

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8267



Planning Commission Final Agenda

Monday, January 26, 2026

5:30 PM

(VIRTUAL ONLY)

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: 842 4314 1007

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_5KpNgkRDSzOGttc8QAPGaA

Call to Order

Roll Call

Consent

1. **MINUTES:**

Approval of the minutes from the January 12, 2026 Planning Commission Meeting. - Mirinda Hopkins, Development Coordinator

2. **VAR-2025-0062: Planning Commission Variance (WEST OF S. RUPPLE RD AND W. TOFINO DR/THE SLOANBROOKE COTTAGES, 517):**

Submitted by JORGENSEN & ASSOCIATES for property located WEST OF S. RUPPLE RD AND W. TOFINO DR. The property is zoned CS, COMMUNITY SERVICES, and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 8.76 acres. The request is for a variance to construct 16 residential model homes. - Citlali Samano, Planner

3. **VAR-2025-0064: Planning Commission Variance (WEST OF 2615 N. CHARLESTON XING/RESIDENTIAL CONSTRUCTION HOLDINGS LLC, 295):**

Submitted by AMERICAN RESIDENTIAL GROUP for property located WEST OF 2615 N. CHARLESTON XING. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.88 acres. The request is for a variance to fencing height regulations. - Wesley Frank, Planner

4. **CCP-2025-0011: Concurrent Plat (NORTHWEST OF N. GREGG AVE & W. DRAKE ST/DRAKE FARMS PH 2, 249 & 250):**

Submitted by MCCLELLAND CONSULTING ENGINEERS for property located NORTHWEST OF N. GREGG AVE & W. DRAKE ST. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 35.89 acres. The request is for the concurrent plat of 12 lots. - Jessica Masters, Planning Director

Unfinished Business

5. **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.

THIS ITEM WAS TABLED AT THE JANUARY 12, 2026 PLANNING COMMISSION MEETING. - Alan Pugh, Staff Engineer

6. 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, FOUR UNITS PER ACRE, and C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.42 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

THIS ITEM WAS TABLED AT THE JANUARY 12, 2026 PLANNING COMMISSION MEETING. - Donna Wonsower, Senior Planner

7. CUP-2025-0060: Conditional Use Permit (3900 N. PARKVIEW DR/ADVANCED ORTHO FAYETTEVILLE, 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.

THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. - Citlali Samano, Planner

New Business**8. LSD-2025-0012: Large Scale Development (S. ASHWOOD AVE & S. RAZORBACK RD/ASHWOOD TOWNHOMES LLC, 598 & 599):**

Submitted by JORGENSEN & ASSOCIATES for property located at S. ASHWOOD AVE & S. RAZORBACK RD. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 4.12 acres. The request is for a 140-unit private dormitory development with associated parking.

THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR DUE PROCESS OF PENDING ITEMS. - Donna Wonsower, Senior Planner

9. VAR-2025-0061: Planning Commission Variance (510 W. SPRING ST/PARK

HOTEL, 484):

Submitted by PRISM DESIGN STUDIO for property located at 510 W. SPRING ST. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.56 acres. The request is for a variance to the building design standards. - Jessica Masters, Planning Director

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

Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at 121 W. TOWNSHIP ST. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.82 acres. The request is for a sexually oriented business. - Donna Wonsower, Senior Planner

11. CUP-2025-0061: Conditional Use Permit (55 E. 15TH ST/NEIGHBORS OF 55 E 15TH ST LLC, 601):

Submitted by KALEY MEDLIN for property located at 55 E. 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 1.83 acres. The request is for camping in an existing mobile home park. - Donna Wonsower, Senior Planner

12. RZN-2025-0072: Rezoning (1148 & 1156 N. THOREAU LN/HASH PROPERTIES LLC, 408 & 447):

Submitted by EQUILIBRIUM REAL ESTATE for properties located at 1148 & 1156 N. THOREAU LN. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.76 acres. The request is to rezone the properties to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE. - Wesley Frank, Planner

13. RZN-2025-0073: Rezoning (1149 S. WEST AVE/BAUER HAUS LLC, 562):

Submitted by WESLEY BATES for property located at 1149 S. WEST AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN. - Donna Wonsower, Senior Planner

14. RZN-2025-0074: Rezoning (1023 S. MORNINGSIDE DR & 691 E. MCCLINTON ST/CARROLL, 563):

Submitted by WESLEY BATES for property located at 1023 S. MORNINGSIDE DR & 691 E. MCCLINTON ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.23 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD. - Citlali Samano, Planner

15. RZN-2025-0071: Rezoning (416 S. WILLOW AVE/EBBRECHT, 524):

Submitted by WESLEY BATES for property located at 416 S. WILLOW AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.80 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD. - Jessica Masters, Planning Director

16. 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

Items Administratively Approved by Staff

17. LSP-2025-0055: Lot Split (2411 W. MEGAN DR/WEAVER, 402):

Submitted by GUANGYU ZHU-WEAVER for property located at 2411 W. MEGAN DR. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE and contains approximately 0.33 acres. The request is to split the property into two lots containing 0.20 and 0.14 acres. - Wesley Frank, Planner

18. LSP-2025-0061: Lot Split (1318 S. COLLEGE AVE/HOFFMAN, 563):

Submitted by ENGINEERING SERVICES INC for property located at 1318 S. COLLEGE AVE. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains 0.18 acres. The request is to split the property into two lots containing 0.09 and 0.09 acres. - Wesley Frank, Planner

Agenda Session Items

Announcements

Adjournment

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, 01/12/2026					
Time:		5:30 PM					
Staff :		☐ Jonathan Curth ✕ Jessie Masters ✕ Donna Wonsower ✕ Wesley Frank ✕ Citlali Samano ☐ Willa Thomason ☐ Bethany Douglas					
		☐ Britin Bostick ☐ Kylee Cole ☐ Chris Brown ✕ Justin Bland ☐ Melissa Boyd ☐ Dayten Moses ☐ Alan Pugh ☐ Fire Marshal					
	Roll Call	1) Minutes (12/08/2025)	2) VAR-2025-0051 (TRAILS ON THE CREEK APARTMENTS)	3) VAR-2025-0058 (DISCOUNT TIRE CO)	4) LSD-2025-0020 (N79TW)	A) VAR-2025-0055 (GULLEY PARK PETS CLINIC)	
Castin	1	1	1	1	1	1	1
Werner	1	1	1	1	1	1	1
Holeyfield	0						
Gulley	1	1	1	1	1	1	1
Cabe	0						
Payne	1	1	1	1	1	1	1
Brink	1	1	1	1	1	1	1
Madden	1	1	1	1	1	1	1
McGetrick	1	1	1	1	1	1	1
Agenda		Consent	Consent	Conset	Consent	Old	
Action		Approve	Approve	Approve	Approve	Reconsider	Approve
Motion By		Castin	Castin	Castin	Castin	Brink	Werner
Motion 2nd		Gulley	Gulley	Gulley	Gulley	Castin	Payne
Vote		7-0-0	7-0-0	7-0-0	7-0-0	7-0-0	7-0-0
Time		5:33 PM	5:33 PM	5:33 PM	5:33 PM	6:00 PM	
Motion Detail						Striking italicized portions of conditions 1-3, with all other conditions as recommended by staff.	
Public Comment		0	0	0	0	0	

(pg. 2) Planning Commission			Monday, 01/12/2026				
	5) ADM-2025-0046 (FARM AT SOUTH SCHOOL)	6) VAR-2025-0057 (DRAKE FIELD)	7) RZN-2025-0067 (PEAKS ROOFING & EXTERIORS)	8) RZN-2025-0069 (STONEBRIDGE GOLF COURSE)	9) RZN-2025-0064 (BAUER HAUS LLC)		10) VAR-2025-0054 (SIEMEK)
Castin	1	1	1	1	1	1	1
Werner	1	1	1	1	1	0	1
Holeyfield							
Gulley	1	1	1	1	1	0	1
Cabe							
Payne	1	1	1	1	0	1	1
Brink	1	1	1	1	1	1	1
Madden	1	1	1	1	0	1	1
McGetrick	1	1	1	1	1	1	1
Agenda	Old	New	New	New	New		New
Action	Table	Table	Table	Table	Reconsider	Forward	Approve
Motion By	Payne	Payne	Gulley	Werner	McGetrick	Castin	Werner
Motion 2nd	Madden	Castin	Werner	Castin	Castin	McGetrick	Gulley
Vote	7-0-0	7-0-0	7-0-0	7-0-0	5-2-0	5-2-0	7-0-0
Time	6:01 PM	6:02 PM	6:03 PM	6:04 PM	6:26 PM		6:30 PM
	Untill the February 9, 2026 Planning Commission meeting.	Untill the January 26, 2026 Planning Commission meeting.	Untill the January 26, 2026 Planning Commission meeting.	Untill the February 9, 2026 Planning Commission meeting.	With a recommendation of approval at Board of Adjustment meeting.		Striking conditions 1 & 2.
Public Comment	0	0	0	0	0		0

(pg. 3) Planning Commission			Monday, 01/12/2026			
	11) VAR-2025-0056 (ARENS)	12) VAR-2025-0059 (SOUTHERN WOODS)	13) CUP-2025-0057 (ART OF MASSAGE)	14) CUP-2025-0060 (ADVANCED ORTHO FAYETTEVILLE)	15) RZN-2025-0065 (COOKE)	16) RZN-2025-0068 (DMM HOLDINGS LLC)
Castin	0	1	1	1	1	1
Werner	0	1	1	1	1	1
Holeyfield						
Gulley	0	1	1	1	1	1
Cabe						
Payne	0	1	1	1	1	1
Brink	0	1	1	1	1	1
Madden	0	1	1	1	1	1
McGetrick	0	1	1	1	1	1
Agenda	New	New	New	New	New	New
Action	Approve	Approve	Approve	Table	Forward	Forward
Motion By	Payne	Castin	Werner	Gulley	Werner	Werner
Motion 2nd	McGetrick	Werner	Castin	Werner	Castin	Castin
Vote	0-7-0	7-0-0	7-0-0	7-0-0	7-0-0	7-0-0
Time	7:21 PM	7:50 PM	7:55 PM	8:09 PM	8:14 PM	8:18 PM
Motion Detail	Failed	With a recommendation of approval, 1B, 2A extended untill December 31, 2027.	With all conditions as recommended by staff.	Until the January 26, 2026 Planning Commission meeting.	With a recommendation of approval.	With a recommendation of approval.
Public Comment	4	0	0	0	0	0

(pg. 4) Planning Commission				Monday, 01/12/2026		
	17) RZN-2025-0062 (RUPPLE RD LLC)	18) RZN-2025-0063 (HORNBACK)	19) RZN-2025-0066 (WELLS)	20) RZN-2025-0061 (MISHY)	21) PZD-2025-0005 (THE MARKET AT CROSSOVER)	22) ADM-2025-0049 (BUTLER)
Castin	1	1	1	1	1	
Werner	1	1	1	1	0	
Holeyfield						
Gulley	1	1	1	1	1	
Cabe						
Payne	1	1	1	1	1	
Brink	1	1	1	1	1	
Madden	1	1	1	1	1	
McGetrick	1	1	0	1	1	
Agenda	New	New	New	New	New	New
Action	Forward	Forward	Forward	Table	Forward	Withdrawn
Motion By	Werner	Werner	Werner	Castin	Payne	
Motion 2nd	Castin	Castin	Payne	Werner	Gulley	
Vote	7-0-0	7-0-0	6-1-0	7-0-0	6-1-0	
Time	8:21 PM	8:26 PM	8:35 PM	8:36 PM	9:18 PM	
Motion Detail	With a recommendation of approval.	With a recommendation of approval.	With a recommendation of approval.	Until the February 23, 2026 Planning Commission meeting.	With a recommendation of approval.	
Public Comment	0	0	0	0	1	

(pg. 5) Planning Commission			Monday, 01/12/2026			
	23) ADM-2025-0052 (BENSON)	24) CCP-2025-0010 (BRIGHT INVESTMENTS)	25) CUP-2025-0056 (MERMAIDS EVENT CENTER)	26) CUP-2025-0059 (YES MA'AM)		
Castin						
Werner						
Holeyfield						
Gulley						
Cabe						
Payne						
Brink						
Madden						
McGetrick						
Agenda	New	New	New	New		
Action	Withdrawn	Withdrawn	Withdrawn	Withdrawn		
Motion By						
Motion 2nd						
Vote						
Time						
Motion Detail						
Public Comment						



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: January 26, 2026

SUBJECT: **VAR-2025-0062: Planning Commission Variance (WEST OF S. RUPPLE RD AND W. TOFINO DR, 517)** Submitted by JORGENSEN & ASSOCIATES for property located WEST OF S. RUPPLE RD AND W. TOFINO DR. The property is zoned CS, COMMUNITY SERVICES, and NC, NEIGHBORHOOD CONSERVATION, and contains approximately 8.76 acres. The request is for a variance to construct 16 residential model homes.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0062**, with conditions.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0062**, determining:*

- In favor of a variance to UDC §164.01(A)(1)(a), to allow a maximum of 16 model homes on the property;*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in west Fayetteville, generally west of the roundabout at the intersection of S. Ruppel Road and W. Tofino Drive. It is immediately adjacent to The Village of Sloanbrooke subdivision. The property totals approximately 8.76 acres and split-zoned CS, Community Services, and NC, Neighborhood Conservation. The site is entirely undeveloped and has little to no tree canopy. The property's frontage along S. Ruppel Rd is currently under development with Sloanbrooke Cottages, a single-family residential development homes fronting, what will be an interior road, W Barhem Dr. A preliminary plat was approved for this property in 2024 (PPL-2024-0008). 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	CS, Community Services
South	Single-Family Residential	CS, Community Services
East	Undeveloped	CS, Community Services
West	Single-Family Residential	NC, Neighborhood Conservation

Request: The applicant is requesting a variance from the Unified Development Code to construct up to 16 model homes within Sloanbrooke Cottages, units 4 to 19, where ordinance typically limits the construction to a maximum of 3.

Public Comment: To date, staff has received some inquiries. There is one comment regarding flooding concerns on the east end of 4289 W Barhem Dr. However, no comments regarding the variance was noted.

DISCUSSION:

Variance #1: §164.01(A)(1)(a) – A subdivision of twenty-one (21) or more single family lots may have three (3) model homes. The applicant is requesting a variance from this requirement to build up to 16 model homes prior to the completion of the final plat.

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

RECOMMENDATION: Staff recommends approval of VAR-2025-0062 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §164.01(A)(1)(a), which limits the number of model homes that can be built in a subdivision of more than 21 lots to a maximum of 3.** *Staff recommends approval of this variance for the reasons stated above.*
2. Approval of this variance does not constitute approval of the final plat, any required building permits, or final certificate of occupancy for proposed model homes;
3. All proposed structures shall meet the requirements for model homes as detailed in ordinance 164.01(A)(1)(b) through (n);
4. Approved access and water must be in place prior to bringing combustible materials on-site;
5. Approval of this variance does not modify any original conditions of approval of the associated approved preliminary plat, as attached herein.

Planning Commission Action: ☐ Approved ☐ Tabled ☐ Denied Meeting Date: <u>January 26, 2026</u> Motion: Second: Vote:
--

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
 - Unified Development Code:
 - §164.01 Accessory Commercial Uses
 - Applicant Exhibits
 - Request Letter
 - Site Plans
 - Staff Exhibits
 - Conditions of Approval – PPL-2024-0008
 - Fire Marshal Memo
 - Engineering Memo
-

164.01 Accessory Commercial Uses

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

- (A) Permitted accessory uses in districts that allow single-family dwellings.
- (1) *Model Home*. In single-family detached subdivisions undergoing the preliminary and final plat process, building permits for model homes may be issued prior to final plat and subject to the following provisions.
 - (a) A subdivision of ten (10) single family lots or fewer may have one (1) model home; subdivisions of eleven (11) to twenty (20) single family lots may have two (2) model homes. A subdivision of twenty-one (21) or more single family lots may have three (3) model homes.
 - (b) The preliminary plat of the subdivision has been approved. The model home lots may be indicated on the preliminary plat for planning purposes.
 - (c) Proposed lot property corners of all lots proposed for a model home have been set by a licensed, professional land surveyor in accordance with the approved preliminary plat lot configuration.
 - (d) An applicant shall provide a building permit application and all required submittal documents for each model home.

- (e) Setbacks for the model home(s) shall be measured from the proposed lot lines and setbacks per preliminary plat approval.
 - (f) The lots to be developed with a model home must meet one (1) of the following access options:
 - (i) Frontage upon an existing public street; or
 - (ii) The Fire Department must grant approval of temporary access road proposed to the model home.
 - (g) A traffic control plan shall be presented to the satisfaction of the Fire Department and City Engineer to minimize conflicts between construction and model home traffic.
 - (h) Parking in yards or other unpaved surfaces is not permitted for the model home. Parking may be provided in the driveway, garage, or on street if the street allows parking. Unless otherwise approved as a conditional use permit, parking lots for model homes are not permitted.
 - (i) Stormwater and drainage facilities necessary for the areas of the subdivision serving the model home(s) are in place and functional to the satisfaction of the City Engineer.
 - (j) There must be an approved and available water source for connection with the model home sites. Additionally, a fire hydrant must be within 250 feet of a model home's property line. A fire hydrant shall be in good working order and shall be capable of delivering the required fire flow.
 - (k) Use of the model homes for a sales office shall require inspection and approval for compliance with applicable building and fire codes.
 - (l) Occupation as or conversion into a residential use shall require inspection and approval of all required improvements that directly or indirectly affect the model home and shall not be permitted until after recordation of the final plat.
 - (m) If a model home is constructed in a preliminary plat that expires and no extension has been granted, the model home and all associated improvements, including but not limited to any temporary sales office, shall be removed within one hundred twenty (120) days of the expiration of preliminary plat.
 - (n) A model home shall be converted into a residential use within one hundred twenty (120) days of approval of the issuance of a building permit for the final undeveloped lot of the final phase of the subdivision.
- (B) *Convenience.* Such uses are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said building.
 - (C) *Gross Floor Area.* Do not occupy more than 10% of the gross floor area of the building in which located.
 - (D) *Signs.* Have no signs or other advertising visible from outside the zoning lot on which located.
 - (E) *Location.* Are located in or contiguous to the lobby of the principal building.
 - (F) *Lobby Entrance.* Have at least one (1) lobby entrance.

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

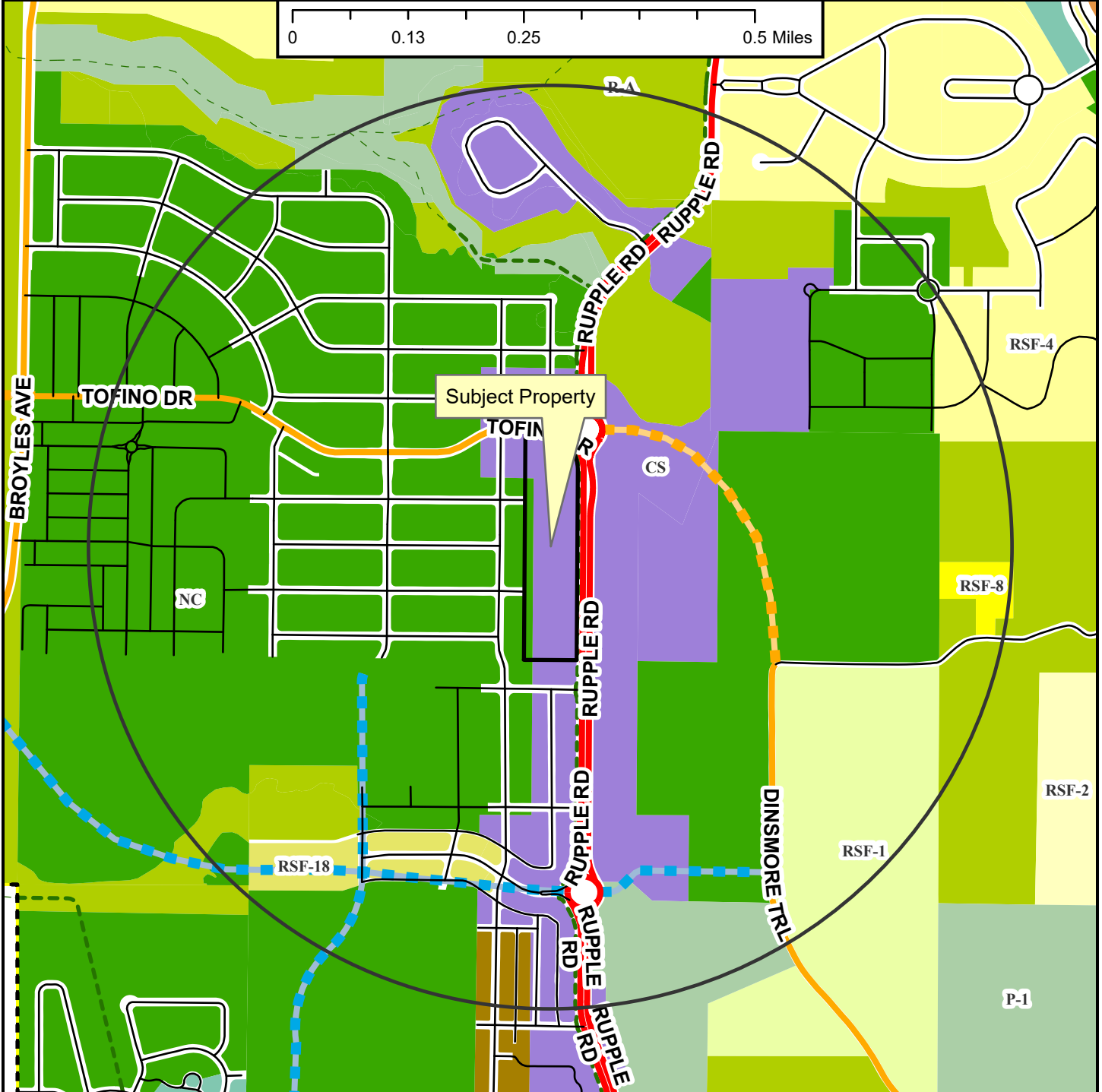
VAR-2025-0062

One Mile View

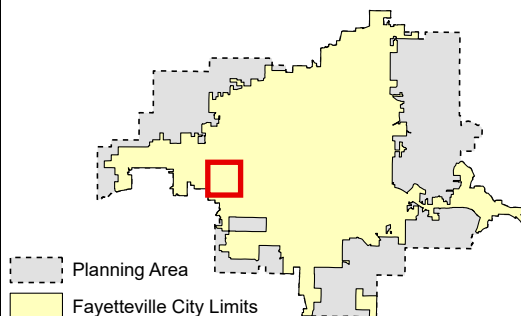
WEST OF S. RUPPLE RD AND W. TOFINO DR



0 0.13 0.25 0.5 Miles



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

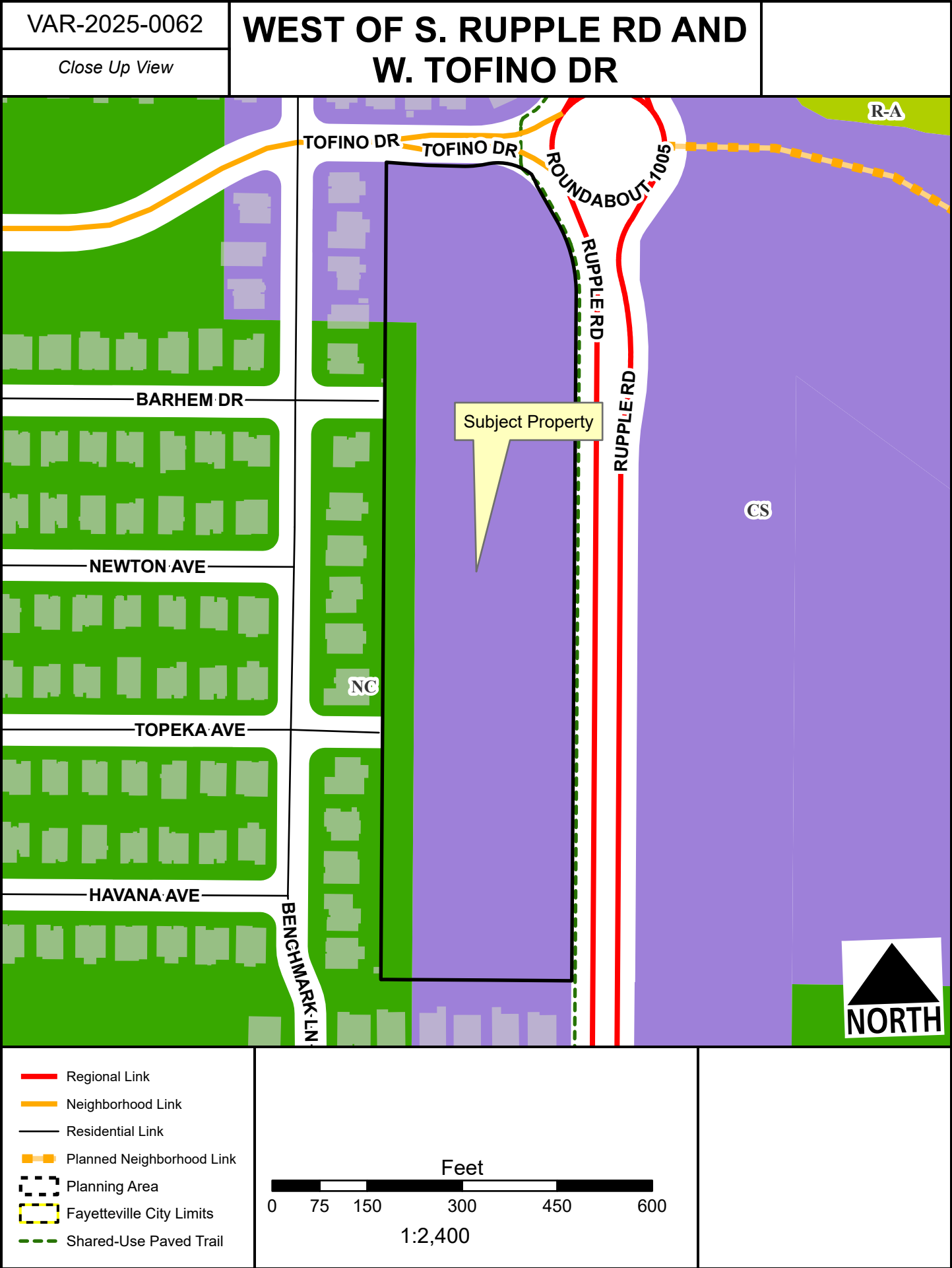


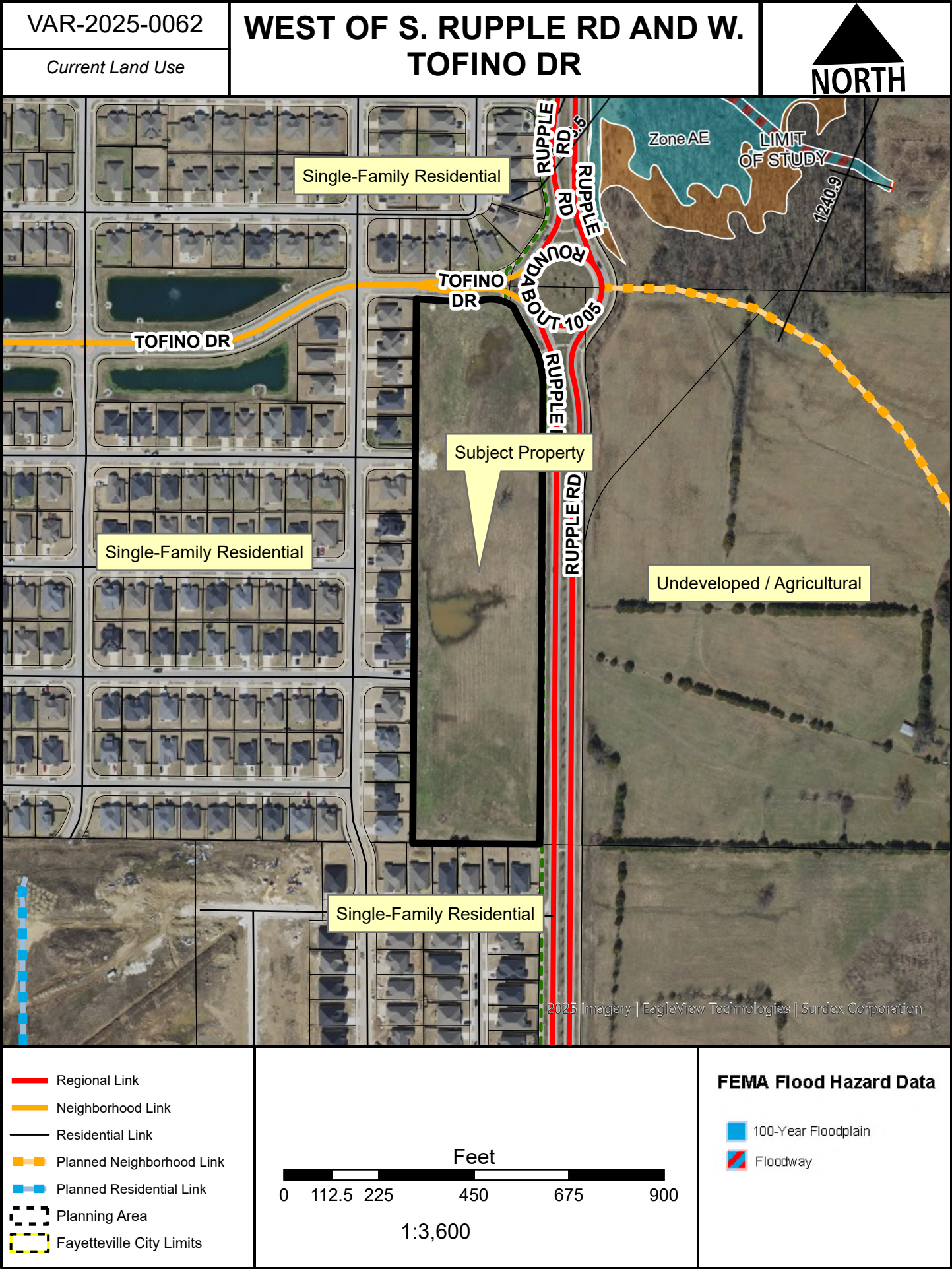
Planning Commission

January 26, 2026

VAR-2025-0062 (THE SLOANBROOKE COTTAGES)

Page 5 of 13







City of Fayetteville -Development Services

Re: Variance Request to the Model Home Ordinance for The Sloanbrooke Cottages

Please accept this request for a variance as outlined by UDC 164.00(B) to allow the construction of up to 16 model homes within The Sloanbrooke Cottages (A variance to UDC 164.01(A)(1)(a). The current city regulations permit only three model homes; however, we believe increasing this limit is both reasonable and beneficial for the city and the community.

Justification for Variance:

1. Addressing the Hardship Requirement:

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

2. Community Benefit:

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

3. Compliance with City Planning Goals

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

4. Economic and Tax Revenue Impact

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

Sincerely,

Justin Jorgensen, PE

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

NOTES:

- CITY PLAT PAGE 517
- 35 BUILDABLE LOTS, 1 UNBUILDABLE LOT
- CURRENT ZONING: CS
- PARCEL #765-31724-000
- TWO SIDEWALK ACCESS RAMPS WILL BE INSTALLED AT EACH STREET CORNER AS SHOWN ON THIS PLAT.
- ALL DRIVEWAYS SHALL HAVE A MAXIMUM WIDTH OF 24' MEASURED AT THE RIGHT OF WAY LINE.
- A PORTION OF SOME LOTS WITHIN THIS DEVELOPMENT HAVE SLOPES THAT ARE 15% OR GREATER.
- PER GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" AS SHOWN ON FEMA FIRM PANEL #05143C0203G & #05143C0215G, BOTH BEARING AN EFFECTIVE DATE OF 1/25/2024 AND IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.
- WHERE BUILDING SETBACKS DON'T OVERLAP WITH UTILITY EASEMENTS OR ACCESS EASEMENTS, STRICTLY BUILDING SETBACKS SHALL BE AS PER THIS PLAT AND THE BUILDING SETBACK TABLE PROVIDED ON THIS PLAT.
- TAPS MADE ONTO EXISTING WATER AND SEWER MAINS SHALL BE MADE BY THE CITY, PAID FOR BY THE OWNER.
- ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND, AND ALL EXISTING UTILITIES UNDER 12 KV SHALL BE RELOCATED UNDERGROUND.
- SITE DEVELOPMENT WILL FOLLOW THE APPROVED MASTER RESIDENTIAL LOT GRADING PLAN. EACH LOT MUST FOLLOW THE APPROVED MRLGP PREPARED BY THE ENGINEER OF RECORD FOR THIS PROJECT.
- RIGHT OF WAY TREES TO BE PLANTED FOLLOWING CONSTRUCTION OF INDIVIDUAL HOUSES.
- CURB CUT SEPARATION STANDARDS DO APPLY TO ALL LOTS, INCLUDING REGULATIONS ABOUT DISTANCE FROM PROPERTY LINES, OTHER DRIVEWAYS, INTERSECTIONS AND CURB RADI.
- FIRE LANE SIGNS, AS SPECIFIED IN 2021APCC SECTION D103.6, SHALL BE POSTED ON ONE SIDE OF FIRE APPARATUS ACCESS ROADS MORE THAN 26 FEET WIDE AND LESS THAN 32 FEET WIDE. SIGNS MUST ALSO MEET SPACING REQUIREMENTS IN 2012 APCC SECTION 503.3.
- ALL LOTS SHALL MEET ACCESS MANAGEMENT STANDARDS.
- ALL SIDEWALKS INDICATED ALONG UNBUILDABLE OR OPEN SPACE LOTS SHALL BE CONSTRUCTED BY THE DEVELOPER.

ZONING & SETBACKS:

ZONED: CS, COMMUNITY SERVICES

SETBACKS:

FRONT: 10' TO 25' BUILD-TO ZONE
SIDE: NONE
SIDE CONTIGUOUS TO A SINGLE-FAMILY RESIDENTIAL DISTRICT: 15'
REAR: NONE
REAR CONTIGUOUS TO A SINGLE-FAMILY RESIDENTIAL DISTRICT: 15'

ZONED: NC, NEIGHBORHOOD CONSERVATION

SETBACKS:

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

PARCEL #765-31724-000:

GIS Approved
01/06/2026

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SAID FORTY ACRE TRACT, AND RUNNING N87°13'57"W 1056.39 FEET AND S02°46'03"W 32.39 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING LOCATED ON THE SOUTHERN RIGHT OF WAY OF WEST TOFNO DRIVE, AND RUNNING ALONG SAID RIGHT OF WAY THE FOLLOWING 3 COURSES: S83°51'19"E 60.63 FEET; ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 179.00 FEET, AND WHOSE LONG CHORD BEARS S85°09'25"E 8.15 FEET; S86°27'11"E 50.85 FEET; ALONG A CURVE TURNING TO THE LEFT, HAVING A RADIUS OF 167.50 FEET, AND WHOSE LONG CHORD BEARS N86°48'07"E 39.31 FEET; AND ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 86.00 FEET, AND WHOSE LONG CHORD BEARS S74°58'33"E 72.59 FEET TO THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF WEST TOFNO DRIVE AND THE WESTERN RIGHT OF WAY OF SOUTH RUPPLE ROAD, AND RUNNING ALONG THE SAID RIGHT OF WAY OF SOUTH RUPPLE ROAD THE FOLLOWING 4 COURSES: ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 138.50 FEET, AND WHOSE LONG CHORD BEARS S20°15'11"E 19.91 FEET; S27°37'43"E 84.94 FEET; ALONG A CURVE TURNING TO THE RIGHT, HAVING A RADIUS OF 228.00 FEET, AND WHOSE LONG CHORD BEARS S12°37'42"E 118.02 FEET; AND S02°22'18"W 1083.88 FEET; THENCE LEAVING SAID RIGHT OF WAY N87°37'42"W 301.33 FEET; THENCE N02°22'49"E 1289.53 FEET TO THE POINT OF BEGINNING, CONTAINING IN ALL 8.76 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD.

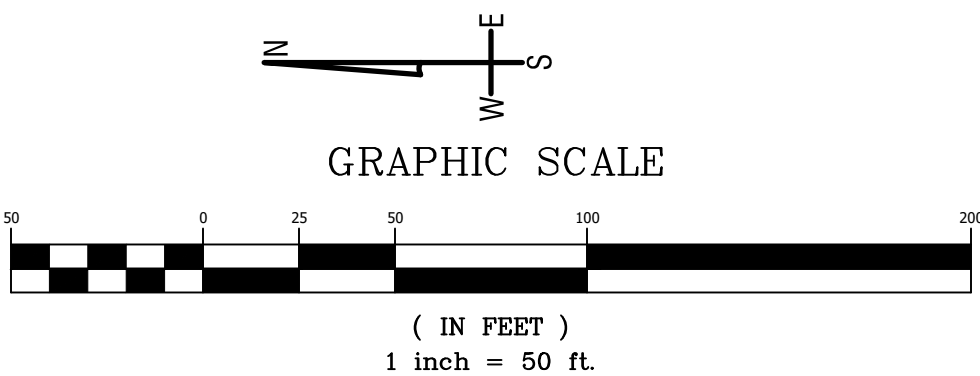
STANDARD CITY NOTES:

- THE REVIEW BY THE ENGINEERING DIVISION WAS FOR GENERAL COMPLIANCE AND DOES NOT WARRANT YOUR DESIGN AND DOES NOT RELIEVE THE OWNER FROM ANY ITEMS DISCOVERED DURING CONSTRUCTION OR FURTHER REVIEW, WHICH ARE DEEMED NECESSARY TO COMPLY WITH CITY ORDINANCES AND CRITERIA. THE APPROVAL OF THE ENGINEERING ITEMS ON THE PLANS FOR WATER, SEWER, DRAINAGE, AND GRADING IS NOT A GUARANTEE OF APPROVAL OF THIS PROJECT BY OTHER CITY DIVISIONS.
- ANY DAMAGE TO THE EXISTING PUBLIC STREET OR OTHER PUBLIC INFRASTRUCTURE DUE TO CONSTRUCTION SHALL BE REPAIRED/REPLACED AT THE OWNER/DEVELOPERS EXPENSE.
- ALL MATERIAL DELIVERIES, CONSTRUCTION STAGING, AND WORKER PARKING MUST OCCUR ON YOUR SITE AND OUTSIDE THE PUBLIC STREETS DURING ALL PHASES OF THE PROJECT.
- ALL PUBLIC SIDEWALKS AND RAMPS MUST MEET ADA GUIDELINES.
- PRIOR TO ANY CLEARING TO INSTALL EROSION CONTROL STRUCTURES, TREE PRESERVATION FENCING MUST BE INSTALLED BY THE CONTRACTOR AND INSPECTED BY THE URBAN FORESTER (444-3469)
- 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.
- THE ENGINEER OF RECORD SHALL PROVIDE "FULL TIME" INSPECTION FOR UTILITIES AND "PART TIME" INSPECTION FOR THE STORM DRAINAGE AND ROADWAY CONSTRUCTION FOR THIS PROJECT. THE ENGINEER OF RECORD SHALL ALSO REVIEW AND APPROVE MATERIAL SUBMITTALS (APPROVED SUBMITTALS SHALL BE SUBMITTED TO THE CITY FOR CONCURRENCE BEFORE PRECONSTRUCTION MEETING AND BEFORE MATERIAL IS ORDERED) - DAILY INSPECTION REPORTS SHOULD BE SUBMITTED WEEKLY TO THE CITY OF FAYETTEVILLE'S PUBLIC WORKS INSPECTOR (PW).
- ALL MATERIALS AND CONSTRUCTION SHALL COMPLY WITH THE CITY OF FAYETTEVILLE'S REQUIREMENTS. IN THE CASE OF CONFLICTS, THE CITY'S CRITERIA SHALL GOVERN.
- THE PUBLIC WORKS INSPECTOR SHALL BE NOTIFIED NO LESS THAN 48 HOURS PRIOR TO THE INSTALLATION OF PUBLIC UTILITIES, INFRASTRUCTURE, ROADWAY, ETC. TESTING SHALL BE COORDINATED WITH THE PW BY THE ENGINEER OF RECORD.
- CONTRACTOR SHALL BE CONFINED TO THE LIMITS OF CONSTRUCTION SHOWN ON THIS GRADING PERMIT APPLICATION. ADJACENT PROPERTY SHALL NOT BE USED WITHOUT MODIFYING THE GRADING AND EROSION CONTROL PLAN THROUGH THE ENGINEER OF RECORD AND OBTAINING WRITTEN APPROVAL FROM THE CITY ENGINEERING DIVISION.
- A GRADING AND DRAINAGE PERMIT WILL NOT BE ISSUED UNTIL:
A. A COPY OF THE SWPPP IS PROVIDED TO THE CITY. THE SWPPP WILL BECOME PART OF THE GRADING AND DRAINAGE PERMIT. (IN PDF FORMAT)
B. THE PERMITTER (EROSION CONTROLS, CONSTRUCTION EXIT, AND SWPPP/GRADING PERMIT BOX HAVE BEEN INSPECTED AND APPROVED BY THE ENGINEERING DIVISION. APPLICANT IS RESPONSIBLE FOR CONTACTING AND SCHEDULING THE EROSION CONTROL INSPECTION BY CALLING THE ASSIGNED PW)
C. THE ENGINEER OF RECORD SHALL REVIEW AND APPROVE MATERIAL SUBMITTALS (APPROVED SUBMITTALS SHALL BE SUBMITTED TO THE CITY FOR CONCURRENCE BEFORE PRECONSTRUCTION CONFERENCE AND MATERIAL IS ORDERED)
D. A PRECONSTRUCTION CONFERENCE HAS TAKEN PLACE.
E. ALL CONTRACTORS/SUBS INSTALLING PUBLIC INFRASTRUCTURE (INCLUDING PRELINE) MUST BE PRESENT ALONG WITH THE INSPECTOR FROM ENGINEER OF RECORD.
F. IF THE SUPERINTENDENT ON SITE CHANGES AFTER THE CITY OF FAYETTEVILLE PRE-CONSTRUCTION MEETING, AN ADDITIONAL PRE-CONSTRUCTION MEETING WILL BE REQUIRED WITH THE NEW SUPERINTENDENT.
- PERFORMANCE BONDS IN THE AMOUNT OF 100% OF THE TOTAL COST TO INSTALL THE APPROVED EROSION AND SEDIMENT CONTROL PLAN (HYDROMULCH WITH SEED ALL PROPOSED DISTURBED AREAS, INCLUDING AREA OF IMPROVEMENTS) TO ENSURE THE CONTINUATION OF THE PROPER MAINTENANCE OF THE PLAN MUST BE PROVIDED. THE BOND SHALL REMAIN IN PLACE UNTIL PERMANENT STABILIZATION HAS BEEN ACHIEVED FOR THE DEVELOPMENT SITE, INCLUDING ALL ON AND OFF-SITE FRANCHISE UTILITIES.
- A COPY OF THE APPROVAL LETTER FROM THE ARKANSAS DEPARTMENT OF HEALTH IS OBTAINED AND FORWARDED TO THE ENGINEERING DIVISION.

