

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8267*



## **Planning Commission Final Agenda**

**Monday, July 24, 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 July 10, 2023 Planning Commission. - Mirinda Hopkins, Development Coordinator

**2. VAR-2023-0026 Planning Commission Variance (4100 N. SASSAFRAS HILL RD/OZTURK INVESTMENTS, 143):**

Submitted by ALAN REID & ASSOCIATES for property located at 4100 N. SASSAFRAS HILL RD. The property is in the FAYETTEVILLE PLANNING AREA and contains one lot with approximately 9.75 acres. The request is for a variance to road frontage requirements. - Gretchen Harrison, Senior Planner

**3. VAR-2023-0028: Variance (653 W. 15<sup>TH</sup> ST./UNIVERSITY LOFTS AT THE SANCTUARY, 600):**

Submitted by DEVELOPMENT CONSULTANTS INC for property located at 653 W. 15TH ST. The property is zoned CS, COMMUNITY SERVICES and contains approximately 10.22 acres. The request is for variance from floodplain and sidewalk requirements. - Alan Pugh, Staff Engineer

**Unfinished Business****4. 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.

*THIS ITEM WAS WITHDRAWN BY STAFF AT THE JUNE 26, 2023 PLANNING COMMISSION MEETING.* - Donna Wonsower, Planner

**5. 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.



*THIS ITEM WAS WITHDRAWN BY STAFF AT THE JUNE 26, 2023 PLANNING COMMISSION MEETING.* - Jessica Masters, Development Review Manager

## New Business

**6. VAR-2023-0027 Planning Commission Variance (420 S. LOCUST AVE/CHURCH & LOCUST TOWNHOMES, 523):**

Submitted by EARTHPLAN DESIGN ALTERNATIVES, PA for property located 420 S. LOCUST AVE. The property is zoned DG, DOWNTOWN GENERAL AND RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.65 acres. The request is for variance from master street plan standards.

*THIS ITEM WAS WITHDRAWN BY STAFF FOR LACK OF PUBLIC NOTIFICATION.* - Gretchen Harrison, Senior Planner

**7. VAR-2023-0029: Variance (W. MT COMFORT RD & N. LINDELL AVE/ROAD RUNNER, 405):**

Submitted by FINNELL PURIFOY ARCHITECTS for property located W. MT COMFORT RD & N. LINDELL AVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.62 acres. The request is for a variance to Building Exterior Appearance and Design Standards. - Donna Wonsower, Planner

**8. VAR-2023-0030: Variance (W. MT COMFORT RD & N. LINDELL AVE/ROAD RUNNER, 405):**

Submitted by ECOLOGICAL DESIGN GROUP for property located W. MT COMFORT RD & N. LINDELL AVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.62 acres. The request is for variances to driveway width, drive aisle width, throat length, and access management standards. - Donna Wonsower, Planner

**9. LSD-2023-0008 Large Scale Development (2936 S. BLACK OAK RD/ RIVERSIDE VILLAGE PH 2, 683):**

Submitted by CRAFTON TULL for property located at 2939 S. BLACK OAK ROAD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 93.98 acres. The request is for a single-family residential development with 128 units. - Gretchen Harrison, Senior Planner

**10. CUP-2023-0070: Conditional Use Permit (1640 S. HANSHEW RD/BELL, 596):**

Submitted by HALLIE BELL for property located at 1640 S. HANSHEW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER

ACRE and contains approximately 3.21 acres. The request is to place two accessory structures on a lot without a primary structure. - Gretchen Harrison, Senior Planner

**11. RZN-2023-0017: Rezoning (N. TRUCKERS DR/THE LENNON, 208):**

Submitted by ELDRIDGE BROOKS PLLC for property located at N. TRUCKERS DR. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 20.23 acres. The request is to rezone the property to RMF-18, RESIDENTIAL MULTI-FAMILY, EIGHTEEN UNITS PER ACRE. - Donna Wonsower, Planner

**12. CUP-2023-0055: Conditional Use Permit (2658 N. MCALLISTER ALY/BATTISTO, 293):**

Submitted by DNB REAL ESTATE for property located at 2658 N. MCALLISTER ALY. 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. - Donna Wonsower, Planner

**13. CUP-2023-0072: Conditional Use Permit (3712 N. HWY 112/SELVAM, 170):**

Submitted by CHITRA SELVAM for property located at 3712 N. HWY 112. The property is zoned R-A, RESIDENTIAL - AGRICULTURAL and contains approximately 8.70 acres. The request is to use the residence as a short-term rental. - Donna Wonsower, Planner

**14. CUP-2023-0073: Conditional Use Permit (10 S. PALMER AVE/BEYKIRCH, 521):**

Submitted by STEPHEN BEYKIRCH for property located at 10 S. PALMER AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.40 acres. The request is to use the residence as a short-term rental. - Donna Wonsower, Planner

**15. CUP-2023-0071: Conditional Use Permit (513 N. HIGHLAND AVE/REYNOLDS, 445):**

Submitted by BRIAN REYNOLDS for property located at 513 N. HIGHLAND AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to use the residence as a short-term rental. - Jessica Masters, Development Review Manager

**Items Administratively Approved by Staff**

**16. LSP-2023-0018: Lot Split (1530 W HOTZ DR/NIEDERMAN, 482):**

Submitted by BATES AND ASSOCIATES for property located at 1530 W. HOTZ

DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY – FOUR UNITS PER ACRE and contains approximately 0.52 acres. The request is to split the property into two lots containing 0.22 and 0.30 acres. - Jessica Masters, Development Review Manager

**17. LSP-2023-0020: Lot Split (229 S. CHURCH AVE/RIGGINS VENTURES LLC, 523):**

Submitted by ENGINEERING SERVICES INC for property located at 229 S. CHURCH AVE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.28 acres. The request is to split the property into three lots containing 0.11, 0.12 and 0.05 acres. - Gretchen Harrison, Senior Planner

**18. LSP-2023-0029: Lot Split (WEST OF 4520 W. WEIR RD/BALLPOINT OF NWA LLC, 204):**

Submitted by BLEW AND ASSOCIATES for property located WEST OF 4520 W. WEIR RD. The property is in the FAYETTEVILLE PLANNING AREA and contains approximately 13.85 acres. The request is to split the property to two lots with approximately 4.00, and 9.85 acres. - Donna Wonsower, Planner

**19. LSP-2023-0032: Lot Split (239 AND 245 N. FLETCHER AVE/HAMBRICE, 485):**

Submitted by BLEW & ASSOCIATES for property located at 239 AND 245 N. FLETCHER AVE. The property is zoned RI-U, RESIDENTIAL INTERMEDIATE-URBAN and contains approximately 0.20 acres. The request is to split the property into two lots containing 0.10 acres each. - Donna Wonsower, Planner

**20. LSP-2023-0034 Lot Split (W. WEDINGTON DR/SHINALL GROUP, 400):**

Submitted by BATES & ASSOCIATES. for property located on W. WEDINGTON DR. The property is zoned CS, COMMUNITY SERVICES and contains approximately 3.37 acres. The request is to split the property into two lots containing 2.17, and 1.20 acres. - Donna Wonsower, Planner

**21. LSIP-2023-0001: Large Site Improvement Plan (WEST OF 4089 N. SHILOH DR/THE CLAUDE SHILOH APARTMENTS, 135):**

Submitted by ANDERSON ENGINEERING INC for property located WEST OF 4089 N. SHILOH DR. The property is zoned CS, COMMUNITY SERVICES and contains approximately 7.31 acres. The request is for a multi-family development with 207 units and associated parking. - Jessica Masters, Development Review Manager

## **Agenda Session Items**

## **Announcements**

## Adjournment

### NOTICE TO MEMBERS OF THE AUDIENCE

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

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

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

| (pg. 1) Planning Commission |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                |                                         | Monday, 7/10/2023                       |                                           |                                                                                                                                                                                            |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------|-----------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Time:</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                |                                         |                                         |                                           |                                                                                                                                                                                            |
| <b>Staff :</b>              | <input type="checkbox"/> Melissa Evans <input checked="" type="checkbox"/> John Scott <input checked="" type="checkbox"/> Jessie Masters <input checked="" type="checkbox"/> Gretchen Harrison <input checked="" type="checkbox"/> Donna Wonsower<br><input type="checkbox"/> Britin Bostick <input type="checkbox"/> Sherry Smith <input checked="" type="checkbox"/> Josh Boccaccio <input type="checkbox"/> Melissa Boyd <input checked="" type="checkbox"/> Fire Marshall <input type="checkbox"/> Chris Brown <input checked="" type="checkbox"/> Alan Pugh |                                |                                         |                                         |                                           |                                                                                                                                                                                            |
|                             | <b>Roll Call</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>1) Minutes 06-26-2023</b>   | <b>2) ADM-2023-0024 (STAGE STATION)</b> | <b>3) ADM-2023-0023 (STAGE STATION)</b> | <b>4) VAR-2023-0024 (DR HORTON HOMES)</b> | <b>5) PPL-2023-0003 (LIVINGSTON)</b>                                                                                                                                                       |
| Madden                      | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 0                                         | 1                                                                                                                                                                                          |
| Payne                       | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 0                                         | 1                                                                                                                                                                                          |
| Gulley                      | 0                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                |                                         |                                         |                                           |                                                                                                                                                                                            |
| Holcomb                     | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 0                                         | RECUSE                                                                                                                                                                                     |
| Winston                     | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 0                                         | 1                                                                                                                                                                                          |
| McGetrick                   | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 0                                         | 1                                                                                                                                                                                          |
| Sparkman                    | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 0                                         | 1                                                                                                                                                                                          |
| Brink                       | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 1                                         | 1                                                                                                                                                                                          |
| Garlock                     | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1                              | 1                                       | 1                                       | 0                                         | 1                                                                                                                                                                                          |
| <b>Agenda</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Consent</b>                 | <b>Consent</b>                          | <b>Consent</b>                          | <b>New</b>                                | <b>New</b>                                                                                                                                                                                 |
| <b>Motion By</b>            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Brink                          | Brink                                   | Brink                                   | Winston                                   | Winston                                                                                                                                                                                    |
| <b>Motion 2nd</b>           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Garlock                        | Garlock                                 | Garlock                                 | Payne                                     | Sparkman                                                                                                                                                                                   |
| <b>Vote</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 8-0-0                          | 8-0-0                                   | 8-0-0                                   | 1-7-0                                     | 7-0-1                                                                                                                                                                                      |
| <b>Action</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Approve                        | Approve                                 | Approve                                 | Approve                                   | Approve                                                                                                                                                                                    |
| <b>Time</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 5:35 PM                        | 5:35 PM                                 | 5:35 PM                                 | 5:57 PM                                   | 6:19 PM                                                                                                                                                                                    |
| <b>Motion Detail</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Passed<br>No Public<br>Comment | Passed<br>No Public Comment             | Passed<br>No Public Comment             | Failed<br>2 Public Comment                | Passed In favor of Variance 16608E2, 16608E3 & 16812E2 with conditions that they meet the requirements set forth by Engineering and in favor of Variance 16604D & HI.<br>No Public Comment |

| (pg. 2) Planning Commission |                                                            |                                                                                                                                                                   | Monday, 7/10/2023                                |                                     |                                                     |                                 |
|-----------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------|-----------------------------------------------------|---------------------------------|
|                             | 6) LSD-2022-0042<br>(SOUTHERNWOODS CLUSTER<br>DEVELOPMENT) |                                                                                                                                                                   | 7) CUP-2023-0063<br>(TIFFANY)                    | 8) CUP-2023-0067<br>(MAPLE TERRACE) | 9) RZN-2023-0016<br>(RENNER)                        | 10) CUP-2023-0055<br>(BATTISTO) |
| Madden                      | 1                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| Payne                       | 0                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| Gulley                      |                                                            |                                                                                                                                                                   |                                                  |                                     |                                                     |                                 |
| Holcomb                     | 1                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| Winston                     | 0                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| McGetrick                   | 0                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| Sparkman                    | 1                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| Brink                       | 1                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| Garlock                     | 0                                                          | 1                                                                                                                                                                 | 1                                                | 1                                   | 1                                                   |                                 |
| Agenda                      | New                                                        |                                                                                                                                                                   | New                                              | New                                 | New                                                 | WITHDRAWN                       |
| Motion By                   | Brink                                                      | Garlock                                                                                                                                                           | Garlock                                          | Brink                               | Garlock                                             |                                 |
| Motion 2nd                  | Sparkman                                                   | Madden                                                                                                                                                            | Winston                                          | Madden                              | Payne                                               |                                 |
| Vote                        | 4-4-0                                                      | 7-0-0                                                                                                                                                             | 8-0-0                                            | 8-0-0                               | 8-0-0                                               |                                 |
| Action                      | Approve VAR 172-11 G2                                      | Approve                                                                                                                                                           | Deny                                             | Approve                             | Forward                                             |                                 |
| Time                        | 7:05 PM                                                    | 7:07 PM                                                                                                                                                           | 9:20 PM                                          | 9:26 PM                             | 9:33 PM                                             |                                 |
| Motion Detail               | Failed<br>No Public Comment                                | Passed with<br>variance 166.08E,<br>variance 166.11,<br>variance<br>172.04F4a"IV" and<br>all other conditions<br>as recommended by<br>staff. No<br>Public Comment | Passed<br>Item Denied by PC<br>15 Public Comment | Passed<br>No Public Comment         | Passed<br>Item to City Council<br>No Public Comment |                                 |

| <b>(pg. 3) Planning Commission Monday, 7/10/2023</b> |                                                                     |                                        |                                     |                                                            |  |
|------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------|-------------------------------------|------------------------------------------------------------|--|
|                                                      | <b>11) CUP-2023-0062<br/>(KRUSE)</b>                                | <b>12) CUP-2023-0065<br/>(HERRING)</b> | <b>13) CUP-2023-0066<br/>(HUNT)</b> | <b>14) CUP-2023-0068<br/>(ROUSE-WALKER<br/>PROPERTIES)</b> |  |
| <b>Madden</b>                                        | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>Payne</b>                                         | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>Gulley</b>                                        |                                                                     |                                        |                                     |                                                            |  |
| <b>Holcomb</b>                                       | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>Winston</b>                                       | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>McGetrick</b>                                     | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>Sparkman</b>                                      | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>Brink</b>                                         | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>Garlock</b>                                       | <b>1</b>                                                            | <b>1</b>                               | <b>1</b>                            | <b>0</b>                                                   |  |
| <b>Agenda</b>                                        | <b>Old</b>                                                          | <b>NEW</b>                             | <b>NEW</b>                          | <b>New</b>                                                 |  |
| <b>Motion By</b>                                     | Brink                                                               | Brink                                  | Payne                               | Winston                                                    |  |
| <b>Motion 2nd</b>                                    | Winston                                                             | Winston                                | Sparkman                            | Garlock                                                    |  |
| <b>Vote</b>                                          | 8-0-0                                                               | 8-0-0                                  | 8-0-0                               | 0-8-0                                                      |  |
| <b>Action</b>                                        | Approve                                                             | Deny                                   | Deny                                | Approve                                                    |  |
| <b>Time</b>                                          | 9:51 PM                                                             | 10:35 PM                               | 10:58 PM                            | 11:36 PM                                                   |  |
| <b>Motion Detail</b>                                 | Passed with conditions as recommended by staff.<br>3 Public Comment | Passed<br>15 Public Comment            | Passed<br>5 Public Comment          | Failed<br>10 Public Comment                                |  |



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Gretchen Harrison, Senior Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **VAR-2023-0026: Variance (4100 N. SASSAFRAS HILL RD./OZTURK INVESTMENTS LLC, 143):** Submitted by ALAN REID & ASSOCIATES for property located at 4100 N. SASSAFRAS HILL RD. The property is in the FAYETTEVILLE PLANNING AREA and contains one lot with approximately 9.75 acres. The request is for a variance from minimum lot width requirements.

**RECOMMENDATION:**

Staff recommends approval of **VAR-2023-0026** based on the findings herein.

**RECOMMENDED MOTION:**

*"I move to approve **VAR-2023-0026**, determining:*

- In favor of a variance to UDC §166.05(A)(3), and*
- In favor of all other conditions as recommended by staff."*

**BACKGROUND:**

The subject property is located a quarter mile south of the intersection of Sassafras Hill Road and Guy Terry Road, outside of Fayetteville city limits in unincorporated Washington County. The property is in the Fayetteville Planning Area and contains one parcel totaling 9.75 acres which has approximately 395 linear feet of street frontage along Sassafras Hill Road. A request to split the property into three lots is currently under review by city staff (LSP-2023-0031). Surrounding land use and zoning are depicted in *Table 1*.

**Table 1:**  
**Surrounding Land Use and Zoning**

| Direction | Land Use          | Zoning                                                                                  |
|-----------|-------------------|-----------------------------------------------------------------------------------------|
| North     | Rural Residential | Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre) |
| South     | Rural Residential | Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre) |
| East      | Rural Residential | Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre) |
| West      | Rural Residential | Washington County - Ag/SF 1 (Agricultural/Single-Family Residential, One Unit per Acre) |

**Request:** The applicant proposes to split the subject property into a total of three lots containing approximately 3.00, 3.75, and 3.00 acres, with two lots having no direct frontage on a public street. Since all lots in the Fayetteville Planning Area are required to have at least 75 feet of direct frontage onto a public street, the proposed lot split necessitates a variance to UDC §166.05(A)(3).

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



**DISCUSSION:**

The subject property contains one parcel that is surrounded by rural residential properties varying in both size and arrangement. Where the proposed lot split would allow for the creation of three lots with 3.00, 3.75, and 3.00 acres, surrounding properties vary in size between 0.90 and 17.60 acres, with several lots nearby not having direct frontage on a public street. Staff finds that the proposed lot split would result in three lots without direct street frontage that are comparable to neighboring properties and reflective of a low-density development pattern that is consistent with the surrounding area. Staff is thus supportive of the requested variance. As a condition of approval, staff recommends that a 30-foot-wide access and utility easement be dedicated to provide access to Sassafras Road for the two lots without street frontage. The property does not have access to city water or sewer.

**RECOMMENDATION:** Staff recommends approval of VAR-2023-0026 with the following conditions:

**Conditions of Approval:**

1. **Planning Commission determination of a variance to UDC 166.05(A)(3), requiring all lots in the Fayetteville Planning Area to have direct street frontage pursuant to residential lot and block standards set by Washington County. Staff is supportive of this request based on the findings herein;**
2. Approval of this variance does not constitute approval of the associated lot split application. Review and approval of the lot split shall be required in accordance with City code; and
3. A 30-foot-wide access and utility easement shall be dedicated, as depicted on the provided exhibit, to provide access to Sassafras Road for proposed Tracts 'B' and 'C'.

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

**Meeting Date:** July 24, 2023

**Motion:**

**Second:**

**Vote:**

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- UDC §166.05 - Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area
- Applicant Request Letter
- Applicant Exhibit
- One Mile Map
- Close-Up Map
- Current Land Use Map

## 166.05 - Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area

### (A) *Required Infrastructure Improvements and Subdivision Regulations Outside the City.*

- (1) *Within 1 Mile of City Limits.* On and off-site improvements and subdivision regulations for development outside the city limits and within one mile of the city are the same as for those developments within the city limits, with the exception of park land dedication requirement which is not required.
- (2) *Beyond 1 Mile of City Limits.* On- and off-site improvements and subdivision regulations for development outside 1 mile of the city limits shall meet Washington County standards.
- (3) All lots in the planning area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential lot and block standards.

### (B) *Developments Outside City Developed to All Inside the City Standards.* If the City Council grants access to the City's sewer system pursuant to §51.115. (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District or as otherwise designated by the City Council rather than those within the planning area.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§159.54, 160.120; Ord. No. 3925, §6, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4753, 9-6-05; Ord. No. 5215, 1-20-09; Ord. No. 5270, 9-1-09; Ord. No. 5296, 12-15-09; Ord. No. 5546, 12-04-12)



June 12, 2023



Alan Reid  
& ASSOCIATES  
PROFESSIONAL  
LAND  
SURVEYORS

City of Fayetteville  
Planning & Engineering  
125 W. Mountain Street  
Fayetteville, Arkansas

Re: **VARIANCE FOR LACK OF PUBLIC ROAD FRONTAGE IN CONJUNCTION WITH A PROPOSED TRACT SPLIT ON N. SASSAFRAS HILL (WC 355) ROAD, WASHINGTON COUNTY PARCEL ID 001-15300-001**

Dear Planners / Planning Commission,

This is a request for a variance on public road frontage in conjunction with a proposed property division that is currently under review with the City of Fayetteville Planning Office; the property division involves Washington County Parcel ID, 001-15300-001 / N. Sassafras Hill Road. The property is located with the Fayetteville Growth Area, the unincorporated area of Washington County; it currently does not have a known address.

The property consists of 9.75 +/- acres and is proposed to be subdivided into three (3) pieces: Tract 'A', 3.00 +/- acres, Tract 'B', 3.75 +/- acres, and Tract 'C', 3.00 +/- acres. Tract 'B' and Tract 'C' area proposed to be accessed via 30' ingress / egress easement connecting the proposed tracts to public road, N. Sassafras Hill Rd. (WC 355). This (accessing property via a 30' ingress/ egress easement) is allowed through Washington County by both the Exemption process and Private Road Development process; however, Washington County Subdivision Regulations require 75' of road frontage (if going by those standards). The Washington County Subdivision Regulations road frontage standards is what Alan Reid & Associates staff have been advised by Fayetteville Planning staff to request a variance from but through Fayetteville. In previous projects with similar situations the following Fayetteville code has been referenced by Fayetteville Planning staff, "Per UDC 166.05 newly created lots are required to have frontage on a minimally improved public street...A PC variance will be required prior to approval of lot split"

Following is some additional information on the subject property:

- Subject property is zoned through Washington County, Arkansas as residential (1 acre minimum) / agricultural, the proposed property division is in compliance with Washington County Zoning.

Granting the variance would allow owners of the two (2) proposed tracts and the remainder to continue enjoying rights that other property owners enjoy in the surrounding area. The lots proposed are designed to allow buildable tracts with efficient access (minimizing multiple points of ingress/ egress.) This is a situation that is ~~both~~ unique to this property. Thank you for your consideration. **\*Refer to drafted plat for further details regarding the project.**

Please contact our office for any questions regarding the project.

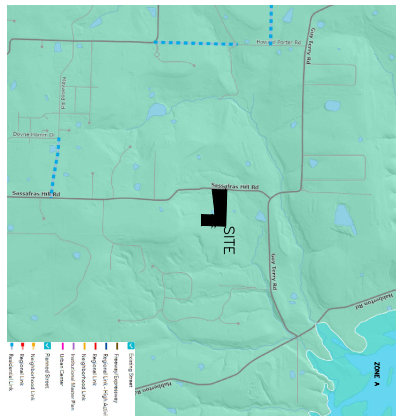
Best regards,

Alan Reid

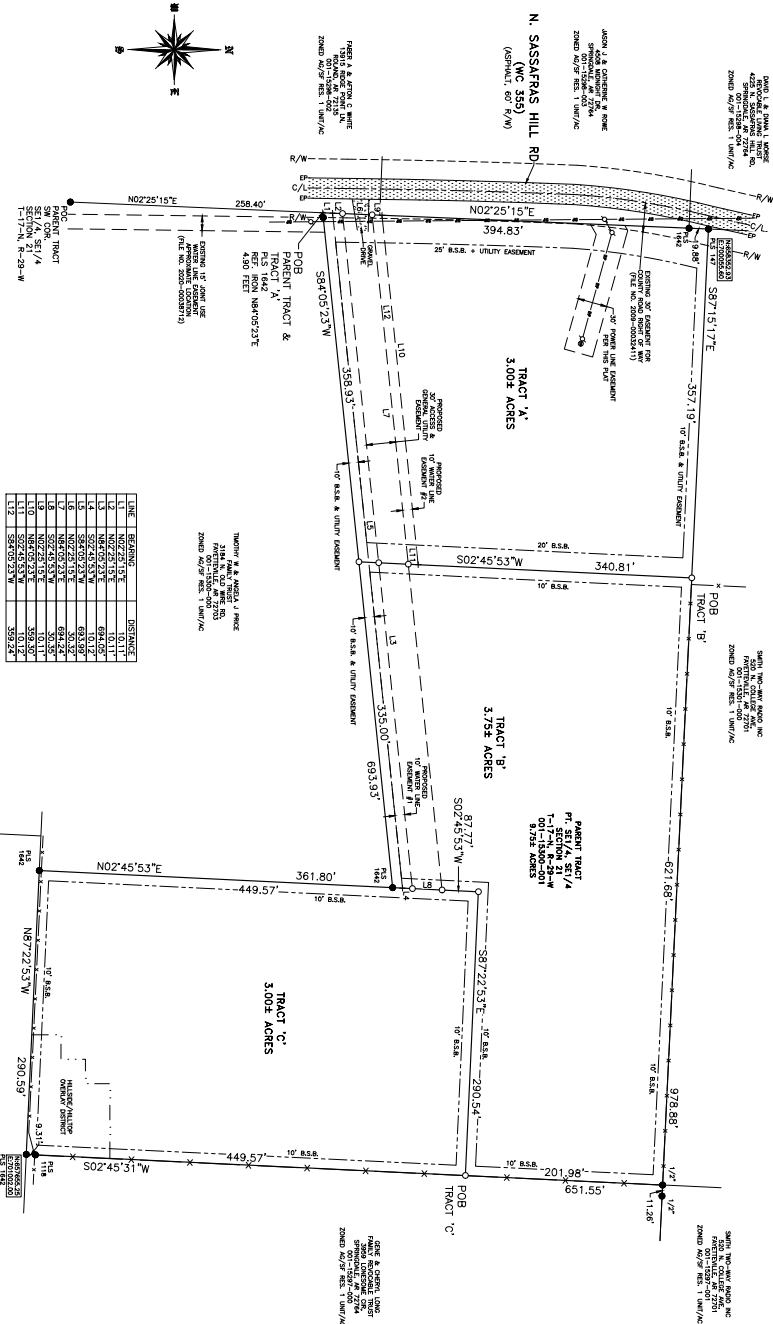
Professional Land Surveyor

118 S. College Avenue . Fayetteville, Arkansas 72701 479 444 8784 arasurveying@sbcglobal.net

FLOOD DESIGNATION: LOT 1E, N. ZONE 144E (SECTION 5, 6, 6D) LAZARD AREAS INUNDATED BY 100-YEAR FLOOD, AS DETERMINED FROM THE FLOOD MAP OF WASHINGTON COUNTY, ARKANSAS, AND INCORPORATED AREAS, MAP NUMBER 63-1400230F, EFFECTIVE DATE MAY 16, 2008.



Planning Commission  
July 24, 2023



**PLAT NOTES:**

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

1. EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF THE SURVEY, INCLUDING BUT NOT LIMITED TO EASEMENTS FOR UTILITIES, WATER, OR OTHER LAND USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

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

3. THE SURVEY HAD NO EFFECT ON THE SURVEY "ARKANSAS MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND PLATS."

4. DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS, SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY.

5. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE CITY OF FAYETTEVILLE, HILLSBORO/HILTOP OVERLAY DISTRICT.

6. THE DRAINAGE EASEMENT AGREEMENT RECORDED AS FILE NO. 2009-00033033, A PORTION OF THE SUBJECT PROPERTY LIES WITHIN THE CITY OF FAYETTEVILLE, HILLSBORO/HILTOP OVERLAY DISTRICT.

7. NO EASEMENT DIMENSIONS ARE GIVEN IN THE REFERENCED DOCUMENT.

8. THE OWNERS ELECTRIC COOPERATIVE CORPORATION RIGHT OF WAY EASEMENT RECORDED AS AN UNDERGROUND ELECTRIC LINE BEING 19 FEET IN WIDTH, CING 7 1/2 FEET EITHER SIDE OF THE CENTERLINE OF THE LINE AS BUILT, WITH STAYS, TENSIONERS, SPANNERS, WATER WHEELS, AND UNDERGROUND STRUCTURES WERE OBSERVED AT THE TIME OF THE SURVEY.

9. THE PROPERTY SHOWN HEREON HAS NO ACCESS TO THE CITY OF FAYETTEVILLE WATER OR SEWER.

DOWNER: OZTURK INVESTMENTS LLC  
ADDRESS: N. SASSAFRAS HILL RD (MC 355), SPRINGDALE, AR 72764  
PREPARED BY: OZTURK INVESTMENTS LLC, 15500-001  
ENDORSED USE: RESIDENTIAL  
PLAT PAGE INDEX: 143  
COUNTY ZONING: A-1/2 RES. 1 UNIT/A.C.  
COUNTY ATTACHES: FROM 1.25 FEET + UTILITY EASEMENT  
REAR: 20 FEET  
BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM (NORTH ZONE) NAD83  
STATE LAND SURVEYOR FILE: 0006  
500-714-2241-51-226-72-1005

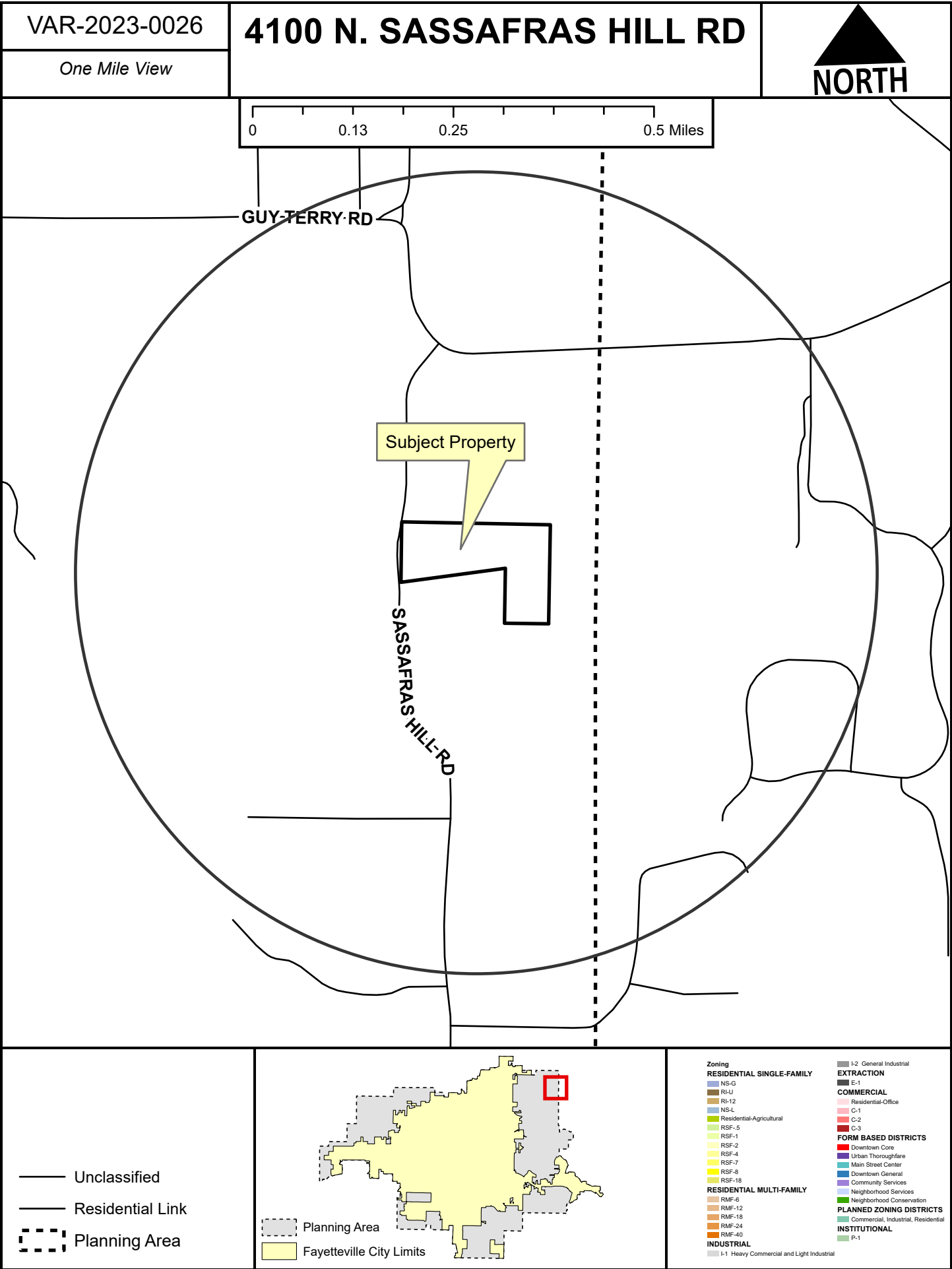
OZTURK INVESTMENTS LLC  
N. SASSAFRAS HILL RD (MC 355), SPRINGDALE, AR 72764  
LOT SPLIT - FAYETTEVILLE, ARKANSAS

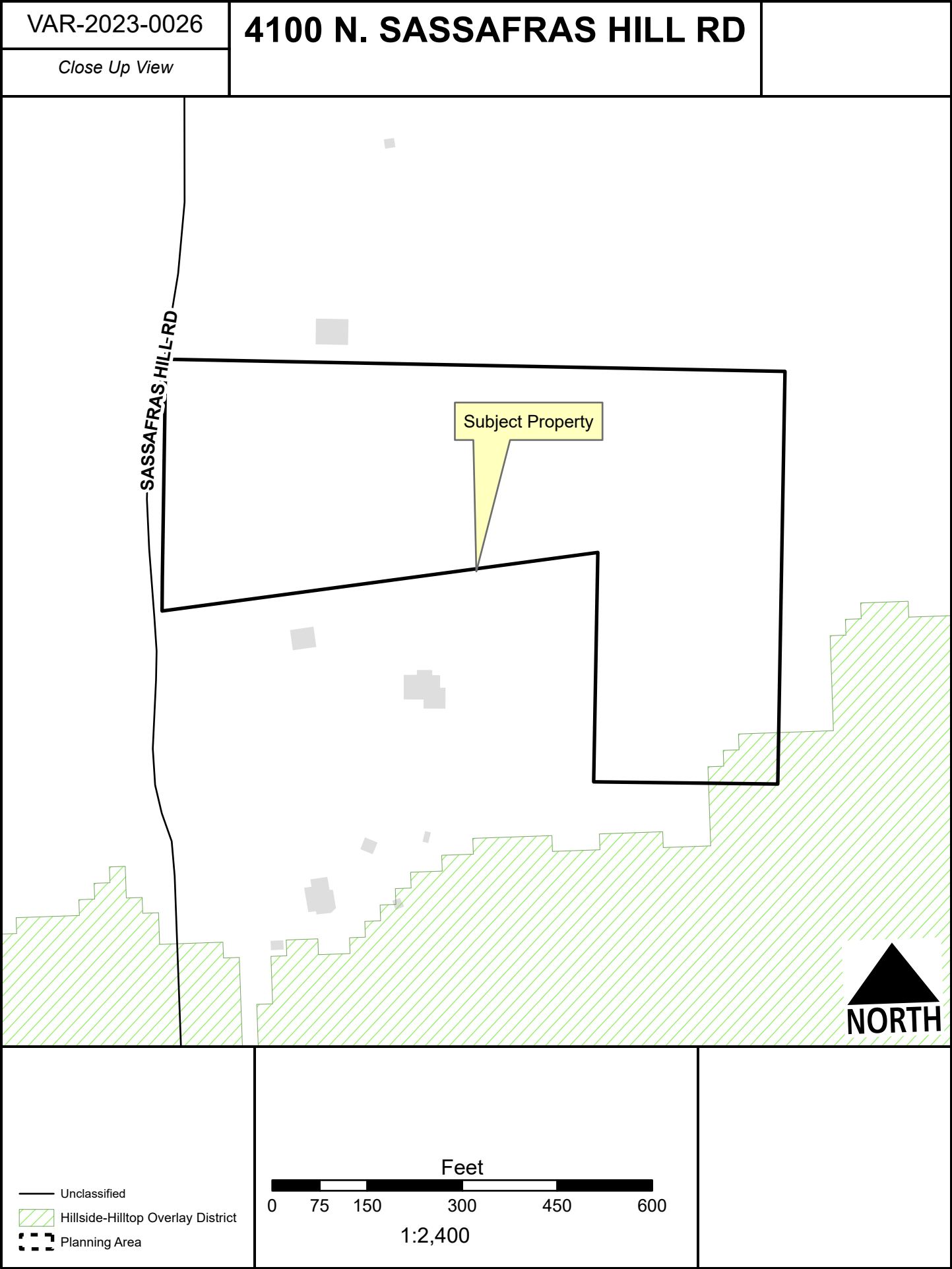
| REV-2023-0031 |    | REVISIONS  |               |
|---------------|----|------------|---------------|
| SHEET         | OF | DATE       | DESCRIPTION   |
| 2             | 2  | 07/28/2023 | CITY COMMENTS |

| SYMBOL | DESCRIPTION      |
|--------|------------------|
| 1      | AC UNIT          |
| 2      | BROOK/LOW VALLEY |
| 3      | BRUSH            |
| 4      | CABLE POST       |
| 5      | CABLE POST       |
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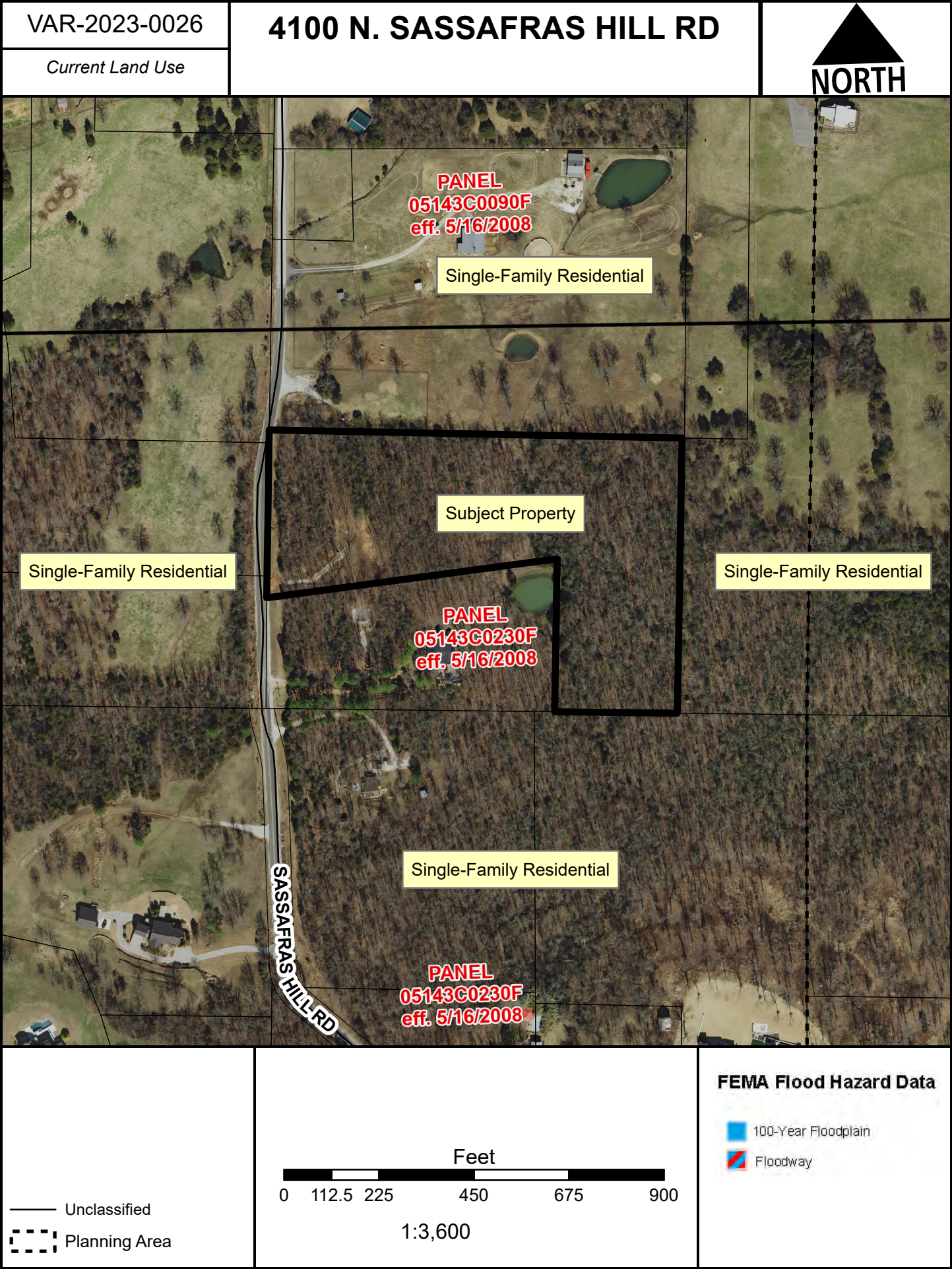
LEGEND















**TO:** City of Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager  
Chris Brown, Public Works Director

**FROM:** Alan Pugh, Staff Engineer

**MEETING DATE:** July 24, 2023

**SUBJECT:** **VAR-2023-0028: Variance (653 W. 15<sup>th</sup> ST./UNIVERSITY LOFTS AT THE SANCTUARY, 600):** Submitted by DEVELOPMENT CONSULTANTS INC for property located at 653 W. 15<sup>th</sup> ST. The property is zoned CS, COMMUNITY SERVICES and contains approximately 10.22 acres. The request is for a variance to the flood damage protection ordinance.

**RECOMMENDATION:**

Staff recommends approval of **VAR-2023-0028** based on the findings contained in this report.

**RECOMMENDED MOTION:**

*"I move to approve **VAR-2023-0028**, determining:*

- FEMA is in the process of updating the Flood Insurance Rate Maps for Washington County; and*
- As a portion of this update, a flood study for College Branch has been performed; and,*
- Based on this study, the proposed development will not encroach within the proposed floodplain except for a required sidewalk."*

**BACKGROUND:**

The subject property is located just west of the intersection of W. 15<sup>th</sup> Street and S. School Avenue near the crossing of College Branch under W. 15<sup>th</sup> Street. The property totals approximately 10.22 acres and is currently vacant. College Branch flows generally north to south across the eastern side of the property. The creek is currently indicated as Zone A, base flood elevation undetermined, according to the 2008 Flood Insurance Study (FIS). The creek is on the list of protected streams as identified in the streamside protection map adopted in 2011 along with the streamside protection ordinance. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:**  
**Surrounding Land Uses and Zoning**

| <b>Direction</b> | <b>Land Use</b> | <b>Zoning</b>                                                                                      |
|------------------|-----------------|----------------------------------------------------------------------------------------------------|
| North            | Residential     | RMF-24, Residential Multi-Family, 24 Units per Acre                                                |
| South            | Institutional   | I-1, Heavy Commercial and Light Industrial                                                         |
| East             | Industrial      | I-1, Heavy Commercial and Light Industrial;<br>RMF-24, Residential Multi-Family, 24 Units per Acre |
| West             | Residential     | CS, Community Services;<br>RMF-24, Residential Multi-Family, 24 Units per Acre                     |

*Request:* The applicant is requesting a variance from Unified Development Code §168.10, which requires a flood study indicating if there are any impacts to the floodplain.



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

**DISCUSSION:**

The presence of the Zone A floodplain on the property would trigger the requirement for a flood study per Chapter 168 of the Unified Development Code. It would also require that the study be approved by the Federal Emergency Management Agency (FEMA) before it can be approved. However, in this instance, FEMA has recently completed a flood study as a portion of the proposed Washington County Update. The City of Fayetteville partnered with FEMA in order to provide a detailed study for College Branch with a proposed Zone AE, base flood elevations determined, rather than the current Zone A. Although this study is not yet regulatory, after working with FEMA and reviewing the study staff feels comfortable utilizing the information moving forward. As the study has already been performed, staff saw no need to require another study, including the Conditional Letter of Map Revision, by the applicant as required by Chapter 168. The applicant also seeks to utilize the preliminary mapping issued by FEMA. The map in question is 05143C0216G dated 12/17/2020 rather than the current regulatory map. Staff feels the preliminary mapping is more accurate as it reflects both the flood study performed by FEMA and the fill that had been previously placed on the site.

A third request to vary from sidewalk elevation standards was mentioned in the applicant's request letter, however, that variance can be handled administratively per ordinance.

**RECOMMENDATION:** Staff recommends approval of **VAR-2023-0028** with the following conditions:

**Conditions of Approval:**

1. Applicant respect the proposed Zone AE as defined on the referenced map and the study performed by FEMA and not encroach into the proposed floodplain areas except for the required sidewalk along 15<sup>th</sup> Street;
2. Applicant shall balance the cut and fill required for the sidewalk installation in the floodplain such that no net fill is placed within the floodplain area; and
3. Any structure on the property will be required to demonstrate that it is elevated at least two feet above the base flood elevation at the time of building permit.

|                                    |  |                                 |                                   |                                 |                   |
|------------------------------------|--|---------------------------------|-----------------------------------|---------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |  |                                 |                                   | <b>Required</b>                 | <b><u>YES</u></b> |
| <b>Date:</b> <u>July 24, 2023</u>  |  | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |                   |
| <b>Motion:</b>                     |  |                                 |                                   |                                 |                   |
| <b>Second:</b>                     |  |                                 |                                   |                                 |                   |
| <b>Vote:</b>                       |  |                                 |                                   |                                 |                   |

## FINDINGS OF THE STAFF

### §156.03. DEVELOPMENT, PARKING AND LOADING.

Certain variances of the development, parking and loading regulations may be applied for as follows:

...

#### C. Consideration by the Planning Commission.

...

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

- (a.) In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance.
- (b.) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places, without regard to the procedures identified in the remainder of this ordinance. Variances may only be issued for such repair, or rehabilitation if strict enforcement of the ordinance would preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (c.) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items listed in §168.05(B)(4) have been fully considered. As the lot size increases beyond half acre, the technical justification required for issuing the variance increases.
- (d.) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (e.) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f.) Floodplain variances shall only be issued if:
  - (i.) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply generally to other property in the same flood zone;

**Finding:** As stated, staff has reviewed the flood study provided by FEMA which is not yet regulatory but feels an additional flood study would be redundant.

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

**Finding:** As stated, staff has reviewed the flood study provided by FEMA which is not yet regulatory but feels an additional flood study would be redundant.

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

**Finding:** Although staff will require a floodplain statement to be signed/sealed by the engineer of record, it appears based on the previous study and the preliminary plans that no increase in flood heights would be anticipated with the proposed development.

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

**Finding;** Not applicable to this project.

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

**Finding:** See staff recommended conditions listed above.

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

**Finding:** Not applicable to this project.

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Applicant Request Letter
- Proposed Variance Request Exhibit
- Draft FEMA Mapping
- One Mile Map
- Close Up Map
- Current Land Use Map

26 June 2023

**City of Fayetteville**

Planning Commission  
125 W. Mountain Street  
Fayetteville, AR 72701  
479.575.8267

**DCI Job Number:** 2023-134  
**Project Name:** University Lofts at the Sanctuary  
**Owner:** Andy Davis, Sanctuary at Sofay, LLC  
1855 N Candleshoe, Fayetteville, AR 72701  
870.723.2400

**Project Narrative:**

The University Lofts at the Sanctuary Multi-Family development is located at 653 W 15<sup>th</sup> Street, Parcel 765-15032-000, and consists of approximately 3.10 acres in the northwest corner of the 10.25 acres parent tract. This parcel fronts approximately 360' along W 15<sup>th</sup> Street and 370' along Van Buren Avenue. The project is a multifamily development consisting of 152 micro-loft units contained in a single four-story structure. As part of this development, Van Buren Avenue will be built from the south edge of 15<sup>th</sup> Street to the limits of the developed property. This parcel is bordered by the College Branch to the east and the Town Branch to the south, which have recently had a flood study completed that has been preliminarily accepted by FEMA.

Additionally, this development will work to limit the impact to the floodplain of the surrounding waters. However some fill will be required in the floodplain to be able to build the required 10' wide city trail along and within a portion of the floodplain along 15<sup>th</sup> Street, and the said fill will be compensated on site per UDC Section 168.10.U.3. It is anticipated that the amount of compensatory storage would not exceed 200 cubic yards, more or less. By altering the location and elevation of the city trail from the master street plan, we are able to reduce the amount of fill placed into the floodplain and reduce the amount of compensatory storage required.

**Variance Request:**

On behalf of the owner, DCI is requesting variances to the following sections of the Unified Development Code.

1. Variance to UDC Section 168, Flood Damage Prevention Code. Code requires the current FEMA Flood Insurance Rate Map be utilized when evaluating the limits of the floodplain on a subject property. The current map does not reflect existing conditions in the field on the subject property and a recent revision to the FIRM has been preliminarily accepted by FEMA to adjust the floodplain. The owner would like to utilize the preliminary FIRM panel, 05143C0216G dated 12/17/2020, to determine the extents of the floodplain on the property. It is anticipated that FEMA will formalize this FIRM panel in the near future, replacing the current FIRM with the one the owner wishes to use.

Engineering • Planning • Land Surveying • Landscape Architecture

2. Variance to UDC Section 168 requiring a flood study for projects that have fill within the designated floodplain with compensatory storage per 168.10.U.1 & U.3. The design of the required 10' wide city trail requires some fill to be placed within the proposed floodplain. Compensatory storage will be required and will be limited to 200 cubic yards, more or less.
3. Variance to UDC Section 171.14.5 Sidewalk Elevation. The owner is requesting to place the trail further from the back of curb and at an elevation that would minimize the impacts to the floodplain. If the elevation requirement of 2% up from the back of curb was enforced, the entire floodplain along the south side of 15<sup>th</sup> Street would be lost under fill, eliminating flood storage capacity. With the Base Flood Elevation of 1218.00', the trail would be below the BFE. By altering the trails elevation to more closely follow the edge of the floodplain, we are able to reduce the amount of fill and compensatory storage requirements, as well as keep the trail above the BFE.

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

Sincerely,



Chase Henrichs, P.E.

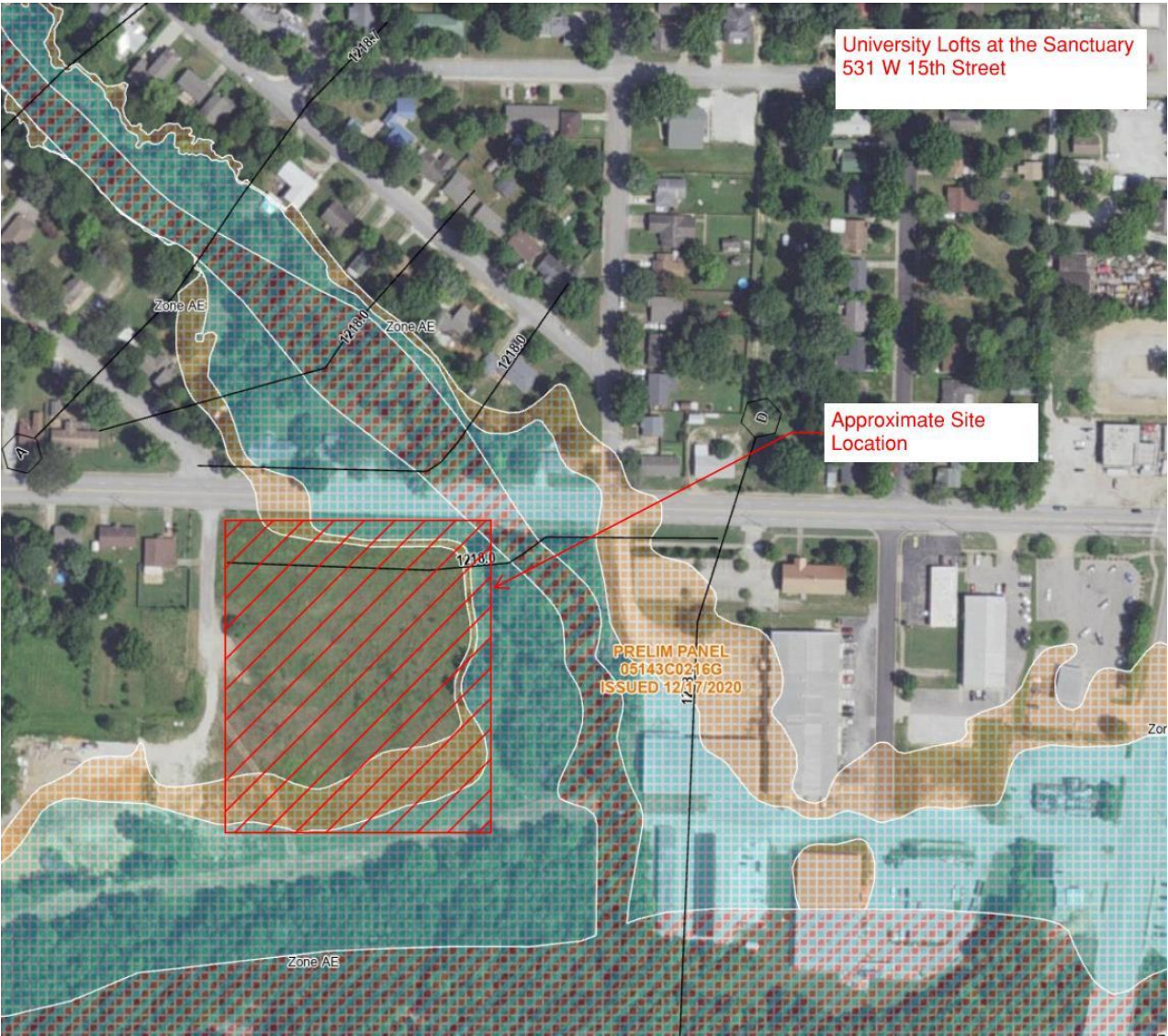
[ChaseH@DCIUS.PRO](mailto:ChaseH@DCIUS.PRO)

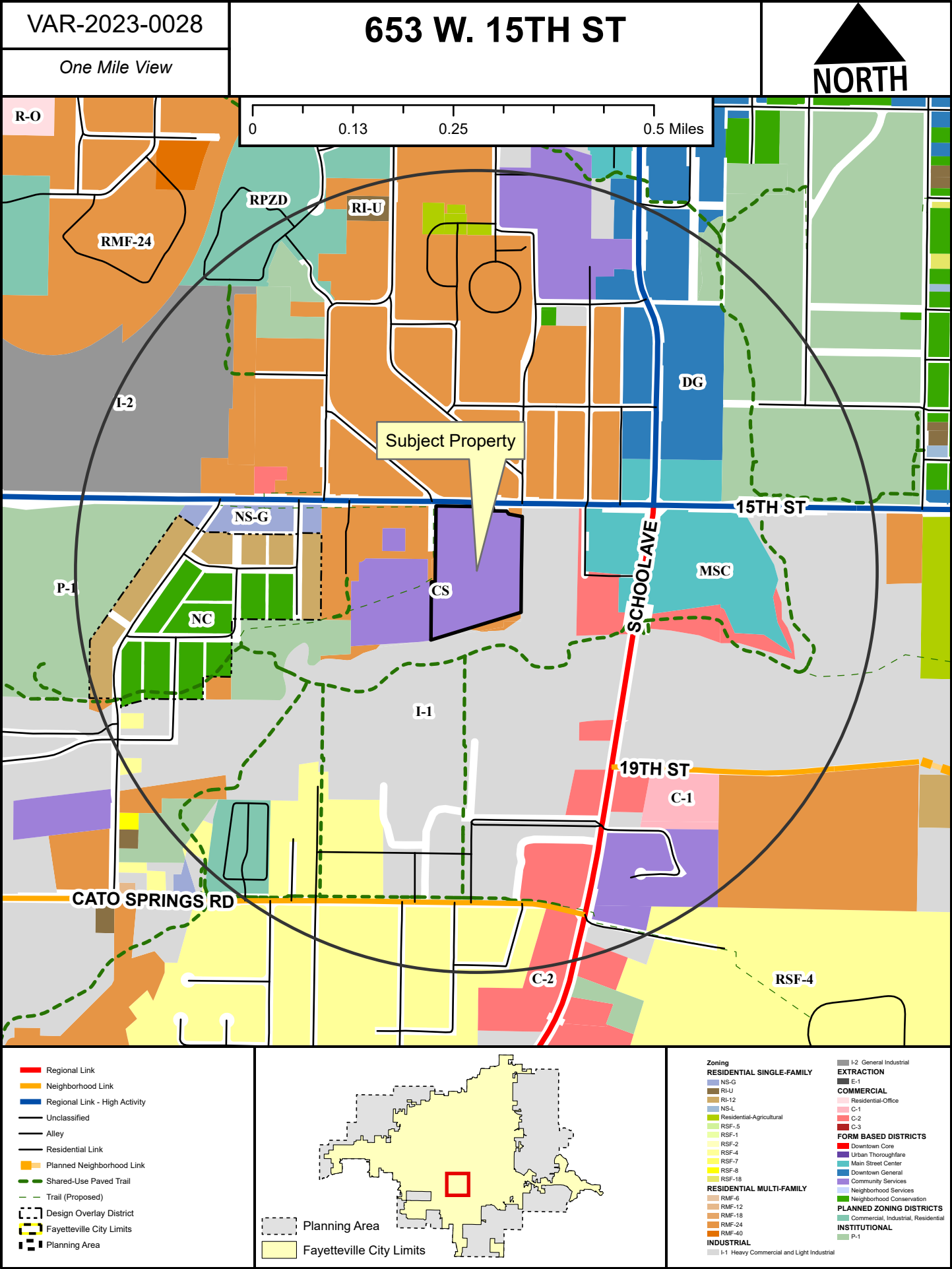
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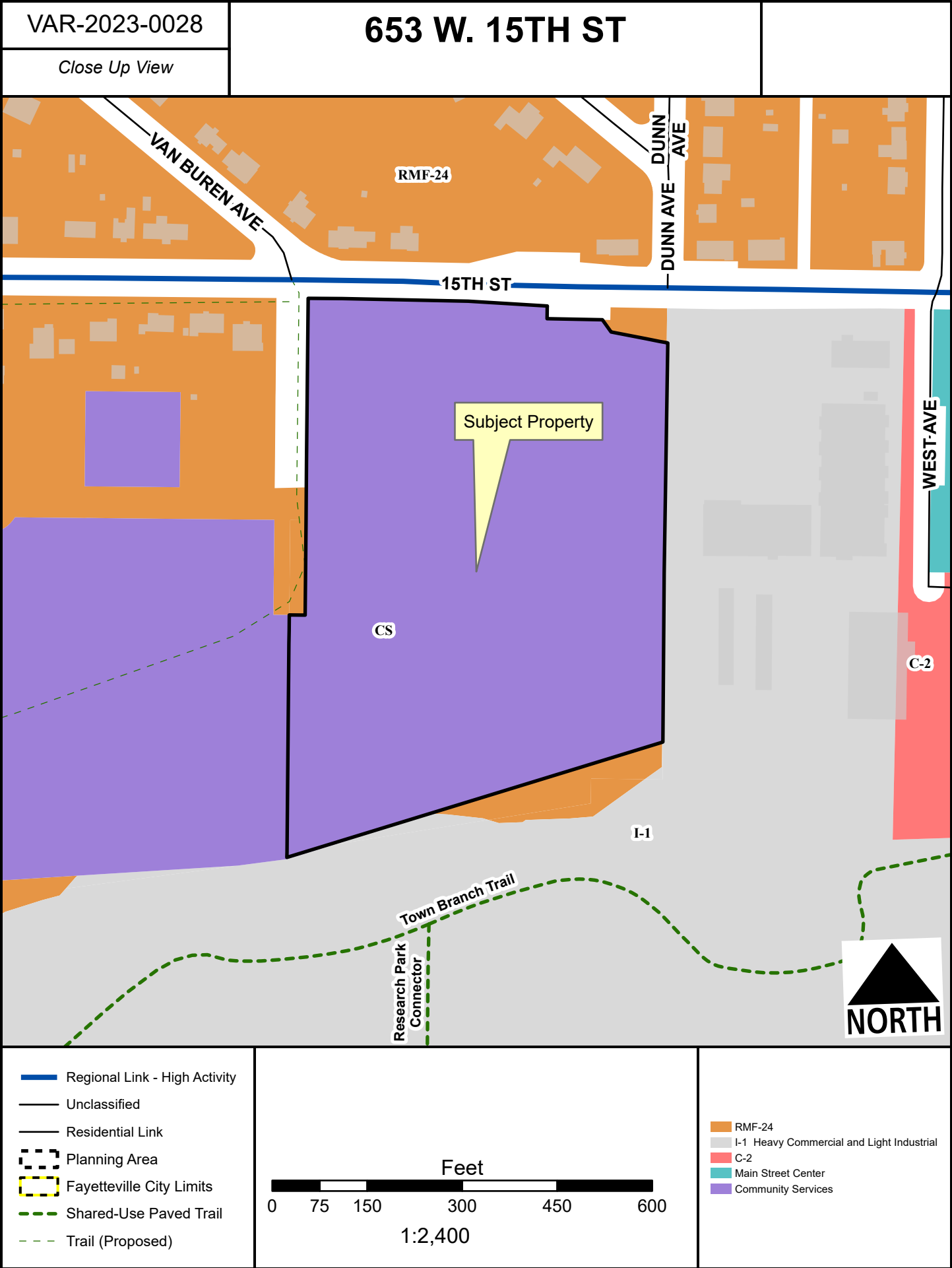
Development Consultants



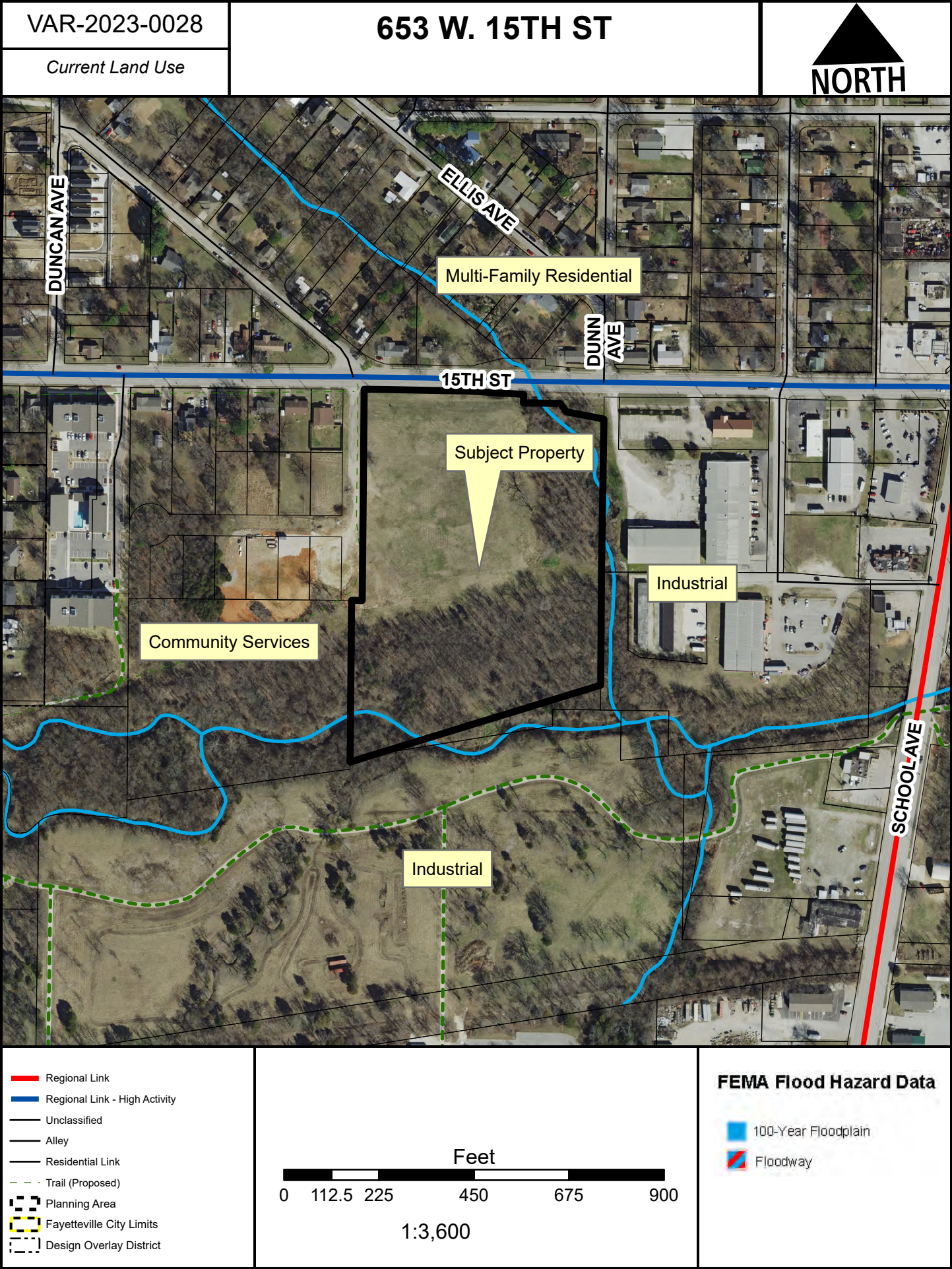
Draft FEMA Mapping



Planning Commission  
July 24, 2023  
Page 26 of 406  
Page 9 of 11











**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **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.

**RECOMMENDATION:**

Staff recommends denial of **CUP-2023-0059** based on the findings in this report.

**RECOMMENDED MOTION:**

*"I move to deny CUP-2023-0059."*

**BACKGROUND:**

The subject property is located west of Hwy 49 south of Centennial Park within the Southern Woods Cluster Housing development. The property is zoned NC, Neighborhood Conservation, and falls within the Enduring Green Network, totaling approximately 0.05 acres. A 1,176 square foot single-family structure was constructed in 2022 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, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. 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     | Undeveloped (Extensive Canopy) | NC, Neighborhood Conservation |
| South     | Single-family Residential      | NC, Neighborhood Conservation |
| East      | Single-family Residential      | NC, Neighborhood Conservation |
| West      | Single-family Residential      | NC, Neighborhood Conservation |

*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 475-unit 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 denial of **CUP-2023-0059**. Should Planning Commission choose to approve, staff recommends the following conditions:

**Conditions of Approval:**

1. **Planning Commission determination of compatibility.** *Staff finds the proposed short-term rental to be incompatible 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 applicant statement, limit tenant occupancy to four (4) total 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. Per 120.02(A), the owners of only short-term rentals shall be required to designate and register their Landlord's Representative into the Landlord's Representative Registry.

|                                    |  |                                        |                                          |                                        |                   |
|------------------------------------|--|----------------------------------------|------------------------------------------|----------------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |  |                                        |                                          | <b>Required</b>                        | <b><u>YES</u></b> |
| <b>Date:</b> <u>July 24, 2023</u>  |  | <input type="checkbox"/> <b>Tabled</b> | <input type="checkbox"/> <b>Approved</b> | <input type="checkbox"/> <b>Denied</b> |                   |
| <b>Motion:</b>                     |  |                                        |                                          |                                        |                   |
| <b>Second:</b>                     |  |                                        |                                          |                                        |                   |
| <b>Vote:</b>                       |  |                                        |                                          |                                        |                   |

## 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 NC 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 may negatively affect the public interest. While there are business license requirements including a required building safety inspection and applicable density caps on Type 2 short-term rentals, staff has specific concerns related to the site and related density within the cluster housing development (see finding 8 regarding reasons for denial).



(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, 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 Type 2 Short-Term Rental, Use Unit 46, in NC zoning, which requires a conditional use permit.**

(2) *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(A)(3). Structure appears to be a two-bedroom unit, which per ordinance would mean a maximum occupancy limit of six (6) tenants.**

(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: Staff recommends parking is limited as described in UDC §163.18(A)(4). For single-family structures parking is required to be provided at a rate of two vehicle spaces per dwelling unit, as modified by the Cluster Housing Development code. If approved staff recommends that the maximum number of vehicles be limited to two.**

(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 833 S. One Mile Rd. 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 citywide density cap at 475 business licenses. As of July 17, 2023, the City had issued 388 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license, but does not guarantee its approval.

(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:**

(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:** Nine existing type-2 short term rentals exist within ¼ mile of the request, with four of those within the cluster housing development. The four dwellings directly to the east (825, 827, 829, and 833 S. One Mile Rd.) have been denied for Type 2 short term rental applications due to concerns about the density of STRs within the clusters as well as available parking. An additional unit (865 One Mile) has requested to convert from a type 1 to a type 2.

If 823 S. One Mile Rd. is approved as a type 2 short term rental, the total number of type 2 short-term rental facilities within the cluster housing development to out of 5 out 27 available units (or 18.5% of the dwelling units).

The cluster housing development is currently accessible only via S. One Mile Rd. from W. Old Farmington Rd., which does not have the capacity for on-street parking. In addition, LSD20-7116 received a variance for alternative residential link street section of less than the 33 feet permitted by the Master Street Plan as well as a variance for Street Design Principles for a dead-end street. While additional street connections are under construction with future phases of Southern Woods, they are not yet complete.

No known zoning or code violations were found for the requested 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:** Staff finds the proposal has the potential to adversely affect traffic flows. Because the proposed short-term rental is located on a dead-end street with multiple short-term rentals already approved within the cluster housing development, the approval of an additional STR has the potential to negatively impact traffic flow to both the proposed STR and adjacent properties within the cluster housing development.

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

**Finding:** Parking is located off-street within a central parking court or on-street on S One Mile Rd. The short-term rental ordinance limits the number of guest vehicles to the maximum number of vehicles as allowed by the underlying zoning district which is typically two per single family dwelling unit. See attached parking exhibit for further information on locations of parking as defined by ADM-2021-000039. Note that while the parking spots are designated for each unit on the exhibit, staff is not aware of any enforcement of assigned parking within the cluster housing development.

The cluster housing development is currently located on a dead-end street with potential for future connectivity with the development of phase 2; however, at this time only one point of entry is available off of West Old Farmington Rd.

(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 incompatible with the surrounding properties. Due to the tight nature of the cluster housing development and the variance allowing a dead-end street, the addition of a fifth type 2 short term rental facility in the cluster housing development is likely to negatively impact adjacent long-term property owners.**

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - Excerpt of Ordinance 6672
  - §161.29 District NC, Neighborhood Conservation
- Applicant Request Letter
- Overall Site Map
- Parking Exhibit
- Building Floor 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.
- (20) 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)



113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 6672**

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**File Number: 2023-838**

**ORDINANCE AMENDMENT §118.01 (SHORT TERM RENTAL DENSITY CAP):**

AN ORDINANCE TO AMEND §118.01 APPLICABILITY OF THE FAYETTEVILLE CITY CODE TO REDUCE THE CITYWIDE DENSITY CAP FOR SHORT TERM RENTALS TO 475, AND TO DECLARE AN EMERGENCY

**WHEREAS**, the Development Services Department has issued 392 licenses for Type 2 short term rentals, 341 of which contribute to the current 2% citywide cap because they are not located in zoning districts that permit hotel and motel uses by right; and

**WHEREAS**, the City Council Ordinance Review Committee has recommended that the citywide density cap for Type 2 short term rentals be reduced from 2% of all dwelling units to a set cap of 475 and recommends that all Type 2 short term rentals be counted toward that cap.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory paragraph of subsection (E)(16) and subsection (E)(16)(a) in §118.01 **Applicability** of the *Fayetteville City Code* and enacts replacement language as follows:

“(16) Density For Type 2 Short-Term Rentals. A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because reducing the number of available short term rental permits in the City of Fayetteville is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED on July 6, 2023

Approved:

Attest:

  
Lionel Jordan, Mayor

  
Kara Paxton, City Clerk Treasurer



## 161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

|          |                                            |
|----------|--------------------------------------------|
| Unit 2   | City-wide uses by conditional use permit   |
| Unit 3   | Public protection and utility facilities   |
| Unit 4   | Cultural and recreational facilities       |
| Unit 9   | Two (2) family dwellings                   |
| Unit 10  | Three (3) and four (4) family dwellings    |
| Unit 12a | Limited business*                          |
| Unit 24  | Home occupations                           |
| Unit 25  | Offices, studios, and related services     |
| Unit 28  | Center for collecting recyclable materials |
| Unit 36  | Wireless communication facilities          |
| Unit 44  | Cluster Housing Development                |

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

|                    |         |
|--------------------|---------|
| All dwelling types | 40 feet |
|--------------------|---------|

(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

|                                    |                                                                                                                  |
|------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Front                              | A build-to zone that is located between the front property line and a line 25 feet from the front property line. |
| Side                               | 5 feet                                                                                                           |
| Rear                               | 5 feet                                                                                                           |
| Rear, from center line of an alley | 12 feet                                                                                                          |

(F) *Building Height Regulations.*

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

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

Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

## APPLICANT REQUEST LETTER

Complete written description of this request (what is proposed by the applicant) to include:

(a) Building size in square feet; existing and proposed

- 823 S One Mile Rd Fayetteville, Ar 72704 square footage is 1176

(b) Color elevations of all exterior sides of the structure

- 823 S One Mile Rd Fayetteville, Ar 72704 exterior is Sky blue with white trimming

(c) Number of off-street parking spaces to be provided / number required

- 823 S One Mile Rd Fayetteville, Ar 72704 There will be 2 designated parking spaces.
- 

(d) Outdoor lighting

- 823 S One Mile Rd Fayetteville, Ar 72704 there is a Flood light on the left side of the house along with light on the front and back porch

(e) Noise

- 823 S One Mile Rd Fayetteville, Ar 72704 will not exceed city regulations

(f) Screening or buffering from adjacent properties

- 823 S One Mile Rd Fayetteville, Ar 72704: None

(g) Trash and refuse service (with particular reference to visibility from the street and adjacent properties) 823 S One Mile Rd Fayetteville, Ar 72704 City pick up on Wednesdays

(h) Ingress and egress to the property; traffic impacts

- 823 S One Mile Rd Fayetteville, Ar 72704 N/A

(i) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood

- 823 S One Mile Rd Fayetteville, Ar 72704- will not be disruptive to the neighborhood.







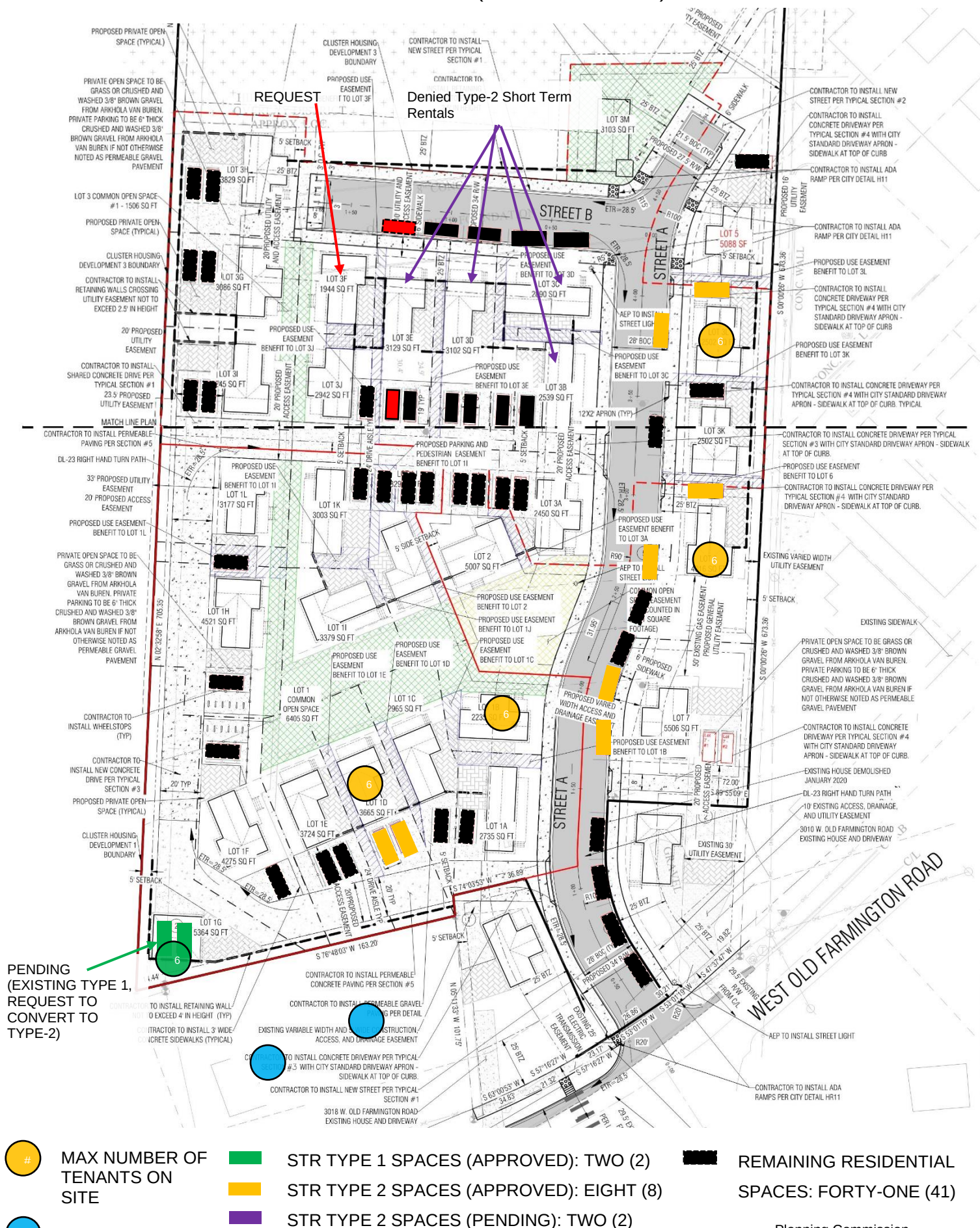




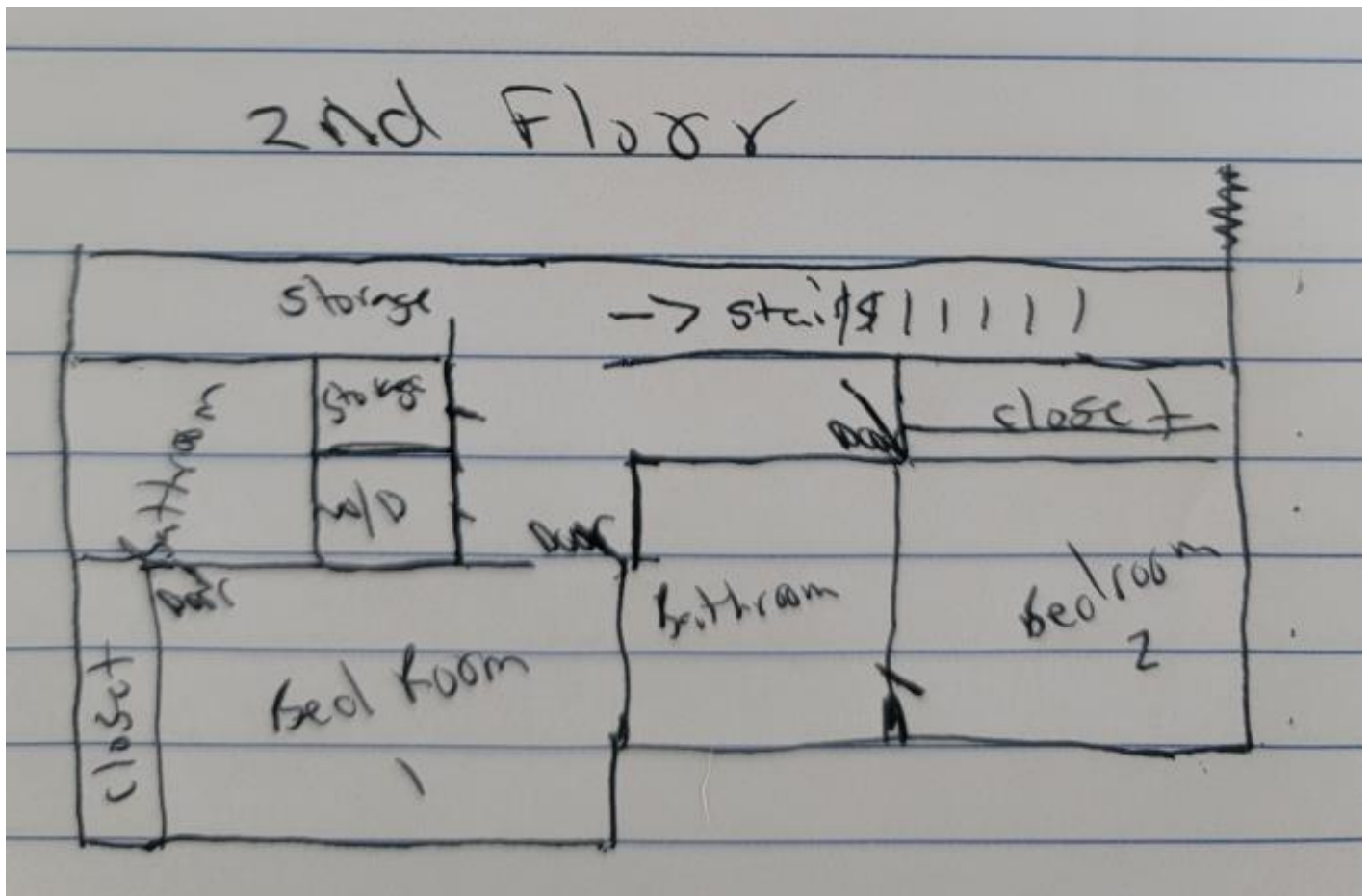
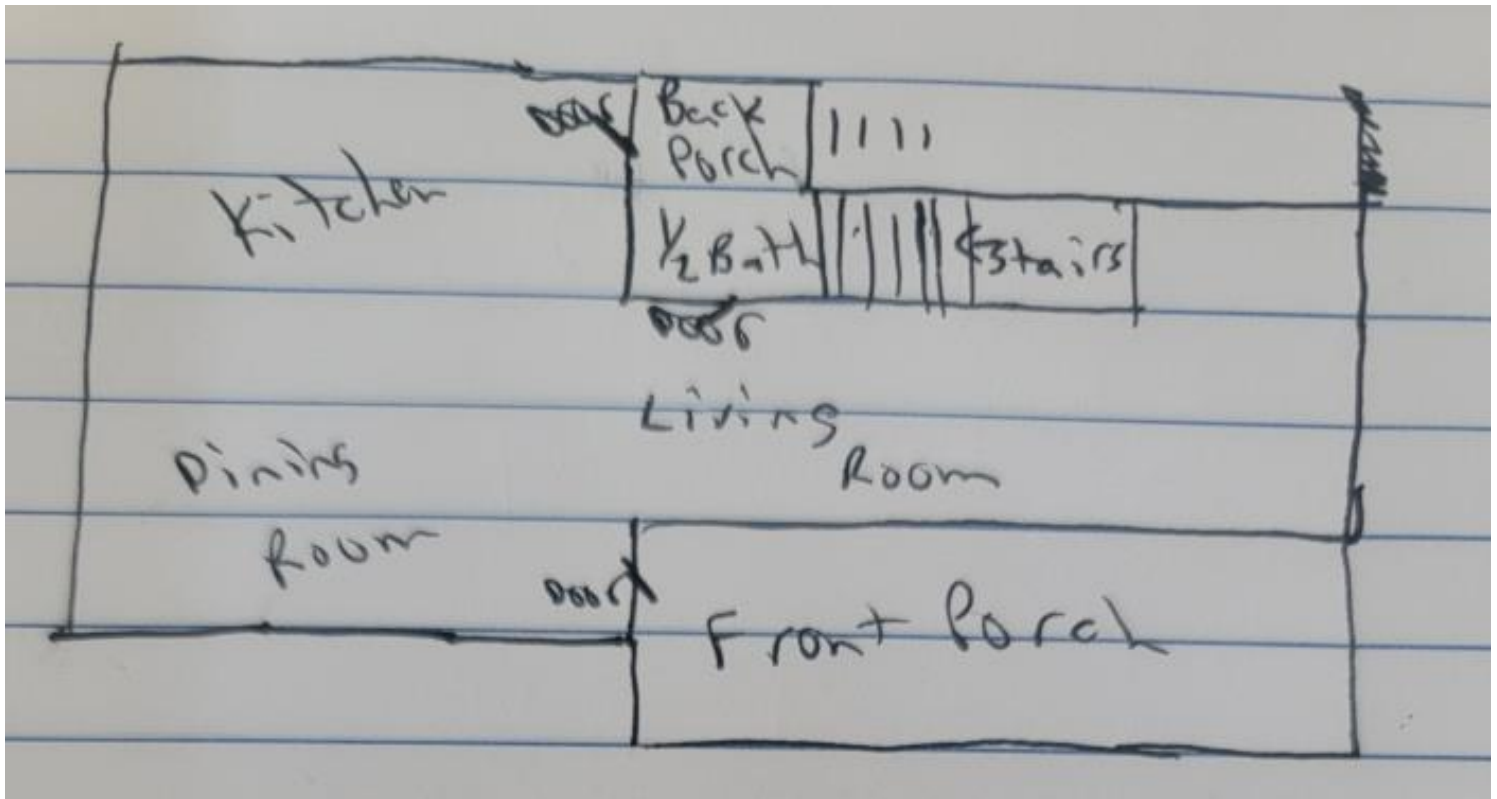




## PARKING EXHIBIT PER DESIGNATED SPOTS (ADM-2021-000039)







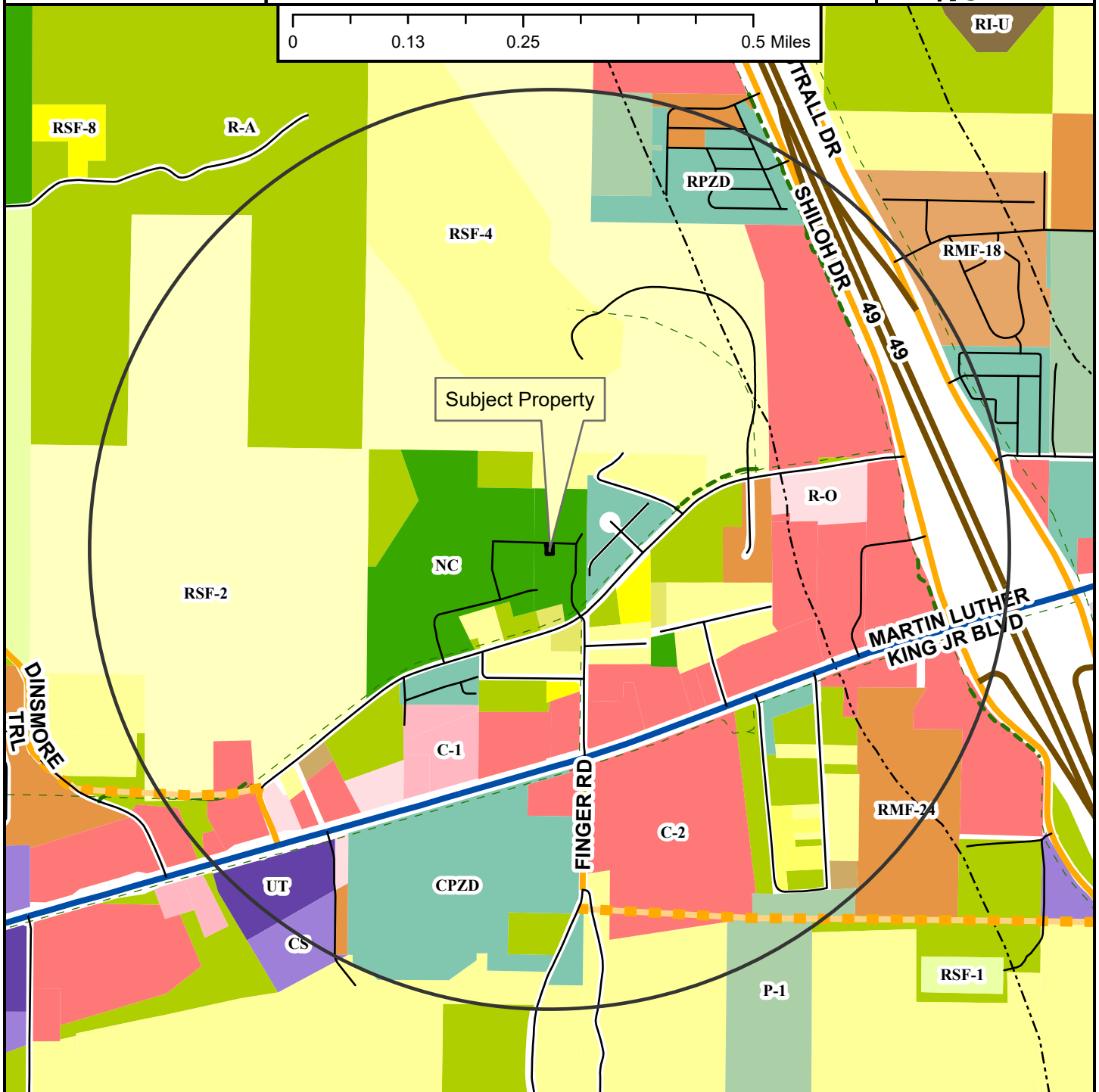
CUP-2023-0059

# 823 S. ONE MILE RD

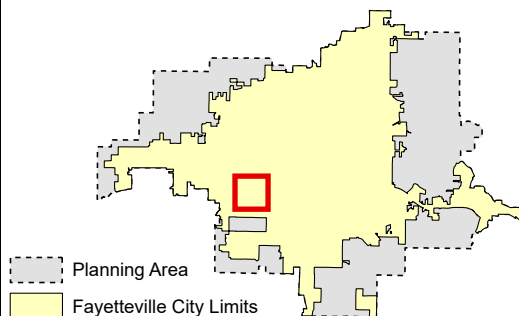
One Mile View



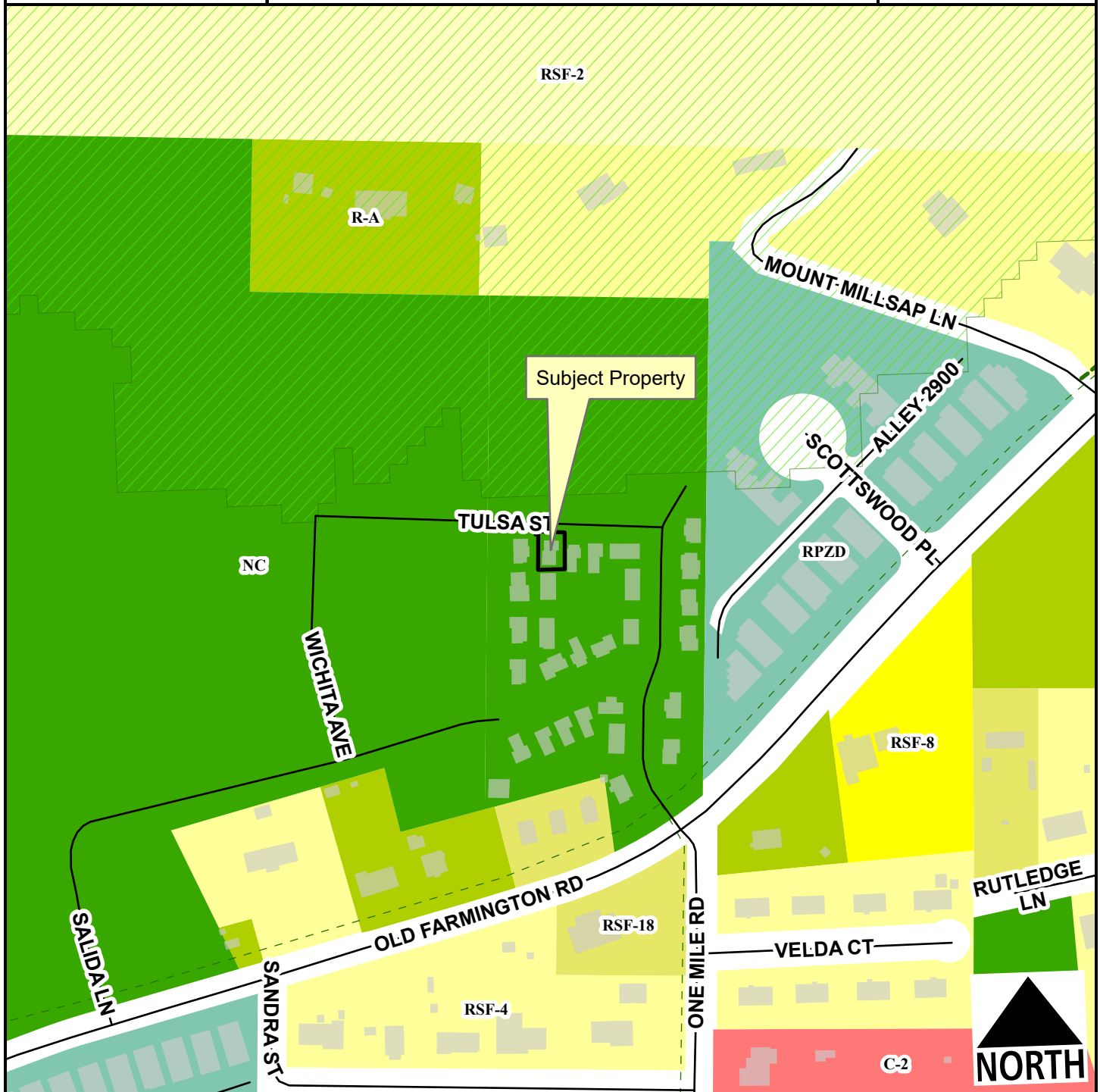
0 0.13 0.25 0.5 Miles



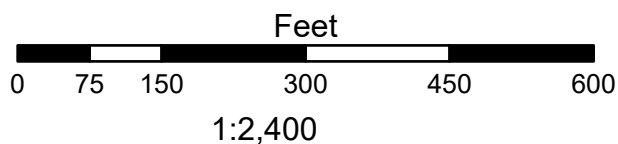
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



- 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-13
  - RMF-24
  - RMF-40
- INDUSTRIAL**
- I-1 Heavy Commercial and Light 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



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



- Residential-Agricultural
- RSF-2
- RSF-4
- RSF-8
- RSF-18
- C-2
- Neighborhood Conservation
- Commercial, Industrial, Residential



CUP-2023-0059

823 S. ONE MILE RD

Current Land Use



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



FEMA Flood Hazard Data

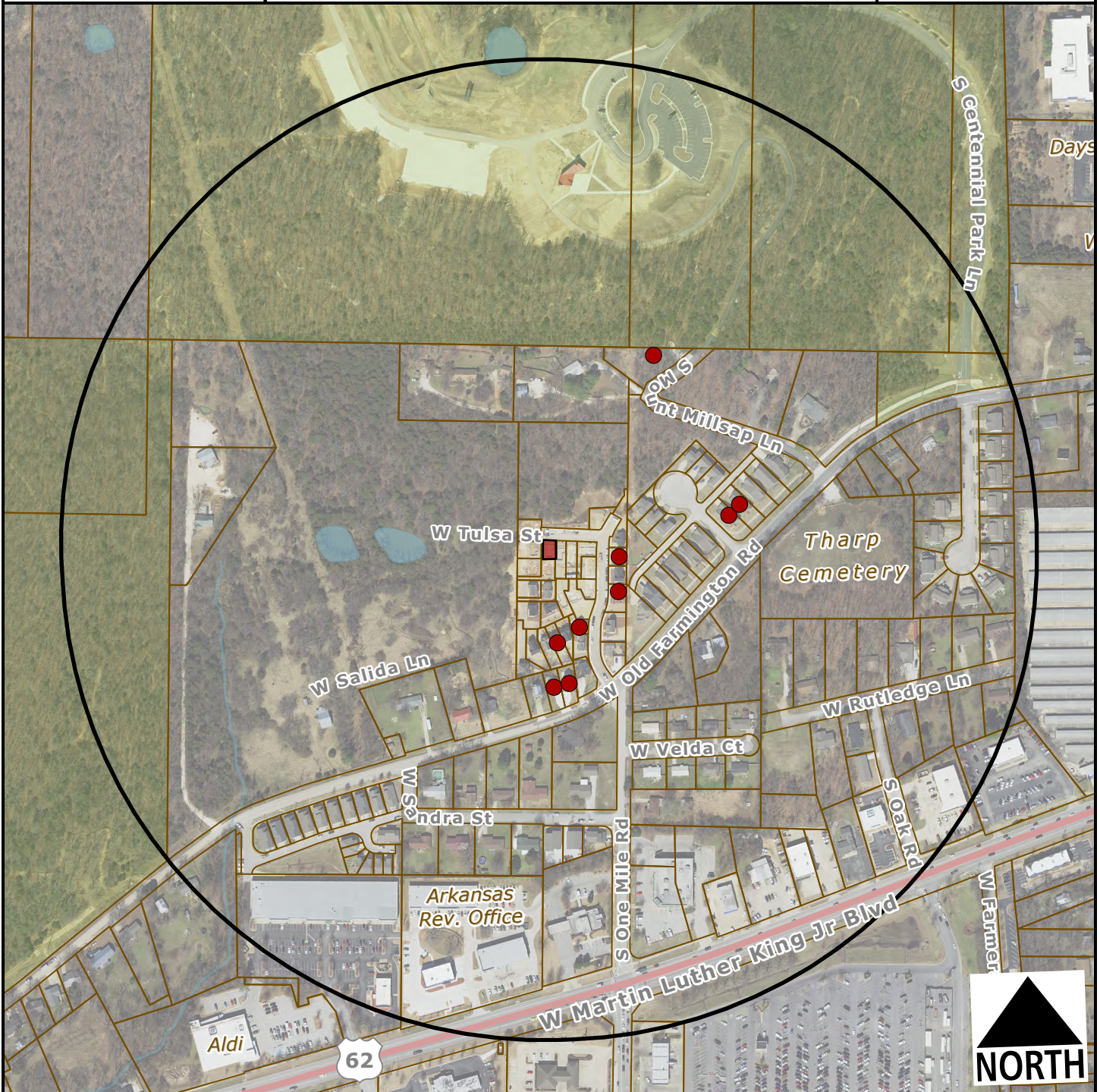
- 100-Year Floodplain
- Floodway



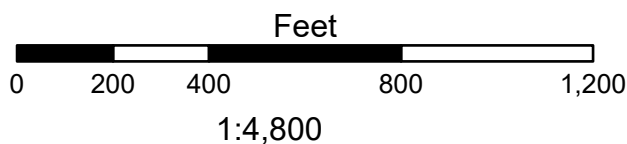
CUP-2023-0059

## 823 S. ONE MILE RD

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



### Number of STR Licenses

Contributing to 2% density cap 9

NOT contributing to 2% density cap 0

**Total 9**



**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** July 24, 2023

**SUBJECT:** **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.

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**RECOMMENDATION:**

Staff recommends approval of **CUP-2023-0061**, with conditions as outlined by staff.

