & STREET R/W

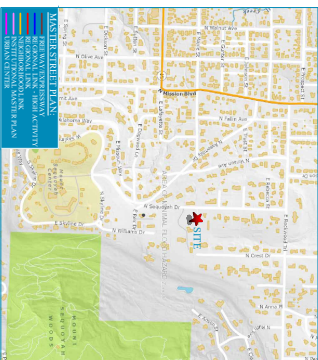
PROPERTY LINE

AS AGREED TO RELOCATE
EXIST. STREET LIGHT

PARCEL #765-14161-001
MCILROY, HAYDEN
486 N. CREST DR.

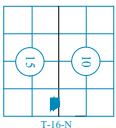


VICINITY MAP



LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- BOUNDARY LINE (MEASURED)
- FOURTY LINE / TIE LINE
- CENTERLINE OF ROAD
- M.S.P. RIGHT-OF-WAY
- OVERHEAD POWER LINE
- FENCE
- FOUND 12" REBAR
- SET 5/8" REBARCAP
- COMPUTED POINT
- POWER POLE
- ELECTRICAL PEDESTAL
- CABLE PEDESTAL
- STREET LIGHT
- TREE



BATES
Engineers • Surveyors

7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9330
BATES & ASSOCIATES, INC. Copyright 2023
This survey was conducted for the purpose of showing the location of the property. It is not intended to be used for any other purpose. No warranty is made by Bates & Associates, Inc. for the accuracy of the information provided on this plan. The user assumes all liability for the correctness of the information and any reliance on the information does not represent the opinion of Bates & Associates, Inc. or the probability of flooding.

FOR USE AND BENEFIT OF:
RICHARD & JIAN ARENS

ADDRESS:
504 NORTH SQUOYAH DRIVE
FAYETTEVILLE, ARKANSAS

DATE: 12/3/25
SCALE: 1"=60'
SECTION: 10 & 15
TOWNSHIP: 16 NORTH
RANGE: 30 WEST

SURVEYED: DRAFTED:
JCR JCR

COA #1335

RECORDING NUMBER/DATE



December 31, 2025

RE: Arens Revocable Trust variance letter at 502 and 504 N. Sequoyah Drive

To the Fayetteville Planning Commission:

Richard Arens, for Arens Revocable Trust, is requesting a variance to UDC 166.08(E)(2) – a lot that fronts onto two streets, a variance to UDC 166.08(F) – access from a lower volume street when the property has access to two streets with the same classification, and a variance to UDC 166.08(F)(1) – a curb cut that would not be 5' from the adjoining property line.

On the north side of the property, there is 8.13' of road frontage onto Crest Drive, at the end of the road at the cul-de-sac. Mr. Arens would like to utilize this road frontage to construct a new 8' wide residential gravel drive that connects to his house at 504 N. Sequoyah Drive.

The current driveway to Mr. Arens' house from North Sequoyah Drive serves as primary access. Parts of the existing drive are very steep and exceed 15% slope. In icy weather conditions this can prevent Mr. Arens from being able to leave the property and prevent emergency vehicle access to his house. Mr. Arens is facing many serious health issues, and being able to leave the property for medical care is paramount. A new driveway connecting to Crest Drive would serve as a viable secondary ingress and egress if needed. The slope of the proposed drive would roughly be 3%.

The current driveway to North Sequoyah Drive existed in its current state prior to Mr. Arens purchasing the property in 2017. In 2022 Mr. Arens and his neighbor Richard Alexander applied for a PZD to develop their respective properties and create new residential lots. A requirement from the fire department was to alter the driveway from Sequoyah Drive to be less than a 15% slope. The cost to do this was astronomical and ended up killing the PZD project. Mr. Arens and Mr. Alexander decided to keep the property in its current state.

Granting this variance would allow Mr. Arens to use and benefit from existing street frontage directly adjacent to his property. A new 8' driveway would be a minimal development that would not have a significant impact on the land, nor would it grant Mr. Arens any special privileges. This new driveway would provide a safe alternative means of ingress and egress to his property. The traffic impact would be minimal, as the new driveway would be private and not open to the public.

Thank you for your consideration. Please contact me with any questions.

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



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 12, 2026

SUBJECT: **VAR-2025-0059: Planning Commission Variance (3143 W TULSA ST/SOUTHERN WOODS, 557):** Submitted by COMMUNITY BY DESIGN for property located at 3143 W. TULSA ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 14.42 acres. The request is for a variance to the expiration of approved plans and permits.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0059** with conditions.

RECOMMENDED MOTION:

"I move to approve VAR-2025-0059, recommending:

- In favor of the requested variance to UDC §166.20(B)(3) Planning Commission Extension.*
- In favor of the requested variance to UDC §166.20(B)(4) Ordinance Amendments; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located just south of Centennial Park and north of Old Farmington Road. The property contains roughly 17.72 acres and is zoned NC, Neighborhood Conservation. An extensive cluster housing project has been in development since roughly 2021. Both the initial conditional use permit (CUP-2021-000056) and large-scale development (LSD-2022-0042) have fully expired, and new entitlements were later requested and approved (CUP-2025-0001 and LSD-2022-0042). Multiple requests to modify floor plans, elevations, and parking counts within the large-scale development have since been approved as well (ADM-2024-0051 and ADM-2025-0009). A one-year extension to LSD-2022-0042 was granted administratively by staff last year, extending that item's approval until August 14, 2025. Since then, the development entitlement for LSD-2022-0042 expired. The conditional use permit (CUP-2025-0001) remains valid through February 24, 2026, and may be administratively extended. 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; Centennial Park	R-A, Residential-Agricultural; RSF-4, Residential Single-family, 4 Units per Acre
South	Single-family Residential	R-A, Residential-Agricultural; R-PZD, Residential Planned Zoning District; RSF-4, Residential Single-family, 4 Units per Acre
West	Undeveloped	R-A, Residential-Agricultural; RSF-2, Residential Single-family, 2 Units per Acre
East	Single-family Residential	NC, Neighborhood Conservation

Request: The applicant is requesting a variance to UDC §166.20(B)(3) and (4) to extend development entitlement of LSD-2022-0042 through the end of calendar year 2026 for clusters 15, 16, 19, and 20. The applicant also requests that said extension be for the project “as is” and that the project not be required to be brought up to current ordinances.

DISCUSSION

Variance #1: §166.20(B)(3): Planning Commission Extension. Prior to the expiration of any allowed extension period (maximum of two (2) years from the date of original approval), an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year, if the plans and permits are substantially the same as those originally approved. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit and the permitted extension period. Extensions beyond three (3) years from the original date of approval shall not be permitted. The applicant requests a variance to allow the Planning Commission to extend large-scale development entitlement beyond three years from the date of original approval (through 2026) for a request received after the project expiration.

Staff Recommendation: Staff recommends in favor of the request, finding that the intent of the ordinance is still met. The intent of the project expiration ordinance is to ensure that approved development projects are completed in a timely manner in line with city codes and those projects which experience substantial delays in permitting are updated to comply with current standards as necessary. As such, ordinance requires that a project must “receive all permits and approvals required by city, county, state, and federal regulations to complete construction of the development or project” in order to avoid expiration. Because a large-scale development application inherently includes building permits within its parameters, this project included both the construction of infrastructure, as well as 134 building permits that must be issued prior to project expiration. While 41 houses (~31%) have been permitted, this leaves approximately 2/3 of the houses remaining. The applicant requests that the existing large-scale be extended for the 47 homes within the middle phase of this development (clusters 15, 16, 19, and 20). Staff finds that the infrastructure within this area is near completion and that a narrow extension of the large-scale development would permit home construction to continue while new project approvals are requested for the remainder of the project area.

Variance #2: §166.20(B)(4): Ordinance Amendments. To receive approval of an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original project approval. Projects that must be substantially modified to meet new code requirements are subject to §166.01(D) Modifications. The applicant requests a variance to allow the approval of cluster 15, 16, 19, and 20 of LSD-2022-0042 to be extended through the end of calendar year 2026 without requiring updates to the plans to bring the project into compliance with current zoning and development

requirements.

Staff Recommendation: Staff recommends in favor of the request, finding that the intent of the ordinance is still met. The intent of the project expiration ordinance is to ensure that approved development projects are completed in a timely manner in line with city codes and those projects which experience substantial delays in permitting are updated to comply with current standards as necessary. Project development and construction have essentially been continuous since 2021, and staff finds that many of the benefits of getting homes to the market faster and at a lower cost that could result from granting a narrow extension to the large-scale development for the four clusters near building permits could be significantly negated by requiring this associated large-scale development to be brought to current codes as this could involve significant project revision and staff review time. Further, staff finds that the cluster housing ordinance has not been updated since 2011, meaning that changes associated with a new large-scale development are likely to be minimal in areas where street and utility infrastructure is already installed. Given the limited nature of the request to extend the existing large-scale development to the four clusters closest to building permits, staff finds the request to be a balanced approach that will allow the project to move forward while still accounting for code updates in later phases of the development where a new submittal would be required.

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

RECOMMENDATION: Staff recommend approval of VAR-2025-0059 with the following conditions.

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.20(B)(3), Planning Commission Extension.** *Staff recommends approval of the requested variance for the reasons outlined above with the following condition:*
 - a. *Extension of LSD-2022-0042 shall be restricted to clusters 15, 16, 19, and 20 only.*
 - b. *New development entitlement approval shall be required for the remainder of the property, labeled as Phase 3 North on the attached phasing plan.*
2. **Planning Commission determination of a variance to §166.20(B)(4), Ordinance Amendments.** *Staff recommends approval of the requested variance for the reasons outlined above with the following condition:*
 - a. *Approval shall be restricted to clusters 15, 16, 19, and 20 only.*
3. All other conditions of the associated large-scale development (LSD-2022-0042) not affected by this modification shall remain in effect.
4. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION: Required YES

Date: January 12, 2026

☐ Tabled

☐ Approved

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

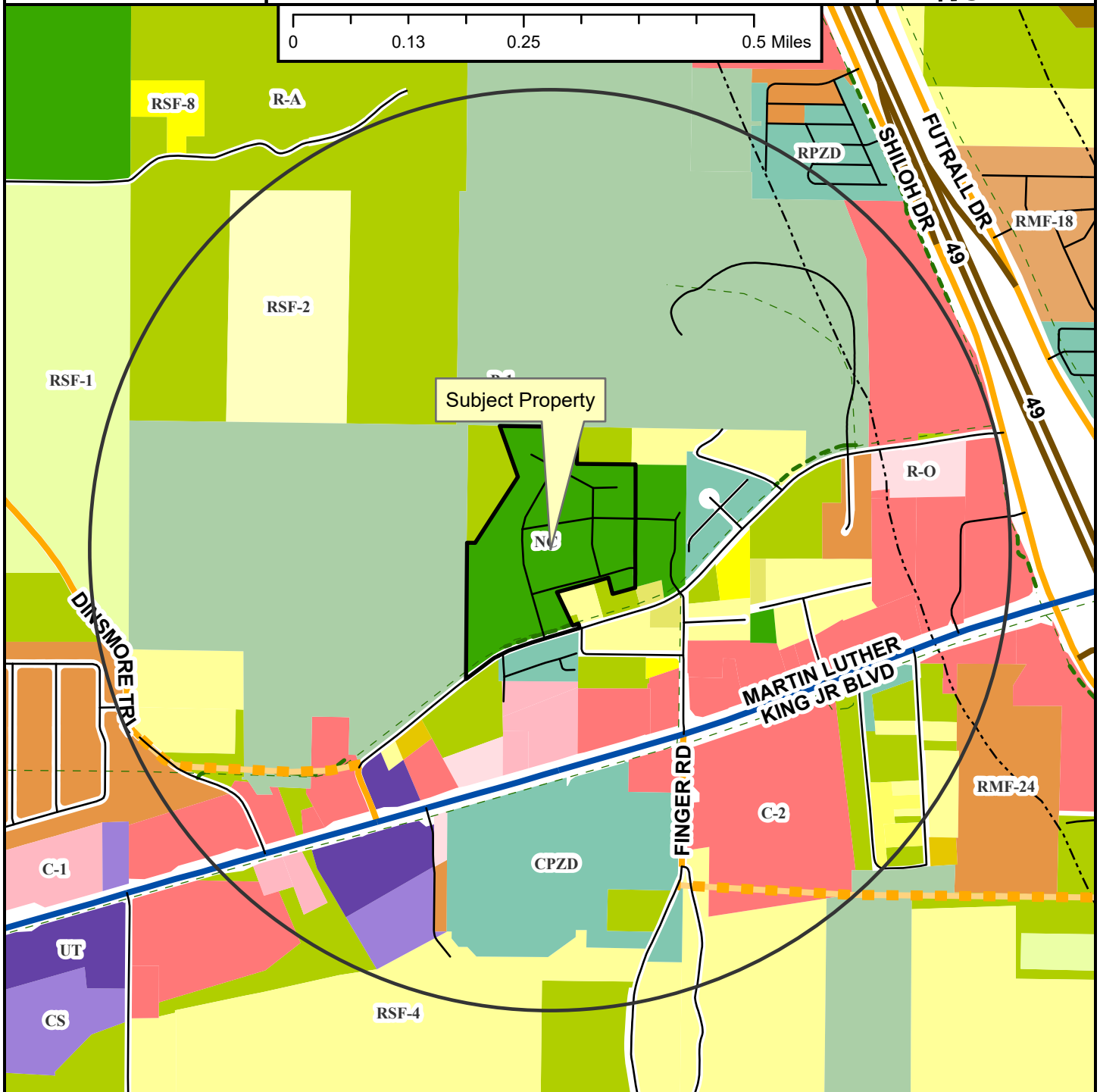
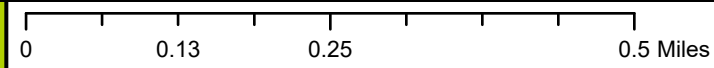
Attachments:

- Project Maps
 - One Mile Map
 - Close-up Map
 - Current Land Use Map
- Unified Development Code:
 - §166.20 Project Expirations
- Applicant Exhibits
 - Request Letter
 - Site Plan
 - Building Plans and Elevations

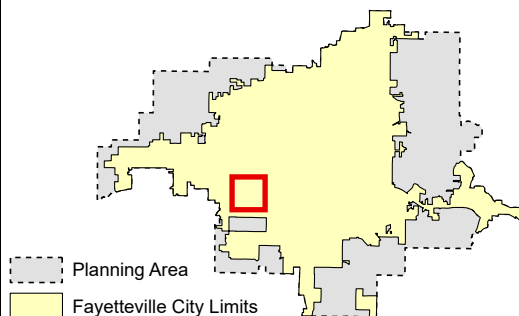
VAR-2025-0059

3143 W. TULSA ST

One Mile View



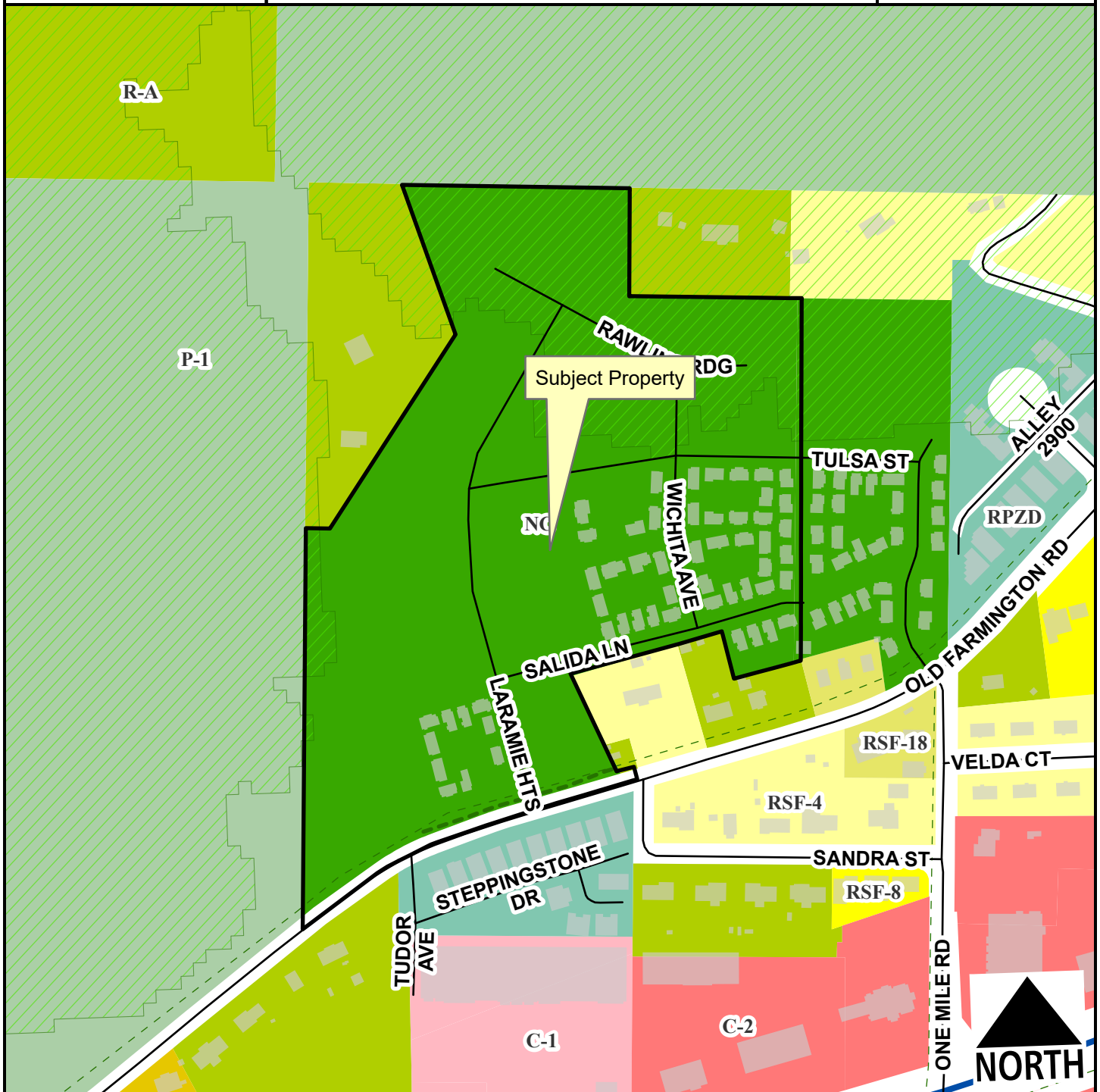
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



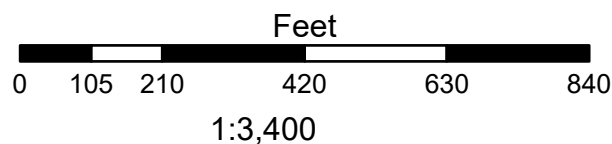
VAR-2025-0059

3143 W. TULSA ST

Close Up View



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





166.20 Expiration Of Approved Plans And Permits

(A) *Applicability.* The provisions of this section apply to all of the following plans and permits:

- (1) Preliminary plats;
- (2) Planned zoning district developments;
- (3) Conditional uses;
- (4) Large-scale developments;
- (5) Lot splits;
- (6) Physical alteration of land (grading)/storm water, drainage, and erosion control (drainage) permit;
- (7) Tree preservation plans; and
- (8) Floodplain development permits.

(B) *Time Limit.*

- (1) *Tasks to Be Completed.* All of the above-enumerated plans and permits are conditioned upon the applicant accomplishing the following tasks within one (1) year from the date of approval:
 - (a) For any renovation or new construction, receive all building permits for the project; and/or,
 - (b) For a Planned Zoning District, comply with the approved phasing plan; and/or
 - (c) For a lot split, record a deed or survey at the Washington County Circuit Clerk's Office, stamped for recordation by the City Planning Division; and/or,
 - (d) Receive a business license; and/or,
 - (e) Receive all permits and approvals required by city, county, state, and federal regulations to complete construction of the development or project.
- (2) *Administrative Extension Within Eighteen (18) Months.* Within eighteen (18) months of the date of approval, an applicant may request the Zoning and Development Administrator to extend the period to accomplish the tasks by up to one (1) additional year from the original date of approval. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit. Extensions that are not permitted administratively may be requested from the Planning Commission within ten (10) days of the final administrative decision.
- (3) *Planning Commission Extension.* Prior to the expiration of any allowed extension period (maximum of two (2) years from the date of original approval), an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year, if the plans and permits are substantially the same as those originally approved. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit and the permitted extension period. Extensions beyond three (3) years from the original date of approval shall not be permitted.
- (4) *Ordinance Amendments.* To receive approval of an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original project approval. Projects that must be substantially modified to meet new code requirements are subject to §166.01(D) Modifications.
- (5) *Variances.* Variances from applicable zoning and development requirements that have been adopted subsequent to the original project approval shall be reviewed by the Planning Commission prior to approval of the extension.

- (6) *Expiration.* If the required task(s) are not completed within one (1) year from the date of approval or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(C) Three (3) Year Time Limit.

- (1) *Tasks to Be Complete.* All of the above-enumerated plans and permits are also conditioned upon the applicant completing the project and receiving final inspection approval and/or a final Certificate of Occupancy permit within three (3) years from the date of issuance of a building permit or receipt of all permits and approval required to complete construction of the project.
- (2) *Extensions.* Prior to the expiration of the three (3) year time limit, an applicant may request the Planning Commission to extend the three (3) year period to complete the project by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the three (3) year time limit.
- (3) *Expiration.* If the applicant fails to meet the requirements of subsection (C)(1) within three (3) years from the date of issuance of a building permit/receipt of all permits and approval required or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(Ord. No. 5155, 7-15-08); Ord. No. 5425, 8-2-11; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6719, §1(Exh. A), 2-20-24)

December 15th, 2025
Via Energov

Ms. Jessie Masters
Zoning and Development Administrator
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Razorback Road and Town Branch – Variance Request Additional Information

Ms. Masters,

On behalf of the owner of property and developer of LSD (Large Scale Development) 2022 0042, I am writing to request a variance from the development regulations set forth in Chapter 166 of the City of Fayetteville Unified Development Code (UDC), specifically UDC 166.20(B)(3) and (4), regarding the project expiration and timeline and as it applies to portions of the previously approved LSD 2022 0042. The request is to extend the previous Planning Commission development approvals for the middle phase of LSD 2022 0042 (lots/clusters 15,16,19, and 20) for 12 months or through the end of 2026. See attached Phasing Diagram.

LSD 2022 0042 is a continuation of a larger project that includes constructed LSD 20 7116 and LSD 2022 0014. LSD 20 7116 and LSD 2022 0014 each contain 28 houses, a total of 56 constructed houses. LSD 2022 0042 is planned for total of 134 houses and is being constructed in 3 phases, a south phase of 41 of already constructed houses, a middle phase of 47 houses, and a north phase of 46 houses. The Planning Commission approved CUP 2025 0001(zoning approval of LSD 2022 0042) in February of 2025 since previous conditional use permits for the project had expired, CUP 2025 0001 is not expired. GRD 2023 0093 is the grading permit for which all of LSD 2022 0042's required public infrastructure is currently being constructed, GRD 2023 0093 is not expired. The south phase of LSD 2022 0042 is complete, with public infrastructure accepted by City, the lot split subdivision has been approved, and the houses have been permitted and mostly constructed. The middle phase of LSD 2022 0042 is partially complete, with public infrastructure substantially completed but not closed out and accepted by City. House construction in middle phase is planned for 2026 and a portion of the building permits have been applied for, which revealed that LSD 2022 0042 had expired. The middle phase is essentially "pad ready" except for the development approval that has expired. Detailed public infrastructure construction for the north phase is planned for 2026 with house construction planned for 2027. See Southern Woods Master Plan Technical Annotation which attempts to convey overall project status graphically.

With 97 houses in the project currently complete and a very large private investment already made towards the public infrastructure required for the next 47 houses (the middle phase of LSD 2022 0042), the applicant requests that the Planning Commission extend all previous development approvals of the middle phase through the end of 2026. LSD 2022 0042 and associated approved variances and modifications comply with all applicable zoning and development requirements that have been adopted subsequent to it's original approval in August of 2023.

Thank you for considering this request. Please let me know if you have questions or if additional information is needed.

Sincerely,



Brian Teague - Community By Design

100 West Center Street Suite 300
Fayetteville, AR 72701

479.790.6775
Planning Commission
January 12, 2026
VAR-2025-0059 (SOUTHERN WOODS)
Page 10 of 12



SOUTHERN WOODS
3220 OLD FARMINGTON ROAD
ANNOTATED MASTER PLAN
12/15/25





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner
Jason Hood, Fire Marshal

MEETING DATE: January 12, 2026

SUBJECT: **CUP-2025-0057: Conditional Use Permit (1391 S. BALDWIN AVE. / ART OF MASSAGE, 572):** Submitted by SUNDI TYLER for property located at 1931 S BALDWIN AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to operate a massage therapy practice.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0057** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0057** 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 west side of S Baldwin Avenue, roughly ½ mi west of Lake Sequoyah on the east side of Fayetteville. The property contains approximately 0.30 acres, is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and is currently developed with a structure that Washington County records indicate was built in 2003. The structure was originally constructed for use as a single-family dwelling. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

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

City Plan 2040 Future Land Use Designation: Residential Neighborhood Area and Natural Area

Proposal: The applicant requests a conditional use permit to operate a massage therapy business on the subject property. Massage therapy businesses are classified as Use Unit 24, Home Occupation. The applicant has described the business as follows:

- *Approximately 876-square-foot building*
- *Parking: 2 off-street parking spaces*
- *Number of employees: 1*
- *Number of customers: 1-4 daily*
- *Hours of operation:*
 - *Monday-Thursday: 11:00 AM to 7:00 PM*
 - *Friday-Sunday: 11:00 AM to 3:00 PM*
- *Outdoor Lighting: May include standard porch lights, several street lights, and flood lights along porch and garage on the property.*
- *Trash: Existing residential trash service*

Public Comment: Staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0057**, subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties.** *Staff recommends that the proposed location for a massage therapy business is compatible given the scale of the proposed business and its proximity to other nonresidential and public uses;*
2. **This conditional use permit is limited to the use for Art of Massage as described in the applicant's request letter. This conditional use permit is transferrable to a different business or property owner. The following specifications apply:**
 - **Size of the business:** **Approximately 876 square feet**
 - **Hours of operation:** **11:00 AM - 7:00 PM (Monday - Thursday),
11:00 AM – 3:00 PM (Friday – Sunday)**
 - **Parking:** **2 parking spaces on driveway**
 - **Number of employees:** **1 employee**
 - **Customers:** **1-4 daily**
3. **A business license shall be obtained for the proposed business at this location prior to occupancy of the property;**
4. **Approval of conditional use permit does not constitute approval for any needed building permits or development entitlement;**
5. **Any required permits must be obtained within 1 year of conditional use permit approval;**
6. **Proposed parking area for 2 vehicles shall meet the requirements for driveway standards as outlined in 172.11(G);**
7. **Trash shall remain screened at the rear of the property and out of view from the right-of-way outside of typical trash collection times.**
8. **Any future expansion or change in the conditional use shall require Planning Commission approval;**

9. Signs shall be limited to those permitted by Unified Development Code §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation; and
10. Outdoor lighting shall comply with Unified Development Code §176.
-

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</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 a massage therapy business in RSF-4 zoning.**

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

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

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

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

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

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

Finding: Staff finds that granting the proposed conditional use is not likely to adversely affect the public interest.

(c.) The Planning Commission shall certify:

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

Finding: Home Occupation regulations need to be followed under Unified Development Code §163.08 to grant the requested conditional use permit.

(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 property is provided via an existing curb cut along S Baldwin Avenue to a paved driveway 18 feet from the right-of-way. S Baldwin Avenue is not striped with on-street bicycle lanes nor are there any existing sidewalk is present on either side of the street.

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

Finding: The applicant has stated that there are 2 parking spaces on the paved driveway. There is no on-street parking available along S Baldwin Avenue given the current street width. Any additional parking would need to follow UDC 172.11 and

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

Finding: As proposed, the applicant will utilize a residential trash cart and recycling containers in keeping with the previous tenants' needs. Staff recommends that trash remain screened at the rear of the property and out of view from the right-of-way outside of typical trash collection times.

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

Finding: The property has access to City water and sewer. A 8-inch water main and a 6-inch sewer main are present along S Baldwin Avenue.

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

Finding: Staff recommends proposed residential carts remain screened and at the rear of the property.

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

Finding: Any proposed signage will be subject to UDC §174 and all the regulations therein.

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

Finding: Based on the applicant's submittal, the existing structure on the property appears to be meet the setback requirements of the RSF-4 zoning district. Any additions to the building, or alterations to required yards and open spaces, would be subject to further review and may require amending the conditional use permit.

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

Finding: Staff finds the proposed use as a massage therapy business to be compatible with adjacent properties and other properties in the RSF-4 zoning district. The proposed hours of operation, its proximity to residential and public properties, and the provision for off-street parking should limit any adverse impacts on residences in the surrounding area.

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

Finding: Staff finds the proposed use to be compatible with the goals and intent of the City's adopted plans. The City Plan 2040 Future Land Use Map

designates the property as Residential Neighborhood Area and Natural Area. The Residential Neighborhood Area designation supports a wide range of appropriately scaled housing types and encourages compact, connected neighborhood development, while allowing limited low-intensity non-residential uses intended to serve surrounding neighborhoods, particularly at street corners and along connecting corridors. The Natural Area designation emphasizes conservation and preservation of environmentally sensitive lands and supports development patterns such as clustered or conservation subdivision design that minimize environmental impacts. The Natural Area designation applies to the backside of the property and does not extend into the proposed building footprint. The proposed use is consistent with these designations by maintaining the residential character of the area while preserving and protecting adjacent natural features and environmental resources.

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
- Applicant Exhibits
 - Request Letter
 - FOIA Site Plan

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 ft	80 ft
Lot area minimum	8,000 square ft	12,000 square ft
Land area per dwelling unit	8,000 square ft	6,000 square ft
Hillside Overlay District Lot minimum width	60 ft	70 ft
Hillside Overlay District Lot area minimum	8,000 square ft	12,000 square ft
Land area per dwelling unit	8,000 square ft	6,000 square ft

(E) *Setback Requirements.*

Front	Side	Rear
15 ft	5 ft	15 ft

(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.

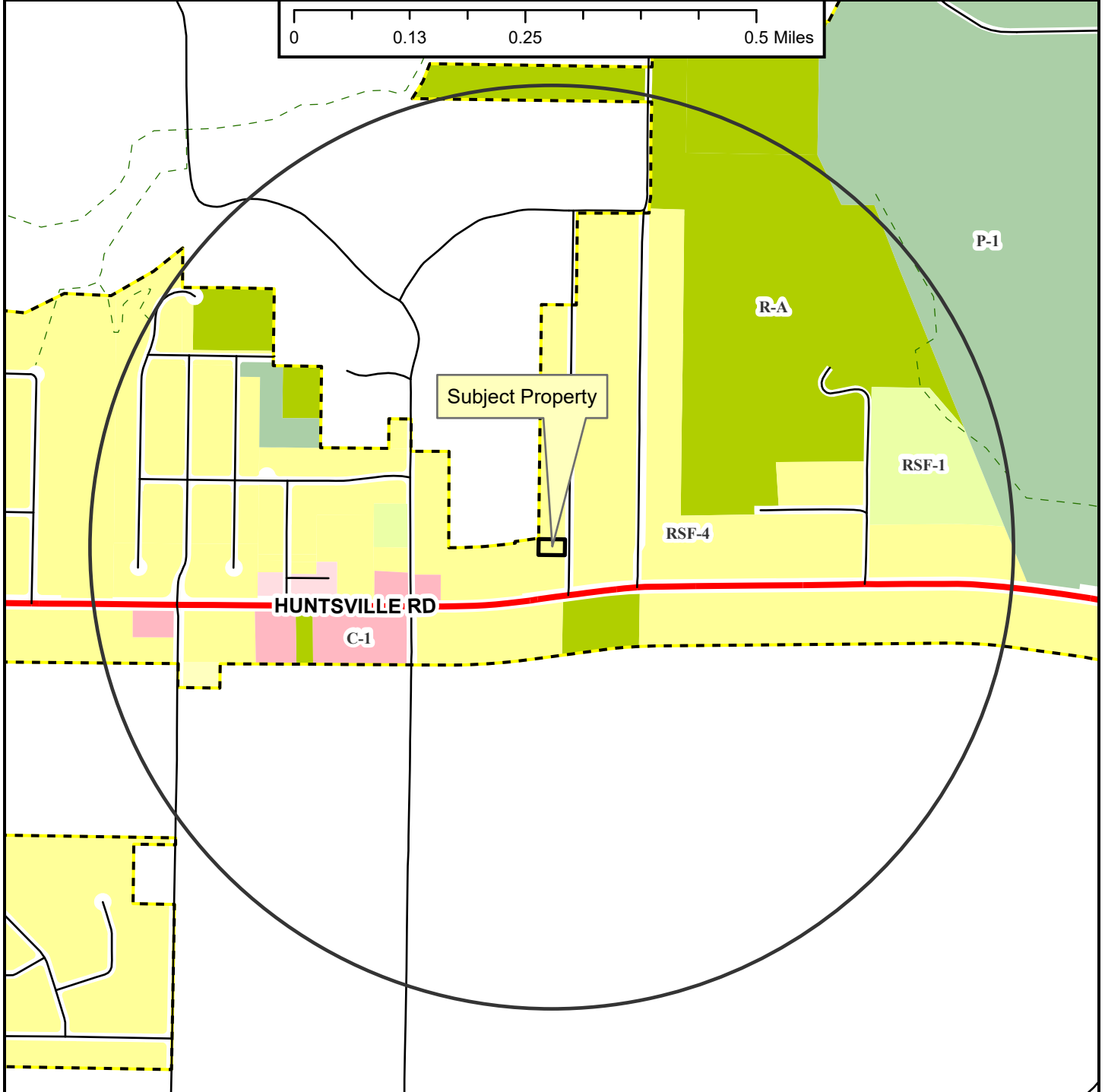
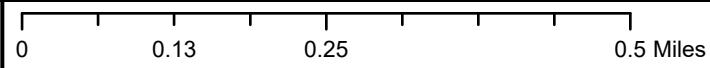
(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh.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

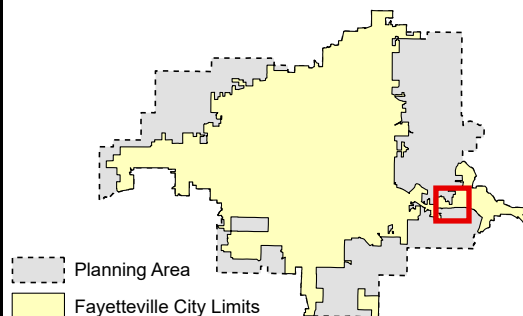
CUP-2025-0057

1391 S. BALDWIN AVE

One Mile View



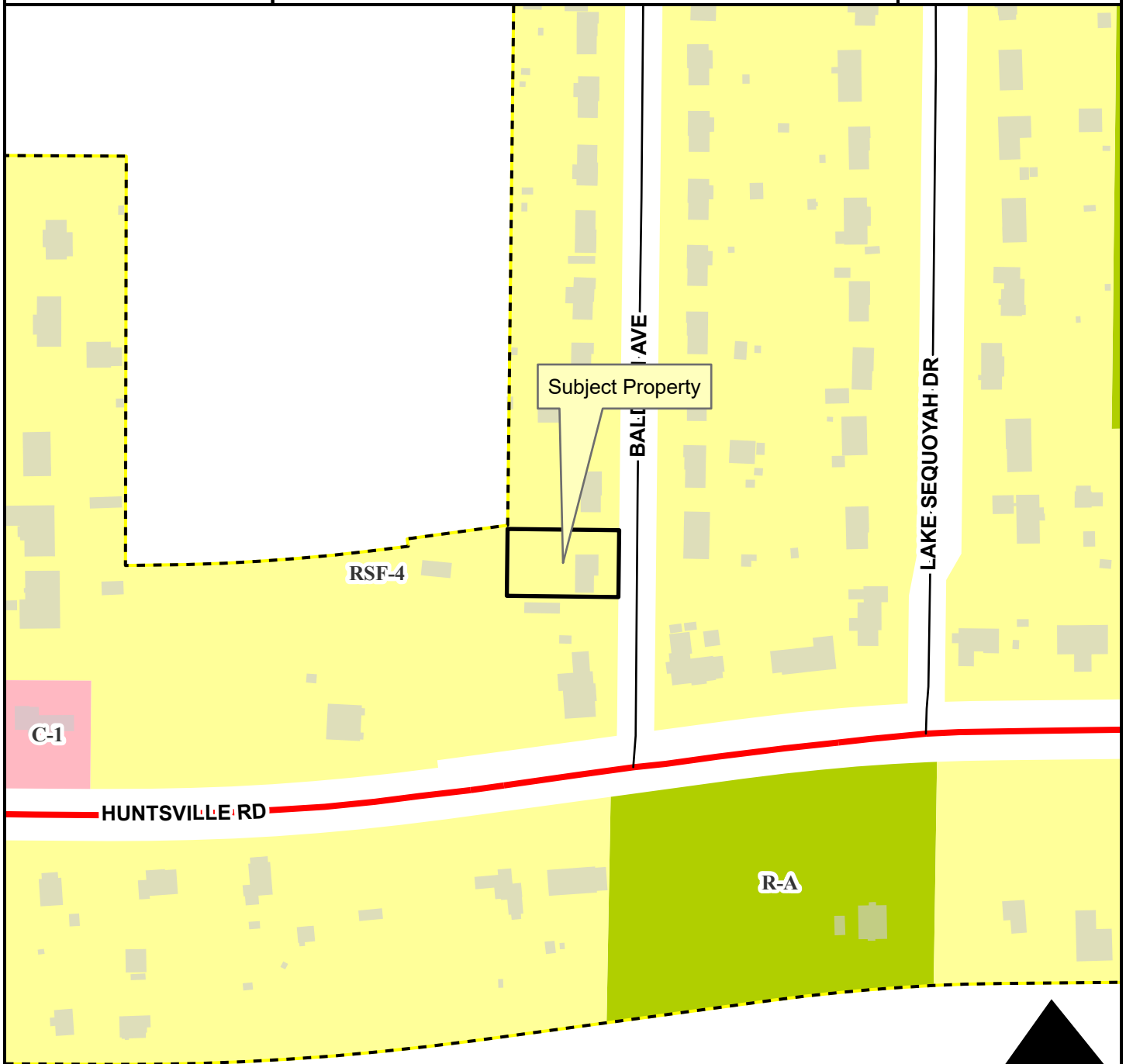
- Regional Link
- Unclassified
- Residential Link
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



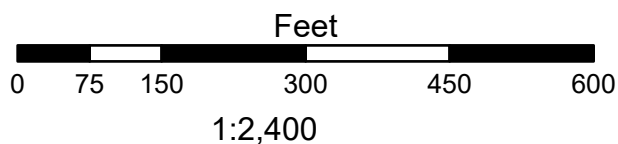
CUP-2025-0057

1391 S. BALDWIN AVE

Close Up View



- Regional Link
- Residential Link
- Planning Area
- Fayetteville City Limits



CUP-2025-0057

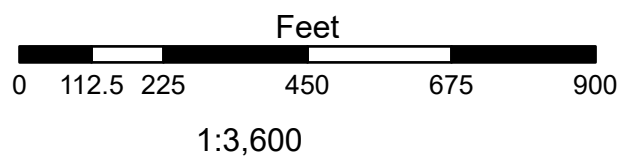
1391 S. BALDWIN AVE

Current Land Use



2025 Imagery | EagleView Technologies | Surdex Corporation

- Regional Link
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP - Letter of Request

The applicant, **Sundi Tyler, LMT #1945 DBA: ART OF MASSAGE**, proposes a Massage Therapy Practice/Business using the property at: **1391 S Baldwin Ave, Fayetteville, AR 72701**

Building/land Use: Residential

Zoning: RSF-4

Size of Property: 876 square feet

LOT 16, BLOCK 5, OF THE PLAT OF BLOCKS 4 & 6 OF LEWIS BALDWIN SUBDIVISION, TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD NI PLAT BOOK 629 AT PAGE 322, PLAT RECORDS OF WASHINGTON COUNTY.

