City of Fayetteville, Arkansas

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

Planning Commission Final Agenda

Monday, June 26, 2023

5:30 PM

City Hall Room 219

Planning Commission Members

Sarah Sparkman, Chair
Andrew Brink, Vice Chair
Mary McGetrick, Secretary
Jimm Garlock
Fred Gulley
Joseph Holcomb
Mary Madden
Brad Payne
Porter Winston

Senior Assistant City Attorney Blake Pennington

Call to Order

Roll Call

Consent

1. MINUTES:

Approval of the minutes from the May 22, 2023 and June 12, 2023 Planning Commission. -

2. ADM-2023-0022: Administrative Item (1629 N. CROSSOVER RD./SMYTH HOUSE CLUSTER DEVELOPMENT, 410):

Submitted by COMMUNITY BY DESIGN for property located at 1629 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 1.93 acres. The request is for an extension of a previously approved conditional use permit.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

3. VAR-2023-0018: Variance (N. CHICAGO WAY & W. SOMERVILLE LN./BROOKLANDS AT MOUNTAIN RANCH PH. 2 LOT 26, 478):

Submitted by COBBLESTONE HOMES for property located at N. CHICAGO WAY & W. SOMERVILLE LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.25 acres. The request is for a variance to access management standards.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Donna Wonsower, Planner

4. VAR-2023-0020: Variance (SW OF N. GREGG AVE. & N. FULBRIGHT EXPY./WRMC FUTRALL DRIVE IMPROVEMENTS, 250):

Submitted by CEI ENGINEERING ASSOCIATES for property located SW OF N. GREGG AVE. & N. FULBRIGHT EXPY. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 11.16 acres. The request is for a variance to streamside protection, master street plan, tree preservation, and drainage requirements.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

Unfinished Business

5. VAR-2023-0019: Variance (W. PRAIRIE ST./BAUMANN AND CROSNO CONSTRUCTION, 523):

Submitted by ECOLOGICAL DESIGN GROUP INC. for property located on W. PRAIRIE ST. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.12 acres. The request is for a variance to streamside protection requirements.

ITEM HAS BEEN WITHDRAWN BY APPLICANT - Alan Pugh, Staff Engineer

6. ADM-2023-0020: Administrative Item (4898 W. WEDINGTON DR./POOCH PLAZA, 398):

Submitted by COYLE ENTERPRISES for property located at 4898 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.90 acres. The request is to extend a previously approved large scale development.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

7. VAR-2023-0021: Variance (NE OF N. WOOLSEY AVE. & W. NORTH ST./FIRE STATION 2, 406):

Submitted by OLSSON for property located at N. WOOLSEY AVE. & W. NORTH ST. The property is zoned P-1, INSTITUTIONAL and contains approximately 1.39 acres. The request is for a variance to master street plan, parking lot design, and access management standards.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Jessica Masters, Development Review Manager

8. CUP-2023-0058: Conditional Use Permit (4077 W. WEDINGTON DR./ADVANCED AUTO PARTS, 439):

Submitted by HFA for property located at 4077 W. WEDINGTON DR. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.75 acres. The request is for approval of Use Unit 16, Shopping Goods in C-1 zoning.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

9. CUP-2023-0052: Conditional Use Permit (883 E. SPARROW CIR./FRITCHIE FARMS LLC, 603):

Submitted by R&D PROPERTY SOLUTIONS for property located at 883 E. SPARROW CIR. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY,

EIGHT UNITS PER ACRE and contains approximately 0.12 acres. The request is to use the residence as a short-term rental.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

10. CUP-2023-0057: Conditional Use Permit (2717 N. GULLEY GROVE CIR./KW BRYANT HOLDINGS LLC, 293):

Submitted by KW BRYANT HOLDINGS LLC for property located at 2717 N. GULLEY GROVE CIR. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.05 acres. The request is to use the residence as a short-term rental.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Gretchen Harrison, Senior Planner

11. CUP-2023-0054: Conditional Use Permit (5344 E. MILO WAY/AGUILAR, 610):

Submitted by ROSIE AGUILAR for property located at 5344 E. MILO WAY. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.32 acres. The request is to use the residence as a short-term rental.

THIS ITEM WAS TABLED AT THE JUNE 12, 2023 PLANNING COMMISSION MEETING. - Donna Wonsower, Planner

New Business

12. VAR-2023-0025: Variance (175 N. WILMOTH RD./BOND, 471):

Submitted by JEFFERY BOND for property located at 175 N. WILMOTH RD. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 1.90 acres. The request is for a variance from drainage and driveway standards. - Josh Boccaccio, Engineering Development Review Mgr

13. RZN-2023-0015: Rezoning (1009 S. HAPPY HOLLOW RD./BURLESON-MCCLURE, 565):

Submitted by SMITH AND ASSOCIATES for property located at 1009 S. HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE. - Gretchen Harrison, Senior Planner

14. CUP-2023-0056: Conditional Use Permit (121 S. GRAHAM AVE./SMITH, 521):

Submitted by JEFFREY SMITH for property located at 121 S. GRAHAM AVE.

The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.10 acres. The request is to use the residence as a short-term rental. - Donna Wonsower, Planner

15. CUP-2023-0060: Conditional Use Permit (614 W. DOUGLAS ST./JRG UA HOLDINGS, 444):

Submitted by JOE GRAY for property located at 614 W. DOUGLAS ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.10 acres. The request is to use the residence as a short-term rental. - Gretchen Harrison, Senior Planner

16. VAR-2023-0022: Variance (216 N. LOCUST AVE./DICKSON SQUARE LLC, 556):

Submitted by ECOLOGICAL DESIGN GROUP for property located at 216 N. LOCUST AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.60 acres. The request is for a variance to residential design standards and typical sidewalk width requirements.

WITHDRAWN BY STAFF DUE TO LACK OF PUBLIC NOTIFICATION REQUIREMENTS. - Jessica Masters, Development Review Manager

17. CUP-2023-0059: Conditional Use Permit (823 S. ONE MILE RD./HALL, 557):

Submitted by D&D HALL COMPANY for property located at 823 S. ONE MILE RD. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.05 acres. The request is to use the residence as a short-term rental.

WITHDRAWN BY STAFF DUE TO LACK OF PUBLIC NOTIFICATION REQUIREMENTS. - Donna Wonsower, Planner

18. CUP-2023-0061: Conditional Use Permit (2779 W. COTTONWILLOW WAY/LEETH, 519):

Submitted by WEEKENDER MANAGEMENT for property located at 2779 W. COTTONWILLOW WAY. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.10 acres. The request is to use the residence as a short-term rental.

WITHDRAWN BY STAFF DUE TO LACK OF PUBLIC NOTIFICATION REQUIREMENTS. - Jessica Masters, Development Review Manager

Items Administratively Approved by Staff

19. LSP-2023-0007: Lot Split (3003 N. OAK BAILEY DR/HOSKINS, 254):

Submitted by BATES AND ASSOCIATES for property located at 3003 N. OAK

BAILEY DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 4.92 acres. The request is to split the property into four lots with approximately 2.84, 0.51, 1.21, and 0.35 acres. - Jessica Masters, Development Review Manager

20. LSP-2023-0009: Lot Split (N. HAWKSTONE DR/BROOKLANDS PH 4, 478):

Submitted by JORGENSEN AND ASSOCIATES for property located at N. HAWKSTONE DR. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.59 acres. The request is to split four lots into six lots with approximately 0.09, 0.10, 0.10, 0.10, 0.10 and 0.10 acres. - Donna Wonsower, Planner

21. LSP-2023-0017: Lot Split (3778 S. BLACK OAK RD/WARDEN, 762):

Submitted by BATES & ASSOCIATES for property located at 3778 S. BLACK OAK RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 4.98 acres. The request is to split the property into two lots containing 2.02, and 2.96 acres. - Gretchen Harrison, Senior Planner

22. LSP-2023-0022: Lot Split (S. DUNCAN AVE/RIGGINS, 600):

Submitted by ENGINEERING SERVICES INC for property located at S. DUNCAN AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE and contains approximately 0.65 acres. The request is to split the property into four lots containing 0.19, 0.14, 0.14 and 0.17 acres. - Gretchen Harrison, Senior Planner

23. FPL-2023-001: Final Plat (SOUTH OF E. ALBRIGHT RD & WEST OF E. LEXUS DR /HENDERSON PARK, 061):

Submitted by ENGINEERING SERVICES INC. for properties located SOUTH OF E. ALBRIGHT RD & WEST OF E. LEXUS DR. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE and contains approx. 19.86 acres. The request is for the Final plat of 57 residential lots and one detention lot. - Donna Wonsower, Planner

Agenda Session Items

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. If you wish to address the Planning Commission on an agenda item, please queue behind the podium when the Chair asks for public comment. Once the Chair recognizes you, go to the podium and give your name

and address. Address you 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, Telecomminications 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, 5/22/2023			
Time:	**5:30pm**					
Staff :	☒ Melissa Evans ☐ John Scott ☒ Jessie Masters ☒ Gretchen Harrison ☒ Donna Wonsower					
	☐ Britin Bostick ☐ Sherry Smith ☒ Josh Boccaccio ☒ Melissa Boyd ☐ Fire Marshall ☐ Chris Brown ☒ Alan Pugh					
	Roll Call	**1) Minutes 05-08-2023**	**2) ADM-2023-0014 (PORTER ROAD TOWNHOMES)**	**3) ADM-2023-0018 (HARPER SUBDIVISION)**	**4) ADM-2023-0019 (MARKHAM HILL DEVELOPMENT)**	**5) VAR-2023-0016 (RISCH)**
Sparkman	**1**	**1**	**1**	**1**	**1**	**1**
Brink	**1**	**1**	**1**	**1**	**1**	**1**
Garlock	**1**	**1**	**1**	**1**	**1**	**1**
Madden	**1**	**1**	**1**	**1**	**1**	**1**
Payne	**1**	**1**	**1**	**1**	**1**	**1**
Gulley	**1**	**1**	**1**	**1**	**1**	**1**
Holcomb	**1**	**1**	**1**	**1**	**1**	**1**
Winston	**1**	**1**	**1**	**1**	**1**	**1**
McGetrick	**1**	**1**	**1**	**1**	**1**	**1**
Agenda		**CONSENT**	**CONSENT**	**CONSENT**	**CONSENT**	**CONSENT**
Motion By		Garlock	Garlock	Garlock	Garlock	Garlock
Motion 2nd		Brink	Brink	Brink	Brink	Brink
Vote		9-0-0	9-0-0	9-0-0	9-0-0	9-0-0
Action		Approve	Approve	Approve	Approve	Approve
Time		5:35pm	5:35pm	5:35pm	5:35pm	5:35pm
Motion Detail		Passed	Passed	Passed	Passed	Passed

A Video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/6894?site=1

(pg. 2) Planning Commission	Monday, 5/22/2023				
	6) VAR-2023-0017 (THE CLAUDE)	7) CCP-2023-0001 (SHERRILL)	8) LSD-2022-0034 (THE BERKSHIRE AT UPTOWN)	9) CUP-2023-0048 (BIKE PATH COTTAGES)	10) ADM-2023-0015 (JJ'S SPORTS COMPLEX)
Sparkman	1	1	1	1	1
Brink	1	1	1	1	1
Garlock	1	1	1	1	1
Madden	1	1	1	1	1
Payne	1	1	1	1	1
Gulley	1	1	1	1	1
Holcomb	1	1	1	1	1
Winston	1	1	1	1	1
McGetrick	1	1	1	1	1
Agenda	**CONSENT**	**CONSENT**	**OLD**	**NEW**	**NEW**
Motion By	Garlock	Garlock	Brink	Brink	Garlock
Motion 2nd	Brink	Brink	Payne	Gulley	Madden
Vote	9-0-0	9-0-0	9-0-0	9-0-0	9-0-0
Action	Approve	Approve	Approve	Approve	Approve
Time	5:35pm	5:35pm	5:59pm	6:04pm	6:12pm
Motion Detail	Passed	Passed	Passed with all conditions as recommended by staff. 1 Public Comment	Passed with all conditions as recommended by staff. No Public Comment	Passed with all conditions as recommended by staff. No Public Comment

A Video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/6894?site=1

(pg. 3) Planning Cc Monday, 5/22/2023

	11) PPL-2023-0002 (AFT DEVELOPMENT)	12) LSD-2023-0003 (NAPLES)	13) CUP-2023-0050 (ARNOLD)	14) CUP-2023-0053 (SAM'S CLUB RECYCLING FACILITY)	15) RZN-2023-0013 (PATHWAY BAPTIST CHURCH)
Sparkman	1	1	1	1	1
Brink	1	1	1	1	1
Garlock	1	1	1	1	1
Madden	1	1	1	1	1
Payne	1	1	1	1	1
Gulley	1	1	1	1	1
Holcomb	1	1	1	1	1
Winston	1	1	1	1	1
McGetrick	1	1	1	1	1
Agenda	**NEW**	**NEW**	**NEW**	**NEW**	**NEW**
Motion By	Brink	Brink	Winston	Brink	Garlock
Motion 2nd	Winston	Gulley	Garlock	Gulley	Madden
Vote	9-0-0	9-0-0	9-0-0	9-0-0	9-0-0
Action	Approve	Approve	Approve	Approve	Approve
Time	6:21pm	6:32pm	6:38pm	6:46pm	6:53pm
Motion Detail	Passed with all conditions as recommended by staff. No Public Comment	Passed with all conditions as recommended by staff. No Public Comment	Passed with all conditions as recommended by staff. No Public Comment	Passed with all conditions as recommended by staff. 1 Public Comment	Passed with all conditions as recommended by staff. No Public Comment

A Video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/6894?site=1

(pg. 4) Planning Commission				Monday,	5/22/2023
	16) RZN-2023-0014 (RIVERWOOD HOMES)		17) CUP-2023-0049 (ONEILL)	18) CUP-2023-0051 (D'APPOLLONIO)	
Sparkman	**1**	**0**	**1**	**1**	
Brink	**0**	**1**	**1**	**1**	
Garlock	**1**	**0**	**1**	**1**	
Madden	**1**	**0**	**0**	**1**	
Payne	**0**	**1**	**1**	**1**	
Gulley	**1**	**0**	**1**	**1**	
Holcomb	**0**	**1**	**0**	**1**	
Winston	**0**	**1**	**1**	**1**	
McGetrick	**0**	**1**	**1**	**1**	
Agenda	**NEW**		**NEW**	**NEW**	
Motion By	Garlock	Brink	Brink	Garlock	
Motion 2nd	Madden	Holcomb	Gulley	Payne	
Vote	4-5-0	5-4-0	7-2-0	9-0-0	
Action	Deny	Approve	Approve	Deny	
Time	7:41pm	7:41pm	8:00pm	8:15pm	
Motion Detail	Failed 2 Public Comment	Passed with all conditions as recommended by staff. 1 Public Comment	Passed with all conditions as recommended by staff. 1 Public Comment	Passed 1 Public Comment	

A Video of this meeting is accessible through the link below:
https://reflect-fayetteville-ar.cablecast.tv/CablecastPublicSite/show/6894?site=1

(pg. 1) Planning Commission			Monday, 6/12/2023			
Time:						
Staff :	□ Melissa Evans □ John Scott X Jessie Masters X Gretchen Harrison □ Donna Wonsower					
	□ Britin Bostick □ Sherry Smith X Josh Boccaccio X Melissa Boyd □ Fire Marshall □ Chris Brown □ Alan Pugh					
	Roll Call	**Motion to Suspend Rules**	**1) Minutes 05-22-2023**	**2) ADM-2023-0020 (POOCH PLAZA)**	**3) ADM-2023-0022 (SMYTH HOUSE CLUSTER)**	**4) VAR-2023-0018 (BROOKLANDS @ MTN. RANCH)**
Brink	0					
Garlock	1	1	1			
Madden	1	1	1			
Payne	1	1	1			
Gulley	0					
Holcomb	1	1	1			
Winston	1	1	1			
McGetrick	0					
Sparkman	1	1	1			
Agenda			**Consent**	**Consent**	**Consent**	**New**
Motion By		Sparkman	Sparkman	Sparkman	Sparkman	Sparkman
Motion 2nd		Winston	Winston	Winston	Winston	Winston
Vote		6-0-0	6-0-0	6-0-0	6-0-0	6-0-0
Action		Approve	Table	Table	Table	Table
Time		5:33 PM	5:37 PM	5:35 PM	5:35 PM	5:35 PM
Motion Detail		Passed. No Public Comment.	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.

(pg. 2) Planning Commission	Monday, 6/12/2023				
	5) VAR-2023-0019 (BAUMANN AND CROSNO STREAMSIDE)	6) VAR-2023-0020 (WRMC)	7) VAR-2023-0021 (FIRE STATION 2)	8) CUP-2023-0058 (ADVANCED AUTO PARTS)	9) CUP-2023-0052 (FRITCHIE FARMS LLC)
Brink					
Garlock	1	1	1	1	1
Madden	1	1	1	1	1
Payne	1	1	1	1	1
Gulley					
Holcomb	1	1	1	1	1
Winston	1	1	1	1	1
McGetrick					
Sparkman	1	1	1	1	1
Agenda	New	New	New	New	New
Motion By	Sparkman	Sparkman	Sparkman	Sparkman	Sparkman
Motion 2nd	Winston	Winston	Winston	Winston	Winston
Vote	6-0-0	6-0-0	6-0-0	6-0-0	6-0-0
Action	Table	Table	Table	Table	Table
Time	5:35 PM	5:35 PM	5:35 PM	5:35 PM	5:35 PM
Motion Detail	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.

	10) CUP-2023-0057 (KW BRYANT HOLDINGS)	11) CUP-2023-0054 (AGUILAR)	12) CUP-2023-0056 (SMITH)		
Brink					
Garlock	1	1	1		
Madden	1	1	1		
Payne	1	1	1		
Gulley					
Holcomb	1	1	1		
Winston	1	1	1		
McGetrick					
Sparkman	1	1	1		
Agenda	NEW	NEW	NEW		
Motion By	Sparkman	Sparkman	Sparkman		
Motion 2nd	Winston	Winston	Winston		
Vote	6-0-0	6-0-0	6-0-0		
Action	Table	Table	Table		
Time	5:35 PM	5:35 PM	5:35 PM		
Motion Detail	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.	Tabled until the June 26, 2023 Planning Commission meeting.		

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023

SUBJECT: **ADM-2023-0022: Administrative Item (1629 N. CROSSOVER RD./SMYTH HOUSE CLUSTER DEVELOPMENT, 410):** Submitted by COMMUNITY BY DESIGN for property located at 1629 N. CROSSOVER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY - 4 UNITS PER ACRE and contains approximately 1.93 acres. The request is for an extension of a previously approved conditional use permit.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0022**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0022** with conditions as recommended by staff."*

JUNE 12, 2023 PLANNING COMMISSION MEETING:
This item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

BACKGROUND:
The subject property is in east Fayetteville on the west side of Crossover Road just west of the street's intersection with Inwood Lane. The property contains two parcels totaling 1.93 acres which are currently zoned RSF-4, Residential Single-Family – 4 Units per Acre. The property is the site of the Peter Smyth House which was built in 1886 and is currently listed on the National Register of Historic Places for its significance as a rare vernacular stone house in the State of Arkansas. A conditional use permit (CUP-2021-000053) and large scale development (LSD-2022-0021) for a 15-unit cluster housing development on the property were previously approved by the Planning Commission last year. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

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

Request: The applicant is requesting a one-year extension to their conditional use permit which expired on January 10, 2023. The applicant submitted a letter requesting the extension on May 16, 2023, within the 18-month time limit that they are allotted to request a one-year extension from the Planning Commission per UDC §166.20, Expiration of Approved Plans and Permits.

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

DISCUSSION:
Staff recommends approval of the applicant's extension request. The request was received before July 10, 2023, which is the deadline for the applicant to request that the Planning Commission extend their approval for up to one additional year. The applicant has stated that the project has been on hold due to the recent increase in interest rates which prompted revisions to the development's pro forma. Since the applicant has stated that they still plan to construct the project and approval of this extension would allow it to continue moving forward, staff is supportive of the request for a one-year extension to the conditional use permit.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0022** with the following conditions:

Conditions of Approval:

1. A one-year extension for CUP-2021-000053 will expire on January 10, 2024;

2. All other conditions of approval associated with CUP-2021-000053 not affected by this extension shall remain in effect; and

3. Approval of this conditional use permit extension does not constitute approval of associated permits or entitlements not fully reviewed at this time.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §166.20 Expiration of Approved Plans and Permits
- CUP-2021-000053 Conditions of Approval
- CUP-2021-000053 Exhibit
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.20 Expiration Of Approved Plans And Permits

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

(1) Preliminary plats;

(2) Planned zoning district developments;

(3) Conditional uses;

(4) Large-scale developments;

(5) Lot splits;

(6) Physical alteration of land permits;

(7) Storm water, drainage, and erosion control permits;

(8) Tree preservation plans; and

(9) Floodplain development permits.

(B) Time Limit.

(1) Tasks to Be Completed. All of the above-enumerated plans and permits are conditioned upon the applicant accomplishing the following tasks within one (1) year from the date of approval:

(a) For any renovation or new construction, receive all building permits for the project; and/or,

(b) For a Planned Zoning District, comply with the approved phasing plan; and/or

(c) For a lot split, record a deed or survey at the Washington County Circuit Clerk's Office, stamped for recordation by the City Planning Division; and/or,

(d) Receive a business license; and/or,

(e) Receive all permits and approvals required by city, county, state, and federal regulations to complete construction of the development or project.

(2) Administrative Extension Within One (1) Year. Prior to the expiration of the one (1) year time limit, an applicant may request the Zoning and Development Administrator to extend the period to accomplish the tasks by up to one (1) additional year. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit. Extensions that are not permitted administratively may be requested of the Planning Commission within ten (10) days of the final administrative decision.

(3) Planning Commission Extension Within Eighteen (18) Months. Should an applicant miss the deadline to request an administrative extension, within eighteen (18) months of the date of approval the applicant may request the Planning Commission to extend the period up to one (1) additional year from the original date of approval, subject to the burden of showing good cause as described in this section.

(4) Planning Commission Extension. Prior to the expiration of any allowed extension period (maximum of two (2) years from the date of original approval), an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year, if the plans and permits are substantially the same as those originally approved. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit and the permitted extension period. Extensions beyond three (3) years from the original date of approval shall not be permitted.

(5) Ordinance Amendments. To receive approval of an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original project approval. Projects that must be substantially modified to meet new code requirements are subject to Ch. 166.05(F) Modifications.

(6) Variances. Variances from applicable zoning and development requirements that have been adopted subsequent to the original project approval shall be reviewed by the Planning Commission prior to approval of the extension.

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

(C) Three (3) Year Time Limit.

(1) Tasks to Be Complete. All of the above-enumerated plans and permits are also conditioned upon the applicant completing the project and receiving final inspection approval and/or a final Certificate of Occupancy permit within three (3) years from the date of issuance of a building permit or receipt of all permits and approval required to complete construction of the project.

(2) Extensions. Prior to the expiration of the three (3) year time limit, an applicant may request the Planning Commission to extend the three (3) year period to complete the project by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the three (3) year time limit.

(3) Expiration. If the applicant fails to meet the requirements of subsection (C)(1) within three (3) years from the date of issuance of a building permit/receipt of all permits and approval required or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(Ord. No. 5155, 7-15-08); Ord. No. 5425, 8-2-11)

CUP-2021-000053 Conditions of Approval

1. **Planning Commission determination of compatibility.** *Staff finds the proposed cluster housing development to be compatible with the proposed neighborhood based on the findings in this report;*

2. **Planning Commission determination of requested variances.** *Staff finds in favor of a variance to §164.22(D), Dwellings Permitted for reasons stated above.*

3. Additional screening in the form of vegetation, hedge row, or low-lying fence not to exceed 48" in height shall be installed along exterior property lines where parking courts abut existing single family residences (Lots 1, 2, 6-8, and 13-15)

4. Conditional use permit approval of the conditional use permit does not ensure approval of a development application. The conditional use grants the applicant rights to submit a development proposal based on the conceptual layout included herein. However, the applicant must still be able to comply with all other development requirements, including but not limited to, tree preservation, drainage, utility installation and Fire Department access. These details shall be reviewed with the development application. The final project design shall follow the general layout and design of the conditional use concept plan;

5. A condominium association, homeowner's association, or similar mechanism to maintain the common amenities shall be established prior to issuance of construction permits. The City of Fayetteville does not enforce these private agreements, but will require that this agreement be in place prior to issuing building permits;

6. Prior to receiving a certificate of occupancy for the first home, all shared drives, sidewalks and bike racks shall be installed. All development requirements, such as detention facilities, utilities, required landscaping, etc. shall be installed prior to any building permits being issued. The exact phasing of improvements will be determined at development review;

7. The maximum number of unrelated persons in any dwelling unit is three, pursuant to the underlying single-family zoning district;

8. Per §166.20, Expiration of Approved Plans and Permits, conditional use permit approval is for one year; and

9. Exterior lighting package must be provided to the Planning Division prior to building permit approval. Common area lighting shall comply with UDC §176 Outdoor Lighting.

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TOWN PLANNING.URBAN ENGINEERING

Master Plan Key

- Ⓐ Smyth House
- Ⓑ Bent House
- Ⓒ Prow House
- Ⓓ I-House
- Ⓔ Pyramid House
- Ⓕ Woonerf or Shared Space
- Ⓖ Vehicular Access
- Ⓗ Private Parking Courts
- Ⓘ Private Courtyards / Patios
- Ⓙ Pinwheel Central Green
- Ⓚ Tree Preservation

Smyth House
Master Development Plan
11/30/21

May 16, 2023
Via Email: jmasters@fayetteville-ar.gov

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

RE: **CUP 2021 000053 and LSD 2022 0021 – Request to Extend Approvals**
1629 N. Crossover Road

Ms. Masters,

The above referenced conditional use permit was approved by the City of Fayetteville Planning Commission on the evening of January 10, 2022 and the above referenced large scale development was approved by the City of Fayetteville Planning Commission on August 8, 2022. On behalf of the owner of the property, please allow this letter to serve as a request to extend CUP 2021 000053 and LSD 2022 0021 for another year.

Grading permit drawings have been prepared and reviewed by the Engineering Department. Building permit drawings have also been prepared. Due to the recent increase in interest rates the project development pro forma has been revised and we currently working through the logistics of this. We still plan to construct the project.

The plan is to continue working with the City to obtain all permits for full build out of the conditional use permit and large scale development.

Thank you. Please let me know if you have questions or need additional information.

Sincerely,

Brian Teague
Community By Design

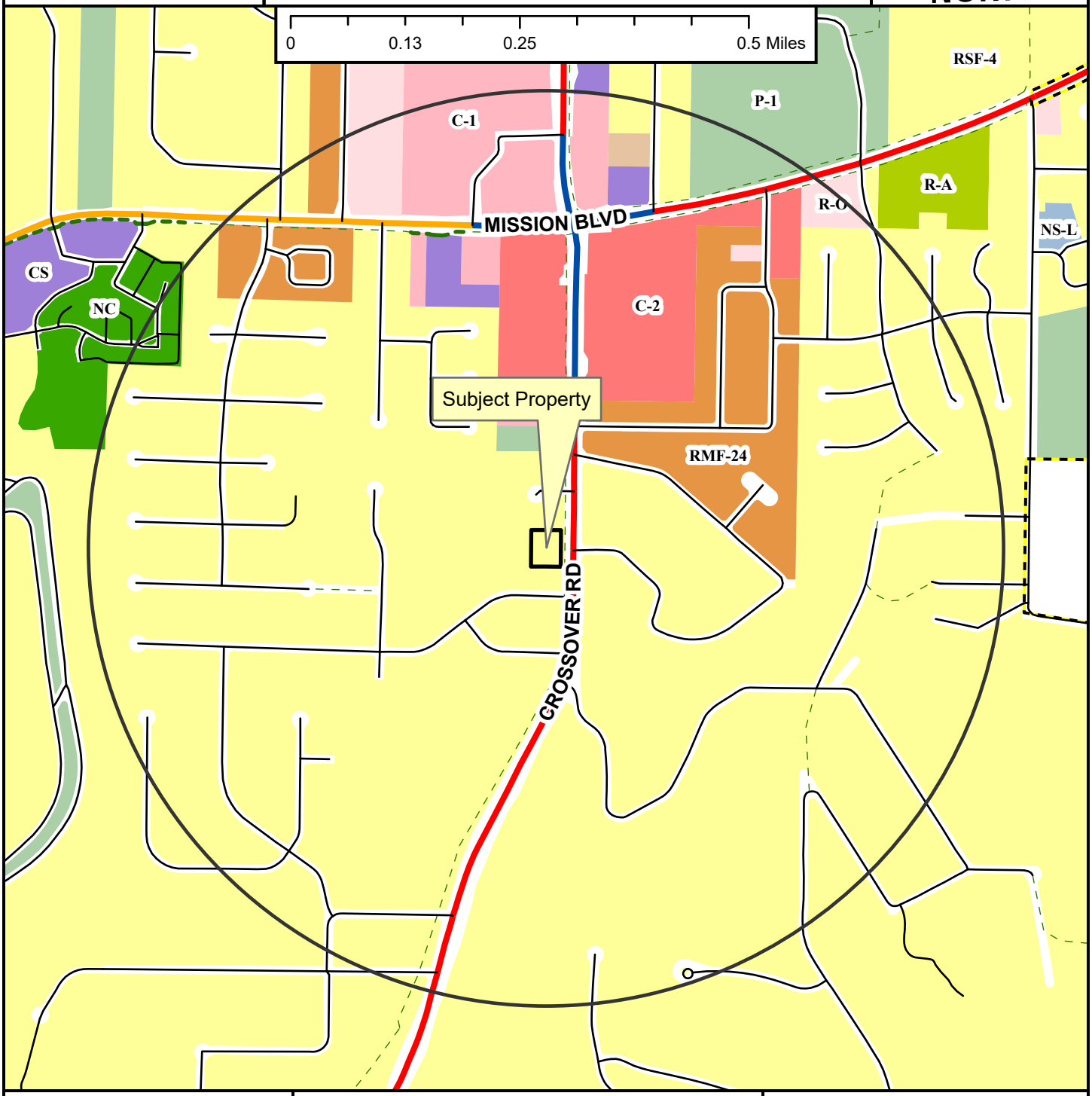
100 West Center Street Suite 300
Fayetteville, AR 72701
479.790.6775

ADM-2023-0022

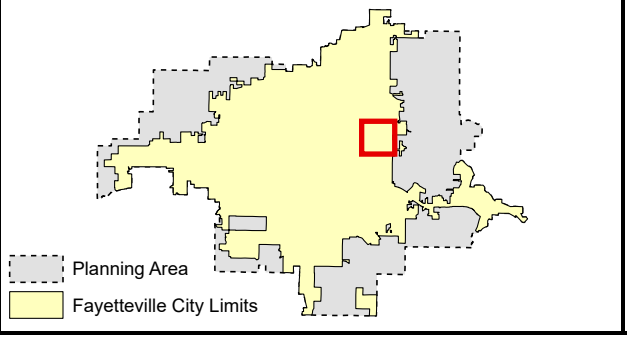
One Mile View

Smyth House Cluster Development

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

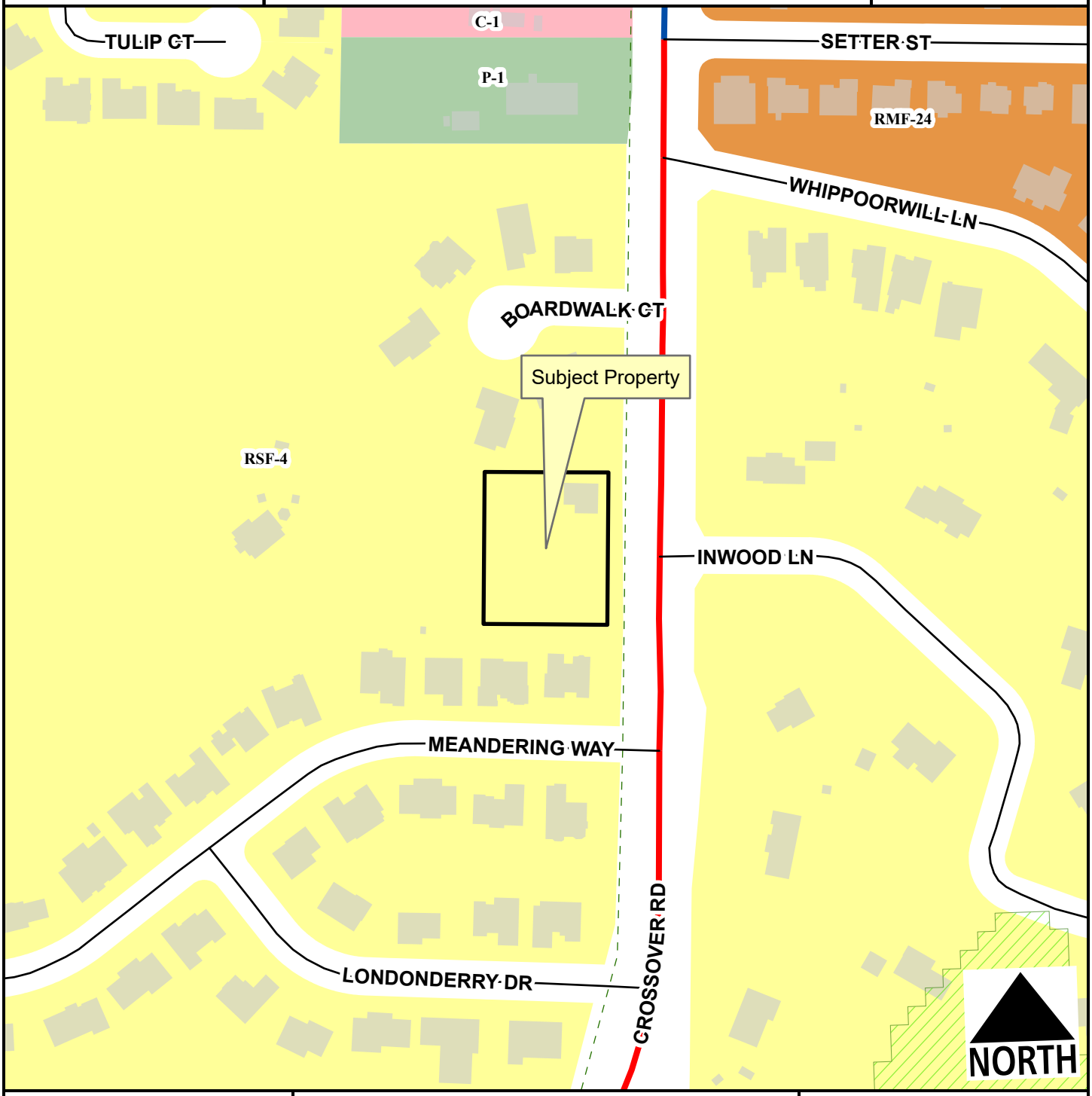
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2023-0022

Close Up View

Smyth House Cluster Development



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

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

RSF-4
RMF-24
C-1
P-1

ADM-2023-0022

Current Land Use

Smyth House Cluster Development

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planer

MEETING DATE: June 26, 2023

SUBJECT: **VAR-2023-0018: Variance (N. CHICAGO WAY & W. SOMERVILLE LN/BROOKLANDS AT MOUNTAIN RANCH, 478):** Submitted by COBBLESTONE HOMES for property at N. CHICAGO WAY & W. SOMERVILLE LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.25 acres. The request is for a variance to the UDC access management code.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0018,** with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2023-0018**, determining:*

- *In favor of the requested variance to **§166.08(F);***
- *In favor of all other conditions recommended by staff."*

BACKGROUND:
The item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

The subject property is in west Fayetteville bordered by North Bilbury Lane, North Chicago Way, and West Somerville Lane. The property in question has been partially developed as an alley serving lots 21-23 and is otherwise serving as common open space for the surrounding residents. Surrounding land uses and zoning are listed in *Table 1.*

Table 1 - Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	NC, Neighborhood Conservation
South	Undeveloped	NC, Neighborhood Conservation
East	Single-Family Residential	NC, Neighborhood Conservation
West	Undeveloped	CS, Community Services

Request: The applicant is requesting a variance to **§166.08(F)** which requires access be prioritized onto the street with the higher classification or, in the case of multiple streets with the same classification, either the street with the lowest volume or as determined by the City Engineer. The applicant is requesting an exemption to this standard, citing the use of an alley in order to reduce the overall number of curb cuts onto adjacent streets.

DISCUSSION:
Staff is supportive of the applicant's request. The intent of the access management chapter is to promote "safe and adequate vehicular, bicycle, and pedestrian access… to all parcels." Lots 21-23 currently utilize alley-loaded garages and the applicant seeks to extend the existing alley to allow lots 24 and 25 to utilize alley-loaded garages as well. Staff finds that extending the alley will create a safer traffic condition than each dwelling having individual driveway access. Creating an alley-loaded condition further improves the streetscape and promotes a safer pedestrian environment by limiting the number of pedestrian / vehicle conflict zones. As the alley is not public right-of-way, staff recommends a condition be added that the alley be placed within a dedicated access easement.

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

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2023-0018, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.08(F) which requires access be prioritized to a street of lower vehicle volume or as determined by the City Engineer when a lot has frontage on multiple streets of the same classification.** *Staff recommends approval of the request for the reasons stated above.*

2. Alley shall be placed within a dedicated access easement.

3. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:
- Unified Development Code:
  - §166.08 Street Design And Access Management Standards
- Applicant Request letter
- Site Plan
- One Mile Map
- Close-up Map
- Current Land Use Map

166.08 Street Design And Access Management Standards

…

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

(1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

….

(3) *Separation for Single-Family Homes.*

(a) For all street classifications, curb cuts shall be located a minimum of 10 feet from another driveway. Driveways serving corner lots shall be located as far from the street intersection as possible while still meeting a 5-foot separation from an adjoining property line. In no case shall a curb cut be located within the radius of an adjacent curb cut or street intersection.

(b) *Regional and Neighborhood Links.* Individual curb cuts along regional and neighborhood links streets shall be discouraged. When necessary, curb cuts along regional and neighborhood link streets shall be shared between two (2) or more lots.

(4) *Reduction in Separation Distance.* In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.

(5) *Speed.* All streets should be designed to discourage excessive speeds.

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

COBBLESTONE
HOMES

April 20th, 2023

To: Chair of the Fayetteville Planning Commission
Subject: Variance Request for Parcel 765-31750-000, Code 166.08(F) Access Management

Chair of the Fayetteville Planning Commission,

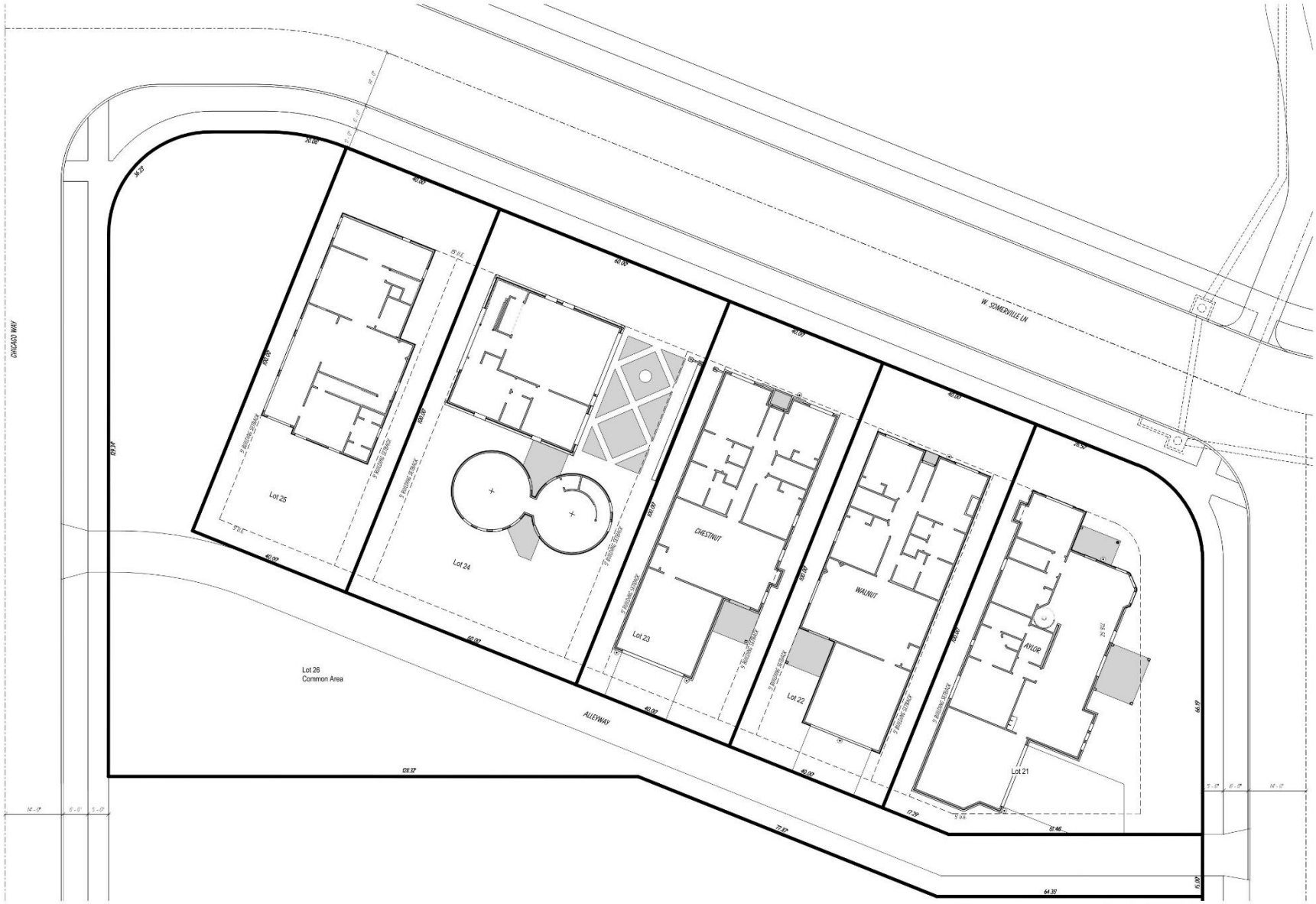
This request pertains to parcel 765-31750-000, legal Brooklands at Mountain Ranch Phase 2 Lot 26.

Please consider my request for two driveway curb-cuts on one lot tied to two different streets to give alleyway access between N Chicago Way and N Bibury Ln. The alleyway provides rear-load access to at least five residential homes, which is a feature that both the city and customers have expressed great interest in, and will eliminate the curb cuts in front of those homes along W Somerville Ln. This is a greenspace lot and will maintain much greenspace after alleyway is established. Furthermore, the city of Fayetteville, the developer, and homeowners will benefit from this from an access and parking flexibility standpoint, as well as tree and greenspace preservation. It is possible and probable that future homes could also benefit from this alleyway access.

Thank you,

R. Aaron Wirth, Striker Development Inc.

P.O. Box 180428, Fort Smith, AR 72918 ◆ (479)251-1111



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Residential Design
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COBBLESTONE HOMES

Brooklands Somerville District

Master Site Layout Section II

ATTENTION:
The use of this drawing implies to assume any plan and section shown which are out of the building. The user should make any changes to the construction drawings and connect to the local authorities. Dimensions indicate but are not limited to the dimensions. Electronic copies of this drawing have been released and shall govern in the event of any inconsistency or discrepancy.

NOTE TO BUILDER
This plan has been designed to the minimum structural requirements in effect. However, there are no guarantees that the plan is complete. Therefore, it is the responsibility of the builder to verify the structural design meet or exceed the local building codes and contractor should verify all dimensions and design.

DESIGNED BY: Jason Kissinger | DRAWN BY: Jason Kissinger
JOB # 3428 - GEH - BL Hud 5 - Walnut
DATE: 4/24/2023 11:11:45 AM | Scale: Profile

2 of 2

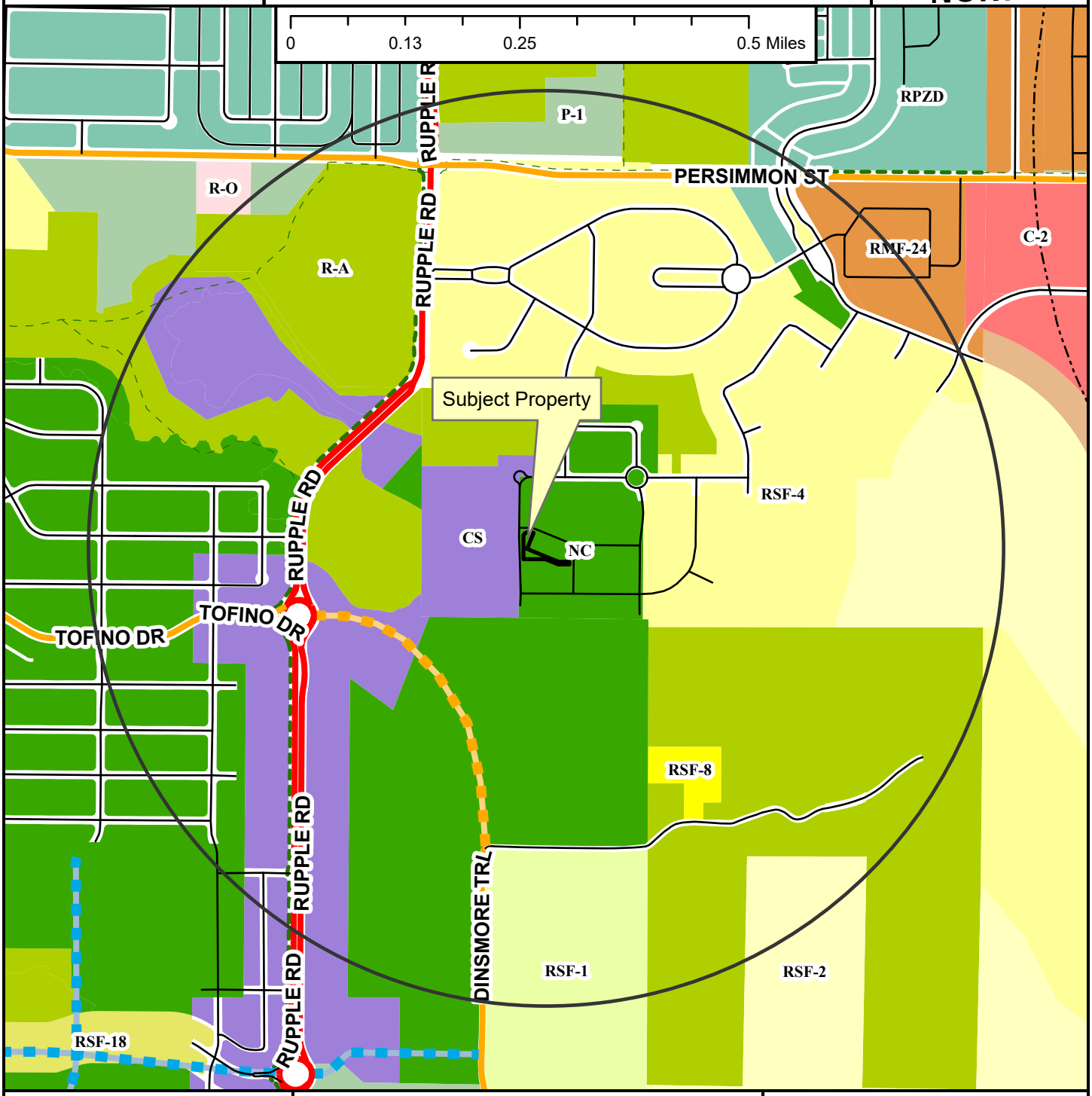
4/24/2023 11:11:45 AM

VAR-2023-0018

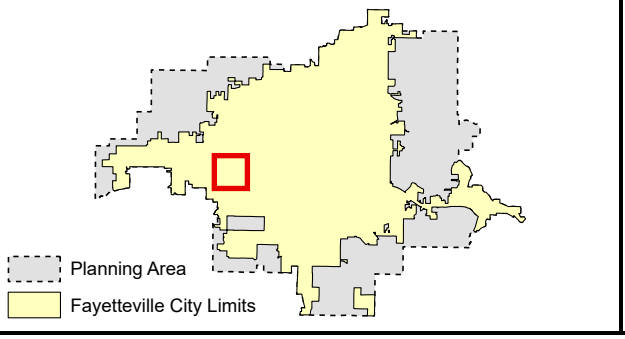
One Mile View

N. CHICAGO WAY & W. SOMERVILLE LN

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

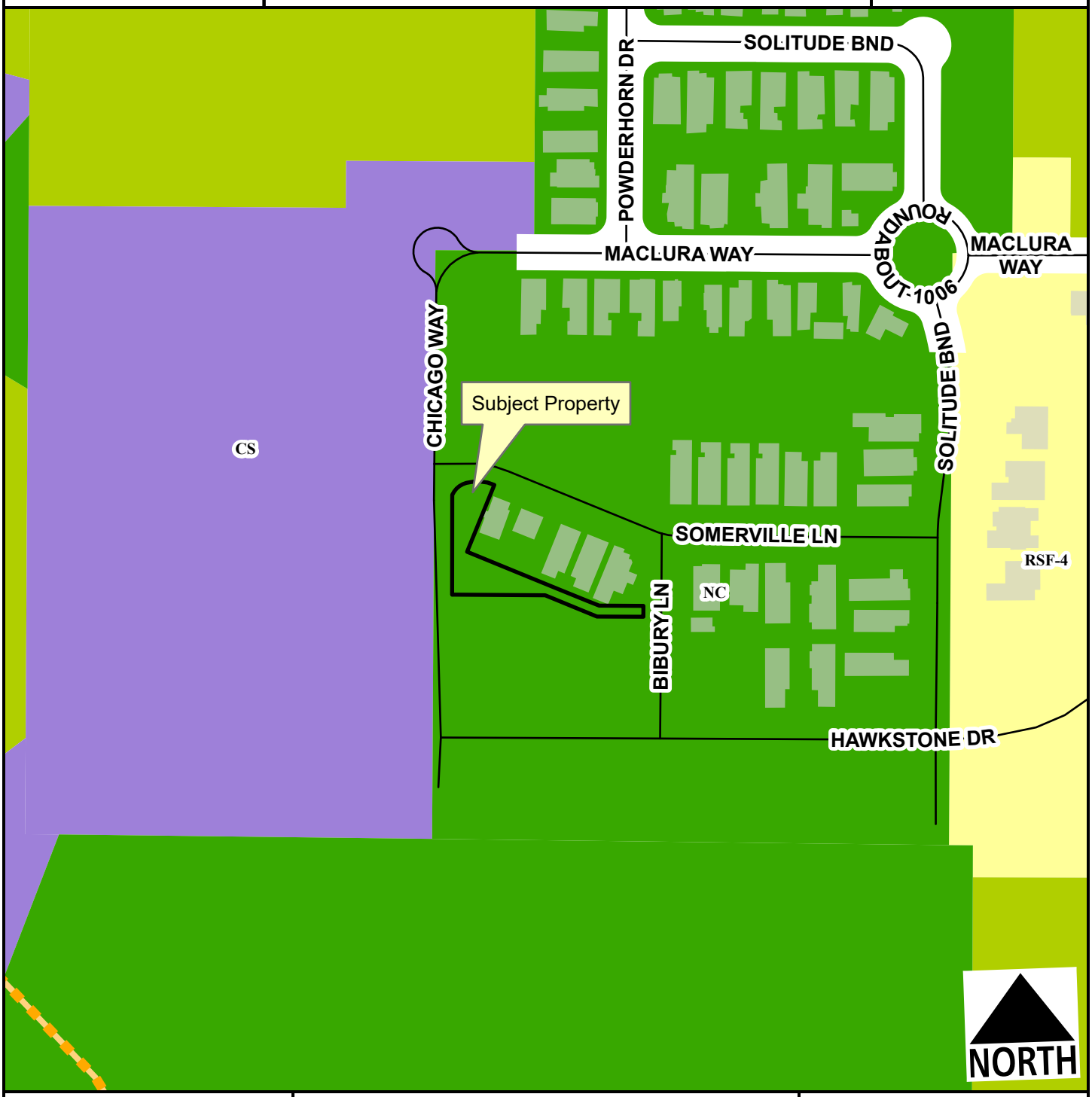
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2023-0018

Close Up View

N. CHICAGO WAY & W. SOMERVILLE LN



Residential Link
Planned Neighborhood Link
Planning Area
Fayetteville City Limits

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

Residential-Agricultural
RSF-4
Community Services
Neighborhood Conservation

VAR-2023-0018

Current Land Use

N. CHICAGO WAY & W. SOMERVILLE LN

NORTH

Regional Link

Residential Link

Planned Neighborhood Link

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
Josh Boccaccio, Engineering Development Review Manager
Alan Pugh, Staff Engineer
Melissa Evans, Urban Forester

MEETING DATE: June 26, 2023

SUBJECT: **VAR-2023-0020: Planning Commission Variance (N. GREGG AVE & SOUTH OF N. FULBRIGHT EXPY/WRMC FUTRALL DRIVE IMPROVEMENTS, 250):** Submitted by CEI ENGINEERING ASSOCIATES for property located at N. GREGG AVE & SOUTH OF N. FULBRIGHT EXPY. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 4.1 acres. The request is for a variance to streamside protection, master street plan requirements, tree preservation easement requirements, and green stormwater practices.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0020,** with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2023-0020** determining:*

- *In favor of the requested variance to 166.02(E)(2), Green Stormwater Practices;*
- *In favor of the requested variance to 168.12(E)(1), Regulated Uses, Structures, and Activities Within the Streamside Protection Zone;*
- *In favor of the requested variance to 166.08(D)(5), Street Standards;*
- *In favor of the requested variance to 167.04(L)(1), Tree Preservation Easement Requirements; and*
- *In favor of all other conditions recommended by staff."*

JUNE 12, 2023 PLANNING COMMISSION MEETING
The item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. The applicant submitted an additional request letter in the interim, and it is incorporated into this report.