12. PRIOR TO PROJECT ACCEPTANCE (FINAL PLAT) THE FOLLOWING ITEMS MUST BE PERFORMED OR PROVIDED TO THE SATISFACTION OF THE ENGINEERING DEPARTMENT:

- THE WORK SHOWN ON THE CIVIL SITE PACKAGE MUST BE COMPLETE AND THE ITEMS ON THE FINAL PUNCH LIST COMPLETED.
- VEGETATION MUST BE ESTABLISHED IN ACCORDANCE WITH SECTION 169.06 OF THE UDC AND PERIMETER CONTROLS REMOVED.
- ONE (1) SET OF AS-BUILT DRAWINGS OF THE COMPLETE PROJECT (EXCLUDING DETAILS) AS A HARD COPY, DIGITAL FILE .DWG, AND PDF FORMAT:
 - PROFESSIONAL SURVEYOR SHALL PROVIDE STAMP DRAWINGS SPECIFICALLY IDENTIFYING THE LIMITS OF AS-BUILT SURVEY PERFORMED.
 - PUBLIC INFRASTRUCTURE AND SERVICES SHALL BE SURVEYED AFTER INSTALLATION IN RELATION TO EASEMENTS, PROPERTY LINES, AND RIGHTS-OF-WAY.
 - MORE THAN 2 FT DEVIATION OF DESIGN ALIGNMENT OF SHALL REQUIRE NEW EASEMENT DEDICATION OR ADJUSTMENT OF THE UTILITY/STORM DRAIN.
 - SANITARY SEWER, AND STORM DRAINAGE (INCLUDING PRIVATE) ELEVATIONS MUST BE VERIFIED AND UPDATED. (ELEVATIONS OUT OF DESIGN TOLERANCE MUST BE CORRECTED)
 - STREET CENTERLINE, WIDTH, PROFILES AND CROSS SLOPES SHALL BE VERIFIED.
 - MORE THAN 6 INCHES DEVIATION OF DESIGN ALIGNMENT OF SHALL REQUIRE NEW RIGHT OF WAY DEDICATION OR ADJUSTMENT OF THE STREET SECTION.
 - ADEQUATE VERIFICATION SURVEY TO CONFIRM ACCURACY OF DRAINAGE REPORT.
 - AS-BUILTS SHOULD INCLUDE THE FOLLOWING INFORMATION IN A TABLE:
 - NEW PUBLIC STREETS (LINEAR FEET)
 - SIDEWALK (LINEAR FEET, CATEGORIZED BY WIDTH)
 - WATERLINE (LINEAR FEET)
 - SANITARY SEWER (LINEAR FEET)
 - NEWLY DEDICATED RIGHT-OF-WAY (SQUARE FEET)
 - UNIT PRICE CONSTRUCTION COSTS FOR REVIEW AND APPROVAL AND A SINGLE 2 YEAR MAINTENANCE BONDS IN THE AMOUNT OF 25% OF THE PUBLIC INFRASTRUCTURE.
 - CERTIFICATION THAT THE STREETS, SIDEWALK, STORM SEWER, WATER, FIRE LINE, AND SEWER LINES, ETC., WERE INSTALLED PER APPROVED PLANS AND CITY OF FAYETTEVILLE REQUIREMENTS;
 - PROVIDE ALL INSPECTION REPORTS; APPROVED SUBMITTALS; DATA FORMS FROM UTILITY SPECIFICATIONS (INCLUDING CONSULTANTS SEWER TV REPORT); COMPACTION TEST RESULTS, ETC...
 - SURVEYOR'S CERTIFICATION OF COMPLIANCE FOR MONUMENTS AND PROPERTY PINS.
 - THE AS- BUILT FINAL DRAINAGE REPORT IN PDF FORMAT UPDATED PER AS-BUILT INVERT, SLOPE, INLET OPENING, ROAD PROFILE, CROSS SLOPE, ETC...
 - BOND, GUARANTEE, OR LETTER OF CREDIT FOR ALL SIDEWALKS NOT CONSTRUCTED PRIOR TO FINAL PLAT APPROVAL (150% OF THE ESTIMATED COST OF CONSTRUCTION);

I. CROSS SECTIONS, CONTOURS, SPOT ELEVATIONS, AND CERTIFICATION THAT THE SITE HAS BEEN GRADED PER THE APPROVED MRLGP WITHIN THE RIGHT OF WAY, DRAINAGE EASEMENTS, AND UTILITY EASEMENTS.



OWNER / DEVELOPER:

TAB420, LLC
5519 HACKETT ROAD, SUITE 300
SPRINGDALE, AR 72762

CONTRACTOR TO CONTACT CITY TO OPERATE EXISTING SHUT-OFF VALVES. ENSURE NO EX. SERVICES ARE AFFECTED WHILE MAINS ARE TURNED OFF UNTIL THE NEW MAINS ARE INSTALLED, TESTED, AND ACCEPTED.

EXISTING SANITARY SEWER SERVICES & EXISTING WATER METERS TO BE FIELD VERIFIED BY CONTRACTOR, METERS AND SERVICES NOT PRESENT OR IN THE CORRECT LOCATIONS, NEED TO BE INSTALLED BY THE CITY AT THE COST OF THE OWNER. EXISTING METER SETS TO BE ADJUSTED TO FINAL GRADE. CONTRACTOR SHALL DIRECT THE FINAL GRADE OF METER & METER BOXES INSTALLED BY CITY, TO FOLLOW DETAIL.

WATER & SEWER CONTRACTOR SHALL CLEARLY MARK ALL WATER & SEWER SERVICE LOCATIONS. FINAL INSPECTION SHALL INCLUDE THESE MARKED SERVICES. FINAL PAYMENT WILL NOT BE MADE UNTIL SERVICES ARE MARKED.

WATER & SEWER CONTRACTOR SHALL CONSULT SEWER PROFILES AND STORM DRAIN PROFILES TO ENSURE PROPER DEPTHS OF UTILITIES TO AVOID CONFLICTS.

WATER MAIN TO BE 3' BELOW FINISHED GRADE.

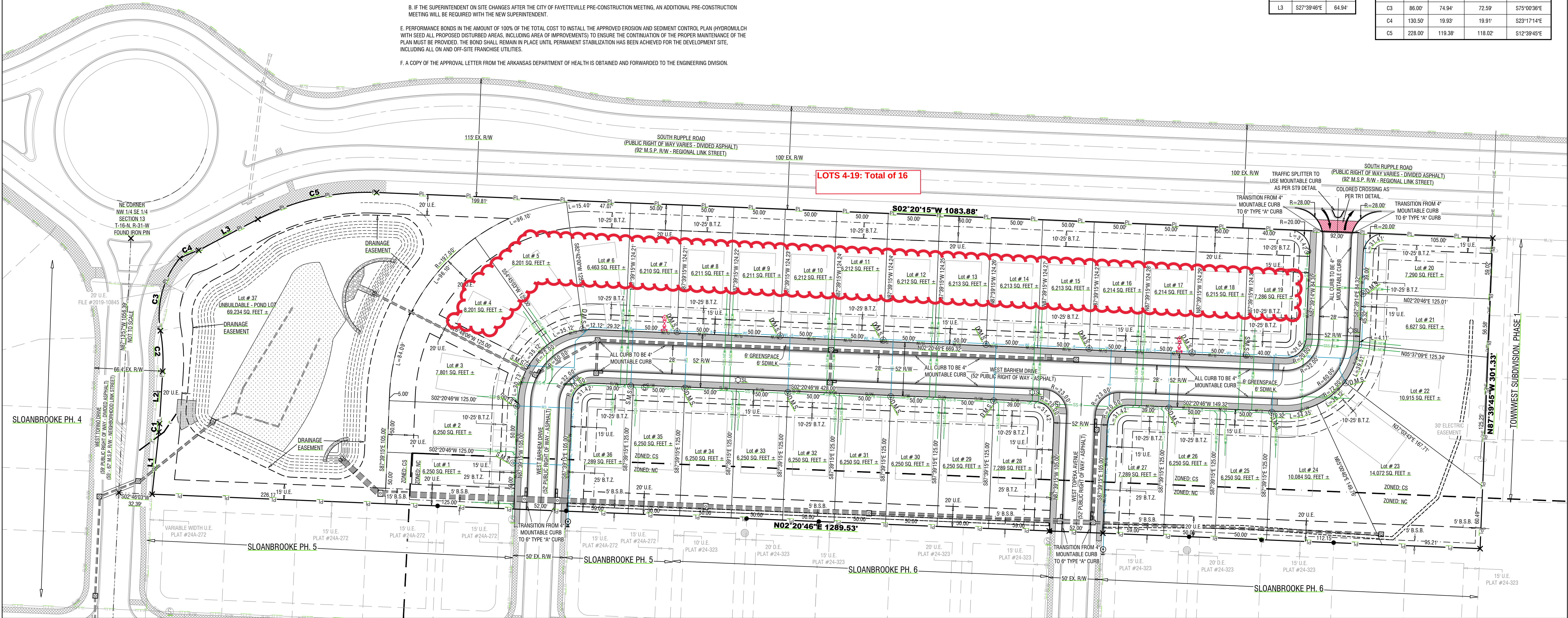
THE REVIEW BY THE ENGINEERING DIVISION WAS FOR GENERAL COMPLIANCE AND DOES NOT WARRANT YOUR DESIGN AND DOES NOT RELIEVE THE OWNER FROM ANY ITEMS DISCOVERED DURING CONSTRUCTION WHICH ARE DEEMED NECESSARY TO COMPLY WITH CITY ORDINANCES AND CRITERIA. THE APPROVAL OF THE ENGINEERING ITEMS ON THE PLANS FOR WATER, SEWER, DRAINAGE, AND GRADING IS NOT A GUARANTEE OF APPROVAL OF THIS PROJECT BY THE OTHER CITY DIVISIONS.

THE ENGINEER OF RECORD SHALL PROVIDE "FULL TIME" INSPECTION OF UTILITIES AND "PART TIME" INSPECTION OF THE STORM SEWER AND ROADWAY CONSTRUCTION FOR THIS PROJECT

STREET NAME	CLASSIFICATION	RIGHT OF WAY WIDTH	STREET WIDTH	SIDEWALK WIDTH	GREEN SPACE WIDTH
WEST BARHEM DRIVE	RESIDENTIAL LINK	52'	28'	6'	6'
WEST TOPEKA AVENUE	RESIDENTIAL LINK	52'	28'	6'	6'
STREET "A"	RESIDENTIAL LINK	52'	28'	6'	6'

BOUNDARY LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S83°53'22"E	60.63'
L2	S86°29'34"E	50.95'
L3	S27°39'46"E	64.94'

BOUNDARY CURVE TABLE				
CURVE #	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	179.00'	8.13'	8.13'	S85°11'28"E
C2	167.50'	39.40'	39.31'	N86°46'04"E
C3	86.00'	74.94'	72.59'	S75°00'36"E
C4	130.50'	19.93'	19.91'	S23°17'14"E
C5	228.00'	119.38'	118.02'	S12°39'45"E



LEGEND

- FOUND MONUMENT AS NOTED
- SET IRON PIN WITH CAP
- ✕ CALCULATED POINT
- ⛑ FIRE HYDRANT
- Ⓢ SEWER MANHOLE
- Ⓢ SANITARY CLEAN OUT
- Ⓢ STORM DRAIN MANHOLE
- Ⓢ GRATED DRAIN INLET
- Ⓢ POWER POLE
- Ⓢ LIGHT POLE

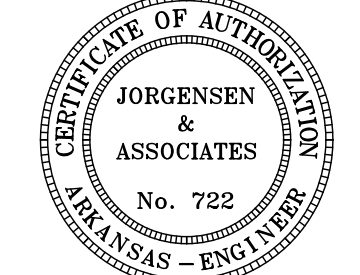
- PROPERTY LINE
- PL
- FORTY LINE / PROPERTY LINE
- ADJOINING PROPERTY LINE
- CENTERLINE OF ROAD
- RIGHT OF WAY
- BUILDING SETBACK
- UTILITY EASEMENT
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING DRAIN PIPE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED DRAIN PIPE
- EXISTING OVERHEAD ELECTRIC
- ONE

PROJECT DETAILS

PROJECT TITLE:
SLOANBROOKE COTTAGES

PROJECT LOCATION:
FAYETTEVILLE, AR

DATE: 1/9/2025
DRAWN BY: JH
PROJECT #2024-036
FILE PATH: Z:\SUB\2024036
SHEET SIZE: 22" x 34"
SCALE: 1" = 50'



SHEET TITLE

PRELIMINARY PLAT

SHEET NUMBER

C1.01

Planning Commission
January 26, 2026

Tree Preservation:

Canopy minimum requirement: 20%

Existing canopy: 0.5%

Preserved canopy: 0%

Mitigation required: 29 two-inch caliper trees

Parks: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on September 4, 2024. The Parks and Recreation Advisory Board recommended fee-in-lieu for this development in the amount of \$39,204 based on the number of proposed single-family lots. Park fees are due at the time of final plat.

Public Comment: Staff received comments from several neighbors during the Subdivision Committee meeting. Neighbors expressed concerns about the proposal to subdivide the property for a residential neighborhood, noting that some had been informed that the land would remain undeveloped or be designated for commercial use. Additionally, the raised concerns regarding ongoing drainage problems and vehicular traffic and speeding in the area.

RECOMMENDATION: Staff recommends approval of **PPL-2024-0008** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the amount of 52 feet along Barhem Drive and Topeka Avenue.*

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

2. **Planning Commission determination of street improvements.** *Staff recommends street improvements in line with the typical Master Street Plan requirements for a Residential Link Street along Barhem Drive and Topeka Avenue, including six-foot sidewalk, six-foot greenspace, curb, gutter, and asphalt.*

Subdivision Committee recommended in favor of street improvements.

3. **Planning Commission determination of a variance to UDC § UDC §166.08(E)(1)(c): Block Length.** *Staff recommends approval of this variance.*

This variance was requested after Subdivision Committee.

4. **Planning Commission determination of a variance to UDC §166.08(E)(2): Double Frontage Lots.** *Staff recommends approval of this variance with the following condition:*
 - a. Driveway access along all proposed double frontage lots shall be limited to the lower classification street, Barhem Drive.

This variance was requested after Subdivision Committee.

5. Fee-in-lieu of parkland dedication is required in the amount of \$39,204 based on the number of proposed single-family lots. Fees are due, and the final amount required to satisfy parkland requirements will be determined, at the time of final plat;

6. Streetlights shall be installed in accordance with code at all street intersections and at intervals not to exceed one every 300 feet;
7. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval attached herein;

Standard Conditions of Approval:

8. All existing overhead utility lines 12kV and under shall be relocated underground. All proposed utilities shall be located underground;
9. Sidewalk along all commonly owned lots (detention ponds, etc.) shall be constructed prior to final plat. All other sidewalks shall be constructed or guaranteed prior to final plat;
10. All street names shall be approved by the 911 Coordinator and indicated on the final plat. All streets require naming for final addresses. Contact the addressing office at (479) 575-8380 for more details;
11. All lots shall be labeled with addresses as approved by the 911 Coordinator on the final plat;
12. A floodplain development permit is required prior to construction for any grading or structures in the flood zone;
13. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his/her representative, and all comments from utility representative: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication);
14. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements; and
15. Preliminary Plat approval shall be valid for one year.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>October 28, 2024</u>	☐ Tabled	☒ Approved	☐ Denied		
Motion: Gulley	with conditions as recommended by staff				
Second: McGetrick					
Vote: 8-0-0					



To: Jesse Masters, Planner

CC: Division Chief Jeremy Ashley, Fire Marshal

From: Captain Andrew Horton, Deputy Fire Marshal

Date: 1/20/2026

Subject: VAR-2025-0062

The Fayetteville Fire Marshal's office is in support of this variance, under the following circumstances. These requirements ensure that fire safety infrastructure is operational during the most vulnerable phases of building construction.

- Pre-Construction Site Visit: Construction may not commence until a representative from the Fire Marshal's office conducts a site visit to verify that appropriate fire department access and water supplies are available.
- Access and Water Readiness: Approved fire apparatus access roads and water supplies must be fully in place before any combustible construction materials are brought onto the site.
- Occupancy Restriction: A Certificate of Occupancy will not be issued for the project until the Final Plat has received official approval.
- Scheduling and Contact: Site visits and inspections must be scheduled by calling the Fire Marshal's Office directly at 479-444-3448; they cannot be scheduled through the city's online portal.



TO: Citlali Samano, Planner

FROM: Justin Bland, City Engineer

DATE: January 20, 2026

SUBJECT: **Planning Commission Engineering Comments for
VAR-2025-0062**

Engineering staff is supportive of this request with the following conditions:

1. Fire Department approved access to the lot is approved prior to issuance of any building permit.
2. The water main/fire hydrants in the vicinity of the lots are installed, tested and placed in service prior to any building permit being issued.
3. The final plat for the subdivision is filed prior to the issuance of any certificates of occupancy.



TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: January 26, 2026

SUBJECT: **VAR-2025-0064: Planning Commission Variance (2615 N. CHARLESTON XING/RESIDENTIAL CONSTRUCTION, 295):** Submitted by AMERICAN RESIDENTIAL GROUP a property located at 2615 N. CHARLESTON XING. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.88 acres. The request is for a variance to fencing height regulations.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0064**, based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0064** with conditions, determining:*

- In favor of a variance to UDC §164.09(B)(c), and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is located in east Fayetteville approximately 0.75 of a mile southeast of the N. Crossover Rd and E. Skillern Rd intersection. The property is developed with a single-family home which Washington County records indicate was built in 2020. In 2025, the property underwent a property line adjustment (PLA-2025-0034), combining two lots into one, and a concept plan was submitted (CPL-2025-0029) for a proposed tennis court and pavilion. This property does not lie within an overlay district. Surrounding land use and zoning is depicted in Table 1.

Table 1:
Surrounding Land Uses and Zoning

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

Request: The applicant is requesting a variance to allow for the installation of a 10-foot fence around a tennis court, which will be located in front of the principal façade of the dwelling.

DISCUSSION:

Variance: 164.09(B)(c) Height of fences in front of buildings. Fences located in front of the principal façade of a building may be solid up to 30 inches in height. Any part of a fence which exceeds 30 inches in height shall not obstruct the view of the principal façade from the right-of-way.

Staff recommendation: Staff is in support of the requested variance as the proposed fence will not impede the public's view of the single-family dwelling's principal façade. The intent of the 30-inch height maximum is to allow for the visual interaction of the public with buildings. What is being proposed would not impede that intent as the fence would be used to enclose a tennis court, which is approximately 65 feet away. Though the proposed 10-foot tall fence would not directly be between the dwelling and the public right-of-way (ROW), it is closer to the ROW than the principal façade, which requires a variance. The applicant has indicated on the site plan that they intend to install landscaping screening around much of the perimeter of the tennis court and that the enclosing fence would be made with a mesh-like material that would be typically be used by other tennis courts. Staff is recommending a condition that would require the 10-foot fence from ground-level to its height be made with a minimum of 50% opacity, ensuring that the public can still visually interact with development in the area. With the small scale of development and the included appropriate condition, staff is in support of the requested variance.

Public Comment: Staff has received one request for additional information on the proposal.

RECOMMENDATION: Staff recommends approval of **VAR-2025-0064** with the following conditions of approval:

Conditions of Approval:

1. **Planning Commission determination of a variance to §164.09(B)(c) Height of fences in front of buildings.** *Staff recommends in favor of the variance for the reasons outlined above and subject to the following condition:*
 - The fence will be constructed with a minimum 50% opacity being measured from ground level to the proposed 10-foot height.
2. Approval of this variance does not constitute approval of any associated permits or other variances. The applicant shall obtain all necessary permits associated with the development separately.

PLANNING COMMISSION ACTION: Required YES

Date: January 26, 2025

☐ Tabled

☐ Approved

☐ Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- 164.09 Fences, Walls, And Vegetation
- One Mile Map
- Close Up Map
- Current Land Use Map
- Request Letter
- Site Plan
- Elevations

164.09 Fences, Walls, And Vegetation

- (A) Subject to the provisions of §166.12, fences, walls, and vegetation may be permitted in any required building setback or any required setback area, or along the edge of any setback, provided the fence, wall, or vegetation does not materially impede vision, as determined by the Zoning and Development Administrator, between vehicular or pedestrian traffic. In any required setback or any required setback area, nothing permanent over 2½ feet (30 inches) high may be installed which materially impedes vision between vehicular or pedestrian traffic.
- (B) *Fences*. Fences may be permitted for screening, security or for aesthetic purposes. The following types, height, and location of fences shall be prohibited for developments that are subject to the regulations within this chapter:
- (a) *Razor and/or Barbed Wire*. Razor and/or barbed wire fences are prohibited if visible from the street right-of-way or a residence, unless and except barbed wire fences that are used for agricultural purposes.
 - (b) *Chain Link*. Chain link fence is prohibited if closer to the street than the front of the building. Single family residential uses outside the Downtown Design Overlay District are exempt from this requirement.
 - (c) *Height of Fences in Front of Buildings*. Fences located in front of the principal façade of a building may be solid up to 30 inches in height. Any part of a fence which exceeds 30 inches in height shall not obstruct the view of the principal façade from the right-of-way.

(Code 1965, App. A., Art. 8(2); Ord. No. 1747, 6-29-70; Ord. No. 2380, 9-20-77; Code 1991, §160.111; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5271, 9-1-09; Ord. No. 5526, 9-18-12)

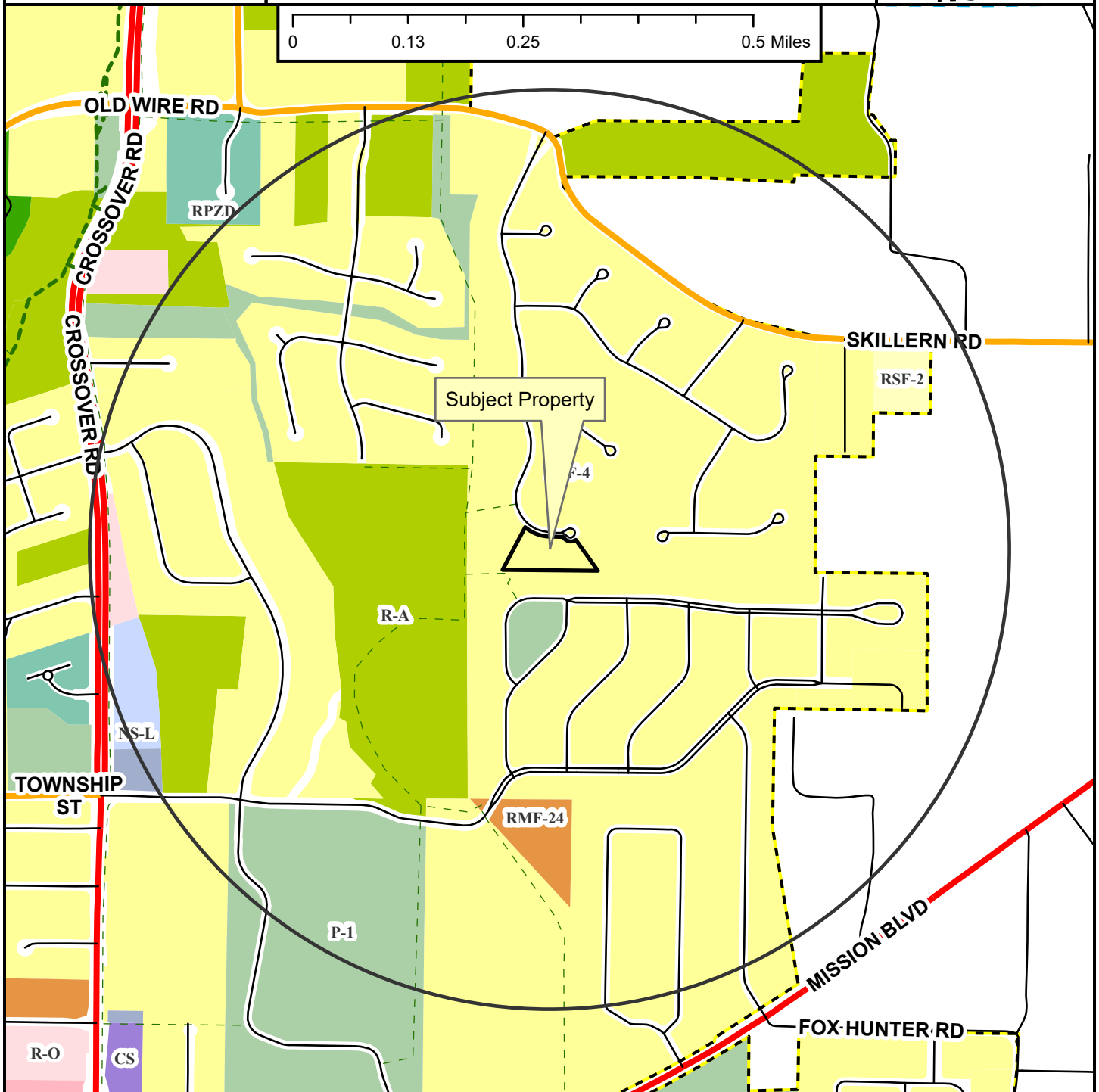
VAR-2025-0064

One Mile View

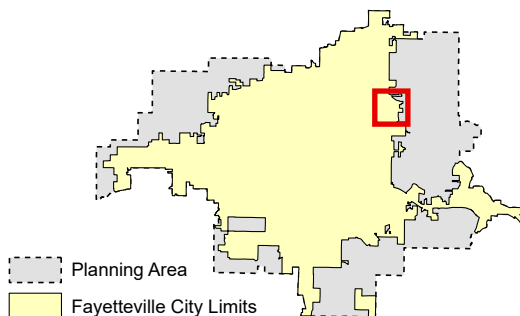
WEST OF 2615 N. CHARLESTON XING



0 0.13 0.25 0.5 Miles



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



Planning Commission

January 26, 2026

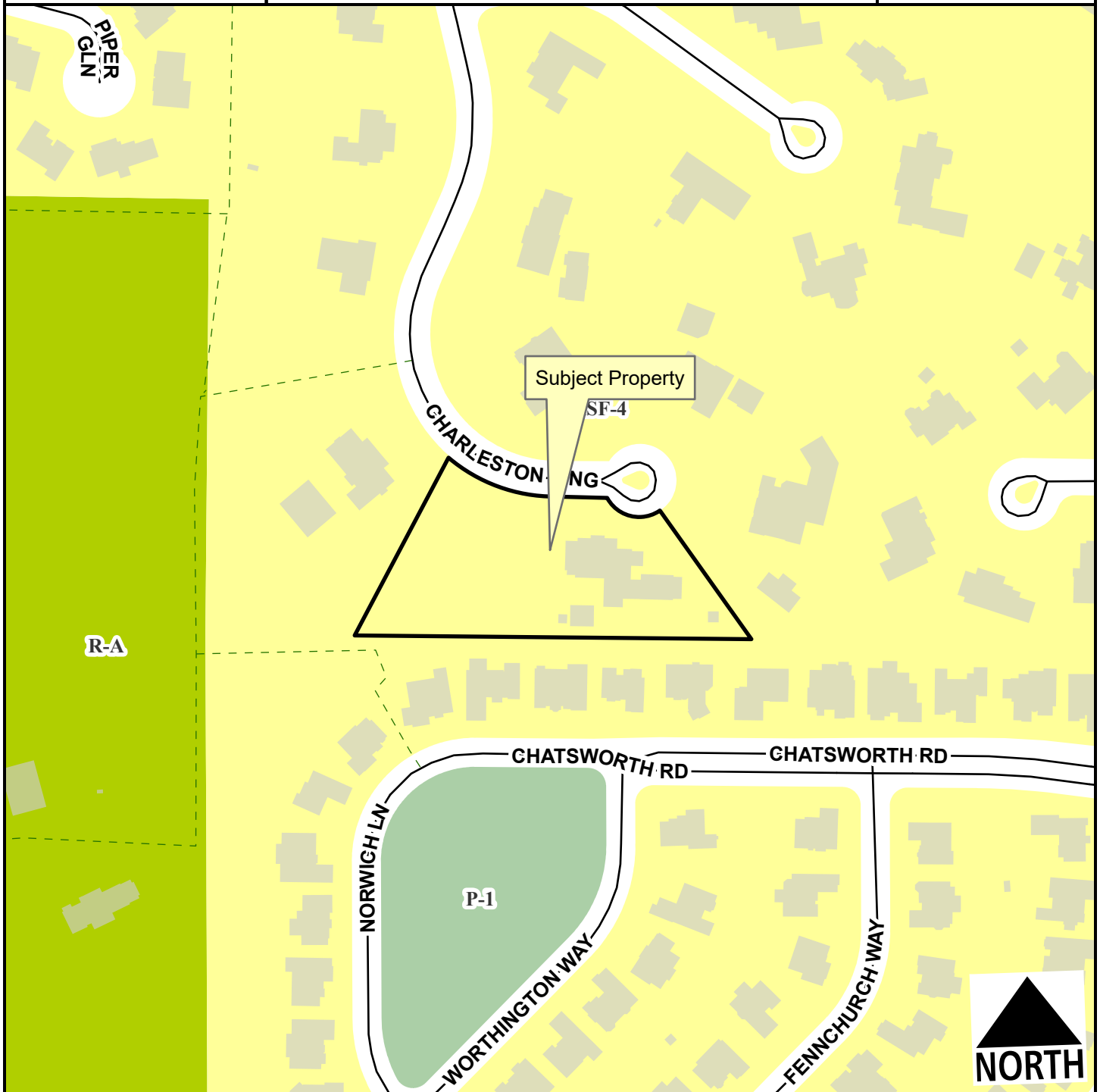
VAR-2025-0064 (RESIDENTIAL CONSTRUCTION)

Page 5 of 10

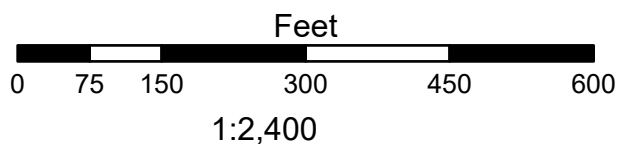
VAR-2025-0064

Close Up View

WEST OF 2615 N. CHARLESTON XING



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





James C Risch, AIA
4058 N. College Avenue
Fayetteville, AR 72703
Jim.risch@livearg.com
479-629-7959

12/18/2025

Dear Chair of the Planning Commission,

I am writing to formally request a variance to Unified Development Code (UDC) Section 164.09(B)(c) to allow the installation of a 10-foot fence around a proposed tennis court.

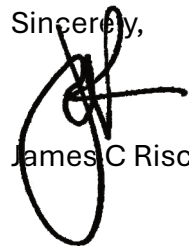
The project includes a pavilion that will be constructed behind the tennis court. Due to the placement of this pavilion, the Unified Development Code classifies the area as being in front of a façade, which limits fencing in this location to a maximum height of 30 inches. This creates a unique and unintended condition, as the tennis court requires a taller fence for safe and practical use.

The requested variance would allow the tennis court to function as intended while maintaining compatibility with surrounding uses. The proposed fencing is consistent with standard tennis court design and is necessary to contain balls, enhance safety, and minimize impacts to adjacent areas.

We respectfully request the Planning Commission's consideration of this variance based on the unique site conditions created by the pavilion placement and the practical requirements of the tennis court.

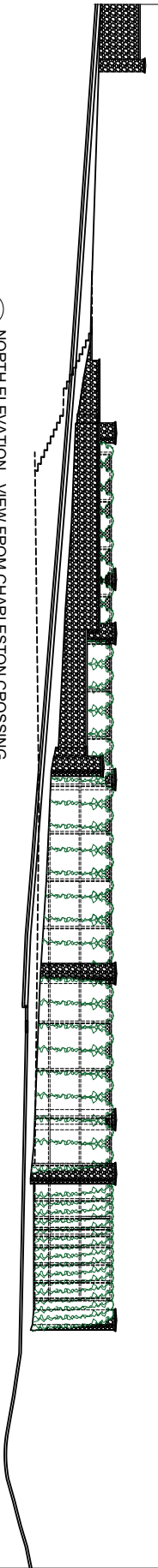
Thank you for your time and consideration. Please do not hesitate to contact me should you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to be 'James C Risch', written over a large, stylized circular flourish.

James C Risch, AIA

1 NORTH ELEVATION - VIEW FROM CHARLESTON CROSSING
 SCALE: 1/8" = 1' - 0"



Rausch Residence Sport Court
 Fayetteville, Arkansas

L4 North Elevation and Tree Removal Diagram
 SHEET November 20, 2025

BROOKS
 LANDSCAPE ARCHITECTURE

Planning Commission
 January 26, 2026

VAR-2025-0064 (RESIDENTIAL CONSTRUCTION)



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING: January 26, 2026

SUBJECT: **CCP-2025-0011: Concurrent Plat (NORTHWEST OF N. GREGG AVE & W. DRAKE ST/DRAKE FARMS PH 2, 249 & 250):** Submitted by MCCLELLAND CONSULTING ENGINEERS for property located NORTHWEST OF N. GREGG AVE & W. DRAKE ST. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 35.89 acres. The request is for the concurrent plat of 12 lots.

RECOMMENDATION:

Staff recommends approval of **CCP-2025-0011** with conditions.

RECOMMENDED MOTION:

*"I move to approve **CCP-2025-0011**, recommending:*

- In favor of recommended right-of-way dedication;*
- In favor of requested variance to 166.04(B)(4)(i), Water Supply;*
- In favor of requested variance to 166.04(B)(4)(j), Sanitary Sewer System; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in north Fayetteville, northeast of the intersection of W. Drake Street and N. Gregg Avenue. The overall property has been under development with a mixed-use project, combining residential and commercial uses throughout several phases. The development has received approval through a large-site improvement plan for Phase 2 (LSIP-2025-0004) and permitting is underway. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	Commercial/Residential (Under Development)	UT, Urban Thoroughfare
East	Undeveloped/Railroad	UT, Urban Thoroughfare
West	Undeveloped	UT, Urban Thoroughfare

Proposal: The applicant proposes subdividing land for the creation of 12 new lots which are meant for the construction of townhomes. The applicant has also requested two variances to create the lots without water or sewer currently accessible to the lots.

- Variance #1: UDC §166.04(B)(4)(i)(i), Accessible Water Supply. When an approved public water supply is reasonably accessible, the developer shall install a system of water mains and shall connect to such supply so that each lot within the**

subdivision or development shall be provided with a connection to said public water supply.

- **Variance #2: UDC §166.04(B)(4)(j)(i), Public Sanitary Sewer Accessible.** Where a public sanitary sewer is reasonably accessible, the developer shall connect with such sewer, and each lot within the subdivision or development shall be provided with a connection thereto.
 - *Staff recommendation: Staff supports the applicant's requests. Although the lot creation is driven by financing needs as indicated by the developer, it also serves the public interest by meeting the ordinance's intent, which is to avoid the creation of unbuildable lots without adequate services. With the Phase II grading permit issued and work underway, service installation is expected to proceed on schedule. Engineering staff further requires that water and sewer main extensions be placed in an exclusive easement and documented on the recorded plat.*

Water and Sewer System: An 8" water main extension has been constructed across Drake Farms Ph. I from Drake St. This 8" water main will be continued through Drake Farms Phase II to provide adequate fire and domestic service. An 8" sewer main extension has been constructed across Drake Farms Ph. I from Drake St. This 8" sewer main will be continued through Drake Farms Phase II to provide adequate sewer service.

Right-of-way to be dedicated:

Mansfield Avenue: Mansfield Avenue is a newly proposed public street that runs through this development. Classified as a Residential Link Street, staff recommends right-of-way dedication in the amount of 52 feet wide to align with the typical standards for that street classification. The applicant shows this in their plans.

Street Improvements: Staff does not recommend any street improvements in association with this request; the applicant intends to develop this street in accordance with the associated LSIP.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on May 5, 2025 for the associated LSIP. The Parks and Recreation Advisory Board recommended a fee-in-lieu of parkland dedication. Based on current information, fees in the amount of \$124,712 will be due prior to building permits for the associated multi-family residential units.

Tree Preservation:

Canopy minimum requirement: 15%

Existing canopy: 29.1%

Preserved canopy: 0.9%

Mitigation required: 53 (2)-inch caliper trees (remainder accounted for in existing Tree Preservation Easement)

Public Comment: Staff has not received any public comment.

RECOMMENDATION: Staff recommends approval of CCP-2025-0011 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication at the width of 52 feet to align with the Residential Link Street standards.*
2. **Planning Commission determination of a variance to 166.04(B)(4)(i) and 166.04(B)(4)(j):** *Each lot in a subdivision shall be provided with a connection to public water and sewer supply. Staff recommends in favor of the requested variances for the reasons above, with the added condition that water and sewer main extensions be placed in an exclusive easement and documented on the recorded plat.*
3. All lots shall be labeled with addresses as approved by the 911 Coordinator on the concurrent plat.
4. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, Cox Communication).
5. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements.

Planning Commission Action: ☐ **Approved** ☐ **Tabled** ☐ **Denied**

Meeting Date: January 26, 2026

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - 166.04 - Required Infrastructure Improvements — Development In City Limits
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Engineering Memo
- Urban Forestry Memo
- Parks Memo

- Applicant Request Letter
- Site Plan

166.04 Required Infrastructure Improvements — Development In City Limits

...

- (4) *Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.*

...

- (i) *Water Supply.*

- (i) **Accessible Public Water Supply.** When an approved public water supply is reasonably accessible, the developer shall install a system of water mains and shall connect to such supply so that each lot within the subdivision or development shall be provided with a connection to said public water supply. All connections shall be approved by the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.
- (ii) **Nonaccessible Public Water Supply.** Where an approved public water supply is not reasonably accessible, any private water supply system proposed by the developer must be approved by the county sanitarian and the City Engineer in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision or development. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.
- (iii) **Fire Hydrants.** Fire hydrants for single-family dwellings and duplexes shall be installed so that the distance between two (2) consecutive fire hydrants does not exceed 800 feet, and no lot is more than 400 feet from a fire hydrant. Fire hydrants for apartment complexes, commercial structures, and industrial structures shall be installed so that the distance between two (2) consecutive fire hydrants does not exceed 600 feet; provided, the Fire Chief shall have the authority to require additional fire hydrants upon a determination that such additional fire hydrants are necessary to provide adequate fire protection. The Fire Chief shall develop written criteria to be applied in determining whether additional fire hydrants shall be required.

- (j) *Sanitary Sewer System.*

- (i) **Public Sanitary Sewer Accessible.** Where a public sanitary sewer is reasonably accessible, the developer shall connect with such sewer, and each lot within the subdivision or development shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street if possible.

...