The property has deep red exterior and white trim, and is fenced. There are approximately two off street parking spaces available for use (driveway). There is plenty of lighting with several street lights, as well as flood lights on the porch and over the garage of the home. Garbage & recycling containers are removed from the street once the city runs scheduled pickups on Thursday mornings.

Massage sessions are fully compliant with all noise ordinances. The practice will be part time by individual appointment only, and scheduled between the following times:

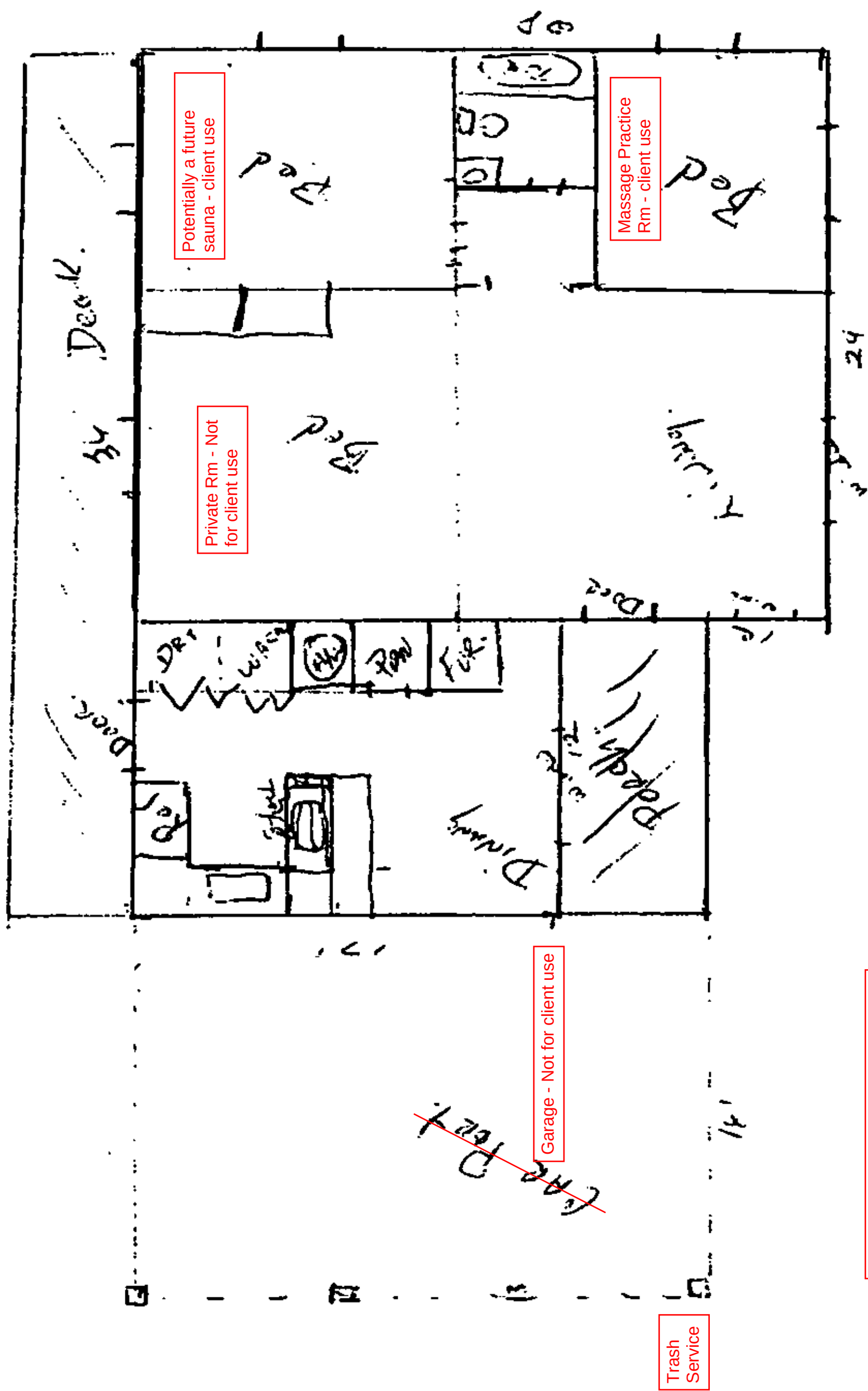
- Monday 11 am -- 7 pm
- Tuesday 11 am -- 7 pm
- Wednesday 11 am – 7 pm
- Thursday 11 am – 7 pm
- Friday 11 am – 3 pm
- Saturday 11 am – 3 pm
- Sunday 11 am – 3 pm

Additionally, I have filed a FOIA request for floor plans to scale for the property. Requesting a copy to be electronically forwarded to the City Planning Department.

- Request Number: **FOIA-2025-497**

Property Owner:

Name: Sundi Tyler **Phone #:** C: 505-269-9084 / B: 479-841-8896



S BALDWIN AVE

2 parking spaces, driveway - client use

New Kitchen
Wiring
Plumbing
Vinyl Siding
Sheet Rock
Insulation



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: January 12, 2026

SUBJECT: **CUP-2025-0060: Conditional Use Permit (3900 N. PARKVIEW DR / TEMPORARY MRI COMMERCIAL UNIT, 175): Submitted by WHITE RIVER CONTRACTORS INC for property located at 3900 N. PARKVIEW DR. The property is zoned R-O, RESIDENTIAL-OFFICE and contains approximately 2.51 acres. The request is for a temporary 2800-square-foot mobile MRI commercial unit.**

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0060** with conditions, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0060** 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 parcel 765-16847-007, on the east side of Parkview Drive, directly adjacent to Advanced Orthopaedic Specialists main office in north Fayetteville. The property contains approximately 2.51 acres, is zoned R-O, Residential Office, and is currently undeveloped land under the same ownership as the Advanced Orthopaedic Specialties. An existing unpaved, gravel parking lot of approximately 14,600 square feet on the subject property is proposed as the location for a mobile MRI unit. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Mixed-Residential	RMF-24, Residential Mixed-Family, 24 Units per Acre
South	Residential	R-O, Residential Office
East	Mixed-Residential	RMF-24, Residential Mixed-Family, 24 Units per Acre
West	Residential	R-O, Residential Office

City Plan 2040 Future Land Use Designation: City Neighborhood Area

Proposal: The applicant requests a conditional use permit to operate a temporary MRI commercial unit on the subject property, which is classified as Use Unit 2, City-wide uses by Conditional Use Permit. The applicant has described the business as follows:

- *Make, Model, Size: Medicoach Mobile MRI Trailer with Siemens MAGNETOM Espree 1.5T, 2800 sq. ft.*
- *Hours of Operation: Monday–Friday, 7:00 a.m.–5:00 p.m.*
- *Operator: Advanced Orthopaedic Specialists*
- *Operational Characteristics: Stationary during use; self-contained diagnostic environment.*
- *Temporary Classification: The unit is a permanent structure but is classified as temporary because it is mounted on a trailer with wheels. It will only be relocated in the event of a dire emergency.*
- *Parking: The MRI unit will sit on a paved surface that will not function as a parking area, as customers will be required to report to the main office prior to accessing the trailer for required testing.*

Public Comment: Staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0060**, subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties.** *Staff recommends that the proposed location for a temporary MRI commercial unit is compatible given the scale of the proposed business and its proximity to other nonresidential and public uses;*
2. **This conditional use permit is limited to the use for a temporary MRI commercial unit as described in the applicant's request letter. This conditional use permit is non-transferrable to a different business or property owner. The following specifications apply:**
 - **Make, Model, and Size:** Medicoach Mobile MRI Trailer with Siemens MAGNETOM Espree 1.5T, 2800 sq. ft.
 - **Hours of Operation:** Monday–Friday, 7:00 a.m.–5:00 p.m.
 - **Operator:** Advanced Orthopaedic Specialists
 - **Operational Characteristics:** Stationary during use; self-contained diagnostic environment
 - **Temporary Classification:** The unit is a permanent structure but is classified as temporary as it is mounted on a trailer with wheels and must only be relocated in the event of a dire emergency
 - **Parking:** The paved surface will not function as a parking area, as customers will be required to report to the main office prior to accessing the trailer for required testing.
3. **A business license shall be obtained for the proposed business at this location prior to occupancy of the property;**
4. **Approval of conditional use permit does not constitute approval for any needed building permits or development entitlement;**

5. Any required permits must be obtained within 1 year of conditional use permit approval;
 6. Trash shall remain screened at the rear of the property and out of view from the right-of-way outside of typical trash collection times.
 7. All biohazards and sharps containers shall be stored inside the building for proper disposal and retrieval;
 8. Any future expansion or change in the conditional use shall require Planning Commission approval;
 9. Signs shall be limited to those permitted by Unified Development Code §174. Any proposed signage shall be reviewed for compliance with the underlying zoning district and shall be permitted by a separate sign permit prior to installation; and
 10. Outdoor lighting shall comply with Unified Development Code §176.
-

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</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 a temporary MRI commercial unit in a R-O zoning district.**

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §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 proposed conditional use is not likely to adversely affect the public interest. The mobile MRI unit will be operated by Advanced Orthopaedic Specialists during standard weekday business hours and will function as a stationary, self-contained medical diagnostic facility. The site is located near existing medical offices and a specialty hospital, and the use is consistent with the surrounding medical and professional office**

context. The applicant has indicated that the MRI unit will not result in increased noise, lighting, or other off-site impacts.

(c.) The Planning Commission shall certify:

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

Finding: N/A; there are no specific rules governing this 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 has stated that existing parking facilities currently used by Advanced Orthopaedic Specialists will adequately serve the proposed MRI unit. No additional parking demand beyond existing operations is anticipated. The applicant has further indicated that the MRI unit will not generate increased noise, glare, or odor impacts on adjoining properties. Given the stationary nature of the unit and limited hours of operation, staff finds the proposed arrangement acceptable.

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

Finding: The applicant proposes to continue utilizing existing waste management services associated with Advanced Orthopaedic Specialists. No increase in refuse generation is anticipated. All biohazards and sharps containers will be stored inside the building or MRI unit for proper disposal and retrieval. Staff recommends that trash remain screened at the rear of the property and out of view from the right-of-way outside of typical trash collection times.

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

Finding: As proposed, the applicant will utilize existing trash and recycling services currently used by Advanced Orthopaedic Specialists, which are adequate to serve the mobile MRI unit. No increase in refuse generation is anticipated. Staff recommends that all trash and recycling containers remain screened at the rear of the property and out of view from the public right-of-way, except during typical collection times.

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

Finding: The property has access to City water and sewer. A 8-inch water main along E Parkshore Drive and an 8-inch sewer main are present along N Park Oaks Drive.

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

Finding: The applicant has stated that they plan to have minimal buffering since they would like the business to be welcoming to the public, and since they intend to share a communal space with the Advanced Orthopaedic Specialties office to the west.

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

Finding: Any proposed signage will be subject to UDC §174 and all the regulations therein.

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

Finding: Staff finds the proposed mobile MRI use to be compatible with adjacent properties and other properties in the R-O zoning district. The use is medical in nature, operates during standard business hours, and is located near existing medical offices and hospital facilities. The proposal is not expected to increase traffic, noise, or visual impacts and is consistent with professional office and medical uses permitted or conditionally permitted in the district.

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

Finding: Staff finds the proposed use of a temporary MRI commercial unit to be compatible with adjacent properties and other properties in the R-O zoning district. The proposed hours of operation, proximity to nonresidential and public properties, and the provision for off-street parking should limit any adverse impacts on residences in the surrounding area.

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

Finding: Staff finds the proposed use to be compatible with the goals and intent of the City's adopted plans. The City Plan 2040 Future Land Use Map designates the property as City Neighborhood Area, which "supports the widest spectrum of uses" and calls for commercial uses to be "located at street intersections and along major corridors."

BUDGET/STAFF IMPACT:

None

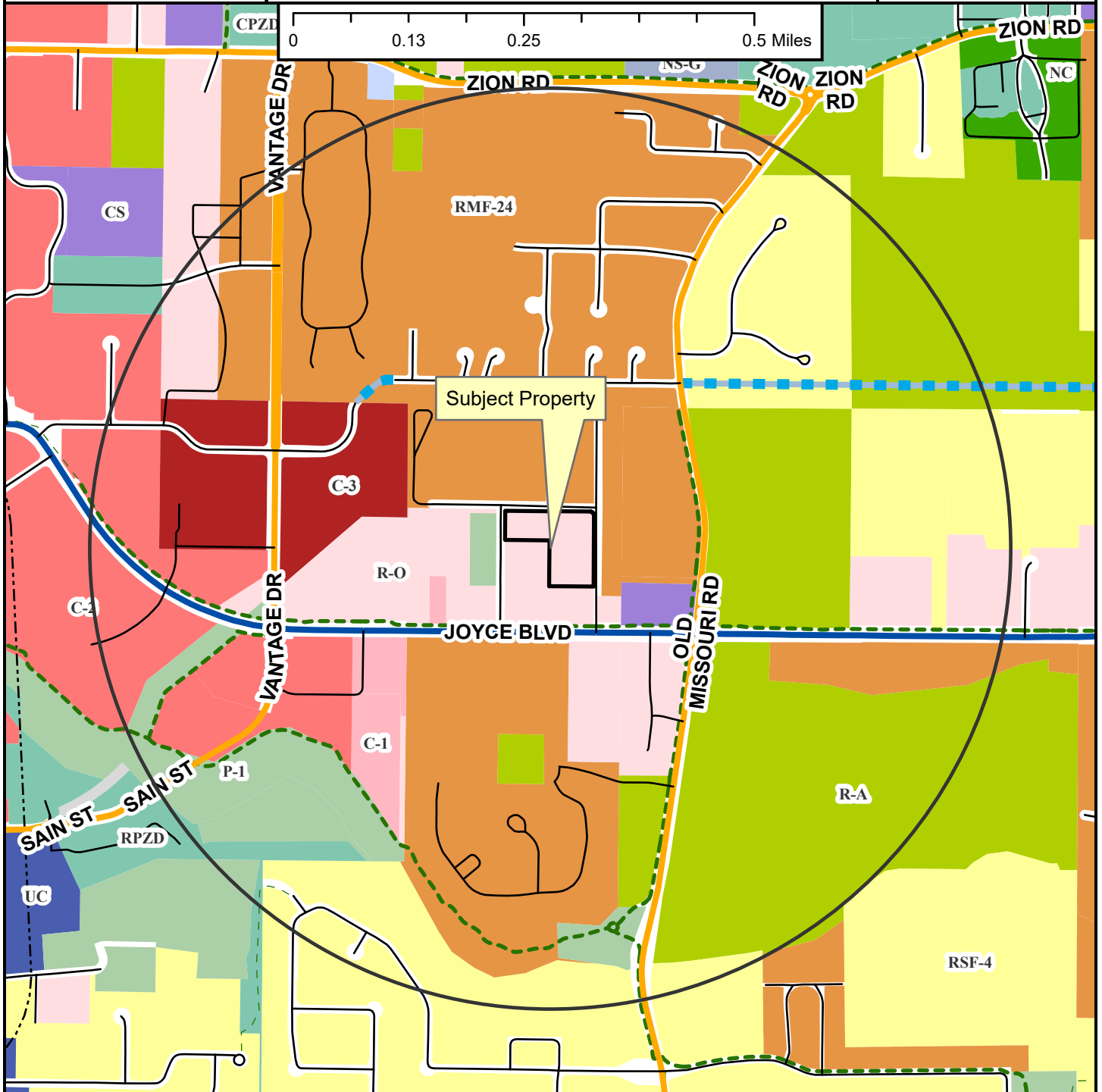
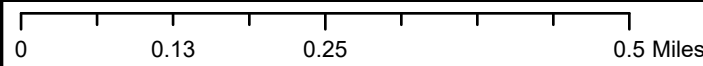
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Unified Development Code
 - §161. – District R-O, Residential Office
- Applicant Exhibits
 - Request Letter
 - Site Plan
 - Photos of MRI Commercial Unit

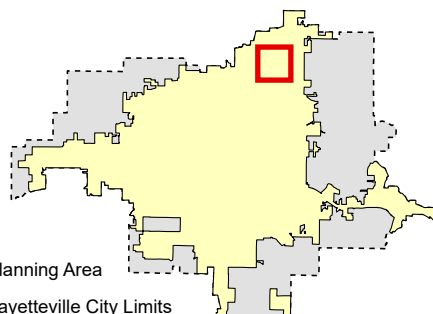
CUP-2025-0060

3900 N. PARKVIEW DR

One Mile View



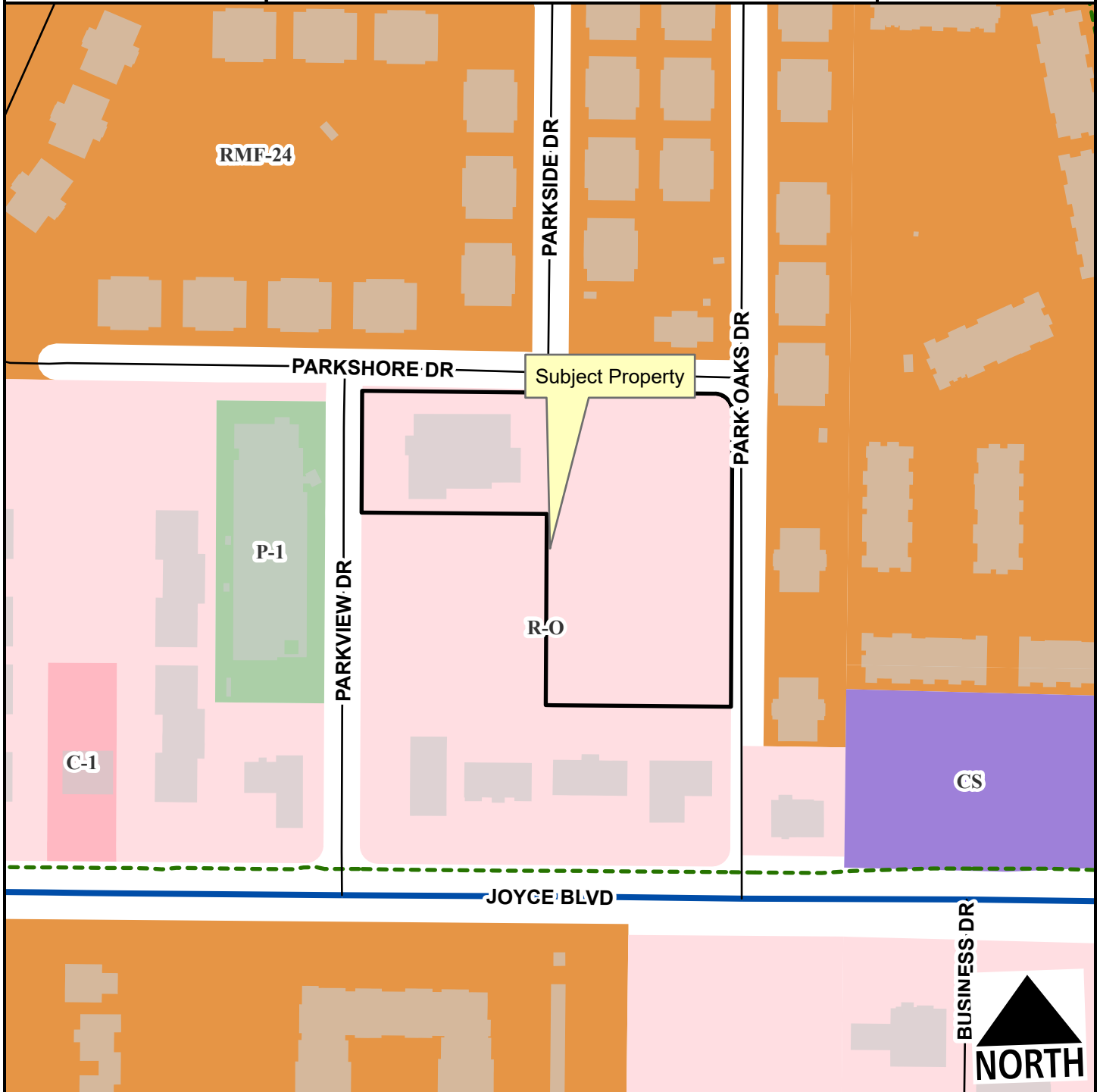
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



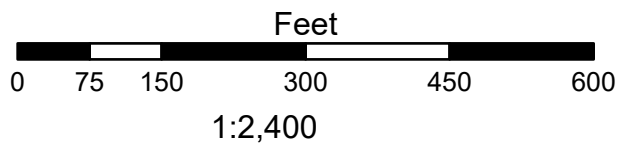
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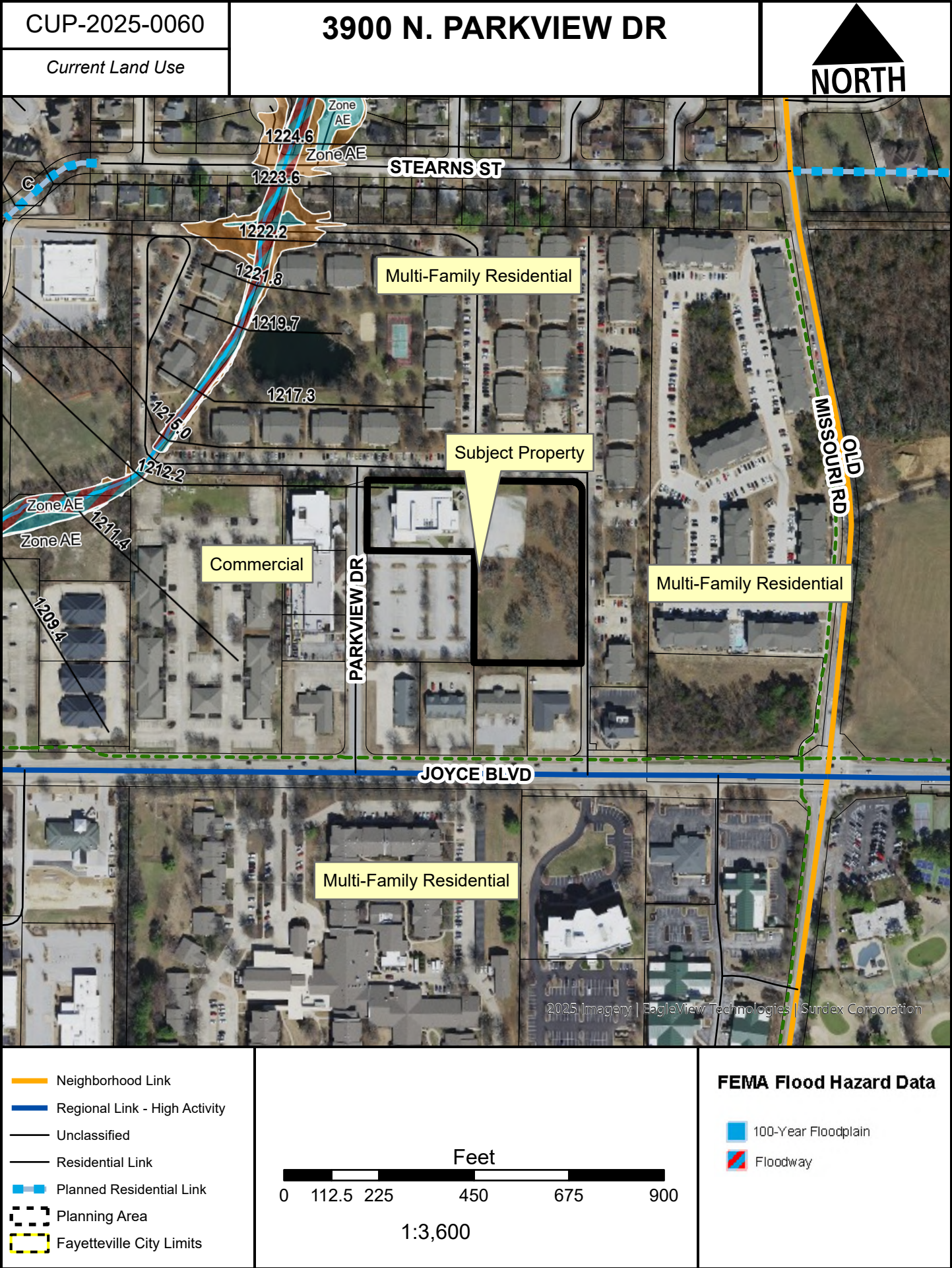
3900 N. PARKVIEW DR

Close Up View



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





161.20 - District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 25	Offices, studios, and related services
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and Area Regulations.* (Per dwelling unit for residential structures)

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single-family	60 feet
Two (2) family	60 feet
Three (3) or more	90 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouses:	
Development	10,000 square feet
Individual lot	2,500 square feet
Single-family	6,000 square feet
Two (2) family	6,500 square feet

Three (3) or more	8,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
Townhouses & apartments:	
No bedroom	1,000 square feet
One bedroom	1,000 square feet
Two (2) or more bedrooms	1,200 square feet
Fraternity or Sorority	500 square feet per resident

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Front, in the Hillside Overlay District	15 feet
Side	10 feet
Side, when contiguous to a residential district	15 feet
Side, in the Hillside Overlay District	8 feet
Rear, without easement or alley	25 feet
Rear, from center line of public alley	10 feet
Rear, in the Hillside Overlay District	15 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None
Rear when contiguous to a single family residential district	15 feet
Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line
Side	5 feet
Side-zero lot line*	A setback of less than 5 feet (zero lot line) is permitted on one (1) interior side, provided a maintenance agreement is filed.** The remaining side setback(s) shall be 10 feet
Rear	None

(F) *Building Height Regulations.*

Building Height Maximum	5 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 any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(H) Urban form minimum buildable street frontage: 50% of the lot width.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4726, 7-19-05; Ord. No. 4943, 11-07-06; Ord. No. 5079, 11-20-07; Ord. No. 5195, 11-6-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5735 1-20-15; Ord. No. [5800](#), §1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§5, 7—9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; Ord. No. [6164](#), §§1, 2, 3, 4-2-19; [Ord. No. 6245](#), §2, 10-15-19; [Ord. No. 6427](#), §§1(Exh. C), 2, 4-20-21; Ord. No. [6879](#), §2, 5-20-25)

Editor's note— 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.



December 2, 2025

City of Fayetteville Planning Department
125 W Mountain St
Fayetteville, AR 72701

RE: Advanced Ortho Fayetteville Conditional Use Permit
CT Job No. 25305100

To whom it may concern:

MRI is a core diagnostic tool in an orthopaedic practice because it provides high-resolution visualization of soft tissues, joints, cartilage, ligaments, tendons, menisci, bone marrow, and postoperative changes. It is used to diagnose musculoskeletal injuries, degenerative changes, acute trauma, and to guide surgical and non-surgical treatment planning.

Advanced Orthopaedic Specialists sees an MRI unit necessary to address a significant healthcare need within our community due to lacking timely access to diagnostic imaging.

The mobile Medicoach MRI Trailer contains a Siemens MAGNETOM Espree 1.5T MRI Scanner. This unit operates as a fully equipped, self-contained diagnostic imaging environment designed to remain stationary during clinical use.

Once positioned on-site, the trailer is leveled, stabilized, and connected to dedicated electrical, HVAC, and data systems. The MRI magnet and associated components are fixed in place and are not to be moved during operation to maintain magnetic field stability, safety, and image quality. Patient access is through a controlled entry vestibule, and all imaging functions—including magnet operation, patient monitoring, and image transmission—are performed within the stationary unit. The unit includes RF shielding, climate control, power conditioning, and safety features equivalent to those of a permanent MRI suite.

Advanced Orthopaedic Specialists will operate the MRI alongside business hours, Monday-Friday 7:00am-5:00pm. This is intended to be a permanent addition to Advanced Ortho.

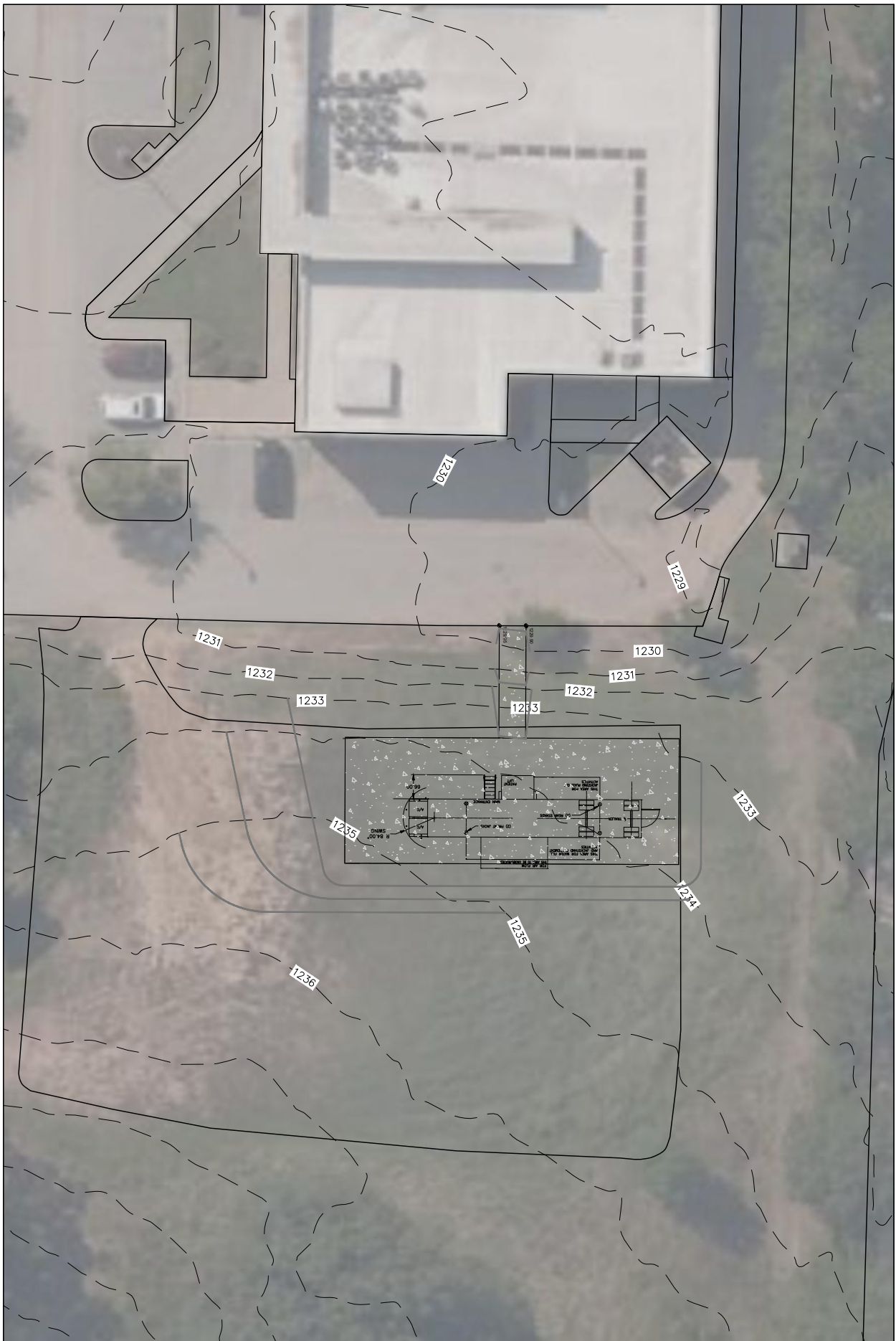
No additional screening measures are proposed, as they are not warranted for this project. The existing parking and waste management services used by Advanced Ortho will adequately support the proposed addition. Furthermore, the addition is not expected to generate any increase in light or noise impacts.



Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Ryan Griffin
Civil Engineer
Crafton Tull



1.0	SITE PLAN	DATE: 08/08/2025	Commerce Construction Company, Inc.	ADVANCED ORTHO MRI FAYETTEVILLE, ARKANSAS Planning Commission January 12, 2026
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2001 GE 1.5T EXCITE HDXT Mobile MRI (EQ-029619)

CXK4 Magnet, Upgraded 2009, 16x Software, 8ch RF, HP8400 Computer, HFD Gradients, RFS Cabinet, EPI, FGE, CINE, FSE & FLAIR, TOF, PC & VI, Spec/PROBE, SGD_Echospeed, DW EPI, FLAIR EPI, Special, SmartPrep, SSFSE, 3 Plane Loc, Modality Worklist, E3DTOF, FSE_XL, Bloodsupp, Fastcine, Tagging, Sgdperf, iDrive, iDrive Pro, iDrive Pro Plus, SmartPrep 2000 Up, Probe 2000 Up, Functool 2, Voxtool, IVI, Clariview, PPS, Ultra short TR, T1 & T2 Breathhold, SSFSE MRCP, Flouro Trig MRA, MRCP3, ACGD Plus, Dynamic R1, Fiesta 2D, Fiesta 3D, Asset, ProbePRESS, Diffusion Tensor, 3D FRFSE, Asset Plus, TRICKS, Fiesta-

c, Breast 2, Propeller DWI, 3D FS Fiesta, Propeller T2, 2D Fat Sat Fiesta, 8 Ch System, Lava, FibreTrack, Flair 3D, Multi-PhaseVD, BF and VM, 2D Merge, Lava-XV, Bravo, Cosmic, HDx key, 3D Dual Echo, ARC, Cube T2, LAVA DE ; Coils Include: 8ch Head, 8ch CTL, 8ch Body, HD Knee, 8ch NV, 8ch Cardiac, Shoulder (small/large), Quad Knee, GP Flex, Quad Head; Housed in a 2000 Calumet Trailer



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0065: Rezoning (1807 N GARLAND AVE, 365):** Submitted by WESLEY BATES for property located at 1807 N. GARLAND AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE, and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0065** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0065** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property, located at 1807 N. Garland Avenue, is situated approximately 80 ft west of the intersection of W. Bel Air Drive and N. Garland Avenue. The parcel encompasses approximately 0.4 acres and was originally developed in 1948. The property was most recently purchased on December 5, 2025. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Residential Single-Family	RSF-4, Residential Single-Family, 4 Units per Acre
South	Residential Mixed-Family	RI-U, Residential Intermediate - Urban
East	N Garland Avenue, Residential Single-Family across Regional Link	RSF-4, Residential Single-Family, 4 Units per Acre
West	Residential Single-Family	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 allow for gentle residential infill through flexibility for small-scale residential development, such as cluster housing, while maintaining the residential character of the area.

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 North Garland Avenue. North Garland Avenue is a Fully improved Regional-High Activity Link Street with asphalt paving, sidewalk and Curb and Gutter. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.
- Water:** Public water is available to the subject area. An existing 8-inch water main is present along North Garland Avenue.
- Sewer:** Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present along North Garland Avenue. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 350 ft northwest of this property.
- Drainage:** The property is not located within a FEMA floodplain, protected stream, or the Hillside–Hilltop Overlay District; however, hydric soils are present on site. Hydric soils can indicate potential wetlands, though additional characteristics such as hydrophytic vegetation and seasonal standing water are required for formal wetland classification. Because hydric soils are present, further environmental review will be required at the time of development. Prior to permit issuance, a report from a qualified environmental professional must be submitted addressing the presence of wetlands. If wetlands are identified, a U.S. Army Corps of Engineers (USACE) jurisdictional determination will be required. Any drainage improvements will be evaluated during development review.
- Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 1.2 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. 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, RSF-4, Residential Single-Family, 4 Units per Acre, requires a **25% minimum canopy preservation** whereas the proposed zoning district, RI-U, Residential Intermediate - Urban, requires a **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 Area**.

Residential Neighborhood Areas are primarily residential in nature and support a wide variety of housing types of appropriate scale and context: single-family, duplexes, rowhouses, multifamily and accessory dwelling units. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced building setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhoods, such as retail and offices, on corners and along connecting corridors. This designation recognizes existing conventional subdivision developments which may have large blocks with conventional setbacks and development patterns that respond to features of the natural environment. Building setbacks may vary depending on the context of the existing neighborhood.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 6 for this site with a weighted score of 11.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #8)
- Near Sewer Main (N Garland Ave and subject property)
- Near Water Main (N Garland Ave and subject property)
- Near City Park (Scull Creek Trail, Agri Park, and Lewis Soccer Complex)
- Near Paved Trail (Garland Ave and Midtown Trail)
- Near Razorback Bus Stop (Garland & Sycamore)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the requested rezoning to be compatible with the surrounding area and current land uses. The current RSF-4 zoning permits single-family residential development, while the proposed RI-U zoning allows for a broader range of mixed-residential uses, including single-family and two-family to four-family dwellings, accessory dwelling units, cluster housing, and short-term rentals. The RI-U district is intended to follow an Urban Form development pattern, emphasizing building placement, scale, and orientation that are compatible with walkable, neighborhood-oriented environments. Given the property's proximity to existing single-family development to the north, east, and west, and mixed-residential uses to the south, staff finds that rezoning to RI-U would provide an appropriate and compatible transition between surrounding land uses. Additionally, the lot width, lot area, and building height standards of the RI-U district are comparable to those of RSF-4. While both districts allow up to three stories, RI-U permits this height only when buildings or portions of buildings are set back more than 10 ft from the Master Street Plan right-of-way, ensuring compatibility with the surrounding neighborhood.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with the goals and policies of City Plan 2040 and the property's designation as a Residential Neighborhood area on the Future Land Use Map. Rezoning

the property from RSF-4 to RI-U supports City Plan 2040 Goal #6 by expanding housing choices and encouraging a mix of housing types and densities in walkable areas with access to transit and active transportation networks. The subject site is in a highly walkable area with available transit service. The site's location and surrounding development pattern support continued residential use with a mix of housing types, and the proposed rezoning advances the City's long-range land use and housing objectives.

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

Finding: Staff finds sufficient justification for rezoning the property from RSF-4 to RI-U at this time. The request would allow for mixed-residential development that is consistent with the area's Residential Neighborhood future land use designation and reflective of the surrounding development pattern. The proposed zoning provides greater flexibility while maintaining compatibility with adjacent properties.

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 RI-U has the potential to increase traffic to this location, though not necessarily in a way that is considerably different than how the site has been used for decades. Staff does not find that this request will appreciably increase traffic or congestion.

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

Finding: The RI-U zoning district does have by-right residential uses and is therefore unlikely to increase the population density in this area. The overall property has access to existing water and sanitary sewer as well as fully-improved streets. Any development on this site will be responsible for increasing sewer capacity as needed.

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-2025-0065 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</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
 - §161.32 District RI-U, Residential Intermediate - Urban
 - Longe-Range Planning
 - LRP Memo
 - Applicant Exhibits
 - Request Letter
-

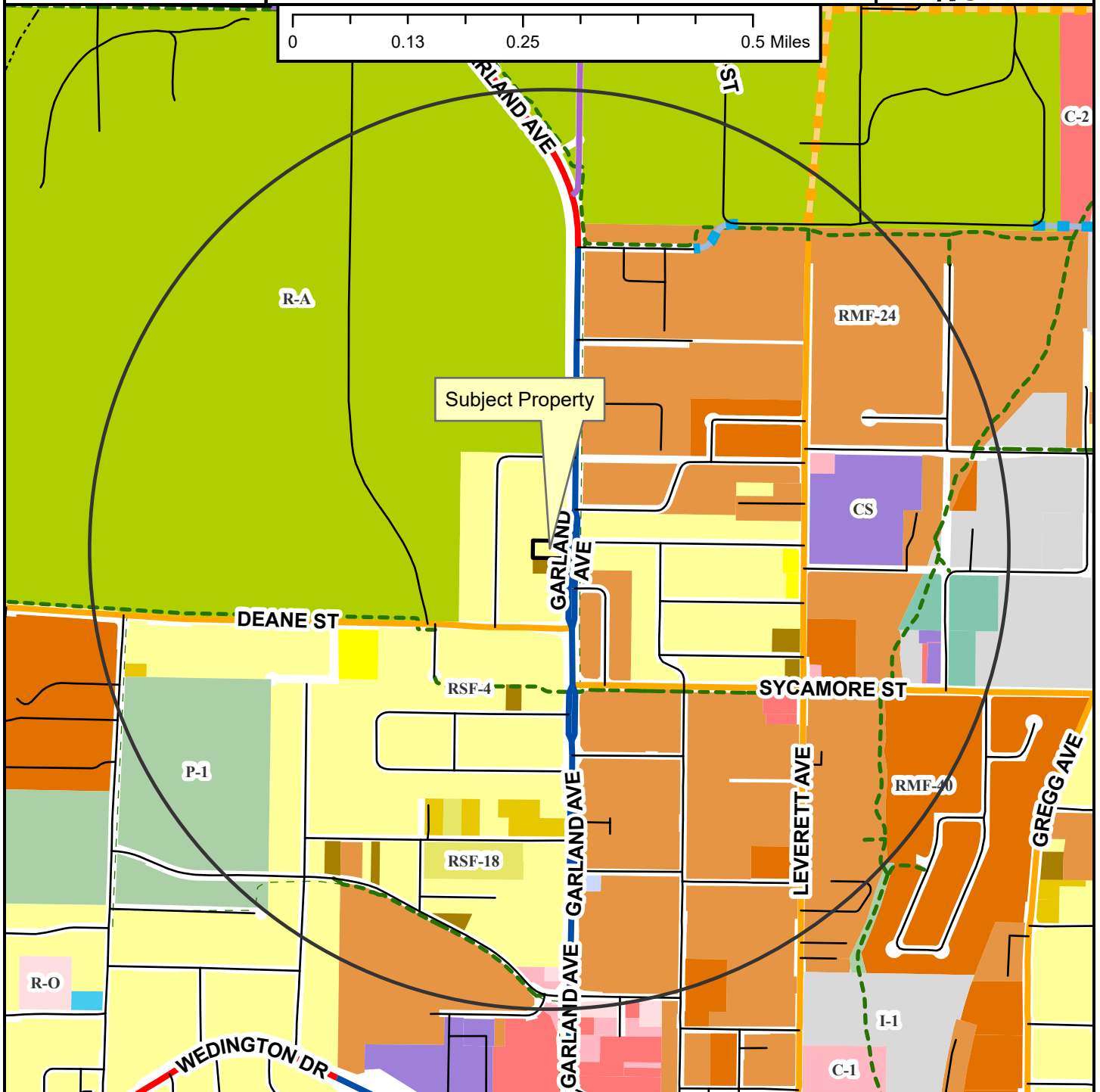
RZN-2025-0065

1807 N. GARLAND AVE

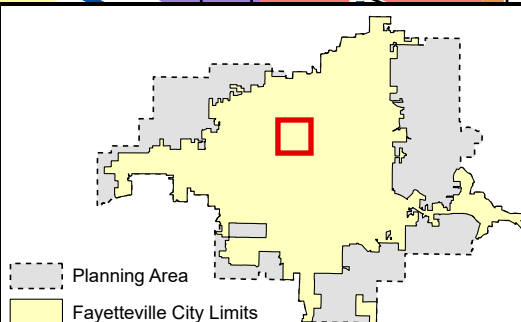
One Mile View

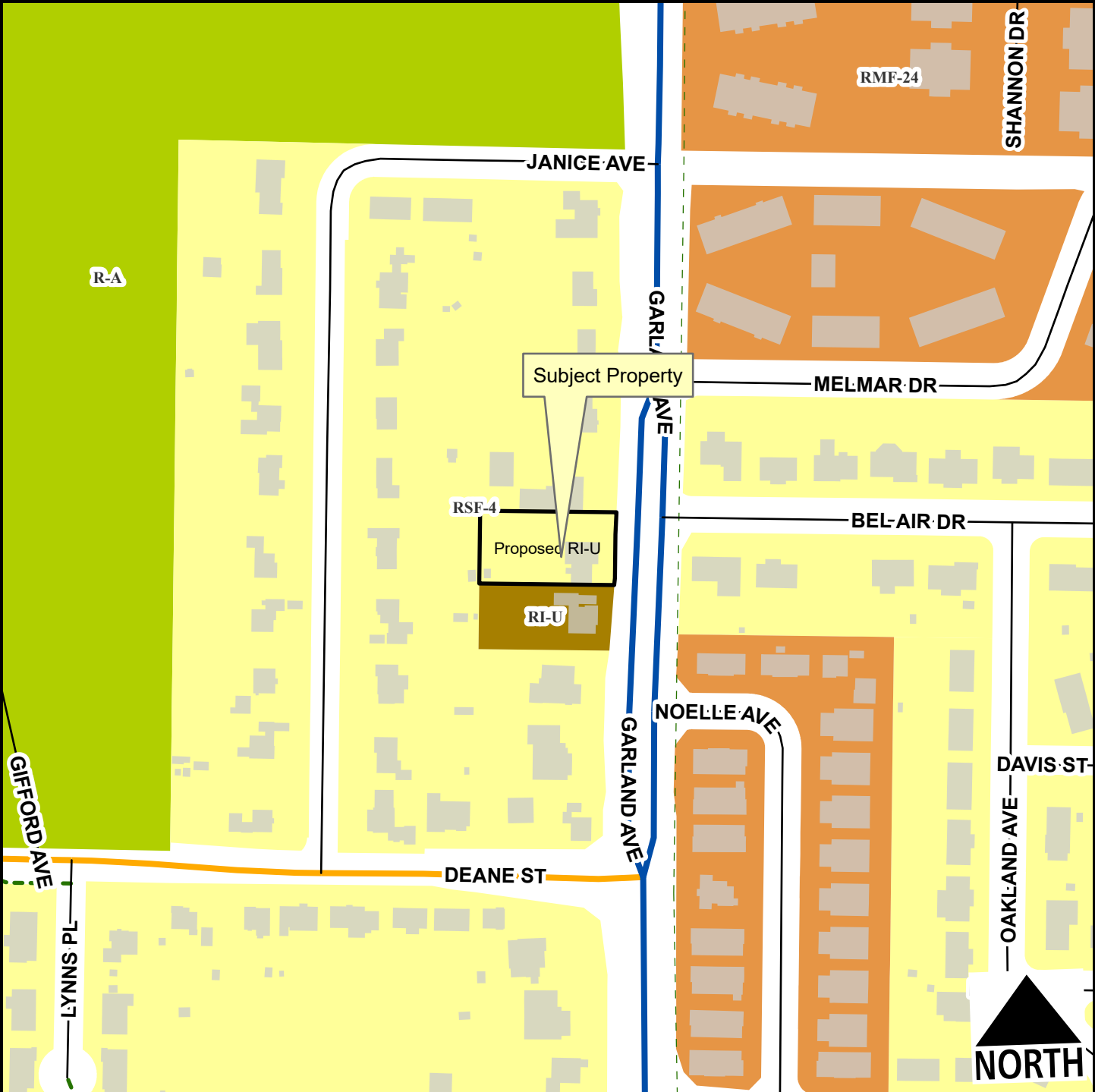


0 0.13 0.25 0.5 Miles



- 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





Neighborhood Link

Regional Link - High Activity

Unclassified

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
RI-U	0.0	0.4
RSF-4	0.4	0.0
Total 0.4 ac		

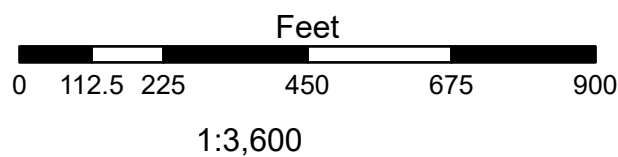
RZN-2025-0065

1807 N. GARLAND AVE

Current Land Use



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



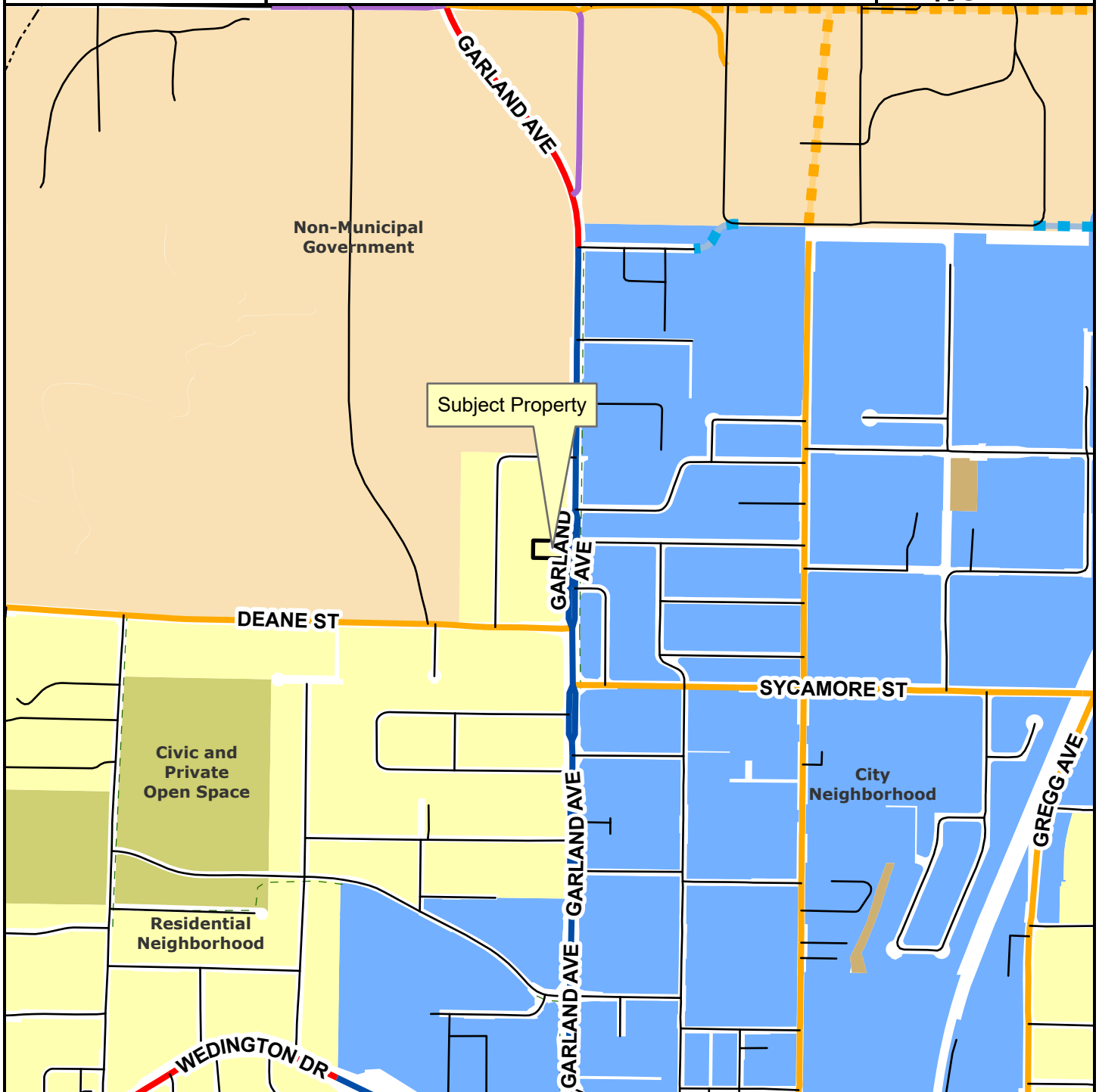
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

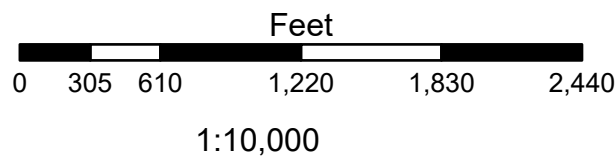
RZN-2025-0065

1807 N. GARLAND 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

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 ft	80 ft
Lot area minimum	8,000 square ft	12,000 square ft
Land area per dwelling unit	8,000 square ft	6,000 square ft
Hillside Overlay District Lot minimum width	60 ft	70 ft
Hillside Overlay District Lot area minimum	8,000 square ft	12,000 square ft
Land area per dwelling unit	8,000 square ft	6,000 square ft

(E) *Setback Requirements.*

Front	Side	Rear
15 ft	5 ft	15 ft

(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

- (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 ft
Lot area minimum	None

- (E) **Setback Requirements.**

Front	Side Other Uses
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A build-to zone that is located between the front property, line and a line 25 ft from the front property line.	None
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(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 ft 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 ft 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.



TO: Citlali Samano, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0065

BACKGROUND:

The applicant requests to rezone approximately 0.40 acres from RSF-4, Residential Single-Family, Four Units per Acre to RI-U, Residential Intermediate - Urban. One long range planning document is relevant when evaluating this request: *City Plan 2040*.

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".

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."¹ The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, and four-family housing. The RI-U district would also allow the incorporation of some non-residential uses by conditional use like Limited Business (Use Unit 12a). The proposal aligns with Goals 1, 2, 3, and 6 of *City Plan 2040* by creating additional flexibility for diverse housing choices in an area that is already supported by infrastructure.

Property History:

The subject property contains a single-family dwelling constructed ca. 1948, according to Washington County Tax Assessor records. The building is of historic age but does not retain its integrity of design or materials and is not eligible for the state or National Register of Historic

¹ *City Plan 2040*, 128.

Places. The property is not within a local historic district.



This area was annexed into the city in 1956 (Ord. No. 1121). In 1970, the city's first zoning map identified the property as R-1, Low Density Residential, which was then changed to its current zoning designation RSF-4 in 2003.

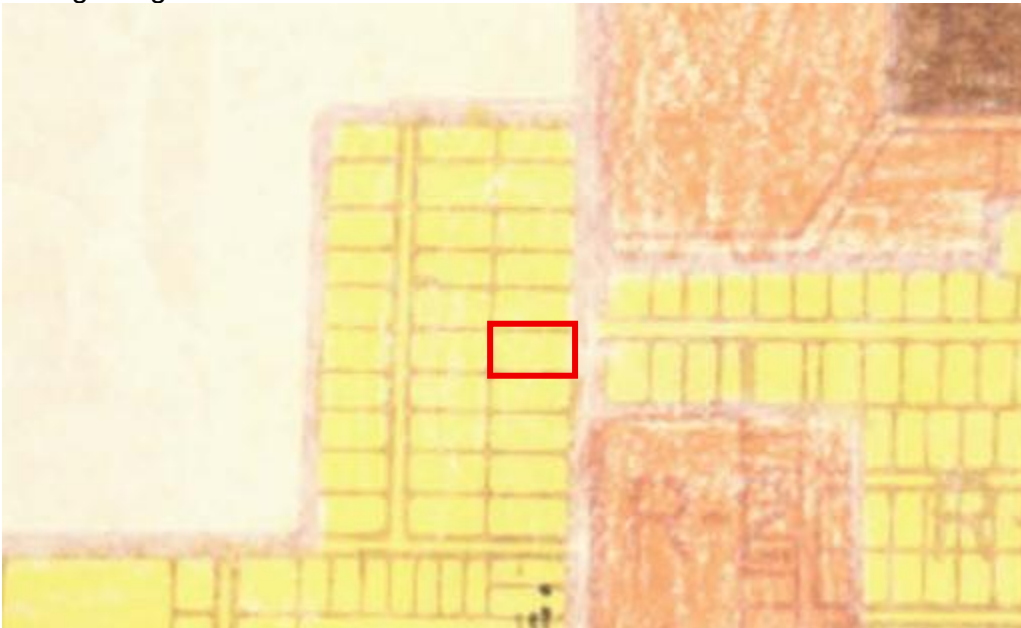


Figure 1. 1970 Zoning Map. Approximate location of property shown in red.

R-1	LOW DENSITY RESIDENTIAL
R-2	MEDIUM DENSITY RESIDENTIAL
R-3	HIGH DENSITY RESIDENTIAL
NC	NEIGHBORHOOD COMMERCIAL

To: Fayetteville Planning Commission
From: Wes Bates
Re: Rezoning Request – 1807 N Garland Ave (RSF-4 → RI-U)
Date: November 12, 2025

Dear Commissioners,

I am requesting a rezoning for the property located at 1807 N Garland Ave from Residential Single Family, Four Units per Acre (RSF-4) to Residential Intermediate-Urban (RI-U). The property is currently limited to single-family use, but its location and lot configuration make it well-suited for the type of gentle residential infill envisioned by the City Plan.

The goal of this rezoning is to add additional housing options to the neighborhood by allowing flexibility for small-scale residential development—such as cluster housing development—while maintaining the residential character of the area.

Statement of Compatibility

The proposed RI-U zoning is compatible with the surrounding context and consistent with the city's goals for infill development and attainable housing. There is already RI-U zoning adjacent to this property, and this request represents a logical continuation of that existing pattern.

1807 N Garland is located along a well-traveled corridor with excellent access to trails and public transit, making it an ideal location for slightly increased residential density. The RI-U district allows for a modest range of housing types while preserving the scale and form of traditional neighborhood development. It does not permit commercial uses, ensuring that the area remains residential in nature.

This rezoning supports the City Plan's goals of promoting infill housing, walkability, and the efficient use of existing infrastructure. Allowing additional residential flexibility at this location will contribute to attainable housing options and a more connected, sustainable neighborhood.

Thank you for your consideration,

Wes Bates



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0068: Rezoning (1967 E HUNTSVILLE RD, 565):** Submitted by ENGINEERING SERVICES INC for property located at 1967 E. HUNTSVILLE RD. The property is partially zoned RSF-4, RESIDENTIAL SING-FAMILY, FOUR UNITS PER ACRE, RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, AND C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.83 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0068** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0068** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is located just east of the intersection of E. Huntsville Road and S. Ray Avenue. While the property is currently zoned primarily RSF-4, Residential Single-Family, 4 Units per Acre, a large portion of the site is zoned RMF-24, Residential Multi-Family, 24 Units per Acre, with a small portion of the western half of the lot zoned C-1, Neighborhood Commercial. The property consists of approximately 0.8 acres in total. Parcel number 765-15203-000 was assigned its current mixed zoning pursuant to Ordinance No. 4503, adopted on July 15, 2003. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	E Huntsville Road, Neighborhood Services across Regional Link	NS-L, Neighborhood Services - Limited; NS-G, Neighborhood Services - General
South	Residential Single-Family	RSF-4, Residential Single-Family, 4 Units per Acre
East	Residential Single-Family	RSF-4, Residential Single-Family, 4 Units per Acre
West	Residential Single-Family/ Mixed Neighborhood Services	RSF-4, Residential Single-Family, 4 Units per Acre; C- 1, Neighborhood Commercial; NS-L, Neighborhood Services - Limited

Request: The request is to rezone the subject property from zoned RSF-4, RESIDENTIAL SING-FAMILY, FOUR UNITS PER ACRE, AND RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE 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 East Huntsville Road, which is a fully improved Regional Link – High Activity Street with asphalt paving, sidewalk, curb and gutter. Any street improvements required in these areas would be determined at the time of the development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject area. An existing 12-inch water main is present along East Huntsville Road and an existing 8-inch water main is present along East side of the subject property.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present along East Huntsville Road and an existing 8-inch sewer main is present along East side of the subject property.

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

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 3, located at 1050 S Happy Hollow Rd., protects this site. The property is located approximately 0.3 miles from the fire station with an anticipated drive time of approximately 1 minute using existing streets. The anticipated response time would be approximately 3.2 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, CS, Community Services, requires a **minimum canopy preservation of 20%**. The current zoning districts, RSF-4, Residential Multi-Family, 24 Units per Acre and C-1, Neighborhood Commercial, also require a **minimum of 20% canopy preservation**. However, the RSF-4, Residential Single-Family, Four Units per Acre zoning district requires a higher **minimum canopy preservation of 25%**.

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 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 (E Lee Street)
- Near Water Main (E Huntsville Road)
- Near Paved Trail (Huntsville Road)
- Near ORT Bus Stop (Huntsville & Ray)
- 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 requested rezoning to be compatible with the surrounding area and current land uses. RSF-4 zoning allows for single-family residential uses whereas the CS district allows a mix of residential and non-residential uses, including multi-family dwellings, neighborhood-serving commercial uses, offices, personal services, and civic or cultural facilities. The subject property is currently developed with a single-family residence constructed in 1941 and has been under the ownership of DMM Holdings since September 3, 2025. The property is located adjacent to and in close proximity to existing and planned multi-family residential uses, including a CS-zoned property to the east that was rezoned in 2024 and approved by City Council on February 5, 2025. Given this context, staff finds that rezoning the property to CS would provide a logical and compatible transition consistent with nearby zoning and land use patterns. The CS district permits a maximum building height of five stories, compared to the three-story maximum allowed in RSF-4. Staff finds that even at the maximum height, a multi-family residential building would be appropriate given the adjacent CS zoning and emerging multi-family character of the area.

Land Use Plan Analysis: Staff finds the proposed rezoning to be consistent with City Plan 2040 and the property's Future Land Use designation as a City Neighborhood area. Rezoning the property to CS supports City Plan 2040 Goal #6 by expanding housing choices and encouraging a mix of housing types and densities in walkable areas with access to transit and active

transportation networks. The site's location and surrounding context support continued residential development at a higher intensity, and the rezoning would help correct an outdated zoning boundary while advancing long-range land use goals.

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 to CS is justified and appropriate at this time. The rezoning would allow for a mix of residential and neighborhood-serving non-residential uses consistent with the City Neighborhood designation and surrounding zoning pattern, and it supports the City's objectives for infill development and housing diversity.

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

Finding: Staff finds that rezoning the property will likely result in an increase in traffic to and from the site. Additional traffic increases are also anticipated due to planned multi-family residential development on nearby properties to the west that are currently zoned CS. While an increase in traffic is expected, staff finds that potential impacts can be adequately addressed through site design, access management, and required transportation-related improvements at the time of review and permitting. As such, staff does not find that the proposed rezoning would create an undue traffic danger or level of congestion that would warrant denial of the request.

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

Finding: The CS zoning district allows residential development by right and is therefore expected to increase population density in the area. The subject property is currently served by existing water, sanitary sewer, and fully improved public streets. Any development associated with SIP-2025-0007 or future projects on the site will be required to demonstrate adequate capacity and make necessary improvements to public infrastructure in compliance with City standards. Staff finds that the anticipated increase in density can be accommodated and does not create an undue burden on public services.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2024-0068 to City Council with a recommendation of approval.

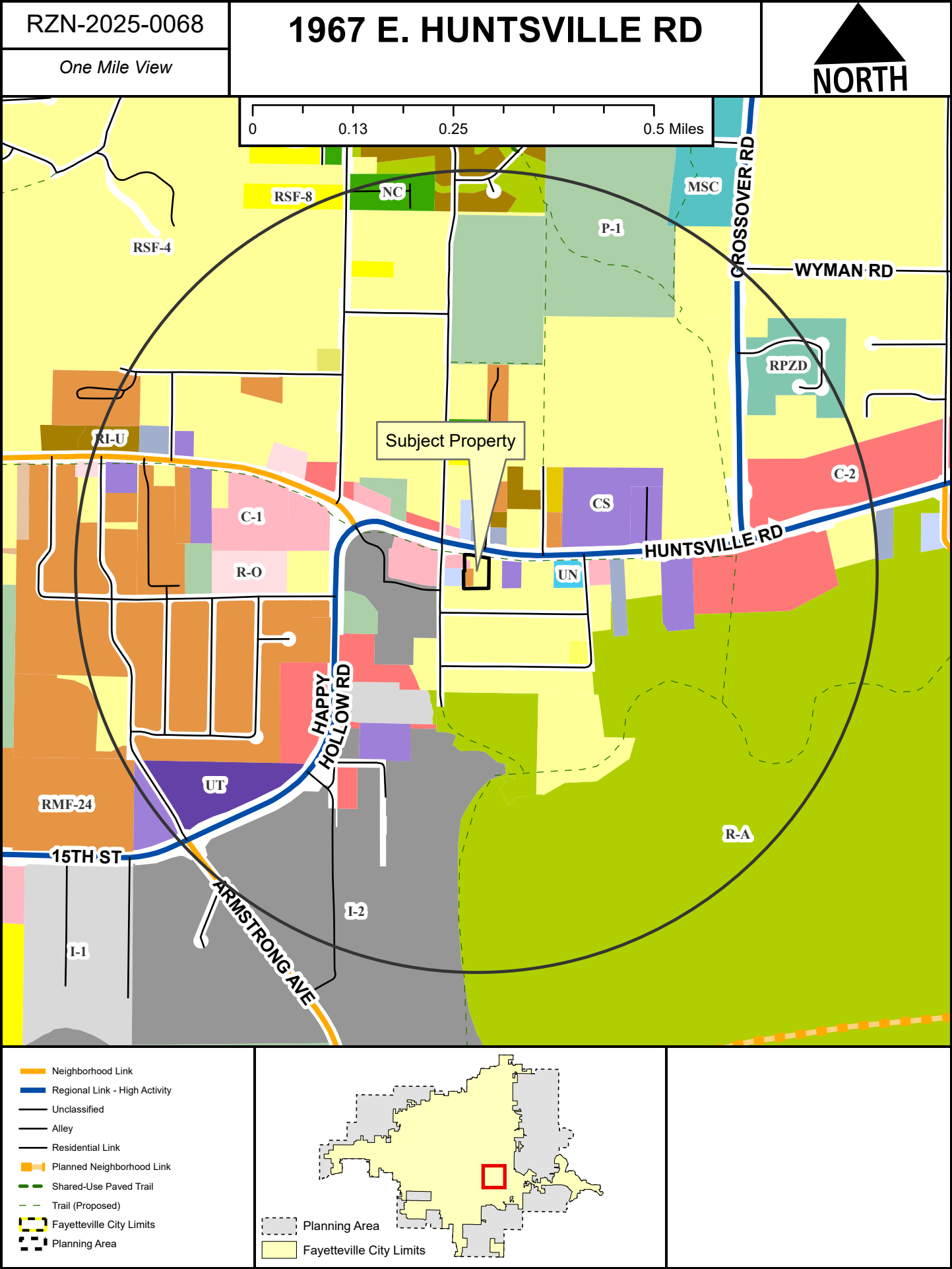
PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

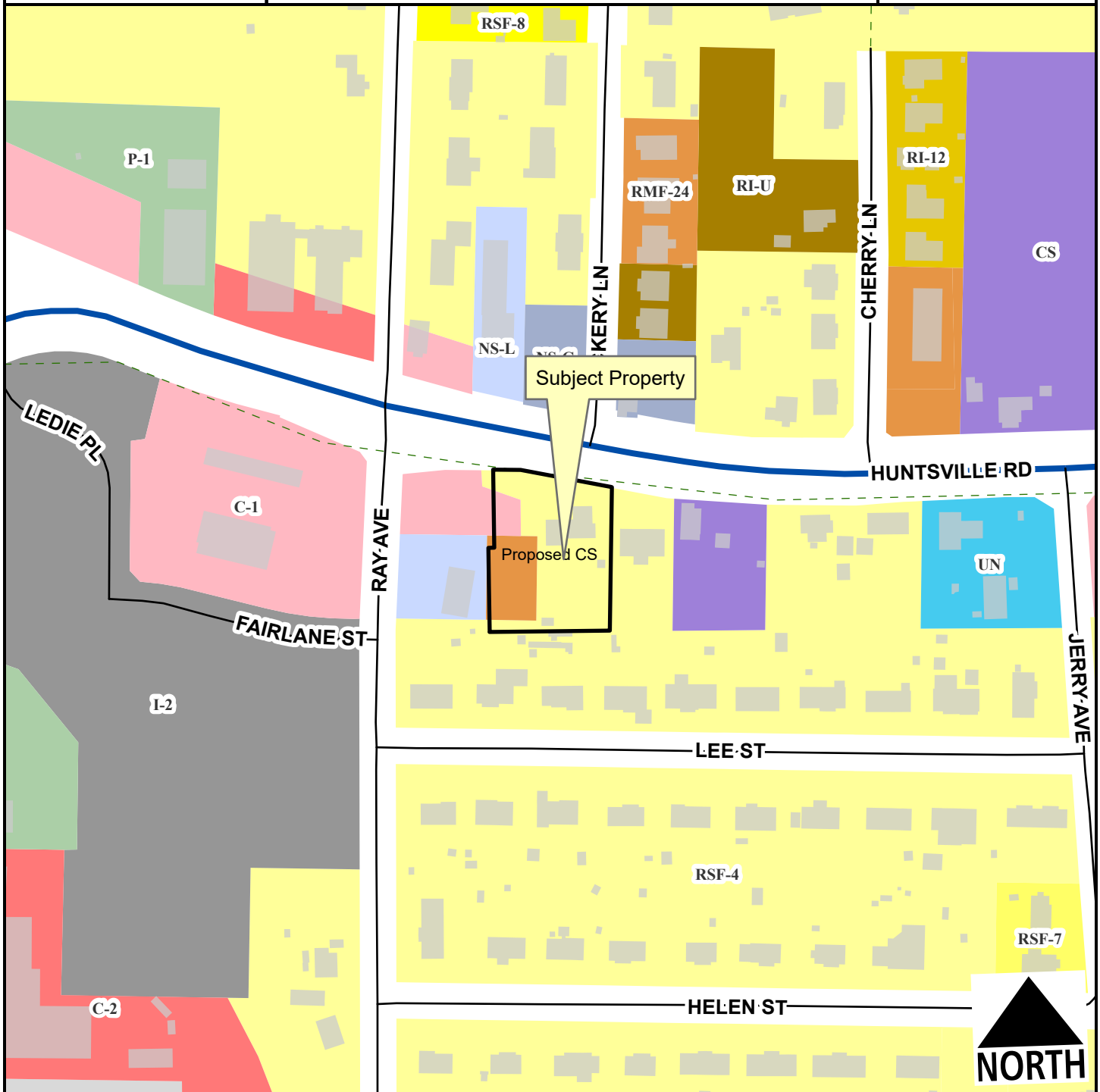
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map
 - Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
 - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
 - §161.21 District C-1, Neighborhood Commercial
 - §161.22 District CS, Community Services
 - Long-Range Planning Exhibit
 - LRP Memo
 - Applicant Exhibits
 - Request Letter
-