BACKGROUND:
The subject property is in north Fayetteville at the southwest corner of N. Gregg Avenue and N. Futrall Drive, across N. Gregg Avenue from Washington Regional Medical Center. Containing approximately 4.1 acres, the property is currently undeveloped and is zoned UT, Urban Thoroughfare. The property does not have direct frontage along N. Gregg Avenue, with the Arkansas Missouri Railroad passing in between the property and the street; the City is currently in the process of developing a railroad crossing in this vicinity. The property was rezoned in October 2022. Surrounding land uses and zoning are listed in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	N. Fulbright Expressway	N/A
South	Undeveloped	UT, Urban Thoroughfare
East	Washington Regional Medical Center	P-1, Institutional
West	N. Fulbright Expressway/I-49 Interchange	N/A

Request: The applicant is requesting five variances to the unified development code in conjunction with the development of a 200-foot proposed street extension, currently under review as an associated large-site improvement plan.

DISCUSSION:

Variance #1: §166.02(E)(2), Green Stormwater Practices (GSPs). Green Stormwater Practices must be installed when 6001-10,000 square feet of impervious area is added to a development. The applicant is requesting that the GSP requirement be waived at this time due to an intent to meet the full drainage criteria manual at a later date.

Staff recommendation: Staff recommends in favor of the request. The overall development of the Washington Regional Medical Center will necessitate compliance with the 4 Minimum Standards of the Drainage Criteria Manual, which are more stringent than the Green Stormwater Practices.

Variance #2: §166.04(B)(4)(a)(i), Dedication of Master Street Plan right-of-way. Sufficient right-of-way dedication shall be approved by the Planning Commission, and the Planning Commission may make a recommendation of a lesser dedication to the City Council. The applicant is requesting to defer right-of-way dedication at this location until a larger planned development and expansion of Washington Regional Medical Center and N. Futrall Drive occur.

Staff recommendation: Staff finds that this variance request is not needed, since it is primarily a question of timing; the applicant is not requesting to relieve themselves of the requirement to dedicate right-of-way, but is requesting that right-of-way dedication be deferred until the entire planned street connection to serve the Washington Regional development is constructed. No structures are proposed with this request, so an easement plat to dedicate right-of-way would not be required prior to the construction of the street. The applicant understands that public right-of-way will need to be dedicated at the time of the overall development and creation of future lots to provide adequate street frontage for future lots.

Variance #3: §168.12(E)(1), Regulated Uses, Structures, and Activities Within the Streamside Protection Zone. No encroachment for the proposed use is permitted within the Streamside Protection Zone. The applicant is requesting to encroach into both the Waterside Zone, and the Management Zone.

Staff recommendation: The overall project includes a street extension that aligns with the current intersection of N. Futrall Drive and N. Gregg Avenue. In order for the street extension to align properly with the existing intersection, a streamside encroachment is required. This encroachment appears unavoidable without a relocation of the entire intersection including the existing signal. As shown on the proposed plan, this street extension includes a curve to the south upon entering the applicant's property which would remove the remainder of the street from the streamside protection zones. Given the constraints and the proposed alignment, staff does support the requested variance, for practical difficulties.

Variance #4: §166.04(B)(4)(f)(i), Sidewalks. Sidewalks shall be installed along the property street frontage and along new interior streets according to existing City standards and the Master Street Plan. The applicant is requesting to remove a required sidewalk from the northern side of the proposed street extension, citing a conflict with an existing stream and the streamside

protection ordinance. The applicant also requests to reduce the greenspace width on the southside of the proposed street from 8 feet to 6 feet.

Staff recommendation: Staff recommends in favor of the request. The applicant is currently making the minimum variance request necessary to encroach into the protected stream on this site (see variance #3 above). Staff finds that the intent of the ordinance will still be met for such a short length of street, and that the applicant has enough space to incorporate the appropriate sidewalk along the northern portion of the street with any next phase of development. Staff recommends as a condition of approval that a safe pedestrian crossing be added to connect any future sidewalk to the sidewalk on the south side for safe and efficient pedestrian movement throughout the site with the overall master development. Staff also supports the reduction in greenspace to allow for less encroachment into the streamside zone.

Variance #5: §167.04(L)(1), Tree Preservation Easement Requirements. Large-scale developments, large scale site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing trees are to be preserved. The applicant is requesting to dedicate a tree preservation easement when the overall development is submitted.

Staff recommendation: Staff recommends in favor of the request. The project is for the N. Futrall Drive improvements and will likely be followed by further development and further street extension. The current proposal is for approximately 200 linear feet of the public street extension to access the property for future development, at which time additional documents will be submitted for other site related improvements including Tree Preservation Easement/s to be dedicated. The proposed impact to trees with this portion of development is proposed to be minimal.

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

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2023-0020, with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to §166.02(E)(2), Green Stormwater Practices (GSPs).** *Staff recommends approval of the request for the reasons stated above.*

2. **Planning Commission determination of a variance to §168.12(E)(1), Regulated Uses, Structures, and Activities Within the Streamside Protection Zone.** *Staff recommends approval of the request for the reasons stated above.*

3. **Planning Commission determination of a variance to §166.04(B)(4)(f)(i), Sidewalks.** *Staff recommends approval of the request for the reasons stated above, with the condition that a safe pedestrian crossing be added to connect any future sidewalk to the sidewalk on the south side for safe and efficient pedestrian movement throughout the site with the overall master development.*

4. **Planning Commission determination of a variance to §167.04(L)(1), Tree Preservation Easement Requirements.** *Staff recommends approval of the request for the reasons stated above.*

5. Approval of these variances does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §166.04 Required Infrastructure Improvements — Development In City Limits
  - §168.12 Streamside Protection Zones
  - §167.04 Tree Preservation And Protection During Development
- Engineering Memo
- Urban Forestry Memo
- Applicant Request letter
- Overall Site Plan
- One Mile Map
- Close-up Map
- Current Land Use Map

166.04 Required Infrastructure Improvements — Development In City Limits

…

(B) *Minimum Improvements by Application Type.* The property owner/developer shall be responsible for constructing the following minimum improvements.

…

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

(a) *Dedication of Right-of-Way.*

(i) *On-Site.* Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property and new streets proposed interior to the property, into conformance with the right-of-way requirements of the Master Street Plan for said streets, shall be approved by the Planning Commission or Subdivision Committee; provided, the Planning Commission or Subdivision Committee may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

(ii) *Council Acceptance of Streets and Alleys.* The City Council accepts all streets and alleys located in Fayetteville that have been previously approved and accepted as dedications by the Fayetteville Planning Commission/Subdivision Committee. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which have been approved by the Fayetteville Planning Commission/Subdivision Committee.

(b) *Monuments and Lot Stakes.* The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, General Procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

(c) *Streets.*

(i) *On-Site.* Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.

(ii) *Off-Site.* Street widening and/or new street construction off-site may be required to address traffic impacts based on the rough proportion and rational nexus of the impacts of the project. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.

(iii) *Private Street Name Signs.* Where a structure is addressed on a private street or drive, the developer or property owner(s) shall be required to install, maintain, repair and replace all private street name signs. Any private street name sign existing at the time of passage of this ordinance shall be maintained, repaired and replaced as required by this section. Signs shall meet the standards of the Manual on Uniform Traffic Control Devices (MUTCD) and shall be installed at all street/drive intersections. Unless approved otherwise, all signs shall be retroreflective and utilize a white legend on a green background.

(d) *Curbs and Gutters.*

(i) *On-Site.* Curbs and gutters adjacent to the project frontage according to existing city standards and specifications as adopted by the City Council.

(ii) *Off-Site.* Curbs and gutters off-site may be required to address drainage and/or traffic impacts based on the rough proportion and rational nexus to impacts of the project. Curbs and gutters according to existing city standards and specifications as adopted by the City Council.

(e) *Traffic Signals.* As determined to be needed based on the rough proportionality and rational nexus of the impacts of the development.

(f) *Sidewalks.*

(i) *On-Site.* Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council.

(ii) *Off-Site.* Sidewalks may be required to be installed off-site based on the rough proportionality and rational nexus of the impacts of the development.

…

(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)

168.12 Streamside Protection Zones

…

(E) *Regulated Uses, Structures and Activities Within the Streamside Protection Zones.*

(1) The following are permitted within the designated streamside zone, subject to the requirements of this section, the Flood Damage Prevention Code, and all applicable requirements of the City of Fayetteville. Where a use is not listed, but is similar to a permitted use and is in keeping with the purpose of the streamside protection zones, the City Engineer may determine the use to be allowed. All other uses shall be prohibited.

(a) *Zone 1: Waterside Zone.* The following may be permitted in the waterside zone, provided the standards of the *Streamside Best Management Practices Manual* shall be followed where applicable and that these uses and any necessary construction is designed and built to minimize the impact upon streamside areas and minimize any excavation or filling that will only be allowed by express authorization of the City Engineer. All construction, grading, excavation or filling must also fully comply with all necessary local, state and federal permits.

(i) Open space uses that are primarily passive in character including: preserves, fishing areas and docks, parkland, and natural trails.

(ii) Streambank restoration or stabilization.

(iii) Water quality monitoring, education and scientific studies.

(iv) Revegetation and reforestation.

(v) Dam maintenance.

(vi) Paved trails or other impervious surfaces not exceeding 12 feet in width when the City Engineer determines that there is no practical and feasible alternative. Such area may not be used to park vehicles.

(vii) Stream crossings, including driveways, roadways, trails, or railroads when the City Engineer determines there is no practical and feasible alternative.

(viii) Maintenance and upgrades of existing utility facilities.

(ix) New utility facilities when the City Engineer determines there is no practical and feasible alternative.

(x) Management of lawns and gardens.

(xi) Removal of dead vegetation, pruning for reasons of public safety, removal of invasive species.

(xii) Application of any fertilizer, herbicide, pesticide, or insecticide shall be allowed only if their harmful effect on water quality is prevented by ensuring no over-application or misapplication occurs.

(xiii) Maintenance of drainage capacity in the channel including tree and sediment removal.

(xiv) New stormwater conveyances when the City Engineer determines that there is no practical and feasible alternative.

(b) *Zone 2: Management Zone.*

(i) New stormwater conveyances when the City Engineer determines that there is no practical and feasible alternative and provided the standards of the *Streamside Best Management Practices Manual* shall be followed.

(ii) All uses within the waterside zone with the exception of stormwater conveyances, provided that compliance with the standards of the *Streamside Best Management Practices Manual* are not required but encouraged.

(iii) Accessory structures without a foundation and no larger than 150 square feet, including storage sheds, playground equipment, gazebos, decks, etc.

(iv) Active recreational uses.

(2) Establishment of the following uses/activities after the effective date of this ordinance shall be prohibited in both streamside protection zones, except where necessary to allow an activity permitted by subsection (E)(1).

(a) Grading, dredging, dumping, filling, or similar construction activities.

(b) Landfills, junkyards, salvage yards.

(c) Clearing of non-invasive woody vegetation.

(d) Storage of hazardous materials or chemicals unless within waterproof containers and within a structure.

(e) Parking lots.

(f) Buildings and accessory structures with a building footprint larger than 150 square feet.

(g) Parking or storage of motor vehicles.

(h) Septic systems and/or lateral lines.

(i) In-ground pools.

(j) Animal feedlots or kennels.

(k) Housing, grazing or other maintenance of livestock.

(l) Land application of biosolids.

…

(Ord. No. 5390, 3-1-11; Ord. No. 6410 §§1, 2, 2-2-21; Ord. No. 6446 , §10(Exh. E), 6-15-21)

167.04 Tree Preservation And Protection During Development

…

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

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

(2) The geographic extent and location of tree preservation easements, once recorded, may only be modified, or abolished with the express approval of the City Council. Applicants requesting such action shall bear the burden of proving to the City Council's satisfaction that such modification or abolition is in the best interest of the City of Fayetteville. Such requests shall be submitted to the urban forester, who shall ask the City Clerk to place it on the agenda of the next regularly scheduled City Council meeting.

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

(Code 1991, §162.10; Ord. No. 2699, §10, 4-20-93; Ord. No. 3901, §1, 7-5-95; Ord. No. 3963, §6, 4-16-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4340, 10-2-01; Ord. No. 4539 02-03-04; Ord. No. 4855, 4-18-06; Ord. No. 4930, 10-03-06; Ord. No. 5308, 3-16-10; Ord. No. 5312, 4-20-10; Ord. No. 5427, 8-2-11; Ord. No. 5513, 7-17-12; Ord. No. 5773, 5-19-15; Ord. No. 5818, 10-20-15; Ord. No. 5824 , §3, 11-17-15; Ord. No. 5945 , §17, 1-17-17; Ord. No. 5986 , §§4(Exh. A), 5—35, 7-6-17; Ord. No. 6442 , §§1(Exh. A1), 2(Exh. B), 5(Exh. E), 6(Exh. F), 6-1-21; Ord. No. 6446 , §9(Exh. D), 6-15-21)

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Jessie Masters, Development Review Manager

FROM: Josh Boccaccio, Engineering Development Review Manager

DATE: June 6, 2023

SUBJECT: **Planning Commission Engineering Comments for VAR-2023-0020 Washington Regional Medical Center – Futrall Drive Improvements**

Discussion:

Staff has been working with the applicant on this development to ensure the appropriate development review route. At this time, the applicant desires to install a portion of what will eventually be a city street to allow access to their property for future development. The City of Fayetteville Engineering Division completed a design for the intersection of Gregg and Futurall in order to obtain a permit from the Arkansas Missouri Railroad for a crossing. The City Council has not appropriated funding to construct the crossing at this time.

Recommendation:

Variance Request 1 (Green Stormwater Practices) UDC 166.02 (E) –

Approve with Conditions

The Engineering Division supports the applicant's variance request, with conditions, finding that the scope of current and future proposed improvements would necessitate compliance with the 4 Minimum Standards of the Drainage Criteria Manual (DCM), which are more stringent than the Green Stormwater Practices.

Conditions:

1. The added impervious area west of the railroad tracks, shown in the current plans, along with the future improvements, be directed to the future drainage feature that will meet the 4 Minimum Standards outlined in the DCM.
2. Any associated storm infrastructure (curb inlets, storm pipe, etc.) needed to capture the added impervious area to the west of the railroad tracks must be installed for this portion of the roadway.
3. During grading permit review, discuss and determine options to facilitate installation of the street so that future construction has the least amount of impact on the roadway.

CITY OF FAYETTEVILLE ARKANSAS

Planning Commission Memo

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Melissa Evans, Urban Forester

MEETING DATE: May 22, 2023

SUBJECT: **VAR-2023-0020: Variance (N. Gregg Ave. & South of N. Fulbright Expy.):** Submitted by CEI Engineering Associates for property located at N. Gregg Ave. & South of N .Fulbright Expy. The property is zoned UT, URBAN THOROUGHFARE, and contains approximately 11.16 acres. The request is for a variance to the Tree Preservation Easement requirement for LSIP projects.

RECOMMENDATION:
Urban Forestry Staff recommends approval of VAR-2023-0020 which would allow the property owner to not dedicate a Tree Preservation Easement as required for LSIP projects per Chapter 167.04(L)(1), "Large scale developments, large scale site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large scale site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice."

BACKGROUND:
The project is for Futrall Drive improvements and will likely be followed by further development and further street extension. The current proposal is for approximately 200 linear feet of the public street extension to access the property for future development, at which time additional documents will be submitted for other site related improvements including Tree Preservation Easement/s to be dedicated.

Civil Engineering, Landscape Architecture,

Survey, Planning & Program Management

3108 SW Regency Parkway

Bentonville, AR 72712

Planning Division
Development Services Building
113 West Mountain Street
Fayetteville, AR 72701

June 7th, 2023

RE: Washington Regional Medical Center - Futrall Drive Improvements
N. Gregg Avenue, Fayetteville, AR
CEI Project No. 32787

Staff and Commissioners,

On behalf of Washington Regional, LLC, CEI Engineering Associates, Inc. hereby submits site improvement documents and associated variance letters to facilitate the extension of Futrall Drive into the development located within the current UT zoning district near N. Gregg Avenue (parcel number 765-15884-003).

Zoning and Land Use

The existing UT zoning district within the which Washington Regional Medical Center – Futrall Drive Improvements is located will not change as a result of the subject proposal.

Street and Infrastructure Improvements

The location of the site improvements provided by CEI Engineering were dictated by the approved site improvements being proposed by City of Fayetteville's '*N. Gregg Ave. & Futrall Drive Intersection Improvements*' dated May 27, 2021. A copy of these plans have been provided within the initial submittal for reference.

The improvements associated with the subject proposal include approximately 200 linear feet of public street extension west into the development from the Arkansas & Missouri railroad crossing provided by City of Fayetteville's improvements and terminate once outside of the identified Streamside Protection Zones and Floodplain Zones at the northeast corner of the property.

Following Large Site Improvement Plan approval, and at a later date, the developer will resubmit additional documents for the overall development that will extend Futrall Drive further west and provide other site related improvements as required by City of Fayetteville.

Variances

Along with the improvements documents mentioned above, several variances for the subject property are being provided for staff and commissioner review to help facilitate the proposed improvements. The variances listed below shall accompany the Large Site Improvement Plan application (LSIP-2023-0002).

Variance Request 1 (Green Stormwater Practices)
UDC Section 166.02 (E)

Per UDC Section 166.02 (E) Stormwater Practices (GSPs) must be provided when 6,001 – 10,000 square feet of impervious area is added to a development.

This request is to waive the typically required GSP implementation of all stormwater management Minimum Standards as described within the City of Fayetteville Drainage Criteria Manual (2014) and provide these features with the overall development.

We offer the following noteworthy points for your consideration in the context of the above request:

1. Providing GSPs at this time for a fraction of the total impervious area in the overall master plan of the development will create an inefficient system and cause unnecessary cost of labor and materials to construct such GSPs at this time, and then remove at a later date for the overall development. Constructing the GSPs with the larger development plan will allow them to be more appropriately placed and designed based on the overall project parameters.

Variance Request 2 (Right-of-Way Dedication)
UDC Section 166.04 (B)(4)(a)(1)

Per UDC Section 166.04 (B)(4)(a)(1) Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersection the property and new streets proposed interior to the property, into conformance with the right-of-way requirements of the Master Street Plan for said streets, shall be approved by the Planning Commission or Subdivision Committee.

This request is to waive the requirement of right-of-way dedication at this time and allow for the intersection and drive extension west into the subject property to be dedicated once the drive is extended further west into the site and built with the future development.

We offer the following noteworthy points for your consideration in the context of the above request:

1. By deferring right-of-way dedication for the Futrall drive extension into the site, the drive can be closed to the public with road closed signs to prevent pedestrians from entering the site or driving onto the railroad crossing.

2. Once Futrall drive is extended further west with the future development, the developer will prepare an Easement Plat dedicating right-of-way for the entire length of public road extension.

3. Dedication of the partial street extension to the City prior to the construction of the larger project could cause more maintenance issues than if dedication were allowed at the end of the larger project.

Variance Request 3 (Streamside Protection)
UDC Section 168.12 (E)(2)(a)

Per UDC Section 168.12 (E)(2)(a) Establishment of the following uses/activities after the effective date of this ordinance shall be prohibited in both streamside protection zones. (a) Grading, dredging, dumping, filling, or similar construction activities.

This request is to waive the above requirement of grading and construction activities within the streamside protection zones to facilitate the proposed drive improvements.

We offer the following noteworthy points for your consideration in the context of the above request.

1. Because of the fixed intersection location provided by City of Fayetteville plans (N. Gregg Ave. & Futrall Drive Intersection Improvement Plans) the extension of the drive west of the railroad must fall within the streamside protection waterside and management zones where grading/fill will occur.

2. To minimize the amount of disturbance within these zones, the road extension is utilizing a 150' centerline radii which is the minimum allowed. This will extend the drive south as fast possible outside of the mentioned zones.

3. 2:1 grading slopes along the northern curb line are being proposed to limit the width of fill slopes.

4. Because of the fill in this area at the low end of the site, a 24" RCP pipe is being proposed to modify the conveyance of an existing ditch that carries runoff along the eastern property line to the northeast corner of the site and outfall into the stream at the toe slope of Fulbright Expressway.

Variance Request 4 (Street Section)
UDC Section 166.08 (D)(5)

Per UDC Section 166.08 (D)(5) All street requirements shall be met as set forth in the city of Fayetteville Master Street Plan and adopted minimum street standards.

This request is to modify the typically required Neighborhood Link Street section as shown in the City of Fayetteville Master Street Plan and allow an alternate street section for approximately 200 feet west of the intersection.

We offer the following noteworthy points for your consideration in the context of the above request:

1. The street section shown on Detail Sheet 1 (C8.00) matches the street section provided in the N. Gregg Ave. & Futrall Drive Intersection Improvement Plans dated May 27th, 2021 provided by City of Fayetteville staff east of the existing railroad.

2. A 8-foot section of greenspace is typically required for Neighborhood Link Streets when 10-feet of trail is provided. To match the street section provided in the N. Gregg Ave. & Futrall Drive Intersection Improvement Plans, a 6-foot section of greenspace is being provided along with a 10-foot trail. Once the street is extended further west into the site, and outside of the stream side protection zones, the street section will adhere to the typical Neighborhood Link street section.

3. Based on the location of the proposed intersection in City of Fayetteville's plans, the extension of the drive west of the railroad tracks falls within the streamside protection zones adjacent to an existing stream. If sidewalk is proposed on the north side of the drive extension, as shown in the Neighborhood Link Street section, the sidewalk will fall within the stream therefore not adhering to the streamside protection regulations. The plans propose to remove the north side sidewalk from this section of Futrall Drive.

4. This request for variance is limited to this section of Futrall Drive. When Futrall Drive is extended further west into the future development, the typical section could be achieved.

Variance Request 5 (Tree Preservation Easement)
UDC Section 166.08 (D)(5)

Per UDC Section 167.04 (L)(1) Large scale developments, large scale site improvements, and commercial preliminary plats are required to dedicate a tree preservation easement, if any existing tree are to be preserved. The tree preservation easement shall be the size of the minimum canopy preservation requirement, if possible. If the minimum tree preservation canopy is not available, the applicant will not be required to dedicate the minimum canopy preservation. The applicant will have to dedicate a tree preservation easement that is agreed upon with The Urban Forester. In order to ensure that an applicant's heirs, successors, assigns, or any subsequent purchasers of the subject property are put on notice as to the existence and extent of approved tree preservation easements which shall be clearly depicted and noted on the easement plats for large scale developments, large scale site improvements, commercial final plats, and any plats with a tree preservation easement. This shall be accompanied by a narrative statement describing the nature of the protection afforded, and bearing the signature of the Urban Forester. If it is impractical to include the actual depiction of the canopy in a tree preservation easement on the easement plat, or final plat itself, a note cross referencing an accompanying document shall suffice.

This request is to waive the typically required Tree Preservation Easement requirements as described within the code until the overall development is submitted at a later date.

We offer the following noteworthy points for your consideration in the context of the above request:

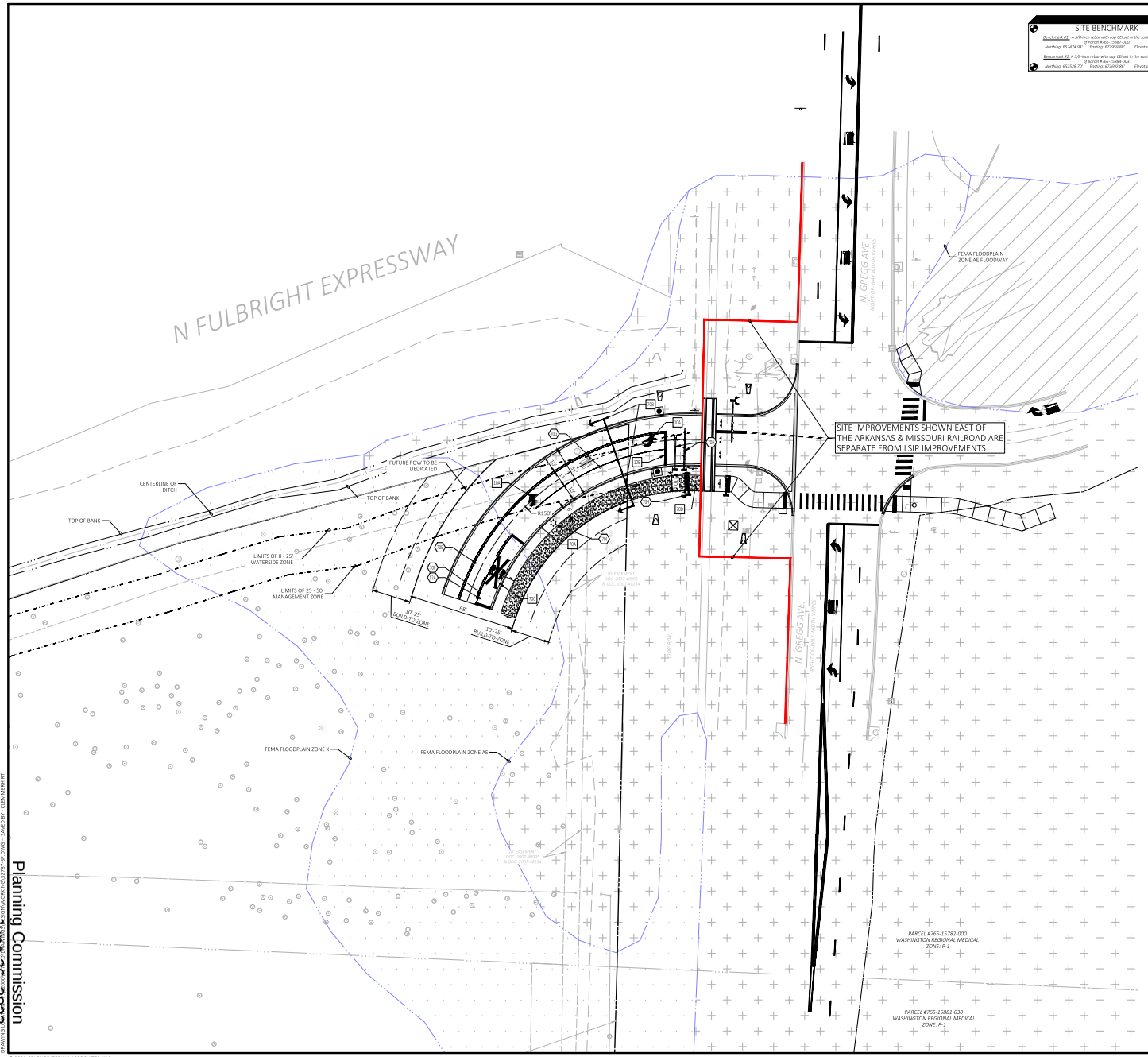
1. Providing a Tree Preservation Easement at this time will not take into account the overall development, submitted at a later date, that will include substantial amounts of development within the subject tract. Once the overall development is submitted, Tree Preservation Easements will be provided for the entire development and can be more thoughtfully coordinated with the existing tree areas and proposed development plan layout.

We appreciate your consideration of this information and look forward to discussing any questions or comments you may have. Please contact me by phone at (479)273-9472 or by email: clemmerhirt@ceieng.com.

Respectfully Requested,

Connor Lemmerhirt

Connor Lemmerhirt, E.I.
Civil Designer – Local Development



SITE BENCHMARK

Benchmark #1: A 5/8-inch rebar with cap CEI set in the southern portion of Parcel #765-15887-000
Northing: 652474.94' Easting: 672050.88' Elevation: 1241.79'

Benchmark #2: A 5/8-inch rebar with cap CEI set in the southern portion of parcel #765-15884-001
Northing: 652526.70' Easting: 672002.96' Elevation: 1252.76'

SCALE IN FEET: 0, 30', 45', 60'

Know what's below. Call before you dig.

EXISTING LEGEND

- Boundary Line
- Adjoining Boundary Line
- Water Line
- Barb Wire Fence Line
- Underground Fiber Optic Line
- Overhead Electric Line
- Sanitary Sewer Line
- Storm Drainage Pipe
- Section Line
- Break Line
- Flow Line
- Benchmark (BM)
- Tree
- Electric Meter
- Water Meter
- Drainage Manhole (DMH)
- Grate Inlet (GI)
- Fire Hydrant
- Sewer Manhole (SMH)
- Guy Wire / Anchor
- Utility Pole
- Unknown Manhole
- Electric Riser
- Traffic Sign (Type of Sign)
- Warning Cable TV Sign
- Warning Fiber Optic Line Sign
- Traffic Light (Walking)
- Traffic Light (1 Lamp)
- Traffic Light (2 Lamps)
- Traffic Light (3 Lamps)
- Fiber Optic Vault
- Traffic Signal Vault
- Water Valve
- Corrugated Metal Pipe
- Ductile Iron Pipe
- Polyvinyl Chloride Pipe
- Reinforced Concrete Pipe
- Right-of-Way
- FEMA Zone AE Floodway
- FEMA Zone AE
- FEMA Zone X Shaded

PROPOSED LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
- CONCRETE CURB AND GUTTER. SEE DETAIL 01A/01B.
- LIMITS OF SITE IMPROVEMENTS
- LIMITS OF SIDEWALKS AND CONCRETE APRONS (PER ARCH. PLANS)

GENERAL SITE NOTES

A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

B. ALL CURB RETURN RADII SHALL BE 3' OR 15', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.

C. UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS: ALL CURB AND GUTTER ADJACENT TO ASPHALT PAVING SHALL BE INSTALLED PER DETAIL 70A. PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL 70B OVER THE ENTIRE LENGTH OF ROADWAY.

SITE NOTES

12A 4" YELLOW LANE STRIPE.
70B 4" DOUBLE YELLOW LANE STRIPE.
70E 4" YELLOW PAINT SKIP LINE. 2' STRIPE WITH 4' GAP BETWEEN STRIPES.
70G 4" WHITE PAINT SOLID LINE.
70H RAILROAD PEDESTRIAN AND ROADWAY GATES INSTALLED BY OTHERS AS SHOWN ON CITY OF FAYETTEVILLE INTERSECTION IMPROVEMENT PLANS.
70I FUTURE STREET LIGHT TO BE INSTALLED WITH OVERALL DEVELOPMENT.

SITE DETAILS

10A TRAFFIC FLOW ARROW
10B STOP BAR
70A TYPE "A" CURB & GUTTER (PER COF DETAIL STB)
70B FUTRALL DRIVE CROSS-SECTION (TYP.)
70C PAVEMENT MARKING FOR RAILROAD CROSSING (PER ARDOT DETAIL RRS-1)
70D MULTI-USE TRAIL

STREET TABLE

TOTAL R.O.W.	68 FEET
R.O.W. LEFT FROM CENTERLINE	35 FEET
R.O.W. RIGHT FROM CENTERLINE	33 FEET
FUTURE TRAIL LEFT	10 FEET
FUTURE GREENSPACE LEFT	8 FEET
TRAIL RIGHT	10 FEET
GREENSPACE RIGHT	6 FEET
DRIVELANES	10 FEET
TURN LANE	11 FEET

IMPERVIOUS AREA ADDED

8,335 SQUARE FEET

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844

WASHINGTON REGIONAL MEDICAL CENTER
FUTRALL DRIVE IMPROVEMENTS
NORTH GREGG AVENUE
FAYETTEVILLE, ARKANSAS

STATE OF ARKANSAS LICENSED PROFESSIONAL ENGINEER No. 14925 NATHAN A. HIGHFILL 06/01/2023

PROFESSIONAL OF RECORD	NAH
PROJECT MANAGER	NLB
DESIGNER	CLL
CEI PROJECT NUMBER	32787
DATE	6/1/2023
REVISION	REV-1

SITE PLAN
SHEET TITLE

SHEET NUMBER
C2.00

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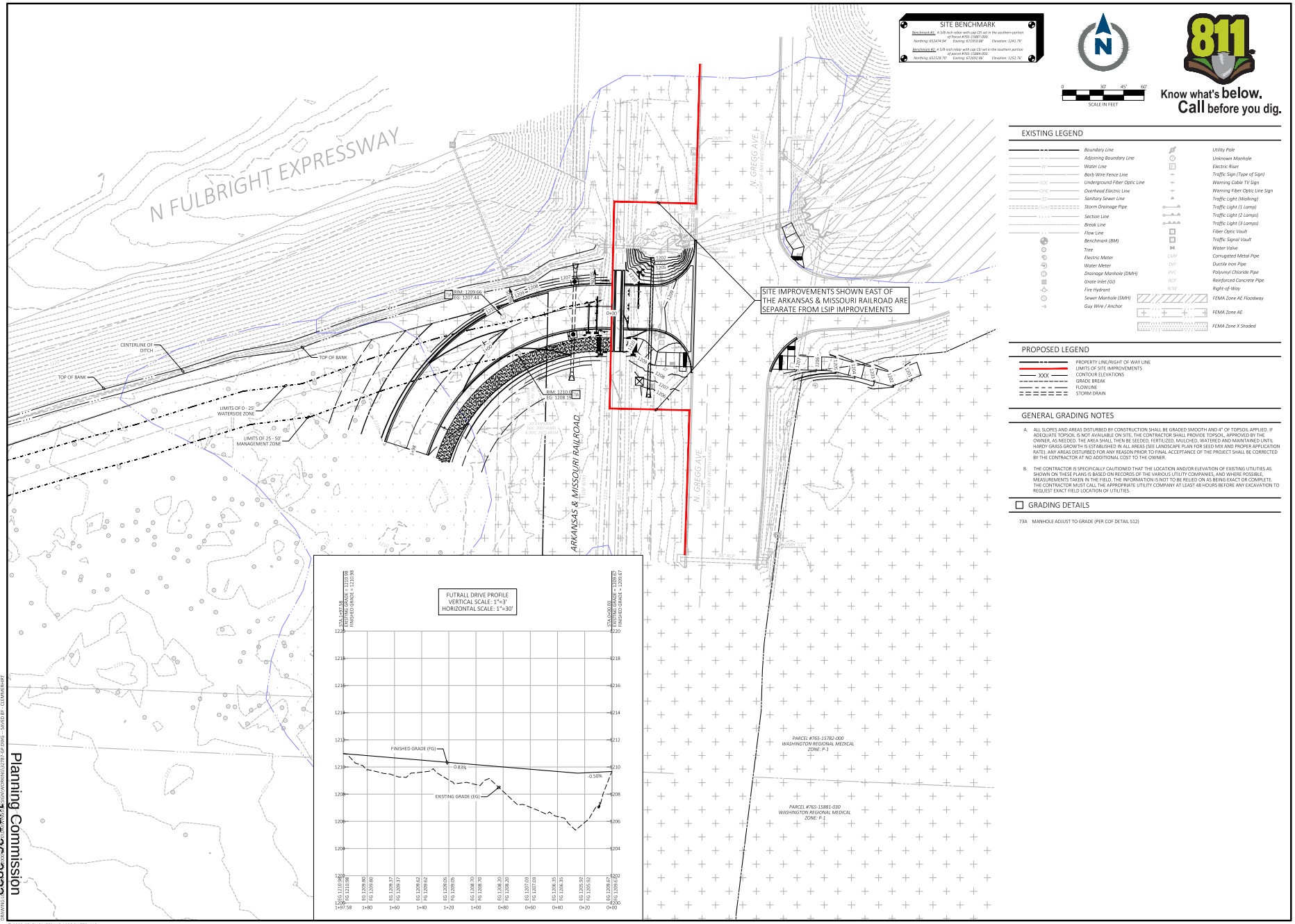


EXISTING LEGEND

Boundary Line	Utility Pole
Adjoining Boundary Line	Unknown Manhole
Water Line	Electric Riser
Barb Wire Fence Line	Traffic Sign (Type of Sign)
Underground Fiber Optic Line	Warning Cable TV Sign
Overhead Electric Line	Warning Fiber Optic Line Sign
Sanitary Sewer Line	Traffic Light (Walking)
Storm Drainage Pipe	Traffic Light (1 Lamp)
Section Line	Traffic Light (2 Lamps)
Break Line	Traffic Light (3 Lamps)
Flow Line	Fiber Optic Vault
Benchmark (BM)	Traffic Signal Vault
Tree	Water Valve
Electric Meter	Corrugated Metal Pipe
Water Meter	Ductile Iron Pipe
Drainage Manhole (DMH)	Polyvinyl Chloride Pipe
Grate Inlet (GI)	Reinforced Concrete Pipe
Fire Hydrant	Right-of-Way
Sewer Manhole (SMH)	FEMA Zone AE Floodway
Guy Wire / Anchor	FEMA Zone AE
	FEMA Zone X Shaded

PROPOSED LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
- LIMITS OF SITE IMPROVEMENTS
- XXX CONTOUR ELEVATIONS
- GRADE BREAK
- FLOWLINE
- STORM DRAIN

GENERAL GRADING NOTES

A. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND 4" OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEEDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS (SEE LANDSCAPE PLAN FOR SEED MIX AND PROPER APPLICATION RATE). ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.

B. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES.

GRADING DETAILS

73A MANHOLE ADJUST TO GRADE (PER CDF DETAIL S12)

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844

WASHINGTON REGIONAL MEDICAL CENTER
FUTRALL DRIVE IMPROVEMENTS
NORTH GREGG AVENUE
FAYETTEVILLE, ARKANSAS

STATE OF ARKANSAS LICENSED PROFESSIONAL ENGINEER No. 14925 NATHAN A. HIGHFILL 06/07/2023

PROFESSIONAL OF RECORD	NAH
PROJECT MANAGER	NLB
DESIGNER	CLL
CEI PROJECT NUMBER	32787
DATE	6/2/2023
REVISION	REV-1

GRADING PLAN
SHEET TITLE
SHEET NUMBER
C3.00

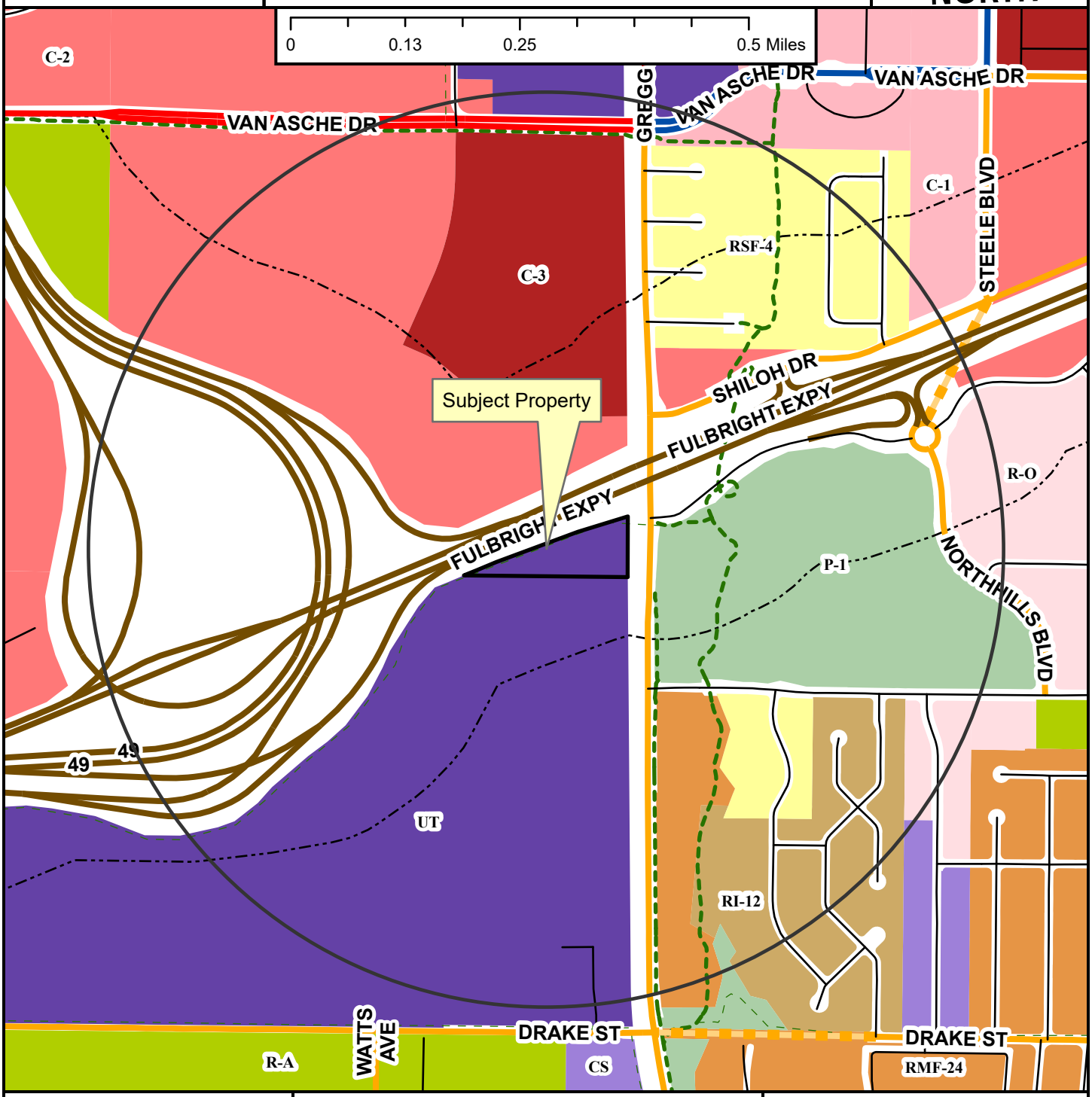
© 2023 CEI ENGINEERING ASSOCIATES, INC.

VAR-2023-0020

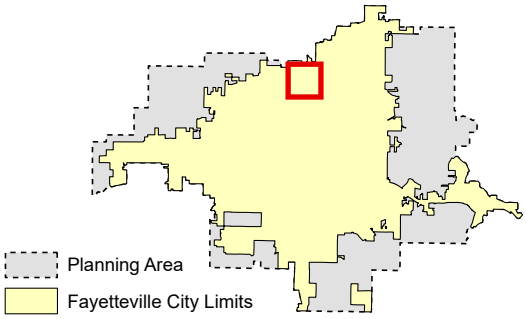
One Mile View

VAR-2023-0020

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

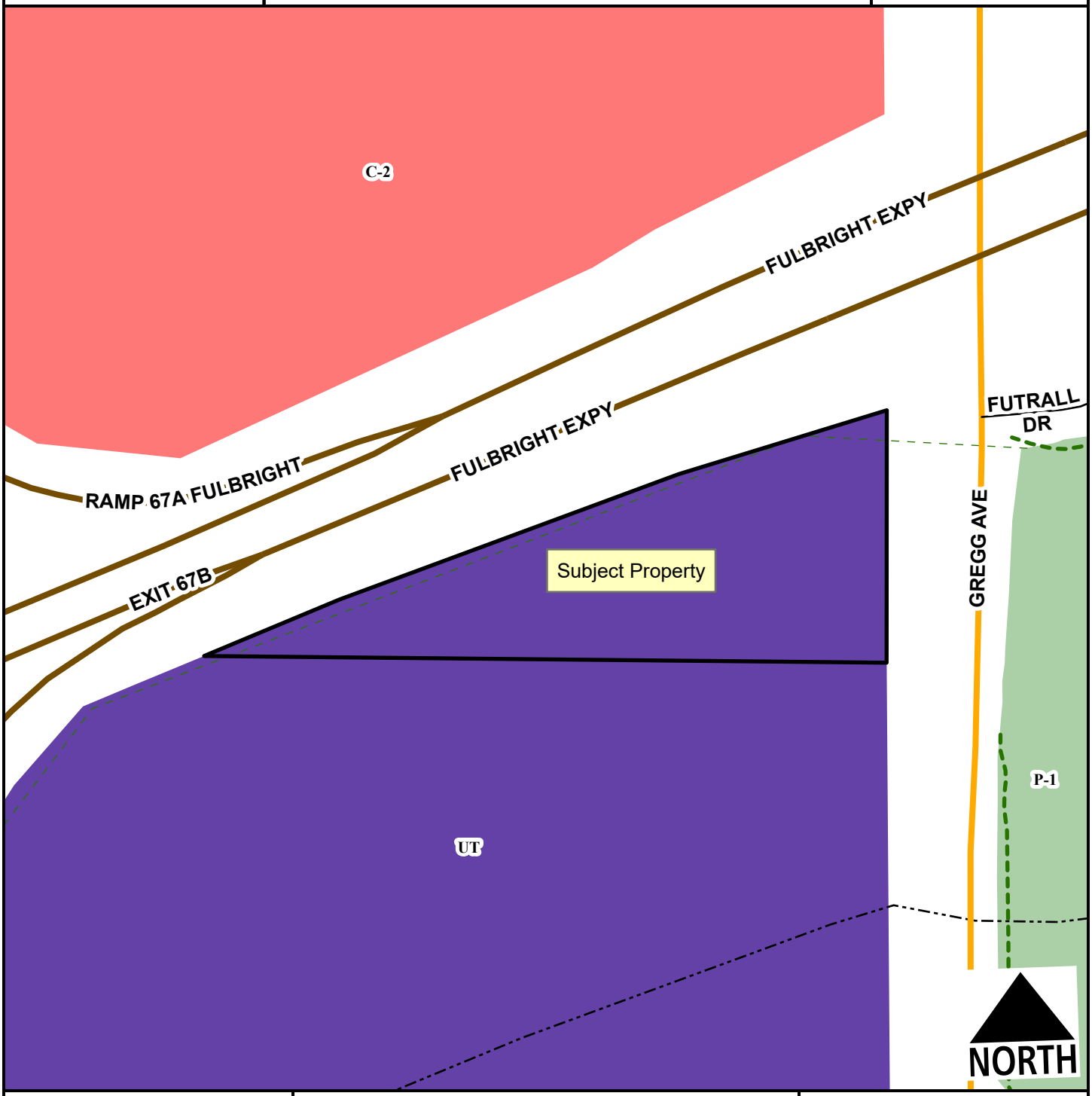
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2023-0020

Close Up View

VAR-2023-0020



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

Feet

0 75 150 300 450 600

1:2,400

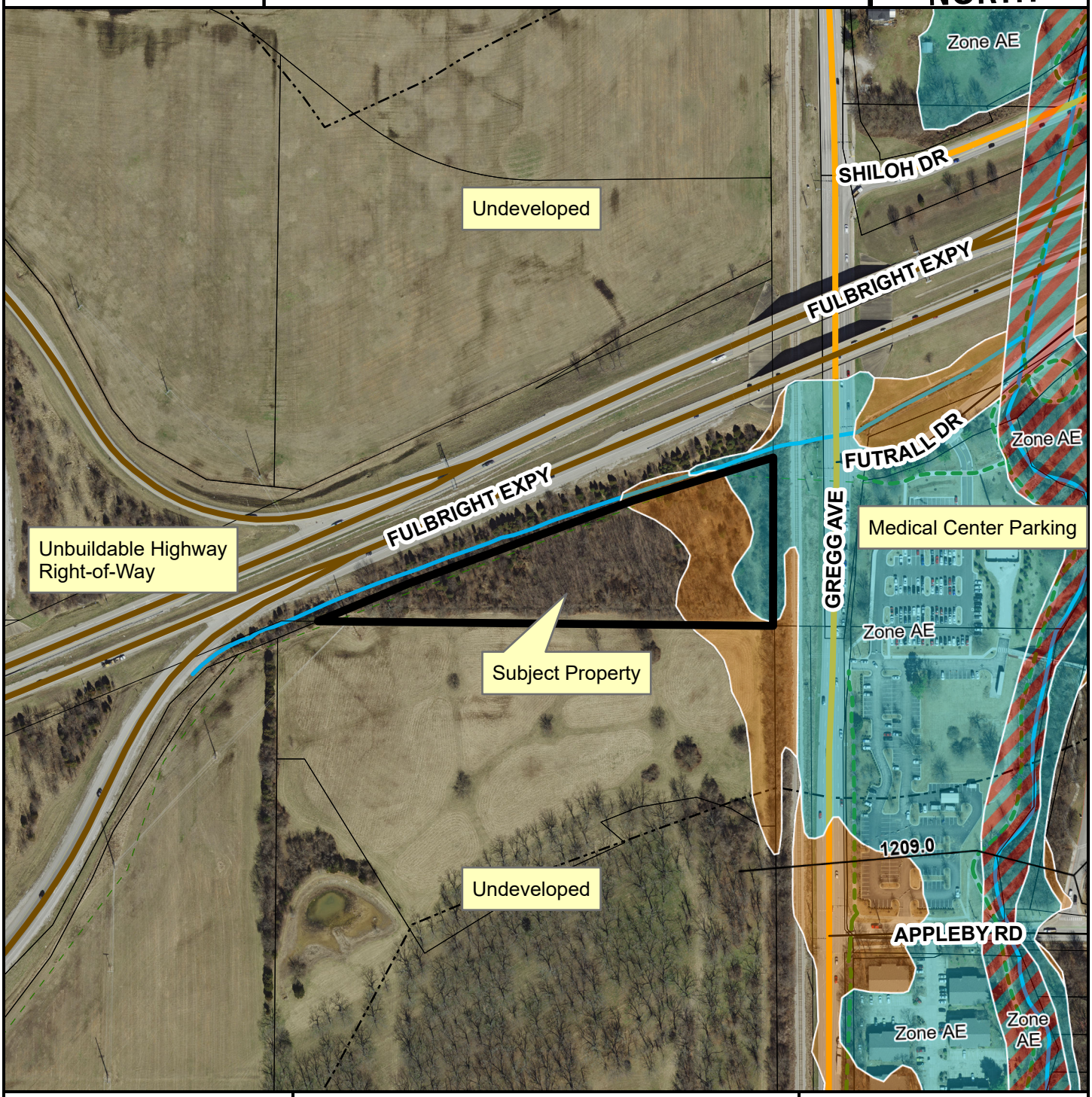
- C-2
- Urban Thoroughfare
- P-1

VAR-2023-0020

Current Land Use

VAR-2023-0020

NORTH



- Neighborhood Link
- Freeway/Expressway
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023

SUBJECT: **ADM-2023-0020: Administrative Item (4898 W. WEDINGTON DR./POOCH PLAZA, 398):** Submitted by COYLE ENTERPRISES for property located at 4898 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.90 acres. The request is for an extension of a previously approved large scale development.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0020**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0020** with conditions as recommended by staff."*

JUNE 12, 2023 PLANNING COMMISSION MEETING:
This item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

BACKGROUND:
The subject property is in west Fayetteville, just north of the intersection of Wedington Drive and Broyles Avenue. The property is zoned R-A, Residential-Agricultural and includes one parcel totaling 1.90 acres. It is currently developed with a 5,700-square-foot daycare facility and associated parking and located within the boundaries of the Wedington Corridor Master Plan. A large scale development for a 5,103-square-foot animal boarding and training facility (LSD-2022-0011) was approved by Subdivision Committee in April of 2022. 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	Rural Residential	R-A, Residential-Agricultural
East	Church	R-A, Residential-Agricultural
West	Animal Boarding and Training	R-A, Residential-Agricultural

Request: The applicant is requesting a one-year extension to their large scale development which expired on April 14, 2023. The applicant submitted a letter requesting the extension on May 5, 2023, within the 18-month time limit that they are allotted to request an extension from the Planning Commission per UDC §166.20, Expiration of Approved Plans and Permits.