(Code 1965, App. C., Art. III, §A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§159.31, 159.32; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. No. 4660, 12-21-04; Ord. No. 5152, 7-15-08; Ord. No. 5271, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5374, 12-21-10; Ord. No. 5523, 9-4-12; Ord. No. 5570, 03-05-13; Ord. No. 6116, §1, 11-20-18; Ord. No. 6166, §§1, 2, 4-2-19; Ord. No. 6195, §1, 6-4-19; Ord. No. 6350, §3(Exh. B), 8-18-20; Ord. No. 6426, §1, 4-6-21; Ord. No. 6446, §8(Exh. C), 6-15-21; Ord. No. 6751, §1(Exh. A), 5-21-24; Ord. No. 6833, §6, 1-21-25)

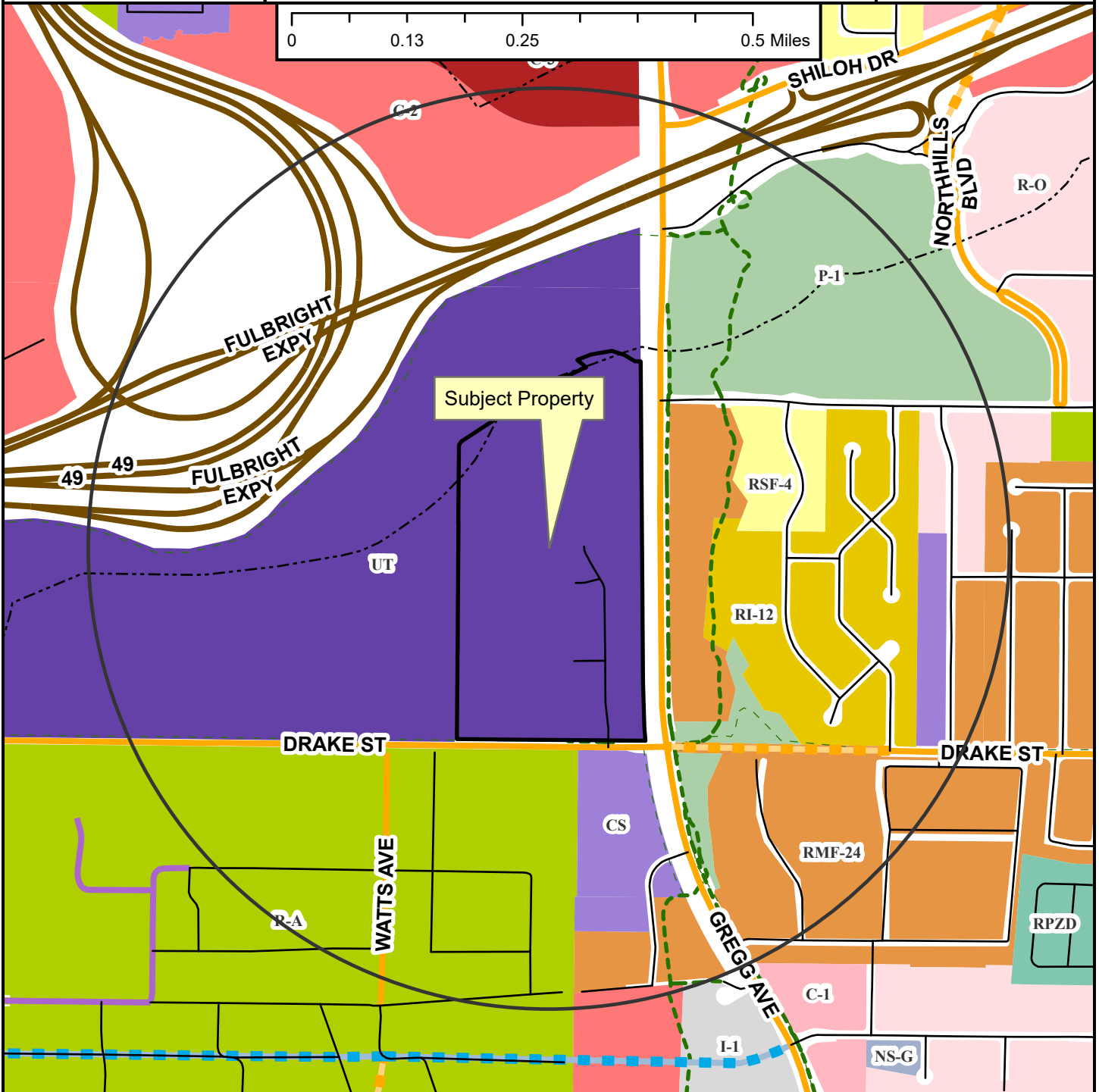
CCP-2025-0011

One Mile View

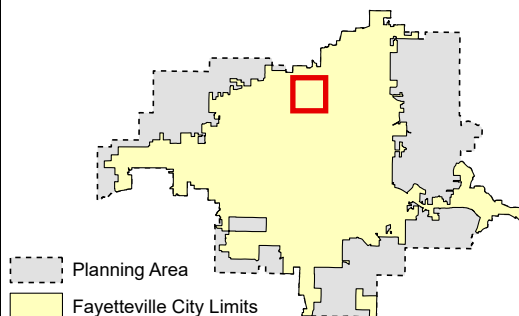
NORTHWEST OF N. GREGG AVE & W. DRAKE ST



0 0.13 0.25 0.5 Miles



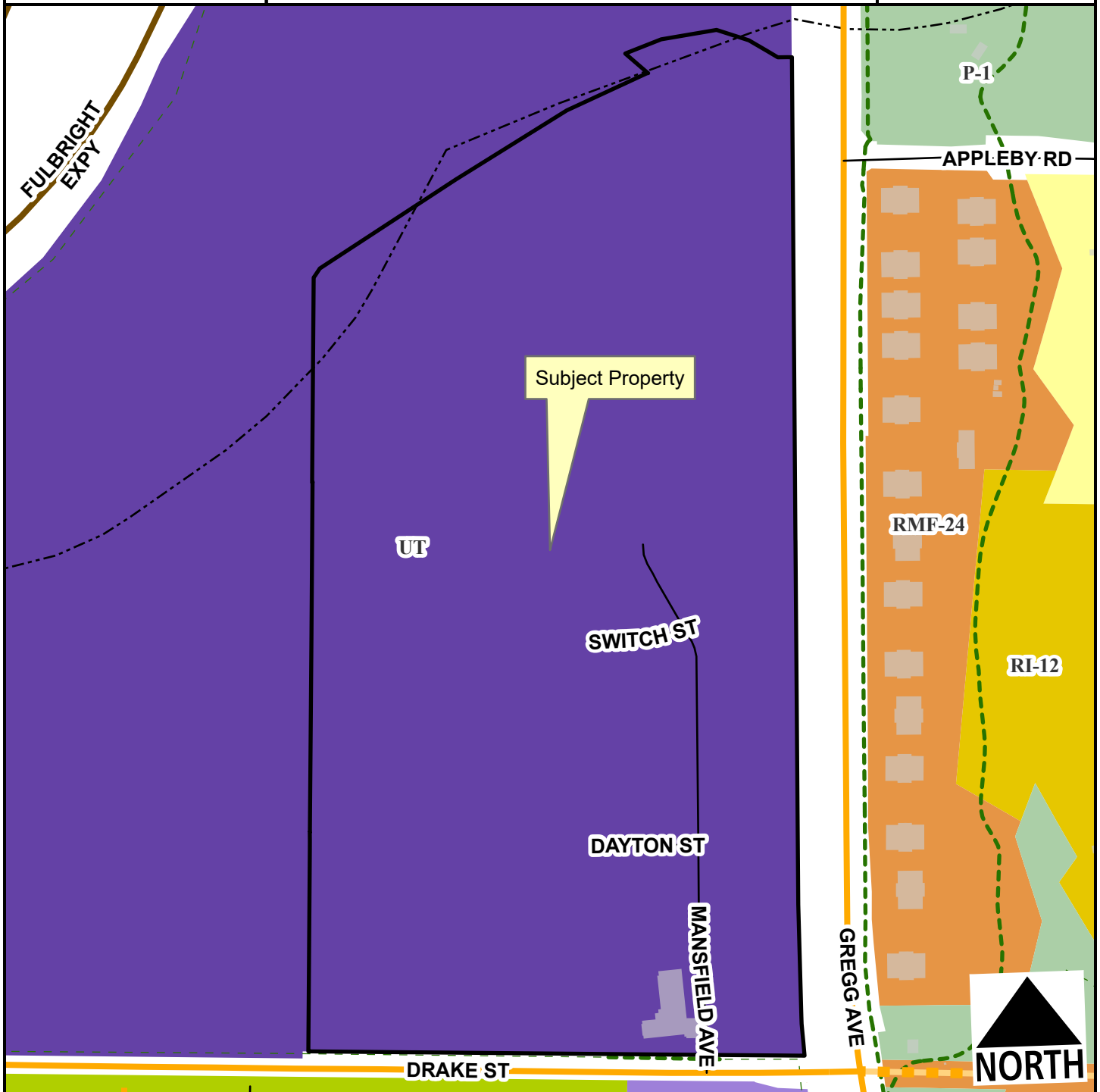
- Neighborhood Link
- Institutional Master Plan
- Freeway/Expressway
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



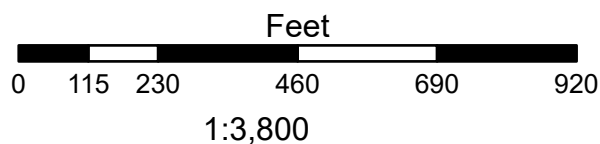
CCP-2025-0011

Close Up View

NORTHWEST OF N. GREGG AVE & W. DRAKE ST



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



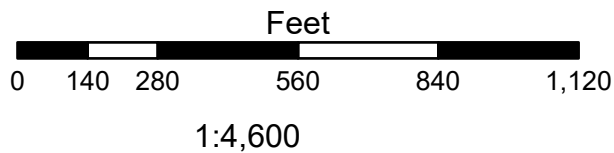
CCP-2025-0011

Current Land Use

NORTHWEST OF N. GREGG AVE & W. DRAKE ST



- Neighborhood Link
- 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



TO: Jessie Masters, Planning Director

FROM: Justin Bland, City Engineer

DATE: January 21, 2026

SUBJECT: **Planning Commission Engineering Comments for
CCP-2025-011**

Water: An 8" water main extension has been constructed across Drake Farms Ph. I from Drake St. This 8" water main will be continued through Drake Farms Phase II to provide adequate fire and domestic service.

Sewer: An 8" sewer main extension has been constructed across Drake Farms Ph. I from Drake St. This 8" sewer main will be continued through Drake Farms Phase II to provide adequate sewer service.

Streets: A 52' right-of-way is proposed to be dedicated per this plat to extend Mansfield Ave. from the north edge of Drake Farms Ph. I to the north edge of this phase.

Variance Request: The applicant has requested a variance to create the subject lots prior to the proposed water and sewer being extended to them. While this is not typical, engineering staff is generally supportive of this request. The applicant has stated the need to create lots is due to financing reasons. Since the grading permit for the Phase II has been issued and work is underway, all signs point towards this work being completed in a timely matter. Engineering staff does request that the easements for the water and sewer main extensions be dedicated as an exclusive easement in this case.



URBAN FORESTRY LANDSCAPE PLAN COMMENTS

To: McClelland Consulting Engineers, Inc.

From: Willa Thomason, Urban Forestry

CC: Jessie Masters, Planning Director

Meeting Date: December 17, 2025

Subject: CCP-2025-0011: Drake Farms Phase II (W Drake St and N Gregg Ave)

1. General Landscape Plan Checklist		Yes	No	N/A
a.	Irrigation (notes either automatic or hose bib 100' o.c.) <i>UDC Chapter 177.03A7g, 177.04B3a</i>	X		
b.	Species of plant material identified <i>UDC Chapter 177.03A7d,e</i>	X		
c.	Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) <i>UDC Chapter 177.03A7b,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 and Subdivisions 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 A2e</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.	Side and Rear Property Lines (5' wide landscaped area) <i>UDC Chapter 177.04D2a</i>	X		
b.	Front Property Line (15' wide landscape) <i>UDC Chapter 177.04C2a</i>	X		
c.	Shade trees planted on south and west sides of parking lots <i>UDC Chapter 177.04D2e</i>	X		
d.	50% Evergreen shrubs if parking lot adjacent to ROW <i>UDC Chapter 177.04D4a</i>	X		
4. Street Tree Planting Requirements		Yes	No	N/A
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot <i>UDC Chapter 177.05</i>			X
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30' (planted in greenspace) <i>UDC Chapter 177.05</i>	X		
c.	Urban Tree Well – Urban Streetscapes Trees every 30' (8' sidewalk) <i>UDC Chapter 177.05B3a-f</i>			X
d.	Structured 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		53 (Remainder accounted for in TPE)		
Parking Lot Trees		16		
Street Trees		67		

Detention Pond – Large Trees (1 Tree/3,000 square feet)	3
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	11
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	16

6. Review Status (See Comments)	Tech Plat	Planning Commission
Conditionally Approved	12-17-25	
Approved		
Tabled		
Denied		

Comments
1. Address items above marked “No” and all Redlines provided. 2. Prior to signing CCP, all required trees (street, mitigation, parking, detention pond) must be installed with a 3-year maintenance surety submitted, OR, if not installed at the time of CCP, must have a performance surety submitted.



URBAN FORESTRY TREE PRESERVATION COMMENTS

To: McClelland Consulting Engineers, Inc.

From: Willa Thomason, Urban Forestry

CC: Jessie Masters, Planning Director

Meeting Date: December 17, 2025

Subject: CCP-2025-0011: Drake Farms Phase II (W Drake St and N Gregg Ave)

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

Tree Preservation Calculations Square Feet		
	Square Feet	Percent of site
Total Site Area *Minus Right of Way and Easements	377,653	100%
Zoning Designation * Select Below with drop down arrow		
UT, Urban Thoroughfare	56,648	15%
HHOD * Select Below with Drop Down Arrow		
No	0	0%
Total Canopy for Minimum Preservation Requirements	56,648	15.0%
Existing Tree Canopy * Minus Right of Way and Easements	109,963	29.1%
Tree Canopy Preserved	3,583	0.9%
Tree Canopy Removed *On Site	105,983	28.1%
Tree Canopy Removed *Off Site	5,268	
Tree Canopy Removed Total	111,251	29.5%
Removed Below Minimum	53,065	
Mitigation Requirements	58,333	

3. Mitigation Requirements	Canopy below requirement	Number of 2" caliper trees to be planted
High Priority	58,333	53 (remainder accounted for in TPE)
Low Priority		
Total Mitigation Trees Required*		

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation	X		

Off-Site Mitigation

X
(TPE)

Tree Escrow (See Conditions of Approval)

X

5. Tree Preservation Plan Checklist <i>UDC Chapter 167.04H1</i>		Tech Plat	Planning Commission	
a.	5 year Aerial Check on Existing Trees	Yes		
b.	Property Boundary	Yes		
c.	Natural Features (100ft beyond limits of disturbance)	Yes		
d.	Existing Topography and Proposed Grading	Yes		
e.	Soil Types	Yes		
f.	Significant Trees	Yes		
g.	Groupings of Trees	Yes		
h.	Table Inventory List (species, size, health, priority)	Yes		
i.	All Existing and Proposed Utilities	Yes		
j.	All Existing and Proposed Utility Easements and ROW's	Yes		
k.	All Streams (with approximate center line)	N/A		
l.	Floodplains and floodways	N/A		
m.	Existing Street, Sidewalk or Bike Path ROW	Yes		
n.	Submitted Site Analysis Plan (if required)	N/A		
o.	Shows ALL Proposed Site Improvements	Yes		
p.	Delineates trees/canopy to be preserved and removed	Yes		
Tree Protection Methods				
a.	Tree Protection Fencing	Yes		
b.	Limits of Root Pruning	Yes		
c.	Traffic flow on work site	Yes		
d.	Location of material storage	Yes		
e.	Location of concrete wash out	Yes		
f.	Location of construction entrance/exit	Yes		
6. Site Analysis Report (if required) <i>UDC Chapter 167.04H4</i>		Yes	No	N/A
a.	Provide graphic examples of multiple options used to minimize removal of existing canopy	X		
b.	Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	X		
7. Review Status (See Comments)		Tech Plat	Planning Commission	

Conditionally Approved

12-17-25

Approved

Tabled

Denied

Comments

1. Address items above marked "No" and all Redlines provided.
2. Prior to signing CCP, all required trees (street, mitigation, parking, detention pond) must be installed with a 3-year maintenance surety submitted, OR, if not installed at the time of CCP, must have a performance surety submitted.



CITY OF
FAYETTEVILLE
ARKANSAS

TO: Planning Division

FROM: Melissa Evans, Parks Planning

DATE: December 15, 2025

SUBJECT: Parks & Recreation Technical Plat Review Comments

Parks Board Meeting Date: May 5, 2025

Project Title: Drake Farms, Phase 2

Project Number: CCP-2025-0011

Project Location: Northwest of N. Gregg Ave. & W. Drake St.

Plat Page: 250

Park Quadrant: NW

Billing Name & Address: Drake Phase 1 LLC
417 MLK Blvd., Suite 230, Fayetteville, AR 72701

☐ Land Dedication

☒ Fee-in-Lieu

☐ Combination

LAND DEDICATION

Single Family: _____ units x 0.023 acres per unit = 0.00 acres

Multi Family: _____ units x 0.020 acres per unit = 0.00 acres

**TOTAL
Acres**

0.0

FEE-IN-LIEU

Single Family: _____ units x \$1,089 per unit = \$ 0

Multi Family: 131 units x \$952 per unit = \$124,712

**TOTAL
Fees**

\$124,712

SUMMARY:

- Project proposes 0 SF units and 131 MF units. **PLD Fees invoiced w/ LSIP-2025-0004.**
- Fees are assessed for the additional lot(s) created and are due upon project's approval.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB. All fees must be paid prior to final receipt by the city.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.

ASSOCIATED PROJECTS:

- LSIP-2025-0004

December 3, 2025

City of Fayetteville
Development Services
125 W Mountain St
Fayetteville, AR 72704

RE: Drake Farms Phase II Concurrent Plat

Development Services Staff,

This concurrent plat is being submitted as a supplement to LSIP-2025-0004 and GRD-2025-0100. The plat proposes the subdivision of the parent 2.8-acre tract into twelve (12) new lots.

All associated development improvements, including but not limited to roadway construction, utilities, grading, and drainage, are addressed in their entirety under the referenced City project numbers. No additional public or private improvements are proposed under this plat beyond what has already been reviewed and approved, or is currently under review, as part of those companion applications.

If you have any questions or require additional information, please do not hesitate to contact me.



Chris Bakunas, PLA
Land Development Department Head
McClelland Consulting Engineers, Inc.

January 16, 2026

Jessie Masters, AICP
Planning Director, Development Services
City of Fayetteville
Fayetteville, Arkansas

RE: Drake Farms Phase II Concurrent Plat – Variance Request

Mrs. Masters,

On behalf of Specialized Real Estate Development Group, please accept this letter as a formal request for a variance from Sections 166.04(B)(4)(i) and 166.04(B)(4)(j) of the City of Fayetteville Unified Development Code, which requires utilities to be installed prior to the creation of a lot.

This variance request seeks approval to allow the concurrent plat to be processed and approved prior to the installation of public utilities. Public water and sanitary sewer mains are currently being installed as part of Drake Farms Phase 1 and will continue through Phase 2, which is associated with this concurrent plat. All required water and sewer easements have been dedicated with Phase 1 and will likewise be dedicated for Phase 2 as part of this plat.

Granting this variance will allow the project to move forward in an orderly and efficient manner while maintaining full compliance with the City's utility and infrastructure requirements. The installation of utilities is already underway and coordinated as part of the overall phased development, and no adverse impacts to public health, safety, or welfare are anticipated as a result of this request.

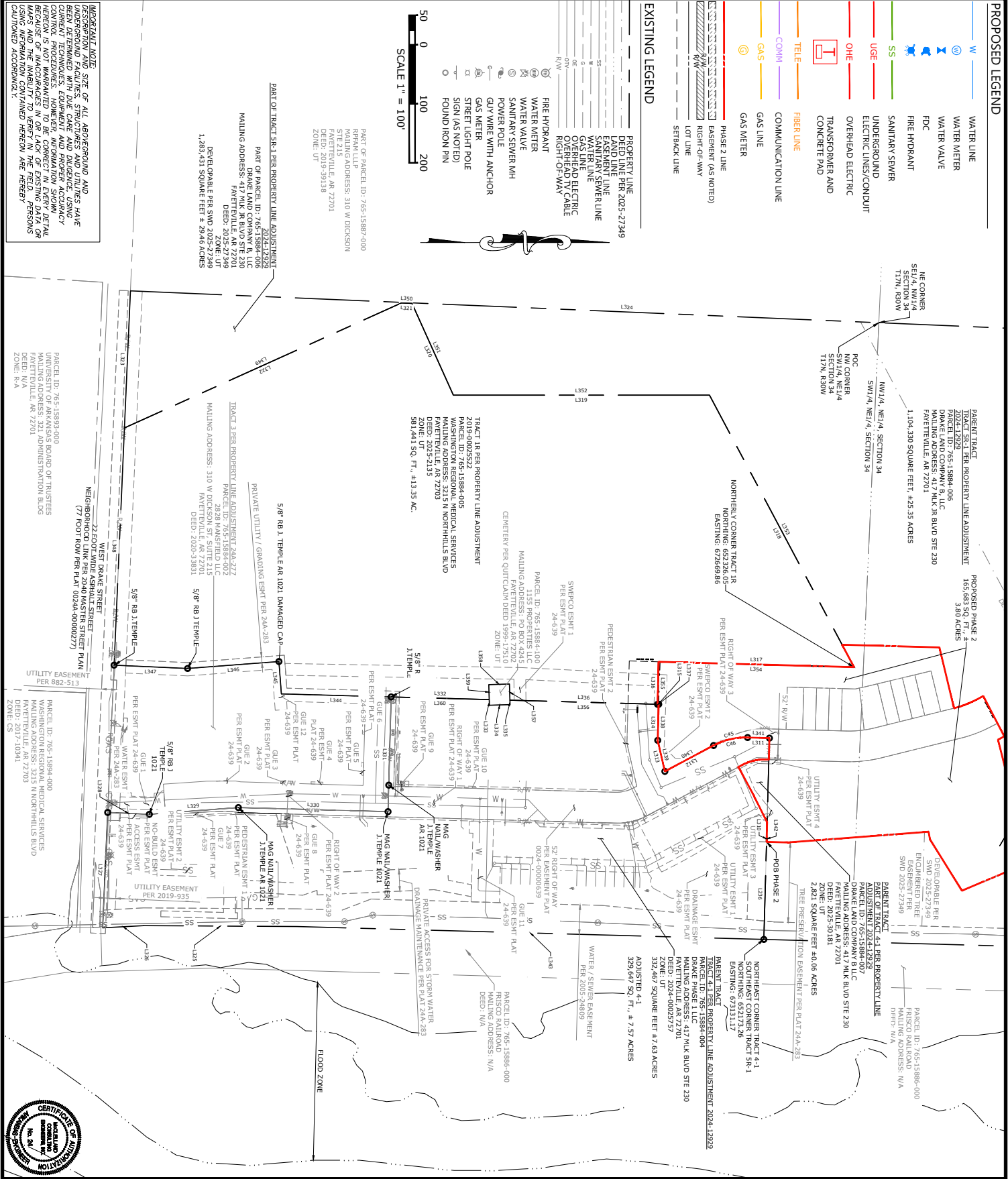
We respectfully request that this variance be heard by the Planning Commission concurrently with the Phase 2 concurrent plat, as the two items are closely related and can be considered together for efficiency and clarity.

Thank you for your time and consideration. Please let us know if you have any questions or if additional information is needed in advance of Planning Commission review.

Sincerely,



Chris Bakunas
Principal
McClelland Consulting Engineers, Inc.



CONCURRENT PLAT

DATE: 12/3/2025

SCALE: AS NOTED

PROJ. NUMBER: 242118

REVISIONS

REV	DATE	DESCRIPTION

811

Call before you dig

CONCURRENT PLAT DRAKE FARMS PHASE 2

TRACT 4-1 AND 18 PER PROPERTY LINE ADJUSTMENT 2024-12929, AND TRACT 18 PER PROPERTY LINE ADJUSTMENT 2019-25522

WEST DRAKE STREET AND NORTH GREGG AVENUE

CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

MCE McCLELLAND CONSULTING ENGINEERS, INC.

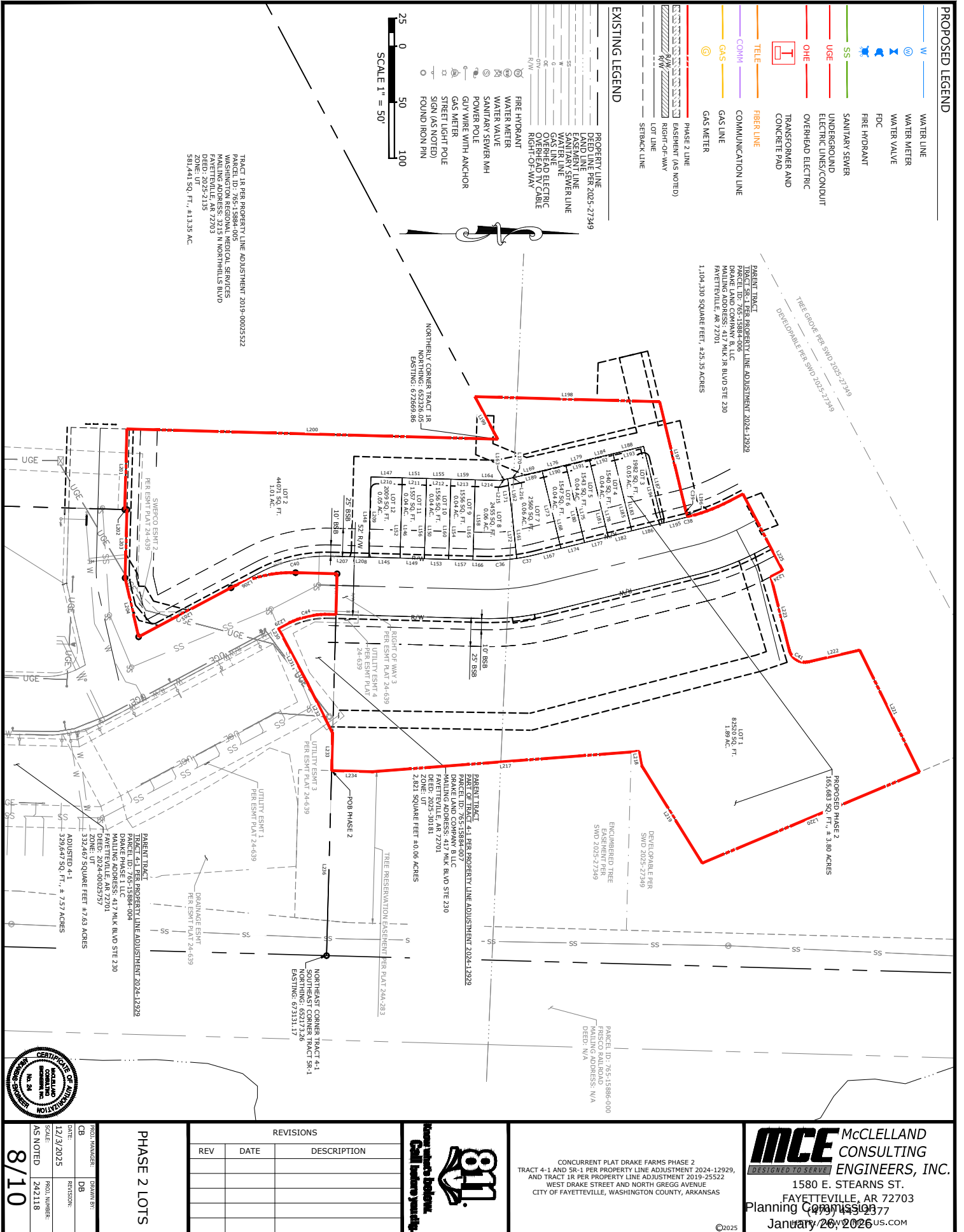
1580 E. STEARNS ST.

FAYETTEVILLE, AR 72703

Planning Commission

January 26, 2026

US.COM



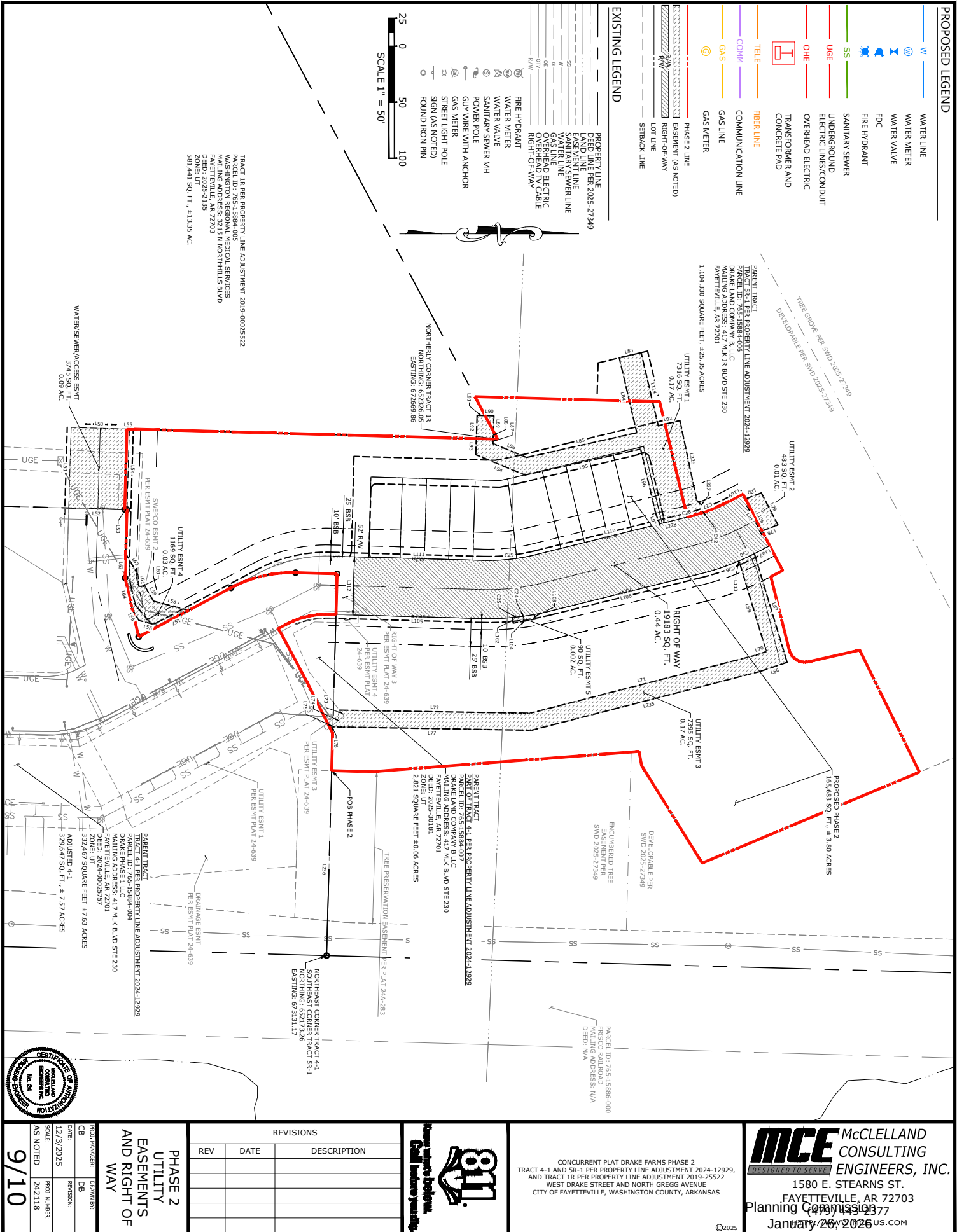
PHASE 2 LOTS

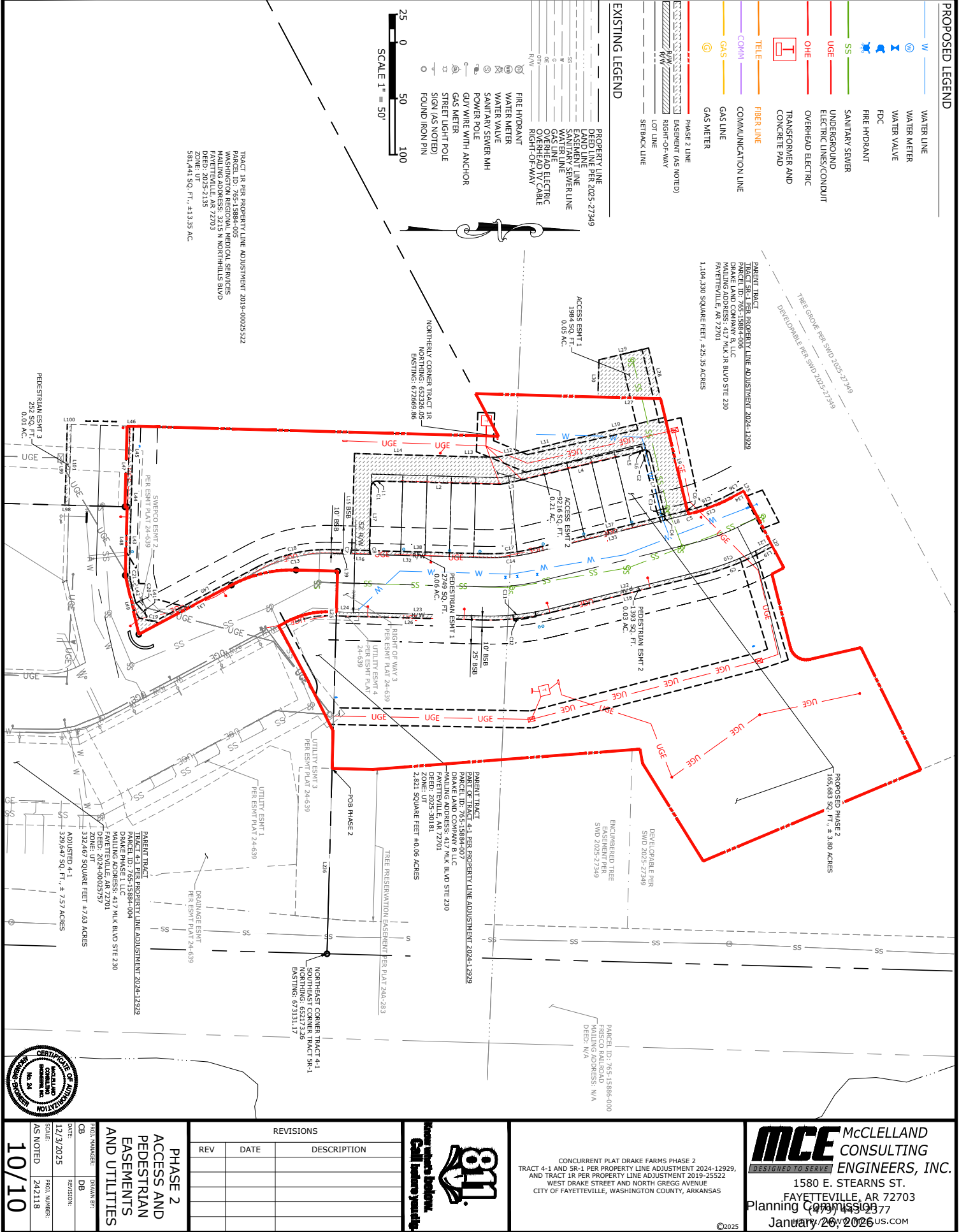
REVISIONS		
REV	DATE	DESCRIPTION



CONCURRENT PLAT DRAKE FARMS PHASE 2
TRACT 4-1 AND 50-1 PER PROPERTY LINE ADJUSTMENT 2024-12929,
AND TRACT 1R PER PROPERTY LINE ADJUSTMENT 2019-25522
WEST DRAKE STREET AND NORTH GREGG AVENUE
CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

MCE McClelland
CONSULTING
ENGINEERS, INC.
1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
Planning Commission
January 26, 2026
US.COM







TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Alan Pugh, Staff Engineer

MEETING DATE: January 26, 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 February 9, 2026 Planning Commission meeting."*

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 26, 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 26, 2026

SUBJECT: **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 zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and C-2, THOROUGHFARE COMMERCIAL and contains approximately 2.42 acres. The request is to rezone the property to UT, URBAN THOROUGHFARE.

RECOMMENDATION:

Staff recommends approval of **RZN-2025-0067**.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0067** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in south Fayetteville approximately 400 feet north of the intersection of E. Huntsville Dr. and S. Crossover Rd. The 2.42-acre parcel is currently split zoned between RSF-4, Residential Single-Family, Four Units per Acre and C-2, Throughfare Commercial and has been constructed with a 1,612 square-foot single-family dwelling built in 1968. The property is not located within floodplain, floodway, or any zoning overlays. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
South	Undeveloped	C-2, Throughfare Commercial
East	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre C-2, Throughfare Commercial
West	Undeveloped	RSF-4, Residential Single-Family, 4 Units per Acre

Request: The request is to rezone the subject property from a split zone of RSF-4, Residential Single-Family, Four Units per Acre and C-2, Throughfare Commercial to UT, Urban Thoroughfare.

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

- Streets:** The property's frontage along S. Crossover Rd, a high-activity regional link, is fully improved with asphalt paving, sidewalk, and curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal
- Water:** Public water is available to the subject area. There is an existing 8-inch water main along the S. Crossover Rd.
- Sewer:** Sanitary sewer is available to the subject area. There is an existing 8-inch main on the east side of the subject property and existing 6-inch main on the south 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 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 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 0.7 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- Police:** The Police Department did not comment on this request.
- Tree Preservation:** The proposed zoning district, UT, Urban Thoroughfare requires **15% minimum canopy preservation**. The current zoning districts, RSF-4, Residential Single-Family, Four Units per Acre and C-2, Thoroughfare Commercial require **25% and 15% minimum canopy preservation respectively**.

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 5-7 for this site with a weighted score of 8.5. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (6" and 8" within the property)
- Near Water Main (8", S. Crossover Rd.)
- Near Public School (Happy Hollow Elementary)
- Near Paved Trail (E. Huntsville Rd. Bike Lane)
- Near ORT Bus Stop (Crossover and Turtle Creek)
- 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 request to be compatible with the surrounding context. The surrounding property is generally characterized by a mix of commercial uses along Huntsville and undeveloped or residential land along Crossover. The uses in this area have existed in a similar form since approximately the 1990s with minimal redevelopment (with the exception of the construction of Happy Hollow Elementary School in 2011), however recent rezonings in the area are shifting towards mixed-use and form based standards. C-2 is a commercial only district that permits both traditional setbacks and form-based standards while UT is a strictly form-based zoning district which permits a mix of residential and commercial uses. Specifically UT requires a minimum of 50% of a building to be located within a 10-25 foot build-to-zone, though staff existing nonconforming buildings structures may be expanded in size by up to 49% before triggering compliance with this standard per UDC 164.12.

Staff finds the request to rezone the property to UT, Urban Thoroughfare is in line with this shift to more form-based districts and is unlikely to negatively affect surrounding properties given the property's frontage along a High Activity Regional Link. Additionally, most properties directly abutting the subject area are undeveloped, creating a buffer between potentially intensive uses permitted within UT and less-intensively developed residential areas to the north and east.

Land Use Plan Analysis: Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The area is designated as a City Neighborhood Area, which

recommends that commercial uses would have a residential component and vary in size, variety and intensity. Rezoning to UT would maintain the property's existing ability to develop with both residential and commercial uses while providing greater variety in uses and more flexibility in design for a long, narrow site. Further, while the property is not part of any specific master plan or overlay district, it is 400 feet north of a Tier 2 Center at the intersection of S. Crossover and E. Huntsville, which the City Plan 2040 describes as "smaller scale urban hubs." City Plan 2040 also calls for commercial uses to be "mixed-use and office buildings." The infill score for this parcel is relatively high, with a weighted score of 8.5, indicating the property could likely support a wide range of uses and additional density.

In recent years City Council has taken steps to reduce the extent of residential or commercial only districts along major corridors, including the recent rezoning of 586 acres along the 71B corridor to a new mixed-use Urban Corridor district. Accordingly, staff finds that rezoning the property to UT would permit the property to be developed in a mixed-use style and further the stated goals of the city's adopted plans and policies.

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

Finding: Staff finds the proposed zoning is justified at this time. The property is split zoned roughly east to west through the middle of the parcel, potentially creating difficulties in the development and use of the property given one district permits only residential uses and one permits only commercial uses. Rezoning the entire parcel to a single district would simplify development entitlement and permitting of future construction on the parcel.

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

Finding: Staff finds that rezoning from a split of RSF-4 and C-2 to UT would not likely create or appreciably increase traffic danger or congestion given the property's location along a major corridor. UT does not have a stated density limit; however the relatively small size of the parcel, parking, drainage, tree preservation, and other city standards are likely to limit development potential for the site.