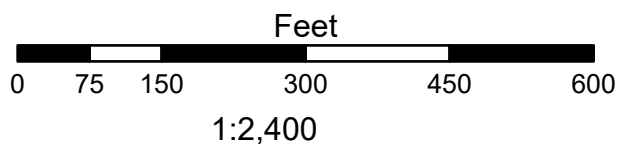
RZN-2025-0068

1967 E. HUNTSVILLE RD

Close Up View

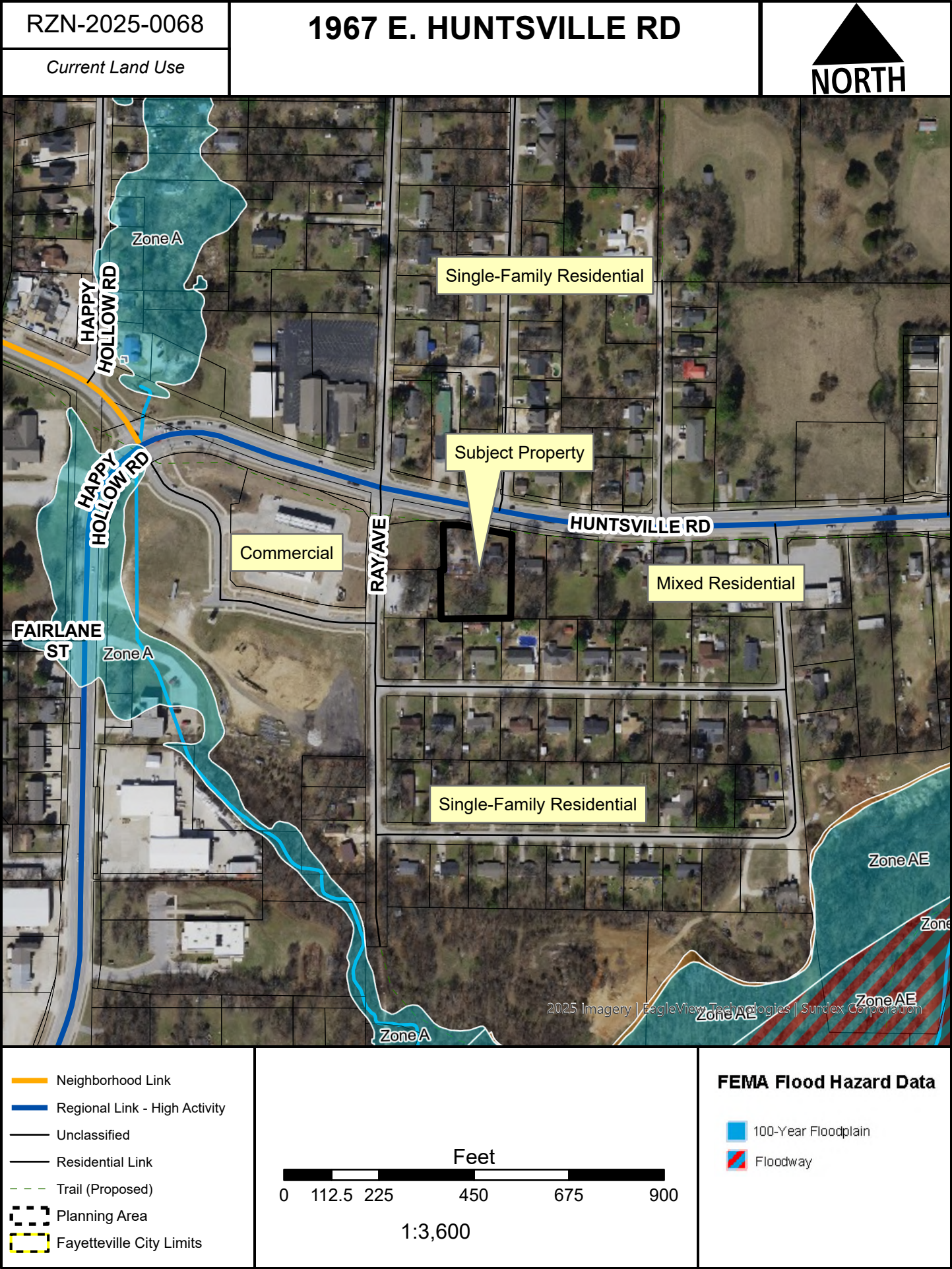


- Regional Link - High Activity
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



Zone	Current	Proposed
C-1	0.0	0.0
CS	0.0	0.8
RMF-24	0.2	0.0
RSF-4	0.6	0.0

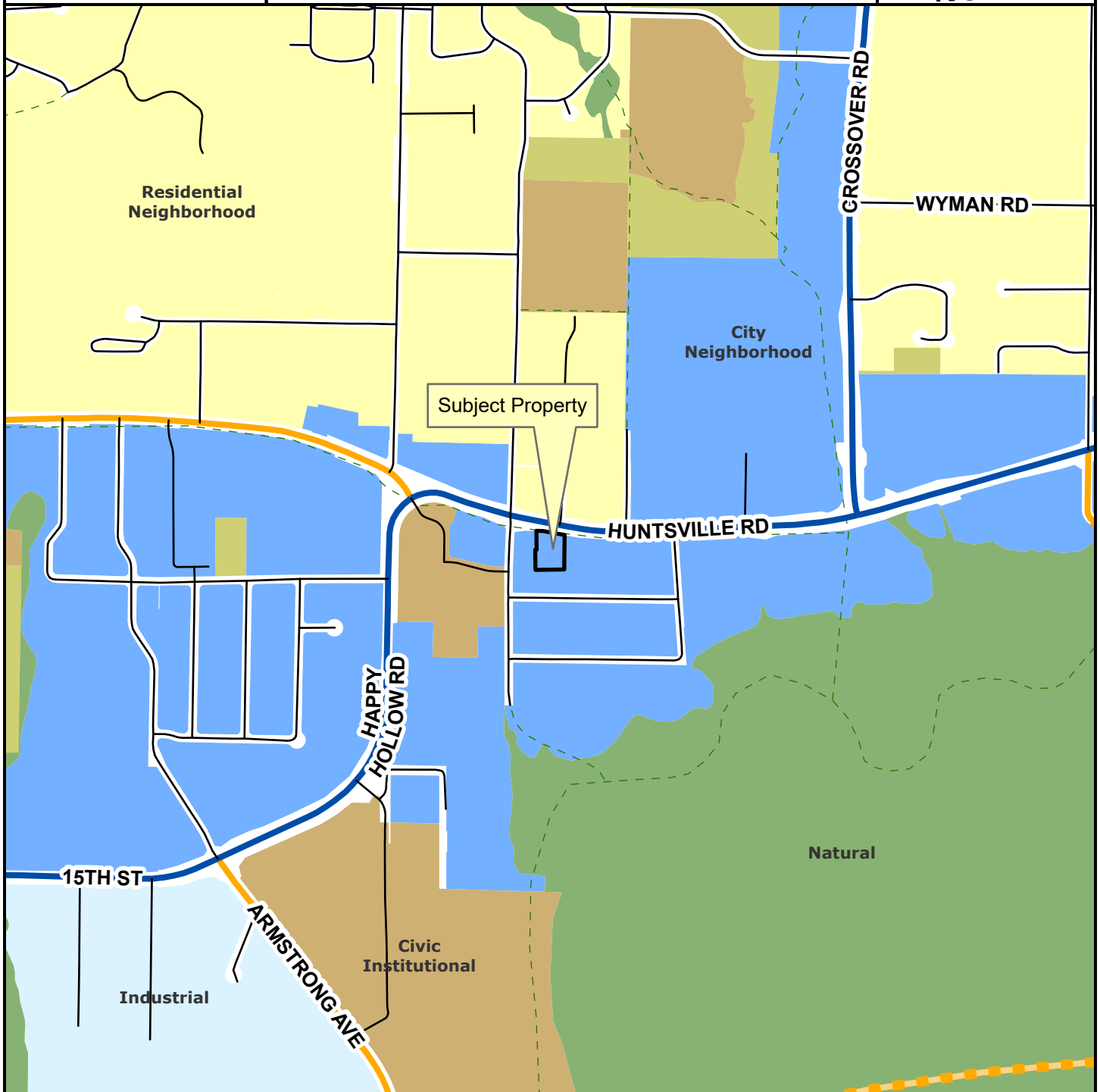
Total 0.8 ac



RZN-2025-0068

1967 E. HUNTSVILLE RD

Future Land Use



- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood 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

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.

161.16 - District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre

- (A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

- (B) *Uses.*

(1) Permitted Uses.

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

(2) Conditional Uses.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

- (C) *Density.*

Units per acre	24 or less
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- (D) *Bulk and Area Regulations.*

(1) Lot Width Minimum.

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two (2) family	35 feet
Three (3) family or more	70 feet
Professional offices	100 feet

(2) Lot Area Minimum.

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

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
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(E) *Setback Requirements.*

Front	Side Other Uses
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 feet

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 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, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories. If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.
(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. [5800](#), §1(Exh. A), 10-6-15; Ord. No. [5921](#), §1, 11-1-16; Ord. No. [5945](#), §§5, 8, 9, 1-17-17; Ord. No. [6015](#), §1(Exh. A), 11-21-17; [Ord. No. 6245](#), §2, 10-15-19; [Ord. No. 6427](#), §§1(Exh. C), 2, 4-20-21; Ord. No. [6658](#), §6(Exh. E), 5-2-23; 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.

161.21 - District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas. 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
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Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive-through restaurants

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 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	5 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 any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G)

Building Area. On any lot the area occupied by all buildings shall not exceed 40% 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(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; 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. 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, 4, 5, 4-2-19; Ord. No. [6223](#), §1, 9-3-19; [Ord. No. 6245](#), §2, 10-15-19; [Ord. No. 6521](#), §4, 1-18-22)

161.22 - Community Services

- (A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

- (B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies
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
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(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— 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.



TO: Citlali Samano, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0068

BACKGROUND:

The applicant requests to rezone approximately 0.83 acres from a mix of RSF-4, RMF-24, and C-1 to CS, Community Services. One long range planning document is relevant when evaluating this request: *City Plan 2040*.

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.

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".

DISCUSSION:

City Plan 2040 and Future Land Use Plan:

This area is designated as a City Neighborhood area, which 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 and non-residential and commercial uses along major corridors.¹ The request aligns with this designation by adding commercial use opportunities to the site which are not permitted in the areas zoned RSF-4 and RMF-24. CS is an appropriate use that would allow a variety of uses and housing types in an area with existing infrastructure to support it. This aligns with goals 1, 2, 3, and 6 of *City Plan 2040*.

Property History:

The subject property contains a single-family dwelling constructed ca. 1941, according to Washington County Tax Assessor records. The building is of historic age but does not retain integrity of design or materials and is not eligible for the state or National Register of Historic Places.

¹ *City Plan 2040*, 130.



This area was annexed into the city in 1965 (Ord. No. 1458). In 1970, the property was zoned R-1, Low Density Residential.



In 2003, portions of the property were rezoned to C-1 and RMF-24 resulting in a single parcel with multiple zoning districts.

December 2, 2025

Jonathan Curth, Director
Development Services
City of Fayetteville, Arkansas
125 West Mountain Street
Fayetteville, AR 72701

Submitted Electronically via EnerGov

RE: Rezoning Request
1967 E Huntsville Ave.

Mr. Curth,

We are submitting application materials to rezone approximately 0.83 acres at 1967 E Huntsville Ave from a combination of RSF-4, RMF-24, and C-1 districts to CS (Community Services).

The property to be rezoned is one parcel, 765-15203-000 which is owned by DMM Holdings, LLC. The property is located along the South side of E Huntsville between S Ray Ave and Jerry Ave approximately 0.33 miles West of the intersection of E Huntsville Ave and Hwy 265.

The property is being rezoned to allow for future residential development of the property. There is an existing structure on the property which the owner intends to remove and replace with new residential structures in a concurrent SIP submittal.

Our requested zoning of CS would be the preferred district for several reasons:

- The requested district would be compatible with surrounding properties/uses in that there are several nearby properties that are already in the requested district.
- Planning Commission has indicated their approval/desire for this district in the area by recently approving the rezoning of other properties in the area into this district. One recent example is RZN-2024-0059 for 0.54 acres located at 2015 E Huntsville.
- The requested district would allow for the proposed future development. Density, bulk and area regulations, building setbacks, and allowed uses are all compatible with the owner's proposed development of the site.
- The CS district would accommodate the proposed development and is consistent with the city's future land use map as this is a City Neighborhood area. It would also offer some flexibility in housing and commercial types within the City Neighborhood area.

The future land use plan designates this area as City Neighborhood. City Plan 2030 states:

"City Neighborhood Areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multifamily."

No issues related to the ability of existing infrastructure to support future development of the property are apparent.

Thank you for your consideration of this request.

Sincerely,

Jonathan Schmitz

Jonathan Schmitz



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0062: Rezoning (1439 & SOUTH OF 1439 N. RUPPLE RD./RUPPLE ROAD LLC, 400):** Submitted by WESLEY BATES for properties located at 1439 N. RUPPLE RD. The properties are zoned C-1, NEIGHBORHOOD COMMERCIAL, RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, RMF-12, RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE, and RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE, and contains approximately 4.8 acres. The request is to rezone the properties to CS, COMMUNITY SERVICES.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0062** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0062** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject properties are located in west Fayetteville approximately 800 feet north of the W. Wedington Dr and N. Ruppel Rd intersection. The properties are zoned C-1, Neighborhood Commercial, RSF-4, Residential Single-Family, Four Units Per Acre, RMF-12, Residential Multi-Family, 12 Units Per Acre, and RSF-8, Residential Single-Family, 8 Units Per Acre, and are undeveloped. The subject properties are located in the Wedington Corridor Master Plan Area. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-1, Residential Single-Family, 1 Units per Acre
South	Two-Family Residential	RMF-12, Residential Multi-Family, 12 Units per Acre
East	Multi-Family Residential	RPZD, Residential Planned Zoning District
West	Single-Family and Two-Family Residential	RSF-1, Residential Single-Family, 1 Units per Acre; RSF-4, Residential Single-Family, 4 Units per Acre; RSF-8, Residential Single-Family, 8 Units per Acre; RSF-12, Residential Multi-Family, 12 Units per Acre

Request: The request is to rezone the subject properties from C-1, Neighborhood Commercial, RSF-4, Residential Single-Family, Four Units Per Acre, RMF-12, Residential Multi-Family, 12

Units Per Acre, And RSF-8, Residential Single-Family, 8 Units Per Acre, to CS, Community Services.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along N Ruppel Rd. N. Ruppel Rd is a fully improved Regional Link Street with asphalt paving, sidewalk, curb and gutter. The subject area has a road frontage along N. Sicily Ln. N. Sicily Ln is a fully 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. Existing 12-inch water main is present along East side of N Ruppel Rd.

Sewer: Sanitary sewer is available to the subject area. Existing 8-inch sewer main is present along N. Sicily Ln. Existing 8-inch sewer main is present on the South side of the subject properties.

Drainage: Hydric soils are present in the subject area. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

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

Fire: Station 7, located at 835 N. Ruppel Rd., protects this site. The properties are located approximately 1 mile from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 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, CS, Community Services, requires a **20% minimum canopy preservation**. The current zoning districts, C-1, Neighborhood Commercial, RSF-8, Residential Single-Family, 8 Units per Acre, and RMF-12, Residential Multi-Family, 12 Units per Acre, require a **20% minimum canopy preservation**, and RSF-4, Residential Single-Family, 4 Units per Acre, requires a **25% minimum canopy preservation**.

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

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

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

- Adequate Fire Response (Station 7, 835 N. Ruppel Rd.)
- Near Water Main (12-inch, N. Ruppel Rd)
- Near Sewer Main (8-inch, N. Sicily Ln; 8-inch south side of the subject properties)
- Near City Park (Red Oak Park)
- Near Paved Trail (Side-Path Trail)
- Near Razorback Bus Stop (Ruppel & Congressional)
- Within Master Plan Area (Wedington Corridor Plan)
- Appropriate 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 proposed zoning of CS, Community Services to be compatible with the surrounding mix of residential and commercial uses. The properties are located near the intersection of W. Wedington Dr and N. Ruppel Rd in an area that contains a variety of land uses and is well served by city services. The properties' existing majority zoning district, C-1, Neighborhood Commercial, is designed to encourage the development of smaller-scale commercial which can serve nearby residential concentrations. The proposed CS is intended to provide for adaptable mixed-use centers located along commercial corridors that connect denser development nodes. CS have comparable use schedules to C-1, with some exceptions being the introduction of residential uses. While C-1 zoning provides an urban form setback option, development in that zoning district typically follows a more traditional auto-oriented setback requirement with parking in front of structures. CS requires an urban form*

setback with buildings addressing the street, which is in character with much of the neighboring properties. CS and C-1 have similar both have no lot area minimums. Only CS requires an 18-foot lot width minimum dwellings but is similar to C-1 with no width requirements for all other uses. The parcels are split zoned with RSF-4, RSF-8, and RMF-12, which can support residential by-right, but their location and size do not allow for any significant development. CS allows the same residential use allowances (single- to multi-family) with additional uses but are not uniform for the setbacks in RSF-4 and -8. By allowing for a rezoning to CS, this eliminates this split-zone and allows for more uniform development. Staff finds that the proposed rezoning would allow for more mixed-uses that can support nearby properties without any substantial change to the area's character.

Land Use Plan Analysis: Staff finds that a rezoning to CS for the subject properties would be consistent with the City's adopted land use plans. The City Plan 2040's Future Land Use Map designates the properties as City Neighborhood Area which is intended to support the widest spectrum of nonresidential and residential uses. The subject properties lie along N. Ruppel Rd, a crucial point within the Wedington Corridor Plan. This plan calls for a walkable area that is developed with mixed-uses near the Wedington and Ruppel intersection, which is a Tier 2 City Growth Node located approximately 800 feet to the south. A rezoning from C-1 to CS would support this as CS allows for mixed-uses while C-1 only allows for commercial uses. The other zoning districts that the subject properties enter into do support residential, though they are too small and not long N. Ruppel. Staff supports the rezoning to CS as it would allow for a variety of mixed-use allowances that would "provide goods and services for people in surrounding residential areas, which fits well with the existing residential development surrounding the subject property". A rezoning from CS could also support Goals 1 (infill), 3 (compact development), 6 (opportunities for attainable housing) of City Plan 2040, encouraging infill by allowing for dense mixed-use development along a major thoroughfare in an area that has access to existing city services.

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 to CS is justified. Rezoning to CS would allow for housing densities that are comparable to the existing development pattern in the area and which are consistent with the City's planning objectives and policies while also allowing for commercial development.

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

Finding: Staff finds that rezoning the properties to CS has the potential to increase the traffic along N. Ruppel Rd given the allowable uses and no density maximum. However, N. Ruppel Rd is a high-traffic corridor that was intended to handle additional traffic.

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 properties to CS has the potential to increase population density, though it is not likely to undesirably increase the load on public services. The properties have access to existing water and sanitary sewer infrastructure and is close to public services. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0062 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 12, 2026</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
 - §161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre
 - §161.14 District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre
 - §161.21 District C-1, Neighborhood Commercial
 - §161.22 Community Services
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Long Range Planning Memo
- Request Letter

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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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.

161.09 District RSF-8, Residential Single-Family - Eight (8) Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family	50 feet
Two (2) family	50 feet
Townhouse, no more than two (2) attached	25 feet

(2) *Lot Area Minimum.*

Single-family	5,000 square feet
Two-family	5,000 square feet

(3) *Land Area Per Dwelling Unit.*

Single-family	5,000 square feet
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Two-family	5,000 square feet
Townhouse, no more than two (2) attached	2,500 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

Building Height Maximum	3 stories
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- (G) *Building Area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

(Ord. No. 4783, 10-18-05; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

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

161.14 District RMF-12, Residential Multi-Family - Twelve (12) Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12a	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities
Unit 48	Private dormitories

(C) *Density.*

Units per acre	12 or less
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(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a manufactured home park	50 feet
Single family	45 feet
Two (2) family	45 feet
Three (3) family or more	80 feet
Professional offices	100 feet

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 square feet
Townhouse: Individual lot	2,500 square feet
Single-family	4,500 square feet
Two (2) family	6,000 square feet
Three (3) family or more	9,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land Area Per Dwelling Unit.*

Manufactured home	3,000 square feet
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(E) *Setback requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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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.

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

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

(H) Minimum buildable street frontage. 50% of the lot width.

(Ord. No. 4325, 7-3-01; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 8, 9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6658, §4(Exh. C), 5-2-23; 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.

161.21 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas. The intent of this district is to allow administrative approval if the developer decides to use urban form, in compliance with the build-to zone and minimum buildable street frontage as specified herein.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 25	Offices, studios, and related services
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 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.* None.

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 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	5 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 any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% 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(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; 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. 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, 4, 5, 4-2-19; Ord. No. 6223, §1, 9-3-19; Ord. No. 6245, §2, 10-15-19; Ord. No. 6521, §4, 1-18-22)

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

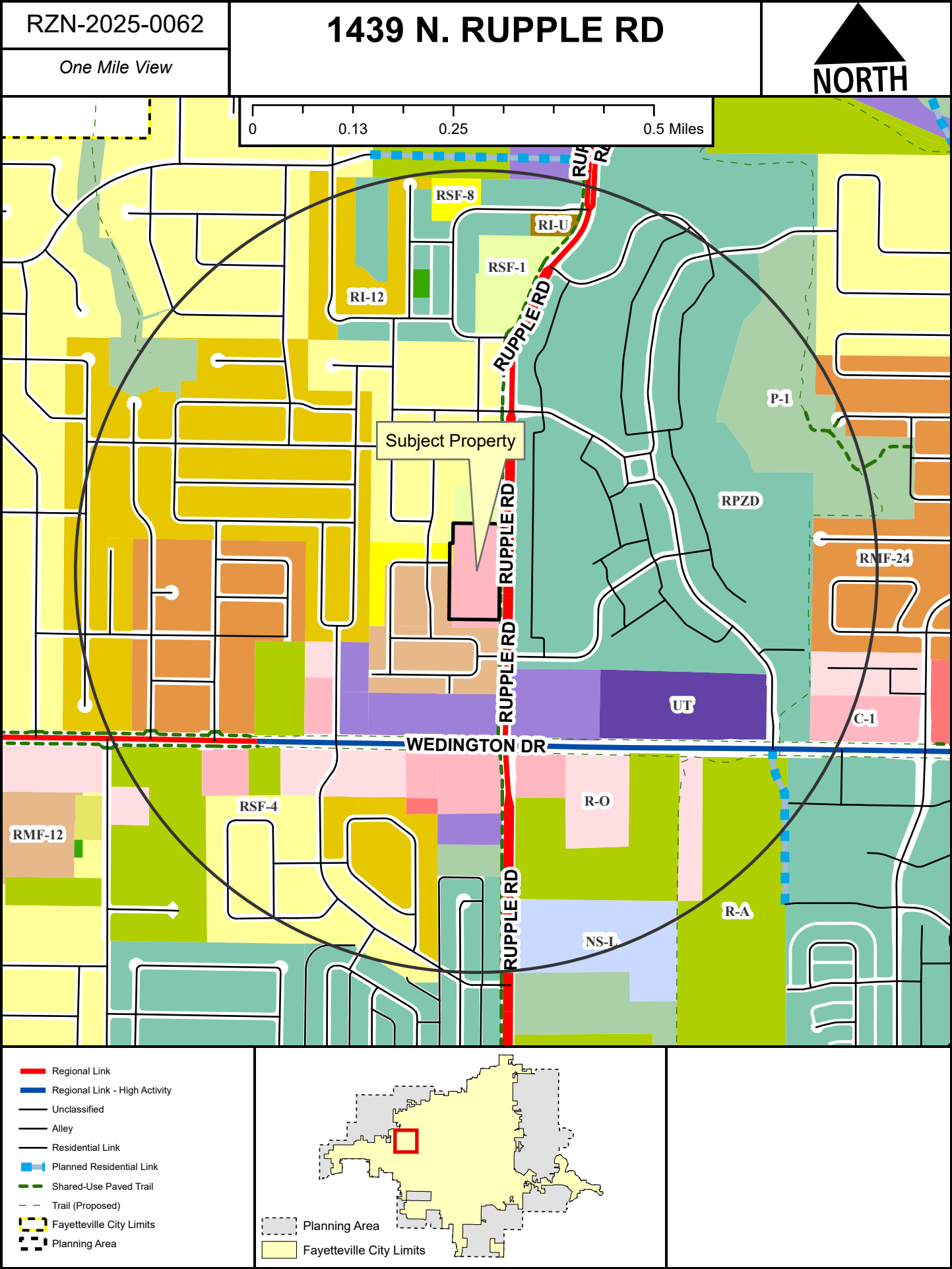
(F) *Building Height Regulations.*

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)

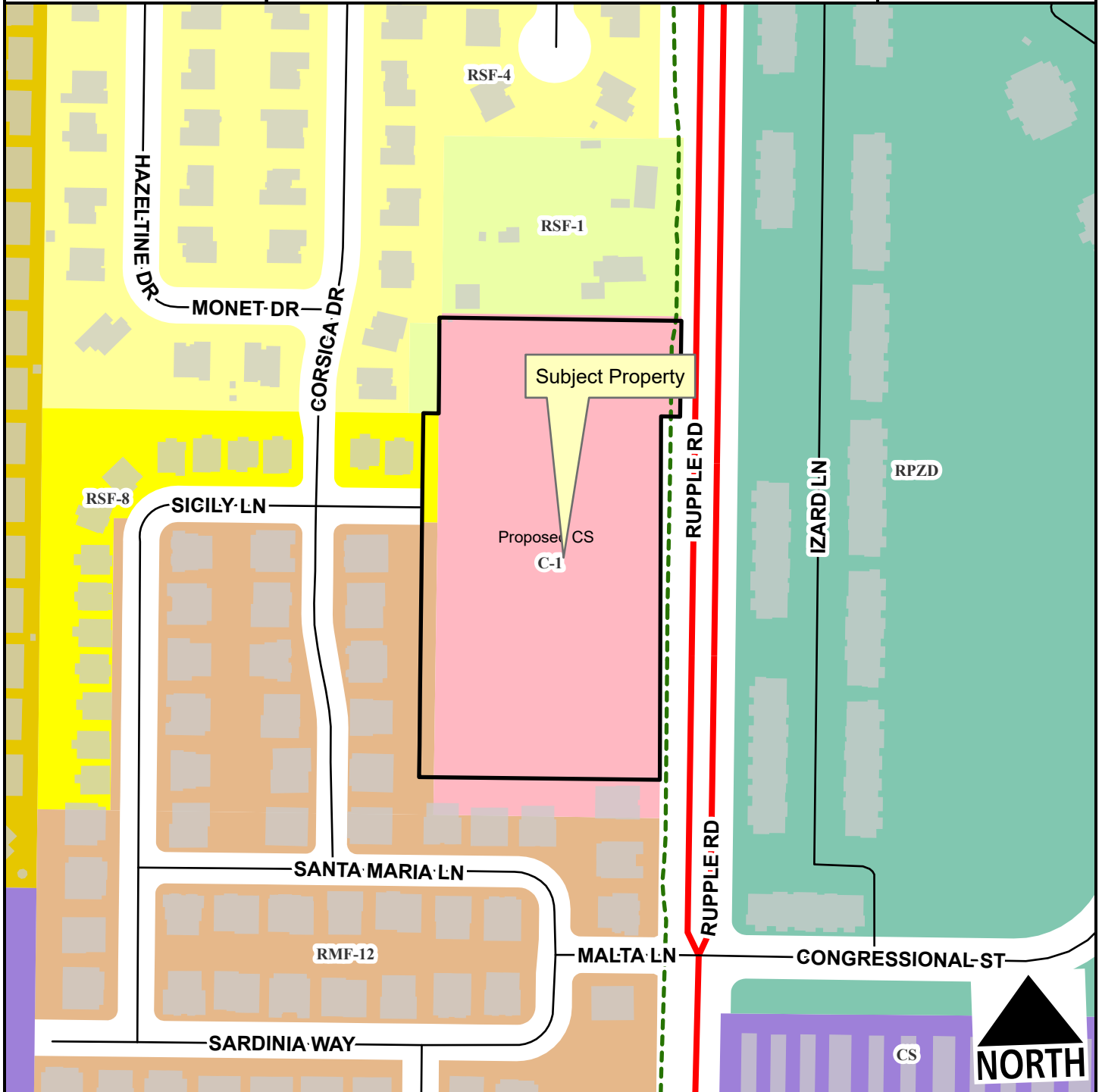
Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code 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.



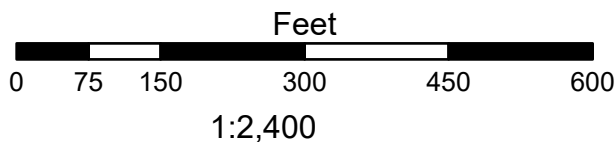
RZN-2025-0062

1439 N. RUPPLE RD

Close Up View



- Regional Link
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits



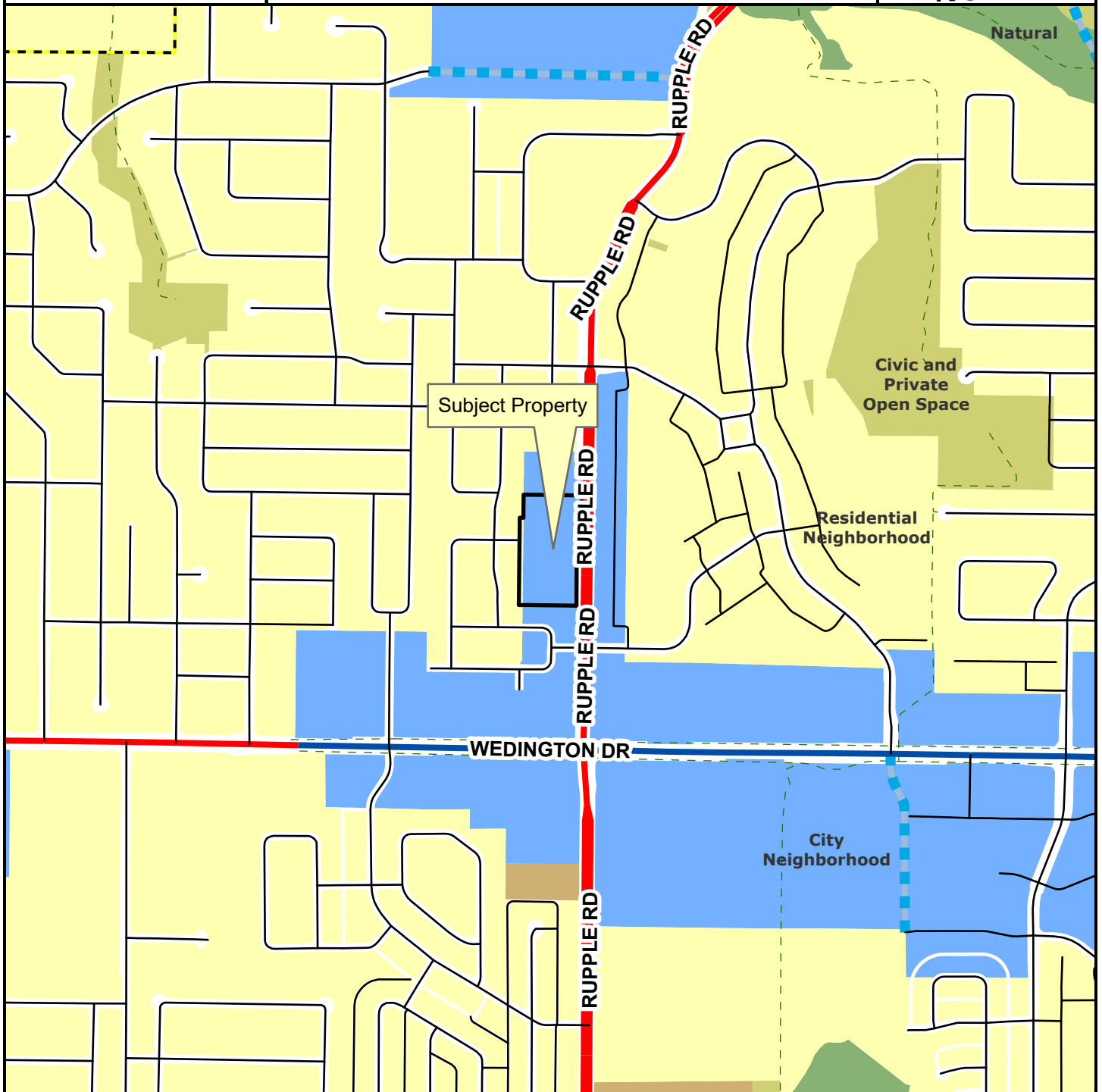
Zone	Current	Proposed
C-1	4.5	0.0
CS	0.0	4.8
RMF-12	0.2	0.0
RSF-4	0.0	0.0
RSF-8	0.1	0.0
Total		4.8 ac



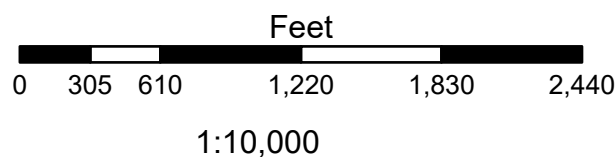
RZN-2025-0062

1439 N. RUPPLE RD

Future Land Use



- Regional Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential 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



TO: Wes Frank, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0062

BACKGROUND:

The applicant requests to rezone approximately 6.48 acres from C-1, Neighborhood Commercial, RSF-4, Residential Single-Family, Four Units per Acre, RMF-12, Residential Multifamily, 12 Units per Acre, and RSF-8, Residential Single-Family, 8 Units Per Acre to CS, Community Services. One long range planning document is relevant when evaluating this request: *City Plan 2040*.

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".

DISCUSSION:

City Plan 2040 and Future Land Use Plan:

This area is designated as a City Neighborhood area, which are "more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses." This land use designation also supports the "widest spectrum of uses and encourages density in all housing types".¹ The request aligns with this designation by clarifying zoning across the entirety of parcels and adds a variety of housing types, from single to multi-family, which are not currently permitted under the existing C-1 zoning and commercial uses not currently permitted under the sections with residential zoning. The purpose of the CS district is to provide goods and services for people in surrounding residential areas, which fits well with the existing residential development surrounding the subject property. This proposal aligns with several goals of City Plan 2040, and would provide an opportunity for new development at a site with existing

¹ City Plan 2040, 130.

infrastructure (goals 1 and 2). This proposal also advances goals for complete and connected development with urban form standards that would further improve the pedestrian experience along Ruppel and provide opportunities for future commercial or mixed-use developments to serve the surrounding neighborhoods (goals 3 and 6).

Property History:

The subject property is currently unimproved and was annexed into the city in 2004 (Ord. No. 4588). At that time it was assigned RSF-1, Residential Single-Family 1 Unit per Acre. In 2006, the majority of the property was rezoned to C-1, Neighborhood Commercial subject to a Bill of Assurance (Ord. No. 4915) and phasing plan, but was subsequently not developed and the public street outlined in the Bill of Assurance to connect the residential development at the west to Ruppel Road was not completed (attached below). Although it is somewhat unclear, it appears that the split zoned parcels originated at that time.