Public Comment: Staff received one phone call from an adjacent property owner who also operates an animal boarding and training facility. The neighbor stated their opposition to another

animal boarding and training facility operating so close to their property but had no concerns with the extension request at hand.

DISCUSSION:
Staff recommends approval of the applicant's extension request. The request was received before October 14, 2023, which is the deadline for the applicant to request that the Planning Commission extend their approval for up to one additional year. A grading permit for the project was issued in January of this year and a building permit was applied for shortly thereafter in March. The applicant believed that they would be able to secure their building permit prior to the large scale development's expiration on April 14, though revisions were required that prompted additional reviews, and the applicant missed their deadline to request an administrative extension. Staff finds that the applicant is close to addressing all remaining comments and is supportive of their extension request since it would allow this project to continue moving forward.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0020** with the following conditions:

Conditions of Approval:

1. A one-year extension for LSD-2022-0011 will expire on April 14, 2024;

2. All other conditions of approval associated with LSD-2022-0011 not affected by this extension shall remain in effect; and

3. Approval of this large scale development extension does not constitute approval of associated permits or entitlements not fully reviewed at this time.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §166.20 Expiration of Approved Plans and Permits
- LSD-2022-0011 Conditions of Approval
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.20 Expiration Of Approved Plans And Permits

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

(1) Preliminary plats;

(2) Planned zoning district developments;

(3) Conditional uses;

(4) Large-scale developments;

(5) Lot splits;

(6) Physical alteration of land permits;

(7) Storm water, drainage, and erosion control permits;

(8) Tree preservation plans; and

(9) Floodplain development permits.

(B) Time Limit.

(1) Tasks to Be Completed. All of the above-enumerated plans and permits are conditioned upon the applicant accomplishing the following tasks within one (1) year from the date of approval:

(a) For any renovation or new construction, receive all building permits for the project; and/or,

(b) For a Planned Zoning District, comply with the approved phasing plan; and/or

(c) For a lot split, record a deed or survey at the Washington County Circuit Clerk's Office, stamped for recordation by the City Planning Division; and/or,

(d) Receive a business license; and/or,

(e) Receive all permits and approvals required by city, county, state, and federal regulations to complete construction of the development or project.

(2) Administrative Extension Within One (1) Year. Prior to the expiration of the one (1) year time limit, an applicant may request the Zoning and Development Administrator to extend the period to accomplish the tasks by up to one (1) additional year. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit. Extensions that are not permitted administratively may be requested of the Planning Commission within ten (10) days of the final administrative decision.

(3) Planning Commission Extension Within Eighteen (18) Months. Should an applicant miss the deadline to request an administrative extension, within eighteen (18) months of the date of approval the applicant may request the Planning Commission to extend the period up to one (1) additional year from the original date of approval, subject to the burden of showing good cause as described in this section.

(4) Planning Commission Extension. Prior to the expiration of any allowed extension period (maximum of two (2) years from the date of original approval), an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year, if the plans and permits are substantially the same as those originally approved. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit and the permitted extension period. Extensions beyond three (3) years from the original date of approval shall not be permitted.

(5) Ordinance Amendments. To receive approval of an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original project approval. Projects that must be substantially modified to meet new code requirements are subject to Ch. 166.05(F) Modifications.

(6) Variances. Variances from applicable zoning and development requirements that have been adopted subsequent to the original project approval shall be reviewed by the Planning Commission prior to approval of the extension.

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

(C) Three (3) Year Time Limit.

(1) Tasks to Be Complete. All of the above-enumerated plans and permits are also conditioned upon the applicant completing the project and receiving final inspection approval and/or a final Certificate of Occupancy permit within three (3) years from the date of issuance of a building permit or receipt of all permits and approval required to complete construction of the project.

(2) Extensions. Prior to the expiration of the three (3) year time limit, an applicant may request the Planning Commission to extend the three (3) year period to complete the project by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the three (3) year time limit.

(3) Expiration. If the applicant fails to meet the requirements of subsection (C)(1) within three (3) years from the date of issuance of a building permit/receipt of all permits and approval required or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(Ord. No. 5155, 7-15-08); Ord. No. 5425, 8-2-11)

LSD-2022-0011 Conditions of Approval

1. Subdivision Committee recommendation of right-of-way dedication. *Staff recommends no right-of-way dedication;*

2. Subdivision Committee recommendation of street improvements. *Staff recommends no street improvements;*

3. The trash enclosures shall be constructed with material that is complimentary to and compatible with the proposed building;

4. Vegetative screening shall be provided between the development and residential properties, in line with UDC §166.25, Commercial, Office, and Mixed-Use Design standards;

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

Standard conditions of approval:

1. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;

2. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

3. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;

4. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit;

5. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;

6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the 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;

7. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;

8. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation;

9. Large scale development shall be valid for one calendar year;

10. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit. The coordinator has noted that a separate street name is required;

11. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and

12. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;

d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
e. Project Disk with all final revisions; and
f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 “Guarantees in Lieu of Installed Improvements” to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

COYLE
CONSTRUCTION
RESIDENTIAL & COMMERICAL CONSTRUCTION
PO Box 565 Prairie Grove, AR 72753 (479) 267-5847

May 22, 2023

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

RE: LSD-2022-0011 Entitlement Extension Request

We are requesting an extension on the Large Scale Development Entitlement for the dog daycare and boarding facility located at 4898 W. Wedington Drive in Fayetteville, AR.

We have already received the Grading Permit for this project; the Commercial Building Permit was applied for on March 16th of this year. After the application was reviewed, we were required to make changes to the plans and provide additional information. All required permit fees have been paid and the Commercial Building permit status shows as Approved in the Citizen Self Serve Portal. We did not realize that the permit would not actually be issued until new plans were received and thus our Large Scale Development Entitlement expired on April 14th.

We ask that the commission please grant us this extension while we await the final revised plans so we may resume construction.

Sincerely,

Coyle Enterprises, Inc.

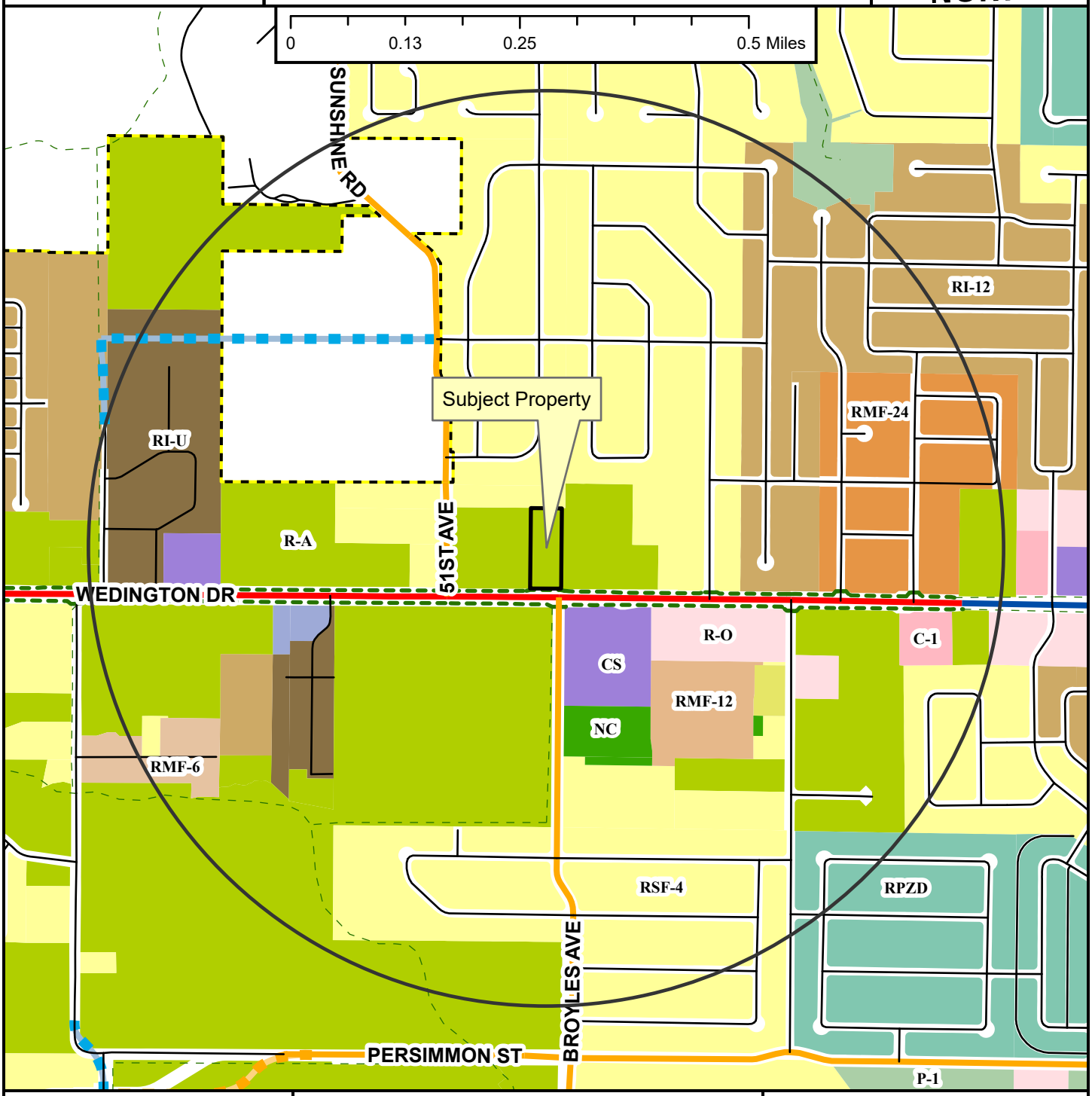
Jerry Coyle
Owner

ADM-2023-0020

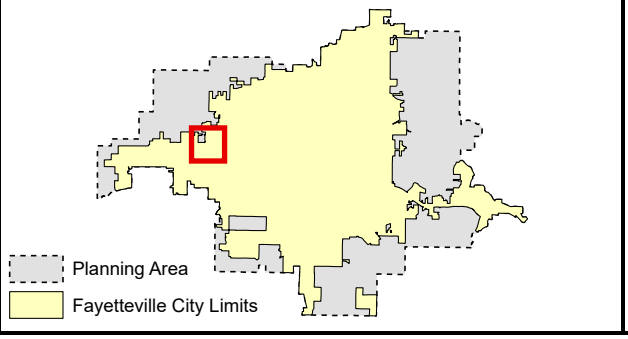
One Mile View

4898 W. WEDINGTON DR

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
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RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

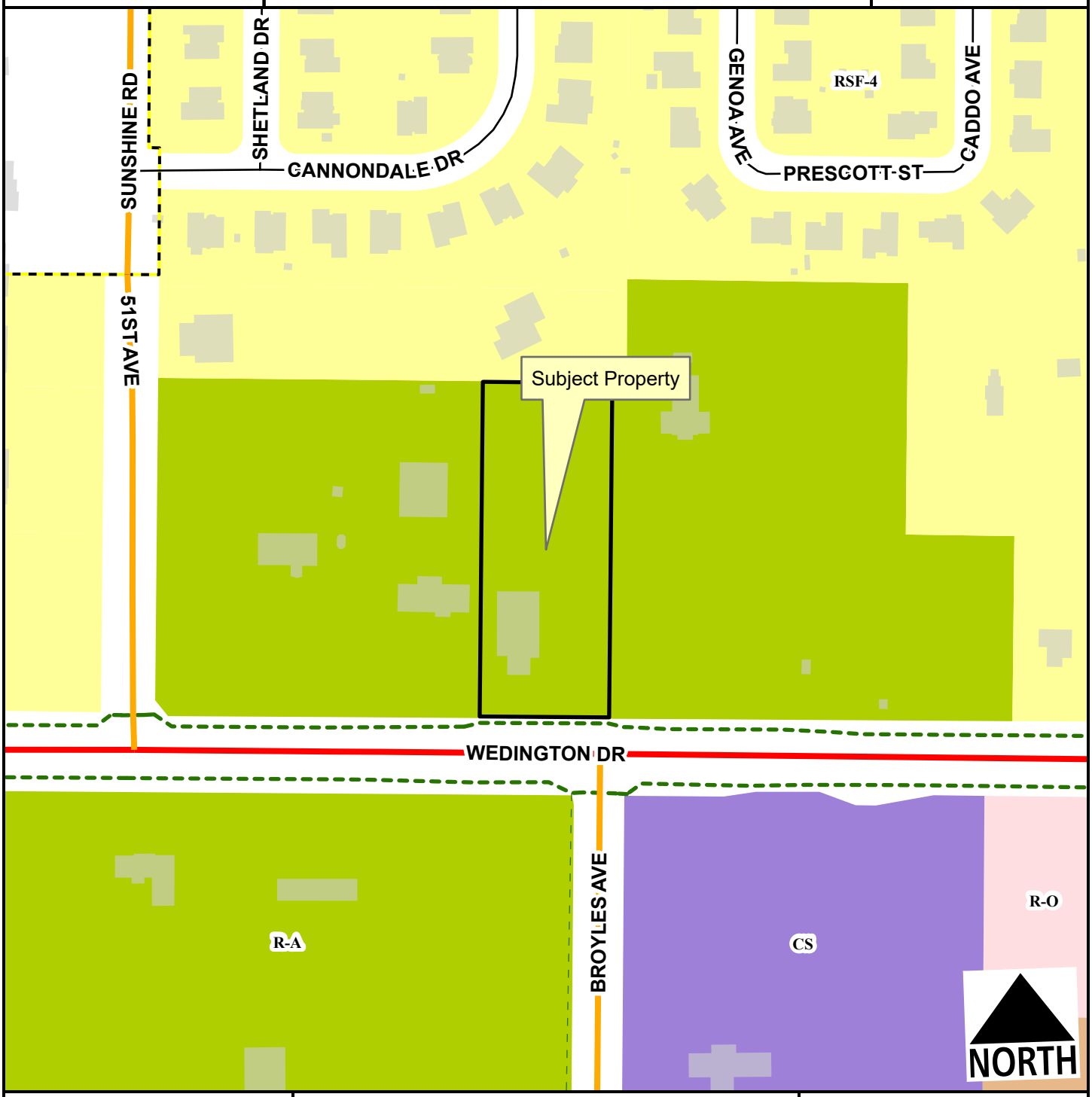
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2023-0020

Close Up View

4898 W. WEDINGTON DR



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

Feet

0 75 150 300 450 600

1:2,400

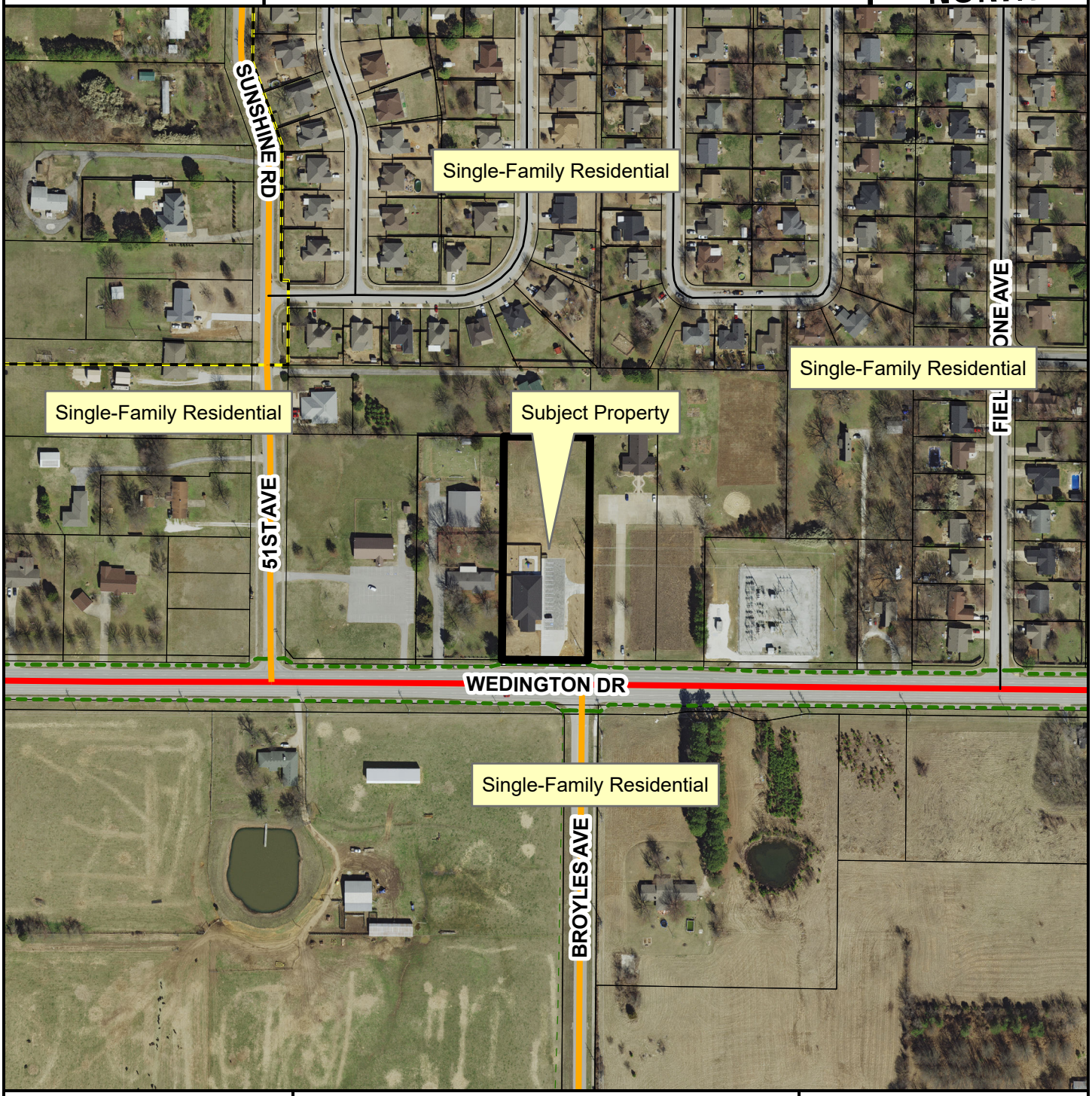
Residential-Agricultural
RSF-4
RMF-12
Residential-Office
Community Services

ADM-2023-0020

Current Land Use

4898 W. WEDINGTON DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023

SUBJECT: **ADM-2023-0020: Administrative Item (4898 W. WEDINGTON DR./POOCH PLAZA, 398):** Submitted by COYLE ENTERPRISES for property located at 4898 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 1.90 acres. The request is for an extension of a previously approved large scale development.

RECOMMENDATION:
Staff recommends approval of **ADM-2023-0020**.

RECOMMENDED MOTION:
*"I move to approve **ADM-2023-0020** with conditions as recommended by staff."*

JUNE 12, 2023 PLANNING COMMISSION MEETING:
This item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

BACKGROUND:
The subject property is in west Fayetteville, just north of the intersection of Wedington Drive and Broyles Avenue. The property is zoned R-A, Residential-Agricultural and includes one parcel totaling 1.90 acres. It is currently developed with a 5,700-square-foot daycare facility and associated parking and located within the boundaries of the Wedington Corridor Master Plan. A large scale development for a 5,103-square-foot animal boarding and training facility (LSD-2022-0011) was approved by Subdivision Committee in April of 2022. 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	Rural Residential	R-A, Residential-Agricultural
East	Church	R-A, Residential-Agricultural
West	Animal Boarding and Training	R-A, Residential-Agricultural

Request: The applicant is requesting a one-year extension to their large scale development which expired on April 14, 2023. The applicant submitted a letter requesting the extension on May 5, 2023, within the 18-month time limit that they are allotted to request an extension from the Planning Commission per UDC §166.20, Expiration of Approved Plans and Permits.

Public Comment: Staff received one phone call from an adjacent property owner who also operates an animal boarding and training facility. The neighbor stated their opposition to another

animal boarding and training facility operating so close to their property but had no concerns with the extension request at hand.

DISCUSSION:
Staff recommends approval of the applicant's extension request. The request was received before October 14, 2023, which is the deadline for the applicant to request that the Planning Commission extend their approval for up to one additional year. A grading permit for the project was issued in January of this year and a building permit was applied for shortly thereafter in March. The applicant believed that they would be able to secure their building permit prior to the large scale development's expiration on April 14, though revisions were required that prompted additional reviews, and the applicant missed their deadline to request an administrative extension. Staff finds that the applicant is close to addressing all remaining comments and is supportive of their extension request since it would allow this project to continue moving forward.

RECOMMENDATION: Staff recommends approval of **ADM-2023-0020** with the following conditions:

Conditions of Approval:

1. A one-year extension for LSD-2022-0011 will expire on April 14, 2024;

2. All other conditions of approval associated with LSD-2022-0011 not affected by this extension shall remain in effect; and

3. Approval of this large scale development extension does not constitute approval of associated permits or entitlements not fully reviewed at this time.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §166.20 Expiration of Approved Plans and Permits
- LSD-2022-0011 Conditions of Approval
- Applicant Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map

166.20 Expiration Of Approved Plans And Permits

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

(1) Preliminary plats;

(2) Planned zoning district developments;

(3) Conditional uses;

(4) Large-scale developments;

(5) Lot splits;

(6) Physical alteration of land permits;

(7) Storm water, drainage, and erosion control permits;

(8) Tree preservation plans; and

(9) Floodplain development permits.

(B) Time Limit.

(1) Tasks to Be Completed. All of the above-enumerated plans and permits are conditioned upon the applicant accomplishing the following tasks within one (1) year from the date of approval:

(a) For any renovation or new construction, receive all building permits for the project; and/or,

(b) For a Planned Zoning District, comply with the approved phasing plan; and/or

(c) For a lot split, record a deed or survey at the Washington County Circuit Clerk's Office, stamped for recordation by the City Planning Division; and/or,

(d) Receive a business license; and/or,

(e) Receive all permits and approvals required by city, county, state, and federal regulations to complete construction of the development or project.

(2) Administrative Extension Within One (1) Year. Prior to the expiration of the one (1) year time limit, an applicant may request the Zoning and Development Administrator to extend the period to accomplish the tasks by up to one (1) additional year. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit. Extensions that are not permitted administratively may be requested of the Planning Commission within ten (10) days of the final administrative decision.

(3) Planning Commission Extension Within Eighteen (18) Months. Should an applicant miss the deadline to request an administrative extension, within eighteen (18) months of the date of approval the applicant may request the Planning Commission to extend the period up to one (1) additional year from the original date of approval, subject to the burden of showing good cause as described in this section.

(4) Planning Commission Extension. Prior to the expiration of any allowed extension period (maximum of two (2) years from the date of original approval), an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year, if the plans and permits are substantially the same as those originally approved. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit and the permitted extension period. Extensions beyond three (3) years from the original date of approval shall not be permitted.

(5) Ordinance Amendments. To receive approval of an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original project approval. Projects that must be substantially modified to meet new code requirements are subject to Ch. 166.05(F) Modifications.

(6) Variances. Variances from applicable zoning and development requirements that have been adopted subsequent to the original project approval shall be reviewed by the Planning Commission prior to approval of the extension.

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

(C) Three (3) Year Time Limit.

(1) Tasks to Be Complete. All of the above-enumerated plans and permits are also conditioned upon the applicant completing the project and receiving final inspection approval and/or a final Certificate of Occupancy permit within three (3) years from the date of issuance of a building permit or receipt of all permits and approval required to complete construction of the project.

(2) Extensions. Prior to the expiration of the three (3) year time limit, an applicant may request the Planning Commission to extend the three (3) year period to complete the project by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the three (3) year time limit.

(3) Expiration. If the applicant fails to meet the requirements of subsection (C)(1) within three (3) years from the date of issuance of a building permit/receipt of all permits and approval required or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(Ord. No. 5155, 7-15-08); Ord. No. 5425, 8-2-11)

LSD-2022-0011 Conditions of Approval

1. Subdivision Committee recommendation of right-of-way dedication. *Staff recommends no right-of-way dedication;*

2. Subdivision Committee recommendation of street improvements. *Staff recommends no street improvements;*

3. The trash enclosures shall be constructed with material that is complimentary to and compatible with the proposed building;

4. Vegetative screening shall be provided between the development and residential properties, in line with UDC §166.25, Commercial, Office, and Mixed-Use Design standards;

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

Standard conditions of approval:

1. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;

2. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

3. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. A note shall be clearly placed on the plat and all construction documents indicating this requirement;

4. Trash enclosures shall be screened on three sides with materials complimentary to and compatible with the principle structure. Containers may also be screened from view of the street by the principal structure or vegetation. Elevations of the proposed dumpster enclosure shall be submitted to the Planning and Solid Waste Divisions for review prior to building permit;

5. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;

6. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the 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;

7. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit;

8. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation;

9. Large scale development shall be valid for one calendar year;

10. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit. The coordinator has noted that a separate street name is required;

11. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and

12. Prior to the issuance of a building permit the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include the tree preservation area and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;

d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
e. Project Disk with all final revisions; and
f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 “Guarantees in Lieu of Installed Improvements” to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

COYLE
CONSTRUCTION
RESIDENTIAL & COMMERICAL CONSTRUCTION
PO Box 565 Prairie Grove, AR 72753 (479) 267-5847

May 22, 2023

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

RE: LSD-2022-0011 Entitlement Extension Request

We are requesting an extension on the Large Scale Development Entitlement for the dog daycare and boarding facility located at 4898 W. Wedington Drive in Fayetteville, AR.

We have already received the Grading Permit for this project; the Commercial Building Permit was applied for on March 16th of this year. After the application was reviewed, we were required to make changes to the plans and provide additional information. All required permit fees have been paid and the Commercial Building permit status shows as Approved in the Citizen Self Serve Portal. We did not realize that the permit would not actually be issued until new plans were received and thus our Large Scale Development Entitlement expired on April 14th.

We ask that the commission please grant us this extension while we await the final revised plans so we may resume construction.

Sincerely,

Coyle Enterprises, Inc.

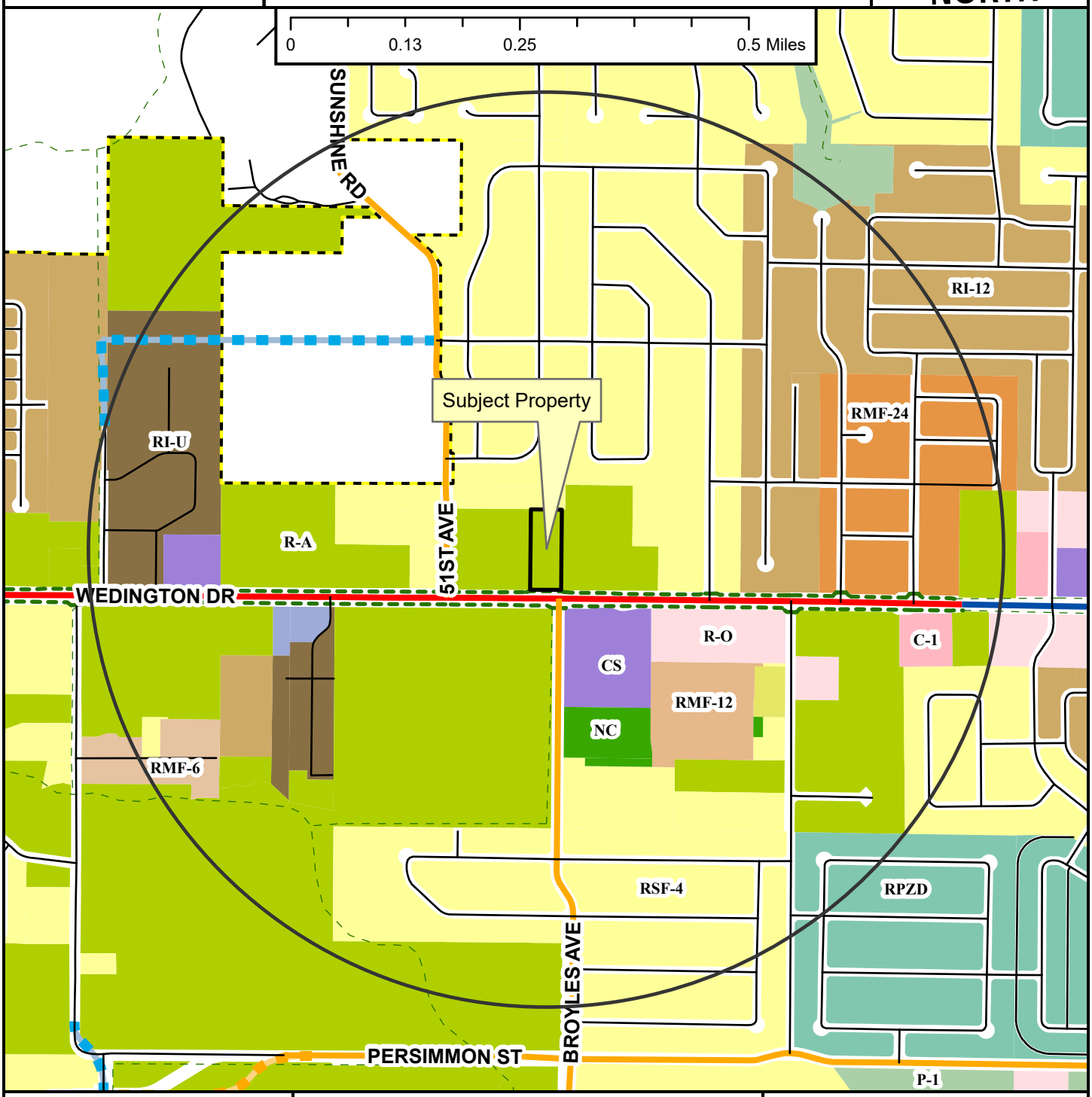
Jerry Coyle
Owner

ADM-2023-0020

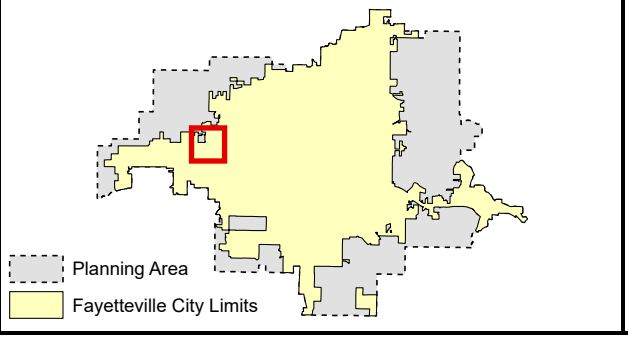
One Mile View

4898 W. WEDINGTON DR

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

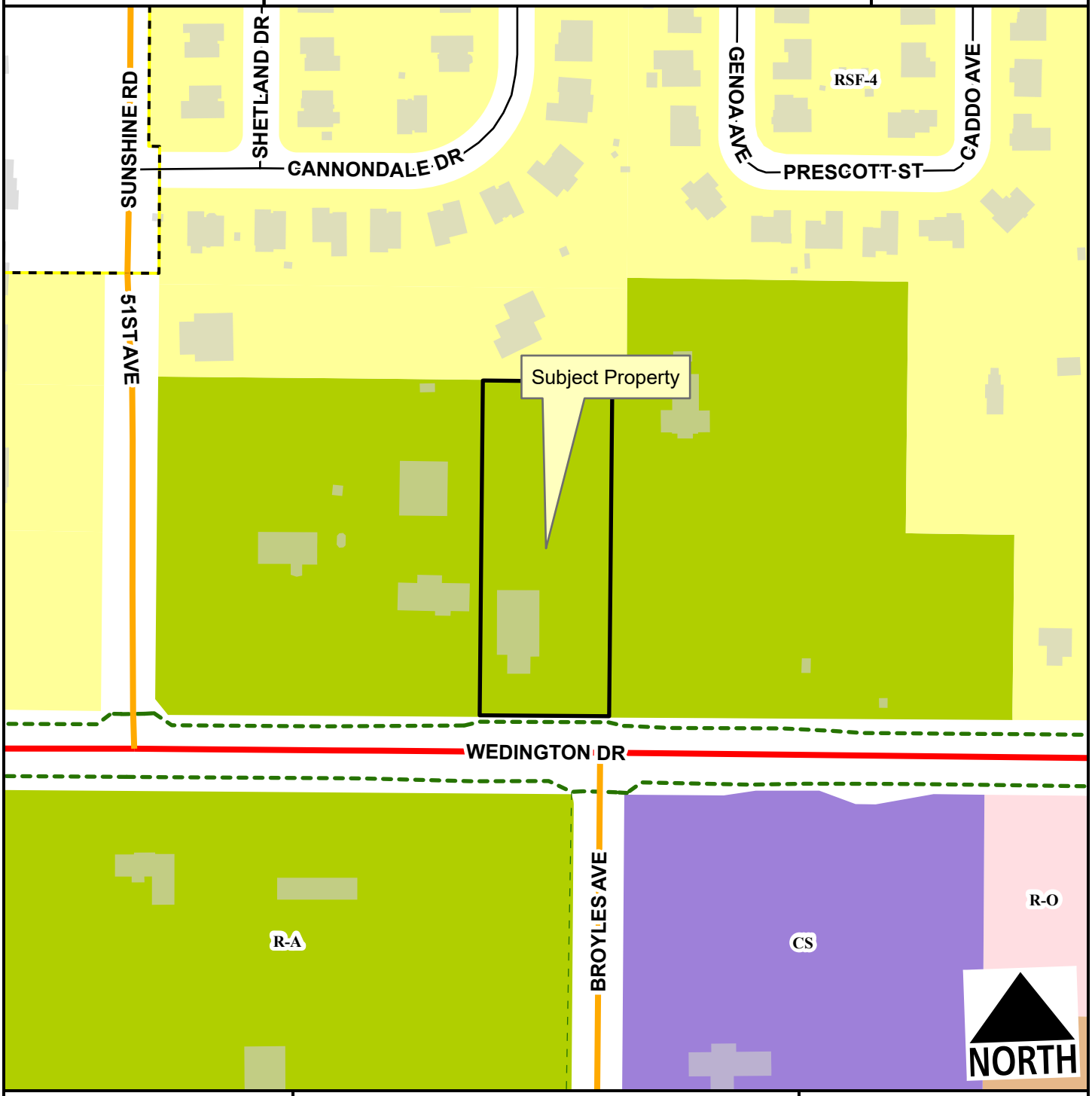
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

ADM-2023-0020

Close Up View

4898 W. WEDINGTON DR



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

Feet

0 75 150 300 450 600

1:2,400

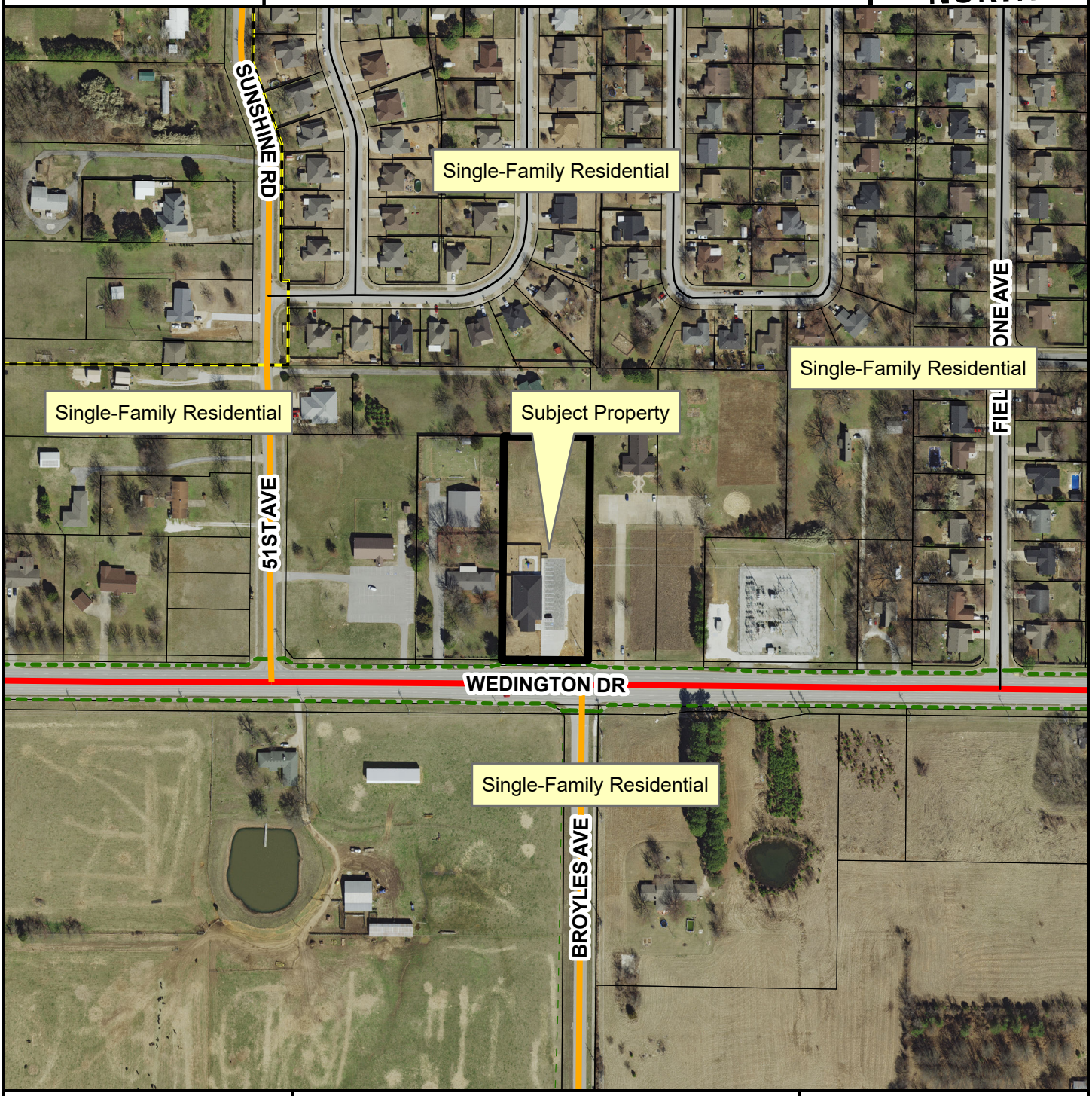
Residential-Agricultural
RSF-4
RMF-12
Residential-Office
Community Services

ADM-2023-0020

Current Land Use

4898 W. WEDINGTON DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Jessie Masters, Development Review Manager
Josh Boccaccio, Engineering Development Review Manager

MEETING DATE: June 26, 2023

SUBJECT: **VAR-2023-0021: Planning Commission Variance (N. WOOLSEY AVE & W. NORTH ST/FIRE STATION #2, 406):** Submitted by OLSSON for property located at N. WOOLSEY AVE & W. NORTH ST. The property is zoned P-1, INSTITUTIONAL and contains approximately 1.39 acres. The request is for a variance to the master street plan standards, parking lot design standards, and access management standards.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0021,** with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2023-0021**, determining:*

- *In favor of the requested variance to §171.14(A)(2), Minimum sidewalk width;*
- *In favor of the requested variance to §172.04(F)(4)(a)(iv), Curb radius requirements;*
- *In favor of the requested variance to §172.04(F)(4)(b), Maximum driveway width;*
- *In favor of the requested variance to §166.08(F), Access management;*
- *In favor of the requested variance to §166.08(F)(2)(a), Curb separation;*
- *In favor of all other conditions recommended by staff."*

JUNE 12, 2023 PLANNING COMMISSION MEETING
The item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

BACKGROUND:
The subject property is in central Fayetteville at the northeast corner of W. North Street and N. Woolsey Avenue. Containing approximately 1.39 acres and zoned P-1, Institutional, the property is currently developed with a parking lot that previously served the UAMS facility. The property was transferred to the City of Fayetteville by the County for the City to develop Fire Station #2 on the site. Surrounding land uses and zoning are listed in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Medical Center (VA Hospital)	P-1, Institutional
South	Single-Family Residential	RSF-4, Residential Single-Family, 4 Units per Acre
East	Medical Center (UAMS)	P-1, Institutional
West	Mixed-Density Residential	NS-G, Neighborhood Services, General; RSF-4, Residential Single-Family, 4 Units per Acre

Request: The applicant is requesting five variances to the unified development code in conjunction with the development of Fire Station #2, which was approved as one of the 2019 Bond Projects.

DISCUSSION:

Variance #1: §171.14(A)(2), the minimum width of sidewalks shall follow the guidelines of the Master Street Plan. W. North Avenue, a Regional High Activity Link Street, is required to have a 10-foot sidewalk in this location. The applicant is requesting a 6-foot sidewalk to be constructed.

Staff recommendation: Staff recommends in favor of the request. A steep existing grade causes issues with adherence to the Fire Station's maximum slope requirement for primary truck access. By reducing the width, the angle of approach for the emergency vehicles can be better accommodated by keeping it as small as possible. Further, the applicant is requesting a significantly wider greenspace than is typically required, which still helps protect the pedestrian realm.

Variance #2: §172.04(F)(4)(a)(iv), All driveways serving nine (9) or more parking spaces shall have an effective curb radius of 20 feet for neighborhood and regional link streets. The applicant is requesting a curb radius of 30 feet for a proposed driveway onto W. North Avenue.

Staff recommendation: Staff recommends in favor of the request. The intent of the ordinance is to minimize curb radii to reduce speeds of turning vehicles, shorten crossing distance for pedestrians, and improve sight distance between pedestrians and motorists. Given the intermittent use of this driveway to provide a quick and efficient means of egress for emergency service vehicles, staff finds that the intent is still upheld, where staff would be less willing or unable to support this request for commercial or other uses.

Variance #3: §172.04(F)(4)(b), Driveways with two-way access shall be limited to a maximum width of 24 feet. The applicant is requesting a 78.5-foot wide driveway to W. North Avenue.

Staff recommendation: Staff recommends in favor of the request. The intent of the ordinance is to minimize crossing distance for pedestrians and reduce the amount of impervious surface needed for access. The applicant has stated that the need is generated from the provision of 4 garage bays which will serve the property for fire trucks and other emergency vehicles. Given the intermittent use of this driveway to provide a quick and efficient means of egress for emergency service vehicles, staff finds that the intent is still upheld, where staff would be less willing or unable to support this request for commercial or other uses.

Variance #4: §166.08(F), Access management. Property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification. The applicant intends to access both N. Woolsey Avenue and W. North Street, with two curb cuts onto N. Woolsey Avenue and one onto W. North Street.

Staff recommendation: Staff recommends in partial favor of this request. Staff finds that the request to have the highest priority access along W. North Avenue makes sense in this instance, given the need to provide quick and efficient access and egress for emergency service vehicles. However, the applicant is showing two driveways along N. Woolsey Avenue, one of which serves a small parking lot with an ADA parking space; the ADA space does not appear to have direct access to the building. Staff does not recommend in favor of the second driveway along N. Woolsey, finding that a design alternative can likely be sought for that parking lot. Staff recommends that as a condition of approval, the second curb cut along N. Woolsey Avenue be removed.

Variance #5: §166.08(F)(2)(a), Curb separation. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway. The applicant is requesting a curb separation distance of 119 feet.

Staff recommendation: Staff recommends in favor of the request. Finding that access along W. North Street will be necessary to provide for efficient egress for fire trucks and emergency vehicles, the curb separation distance is the minimum request necessary. The lot has a total frontage of just shy of 200 feet, so a separation distance of 250 feet would not ultimately be able to be met. Further, shared access for this driveway with the property to the east also is not a viable option; fire trucks need access that is free and clear and uninterrupted.

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

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2023-0021, with the following conditions:

<u>Conditions of Approval:</u>

1. **Planning Commission determination of a variance to §171.14(A)(2), which requires that the minimum width of sidewalks shall follow the guidelines of the Master Street Plan.** *Staff recommends approval of the request for the reasons stated above.*

2. **Planning Commission determination of a variance to §172.04(F)(4)(a)(iv), which requires all driveways serving nine (9) or more parking spaces shall have an effective curb radius of 20 feet for neighborhood and regional link streets.** *Staff recommends approval of the request for the reasons stated above.*

3. **Planning Commission determination of a variance to §172.04(F)(4)(b), which requires that driveways with two-way access shall be limited to a maximum width of 24 feet.** *Staff recommends approval of the request for the reasons stated above.*

4. **Planning Commission determination of a variance to §166.08(F), Access management, which requires that property that fronts onto more than one public street shall place a higher priority on accessing the street with the lowest functional classification.** *Staff recommends approval of the request for the reasons stated above, with the condition that the second driveway serving a small parking lot on N. Woolsey Avenue be removed.*

5. **Planning Commission determination of a variance to §166.08(F)(2)(a), Curb separation. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.** *Staff recommends approval of the request for the reasons stated above.*

6. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	❒ **Tabled**	❒ **Approved**	❒ **Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code:
  - §171.14 Sidewalk, Driveway And Trail Specifications
  - §172.04 Parking Lot Design Standards
  - §166.08 Street Design And Access Management Standards
- Applicant Request letter
- Overall Site Plan
- One Mile Map
- Close-up Map
- Current Land Use Map

171.14 Sidewalk, Driveway And Trail Specifications

(A) *Sidewalks.*

(1) *Grades; Establishment of Property Lines.* All sidewalks, access ramps, and driveway approaches shall be constructed in grades as approved by the City Engineer. It shall be the responsibility of the owner to establish property lines by competent survey at his/her own expense.

(2) *Minimum Width of Sidewalks.* The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan. In all cases, the effective width of the sidewalk shall be a minimum of 5 feet. Effective sidewalk width is the actual sidewalk width, less:

(a) A shy distance of 2 feet where vertical barriers (walls, fences, signs, etc.) greater than 3.5 feet in height are adjacent to the sidewalk and extend more than 4 feet in length parallel to the sidewalk.

(b) A shy distance of 1.5 feet for curb adjacent to the sidewalk.

(c) A shy distance of 1 foot for all other fixed obstacles.

The greatest of the above distances shall apply for each side of the walk.

…

(Code 1965, §18-28; Ord. No. 1790, 3-15-71; Ord. No. 2629, 5-6-80; Ord. No. 3117, 9-3-85; Code 1991, §98.67; Ord. No. 4005, §1, 11-19-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4919, 9-05-06; Ord. No. 5044, 8-07-07; Ord. No. 5270, 9-1-09; Ord. No. 5333, 7-6-10; Ord. No. 5789, Repealed & Replaced Chp. 171, 8-4-15; Ord. No. 6350 , §8, 8-18-20)

172.04 Parking Lot Design Standards

…

(4) *Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces.* The driveway width into parking lots shall meet the following requirements:

(a) *Entrances.*

(i) *One-Way Access to Parking Lots.* If the driveway is a one-way in or one-way out, then the driveway width shall be a minimum of 12 feet and a maximum of 16 feet.

(ii) *Two-Way Access to Parking Lots.* For two (2) way access, the driveway width shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department.

(iii) *Neighborhood and Regional Links.* Driveways that enter neighborhood and regional link streets may be required to have two (2) outbound lanes (one (1) for each turning direction) and one (1) inbound lane for a maximum total driveway width of 39 feet.

(iv) *Effective Curb Radius.* All driveways serving nine (9) or more parking spaces shall have an effective curb radius of 15 feet for curb cuts on residential link streets and an effective curb cut radius of 20 feet for neighborhood and regional link streets.

(b) *Internal Aisle Design.*

(i) Aisles shall be designed so that they intersect at 90 degrees with other aisles and driveways where practical.

(ii) Aisles shall be designed to discourage cut-through traffic by use of landscape islands, and shall meet the requirements of Chapter 177: Landscape Regulations.

(iii) Aisles shall conform to the dimensional requirements of §172.04(C).

Parking Lots With Nine (9) Spaces or More	
	Driveway Dimensional Requirement
One Way Access	12 feet Minimum - 16 feet Maximum
Two Way Access	2 Drive Lanes 10 feet Minimum Each - 24 feet Maximum Total Driveway Width
Neighborhood/Regional Link	3 Drive Lanes - Maximum of 39 feet
Effective Curb Radius - Residential Link	15 feet
Effective Curb Radius - Neighborhood/Regional Link	20 feet

…

(Ord. No. 4725, 7-19-05; Ord. No. 4855, 4-18-06; Ord. No. 4917, 9-05-06; Ord. No. 5044, 8-07-07; Ord. No. 5079, 11-20-07; Ord. No. 5297, 12-15-09; Ord. No. 5592, 06-18-13; Ord. No. 5680, 4-15-14; Ord. No. 5841 , §§1—3, 1-5-16; Ord. No. 5859 , §2, 3-15-16; Ord. No. 6325 , §1, 6-16-20; Ord. No. 6350 , §9(Exh. G), 8-18-20)

166.08 Street Design And Access Management Standards

…

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

(1) *Curb Cut Separation.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb. In all cases curb cuts shall be a minimum of 5 feet from the adjoining property line, unless shared.

(2) Separation for two (2) family, three (3) family, multi-family and nonresidential development.

(a) *Regional and Regional High Activity Links.* Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.

(b) *Neighborhood Links.* Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along neighborhood links shall be shared between two (2) or more lots.

(c) *Residential Links.* Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection.

…

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

May 15, 2023

City of Fayetteville
Attn: Planning Department
113 W. Mountain St.
Fayetteville, AR 72701

RE: Fire Station #2
W. North St, Fayetteville, AR
Narrative Letter and Variance Request

Dear Planning Staff and Commissioners,

The City of Fayetteville is proposing to build a new 10,900 SF fire station structure on the ±1.4-acre property located along W. North St in Fayetteville, Arkansas.

The property is currently developed with a parking lot serving the Washington County Veterans Services building covering most of the site. The rest of the site contains greenspace and two small storage structures. The existing site currently has 115 parking spaces which will all be removed as part of this redevelopment. The impervious area of the existing site will be reduced in order to redevelop this site.

There are several obstacles to the development of this property, including the location and nature of the site, as well as requirements for the development of this municipal building, that will require minor variances in order for the fire station to be feasible in this location.

<u>Variance Request #1:</u>
Section 171.14 of the Fayetteville Unified Development Code states: "The minimum width of sidewalks shall follow the guidelines of the Master Street Plan, of the Comprehensive Land Use Plan." Per the Fayetteville Master Street Plan, W North St is considered a "Regional High-Activity Link Street" and thus requires a minimum sidewalk width of 10 ft. **We are requesting a 6 ft wide sidewalk on this site.**

- Existing Wilson Park located south of North Street will promote more traffic on the future trail on the south side of North Street per the Master Street Plan.
- Steep existing grade causes issues with adherence to the Fire Station's maximum slope requirement for primary truck access. This can be mitigated by utilizing a 6 ft sidewalk.

Variance Request #2:
Section 172.04 of the Fayetteville Unified Development Code states: “All driveways serving nine (9) or more parking spaces shall have an effective curb cut radius of 20 feet for neighborhood and regional link streets.” **We are requesting an allowable effective radius of 30 feet for the access along North Street.**

- Due to the nature of the site being a Fire Station and the reduced width of North Street being 30’, a larger radius is needed for the trucks to safely enter and exit the site.

Variance Request #3:
Section 172.04 of the Fayetteville Unified Development Code states: “For two (2) way access, the driveway width shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department.” **We are requesting an allowable driveway width of 78.5 feet measured from back of curb.**

- A wider drive is needed for the access on North Street to facilitate the use of 4 pull-through bays for firetrucks and other emergency vehicles.
- A wider driveway is needed for the anticipated fire apparatus to enter and exit the site safely.
- The proposed development will decrease the amount of existing impervious area, even with a wider drive.