**RECOMMENDED MOTION:**

*"I move to approve **CUP-2023-0061** with conditions, determining:*

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

**BACKGROUND:**

The subject property is in west Fayetteville, in between Centennial Park and I-49. The property is zoned RPZD, (Hawkins House) and totals approximately 0.10 acres; the overall development contains approximately 10.74 acres. Developed with a townhome dwelling that was constructed in 2017, the property received this zoning designation in 2015. On April 20, 2021, City Council adopted an ordinance to regulate short-term rentals operating within City limits. On December 20, 2022, City Council amended the ordinance to enact new requirements for short-term rentals, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. 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     | Multi-Family Residential            | RPZD, Residential Planned Zoning District (Hawkins House) |
| South     | Commercial (University of Arkansas) | C-2, Thoroughfare Commercial                              |
| East      | I-49 Interstate                     | N/A                                                       |
| West      | Multi-Family Residential            | RPZD, Residential Planned Zoning District (Hawkins House) |

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



*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 citywide cap of 475, 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 received public comment from an adjoining property owner who opposes this request, issuing concerns about safety.

**RECOMMENDATION:** Staff recommends approval of **CUP-2023-0061**, 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. Per 120.02(A), the owners of only short-term rentals shall be required to designate and register their Landlord's Representative into the Landlord's Representative Registry.

|                                    |                             |                                        |                                          |                                        |                   |
|------------------------------------|-----------------------------|----------------------------------------|------------------------------------------|----------------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                             |                                        |                                          | <b>Required</b>                        | <b><u>YES</u></b> |
| <b>Date:</b>                       | <b><u>July 24, 2023</u></b> | <input type="checkbox"/> <b>Tabled</b> | <input type="checkbox"/> <b>Approved</b> | <input type="checkbox"/> <b>Denied</b> |                   |
| <b>Motion:</b>                     |                             |                                        |                                          |                                        |                   |
| <b>Second:</b>                     |                             |                                        |                                          |                                        |                   |
| <b>Vote:</b>                       |                             |                                        |                                          |                                        |                   |

## 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 PZD 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 and concentration of 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, 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 Type 2 short-term rental, Use Unit 46, in a Residential Planned Zoning district, which requires a conditional use permit.**

*(2) 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(A)(3). Occupancy limitations are confirmed by the applicant during licensing and based on the applicant's request letter, it appears there are two bedrooms in the unit, which would allow a maximum occupancy of 6 guests.**

*(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: Staff recommends parking is limited as described in UDC §163.18(A)(4). For townhome structures, parking is required to be provided at a rate of 1 space per bedroom. According to the applicant the structure has two available**

**parking spaces, including on on-site garage and a driveway. They do not anticipate any parking to be included on the street.**

(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 2779 W. Cottonwillow 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 citywide density cap at 475 business licenses. As of July 17, 2023, the City had issued 388 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license, but does not guarantee its approval.**

(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 regulations in City Code §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: Staff finds that the short-term rental meets the criteria above for approval. The property has access to two parking spaces, and with a maximum of 6 guests, staff finds that this is adequate. City records show that there are 6 other Type 2 STRs within a ¼ mile radius of the property. Given that there are 176 units in the apartment complex, and no others currently operating within this same structure, staff finds this number would not be detrimental**

or contribute to neighborhood destabilization in this area. There are no prior zoning or code violations at this location.

**§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 property has frontage along W. Cottonwillow Way, which is a private street that was developed with the Hawkins House development. Staff finds the proposal will not adversely affect traffic flows considering the use of the property would be limited to a maximum of 6 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 applicant has indicated that there are at least two parking spaces available on the property. The driveway does appear to be approximately 15 feet long, though with no sidewalk present, and with access strictly onto a private drive, staff does not find that vehicles parking in the driveway would negatively affect traffic and pedestrian safety. Staff finds that glare from headlights would be minimal and would have little effect on adjacent properties. 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.

- (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. There appears to be adequate parking to accommodate the number of permitted guests, and staff does not anticipate a negative impact on traffic from this proposal. The zoning district does not allow hotel/motel uses by-right, but regardless, this short-term rental will contribute to the City-wide 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 city-wide limit and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes. With neither of those caps being met, staff finds that the goals of City Plan 2040 are still honored with this request.

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts



- Ordinance 6672 - Excerpt
  - Ordinance 5738 - Excerpt
- Applicant Request Letter
- Site Plan
- Building Elevations
- Building Floor Plan
- Public Comment
- 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)



113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 6672**

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**File Number: 2023-838**

**ORDINANCE AMENDMENT §118.01 (SHORT TERM RENTAL DENSITY CAP):**

AN ORDINANCE TO AMEND §118.01 APPLICABILITY OF THE FAYETTEVILLE CITY CODE TO REDUCE THE CITYWIDE DENSITY CAP FOR SHORT TERM RENTALS TO 475, AND TO DECLARE AN EMERGENCY

**WHEREAS**, the Development Services Department has issued 392 licenses for Type 2 short term rentals, 341 of which contribute to the current 2% citywide cap because they are not located in zoning districts that permit hotel and motel uses by right; and

**WHEREAS**, the City Council Ordinance Review Committee has recommended that the citywide density cap for Type 2 short term rentals be reduced from 2% of all dwelling units to a set cap of 475 and recommends that all Type 2 short term rentals be counted toward that cap.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory paragraph of subsection (E)(16) and subsection (E)(16)(a) in §118.01 **Applicability** of the *Fayetteville City Code* and enacts replacement language as follows:

“(16) Density For Type 2 Short-Term Rentals. A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because reducing the number of available short term rental permits in the City of Fayetteville is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED on July 6, 2023



Approved:

Attest:

  
Lionel Jordan, Mayor

  
Kara Paxton, City Clerk Treasurer



Doc ID: 016107820003 Type: REL  
Kind: ORDINANCE  
Recorded: 02/25/2015 at 11:21:40 AM  
Fee Amt: \$25.00 Page 1 of 3  
Washington County, AR  
Kyle Sylvester Circuit Clerk  
File **2015-00004731**

**ORDINANCE NO. 5738**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4924, FOR APPROXIMATELY 10.74 ACRES, LOCATED AT SOUTH SHILOH DRIVE FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE, TO R-PZD 14-4924, RESIDENTIAL PLANNED ZONING DISTRICT HAWKINS HOUSE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from RMF-24, Residential Multi Family, 24 Units per Acre, to R-PZD 14-4924, Residential Planned Zoning District Hawkins House, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

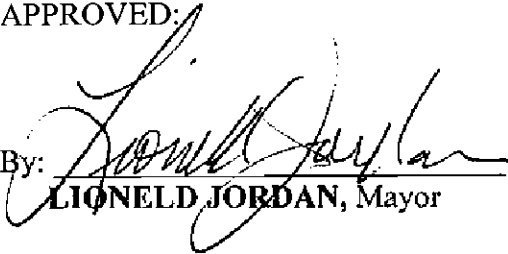
Section 2: That the change in zoning classification is based upon the master plan depicted in the PZD booklet and plats as submitted and determined appropriate and approved by the City Council.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

**PASSED and APPROVED** this 3<sup>rd</sup> day of February, 2015.

APPROVED:

By:

  
**LIONELD JORDAN, Mayor**

ATTEST:

By:

  
**SONDRA E. SMITH, City Clerk/Treasurer**

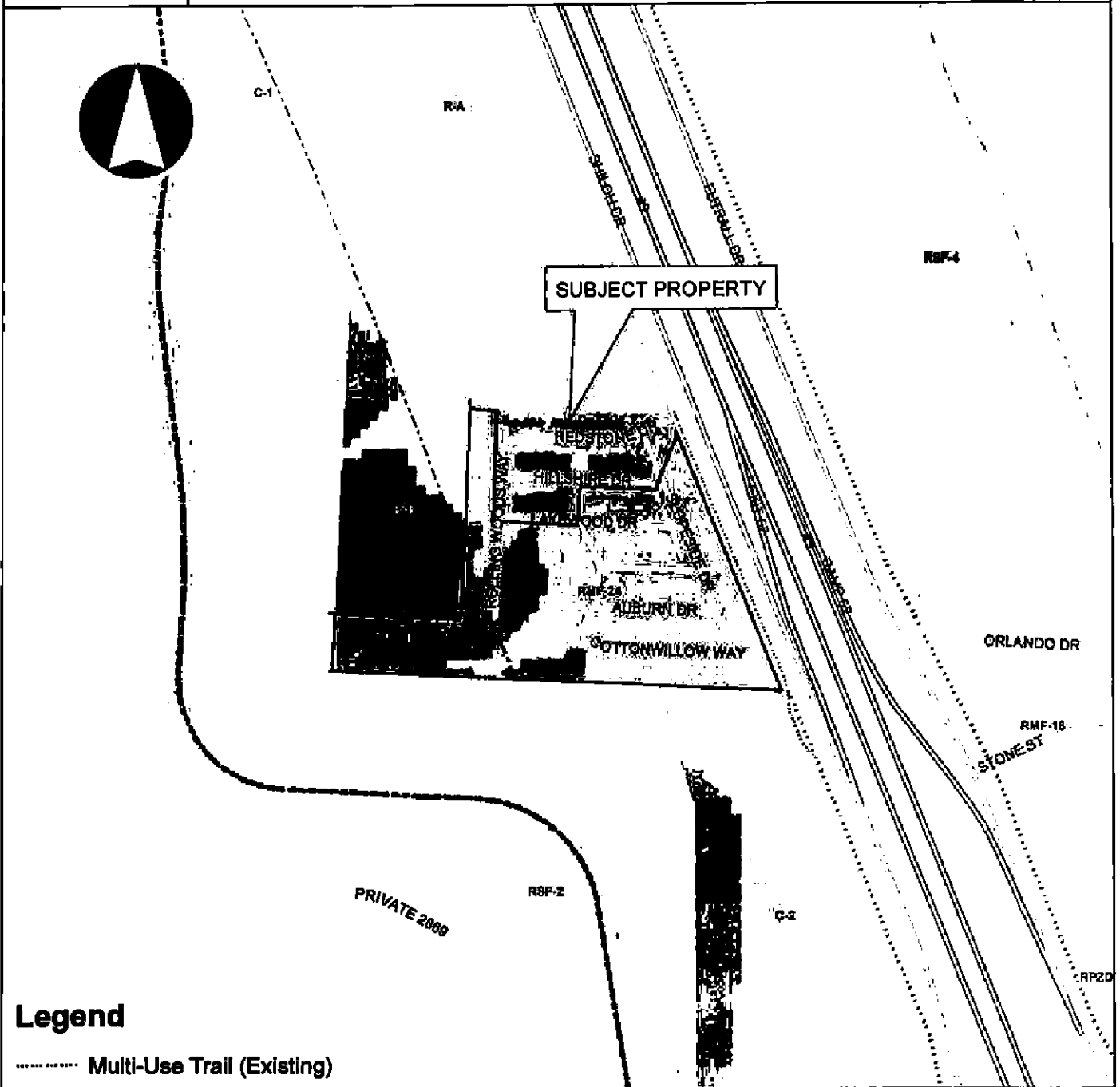


# EXHIBIT 'A'

RPZD14-4924

## HAWKINS HOUSE AT SHILOH

Close Up View



### Legend

----- Multi-Use Trail (Existing)

#### Overview Future Trails

----- Fayetteville City Limits

■ Footprints 2010

■ Hillside-Hilltop Overlay District

----- Design Overlay District

----- Planning Area



**E. PROPOSED PLANNING AREAS**

This PZD will have three planning areas. Two will be multi-family, and the other will have no proposed buildings or parking. It will be set aside for tree preservation and an existing detention pond.

**F. PROPOSED ZONING AND DEVELOPMENT STANDARDS**

**Planning Area #1: Multi-family Residential - Townhomes**

Purpose: The purpose of this Planning Area is to permit and encourage the development of for sale townhome style single family dwellings. This is for lots 1 through 88 (88 units on 5.91 acres), which will have a density of 14.89 units/acre.

**Land Use Designation:**

**1. Permitted Uses**

|         |                         |
|---------|-------------------------|
| Unit 1  | City-wide uses by right |
| Unit 26 | Multi-family Dwellings  |

**2. Conditional Uses**

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 24 | Home occupations                         |
| Unit 25 | Professional offices                     |

**3. Density**

|                          |                  |
|--------------------------|------------------|
| Acreage                  | 5.91 acres       |
| Number of Dwelling Units | 88 Units         |
| Density                  | 14.89 units/acre |

**4. Bulk and Area Regulations**

|                            |                               |
|----------------------------|-------------------------------|
|                            | Multi-family Dwellings        |
| Lot width minimum          | 20 feet (on access easements) |
| Lot area minimum           | 1,400 square feet             |
| Land are per dwelling unit | 1,400 square feet             |

## **5. Setback Requirements**

| Front | Side | Rear |
|-------|------|------|
| 0'    | 0'   | 0'   |

Height Restrictions: Structures in this planning area are limited to a building height of 60 feet.

\*All lots with a 0 ft side setback. Buildings are subject to minimum building separation, fire wall ratings, etc. in accordance with building code. All dwellings shall front onto the adjacent public access easement.

## **6. Building Area**

Area occupied by all buildings shall not exceed 50% of the total lot area. This is enforced on a lot-by-lot basis, not for the entire planning area, and does not include driveways or paving.

## **Site Planning**

### **7. Screening and Landscaping**

The screening and landscaping will be provided as set forth in the Unified Development Code. All lots will be required to be sodded.

### **8. Parking**

All parking shall comply with chapter 172, for multi-family residential requirements of the Unified Development Code.

### **9. Architectural Design Standards**

Conceptual architectural renderings have been provided along with this document. All buildings will have materials consistent with those proposed in this submittal along with a copy of these documents. The homes shall be constructed consistent with the elevations and renderings provided in.

### **10. Signage**

Signs shall be permitted and approved and shall be installed in accordance with the Single-Family regulations of the Unified Development Code.



## **Planning Area #2: Multi-family Residential – Apartments**

Purpose: The purpose of this Planning Area is to allow the creation of lots for the sale of whole apartment buildings on private drives. This is for lots 89 through 93 (36 units on 1.98 acres), which will have a density of 18.18 units/acre.

### **Land Use Designation:**

#### **1. Permitted Uses**

|         |                         |
|---------|-------------------------|
| Unit 1  | City-wide uses by right |
| Unit 26 | Multi-family Dwellings  |

#### **2. Conditional Uses**

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 24 | Home occupations                         |
| Unit 25 | Professional offices                     |

#### **3. Density**

|                          |                  |
|--------------------------|------------------|
| Acreage                  | 1.98 acres       |
| Number of Dwelling Units | 36 Units         |
| Density                  | 18.18 units/acre |

#### **4. Bulk and Area Regulations**

|                            |                                |
|----------------------------|--------------------------------|
|                            | Multi-family Dwellings         |
| Lot width minimum          | 100 feet (on access easements) |
| Lot area minimum           | 13,000 square feet             |
| Land are per dwelling unit | 1,500 square feet              |

#### **5. Setback Requirements**

|       |      |      |
|-------|------|------|
| Front | Side | Rear |
| 0'    | 0'   | 0'   |

Height Restrictions: Structures in this planning area are limited to a building height of 60 feet.

\*All separate structures require a minimum 10' separation from structures (eave-to-eave) on both sides. Buildings are subject to minimum building separation, fire wall ratings, etc. in accordance with building code.

## **6. Building Area**

Area occupied by all buildings shall not exceed 50% of the total lot area. This is enforced on a lot-by-lot basis, not for the entire planning area, and does not include driveways or paving.

## **Site Planning**

### **7. Screening and Landscaping**

The screening and landscaping will be provided as set forth in the Unified Development Code. All lots will be required to be sodded.

### **8. Parking**

All parking shall comply with chapter 172, for multi-family residential requirements of the Unified Development Code.

### **9. Architectural Design Standards**

Conceptual architectural renderings have been provided along with this document. All buildings will have materials consistent with those proposed in this submittal along with a copy of these documents. The homes shall be constructed consistent with the elevations and renderings provided in.

### **10. Signage**

Signs shall be permitted and approved and shall be installed in accordance with the Single-Family regulations of the Unified Development Code.

### **Planning Area #3: Open/Green Spaces**

Purpose: The purpose of this Planning Area is to create land designated for tree preservation, detention, and outdoor recreation.

#### **Land Use Designation:**

##### **1. Permitted Uses**

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
|--------|-------------------------|

##### **2. Conditional Uses**

|        |                                          |
|--------|------------------------------------------|
| Unit 2 | City-wide uses by conditional use permit |
| Unit 4 | Cultural and recreational facilities     |

##### **3. Density**

|                          |              |
|--------------------------|--------------|
| Acreage                  | 2.84 acres   |
| Number of Dwelling Units | 0 Units      |
| Density                  | 0 units/acre |

##### **4. Bulk and Area Regulations**

|                               |                                |
|-------------------------------|--------------------------------|
|                               | Open/Green Space               |
| 5. Lot width minimum          | 100 feet (on access easements) |
| 6. Lot area minimum           | 35,000 square feet             |
| 7. Land are per dwelling unit | N/A                            |

##### **5. Setback Requirements**

|       |      |      |
|-------|------|------|
| Front | Side | Rear |
| 0'    | 0'   | 0'   |

**Height Restrictions:** Structures in this planning area are limited to a building height of 20 feet.

\*All separate structures require a minimum 10' separation from structures (eave-to-eave) on both sides. Buildings are subject to minimum building separation, fire wall ratings, etc. in accordance with building code.

##### **9. Building Area**

Area occupied by all buildings shall not exceed 7.5% of the total lot area. This is enforced on a lot-by-lot basis, not for the entire planning area, and does not include driveways or paving.

### **Site Planning**

#### **11. Screening and Landscaping**

The screening and landscaping will be provided as set forth in the Unified Development Code. All lots will be required to be sodded.

#### **12. Parking**

All parking shall comply with chapter 172, for multi-family residential requirements of the Unified Development Code.

#### **13. Architectural Design Standards**

Any architecture will comply with the Fayetteville Unified Development Code for Urban Residential Design Standards.

#### **14. Signage**

Signs shall be permitted and approved and shall be installed in accordance with the Single-Family regulations of the Unified Development Code.

**G. MASTER DEVELOPMENT PLAN AS COMPARED TO CURRENT ZONING REQUIREMENTS**

| Existing Zoning                   |                                          | Proposed Zoning                                                                                                                         |                                          |
|-----------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| RMF-24 (Multi-family)             |                                          | PZD: PA-1 (Townhomes)                                                                                                                   |                                          |
| Permitted Uses                    |                                          |                                                                                                                                         |                                          |
| Unit 1                            | City-wide uses by right                  | Unit 1                                                                                                                                  | City-wide uses by right                  |
| Unit 8                            | Single family dwellings                  |                                                                                                                                         |                                          |
| Unit 9                            | Two-family dwellings                     | Unit 26                                                                                                                                 | Multi-family dwellings                   |
| Unit 10                           | Three-family dwellings                   |                                                                                                                                         |                                          |
| Unit 26                           | Multi-family dwellings                   |                                                                                                                                         |                                          |
| Conditional Uses                  |                                          |                                                                                                                                         |                                          |
| Unit 2                            | City-wide uses by conditional use permit | Unit 2                                                                                                                                  | City-wide uses by conditional use permit |
| Unit 3                            | Public protection and utility facilities |                                                                                                                                         |                                          |
| Unit 4                            | Cultural & recreational facilities       | Unit 3                                                                                                                                  | Public protection and utility facilities |
| Unit 5                            | Government facilities                    |                                                                                                                                         |                                          |
| Unit 11                           | Manufactured home park                   | Unit 24                                                                                                                                 | Home occupations                         |
| Unit 12                           | Limited businesses                       |                                                                                                                                         |                                          |
| Unit 24                           | Home occupations                         | Unit 25                                                                                                                                 | Professional offices                     |
| Unit 25                           | Professional offices                     |                                                                                                                                         |                                          |
| Unit 36                           | Wireless communications facilities       |                                                                                                                                         |                                          |
| Density                           |                                          |                                                                                                                                         |                                          |
| Units per acre                    | 24 units per                             | Acreage                                                                                                                                 | 5.91 acres                               |
|                                   |                                          | Dwelling Units                                                                                                                          | 88 Units                                 |
|                                   |                                          | Density                                                                                                                                 | 14.89 units/acres                        |
| Bulk and Area Regulations         |                                          |                                                                                                                                         |                                          |
| Lot width Minimum                 | Three or More = 90 feet                  | 20 feet                                                                                                                                 |                                          |
| Lot Area Minimum                  |                                          |                                                                                                                                         |                                          |
| Townhouses: Development           | 4,200 square feet                        | 1,400 square feet                                                                                                                       |                                          |
| Individual townhome lot           | 2,500 square feet                        | 1,400 square feet                                                                                                                       |                                          |
| Three or more                     | 9,000 square feet                        | N/A                                                                                                                                     |                                          |
| Professional offices              | 1 acre                                   | 1/4 Acre                                                                                                                                |                                          |
| Setback Requirements              |                                          |                                                                                                                                         |                                          |
| Front                             | 0' – 25' build-to zone                   | 0 feet or Same as U.E.                                                                                                                  |                                          |
| Side                              | 8 feet                                   | 0 feet (See notes on 10' separation)                                                                                                    |                                          |
| Rear                              | 20 feet                                  | 0 feet (See notes on 10' separation)                                                                                                    |                                          |
| Height Requirements               |                                          |                                                                                                                                         |                                          |
| Varies                            | 30/45/60                                 | Maximum building height of 60'. If a building is to be over 45 feet, it must be set back a minimum of 10' from external property lines. |                                          |
| Building Area                     |                                          |                                                                                                                                         |                                          |
| No building area requirement      |                                          | On any lot, the area occupied by buildings shall not exceed 50%                                                                         |                                          |
| Buildable Street Frontage         |                                          |                                                                                                                                         |                                          |
| Minimum Buildable Street Frontage | 50% of lot width                         | 50% of lot width (access easement)                                                                                                      |                                          |



| Existing Zoning                   |                                          | Proposed Zoning                                                                                                                   |                                          |
|-----------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| RMF-24 (Multi-family)             |                                          | PZD: PA-2 (Multi-family Apartments)                                                                                               |                                          |
| Permitted Uses                    |                                          |                                                                                                                                   |                                          |
| Unit 1                            | City-wide uses by right                  | Unit 1                                                                                                                            | City-wide uses by right                  |
| Unit 8                            | Single family dwellings                  |                                                                                                                                   |                                          |
| Unit 9                            | Two-family dwellings                     | Unit 26                                                                                                                           | Multi-family dwellings                   |
| Unit 10                           | Three-family dwellings                   |                                                                                                                                   |                                          |
| Unit 26                           | Multi-family dwellings                   |                                                                                                                                   |                                          |
| Conditional Uses                  |                                          |                                                                                                                                   |                                          |
| Unit 2                            | City-wide uses by conditional use permit | Unit 2                                                                                                                            | City-wide uses by conditional use permit |
| Unit 3                            | Public protection and utility facilities |                                                                                                                                   |                                          |
| Unit 4                            | Cultural & recreational facilities       | Unit 3                                                                                                                            | Public protection and utility facilities |
| Unit 5                            | Government facilities                    |                                                                                                                                   |                                          |
| Unit 11                           | Manufactured home park                   | Unit 24                                                                                                                           | Home occupations                         |
| Unit 12                           | Limited businesses                       |                                                                                                                                   |                                          |
| Unit 24                           | Home occupations                         | Unit 25                                                                                                                           | Professional offices                     |
| Unit 25                           | Professional offices                     |                                                                                                                                   |                                          |
| Unit 36                           | Wireless communications facilities       |                                                                                                                                   |                                          |
| Density                           |                                          |                                                                                                                                   |                                          |
| Units per acre                    | 24 units per                             | Acreage                                                                                                                           | 1.98 acres                               |
|                                   |                                          | Dwelling Units                                                                                                                    | 36 Units                                 |
|                                   |                                          | Density                                                                                                                           | 18.18 units/acres                        |
| Bulk and Area Regulations         |                                          |                                                                                                                                   |                                          |
| Lot width Minimum                 | Three or More = 90 feet                  | 100 feet                                                                                                                          |                                          |
| Lot Area Minimum                  |                                          |                                                                                                                                   |                                          |
| Townhouses: Development           | 4,200 square feet                        | 1,500 square feet                                                                                                                 |                                          |
| Individual townhome lot           | 2,500 square feet                        | 1,500 square feet                                                                                                                 |                                          |
| Three or more                     | 9,000 square feet                        | 13,000 square feet                                                                                                                |                                          |
| Professional offices              | 1 acre                                   | 1 acre                                                                                                                            |                                          |
| Setback Requirements              |                                          |                                                                                                                                   |                                          |
| Front                             | 0' – 25' build-to zone                   | 0 feet or Same as U.E.                                                                                                            |                                          |
| Side                              | 8 feet                                   | 0 feet (See notes on 10' separation)                                                                                              |                                          |
| Rear                              | 20 feet                                  | 0 feet (See notes on 10' separation)                                                                                              |                                          |
| Height Requirements               |                                          |                                                                                                                                   |                                          |
| Varies                            | 30/45/60                                 | Maximum building height of 60'. If a building is to be over 45 feet, it must be set back a minimum of 10' from the property line. |                                          |
| Building Area                     |                                          |                                                                                                                                   |                                          |
| No building area requirement      |                                          | On any lot, the area occupied by buildings shall not exceed 50%                                                                   |                                          |
| Buildable Street Frontage         |                                          |                                                                                                                                   |                                          |
| Minimum Buildable Street Frontage | 50% of lot width                         | 50% of lot width (access easement)                                                                                                |                                          |

| Existing Zoning                   |                                          | Proposed Zoning                                                  |                                          |
|-----------------------------------|------------------------------------------|------------------------------------------------------------------|------------------------------------------|
| RMF-24 (Multi-family)             |                                          | PZD: PA-3 (Open/Green Space)                                     |                                          |
| Permitted Uses                    |                                          |                                                                  |                                          |
| Unit 1                            | City-wide uses by right                  | Unit 1                                                           | City-wide uses by right                  |
| Unit 8                            | Single family dwellings                  |                                                                  |                                          |
| Unit 9                            | Two-family dwellings                     |                                                                  |                                          |
| Unit 10                           | Three-family dwellings                   |                                                                  |                                          |
| Unit 26                           | Multi-family dwellings                   |                                                                  |                                          |
| Conditional Uses                  |                                          |                                                                  |                                          |
| Unit 2                            | City-wide uses by conditional use permit | Unit 2                                                           | City-wide uses by conditional use permit |
| Unit 3                            | Public protection and utility facilities |                                                                  |                                          |
| Unit 4                            | Cultural & recreational facilities       |                                                                  |                                          |
| Unit 5                            | Government facilities                    |                                                                  |                                          |
| Unit 11                           | Manufactured home park                   | Unit 4                                                           | Cultural and Recreational Facilities     |
| Unit 12                           | Limited businesses                       |                                                                  |                                          |
| Unit 24                           | Home occupations                         |                                                                  |                                          |
| Unit 25                           | Professional offices                     |                                                                  |                                          |
| Unit 36                           | Wireless communications facilities       |                                                                  |                                          |
| Density                           |                                          |                                                                  |                                          |
| Units per acre                    | 24 units per                             | Acreage                                                          | 2.84 acres                               |
|                                   |                                          | Dwelling Units                                                   | 0 Units                                  |
|                                   |                                          | Density                                                          | 0 units/acres                            |
| Bulk and Area Regulations         |                                          |                                                                  |                                          |
| Lot width Minimum                 | Three or More = 90 feet                  | 100 feet                                                         |                                          |
| Lot Area Minimum                  |                                          |                                                                  |                                          |
| Townhouses: Development           | 4,200 square feet                        | N/A                                                              |                                          |
| Individual townhome lot           | 2,500 square feet                        | N/A                                                              |                                          |
| Three or more                     | 9,000 square feet                        | N/A                                                              |                                          |
| Professional offices              | 1 acre                                   | N/A                                                              |                                          |
| Setback Requirements              |                                          |                                                                  |                                          |
| Front                             | 0' – 25' build-to zone                   | 0 feet or Same as U.E.                                           |                                          |
| Side                              | 8 feet                                   | 0 feet (See notes on 10' separation)                             |                                          |
| Rear                              | 20 feet                                  | 0 feet (See notes on 10' separation)                             |                                          |
| Height Requirements               |                                          |                                                                  |                                          |
| Varies                            | 30/45/60                                 | Maximum structure height of 20'                                  |                                          |
| Building Area                     |                                          |                                                                  |                                          |
| No building area requirement      |                                          | On any lot, the area occupied by buildings shall not exceed 7.5% |                                          |
| Buildable Street Frontage         |                                          |                                                                  |                                          |
| Minimum Buildable Street Frontage | 50% of lot width                         | 20%                                                              |                                          |



Weekender Management, Inc.  
1202 NE McClain Rd, Bldg 7  
Bentonville, AR 72712  
[www.weekendermanagement.com](http://www.weekendermanagement.com)  
(479) 364-6756  
garrett@weekendermanagement.com

To the Fayetteville Planning Commission:

1. Payment made in full
2. Residential Planned Zoning District, 2779 W Cottonwillow Way, Fayetteville, AR 72704
3. On behalf of the property owner, we are applying for a conditional use permit from the city of Fayetteville. We are seeking to obtain a short-term rental Type 2 permit. Neither we nor the owner will be residing in the residence. The property will be used for a nightly rental.
  - a. The home is 1,252 square feet.
  - b. The home is 3 floors including a button floor garage.. It contains a kitchen, 2 bedrooms, 2 full bathrooms and 1 half bathroom, with a backyard and a garage attached to the unit. This is where we anticipate guests parking. We do not plan to allow our guests to park on the street.
  - c. This home will not have operating hours or employees. It will be in use whenever it is being rented. In accordance with the property's size and Fayetteville city ordinances, we will limit the number of guests that can stay on the property to six.
  - d. Outdoor lighting: There is an exterior light between the front door and the garage, as well as exterior lighting in the rear of the home.
  - e. The property will be used for short stays of 4-6 people, so the noise level should be minimal. We also intend to install noise monitors on the property, so that we can immediately respond should any guest become too noisy.
  - f. The city currently services the solid waste needs of the property. We plan to continue this service and do not anticipate this property needing any services beyond what is typical for other single-family homes in the area.
  - g. W Cottonwillow Way provides ingress and egress to the property. The property does not add additional traffic on the road because guests will be limited to 6 at a maximum and a maximum of 2 cars.
4. The site plan is attached as a separate document.
5. The floor plan is attached as a separate document.
6. A copy of the county parcel map is attached as a separate document.
7. The signed document authorizing us to act on behalf of the owner is attached as a separate document.

Very Respectfully,

*Richard Garrett Ham*

Richard "Garrett" Ham, Jr.  
Principal Broker and CEO









BILL OF ASSURANCES AND PROTECTIVE COVENANTS  
AND RESTRICTIONS FOR  
**SHILOH HOUSE PHASE I AND  
HAWKIN'S HOUSES AT SHILOH**  
OF THE CITY OF FAYETTEVILLE, ARKANSAS

Doc ID: 01666130023 Type: REL  
Kind: PROTECTIVE COVENANT  
Recorded: 01/12/2016 at 10:38:02 AM  
Fee Amt: \$125.00 Page 1 of 23  
Washington County, AR  
Kyle Sylvester Circuit Clerk  
File 2016-00000797

KNOW ALL BY THESE PRESENTS D & B OF NWA, LLC, and the undersigned, hereinafter referred to as "Declarants" as owners and subdividers of all the lots in the **SHILOH HOUSE PHASE 1, AND HAWKIN'S HOUSES AT SHILOH, LARGE SCALE DEVELOPMENTS** to the City of Fayetteville, AR, by execution hereof, enters the following assurances, covenants and restrictions with respect to the subdivision.

**1. OWNERSHIP:**

Declarant is the owner of the following described real property situate in Washington County, Arkansas, to-wit:

**A PART OF TRACT 1 OF THE CONCURRENT PLAT FOR VILLAGE ON SHILOH ROAD AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS IN PLAT BOOK 23 AT PAGE 317, BEING DESCRIBED AS A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N02°48'54"E 152.46', THENCE S87°11'06"E 339.99', THENCE N02°48'07"E 265.42', THENCE S86°56'58"E 58.28', THENCE N03°06'07"E 25.59', THENCE N87°19'10"W 58.34', THENCE N02°48'57"E 220.72', THENCE S86°53'38"E 91.45', THENCE S03°05'53"W 232.52', THENCE S86°49'52"E 214.90', THENCE N03°05'53"E 114.57', THENCE S86°54'07"E 229.10', THENCE N21°56'20"W 155.52', THENCE N67°59'12"E 60.71', THENCE S35°21'12"E 70.12', THENCE N68°02'50"E 13.27', THENCE S21°57'10"E 582.24', THENCE S20°19'04"E 149.84', THENCE N86°53'10"W 1223.03', TO THE POINT OF BEGINNING, CONTAINING 10.74 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.**

And

**LOT 6 OF THE FINAL PLAT FOR SHILOH HOUSE, PHASE I, AS RECORDED IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS IN PLAT BOOK 24A AT PAGE 72, BEING DESCRIBED AS A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A FOUND REBAR MARKING THE SOUTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE ALONG THE WEST LINE OF SAID FORTY-ACRE TRACT N02°48'54"E**

**152.46' TO A FOUND REBAR, THENCE LEAVING SAID WEST LINE S87°11'06"E 339.99' TO A FOUND REBAR, THENCE N02°48'07"E 265.42' TO A FOUND REBAR, THENCE S86°56'58"E 58.28' TO A FOUND REBAR, THENCE N03°06'07"E 13.39', THENCE S86°49'52"E 246.93' TO A CHISELED X, THENCE N03°05'53"E 15.66', THENCE S86°54'07"E 221.14' TO A FOUND CHISELED X, THENCE N19°24'26"E 51.58' TO A FOUND CHISELED X, THENCE N21°56'20"W 54.54' TO A FOUND CHISELED X, THENCE S86°54'07"E 33.34', THENCE S21°56'20"E 212.92' TO A FOUND REBAR, THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 28.00' FOR A CHORD BEARING AND DISTANCE OF S66°55'21"E, 39.59' TO A FOUND REBAR, , THENCE N68°05'38"E 47.13', THENCE S21°57'10"E 246.79 TO A FOUND REBAR, THENCE S20°19'04"E 149.84', THENCE N86°53'10"W 1223.03', TO THE POINT OF BEGINNING, CONTAINING 9.04 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.**

The above-described real property is developed as SHILOH HOUSE PHASE 1, consisting of 38 units divided into one 6-plex, and four 8-plexes; and HAWKIN'S HOUSES AT SHILOH, the remaining part of which shall consist of 88 townhomes on 5.91 acres, of the City of Fayetteville, County of Washington, State of Arkansas.

**2. MULTIPLE FAMILY RESIDENTIAL AND SINGLE FAMILY LAND USE:**

All lots within **SHILOH HOUSE PHASE I** shall be developed as multi-family attached residential lots in compliance with the regulations for multi-family zoning as defined and interpreted by the City of Fayetteville, Arkansas and Courts of competent jurisdiction and in compliance with the conditions, covenants and restrictions contained herein, on the date these covenants and restrictions were executed. All lots within **HAWKIN'S HOUSES AT SHILOH** shall be developed as single-family attached lots in compliance with the regulations for single-family zoning within a LSD as defined and interpreted by the City of Fayetteville, Arkansas and Courts of competent jurisdiction and in compliance with the conditions, covenants and restrictions contained herein, on the date these covenants and restrictions were executed.

**3. BUILDING LIMITATIONS AND REQUIREMENTS:**

The subdivision and building codes in the City of Fayetteville, Arkansas, as they presently exist or are hereinafter amended, shall be and are hereby made applicable to all lots in **SHILOH HOUSE PHASE I AND HAWKIN'S HOUSES AT SHILOH**. All dwellings, other structures and/or improvements shall comply with said ordinances, as they exist on the date of such construction. Any conflicts between such ordinances and the provisions of the conditions, covenants and restrictions shall be resolved in favor of the more restrictive provisions. Building, architectural and design specifications shall be in accordance with the codes and regulations of the City of Fayetteville, Arkansas, specifically those pertaining to development of land zoned as PZD and LSD.

Six-Plexes within the **SHILOH HOUSE PHASE I:**

- a. All dwelling structures constructed upon any lot shall contain a minimum 1,242 square feet of heated living space.
- b. Each dwelling shall have a private garage for not less than two (2) cars. All garage interiors must be dry-walled and finished. All garage doors must be of section type, with automatic garage door openers.
- c. Each dwelling is required to have a concrete/asphalt driveway.
- d. All homes and/or other structures constructed within any lot must have a 25 year architectural shingle roof.
- e. Roof pitch shall be consistent with the pitch set forth in the architectural plans set forth as "Exhibit 1," hereto.
- f. All homes must have a composition of exterior walls consistent with the architectural plans set forth in "Exhibit 1."
- g. Siding Colors. Siding colors of Eight-Plexes must comply with the architectural plans set forth in "Exhibit 1."
- h. All trim, soffit, gutters, windows will be of the colors set forth in the architectural plans set forth in "Exhibit 1."
- i. Decks. Only certain units shall be permitted to have decks, which shall be identified on the final plat filed with the City. Decks shall be constructed by the builder only, and shall be composed of AERT composite materials or comparable materials. No decks shall be constructed or added on to the unit after the unit is sold.
- j. Floor Plans for homes shall be as set forth in "Exhibit 2," a copy of which is attached hereto.

Eight-Plexes within the **SHILOH HOUSE PHASE I:**

- a. All dwelling structures constructed upon any lot shall contain a minimum 1,242 square feet of heated living space.

- b. Each dwelling shall have a private garage for not less than two (2) cars. All garage interiors must be dry-walled and finished. All garage doors must be of section type, with automatic garage door openers.
- c. Each dwelling is required to have a **concrete/asphalt** driveway.
- d. All homes and/or other structures constructed within any lot must have a 25 year architectural shingle roof.
- e. Roof pitch shall be consistent with the pitch set forth in the architectural plans set forth as "Exhibit 1," hereto.
- f. All homes must have a composition of exterior walls consistent with the architectural plans set forth in "Exhibit 1."
- g. Siding Colors. Siding colors of Eight-Plexes must comply with the architectural plans set forth in "Exhibit 1."
- h. All trim, soffit, gutters, windows will be of the colors set forth in the architectural plans set forth in "Exhibit 1."
- i. Decks. Only certain units shall be permitted to have decks, which shall be identified on the final plat filed with the City. Decks shall be constructed by the builder only, and shall be composed of AERT composite materials or comparable materials. No decks shall be constructed or added on to the unit after the unit is sold.
- j. Floor Plans for homes shall be as set forth in "Exhibit 2," a copy of which is attached hereto.

Townhomes within the **HAWKIN'S HOUSES AT SHILOH PZD:**

- a. All townhome structures constructed upon any lot shall contain a minimum of twelve hundred sixty-five (1265) square feet of heated living space per single-family unit.
- b. Each dwelling shall have a private garage for not less than two (2) cars. All garage interiors must be dry-walled and finished. All garage doors must be of section type, with automatic garage door openers.
- c. Each dwelling is required to have a **concrete/asphalt** driveway.
- d. All townhomes and/or other structure constructed within any lot must have a 25 year architectural shingle roof.

- e. Roof pitch shall be consistent with the pitch set forth in the architectural plans set forth as "Exhibit 3," hereto.
- f. All homes must have a composition of exterior walls consistent with the architectural plans set forth in "Exhibit 3."
- g. Siding Colors. Siding colors of Eight-Plexes must comply with the architectural plans set forth in "Exhibit 3."
- h. All trim, soffit, gutters, windows will be of the colors set forth in the architectural plans set forth in "Exhibit 3."
- i. Only townhomes with 2 bedrooms and 3 bedrooms will be permitted. All townhomes shall have a minimum of 2 ½ bathrooms.
- j. Decks. Only certain units shall be permitted to have decks, which shall be identified on the final plat filed with the City. Decks shall be constructed by the builder only, and shall be composed of AERT composite materials or comparable materials. No decks shall be constructed or added on to the unit after the unit is sold.
- k. Floor Plans for homes shall be as set forth in "Exhibit 2" and "Exhibit 4," a copy of which is attached hereto.

Compliance with the above referenced ordinances, conditions and restrictions, and any future revisions and/or additions to said ordinances, conditions and restrictions, shall be judged, determined by and requires prior approval by the Architectural Committee. The Architectural Committee shall view and approve all exterior plans and specifications for all structures prior to construction and be given the power to amend and/or alter any design plans or specifications prior to approval for construction within the **SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH**. Any alterations or recommendations made by the Architectural Committee must be revised on said plans and be resubmitted to the Architectural Committee for approval prior to construction. Revision to prior approved architectural plans are discouraged, however any revisions made to said exterior plans must be resubmitted to the Architectural Committee for approval.

In order to be apprised of current requirements, all owners and builders should contact the Architectural Committee prior to commencement of construction. The specifications and requirements for LSD zoning designations shall be deemed minimal requirements for the architectural and design specifications for **SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH**. The City specifications may be supplemented from time to time where not inconsistent with the original plans and architectural intent of **SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH**.



**4. BUILDING LOCATION AND YARD RESTRICTIONS:**

Building locations and lot lines shall subject to the specifications set forth in the Preliminary Plat for SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH, attached hereto as "Exhibit 5." No lots within the subdivision may be subdivided.

The front yards, side yards and back yards shall be fully sodded within thirty (30) days, following the date on which the dwelling is eligible for the issuance by the City of Fayetteville of a temporary certificate of occupancy. Any variance must be submitted and approved by the Architectural Committee. All yards shall be maintained and groomed by the owners until the SHILOH/HAWKIN'S Property Owner's Association is formed, and thereafter, shall be groomed by way of assessments against each property as set forth more fully herein.

**5. BUILDERS AND CONTRACTORS:**

Prior to commencement of any site work or construction, a lot owner shall submit the name, address and telephone number of the lot owner; the name, address and telephone number of the building contractor; a complete set of construction plans and specifications to include exterior colors and finishes; and a plot plan reflecting location of all improvement, and set back lines, collectively referred to as "Building Packet" to the Architectural Committee for review and approval. Within thirty (30) days after receipt of the Building Packet the Architectural Committee shall act upon the request and provide the lot owner approval or disapproval in writing. A building contractor is defined as a general contractor, building contractor, construction contractor or consultant, architect, design builder or the owner, if he/she acts as their own contractor.

If the Building Packet is complete and the Architectural Committee fails to respond to a lot owner within the specified time period, said member may approach the Board of Directors of SHILOH/HAWKIN'S Property Owner's Association and request immediate action be taken to approve or disapprove the owner's submission. The Board of Directors shall have the authority to approve or disapprove the submission; however, must act within fifteen (15) working days of receipt of the owner's written request.

If both Architectural Committee and the Board of Directors fail to act, if no suit to halt the proposed construction is commenced prior to the completion of said construction, and if said construction is in compliance with the ordinances of the City of Fayetteville, Arkansas, written approval from the Architectural Committee shall no longer be required and the completed construction shall be deemed in compliance with the **SHILOH/HAWKIN'S** conditions, covenants and restrictions.

No building materials shall be placed or stored on a lot prior to approval of the Building Packet and the scheduled date on which construction is to commence. Construction sites shall be kept neat and orderly. Construction sites are to be cleaned daily of trash and scrap material. If

said requirements are not adhered to **SHILOH/HAWKIN'S** Architectural Committee or the Property Owner's Association may hire a cleanup crew to perform the task. Should **SHILOH/HAWKIN'S** Architectural Committee or the Property Owner's Association incur expenses associated with the cleanup of a construction site, said expense shall be deemed a lien upon the lot until paid. Portable toilets must be on all job sites during construction. Upon completion of the building project all remaining materials, trash, dumpsters, toilets, etc. shall be removed from the lot and subdivision within ten (10) days.

All construction vehicles, machinery and workers shall use the entrance specifically designated for the entry of construction vehicles and machinery, and may not use the joint entry shared with the Village on Shiloh residents.

**6. HOME OCCUPATIONS:**

Home occupations, as defined by the codes of the City of Fayetteville, Arkansas are prohibited.

**7. FENCES:**

Fencing of any lot within **SHILOH HOUSE PHASE I OR HAWKIN'S HOUSES AT SHILOH** is strictly prohibited, except that the developer may, in his discretion, construct a fence around the detention ponds of the development.

**8. SIDEWALKS, DRIVEWAY AND STREETS:**

A lot owner may not cut or cause to be cut a street within **SHILOH HOUSE PHASE I or HAWKIN'S HOUSES AT SHILOH** for any reason. Concrete/Asphalt driveways and street access points are to be constructed and completed by the owner prior to or at completion of the dwelling project. All driveways are to be of asphalt/concrete base and may have a decorative type finish, example: brick lines, brick expansions, aggregate finish, pattern concrete, etc.

The streets within **SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH** are private streets and shall be considered common areas of the subdivision. The developer shall make certain initial improvements to the streets as set forth in the Final Plat subject to approval by the City of Fayetteville, but thereafter, the streets shall be owned and maintained by the **SHILOH/HAWKIN'S** Property Owner's Association. Property Owners Association Assessments for maintenance of common areas shall include an amount sufficient for reserves for repair and replacement of the streets; however, the reserves amount in said account shall not exceed \$25,000.00, not including regular monthly expenditures. The reserves shall be held in a non-interest bearing escrow account, and may be used for monthly expenditures if necessary. However, in the event reserves money is needed for monthly expenditures on a regular basis, the Board of Directors shall increase monthly POA assessments to an amount sufficient to cover monthly expenditures, and to maintain the reserves account balance.

The ownership of Hillshire Street is divided equally between SHILOH HOUSE PHASE I and The Village on Shiloh. Said street is divided as follows: the southern half of Hillshire Drive divided by an invisible center line is owned by the SHILOH HOUSE PHASE I, and the northern half of Hillshire Drive divided by the same invisible line is owned by the Village on Shiloh.

Driveway width and other specifications shall be as set forth in the Final Plats for SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH.

Snow removal of private streets within SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH shall be provided for residents by the POA after said POA has been formed, and when snow accumulation is equal to or greater than three (3) inches. The cost of said snow removal shall be considered part of the monthly assessments for POA dues determined by the POA, as set forth herein. Owners are responsible for the removal of snow from their own respective driveways, if desired.

**9. PARKING**

- a. No parking shall be initially allowed in the streets of SHILOH HOUSE PHASE I and HAWKIN'S HOUSE AT SHILOH. However, parking on one side of the street may be authorized by the Board of Directors, without an amendment to these Covenants, so long as said authorization is set forth in a resolution to be attached to the minutes of any special meeting of officers/directors. In the event parking in the streets is allowed, the Board of Directors shall notify the owners within SHILOH HOUSE PHASE I and HAWKIN'S HOUSE AT SHILOH.
- b. No parking shall be allowed over the sidewalks.
- c. No parking shall be allowed on any common areas or lawns.
- d. Parking shall also be allowed in owner's respective driveways and in designated parking areas, which are set forth in the Final Plat.
- e. No parking of commercial vehicles, dump trucks, semi type trucks or trailers, off-road trucks or off-road vehicles, trailers, boat trailers, or any other type of large equipment shall be allowed in any common area, street, or driveway. This section does not apply to commercial or construction vehicles parked during working hours while services or construction is being performed for the subdivision, its owners or tenants by the operator(s) of said vehicle.

**10. SATELLITE DISHES:**

Satellite dishes shall be permitted only on the first floor exterior building sides of four-plex style townhomes, and on the first floor exterior building rear of six and eight-plexes. No

satellite dish shall be attached to the front of any building, nor shall any satellite dish be attached to the roof of any building. Satellite dishes shall be twenty-four (24) inches or less in diameter.

**11. CABLE TV:**

Cable television access shall be supplied to each lot within the development.

**12. OUTBUILDINGS AND PORTABLE BUILDINGS:**

No outbuildings are allowed. No gazebos or similar structures may be built and maintained in any portion of any to any lot.

**13. EASEMENTS:**

Easements for installation and maintenance of utilities, drainage facilities and any other such easements are reserved as shown on the recorded plat. Lot owners are discouraged from constructing structures or improvements or landscaping within the easement. Lot owners are advised that any structures, improvements or landscaping within the easement is subject to being damaged, destroyed or removed by the easement owner without compensation or replacement being provided the lot owner.

**14. OIL AND MINING OPERATIONS:**

No operations associated with the testing for, locating, or recovery of, and refining of processing of oil, gas or mineral found upon or underneath SHILOH HOUSE PHASE I OR HAWKIN'S HOUSES AT SHILOH shall be permitted or located within SHILOH HOUSE PHASE I OR HAWKIN'S HOUSES AT SHILOH.

**15. LIVESTOCK, POULTRY AND PETS:**

No livestock, poultry, exotic, wild, non-domesticated, or other such animals (except as noted within) shall be kept, raised or sheltered on any residential building site within SHILOH HOUSE PHASE I OR HAWKIN'S HOUSES AT SHILOH. Dogs, cats and other household pets may be kept, provided they are not raised for commercial purposes, which includes but is not limited to the sale of animals. No dwelling shall be permitted to own or house more than two animals in their dwelling. Permitted animals are not allowed to be kept outside, and animal runs, cages, pens, kennels, or any other devices intended to confine an animal are strictly prohibited from being kept outside of a dwelling. Animals must be leashed and accompanied by a person at all times they are outside of the dwelling. The owner/walker of said animal is responsible for the pickup and removal of all feces from said animal. The following breeds of dogs/canines shall not be permitted: Pit-Bull, Doberman Pincher, Rottweiler, Akita, Chow-Chow, Tosa, Innu, Presa Canario, and any mixed-breed dog containing any part of any of the breeds listed above.

**16. INOPERATIVE VEHICLES.**

No inoperative or non-licensed vehicles shall be left on owner's driveway in excess of three (3) days.

**17. TEMPORARY STRUCTURES:**

No temporary structures shall be used for human habitation. The builders and contractors are allowed such structures during the construction phase for storage and construction use only. All such structures must be removed prior to or at completion of the building project.

**18. SIGNS AND POSTERS:**

No signs or posters are allowed except as noted below:

- a. A professionally made sign noting the property is for sale.
- b. A professionally made construction sign noting the builder of the improvements, which sign shall be removed once the improvements are completed or occupied.
- c. Political and commercial signs or posters are permitted only for the duration of their intended purpose but each owner is limited to one sign per lot.
- d. Any lot owner may apply for a waiver of a sign or for permission to place a sign on a lot by submission of the sign design, intended duration, and purpose to SHILOH/HAWKIN'S Property Owner's Association. Applications for a waiver shall be submitted prior to placement of a nonpermitted sign.

**19. SIGHT DISTANCE AT INTERSECTIONS:**

Walls, fencing, shrubs, hedges, trees or other improvements constructed or made near or at the intersections of streets within the SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH shall be located and constructed in compliance with the codes, regulations, and ordinances of the City of Fayetteville.

**20. MAILBOXES:**

The dwellings that are located within the SHILOH HOUSE PHASE I shall have their mailboxes contained within a cluster mailbox which shall be constructed and placed by the developer at a location approved by the City as set forth on the Plat. The mailbox unit as a whole shall be considered common property to the SHILOH HOUSE PHASE I, and the POA is permitted to use assessments to replace and repair the mailbox unit as a whole as needed. However, the keys to each individual mailbox for each owner are the responsibility of each respective owner, and the POA has no responsibility nor authority to store keys, hold keys, or have keys made for any owner or dwelling.



The dwellings that are located within the HAWKIN'S HOUSES AT SHILOH shall have their mailboxes contained within a cluster mailbox which shall be constructed and placed by the developer at a location approved by the City as set forth on the Plat. The mailbox unit as a whole shall be considered common property to the HAWKIN'S HOUSES AT SHILOH, and the POA is permitted to use assessments to replace and repair the mailbox unit as a whole as needed. However, the keys to each individual mailbox for each owner are the responsibility of each respective owner, and the POA has no responsibility nor authority to store keys, hold keys, or have keys made for any owner or dwelling.

**21. STREETLIGHTS:**

All streetlights within the subdivision shall be installed by the developer, dedicated to and maintained by the POA as part of the assessments against each lot. Any streetlights dedicated to the City of Fayetteville shall be maintained by the City.

**22. CLOTHESLINES:**

Outdoor clotheslines or poles are prohibited.

**23. BASKETBALL GOALS:**

The placement of all basketball goals and other sporting goals and/or nets is prohibited.

**24. TREE REQUIREMENTS:**

Tree requirements for SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH will comply with Arkansas law and any applicable tree variance from the City of Fayetteville, and as set forth on the Tree Preservation and Landscape Plan, a copy of which is attached hereto as "Exhibit 6." Prior to occupancy, each townhome lot shall have one oak or maple type tree planted of at least 2 inches in diameter. Bradford Pears and Pine trees are prohibited. Trees on individual townhome lots shall be maintained by the owner of said lot, and in the event of tree death, said owner shall be obligated to replace the tree. The POA has the authority to force owners to replace dead or damaged trees, and in the event an owner refused to do so, the POA may replace said tree, and may charge the owner of said tree the reasonable costs associated with the replacement of the tree. Charges to an owner for POA replacement of a tree shall be considered a lien on the property of the owner, and may be foreclosed in the manner of other property liens pursuant to Arkansas law.

**25. TREE PRESERVATION AREA:**

The Tree Preservation area which consists of approximately 2.24 acres shall be governed by and subject to the terms and provisions set forth in the Easement Dedication Plat filed with the City, and as set forth in "Exhibit 6."

**26. LAWNS:**

**Townhomes at HAWKIN'S HOUSES AT SHILOH:** The lawns of all townhomes within Hawkin's Houses at Shiloh, although the property of each individual owner, shall be mowed and groomed by the owners collectively by use of the same lawn care company until the time the POA is formed. At such time the POA is formed, the POA shall include, as part of the assessments for the townhomes, the cost of maintaining said lawns. However, weed control, fertilizer, and pest control, if desired, shall be the responsibility of each individual owner, and is not required. No lawn furniture or grills shall be permitted to be kept in any lawn.

**Six-plexes and Eight-plexes at SHILOH HOUSE PHASE I:** The lawns of all six-plexes and eight-plexes within Shiloh House Phase I, although the property of each individual owner, shall be mowed and groomed by the owners collectively by use of the same lawn care company until the time the POA is formed. At such a time the POA is formed, the POA shall include, as part of the assessments for the six-plexes and eight-plexes, the cost of maintaining said lawns. However, weed control, fertilizer, and pest control, if desired, shall be the responsibility of each individual owner, and is not required. No lawn furniture or grills shall be permitted to be kept in any lawn.

**27. LANDSCAPING:**

Landscaping is permitted in the front, back and side yards of each lot, and shall be limited to shrubs, flowers, mulch, small decorative trees, and plants normally used for decorative landscaping purposes, and as set forth in "Exhibit 6." Said landscaping must be contained within a mulched bed which begins at the edge of the dwelling unit and may not stand alone in any lawn, so as to make difficult the mowing and cutting of grass on any lawn. For example, but not by way of limitation, no owner may place a shrub or landscaping area in the middle of his lawn; but an owner may place a shrub in a mulched bed which touches the edge of his dwelling unit. This restriction does not apply to the tree requirement set forth above, as the tree and surrounding mulch, if any, may stand alone. Landscaping maintenance is the responsibility of each individual home owner, and the POA is not responsible for the maintenance of landscaping. The POA is, however, responsible for the cutting of grass, as set forth in Section 26.

No vegetable or fruit gardens or fruit bearing trees or plants shall be permitted on any lot. Landscaping which is unsightly or not maintained by the property owner may be removed by the POA, with the expense billed back to the owner.

**28. REQUIRED INSURANCE:**

**Property Owners' Association Required Insurance:** Commencing not later than the time of the first conveyance of a townhome to a townhome owner other than the developer, the POA shall procure and shall maintain to the extent reasonably available the following insurance: (1) workers' compensation insurance and insurance coverage for liability arising out of any

claims, damages, losses or suits related to employment contracts and contract labor hired by the POA; (2) comprehensive public liability insurance in such amounts (but not less than \$1,000,000 for any one occurrence) and with such coverage as the Board of Directors determines, but at least covering events occurring anywhere on common areas of the POA or arising out of or in connection with the use, ownership, or maintenance of the common areas, and insuring each officer and member of the Board of Directors, the managing agents and each owner of property within the SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH and with cross liability endorsement to cover liabilities of property owners as a group to a property owner and with a "Severability of Interest Endorsement" which would preclude the insurer from denying the claim of a Property Owner for the negligent act of another owner, occupant, or the POA; (3) Directors and officers liability insurance in such amounts as the Board of Directors shall, from time to time reasonably determine; and (4) such other insurance as the Board of Directors may determine.

**Property Owner's Required Insurance:** The owners of each townhome, six-plex and eight-plex at SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH shall be required to procure and maintain fire insurance with extended coverage endorsement including vandalism, debris removal, cost of demolition, malicious mischief, windstorm, water damage and all other perils which are customarily covered with respect to townhomes, six-plexes and eight-plexes, including all other perils normally covered by the standard "all risk" endorsement, if such is available. Such insurance shall insure the entirety of the owners' property and building, including the entire yard of the lot at full replacement value.

Each owner shall maintain their own policy of **termite** insurance. The POA shall not be required to maintain a policy of termite insurance for any of the buildings.

**Losses:** In the event of a fire, storm, or other peril which damages in part or renders any property a total loss, said owner shall be obligated to use the insurance proceeds to repair, rebuild and/or restore the property to its original structure, form and appearance.

**29. NUISANCES:**

No noxious, destructive or offensive activity as defined by City Ordinance and State or Federal laws or regulation shall be carried on or upon any lot or street, nor shall anything be done thereupon which may be or may become an annoyance or nuisance to the SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH community and its homeowners.

**30. ENTRYWAY AND COMMON AREA MAINTENANCE AND UPKEEP:**

The Common Areas of the SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH shall include but not be limited to: Entryways of the project, signage, detention ponds, medians, designated common parking areas, designated park areas not dedicated to the City, project streets (exclusive of each driveway, which shall belong to the property owner), street lights not dedicated to the city, street signs, and green space and lawns (exclusive of individual owner's lawns). Common areas and improvements are an integral part of SHILOH HOUSE

PHASE I and HAWKIN'S HOUSES AT SHILOH and it is in the best interest of SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH that said common areas and improvements are maintained at all times.

The cost of the routine upkeep, maintenance and repair and replacement of common areas and improvements shall be shared proportionally by each lot owner through annual or special assessments. Any upkeep, maintenance and repair of public areas shall be at the discretion of the Board of Directors of SHILOH/HAWKIN'S Property Owner's Association or the Architectural Committee.

In addition, the lawns of each townhouse, six-plex and eight-plex, while not considered common areas, shall be maintained by the POA at such a time when the POA is formed, the cost of which shall be made an assessment against each lot. Prior to the POA being formed, the property owners shall each agree upon a lawn company to mow each of their respective lawns at the same time, and shall each be responsible for paying their share of the total cost of lawncare. Each individual property owner shall be responsible for the upkeep of their own landscaping and trees.

**31. STREETS:**

All streets within the SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH development shall be private and shall be dedicated to and owned by the Property Owner's Association, and shall be maintained by the Property Owner's Association by way of assessments through the owners of each lot within HAWKIN'S HOUSE. The POA shall ensure that all reserves are kept in a non-interest bearing escrow account for the replacement of the streets, not to exceed a balance of \$25,000.00, and this street reserve amount shall be considered a monthly assessment against each unit.

The maintenance of Hillshire Drive and other streets within the subdivision shall be as set forth in Section 8, above.

**32. TRASH:**

**Townhomes at Hawkin's Houses at Shiloh:** Townhomes shall be required to contact the City of Fayetteville and to lease a trash receptacle and recycling bin for the disposal of their trash. Trash receptacle and recycling bins shall be kept inside the garage at all times except at collection times, at which point trash receptacle and recycling bin shall be placed at the designated trash collection pad area for each set of townhomes. Trash receptacle and recycling bins placed directly in front of the townhome, and not in the designated trash collection pad area, will not be collected by the City, and the owner will be cited by the POA for a violation of the covenants. Trash receptacle and recycling bins shall not be placed in the trash collection pad more than 12 hours before the normal collection time, and shall not remain in the trash collection pad area more than 12 hours after the normal trash collection time. Townhomes owners are also permitted to use the dumpsters at Shiloh House Phase I for their overflow trash use.

**Six-plexes and Eight-plexes at Shiloh House Phase I:** Dumpsters shall be placed and maintained by the POA through the City for the disposal of six-plex and eight-plex residents' trash. The cost of said dumpsters shall be part of the assessments against the six-plexes and eight-plexes. No dumping of furniture or large items is permitted. A fine shall be assessed against any owner or resident violating this covenant. The dumpster which is currently being used and paid for by Village on Shiloh residents on Lakeside Drive is positioned on land which is within the SHILOH HOUSE PHASE I tract. The SHILOH/HAWKIN'S POA shall contact the city, place the dumpster in the name of SHILOH HOUSE PHASE I, and shall take over the monthly payment on said dumpster, but shall allow residents at the Village on Shiloh to continue to use said dumpster.

**33. GOVERNING STRUCTURE: THE SHILOH/HAWKIN'S PROPERTY OWNERS' ASSOCIATION:**

By accepting ownership of property within SHILOH HOUSE PHASE I or HAWKIN'S HOUSES AT SHILOH, each owner accepts membership within the SHILOH/HAWKIN'S Property Owner's Association (the POA), an Arkansas non-profit corporation to be formed upon a majority vote of owners at the following time: no earlier than the time Shiloh House Phase I is complete, but no later than the time HAWKIN'S HOUSES AT SHILOH are complete. The POA is intended to promote the collective and individual property and civic interests of all owners and residents of SHILOH HOUSE PHASE I or HAWKIN'S HOUSES AT SHILOH property and to own, operate and maintain any area which is now or which in the future may be designated common property and at its discretion publicly owned property such as the area so long as the development and maintenance of common area and publicly owned areas are in compliance with City codes and regulations.

Beginning January 1, 2016, the owners of lots containing completed dwellings for which there exists a certificate of occupancy shall make monthly assessment payments of \$50.00 for each unit they own to Mad Sky Rentals, LLC, whom will assist in the collection of assessments, trash collection, and maintenance of the lawns and street lights of the SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH until the POA is formed. Said assessments shall be kept in an account, and used only for necessary expenses associated with maintaining the common areas until the POA is formed. The owner of a lot which does not have a completed dwelling shall not be subject to the payment of POA fees until his/her respective lot has a completed dwelling.

By accepting ownership of property within SHILOH HOUSE PHASE I or HAWKIN'S HOUSES AT SHILOH, each owner acknowledges said property is now or may be subject to monthly and periodic assessments to be established and used for the construction, development, improvement, repair and replacement of the common areas as defined herein by the Board of Directors of the SHILOH/HAWKIN'S Property Owner's Association and agree if said assessments are not timely and fully paid said assessment and all costs, including legal fees

billed to the POA, associated with the cost of collection of said assessment shall be deemed a lien on the property so assessed, subject to foreclosure to enforce said lien.

**EACH OWNER SHALL BE OBLIGATED TO PAY MONTHLY ASSESSMENTS UPON TRANSFER OF OWNERSHIP OF PROPERTY IN SHILOH HOUSE PHASE I or HAWKIN'S HOUSES AT SHILOH, AND THE OWNER IS RESPONSIBLE FOR CONTACTING THE PROPERTY OWNERS ASSOCIATION AND PROVIDING THE POA WITH CURRENT CONTACT INFORMATION.**

Once the POA is formed, the POA shall form a budget and create a monthly assessment amount, which shall be based on actual and anticipated costs of maintenance and insurance of common areas, and all other obligations and responsibilities of the POA which are set forth herein. In addition, assessments shall include an amount sufficient to cover the anticipated repair and replacement of private streets within the project, not to exceed a \$25,000.00 reserve balance. Assessment amounts will be clearly indicated by the POA manager or the Board of Directors and made known upon request of closing companies and new owners.

The purchaser of a lot within SHILOH HOUSE PHASE I OR HAWKIN'S HOUSES AT SHILOH shall tender, at closing, an amount sufficient to satisfy three (3) months of current POA assessments per unit.

The SHILOH/HAWKIN'S Property Owner's Association will initially be governed by Mr. Bleaux Barnes, Ronnie Davidson and Maynard Anderson. It is understood and agreed, at such times as deemed appropriate by Mr. Barnes and Mr. Anderson, as set forth above, the SHILOH/HAWKIN'S Property Owner's Association at its expense, will formally prepare all documents necessary for the creation and performance of the property owners association, the costs of which shall be assessed against the owners within SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH.

The POA may, at its discretion, hire a third party to manage the POA, and may hire said POA management companies for a term of three (3) years at a time.

#### **34. ARCHITECTURAL COMMITTEE**

The Architectural Committee of SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH is established to insure, within its limited ability, that all dwellings and/or other exterior structures within SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH are compatible with the other dwellings and structures constructed or to be constructed within SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH.

Applications for variances to building plans and layouts may be submitted to and approved by the Architectural Committee. Variances approved by the Architectural Committee shall not be considered a violation of these Covenants.



The Architectural Committee for all new construction shall initially consist of Mr. Bleaux Barnes, Mr. Maynard Anderson and Ms. Alanna Fairrell.

**35. VIOLATIONS:**

Any and all violations of these Covenants against a lot/homeowner(s) may result in a levy and a fine in the amount of \$25.00 per initial offense against the owner and the property by the Board of Directors of SHILOH/HAWKIN'S Property Owner's Association. All violations should be considered of the utmost importance and be addressed and responded to in a timely manner. All fines assessed against an owner of property shall be considered a lien against said property and may be foreclosed upon in the manner provided by the laws of this State.

No fines shall be assessed by the POA until the POA has first given the violator written notice of the violation. If said violation has not been remedied within twenty-four (24) hours, continues past twenty-four (24) hours, or said violation is committed again by the same violator during any time period, the POA may then assess the initial \$25.00 fine against the violator. If the violation continues, then fines will be assessed at the additional rate of \$10.00 per day until the violation is remedied, not to exceed sixty (60) days.

Correction of the items in violation should begin as soon as possible. If an owner believes the violation is wrong or incorrect, the owner should contact the issuing party of the violation as soon as possible.

**36. DURATION OF COVENANTS AND RESTRICTIONS:**

These covenants and restrictions shall remain in effect for twenty-five (25) years. Said covenants and restrictions may be extended for successive five (5) year terms if approved by a majority of the lot owners.

**37. BINDING EFFECTS AND AMENDMENTS OF COVENANTS:**

All persons or corporations who shall acquire any lot within the SHILOH HOUSE PHASE I and HAWKIN'S HOUSES AT SHILOH shall be deemed to agree, accept, conform to and observe the restrictions, covenants and stipulations contained herein and the By-Laws of SHILOH/HAWKIN'S Property Owner's Association and accept membership in the SHILOH/HAWKIN'S Property Owner's Association.

Any amendments of these covenants and restrictions require a majority vote by the lot/homeowners within SHILOH/HAWKIN'S Property Owner's Association.

No changes in the covenants and restrictions shall be valid unless the amended covenants and restrictions are properly recorded in the recorder's office of Washington County, Arkansas.

SHILOH/HAWKIN'S Property Owner's Association and accept membership in the SHILOH/HAWKIN'S Property Owner's Association.

Any amendments of these covenants and restrictions require a majority vote by the lot/homeowners within SHILOH/HAWKIN'S Property Owner's Association.

No changes in the covenants and restrictions shall be valid unless the amended covenants and restrictions are properly recorded in the recorder's office of Washington County, Arkansas. No amendments shall be allowed which would be in violation of the current zoning of the subdivision per the final Plat in affect at the time of the amendment.

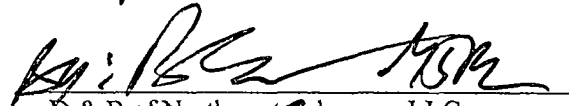
**38. SEVERABILITY:**

Invalidation of any restriction or portion of a restriction set forth herein, or any part thereof, by an order, judgment, or decree of any court, or otherwise, shall not invalidate or affect any of the other restrictions, or any part thereof, as set forth herein, but they shall remain in full force and effect.

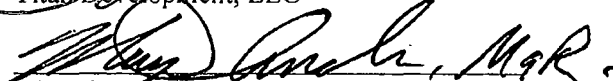
**39. EFFECT OF COVENANTS ON CONSTRUCTION CREWS, VACANT LOTS, AND LOTS UNDER CONSTRUCTION:**

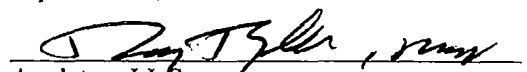
These covenants, except to the extent they specifically apply, shall only apply to completed dwellings that have had a certificate of occupancy issued, and shall not apply to construction and vacant lots.

Executed this 6 day of January, 2016.

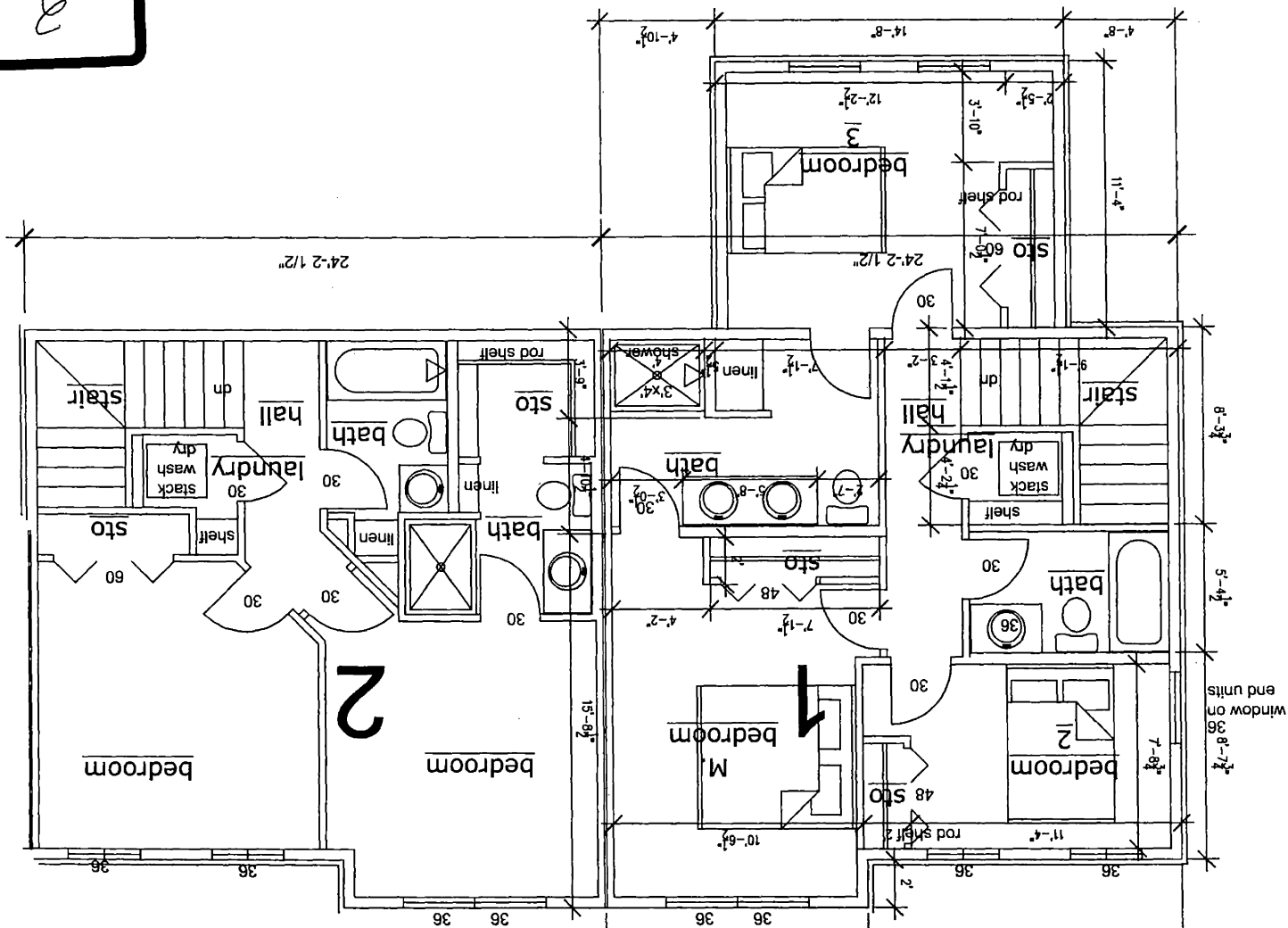
  
D & B of Northwest Arkansas, LLC

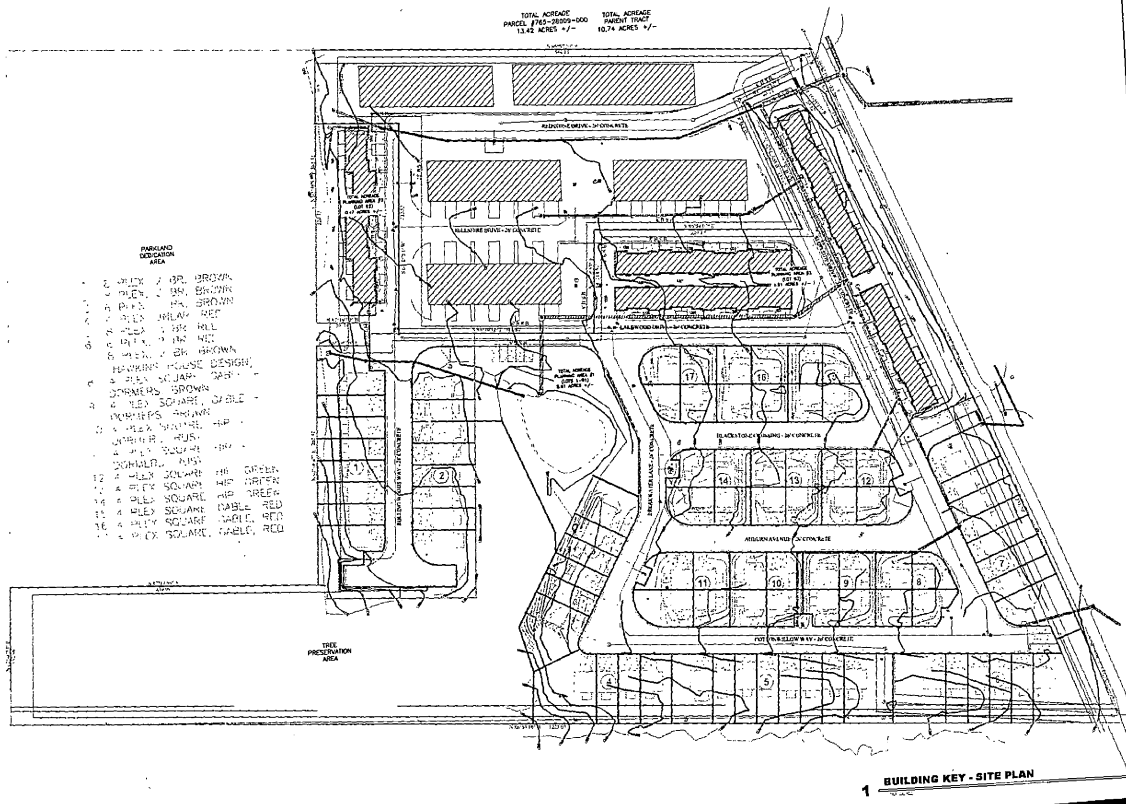
  
Titan Development, LLC

  
Alpha Farms, LLC

  
Appleton, LLC

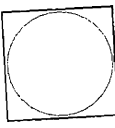






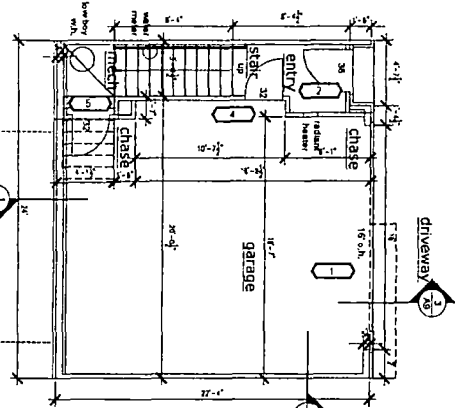
**HDS, INC.**  
 ARCHITECTURE & INTERIOR DESIGN  
 1000 N. 10TH ST. SUITE 100  
 FAYETTEVILLE, AR 72704

**SHILOH HOUSE - PZD**  
 FOR D&B OF NORTHWEST ARKANSAS, LLC  
 FAYETTEVILLE, AR 72704

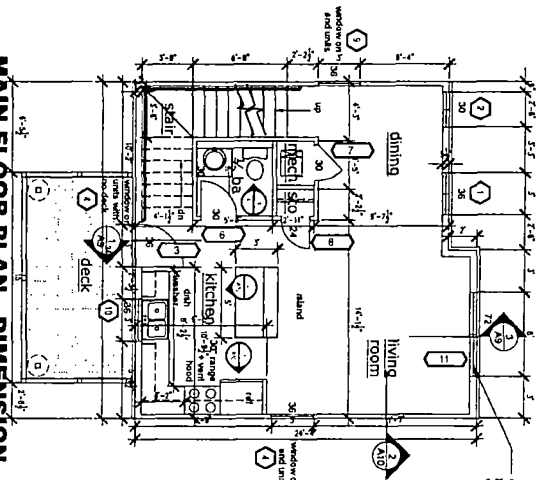


11/14  
 DATE  
 11/14  
**SP-1**

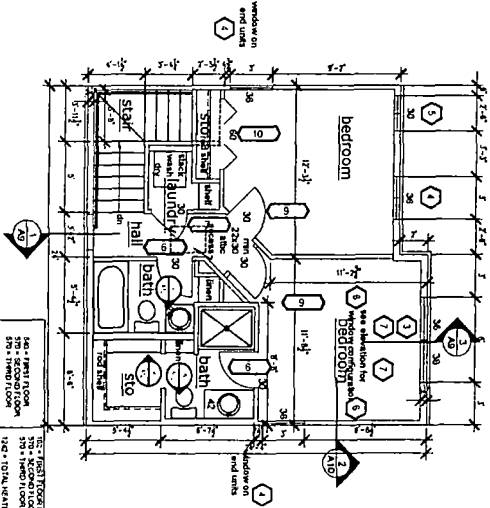
**3**  
**EXHIBIT**



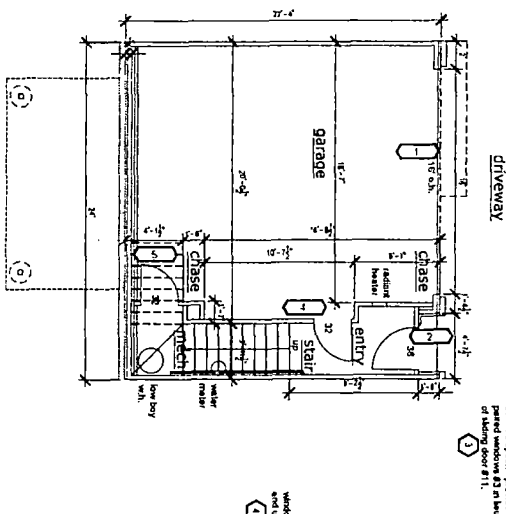
**1 GARAGE FLOOR PLAN - DIMENSION**  
SCALE: 1/4" = 1'-0"



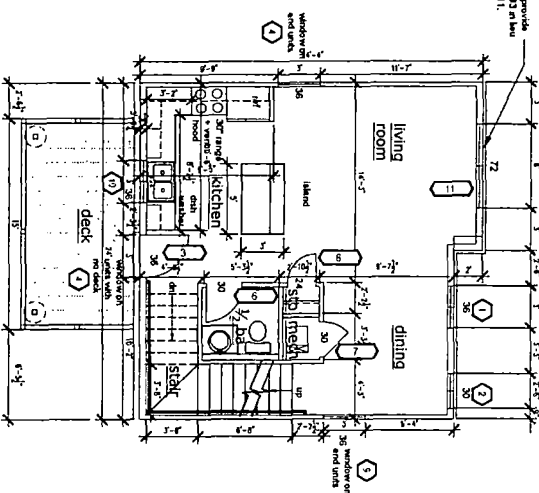
**2 MAIN FLOOR PLAN - DIMENSION**  
SCALE: 1/4" = 1'-0"



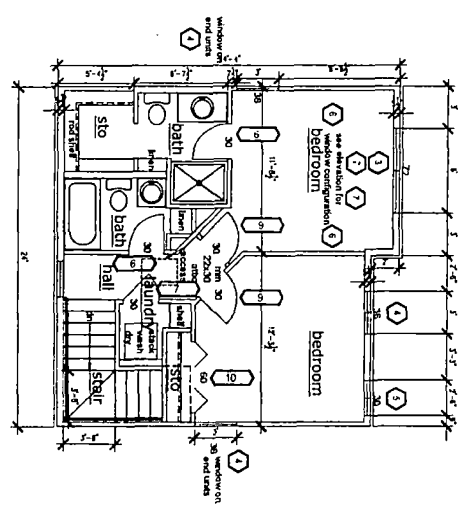
**3 UPPER FLOOR PLAN - DIMENSION**  
SCALE: 1/4" = 1'-0"



**4 GARAGE FLOOR PLAN - DIMENSION**  
SCALE: 1/4" = 1'-0"



**5 MAIN FLOOR PLAN - DIMENSION**  
SCALE: 1/4" = 1'-0"



**6 UPPER FLOOR PLAN - DIMENSION**  
SCALE: 1/4" = 1'-0"

**MIRRORED PLAN SERIES**

**MIRRORED PLAN SERIES**

EXHIBIT

4

A-1

110914A  
DATE:  
SEPTEMBER 12 2014



**HAWKINS HOUSE AT SHILOH**  
FOR D&B OF NORTHWEST ARKANSAS, LLC  
FAYETTEVILLE, AR 72704

**HDMS, INC.**  
ARCHITECTURE  
+ INTERIOR DESIGN  
HICKS, DOWDY, MCCAULEY & SCHELL, INC.  
400 MAIN STREET  
NORTH LITTLE ROCK, AR 72114  
PH: 501-374-5500 FX: 501-374-5501

Planning Commission

July 24, 2023

CUP-2023-0061 (LEE) Page 101 of 406

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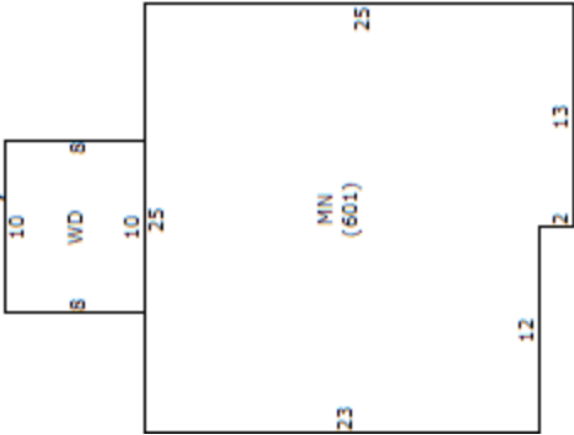


Details for Residential Card 1

| Occupancy | Story | Construction      | Total Liv | Grade | Age | Year Built | Condition | Beds |
|-----------|-------|-------------------|-----------|-------|-----|------------|-----------|------|
| Townhome  | ONE+  | Frame Siding Std. | 1240      | 3+10  | 5   | 2018       | Average   | N/A  |

|                |                    |                 |                  |
|----------------|--------------------|-----------------|------------------|
| Exterior Wall: | STANDARD           | Plumbing:       | Full: 2 Half: 1  |
| Foundation:    | Closed Piers       | Fireplace:      | Type: N/A Qty: 0 |
| Floor Struct:  | Wood with subfloor | Heat/Cool:      | Central          |
| Floor Cover:   | Hardwood Sheathing | Basement:       | N/A              |
| Insulation:    | Ceilings Walls     | Basement Area:  | N/A              |
| Roof Cover:    | Fiberglass Shingle | Year Remodeled: | N/A              |
| Roof type:     | Gable              | Style:          | N/A              |

DataScout, LLC



From: Lisa Stewart <lisadannstewart@yahoo.com>  
Sent: Wednesday, June 21, 2023 6:23 AM  
To: Planning Shared <planning@fayetteville-ar.gov>  
Subject: 2779 W Cottonwillow 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.

The above referenced property has applied for a short term rental permit. I just bought the adjoining townhome without notification of this owner's intentions. I paid \$9,000 more for my townhome than this owner for the same structure because I was in need of a safe place for my college student to live. I am very concerned about having a short term rental next door to my daughter's townhome for her safety and for the affects it will have on my property value. Please deny this permit! I strongly oppose it. Dallas just banned short term rentals in neighborhoods for a reason! Thank you. Lisa Stewart 214-354-8630

Sent from my iPhone

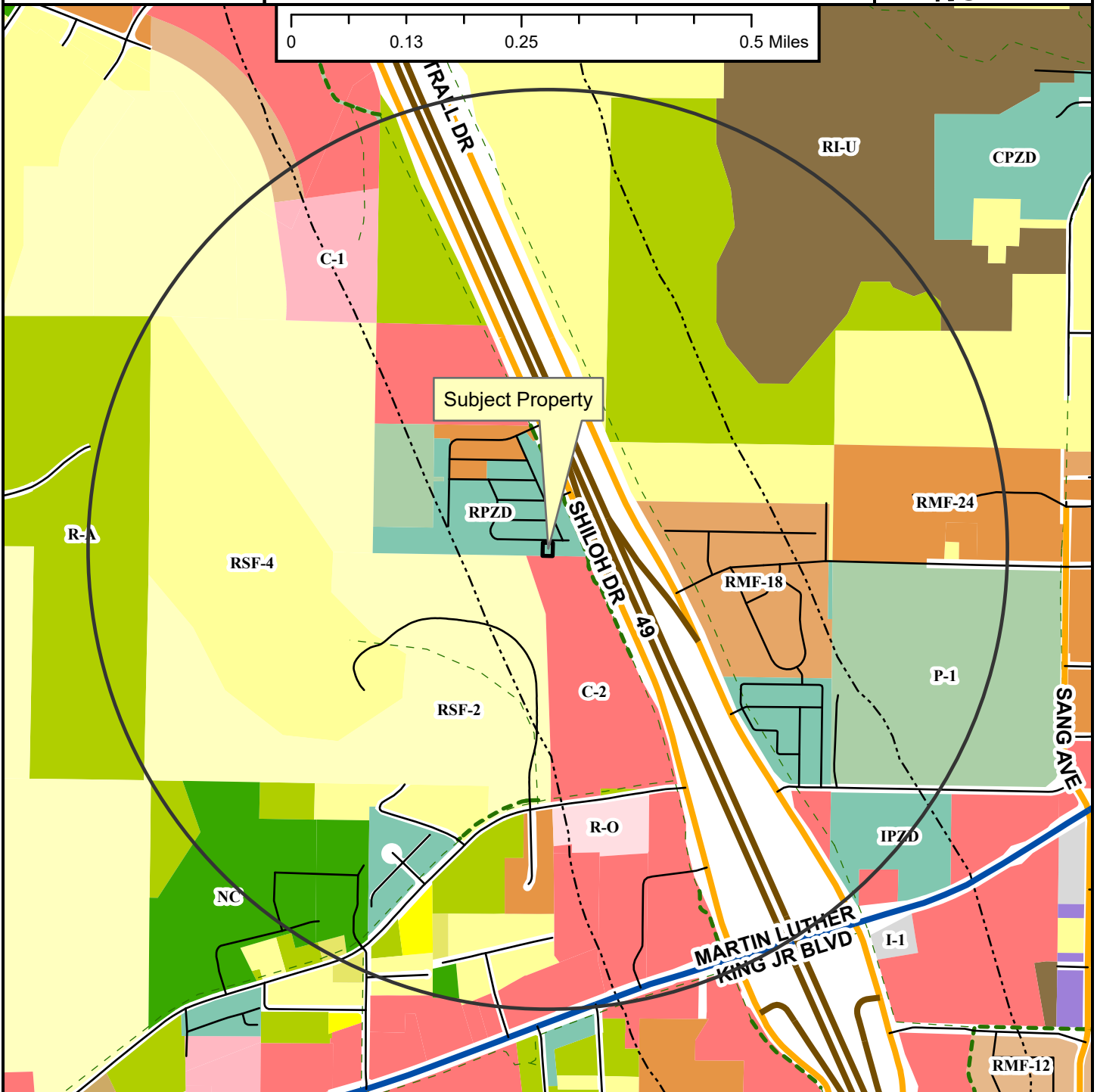
CUP-2023-0061

One Mile View

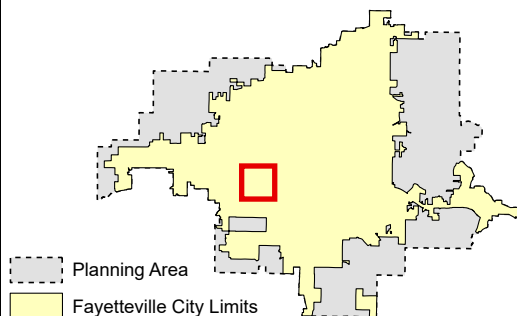
# 2779 W. COTTONWILLOW WAY



0 0.13 0.25 0.5 Miles



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



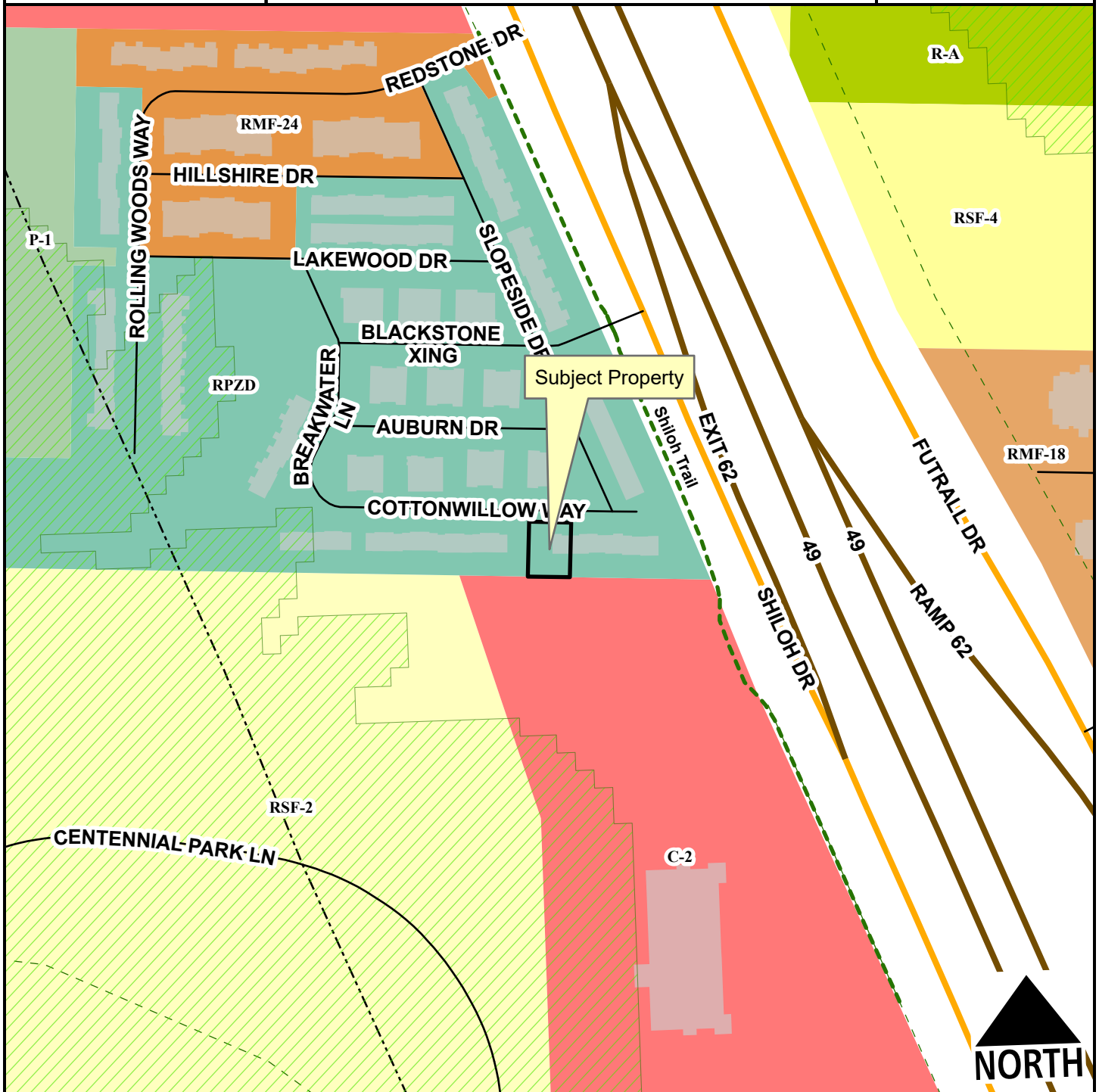
- Zoning**
- RESIDENTIAL SINGLE-FAMILY**
    - NS-G
    - RI-U
    - RI-12
    - NS-L
    - Residential-Agricultural
    - RSF-5
    - RSF-1
    - RSF-2
    - RSF-4
    - RSF-7
    - RSF-8
    - RSF-18
  - RESIDENTIAL MULTI-FAMILY**
    - RMF-6
    - RMF-12
    - RMF-13
    - RMF-24
    - RMF-40
  - 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
    - P-1



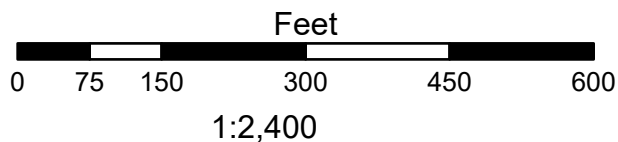
CUP-2023-0061

Close Up View

# 2779 W. COTTONWILLOW WAY



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



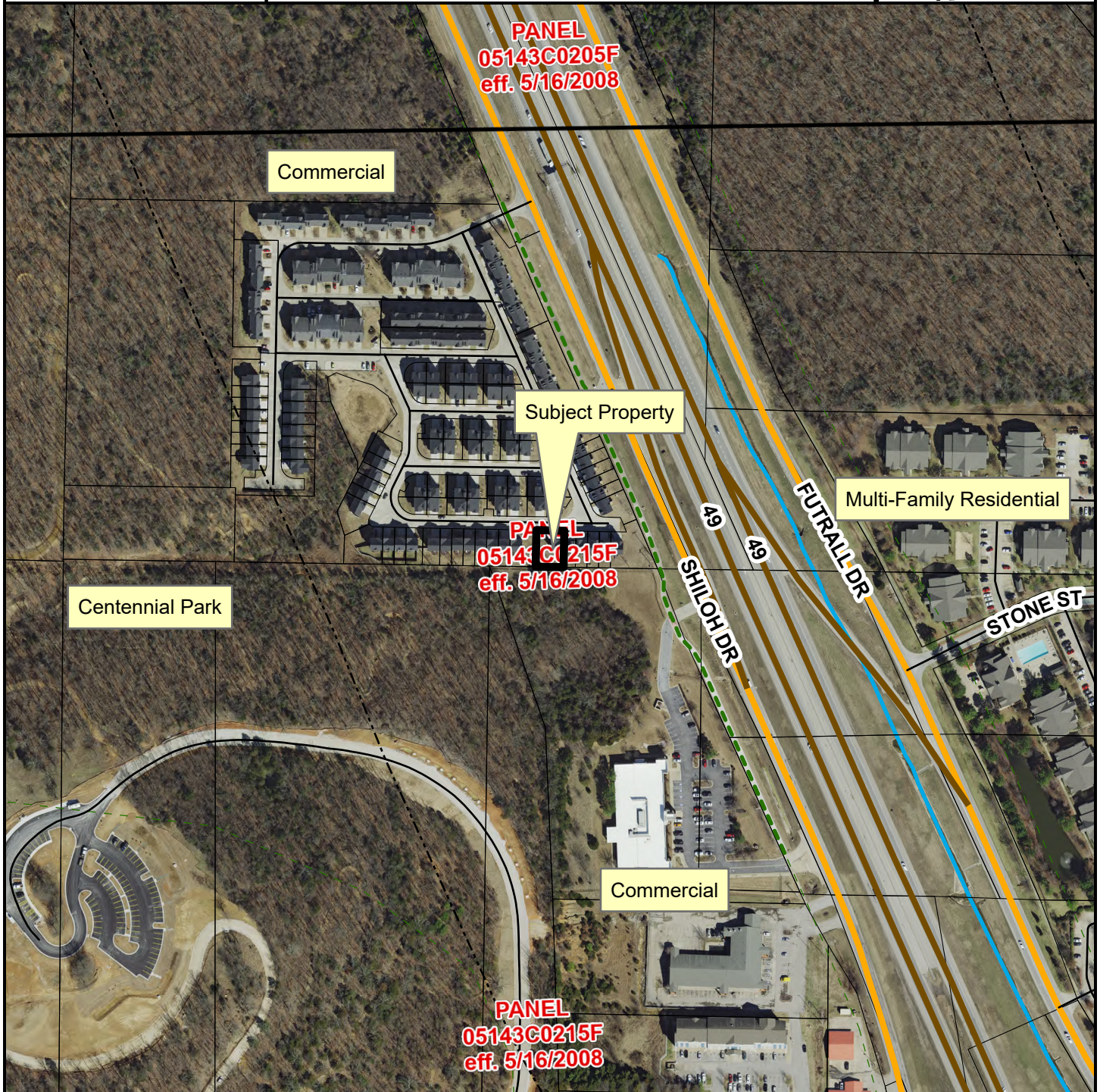
- Residential-Agricultural
- RSF-2
- RSF-4
- RMF-18
- RMF-24
- C-2
- Commercial, Industrial, Residential
- P-1



CUP-2023-0061

2779 W. COTTONWILLOW WAY

Current Land Use



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



FEMA Flood Hazard Data

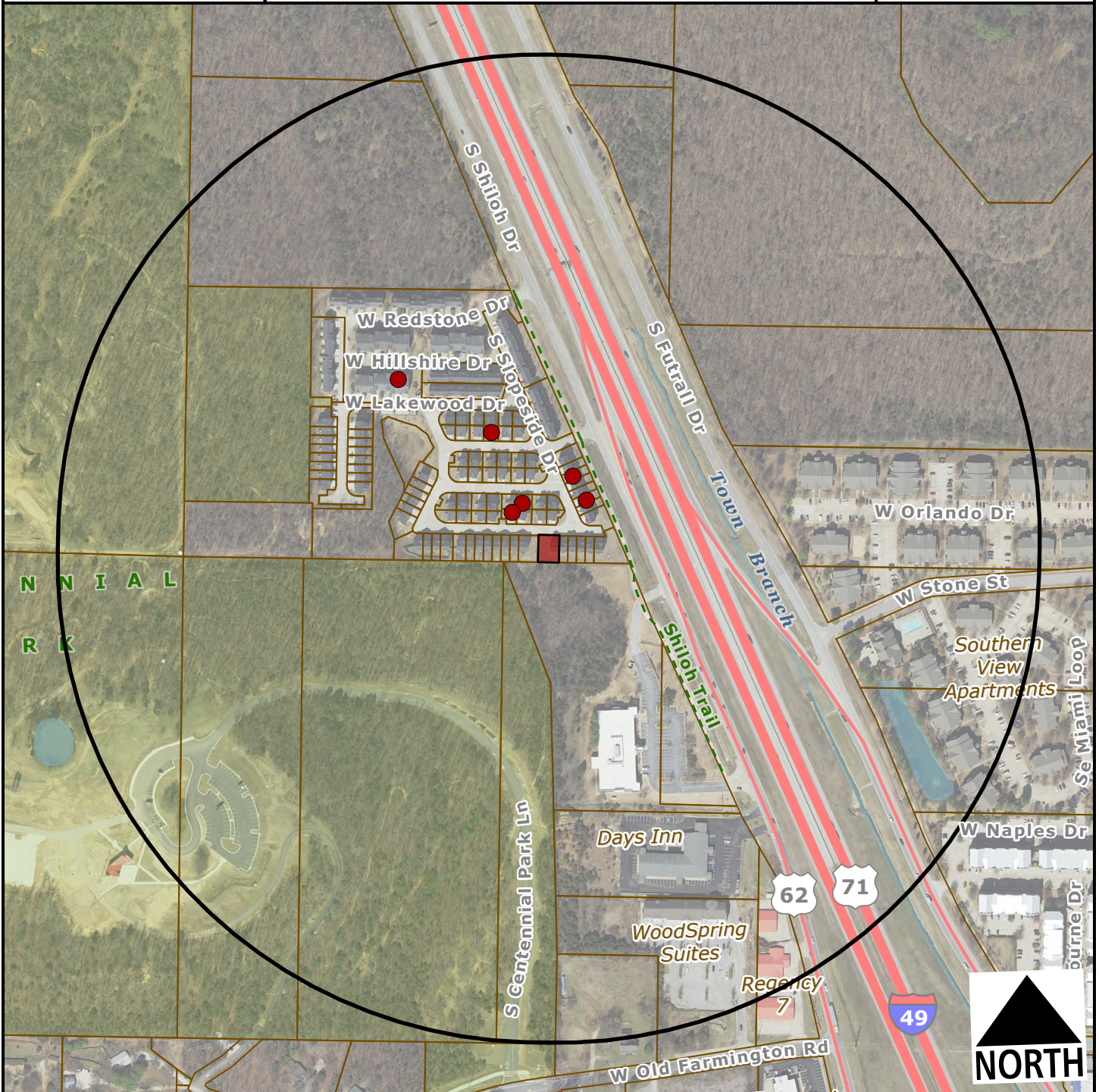
- 100-Year Floodplain
- Floodway



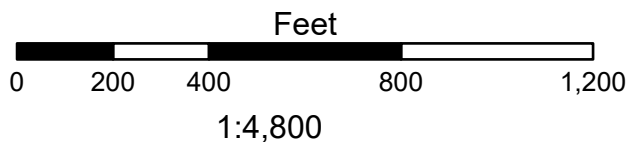
CUP-2023-0061

# 2779 W. COTTONWILLOW WAY

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



## Number of STR Licenses

Contributing to 2% density cap 6

NOT contributing to 2% density cap 0

**Total 6**



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **VAR-2023-0029: Planning Commission Variance (W. MT COMFORT RD & N LINDELL AVE/ ROAD RUNNER, 405):** Submitted by FINNEL PURIFOY ARCHITECTS for property located at W. MT. COMFORT RD & N. LINDELL AVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.62 acres. The request is for variances to Building Exterior Appearance and Design Standards.