Bill of Assurance from Ord. No. 4915:

This Bill of Assurance shall accompany each parcel of land (#1, 2, &3) and shall include the following;

- 1) Access to parcel #1 shall be to the north through Bellwood Subdivision Phase I and to Ruppel Road through Parcel #3. The street in Parcel 1 will connect to Parcel #2 for access.
- 2) Parcel #2 shall have public access through the property and shall provide connectivity to the west, south and to Ruppel Road.
- 3) Parcel #2 shall have the buildings arranged to avoid a grid layout or "row" houses. Buildings shall be staggered to help avoid this grid layout.
- 4) Pedestrian access shall be required in all 3 parcels to provide and encourage residents of this community to walk to the market district.
- 5) Waterlines & sewerlines will be extended through Parcel #1 to Parcel #2 and 3. Parcels 2 and 3 will also extend their waterline sewer to Ruppel Road.
- 6) Stormwater will be detained in Parcel #1 and #2 and will be sized for all three parcels.
- 7) Two trees shall be planted on each lot of Parcel #1 by the builder.
- 8) Architectural design shall be reviewed by the Planning Commission for all three parcels. The review shall include type of material, color, arrangement of windows, doors, etc. Each parcel shall be reviewed separately at the time each parcel is developed. (Parcel #1 will be developed first).
- 9) The developer of Parcel #1 will provide improvements to Ruppel Road as required by the City at the time Parcel #1 is developed.
- 10) Each parcel shall be compatible with the Wellspring Community to the east. This compatibility shall include architectural design & building arrangement. The City Planning Dept. shall review each development plan to determine that it is compatible with Wellspring.

A rezoning to CS meets both the original intent for this property as envisioned in 2006, and Goals 1, 2, 3, and 6 of City Plan 2040 by emphasizing complete design, connectivity, and mixed-use or commercial development to serve the surrounding neighborhoods.

Parcels: 765-24083-000 & 765-24086-100

Current Zoning: C-1

Proposed Zoning: CS (Community Services)

Dear Planning Commission,

This request is to rezone parcels 765-24083-000 and 765-24086-100 from C-1 (NEIGHBORHOOD COMMERCIAL), RSF-4 (RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE), RMF-12 (RESIDENTIAL MULTI-FAMILY, 12 UNITS PER ACRE), and RSF-8 (RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE) to CS (Community Services). The majority of the parcel is C-1.

The existing C-1 zoning allows only commercial uses, limiting the site's potential to serve as a well-integrated part of the surrounding neighborhood. Rezoning to Community Services will allow a more balanced mix of uses that can function as a transition between nearby residential properties and other commercial areas. The intent is not to eliminate commercial potential, but to broaden the site's options so it can adapt to changing market conditions and community needs over time.

The CS district supports small-scale commercial, office, and residential uses within a walkable, neighborhood-oriented framework. This flexibility will make it possible to create a vibrant, mixed-use environment that maintains the intent of neighborhood-scale commercial development while introducing compatible residential and live-work opportunities.

Statement of Compatibility

The proposed CS zoning is compatible with surrounding land uses and zoning patterns. It maintains commercial options allowed under C-1 while adding the possibility for mixed-use and residential components that strengthen neighborhood connectivity and support local businesses.

The Community Services district can serve as a transition zone between residential and more intensive commercial areas—exactly the function these parcels provide. The scale and form permitted under CS will ensure that any future development remains pedestrian-oriented and context-sensitive, complementing adjacent residential areas while contributing to the overall walkability and livability of the corridor.

In summary, this rezoning maintains neighborhood-serving commercial uses while adding a mixed-use component that creates a thoughtful transition between residential and commercial zones, supporting both economic and community goals.

Thank you for your consideration.

Wes Bates



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0063: Rezoning (1090 S. WASHINGTON AVE/HORNBACK REVOCABLE TRUST, 563):** Submitted by WESLEY BATES for property located at 1090 S. WASHINGTON AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.40 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0063** to City Council with a recommendation of approval.”

RECOMMENDED MOTION:

*“I move to forward **RZN-2025-0063** to City Council with a recommendation of approval.”*

BACKGROUND:

The subject property is in south Fayetteville approximately 400 feet east of Walker Park at the intersection of S. Washington Ave. and E. 11th St. The subject area contains 0.40 acres composed of one parcel which is bisected by a 20-foot-wide unimproved alley right-of-way. The parcel has been constructed with an 826 square-foot single-family dwelling constructed in 1941. The property is partially encumbered by hydric soils and is located 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	Single-Family Residential and Undeveloped	NC, Neighborhood Conservation
South	Single-Family Residential and Undeveloped	RI-U, Residential Intermediate-Urban
East	Single-Family Residential	RSF-18, Residential Single-Family, 18 Units per Acre
West	Single-Family Residential	NC, Neighborhood Conservation

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

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along S. Washington Ave. and E. 11th St., both partially improved residential links 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. There is an existing 8-inch water main along E. 11th St. and an existing 6-inch water main along S. Washington Ave.

Sewer: Sanitary sewer is available to the subject area. There is an existing 8-inch sewer main along S. Washington Ave. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 675 feet south of this property.

Drainage: No portion of the property lies with the Hillside-Hilltop Overlay District or FEMA floodplain, and no protected streams are present in the subject area. Hydric soils are present on the property. Hydric soils are a known indicator of wetlands. However, for an area to be classified as wetlands, it may also need other characteristics such as hydrophytes (plants that grow in water), and shallow water during parts of the year. Hydric Soils can be found across many areas of Fayetteville, including valleys, floodplains, and open prairies. It's important to identify these natural resources during development, so when these soils are identified on a property, further environmental studies will be required at the time of development. Before permits will be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 1.1 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

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

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

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

- Adequate Fire Response (Station 1, 303 W. Center St.)
- Near Sewer Main (8", S. Washington Ave)
- Near Water Main (6", S. Washington Ave. | 8", E. 11th St.)
- Near City Park (Walker Park)
- Near Paved Trail (Walker Park | Waxflower – Wood Connector)
- Near ORT Bus Stop (College at Senior Center and Walker Park)
- Within Master Plan Area (Walker Park Master Plan)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** The subject property is primarily surrounded by single-family homes with relatively small lot sizes. Additionally, there are a high number of two-, three-, and four-family dwellings in the immediate vicinity and a 9-unit cluster housing court directly south of the subject area. The presence of existing alley right-of-way on the property, albeit unimproved, offers opportunities for alley-oriented development in line with recent ordinance changes, and existing alley-loaded development is present in the vicinity. RI-U permits a mix of low-intensity residential types with no maximum density, including up to four-unit buildings, but maintains a minimum lot width of 18 feet. That said, staff finds that parking, drainage, tree preservation and other requirements will likely limit the development potential of the parcel.

A rezoning to RI-U could support a broader range of housing types in an area experiencing increased demand for housing within close proximity to services such as Walker Park and a smaller unnamed park within Willow Bend, the Fayetteville Senior Center, Razorback Greenway, transit stops, churches and other nonresidential amenities. While NC and RI-U allow similar uses, RI-U permits more housing types with smaller lot size requirements, encouraging compatible infill development without disrupting neighborhood scale.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as Residential Neighborhood Area. The RI-U zoning district would allow a greater variety of land uses in an urban setting, which staff finds to be compatible with the surrounding area. The property has a relatively high infill score of 7 with a

weighted score of 8, indicating it is a suitable location for infill development. The property fronts onto S. Washington, Ave., a marked shared roadway which connects into public trails and the Razorback Greenway, and which would enable residents to utilize alternative means of transportation. Infill in this area could help support Goals 1 and 3 by promoting moderate infill in an area that is highly walkable and near transit routes.

The subject property is included in the Walker Park Neighborhood Plan. The request for RI-U is appropriate given the Neighborhood Plan's vision for housing variety. The Walker Park Neighborhood Plan acknowledges the "predominately single-family nature of the interior of the neighborhood." A large swathe of primarily single-family zoned property is located roughly between E. 7th St. to E. 15th St. RI-U offers increased housing flexibility, which aligns with both the goals of the Walker Park Plan and City Plan 2040, without inserting any potential by-right commercial uses that were not envisioned for the neighborhood and may not be compatible at this time.

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

Finding: Staff finds there is justification to rezone the property from NC to RI-U. A rezoning to RI-U would permit the development of more units which could be subdivided onto individual lots, potentially enabling homeownership of smaller, more attainable dwelling units in an area of town with a relatively high concentration of services, amenities, and employment opportunities.

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

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

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

Finding: Rezoning the property from NC to RI-U has the potential to alter the population density when considering that RI-U has no set density limitation. However, given the presence of existing public infrastructure, the presence of nearby trails and other bike infrastructure, and proximity to nonresidential services such as the Senior Center, churches, transit stops, and parks, staff finds that the proposed rezoning is not likely to increase the load on public services to an undesirable degree. While there are known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan that appear in the system approximately 675 linear feet downstream of this property, the small size of the property is also likely to naturally limit the development capacity of the parcel. Any street improvements required in this area would

be determined at the time of development proposal. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends RZN-2024-0063 be forwarded to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

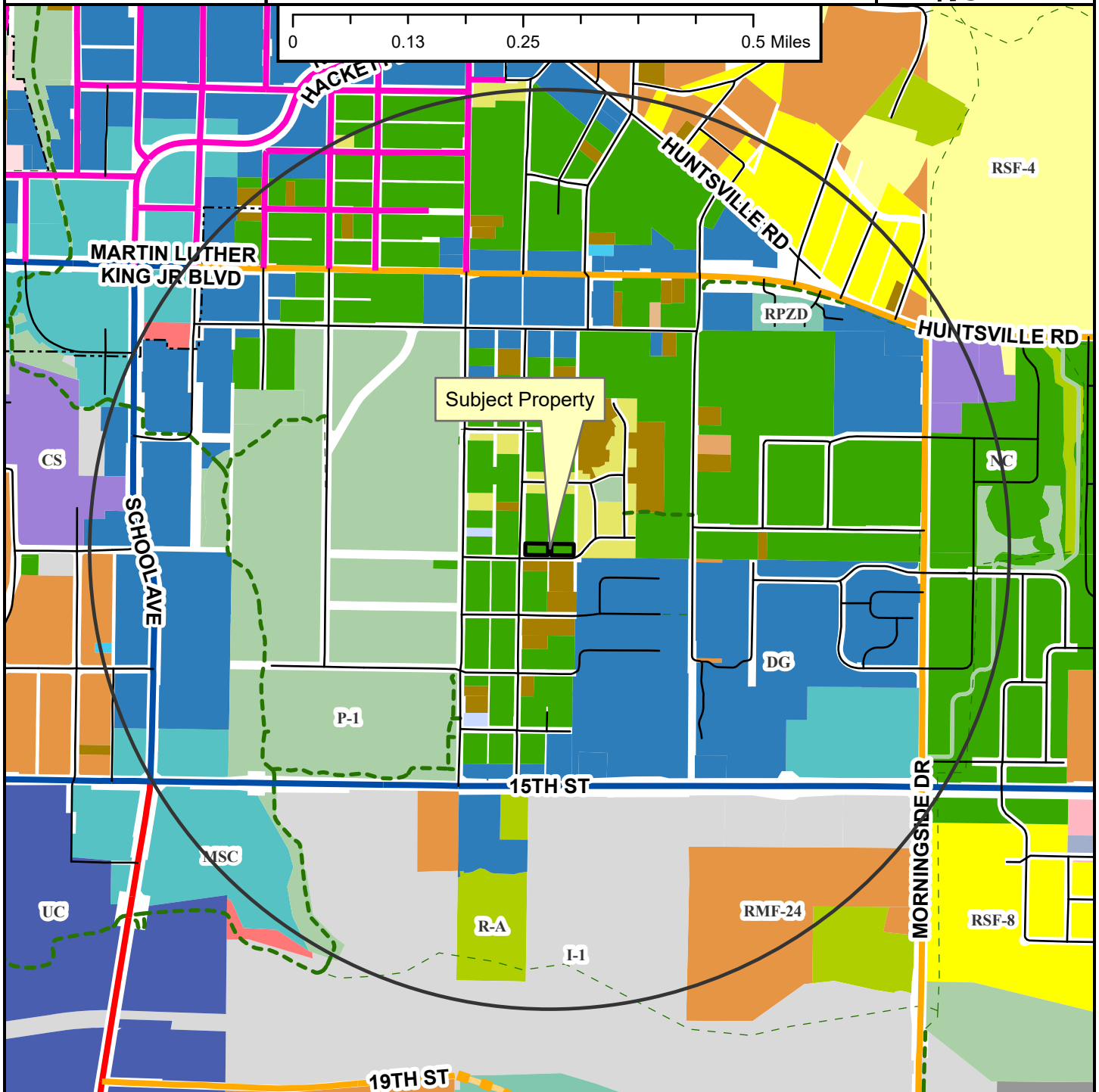
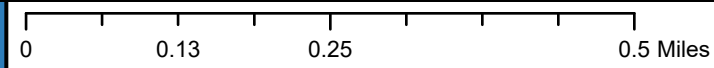
ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Future Land Use Map
- Unified Development Code
 - §161.29 District NC, Neighborhood Conservation
 - §161.12 District RI-U, Residential Intermediate – Urban
- Long-Range Planning Memo
- Request Letter

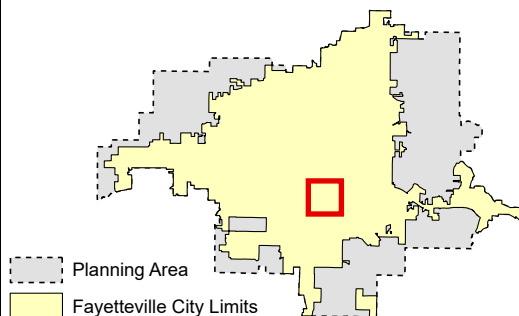
RZN-2025-0063

1090 S. WASHINGTON AVE

One Mile View



- 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

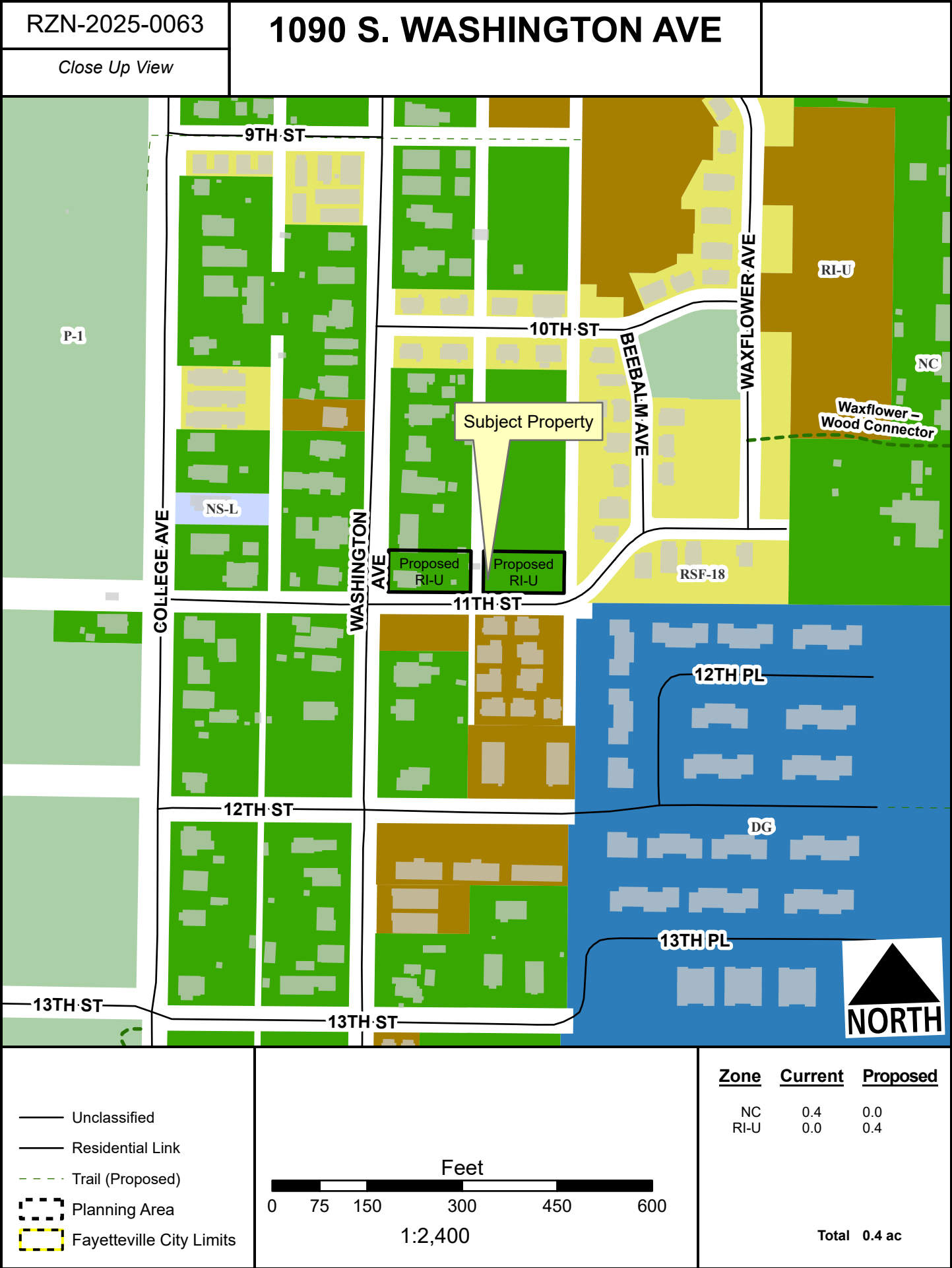


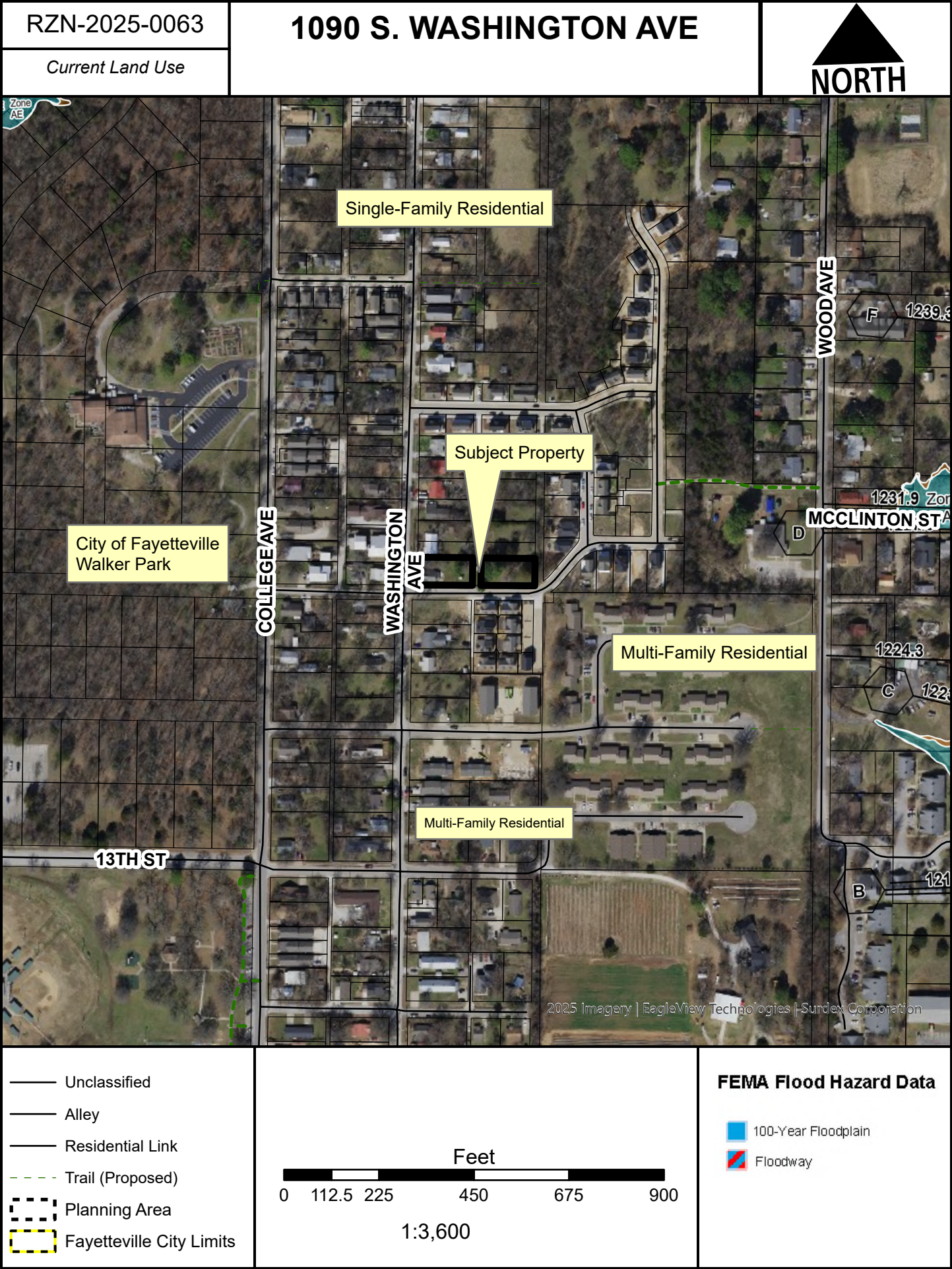
Planning Commission

January 12, 2026

RZN-2025-0063 (HORNBACK REVOCABLE TRUST)

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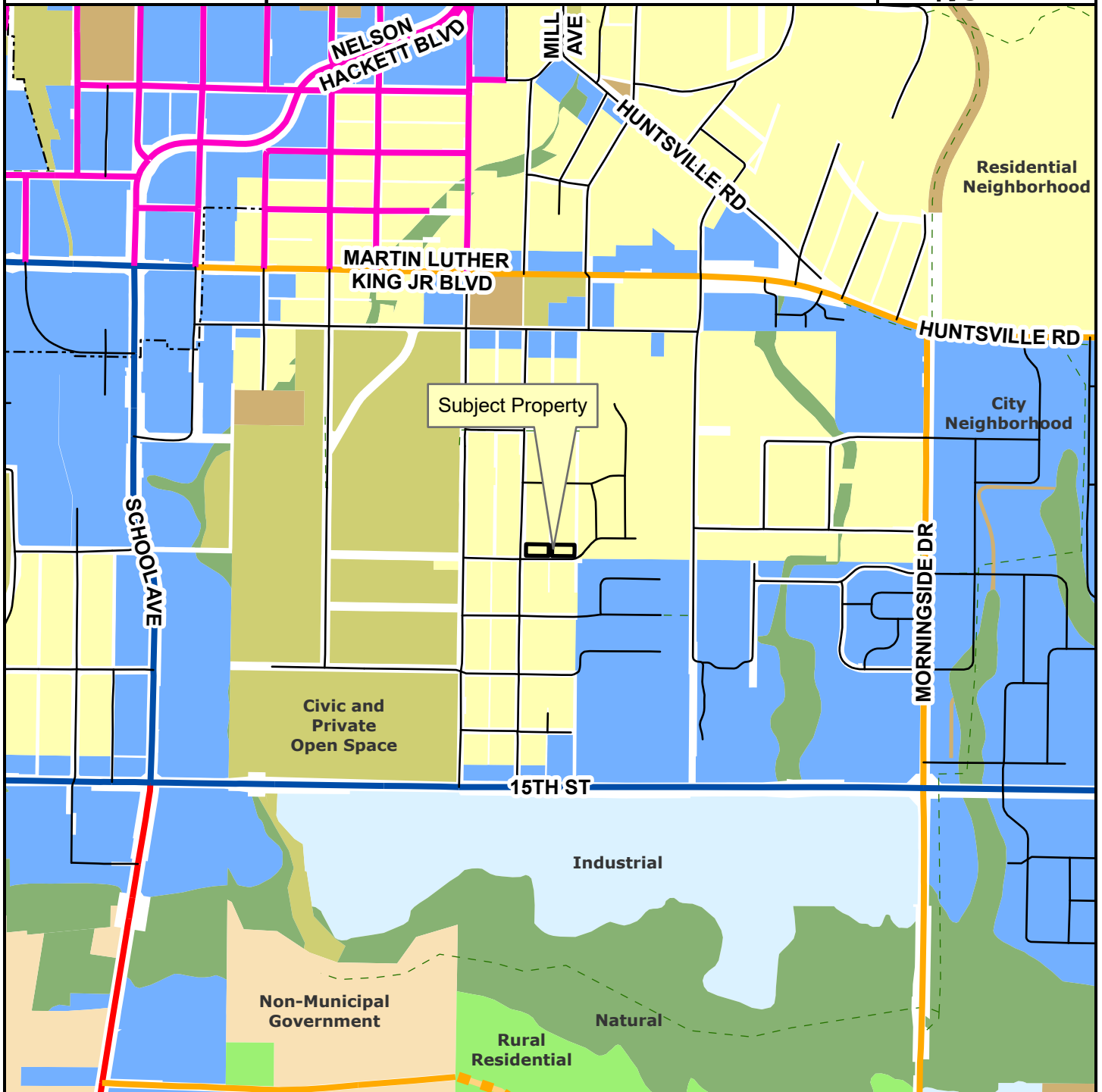




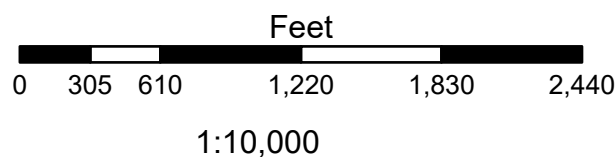
RZN-2025-0063

1090 S. WASHINGTON AVE

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

161.12 District RI-U, Residential Intermediate - Urban

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

161.29 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. 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.



TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0063

BACKGROUND:

The applicant requests to rezone approximately 0.40 acres from NC, Neighborhood Conservation to RI-U, Residential Intermediate - Urban. 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."¹ The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, and four-family housing. The RI-U district would also allow the incorporation of some non-residential uses by conditional use like Limited Business (Use Unit 12a).

¹ City Plan 2040, 128.

Walker Park Neighborhood Plan:

The subject property is included in the *Walker Park Neighborhood Plan*. The request for RI-U is appropriate given the *Neighborhood Plan*'s vision for housing variety. 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. RI-U offers increased housing flexibility, which aligns with both the goals of the *Walker Park Plan* and *City Plan 2040*, without inserting any potential by-right commercial uses that were not envisioned for the neighborhood and may not be compatible at this time.

Property History:

The subject properties contains a single-family dwelling constructed ca. 1941, according to Washington County Tax Assessor records. The property is of historic age, but does not retain it's integrity of design or materials and is not eligible for the state or National Register of Historic Places. The property is not within a local historic district.



² Walker Park Neighborhood Plan, 18.

To: Fayetteville Planning Commission
From: Wes Bates
Re: Rezoning Request – 1090 S Washington Ave (NC → RI-U)
Date: 11-11-2025

Dear Commissioners,

I am requesting a rezoning for the property located at 1090 S Washington Ave from Neighborhood Conservation (NC) to Residential Intermediate-Urban (RI-U). The property is currently zoned for single-family use, but the lot size and existing structure make it well-suited for the type of gentle residential infill envisioned by the City Plan.

The goal of this rezoning is to add additional housing options to the neighborhood by allowing flexibility for small-scale residential development while maintaining the existing neighborhood character.

Statement of Compatibility

The proposed RI-U zoning is compatible with the surrounding context and consistent with the city's goals for infill development and attainable housing. There is already RI-U zoning directly across the street, and this rezoning would create a logical continuation of that existing pattern.

The RI-U district allows for a modest increase in residential density while maintaining the form and scale of traditional neighborhood development. It does not permit commercial uses, ensuring that the area remains residential in nature.

This rezoning supports the City Plan's emphasis on infill housing, walkability, and the efficient use of existing infrastructure. Allowing an additional residential unit or tandem lot configuration at 1090 S Washington provides attainable housing options that align with the long-term goals for this neighborhood.

Thank you for your consideration,
Wes Bates



–TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0066: Rezoning (1171 & 1173 N. DOUBLE SPRINGS RD/ WELLS, 441):** Submitted by BATES AND ASSOCIATES for property located at 1171 & 1173 N. DOUBLE SPRINGS DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.18 acres. The request is to rezone the property to RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0066** to City Council with a recommendation of approval.”

RECOMMENDED MOTION:

*“I move to forward **RZN-2025-0066** to City Council with a recommendation of approval.”*

BACKGROUND:

The subject property is in west Fayetteville approximately 300 feet north of the intersection of N. Double Springs Rd. and W. Wedington Dr. The 1.18-acre subject area contains one parcel which was constructed with a 2,016 square-foot two-family dwelling constructed in 1981 along with multiple outbuildings. The property is not located within any zoning overlays or master plan areas and does not contain any floodplain, streamside protection, or hydric soils. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Two-Family Residential	R-A, Residential Agricultural
South	Undeveloped	R-A, Residential Agricultural
East	Single-Family Residential	R-A, Residential Agricultural
West	Single- and Two-Family Residential	R-A, Residential Agricultural

Request: The request is to rezone the subject property from R-A, Residential Agricultural to RI-12, Residential Intermediate, 12 Units per Acrea.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The property's frontage along N. Double Springs Rd., a partially improved Residential Link with asphalt paving and open ditches. Any street improvements required in these areas would be determined at the time of development proposal
- Water:** Public water is available to the subject area. There is an existing 6-inch water main along N. Double Springs Rd.
- Sewer:** Sanitary sewer is available to the subject area. There is an existing 8-inch sewer main connections along the back side of the subject property. There are no known wet weather sewer capacity issues identified in the City's 2021 Sewer Master Plan adjacent to this property.
- Drainage:** No portion of the property lies within the Hillside-Hilltop Overlay District or FEMA floodplain, and there are no protected streams or hydric soils within the subject area.
- Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 7, located at 835 N. Ruppel Rd., protects this site. The property is located approximately 2.2 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- Police:** The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning districts, RI-12, Residential Intermediate, 12 Units per Acre requires **20% minimum canopy preservation**. The current zoning district, R-A, Residential-Agricultural requires **25% minimum canopy preservation**.

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

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

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

- Adequate Fire Response (Station 7, 835 N. Ruppel Rd)
- Near Sewer Main (8" within the property)

- Near Water Main (6", N. Double Springs Rd.)
- Near City Park (Harmony Pointe Park)
- Near Paved Trail (Wedington Side Path)

FINDINGS OF THE STAFF

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

Finding: *Land Use Compatibility:* Staff finds that the requested rezoning appears generally compatible with the surrounding area and existing land uses. The surrounding property is primarily characterized by low-density residential and R-A, Residential Agricultural zoning with a cluster of commercial uses at the intersection of Double Springs Rd. and W. Wedington Dr. Additional development appears to be on the rise in the area, including several residential developments either recently completed or in the development pipeline adjacent to N. 54th and N. 59th Ave. and a request to rezone multiple acres along Michael Cole to permit additional townhome development in this area. Given the available infrastructure, including street frontage along W. Wedington Drive and available water and sewer, staff finds that a rezoning to a higher density is merited at the site.

RI-12 allows up to three- and four-family dwellings by-right. Given extensive development of two-family dwellings in the vicinity, staff finds that three- and four-family dwellings are likely compatible in this location. Additionally, RI-12 allows for an incremental infusion of other types of missing middle housing including three- and four- family dwellings and cluster housing developments, as well as the potential for incremental commercial uses with a conditional use permit.

Land Use Plan Analysis: Staff finds the proposed rezoning to be generally consistent with the goals in City Plan 2040 and the property's future land use designation as a Residential Neighborhood area, which are intended to serve a variety of housing types. Further, City Plan 2040 designates the intersection of N. Double Springs Rd. and W. Wedington Dr. as a Tier 3 growth center, which "are intended to serve the immediately surrounding residential areas and... cater to the specific needs of a small market."

While staff finds that a rezoning to a mixed-use district such as NS-G could both better address the intent of city goals and plans and serve the needs of future residents given the minimal number of nonresidential services in the area, staff finds that increasing residential density alone within this area will also serve these long-term goals since residential density is necessary to provide a sufficient customer base to sustain nonresidential services. Further, while the property is less than 200 feet to the city's northern boundary, it is approximately 2 miles from the city's western edge.

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

Finding: Staff finds there is justification to rezone the property from R-A to RI-12. A rezoning to RI-12 could permit units in a missing middle style when subdivided onto individual lots, potentially enabling homeownership of smaller, more attainable dwelling units in an area of town experiencing increased development pressure.

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

Finding: A rezoning from R-A to RI-12 has the potential to increase traffic to this location though there factors such as the small size of the property, tree preservation, drainage, and parking are likely to naturally limit development potential. While there are relatively limited nonresidential services in the area, staff finds that nonresidential commercial uses are permitted in close proximity. The property has access to existing public infrastructure. Staff finds the proposed rezoning is not likely to increase the load on public services to an undesirable degree and that an increase in residential density in the area could serve to encourage development of commercial uses. Any street improvements required in this area would be determined at the time of development proposal. Fayetteville Public Schools did not comment on this request.