Variance Request #4:
Section 166.08 of the Fayetteville Unified Development Code states: “Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along regional links shall be shared between two (2) or more lots. Where a curb cut must access the regional link, it shall be located a minimum of 250 feet from an intersection or driveway.” This section also states: “In order to protect the ingress and egress access rights to a street of an abutting property owner, the City Engineer may reduce the separation distance of existing and proposed access points where strict compliance proves impractical, provided that joint access driveways and cross access easements are provided wherever feasible, and the ingress/egress curb cut is placed at the safest functional location along the property.” **We are requesting an allowable separation between the site access along North Street and the intersection of North Street and Woolsey Avenue to be 119’ from back of curb to the centerline of Woolsey Avenue.**

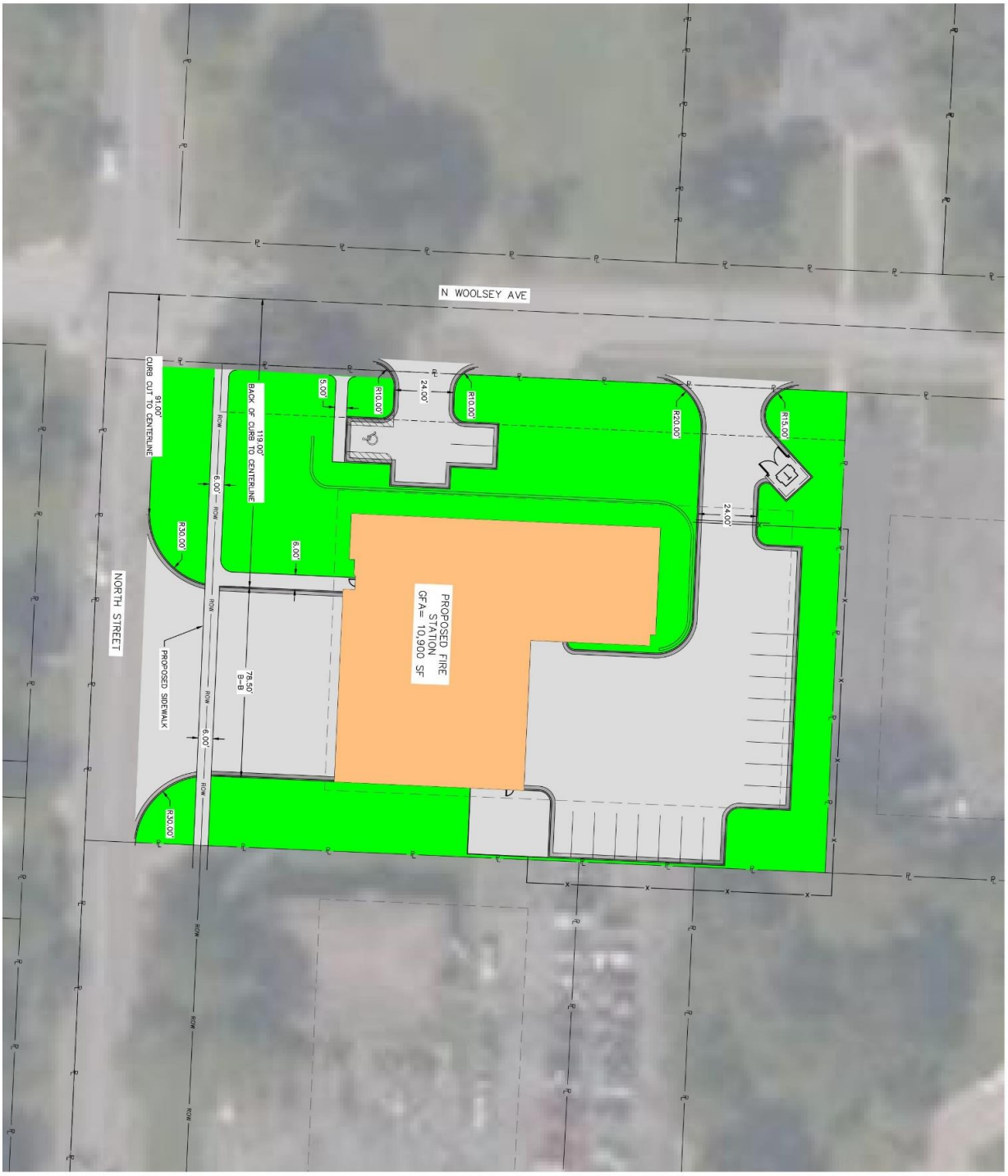
- The access along North Street is in the safest possible location for firetruck access.
- This access will primarily be used for emergencies, not being a constant source of traffic or posing a problem with access to N Woolsey Ave.

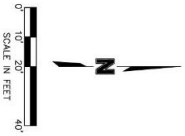
An exhibit showing all these requested variances can be viewed at the end of this letter. Based on the facts provided above we would request for the variances as described above to be approved. Should you have any questions, please contact me at 501.733.2240 or at mloos@olsson.com.

Sincerely,

Matthew K. Loos, P.E.
Olsson Project Manager

DWG: F:\2023\00001-00500\023-00375\40-Design\Exhibits\FS2_Variance Exhibit.dwg USER: cgsmith
DATE: May 08, 2023 11:55am XREFS: C_PBASE_02300375 C_TBLK_02300375 V_XBINDY_02300375





City of Fayetteville, AR

Fire Station #2

North Street
Fayetteville, AR 72703

MBL ARCHITECTURE
2397 N Steele Avenue
Fayetteville, AR 72703
Ph: 479.443.7121

NOVOPORN CONSTRUCTION

REVISIONS

MBL JOB NO. **19011C**
ISSUE DATE **04-2023**

SHEET CONTENTS
VARIANCE EXHIBIT

SHEET

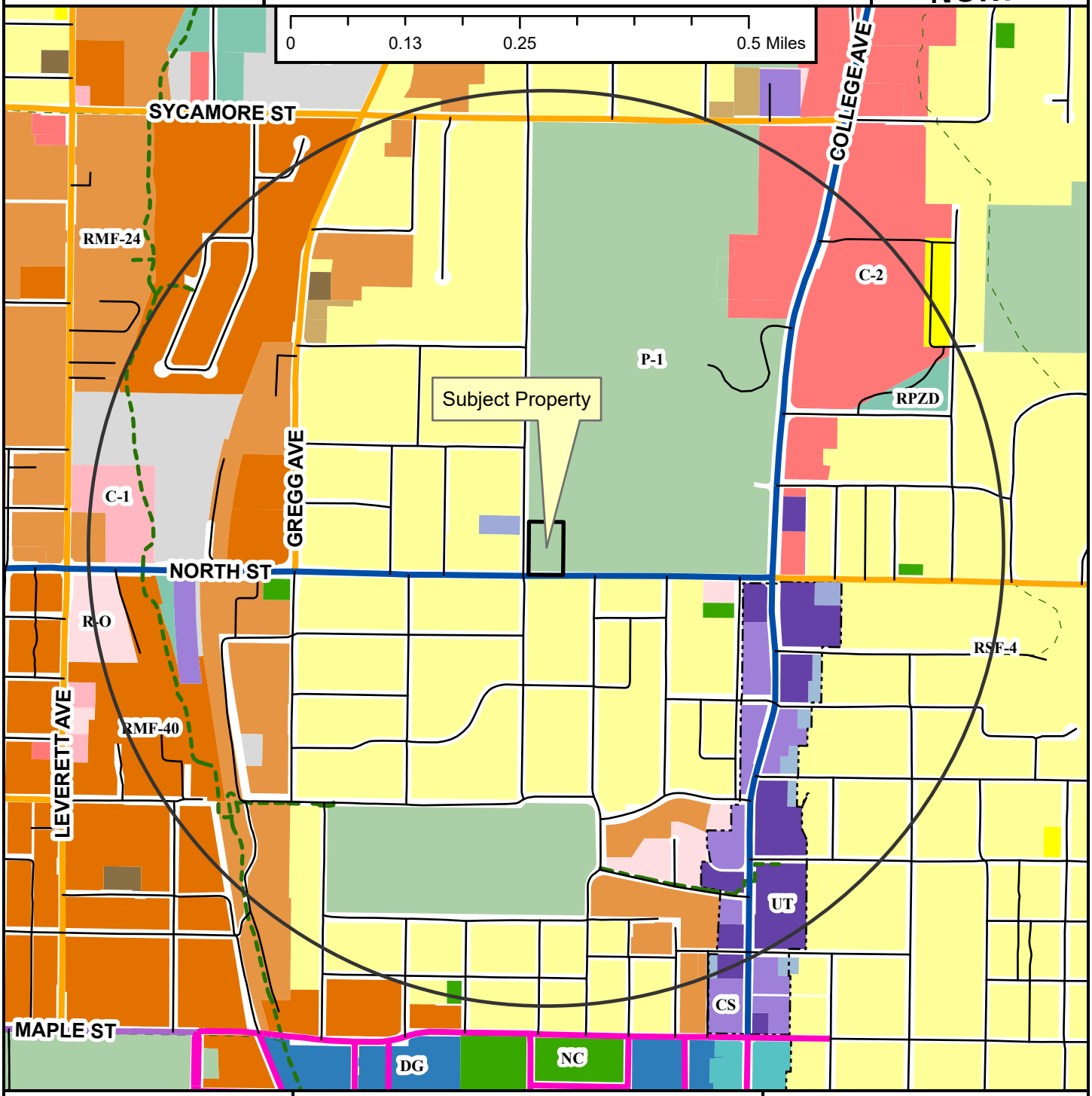
THIS DRAWING AND SPECIFICATION MUST NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF MBL ARCHITECTURE & INTERIOR DESIGN

VAR-2023-0021

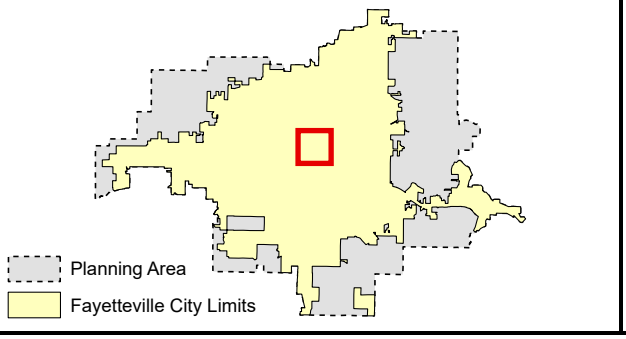
One Mile View

N. WOOLSEY AVE & W. NORTH ST

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

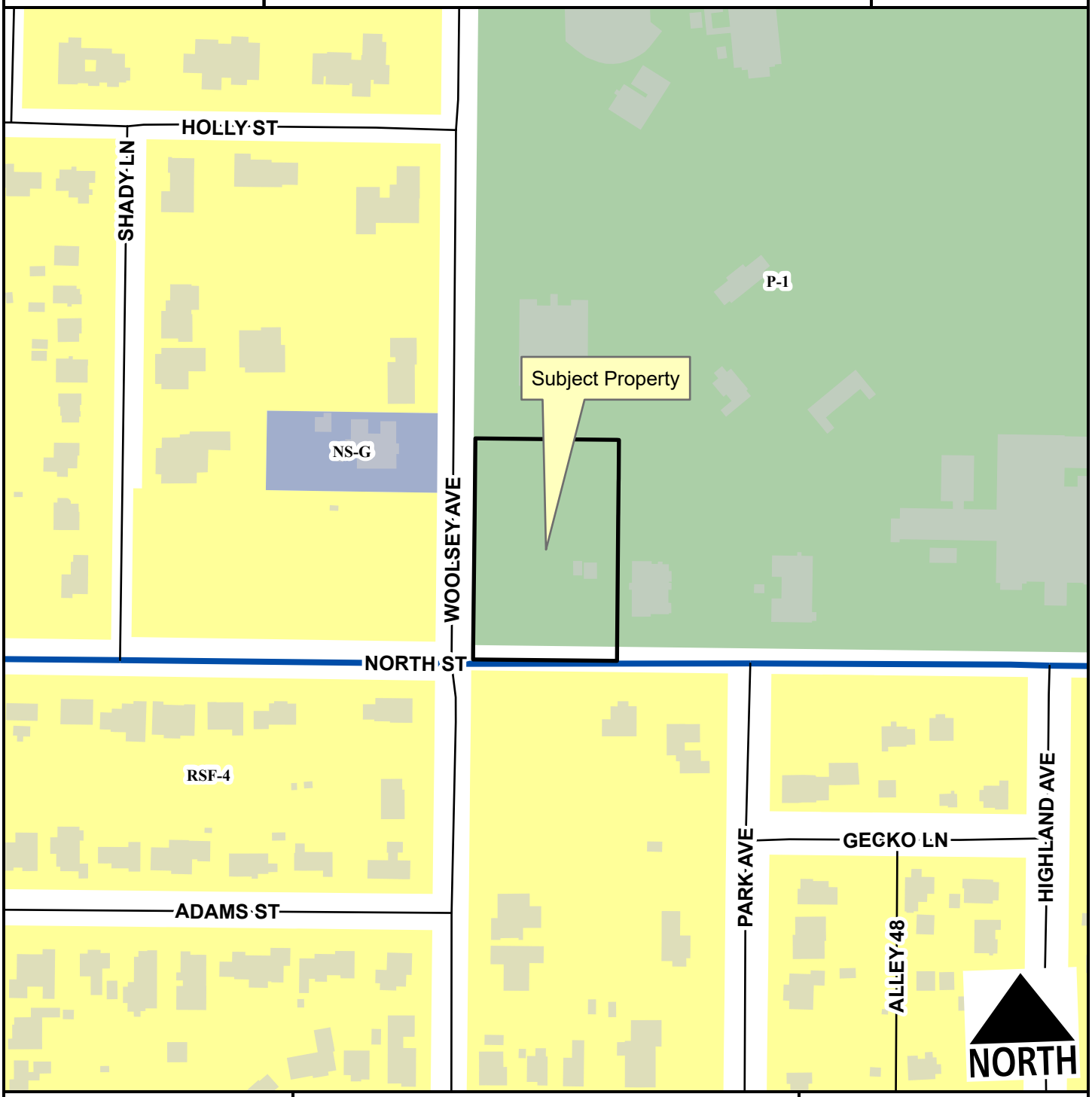
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

VAR-2023-0021

Close Up View

N. WOOLSEY AVE & W. NORTH ST



Regional Link - High Activity
Alley
Residential Link
Planning Area
Fayetteville City Limits

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

RSF-4
Neighborhood Services - Gen.
P-1

VAR-2023-0021

Current Land Use

N. WOOLSEY AVE & W. NORTH ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023

SUBJECT: **CUP-2023-0058: Conditional Use Permit (4077 W. WEDINGTON DR./ADVANCED AUTO PARTS, 439):** Submitted by HFA for property located at 4077 W. WEDINGTON DR. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 1.75 acres. The request is for approval of Use Unit 16, Shopping Goods in C-1 zoning.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0058** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0058**, determining:*

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

JUNE 12, 2023 PLANNING COMMISSION MEETING:
This item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

BACKGROUND:
The subject property is located in west Fayetteville near the southwest corner of Wedington Drive and Rupple Road. The property contains one parcel totaling roughly 1.75 acres which is currently zoned C-1, Neighborhood Commercial and undeveloped with mature tree canopy covering most of the site. Hydric soils, which are known indicators of wetlands, are present and the entire property is located within the boundaries of the City's Wedington Corridor Master Plan. A large scale development for a Dunkin Donuts on this property (LSD-2022-0010) was previously approved by the Subdivision Committee in March of 2022, though that entitlement recently expired and an extension has not been requested. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	CS, Community Services
South	Multi-Family Residential (under construction)	CS, Community Services
East	Retail Drug Store	C-1, Neighborhood Commercial
West	Restaurant	C-1, Neighborhood Commercial

City Plan 2040 Future Land Use Designation: **City Neighborhood** within the **Wedington Corridor Master Plan** area.

Request: The applicant requests approval of a conditional use permit to operate an auto accessory store on the subject property. Auto accessory stores are classified in city code as Use Unit 16: Shopping Goods which is a conditional use in the underlying C-1 zoning district. The applicant has described the business as follows:

- *Size of the business: 10,153 sq. ft.*
- *Number of employees: 2-6 at any given time*
- *Hours of operation: 7:00 a.m. - 9:00 p.m.; seven days a week*
- *Anticipated number of patrons: Less than 40 per hour*

The applicant has noted that a development is planned on this site that will include two uses: an auto accessory store (Advanced Auto Parts) and a drive-thru coffee shop (Dunkin Donuts). Since drive-thru coffee shops are permitted by right in C-1 zoning, that use has been excluded from this request.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0058** with the following conditions:

<u>Conditions of Approval</u>:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed use to be compatible with surrounding properties for the reasons outlined in this report;*

2. This conditional use permit is limited to the use as described in the applicant's request letter. This conditional use permit is non-transferrable to a different business or property owner. The following specifications apply:

   - Size of the business: Approx. 10,153 sq. ft.
   - Number of employees: 2-6 at any given time
   - Hours of operation: 7:00 a.m. - 9:00 p.m.; seven days a week
   - Number of patrons: Less than 40 per hour

3. Approval of this conditional use permit does not grant development entitlement for site improvements. Improvements shall be considered for compliance with applicable zoning and development standards as required by the Unified Development Code;

4. The development associated with the proposed use shall comply with the building exterior appearance and design standards outlined in UDC §166.25 – Commercial, Office and Mixed Use Design and Development Standards;

5. A landscape buffer shall be maintained along the south side of the property to screen the proposed use from adjacent residences, and tree preservation shall be prioritized on site;

6. Trash containers shall be screened so that they are not visible from the public right-of-way or adjacent residential properties;

7. Any future expansion or change in the use shall require Planning Commission approval; and

8. Conditional use permit approval shall be valid for one year. All permits and approvals required by city, county, state, and federal regulations to complete construction of the associated development shall be obtained within the approval period.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	**❒ 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 an auto accessory store which is classified as Use Unit 16: Shopping Goods. This use is permitted as a conditional use in the C-1, Neighborhood Commercial 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 §161.21 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 subject property is situated along a state highway that serves as a major transportation corridor, and the proposed use could potentially serve the needs of local customers in an area that has limited access to auto accessory stores and similar services. The applicant is proposing to preserve much of the existing tree canopy on the south side of the property which would buffer the proposed use from adjacent residential properties and limit potential noise and light impacts. Further, staff finds that the business, which would have operational hours between 7:00 a.m. to 9:00 p.m., seven days a week, with less than 40 customers per hour, is not likely to adversely affect the public interest.**

(c.) The Planning Commission shall certify:

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

Finding: **There are no specific rules governing the applicant's request.**

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

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

Finding: **Vehicular ingress and egress to the property is proposed through an existing shared driveway with direct access onto Wedington Drive. Cross access is also proposed through adjacent properties to the east and south which would provide access onto Rupple Road. A 10-foot-wide trail is currently present along the property's frontage which would accommodate pedestrian access to the site. Staff finds that the applicant will provide satisfactory provisions concerning automotive and pedestrian safety and convenience based on the provided site plan. However, traffic safety and required street improvements will be fully evaluated at the time of development review.**

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

generally in the district;

Finding: **The applicant has indicated that 50 standard parking spaces and three ADA spaces will be provided on site to serve both the requested auto accessory store and an adjacent drive-thru coffee shop. The City's parking ordinance limits parking for auto accessory stores to one space per 250 square feet of gross floor area. Parking for drive-thru restaurants is limited to one space per 100 square feet of gross floor area, plus four stacking spaces per drive-thru window. Based the size of each business and their respective parking ratios, a maximum of 59 parking spaces would be permitted by right on site, meaning that the proposed number of parking spaces would comply with city ordinance. Compliance with parking lot design and landscaping standards will be fully evaluated at the time of development review.**

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

Finding: **The applicant has indicated that dumpsters will be stored behind the building and screened with an enclosure and landscaping. Staff recommends that the applicant be required to screen trash containers so that they are not visible from the public right-of-way or adjacent residential properties. Adequacy of trash facilities will be determined by the City's Recycling and Trash Collection division at the time of development review.**

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

Finding: **Water and sanitary sewer mains are currently available to the property. An existing 18-inch water main is present on the north side of the property while existing six- and eight-inch sewer mains are present to the south. Upgrades to water or sewer service would be determined at the time of development review.**

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

Finding: **Tree preservation is proposed along the far south side of the property to serve as a natural buffer between the proposed commercial uses and adjacent residences. Staff has included a condition of approval recommending that a landscape buffer be required along the southern property line to screen the associated development from adjacent residences, and asked that tree preservation be prioritized on site.**

(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; and

Finding: **The provided site plan indicates that the proposal is compliant with relevant setback requirements as defined by the underlying C-1 zoning district.**

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

Finding: **Staff finds the proposal to be compatible with adjacent properties. The property is located along a portion of Wedington Drive that is currently sparsely developed. The high volume of local and regional vehicular traffic along Wedington makes this site compatible for the proposed use, since it would serve the needs of those who frequently drive along this corridor. Despite the proposed use's proximity to residential properties, staff finds that the proposed tree preservation area will serve as a natural buffer that will protect residents from adverse impacts.**

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

Finding: **Staff finds the proposal to be generally compatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. The C-1 zoning district is designed primarily to provide convenience goods and personal services for persons living in surrounding residential areas. The proposed use would be located along a state highway, serving both local and regional customers in an area that has minimal access to auto accessory stores and similar services. Staff finds that the proposed use may support Goal 3 of City Plan 2040 by allowing for a connected, mixed-use development with provisions for cross access. Staff also finds the proposal to be aligned with the Wedington Corridor Plan since it would allow for a mix of commercial uses near residential areas, potentially reducing the need for some vehicle trips and reducing vehicular congestion along Wedington.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Unified Development Code
  - §161.21 – District C-1, Neighborhood Commercial
- Request Letter
- Site Plan
- Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.21 District C-1, Neighborhood Commercial

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

(B) *Uses.*

(1) *Permitted Uses*.

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 25	Offices, studios, and related services
Unit 40	Sidewalk Cafes
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.* None.

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

(E) *Setback Regulations.*

Front	15 feet
Front, if parking is allowed between the right-of-way and the building	50 feet
Side	None
Side, when contiguous to a residential district	10 feet
Rear	20 feet

Urban Form Setback Regulations:

Front	A build-to zone that is located between 10 feet and a line 25 feet from the front property line
Side and rear	None
Side or rear, when contiguous to a single-family residential district	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	5 stories

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional

setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

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

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

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5195, 11-6-08; Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6164 , §§1, 4, 5, 4-2-19; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6245 , §2, 10-15-19; Ord. No. 6521 , §4, 1-18-22)

May 1, 2023
City of Fayetteville Planning Department
4077 W Wedington Dr.
Fayetteville, AR. 72704

Re: Conditional Use Permit - Project Request Letter

To whom it may concern,

We are requesting a Conditional Use Permit for parcel 765-22360-002 on 4077 W Wedington Dr, Fayetteville, AR 72704.

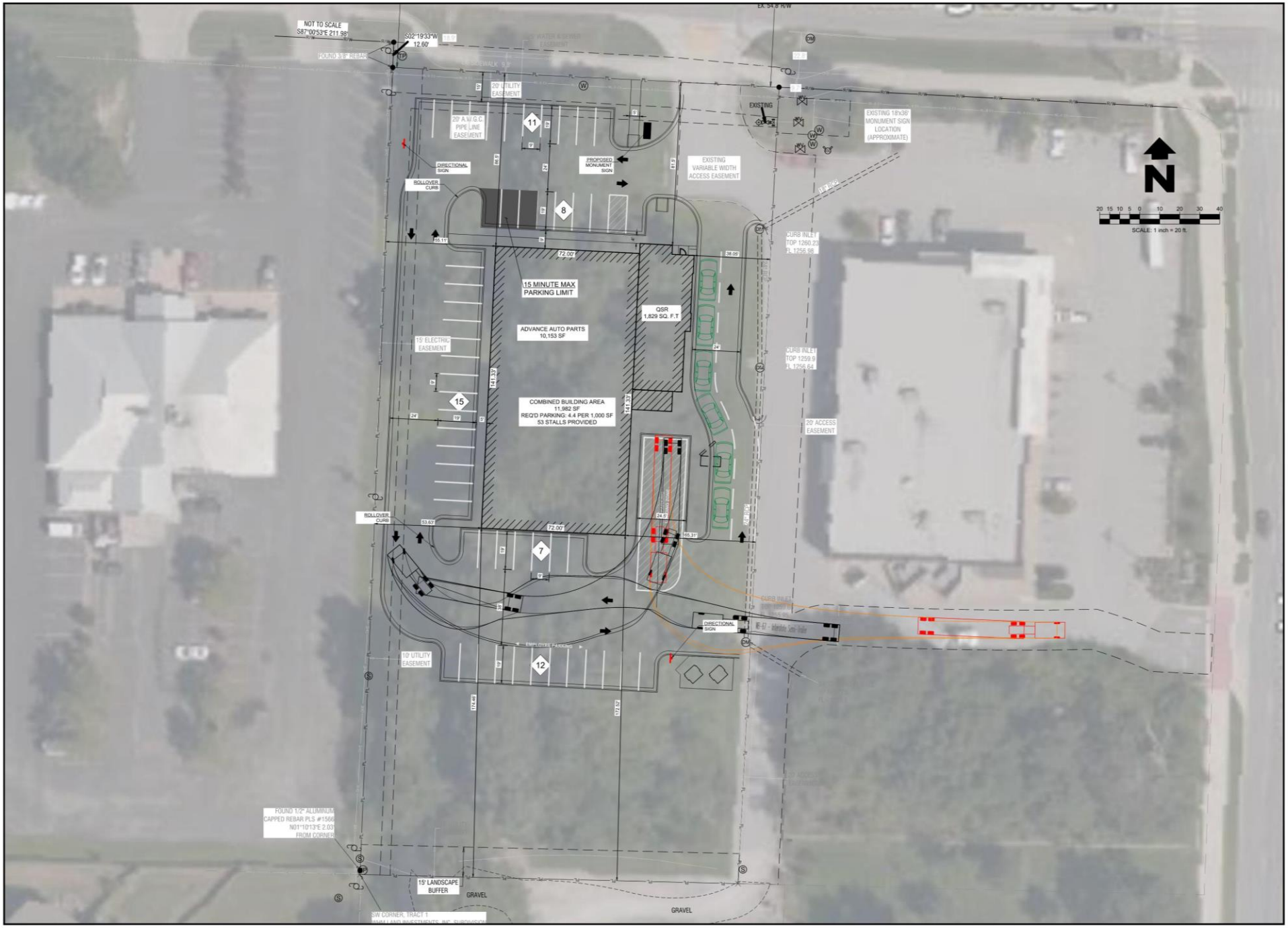
The lot is currently vacant with medium to dense foliage. A single building footprint is being proposed with two separate buildings and uses. One building will serve as an Advance Auto Parts with an approximate area of 10,153 SF. The second building will serve as a Dunkin Donuts with an approximate area of 1,829 SF. Color elevations have been provided. Three (3) ADA parking spaces and fifty (50) regular parking spaces will serve both buildings. A loading zone will be provided for supply deliveries.

Dunkin' Donuts hours of operation will be from 5 a.m. to 8 p.m. Two (2) to eight (8) employees will be on shift at any given hour. From the hours of 6 a.m. to 9 a.m. eight employees will be present. From the hours 6 a.m. to 10 a.m. an average between 50 to 90 transactions occurs per hour. The overall transactions per hour average less than 50 transactions per hour of operations. 70% of sales are via drive-thru sales. Advance Auto Parts hours of operation will be from 7 a.m. to 9 p.m. Two (2) to six (6) employees will be on shift at any given hour. The overall transactions per hour average less than 40 transactions per hour of operations.

D-Series Size 1 LED Wall Luminaire Wall packs and D-Series Area Size 0 lighting fixtures will be used for site lighting. We have submitted the manufacture spec sheet detailing the outdoor lighting models that will be used. Neither commercial uses will create noise levels above those listed in the City of Fayetteville Code of Ordinance. A raised curb island will separate the Dunkin Donuts drive through lane and Walgreens driveway on the East. While a small landscaping strip will separate the lot from the Catfish Hole Fayetteville on the West. Some of the dense vegetation will be removed for site detention and some will be preserved along the South property line to act as a landscape buffer and screen to the residential homes located further South. A 15 ft landscaping area will be provided along the front property line along with appropriate street trees and landscaping screening. Trash and refuse will be located south behind the building. It will be screened with landscaping and dumpster enclosure to block visibility from W. Wedington Dr. and N Rupple Rd.

The site will be accessed by the existing shared drive that connects the Walgreens lot to W Wedington Dr. The drive features right in / right out driveway off Hwy 16. No alterations to the existing drive entrance are being proposed with this project. Additionally, access will also be provided from N. Rupple Rd through Walgreen's southern drive aisle.

The proposed project meets and maintains the standards set forth by the Wedington Corridor Master Plan. The proposed buildings will help create a uniform look to promote the master plan's vision of a well thought out connected neighborhood. Furthermore, Advance Auto Parts will provide additional goods and services to the area making residents feel more compelled to stay in the neighborhood therefore reducing congestion in the Wedington Area. The proposed location is ideal as the parcel and adjoining parcels are currently zoned for commercial use. A sidewalk will be built and maintained to further promote the master plans principles of supporting active and walkable routes along Wedington Dr and Rumple Rd.



HFA
HFA-AR
1705 S. Walton Blvd
Bentonville, Arkansas
t 479.273.7780
f 888.520.9685
www.hfa-ar.com

STIPULATION FOR REUSE

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ADVANCE AUTO PARTS
4077 W WEDINGTON DR
FAYETTEVILLE, AR 72704
JOB NUMBER: 18-22-00040

ISSUE BLOCK

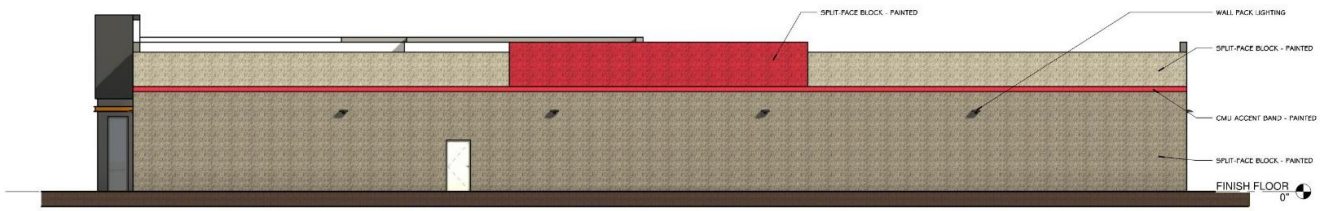
#	TITLE	DATE
	CUP	05/02/2023

DOCUMENT DATE:	05/01/2023
CHECKED BY:	WFM
DRAWN BY:	SD

FOR PERMIT

CONCEPT PLAN

SHEET:
1 OF 1



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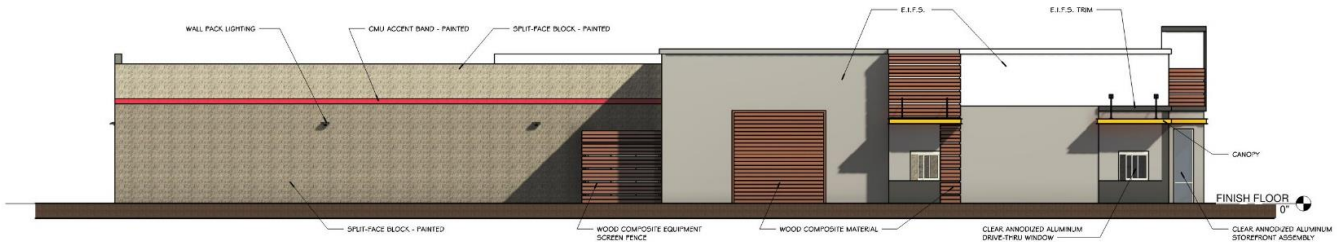

3 East
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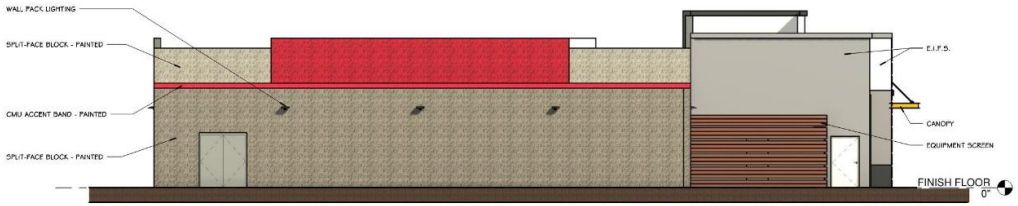

2 South
SCALE = 1/8" = 1'-0"

1 North
SCALE = 1/8" = 1'-0"

SEAL

KEY ARCHITECTURE INC.
P.O. BOX 748 FAYETTEVILLE, ARKANSAS 72702
PH: 479.444.6066 FAX: 479.444.1445

FOR REVIEW

Revision Schedule

Rev. #	Date	Description

ADVANCED AUTO PARTS
WEDINGTON DRIVE
FAYETTEVILLE, AR 72704

SUPER DUNK LLC
240 NORTH BLOCK AVE
FAYETTEVILLE, AR 72701

DATE	DRAWN BY
05/01/23	ELP
PROJECT #	CHECKED BY
2312	JTK

SHEET
A0
COLOR ELEVATIONS

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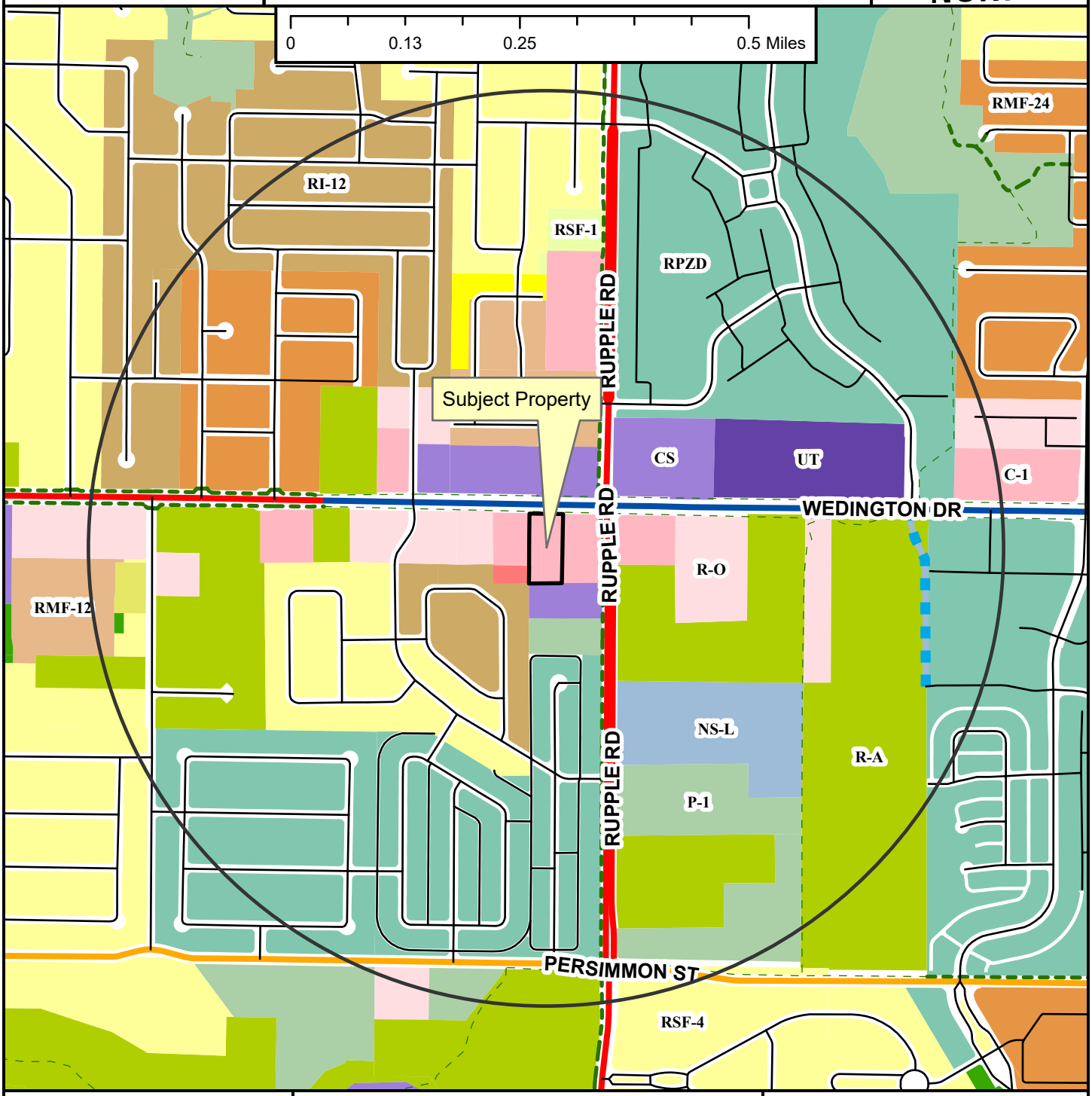
CUP-2023-0058

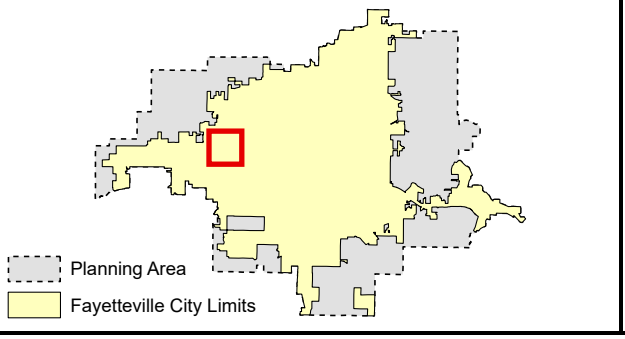
One Mile View

4077 W. WEDINGTON DR

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

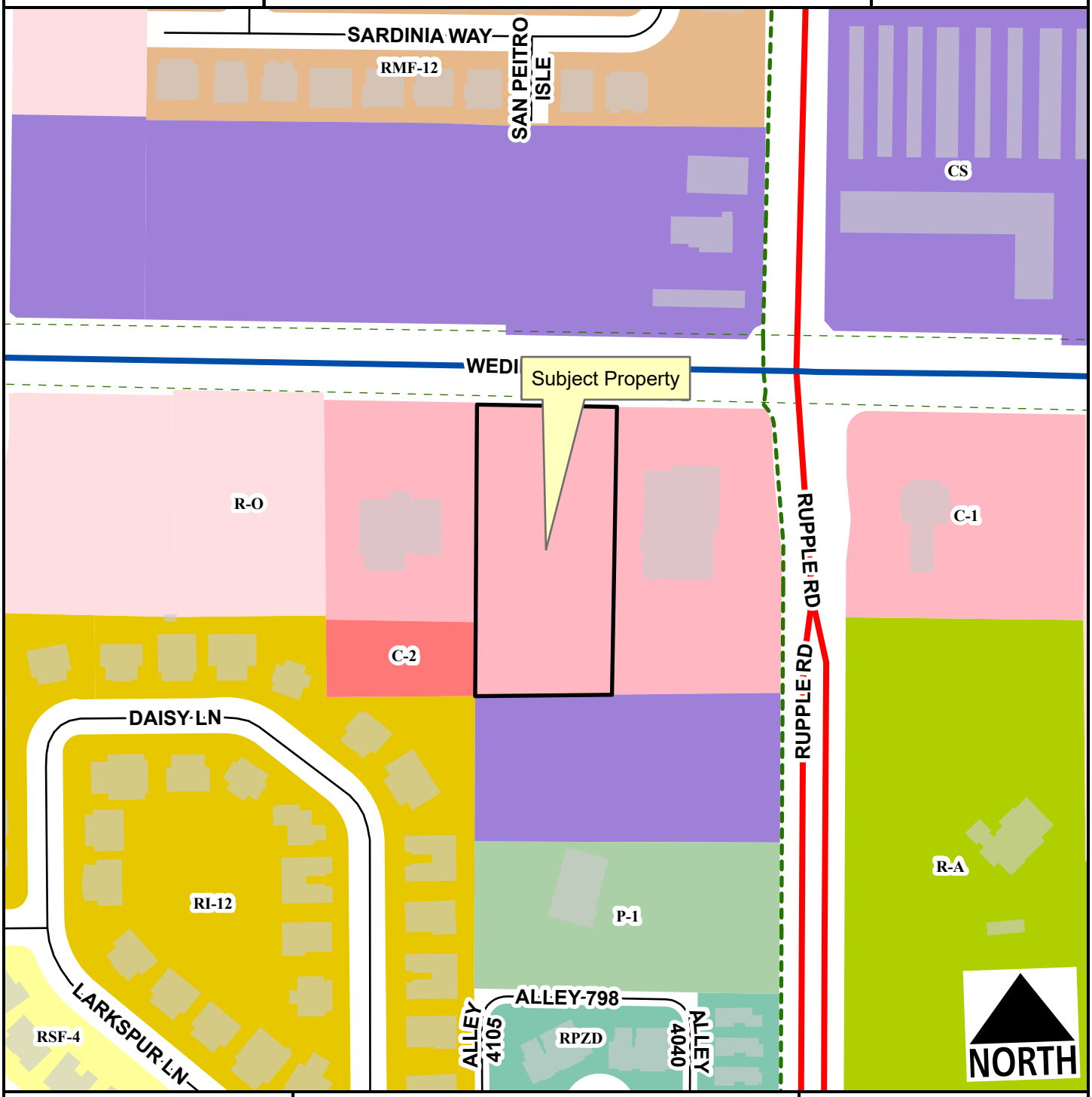
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0058

Close Up View

4077 W. WEDINGTON DR



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

Feet

0 75 150 300 450 600

1:2,400

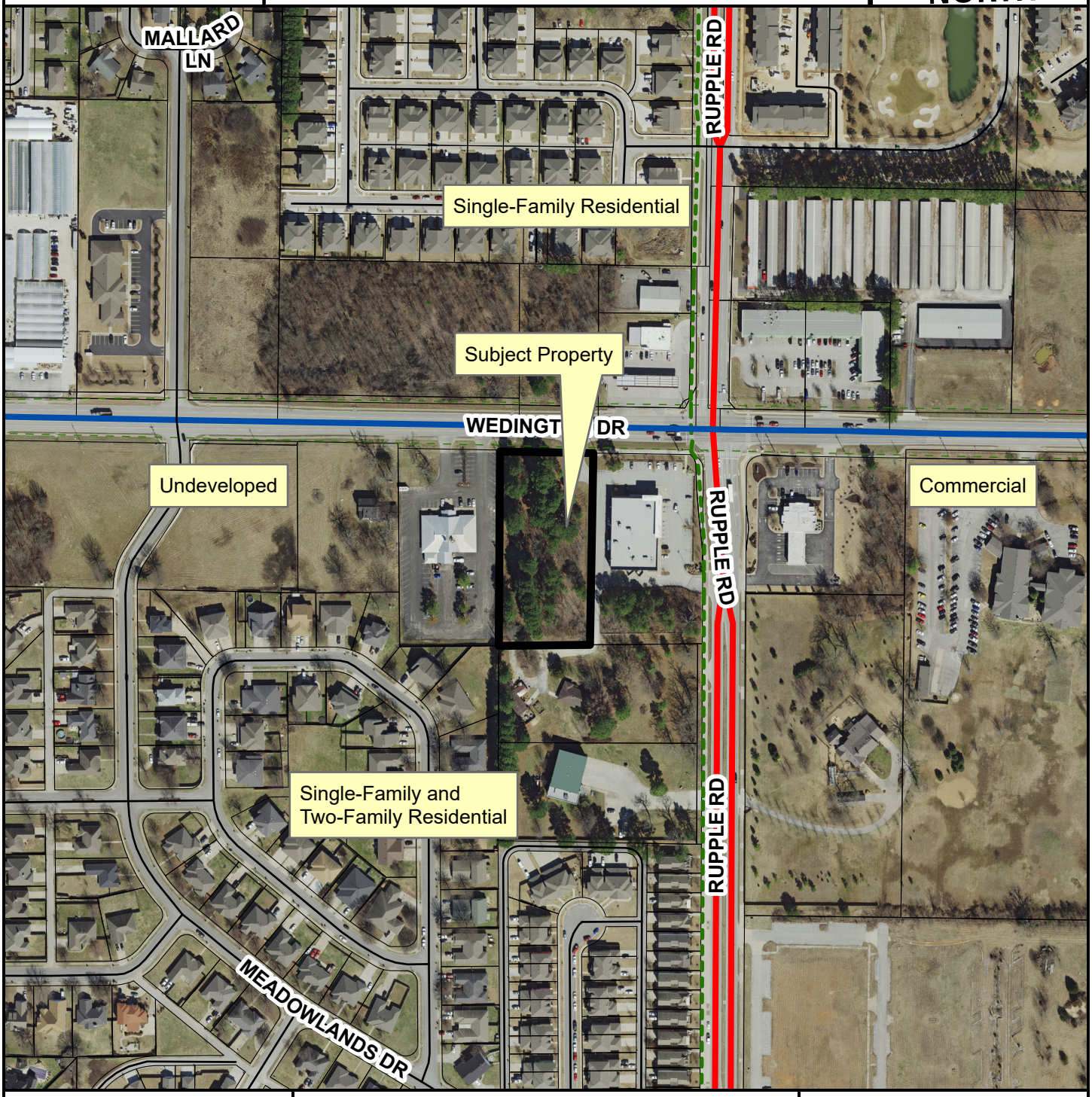
- Residential-Agricultural
- RSF-4
- RI-12
- RMF-12
- Residential-Office
- C-1
- C-2
- Community Services
- Commercial, Industrial, Residential
- P-1

CUP-2023-0058

Current Land Use

4077 W. WEDINGTON DR

NORTH



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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023

SUBJECT: **CUP-2023-0052: Conditional Use Permit (883 E. SPARROW CIR./FRITCHIE FARMS LLC, 603):** Submitted by R&D PROPERTY SOLUTIONS for property located at 883 E. SPARROW CIR. The property is zoned RSF-8, RESIDENTIAL SINGLE-FAMILY - EIGHT UNITS PER ACRE and contains approximately 0.12 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0052** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0052**, determining:*

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

JUNE 12, 2023 PLANNING COMMISSION MEETING:
This item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

BACKGROUND:
The subject property is in the Creekside Meadows Subdivision on the far west side of Sparrow Circle about 800 feet south of the street's intersection with 15th Street. The property totals 0.12 acres and is currently developed with a 1,730-square-foot, three-bedroom, single-family dwelling that was built earlier this year. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration. 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-8, Residential Single-Family – Eight Units per Acre
South	Single-Family Residential	RSF-8, Residential Single-Family – Eight Units per Acre
East	Single-Family Residential	RSF-8, Residential Single-Family – Eight Units per Acre
West	Undeveloped	RSF-8, Residential Single-Family – Eight Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a 2% city-wide cap, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0052** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*

2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code;

3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval;

4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental;

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental;

6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental;

7. All trash receptacles shall be screened from view of the right-of-way;

8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting; and

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

PLANNING COMMISSION ACTION: Required YES

Date: June 26, 2023 ❒ **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 Type 2 short-term rental in RSF-8 zoning.**

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

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

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

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

Finding: **The Planning Commission is empowered under Business Regulations §118.01(E)(2) 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 unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing short-term rentals, as follows:**

§163.18. SHORT-TERM RENTALS.

A. **Residential Zoning Districts***.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type 2 short-term rental in RSF-8 zoning. Since RSF-8 is a residential zoning district, a conditional use permit is required.**

B. **Occupancy.** Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: **Occupancy is limited as described in UDC §163.18(B). Occupancy limitations are confirmed by the applicant during licensing. Since this house contains three bedrooms, occupancy will be limited to a maximum of eight guests.**

C. **Parking.** Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: **Parking is limited as described in UDC §163.18(C). Parking for single-family dwellings is required to be provided at a rate of two spaces per unit, and up to four vehicles are permitted to be parked outdoors on the property. Based on the applicant's submittal, two vehicle parking spaces will be available for guests in an existing driveway, and two additional spaces will be available in an attached garage.**

D. Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: **The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.**

E. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: **The application is for use of the property at 883 E. Sparrow Cir. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 2% of total dwelling units, as determined by United States Census Bureau data. Recently released five-year American Community Survey data from 2021 lists total housing units in Fayetteville at 44,706, which puts the cap at 894 total Type 2 short-term rentals. To date, the City has issued 334 Type 2 short-term rental licenses that are subject to this cap. Hotel/motel uses are not permitted by right in RSF-8 zoning, so this short-term rental would contribute to the city-wide density cap. No exceptions to the short-term rental standards are being requested with this conditional use permit.**

G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: **This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.**

H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;

2. Adequate adjoining or nearby streets for on-street parking;

3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4. Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of four off-street parking spaces will be available for guests in an existing driveway and garage. On-street parking is not available along Sparrow Circle or any nearby streets. City records indicate that two other units within a quarter-mile radius have active Type 2 short-term rental business licenses. One other unit in the Creekside Meadows Subdivision recently received conditional use permit approval to operate as a Type 2 short-term rental, though their business license has not yet been issued. No prior zoning or code violations have been reported on this property.**

§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: **An existing driveway is available to accommodate vehicular ingress and egress to the subject property. The property also has frontage along Sparrow Circle which is fully-improved with a five-foot-wide sidewalk to accommodate pedestrian access. Staff finds that the proposal to use the property as a short-term rental will not adversely affect traffic flows considering the use of the property would be limited to a maximum of eight guests, which would not be out of character with the use of the property for residential purposes.**

(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: **A total of four off-street parking spaces are available in an existing driveway and garage. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes to utilize existing residential trash cart service. Staff recommends a condition requiring that the containers be screened from public view when not at the curb for residential pick-up.**

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

Finding: **Utilities are currently available to the property and its use as a short-term rental is not expected to impact the provision of utilities.**

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

Finding: **Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.**

(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; and

Finding: **Based on the applicant's submittal and city records, the structure is meeting relevant setbacks.**

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

Finding: **Staff finds the proposed use to be compatible with surrounding properties. The property is surrounded by residential uses and short-term rentals are permitted by right in the underlying RSF-8 zoning district. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request. The RSF-8 zoning district does not allow hotel/motel uses by right, so this short-term rental would contribute to the city-wide density cap.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the City's adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a 2% city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §161.09 District RSF-8, Residential Single-Family – Eight (8) Units Per Acre
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Applicant Request Letter
- Building Floor Plans
- Building Elevations
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, 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 short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

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)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

883 E Sparrow Cir.
Fayetteville, AR 72701

1. Formal request for a conditional use permit to operate a short term rental in a residential neighborhood.

a) 1730 Sq Ft existing

b) see attachments

c) 4 of street parking spots

d) Maximum number of guests 8

e) New construction- exterior lighting to code. front and rear entries.

f) No parties and no excess noise allowed.

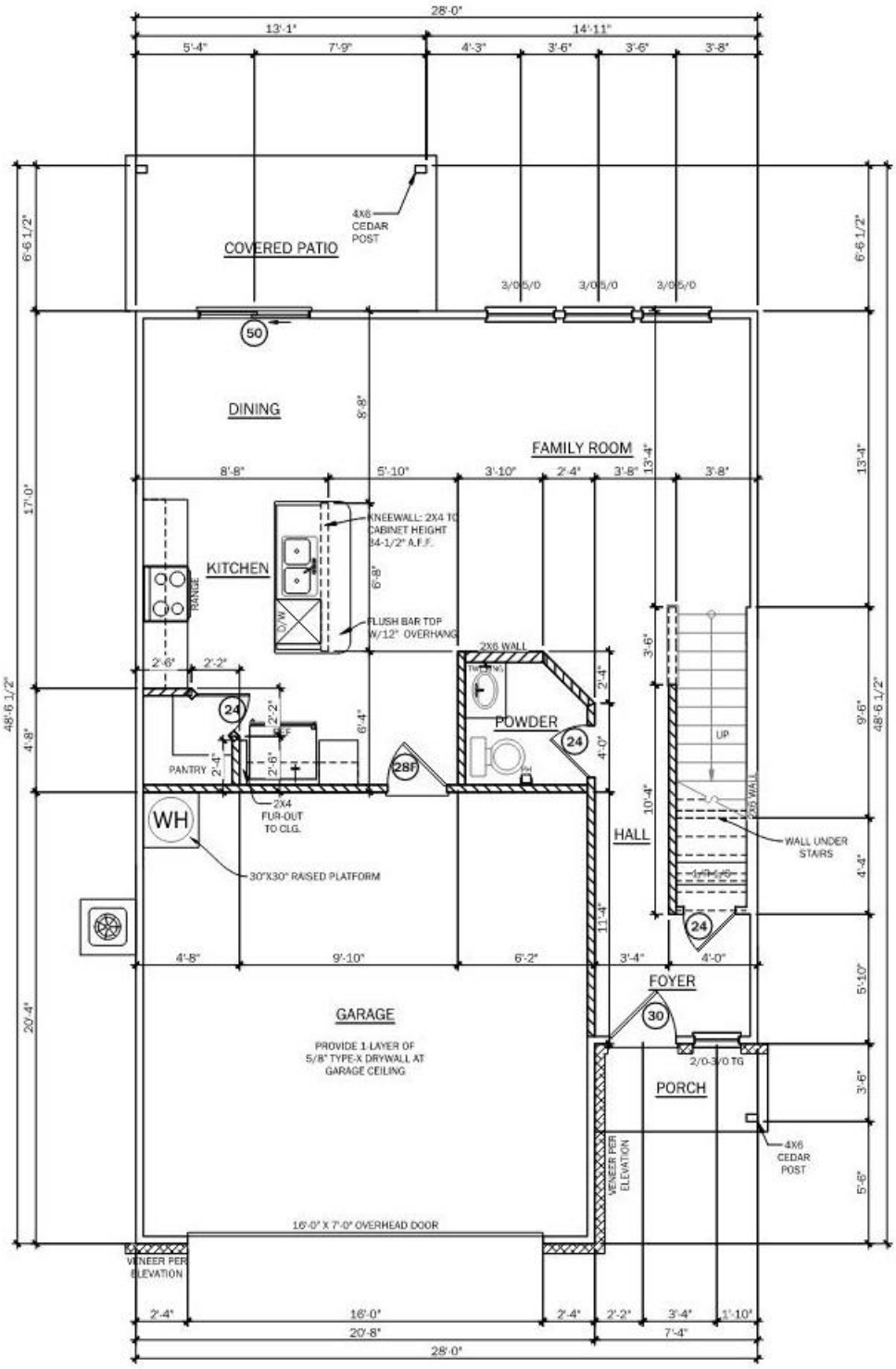
g) not present

h) Trash can kept in garage. Trash service provided by city of Fayetteville.