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 a split of RSF-4 and C-2 to UT has the potential to alter the population density of the area, though staff finds not likely to an undesirable degree. RSF-4 has a stated residential density maximum of four units per acre, while C-2 does not permit residential dwellings. UT has no stated density limitation. The available infrastructure, water and sewer, and the service volume of S. Crossover Rd., would likely support an increase in population density at this site. 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-2024-0067 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 26, 2026</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

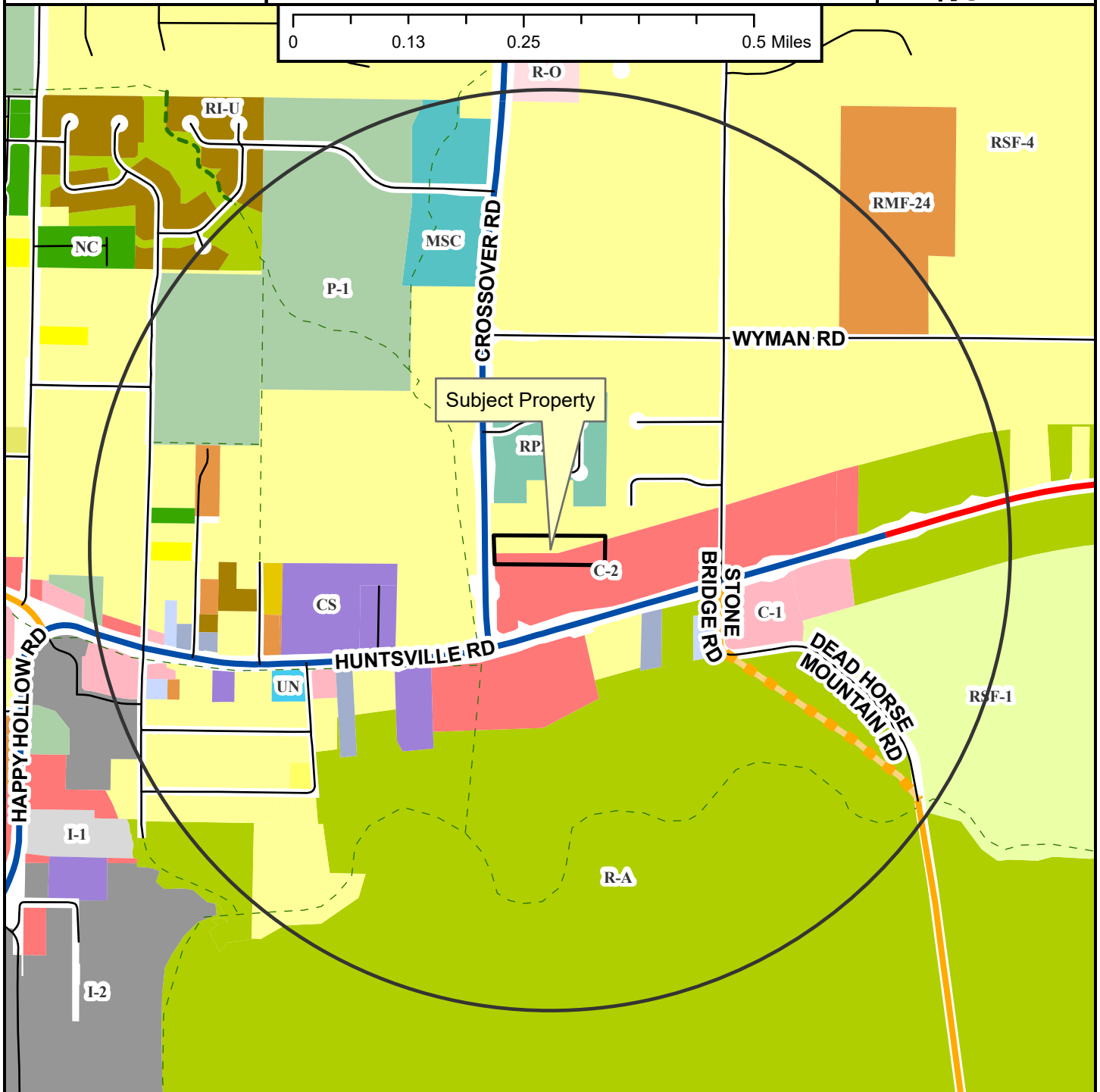
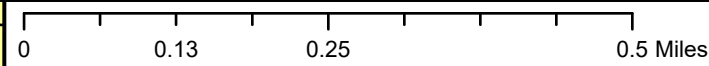
ATTACHMENTS:

- 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
 - §161.23 District C-2, Thoroughfare Commercial
 - §161.24 District Urban Thoroughfare
- Long-Range Planning Memo
- Request Letter

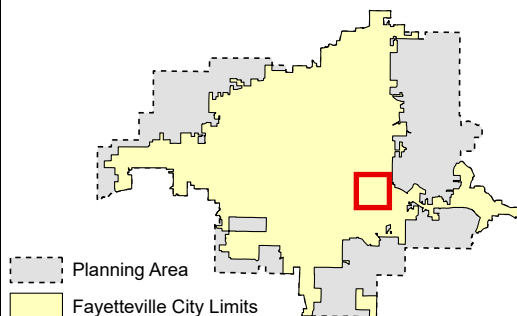
RZN-2025-0067

660 S. CROSSOVER RD

One Mile View



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

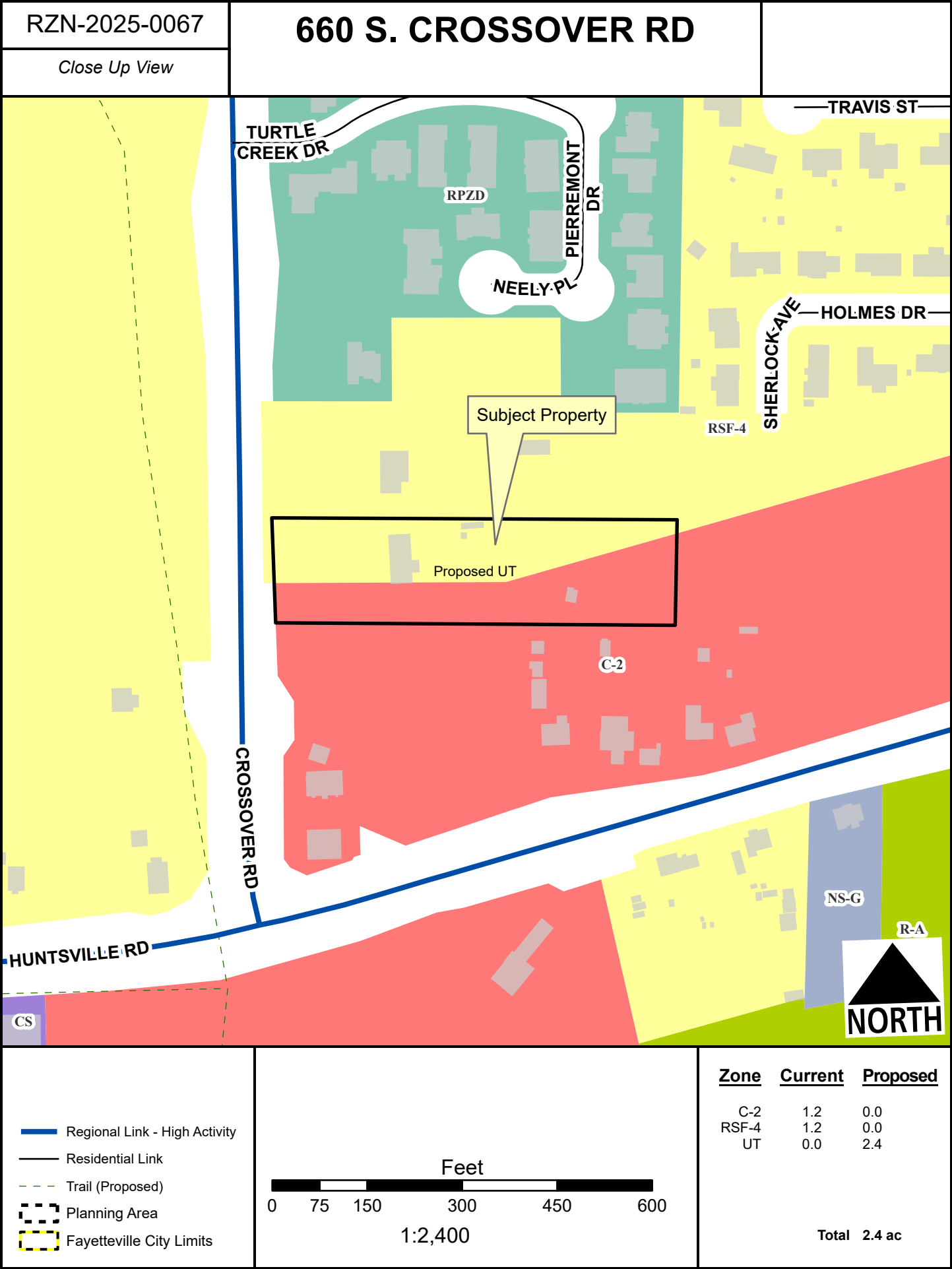


Planning Commission

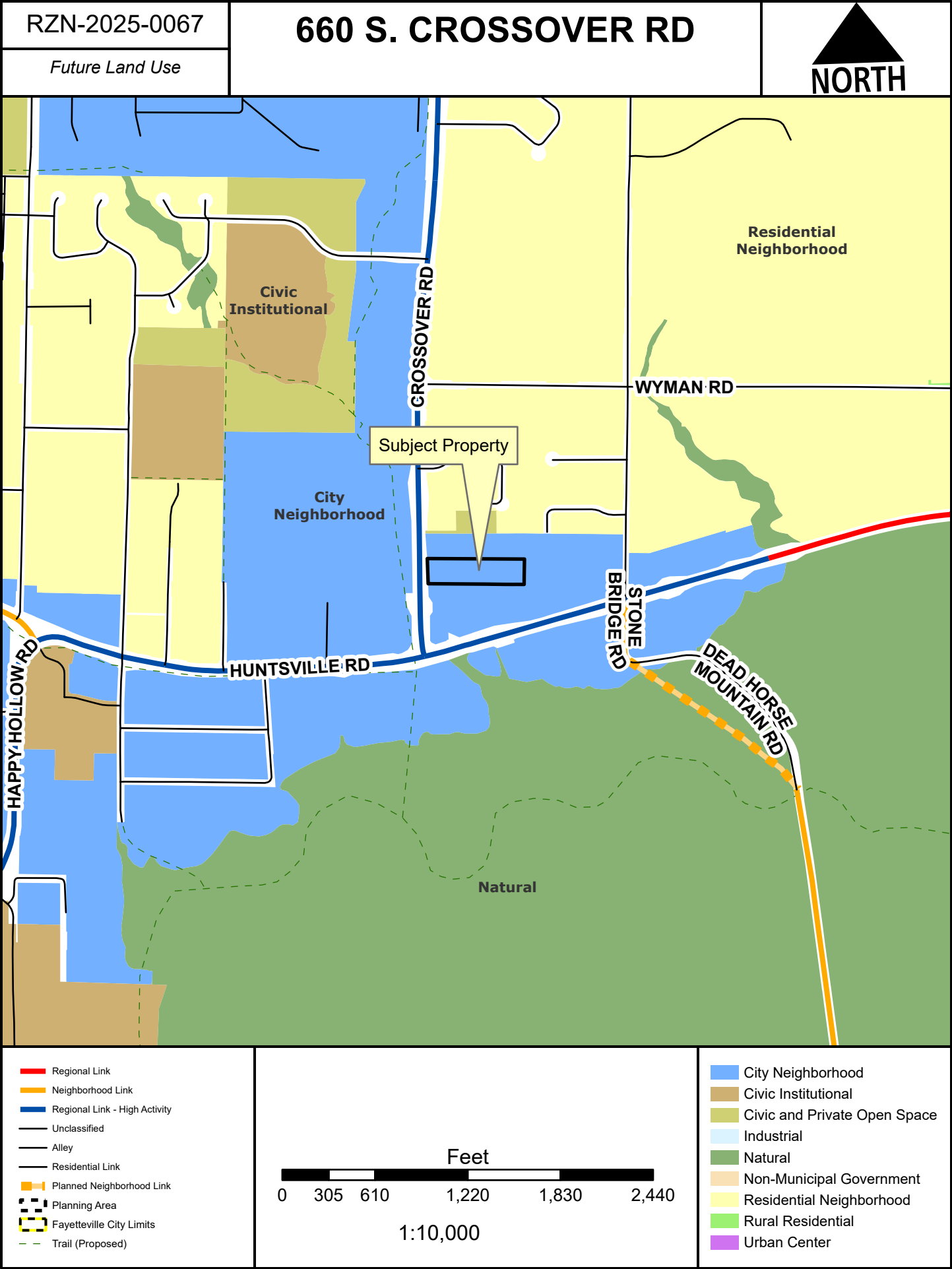
January 26, 2026

RZN-2025-0067 (PEAK ROOFING AND EXTERIORS)

Page 6 of 21







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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

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

161.23 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*
-------------------------	------------

* 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*
-------------------------	----------------------

* 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.



TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 12, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0067

BACKGROUND:

The applicant requests to rezone approximately 2.42 acres from a mix of RSF-4, Residential Single-Family, Four Units Per Acre and C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare. The applicant indicates the intent is to use the existing residential building as an administrative office for a roofing contractor. 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 and retaining housing as a permitted use.

The applicant states that the intent is to use the existing house as an office, since this may be permitted under the nonconforming structures portion of the code regardless of zoning district, a mixed-use district like CS, Community Services may be more appropriate long-term. This would allow future redevelopment of the site with a greater variety of uses and more flexible setback regulations. An alternative district like CS would also avoid some of the less appropriate uses permitted by right in UT, like transportation trades and services or gas stations.

¹ City Plan 2040, 130.

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 1967 (Ord. No. 1967). In 1970, the property was zoned R-1, Low Density Residential.



In 2003, a portion of the property was rezoned C-2 following a buffer model along Huntsville Rd. which resulted in numerous split zoned properties in the area. A mixed-use district may be the most appropriate fit to facilitate the widest range of uses and future flexibility envisioned by the future land use designation.

Project Narrative – Rezoning Request

Property: 660 S Crossover Rd

Current Zoning: RSF-4 & C-2 (split)

Requested Zoning: Urban Thoroughfare (UT) for entire parcel

Acreage: ±2.42 acres (per contract)

Overview

The applicant requests rezoning of the RSF-4 portion of the property to **Urban Thoroughfare (UT)** in order to unify the parcel under a single zoning classification consistent with the City’s vision for the S Crossover Road corridor. The property is currently split-zoned, which creates functional and regulatory inefficiencies. UT zoning provides an appropriate, lower-intensity commercial framework that aligns with corridor character while maintaining compatibility with nearby residential uses.

Why Urban Thoroughfare (UT) Is Appropriate

UT zoning is specifically intended for transitional, corridor-based development that supports service, office, and neighborhood-scale commercial uses without the intensity associated with general commercial districts. This designation is appropriate because:

- S Crossover Road functions as a major urban corridor, not a residential street.
- Commercial zoning already exists immediately to the south, establishing precedent.
- UT supports office and service uses that generate limited traffic and minimal noise.
- The existing residence will remain, preserving neighborhood scale and acting as a buffer.
- UT better reflects the City’s land-use intent than C-2 by emphasizing context-sensitive development.

Compatibility & Operations

The proposed use is a **low-impact administrative office** with no customer traffic, no outdoor operations, and no exterior modifications. Traffic generation is comparable to, or less than, a single-family residence. Screening, storage, and activity will remain fully compliant with City code. No heavy industrial use is proposed – only light administrative office and possibility of small shop in the future.

Conclusion

Rezoning to **Urban Thoroughfare (UT)** unifies the parcel, supports the City's corridor strategy, and allows a restrained, compatible commercial use that protects adjacent properties while aligning with long-term planning goals of the **City of Fayetteville**.

Letter of Intent / Justification Letter (CUP + Rezoning)

Letter of Intent – CUP & Rezoning

To: City of Fayetteville Planning Division

From: Kirby Davis, Peak Roofing & Exteriors

Re: CUP & Rezoning Applications – 660 S Crossover Rd

We respectfully request approval of a Conditional Use Permit to allow an administrative roofing contractor office within the existing residence at 660 S Crossover Rd, and rezoning of the RSF-4 portion of the property to Urban Thoroughfare to unify zoning across the parcel.

The property is currently split-zoned RSF-4 and C-2, which is impractical for long-term use and inconsistent with the function and character of S Crossover Road. In coordination with the City's feedback, we are seeking **UT zoning**, which more accurately reflects the corridor's role as a transitional urban thoroughfare while allowing lower-intensity commercial activity compatible with nearby residential uses.

This location is well suited for UT zoning and the proposed use due to:

- The property's **frontage on S Crossover Road**, a major arterial corridor
- **Immediate adjacency to existing commercial zoning and use** to the south
- UT's intent to support **office and service-oriented uses** with limited impacts
- The **existing residence remaining in place**, preserving neighborhood scale and serving as a buffer
- No exterior modifications proposed as part of this request
- Low traffic, low noise, and minimal physical impact

Peak Roofing & Exteriors is a local service business with 4 employees, no crews, no customer traffic, and administrative office work only. Our use is significantly lower impact than typical residential use and will not burden infrastructure or adjacent properties.

Future plans may include a small shop behind the house after full engineering review and approval. No additional construction is part of this request.

We believe the requested **UT rezoning and CUP** are consistent with City Code criteria, support the City's long-term vision for the Crossover corridor, and provide a balanced, context-sensitive transition between residential and commercial land uses.

Respectfully,

Kirby Davis

Peak Roofing & Exteriors

Screening Plan

Here is what we will include:

Screening Measures:

- Equipment stored behind house
- 6–8 ft privacy fence extension if required
- Existing vegetation retained
- No outdoor materials
- Trailers screened from public view by structure + fencing
- No loud machinery
- All commercial activity indoors

This satisfies Fayetteville’s screening code requirements for small-scale contractor offices.

Traffic Impact Statement

Traffic Impact Statement – 660 S Crossover Rd

Peak Roofing’s office generates:

- **4 daily employee trips (AM + PM)**
- **1–2 occasional subcontractor visits**
- **0 customer trips**

Total peak hour trips: **4–6**, which is **below a typical single-family residence**. Per the ITE Trip Generation Manual (LUC 210 – Single-Family Detached Housing), a typical home generates approximately 9–10 weekday trips. Our use with 4 employees plus 1–2 occasional subcontractor visits will generate similar or fewer trips than existing residential use and no peak-hour spikes.

No roadway improvements are needed.



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: January 26, 2026

SUBJECT: **VAR-2025-0061: Planning Commission Variance (510 W. SPRING ST/PARK HOTEL, 484):** Submitted by PRISM DESIGN STUDIO for property located at 510 W. SPRING ST. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.56 acres. The request is for a variance to the building design standards.

RECOMMENDATION:

Staff recommends approval of **VAR-2025-0061** based on the findings herein.

RECOMMENDED MOTION:

*"I move to approve **VAR-2025-0061**, determining:*

- In favor of the requested variance to UDC §166.21(E)(4)(a)(iii) – Operable Windows; and*
- In favor of all other conditions as recommended by staff."*

BACKGROUND:

The subject property is in downtown Fayetteville, on the south side of the Upper Ramble, which opened in late 2024 and was constructed as part of the 2019 Bond Program. The property is zoned under a Planned Zoning District, and while formerly owned by the City of Fayetteville, was sold to the current property owner for the development of a hotel; this was also part of the original proposal for the Cultural Arts Corridor. Containing approximately 0.56 acres, the property is currently improved with a parking lot and a portion of the Razorback Greenway, though grading work for the associated hotel project and trail relocation is underway. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Upper Ramble (Public Park)	MSC, Main Street Center
South	Mixed-Use/Commercial and Multi-Family Residential	MSC, Main Street Center
East	Upper Ramble (Public Park)	MSC, Main Street Center
West	Razorback Greenway/Arkansas Missouri Railroad	MSC, Main Street Center

Request: The applicant is requesting one variance from the Unified Development Code in association with a building permit that is currently in review (COMM-2025-0148).

Variance #1: 166.21(E)(4)(a)(iii) – A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor. The applicant is requesting a full variance to this requirement.

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

DISCUSSION:

Staff recommends in favor of the applicant's request. Given the use of building as a hotel, staff finds that there would be the potential for administrative difficulty for the guests and for the hotel to manage an operable window system for hotel rooms, potentially leading to safety concerns for overnight guests. Based on the type of HVAC system, and the window treatments that have been selected for the use of the hotel, the applicant has indicated administrative difficulty and potential energy inefficiency in requiring 10% of the windows to be operable. The applicant intends to supply a fresh air system to circulate air flow through the structure. Staff finds that the applicant's request is in line with the intent of the ordinance to have functional and aesthetic light and air flowing into structures.

RECOMMENDATION: Staff recommends approval of VAR-2025-0061 with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to UDC §166.04(B)(4)(c), Required Infrastructure Improvements – Streets.** *Staff recommends approval of this variance for the reasons stated above.*
2. Approval of this item does not constitute approval of the associated building permit, or for other variances that have not yet been reviewed for and/or requested.

Planning Commission Action:	☐ Approved	☐ Tabled	☐ Denied
Meeting Date: <u>January 26, 2026</u>			
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code:
 - §166.21 Downtown Design Overlay District
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Applicant Request Letter
- Elevations
- Site Plans

166.21 Downtown Design Overlay District

...

(4) *Windows, Skylights, and Doors.*

(a) *General Requirements.*

- (i) Visible sills on the exterior of the building are required for all windows.
- (ii) Windows shall have trim on the sides and top when the exterior of the building is wood or lap sided. Window trim shall have a minimum dimension of 0.75 inches × 3.5 inches (a normal 1×4).
- (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

(b) *Permitted Configurations.*

- (i) All window configurations are allowed.

(c) *Permitted Finish Materials*

- (i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids are permitted except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).
- (ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)
- (iii) *Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or un-painted concrete with a smooth finish, cast-in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.

...

(Ord. No. 5056, 9-04-07; Ord. No. 5679, 4-15-14; Ord. No. 6017, §1, 12-5-17)

**Plan Review Comments Variance Request
December 16, 2025**

Park Hotel
510 West Spring Street
Fayetteville, Arkansas 72701

**TO: PLANNING COMMISSION
CITY OF FAYETTEVILLE, ARKANSAS**

INTRODUCTION

The proposed project is a 7-story, full-service boutique hotel located at 510 West Spring St., adjacent to the newly constructed Civic Plaza Park. The full-service hotel consists of 114 guestrooms and suites. The Lower-Level basement will contain receiving/trash, City storage, and other back-of-house areas. Level 1 will include a covered arrival canopy with guest unloading area at the main entrance, main lobby with lobby seating, coffee/ice cream shop with outside seating, front desk, restaurant with indoor and outdoor covered seating, and indoor/outdoor bar. Level 2 will include meeting space, board room, public art gallery, fitness center, and employee/support areas. Levels 3 through 6 will include the hotel guestrooms and suites. Level 7 will include a rooftop restaurant, indoor/outdoor bar with open and covered outdoor seating, outdoor swimming pool, and sun deck. Site improvements will include paved parking, driveways, walks, terraces and related sitework.

VARIANCE REQUEST

A variance is requested from CHAPTER 166: - DEVELOPMENT, Section 166.21 – Downtown Design Overlay District, Paragraph (E) Exterior Architectural Elements, (4) Windows, Skylights, and Doors, (a) General Requirements, (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.

RATIONALE:

01. The proposed window design includes the applied muntins as required by the referenced development section. Those muntins are to remain as part of the building design. However, the introduction of operable sections to the modular window design will create random double frames at the operable sections. The resulting effect will impose a mottled appearance. This will be the case as well for the storefront system ribbon window design in the more public areas of the hotel design as well. The introduction of operable sections will have a negative

architectural visual effect on the facades. It will create an imbalance in the fenestration size and spacing, with some of the frames having visually heavy, double frame sections at the operable panels and others with a visually lighter, standard single frame at the fixed portions of the window frames. In addition, this situation will occur at random locations since only 10% of the units will require operable panels. We have considered different manufacturers' options of minimal sightlines designs and the result remains that there would be an unbalanced rhythm in the window appearance on all Elevations, especially the Second and Seventh Floors. These specific floors have floor to ceiling window system in several locations on these Public Space floors. The desired visual implementation of operable windows will be contrary to the Purpose of the Downtown Design Overlay District in encouraging good architectural form in the built environment.

02. Operable windows will affect the thermal performance of the window sections since the performance characteristics of operable windows does not compare favorably with the performance of the same frames with fixed panels. Thermal transmittance will be higher for the operable units, and will require upsizing of the HVAC units in the Public Areas as well as the VTAC units in the Guestrooms. Even in the closed and locked position air and water infiltration will be higher for the operable units and will have a similar operating effect, especially if the operable sections are left open by guests with unconditioned and humid air infiltrating the building continually. This increase in HVAC sizes and additional energy usage, will create additional operating and maintenance costs. This is contrary to the Purpose of the Downtown Design Overlay District to encourage sustainable and green architectural practices in the built environment.
03. The thermal performance of the window sections in the Guestrooms will also be negatively affected since the window types will be similar in design on Guestroom Floors as well as the Public Space Floors. Operable windows in the Guestrooms could create air balance issues with the VTAC units which heat and cool the Guestrooms, could potentially cause mold/mildew issues with the introduction of humid air, and negatively affect the comfort of guests as well as energy performance and operating costs. The balance of conditioned outside air from the VTAC units with the exhaust air from the Bath exhaust will be affected if windows are left open in the Guestrooms. Design adjustments would need to be made for the introduction of cold dry air in winter, warm humid air in summer or a combination in spring or autumn. This increase in VTAC sizes and operating costs also will be contrary to the Purpose of the Downtown Design Overlay District to encourage sustainable and green architectural practices in the built environment.
04. The entire building has been designed with outside fresh air provided by the mechanical ventilation. As required by the International Mechanical Code in lieu of operable windows per 2021 AFPC 1202.1, this preconditioned fresh air is delivered to the guest rooms and spaces in accordance with the referenced code. Operable windows would have the capability of being opened by visitors and guests in Public Spaces on the Second Floor and Seventh Floor, as well as the Guestrooms on the

Third through Sixth Floors. The hotel staff will not be able to monitor the operable windows continually on these floors. The introduction of unconditioned outside air will interfere with the controls and operation of the HVAC systems and zones throughout the building on Public Area Floors as well as the Guestroom Floors. This will affect the energy consumption of the building with additional cooling or heating being required when windows are opened and left in that condition for a period of time.

05. Each individual guest room will have a thermostat that is accessible to the guest. They will have control of this of their individual thermal and air circulation preferences. This provision addresses the individual user's ability to control their personal environmental comfort and needs.
06. In Guestrooms, operable windows could create a safety hazard for the guests or visitors to their rooms. When the guests are able to open the window in the privacy of their Guestroom, there is a possibility of persons or their appendages being trapped in the opening or even small children falling from the window. This could occur even though safety limits would be installed to limit the size of the openings. Even the process of unlocking and opening the operable panels could result in injury if the operating hardware is used incorrectly or malfunctions. It is much more desirable from a safety standpoint for the windows to be fixed and inoperable in these unsupervised conditions and avoid the possibility of injury or death for the guests.

PRECEDENCE:

The recent Moxy Fayetteville hotel project was granted the variance not to include operable windows based on these same parameters. What is being requested here is a standard application in global hotel building design and operations.

SUMMARY:

For these reasons it appears that the Purpose of the Downtown Design Overlay District to encourage good architectural form through the use of quality design and materials, promote functional architecture that creates attractive and usable space, create architecture that is respectful of the existing built environment and implement sustainable and green architecture, would be better met if a variance is granted to permit fixed windows in lieu of operable windows for the entire hotel building.

SOUTH
ELEVATION



EAST
ELEVATION



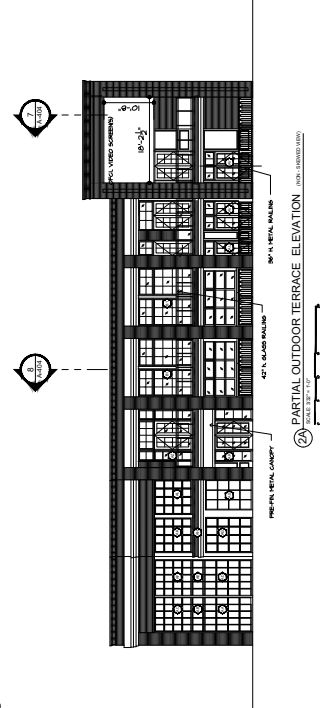
NORTH
ELEVATION

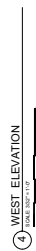


WEST
ELEVATION









DETAIL NO.	PAVING TYPE	FINISH/PATTERN	NOTES
L5.10 - 1	INTEGRAL COLOR CONCRETE	LIGHT BROOM FINISH	DARK GRAY INTEGRAL COLOR
L5.10 - 2	DECOMPOSED GRANITE	N/A	KAFKA PATHWAY MIX. GOLDEN CREAM COLOR
	SAWCUT INTEGRAL COLOR CONCRETE	LIGHT BROOM FINISH, CUSTOM JOINT PATTERN	DARK GRAY INTEGRAL COLOR
L5.10 - 6 & 7	KEYSTONE - HOLLAND PAVER	4X4 COBBLE	CHARCOAL COLOR

	CONCRETE SHARED USE TRAIL
	CONCRETE DRIVE
	SAW-CUT PATTERN / INTEGRAL COLOR CONCRETE
	LIGHT DUTY CONCRETE
	DECOMPOSED GRANITE
	INTEGRAL COLOR CONCRETE
	DECORATIVE PAVERS

1	LS.01	INTEGRAL COLOR CONCRETE
2	LS.01	DECOMPOSED GRANITE
3	LS.01	NOT USED
4	LS.01	GUARDRAIL FACE MOUNTED
6	LS.01	KEYSTONE PAVEN
7	LS.04	SQUARE HANDRAIL
8	LS.04	CONCRETE STAIR & POWDERCOAT STEEL HANDRAIL
9	LS.04	CONCRETE STAIR W/O HANDRAIL

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	5
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	---

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 103–110



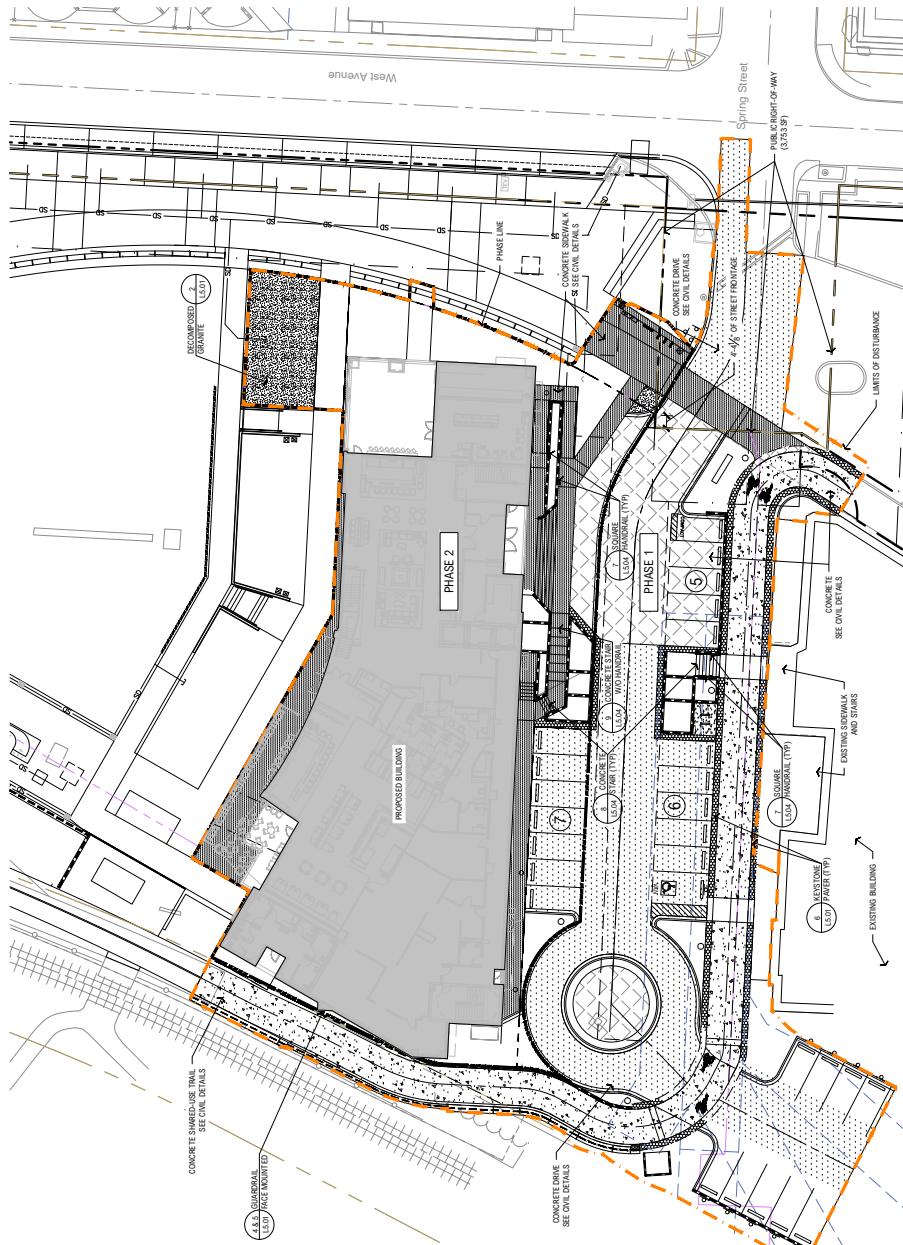
THIS DRAWING IS THE PROPERTY OF THE ABOVE
REPRESENTED PROFESSIONAL AND IS NOT TO BE USED FOR
PURPOSES OTHER THAN THE SPECIFIC PROJECT AND SITE

PARK HOTEL
SPRING ST AND WEST AVE INTERSECTION
FAYETTEVILLE, AR 72701

PROJECT INFORMATION
PROJECT NUMBER: 23-038
DATE ISSUED: 2025.02.06

[illegible]

HARDSCAPE PLAN



1 HARDSCAPE PLAN
SCALE: 1"=20'-0"

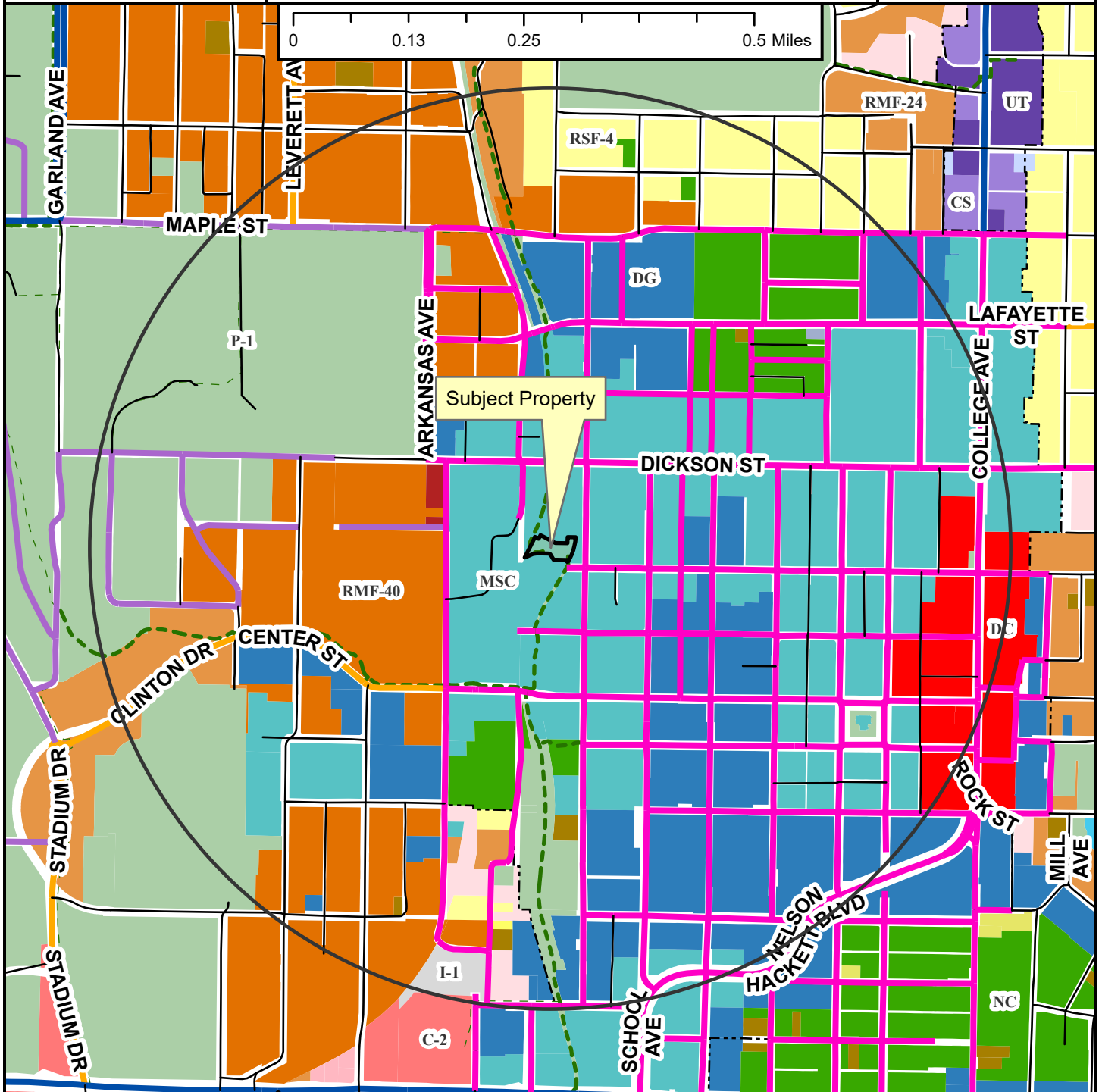
VAR-2025-0061

510 W. SPRING ST

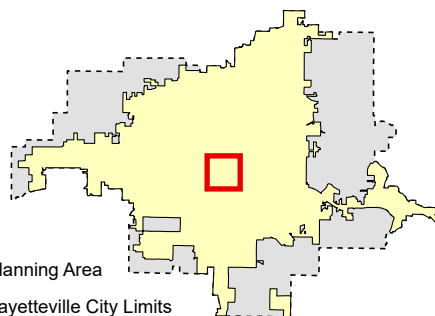
One Mile View



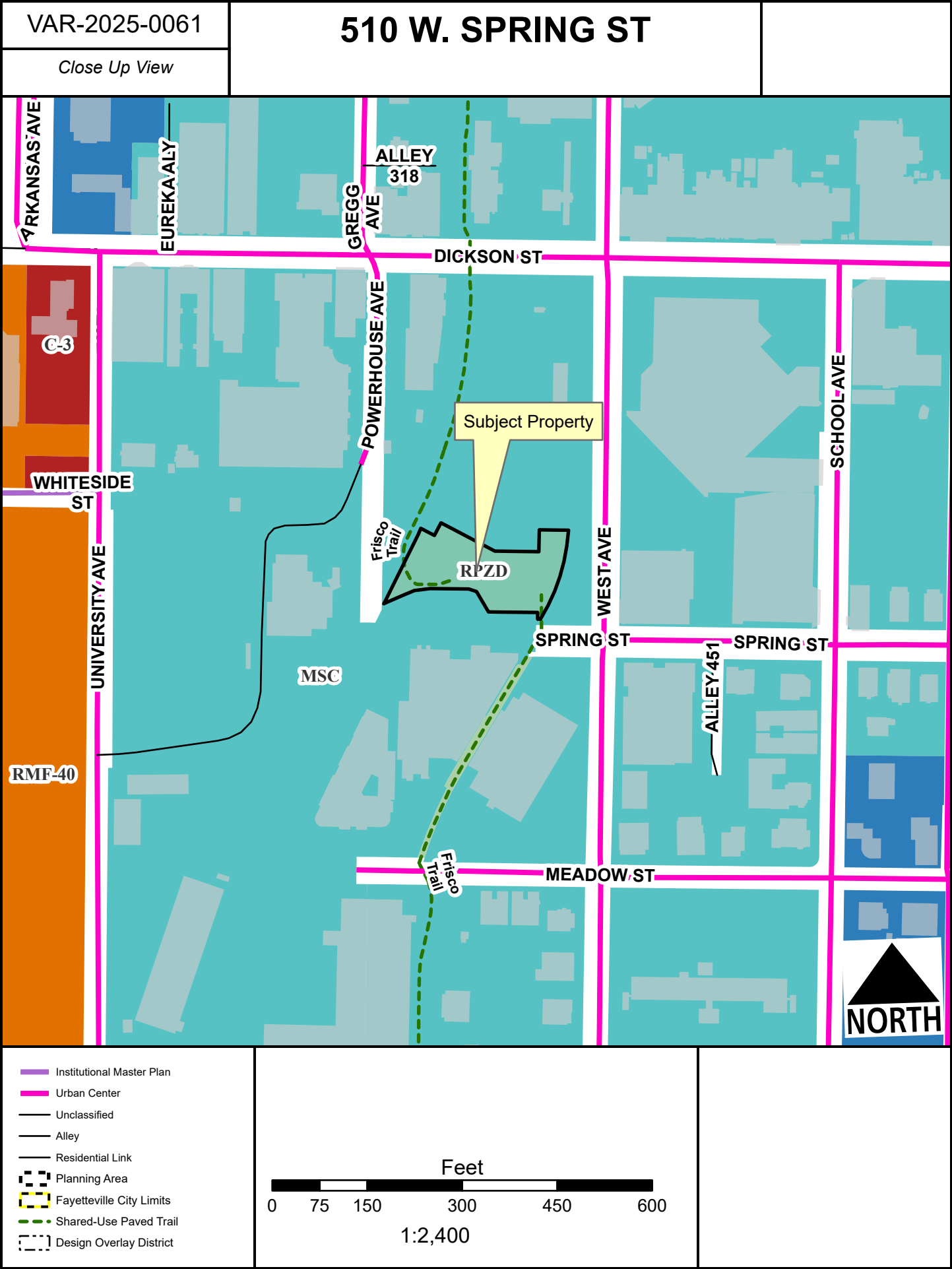
0 0.13 0.25 0.5 Miles



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



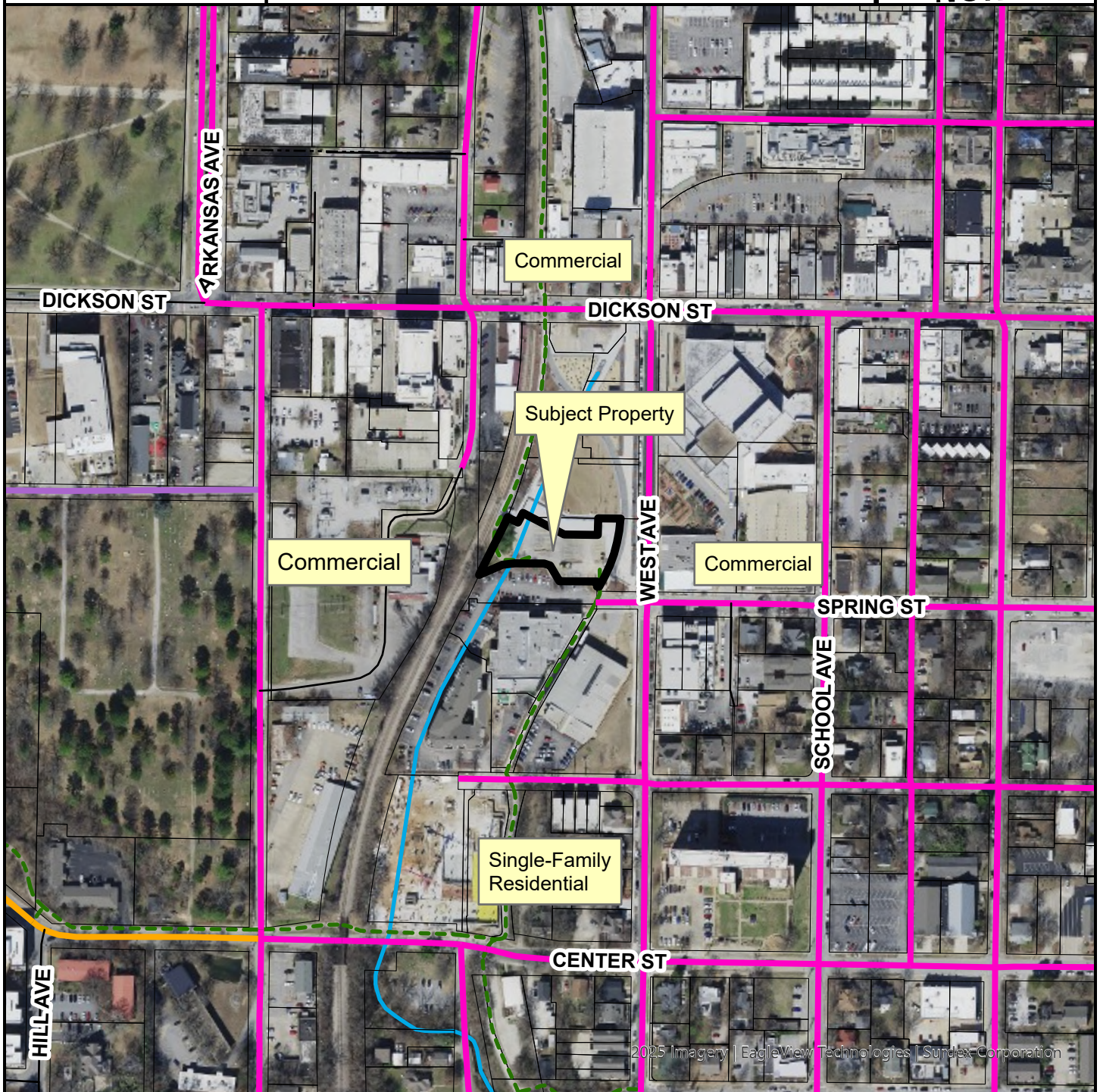
Planning Area
Fayetteville City Limits



VAR-2025-0061

510 W. SPRING ST

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 26, 2026

SUBJECT: **CUP-2025-0059: Conditional Use Permit (121 W. TOWNSHIP ST./YES MA'AM, 328):** Submitted by WATKINS, BOYER, GRAY & CURRY PLLC for property located at 121 W. TOWNSHIP ST. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 1.82 acres. The request is for a sexually oriented business.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0059** with conditions based on the findings contained in this report.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0059**, determining:*