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

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

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

RECOMMENDATION: Planning staff recommends RZN-2025-0066 be forwarded to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</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
 - §161.03 District R-A, Residential-Agricultural
 - §161.12 District RI-12, Residential Intermediate – Twelve (12) Units per Acre
- Long-Range Planning Memo
- Request Letter

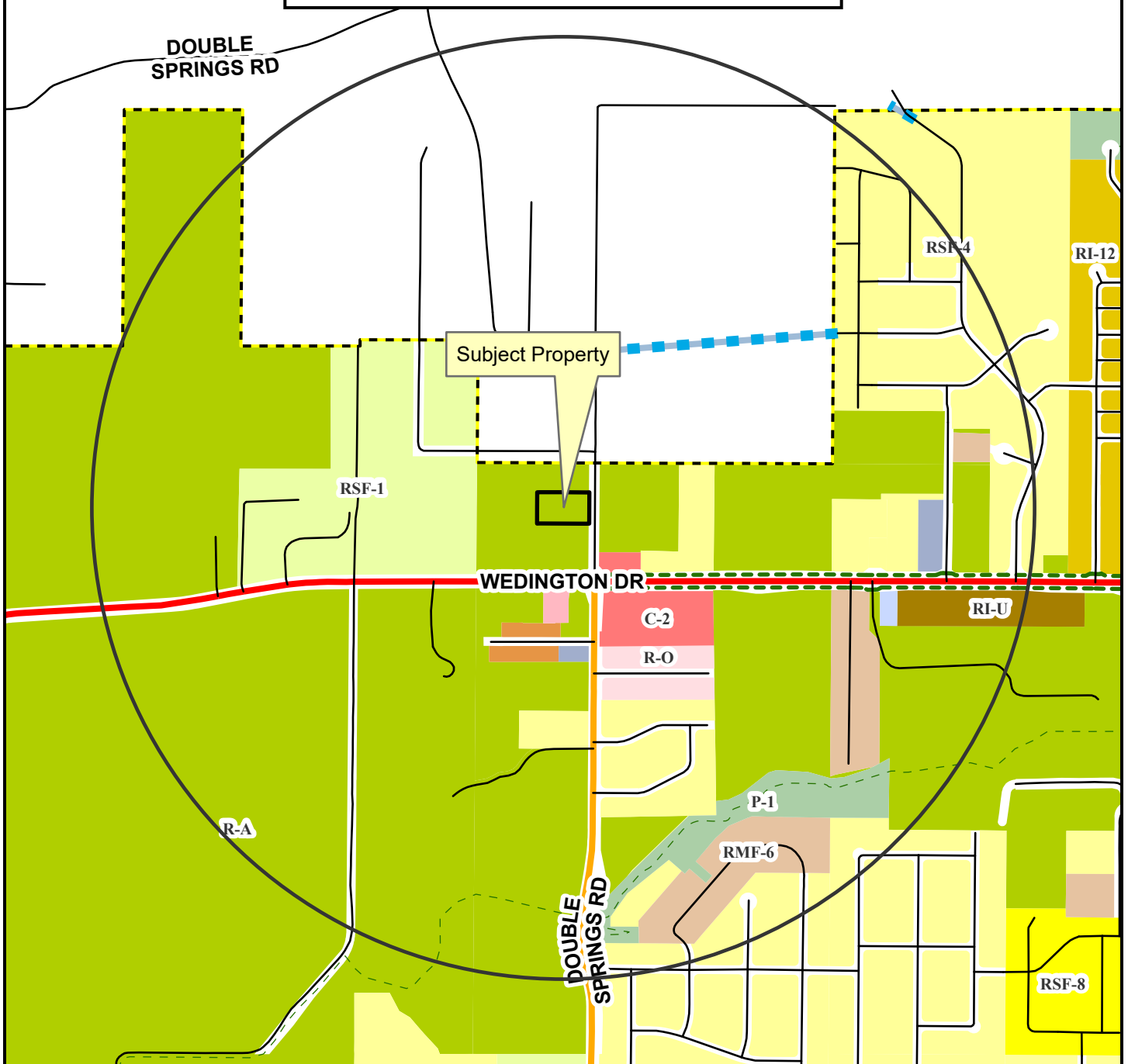
RZN-2025-0066

One Mile View

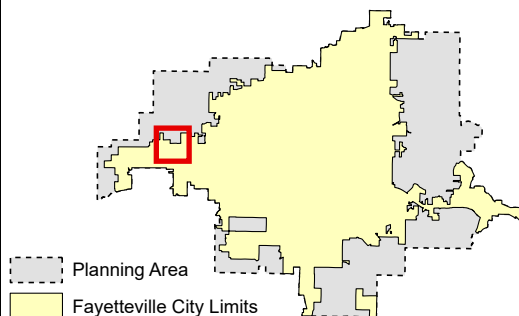
1171 & 1173 N. DOUBLE SPRINGS RD

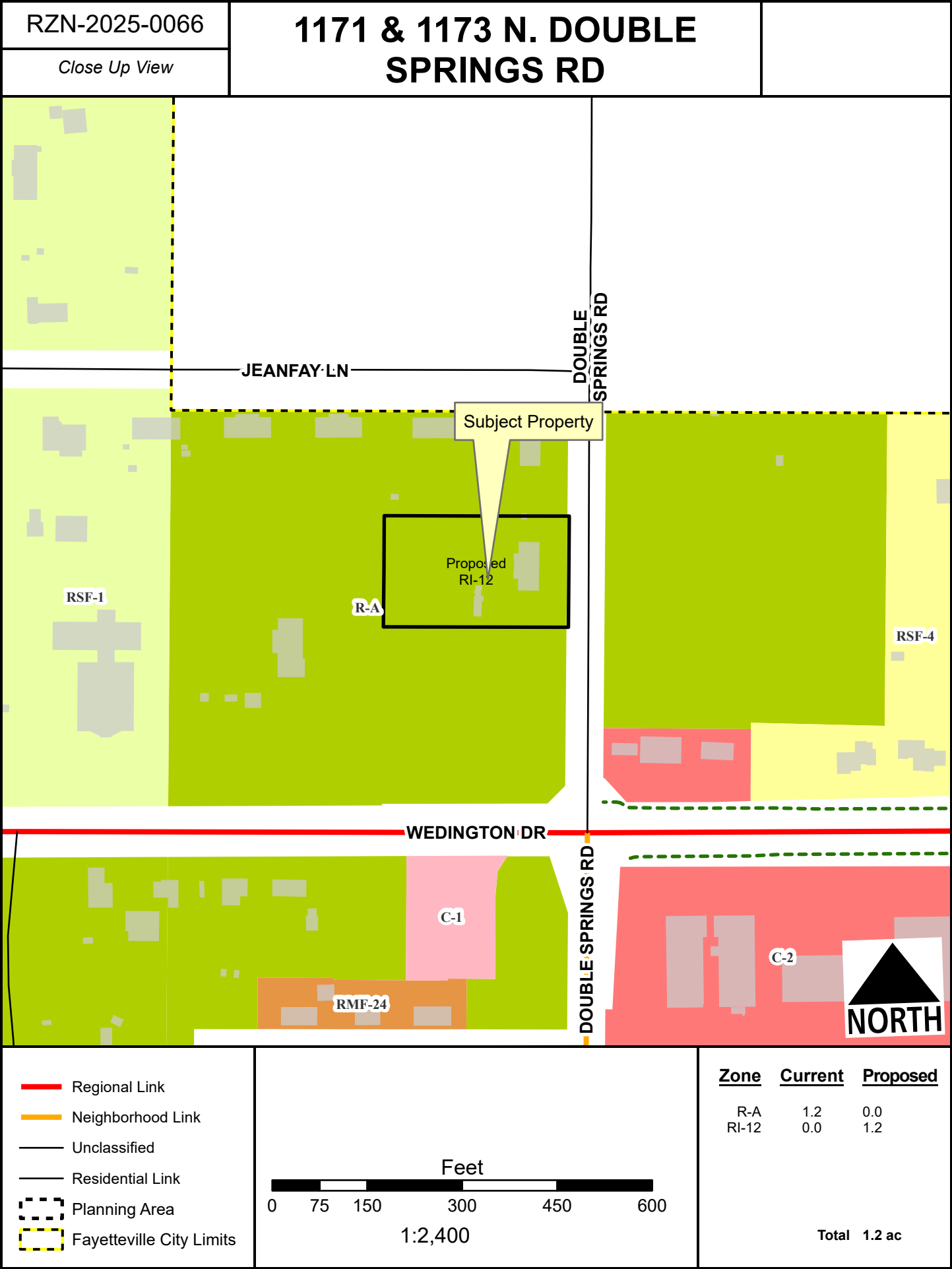


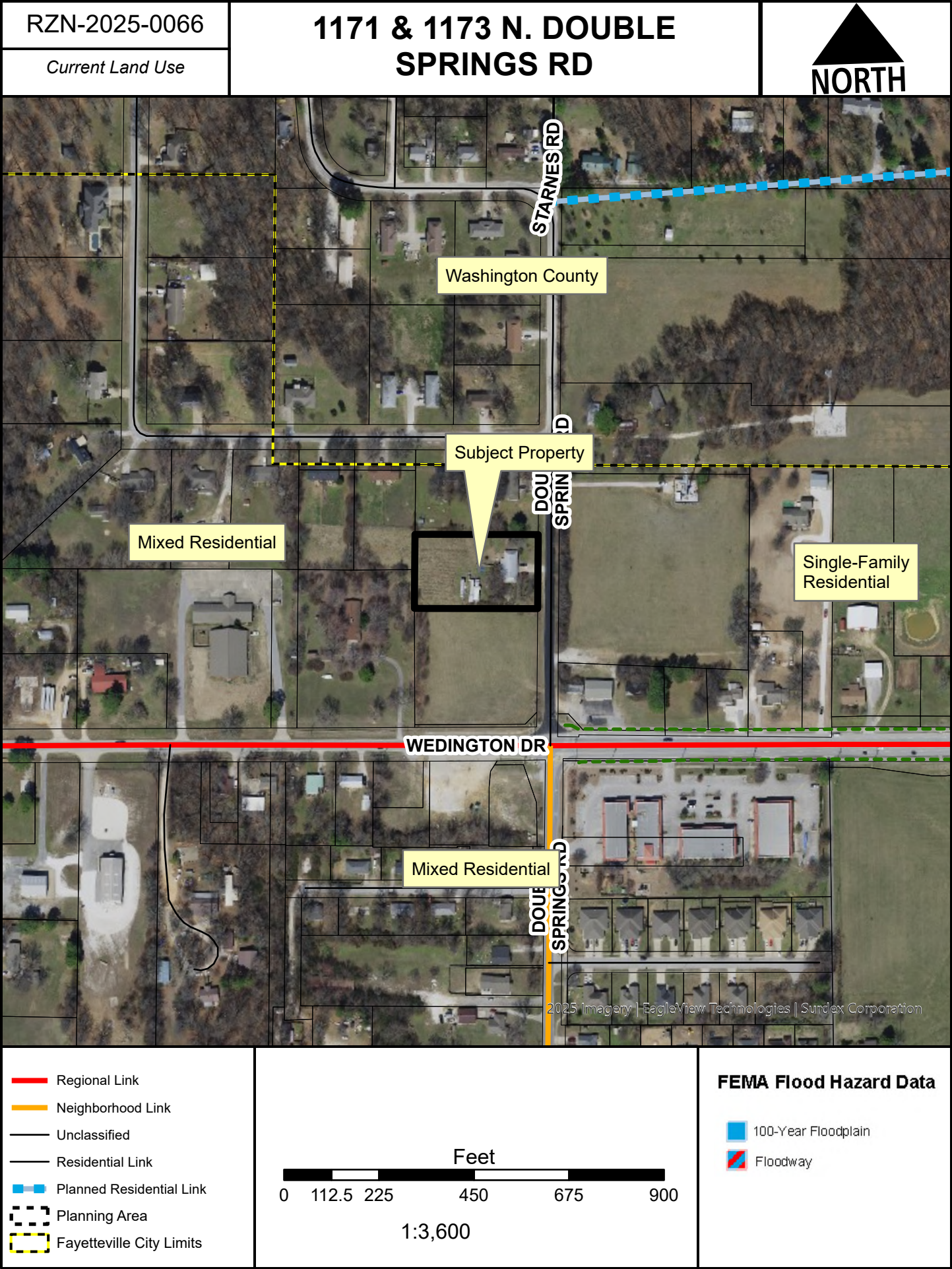
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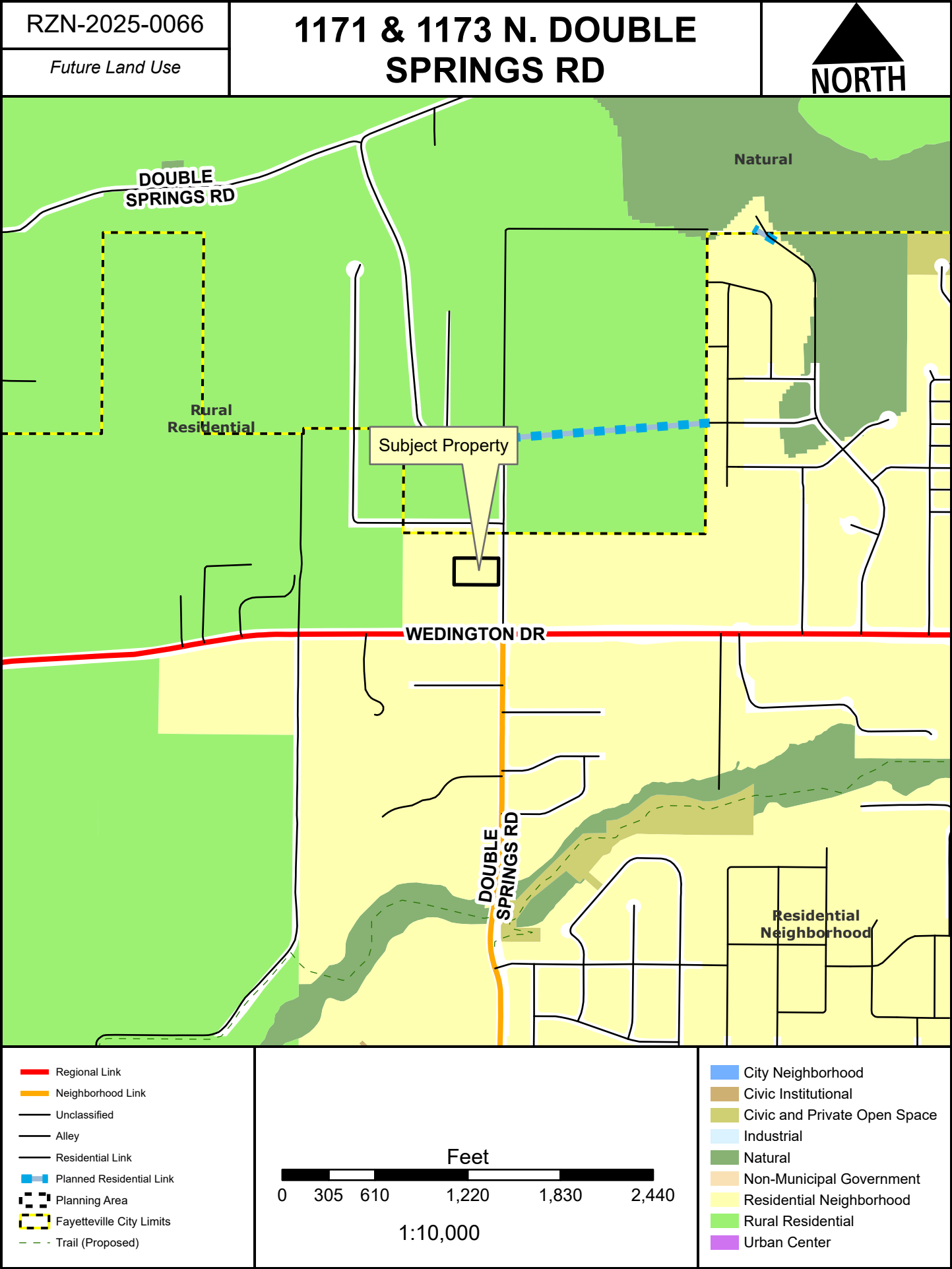


- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area









161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	One-half (½)
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

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

(G) *Building area.* None.

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

Editor's note(s)—Ord. No. 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.

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	12
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(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building height maximum	2 stories/3 stories*
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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 50% of the total lot area. Accessory ground mounted solar energy systems shall not be considered buildings.

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

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

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



TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0066

BACKGROUND:

The applicant requests to rezone approximately 1.18 acres from R-A, Residential Agricultural, to RI-12, Residential Intermediate – Twelve Units per Acre. One long range planning document is relevant when evaluating this request: *City Plan 2040*.

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.

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".

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."¹ The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, and four-family dwellings. The RI-12 district would also allow the incorporation of some non-residential uses by conditional use like Limited Business (Use Unit 12a). The proposal aligns with Goals 1, 2, 3, and 6 of *City Plan 2040* by creating additional flexibility for diverse housing choices in an area that is already supported by infrastructure.

Property History:

The subject property contains a single-family dwelling constructed ca. 1981, according to Washington County Tax Assessor records. The building is not of historic age.

This area was annexed into the city in 1982 (Ord. No. 2857) and was assigned the current R-A zoning designation at that time.

¹ City Plan 2040, 128.



November 20th, 2025

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

RE: Double Springs Development

Dear Planning Staff,

Bates & Associates, Inc., on behalf of Nathan & Darien Wells, has applied for a rezoning in Fayetteville. The location of the proposed rezoning is NW of the intersection of W Wedington Drive and N Double Springs Road (Washington County Parcel 765-03389-000). The total acreage of the development is 1.18 acres. The current zoning district is currently R-A with the request to rezone to RI-12.

The adjacent properties are currently zoned for a variety of districts, including R-A, RSF-1, RSF-4, RMF-24, C-1, and C-2. The request to rezone the subject property from R-A to RI-12 remains consistent with the adopted Future Land Use Map designation of Residential Neighborhood. As shown in the zoning exhibit on the following page, the area already supports a diverse mix of residential and limited commercial zoning districts.

The proposed rezoning will not adversely impact surrounding land uses, as the RI-12 district continues the established residential character and aligns with the intended development pattern for this area. By maintaining compatibility with neighboring residential zones and remaining within the broader vision for residential land use, the request represents an appropriate transition to this property.

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

Sincerely,

Bates & Associates, Inc.

A handwritten signature in blue ink that reads 'Geoffrey Bates'.

Geoffrey Bates
President of Engineering



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: January 12, 2026

SUBJECT: **RZN-2025-0061: Rezoning (N. FUTRALL DR & N. MARINONI DR/MISHY HOSPITALITY GROUP LLC, 441):** Submitted by COMMERCIAL REALTY DEVELOPMENT SERVICES for property located on N. FUTRALL DR & N. MARINONI DR. The property is zoned UT, URBAN THOROUGHFARE, and contains approximately 2.09 acres. The request is to rezone the property to C-2, THOROUGHFARE COMMERCIAL.

RECOMMENDATION:
Staff recommends denial of **RZN-2025-0061**.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0061** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is at the northeast corner of the newly constructed Marinoni Drive and N. Futrall Drive. Totaling approximately 2.09 acres, the property is zoned UT, Urban Thoroughfare; it received this zoning designation in 2021 as part of a larger 112-acre request for the former Marinoni Farms property southeast of W. Wedington Drive and I-49. The current property is undeveloped, though the overall site has been incrementally parceled out, and new infrastructure has been brought in, including streets, water, and sewer. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Church/Religious Institution	P-1, Institutional
South	Undeveloped (Future Hotel)	UT, Urban Thoroughfare
East	Undeveloped (Future Hotel)	UT, Urban Thoroughfare
West	Interstate (I-49)	N/A

Request: The request is to rezone the subject property from UT, Urban Thoroughfare, to C-2, Thoroughfare Commercial.

Public Comment: Staff have not received any public comment on this item.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a street frontage along North Marinoni Drive which is a fully improved Residential Link Street with asphalt paving, sidewalk, and curb and gutter. The subject area has a street frontage along North Futrall Drive, which is a partially-improved Neighborhood Link Street with asphalt paving, curb, and gutter.

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

Water: Public water is available to the subject area. An existing 6-inch water main is present along North Marinoni Drive.

Sewer: Sanitary sewer is available to the subject area. An existing 8-inch sewer main is present along North Marinoni Drive. There are no known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appeal in the system adjacent to this property.

Drainage: 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 can be issued for the property a statement/report from an environmental professional must be provided summarizing the existence of wetlands on the property. If this statement/report indicates that wetlands may be present on site, a USACE Determination of Jurisdictional Wetlands will be required at the time of development submittal. No portion of the property lies within the Hillside-Hilltop Overlay District, a FEMA floodplain, or within the Streamside Protection Zone. 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 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1.9 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. 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, C-2. Thoroughfare Commercial, requires **15% minimum canopy preservation**. The existing zoning district, UT, Urban Thoroughfare, 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 **Urban Center Area**.

Urban Center Areas contain the most intense and dense development patterns within the City and allow for the tallest and greatest variety of buildings. Urban Center accommodates rowhouses, apartments, local and regional retail, hotels, clean technology industries and entertainment uses. These areas are typified by their location adjacent to major thoroughfares

with high visibility. Although Urban Center Areas recognize the conventional big box and strip retail centers existing along major arterials, it is expected that vacant properties will be developed into traditional mixed-use centers, allowing people to live, work and shop in the same area. Additionally, infill of underperforming or undervalued existing big box and strip centers should be strongly encouraged since there is a greater return on investment for redevelopment of these areas that have existing public infrastructure such as streets, sidewalks, trails, water, sewer and parklands.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score of 8 for this site with a weighted score of 9.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, 990 S. Hollywood)
- Near Sewer Main (Marinoni Drive; under construction)
- Near Water Main (Marinoni Drive; under construction)
- Near Grocery Store (Harps on N. Garland, Harps north of Wedington)
- Near City Park (Markham Hill Woods)
- Near Paved Trail (Futrall Trail)
- Near Razorback Bus Stop (Wedington and N. Marinoni Drive)
- Appropriate Future Land Use (Urban Center)

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 request to rezone the property from UT (Urban Thoroughfare) to C-2 (Thoroughfare Commercial) to be generally incompatible with the established vision for the Marinoni Farm area. The property was rezoned in 2021 specifically to guide future development toward an urban-form standard, and the surrounding area has since developed accordingly. Recent projects, including two hotels, a multi-family development to the south, and a form-based coffee shop now under construction at Wedington, all follow these form-based requirements. Form-based zoning prioritizes physical form over use, and the UT district's 10–25-foot build-to zone is central to creating a consistent urban edge. By contrast, the C-2 district relies on traditional setbacks that would break this emerging pattern. The two southern parcels along N. Futrall Drive are already being built to UT standards, with buildings framing the street and incorporating the planned Futrall Trail. The hotel to the east also follows these requirements. Given this coordinated pattern of development, shifting this parcel to C-2 would undermine the cohesive urban form the City has intentionally cultivated.

While additional setback from N. Futrall Drive may seem desirable given the interstate's proximity, the UT district already accommodates this with a build-to range of up to 25 feet. The code also provides flexibility through Section 164.06, allowing exemptions for drive-thru facilities or for frontage affected by easements, drainage, or similar constraints.

From a use standpoint, UT and C-2 are largely comparable; both permit drive-thrus, gas stations, and other auto-oriented uses by right. However, UT uniquely allows housing by right, supporting the potential for mixed-use development on this site. Because the permitted uses, scale, and intensity are effectively the same in both districts, the core issue is not use but form. UT's form-based standards are designed to create a cohesive, pedestrian-oriented streetscape, whereas C-2's conventional setbacks would weaken that developing pattern.

Land Use Plan Analysis: Staff finds that the request to C-2 is not consistent with adopted land use policies, or the Future Land Use Map designation for the area. The C-2 zoning district allows for a wide array of heavy commercial uses in a conventional development pattern. The future land use designation recognizes conventional strip development though suggests those areas should be evaluated for their potential to redevelop in a more efficient, urban layout. Given the recent development in this area to those form-based standards, the implementation of the Active Transportation plan to develop the Futrall Trail, and the overall intentions of City Plan 2040 to create development that is compact, complete, and connected, staff does not find this request to be compatible as it would establish a different development pattern that is unlike the rest of the overall site.

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 zoning is not justified or needed to accommodate development of the property in accordance with goals outlined in the city's comprehensive plan. The proposed zoning district does not encourage development in a traditional town form and is intended to provide retail goods and services to highway travelers rather than for persons living in the surrounding residential areas. Staff acknowledges the subject area's proximity to I-49 makes the property ideal from a visibility perspective but contends that rezoning will limit the area from offering more contextually appropriate services; the property also fronts N. Marinoni Drive, which is rapidly developing under form-based standards. The UT zoning district which currently governs this property is also meant to cater to the traveling public, and restaurants, hotels, gas stations, and car washes are still permitted by-right; they are just required to be designed in a way that prioritizes a human scale.

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

Finding: Rezoning the property from UT to C-2 may not appreciably increase traffic at this site, but would prioritize a form that would not cater well to pedestrians or those individuals using alternative forms of transportation.

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: Given the lack of permitted residential uses in the C-2 zoning district, it is unlikely that development under the requested rezoning will adversely increase population density. The Police and Fire Departments have expressed no objections to the proposal.

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-2025-0061 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 12, 2026</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.23 District C-2, Thoroughfare Commercial
 - §161.24 Urban Thoroughfare
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Long-Range Planning Memo
- Request Letter

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
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)

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare 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 (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
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 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings

Unit 34	Liquor store
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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 48	Private dormitories

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	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/7 stories*
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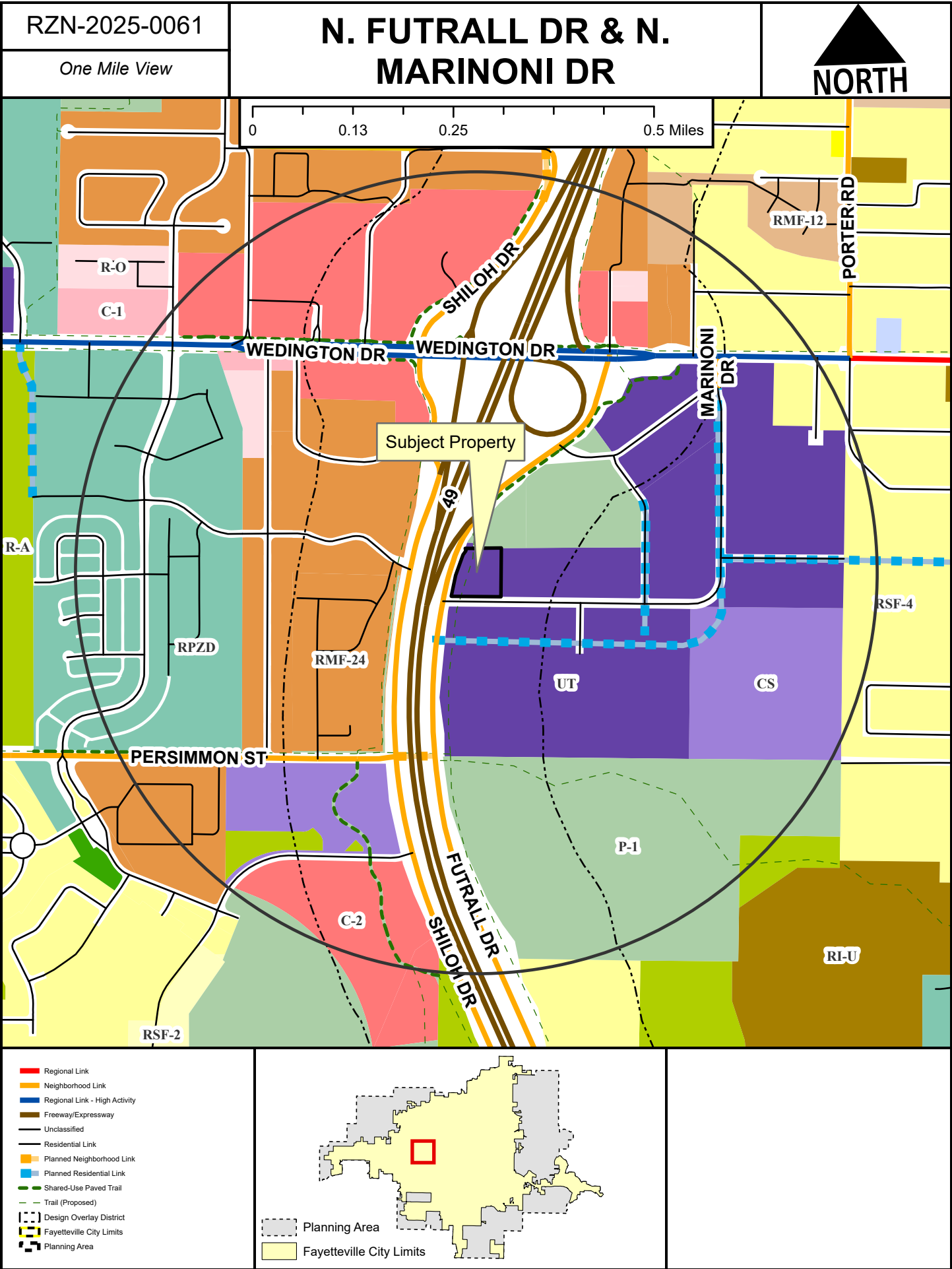
* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

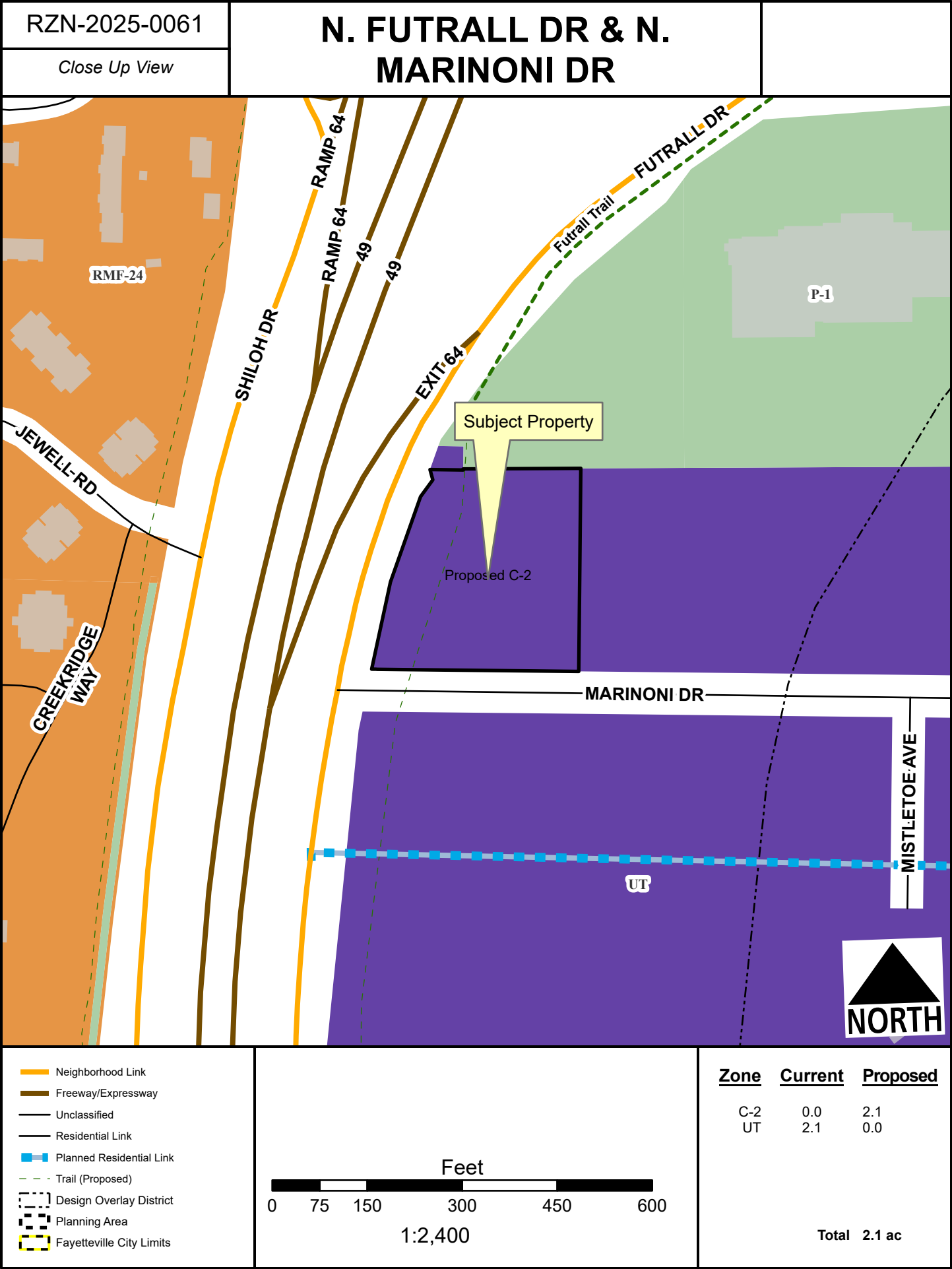
If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal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

(G) *Minimum buildable street frontage.* 50% of the lot width.

(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, 8, 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.

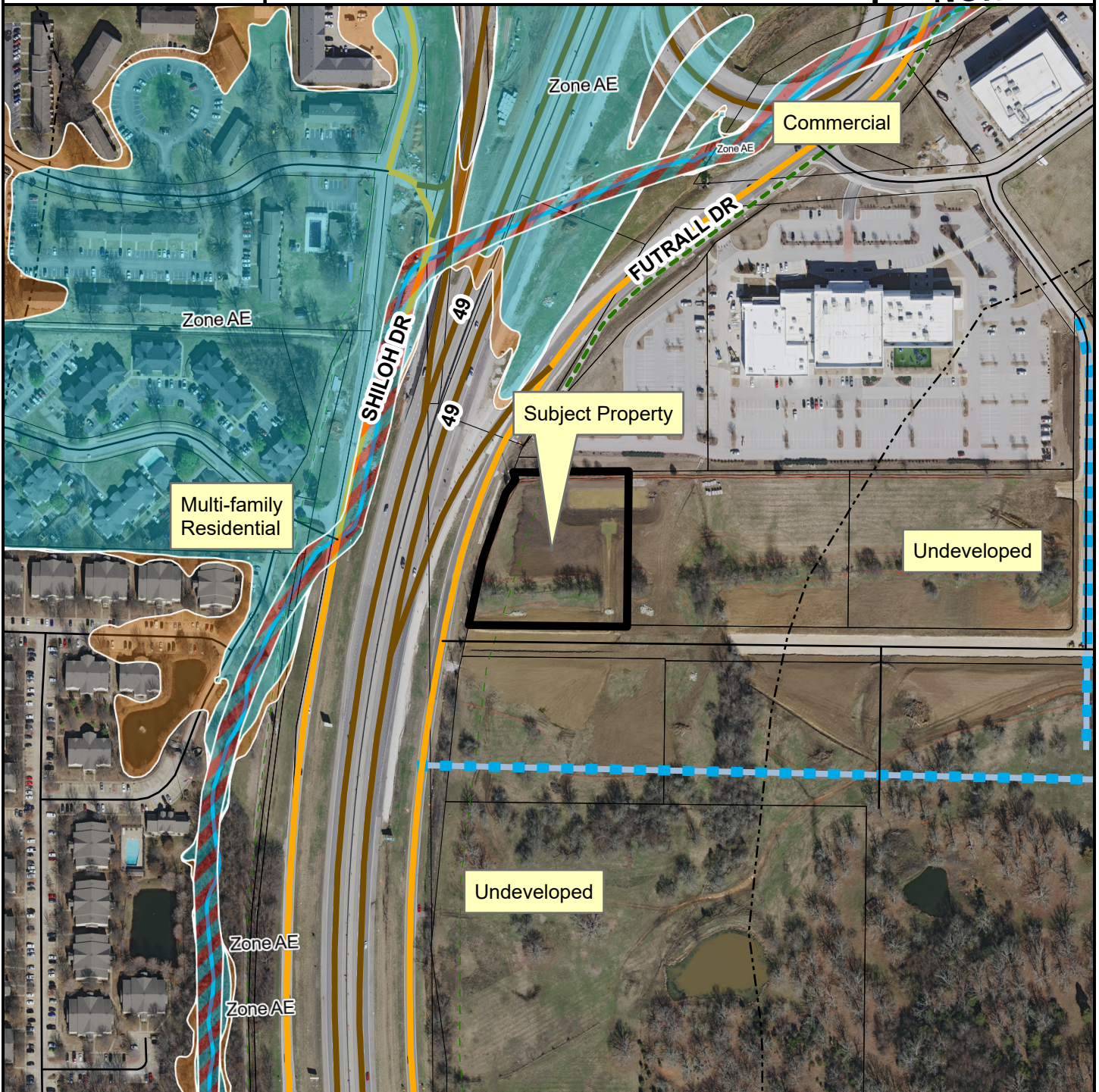




RZN-2025-0061

Current Land Use

N. FUTRALL DR & N. MARINONI DR



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



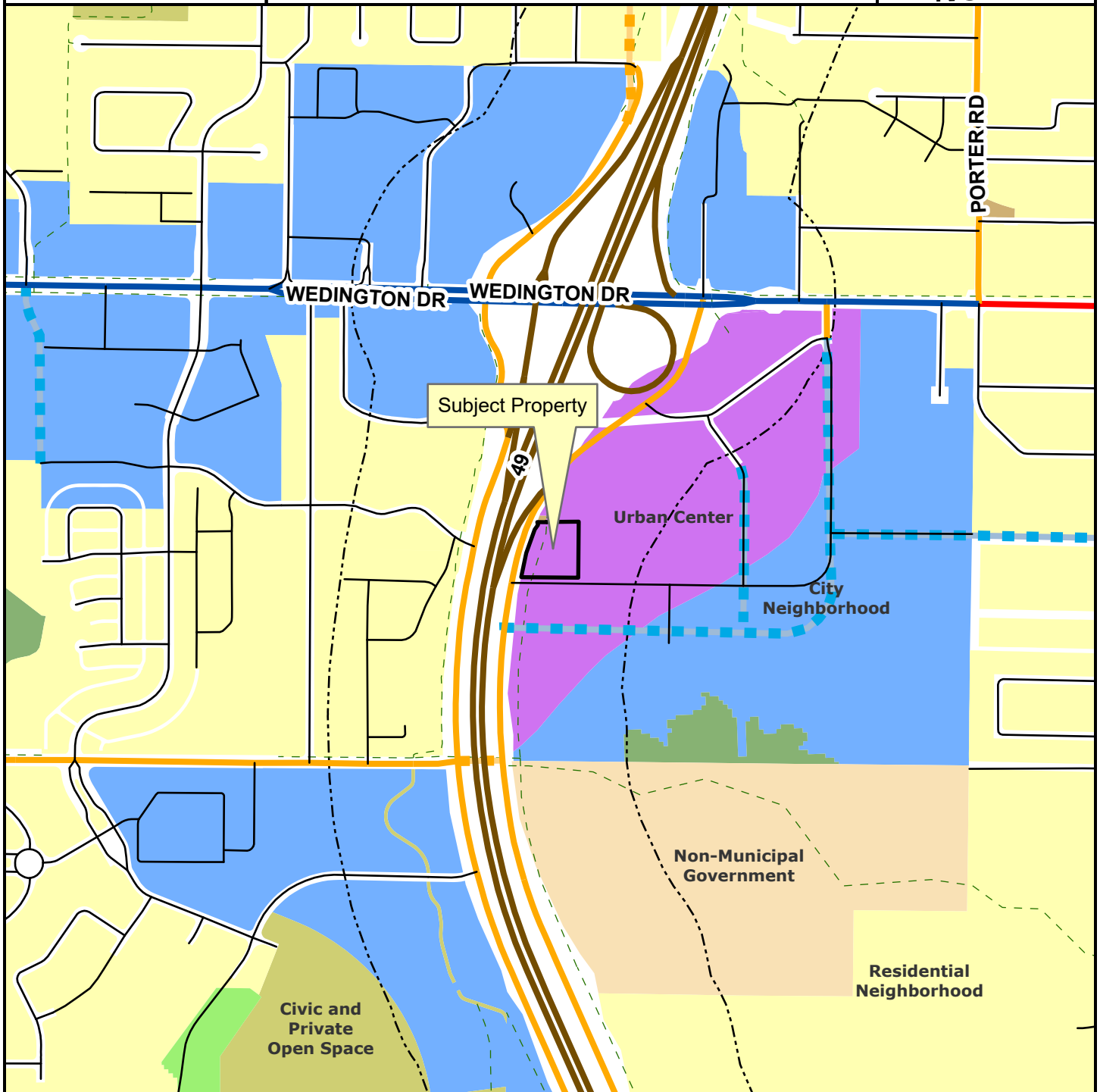
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

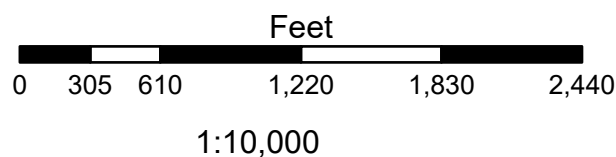
RZN-2025-0061

Future Land Use

N. FUTRALL DR & N. MARINONI DR



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- 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



TO: Jessie Masters, Planning Director

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2025

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0061

BACKGROUND:

The applicant requests to rezone approximately 2.10 acres from UT, Urban Thoroughfare to C-2, Thoroughfare Commercial. One long range planning document is relevant when evaluating this request: *City Plan 2040*.