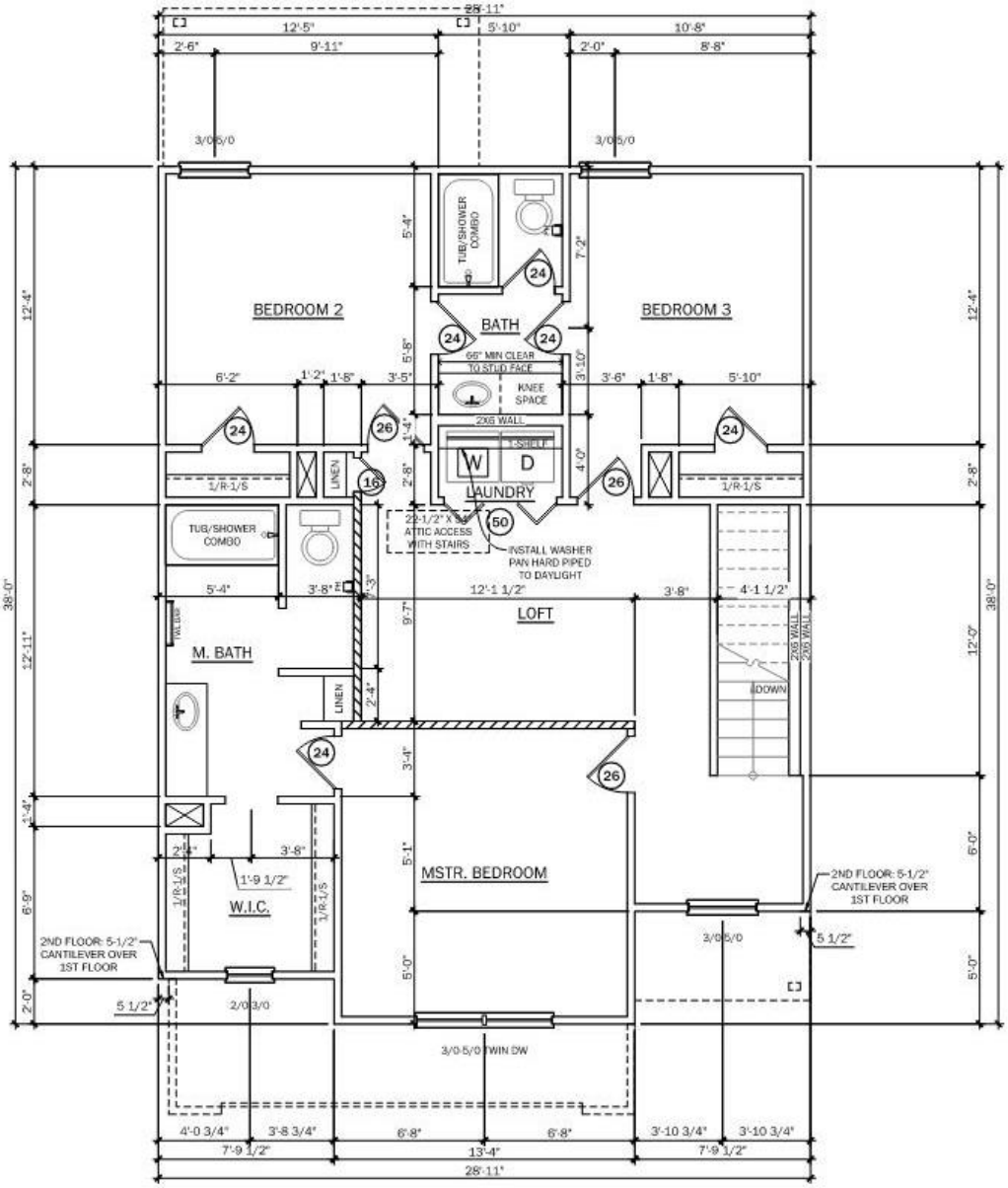
i) Off street private driveway, usage will be within normal residential volume and use.

j) The use of this property for short term rental will be very compatible with the neighborhood. Neighborhood is a mix of long term rentals, student rentals, and owner occupied units.

2. Legal Description:
   Lot 11, of the Final Plat of Creekside Meadows, Fayetteville, Washington County, Arkansas, as per Plat Record 24-373.



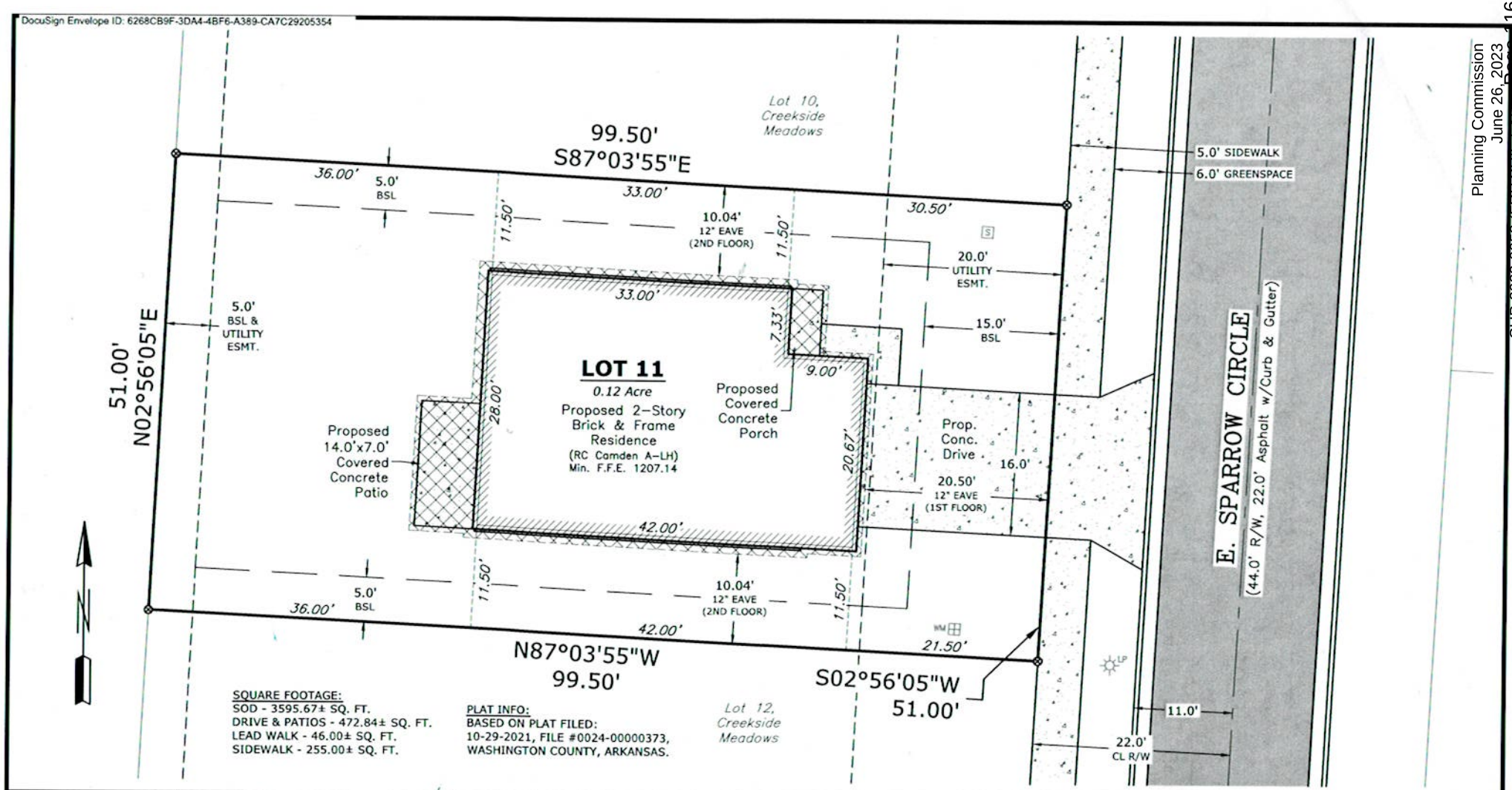
FIRST FLOOR PLAN



SECOND FLOOR PLAN

CUP-2023-0052 Building Elevations

DocuSign Envelope ID: 6268CB9F-3DA4-4BF6-A389-CA7C29205354



SQUARE FOOTAGE:
SOD - 3595.67± SQ. FT.
DRIVE & PATIOS - 472.84± SQ. FT.
LEAD WALK - 46.00± SQ. FT.
SIDEWALK - 255.00± SQ. FT.

PLAT INFO:
BASED ON PLAT FILED:
10-29-2021, FILE #0024-00000373,
WASHINGTON COUNTY, ARKANSAS.

REVISIONS	DATE

10 0 10
Scale in Feet

LEGEND
- SUBJECT PROPERTY LINE
- ADJOINER PROPERTY LINE
- ROAD CENTERLINE
- BUILDING SETBACK LINE
- EASEMENT LINE
- CALCULATED POINT

ABBREVIATIONS

R/W	= RIGHT-OF-WAY
ESMT.	= EASEMENT
BSL	= BUILDING SETBACK LINE
PROP.	= PROPOSED
ARC L.	= ARC LENGTH
ARC R.	= ARC RADIUS
CHORD B.	= CHORD BEARING
CHORD D.	= CHORD DISTANCE

GENERAL NOTES:
- ALL DIMENSIONS SHOWN ARE IN DECIMAL FEET FORMAT.
- ALL HOUSE DIMENSIONS SHOWN ARE TO OUTSIDE OF FRAME UNLESS OTHERWISE NOTED.
- CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
- ALL PROPERTY INFORMATION SHOWN IS BASED ON SUBDIVISION PLAT PROVIDED BY DEVELOPER AND MAY BE SUBJECT TO CHANGE.

FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS
PLOT PLAN OF
LOT 11,
CREEKSIDE MEADOWS

DATE: 7-21-2022
JOB NO: 21-08-01
SCALE: 1"=10' | SHEET: 11"x17"

FOR USE BY:
Rausch Coleman Homes NWA
PROPERTY ADDRESS:
883 East Sparrow Circle
Fayetteville, AR 72701

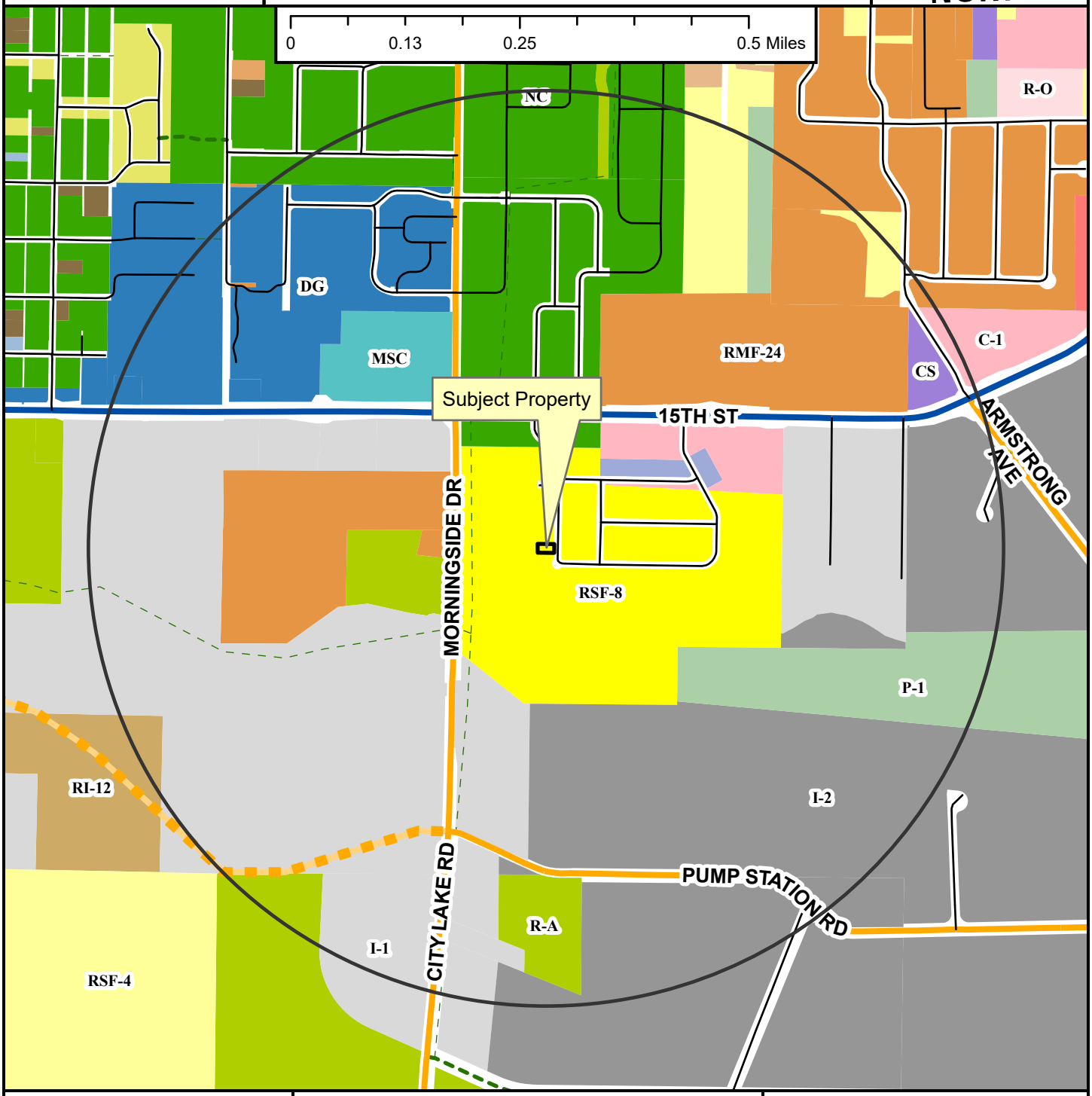
JAKE WORTHINGTON
Residential Plot Plans
P.O. Box 93
Stillwater, OK 74076
(479)-226-6400
Email: zjakew@gmail.com

CUP-2023-0052

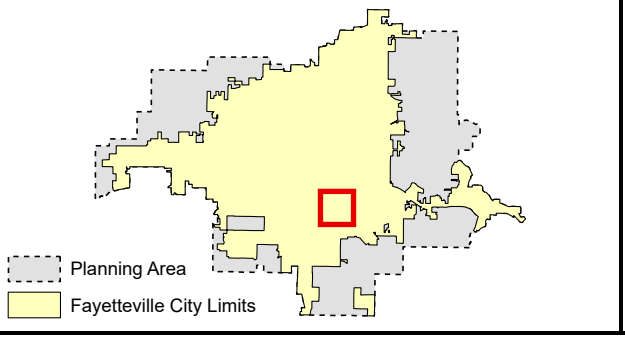
One Mile View

883 E. SPARROW CIR

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

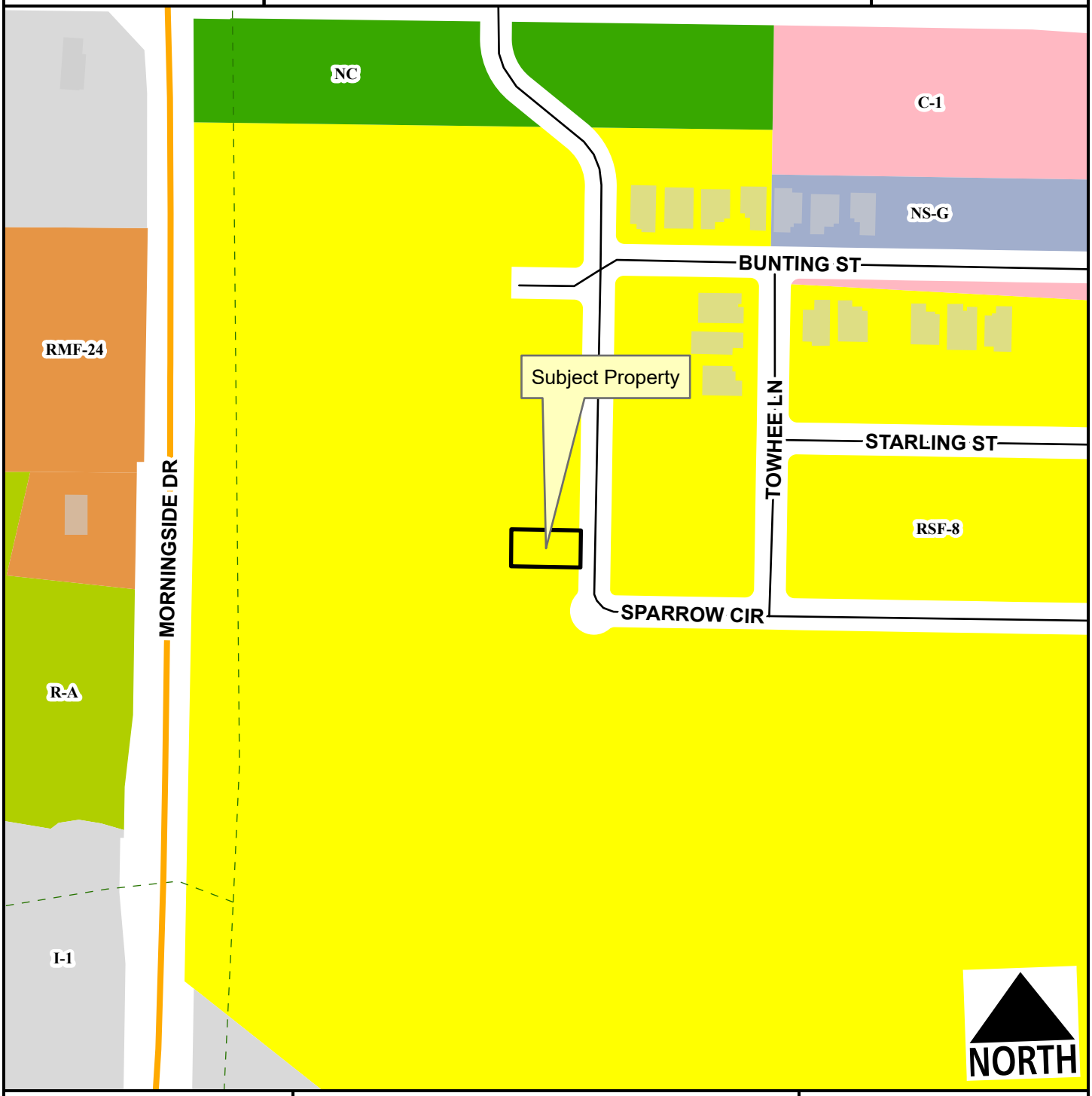
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0052

Close Up View

883 E. SPARROW CIR



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

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

Residential-Agricultural
RSF-8
RMF-24
I-1 Heavy Commercial and Light Industrial
C-1
Neighborhood Services - Gen.
Neighborhood Conservation

CUP-2023-0052

Current Land Use

883 E. SPARROW CIR

NORTH

Neighborhood Link

Regional Link - High Activity

Residential Link

Trail (Proposed)

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

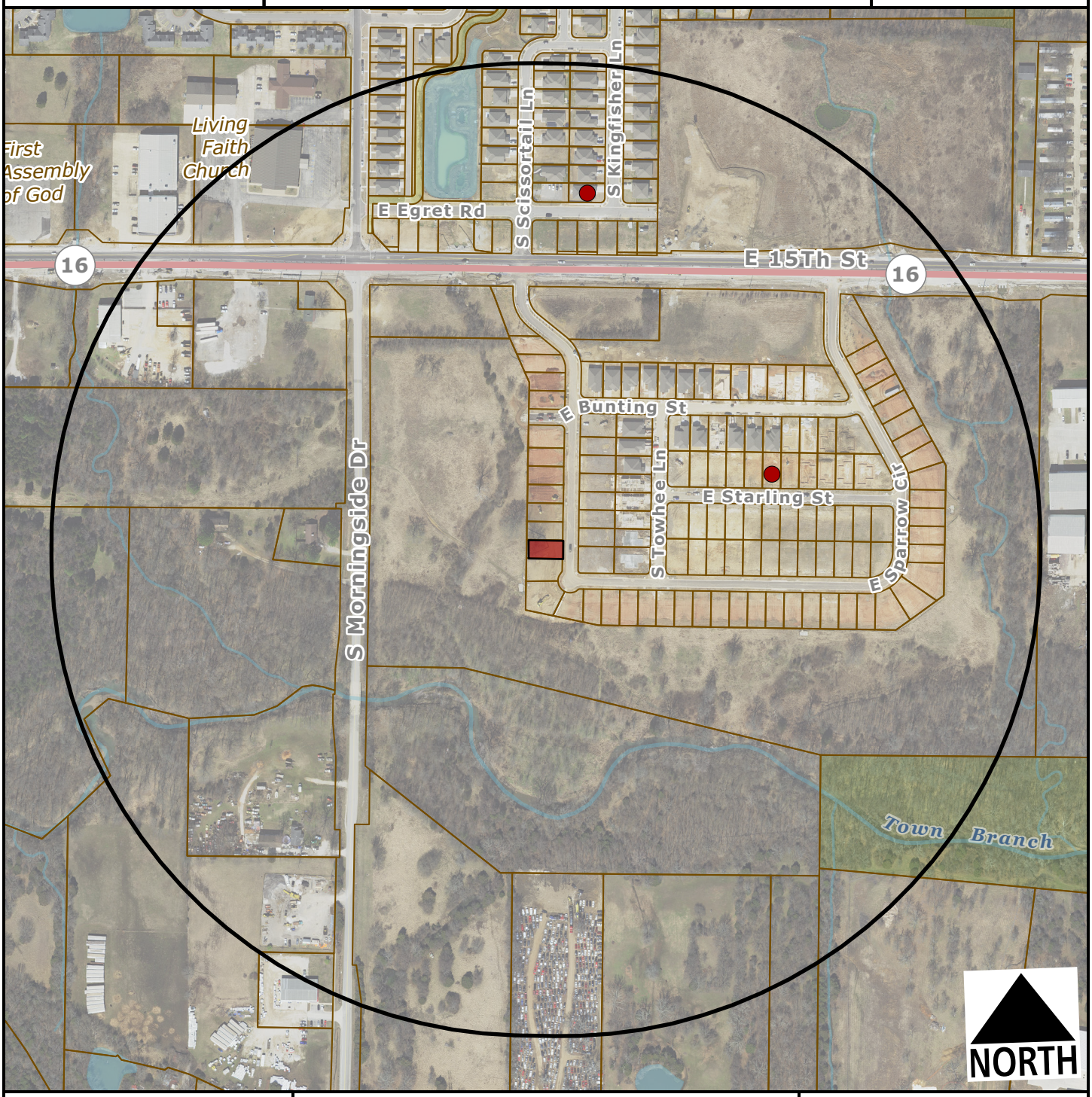
100-Year Floodplain

Floodway

CUP-2023-0052

STRs Within 1/4 Mile

883 E. SPARROW CIR



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Number of STR Licenses

Contributing to 2% density cap	2
NOT contributing to 2% density cap	0
Total	**2**

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023

SUBJECT: **CUP-2023-0057: Conditional Use Permit (2717 N. GULLEY GROVE CIR./KW BRYANT HOLDINGS LLC, 293):** Submitted by KW BRYANT HOLDINGS LLC for property located at 2717 N. GULLEY GROVE CIR. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.05 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0057** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0057**, determining:*

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

JUNE 12, 2023 PLANNING COMMISSION MEETING:
This item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

BACKGROUND:
The subject property is located in the Gulley Grove Subdivision at the north end of Gulley Circle. The property totals 0.05 acres and is currently developed with an 1,802-square-foot, three-bedroom, single-family dwelling which was built last year. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration. 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	RPZD, Residential Planned Zoning District
South	Single-Family Residential	RPZD, Residential Planned Zoning District
East	Single-Family Residential	RPZD, Residential Planned Zoning District
West	Single-Family Residential	RPZD, Residential Planned Zoning District

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a 2% city-wide cap, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Staff received public comment from a neighbor who expressed their opposition to the applicant's request, issuing concerns about strangers temporarily staying in the area.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0057** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible based on the findings contained herein;*

2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code;

3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval;

4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental;

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental;

6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental;

7. All trash receptacles shall be screened from view of the right-of-way;

8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting; and

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

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	❒ **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 Type 2 short-term rental in an RPZD.**

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 Business Regulations §118.01(E)(2) 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 unlikely to adversely affect the public interest given the applicable business license requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing short-term rentals, as follows:**

§163.18. SHORT-TERM RENTALS.

A. **Residential Zoning Districts***.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, and NC. Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Type 2 short-term rental in the Gulley Grove RPZD. Since the RPZD only allows residential uses by right, a conditional use permit is required.**

B. **Occupancy.** Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: **Occupancy is limited as described in UDC §163.18(B). Occupancy limitations are confirmed by the applicant during licensing. Since this house contains three bedrooms, occupancy will be limited to a maximum of eight guests.**

C. **Parking.** Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: **Parking is limited as described in UDC §163.18(C). Parking for single-family dwellings is required to be provided at a rate of two spaces per unit, and up to four vehicles are permitted to be parked outdoors on the property. Based on the applicant's submittal, two vehicle parking spaces will be available on site with one space in an attached garage and another space in an existing driveway.**

D. Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: **The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.**

E. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: **The application is for use of the property at 2717 N. Gulley Grove Cir. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 2% of total dwelling units, as determined by United States Census Bureau data. Recently released five-year American Community Survey data from 2021 lists total housing units in Fayetteville at 44,706, which puts the cap at 894 total Type 2 short-term rentals. To date, the City has issued 334 Type 2 short-term rental licenses that are subject to this cap. Hotel/motel uses are not permitted by right in the underlying RPZD, so this short-term rental would contribute to the city-wide density cap. No exceptions to the short-term rental standards are being requested with this conditional use permit.**

G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: **This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.**

H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;

2. Adequate adjoining or nearby streets for on-street parking;

3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4. Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of two off-street parking spaces will be available for guests in an existing driveway and attached garage. On-street parking is also available along Gulley Grove Circle. City records indicate that no other unit within a quarter-mile radius of the subject property has an active Type 2 short-term rental business license. A code case violation for operating a short-term rental without a business license on this property was opened about two weeks after the applicant applied for a conditional use permit. They have since applied for a business license and stated that they do not intend to use the property as a short-term rental until their city business license is issued.**

§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: **An existing driveway is available to accommodate vehicular ingress and egress to the subject property. The property also has frontage along Gulley Grove Circle which is fully-improved with a five-foot-wide sidewalk to accommodate pedestrian access. Staff finds that the proposal to use the property as a short-term rental will not adversely affect traffic flows considering the use of the property would be limited to a maximum of eight guests, which would not be out of character with the use of the property for residential purposes.**

(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: **A total of two off-street parking spaces are available in an existing driveway and garage. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes to utilize existing residential trash cart service. Staff recommends that the containers be screened from public view when not at the curb for residential pick-up.**

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

Finding: **Utilities are currently available to the property and its use as a short-term rental is not anticipated to impact the provision of utilities.**

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

Finding: **Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.**

(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; and

Finding: **Based on the applicant's submittal and city records, the structure is meeting relevant setbacks.**

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

Finding: **Staff finds the proposed use to be compatible with surrounding properties. The property is surrounded by residential uses and there are no other properties within a quarter-mile radius currently operating as a Type 2 short-term rental. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request. The Gulley Grove RPZD does not allow hotel/motel uses by right, so this short-term rental would contribute to the city-wide density cap.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the City's adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a 2% citywide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.**

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:
- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
- Ord. 6281 Gulley Grove RPZD – Planning Area 1 Zoning Regulations
- Applicant Request Letter
- Building Floor Plans
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, 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 short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short-term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

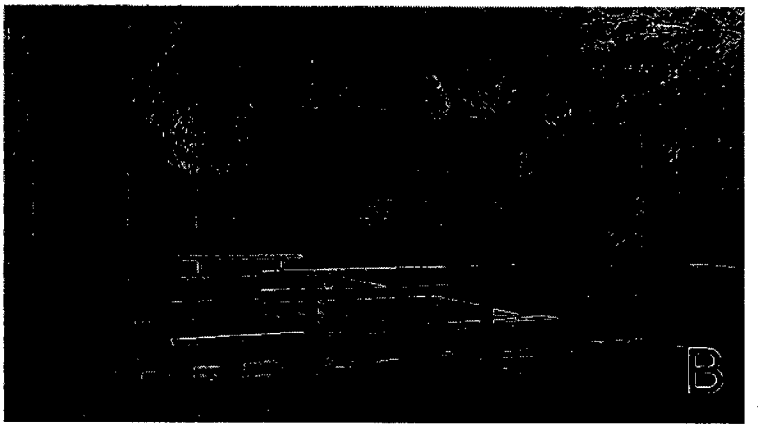
1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)



Fire Pit

1D

This PZD consists of 7.87 acres consisting of three Planning Area's. Planning Area 1 and 2 will include the single-family residential lots. Planning Area 3, owned by the POA, will include the common area/open space and retention pond.

1E

Planning Area 1:

A) Purpose. This PZD district is designed to promote and encourage the efficient development of single-family residences on this particular property.

B) Uses.

1. Permitted Uses:
   Unit 1 – City-wide uses by right
   Unit 8 – Single-family dwellings
   Unit 41 – Accessory dwellings

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

Planning Area 1:

C) Density. 8.48 Units/Acre (44 dwelling units on 5.19 Acres)

D) Bulk and Area Regulations.

1. Lot Width Minimum: 20' (Alleys count as frontage)
2. Lot Area Minimum: None

E) Setback Requirements:

Front	Side*	Rear
A build-to zone that is located between the front property line and a line 20 ft. from the front property line Lot 46: 20' Building Setback Note – Common open spaces may count as front property lines when property does not have frontage onto public street	0 to 5 feet**	5 feet

*A zero lot line is an alternative to the 5 foot building setback. Applicants should consult the International Building Code when locating a structure in close proximity to property lines and/or adjacent structures.
**At least 5 feet of maintenance area shall be provided along a structure that is within 5 feet of a property line. This may be provided through a perpetual maintenance easement on the adjacent property, or through a combination of a maintenance easement and private property. Walls, fences and customary yard accessories are permitted in the maintenance area.

F) Building Height Regulations.
1. Building Height Maximum: 3 Stories

G) Building Area. There are no maximum or minimum building area requirements.

H) Minimum Buildable Street Frontage: None

I) Landscaping: Compliance with Unified Development Code Standards (UDC) Chapter 177

1E

Planning Area 1:

J) Parking: Compliance with UDC 172 Parking and Loading

K) Signage: Compliance with UDC 174 Signs for single-family residential property

KW BRYANT HOLDINGS LLC
2717 N. GULLEY GROVE CIR.
FAYETTEVILLE, AR 72703
SHORT TERM TYPE 2
CONDITIONAL USE REQUEST LETTER

Legal Description:

Lot 50, Gulley Grove Subdivison, City of Fayetteville, as shown in plat of record at plat book 24, Page 379, Records of Washington County, Arkansas

I am Requesting through the City of Fayetteville a type 2 short term rental conditional use permit with the address above as the subject property.

2717 N. Gulley Grove Circle

Fayetteville, AR 72703

Building size in square feet; existing and proposed

-1802 SF existing and will not be changing

Color Elevations of all exterior sides of the structure

East Elevation

Front Elevation

West Elevation (Side)

Rear Elevation (back of house)

East Elevation (Side)

Number of offstreat parking spaces

- 1 in the driveway, 1 in the garage, and an offstreet parking spot in common area

When request applies to a business or non residential use

-N/A

Outdoor lighting

- Adequate lighting in the front and rear of the house + street lights (4 lights in the front including a flood light over the garage. 3 lights in the back)

Noise

- Minimal

Screening or buffering from adjacent properties

- These are row home type homes with minimal buffering. There is a retaining wall behind the house.

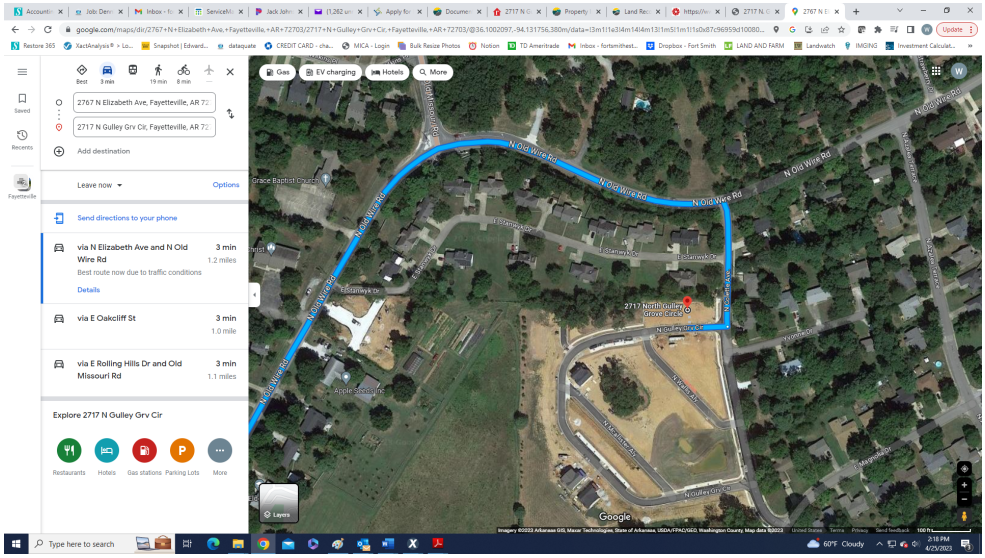
Trash and refuse service

- Using a city of Fayetteville large trash bin. Paying for city of Fayetteville sewer and trash

Ingress and Egress to the property ; travel impacts

- This house is the 2nd house on the right as you enter the neighborhood. The neighborhood is located off Collette off of Old Wire Rd. By making this a short term rental, it shouldn't impact the traffic flow in any way.

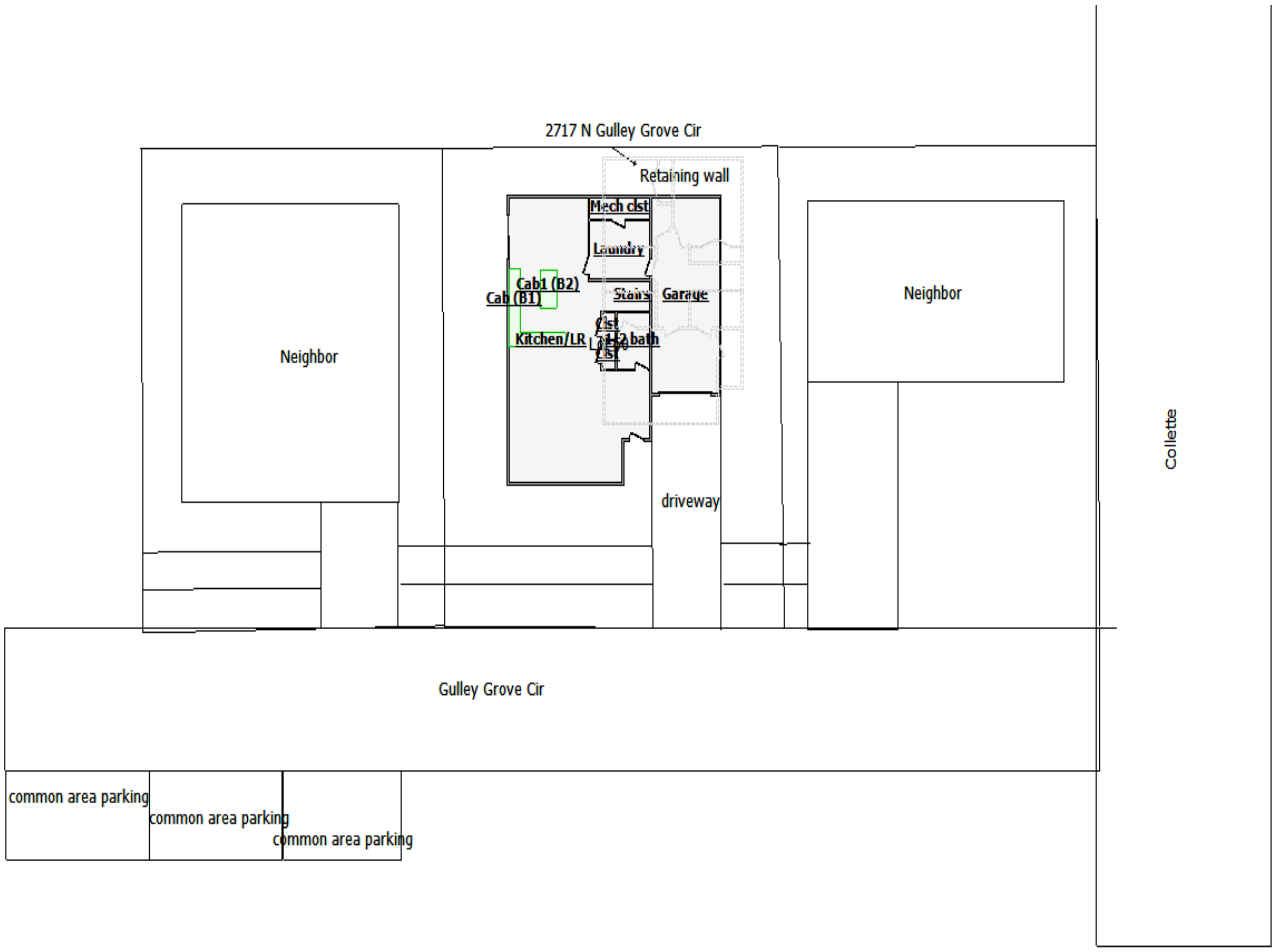
KW BRYANT HOLDINGS LLC
2717 N. GULLEY GROVE CIR.
FAYETTEVILLE, AR 72703
SHORT TERM TYPE 2
CONDITIONAL USE REQUEST LETTER

- 

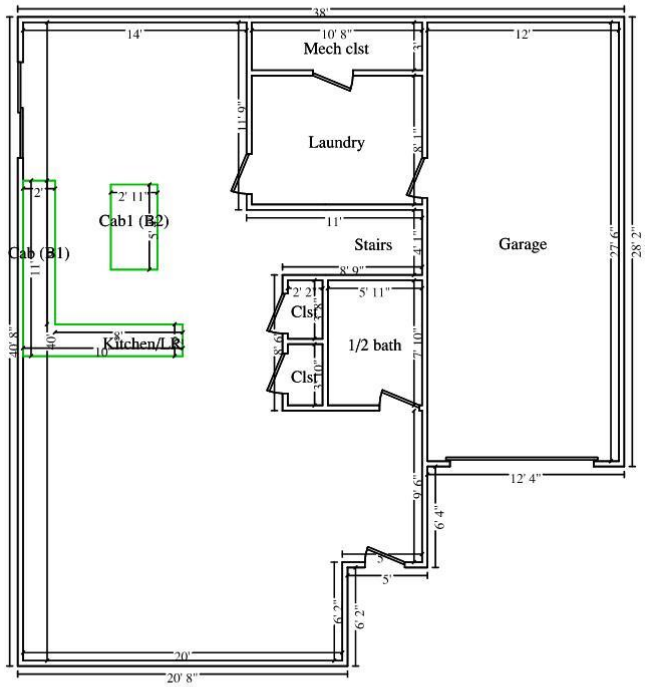
Response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood

- There are rentals in the neighborhood already. By converting this home to a short term rental, it will allow families traveling into the area to utilize Gulley Park.

Site Plan and Layout

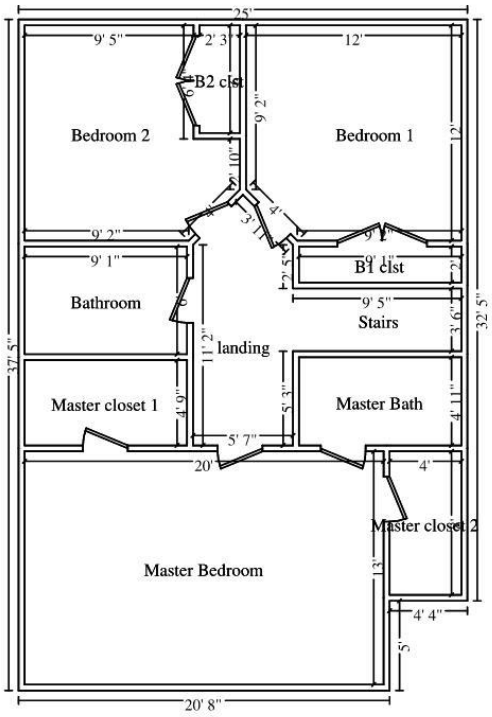


Main Level



Main Level

Upstairs



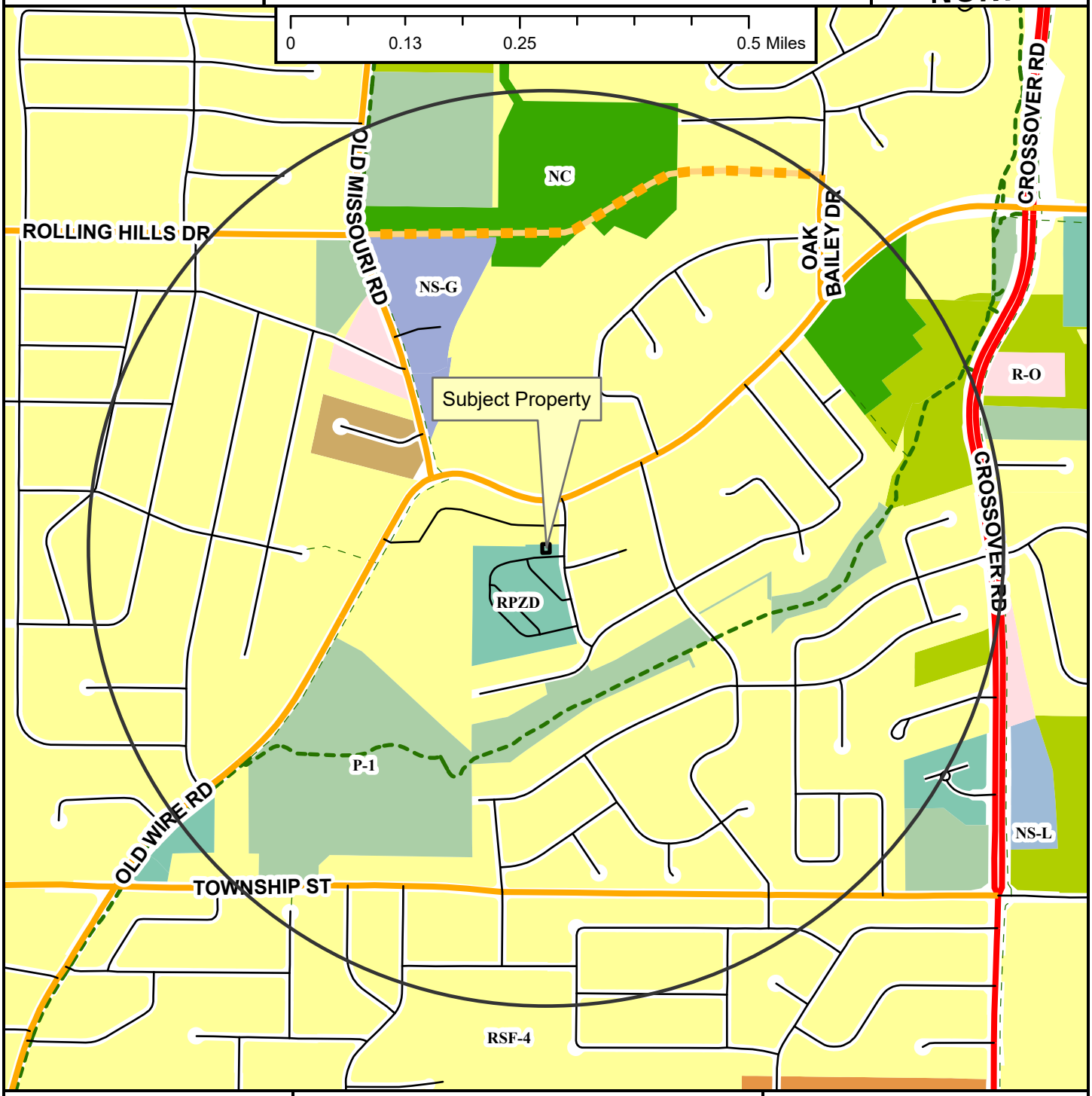
Upstairs

CUP-2023-0057

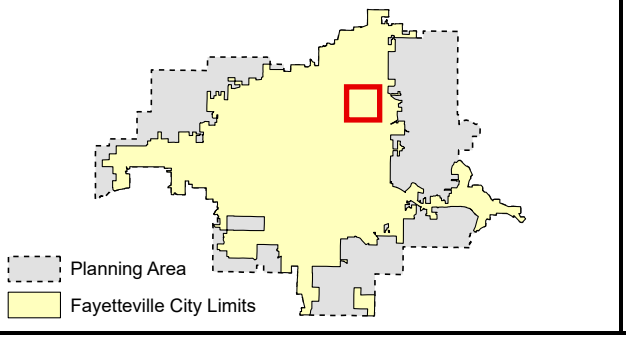
One Mile View

2717 N. GULLEY GROVE RD

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

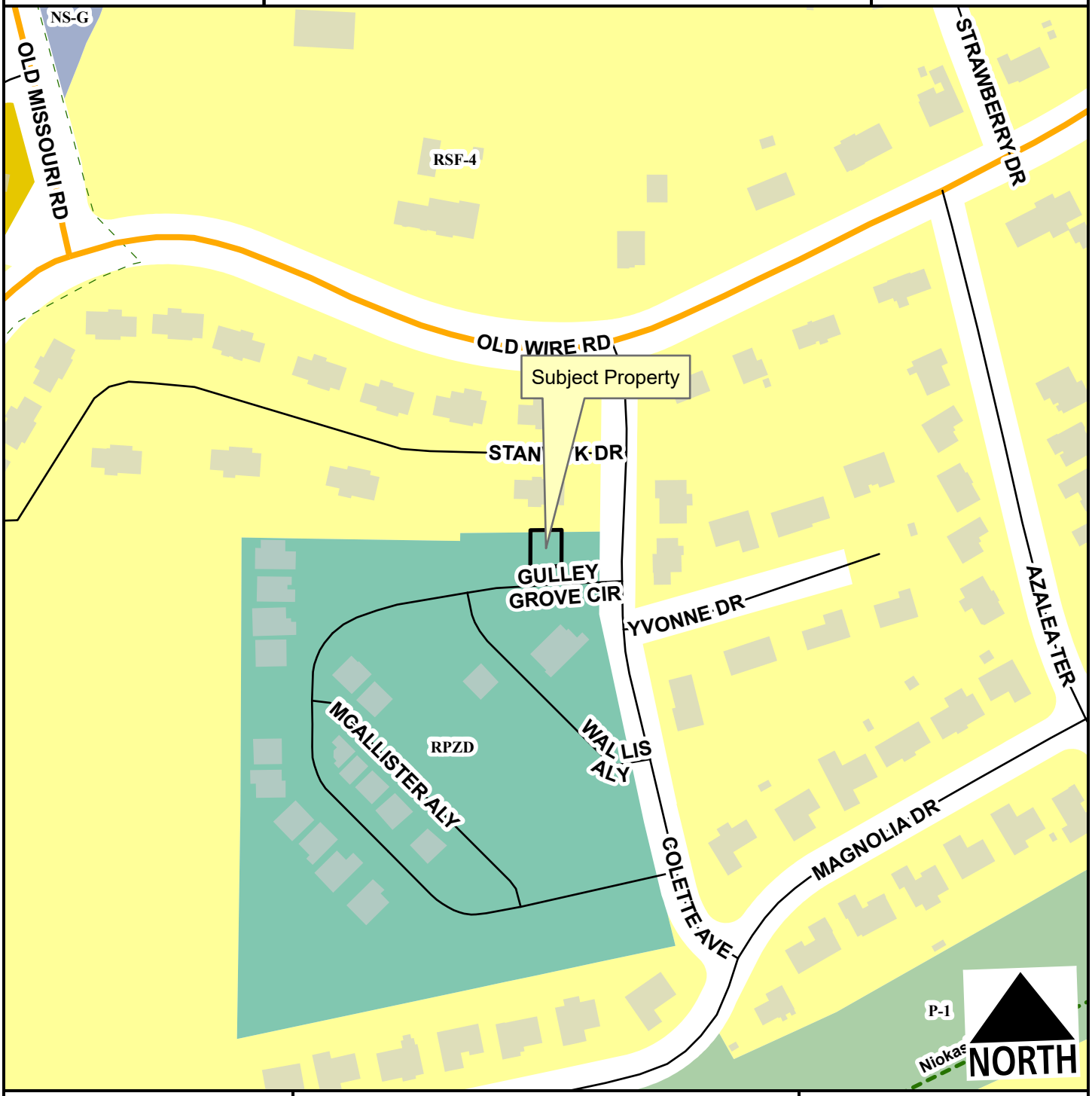
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0057

Close Up View

2717 N. GULLEY GROVE RD



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

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

RSF-4
RI-12
Neighborhood Services - Gen.
Commercial, Industrial, Residential
P-1

CUP-2023-0057

Current Land Use

2717 N. GULLEY GROVE RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

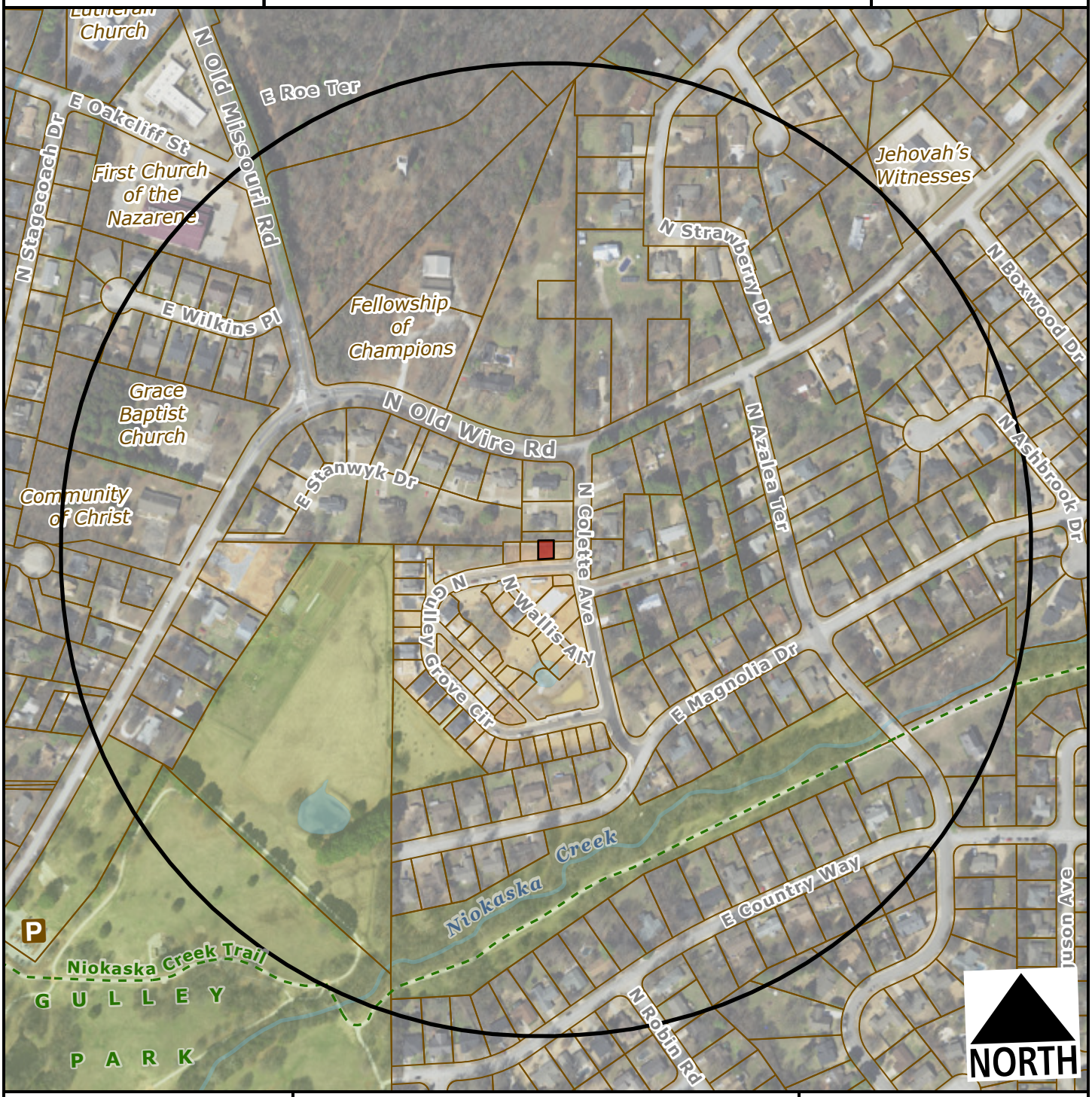
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0057

STRs Within 1/4 Mile

2717 N. GULLEY GROVE RD



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Number of STR Licenses

Contributing to 2% density cap	0
NOT contributing to 2% density cap	0
Total	**0**

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 26, 2023

SUBJECT: **CUP-2023-0054: Conditional Use Permit (5344 E. MILO WAY/AGUILAR, 610):** Submitted by BRR ARCHITECTURE for property located at 5344 E. MILO WAY. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.32 acres. The request is to use the property as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0054**, with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0054** with conditions, determining:*

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

BACKGROUND:
The item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

The subject property is located in far east Fayetteville approximately 1 mile southwest of Lake Sequoyah. The property is zoned RSF-4, Residential Single-Family, Four Units Per Acre, with no overlay districts. The parcel totals approximately 0.32 acres. A 2,099 square foot single-family dwelling was constructed on the parcel in 1997 per the Washington County Assessor. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

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

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a 2% citywide cap, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

Public Comment: Five members of the public have commented on the proposed use. Commenters expressed concerns regarding increased traffic, noise, parking on the streets, negative effects on property values, reducing the housing supply, and the impact of short-term guests and high turnover on neighborhood safety and community feel.