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

BACKGROUND:

The subject property is in north Fayetteville southeast of the intersection between N. Gregg Ave. and W. Township St. The two parcel subject area contains approximately 1.82 acres and is zoned C-2, Throughfare Commercial. A 17,762 square foot multi-tenant commercial structure was built on the property in 1985 per the Washington County Assessor. No master planning areas, overlay districts, floodplain, streamside protection zones, or hydric soils are present. The surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Mixed Retail	C-2, Throughfare Commercial
South	SWEPCO	I-1, Heavy Commercial and Light Industrial
East	SWEPCO	I-1, Heavy Commercial and Light Industrial
West	Construction contractors	I-1, Heavy Commercial and Light Industrial

City Plan 2040 Future Land Use Designation: Residential Neighborhood

Proposal: The applicant requests conditional use permit approval to operate a unit within the subject property with a sexually oriented business. Sexually oriented business are classified as Use Unit 32, which is a conditional use in the C-2 zoning district.

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

RECOMMENDATION: Staff recommends approval of **CUP-2025-0059** subject to the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed sexually oriented business to be compatible with the surroundings based on the findings herein;*
2. **This conditional use permit is limited to the use as described in the applicant's request letter. The following specifications apply:**
 - Size of the business: One unit of a multi-tenant structure
 - Hours of operation: Wednesday - Saturday: 10am - 8pm
Sunday: 2pm - 8pm
 - Parking: Existing
 - Number of employees: 2-6
 - Anticipated Customers: 20-50 / day
3. **A business license shall be obtained for the proposed business at this location prior to building permit and/occupancy;**
4. **Any future expansion or change in the use shall require Planning Commission approval; and**
5. **Signs shall be limited to those permitted by UDC §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.**

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 26, 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. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

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

Finding: The applicant has submitted a written application requesting a conditional use permit for Use Unit 32, Sexually Oriented Businesses, in the C-2 zoning district.

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

Finding: The applicant has paid the required filing fee.

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

Finding: The Planning Commission is empowered under Unified Development Code §161.23, District C-2, Throughfare Commercial to grant the requested conditional use permit.

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

Finding: Staff finds that granting the requested conditional use is not likely to adversely affect the public interest. The business is proposed within a single unit of an existing commercial center along two Neighborhood Link streets and limited exterior modifications are proposed. Further, staff finds that the subject property is primarily surrounded by industrial uses and meets all separation distances set by ordinance. Additionally, Use Unit 32 Adult Live Entertainment Clubs, described as “fixed places of business selling or dispensing alcoholic beverages including private clubs which emphasize and seek through one (1) or more dancers to arouse or excite the patron's sexual desires,” are permitted by right in the C-2 zoning. Staff finds that a sexually oriented retail space is likely to be less impactful than this use which is permitted by right. Fayetteville police expressed no concerns regarding the proposal.

- (c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing Use Unit 32, Sexually Oriented Businesses, as follows:

§164.22. CLUSTER HOUSING DEVELOPMENT

D. Separation Requirements

- 1. No sexually oriented business may be operated within 500 feet of a church; public or private elementary, secondary, or post-secondary school, pre-school or child care facility; or public park.

Finding: No churches, schools, childcare facilities, or public parks are located within 500 feet of the any portion of the existing structure.

- 2. No sexually oriented business may be operated within 200 feet of a boundary of a residential zone or any residential use; or within 400 feet of a residential zone or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line or the residential zone or use.

Finding: No residential zones or zones are located within 200 feet of the proposed business. No residential zones or uses are located within 400 feet of the existing driveways.

- 3. No sexually oriented business may be operated within 1,000 feet of another sexually oriented business or within 200 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.

Finding: No other sexually oriented businesses are located within 1,000 feet of the property, and no business that sells or dispenses alcohol is located within 200 feet of the structure based on a review of issued business licenses and site visitations.

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

- (ii.) 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: No changes are proposed to existing ingress and egress. The property is currently served by two driveways onto W. Township Dr. and N. Gregg Ave., both neighborhood links. As the applicant proposes to locate within an existing commercial unit, staff finds it is unlikely to adversely impact traffic safety or congestion. Compliance with the City's access management standards were fully considered as part of the associated development review.

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

Finding: **Parking minimums do not apply to commercial uses within Fayetteville. The commercial center is served by an existing parking lot with nearly 100 spaces available. Staff finds this is likely adequate parking to serve the new intended use as well as other commercial units within subject property.**

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

Finding: **The proposal is to modify a unit within an existing commercial strip center that is currently served by the Recycling and Trash Collection Division. The City's ability to serve the development will be fully reviewed at the time of building permit.**

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

Finding: **Utilities are currently available to the site and the building is currently serviced. A twelve-inch water main is present in W. Township St and a four-inch main is present along the eastern property line. A six-inch sanitary sewer main is present along W. Township Sr. Determinations of capacity or the need for improvements will be determined at the time of development review.**

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

Finding: **The proposal is to develop an existing unit within a multi-tenant commercial structure to support the proposed use. Limited exterior modifications are proposed to include the addition of a business sign, and staff finds that the subject property is primarily surrounded by industrial uses. Staff recommends no additional screening.**

- (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 and exterior lighting in common areas will be subject to the City's ordinances and all the regulations therein.**

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

Finding: **No modifications to the site are proposed. The existing structure appears to comply with setback requirements. All separation and setback requirements**

will be reviewed for compliance again at the time of building permit submittal.

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

Finding: Staff finds the applicant's proposal to be compatible with adjacent properties. The proposal is to develop a single existing unit within a multi-tenant commercial structure that is primarily surrounded by industrial uses. Further, staff finds the proposed use is substantially similar to a retail establishment with the exception that the goods being sold are classified as adult material, including books, lingerie, and novelty items. The subject area meets required separation distances. Staff finds that the proposed business is intended to be only a small portion of the existing commercial center and that it is unlikely to negatively impact the surrounding properties given their primarily industrial use.

- (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 development to be generally compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. While city plans do not speak directly to sexually oriented business, staff finds that these uses are part of a complete city and are further protected under the First Amendment. The proposed development may support Goal 1 of City Plan 2040, as well as the property's designation as a City Neighborhoods area in the future land use plan. City Neighborhood areas are described as "support[ing] the widest spectrum of uses" and "provid[ing] non-residential uses that are accessible for the convenience of individuals living in residential districts..."

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Unified Development Code
 - §161.23 – C-2, Throughfare Commercial
 - §163.11 – Sexually Oriented Business
- Police Correspondence
- Request Letter
- Renderings

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*
-------------------------	------------

* 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)

163.11 Sexually Oriented Business

(A) *Classification.* Sexually oriented businesses are classified as follows:

- (1) Adult arcade;
- (2) Adult bookstores and adult video stores;
- (3) Adult cabarets;
- (4) Adult motion picture theaters; and
- (5) Adult theaters.

(B) *Conditional Use.* Sexually oriented businesses shall not be allowed in any zoning district except UC and C-2 where they may be allowed as conditional uses subject to the following:

- (1) No sexually oriented business may be operated within 500 feet of:
 - (a) A church;
 - (b) A public or private elementary, secondary, or post-secondary school, pre-school or child care facility;
 - (c) A public park.
- (2) No sexually oriented business may be operated:
 - (a) Within 200 feet of a boundary of a residential zone or any residential use;
 - (b) Within 400 feet of a residential zone or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line or the residential zone or use;
- (3) No sexually oriented business may be operated within 1,000 feet of another sexually oriented business or within 200 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.
- (4) For the purpose of this subsection (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.

(Code 1991, §118.02; Ord. No. 4024; §3, 3-18-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 6793, §3, 9-17-24)

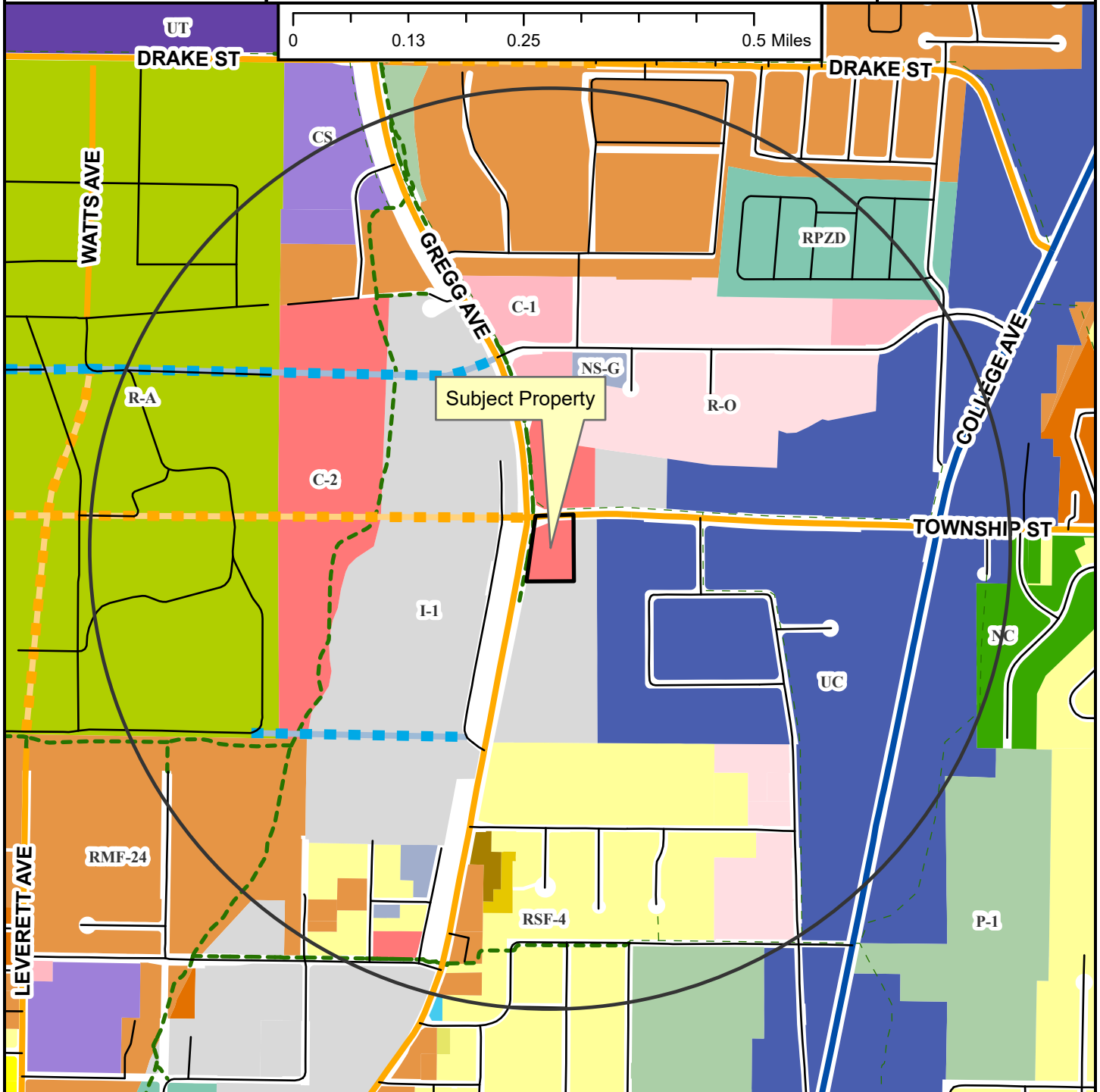
CUP-2025-0059

121 W. TOWNSHIP ST, UNIT 21

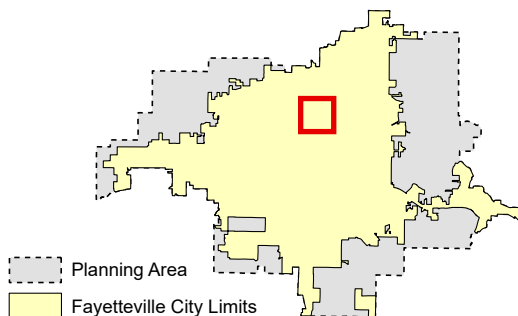
One Mile View



0 0.13 0.25 0.5 Miles



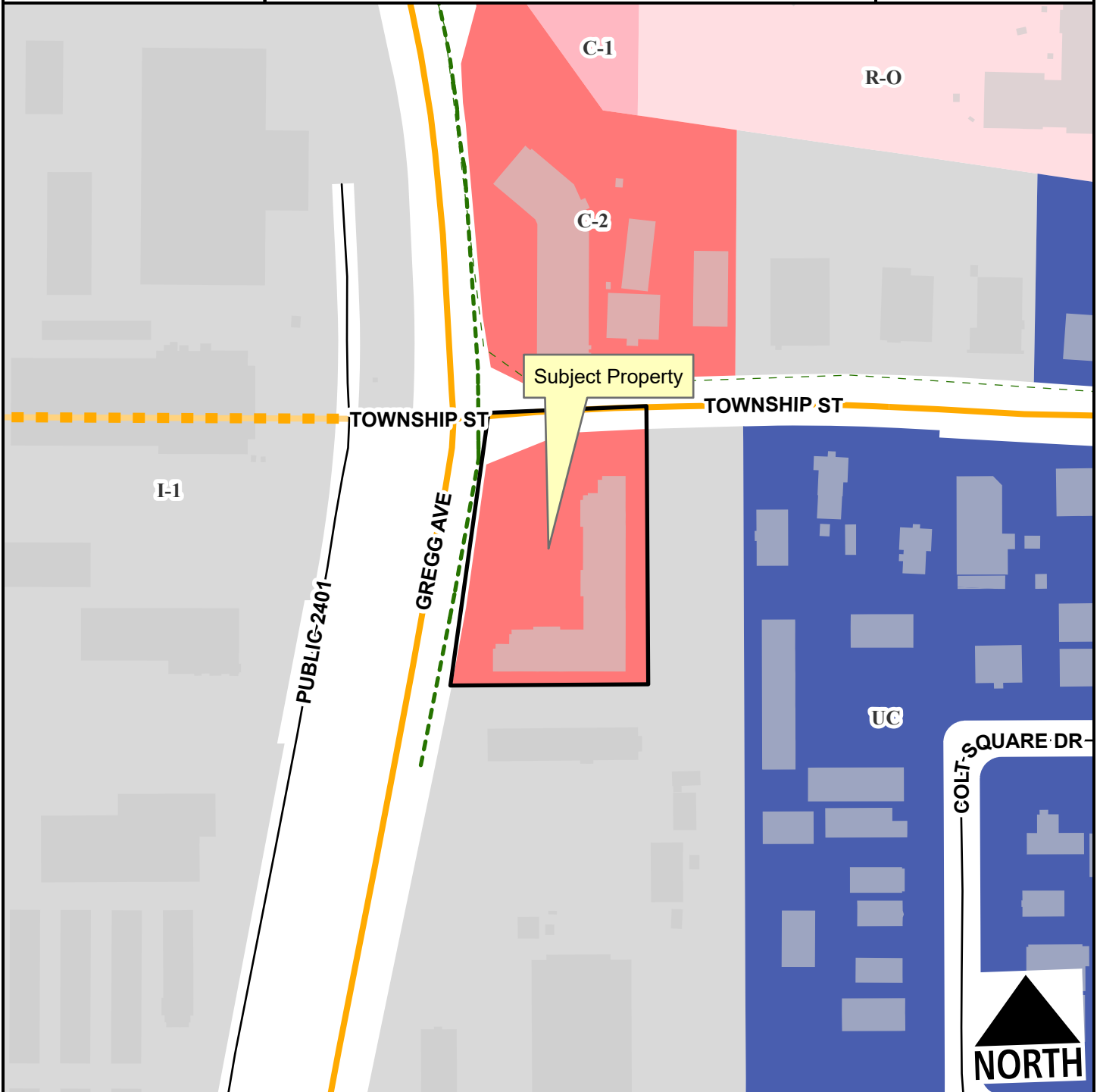
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



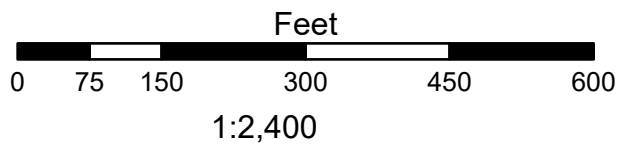
CUP-2025-0059

121 W. TOWNSHIP ST, UNIT 21

Close Up View



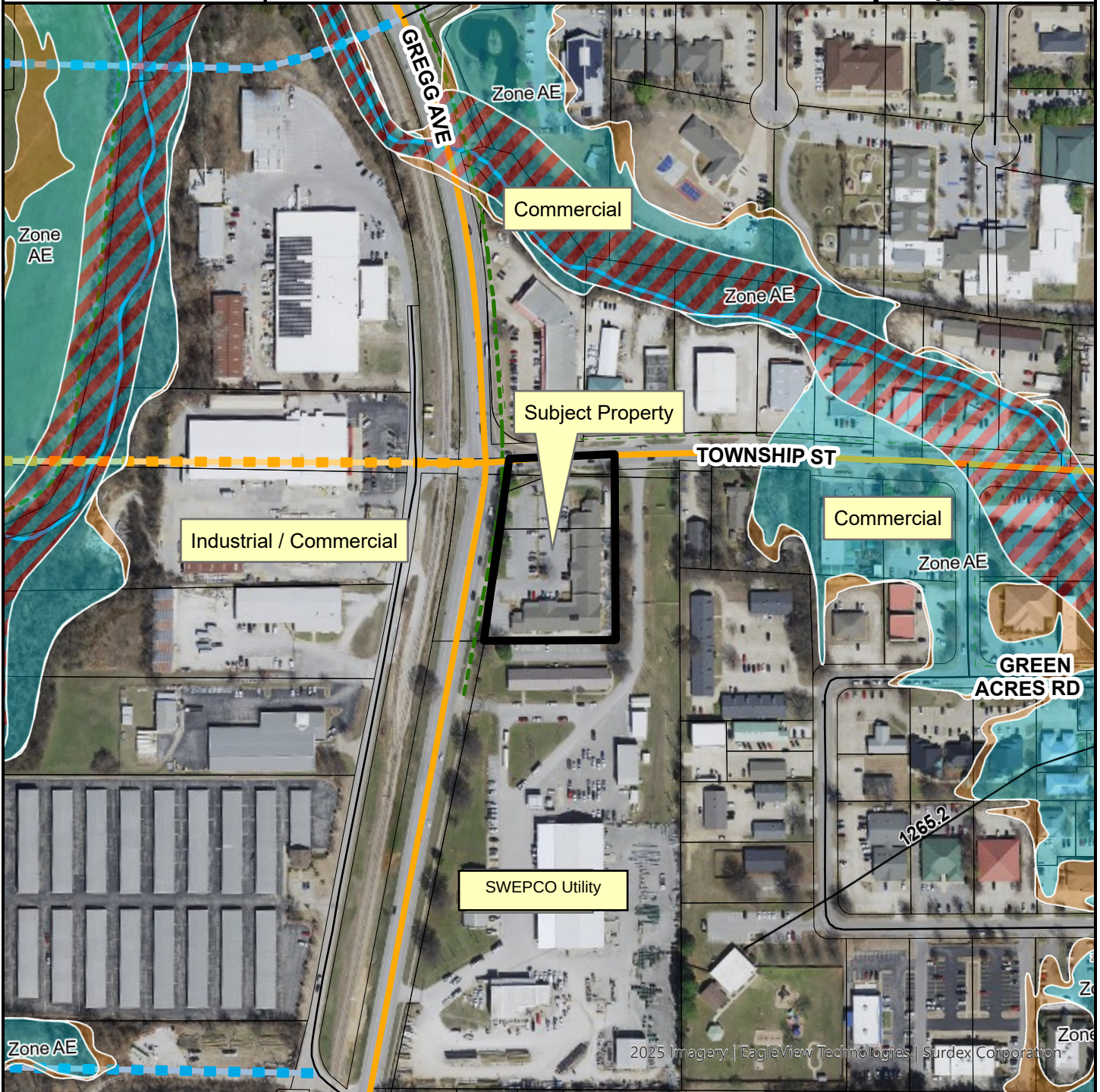
- Neighborhood Link
- Residential Link
- Planned Neighborhood Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)



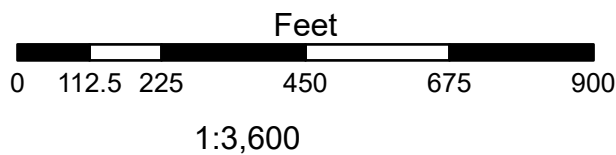
CUP-2025-0059

121 W. TOWNSHIP ST, UNIT 21

Current Land Use



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



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Wonsower, Donna

From: Miller, Michele
Sent: Monday, December 15, 2025 3:51 PM
To: Wonsower, Donna
Cc: Masters, Jessica
Subject: RE: 121 W. Township Unit 21

Have no issues and don't think I would get any questions about this business. Thank you for the information.

From: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Sent: Monday, December 15, 2025 3:48 PM
To: Miller, Michele <mmiller@fayetteville-ar.gov>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: RE: 121 W. Township Unit 21

Good Afternoon,

Yes, I've attached the request letter from Mr. Kellstrom and some renderings here. Based on the description, it would be similar to Seductions as far as what is sold, but more discrete. Happy to discuss further, and to include any concerns police may have in the staff report.

The current concept for the business, which will be called "*Yes Ma'am*" as described the Applicant is as follows:

"Yes, Ma'am is a high-end pleasure and wellness boutique focused on curating a welcoming, empowering shopping experience.

Offerings include:

High quality, body-safe adult novelty items.

Size-inclusive lingerie and accessories.

Self help books.

Private shopping sessions to provide a more upscale experience

Our target audience is professional women between the ages of 35 and 55. The general expectations of this target audience make it more or less a necessity that this business projects an inherent aura of class and refinement."

Donna Wonsower

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



From: Miller, Michele <mmiller@fayetteville-ar.gov>
Sent: Monday, December 15, 2025 3:41 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: 121 W. Township Unit 21

Hello Donna,

I reviewing items on the agenda, I see 121 W. Township Unit 21 and the business type is sexually oriented business. Do you know the specifics on this business?

Michele Miller

Captain

Fayetteville Police Department
1800 N. Stephen Carr Memorial Blvd
City of Fayetteville, Arkansas 72704

mmiller@fayetteville-ar.gov

T 479.575.8341 | F 479.973.4844

[Website](#) | [Facebook](#) | [YouTube](#)



CITY OF
FAYETTEVILLE
ARKANSAS



Disclaimer: This electronic message may contain information that is Proprietary, Confidential, or legally privileged or protected. It is intended only for the use of the individual(s) and entity named in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material from your computer. Do not deliver, distribute or copy this message and do not disclose its contents or take any action in reliance on the information it contains.

Disclaimer: This electronic message may contain information that is Proprietary, Confidential, or legally privileged or protected. It is intended only for the use of the individual(s) and entity named in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material from your computer. Do not deliver, distribute or copy this message and do not disclose its contents or take any action in reliance on the information it contains.

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER (OF COUNSEL)
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

January 7, 2026

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

RE: Conditional Use Permit for Use Unit 32 at 121 W. Township St.

Dear Planning Staff:

My name is Will Kellstrom and I represent the applicant, Katy Wagner, with respect to this request for conditional use permit. The applicant is requesting a conditional use permit for Use Unit 32, Sexually Oriented Business, for the subject property, 121 W. Township St.. Initially, the Applicant had plans to operate out of Unit #21 in the aforementioned property. However, there is more than one unit available in said property, and the exact will be determined at a later date. Accordingly, the request for this CUP is for one (1) unit in the aforementioned property.

The current concept for the business, which will be called "*Yes Ma'am*" as described by the Applicant is as follows:

"Yes, Ma'am is a high-end pleasure and wellness boutique focused on curating a welcoming, empowering shopping experience.

Offerings include:

High quality, body-safe adult novelty items.
Size-inclusive lingerie and accessories.
Self help books.
Private shopping sessions to provide a more upscale experience

Our target audience is professional women between the ages of 35 and 55. The general expectations of this target audience make it more or less a necessity that this business projects an inherent aura of class and refinement."

In other words, the intent is that the outward appearance of this operation would be discreet, and similar to any other boutique retail operation within the City of Fayetteville. Renderings of the proposed storefront and inside of the store have been attached hereto. As a side note, these are renderings from a previous location that was explored, rather than the Unit itself. The exterior of the subject Unit would be highly similar.

The information required per the CUP checklist has been addressed below:

(a) Building size in square feet;	One unit within 121 W. Township St.. No additional square footage is proposed
(b) Color elevations of all exterior sides of the structure	See attached.
(c) Number of off-street parking spaces to be provided / number required	Sufficient parking will be provided in the existing parking stalls for the larger shopping center
(d) When request applies to a business or non-residential use: -Hours of operation -Number of employees -Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)	Hours of operation: Wednesday - Saturday: 10am - 8pm Sunday: 2pm - 8pm Number of employees: 2-6 Anticipated customers: 20-50/day
(e) Outdoor lighting	No outdoor lighting changes are proposed with this CUP.
(f) Noise	N/A
(g) Screening or buffering from adjacent properties	N/A
(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties)	Trash service will be provided in the same manner as other units in the larger shopping center
(i) Ingress and egress to the property; traffic impacts	No changes to ingress and egress are proposed. This will be a small scale retail operation with negligible impacts to traffic.
(j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood	Included with this narrative.

Section 163.11 of the Fayetteville Unified Development Code provides a number of use conditions for Use Unit 32, to ensure compatibility with surrounding uses. Those restrictions prohibit Unit 32-businesses within certain distances from churches, schools, public parks, residential zones, and businesses selling alcohol, with varying distances required for each, ranging from 200 to 1000 feet, and relegate Use Unit 32 to only UC and C-2 zones, and by condition only . With the number of restrictions in place and the limitations on zones in which one can even apply for such a business, there are effectively very few locations within the City of Fayetteville where Use Unit 32 could practically be located. *This Unit is one of such places.*

The Unit is located on Gregg Ave., which is a neighborhood link, rather than a Regional Link or High Activity Regional Link, such as MLK Jr. Boulevard, Wedington, or College Ave. The surrounding uses consist of a gas station, heavy commercial, and professional offices. In other words, the Unit has relatively low visibility, is not located on a major thorough fare, and is not located near incompatible uses. These factors, as well as the fact that the site meets the conditions of Section 163.11 of the Fayetteville UDC demonstrates that this site is *per se* compatible for Use Unit 32.

Thank you for considering this request for conditional use permit. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

WK:
pc:







TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 26, 2026

SUBJECT: **CUP-2025-0061: Conditional Use Permit (55 E. 15TH ST./NEIGHBORS PF 55 E 15TH STREET LLC, 601):** Submitted by KALEY MEDLIN for property located at 55 E. 15TH ST. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 1.83 acres. The request is for camping in an existing mobile home park.

RECOMMENDATION:

Staff recommends approval of **CUP-2025-0061**.

RECOMMENDED MOTION:

*"I move to approve **CUP-2025-0061** 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 in south Fayetteville just south of Walker Park along E. 15th St. The subject property contains approximately 1.83 acres and is currently developed with the Razorback Mobile Home Community, which has existing since at least 1965 based on aerial records.

The current owner of the property has maintained ownership since 2020. According to city records, staff began investigating a potential zoning violation (CVZD-2025-1371) in November of 2025 after vehicles blocking the road were reported to staff. A notice of violation letter was issued by staff for illegal camping as well as junk and debris. Shortly thereafter, staff met with the property owner to discuss their options and next steps, including applying for a conditional use permit. The RV blocking the interior street was relocated, and the property owner verbally indicated a request for the remaining four RVs to be permitted though the conditional use permit. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Walker Park	P-1, Institutional
South	Storage Facility	I-1, Heavy Commercial and Light Industrial
East	Undeveloped	DG, Downtown General
West	Vacant	I-1, Heavy Commercial and Light Industrial

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

Proposal: The applicant requests approval of a conditional use permit to operate a campground on the subject property. Campgrounds are classified in city code as Use Unit 2: City-Wide Uses by Conditional Use Permit and are thus subject to Planning Commission approval. The applicant has described the campground as follows:

- *Occupancy: Four existing RVs (Up to 24 spots available)*
- *Parking: Within each pad*

Public Comment: The neighbor to the west has stated opposition to the request, citing an ongoing court case for trespass of the existing mobile homes onto their property and concern that the proposed camping would also extend across property lines.

RECOMMENDATION: Staff recommends approval of **CUP-2025-0061** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility with adjacent properties;**
Staff finds that the proposed use is compatible with surrounding properties given the findings contained in this report;
2. This conditional use permit is limited to the campground use as described in this report. The following specifications apply:
 - *Occupancy: Four existing RVs (Up to 24 spots available)*
 - *Parking: Within each pad*
3. A city business license for the proposed mobile home park / campground must be received within a calendar year of conditional use permit approval;
4. If the park should become entirely composed of RV units at any time, it shall lose its existing nonconforming status for the mobile home use unless separate entitlements are granted for Use Unit 11 Manufactured Home Park.
5. The proposed campground use shall be limited to Recreational Vehicles (RVs). Tent camping shall be prohibited.
6. Property owner shall coordinate with Building Safety, the Fire Marshal's office and any other necessary city division to ensure that all proposed and existing RVs within the facility comply with applicable building and safety codes. Approval of the conditional use permit does not constitute approval of any associated building, plumbing, or other required permits.
7. Screening shall be provided in the form of a view obscuring fence or vegetation of sufficient height to prevent the view of the campground from vehicular and pedestrian traffic on adjacent streets, and from adjacent properties;
8. All campground users shall have 24-hour access to restroom facilities. If access to the indoor bathroom cannot be guaranteed, then a portable outdoor facility must be provided;

9. All vehicles parked on the property shall be licensed, operable, and parked in a manner that does not encroach into the public sidewalk or right-of-way;
10. Campfires on this property shall be prohibited and open fires shall be limited to one raised barbecue grill per pad;
11. Noise emissions shall be limited as described in Chapter 96: Noise Control.
12. All structures or vehicles associated with the campground shall comply with the setbacks established by the underlying RMF-24 zoning district, including a setback of five feet along side property lines and 20 feet along the rear property line;
13. The applicant shall coordinate with the City's Recycling and Trash Collection Division to ensure that enough containers are provided to serve the campground. Further, containers should be screened from view of the right-of-way when not placed at the curb for pick-up;
14. Any future expansion or change in the use shall require Planning Commission approval; and
15. Conditional use permit approval shall be limited to one year, upon which the applicant may submit an amendment to extend the permit subject to Planning Commission's approval.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date:	<u>January 26, 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. Procedures. A conditional use shall not be granted by the Planning Commission unless and until:

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

Finding: The applicant has submitted a written application requesting a conditional use permit for a campground, or Use Unit 2: City-Wide Uses by Conditional Use Permit, in the RMF-24 zoning district.

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

Finding: The applicant has paid the required filing fee.

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

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

Finding: The Planning Commission is empowered under Unified Development Code §161.16 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 the inclusion of RVs within the existing mobile home park is compatible with the existing use and is unlikely to adversely affect the public interest. The applicant has indicated that four existing RVs are currently located within the park and that the property owner permits RVs generally. The use of RVs as a mid- to long-term solution for shelter would provide a more affordable entry into housing in an area near many nonresidential services. The existing mobile home park has been in existence since at least 1965, and staff does not anticipate any compounding negative effects by allowing RVs in addition to manufactured homes at this location. Should the Planning Commission choose to approve the requested conditional use, staff recommends conditions of approval as noted above.

Staff recommends that tent camping shall be prohibited on this property.

(c.) The Planning Commission shall certify:

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

Finding: There are specific rules governing campgrounds, as follows:

§163.12. CAMPGROUNDS.

- A.** Campgrounds may be permitted citywide as a conditional use subject to the following minimum conditions:

1. Consent. The property owner shall provide written consent.

Finding: The property owner has provided their written consent for the requested conditional use.

2. Contact. The owner of the property shall ensure current contact information is provided to the City for the owner or a responsible party.

Finding: The owner of the property has provided their current contact information to the City.

3. Owner or agent accessibility. The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, “availability” means that the owner or agent is accessible by telephone, and, able to be physically present at the location within three hours of being contacted.

Finding: The property owner has stated that they or a designated agent will be available at all times that the property is being used for camping, including nights and weekends, in order to facilitate compliance with this ordinance.

4. Sanitation. Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.

Finding: The applicant has stated that RVs each have access to their own sanitation facilities and are provided potable water and sanitation hookups accordingly. Should the Planning Commission choose to approve this conditional use permit, staff recommends a condition that the property owner shall coordinate with Building Safety, the Fire Marshal’s office and any other necessary city division to ensure that all proposed and existing RVs within the facility comply with applicable building and safety codes. Approval of the conditional use permit does not constitute approval of any associated building, plumbing, or other required permits.

5. Waste. The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.

Finding: The applicant has stated that waste is collected in residential trash carts that are picked up by the city weekly. Staff recommends a condition requiring that the applicant coordinate with the City’s Recycling and Trash Collection Division to confirm whether the containers currently available on site are adequate to accommodate the existing mobile homes as well as the proposed campground use.

6. **Setbacks.** The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.

Finding: Multiple mobile homes are shown to cross the western property line based on a survey completed in 2024, which is the subject of a civil court case currently in Washington County Circuit Court. The existing RVs, however, appear to comply with zoning setbacks. Staff recommends that all camping facilities comply with the setback requirements of the underlying RMF-24 zoning district, which include a five-foot setback from side property lines and a 20-foot setback from the rear property line.

7. **Access by the City.** The City shall be authorized to enter the property to ensure compliance with the City's ordinances and any conditions of approval.

Finding: The applicant is aware that the City would be authorized to enter the property to ensure compliance with city ordinances and any conditions of approval.

- B. In addition to the factors set forth in §163.02(C)(3), campgrounds are further subject to approval, denial, or additional conditions based on the Planning Commission's findings on the following factors:

1. **Duration.** Where appropriate, conditions may be applied limiting the duration of the conditional use permit or the duration of stay by campground users.

Finding: The property owner has not stated a duration limit for the proposed RVs. Staff finds that RVs are a self-contained camping environment as they are solid structures which generally include personal bathrooms, kitchens, and other facilities. As such, no additional conditions on camping duration are recommended.

2. **Natural Hazards.** Potential natural hazards, including flooding and slopes, shall be considered in siting of camping areas and may be a factor for denial of a conditional use permit.

Finding: The subject property is relatively flat and located in an area of minimal flood hazard.

3. **Separation and Screening.** The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.

Finding: The underlying RMF-24 zoning district requires a minimum side setback of five feet and a minimum rear setback of 20 feet. There appears to be an existing wood fence along portions of the south and east property lines. Staff recommends a condition requiring that the property be screened from all adjacent properties by a view obscuring fence or vegetation, or a combination of the two.

4. **Occupancy Limits.** The Planning Commission should consider limits on the number of occupants on the property with considerations for factors including, but not limited to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.

Finding: Staff recommends that the number of RVs permitted in the campground be limited to no more than the existing 24 pads based on proximity of adjacent structures and the capacity of utilities available on site. Staff notes that the mobile home park is currently regulated under UDC 164.12(C) Nonconforming Uses, and that if the park should become entirely composed of RV units at any time, it shall lose its existing nonconforming status for the mobile home use unless separate entitlements are granted for Use Unit 11 Manufactured Home Park.