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".

DISCUSSION:

City Plan 2040 and Future Land Use Plan:

This area is designated as an Urban Center area, which are the "most intense and dense" areas of the city. This area allows for the "tallest and greatest variety of buildings" accommodating "rowhouses, apartments, local and regional retail, hotels, clean technology industries and entertainment uses."¹ The request to rezone this area from the UT to C-2 does not align with this designation as it removes all opportunity for housing in the area. This change is not supported by the future land use designation and does not meet some goals of *City Plan 2040*. However, due to the close proximity of this parcel to I-49, commercial uses that can act as a buffer to the interstate are likely to provide a more successful land use transition. Numerous scientific studies and research papers, including one published in 2024 by the Urban Institute, outline the diminished quality of housing and negative impacts on human health when in close proximity to high traffic roads. Renters with low to moderate incomes are most likely to live in multifamily buildings, and when sited near high-traffic roads, are subject to the adverse health outcomes

¹ *City Plan 2040*, 132.

associated with air and noise pollution.²

The applicant states the intent of the rezoning is to facilitate a casual dining establishment, which is already permitted by right in the existing zoning district. Though rezoning to C-2 would remove housing uses and eliminate the existing build-to zone requirement that supports walkability, current and near future conditions don't indicate that walkability along Futtrall Road is a realistic or desirable expectation.

Zoning History

This property was annexed into Fayetteville in August 1967 (Ord. No. 1556) and assigned the zoning designation R-1 Low Density Residential when the city's "crayon" zoning map was created in 1970.

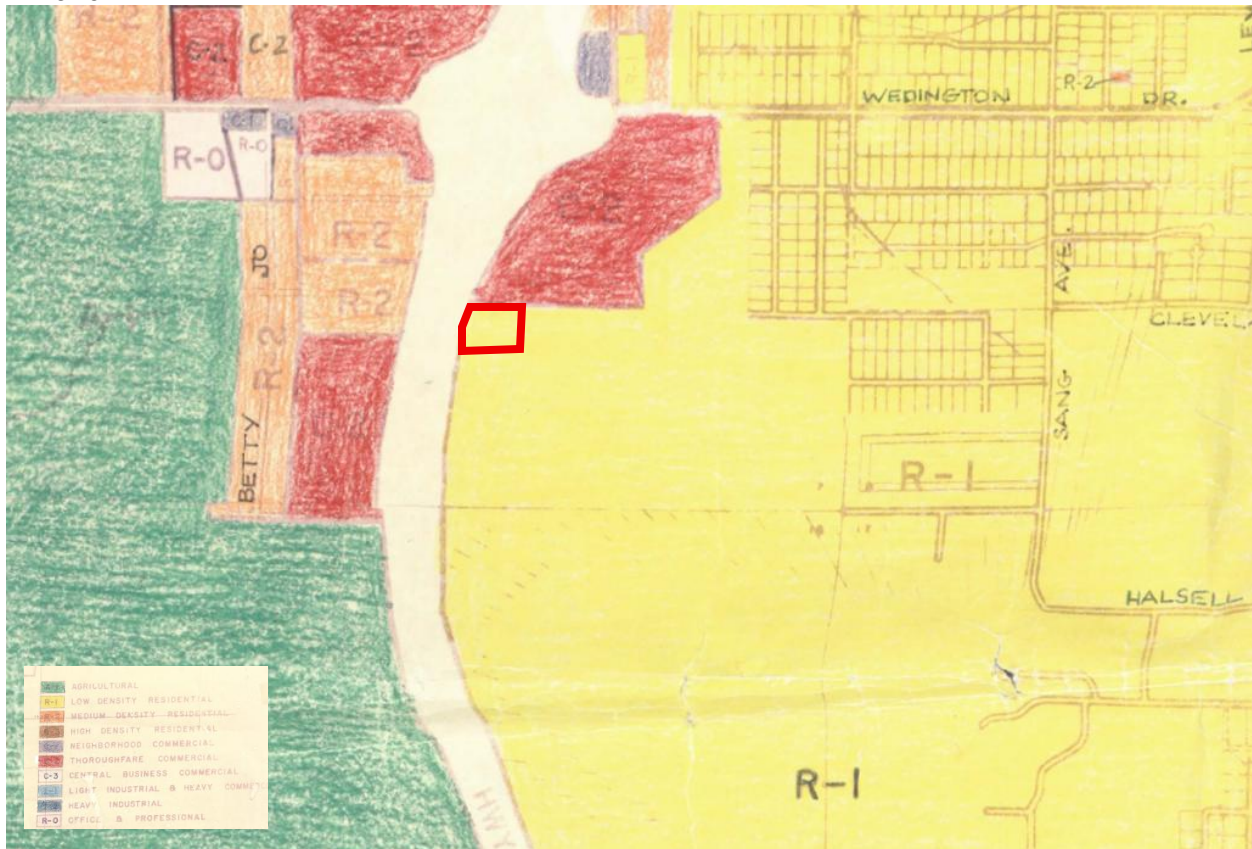


Figure 1. 1970 Zoning Map. Approximate parcel location outlined in red.

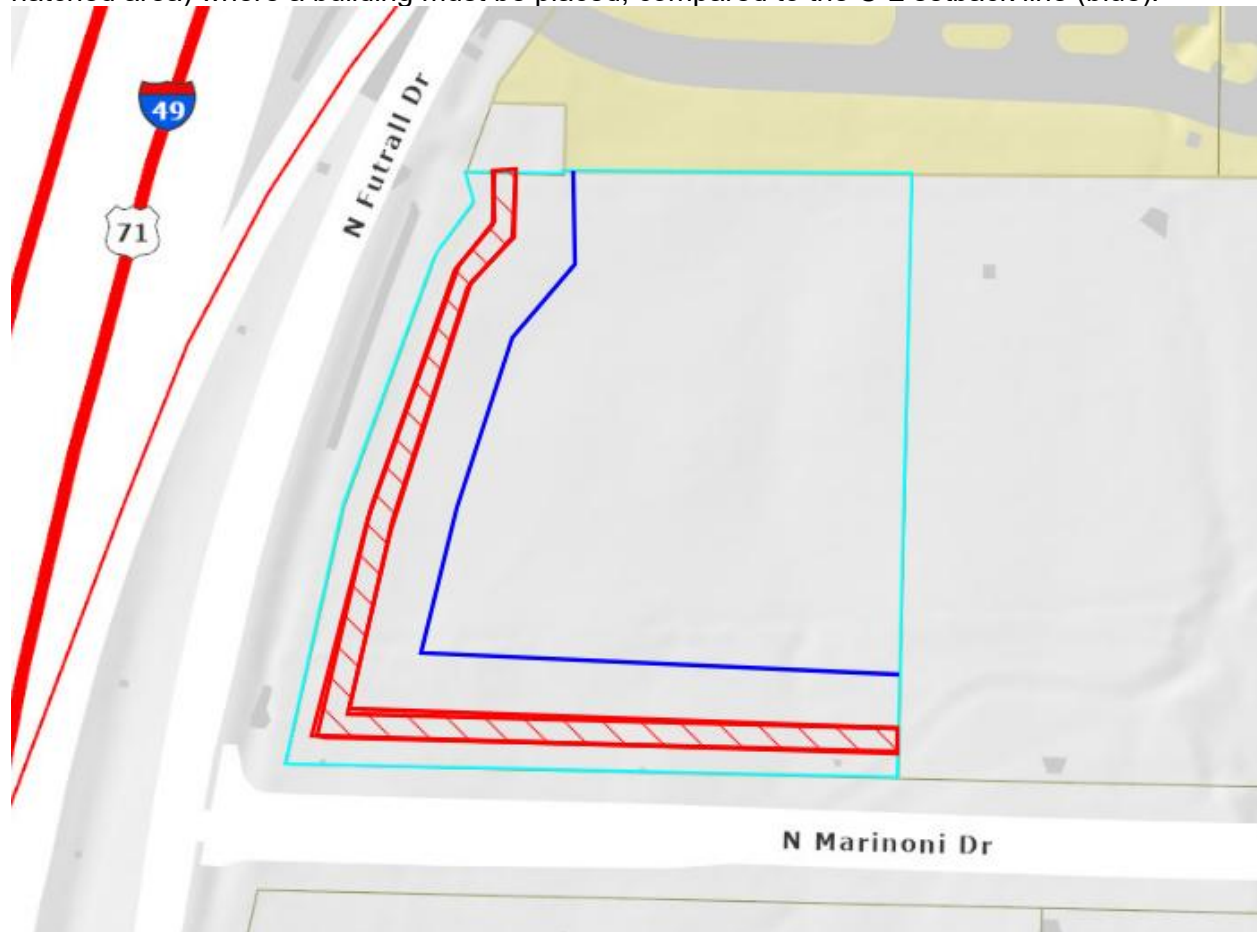
In the following decades the area, commonly referred to as the Marinoni Farm property, underwent a series of rezonings and developments. By 2020, the subject area was zoned RSF-4, with a proposal to rezone to UT, Urban Thoroughfare. At that time, the applicant intended to pursue mixed use development, which has had some success with the addition of streets, the Axis Apartments to the site (slated to open in 2026), a hotel, and other proposals. Previous proposals on the subject parcel, like a hotel proposed in 2024, struggled to balance urban form, proximity to the interstate, and brand design standards.

² Will Curran-Groome and Yonah Freemark, "Highway Pollution Near Multifamily Homes Hurts Residents, but Zoning and Transportation Reform Could Help," Urban Institute, October 14, 2024, accessed December 5, 2025, <https://www.urban.org/urban-wire/highway-pollution-near-multifamily-homes-hurts-residents-zoning-and-transportation>.

Striking a Balance

With the site's development history in mind, a rezoning to C-2 may be able to strike a balance with future planning goals and site-specific challenges. While City Plan 2040 prioritizes complete and connected development and emphasizes the pedestrian experience, the parcel's location on the western edge of the site may indicate a need for more flexible site design rather than urban form standards that require a build-to zone.

A rough sketch below illustrates the difference between UT build-to zone requirements (red, hatched area) where a building must be placed, compared to the C-2 setback line (blue).



This shift effectively moves the building area interior to the overall Marinoni Farm site (north and east) and away from N. Futrell Drive. Realistically, pedestrians would most likely be accessing the subject parcel from future hotels and apartments via N. Marinoni Dr. Although, this is a shift from typical urban form design, future development on the site could require additional safety measures to ensure that pedestrians can safely cross parking areas to access the building. This balance may meet both the site design goals of the applicant and the city's vision for safe, walkable areas aligning with several goals of City Plan 2040.

Commercial Realty

DEVELOPMENT SERVICES

12/28/2025

RE: Large Tract Rezoning – Tract 2A - Parcel 765-13732-013

City of Fayetteville Planning and Whom It May Concern,

On behalf of the Owner, our team is requesting a rezone of the tract mentioned above from the current zoning UT to C-2. Based on the current and expected future traffic patterns, with respect to the close proximity to Futrall Dr/I-49 frontage road, we feel that C-2 is an appropriate zoning like the other 3 corners of the Wedington and I-49 area.

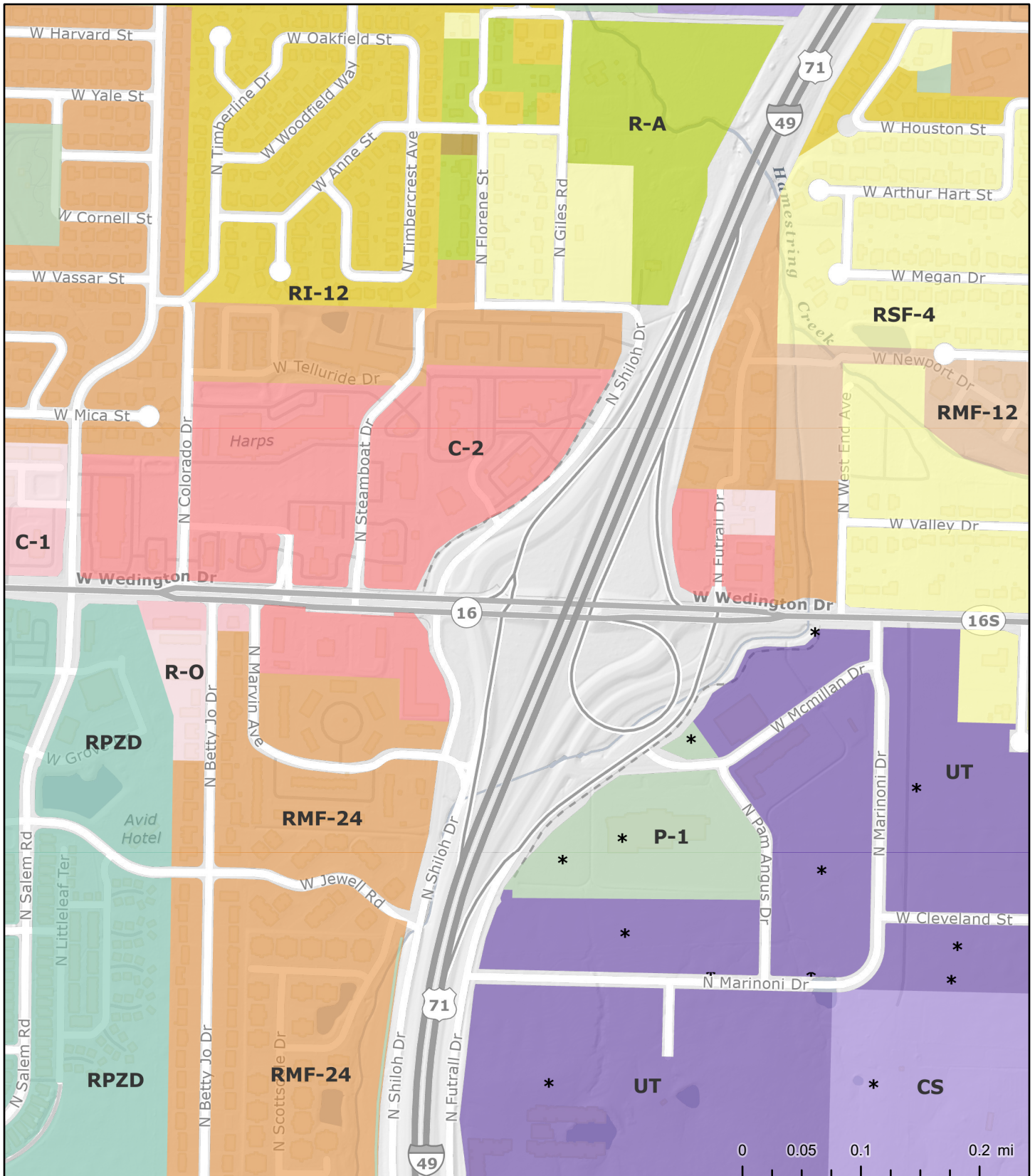
The intention is to bring a high quality casual dining restaurant as a stand alone use on this parcel. The projected annual sales volume from the restaurant would be between \$6,500,000-\$8,500,000.

The Owner would be willing to give an assurance that the parcel would not be used for the following uses, if a rezone to C-2 is granted:

- Liquor store
- Adult Entertainment or club
- Car Wash
- Recycling Materials
- Dance Halls
- Sexually oriented businesses
- Wireless communication tower
- Mini storage
- Animal Boarding

Please do not hesitate to reach out to me directly with any questions or concerns.

Jordan Ligon
Director of Development
479.200.2108
jligon@commercialrealtydevllc.com



	R-A		RMF-24		UT
	RSF-4		R-O		PZD
	RI-12		C-1		P-1
	RI-U		C-2		
	RMF-12		CS		

Exhibit

Fayetteville, AR

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

Created: 10/29/2025
Credits: City of Fayetteville, AR
Map Author:



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING: January 12, 2026

SUBJECT: **PZD-2025-0005: Planned Zoning District (N. CROSSOVER RD & E. ZION RD/THE MARKET AT CROSSOVER, 138):** Submitted by CEI ENGINEERING for property located on N. CROSSOVER RD & E. ZION RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 9.00 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

RECOMMENDATION:

Staff recommends forwarding **PZD-2025-0005** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **PZD-2025-0005** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is at the northeast corner of N. Crossover Road and where a proposed extension of E. Zion Road is underway in association with the Chandler Crossing Development. The property is currently zoned under a Planned Zoning district, and it received this designation in 2021 (Ord. 6421). Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Elks Lodge	R-A, Residential Agricultural
South	Undeveloped (Chandler Crossing)	PZD, Planned Zoning District
East	Undeveloped (Chandler Crossing)	PZD, Planned Zoning District
West	Fayetteville Athletic Club	C-1, Neighborhood Commercial

Proposal: The applicant requests to rezone the property to a new Planned Zoning District with two planning areas, as described below:

- **Planning Area #1 (Commercial) – 6.97 acres:** This area will encompass the West side of the development, and will allow for commercial uses, with the primary intention of developing a grocery store and a separate convenience store with fueling stations on the property.
- **Planning Area #2 (Detention and open space) – 2.03 acres:** This area will encompass the east side of the property, and will set aside land for detention, drainage features, and natural spaces.

Public Comment: Staff has received inquiries about this proposal, but no direct comments regarding opposition or support. Individuals on the phone expressed some curiosity about the proposed use of the grocery store, suggesting it may be supported by the surrounding community.

INFRASTRUCTURE:

Streets: The property's frontage along North Crossover Road, a regional link, is improved with asphalt paving, curb and gutter, and sidewalk. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Water: Public water is available to the subject property. There is an existing 12-inch water main along the east side of North Crossover Road at the northwest corner of the property.

Sewer: Sanitary sewer is available to the subject property. There is an existing 10-inch sewer main along the east side of North Crossover Road across the frontage of the property.

Drainage: Development on this site must meet the four Minimum Standards of Fayetteville's Drainage Criteria Manual for water quality, channel protection, overbank flood protection, and extreme flood protection. Review for conformance with these standards, and determination of any additional improvements for drainage, will be done with a development application. No portion of the subject property lies within a FEMA floodplain and there are no protected streams on site. No portion of the property lies within the Hillside-Hilltop Overlay District.

There are hydric soils on site. 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 are 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.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 5, located at 2979 N. Crossover Rd., protects this site. The property is located approximately 1.9 miles from the fire station with an anticipated drive time of approximately 4 minutes using existing streets. The anticipated response time would be approximately 6.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed RPZD, Residential Planned Zoning District and the current PZD require **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 Area**.

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **5-7** for this site with a weighted score of **8** at the highest level. Elements contributing to the highest score include the following:

- Adequate Fire Response (Insert fire station info here)
- Near Sewer Main (8" PVC and 10" DIP in N. Crossover Road)
- Near Water Main (12" PVC)
- Near City Park (Lake Fayetteville)
- Near Paved Trail (On-Street Bike Facility on N. Crossover; Planned Off-street Facility)
- Near ORT Bus Stop (N. Crossover Road)
- 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 that the proposed PZD is compatible with the surrounding land uses, especially with some added conditions of approval that staff recommends. The existing PZD allows for uses that primarily align with the CS zoning district, though also currently allows for gas stations and drive-thru restaurants by right. The current PZD also allows for residential uses by-right, which staff argues should also be incorporated in the applicant's current proposal. A key difference between the existing PZD requirements and the applicant's proposal reflects standards more in line with a traditional zoning pattern with traditional setbacks, rather than an urban form with a build-to zone. There is, however, a strong, existing pattern of traditional setbacks along this portion of N. Crossover Road which may help justify this shift in this instance, rather than holding firm to the urban form standard here; the properties to the west and southwest on the other side of the intersection are built to traditional setbacks, and the properties to the north and south are built to a rural standard currently. Form-based zoning is meant to encourage development to address the street to create a more walkable and pedestrian-friendly environment. The applicant's proposal will require that additional pedestrian-oriented elements and users

of alternative forms of transportation are still accommodated at this site by writing higher-level requirements into their plans and requirements. Staff finds that this outcome will still benefit pedestrians and the surrounding community while still respecting the existing development pattern in the area.

Land Use Plan Analysis: Staff finds that the proposed PZD is aligned with several goals of City Plan 2040, especially if mixed-use is still prioritized in the applicant's request. The infill score of the property is 7 at the highest level, though the Future Land Use map designates this area as a City Neighborhood Area, which calls for commercial and mixed-use development along intersections and major corridors; the applicant's proposal is directly in line with that goal. By providing heightened design standards at the property, orienting at least part of the use toward a proposed new trail along N. Crossover Road, and seeking to provide safe pedestrian walkways throughout the proposed parking lot, staff finds that the applicant's request is compatible with the current land use surroundings. This proposal is an incremental step towards the overarching City's goals.

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

Finding: The PZD and its proposed uses align with the future land use plans of the City, especially since the area is called out as being a City Neighborhood Area. The applicant has made efforts to incorporate walkable, pedestrian oriented elements throughout the site plan that would not typically be required in a C-1 zoning district. Staff finds that the proposal also seeks to respond to a market need for a grocery store in this area that may contribute to the City's goal of creating compact, complete, and connected developments.

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

Finding: The PZD is not likely to create or appreciably increase traffic danger and congestion at this location beyond what could already occur by-right under the existing allowances. The overarching Chandler Crossing development seeks to build out a Neighborhood Link Street connection of E. Zion Road at this location that will create opportunities for access on a lower classification street than N. Crossover Road. While development standards have not yet been fully reviewed for, the applicant will still be subject to meeting all necessary access management requirements as outlined in the unified development code.

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 PZD in its current form does not have the opportunity to alter the population density since it does not currently allow for residential uses. However, staff finds that the insertion of the possibility of residential uses within the PZDs allowances could add additional population, though likely

not to an undesirable degree. Fayetteville Public Schools did not comment on this request, but it is worth mentioning that a new school is currently under development about ¾ mile south.

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

§ 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
- (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
- (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: Staff finds that the proposed PZD meets several of the factors above, including flexibility by incorporating a variety of uses in Planning Area 1, though staff recognizes that housing would also be a value-add to the use schedule. The project also seeks to minimize negative impacts on future development, and provides open space by maintaining a planning area solely dedicated to open space and potential for recreation. Staff does not find that an existing zoning regulation would be violated with this PZD.

RECOMMENDATION: Staff recommends forwarding **PZD-2025-0005** to the City Council with a recommendation of approval, with the following conditions.

Conditions of Approval:

1. Planning Area 1 shall incorporate Use Unit 26 within the proposed use schedule, by right.
2. Precise acreage for each Planning Area shall be confirmed with a resubmittal of the PZD booklet and associated documents prior to being heard by City Council.

Planning Commission Action:	☐ Forwarded	☐ Tabled	☐ Denied
------------------------------------	------------------------------------	---------------------------------	---------------------------------

Meeting Date: January 12, 2026

Motion:

Second:

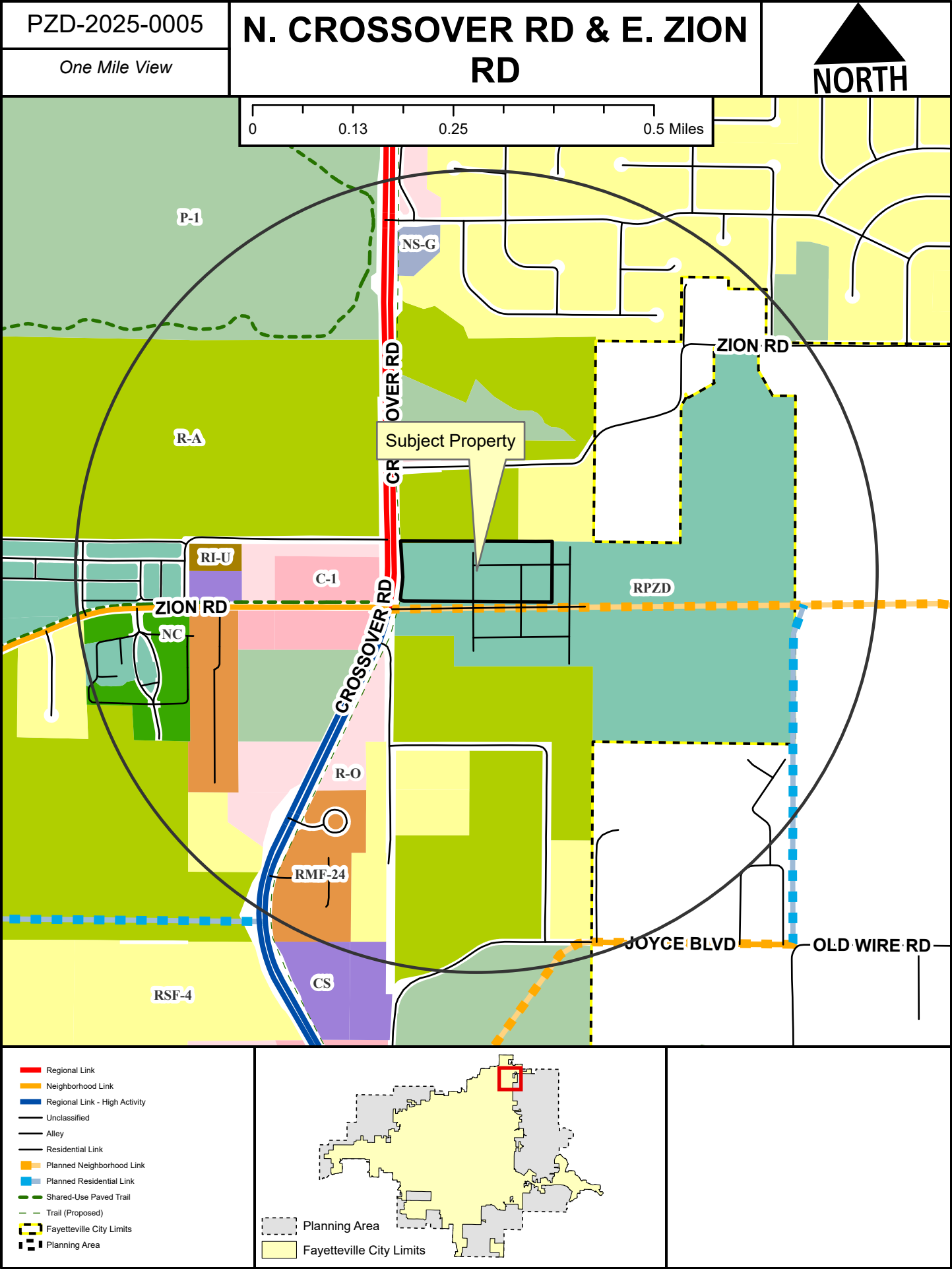
Vote:

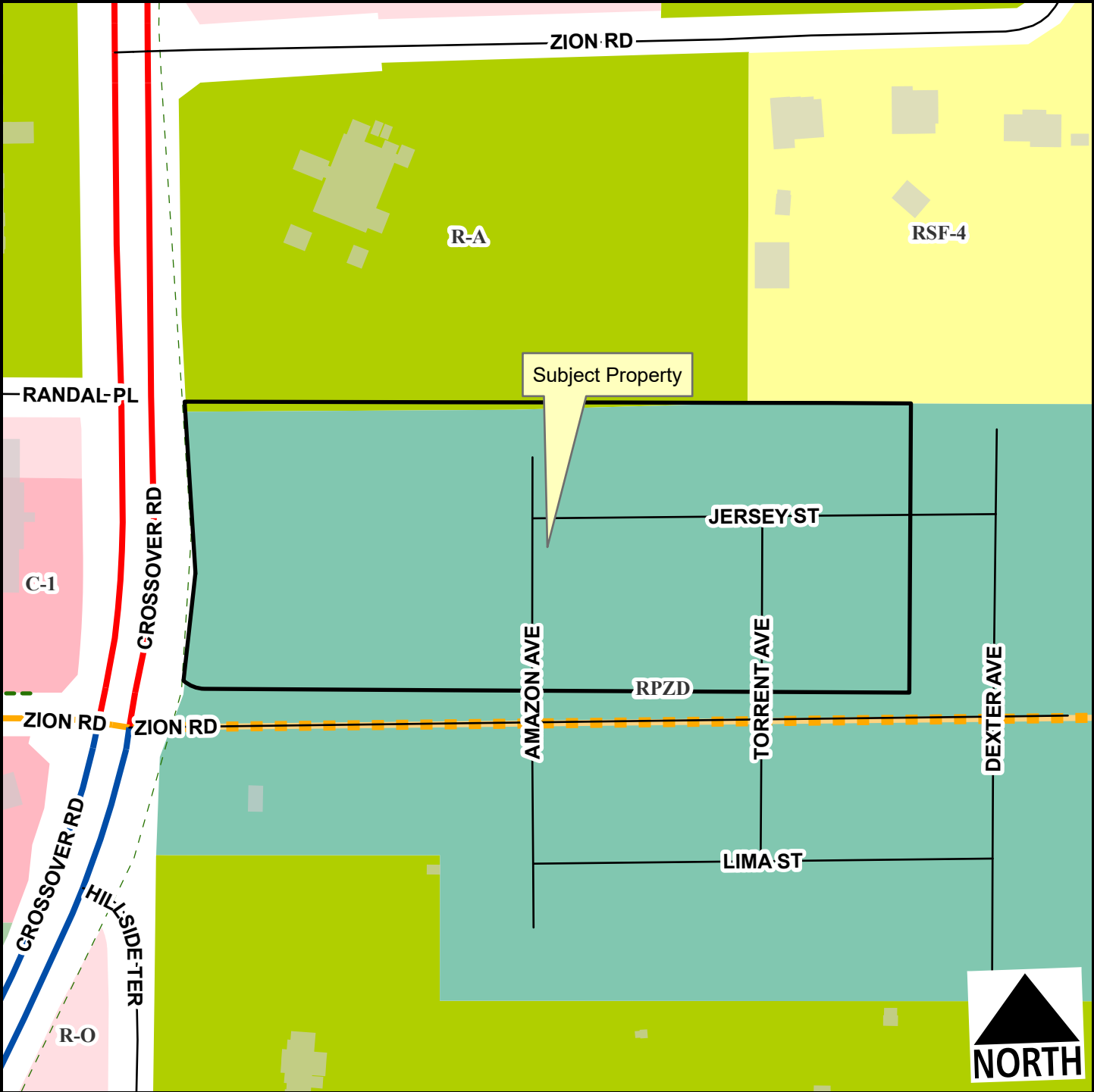
BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

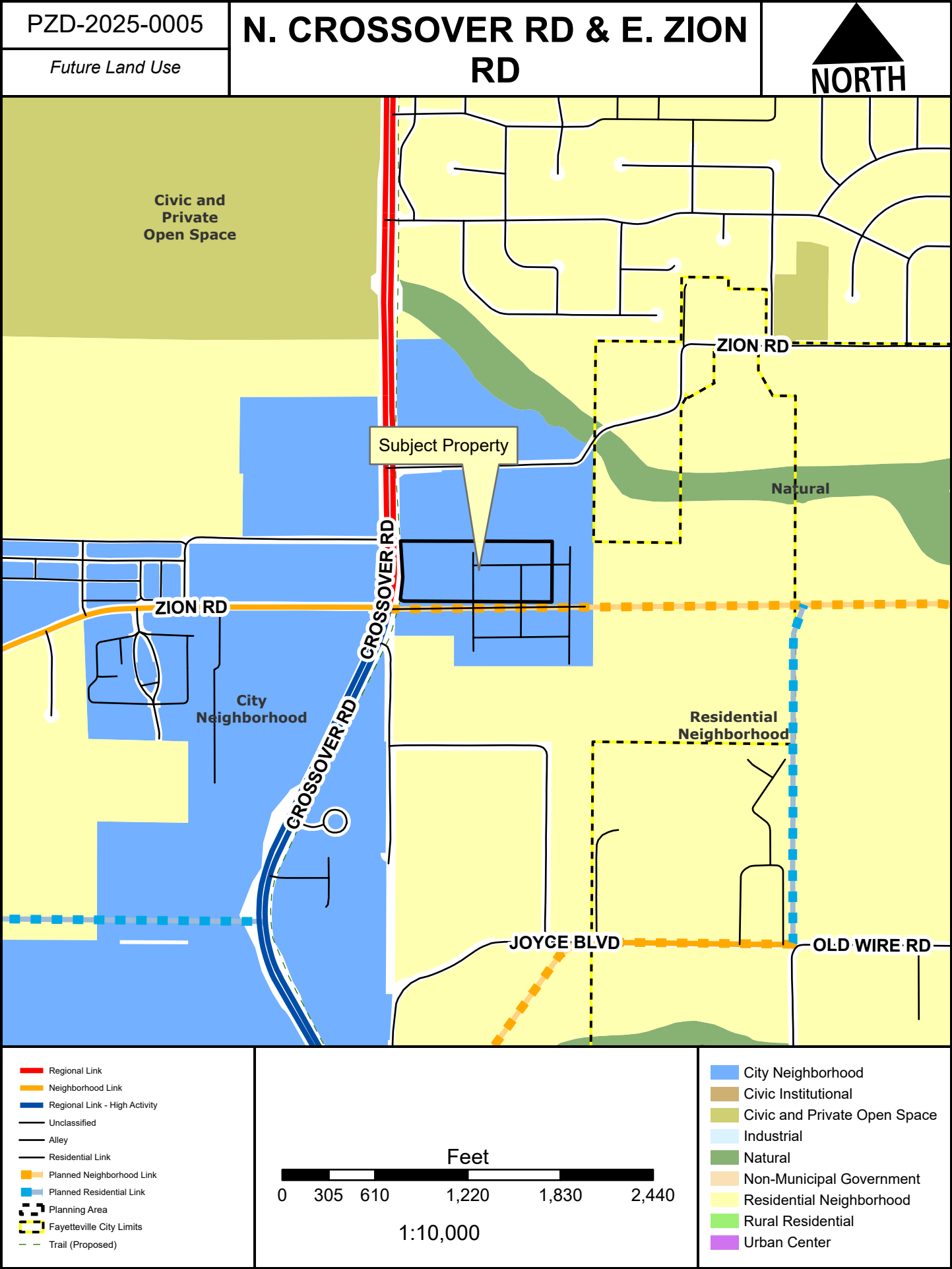
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map
- Applicant Request Letter
- PZD Booklet





- Regional Link - Neighborhood Link - Regional Link - High Activity - Residential Link - Planned Neighborhood Link - Planning Area - Fayetteville City Limits - Shared-Use Paved Trail - Trail (Proposed)	Feet 0 75 150 300 450 600 1:2,400	
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Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management

2600 NE 11th St., Suite 300
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

Planned Zoning District Submittal
The Market at Crossover
Northeast corner of Crossover Road and Zion Road
Parcel 765-13219-000
Fayetteville, AR 72703
CEI # 34126

December 3, 2025

Dear Commissioners,

We respectfully submit the attached documentation and request approval for the establishment of a new Planned Zoning District (PZD) encompassing approximately 9.00 acres of a larger tract located at Crossover Road and Zion Road. The proposed development vision does not align with the existing PZD standards and planning areas currently governing the property. The updated zoning will enable the creation of a neighborhood commercial center that includes a grocery store, fueling services, and public communal spaces. These amenities are not currently available in the immediate vicinity and will significantly enhance daily convenience, walkability, and addressing key needs for local residents.