**RECOMMENDATION:**

Staff recommends approving **VAR-2023-0029**, with conditions.

**RECOMMENDED MOTION:**

*"I move to approve **VAR-2023-0029**, recommending:*

- In favor of the requested commercial, office and mixed-use development standards variance; and*
- In favor of all other conditions as recommended by staff."*

**BACKGROUND:**

The subject property is located at the northeast corner of N. Garland Ave and W. North St and is bordered by N. Lindell Ave to the east and Mount Comfort Rd to the north. The property currently consists of two parcels, each developed with a commercial structure and associated parking. These buildings are intended to be demolished with the new construction. A separate variance request has been submitted by Ecological Design group for multiple parking lot design and access management variances (VAR-2023-0030). Surrounding land use and zoning is depicted in Table 1.

**Table 1:**  
**Surrounding Land Use and Zoning**

| Direction | Land Use                               | Zoning                                                                            |
|-----------|----------------------------------------|-----------------------------------------------------------------------------------|
| North     | Mixed Retail / Restaurant              | C-2, Thoroughfare Commercial                                                      |
| South     | Mixed Retail / Multifamily Residential | C-2, Thoroughfare Commercial<br>RMF-40, Residential Multifamily (40 units / acre) |
| West      | Bank / Grocer                          | C-1, Neighborhood Commercial<br>C-2, Thoroughfare Commercial                      |
| East      | Restaurant                             | C-2, Thoroughfare Commercial                                                      |

**Request:** The applicant requests building permit approval to construct an approximately 3,500-square foot convenience store, associated parking, EV chargers, and gas pump canopy for 8 pumps. As a part of this proposal, the architect has submitted a request for a variance from one



chapter of the Unified Development Code as outlined below alongside staff's recommendations. A separate application was submitted for site design variance requests:

## DISCUSSION

**Variance #1: §166.25(C)(4), Commercial, Office, and Mixed-Use Design and Development Standards.** For nonresidential development that occurs along a public street, all structures are required to include a front façade with a prominent entry facing the right-of-way. Given the subject property fronts existing or proposed public streets on all sides, a principal façade and entrance is required for each building elevation. The applicant's proposed structure includes an entrance to the northwest and southwest, facing N. Garland Ave and W. North St. respectively.

- *Staff recommendation:* Staff supports the request for two primary reasons and subject to conditions of approval. As noted, the subject property will include street frontage on all sides, which is a unique condition. Although multiple street frontages benefit the development through increased accessibility, it does not eliminate the realities of building design wherein back-of-house and support programming is necessary and not conducive to through traffic from the public. With these issues in mind, staff has reviewed the site and floor plans and supports the request with conditions, including the addition of a pedestrian access to the building from the south, west, and north. Staff also recommends increasing the prominence of the entry on the southern façade through techniques such as the use of glazing along the south façade in support areas, extending the covered walking area over the doorway, outdoor planters or other features. Windows may be reflective for security considerations associated with cash handling but should increase visibility to the south of the building.

*Public Comment:* Staff received one phone call expressing general opposition to the proposed variance request.

**RECOMMENDATION: Staff recommends approval of VAR-2023-0029, with the following conditions.**

### Conditions of Approval:

1. **Planning Commission determination of a variance of Fayetteville Unified Development Code §166.25(C)(4), Commercial, Office, and Mixed-use Design and Development Standards, to allow a principal façade facing a street without a prominent entrance.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
  - a. *A pedestrian route will be provided from the public sidewalk along W. North St., Mount Comfort Rd, and N. Lindell Ave.*
  - b. *Prominence of southern entry shall be increased through additional glazing, extension of covered walkway, outdoor planters or other architectural features.*
2. Approval of this variance does not represent overall development entitlement approval for the project, nor grant approval for any associated grading or building permits, nor does it grant final approval of certificate of occupancy.



**PLANNING COMMISSION ACTION:** Required YES

Date: July 24, 2023

☐ Tabled

☐ Approved

☐ Denied

Motion:

Second:

Vote:

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Developed Code:
  - §166.25, Commercial, Office, and Mixed-use Design and Development Standards
- Request Letter
- Site Plan
- Building Elevations
- Floor Plan
- Building Materials Exhibit
- One Mile Map
- Close-up Map
- Current Land Use Map

## 166.25 - Commercial, Office and Mixed-Use Design And Development Standards

### (A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.
- (3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.
- (4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.
- (5) To address the issues of traffic, safety, and crime prevention.
- (6) To preserve property values of surrounding property.
- (7) To provide good civic design and arrangement.

### (B) *Applicability* . These design and development standards apply to commercial developments, office developments, small scale production, those parts of a planned zoning district or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

### (C) *Building Exterior Appearance and Design Standards.* The following exterior development standards and design element guidelines shall be followed:

...

- (4) All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).

...

### (F) *Variances.* (See Chapter 156.)

(Ord. No. 5526, 9-18-12; Ord. No. 5735, 1-20-15; Ord. No. [6091](#), §1, 9-18-18)

June 26th, 2023,

Attn: Jessica Masters  
City of Fayetteville, AR  
City Planning Division  
125 West Mountain Street  
Fayetteville, AR 72701

RE: Road Runner Fayetteville  
Building Exterior Appearance and Design Standards Variance Request

Ms. Masters,

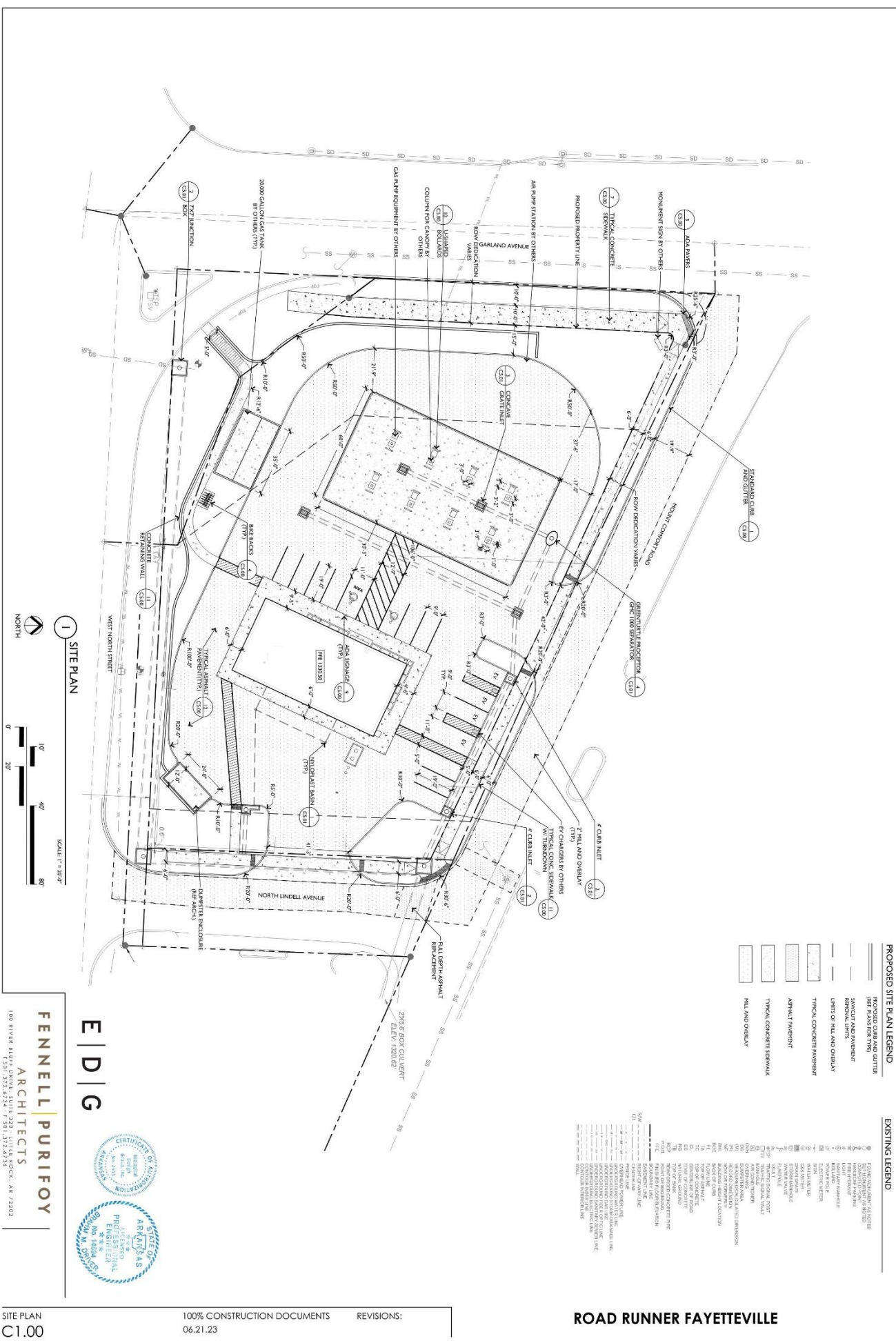
Fennell Purifoy Architects, on behalf of Coulson Oil the owner of Road Runner, is requesting a variance be permitted for a decrease in number of principal facades that require a prominent entryway for front facades facing adjacent street and highway rights-of-way. Per the City's Unified Development Code, Section 166.25 (C) (4) Commercial, Office, and Mixed Use Design and Development Standards; FPA is requesting an approval for a decrease in number of principal facades which require a prominent entryway on facades that façade adjacent streets.

This site is located at the corner of Garland Avenue and North Street and has street frontage along Mt. Comfort Street and Lindell Avenue, making this a unique site which fronts streets on all sides. Another site element which makes the site unique is the steep slope that drops from the southwest to northeast, limiting the site access to the as well as constraining the building and fuel canopy location and orientation on the site. The site topography and building setback determined the best location for the main entry, fuel pumps, and primary parking spaces was along the western side. Due to the programmatic nature, typical daily usage, sight control of fuel pumps, and limited staff visual surveillance of the site and building of the Road Runner convenience store it would not be feasible to require entrances on the other facades.

We have developed each of the facades to have a combination clear glazing, spandrel glazing, ACM panels, fiber cement siding and standard Road Runner signage within the Building Exterior Appearance and Design Standards. There will be pedestrian access and vehicular access to the prominent entry on the west façade from all sides of the building and site. We respectfully request, on behalf of Coulson Oil, that the variance be approved for a reduction in the number of principal facades along street frontages that require a prominent entryway.

Sincerely,

Phil Purifoy, AIA  
Fennell Purifoy Architects



1 SITE PLAN

SCALE 1" = 20'-0"

0 20' 40' 80'

NORTH

180 RIVER BLVD, SUITE 100, FAYETTEVILLE, AR 72702

TEL: 479.372.6234 | FAX: 479.372.6235

FENNEL PURIFOY

ARCHITECTS

CERTIFICATE OF AUTHORIZATION

STATE OF ARKANSAS

PROFESSIONAL ARCHITECT

NO. 16524

CERTIFICATE OF AUTHORIZATION

STATE OF ARKANSAS

PROFESSIONAL ARCHITECT

NO. 16524

SITE PLAN

100% CONSTRUCTION DOCUMENTS

REVISIONS:

C1.00

06.21.23

ROAD RUNNER FAYETTEVILLE

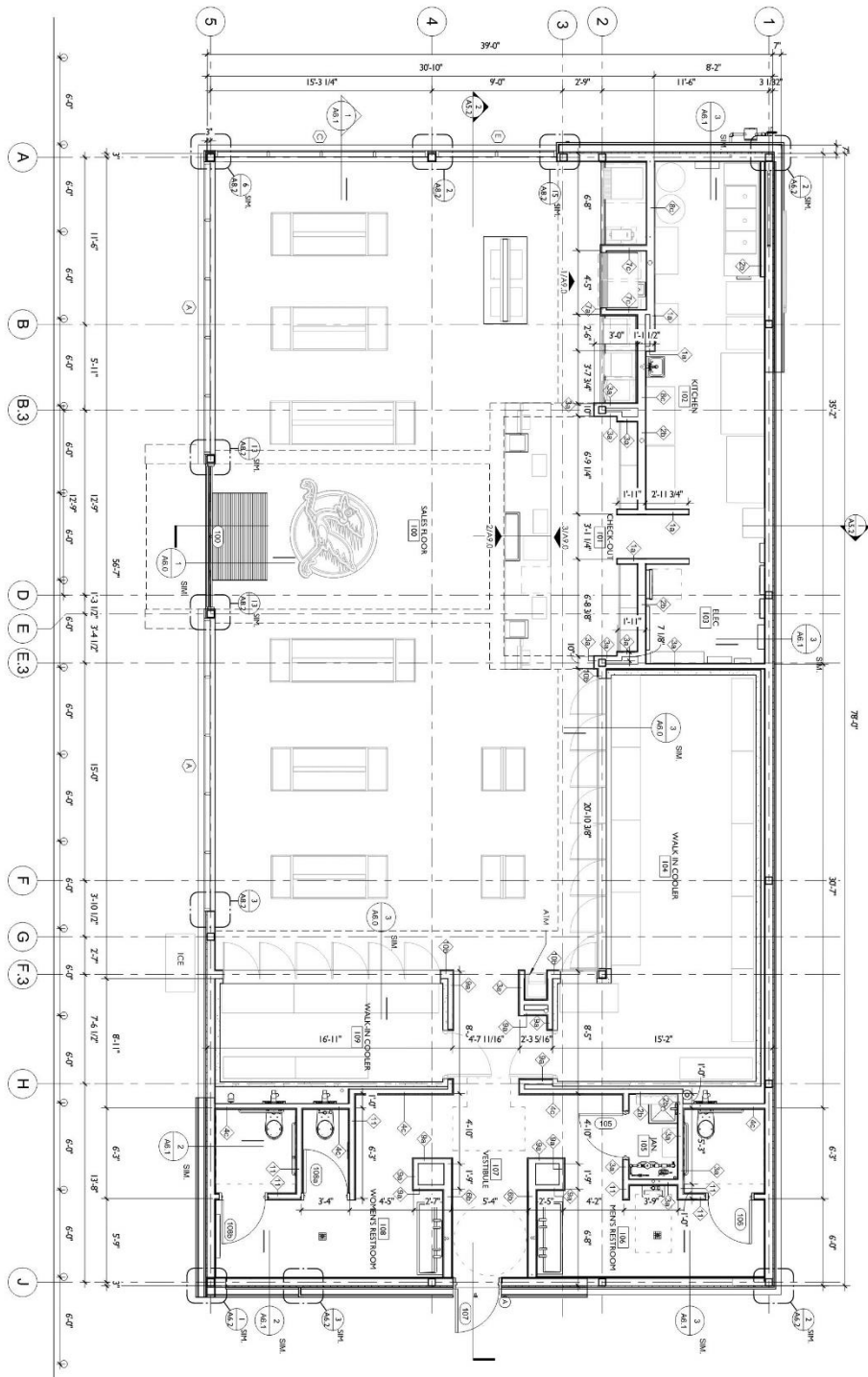
Planning Commission

July 24, 2023

VAR-2023-0029 (ROAD RUNNER)

Page 6 of 13

# 1 FLOOR PLAN 1/8" = 1'-0"



FENNEL PURIFOY  
ARCHITECTS  
100 RIVER BLVD. DRIVE, SUITE 200, LITTLE ROCK, AR 72202  
T 501.372.6734 F 501.372.6734

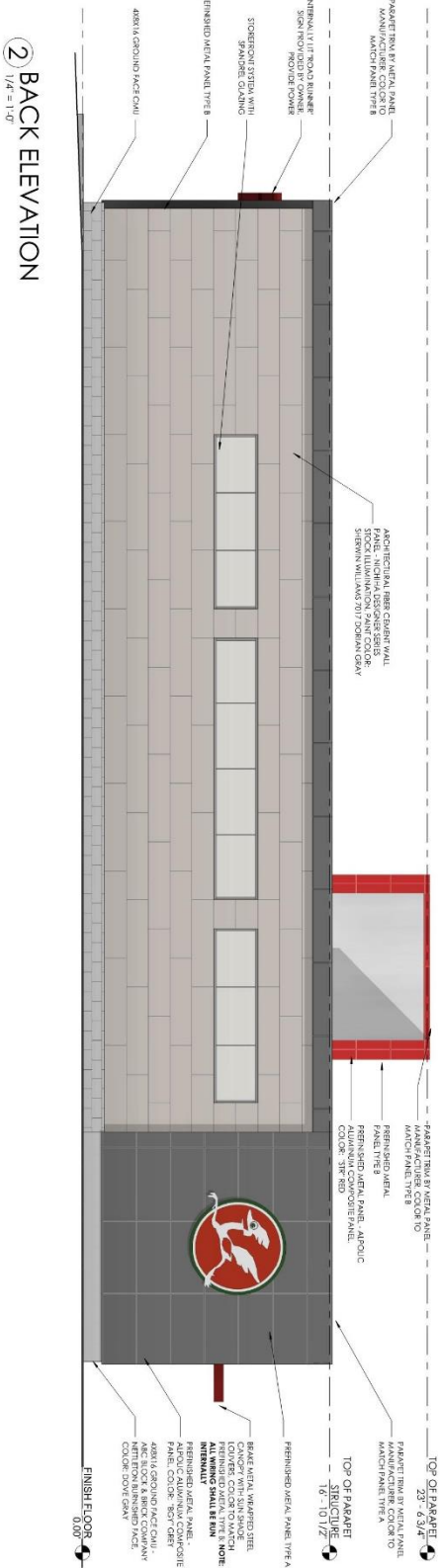


WEST ELEVATION (GARLAND AVENUE)



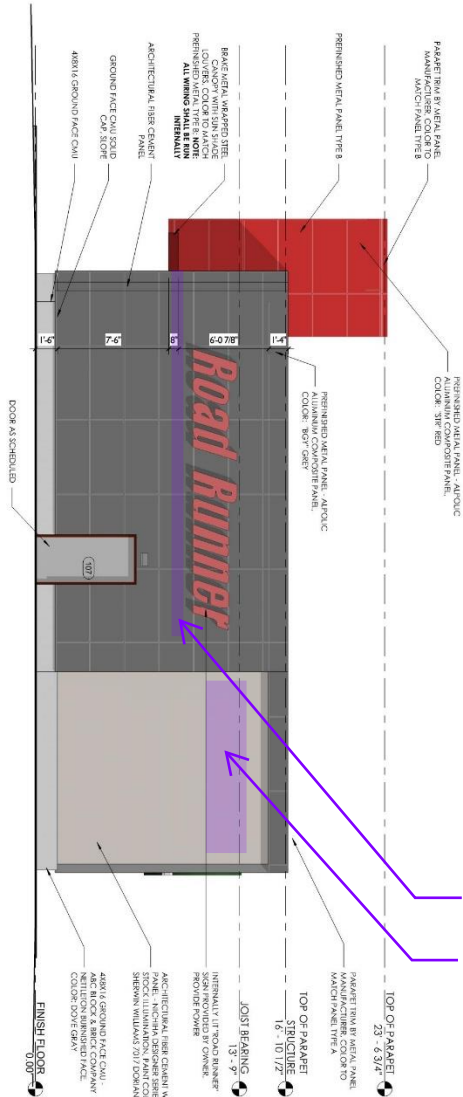
1 FRONT ELEVATION  
1/4" = 1'-0"

EAST ELEVATION (LINDELL AVENUE)



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

SOUTH ELEVATION (NORTH STREET)



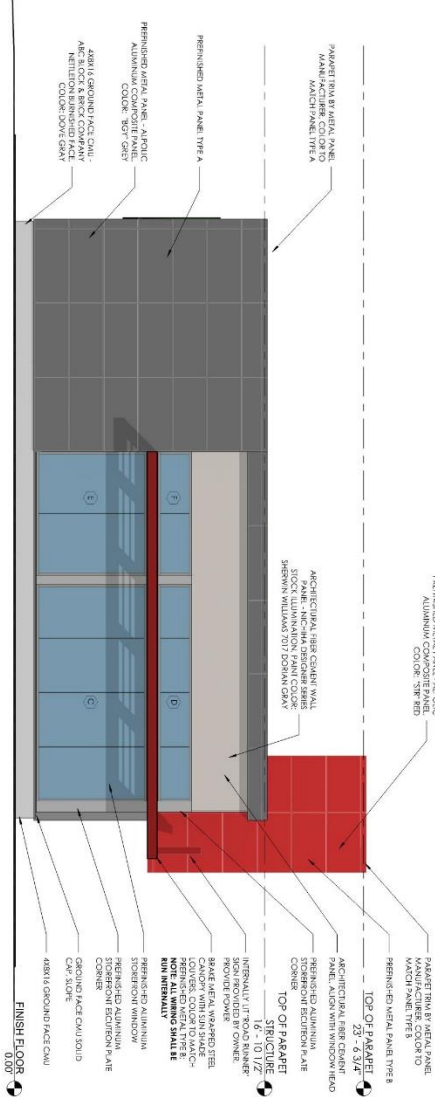
Possible canopy over secondary entry

Possible window location

1 SIDE ELEVATION

1/4" = 1'-0"

NORTH ELEVATION (MOUNT COMFORT ROAD)



2 SIDE ELEVATION

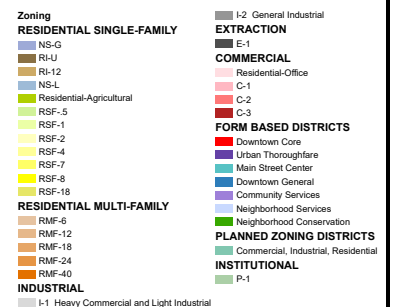
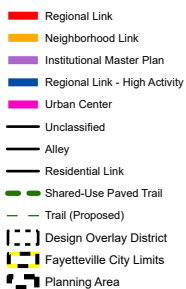
1/4" = 1'-0"

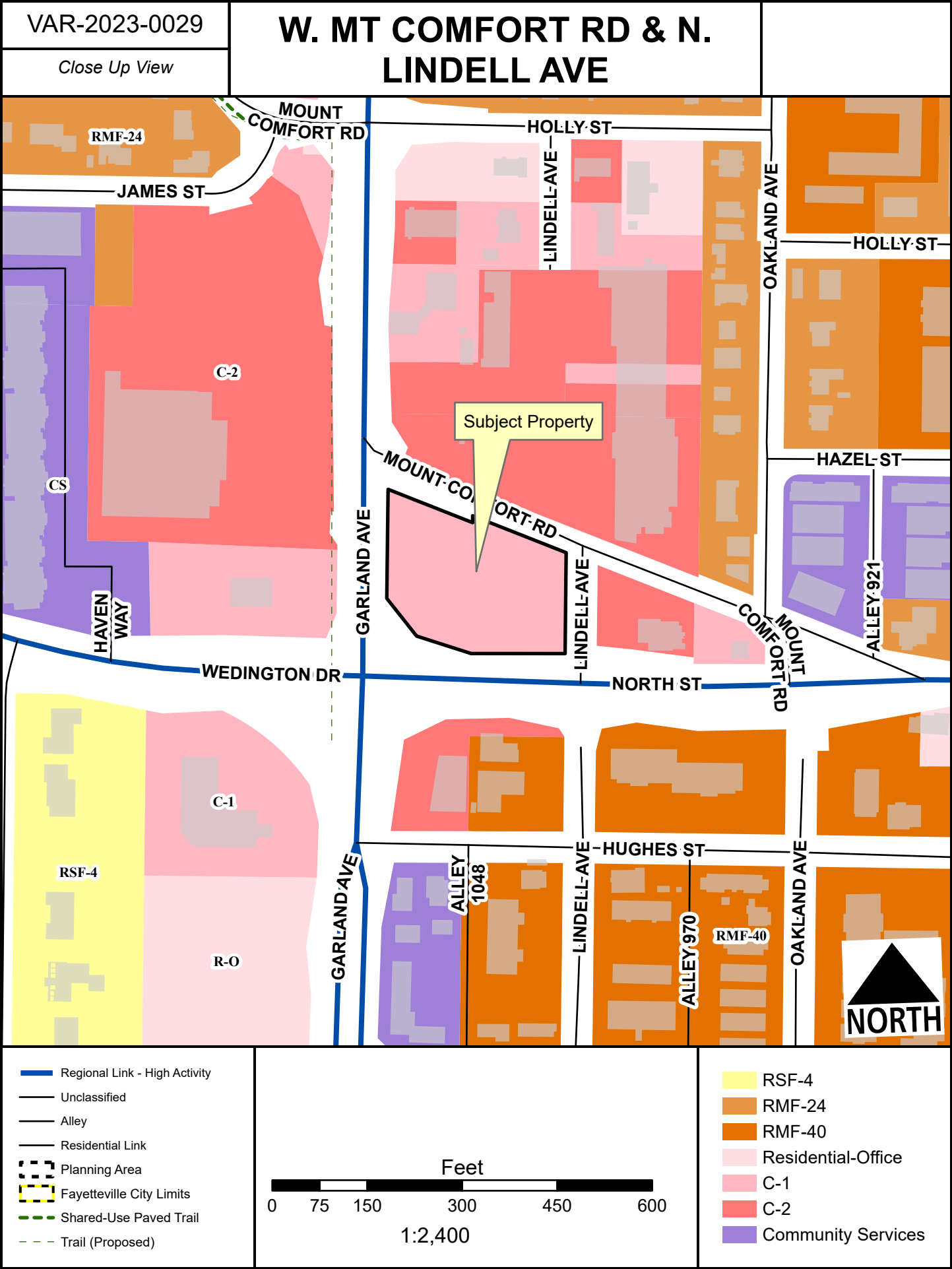
## MATERIALS EXHIBIT





### One Mile View







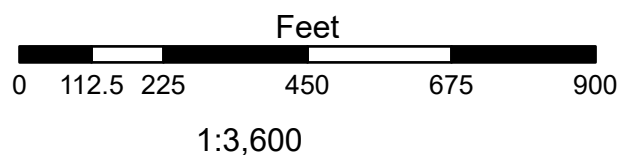
VAR-2023-0029

Current Land Use

# W. MT COMFORT RD & N. LINDELL AVE



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



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **VAR-2023-0030: Planning Commission Variance (W. MT COMFORT RD & N LINDELL AVE/ ROAD RUNNER, 405):** Submitted by ECOLOGICAL DESIGN GROUP for property located at W. MT. COMFORT RD & N. LINDELL AVE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.62 acres. The request is for variances to driveway width, drive aisle width, throat length, and access management standards.

**RECOMMENDATION:**

Staff recommends approving **VAR-2023-0030**, with conditions.

**RECOMMENDED MOTION:**

*"I move to approve **VAR-2023-0030**, recommending:*

- In favor of the requested variance to §172.04(F)(4)(a)(ii) Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces;*
- In favor of the requested variance to §172.04(F)(4)(b)(iii) Internal Aisle Design;*
- In favor of the requested variance to §172.04(F)(1) Throat Length;*
- 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 Cut Separation; and*
- In favor of all other conditions as recommended by staff."*

**BACKGROUND:**

The subject property is located at the northeast corner of N. Garland Ave and W. North St and is bordered by N. Lindell Ave to the east and Mount Comfort Rd to the north. The property currently consists of two parcels, each developed with a commercial structure and associated parking. These buildings are intended to be demolished with the new construction. The architects have submitted a separate variance request for architectural requirements (VAR-2023-0029). Surrounding land use and zoning is depicted in Table 1.

**Table 1:**  
**Surrounding Land Use and Zoning**

| Direction | Land Use                               | Zoning                                                                            |
|-----------|----------------------------------------|-----------------------------------------------------------------------------------|
| North     | Mixed Retail / Restaurant              | C-2, Thoroughfare Commercial                                                      |
| South     | Mixed Retail / Multifamily Residential | C-2, Thoroughfare Commercial<br>RMF-40, Residential Multifamily (40 units / acre) |
| West      | Bank / Grocer                          | C-1, Neighborhood Commercial<br>C-2, Thoroughfare Commercial                      |
| East      | Restaurant                             | C-2, Thoroughfare Commercial                                                      |

*Request:* The applicant requests building permit approval to construct an approximately 3,500-square foot convenience store, associated parking, EV chargers, and gas pump canopy for eight pumps. As a part of this proposal, the engineers have submitted requests for five variances as outlined below alongside staff's recommendations.

## DISCUSSION

**Variance #1: §172.04(F)(4)(a)(ii) Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces.** For parking lots containing nine (9) or more parking spaces, two-way entrances shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department. The applicant proposes one entrance onto Mount Comfort Rd. that is 42 feet in width and one entrance onto N. Lindell Ave. that is 41 feet 3 inches in width. A vehicle turning radius exhibit has been provided indicating delivery vehicle access throughout the site.

- *Staff recommendation:* Staff recommends in partial favor of the request subject to conditions of approval. Fuel stations require deliveries from large vehicles with substantial turning radii as indicated by the provided exhibit. The driveway width provided for N. Lindell Ave. appears to be the minimum necessary to meet the required access for these large vehicles. As the Mount Comfort Rd. entry is not affected in the vehicle turning radius exhibit, meeting ordinance for this entry would better align with the intent of the code. In summary, staff recommends in favor of the request for the N. Lindell Ave. driveway but that the Mount Comfort Rd. driveway be required to meet ordinance.

**Variance #2: §172.04(F)(4)(b)(iii) Internal Aisle Design.** For parking lots containing nine (9) or more parking spaces, all parking lots with 90-degree parking are required to have two-way aisle widths of 24 feet. Portions of the site at the northwest and southeast corners have aisle widths exceeding 100 feet, and the aisle width between the convenience store and fuel pumps exceeds 30 feet. Additionally, the northwest corner of the parking lot adjacent to the fuel station is only 17 feet wide.

- *Staff recommendation:* Staff supports the request subject to conditions of approval. As noted, the subject property is a fuel station with frontage on all four sides, which is a unique condition. Although multiple street frontages benefit the development through increased accessibility, it does not eliminate the realities of routing large vehicles through the site particularly noting the steep slopes on the southern portion of the property. Staff recommends that the applicant be required to meet the maximum aisle width between the fuel station pumps and convenience store where higher pedestrian traffic is likely, the pedestrian path on the southeast corner of the site be straightened to minimize the length of pedestrian vehicle conflict zone, and that tree islands shall be placed on either side of the pedestrian path at the southeast corner to minimize the length of pedestrian travel in exposed vehicle travel lanes.

**Variance #3: §172.04(F)(1) Throat Length.** The required throat length for unsignalized driveways is 40-60 feet. The proposed throat length for the driveway entry onto Mount Comfort Rd is approximately 24 feet and the throat length onto N. Lindell Ave is approximately 25 feet in length. The applicant notes that the throat lengths have been shortened to provide large enough turning radii for larger delivery vehicles as indicated on the provided exhibit.

- *Staff recommendation:* Staff supports the request for two primary reasons and subject to conditions of approval. As noted, the subject property will include street frontage on all sides, which is a unique condition. While multiple frontages benefit

the site through increased accessibility, steep slopes and minimum driveway distance requirements limit use of the west and southern portions of the property for access, requiring larger delivery vehicles to route through the property. With these issues in mind and considering that throat length requirements are intended to assure adequate stacking space within parking lots, staff has reviewed the site plans and supports the request with conditions, including the provision of a striping plan for staff review clearly indicating direction of travel lanes, and indicating any aisle widths that do not meet the minimum for two-way travel as one-way only.

**Variance #4: §166.08(F) Access Management.** Property that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer. The applicant's proposed development includes access onto Mount Comfort Rd and N. Lindell Ave, both residential link streets, for truck access.

- *Staff recommendation:* Staff supports the request. There are currently three driveways in this portion of W. Mount Comfort Rd. and the proposal would reduce this to one. There is also an existing driveway onto N. Lindell Ave in approximately the same location as the proposed development. The property is sited on the northeast corner of N. Garland Ave. and W. North St, both High Activity Regional Links. While both streets have a turning lane, limiting access to a single street could potentially create increased traffic congestion due to the proximity of the development to a major intersection. No additional conditions are recommended.

**Variance #5: §166.08(F)(2)(a) Curb Cut Separation.** For nonresidential development that occurs along residential links, curb cuts shall be located a minimum of 50 feet from an intersection or driveway. The applicant's proposed development includes a driveway onto N. Lindell Ave that is approximately 48 feet from the intersection of N. Lindell Ave and W. Mount Comfort Rd.

- *Staff recommendation:* Staff supports the request, for two primary reasons. An existing driveway is currently located in approximately the same location; however, it is smaller in size and thus meets the separation requirements for curb cuts. Due to the increase in size to meet turning radii, the driveway no longer meets separation requirements though it is close. Additionally, the proposed driveway location aligns with an existing driveway across the street.

*Public Comment:* Staff received one phone call expressing general opposition to the proposed variances.

**RECOMMENDATION: Staff recommends approval of VAR-2023-0030, with the following conditions.**

**Conditions of Approval:**

1. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.04(F)(4)(a)(ii) Entrances and Internal Aisle Design for Parking Lots Containing Nine (9) or More Parking Spaces.** *Staff recommends partial approval of the requested variance for the reasons outlined above and subject to the following conditions:*
  - a. The driveway onto N. Lindell Ave. may be a maximum of 41 feet 3 inches wide as indicated on the plans.
  - b. The driveway on Mount Comfort Rd. may be a maximum of 24 feet wide.

2. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.04(F)(4)(b)(iii) Internal Aisle Design.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
- a. The applicant be required to meet the maximum aisle width between the fuel station pumps and convenience store where higher pedestrian traffic is likely;
  - b. The pedestrian path on the southeast corner of the site be straightened to minimize the length of pedestrian vehicle conflict zone;
  - c. One tree island shall be placed on either side of the pedestrian path on the east building façade.
3. **Planning Commission determination of a variance of Fayetteville Unified Development Code §172.04(F)(1) Throat Length.** *Staff recommends approval of the requested variance for the reasons outlined above and subject to the following conditions:*
- a. A striping plan be provided for staff review clearly indicating direction of travel lanes; and
  - b. Any aisle widths that do not meet the minimum for two-way travel be marked as one-way only.
4. **Planning Commission determination of a variance of Fayetteville Unified Development Code §166.08(F) Access Management.** *Staff recommends approval of the requested variance for the reasons outlined above. No additional conditions are recommended by staff.*
5. **Planning Commission determination of a variance of Fayetteville Unified Development Code §166.08(F)(2)(a) Curb Cut Separation.** *Staff recommends approval of the requested variance for the reasons outlined above. No additional conditions are recommended by staff.*

|                                    |                                 |                                   |                                 |                 |                   |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|-----------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 | <b>Required</b> | <b><u>YES</u></b> |
| <b>Date:</b> <u>July 24, 2023</u>  | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |                 |                   |
| <b>Motion:</b>                     |                                 |                                   |                                 |                 |                   |
| <b>Second:</b>                     |                                 |                                   |                                 |                 |                   |
| <b>Vote:</b>                       |                                 |                                   |                                 |                 |                   |



**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Developed Code:
  - §166.08, Street Design and Access Management Standards
  - §172.04 Parking Lot Design Standards
- Request Letter
- Site Plans
- Vehicle Turning Radius Exhibit
- Staff Recommended Conditions Exhibit
- 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.
- (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)

## 172.04 Parking Lot Design Standards

...

(E) *Dimensional Requirements.* (See Table 1)

**TABLE 1**  
DIMENSIONAL REQUIREMENTS

| Angle<br>(A) | Type               | Width<br>(in ft.)<br>(B) | Curb length<br>(in ft.)<br>(C) | One-way<br>aisle width<br>(in ft.)<br>(D) | Two-way<br>aisle width<br>(in ft.)<br>(D) | Stall depth<br>(in ft.)<br>E) |
|--------------|--------------------|--------------------------|--------------------------------|-------------------------------------------|-------------------------------------------|-------------------------------|
| 0°           | Standard           | 8                        | 22.5                           | 12                                        | 24                                        | 8                             |
| Parallel     | Compact            | 7.5                      | 19.5                           | 12                                        | 24                                        | 7.5                           |
| 30°          | Standard           | 9                        | 18                             | 12                                        | 24                                        | 17                            |
|              | Compact            | 7.5                      | 15                             | 12                                        | 24                                        | 14                            |
| 45°          | Standard           | 9                        | 12.5                           | 12                                        | 24                                        | 19                            |
|              | Compact            | 7.5                      | 10.5                           | 12                                        | 24                                        | 16                            |
| 60°          | Standard           | 9                        | 10.5                           | 18                                        | 24                                        | 20                            |
|              | Compact            | 7.5                      | 8.5                            | 15                                        | 24                                        | 16.5                          |
| 90°          | Standard           | 9                        | 9                              | 24                                        | 24                                        | 19                            |
|              | Compact            | 7.5                      | 7.5                            | 22                                        | 24                                        | 15                            |
|              | Motorcycle/Scooter | 3                        | 3                              | 12-24                                     | 24                                        | 7.5 - 9                       |

...

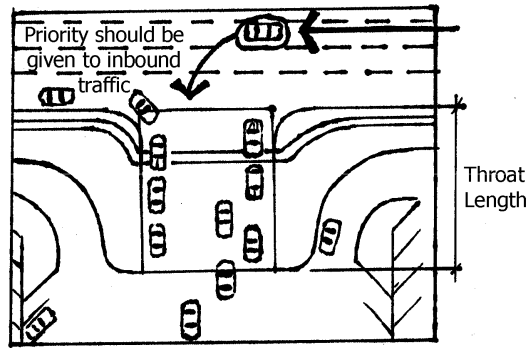
(F) *Parking Lot Circulation.*

- (1) *Throat Length.* The length of driveways or "throat length" shall be designed in accordance with the anticipated storage length for vehicles to prevent them from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear below, but these requirements may vary according to the project volume of the individual driveway. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways. Variation from these standards may be permitted for good cause upon approval of the Zoning and Development Administrator and City Engineer.

**TABLE 2**  
GENERALLY ADEQUATE DRIVEWAY THROAT LENGTHS

|                                      |                               |           |
|--------------------------------------|-------------------------------|-----------|
| Shopping Centers<br>(Signalized)     | >200,000 GLA*<br>(800) spaces | 200 ft.   |
| Smaller Developments<br>(Signalized) | <200,000 GLA*                 | 75—95 ft. |
| Unsignalized Driveways               | —                             | 40—60 ft. |

\*GLA-Gross leaseable area



*Commentary: The throat lengths in Table 2 are provided to assure adequate stacking space within parking lot driveways for general land use intensities. This helps prevent vehicles from stacking into the thoroughfare as they attempt to enter the parking lot. High traffic generators, such as large shopping plazas, need much greater throat length than smaller developments or those with unsignalized driveways. The guidelines here for larger developments refer to the primary access drive. Reduced throat lengths may be permitted for secondary access drives serving large developments.*

- ...
- (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<br>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)



June 21, 2023

**City of Fayetteville**  
Planning Commission  
125 W. Mountain Street  
Fayetteville, AR 72701  
479.535.8233

**EDG #:** 22-077  
**PROJECT NAME:** Road Runner, Fayetteville, AR 72701  
**DEVELOPER:** Coulson Oil, 5101 Northshore Lane Little Rock, AR 72118

### **Project Narrative**

The Road Runner – Fayetteville is located at 1130 and 1139 N Lindell Avenue and consists of 2 parcels, totaling approximately 1.18 acres. Site features include an asphalt parking lot, EV chargers, gas pumps, and bike infrastructure.

EDG is requesting variances to Sections 172.04(F)(4)(a)(ii), 172.04(D), 172.04(F), 166.08(F) of the Unified Development Code. The main goal of this request is to provide adequate turning radii for tanker trucks to enter, traverse, and exit the project site safely while providing adequate room for pedestrians and vehicular traffic.

A vehicle tracking exhibit of the site shows that a singular larger tanker truck requires a substantial amount of pavement to be able to enter, traverse, and exit the site. The additional driveway on Mount Comfort drive is intended to serve the average vehicle traffic.

### **Variance Request**

EDG is requesting the following variances:

- I. Variance to Unified Development Code Chapter 172, 172.04(F)(4)(a)(ii), for the Road Runner – Fayetteville project to not require a 24-foot-wide maximum driveway width.
  - a. Justification: This site has been laid out so that tanker trucks and other vehicular traffic are able to enter and exit the site safely. Since these trucks require a wider turning radius, the driveway widths have been widened to 42' along Mount Comfort Road and 41' 3" along Lindell Avenue.
2. Variance to Unified Development Code Chapter 172, 172.04(D) for the Roadrunner - Fayetteville to not require a maximum 24' wide drive aisle throughout the site.
  - a. Justification: This site has been laid out to account for tanker trucks and other vehicular traffic to be able to traverse the site without interruptions to site activity. Since this service station will have tanker trucks on site frequently to unload into the gas tanks, an adequate space has been created for them to park and for a vehicle to be able to always travel to all portions of the site. Similarly, to the justification for wider driveway widths, these trucks have larger turning radii and will need extra space for their wheel paths to be able to enter and exit the site.

3. Variance to Unified Development Code Chapter 172, 172.04(F) for the Roadrunner - Fayetteville to not require a throat length of 40-60'.
  - a. Justification: Similarly, to the variances above, this site will need adequate room for tanker trucks to be able to navigate the site. Since this site will need to be accessed by Mount Comfort Road and N Lindell Avenue, trucks will need to quickly turn to be able to navigate to the tanks on site. The throat length has been shortened to prevent wheel paths from these trucks from crossing over curbs and landscaping.
4. Variance to Unified Development Code Chapter 172, 166.08(F) for the Roadrunner - Fayetteville to not require that only one access drive be constructed and curb cuts be located a minimum of 100 feet from an intersection or driveway for the Neighborhood links (Mount Comfort Road and N Lindell Ave). Since this site must be accessed from Mount Comfort and N Lindell Ave and larger trucks must be able to enter and exit the site, the driveway accesses will need to be located closer than 100 feet to an intersection, specifically the entrance along Lindell Avenue. The additional driveway is necessary for the development to ensure that larger trucks and cars have a feasible entrance and exit into the site.

### **Code Sections:**

#### **I) 172.04(F)(4)(a)(ii) Driveway Widths**

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.

#### **I) 172.04(D) Internal Aisle Width**

- a) Aisles shall be designed so that they intersect at 90 degrees with other aisles and driveways where practical.
- b) Aisles shall be designed to discourage cut-through traffic by use of landscape islands, and shall meet the requirements of Chapter 177: Landscape Regulations.
- c) Aisles shall conform to the dimensional requirements of §172.04(C).0

| 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                                                                   |

#### **2) 172.04(F) Parking Lot Circulation**

- a) **Throat Length.** The length of driveways or "throat length" shall be designed in accordance with the anticipated storage length for vehicles to prevent them from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear below, but these requirements may vary according to the project volume of the individual driveway. These measures generally are acceptable for the principal access to a property and are not intended for minor driveways. Variation from these standards may be permitted for good cause upon approval of the Zoning and Development Administrator and City Engineer.

|                                   |                               |           |
|-----------------------------------|-------------------------------|-----------|
| Shopping Centers<br>(Signalized)  | >200,000 GLA*<br>(800) spaces | 200 ft.   |
| Smaller Developments (Signalized) | <200,000 GLA*                 | 75—95 ft. |
| Unsignalized Driveways            | —                             | 40—60 ft. |

#### **I) 166.08(F) Access Management, Access onto Multiple Streets**

- b) **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.
- i) Separation for two (2) family, three (3) family, multi-family and nonresidential development.
- (1) **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.
  - (2) **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.
  - (3) **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.

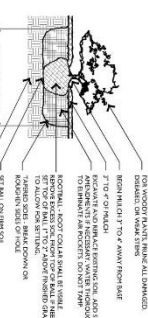
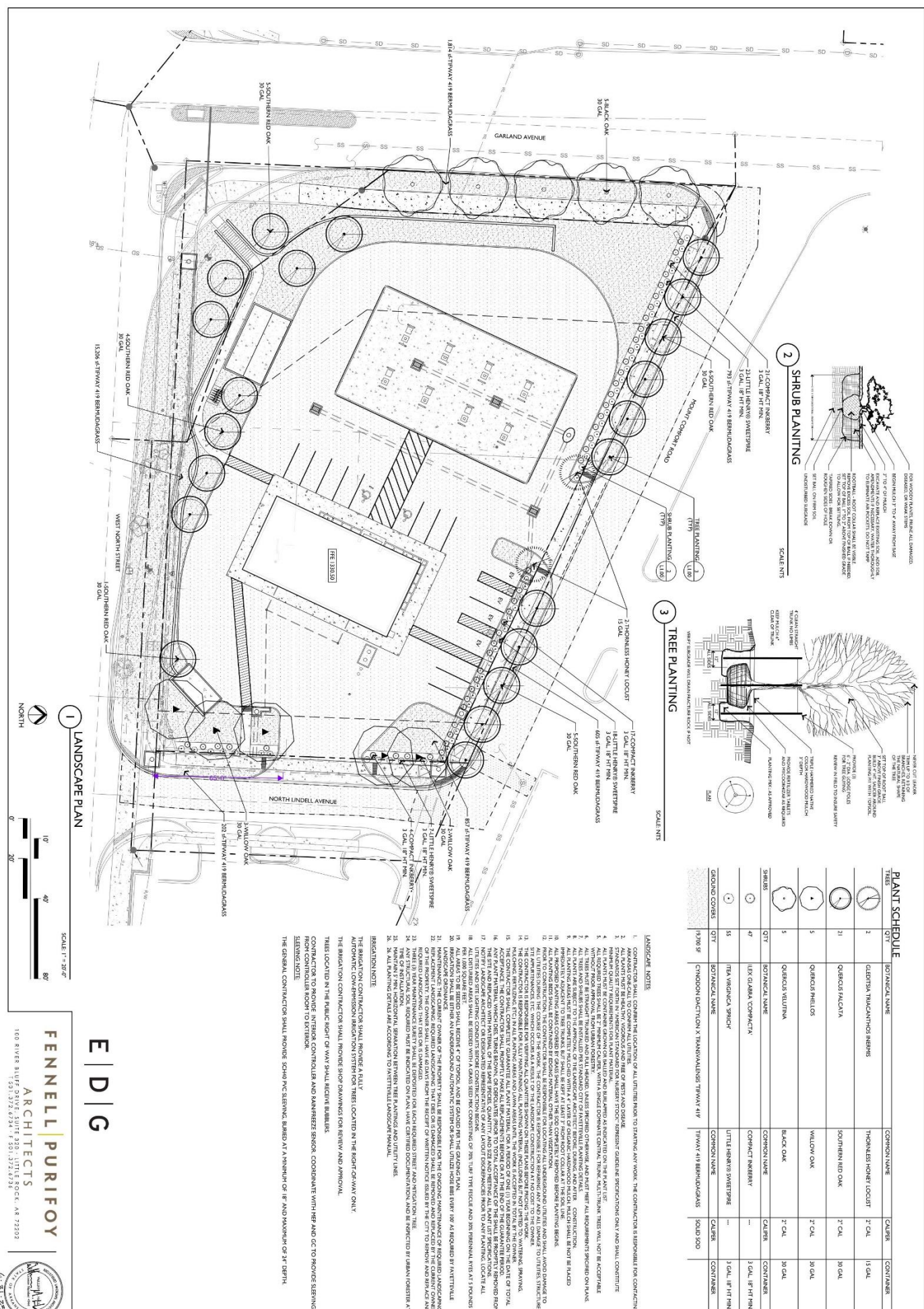
Sincerely,



Brahm Driver, PE  
Ecological Design Group, Inc. | 501.944.3090 | bdriver@ecologicaldg.com

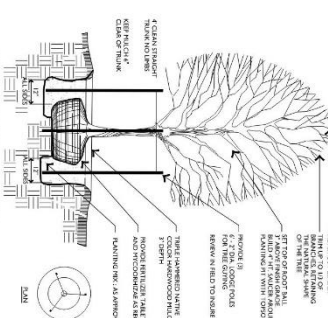






## 2 SHRUB PLANTING

SCALE: 1" = 10'-0"



## 3 TREE PLANTING

SCALE: 1" = 10'-0"

| PLANT SCHEDULE |     |                          |           |
|----------------|-----|--------------------------|-----------|
| TREE           | QTY | COMMON NAME              | CONTAINER |
| 1              | 2   | GLORIA TRACANTHOS HENRIS | 7" CAL.   |
| 2              | 21  | QUERUS FALCATA           | 7" CAL.   |
| 3              | 5   | QUERUS PHLOIS            | 7" CAL.   |
| 4              | 5   | QUERUS VELUTINA          | 7" CAL.   |
| 5              | 47  | LEA GLABRA CORNIFOLIA    | 7" CAL.   |
| 6              | 55  | TEA WIGNONIA SPECIOSA    | 7" CAL.   |
| 7              | 1   | QUERUS FALCATA           | 7" CAL.   |
| 8              | 1   | QUERUS FALCATA           | 7" CAL.   |
| 9              | 1   | QUERUS FALCATA           | 7" CAL.   |
| 10             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 11             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 12             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 13             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 14             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 15             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 16             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 17             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 18             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 19             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 20             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 21             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 22             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 23             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 24             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 25             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 26             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 27             | 1   | QUERUS FALCATA           | 7" CAL.   |
| 28             | 1   | QUERUS FALCATA           | 7" CAL.   |
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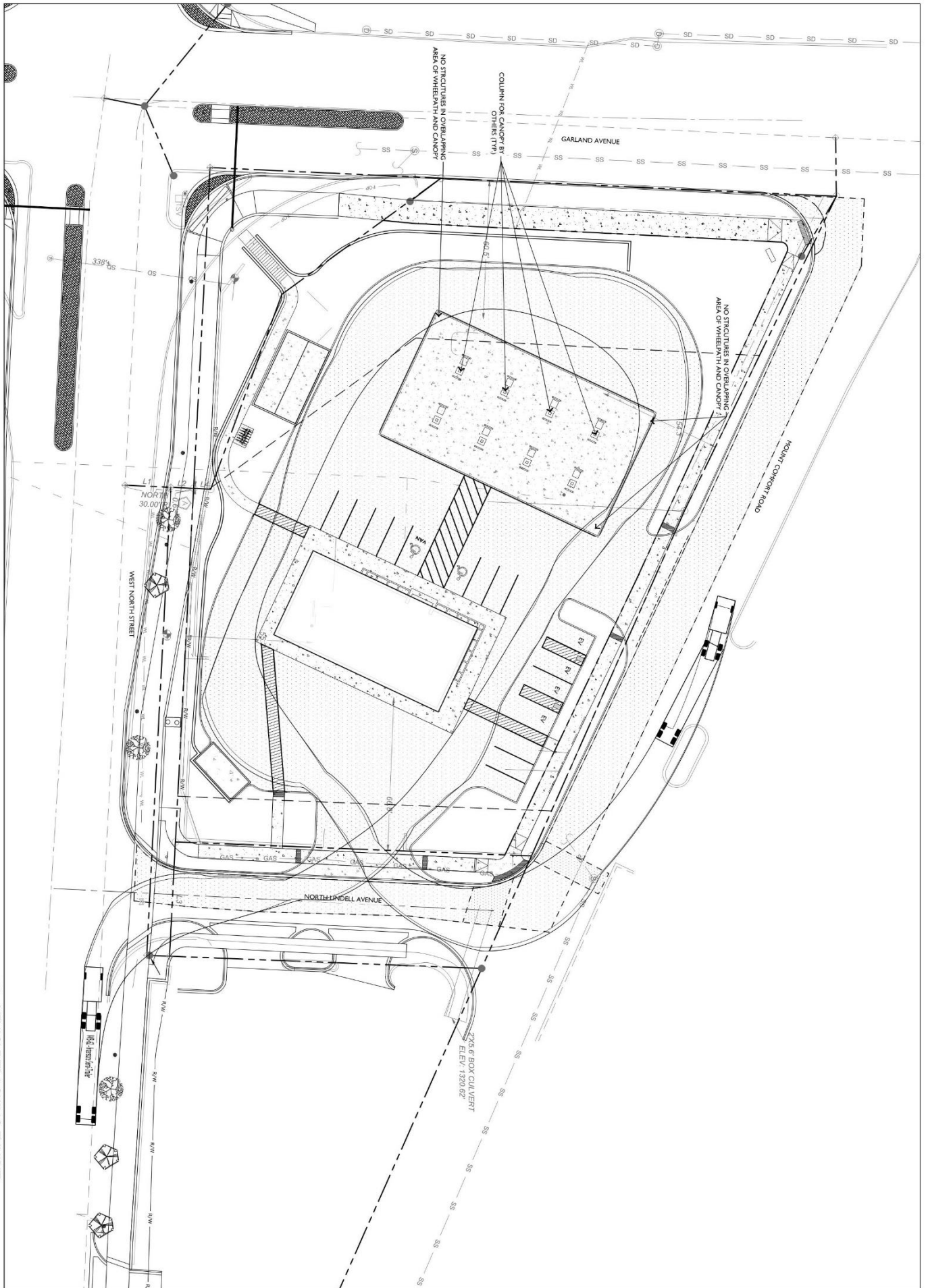
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100 RIVER BLVD DRIVE, SUITE 200, LITTLE ROCK, AR 72202

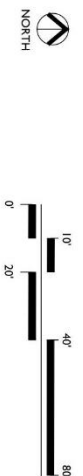
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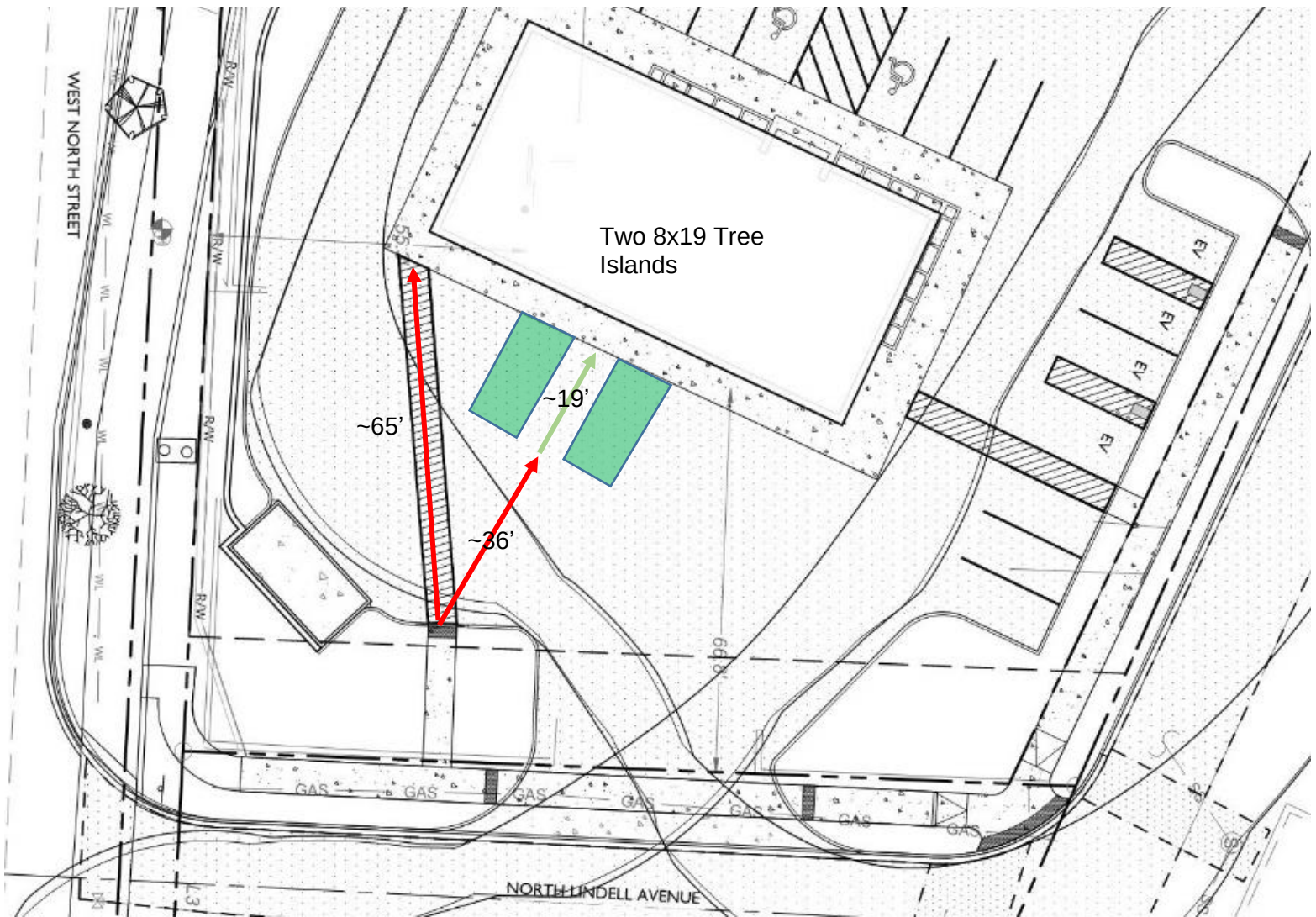


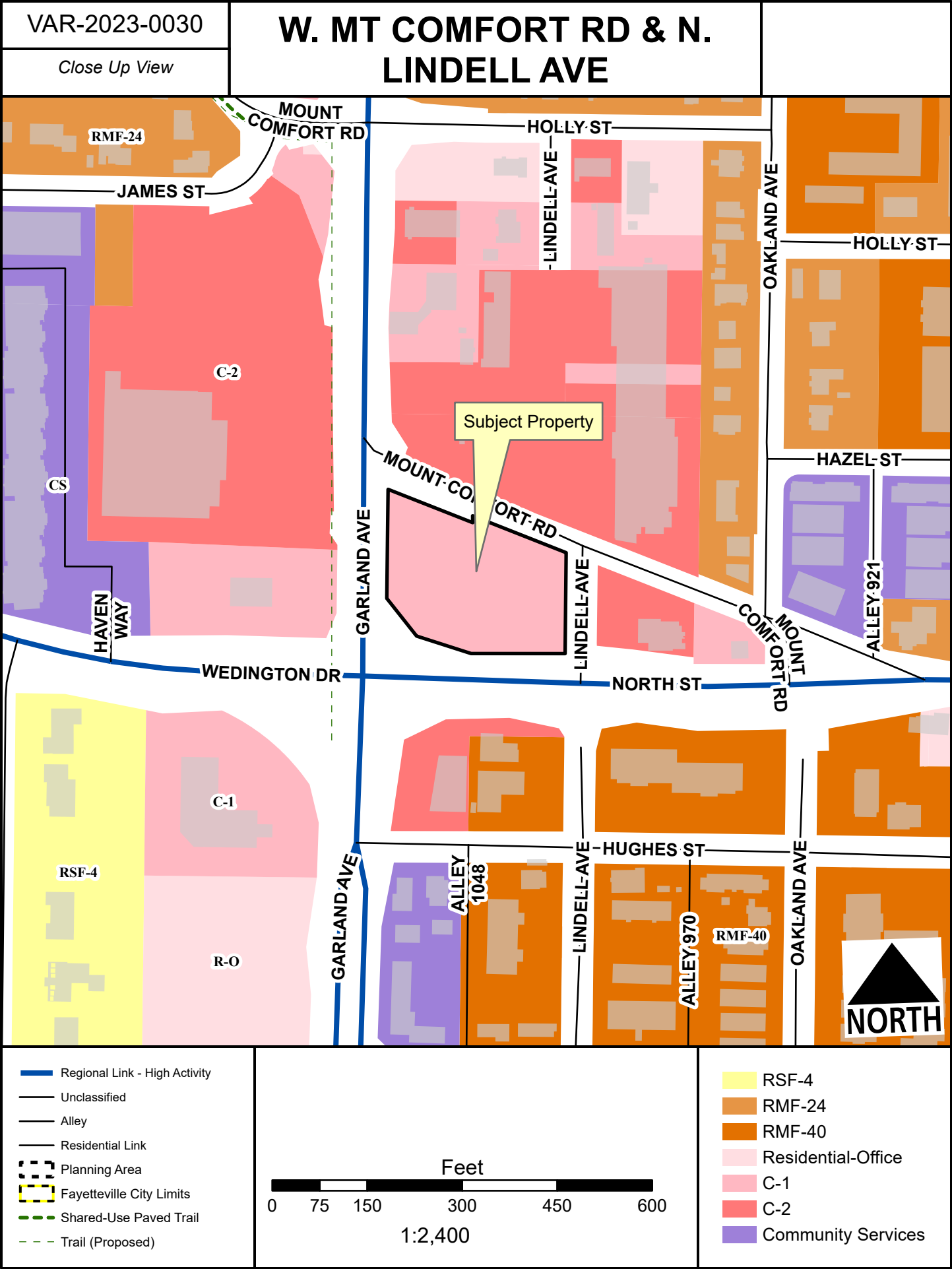
1 VEHICLE TRACKING EXHIBIT

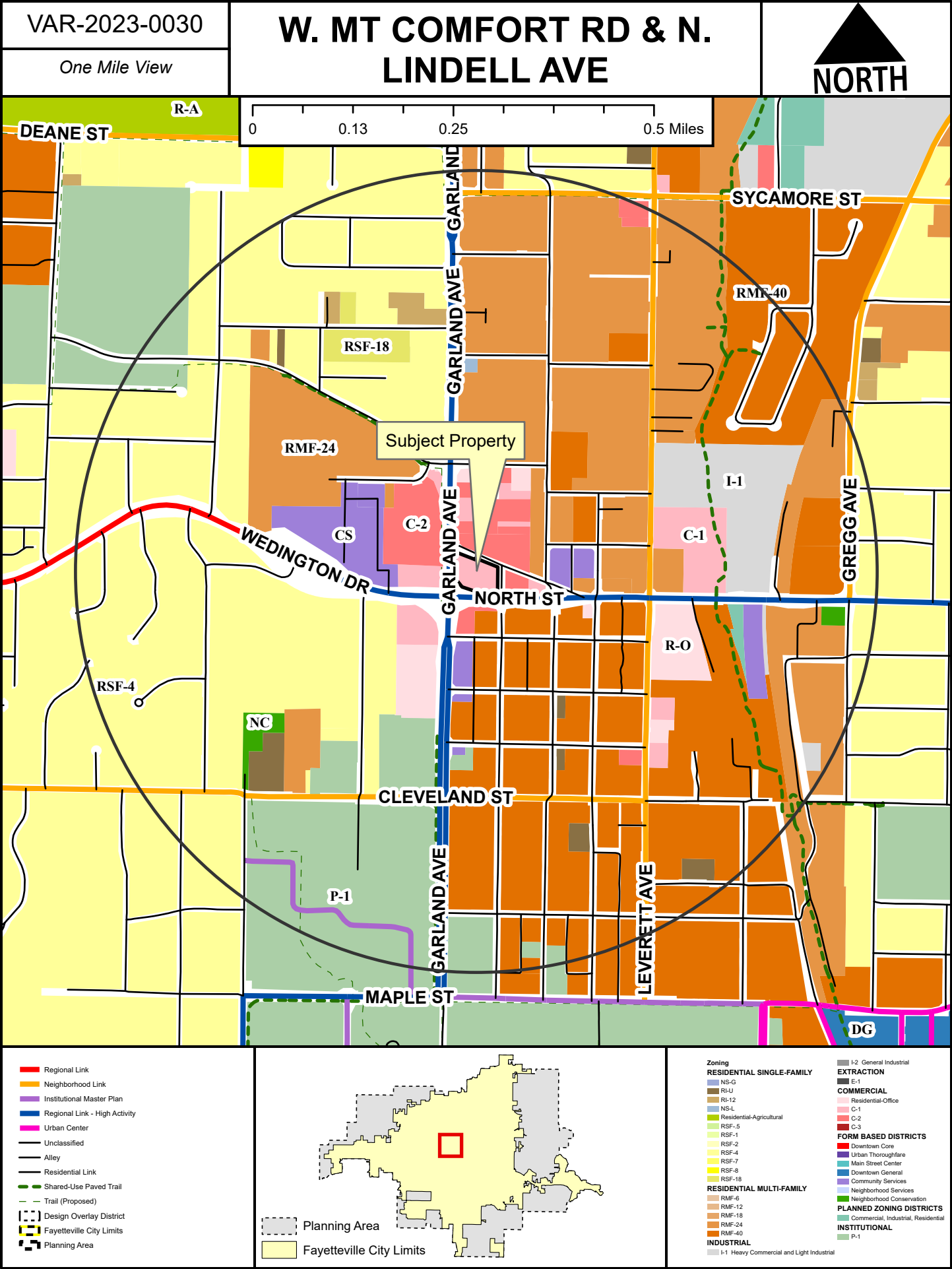
SCALE 1" = 20'-0"



STAFF RECOMMENDED CONDITION EXHIBIT









VAR-2023-0030

Current Land Use

# W. MT COMFORT RD & N. LINDELL AVE



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



## FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway





**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Gretchen Harrison, Senior Planner  
Josh Boccaccio, Engineering Development Review Manager  
Melissa Evans, Urban Forester

**MEETING:** July 24, 2023

**SUBJECT:** **LSD-2023-0008: Large Scale Development (2939 S. BLACK OAK RD./RIVERSIDE VILLAGE PH. 2, 683):** Submitted by CRAFTON TULL for property located at 2939 S. BLACK OAK RD. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 93.98 acres. The request is for a single-family residential development with 128 units.

**RECOMMENDATION:**

Staff recommends approval of **LSD-2023-0008** with conditions.

**RECOMMENDED MOTION:**

*"I move to approve **LSD-2023-0008**, recommending:*

- In favor of recommended right-of-way dedication,*
- In favor of recommended street improvements,*
- In favor of a variance to UDC §166.08(E),*
- In favor of a variance to UDC §166.11(A), and*
- In favor of all other conditions as recommended by staff."*

**BACKGROUND:**

The subject property is located in south Fayetteville on the east side of Black Oak Road just within city limits. The property contains approximately 93.98 acres and was annexed in late 2021. Following the property's annexation, it was rezoned to a Residential Planned Zoning District (Ord. 6511). In terms of natural features, the property is undeveloped and largely covered by mature tree canopy with hydric soils and jurisdictional wetlands and waterways present on site. A portion of the West Fork of the White River forms the eastern boundary of the property, and a large portion of the east side of the site contains floodway and floodplain associated with the river. A large scale development for the first phase of this project, which contains 106 residential units, was approved by the Planning Commission in 2022 (LSD-2022-0008). Land uses and zoning surrounding the property are depicted in *Table 1*.

**Table 1:**  
**Surrounding Land Uses and Zoning**

| Direction | Land Use                  | Zoning                                                                                    |
|-----------|---------------------------|-------------------------------------------------------------------------------------------|
| North     | Industrial;<br>Combs Park | I-2, General Industrial;<br>P-1, Institutional                                            |
| South     | Natural Area              | AG/SF-1, Agricultural/Single-Family Residential, One Unit<br>per Acre (Washington County) |
| East      | Natural Area              | AG/SF-1, Agricultural/Single-Family Residential, One Unit<br>per Acre (Washington County) |

|      |              |                                                                                        |
|------|--------------|----------------------------------------------------------------------------------------|
| West | Natural Area | AG/SF-1, Agricultural/Single-Family Residential, One Unit per Acre (Washington County) |
|------|--------------|----------------------------------------------------------------------------------------|

*Proposal:* The applicant requests large scale development approval of a 128-unit single-family residential development with associated parking and greenspaces. Two variances from the Unified Development Code were submitted in conjunction with this request as described below alongside staff's recommendations:

- **§166.08(E): Street Design and Access Management Standards – Block Length/Connectivity. On Residential Link streets, intersections shall occur at a minimum of one every 660 feet. Also, wherever a proposed development abuts undeveloped land, street stub-outs shall be provided to abutting properties.** The applicant is requesting a variance from this standard along the east side of Ouachita Street, the north side of Wabash Street, and the south side of Gila Street. The northern portion of Ouachita Street, approved as part of the first phase of the development, has a block length of about 1,500 feet. The request is to extend the length of that block by about 1,100 feet which would increase its total length to roughly 2,600 feet. Further, Wabash Street is proposed to have a block length of about 800 feet and Gila Street is proposed to have a block length of about 700 feet.
  - *Staff recommendation: Staff is supportive of this variance request. While the requested variance along Ouachita Street far exceeds the maximum allowed by code, staff finds that there is not currently a feasible connection to the north or east given the presence of a large industrial use and the West Fork of the White River, along with areas reserved for tree preservation and parkland dedication. Staff also finds that there is not a feasible connection to the north along Wabash Street given the presence of retention ponds and area reserved for open space. The applicant has stated that a stub out to the south along Gila Street is not desirable since it would connect to area reserved for a future Cluster Housing Development, and a street stub out would interfere with the usable area of that space.*
- **§166.11(A): Conformance to Plans and Regulations. Projects shall conform to the official plans and regulations that make up the Master Street Plan.** The applicant has requested to vary from the typical requirements for alleys as outlined in the Master Street Plan in order to install a 7.5-foot parking lane along Alleys 4 & 6.
  - *Staff recommendation: Staff is supportive of this variance request. The applicant has stated that on-street parallel parking is needed along these alleys to provide parking for the development, which is designed to accommodate smaller lots with limited room for on-site parking. Given the small length of each street and ongoing construction for the first phase of the development, with a stub out for Alley 4 already being built, staff finds that improving the streets as Residential Links would not be suitable in this instance. Staff finds that each street would effectively function as an alley, and the applicant is proposing to improve them in a way that accommodates parking for the development as well as pedestrian connectivity.*

*Right-of-Way to be Dedicated:*

Internal Streets (Wabash, Meramec, Gila, Murray, and Ouachita Streets): Staff recommends right-of-way dedication in the amount of 52 feet along all internal streets to align with the typical street section for a Residential Link street as outlined in the 2040 Master Street Plan.

Standard Internal Alley (Alley 5): Staff recommends right-of-way dedication in the amount of 24 feet along Alley 5 to align with the typical street section for a Commercial Rear Alley as outlined in the 2040 Master Street Plan.

Alternative Internal Alleys (Alleys 4 & 6): The applicant proposes right-of-way dedication in the amount of 38.5 feet along Alleys 4 & 6 to accommodate planned improvements which vary from typical Master Street Plan requirements. Staff recommends right-of-way dedication in the amount of 38.5 feet, as proposed.

*Street Improvements:*

Internal Streets (Wabash, Meramec, Gila, Murray, and Ouachita Streets): Staff recommends that all internal streets be improved to meet the typical requirements for a Residential Link street, including 27-foot asphalt with six-foot sidewalk, six-foot greenspace, and 1.5-foot curb and gutter on each side of the street.

Standard Internal Alley (Alley 5): Staff recommends that the standard internal alley (Alley 5) be improved to meet the typical requirements for a Commercial Rear Alley, including 18-foot asphalt with one-foot concrete and two-foot greenspace on each side. Staff also recommends that the alley be designed in accordance with the Arkansas Fire Code to support apparatus access since the alley will serve as the sole access to Lots 192-216.

Alternative Internal Alleys (Alleys 4 & 6): The applicant is proposing to improve Alley 4 & 6 shown on the provided plans to include two 10-foot drive lanes with one 7.5-foot parking lane and one-foot concrete and two-foot greenspace on each side, with a 5-foot sidewalk adjacent to the parking spaces. Staff recommends that Alleys 4 and 6 be improved as proposed, though with 6.5-foot sidewalk at the back of curb to accommodate minimum effective width requirements.

*Access Management/Connectivity:* Staff has determined that the proposed development is partially compliant with the City's access management and connectivity standards. A variance to the City's block length/connectivity standards has been requested as described above.

*Design Standards:* The Riverside Village Planned Zoning District defers to the Unified Development Code for applicable architectural design standards. Staff finds that the project is not subject to UDC §166.23, Urban Residential Design Standards, nor to UDC §166.24, Non-Residential Design Standards, due to its single-family residential use. Proposed lots with less than 50 feet of street frontage are subject to UDC §164.23, Small Lot Design Standards, and the project appears to meet those requirements where applicable.

*Water and Sewer System:* The applicant is proposing to extend eight-inch water mains throughout the development to provide fire protection and domestic water service. They are also proposing to extend eight-inch sewer mains throughout the development to provide sanitary sewer service.

*Parkland dedication or fee in-lieu:* This project was discussed by the Parks and Recreation Advisory Board at their October 5, 2021 meeting. At that time, PRAB recommended parkland dedication for this project. The required minimum amount of parkland dedication for this phase would be 2.94 acres based on 128 single-family dwellings. Parkland dedication is currently being coordinated between the applicant and the Parks Department. Currently, the applicant is proposing to dedicate 5.10 acres of land and donate approximately 30 additional acres along the West Fork of the White River. The Parks Department has included several recommendations along with this acceptance, including:

- Space to install a park sign along Black Oak Road
- A 40-foot buffer from house property lines
- Allowance for park access on main subdivision roads (not alley roads)
- Access large enough to host a trailhead and parking for at least five cars

*Tree Preservation:*

Canopy minimum requirement: 25%

Existing canopy: 49.7%

Preserved canopy: 26%

Mitigation required: None

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

**RECOMMENDATION:** Staff recommends approving **LSD-2023-0008** with the following conditions:

**Conditions of Approval:**

1. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication as follows:*
  - a. Internal Streets: *Staff recommends right-of-way dedication in the amount of 52 feet along all internal streets.*
  - b. Alley 5: *Staff recommends right-of-way dedication in the amount of 24 feet along Alley 5.*
  - c. Alleys 4 & 6: *Staff recommends right-of-way dedication in the amount of 38.5 feet along Alleys 4 and 6, as proposed on the provided civil plans.*

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

2. **Planning Commission determination of street improvements.** *Staff recommends street improvements as follows:*
  - a. Internal Streets: *Staff recommends that all internal streets be improved to meet typical standards for a Residential Link street.*
  - b. Alley 5: *Staff recommends that Alley 5 be improved to meet the typical standards for a Commercial Rear Alley and/or designed in a way that meets Arkansas Fire Code.*
  - c. Alleys 4 & 6: *Staff recommends that Alleys 4 and 6 be improved as proposed by the applicant, though with 6.5-foot sidewalk at the back of curb.*

**Subdivision Committee recommended in favor of street improvements.**

1. **Planning Commission determination of a variance to UDC §166.08(E): Street Design and Access Management Standards – Block Length/Connectivity.** *Staff recommends approval of this variance for the reasons stated above;*

**Subdivision Committee recommended in favor of this variance.**

2. **Planning Commission determination of a variance to UDC §166.11: Conformance to Plans and Regulations.** *Staff recommends in favor of this variance for the reasons stated above;*

**Subdivision Committee made no recommendation on this variance.**

3. Remaining comments from the Planning Division shall be addressed, including:
  - a. The development entitlement for the first phase of Riverside Village (LSD-2022-0008) recently expired on April 14, 2023. Please confirm whether an administrative extension was approved for that project. If not, a one-year extension will need to be requested from the Planning Commission.
3. A separate conditional use permit will need to be applied for and approved for all proposed off-site parking lots prior to subdivision under UDC §172.06(C);
4. Parkland dedication in the minimum amount of 2.94 acres for 128 single-family dwellings must be received prior to building permit issuance;
5. Streetlights must be installed at intersections and at intervals not to exceed 300 feet along all streets;
6. A tree preservation easement and a trail easement shall be dedicated at the time of easement plat with language as shown in the attached exhibit;
7. Conditions of approval from Engineering and Urban Forestry are included in the official conditions of approval, attached hereto;

**Standard Conditions of Approval:**

8. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance;
9. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks, SWEPCO, and Cox Communications);
10. 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;
11. 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;
12. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground;
13. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements;



14. 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;
15. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation. Freestanding pole signs and electronic message boards (direct lighting) are prohibited in the I-540 Design Overlay District;
16. Large scale development approval shall be valid for one year;
17. Contact the City's Emergency 911 Address Coordinator for addressing prior to building permit;
18. 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
19. 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.

|                                    |                                        |                                           |                                        |
|------------------------------------|----------------------------------------|-------------------------------------------|----------------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                        |                                           |                                        |
| <b>Required</b>                    | <b><u>YES</u></b>                      |                                           |                                        |
| <b>Date: <u>July 24, 2023</u></b>  | <input type="checkbox"/> <b>Tabled</b> | <input type="checkbox"/> <b>Forwarded</b> | <input type="checkbox"/> <b>Denied</b> |
| <b>Motion:</b>                     |                                        |                                           |                                        |
| <b>Second:</b>                     |                                        |                                           |                                        |
| <b>Vote:</b>                       |                                        |                                           |                                        |

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Engineering Memo
- Urban Forestry Comments
- Easement Exhibit
- Request Letter
- Variance Request Letter
- Site Plan
- Elevations
- One Mile Map
- Close-up Map
- Current Land Use Map



**TO:** Gretchen Harrison, Senior Planner

**FROM:** Josh Boccaccio, Engineering Development Review Manager

**DATE:** July 20, 2023

**SUBJECT:** **Planning Commission Engineering Comments for  
LSD-2023-0008**

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**Water:** The applicant is proposing to extend 8" water mains through the development to provide fire protection and domestic water service.

**Sewer:** The applicant is proposing to extend 8" sewer mains through the development to provide sanitary sewer service.

**Natural Features:** A wetland delineation and jurisdictional determination was performed for this site during Phase 1 review. There are jurisdictional wetlands and waterways on the property. Disturbance to these areas may not occur until approved by the United States Army Corps of Engineers.

**Drainage:** The proposed development will have to meet the 4 Minimum Standards outlined in the Drainage Criteria Manual. Water Quality is proposed to be met with an existing retention pond located in Phase 1 and a new retention pond for a separate drainage basin in Phase 2. Standards 3-4 are proposed to be met using the previously mentioned ponds.

**Plan Comments:**

1. Plan and profiles were not reviewed during entitlement; they will be reviewed during grading permit.
2. Sewer manholes must be confirmed to not interfere with future lot sidewalks. Based on previous conversations, as-built information for the manholes will be provided once they are installed.

**Standard Comments:**

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.

4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
  - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
  - Sanitary Sewer pipe sizing, profiles, or utility conflicts
  - Waterline fittings, callouts, or utility conflicts
  - Street profiles
  - Fine grading/spot elevations



# URBAN FORESTRY LANDSCAPE PLAN COMMENTS

**To:** Taylor Lindley, P.E., Crafton Tull

**From:** Melissa Evans, Urban Forestry and John Scott

**CC:** Gretchen Harrison, Planner

**Meeting Date:** July 24, 2023

**Subject:** LSD-2023-0008: Riverside Village Phase 2: 3202 S. Black Oak Rd., 683

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

| 2. Parking Lot Requirements                                                     | 1 Tree : 12 Parking Spaces | Yes | No | N/A |
|---------------------------------------------------------------------------------|----------------------------|-----|----|-----|
| a. Wheel Stops/Curbs<br><i>UDC Chapter 177.04B1</i>                             |                            | X   |    |     |
| b. Narrow Tree Lawn (8' min. width, 37.5' length)<br><i>UDC Chapter 177.04C</i> |                            |     |    | X   |



|                                                                                                                                              |     |            |           |            |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----|------------|-----------|------------|
| c. Tree Island (8' min. width, 18.7' min length OR 150 square feet)<br><i>UDC Chapter 177.04C</i>                                            |     | X          |           |            |
| d. Placement of Trees (either side at entrances and exits)<br><i>UDC Chapter 177.04C2</i>                                                    |     |            |           | X          |
| <b>3. Perimeter Landscaping Requirements</b>                                                                                                 |     | <b>Yes</b> | <b>No</b> | <b>N/A</b> |
| a. Front Property Line (15' wide landscape) and five on sides.<br><i>UDC Chapter 177.04D2a</i>                                               |     | X          |           |            |
| b. Side and Rear Property Lines (5' Wide Landscape Area)<br><i>UDC Chapter 177D1</i>                                                         | YES |            |           |            |
| c. Shade trees planted on south and west sides of parking lots<br><i>UDC Chapter 177.04D2e</i>                                               |     | X          |           |            |
| d. Screening of parking lot from adjacent residential properties.                                                                            |     |            |           | X          |
| <b>4. Street Tree Planting Requirements</b>                                                                                                  |     | <b>Yes</b> | <b>No</b> | <b>N/A</b> |
| a. Residential Subdivisions<br>1 Large Shade Species Tree per Lot<br><i>UDC Chapter 177.05B1a</i>                                            |     | X          |           |            |
| b. Non-Residential Subdivisions<br>1 Large Species Shade Tree every 30' (planted in greenspace)<br><i>UDC Chapter 177.05B2a</i>              |     |            |           | X          |
| c. Urban Tree Well – Urban Streetscapes<br>Trees every 30' (8' sidewalk)<br><i>UDC Chapter 177.05B3a-f</i>                                   |     |            |           | X          |
| d. Structured Soil – Urban Tree Wells<br>Include a note and/or detail of structural soil on Landscape Plan<br><i>UDC Chapter 177.05B3a-f</i> |     |            |           | X          |
| e. Residential Subdivisions<br>Timing of planting indicated on plans<br><i>UDC Chapter 177.05A4</i>                                          |     |            |           | X          |
| f. Residential Subdivisions<br>Written description for method of tracking planting<br><i>UDC Chapter 177.05A4e</i>                           |     |            |           | X          |

| 5. Landscape Requirement Totals                                                                   |  | Amount                                               |
|---------------------------------------------------------------------------------------------------|--|------------------------------------------------------|
| Mitigation Trees                                                                                  |  | 0 (handled with Tree Pres to the north)              |
| Parking Lot Trees                                                                                 |  | 2                                                    |
| Street Trees                                                                                      |  | 1 tree/30 LF of street frontage (42) + 149 lot trees |
| Detention Pond – Large Trees<br>(1 Tree/3,000 square feet)                                        |  | 17                                                   |
| Detention Pond – Small Tree/Large Shrub<br>(4 small trees or large shrubs/3,000 square feet)      |  | 67                                                   |
| Detention Pond – Small Shrubs/Large Grasses<br>(6 shrubs or grasses (1 gallon)/3,000 square feet) |  | 101                                                  |

| 6. Review Status (See Comments) | Tech Plat | Subdivision Committee | Planning Commission |
|---------------------------------|-----------|-----------------------|---------------------|
| Conditionally Approved          | 5-28-23   | 07-06-2023            | 07-17-23            |
| Approved                        |           |                       |                     |
| Tabled                          |           |                       |                     |
| Denied                          |           |                       |                     |

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

| Comments                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Address items above marked “No” and all Redlines provided.</li> <li>2. Watch for trees in the greenspace and stormwater infrastructure conflicts; trees belong in this designated space.</li> </ol> |



# URBAN FORESTRY TREE PRESERVATION COMMENTS

**To:** Taylor Lindley, P.E., Crafton Tull

**From:** Melissa Evans, Urban Forestry and John Scott

**CC:** Gretchen Harrison, Planner

**Meeting Date:** July 24, 2023

**Subject:** LSD-2023-0008: Riverside Village Phase 2: 3202 S. Black Oak Rd., 683

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

## 2. Tree Preservation Calculations

| Tree Preservation Calculations                                |             |                 |
|---------------------------------------------------------------|-------------|-----------------|
|                                                               | Square Feet | Percent of site |
| Total Site Area *Minus Right of Way and Easements             | 2,799,722   | 100%            |
| <i>Zoning Designation * Select Below with drop down arrow</i> |             |                 |
| PZD, Planned Zoning District                                  | 699,931     | 25%             |
| <i>HHOD * Select Below with Drop Down Arrow</i>               |             |                 |
| No                                                            | 0           | 0%              |
| Total Canopy for Minimum Preservation Requirements            | 699,931     | 25.0%           |
| Existing Tree Canopy * Minus Right of Way and Easements       | 1,390,930   | 49.7%           |
| Tree Canopy Preserved                                         | 727,556     | 26.0%           |
| Tree Canopy Removed *On Site                                  | 663,374     | 23.7%           |
| Tree Canopy Removed *Off Site                                 | 0           |                 |
| Tree Canopy Removed Total                                     | 663,374     | 23.7%           |
| Removed Below Minimum                                         | 0           |                 |
| Mitigation Requirements                                       | 0           |                 |

| 3. Mitigation Requirements             | Canopy below requirement | Number of 2" caliper trees to be planted |
|----------------------------------------|--------------------------|------------------------------------------|
| High Priority                          |                          |                                          |
| Low Priority                           |                          |                                          |
| <b>Total Mitigation Trees Required</b> | <b>0</b>                 | <b>0</b>                                 |

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

| 5. Tree Preservation Plan Checklist<br><i>UDC Chapter 167.04H1</i> | Tech Plat | Subdivision Committee | Planning Commission |
|--------------------------------------------------------------------|-----------|-----------------------|---------------------|
| a. 5 year Aerial Check on Existing Trees                           | Yes       | Yes                   | Yes                 |
| b. Property Boundary                                               | Yes       | Yes                   | Yes                 |
| c. Natural Features (100ft beyond limits of disturbance)           | Yes       | Yes                   | Yes                 |
| d. Existing Topography and Proposed Grading                        | Yes       | Yes                   | Yes                 |
| e. Soil Types                                                      | Yes       | Yes                   | Yes                 |
| f. Significant Trees                                               | No        | No                    | NO                  |
| g. Groupings of Trees                                              | Yes       | Yes                   | Yes                 |
| h. Table Inventory List (species, size, health, priority)          | Yes       | Yes                   | Yes                 |
| i. All Existing and Proposed Utilities                             | Yes       | Yes                   | Yes                 |
| j. All Existing and Proposed Utility Easements and ROW's           | Yes       | Yes                   | Yes                 |
| k. All Streams (with approximate center line)                      | No        | Yes                   | Yes                 |
| l. Floodplains and floodways                                       | Yes       | Yes                   | Yes                 |
| m. Existing Street, Sidewalk or Bike Path ROW                      | Yes       | Yes                   | Yes                 |
| n. Submitted Site Analysis Plan (if required)                      | N/A       | NA                    | N/A                 |
| o. Shows ALL Proposed Site Improvements                            | Yes       | YES                   | Yes                 |
| p. Delineates trees/canopy to be preserved and removed             | Yes       | Yes                   | Yes                 |

| Tree Protection Methods                   |     |     |     |
|-------------------------------------------|-----|-----|-----|
| a. Tree Protection Fencing                | Yes | Yes | Yes |
| b. Limits of Root Pruning                 | Yes | Yes | Yes |
| c. Traffic flow on work site              | Yes | Yes | Yes |
| d. Location of material storage           | No  | No  | NO  |
| e. Location of concrete wash out          | Yes | Yes | Yes |
| f. Location of construction entrance/exit | Yes | Yes | Yes |

| 6. Site Analysis Report (if required)<br><i>UDC Chapter 167.04H4</i>                               | Yes       | No                    | N/A                 |
|----------------------------------------------------------------------------------------------------|-----------|-----------------------|---------------------|
| a. Provide graphic examples of multiple options used to minimize removal of existing canopy        |           |                       | X                   |
| b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy. |           |                       | X                   |
| 7. Review Status (See Comments)                                                                    | Tech Plat | Subdivision Committee | Planning Commission |
| Conditionally Approved                                                                             | 5-28-23   | 07-06-2023            | 07-17-2023          |
| Approved                                                                                           |           |                       |                     |
| Tabled                                                                                             |           |                       |                     |
| Denied                                                                                             |           |                       |                     |

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

| Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Address items above marked “No” and all Redlines provided.</li> <li>2. Please cross reference the existing tree list with the trees on the plan.</li> <li>3. <i>The Parks Dept. is interested in having a hard surface trail traverse through the Tree Preservation Easement in the future. Extra easement space is proposed to be dedicated to accommodate the trail. Please show the Tree Preservation Easement to be documented on the Easement Plat for this phase with language that a trail easement is to be dedicated to provide for the paved trail that will be in the easement in the future: The trail easement will be shown on the plat as overlapping the tree preservation easement. There will be additional language to add to the plat regarding the trail easement. Following is the language needed on the plat for the Tree Preservation Easement:</i></li> </ol> |

### **Tree Preservation Easement**

The Tree Preservation Easement indicated on this easement plat constitutes a covenant running with the title of the subject property and is denoted for the property owners and their future successors, assignees or transferees to preserve, protect and maintain existing tree canopy. The Grantor has set aside sufficient land for tree preservation and the construction of a multi-use trail. Therefore, with the exception of the multi-use trail to be constructed by the City within this tree preservation easement, no tree removal or land disturbance as defined within the City of Fayetteville Unified Development Code may occur within the Tree Preservation Easement unless approved by the City of Fayetteville. Persons seeking removal of such Tree Preservation Easements, or requesting to modify the property in such a way as to effect the canopy within, must seek approval from the City Council through a request made by the Urban Forester of the City of Fayetteville.

Approved by

---

Date

City of Fayetteville Urban Forester



## Multi-Use Trail Easement

A permanent easement to construct, maintain, repair and/or replace a multi-use trail for public access, together with all appurtenances thereto including lighting City of Fayetteville owned fiber optic equipment and public art, on, over, across, and through a portion of the Tree Preservation Easement on this final plat. The Grantor has dedicated sufficient land for tree preservation and the construction of a multi-use trail. The future 20-foot wide trail easement will include lighting, City of Fayetteville-owned fiber optic equipment, paved trail, public art, and other trail-associated needs. The final multi-use trail easement location will be determined by the City in the future. The Grantor, or Grantor's successor or assign, agrees to dedicate the permanent multi-use trail easement when the location is identified by the City. Further, Grantor and Grantor's successors and assigns, agree not to erect any buildings, fences, pavement or structures in said permanent easement.