RECOMMENDATION: Staff recommends approval of **CUP-2023-0054,** with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report;*

2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.

3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.

4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.

6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

7. All trash receptacles shall be screened from view of the right-of-way.

8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.

9. Any signage shall meet the requirements as outlined in §174, Signage.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental in the RSF-4 zoning district.**

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

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

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

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

Finding: **The Planning Commission is empowered under Unified Development Code §118.01(E)(2) 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 unlikely to negatively affect the public interest, given the applicable business license requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing Short-Term Rentals, as follows:**

§163.18 - SHORT-TERM RENTALS

A. General Standards.

(1) Residential Zoning Districts. Residential Zoning Districts. Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, Rl-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Short-Term Rental, Use Unit 46, in zoning. Use Unit 46 is a permitted use by-right in the RSF-4 zoning district.**

(2) Occupancy. Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: **The dwelling has three bedrooms, which would limit occupancy to eight (8) guests as described in UDC §163.18(A)(3). Occupancy limitations are confirmed by the applicant during licensing.**

(3) Parking. Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: **Parking is limited as described in UDC §163.18(C). Parking for single-family dwellings is required to be provided at a rate of two spaces per unit, and up to four vehicles are permitted to be parked outdoors on the property. According to the applicant the structure has three bedrooms and up to six off-street parking spaces; two spaces in an attached garage and another four in the driveway.**

(4) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: **The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.**

(5) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: **The application is for use of the property at 5344 E. Milo Way. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

(6) Exceptions. Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 2% of total dwelling units, as determined by United States Census Bureau data. Recently released five-year American Community Survey data from 2021 lists total housing units in Fayetteville at 44,706, which puts the cap at 894 total Type 2 short-term rentals. To date, the City has issued 334 Type 2 short-term rental licenses that are subject to this cap. Hotel/motel uses are not permitted by right in RSF-4 zoning, so this short-term rental would contribute to the city-wide density cap. No exceptions to the short-term rental standards are being requested with this conditional use permit.**

(7) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: **This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.**

(8) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;
2) Adequate adjoining or nearby streets for on-street parking;
3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4} Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of six off-street parking spaces will be available for guests in an existing driveway and garage. On-street parking is available along E. Milo Way. City records indicate zero other units within a quarter-mile radius have active**

Type 2 short-term rental business licenses. No prior zoning or code violations have been reported on this property.

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

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

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

Finding: **The parcel has frontage along E. Milo Way, a partially improved residential link with sidewalk along the southern side. The street appears to have sufficient width to support on-street parking. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of eight (8) guests, which would not be out of character with use of the property for residential purposes.**

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

Finding: **The dwelling has a two-car garage with an additional three to four parking spaces available in the driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.**

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

Finding: **Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.**

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

Finding: **Staff recommends that residential carts be screened so that they are not visible from the public right-of-way. The applicant states that the residential trash carts are to be kept in the garage when not at the curb.**

(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 section 174 – Signs, and all the regulations therein.**

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

Finding: **Based on the applicant's submittal and city records, the structure is meeting relevant setbacks.**

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

Finding: **Staff finds the proposed use to be compatible with surrounding properties. The property is surrounded by residential uses and short-term rentals are permitted by right in the underlying RSF-4 zoning district. There appears to be adequate parking to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request. The RSF-4 zoning district does not allow hotel/motel uses by right, so this short-term rental would contribute to the city-wide density cap.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans, particularly given the parcel's location at the city's edge. The property scores only a two on the city's infill matrix due to access to water and sewer. The property is not near a grocery store, city park, paved trail, bus stop, or the university, meaning that any guests would likely be required to drive to access city amenities and services. The nearest large amenity, Lake Sequoyah, is greater than one mile away as the bird flies and greater than two miles travel via car. In addition, the property exceeds the fire department's desired four-minute response time. The city has safeguards in place that limit how short-term rentals operate to ensure that the City can still meet adopted goals, including a 2% city-wide density cap.**

BUDGET/STAFF IMPACT:
None

Attachments:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
- Applicant Request Letter
- Site Plan
- Building Floor Plan
- Building Elevations
- Public Comments
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Type-2 STRs within ¼ Mile Map

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, 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 short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

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

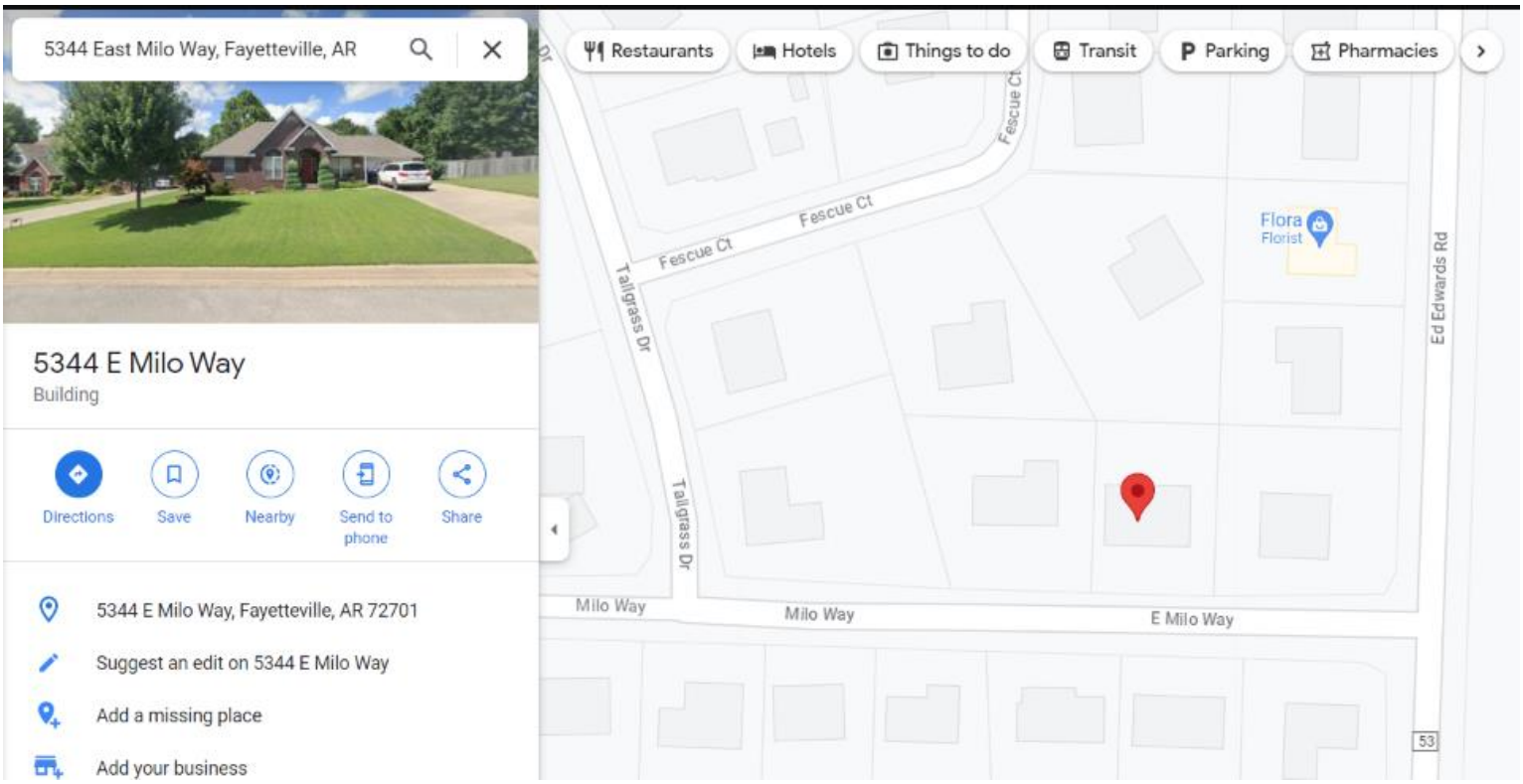
(F) *Building Height Regulations*.

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. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (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, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."


5344 East Milo Way, Fayetteville, AR
Restaurants
Hotels
Things to do
Transit
Parking
Pharmacies
5344 E Milo Way
Building
Directions
Save
Nearby
Send to phone
Share
5344 E Milo Way, Fayetteville, AR 72701
Suggest an edit on 5344 E Milo Way
Add a missing place
Add your business
Fescue Ct
Fescue Ct
Fescue Ct
Tailgrass Dr
Tailgrass Dr
Flora
Florist
Ed Edwards Rd
Milo Way
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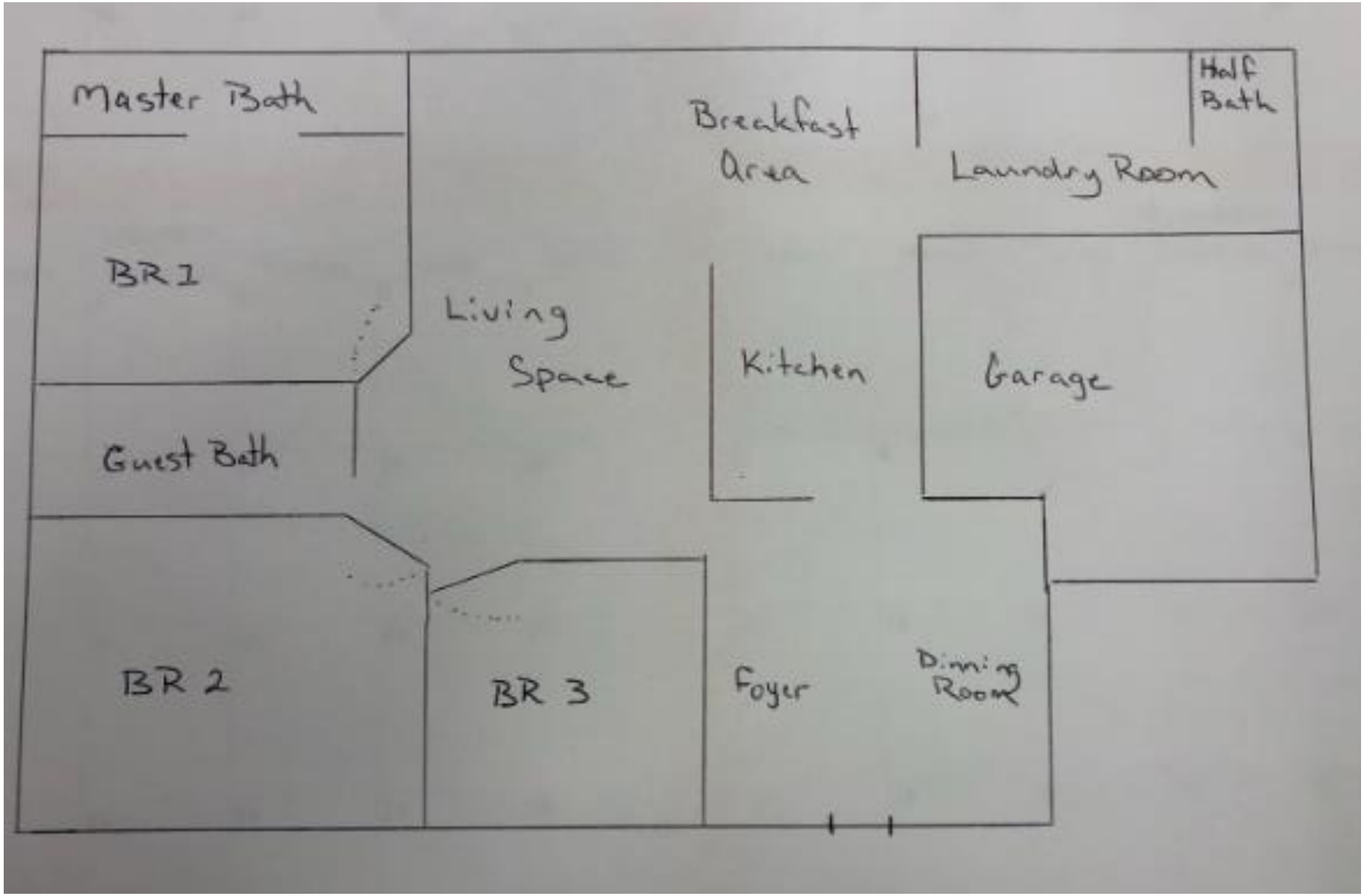
Master Bath
Breakfast Area
Half Bath
Laundry Room
BR 1
Living Space
Kitchen
Garage
Guest Bath
BR 2
BR 3
Foyer
Dining Room

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, 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 short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

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(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

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(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

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Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

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2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

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(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

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(1) *Permitted Uses*.

Unit 1	City-wide uses by right
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Unit 5	Government facilities
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Unit 12a	Limited business
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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
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(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.

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I Rosie Aguilar West would like to provide short time rental with my 5344 E Milo Way, Fayetteville, AR 72701 home. The house is approx. 2000sqft with red brick with white soffits. The house has a two-car garage with a long driveway that will sufficiently hold 3-4 additional cars for parking. Trash runs every Thursday and is picked up on the side of the road near the curb and the trash can is kept in the garage. The house has outdoor lighting at the front entrance and on the garage entrance. The house is quiet with no external speakers. Ingress and regress can be seen on the site plan provided. The home is compatible with adjacent properties in the neighborhood.

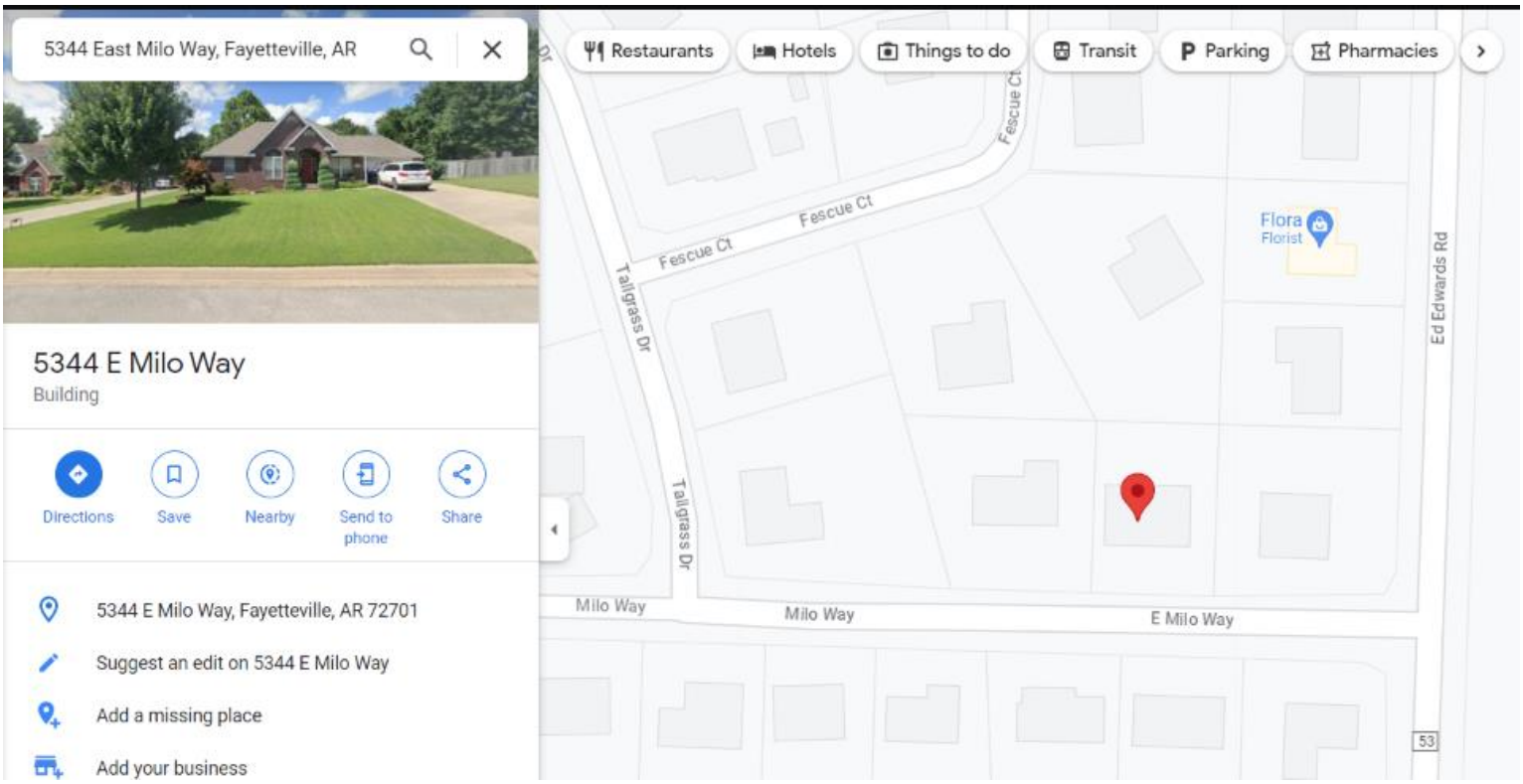
Please see the deed for legal description.

A site plan is attached.

A floor plan is attached.

Thank you,

Rosie Aguilar West


5344 East Milo Way, Fayetteville, AR
Restaurants
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Pharmacies
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Building
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Save
Nearby
Send to phone
Share
5344 E Milo Way, Fayetteville, AR 72701
Suggest an edit on 5344 E Milo Way
Add a missing place
Add your business
Fescue Ct
Fescue Ct
Fescue Ct
Tailgrass Dr
Tailgrass Dr
Flora
Florist
Ed Edwards Rd
Milo Way
Milo Way
E Milo Way
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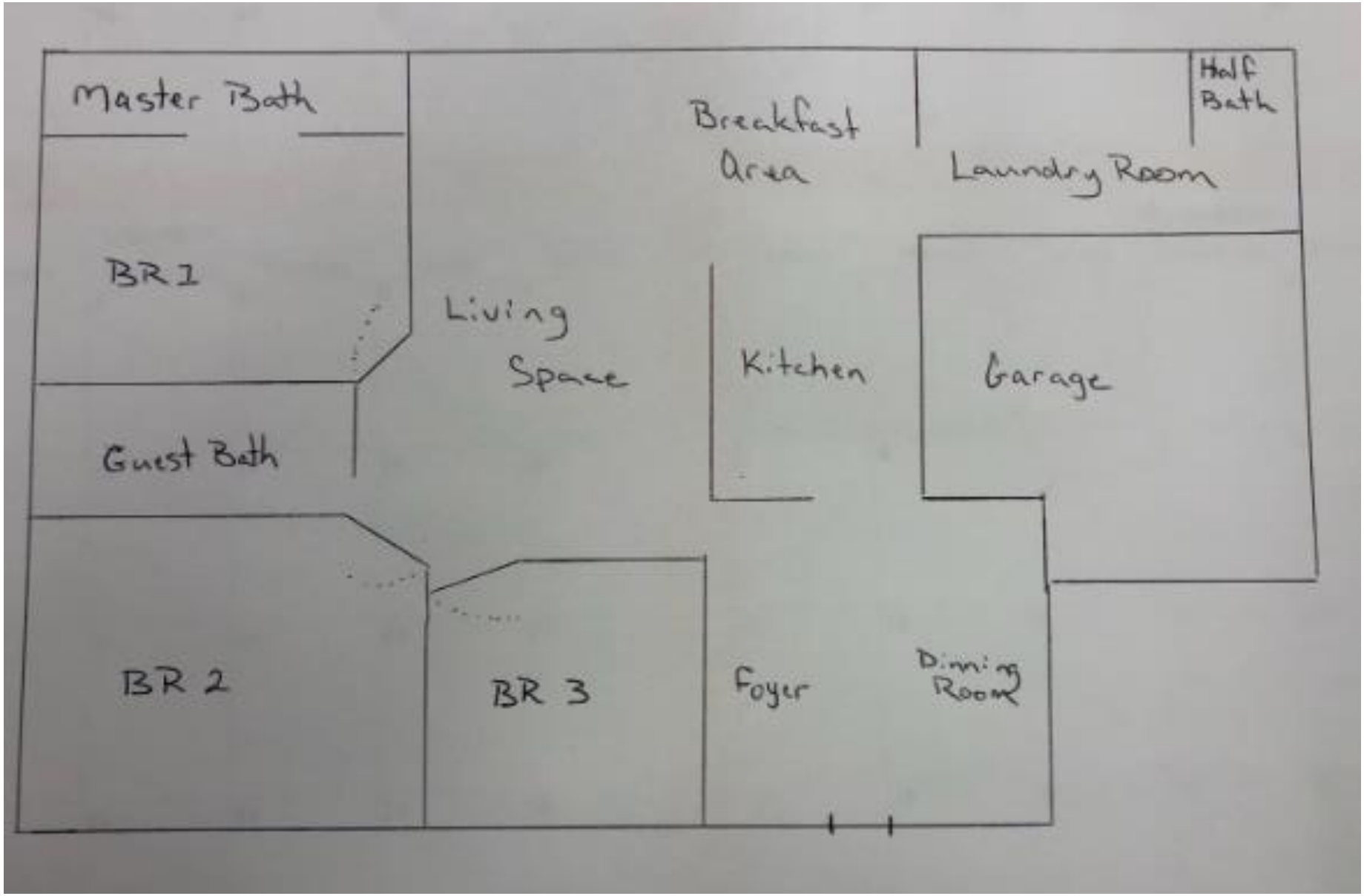
5320
5344
E Milo Way
E Milo


Master Bath
Breakfast Area
Half Bath
Laundry Room
BR 1
Living Space
Kitchen
Garage
Guest Bath
BR 2
BR 3
Foyer
Dining Room

Wonsower, Donna

From: Cindy Croom <ccroom31@yahoo.com>
Sent: Thursday, May 25, 2023 1:15 PM
To: Wonsower, Donna
Subject: Short Term Rental CUP-2023-0054 (5344 E MILO WAY)

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.

Subject: Opposition to Short-Term Rental Property at 5344 E Milo Way, Fay Ar 72701

Dear Ms. Wonsower,

I hope this letter finds you well. I am writing to express my deep concern and opposition regarding the proposal to establish a short-term rental property at 5344 E Milo Way, Fayetteville Ar 72701. As a long-time resident and active member of this community, I believe it is crucial to preserve the integrity and quality of life in our neighborhood, which may be significantly compromised by such a venture. I live across the street from this property at 5377 E Milo Way, Fayetteville Ar 72701.

First and foremost, our neighborhood has always been a peaceful and family-friendly environment. The introduction of short-term rentals could lead to an influx of transient occupants, resulting in a loss of the strong sense of community that we have worked hard to cultivate. These frequent turnovers could disrupt the social fabric and potentially create safety concerns due to unknown individuals residing in close proximity to our homes. I am concerned as a single parent with the numerous strangers that will be occupying this house and the potential for parties, drinking, etc.. My son plays in the front yard (basketball in our driveway, rides bike, etc) and I do not want to worry about his safety due to the frequent turnover of short term tenants.

Additionally, I do not want cars to be parked in the street and regardless of what the application states, it will happen. Visitors occupying the rental property may bring multiple vehicles or want to use the driveway for other purposes. Last fall the owners allowed a U of A student to live in that house (lasted a couple of months) and she was always partying, getting loud and cars were parked all over the street. It will happen and we don't want this type of activity in our neighborhood. I don't want to worry about backing into a car that's parked in the street (my driveway is across the street where their cars would be parked).

Moreover, the introduction of a short-term rental property raises concerns about noise disturbances and increased traffic. The comings and goings of different guests at all hours could disrupt the tranquility of our community. Increased traffic could also pose safety risks, especially if visitors are unfamiliar with the local streets and regulations. We all have young children next to this property.

Furthermore, allowing short-term rentals in our neighborhood may negatively affect property values. Potential buyers might be deterred by the constant turnover of neighboring properties and the uncertainty surrounding the type of occupants. This could lead to a decline in housing prices and make it more difficult for residents to sell their homes if they choose to do so in the future.

In light of these concerns, I respectfully request that you reconsider the approval of the short-term rental property in our neighborhood. Preserving the residential character, safety, and tranquility of our community should be of utmost importance. Instead, let us focus on initiatives that strengthen our neighborhood and promote long-term stability and harmony among residents.

I kindly urge you to consider the views and concerns expressed and I respectfully ask for your support in preventing the establishment of a short-term rental property in our neighborhood. It is important to maintain the unique charm and well-being of our neighborhood.

Please reach out if you have any questions.

Thank you for your time and attention to this matter.

Cindy Croom
ccroom31@yahoo.com
479-790-0860

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, June 7, 2023 9:03 AM
To: Wonsower, Donna
Subject: FW: Public Comment - Short Term Rental CUP-2023-0054 (5344 E MILO WAY)

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

From: Tyler Zurga <rzurga1@gmail.com>
Sent: Wednesday, June 7, 2023 8:21 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Public Comment - Short Term Rental CUP-2023-0054 (5344 E MILO WAY)

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

Hello,

My family and I reside adjacent to the address of the CUP-2023-0054 at 5353 E Milo Way. My wife and I have lived in this home since March of 2013 and have raised two daughters, ages 10 and 7, in this quiet neighborhood.

During this time, the names and faces of our direct neighbors have changed only a handful of times, 4 new families in 10 years if my memory serves correct. It is a very quiet neighborhood that is ideal for raising a family and many of the children play in front yards and on sidewalks almost daily. In sight of this CUP address, the homes consist of about 10 children, aged 16 or under.

My wife and I have no issues with the owners of 5344 E Milo Way. They were excellent neighbors when they resided in the address permanently and we got along very well. However, we are concerned with what a CUP to allow short term rentals such as Airbnb and VRBO would mean for our quiet neighborhood and the children that live here. Our concerns include.

- Increased vehicle traffic from renters, cleaning service, maintenance, and other purposes for maintaining a short term rental.
- Turnover and amount of new people, essentially strangers, in the neighborhood. This will undoubtedly change the way we behave as a family. Increased resistance to allowing children in front yards or sidewalks for activities such as bike riding, scooters, walking, etc.

- Street obstructions. Street parking will certainly occur and becomes not only unsightly but a traffic impediment that can cause unsafe traffic patterns.
- Visitor disruptions. Noise, parties, behavior. Visitors go places to have a good time. This will affect quality of life for permanent residents.
- Desirability of home buyers to purchase a home that is adjacent to an Airbnb or in a neighborhood that is inclusive of an Airbnb.
- Property value impact.

I appreciate your consideration of our comments.

Best Regards,

Tyler Zurga
Janelle Zurga
5353 E Milo Way
Fayetteville, AR 72701
870-577-4251

Best Regards,

Tyler Zurga

Wonsower, Donna

From: erica lindsey <ericalindsey71@gmail.com>
Sent: Saturday, June 10, 2023 9:57 AM
To: Wonsower, Donna; Tamijani, Zak; Hopkins, Mirinda; ctaylor@washingtoncountyar.gov; dwilson@washingtoncountyar.gov; ssimons@washingtoncountyar.gov; kylelyons@washigtoncountyar.gov; lecke@washingtoncountyar.gov; cdean@washingtioncountyar.gov; swashington@washigtoncoutyar.gov; bcoger@washigtoncountyar.gov; rdennis@washingtoncountyar.gov; shighers@washingtoncountyar.gov; estafford@washigtoncountyar.gov; wleming@washingtoncountyar.gov; griccker@washingtoncountyar.gov; bpond@washingtoncountyar.gov
Subject: Comments on public meeting for conditional use permit on Monday 6-12-23

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 Mrs. Wonsower,

I am writing today to comment on the conditional use permit application for 5344 E. Milo Way in Fayetteville. My wife and I own the adjoining property at 5378 E. Milo way. We were excited when the owners had the fence replaced and started fixing up the place. We assumed they were finally going to sell it. It has been empty for the past couple of years. They tried renting it to a college student last fall but that only lasted one semester.

Our excitement was the thought that we were getting new neighbors. Maybe a nice family with more kids to play in the neighborhood. Imagine our surprise when we received the notice of public hearing for the place to be used as short term rental! This notice raises concerns for us. We have been in this house for 4 years now and we love this neighborhood. It is quiet and traffic is local. There are many elderly neighbors who walk the sidewalks and streets with their dogs. Kids playing in yards up and down the neighborhood. People don't park in the streets, there is a neighborhood group text, and my wife feels safe.

The thought of having a short term rental next door really puts an end to that. This potentially creates an environment that endangers the kids especially. With short term rentals you never know who your neighbor is. Increased vehicle traffic and street crowding causes concern for emergency responder access, and don't forget there are alot of kids playing throughout the neighborhood. Noise is a concern for my wife and I, since our house is right next door. Last fall when the college students were living there the noise and traffic was excessive. House parties, in and out traffic at all hours of the night. This seems to be the case with most rental properties.

In conclusion, I would like to reiterate our opposition to the application for short-term rental usage for this property. My wife and I plan to attend the meeting on Monday evening. Thank you for your attention in this matter and for hearing our concerns.

Sincerely,
John & Erica Lindsey

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, June 21, 2023 8:04 AM
To: Wonsower, Donna
Subject: FW: Opposition to CUP-2023-0054

For you.

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Chris Rosteck <chris.rosteck@gmail.com>
Sent: Tuesday, June 13, 2023 12:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Opposition to CUP-2023-0054

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

Dear Members of the Fayetteville Planning Commission,

I am writing to express my strong opposition to Conditional Use Permit CUP-2023-0054, which seeks to convert a single-family residence into a short-term rental. I believe that granting this permit would have several detrimental effects on our neighborhood and community as a whole.

First, allowing a short-term rental in a neighborhood made of entirely owner-occupied single-family residences is incompatible with the existing character of the area. Currently, there are no other rental properties in our neighborhood. Introducing a rental property with a high turnover of occupants would disrupt the sense of community that has been established over the years.

Second, the frequent turnover of new residents associated with short-term rentals poses a significant concern for the safety of our neighborhood, particularly for our children. Knowing our neighbors and their backgrounds provides reassurance and a sense of security. However, if the proposed rental property attracts unknown and potentially undesirable individuals, it creates a potential danger to the well-being of our community. As an example, I have a young niece who often plays in my front yard, and I would feel more comfortable if I were familiar with the individuals residing in close proximity to her.

Finally, the approval of this conditional use permit would set a negative precedent for future rental homes within our neighborhood. If a significant number of rental properties emerge in an area primarily designated for single-family non rental homes, it can lead to adverse effects on property values. The potential stagnation or decline in property prices could have long-term implications for homeowners who have invested in their properties and the overall desirability of our neighborhood.

Considering these concerns, I request that the Fayetteville Planning Commission carefully consider the negative implications of granting Conditional Use Permit CUP-2023-0054. I urge you to prioritize the preservation of our neighborhood's character, safety, and property values and vote against the CUP.

Thank you for your attention to this matter, and for considering the opinions of the residents who are directly impacted by the proposed permit. Your thoughtful consideration in this regard is greatly appreciated.

Sincerely,

Christopher Rosteck

RECEIVED
JUN 12 2023
CITY OF FAYETTEVILLE
PLANNING DIVISION

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

June 12, 2023

Re: ~~5534~~ 5344 Milo Way Short-Term Rental Rezone Request

Dear Planning Commission Members,

I'm a resident in the Sequoyah Meadows neighborhood off Huntsville Rd and wanted to highlight a neighbor's request to rezone their single family residence to short-term rental use. The house address is 5344 E Milo Way.

My neighbors and I are concerned with the change in dynamics this request could bring to our neighborhood and the "slippery slope" it presents for future business operations in a residential community. Sequoyah Meadows is a residential mix of original homeowners & young families. As a result, it is a quiet & peaceful neighborhood with low traffic, friendly people that know each other by name, and is home to several young children who spend their after-school hours outside.

The house at ~~5534~~ 5344 E Milo Way is a 2100sqft house on a 1/3 acre lot, just slightly under the average size of the surrounding lots. It is tucked between two larger residential lots, with the house to the west in very close proximity - their attached driveway is on the other side of the fence. Young children are often playing in the neighboring driveways, yards, and the street between this house & those across from it. Just this last weekend a lemonade stand was set up and kids were waving down neighbors as they drove past. For someone not familiar with this area, it is easy to speed past and endanger nearby kids at play.

From my limited research, this is the first & only house in the neighborhood I've found to request this type of rezoning or to be listed for short-term rental use on popular sites such as AirBnb, VRBO, etc. As a result, I am concerned with the added traffic, noise, and safety this request brings. Short term renters have no stake in the community and therefore have little reason to care how the neighborhood around them is affected by their activities. Parties, while not allowed by AirBnB, still happen and the noise disrupts those around them. The house at ~~5534~~ 5344 E Milo Way appears to be vacant and has been since I moved into the neighborhood in February, with some improvements being made in-between. This causes me to question who will monitor the house & its short-term tenants' behaviors when it is rented out full time? Anyone other than a

nearby full-time property manager is insufficient and leaves a burden on the surrounding neighbors.

Finally, I will address the "slippery slope" this request may cause. Sequoyah Meadows is zoned as a residential neighborhood. This is to provide much-needed primary housing for individuals & families during a time of housing shortages and inflating property costs. Allowing an existing single family residence to rezone for business use sets a precedent that easily allows other businesses or corporations to come to our neighborhood. This is not only harmful to the existing neighbors but also those looking for primary housing in the area.

Please take my concerns into consideration when you hear this request & make a decision tonight.

Thank you,

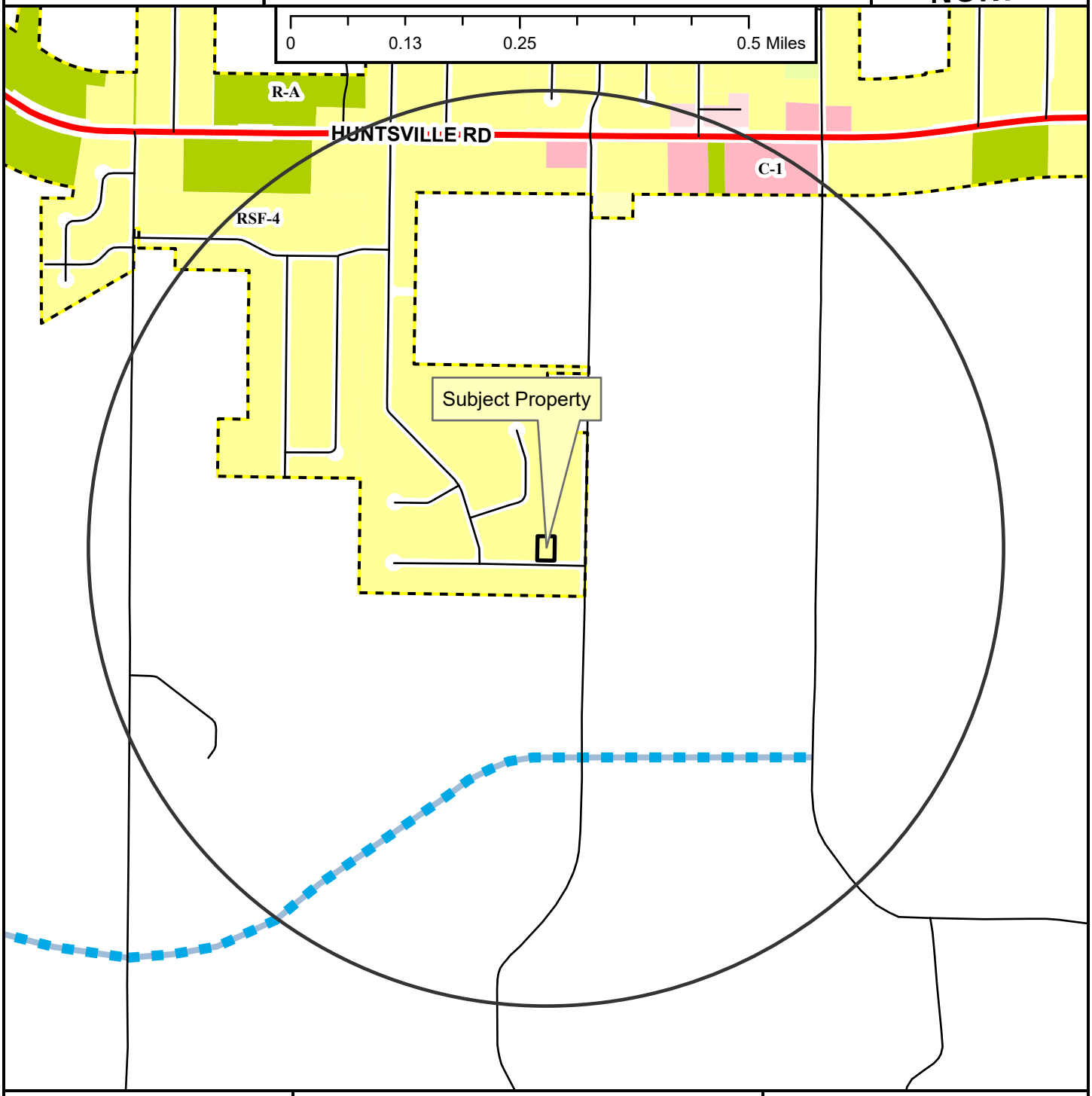
Paisley Spain
1960 S Fescue Ct

CUP-2023-0054

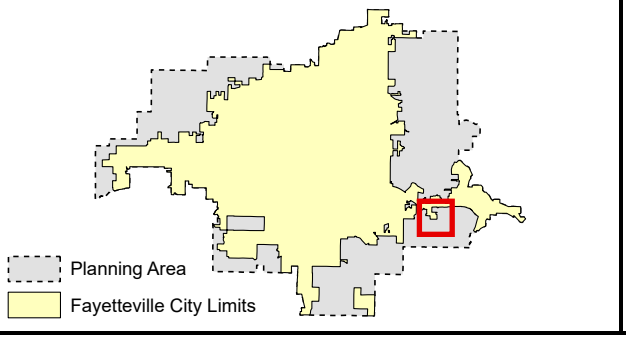
One Mile View

5344 E. MILO WAY

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

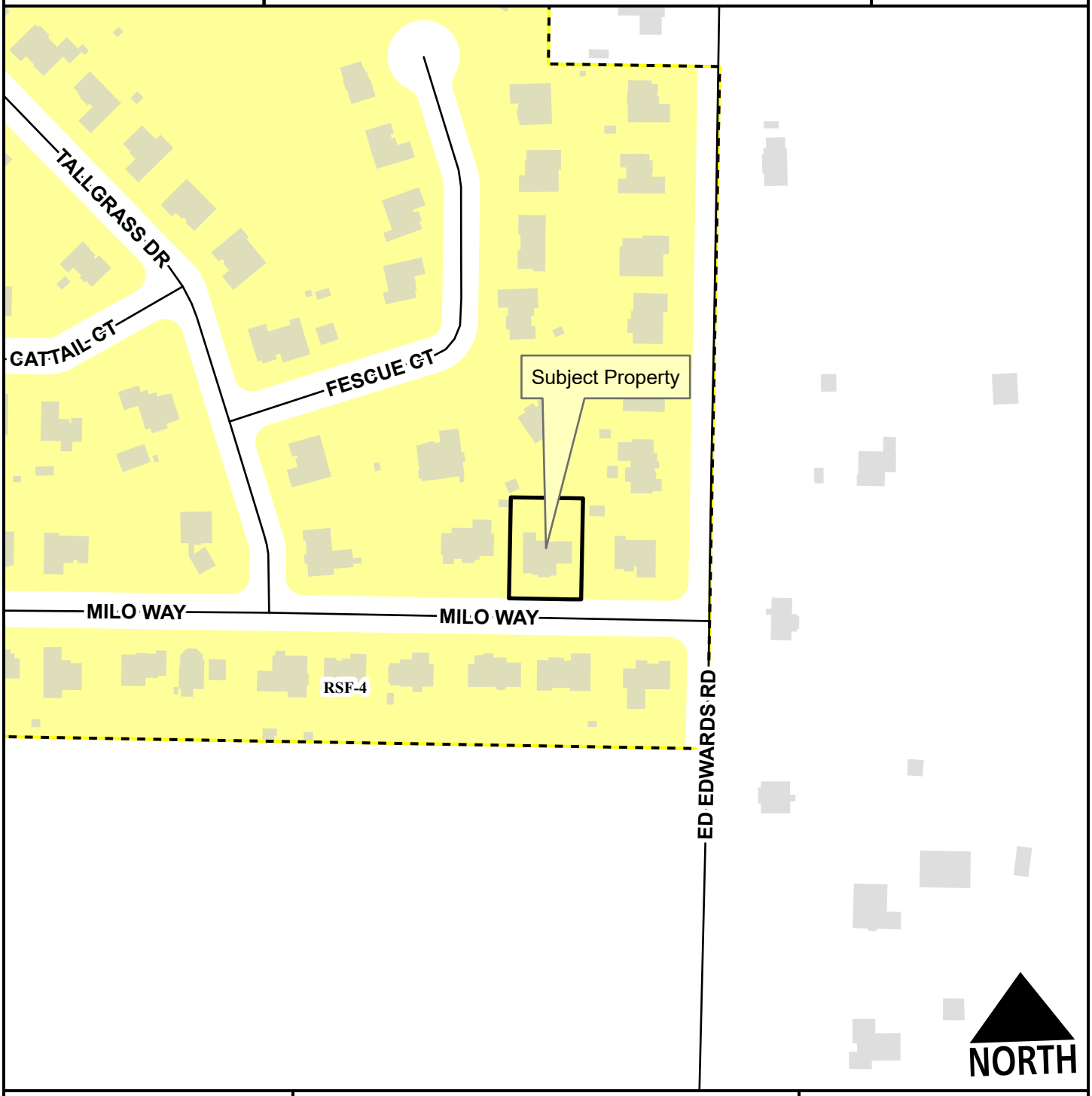
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0054

Close Up View

5344 E. MILO WAY



Unclassified

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

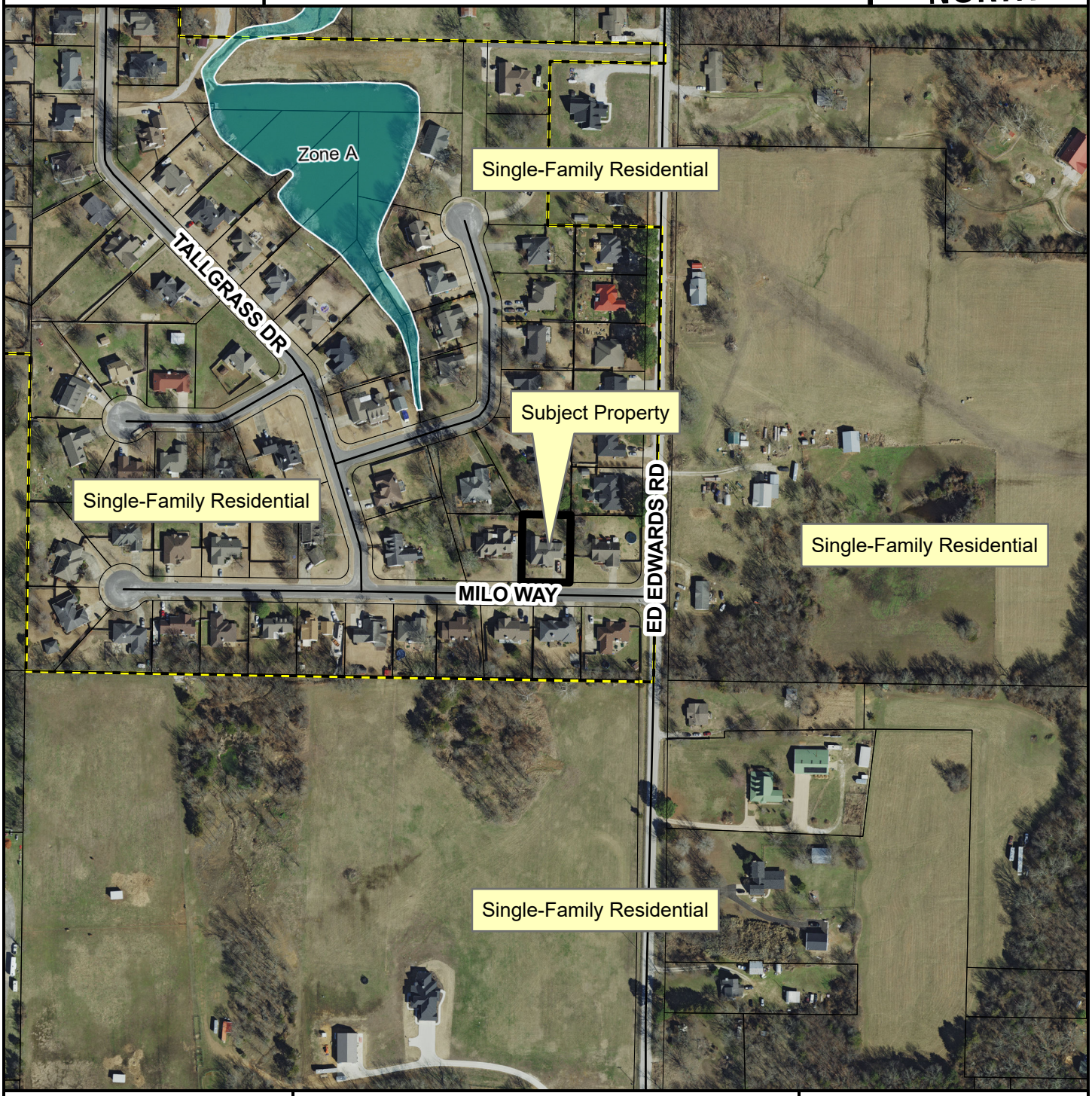
RSF-4

CUP-2023-0054

Current Land Use

5344 E. MILO WAY

NORTH



Unclassified

Residential Link

Planning Area

Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

100-Year Floodplain

Floodway

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Josh Boccaccio, Engineering Development Review Manager

MEETING DATE: June 26, 2023

SUBJECT: **VAR-2023-0025: Planning Commission Variance (175 N. WILMOTH ROAD/BOND, 471):** Submitted by JEFFERY BOND for property located at 175 N. WILMOTH RD. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE and contains approximately 1.90 acres. The request is for a required retention pond and concrete driveway.

RECOMMENDATION:
Staff recommends approval of **VAR-2023-0025,** with conditions.

RECOMMENDED MOTION:
*"I move to approve **VAR-2023-0025** determining:*

- *In favor of the requested variance to 166.02(E)(2), Green Stormwater Practices;*
- *In favor of all other conditions recommended by staff."*

BACKGROUND:
The subject property is in west Fayetteville, east of 85th Avenue and approximately ¾ mile south of W. Wedington Drive. Containing approximately 1.9 acres, the property is currently developed with a single-family home that is under construction. The property is zoned RSF-1, Residential Single-Family, 1 Unit per Acre. Surrounding land uses and zoning are listed in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Rural Residential	RSF-1, Residential Single-Family, 1 Unit per Acre
South	Rural Residential	RSF-1, Residential Single-Family, 1 Unit per Acre
East	Rural Residential	Washington County, Res/Ag 1 Unit Per Acre
West	Rural Residential	RSF-1, Residential Single-Family, 1 Unit per Acre

Request: The applicant is requesting a variance to UDC section 166.02(E)(2), which requires the installation of a Green Stormwater Practice (GSP) to mitigate the stormwater impact of additional impervious area between 1,200 and 10,000 square feet.

DISCUSSION:
The applicant has requested to forego the installation of a GSP feature to control stormwater runoff since the property in question in not connected to the city of Fayetteville's storm sewer system. Based on the applicant's GSP worksheet there is an additional 4,968 square feet of impervious area that will or has been installed on the property which is approximately 1.90 acres (82,765 square feet). The GSP features included in the standard options are bioretention, permeable pavement, infiltration trench, or green roof and the size of the required GSP feature

needed to treat the added impervious area for this project would be 437 square feet for bioretention or an infiltration trench, 656 square feet for permeable pavement, and 1,311 square feet for a green roof.

Staff recognizes the GSP worksheet was modeled after Fayetteville's Drainage Criteria Manual (DCM) and modified to detain/treat a 2" storm. There are additional options in the DCM to treat water quality and equations that can determine pre and post development flow rates.

The applicant will have to engage a civil engineer licensed in Arkansas to perform calculations showing that water quality and detention are met without installing a GSP feature based on options available in the Fayetteville DCM.

Public Comment: Staff has received public comment regarding this request from an adjacent neighbor. The neighbor expressed concerns about flooding and stormwater runoff.

RECOMMENDATION: Staff recommends Planning Commission approve VAR-2023-0025, with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of a variance to §166.02(E)(2), Green Stormwater Practices (GSPs).** *Staff recommends approval of the request for the reasons stated above, and with the following condition:*
    a. The applicant engages a civil engineer licensed in Arkansas to perform calculations showing that water quality and detention are met without installing a GSP feature based on options available in the Fayetteville DCM.

2. Approval of these variances does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

BUDGET/STAFF IMPACT:
None

Attachments:
- Unified Development Code:
    - §166.02 Development Review Process
- Applicant Request letter
- Overall Site Plan
- One Mile Map
- Close-up Map
- Current Land Use Map

166.02 Development Review Process

…

(2) In addition to §166.02(E), before a building permit is issued for site that creates between 1,201 and 10,000 square feet of new impervious area, where a corresponding subdivision of land is not proposed, the developer shall complete, and receive approval of, appropriate grading and drainage documentation demonstrating compliance with UDC Chapters 169 and 170 as well as the current City Drainage Criteria Manual per the table below. Impervious areas will be considered as existing only if they are in place on March 3, 2021 which corresponds with the City of Fayetteville 2021 imagery.