5. **Campfires.** Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.

Finding: Staff recommends that open campfires on this property shall be prohibited and open fires shall be limited to one raised barbecue grill per pad.

6. **Noise.** The Planning Commission may apply conditions limiting noise emissions from the campground.

Finding: Staff recommends that noise emissions be limited as described in Chapter 96: Noise Control. Since RMF-24 is a residential zoning district, maximum noise levels would be limited to 60 dB(A) from 7:00 a.m. to 11:00 p.m. and to 55 dB(A) from 11:00 p.m. to 7:00 a.m.

7. **Storage.** Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.

Finding: Staff finds an additional condition regarding secured storage is unnecessary as each RV may be locked and secured individually.

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

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

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

Finding: Ingress and egress to the property is provided through an existing driveway that is large enough to accommodate two-way traffic. The property has frontage along W. 15th St., a partially improved High-Activity Regional Link with asphalt, curb and gutter, and incomplete sidewalk.

- (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: On-street parking is not available nearby, though it appears that each pad likely has sufficient space to provide parking for both an RV and additional smaller vehicles. The City's parking ordinance limits parking for campgrounds to one space per four occupants. Staff recommends a condition limiting parking for the campground as described by ordinance.

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

Finding: The existing mobile home park and RVs are served by residential trash cart services. Staff anticipates that any additional RVs would also be served by these charts and recommends that the applicant coordinate with the City's Recycling and Trash Collection Division to ensure that enough containers are provided for the proposed use. Staff also recommends a condition confirming that containers are screened from view of the public right-of-way when not placed at the curb for residential pick-up.

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

Finding: Utilities are currently available to the subject property and its use as a campground is not expected to impact the provision of utilities.

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

Finding: Staff recommends a condition requiring that the campground be screened from all adjacent properties by a view obscuring fence or vegetation, or a combination of the two.

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

Finding: Any proposed signage will be subject to Unified Development Code Chapter 174, Signs, and all regulations therein.

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

Finding: Staff recommends a condition requiring that all vehicles used for camping comply with the required setbacks of the RMF-24 zoning district. RMF-24 requires a five-foot side setback and a 20-foot rear setback.

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

Finding: Staff finds the proposed use of the property as a campground to be compatible with adjacent properties and others in the RMF-24 zoning district based on information provided in the request letter. The mobile home park has existed in substantially the same configuration since approximately 1965 and staff finds that the RVs are operating in a similar function to the existing mobile home units. No tent camping is proposed, and adequate utility hookups and sanitation facilities are available to ensure that RV camping is not a hazard to the health, safety, and welfare of either the campers or adjacent residents.

- (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 of the property as a campground to be consistent with the goals and intent of the City's adopted land use and other strategic plans. As noted in City Plan 2040, there is a shortage of affordable housing in the City of Fayetteville, and campgrounds could serve as a temporary solution that could support Goal 6 of City Plan 2040 by creating opportunities for housing and shelter. RVs are a more affordable entry point for shelter, and staff finds adequate provisions for sanitation, waste, and storage are proposed for the requested campground.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.16 – District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
 - §163.12 – Campgrounds
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Staff Exhibits
 - Aerial Imagery
 - Existing RVs
- Applicant Request Letter

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

Units per acre	24 or less
----------------	------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Manufactured home park	100 feet
Lot within a Manufactured home park	50 feet
Single-family	35 feet
Two-family	35 feet
Three 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) or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
-------------------	-------------------

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
-------------------------	--------------------------------

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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

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

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

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5079, 11-20-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5495, 4-17-12; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 8, 9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

163.12 Campgrounds

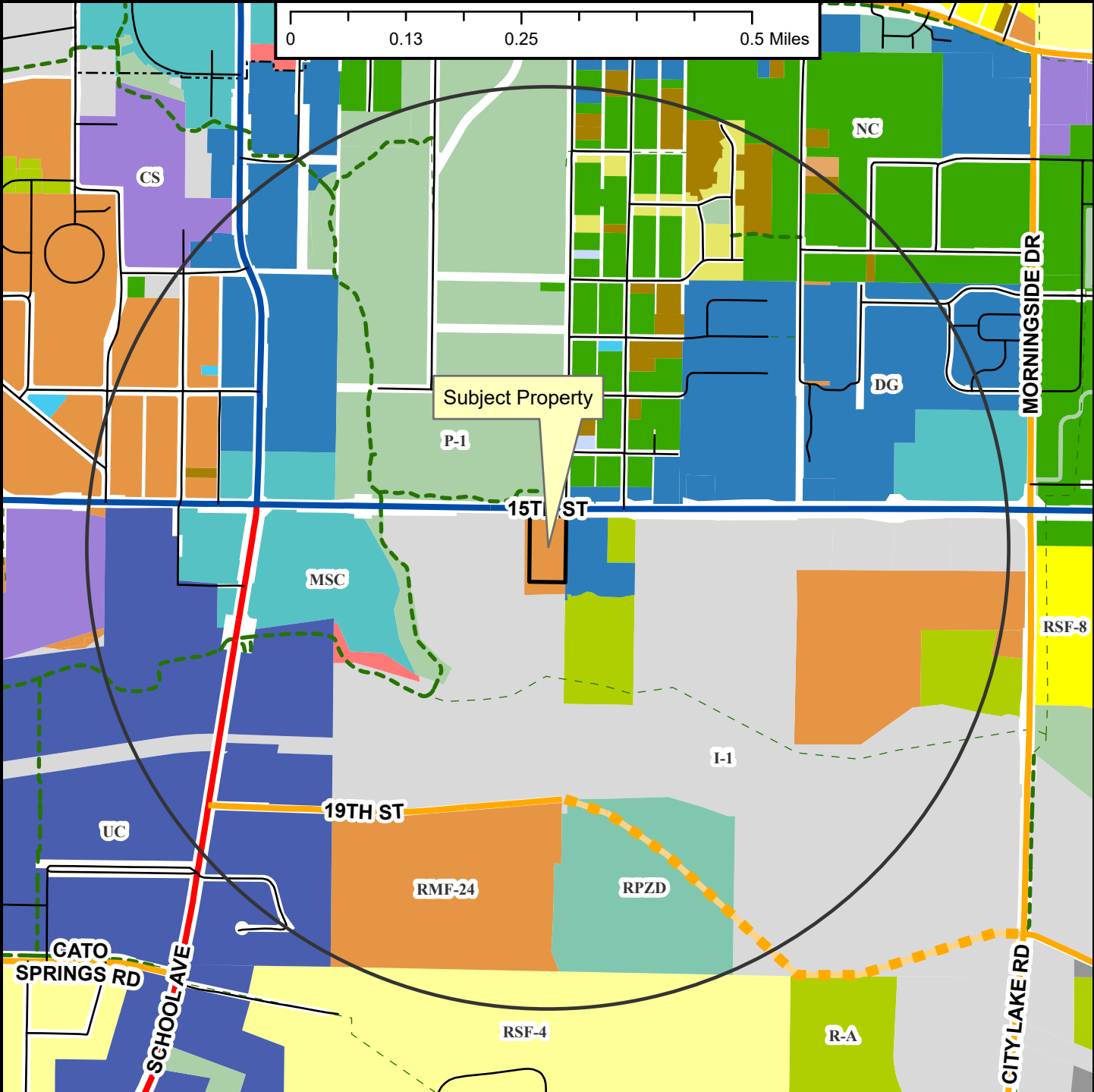
- (A) Campgrounds may be permitted citywide as a conditional use subject to the following minimum conditions:
- (1) *Consent.* The owner of the property shall provide written consent.
 - (2) *Contact.* The owner of the property shall ensure current contact information is provided to the city for the owner or a responsible party.
 - (3) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times the property is being used for camping, including nights and weekends, in order to facilitate compliance with this section. For the purposes of these regulations, "availability" means that the owner or agent is accessible by telephone, and, able to be physically present at the location within three (3) hours of being contacted.
 - (4) *Sanitation.* Provisions shall be made to ensure any person camping on the property has access to sanitary facilities, including restroom and potable water.
 - (5) *Waste.* The owner of the property shall ensure the provision of adequate garbage services such that no accumulation of solid waste occurs.
 - (6) *Setbacks.* The owner shall ensure that any facilities, tents, or vehicles used for camping comply with the setback requirements of the applicable zoning district.
 - (7) *Access by the City.* The city shall be authorized to enter the property to ensure compliance with the city's ordinances and any conditions of approval.
- (B) In addition to the factors set forth in subsection 163.02(C)(3), campgrounds are further subject to approval, denial, or additional conditions based on the Planning Commission's findings on the following factors:
- (1) *Duration.* Where appropriate, conditions may be applied limiting the duration of the conditional use permit or the duration of stay by campground users;
 - (2) *Natural Hazards.* Potential natural hazards, including flooding and slopes, shall be considered in siting of camping areas and may be a factor for denial of a conditional use permit;
 - (3) *Separation and Screening.* The Planning Commission may require greater separation from adjacent properties than the minimum setbacks applicable to the zoning district. The Planning Commission may also require screening.
 - (4) *Occupancy Limits.* The Planning Commission should consider limits on the number of occupants on the property with consideration for factors including, but not limited to, the acreage of the property, the proximity of adjacent structures, and the capacity of utilities available on site.
 - (5) *Campfires.* Where appropriate, conditions may be applied limiting campfires or other open burning, with review and approval by the Fire Marshal.
 - (6) *Noise.* The Planning Commission may apply conditions limiting noise emissions from the campground.
 - (7) *Storage.* Where appropriate, conditions may be applied to ensure that any person camping on the property has access to securable storage for personal items.
- (C) The requirements and limitations of this section shall not apply to or affect the limited camping authorizations of §97.068, Camping Prohibited in the Parks and Recreation Chapter of the Fayetteville Code.

(Ord. No. 6659, §2, 5-2-23)

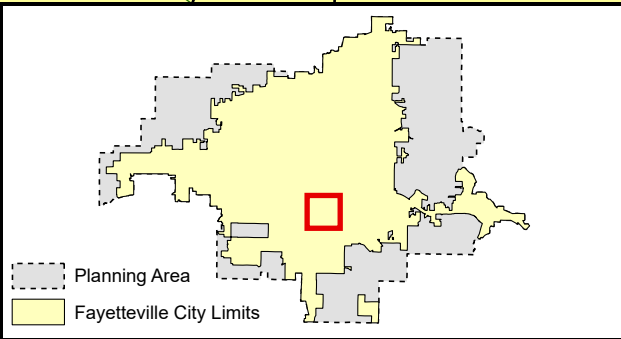
CUP-2025-0061
<i>One Mile View</i>

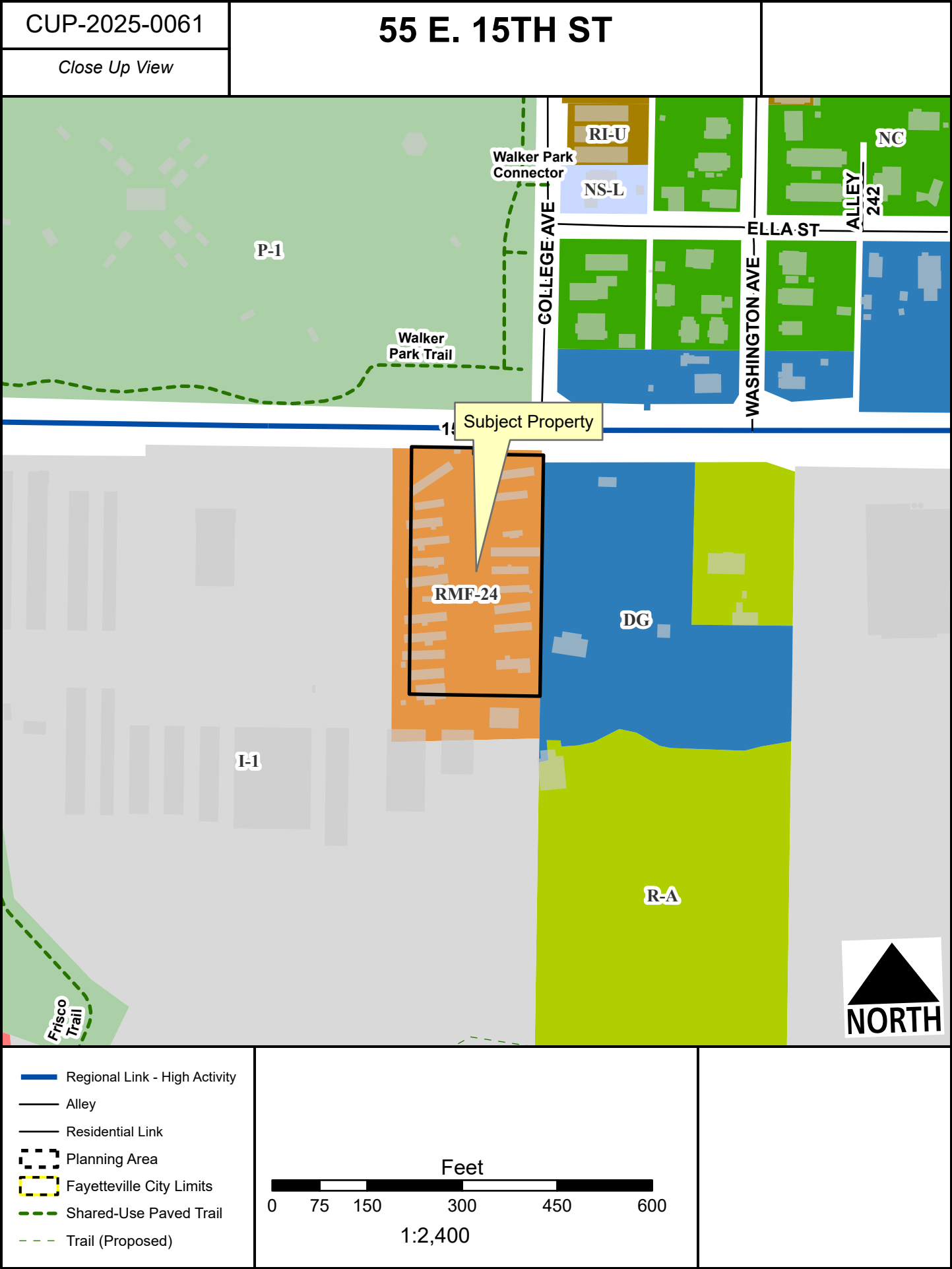
One Mile View

55 E. 15TH ST



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

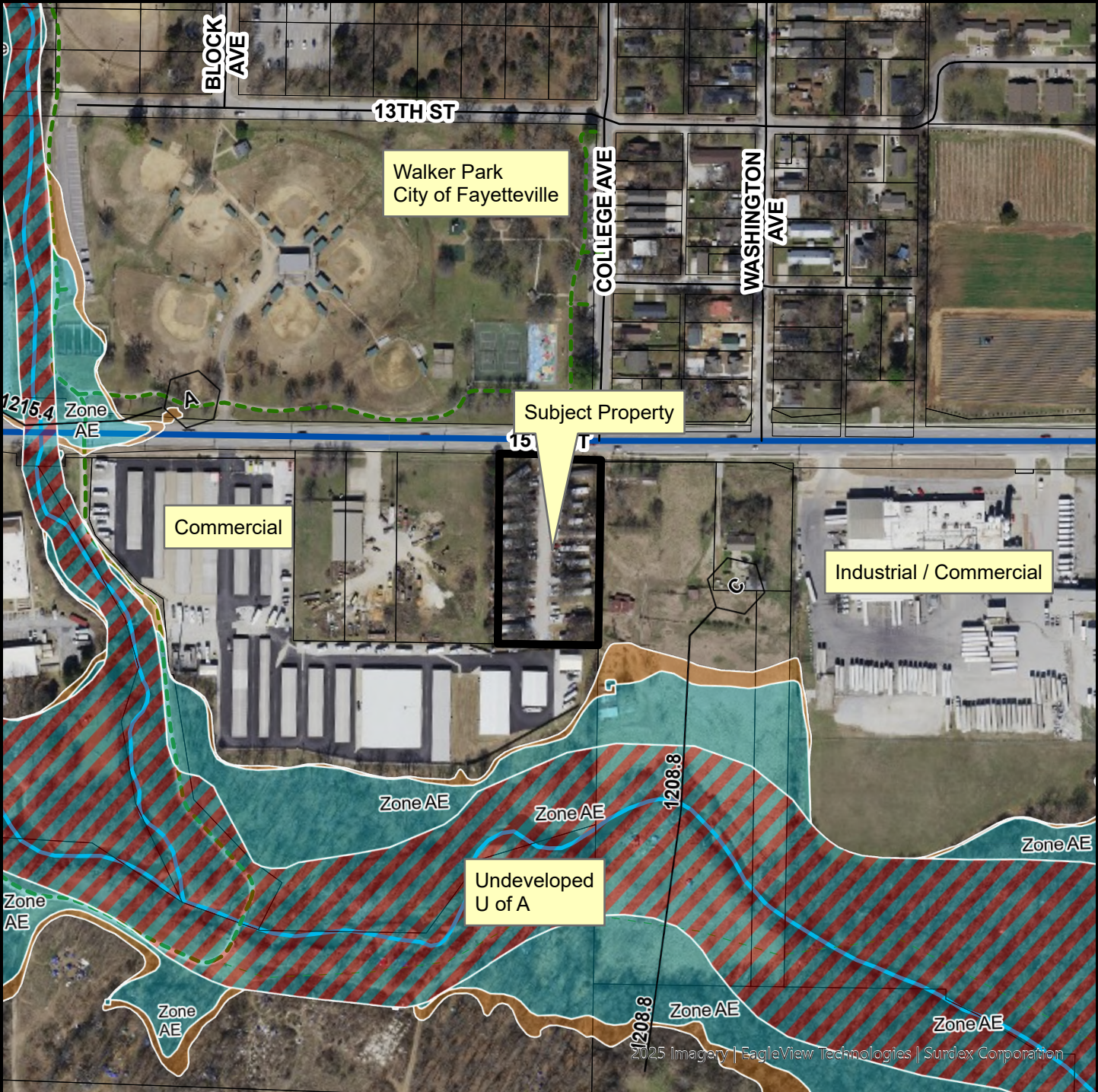




CUP-2025-0061	55 E. 15TH ST  NORTH
Current Land Use	

Current Land Use

55 E. 15TH ST



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

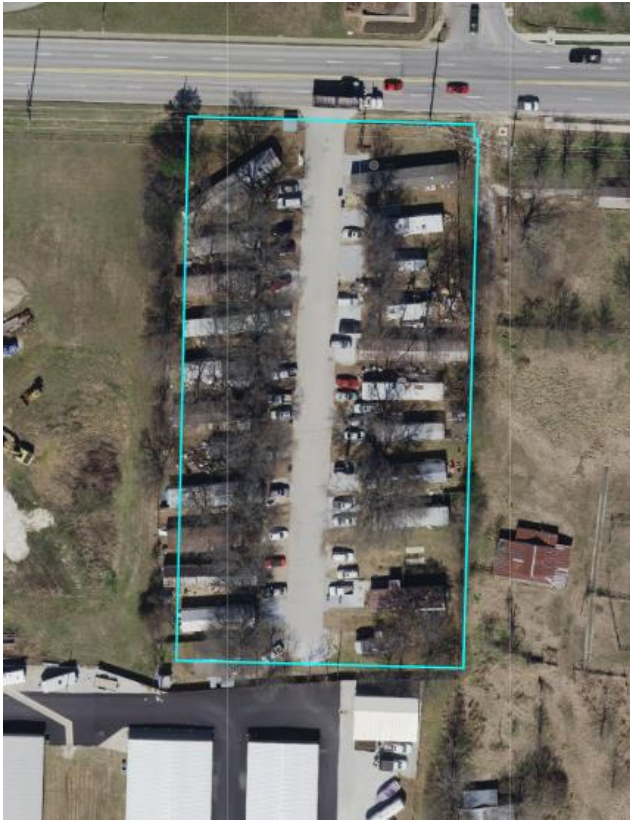
FEMA Flood Hazard Data

-  100-Year Floodplain
 Floodway

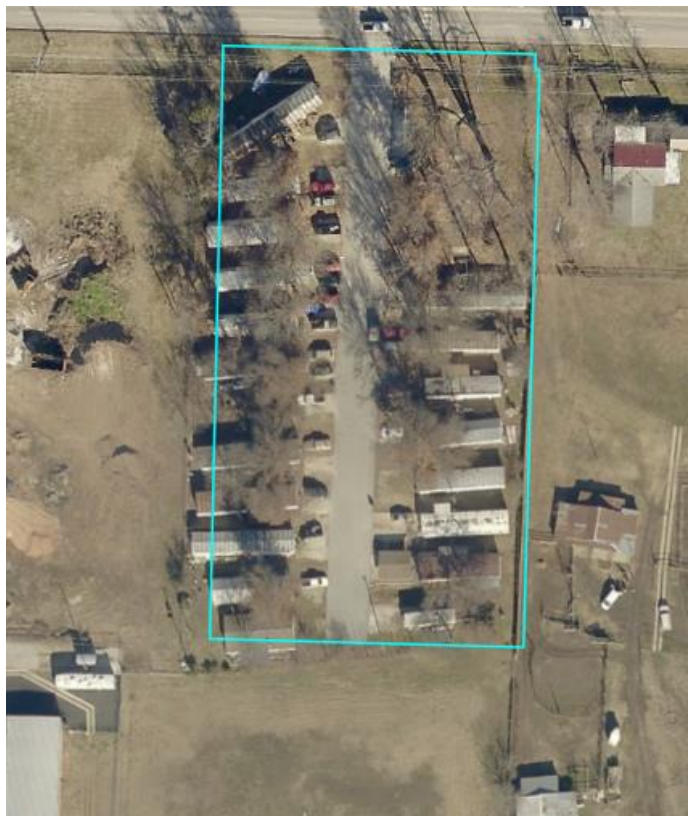
A horizontal number line labeled "Feet" with tick marks at 0, 112.5, 225, 450, 675, and 900. The line is divided into segments by these tick marks.

1:3,600

**Staff Exhibit:
Aerial Imagery**



2025



2015



2006



1998



1980



1965

Staff Exhibit:
Existing RVs





The Churchlight Communities

14449 Arkansas 12

Rogers, Arkansas 72756

(479)319-5288

16th, January 2026

The City of Fayetteville
Health and Safety Violation
55th E 15st
Fayetteville AR, 72701

Dear The City of Fayetteville,

The Churchlight Communities give permission for RVS to stay in the mobile home park located at 55 E 15th street Fayetteville AR, 72701. Within giving this permission we are needing to request a CUP Permit to be able to allow this to happen. Our contact Kaley Medlin the park manager will be the best person to keep in touch with when it comes to this park. She is available all hours of the day and only lives 30 minutes from the park if there was ever an emergency. The best contact number to reach her at is 479-427-6947 email is 508ndixieland@gmail.com.

As for the sanitation for the RVS all of our tenants have access to their own toilets. We provide hook ups for each one to allow them to have water. For their waste we provide hook ups so it is properly disposed of within our sewer tanks. Our tenants also have access to their own trash cans that are picked up once a week. If we were to ever have any setbacks within the park we will make sure to update anything needed and make sure all rvs continue to meet the requirements. To be able to do this we allow The City of Fayetteville to access our park at any time in order to make sure we comply with all rules.

Size and location of all rvs have been met none of them are blocking any of the utility easements or roads. Our park is located in an area that does have a small slope to be able to allow water to drain behind the park. This

helps to avoid any kind of flooding in case of a natural hazard. All of our rvs are not over 40ft so we make sure all of which can be separated from each other. If needed they can be moved within their lot to allow more access from any side in case they were never up to code.

This park only allows so many occupants as it is not a very big one and can't hold a lot of people. We only have 24 units within the park with at least 2 to 5 people in each home other than the rvs. The rvs only have 1 person living in each one and since we only have 4 rvs we have 4 tenants within these lots. We have a strict no campfires allowed in this park. This is for the safety of our tenants and homes as there is not a whole lot of room between each one.

As for noise we have a rule that all tenants must follow, we ask for all loud noise to stop at 10p.m. This is for the respect of other tenants and complies with the city of Fayetteville since we are located in city limits. As for storage for these rvs we do not provide any storage for them. However, they are allowed to purchase some sort of storage building themselves and add it on their lot. Before the building can be placed they have to ask the park manager and must be within city code compliance.

Sincerely, The Churchlight Communities

	55
13	1
14	2
15	3
16	RK
17	5
RK	6
19	7
21	8
22	RK
23	10
24	11
	RK





TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: January 26, 2026

SUBJECT: **RZN-2025-0072: Rezoning** (1148 & 1156 N. THOREAU LN./HASH, 408 & 447): Submitted by EQUILIBRIUM REAL ESTATE for properties located at 1148 & 1156 N. THOREAU LN. The properties are zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.76 acres. The request is to rezone the properties to RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0072** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0072** to the City Council with a recommendation of approval."*

BACKGROUND:

The subject properties are located in central Fayetteville approximately 500 feet east of the N. Mission Blvd. and E. Emerson Ln. intersection. Both properties are zoned RSF-4, Residential Single-Family, 4 Units per Acre, and are undeveloped. The subject properties are located in the Hillside/Hilltop Overlay District. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

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

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

Public Comment: Staff has received two public comments in opposition to the rezoning both citing potential negative changes to the neighborhood's character and development concerns.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along N. Thoreau Lane. N. Thoreau Lane is a partially improved Residential Link Street with asphalt paving and curb & gutter. The subject area has a road frontage along N. Kings Drive. N. Kings Drive is a Partially improved Residential Link Street with asphalt paving and 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 4-inch water main is present along N. Thoreau Lane and continues along the southwest side of the subject property. Existing 8-inch water main is present along N. Kings Drive.

Sewer: Sanitary sewer is available to the subject area. Existing 8-inch sewer main is present along N. Thoreau Lane. Existing 6-inch sewer main is present along N. Kings Drive.

Drainage: The property lies within the Hillside/Hilltop Overlay District. Additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans. No portion of the properties lies within a FEMA floodplain. Additionally, no protected streams are present on the subject properties. No hydric soils are present on the property.

There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 763 feet Northwest of this property. Any improvements or requirements for drainage will be determined at the time of development submittal.

Fire: Station 2, located at 138 W North St, protects this site. The property is located approximately 0.9 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. 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, RSF-8, Residential Single-Family, 8 Units per Acre, requires a **20% minimum canopy preservation**. The current zoning district, 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 **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 6 for this site with a weighted score of 6. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 2, 138 W North St.)
- Near Water Main (4-inch N. Thoreau Ln; 8-inch N. Kings Dr)
- Near Sewer Main (8-inch N. Thoreau Ln; 6-inch N. Kings Dr)
- Near Public School (Root Elementary School)
- Near City Park (Brooks-Hummel Nature Reserve)
- Near Paved Trail (Side-Path Trail)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** Staff finds the proposed zoning of RSF-8, Residential Single to be compatible with the surrounding residential uses. Land uses in the area are primarily residential in nature, varying both lot width and lot area, with nearly all nearby properties seemingly adhering to the area's RSF-4 zoning required minimums. Though RSF-8 would introduce less restrictive lot allowances, RSF-8 would still be in line with the area's character. RSF-8 decreases lot widths from 70 feet to 50 feet for single-family dwellings and would also decrease lot area minimums from 8,000 square feet to 5,000 square feet. Both zoning's permitted uses are identical. The setback requirements for RSF-8 is lesser with a reduced rear setback from RSF4's 15 feet to 5 feet. The subject properties are in non-compliance as they both are through-lots, which are discouraged as the design impacts the public's visual and physical interaction with any development here. The applicant has stated that they intend to subdivide the properties to four lots allowed with the reduced lot requirements of RSF-8, which would result in conformance. With the same use allowances, similar setbacks, and slightly reduced lot requirements, staff finds that the proposed rezoning is compatible with the area.

Land Use Plan Analysis: Staff believes that the proposal is compatible with the goals in City Plan 2040, adopted land use policies, and the future land use designation for this location. This property, designated as a Residential Neighborhood Area, is primarily residential in nature. A rezoning to RSF-8 would support this as its use schedule is residential. Staff supports the rezoning to RSF-8 as it would be in keeping surrounding residential character and support Goals 1 (appropriate infill), 3 (compact development), 6 (opportunities for attainable housing) of City Plan 2040.

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 RSF-8 is justified. The request would allow for a level of compatible infill development that would be consistent with the future land use goals of the area.

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 RSF-8 has the potential to increase the traffic along N. Thoreau Ln and N. Kings Dr. However, the increase would be modest given the relatively small size of the properties and the capped density.

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

Finding: The proposed rezoning has the potential to slightly alter the population density since it would allow for more residential development with its reduced lot requirements. However, the property currently has access to public streets, water, and sewers, and any necessary improvements would be determined at the time of development. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends forwarding RZN-2025-0072 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>January 26, 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
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map
- Long Range Planning Memo
- Request Letter
- Public Comment

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

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

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

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

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

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

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

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

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

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

(3) *Land Area Per Dwelling Unit.*

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

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

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	5 feet

(F) *Height Regulations.*

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

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

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

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

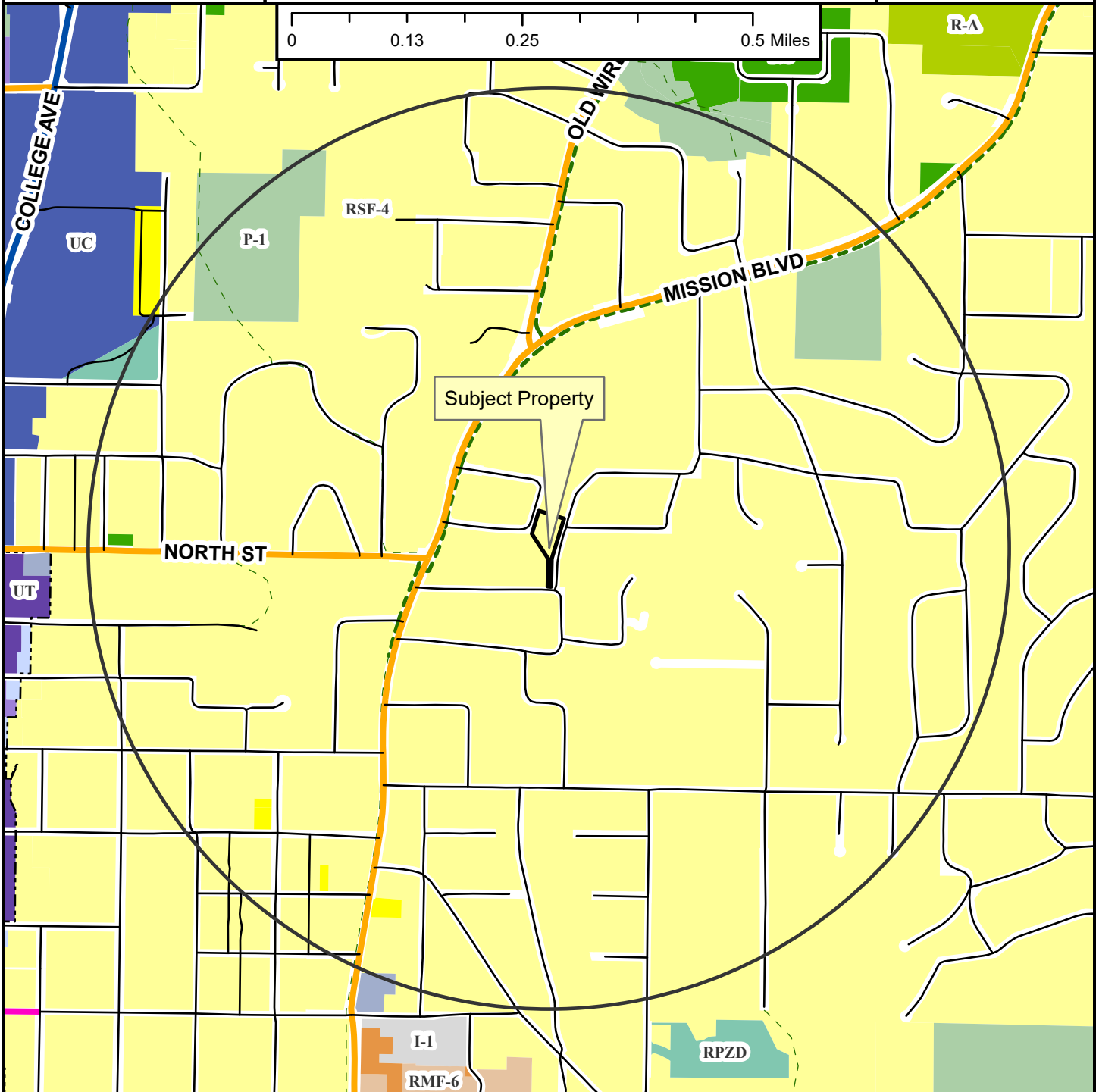
RZN-2025-0072

1148 N. THOREAU LN

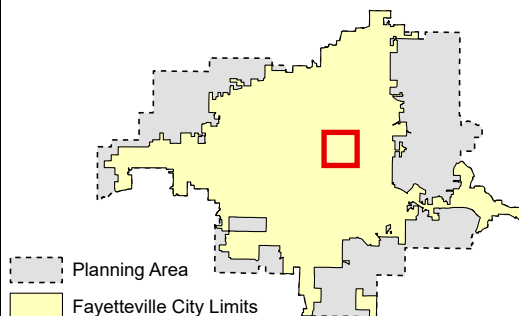
One Mile View



0 0.13 0.25 0.5 Miles



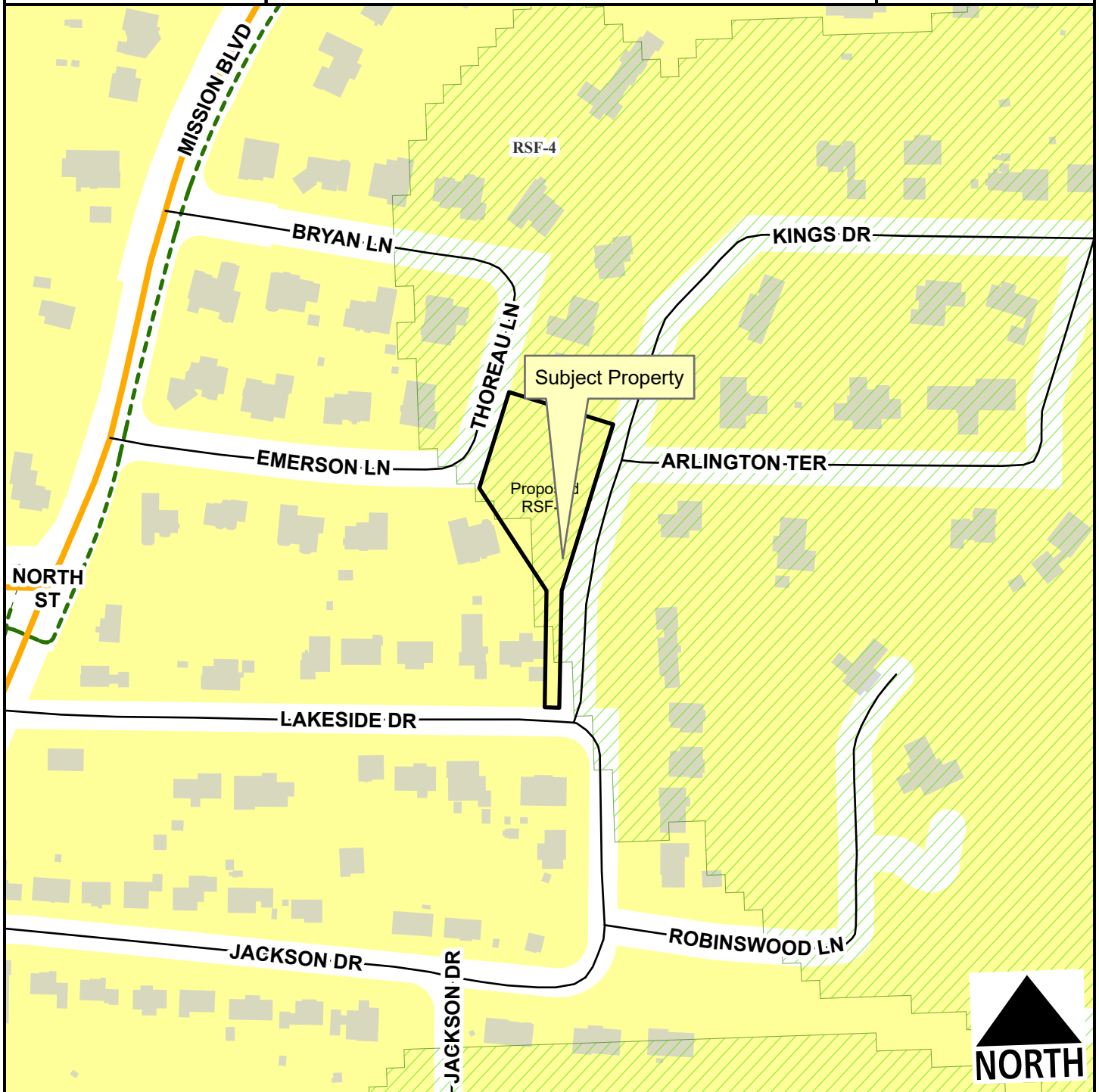
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



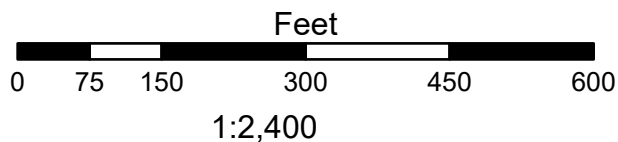
RZN-2025-0072

1148 N. THOREAU LN

Close Up View



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



Zone	Current	Proposed
RSF-4	0.8	0.0
RSF-8	0.0	0.8

Total 0.8 ac

RZN-2025-0072

1148 N. THOREAU LN

Current Land Use



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



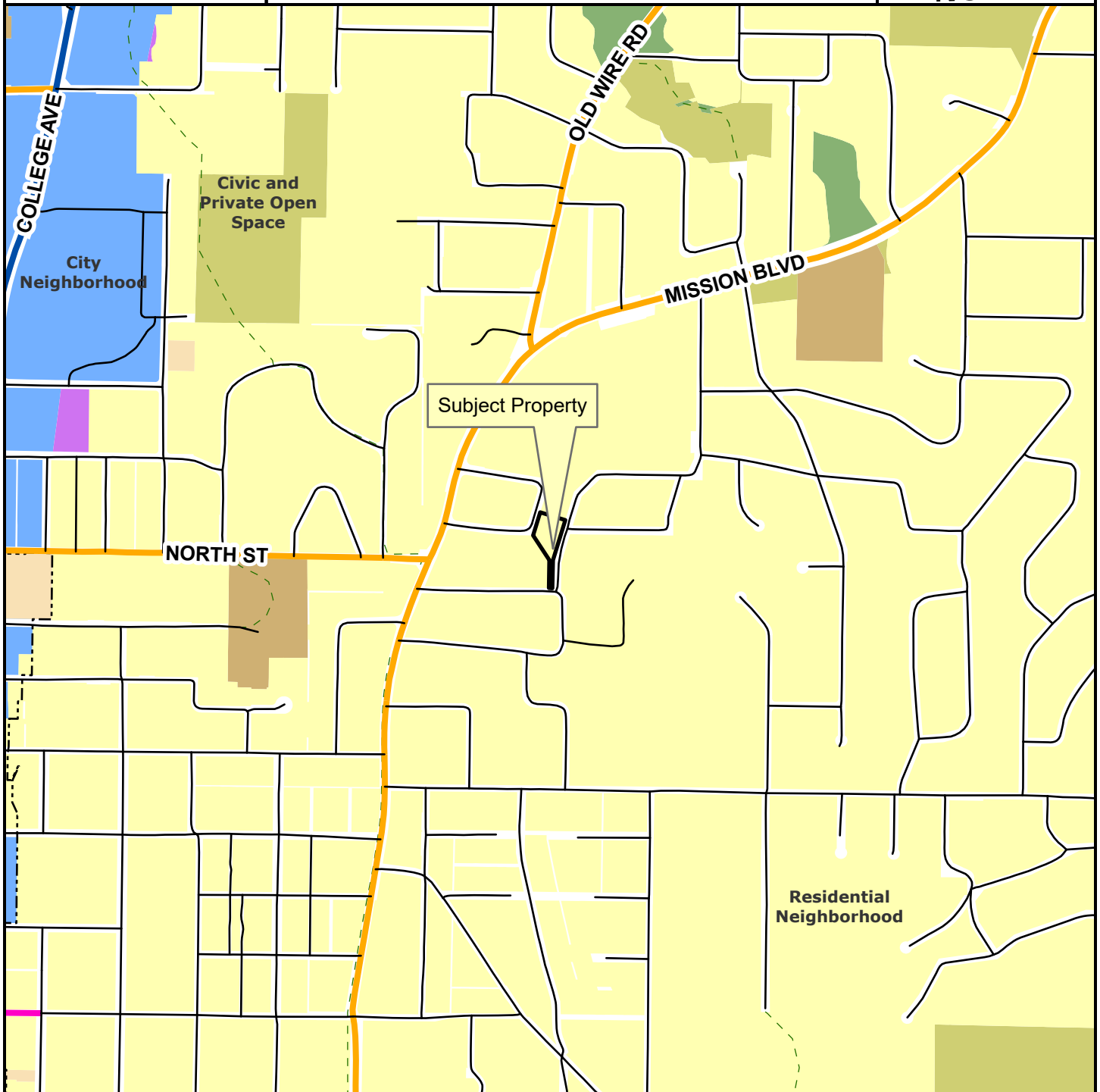
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2025-0072

1148 N. THOREAU LN

Future Land Use



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

Feet

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

1:10,000

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



TO: Wes Frank, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 26, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0072

BACKGROUND:

The applicant requests to rezone approximately 0.76 acres from RSF-4, Residential Single-Family, Four Units per Acre to RSF-8, Residential Single-Family, Eight 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 improving buildability of the site through more flexible lot width and area requirements. The applicant's stated intent to simply reorganize the parcel via a zoning change and property line adjustment is appropriate, and RSF-8 would facilitate the narrower lot width and area minimum for the lot split.