**Tree Preservation Easement**

The Tree Preservation Easement indicated on this easement plat constitutes a covenant running with the title of the subject property and is denoted for the property owners and their future successors, assignees or transferees to preserve, protect and maintain existing tree canopy. The Grantor has set aside sufficient land for tree preservation and the construction of a multi-use trail. Therefore, with the exception of the multi-use trail to be constructed by the City within this tree preservation easement, no tree removal or land disturbance as defined within the City of Fayetteville Unified Development Code may occur within the Tree Preservation Easement unless approved by the City of Fayetteville. Persons seeking removal of such Tree Preservation Easements, or requesting to modify the property in such a way as to affect the canopy within, must seek approval from the City Council through a request made by the Urban Forester of the City of Fayetteville.

Approved by

---

Date

City Of Fayetteville Urban Forester



May 17, 2023

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

RE: Riverside Village Phase 2  
CTA Job No. 21108402

To whom it may concern,

This submittal is for a Large Scale Development Plan for Riverside Village Phase 2. The development will be single family residential with dedicated park land to the east. The site is located off of S. Black Oak Road south of Borick Drive and south of Riverside Village Phase 1 currently under construction. The total site area is approximately 94 acres in total with 128 residential lots and a cluster housing area proposed in Phase 2. The current zoning is RPZD and the proposed development adheres to the zoning requirements. The two proposed entrances off Black Oak Road and the required half-street improvements are being constructed with Phase 1 of the development.

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

Sincerely,

Taylor Lindley, P.E.  
Project Manager



June 7, 2023  
City of Fayetteville  
Planning Staff  
125 W. Mountain Street  
Fayetteville, AR 72701

RE: Riverside Village Phase 2  
CTA Job No. 21108402

To whom it may concern,

Please accept this letter as a request for a variance from two sections of the unified development code regarding streets.

Section 166.08(E) states that intersections should be located at a minimum of one (1) every 1,320 feet along neighborhood links and that stub-out streets shall be provided to abutting properties. We are requesting a variance from this code for Ouachita Street as it does not provide a street stub-out to the east undeveloped area. The proximity of the White River floodplain to the development has a direct impact on the potential for road connectivity to the east as there is no feasible crossing location across the floodplain. This area to the east will be dedicated to the City of Fayetteville as a park and intended to be used as a natural area for the community. Because there is no feasible road connection point to the east, we are asking for a variance from the block length and connectivity requirement for Ouachita Street in Phase 2 of Riverside Village.

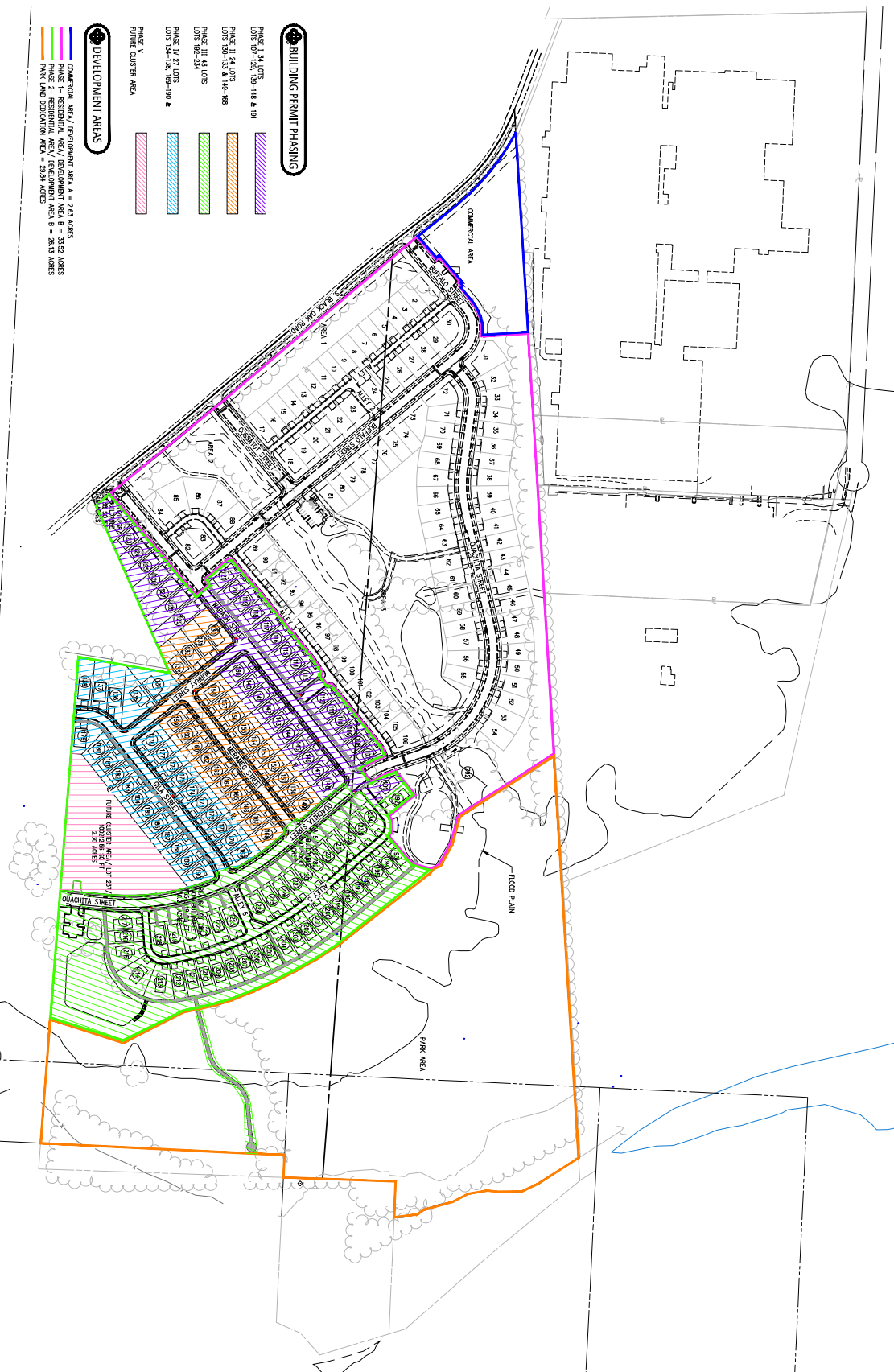
Section 166.08(E) also states that intersections should be located a minimum of one (1) every 660 feet along Residential Links. Two streets do not meet this requirement: Gila Street and Wabash Street. Gila Street is directly north of the area dedicated to a future Cluster Home development. Adding an intersection on this block of Gila Street would interfere with the future Cluster development and greatly reduce the usable area of that space. For this reason, we are requesting a variance from the block length and intersection requirements for these two streets.

Section 166.11(A) states that all subdivisions shall conform to the regulations that make up the Comprehensive Land Use Plan including the Master Street Plan. Currently the MSP2024 does not allow on-street parallel parking on residential alley streets. We are requesting a variance from Section 166.11(A) with the intention of providing on-street parallel parking along Alley 4 and Alley 6. When creating affordable housing options of this type, there is less room for vehicles on individual lots. Therefore, auxiliary parking options will help address parking needs. These particular alleys provide convenient parking options for the residents and guests because of the proximity to public sidewalks and the residential homes. Because of these reasons, we are requesting a variance from the MSP2024 in order to provide on-street parking on the Alleys in Phase 2 of Riverside Village.

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

Sincerely,

Taylor Lindley, P.E.  
Project Manager

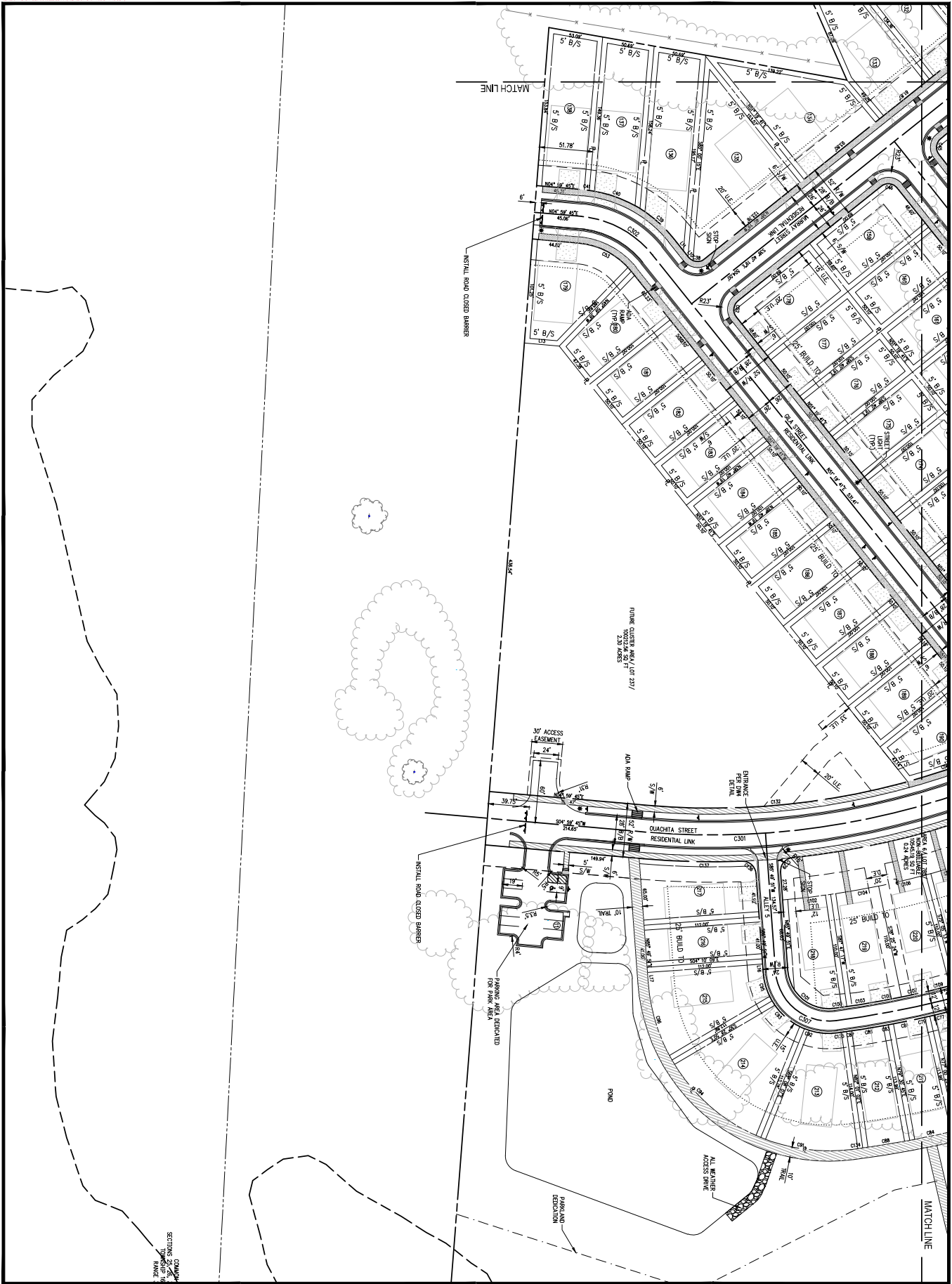




ORCID: <https://orcid.org/0000-0001-8921-4444> | [info@proceedings.org](mailto:info@proceedings.org)  
LAYOUT LAYOUT | LAST SAVE: 14/12/2023 8:01 AM  
PROJECT: MORGAN.DU.20230923.11 AM | CLOTTED BY: CHIT VAI-@COWBOY.COM







**Crafton Tull & Associates, Inc.**  
479.654.8388  
800.444.4444  
www.craftontull.com

**Planning Commission**  
July 24, 2023

**GRAPHIC SCALE IN FEET**  
0 20 40

**RIVERSIDE VILLAGE**  
PHASE 2  
FAIRVIEW, AR

**SECTION C-106**

**PRELIMINARY PLAT**

**PLAN**

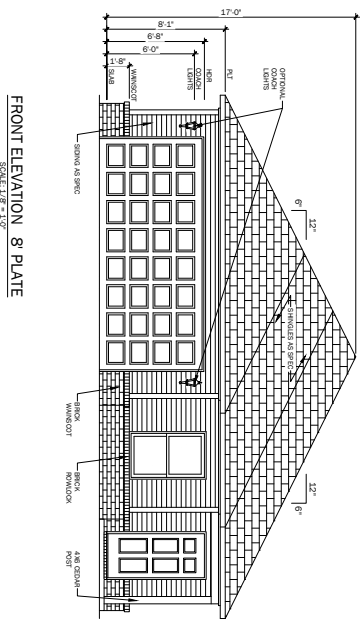
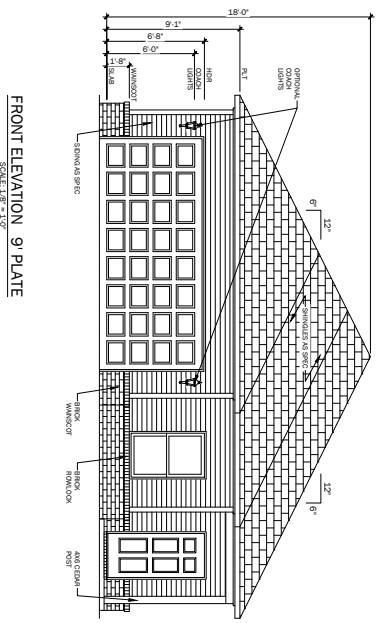
**ADOPTED**

**REVISIONS**

| NO. | DATE       | DESCRIPTION      |
|-----|------------|------------------|
| 1   | 07/24/2023 | PRELIMINARY PLAT |
| 2   | 07/24/2023 | ADOPTED          |

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2. SHUTTERS ARE TO EXTERIOR FINISHES AND FINISHES  
3. SHUTTERS ARE TO EXTERIOR FINISHES AND FINISHES  
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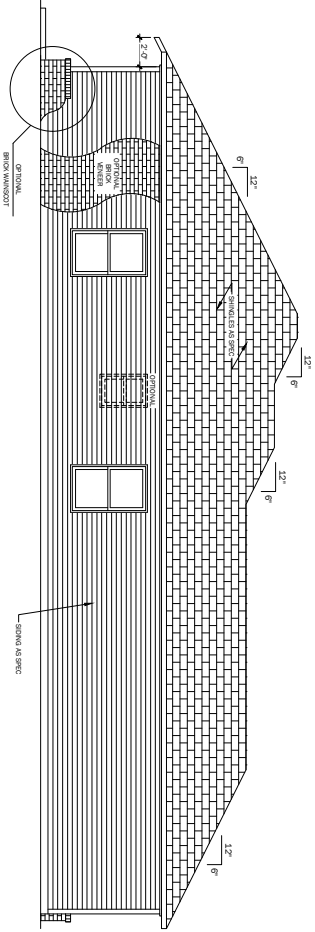
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|      |        |                            |                                                                            |                                              |                          |            |                   |
|------|--------|----------------------------|----------------------------------------------------------------------------|----------------------------------------------|--------------------------|------------|-------------------|
| LOT: | BLOCK: | RAUSCH<br>COLEMAN<br>HOMES | SHEET NAME:<br>Elevation A 6-12<br>PLAN NAME:<br>The RC Armstrong-LH 05.01 | DATE:<br>5/15/2023<br>SCALE:<br>1/8" = 1'-0" | VERSION NUMBER:<br>05.01 | REVISIONS: | SHEET NO:<br>A1.1 |
|------|--------|----------------------------|----------------------------------------------------------------------------|----------------------------------------------|--------------------------|------------|-------------------|

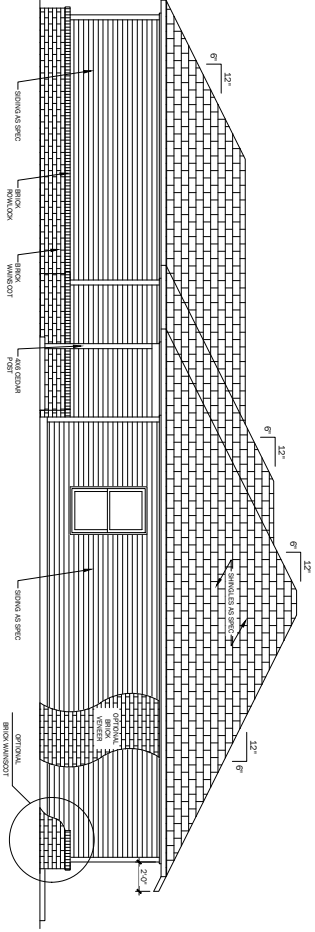


**NOTE:**

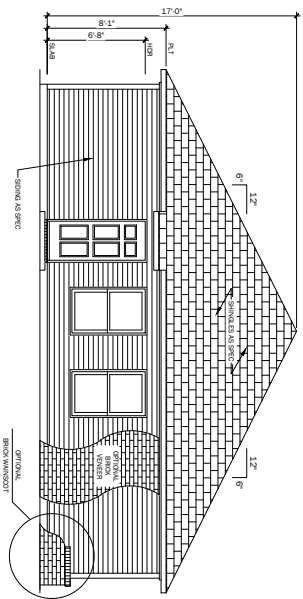
1. MATERIALS SHOWN ARE NOT TO SCALE. REFER TO SPECIFICATIONS FOR MATERIALS.
2. SHUTTERS ARE NOT TO SCALE. REFER TO SPECIFICATIONS FOR MATERIALS.
3. STAINLESS STEEL LEFT AND RIGHT ELEVATION MATERIALS ARE NOT TO SCALE. REFER TO SPECIFICATIONS FOR MATERIALS.
4. MATERIALS ARE NOT TO SCALE. REFER TO SPECIFICATIONS FOR MATERIALS.
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**LEFT ELEVATION**  
SCALE 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE 1/8" = 1'-0"

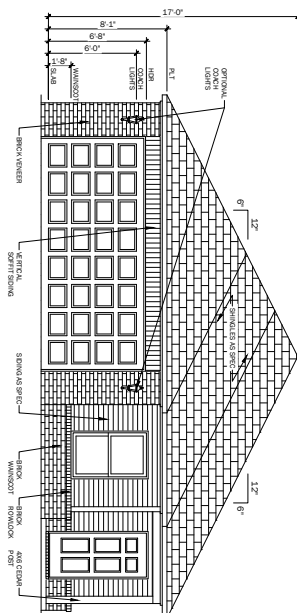
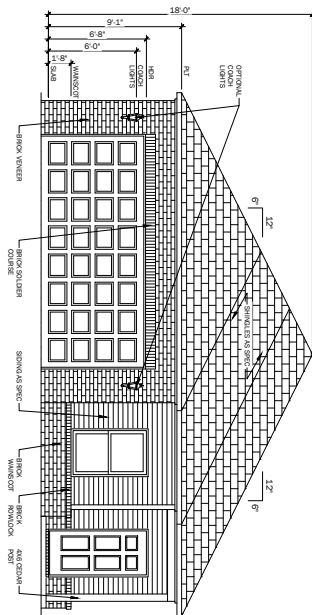


**REAR ELEVATION**  
SCALE 1/8" = 1'-0"

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|                           |                                 |                                     |                                                             |                                   |                                                |
|---------------------------|---------------------------------|-------------------------------------|-------------------------------------------------------------|-----------------------------------|------------------------------------------------|
| LOT:                      | BLOCK:                          | <b>RAUSCH<br/>COLEMAN<br/>HOMES</b> | <b>Elevation A 6-12</b><br><b>The RC Armstrong-LH 05.01</b> | SHEET NAME:<br><b>HBS</b>         | PLAN NAME:<br><b>The RC Armstrong-LH 05.01</b> |
| SHEET NO.:<br><b>A1.2</b> | NEW HOMEOWNERS:<br><b>05.01</b> |                                     |                                                             | PROJECT DATE:<br><b>5/15/2023</b> | SCALE:<br><b>1/8" = 1'-0"</b>                  |





NOTE:

1. WINDOW GRIDS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VINYL SIDING WITH EXPOSED FOUNDATIONS
4. OPTIONAL REAR, LEFT, AND RIGHT ELEVATION MATERIALS ARE WAINSCOT TO THE BOTTOM OF A5.0 WINDOW W/ AN 8 PLATE ON FULL BRICK

LOT:

**BLOCK:**

RAUSCH  
COLEMAN  
HOMES

## Elevation B 6-12

SHEET NAME:

PLAN NAME:

# The RC Armstrong-LH 05.01

DR. BY:

HBS

PRINT DATE  
5/2

SCALE  
1/1

1/2

9

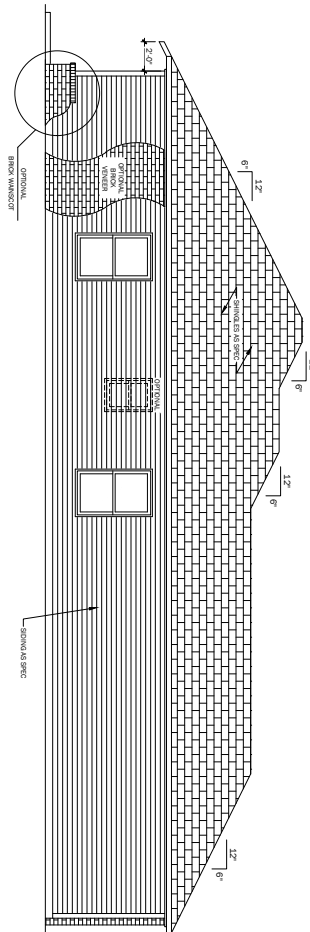
|         |     |
|---------|-----|
| VERSION | 1.0 |
|---------|-----|

## 05.01

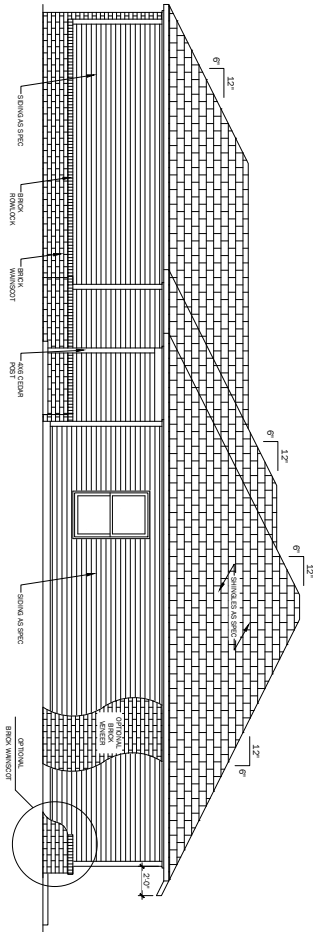
NEW HOMEOWNERS

SHEET NO:

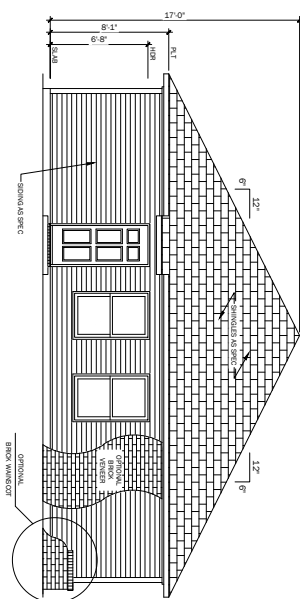
## A1.1



**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"



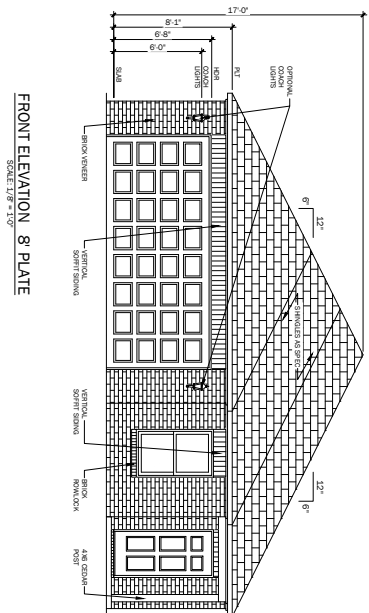
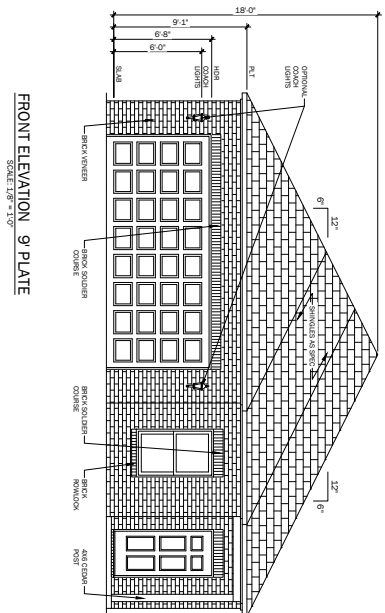
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"

NOTE:

1. WINDOW GRIDS ARE FACTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE FACTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE WHY, SIDING WITH EXPOSED FOUNDATIONS
4. OPTION, REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE WINGS-TO-TO THE BOTTOM OF A 5/0 WINDOW/W/ AN 8 PLATE OR FULL BRICK

|      |        |                                                                                                                     |                                                                                                            |                            |                  |                        |                                                                                |               |                                                                          |
|------|--------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|----------------------------|------------------|------------------------|--------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------|
| LOT: | BLOCK: | <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RAUSCH<br/>COLEMAN<br/>HOMES</b> </div> | SHEET NAME:<br><div style="text-align: center; font-size: 24pt; font-weight: bold;">Elevation B 6-12</div> | DRAWING DATE:<br>5/15/2023 | DRAWN BY:<br>HBS | SCALE:<br>1/8" = 1'-0" | DESIGN NUMBER:<br><div style="font-size: 24pt; font-weight: bold;">05.01</div> | KEN HADGOWERS | SHEET NO:<br><div style="font-size: 24pt; font-weight: bold;">A1.2</div> |
|      |        |                                                                                                                     | PLAN NAME:<br><div style="font-size: 24pt; font-weight: bold;">The RC Armstrong-LH 05.01</div>             |                            |                  |                        |                                                                                |               |                                                                          |

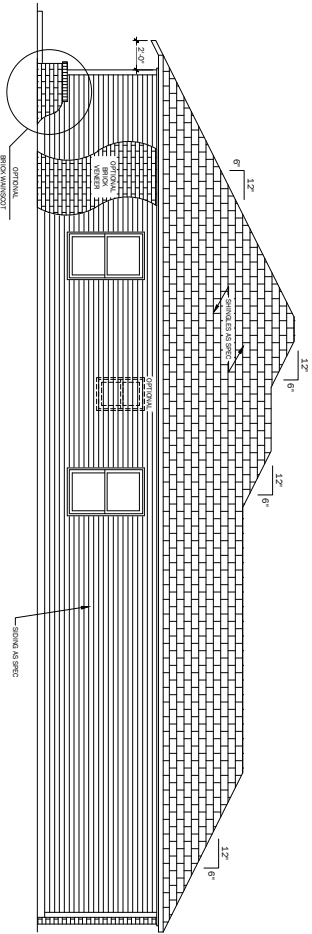
NOTE:  
1. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
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9. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



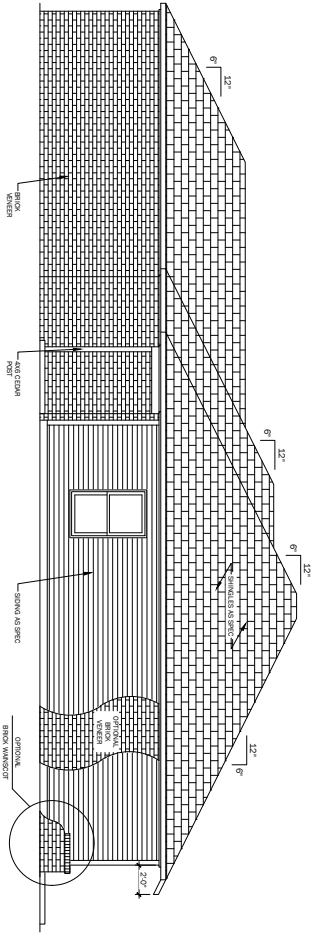
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|      |        |                                     |                         |                                                 |                            |                       |                        |
|------|--------|-------------------------------------|-------------------------|-------------------------------------------------|----------------------------|-----------------------|------------------------|
| LOT: | BLOCK: | <b>RAUSCH<br/>COLEMAN<br/>HOMES</b> | <b>Elevation C 6-12</b> | SHEET NAME:<br><b>The RC Armstrong-LH 05.01</b> | DATE: <b>5/15/2023</b>     | PROJECT: <b>05.01</b> | SHEET NO.: <b>A1.1</b> |
|      |        |                                     |                         |                                                 | SCALE: <b>1/8" = 1'-0"</b> | VERSION: <b>05.01</b> |                        |

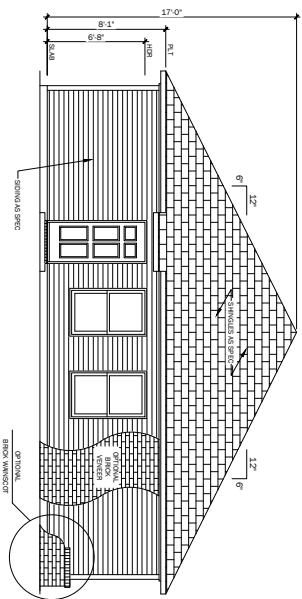
NOTE:  
1. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND INCHES.  
2. SHUTTERS ARE OPTIONAL. SHUTTERING IS NOT SHOWN.  
3. BRICKWORK SHALL BE 8" MODULAR BRICK, LAYED IN COMMON COURSE.  
4. MATERIALS AND METHODS OF CONSTRUCTION SHALL BE AS SHOWN AND APPROVED BY THE ENGINEER.  
5. ALL FINISHES SHALL BE AS SHOWN.



LEFT ELEVATION  
SCALE 1/8" = 1'-0"



RIGHT ELEVATION  
SCALE 1/8" = 1'-0"



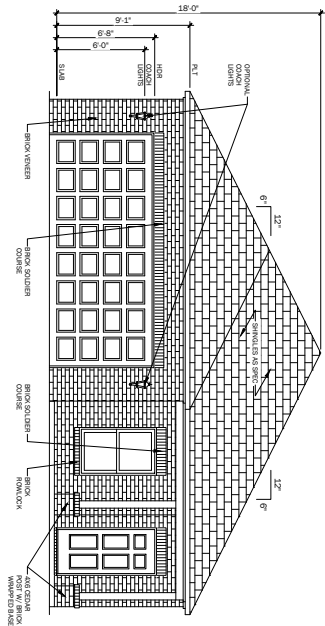
REAR ELEVATION  
SCALE 1/8" = 1'-0"

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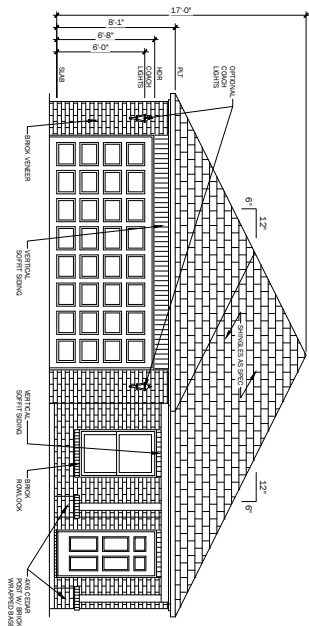
|      |        |                                     |                                  |                    |                              |                            |                              |                                |                        |
|------|--------|-------------------------------------|----------------------------------|--------------------|------------------------------|----------------------------|------------------------------|--------------------------------|------------------------|
| LOT: | BLOCK: | <b>RAUSCH<br/>COLEMAN<br/>HOMES</b> | <b>Elevation C 6-12</b>          | DR. BY: <b>HBS</b> | PRINT DATE: <b>5/15/2023</b> | SCALE: <b>1/8" = 1'-0"</b> | VERSION NUMBER: <b>05.01</b> | NEIGHBORHOOD: <b>NEW HAVEN</b> | SHEET NO.: <b>A1.2</b> |
|      |        |                                     | <b>The RC Armstrong-LH 05.01</b> | PLAN NAME:         |                              |                            |                              |                                |                        |

**NOTE:**

1. WINDOW AND DOOR ARE TO BE LOCATED AT THE CENTER OF THE WALL.
2. SHUTTERED DOOR AND WINDOW, SHUTTERED WINDOW.
3. SHUTTERED DOOR, LEFT AND RIGHT ELEVATION.
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99. SHUTTERED DOOR, LEFT AND RIGHT ELEVATION.
100. SHUTTERED DOOR, LEFT AND RIGHT ELEVATION.



FRONT ELEVATION 9' PLATE  
SCALE: 1/8" = 1'-0"



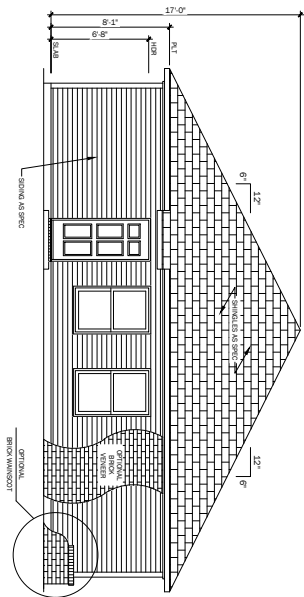
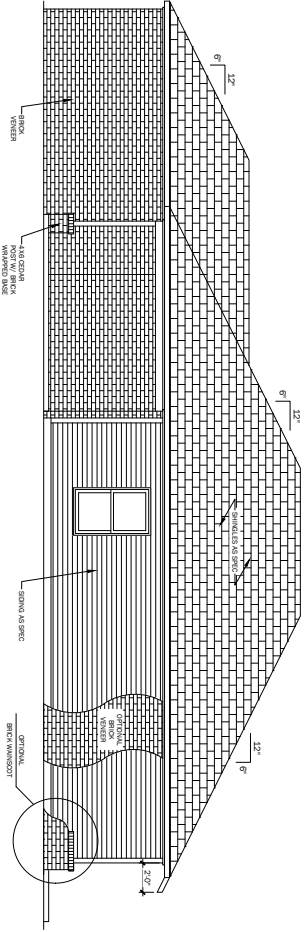
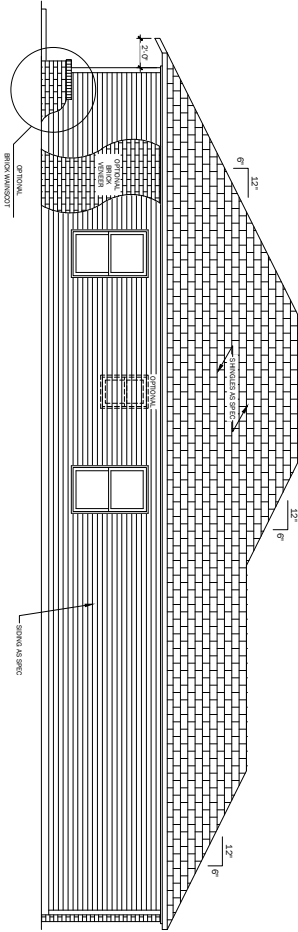
FRONT ELEVATION 8' PLATE  
SCALE: 1/8" = 1'-0"

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|-------|--|-------|--|----------------------------|--|------------------|--|-------------|--|------------|--|---------------------------|--|
| LOT:  |  | BLOK: |  | RAUSCH<br>COLEMAN<br>HOMES |  | Elevation D 6-12 |  | SHEET NAME: |  | PLAN NAME: |  | The RC Armstrong-LH 05.01 |  |
| 05.01 |  | 05.01 |  | 05.01                      |  | 05.01            |  | 05.01       |  | 05.01      |  | 05.01                     |  |
| A1.1  |  | A1.1  |  | A1.1                       |  | A1.1             |  | A1.1        |  | A1.1       |  | A1.1                      |  |



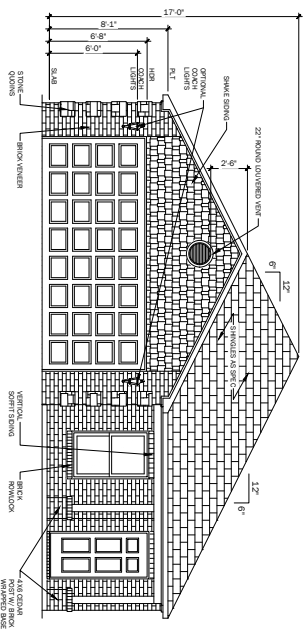
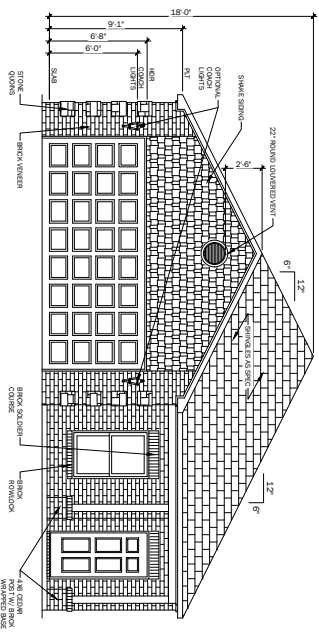
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2. MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE OWNER.  
3. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF THE WALLS UNLESS OTHERWISE NOTED.  
4. MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE OWNER.  
5. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF THE WALLS UNLESS OTHERWISE NOTED.



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|      |        |                            |                                                                            |                                              |                                                      |                          |                |                    |
|------|--------|----------------------------|----------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------|--------------------------|----------------|--------------------|
| LOT: | BLOCK: | RAUSCH<br>COLEMAN<br>HOMES | SHEET NAME:<br>Elevation D 6-12<br>PLAN NAME:<br>The RC Armstrong-LH 05.01 | DATE:<br>5/15/2023<br>SCALE:<br>1/8" = 1'-0" | PROJECT DATE:<br>5/15/2023<br>SCALE:<br>1/8" = 1'-0" | VERSION NUMBER:<br>05.01 | NEW HOMEOWNERS | SHEET NO.:<br>A1.2 |
|------|--------|----------------------------|----------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------|--------------------------|----------------|--------------------|

NOTE:  
1. SHOWN AS ONE OF TWO ELEVATIONS.  
2. SHOWN AS ONE OF TWO ELEVATIONS.  
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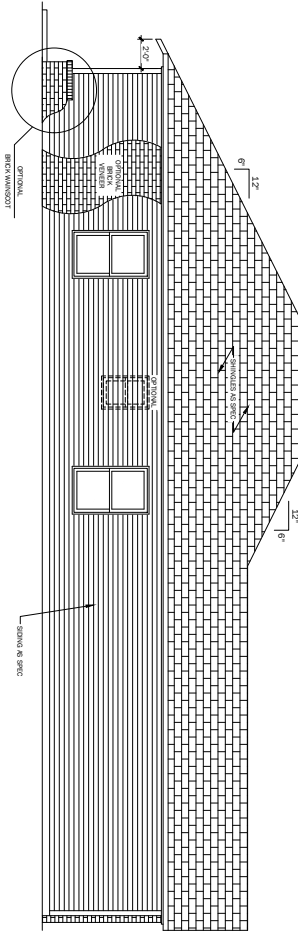


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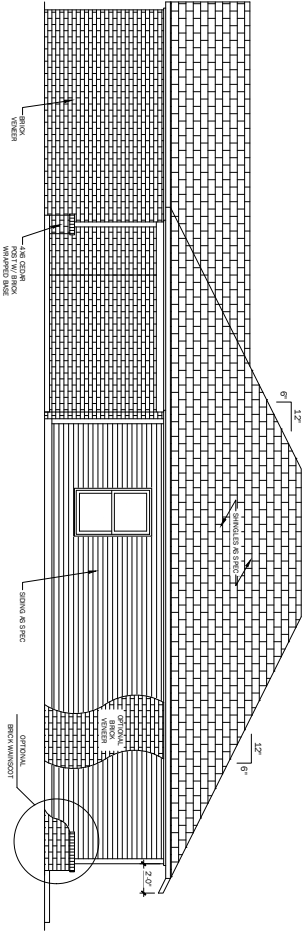
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|------|--------|----------------------------|---------------------------------|-----------------------------------------|--------------------|------------------------|--------------------------|------------|--------------------|
| LOT: | BLOCK: | RAUSCH<br>COLEMAN<br>HOMES | SHEET NAME:<br>Elevation E 6-12 | PLAN NAME:<br>The RC Armstrong-LH 05.01 | DATE:<br>5/15/2023 | SCALE:<br>1/8" = 1'-0" | VERSION NUMBER:<br>05.01 | REVISIONS: | SHEET NO.:<br>A1.1 |
|------|--------|----------------------------|---------------------------------|-----------------------------------------|--------------------|------------------------|--------------------------|------------|--------------------|

**NOTE:**

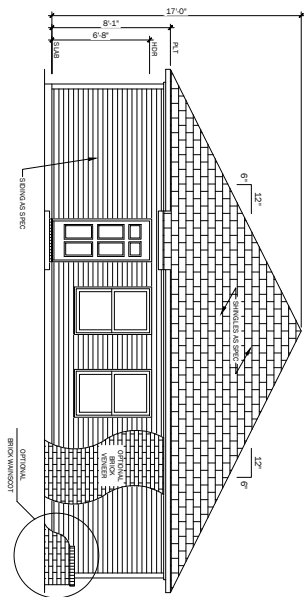
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE PER THE FOUNDATION.
3. DIMENSIONS FOR LEFT AND RIGHT ELEVATIONS ARE PER THE FOUNDATION.
4. DIMENSIONS FOR REAR AND FRONT ELEVATIONS ARE PER THE FOUNDATION.
5. DIMENSIONS FOR WINDOW TO BE EXCLUDED ARE PER THE FOUNDATION.



**LEFT ELEVATION**  
SCALE 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE 1/8" = 1'-0"



**REAR ELEVATION**  
SCALE 1/8" = 1'-0"

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|                                     |                                                |                                   |                                                 |
|-------------------------------------|------------------------------------------------|-----------------------------------|-------------------------------------------------|
| <b>RAUSCH<br/>COLEMAN<br/>HOMES</b> | <b>Elevation E 6-12</b>                        |                                   | SHEET NAME:<br><b>The RC Armstrong-LH 05.01</b> |
|                                     | PLAN NAME:<br><b>The RC Armstrong-LH 05.01</b> |                                   | SHEET NO.:<br><b>A1.2</b>                       |
| BLOCK:<br><b>05.01</b>              | LOT:<br><b>05.01</b>                           | DATE:<br><b>5/15/2023</b>         | SCALE:<br><b>1/8" = 1'-0"</b>                   |
| NEW FOUNDATIONS<br><b>05.01</b>     | VERSION NUMBER:<br><b>05.01</b>                | PROJECT DATE:<br><b>5/15/2023</b> | SCALE:<br><b>1/8" = 1'-0"</b>                   |

**NOTE:**

1. WINDOW GRIDS ARE OPTICAL REPRESENTATION
2. AND NOT A PART OF WINDOW
3. SHUTTERS ARE OPTICAL REPRESENTATION
4. AND NOT A PART OF WINDOW
5. STANDING BEAMS LEFT AND RIGHT ELEVATION MATERIALS ARE VARY SLOWLY WITH EXPOSED FOUNDATIONS
6. OPTICAL BEAMS LEFT AND RIGHT ELEVATION MATERIALS ARE VARY SLOWLY TO THE BOTTOM OF A 3.0 WINDOW W/ AN 8 PLATE FULL BRICK



1. WINDOWGIRDS ARE PICTORIAL, REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE PICTORIAL, REPRESENTATION AND MIGHT VARY PER DIVISION
3. RIMWOOD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VINYL SINKING WITH EXPOSED FOUNDATIONS
4. OPTIONAL REAR LEFT AND RIGHT ELEVATION MATERIALS ARE VINYL SINKING TO THE BOTTOM OF A 5.0 WINDOW W/ AN 8" FLUTE OR FULL BRICK

|             |                                  |
|-------------|----------------------------------|
| SHEET NAME: | <b>Elevation F 6-12</b>          |
| PLAN NAME:  | <b>The RC Armstrong-LH 05.01</b> |

PRINT DATE: 5/15/2023  
SCALE: 1/8" = 1'-0"

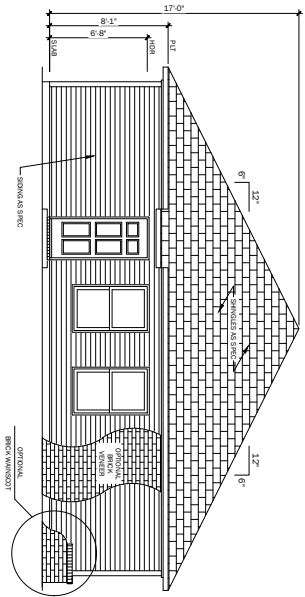
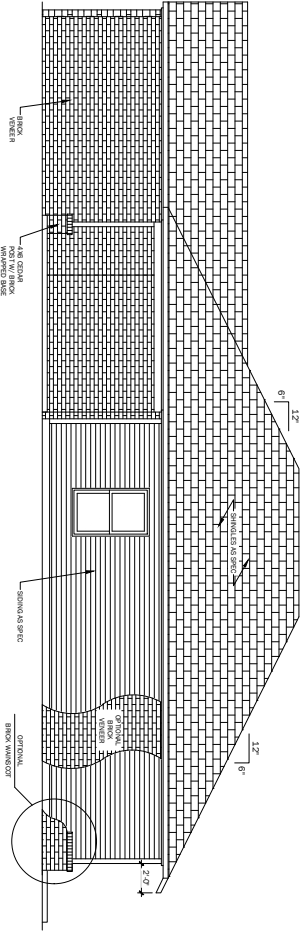
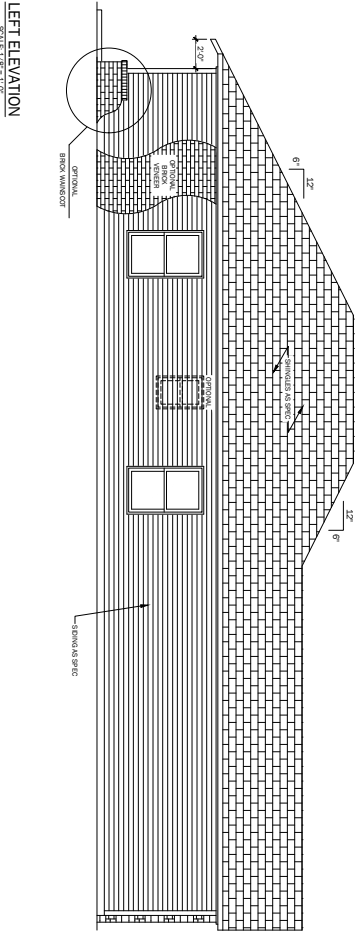
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NEW HOMEOWNERS

## A1.1

Planning Commission  
July 24, 2023  
LSD-2023-0008 (RIVERSIDE VILLAGE) Page 176 of 406  
Page 34 of 93

NOTE:  
1. SEE FINISHES, SPECIFICATIONS AND  
2. SEE FINISHES, SPECIFICATIONS AND  
3. SEE FINISHES, SPECIFICATIONS AND  
4. SEE FINISHES, SPECIFICATIONS AND  
5. SEE FINISHES, SPECIFICATIONS AND



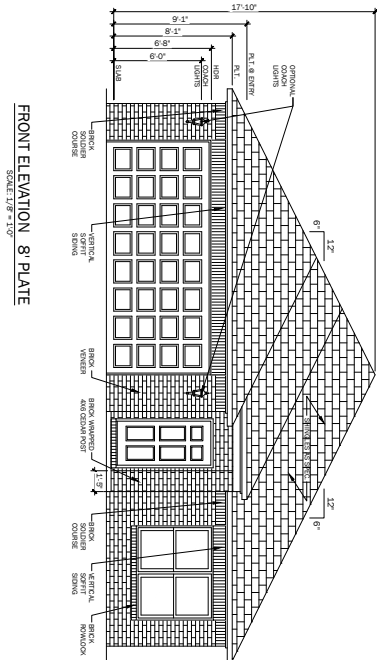
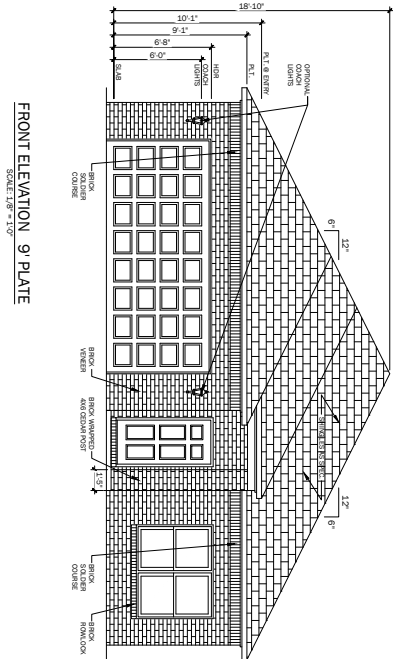
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|      |        |                            |                                                |                           |                                   |                               |                                 |                 |           |             |
|------|--------|----------------------------|------------------------------------------------|---------------------------|-----------------------------------|-------------------------------|---------------------------------|-----------------|-----------|-------------|
| LOT: | BLOCK: | RAUSCH<br>COLEMAN<br>HOMES | SHEET NAME:<br><b>Elevation F 6-12</b>         | DATE:<br><b>5/15/2023</b> | PROJECT DATE:<br><b>5/15/2023</b> | SCALE:<br><b>1/8" = 1'-0"</b> | VERSION NUMBER:<br><b>05.01</b> | NEED HOMEOWNERS | SHEET NO: | <b>A1.2</b> |
|      |        |                            | PLAN NAME:<br><b>The RC Armstrong-LH 05.01</b> | DATE:<br><b>HBS</b>       |                                   |                               |                                 |                 |           |             |



**NOTE:**

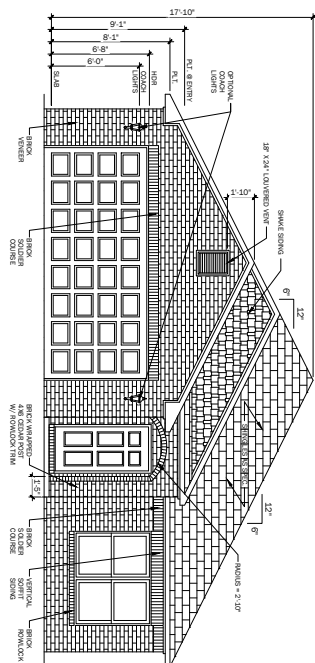
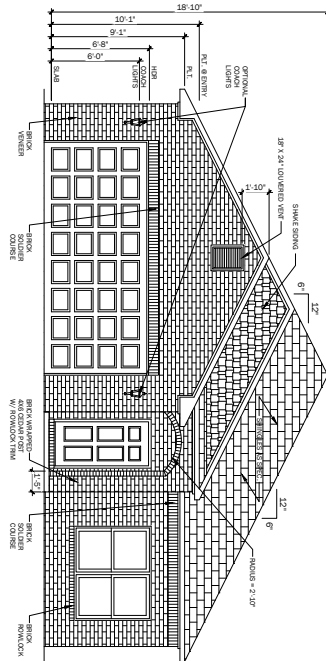
1. MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
2. SHADING AND ELEVATION REPRESENTATION IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
3. SHADING AND ELEVATION REPRESENTATION IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
4. MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
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10. MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.



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|                                                          |                                                                    |                                                                   |  |
|----------------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------|--|
| <div> <div>LOT:</div> <div>BLOCK:</div> </div>           | <div> <div>RAUSCH</div> <div>COLEMAN</div> <div>HOMES</div> </div> | <div> <div>SHEET NAME:</div> <div>Elevation A 6-12</div> </div>   |  |
|                                                          |                                                                    | <div> <div>PLAN NAME:</div> <div>The RC Baltimore-LH</div> </div> |  |
| <div> <div>04.01</div> <div>REVISION NUMBER</div> </div> | <div> <div>04.01</div> <div>REVISION NUMBER</div> </div>           | <div> <div>DATE:</div> <div>5/15/2023</div> </div>                |  |
|                                                          |                                                                    | <div> <div>SCALE:</div> <div>1/8" = 1'-0"</div> </div>            |  |
|                                                          |                                                                    | <div> <div>PROJECT NAME:</div> <div>THE RC BALTIMORE</div> </div> |  |
|                                                          |                                                                    | <div> <div>PROJECT NUMBER:</div> <div>04.01</div> </div>          |  |
| <div> <div>SHEET NO.:</div> <div>A1.1</div> </div>       |                                                                    |                                                                   |  |





NOTE:

1. WINDOW GRIDS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD REAR LEFT AND RIGHT ELEVATION MATERIALS ARE VINYL SIDING WITH EXPOSED FOUNDATIONS
4. OPTIONAL REAR LEFT AND RIGHT ELEVATION MATERIALS ARE WANSKOT TO THE BOTTOM OF A 5/0 WINDOW W/ AN 8 PLATE OR FULL BRICK

LOT:

**BLOCK:**

RAUSCH  
COLEMAN  
HOMES

**Elevation B 6-12**

---

**The RC Baltimore-LH**

SHEET NAME:  
  
PLAN NAME:

DR. BY:

**HBS**

PRINT DATE:  
**5/15/2023**

1/8" = 1'-0"

VERSION NUMBER:

## 04.01

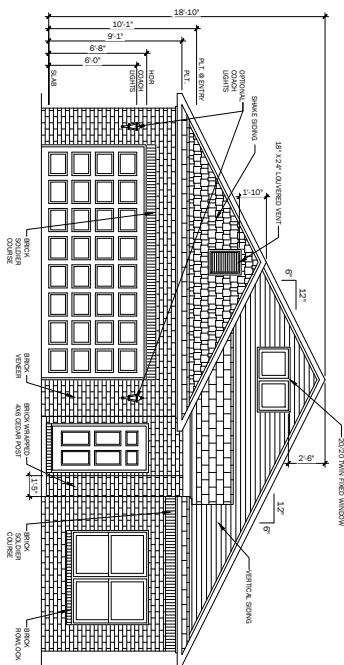
NEW HOMEOWNERS

SHEET NO:

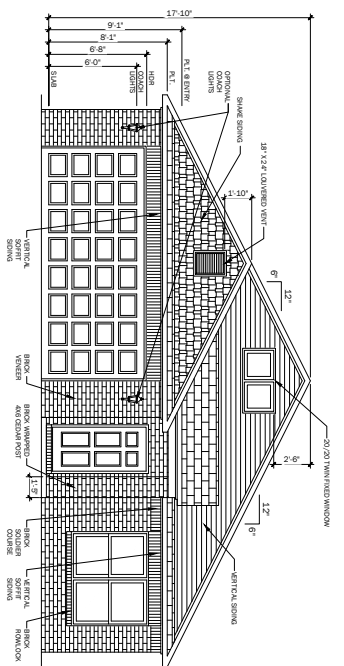
## A1.1



NOTE:  
1. MATERIALS AND FINISHES ARE SUBJECT TO CHANGE WITHOUT NOTICE.  
2. DIMENSIONS ARE GIVEN IN FEET AND INCHES.  
3. DIMENSIONS ARE GIVEN IN FEET AND INCHES.  
4. DIMENSIONS ARE GIVEN IN FEET AND INCHES.  
5. DIMENSIONS ARE GIVEN IN FEET AND INCHES.  
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FRONT ELEVATION 9 PLATE  
SCALE: 1/8" = 1'-0"



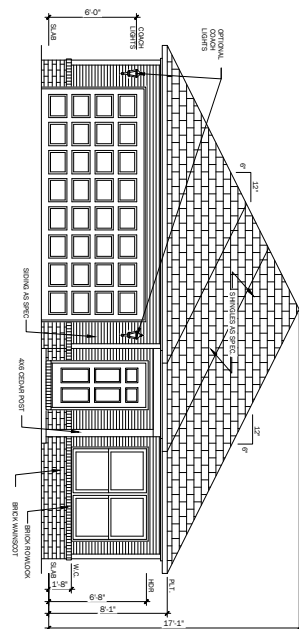
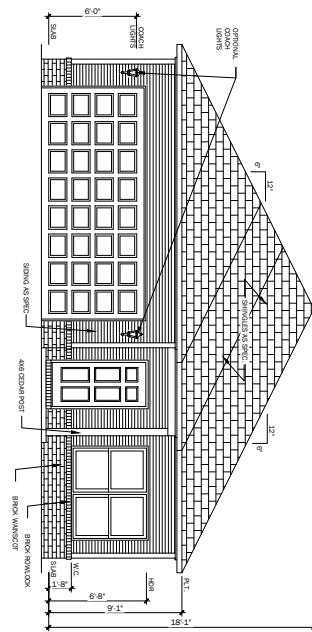
FRONT ELEVATION 8 PLATE  
SCALE: 1/8" = 1'-0"

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|      |        |                            |                                                                                    |                           |                                   |                               |                                 |            |                           |
|------|--------|----------------------------|------------------------------------------------------------------------------------|---------------------------|-----------------------------------|-------------------------------|---------------------------------|------------|---------------------------|
| LOT: | BLOCK: | RAUSCH<br>COLEMAN<br>HOMES | SHEET NAME:<br><b>Elevation C 6-12</b><br>PLAN NAME:<br><b>The RC Baltimore-LH</b> | DATE:<br><b>5/15/2023</b> | PROJECT DATE:<br><b>5/15/2023</b> | SCALE:<br><b>1/8" = 1'-0"</b> | VERSION NUMBER:<br><b>04.01</b> | REVISIONS: | SHEET NO.:<br><b>A1.1</b> |
|------|--------|----------------------------|------------------------------------------------------------------------------------|---------------------------|-----------------------------------|-------------------------------|---------------------------------|------------|---------------------------|







NOTE:

1. WINDOW GRIDS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VARY, SLOWING WITH EXPOSED FOUNDATIONS
4. OPTIONAL REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE WAINSCOT TO THE BOTTOM OF A5/0 WINDOW W/ AN 8 PLATE ON FULL BRICK

LOT:

**BLOCK:**

RAUSCH  
COLEMAN  
HOMES

**Elevation A 6-12**

**The RC Carlisle-LH**

SHEET NAME:  
  
PLAN NAME:

HBS

PRINT DATE:  
**5/15/2023**

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

VERSION NUMBER

## 05.01

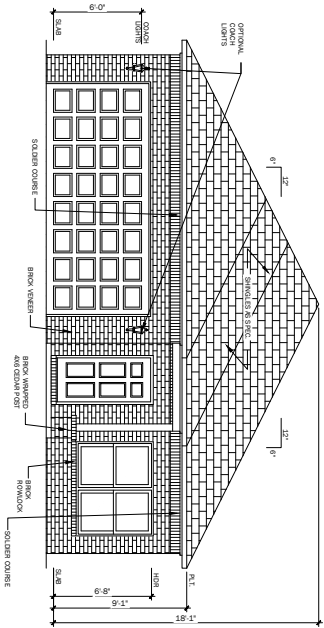
NEW HOMEOWNERS

SHEET NO:

## A1.1

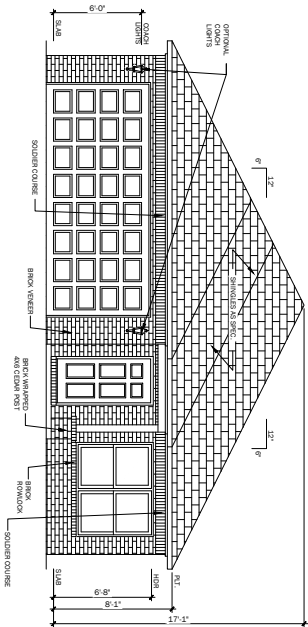


- NOTE:**
1. MATERIALS AND FINISHES TO BE DETERMINED BY THE ARCHITECT.
  2. SMILING AND PICTURING, REPRESENTATION.
  3. BRICKWORK SHALL BE LEFT AND RIGHT ELEVATION.
  4. OPTIONAL SLAB LEFT AND RIGHT ELEVATION.
  5. MATERIALS AND FINISHES TO BE DETERMINED BY THE ARCHITECT.
  6. MATERIALS AND FINISHES TO BE DETERMINED BY THE ARCHITECT.



FRONT ELEVATION 9' PLATE

SCALE 1/8" = 1'-0"



FRONT ELEVATION 8' PLATE

SCALE 1/8" = 1'-0"

LOT:

BLOCK:

**RAUSCH  
COLEMAN  
HOMES**

**Elevation B 6-12**  
**The RC Carlisle-LH**

SHEET NAME:  
PLAN NAME:

DATE: 8/1/2023

PROJECT NO.: 5/15/2023

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

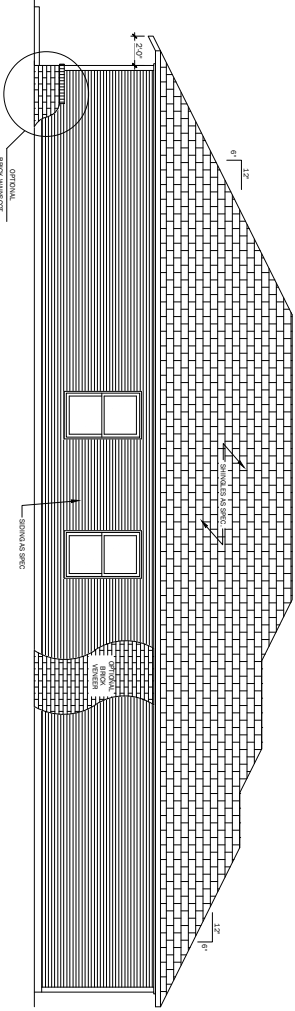
DESIGNER: 05.01

NEW FURNITURES

SHEET NO:

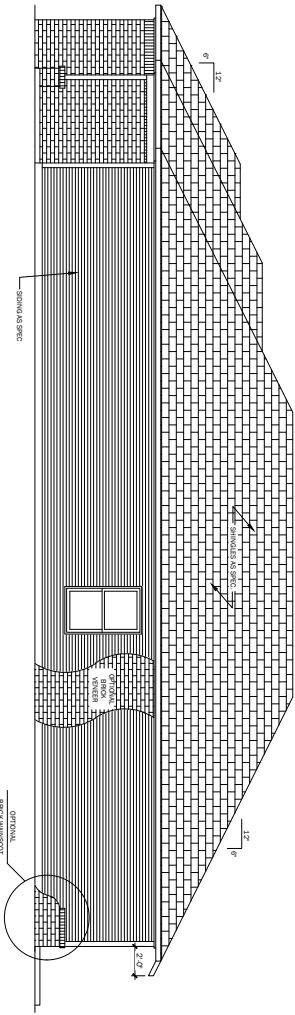
**A1.1**

- NOTE:**
1. WINDOW AIDS ARE OPTIONAL REPRESENTATION
  2. SHUTTERS ARE OPTIONAL REPRESENTATION
  3. AND SHUTTERS ARE OPTIONAL REPRESENTATION
  4. MATERIALS ARE NOT SHOWN WITH EXPOSED JOINTS
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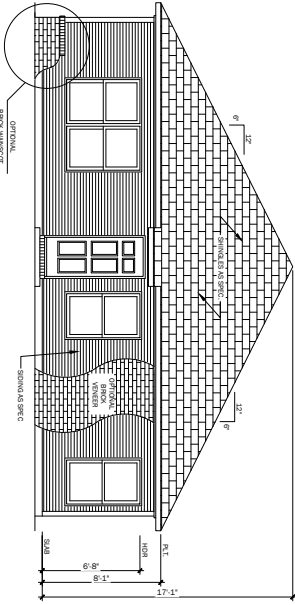
LEFT ELEVATION

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



RIGHT ELEVATION

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



REAR ELEVATION

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

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LOT:

BLOCK:

RAUSCH  
COLEMAN  
HOMES

SHEET NAME:  
**Elevation B 6-12**

PLAN NAME:  
**The RC Carlisle-LH**

DATE:  
**5/15/2023**

SCALE:  
**1/8" = 1'-0"**

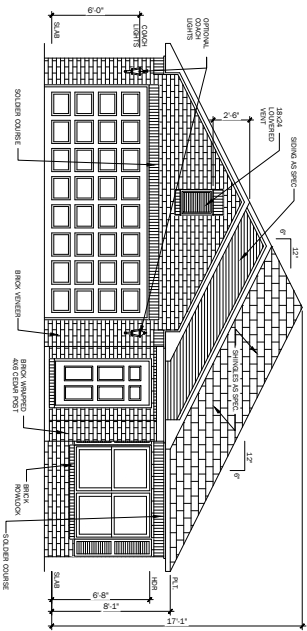
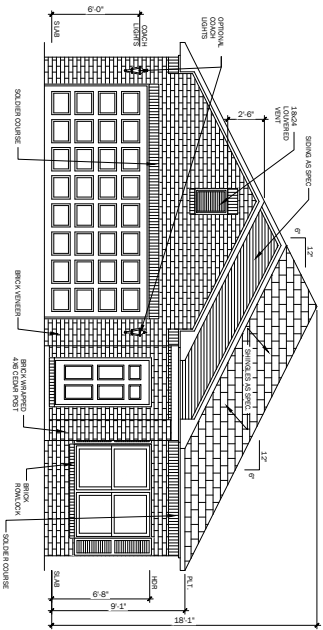
VERSION NUMBER:  
**05.01**

NEW HOMEOWNERS

SHEET NO.:  
**A1.2**

**NOTE:**

1. WINDOW SIZES ARE APPROXIMATE REPRESENTATION
2. SHUTTERS AND DECORAL REPRESENTATION
3. STAIRS ARE NOT TO SCALE
4. MATERIALS ARE NOT TO SCALE
5. MATERIALS ARE NOT TO SCALE
6. MATERIALS ARE NOT TO SCALE
7. MATERIALS ARE NOT TO SCALE
8. MATERIALS ARE NOT TO SCALE
9. MATERIALS ARE NOT TO SCALE
10. MATERIALS ARE NOT TO SCALE



**RAUSCH  
COLEMAN  
HOMES**

**Elevation C 6-12**

**The RC Carlisle-LH**

SHEET NAME:

PLAN NAME:

DATE:

5/15/2023

SCALE:

1/8" = 1'-0"

VERSION NUMBER:

05.01

NEW FOUNDATIONS

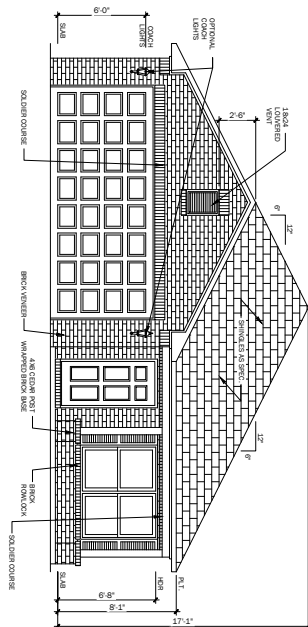
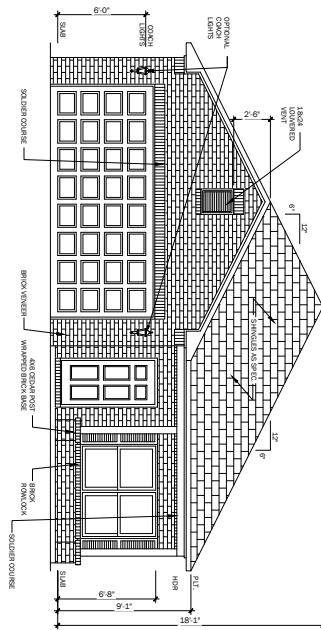
SHEET NO:

**A1.1**

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1. WINDOW GRIDS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VARY, Siding WITH EXPOSED FOUNDATIONS
4. OPTIMAL REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE MOUNTED TO THE BOTTOM OF A 5/0 WINDOW W/ AN 8" PLATFORM FULL BRICK

**BLOCK:**

LOT:

**Elevation D 6-12**

**The RC Carlisle-LH**

RAUSCH  
COLEMAN  
HOMES

SHEET NO:

## 05.01

VERSION NUMBER

SCALE:  
1" = 10'

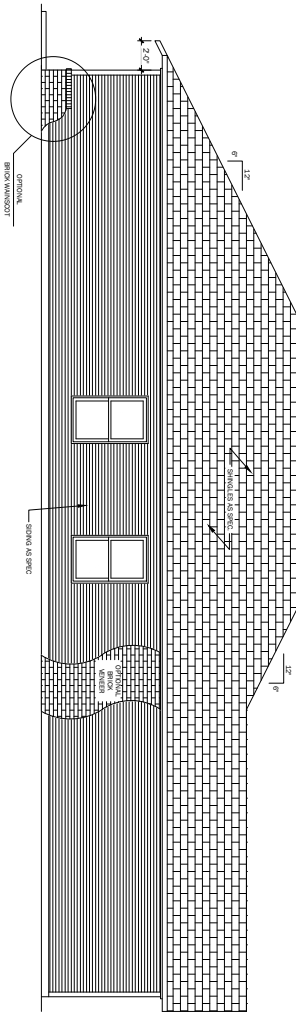
PRINT DATE: 11/14/2009

HBS

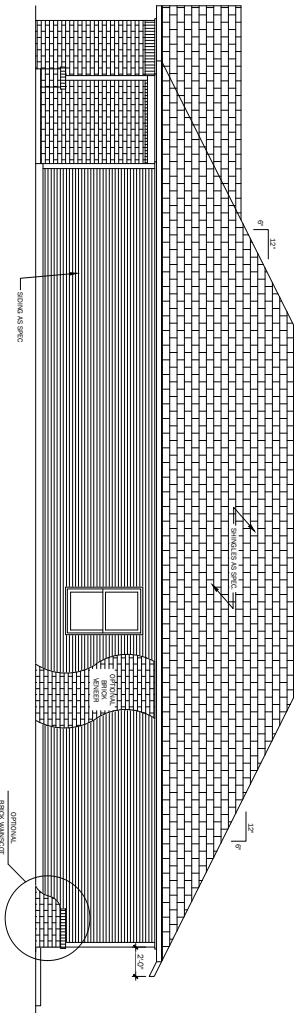
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**NOTE:**

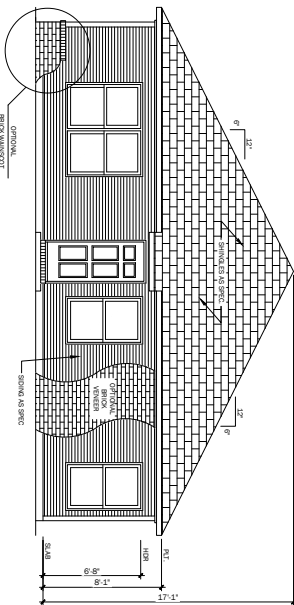
1. MATERIALS SHOWN ARE NOT TO SCALE.
2. SHUTTERS ARE NOT TO SCALE.
3. SHUTTERS ARE NOT TO SCALE.
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**LEFT ELEVATION**  
SCALE 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE 1/8" = 1'-0"



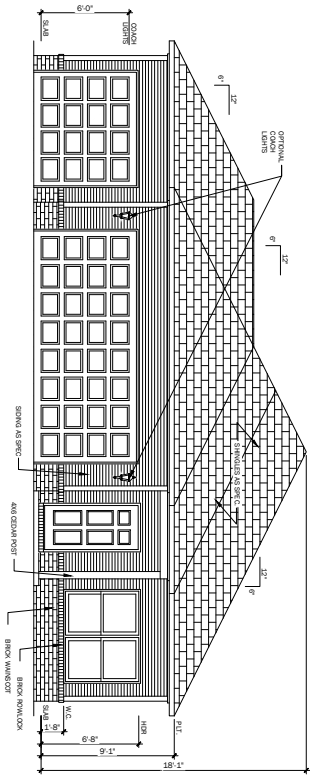
**REAR ELEVATION**  
SCALE 1/8" = 1'-0"

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|                                       |  |                                    |  |                                                                 |  |                                                  |  |                                     |  |                                                                                                              |  |                                           |  |
|---------------------------------------|--|------------------------------------|--|-----------------------------------------------------------------|--|--------------------------------------------------|--|-------------------------------------|--|--------------------------------------------------------------------------------------------------------------|--|-------------------------------------------|--|
| <p>LOT: _____</p> <p>BLOCK: _____</p> |  | <p><b>RAUSCH COLEMAN HOMES</b></p> |  | <p><b>Elevation D 6-12</b></p> <p><b>The RC Carlisle-LH</b></p> |  | <p>SHEET NAME: _____</p> <p>PLAN NAME: _____</p> |  | <p>DATE: _____</p> <p>BY: _____</p> |  | <p>PROJECT DATE: 5/15/2023</p> <p>SCALE: 1/8" = 1'-0"</p> <p>VERSION NUMBER: 05.01</p> <p>NEW HOMEOWNERS</p> |  | <p>SHEET NO: _____</p> <p><b>A1.2</b></p> |  |
|---------------------------------------|--|------------------------------------|--|-----------------------------------------------------------------|--|--------------------------------------------------|--|-------------------------------------|--|--------------------------------------------------------------------------------------------------------------|--|-------------------------------------------|--|

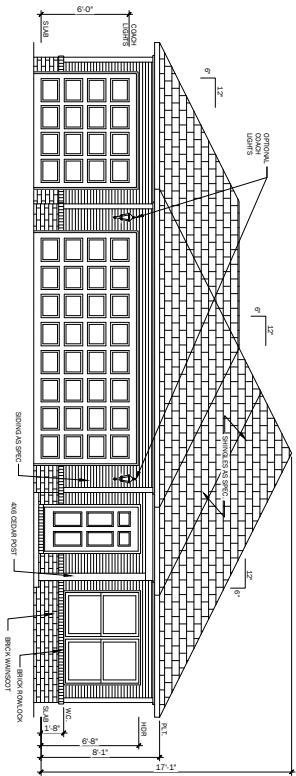
**NOTE:**

1. UNIFORM DESIGN AND DETAILING REPRESENTATION
2. MATERIALS AND FINISHES, REPRESENTATION
3. AND ADAPT WITH THE DESIGN
4. MATERIALS AND FINISHES, REPRESENTATION
5. UNIFORM DESIGN AND DETAILING REPRESENTATION
6. UNIFORM DESIGN AND DETAILING REPRESENTATION
7. UNIFORM DESIGN AND DETAILING REPRESENTATION
8. UNIFORM DESIGN AND DETAILING REPRESENTATION
9. UNIFORM DESIGN AND DETAILING REPRESENTATION
10. UNIFORM DESIGN AND DETAILING REPRESENTATION



FRONT ELEVATION 9 PLATE

SCALE 1/8" = 1'-0"



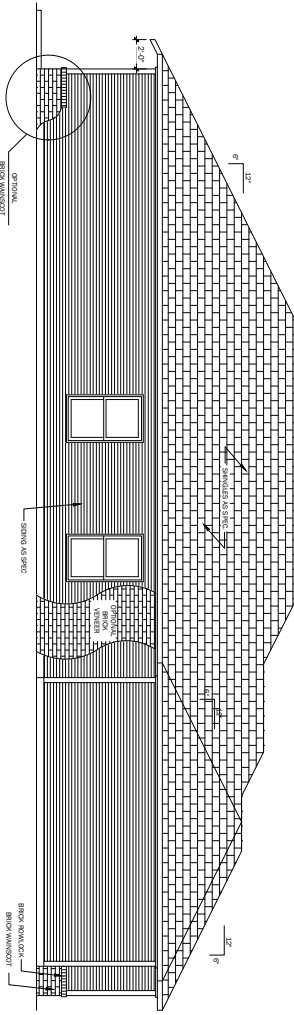
FRONT ELEVATION 8 PLATE

SCALE 1/8" = 1'-0"

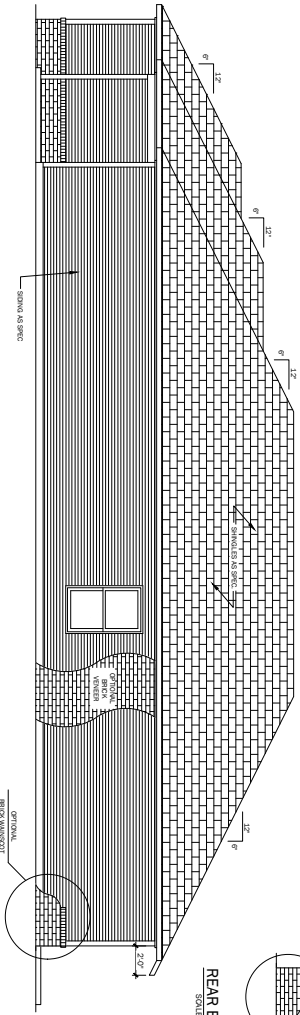
\* COPYRIGHT NOTICE: THESE HOME PLANS ARE PROTECTED UNDER THE FEDERAL COPYRIGHT ACT AND RAUSCH COLEMAN RETAINS TITLE AND OWNERSHIP OF THE PLANS AND ORIGINAL DOCUMENTS. REPRODUCTION OF THESE PLANS, INCLUDING ANY FORM OF COPYING OR PREPARATION OF DERIVATIVE WORKS, WITHOUT PRIOR WRITTEN PERMISSION IS STRICTLY PROHIBITED.

|                                                |                                                                    |                                                                  |                                                    |                                                            |                                                        |                                                          |                                                     |                                                    |
|------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------|
| <div> <div>LOT:</div> <div>BLOCK:</div> </div> | <div> <div>RAUSCH</div> <div>COLEMAN</div> <div>HOMES</div> </div> | <div> <div>SHEET NAME:</div> <div>Elevation A 6-12</div> </div>  | <div> <div>DATE:</div> <div>5/15/2023</div> </div> | <div> <div>PROJECT DATE:</div> <div>5/15/2023</div> </div> | <div> <div>SCALE:</div> <div>1/8" = 1'-0"</div> </div> | <div> <div>VERSION NUMBER:</div> <div>05.01</div> </div> | <div> <div>REVISIONS:</div> <div>05.01</div> </div> | <div> <div>SHEET NO.:</div> <div>A1.1</div> </div> |
|                                                |                                                                    | <div> <div>PLAN NAME:</div> <div>The RC Carlisle-LH</div> </div> | <div> <div>DATE:</div> <div>5/15/2023</div> </div> | <div> <div>PROJECT DATE:</div> <div>5/15/2023</div> </div> | <div> <div>SCALE:</div> <div>1/8" = 1'-0"</div> </div> | <div> <div>VERSION NUMBER:</div> <div>05.01</div> </div> | <div> <div>REVISIONS:</div> <div>05.01</div> </div> | <div> <div>SHEET NO.:</div> <div>A1.1</div> </div> |

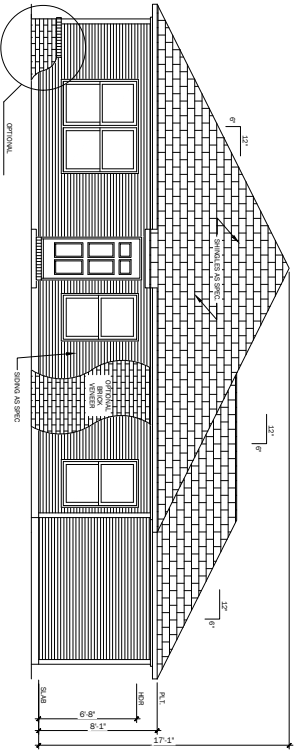
NOTE:  
1. MATERIALS AND FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.  
2. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
3. DIMENSIONS SHOWN ARE APPROXIMATE.  
4. MATERIALS ARE TO BE DETERMINED BY THE ARCHITECT.  
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LEFT ELEVATION  
SCALE 1/8" = 1'-0"



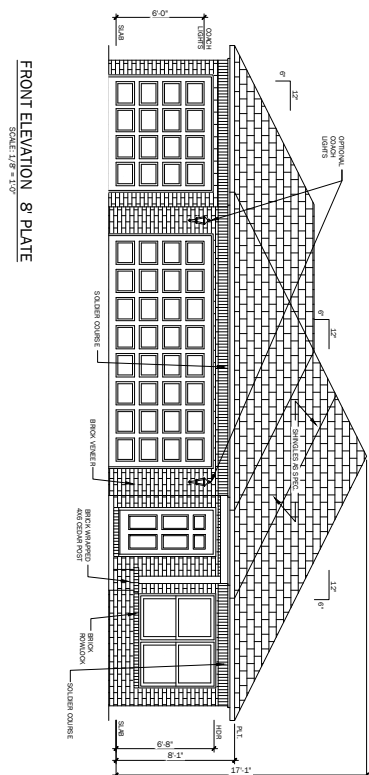
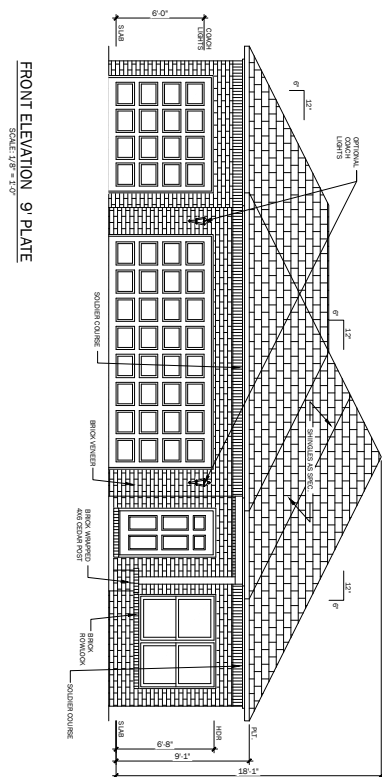
RIGHT ELEVATION  
SCALE 1/8" = 1'-0"



REAR ELEVATION  
SCALE 1/8" = 1'-0"

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|      |        |                            |                                        |                                                                                                                                                     |
|------|--------|----------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| LOT: | BLOCK: | RAUSCH<br>COLEMAN<br>HOMES | Elevation A 6-12<br>The RC Carlisle-LH | DR. BY: HBS<br>SHEET NAME: PLAN NAME:<br>PRINT DATE: 5/15/2023<br>SCALE: 1/8" = 1'-0"<br>VERSION NUMBER: 05.01<br>NEAR HOMEOWNERS<br>SHEET NO: A1.2 |
|------|--------|----------------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|



1. WINDOW GRIDS ARE PERIODICAL REPRESENTATION AND MIGHT HAVE PER DIVISION
2. SLATERS ARE PERIODICAL REPRESENTATION AND MIGHT HAVE PER DIVISION
3. STANDARD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VINYL SILING WITH EXPOSED POLYURETHANE
4. OPTIONAL REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE WOODSOT TO THE BOTTOM OF A 5/0 WINDOW W/ AN 8 PLATE OR FULL BRICK

LOT:

**BLOCK:**

RAUSCH  
COLEMAN  
HOMES

**Elevation B 6-12**

**The RC Carlisle-LH**

|         |             |
|---------|-------------|
| DR. BY: | SHEET NAME: |
|         | PLAN NAME:  |

PRINT DATE:  
5/15/2023  
SCALE:  
1/8" = 1'-0"

1/8" = 1'-0"

## 05.01

NEW HOMEOWNERS

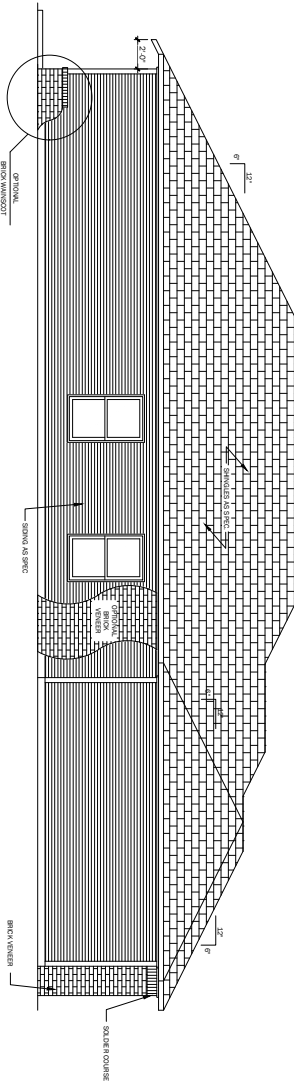
SHEET NO:

## A1.1

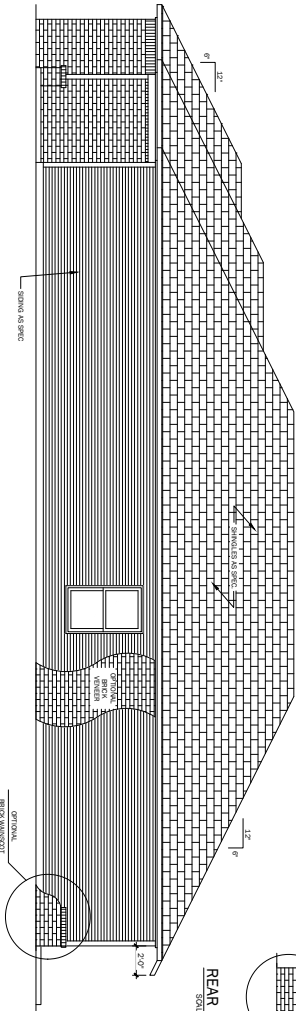


**NOTE:**

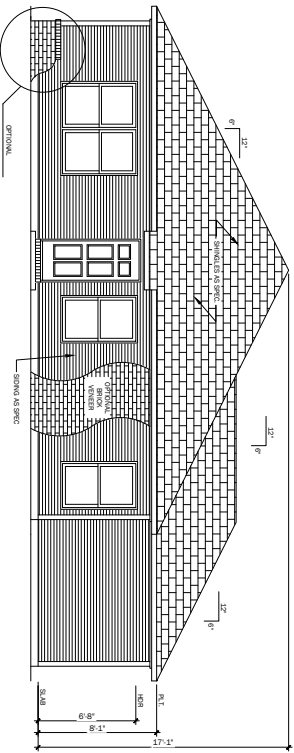
1. INFORMATION FOR ELECTRICAL, MECHANICAL, AND PLUMBING SHALL BE OBTAINED FROM THE LOCAL SUPPLY AND SERVICE COMPANIES.
2. ALL UTILITIES ARE SHOWN IN GENERAL, APPROXIMATE LOCATION.
3. FOUNDATION SHALL BE CONCRETE ON GRAVEL.
4. MATERIALS ARE SHOWN AS SUGGESTED. MATERIALS ARE SUBJECT TO THE DESIGNER'S DISCRETION AND SHALL BE SUBJECT TO THE DESIGNER'S DISCRETION.
5. MATERIALS ARE SHOWN AS SUGGESTED. MATERIALS ARE SUBJECT TO THE DESIGNER'S DISCRETION.
6. MATERIALS ARE SHOWN AS SUGGESTED. MATERIALS ARE SUBJECT TO THE DESIGNER'S DISCRETION.
7. MATERIALS ARE SHOWN AS SUGGESTED. MATERIALS ARE SUBJECT TO THE DESIGNER'S DISCRETION.
8. MATERIALS ARE SHOWN AS SUGGESTED. MATERIALS ARE SUBJECT TO THE DESIGNER'S DISCRETION.
9. MATERIALS ARE SHOWN AS SUGGESTED. MATERIALS ARE SUBJECT TO THE DESIGNER'S DISCRETION.
10. MATERIALS ARE SHOWN AS SUGGESTED. MATERIALS ARE SUBJECT TO THE DESIGNER'S DISCRETION.



**LEFT ELEVATION**  
SCALE 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE 1/8" = 1'-0"



**REAR ELEVATION**  
SCALE 1/8" = 1'-0"

**RAUSCH  
COLEMAN  
HOMES**

**Elevation B 6-12**  
**The RC Carlisle-LH**

SHEET NAME:  
PLAN NAME:

DATE: 5/15/2023

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

VERSION NUMBER:

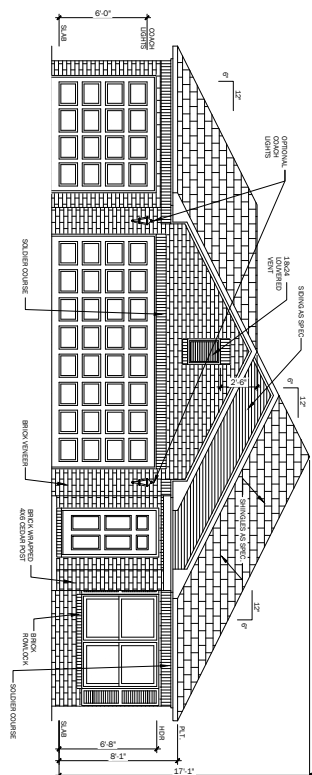
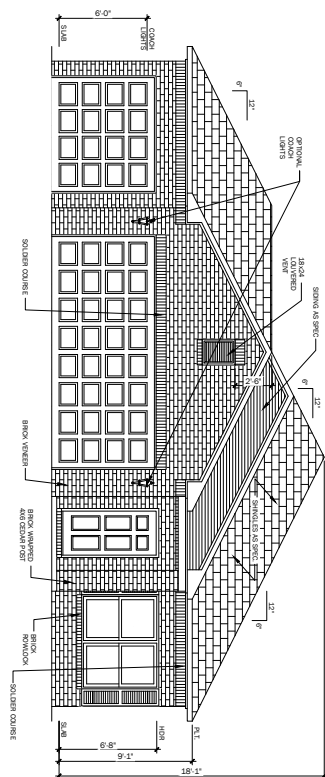
**05.01**

NEW HOMEOWNERS

SHEET NO:

**A1.2**

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1. WINDOW GRIDS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD BEAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VINYL SIDING WITH EXPOSED FOUNDATION
4. OPTICAL BEAR, LEFT AND RIGHT ELEVATION MATERIALS ARE WAINSCOT TO THE BOTTOM OF A 5/0 WINDOW W/ AN 8 PLATE OR FULL BRICK

LOT:

**BLOCK:**

RAUSCH  
COLEMAN  
HOMES

**Elevation C 6-12**

**The RC Carlisle-LH**

SHEET NAME:

PLAN NAME:

HBS

5/15/2023

SCALE  
1/8" = 1'-0"

VERSION NUMBER:

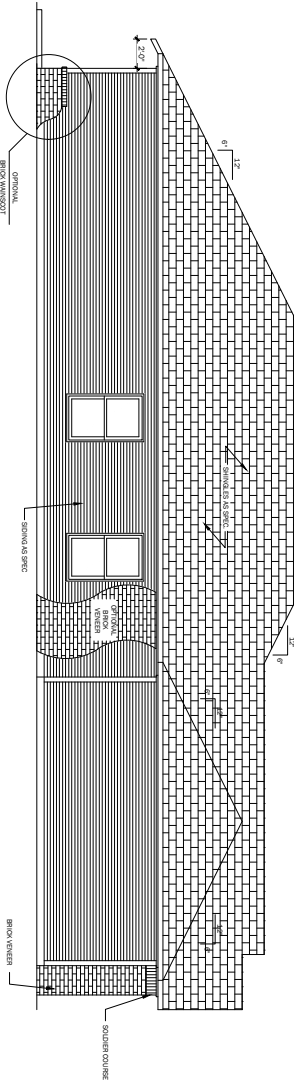
## 05.01

NEW HOMEOWNERS

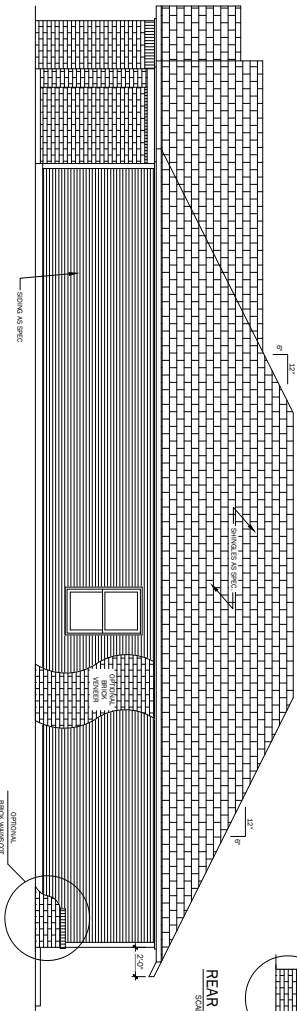
SHEET NO:

## A1.1

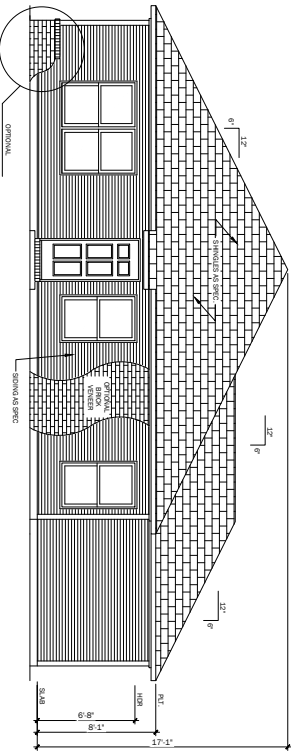
NOTE:  
1. MATERIALS LISTED ARE SUGGESTED REPRESENTATIVE TYPES.  
2. QUALITY AND DETAIL ARE CRITICAL TO THE APPEARANCE.  
3. DIMENSIONS ARE GIVEN AS SHOWN IN ELEVATION.  
4. MATERIALS ARE GIVEN AS SHOWN IN ELEVATION.  
5. DIMENSIONS ARE GIVEN AS SHOWN IN ELEVATION.  
6. MATERIALS ARE GIVEN AS SHOWN IN ELEVATION.  
7. DIMENSIONS ARE GIVEN AS SHOWN IN ELEVATION.  
8. MATERIALS ARE GIVEN AS SHOWN IN ELEVATION.  
9. DIMENSIONS ARE GIVEN AS SHOWN IN ELEVATION.  
10. MATERIALS ARE GIVEN AS SHOWN IN ELEVATION.



LEFT ELEVATION  
SCALE 1/8" = 1'-0"



RIGHT ELEVATION  
SCALE 1/8" = 1'-0"



REAR ELEVATION  
SCALE 1/8" = 1'-0"

RAUSCH  
COLEMAN  
HOMES

Elevation C 6-12  
The RC Carlisle-LH

SHEET NAME:  
PLAN NAME:

DATE: 5/15/2023  
HBS

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

VERSION NUMBER:

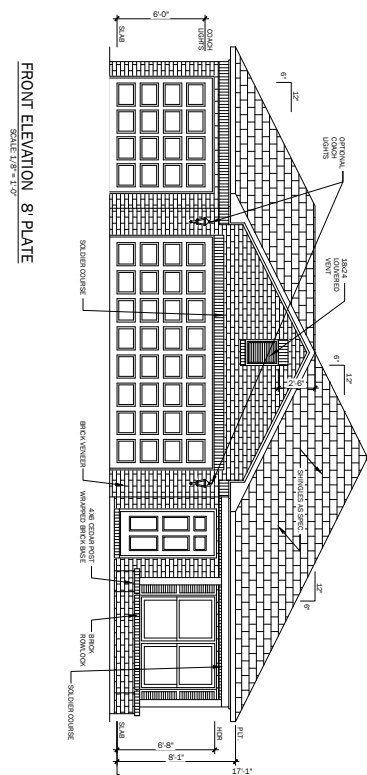
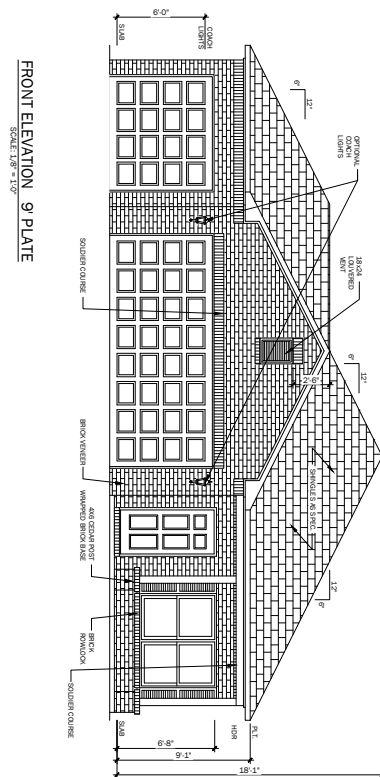
05.01

NEW HOMEOWNERS

SHEET NO.:

A1.2

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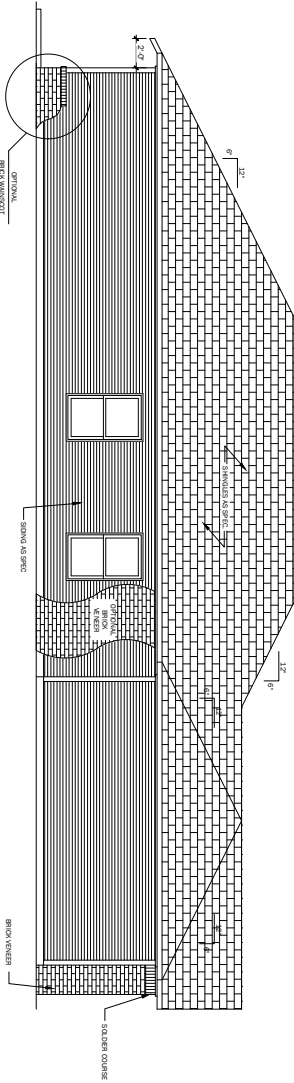


**NOTE:**

1. WINDOW, 20" x 6", 1" PICTURE, 1" REFRIGERATOR
2. AND CUPBOARD 1" W/ 1" DIVISION
3. AND CUPBOARD 1" W/ 1" DIVISION
4. AND CUPBOARD 1" W/ 1" DIVISION
5. STANDARD REFR. LEFT AND RIGHT ELEVATION
6. MATERIALS ARE W/ 1" DIVISION WITH EXPOSED FOUNDATIONS
7. OPTIONAL, BEAN LEFT AND RIGHT ELEVATION
8. OPTIONAL, BEAN LEFT AND RIGHT ELEVATION
9. A 5/8" WINDOW, W/ AN 8" FLUTE OR FULL BRICK

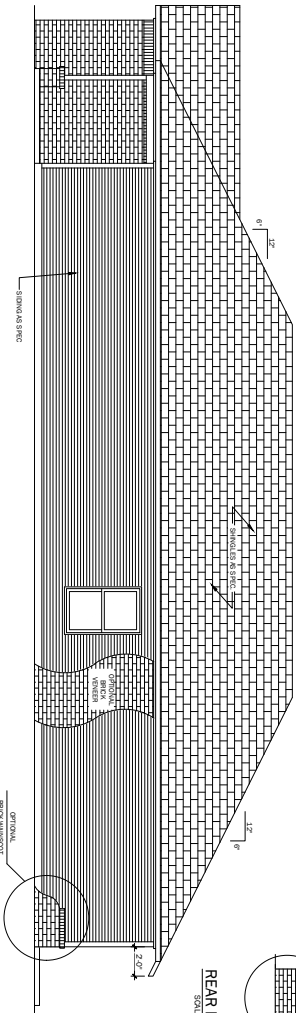
[illegible]

- NOTE:**
1. WINDOW BRICKS ARE EXPOSED, UNPAINTED RED BRICK.
  2. SHUTTERS ARE OPTIONAL, UNPAINTED WHITE.
  3. BRICKWORK IS TO BE EXPOSED, UNPAINTED RED BRICK.
  4. MATERIALS TO BE USED SHALL BE EXPOSED FOUNDATIONS.
  5. MATERIALS TO BE USED SHALL BE EXPOSED FOUNDATIONS.
  6. MATERIALS TO BE USED SHALL BE EXPOSED FOUNDATIONS.
  7. MATERIALS TO BE USED SHALL BE EXPOSED FOUNDATIONS.
  8. MATERIALS TO BE USED SHALL BE EXPOSED FOUNDATIONS.
  9. MATERIALS TO BE USED SHALL BE EXPOSED FOUNDATIONS.
  10. MATERIALS TO BE USED SHALL BE EXPOSED FOUNDATIONS.