Required Mitigation Measures and Documentation by Development Threshold			
Development Threshold	City-wide Standard	Grading and Drainage/ Stormwater Documentation	Water Quality, Flood, and Tree Mitigation Measures
Level 1	< or = 1,200 sf of IA	Exempt from Grading and Drainage provisions except for those still associated with the Building Permit process such as HHOD	Exempt
Level 2	1,201—6,000 sf of IA	• Completed Green Stormwater Practice (GSP) Worksheet, demonstrating Runoff Reduction via Better Site Design. • GSP Operation & Maintenance (O & M) Agreement to ensure the long-term functionality of these practices.	• 2 or more measures from Step 1 of Table 2 that Reduce Runoff via Better Site Design • 1 or more Green Stormwater Practices (GSPs) measures from Step 2 of Table 2 as required to treat 100% of the proposed additional impervious and gravel areas.
Level 3	6,001—10,000 sf of IA	Same as Level 2.	• Same as Level 2. • As needed GSP measures from Step 3 to further reduce runoff referred to as extended detention • Abbreviated Tree Preservation Plan

(Code 1965, App. C., Art. II, §§F—H; Ord. No. 2581, 12-4-79; Code 1991, §§159.16—159.18; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 5296, 12-15-09; Ord. No. 5653, 01-21-14; Ord. No. 6061 , §2, 4-17-18; Ord. No. 6446 , §8(Exh. C), 6-15-21; Ord. No. 6539 , §5(Exh. A), 3-1-22)

June 1st, 2023

To Whom It May Concern,

We, Jeffrey and Mary Bond, are requesting a variance on the ordinance RESI-2022-000677. The following variances are requested and reasoning for why provided:

1. Retention Requirement – Fayetteville City Storm Drainage System
    a. REQUEST: Requesting a variance to not require placement of retention pond to control storm water run off
    b. REASONING: Parcel number 765-16159-960 is not connected to the Fayetteville city storm drainage system. Storm water run off is managed by natural land topography with water run off flowing from Northeast → Southwest in the direction of a natural drainage ditch which flows/runs south into neighbor's pond. (See exhibits A →C).
2. Concrete Driveway Requirement
    a. REQUEST: Requesting a variance to not require a concrete driveway
    b. REASONING: Main road is chat, therefore owners elected match driveway to the same road material. (See Exhibit D)

Thank you for your time and consideration in this matter,

Jeff & Mary Bond

EXHIBIT A:

EXHIBIT B

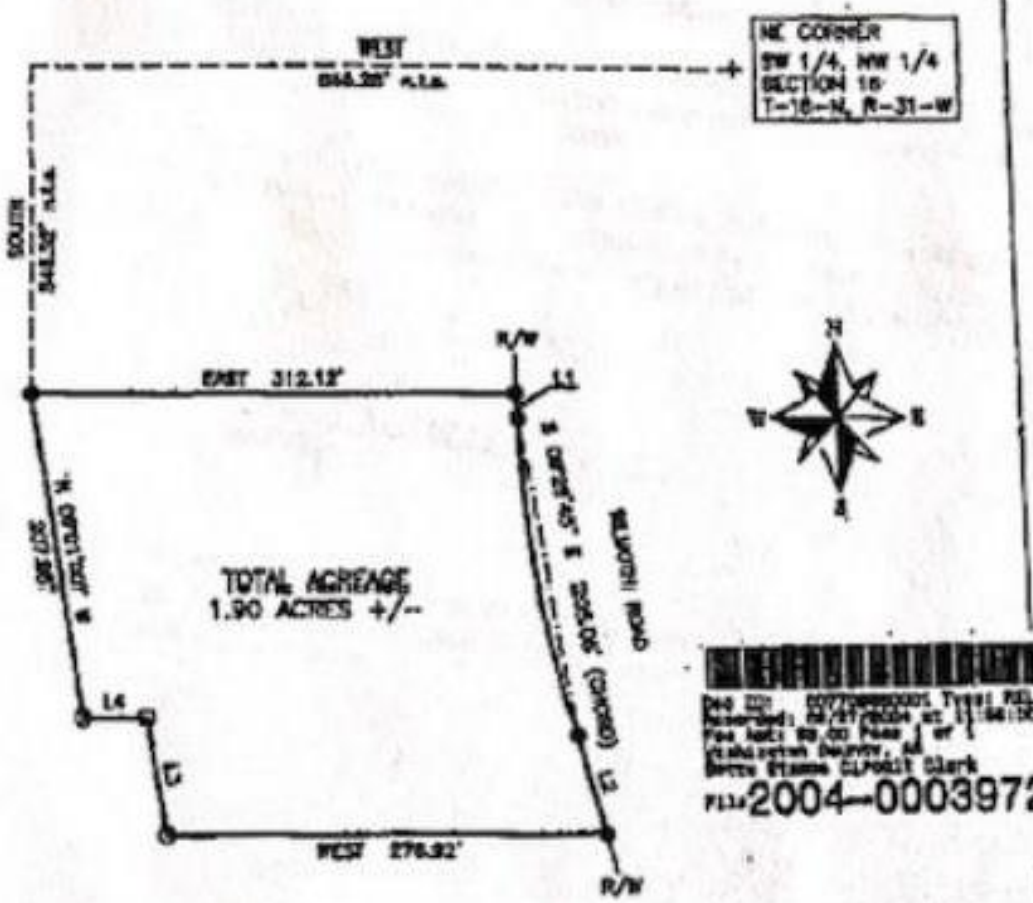
EXHIBIT C:

"X" = Homesite location

Blue Circle = Pond

EXHIBIT D

Copy



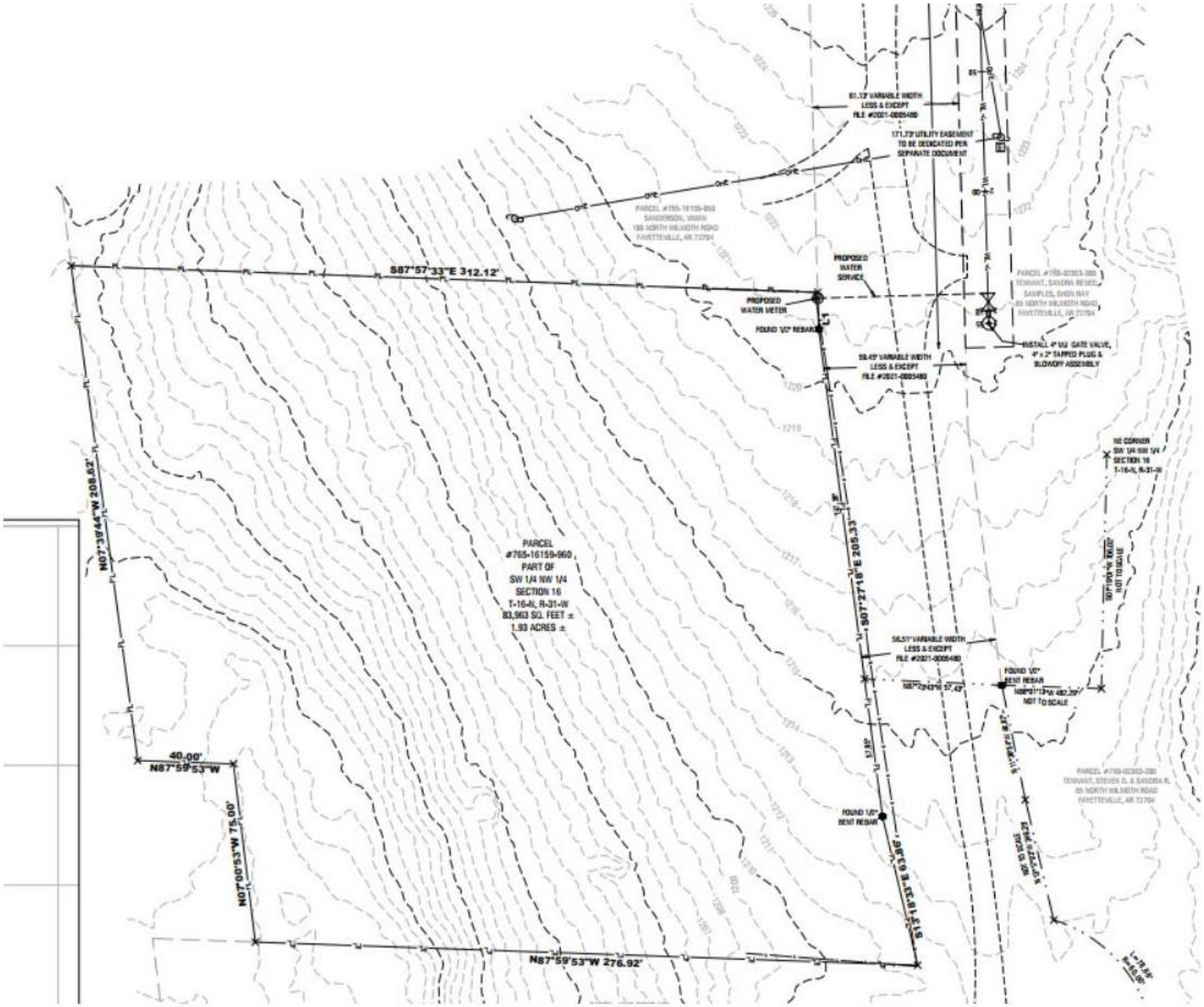
LINE	BEARING	DISTANCE
L1	S 00°40'00" E	15.42'
L2	S 15°19'30" E	84.13'
L3	N 00°01'00" W	75.00'
L4	WEST	40.00'

Doc ID: 002700000001 Type: REL
Recorded: 02/21/2004 at 11:46:00 AM
Fee Amt: $9.00 Page 1 of 1
Washington County, AR
Bettie Ritzema CLERK Clerk

FILE 2004-00039723

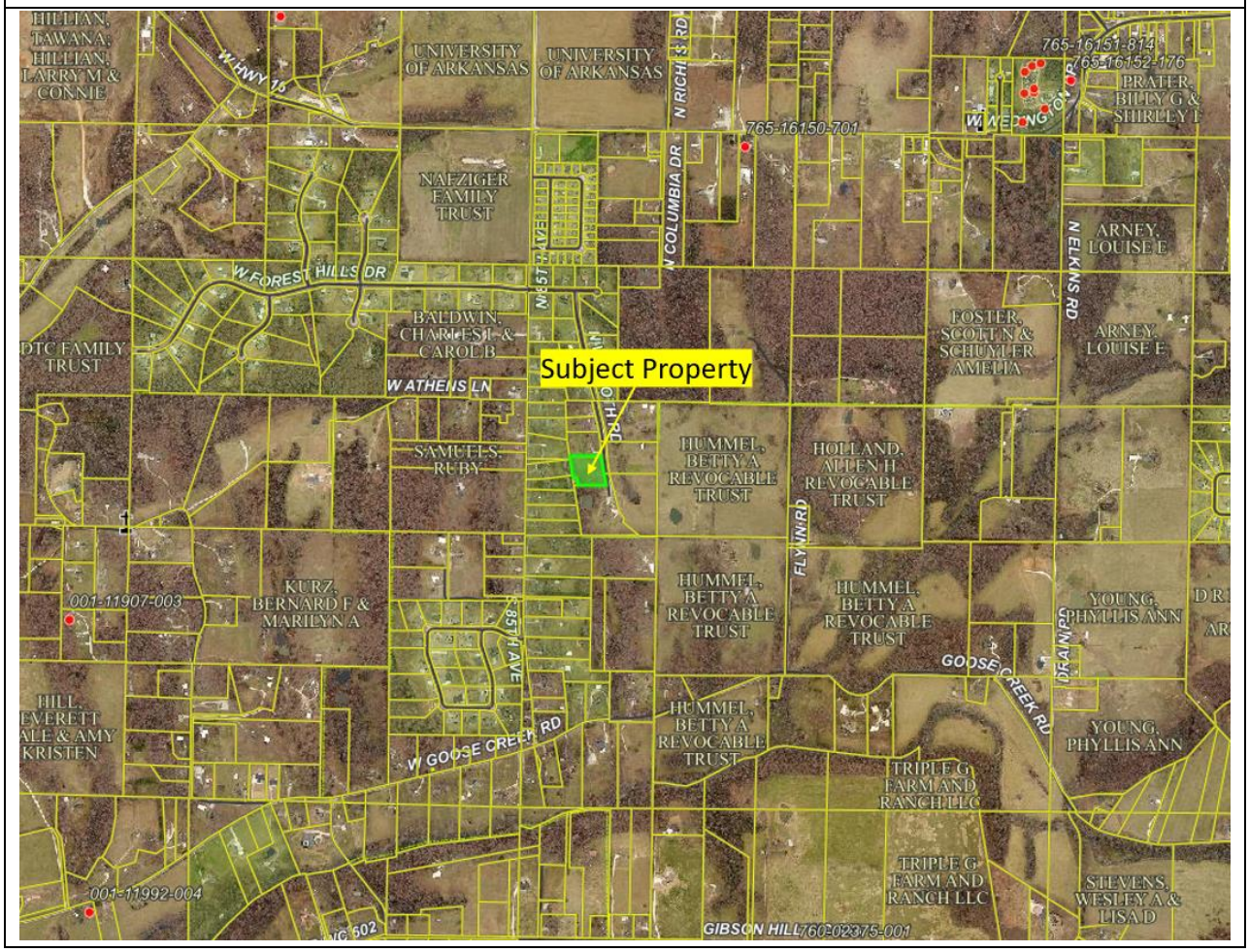
SURVEYED FOR: DENNIS & PATTY SANDERS

SURVEY DESCRIPTION:
PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 16 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT THAT IS WEST 868.28' AND SOUTH 546.52' FROM THE NORTHEAST CORNER OF SAID 40 ACRE TRACT, THENCE EAST 312.12' TO THE EAST RIGHT-OF-WAY OF WILMOTH ROAD, THENCE WITH SAID RIGHT-OF-WAY S03°40'00"E 15.42', THENCE ALONG A CURVE WITH A CHORD BEARING AND DISTANCE OF S09°29'45"E 205.06', THENCE S15°19'30"E 84.13', THENCE, LEAVING SAID RIGHT-OF-WAY WEST 276.92', THENCE N00°01'00"W 75.00', THENCE WEST 40.00', THENCE N00°01'00"W 207.98' TO THE POINT OF BEGINNING. CONTAINING 1.90 ACRES, MORE OR LESS AND SUBJECT TO ALL EASEMENTS OF RECORD, IF ANY.


S87°57'33"E 312.12'
PROPOSED WATER SERVICE
PROPOSED WATER METER
FOUND 1/2" REBAR
INSTALL 4" MJ GATE VALVE, 4" x 2" TAPPED PLUG & BLOWOFF ASSEMBLY
N07°39'44"W 208.62'
PARCEL #765-16159-060 PART OF SW 1/4 NW 1/4 SECTION 16 T-16-N, R-31-W 83,963 SQ. FEET ± 1.93 ACRES ±
S07°27'18"E 205.33'
40.00'
N87°59'53"W
N07°55'37"W 75.00'
N87°59'53"W 276.92'
S17°18'37"E 61.98'
FOUND 1/2" BENT REBAR
NOT TO SCALE

175 N WILMOTH RD

VAR-2023-0025



175 N WILMOTH RD

VAR-2023-0025 | *Current Land Use*

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Planner

MEETING DATE: June 26, 2023

SUBJECT: **RZN-2023-0015: Rezoning (1009 S. HAPPY HOLLOW RD./BURLESON-MCCLURE, 565):** Submitted by SMITH AND ASSOCIATES for property located at 1009 S. HAPPY HOLLOW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:
Staff recommends forwarding **RZN-2023-0015** to City Council with a recommendation of approval based on the findings herein.

RECOMMENDED MOTION:
*"I move to forward **RZN-2023-0015** to City Council with a recommendation of approval."*

BACKGROUND:
The subject property is in south Fayetteville on the west side of Happy Hollow Road, about 400 feet south of the street's intersection with Huntsville Road. The property is zoned RSF-4, Residential Single-Family, Four Units per Acre; totals approximately 0.30 acres; and is currently developed with a single-family dwelling which Washington County records indicate was built in 1926. Surrounding land uses and zoning are listed in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Funeral Home	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre
East	Fire Station	P-1, Institutional
West	Two-Family Residential	RMF-24, Residential Multi-Family, 24 Units per Acre

Request: The request is to rezone the subject property from RSF-4, Residential Single-Family, Four Units per Acre to RMF-24, Residential Multi-Family, 24 Units per Acre. The applicant has stated that this rezoning is being requested to coincide with the surrounding neighborhood and allow for higher-density residential infill.

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

INFRASTRUCTURE:

Streets: The subject property has frontage along Happy Hollow Road, which is a fully-improved Regional Link – High Activity street with asphalt paving, curb, gutter, and sidewalk. The subject property also has frontage along Fairlane Street, which is a fully-improved Residential Link street with asphalt paving, curb, gutter, and sidewalk. Any street improvements required in this area would be determined at the time of development proposal.

Water: Public water is available to the subject property. An existing 12-inch water main is present on the east side of Happy Hollow Road and an existing eight-inch water main is present on the north side of Fairlane Street.

Sewer: Sanitary sewer is available to the subject property. An existing 12-inch sewer main is present in the center of Happy Hollow Road. An existing eight-inch sewer main is also present on the north side of Fairlane Street.

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

Fire: Station 3, located at 1050 S. Happy Hollow Rd., protects this site. The property is located approximately 85 feet from the fire station with an anticipated drive time of approximately one minute using existing streets. The anticipated response time would be approximately 3.2 minutes. Fire Department response time is calculated based on the drive time plus one minute for dispatch and 1.2 minutes for turn-out time. Within the city limits, the Fayetteville Fire Department has a response time goal of six minutes for an engine and eight minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

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

Tree Preservation:

The proposed zoning district of RMF-24, Residential Multi-Family, 24 Units per Acre, requires **20% minimum canopy preservation**. The current zoning district of RSF-4, Residential Single-Family, Four Units per Acre, requires **25% minimum canopy preservation.**

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

City Neighborhood areas are more densely developed than residential neighborhood areas and provide a varying mix of nonresidential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. City Neighborhood Areas encourage complete, compact and connected neighborhoods and non-residential uses are intended to serve the residents of Fayetteville, rather than a regional population. While they encourage dense development patterns, they do recognize existing conventional strip commercial developments and their potential for future redevelopment in a more efficient urban layout.

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

- Adequate Fire Response (Station #3, 1050 S. Happy Hollow Rd.)
- Near Sewer Main (12-inch main, Happy Hollow Road; eight-inch main, Fairlane Street)
- Near Water Main (12-inch main, Happy Hollow Road; eight-inch main, Fairlane Street)
- Near City Park (Doc Mashburn Park)
- Near Paved Trail (Happy Hollow Road)
- Near Ozark Transit Stop (Route 20)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

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

Finding: ***Land Use Compatibility:*** **Staff finds that a rezoning from RSF-4 to RMF-24 would allow for residential development that is generally compatible with other properties nearby. Both existing and proposed zoning designations restrict by-right development to residential uses, though RSF-4 only allows for single-family development at a density of four units per acre while RMF-24 allows for both single- and multi-family development at a density of 24 units per acre. Further, where RSF-4 has conventional building setbacks, RMF-24 would require urban form setbacks with a build-to zone between zero and 25 feet from the front property line. In terms of bulk and area regulations, a rezoning from RSF-4 to RMF-24 would reduce the minimum lot width from 70 to 35 feet for single-family homes and reduce the minimum lot area from 8,000 to 3,000 square feet. Other land uses permitted in RMF-24 zoning would have different bulk and area requirements, as outlined in UDC §161.16. Most other residential properties in the vicinity are currently developed with multi-family dwellings and zoned RMF-24, so staff finds that the requested rezoning would be directly compatible with the existing development pattern in the area.**

Land Use Plan Analysis: **Staff finds the proposed rezoning to be generally consistent with the City's land use planning objectives, principles, and policies. RMF-24 would allow for development that could complement the existing development pattern in the area as well as the subject property's**

Future Land Use Map designation as City Neighborhood area. Rezoning would also have the potential to support Goal 1 of City Plan 2040 by creating an opportunity for moderate residential infill.

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

Finding: **Staff finds that a rezoning from RSF-4 to RMF-24 is justified and needed at this time. A rezoning to RMF-24 would complement the existing development and zoning pattern in the area, while remaining aligned with the City's future land use plans and goals.**

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 RMF-24 has the potential to increase traffic along Happy Hollow Road and Fairlane Street. However, the size of the property and any applicable development requirements should naturally limit the scale of any future development, thus limiting adverse impacts on traffic danger and congestion. Any necessary street or traffic improvements would be determined at the time of development review.**

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 from RSF-4 to RMF-24 has the potential to alter the population density since it would increase the maximum number of residential units permitted on site from one to seven. However, staff finds that this would not undesirably increase the load on public services since the property is close to public amenities and existing water and sewer infrastructure. 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-2023-0015 to City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	❒ **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
  - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four (24) Units Per Acre
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

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)

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)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (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, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

Written Description of 1009 S Happy Hollow Rd RMF-24 Rezone per the city of Fayetteville Request Rezoning Application

A. Current ownership information and any proposed or pending property sales

The subject property is owned by Pam Burleson and Samantha McClure, the property is currently for sale.

B. Reason for requesting the zoning change

The reason for the rezoning request is for the subject property to coincide with the surrounding neighborhood and allow for higher residential density.

C. How would the proposed rezoning relate to the surrounding properties

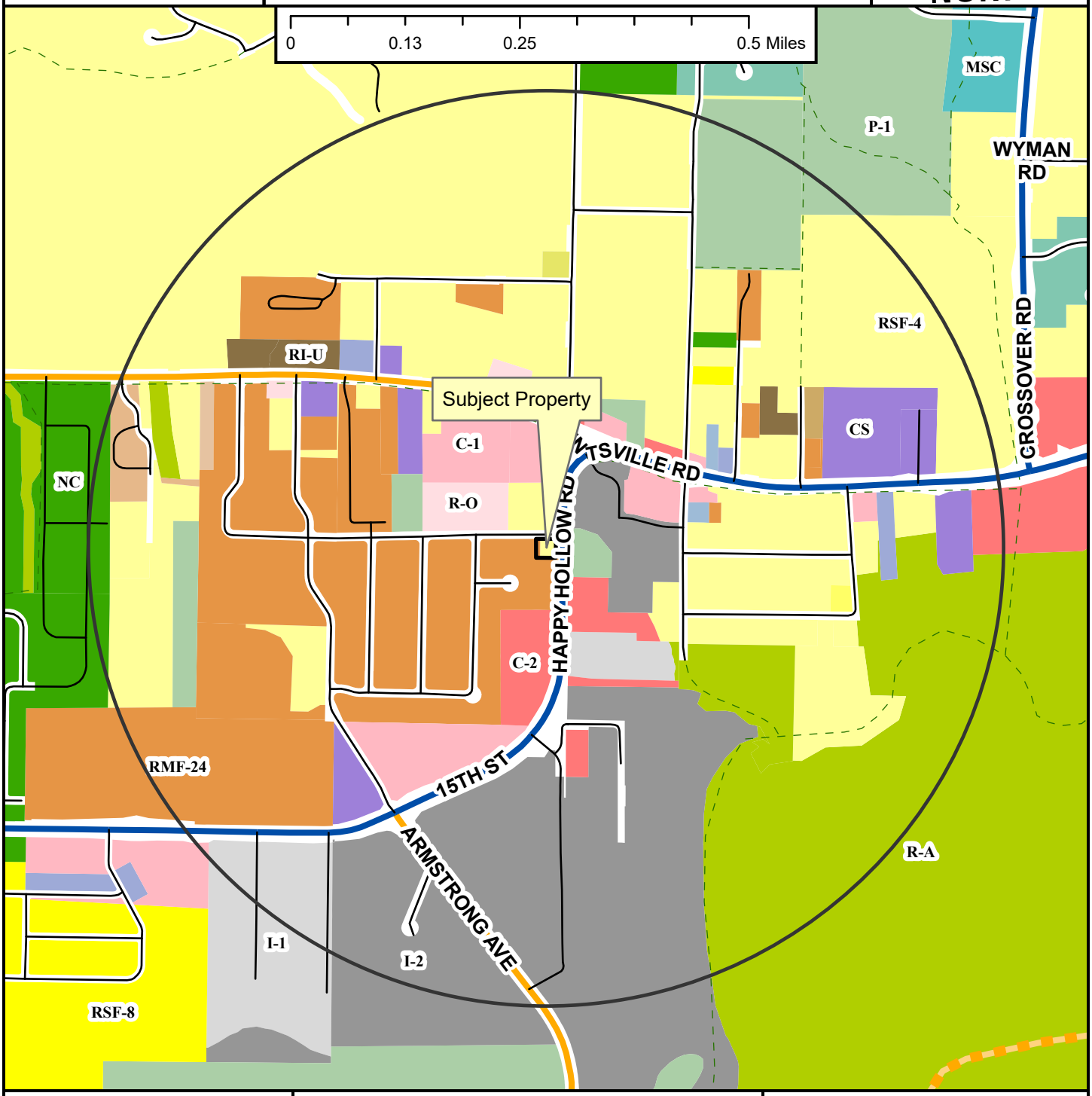
Proposed rezoning would coincide with the surrounding properties

RZN-2023-0015

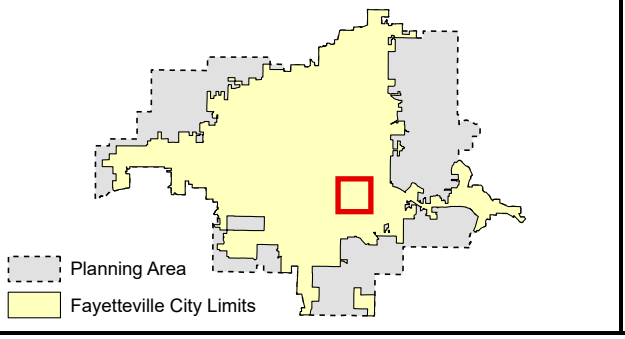
One Mile View

1009 S. HAPPY HOLLOW RD

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

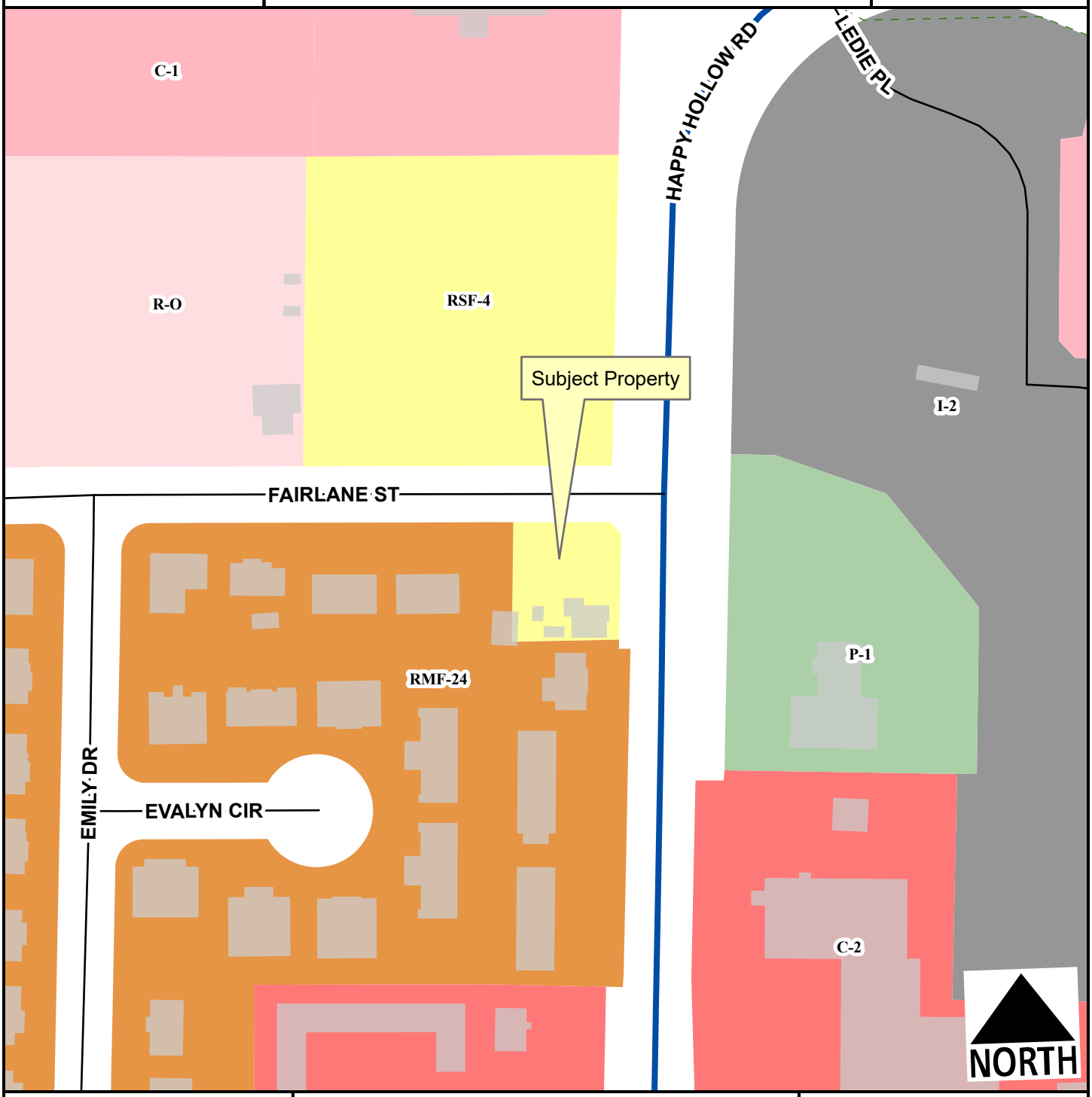
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

RZN-2023-0015

Close Up View

1009 S. HAPPY HOLLOW RD.



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

Feet
0 45 90 180 270 360
1:1,536

Zone	Current	Proposed
RSF-4	0.30 ac	0.00 ac
RMF-24	0.00 ac	0.30 ac
Total	**0.30 ac**	

RZN-2023-0015

Current Land Use

1009 S. HAPPY HOLLOW RD

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

RZN-2023-0015

Future Land Use

1009 S. HAPPY HOLLOW RD

NORTH

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

Feet

0 145 290 580 870 1,160

1:4,800

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

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Donna Wonsower, Planner

MEETING DATE: June 26, 2023

SUBJECT: **CUP-2023-0056: Conditional Use Permit (121 S. GRAHAM AVE./SMITH, 521):** Submitted by JEFFREY SMITH for property located at 121 S. GRAHAM AVE. The property is zoned RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE and contains approximately 0.10 acres. The request is to use the property as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0056,** with conditions as outlined by staff.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0056** with conditions, determining:*

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

BACKGROUND:
The item was tabled at the June 12, 2023 Planning Commission meeting due to a cyber security incident. No additional information has been received in the interim.

The subject property is in central Fayetteville directly west of the University of Arkansas Police Administrative Building. The property is zoned RMF-24, Residential Multi-Family Twenty-Four (24) Units per Acre with no overlay districts. The parcel totals approximately 0.10 acres. The parcel is constructed with a 2,059 square foot townhome (attached single-family) structure built in 2016 per the Washington County Assessor. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration. Surrounding land use and zoning are depicted in *Table 1.*

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-family Residential (Attached)	RMF-24, Residential Multi-family, 24 Units per Acre
South	Single-family Residential (Attached)	RMF-24, Residential Multi-family, 24 Units per Acre
East	University of Arkansas	RMF-24, Residential Multi-family, 24 Units per Acre
West	Single-family Residential (Detached)	RSF-4, Residential Single-family, 4 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a 2% citywide cap, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0056;** with the following conditions;

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report;*

2. Approval of the conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in the development code.

3. Per §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within 1 year of conditional use permit approval.

4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars are prohibited from occurring in the short-term rental.

6. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

7. All trash receptacles shall be screened from view of the right-of-way.

8. All outdoor lighting shall meet requirements as outlined in §176, Outdoor Lighting.

9. Any signage shall meet the requirements as outlined in §174, Signage.

10. Parking for the short-term rental shall be clearly marked, and signage shall be included that no short-term rental parking is allowed on the adjacent property.

PLANNING COMMISSION ACTION:	**Required**	**YES**	
Date: June 26, 2023	**❒ Tabled**	**❒ Approved**	**❒ Denied**
Motion:			
Second:			
Vote:			

FINDINGS OF THE STAFF

§163.02. AUTHORITY; CONDITIONS; PROCEDURES.

B. Authority; Conditions. The Planning Commission shall:

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

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

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

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

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

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

Finding: **The applicant has submitted a written application requesting a conditional use permit for a Type 2 short-term rental 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 §118.01(E)(2) 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 unlikely to negatively affect the public interest, given the applicable business license requirements including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing Short-Term Rentals, as follows:**

§163.18 - SHORT-TERM RENTALS

A. General Standards.

(1) Residential Zoning Districts. Residential Zoning Districts. Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, Rl-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Short-Term Rental, Use Unit 46, in zoning. Use Unit 46 is a permitted use by-right in the RMF-24 zoning district.**

(2) Occupancy. Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: **The structure has four bedrooms, which would limit occupancy to ten (10) guests as described in UDC §163.18(A)(3). Occupancy limitations are confirmed by the applicant during licensing.**

(3) Parking. Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: **Parking is limited as described in UDC §163.18(C). Parking for single-family dwellings is required to be provided at a rate of two spaces per unit, and up to four vehicles are permitted to be parked outdoors on the property. According to the applicant the structure has four bedrooms and seven parking spaces; two spaces in an attached garage and five in a rear parking court/behind the garage.**

(4) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: **The application letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.**

(5) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: **The application is for use of the property at 121 S. Graham Ave. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

(6) Exceptions. Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 2% of total dwelling units, as determined by United States Census Bureau data. Recently released five-year American Community Survey data from 2021 lists total housing units in Fayetteville at 44,706, which puts the cap at 894 total Type 2 short-term rentals. As of the June 12 Planning Commission meeting, the City has issued 334 Type 2 short term rental licenses that are subject to this cap. Hotel/motel uses are not permitted by right in RSF-8 zoning, so this short-term rental would contribute to the city-wide density cap. No exceptions to the short-term rental standards are being requested with this conditional use permit.**

(7) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: **This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.**

(8) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;
2) Adequate adjoining or nearby streets for on-street parking;
3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and
4} Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of seven off-street parking spaces will be available for guests in an existing shared parking court and garage. On-street parking is not available along S.**

Graham Ave. City records indicate that seven (7) other units within a quarter-mile radius have active Type 2 short-term rental business licenses.

Two prior zoning or code violations have been reported on this property since the current owners acquired the property on October 25, 2019. A health and sanitation case (25215) was opened on September 14, 2020 due to branches being left out in the front. A notice of violation was issued the violation was resolved on September 30, 2019. A second health and sanitation case (CHEA-2021-000709) was opened on November 8, 2021 due to branches being left out in the front. A notice of violation was issued the violation was resolved on December 2, 2021.

§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: **Off-street parking is available in the rear of the property; however, the off-street parking is accessible only through a shared driveway located between 95 and 119 S. Graham Ave. A shared access easement was dedicated over the driveway but not through the adjacent property. An existing gravel drive is located north of 83 S. Graham that provides a secondary access; however, this drive is unpaved and is not part of any shared access easement.**

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

Finding: **The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district. Per the submittal, a two-car garage is available with an additional two spaces available immediately outside the garage and three spaces available in a shared parking court (total of seven off-street spaces). The parking court has no separation between parcel lines, and staff recommends any parking for the short-term rental be clearly marked, and that signage be included that no short-term rental parking is allowed on the adjacent property.**

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

Finding: **The applicant proposes typical residential trash cart service rather than dumpster service. Staff recommends storage of the containers should be screened from public view when not at the curb for residential pick-up.**

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

Finding: **Utilities are currently available to the site, and the use as a short-term rental is not anticipated to impact the provision of utilities.**

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

Finding: **Staff recommends that residential carts be screened so that they are not visible from the public right-of-way.**

(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 section 174 – Signs, and all the regulations therein.**

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

Finding: **Based on the applicant's submittal, the structure is meeting relevant setbacks.**

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

Finding: **Staff finds the use to be compatible with the surrounding properties. The property is across the street from the University of Arkansas Police Administrative Building, and the surrounding block contains a mix of single and multi-family dwellings. Further, higher densities of short-term rentals are anticipated adjacent to the university.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the goals and intent of the City's adopted land use, transportation, and other strategic plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a 2% city-wide density cap.**

BUDGET/STAFF IMPACT:
None

Attachments:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - §161.16 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre
- Applicant Request Letter
- Site Plan
- Building Floor Plan
- Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, 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 short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

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.

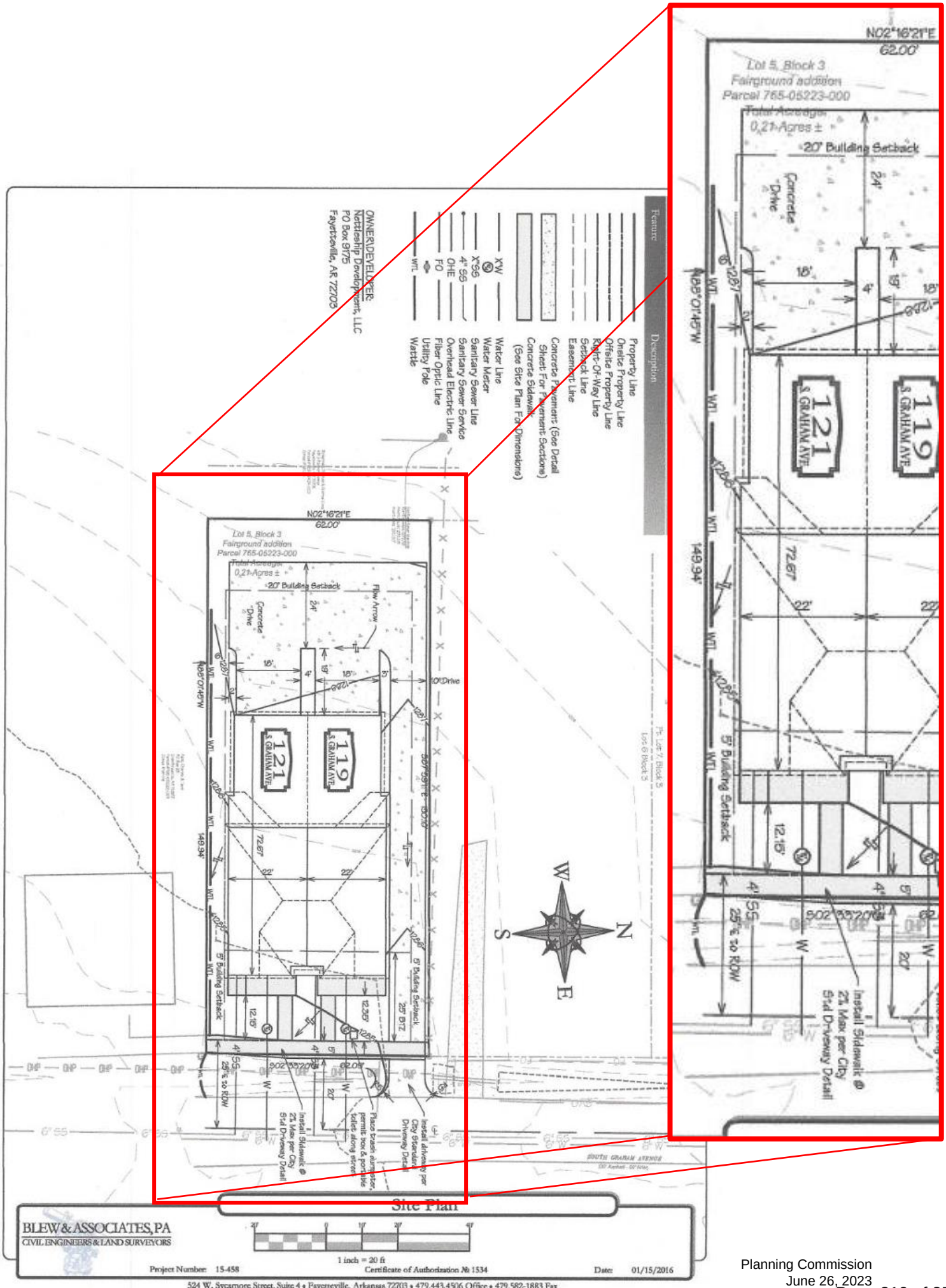
If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall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

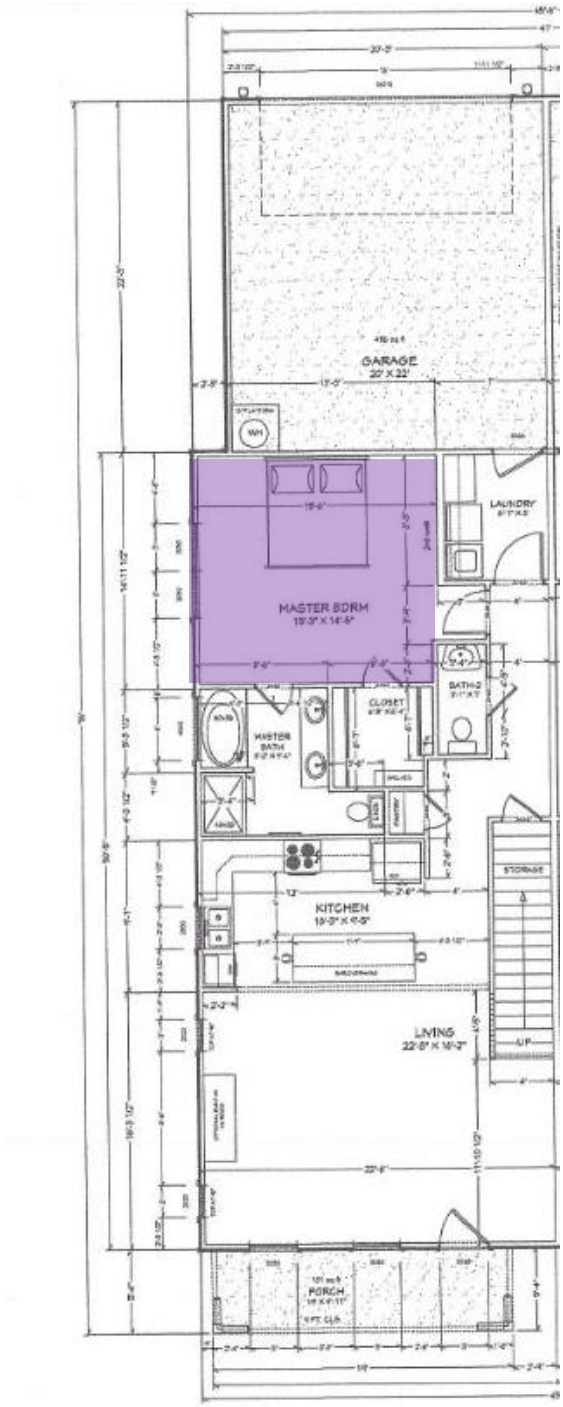
(H) Minimum Buildable Street Frontage. 50% of the lot width.

(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)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (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, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."


Site Plan
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
1 inch = 20 ft
Project Number: 15-458
Certificate of Authorization № 1534
Date: 01/15/2016
524 W. Sycamore Street, Suite 4 • Fayetteville, Arkansas 72703 • 479.443.4506 Office • 479.582-1883 Fax
OWNER/DEVELOPER:
Nettleship Development, LLC
PO Box 9175
Fayetteville, AR 72703
Feature
Description
Property Line
Onsite Property Line
Offsite Property Line
Right-Of-Way Line
Setback Line
Easement Line
Concrete Pavements (See Detail Sheet For Pavement Sections)
Concrete Sidewalk (See Site Plan For Dimensions)
Water Line
Water Meter
Sanitary Sewer Line
Sanitary Sewer Service
Overhead Electric Line
Fiber Optic Line
Utility Pole
Wattle
N02°16'21"E
62.00'
Lot 5, Block 3
Fairground addition
Parcel 765-05223-000
Total Acreage:
0.21 Acres ±
20' Building Setback
Concrete Drive
Flow Arrow
10' Drive
121 S. GRAHAM AVE
119 S. GRAHAM AVE
149.94'
72.67'
22'
5' Building Setback
12.15'
12.35'
25' BTZ
4' SS
25% to ROW
Install Sidewalk @ 2% Max per City Std Driveway Detail
Place trash dumpster, permit box & portable toilet along street
Install driveway per City Standard Driveway Detail
SOUTH GRAHAM AVENUE
N
S
E
W

FIRST FLOOR



SECOND FLOOR

1/4" SCALE
5:12 MAIN UPPER ROOF PITCH;
5:12 FRONT GABLES & SIDES;
5:12 REAR BALCONY
5:12
5:12
37'-4"

1/8" SCALE
5:12
4:12
5:12
5:12
5:12
5:12

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, 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 short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

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.

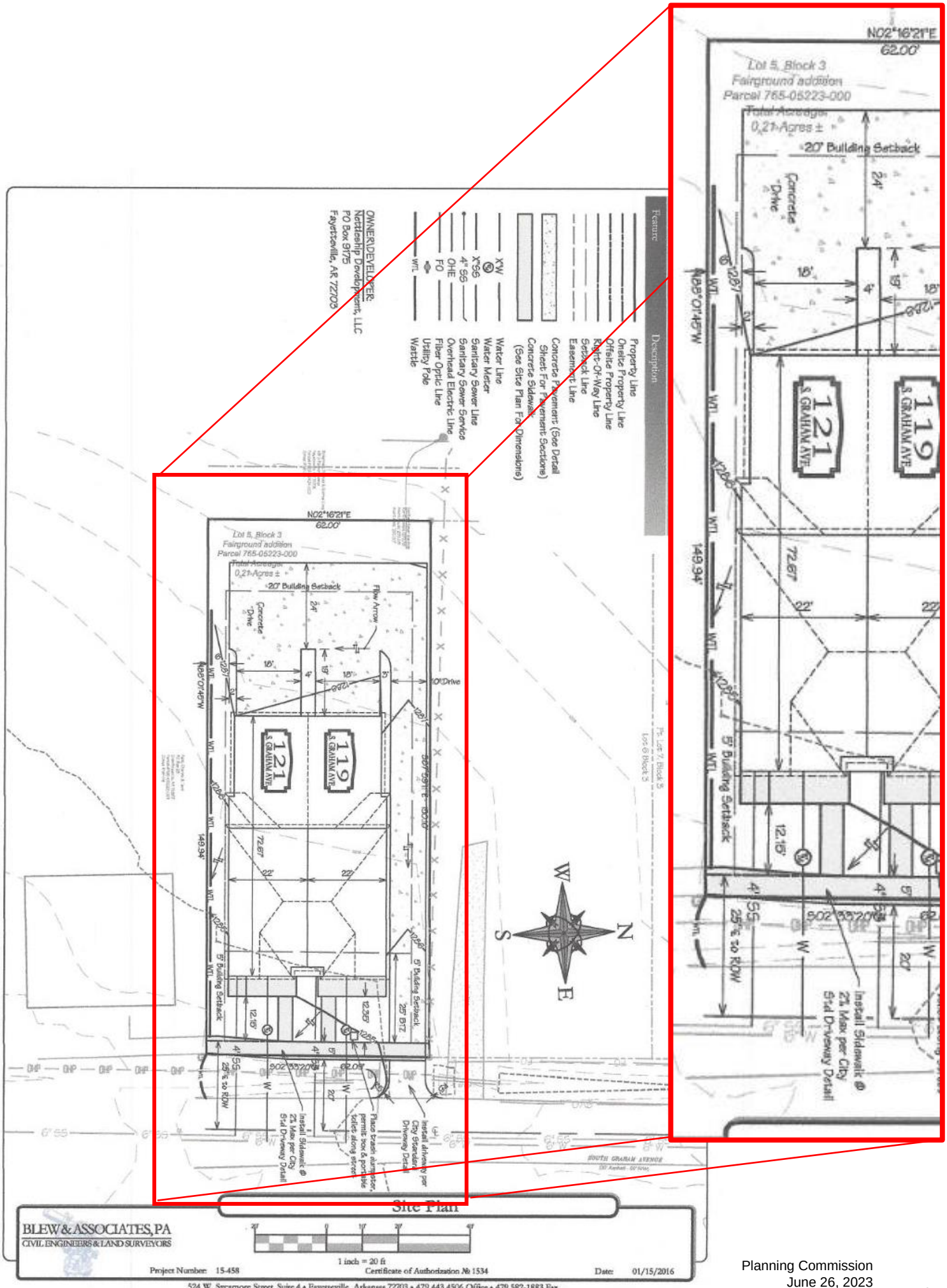
If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any side boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall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

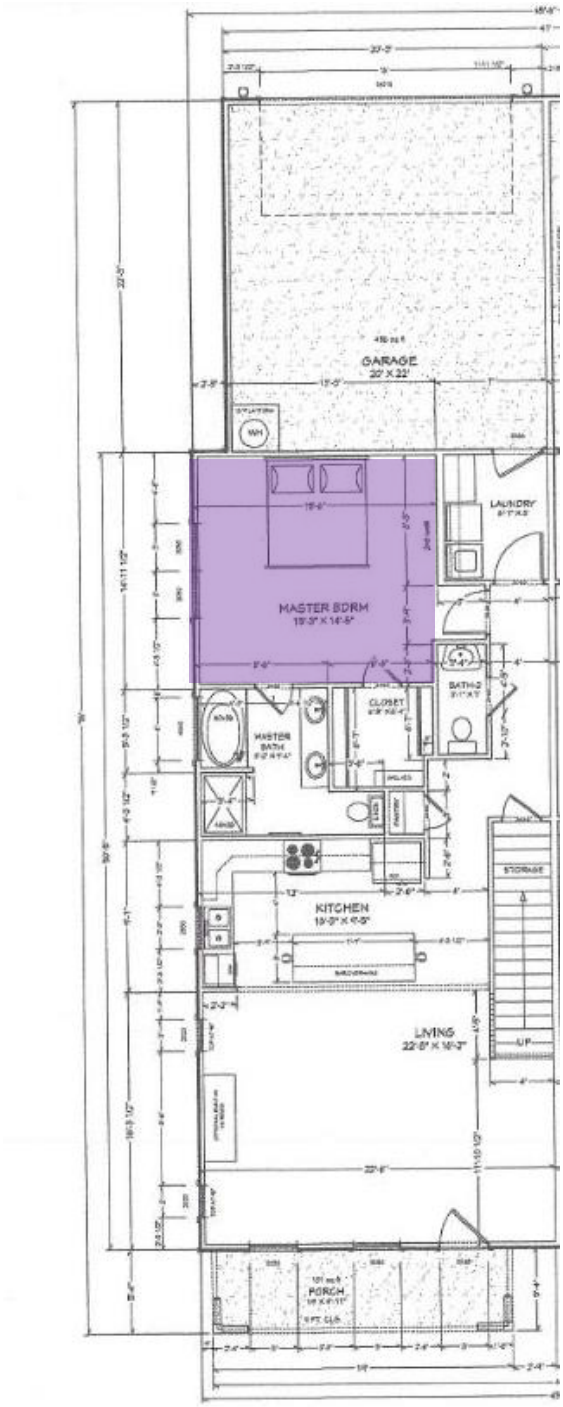
(H) Minimum Buildable Street Frontage. 50% of the lot width.

(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)

Editor's note(s)—Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (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, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."