Property History:

The subject property is undeveloped. 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.

¹ City Plan 2040, 128.

Subject: Application for Rezoning from RSF-4 to RSF-8

Dear City of Fayetteville Planning Division Committee Members,

My name is Muhammad Rahman. My wife and I co-own Equilibrium Real Estate LLC, a small real estate company located in Fayetteville, Arkansas. My wife and I just purchased two adjacent parcels of land at Mission Hills Subdivision in Fayetteville, Arkansas. The description and address of these two lots are provided below:

Parcel: 765-18499-000. Address: 1156 N Thoreau Ln, Fayetteville, AR 72701. Acreage: 0.293 acre

Parcel: 765-18498-000. Address: 1148 N Thoreau Ln, Fayetteville, AR 72701. Acreage: 0.468 acre

We are requesting for rezoning our purchased lots from RSF-4 to RSF-8. The objective of the rezoning is to address several issues. They are discussed below:

- 1) The non-conformity of parcel: 765-18498-000 with the City of Fayetteville zoning requirement for RSF-4 due to its unusual shape and the front lot width of 52 feet which is less than the minimum lot width of 60 feet for a hillside overlay district.
- 2) A major part of parcel 765-18498-000 acreage is like a flag lot or pipe stem lot where the tube shape part of the lot might not be usable due to its narrowness and due to its proximity to the Kings Road and E Lakeside Dr which are located on the north and east side of the lot.
- 3) There is sharp minimum 20 feet descent throughout back of both lots that extends at least 40 feet from the back plot lines.
- 4) Sewer connection is available at the corner of parcel 765-18498-000. It might increase the need for bigger utility easement requirements for parcel 765-18499-000.

To address the above-mentioned issues and to obtain optimum utilization of these two expensive pieces of land, we are planning to execute the following set of strategies:

- a) Apply for a rezoning from RSF-4 to RSF-8. This would alleviate part of the problems we are facing in terms of lot width and setback requirement.
- b) Apply for a lot line adjustment.
- c) Split the combined 0.761-acre area on these two lots into four lots with 0.19 acreage of land in each lot. This will allow us to build four affordable single residence homes (in accordance with the minimum SQFT requirement specified in the subdivision covenant).

Below is an explanation about why we think our rezoning application will not be grossly incompatible with the surrounding land use:

- i. As can be visible from the topology and acreage of the combined lots with 0.761 acre, it will be physically impossible to build more than 4 single residence homes without violating city of Fayetteville building codes and subdivision covenants. Therefore, there should not be any concern about increased density.
- ii. All the surrounding areas are part of RSF-4 zoning. However, most of the neighboring lots inside the subdivision are around 0.30 acres. There are also several small lots on E Lakeside Dr as well. Therefore, by adopting our three-part strategy (rezone, lot line adjustment, lot split), we will not be undertaking construction projects that will be vastly different from neighboring constructions. Furthermore, changing zone for two lots among 22 lots in this subdivision should not alter the land usage or density for the entire subdivision, according to our opinion.

I am attaching all the required documents specified in the 'Rezone Application Checklist' available at the City of Fayetteville portal along with this request letter. If you have any questions or concerns regarding our application for the rezoning, please feel to reach out to me at your convenience.

Sincerely,

Muhammad Rahman

Partner, Equilibrium Real Estate, LLC

Clinical Assistant Professor

Department of Economics

Sam M. Walton College of Business

University of Arkansas

Fayetteville, AR-72701

Phone: 479-575-6083 (Office); 425-463-7691 (Cell)

Email: urahman@gmail.com; mrahman@walton.uark.edu

Fax: 479-575-3241

Frank, Wes

From: Planning Shared
Sent: Monday, January 12, 2026 12:25 PM
To: Frank, Wes
Subject: FW: Objection to Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

Concerning RZN-2025-0072

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville, Arkansas
479-575-8267
fayetteville-ar.gov

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

From: Mickey Freeman <micfree46@gmail.com>
Sent: Monday, January 12, 2026 11:42 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Objection to Rezoning

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

I am writing to object to the proposed rezoning the lots at 1148 N Thoreau Ln, Fayetteville. The proposal is to rezone this property from RS-4 single family residential to RS-8 high density residential.

My objection is based on several key facts. 1) Traffic, both moving and parking. We have already had a serious parking problem that impacted school buses and child safety. 2) Drainage. Several current homeowners have invested thousands to repair storm drainage. This change will add to that problem. 3) Neighborhood pride. Fayetteville has always been a city of strong neighborhoods. This rezoning will chip away at that community connectedness.

Thank you for the opportunity to make my case. I respectfully submit this objective.

Mickey Freeman
1155 N. Thoreau Ln.
Fayetteville 72701
501-940-8963

Frank, Wes

From: Planning Shared
Sent: Friday, January 16, 2026 12:39 PM
To: Frank, Wes
Subject: FW: 1156 N & 1148 N THOREAU LN - REZONING RSF-4 TO RSF-8

Concerning RZN-2025-0072

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville, Arkansas
479-575-8267
fayetteville-ar.gov



CITY OF
FAYETTEVILLE
ARKANSAS

From: Charles Nickle <charles.nickle@gmail.com>
Sent: Friday, January 16, 2026 12:16 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 1156 N & 1148 N THOREAU LN - REZONING RSF-4 TO RSF-8

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

Fayetteville Planning Commission:

I want to express my and my neighbors' opinions against the above named property rezoning. We have lived in this quiet neighborhood since 1978. Most of the homes in this area are of a similar age and are owner-occupied. If you look at the zoning map - almost all of the area on the N and NW side of Mt. Sequoyah is zoned RSF - 4, which is appropriate. We don't want any higher density, which encourages non owner-occupied housing and the problems associated with rentals.

Thank you for your consideration.

Charles R. Nickle, P.E. and Pamela Nickle - 2 E Robinswood Ln, Fayetteville, AR 72701
Robert A. Nickle and Melinda Nickle - 1 E Robinswood Ln, Fayetteville, AR 72701
Hamilton Hart, M.D. - 933 E Arlington Terrace, Fayetteville, AR 72701



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: January 26, 2026

SUBJECT: **RZN-2025-0073: Rezoning (1149 S. WEST AVE./HORNBACK REVOCABLE TRUST, 562):** Submitted by WESLEY BATES for property located at 1149 S. WEST AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RI-U, RESIDENTIAL INTERMEDIATE-URBAN.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0073** to City Council with a recommendation of approval."

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0073** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in south Fayetteville approximately 200 feet south of the intersection of S. West Ave. and W. 11th St. The subject area contains 0.30 acres composed of one parcel which is bordered by unimproved alley right-of-way to the west. The parcel was previously constructed with a 1,584 square-foot single-family dwelling which has since been removed. The property is not within any zoning overlay or master plan areas. Surrounding land uses and zoning are depicted in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
South	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
East	Single-Family Residential	RMF-24, Residential Multifamily, 24 Units per Acre
West	Mixed-Density Residential	RMF-24, Residential Multifamily, 24 Units per Acre

Request: The request is to rezone the subject property from RMF-24, Residential Multifamily, 24 Units per Acre 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. West Ave., a fully improved residential links with asphalt paving, sidewalk and 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. There is an existing 6-inch water main the west side of S. West Ave.
- Sewer:** Sanitary sewer is available to the subject area. There is an existing 6-inch sewer main along the west side of the property within the alley. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 678 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 or hydric soils are present in 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 9, located at 2250 S. School Ave., protects this site. The property is located approximately 0.9 miles from the fire station with an anticipated drive time of approximately 2 minutes using existing streets. The anticipated response time would be approximately 4.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.
- Police:** The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, RI-U, Residential Intermediate-Urban requires **15% minimum canopy preservation**. The current zoning district, RMF-24, Residential Multifamily, 24 Units per Acre 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 **9** for this site with a weighted score of **11.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 9, 2250 S. School Ave.)
- Near Sewer Main (6", S. West Ave)
- Near Water Main (6", West Side of Property)

- Near Grocery Store (Walmart Neighborhood Market, El Amanecer Market)
- Near University of Arkansas Campus
- Near City Park (Walker Park)
- Near Paved Trail (Razorback Greenway)
- Near ORT Bus Stop (School at Varsity House)
- Near Razorback Bus Stop (Walmart Neighborhood Market)

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. There are also a high number of two-family and other small multifamily dwellings within the block and a large apartment complex approximately 300 feet to the north. 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, the Fayetteville National Cemetery, Razorback Greenway, transit stops, grocery stores and other nonresidential amenities. While RMF-24 and RI-U allow similar uses, RI-U permits does not allow multifamily structures by right. Staff finds RI-U's smaller lot size requirements could encourage 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 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 9 with a weighted score of 11.5, indicating it is a suitable location for infill development. The property is located close to the Razorback Greenway and Trsa-La Gi Trail, enabling 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.

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 RMF-24 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 RMF-24 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, nearby trails and other bike infrastructure, and the proximity to nonresidential services such as grocery stores, 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 678 linear feet downstream of this property, the small size of the property is also likely to naturally limit the development capacity of the parcel. 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-2024-0073 be forwarded to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 26, 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
 - §161.12 District RI-U, Residential Intermediate – Urban
 - §161.16 District RMF-24, Residential Multi-Family - Twenty-Four (24) Units Per Acre
- Request Letter

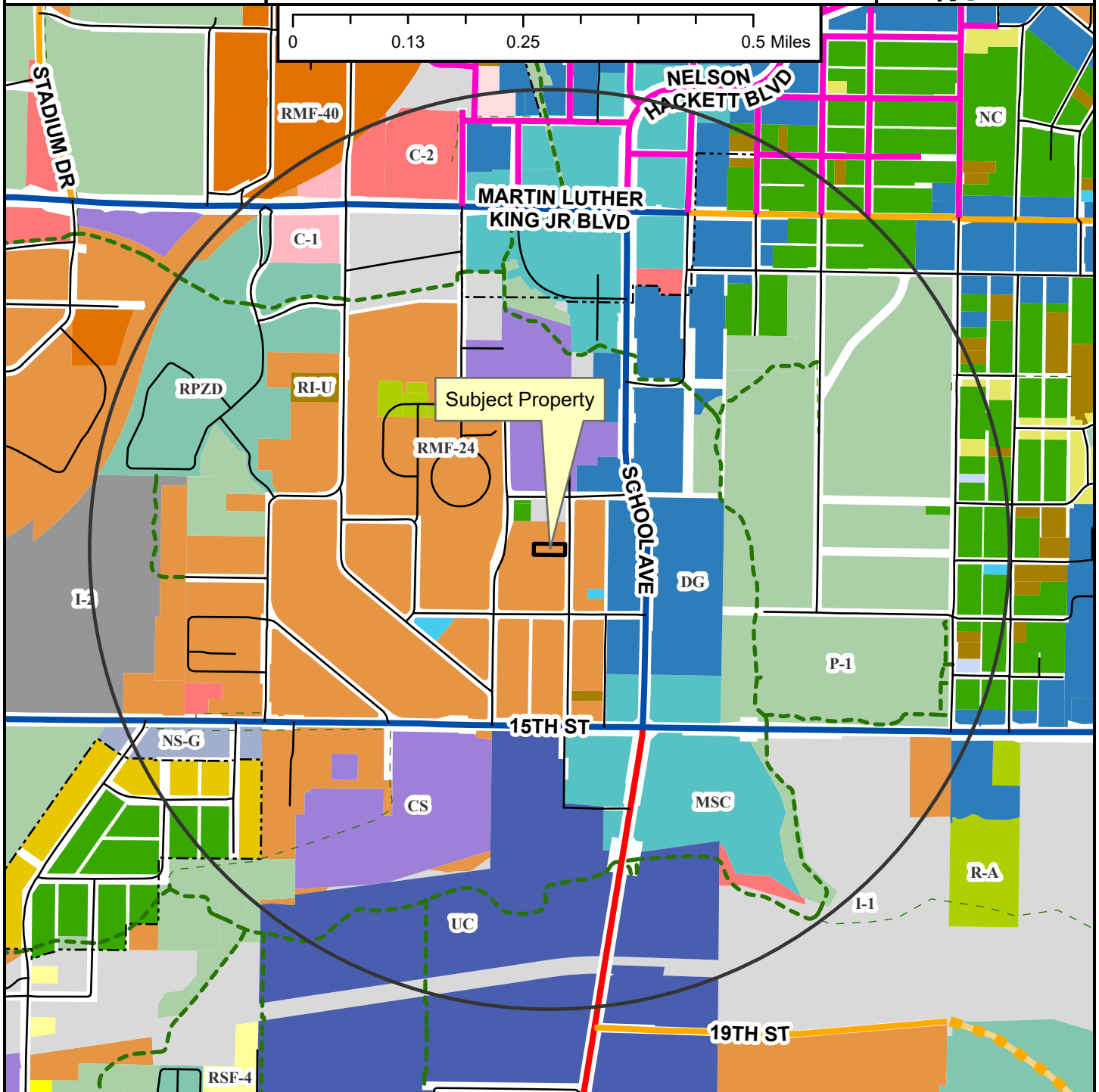
RZN-2025-0073

1149 S. WEST AVE

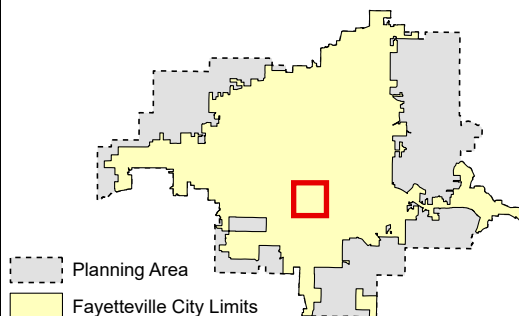
One Mile View



0 0.13 0.25 0.5 Miles



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

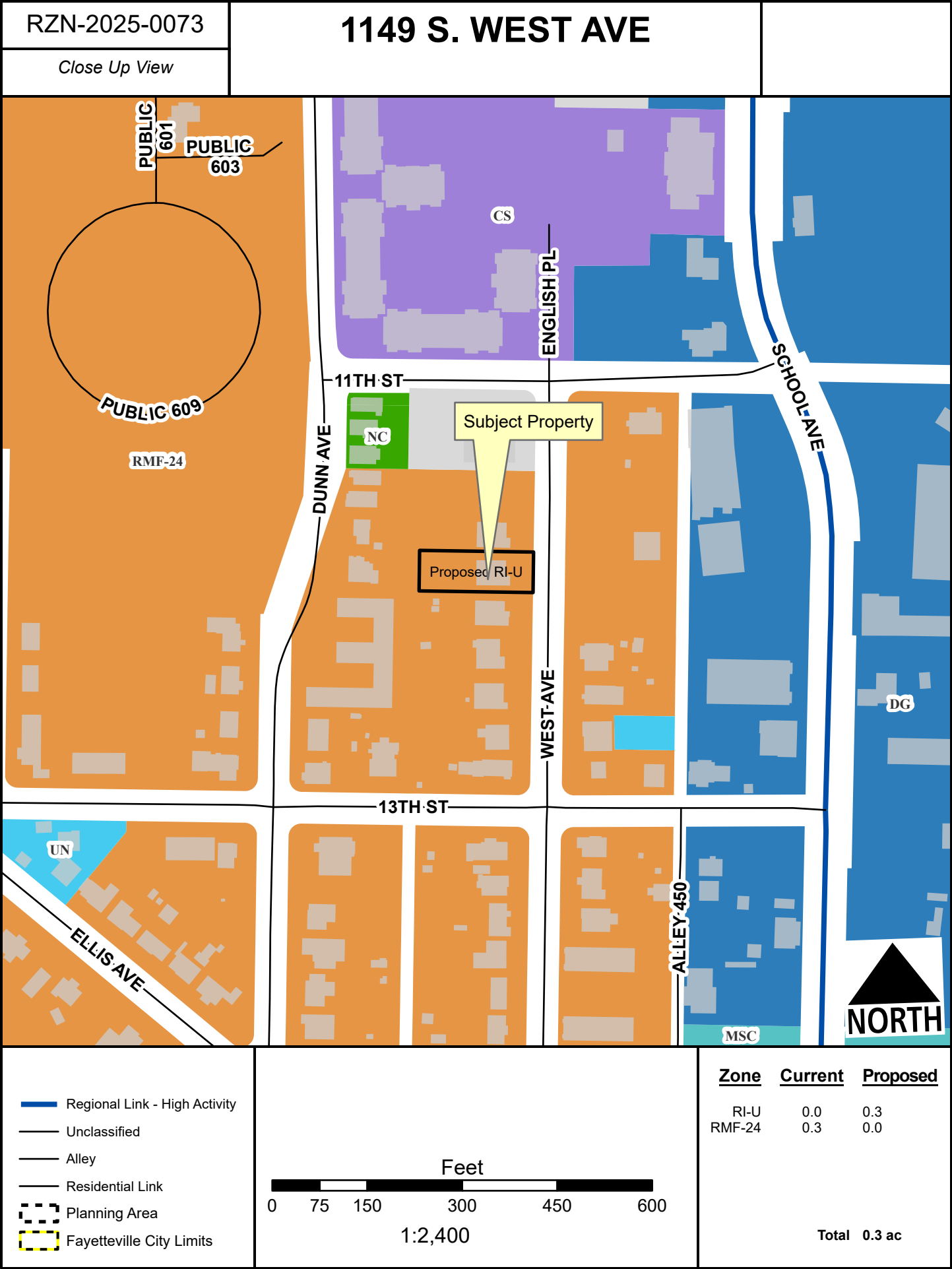


Planning Commission

January 26, 2026

RZN-2025-0073 (HORNBACK REVOCABLE TRUST)

Page 6 of 14



RZN-2025-0073
<i>Current Land Use</i>

1149 S. WEST AVE



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

FEMA Flood Hazard Data

-  100-Year Floodplain
 Floodway

Feet

0 112.5 225 450 675 900

1:3,600

0	112.5	225	450	675	900
---	-------	-----	-----	-----	-----

1:3,600

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
----------------	------------

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

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

(2) *Lot Area Minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 square feet
Townhouses: Individual lot	2,000 square feet
Single-family	3,000 square feet

Two (2) family	4,000 square feet
Three (3) family or more	7,000 square feet
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land Area Per Dwelling Unit.*

Manufactured Home	3,000 square feet
-------------------	-------------------

(E) *Setback Requirements.*

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

(F) *Building Height Regulations.*

Building Height Maximum	2 stories/3 stories/5 stories*
-------------------------	--------------------------------

* A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of two (2) stories, between 10—20 feet from the master street plan right-of-way a maximum height of three (3) stories and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 5 stories.

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

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

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

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

161.12 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*
-------------------------	----------------------

* 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.



TO: Donna Wonsower, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 26, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0073

BACKGROUND:

The applicant requests to rezone approximately 0.30 acres from RMF-24, Residential Multi-Family, Twenty-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:

Zoning History:

Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property and surrounding neighborhood as being zoned into the medium-density "R-2" zoning district, which was subsequently translated to "RMF-24" with the adoption of the city's Unified Development Code.

City Plan 2040 and Future Land Use Plan:

This area is designated as a Residential Neighborhood area, which are "primarily residential in nature and support a wide variety of housing types of appropriate scale and context." This land use designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices.¹ The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, four-family housing. Limited business could be permitted by conditional use permit.

¹ City Plan 2040, 128.

To: Fayetteville Planning Commission
From: Wes Bates
Re: Rezoning Request – 1149 S West Ave (RMF-24 → RI-U)
Date: 12/10/25

Dear Commissioners,

I am requesting a rezoning of 1149 S West Ave from RMF-24 to RI-U. RI-U zoning already exists along this portion of West Avenue, and this request extends an established zoning pattern. The surrounding neighborhood is characterized by smaller-scale residential buildings, traditional lot patterns, and walkable urban form—all of which are directly supported by the RI-U district.

In contrast, RMF-24 is an older multifamily zone that anticipates larger apartment blocks and a development pattern that does not match the scale or character of the street today. Rezoning to RI-U will result in development that is more compatible in height, form, and intensity with nearby properties.

RI-U provides the flexibility for context-appropriate infill while ensuring that the built form remains consistent with the existing neighborhood.

Thank you for your consideration.

Wes Bates



TO: Fayetteville Planning Commission

THRU: Jessie Masters, Planning Director

FROM: Citlali Samano, Planner

MEETING DATE: January 26, 2026

SUBJECT: **RZN-2025-0074: Rezoning (1023 S. MORNINGSIDE DR & 691 E. MCCLINTON ST/CARROLL, 563)** Submitted by WESLEY BATES for property located at 1023 S. MORNINGSIDE DR & 691 E. MCCLINTON ST. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.23 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:

Staff recommends forwarding **RZN-2025-0074** to City Council with a recommendation of approval.

RECOMMENDED MOTION:

*"I move to forward **RZN-2025-0074** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in southeast Fayetteville approximately ½ miles east of Walker Park at the intersection of S. Morningside Dr. and E. McClinton St. The subject area contains 0.23 acres composed of two parcels, one of which is undeveloped. The parcel on 1023 S Morningside Dr has dwelling unit that was constructed in 1951, whereas the property on 691 E McClinton St has remained undeveloped. The property 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	Mixed-Density Residential	NC, Neighborhood Conservation
South	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential	NC, Neighborhood Conservation
West	Single-Family Residential	NC, Neighborhood Conservation

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

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

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has a road frontage along S. Morningside Dr. and E. McClinton St., both fully improved Neighborhood Link streets with asphalt paving, sidewalks, and curb & gutters. 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 6-inch water main along the south side of E. McClinton St. and an existing 2-inch water main along S. Morningside Dr.

Sewer: Sanitary sewer is available to the subject area. There is an existing 8-inch sewer main along E McClinton St. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 365 feet west 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 not present on the property.

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, UN, Urban Neighborhood 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 in. gravity main along E McClinton St)
- Near Water Main (2 in. main along S Morningside Dr / 6 in. main along E McClinton St)
- Near City Park (Walker Park)
- Near Paved Trail (Walker Park's 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 south of the subject area. The UN district functions as a transition area between medium-intensity residential neighborhoods and higher-intensity, mixed-use districts. No maximum density is specified. The minimum lot width would be reduced from 40 feet to 12 feet, provided that at least 50% of the lot has buildable street frontage. That said, staff finds that parking, drainage, tree preservation and other requirements will likely limit the development potential of the parcel.

A rezoning to UN 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 the NC and UN districts allow similar uses, the UN district permits a wider range of housing types with smaller lot size requirements. This flexibility encourages compatible infill development while maintaining neighborhood scale, as the UN district serves as a transition between medium-intensity residential neighborhoods and higher-intensity, mixed-use districts.

Land Use Plan Analysis: Staff finds the proposed zoning to be consistent with the property's Future Land Use Map designation as a Residential Neighborhood Area. The UN zoning district would allow a broader range of land uses in an urban context, which staff considers compatible with the surrounding area. The property has a relatively high infill score of 7, with a weighted score of 8, indicating it is well-suited for infill development. It fronts S. Morningside Drive, a marked shared roadway with sidewalks that provide pedestrian connectivity to nearby neighborhoods and local amenities, including the Houndstooth Press, Ronda's Roadhouse, and several churches. Infill development at this location could advance Goals 1 and 3 by encouraging moderate growth in an established, walkable area with convenient access to nearby transit routes.

The subject property is also part of the Walker Park Neighborhood Plan. The request for UN zoning is appropriate in light of the Plan's vision for a variety of housing options. The Walker Park Plan recognizes the "predominately

single-family nature of the interior of the neighborhood.” A significant portion of primarily single-family zoned property exists roughly between E. Fairlane St. and E. McClain St. Allowing UN zoning provides greater housing flexibility, supporting the intent of both the Walker Park Plan and City Plan 2040 while serving as a compatible transitional zone within the neighborhood context.

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 UN. A rezoning to UN 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 UN is not likely to create or appreciable increase traffic danger and congestion since the subject property is relatively small. 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 UN has the potential to alter the population density when considering that UN 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 365 linear feet to the west 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.

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-2025-0074 be forwarded to City Council with a recommendation of approval.

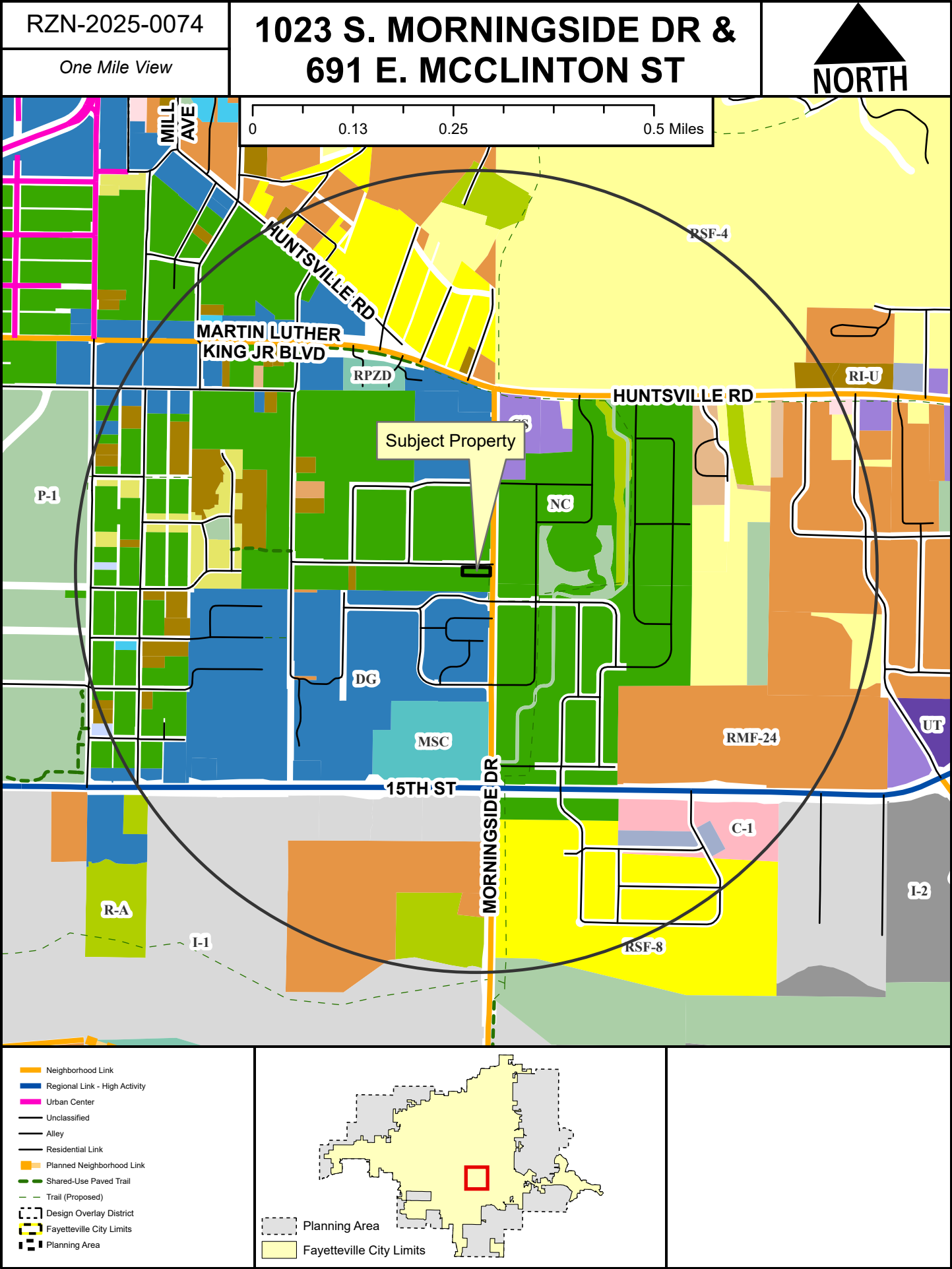
PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 26, 2026</u>	☐ Tabled	☐ Forwarded	☐ Denied
Motion:			
Second:			
Vote:			

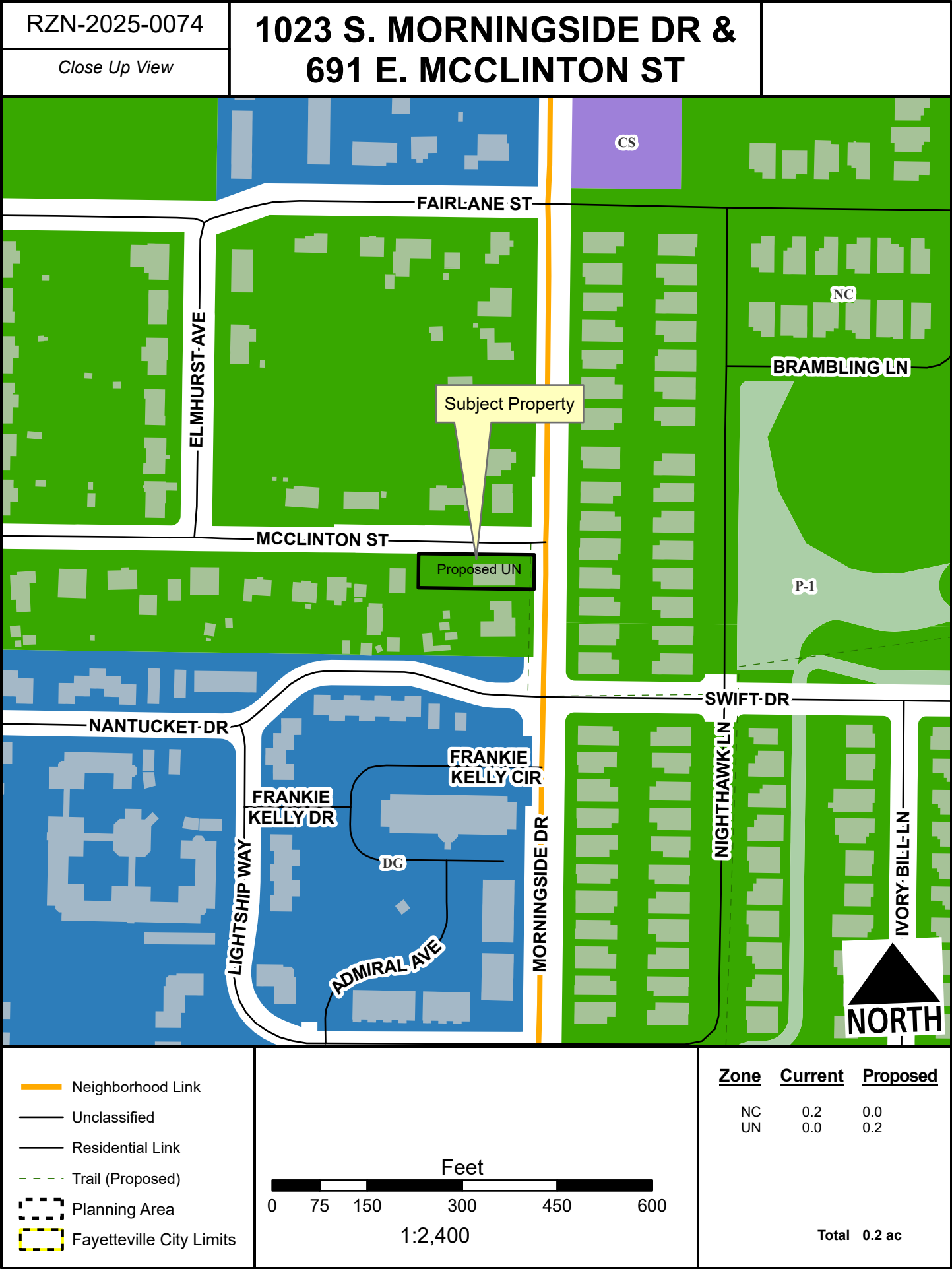
BUDGET/STAFF IMPACT:

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
 - §161.37 District UN, Urban Neighborhood
- Staff Exhibits
 - Long-Range Planning Memo
- Applicant Exhibits
 - Request Letter





RZN-2025-0074

Current Land Use

1023 S. MORNINGSIDE DR & 691 E. MCCLINTON ST



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



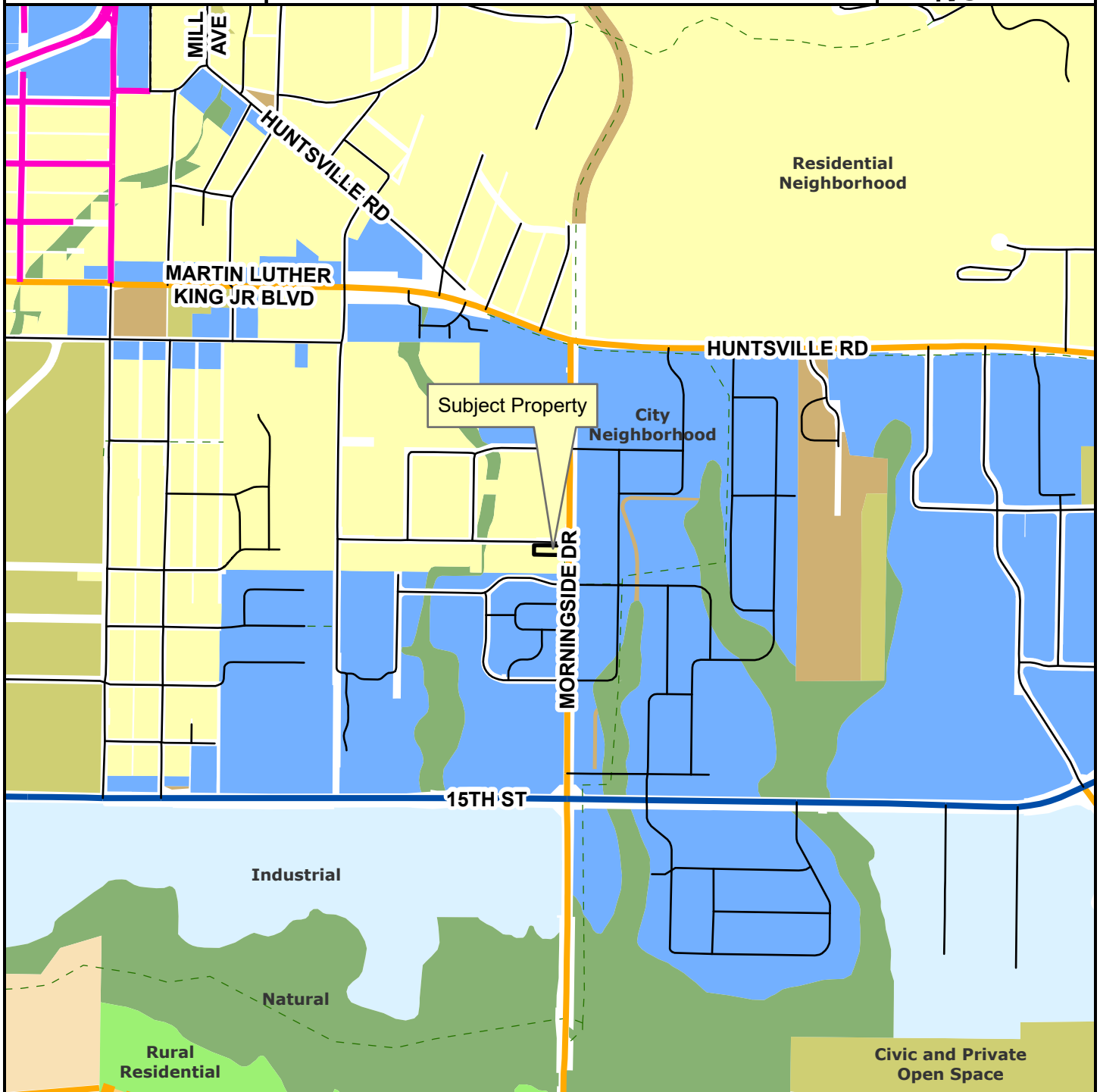
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

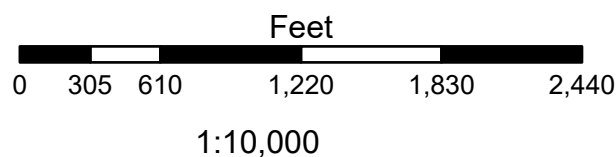
RZN-2025-0074

Future Land Use

1023 S. MORNINGSIDE DR & 691 E. MCCLINTON ST



- 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

161.37 - Urban Neighborhood

(A) *Purpose.* The Urban Neighborhood District is designed to serve as a mixed use area of medium intensity and provide a transition into residential neighborhoods from more intense, mixed-use districts. Urban Neighborhood promotes a walkable, pedestrian-oriented neighborhood development form with a variety of housing options and complementary neighborhood businesses that are compatible in scale and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Urban Neighborhood district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 13	Eating places
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

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

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

(Ord. No. [6830](#), §1(Exh. A), 1-7-25; Ord. No. [6879](#), §2, 5-20-25)

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
--------------------	---------

(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
-------------------------	-----------

(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: Citlali Samano, Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 26, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0074

BACKGROUND:

The applicant requests to rezone approximately 0.14 acres from NC, Neighborhood Conservation to UN, Urban Neighborhood. Three long range planning documents are relevant when evaluating this request: *City Plan 2040*, *Walker Park Neighborhood Plan*, and *Heritage and Historic Preservation Master 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

Heritage & Historic Preservation Plan (2023):

The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.

Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.
4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.

DISCUSSION:

Zoning History:

Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property and surrounding neighborhood as being zoned into the medium-density “R-2” zoning district, which was subsequently translated to “RMF-24” with the adoption of the city’s Unified Development Code.

The subject property was again rezoned, this time to the current zoning designation of NC, Neighborhood Conservation, in 2008 following the *Walker Park Neighborhood Plan*.

City Plan 2040 and Future Land Use Plan:

This area is designated as a Residential Neighborhood area, which are “primarily residential in nature and support a wide variety of housing types of appropriate scale and context.” This land use designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices.¹ The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, four-, and multifamily housing. The UN district would also incorporate non-residential uses, however the intensity of some may extend beyond what was envisioned for this area. Specifically, UN permits General Business (Use Unit 12b) and Eating Places (Use Unit 13), which may increase traffic or noise. However, uses like a small office may not result in a significant impact to the neighborhood. The small lot area will likely be a limiting factor for any commercial or mixed-use development on the parcel.

Walker Park Neighborhood Plan:

The subject property is included in the Walker Park Neighborhood Plan, which outlines goals and a vision for the area. Including a balance of commercial uses and diverse housing types.

The *Walker Park Neighborhood Plan* acknowledges the “predominately single-family nature of the interior of the neighborhood.”² However, the subject property is located along a Neighborhood Link Street on a corner lot which may be appropriate for commercial uses.

It is also worth noting that the *intent* of the Urban Neighborhood district is to “serve as a mixed use area of medium intensity and *provide a transition* into residential neighborhoods from more intense, mixed-use districts.” The subject property is on the eastern periphery of the Walker Park Neighborhood and Residential Neighborhood Future Land Use area where the area transitions to a City Neighborhood to the east across Morningside and to the south. As such, this request aligns with the intent of the Urban Neighborhood district.

¹ City Plan 2040, 128.

² *Walker Park Neighborhood Plan*, 18.

Property History:



The subject property contains a single-family dwelling constructed ca. 1951, according to Washington County Tax Assessor records. The property does not appear eligible for the state or national registers, but further information will be forthcoming with the completion of the phase 1 citywide historic resource survey. Since rezoning requests often precede redevelopment plans, the property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic-age structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

To: Fayetteville Planning Commission

From: Wes Bates

Re: Rezoning Request – 1023 S Morningside Dr and 691 E McClinton (NC → UN)

Date: 12/9/25

Dear Commissioners,

I am requesting a rezoning for the property located at 1023 S Morningside Drive and 691 E McClinton from Neighborhood Conservation (NC) to Urban Neighborhood (UN). While NC limits development to low-intensity residential uses, UN zoning more accurately reflects the existing conditions and the evolution of this corridor, and it allows for the type of compact, walkable development supported by the City Plan.