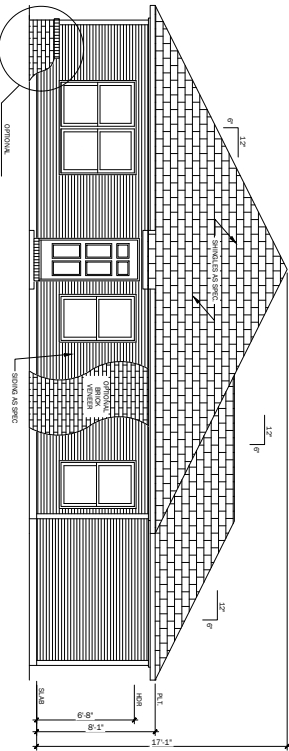
**LEFT ELEVATION**

SCALE 1/8" = 1'-0"



**RIGHT ELEVATION**

SCALE 1/8" = 1'-0"



**REAR ELEVATION**

SCALE 1/8" = 1'-0"

**RAUSCH  
COLEMAN  
HOMES**

**Elevation D 6-12**  
**The RC Carlisle-LH**

SHEET NAME:  
PLAN NAME:

DATE: 5/15/2023

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

VERSION NUMBER:

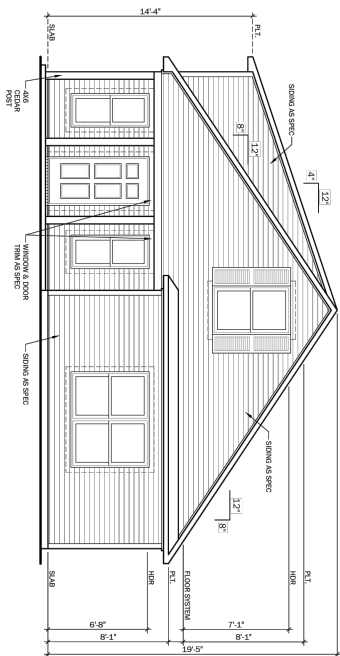
05.01

NEW HOMEOWNERS

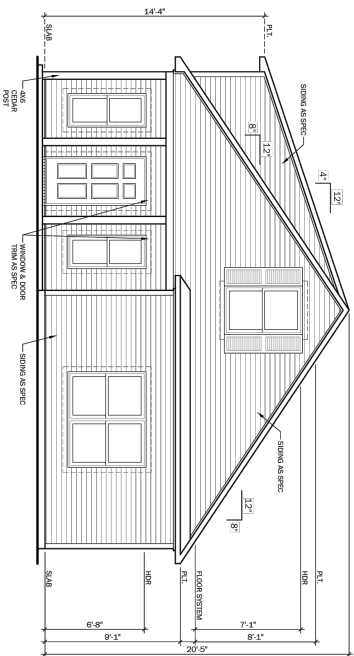
SHEET NO.:

A1.2

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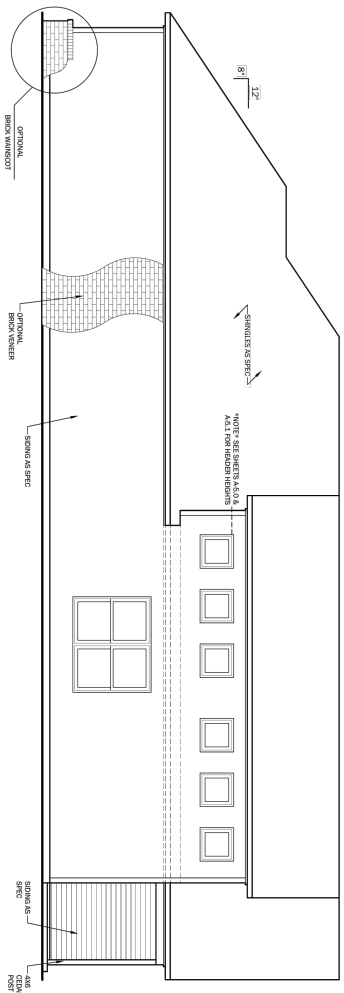
FRONT ELEVATION 8' PLATE



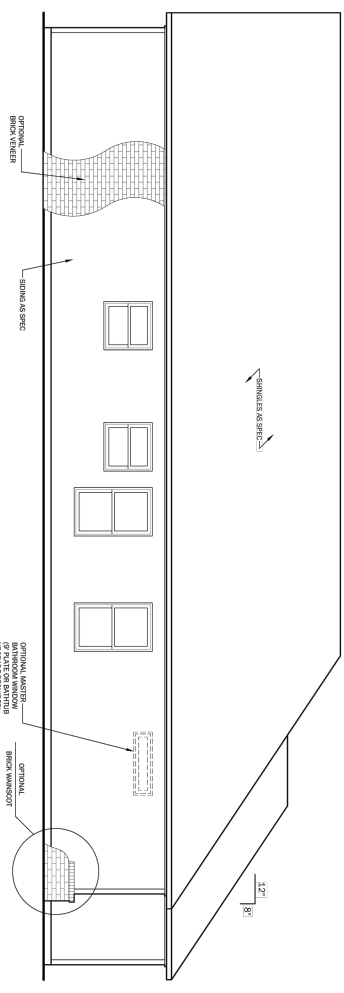
FRONT ELEVATION 9' PLATE

|                                                                             |   |                                                                                                                                |                                                                      |
|-----------------------------------------------------------------------------|---|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| LOT:                                                                        | 1 | <div> <div>RAUSCH</div> <div>COLEMAN</div> <div>HOMES</div> </div>                                                             | <div> <div>Planning Commission</div> <div>July 24, 2023</div> </div> |
| BLOCK:                                                                      | 1 |                                                                                                                                |                                                                      |
| <div> <div>FRONT ELEVATION 'A' 8' &amp; 9'</div> <div>RC ELLIE</div> </div> |   | <div> <div>1/8" = 1'-0"</div> <div>1/11/2023</div> <div>06.05</div> <div>06.03</div> <div>RC Ellie</div> <div>001</div> </div> |                                                                      |
| <div> <div>A-1.0-A</div> </div>                                             |   | <div> <div>1/8" = 1'-0"</div> <div>1/11/2023</div> <div>06.05</div> <div>06.03</div> <div>RC Ellie</div> <div>001</div> </div> |                                                                      |

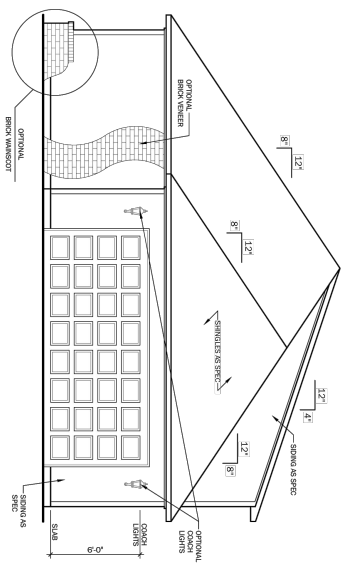




LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

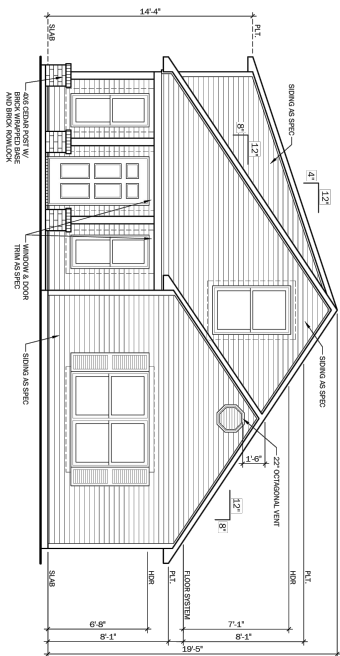
RAUSCH  
COLEMAN  
HOMES

SIDE & REAR ELEVATION 'A'  
RC ELLIE

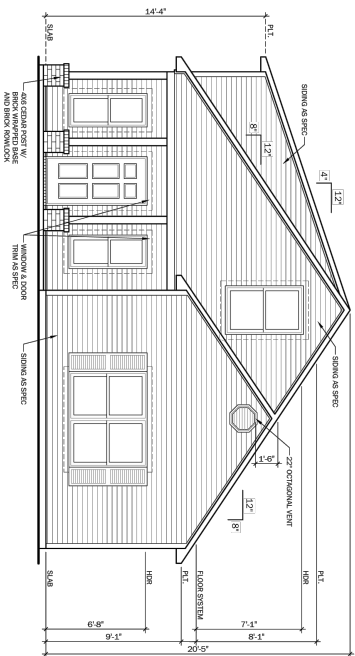
A-1.1-A

|                    |              |
|--------------------|--------------|
| SHEET NAME:        | HBS          |
| DATE:              | 1/11/2023    |
| SCALE:             | 1/8" = 1'-0" |
| PROJECT NUMBER:    | 06.05        |
| HOUSE NUMBER:      | 06.03        |
| PROJECT NUMBER:    | RC Ellie     |
| ADDITIONAL NUMBER: | 001          |
| SHEET NUMBER:      |              |

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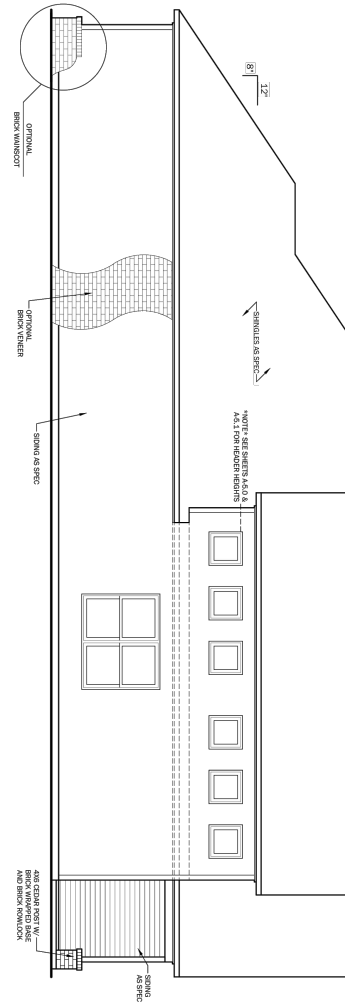
FRONT ELEVATION 8' PLATE



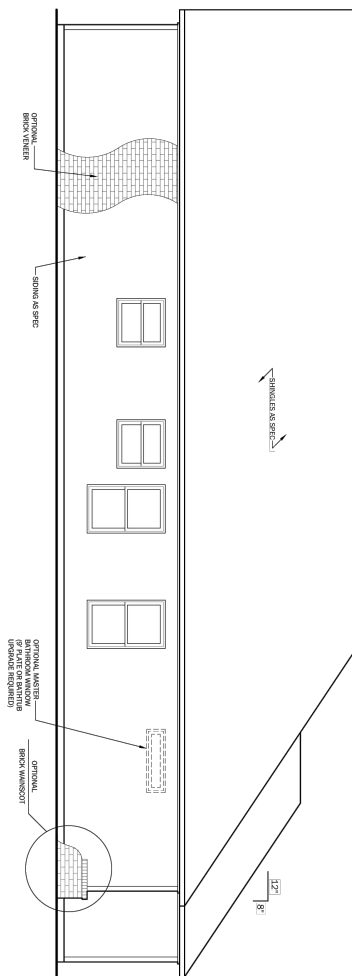
FRONT ELEVATION 9' PLATE

|                             |  |                             |  |                                        |  |
|-----------------------------|--|-----------------------------|--|----------------------------------------|--|
| LOT: 1<br>BLOCK: 1          |  | <b>RAUSCH COLEMAN HOMES</b> |  | <b>FRONT ELEVATION 'B' 8' &amp; 9'</b> |  |
| SHEET NAME:                 |  | MODEL:                      |  | RC ELLIE                               |  |
| ADDRESS:                    |  | ADDRESS:                    |  | ADDRESS:                               |  |
| DATE: 1/11/2023             |  | SCALE: 1/8" = 1'-0"         |  | PROJECT NUMBER: RC Ellie               |  |
| ARCHITECTURE VERSION: 06.05 |  | ENGINEERING VERSION: 06.03  |  | HOUSE NUMBER: 001                      |  |
| SHEET NUMBER: 001           |  | SHEET NUMBER: 001           |  | SHEET NUMBER: 001                      |  |

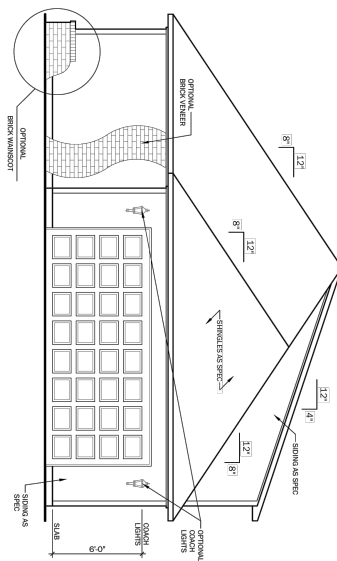
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# LEFT ELEVATION

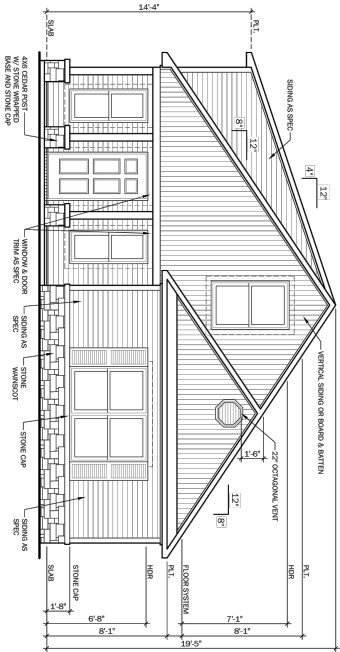


## RIGHT ELEVATION

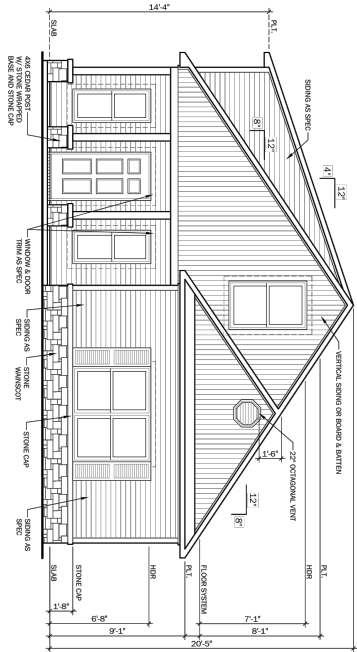


## REAR ELEVATION

[illegible]



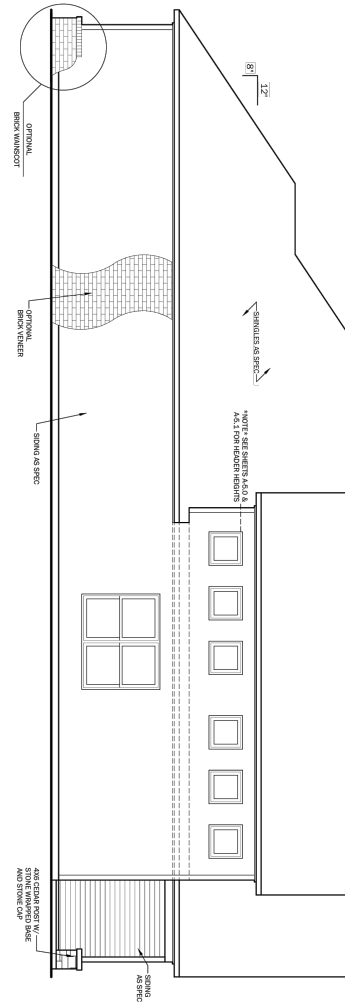
FRONT ELEVATION 8' PLATE



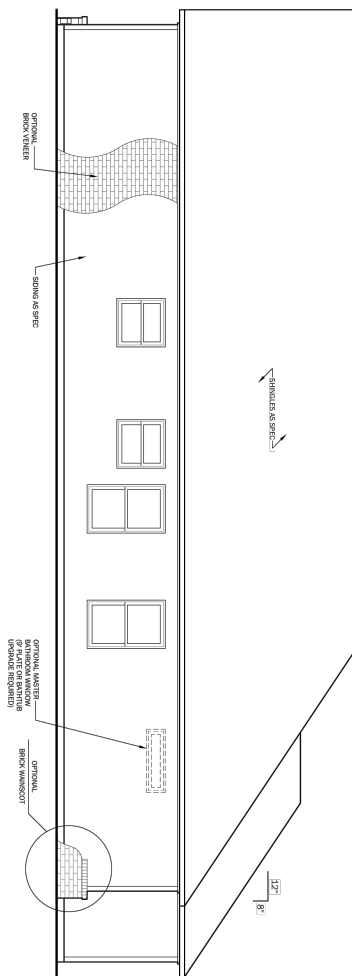
FRONT ELEVATION 9' PLATE

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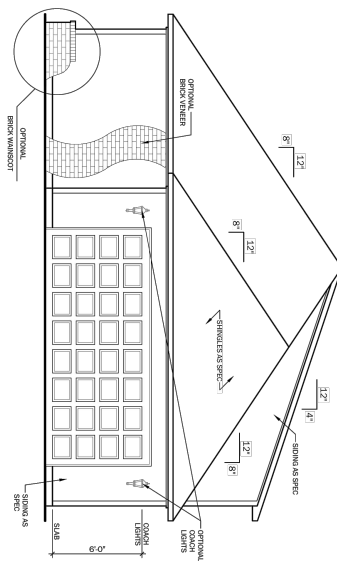
|                                         |  |                          |  |                          |  |
|-----------------------------------------|--|--------------------------|--|--------------------------|--|
| LOT: —                                  |  | BLOCK: —                 |  | Planning Commission      |  |
| SHEET NAME: FRONT ELEVATION 'C' 8' & 9' |  | MODEL: RC ELLIE          |  | RAUSCH COLEMAN HOMES     |  |
| DATE: 1/11/2023                         |  | PROJECT NUMBER: 06.05    |  | PROJECT NUMBER: RC Ellie |  |
| SCALE: 1/8" = 1'-0"                     |  | HOUSE NUMBER: 06.03      |  | ADDITIONAL NUMBER: 001   |  |
| SHEET NUMBER: 001                       |  | PROJECT NUMBER: RC Ellie |  | ADDITIONAL NUMBER: 001   |  |
| A-1.0-C                                 |  |                          |  |                          |  |



# LEFT ELEVATION

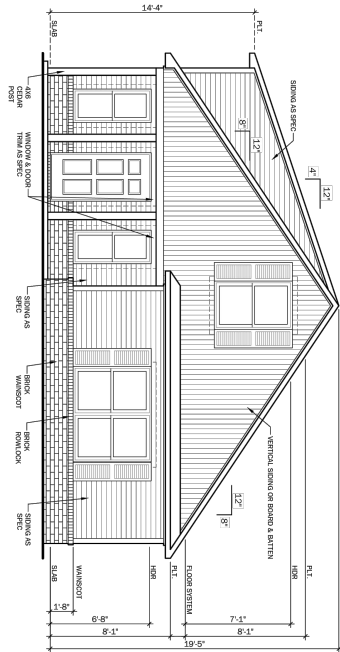


## RIGHT ELEVATION

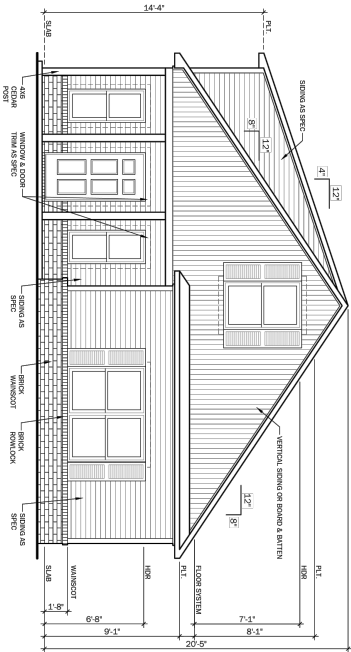


## REAR ELEVATION

|                         |                            |                                          |                          |                        |                                 |                                           |                            |                          |                          |
|-------------------------|----------------------------|------------------------------------------|--------------------------|------------------------|---------------------------------|-------------------------------------------|----------------------------|--------------------------|--------------------------|
| LOT:<br>BLOCK:<br>UNIT: | RAUSCH<br>COLEMAN<br>HOMES | SHEET NAME:<br>SIDE & REAR ELEVATION 'C' | PRINT DATE:<br>1/11/2023 | SCALE:<br>1/8" = 1'-0" | ARCHITECTURAL VERSION:<br>06.05 | ELECTRICAL & MECHANICAL VERSION:<br>06.03 | PROJECT NUMBER:<br>RC-Elle | OCCUPANCY NUMBER:<br>001 | SHEET NUMBER:<br>A-1.1-C |
|                         |                            | DR. BY:<br>HBS                           | MODEL:<br>RC ELLIE       | ADDRESS:<br>-----      |                                 |                                           |                            |                          |                          |



FRONT ELEVATION 8' PLATE

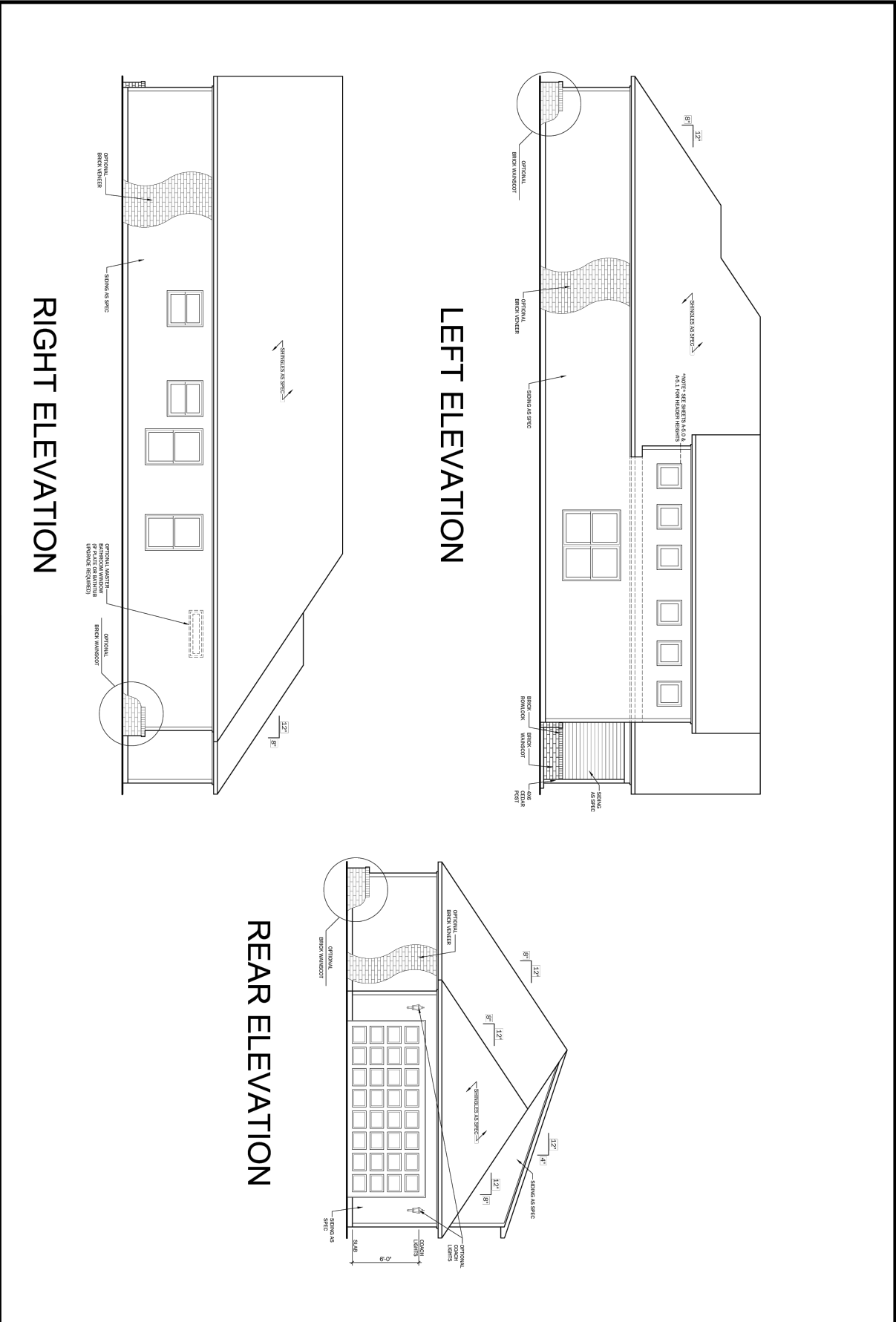


FRONT ELEVATION 9' PLATE

|                 |  |                                                                                                                                                                                                  |  |                                         |  |
|-----------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------|--|
| LOT: 1          |  | BLOCK: 1                                                                                                                                                                                         |  | SHEET NAME: FRONT ELEVATION 'D' 8' & 9' |  |
| MODEL: RC ELLIE |  | <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RAUSCH</b><br/> <b>COLEMAN</b><br/> <b>HOMES</b> </div>                                                              |  |                                         |  |
| ADDRESS:        |  | <div style="border: 1px solid black; padding: 5px;"> <b>Planning Commission</b><br/> <b>July 24, 2023</b><br/> <b>LSD-2023-0008 (RIVERSIDE VILLAGE PLATE)</b><br/> <b>Page 206 of 406</b> </div> |  |                                         |  |

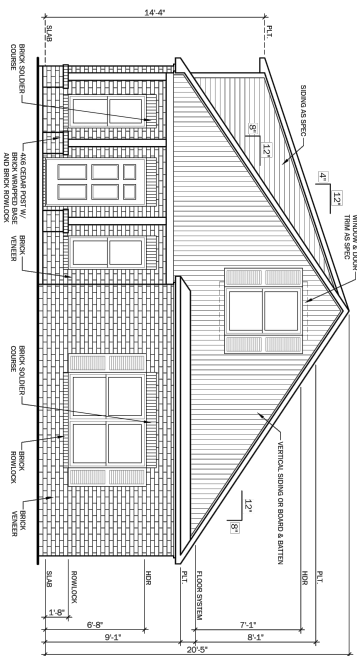
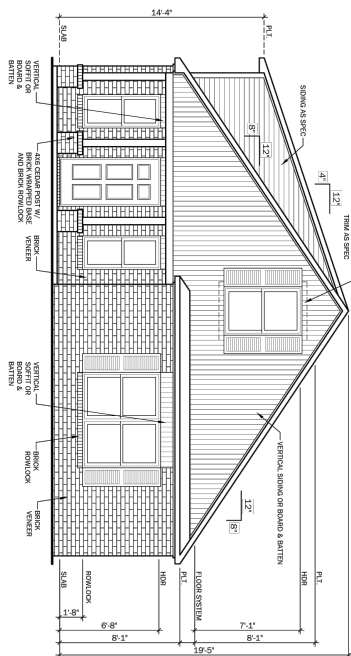
|                                                                                                                                                  |                 |                     |                          |                       |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------|--------------------------|-----------------------|-------------------|
| DR. BY: HBS                                                                                                                                      | DATE: 1/11/2023 | SCALE: 1/8" = 1'-0" | ADDITIONAL NUMBER: 06.05 | PROJECT NUMBER: 06.03 | HOUSE NUMBER: 001 |
| <div style="border: 1px solid black; padding: 5px;"> <b>RC Ellie</b><br/> <b>ADDITIONAL NUMBER: 001</b><br/> <b>SHEET NUMBER: A-1.0-D</b> </div> |                 |                     |                          |                       |                   |



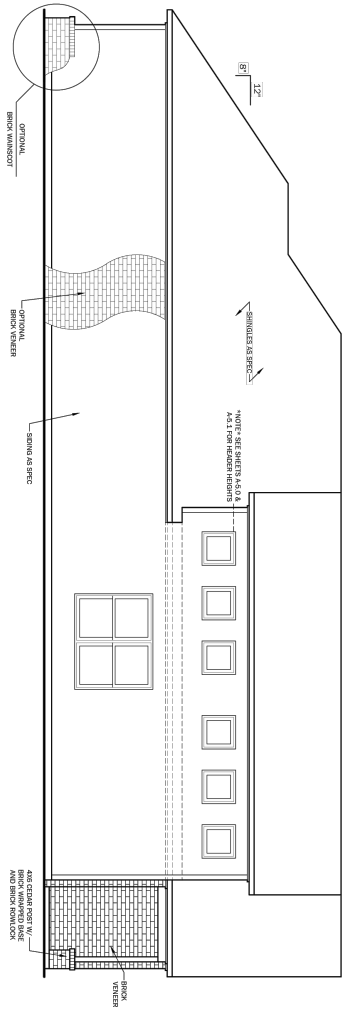


|                                           |   |
|-------------------------------------------|---|
| LOT:                                      | 1 |
| BLOCK:                                    | 1 |
| Planning Commission                       |   |
| July 24, 2023                             |   |
| LSD-2023-0008 (RIVERSIDE VILLAGE PHASE 1) |   |
| Page 207 of 406                           |   |
| Page 65 of 93                             |   |
| RAUSCH<br>COLEMAN<br>HOMES                |   |
| SHEET NAME:<br>SIDE & REAR ELEVATION 'D'  |   |
| MODEL:<br>RC ELLIE                        |   |
| ADDRESS:                                  |   |
| DATE: 07-11-2023                          |   |
| DESIGNER: HBS                             |   |
| TRIM DATE: 1/11/2023                      |   |
| TOTAL: 1/8" = 1'-0"                       |   |
| ARCHITECTURAL VERSION: 06.05              |   |
| Engineering Version: 06.03                |   |
| PROJECT NUMBER: RC Ellie                  |   |
| ADDITIONAL NUMBER: 001                    |   |
| SHEET NUMBER: A-1.1-D                     |   |

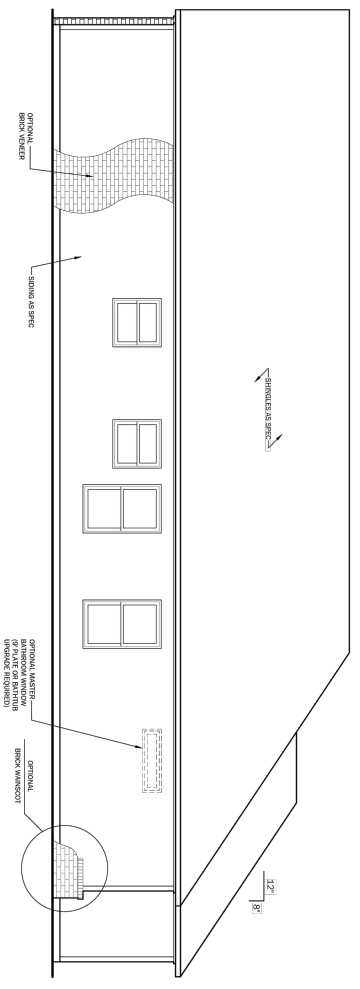
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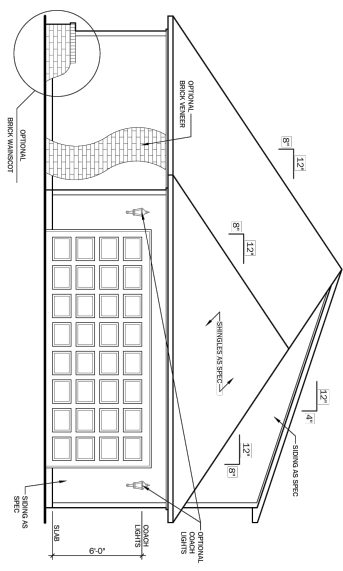
|                          |                                            |  |                                                                        |        |   |      |     |
|--------------------------|--------------------------------------------|--|------------------------------------------------------------------------|--------|---|------|-----|
| A-1.0-E                  | SHEET NAME:<br>FRONT ELEVATION 'E' 8' & 9' |  | <div>RAUSCH<br/>COLEMAN<br/>HOMES</div> <div>Planning Commission</div> | BLOCK: | 1 | LOT: | 107 |
|                          | DWG. NO.                                   |  |                                                                        |        |   |      |     |
|                          | PROJECT DATE:<br>HBS                       |  |                                                                        |        |   |      |     |
|                          | SCALE:<br>1/11/2023                        |  |                                                                        |        |   |      |     |
|                          | 1/8" = 1'-0"                               |  |                                                                        |        |   |      |     |
|                          | Architectural Version                      |  |                                                                        |        |   |      |     |
|                          | Engineering Version:                       |  |                                                                        |        |   |      |     |
|                          | HOUSE NUMBER:<br>RC ELLIE                  |  |                                                                        |        |   |      |     |
|                          | ADDRESS:                                   |  |                                                                        |        |   |      |     |
|                          | PLOT NUMBER:                               |  |                                                                        |        |   |      |     |
| ADDITIONAL NUMBER:<br>01 |                                            |  |                                                                        |        |   |      |     |



## LEFT ELEVATION



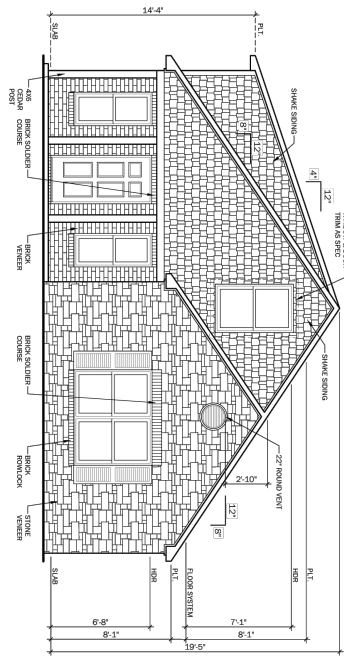
## RIGHT ELEVATION



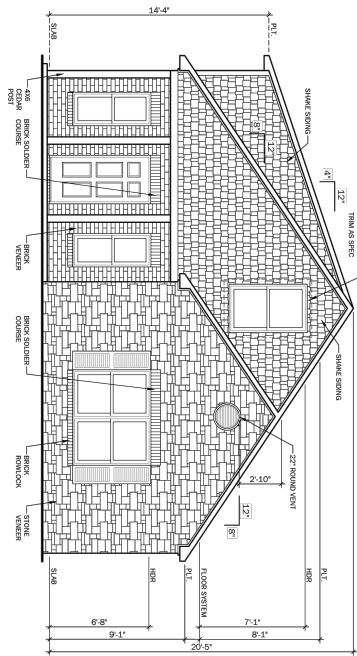
## REAR ELEVATION

|                                       |          |                            |                                           |
|---------------------------------------|----------|----------------------------|-------------------------------------------|
| LOT: 1                                | BLOCK: 1 | RAUSCH<br>COLEMAN<br>HOMES | Planning Commission                       |
| SHEET NAME: SIDE & REAR ELEVATION 'E' |          | MODEL: RC ELLIE            | July 24, 2023                             |
| DRAWN BY: HBS                         |          | ADDRESS:                   | LSD-2023-0008 (RIVERSIDE VILLAGE PHASE 1) |
| TRIM DATE: 1/11/2023                  |          | Page 209 of 406            |                                           |
| SCALE: 1/8" = 1'-0"                   |          | Page 67 of 93              |                                           |
| REVISIONS:                            |          |                            |                                           |
| 06.05                                 |          |                            |                                           |
| 06.03                                 |          |                            |                                           |
| 06.03                                 |          |                            |                                           |
| PROJECT NUMBER: RC Ellie              |          |                            |                                           |
| ADDITIONAL NUMBER: 001                |          |                            |                                           |
| SHEET NUMBER: A-1.1-E                 |          |                            |                                           |

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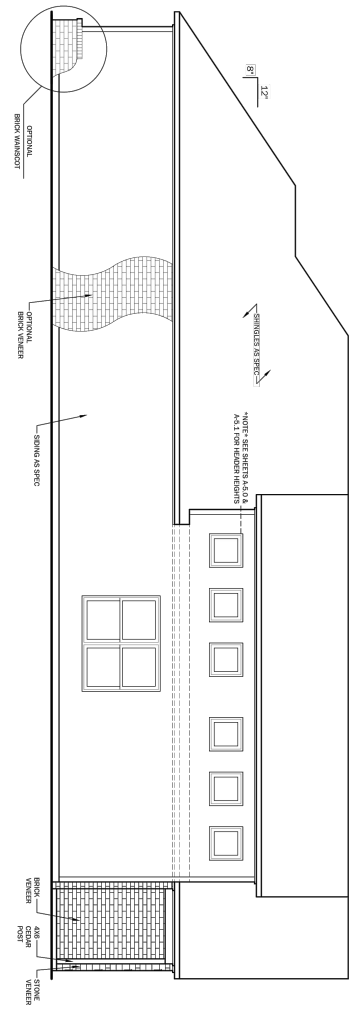


FRONT ELEVATION 8' PLATE

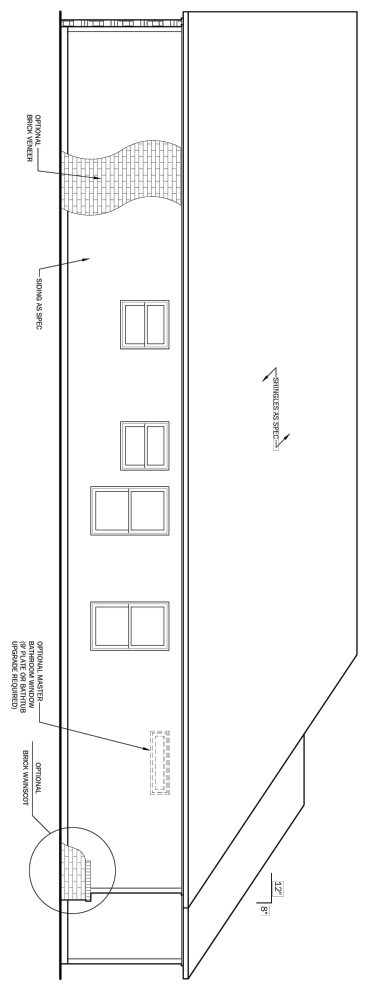


FRONT ELEVATION 9' PLATE

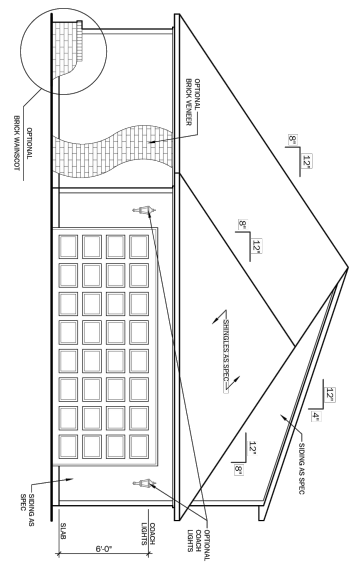
|                                                                      |  |                             |
|----------------------------------------------------------------------|--|-----------------------------|
| LOT:<br>BLOCK:<br>SHEET NAME: <b>FRONT ELEVATION 'F' 8' &amp; 9'</b> |  | <b>RAUSCH COLEMAN HOMES</b> |
| MODEL: <b>RC ELLIE</b>                                               |  |                             |
| ADDRESS:                                                             |  |                             |
| DIM. 8'7" <b>HBS</b>                                                 |  |                             |
| FINISH DATE: <b>1/11/2023</b>                                        |  |                             |
| SCALE: <b>1/8" = 1'-0"</b>                                           |  |                             |
| ARCHITECTURAL VERSION: <b>06.05</b>                                  |  |                             |
| ENGINEERING VERSION: <b>06.03</b>                                    |  |                             |
| HOUSE NUMBER:                                                        |  |                             |
| PROJECT NUMBER:                                                      |  |                             |
| ARCHITECTON NUMBER:                                                  |  |                             |
| SHEET NUMBER:                                                        |  |                             |



LEFT ELEVATION



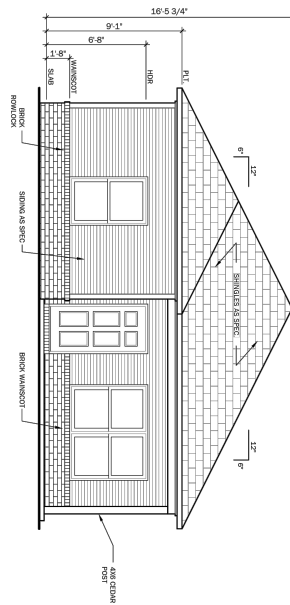
RIGHT ELEVATION



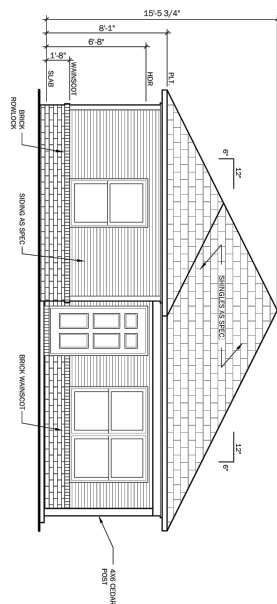
REAR ELEVATION

|                                                                                                 |  |                                                          |  |                                                         |  |                                                           |
|-------------------------------------------------------------------------------------------------|--|----------------------------------------------------------|--|---------------------------------------------------------|--|-----------------------------------------------------------|
| LOT: 1<br>BLOCK: 1<br>PLANNING COMMISSION<br>July 24, 2023<br>LSD-2023-0008 (RIVERSIDE VILLAGE) |  | <b>RAUSCH COLEMAN HOMES</b>                              |  | <b>SIDE &amp; REAR ELEVATION 'F'</b><br><b>RC ELLIE</b> |  | SHEET NAME:<br>MODEL:<br>ADDRESS:                         |
| SCALE: 1/8" = 1'-0"<br>06.05<br>06.03<br>001                                                    |  | PROJECT NUMBER:<br>RC Ellie<br>ADDITIONAL NUMBER:<br>001 |  | SHEET NUMBER:<br>A-1.1-F                                |  | HBS<br>1/14/2023<br>1/8" = 1'-0"<br>06.05<br>06.03<br>001 |

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**FRONT ELEVATION 9' PLATE**  
SCALE: 1/8" = 1'-0"



**FRONT ELEVATION 8' PLATE**  
**SCALE 1/8" = 1'-0"**

NOTE:

1. WINDOW GRIDS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
2. SHUTTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VARY, SIDING WITH EXPOSED FOUNDATIONS
4. OPTIONAL, REAR, LEFT, AND RIGHT ELEVATION MATERIALS ARE WAINSCOT TO THE BOTTOM OF A 5/0 WINDOW W/ AN 8 PLATE OR FULL BRICK

LOT:

**BLOCK:**

RAUSCH  
COLEMAN  
HOMES

Planning Commission

July 24, 2023

VILLAGE Page 29

|             |
|-------------|
| SHEET NAME: |
| MODEL:      |
| ADDRESS:    |

**ELEVATION A 6-12**

---

**RC MONACO-LH**

PRINT DATE:  
**2/7/2023**

Architectural Version:  
**05.02**

Engineering Version:  
**05.02**

|                  |  |
|------------------|--|
| PROJECT NUMBER:  |  |
| <b>RC Monaco</b> |  |
| ADDENDUM NUMBER  |  |

SHEET NUMBER:

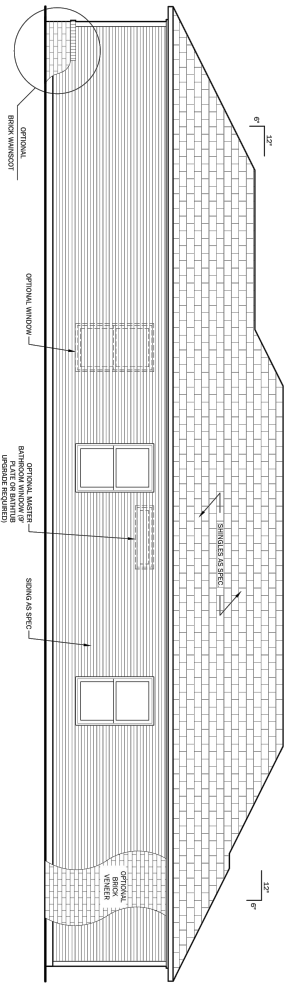
## A1.1

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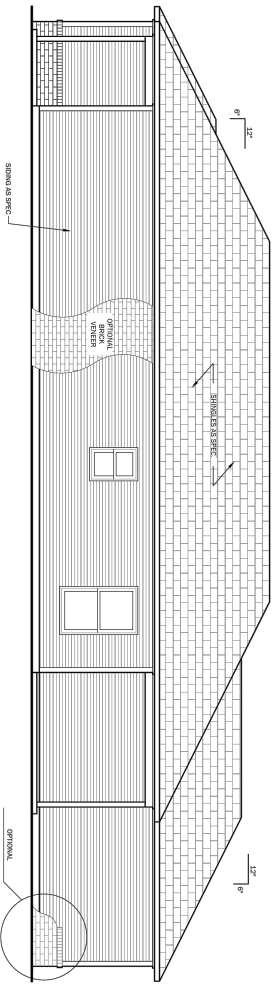


**NOTE:**

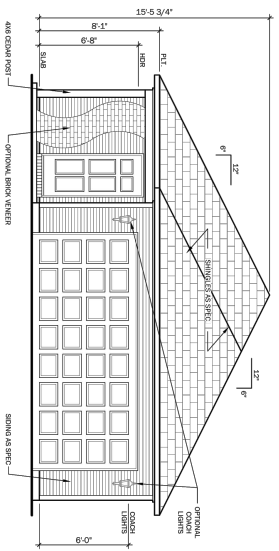
1. UNLESS OTHERWISE NOTED, MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
2. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
3. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
4. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
5. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
6. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
7. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
8. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
9. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.
10. MATERIALS ARE TO BE SUPPLIED BY THE OWNER.



**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"



**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"

RAUSCH

COLEMAN

HOMES

LOT:

BLOCK:

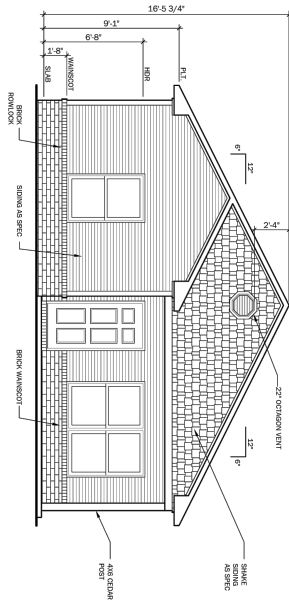
**ELEVATION A 6-12**  
**RC MONACO-LH**

|                  |              |
|------------------|--------------|
| SHEET NAME:      | HBS          |
| DATE:            | 2/7/2023     |
| PROJECT NUMBER:  | RC Monaco    |
| ADDENDUM NUMBER: |              |
| SCALE:           | 1/8" = 1'-0" |
| DATE:            | 05.02        |
| ENGINEER:        | 05.02        |
| PROJECT NUMBER:  | RC Monaco    |
| ADDENDUM NUMBER: |              |
| SHEET NUMBER:    | A1.2         |

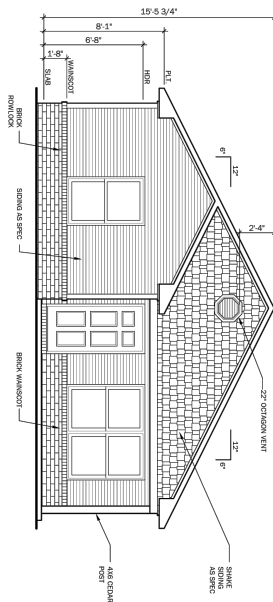
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**NOTE:**

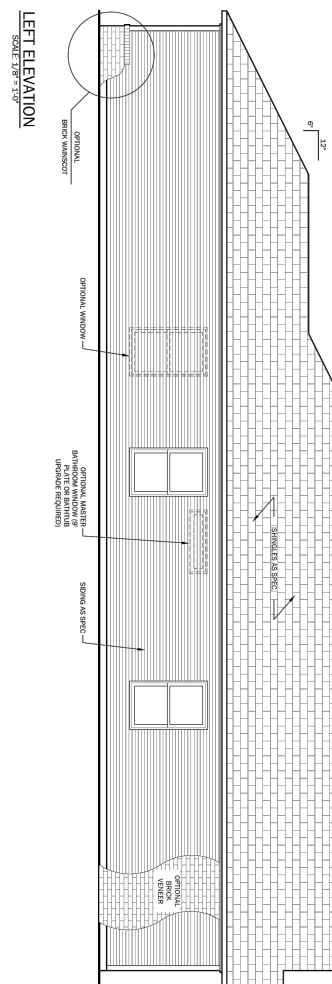
1. WINDOW AND DOOR OPENING REPRESENTATION AND DOOR LEAF PER DIVISION
2. SHUTTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD BEAM LEFT AND RIGHT ELEVATION MATERIALS ARE VINTL SIDING WITH EXPOSED FOUNDATIONS
4. OPTICAL BEAM LEFT AND RIGHT ELEVATION MATERIALS ARE VINTL SIDING WITH EXPOSED FOUNDATIONS
5. S/O WINDOW W/ AN 8' FLUTE OR FULL BRICK



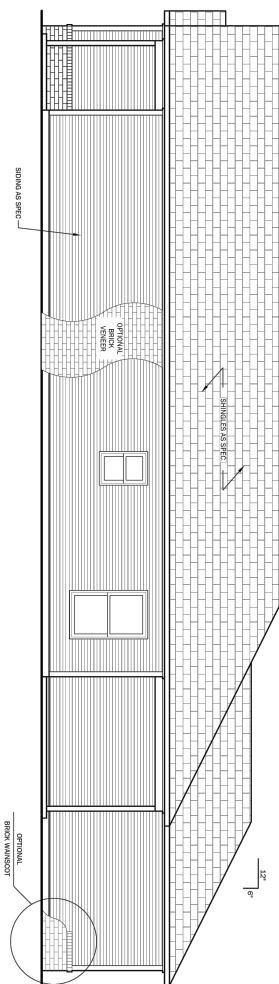
**FRONT ELEVATION 9' PLATE**  
SCALE 1/8" = 1'-0"



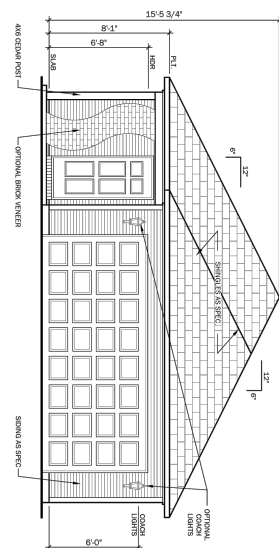
FRONT ELEVATION 8' PLATE  
SCALE: 1/8" = 1'-0"



**LEFT ELEVATION**  
SCALE: 1/8" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"



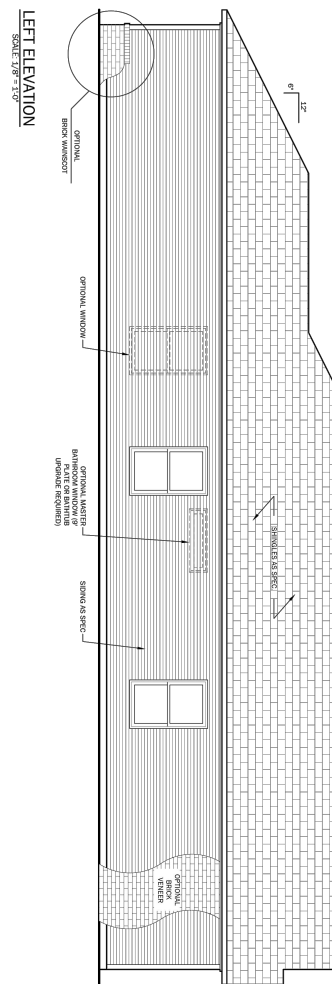
**REAR ELEVATION**  
SCALE: 1/8" = 1'-0"

**NOTE:**

1. WINDOWHEADS ARE PERSONAL REPRESENTATION
2. WINDOWHEAD VARY BY HER DIVISION
3. SHIRTLETS ARE PERSONAL REPRESENTATION
4. AND MIGHT VARY BY HER DIVISION
5. STANDARD REAR, LEFT AND RIGHT ELEVATION
6. MATERIALS ARE VINYL SIDING WITH EXPOSED FOUNDATIONS
7. OPTIONAL REAR, LEFT AND RIGHT ELEVATION
8. 1/2" WINDOW W/ ALUMINUM FLUTE OR FULL BRICK

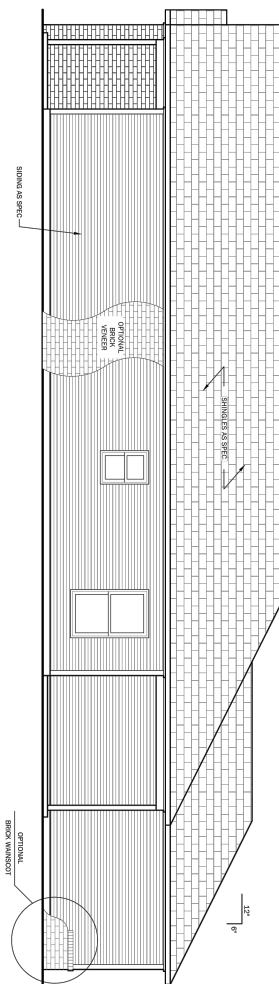
|                                                                                                        |        |                                                                                                                                                                                                       |                                                                                                                       |                                                                                                               |                                                                                                                                                                                   |                                                                                                         |                                                                                                             |
|--------------------------------------------------------------------------------------------------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| LOT:                                                                                                   | BLOCK: | <div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>RAUSCH<br/>COLEMAN</b><br/> <div style="border: 1px solid black; padding: 2px; display: inline-block;">HOMES</div> </div> | <div style="border: 1px solid black; padding: 5px;"> <p><b>ELEVATION B 6-12</b></p> <p><b>RC MONACO-LH</b></p> </div> | SHEET NAME:                                                                                                   | <div style="border: 1px solid black; padding: 2px;">             PERM DATE: <b>2/1/2023</b><br/>             SCALE: <b>1"=10'-0"</b><br/>             DRAWN BY: <b>HBS</b> </div> | <div style="border: 1px solid black; padding: 2px;">             MODEL:           </div>                | <div style="border: 1px solid black; padding: 2px;">             ADDRESS:           </div>                  |
|                                                                                                        |        |                                                                                                                                                                                                       |                                                                                                                       | <div style="border: 1px solid black; padding: 2px;">             PROJECT NUMBER:<br/> <b>RC Monaco</b> </div> |                                                                                                                                                                                   | <div style="border: 1px solid black; padding: 2px;">             TRUCK NUMBER:<br/> <b>05.02</b> </div> | <div style="border: 1px solid black; padding: 2px;">             TRUCK #23 NUMBER:<br/> <b>05.02</b> </div> |
| <div style="border: 1px solid black; padding: 2px;">             SHEET NUMBER:<br/> <b>A1.2</b> </div> |        |                                                                                                                                                                                                       |                                                                                                                       |                                                                                                               |                                                                                                                                                                                   |                                                                                                         |                                                                                                             |





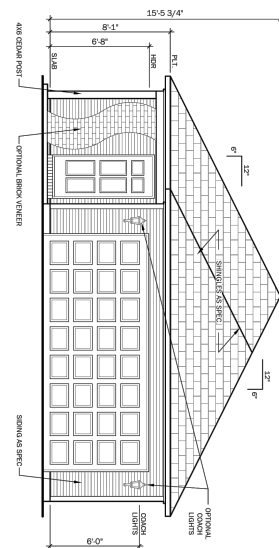
LEFT ELEVATION  
SCALE: 1/8" = 1'-0"

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



**RIGHT ELEVATION**  
SCALE: 1/8" = 1'-0"

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



**REAR ELEVATION**  
SCALE 1/8" = 1'-0"

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

NOTE:

1. WINDOW GRIDS ARE PICTORIAL REPRESENTATION
2. SILLTERS ARE PICTORIAL REPRESENTATION AND MIGHT VARY PER DIVISION
3. STANDARD REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE VINYL SIDING WITH EXPOSED FOUNDATIONS
4. OPTIONAL REAR, LEFT AND RIGHT ELEVATION MATERIALS ARE WINDSCOT TO THE BOTTOM OF A 5/0 WINDOW W/ AN 8" PLATE OR FULL BRICK

LOT:

**BLOCK:**

RAUSCH  
COLEMAN  
HOMES

**ELEVATION C 6-12**

**RC MONACO-LH**

SHEET NAME:

MODEL:

ADDRESS:

|  |   |
|--|---|
|  | I |
|--|---|

2/7/2023  
GOLF

Aerobically active men

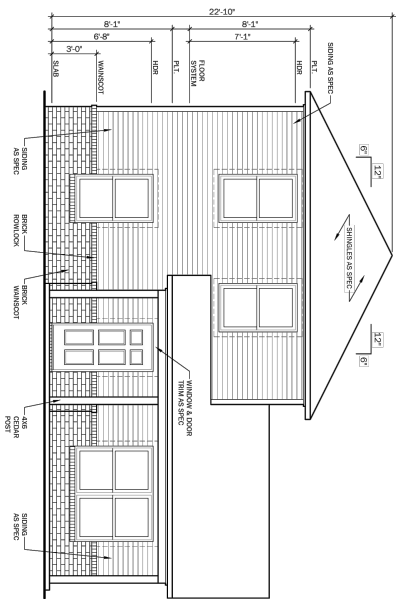
05.02  
Engineering Vectors05.02  
HOUSE NUMBER

PROJECT NUMBER

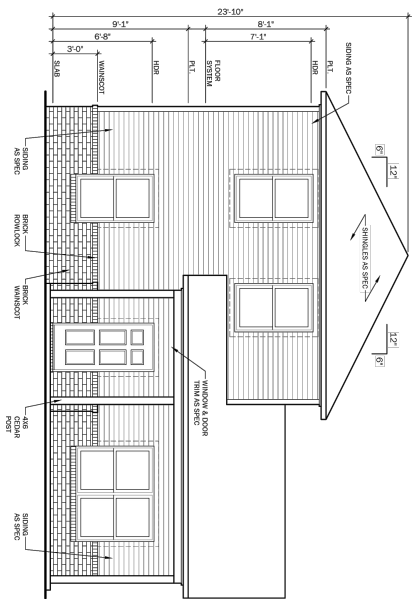
ADDENDUM NUM.

SHEET NUMBER:

## A1.2



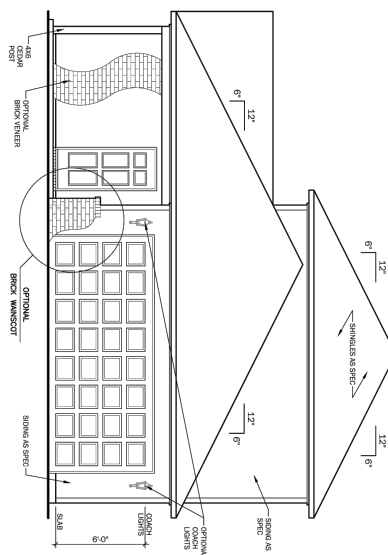
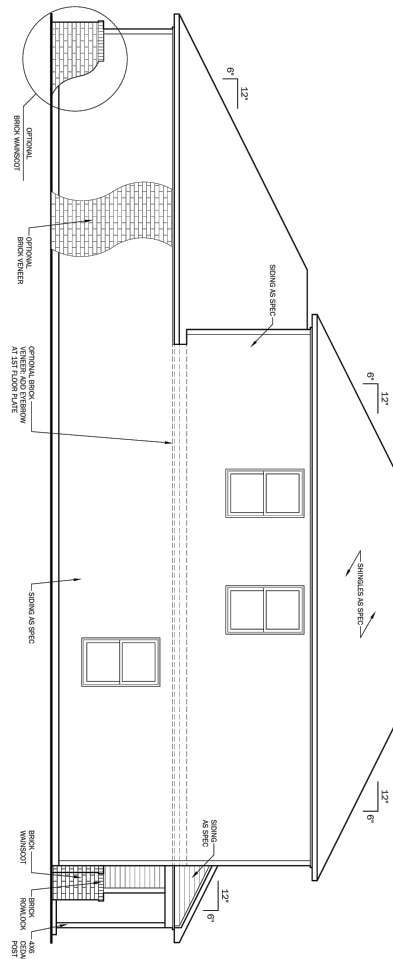
FRONT ELEVATION 8' PLATE



FRONT ELEVATION 9' PLATE

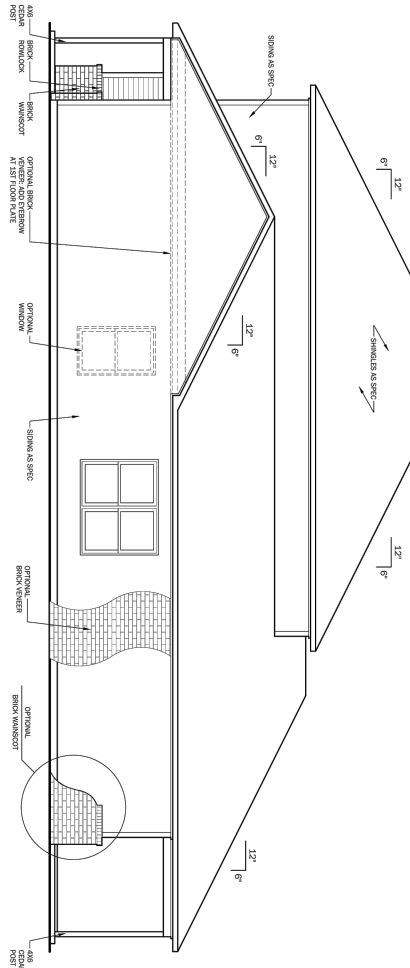
|                                                              |  |                                                                                                               |  |                                                                        |  |
|--------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------|--|
| LOT: 1<br>BLOCK: 1                                           |  | <b>RAUSCH COLEMAN HOMES</b>                                                                                   |  | SHEET NAME: FRONT ELEVATION 'A' 8' & 9'<br>MODEL: RC QUINN<br>ADDRESS: |  |
| DRAWN BY: HBS<br>TRIM DATE: 1/23/2023<br>SCALE: 1/8" = 1'-0" |  | PROJECT NUMBER: RC Quinn<br>HOUSE NUMBER: 01.02<br>ARCHITECTURAL VERSION: 01.03<br>ENGINEERING VERSION: 01.02 |  |                                                                        |  |
| SHEET NUMBER: A-1.0-A                                        |  |                                                                                                               |  |                                                                        |  |





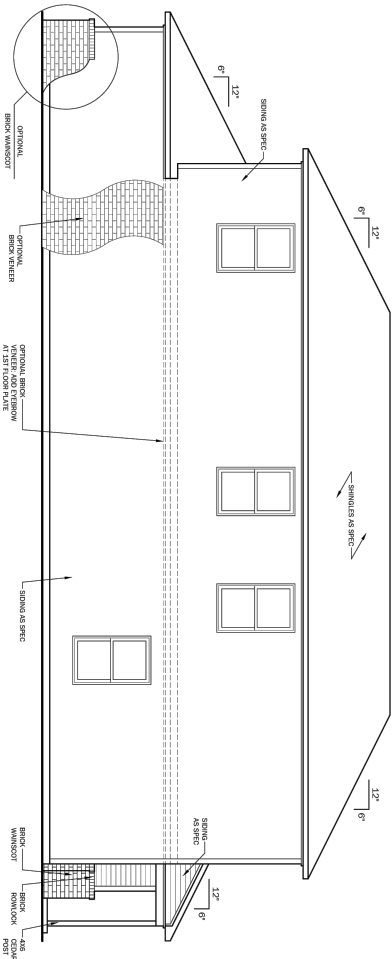
## LEFT ELEVATION

## REAR ELEVATION

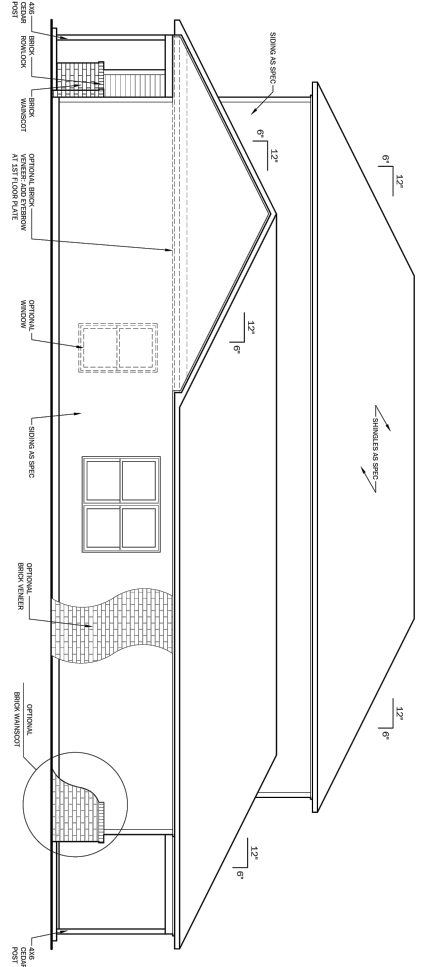


## RIGHT ELEVATION

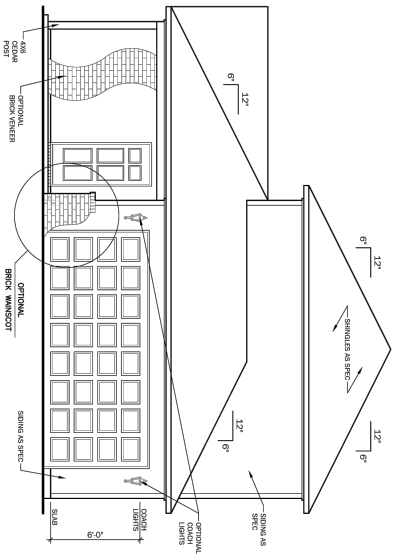
|                                     |                                        |                                     |                                                                      |                                           |                                                                                                                                                               |                                                                                                                                                                                                                                                                                             |
|-------------------------------------|----------------------------------------|-------------------------------------|----------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SHEET NUMBER:<br><br><b>A-1.1-A</b> | PROJECT NUMBER:<br><br><b>RC Quinn</b> | ADDRESS NUMBER:<br><br><b>10102</b> | APPROXIMATE VOLUME:<br><b>01.03</b><br>SCALE:<br><b>1/8" = 1'-0"</b> | PRINTING DATE:<br><b>1/23/2023</b><br>HBS | SHEET NAME:<br><div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>SIDE &amp; REAR ELEVATION 'A'</b><br/><br/> <b>RC QUINN</b> </div> | SHEET NAME:<br><div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>RAUSCH</b><br/> <hr style="border: 0; border-top: 1px solid black;"/> <b>COLEMAN</b><br/> <div style="border: 1px solid black; padding: 2px; display: inline-block;"> <b>HOMES</b> </div> </div> |
|-------------------------------------|----------------------------------------|-------------------------------------|----------------------------------------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



LEFT ELEVATION



RIGHT ELEVATION



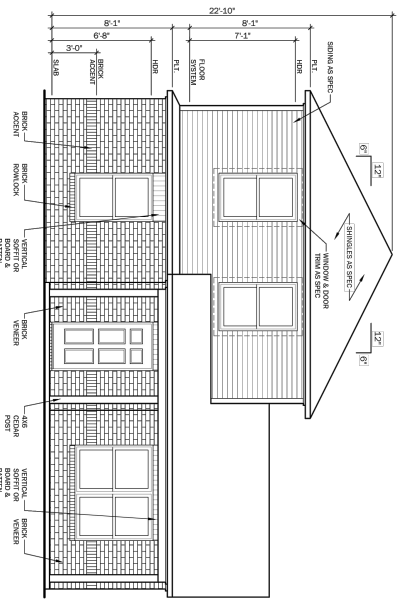
REAR ELEVATION

RAUSCH  
COLEMAN  
HOMES

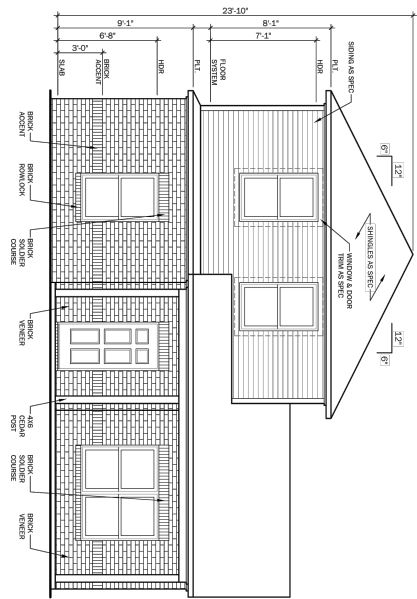
SIDE & REAR ELEVATION 4BED 'A'  
RC QUINN

LOT: 1  
BLOCK: 1  
SHEET NAME: SIDE & REAR ELEVATION 4BED 'A'  
MODEL: RC QUINN  
ADDRESS: 1  
DATE: 1/23/2023  
SCALE: 1/8" = 1'-0"  
PROJECT NUMBER: 01.02  
HOUSE NUMBER: 01.03  
PROJECT NUMBER: Rc Quinn  
ADDRESS NUMBER: 1  
SHEET NUMBER: A-1.2-A

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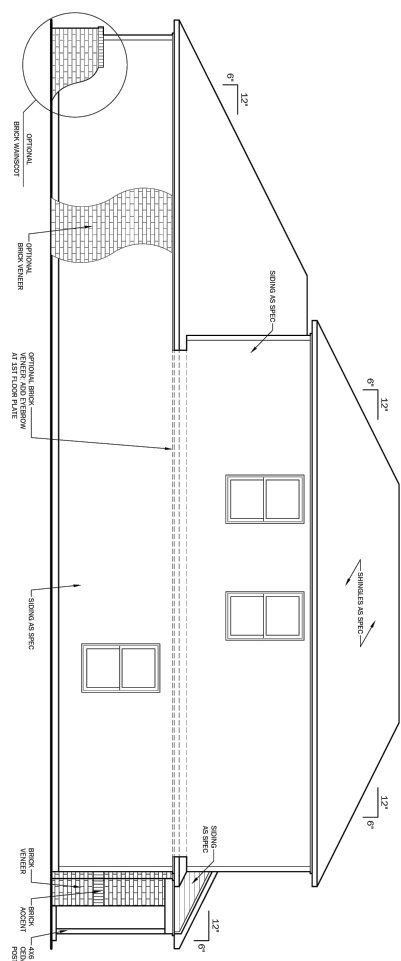
FRONT ELEVATION 8' PLATE



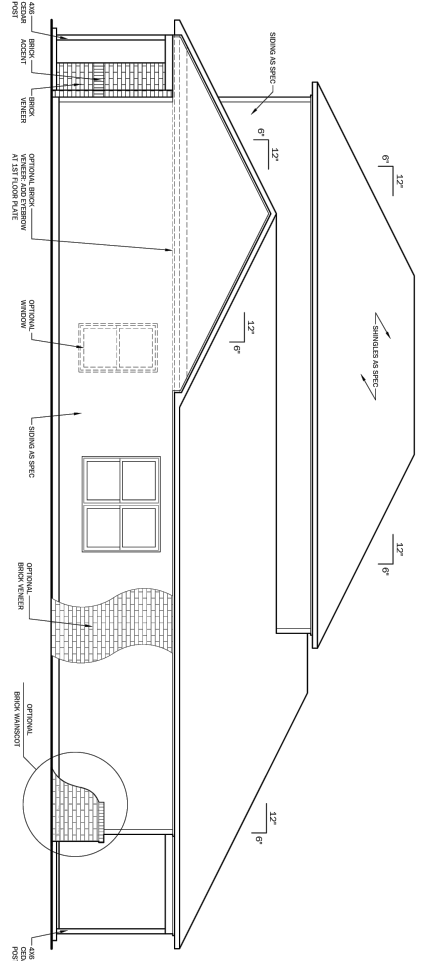
FRONT ELEVATION 9' PLATE

|                                         |          |                                    |                             |          |
|-----------------------------------------|----------|------------------------------------|-----------------------------|----------|
| LOT: 1                                  | BLOCK: 1 | RAUSCH COLEMAN HOMES               | FRONT ELEVATION 'B' 8' & 9' | RC QUINN |
| SHEET NAME: FRONT ELEVATION 'B' 8' & 9' |          | MODEL: RC QUINN                    | ADDRESS: _____              |          |
| DATE: 1/23/2023                         |          | SCALE: 1/8" = 1'-0"                | SHEET NUMBER: A-1.0-B       |          |
| PROJECT NUMBER: RC Quinn                |          | ARCHITECTURE: RAUSCH COLEMAN HOMES |                             |          |

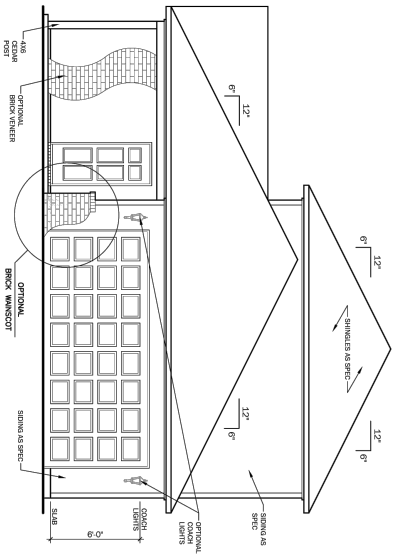
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# LEFT ELEVATION



# RIGHT ELEVATION



# REAR ELEVATION

RAUSCH  
COLEMAN  
HOMES

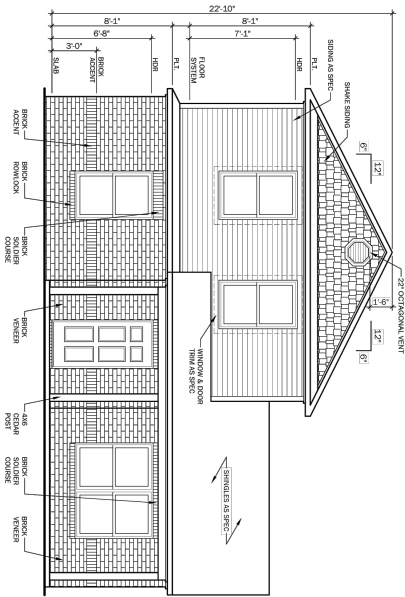
SIDE & REAR ELEVATION 'B'

RC QUINN

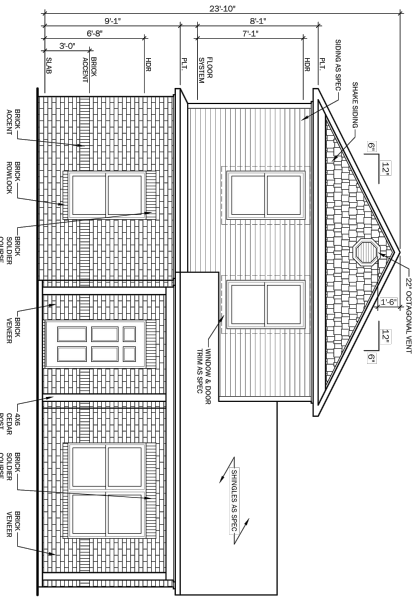
A-1.1-B

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FRONT ELEVATION 8' PLATE

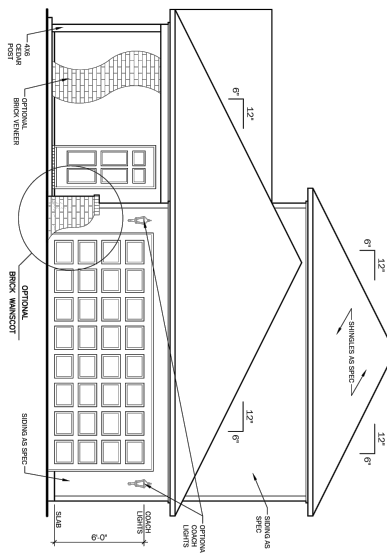
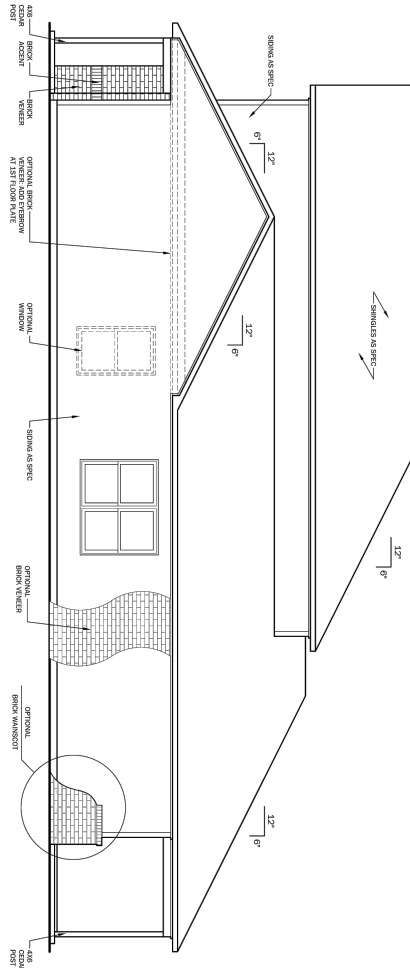
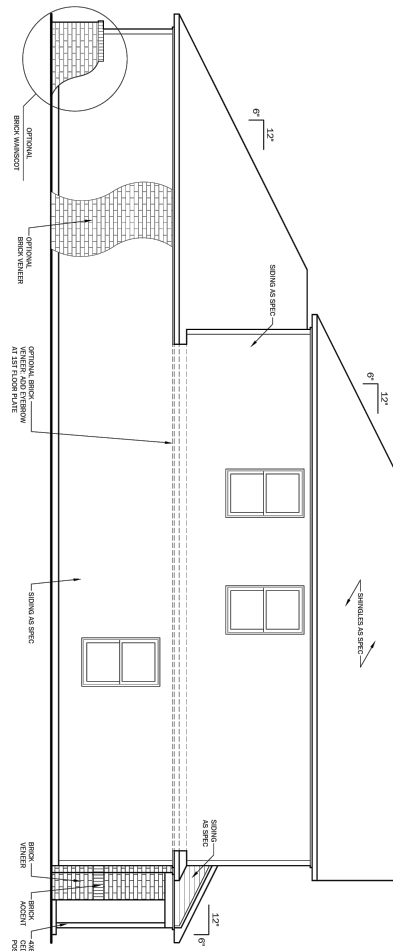


FRONT ELEVATION 9' PLATE

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|                                         |          |                            |                             |                 |          |
|-----------------------------------------|----------|----------------------------|-----------------------------|-----------------|----------|
| LOT: 1                                  | BLOCK: 1 | RAUSCH<br>COLEMAN<br>HOMES | FRONT ELEVATION 'C' 8' & 9' | MODEL: RC QUINN | ADDRESS: |
| SHEET NAME: FRONT ELEVATION 'C' 8' & 9' |          |                            |                             |                 |          |
| DRAWN BY: HBS                           |          |                            |                             |                 |          |
| PRINT DATE: 1/23/2023                   |          |                            |                             |                 |          |
| SCALE: 1/8" = 1'-0"                     |          |                            |                             |                 |          |
| TOTAL: 01.03                            |          |                            |                             |                 |          |
| ASSEMBLY VERSION: 01.02                 |          |                            |                             |                 |          |
| ENGINEERING VERSION: 01.02              |          |                            |                             |                 |          |
| PROJECT NUMBER: RC Quinn                |          |                            |                             |                 |          |
| ADDITIONAL NUMBER:                      |          |                            |                             |                 |          |
| SHEET NUMBER: A-1.0-C                   |          |                            |                             |                 |          |





## LEFT ELEVATION

## REAR ELEVATION

## RIGHT ELEVATION

NAME: SIDE & REAR ELEVATION 'C'

---

RC QUINN

RC QUINN

RAUSCH  
COLEMAN  
HOMES

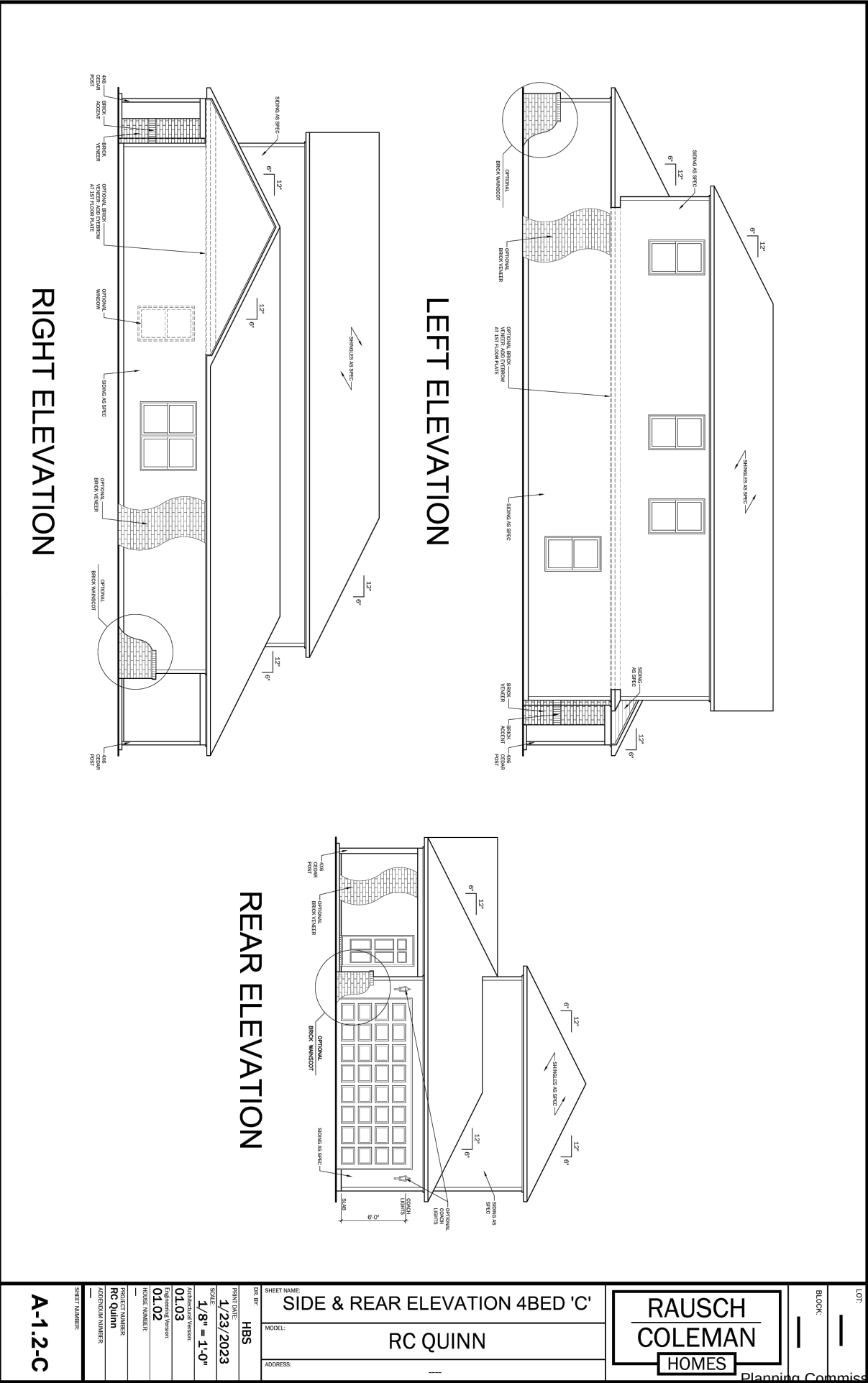
Planning Commission

July 24, 2023

LSD-2023-0008 (RIVERSIDE VILLAGE TRACT) Page 225 of 406

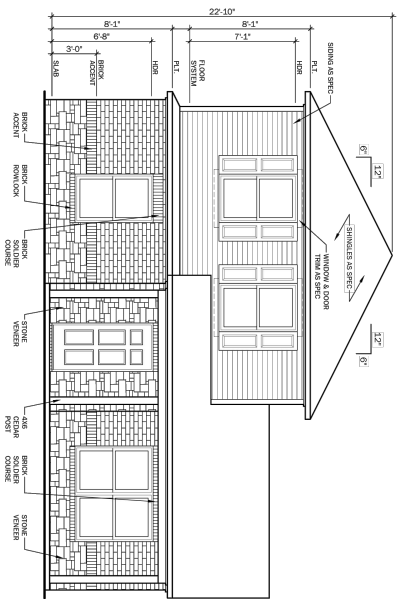
Page 83 of 93

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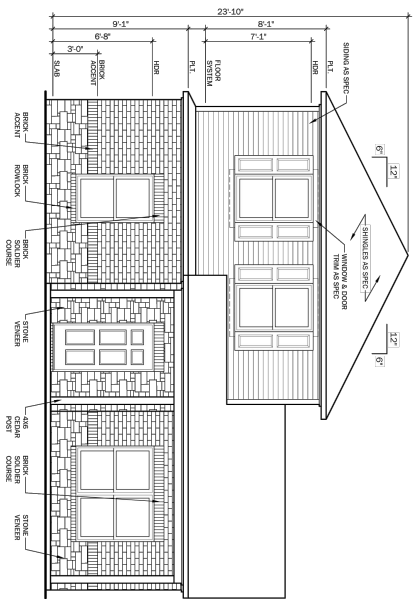


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|                                            |          |                      |                                           |
|--------------------------------------------|----------|----------------------|-------------------------------------------|
| LOT: 1                                     | BLOCK: 1 | RAUSCH COLEMAN HOMES | Planning Commission                       |
| SIDE & REAR ELEVATION 4BED 'C'             |          |                      | July 24, 2023                             |
| RC QUINN                                   |          |                      | LSD-2023-0008 (RIVERSIDE VILLAGE PHASE 2) |
| SHEET NAME: SIDE & REAR ELEVATION 4BED 'C' |          |                      | Page 226 of 406                           |
| MODEL: RC QUINN                            |          |                      | Page 84 of 93                             |
| ADDRESS:                                   |          |                      |                                           |
| DATE: 1/23/2023                            | HBS      | 1/8" = 1'-0"         |                                           |
| TITLE: 01.03                               | 01.02    | 01.03                |                                           |
| ENGINEER: 01.02                            | 01.03    | 01.04                |                                           |
| PROJECT NUMBER: RC Quinn                   | RC Quinn | RC Quinn             |                                           |
| ADDITIONAL NUMBER:                         |          |                      |                                           |
| SHEET NUMBER: A-1.2-C                      |          |                      |                                           |



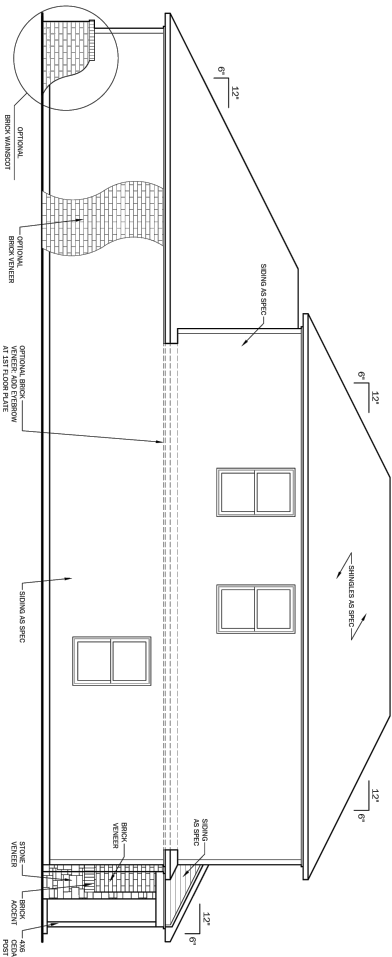
FRONT ELEVATION 8' PLATE



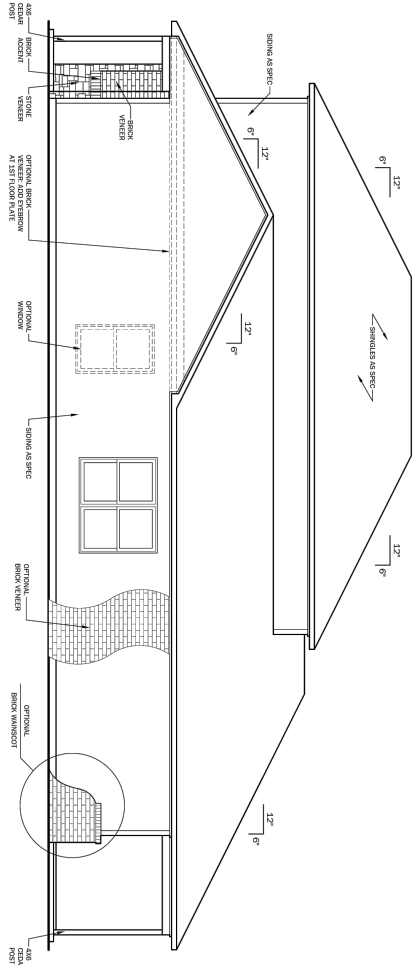
FRONT ELEVATION 9' PLATE

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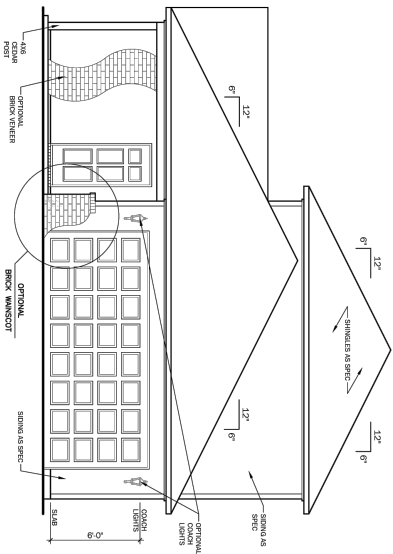
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| LOT: 1<br>BLOCK: 1                                                          |  | <b>RAUSCH COLEMAN HOMES</b>                        |  | SHEET NAME: <b>FRONT ELEVATION 'D' 8' &amp; 9'</b><br>MODEL: <b>RC QUINN</b><br>ADDRESS: |  |
| DATE: 1/23/2023<br>SCALE: 1/8" = 1'-0"                                      |  | HBS<br>TRIM DATE: 1/23/2023<br>TOTAL: 1/8" = 1'-0" |  |                                                                                          |  |
| ARCHITECTURAL VERSION: 01.03<br>ENGINEERING VERSION: 01.02<br>HOUSE NUMBER: |  | PROJECT NUMBER: Rc Quinn<br>ADDENDUM NUMBER:       |  |                                                                                          |  |
| SHEET NUMBER:                                                               |  | <b>A-1.0-D</b>                                     |  |                                                                                          |  |



## LEFT ELEVATION



## RIGHT ELEVATION

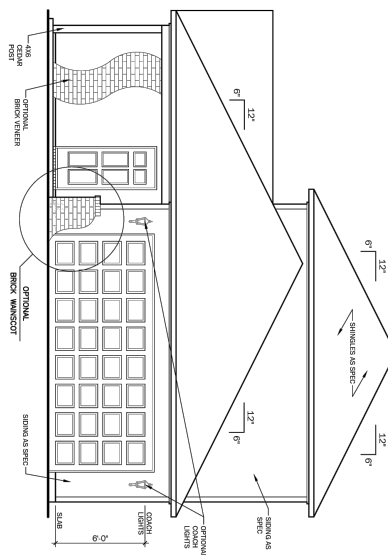
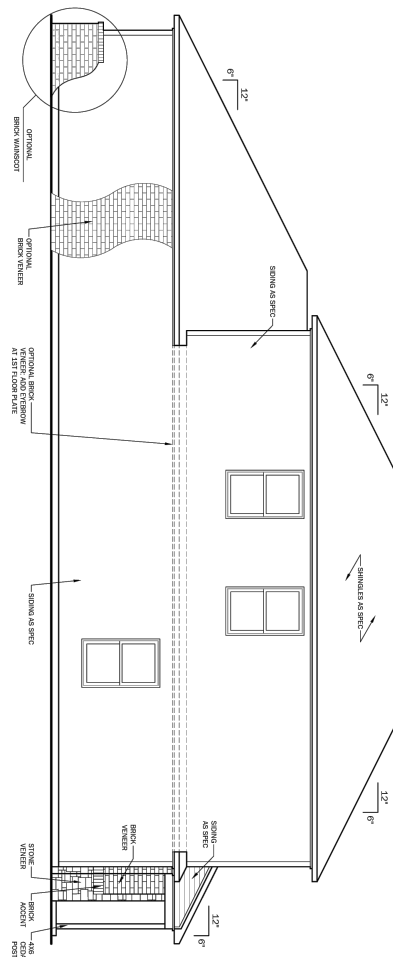


## REAR ELEVATION

**RAUSCH  
COLEMAN  
HOMES**

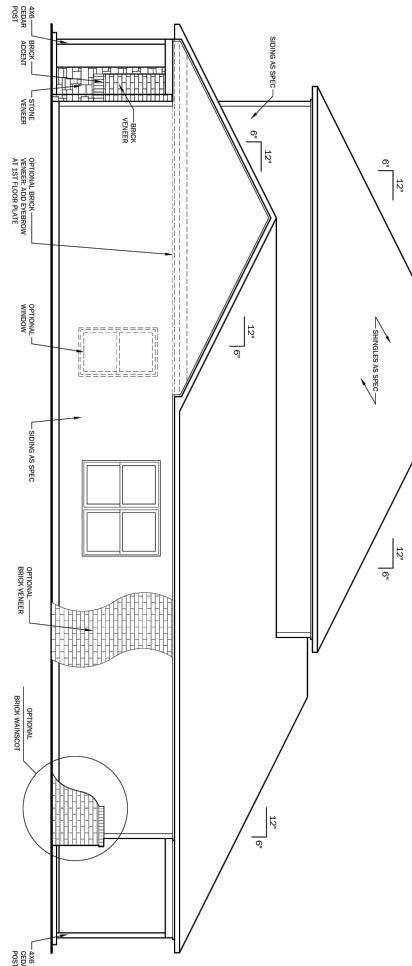
**SIDE & REAR ELEVATION 'D'**  
**RC QUINN**