Site Plan
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
1 inch = 20 ft
Project Number: 15-458
Certificate of Authorization № 1534
Date: 01/15/2016
524 W. Sycamore Street, Suite 4 • Fayetteville, Arkansas 72703 • 479.443.4506 Office • 479.582-1883 Fax
OWNER/DEVELOPER:
Nettleship Development, LLC
PO Box 9175
Fayetteville, AR 72703
Feature
Description
Property Line
Onsite Property Line
Offsite Property Line
Right-Of-Way Line
Setback Line
Easement Line
Concrete Pavements (See Detail Sheet For Pavement Sections)
Concrete Sidewalk (See Site Plan For Dimensions)
Water Line
Water Meter
Sanitary Sewer Line
Sanitary Sewer Service
Overhead Electric Line
Fiber Optic Line
Utility Pole
Wattle
N02°16'21"E
62.00'
Lot 5, Block 3
Fairground addition
Parcel 765-05223-000
Total Acreage:
0.21 Acres ±
20' Building Setback
Concrete Drive
Flow Arrow
10' Drive
121 S. GRAHAM AVE
119 S. GRAHAM AVE
149.94'
72.67'
22'
5' Building Setback
12.15'
12.35'
25' BTZ
4' SS
25% to ROW
Install Sidewalk @ 2% Max per City Std Driveway Detail
Place trash dumpster, permit box & portable toilet along street
Install driveway per City Standard Driveway Detail
SOUTH GRAHAM AVENUE
N
S
E
W

FIRST FLOOR



SECOND FLOOR

1/4" SCALE
5:12 MAIN UPPER ROOF PITCH;
5:12 FRONT GABLES & SIDES;
5:12 REAR BALCONY
5:12
5:12
37'-4"

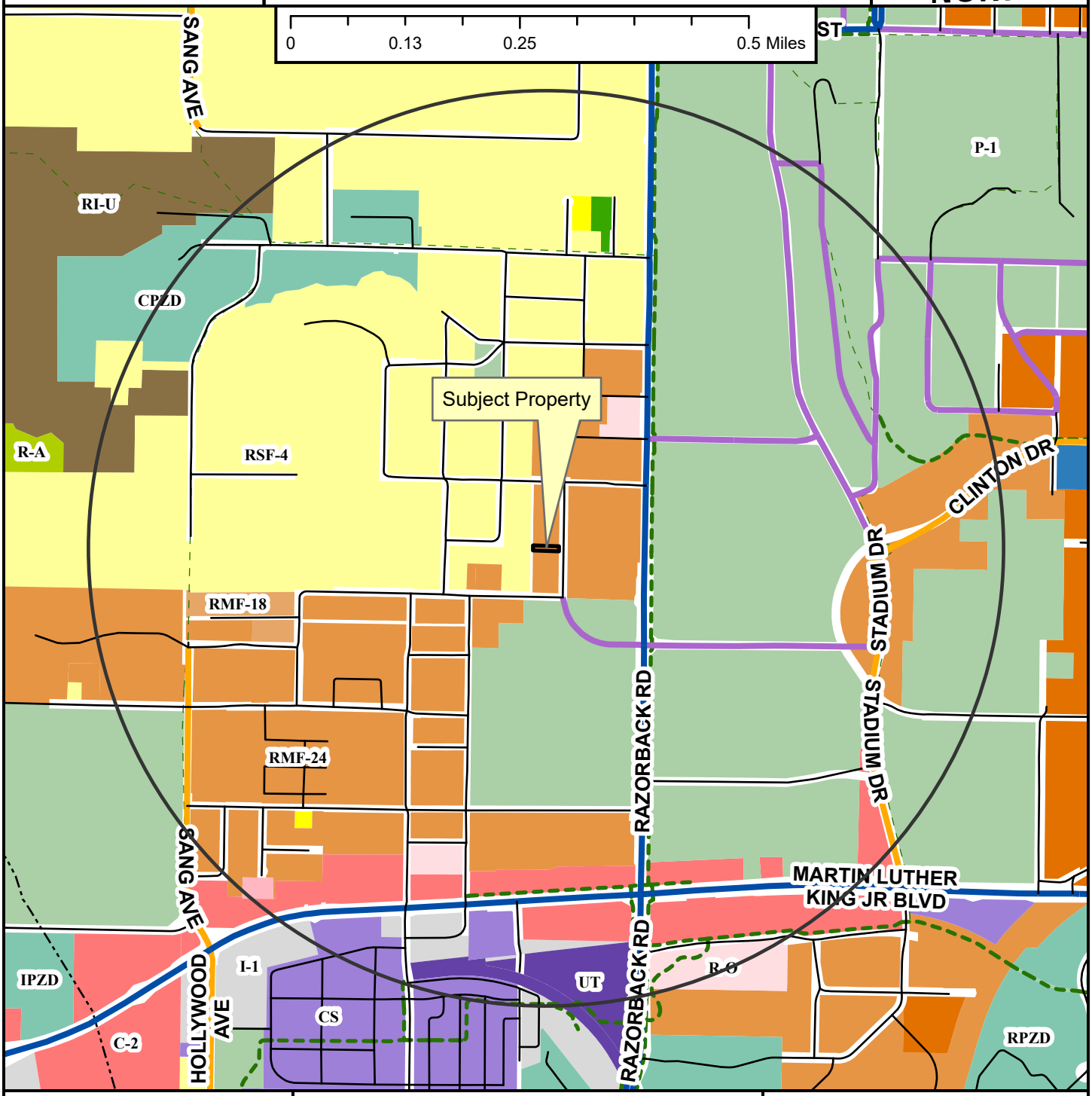
1/8" SCALE
5:12
4:12
5:12
5:12
5:12
5:12

CUP-2023-0056

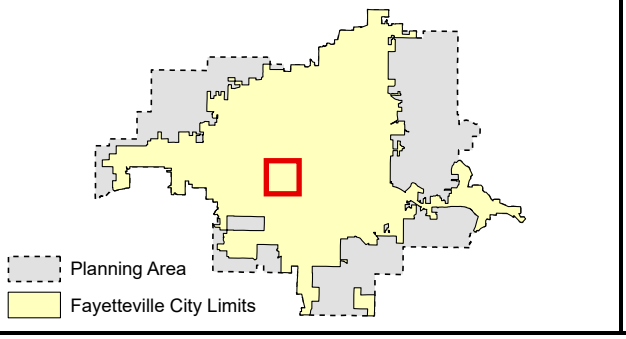
One Mile View

121 S. GRAHAM AVE

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

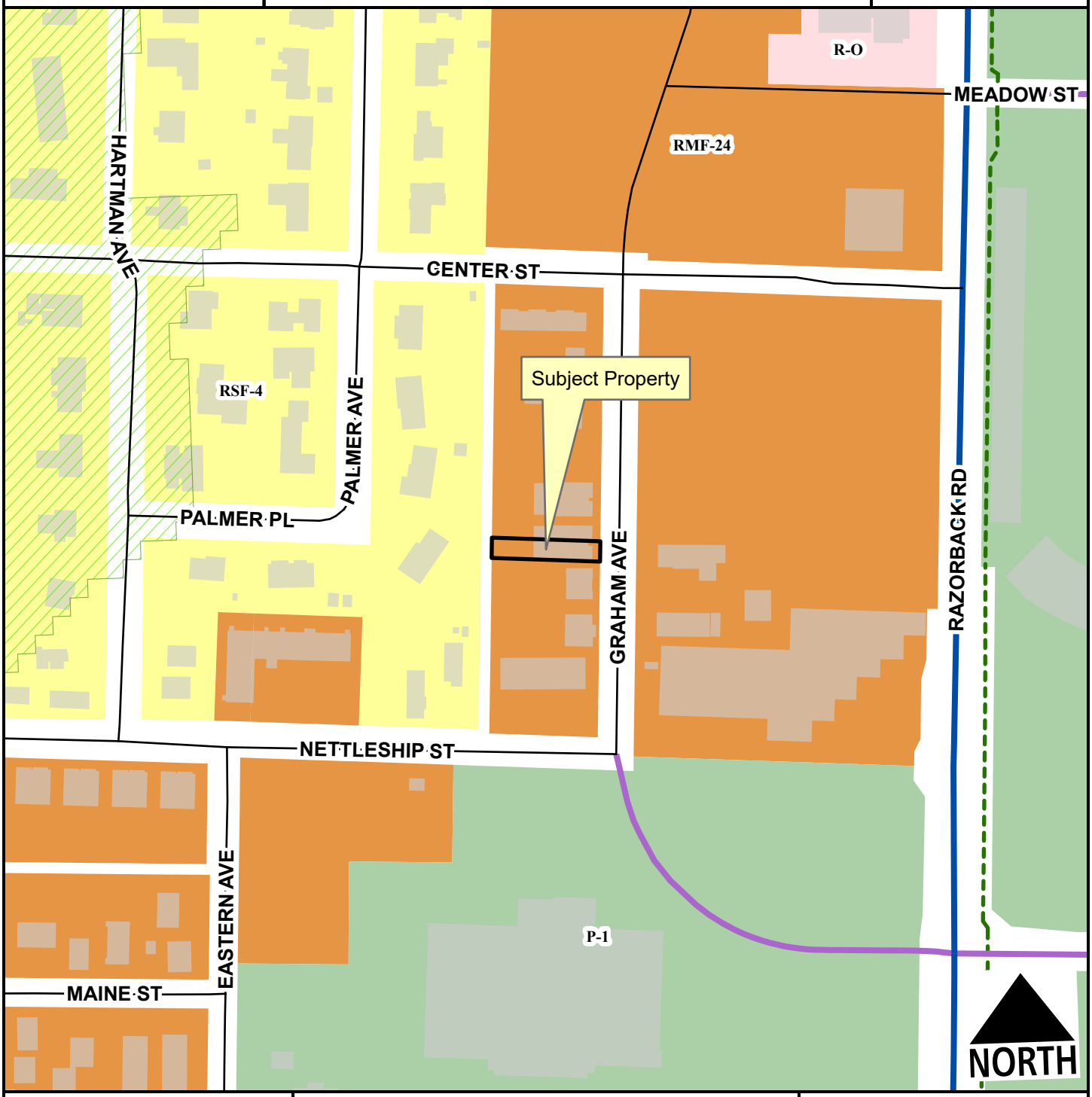
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0056

Close Up View

121 S. GRAHAM AVE



- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail

Feet

0 75 150 300 450 600

1:2,400

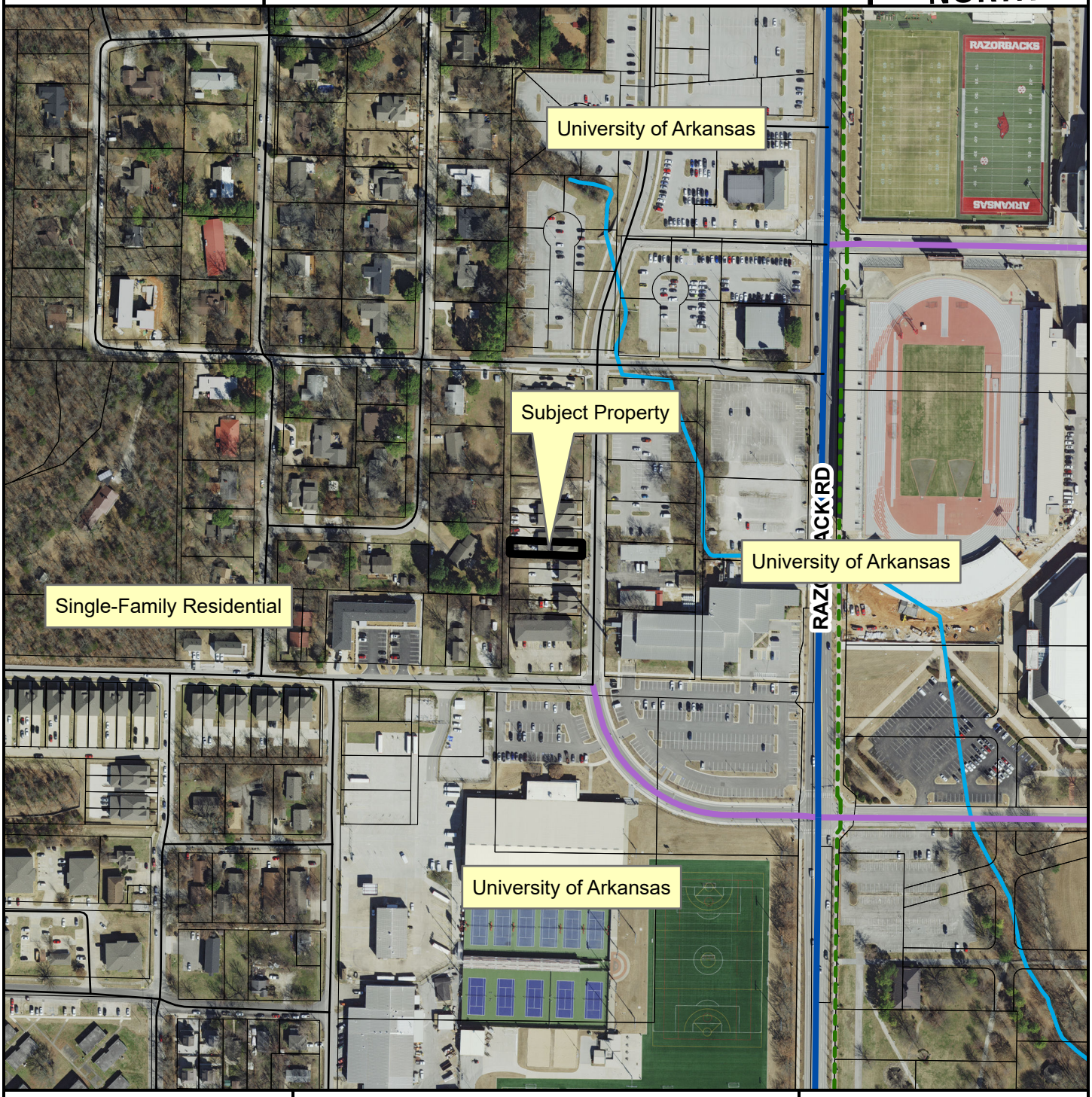
- RSF-4
- RMF-24
- Residential-Office
- P-1

CUP-2023-0056

Current Land Use

121 S. GRAHAM AVE

NORTH



- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Residential Link
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

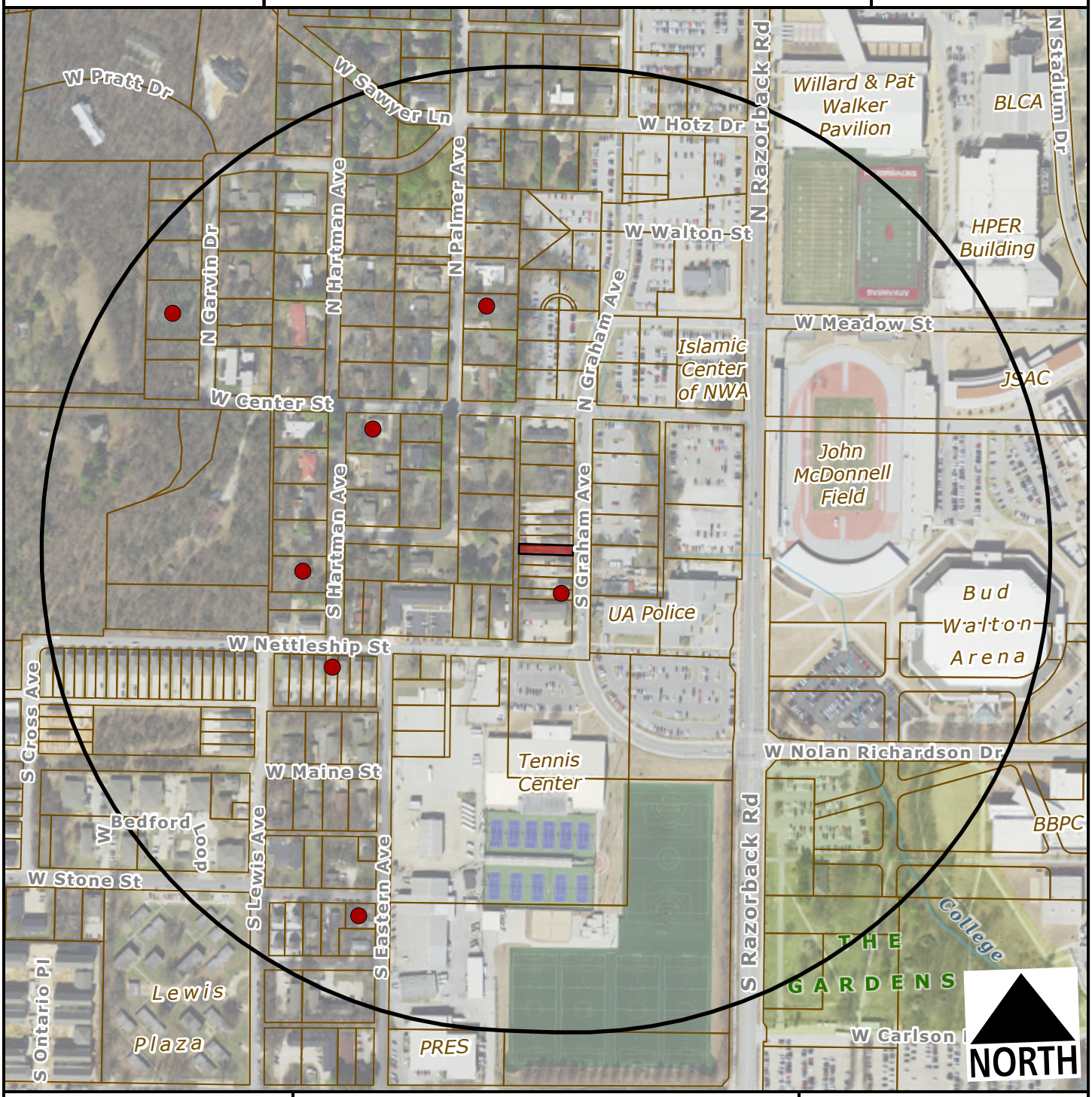
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0056

STRs Within 1/4 Mile

121 S. GRAHAM AVE



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Number of STR Licenses

Contributing to 2% density cap	7
NOT contributing to 2% density cap	0
Total	**7**

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: June 26, 2023

SUBJECT: **CUP-2023-0060: Conditional Use Permit (614 W. DOUGLAS ST./JRG UA HOLDINGS, 444):** Submitted by JOE GRAY for property located at 614 W. DOUGLAS ST. The property is zoned RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE and contains approximately 0.10 acres. The request is to use the residence as a short-term rental.

RECOMMENDATION:
Staff recommends approval of **CUP-2023-0060** with conditions.

RECOMMENDED MOTION:
*"I move to approve **CUP-2023-0060** 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 just north of the main campus of the University of Arkansas and west of the Razorback Greenway on the north side of Douglas Street. The property is zoned RMF-40, Residential Multi-Family, 40 Units per Acre and contains approximately 0.10 acres. The property is currently developed with a three-bedroom, 2,300-square-foot single-family home which was built in 2004. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within its limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals. This report reflects those new changes for consideration. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	RMF-40, Residential Multi-Family, 40 Units per Acre
South	Parking Lot/University of Arkansas	RMF-40, Residential Multi-Family, 40 Units per Acre
East	Single-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre
West	Single-Family Residential	RMF-40, Residential Multi-Family, 40 Units per Acre

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

Proposal: The applicant requests conditional use permit approval to use the property as a Type 2 short-term rental, which are those not occupied by a permanent resident. Type 2 short-term rentals are subject to density limitations, including a 2% citywide cap, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

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

RECOMMENDATION: Staff recommends approval of **CUP-2023-0060** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be compatible with the neighborhood based on the findings in this report.*

2. Approval of this conditional use permit does not ensure approval of a business license application. The applicant must still be able to comply with all other applicable requirements in city code.

3. Per UDC §166.20, Expiration of Approved Plans and Permits, a business license must be obtained within one year of conditional use permit approval.

4. Per ordinance, the number of occupants is limited to a maximum of two people per bedroom, plus two, for the entire unit when the property is operated as a short-term rental.

5. Special events including, but not limited to, weddings, receptions, anniversaries, private parties, fundraisers, and business seminars are prohibited from occurring in the short-term rental.

6. No recreational vehicle, trailer, other vehicle, or structure not classified as a permanent residential dwelling may be used as a short-term rental.

7. All trash receptacles shall be screened from view of the right-of-way.

8. All outdoor lighting shall meet requirements as outlined in UDC Chapter 176, Outdoor Lighting.

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

PLANNING COMMISSION ACTION: Required YES

Date: June 26, 2023 ❒ **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 Type 2 short-term rental in the RMF-40 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 Business Regulations §118.01(E)(2) to grant the requested conditional use permit.**

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

Finding: **Staff finds that granting the requested conditional use permit is not likely to adversely affect the public interest given applicable business licensing requirements, including a required building safety inspection, and applicable density caps on Type 2 short-term rentals.**

(c.) The Planning Commission shall certify:

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

Finding: **There are specific rules governing short-term rentals, as follows:**

§163.18. TYPE 2 SHORT-TERM RENTALS IN RESIDENTIAL ZONING DISTRICTS

A. **Residential Zoning Districts.** Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts: R-A, RSF-.5, RSF-1, RSF-2, RSF-4, RSF-7, RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NC. Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district. Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

Finding: **The request is to operate a Short-Term Rental, Use Unit 46, in RMF-40 zoning. Use Unit 46 is a permitted use by-right in the RMF-40 zoning district.**

B. **Occupancy.** Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

Finding: **Occupancy is limited as described in UDC §163.18(B). Occupancy limitations are confirmed by the applicant during licensing. Since this house contains three bedrooms, occupancy will be limited to a maximum of eight guests.**

C. **Parking.** Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

Finding: **Parking is limited as described in UDC §163.18(C). For single-family dwellings, parking is required to be provided at a rate of two vehicle spaces per unit and a maximum of four vehicles are permitted to be parked on the property at any given time. According to the applicant, there are four vehicle parking spaces available in an existing driveway. The applicant's request letter mentioned that additional off-street parking would be available on a vacant lot to the north, though they have since confirmed that that property will no longer be used for parking.**

D. Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

Finding: **The provided request letter suggests the property will comply with the City's regulations for a short-term rental. As a condition of approval, staff recommends a prohibition on special events.**

E. Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

Finding: **The application is for use of the property at 614 W. Douglas St. Staff recommends a condition confirming that no recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.**

F. **Exceptions.** Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

Finding: **Type 2 short-term rentals are subject to a city-wide density cap at 2% of total dwelling units, as determined by United States Census Bureau data. Recently released five-year American Community Survey data from 2021 lists total housing units in Fayetteville at 44,706, which puts the cap at 894 total Type 2 short-term rentals. To date, the City has issued 334 Type 2 short-term rental licenses that are subject to this cap. Hotel/motel uses are not permitted by right in the underlying RMF-40 zoning district, so this short-term rental would contribute to the city-wide density cap. No exceptions to the short-term rental standards are being requested with this conditional use permit.**

G. Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

Finding: **This short-term rental would be subject to all codes in Business Regulations §118.01 that apply to Type 2 short-term rentals in residential zoning districts. Applicable business licensing requirements will be reviewed by staff and confirmed by the applicant at the time of licensing.**

H. Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1. Adequate parking infrastructure;

2. Adequate adjoining or nearby streets for on-street parking;

3. Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4. Prior zoning or code violations.

Finding: **There appears to be adequate parking available to support the use of the property as a short-term rental based on the applicant's submittal. A total of four off-street parking spaces will be available for guests in an existing driveway. On-street parking is also available along Douglas Street. City records indicate that seven other units within a quarter-mile radius of the subject property have an active Type 2 short-term rental business license. A code case violation for overgrown grass on the property was reported in 2014, though ownership of the property has changed since then.**

§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: **An existing driveway is available to accommodate vehicular ingress and egress to the subject property. The property also has frontage along Douglas Street which is a fully-improved Residential Link street with a five-foot-wide sidewalk at the back of curb to accommodate pedestrian access. Staff finds that the proposal to use the property as a short-term rental will not adversely affect traffic flows considering the use of the property would be limited to a maximum of eight guests, which would not be out of character with the use of the property for residential purposes.**

(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: **A total of four off-street parking spaces are available in an existing driveway. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district.**

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

Finding: **The applicant plans to utilize typical residential trash cart services. Staff recommends that containers should be screened from view of the public right-of-way when not 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 short-term rental is not anticipated to impact the provision of utilities.**

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

Finding: **Staff recommends that residential carts be screened so that they are not visible from the public right-of-way when not placed at the curb for pick up.**

(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; and

Finding: **Based on the applicant's submittal, the structure is meeting relevant setbacks.**

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

Finding: **Staff finds the proposed use to be largely compatible with surrounding properties. The subject property is largely surrounded by residential uses and is located near the Razorback Greenway and the University of Arkansas's main campus. There appears to be adequate parking available on-site to accommodate the number of permitted guests and staff does not anticipate any adverse traffic impacts with this request. The underlying RMF-40 zoning district does not allow hotel/motel uses by right, so this short-term rental would contribute to the city-wide density cap.**

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

Finding: **Staff finds the proposed use to be somewhat incompatible with the City's adopted land use, transportation, and other strategic plans since short-term rentals do not clearly support any of the goals identified in those plans. However, there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a 2% city-wide density cap and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.**

BUDGET/STAFF IMPACT:
None

Attachments:

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - §161.17 District RMF-40, Residential Multi-Family – Forty (40) Units Per Acre
- Applicant Request Letter
- Building Floor Plan
- Building Elevations
- One Mile Map
- Close-Up Map
- Current Land Use Map
- STRs within ¼ Mile Map

118.01 Applicability

(E) *Short-Term Rentals.* A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty consecutive (30) days.

(1) *Short-Term Rental, Type 1.* A short-term rental where the principal use of the property remains as a full-time residence. The occupants or owner rent their primary residence as a short-term rental. A copy of the Homestead Tax Credit or long-term lease agreement for the subject property is required to be classified as a Type 1 rental. The occupant or owner must occupy the residence for nine (9) months of the year. Accessory dwelling units (ADUs) as defined in Unified Development Code Chapter 151 shall be considered a Type 1 short-term rental.

(2) *Short-Term Rental, Type 2.* A short-term rental that is not occupied by a permanent resident. The owner lists this property full-time as a short-term rental and has no intention of having permanent residents living in the property. A conditional use permit is required for a Type 2 short-term rental in a residential zoning district prior to the city issuing a business license.

(3) *License Required.* No dwelling unit in the city shall be used as a short-term rental unless:

(a) The owner of the dwelling unit or operator of the short-term rental possess a valid and current business license for the dwelling unit, and fully complies with all legal requirements and duties imposed herein with respect to each and every short-term rental; and
(b) The owner has designated an agent, where said agent fully complies with all legal requirements and duties imposed herein with respect to every short-term rental. The owner may serve as their own agent.
(c) The owner of the dwelling unit or operator of the short-term rental provides proof of a valid and current homeowners insurance rider policy which fully covers each unit when operated as short-term rental unit.

(4) A separate business license shall be required for each dwelling unit used as a short-term rental.

(5) Any change in ownership requires a new or amended business license.

(6) If any required contact information changes for the associated business license, the person to whom the license was issued shall immediately notify the Development Services Department in writing.

(7) *License Application.* The application for a business license shall include at minimum, the following information from applicants:

(a) The property owner's information including legal name, mailing address, immediate contact phone number, and immediate contact E-mail address.
(b) Information for the dwelling unit subject to the application, inclusive of the physical street address assigned by the city.
(c) The type and total number of dwelling units located on the lot of record containing the dwelling unit subject to the application.
(d) If the owner is not their own agent, the owner designated agent's information including legal name, mailing address, immediate contact phone number and immediate contact E-mail address.
(e) Documentation of approval of a life safety and egress inspection by the City Building Safety Division for the dwelling unit subject to the application.
(f) Proof of application for remittance of hotel, motel and restaurant tax to the City of Fayetteville, and verification that all sales, use, and hotel, motel and restaurant taxes are current.
(g) Any additional data as deemed necessary or desirable for permit approval by the Development Services Director.

(8) *License Renewals.* Business licenses for short-term rentals shall be renewed in accordance with Chapter 118 of the Business Regulations (Business Registry and Licenses).

(11) *Legal Duties of License Holders.* An owner possessing a short-term rental license shall comply at all times with the following requirements:

(a) *Occupancy.* Short-term rentals shall be subject to, and may not exceed, the occupancy limits approved with the business license.
(b) *Advertisements.* A short-term rental shall not be advertised if it violates occupancy, density, safety, and any of the other provisions of the Fayetteville Code. No short-term rental unit shall be advertised prior to having obtained a business license and the business license number shall be included in the advertisement listing.
(c) *Information and Posting.* Business licensees shall provide to guests and post conspicuously in the common area of the short-term rental unit the city phone number to report a safety complaint.

(10) *Owner or Agent Accessibility.* The property owner shall ensure that they or a designated agent are available at all times during guest occupancy, 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 short-term rental within three (3) hours of being contacted.

(11) *Guest Records.* The owner shall maintain summary guest registration records, which shall contain the actual dates of occupancy, total number of guests per party per stay, and the rate(s) charged, but shall not contain any personally identifiable information about guests. Such records shall be maintained for three (3) years and shall be provided to the City upon request.

(12) *Health and Safety.* The owner shall ensure that each dwelling unit governed by this section complies with the applicable provisions of the Unified Development Code Chapter 173, Building Regulations.

(13) *Criminal Activity.* The owner shall timely report any known or reasonably suspected criminal activity by a guest to the Fayetteville Police Department within twelve (12) hours maximum.

(14) *Taxes and Fees.* Except for those instances in which a hosting platform bears the responsibility for collecting and remitting taxes and fees applicable to short-term rentals, the property owner shall timely remit in full Fayetteville Hotel, Motel and Restaurant tax and other applicable local, state, and federal taxes and city fees owed in connection with any short-term rental. The failure of a hosting platform to collect and remit taxes and fees shall not relieve an owner of the obligation to pay taxes and fees owed pursuant to this section.

(15) *Authorization to Occupy, Use, and Operate.* Authorization to operate a short-term rental may be granted by the Development Services Director through the issuance of a City of Fayetteville Business Registry and License (Business License).

(16) *Density For Type 2 Short-Term Rentals.* A city-wide density cap of 2% of all dwelling units in the Fayetteville city limits may be utilized as Type 2 rentals. Total dwelling units are determined from current United States Census Bureau and/or American Community Survey numbers, whichever number is higher. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap. Type 2 short-term rentals in commercial and mixed-use zoning districts where hotel/motels are permitted by right shall not contribute to the city-wide density cap.
(b) More than 10% or a single unit whichever is greater; of total dwelling units as Type 2 rentals within a multi-family dwelling complex.
(c) Individual 2-, 3- and 4-family buildings that are owned by the same person or entity and are not a part of a multi-family complex shall have no more than one (1) Type 2 short-term rental unit per building complex.
(d) Where attached residential units are held separately through condominium association, horizontal property regime, fee simple, or similar ownership structure, no cap shall be applied to buildings with attached residential dwellings. Structures of attached residential dwellings where applicants seek more than 10% of total units for licensing as Type 2 rentals shall be evaluated by the Building Safety Director and/or Fire Marshal for adequate fire protection as defined by the adopted Arkansas Fire Prevention Code. Where inadequate fire protection is identified, improvements may be required prior to issuance of a business license.

(17) *Suspension and Revocation.* If the Development Services Director has reason to believe that any of the grounds specified in §118.03(A) of the Fayetteville Code exist, or that any rental unit was rented for less than one (1) full night, or to more than one (1) part of guests for the same period of time, or otherwise failed to comply with all terms and conditions of this section, the Development Services Director may suspend or revoke the short-term rental's business license pursuant to the procedures detailed in §118.03 and in §118.04 of the Fayetteville Code.

(18) Short-term rentals must comply with all applicable codes under Unified Development Code §163.18 and § 164.26 successfully obtain a business license prior to operation.

(Ord. No. 6427 , §§1(Exh. A), 2, 4-20-21; Ord. No. 6505 , §1(Exh. A), 11-16-21; Ord. No. 6521 , §§1, 2, 1-18-22; Ord. No. 6537 , §1(Exh. A), 2-15-22)

163.18 Type 2 Short-Term Rentals in Residential Zoning Districts

(A) *Residential Zoning Districts.* Type 2 short-term rentals may be permitted as a conditional use in the following residential zoning districts:

1) R-A
2) RSF-.5
3) RSF-1
4) RSF-2
5) RSF-4
6) RSF-7
7) RSF-8
8) RSF-18
9) RI-12
10) RI-U
11) RMF-6
12) RMF-12
13) RMF-18
14) RMF-24
15) RMF-40
16) NC

Short term rentals may be permitted by right or by conditional use in planned zoning districts subject to the zoning regulations enacted by the City Council for each district.

Short-term rentals in non-residential zoning districts, mixed use zoning districts, or other zoning districts not listed above are not required to apply for a conditional use permit.

(B) *Occupancy.* Maximum of two (2) people per bedroom, plus two (2), for the entire unit when operated as a short-term rental.

(C) *Parking.* Parking is limited to the maximum number of vehicles as allowed by the underlying zoning district for the residential building on the property.

(D) Special events are not permitted in a short-term rental. Example of special events include, but are not limited to, weddings, receptions, anniversaries, private parties, fundraisers and business seminars.

(E) Short-term rental units are allowed in any structure established as a permanent residential dwelling including an accessory dwelling unit. No recreational vehicle, trailer, other vehicle or structure not classified as a permanent residential dwelling may be used as a short-term rental.

(F) *Exceptions.* Exceptions to the short-term rental standards, except proposals that would exceed the city-wide density maximum, may be granted by the Planning Commission as a conditional use permit.

(G) Short-term rentals must comply with all applicable codes under City Code §118.01 and successfully obtain a business license prior to operation.

(H) Short-term rentals in residential zoning districts may be subject to denial or additional conditions based upon the Planning Commission's findings on the following factors:

1) Adequate parking infrastructure;

2) Adequate adjoining or nearby streets for on-street parking;

3) Frequency or concentration of nearby licensed Type 2 short-term rentals; and

4) Prior zoning or code violations

(Ord. No. 6427 , §§1(Exh. E), 2, 4-20-21; Ord. No. 6505 , §2(Exh. B), 11-16-21; Ord. No. 6537 , §2(Exh. B), 2-15-22)

161.17 District RMF-40, Residential Multi-Family - Forty (40) Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high-density multi-family development and to encourage additional development of this type where it is desirable.

(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 CUP
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 occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	Forty (40) 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	30 feet
Two (2) family	30 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	2,500 square feet
Two (2) family	3,000 square feet
Three (3) or more	7,000 square feet
Fraternity or Sorority	1 acre

(3) *Land Area Per Dwelling Unit*.

Manufactured Home	3,000 square feet
Fraternity of Sorority	500 square feet per resident

(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(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5224, 3-3-09; Ord. No. 5262, 8-4-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 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)

We are writing to formally request your approval for the establishment of an Air BNB in the property located at 614 W Douglas St, Fayetteville, Arkansas 72701. The purpose of this request is to provide a complete description of the proposed project and address any concerns you may have.

a. Building Size: The size of the building is approximately 2300 square feet.

b. Color Elevations: All exterior sides of the structure will be adorned with gray brick, creating an aesthetically pleasing appearance.

c. Off-Street Parking: We are committed to providing adequate parking facilities. The property will have 10 off-street parking spaces available, including the gravel lot situated at the rear of the property which is owned and managed by us.

d. Outdoor Lighting: To ensure safety and security, we have installed two motion lights. One is located on the front porch, and the other is located on the back patio area.

e. Noise: We understand the concerns regarding noise, particularly street noise. However, the general street noise in the area is considered moderate and is not expected to cause any significant disturbances to neighboring properties.

f. Screening or Buffering: Our property boasts an abundance of natural screening, including shrubs, trees, and large natural growth. These features effectively provide privacy and serve as a buffer between our property and adjacent properties.

g. Trash and Refuse Service: We intend to utilize the services provided by The City of Fayetteville residential trash and recycling collection program. The trash collection will be set up and paid for by our property manager, ensuring that there are no visibility issues from the street or neighboring properties.

h. Ingress and Egress to the Property; Traffic Impacts: There will be no traffic impacts associated with the proposed Air BNB. All residents and guests will have exclusive access to the property via Douglas Street, minimizing any potential disruptions to the neighborhood.

I. General Compatibility: We believe that the proposed use of the property as a short-term rental is in harmony with the adjacent properties and other residences in the neighborhood. The project includes adequate parking spaces, screening/buffering from neighboring properties, sufficient lighting, and proper waste management. These factors contribute to the overall compatibility and seamless integration into the adjacent properties and the neighborhood.

We kindly request that you review our proposal and grant approval for the establishment of the Air BNB. We are confident that our project will not only meet but also exceed the required standards, and we are committed to being responsible hosts and maintaining a harmonious relationship with the community.

Please let us know if any additional information or documentation is required from our end to facilitate the review process.

Thank you for your time and consideration.

Sincerely,

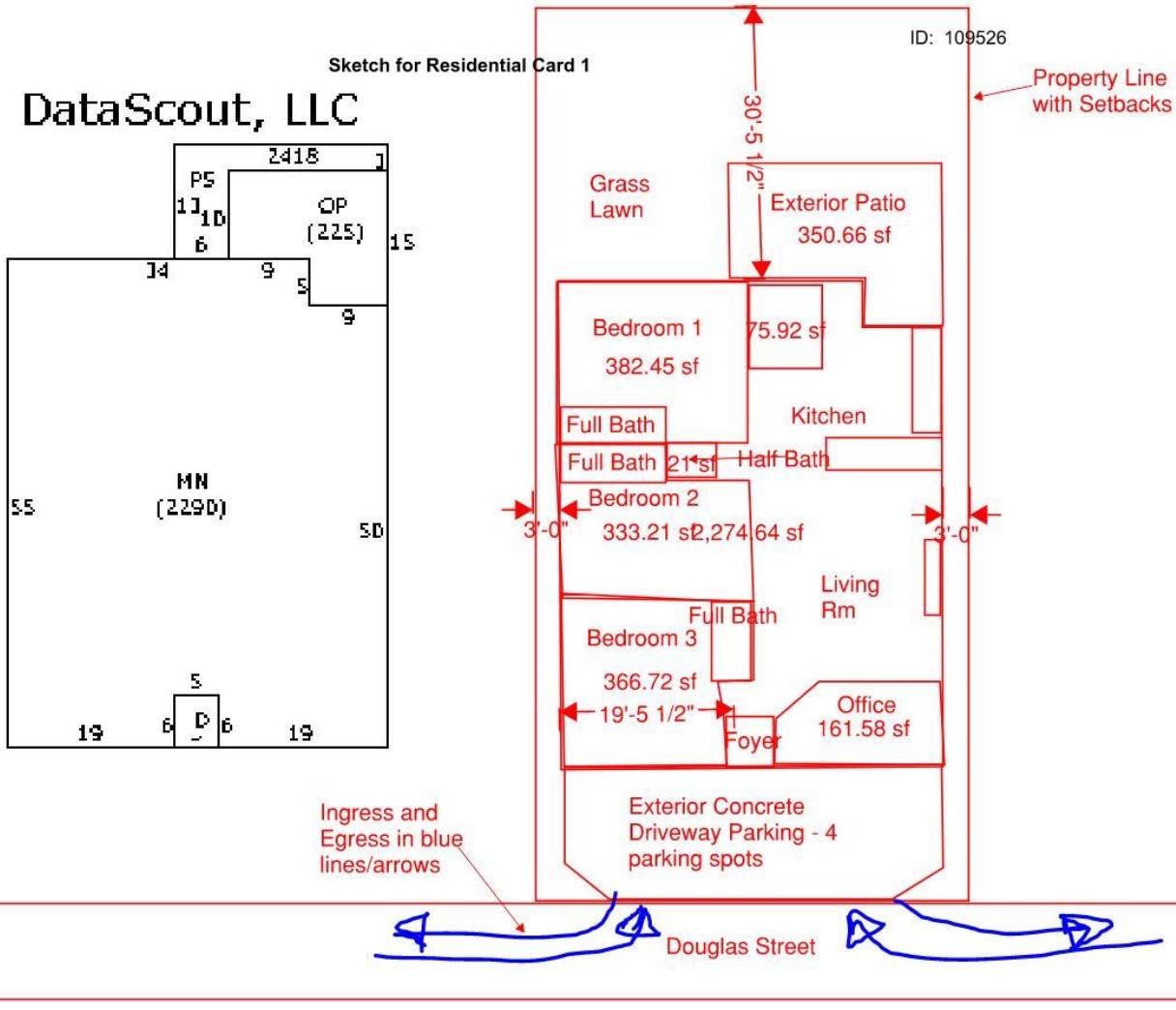
Joe Gray, Owner/Property Manager

Parcel: 765-02359-001

ID: 109526

Sketch for Residential Card 1

DataScout, LLC



Not a Legal Document.
Subject to terms and conditions.
www.actDataScout.com

Page 1

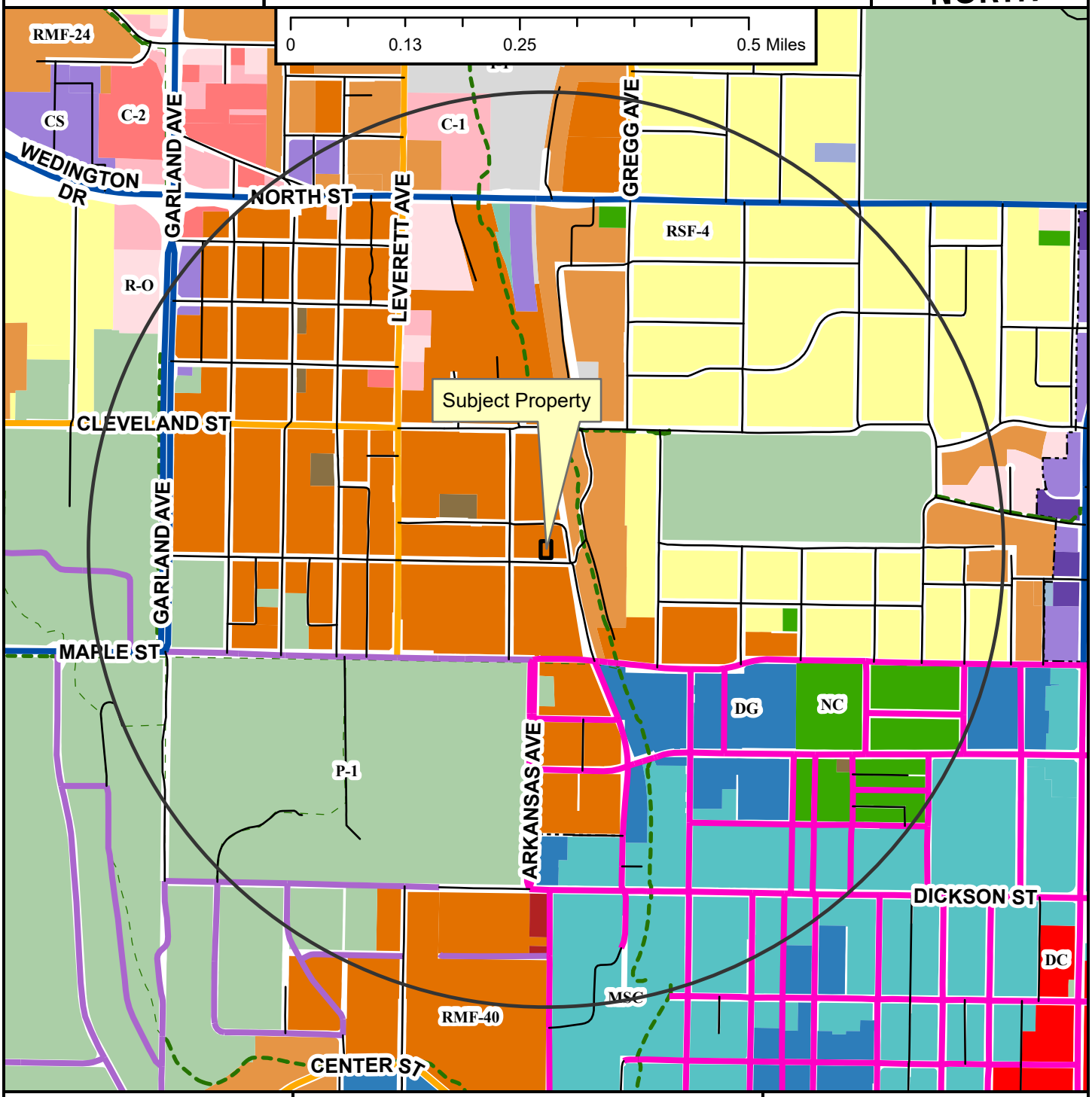
CUP-2023-0060 Building Elevations

CUP-2023-0060

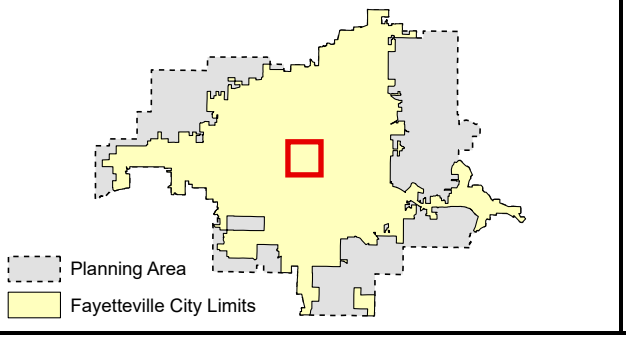
One Mile View

614 W. DOUGLAS ST

NORTH



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



Zoning

RESIDENTIAL SINGLE-FAMILY
- NS-G
- RI-U
- RI-12
- NS-L
- Residential-Agricultural
- RSF-.5
- RSF-1
- RSF-2
- RSF-4
- RSF-7
- RSF-8
- RSF-18

RESIDENTIAL MULTI-FAMILY
- RMF-6
- RMF-12
- RMF-18
- RMF-24
- RMF-40

INDUSTRIAL
- I-1 Heavy Commercial and Light Industrial
- I-2 General Industrial

EXTRACTION
- E-1

COMMERCIAL
- Residential-Office
- C-1
- C-2
- C-3

FORM BASED DISTRICTS
- Downtown Core
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services
- Neighborhood Conservation

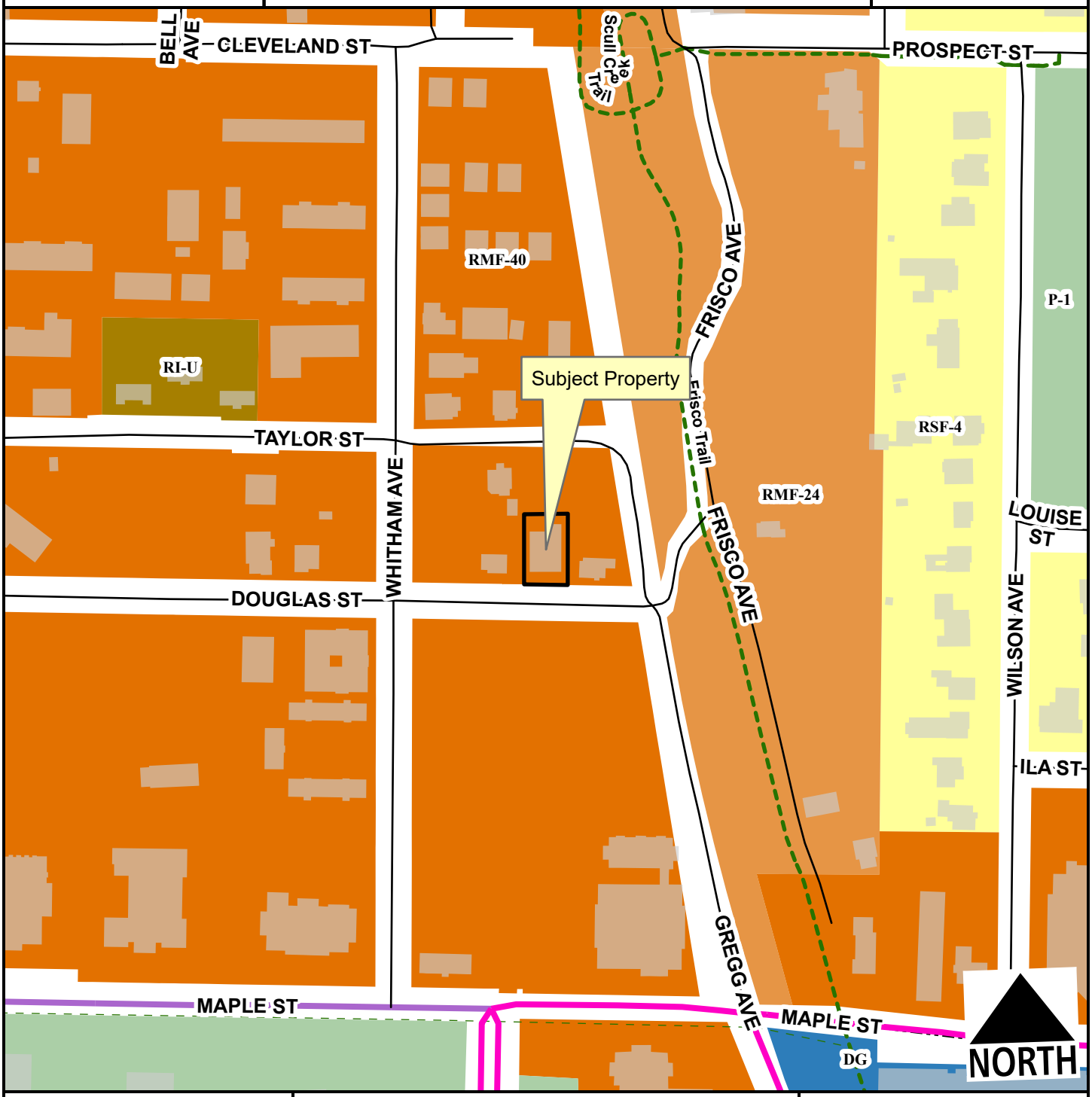
PLANNED ZONING DISTRICTS
- Commercial, Industrial, Residential

INSTITUTIONAL
- P-1

CUP-2023-0060

Close Up View

614 W. DOUGLAS ST



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

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

RSF-4
RI-U
RMF-24
RMF-40
Downtown General
P-1

CUP-2023-0060

Current Land Use

614 W. DOUGLAS ST

NORTH

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

Feet

0 112.5 225 450 675 900

1:3,600

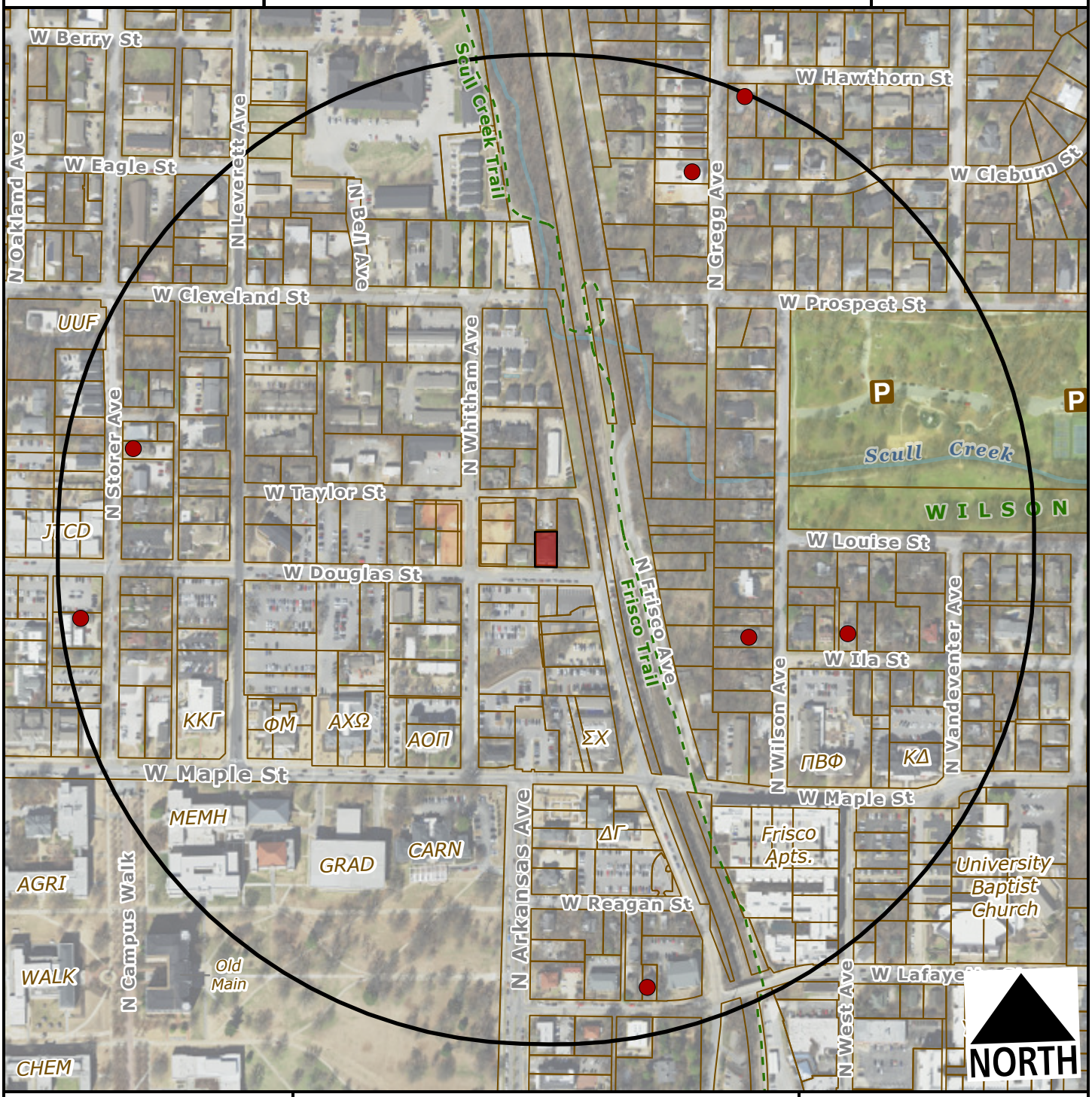
FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

CUP-2023-0060

STRs Within 1/4 Mile

614 W. DOUGLAS ST



Subject Property

Short Term Rental, Type 2

Feet

0 200 400 800 1,200

1:4,800

Number of STR Licenses

Contributing to 2% density cap	7
NOT contributing to 2% density cap	0
Total	**7**