The proposed development consists of two distinct planning areas. The first is a commercial zone that will accommodate the grocery store, fueling facilities, and complementary neighborhood services and amenities. The second planning area is dedicated to landscape and stormwater detention, designed to manage runoff effectively.

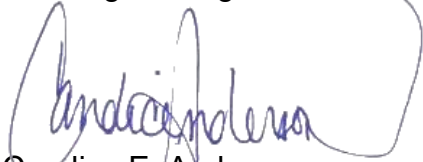
Site access will be provided by a proposed neighborhood linked street Zion Road extension. In addition, a supplemented by a right-in and right-out drive approach at Crossover Road, which will provide access to the northwest corner of the site. The project will fully comply with all applicable city standards for landscaping, lighting, sidewalks, and utilities. A traffic impact study will accompany the preliminary plat to ensure the surrounding street network can adequately support the proposed development.

The surrounding context includes commercial zoning to the west and south, as well as surrounding established residential neighborhoods. The project has been thoughtfully designed to integrate with both, offering essential services while incorporating appropriate landscape buffering and photometric measures to protect adjacent properties.

This proposal advances the objectives of the Comprehensive Land Use Plan by introducing a neighborhood commercial destination within walking and biking distance of nearby communities. It strengthens connectivity and fosters a more complete neighborhood fabric by providing services that residents currently must travel considerable distances to access.

For these reasons, the proposed PZD represents a strategic and beneficial update to the property and aligns with both neighborhood needs and the city's long-term planning goals. We respectfully request your consideration and approval of this application and trust that the enclosed materials provide the necessary information to facilitate review and processing of this Planned Zoning District application. Please contact me directly if you require any further clarification or supporting documentation. We look forward to the opportunity to address any questions or provide additional details as needed.

Respectfully Submitted,
CEI Engineering Associates, Inc.



Candice E. Anderson
Project Manager
Commercial I Department



*Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management*

2600 NE 11th St., Suite 300
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

PLANNED ZONING DISTRICT BOOKLET

PREPARED FOR:
THE MARKET AT CROSSOVER
CROSSOVER ROAD AND ZION ROAD
FAYETTEVILLE, AR

DATE:
DECEMBER 2025

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A. CURRENT OWNERSHIP

The subject property comprises approximately 9.00 acres and is part of a larger 22.41-acre tract identified as Parcel ID 765-13219-000. The entire tract is presently owned by Chandler Crossing, LLC; however, the 9.00-acre portion is proposed to be sold to a national retailer represented by:

CEI Engineering Associates, Inc.
Candice Anderson
canderson@ceieng.com
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B. PROJECT SUMMARY

The proposed development will include two planning areas designed to serve as a destination for residents in the surrounding community. These areas will introduce essential grocery and fueling services that are currently limited or unavailable near the site, significantly improving convenience, walkability and addressing key needs for local residents. The project will incorporate substantial pedestrian and bicycle features intended to make this a walkable destination from the adjacent Chandler Crossing subdivision. All planning areas will incorporate accessibility enhancements and open space improvements to support a well-connected and community-focused environment.

C. GENERAL PROJECT CONCEPT

- 1) **Street and Lot Layout:** The development will feature a detention basin positioned along the Eastern property line at the rear of the site, while the main store will face West to maximize visibility and accessibility. A compact convenience store will be strategically located at the Southwest corner of the property. Primary access will be provided via a newly constructed Central Neighborhood Link Street, extending east from the intersection of Crossover Road and Zion Road. Additionally, a right-in/right-out driveway will offer direct access to Crossover Road at the Northwest corner of the development, ensuring efficient traffic flow and connectivity.
- 2) **Site Plan Showing Proposed Improvements:** A site and master plan will be attached with this Booklet.
- 3) **Buffer Areas** Shall conform to all city standards with the UDC, unless otherwise noted.
- 4) **Tree Preservation Areas:** Tree preservation plans, and landscape plans will be required and submitted once development begins on any individual large scale or when a preliminary plat application and development plan is submitted.
- 5) **Storm Water Detention Areas and Drainage** will consist of one detention basin positioned along the Eastern property line at the rear of the site, within Planning Area 2. The drainage report will further detail the proposed system by which storm water will be carried through the development.
- 6) **Undisturbed Natural Areas:** The site has recently undergone earthwork and initial development activities and currently features minimal tree coverage and sparse vegetation.

- 7) **Existing and Proposed Utility Connections and Extensions:** Existing water and sanitary sewer mains are located at Crossover Road.
- 8) **Development and Architectural Design Standards** Shall conform to all city standards with the UDC, unless otherwise noted.
- 9) **Building Elevations** have been submitted with this application.

D. PROPOSED PLANNING AREAS (PA's)

- 1) **Planning Area 1 (Commercial)** – This area will encompass the West side of the development. This district will be designed to provide grocery and fueling services to support the surrounding areas.
- 2) **Planning Area 2 (Detention Basin)** – This is area will encompass all the detention, drainage features, forested areas, natural areas, and recreational features. The zoning district is designed to permit and encourage the minimum amount of development, protect natural features, encompass all common open space.

These planning areas will be described within Section E and Section F of this booklet, along with a map delineating the planning areas. The map will be attached as the Zoning and Development Standards by Planning Area map concurrently submitted with this booklet.

E. PROPOSED ZONING STANDARDS

1) Planning Area 1 (Commercial)

The zoning within this portion of the PZD will be based largely on the existing C-1 (Neighborhood Commercial) zoning district, conforming to the standard non-urban form requirements. This district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

Commercial 1 Zoning District:

Permitted uses by unit:

Unit 1	City-wide uses by right
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 16	Shopping goods
Unit 18	Gasoline service stations and drive-in-through restaurants
Unit 25	Offices, Studios, and related services
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Conditional uses by unit:

Unit 2	City-wide uses by conditional permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

Non-Residential Intensity:

- Acreage: 1.24 acres, Non-residential SF: 54,000 SF

Bulk and area regulations:

- Lot width minimum: None
- Lot area minimum: None
- Setback requirements:
 - Front 15 feet.
50 feet (if parking is allowed between the right-of -way and the building.
 - Side None
15' (When contiguous to a single-family residential district)
 - Rear 20 feet
- Height regulations: 5 Stories

Site Planning:

- **Landscaping** throughout the development shall comply with Chapter 177 of the Unified Development Code (UDC) and will be maintained by the property owner to ensure long-term visual quality and environmental performance.
- **Parking** shall be associated with proposed use and will conform with Chapter 172 of the UDC, unless otherwise shown in the development plans.
- **Architectural design standards** shall conform to building and development requirements within the UDC, unless otherwise shown in the development plans.
- **Signage** allowed with the planning areas shall conform to large scale or non-large scale development requirements within UDC Chapter 174, unless otherwise shown in the development plans.
- **Additional Landscape Features:** The development shall incorporate various bike, pedestrian, and landscape features, above the minimum requirements of the UDC, such as premium bike racks, seating areas, gathering spaces, streetscape enhancements, and improved pedestrian and bike connectivity features, as shown on the site plan, or as otherwise approved by Planning Staff.

Waivers / Variances

The applicant will submit for any required waivers or variances to the UDC during the large-scale development process.

2) Planning Area 2 (Detention Basin)

This area will encompass all the detention basin, drainage features, forested areas, natural areas, recreational features. The zoning district is designed to permit and encourage the minimum amount of development, protect natural features, encompass all common open space.

Non-residential Zoning District:

Permitted uses by unit:

Unit 1	City-wide uses by right
Unit 6	Agriculture

Conditional uses by unit:

Unit 2	City-wide uses by conditional permit
Unit 4	Cultural and recreational facilities

Non-Commercial Intensity:

- Acreage: 0 acres, Non-residential SF: 0 SF

Bulk and area regulations:

- Lot width minimum: None
- Lot area minimum: None
- Setback requirements:
 - Front 35 feet.
 - Side 20 feet
 - Rear 35 feet
- Height regulations: There shall be no maximum height limits within the planning area, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.
- Building area: There shall be no building area lot requirements for open space, non-buildable, or detentions pond lots.

Site Planning

- **Landscaping** throughout the development shall comply with Chapter 177 of the Unified Development Code (UDC) and will be maintained by the property owner to ensure long-term visual quality and environmental performance.
- **Parking** shall be associated with proposed use and will conform with Chapter 172 of the UDC, unless otherwise shown in the development plans.
- **Architectural design standards** shall conform to building and development requirements within the UDC, unless otherwise noted.
- **Signage** allowed with the planning areas shall conform to large scale or non-large scale development requirements within UDC Chapter 174, unless otherwise shown in the development plans.

Waivers / Variances

The applicant will submit for any required waivers or variances to the UDC during the large-scale development process.

G. PLANNING AREA ZONING CHARTS

1) Planning Area 1 (Commercial)

A breakdown of the proposed Planning Area 1 (Commercial) zoning district within the PZD versus the City of Fayetteville current PZD zoning of the property is provided in the following table.

Regulation	Current Zoning		Proposed Zoning
	PZD, PA 1 (Commercial)	PZD, PA 2 (Residential 1)	PZD, PA 1 (Commercial)
Density	Non-residential SF – 269,900	None	None
Lot Width Minimum	18 feet for a dwelling, None for all other uses		None
Lot Area Minimum	No minimum lot area		None
Setbacks	Front: 10'-25' Build to zone Side: 0' or 15' if contiguous to single family residential Rear: 0' or 15' if contiguous to single family residential		Front: 15 feet 50 feet (if parking is allowed between the right- of-way and the building. Side: None 15' (When contiguous to a single- family residential district) Rear: 20 feet
Building Height Maximum	5 Stories	2 stories / 3 stories	5 Stories
Building Area	None		None
Minimum Buildable Street Frontage	50% of the Lot Width	None	None

2) Planning Area 2 (Detention Basin)

A breakdown of the proposed Planning Area 2 (Detention Basin) zoning district within the PZD versus the City of Fayetteville current PZD zoning of the property is provided in the following table.

Regulation	Current Zoning	Proposed Zoning
	PZD, PA 2 (Residential 1)	PZD, PA 2 (Detention Basin)
Density	None	None
Lot Width Minimum	18 feet for a dwelling	None
Lot Area Minimum	None	None
Setbacks	Front: 15 feet 50 feet (if parking is allowed between the right-of-way and the building. Side: None	Front 35 feet. Side 20 feet Rear 35 feet
Building Height Maximum	2 stories / 3 stories	No maximum height*
Building Area	None	None**

* There shall be no maximum height limits within the planning area, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

** There shall be no building area lot requirements for open space, non-buildable, or detentions pond lots.

H. ANALYSIS OF SITE CHARACTERISTICS

The proposed Planned Zoning District (PZD) encompasses a 9.00-acre tract of open land. The site has recently undergone earthwork and initial development activities and currently features minimal tree coverage and sparse vegetation. The topography gently slopes toward the Northeast. Additionally, offsite drainage from Crossover Road currently discharges onto the property and will need to be re-routed around the development to accommodate site planning and infrastructure.

I. RECREATIONAL FACILITIES

The development is a short drive down Zion Road from the Lake Fayetteville trails, connections to the Razorback Greenway, Veterans Park, The Lake Fayetteville ballfields and Marina, and the Botanical Garden of the Ozarks.

J. REASON FOR THE REQUEST OF ZONING CHANGE

The proposed 9.01-acre tract is currently zoned as a Planned Zoning District (PZD). However, the proposed development overlaps multiple Planning Areas within the current PZD, and the current Planning Area 1 designation for commercial use, along with its bulk area regulations, does not align with the intended development plan. To better support the proposed development, and to align the development with City planning goals, the proposed PZD will largely follow C-1 zoning requirements, consistent with adjacent properties to the West. This approach will allow for the creation of a community destination that introduces essential services, including grocery and fueling options, which are currently lacking near the site. The development will enhance convenience, encourage alternative mode of transportation, such as walking and biking and meet key needs for residents in the surrounding area.

K. RELATION TO EXISTING AND SURROUNDING PROPERTIES

The proposed Planned Zoning District (PZD) is designed to complement and align with the existing C-1 commercial zoning regulations of the adjacent development to the West. To the South, the property is zoned PZD for commercial use, while the remaining surrounding properties are primarily residential in nature. Strategically located at the intersection of Crossover Road and Zion Road, this development is positioned to serve as a vibrant destination for nearby residents, offering essential services that are currently limited or unavailable within close proximity. The development is also intended to provide walkable shopping for daily necessities to the proposed residential development in Chander Crossing PZD.

The introduction of grocery and fueling services will significantly enhance convenience and meet critical daily needs for the local community. By bridging the gap between residential areas and commercial amenities, the proposed PZD will contribute to a more balanced and accessible neighborhood environment.

Access to the site will be provided via designated entry points along Crossover Road, ensuring efficient traffic flow. A comprehensive traffic study will be submitted with the preliminary plat plan to evaluate trip generation and distribution, ensuring that the development integrates smoothly with existing infrastructure.

Signage within the proposed PZD will be thoughtfully designed to reflect the character and quality of surrounding developments. High-quality pylon and monument signs will be utilized, and all signage will comply with the standards outlined in Chapter 174 of the Unified Development Code (UDC).

L. FAYETTEVILLE COMPREHENSIVE LAND USE PLAN COMPLIANCE

The proposed Planned Zoning District (PZD) is located within the City Neighborhood Area. While the development does not include a residential component, it will be designed to support the growth and vitality of surrounding residential neighborhoods, such as the adjacent Chander Crossing PZD. Positioned at the key intersection of Crossover Road and Zion Road, the site will serve as a dynamic commercial hub, offering essential services such as grocery and fueling options that are currently limited or unavailable nearby. This will significantly improve convenience and quality of life for residents.

In addition to vehicular access, the development will incorporate pedestrian and bike friendly design elements and establish direct connections to the City's trail system. These enhancements will promote walkability, encourage alternative transportation options, and ensure safe, convenient access for residents in adjacent neighborhoods. By integrating with the broader mobility network, the PZD will foster a more connected and accessible community environment.

The development will be carefully designed to minimize and mitigate potential adverse impacts on adjacent residential areas. A range of strategies will be implemented to ensure compatibility and preserve neighborhood character, including:

- **Traffic Management:** A comprehensive traffic study will be conducted to assess trip generation and distribution. Access points will be strategically placed to minimize congestion and avoid cut-through traffic in residential areas.
- **Noise Reduction:** Site layout will be planned to limit noise impacts. Landscaping buffers and sound attenuation measures will be incorporated where necessary. Landscaping throughout the development shall comply with Chapter 177 of the Unified Development Code (UDC) and will be maintained by the property owner to ensure long-term visual quality and environmental performance.
- **Visual Appearance:** Architectural design and materials will reflect high-quality standards and complement surrounding developments. Landscaping and screening will be used to soften visual impacts and enhance aesthetics.
- **Lighting Control:** Outdoor lighting will be directed downward and shielded to prevent light spillover into adjacent residential properties, in compliance with chapter 176 of the code of Ordinances for the City of Fayetteville.
- **Drainage and Stormwater Management:** A dedicated detention basin planning area will be included to manage stormwater runoff effectively, ensuring no negative impact on neighboring properties.

These measures collectively aim to create a well-integrated development that enhances the surrounding community while respecting the character and needs of nearby residential areas.

M. TRAFFIC STUDY

A comprehensive traffic study will be submitted with the large-scale development plan to evaluate trip generation and distribution, ensuring that the development integrates smoothly with existing infrastructure.

N. IMPACTS OF CITY SERVICES

The proposed development will be supported utility infrastructure designed to meet both current and future needs. An 8-inch water main will be installed to service the site, including the placement of appropriately spaced fire hydrants to ensure adequate fire protection. This water main will connect to an existing 12-inch main along Crossover Road, allowing for extended service to adjacent parcels and supporting broader utility integration.

Sanitary sewer service will be provided via an 8-inch gravity sewer system, which will tie into an existing 10-inch sewer line located along Crossover Road. Preliminary coordination with Fayetteville Utilities has indicated that sewer capacity, hydrant flow, and water pressure in the area are sufficient to support the proposed development without concern.

Additional city services impacted by the development include fire, police, and sanitation. Emergency services will have direct access to all commercial buildings via the internal street network and surrounding drive aisles. Fire hydrants will be strategically located along street frontages and drive aisles to ensure access in the event of an emergency.

Trash collection services will be accommodated through screened dumpster areas located near the rear of each commercial building, maintaining both functionality and visual appeal.

O. CONCEPTUAL DESCRIPTIONS OF DEVELOPMENT STANDARDS

The development standards and conditions for the proposed Planned Zoning District (PZD) are being established to ensure compatibility with surrounding land uses, promote cohesive and contiguous development, promote alternative modes of transportation like walking and biking, and enhance the overall functionality and appeal of the area. While the PZD is commercially focused, its design will contribute to a high-quality built environment that supports nearby residential growth and public infrastructure.

The intent is to create a well-integrated commercial destination that aligns with community expectations for design, accessibility, and environmental quality, while also protecting public investments and reinforcing the long-term vision for the district.

- 1) **Screening and Landscaping** throughout the development shall comply with Chapter 177 of the Unified Development Code (UDC) and will be maintained by the property owner to ensure long-term visual quality and environmental performance.

- 2) **Traffic and Circulation:** A comprehensive traffic study will be submitted with the preliminary plat plan to evaluate trip generation and distribution, ensuring that the development integrates smoothly with existing infrastructure.
- 3) **Parking Standards:** Parking shall be associated with proposed use and will conform to Chapter 172 in the UDC, unless otherwise shown in the development plans.
- 4) **Perimeter Treatment** shall comply with Chapter 177 of the Unified Development Code (UDC) and will be maintained by the developer to ensure long-term visual quality and environmental performance.
- 5) **Sidewalks** shall follow a standard throughout the development. Typical sidewalk shall follow the Master Street plan for each street section (ex: Residential Link, Neighborhood Link). Sidewalks shall all meet Master Street Plan requirements.
- 6) **Streetlights** shall be of a uniform type throughout the development. All streetlights shall be full cut-off fixtures, and a lighting system shall appropriately light all public areas. All streetlights shall be per Ozark Electric Cooperative and meet UDC code 166.04(B)(3)(g)
- 7) **Water** mains and services shall be provided for each commercial building. Water mains shall be per Fayetteville 2017 Water and Sewer Specifications, utilizing an 8" AWWA C900 PVC, DR14 material. Water services shall follow these same specifications for meters and service lines.
- 8) **Sewer** services shall be provided for each commercial building. Sewer mains shall be per Fayetteville 2017 Water and Sewer Specifications, utilizing an 8" PVC SDR 26. Sewer services shall follow these same specifications for any service lines.
- 9) **Streets** shall conform to City of Fayetteville minimum street standards. Street design shall be reviewed by the Engineering department from the City of Fayetteville.
Drainage and storm design will be provided on the attached site design/master plan. Drainage and storm design will be reviewed by the Engineering Department from the City of Fayetteville.
- 10) **Construction of Nonresidential Facilities:** Any non-residential facilities not proposed with this application will follow all applicable Non-Residential Design Standards (UDC chapter 166.24 & 166.25), Large scale development standards, or non-large scale development standards where applicable.
- 11) **Tree Preservation** plans and landscape plans will be required and submitted once development begins on any individual large scale or when a preliminary plat application and development plan is submitted.
- 12) **Architectural Design Standards:** For non-residential structures and commercial areas, the architectural design will not be defined in this booklet. Any commercial buildings within Planning Area 1 will be submitted by Large Scale Development application and subject to city code, and any non-residential structures shall conform to all city standards with the UDC, unless otherwise shown in the development plans.
- 13) **Proposed Signage:** Signage will not be allowed except for what is already stated in the Planning Areas section of this Booklet. Any applicable signage to be proposed will conform to all regulations in the City of Fayetteville's ordinances UDC 174, unless otherwise shown in the development plans.

- 14) **View Protection:** View protection shall be considered if any proposed work is to occur outside the scope of the proposed PZD and its master plan.
- 15) **Covenants, Trust, and Homeowner Associations:** It is not anticipated at the time that the development will be subject to any protective covenants or owners associations.

P. PLANNED ZONING DISTRICT INTENT / PURPOSE

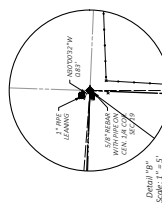
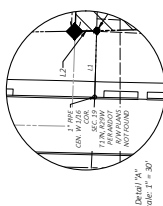
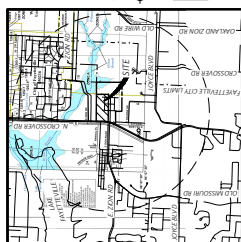
The intent of the proposed commercial development is to align with the goals and vision outlined in the City of Fayetteville's 2040 Land Use Plan for the City Neighborhood Area. This project is designed to create a vibrant, accessible destination that serves the surrounding residential community by introducing essential services such as grocery and fueling options. These services are currently limited or unavailable near the site, and their inclusion will significantly improve convenience and meet key daily needs for local residents.

By thoughtfully integrating land use, accessibility, and service offerings, the development will contribute to a complete and more connected neighborhood environment, supporting both current and future growth in the area.

THE MARKET AT CROSSOVER
CITY OF FAYETTEVILLE, ARKANSAS



VICINITY MAP
NOT TO SCALE
APPROXIMATE STREET LOCATIONS BASED ON
UTILITY OF FORT WORTH MASTER STREET PLAN
Latitude: 36° 74'7"N
Longitude: 94° 65'7"W

[illegible]

Line Table			Property Curve Table					
Line #	Direction	Length	Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
11	N88°19'53"W	33.86'						
12	N00°56'42"W	11.09'	C1	44.50'	31.83'	40°59'18"	N67°11'50"W	31.16'

[illegible]

Legend

- [illegible]

Planning Commission

January 12, 2026

PZD-2025-0005 (THE MARKET AT CROSSOVER)

Page 27 of 36

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2600 NE 13TH ST, SUITE 300
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
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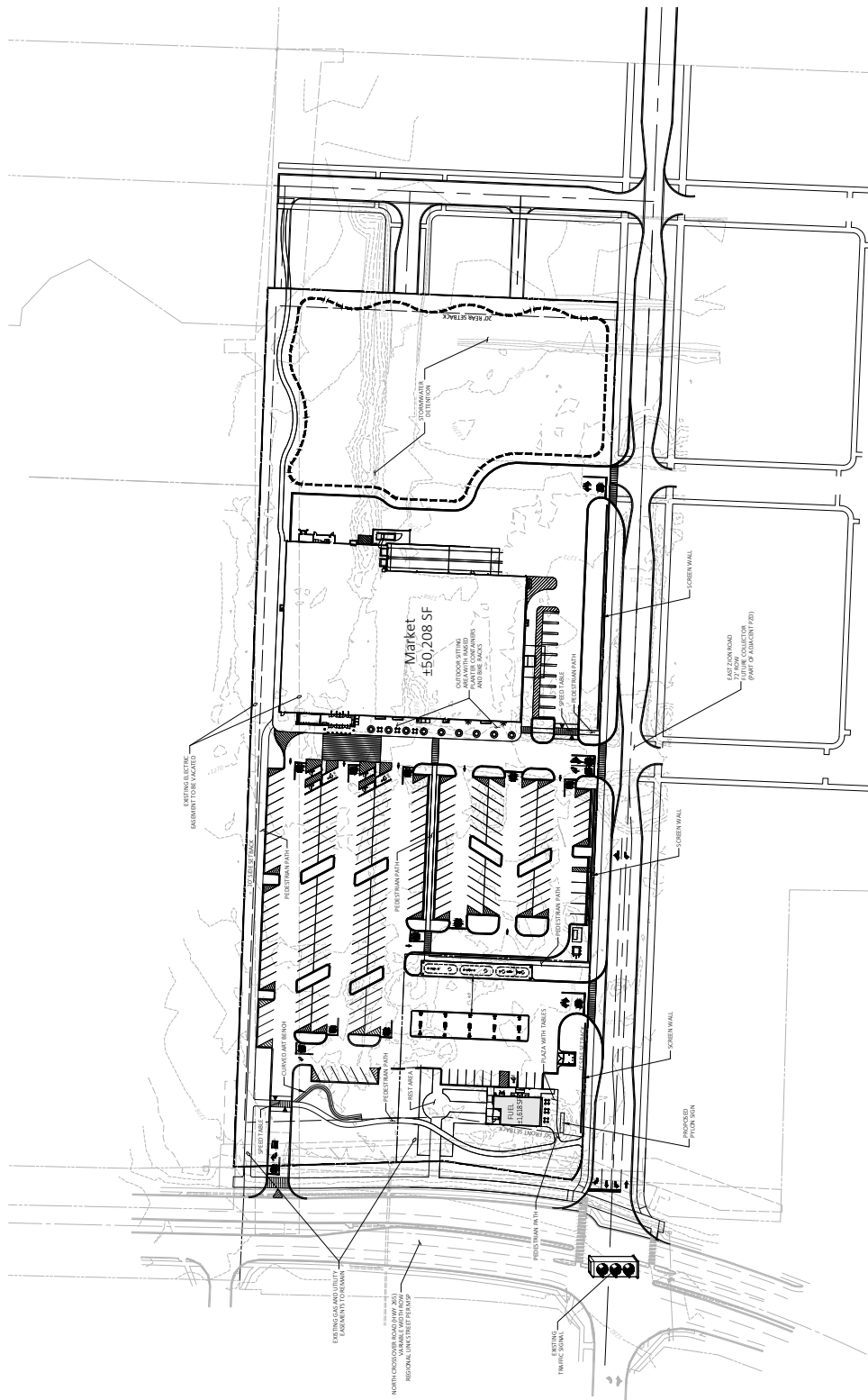
PZD MASTER PLAN
THE MARKET AT CROSSOVER
N CROSSOVER RD. & E ZION RD.
CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

PRELIMINARY
NOT FOR
CONSTRUCTION

PROFESSIONAL OF RECORD	AED
PROJECT MANAGER	CA
DESIGNER	MDA
CEI PROJECT NUMBER	34126
DATE	12/22/2025
REVISION	REV-1

PZD MASTER PLAN
SHEET TITLE
SHEET NUMBER

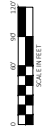
3 OF 3



THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN,
AS SHOWN BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE
MAP FOR THE CITY OF FAYETTEVILLE, COMMUNITY PANEL NUMBER 05143C0090G EFFECTIVE
DATE 1/25/2024.

PARKING ANALYSIS TABLE	
MARKET BUILDING AREA	50,208 SF
PROPOSED PARKING	217 SPACES
PROPOSED PARKING RATIO	4.32 / 1,000 SF

SITE AREA TABLE	
MARKET	±7.84 AC
FUEL STATION	±1.16 AC
TOTAL AREA	±9.00 AC





LEGEND

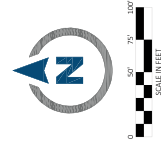
- | | | | |
|---|---------------------------------------|----|--|
| 1 | REQUIRED TREE PER CITY LANDSCAPE CODE | 1 | CONNECTION TO RAZORBACK GREENWAY WITH RAISED PLANTER |
| 2 | PREMIUM TREE | 2 | NORTH PLAZA WITH CURVED ART BENCH |
| 3 | ADDITIONAL TO CITY LANDSCAPE CODE | 3 | FUEL-MART OUTDOOR REST AREA WITH SPARK INLAY |
| 4 | | 4 | FUEL MART |
| 5 | | 5 | PLAZA WITH TABLES |
| 6 | | 6 | STORMWATER DETENTION AND PLANTED PERMEABLE PAVEMENT |
| 7 | | 7 | STORMWATER DETENTION SHRUB BUFFER PER FAYETTEVILLE REQUIREMENTS* |
| | | 8 | OUTDOOR SITTING AREA WITH RAISED PLANTER |
| | | 9 | PROPOSED COMMERCIAL BUILDING |
| | | 10 | CONNECTION TO PROPOSED SIDEWALK WITH MULTI-COLORED PANELS |
| | | 11 | MASONRY SCREEN WALL |
| | | 12 | RADIAL BIKE "TREE" RACKS |
| | | 13 | PLYON SIGN |
| | | 14 | EV STATIONS |
- *SEE FAYETTEVILLE AND STORMWATER DETENTION - PONDS PLANTED PER FAYETTEVILLE AT LANDSCAPE CODE

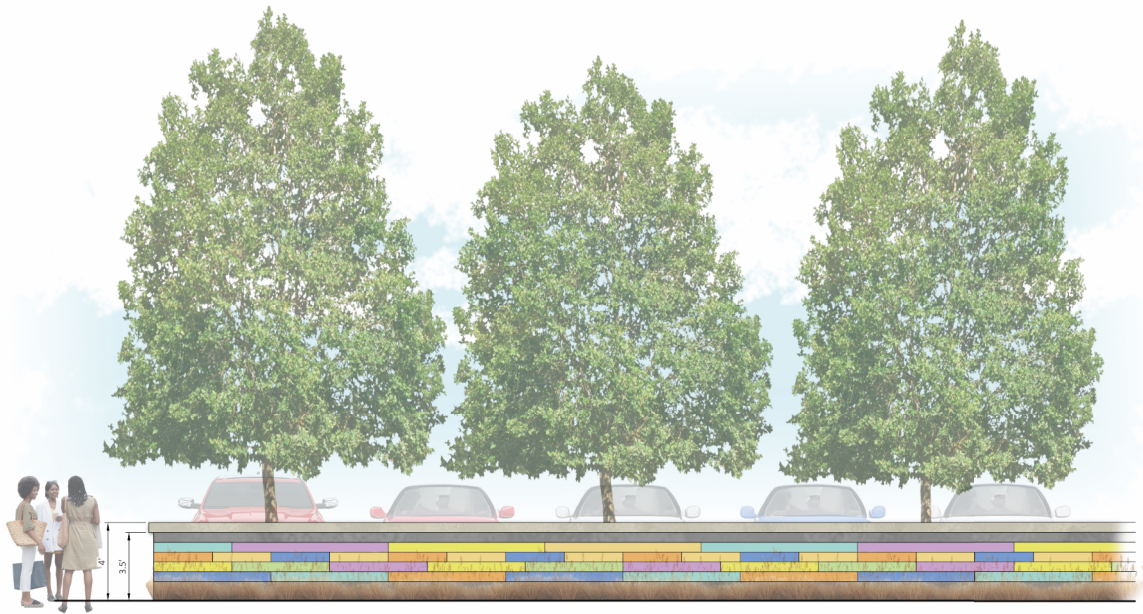
FUTURE DEVELOPMENT AT CROSSOVER RD & ZION RD

FAYETTEVILLE, AR

CROSSOVER RD & E ZION RD

DECEMBER 23, 2025





11 SCREENING WALL CONCEPT

CREATE A SPLASH OF COLOR AND VISUAL BARRIER BETWEEN STREET TRAFFIC TRAVELLING EAST & WEST ON E ZION RD. PROVIDE AN INTERESTING DESIGN TO AN OTHERWISE UNINTERESTING FEATURE, SIGNIFICANT PLACEMAKING IMPACT FOR VISITORS AND VISUAL INTEREST



12 RADIAL CURB BIKE "TREE" RACK - PUTUP BIKE SOLUTIONS

THE RADIAL CURB RACK IS MADE TO HOLD ONE, TWO, THREE, FOUR, SIX, OR EIGHT BICYCLES WHILE SAVING SPACE, AND INCREASING THE AMOUNT OF PARKING AVAILABLE. WITH THEIR EYE-CATCHING DESIGN AND STURDY CONSTRUCTION, THE CIRCULAR MODELS ARE A GREAT ADDITION TO ANY PUBLIC, COMMERCIAL, OR RESIDENTIAL SPACE. ASK MANUFACTURER FOR COLOR OPTIONS.



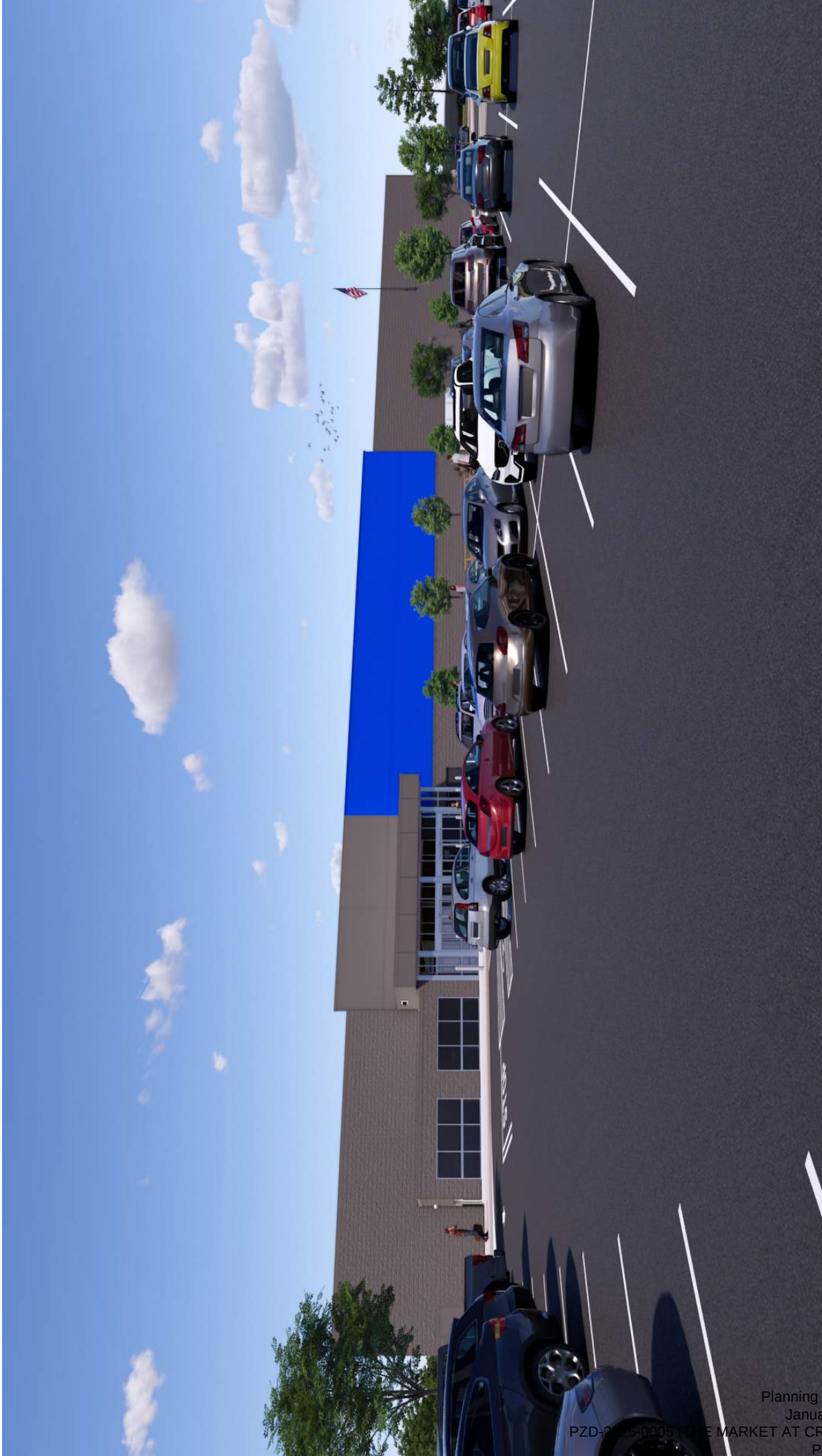
2

CURVED MURAL/ART BENCHES

CREATE AN A SPLASH OF COLOR AND ART INTO THE LANDSCAPE. INVITATION FOR THE COMMUNITY TO DESIGN ART FOR THEIR LOCAL NEIGHBORHOOD GROCERY STORE. MAKE THE GATHERING SPACE UNIQUE TO THE AREA AND ENCOURAGE THE LOCAL FAYETTEVILLE "FUNKY" VIBE.







12/02/25

Fayetteville, AR - 90299

View at Parking Lot

03