**A-1.1-D**



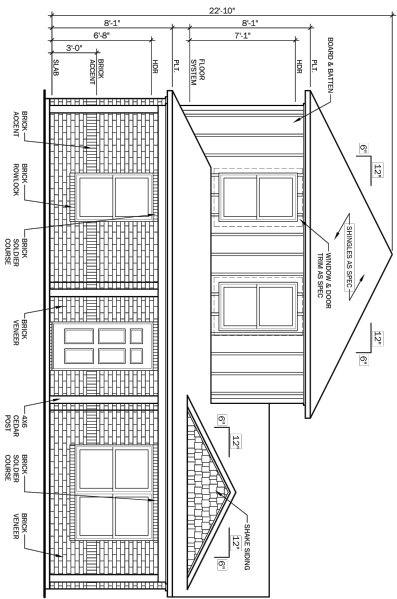
## LEFT ELEVATION

## REAR ELEVATION

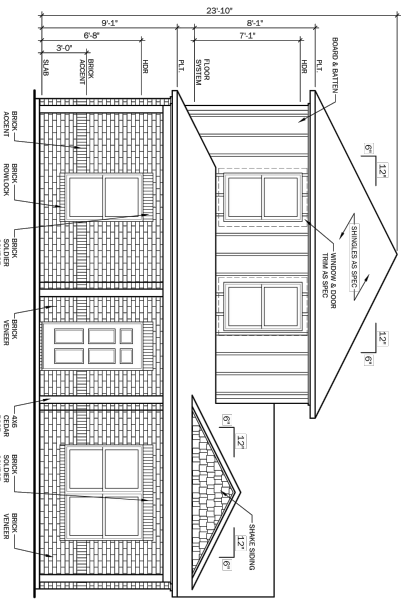


## RIGHT ELEVATION

|                                                     |                 |                                                                                                                      |                 |               |
|-----------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------|-----------------|---------------|
| SHEET NAME:<br><b>SIDE &amp; REAR ELEVATION 'D'</b> | DRAWING NUMBER: | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>RAUSCH</b><br/> <b>COLEMAN</b> </div> | BLOCK: <b>1</b> | LOT: <b>1</b> |
|                                                     | DATE:           | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>HOMES</b> </div>                      |                 |               |
|                                                     | PROJECT NAME:   | RC QUINN                                                                                                             |                 |               |
|                                                     | ADDRESS:        | -----                                                                                                                |                 |               |



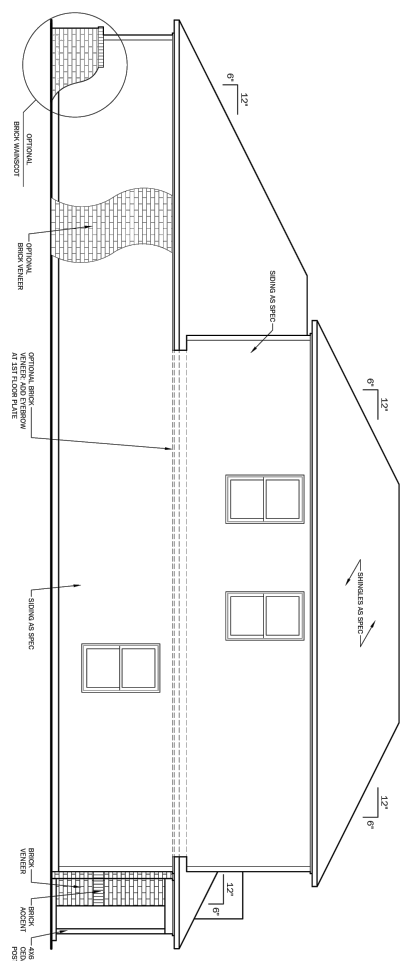
FRONT ELEVATION 8' PLATE



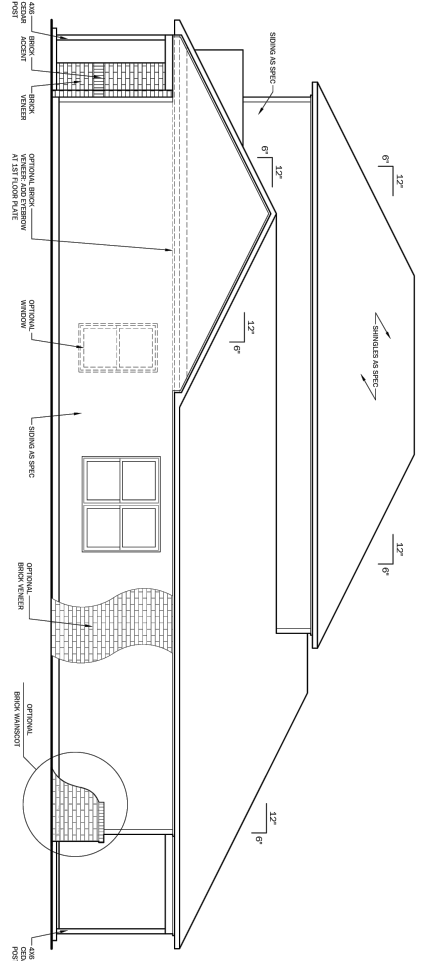
FRONT ELEVATION 9' PLATE

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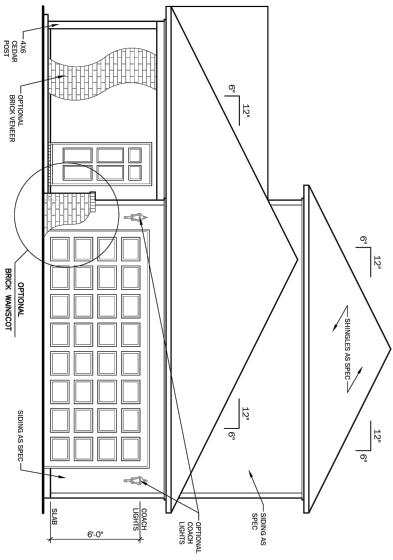
|                          |             |                            |                                            |
|--------------------------|-------------|----------------------------|--------------------------------------------|
| LOT:<br>1                | BLOCK:<br>1 | RAUSCH<br>COLEMAN<br>HOMES | SHEET NAME:<br>FRONT ELEVATION 'E' 8' & 9' |
|                          |             | MODEL:<br>RC QUINN         |                                            |
|                          |             | ADDRESS:                   |                                            |
| DATE: 1/23/2023          |             |                            |                                            |
| DRAWN BY: HBS            |             |                            |                                            |
| TOTAL: 1/8" = 1'-0"      |             |                            |                                            |
| REVISIONS:               |             |                            |                                            |
| 01.03                    |             |                            |                                            |
| 01.02                    |             |                            |                                            |
| PROJECT NUMBER: RC Quinn |             |                            |                                            |
| ADDITIONAL NUMBER:       |             |                            |                                            |
| SHEET NUMBER: A-1.0-E    |             |                            |                                            |



# LEFT ELEVATION



# RIGHT ELEVATION



# REAR ELEVATION

RAUSCH  
COLEMAN  
HOMES

SIDE & REAR ELEVATION 'E'

RC QUINN

LOT: 1

BLOCK: 1

PLANNING COMMISSION

July 24, 2023

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LSO-2023-0008 (RIVERSIDE VILLAGE PHASE 1)

1/23/2023

1/8" = 1'-0"

01.03

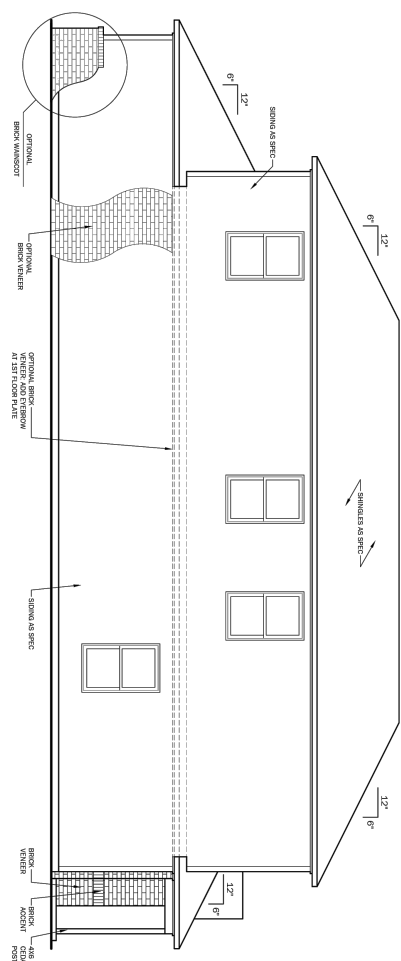
01.02

RC Quinn

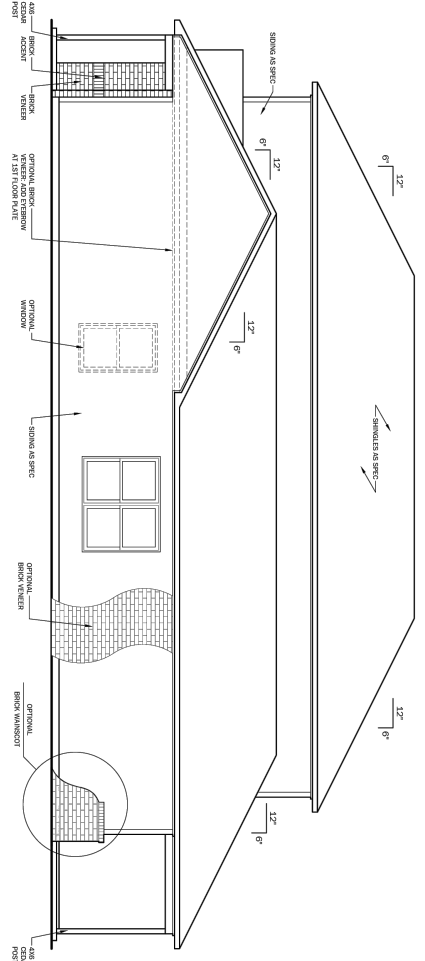
A-1.1-E

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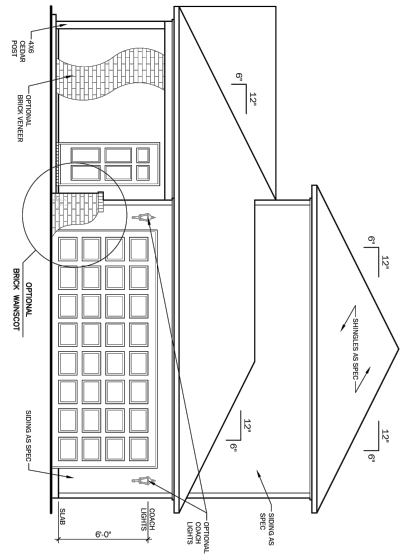




## LEFT ELEVATION



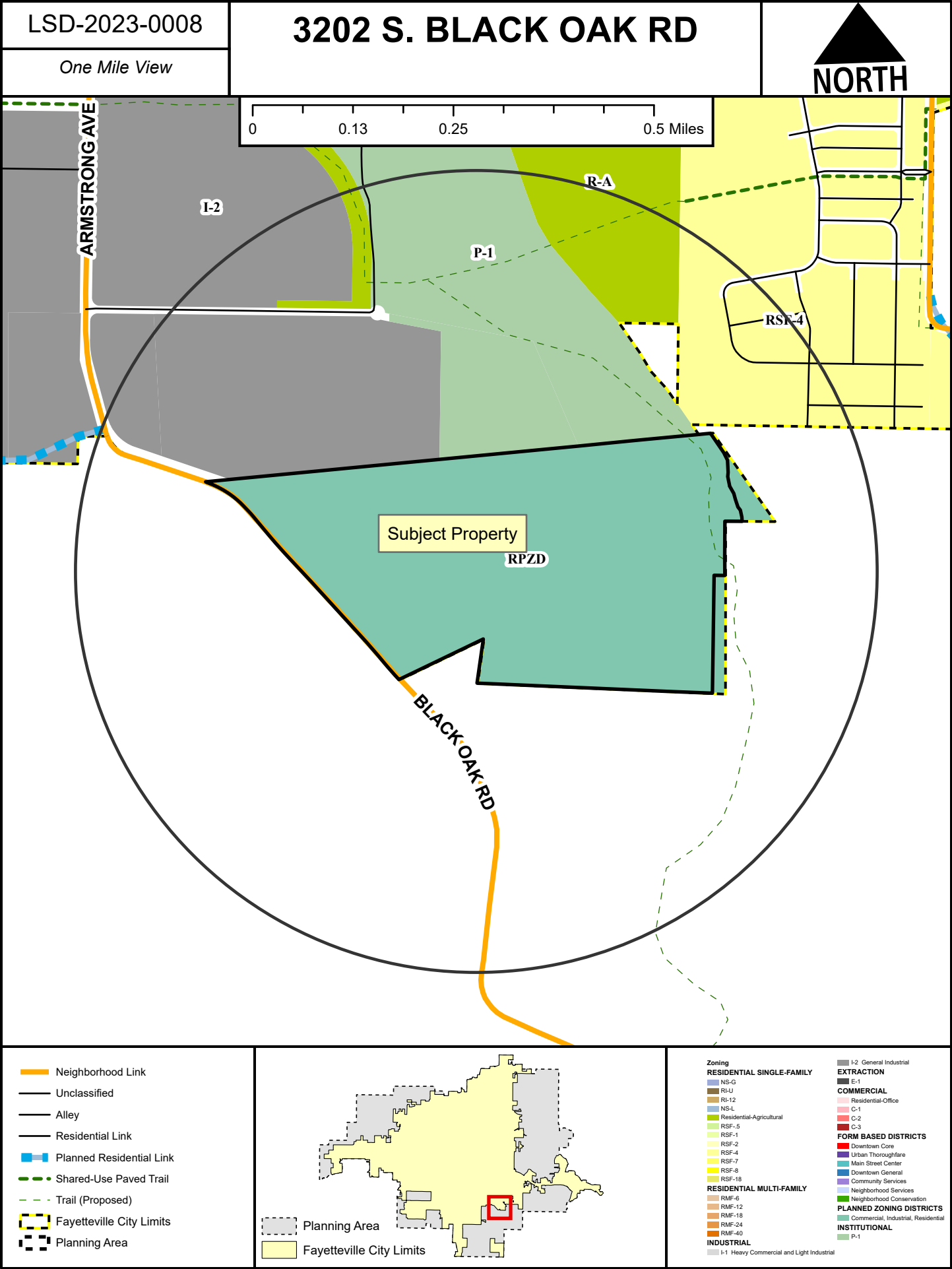
## RIGHT ELEVATION

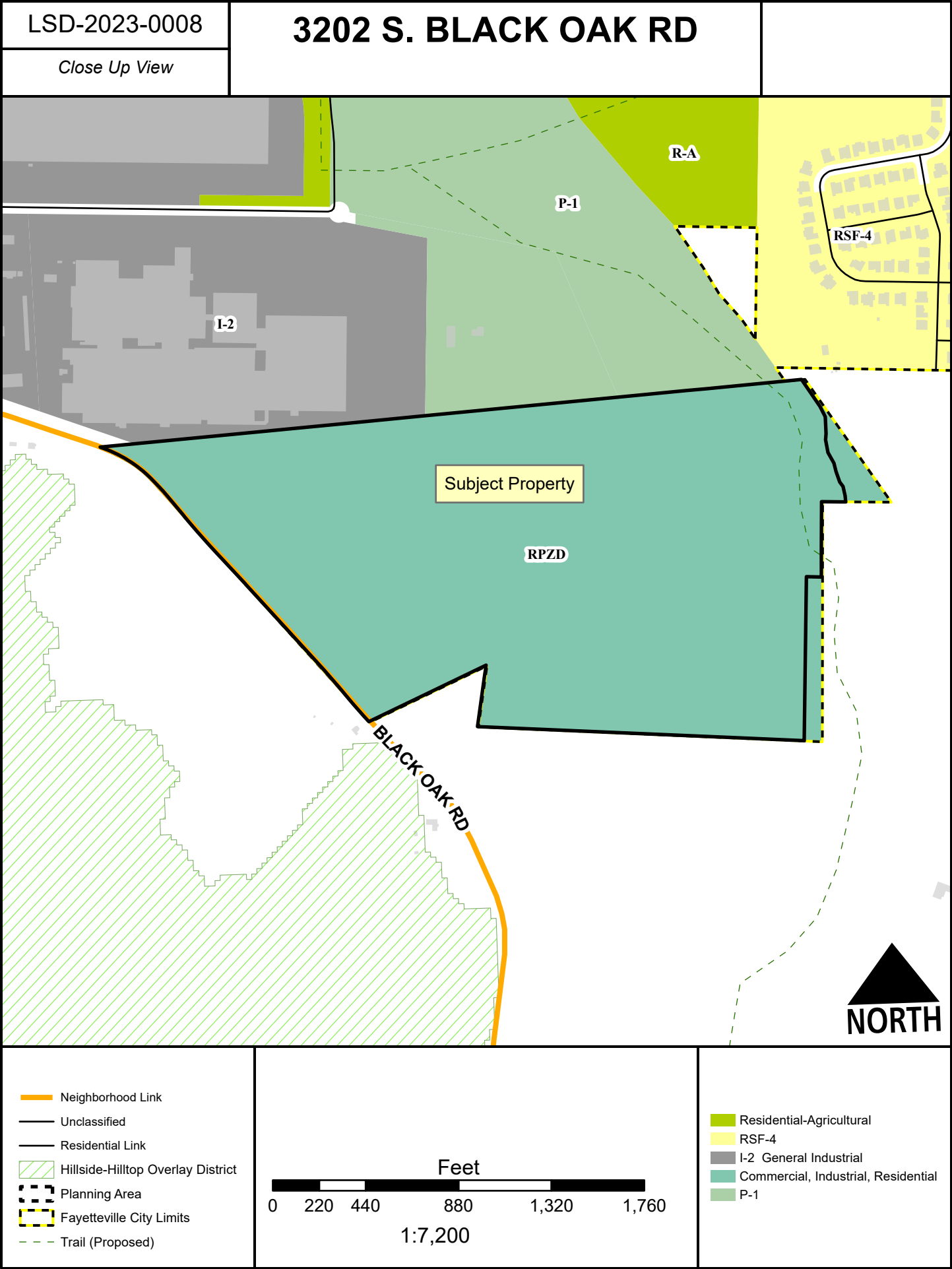


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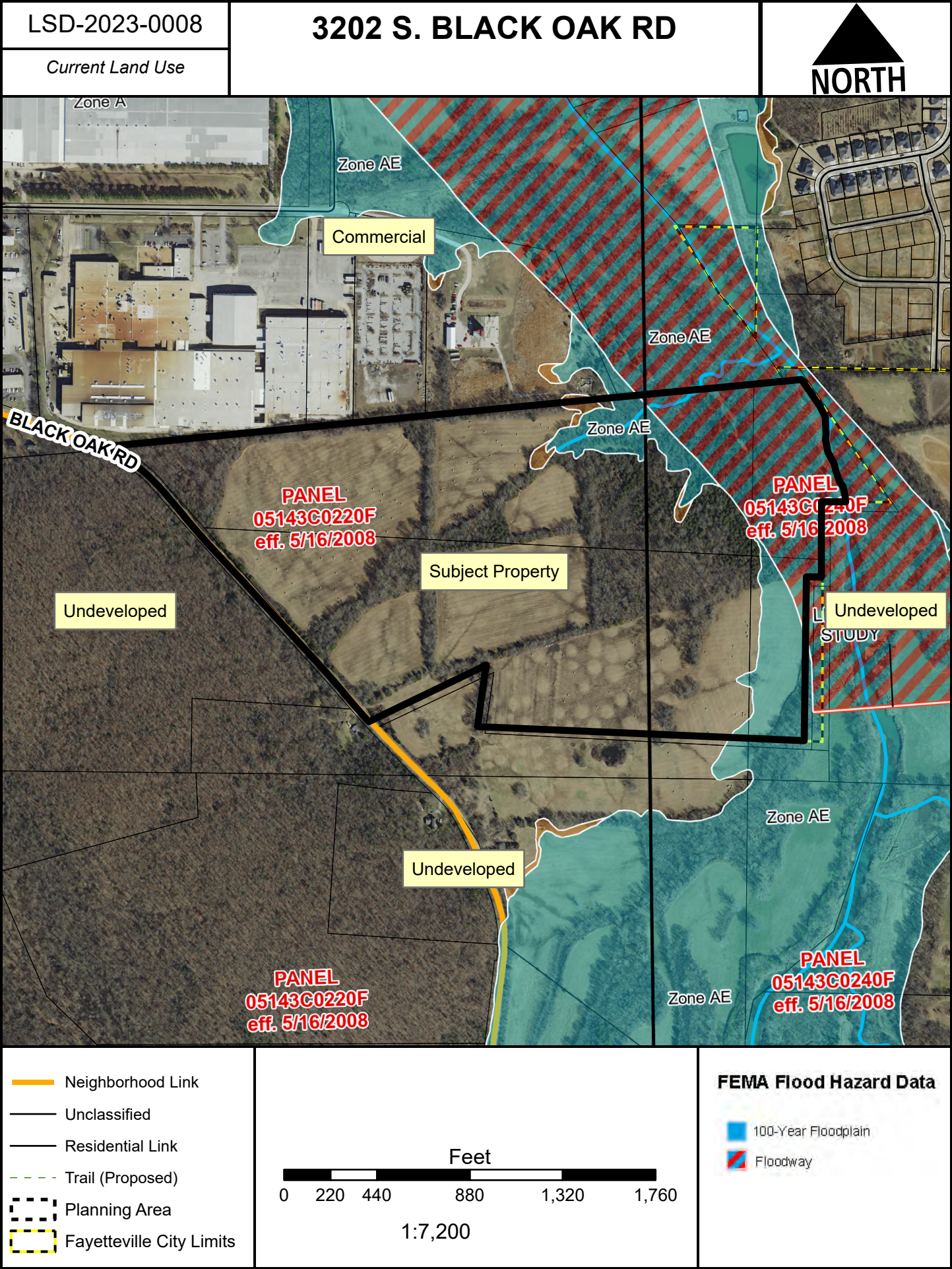
|                                            |          |                      |                                   |
|--------------------------------------------|----------|----------------------|-----------------------------------|
| LOT: 1                                     | BLOCK: 1 | RAUSCH COLEMAN HOMES | Planning Commission               |
| SHEET NAME: SIDE & REAR ELEVATION 4BED 'E' |          | MODEL: RC QUINN      | July 24, 2023                     |
| DRAWN BY: HBS                              |          | ADDRESS:             | LSD-2023-0008 (RIVERSIDE VILLAGE) |
| TRAINING DATE: 1/23/2023                   |          | Page 232 of 406      |                                   |
| SCALE: 1/8" = 1'-0"                        |          | Page 90 of 93        |                                   |
| ARCHITECTURAL VERSION: 01.03               |          |                      |                                   |
| ENGINEERING VERSION: 01.02                 |          |                      |                                   |
| HOUSE NUMBER:                              |          |                      |                                   |
| PROJECT NUMBER: RC Quinn                   |          |                      |                                   |
| ADDENDUM NUMBER:                           |          |                      |                                   |
| SHEET NUMBER: A-1.2-E                      |          |                      |                                   |

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**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Gretchen Harrison, Senior Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **CUP-2023-0070: Conditional Use Permit (1640 S. HANSHEW RD/BELL, 596):** Submitted by HALLIE BELL for property located at 1640 S. HANSHEW RD. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 3.21 acres. The request is to place two accessory structures on a lot without a primary structure.

**RECOMMENDATION:**

Staff recommends approval of **CUP-2023-0070** with conditions, based on the findings contained in this report.

**RECOMMENDED MOTION:**

*"I move to approve **CUP-2023-0070**, determining:*

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

**BACKGROUND:**

The subject property is located in southwest Fayetteville on the east side of Hanshew Road approximately 700 feet south of the street's intersection with Martin Luther King Jr. Boulevard. The property contains approximately 3.21 acres; is currently zoned RSF-4, Residential Single-Family, Four Units per Acre; and is developed with a single-family dwelling, which was built in 1951, and multiple accessory structures. A 1,600-square-foot pole shed, which aerial imagery suggests was built in the 1970s, and a 2,100-square-foot detached garage, which was built in 2016, are located on the north side of the property. A conditional use permit for an accessory structure larger than 50% of the primary structure was approved in 2016 to allow for the construction of the detached garage (16-5305). Surrounding land use and zoning are depicted in *Table 1*.

**Table 1:**  
**Surrounding Land Uses and Zoning**

| Direction | Land Use                        | Zoning                                                |
|-----------|---------------------------------|-------------------------------------------------------|
| North     | Undeveloped                     | C-2, Thoroughfare Commercial                          |
| South     | Natural Area                    | R-A, Residential-Agricultural                         |
| East      | Campground (under construction) | RSF-4, Residential Single-Family, Four Units per Acre |
| West      | Natural Area                    | R-A, Residential-Agricultural                         |

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

*Request:* The applicant requests approval of a conditional use permit to allow placement of two

existing accessory structures on a separate legal lot of record that does not contain a primary structure. Under Unified Development Code §164.02, no accessory structure is to be erected on a property prior to a principal structure. Interpretation by the Zoning and Development Administrator has determined that this includes placement of existing accessory structures as standalone buildings on a separate lot from a primary structure.

*Public Comment:* Staff has received no public comment on this item.

**RECOMMENDATION:** Staff recommends approval of **CUP-2023-0070**, subject to the following conditions:

**Conditions of Approval:**

1. **Planning Commission determination of compatibility for an accessory building without a primary structure with which it is associated.** *Staff finds the proposal to place two accessory structures on a separate legal lot of record from the house they serve to be compatible for the reasons outlined in this report;*
2. Conditional use permit approval shall not constitute lot split approval; and
3. Any changes or modifications to the accessory structures that increase their volume, footprint, or impact shall be subject to further approval from the Planning Commission as an amendment to this conditional use permit.

|                                    |                                 |                                   |                                 |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 |
| <b>Required</b>                    | <b><u>YES</u></b>               |                                   |                                 |
| Date: <u>July 24, 2023</u>         | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> 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 accessory structure on a lot without a primary structure.**

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

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

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

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

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

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

**Finding:** **Staff finds that granting the requested conditional use permit will not adversely affect the public interest. While an accessory structure such as a shed, storage building, boathouse, or other large outbuilding can pose a negative impact on neighboring properties or generate traffic that is determinantal to the public interest, the existing shop buildings are not likely to do so. The applicant has noted that the intent is to maintain the use of the building for storage, and no additional impacts to the surrounding area are proposed by placing it completely on a separate legal lot of record from the existing house.**

(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 applicants request.**

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

(a.) Ingress and egress to property and proposed



structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

**Finding: The applicant proposes to maintain an existing driveway for the accessory structures with access onto Hanshew Road. No traffic crashes have been reported on Hanshew Road, and staff does not find that placing the two accessory structures on a separate legal lot of record will adversely impact traffic safety.**

(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 accessory structures have been in use for years without documented complaint and staff does not anticipate issues arising with their continued use on a separate parcel.**

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

**Finding: No refuse generation is anticipated with the continued use of the building. Residential trash cart service is available to the associated primary structure. The property owner is responsible for maintaining a clean property.**

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

**Finding: The accessory structures do not appear to be connected to city water or sewer. However, existing six-inch water and sewer mains are present along Hanshew Road and service needs may be evaluated as necessary.**

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

**Finding: The accessory structures are currently screened from view of the right-of-way by a wood board fence and dense vegetation. Staff does not recommend any additional screening or buffering as part of this conditional use permit.**

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

**Finding: Any proposed signage will be subject to the City's sign ordinance and all regulations therein.**

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

**Finding:** No new structures are proposed with this conditional use permit. Compliance with building setbacks will be confirmed at the time of lot split submittal.

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

**Finding:** Staff finds that the proposal is compatible with adjacent properties. Both accessory structures have been in use for several years and the applicant does not propose to add any new impact that would be incompatible with neighboring properties. Additionally, the applicant has indicated that the proposed lot split and the resulting placement of the accessory structures on a separate lot from the existing house is needed to facilitate property sale. Future development at this location may result in the removal of the accessory structures, thereby rendering an approved conditional use permit null and void.

(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 intent of the RSF-4 zoning district is to permit and encourage the development of low-density detached dwellings in suitable environments, as well as to protect existing developments of those types. Staff finds that the request to place accessory structures on a lot without a primary structure would allow for the preservation of the existing residence while allowing for greater flexibility in its continued use.

---

**BUDGET/STAFF IMPACT:**

None

**ATTACHMENTS:**

- Unified Development Code
  - §164.02, Accessory Structures and Uses
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map

## 164.02 - Accessory Structures And Uses

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

### (A) Accessory Structures.

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

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

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

## REQUEST LETTER:

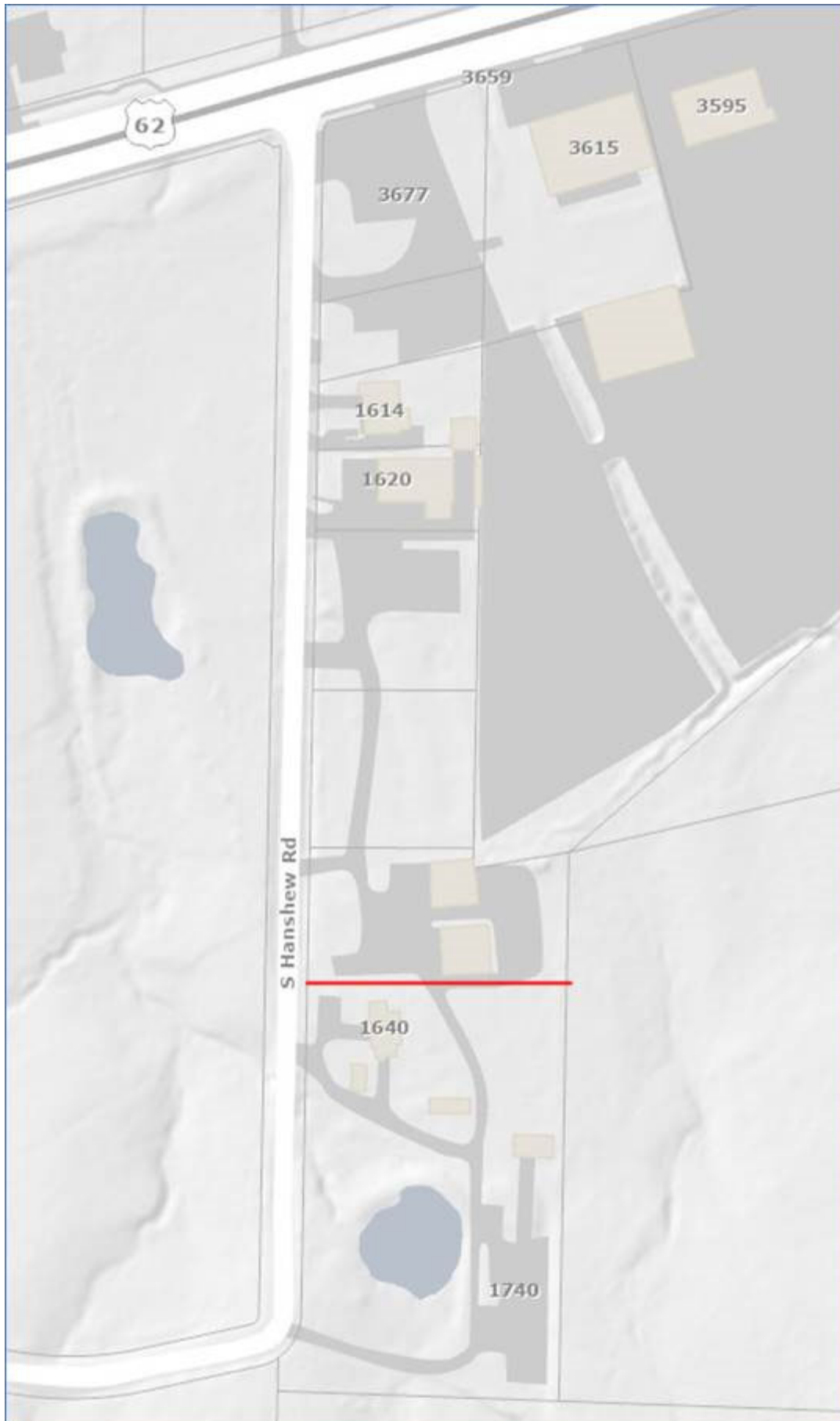
City of Fayetteville Planning

I am submitting a request to apply for a Conditional Use permit for my property located at 1640 S. Hanshew Road. My request is for the Planning Commission to allow two accessory structures on the property to be used as personal storage. One structure is 1600 square feet and the other is 1000 square feet. I would like to work with a local civil engineering and land surveying firm to split the existing structures off into a separate lot of record. It would be the understanding that those structures would only be used for personal storage. It is my understanding that the City does not allow accessory structures to be placed on lots that do not have a residential or primary structure unless it is first approved as a conditional use by the Planning Commission. Below are snippets of what I'd like to roughly accomplish to provide a visual of where the two structures are located on the property and where I'd like to obtain a proposed split.

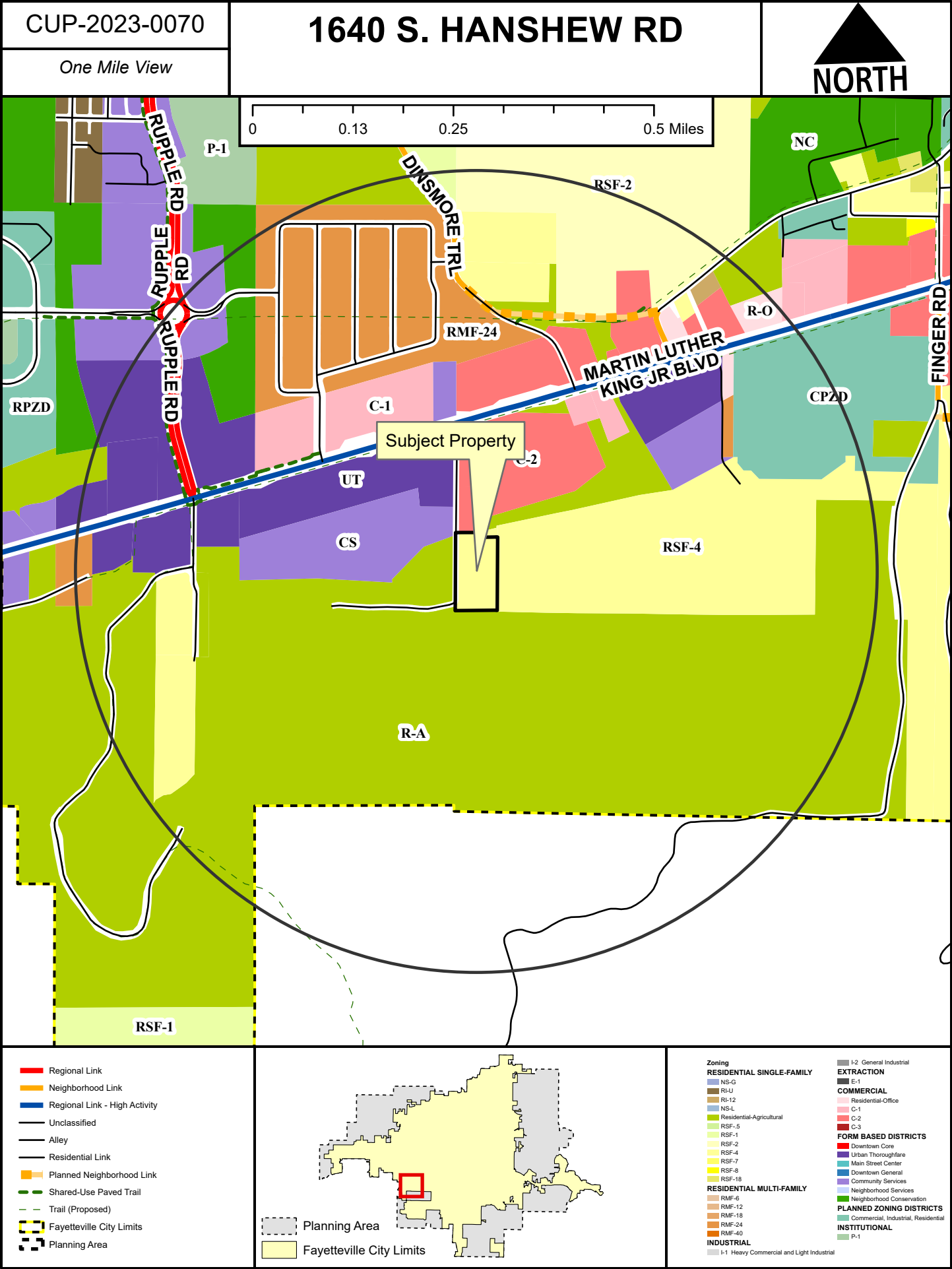
The property to the south is fully protected by a conservation easement and most of the land surrounding the property is classified as Natural or Rural Residential area by your future land use map. The two accessory structures on the property that I am asking for a Conditional Use permit for are located to the north. The property that borders that is currently zone C-2.

I want to be transparent with the City and looking at potentially having to sell a portion of the property.

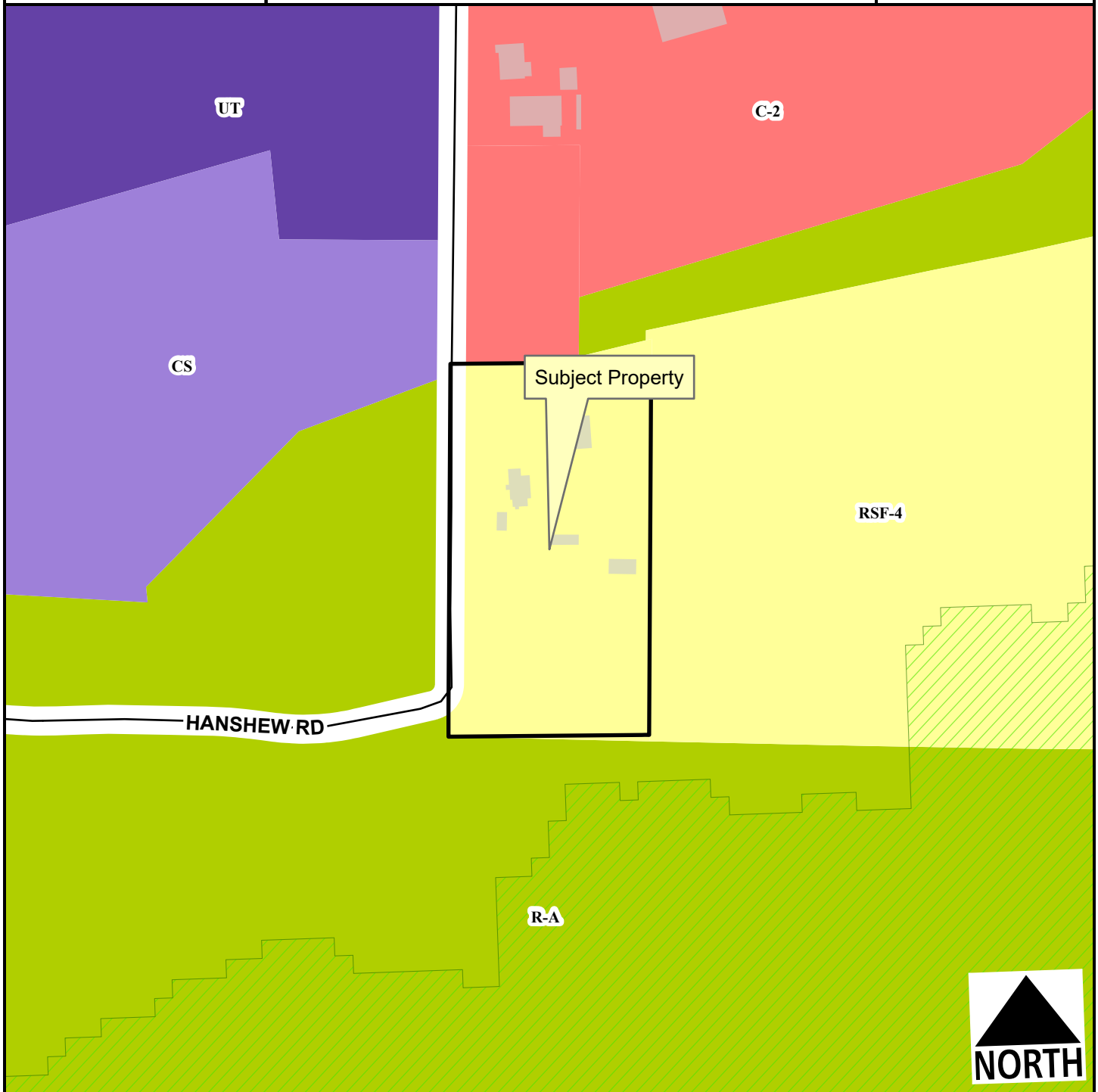
I'd like for whoever buys the proposed lot, if this is approved to make the long-term plan of how the property will be used for themselves being zoned RSF-4. If a potential buyer wants to use the property in any other way than personal storage, then I'd like for them to be subject to different requirements and work with the City to obtain whatever steps need to be taken.











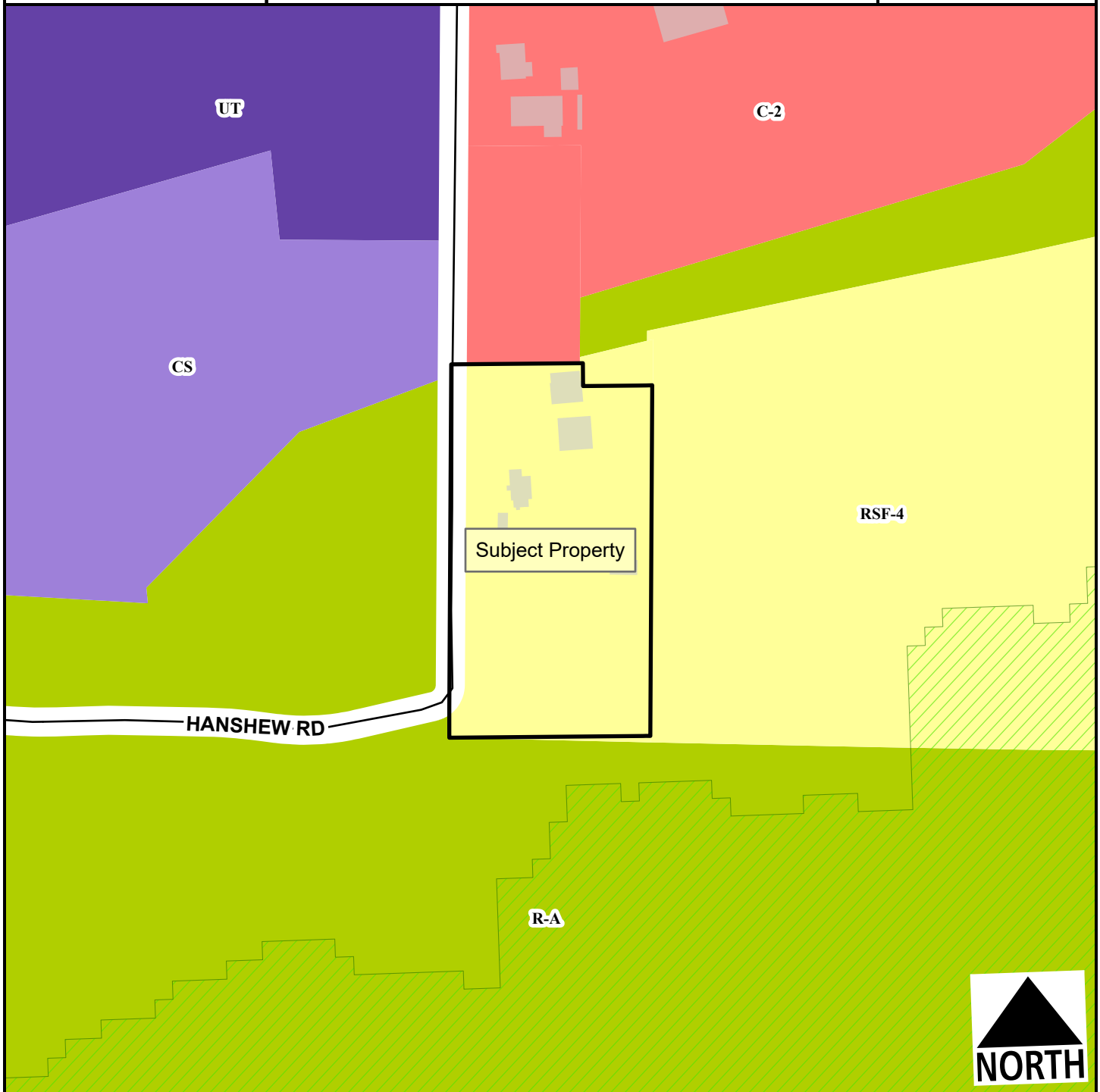
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- C-2
- Urban Thoroughfare
- Community Services



- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
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Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- C-2
- Urban Thoroughfare
- Community Services



**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **RZN-2023-0017: Rezoning (N. TRUCKERS DR./THE LENNON, 208):**  
Submitted by ELDRIDGE BROOKS PLLC for property located at N. TRUCKERS DR. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 20.23 acres. The request is to rezone the property to RMF-18, RESIDENTIAL MULTI-FAMILY, EIGHTEEN UNITS PER ACRE.

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**RECOMMENDATION:**

Staff recommends forwarding **RZN-2023-0017** to City Council with a recommendation of approval.

**RECOMMENDED MOTION:**

*"I move to forward **RZN-2023-0017** to City Council with a recommendation of approval."*

**BACKGROUND:**

The subject property is located in north Fayetteville between Hwy 112 and Deane Solomon Rd., and contains one 20.23-acre parcel originally part of the Park West RPZD, Residential Planned Zoning District. The Park West PZD was a mixed-use development approved by City Council in 2006 by ordinance number 4820. The RPZD zoning expired in 2011 without development and the property is effectively without a zoning designation at this time.

The Park West development was originally planned on approximately 140 acres; however, most of the original PZD has been rezoned since the original approval expired:

1. 25.0 acres was rezoned to CS, Community Services on January 7, 2014.
2. 20.5 acres was rezoned to RMF-12, Residential Multi-Family, twelve Units per Acre on December 16, 2014.
3. 33.38 acres was rezoned to RSF-8 Residential, Single Family, eight units per Acre on February 17, 2015 (staff initiated).
  - o This area has since been rezoned again on April 19, 2022 to a mix of 1) NS-G, Neighborhood Services General, 2) CS, Community Services, and 3) UT, Urban Thoroughfare.
4. 59.6 Acres retains the original expired RPZD designation, including the parcel being requested in this report. These parcels were originally included in the staff-initiated rezoning listed above. Staff and Planning Commission recommended the properties be rezoned to CS, Community Service; however, the parcels were pulled from the ordinance for further review by the Environmental Action Committee (see attached email). The committee provided several recommendations; however, it is unclear

what happened to the rezoning efforts after the Environmental Action Committee made these recommendations.

The subject proposal will rezone 20.2 acres of the remaining 59.6 acres of remaining RPZD zoning district. The surrounding zoning and land uses are depicted below in Table 1.

**Table 1:  
Surrounding Land Uses and Zoning**

| Direction | Land Use                  | Zoning                                              |
|-----------|---------------------------|-----------------------------------------------------|
| North     | Religious Facility        | CS, Community Services                              |
| South     | Retirement Community      | RMF-12, Residential Multi-Family, 12 Units per Acre |
| East      | Undeveloped               | RPZD, Residential Planned Zoning District (Expired) |
| West      | Single-Family Residential | RA, Residential Agriculture                         |

**Request:** The request is to rezone the property from RPZD, Residential Planned Zoning District to RMF-18, Residential Multi-Family, Eighteen Units per Acre.

**Public Comment:** Four members of the public have emailed staff expressing conditional support for the project. All stated that the proposed density could be beneficial provided impacts to sensitive natural areas and drainage are carefully considered.

## INFRASTRUCTURE AND ENVIRONMENTAL REVIEW

**Streets:** The subject area has frontage along North Truckers Drive, a fully improved residential link street with asphalt paving, curb and gutter and sidewalk. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

**Water:** Public water is available to the Subject area. Existing 8-inch water main is present on the South side of Subject Property.

**Sewer:** Sanitary Sewer is available to the Subject area. Existing 12-inch sewer main is present in the Southwest corner of the subject property. Existing 10-inch sewer main is present across the subject property.

**Fire:** Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 8, located at 2266 W. Deane St., protects this site. The property is located approximately 2.5 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

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

**Drainage:** No portion of the property is within a FEMA floodplain or have hydric soils. The property is also not located within the Hillside-Hilltop Overlay District. A protected stream cuts through the western third of the property. Streamside Protection Zones

generally consists of a protected area on each side of a stream or creek. This “protected area” is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

### **Tree Preservation:**

The proposed zoning district of RMF-18, Residential Multi-Family, Eighteen Units per Acre requires **20% minimum canopy preservation**. The current zoning district of RPZD, Residential Planned Zoning District 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 Area**.

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

CITY PLAN 2040 INFILL MATRIX: City Plan 2040’s Infill Matrix indicates a ranged score of 2-5 for this site, with a weighted score of 6 at the highest. The following elements of the matrix contribute to the score:

- Near Sewer Main (10” Sewer Main bisecting parcel)
- Near Water Main (6” PVC, N. Gilbert St.)
- Near Grocery Store (Sam’s Club)
- Near Paved Trail (Clabber Creek Trail)
- Appropriate Future Land Use

### **FINDINGS OF THE STAFF**

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

**Finding:** ***Land Use Compatibility:*** Staff finds the request to be compatible with the surrounding context. The parcel is adjacent to residential properties of mixed densities to the west and south, with a commercial church property to the north and another parcel with the existing RPZD zoning to the east. During the staff-initiated rezoning in 2015, staff recommended CS, Community Services which has no density cap. RMF-18 has a maximum density cap of eighteen units per acre but would allow both single- and multi-family dwellings on this parcel to support adjacent commercial developments. Additionally, some commercial uses, such as limited

business, professional offices, cultural and recreational facilities, and home occupations are allowed by conditional use permit in RMF-18 zoning district.

**Land Use Plan Analysis:** Staff finds that the request is consistent with adopted land use policies, the Future Land Use Map designation, and goals of City Plan 2040. The property has a weighted infill score of 6. A moderate infill score indicates that the area can likely support additional density if it is feasible under the proposed zoning entitlements. The request meets Goals 1 and 6 of City Plan 2040, by providing appropriate infill development, as well as by providing a potential for a variety of housing types, which could help fulfill a goal towards the provision of more attainable housing.

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

**Finding:** Staff finds that a rezoning to RMF-18 is justified. Currently, the property is zoned RPZD Park West, but all development rights have expired. This creates challenges for both the current property owner and any future buyers as nothing may be developed on the property without a rezoning. Several parts of the RPZD have been rezoned, with this parcel being one of two remaining.

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

**Finding:** The property is currently undeveloped and there are no development rights since the PZD approval has expired. Any rezoning action will increase congestion in the area. However, new development will also create the requirement for new streets and street improvements consistent with the master street plan that will help facilitate traffic flows. Adequate street connections to Deane Solomon, Hwy 112, and Truckers Drive, as well as internal connectivity between developments should minimize traffic danger and congestion.

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

**Finding:** Rezoning the property to RMF-18 is likely to increase population density and therefore the load on public services; however, the impact is not expected to be detrimental. Adequate water and sewer connections are available to the site, suggesting the area can support the increase and avoid costly extensions to services. Fayetteville Public Schools did not comment on this request.

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

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

**Finding:** N/A

**RECOMMENDATION:** Planning staff recommend forwarding RZN-2023-0017 to City Council with a recommendation of approval.

**PLANNING COMMISSION ACTION:** Required YES

Date: July 24, 2023

☐ Tabled

☐ Forwarded

☐ Denied

Motion:

Second:

Vote:

**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Unified Development Code:
  - §161.15 District RMF-18, Residential Multi-Family – Eighteen (18) Units Per Acre
- Zoning Background
  - ORD-4820 Park West RPZD excerpts
  - Original Planning Areas and Current Zoning Exhibit
  - City Council Minutes
  - Environmental Action Committee Recommendations
  - Email from Legal
- Applicant Request Letter
- One Mile Map
- Close-up Map
- Current Land Use Map
- Future Land Use Map



### 161.15 District RMF-18, Residential Multi-Family — Eighteen (18) Units Per Acre

(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(B) *Uses.*

(1) *Permitted Uses.*

|         |                                         |
|---------|-----------------------------------------|
| Unit 1  | City-wide uses by right                 |
| Unit 8  | Single-family dwellings                 |
| Unit 9  | Two-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 | Eighteen (18) 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                       | 40 feet  |
| Two (2) family                      | 40 feet  |
| Three (3) and more                  | 75 feet  |
| Professional offices                | 100 feet |

(2) *Lot Area Minimum.*

|                                     |                   |
|-------------------------------------|-------------------|
| Manufactured home park              | 3 acres           |
| Lot within a manufactured home park | 4,200 square feet |
| Townhouse: Individual lot           | 2,500 square feet |
| Single-family                       | 4,000 square feet |
| Two (2) family                      | 5,000 square feet |

|                        |                   |
|------------------------|-------------------|
| Three (3) or more      | 7,500 square feet |
| Fraternity or Sorority | 2 acres           |
| Professional offices   | 1 acre            |

(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* |
|-------------------------|----------------------|

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

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

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

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

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

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."

**Planning Area 1 (PA-1) – Single Family Residential**

AREA: 26.05 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|         |                         |
|---------|-------------------------|
| Unit 1  | City-wide uses by right |
| Unit 8  | Single-family dwelling  |
| Unit 9  | Two-family dwellings    |
| Unit 10 | Three-family dwellings  |
| Unit 24 | Home occupations        |

(2) *Conditional uses.*

|        |                                          |
|--------|------------------------------------------|
| Unit 2 | City-wide uses by conditional use permit |
|--------|------------------------------------------|

(C) *Density.*

|                |                                                |
|----------------|------------------------------------------------|
|                | Single-family, Two- and Three-family dwellings |
| Units per acre | 4 or less                                      |

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

|               |                   |
|---------------|-------------------|
| Single family | 30 ft.            |
| Two-family    | 30 ft. (per unit) |
| Three-family  | 30 ft. (per unit) |

(2) *Lot area minimum.*

|                |                          |
|----------------|--------------------------|
| Townhouse:     |                          |
| Individual lot | 2,500 sq. ft.            |
| Single-family  | 4,000 sq. ft.            |
| Two-family     | 2,400 sq. ft. (per unit) |
| Three-family   | 2,400 sq. ft. (per unit) |

(3) *Land area per dwelling unit.*

|                         |               |
|-------------------------|---------------|
| Townhouses & apartments |               |
| No bedroom              | 1,700 sq. ft. |
| One bedroom             | 1,700 sq. ft. |
| Two or more bedrooms    | 2,000 sq. ft. |

(E) *Setback requirements.*

|                       | Front | Side | Rear           |
|-----------------------|-------|------|----------------|
| Single-family         | 14' * | 6'   | Minimum 10' ** |
| Two- and Three-family | 14' * | 0'   | Minimum 10' ** |

\* A build-to line.

\*\* The rear building setbacks may range from 10' to 20' depending on the location of utilities. All structures shall be setback 20' from the centerline of any alley or easement.

(F) *Height.* No structure shall exceed three stories, exclusive of the basement.

(G) *Building area.*

Detached dwelling Units: On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

Attached dwelling Units: On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 91

(I) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 2 (PA-2) – Town  
Homes/Single Family Attached**

AREA: 12.15 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|         |                         |
|---------|-------------------------|
| Unit 1  | City-wide uses by right |
| Unit 8  | Single-family dwelling  |
| Unit 9  | Two-family dwellings    |
| Unit 10 | Three-family dwellings  |
| Unit 24 | Home occupations        |
| Unit 26 | Multi-family dwellings  |

(2) *Conditional uses.*

|        |                                          |
|--------|------------------------------------------|
| Unit 2 | City-wide uses by conditional use permit |
|--------|------------------------------------------|

(C) *Density.*

|                |                                                |
|----------------|------------------------------------------------|
|                | Single-family, Two- and Three-family dwellings |
| Units per acre | 6 or less                                      |

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

|                |                   |
|----------------|-------------------|
| Single family  | 30 ft.            |
| Two-family     | 30 ft. (per unit) |
| Three and more | 30 ft. (per unit) |

(2) *Lot area minimum.*

|                |                          |
|----------------|--------------------------|
| Townhouse:     |                          |
| Individual lot | 2,700 sq. ft.            |
| Single-family  | 2,700 sq. ft.            |
| Two-family     | 2,700 sq. ft. (per unit) |
| Three or more  | 2,700 sq. ft. (per unit) |

(3) *Land area per dwelling unit.*

|                         |               |
|-------------------------|---------------|
| Townhouses & apartments |               |
| No bedroom              | 1,000 sq. ft. |
| One bedroom             | 1,000 sq. ft. |
| Two or more bedrooms    | 1,200 sq. ft. |

(E) *Setback requirements.*

|                       | Front | Side | Rear                                                     |
|-----------------------|-------|------|----------------------------------------------------------|
| Single-family         | 10' * | 0'   | Minimum 20';<br>30' from centerline of alley or easement |
| Two- and Three-family | 10' * | 0'   | Minimum 20';<br>30' from centerline of alley or easement |

\* A build-to line, wherever possible.

(F) *Height.* Minimum two (2) stories.  
Maximum 45 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 80% of the total area of such lot.

(H) *Maximum Dwelling Units:* 72

(I) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 3 (PA-3) – Plaza Condominium**

AREA: 4.01 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|         |                                       |
|---------|---------------------------------------|
| Unit 1  | City-wide uses by right               |
| Unit 8  | Single-family dwelling                |
| Unit 9  | Two-family dwellings                  |
| Unit 10 | Three-family dwellings                |
| Unit 12 | Offices, studios and related services |
| Unit 13 | Eating places                         |
| Unit 15 | Neighborhood shopping goods           |
| Unit 16 | Shopping goods                        |
| Unit 25 | Professional offices                  |
| Unit 26 | Multi-family dwellings                |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 14 | Hotel, motel, amusement facilities       |
| Unit 24 | Home occupations                         |

(C) *Density.*

|                |            |
|----------------|------------|
| Units per acre | 40 or less |
|----------------|------------|

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

|                 |        |
|-----------------|--------|
| Single family   | 30 ft. |
| Two-family      | 30 ft. |
| Three and more  | 30 ft. |
| Non-residential | 0 ft   |

(2) *Lot area minimum.*

|                 |               |
|-----------------|---------------|
| Townhouse:      |               |
| Individual lot  | 3,000 sq. ft. |
| Single-family   | 3,000 sq. ft. |
| Two-family      | 3,000 sq. ft. |
| Three or more   | 3,000 sq. ft. |
| Non-Residential | No Minimum    |

(3) *Land area per dwelling unit.*

|                         |               |
|-------------------------|---------------|
| Townhouses & apartments |               |
| No bedroom              | 1,000 sq. ft. |
| One bedroom             | 1,000 sq. ft. |
| Two or more bedrooms    | 1,200 sq. ft. |

(E) *Setback requirements.*

|       |      |      |
|-------|------|------|
| Front | Side | Rear |
| 20    | 0'   | 20'  |

(F) *Height.* Minimum two (2) stories.  
Maximum seven (7) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 160

(I) *Maximum Bedrooms:* 320

(J) *Maximum Intensity:* 26,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 4 (PA-4) – Courtyard  
Multi-Family**

AREA: 7.83 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|         |                                       |
|---------|---------------------------------------|
| Unit 1  | City-wide uses by right               |
| Unit 8  | Single-family dwelling                |
| Unit 9  | Two-family dwellings                  |
| Unit 10 | Three-family dwellings                |
| Unit 12 | Offices, studios and related services |
| Unit 13 | Eating places                         |
| Unit 15 | Neighborhood shopping goods           |
| Unit 16 | Shopping goods                        |
| Unit 25 | Professional offices                  |
| Unit 26 | Multi-family 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 24 | Home occupations                         |

(C) *Density.*

|                |            |
|----------------|------------|
| Units per acre | 40 or less |
|----------------|------------|

(E) *Bulk and area regulations.*

(1) *Lot width minimum.*

|                |        |
|----------------|--------|
| Single family  | 30 ft. |
| Two-family     | 30 ft. |
| Three and more | 30 ft. |

(2) *Lot area minimum.*

|                 |               |
|-----------------|---------------|
| Townhouse:      |               |
| Individual lot  | 3,000 sq. ft. |
| Single-family   | 3,000 sq. ft. |
| Two-family      | 3,000 sq. ft. |
| Three or more   | 3,000 sq. ft. |
| Non-Residential | No Minimum    |

(3) *Land area per dwelling unit.*

|                         |               |
|-------------------------|---------------|
| Townhouses & apartments |               |
| No bedroom              | 1,000 sq. ft. |
| One bedroom             | 1,000 sq. ft. |
| Two or more bedrooms    | 1,200 sq. ft. |

(E) *Setback requirements.*

| Front                                       | Side | Rear |
|---------------------------------------------|------|------|
| 16' from a public street or alley           | 16'  | 16'  |
| 10' from a private drive or access easement |      |      |

(F) *Height.* Minimum two (2) stories.  
Maximum four (4) stories.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 313

(I) *Maximum Bedrooms:* 626

(J) *Maximum Intensity:* 25,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 5 (PA-5) – Multi-Family Residential**

AREA: 4.79 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|         |                                       |
|---------|---------------------------------------|
| Unit 1  | City-wide uses by right               |
| Unit 8  | Single-family dwelling                |
| Unit 9  | Two-family dwellings                  |
| Unit 10 | Three-family dwellings                |
| Unit 12 | Offices, studios and related services |
| Unit 13 | Eating places                         |
| Unit 15 | Neighborhood shopping goods           |
| Unit 16 | Shopping goods                        |
| Unit 25 | Professional offices                  |
| Unit 26 | Multi-family 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 24 | Home occupations                         |

(C) *Density.*

|                |            |
|----------------|------------|
| Units per acre | 36 or less |
|----------------|------------|

(F) *Bulk and area regulations.*

(1) *Lot width minimum.*

|                |        |
|----------------|--------|
| Single family  | 30 ft. |
| Two-family     | 30 ft. |
| Three and more | 30 ft. |

(2) *Lot area minimum.*

|                |               |
|----------------|---------------|
| Townhouse:     |               |
| Individual lot | 3,000 sq. ft. |
| Single-family  | 3,000 sq. ft. |
| Two-family     | 3,000 sq. ft. |
| Three or more  | 3,000 sq. ft. |

(3) *Land area per dwelling unit.*

|                         |               |
|-------------------------|---------------|
| Townhouses & apartments |               |
| No bedroom              | 1,000 sq. ft. |
| One bedroom             | 1,000 sq. ft. |
| Two or more bedrooms    | 1,200 sq. ft. |

(E) *Setback requirements.*

| Front                                       | Side | Rear |
|---------------------------------------------|------|------|
| 30' from a public street                    | 10'  | 20'  |
| 10' from a private drive or access easement |      |      |

(F) *Height.* Minimum two (2) stories.  
Maximum 4 stories otherwise.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 172

(I) *Maximum Bedrooms:* 344

(J) *Maximum Intensity:* 10,000 sq. ft. non-residential use

(K) *Architectural Design Standards:*  
Reference the Project Booklet



**Planning Area 6, 7, 8, 9 (PA-6, PA-7, PA-8, PA-9) – Preserve/Botanical/Detention**

**AREA:**

PA-6: 4.85 acres  
PA-7: 1.17 acres  
PA-8: 2.31 acres  
PA-9: 10.47 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
|--------|-------------------------|

(2) *Conditional uses.*

|        |                                      |
|--------|--------------------------------------|
| Unit 4 | Cultural and recreational facilities |
|--------|--------------------------------------|

(C) *Density.* None (not applicable)

(G) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

|       |      |      |
|-------|------|------|
| Front | Side | Rear |
| 15'   | 10'  | 15'  |

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

**Planning Area 10 (PA-10) – Civic Lawn**

AREA: 1.29

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
|--------|-------------------------|

(2) *Conditional uses.*

|        |                                      |
|--------|--------------------------------------|
| Unit 4 | Cultural and recreational facilities |
|--------|--------------------------------------|

(C) *Density.* None (not applicable)

*Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

|       |      |      |
|-------|------|------|
| Front | Side | Rear |
| 15'   | 10'  | 15'  |

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

**Planning Area 11, 12 (PA-11, PA-12) –  
Mixed Use Districts**

**AREA:**

PA-11: 31.82 acres

PA-12: 5.77 acres

(A) *Purpose.* See project booklet

**(B) Uses.**

**(1) Permitted uses.**

|         |                                          |
|---------|------------------------------------------|
| Unit 1  | City-wide uses by right                  |
| Unit 3  | Public protection and utility facilities |
| Unit 4  | Cultural and recreational facilities     |
| Unit 8  | Single-family dwelling                   |
| Unit 9  | Two-family dwellings                     |
| Unit 10 | Three-family dwellings                   |
| Unit 12 | Offices, studios and related services    |
| Unit 13 | Eating places                            |
| Unit 14 | Hotel, motel, and amusement facilities   |
| Unit 15 | Neighborhood shopping goods              |
| Unit 16 | Shopping goods                           |
| Unit 17 | Trades and services                      |
| Unit 19 | Commercial recreation, small sites       |
| Unit 24 | Home occupations                         |
| Unit 25 | Professional offices                     |
| Unit 26 | Multi-family dwellings                   |
| Unit 34 | Liquor store                             |

**(2) Conditional uses.**

|         |                                                      |
|---------|------------------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit             |
| Unit 5  | Government facilities                                |
| Unit 18 | Gasoline, service stations, and drive-in restaurants |
| Unit 21 | Warehousing and wholesale                            |
| Unit 29 | Dance halls                                          |
| Unit 35 | Outdoor music establishments                         |

**(C) Density.**

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

(H) *Bulk and area regulations.*

**(1) Lot width minimum.**

|                 |        |
|-----------------|--------|
| Single family   | 30 ft. |
| Two-family      | 30 ft. |
| Three and more  | 30 ft. |
| Non-residential | 0 ft.  |

**(2) Lot area minimum.**

|                 |               |
|-----------------|---------------|
| Townhouse:      |               |
| Individual lot  | 3,000 sq. ft. |
| Single-family   | 3,000 sq. ft. |
| Two-family      | 3,000 sq. ft. |
| Three or more   | 3,000 sq. ft. |
| Non-residential | 0 sq. ft.     |

**(3) Land area per dwelling unit.**

|                         |               |
|-------------------------|---------------|
| Townhouses & apartments |               |
| No bedroom              | 1,000 sq. ft. |
| One bedroom             | 1,000 sq. ft. |
| Two or more bedrooms    | 1,200 sq. ft. |

**(E) Setback requirements.**

| Front       | Side                                                                      | Rear |
|-------------|---------------------------------------------------------------------------|------|
| 8' to 12' * | 20' from public or private access<br>0' from internal side property lines | 5'   |

\* A build-to line

(F) *Height.* Structures immediately adjacent to the civic lawn shall have a minimum height of 30'. Structures adjacent to main streets shall be a minimum two-stories in height. Maximum height of four (4) stories otherwise.

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:*

PA-11: 783

PA-12: 138

(I) *Maximum Intensity:*

PA-11: 520,000 sq. ft.

PA-12: 60,000 sq. ft.

(J) *Architectural Design Standards:*

Reference the Project Booklet

**Planning Area 13 (PA-13) –  
Neighborhood Commercial**

AREA: 4.21 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|         |                                                      |
|---------|------------------------------------------------------|
| Unit 1  | City-wide uses by right                              |
| Unit 12 | Offices, studios and related services                |
| Unit 13 | Eating places                                        |
| Unit 15 | Neighborhood shopping goods                          |
| Unit 18 | Gasoline, service stations, and drive-in restaurants |
| Unit 25 | Professional offices                                 |
| Unit 26 | Multi-family dwellings                               |

(2) *Conditional uses.*

|         |                                          |
|---------|------------------------------------------|
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 35 | Outdoor music establishments             |
| Unit 36 | Wireless communication facilities        |

(C) *Density.*

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

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Residential Use – None  
Non-residential – None

(2) *Lot area minimum.*

Residential Use – None  
Non-residential – None

(3) *Land area per dwelling unit.*

|                          |               |
|--------------------------|---------------|
| Townhomes or Apartments: |               |
| •No bedroom              | 1,700 sq. ft. |
| •One bedroom             | 1,700 sq. ft. |
| •Two bedroom             | 2,000 sq. ft. |

(E) *Setback requirements.*

| Front | Side                                              | Rear |
|-------|---------------------------------------------------|------|
| 50'   | 0'<br>25' when contiguous to residential district | 20'  |

(F) *Height.* Maximum 4 stories

(G) *Building area.* 85% of the site

(H) *Maximum Dwelling Units:* 15

(I) *Maximum Bedrooms:* 30

(J) *Maximum Intensity:* 15,000 sq. ft.

(K) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 14 (PA-14) --  
Thoroughfare Commercial**

AREA: 15.55 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

**(1) Permitted uses.**

|         |                                                      |
|---------|------------------------------------------------------|
| Unit 1  | City-wide uses by right                              |
| Unit 4  | Cultural and recreational facilities                 |
| Unit 5  | Government facilities                                |
| Unit 12 | Offices, studios and related services                |
| Unit 13 | Eating places                                        |
| Unit 14 | Hotel, motel, and amusement facilities               |
| Unit 15 | Neighborhood shopping goods                          |
| Unit 16 | Shopping goods                                       |
| Unit 17 | Trades and services                                  |
| Unit 18 | Gasoline, service stations, and drive-in restaurants |
| Unit 19 | Commercial recreation, small sites                   |
| Unit 25 | Professional offices                                 |
| Unit 34 | Liquor store                                         |

**(2) Conditional uses.**

|         |                                          |
|---------|------------------------------------------|
| Unit 1  | City-wide uses by right                  |
| Unit 2  | City-wide uses by conditional use permit |
| Unit 3  | Public protection and utility facilities |
| Unit 21 | Warehousing and wholesale                |
| Unit 29 | Dance halls                              |
| Unit 35 | Outdoor music establishments             |
| Unit 36 | Wireless communication facilities        |

(C) *Density.* None

(I) *Bulk and area regulations.* None.

**(E) Setback requirements.**

| Front | Side                                                       | Rear                                                        |
|-------|------------------------------------------------------------|-------------------------------------------------------------|
| 40'   | 0'<br>25' when<br>contiguous to<br>residential<br>district | 20'<br>25' when<br>contiguous to<br>residential<br>district |

(F) *Height.* Maximum 7 stories.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 70% of the total area of such lot.

(H) *Maximum Dwelling Units:* Not Applicable

(I) *Maximum Bedrooms:* Not Applicable

(J) *Maximum Intensity:* 200,000 sq. ft.

(J) *Architectural Design Standards:*  
Reference the Project Booklet

**Planning Area 15 (PA-15) – Parks and Trails**

AREA: 7.18 acres

(A) *Purpose.* See project booklet

(B) *Uses.*

(1) *Permitted uses.*

|        |                         |
|--------|-------------------------|
| Unit 1 | City-wide uses by right |
|--------|-------------------------|

(C) *Density.* None (not applicable)

(D) *Bulk and area regulations.* None (not applicable)

(E) *Setback requirements.*

| Front | Side | Rear |
|-------|------|------|
| 15'   | 10'  | 15'  |

(F) *Height.* No maximum height.

(G) *Building area.* No maximum building area.

(H) *Maximum Dwelling Units:* Not applicable

(I) *Maximum Bedrooms:* Not applicable

(J) *Architectural Design Standards:* Not applicable

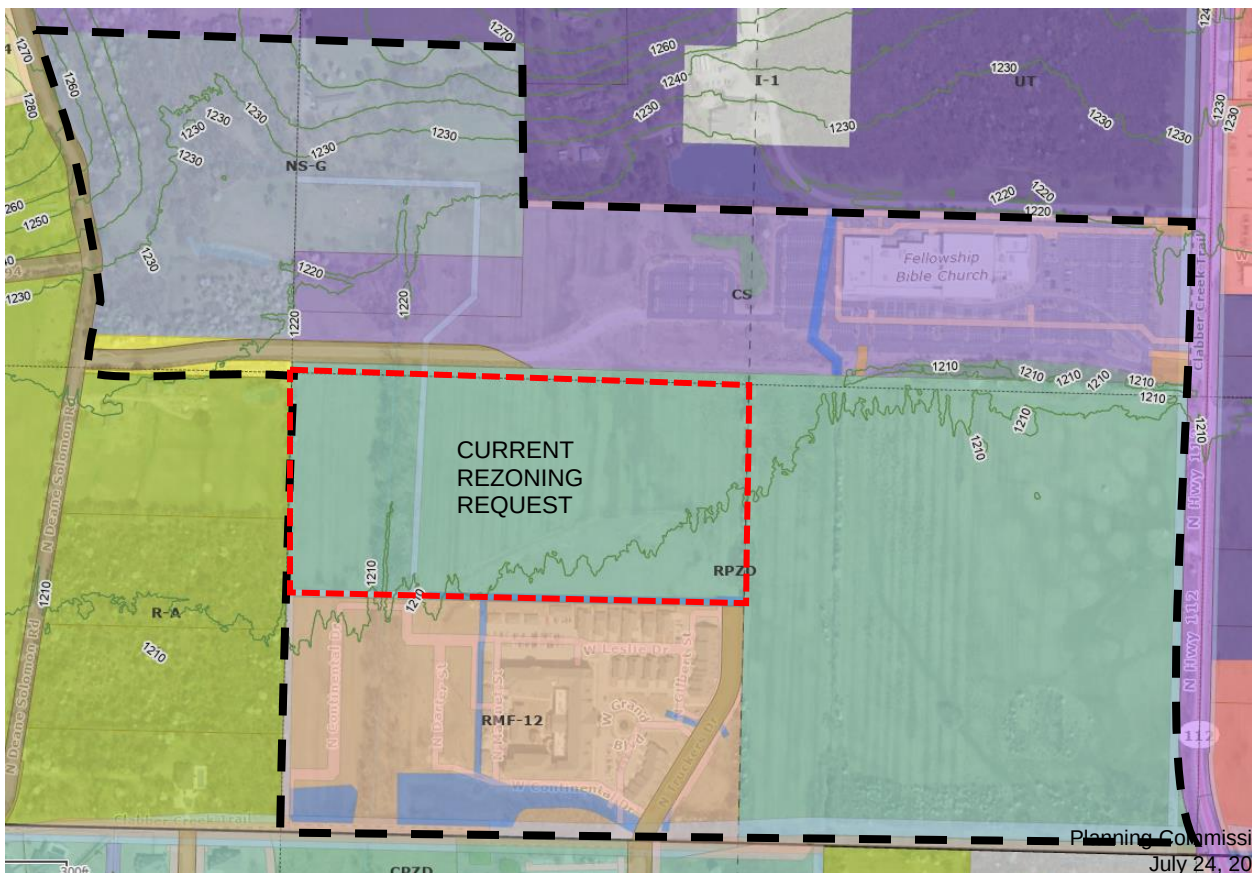
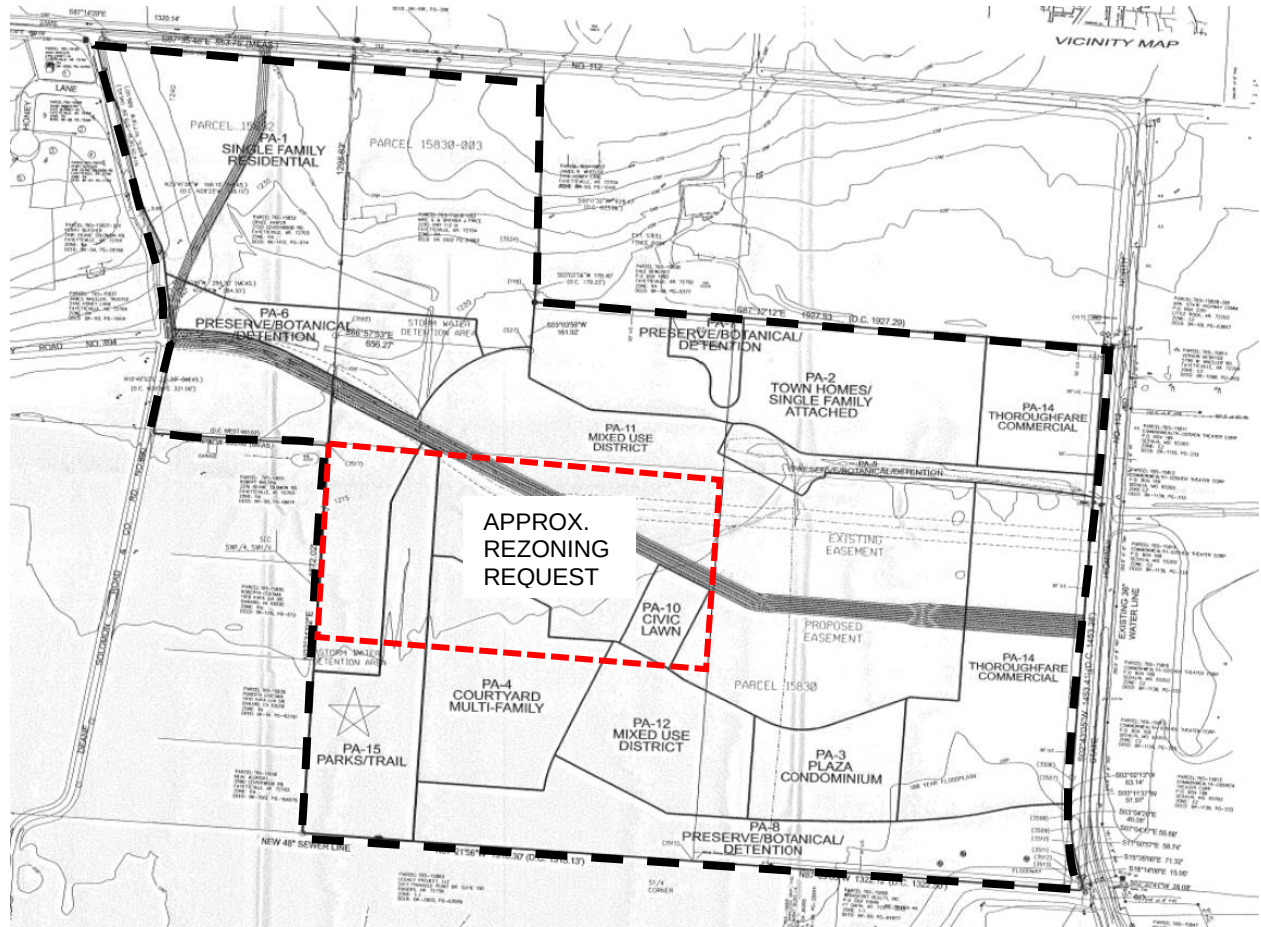
Paradigm  
COMPANIES

“A”





# ORIGINAL PLANNING AREAS / CURRENT ZONING EXHIBIT



**Alderman Kinion:** This is the language to take our current code and put it into compliance with the suggestion of the ADEQ and the EPA. This specific revision of the code that we are talking about tonight doesn't have a direct impact on rates. We are bringing some terminology up, to make it in line with current usage.

**City Attorney Kit Williams:** It was under an abundance of caution that we went ahead and publicized this, as if it did affect the rate. The effect on rates with this particular ordinance should be very minimal, if any.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Schoppmeyer was absent.**

***Ordinance 5739 as Recorded in the office of the City Clerk***

**RZN 14-4882 (East Side of Ruppel RD./Westside Village):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4882, for approximately 21.63 acres, located on the east side of Ruppel Road North of the Boys and Girls Club, from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services. ***This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.***

**Alderman Gray moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Alderman Schoppmeyer was absent.**

***City Attorney Kit Williams read the ordinance.***

A discussion followed about leaving the ordinance on the second reading. Council members from Ward 4 requested more time to visit with citizens.

***This ordinance was left on the Second Reading.***

**RZN 14-4883 (HWY. 112 North of Truckers Drive/Parkwest):** An ordinance rezoning that property described in Rezoning Petition RZN 14-4883, for approximately 93.04 acres, located at HWY 112 North of Truckers Drive from R-PZD 05-1796, Residential Planned Zoning District Park West, to RSF-8, Residential Single Family, 8 units per acre, and CS, Community Services. ***This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.***

**Alderman Gray moved to suspend the rules and go to the second reading. Alderman Kinion seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.**

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate**, Director of Development Services gave a brief description of the ordinance. He stated the item was a staff initiated rezoning. The Planning Commission is recommending approval 9-0 in favor of the request.

**Alderman Marsh:** I've gotten a few concerned inquiries regarding the sensitive riparian areas on the site. What protection will those areas have if this were to go forward?

**Jeremy Pate:** Any zoning district would have to look at the development proposal. We would look at whether there is a streamside protection area and designated wetlands.

**Alderman Marsh:** Just to be clear, our Streamside Protection ordinance will protect the critical areas.

**Jeremy Pate:** If it applies. We don't know if it applies currently without a development proposal and seeing if there is actually a stream bank that drains at least 100 acres. We would have to look at our maps to understand that.

**Joe Neal**, 145 East Cleburn stated his concerns about a portion of the acreage with the proposed rezoning request. He stated he is not sure that anyone has looked at the seasonal wetlands issue. He stated that wetland soils, wetland plants, wetland birds and all kinds of wetland ecological issues need to be taken into consideration. He stated if we continue to lose wetlands, he would like the Council to mitigate losses and take into account what is being lost if authorization of the development of the property is granted.

**Aubrey Shepherd**, Citizen stated he would like the City Council to engage in some change to ordinances that would require the Planning and Engineering Departments to go back to having a Corp of Engineers delineation of seasonal wetlands. He expressed his concerns if all the acreage was rezoned to eight houses per acre.

**Alderman Marsh:** Has this been through the Environmental Action Committee?

**Alderman Long:** It was not on the last agenda. It can be added to the next one.

**Alderman Marsh:** I would like to see that done. Maybe we could split off the 33.38 acre parcel and go ahead and rezone that, then refer the balance in the critical areas to the Environmental Action Committee.

A discussion followed about sending the item to the Environmental Action Committee for review.

**Alderman La Tour:** Do we know if the current landowner has an opinion?

**Jeremy Pate:** I don't know. It's owned by a bank. We have notified them of what staff is presenting. Rezoning's do not go to the Environmental Action Committee, unless the Council sends it there. There are no eminent plans that we are aware of to sell the balance of this property or to develop it at this time.

A discussion followed about rezoning the property to allow it to be more marketable within the city, whereas the property currently has no developing or rezoning rights.

**Alderman Gray:** Is it possible to break this off as Alderman Marsh has suggested?

**City Attorney Kit Williams:** This was proposed by staff. Staff would have the right to divide it. My advice is that we need to have some zoning on it that would allow at least some kind of development to go on it, whatever zoning you believe is the most appropriate.

**Jeremy Pate:** It would be fine to split it off or leave it all and have it go through at the same time.

**Alderman Marsh** encouraged City Council members to rezone only 33.38 acres and send the ordinance to the Environmental Action Committee for review.

**Mayor Jordan:** What do Ward 4 Council members think?

**Alderman Long:** I haven't heard anything from people who live in the area. I didn't want it to move to the second reading at the last meeting, because I usually do hear from people in this area. I haven't had any objections from constituents. I'm happy to take it to the Environmental Action Committee next month.

**Alderman La Tour:** I haven't heard from any constituents. If I were a stockholder in that bank, I would feel very imposed upon to have City Council say this is wetland and you can't do anything with it. That takes away economic value.

**Alderman Long:** This isn't restricting the bank's rights. It is allowing them to do something with it. Right now they can't build anything on it. This discussion will put value in their property.

A discussion followed regarding how the ordinance and exhibits would be written if it was amended to rezone 33.38 acres to RSF-8.

**Alderman Marsh** moved to amend the ordinance to rezone only 33.38 acres with an RSF-8 zoning and not rezone the additional property. **Alderman Gray** seconded the motion. Upon roll call the motion to amend passed 7-0. **Alderman Schoppmeyer** was absent.

**Alderman Marsh** moved to suspend the rules and go to the third and final reading. **Alderman Gray** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Schoppmeyer** was absent.

*City Attorney Kit Williams read the ordinance.*

**Mayor Jordan** asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Schoppmeyer** was absent.

*Ordinance 5740 as Recorded in the office of the City Clerk*

## Garner, Andrew

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**From:** Nierengarten, Peter  
**Sent:** Monday, April 27, 2015 8:59 AM  
**To:** Garner, Andrew  
**Cc:** Pate, Jeremy; Brown, Chris  
**Subject:** EAC Recommendation regarding Parkwest Rezoning

Hi Andrew,

On Monday, April 20<sup>th</sup>, the Environmental Action Committee (EAC) passed a recommendation to City Council regarding the proposed rezoning of 59.66 acres along Hwy 112 (formerly Park West). The Environmental Committee:

- Encourages preservation in this area
- Encourages LID when developed
- Recommends front zoning be broken off (different) from the remainder of the property
- Encourages family element to the zoning so that Parkland Dedication can be contiguous to the property
- Recommends EAC review this property again if rezoned in the future

Let me know if you have any questions about this.

**Peter Nierengarten**  
Sustainability & Resilience Department Director  
City of Fayetteville, Arkansas  
479.575.8272



## Wonsower, Donna

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**From:** Masters, Jessica  
**Sent:** Wednesday, June 28, 2023 7:58 AM  
**To:** Pennington, Blake; Wonsower, Donna  
**Subject:** RE: Ordinance 5740 - CS?

Thanks Blake and Donna for looking into the matter! We'll include some inclusion of this conversation in the background section of the report.

Jessie

**Jessie Masters, AICP**  
Development Review Manager  
City of Fayetteville, Arkansas  
(479) 575-8239  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



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**From:** Pennington, Blake <bpennington@fayetteville-ar.gov>  
**Sent:** Tuesday, June 27, 2023 5:23 PM  
**To:** Wonsower, Donna <dwonsower@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>  
**Subject:** RE: Ordinance 5740 - CS?

If this was a staff-initiated rezoning then it must have been one of the PZDs that had lost all development rights (at that time PZDs expired after a certain amount of time). Our office had recommended bringing all of those PZDs in similar situations back to the City Council to be rezoned so they could have some development entitlement. Sometimes it was to revert to the zoning just prior to the PZD zoning; in other cases, I think the property owner had some input.

Just glancing through this report, staff had recommended both the RSF-8 and CS. It's not entirely clear who should have shepherded the CS area back to the City Council after the EAC made its recommendation. I have never seen that situation before and I'm not sure how Andrew and Jeremy handled it after that.

In any event it needs to be rezoned to something because it sounds like there is no development entitlement at all.

**Blake E. Pennington**  
Senior Assistant City Attorney  
City of Fayetteville, Arkansas  
[bpennington@fayetteville-ar.gov](mailto:bpennington@fayetteville-ar.gov)  
Direct: 479.575.8312  
[www.fayetteville-ar.gov](http://www.fayetteville-ar.gov)



## RZN 2023-0017

Public water is available to the Subject area. Existing 8-inch water main is present on the South side of Subject Property.

Sanitary Sewer is available to the Subject area. Existing 12-inch sewer main is present in the Southwest corner of the subject property. Existing 10-inch sewer main is present across the subject property.

The subject area has frontage along North Truckers Drive. North Truckers Drive is a Fully improved Residential Link street with asphalt paving, curb & gutter and Sidewalk. Any street improvements required in these areas would be determined at the time of development proposal. Any additional improvements or requirements for drainage will be determined at time of development.

Does any portion of the subject area lie within the Hillside-Hilltop Overlay District?

☐ Yes ☒ No

Comments: If Yes, additional restrictions will apply at the time of development. Engineered footing designs will be required at the time of building permit submittal, as well as grading, erosion control and abbreviated tree preservation plans.

Does any portion of the subject area lie within a FEMA Floodplain?

☐ Yes ☒ No

Comments: If Yes, a floodplain development review will be required at the time of permit or plan submittal. This will restrict the type of development and impact in flood zones; and may require additional documentation such as flood studies or elevation certificates depending on the type of development. If a development impacts a floodplain, those impacts may require review and approval from FEMA.

Is a protected Stream present in the subject area?

☒ Yes ☐ No

Comments: If Yes, Streamside Protection Zones generally consists of a protected area on each side of a stream or creek. This "protected area" is meant to preserve woody vegetation and natural areas along stream corridors to improve/protect stream health. At a minimum, it will be 50ft wide as measured from the top of bank but depending on the shape and extents of the floodway, it could be substantially more. Certain construction activities such as trails and some utilities are allowed in these zones, but in general, improvements such as parking lots or buildings are prohibited.

Are any Hydric Soils present in the subject area?

☐ Yes ☒ No

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





**To: Jesse Masters, Planner**

**CC: Battalion Chief Jeremy Ashley, Fire Marshal**

**From: Captain Clint Price, Deputy Fire Marshal**

**Date: 6/6/2023**

**Subject: RZN-2023-0017: Rezone:** For parcel number 765-15830-007

Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Station 8, located at 2266 W Deane St., protects this site. The property is located approximately 2.5 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

May 19, 2023

**VIA CITY OF FAYETTEVILLE PORTAL**

City of Fayetteville Planning Division  
125 West Mountain Street  
Fayetteville, Arkansas 72701

RE: Rezoning of Parcel No. 765-15830-007

To Whom It May Concern:

I write on behalf of our client, Lennon Fayetteville Holdings, LLC, developer and owner of “The Lennon,” a proposed project to be located near North Highway 112 in Fayetteville, Arkansas, owned by Willow Bend OptionCo, LLC (the “Applicant”). This letter regards the rezoning of Parcel No. 765-15830-007, as more particularly described on the attached as Exhibit “A”, from its current designation of RPZD, Residential Planned Zoning District, to RMF-18, Residential Multi-Family – Eighteen (18) Units Per Acre. While RPZD allows for Applicant’s intended use, which is to construct a multi-family residence that will accommodate a proposed density of 16 units/acre, RMF-18 is the tailored and best designation for both the City and Applicant.

The subject property is bound by other residential use properties: to the west by Residential-Agricultural and the south by Residential Multi-family – Twelve (12) Units per Acre. Further, The Lennon is to be located adjacent to Fellowship Bible Church and near “The Aronson” mixed-use development recently approved by the City. The proposed rezone is compatible with and will not adversely affect these neighboring properties but instead, will add additional much-needed housing and planned connectivity to a fast-growing area.

The City Plan 2040 Future Land Use designates the subject property as within a City Neighborhood Area, which are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. Rezoning to RMF-18 will allow for the development of multi-family residences at a medium density to address future land use goals and the City Neighborhood’s dense residential use development, while leaving the lands directly adjacent to Hwy-112 available for future commercial development.

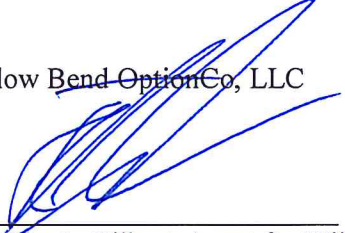
In conclusion, the proposed rezoning for The Lennon will not unreasonably adversely affect or conflict with the surrounding land uses, is the highest and best use of the subject property, is in line with the City’s 2040 Future Land Use and provides for efficient approval of a development plan under the Unified Development Code. Applicant respectfully requests the Planning Commission to vote in favor of Applicant’s rezoning request. We appreciate your consideration of our proposal and look forward to working with you to create a vibrant and sustainable community.

Sincerely Yours,



Steve Brooks

Willow Bend OptionCo, LLC

By:   
John L. Gilbert, Agent for Willow Bend OptionCo, LLC

## Wonsower, Donna

---

**From:** Planning Shared  
**Sent:** Monday, July 10, 2023 10:01 AM  
**To:** Wonsower, Donna  
**Subject:** FW: RZN-2023-0017

fyi

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

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



---

**From:** David Criswell <david.t.criswell@gmail.com>  
**Sent:** Monday, July 10, 2023 8:41 AM  
**To:** Planning Shared <planning@fayetteville-ar.gov>  
**Subject:** RZN-2023-0017

**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,

I live near the area of RZN-2023-0017 and frequent the natural spaces near this property. I am writing to express conditional support for RZN 2023-0017 in the event that a bill of assurance is written agreeing to implement low impact development best practices to reduce impacts to the stream this property overlaps and the wetland that it drains into. The proposed density will be beneficial to the surrounding area. Excessive runoff and pollutants, however, will not be.

Sincerely,  
David Criswell  
2437 W Honey Ln

## Wonsower, Donna

---

**From:** Planning Shared  
**Sent:** Monday, July 17, 2023 12:54 PM  
**To:** Wonsower, Donna  
**Subject:** FW: RZN-2023-0017

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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:** Meredith Castin <meredithcastin@gmail.com>  
**Sent:** Monday, July 17, 2023 12:18 PM  
**To:** Planning Shared <planning@fayetteville-ar.gov>  
**Subject:** RZN-2023-0017

**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!

I live near the area of RZN-2023-0017 and frequent the natural spaces near this property. I am writing to express conditional support for RZN 2023-0017 in the event that a bill of assurance is written agreeing to implement low impact development best practices to reduce impacts to the stream this property overlaps and the wetland that it drains into.

The proposed density will be beneficial to the surrounding area to provide additional housing and as it will encourage much needed services be developed closer to the neighborhood at large. However, excessive runoff and pollutants into our preserved natural spaces will not be supported.

Thank you for your consideration!

Sincerely,  
Meredith Castin

## Wonsower, Donna

---

**From:** Planning Shared  
**Sent:** Tuesday, July 18, 2023 9:48 AM  
**To:** Wonsower, Donna  
**Subject:** FW: RZN-2023-0017

FYI

Thank you

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

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



---

**From:** Clark Eckels <clark.eckels@gmail.com>  
**Sent:** Tuesday, July 18, 2023 9:45 AM  
**To:** Planning Shared <planning@fayetteville-ar.gov>  
**Subject:** RZN-2023-0017

**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,

I live near the area of RZN-2023-0017 and frequent the natural spaces and the greenway near this property. I am writing to express conditional support for RZN 2023-0017 in the event that a bill of assurance is written agreeing to implement low impact development best practices to reduce impacts to the stream this property overlaps and the wetland that it drains into. The proposed density will be beneficial to the surrounding area to provide additional housing and as it will encourage much needed services be developed closer to the neighborhood at large. However, excessive runoff and pollutants into our preserved natural spaces will not be supported.