This portion of Morningside already includes a mix of residential and commercial uses, with DG (Downtown General) zoning located at both ends of the street and existing commercial activity at the intersection of Morningside and Huntsville Road. With a new traffic light being installed at that intersection, the area is becoming an increasingly important neighborhood node. The current NC zoning on this parcel does not align with how the corridor functions today or how it is planned to function in the near future.

The UN district provides an appropriate transition between the established commercial uses at Huntsville Road and the surrounding residential neighborhood. It allows for a modest range of housing types and small-scale mixed-use opportunities that support walkability and neighborhood-serving activity. A key benefit of the UN district is the ability to build narrower, traditional-style townhomes, which fit the historic development pattern and can contribute to more attainable housing options.

This rezoning would enable the property to support flexible, human-scaled development that complements both the nearby DG zoning and the existing commercial corner. It represents a logical and context-sensitive extension of the mixed-use framework already present along this corridor. Allowing UN zoning at this location will help create a more connected, walkable neighborhood while maintaining an appropriate scale.

Thank you for your consideration,

Wes Bates



TO: Fayetteville Planning Commission

FROM: Jessie Masters, Planning Director

MEETING DATE: January 26, 2026

SUBJECT: **RZN-2025-0071: Rezoning (416 S. WILLOW AVE/EBBRECHT, 524):**
Submitted by WESLEY BATES for property located at 416 S. WILLOW AVE. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 1.80 acres. The request is to rezone the property to UN, URBAN NEIGHBORHOOD.

RECOMMENDATION:
Staff recommends denial of **RZN-2025-0071**.

RECOMMENDED MOTION:
*"I move to forward **RZN-2025-0071** to City Council with a recommendation of approval."*

BACKGROUND:

The subject property is in southeast Fayetteville at the intersection of S. Willow Avenue and E. 4th Street, approximately 460 feet south of E. Huntsville Road. The area in question is composed of 4 parcels that encompass approximately 1.8 acres that are zoned NC, Neighborhood Conservation and have been zoned this way since 2008. The property is currently developed with a 1380 sq. ft. single-family home that Washington County records indicate was built in 1965. The property 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	NC, Neighborhood Conservation
South	Single-Family Residential	NC, Neighborhood Conservation
East	Single-Family Residential	NC, Neighborhood Conservation
West	Combs Street Church of Christ	NC, Neighborhood Conservation

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

Public Comment: Staff has received one public comment in opposition to the request, citing concerns with a lack of consistency with the Walker Park master plan, and concerns about the amount of density that could be included with the request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area has street frontage along S. Willow Avenue. South Willow Avenue is a partially improved Residential Link Street with asphalt paving and 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 2-inch water main is present along S. Willow Avenue.

Sewer: Sanitary sewer is available to the subject area. An existing 6-inch sewer main is present along S. Willow Avenue. There are known wet weather sewer capacity issues identified in the City's 2025 Sewer Master Plan that appear in the system 580 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. No Hydric soils are present on the property. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 1, located at 303 W. Center St., protects this site. The property is located approximately 0.8 miles from the fire station with an anticipated drive time of approximately 3 minutes using existing streets. The anticipated response time would be approximately 5.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

Tree Preservation:

The proposed zoning district, UN, Urban Neighborhood 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 ranging score of **7-8** for this site with a weighted score of **10.5**. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station #1, 303 W. Center Street)
- Near Sewer Main (S. Willow Avenue)
- Near Water Main (S. Willow Avenue)

- Near City Park (Walker Park)
- Near Paved Trail (S. Willow Avenue Shared Roadway)
- Near ORT Bus Stop (Martin Luther King Jr. Blvd)
- Within Master Plan Area (Walker Park Master Plan)
- Sufficient Intersection Density (Greater than 140 intersections per square mile)

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 incompatible with surrounding land uses and the intended role of the UN district. UN is meant to serve as a transitional zone—supporting medium-scale commercial and multi-family uses at corners or along minor corridors—not as a blanket designation for a nearly 2-acre interior site. Allowing full-scale restaurants, multi-family buildings, and office structures across the entire property risks introducing development out of scale with the neighborhood and inconsistent with the Walker Park Master Plan.

A more calibrated approach would better balance neighborhood character with community needs. Staff recommends rezoning only the portion of the site at E. 4th Street to UN to introduce walkable amenities while keeping intensity focused at the edge. This smaller area could support compatible neighborhood-serving uses without overwhelming adjacent homes.

For the remainder of the property, staff supports rezoning to RI-U. RI-U would enable additional housing types at a scale harmonious with single-family areas, helping meet rising demand near key amenities, such as Walker Park. While NC and RI-U share similar use allowances, RI-U's smaller lot size requirements make it better suited for context-sensitive infill that strengthens the neighborhood rather than disrupts it.

Land Use Plan Analysis: Staff finds the applicant's proposed zoning inconsistent with the Future Land Use Map's Residential Neighborhood Area designation at the scale requested. A combination of RI-U and a limited area of UN at the E. 4th Street frontage would better align with the site's context. RI-U supports a broader mix of urban housing types compatible with surrounding development, while a small UN node at the corner would encourage compact, connected, walkable amenities without overwhelming the neighborhood. The property's infill score (8; weighted 10.5) further supports this more balanced approach.

The site lies within the Walker Park Neighborhood Plan, which emphasizes the "predominately single-family nature" of interior blocks. A full UN rezoning would introduce a scale out of step with that vision, particularly along S. Willow Avenue, where single-family zoning predominates. A scaled-back rezoning would still increase infill capacity and add community-serving uses, but in a way that respects neighborhood character and reinforces the plan's long-term goals.

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 a portion of the property to UN, but does not find a rezoning for the whole site to be justified. Rezoning the entire 2-acre property to UN could have negative consequences for scale and compatibility for the surrounding community.

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 UN, or RI-U is not likely to appreciably increase traffic danger or congesting, given the other limiting factors to development on this property, including drainage criteria, tree preservation, and parking. That said, 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 UN (or RI-U) has the potential to alter the population density when considering that neither district has a 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 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. Fayetteville Public Schools did not comment on this request.

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

Finding: N/A

RECOMMENDATION: Planning staff recommends denial of RZN-2025-0071 as the applicant has requested. Should the item be forwarded, staff would recommend in favor of a more nuanced approach as shown in the attached exhibit.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>January 26, 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
 - §161.37 Urban Neighborhood
 - §161.12 District RI-U, Residential Intermediate – Urban
 - §161.29 District NC, Neighborhood Conservation
- Staff Exhibit
- Long-Range Planning Memo
- Request Letter
- Public Comment

161.37 Urban Neighborhood

(A) *Purpose.* The Urban Neighborhood District is designed to serve as a mixed use area of medium intensity and provide a transition into residential neighborhoods from more intense, mixed-use districts. Urban Neighborhood promotes a walkable, pedestrian-oriented neighborhood development form with a variety of housing options and complementary neighborhood businesses that are compatible in scale and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Urban Neighborhood district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 13	Eating places
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk cafes

Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 5	Government facilities
Unit 14	Hotel, motel and amusement services
Unit 15	Neighborhood shopping goods
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	12 feet
All other uses	None

(2) *Lot Area Minimum.* None.

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	None
Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

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

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

(Ord. No. 6830, §1(Exh. A), 1-7-25; Ord. No. 6879, §2, 5-20-25)

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*
-------------------------	----------------------

* 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
--------------------	---------

(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
-------------------------	-----------

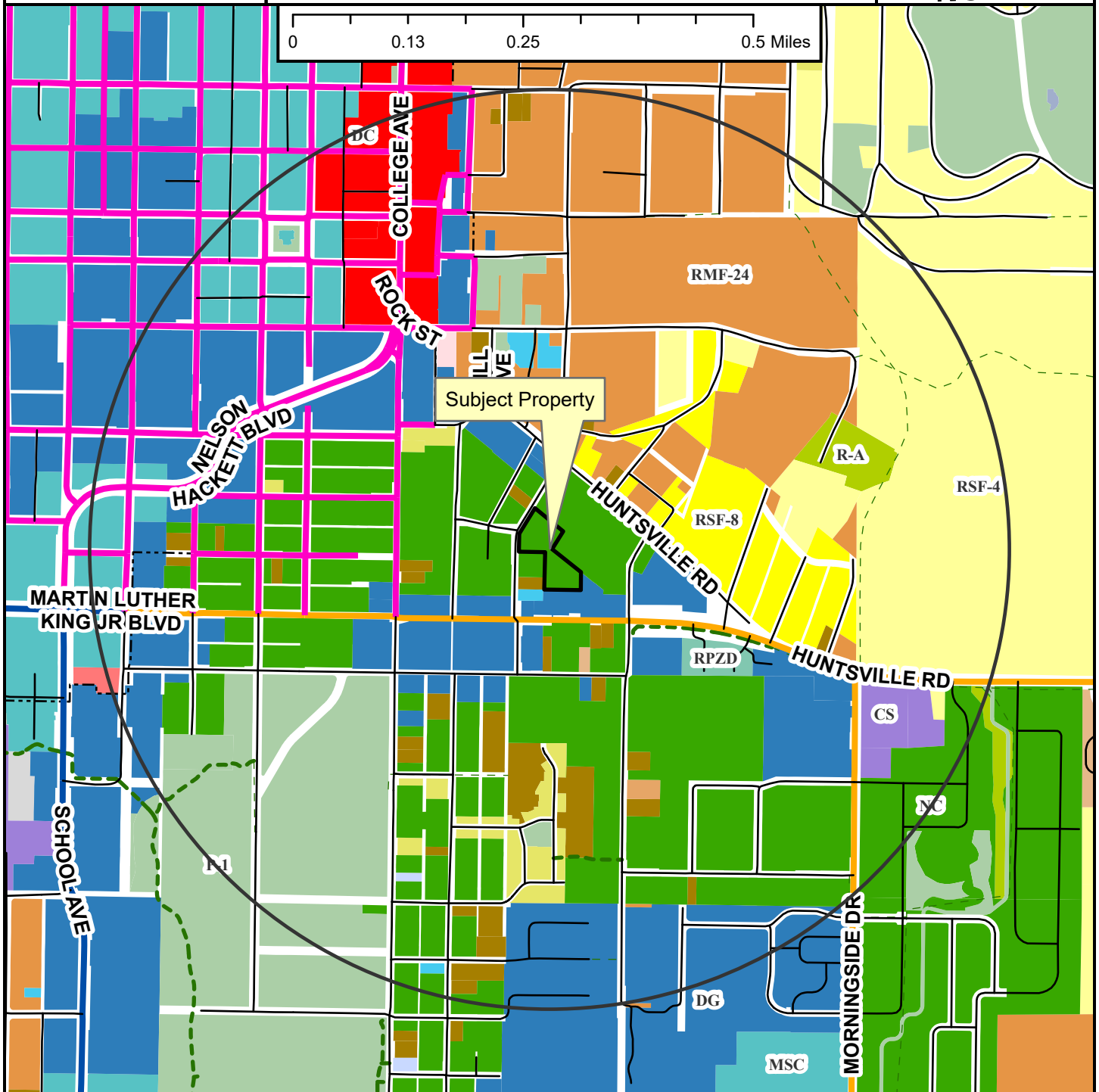
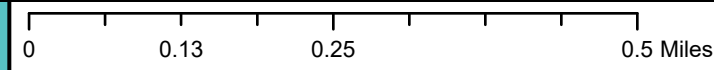
(Ord. No. 5128, 4-15-08; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5800, §1(Exh. A), 10-6-15>; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6211, §1, 8-6-19; Ord. No. 6427, §§1(Exh. 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.

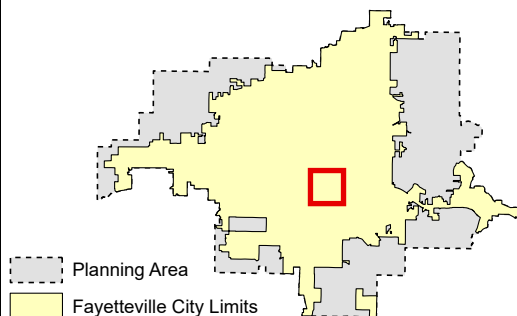
RZN-2025-0071

416 S. WILLOW AVE

One Mile View



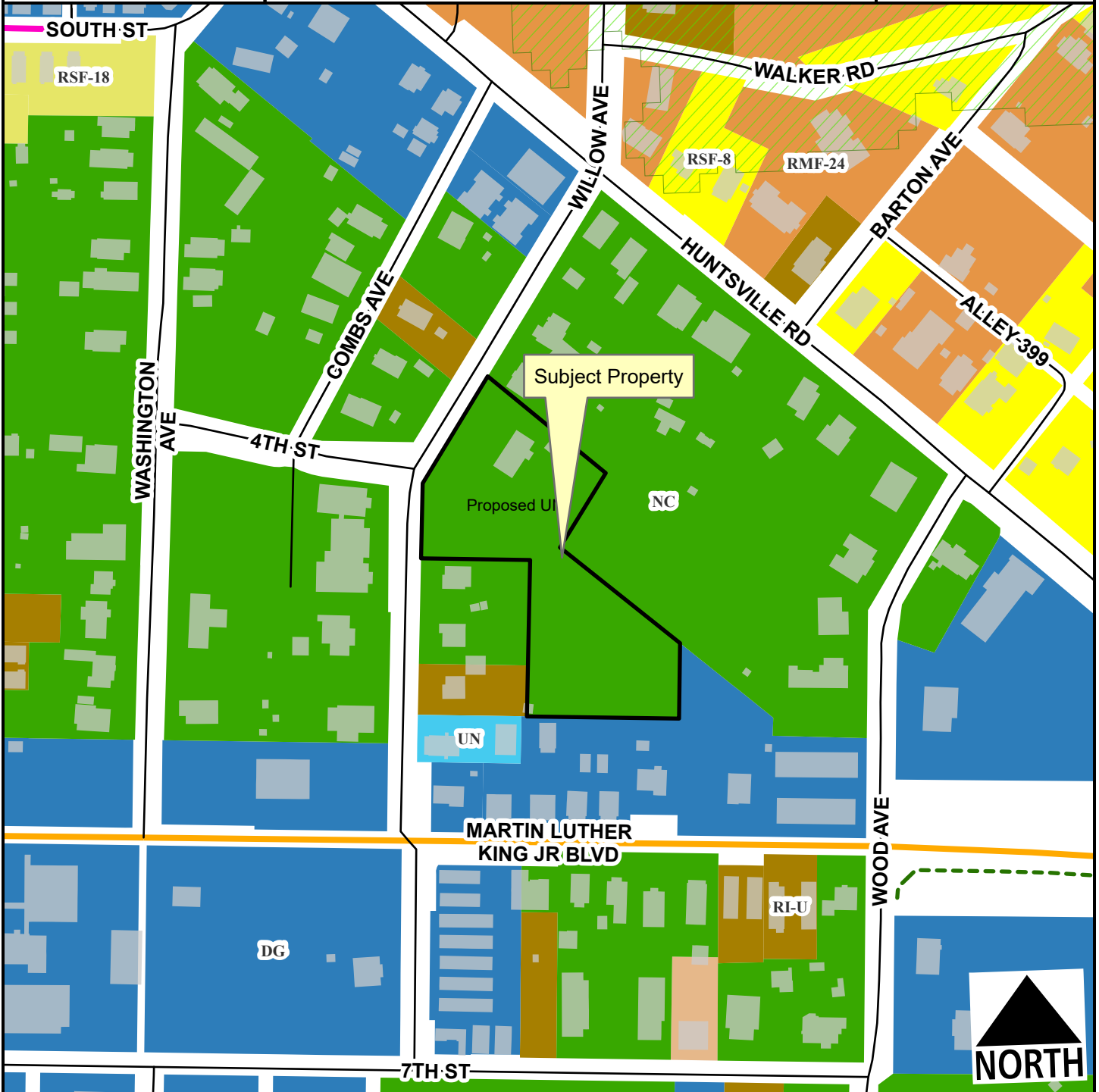
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



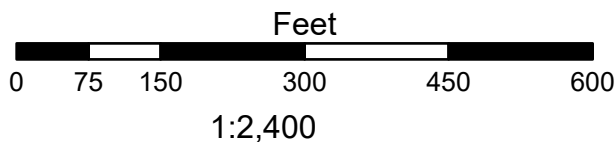
RZN-2025-0071

416 S. WILLOW AVE

Close Up View



- Neighborhood Link
- Urban Center
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville City Limits



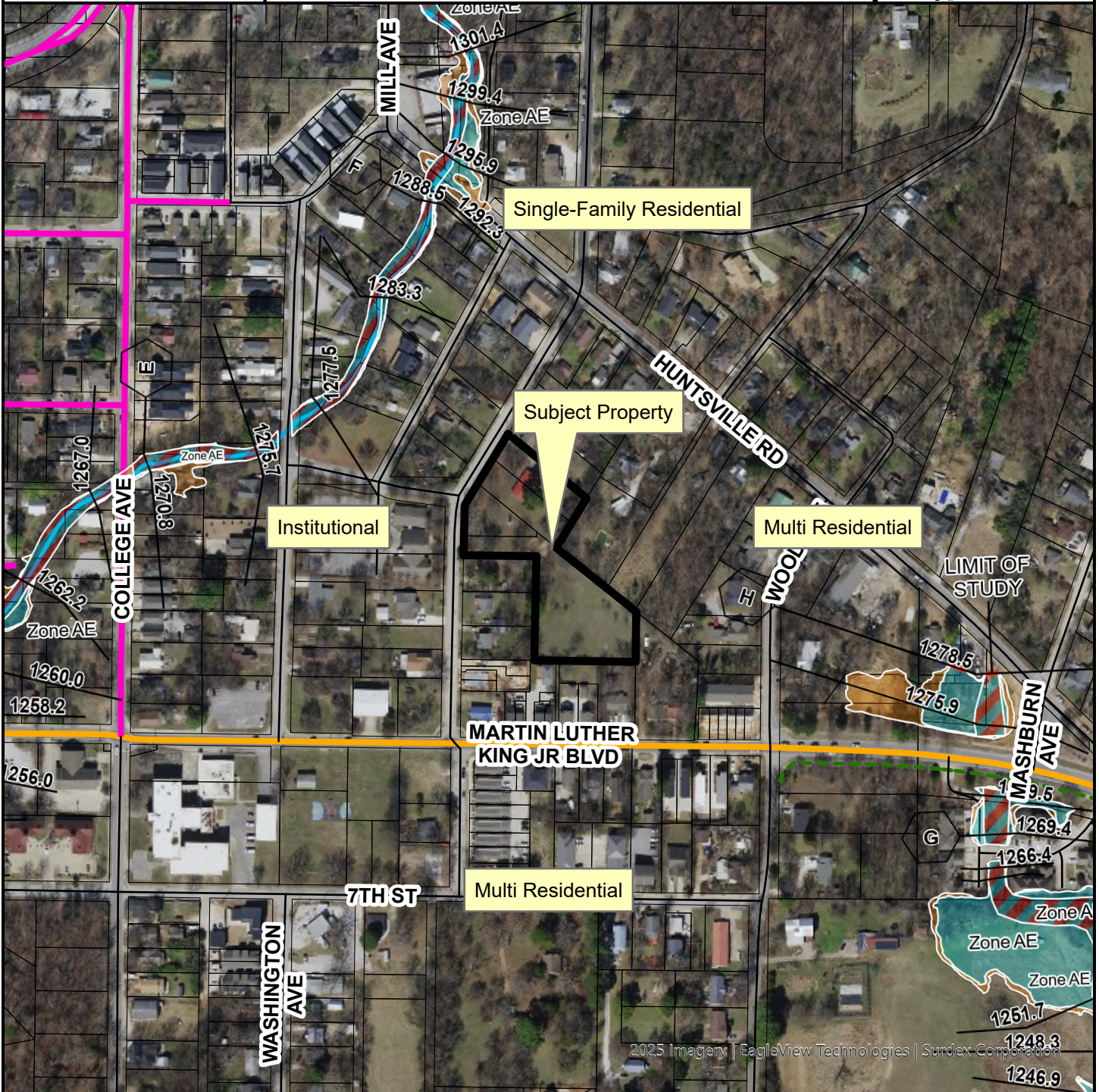
Zone	Current	Proposed
NC	1.8	0.0
UN	0.0	1.8

Total 1.8 ac

RZN-2025-0071

416 S. WILLOW AVE

Current Land Use



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



FEMA Flood Hazard Data

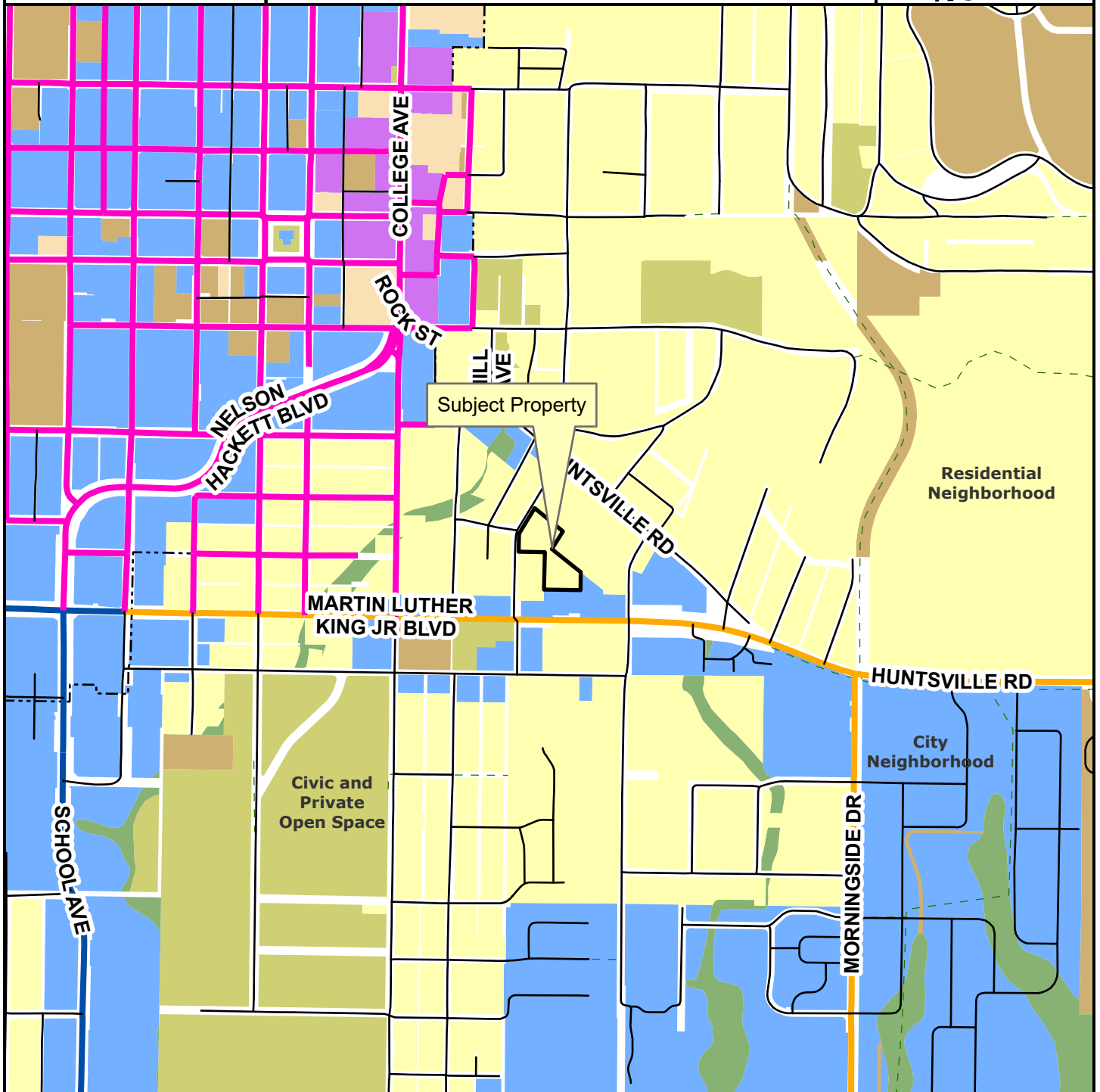
- 100-Year Floodplain
- Floodway

RZN-2025-0071

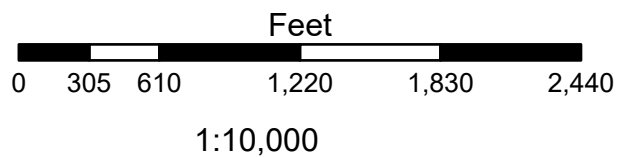
416 S. WILLOW AVE



Future Land Use

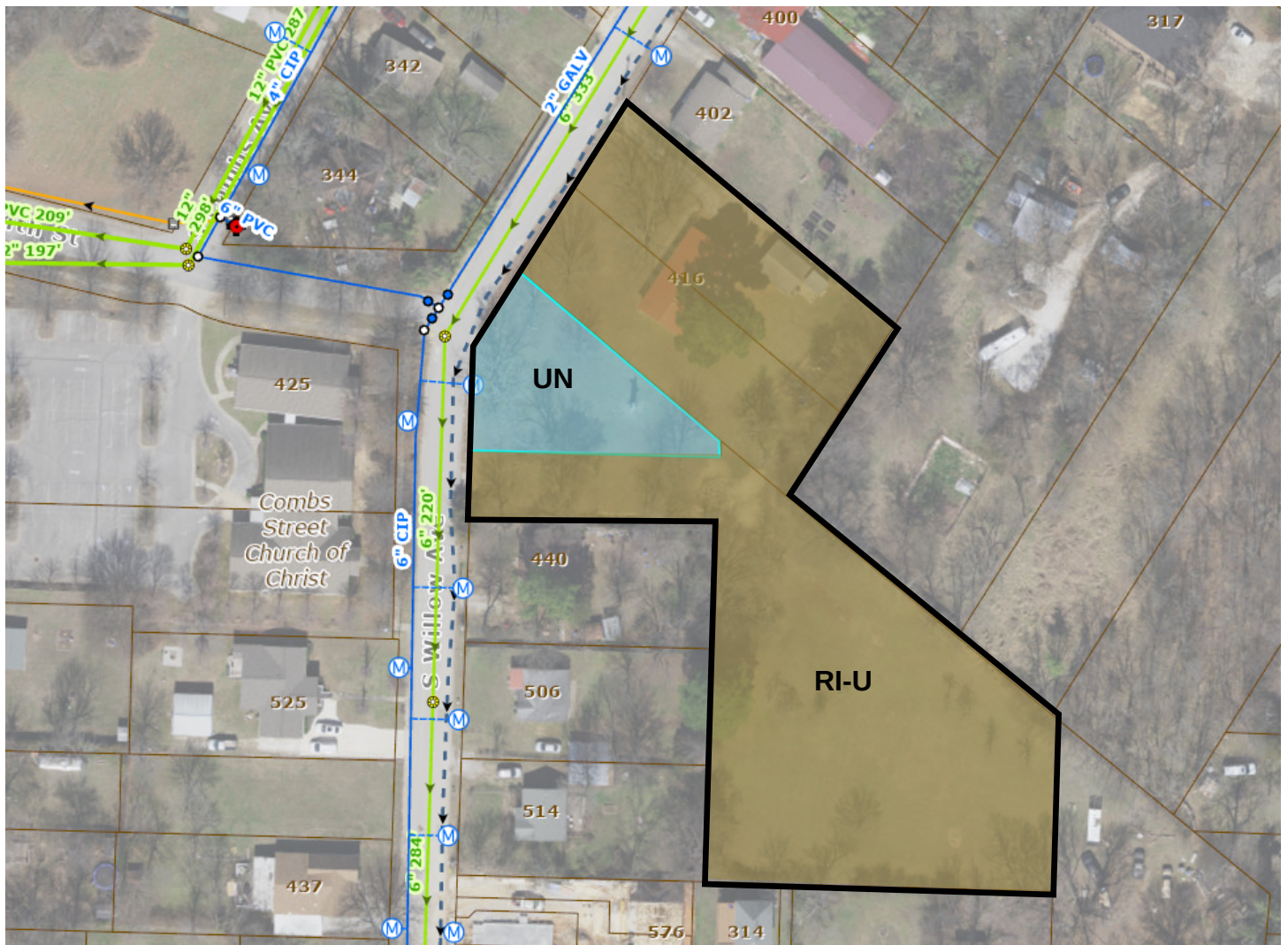


- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)
- Design Overlay District



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

STAFF'S RECOMMENDATION





TO: Jessica Masters, Planning Director

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING DATE: January 26, 2026

SUBJECT: Long Range Planning Comments Regarding RZN-2025-0071

BACKGROUND:

The applicant requests to rezone approximately 1.10 acres from NC, Neighborhood Conservation to UN, Urban Neighborhood. Five long range planning documents are relevant when evaluating this request: *City Plan 2040*, *Walker Park Neighborhood Plan*, the *Heritage & Historic Preservation Plan*, the *Historic Black Community of Southeast Fayetteville Historic Context Statement*, and the draft of *Phase 1 Fayetteville Citywide Historic Resources Survey*.¹

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

Heritage & Historic Preservation Plan (2023):

The City's *Heritage & Historic Preservation Plan* was initiated by City Plan 2040.

Heritage and Historic Preservation Master Plan Relevant Goals and Action Items

1.9	Plan Review	Include historic preservation staff in review of proposed major projects and zoning changes to determine impacts to historic resources.
1.10	Demolition Ordinance	Pass an ordinance to allow for the review of proposed demolitions for resources forty-five years or older. Staff to evaluate each property for significance. Work with property owner to discourage demolition. Reviews should be taken up by HDC as needed.

¹ Forthcoming in Spring 2026.

4.9	Community Engagement: Transparency	Publish information about historic preservation reviews and demolitions of historic properties to increase transparency.
-----	------------------------------------	--

Historic Black Community of Southeast Fayetteville Historic Context Statement (2025):

The subject property is within an area settled by Black families in the mid-20th century. The presence of Spout Spring Branch, or “the Branch,” made the area prone to flooding, and the steep terrain made building difficult. Since the lots weren’t ideal for building, they were more affordable to Black families who were largely limited to low wage employment in Fayetteville.

The terrain also impacted where and how residents constructed their homes, and the relatively flat Willow Avenue became the community’s main street. Many homes were constructed close to the street with sloping back yards, and maps showed that land was divided into “irregularly shaped lots of varying sizes” (p. 28). The community was inherently mixed use, as residences, churches, schools, and small businesses dotted the landscape. Three properties were listed in The Green Book, one of which is still standing.²

During the 20th century, some Black families lived among white neighbors on or below East Huntsville Road, in an area referred to as “the Valley” (where the subject property is located). This area was less populated in the early 20th century, with homes clustered along E. Huntsville Road, Combs Avenue, and S. Willow Avenue. By the mid- to- late 20th century, the Valley would be more extensively developed by Black families as some relocated to be closer to the Jefferson School (S. College and MLK).

Phase 1 Fayetteville Citywide Historic Resources Survey (forthcoming Spring 2026):

The subject property was included in the phase 1 windshield survey of historic resources, which identified a cluster of potentially significant resources historically known as “South Fayetteville.” This neighborhood consists of modest residential properties constructed and occupied by middle- and working-class residents. This area has experienced significant new development involving the demolition of historic-age resources and the construction of new buildings that are incompatible with the scale and character of the neighborhood.³



The subject property contains a single-family Ranch-style dwelling constructed ca. 1965, according to Washington County Tax Assessor records. The property is potentially eligible for the National Register of Historic Places as part of a historic district but is not individually eligible. It is also contributing to a potential Local Historic District, which is currently under review by

² The Green Book was a guidebook for African American travelers in the US. It was founded by Victor Hugo Green, an African American postal worker from New York City, and was published annually from 1936 to 1966.

³ Post Oak Preservation Solutions, *Phase 1 Fayetteville Citywide Historic Resources Survey*, 20.

staff. It has been assigned a moderate preservation priority. The survey recommends the evaluation of a local historic district to slow the rapid loss of historic buildings and protect the historic character of South Fayetteville. ⁴

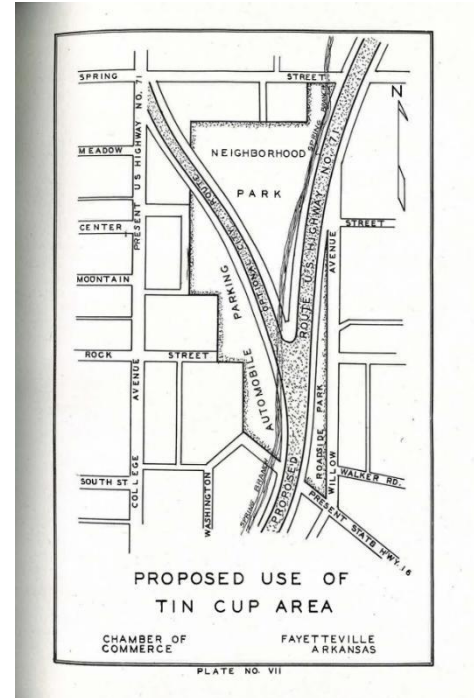
Since rezoning requests often precede redevelopment plans, the property owner and/or applicant should consult with Long Range & Preservation Planner prior to demolition or alteration of historic-age structures to capture photo documentation. Documentation of historic resources is an effective way to mitigate against the loss of historic structures when regulatory tools are not available.

DISCUSSION:

Zoning History:

The zoning history of the neighborhood merits consideration with this request. The 1945 “A Master City Plan and Public Works Program for Fayetteville, Arkansas”, sponsored jointly by the Fayetteville Chamber of Commerce and Fayetteville City Council, called for the construction of U.S. Highway 71 through the neighborhood, following Willow Ave. and Spring Branch to the intersection of Maple and Mission. Part of the justification for the route was that “It would afford an opportunity to build roadside parks and parking area in what is now sub-standard housing districts.”, and that “The highway would not pass by important public buildings such as schools, hospitals, etc.” The historic St. James Methodist and Missionary Baptist churches as well as the Lincoln School, the segregated elementary school, were all on the proposed highway route.

While many of the projects proposed in the 1945 plan did not come to fruition, the neighborhood was subjected to many of the proposals of the 1968 “Program for Community Renewal” written by consulting planner James Vizzier. Like many urban renewal plans of the mid-20th century, the plan was paid for in part by a grant from the federal Urban Renewal Administration under the Housing Act of 1954. The plan noted that Fayetteville’s “general plan should be updated and expanded to include plans for community renewal.”, and further explained that, “...about 65% of the housing supply (in the city) might be susceptible to blight...Most of these improvements are in older neighborhoods where the units that must be cleared are deficient or dilapidated rather than sound.” Vizzier counted 1,327 families to be displaced by public improvements for University expansion, street construction, hospitals or schools and playgrounds, while at the same time noting an imbalance between the cost of housing and family income. He laid out an ambitious and costly (\$47,615,400 in 1968 dollars) plan for urban renewal in Fayetteville, most of which was never accomplished. One of the significant outcomes of Vizzier’s recommendations, however, was Fayetteville’s zoning ordinance in 1970. Vizzier had criticized the city’s zoning as being based “primarily on existing land use instead of the future land use plan. And second, it does not recognize the need for raising the standards for land use in older areas. Upgrading and renewal of older areas are not provided for in the document (referring to the city’s comprehensive plan). The rules do not provide for large scale developments such as renewal projects.”



Map showing proposed route of Hwy. 71. 1945 Master City Plan, pg. 41.

⁴ Post Oak Preservation Solutions, *Phase 1 Fayetteville Citywide Historic Resources Survey, Draft Survey Log & 21.*

On October 18, 1968 the City Council passed Resolution No. 33-68 approving the undertaking of an Urban Renewal Plan, which included the subject property and surrounding neighborhood. Ultimately some houses were repaired, but others were razed with the occupants moved into the new Willow Heights apartments which were constructed atop the former site of the Lincoln School. Ordinance 1747 approved on June 29, 1970 enacted a new zoning map and set of districts and zoning requirements for the city. This map shows the subject property and surrounding neighborhood as being zoned into the medium-density “R-2” zoning district, which was subsequently translated to “RMF-24” with the adoption of the city’s Unified Development Code.

The subject property was again rezoned, this time to the current zoning designation of NC, Neighborhood Conservation, in 2008 following the *Walker Park Neighborhood Plan*.

City Plan 2040 and Future Land Use Plan:

This area is designated as a Residential Neighborhood area, which are “primarily residential in nature and support a wide variety of housing types of appropriate scale and context.” This land use designation also encourages the incorporation of low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail or offices.⁵ The request aligns with this designation by increasing the variety of housing types permitted from just single-family to include two-, three-, four-, and multifamily housing. The UN district would also incorporate non-residential uses, however the intensity of some may extend beyond what was envisioned for this area. Specifically, UN permits General Business (Use Unit 12b) and Eating Places (Use Unit 13), which may increase traffic or noise. However, uses like a small office may not result in a significant impact to the neighborhood. Given this concern, a zoning district like NS-L may be more appropriate, however it does not come with as flexible lot width minimums that may spark redevelopment into fee-simple lots for denser housing. In reviewing the applicant’s request letter and desire to retain the existing house but allow low-intensity commercial uses, rezoning to NS-L could be an appropriate compromise.

Walker Park Neighborhood Plan:

The subject property is included in the Walker Park Neighborhood Plan, which outlines goals and a vision for the area. Including a balance of commercial uses and diverse housing types.

While on its face, the request for UN may appear appropriate given the *Neighborhood Plan*’s vision for balancing commercial uses and housing variety, the plan does acknowledge the value of retaining single-family housing and other housing patterns where appropriate. The *Walker Park Neighborhood Plan* acknowledges the “predominately single-family nature of the interior of the neighborhood.”⁶ A large swathe of primarily single-family zoned property is located roughly between E. 7th St. to E. 15th St. While mixed-use zoning districts may be appropriate along major streets like E. 7th, E. 15th, and even S. College Ave. it is not clear that this portion of the neighborhood was envisioned for commercial uses. RI-U offers increased housing flexibility, which aligns with both the goals of the *Walker Park Plan* and *City Plan 2040*, without inserting commercial uses into an established residential neighborhood like would be permitted under UN. This alternative would advance housing priorities and avoid locating commercial uses in an incompatible area.

It is also worth noting that the *intent* of the Urban Neighborhood district is to “serve as a mixed use are of medium intensity and *provide a transition* into residential neighborhoods from more

⁵ City Plan 2040, 128.

⁶ *Walker Park Neighborhood Plan*, 18.

intense, mixed-use districts.” The subject property is in the midst of solely residential properties (with the exception of the Combs Street Church), and not on the periphery where it could serve as a transitional space. As such, this request may not align with the intent of the Urban Neighborhood district. Alternative options that do not include commercial uses, like RI-U may be more appropriate.

To: Fayetteville Planning Commission
From: Wes Bates
Re: Rezoning Request – 416 S Willow Ave (NC → UN)
Date: 12/9/25

Dear Commissioners,

I am requesting a rezoning for the property located at 416 S Willow Ave from Neighborhood Conservation (NC) to Urban Neighborhood (UN). While the NC district restricts development to lower-intensity residential uses, UN zoning better reflects both the historical pattern of this neighborhood and the city's goals for compact, walkable infill development.

This area has long included a mix of residential and small-scale commercial uses, and today the neighborhood continues to include DG (Downtown General) and UN zoning in close proximity. The current NC boundary along this block is inconsistent with the existing land-use pattern and does not accurately reflect how the neighborhood has developed over time.

The UN district is an appropriate and compatible fit for 416 S Willow because it allows for a modest increase in residential flexibility while preserving neighborhood character. A key benefit of UN zoning is the ability to build townhouses narrower than 18 feet, which aligns with the traditional townhouse proportions found in historic Fayetteville neighborhoods. These narrower homes promote affordability, walkability, and architectural forms that fit seamlessly into older street grids.

This rezoning will allow the property to support traditional, human-scaled housing types that meet the City Plan's goals for attainable housing, gentle density, and sustainable growth. The site's proximity to existing mixed-use and higher-intensity zoning makes it a logical location to continue the neighborhood's historic pattern of compact urban development.

Thank you for your consideration,

Wes Bates

From: esyule gamache <esyule@yahoo.com>

Sent: Tuesday, January 13, 2026 2:17 PM

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

Subject: Wesley Bates proposal of rezoning from NC to UN at 416 S Willow

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

Dear Sirs: I both received a notification form and saw on my walk posted the property at 416 S. Willow. I am against rezoning this property.

Once there was a Walker Park neighborhood plan, which offered a future proposed map. This rezoned parts of this area from 15th Street to Huntsville Rd. This area plan showed development but with tasteful single family homes. I agreed with this plan. I am not for giving builders unlimited density cap on property.

Honestly, the existed zoning seems to be allowing eight homes or even duplexes on this land which would be a full area as it is yet it would be in harmony with this residential block of land whose parameters are Wood to MLK to Willow to Huntsville Rd., which is where I reside. I see development is inevitable but let's make it wise and in accord with what was proposed by the Walker Park Neighborhood plan.

Thank you.

Louise A Gamache

311 E. Huntsville Rd.