Clark Eckels

## Wonsower, Donna

---

**From:** Planning Shared  
**Sent:** Tuesday, July 11, 2023 10:17 AM  
**To:** Wonsower, Donna  
**Subject:** FW: RZN-2023-0017

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

For you

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

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



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**From:** Matt Phillips <matt.phillips96@gmail.com>  
**Sent:** Monday, July 10, 2023 5:50 PM  
**To:** Planning Shared <planning@fayetteville-ar.gov>  
**Subject:** RZN-2023-0017

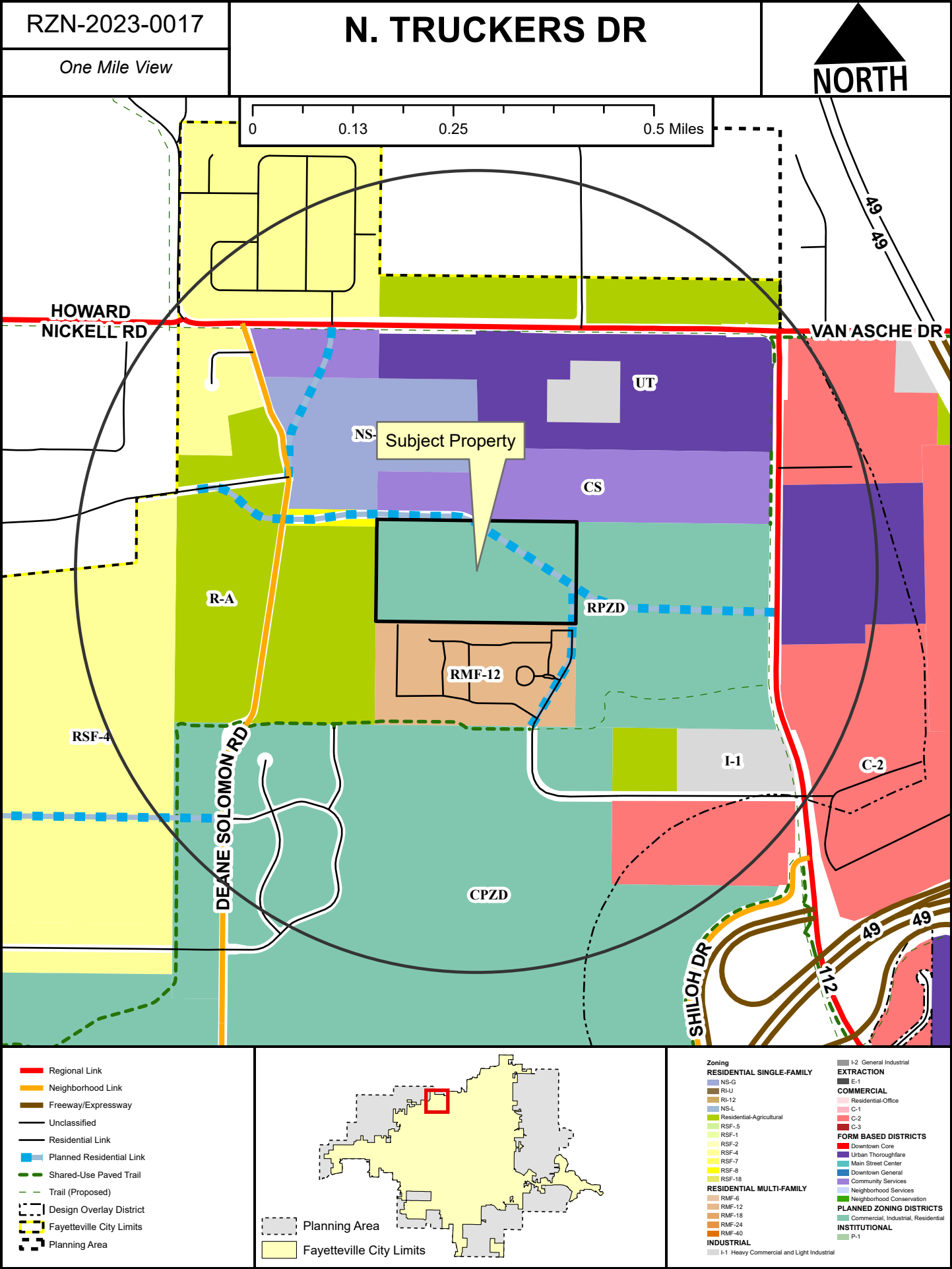
**CAUTION:** This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

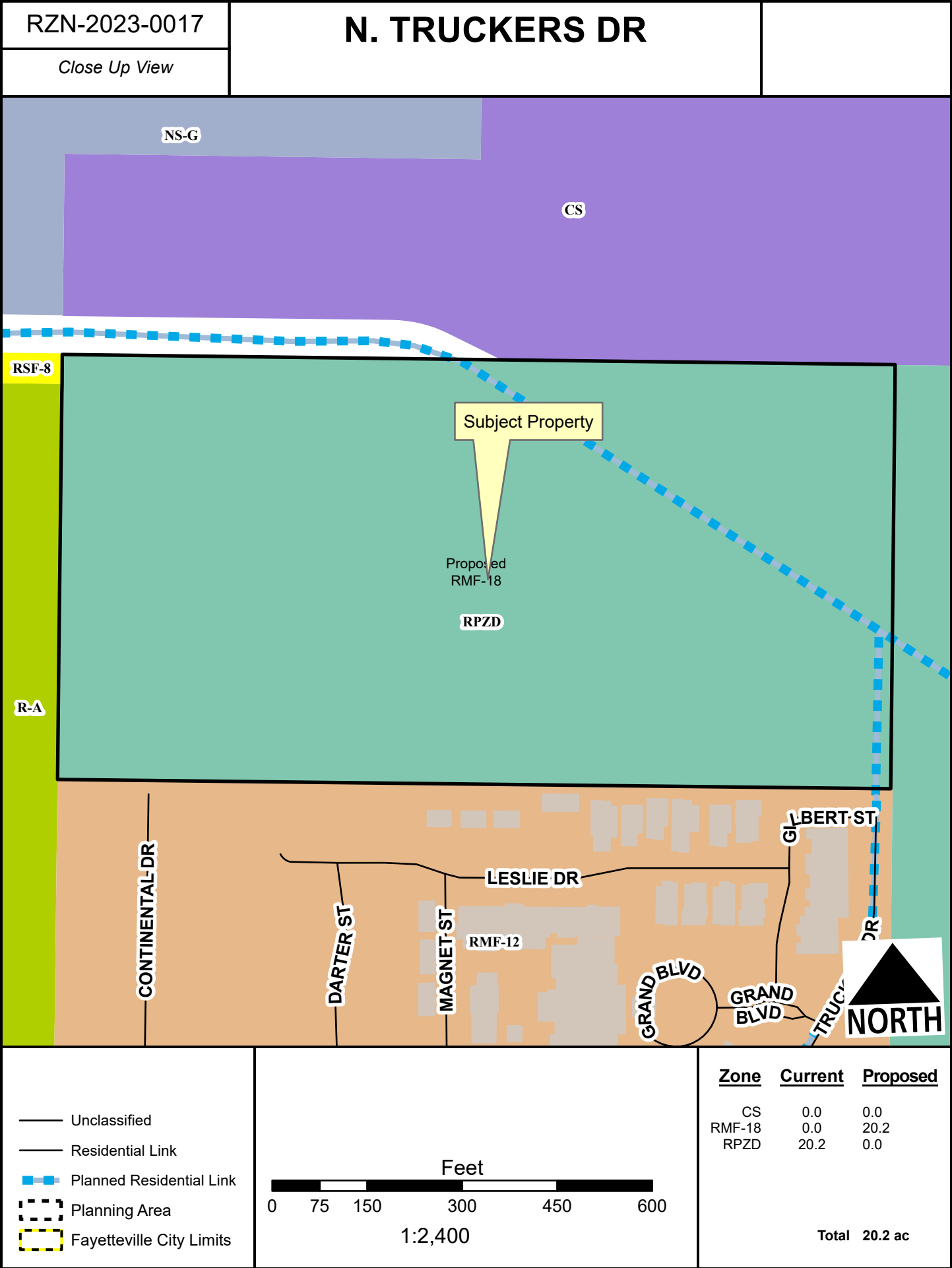
Hello,

I live near the area of RZN-2023-0017 and I support this rezoning. I think higher density will help make this area more financially sound for the city as most of this area are single family homes. I do think as planning continues the water runoff would need to be carefully watched.

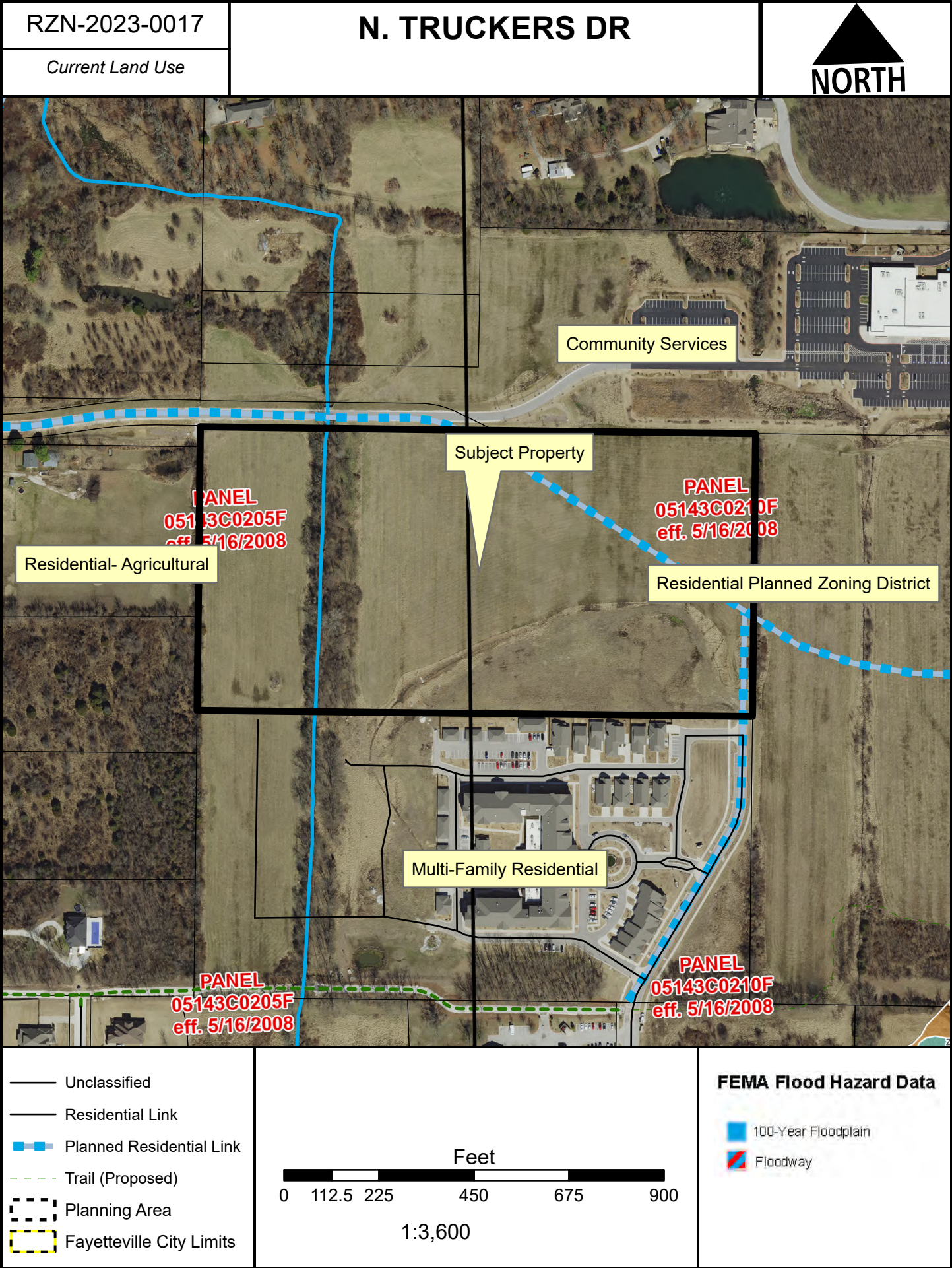
Thanks,  
Matt Phillips  
3549 West Grouse Rd













**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **CUP-2023-0055: Conditional Use Permit (2658 N. MCALLISTER ALY./ BATTISTO, 293):** Submitted by GLEN BATTISTO for property located at 2658 N. MCALLISTER ALY. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 0.10 acres. The request is to use the dwelling as short-term rental.

**RECOMMENDATION:**

Staff recommends approval of **CUP-2023-0055**, with conditions as outlined by staff.

**RECOMMENDED MOTION:**

*"I move to approve **CUP-2023-055** with conditions, determining:*

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

**BACKGROUND:**

The subject property is in the Gulley Grove Subdivision at the northwest corner of N. McAllister Aly. The property is part of the Gulley Grove Residential Planned Zoning District and is not part of any overlay districts. The parcel is approximately 0.10 acres and is currently developed with a 1,460 square foot single family structure built in 2022 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, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. This report reflects those new changes for consideration. Surrounding land use 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 citywide cap of 475 units, and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

*Public Comment:* There was extensive comment from the Gulley Park neighborhood at the June 26 and July 10 Planning Commission regarding a short term-rental request approximately 300 feet northwest on Gulley Grove Circle. Many of the commenters expressed concerns about short term rentals in the neighborhood in general and about the other short-term rental request currently in the city review pipeline. Concerns expressed including increased traffic and noise, lowered property values, decreased safety (especially for young children), transient guests, and use of common spaces by those who do not pay into their upkeep. Since then, five members of the public have emailed regarding this specific request noting limited availability of guest parking, POA restrictions, transient guests, and other similar concerns.

**RECOMMENDATION:** Staff recommends approval of **CUP-2023-0073**, 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. Per 120.02(A), the owners of only short-term rentals shall be required to designate and register their Landlord's Representative into the Landlord's Representative Registry.

|                                    |                                 |                                   |                                 |                 |                   |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|-----------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 | <b>Required</b> | <b><u>YES</u></b> |
| Date: <u>July 24, 2023</u>         | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> 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 PZD 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, 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 a Residential Planned Zoning District, which requires a conditional use permit.

(2) *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(A)(3). Occupancy limitations are confirmed by the applicant during licensing. The dwelling has three bedrooms, which limits occupancy to eight guests per the code.

(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:** Staff recommends parking is limited as described in UDC §163.18(A)(4). 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, there are four off-street parking spaces available (two garage spaces and two driveway spaces).



(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 2658 N. McAllister Aly. 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 citywide density cap at 475 business licenses. As of July 17, 2023, the City had issued 388 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license, but does not guarantee its approval.**

(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 four off-street parking spaces will be available for guests in an existing driveway and attached garage. Limited 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. Recent requests for a type-2 short term rental located at 2717 N. Gulley Grove Circle and 2666 N. Gulley Grove Circle were recently denied by the Planning Commission meeting. A code case violation**

for operating a short-term rental without a business license on this property was opened on May 16, 2023 (See attached code report). The owner contacted staff after the notice of violation to state that they have been letting family stay at the property and have not been operating a short-term rental. They have since applied for a business license and conditional use permit to come into compliance.

**§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 property has access onto N. McAllister Aly through an existing concrete driveway. Staff finds that the proposal to use the property as a short-term rental will not adversely affect traffic flows as occupancy would be limited to 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:** Two garage parking spaces and two driveway spaces are available per the applicant's submittal. 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. 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 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.**

- (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 citywide cap of 475 units 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
  - Excerpt of Ordinance 6672, Amendment to STR Cap
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
  - Excerpt of Ordinance 6281, Gulley Grove RPZD
- Applicant Request Letter
- Site Plan
- Building Elevations
- Building Floor Plans
- 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.

### 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)





113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 6672**

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**File Number: 2023-838**

**ORDINANCE AMENDMENT §118.01 (SHORT TERM RENTAL DENSITY CAP):**

AN ORDINANCE TO AMEND §118.01 APPLICABILITY OF THE FAYETTEVILLE CITY CODE TO REDUCE THE CITYWIDE DENSITY CAP FOR SHORT TERM RENTALS TO 475, AND TO DECLARE AN EMERGENCY

**WHEREAS**, the Development Services Department has issued 392 licenses for Type 2 short term rentals, 341 of which contribute to the current 2% citywide cap because they are not located in zoning districts that permit hotel and motel uses by right; and

**WHEREAS**, the City Council Ordinance Review Committee has recommended that the citywide density cap for Type 2 short term rentals be reduced from 2% of all dwelling units to a set cap of 475 and recommends that all Type 2 short term rentals be counted toward that cap.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory paragraph of subsection (E)(16) and subsection (E)(16)(a) in §118.01 **Applicability** of the *Fayetteville City Code* and enacts replacement language as follows:

“(16) Density For Type 2 Short-Term Rentals. A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because reducing the number of available short term rental permits in the City of Fayetteville is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED on July 6, 2023

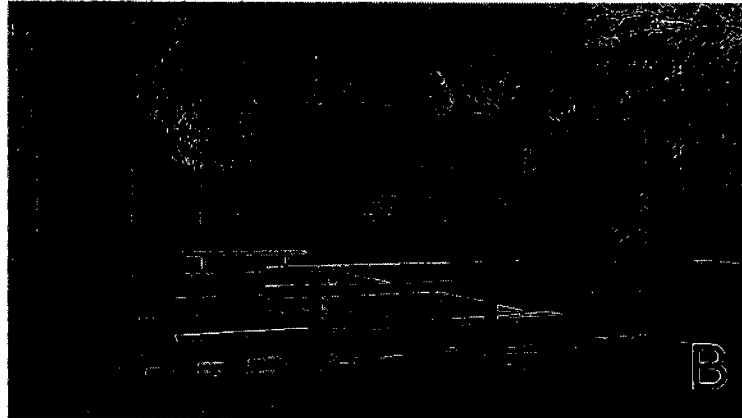
Approved:

Attest:

  
Lionel Jordan, Mayor

  
Kara Paxton, City Clerk Treasurer





Fire Pit

## 1D

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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

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### 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

# 1E

---

## 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<br><br>Lot 46: 20' Building Setback<br><br>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



Planning Commission

July 24, 2023

CUP-2023-0055 (KW BRYANT BATTLE) Page 15 of 36

Page 298 of 406

# 1E

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## Planning Area 1:

- J) Parking: Compliance with UDC 172 Parking and Loading
- K) Signage: Compliance with UDC 174 Signs for single-family residential property



**Crafton Tull**

Planning Commission

July 24, 2023

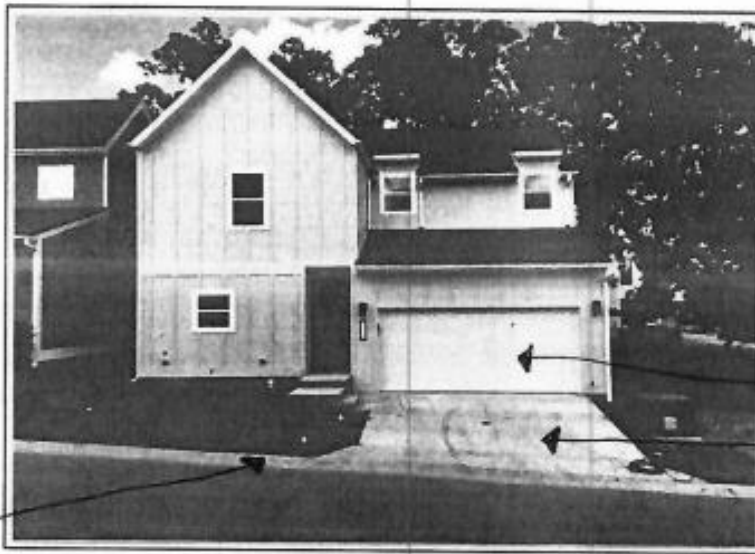
CUP-2023-0055 (KW BRYANT BATTIS) Page 299 of 406

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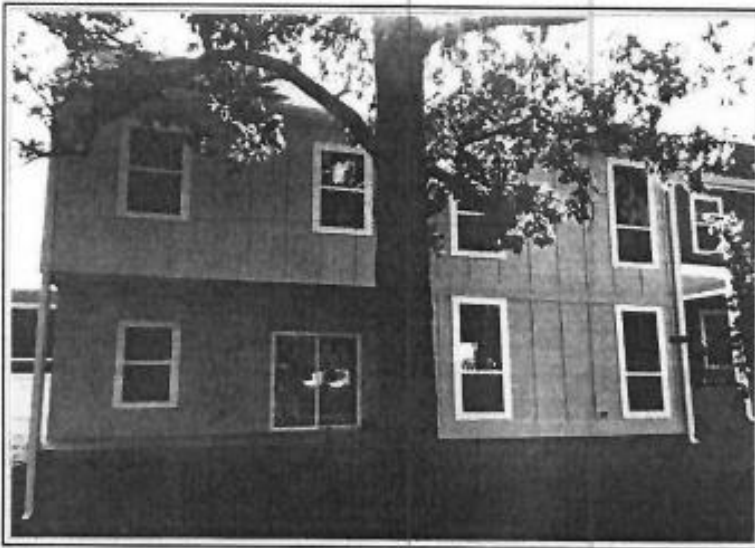


SITE PLAN





FRONT OF  
SUBJECT PROPERTY  
2658 N Mcallister Alley  
Fayetteville, AR 72703

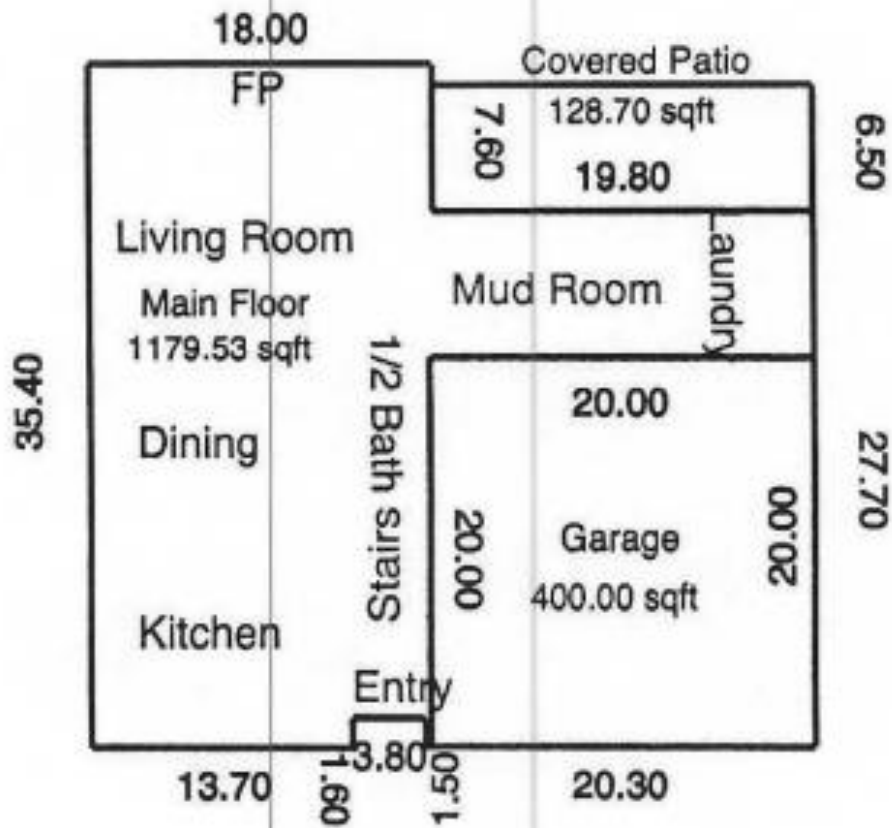


REAR OF  
SUBJECT PROPERTY



STREET SCENE





## Wonsower, Donna

---

**From:** Planning Shared  
**Sent:** Monday, July 10, 2023 2:29 PM  
**To:** Wonsower, Donna  
**Subject:** FW: Short term rental proposals.

Concerning CUP-2023-0055

Thank you

Mirinda Hopkins  
Development Coordinator  
Planning Division  
City of Fayetteville  
479-575-8267  
Website | Facebook | Twitter | Instagram | YouTube

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

From: Dave Morton <davemorton4221@gmail.com>  
Sent: Monday, July 10, 2023 2:24 PM  
To: Planning Shared <planning@fayetteville-ar.gov>  
Subject: Short term rental proposals.

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.

To whom it may concern...

Tonight (July 10, 2023) are 2 issues scheduled for discussion at a Planning Commission meeting, at approximately 5:30pm.

One is Project description for:

David and Linda Battisto at 2658 N. McAllister Ally, Gulley Grove Subdivision, Fayetteville AR.

Gail & I are residents in this subdivision, living at 2685 N. Gulley Grove Circle.

We cannot be at the meeting tonight, but do not object to The Battisto's request. We do not think we have the "right" to very many objections to what our neighbors do with their private property. And do not think usage as a VRBO rises to that level of objection. Whether next door, or within the greater neighborhood.

We want more people to come to and experience Fayetteville, our neighborhood and hopefully these visitors contribute to the diversity and unity that should be prevalent here and throughout the community.

Especially in the case of these applicants, David & Linda.

Gail & I have been friends with them for over 20 years and are very confident they would do nothing to hurt the integrity of their neighbors or their personal asset. They are people with high integrity and moral values, who are our neighbors as well.

We want to be in unity and get along with all of our neighbors.

I know David and Linda would want and will do the same.

Seems to us, they take a greater risk by renting their valuable asset(s), than we do by allowing them.

Bottom line: we have no objection to their requested use of the property mentioned in Gulley Grove Subdivision. I don't really understand how they, a private property owner, could be refused, frankly.

Very Sincerely,  
Dave & Gail Morton  
2685 N. Gulley Grove Circle  
Fayetteville AR, 72703

Sent from my iPhone

## Wonsower, Donna

---

**From:** Tom <tom@tomhapgood.com>  
**Sent:** Saturday, July 8, 2023 4:05 PM  
**To:** Wonsower, Donna  
**Subject:** No to STRs in Gulley Grove

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

Hi, I write this to you in support of all the messages that my neighbors in Gulley Grove have sent to disallow short-term rentals. It's an odd and gutsy thing to purchase a house with the intention of turning it into a hotel, with all accompanying issues. The house directly next to mine, at 2651 N. Wallis Alley, operates nearby non-stop with, I believe, having not gone through the city's process, and are therefore in violation. We purchased this not-so-cheap house with expectations of community as advertised, which is put in serious jeopardy by one or more STRs, with attendant parking, noise, party and variables of revolving guests.

Thank you and I should be in attendance of the upcoming hearing.

Tom Hapgood

## Wonsower, Donna

---

**From:** Janice Mears <jemears26@yahoo.com>  
**Sent:** Wednesday, July 5, 2023 7:15 AM  
**To:** Wonsower, Donna  
**Subject:** Conditional Use Permits-Type 2 for 2666 Gulley Grove Circle and 2658 McAlister Aly  
**Attachments:** 2666 Gulley Grove.pdf; 2658 Gulley Grove.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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 Donna,

I hope you had a nice holiday. I am attaching two sets of comments, one for each of the above properties. After reviewing the applications, in this email I have listed my concerns for you, as staff, as you make your recommendation to the commission. Thank you for the opportunity to share my perspective.

-I think it is important for staff and the committee to have a current overhead photo of the Gulley Grove Subdivision in order to properly consider the application. The existing photos and renderings do not show all the existing homes, how limited the outdoor space is, nor do they show how narrow the streets are in relation to driveways with parked cars.

-The application letters do not say how many people will be occupying the property. For example, for a property with 3 bedrooms, there is a potential that 6 people could occupy it with 6 cars. This is not out of the question on a football weekend.

-The driveway for 2665 Gulley Grove Circle is on McAlister Aly, across the street from 2658 McAlister Aly, the other applicant. Now picture the traffic jam when both rental groups are checking in and unloading luggage on the weekend of a home football game, with no off street parking on McAlister Aly. This could significantly impact the access for emergency vehicles.

-There are no "designated" guest spots for these properties or any properties in Gulley Grove. There are a very limited number of street parking spaces that guests of the residents of the entire subdivision use on a first-come first-served basis.

-While I know that staff and the planning commission have made a policy of not considering POA Covenants in granting CUP's, in our new small community it really does the residents who have purchased homes and are residing in them a disservice. With a CPU-Type2 have our lives impacted by additional traffic and a continuous stream of transient individuals who occupy our very limited shared community areas. That coupled with the policy of allowing the CUP to stay in place with the property when ownership changes (providing the new owner gets a business license within 6 months) can saddle our small community with this situation for the long term.

Thank you.

Kind Regards,

Janice Mears

2665 N. Gulley Grove Circle

Fayetteville, AR

Sent from my iPad

To: Planning Commission, City of Fayetteville

From: Janice Mears, 2665 N. Gulley Grove Circle

Subject: Comments regarding Application for Conditional Use Permit- Type 2  
2658 McAlister Aly

Date: July 3, 2023

Thank you for the opportunity to share my concerns regarding the CUP-Type 2 application for this property. I urge the Planning Commission to deny this permit.

I think it is important for staff and the committee to have a current overhead photo of the Gulley Grove Subdivision in order to properly consider the application. The existing photos and renderings do not show all the existing homes, how limited the outdoor space is, nor do they show how narrow the streets are in relation to driveways with parked cars.

The application letter does not say how many people will be occupying the property. This property has 3 bedrooms so there is a potential that 6 people could occupy it with 6 cars. This is not out of the realm of possibilities on a football weekend. There is no "designated" on street parking for this property or any property in Gulley Grove.

There is no screening or buffering of this home from adjacent neighbors. All properties in Gully Grove are open with iron fencing. The owner will promote the use of common area spaces in Gulley Grove. This has the possibility of flooding our common areas with non-residents. The owner states that. "Any tenants we have will be required to follow strict noise guidelines." I would like to know how that will be enforced when the owner is not on site.

The driveway for 2658\_McAlister Aly is across the street from the driveway of 2666 Gulley Grove Circle, the other applicant for a CUP. Now picture the traffic jam when both rental groups are checking in and unloading luggage on the weekend of a home football game, with no on street parking on McAlister Aly. This could significantly impact the access for emergency vehicles.

While I know that staff and the planning commission have made a policy of not considering POA Covenants in granting CUP's, in our new small community it really does a disservice to the residents who have purchased homes and are residing in them. With a CUP-Type 2, we can have our lives impacted by additional traffic and a continuous stream of transient individuals who occupy our very limited shared community areas. That coupled with the policy of allowing the CUP to stay in place with the property when ownership changes (providing the new owner gets a business license within 6 months) can saddle our small community with this situation for the long term.

Kind Regards,  
Janice Mears

## Wonsower, Donna

---

**From:** Winfrey Norton <winfreynorton@gmail.com>  
**Sent:** Saturday, July 8, 2023 5:20 PM  
**To:** Wonsower, Donna  
**Subject:** Opposition to CUP for STR in Gulley Grove

**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 Donna,

I am writing to express my concerns about conditional use permits for short-term rentals in the Gulley Grove neighborhood. I understand that the public hearing for 2658 McAllister Aly is delayed until July 24, but these comments are for that CUP application and the one at 2666 Gulley Grove Cir, which is scheduled to be discussed at the July 10 planning commission meeting. Please share these comments with commissioners and include in the official packet if I'm not too late with submission.

Thanks,

Winfrey Norton

Dear Commissioners,

Thanks for the opportunity to be heard and share my comments again on requested conditional use permits for businesses to operate in the Gulley Grove neighborhood, specifically at 2666 Gulley Grove Cir and 2658 McAllister Aly. Again, I appreciate the city of Fayetteville's attempted actions to be proactive with short term rentals and that public opinion is valued in strategizing how to address/avoid related issues.

At the planning commission meeting on June 26, I was struck by the number of CUP applications for STRs that were being discussed at one meeting. For each, the background information shared by staff included the phrase, "hotel/motel uses **not** permitted by right", meaning Fayetteville homeowners are not entitled to the ability to convert homes into hotel/motels, or any other business for that matter. To me, that frames the entire issue here: the burden should be on the CUP applicant to explain why a home should be used as a hotel instead of the planned use of providing needed housing in an area with an inadequate supply of single family housing and rising home prices that have priced many out of the in-town market. Below are a few key issues I'd like to share regarding my opposition to Type 2 STRs in Gulley Grove.

### Scope of neighbors' concerns:

At the June 26 commission meeting, after many neighbors expressed concerns about safety, security, trash, noise, and influx of strangers in Gulley Grove if homes operated as hotels, commissioners said those were not factored into their decisions. I want to point out that in the July 6 meeting of the city council, the amendment to Section 118.01(E) that reduced the STR cap to 475 was declared as an emergency and became effective immediately. The emergency clause states, "...reducing the number of available short term rental permits in the City of Fayetteville is necessary for the **public peace** as well as the **health and safety** of Fayetteville residents." Given the city's expressed goals here, I urge you to reconsider those previously shared concerns for this and future applications in Gulley Grove.



## **Factors in 163.02 a-i:**

In addition to the four factors laid out in 163.18 (H) related to STR CUP, the city's legal counsel reminded commissioners at the June 26 meeting that they should also consider all factors listed in Title XV 163.02. I feel that some concerns related to those factors were overlooked by some in the last meeting.

**a. "Ingress to and egress from 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;"**

Gulley Grove is a dense neighborhood with limited guest parking, even more so currently as construction continues at both main entrances to the neighborhood (at least 2 parking spots are always filled with dumpsters). It was not designed for a hotel with many guests coming and going regularly. There is no enforcement mechanism for bad actors that park in the wrong places, which may obstruct the narrow streets from accessibility to emergency vehicles. We have already experienced this and it is not just theoretical. We've had trash service skipped when construction vehicles are parked in the streets. For confirmation, you can check with the city's trash services department. Construction workers are usually close by and responsive when asked to move though. It will take too long to locate strangers at STRs and move their vehicles in an emergency situation.

**e. "Screening and buffering with reference to type, dimensions, and character;"**

This has not been done in Gulley Grove with respect for privacy of residents from tourists/strangers. I've had folks staying at unpermitted STRs in the neighborhood peer into my windows when walking by on the communal path. If the planning commission considers approval of this CUP, it would be good to include requirements for added buffering, including in shared spaces currently advertised by unpermitted STRs. In some cases this may be difficult because the homes are in close proximity because it was designed as a residential area.

**h. "General compatibility with adjacent properties and other property in the district;"**

The Gulley Grove neighborhood was not designed to be a hotel nor include hotels. A hotel is not compatible with adjacent properties and other property in the district. Several commissioners at the June 26 planning commission meeting expressed that they have been to Gulley Grove. For those that haven't, I encourage you to visit the developers' webpage: [www.gulleygrove.com](http://www.gulleygrove.com). It mentions that the development is "focused on providing residents not just a home, but a community." The city council [approved the residential planned zoning district](#) for Gulley Grove in 2020. It was found to be compatible with surrounding land use patterns, cited as residential and a park. It seems important to note that adding commercial use to this area just 3 years later would be contradictory to what was proposed with public input and approved by city officials. Additionally, the neighbors in this residential area do not want to live next to a hotel.

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

'Neighborliness' is encouraged in many parts of the city's 2040 plan. I hope that the planning commission heeds Gulley Grove residents' concerns. In my opinion, approving a CUP would be the antithesis of 'neighborliness' in the Gulley Grove neighborhood. It would also conflict with Goal 3 of the city's 2040 plan: "We will make compact, complete, and connected development the standard". There are not businesses that tourists often frequent within walking distance (i.e. restaurants, bars, shops, etc.). Gulley Grove is not a 'city neighborhood area' with mixed-use development. Traffic will thus increase in this residential area. This conflicts with the city's Future Land Use Plan, which says to "minimize through traffic on minor residential streets." If the city is closer to reaching the cap on type 2 STRs, it would be best to locate them in areas that welcome them to minimize nuisances and better accomplish the city's long term plans.

Goal 6 of the city's 2040 plans is to "create opportunities for attainable housing". At the June 26 meeting, several residents shared they are first time homebuyers and Gulley Grove provided that opportunity. Housing is needed in Fayetteville regardless of what data metric used. However, hotel vacancy rates in the area do not show a need for more hotel rooms.

**Factors in 163.18 (h):**

**(1) Adequate parking infrastructure; (2) Adequate adjoining or nearby streets for on-street parking;"**

As discussed in the June 26 meeting at length, Gulley Grove does not have adequate guest parking to accommodate STR guests. It was mentioned that conditions could be added to a potential permit where guests could be required to only park in the limited spots in the STR's garage and driveway. If a STR CUP were considered for approval, I would encourage parking restrictions to be added and provide neighbors with clear instructions of how to report violations. Not to belabor the point, but parking has been an issue in Gulley Grove already (will try to send photo documentation of this separately).

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

Construction continues in Gulley Grove and yet we already have had 4 homeowners apply for STR CUPs. The neighborhood has a small footprint, so any CUP approval would be felt as a saturation of hotel guests in Gulley Grove. Since a particular metric is not defined for concentration, I would encourage the Commissioners to define it as even 1 STR in this small neighborhood.

**Alternatives for CUP applicants in Gulley Grove:**

CUP applicants' desire to profit from an industry with known lax enforcement is not difficult to understand, but again is not the applicants' right. If Gulley Grove homeowners do not want to live or use their home for themselves, long-term tenants, or friends, they could sell the home and make a profit. In fact, the first resold home in the neighborhood recently went for \$120k over what they paid just a year ago.

I ask that you please deny CUPs for STRs in the Gulley Grove neighborhood for all of these reasons and more. If you are not willing to deny the permit altogether, please take more time to consider the potential impacts to Gulley Grove and the larger Fayetteville community. As mentioned previously, Gulley Grove residents do not yet have control of the POA and cannot yet legally enforce a noncompliant resident seeking to run a business from their home. Thanks for your time and consideration.

Sincerely,

Winfrey Norton

2662 N McAllister Aly

Fayetteville, AR 72703

[Winfreynorton@gmail.com](mailto:Winfreynorton@gmail.com)

## Wonsower, Donna

---

**From:** Winfrey Norton <winfreynorton@gmail.com>  
**Sent:** Sunday, July 9, 2023 6:46 PM  
**To:** Wonsower, Donna  
**Subject:** Gulley Grove parking example

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

Hi Donna,

This photo is an example of how short-term renters recently parked at 2651 N Wallis Aly. As you can see, the vehicle appears to be too large to fit in the driveway so they parked blocking the driveway, partially in the street. This house doesn't have a CUP for STR and has been operating illegally for months. I'm sending this along as an example of what Gulley Grove residents have already been dealing with STR parking.

Thanks,  
Winfrey Norton





July 5, 2023

Lee & Cheri Peden  
2713 N. Gulley Grove Circle  
Fayetteville, AR 72703  
(501) 207-2006 (870) 329-4100

[dwonsower@fayetteville-ar.gov](mailto:dwonsower@fayetteville-ar.gov)

RE: Type 2 STR PERMIT CUP-2023-0065 2666 N.Gulley Grove Circle  
Type 2 STR PERMIT CUP-2023-???? 2658 N Mcallister Aly

TO: City of Fayetteville Planning Commission,

We are writing to express our concerns regarding the subject permit applications that would allow short-term rentals at 2666N, Gulley Grove Circle and 2658 N Mcallister Aly.

Our home purchase was made with a “Declaration of Covenants and Restrictions” [Article II, Section (y)] stating that homeowners in the development would be living in the homes and that businesses would not be allowed to operate out of any of the houses. The Type 2 STR permits will allow homes in the neighborhood to become a business or company run part time residence (Air B&B). My understanding is that the homes located at 2666 N Gulley Grove Circle and 2658 N Mcallister are both currently leased out as an Air B&Bs (without city licenses). This seems to us to be a clear violation of the Covenants and Restrictions agreement that was signed by everyone who has purchased homes in the subdivision. It also seems to reason that if the companies that have purchased homes in the subdivision believe that one of the items specifically listed in the covenants can be ignored then any of the other items listed in the covenants can also be ignored. They have also chosen to ignore the cities requirements to obtain a permit that allows them to operate a short term rental.

Some of the other items in the Covenants that are of specific concern to us along with many of our neighbors are:

- **Article II, Section (h) – Vehicle Parking.** " All vehicles owned by owners, shall be parked only in the Owners garage or driveway."

**Question:** *Who will be responsible for occupants parking when there are more vehicles than there is on premises parking available for each of the leased properties? (i.e., 3 or more vehicles for the 6 or more occupants in a home with a one car garage)*

**Comments:** *The street widths in Gulley Grove subdivision are only 22' wide as compared with 26' (N. Collette Avenue) and 33' (E. Magnolia Drive) the developer stated to us during a recent conversation that the streets in the Gulley Grove Subdivision are designed for "NO STREET PARKING". Side street parking at Gulley Grove can adversely impact emergency response vehicles. The Fayetteville Fire Department drove a ladder truck through Gulley Grove Circle just a couple of weeks ago. If there had been vehicles parked along the street, I doubt they would have been able to navigate the neighborhood. I have also had difficulty backing out of my driveway whenever vehicles are parked along the street across from my driveway.*

- **Article II, Section (l) –Nuisances.** "No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereupon which may become an annoyance or nuisance in the neighborhood."

**Question:** *Who will be responsible for occupants when they are noxious or offensive and how responsive will they be?*

**Comments:** *It is my understanding that there have been instances where the guests at these addresses were having a loud party and the owners were not responsive to complaints by neighborhood residents.*

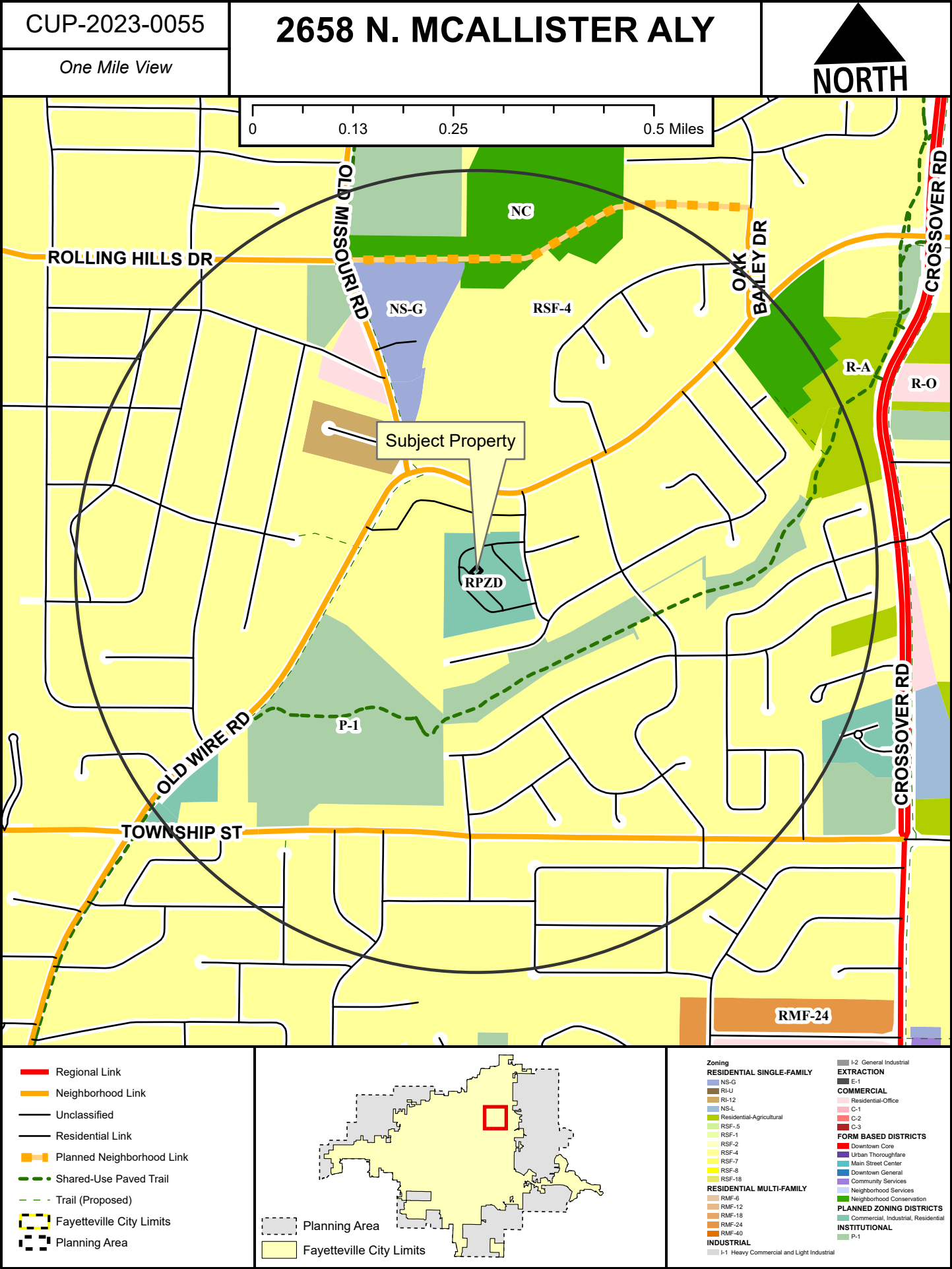
Our fear is that the owners will continue to ignore the covenants and restrictions without concern for the other full-time residents. The priority of these corporate owners will be to primarily satisfy the needs of their clients without concern for the best interest of the neighborhood.

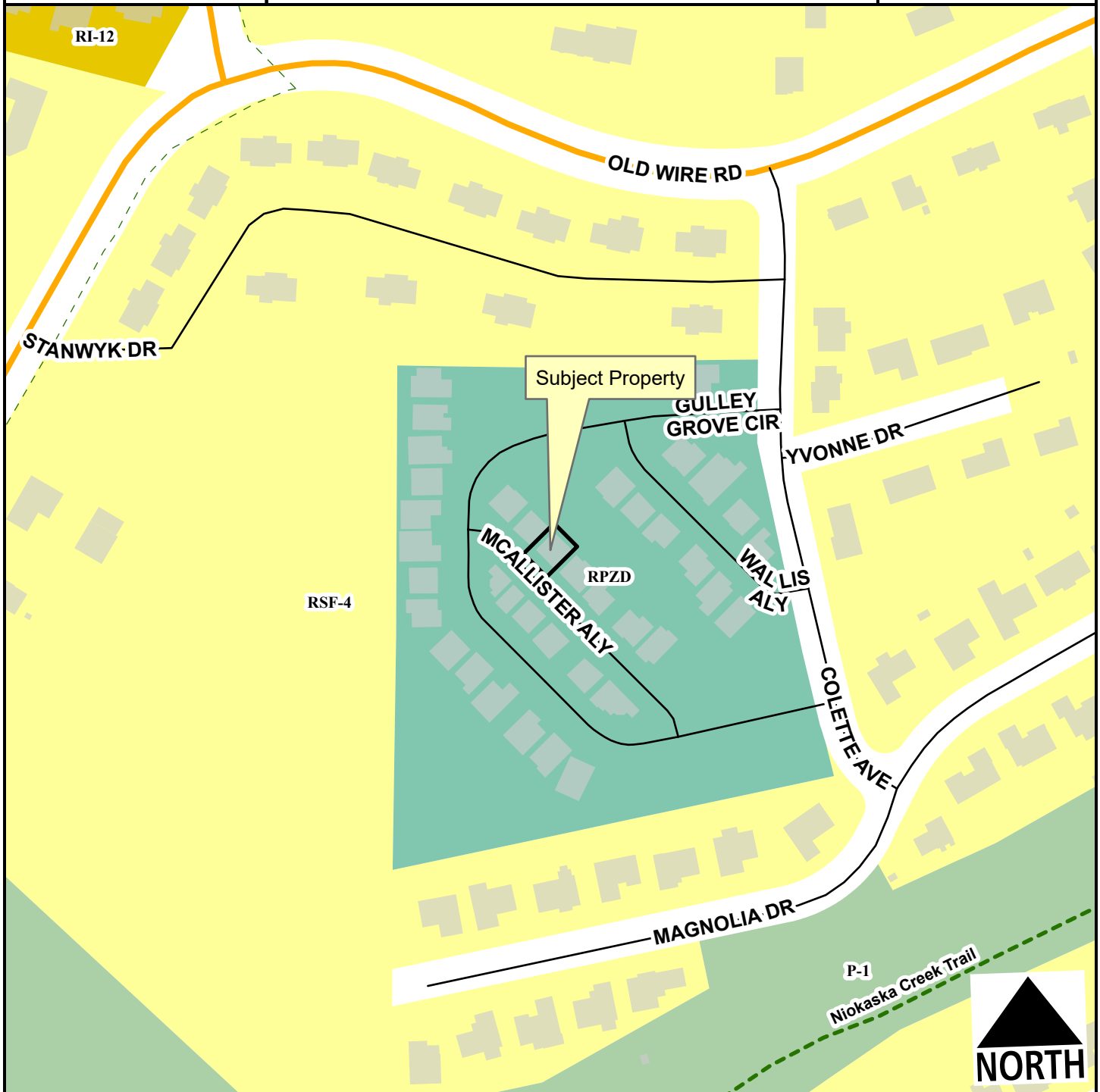
We are also concerned that the number of long term and short term leased businesses will exceed the 2% threshold that the city has expressed as a limit. There are already long term rentals located at 2717 N. Gulley Grove Circle and 2236 E Stanwyck Drive. There is an existing STR (licensed?) located at 2230 E. Magnolia Drive. That is a total of three (3) properties that are currently leased within an approximately one quarter mile radius. It is also my understanding that there are additional owners with plans to lease out their property in the future.

We both appreciate this opportunity to express our concerns as resident owners that will be adversely impacted by the issuance of a permit for the homes located in the. Gulley Grove Subdivision. We both request that this permit be denied in the best interest of the community.

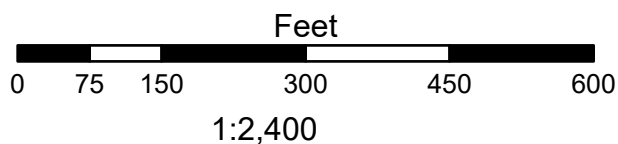
*Lee & Cheri Peden*







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



- RSF-4
- RI-12
- Commercial, Industrial, Residential
- P-1



CUP-2023-0055

2658 N. MCALLISTER ALY

Current Land Use



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



**FEMA Flood Hazard Data**

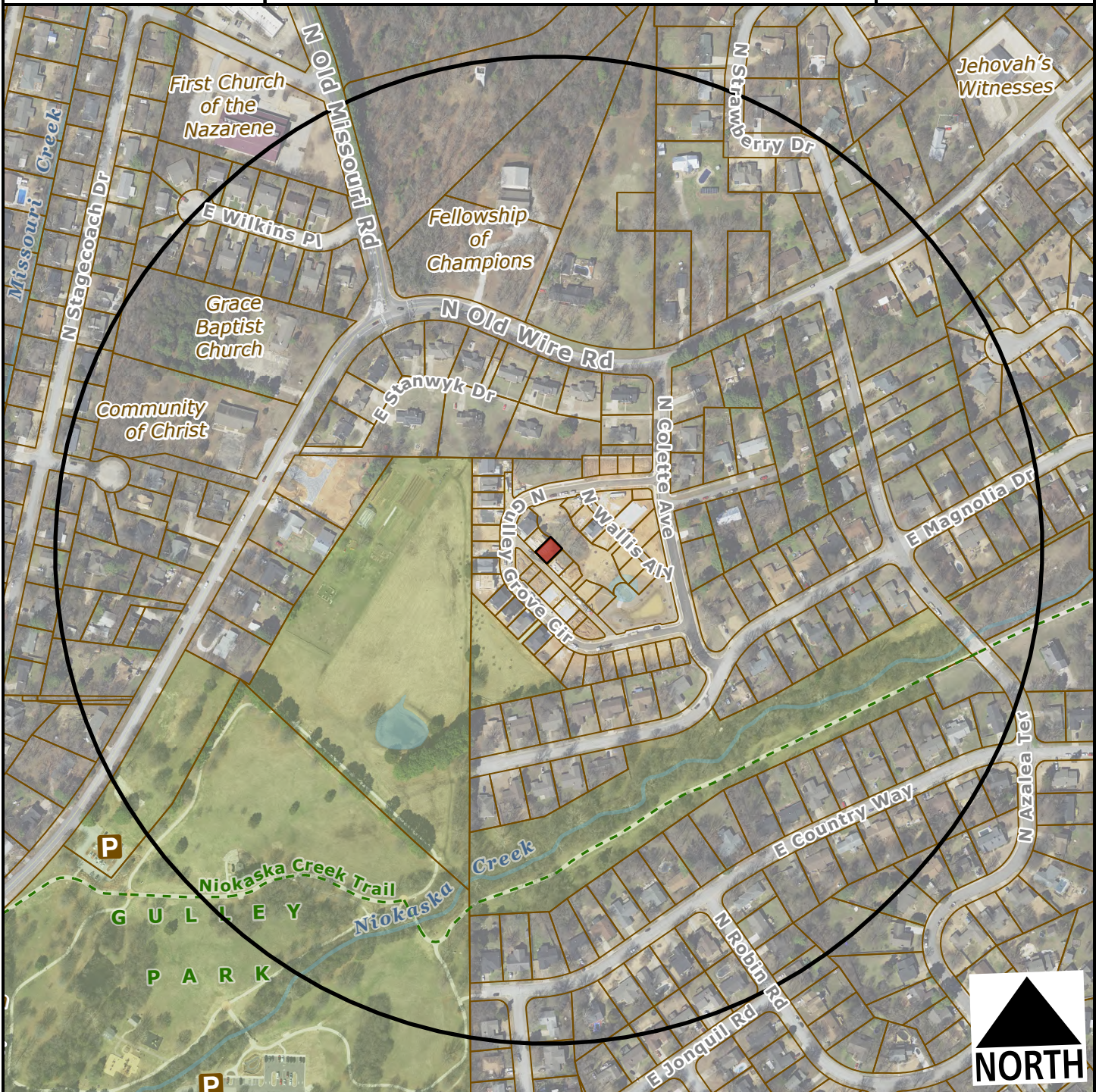
- 100-Year Floodplain
- Floodway



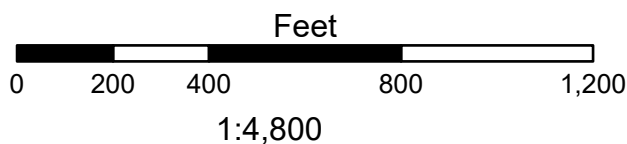
CUP-2023-0055

## 2658 N. MCALLISTER ALY

STRs Within 1/4 Mile



-  Subject Property
-  Short Term Rental, Type 2



### Number of STR Licenses

Contributing to 0  
2% density cap

NOT 0  
contributing to  
2% density cap

Total 0





**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **CUP-2023-0072: Conditional Use Permit (3712 N. HWY 112/SELVAM , 170):** Submitted by CHITRA SELVAM for property located at 3712 N. HWY 12. The property is zoned R-A, RESIDENTIAL-AGRICULTURE and contains approximately 8.70 acres. The request is to use the dwelling as a short-term rental.

**RECOMMENDATION:**

Staff recommends approval of **CUP-2023-0072**, with conditions as outlined by staff.

**RECOMMENDED MOTION:**

*"I move to approve **CUP-2023-0072** with conditions, determining:*

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

**BACKGROUND:**

The subject property is located along the northern border of Fayetteville just west of I-49. The property is zoned R-A, Residential-Agriculture and is not part of any zoning overlay. The property totals approximately 8.70 acres. It is currently developed with a 1,986 square foot single-family dwelling 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, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. 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        | N/A (Fayetteville Planning Area)                                     |
| South     | Pharmaceutical and Manufacturing | UT- Urban Thoroughfare                                               |
| East      | Single-family Residential        | R-A, Residential Agriculture                                         |
| West      | Single-family Residential        | City of Johnson (RSF-1, Residential Single-family, 1 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 citywide cap of 475 units, 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-2023-0072**, 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. Per 120.02(A), the owners of only short-term rentals shall be required to designate and register their Landlord's Representative into the Landlord's Representative Registry.

|                                    |                                 |                                   |                                 |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 |
| <b>Required</b>                    | <b><u>YES</u></b>               |                                   |                                 |
| Date: <b><u>July 24, 2023</u></b>  | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| <b>Motion:</b>                     |                                 |                                   |                                 |
| <b>Second:</b>                     |                                 |                                   |                                 |
| <b>Vote:</b>                       |                                 |                                   |                                 |

## 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 R-A 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, 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 in R-A zoning, which requires a conditional use permit.**

(2) *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(A)(3). 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.**

(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: Staff recommends parking is limited as described in UDC §163.18(A)(4). 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, up to six off street vehicle parking spaces will be available on site with two spaces in an attached garage and another four spaces in an existing 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 3712 N Hwy 112. 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 citywide density cap at 475 business licenses. As of July 17, 2023, the City had issued 388 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license, but does not guarantee its approval.**

(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 attached garage. On-street parking is not available as the property only has frontage along W. Hwy 112. 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. No zoning or code violations were found for this address.**

#### **§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 has frontage along W. Hwy 112, which does not permit on-street parking. 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 six 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 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. While the property is on the northern edge of the city, it abuts more intensive development along the I-49 corridor, including several pending multifamily developments such as the redevelopment of the former 112 Drive-in property. Staff finds the proposal to be an appropriate location for a short-term rental.

(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 citywide density cap of 475 units and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes.

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**BUDGET/STAFF IMPACT:**

None

**Attachments:**

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - Excerpt of Ordinance 6672
  - §161.03 District R-A, Residential-Agriculture
- Applicant Request Letter
- Site Map
- Building Floor Plan
- 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)





113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 6672**

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**File Number: 2023-838**

**ORDINANCE AMENDMENT §118.01 (SHORT TERM RENTAL DENSITY CAP):**

AN ORDINANCE TO AMEND §118.01 APPLICABILITY OF THE FAYETTEVILLE CITY CODE TO REDUCE THE CITYWIDE DENSITY CAP FOR SHORT TERM RENTALS TO 475, AND TO DECLARE AN EMERGENCY

**WHEREAS**, the Development Services Department has issued 392 licenses for Type 2 short term rentals, 341 of which contribute to the current 2% citywide cap because they are not located in zoning districts that permit hotel and motel uses by right; and

**WHEREAS**, the City Council Ordinance Review Committee has recommended that the citywide density cap for Type 2 short term rentals be reduced from 2% of all dwelling units to a set cap of 475 and recommends that all Type 2 short term rentals be counted toward that cap.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory paragraph of subsection (E)(16) and subsection (E)(16)(a) in §118.01 **Applicability** of the *Fayetteville City Code* and enacts replacement language as follows:

“(16) Density For Type 2 Short-Term Rentals. A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because reducing the number of available short term rental permits in the City of Fayetteville is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED on July 6, 2023

Approved:

Attest:

  
Lionel Jordan, Mayor

  
Kara Paxton, City Clerk Treasurer



### 161.03 District R-A, Residential-Agricultural

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

(B) *Uses.*

(1) *Permitted Uses.*

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

(2) *Conditional Uses.*

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

(C) *Density.*

|                |              |
|----------------|--------------|
| Units per acre | One-half (½) |
|----------------|--------------|

(D) *Bulk and Area Regulations.*

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

(E) *Setback Requirements.*

|         |         |         |
|---------|---------|---------|
| Front   | Side    | Rear    |
| 35 feet | 20 feet | 35 feet |

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

(G) *Building area.* None.

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

Editor's note(s)—Ord. No. 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."

Dated  
06-13-2023



From

Rathinam Selvam  
Chitra Selvam  
1800.W. Hwy.112  
Fayetteville  
AR-72704

To

The City of Fayetteville  
125.Mountain Street  
Fayetteville.  
AR-72701.

**APPROVED**  
06/23/2023

Dear Sir/Ma'am,

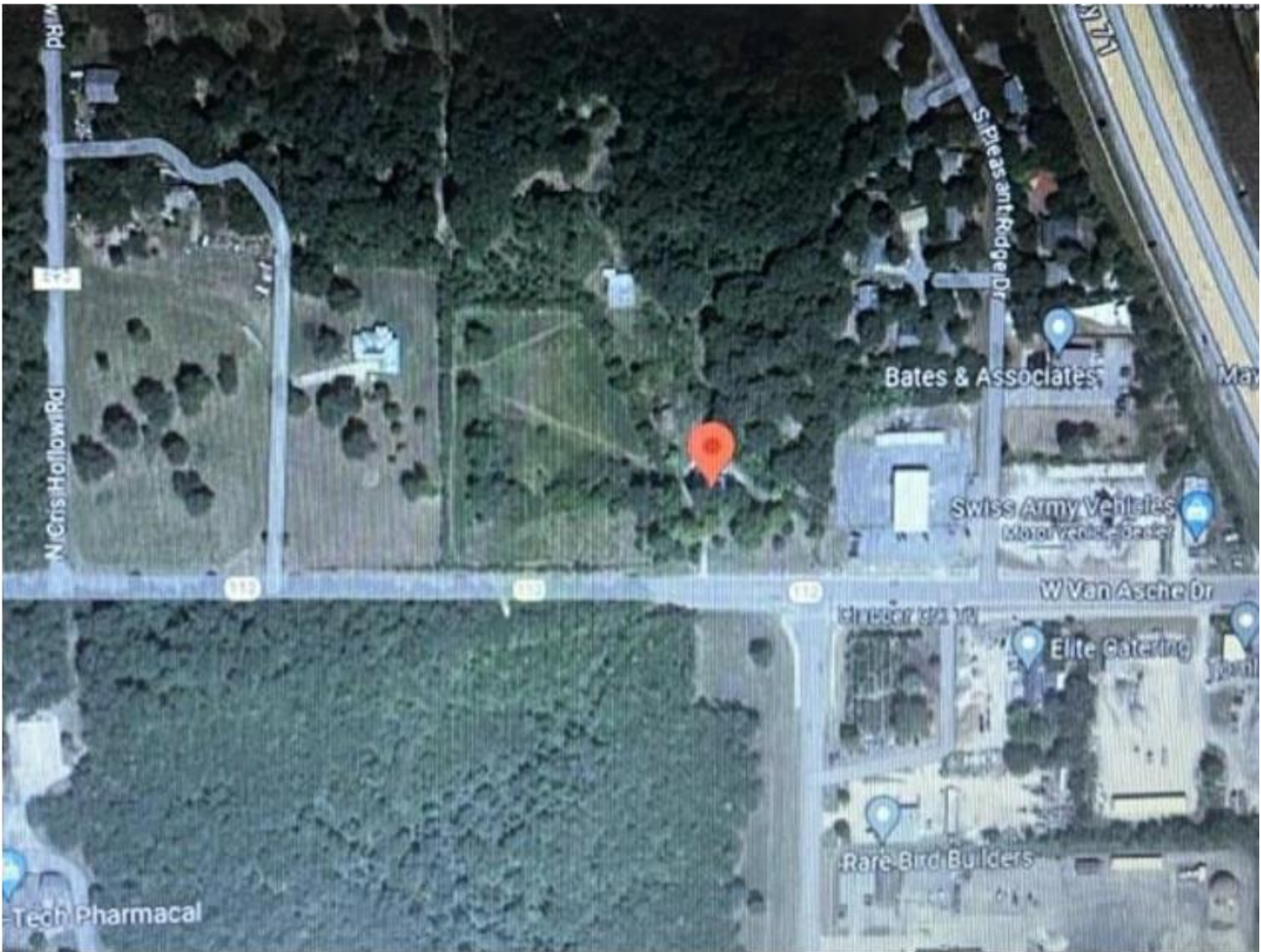
We are interested in renting our 3712. N. Hwy.112 house, which has 1986 sq. ft, three bedrooms, two baths, and two car garages n 10-acre land for the short-term Type-2 rental. We are submitting the application and the required documents with this to get a Business license Type-2 conditional use permit short-term rental.

Thanking you,

Yours Sincerely

Rathinam Selvam  
Chitra Selvam  
✱ Cselvam92@hotmail.com  
rps@uark.edu  
479-236-0106









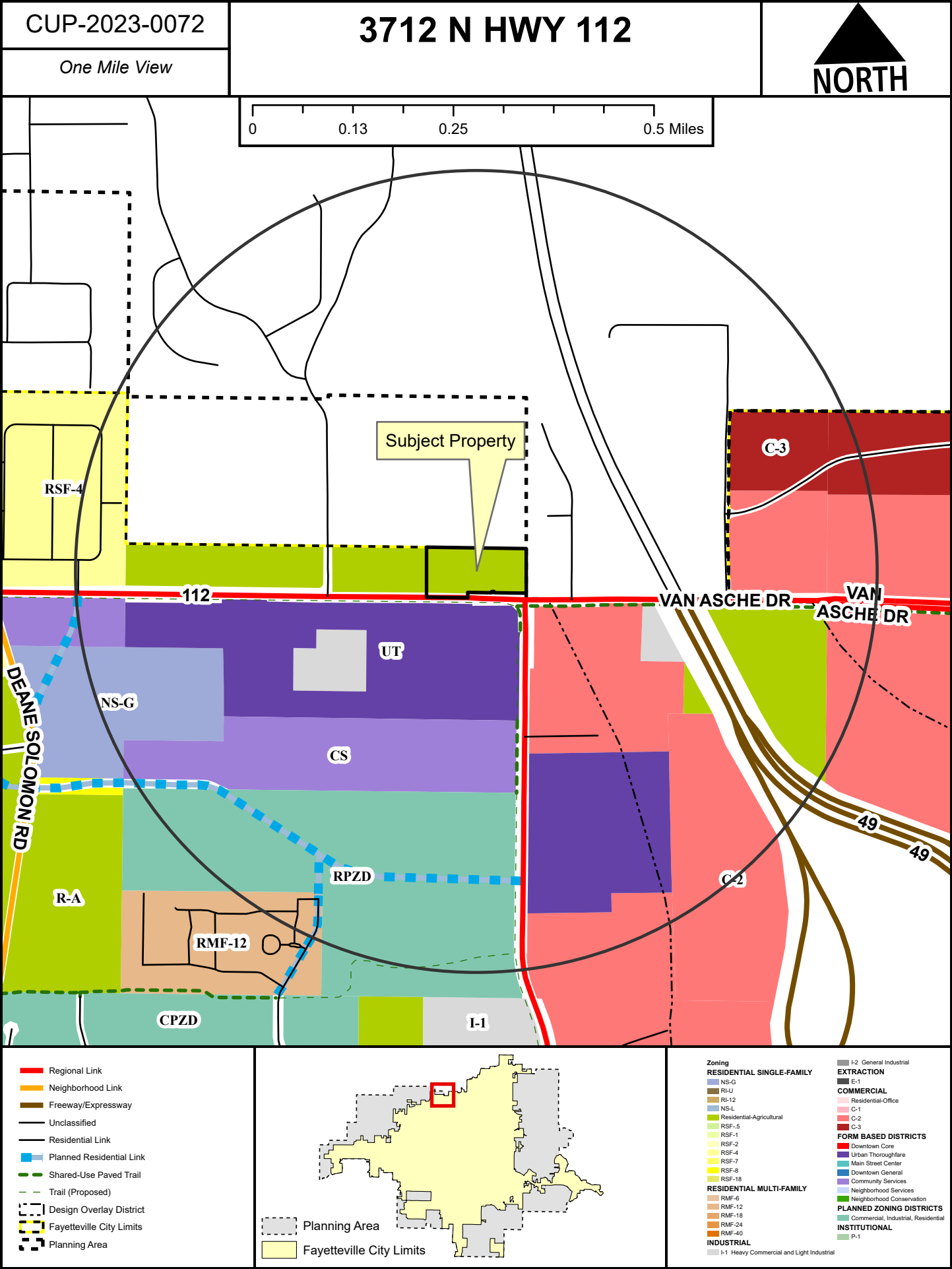


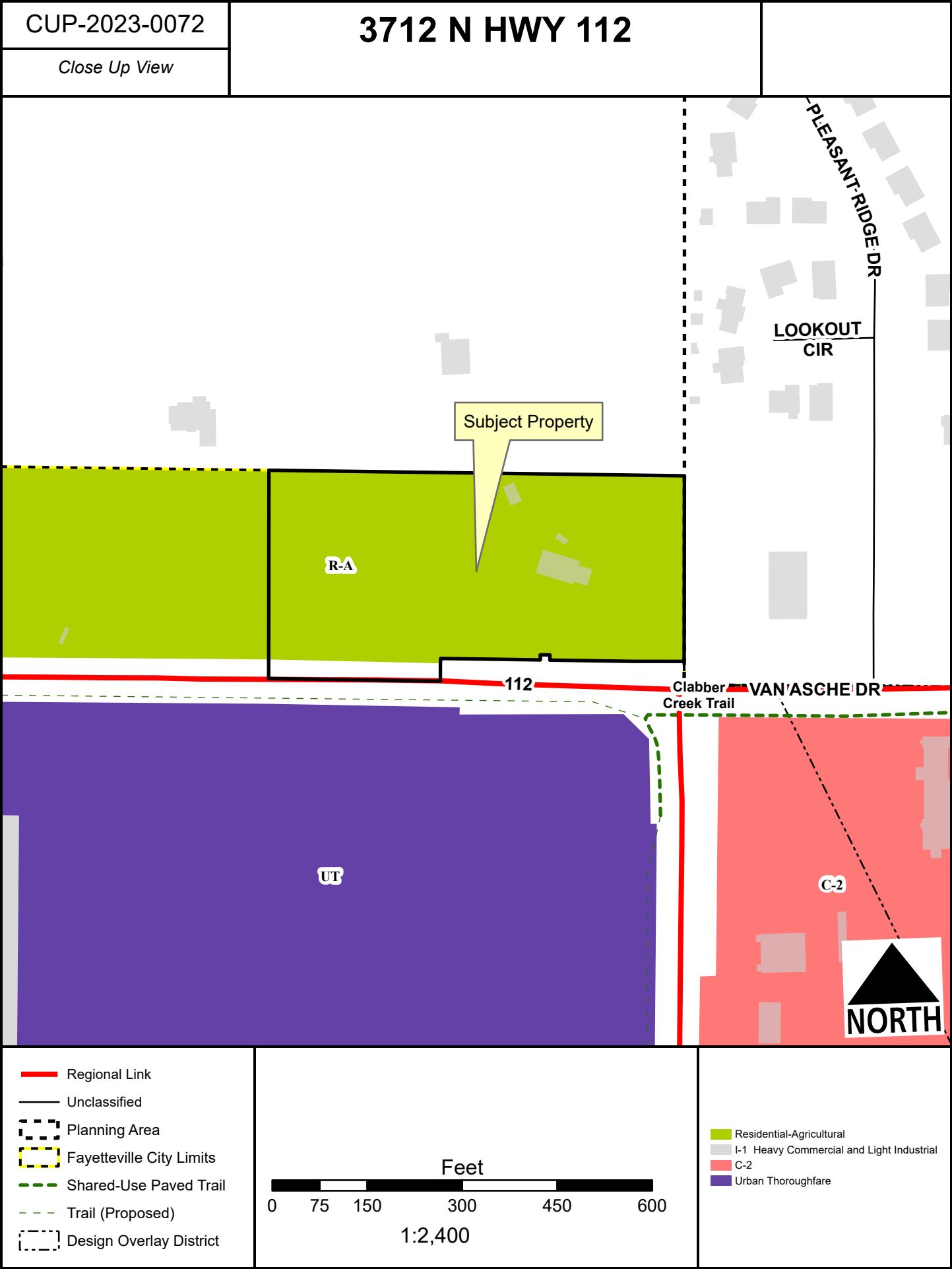














CUP-2023-0072

3712 N HWY 112

Current Land Use



- Regional Link
- Unclassified
- 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

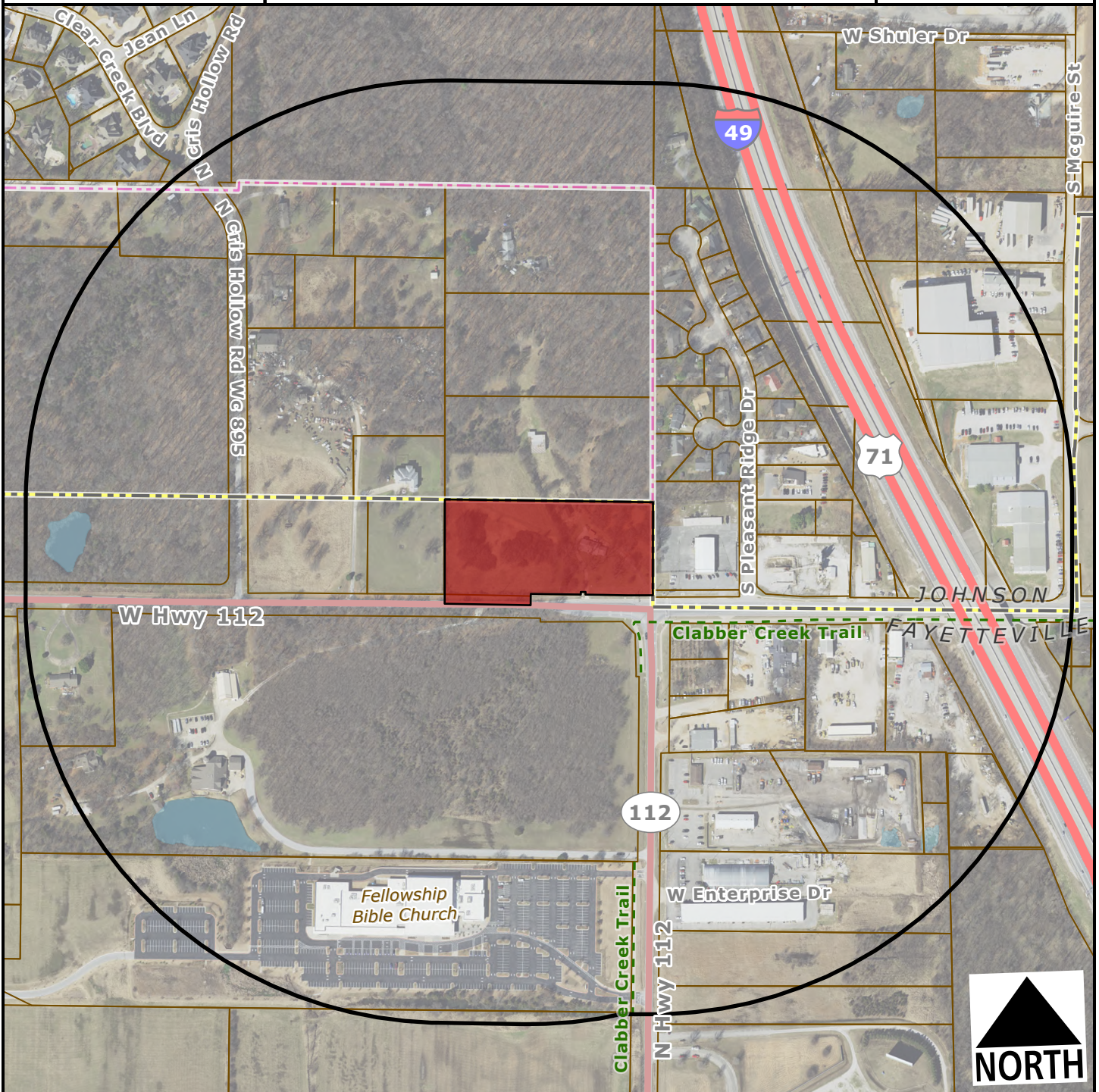
- 100-Year Floodplain
- Floodway



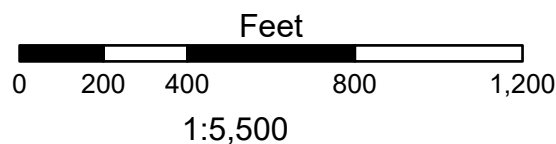
CUP-2023-0072

3712 N HWY 112

STRs Within 1/4 Mile



- Subject Property
- Short Term Rental, Type 2



**Number of STR Licenses**

Contributing to 0  
2% density cap

NOT 0  
contributing to  
2% density cap

**Total 0**





**TO:** Fayetteville Planning Commission

**THRU:** Jessie Masters, Development Review Manager

**FROM:** Donna Wonsower, Planner

**MEETING DATE:** July 24, 2023

**SUBJECT:** **CUP-2023-0073: Conditional Use Permit (10 S. PALMER AVE./ BEYKIRCH, 521):** Submitted by STEPHEN BEYKIRCH for property located at 10 S. PALMER RD. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.40 acres. The request is to use the dwelling as short-term rental.

**RECOMMENDATION:**

Staff recommends approval of **CUP-2023-0073**, with conditions as outlined by staff.

**RECOMMENDED MOTION:**

*"I move to approve **CUP-2023-0073** with conditions, determining:*

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

**BACKGROUND:**

The subject property is located in central Fayetteville approximately 700 feet west of John McDonnell Field. The property is zoned RSF-4 and totals approximately 0.4 acres. No zoning overlays apply to the property. It is currently developed with a 3000 square foot single family structure built in 1966 per the Washington County Assessor. A building permit for a kitchen, bathroom, and basement game room remodel was granted on November 2022 but is not yet complete. 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, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. 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      | Multi-family Residential  | RMF-24, Residential Multi-family, 24 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 citywide cap of 475 units, 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-2023-0073**, 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. Occupancy shall be limited to ten guests.
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. Per 120.02(A), the owners of only short-term rentals shall be required to designate and register their Landlord's Representative into the Landlord's Representative Registry.
11. Outdoor parking be limited to four vehicles per UDC §163.18(A)(4), and no parking be allowed on the gravel driveway unless paved to meet city standards.

|                                    |                                 |                                   |                                 |                 |                   |
|------------------------------------|---------------------------------|-----------------------------------|---------------------------------|-----------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                                 |                                   |                                 | <b>Required</b> | <b><u>YES</u></b> |
| Date: <u>July 24, 2023</u>         | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> 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, 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 RSF-4 zoning, which requires a conditional use permit.

(2) *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(A)(3). Occupancy limitations are confirmed by the applicant during licensing. The dwelling has five bedrooms, which limits occupancy to twelve guests per the code. As no on-street parking is available on the adjacent streets and on-site parking is limited to a maximum of four outdoor vehicles, staff recommends that occupancy be limited to ten (10) guests.

(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:** Staff recommends parking is limited as described in UDC §163.18(A)(4). 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, there are six spaces

available on site split between two concrete driveways on W. Center Street and one gravel driveway on S. Palmer Ave. No garage parking is indicated. Staff recommends a condition that outdoor parking be limited to four vehicles per UDC §163.18(A)(4), and that no parking be allowed on the gravel driveway unless paved to meet city standards.

(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 10 S Palmer 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 citywide density cap at 475 business licenses. As of July 17, 2023, the City had issued 388 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license, but does not guarantee its approval.

(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:** Up to four outdoor parking spaces are allowed per city ordinances, and the parcel has two concrete driveways on W. Center Street and one gravel driveway on S. Palmer Ave. No garage parking is indicated. Neither S. Palmer

Ave nor W. Center St appear to have enough width for on-street parking at this location. Given this, staff recommends a condition limiting occupancy to ten (10) guests. City records indicate that seven (7) other units within a quarter-mile radius of the subject property has an active Type 2 short-term rental business license. No zoning or code violations were found for this address.

**§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 property has two existing concrete driveways onto W. Center St and one existing gravel driveway onto S. Palmer Ave. Staff finds that the proposal to use the property as a short-term rental will not adversely affect traffic flows with a recommended condition limiting guests to a maximum of ten, 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:** No garage parking is available. Up to four outdoor spaces could be utilized as allowed by the underlying zoning district. The property contains two driveways onto W. Center Street and one gravel driveway onto S. Palmer Ave. Staff recommends a condition be added that no parking be allowed on the gravel driveway unless paved to meet city standards.

(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 surrounding areas are developed with a mix of residential densities and housing types, and several short-term rentals have been permitted nearby. The University of Arkansas is in close proximity, creating a tourism driver and incentive for short-term rentals in the area.**

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

**Finding: Staff finds the proposed use to be 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 citywide cap of 475 units 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
  - Excerpt of Ordinance 6672
  - §161.07 District RSF-4, Residential Single-Family – Four (4) Units Per Acre
- Applicant Request Letter
- Building Floor Plans
- Trash Can Exhibit
- Parking Exhibit
- 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)



113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 6672**

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**File Number: 2023-838**

**ORDINANCE AMENDMENT §118.01 (SHORT TERM RENTAL DENSITY CAP):**

AN ORDINANCE TO AMEND §118.01 APPLICABILITY OF THE FAYETTEVILLE CITY CODE TO REDUCE THE CITYWIDE DENSITY CAP FOR SHORT TERM RENTALS TO 475, AND TO DECLARE AN EMERGENCY

**WHEREAS**, the Development Services Department has issued 392 licenses for Type 2 short term rentals, 341 of which contribute to the current 2% citywide cap because they are not located in zoning districts that permit hotel and motel uses by right; and

**WHEREAS**, the City Council Ordinance Review Committee has recommended that the citywide density cap for Type 2 short term rentals be reduced from 2% of all dwelling units to a set cap of 475 and recommends that all Type 2 short term rentals be counted toward that cap.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory paragraph of subsection (E)(16) and subsection (E)(16)(a) in §118.01 **Applicability** of the *Fayetteville City Code* and enacts replacement language as follows:

“(16) Density For Type 2 Short-Term Rentals. A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because reducing the number of available short term rental permits in the City of Fayetteville is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED on July 6, 2023

Approved:

Attest:

  
Lionel Jordan, Mayor

  
Kara Paxton, City Clerk Treasurer





### 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."

Steve Beykirch  
Bey3, LLC  
1961 East Overcrest Street  
Fayetteville, AR 72703



City of Fayetteville City Hall  
125 W. Mountain Street  
Fayetteville, AR 72701

**APPROVED**  
06/23/2023

**Subject: Letter of Intent to Operate Short-Term Rental Property at 10 South Palmer, Fayetteville, AR**  
**Parcel ID : 765-07427-000**

Dear City of Fayetteville,

I hope this letter finds you well. I am writing to request your approval to operate our house, located at 10 South Palmer, Fayetteville, AR, as a Type 2 short-term rental property.

As proud homeowners since 2018 in this beautiful community, we have come to recognize the potential of utilizing our property as a short-term rental. With the growing popularity of Northwest Arkansas and more specifically Fayetteville, we believe that our home can contribute positively to the local economy while offering a unique and enjoyable experience for visitors to Fayetteville.

We have given careful consideration to the regulations and guidelines set forth by the city regarding short-term rentals and are committed to complying with all requirements. We understand the importance of maintaining the quality of life for our neighbors and will ensure that our short-term rental operation adheres to the highest standards.

*To address any concerns that may arise, we have taken the following measures:*

1. *Guest Screening: We will implement a thorough guest screening process to ensure that only responsible and respectful individuals or groups are permitted to stay at our property.*
2. *Property Management: We will employ a thorough system to facilitate check ins which clearly communicate our property guidelines, locally oversee the day-to-day operations, maintenance, and ensuring compliance with all city regulations.*
3. *Local Contact: We will have local ownership who can promptly address any issues or concerns that may arise during a guest's stay. These individuals (Bailey & Bradley Beykirch) will be available 24/7 to handle emergencies and maintain open lines of communication with our neighbors. We have always had good relationships with our neighbors over the years.*
4. *Noise and Safety: We will establish very clear guidelines for guests regarding noise levels and proper behavior, emphasizing the importance of respecting the peace and tranquility of the neighborhood. We will also ensure that our property meets all safety requirements and will*

*implement safety measures such as fire extinguishers, smoke detectors, and emergency contact information as needed by the City of Fayetteville.*

5. *Parking: We will provide clear instructions to guests regarding parking regulations and restrictions to prevent any inconvenience to our neighbors. Fortunately, we have space for 5 or more parking spots on site. We will encourage guests to use nearby public parking areas whenever possible.*

By operating our property as a short-term rental, we aim to contribute to the local economy by attracting visitors who will support local businesses, restaurants, and attractions. Additionally, we believe that responsible short-term rental operations can foster a sense of community by connecting guests with the unique culture and charm of Fayetteville.

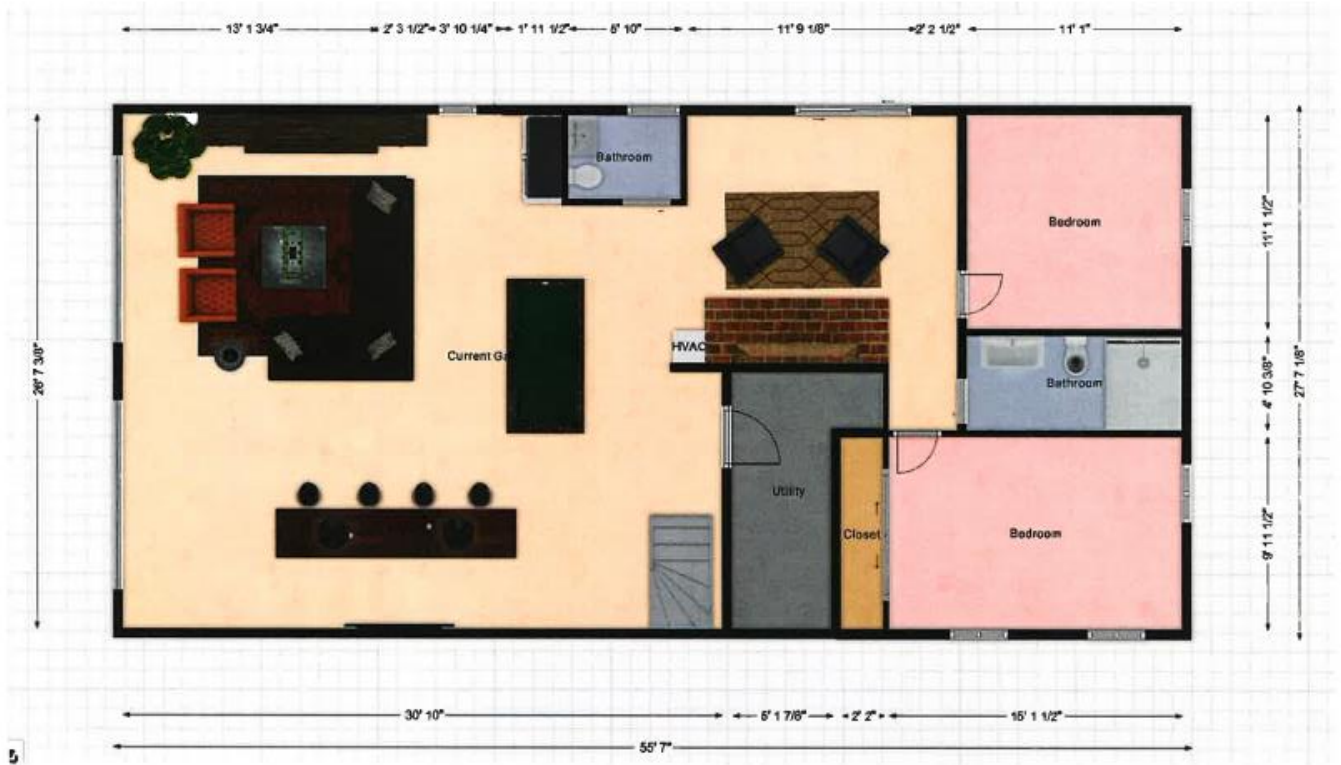
We kindly request that you review our proposal and provide us with the necessary information and application materials to proceed with the formal approval process. We are committed to working closely with the city and its residents to ensure that our short-term rental operation aligns with the vision and values of the community.

Thank you for your time and consideration. We eagerly await your response and look forward to working together to create a positive impact through responsible short-term rental operations in Fayetteville.

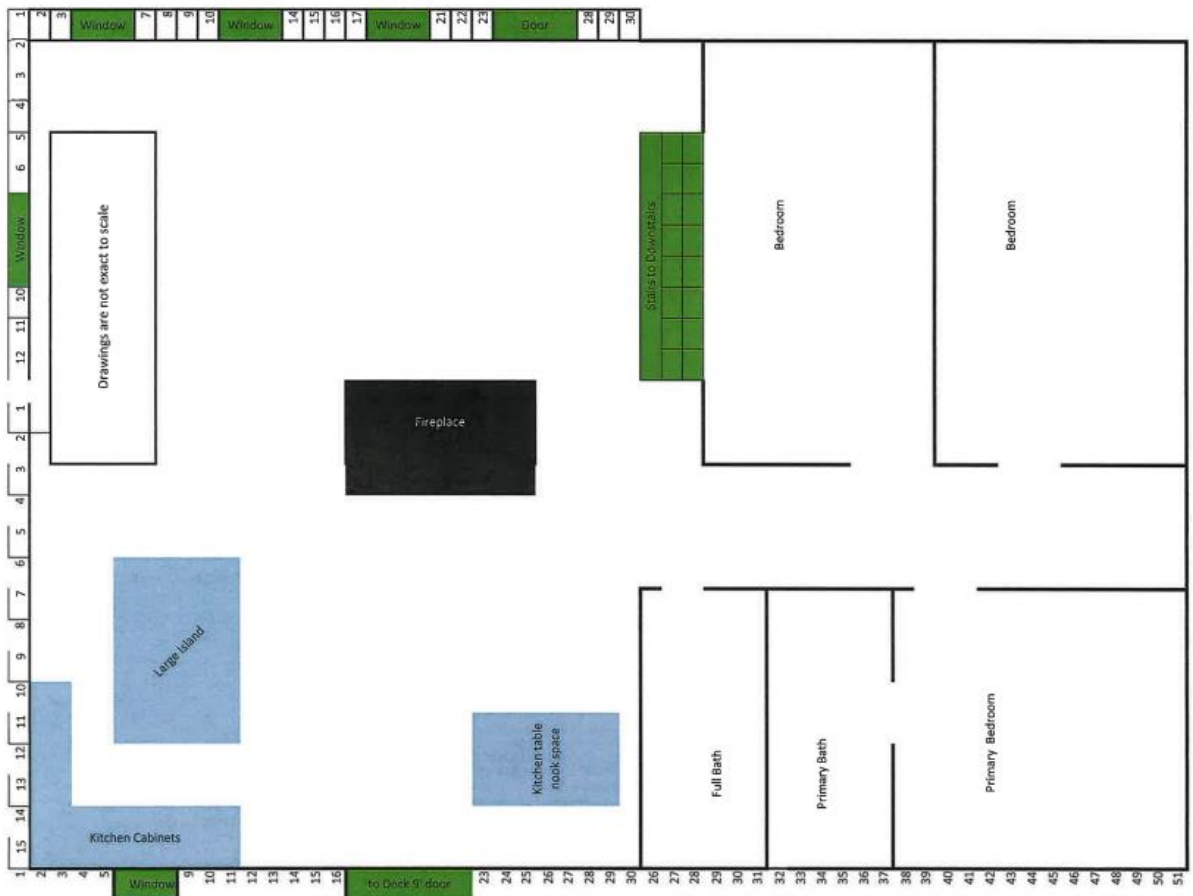
Sincerely,

Bey 3, LLC  
Steve Beykirch  
Bailey Beykirch  
Bradley Beykirch

## FIRST FLOOR



## SECOND FLOOR







- Trash Cans (2) will be placed to the left of the garage and against the house. We have maintained these trash cans in this space for 3+ years now.





- Designating property lines
- Designating car parking spots on property
- Each parking spot can fit a minimum of (2) cars
- Parking is not of a concern at this property

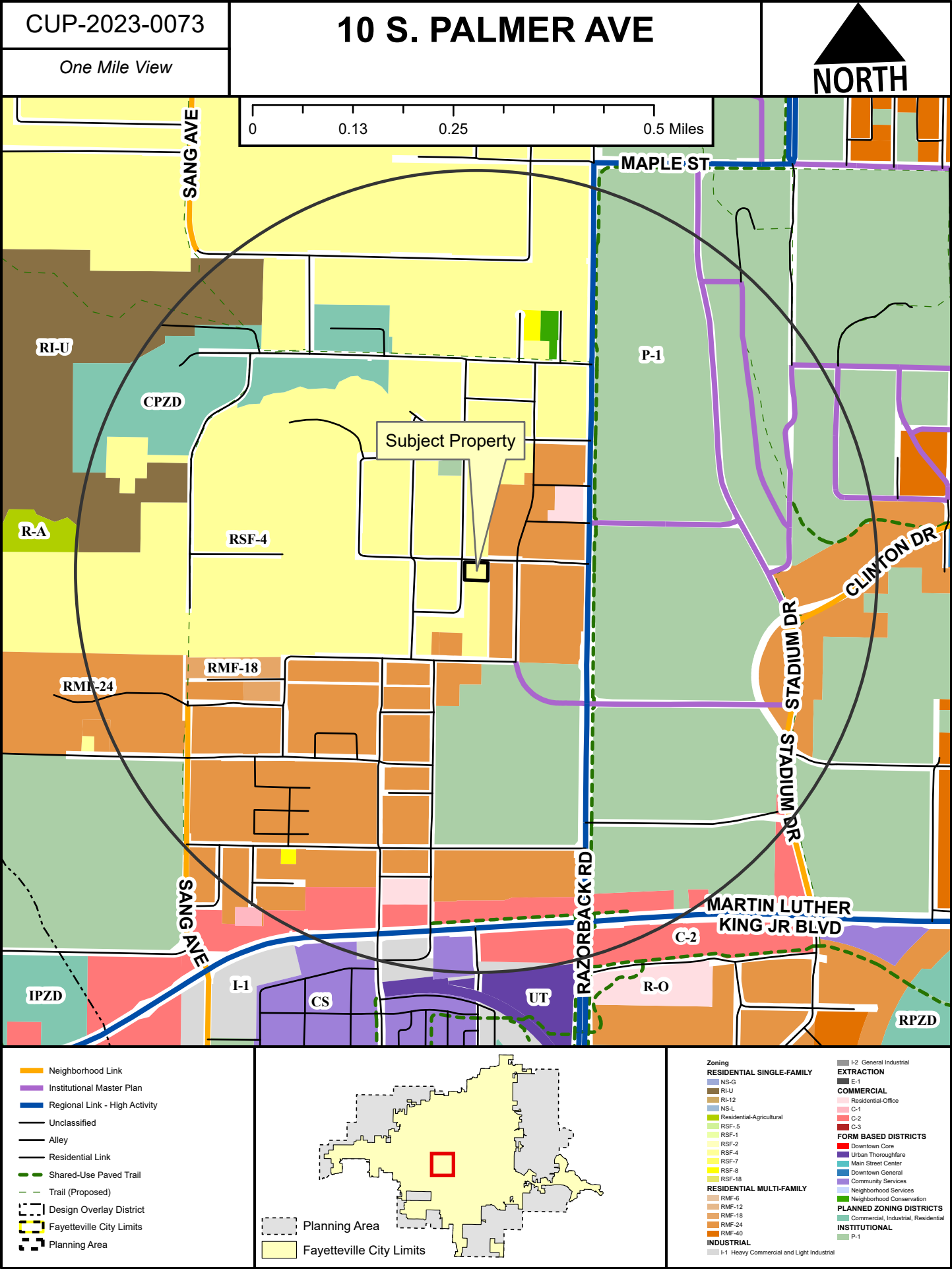








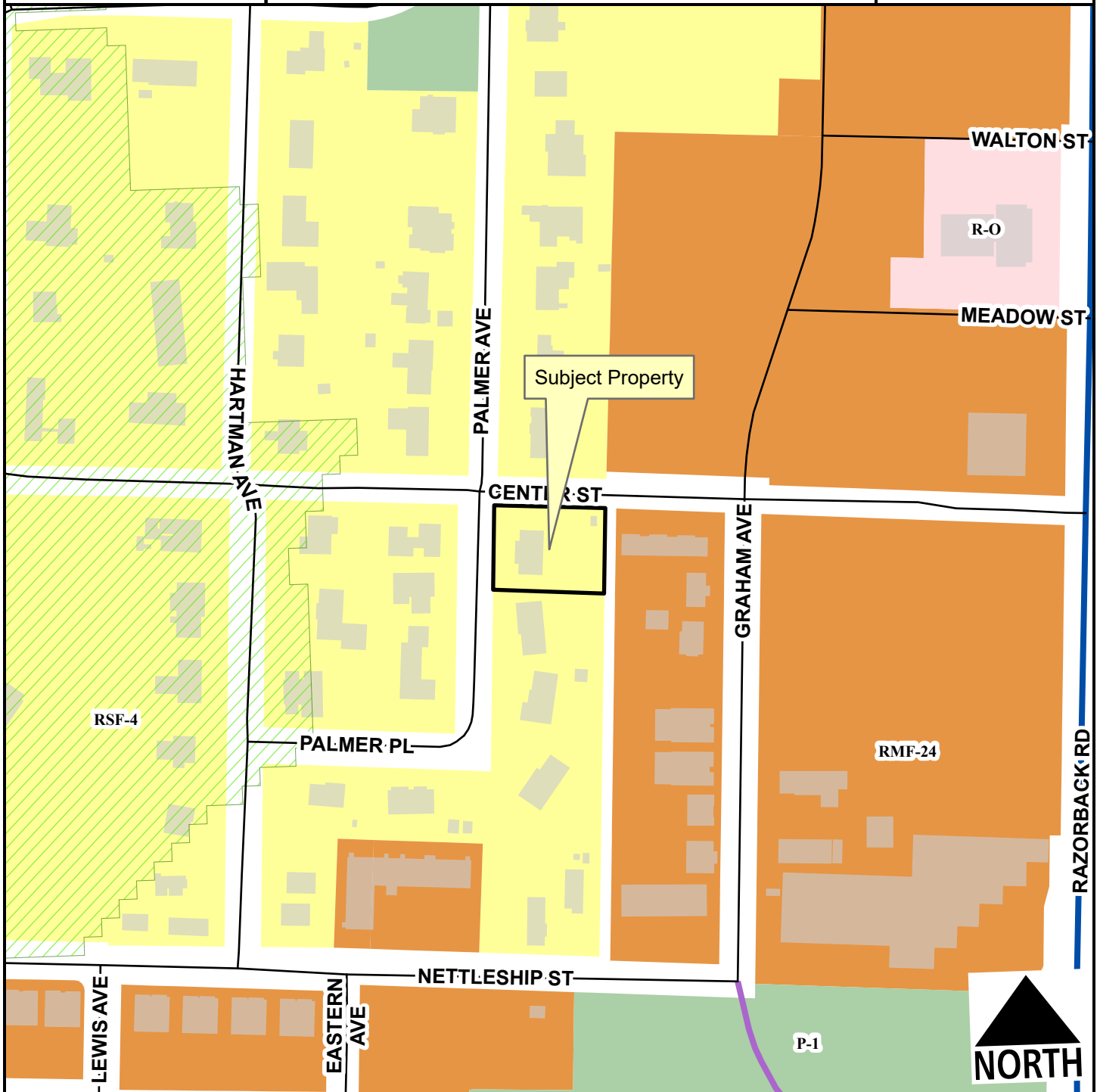




CUP-2023-0073

# 10 S. PALMER AVE

Close Up View

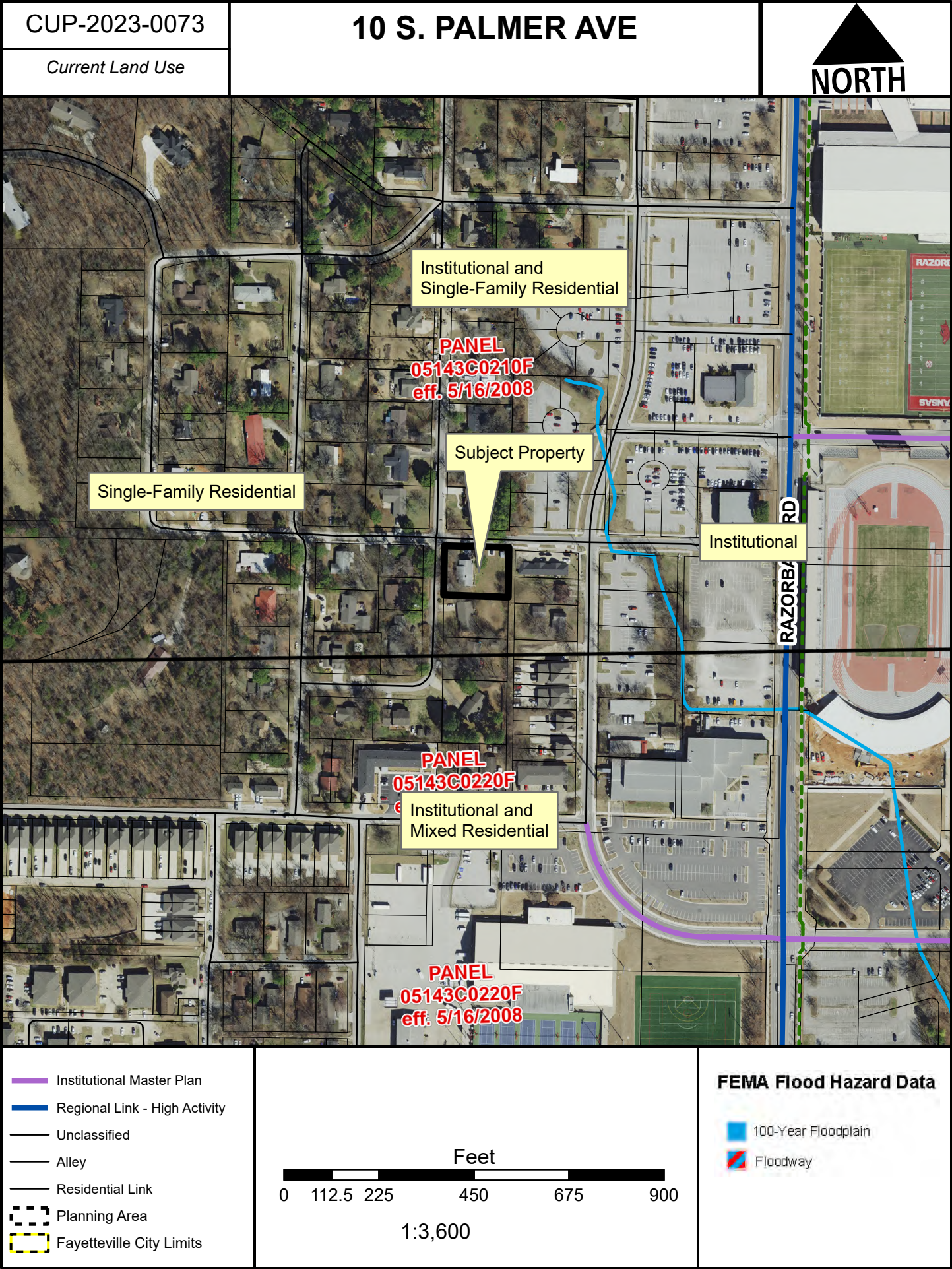


- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits



- RSF-4
- RMF-24
- Residential-Office
- P-1



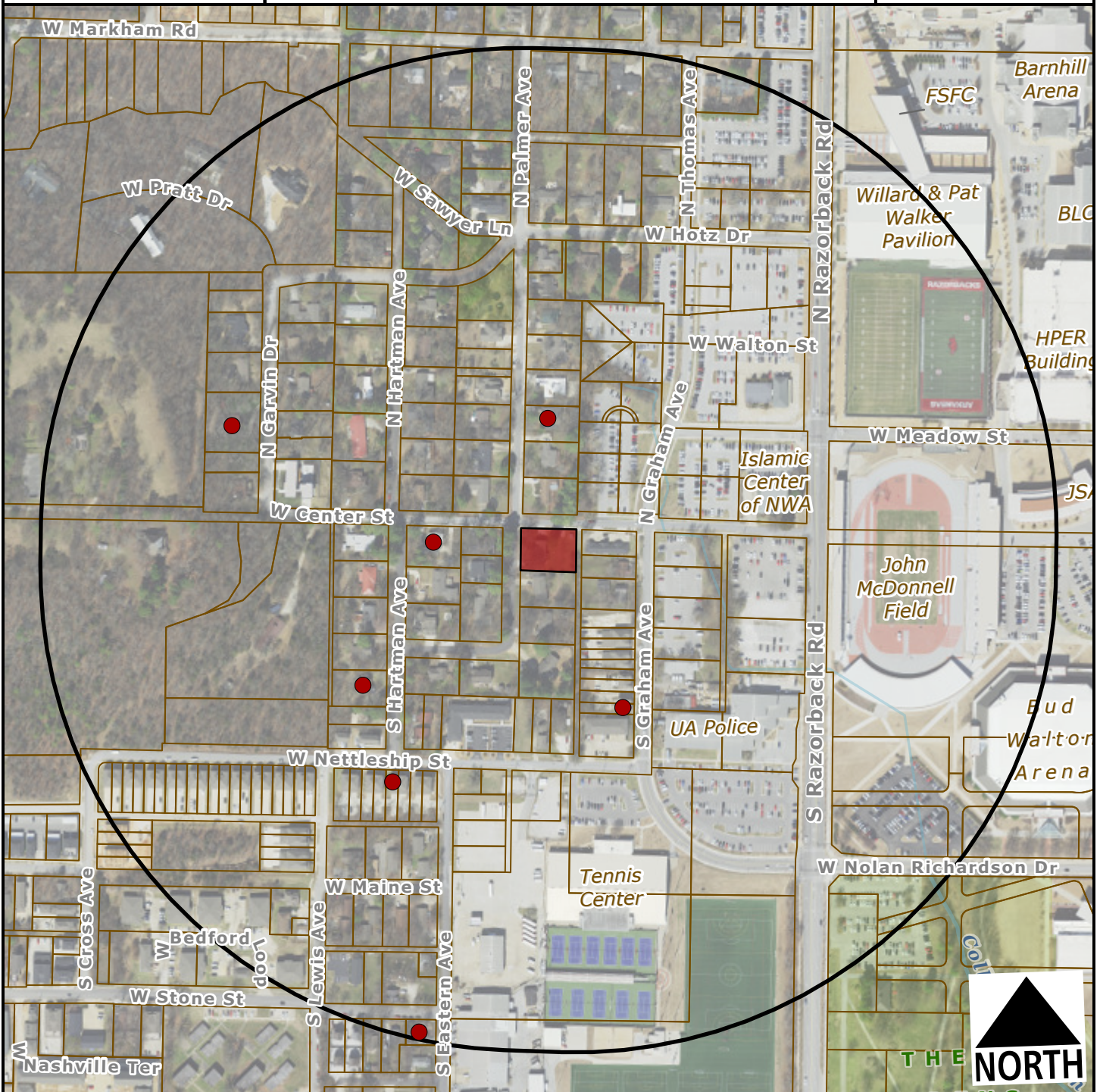




CUP-2023-0073

# 10 S. PALMER AVE

STRs Within 1/4 Mile



- Subject Property
- Short Term Rental, Type 2



## Number of STR Licenses

Contributing to 2% density cap 7

NOT contributing to 2% density cap 0

**Total 7**



**TO:** Fayetteville Planning Commission

**FROM:** Jessie Masters, Development Review Manager

**MEETING DATE:** July 24, 2023

**SUBJECT:** **CUP-2023-0071: Conditional Use Permit (513 N. HIGHLAND AVE/REYNOLDS, 445):** Submitted by BRIAN REYNOLDS for property located at 513 N. HIGHLAND AVE. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.30 acres. The request is to use the residence as a short-term rental.

**RECOMMENDATION:**

Staff recommends denial of **CUP-2023-0071**, with conditions as outlined by staff.

**RECOMMENDED MOTION:**

*"I move to deny CUP-2023-0071."*

**BACKGROUND:**

The subject property is located in central Fayetteville, approximately 200 feet north of Washington Elementary School, and approximately 700 feet to the southeast of Wilson Park. The property is zoned RSF-4, Residential Single-Family, Four Units Per Acre, with no overlay districts that govern the property. The parcel totals approximately 0.30 acres. A 2,133 square foot single-family dwelling that was built in 1913 based on County records currently occupies the site. 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, and on July 6, 2023, City Council amended the Type 2 short-term rental density cap requirements from 2% city-wide, to 475 total. 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      | Mixed-Density Residential | RMF-24, Residential Multi-Family, 24 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 citywide cap of 475, 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 received public comment in opposition of the request, citing concerns with neighborhood destabilization, traffic from the nearby school, and concentration of short-term rentals in the area.

**RECOMMENDATION:** Staff recommends denial of **CUP-2023-0071**; should Planning Commission vote to approve, staff recommends the following conditions of approval:

**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. Per 120.02(A), the owners of only short-term rentals shall be required to designate and register their Landlord's Representative into the Landlord's Representative Registry.

|                                    |                             |                                 |                                   |                                 |                   |
|------------------------------------|-----------------------------|---------------------------------|-----------------------------------|---------------------------------|-------------------|
| <b>PLANNING COMMISSION ACTION:</b> |                             |                                 |                                   | <b>Required</b>                 | <b><u>YES</u></b> |
| <b>Date:</b>                       | <b><u>July 24, 2023</u></b> | <input type="checkbox"/> Tabled | <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |                   |
| <b>Motion:</b>                     |                             |                                 |                                   |                                 |                   |
| <b>Second:</b>                     |                             |                                 |                                   |                                 |                   |
| <b>Vote:</b>                       |                             |                                 |                                   |                                 |                   |

## 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 may negatively affect the public interest. Though there are applicable business license requirements including a required building safety inspection generally intended to protect the public, staff finds that the concentration of short-term rentals in the area has reached a critical mass and has specific concerns related to the site and related density within the surrounding neighborhood.

(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, 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 Type 2 short-term rental in the RSF-4 zoning district, which requires a conditional use permit.**

(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 four bedrooms, which would limit occupancy to ten 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 access to 4 off-street parking spaces through an existing driveway and one-car 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 513 N. Highland Avenue. 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 citywide density cap at 475 business licenses. As of July 17, 2023, the City had issued 388 Type 2 short-term rental licenses. Granting a CUP for this location would entitle the applicant to apply for a business license, but does not guarantee its approval.

(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 four off-street parking spaces will be available for guests in an existing driveway and garage. On-street parking is available along N. Highland Avenue, though is likely only wide enough to support parking on one side of the street. City records indicate 21 other units within ¼ mile radius with active Type 2 short-term rental business licenses. Given the mixed-density area, the proximity to Washington Elementary school, and the high infill score for the site, staff finds that while the high number of issued Type 2 licenses is not surprising, approving another STR license in the area may negatively contribute to a neighborhood that is otherwise a compact, complete, and connected one. 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 N. Highland Avenue, an improved residential link with sidewalk along the western side. The street appears to have sufficient width to support on-street parking, though not likely for both sides of the street to still ensure adequate space for emergency vehicles. Staff finds the proposal itself may not adversely affect traffic flows considering the use of the property would be limited to a maximum of ten guests, which would not be out of character with use of the property of this size and 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 driveway that is approximately 100 feet long that could accommodate the permitted 4 vehicles to be parked outside. 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:** On the balance of considerations, staff finds the proposed use to be incompatible with surrounding properties. While 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, N. Highland Avenue is a narrow street that typically experiences overparking. With 21 units in this area already having received a Type 2 business license within a quarter mile, staff finds that the neighborhood is currently bearing a higher burden on accommodating short-term rentals than others in the City; further, some of the boundary incorporates a multitude of other uses beyond residential, including area of Wilson Park, Washington Elementary School, and strictly commercial uses along College, indicating what may even be a higher concentration of the available residential uses in the area.

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

**Finding:** Staff finds the proposed use to be 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. Staff acknowledges that there are safeguards in place that limit how short-term rentals operate to ensure that the City can still meet those goals, including a city-wide limit and restrictions on the number of units that may be used as a short-term rental in multi-family dwelling complexes. Staff finds that approving another Type 2 license in this area may run counter to City Plan goal #3 of creating compact, complete, and connected neighborhoods, and will remove another unit of housing from an area with a high infill score (11) and a limited housing inventory.

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#### **BUDGET/STAFF IMPACT:**

None

#### **Attachments:**

- Business Regulations
  - §118.01 Applicability
- Unified Development Code
  - §163.18 Type 2 Short-Term Rentals in Residential Zoning Districts
  - Ordinance 6672 - Excerpt
  - §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."



113 West Mountain Street  
Fayetteville, AR 72701  
(479) 575-8323

**Ordinance: 6672**

---

**File Number: 2023-838**

**ORDINANCE AMENDMENT §118.01 (SHORT TERM RENTAL DENSITY CAP):**

AN ORDINANCE TO AMEND §118.01 APPLICABILITY OF THE FAYETTEVILLE CITY CODE TO REDUCE THE CITYWIDE DENSITY CAP FOR SHORT TERM RENTALS TO 475, AND TO DECLARE AN EMERGENCY

**WHEREAS**, the Development Services Department has issued 392 licenses for Type 2 short term rentals, 341 of which contribute to the current 2% citywide cap because they are not located in zoning districts that permit hotel and motel uses by right; and

**WHEREAS**, the City Council Ordinance Review Committee has recommended that the citywide density cap for Type 2 short term rentals be reduced from 2% of all dwelling units to a set cap of 475 and recommends that all Type 2 short term rentals be counted toward that cap.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory paragraph of subsection (E)(16) and subsection (E)(16)(a) in §118.01 **Applicability** of the *Fayetteville City Code* and enacts replacement language as follows:

“(16) Density For Type 2 Short-Term Rentals. A city-wide density cap of 475 dwelling units may be Type 2 rentals. A conditional use permit may not permit:

(a) More Type 2 short-term rentals than what is allowed by the city-wide density cap.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because reducing the number of available short term rental permits in the City of Fayetteville is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED on July 6, 2023

Approved:

Attest:

  
Lionel Jordan, Mayor

  
Kara Paxton, City Clerk Treasurer



## Conditional Use Permit – Description of Request

June 7, 2023

**Applicant:** Brian K. Reynolds

**Property owner:** Brian K Reynolds Living Trust

### Legal Description of property:

513 North Highland Avenue, Fayetteville, Washington County, AR 72701

Lot 5, Block 5, Oak Grove-Gates Subdivision, 09-16-30

Parcel I.D. # 765-08962-000

### Description of this request

**(a) Building size in square feet; existing and proposed** 2,430 Square Feet

**(b) Color elevations of all exterior sides of the structure** (attaching what we have available, current and planned future state. See next page)

**(c) Number of off-street parking spaces to be provided / number required**

The long driveway and 1 car garage can easily accommodate 4 cars, possibly more. This would be sufficient to accommodate any guests of the home without the need for additional street parking.

**(d) When request applies to a business or non-residential use: -Hours of operation -Number of employees -Anticipated number of patrons, clients, children, customers, etc. (average per day / peak hour)** Not applicable

**(e) Outdoor lighting:** Lighting exists at steps, front porch, side porch and exterior of garage

**(f) Noise:** Nothing beyond normal residential noise. This property will not be rented to young adults or used to host parties. The minimum rental age will be established as 25+ and the STR will be priced to attract student parents that know how to take care of a home and respect neighbors.

**(g) Screening or buffering from adjacent properties:** Fencing on all sides and back of property

**(h) Trash and refuse service (with particular reference to visibility from the street and adjacent properties):** Trash cans sit behind privacy fence, not visible from the street or adjacent properties

**(i) Ingress and egress to the property; traffic impacts:** NA

**(j) A response discussing the general compatibility of the proposed use with adjacent properties and other property in the neighborhood.**

Once renovated, this house will serve as a second home for my family and an ultimate retirement destination to allow us to be closer to our grandchildren. Over the next several years while it's a second home, our intention is to offer the home as a short-term rental option for families travelling to Fayetteville for University events. The proposed use is consistent with other homes in the neighborhood that are used as STR's and off-Campus University housing.

Current:



Future:



Future Color TBD. The color will be similar to the current color (light color palette) with bright white trim around windows and cedar shake on the large front gable.

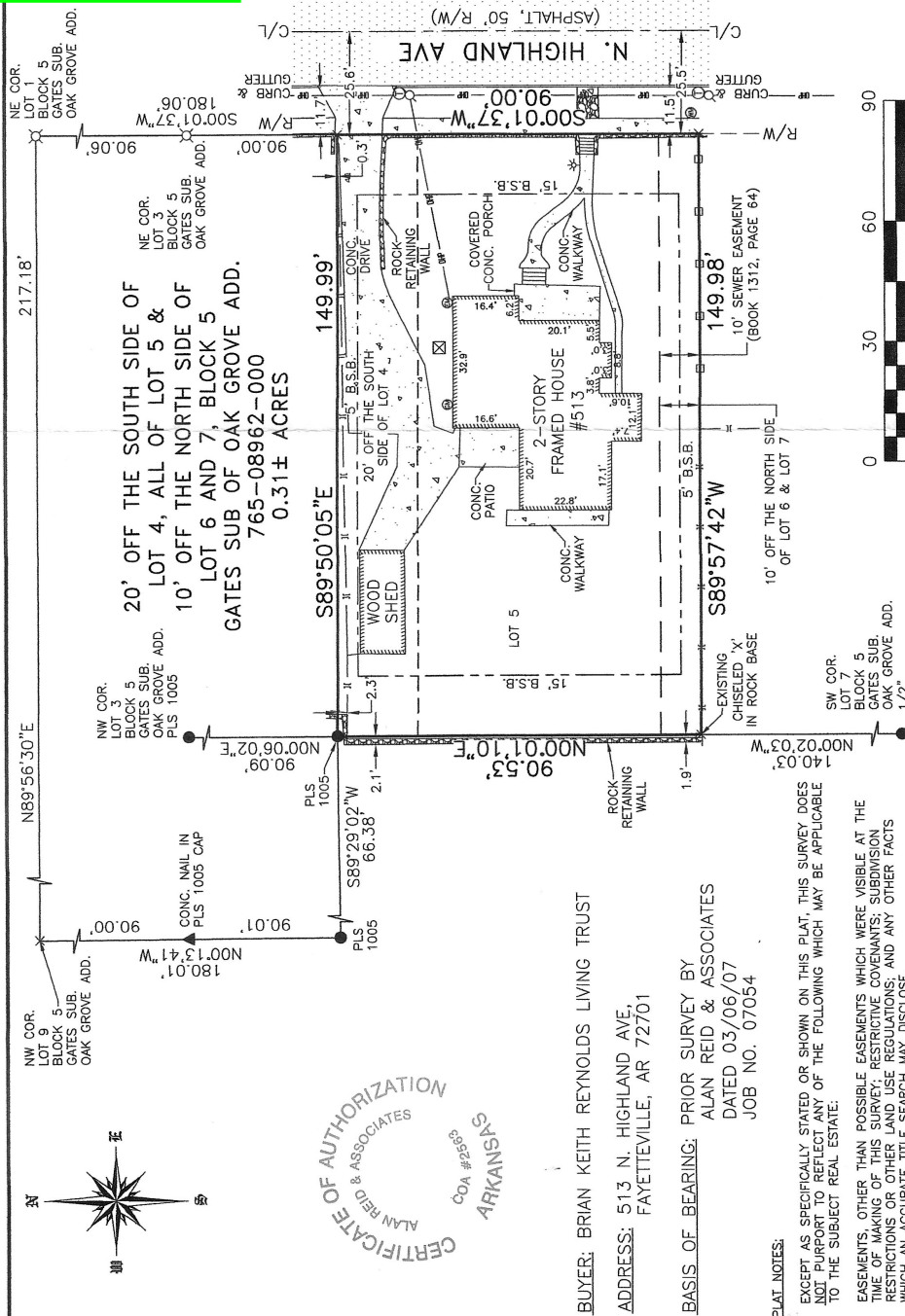


SURVEY DESCRIPTION:  
TWENTY (20) FEET EQUAL AND UNIFORM WIDTH OFF OF THE SOUTH SIDE OF LOT FOUR (4), ALL OF LOT FIVE (5) AND TEN (10) FEET OF EQUAL AND UNIFORM WIDTH OFF OF THE NORTH END OF LOTS SIX (6) AND SEVEN (7) IN BLOCK FIVE (5) IN GATES SUBDIVISION OF OAK GROVE ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE REVERSED PLAT OF SAID ADDITION....



## LEGEND

- |                                     |                        |
|-------------------------------------|------------------------|
| <input checked="" type="checkbox"/> | AC UNIT                |
| <input checked="" type="checkbox"/> | CHISLED 'X'            |
| <input checked="" type="checkbox"/> | ELECTRIC METER         |
| <input checked="" type="checkbox"/> | EXISTING IRON REBAR    |
| <input checked="" type="checkbox"/> | EXISTING NAIL          |
| <input checked="" type="checkbox"/> | GAS METER              |
| <input checked="" type="checkbox"/> | LAMP POST              |
| <input checked="" type="checkbox"/> | POWER POLE             |
| <input checked="" type="checkbox"/> | READING                |
| <input checked="" type="checkbox"/> | TELEPHONE PEDESTAL     |
| <input checked="" type="checkbox"/> | WATER METER            |
| <input checked="" type="checkbox"/> | BUILDING LINE          |
| <input checked="" type="checkbox"/> | BUILDING SETBACK LINE  |
| <input checked="" type="checkbox"/> | CENTERLINE ROAD        |
| <input checked="" type="checkbox"/> | EASEMENT LINE          |
| <input checked="" type="checkbox"/> | OVERHEAD ELECTRIC LINE |
| <input checked="" type="checkbox"/> | PROPERTY LINE          |
| <input checked="" type="checkbox"/> | RIGHT-OF-WAY LINE      |
| <input checked="" type="checkbox"/> | WOOD FENCE             |
| <input checked="" type="checkbox"/> | WROUGHT IRON FENCE     |

 $1'' = 30'$ 

ZONED: RSF-4

SETBACKS:  
FRONT...15 FEET  
SIDE...5 FEET  
REAR...15 FEET

Alan Reid & Associates

118 South College Avenue  
Fayetteville, Arkansas 72701

(479) 444-8784

|                  |              |                      |
|------------------|--------------|----------------------|
| DATE: 11/21/2022 | REVISED:     | PROJECT NO.<br>22263 |
| SCALE: 1"= 30'   | DRAWN BY: DE |                      |

# LOT SURVEY

BUYER: BRIAN KEITH REYNOLDS LIVING TRUST

ADDRESS: 513 N. HIGHLAND AVE.,  
FAYETTEVILLE, AR 72701

BASIS OF BEARING: PRIOR SURVEY BY  
ALAN REID & ASSOCIATES  
DATED 03/06/07  
JOB NO. 07054

PLAT NOTES:

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

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

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

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

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

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

Casa Bianca Design, LLC  
Documents for this project shall be prepared by the architect and shall not be used for any other project without the written consent of the architect. The architect shall not be responsible for any errors or omissions in the documents or for any consequences arising therefrom.

KEITH & CHRISTI  
513 HIGHLAND AVE.  
FAYETTEVILLE, AR 72701

| REVISION |       |      |
|----------|-------|------|
| NO.      | ISSUE | DATE |

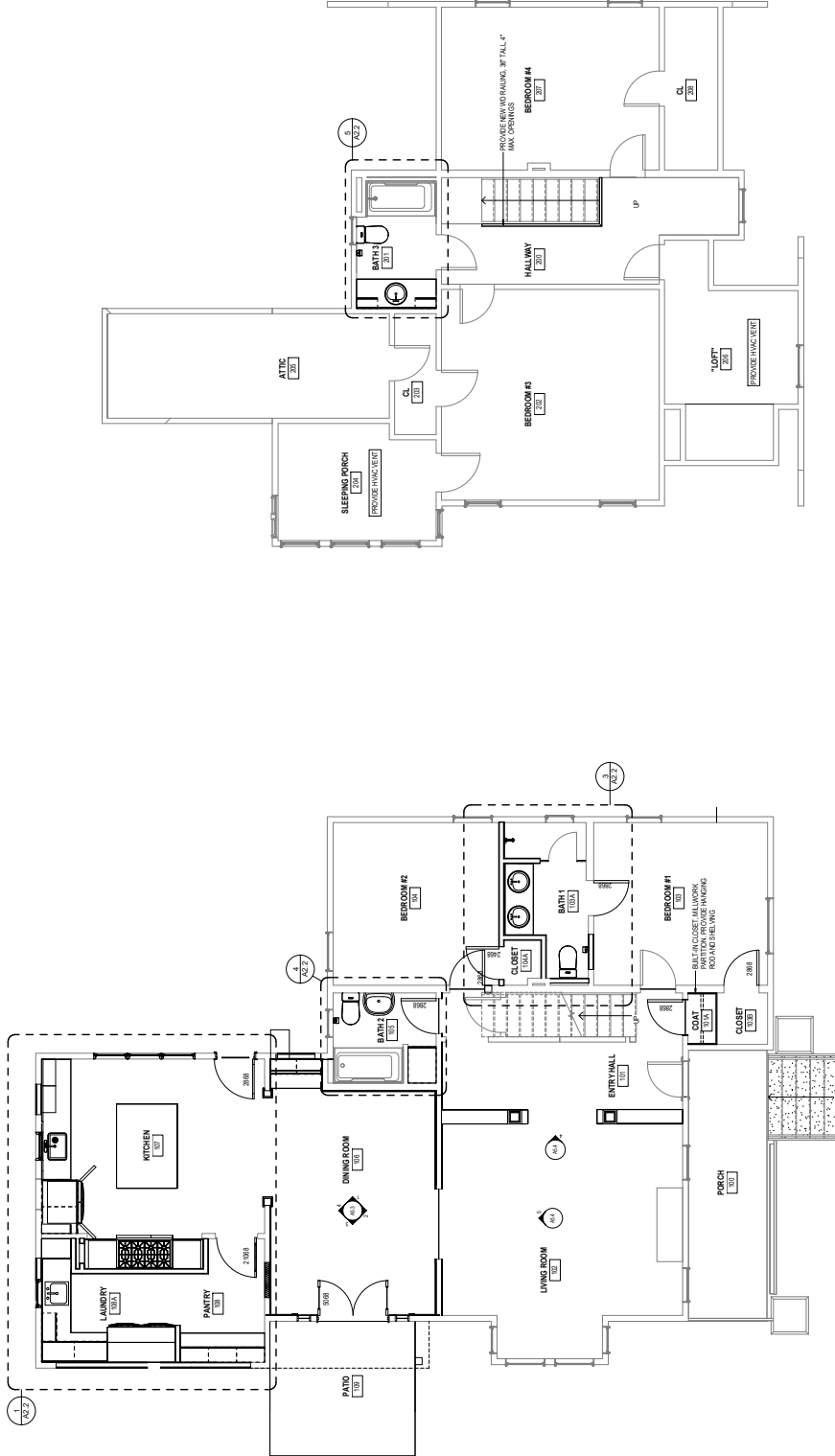
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04.19.23

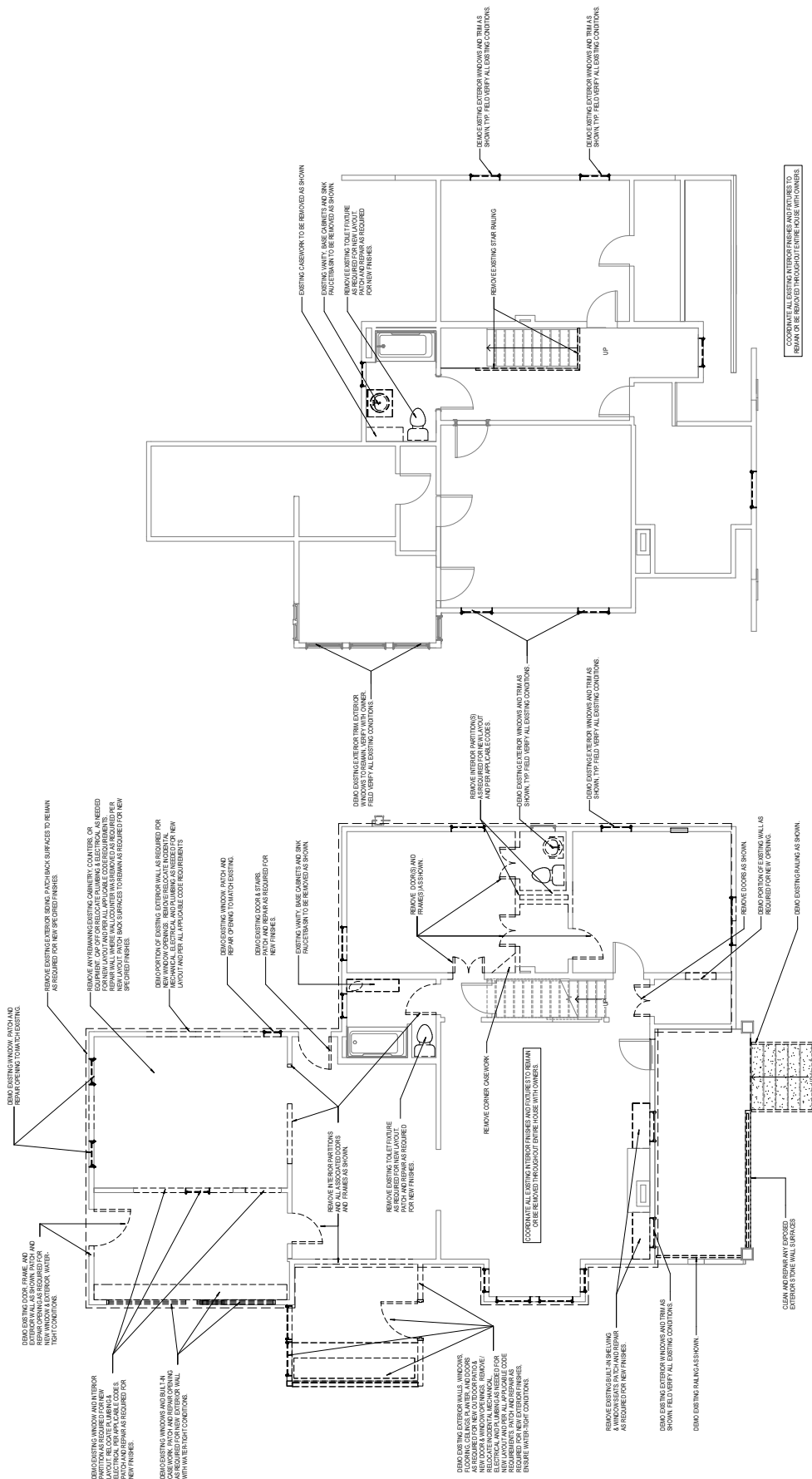
CONTENTS  
ARCHITECTURAL  
FLOOR PLANS

SHEET

A2.1







NOTE: REMOVE EXTERIOR STORM WINDOWS. ALL EXISTING WINDOW OPENINGS ARE TO BE FIELD VERIFIED AND REPLACED PER APPROVED SPECIFICATION

OTE REMOVE EXTERIOR STORM WINDOWS. ALL EXISTING WINDOW OPENINGS ARE TO BE FIELD VERIFIED AND REPLACED PER APPROVED SPECIFICATION

2ND FLOOR - DEMOLITION  
1/4" = 1'-0"

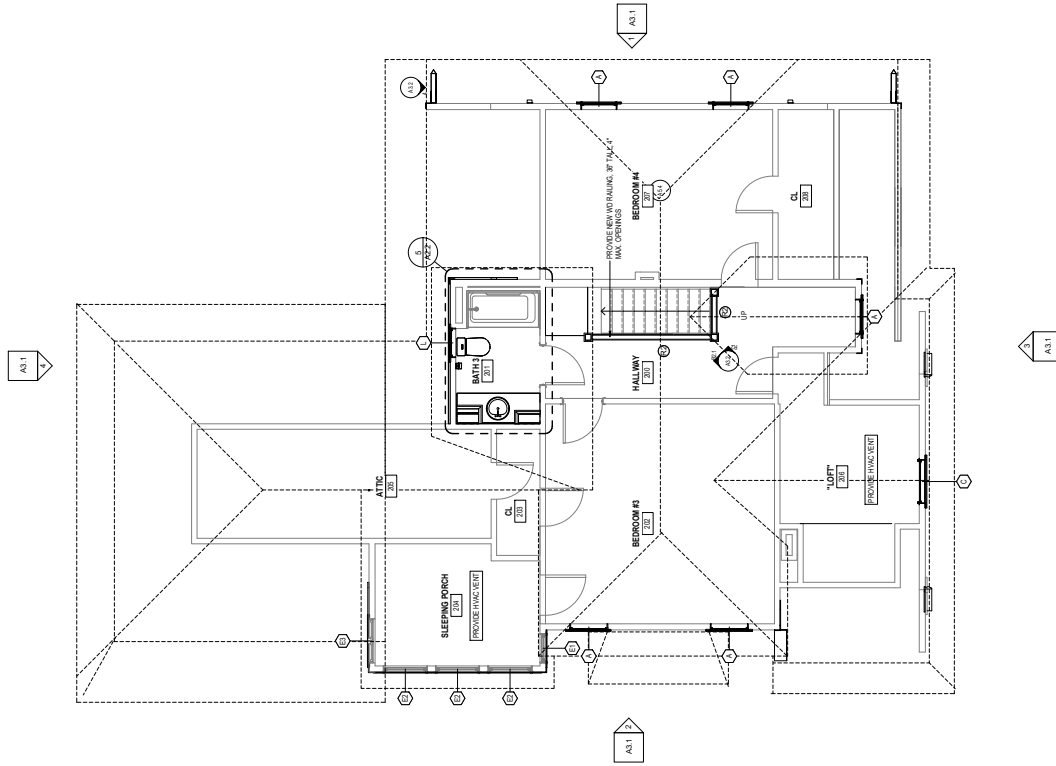
1 1ST FLOOR - DEMOLITION  
1/4" = 1'-0"

| NO. | REVISION | DATE |
|-----|----------|------|
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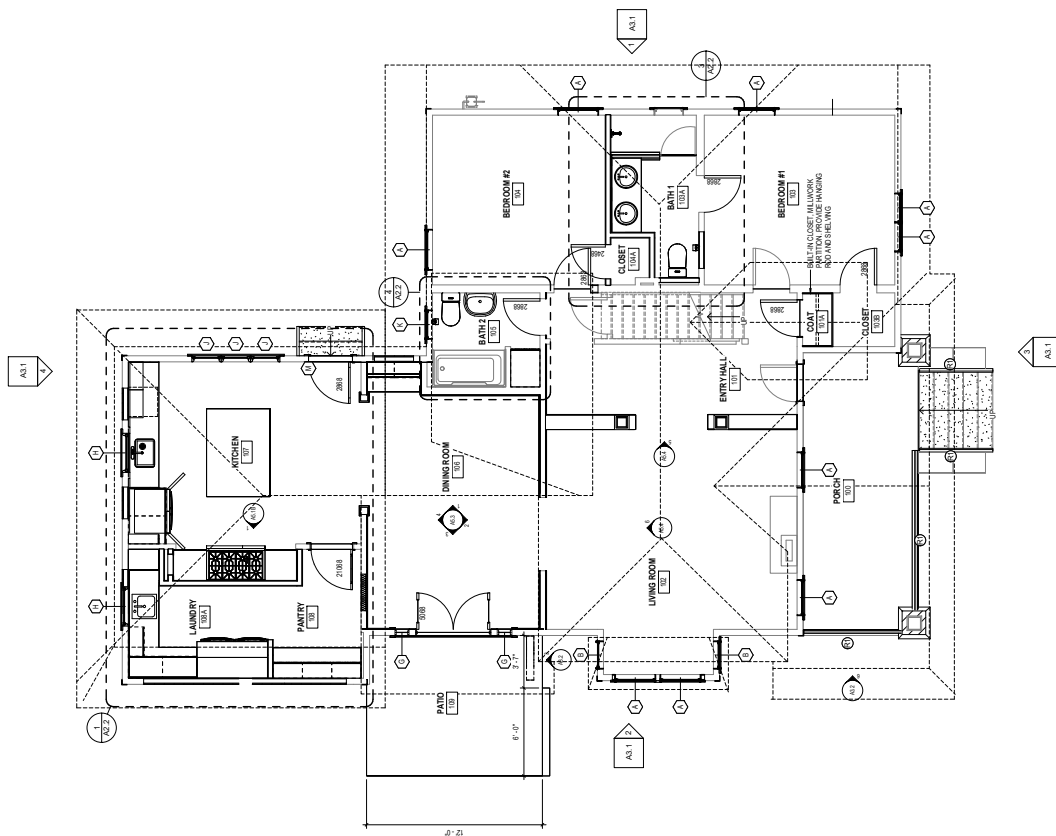
| DATE     |
|----------|
| 05.16.23 |

| CONTENTS                  |
|---------------------------|
| ARCHITECTURAL FLOOR PLANS |

| SHEET |
|-------|
| A2.1  |



2ND FLOOR  
1/4" = 1'-0"



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

Casa Bianca Design, LLC  
 Documents for this project shall be prepared by the architect and shall not be used for any other project without the written consent of the architect. The architect shall not be responsible for any errors or omissions in the documents or for any consequences of the architect's design.

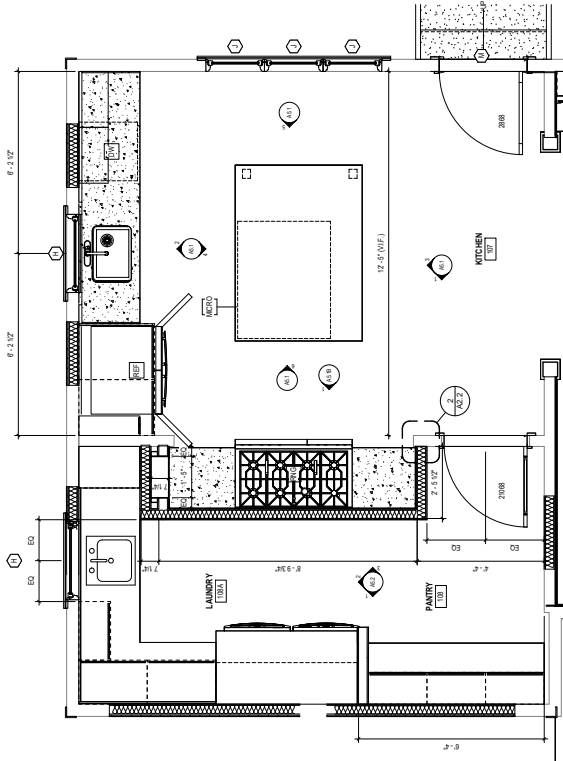
KEITH & CHRISTI  
 513 HIGHLAND AVE  
 FAYETTEVILLE, AR 72701

| NO. | ISSUE | DATE |
|-----|-------|------|
| 1   | ISSUE | DATE |

DATE  
 05.16.23

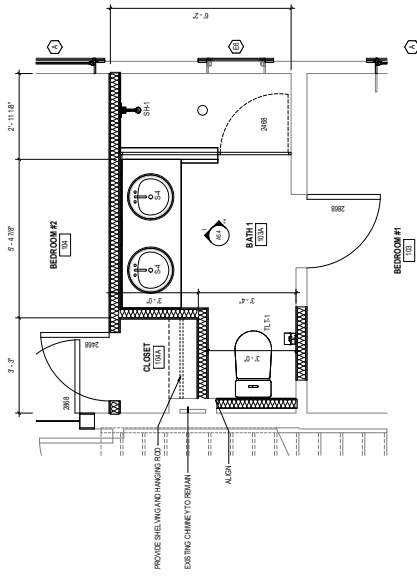
CONTENTS  
 ENLARGED FLOOR PLANS

SHEET  
 A2.2

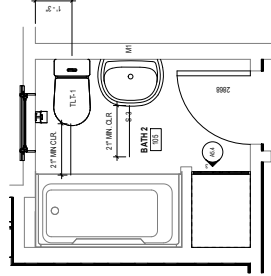


ENLARGED FLOOR PLAN - KITCHEN  
 1/2" = 1'-0"

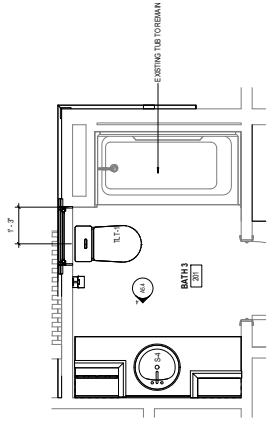
FLOOR PLAN DETAIL - ALCOVE OPENING @ COUNTER  
 1 1/2" = 1'-0"



ENLARGED FLOOR PLAN - BATH 1  
 1/2" = 1'-0"

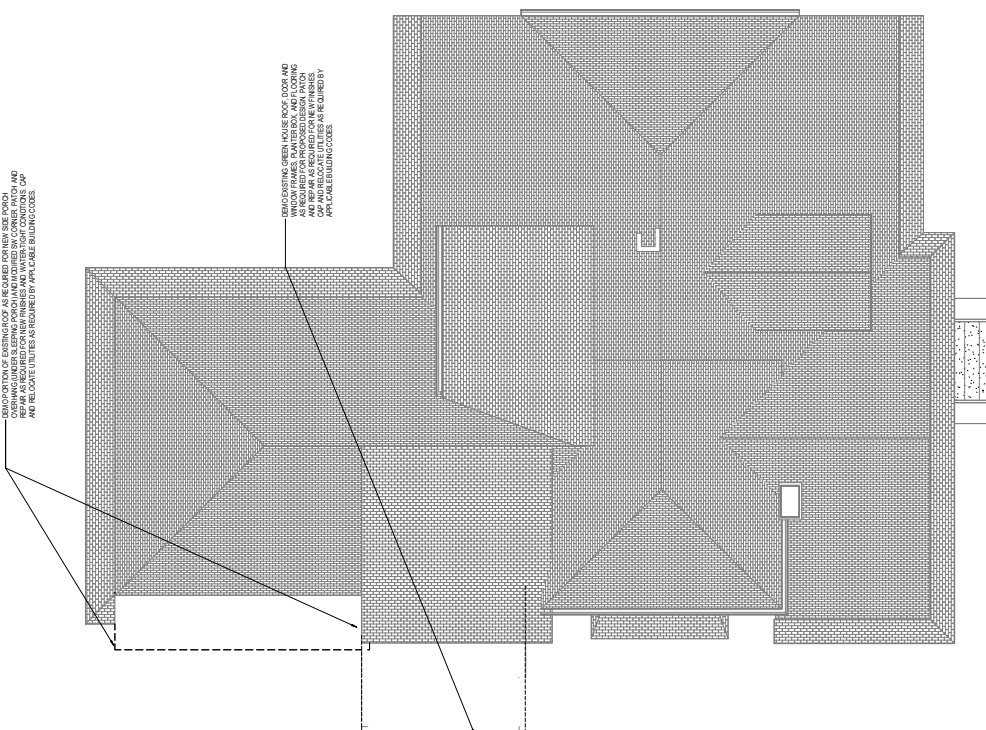
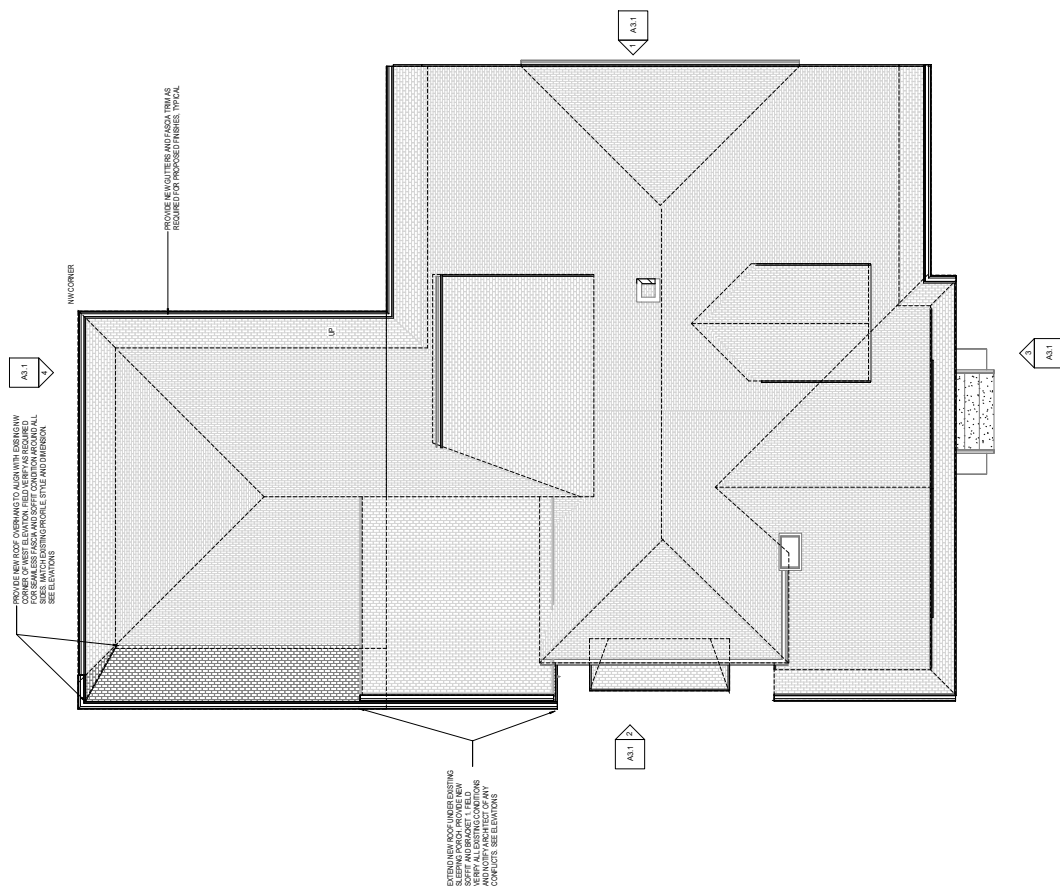


ENLARGED FLOOR PLAN - BATH 2  
 1/2" = 1'-0"



ENLARGED FLOOR PLAN - BATH 3  
 1/2" = 1'-0"





2 ROOF PLAN - PROPOSED  
1/4" = 1'-0"

1 ROOF PLAN - DEMOLITION  
1/4" = 1'-0"

Casa Bianca Design, LLC  
Documents for this project shall remain the property of Casa Bianca Design, LLC. No part of this document may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Casa Bianca Design, LLC.

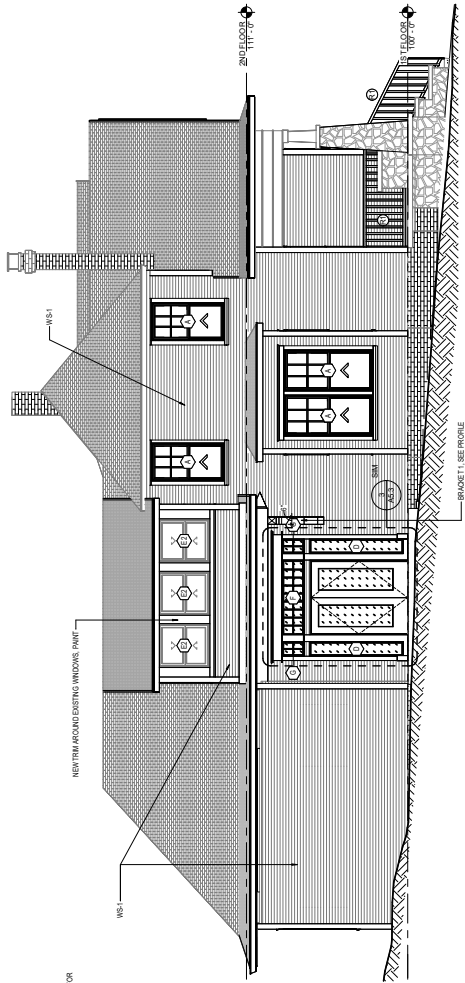
KEITH & CHRISTI  
513 HIGHLAND AVE  
FAYETTEVILLE, AR 72701

| NO. | REVISION | DATE |
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|     |          |      |

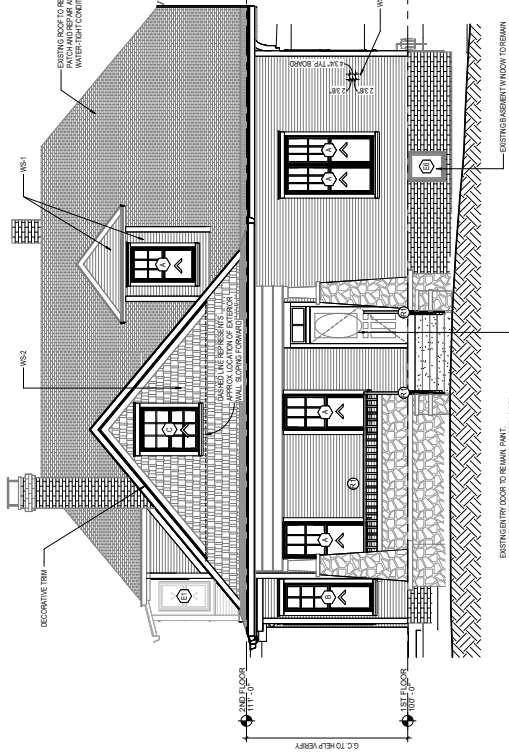
| DATE     |
|----------|
| 05.16.23 |

| CONTENTS            |
|---------------------|
| EXTERIOR ELEVATIONS |

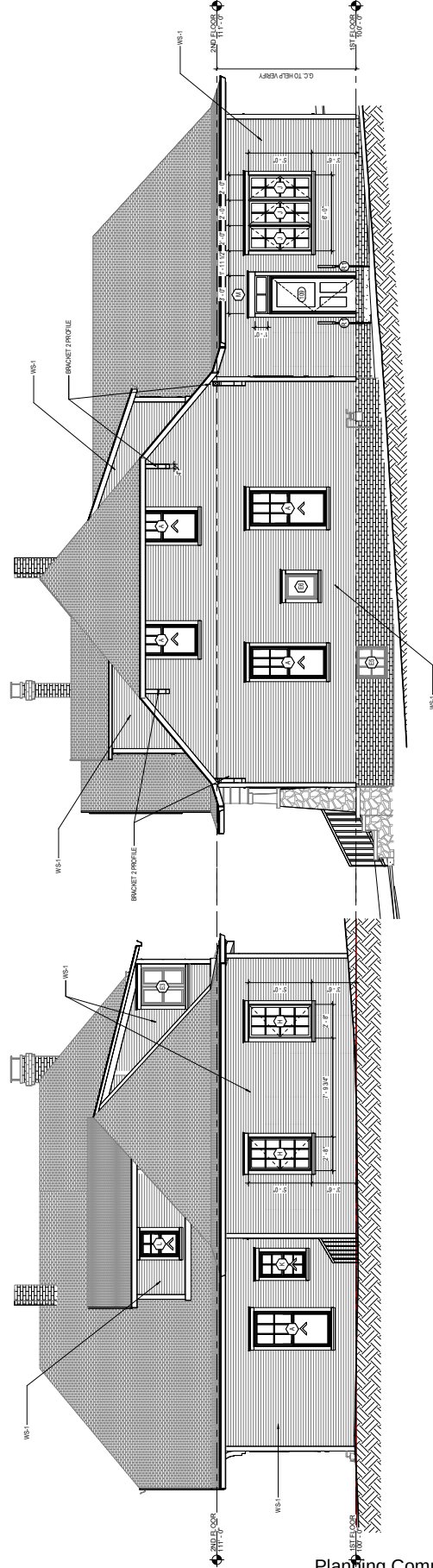
| SHEET |
|-------|
| A3.1  |



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



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



3 WEST ELEVATION  
1/4" = 1'-0"

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





Casa Blanca Design, LLC has provided Schematic Design Documents for this project. These drawings are provided without review from Structural or MEP engineering, and they have not been detailed for water infiltration, air and moisture management, or building systems coordination. The builder assumes full responsibility for these and any other issues related to the construction of this project.

**KEITH & CHRISTI**  
513 HIGHLAND AVE.  
FAYETTEVILLE, AR 72701

| REVISION |  |  | NO | ISSUE | DATE |
|----------|--|--|----|-------|------|
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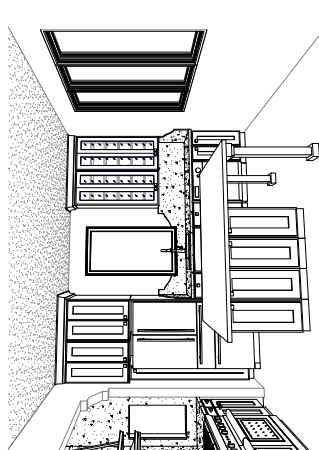
DAY

05.16.23

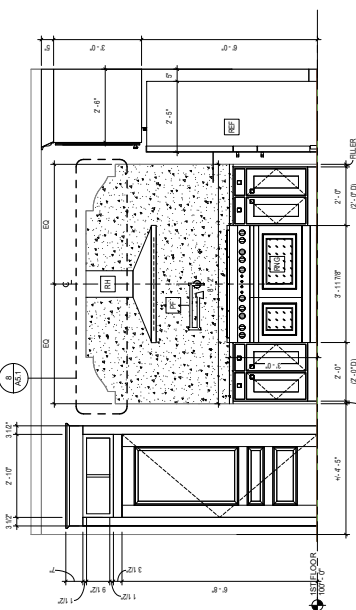
## CONTENTS

## INDEX

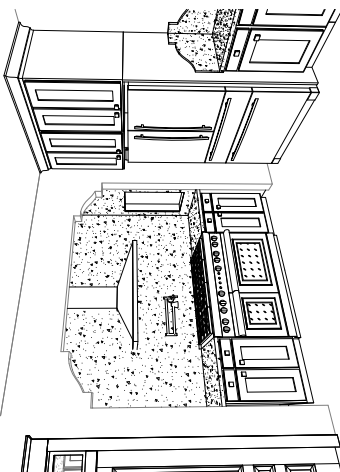
### A5.1



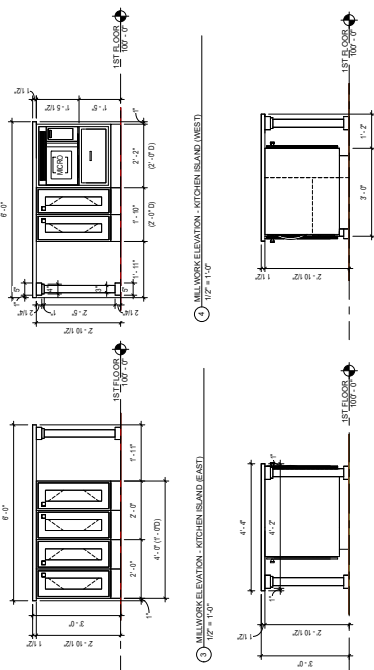
C - KITCHEN ISLAND



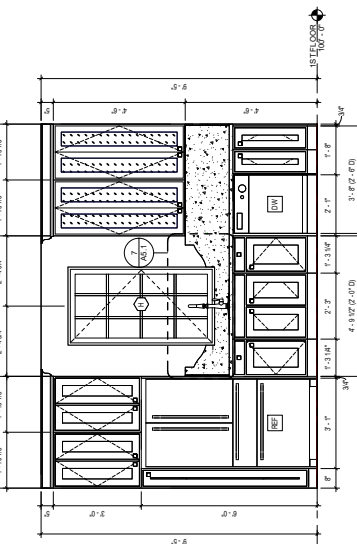
INTERIOR ELEVATION - KITCHEN (SOUTH)



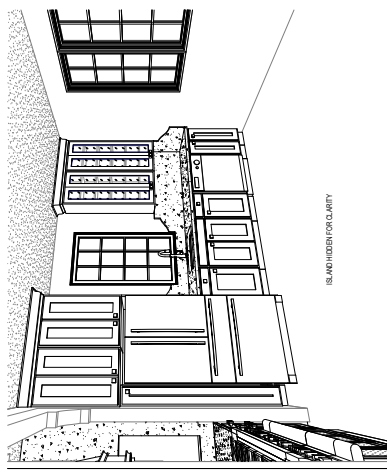
A - KITCHEN ALCOVE



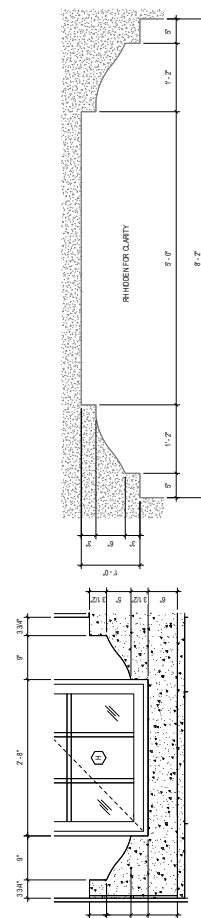
2 MILLWORK ELEVATION - KITCHEN ISLAND (EAST)



2 MILLWORK ELEVATION - KITCHEN (WEST)



B - KITCHEN SINK



ALCOVE DETAIL



SINK BACKSPLASH DETAIL

[illegible]

|             |  |  |  |
|-------------|--|--|--|
| \$ TRAPPING |  |  |  |
|-------------|--|--|--|

### MILLWORK NOTES

- FOR MILLWORK FINISHES, SEE FINISH LEGEND  
 \*VERIFY ALL JOINT DIMENSIONS PRIOR TO  
 MILLWORK APPLICATION  
 SEALANT TO BE COLOR MATCHED TO ADJACENT  
 MATERIAL. LATEX SEALANT IS PROHIBITED.  
 PROVIDE FULL EXTENSION DRAWER SLIDES AND  
 SOFT CLOSE SLIDES AND HINGES AT ALL  
 DOOR AND DRAWER EDGES MUST BE CONCEALED.  
 EUROPEAN STYLE HINGES MUST BE CONCEALED.  
 BE RESPONSIBLE FOR PROVIDING BLOODING IN  
 ALL WALLS FOR ANY CASEWORK. OTHER  
 BLOODING MAY BE REQUIRED, AND SHALL BE  
 COORDINATED WITH ARCHITECT AND/OR  
 OWNER.  
 PROVIDE NICK, SHAKER STYLE MILLWORK  
 CABINETS THROUGHOUT. COORDINATE  
 FINISHES AND HARDWARE WITH OWNER.

Casa Blanca Design, LLC has provided Schematic Design Documents for this project. These drawings are provided without review from Structural or MEP engineering, and they have not been detailed for water infiltration, air and moisture management, or building systems coordination. The builder assumes full responsibility for these and any other issues related to the construction of this project.

**KEITH & CHRISTI**  
513 HIGHLAND AVE.  
FAYETTEVILLE, AR 72701

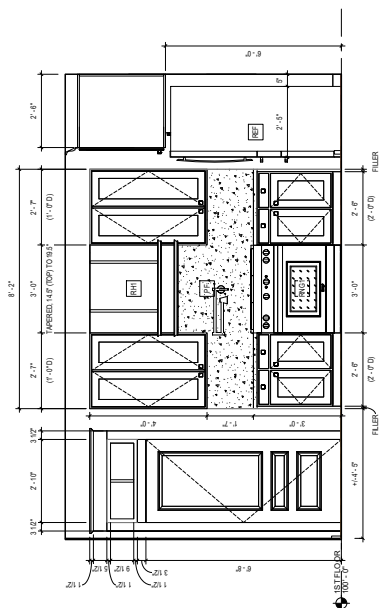
| REVISION |       |  | DATE |
|----------|-------|--|------|
| NO.      | ISSUE |  |      |

DATE 05.16.23

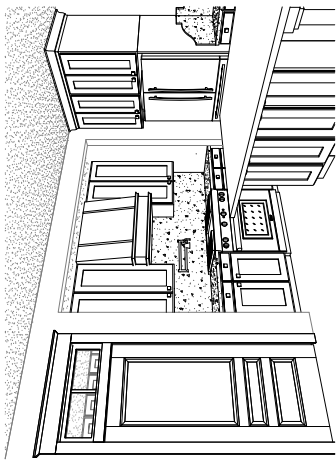
CONTENTS

MILLWORK  
ELEVATIONS  
(KITCHEN) ADD ALT 1

**A5.1B**



1 INTERIOR ELEVATION - KITCHEN (SOUTH) ADD ALT. 1  
1/2" = 1'-0"



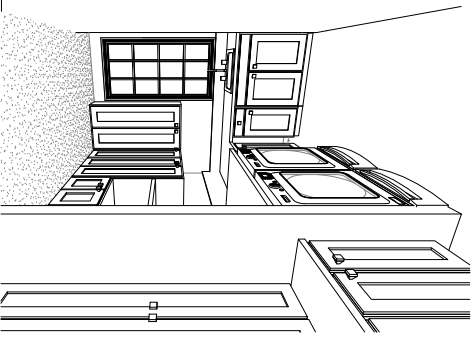
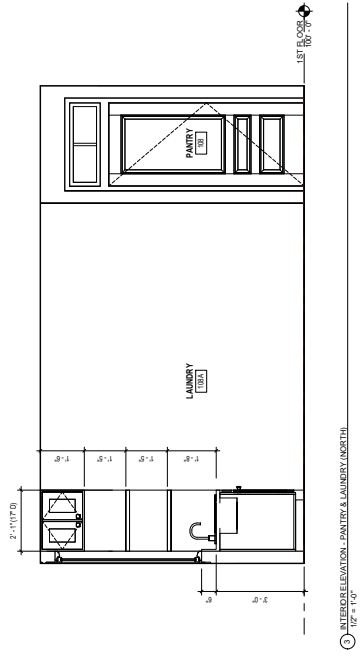
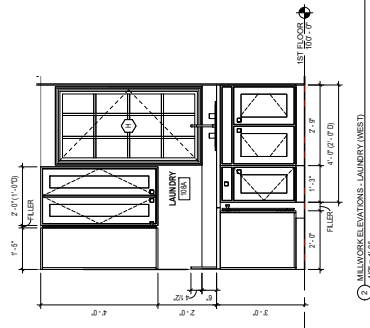
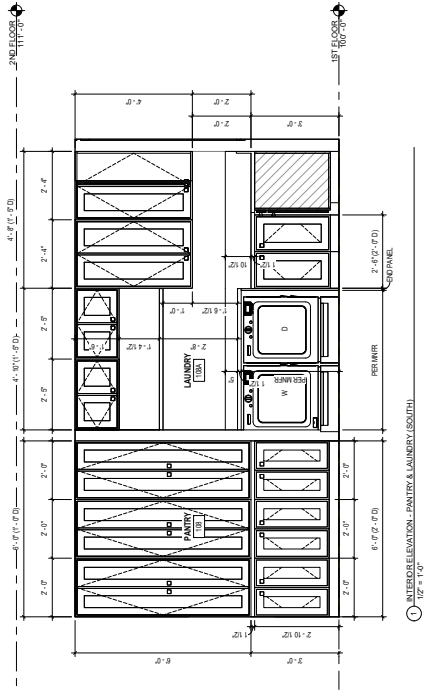
**A1 KITCHEN ALCOVE ADD ALT 1**  
NOTE: SHOWING FOR REFERENCE ONLY. NATIONAL PURPOSES ONLY

| NO. | REVISION | DATE |
|-----|----------|------|
|     |          |      |

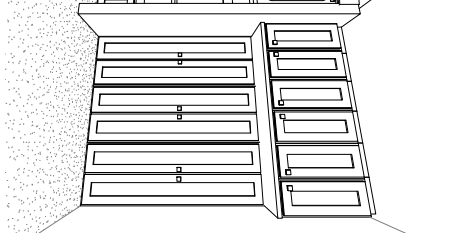
| DATE     |
|----------|
| 05.16.23 |

| CONTENTS                                        |
|-------------------------------------------------|
| MILKWORK<br>ELEVATIONS<br>(PANTRY &<br>LAUNDRY) |

| SHEET |
|-------|
| A5.2  |



4. PANTRY & LAUNDRY  
VIEW: LOOKING SOUTH FROM ENTRY



5. PANTRY & LAUNDRY  
VIEW: LOOKING NORTH FROM ENTRY



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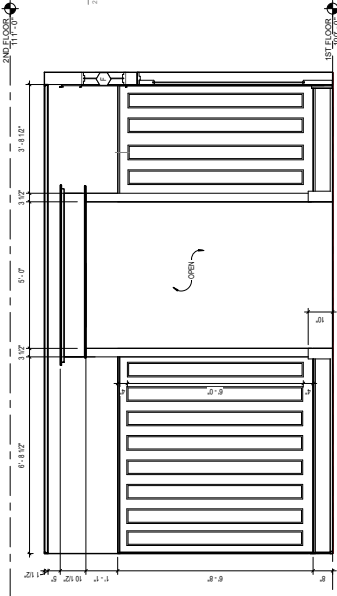
KEITH & CHRISTI  
513 HIGHLAND AVE  
FAYETTEVILLE, AR 72701

| NO. | ISSUE | DATE |
|-----|-------|------|
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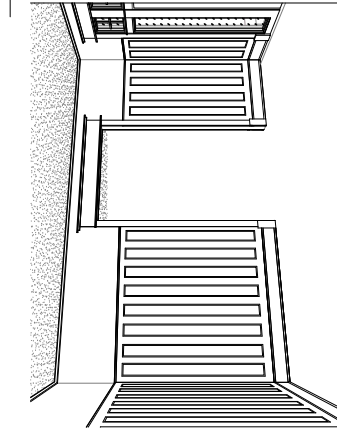
DATE  
05.16.23

CONTENTS  
MILLWORK &  
INTERIOR  
ELEVATIONS (DINING  
ROOM)

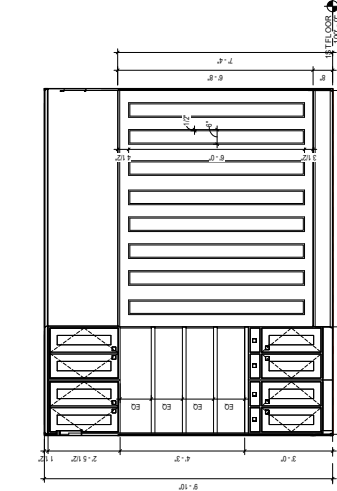
SHEET  
A5.3



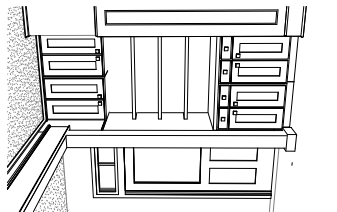
2 INTERIOR ELEVATION - DINING ROOM (EAST)  
12'0" x 11'0"



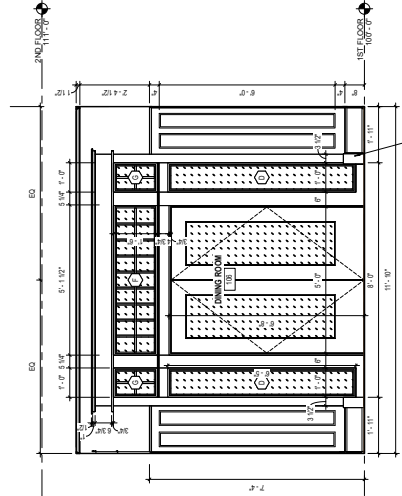
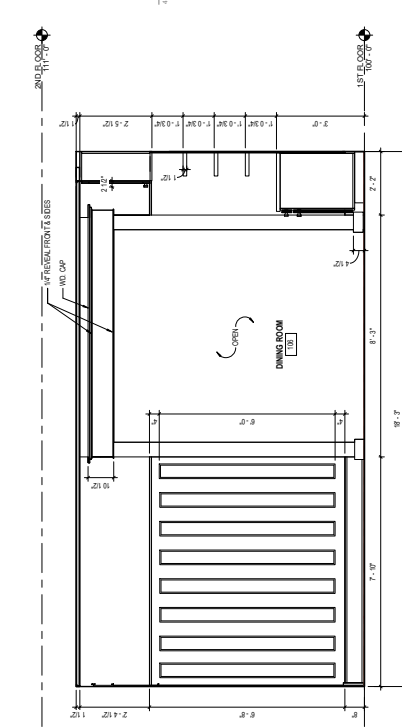
1 INTERIOR ELEVATION - DINING ROOM (WEST)  
12'0" x 11'0"



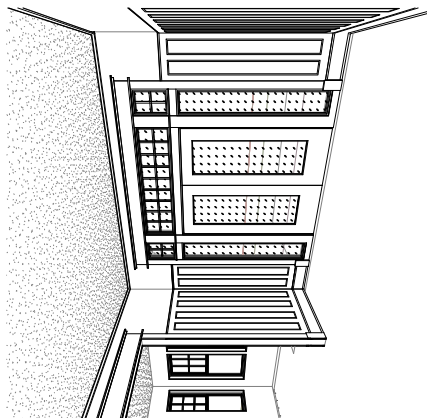
1 INTERIOR ELEVATION - DINING ROOM (NORTH)  
12'0" x 11'0"



1 INTERIOR ELEVATION - DINING ROOM (BAR)  
12'0" x 11'0"



3 INTERIOR ELEVATION - DINING ROOM (SOUTH)  
12'0" x 11'0"



1 EXTERIOR ELEVATION - DINING ROOM (SOUTH)  
12'0" x 11'0"

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KEITH & CHRISTI  
513 HIGHLAND AVE  
FAYETTEVILLE, AR 72701

| NO. | REVISION | DATE |
|-----|----------|------|
|     |          |      |

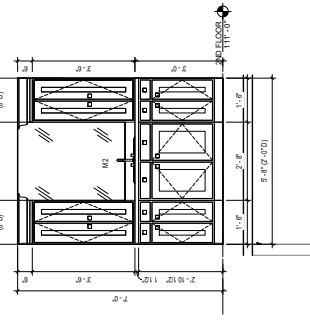
DATE

05.16.23

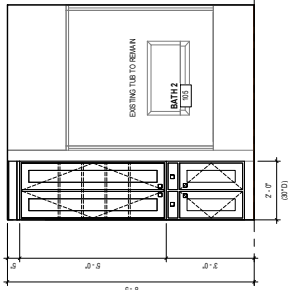
CONTENTS  
MILLWORK &  
INTERIOR  
ELEVATIONS (BATH  
& LIVING ROOM)

SHEET

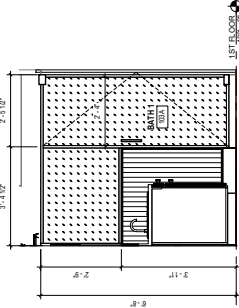
A5.4



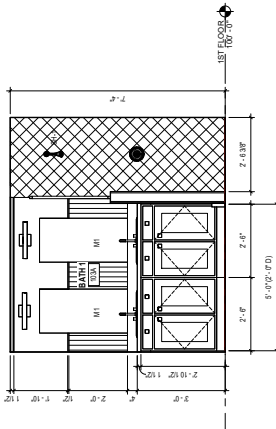
4 MILLWORK ELEVATION - BATH 3 (SOUTH)  
1/2" = 1'-0"



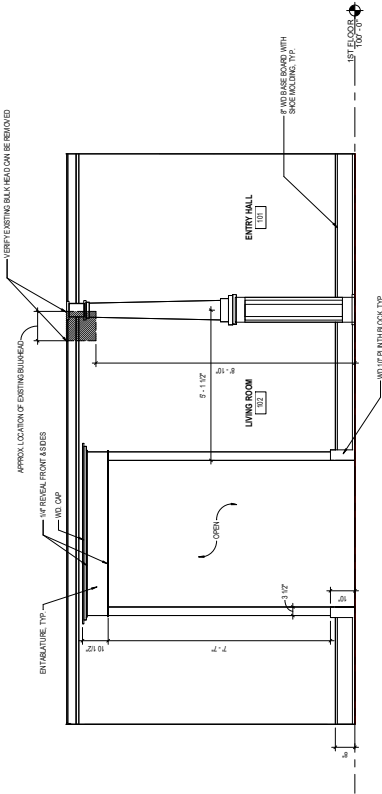
3 INTERIOR ELEVATION - BATH 2 (SOUTH)  
1/2" = 1'-0"



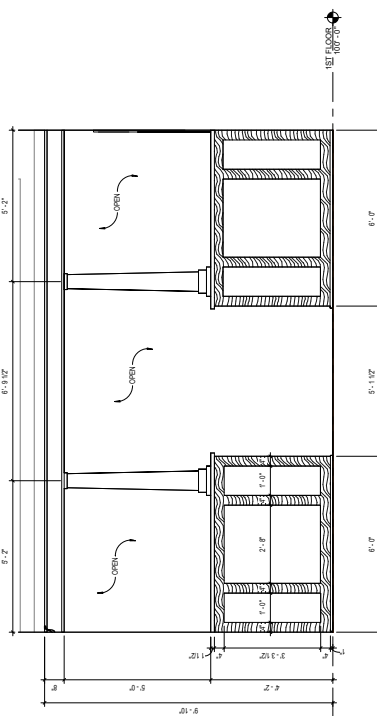
2 INTERIOR ELEVATION - BATH 1 (NORTH)  
1/2" = 1'-0"



1 INTERIOR ELEVATION - BATH 1 (WEST)  
1/2" = 1'-0"



5 INTERIOR ELEVATION - LIVING ROOM & ENTRY HALL (WEST)  
1/2" = 1'-0"



6 INTERIOR ELEVATION - LIVING ROOM & ENTRY HALL (NORTH)  
1/2" = 1'-0"

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**From:** Tammy Barnes <[TBarnes@cwlaw.com](mailto:TBarnes@cwlaw.com)>

**Sent:** Friday, July 14, 2023 11:17 AM

**To:** Sparkman, Sarah <[sarah.sparkman@fayetteville-ar.gov](mailto:sarah.sparkman@fayetteville-ar.gov)>; Brink, Andrew <[andrew.brink@fayetteville-ar.gov](mailto:andrew.brink@fayetteville-ar.gov)>; Payne, Brad <[brad.payne@fayetteville-ar.gov](mailto:brad.payne@fayetteville-ar.gov)>; Gulley, Fred <[fred.gulley@fayetteville-ar.gov](mailto:fred.gulley@fayetteville-ar.gov)>; Garlock, Jimm <[jimm.garlock@fayetteville-ar.gov](mailto:jimm.garlock@fayetteville-ar.gov)>; Holcomb, Joseph <[joseph.holcomb@fayetteville-ar.gov](mailto:joseph.holcomb@fayetteville-ar.gov)>; Madden, Mary <[mary.madden@fayetteville-ar.gov](mailto:mary.madden@fayetteville-ar.gov)>; McGetrick, Mary <[mary.mcgetrick@fayetteville-ar.gov](mailto:mary.mcgetrick@fayetteville-ar.gov)>; Winston, Porter <[porter.winston@fayetteville-ar.gov](mailto:porter.winston@fayetteville-ar.gov)>

**Cc:** Alan Wooten <[AWooten@cwlaw.com](mailto:AWooten@cwlaw.com)>; Hertzberg, Holly <[holly.hertzberg@fayetteville-ar.gov](mailto:holly.hertzberg@fayetteville-ar.gov)>; Tamijani, Zak <[ztamijani@fayetteville-ar.gov](mailto:ztamijani@fayetteville-ar.gov)>; Harrison, Gretchen <[gharrison@fayetteville-ar.gov](mailto:gharrison@fayetteville-ar.gov)>

**Subject:** Short Term Rentals in Fayetteville, AR

**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.

Attached please find a Memorandum from Carol Sue and Alan Wooten.



**Tammy Barnes |** Legal Secretary

**Conner & Winters, LLP**

4375 N. Vantage Drive, Suite 405

Fayetteville, AR 72703

**P:** [479.587.3428](tel:479.587.3428)

**F:** 479.587.1426

**E:** [TBarnes@cwlaw.com](mailto:TBarnes@cwlaw.com)

[cwlaw.com](http://cwlaw.com) |   



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

From: rebekah schneider <[bekahmail@yahoo.com](mailto:bekahmail@yahoo.com)>  
Sent: Thursday, July 13, 2023 5:34 PM  
To: Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
Subject: House on Highland

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

I'm concerned about the rezoning to a short term rental on 513 N. Highland. I think this is a terrible idea to have any more short term rentals. Our streets are already packed all the time from people coming in leaving Washington school. There's not room for more parking on any of the streets. I think that we should keep this zoned as is. The neighborhood is collapsing one house at a time.

Rebekah Schneider

---

**From:** Annie smith <[smith\\_annie@hotmail.com](mailto:smith_annie@hotmail.com)>  
**Sent:** Wednesday, July 19, 2023 9:51 PM  
**To:** Planning Shared <[planning@fayetteville-ar.gov](mailto:planning@fayetteville-ar.gov)>  
**Subject:** 513 N. Highland Ave - Opposing to CUP-2023-0071

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

I am writing to strongly oppose the conditional use request for 513 N. Highland Avenue to be used as a Type 2 Short Term Rental (STR). Included below are my primary reasons.

- **Our Neighborhood Bears A Disproportionate and Substantial Burden of Type 2 Short Term Rentals**

My family lives at 601 North Highland Avenue and our immediate neighborhood already bears a disproportionate and substantial burden of Fayetteville Type 2 STRs. Given that, I believe the Planning Commission should deny the conditional use request.

As your online map demonstrates, the City has already approved roughly 8 short term rentals in the blocks immediately surrounding ours. While the Municipal code had initially approved 2% density of Type 2 STRs (and the City now has deemed even that to be too many), we have a *much* higher percentage (see attached city map and also an Airbnb map. I understand the Airbnb map is imperfect because some properties may be Type 1).

This density is an unfair burden on us and our neighbors and conflicts with the intent and language of the Municipal code. Given the concentration of nearby Type 2 STRs, the request should be denied.

- **Short Term Rentals Impact the Quality of Life in Our Neighborhood**

Having more than one STR in the immediate vicinity of our home impacts our quality of life. Instead of an active, engaged neighborhood, there are essentially vacant homes interrupting it. When our last neighbor moved out at, we lost a regular friendly presence on our block. Her house was bought by an investor and now the house either sits empty or has strangers who quickly come and go. Having one such property nearby is fine; approving one or more STRs in every direction is emptying our neighborhood of neighbors.

It is possible that the number of Type 2 STRs may also impact the value of our homes as people who want to live in a vibrant neighborhood may be put off by the high number of STRs and accompanying absence of neighbors and transient guests.

- **Fayetteville Has a Significant Unmet Need For Long Term Rentals**

I believe it is well-documented that there is a housing shortage in Fayetteville and that there remains a need for long-term rentals. This pressure has lasting and cascading negative consequences for the City and its residents. Additional approvals of Type 2 STRs unnecessarily removes additional housing from the market and impacts housing costs.

- **The Property Owner Can Still Generate Income if the CUP Is Denied**

While not a necessary consideration for the Commission, the property owner – who appears to be a non-resident investor – can still seek to earn income from the property as a long term rental.

- **The Cap for Short Term Rentals May Have Been Reached**

As you know, Ordinance 5572 was enacted and went into effect on July 6, 2023. It limits the number of Type 2 STR licenses to 475. If that cap has been met, my understanding is that the Commission would lack the authority to issue more.

There is nothing in the law that requires the Commission to grant all 475 licenses. If the cap has not yet been reached and other requests are pending, approval could be granted to a property that does not raise the same concentration concerns. If no other requests are pending, the remaining licenses could be reserved until a request for a more appropriate property is identified.

Thank you very much for your consideration. If there is anything else you need or it would be helpful for us to speak, I would be happy to do so.

Best,

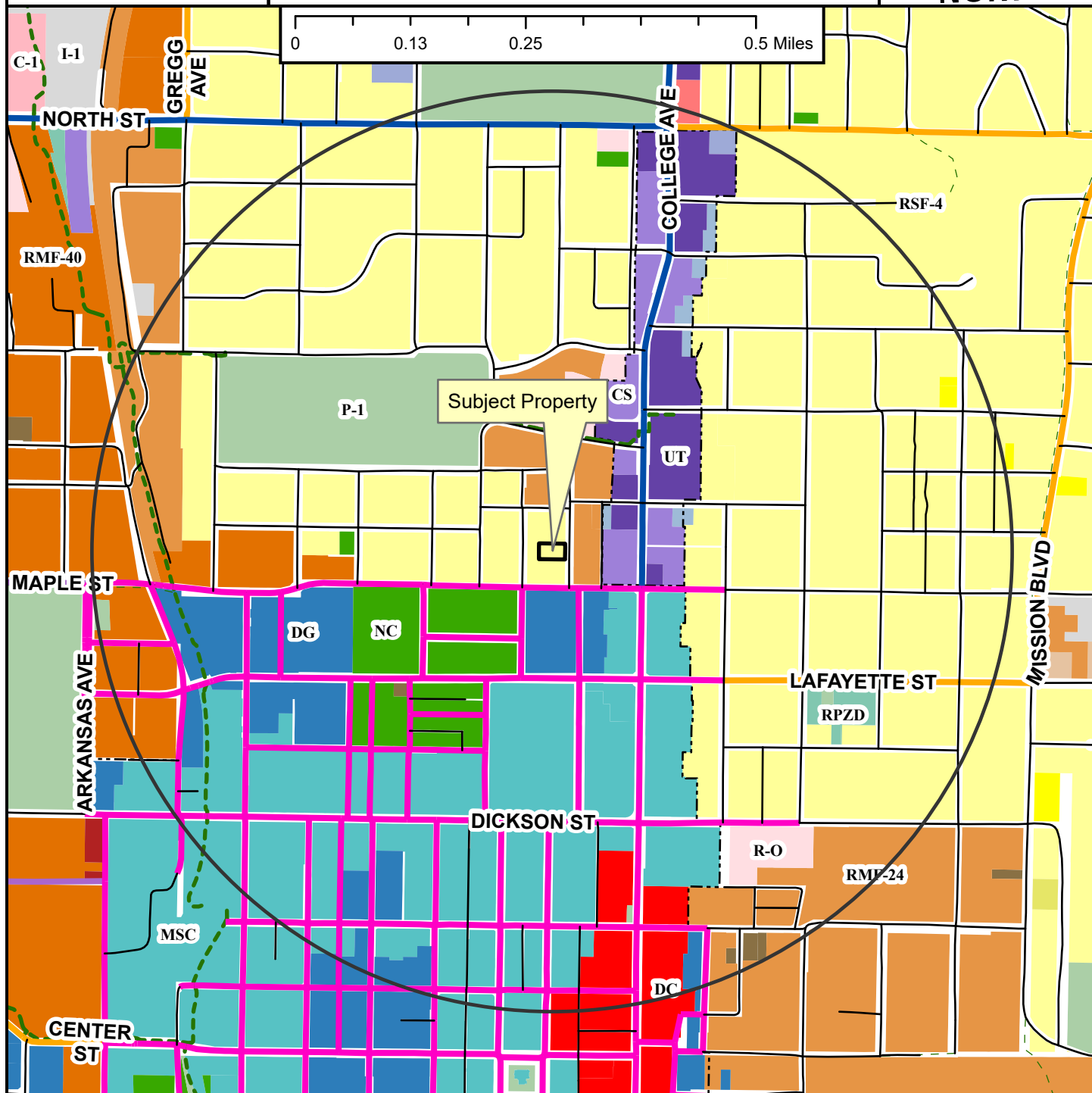
Annie Smith

601 N. Highland Avenue

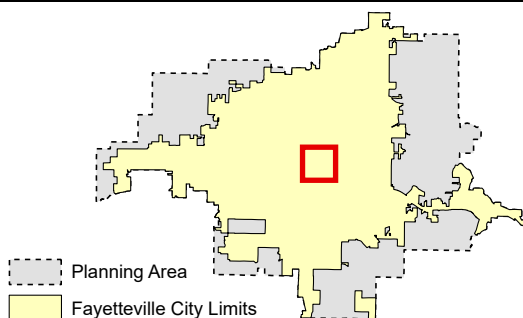
CUP-2023-0071

# 513 North Highland Avenue

### One Mile View



-  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**

  - 1-2 General Industrial
  - EXTRACTION
  - E-1

**COMMERCIAL**

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

**FORM BASED DISTRICTS**

  - Downtown Core
  - Urban Thighfare
  - Main Street Center
  - Downtown General
  - Community Services
  - Neighborhood Services
  - Neighborhood Conservation

**PLANNED ZONING DISTRICTS**

  - Commercial, Industrial, Residential

**INSTITUTIONAL**

  - P-1

**RESIDENTIAL SINGLE-FAMILY**

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

**RESIDENTIAL MULTI-FAMILY**

  - RMF-6
  - RMF-12
  - RMF-18
  - RMF-24
  - RMF-40

**INDUSTRIAL**

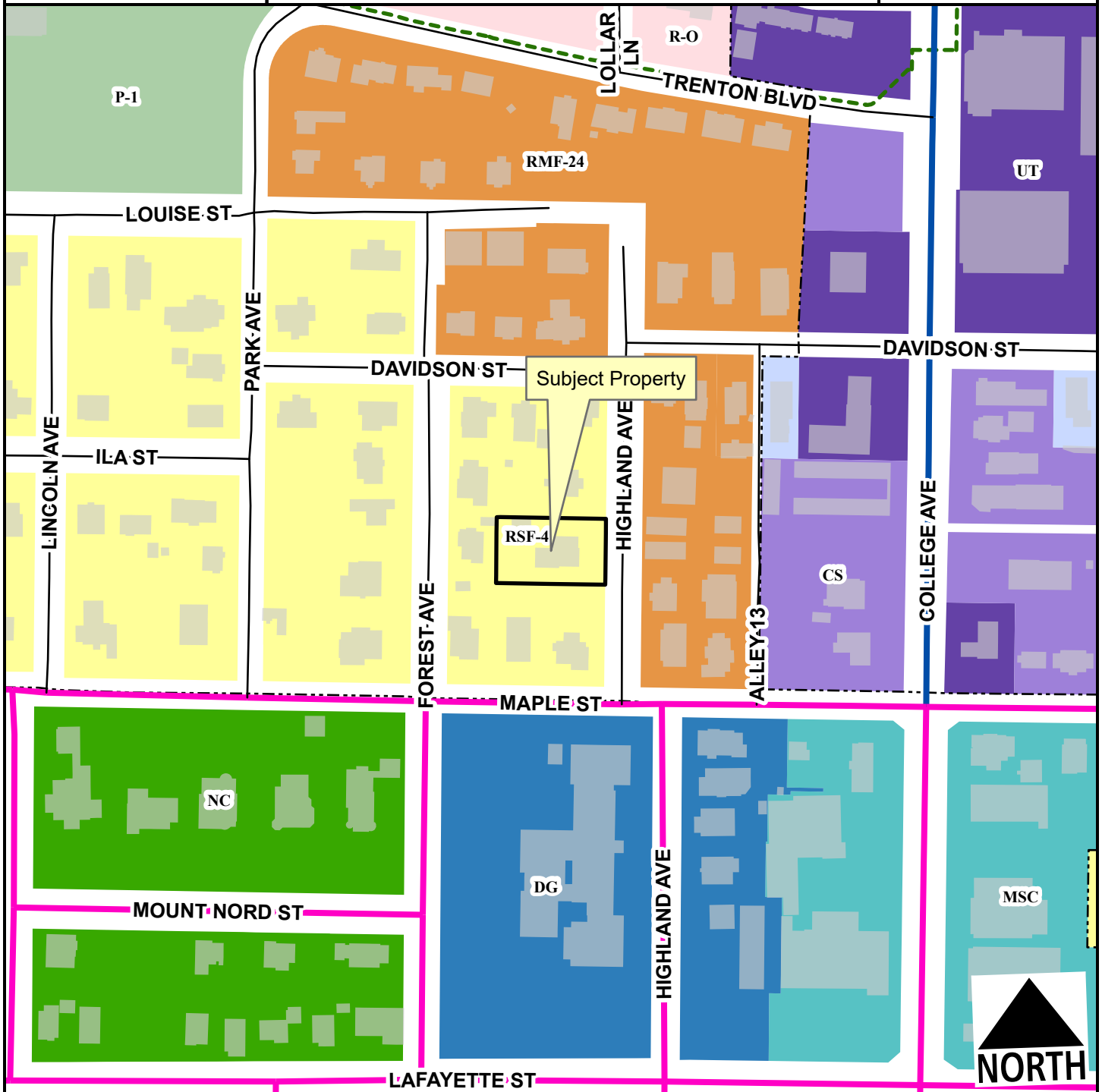
  - I-1 Heavy Commercial and Light Industrial



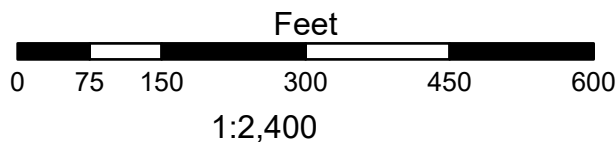
CUP-2023-0071

# 513 North Highland Avenue

Close Up View



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



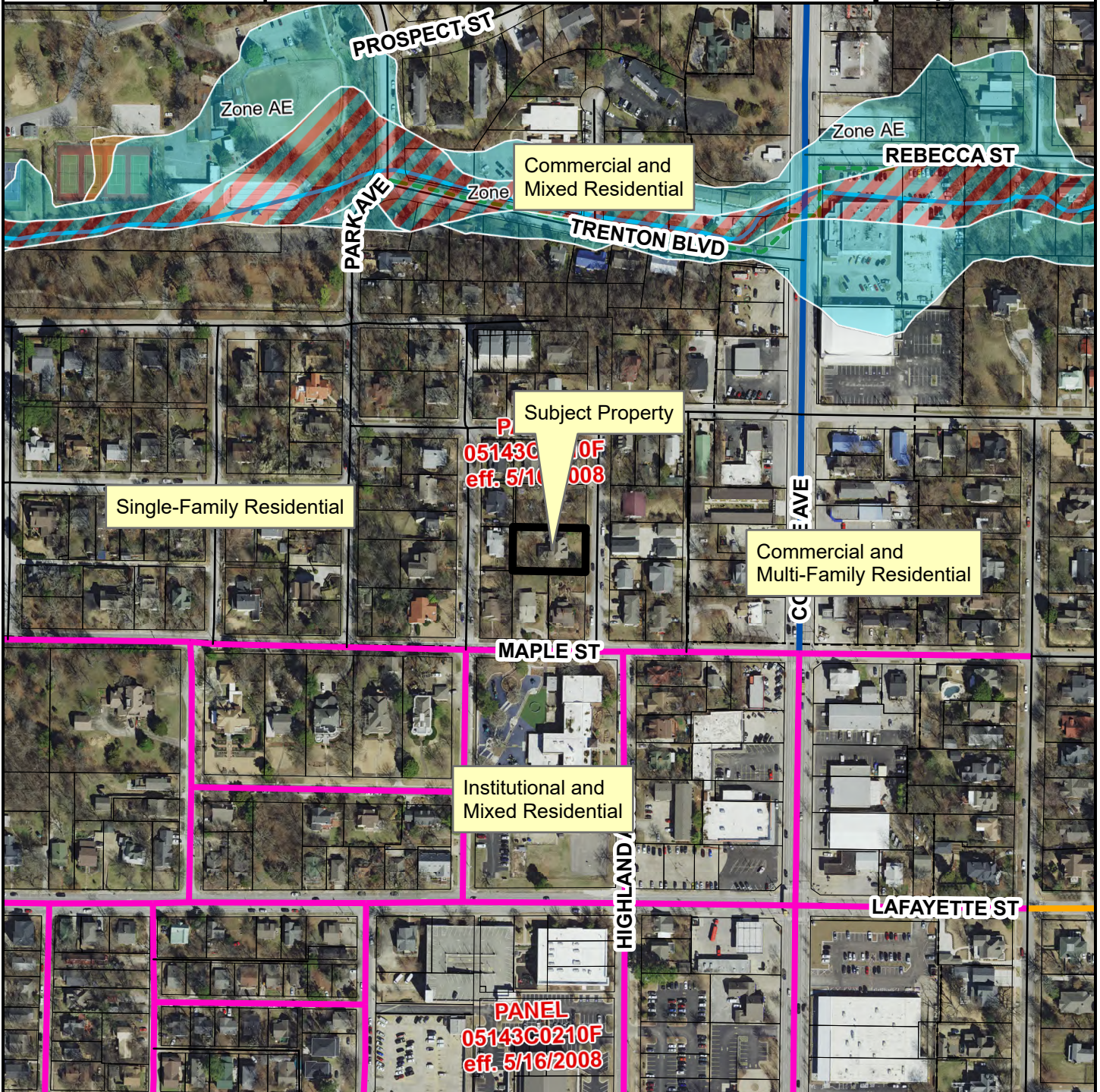
- RSF-4
- RMF-24
- Residential-Office
- Urban Thoroughfare
- Main Street Center
- Downtown General
- Community Services
- Neighborhood Services - Ltd.
- Neighborhood Conservation
- P-1



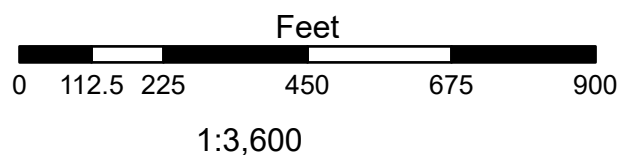
CUP-2023-0071

# 513 North Highland Avenue

Current Land Use



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



## FEMA Flood Hazard Data

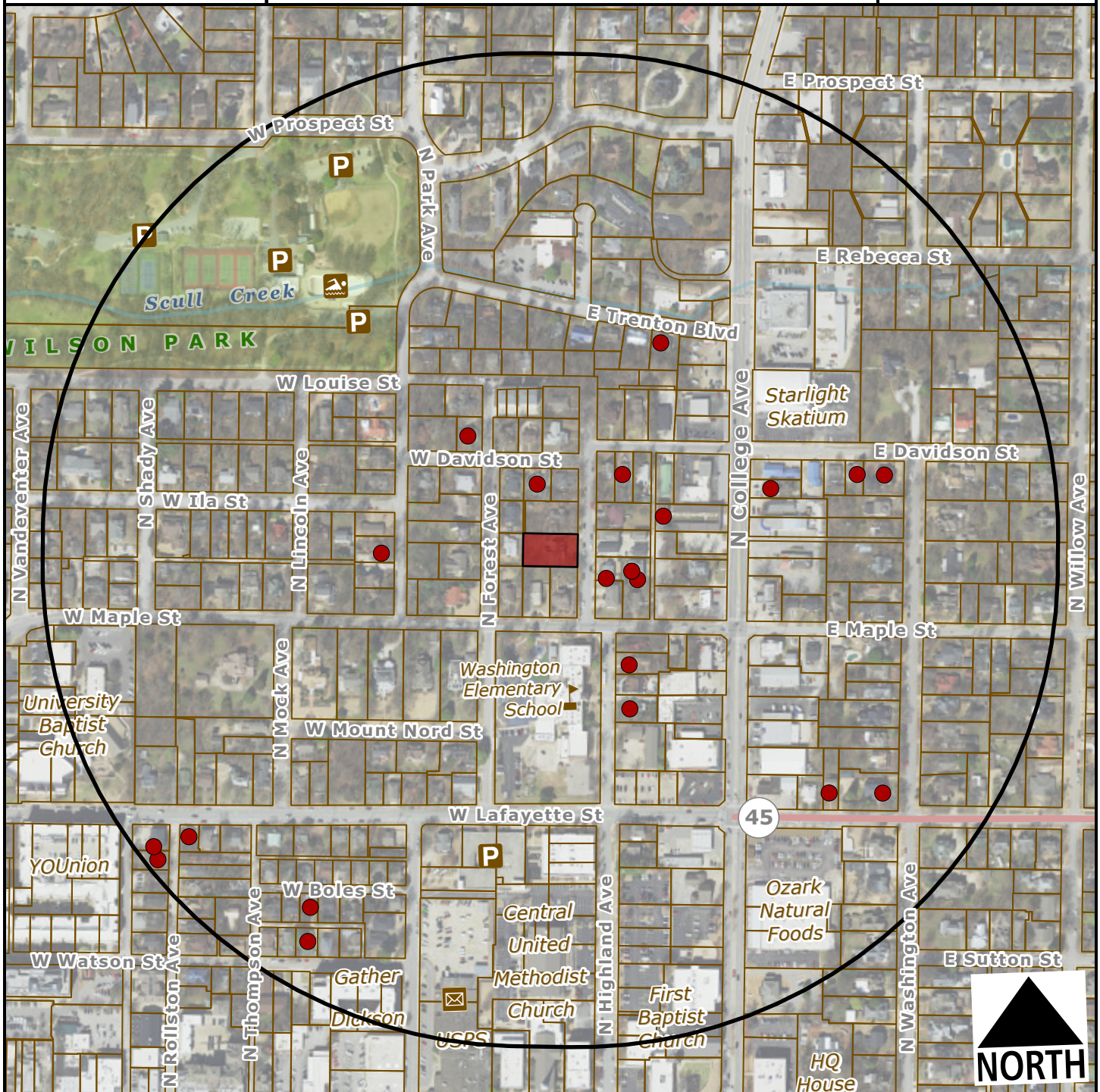
- 100-Year Floodplain
- Floodway



CUP-2023-0071

# 513 North Highland Avenue

### STRs Within 1/4 Mile



 Subject Property  
 Short Term Rental, Type 2

### Number of STR Licenses

|                                |    |
|--------------------------------|----|
| Contributing to 2% density cap | 20 |
|--------------------------------|----|

NOT 1  
contributing to  
2% density cap

**Total 21**